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FEDERAL REGISTER

VOLUME 24 NUMBER 128

Washington, Wednesday, July 1, 1959

Title 3—THE PRESIDENT

Proclamation 3301

HUDSON-CHAMPLAIN CELEBRATIONS

By the President of the United States of America

A Proclamation

WHEREAS the year 1959 marks the three hundred and fiftieth anniversary of the exploratory voyages of Henry Hudson and Samuel de Champlain on the waters which now bear their names; and

WHEREAS these voyages signaled the beginning of settlements along the Hudson River and in the region of Lake Champlain which have contributed much to the commerce, culture, and traditions of our land; and

WHEREAS the Congress by an act approved August 8, 1958 (72 Stat. 544), established the Hudson-Champlain Celebration Commission "to develop and execute suitable plans for the celebration, in 1959, of the three hundred and fiftieth anniversary of the exploratory voyages in 1609 of Henry Hudson and Samuel de Champlain"; and by a joint resolution approved June 25, 1959, has authorized and requested the President to issue a proclamation designating 1959 as the year of the Hudson-Champlain Celebrations and calling upon all citizens to join in commemorating the explorations carried out by these heroic men:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate 1959 as the year of the Hudson-Champlain Celebrations; and I invite my fellow citizens to join in commemorating the heroic deeds of these pioneer explorers.

I also urge our schools, patriotic and historical societies, and civic and religious organizations to participate in the commemoration of these historic explorations, and to afford all of the people of the United States an opportunity to mark this anniversary with appropriate ceremonies, celebrations, and festivals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of June in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-5510; Filed, June 29, 1959; 1:26 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

Highest Previous Rate

Effective July 26, 1959, the last sentence of paragraph (j) of § 25.102 is amended. As amended, paragraph (j) reads as follows:

§ 25.102 Definitions.

* * * * *

(j) "Highest previous rate" is the highest basic salary rate previously paid to a Federal civilian employee occupying a position in any branch of the Federal Government (executive, legislative, or judicial), or in the municipal government of the District of Columbia, or in a mixed ownership corporation, irrespective of whether or not such position is subject to the pay schedules of the Classification Act. The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, this rate shall be converted (as of the time of such service) to the equivalent per annum rate under the Classification Act;

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

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where there is no equivalent per annum rate under the Act, the non-Classification Act per annum rate shall be converted (as of the time of such service) to the next higher rate under the Act; where the rate thus determined falls within two or more of the grades under the Act, the rate in the highest grade shall be increased to its current Classification Act rate and used as the employee's highest previous rate.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5473; Filed, June 30, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Interest Rates on Loans Made Through Associations

The Federal Land Bank of Columbia has increased from 5½ to 6 percent per annum the interest rate on loans made through national farm loan associations on applications received or reinstated by associations on and after July 1, 1959, and on loans applied for prior to July 1, 1959, but not closed prior to October 1, 1959, because of delays for which the associations or the bank are not responsible. In order to reflect that change, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F.R. 2137, 3029, 6976, 8651; 24 F.R. 845, 2267, 3181, 3559, 4296), is amended by substituting "6" for "5½" in the line with "Columbia" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 831(b))

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 59-5464; Filed, June 30, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[Sugar Reg. 813]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area, 1959

Correction

In F.R. Doc. 59-5203, appearing at page 5113 of the issue for Tuesday, June 23, 1959, the table under paragraph (5) of the Findings and conclusions should be changed as follows:

1. In column (4), the figure for Menominee Sugar Company should read ".6151."

2. The caption for column (12) should include the words "Short tons, raw value."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 4]

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

PART 934—MILK IN MERRIMACK VALLEY, MASS., MARKETING AREA

Order Amending Order

§ 904.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all of his receipts of milk from producers (including such handler's own production), his receipts of outside milk, and his receipts of exempt milk processed at a regulated plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 5, 1959 and the decision of the Acting Secretary containing all amendment provisions of this order issued June 18, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the Boston and Merrimack Valley orders (Parts 904 and 934) shall be merged under one order and the handling of milk in the consolidated marketing area shall be in conformity to and in compliance with the terms and conditions of Order No. 4, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 904.1 [Amendment]

1. Delete paragraph (b) of § 904.1 and substitute therefor the following:

(b) "Greater Boston, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Nahant.
Arlington.	Natick.
Bedford.	Needham.
Belmont.	Newton.
Beverly.	North Andover.
Billerica.	Peabody.
Boston.	Quincy.
Braintree.	Reading.
Brookline.	Revere.
Cambridge.	Salem.
Chelmsford.	Saugus.
Chelsea.	Somerville.
Dedham.	Stoneham.
Dracut.	Swampscott.
Everett.	Tewksbury.
Framingham.	Tyngsboro.
Groveland.	Wakefield.
Haverhill.	Waltham.
Lawrence.	Watertown.
Lexington.	Wayland.
Lowell.	Wellesley.
Lynn.	Westford.
Malden.	West Newbury.
Marblehead.	Weston.
Medford.	Weymouth.
Melrose.	Winchester.
Merrimac.	Winthrop.
Methuen.	Woburn.
Milton.	

§ 904.20 [Amendment]

2. Delete the first sentence in § 904.20 and substitute therefor the following: "Subject to the provisions of §§ 904.21 and 904.24, each receiving plant shall be a pool plant in the first month in which the handler operates it in conformity with the basic requirements specified in this section, and shall thereafter be a pool plant for the remaining months of the marketing year in which it is operated by the same handler."

§ 904.21 [Amendment]

3. Insert as the beginning of the first sentence of § 904.21 the following: "Except as provided in § 904.24,".

4. Add a new § 904.24 to read as follows:

§ 904.24 Receiving plants operated by associations of producers.

Subject to § 904.21(f), any receiving plant which is operated by an association of producers, is located in the marketing area, and as to which the requirements of § 904.20 (a) and (b) are met, shall be a pool plant in any month in which the quantity of Class I milk disposed of directly to consumers from such plant does not exceed 2 percent of its total receipts of fluid milk products other than cream.

§ 904.42 [Amendment]

5a. Delete the figures "+38.1" as they appear in the first line below the heading in column D of the table in § 904.42(c) and substitute therefor the figures "+5.8".

b. Delete all of the figures in the second and third lines below the headings in columns A, B, C, and D as they appear in the table in § 904.42(c) and substitute therefor in column A the figures "41 to 60", in column B the figure "6", in column C the figures "+37.0" and in column D the figures "+3.8".

§ 904.64 [Amendment]

6. Delete paragraphs (a) and (b) of § 904.64 and substitute therefor the following:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from both the State House in Boston and the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 25th day of June 1959 to be effective on and after the 1st day of July 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59–5457; Filed, June 30, 1959; 8:47 a.m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Expenses and Rates of Assessment for 1959–60 Season

Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 936.213 Expenses and rates of assessment for the 1959–60 season.

(a) Expenses: The expenses likely to be incurred by the Control Committee during the 1959–60 season beginning March 1, 1959, and ending February 29, 1960, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $23,040;
(2) Early varieties of plums, $18,400;
(3) Late varieties of plums, $17,600; and
(4) Elberta peaches, $15,680.

(b) Rates of assessment: The following rates of assessment which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8 mills ($0.008) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 mills ($0.008) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 8 mills ($0.008) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk, and

(4) 4 mills ($0.004) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1959–60 season; (2) shipments of plums and Elberta peaches have already commenced and shipments of Bartlett pears are expected to begin on or about July 2, 1959; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches, or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5456; Filed, June 30, 1959; 8:47 a.m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.626 Bartlett Pear Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 2, 1959. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 23, 1959; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 23, 1959, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 2, 1959; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 2, 1959, and ending at 12:01 a.m., P.s.t., January 1, 1960, no shipper shall ship any box or container of Bartlett pears unless:

(i) All such pears grade not less than U.S. No. 2;

(ii) At least 80 percent, by count, of the pears contained in any box or container grade at least U.S. No. 1, with the following exceptions: (*a*) Not to exceed 10 percent, by count, of such pears in any box or container may be damaged but not seriously damaged by hail; and (*b*) such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and

(iii) All such pears are of a size not smaller than the size known commercially as size 165.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of Bartlett pears. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size 165" means Bartlett pears of a size which (i) when packed in a standard pear box, will pack, in accordance with the requirements prescribed for a standard pack, 165 pears in said box with the twenty-two smallest pears weighing not less than five and three-quarter pounds, or (ii) when packed in containers other than the standard pear box, will not pass through a rigid ring 2⅜ inches in diameter: *Provided*, That not to exceed 5 percent, by count, of the pears in any such container may be not to exceed ⅛ inch smaller than said diameter requirement but the twenty-two smallest pears shall not weigh less than five and three-quarter pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," "fairly well formed," "seriously misshapen," "damage," "seriously damaged," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), §§ 51.1260 to 51.1280 of this title.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 26, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5478; Filed, June 30, 1959; 8:50 a.m.]

[Milk Order No. 90]

PART 990—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

Order Amending Order

§ 990.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity speci-

fied in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment, as a pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, as follows: (i) By each pool handler with respect to (*a*) receipts of producer milk, including such handler's own production, (*b*) receipts of exempt milk, and (*c*) receipts of other source milk classified as Class I; (ii) by each buyer-handler with respect to receipts of other source milk classified as Class I, and (iii) by each nonpool handler, except a buyer-handler, with respect to other source milk disposed of as Class I milk in the marketing area on routes.

In lieu of the payments prescribed above, in the case of such other source receipts from a plant regulated under another Federal order, the rate of payment shall be an amount by which the rate of assessment under this order exceeds the rate of assessment applicable on such milk under other Federal orders.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 8, 1959 and the decision of the Acting Secretary containing all amendment provisions of this order issued June 18, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Delete § 990.1(b) and substitute therefor the following:

(b) "Southeastern New England marketing area", hereafter referred to as the "marketing area" means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island) and the Massachusetts counties of Bristol, Plymouth (excluding the towns of Hingham and Hull), Barnstable and Dukes County, together with all piers, docks and wharves connected therewith and craft moored thereat and including all territory within such boundaries which is occupied by Government (municipal, State or Federal) installations, institutions, or other establishments.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 25th day of June 1959, to be effective on and after the 1st day of July 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59-5458; Filed, June 30, 1959; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST; MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from the date of publication in the FEDERAL REGISTER.

Section 230.11 *Descriptive list* is amended as follows:

1. Paragraph (a) *Steels (chemical standards)* is amended to revise the price of standard 153a to read as follows:

(a) *Steels (chemical standards).*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
153a	Mo 8-W1.7-Cr 4-V2-Co 8.	150	$5.00

2. Paragraph (d) *Nonferrous alloys* is amended to revise the price of standards 53d, 54d, and 162a to read as follows:

(d) *Nonferrous alloys.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
53d	Bearing metal, lead-base.	170	$6.00
54d	Bearing metal, tin-base.	170	6.00
162a	Monel-type (Ni 64-Cu 31).	150	6.00

3. Paragraph (h) *Microchemical standards* is amended to read as follows:

(h) *Microchemical standards.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
140a	Benzoic acid	2	$4.00
141	Acetanilide	2	4.00
142	Anisic acid	2	4.00
143a	Cystine	2	4.00
145	2-iodobenzoic acid	2	4.00

4. Paragraph (k) *Melting-point standards* is amended to change the title and to revise the entire paragraph to read as follows:

(k) *Freezing-point standards.*

Sample No.	Name	Approximate weight of sample in grams	Price per sample
44e	Aluminum	200	$5.00
45c	Copper	450	5.00
49d	Lead	600	5.00
42f	Tin	350	5.00
43g	Zinc	350	5.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

[SEAL] R. D. HUNTOON,
Deputy Director,
National Bureau of Standards.

Approved: June 24, 1959.

F. H. MUELLER,
Under Secretary of Commerce.

[F.R. Doc. 59-5443; Filed, June 30, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 875—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

In Part 875, §§ 875.1 to 875.6 are rescinded and the following substituted therefor:

Sec.
875.1 Purpose.
875.2 Policy on applications for nomination.
875.3 Definitions.
875.4 How appointment vacancies are allocated.
875.5 Basic eligibility requirements.
875.6 Requirements for Presidential competitive nominating category.
875.7 Requirements for Vice Presidential nominating category.
875.8 Requirements for sons of deceased veterans competitive nominating category.
875.9 Requirements for honor military and honor naval schools competitive nominating category.
875.10 Requirements for sons of Congressional Medal of Honor winners.
875.11 How to apply for nomination in State, Territory, District of Columbia, Puerto Rico, or Panama Canal Zone.
875.12 How to submit Presidential competition applications.
875.13 How to apply for Vice Presidential nomination.
875.14 How to apply for sons of deceased veterans competitive nomination.
875.15 How to apply for honor military and honor naval school nomination.
875.16 How sons of Congressional Medal of Honor winners may apply.
875.17 Where applicant will report.
875.18 How to report change of address.

AUTHORITY: §§ 875.1 to 875.18 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 903, as amended by sec. 52B of the Act of Aug. 10, 1956 (70A Stat. 641) and Pub. Law 182, 85th Cong., Aug. 28, 1957.

SOURCE: AFR 53-10, Mar. 31, 1959.

§ 875.1 Purpose.

This part tells how to apply for appointment to, and how to process applications for, the United States Air Force Academy.

§ 875.2 Policy on applications for nomination.

All persons eligible for nomination to the Air Force Academy are encouraged to apply in every category in which they are eligible.

§ 875.3 Definitions.

For the purpose of this part, the following terms are defined:

(a) *Nomination.* Action taken by appropriate authority to nominate an individual to fill an Air Force Academy vacancy allocated to the authority.

(b) *Competitive nominating category.* A specific category from which an individual is nominated by appropriate authority to compete for selection and subsequent appointment to the Air Force Academy.

(c) *Civilian applicant.* Any person, except a military applicant, who applies for nomination to the Air Force Academy.

(d) *Civilian nominee.* Any person not on extended active duty who receives a nomination for appointment to the Air Force Academy. Includes those individuals competing for appointment in the Reserve competition, if they are not on extended active duty.

(e) *Selectee.* A nominee selected for appointment to the Air Force Academy by the Academy Selection Board.

(f) *Organization commander.* The commander administering and operating the organization to which the applicant or nominee is assigned.

(g) *Air Force military test control officer.* An officer designated to give USAF tests.

§ 875.4 How appointment vacancies are allocated.

Appointment vacancies are allocated annually to authorized nominating authorities. By law, these allocations are restricted each year to one-quarter of the total number of cadets authorized each nominating category in the total Academy enrollment. Applicants may and should try to secure nomination in every category in which they are eligible. Sources of nomination are:

(a) The 534 United States Senators and Representatives; the Delegate from the Territory of Hawaii; the Resident Commissioner of Puerto Rico; the Governor of the Panama Canal Zone; and the Commissioners of the District of Columbia. The majority of vacancies are allocated to these authorities. Applicants nominated by these authorities will fill vacancies allocated to them.

(b) Presidential competitive nominating category.

(c) The Vice-Presidential nominating category.

(d) The Sons of Deceased Veterans competitive nominating category.

(e) The Honor Military and Honor Naval Schools competitive nominating category.

(f) The Sons of Congressional Medal of Honor winners.

§ 875.5 Basic eligibility requirements.

All applicants must meet the following basic requirements, without exception:

(a) *Age.* Applicant must be at least 17 years of age but must not have passed his 22d birthday by July 1 of the year in which he enters the Air Force Academy. A nominee is required to substantiate his date of birth by a birth certificate, or authenticated copy, or any documentary evidence considered legally sufficient to establish a date of birth.

(b) *Citizenship.* Applicant must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other person authorized by law to administer oaths:

I certify that I have seen this date the original certificate of citizenship number ------ stating that ---------- was granted United States citizenship by the ----------
(Name of Court)
on ---------- The following person was
(Date)
named in the certificate as a minor child ----------, age ------.
(Name of Child)

Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. Act June 25, 1948 (62 Stat. 767) 18 U.S.C. 1426(h) states:

Whoever, without lawful authority, prints, photographs, makes, or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five (5) years, or both.

(c) *Domicile.* An applicant nominated by an authority designated in paragraph (a) of § 875.4 must be domiciled within the constituency of such authority.

(d) *Moral character.* Applicant must be of highest moral character. Commanders will furnish information to the Director of Admissions, United States Air Force Academy, on any applicant or nominee whose official records show:

(1) He is or has been a conscientious objector. In this case, an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for violations of the Articles of the Uniform Code of Military Justice (page 229, MCM, 1951) or conviction of a felony in a military or civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) He is afflicted with or has a history of venereal infection.

(6) Habitual intemperance.

(7) Any behavior, activity, or associations which tend to show that he is of questionable character or reputation.

(e) *Marital status.* Applicant must not be and never have been married. Cadets are not permitted to marry until after graduation.

(f) *Elimination from flyng training.* Applicant must not have been eliminated from a flying training course conducted by an Armed Force of the United States, unless the eliminating authority recommends further aircrew training.

(g) *Medical examination.* Applicant must pass the Air Force Academy physical standards for admission.

§ 875.6 Requirements for Presidential competitive nominating category.

The son of a member of a Regular component of the Armed Forces of the United States is eligible for nomination. An adopted son is eligible if adoption proceedings were initiated before his

15th birthday. In addition, applicants must meet the basic eligibility requirements listed in § 875.5.

§ 875.7 Requirements for Vice Presidential nominating category.

Any individual who meets the basic eligibility requirements listed in § 875.5 may apply to the Vice President for nomination.

§ 875.8 Requirements for sons of deceased veterans competitive nominating category.

The son of a deceased member of the Armed Forces of the United States is eligible for nomination in this category if he meets the basic eligibility requirements listed in § 875.5. The deceased parent (male or female) must have been killed in action, or have died from wounds or injuries received, disease contracted in, or pre-existing injury or disease aggravated by, active service during World War I, World War II, or between June 27, 1950 and February 1, 1955.

§ 875.9 Requirements for honor military and honor naval schools competitive nominating category.

Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in order of merit established by the entrance examinations, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is an honor graduate and meets the basic eligibility requirements listed in § 875.5. Nominations must be submitted to the Director of Admissions, United States Air Force Academy, Colorado, by January 31 of the year in which the nominees desire appointment. Nominations are not limited to honor graduates of the current year.

§ 875.10 Requirements for sons of Congressional Medal of Honor winners.

Sons of Congressional Medal of Honor winners who desire to enter the Academy, and who meet the basic eligibility requirements listed in § 875.5, should write to the Director of Admissions, United States Air Force Academy, Colorado, as outlined in § 875.16.

§ 875.11 How to apply for nomination in State, Territory, District of Columbia, Puerto Rico, or Panama Canal Zone.

(a) An individual who desires nomination to the Air Force Academy may apply to the Senators of his State of residence and/or the Representative of his district of residence. Residents of the Territory of Hawaii submit applications to their Delegate to Congress. Residents of the District of Columbia apply to the Commissioners of the District of Columbia. Residents of Puerto Rico apply to the Resident Commissioner. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the United States Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Applications should be submitted in writing as early as May and not later than October of the year preceding the one in which admission to the Academy is desired. The following information will be furnished:

(1) Name and address (both permanent and temporary).

(2) Date of birth.

(3) Names and address of parents.

(4) Scholastic achievements, including grades attained and class standing.

(5) High school extracurricular activities.

(6) Physical qualifications; i.e. height, weight, visual acuity, and any other pertinent medical history.

(b) The appropriate individual nominating authority will advise the applicant of further action to be taken on his request for nomination. If the applicant is nominated, the nominating authority will forward the nomination form through the Air Force Academy Branch, Hq. USAF, Washington 25, D.C., to the Director of Admissions, United States Air Force Academy, Colorado. The Director of Admissions will then schedule the nominee for testing. After nomination, the nominee should address all letters, forms, etc., to the Director of Admissions.

§ 875.12 How to submit Presidential competition applications.

An individual eligible to apply for nomination in this category, as outlined in § 875.6, will write to the Director of Admissions, United States Air Force Academy, Colorado, requesting nomination. The request must include:

(a) Name, address, and date of birth.

(b) The full name, grade, service number, length of service, and branch of service, of the parent whose Regular component status entitles the applicant to nomination.

(c) Evidence of the parent's term of enlisted status, date of discharge therefrom, and date of commission or warrant, if the parent was previously enlisted in the Regular component and now has a commission or warrant in the Reserve component.

§ 875.13 How to apply for Vice Presidential nomination.

An individual who meets the basic eligibility requirements, and desires a Vice Presidential nomination, will submit a written request to the Vice President's office. The request may be submitted as early as May but no later than October of the year preceding the one in which he desires appointment to the Academy. It must include:

(a) Name, address, and date of birth.

(b) Scholastic achievements, including grades received and class standing.

(c) High school extracurricular activities.

(d) Reasons for requesting Vice Presidential nomination.

§ 875.14 How to apply for sons of deceased veterans competitive nomination.

An individual eligible for nomination in this competition will submit a written request to the Director of Admissions, United States Air Force Academy, Colorado, containing the following information:

(a) Full name, address, and date of birth.

(b) The full name, service number, grade, and branch of service of the parent whose service-connected death entitles the applicant to nomination in this category.

(c) Brief description of the time, place, and cause of parent's death.

(d) Veterans' Administration claim number.

§ 875.15 How to apply for honor military and honor naval school nomination.

An individual eligible for nomination in the honor military or honor naval school competition will apply to the administrative authority of his school. The application will include:

(a) Full name, address, and date of birth.

(b) Reasons for requesting nomination to the Air Force Academy.

§ 875.16 How sons of Congressional Medal of Honor winners may apply.

The son of a Congressional Medal of Honor winner who desires appointment consideration will write to the Director of Admissions, United States Air Force Academy, Colorado, requesting that he be scheduled for the final qualifying examinations. The letter must include:

(a) Full name, address, and date of birth.

(b) Full name, grade, and service number of the parent who won the award.

§ 875.17 Where applicant will report.

An applicant nominated in one or more of the nominating categories will be notified by the Director of Admissions to report to an Air Force Academy and Aircrew Examining Center for final qualification testing. The nominee will also be instructed concerning the place and date he must report for the College Entrance Examination Board tests. All required tests are listed in the letter of instructions. No nominee will be considered for appointment until scores on all tests are received.

§ 875.18 How to report change of address.

Each applicant or nominee is personally responsible for notifying the Director of Admissions of every change of address. Notifications are sent direct to the Director of Admissions, United States Air Force Academy, Colorado.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-5475; Filed, June 30, 1959; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

PART 20—SPECIAL REGULATIONS

Miscellaneous Amendments

On page 4169 of the FEDERAL REGISTER of May 23, 1959, there was published a notice of proposed rule making to revise the present motor vessel transportation rates in Isle Royale National Park, Michigan. Interested persons were given 10 days within which to submit written comments, suggestions, or objections to the proposed amendment of the regulations.

No comments or objections were submitted within the 10-day period. Consequently, the proposed amendment is hereby adopted as published and is set forth below. This amendment shall become effective upon its publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 24, 1959.

1. A new section is added to Part 13, to read as follows:

§ 13.21 Motor vessel transportation rates, Isle Royale National Park.

(a) Transportation services between Houghton, Michigan and Isle Royale National Park, Michigan, rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way only	$7.50
Personal transportation—round trip	15.00
Transportation of boats up to 14 feet in length—one way only	5.00
Transportation of boats up to 14 feet in length—round trip	10.00
Transportation of boats over 14 feet but limited to 20 feet—one way only	10.00
Transportation of boats over 14 feet but limited to 20 feet—round trip	20.00
Canoes—round trip	3.00
Outboard motors ¾ h.p. to 10 h.p.—round trip	3.00
Outboard motors 12 h.p. to 25 h.p.—round trip	5.00
Outboard motors over 25 h.p.—round trip	7.50

(b) The rates mentioned in paragraph (a) of this section are subject to applicable Federal Transportation Taxes.

(c) (1) Personal transportation for children between the ages of five and twelve, inclusive, will be one-half of the rates mentioned in paragraph (a) of this section for comparable service. No charge will be made for children under the age of five.

(2) The rates for personal transportation mentioned in paragraph (a) of this section include the transportation of usual hand baggage and camping gear.

§ 20.38 [Amendment]

2. In Part 20, § 20.38(d) is revoked.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

[F.R. Doc. 59-5450; Filed, June 30, 1959; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 401—ADMISSION AND OUTPATIENT TREATMENT

Contracts with Non-Governmental Agencies and Non-Profit Organizations

Notice of proposed rule making and public rule making procedures and delay in effective date have been omitted as unnecessary in the issuance of the following amendments which relate solely to agency management and authorize the Surgeon General to delegate the approval of contracts entered into by the Superintendent of Freedmen's Hospital with non-governmental agencies and non-profit organizations.

1. Section 401.13(c) is amended to read as follows:

(c) The Superintendent of Freedmen's Hospital is authorized, with the approval of the Surgeon General of the Public Health Service or his designee, to enter into arrangements for periods not in excess of one year with non-Federal governmental agencies under which such agencies will reimburse the hospital for the care of persons living in the community area of service of the hospital and referred by such agencies as indigent or part-pay patients. Such arrangements may provide for rates which, on the effective date of any such arrangements, are not less than any one of the following: (1) The rates applicable to the care of persons referred by the District of Columbia pursuant to paragraphs (a) and (b) of this section; (2) the full-pay patient rates specified in §§ 401.7, 401.9, 401.10, and related provisions of this part; or (3) the higheset rate such agency has agreed to pay to other hospitals in the District of Columbia for similar services, or in the absence of any such agreement, the highest rate payable by such agency to other hospitals for such services.

2. Section 401.15(b) is amended to read as follows:

(b) Where a responsible nonprofit organization undertakes to pay for the hospitalization of its members or for the medical care of dependents of members of the uniformed services pursuant to section 201 of the Dependents' Medical Care Act (37 U.S.C. 411), the Superintendent, with the approval of the Surgeon General of the Public Health Service or his designee may, without regard to the schedule set for in § 401.6, enter into a contract with such organization to establish a rate which will take into consideration administrative economies in the operation of the hospital resulting from such undertaking provided that such rate shall not in any event be less than 95 percent of the rate applicable to full-pay patients in accordance with § 401.7.

(R.S. 2038, as amended, sec. 1, 33 Stat. 1190, as amended, sec. 1, 37 Stat. 172, as amended, 59 Stat. 366, as amended; 32 D.C. Code 317, 318, 318a, 319)

Dated: June 18, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 25, 1959.

ARTHUR S. FLEMING,
Secretary.

[F.R. Doc. 59-5471; Filed, June 30, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 111—PRINCE WILLIAM SOUND AREA

PART 112—COPPER RIVER AREA

Extension of Razor Clam Seasons

Basis and purpose. Field investigations by fishery management agents of the Bureau of Commercial Fisheries indicate a good supply of razor clams on the grounds in the Prince William Sound and Copper River areas and that the clams continue to be of good quality. Thus far, only approximately one-fourth of the respective quotas prescribed for the taking of razor clams in these areas has been taken. In these circumstances, a 10-day extension of the razor clam seasons in these areas is warranted, both from economic and biological standpoints, to permit greater utilization of the harvestable surplus above spawning requirements. Accordingly, acting pursuant to authority delegated to the Commissioner of Fish and Wildlife by the Secretary of the Interior in Order 2821 (22 F.R. 5778) and redelegated to the Director, Bureau of Commercial Fisheries, by Commissioner's Order 3 (22 F.R. 8126) the regulations appearing under Parts 111 and 112 are amended in pertinent part as indicated below:

1. Section 111.70 is amended to read as follows:

§ 111.70 Closed season, razor clams.

From July 11 to August 15, inclusive.

2. Section 111.96 is amended to read as follows:

§ 111.96 Closed season, razor clams.

From July 11 to August 15, inclusive.

3. Section 112.70 is amended to read as follows:

§ 112.70 Closed season, razor clams.

From July 11 to August 15, inclusive.

4. Section 112.96 is amended to read as follows:

§ 112.96 Closed season, razor clams.

From July 11 to August 15, inclusive.

Since immediate action is necessary to forestall a closure of the razor clam seasons in the Prince William Sound and Copper River Areas which otherwise would occur on June 30, 1959, notice and public procedure and deferred effective dates for these amendments are impracticable. Accordingly, the amendments shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237, 5 U.S.C. 1001, et seq.).

(Sec. 1, 43 Stat. 464, as amended (48 U.S.C. 221), and sec. 6(e), 72 Stat. 340)

Dated: June 29, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-5515; Filed, June 29, 1959; 3:25 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Airspace Docket No. 59-WA-38]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Cancellations

The purpose of this action is to cancel, in part, Amendment 14 to Parts 600 and 601 (24 F.R. 3870, 3872) which will become effective July 2, 1959.

VOR Federal airway No. 241 and the associated control areas, which are designated and described in § 600.6241 and § 601.6241 (14 CFR, 1958 Supp. 600.6241, 601.6241) respectively, presently extend from Crestview, Florida, to Atlanta, Georgia, via Columbus, Georgia. In order to avoid confusion with other airways, the Federal Aviation Agency had decided to modify VOR Federal airway No. 241 so that it extended only from Crestview, Florida, to Columbus, Georgia, and to assign another airway number to the segment from Columbus, Georgia, to Atlanta, Georgia. Accordingly, Paragraph 20 of Amendment 14 to Part 600 described VOR Federal airway No. 241 as extending from Crestview, Florida, to Columbus, Georgia. It has now been determined that the assignment of another airway number for the segment from Columbus, Georgia, to Atlanta, Georgia, is not now necessary and that no modification of the original airway should be made at this time. Corresponding action had also been taken with respect to the control areas associated with VOR Federal airway No. 241, and appeared in Paragraph 51 of Amendment 14 to Part 601.

Since Amendment 14 to Parts 600 and 601 are not yet effective and the presently designated VOR Federal airway No. 241, together with its associated control areas, is being retained, cancellation of the aforesaid actions will impose no additional burden on any person. Therefore, compliance with the notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act is not necessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

1. Paragraph 20 of Amendment 14 to Part 600 is cancelled.

2. Paragraph 51 of Amendment 14 to Part 601 is cancelled.

This action shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5445; Filed, June 30, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-35]

[Amdt. 11]

PART 602—ESTABLISHMENT OF JET ROUTES IN THE CONTINENTAL CONTROL AREA

Modification

VOR/VORTAC jet route No. 26 presently extends from El Paso, Tex., to Gordonsville, Va., via, among other points, the Kansas City, Mo., VOR; the Peoria, Ill., VOR; the Naperville, Ill., VOR; the Dayton, Ohio, VOR; and the Appleton, Ohio, VOR. The purpose of this action is to modify this jet route (J26V) by realigning the segment between Kansas City, Mo., and Appleton, Ohio, in order to move jet route J26V farther south of the congested Chicago, Ill., terminal area and farther north of the congested terminal area in the vicinity of Dayton, Ohio. As a result of this action, the segment of jet route J26V between Kansas City, Mo., and Appleton, Ohio, will be aligned so that it extends from the Kansas City, Mo., VOR to the Bradford, Ill., VOR, direct to the Joliet, Ill., VOR, then direct to the Appleton, Ohio, VOR.

This modification has been coordinated with various civil organizations, the Army, the Navy and the Air Force. Moreover, in view of the improved air traffic control service which will be provided, the public interest will best be served by the use of the modified jet route at the earliest practicable date. Since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, the modification of this jet route will be effective on July 30, 1959. For these reasons, it has been determined that notice and public precedure requirements of section 4 of the Administrative Procedure Act would be contrary to the public interest.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, (24 F.R. 4530), Part 602 (14 CFR 1958 Supp. Part 602), is hereby amended as follows:

Section 602.526 is amended to read:

§ 602.526 VOR/VORTAC jet route No. 26 (El Paso, Tex., to Gordonsville, Va.).

From the El Paso, Tex., VOR via the INT El Paso 089° and Roswell 216° radials; Roswell, N. Mex., VOR; Amarillo, Tex., VOR; Wichita, Kans., VOR; Kansas City, Mo., VOR; INT Kansas City 060° and Bradford 247° radials; Bradford, Ill., VOR; Joliet, Ill., VOR; Appleton, Ohio, VOR; to the Gordonsville, Va., VOR.

This amendment shall become effective 0001 e.s.t. July 30, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5446; Filed, June 30, 1959; 8:46 a.m.]

[Reg. Docket 29; Amdt. 123]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Rio RBn	ELP-LFR (Final)	Direct	*5200	T-dn	300-1	300-1	200-½
El Paso VOR	ELP-LFR	Direct	5000	C-dn	400-1	500-1	500-1½
Clint Radio Beacon	ELP-LFR	Direct	5000	S-dn-26	400-1	400-1	400-1
Int ILS NE crs and W crs LFR	ELP-LFR	Direct	5000	A-dn	800-2	800-2	800-2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°-205°, 0-15 mi, 5000'; 15-20 mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn S side of crs, 078° Outbnd, 258° Inbnd, 6500' within 10 mi. Beyond 10 mi NA. (nonstandard due to terrain N).
Minimum altitude over facility on final approach crs, 5200'.
Crs and distance, facility to airport, 258—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi turn left to 125, climb to 5000' on S crs, within 20 mi, or, when directed by ATC, turn left to 125°, climb to 6000' on S crs within 20 mi.
*Maintain 7000' until 5 mi W of Rio RBn. If Rio RBn not identified, maintain 8000' to El Paso LFR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class, SBRAZ; Ident., ELP; Procedure No. 1, Amdt. 13; Eff. Date, 18 July 59; Sup. Amdt. No. 12; Dated, 1 Mar. 58

MKG-VOR	MKG-LFR	Direct	1800	T-dn	300-1	300-1	200-½
Int V-55 and SE crs MKG LFR	Grand Int*	Direct	1800	C-dn	400-1	500-1	500-1½
Grand Int*	MKG LFR (Final)	Direct	1400	S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 137° Outbnd, 317° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 317—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 2000' on NW crs MKG LFR within 10 miles.
*Int R-210 MKG VOR and SE crs MKG LFR.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628'; Fac. Class, SBMRLZ; Ident., MKG; Procedure No. 1, Amdt. 8; Eff. Date, 18 July 59; Sup. Amdt. No. 7; Dated, 26 Nov. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
El Paso VOR	LOM	Direct	5000	T-dn	300-1	300-1	200-½
El Paso LFR	LOM	Direct	5000	C-dn	400-1	500-1	500-1½
Antelope Int	LOM	Direct	7000	S-dn-22	400-1	400-1	400-1
Int W crs ELP LFR and NE Crs ILS	LOM	Direct	5000	A-dn	800-2	800-2	800-2
Rio RBn	LOM	Direct	7000				
Newman VOR	LOM	Direct	5000				

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0-15 N mi, 5000'; 15-20 N mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 5000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM Inbnd final, 4500'.
Crs and distance, facility to airport, 218°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn left to 125°, climb to 5000', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6000', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class, LOM; Ident., EL; Procedure No. 1, Amdt. 13; Eff. Date, 18 July 59; Sup. Amdt. No. 12; Dated, 27 June 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LAX RBn	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Downy FM/RBn	LOM (Final)	Direct	*1700	C–dn	500–1	600–1	600–1½
LGB LFR	Downy FM/RBn	Direct	3000	S–dn–25L/R	400–1	400–1	400–1
LGB VOR	Downy FM/RBn	Direct	3000	A–dn	800–2	800–2	800–2
LGB LFR	LOM	Direct	1700				
LGB VOR	LOM	Direct	1700				
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach course authorized.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000′ within 7.8 mi of OM (E of Downy FM/RBn NA).
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 248°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 mi after passing LOM, climb to 2000′ on outbnd crs of 248° from LOM within 20 mi.
*Aircraft must descend from 3000′ immediately after passing Downy FM/RBn inbnd.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class, LOM; Ident., LA; Procedure No. 1, Amdt. 18; Eff. Date, 18 July 59; Sup. Amdt. No. 17 (ADF portion of Comb. ILS–ADF); Dated, 1 June 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–d*	1000–2	1000–2	
				T–n	2000–3 or BCOB	2000–3 or BCOB	
					1000–3	1000–3	
				C–d*	1000–2	1000–2	
				C–n*#	2000–3 or BCOB	2000–3 or BCOB	
					1000–3	1000–3	
				A–d*	1000–3	1000–3	
				A–n*#	2000–3 or BCOB	2000–3 or BCOB	
					1000–3	1000–3	

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs, facility to airport, 185°. Descend to 1000′ within 5 mi, then proceed NE VFR to airport.
If visual contact not established upon descent to authorized landing minimums or if unable to proceed VFR to airport upon descent to 1000′, climb to 2500′ on R–185 within 20 mi.
*Any circling for landing or turn after takeoff must be made to the south of airport—circling north of airport NA because of high terrain.
#Landing to the West at night NA.

City, Charlotte Amalie; State, St. Thomas, V.I.; Airport Name, Harry S. Truman; Elev., 11′; Fac. Class, BVOR; Ident., STT; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 July 59

South Boston VOR	DAN VOR	Direct	1700	T–dn	300–1	300–1	200–½
Leaksville Int	DAN VOR	Direct	2100	C–dn	500–1	500–1	500–1½
Reid Int	DAN VOR	Direct	1800	S–dn–2	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn East side of crs, 211° Outbnd, 031° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 020°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2200′ on the Danville VOR R–031 within 10 miles of the VOR.

City, Danville; State, VA.; Airport Name, Danville; Elev., 582′; Fac. Class, VOR; Ident., DAN; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 July 59

El Paso LFR	ELP–VOR	Direct	5000	T–dn	300–1	300–1	200–½
Rio RBn	ELP–VOR (Final)*	Direct	5200	C–dn	400–1	500–1	500–1½
Newman VOR	ELP–VOR	Direct	6000	S–dn–26	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°–205°, 0–15 mi, 5000′; 15–20 mi, 7000′.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from stacks 4148′ 4 mi S; hill 5067′ 13 mi NE; hill 4651′ 9.5 mi, and hill 6717′ 22 mi NE.
Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 6500′ within 10 mi. Beyond 10 mi NA. (Nonstandard due to terrain north.)
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 259—4.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, turn left to 125° mag, climb to 5000′, intercept and proceed on R–151 within 20 mi, or, when directed by ATC, turn left to 125° mag., climb to 6000′, intercept and proceed on R–151 within 20 mi.
*Maintain 7000′ until 5 mi W of Rio RBn. If Rio RBn not received maintain 8000′ until over ELP–VOR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class, BVOR; Ident., ELP; Procedure No. 1, Amdt. 9; Eff. Date, 18 July 59; Sup. Amdt. No. 8; Dated, 1 Mar. 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
EPT–VOR	LAF–VOR	Direct	2000	T–dn	300–1	300–1	
				C–d#	900–1	900–1	
				S–n#	900–1½	900–1½	
				S–d#–13	900–1	900–1	
				S–n#–13	900–1½	900–1½	
				A–dn#	900–1½	900–1½	
				#Following minimums apply after passing R–018 EPT–VOR:			
				C–d	600–1	600–1	
				C–n	600–1½	600–1½	
				S–d–13	500–1	500–1	
				S–n–13	500–1½	500–1½	
				A–dn	800–2	800–2	

Procedure turn West side of crs, 322° Outbnd, 142° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 142°—10.4 mi.
Minimum altitude after passing EPT–VOR R–018 on final approach crs, 1200′.
Crs and distance after passing EPT–VOR R–018 to airport, 142°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi of LAF–VOR or 3.4 miles of EPT R–018, climb to 2300′ on R–142 within 20 miles.
AIR CARRIER NOTE: Use of sliding scale reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¾ mi.
#Dual omni receivers required for lower minimums.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 607′; Fac. Class, VOR; Ident., LAF; Procedure No. 1, Amdt. 3; Eff. Date, 18 July 59; Sup. Amdt. No. 2; Dated, 13 June 59

				T–d	1000–2	1000–2	NA
				T–n*	2000–2	2000–2	NA
				C–d	1500–2	1500–2	NA
				C–n	2000–2	2000–2	NA
				A–dn	2500–2	2500–2	NA

Procedure turn S side of final approach crs, 066° Outbnd, 246° Inbnd, 4500′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach course 3300′.
Course and distance, facility to airport—246°, 4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, climb to 3000′ on 246° radial. Make a climbing right turn within 10 miles and return to LEB VOR at 4500′.
*Runway 25 authorized for takeoff only. Night takeoffs and landings on Runway 7 NA.

City, Lebanon; State, N.H.; Airport Name, Lebanon Airport; Elev., 580′; Fac. Class, VOR; Ident., LEB; Procedure No. 1, Amdt. 1; Eff. Date, 18 July 59; Sup. Amdt. No. Orig.; Dated, 18 Apr. 59

Clarksburg FM	SAC–VOR (Final)	Direct	1000	T–dn	300–1	300–1	200–½
Sacramento ILS LMM	SAC–VOR	Direct	1200	C–dn	500–1	600–1	600–1½
Isleton Int	SAC–VOR	Direct	1200	S–dn*ry 2	400–1	500–1	500–1
Roseville Int	SAC–VOR	Direct	1600	A–dn	800–2	800–2	800–2

Procedure turn S side crs, 197° Outbnd, 017° Inbnd, 1200′ within 6 miles. (NA beyond Clarksburg FM.)
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 016—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2500′ on R–023 within 20 miles of SAC VOR or, when directed by ATC, climb straight ahead to 500′ make climbing left turn to 2000′ on crs of 290° to intercept the 329° radial of SAC VOR within 20 miles.
CAUTION: 203′ MSL Tower between SAC VOR and LFR.
*Descent below 500′ MSL not authorized until past SAC LFR on Final.

City, Sacramento; State, Calif.; Airport Name, Municipal; Elev., 21′; Fac. Class, BVOR; Ident., SAC; Procedure No. 1, Amdt. 5; Eff. Date, 18 July 59; Sup. Amdt. No. 4; Dated, 11 Apr. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SJP RBn	SJU–VOR	Direct	1500	T–dn	300–1	300–1	200–½
SJU HH	SJU–VOR	Direct	1500	C–dn	600–1	600–1	600–1½
				S–dn–25	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn North side of crs, 065° Outbnd, 245° Inbnd, 1000′ within 9 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance, breakoff point to Rnwy 25, 254°—1.22 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles o VOR turn right, climb to 1500′ on R–358 within 20 mi.
NOTE: Procedure turn distance restricted to 9 mi of VOR due to warning area North of procedure turn area.

City, San Juan; State, P.R.; Airport Name, International; Elev., 9′; Fac. Class, BVOR; Ident., SJU; Procedure No. TerVOR–25, Amdt. Orig.; Eff. Date, 18 July 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
El Paso VOR	LOM	Direct	5000	T-dn	300–1	300–1	200–½
El Paso LFR	LOM	Direct	5000	C-dn	400–1	500–1	500–1½
Antelope Int	LOM	Direct	7000	S-dn-22°	200–½	200–½	200–½
Int W crs ELP LFR and NE crs ILS	LOM	Direct	5000	A-dn	600–2	600–2	600–2
Rio RBn	LOM	Direct	7000				
Newman VOR	LOM	Direct	5000				

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0–15 N mi, 5000'; 15–20 N mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 5000' within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 5000'.
Altitude of G.S. and distance to appr end of rny at OM 5000–3.7, at MM 4120—0.3
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to 125°, climb to 5000', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6000', intercept and proceed South on S crs LFR or intercept and proceed South on R-151 ELP VOR within 20 mi.
*Straight-in minima 400–¾ when glide slope not used. Glide slope touch down 2744' from runway end.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class, ILS; Ident., I-ELP; Procedure No. ILS-22, Amdt. 13; Eff. Date, 18 July 59; Sup. Amdt. No. 12; Dated, 27 June 59

LAX RBn	LOM	Direct	2000	T-dn*	300–1	300–1	200–½
Downy FM-RBn	LOM (Final)	Direct	*1700	C-dn	500–1	600–1	600–1½
LGB LFR	Downy FM-RBn	Direct	3000	S-dn-25L*	200–½	200–½	200–½
LGB VOR	Downy FM-RBn	Direct	3000	S-dn-25R**	400–1	400–1	400–1
LGB LFR	LOM	Direct	1700	A-dn	600–2	600–2	600–2
LGB VOR	LOM	Direct	1700				
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach crs authorized.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000' within 7.8 mi of OM (E of Downy FM-RBn NA).
Minimum altitude at glide slope int inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM 1700'—5.2; at MM—310—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on W crs LAX ILS within 20 mi.
NOTE: Narrow localizer course 4 degrees.
*Runway visual range 2600' also authorized for takeoff and landing on Rnwy 25–L: *Provided*, That all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 326' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*Aircraft must descend from 3000' immediately after passing Downy FM-RBn inbnd.
**Crs and distance, OM to Rwy 25R, 249°—5.2 mi.

City, Los Angeles; State Calif.; Airport Name, International; Elev., 126'; Fac. Class, ILS; Ident., LAX; Procedure No. ILS-25L&R, Amdt. 18; Eff. Date, 18 July 59; Sup. Amdt. No. 17 (ILS portion of Comb. ILS-ADF); Dated, 1 June 58

Excelsior Int	LOM	Direct	2300	T-dn	300–1	300–1	200–½
FGT-VOR	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
St. Paul Int	LOM	R-165	2500	S-dn-4	200–½	200–½	200–½
MSP VOR	LOM	Direct	2300	A-dn	600–2	600–2	600–2
MSP LFR	LOM	039°–6.9	2200				
Int I-MIM localizer and FGT VOR R-298	LOM (Final)	As directed by ATC.	2500				
All sectors of radar site within 20 mi	LOM						

Procedure turn South side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 mi.
Minimum altitude at G.S. Int inbnd, 2300'.
Altitude of G.S. and distance to approach end of Runway at OM, 2188'—4.5 mi; at MM, 1032'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on NE crs ILS within 20 miles.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840'; Fac. Class, ILS; Ident., I-MIM; Procedure No. ILS-4, Amdt. 1; Eff. Date, 18 July 59; Sup. Amdt. No. Orig.; Dated, 4 July 59

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statnte miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, the instructions of the radar controller are mandatory except when (A) communication on final approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
All directions	Radar Site (Excludes Restricted Area R–64).	Within 25 mi	2500	T-dn	300–1	300–1	200–½
				C-dn–1 and 6	700–1	700–1	700–1½
				C-dn–11, 19,* 24, 29.	600–1	600–1	600–1½
				S-dn–1 and 6	700–1	700–1	700–1½
				S–dn–11 and 19*.	600–1	600–1	600–1½
				S–dn–24	500–1	500–1	500–1
				S–dn–29	400–1	400–1	400–1

Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3–5 mi of towers 1590' MSL 12 mi NNW; 1060' MSL 4 mi NNW and 1110' MSL 6 mi S of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 1: turn left as soon as practical, climbing to 2600' on R–309 of LOU–VOR within 20 miles.
Runway 6: Right turn, climbing to 2100' and proceed to LOU VOR.
Runway 11: Climb to 2100' direct to LOU VOR.
Runway 19: Climb to 2100' direct to SDF RBn (LOM).
Runways 24 and 29: Left turn, climbing to 2100' and proceed to SDF RBn (LOM).
*On approaches to Runway 19, maintain at least 1400' MSL until within 3 mi of runway.

City, Louisville; State, Ky.; Airport Name, Standiford; Elev., 497'; Fac. Class, Louisville; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 July 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 17, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5160; Filed, June 30, 1959; 11:14 a.m.]

[Reg. Docket 46; Amdt. 124]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Delta Island Int	ANC LFR	Direct	1500	T-dn	300–1	300–1	200–½
LOM	ANC LFR	Direct	1500	C-dn	600–1	600–1	600–1½
Turnagain Int	ANC LFR (Final)	Direct	900	A-dn	800–2	800–2	800–2

Procedure turn W side SW crs, 183° Outbnd, 003° Inbnd, 1500' within 10 mi (non-standard).
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 006°—5.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles: climb to 1500' on NW crs (305°) Anchorage LFR to Susitna Intersection or, when directed by ATC, climb to 1500' proceeding direct to Anchorage LOM, thence on crs of 244° Outbnd, 064° Inbnd, within 20 mi.
CAUTION: 384' hill 1.4 mi West of ANC LFR.
AIR CARRIER NOTE: No weather reporting facility. Air Carrier use NA.

City, Anchorage; State, Alaska; Airport Name, Merrill Field; Elev., 139'; Fac. Class, SBRAZ; Ident, ANC; Procedure No. 1, Amdt. 11; Eff. Date, 25 July 59; Sup. Amdt. No. 10; Dated 21 Dec. 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	*200–½
				C-dn	500–1	600–1	600–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

*Take-off on runway 9–27 and 13–31 NA with less than 300–1.
Radar Terminal Area Transition altitude 2000′ within 20 mi of Radar site (Amon Carter Airport). Radar control must provide 1000′ separation within 3 mi or 500′ separation between 3–5 mi of radio towers 1743′ MSL 6 mi SE and 1679′ MSL 7 mi SE.
Procedure turn #E side North crs, 345° Outbnd, 165° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
#Nonstandard due ATC requirements.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 178—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles, climb to 2000′ on S crs within 20 miles.
CAUTION: Building 956′ MSL located 0.5 mile S of LFR on final approach crs. T.V. Tower 1743′ MSL located 4.4 miles E of S crs.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo and ferry flights.
MAJOR CHANGE: Deletes transition from Hislet Int.

City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692′; Fac. Class, SBRAZ; Ident., FTW; Procedure No. 1, Amdt. 10; Eff. Date, 25 July 59; Sup. Amdt. No. 9; Dated, 11 Oct. 58

2. The automatic direction finding prccedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Alaska FM	LOM	Direct	2300	T-dn	300–1	300–1	*300–1
Wayland Int	LOM	Direct	2300	C-d	#500–1	500–1	500–1½
GRR-LFR	LOM	Direct	2300	C-n	#500–1½	500–1½	500–1½
				S-dn-36R	400–1	400–1	400–1
				S-dn-36L%	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 176° Outbnd, 356° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 356°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing LOM, climb to 2200′ on crs of 356° from LOM within 20 mi or, when directed by ATC, (1) make right climbing turn to 2200′ on SE crs GRR-LFR to Alaska FM, (2) make left climbing turn, proceed on NW crs GRR-LFR to 1900′ within 10 mi.
CAUTION: 1180′ tower 5.0 miles South, 1820′ tower 10 mi NNE, and 905′ stack 0.5 mi West of airport.
*200–½ authorized on 18L and 36R only.
#400′ ceiling is authorized for circling if all turns prior to landing are made east and north of airport.
%Crs and distance, OM to Rnwy 36L, 354°—5.6 mi.

City, Grand Rapids; State, Mich.; Airport Name, Kent County; Elev., 692′; Fac. Class, LOM; Ident., GR; Procedure No. 1, Amdt. 4; Eff. Date, 25 July 59; Sup. Amdt. No. 3 (ADF portion of Comb. ILS–ADF); Dated, 20 Mar. 57

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MEA all directions				T-d*	1000–2	1000–2	
				T-n	2000–3 or BCOB	2000–3 or BCOB	
					1000–3	1000–3	
				C-d*	1000–2	1000–2	
				C-n*#	2000–3 or BCOB	2000–3 or BCOB	
					1000–3	1000–3	
				A-d*	1000–3	1000–3	
				A-n*#	2000–3 or BCOB	2000–3 or BCOB	
					1000–3	1000–3	

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs, facility to airport, 185°. Descend to 1000′ within 5 mi, then proceed NE VFR to airport.
If visual contact not established upon descent to authorized landing minimums or if unable to proceed VFR to airport upon descent to 1000′, climb to 2500′ on R–185 within 20 mi.
*Any circling for landing or turn after takeoff must be made to the south of airport—circling north of airport NA because of high terrain.
#Landing to the West at night NA.

City, Charlotte Amalie, St. Thomas, V.I.; Airport Name, Harry S. Truman; Elev., 11; Fac. Class, BVOR; Ident., STT; Procedure No. 1, Amdt. 1; Eff. Date, 18 July 59; Sup. Amdt. No. Orig.; Dated, 18 July 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MEA All Directions				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-27	700–1	700–1	700–1½
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 078° Outbnd, 258° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 258°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, climb to 2000′ on R–258 within 20 miles.

City, Christiansted; State, St. Croix, V.I.; Airport Name, Alexander Hamilton; Elev., 57′; Fac. Class, BVOR; Ident., STX; Procedure No. 1, Amdt., Orig.; Eff. Date, 25 July 59

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MKG LFR	MKG VOR	Direct	2000	T-dn	300–1	300–1	200–½
				C-d	700–1	700–1	700–1½
				C-n	700–2	700–2	700–2
				S-d-27	700–1	700–1	700–1
				S-n-27	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2
				Following minimums apply after receiving 047°/227° brng. MKG LFR			
				*C-dn	400–1	500–1	500–1½
				*S-dn-27	400–1	400–1	400–1

Procedure turn North side of crs, 092° Outbnd, 272° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; over Int R–271 MKG VOR and 047° brg. of MKG LFR, 1300′.
Crs and distance, facility to airport, 271°—8.3 mi; Int R–271 MKG VOR and 047° brg. MKG LFR to airport, 271°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing MKG VOR, climb to 2000′ on R–271 of MKG VOR.
*ADF receiver required for lower minimums.

City, Muskegon; State, Mich.; Airport Name, Muskegon County; Elev., 628′; Fac. Class, BVOR; Ident., MKG; Procedure No. 1, Amdt. Orig.; Eff. Date, 25 July 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Decoto Int	Fremont FM HW	Direct	4000	T-dn	300–1	300–1	#200–½
SFO Gap RBn	Fremont FM HW	Direct	4000	C-dn	500–1	600–1	600–1½
Bay Point FM	Fremont FM HW	Direct	6000	A-dn	800–2	800–2	800–2
Richmond Int	Fremont FM HW	Direct	4000				
OAK LFR	Fremont FM HW	Direct	4000				
Fremont FM HW	Mt. Eden Int (Final)	300°—6.0	1900				
*Mt. Eden Int	OAK TVOR	300°—7.0	500				
OAK TVOR	Fremont FM HW	Direct	4000				

Standard procedure turn NA. All maneuvering and descent shall be accomplished in the **Fremont FM-HW LFR holding pattern. Minimum altitude 4000′. Descent to 3500′ authorized to cross Fremont FM-HW on final approach crs Inbnd.
Minimum altitude over facility on final approach crs, 500′%. Descent to airport minimums authorized after passing Mt. Eden Int.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished wfthin 0.0 mile, climb to 2000′ in a one-minute right turn holding pattern on R–300 (120° inbnd, 300° outbnd).
All turns West side of crs.
NOTES: Missed or discontinued approach must not cross OAK TVOR above 1500′ ADF and VOR, or dual VOR equipment required for this procedure.
#300–1 required for takeoff on Rnwy 33.
*Int of OAK TVOR R–120 and 047° brng to Hayward RBn, or Int of OAK TVOR R–120 and SFO TVOR R–066.
**Fremont FM HW or Int of OAK TVOR R–120 and SFO TVOR R–083.
%600′ required for aircraft with stall speed more than 65 knots.

City, Oakland; State, Calif.; Airport Name, Met. Oakland Int'l; Elev., 5′; Fac. Class, BVOR; Ident., OAK; Procedure No. TerVOR (R–120), Amdt. 1; Eff. Date, 25 July 59; Sup. Amdt. No. Orig; Dated, 13 June 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ft. Worth LFR	OM	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	#500–1	600–1	600–1½
				S-dn-17#	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

#600–¾ required when G.S. not utilized.
Radar Terminal Area Transition Altitude 2000′ within 20 miles of *Radar site. Radar control must provide 3 mi. or 1000′ vertical separation; or 3 to 5 mi. and 500′ vertical separation from radio towers 1743′ msl 6 mi. SE; 1679′ 7 mi. SE.
*Radar site 15 mi East of Meacham Airport.
Procedure turn **East side N crs, 354° Outbnd, 174° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
**Nonstandard due ATC requirements.
Minimum altitude at G.S. int inbnd, 2000.
Altitude of G.S. and distance to appr end of rny at OM 2000—3.5, at MM 950—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on S crs ILS within 20 miles.
NOTE: Take-off on runways 9–27 and 13–31 NA with less than 300–1.
AIR CARRIER NOTE: Reduction in landing minima NA on cargo or ferry flights.
CAUTION: 956′ bldg 2.1 mi. S of OM. 1743′ tower 4.8 mi. E of ILS S crs.
MAJOR CHANGE: Deletes transition from Haslet RBn.

City, Ft. Worth; State, Tex.; Airport Name, Meacham; Elev., 692′; Fac. Class, ILS; Ident., I–FTW; Procedure No. ILS–17, Amdt. 12; Eff. Date, 25 July 59; Sup. Amdt. No. 11; Dated, 11 Oct. 58

Alaska FM	LOM	Direct	2300	T-dn	300–1	300–1	#300–1
*Short Int	LOM	Direct	2300	C-d	@500–1	500–1	500–1½
Wayland Int	LOM	Direct	2300	C-n	@500–1½	500–1½	500–1¼
GRR–LFR	LOM	Direct	2300	S-dn-36R	300–¾	300–¾	300–¾
**City Int	LOM	Direct	2300	S-dn-36L%	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2

Procedure turn West side of crs, 176° Outbnd, 356° Inbnd, 2300′ within 10 mi. (Nonstandard due to ATC separation requirement.)
Minimum altitude at G.S. int inbnd, 2300′.
Altitude of G.S. and distance to approach end of Rnwy at LOM, 2309′—5.0 mi; at LMM, 933′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on North crs GRR ILS within 20 miles or, when directed by ATC, (1) make right climbing turn to 2200′ on SE crs GRR LFR to Alaska FM, (2) make left climbing turn, proceed on NW crs GRR LFR to 1900′ within 10 mi.
AIR CARRIER NOTE: No approach lights.
CAUTION: 1180′ tower 5.0 mi South; 1820′ tower 10 mi NNE; 905′ stack 0.5 mi West.
*Int SW crs GRR–LFR and S crs ILS.
**Int NW crs GRR–LFR and N crs ILS.
#200–½ authorized on 18L and 36R only.
@400′ ceiling is authorized for circling if all turns prior to landing are made East and North of airport.
%Crs and distance, OM to Rnwy 36L, 354°—5.6 mi.

City, Grand Rapids; State, Mich.; Airport Name, Kent County; Elev., 692′; Fac. Class, ILS; Ident., 1–GRR; Procedure No. ILS–36R–L, Amdt. 4; Eff. Date, 25 July 59; Sup. Amdt. No. 3 (ILS portion of Comb. ILS–ADF); Dated, 20 Mar. 57

Knoxville LFR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
Tallassee FM	LOM	Direct	3700	C-d	500–1	500–1	500–1½
SW crs TYS LFR and 290 brng from LOM	LOM	Direct	2300	C-n	500–1½	500–1½	500–1⅓
Tallassee Int	LOM	Direct	3700	S-dn–4L*	200–½	200–½	200–¼
Knoxville BVOR	LOM	Direct	2400	A-dn	600–2	600–2	600–2
Rasar Int	LOM	Direct	3700				
Loudon Int	LOM	Direct	2300				

Radar Terminal Area transition altitudes: 0–360° within 5 miles, 2500′; 091°–179° within 10 miles, 4000′; 180°–090° within 10 miles, 2500′; 188°–205° within 17 miles, 5000′; 358°–070° within 17 miles, 3000′; 205°–270° within 24 miles, 2500′; 355°–070° within 25 miles, 3100′.
All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise.
Procedure turn W side SW crs, 225° Outbnd, 045° Inbnd, 2700′ within 10 miles.
Minimum altitude at Glide Slope interception inbnd, 2700′.
Altitude of G.S. and distance to approach end of rny at OM 2650—5.4, at MM 1160—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 3000′ on N crs TYS–LFR within 20 mi or, when directed by ATC, (1) turn left, climb to 3000′ on TYS VOR R–347 within 20 mi or (2) Climb to 4000′ on TYS VOR R–069 within 20 mi.
*400–¾ required when glide slope not utilized.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class, ILS; Ident., ITYS; Procedure No. ILS–4L, Amdt. 18; Eff. Date, 11 July 59; Sup. Amdt. No. 17; Dated, 11 July 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 26, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59–5533; Filed, June 30, 1959; 11:14 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Tensaw River, Alabama

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended with respect to paragraph (i) (18–b) governing the operation of the State of Alabama Highway Department bridge over Tensaw River, Mobile, Alabama, effective upon publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(18–b) Tensaw River, Alabama. State of Alabama Highway Department bridge over the Tensaw River on U.S. Highway No. 90 near Mobile, Alabama. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

[Regs., June 19, 1959, 285/91 (Tensaw River, Alabama)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–5444; Filed, June 30, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Withdrawal of Petition for Establishment of Tolerances for Residues of Amitrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended 52 Stat. 1784; 21 U.S.C. 346a(d)(1)) the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.8), Amchem Products, Inc., Ambler, Pennsylvania, and American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, have withdrawn their petition for establishment of tolerances for residues of amitrol, the proposed common name for 3-amino-1,2,4,-triazole, in or on the raw agricultural commodities apples, cranberries, and pears, notice of which was published in the FEDERAL REGISTER of March 21, 1959 (24 F.R. 2256).

This petition is withdrawn without prejudice.

Dated: June 24, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59–5470; Filed, June 30, 1959; 8:48 a.m.]

Freedmen's Hospital

[42 CFR Parts 400, 401]

CHARGES FOR TRANSCRIPTS OF MEDICAL RECORDS, INPATIENT TREATMENT AND SPECIAL SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 400 to establish charges for transcripts of medical records of Freedmen's Hospital, to amend the regulations of Part 401 governing the rates charged for inpatient treatment and special services at Freedmen's Hospital as indicated below. Interested persons may submit written data, views or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered. It is anticipated that upon the expiration of this period these amendments, subject to such revision as may seem appropriate in the light of comments, will be republished and will become effective immediately upon such republication. The amendments to Part 401 are not intended to be made applicable to patients admitted to the Hospital prior to the effective date of the amendments.

1. Part 400 would be amended by adding a new § 400.3 which would read as follows:

§ 400.3 Fees for transcripts.

(a) The following fees will be charged for transcripts of medical records furnished pursuant to § 400.2(b) of this part:

(1) Transcripts, standard one page.... $3.00
(2) Narrative Summaries..... 5.00

(b) The Superintendent may waive any part or all of the fees for transcripts of medical records if he determines that they have been requested for the purpose of further medical treatment.

(R.S. 2038, as amended, 65 Stat. 290, 5 U.S.C. 140)

2. Sections 401.7 (a) and (c) and 401.11(c) of Part 401 would be amended to read as follows:

§ 401.7 Inpatient rates, full-pay and part-pay patients.

Full-pay and part-pay patients shall pay the following rates:

(a) Ward rates per day: The inpatient rates shown below cover hospital services only and are all inclusive except for those items specified under paragraph (c) of this section. They do not include any fees charged by the patient's private physician. The amount to be charged the patient is determined by applying family income shown under § 401.6 to the appropriate legend ("A"—"I") shown in the following schedule of ward rates:

Legend	Age group: General hospital: 8 years and over	General hospital: 2–7 years, inclusive	Tuberculosis hospital: 0–2 years, inclusive	Tuberculosis hospital: 8 years and over	Tuberculosis hospital: 2–7 years, inclusive
"A"	0	0	0	0	0
"B"	$4.00	$1.00	0	$1.00	0
"C"	6.00	2.00	0	2.00	0
"D"	8.00	4.00	$1.00	3.00	$1.00
"E"	10.00	6.00	1.50	4.00	2.00
"F"	12.00	8.00	2.00	5.00	3.00
"G"	14.00	10.00	3.00	6.00	4.00
"H"	16.00	12.00	4.00	7.00	5.00
"I"	18.00	14.00	5.00	10.00	7.00

* * * * *

(c) There shall be the following extra charges for all full-pay patients excluding tuberculosis patients hospitalized in the tuberculosis hospital:

(1) New and special drugs not regularly listed in hospital formulary at rates which the Superintendent determines are reasonable but not less than the purchase price paid by the hospital.
(2) Ambulance service, trip within city limits, day or night rates, $5.00 per trip.
(3) Blood or blood derivatives at purchase price paid by the hospital.
(4) Delivery room: $15.00.
(5) Operating room: $25.00.
(6) Recovery room: $5.00.

(7) Sterile tray: $5.00.

(8) X-ray services: Charges shall be in accordance with rates listed in § 401.11.

(9) Laboratory services: Charges shall be in accordance with rates listed in § 401.11.

(10) Special services: Charges shall be in accordance with rates listed in § 401.11.

§ 401.11 Rates for X-ray, laboratory, and other special services.

* * * * *

(c) *Special services.*

Basal metabolism	$5.00
Bronchoscopic examination	5.00
Cystoscopic examination	5.00
Electro-cardiography	5.00
Use of plaster room	10.00
Pneumothorax	1.00
Electroencephalogram	25.00

(R.S. 2038, as amended, 37 Stat. 172, as amended, 59 Stat. 366, as amended; 32 D.C. Code 317, 318, 318a)

Dated: June 18, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 25, 1959.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 59-5472; Filed, June 30, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12933; FCC 59-629]

[47 CFR Parts 7, 8]

FREQUENCY ASSIGNMENT IN VICINITY OF DELCAMBRE, LA.

Notice of Proposed Rule Making

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2506 kc (coast)–2458 kc (ship) available for assignment in the vicinity of Delcambre, Louisiana; Docket No. 12933.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth below.

2. This proposal is being issued in response to a petition to amend the Commission's rules, filed May 19, 1958, by the Delcambre Telephone Company, Inc., Delcambre, Louisiana. Petitioner requests that the rules be amended to make available for assignment the frequency pair 2506 kc (coast)–2406 kc (ship), or any other suitable frequencies in the 2–3 Mc band, for public ship-shore communication in the vicinity of Delcambre, Louisiana, on a "day only" basis. The petitioner also has on file a related application for construction permit for a public class II–B coast station to be located at Delcambre, Louisiana.

3. The frequency pair 2506 kc (coast)–2406 kc (ship) is available for assignment under the Commission's rules in the vicinity of Boston, Massachusetts, on a 24-hour basis to public coast stations and to ship stations for communications with such coast stations. Petitioner's specific proposal would make this frequency pair available in the vicinity of Delcambre, Louisiana, during daylight hours only so that harmful nighttime interference would not be caused to the use of this frequency pair at Boston. However, the ship frequency 2406 kc specified is unsatisfactory for use in the Gulf area because harmful interference would be caused to ship stations operating on 2404 kc in the Gulf of Mexico. Therefore, a substitute ship frequency 2458 kc, is now proposed for this project for "day only" use. It appears that the use of this frequency by ships in this area will not cause harmful interference to other services. In summary, the proposal herein would make available for assignment the frequency pair 2506 kc (coast)–2458 kc (ship) for "day only" use for service via shore facilities in the vicinity of Delcambre, Louisiana.

4. It is believed that the proposed rule amendment would provide for more effective utilization of maritime frequencies in the public interest in that it would make a "day only" frequency pair available for direct service during daylight hours to an area which apparently is not now adequately served under the present frequency assignment plan.

5. This proposal is issued under the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before August 3, 1959, written data, views, or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views, or briefs. The Commission will consider all such comments prior to taking final action in this matter.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 24, 1959.

Released: June 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. The Table in § 7.306(b) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for New Orleans, Louisiana:

§ 7.306 Availability of frequencies below 30 Mc.

* * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [2]
*	*	*	*	*
Delcambre, La.	2506	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2458	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

B. Part 8 is amended as follows:

1. The Table in § 8.354(a)(1) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for New Orleans, Louisiana:

§ 8.354 Frequencies below 5000 kc for public correspondence.

(a) * * *
(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [2]
*	*	*	*	*
Delcambre, La.	2458	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2506	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

§ 8.351 [Amendment]

2. The list of frequencies in § 8.351(a) is amended by adding thereto the frequency "2458" in proper numerical sequence.

[F.R. Doc. 59-5476; Filed, June 30, 1959; 8:50 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 8, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-36 authorizing The Veterans Administration Hospital to construct a TRIGA-type heterogeneous, water cooled, zirconium hydride and water moderated nuclear reactor designed to operate at a thermal power of 10 kilowatts on its site in Omaha, Nebraska. Notice of the proposed action was published in the FEDERAL REGISTER on June 9, 1959, 24 F.R. 4671.

Dated at Germantown, Md., this 24th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5438; Filed, June 30, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 563]

CALIFORNIA

Small Tract Classification; Amendment

JUNE 23, 1959.

Effective June 23, 1959, paragraph 1 of Federal Register Document 57-4460, appearing on page 3895 of the issue for June 4, 1957, is hereby amended to include the following described land:

SAN BERNARDINO MERIDIAN

T. 3 N., R. 3 E.,
Sec. 1, all.

containing 633.6 acres, subdivided into 244 small tracts, of which 45 are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

ROLLA E. CHANDLER,
Officer in Charge, Southern Field Group, Los Angeles, California.

[F.R. Doc. 59-5448; Filed, June 30, 1959; 8:46 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JUNE 22, 1959.

1. Plat of Survey of the lands described below will be officially filed in the Juneau Land Office, Juneau, Alaska effective at 10:00 a.m. July 28, 1959:

COPPER RIVER MERIDIAN

Township 28 South, Range 54 East, Sec. 23; Lots 8 to 19 incl.

The area described contains 40.00 acres of public lands.

2. These lands lie Northwest of Haines, Alaska and are adjacent to the Haines Highway. The terrain is slightly sloping to very steep with very shallow forest soil. Its major cover is spruce and cottonwood with a dense understory of alder, devils club and rose bushes.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on July 28, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on October 27, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on October 27, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(4) Persons claiming veterans' preference rights under Paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands, which shall be filed in the Land Office at Juneau, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

5. Inquiries concerning these lands shall be addressed to the Manager, Juneau Land Office, P.O. Box 2511, Juneau, Alaska.

WARNER T. MAY,
Manager.

[F.R. Doc. 59-5449; Filed, June 30, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF FAR EAST CONFERENCE AND ELLERMAN & BUCKNALL ASSOCIATED LINES JOINT SERVICE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 17-24-C, between the member lines of the Far East Conference and the carriers comprising the Ellerman & Bucknall Associated lines joint service, provides for the cancellation of Agreement No. 17-24 covering the participation of said joint service carriers in the Far East Conference Agreement No. 17, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 26, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5468; Filed, June 30, 1959; 8:48 a.m.]

National Bureau of Standards

REFINEMENT OF VALUES FOR THE YARD AND THE POUND

Background. The National Bureau of Standards, founded in 1901, is authorized by statute (U.S. Code, Title 15, Ch. 7, sec. 272) to undertake "The custody, maintenance, and development of the national standards of measurement and the provision of means and methods for making measurements consistent with these standards. * * *" Under this authority the National Bureau of Standards has sought to refine and extend the standards to meet the continuing requirements of science and industry for increased accuracy and uniformity of measurement.

Since 1893 the National Bureau of Standards and its predecessor agency, the Office of Standard Weights and Measures of the Treasury Department, have derived the yard and the pound and the multiples and submultiples of these units from metric standards, namely, the international meter and the international kilogram. The original announcement of this derivation, together with the numerical ratios upon which the derivations were based, is given in Bulletin 26, "Fundamental Standards of Length and Mass", of the U.S. Coast and Geodetic Survey, approved for publication April 5, 1893, by the Secretary of the Treasury. An amendment to the 1893 Bulletin was made in 1894 in which there was a small adjustment in the pound-kilogram ratio to bring it into closer agreement with the British Imperial pound.

In the latter half of the period since 1893 minor but troublesome discrepancies have developed among various groups, both in this country and abroad, that are concerned with very accurate measurements involving yard and pound units or their customary multiples and submultiples. As a result of study and negotiation, it has developed that most of the discrepancies can be resolved and a high degree of measurement uniformity obtained by small refinements of the ratios defined in the 1893–94 bulletins relating the yard and pound to the meter and kilogram. Accordingly, the following announcement is made:

Announcement. Effective July 1, 1959, all calibrations in the U.S. customary system of weights and measures carried out by the National Bureau of Standards will continue to be based upon metric measurement standards and, except those for the U.S. Coast and Geodetic Survey as noted below, will be made in terms of the following exact equivalents and appropriate multiples and submultiples:

1 yard = 0.914 4 meter
1 pound (avoirdupois) = 0.453 592 37 kilogram

Currently, the units defined by these same equivalents, which have been designated as the International Yard and the International Pound, respectively, will be used by the National Standards Laboratories of Australia, Canada, New Zealand, South Africa, and United Kingdom; thus there will be brought about international accord on the yard and pound by the English-speaking nations of the world, in precise measurements involving these basic units.

Any data expressed in feet derived from and published as a result of geodetic surveys within the United States will continue to bear the following relationship as defined in 1893:

$$1 \text{ foot} = \frac{1200}{3937} \text{ meter}$$

The foot unit defined by this equation shall be referred to as the U.S. Survey Foot and it shall continue to be used, for the purpose given herein, until such a time as it becomes desirable and expedient to readjust the basic geodetic survey networks in the United States, after which the ratio of a yard, equal to 0.914 4 meter, shall apply.

Relation to Previously Defined Standards

In 1866 (U.S. Code 1952 Ed., Title 15, Ch. 6, secs. 204 and 205) the Congress legalized the use of the metric system within the United States. The law also established approximate equivalents between customary and metric measures. The above ratios between the yard and pound and metric measures as well as those defined in the 1893–94 bulletins are consistent with the ratios established by Congress in 1866 within the limits of accuracy by which the latter are expressed.

Yard. In the 1893 Bulletin the yard was defined as:

$$1 \text{ yard} = \frac{3600}{3937} \text{ meter}$$

which results in the approximate relation:

1 yard = 0.914 401 83 meter

Thus the new value for the yard is smaller by 2 parts in one million than the 1893 yard. Numerical measures expressed in terms of the new unit will, therefore, be increased by 2 parts in one million.

Pound. The pound was defined in the 1893 Bulletin as:

$$1 \text{ pound (avoirdupois)} = \frac{1}{2.20462} \text{ kilogram}$$

The 1894 amendment, based on a recent determination of the British Imperial pound, gave the ratio as:

$$1 \text{ pound (avoirdupois)} = \frac{1}{2.20462234} \text{ kilogram}$$

which results in the approximate relation:

1 pound (avoirdupois) = 0.453 592 4277 kilogram

Thus the new value for the pound is smaller by about 1 part in 10 million than the 1894 pound. Numerical measures expressed in terms of the new unit will, therefore, be increased by about 1 part in ten million.

Changes concern science and precision tools. Such small changes are beyond the limits of accuracy by which many reference standards are now calibrated by the National Bureau of Standards, including the standards furnished to or calibrated for the State governments. Therefore, the refinements in the definitions of the yard and the pound will have no effect at all upon ordinary trade and commerce. The differences are significant, however, in a number of very precise metrological determinations such as are found in the precision machine tool and instrument industries and in certain scientific activities.

Standard inch. The value for the inch, derived from the value for the yard effective July 1, 1959, is exactly equivalent to 25.4 millimeters. It may be noted that this value was approved by the American Standards Association for "Inch-millimeter Conversion for Industrial Use" in 1933 (ASA Standard B48.1–1933), was adopted by the National Advisory Committee for Aeronautics in 1952, and has been adopted by many standardizing organizations in other countries.

Relation to grain. The new conversion factor for the pound is exactly divisible by 7 and results in the following exact value for the grain:

1 grain = 0.064 798 91 gram

The grain is the common unit of the avoirdupois, apothecary, and troy systems, there being 7000 grains in the avoirdupois pound and 5760 grains in the apothecary pound and in the troy pound.

Nautical mile. On July 1, 1954, it was announced that the Secretary of Commerce and the Secretary of Defense had agreed officially that the International Nautical Mile would henceforth be used within their respective departments. The International Nautical Mile is based on the meter and is equal to 1852 meters. Based on the yard-meter relationship then in use, the International Nautical Mile was shown as being equivalent to 6,076.10333 feet. Under the new conversion factor, the International Nautical Mile is equivalent to 6,076.11549 International feet approximately.

(For a detailed treatment of the Federal basis for weights and measures, see National Bureau of Standards Circular 593, The Federal Basis for Weights and Measures, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., price 30 cents.)

[SEAL] A. V. Astin,
Director,
National Bureau of Standards.

H. Arnold Karo,
Rear Admiral,
Director, Coast and Geodetic Survey.

Approved: June 25, 1959.

F. H. Mueller,
Under Secretary of Commerce.

[F.R. Doc. 59–5442; Filed, June 30, 1959; 8:45 a.m.]

Office of the Secretary

JOHN ROBERT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as last reported in the Federal Register:

A. Deletions:
Briggs & Stratton.
Johnson Service.
B. Additions: None.

This statement is made as of June 14, 1959.

John Robert Jones.

June 14, 1959.

[F.R. Doc. 59–5439; Filed, June 30, 1959; 8:45 a.m.]

LAWRENCE H. ZAHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as last reported in the Federal Register:

A. Deletions: None.
B. Additions:
Collins Radio.
Warner-Lambert.
British Petroleum.

This statement is made as of June 12, 1959.

Lawrence H. Zahn.

June 12, 1959.

[F.R. Doc. 59–5441; Filed, June 30, 1959; 8:45 a.m.]

JAMES G. BONNAR

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the defense production act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. James G. Bonnar.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: June 10, 1959.
4. Title of position: Assistant Director, Communications Industries Division.
5. Name of private employer: North Electric Company, Galion, Ohio.

June 19, 1959.

Carlton Hayward,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Telephone and Telegraph Company.
Ashtabula Telephone Company.
Buckeye State Bank.
North Electric Company.
Bank deposits.

James G. Bonnar.

June 17, 1959.

[F.R. Doc. 59–5440; Filed, June 30, 1959; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

WATER POLLUTION CONTROL; INTERSTATE WATERS OF MISSOURI RIVER-ST. JOSEPH, MISSOURI

Notice of Public Hearing

Whereas, on the basis of reports, surveys and studies, the Surgeon General, having reason to believe that pollution of the Missouri River caused by discharges of untreated sewage and industrial wastes by St. Joseph, Missouri, and its associated stockyard area, was endangering the health and welfare of persons in Kansas, a State other than that in which the discharges originated, called a conference pursuant to section 8 of the Federal Water Pollution Control Act (70 Stat. 504, 33 U.S.C. 466g) with respect to the pollution of the interstate waters of the Missouri River below St. Joseph, Missouri, and

Whereas, such conference was held on June 11, 1957, at St. Joseph, Missouri, and

Whereas, the conferees representing the official State water pollution control agencies of the States of Missouri and Kansas, and the Surgeon General of the Public Health Service unanimously agreed:

1. That pollution of interstate waters subject to abatement under the Federal Water Pollution Control Act is occurring in the Missouri River-St. Joseph, Missouri Area (Missouri-Kansas). Sewage and industrial wastes from St. Joseph, Missouri, and its associated stockyard district in Missouri are finding their way into the waters of the Missouri River, an interstate water as defined by the Federal Act. Such discharges cause pollution of the Missouri River so as to endanger the health and welfare of persons in Kansas, a State other than that in which the discharges originate.

2. That the effects of this pollution are: (1) Deterioration of water quality for the public water supply of Atchison, Leavenworth and Kansas City, Kansas, with associated enhancement of possible disease transmission; (2) increased concentrations of coliform and other organisms associated with human diseases which constitute a health hazard to commercial and recreational users of the river; (3) deterioration of water quality so as to interfere with its use for stock watering; (4) deterioration of water quality so as to prevent full use of the commercial fishery of the Missouri River below St. Joseph, Missouri; (5) deterioration of water quality so as to create conditions inimical to fish and wildlife in the area; and (6) impairment of water quality for many industrial uses.

3. That the measures presently used for the disposal of sewage and industrial wastes from St. Joseph, Missouri, and its associated stockyard district are not adequate to secure abatement of pollution of the interstate waters of the Missouri River.

4. That the delays encountered in abatement of such pollution are due to lack of installation of adequate waste treatment facilities or other methods for reduction of pollution by St. Joseph, Missouri, and the industries concerned.

5. That the City of St. Joseph, Missouri, and the industries of its associated stockyard district provide adequate treatment of wastes prior to their discharge, and

(a) That detailed plans and specifications for facilities to treat these wastes be completed by June 30, 1958,

(b) That contract awards for construction of these facilities be made by January 1, 1959,

(c) That the City of St. Joseph, Missouri, submit the financing of the City's proposed waste treatment facility to its voters on November 12, 1957; and

Whereas, a financing proposal for the proposed waste treatment facility was rejected in an election held on March 4, 1958, and

Whereas, the City of St. Joseph has not submitted such proposal or any other proposal for financing the proposed facility to its voters since March 4, 1958, and

Whereas, the Surgeon General of the Public Health Service on December 9, 1957, recommended to the Missouri Department of Public Health and Welfare that it take necessary remedial action under the State law to secure compliance with the recommendations of the conferees, and

Whereas, I find that such remedial action has not been taken and that other action reasonably calculated to secure abatement of such pollution has not been taken by the City of St. Joseph, Missouri, and the industrial establishments located in and adjacent to the City,

Now therefore, pursuant to section 8(e) of the Federal Water Pollution Control Act (70 Stat. 505, 33 U.S.C. 466g(e)), I hereby call a public hearing to begin at 9:00 a.m. c.s.t. on July 27, 1959 at the Empire Room, Hotel Robidoux, 5th and Francis Sts., St. Joseph, Missouri, before a Hearing Board composed of the following named persons:

Mr. Chester S. Wilson, Chairman.
Dr. Geoffrey M. Martin (representing the State of Kansas).
Mr. Freeman R. Johnson (representing the State of Missouri).
Mr. Walter Kurylo (representing the United States Department of Commerce).
Mr. Blucher A. Poole.
Mr. John S. Samson.

On the basis of the evidence presented at such hearing, the Board shall make

findings as to whether St. Joseph, Missouri, and the industrial establishments located in and adjacent to that city are causing or contributing to the pollution of the interstate waters of the Missouri River in the St. Joseph, Missouri area (Missouri-Kansas) which endangers the health or welfare of persons in States other than Missouri, and whether, if it so finds, effective progress toward abatement thereof is being made. If said Board finds that such pollution is occurring and that effective progress toward abatement is not being made, said Board shall make its recommendations to me concerning the measures, if any, which it finds reasonable and equitable to secure abatement of such pollution.

Notice of such public hearing is hereby given to the following:

Missouri Department of Public Health and Welfare, Jefferson City, Mo.
Kansas State Board of Health, State Capitol Building, Topeka, Kans.
City of St. Joseph, Mo.
Albers Milling Company, Lake Road, South St. Joseph, Mo.
American Cyanamid Company (Lederle Laboratory), Lower Lake Road, St. Joseph, Mo.
Anchor Serum Company, 24th and Frederick Avenues, St. Joseph, Mo.
Archer-Daniels-Midland Company (Commander Larabee Flour Mill), West Lake Boulevard, St. Joseph, Mo.
Armour and Company, South St. Joseph, Mo.
Bartlett and Company, 1405–06 Corby Building, St. Joseph, Mo.
Consumers Cooperative Association, Lower Lake Road, St. Joseph, Mo.
Dannen Mills, Incorporated, Lower Lake Road, St. Joseph, Mo.
Kees-Lyons Oil Company, Lake Road & Packers Avenue, St. Joseph, Mo.
St. Joseph Feed and Supply Company, 232 Packers Avenue, St. Joseph, Mo.
St. Joseph Power & Light Company, 514 Francis Street, St. Joseph, Mo.
St. Joseph Stockyards Company, South St. Joseph, Mo.
Seitz Packing Company, Lake Road and Packers Avenue, St. Joseph, Mo.
Stratton-Theis Grain Company, 1108 Corby Building, St. Joseph, Mo.
Swift and Company (Packing Plant), 400 Packers Avenue, St. Joseph, Mo.
Swift and Company (Fertilizer Plant), Agricultural Chemical Division Plant, St. Joseph, Mo.
Terminal Warehouse of St. Joseph, Packers Avenue, St. Joseph, Mo.
Union Terminal Railroad (Missouri Pacific Railroad), Third and Sylvanie Streets, St. Joseph, Mo.

Dated: June 25, 1959.

[SEAL] ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare

[F.R. Doc. 59–5447; Filed, June 30, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7263]

EASTERN AIR LINES, INC.; PITTSBURGH-SYRACUSE SERVICE

Notice of Prehearing Conference

In accordance with Order No. E–14088, which reopened the record in the Northeastern States Area Investigation, Docket No. 6436 et al., for further hearing on the application of Eastern Air Lines, Inc., in Docket No. 7263, for extension of route No. 71 beyond Syracuse to Pittsburgh, a prehearing conference is hereby assigned to be held on July 14, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., June 25, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–5474; Filed, June 30, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12831, 12832; FCC 59–603]

NORTH SHORE BROADCASTING CO., INC., AND SUBURBANAIRE, INC.

Memorandum Opinion and Order Amending Issues

In re applications of North Shore Broadcasting Co., Inc., Wauwatosa, Wisconsin, requests 1590 kc, 1 kw, DA-Day, Docket No. 12831, File No. BP–11768; Suburbanaire, Inc., West Allis, Wisconsin, requests 1590 kc, 1 kw, DA-Day, Docket No. 12832, File No. BP–12511; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge and clarify issues, filed May 4, 1959, by Suburbanaire, Inc. (Suburbanaire); (2) a reply thereto by the Commission's Broadcast Bureau, filed May 14, 1959; (3) an opposition to the petition, filed May 15, 1959, by North Shore Broadcasting Co., Inc. (North Shore); and (4) a reply to the opposition, filed May 25, 1959, by Suburbanaire.

2. North Shore and Suburbanaire are applicants for construction permits for new standard broadcast stations in Wauwatosa, Wisconsin, and West Allis, Wisconsin, respectively. Because the simultaneous operation of both proposals would result in mutually destructive interference, these proposals were designated for hearing in a consolidated proceeding on several issues, including the standard comparative issue and an issue under section 307(b) of the Communications Act of 1934, as amended. The designation Order (FCC 59–310) recites that North Shore has filed an application for renewal of license of Station WEAW–FM, Evanston, Illinois, and that the Commission has raised questions as to whether in its operation of this station North Shore has abdicated control over programming and has violated Commission Rules by eliminating certain announcements from the programs transmitted. The designation Order states that in the event North Shore's application is favored, it will be held without final action pending Commission action on its applications for renewal of licenses of Stations WEAW and WEAW–FM.

3. Suburbanaire requests the addition of an issue as to whether the 5 mv/m contour of the proposed operation of North Shore would encompass the most distant residential area within Wauwatosa, as contemplated by § 3.188(b)(2) of the Commission's rules.[1] Suburbanaire alleges that approximately 27 percent of Wauwatosa—and North Shore concedes that 11.75 percent of the population of Wauwatosa—will not receive a signal of 5 mv/m from North Shore's proposal. Suburbanaire also requests clarification as to whether the circumstances surrounding North Shore's operation of WEAW–FM may be considered under the standard comparative issue; if not, it requests enlargement of the issues to permit their consideration.

4. In view of the incomplete coverage of North Shore's proposal, the issues in this proceeding will be enlarged to include an issue under § 3.188(b)(2) of the rules. While North Shore does not object to the inclusion of such an issue, it suggests that the issue be couched in terms of whether its proposal would "adequately" serve the area of Wauwatosa and thereby avoid an implication that the requirement of § 3.188(b)(2) is an absolute. North Shore's concern in this regard is obviated by the fact that the issue as herein adopted does not imply that coverage of less than all of the city will require a denial of the application. Moreover, the last clause of the adopted issue permits a determination as to whether circumstances exist which would warrant a waiver of the rule in question.

5. There is no necessity to enlarge the issues to permit consideration of the circumstances surrounding North Shore's operation of Station WEAW–FM. These circumstances are clearly part of North Shore's "background and experience" under the standard comparative issue, which is one of the issues in this proceeding.

Accordingly, it is ordered, This 24th day of June 1959, that the petition of Suburbanaire, Inc., filed May 4, 1959, is granted to the extent indicated herein and is in all other respects denied; and that the issues in this proceeding are amended to renumber issues 3 and 4 as issues 4 and 5 and to include as issue 3 the following:

3. To determine whether the 5 mv/m contour of the proposed operation of North Shore Broadcasting Co., Inc. would encompass the most distant residential area within Wauwatosa, Wisconsin, as required by § 3.188(b)(2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

Released: June 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5477; Filed, June 30, 1959; 8:50 a.m.]

[1] Section 3.188(b)(2) provides in part that: "The site selected should meet the following conditions:
• • • (2) A minimum field intensity of 5 to 10 mv/m will be obtained over the most distant residential section."

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1773]

CORDILLERA MINING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1959.

I. Cordillera Mining Company (issuer), a Colorado corporation, 317 Main Street, Grand Junction, Colorado, filed with the Commission on June 8, 1955, a notification on Form 1–A and an offering circular, and filed amendments thereto, relating to an offering of 2,995,000 shares of its 10¢ par value common stock at 10¢ per share for an aggregate offering of $299,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The issuer and Hobard David Lasseter, a promoter and director, have been enjoined by the United States District Court for the Northern District of Texas from engaging in or continuing conduct or practices in connection with the purchase and sale of securities, within the meaning of Rule 223(a)(6) of Regulation A.

B. The terms and conditions of Regulation A have not been complied with, in that written communications were used which were not filed with the Commission, as required by Rule 221.

C. The offering circular contains untrue statements of material facts, and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the status of the issuer's options to acquire mining claims;

2. The failure to disclose the acquisition of a leasehold interest in the Sein Fein properties;

3. The failure to disclose the status of mining operations on the Sein Fein properties;

4. The failure to disclose the status of assessment work on the issuer's unpatented mining claims;

5. The failure to disclose that Lasseter & Company has withdrawn as underwriter of the offering;

6. The failure to disclose that the vice-president and the secretary-treasurer of the issuer had resigned and were replaced.

D. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59–5451; Filed, June 30, 1959; 8:46 a.m.]

[File No. 24D–2014]

GREENLITE URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1959.

I. Greenlite Uranium Corporation (issuer), a Nevada corporation, 2419 South Fifth Street, Las Vegas, Nevada, filed with the Commission on January 27, 1956, a notification on Form 1–A and an offering circular, and filed an amendment thereto, relating to an offering of 3,000,000 shares of its 10¢ par value common stock at 10¢ per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The staff having requested the issuer to file amendments with respect to the matters set forth below, and having received no response thereto in the form of an amendment or withdrawal of the filing, the Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification on Form 1–A fails to set forth the exemption claimed with respect to unregistered securities sold prior to filing and the facts relied upon for claiming such exemption;

2. The issuer has failed to file the consent of Frontier Investment, Inc. to be named as underwriter in connection with the offering.

B. The offering circular contains untrue statements of material facts, and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the status of the issuer's leases and contracts to purchase mining claims;

2. The failure to disclose the status of assessment work on the issuer's unpatented mining claims;

3. The failure to disclose the terms of an option granted Frontier Investment, Inc. to purchase 100,000 shares of the issuer's 10¢ par value common stock.

C. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59–5452; Filed, June 30, 1959; 8:46 a.m.]

[File No. 24D–1692]

OLD FAITHFUL URANIUM, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1959.

I. Old Faithful Uranium, Inc. (issuer), a Wyoming corporation, 300 Consolidated Royalty Building, Casper, Wyoming, filed with the Commission on April 22, 1955, a notification on Form 1–A and an offering circular, and filed amendments thereto, relating to an offering of 4,500,000 shares of its 1 cent par value common stock at 5 cents per share for an aggregate offering of $225,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the status of the issuer's obligations on its mining leases;

2. The failure to disclose that the issuer has acquired additional claims

and options to purchase various upgrading mills;

3. The failure to disclose the status of assessment work on the issuer's unpatented mining claims;

4. The failure to disclose that the officers of the issuer were replaced;

5. The failure to disclose that another underwriter has replaced the named underwriter.

B. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-5453; Filed, June 30, 1959; 8:46 a.m.]

[File No. 24D-1951]

PUMPKIN BUTTES URANIUM CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1959.

I. Pumpkin Buttes Uranium Co., Inc. (issuer), a Delaware corporation, 618 6th Street, Rapid City, South Dakota, filed with the Commission on October 6, 1955, a notification on Form 1-A and offering circular relating to an offering of 500,000 shares of its 10 cents par value common stock at 10 cents per share for an aggregate offering of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The staff having requested the issuer to file amendments with respect to the matters set forth below, and having received no response thereto in the form of an amendment or withdrawal of the filing, the Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the status of the issuer's obligations on its mining leases;

2. The failure to disclose the status of the issuer's options to enter into mining leases;

3. The failure to disclose the status of assessment work on the issuer's unpatented mining claims;

4. The failure to disclose that the treasurer and director of the issuer had resigned;

B. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-5454; Filed, June 30, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 14]

APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT DURING INTERIM PERIOD

JUNE 26, 1959.

Applications for motor carrier certificate or permit covering operations commenced during the "interim" period, after May 1, 1958, but on or before August 12, 1958.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 113843 (Sub No. 33), (REPUBLICATION), filed December 8, 1958, published FEDERAL REGISTER issue of April 1, 1959. Applicant REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James Michael Walsh, 316 Summer Street, Boston 10, Mass. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea,* and *bananas,* in straight and in mixed loads with *certain exempt commodities*, from points in Massachusetts, Maine, New York, Pennsylvania, Michigan, Illinois, Virginia, Maryland and Ohio, to points in Ohio, Maine, Massachusetts, Michigan, Rhode Island, Connecticut, Minnesota, Missouri, Colorado, Indiana, Wisconsin, Virginia, Oklahoma, New Jersey, Kentucky, Tennessee, Pennsylvania, Kansas, Texas, Florida, New York and Indiana.

NOTE: The purpose of this republication is to advise that applicant's attorney states that the application above, originally noticed in the FEDERAL REGISTER on the date shown, did not accurately reflect the operations performed. And the actual transportation will be substantiated by documentary evidence to be presented at the hearing covering the transportation of the above commodities, between all points in the States of: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

HEARING: Remains as assigned July 30, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner David Waters.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-5459; Filed, June 30, 1959; 8:47 a.m.]

[Notice 90]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 26, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 45657 (Deviation No. 3), PICWALSH FREIGHT CO., 731 Campbell Avenue, St. Louis 15, Mo., filed June 17, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Salem and Red Bud, Ill., as follows: from Salem over Illinois Highway 37 to Mt. Vernon, Ill., thence over U.S. Highway 460 to Freeburg, Ill., thence over Illinois Highway 13 to junction Illinois Highway 156, thence over Illinois Highway 156 to junction Illinois Highway 159, thence over Illinois Highway 159 to Red Bud, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Salem and Red Bud as follows: from Salem over U.S. Highway 50 to St. Louis, Mo., thence across the Mississippi River to East St. Louis, Ill., and thence over Illinois Highway 3 to Red Bud.

No. MC 75320 (Deviation No. 10), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 390, Springfield, Mo., filed June 12, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Ittabena, Miss., over Mississippi Highway 7 to junction Mississippi Highway 12, thence over Mississippi Highway 12 to junction Mississippi Highway 17, and thence over Mississippi Highway 17 to junction U.S. Highway 51, north of Pickens, Miss., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized routes, as follows: from Greenville, Miss., over U.S. Highway 82 to Greenwood, Miss., thence over U.S. Highway 82 to Vernon, Ala.; from Memphis, Tenn., over U.S. Highway 51 to Canton, Miss.; and return over the same routes.

No. MC 78632 (Deviation No. 3), HOOVER MOTOR EXPRESS CO., INC. P.O. Box 450, Nashville, Tenn., filed June 15, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Chester, Ill., and Memphis, Tenn., as follows: from Chester across the Toll Bridge to Missouri Highway 51, thence over Missouri Highway 51 to Perryville, Mo., thence over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to junction Missouri Highway 55, thence over Missouri Highway 55 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Chester and Memphis over the following pertinent route: from Chester over Illinois Highway 3 to Cairo, Ill., and thence over U.S. Highway 51 via Fulton, Ky., to Memphis.

No. MC 97699 (Sub No. 2) (Deviation No. 3), BARBER TRANSPORTATION CO., P.O. Drawer 1431, Rapid City, S. Dak., filed June 16, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Ames, Iowa and Sioux City, Iowa, as follows: from Ames over U.S. Highway 69 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Sioux City, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Ames and Sioux City over the following pertinent route: from Ames over U.S. Highway 30 to junction Iowa Highway 141, and thence over Iowa Highway 141 to Sioux City.

No. MC 110325 (Sub. No. 1) (Deviation No. 7), TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., filed June 15, 1959. Attorney for said carrier, Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Selmer, Tenn., and Atlanta, Ga., as follows: from Selmer over U.S. Highway 64 to Chattanooga, Tenn., thence over U.S. Highway 41 to Atlanta and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Selmer and Atlanta over a pertinent authorized route as follows: from Selmer over U.S. Highway 45 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction Mississippi Highway 25 at Iuka, Miss., thence over Mississippi Highway 25 to Belmont, Miss., thence over County Highway 366 to Red Bay, Ala., thence over Mississippi Highway 23 to Tremont, Miss., and thence over U.S. Highway 78 to Atlanta, Ga.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-5461; Filed, June 30, 1959; 8:47 a.m.]

[Notice 146]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 26, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62217. By order of June 25, 1959, The Transfer Board approved the transfer to Produce Haulers, Inc., 210 James Building, Chattanooga, Tenn., of the "grandfather" operating rights claimed to have been performed by William B. Dupree, 1610 Camden St., Chattanooga, Tenn., under section 7 of the Transportation Act of 1958, (72 Stat. 574), for which a Certificate is sought in Docket No. MC 118254, authorizing the transportation of: Bananas, from New Orleans, La., Mobile, Ala., Miami and Tampa, Fla., and Charleston, S.C., to points in Alabama, Florida, Georgia, Indiana, Illinois, Iowa, Kentucky, Ohio, Tennessee, and Louisiana.

No. MC-FC 62285. By order of June 25, 1959, The Transfer Board approved the transfer to Neal McCabe, doing business as Gunn Transfer Company, St. Louis, Mo., of a Certificate in No. MC 69853, issued December 4, 1957, to Kathryn McCabe, and Neal McCabe, a partnership, doing business as Gunn Transfer Company, St. Louis, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between St. Louis, Mo., and East St. Louis, Ill.; machinery and parts between St. Louis, Mo., and Wood River, Ill.; oxygen and acetylene gas, in containers, from points within 30 miles of St. Louis, Mo.; empty oxygen and acetylene gas containers from points within 30 miles of St. Louis, Mo.; and structural steel from St. Louis, Mo., to points within 50 miles thereof. Austin C. Knetzger, Attorney, 722 Chestnut Street, St. Louis, Mo.

No. MC-FC 62294. By order of June 25, 1959, The Transfer Board approved the transfer to Stanley E. Wright and Forrest E. McHenry, a Partnership, doing business as Wright & McHenry, Charleston, Illinois, of the operating rights in Certificate No. MC 107746, issued November 14, 1947, to Ross Chism, Charleston, Illinois, authorizing the transportation, over irregular routes, of livestock and agricultural commodities, from points in six counties in Illinois to Indianapolis, Indiana, coal, from mines located in Clay County, Ind., to points in Coles County, Ill., such merchandise as is dealt in by wholesale and retail

grocery and food business houses, from Indianapolis, Ind., to Janesville, Bradbury, and Lerna, Ill., and animal and poultry feed, from Indianapolis, Ind., to Charleston, Ill. W. L. Jordan, 201 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Indiana.

No. MC–FC 62297. By order of June 24, 1959, The Transfer Board approved the transfer to Robert L. Krause, doing business as R. L. Krause Trucking, Manitowoc, Wisconsin, the operating rights in Certificate No. MC 115608 Sub 1, issued July 30, 1957, to Tempco Distributing Co., Inc., Manitowoc, Wisconsin, authorizing the transportation of styrofoam products, from Manitowoc, Wis., to Chicago, Ill., and materials and supplies used in the manufacture and marketing of styrofoam products, from Chicago, Ill., to Manitowoc, Wis. Claude J. Jasper, Jasper, Winner & Perina, Suite 616–617 Tenney Bldg., 110 East Main St., Madison 3, Wis.

No. MC–FC 62337. By order of June 25, 1959, The Transfer Board approved the transfer to Tri-State Transport, Inc., Boston, Massachusetts, of a Certificate in No. MC 57315 Sub 1, issued April 18, 1955, to James J. Donahue, doing business as J. J. Donahue & Co., Needham Heights, Massachusetts, authorizing the transportation of specified commodities, between specified points in Massachusetts, Rhode Island, and Connecticut. George C. O'Brien, The Eight Floor, 32 Broad Street, Boston 9, Massachusetts.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5462; Filed, June 30, 1959; 8:47 a.m.]

[Notice 275]

MOTOR CARRIER APPLICATIONS

JUNE 26, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 333), filed June 11, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles, space vehicles, space satellites* and *parts thereof*, requiring special equipment for their transportation, *equipment* and *parts* of such missiles, vehicles and satellites, and *mobile launching, guidance, monitoring and control units* when the transportation of such equipment, parts and units is incidental to and transported in connection with such missiles, vehicles or satellites, from points in San Diego County, Calif., to Patrick Air Force Base, Cape Canaveral, Fla., and the return of *shipper-owned or government-owned trailers* which have been used in the outbound transportation of the foregoing commodities. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 107496 (Sub No. 136), filed May 28, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Lyon County, Minn., to points in South Dakota and Iowa. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: July 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 181, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

No. MC 107496 (Sub No. 137), filed June 5, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk, in tank vehicles, (1) from Norfolk, Nebr., and points within ten miles thereof to points in South Dakota and Iowa, and (2) from Yankton, S. Dak., and points within ten miles thereof to points in Nebraska, Iowa and Minnesota. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Texas and Wisconsin.

HEARING: July 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 113410 (Sub No. 21), filed May 25, 1959. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Marshall, Minn., and points within 10 miles thereof to points in South Dakota, and *rejected shipments* of petroleum products on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: July 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner Allan F. Borroughs.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 52460 (Sub No. 48), filed June 8, 1959. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: JAMES W. WRAPE, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from the site of the Pine Bluff Arsenal, at or near Pine Bluff, Ark., to Mt. Pleasant and Wichita, Tex. Applicant is authorized to conduct operations in Kansas, Oklahoma, Arkansas, Texas, Tennessee, Missouri, Louisiana, Iowa, Illinois, and Colorado.

No. MC 52460 (Sub No. 49), filed June 8, 1959. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzine* (benzol), *toluene* (toluol), *xylene* (xylol), and *petroleum naphtha*, in bulk, in tank vehicles, from Potwin, Kans., to Memphis, Tenn. Applicant is authorized to conduct operations in Arkansas, Oklahoma, Illinois, Kansas, Louisiana, Missouri, New Mexico, Tennessee, and Texas.

No. MC 98707 (Sub No. 7), filed June 15, 1959. Applicant: MILES MOTOR TRANSPORT SYSTEM, a corporation, P.O. Box 510, Stockton, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the site of the Ideal Cement Company plant, located near San Juan Bautista, Calif., (approximately three (3) miles east of U.S. Highway 101 and approximately ten (10) miles south of Gilroy, Calif.), to docks at San Francisco, Redwood City, Richmond, Oakland, and Alameda, Calif., and *contaminated or rejected shipments* of Cement on return. Applicant is authorized to conduct operations in California, Nevada, and Oregon.

No. MC 112713 (Sub No. 84), filed June 22, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, 1626 Walnut Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between Tulsa, Okla., and Preston, Okla.: from Tulsa over U.S. Highway 169 to junction Oklahoma Highway 138, and thence over Oklahoma Highway 138 to Preston, and return over the same route, serving no intermediate points, and with service at Preston for joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular routes between the same termini over U.S. Highways 75 and 66, as set out at Line 1, sheet 4 and Line 8, Sheet 2 in Certificate No. MC 112713. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

No. MC 117596 (Sub No. 1), filed June 17, 1959. Applicant: ROBERT O. DALE, 1239 Rhine Street, Mankato, Minn. Applicant's attorney: Hoyt Crooks, 642 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, for animal or poultry feed and *lime* (ground or pulverized limestone), in containers or in bulk, from Hannibal, Mo., to points in Nebraska and Wisconsin, and *empty containers* and *rejected shipments*, otherwise only exempt agricultural commodities on return.

MOTOR CARRIER OF PASSENGERS

No. MC 35124 (Sub. No. 12), filed June 22, 1959. Applicant: HILL BUS COMPANY, a corporation, 126 North Washington Avenue, Bergenfield, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Dumont, N.J., and Bergenfield, N.J., from junction Madison Avenue with the New York Central Railroad in Dumont, over Madison Avenue to Washington Avenue, and thence over Washington Avenue to Clinton Avenue in Bergenfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. (2) Applicant also applies for a restriction to be imposed against service at intermediate points on the segment of its present unrestricted route in Dumont, N.J., as follows: On Madison Avenue between the New York Central Railroad and Johnson Avenue, excluding the latter intersection. Applicant is authorized to conduct operations in New Jersey and New York.

PETITIONS

No. MC 30319 (Sub No. 74). Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. By petition dated November 14, 1958, in No. MC 30319 and sub numbers thereunder, petitioner sought reopening for "relocation of restrictions" in the lead docket, MC 30319, and various subsequently-numbered authorities. It is the purpose of this publication to reflect the relief sought pertaining to the subject authority in Certificate No. MC 30319 (Sub No. 74) on page 2 of the instant petition, which reads: "Removing in its entirety that restriction appearing in Certificate No. MC 30319 (Sub–No. 74) dated April 26, 1957, which states: 'The service to be rendered hereunder shall be subject to existing key point and other restrictions as set forth in Certificate No. MC–30319, issued February 13, 1956; in addition thereto, the service authorized herein is restricted against the transportation of shipments in interstate or foreign commerce which move wholly in over-the-highway motor carrier service between Houston or San Antonio, on the one hand, and, on the other, Edinburg, Tex., and points south of Edinburg located on the line of the Railroad.'" An Order of Division one entered May 18, 1959, in MC 30319 and Subs thereunder, including No. MC 30319 (Sub No. 74), provides that the petitions be assigned for oral hearing at a time and place to be hereafter fixed.

No. MC 108518 (PETITION FOR DECLARATORY ORDER). Petitioner: IRON & STEEL TRANSPORT, INC., Canton, Ohio. Petitioner's attorney: Ernie Adamson, Middleburg, Va. By petition received May 20, 1959, petitioner states that shippers and competitors request clarification of the language in that portion of the Certificate No. MC 108519, dated June 14, 1955, reading: "*Iron & steel*, and *iron and steel articles*, which because of size, weight, or nature require the use of flat-bottom vehicles or vehicles with sides not in excess of 36 inches in height, from Canton, Louisville, and Massillon, Ohio, and points within one mile of Canton, Louisville, and Massillon, to points in Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette Counties, Pa., and those in New York on and west of New York Highway 14, except Rochester and Buffalo, N.Y., with no transportation for compensation on return except as otherwise authorized. *Iron, steel, manufactured iron and steel articles, motors, machinery*, and *machinery parts*, between points in Cuyahoga, Summit, Stark, Tuscarawas, Portage, Mahoning, and Trumbull Counties, Ohio, on the one hand, and, on the other, Buffalo and Rochester, N.Y., all points in Indiana, points in Illinois in the Chicago, Ill. Commercial Zone as defined by the Commission, points in Erie, Crawford, Mercer, Venango, Lawrence, Beaver, Washington, Allegheny, Butler, and Greene Counties, Pa., those in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., and those in Michigan on and south of Michigan Highway 46. From the site of the plant of The Timken Roller Bearing Company, approximately three-fourths of a mile south of Wooster, Ohio, to points in New York on and west of New York Highway 14, all points in Indiana, points in Illinois in the Chicago, Ill. Commercial Zone as defined by the Commission, points in Erie, Crawford, Mercer, Venango, Lawrence, Beaver, Washington, Allegheny, Butler, Greene, Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette Counties, W. Va., and those in Michigan on and south of Michigan Highway 46. *Damaged and rejected shipments of above-specified commodities*, from the above-specified destination points, to the above-designated points, to the above-designated origin points." Petitioner requests that after hearing, an order be entered "(a) declaring that petitioner's existing Certificate authorizes the transportation as described herein, of machinery, iron and steel articles and iron and steel, and (b) if it is found that the said Certificate does not properly cover petitioner's well established operations in transporting machinery, iron and steel and iron and steel articles; then modifying or amending the said Certificate so as to authorize such operations." Any person or persons desiring to participate in the proceedings in No. MC 108518 may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC–116597 (Sub–No. 3) CHANCEY TRUCK LINE, INC., EXTENSION—TENNESSEE, DECATUR, GA. (Decatur, Ga.) The following covers an Order entered at a General Session of the Interstate Commerce Commission on June 15, 1959, in the above-entitled proceeding: The Order refers to the petition of applicant filed February 6, 1959, for reconsideration, for further hearing, or for oral argument. Various replies to the petition were tendered by protestants. The Order of June 15, 1959, reopens the proceeding for further hearing at a time and place to be hereafter fixed.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIER OF PASSENGERS

No. MC 120083 (Sub No. 1), filed June 18, 1959. Applicant: LINCOLN COACH LINES, a corporation, P.O. Box 369, Irwin, Pa. Applicant's attorney: James W. Hagar, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, (1) between Pittsburgh, Pa., and Bedford, Pa., over U.S. Highway 30, serving all intermediate points; (2) between junction of unnumbered highway and U.S. Highway 30 East of St. Xavier and junction Pennsylvania Highway 982 and U.S. Highway 30, from junction unnumbered highway and U.S. Highway 30 over unnumbered highways to Latrobe, thence over Pennsylvania Highway 982 to junction of U.S. Highway 30, and return over the same route, serving all intermediate points. Applicant is authorized to perform the above operations under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

NOTE: This matter is directly related to MC–F 7234.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections

5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7039, McCRACKEN VAN & STORAGE CO.—PURCHASE—CORA E. HAMMER, (FORMERLY CORA E. SEELYE), published in the November 26, 1958, issue of the FEDERAL REGISTER on page 9166. Application filed June 18, 1959, for temporary authority under section 210a(b).

No. MC–F 7233. Authority sought for merger into TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa, of the operating rights and property of CORDLE CARTAGE COMPANY, INC., Charles City, Iowa, and for acquisition by FRANK J. WIRTZ, 18000 Governor's Highway, Homewood, Ill., of control of such rights and property through the transaction. Applicants' attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be merged: *General commodities*, as a *common carrier* over regular routes, between Mason City, Iowa, and Osage, Iowa, between Osage, Iowa, and Stacyville, Iowa, between Osage, Iowa, and Waterloo, Iowa, and between Riceville, Iowa, and LaCrosse Wis., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Iowa Falls, Iowa, and Mason City, Iowa, between Thornton, Iowa, and Mason City, Iowa, from Mason City, Iowa, to Austin, Minn., between Mason City, Iowa, and Grafton, Iowa, and between LaCrescent, Minn., and Davis Corners, Iowa, serving certain intermediate points; alternate route for operating convenience only between Nora Springs, Iowa, and Floyd, Iowa; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Hampton, Iowa, on the one hand, and, on the other, Latimer, Coulter, Alexander, Rowan, Hansell, Dumont, Sheffield, Dows and Geneva, Iowa. TAKIN BROS. FREIGHT LINE, INC., is authorized to operate as a *common carrier* in Iowa, Illinois, Indiana and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7235. Authority sought for control by ANDREW McDERMOTT, INC., 224 Murray Street, Newark 5, N.J., of HARVEY REDDEN, INC., 221 Murray Street, Newark 5, N.J., and for acquisition by ANN McDERMOTT, also of Newark, of control of HARVEY REDDEN, INC., through the acquisition by ANDREW McDERMOTT, INC. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be controlled: *Construction equipment, materials,* and *supplies,* as a *contract carrier* over irregular routes, between points in that part of New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania within 115 miles of Newark, N.J.; *railroad equipment, materials,* and *supplies,* between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey and New York along the rail routes of the Pennsylvania Railroad; *magazines* and *paper,* between Dunellen, N.J., and New York, N.Y., on the one hand, and, on the other, points in Bergen, Union, Essex, Middlesex, Passaic, and Hudson Counties, N.J.; application is pending for the conversion of these rights to *common carrier* rights; *passengers,* restricted to the transportation of workmen to or from railway maintenance and/or repair jobs, between points on the line of the Pennsylvania Railroad lying between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa. ANDREW McDERMOTT, INC., is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania and Connecticut. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7234. Authority sought for purchase by LINCOLN COACH LINES, P.O. Box 369, Irwin, Pa., of a portion of the operating rights of BLUE AND WHITE LINE, INC., 516 West Plank Road, Altoona, Pa., and for acquisition by DAVID R. MAGILL, EMMA L. MAGILL, THOMAS A. MAGILL and DAVID E. MAGILL, all of Irwin, Pa., and PAUL W. MAGILL, R.D. #1, Greensburg, Pa., of control of such rights through the purchase. Applicants' attorney: James W. Hagar, Commerce Building, P.O. Box 432, Harrisburg, Pa. Operating rights sought to be transferred: *Passengers and their baggage,* and *express, newspapers,* and *mail,* in the same vehicle with passengers, as a *common carrier* over regular routes from Bedford, Pa., to Madley, Pa., between Cumberland, Md., and Madley, Pa., between Corriganville, Md., and junction U.S. Highway 40 and Maryland Highway 35, near Cumberland, Md., and between Manns Choice, Pa., and Wolfsburg, Pa., serving all intermediate points. Vendee is authorized to operate as a *common carrier* under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC 120083 Sub 1 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5463; Filed, June 30, 1959; 8:48 a.m.]

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JUN 30 1959
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THE NATIONAL ARCHIVES

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VOLUME 24 NUMBER 129

Washington, Thursday, July 2, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.407]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 27, 1959, paragraph (b) is amended by the deletion of the following:

Colombia, all posts except Barranquilla, Bogota, Cali and Medellin.

2. Effective as of the beginning of the first pay period following June 27, 1959, paragraph (a) is amended by the addition of the following:

San Andres Island, Colombia.

3. Effective as of the beginning of the first pay period following June 27, 1959, paragraph (b) is amended by the addition of the following:

Colombia, all posts except Barranquilla, Bogota, Cali, Medellin and San Andres Island.

4. Effective as of the beginning of the first pay period following December 27, 1958, paragraph (c) is amended by the addition of the following:

Ismailia, United Arab Republic.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Acting Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

JUNE 19, 1959.

[F.R. Doc. 59-5502; Filed, July 1, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Oranges (Texas and States Other Than Florida, California and Arizona) [1]

On May 8, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3731) regarding proposed amendments to the United States Standards for Oranges (Texas and States other than Florida, California and Arizona).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Oranges (Texas and States other than Florida, California and Arizona) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GENERAL

Sec.
51.680 General.

GRADES

51.681 U.S. Fancy.
51.682 U.S. No. 1.
51.683 U.S. No. 1 Bright.
51.684 U.S. No. 1 Bronze.
51.685 U.S. Combination.
51.686 U.S. No. 2.
51.687 U.S. No. 2 Russet.
51.688 U.S. No. 3.

UNCLASSIFIED

51.689 Unclassified.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

Title 17 ($0.70)

Previously announced: Title 3, 1958 Supp. ($0.35); Titles 4–5 ($0.50); Title 6 ($1.75); Title 7, Parts 1–50 ($4.00); Parts 51–52 ($6.25); Parts 53–209 ($5.50); Parts 210–899 ($2.50); Parts 900–959 ($1.50); Part 960 to end ($2.25); Title 8 ($0.35); Title 9 ($4.75); Titles 10–13 ($5.50); Title 14, Parts 1–39 ($0.55); Parts 40–399 ($0.55); Part 400 to end ($1.50); Title 15 ($1.00); Title 16 ($1.75); Title 18 ($0.25); Title 19 ($0.75); Title 21 ($1.00); Titles 22–23 ($0.35); Title 24 ($4.25); Title 25 ($0.35); Title 26, Parts 1–79 ($0.20); Parts 80–169 ($0.20); Parts 170–182 ($0.20); Part 300 to end, Title 27 ($0.30); Title 26 (1954) Parts 1–19 ($3.25); Parts 20–221 ($3.00); Part 222 to end ($2.75); Titles 28–29 ($1.50); Titles 30–31 ($3.50); Title 32, Parts 1–399 ($1.50); Parts 400–699 ($1.75); Parts 700–799 ($0.70); Parts 800–1099 ($2.50); Part 1100 to end ($0.35); Title 32A ($0.40); Title 33 ($1.50); Titles 35–37 ($1.25); Title 38 ($0.55); Title 39 ($0.70); Titles 40–42 ($0.35); Title 43 ($1.00); Titles 44–45 ($0.60); Title 46, Parts 1–145 ($1.00); Parts 146–149, 1958 Supp. 2 ($1.50); Part 150 to end ($0.50); Title 47, Parts 1–29 ($0.70); Part 30 to end ($0.30); Title 49, Parts 1–70 ($0.25); Parts 71–90 ($0.70); Parts 91–164 ($0.40); Part 165 to end ($1.00); Title 50 ($0.75)

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DEFINITIONS

51.694 Similar varietal characteristics.
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51.697 Well formed.
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AUTHORITY: §§ 51.680 to 51.712 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GENERAL

§ 51.680 General.

These standards apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines for which separate U.S. Standards are issued. These standards do not apply to Florida, or to California and Arizona for which separate United States Standards are issued.

GRADES

§ 51.681 U.S. Fancy.

"U.S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and free from damage caused by dirt or other foreign material, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected by discoloration. (See § 51.690.)

§ 51.682 U.S. No. 1.

"U.S. No. 1" consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign material, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) Oranges of the early and mid-season varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface in the aggregate may be affected by discoloration. (See § 51.690.)

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected by discoloration. (See § 51.690.)

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that more than 10 percent but not more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface in the aggregate affected by discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruit is caused by rust mite, all fruit may have in excess of one-third of the surface affected by discoloration. (See § 51.690.)

§ 51.685 U.S. Combination.

Any lot of oranges may be designated "U.S. Combination" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U.S. No. 1 grade, and each of the remainder of the oranges meets the requirements of U.S. No. 2 grade, except that the fruit shall meet the following requirements for color:

(a) In this grade the U.S. No. 1 oranges shall be fairly well colored and the U.S. No. 2 oranges shall be reasonably well colored. (See § 51.690.)

§ 51.686 U.S. No. 2.

"U.S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, not more than slightly rough, which are free from bruises, cuts which are not healed, decay, growth cracks, and free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign material, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface in the aggregate may be affected by discoloration. (See § 51.690.)

§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half

of their surface, in the aggregate, affected by discoloration. (See § 51.690.)

§ 51.688 U.S. No. 3.

"U.S. No. 3" consists of oranges of similar varietal characteristics which are mature; which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed and from decay, and free from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.690.)

UNCLASSIFIED

§ 51.689 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.690 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) *U.S. No. 1 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(c) *U.S. No. 1 Bright Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(d) *U.S. No. 1 Bronze Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *U.S. Combination Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(f) *U.S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U.S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U.S. No. 1 required or specified: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(g) *U.S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. Individual containers may have less than the required percentage of fruits having in excess of one-half of their surface, in the aggregate, affected by discoloration: *Provided,* That the entire lot averages within the percentage required. None of the foregoing tolerances shall apply to wormy fruit.

(h) *U.S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.691 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination, not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.692 Standard pack for oranges except Temple variety.

(a) Oranges shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in standard nailed boxes, each box shall have a minimum bulge of 1¼ inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container are outside the range of diameters given in the following tables for various packs and different sizes of containers.

TABLE I

[When packed in 1⅔ bushel containers or half-1⅔ bushel containers]

Count in box pack	Count in half box pack	Diameter in inches	
		Minimum	Maximum
126's	63	3²⁄₁₆	3⁹⁄₁₆
150's	75	2¹⁵⁄₁₆	3⁵⁄₁₆
176's	88	2¹²⁄₁₆	3¼
200's	100	2¹⁰⁄₁₆	2¹⁵⁄₁₆
216's	108	2⅝	2¹³⁄₁₆
252's	126	2⁷⁄₁₆	2¹¹⁄₁₆
288's	141	2⁵⁄₁₆	2⁹⁄₁₆
324's	162	2³⁄₁₆	2⁷⁄₁₆

TABLE II

[When packed in 1⅔ bushel containers or half-1⅔ bushel containers]

Count in box pack	Count in half box pack	Diameter in inches	
		Minimum	Maximum
90's	48	3⁶⁄₁₆	3¹³⁄₁₆
120's	63	3⅜	3¹⁰⁄₁₆
150's	75	3	3⁶⁄₁₆
176's	88	2¹⁴⁄₁₆	3⅛
200's	100	2¹²⁄₁₆	3¼
216's	108	2¹⁰⁄₁₆	3
252's	126	2⅝	2¹⁴⁄₁₆
288's	144	2⁶⁄₁₆	2¹³⁄₁₆
324's	162	2⅜	2¹¹⁄₁₆

(d) "Uniform in size" means that for either 1⅔ bushel or 1⅗ bushel containers when oranges are packed for 150 box count or smaller size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of fruits in any container shall be within a diameter range of four-sixteenths inch; when packed for 126 box count or larger size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of the fruits in any container shall be within a diameter range of five-sixteenths inch.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING AND FILL

§ 51.693 Standard sizing and fill.

(a) Boxes or cartons in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: *Provided,* That the oranges in the containers are at least fairly uniform in size as defined in § 51.692: *And provided further,* That the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

DEFINITIONS

§ 51.694 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

"Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

"Injury", unless otherwise specifically defined in this section, means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.700 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent that the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Creasing when causing the skin to be materially weakened;

(c) Dryness or mushy condition when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle seven-eighths inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided,* That the appearance of the orange is not affected to a greater extent than the area permitted on a 200-size orange;

(e) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a blotch the area of a circle five-eighths inch in diameter;

(g) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a

deep, rough or hard scar aggregating the area of a circle one-fourth inch in diameter;

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a slightly rough scar with slight depth aggregating the area of a circle seven-eighths inch in diameter;

(3) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a smooth or fairly smooth scar with slight depth aggregating the area of a circle 1¼ inches in diameter; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the orange to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(h) Split, rough or protruding navels when there are more than three splits, or when any split is unhealed or more than one-fourth inch in length; or when any navel opening is so wide or navel growth so folded or ridged that it materially affects the appearance of the fruit; or when the navel flares, bulges or protrudes beyond the general contour of the orange to the extent that it is subject to mechanical injury in the process of proper grading, packing and handling;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened or hard;

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.703 Fairly well colored.

"Fairly well colored" means that except for one inch in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

"Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or when the fruit texture is seriously affected;

(c) Creasing when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots when seriously affecting the appearance of the individual fruit;

(f) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(g) Scale when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a blotch the area of a circle seven-eighths inch in diameter;

(h) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a deep or rough scar aggregating the area of a circle one-half inch in diameter;

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a slightly rough scar with slight depth aggregating the area of a circle 1¼ inches in diameter; and,

(3) Scars which are slightly rough, smooth or fairly smooth with no depth and affect the appearance of the orange to a greater extent than the amount of discoloration permitted. (Slightly rough, smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(i) Split, rough or protruding navels when there are more than four splits, or when any split is unhealed or more than one-half inch in length, or when the aggregate lengths of all splits exceed one inch; or when any navel opening is so wide or navel growth so badly folded or ridged that it seriously affects the appearance of the fruit; or when the navel protrudes beyond the general contour of the orange to the extent that it is subject to mechanical injury in the process of proper grading, packing or handling;

(j) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.709 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.710 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

"Very serious damage", unless otherwise specifically defined in this section, means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than the area of a circle 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 25 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

(k) Sprayburn when seriously affecting more than one-third of the fruit surface;

(l) Sunburn when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures when not healed or the fruit is seriously weakened; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.712 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

The United States Standards for Oranges (Texas and States other than Florida, California and Arizona) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Oranges (Texas and States other than Florida, California and Arizona) which have been in effect since 1954 (§§ 51.680 to 51.717).

Dated: June 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-5521; Filed, July 1, 1959; 8:51 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Carrots [1]

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087 as amended; 7 U.S.C. 1621–1627) the United States Standards for Grades of Canned Carrots (§§ 52.671–52.686) are hereby amended as follows:

1. In § 52.682(a), delete subparagraph (3) and substitute therefor the following:

(3) *Sliced carrots.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the diameter of each slice is not more than 2½ inches, measured as aforesaid; and of all the sliced carrots, in the 90 percent, by count, that are most uniform in diameter, the diameter of the slice with the greatest diameter does not exceed the diameter of the slice with the smallest diameter by more than 50 percent: *Provided,* That the overall appearance of the product is not materially affected.

2. In § 52.682(b), delete subparagraph (3) and substitute therefor the following:

(3) *Sliced carrots.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the diameter of each slice is not more than 2½ inches, measured as aforesaid; and of all the sliced carrots, in the 90 percent, by count, that are most uniform in diameter, the diameter of the slice with the greatest diameter is not more than twice the diameter of the slice with the smallest diameter: *Provided,* That the overall appearance of the product is not seriously affected.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of these amendments for 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) are unnecessary and contrary to the public interest, in that: (1) Such amendments will operate to liberalize and clarify existing provisions of the grade standards for canned carrots, (2) will not cause the making of any substantial changes in the present processed product packing and handling operations, and (3) any changes necessary with respect to such packing and handling operations can be readily made without inconvenience to the industry.

Dated June 29, 1959, to become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-5522; Filed, July 1, 1959; 8:51 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Chapter III—Agricultural Research Service, Department of Agriculture

PART 330—FEDERAL PLANT PEST REGULATIONS

Holding of Means of Conveyance Arriving in the United States; Postponement of Effective Date

On June 9, 1959, there was published in the FEDERAL REGISTER (24 F.R. 4650) a notice stating that effective at 12:01 a.m., local time, July 1, 1959, means of conveyance subject to the inspection and release requirements of § 330.105(a) of the Federal Plant Pest Regulations (7 CFR 1958 Supp., 330.105(a)) and arriving at any port of entry outside the regularly assigned hours of duty of the Federal plant quarantine inspector, will be held for such inspection and release, until the regularly assigned hours of duty. The notice also provided for reimbursable inspection and release outside the regularly assigned hours of duty.

The affected industry has requested a postponement of the effective date of this notice in order that they may make a thorough review of the requirements and appraise their effects on their operations. Accordingly, notice is here given that inspection and release will continue to be provided outside the regularly assigned hours of duty as heretofore until September 1, 1959. Therefore, the effective date of the notice published June 9, 1959 is postponed until 12:01 a.m., local time, September 1, 1959.

(Sec. 106, 71 Stat. 33, 64 Stat. 561; 7 U.S.C. 150ee, 5 U.S.C. 576)

Done at Washington, D.C., this 29th day of June 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-5524; Filed, July 1, 1959; 8:51 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 845.2, Amdt. 1]

PART 845—MAINLAND CANE SUGAR AREA

1958 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, paragraph (c) of § 845.2 (23 F.R. 9255) is hereby amended in two particulars, as follows:

1. Under subparagraph (4) *Local Producing Areas,* subdivision (ii) *Louisiana,* the designation of local producing areas for St. James Parish appearing therein is amended to read "St. James: Area 1—Wards 1, 9 and 10; Areas 2 through 8—Wards 2 through 8, respectively."

2. Under subparagraph (4) *Local Producing Areas,* a new subdivision (iii) is added at the end thereof to read as follows:

(iii) *1958 crop.* For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1958-crop sugarcane, the local ASC parish committees in Louisiana and the local ASC county committees in Florida have determined that the extent of crop damage, as specified and provided in subparagraph (1) (iii) of this paragraph has occurred in the following parishes and local-producing areas:

LOUISIANA

Parishes approved in their entirety:

Ascension.	St. John.
Avoyelles.	St. Landry.
Iberville.	St. Martin.
Lafayette.	St. Mary.
Pointe Coupee.	Terrebonne.
Rapides.	West Baton Rouge.

Individual local-producing areas approved: Areas 1 and 3 in Assumption Parish.

FLORIDA

Indian River County.

STATEMENT OF BASES AND CONSIDERATIONS

In the designation of local producing areas contained in the original determination, Ward (1) of St. James Parish was inadvertently omitted in the specification of Area 1. This amendment corrects this omission.

This amendment also provides public notice of the parishes and local producing areas in Louisiana and Florida where due to drought, flood, storm, freeze, disease or insects, the 1958 sugarcane crop has been damaged to the extent that farms located in whole or in part in such parishes or local producing areas will be considered (as to location) for abandonment or deficiency payments. The producers on these farms may file applications for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible before June 30, 1960, as provided in 7 CFR 855.5 (22 F.R. 8112).

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies Secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 29th day of June, 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-5525; Filed, July 1, 1959; 8:52 a.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.12]

PART 863—SUGARCANE, FLORIDA

Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 14, 1959, the following determination is hereby issued:

§ 863.12 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but not less than the following:

(i) *For work performed on a time basis.*

	Cents per hour
(a) Tractor drivers and operators of mechanical harvesting or loading equipment	90.0
(b) All other workers	80.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the workers, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability.* The requirements of this determination are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugarcane.

(c) *Workers not covered.* The requirements of this determination are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall furinsh, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this determination.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements in this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASC office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, Cheops Building, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(g) *Effective period.* The provisions of this section shall become effective on July 1, 1959, or the date of publication in the FEDERAL REGISTER, whichever date is later, and shall remain in effect until amended, superseded, or terminated.

STATEMENT OF BASES AND CONSIDERATIONS

a. *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

b. *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

c. *Wage determination.* This determination differs from the 1958-59 determination in that the minimum time wage rates are increased 10 cents per hour and that the determination will remain in effect until amended, superseded, or terminated, instead of being applicable to a specific 12-month period. The rate established for tractor drivers and operators of mechanical loading equipment is 90 cents per hour and for all other workers is 80 cents per hour.

A public hearing was held in Clewiston, Florida, on May 14, 1959 at which interested persons were afforded the opportunity to present testimony with respect to fair and reasonable wage rates during the period July 1, 1959, to June 30, 1960. Representatives of producers recommended that wage rates established by the 1958-59 determination be continued for the 1959-60 period. The representative of one large producer testified that there had been an increase in the yield of sugarcane per acre resulting from new varieties of sugarcane and that technological improvements in the loading and transporting of sugarcane had enabled workers to handle more sugarcane per hour of labor although the efficiency of the individual worker has not increased; that most hand labor is performed on a piecework or task basis; and that the hourly earnings of workers were higher than the minimum wage rates fixed by the determination. An independent producer stated that producers have been faced with increasing costs and a relatively stable price of sugar; that there had been no significant improvements in mechanization during the past year and that he believed the level of minimum wage rates should not be based upon the profit position of the large producer-processors. Two other producer representatives testified that most field work was performed on a piecework or task basis and that wages and earnings of workers were substantially above the determination rates.

A representative of the United Packinghouse Workers of America, AFL-CIO, recommended that wage rates be increased to $1.25 per hour. The witness stated that Florida producers have the lowest labor cost per ton of sugar of any domestic sugar-producing area and that since 1953 increased yields of sugarcane have more than offset wage increases which have taken place in that period. The witness cited the published profits of one large producer-processor as an indication of producers' ability to pay higher wages.

The witnesses generally favored the concept of a continuing wage determination provided changes in wage rates were not made during the harvest season and producers and workers were afforded the opportunity to have a hearing if warranted because of changed conditions.

Consideration has been given to the recommendations made at the hearing, to the results of studies and investigations of the sugarcane industry, to the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect 1959 prospective crop conditions, and to other pertinent factors. This analysis indicates that under prospective price and production conditions for the 1959 crop the wage rates established in this determination are within producers' ability to pay. Increased yields of sugarcane, higher recoveries of sugar per ton of cane and improved production practices have resulted in an improvement in the economic position of producers in recent years. Substantial gains in overall labor productivity also have occurred as a result of these factors.

The majority of unskilled sugarcane fieldworkers are imported from the British West Indies for hand work such as hoeing and cutting sugarcane which is usually performed on a task or piecework basis. These workers have provided producers with a selective and dependable labor supply. Producers have been unable to obtain sufficient numbers of domestic workers who are willing to accept employment on sugarcane farms at the wage rates offered unskilled workers. Most of the semi-skilled work such as the operation of mechanical equipment is performed by domestic workers.

The earnings of unskilled workers during the 1958-59 season ranged from about 78 cents to $1.17 per hour compared with the minimum rate of 70 cents per hour. Tractor drivers and other equipment operators were paid basic wage rates ranging from the determination minimum of 80 cents to $1.85 per hour.

This determination will continue in effect until it is amended, superseded, or terminated. However, the Department will reappraise the economic position of producers and workers as additional information becomes available and will hold public hearings at such times as conditions may warrant. A public hearing may also be held upon request of producers or of workers or their representatives, accompanied by a statement of justification or need for such a hearing.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1132)

Issued this 29th day of June 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-5526; Filed, July 1, 1959; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7319 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kestenbaum & Rennert, Inc., et al.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kestenbaum & Rennert, Inc. (Brooklyn, N.Y.), et al., Docket 7319, June 2, 1959]

In the Matter of Kestenbaum & Rennert, Inc., a Corporation, and George Rennert, Individually and as Secretary-Treasurer of Said Corporation, and Julius Gasper, Individually and as Vice President of Said Corporation, and Jack Kaufman, Individually and as Salesman of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Bronx, N.Y., with violating the Fur Products Labeling Act by representing prices of fur products on invoices as having been reduced from regular prices which were in fact fictitious.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Kestenbaum & Rennert, Inc., a corporation, and its officers, and George Rennert and Julius Gasper, individually and as officers of said corporation, and Jack Kaufman, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising, or offering for sale, or transportation or distribution in com-

merce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth certain prices as the regular or usual prices of certain fur products when such prices are in fact in excess of the price at which the respondents have regularly or usually sold said certain fur products in the recent regular course of their business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5496; Filed, July 1, 1959; 8:47 a.m.]

[Docket 7348 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Bernard J. Simmons

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.85 *Government approval, action, connection or standards;* § 13.170 *Qualities or properties of product or service;* § 13.195 *Safety;* § 13.205 *Scientific or other relevant facts;* § 13.235 *Source or origin:* Place: *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bernard J. Simmons, Philadelphia, Pa., Docket 7348, May 26, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller of contact lenses in Philadelphia, Pa., with advertising falsely that his lenses were imported from Germany, were never irritating, could be worn all day with complete comfort by all, stayed in place under all conditions including violent exercise and swimming, were unbreakable, better than eyeglasses, were a new type of contact lenses and could not damage the eye; and that his summary of an Army Medical Research Laboratory Report set out all the disadvantages of contact lenses contained therein.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Bernard J. Simmons, individually or trading under any name or names, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his contact lenses, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing to be disseminated, any advertisement, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(1) That respondent's said contact lenses:

(a) Are imported from Germany;

(b) Are never irritating or will be comfortable to all persons;

(c) Can be worn all day by all persons in complete comfort;

(d) Stay in place under all conditions and cannot be displaced during swimming and other activities involving violent exercise;

(e) Are unbreakable outside the eye;

(f) Provide better vision in all cases than eyeglasses;

(g) Can completely replace eyeglasses;

(h) Are a new type of contact lenses;

(i) Cannot damage the eye.

(2) That respondent's summary of U.S. Army Medical Research Laboratory report No. 99 sets out all the disadvantages of contact lenses contained in said report.

(3) Through the use of a summary made by respondent of a report of any group, organization, or individual, that said summary contains all of the material facts set out in the report, unless such is the fact.

B. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said contact lenses, which advertisement contains any of the representations prohibited in paragraph A hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 26, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5497; Filed, July 1, 1959; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 54884]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Extension of Limits of Port of Racine, Wisconsin

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Racine, Wisconsin, in Customs Collection District No. 37 (Wisconsin), comprising the territory within the corporate limits of that city, are hereby extended to include the territory within the corporate limits of the city of Kenosha, and the townships of Mt. Pleasant and Somers, all in the State of Wisconsin, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting the period after "Racine" in the column headed "Ports of Entry" in District No. 37 (Wisconsin), and by adding "(including the city of Kenosha and the townships of Mt. Pleasant and Somers). (T.D. 54884).

(R.S. 161 as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2)

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5511; Filed, July 1, 1959; 8:50 a.m.]

[T.D. 54886]

PART 2—MEASUREMENT OF VESSELS

Recognition of Admeasurement Rules of Israel

The Department of State has confirmed notification received in the Bureau of Customs that the International Convention for a Uniform System of Tonnage Admeasurement of Ships, signed at Oslo, Norway, on June 10, 1947, was ratified by the State of Israel on July 29, 1958, and that the convention entered into force on October 29, 1958. Further information received indicates that the work of issuing international tonnage certificates has started and that pending completion of that work, the tonnages of Israeli vessels indicated on their registers are those computed in general in accordance with the British rules. Therefore, pursuant to the authority contained in section 4154 of the Revised Statutes, as amended (46 U.S.C. 81), vessels flying the flag of the State of Israel shall be taken in ports of the United States to be of the tonnages denoted in their certificates of registry or other national papers.

The first sentence of § 2.63 of the customs regulations is amended by the insertion of "Israel" immediately after "Iceland."

(R.S. 161, 4154, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 81)

[SEAL] RALPH KELLY,
Commission of Customs.

Approved: June 24, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5512; Filed, July 1, 1959; 8:50 a.m.]

[T.D. 54887]

PART 31—CUSTOMHOUSE BROKERS

Duties and Obligations

Section 31.10(c) of the customs regulations prohibits the employment by a customhouse broker of a person whose application for a license as a customhouse broker has been denied for a cause involving moral turpitude. In view of the degree of responsibility for the acts or omissions of its employees imposed on customhouse brokers by § 31.8(d) of the regulations, it is deemed advisable to eliminate this prohibition. To accomplish this purpose, the customs regulations are amended as set forth below:

Section 31.10(c) is amended to read:

(c) No customhouse broker shall knowingly and directly or indirectly (1) accept employment to effect a customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person whose license as a customhouse broker shall have been revoked for any cause, or whose license is under suspension, or who is notoriously disreputable, or (2) assist the furtherance of any customs business or transaction of such person, or (3) employ, or accept such assistance from, any such person, or (4) share fees with any such person, or (5) permit any such person directly or indirectly to participate, whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker: *Provided*, That nothing herein shall be deemed to prohibit any customhouse broker from acting as a customhouse broker for any bona fide importer or exporter, notwithstanding such importer or exporter may have had his license as a customhouse broker revoked or suspended, or may be disreputable.

(R.S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 1641)

Notice of proposed rule making was published in the FEDERAL REGISTER of May 2, 1959 (24 F.R. 3535). No data, views, or arguments relating thereto have been received and the amendment is hereby adopted. This order, which is deemed to be one relieving restriction within the meaning of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 24, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5513; Filed, July 1, 1959; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Definition of Term "Insulin"

The Food and Drug Administration does not consider that pancreas glands and certain materials derived from pancreas glands, from which the refined insulin drugs are derived, are subject to the certification provisions of sections 502(k) and 506 of the Federal Food, Drug, and Cosmetic Act. Therefore, pursuant to section 701(a) of that act (52 Stat. 1055, as amended; 21 U.S.C. 371(a)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045), the following order is promulgated:

Section 1.115 of the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.115) is amended to read as follows:

§ 1.115 Definition of term "insulin."

For the purposes of sections 502(k) and 506 of the act:

(a) The term "insulin" as used therein means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The following substances, when they are intended for use in the manufacture of insulin-containing drugs that will subsequently be submitted for certification, shall not be considered to be subject to certification as "drugs composed wholly or partly of insulin":

(1) Pancreas glands; and

(2) Materials prepared from pancreas glands, such as "salt cake" and "isoelectric precipitate," which materials must be subjected to further purification in order to meet the standards of purity established by Part 164 of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since its application is merely interpretative; since the amendment relieves the affected industry of an unnecessary burden; and since adequate protection to the public health is afforded by the certification procedure applicable to drugs prepared from these materials.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Interprets or applies secs. 502(k), 506(a), 55 Stat. 851; 21 U.S.C. 352(k), 356(a))

Dated: June 25, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-5498; Filed, July 1, 1959; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, St. Ignatius, Montana

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Congress, 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U.S.C. 385; 39 Stat. 142; and 45 Stat. 210; 25 U.S.C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454-7), notice was given of the intention to modify §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irrigation District Organization and are subject to the jurisdiction of the three irrigation districts.

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 221.24, 221.26, and 221.28 are modified as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated Feb-

ruary 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1960 an assessment of $241,468.00 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 74,136.3 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1960 an assessment of $44,597.54 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,815.5 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1960 an assessment of $17,836.00 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,274.7 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385)

M. A. JOHNSON,
Acting Area Director.

[F.R. Doc. 59-5483; Filed, July 1, 1959; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6394]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On February 26, 1959, notice of proposed rule making with respect to an amendment of the Income Tax Regulations (26 CFR Part 1) under sections 1231, 1234, and 1235 of the Internal Revenue Code of 1954 to reflect the changes made by sections 49, 53, and 54 of the Technical Amendments Act of 1958 (72 Stat. 1642, 1644) was published in the FEDERAL REGISTER (24 F.R. 1420). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as so published is hereby adopted, subject to the change set forth below:

Paragraph (e)(4) of § 1.1234–1, as set forth in paragraph 4 to the notice of proposed rule making, is revised.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 26, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The amendments adopted to conform regulations under sections 1231, 1234, and 1235 of the 1954 Code to sections 49, 53, and 54 of the Technical Amendments Act of 1958 (72 Stat. 1642, 1644), read as follows:

§ 1.1231 [Amendment]

PARAGRAPH 1. Section 1.1231 is amended:

(A) By inserting at the end of section 1231(a) as set out in § 1.1231 the following new sentence: "In the case of any property used in the trade or business and of any capital asset held for more than 6 months and held for the production of income, this subsection shall not apply to any loss, in respect of which the taxpayer is not compensated for by insurance in any amount, arising from fire, storm, shipwreck, or other casualty, or from theft."

(B) By inserting the following historical note immediately after section 1231(b)(4), as set out in § 1.1231:

[Sec. 1231 as amended by sec. 49, Technical Amendments Act of 1958 (72 Stat. 1642)]

§ 1.1231–1 [Amendment]

PAR. 2. Section 1.1231–1 is amended:

(A) By inserting at the end of paragraph (c) the following new sentence: "Notwithstanding any of the provisions of this paragraph, section 1231(a) does not apply to losses described in paragraph (e)(2) of this section."

(B) By inserting the following immediately after the heading of paragraph (e): "(1) *General rule.*"

(C) By inserting before the period at the end of the second sentence of paragraph (e)(1), as redesignated, the following: "unless subparagraph (2) of this paragraph applies".

(D) By inserting immediately after the second comma in the third sentence of paragraph (e)(1) the following: "but not held for the production of income,".

(E) By inserting at the end of paragraph (e)(1) the following new subparagraph:

(2) *Certain uninsured losses.* Notwithstanding the provisions of subparagraph (1) of this paragraph, losses sustained during a taxable year beginning after December 31, 1957, with respect to both property used in the trade or business and any capital asset held for more than 6 months and held for the production of income, which losses arise from fire, storm, shipwreck, or other casualty, or from theft, and which are not compensated for by insurance in any amount, are not losses to which section 1231(a) applies. Such losses shall not be taken into account in applying the provisions of this section.

(F) By inserting the following sentences at the end of example (1) in paragraph (g): "For any taxable year ending after December 31, 1957, the $5,000 loss upon theft of bonds (item 6) would not be taken into account under section 1231. See paragraph (e)(2) of this section."

PAR. 3. Section 1.1234 is amended to read as follows:

§ 1.1234 Statutory provisions; options to buy or sell.

SEC. 1234. *Options to buy or sell*—(a) *Treatment of gain or loss.* Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

(b) *Special rule for loss attributable to failure to exercise option.* For purposes of subsection (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired.

(c) *Non-application of section.* This section shall not apply to—

(1) A privilege or option which constitutes property described in paragraph (1) of section 1221;

(2) In the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

(3) A loss attributable to failure to exercise an option described in section 1233 (c); or

(4) Gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1954, if in the hands of the taxpayer such privilege or option is a capital asset.

[Sec. 1234 as amended by sec. 53, Technical Amendments Act of 1958 (72 Stat, 1644)]

§ 1.1234–1 [Amendment]

PAR. 4. Paragraph (e) of § 1.1234–1 is amended by inserting the following new subparagraph at the end thereof:

(4) Acquired by the taxpayer before March 1, 1954, if in the hands of the taxpayer such option is a capital asset (whether or not the property to which the option relates is, or would be if acquired by the taxpayer, a capital asset in the hands of the taxpayer).

§ 1235 [Amendment]

PAR. 5. Section 1.1235 is amended:

(A) By revising paragraph (d) of section 1235 to read as follows:

(d) *Related persons.* Subsection (a) shall not apply to any transfer, directly or indirectly, between persons specified within any one of the paragraphs of section 267(b); except that, in applying section 267(b) and (c) for purposes of this section—

(1) The phrase "25 percent or more" shall be substituted for the phrase "more than 50 percent" each place it appears in section 267(b), and

(2) Paragraph (4) of section 267(c) shall be treated as providing that the family, of an individual shall include only his spouse, ancestors, and lineal descendants.

(B) By inserting the following historical note at the end of section 1235:

[Sec. 1235 as amended by sec. 54, Technical Amendments Act of 1958 (72 Stat. 1644)]

§ 1.1235–2 [Amendment]

PAR. 6. Paragraph (f) of § 1.1235–2 is amended:

(A) By striking all of subparagraph (1) after the first two sentences and inserting in lieu thereof the following two new subparagraphs:

(2) If, prior to September 3, 1958, a holder transferred all his substantial rights to a patent to a corporation in which he owned more than 50 percent in value of the outstanding stock, he is considered as having transferred such rights to a related person for the purpose of section 1235. On the other hand, if a holder, prior to September 3, 1958, transferred all his substantial rights to a patent to a corporation in which he owned 50 percent or less in value of the outstanding stock and his brother owned the remaining stock, he is not considered as having transferred such rights to a related person since the brother relationship is to be disregarded for purposes of section 1235.

(3) If, subsequent to September 2, 1958, a holder transfers all his substantial rights to a patent to a corporation in which he owns 25 percent or more in value of the outstanding stock, he is considered as transferring such rights to a related person for the purpose of section 1235. On the other hand if a holder, subsequent to September 2, 1958, transfers all his substantial rights to a patent to a corporation in which he owns less than 25 percent in value of the outstanding stock and his brother owns the remaining stock, he is not considered as transferring such rights to a related person since the brother relationship is to be disregarded for purposes of section 1235.

(B) By redesignating subparagraph (2) as subparagraph (4) and, in the first sentence thereof, changing the reference to subparagraph (1) to "subparagraphs (1), (2), and (3)".

(68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 59-5509; Filed, July 1, 1959; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Miscellaneous Amendments Relating to Portland Harbor, Maine; Hampton Roads, Va.; Charles River, Mass.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.6 is hereby prescribed designating a special anchorage area in Portland Harbor, Maine, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.6 Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island).

Beginning at the southeasterly corner of the wharf, at the most southerly point of Great Diamond Island at latitude 43°40'13", longitude 70°12'00"; thence extending southwesterly to the northeasterly corner of the wharf on the easterly side of Little Diamond Island at latitude 43°40'03", longitude 70°12'15"; thence extending along the northerly side of the wharf to its shoreward end at latitude 43°40'03", longitude 70°12'17"; thence extending along the shoreline of Little Diamond Island to latitude 43°40'11", longitude 70°12'20"; thence extending northeasterly to the shoreline of the southerly side of Great Diamond Island at latitude 43°40'21", longitude 70°12'06"; thence extending along the shoreline of Great Diamond Island to the shoreward end of a wharf at latitude 43°40'15", longitude 70°12'02"; thence extending along the southwesterly side of the wharf to the point of beginning.

NOTE. The area is principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend beyond the limit of the area.

[Regs., June 18, 1959, 285/91 (Portland, Maine)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.168 establishing and governing the use and navigation of anchorages in Hampton Roads, Virginia, and adjacent waters, is hereby amended redesignating the boundaries of the anchorages in paragraph (a) (4) and (6), as follows:

§ 202.168 Hampton Roads, Va., and adjacent waters.

(a) *Hampton Roads.* • • •

(4) *Anchorage D.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'33.5", longitude 76°20'31.7"; thence south to latitude 36°57'26", longitude 76°20'31.7"; thence to latitude 36°56'08", longitude 76°22'23"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'00", longitude 76°23'34"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to a point on the south side of Newport News Channel at latitude 36°57'27.5", longitude 76°21'41"; and thence along the south side of Newport News Channel and a line in prolongation thereof to the point of beginning.

• • • • •

(6) *Anchorage H.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'26", longitude 76°20'31.7"; thence southerly to latitude 36°57'07.7", longitude 76°20'31.9"; thence southeasterly to a point on the west side of Norfolk Harbor Channel at latitude 36°57'01'5", longitude 76°20'22.3"; thence along the west side of Norfolk Harbor Channel to latitude 36°56'00", longitude 76°20'27"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'08", longitude 76°22'23"; thence to the point of beginning.

[Regs., June 17, 1959, 285/91 (Hampton Roads, Va.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (h)(2) of § 203.75 governing the operation of drawbridges in Boston Harbor and adjacent waters, Massachusetts, is hereby amended revising the temporary special regulations for the Charlestown Bridge across Charles River, Massachusetts, as follows:

§ 203.75 Boston Harbor, Mass.; and adjacent waters; bridges.

• • • • •

(h) *Charles River.* • • •

(2) *Charlestown Bridge.* The draw of the Charlestown Bridge may remain closed each day between 6:00 a.m. and 11:00 p.m. Monday through Friday. The draw may remain closed on week ends from 6:00 a.m. Saturday to 11:00 p.m. Sunday (to include local holidays when they fall on a Friday or Monday). At all other times, navigation interests shall give at least 10 hours' advance notice of a required bridge opening during October through May, inclusive, and 24 hours' advance notice during June through September, inclusive.

NOTE: The temporary special regulations contained in paragraph (h)(2), and paragraphs (i) and (j), are on a trial basis and are subject to review and amendment at any time by the Department of the Army.

[Regs., June 17, 1959, 285/91 (Charles River, Mass.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-5482; Filed, July 1, 1959; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Instructions Relating to Computation of Annuities or Pensions Received From Railroad Retirement Board as Income for Pension Purposes

A new § 3.1532 is added to read as follows:

§ 3.1532 Instructions relating to the computation of annuities or pensions received from the Railroad Retirement Board as income for pension purposes.

(a) *Provisions of the law.* (1) Section 4, Public Law 86–28 amends section 20

of the Railroad Retirement Act of 1937 to provide that "Pensions and annuities under this Act or the Railroad Retirement Act of 1935 shall not be considered as income for the purposes of section 522 of Title 38 of the United States Code."

(2) Section 6(a) further provides that section 4 will be "* * * effective only with respect to pensions due in calendar months after the month next following the month of enactment of this Act and annuities accruing for months after the month of enactment of this Act."

(b) *Scope of coverage*—(1) *Pensions.* Benefits received by former railroad employees as pensions, accrued or current, on and after July 1, 1959, will not be counted as income for the purposes of determining entitlement to pension under the provisions of 38 U.S.C. 522. Pension is a term used by the Railroad Retirement Board to identify the monetary benefit paid to former railroad employees who were on the gratuity rolls of the employer by reason of their employment and were on such rolls on March 1, 1937, when the administrative function of paying this benefit was assumed by the Railroad Retirement Board. Persons receiving pension made no contribution under the Railroad Retirement Act to the pension fund.

(2) *Annuity.* Accrued annuities due for any period prior to June 1, 1959, but paid on or after July 1, 1959, will be counted as income. Annuities accruing for periods on and after June 1, 1959, and paid on or after July 1, 1959, will not be counted as income under 38 U.S.C. 522. Annuity is defined for the purposes of payment of Railroad Retirement benefits as that benefit paid to individuals who are retired under the provisions of the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937.

(3) *Survivor annuities.* Survivor annuities will not be counted as income under 38 U.S.C. 522. However, such annuities will be considered as income under 38 U.S.C. 545.

(c) *Effective date.* No payments by virtue of this bill may be effective prior to July 1, 1959. (Instruction 1, Public Law 86–28)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 2, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59–5514; Filed, July 1, 1959; 8:50 a.m.]

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. Section 36.4301(f) is amended to read as follows:

§ 36.4301 Definitions.

* * * * *

(f) "Date of first uncured default" means the due date of the earliest payment not fully satisfied by the proper application of available credits or deposits.

2. In § 36.4303, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 36.4303 Reporting requirements.

(a) With respect to loans automatically guaranteed under 38 U.S.C. 1803(a)(1), evidence of the guaranty will be issuable to a lender of a class described under 38 U.S.C. 1802(d) if the loan is reported to the Administrator within 30 days following full disbursement, and upon the certification of the lender that:

3. Section 36.4311(a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real estate loans insured under 38 U.S.C. 1815, the interest rate on any loan guaranteed or insured wholly or in part may not exceed 5¼ per centum per annum on the unpaid principal balance: *Provided*, That if a certificate of commitment was issued by the Administrator prior to April 1, 1958, the interest rate chargeable on the loan to which the certificate relates may not exceed 4½ per centum per annum.

4. In § 36.4331, paragraphs (a), (e) and (i) are amended to read as follows:

§ 36.4331 Disqualification of lenders.

(a) A lender or holder may be suspended from obtaining guaranty or insurance of loans or from the right to the guaranty or insurance in respect to any loan purchased after the date of its suspension, except as provided in paragraph (h) of this section, whenever any of the employees designated in § 36.4342(b) finds that the lender or holder (hereinafter referred to as lender) has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government, or has been refused the benefits of participation under the National Housing Act pursuant to a determination of the Federal Housing Commissioner under section 512 of that Act. Suspension of a lender shall be effected only when specifically authorized by the Administrator, the Deputy Administrator, or by the Chief Benefits Director, Department of Veterans Benefits. In any case in which suspension has been so authorized and (1) and indictment has been secured or a criminal information has been filed against the lender in connection with a transaction involving 38 U.S.C. Ch. 37, or (2) is based upon action taken by the Federal Housing Commissioner, an immediate suspension may be effected. In any other case in which the Manager of a regional office has obtained Central Office authorization to initiate suspension proceedings, prior written notice of intention to apply the suspension sanction shall be furnished to the lender concerned.

* * * * *

(e) Where suspension is effected, the lender will be advised in writing of the effective date of the suspension and, unless such was previously furnished, will be given written notice of the charges against the lender and the specifications on which such charges are based. Any lender who is suspended shall have the right to apply to the Chief Benefits Director for termination or modification of the suspension and, except when the suspension is based upon action taken by the Federal Housing Commissioner, shall also have the right to apply to the Chief Benefits Director for a formal hearing at which opportunity shall be afforded to show why suspension should be modified or terminated. The Chief Benefits Director may postpone the holding of a hearing for a reasonable period in any case in which the Department of Justice or United States Attorney advises or requests postponement pending the trial of a criminal or civil case or the institution of criminal or civil proceedings against the lender. In the absence of such request, the Chief Benefits Director, as soon as he may deem it feasible to do so, shall designate such time and place as he may deem appropriate for such hearing, shall notify the lender thereof, and shall appoint not less than three persons, who shall constitute the board, to conduct the hearing. The Chief Attorney or his designee shall represent the Veterans Administration. Authority is hereby delegated to the Chairman of the board designated to conduct such hearing to administer oaths to witnesses. The Manager may issue subpenas for witnesses or records as provided in 38 U.S.C. 3311. The lender shall have the right to appear at such hearing in person or by attorney, or both, and to introduce evidence showing why such suspension should be modified or terminated. If the Veterans Administration has knowledge of a pending or contemplated civil or criminal action by the United States against the lender, arising from the facts on which the suspension of the lender was based, the Chief Attorney of the regional office concerned will inform the responsible United States Attorney of the date and place of hearing and keep him advised of all developments.

* * * * *

(i) If after determination by the Chief Benefits Director or the Administrator, as provided in paragraph (g) of this section, the suspension is terminated, all rights and interest of the lender shall be restored. However, any lender suspended by reason of action taken by the Federal Housing Commissioner is not afforded the rights under paragraph (g) of this section and the suspension in any such case will be terminated by the Chief Benefits Director only if the lender furnishes satisfactory evidence of his reinstatement by the Federal Housing Commissioner.

5. In § 36.4361, paragraphs (a) and (b) are amended and paragraph (e) is added to read as follows:

§ 36.4361 Right of the Administrator to refuse to appraise residential properties.

(a) The Administrator may refuse to appraise dwellings to which a request for appraisal relates if he determines that any party or parties involved or financially interested in the construction or sale of such units (1) have theretofore participated in the construction or sale of units sold to veterans which involved (i) substantial deficiencies in the construction, or (ii) a failure or indicated inability to discharge contractual obligations to the veterans who contracted for the construction or purchase of such units, or (iii) the use of a contract of sale or of methods or practices in marketing such units of a type which under standards promulgated by the Administrator was unfair or unduly prejudicial to the veterans concerned, or (2) have been refused the benefits of participation under the National Housing Act pursuant to a determination of the Federal Housing Commissioner under section 512 of that Act. Upon any such refusal to appraise, the Administrator shall give written notice thereof to the person or firm submitting the appraisal request and shall state the basis for such refusal.

(b) Except when the refusal to appraise is based upon action taken by the Federal Housing Commissioner, any person or persons affected by such refusal to appraise shall have the right within ten (10) days after receipt of written notice of such refusal to file with the Administrator, by registered mail, a request for a hearing. Upon receipt of such request, the Chief Benefits Director shall, as promptly as he deems it feasible to do so, designate a time and place as he deems appropriate for such hearing and shall appoint one or more persons who shall constitute a board to conduct the hearing. The person or persons requesting such hearing shall be afforded full opportunity to appear at the hearing in person, or by counsel, or both, and to introduce evidence showing why the sanction should be terminated or modified. Authority is hereby granted to the persons designated to conduct the hearing to administer oaths to witnesses.

* * * * *

(e) Where the refusal to appraise is based solely on action taken by the Federal Housing Commissioner the sanction will be lifted upon presentation to the Veterans Administration by the builder concerned of satisfactory evidence of his reinstatement as a participant in the programs administered by the Federal Housing Administration.

6. Section 36.4503(a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after April 4, 1958, shall not exceed an amount which bears the same ratio to $13,500 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $7,500, nor may any veteran obtain direct loans aggregating more than $13,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans Administration shall bear interest at the rate of 5¼ percent per annum, except (1) where a commitment to make the loan was issued prior to April 4, 1958, in which case the rate of interest shall be 4½ percent per annum, and (2) where a commitment to make the loan was issued on or after April 4, 1958, but prior to July 2, 1959 in which case the rate of interest shall be 4¾ percent per annum.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 2, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59–5586; Filed, July 1, 1959; 11:00 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1885]

[Oregon 06727]

OREGON

Modifying Boundaries of Willamette National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. So much of the following-described lands as were not eliminated from the Willamette National Forest by the joint order of the Secretaries of Agriculture and of the Interior, signed respectively on June 12, 1956, and June 21, 1956 (21 F.R. 4525–30), and as subsequently amended and modified, are hereby eliminated from the area now within the said forest:

WILLAMETTE MERIDIAN

T. 20 S., R. 1 W.,
Secs. 1, 2, 12, 13, and 24.
T. 20 S., R. 1 E.,
Sec. 19;
Sec. 20, SW¼ and S½SE¼;
Secs. 29 and 30;
Sec. 31, lots 1 and 2, that part of lot 3 within the Willamette National Forest, N½NE¼, NE¼NW¼, and those parts of SE¼NW¼ and NE¼SW¼ within the Willamette National Forest.
T. 11 S., R. 2 E.,
Secs. 4 to 9, Incl.;
Secs. 17 to 19, Incl.
T. 12 S., 2 E.,
Secs. 22, 26, 27, 28, and 34.
T. 14 S., R. 2 E.,
Secs. 1 and 2;
Sec. 10, lots 1 through 4, Incl., S½NE¼, SW¼NW¼, and W½SW¼;
Sec. 11, lots 1 through 4, Incl., and S½N½;
Sec. 12, lots 1 through 4, Incl., S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 14, E½SE¼;
Sec. 15, W½SE¼, and SE¼SE¼;
Sec. 21, N½N½, SW¼NW¼, W½SW¼, SE¼SW¼, and SE¼;
Sec. 22, N½NE¼, SE¼NE¼, NW¼, and SE¼;
Sec. 24, SE¼.
T. 11 S., R. 3 E.,
Secs. 7, 17, 20, 22, 25, and 33.
T. 14 S., R. 3 E.,
Secs. 4 to 8, Incl.;
Sec. 10, E½;
Sec. 11;
Sec. 12, W½;
Sec. 14, 17, and 18;
Sec. 20, N½;
Sec. 22, NW¼;
Sec. 24, W½;
Sec. 28, NW¼;
Sec. 34, NE¼;
Sec. 35.
T. 16 S., R. 3 E.,
Sec. 27, SW¼NE¼, E½W½, and SE¼;
Sec. 28;
Sec. 30, lots 3, 4, 8, 9, 10, 11, 12, E½SW¼, and W½SE¼;
Sec. 32, lots 5 through 12, Incl., SW¼NE¼, and S½NW¼;
Sec. 34, N½ and NE¼SE¼.
T. 17 S., R. 3 E.,
Sec. 4, lots 5, 6, 7, and NW¼NW¼;
Sec. 6, lot 7, SE¼NE¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 10, SW¼SW¼;
Sec. 18, lots 1, 2, 3, NE¼, and NE¼NW¼.
T. 11 S., R. 4 E.,
Secs. 31 and 32.

The areas described aggregate 36,090.75 acres.

2. The boundaries of the Willamette National Forest are hereby adjusted to the extent necessary to conform with the exclusions made by paragraph 1 of this order, and with the joint order in 21 F.R. 4525–30 referred to in paragraph 1 hereof.

3. The lands eliminated by paragraph 1 of this order are either privately-owned, or revested Oregon and California Railroad grant lands. The revested lands shall continue to be subject to such forms of appropriation as may by law be made of such lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 25, 1959.

[F.R. Doc. 59–5484; Filed, July 1, 1959; 8:45 a.m.]

[Public Land Order 1886]

[Colorado 028288]

COLORADO

Partly Revoking Departmental Order of April 12, 1946 (Blue River—South Platte Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of April 12, 1946, reserving lands in the first form for reclamation purposes in connection with the Blue River—South Platte Project, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 73 W.,
Sec. 21, N½SW¼ and SW¼SE¼.

Containing 120 acres.

The lands are a part of the Pike National Forest. At 10:00 a.m. on July 31, 1959, they shall be open to such forms of disposition as may by law be made of national forest lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 25, 1959.

[F.R. Doc. 59-5485; Filed, July 1, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U.S. STANDARDS FOR GRADES OF FROZEN FIELD PEAS AND FROZEN BLACK-EYE PEAS [1]

Proposed Miscellaneous Amendments

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the United States Standards (7 CFR §§ 52.1661–52.1670) for Grades of Frozen Field Peas and Frozen Black-Eye Peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087 as amended; 7 U.S.C. 1621–1627). The amendment as hereinafter set forth provides for the inclusion of snaps (succulent immature unshelled pods of the pea plant) in the product as an optional ingredient.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment would file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Delete § 52.1661 and substitute therefor the following:

§ 52.1661 Product description.

(a) "Frozen field peas" is the product prepared from the clean and sound immature seed of the field pea plant (Vigna sinensis), other than the black-eye pea plant, by shelling, sorting, washing, and blanching, and the product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish, and is frozen and maintained at temperatures necessary for the preservation of the product.

(b) "Frozen black-eye peas" is the product prepared from the clean and sound immature seed of the black-eye pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and the product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish, and is frozen and maintained at temperatures necessary for the preservation of the product.

2. Delete § 52.1662 and substitute therefor the following:

§ 52.1662 Definitions.

(a) "Frozen peas" means frozen field peas or frozen black-eye peas.

(b) "Snap" or "snaps" means a piece or pieces of immature unshelled pods of the field pea plant or of the black-eye pea plant.

(c) "Unit" means an individual field pea or black-eye pea or a piece of immature unshelled pod of either.

§ 52.1667 [Amendment]

3. In § 52.1667(a), delete subparagraph (1) and substitute therefor the following:

(1) "Extraneous vegetable matter" means hulls or pieces of hulls; unshelled pods or pieces of unshelled pods (except in peas frozen with snaps as a garnish), leaves, stems, and other similar vegetable matter.

Dated: June 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-5520; Filed, July 1, 1959; 8:51 a.m.]

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 925]

[Docket No. AO-226-A6]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Washington, on October 1–6, 1958, pursuant to notice thereof issued on September 11, 1958 (23 F.R. 7135).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 23, 1959 (24 F.R. 3284) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. A proposal was contained in the hearing notice to revise the method of computing producer prices and producer payrolls by using a "uniform bonus for base milk and a uniform price with a singly weighted average butterfat differential" for producer milk instead of using base and excess prices with a butterfat differential for each. Proponents abandoned this proposal at the hearing; therefore no further comment is necessary and the proposal is denied.

Another proposal in the hearing notice would amend § 925.41(b) of the order so as to enable any handler, with the prior approval, or in the presence, of the market administrator or his authorized representative, to dump skim milk or butterfat unsuitable for human consumption and not otherwise usable as a Class II milk product, whether or not degraded by any local health authority, such dumpage to be Class II milk not subject to the 25-cent location adjustment pursuant to § 925.54 of the order. Proponent did not appear at the hearing in support of such proposal. However, a representative of producer cooperatives testified in opposition to the inclusion of such provision without more comprehensive criteria to determine when and under what conditions milk might be unsuitable for human consumption. It is concluded that the proposal should be denied for lack of sufficient evidence of the conditions under which such a provision would facilitate orderly marketing.

A proposal to revoke the entire order was offered. Proponent failed to show in what manner the order is failing to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. A representative of producer organizations testified that the concentration of the market's reserve milk supply in relatively few hands at this time, as was also the case when the order was first introduced, would be immediately effective in disrupting the market if the order were removed. It was contended by the latter witness that the order, with its marketwide pooling mechanism for distributing producer returns, had corrected the chaotic marketing condition for producers which had prevailed prior to the order and, further, that any potential for disruption is not cause to cancel the order but instead to amend it so as to make it even more effective in maintaining orderly marketing conditions. In view of the above, the proposal to revoke the order is denied.

A proposal to provide individual-handler pools in lieu of the marketwide pool was considered also. Proponent suggested that introduction of this plan would assist producers to receive higher returns. Although some producers undoubtedly would be benefited, it is equally true that other producers would find their prices reduced substantially. In view of the unequal sharing among producers of the burden of reserve milk supplies which would result from individual-handler pools under present circumstances in the market, it is concluded that such pooling plan should not be adopted at this time.

The remaining material issues on the record of the hearing, discussed below, relate to:

1. Revision of provisions defining and otherwise relating to the handling of milk by "producer-handlers".

2. Expansion of the "marketing area", as defined in the order, to include Kitsap and Mason Counties, Washington.

3. Revision of location adjustments applicable to Class I milk and to "base milk".

4. Modification of the provisions governing the classification of milk moved between plants by transfer or diversion.

5. Revision of the provisions relating to the pricing of producer milk diverted from a plant in one price district to a plant in another price district.

6. The reclassification from Class I milk to Class II milk of milk utilized in cocoa mixes and milk or milk products sterilized and packaged in hermetically sealed containers; the classification of milk into three classes rather than the present two classes.

7. Revision of the delivery performance requirements for a "country plant" to acquire pooling status; redefinition of the term "plant" to include reload points for pricing purposes.

8. The computation of producer "bases" and the rules governing transfers of such bases.

9. Introduction of an "economic-type" formula for the purpose of determining Class I prices, in lieu of the basic formula price plus a differential.

10. Several proposed changes in other provisions for the purpose of clarification, and to improve order administration.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) Producer-handlers (as re-defined) should continue to be exempt from the pricing and pooling provisions of the order, but should be required to file monthly reports of milk receipts and utilization.

Producer organizations proposed that all producer-handlers be regulated as to their handling operations in the same manner as other handlers and that they be treated as producers in the production of milk on their own farms. As an alternative plan, proponent producers suggested regulation on such basis be applied at least to those producer-handlers with larger than family-sized operations who make sales directly to consumers.

In support of their position proponents contended that the exempt position of producer-handlers under the order provides a competitive buying advantage which has contributed to a steady growth in business for the latter, and has resulted in difficult resale competition for regulated handlers because of lower resale prices offered consumers by the also by proponents that (a) producer-handlers continue to avoid regulation by furnishing milk to each other, or by purchasing supplemental supplies from regulated handlers, as needed, (b) several producer-handlers conduct operations which require considerable hired labor and may no longer be classified as family-sized operations, and (c) some producer-handler businesses are larger than those of several regulated handlers. The general position of producers was supported in testimony of a representative of the handlers' committee.

The producer-handlers' association opposed such extension of the regulation, contending primarily that (1) such proposal to regulate producer-handlers was proposed and supported principally by big handlers as a device for eliminating legitimate retail competition of producer-handlers, (2) adoption of such proposal would cause economic ruin of most producer-handlers in the marketing area, (3) there has been no substantial change in circumstances since promulgation of the order or since its last amendment that would justify adoption of the proposal, (4) the exemption does not afford producer-handlers a competitive advantage at retail, (5) the price paid to producers, as pegged by proponents of the proposal, makes it impossible to measure the effect of the order and contributes to surplus, (6) Congress did not delegate to the Secretary power to regulate producer-handlers' milk because producer-handlers' milk is not "purchased", and (7) the Constitution does not grant Congress the power to regulate intrastate milk of Puget Sound producer-handlers.

Generally, under a Federal order it has not been necessary, in order to achieve the purposes of the statute, to regulate fully a person who processes in his own plant milk from his own farm production and does not receive milk from other dairy farmers. The administrative difficulties and expense of regulating such persons on the same basis as other persons operating plants and distributing milk in the marketing area has warranted their limited or complete exemption from pricing and pooling, depending upon circumstances in the particular market. As a dairy farmer such person maintains control of his milk until ultimate disposition and therefore his situation is quite different from the regular producer whose milk is marketed through a handler. The protection of the minimum price provisions of the order have little significance to the producer-handler in his capacity as a dairy farmer.

On the other hand, in his capacity as a handler, the producer-handler competes in the retail market with regulated handlers. It is problems arising from this competition which prompted producer groups (some of whom indirectly are handlers also) to request the full regulation of producer-handlers. Whether or not such competitive situation presents sufficient reason for fully regulating producer-handlers as a means of removing or mitigating the difficulties complained of should be appraised in light of certain facts.

The buying advantage for producer-handlers, claimed by proponents, approximates the difference between the market blend and Class I prices plus the amount over the Class I price in effect under the negotiated purchase and sale arrangements between cooperative associations and handlers. The latter element in the price structure is not required by the minimum price provisions of the order, but nevertheless affects the cost of milk to handlers buying regulated milk. This premium, which has prevailed in varying amounts for more than three years, was $0.40 per hundredweight at the time of the hearing and at times has exceeded $0.70 per hundredweight. The average difference between the weighted average (market blend) and Class I prices under the order was $0.77 per hundredweight in 1958 and is directly affected by the total receipts of milk in relation to Class I sales. Receipts have increased more rapidly than Class I sales during recent years at the effective price level.

If warranted, the application of the pricing and pooling provisions to milk of producer-handlers, in their capacity as handlers, undoubtedly would overcome in part the difficulties to which complaint is directed. It would not remove, however, any advantage in buying at the Class I price established by the order as compared with the associations' "negotiated" price to other handlers. The presence of a negotiated Class I price over a period of time in the market prevents a realistic appraisal of whether the simple fact of exemption from pricing and pooling for the producer-handler has been an important factor in the competitive problem between handlers and producer-handlers. Certainly the problem did not reach its present proportion in the period of regulation preceding the negotiated price levels. It is concluded that in this situation producer-handlers who operate as such, each relying solely, or nearly so, on his own production and distribution facilities, should not be regulated in the same manner as other handlers.

It is not appropriate, however, to permit the producer-handler, through his exemption from pooling, to shift to other producers any portion of the burden of carrying the reserve supply associated with his fluid milk business. For this reason he should be required to be primarily dependent upon his own capacity to produce milk to fulfill his fluid milk requirements and necessary reserves, to earn an exemption from pricing and pooling. Dependence of the producer-handler on other sources, including regulated plants or other producer-handlers, for supplemental supplies would disadvantage other producers since their burden of carrying total market reserves would be increased by such means without a share in the benefits accruing from the fluid sales of the producer-handler. Unless the producer-handler produces on his own the fluid milk he distributes he is basically a handler and not a dairy farmer selling his own milk. Further, the opportunity to rely upon others for a significant portion of his supply provides an unwarranted incentive for producers to become distributors of milk and to employ numerous practices to qualify for exemption from pricing and pooling at the expense, or to the detriment, of other producers. The exemption granted the dairy farmer who handles his own milk should not provide an advantage for this type of dairy farmer of such magnitude that the stability of the market, and the effectiveness of the order in achieving its primary objectives, are threatened.

These unintended and undesirable consequences already have developed to some degree and their further development is in prospect under the prevailing

economic conditions and existing order provisions unless action is taken to remove such tendency. Considerable incentive has been afforded for (a) producers to become producer-handlers, (b) producer-handlers to avoid the expense associated with the maintenance of a full reserve supply of milk, and (c) producer-handlers to take advantage of opportunities afforded under existing provisions of the order to increase volume handled outside the order by entering into contractual arrangements or otherwise adjusting their operations.

In order to mitigate the above consequences it is concluded that to maintain an exemption from pricing and pooling on his own milk, the producer-handler should be required to depend solely, or nearly so, on milk of his own production for a full supply, without purchasing supplemental supplies from other sources, including other producer-handlers, or by leasing farms or herds from other persons. In order to insure this condition, it is necessary that the producer-handler be more specifically defined in terms of the functions he performs and the basis upon which he may maintain an exemption. This requires also that he file reports of receipts and utilization on a monthly basis as any other handler and provide such other information as will enable the market administrator to determine the proper status of such person in relation to the order requirements.

The further provision that a producer-handler whose designation as such has been cancelled cannot obtain redesignation as a producer-handler sooner than 12 months following such cancellation is necessary to prevent producer-handlers from relying on pool sources of milk to carry the necessary reserve supplies associated with the producer-handler operation throughout the entire year. Without this requirement, a producer-handler could choose to become fully regulated during periods when additional supplies of milk are required and revert to full exemption from pricing and pooling during any month when his own production is adequate to supply the demand for fluid milk, or, in the alternative, release production resources and facilities when they are not needed. Also, in order to guard against the delivery of producer-handler milk to another handler as pooled milk (rather than as other source milk), provision is made for cancellation of a producer-handler's designation if milk from his designated production resources and facilities is delivered in the name of some other person as pooled milk to another handler.

It was indicated in the exceptions that emergency conditions and conditions of an unusual nature may arise in which a designated producer-handler may find it necessary to receive quantities of whole milk or fluid milk by-products in limited amounts, or for limited periods of time, from sources other than his own production unit. In view of the specific requirements to be fulfilled for designation as a producer-handler and the provisions requiring that a producer-handler cannot regain designation for 12 months once it is cancelled, it is reasonable to permit a producer-handler to receive temporarily some milk and fluid milk by-products from regulated plants to meet emergency or unusual conditions. It also is reasonable to permit a producer-handler to receive limited quantities of packaged fluid milk by-products on a regular basis to supply retail routes without losing designation as a producer-handler. The latter type of provision will make it possible for the small producer-handler operation to handle products which it might not be economical for him to process in his own plant. Accordingly, provision is made that a designated producer-handler will not lose his designation if he receives not more than an average of 100 product pounds per day in the aggregate of specified fluid milk by-products derived from regulated plants. It is provided also that purchases from regulated plants may be made in unlimited quantities over a period of up to 45 consecutive days once in any 12-month period without loss of designation. This provision recognizes the possibility of unforeseen occurrence beyond the producer-handler's control which might cause significant interruption of his production or distribution facilities. These limited exceptions to the requirement that a producer-handler handle only milk and products derived from his designated production resources and facilities will provide needed flexibility but at the same time will not permit producer-handlers to balance out of the pool to an extent detrimental to the interests of other producers.

The provisions of the order are amended in a manner to implement the above conclusions.

(2) The marketing area should not be expanded to include Kitsap and Mason Counties, Washington.

A handler proposed the inclusion of Kitsap County, Washington, in the regulated marketing area. Another handler proposed the addition of not only Kitsap County but also Mason County, Washington. Certain local milk distributors in such counties, who are not now subject to regulation, expressed opposition to such proposals.

The hearing developed the following information.

Kitsap County, in which the city of Bremerton is located, lies directly west of Seattle on the Olympic (Kitsap) Peninsula, separated from Seattle by Puget Sound. Mason County, also on the Olympic Peninsula, is located across Puget Sound from the city of Tacoma, Washington. Seattle and Tacoma are the largest cities in which the handling of milk is covered by Order No. 25.

Principal means of access to Kitsap and Mason Counties from such cities are by toll bridge or ferry across Puget Sound. A longer route, by roadway, may be taken via Olympia, Washington. Such Peninsula counties are readily accessible also by roadway from neighboring Grays Harbor County, a portion of which county is presently included in the regulated marketing area.

Kitsap and Mason Counties represent a substantial market for milk regulated by the order. There is regular and continuing competition between regulated and unregulated distributors both in commercial channels and in connection with Government contract purchases by the Bremerton Navy Yard. About 37 percent of the fluid milk distributed in Kitsap County is bottled in three plants subject to the order and is distributed on routes in such county in resale competition with milk produced on the Peninsula and bottled in local plants. One regulated handler maintains a distributing plant at Bremerton to serve local outlets, and one local distributor in Kitsap County distributes bottled milk in Tacoma. The latter (currently a producer-handler) customarily purchases milk from regulated plants in amounts up to 88 percent of his total requirements and produces the remainder. Pursuant to the Washington State Uniform Fluid Milk Act, sanitary requirements in Kitsap and Mason Counties are similar to those applicable to milk distributed in the present marketing area.

The local association from time to time holds the contract to supply fluid milk to the Bremerton Navy Yard but does not have a supply adequate to fulfill the contract needs on a year-round basis without purchasing supplemental milk from regulated plant sources. Other bidders for the contract are regulated handlers.

In addition, local distributors frequently purchase milk supplies in bulk, particularly in the season of lowest production, from regulated plants for bottling to supplement supplies from their own dairy farms. Supplemental purchases of regulated milk by the local cooperative association have ranged between 624,000 and 3.2 million pounds per year in the period 1952–1957. Taking into account all supplemental supplies furnished, regulated milk constitutes approximately 50 percent of the total fluid milk disposition in such counties.

Also, regulated plants, which provide ready outlets for temporary week-end and seasonal surpluses of milk, have been utilized regularly by Kitsap-Mason distributors to dispose of unwanted milk since very limited facilities for handling milk for purposes other than bottling are maintained locally. The bulk of such milk, however, has not been used in any way to "ride the pool" since it has been transferred by the local cooperative as "other source milk" without effect on the uniform prices computed under the order.

While Kitsap and Mason Counties considered alone are deficit in supply, the Olympic Peninsula as a whole is not a deficit-producing area (more than 62 million pounds produced annually as compared with fluid requirements of about 40 million pounds in Kitsap and Mason Counties, according to most recent data available). More than 40 million pounds of milk per year, qualified for fluid use in Kitsap and Mason Counties, are moved across Puget Sound from Clallam and Jefferson Counties on the Peninsula as part of the regular receipts of regulated plants even though distances are less, and per hundredweight cost lower, to move milk from such producing areas to the local plants serving Kitsap and Mason Counties.

Although the recommended decision indicated that application of the order to Kitsap and Mason Counties would provide a broader framework for uniform pricing throughout the Puget Sound area, there is no apparent desire by the local producers for an order as a means of improving their marketing conditions. They take exception to the institution of a regulatory program to improve their marketing situation. The exceptions filed by the principal organizations representing producers whose milk is currently subject to the order strongly deny that they are "subsidizing" the local producers in such counties. It is their position that marketing conditions for producers under the order are not made more difficult by the omission of such counties from the marketing area and that such conditions would not be appreciably improved by the extension of the regulation to include the Kitsap-Mason milk. Since the case for the marketing area extension rests primarily upon the premise of subsidization by pool producers of the Kitsap-Mason produced milk, and the pool producers deny any disadvantage to themselves, it is concluded in these circumstances that insufficient basis for such an extension of the marketing area is present at this time. It is true that proponents presented additional testimony to show that there are differences in retail and wholesale price levels, discount schedules, and contract bid prices between the regulated and the Kitsap-Mason areas. This testimony was offered to demonstrate competitive disadvantage to the regulated handlers doing business in the unregulated counties. There are many factors, of course, which influence wholesale and retail price levels, discount schedules and bid prices in different areas. The existence of such differences does not in itself demonstrate, however, that they have resulted from marketing conditions of the kind that this type of regulation can correct. No specific examples of competitive disadvantage resulting from the operation of the order were shown by proponents.

The scope of the marketing area is related to the particular problems involved. Since a milk marketing order is a type of regulation requiring specific boundaries for the area to be covered, some competition between regulated handlers and others hardly can be avoided at points outside the regulated area. A regulated handler who distributes outside the regulated area so established incurs voluntarily whatever risks are involved in doing business in competition with persons unregulated. In the absence of compelling reason to extend the marketing area for the purpose of establishing or maintaining orderly marketing conditions either inside or outside the presently defined marketing area, it is concluded that the counties of Kitsap and Mason should not be included in the marketing area.

(3) The price adjustments on Class I and base milk according to the location of the plant should be revised.

The present order provisions provide for location adjustments of 30 cents, 40 cents and 20 cents per hundredweight in Districts 2, 3, and 4, of the marketing area, respectively. A location adjustment of 45 cents per hundredweight is provided for milk received at plants in Clallam and Jefferson Counties, and a 40-cent per hundredweight location adjustment applies at any other plant located outside District 1 and the counties of Kitsap and Mason. Producer associations which market large volumes of milk from various segments of the milkshed and Kittitas County proposed a new schedule of location differentials, as follows:

45 cents in Clallam and Jefferson Counties;
25 cents in District 2 and Kittitas County;
20 cents in District 3;
15 cents in District 4; and
40 cents at any other plant located outside the marketing area.

Consideration also was given to a location differential for that portion of Pierce County not included in the marketing area. Proponents suggest that the differential for such area should be no higher than the rate for District No. 3, and preferably should be treated on the same basis as District No. 1.

Technological changes and efficiencies in the handling and transportation of milk have taken place which have reduced the costs of moving milk from farms to the principal communities in the marketing area in the period since the present location differentials were established. In those areas where the conversion from can to bulk handling of milk virtually has been completed, it is frequently possible to move milk directly from farms to District 1 plants, by-passing country plants in the production area whenever the milk is needed at the city. However, processing plants in the production area are still required to handle Grade A milk supplies when not needed for Class I uses.

Contractual agreements between the producer associations and transport companies which haul milk from plants in the various districts and Kittitas County to District 1 plants provide for hauling charges in line with the per hundredweight rates proposed. One association which owns and operates its own tank trucks submitted cost figures incurred in transporting milk substantially similar to the contract carrier charges.

While hauling charges vary depending upon the size of the load, the schedule of location differentials proposed by producer organizations are representative of the costs experienced under present circumstances for moving milk from various plant locations in the milkshed to the main centers of consumption in the marketing area.

Producer milk from Clallam and Jefferson Counties is moved to plant outlets in Seattle. The present location differential applicable at plants located in such counties is 45 cents per hundredweight. Proponent producers suggested the continuation of such differential although reductions in plant-to-plant hauling costs generally throughout the milkshed have taken place and no segment of the regulated market is dependent upon such Olympic Peninsula milk, which is relatively costly to move to market outlets, as a source of supply. As shown above, rates proposed for other segments of the milkshed are primarily in the range of 15–25 cents per hundredweight, depending on the location of the plant with reference to the segment of the marketing area served by the plant.

The recommended decision proposed a reduction in the Clallam County and Jefferson County rate from 45 to 35 cents per hundredweight. Exceptions filed cast certain doubts, however, on the particular comparison of the respective costs of moving milk to Bremerton and Seattle, indicated by the hearing record and referred to in such decision as an appropriate basis for the proposed reduction in rate.

In any event the amount of the rate to apply for a given plant location must be considered in relation to the lowest-cost alternative method of moving milk to market from the same general area. Consideration on such basis tends to minimize charges assessed against the pool price for transportation, and thus insures producers generally that their price will not be diluted by transportation charges higher than are actually necessary to service the market adequately. It is difficult to recognize lower hauling costs, and thus reduced differential rates, for the remainder of the milkshed, occasioned by the growth and relative efficiencies of moving milk by bulk tank, and not to observe the effect of the latter in Clallam and Jefferson Counties, even though all milk does not yet move in bulk tanks from such counties. Obviously, a number of producers in such counties have found it preferable to deliver their milk by bulk tank. If this is the more economical means of moving milk to market (and it has proved so in other parts of the milkshed), then its importance should not be overlooked in the establishment of a proper rate for plant-to-plant hauls in these two counties. It is infeasible, of course, to establish individual rates for producers, or groups of producers, based upon the size of their respective operations.

The exceptions filed by the Clallam-Jefferson producers did not allege the presence of a plant-to-plant transportation rate from such counties higher than that proposed in the recommended decision. In fact, the exceptions state the prevailing rate to be 35 cents per hundredweight, the same as contained in such decision, although it was contended that such rate "subsidizes" to some extent the rates applied for the haul from farms to the local plant. Since this order does not contemplate the fixing of a rate which allows for plant handling costs or the farm to local plant cost of hauling, the latter expenses, incurred by the excepting producers in moving milk from such counties to the consuming center of the marketing area, are properly chargeable to the individual producers receiving the service rather than to producers generally.

However, an immediate reduction in location differential to 35 cents (equivalent to the conditional figure referred to as the current plant-to-plant rate by the excepting producers who operate the plant in Clallam County), could work temporary hardship in the particular circumstances alleged. For this reason,

a more gradual reduction is appropriate to permit an orderly adjustment in net returns to the Clallam-Jefferson producers shipping through the local plant, as they decide the most advantageous plan for handling their milk in competition with the bulk tank delivery system. It is concluded, therefore, that the reduction in rate should be limited to 5 cents per hundredweight at this time, making a per hundredweight rate for this location of 40 cents.

A portion of Pierce County is included in District No. 1 of the marketing area. The remainder of such county is outside the marketing area. Failure to eliminate the location differential insofar as Pierce County is concerned would provide for a lesser cost (by 40 cents per hundredweight) to any handler whose plant is in such county but who distributes milk in the marketing area in competition with handlers having no location adjustment. Likewise, producers at a plant in such county would receive 40 cents less than other producers in the county who ship to plants located in District No. 1. Uniformity of pricing and orderly marketing will be promoted by treating Pierce County on the same pricing basis as District No. 1.

It is concluded that the schedule of location differentials be revised in order to reflect actual costs in transporting milk under current conditions and by efficient means.

(4) The order should be revised to permit Class II classification of milk transferred from a fluid milk plant or a country plant to a plant regulated by another Federal milk order.

Under the present provisions of the order, milk moved from a plant under this order to a nonpool plant outside the marketing area or certain other counties, including any plant regulated under another Federal order, is classified and priced as Class I milk. A handler who operates plants under both the Puget Sound and Inland Empire orders proposed that milk transferred or diverted from a plant regulated under the Puget Sound order to a plant regulated under the Inland Empire order be classified and priced as Class II milk.

Proponent testified in support of the proposal that: (1) There have been occasions when the Inland Empire market has been short of milk for the manufacture of cottage cheese and ice cream while at the same time there were plentiful supplies of milk in the Puget Sound market; and (2) Puget Sound milk could have been purchased by Inland Empire handlers for use in cottage cheese and ice cream during such periods, if the provision which requires that such purchases be classified and priced as Class I milk in the Puget Sound market had not made such purchases infeasible.

While proponent stated that he could foresee no immediate need for the proposed provision, he further stated that the Inland Empire market might at some time again be short of milk for use in such products at the same time that extra supplies are available in the Puget Sound market.

A witness representing certain producer groups testified in opposition to the proposal. This witness stated that the present provision of the order is based on the fact that there are adequate facilities within the Puget Sound marketing area to handle milk in excess of fluid requirements and that, except in an emergency situation, it is not necessary to transport milk outside the marketing area for Class II disposition. Such witness pointed out also that the Spokane ordinance requires the use of Grade A milk for the manufacture of cottage cheese and contended that to permit milk to move from the Puget Sound market at the Class II price to meet the Grade A requirements of another market is not warranted.

In drafting the present provisions governing interplant movements consideration was given not only to the extent of facilities within the milkshed for utilizing milk in excess of fluid requirements, but also to a system which would minimize administrative costs and difficulties of determining the ultimate use of the milk. To permit milk to move to nonpool plants normally would require the market administrator to perform verification and audit at the nonpool plant, sometimes at a relatively high cost. However, when milk is moved from a Puget Sound plant to a plant which is regulated under another Federal order, such verification and audit is readily feasible inasmuch as the handler under the other order receiving such milk must submit monthly reports to the market administrator of such other order, and such reports are subject to verification and audit as a regular function of order administration. Therefore, little additional administrative cost or difficulty is incurred in verifying the use of such milk in terms of the classification and allocation sequence provided by the other order.

It is noted further that under present provisions of the Puget Sound and Inland Empire orders it is possible for a Puget Sound handler to manufacture such Class II products as nonfat dry milk, unsalted butter, or condensed milk in his regulated plant and move such products to the Inland Empire market for conversion into other Class II products.

In view of the above considerations, it is concluded that the order should be amended to provide that milk be classified as Class II milk if transferred from an Order No. 25 plant to another Federally regulated market and assigned to Class II milk under the classification and allocation provisions of the other order. However, as to milk moved to outside plants not regulated by any Federal order, the reasons for treatment as Class I of any transfers from the Puget Sound market are still applicable and the provisions governing such types of transfers should not be changed.

(5) The provisions relating to the pricing of producer milk diverted from a plant in one price district to a plant in another price district should be revised.

The present definition of "producer milk" provides that milk received at a plant in one price district on 60 percent of the days of delivery during the month may be delivered directly from farms to a plant in a different price district on the remaining days of such month and, for pricing purposes, be deemed to have been received at the former plant.

It was proposed by the cooperative associations testifying at the hearing that producer milk be priced, in all cases, at the location of the plant where it is physically received.

In numerous instances producers have been assigned to District 1 plants but their milk has been diverted, within the prescribed limitations as to the number of days, to plants in other price districts where, by virtue of location adjustment provisions, lower prices prevail under the order. For accounting and payment purposes, such diverted deliveries of producer milk are regarded as received at the District 1 plant, where no location adjustment is deductible, and the handler is credited, in the computation of his obligations to producers, with payment to such producers at the full District 1 uniform price, although up to 40 percent of the milk was physically received and utilized in another price district where the lower price obtains. Thus, under present order language, the handler may draw from the pool sufficient money to pay the producer of such diverted milk a uniform price higher than that applicable to other milk customarily delivered to the location to which such milk was diverted.

In certain other cases, milk has been hauled from the farm to a District No. 1 plant, received there, and then re-hauled to a plant in a lower-priced district. By this means also, the producers involved receive the District No. 1 uniform price and the handler is so credited in the determination of his pool obligation, even though the milk may not be needed at the District No. 1 location.

The diversion privilege is intended primarily to permit efficiency in the marketing of milk not needed at fluid milk plants for bottling purposes. On days when the milk is moved by the handler from the farm to a plant in District 1 the cost of transportation is allowed the handler through a hauling deduction from the producer's check. On days when the milk does not move to such plant but is diverted by the handler to a plant in another district a cost of hauling less than that contemplated by the customary hauling deduction may be incurred by the handler. Thus, the diversion of milk in such circumstances jeopardizes the proper distribution of producer returns and offers opportunity for competitive advantage to the handler, thereby impeding the orderly marketing of milk.

Pricing milk in all cases at the location of the plant where it is first physically received rather than at the plant from which it is diverted will reflect more nearly the economic value of producer milk at the location where it is utilized. Likewise, producer returns will be more in accord with this value and the actual costs involved in transportation of the milk.

The practice of hauling milk from the farm to a District No. 1 plant, receiving it, and then hauling the same milk, or an equivalent quantity, to a plant in a lower-priced district likewise may lead to advantage to the handler if location adjustments do not properly reflect actual hauling costs from country plant locations to District No. 1. Problems of this kind also will be minimized as the result of the above pricing mechanism and the reduced location adjustments discussed elsewhere in this decision.

In view of the above considerations, it is concluded that the proposal should be adopted.

(6) The classification provisions should be modified so as to classify milk utilized in "cocoa mixes" and in sterilized milk and milk products in hermetically sealed metal containers as Class II milk; the classification of milk into two classes should be continued.

The present language of the order provides for the classification of milk as either Class I milk or Class II milk. It was proposed by a handler that the order be amended to include milk for "cocoa mixes" in Class II milk rather than in Class I milk, as presently classified. Another handler proposal would remove all milk and milk products sterilized and packaged in hermetically sealed containers from Class I milk and provide for their classification in Class II milk.

A handler manufactures a "cocoa mix" which is disposed of under a trade name to a distributing company which, in turn, disposes of the product to restaurants to be served, by the addition of water or skim milk, as a hot cocoa drink. The product (which must be continously agitated) is dispensed at restaurants by means of a special dispenser. It has a body and viscosity similar to low-fat ice cream mix. The butterfat and nonfat milk solids used in the manufacture of the product are usually in the form of sweetened condensed milk and nonfat dry milk. Butter, milk and cream also are used at times in its manufacture. The applicable health authorities do not require that the product be made from milk meeting the Grade A standards and, therefore, it is in competition with cocoa powders made from ungraded milk which are mixed with water and sold as hot chocolate.

Since this product is not required to be made from Grade A milk and is in direct competition, from a procurement standpoint, with supplies of ungraded whole milk and nonfat dry milk, it should be included in Class II milk. However, since it does not constitute a residual outlet for Grade A milk, any milk so utilized should be subject to the Class II location adjustment as provided in § 925.54 of the order. The order is so revised.

A proposal was made to provide for the classification in Class II milk of milk disposed of as milk or milk products sterilized and packaged in hermetically-sealed containers. The proponent handler operates a plant in East Stanwood, Washington, where sterilized whole milk and ice cream mixes are processed and packaged in containers of various sizes. At times sterilized cream and other milk products, including cocoa mixes, also are processed and packaged. Disposition of milk and products processed in the plant is made mainly to military and export outlets. The minimum ingredient specification is milk of manufacturing grade.

Some handlers in the Puget Sound market regularly package and distribute Class I milk both at retail and wholesale in paper containers which are advertised as hermetically-sealed. Under consideration here, however, are only those products which are packaged in hermetically-sealed metal containers.

The regular milk supply at proponent's plant is primarily manufacturing-grade milk purchased from dairy farmers in Snohomish County. The available supply of ungraded milk from dairy farms in the milkshed has been dwindling at a rapid rate and is insufficient to fill the needs of the plant. The classification and pricing of producer milk in Class I makes its use in this product prohibitive. While the proposed classification will not insure the availability of producer milk for such uses, it will permit producer milk to move to such plant as Class II milk; providing an additional outlet for producer milk in excess of handlers' fluid requirements.

It is concluded that the classification provisions should be modified to provide for classification in Class II milk of all milk and milk products disposed of in hermetically-sealed metal containers. As in the case of cocoa mixes, this product does not represent a residual use and, therefore, it is concluded further that the milk so utilized should be subject to the Class II location adjustment as provided in § 925.54.

As stated above, the present order provides for two classes of milk. Class I milk includes milk used for those products which the health regulations require to be made from Grade A milk and milk for any product not specifically accounted for as Class II milk. Class II milk is that milk used for products not required under the applicable health regulations to be processed from Grade A milk.

A producer association proposed that a three-class classification system be established. Proponent's proposal would continue to classify in Class I milk that milk and butterfat used for products required by the health regulations to be processed from Grade A milk. Class II milk would include "skim milk and butterfat used to produce cottage cheese, ice cream mix and all other perishable products that cannot be shipped long distances". Class III would include "skim milk and butterfat used to produce butter, hard cheeses, powdered milk and milk utilized for purposes other than human consumption . . ." Proponent indicated further that classification in Class II milk should be sufficiently flexible to permit the market administrator to reclassify to the lowest classification, milk for any Class II milk product whenever handlers encounter a competitive condition tending to limit its sale.

Proponent further proposed that the price for Class II milk be established at a level 50 cents below the Class I price, and that Class III milk be priced the same as present Class II milk.

The Agricultural Marketing Agreement Act of 1937, as amended, under which Federal orders are promulgated and issued, requires "that milk be classified in accordance with the form in which or the purpose for which it is used, * * *". Classification of milk on the basis of whether or not the milk can be transported long distances fails to meet the criteria of classification established by the Act. Likewise, the proposal to have the market administrator establish a lower classification whenever a handler encounters a competitive situation which would tend to limit sales of a Class II product is not practicable in terms of the classification requirements of the Act. The authority to classify and price milk is vested in the Secretary. While the market administrator may recommend amendments to the Secretary, it is beyond the powers which may be delegated to the market administrator to either permit or require him to classify or price milk on any basis other than as determined by the Secretary and provided by the terms of the order.

While the named products, cottage cheese and ice cream, proposed for Class II milk, in many cases may contain Grade A (producer) milk, they are not products required under the applicable health regulations to be made from Grade A milk. Such products must be disposed of at this time in the same competitive market as products made from factory, or manufacturing, milk.

It is necessary to provide pricing which will permit excess milk to move readily into manufacturing channels when producer milk receipts are in excess of the market's fluid milk requirements. Proponent of the three-class classification proposed a Class II price 50 cents below the Class I price but presented no testimony as to the feasibility of moving milk at the proposed price in those products which conceivably would be covered by the proposed Class II milk. Attaching a price at the level proposed to milk and butterfat utilized in such a product as evaporated milk, which is a product eligible for long-distance shipment, raises serious question as to the continued operation of certain plants which are significant outlets for reserve milk supplies.

In view of the above considerations, it is concluded that the proposal for a three-class classification plan should not be adopted at this time.

(7) No revision should be made in the delivery performance requirements for a "country plant" to acquire pool status; the definition of plant should be modified to cover "reload points" in order to facilitate the proper pricing of milk according to location.

The present order provisions require that not less than 50 percent of the receipts of milk from dairy farmers at a country plant be shipped in fluid form to a fluid milk plant in each of the months October through December, and not less than 20 percent of such receipts in each of the months of January through September, for the plant to acquire pool status as a country plant. However, if such plant performance re-

quirements are met for the period October through December, no further performance is required in the months of January through September. A proposal was made to include milk received from other regulated plants as well as milk received from dairy farmers in the total receipts to which such shipping percentages apply.

Proponents' proposal was intended primarily to prevent possible abuse of the diversion privilege foreseen under the present provision. They contended that it would be possible for the operator of some plant (currently a nonpool plant) to assign a substantial portion of the dairy farmers at the plant to a regulated plant for the months when the 50 percent shipping percentage is applicable, and subsequently divert the milk from the regulated plant to the nonpool plant. Since the shipping percentage applies only to receipts from dairy farmers and the diverted milk is considered as received as producer milk at the regulated plant, proponents envisioned that the operator of the nonpool plant might avoid the shipping requirements for country plant status by shipping 50 percent of a reduced volume of receipts.

The potential abuses to which testimony was directed are not a serious threat to orderly marketing at this time. Further, other amendments recommended elsewhere in the decision, particularly with respect to the reduction in location adjustments and the pricing of diverted milk at the plant where it is physically received, will minimize any potential problem. Under the latter provision, any milk "diverted" to a plant for which qualification as a country plant is desired would become receipts from dairy farmers at such plant for the month and, therefore, the shipping percentage for such month would be applicable to the "diverted" milk as well as to other dairy farmer milk at the plant.

The order should be amended also to redefine the term "plant" to include "reload points" and, for purposes of pricing and pooling, provide for possible qualification of any reload point as a "country plant".

The present order definition of a "plant" means the land, buildings, surroundings, facilities, and equipment whether owned or operated by one or more persons constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products. A witness representing producer cooperative associations supported a proposal to revise the definition of plant to include stations at which reloading is done even though no processing is carried on at such location.

The present definition of plant was adopted before bulk milk handling became a major consideration. Reload stations at which milk is transferred from one tank truck to another for forwarding to the market developed with the conversion from can to bulk handling of milk. At the time the definition was incorporated, the language of the provision "receiving, handling and processing" adequately described the functions of a plant. The function of assembly of milk for movement to the market may be performed, however, by a reload station as well as by plants where some processing takes place.

The health authorities having jurisdiction in the market have prescribed certain sanitary requirements which a reload station must meet to qualify as a milk handling establishment. They require that the reload station be equipped with a covered area where the milk can be transferred from one road vehicle to another and with facilities for washing tanks which are emptied. Such facility must be under the control of the handler.

Since a reload point under the bulk handling method serves a major function similar to that of a country plant under the can-handling method, treatment under the order in the same manner insofar as pricing, location differentials to handlers, and performance requirements for pool status are concerned, will facilitate the orderly marketing of milk. The term "plant" then should be expanded to include any structure in which are maintained facilities for washing tanks and at which milk of any producer moved from the farm in a tank truck is commingled with milk of other producers before delivery to a fluid milk plant or country plant. A reloading operation on the premises of a processing plant would be considered, of course, as a part of such plant's operation.

(8) The provisions relating to producer bases should not be revised as to the number of months during the year when bases are established; the provisions governing new producer bases should be revised; and the provisions relating to transfers of base should be modified.

The present order provides for the computation of a daily base for each producer whose milk was received by a handler on not less than 120 days during the months of August through December, inclusive. The daily base is an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which is recomputed each year, becomes effective on the first day of February next following, and remains in effect through the month of January of the next succeeding year. Any producer who is not eligible to receive a base as described above, or relinquishes his base under prescribed limitations, is allotted a base computed by multiplying his deliveries to a handler during the month by an appropriate percentage, ranging from 45 percent in May to 80 percent in November and December.

A proposal was made by a producer association to amend the base computation provisions so that the base-earning period would be any nine months during the calendar year when producer receipts and Class I sales are in nearest balance, in lieu of the five consecutive fall months as presently provided. Other producer associations, making no proposal for change with respect to the base-making period, proposed, however, that the order be amended to adjust the new producer schedule of delivery percentages used in computing base, to conform to a changed seasonal pattern of production. The latter associations also proposed that the order be amended to remove all restrictions on transfers of base between the original holder and a member of his immediate family and, in case of death, to permit such transfer to a member of the immediate family, or between the holder's estate and one outside party.

Proponent for the revised base-earning period testified that it is beneficial to the producer, the handler and the consumer to have a uniform monthly production of milk, avoiding wide seasonal variations. It was stated further that although the current base plan has proved to be an effective means of adjusting production seasonally to periods when most needed, two "peaks" of production occur during the year. It was also contended that hardship is incurred by any producer who is not able to adjust precisely to the present base-earning period, and that if producers were not given advance notice of the base-earning months, there would be greater incentive for uniform production throughout the year.

The witness for other cooperative associations expressed agreement with the general objectives of the proposed revision of the plan, pointing out that producers had succeeded in increasing their production during the present base-earning months, particularly during August and September, and that if the base-earning months were continued without change, an eventual result likely would be even greater production in the base-earning period, with January and February becoming more pronounced as low production months relative to other months. As previously indicated, such associations made no specific proposal for modifying the base-earning period at this time.

The base and excess plan of payment to producers was incorporated in the initial order which became effective in 1951. Both the base-earning period and the period to which payments on base milk were applicable were revised in 1952. The percentage of delivery schedule for computing new producer bases was modified in 1952 and 1954. Other modifications of the base plan have been minor in their effect. The limited purpose of the plan is to encourage a more even seasonal production pattern.

Milk delivery figures for the period January 1952 through August 1958 are contained in the hearing record. Official notice is taken of the monthly statistical summary for each of the months of September through December 1958, inclusive, released by the market administrator. These releases, together with record information, afford comparisons of monthly data with respect to milk receipts for the full year 1958 with those for prior years. Producer receipts of milk in May, usually the month of highest production seasonally, have shown a considerable decrease in relation to receipts in November, normally the month of lowest production, since the base and excess plan has been in effect. For example, receipts of producer milk in May 1952 were 131.6 percent of the monthly average for the year while November 1952 receipts were 84.5 percent of such average. Even though there was a substantial annual increase in producer milk receipts from 1952 to 1958, receipts of producer milk in May 1958 were only 122 percent of the monthly average for such year and receipts in November were 94 percent of such average. November historically has been the month of lowest seasonal deliveries, but in recent years January and February receipts have been below the November level. Improvements in the production pattern have occurred primarily in the spring and early fall months. In 1952 there were only three months in which monthly receipts were within 10 percent of the monthly average for the year, whereas in 1958 receipts were within 10 percent of the monthly average during nine months of the year. Although the revised pattern of production which has developed over the past several years probably may be attributable to a number of circumstances, and not solely to the operation of the base plan, these data demonstrate marked progress toward accomplishment of the stated purpose of the plan, i.e., development of a more even pattern of production throughout the year. In view of the above, it is concluded that the base-earning months should remain unchanged.

The opportunity to be allotted base in the regular manner, as described above, should be extended, however, in all cases where the information is made available for the base computation, to those producers who enter the market through the choice of the distributor to whom they sell. This is necessary in order that such producers will not suffer undue hardship as the result of an action over which they had no control. The producer-handler who becomes a producer should have similar treatment as to base if his Class I sales accrue to the pool.

The provisions relating to establishment of bases for producers entering the market on their own volition for the first time, and an alternative method for establishing base for the producer who desires to cancel his base and be treated as a new producer under the limitations prescribed, should be revised also.

Since the percentage of delivery schedule on which new producer bases are computed was last revised, the pattern of production has changed seasonally, and both total production and total base milk have increased in relation to Class I sales. A greater number of producers has made use of earned base in the spring months while such earned base was relatively favorable as compared with their bases computed under the new producer schedule, but have cancelled earned base in favor of the new producer schedule whenever the latter provided a more favorable return. This has occurred mainly in August and subsequent months. The privilege of relinquishing base made in the regular manner was included to relieve possible cases of hardship, but was not intended to provide a producer the means of general avoidance of the regular method of base computation, in order to gain an increased return at the expense of other producers. Unless revised, the new producer base provisions would make the base plan relatively ineffective. It is concluded that such delivery percentages should be revised as provided in § 925.60(b) of the amendments made a part of this decision.

A provision should be incorporated in the "base rules" to remove restriction on transfers of base to a member of the immediate family of the base-holder and, in case of the base-holder's death, to a member of his family, or to the estate of the base-holder and in turn to one outside party.

A witness representing several cooperative associations testified that while it is their position that transfers of earned bases should be held to a minimum, application of the present rules has caused hardship in some cases. It also was pointed out that on occasion the rules have made difficult an orderly transfer of property, particularly when made necessary by the death of a producer. In order to facilitate transfers of base in such circumstance, it was proposed by such witness that the order be amended to remove all restrictions on transfers of base where the recipient is a member of the immediate family of the base holder, and in case of death, to permit the transfer to a member of his immediate family, or to his estate and then to one outside party. Proponent testified that the provision requiring that the market administrator must be satisfied that the conveyance of the herd is bona fide, and not for the purpose of evading any provisions of the base rules, provides adequate safeguard against abuses where transfers of base are involved in settling estates.

Adoption of the proposal would not have adverse effect on the orderly operation of the base plan and would provide relief from hardship in some instances. In view of the above, it is concluded that the proposal should be adopted.

(9) No change should be made in the method of determining Class I prices.

The order provides that Class I prices shall be determined by the use of a basic formula price plus a differential of $1.65 per hundredweight. The basic formula price is the highest of the prices computed from (1) a butter-powder formula, (2) a butter-cheese formula, or (3) the average of prices paid at selected midwest condenseries. The Class I price formula also contains a contra-seasonal provision which provides that the Class I price for the months of April through June, inclusive, shall not be higher than the Class I price computed for the month of March immediately preceding, and the Class I price for the months of October through January, inclusive, shall not be lower than the Class I price computed for the month of September immediately preceding.

A producer association introduced a proposal to establish Class I prices by an "economic-type" formula of the same general type as the Class I price formula in use in the Boston, Massachusetts, market. The formula would reflect the following factors: (1) Consumer purchasing power in the State of Washington, (2) the wholesale price level in the United States, (3) changes in the cost of producing milk in the State of Washington, and (4) beef prices in the State of Washington. A seasonally adjusted index of department store sales in western Washington (or the index of per capita disposable personal income in the State) was offered as the measure of consumer purchasing power; the monthly index of U.S. wholesale prices as the measure of general economic conditions; an index of mixed dairy feed, hay, and labor, weighted in the proportion of the respective share of each in milk production costs, as the reflector of changes in the cost of producing milk; and the beef price index for the State of Washington as the indicator of changes taking place in a principal agricultural industry competing for factors used in the production of milk.

Proponent testified that the proposed formula was based on a study made at the Washington State College, published in January 1952 as Station Circular No. 178 titled "The Pricing of Class I Milk in the Puget Sound, Washington, Milk Marketing Area". A supplement to Circular No. 178 containing statistical data basic to the study and relating to more recent years was published in November 1957 and also was offered in evidence.

Proponent contended that the present Class I price formula does not appear to be the most efficient pricing mechanism available and the following reasons were presented for its revision: (1) The basic price formula is based on prices paid to dairymen in Wisconsin and Michigan and does not reflect supply and demand conditions for milk in the Puget Sound market; (2) any change in the method of computing Class I prices requires a public hearing in order to adduce testimony from the industry and the public; (3) time is required for study and approval by the Secretary; and finally (4) a vote is necessary to secure producer approval for amending price provisions. It was stated further that the proposal was not offered for the purpose of establishing a higher Class I price level; nevertheless, proponents expressed the view that producers are not receiving adequate compensation for producing milk, the uniform price being reduced by relatively large volumes of producer milk in Class II milk uses.

A witness representing several cooperative associations which are responsible for receiving, handling or marketing substantial amounts of producer milk in the Puget Sound market, including a large proportion of the market's reserve supplies, testified that if an economic-type formula were to be considered for use in the Puget Sound market, a period of study and preparation should be allowed the industry, and that the various elements in the formula should be selected from a complete review of all factors affecting supply and demand conditions in the Puget Sound area to find those movers which have specific application in such region, and not simply to adopt elements because they are similar to those contained in an existing formula having

local significance in a distant area. Such witness further stated that the several cooperative organizations on whose behalf he was testifying were familiar with the 1952 pricing study offered by proponent, and also with the operation of the formula in effect in the Boston, Massachusetts, market, but considered the present Order No. 25 formula preferable for the Puget Sound area at this time.

The circular published in 1952 on which proponent's proposal was based states that the purpose of the study was to present an alternative Class I price formula for the Puget Sound market which would (1) create greater stability in pricing, and (2) bring forth a milk supply pattern more in line with Class I utilization. The circular itself recommended that further study and appraisal be given by the industry to the use of an economic formula before its adoption. It is reasonable to conclude that the pertinent considerations and conclusions set forth in the circular, relating to the pricing of Class II milk in the Puget Sound market, were based on concern over possible shortages of supply in relation to potential needs and the relatively wide seasonal fluctuations in production then prevailing.

Since the study was published several important changes have taken place in the Puget Sound market. Milk supplies have increased substantially in relation to Class I sales to eliminate any fear of shortages and the seasonal pattern of production, discussed elsewhere in this decision, has changed significantly. Producers virtually have completed the conversion from can to bulk handling of milk and milk supplies for the marketing area are procured from a more widespread area at decreased transportation rates.

The statute under which orders are issued requires that class prices for milk must be established on the basis of evidence adduced at a public hearing, and that they shall be at levels which will reflect economic conditions affecting the market supply and demand for milk in the area, insure a sufficient supply of pure and wholesome milk, and be in the public interest. There is no indication of any marketing condition in the area which is likely to reduce milk supplies for the market below adequate levels in the foreseeable future. In this connection it is noted that in 1958 as a whole Class I utilization was only 55 percent of producer milk receipts.

The type of basic price formula in effect which is in general use in many other fluid markets also, provides a basis for relating prices in this market to general economic conditions in the dairy industry, and the differential added to the basic formula price has induced a sufficient quantity of milk under local production conditions. In the absence of testimony indicating in what manner the proposed formula under present marketing conditions might facilitate price stability, or further improve the relatively even production pattern which has been achieved under the present formula operating in conjunction with the base and excess plan, it is concluded that no change should be made in the basis of establishing minimum Class I prices at this time.

(10) Several changes of order language should be made for the purposes of clarification and of improving order administration.

Problems of administration have arisen which suggest clarification of language in certain provisions of the order. In this connection the language of the proviso of § 925.45(a) should be revised. The present wording of the section provides that the milk equivalent of nonfat milk solids be computed when such solids used to fortify Class I milk products or for reconstituting purposes come from products derived from skim milk. The proposal would provide similar treatment with respect to computing the quantity of nonfat milk solids derived from milk as well as from skim milk. The question of accounting for nonfat milk solids on a skim milk equivalent basis when so utilized was discussed in the decision of the Assistant Secretary September 10, 1953, Docket No. AO–226–A3, official notice of which is taken. Incorporating the suggested language of the proposed amendment will clarify the intent of the prior decision and continue the application of the provision in the manner in which it has applied by administrative interpretation. It is concluded that the proposals on this matter should be adopted.

The Puget Sound marketing area covers a wide territory geographically and embraces a number of rural areas where the consuming population is scattered and not served by regulated handlers. In order not to inhibit continued service to those consumers who purchase their milk supply directly from the farms of their neighbors, it is concluded that the definition of "handler" should be revised to exempt persons if their sales of milk do not exceed 3,400 pounds during the month. This is an average amount of about 50 quarts per day, and the exemption will enable the dairy farmer selling to his neighbors to remain a producer of milk rather than become a handler subject to regulation as such.

Other minor changes are appropriate in connection with pricing and location adjustments to bring such provisions up-to-date. Certain portions of order language have become obsolete and are deleted. These changes are self-explanatory and do not change the general intent of the provisions involved.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Puget Sound, Washington, marketing area", and "Order amending the order regulating the handling of milk in the Puget Sound, Washington, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Puget Sound, Washington, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1959 is hereby determined to be the representative period for the conduct of such referendum.

Paul L. Buchanan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 26th day of June 1959.

MARVIN L. MCLAIN,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 925.0 to 925.102 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 925.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficent quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of other source milk classified as Class I milk and milk received from producers, including such handler's own production.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 925.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 925.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 Puget Sound, Washington, marketing area.

"Puget Sound, Washington, marketing area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsula on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within Whatcom County. "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific, and "District No. 4"

of the marketing area shall include that part of the marketing area lying within Skagit County.

§ 925.7 Plant.

"Plant" means the land, building, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk and milk products: *Provided*, That this definition shall include any building with its premises, equipment and facilities including facilities for washing tanks, (hereinafter also referred to as "reload point") which is used primarily as a location at which milk is transferred from one bulk tank farm pick-up truck to another or to an over-the-road tank truck, and which is approved by an appropriate health authority for such use.

§ 925.8 Fluid milk plant.

"Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month skim milk or butterfat in any of the forms specified in § 925.41 (a) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 Country plant.

"Country plant" means any plant (including any reload point), other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided*, That any such plant located outside of the marketing area other than the plant at Sequim operated by the Sequim Creamery Association shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area in any of the forms specified in § 925.41(a), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months for January through September: *And provided further*, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 Nonpool plant.

"Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 Dairy farmer.

"Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 925.13 Producer milk.

"Producer milk" or "milk received from producers" means milk qualified as described in § 925.12, other than that produced by a producer-handler, which either is received directly from a farm at a fluid milk plant or country plant, or is caused to be diverted by a handler for his account from such plant to a nonpool plant: *Provided*, That any such milk diverted to a nonpool plant shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

§ 925.14 Other source milk.

"Other source milk" means:

(a) All skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and

(b) All other skim milk and butterfat other than in:

(1) Producer milk, and

(2) Milk and milk products in any of the forms specified in § 925.41(a) received from fluid milk plants and country plants.

§ 925.15 Handler.

"Handler" means: (a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which, during the month, more than 3,400 pounds of skim milk and butterfat in any of the forms specified in § 925.41(a) are disposed of to any place or establishment within the marketing area other than a plant: *Provided*, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to a military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 925.102 have been met, and that none of the conditions therein for cancellation of such designation exists. Such designation shall be effective on the first day of the month after receipt by the market administrator of the application required by § 925.102(a)(4), except that the effective date of designation shall be the same as the effective date of this provision if the application therefor is filed not later than 15 days after such effective date. The effective date of designation shall be governed by the date of filing new applications in instances where applications previously filed have been denied. All designations shall remain in effect until cancelled pursuant to § 925.102(d).

§ 925.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 925.60(a) and (b) respectively.

§ 925.18 Base milk.

"Base milk" means milk delivered by a producer during the month which is not in excess of:

(a) His daily base computed pursuant to § 925.60(a) multiplied by the number of days of delivery in such month, or

(b) His base computed pursuant to § 925.60(b): *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60(a).

§ 925.19 Excess milk.

"Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 925.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive, or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70(a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70(a)(6);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80(a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70(b) of the pounds of other source milk on which payment is required to be made and the amounts due the producer-settlement fund and pursuant to § 925.88 from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51(a) and the Class I butterfat differential pursuant to § 925.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51(b) and the Class II butterfat differential pursuant to § 925.52(b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price(s) computed pursuant to § 925.71 and the butterfat differential(s) computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 925.30 Monthly reports of receipts and utilization.

On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15(a) shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants from which skim milk or butterfat in any of the forms specified in § 925.41(a) is disposed of to any place or establishment within the marketing area other than a plant, and each cooperative association which is a handler pursuant to § 925.15(b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers, including as a separate amount any milk of own farm production;

(b) The quantities of skim milk and butterfat contained in milk and milk products specified in § 925.41(a) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except manufactured Class II milk products:

(1) Disposed of in the form in which received without further processing by the handler, or

(2) Used to produce other Class II milk products).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products specified in § 925.41(a);

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries (other than his own farm production) of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 Other reports.

At such times and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 925,30 as may be requested by the market administrator with respect to milk and milk products handled by him.

§ 925.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, 925.32, and 925.102 and payments required to be made pursuant to §§ 925.80 to 925.88.

§ 925.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market ad-

ministrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 Handler report to producers.

(a) In making payments to producers pursuant to § 925.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identification of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate(s) at which payment to the producer is required under the provisions of § 925.80;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 925.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 Classes of utilization.

Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted and fortified skim milk) and butterfat:

(1) Disposed of in fluid or frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drink, and cream (sweet or sour), and used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks (but not including:

(i) Those products commonly known as evaporated milk, condensed milk, and condensed skim milk;

(ii) Any milk or milk product sterilized and packaged in hermetically sealed metal containers; and

(iii) Any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section),

(2) Disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt);

(3) Contained in monthly inventory variations,

(4) Shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 925.42(b), and

(5) Not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Disposed of (i) as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese, cocoa mixes, and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section; or (ii) as milk or any milk product sterilized and packaged in hermetically sealed metal containers,

(2) Disposed of for livestock feed,

(3) Disposed of in bulk in any of the forms specified in paragraph (a) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44(c) (2) and (3),

(4) In actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk, and

(5) In actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided*, That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 925.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44(c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c), of this section, as any item specified in § 925.41(a) from a fluid milk plant or country plant shall be assigned (separately) to each class in the following manner:

(a) To a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee-plant, subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor-plant, such excess shall be assigned last to the Class I available at the transferee-plant;

(2) If more than one transferor-plant is involved, the available Class I milk shall be assigned to the transferor-plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Pierce, Kitsap and Mason;

(iii) To fluid milk plants located in District No. 4;

(iv) To country plants located in District No. 4;

(v) To fluid milk plants in District No. 3;

(vi) To country plants located in District No. 3;

(vii) To fluid milk plants located in District No. 2;

(viii) To country plants located in District No. 2 or Kittitas County;

(ix) To country plants located in Clallam County or Jefferson County; and

(x) To country plants not located in the marketing area, Kitsap County, Mason County, Kittitas County, Clallam County, Jefferson County or Pierce County.

(3) If Class I is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee-handler may designate, within each of the ten categories of plants listed in such subparagraph, the plant(s) to which the available Class I milk shall be assigned.

(4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap, Mason, or Pierce are assigned to Class II milk, they shall be allocated, as designated by the transferee-handler, to the uses stated in § 925.54(a) insofar as such uses are available at the transferee-plant after allocating to such uses the other source milk at such plant; and

(5) Notwithstanding the prior provisions of this paragraph any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant by transfer to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant, and shall be classified in accordance with the provisions of paragraph (b) of this section.

(b) To a country plant: As Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee-plant after the subtraction pursuant to § 925.45(b)(2) of other source milk at such plant and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41(b)(4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

(2) If more than one transferor-plant is involved, the available Class II milk shall be assigned to the transferor-plants in the following order:

(i) To country plants not located in the marketing area, Kitsap County, Mason County, Clallam County, Jefferson County, Kittitas County or Pierce County;

(ii) To country plants located in Clallam County or Jefferson County;

(iii) To country plants in District No. 2 or Kittitas County;

(iv) To fluid milk plants in District No. 2;

(v) To country plants in District No. 3;

(vi) To fluid milk plants in District No. 3;

(vii) To country plants in District No. 4;

(viii) To fluid milk plants in District No. 4;

(ix) To country plants located in District No. 1, Kitsap County, Mason County, or Pierce County; and

(x) To fluid milk plants located in District No. 1.

(3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee-handler may designate, within each of the ten categories of plants listed in such subparagraph the plant(s) to which the available Class II milk shall be assigned; and

(4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1, Kitsap County, Mason County, or Pierce County are assigned to Class II milk, they shall be allocated, as designated by the transferee-handler, to the uses stated in § 925.54(a) insofar as such uses are available at the transferee-plant after allocating to such uses the other source milk at such plant.

(c) To a nonpool plant:

(1) As Class I milk if the transfer or diversion is to a nonpool plant located outside the marketing area or to the plant of a person holding designation as a producer-handler at the time of the transfer or diversion, except as provided for in subparagraphs (2) and (3) of this paragraph.

(2) As Class II milk if the transfer or diversion is to a nonpool plant located in the marketing area or within any of the counties of Kitsap, Mason, Clallam, Jefferson, Grays Harbor, Pierce and Island, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41(a) to any other nonpool plant distributing milk in fluid form, such disposition up to the quantity of milk transferred or diverted to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred or diverted quantity shall be allocated to uses other than those covered by § 925.54(a) to the extent that such other Class II milk uses are available at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

(3) As Class II milk to the extent of milk available in equivalent uses in the transferee-plant pursuant to the classification and allocation provisions applicable to milk therein, if the transfer or diversion is made in bulk form to a plant fully regulated under another Federal order.

§ 925.45 Computation of the quantity of producer milk in each class.

For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler either:

(1) To fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other Class I milk product, or

(2) For disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids;

(b) Allocate skim milk in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41(b)(4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk (§ 925.70(a)(5)); *Provided*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 Class prices.

Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.65: *Provided*, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.120, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 925.53 Location adjustments on Class I milk.

The price of Class I milk at each plant not located in District No. 1 or in the counties of Kitsap, Mason or Pierce shall be, regardless of point of disposition within or outside the marketing area, the Class I price pursuant to § 925.51 less a location differential for such plant shown in the table below:

Plant location:	*Class I price differentials (cents per hundredweight)*
District No. 1 or Kitsap, Mason or Pierce Counties	0
District 4	15
District 3	20
District 2 or Kittitas Co	25
Other locations outside the marketing area	40

§ 925.54 Location adjustments on Class II milk.

In computing each handler's value of milk there shall be added with respect to each fluid milk plant and country plant located in District No. 1 or in the counties of Kitsap, Mason or Pierce, an amount of money computed as follows:

(a) Compute the sum (in pounds) of:

(1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, non-fat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage (including that creamed) cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41(b) (4) and (5), and

(2) The total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants and allocated to the uses specified in subparagrap (1) of this paragraph (as provided in § 925.44(a) (4) and (b) (4));

(b) Subtract such sum from the total quantity of Class II milk for such plant, including that resulting from the disposition of skim milk or butterfat from such plant to nonpool plants;

(c) Subtract from the net amounts of skim milk and butterfat, respectively, resulting from paragraph (b) of this section to the extent of such amounts, the amounts of skim milk and butterfat received at such plant from fluid milk plants and country plants not located in District No. 1 or in the counties of Kitsap, Mason or Pierce and assigned to Class II milk pursuant to § 925.44 (but exclusive of the quantity by which transfers received from a transferor-plant exceeds the total of receipts from producers and other handlers at such transferor-plant); and

(d) Multiply by 25 cents per hundredweight the lesser of the following quantities:

(1) The net amount resulting from paragraph (c) of this section, or

(2) The total amount of producer milk received at such plant directly from farms which is available for Class II milk after the assignment of transfers pursuant to § 925.44.

§ 925.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Determination of Base

§ 925.60 Computation of producer bases.

Subject to the rules set forth in § 925.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided*, That for any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of (1) the plant to which his milk was delivered during the base-earning period subsequently being qualified as a fluid milk plant or country plant, or (2) cancellation of a producer-handler's designation as such, a daily base shall be computed pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

§ 925.61 Base rules.

The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 925.60(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 925.60(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and the last day of the base-earning period as specified in § 925.60 (a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 925.60(a);

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph,

(i) A base, whether earned pursuant to § 925.60(a) or received by transfer, may be transferred to a member of a baseholder's immediate family, and

(ii) In the case of a baseholder's death, a base earned pursuant to § 925.60(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to an outside party.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60(b) until he can establish a new base in the manner provided in § 925.60(a).

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 925.60(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 925.60 (a), for which such base was computed.

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provision of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

Determination of Uniform Price

§ 925.70 Computation of value of milk.

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if:

(i) Overage results in a fluid milk plant or country plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and

(ii) Overage results in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and the transferor-handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total pounds of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District 1 or in the counties of Kitsap, Mason or Pierce, such difference shall be reduced in accordance with the per hundredweight rates specified for Class I milk in the table set forth in § 925.53.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was restricted to Districts Nos. 2, 3, or 4, such difference shall be reduced in accordance with the respective per hundredweight rates specified for Class I milk in the table set forth in § 925.53.

§ 925.71 Computation of uniform price.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81(a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81(b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by

which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be substracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by §§ 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 Location adjustments to producers.

In making payments to producers pursuant to § 925.80(a) and subject to the application of § 925.13 the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 925.53.

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap, Mason or Pierce.

§ 925.82 Producer butterfat differential.

In making payments pursuant to § 925.80(a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 925.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80(a).

§ 925.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87 and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefore to, a cooperative association,

(2) Whose milk is received at a plant not operated by such association, and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 Expense of administration.

As his pro rata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of:

(a) Other source milk classified as Class I milk, and

(b) Milk received from producers, including such handler's own production.

§ 925.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 Producer-handlers.

(a) *Requirements for designation.* (1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (c)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes, or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (c)(2) of this section) skim milk or butterfat in any of the forms specified in § 925.41(a) derived from any source other than (i) his designated milk production resources and facilities,

(ii) fluid milk plants or country plants within the limitations specified in paragraph (d)(5) of this section, or (iii) nonfat milk solids as described in the first proviso of § 925.45(a) which are used to fortify items specified in § 925.41(a).

(3) The producer-handler is neither directly or indirectly, associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Any person claiming to meet the foregoing requirements must file with the market administrator, on forms prescribed by the market administrator, an application for designation as a producer-handler, pursuant to paragraph (b) of this section: *Provided*, That any subsequent addition to, or elimination from, such resources and facilities so listed and described, made by a person designated as a producer-handler, shall be reported to the market administrator on or before the date for the filing of reports pursuant to § 925.30 next following such addition or elimination, for his determination as to whether the producer-handler continues, in the revised circumstance, to meet the requirements for designation as such.

(5) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with subparagraphs (1), (2), and (3) of this paragraph for a period of 12 consecutive months, and shall require the filing of a new application as required by subparagraph (4) of this paragraph. The sale or other transfer of the milk production, handling, processing, or distributing resources and facilities of such person to another person shall not remove the performance requirement provided herein in connection with the operation of any such resources and facilities.

(b) *Application.* Each application for designation as producer-handler must provide complete information concerning the following:

(1) A list and description of the applicant's milk production resources and facilities as defined in paragraph (c)(1) of this section, and of those milk production resources and facilities which the applicant desires not to be determined a part of his designated production resources and facilities pursuant to the proviso in such subparagraph;

(2) A list of the applicant's milk handling, processing, and distributing resources and facilities as defined in paragraph (c)(2) of this section;

(3) The names of any other person(s) having or exercising any degree of direct, indirect, or partial ownership, operation, or control of, or with whom there exists any contractural arrangement with respect to, the applicant's operation either as a dairy farmer or a handler; and

(4) Such other information as may be required by the market administrator.

(c) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk production resources and facilities: all resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement; and

(iii) Which are directly, indirectly, or partially owned, operated, or controlled by any partner or stockholder of the producer-handler: *Provided*, That for purposes of this subparagraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or potential source of milk supply for the producer-handler's operation as such, shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing, and distributing resources and facilities: all resources and facilities (including store outlets) used for handling, processing, and distributing within the marketing area skim milk and butterfat in any of the forms specified in § 925.41(a):

(i) Which are directly, indirectly, or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(d) *Cancellation.* The designation as a producer-handler shall be cancelled under any of the conditions set forth in subparagraphs (1), (2), (3), (4), or (5) of this paragraph, or upon determination by the market administrator that any of the requirements of subparagraphs (1), (2) and (3) of paragraph (a) or this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) Except in the months of August through February, and with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor currently designated a part of the producer-handler's milk production resources and facilities is transferred to another person who uses such resources or facilities for producing milk which is delivered as producer milk to another handler: *Provided*, That the provisions of this subparagraph shall not be deemed to preclude the occasional sale of individual cows from the herd.

(3) Except in the months of March through July, and with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor previously used for the production of milk delivered as producer milk to another handler is added to the designated milk production resources and facilities of the producer-handler: *Provided*, That the provisions of this subparagraph shall not be deemed to preclude the occasional purchase of individual cows for the herd.

(4) A dairy herd, cattle barn, or milking parlor which at any time during any of the preceding 12 months was a part of the producer-handler's designated milk production resources and facilities and was subsequently during that period used by another person for producing milk delivered as milk to another handler is added to the producer-handler's milk production resources and facilities.

(5) Except as provided in subdivisions (i) and (ii) of this subparagraph, the producer-handler handles skim milk or butterfat in any of the forms specified in § 925.41(a) derived from sources other than the designated milk production facilities and resources:

(i) Purchases in the form of packaged fluid or frozen skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream from fluid milk plants or country plants which do not exceed an average amount of 100 product pounds per day in the aggregate during the month, and

(ii) Any other purchases of skim milk or butterfat, bulk or packaged, in any of the forms specified in § 925.41(a) from fluid milk plants or country plants which are effected within a single span of 45 consecutive days in any 12-month period.

(e) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from any producer-handler.

(f) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler (and upon the applicant for such designation) to establish through records required pursuant to § 925.33 that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (d) of this section for cancellation of designation do not exist.

(g) *Inapplicability of certain provisions.* Sections 925.40 to 925.45, inclusive, §§ 925.50 to 925.55, inclusive, §§ 925.60 and 925.61, §§ 925.70 and 925.71, and §§ 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

[F.R. Doc. 59-5505; Filed, July 1, 1959; 8:49 a.m.]

[7 CFR Part 933]

LIMITATION OF SHIPMENTS OF FLORIDA GRAPEFRUIT

Notice of Proposed Rule Making

Consideration is being given to the following recommendation, submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674):

(1) During the period beginning at 12:01 a.m., e.s.t., August 3, 1959, and ending at 12:01 a.m., e.s.t., September 7, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{12}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750-51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER. Shipments of grapefruit grown in Florida are currently subject to Grapefruit Regulation 310 (7 CFR 933.971; 24 F.R. 4374). This regulation extends to August 3, 1959.

Dated: June 26, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5504; Filed, July 1, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 46]

NUT FOOD PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Peanut Butter; Notice of Proposal To Establish Definition and Standard of Identity

Notice is given that the Commissioner of Food and Drugs, on his own initiative, and pursuant to authority delegated to him by the Secretary of Health, Education, and Welfare, proposes that there be established a definition and standard of identity for peanut butter.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are invited to present their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that a new part designated "Part 46—Nut Food Products; Definitions and Standards of Identity" be added to Chaper I of Title 21, Code of Federal Regulations, and that a definition and standard of identity for peanut butter be established as follows:

§ 46.1 Peanut butter; definition and standard of identity.

(a) Peanut butter is the food made by grinding shelled, roasted, and blanched peanuts. The germs may or may not be included. Peanut butter may contain one or more of the optional ingredients specified in paragraph (b) of this section, but the quantity of such ingredients does not, in the aggregate, amount to more than 5 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) Salt for seasoning.
(2) Sugar.
(3) Dextrose.
(4) Honey.
(5) Hydrogenated or partially hydrogenated peanut oil.

(c) The label of peanut butter shall name the optional ingredients used by the names set out in paragraph (b) of this section. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients used shall immediately and conspicuously precede or follow the name "peanut butter," without intervening written, printed, or graphic matter.

Dated: June 25, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-5469; Filed, July 1, 1959; 8:45 a.m.]

[21 CFR Part 130]

CERTAIN CHLORCYCLIZINE HYDROCHLORIDE AND CERTAIN METHOXYPHENAMINE HYDROCHLORIDE PREPARATIONS

Exemption From Prescription-Dispensing Requirements

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503(b)(3), 505(c), 701(a); 65 Stat. 649, 52 Stat. 1055; 21 U.S.C. 353(b)(3), 355(c), 371(a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1958 Supp., 130.101(b)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendments set forth below.

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* (21 CFR, 1958 Supp., 130.102(a)) by adding thereto the following new subparagraphs:

(—) Chlorcyclizine hydrochloride (1-(*p*-chlorobenzhydryl)-4-methylpiperazine hydrochloride) preparations meeting all the following conditions:

(i) The chlorcyclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale

under the provisions of section 503(b)(1) of the act.

(ii) The chlorcyclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 503(b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of chlorcyclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 25 milligrams of chlorcyclizine hydrochloride per dose or 75 milligrams of chlorcyclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, or exceeding the recommended dosage unless directed by a physician, and against driving a car or operating machinery while taking the drug, since it may cause drowsiness.

(*b*) If the article is offered for the temporary relief of symptoms of colds, a statement that continued administration for such use should not exceed 3 days, unless directed by a physician.

(—) Methoxyphenamine hydrochloride (β-(o-methoxyphenyl)-isopropylmethylamine hydrochloride; 1-(o-methoxyphenyl) - 2 - methlyaminopropane hydrochloride) preparations meeting all the following conditions:

(i) The methoxyphenamine hydrochloride is prepared with appropriate amounts of a suitable antitussive, with or without other drugs, in a dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The methoxyphenamine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains not more than 3.5 milligrams of methoxyphenamine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 35 milligrams of methoxyphenamine hydrochloride per dose or 140 milligrams of methoxyphenamine hydrochloride per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 6 years of age, unless directed by a physician.

(*b*) A clear warning statement to the effect that frequent or prolonged use may cause nervousness, restlessness, or drowsiness, and that individuals with high blood pressure, heart disease, diabetes, or thyroid disease should not use the preparation unless directed by a physician.

(*c*) A clear warning statement against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

The proposed amendments will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503(b)(1)(C), 52 Stat. 1052, 65 Stat. 649; 21 U.S.C. 353(b)(1)(C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.-101(b) (21 CFR, 1958 Supp., 130.101(b)), a petition has been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503(b)(3), 505(c), 52 Stat. 1052, 65 Stat. 649; 21 U.S.C. 353(b)(3), 355(c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: June 26, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-5499; Filed, July 1, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 23, 1959.

The Department of Navy has filed an application, Serial No. Nevada-051096, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land as an instrumented target area for the training of naval aircraft pilots in the use of special weapons. The land described in Parcel 1 below will be used for the control building and living quarters of the operating crew. The land described in Parcel 2 below will be used for the actual target area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing wil be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

PARCEL NO. 1

T. 21 N., R. 34 E.,
Sec. 22, NE¼SW¼NE¼.

Parcel No. 1 contains 10 acres.

PARCEL NO. 2

Beginning at a point on unsurveyed land from which the standard corner of Township 21 N., Ranges 34 and 35 E. bears N. 55°30'17" W., 5065.33 feet;
Thence S. 53°25'44" E., 2½ miles to a point;
Thence S. 36°34'16" W., 3 miles to a point;
Thence N. 53°25'44" W., 2½ miles to a point;
Thence N. 36°34'16" E., 3 miles to the point of beginning.

Parcel No. 2 contains 4,800 acres more or less.

CHARLES E. HANCOCK,
Acting State Supervisor.

[F.R. Doc. 59-5486; Filed, July 1, 1959; 8:45 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 23, 1959.

The Federal Aviation Agency has filed an application, Serial No. Nevada-051663, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for an air-to-ground radio communication facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 3 N., R. 43 E.,
Sec. 19, SE¼NE¼, NE¼SE¼;
Sec. 20, SW¼NW¼, NW¼SW¼.

The area described contains 160 acres.

CHARLES E. HANCOCK,
Acting State Supervisor.

[F.R. Doc. 59-5487; Filed, July 1, 1959; 8:46 a.m.]

[II-6]

UTAH

Small Tract Classification (Veterans' Drawing Card)

JUNE 23, 1959.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954, (19 F.R. 2473), I hereby classify the following-described public lands totaling 96.84 acres in Carbon County, Utah, as suitable for lease and sale for residence or business site purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

SALT LAKE MERIDIAN

T. 15 S., R. 10 E.,
Sec. 5: Lots 5-38, 40-43, inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriation, including location under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 2½ miles south of Price, Utah, and are bordered on the east by State Highway Utah 10. The topography is gently sloping toward the north, with a low ridge along the west edge of the area and steep Four Mile Hill along the south edge. A power line ends at the north end of the area. Culinary water is not available from any presently developed source. Schools, stores, and other public facilities are available in the town of Price. The vegetation consists of shadscale with a sparse understory of galleta grass, cheat grass, and other annual grasses and weeds. There is no evidence of metallic or non-metallic minerals.

4. The individual tracts vary in size from 2.27 acres to 5 acres and are all rectangular in shape. A plat of survey showing the location of each tract can be secured for $1.00 from the Manager, Land Office, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah. The appraised value of each tract is $250.00, and the advance rental for three years is $37.50. Lots 5, 11, 12, 19, 20, 27, 28, 35, 36, 41, 42, and 43 are affected by the right-of-way for Utah Highway No. 10. In addition, rights-of-way, 33 feet in width, for streets, roads, and public utilities, will be reserved as shown below. All minerals in the lands will be reserved to the United States.

Tract No.	Acres	Right-of-way (width and location)
5 [1]	2.29	33' S. side.
6	2.28	33' W. and S. sides.
7	2.27	33' E. and S. sides.
8	4.47	None.
9	2.50	33' E. and N. sides.
10	2.50	33' W. and N. sides.
11	2.50	33' N. side.
12	2.50	33' S. side.
13	2.50	33' W. and S. sides.
14	2.50	33' E. and S. sides.
15	2.50	33' S. side.
16	2.50	33' N. side.
17	2.50	33' E. and N. sides.
18	2.50	33' W. and N. sides.
19	2.50	33' N. side.
20 [1]	2.50	33' S. side.
21	2.50	33' W. and S. sides.
22	2.50	33' E. and S. sides.
23	2.50	33' S. side.
24	2.50	33' N. side.
25	2.50	33' E. and N. sides.
26 [1]	2.50	33' W. and N. sides.
27 [1]	2.50	33' N. side.
28 [1]	2.50	33' S. side.
29	2.50	33' W. and S. sides.
30	2.50	33' E. and S. sides.
31	2.50	33' S. side.
32	2.50	33' N. side.
33	2.50	33' E. and N. sides.
34	2.50	33' W. and N. sides.
35 [1]	2.50	33' N. side.
36 [1]	2.50	33' S. side.
37	2.50	33' W. and S. sides.
38	2.50	33' E. and S. sides.
40	2.50	33' W. and N. sides.
41 [1]	2.50	33' N. side.
42 [1]	5.00	33' W. side.
43	5.00	33' W. side.

[1] Covered by applications from persons entitled to preference under 43 CFR 257.5(a).

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13(d). Leases will be renewable at the discretion of the Bureau of Land Management, and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of the renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5, above, must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: (a) The home or business must be suitable for year-round use, on a permanent foundation, and with a minimum of 500 square feet of floor space; (b) the buildings must be built in a workmanlike manner out of attractive, properly finished, materials with no rough, unpainted lumber siding or no tarpaper siding; and (c) adequate disposal and sanitation facilities must be installed.

8. The lands are now open to filing of drawing-entry cards (Form 4-775) only, by persons entitled to Veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged Veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such Veterans, and (c) with the consent of the Veteran, the spouse of living Veterans. The 90-day requirement does not apply to Veterans who were discharged on account of wounds or disability incurred in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official prior to 10:00 a.m. October 5, 1959. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776) with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to February 21, 1958, will be granted the preference right provided for by 43 CFR 257.5(a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

EVAN L. RASMUSSEN,
Acting State Supervisor.

[F.R. Doc. 59-5488; Filed, July 1, 1959; 8:46 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 26, 1959.

The United States Forest Service has filed an application, Serial Number NM 056534 for the withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims. The applicant desires the land for recreational facilities and to protect the water supply for

the towns of Ruidoso, Hollywood and Greentree, New Mexico.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

White Mountain Recreation Area

T. 10 S., R. 11 E.,
Sec. 33, all, unsurveyed;
Sec. 34, all, unsurveyed.

The area described above aggregates approximately 1280 acres.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59-5489; Filed, July 1, 1959; 8:46 a.m.]

OREGON

Redelegation of Authority by Land Office Manager to Chiefs, Mineral and Land Adjudication Units

JUNE 25, 1959.

Pursuant to authority contained in Bureau of Land Management Order No. 541, as amended, authority is hereby redelegated to the Chief, Minerals Adjudication Unit, to take action for the Manager in all matters listed in section 3.6 of Part III-A, and to the Chief, Lands Adjudication Unit, in all matters listed in section 3.9 of Part III-A.

VIRGIL O. SEISER,
Land Office Manager,
Portland Land Office.

Approved:

VIRGIL T. HEATH,
Oregon State Supervisor.

[F.R. Doc. 59-5490; Filed, July 1, 1959; 8:46 a.m.]

Fish and Wildlife Service

ANNOUNCEMENT OF UNITS OF FISHING GEAR

Bristol Bay Area; Cook Inlet Area

1. In accordance with 50 CFR 104.9(c), announcement is made that the number of units of fishing gear registered by 6 p.m. Friday, June 26, 1959, for fishing during the week ending July 4 by districts is as follows:

	Units
Kvichak-Naknek	149
Nushagak	294
Egegik	60
Ugashik	49

2. In accordance with the gear timetable contained in § 109.9(a)(1), announcement is made that the number of units of gear registered for fishing in 1959 was 1,274 units which will permit 2 days fishing per week in the period July 1 to July 27, inclusive.

Dated: June 29, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-5516; Filed, July 1, 1959; 8:50 a.m.]

DEPARTMENT OF STATE

[Public Notice 163; Delegation of Authority 85-6]

ADMINISTRATION OF MUTUAL SECURITY ACT OF 1954 AND DELEGATION OF CERTAIN RELATED FUNCTIONS

By virtue of the authority vested in me by Executive Order No. 10610, as amended, the Mutual Security Act of 1954 (68 Stat. 832), as amended, section 4 of the Act of May 26, 1949 (63 Stat. 111, 5 U.S.C. 151c), as amended, and as Secretary of State, Delegation of Authority No. 85 of June 30, 1955 (20 F.R. 4825), as heretofore amended, is amended as follows:

Sections 1, 2, 3, and 4 are amended by substituting "Under Secretary of State" for "Under Secretary of State for Economic Affairs" wherever that phrase appears.

Dated: June 12, 1959.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-5518; Filed, July 1, 1959; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS, DENVER, COLO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on August 25, 1958 (17 A.D. 737), continuing in effect to and including September 23, 1959, an order issued on September 14, 1956 (15 A.D. 1050), as modified by an order issued on November 4, 1957 (16 A.D. 1097), authorizing the respondents, Market Agencies at Union Stock Yards, Denver, Colorado, to assess the current schedule of rates and charges.

By petitions filed on June 10, and June 19, 1959, the respondents requested authority to modify the current schedule of rates and charges as indicated below:

ARTICLE 2

	Rates per head	
	Present	Proposed
SECTION D		
Hogs—Irrespective of the mode of arrival or departure:		
Consignments of one head and one head only	$0.60	$0.65
Consignments of more than one head:		
First 10 head in each consignment	.45	.47
Next 15 head in each consignment	.40	.42
Each head over 25 in each consignment	.30	.37
SECTION E		
Sheep:		
Consignments of one head and one head only	.50	.50
Consignments of more than one head:		
First 10 head in each 225 head (presently 250 head) in each consignment	.40	.40
Next 50 head in each 225 head (presently 250 head) in each consignment	.22	.22
Next 60 head in each 225 head (presently 250 head) in each consignment	.18	.18
Next 105 head (presently 130 head) in each 225 head (presently 250 head) in each consignment	.10	.14

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 26th day of June 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-5523; Filed, July 1, 1959; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FEDERAL HIGHWAY ADMINISTRATOR

Delegation of Authority to Negotiate Certain Contracts

1. Pursuant to the authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Federal Highway Administrator is hereby authorized to exercise the authority of the Secretary of Commerce to negotiate contracts without advertising under the provisions of section 302(c)(4) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Bureau of Public Roads.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Bureau of Public Roads.

5. This delegation is effective as of July 1, 1959.

Dated: June 30, 1959.

FREDERICK H. MUELLER,
Acting Secretary of Commerce.

[F.R. Doc. 59-5560; Filed, June 30, 1959; 3:02 p.m.]

DIRECTOR, NATIONAL BUREAU OF STANDARDS

Delegation of Authority to Negotiate Certain Contracts

1. Pursuant to authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Director, National Bureau of Standards is hereby authorized to exercise the authority of the Secretary of Commerce to negotiate contracts without advertising under the provisions of section 302(c) (5) and (11) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the National Bureau of Standards.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the National Bureau of Standards. Attention is invited to that part of section 307 of the act which provides that the power to make the determinations or decisions specified in section 302(c)(11) is delegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. Each determination or decision required by section 302(c)(11) shall be based upon written findings, a copy of which shall be furnished the General Accounting Office with the contract.

5. A summary statement listing all contracts entered into pursuant to the authority under section 302(c)(11) together with a brief description of the nature of each shall be filed with the Office of Budget and Management for each six-month period ending on June 30 and December 31.

6. This delegation is effective as of July 1, 1959.

Dated: June 30, 1959.

FREDERICK H. MUELLER,
Acting Secretary of Commerce.

[F.R. Doc. 59-5561; Filed, June 30, 1959; 3:02 p.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 set forth below to License No. CX-10. The amendment authorizes The Babcock & Wilcox Company, as requested in its application for license amendment dated April 24, 1959, to conduct critical experiments with aluminum clad thoria-urania fuel in the facility, used for the Nuclear Merchant Ship Reactor (NMSR) experiments, in the Company's Critical Experiment Laboratory located near Lynchburg, Va. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's "rules of practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment dated April 24, 1959, submitted by The Babcock & Wilcox Company and (2) a hazards analysis of the proposed experiments prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 25th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. CX-10; Amdt. 2]

In addition to the activities previously authorized by the Commission in License No. CX-10, as amended, The Babcock & Wilcox Company is authorized to conduct, in the facility used for the Nuclear Merchant Ship Reactor critical experiments in its Critical Experiment Laboratory located near Lynchburg, Virginia, the experiments requested in its application for license amendment dated April 24, 1959. The experiments shall be conducted in accordance with the procedures and subject to the limitations contained in License No. CX-10 as amended and in the application for license amendment dated April 24, 1959.

This amendment is effective as of the date of issuance:

Date of issuance: June 25, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 59-5479; Filed, July 1, 1959; 8:45 a.m.]

[Docket No. 50-3]

CONSOLIDATED-EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Amendment to Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on May 15, 1959, the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPPR-1. The amendment (1) increases the allocation of special nuclear material to Consolidated-Edison Company of New York, Incorporated, for use through 1998 in connection with operation of its reactor to be located at Indian Point, New York, from 5,699 kilograms of contained uranium 235 to 9,934 kilograms of contained uranium 235, (2) amends the schedule of transfers of special nuclear material between the Company and the Commission, (3) extends the latest completion date for the reactor for an additional year to October 1, 1961. The review of the application for this amendment did not entail considerations of the health and safety characteristics of the reactor. Notice of the proposed action was published in the FEDERAL REGISTER on May 16, 1959, 24 F.R. 4009.

Dated at Germantown, Md., this 25th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Construction Permit No. CPPR-1; Amdt. 1]

Condition (1) of Construction Permit No. CPPR-1 is hereby amended by changing

the second sentence thereof to read as follows:

The latest date for completion of the reactor is October 1, 1961.

The final paragraph of Construction Permit No. CPPR–1 is hereby amended to read as follows:

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Consolidated, for use in connection with the operation of the reactor, 9,934 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in Consolidated's application for license. An estimated schedule of special nuclear material transfers to Consolidated and returns to the Commission are contained in Appendix A which is attached hereto. Deliveries by the Commission to Consolidated in accordance with column (2) in Appendix A will be conditioned upon Consolidated's return to the Commission of special nuclear material substantially in accordance with column (3) of Appendix A.

Appendix A to Construction Permit No. CPPR–1 is hereby amended to read as follows:

AMENDED APPENDIX A TO CONSOLIDATED-EDISON CO. OF NEW YORK, INC., CONSTRUCTION PERMIT NO. CPPR–1

[Estimated schedule of transfers of special nuclear material to Consolidated from the Commission and to the Commission from Consolidated]

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Consolidated-Edison Co., kgs. U–235	(3) Returns by Consolidated-Edison Co. to AEC, kgs. U–235		(4) Net yearly distribution, kgs. U–235	(5) Cumulative distribution, kgs. U–235
		Cold	Irradiated		
1960	1,425			1,425	1,425
1961		181		(181)	1,244
1962					1,244
1963	1,295			1,295	2,539
1964		165	695	(860)	1,679
1965	1,295			1,295	2,974
1966		165	695	(860)	2,114
1967	1,295			1,295	3,409
1968		165	695	(860)	2,549
1969	1,295			1,295	3,844
1970		165	695	(860)	2,984
1971	1,295			1,295	4,279
1972		165	695	(860)	3,419
1973	1,295			1,295	4,714
1974		165	695	(860)	3,854
1975	1,295			1,295	5,149
1976		165	695	(860)	4,289
1977	1,295			1,295	5,584
1978		165	695	(860)	4,724
1979	1,295			1,295	6,019
1980		165	695	(860)	5,159
1981	1,295			1,295	6,454
1982		165	695	(860)	5,594
1983	1,295			1,295	6,889
1984		165	695	(860)	6,029
1985	1,295			1,295	7,324
1986		165	695	(860)	6,464
1987	1,295			1,295	7,759
1988		165	695	(860)	6,899
1989	1,295			1,295	8,194
1990		165	695	(860)	7,334
1991	1,295			1,295	8,629
1992		165	695	(860)	7,769
1993	1,295			1,295	9,064
1994		165	695	(860)	8,204
1995	1,295			1,295	9,499
1996		165	695	(860)	8,639
1997	1,295			1,295	9,934
1998		165	695	(860)	9,074
	24,735	3,151	12,510		

This amendment is effective as of the date of issuance.

Date of issuance: June 25, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59–5480; Filed, July 1, 1959; 8:45 a.m.]

[Docket No. 50–22]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License

Please take notice that the Atomic Energy Commission by order dated June 19, 1959, has issued Facility License No. TR–2, set forth below authorizing Westinghouse Electric Corporation to operate the Westinghouse Testing Reactor at power levels up to 20,000 kilowatts (thermal).

A public hearing in the matter of the issuance of the license to Westinghouse Electric Corporation was held on March 25, 1959, and June 11, 1959.

Dated at Germantown, Md., this 25th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. TR–2]

1. This license applies to the heterogeneous, light water cooled and moderated 20,000 kilowatt (thermal) testing reactor (hereinafter referred to as "the facility") which is owned by Westinghouse Electric Corporation and located near Waltz Mill in Westmoreland County, Pennsylvania, and described in Westinghouse Electric Corporation's application attested February 29, 1956 and amendments to the application attested August 3 and 20, 1956, September 17, 1956, February 4, 1957, April 29, 1957, August 7, 1957, September 5, 1957, August 7, 1958, September 29, 1958, October 30, 1958, December 16, 1958, January 27, 1959 and February 5, 1959 (herein collectively referred to as "the application") and for which Construction Permit No. CPRR–8 (henceforth designated CPTR–1) was issued by the Commission on July 3, 1957.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Westinghouse Electric Corporation:

a. Pursuant to section 104(c) of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and Title 10, CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the facility as a utilization facility in accordance with the procedures described in the application;

b. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use 156 kilograms of contained uranium 235 as fuel for operation of the facility; and

c. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

a. *Operating restrictions.* (1) Westinghouse Electric Corporation (hereinafter referred to as "Westinghouse") shall not operate the facility at a power level in excess of 20,000 kilowatts (thermal).

(2) Westinghouse shall not operate the facility with a combined fuel and experiment loading resulting in an excess reactivity of more than 10 percent above cold clean critical.

(3) Westinghouse shall not operate the facility unless the over-all void and over-all temperature coefficients are negative and of such values that the facility can inherently withstand, without melting of fuel element cladding, a step increase in reactivity of at least 1 percent.

(4) Westinghouse may make changes in—

(a) The physical, nuclear, thermal, or hydraulic performance characteristics of the reactor core;

(b) The performance characteristics of the reactor control and safety systems;

(c) The number and type of experimental facilities;

(d) The physical, thermal, or hydraulic performance characteristics of the high pressure experimental thimbles or loops;

(e) The reactivity limitations on experiments; or

(f) The integrity of the containment vessel specified in the application

only in accordance with the following procedures:

After review and approval of the proposed change by the Westinghouse Testing Reactor Safeguards Committee, Westinghouse shall provide the Commission with a report describing the proposed change including (i) a hazards evaluation of the proposed change, and (ii) a determination by the Westinghouse Testing Reactor Safeguards Committee as to whether or not the proposed change may involve hazards greater than or different from those analyzed in The Final Safety Report, or may involve a material alteration of the facility.

If, within fifteen days after the date of acknowledgement by the Division of Licensing and Regulation of receipt of such report, the Commission does not issue any notice to Westinghouse to the contrary, Westinghouse may make such change without further approval.

If, within fifteen days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission notifies Westinghouse that the hazards involved may be greater than or materially different from those analyzed in The Final Safety Report, or that the proposed change involves a material alteration of the facility, the change shall not be made until after such change has been authorized in writing by the Commission. If a license amendment is necessary to authorize the proposed change, the report submitted by Westinghouse shall be deemed to constitute an application for a license amendment.

(5) Except with respect to the categories described in paragraph 3.a.(4) above, Westinghouse may make changes in the facility design, performance characteristics, and operating procedures specified in the application only in accordance with the following procedures:

(a) The Westinghouse Testing Reactor Safeguards Committee shall evaluate the hazards involved in the proposed change and the effect of such change on each of the postulated accidents analyzed in The Final Safety Report.

(b) (i) If the Westinghouse Testing Reactor Safeguards Committee determines that the proposed change involves hazards not greater than and not different from those analyzed in The Final Safety Report, and does not involve a material alteration of the facility, no further approval shall be required.

(ii) If the Westinghouse Testing Reactor Safeguards Committee determines that the hazards involved are or may be greater than or different from those analyzed in The Final Safety Report or if the Committee determines that the proposed change involves a material alteration of the facility, the procedures set forth in paragraph 3.a. (4) shall apply.

For purposes of paragraphs 3.a. (4) and (5) a proposed change shall be deemed to involve "hazards not greater than, and not different from, those analyzed in The Final Safety Report" if (1) the probability of the types of accidents analyzed in The Final Safety Report would not be increased, and (2) the possible consequence of the types of accidents analyzed in The Final Safety Report would not be increased, and (3) such change would not create a credible probability of an accident of a type different from those analyzed in The Final Safety Report. A proposed change shall be deemed to involve hazards which may be "greater than, or different from, those analyzed in The Final Safety Report" if (1) the probability of the types of accidents analyzed in The Final Safety Report might be increased, or (2) the consequences of the types of accidents analyzed in The Final Safety Report might be increased, or (3) such change might create a credible probability of an accident of a type different from those analyzed in The Final Safety Report. The Final Safety Report means Westinghouse Document WCAP–369 (Rev.), dated August 7, 1958, as amended on September 29, October 30, 1958, and January 27, 1959.

(6) No experiment or test shall be conducted in the facility until the proposed experiment or test has been reviewed and approved by the Westinghouse Testing Reactor Safeguards Committee.

(7) In any case where the procedures described in the application are not consistent with the operating restrictions specified in this paragraph 3., the restrictions contained herein shall govern.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, Westinghouse shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of Westinghouse as measured at the point of such release or discharge.

(3) Records of emergency shutdowns, including reasons therefor.

(4) Records containing a description of each change authorized pursuant to paragraph 3.a.(5)(b)(1) by the Westinghouse Testing Reactor Safeguards Committee and a summary statement of the bases for the conclusions reached by the Committee.

(5) Records containing a description of each test or experiment conducted in the facility.

c. *Reports.* (1) Westinghouse shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

(2) Westinghouse shall submit to the Commission a report of the results of operation of the facility pertinent to safety during (a) the low power tests (power levels up to 200 kilowatts) and the subsequent "check out" period, (b) the full power testing without high pressure experiments and (c) the full power tests with high pressure experiments. These reports should also identify any change made in the facility design, performance characteristics and operating procedures. Each such report shall be submitted to the Commission immediately following the conclusion of each stage except that the report of full power testing with high pressure experiments shall be submitted after three months of such operations.

(3) An annual report of operating experience and changes in facility design, performance and characteristics, and operating procedure shall be submitted to the Commission, the first such report to be submitted within thirteen months following issuance of this license.

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Westinghouse for use in the operation of the facility 156 kilograms of uranium 235 contained in uranium enriched to approximately 93% in the isotope uranium 235. Estimated schedules of special nuclear material transfers to Westinghouse and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Westinghouse in accordance with column (2) in Appendix "A" will be conditioned upon Westinghouse's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

5. This license is effective as of the date of issuance and shall expire at midnight July 3, 1967.

Date of issuance: June 19, 1959.

APPENDIX A TO WESTINGHOUSE ELECTRIC CORP. LICENSE NO. TR–2

[Estimated schedule of transfers of special nuclear material from the Commission to Westinghouse and to the Commission from Westinghouse]

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Westinghouse Electric Corp., kgs. U–235	(3) Returns by Westinghouse Electric Corp. to AEC, kgs. U–235		(4) Net yearly distribution, kgs. U–235	(5) Cumulative distribution, kgs. U–235
		Recoverable scrap	Spent fuel		
1958	20.912			20.912	20.912
1959	43.118	2.840		40.278	61.190
1960	45.370	5.900	12.450	27.020	88.210
1961	45.370	4.500	29.700	11.170	99.380
1962	45.370	4.500	29.700	11.170	110.550
1963	45.370	4.500	29.700	11.170	121.720
1964	45.370	4.500	29.700	11.170	132.890
1965	45.370	4.500	29.700	11.170	144.060
1966	45.370	4.500	29.700	11.170	155.230
1967	22.000	3.700	29.700	(11.400)	143.830
			[1] 48.940	(48.940)	[2] 94.890
	403.620	39.440	269.290	94.890	

[1] Inventory to be returned. [2] Fabrication and burnup losses.

[F.R. Doc. 59–5481; Filed, July 1, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11932; FCC 59M–822]

NEW JERSEY EXCHANGES, INC. (KEC738)

Order Scheduling Hearing

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379–C2–P–56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

At the prehearing conference held on Friday, June 26, 1959, it was announced that New Jersey Exchanges, Inc., will amend its application to specify the use of Motorola equipment for its base station and mobile units in lieu of the equipment previously proposed. Counsel for the applicant stated that an amendment to that effect together with all supporting exhibits will be filed on or before Friday, July 10, 1959.

At the time the applicant files its amendment specifying the equipment which will be used, copies of such amendment together with such other exhibits as the applicant proposes to offer in evidence at the hearing will be served on all other parties to the proceeding. These exhibits may be offered in evidence by John F. Reilly, president of the applicant, at the evidentiary hearing which will be held on Friday, July 24, 1959. At the hearing, Mr. Reilly, if he desires, may give oral testimony explaining, clarifying and supporting the evidence contained in the written exhibits.

A further prehearing conference will be held on Friday, July 17, 1959, if, prior

to that date, the Hearing Examiner and other parties are advised in writing by any party that (a) there is objection to granting applicant's petition to amend; or (b) counsel cannot agree as to the witness or witnesses to be cross-examined at the evidentiary hearing; or (c) any party other than the applicant desires to make an affirmative showing or call at the evidentiary hearing any witness or witnesses on its own behalf; or (d) counsel cannot agree as to the time and place of taking such depositions as any party may wish to take; or (e) any party contends that it will be an undue hardship to proceed with the evidentiary hearing on July 24, 1959.

The attention of all parties is invited to the transcript of the prehearing conference held on Friday, June 26, 1959, for matters not specifically referred to herein.

It is ordered, This the 26th day of June 1959, that the evidentiary hearing in this proceeding will be held on Friday, July 24, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: June 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5527; Filed, July 1, 1959; 8:52 a.m.]

[Docket Nos. 12693, 12875; FCC 59M-820]

TOBACCO VALLEY BROADCASTING CO. AND TELECOLOR CORP. (WTXL)

Order Following Prehearing Conference

In re applications of The Tobacco Valley Broadcasting Company, Windsor, Connecticut; Docket No. 12693, File No. BP-11339; Telecolor Corporation (WTXL), West Springfield, Massachusetts; Docket No. 12875, File No. BP-12632; for construction permit.

A prehearing conference in the above-entitled matter having been held on June 25, 1959, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

It is ordered, This 26th day of June 1959, that:

(1) The affirmative cases of the applicants shall be presented by written, sworn exhibits;

(2) In the event any proposed written material is excluded at the hearing (except for grounds of irrelevancy or immateriality), then the party offering such matter shall be afforded the opportunity of restoration thereof by competent oral testimony;

(3) The applicants shall make a formal exchange of their exhibits in final form with the other parties (with copies to be supplied to the Hearing Examiner) on September 1, 1959;

(4) The applicants shall be notified in writing by the parties concerned by September 15, 1959, as to those witnesses for the applicants who are to be made available for cross-examination at the hearing on September 22, 1959; and

It is further ordered, That the hearing in this proceeding heretofore continued without date, is rescheduled for September 22, 1959, at 10:00 o'clock a.m., in the offices of the Commission in Washington, D.C.

Released: June 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5528; Filed, July 1, 1959; 8:52 a.m.]

[Docket No. 12864; FCC 59M-821]

VIRGIN ISLANDS BROADCASTING SYSTEM

Order Continuing Hearing

In re application of Mary Louise Vickers, tr/as Virgin Islands Broadcasting System Christiansted, Virgin Islands; Docket No. 12864, File No. BMP-8149; for additional time to construct Station WDTV.

Pursuant to agreement of all parties in the prehearing conference held in this proceeding on June 26, 1959: *It is ordered*, This 26th day of June 1959, that the hearing now scheduled for July 6, 1959, is continued to Wednesday, July 29, 1959, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: June 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5529; Filed, July 1, 1959; 8:52 a.m.]

[Docket Nos. 12922-12924; FCC 59-614]

MESA MICROWAVE, INC.

Memorandum Opinion and Order Scheduling Oral Argument

In re applications of Mesa Microwave, Inc., Oklahoma City, Oklahoma; for construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: 10 miles NW of Lake City, Florida; Docket No. 12922, File No. 2681-C1-P-58. For construction permit for new fixed video radio station. Frequencies: 6067.5, 6167.5 and 6267.5 Mc. Location: 6 miles east of Madison, Florida; Docket No. 12923, File No. 2682-C1-P-58. For construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: 2.5 miles south of Monticello, Florida; Docket No. 12924, File No. 2683-C1-P-58.

Preliminary statement. 1. On April 27, 1959, the three above-identified applications for construction permits for microwave relay radio facilities were granted by the Commission. The grants were announced in a Public Notice dated May 4, 1959 (Report No. 475, Mimeo No. 72912). These grants were made to enable the applicant to construct a microwave relay system to make an off-the-air pickup of the programs of three television stations in Jacksonville, Florida and to deliver those programs to Vumore Company, a proposed operator of a community antenna television system (hereinafter called CATV) in Tallahassee, Florida. The grantee, Mesa Microwave, Inc. (hereinafter called Mesa), and CATV are both subsidiaries of Video Independent Theatres, Inc. of Oklahoma City, Oklahoma.

2. The subject applications were filed with the Commission May 9, 1958. By letter dated September 2, 1958, John H. Phipps, licensee of television station WCTV, Thomasville, Georgia (the protestant herein, hereinafter called Phipps) expressed to the Commission certain objections to a grant of the subject applications and asked that the Commission withhold action thereon until final conclusions were reached with respect to the Commission's Notice of Inquiry in Docket No. 12443.

3. The Notice of Inquiry referred to was captioned "In the Matter of Inquiry into the Impact of Community Antenna Systems, TV Translators, TV 'Satellite' Stations, and TV 'Repeaters' on the Orderly Development of Television Broadcasting", and was initiated by the Commission by a notice released May 22, 1958. The proceeding relative to the Notice of Inquiry was terminated by a Report and Order of the Commission (FCC 59-292; Mimeo No. 71489), adopted April 13, 1959 (26 FCC 403).

4. Pursuant to, and following the determination made in, the above mentioned Report and Order in Docket No. 12443, the subject applications were duly granted. On May 27, 1959, Phipps filed a timely protest herein, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, coupled with a timely request for reconsideration pursuant to section 405 of the Act, requesting that the subject grants be vacated and that the applications be designated for hearing on specified issues.

5. On June 8, 1959, Mesa timely filed its Opposition to the protest and petition for reconsideration.

The protest. 6. Phipps relates that the result of the grant of the contested applications will be to enable the CATV system in Tallahassee to bring multiple signals from distant metropolitan stations, where such signals would not otherwise be receivable in WCTV service areas, and that this will have a substantial adverse economic impact on the operations of WCTV. Upon this showing, we conclude that Phipps is a "party in interest", within the meaning of section 309(c) of our Act and a "person aggrieved" within the meaning of section 405 of our Act and that he has standing to protest and to request reconsideration of our action herein.

7. Phipps requests an opportunity to show that the Tallahassee-Thomasville area is a place where the impact of CATV operations, made possible by these microwave grants, may destroy, jeopardize, or diminish the service presently provided and presently projected by station WCTV; and that the number of persons who would thus lose, or lose pro tanto, their only local off-the-air service is considerably greater than the number who would thereby gain a multiple service. Phipps also contends that Mesa is an alter ego of CATV because of the corporate interrelationships between Mesa, CATV, and Video Independent Theatres, Inc., and that, since Mesa does not serve any person or persons other than the related CATV, it is not able to qualify as a communication common carrier and is ineligible for a grant of the contested authorizations. Further, Phipps contends that Mesa and its alter ego CATV are utilizing the signals and programs picked up from the Jacksonville stations without the consent of such stations and contrary to the rights of such stations and others in such signals, and that this reflects adversely on the character qualifications of Mesa. Finally, Phipps contends that the Commission should not act on the subject applications until Congress has had an opportunity to adopt certain legislative proposals suggested by the Commission in its Report and Order relative to Docket No. 12443.[1]

The opposition to the protest. 8. Mesa admits the corporate relationships alleged with respect to itself, CATV, and Video Independent Theatres, Inc. Mesa contends that Phipps is entitled to no more than oral argument as to the validity of the doctrines and policies set forth in the Commission's Report and Order in Docket No. 12443 as they may be applicable to Phipps' allegations. Mesa makes various references to the Report and Order which we do not here repeat because of the consideration given to them hereinafter. Mesa contends that the Commission should exercise its discretion favorably to Mesa in making the "public interest" finding prescribed in section 309(c) of our Act as a condition precedent to maintaining the contested construction permits in a valid status pending the determination of this proceeding.

Disposition of the protest. 9. As we have hereinabove indicated, it is our view that the protestant has standing to initiate the instant protest and request for reconsideration. As indicated in our resumé of his pleading, Phipps alleges various reasons and grounds purporting to show that the grant herein was improperly made or would otherwise not be in the public interest. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the considerations brought to our attention and bearing upon the alleged interrelationships between the provision of common carrier microwave relay communication service to CATVs generally and the operation of CATVs versus television broadcasters. In our Report and Order we arrived at various considered conclusions, some of which have a direct bearing upon this situation.

[1] Phipps cites our Report and Order in Docket No. 12443 frequently, with apparent approval. There is no contention or suggestion in his pleading that such Report is, in any wise, in error.

10. Thus, in paragraphs 45 through 51 of that Report and Order, we considered the impact of CATVs on television broadcasters and concluded that there was nothing that woud justify us in taking action, or seeking authority under which we could act, to bar CATVs from coming into, or continuing to operate in, a particular market. As a concomitant to this, we also concluded, in paragraphs 58 through 71, that we had no jurisdiction to regulate CATVs directly or indirectly. In paragraphs 65 through 68, and in paragraphs 78 through 79, we made various pertinent determinations concerning our lack of authority and competence to determine contested questions of property rights as between broadcasters and others, on the one hand, and common carriers and CATVs, on the other hand. In paragraphs 72 through 77 of the Report and Order, we set out the basis for our conclusion that it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorizations for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby television stations.

11. In light of the aforementioned determinations made in Docket No. 12443, which we hereby affirm and adhere to, we think the instant protest must turn first on the threshold question as to whether or not the subject grantee is a communications common carrier. If it is determined that Mesa is a bona fide common carrier then, in the light of our determinations in Docket No. 12443, we should not proceed further herein unless Phipps can demonstrate to us that our relevant and controlling determinations in Docket No. 12443 (which we have herein identified) are erroneous, or that the corporate interrelationships between Mesa and CATV warrant a different result in this case.

12. The facts relating to Mesa's operations and its corporate interrelationships are clearly established and admitted. The legal conclusion to flow from these facts and the proposed operations of Mesa, relative to the asserted common carrier status of Mesa, is, therefore, the first issue for proper determination in this proceeding. Though, as we have noted above, Phipps has not contended that our decision in Docket No. 12443 is, in any wise, in error, we will afford him an opportunity to argue this issue also insofar as it relates to the proper determination to be made herein assuming that Mesa is confirmed in its status as a communication common carrier. Accordingly, we shall designate these issues for determination before the Commission on oral argument. If it should subsequently appear that there is a need for an evidentiary hearing herein, an appropriate further order will be issued hereafter.

13. In designating this matter for oral argument on the issues we have specified, we note that there is no dispute as to the facts relating to these issues. Assuming the truth and accuracy of these facts, we do not, of course, imply that the ultimate conclusions flowing therefrom, as asserted by protestant, are either correct or relevant. The matters to be determined relative thereto are the legal conclusions which would flow from such facts. As contemplated in the statutory scheme of section 309(c) of our Act, as amended in 1956, this appears to be an appropriate case for disposition on oral argument, since the ultimate question to be determined is, assuming that the facts are proven as related by protestant, whether there are legal grounds for setting the grants aside.

14. As for protestant's plea that we stay the subject grants pending action by the Congress on the legislative recommendations we have submitted relative to CATV's, we note that, during the pendency of the formal Inquiry in which these matters were under consideration (Docket No. 12443), the Commission felt it appropriate to defer action on applications for such microwave transmission systems as were then before it so that the status quo might be unimpaired until a final decision was reached. Our deferral of consideration of such applications was challenged in a mandamus proceeding in which the Court of Appeals sustained the Commission during the pendency of the Inquiry. See Mesa Microwave, Inc. v. FCC, No. 14729, December 24, 1958. However, having reached and announced our conclusions on these matters, we would find it difficult to justify a reinstitution of the freeze. In the light of our conclusions, this might be subject to a further mandamus action because such action would not be in accord with the proper exercise of our jurisdiction on the sole basis of the pendency of these particular legislative proposals. Accordingly, having carefully weighed the entire matter and having reached our reasoned conclusions, as set forth in the Report mentioned above, we feel that the proper course for the Commission is to continue to process applications in the regular course pending action of the Congress on legislation necessary to changes in the established regulatory pattern.

15. The remaining question to be determined is whether we should stay the effectiveness of the contested grants pending a determination of this proceeding. Since the contested operation involves a new service, it cannot be held to be necessary to the maintenance and conduct of an existing service. In light of the facts adduced on the record to date indicating that other television service is available in the area without the existence of the microwave relay facility, we are unable to conclude that the public interest requires that the grants remain in effect. Accordingly, we shall stay the effectiveness of the subject grants pending final determination of this matter.

Conclusion. 16. In view of the foregoing: *It is ordered*, That effective immediately, the effective date of the grant of the above-captioned applications of Mesa Microwave, Inc., is postponed, pending a final determination herein by

the Commission; that the protest and petition for reconsideration of Phipps is granted to the extent herein provided and denied in all other respects; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a.m. on July 24, 1959, on the following issues:

(1) To determine whether Mesa Microwave, Inc., is a bona fide communications common carrier eligible to receive approval and grant of the subject applications.

(2) To determine whether our conclusions in paragraphs 45 through 51, and 58 through 79, of the Report and Order in Docket No. 12443, as applied in this case, are in error.

(3) To determine whether the corporate interrelationships between Mesa and CATV require a different conclusion in this case from that reached in Docket No. 12443.

17. *It is further ordered*, That the protestant and applicant herein, and the Chief, Common Carrier Bureau, are hereby made parties to this proceeding; and that each party intending to participate in oral argument shall file a statement of intention to appear not later than July 6, 1959; and

18. *It is further ordered*, That the parties to the proceeding shall have until ten days prior to date of oral argument to file briefs or memoranda of law and five days after the filing of such briefs or memoranda of law to file a reply thereto.

Adopted: June 24, 1959.

Released: June 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5530; Filed, July 1, 1959; 8:53 a.m.]

[Docket Nos. 12928-12930; FCC 59-616]

MESA MICROWAVE, INC.

Memorandum Opinion and Order Scheduling Oral Argument

In re applications of Mesa Microwave, Inc., Oklahoma City, Oklahoma; for a construction permit for new fixed video radio station. Frequencies 6012.5, 6112.5 and 6212.5 Mc. Location: Miquel, 15 miles east of Pearsall, Texas; Docket No. 12928, File No. 2177-C1-P-58. For a construction permit for new fixed video radio station. Frequencies: 6067.5, 6167.5 and 6267.5 Mc. Location: 7 miles east of Cotulla, Texas; Docket No. 12929, File No. 2178-C1-P-58. For a construction permit for new fixed video radio station. Frequencies: 6012.5, 6112.5 and 6212.5 Mc. Location: Hilltop, 12 miles west of Encinal, Texas; Docket No. 12930, File No. 2179-C1-P-58.

Preliminary statement. 1. On April 22, 1959, the three above-identified applications for construction permits for microwave relay radio facilities were granted by the Commission. The grants were announced in a Public Notice dated April 27, 1959 (Report No. 474, Mimeo No. 72759). These grants were made to enable the applicant to construct a microwave relay system to make an off-the-air pick-up of the programs of the televisions stations in San Antonio, Texas and to deliver those programs to Vumore Company, a proposed operator of a community antenna television system (hereinafter called CATV), in Laredo, Texas. The grantee, Mesa Microwave, Inc. (hereinafter called Mesa), and the CATV are both subsidiaries of Video Independent Theatres, Inc. of Oklahoma City, Oklahoma.

2. The captioned applications were filed with the Commission on March 27, 1958. Final action on Mesa's applications was withheld until final conclusions were reached with respect to the Commission's Notice of Inquiry in Docket No. 12443.

3. Notice of Inquiry referred to was captioned "In the Matter of Inquiry into the Impact of Community Antenna Systems, TV Translators, TV 'Satellite' Stations, and TV 'Repeaters' on the Orderly Development of Television Broadcasting", and was initiated by the Commission by a notice released May 22, 1958. The proceeding relative to the Notice of Inquiry was terminated by a Report and Order of the Commission (FCC 59-292; Mimeo No. 71489), adopted April 13, 1959 (26 FCC 403).

4. Pursuant to, and following the determination made in the above mentioned Report and Order in Docket No. 12443, the captioned applications were duly granted. On May 27, 1959, Southwestern Operating Company, the permittee of television station KGNS-TV, Laredo, Texas (hereinafter called Southwestern) filed a timely protest herein, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, coupled with a timely request for reconsideration pursuant to section 405 of the Act, requesting that the subject grants be vacated and that the applications be designated for hearing on specified issues.

5. On June 8, 1959, Mesa timely filed its Opposition to the protest and petition for reconsideration and, on June 15, 1959, Southwestern filed a timely Reply thereto.

The protest. 6. Southwestern relates that the result of the grant of the contested applications will be to enable the CATV system at Laredo to bring multiple signals from distant metropolitan stations, where such signals would not otherwise be receivable in the KGNS-TV service area, and that this will have a substantial adverse economic impact on the operations of KGNS-TV. Upon this showing, we conclude that Southwestern is a "party in interest", within the meaning of section 309(c) of our Act and a "person aggrieved" within the meaning of section 405 of our Act and that it has standing to protest and to request reconsideration of our action herein.

7. Southwestern requests an opportunity to show that the Laredo area is a place where the impact of CATV operations made possible by these microwave grants, may destroy, jeopardize, or diminish the service presently provided and presently projected by station KGNS-TV; and that, in such event, the great majority of the Laredo area, i.e., those who cannot afford expensive receiving antenna installations for the direct reception of San Antonio, Corpus Christi, Weslaco and Harlingen stations, and who could not afford, or for other reasons could not effect, connections with the CATV would lose their only television service. Southwestern also contends that Mesa is the alter ego of CATV because of the corporate interrelationships between Mesa, CATV and Video Independent Theatres, Inc., and that it is apparent, from the captioned applications, that Mesa has not offered to serve the general public as a common carrier; that it has made no effort to secure traffic from anyone other than Vumore; that neither the general public nor other CATV systems will have reasonable access to Mesa's facilities; and that it will not be able to handle the traffic as traffic is ordinarily handled by a common carrier. Southwestern further alleges that Mesa's primary purpose and first duty will be to serve Vumore and, as such, it is not eligible to use frequencies available for use by domestic communication common carrier operations. Further, Southwestern contends that Mesa has not requested or received from the Commission a certificate of public convenience and necessity, in accordance with section 214(a) of our Act, nor has it shown that the proposed communication system is a part of an interstate system so as to require such a certificate, or that it has sought other recognition of common carrier status from the State of Texas. Thus, Southwestern requests a hearing to determine if Mesa is, in fact or in law, a common carrier. Further, Southwestern contends that Mesa and its alter ego, the CATV, are picking up television signals of television stations at San Antonio without the consent of such stations and that it, therefore, "pirates" its program material, which reflects adversely on the character qualifications of Mesa and results in unfair competition to Southwestern because Southwestern must pay for its program material. Finally, Southwestern contends that the Commission should not act on the applications until the Congress has the opportunity to adopt certain legislative proposals suggested by the Commission in its Report and Order relative to Docket No. 12443.

The opposition to the protest. 8. Mesa states that the Commission was fully advised of the corporate relationships alleged with respect to itself, CATV and Video Independent Theatres, Inc., at the time it filed the applications for these facilities and admits that such situation continues to be the fact. However, Mesa denies that the conclusions stated by Southwestern can be drawn from such facts. Mesa contends that Southwestern is entitled to no more than oral argument as to whether Mesa must comply with section 214(a) of our Act and oral argument is all that is required as to the validity of the doctrines and policies set forth in the Commission's Report and Order in Docket No. 12443, as they may

be applicable to Southwestern's allegations. Mesa makes various references to the Report and Order which we do not here repeat because of the consideration given to them hereinafter. Mesa contends that the Commission should exercise its discretion favorably to Mesa in making the "public interest" finding prescribed in section 309(c) of our Act as a condition precedent to maintaining the contested construction permits in a valid status pending the determination of this proceeding.

9. Southwestern relates, in its Reply to Mesa's Opposition to the Protest and Petition for Reconsideration, that it does not recognize the Commission's Report and Order in Docket No. 12443 as having validly disposed of the questions raised by Southwestern; that the public has a right to television service and their right must be protected from diminution or destruction by competitive forces set in motion by any exercise of the Commission's licensing authority under Title III of the Act; that the Commission should make the same public interest determination when it considers an application for common carrier microwave facilities as would apply to a broadcast application; that, in the face of pending legislation, it would not be in the public interest to permit a service to be initiated today which might have to be terminated in the near future.

Disposition of the protest. 10. As we have hereinabove indicated, it is our view that the protestant has standing to initiate the instant protest and request for reconsideration. As indicated in our résumé of his pleadings, Southwestern alleges various reasons and grounds purporting to show that the grant herein was improperly made or would otherwise not be in the public interest. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the considerations brought to our attention and bearing upon the alleged interrelationships between the provision of common carrier microwave relay communication service to CATVs generally and the operation of CATVs versus television broadcasters. In our Report and Order we arrived at various considered conclusions, some of which have a direct bearing upon this situation.

11. Thus, in paragraphs 45 through 51 of that Report and Order, we considered the impact of CATVs on television broadcasters and concluded that there was nothing that would justify us in taking action, or seeking authority under which we could act, to bar CATVs from coming into, or continuing to operate in, a particular market. As a concomitant to this, we also concluded, in paragraphs 58 through 71, that we had no jurisdiction to regulate CATVs directly or indirectly. In paragraphs 65 through 68, and in paragraphs 78 through 79, we made various pertinent determinations concerning our lack of authority and competence to determine contested questions of property rights as between broadcasters and others, on the one hand, and common carriers and CATVs, on the other hand. In paragraphs 72 through 77 of the Report and Order, we set out the basis for our conclusion that it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorizations for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby television stations.

12. In light of the aforementioned determinations made in Docket No. 12443, which we hereby affirm and adhere to, we think the instant protest must turn first on the threshhold question as to whether or not the subject grantee is a communications common carrier. If it is determined that Mesa is a bona fide common carrier then, in the light of our determinations in Docket No. 12443, we should not proceed further herein unless Southwestern can demonstrate to us that our relevant and controlling determinations in Docket No. 12443 (which we have herein identified) are erroneous, or that the corporate interrelationships between Mesa and CATV warrant a different result in this case.

13. The facts relating to Mesa's operations and its corporate interrelationships are set out in the applications, which facts both Mesa and Southwestern have relied upon in their several pleadings filed herein. Thus, such matters are clearly established and admitted. Likewise, it is clear that Mesa has not heretofore sought or obtained a certificate from the Commission pursuant to section 214(a) of our Act. The legal conclusion to flow from these facts and the proposed operations of Mesa, relative to the asserted common carrier status of Mesa, is, therefore, the first issue for proper determination in this proceeding. Southwestern has stated that it does not recognize the Commission's Report and Order in Docket No. 12443 as having validly disposed of the questions raised in Southwestern's protest and petition for reconsideration. As heretofore indicated in paragraphs 10, 11 and 12 above, our determinations in Docket No. 12443 do have a direct bearing upon the facts of this case. Accordingly, we will afford Southwestern an opportunity to argue the validity of certain relevant determinations in that proceeding, as they are germane to this case, assuming that Mesa is confirmed in its status as a communications common carrier. Accordingly, we shall designate these issues for determination before the Commission on oral argument. If it should subsequently appear that there is a need for an evidentiary hearing herein, an appropriate further order will be issued hereafter.

14. In designating this matter for oral argument on the issues we have specified, we note that there is no dispute as to the facts relating to these issues. Assuming the truth and accuracy of these facts, we do not, of course, imply that the ultimate conclusions flowing therefrom, as asserted by protestant, are either correct or relevant. The matters to be determined relative thereto are the legal conclusions which would flow from such facts. As contemplated in the statutory scheme of section 309(c) of our Act, as amended in 1956, this appears to be an appropriate case for disposition on oral argument, since the ultimate question to be determined is, assuming that the facts are proven as related by protestant, whether there are legal grounds for setting the grants aside.

15. As for protestant's plea that we stay the subject grants pending action by the Congress on the legislative recommendations we have submitted relative to CATVs, we note that, during the pendency of the formal Inquiry in which these matters were under consideration (Docket No. 12443), the Commission felt it appropriate to defer action on applications for such microwave transmission systems as were then before it so that the status quo might be unimpaired until a final decision was reached. Our deferral of consideration of such applications was challenged in a mandamus proceeding in which the Court of Appeals sustained the Commission during the pendency of the Inquiry. See Mesa Microwave, Inc. v. FCC, No. 14729, December 24, 1958. However, having reached and announced our conclusions on these matters, we would find it difficult to justify a reinstitution of the freeze. In the light of our conclusions, this might be subject to a further mandamus action because such action would not be in accord with the proper exercise of our jurisdiction on the sole basis of the pendency of these particular legislative proposals. Accordingly, having carefully weighed the entire matter and having reached our reasoned conclusions, as set forth in the Report mentioned above, we feel that the proper course for the Commission is to continue to process applications in the regular course pending action of the Congress on legislation necessary to changes in the established regulatory pattern.

16. The remaining question to be determined is whether we should stay the effectiveness of the contested grants pending a determination of this proceeding. Since the contested operation involves a new service, it cannot be held to be necessary to the maintenance and conduct of an existing service. In light of the facts adduced on the record to date indicating that other television service is available in the area without the existence of the microwave relay facility, we are unable to conclude that the public interest requires that the grants remain in effect. Accordingly, we shall stay the effectiveness of the subject grants pending final determination of this matter.

Conclusion. 17. In view of the foregoing: *It is ordered*, That effective immediately, the effective date of the grant of the above-captioned applications of Mesa Microwave, Inc., is postponed, pending a final determination herein by the Commission; that the protest and petition for reconsideration of Southwestern is granted to the extent herein provided, and denied in all other respects; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a.m. on July 24th, 1959, on the following issues:

(1) To determine whether Mesa Microwave, Inc., is a bona fide communica-

tions common carrier eligible to receive approval and grant of the subject applications.

(2) To determine whether our conclusions in paragraphs 45 through 51, and 58 through 79, of the Report and Order in Docket No. 12443, as applied in this case, are in error.

(3) To determine whether the corporate interrelationships between Mesa and CATV require a different conclusion in this case from that reached in Docket No. 12443.

18. *It is further ordered,* That the protestant and applicant herein, and the Chief, Common Carrier Bureau, are hereby made parties to this proceeding; and that each party intending to participate in oral argument shall file a statement of intention to appear not later than July 6, 1959; and

19. *It is further ordered,* That the parties to the proceeding shall have until ten days prior to date of oral argument to file briefs or memoranda of law and five days after the filing of such briefs or memoranda of law to file a reply thereto.

Adopted: June 24, 1959.

Released: June 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5531; Filed, July 1, 1959; 8:53 a.m.]

[Docket No. 12931; FCC 59-617]

CARTER MOUNTAIN TRANSMISSION CORP.

Memorandum Opinion and Order Scheduling Oral Argument

In re application of Carter Mountain Transmission Corporation, Cody, Wyoming; Docket No. 12931, File No. 2463-C1-P-58; for construction permit to install an additional transmitter, to transmit on frequency 6387.5 Mc. Location: Copper Mountain, 40 miles south of Worland, Wyoming.

Preliminary statement. 1. On April 22, 1959, the above identified application for construction permit for microwave radio relay facilities filed April 24, 1958, was granted by the Commission. This grant was announced in a Public Notice dated April 27, 1959 (Report No. 474, Mimeo No. 72759). The grant was made to enable the applicant to construct a microwave relay system to make an off-the-air pick up of the program of television station KTWO-TV at Casper, Wyoming and to deliver this program to community antenna television systems (hereinafter called CATV) at Riverton, Lander and Thermopolis, Wyoming. Two stockholders of the grantee (hereinafter called Carter) who hold a total of 50 percent of the corporate stock of Carter, also have substantial stock interests in the CATV systems at Riverton, Lander and Thermopolis. Carter is also presently licensed to operate point-to-point microwave facilities (stations KOY39, KPB64 and KPB66) on a common carrier basis for transmission of other television signals to community antenna systems at Riverton, Lander, Worland, Basin and Greybull, all in the state of Wyoming, and a construction permit (station KPF75) to provide for the transmission of television signals to a community antenna system at Miles City, Montana. Carter's presently authorized facilities which terminate at Riverton and Lander provide for one channel of service to the respective CATV systems in these communities. The captioned application would provide a second channel of service to the CATVs at Riverton and Lander, and permit a new two channel service to the CATV at Thermopolis.

2. Joseph P. Ernst and Mildred V. Ernst, d/b as Chief Washakie TV, is the licensee of television station KWRB-TV, operating on Channel 10, in Riverton, with its main studio in Thermopolis, Mrs. Mildred V. Ernst is licensee of standard broadcast station KRTR at Thermopolis. These parties are hereinafter called Protestant KWRB-TV and Protestant KRTR, respectively. These parties have not previously filed any specific objections to the captioned application.[1] However, Protestant KWRB-TV made its objections known at the Hearing on S. Res. 224, 85 Cong. 2d Sess., Senate Committe on Interstate and Foreign Commerce, and in comments submitted in response to the Commission's Notice of Inquiry in Docket No. 12443.

3. The Notice of Inquiry referred to was captioned "In the Matter of Inquiry into the Impact of Community Antenna Systems, TV Translators, TV 'Satellite' Stations, and TV 'Repeaters' on the Orderly Development of Television Broadcasting", and was initiated by the Commission by a notice released May 22, 1958. The proceeding relative to the Notice of Inquiry was terminated by a Report and Order of the Commission (FCC 59-292; Mimeo No. 71489), adopted April 13, 1959 (26 FCC 403).

4. Pursuant to, and following the determinations made in the above mentioned Report and Order in Docket No. 12443, the subject application was duly granted. Protestants KWRB-TV and KRTR jointly filed a timely protest herein, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, coupled with a timely request for reconsideration pursuant to section 405 of the Act, requesting that the subject grant be vacated and that the application be designated for hearing on specified issues.

5. On June 8, 1959, Carter timely filed its Opposition to the joint protest and petition for reconsideration and, on June 11, 1959, Protestants KWRB-TV and KRTR timely filed a Reply to the Opposition.

The protest. 6. Protestant KWRB-TV relates that the result of the grant of the contested application will be to enable the CATV system at Riverton and Lander to bring a second signal from a distant metropolitan station (the first signal being presently provided by Carter to the CATVs in these two communities) and to enable the CATV system at Thermopolis to bring two signals from distant metropolitan stations. Protestant states that it serves all three towns and that signals from distant metropolitan stations would not otherwise be receivable in this Protestant's service area, and that this will have a substantial adverse economic impact on the operations of station KWRB-TV. Protestant KRTR states that its standard broadcast station serves the community of Thermopolis and that a grant of the captioned application will have a serious adverse impact on the operation of station KWRB-TV. It makes no claim or allegation that this situation presents any adverse economic impact to it, nor does it show how the protested grant will affect it adversely. Upon these showings, we conclude that Protestant KWRB-TV is a "party in interest" within the meaning of section 309(c) of our Act and is a "person aggrieved" within the meaning of section 405 of our Act and that Protestant KWRB-TV has standing to protest and request reconsideration of our action herein. We also conclude that Protestant KRTR has no standing to protest and no standing to request reconsideration because we are unable to determine affirmatively that she is a party in interest.

7. Protestant KWRB-TV requests an opportunity to show that a second channel video service to community antenna systems in Riverton and Lander, and a new two channel video service to a community antenna television system in Thermopolis, involve places where the impact of CATV operations, made possible by these microwave grants, may destroy, jeopardize, or diminish the service presently provided and presently projected by station KWRB-TV and that the number of persons who would thus lose, or lose pro tanto, their only local off-the-air service is considerably greater than the number who would thereby gain a multiple service. Protestant KWRB-TV also contends that Carter is the alter ego for the various CATV systems operating in KWRB-TV's service area, in that Messrs. Bliss and Mitchell are the president and vice president, respectively, of Carter and are each holders of 25 percent of the stock therein, and that Messrs. Bliss and Mitchell are also officers of Western TV Corporation which owns and operates, among others, CATV systems at Lander, Riverton and Thermopolis. Protestant KWRB-TV alleges, upon information and belief, that, as a consequence, through this corporate device, the various interrelated CATV systems in KWRB-TV's service area, not themselves eligible for a microwave channel under the Commission's rules, are obtaining a frequency, reserved for common carrier use, for their own private purposes. Further, Protestant KWRB-TV contends that Carter and its alter ego CATVs are utilizing the signals and programs of stations in Idaho Falls, Billings and Casper without the consent of such stations and contrary to the rights of such stations and others in such signals, and that this reflects adversely on the character qualifications of Carter. Finally, Protestant

[1] Protestants have likewise made no objection to any of Carter's existing facilities mentioned in Paragraph 1.

KWRB-TV contends that the Commission should not act on the subject application until Congress has had an opportunity to adopt certain legislative proposals suggested by the Commission in its Report and Order relative to Docket No. 12443.[2]

The opposition to the protest. 8. Carter admits the allegations that two stockholders in Carter, holding a total of 50 percent of the corporate stock, also have substantial stock interests in the CATV systems located in Riverton, Lander and Thermopolis, Wyoming. Carter contends that Protestant KWRB-TV is entitled to no more than oral argument as to the validity of the doctrines and policies set forth in the Commission's Report and Order in Docket No. 12443 as they may be applicable to the Protestant's allegations. Carter makes various references to the Report and Order which we do not here repeat because of the consideration given to them hereinafter. Carter contends that the Commission should exercise its discretion favorably to Carter in making the "public interest" finding prescribed in Section 309(c) of our Act as a condition precedent to maintaining the contested construction permit in a valid status pending the determination of this proceeding.

9. The reply to the Opposition, which reiterates what has been previously stated in Protestant's protest, has been considered in the disposition hereof.

Disposition of the protest. 10. As we have hereinabove indicated, it is our view that one protestant has standing to initiate the instant protest and request for reconsideration. As indicated in our résumé of his pleading, Protestant KWRB-TV alleges various reasons and grounds purporting to show that the grant herein was improperly made or would otherwise not be in the public interest. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the considerations brought to our attention and bearing upon the alleged interrelationships between the provision of common carrier microwave relay communication service to CATVs generally and the operation of CATVs versus television broadcasters. In our Report and Order we arrived at various considered conclusions, some of which have a direct bearing upon this situation.

11. Thus, in paragraphs 45 through 51 of that Report and Order, we considered the impact of CATVs on television broadcasters and concluded that there was nothing that would justify us in taking action, or seeking authority under which we could act, to bar CATVs from coming into, or continuing to operate in, a particular market. As a concommitant to this, we also concluded, in paragraphs 58 through 71, that we had no jurisdiction to regulate CATVs directly or indirectly. In paragraphs 65 through 68, and in paragraphs 78 through 79, we made various pertinent determinations concerning our lack of authority and competence to determine contested questions of property rights as between broadcasters and others, on the one hand, and common carriers and CATVs, on the other hand. In paragraphs 72 through 77 of our Report and Order, we set out the basis for our conclusion that it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorizations for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby television stations.

12. In light of the aforementioned determinations made in Docket No. 12443, which we hereby affirm and adhere to, we think the instant protest must turn first on the threshhold question as to whether or not the subject grantee is a communications common carrier. If it is determined that Carter is a bona fide common carrier then, in the light of our determinations in Docket No. 12443, we should not proceed further herein unless Protestant KWRB-TV can demonstrate to us that our relevant and controlling determinations in Docket No. 12443 (which we have herein identified) are erroneous, or that the corporate interrelationships between Carter and CATV warrant a different result in this case.

13. The facts relating to Carter's operations and its corporate interrelationships are clearly established and admitted. The legal conclusion to flow from these facts and the proposed operations of Carter, relative to the asserted common carrier status of Carter, is, therefore, the first issue for proper determination in this proceeding. Though, as we have noted above, Protestant KWRB-TV has not contended that our decision in Docket No. 12443 is, in any wise, in error, we will afford him an opportunity to argue this issue also insofar as it relates to the proper determination to be made herein assuming that Carter is confirmed in its status as a communication common carrier. Accordingly, we shall designate these issues for determination before the Commission on oral argument. If it should subsequently appear that there is a need for an evidentiary hearing herein, an appropriate further order will be issued hereafter.

14. In designating this matter for oral argument on the issues we have specified, we note that there is no dispute as to the facts relating to these issues. Assuming the truth and accuracy of these facts, we do not, of course, imply that ultimate conclusions flowing therefrom, as asserted by protestant, are either correct or relevant. The matters to be determined relative thereto are the legal conclusions which would flow from such facts. As contemplated in the statutory scheme of section 309(c) of our Act, as amended in 1956, this appears to be an appropriate case for disposition on oral argument, since the ultimate question to be determined is, assuming that the facts are proven as related by protestant, whether there are legal grounds for setting the grant aside.

15. As for protestant's plea that we stay the subject grant pending action by the Congress on the legislative recommendations we have submitted relative to CATVs, we note that, during the pendency of the formal Inquiry in which these matters were under consideration (Docket No. 12443), the Commission felt it appropriate to defer action on applications for such microwave transmission systems as were then before it so that the status quo might be unimpaired until a final decision was reached. Our deferral of consideration of such applications was challenged in a mandamus proceeding in which the Court of Appeals sustained the Commission during the pendency of the Inquiry. See Mesa Microwave, Inc. v. FCC, No. 14729, December 24, 1958. However, having reached and announced our conclusions on these matters, we would find it difficult to justify a reinstitution of the freeze. In the light of our conclusions, this might be subject to a further mandamus action because such action would not be in accord with the proper exercise of our jurisdiction on the sole basis of the pendency of these particular legislative proposals. Accordingly, having carefully weighed the entire matter and having reached our reasoned conclusions, as set forth in the Report mentioned above, we feel that the proper course for the Commission is to continue to process applications in the regular course pending action by the Congress on legislation necessary to changes in the established regulatory pattern.

16. The remaining question to be determined is whether we should stay the effectiveness of the contested grant pending a determination of this proceeding. Since the contested operation involves a new service, it cannot be held to be necessary to the maintenance and conduct of an existing service. In light of the facts adduced on the record to date indicating that other television service is available in the area without the existence of the microwave relay facility, we are unable to conclude that the public interest requires that the grant remain in effect. Accordingly, we shall stay the effectiveness of the subject grant pending final determination of this matter.

Conclusion. 17. In view of the foregoing: *It is ordered,* That effective immediately, the effective date of the grant of the above-captioned application of Carter Mountain Transmission Corporation is postponed, pending a final determination herein by the Commission; that the protest and petition for reconsideration of Protestant KWRB-TV is granted to the extent herein provided, and denied in all other respects; that the protest and petition for reconsideration of Protestant KRTR is hereby dismissed for failure to establish standing as a "party in interest" herein or a "person aggrieved" within the meaning of sections 309(c) and 405 of our Act; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a.m. on July 24, 1959, on the following issues:

(1) To determine whether Carter Mountain Transmission Corporation is

[2] Protestant KWRB-TV cites our Report and Order in Docket No. 12443 frequently, with apparent approval. There is no contention or suggestion in his pleading that such Report is, in any wise, in error.

a bona fide communications common carrier eligible to receive approval and grant of the subject application.

(2) To determine whether our conclusions in paragraphs 45 through 51, and 58 through 79, of the Report and Order in Docket No. 12443, as applied in this case, are in error.

(3) To determine whether the corporate interrelationships between Carter and CATV require a different conclusion in this case from that reached in Docket No. 12443.

18. *It is further ordered,* That Protestant KWRB–TV and the applicant herein, and the Chief Common Carrier Bureau, are hereby made parties to this proceeding; and that each party intending to participate in oral argument shall file a statement of intention to appear not later than July 6, 1959; and

19. *It is further ordered,* That the parties to the proceeding shall have until ten days prior to date of oral argument to file briefs or memoranda of law, and five days after the filing of such briefs or memoranda of law to file a reply thereto.

Adopted: June 24, 1959.

Released: June 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59–5532; Filed, July 1, 1959; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24C–2118]

AMERICAN TELEVISION & RADIO CO.

Notice of and Order for Hearing

JUNE 26, 1959.

I. American Television & Radio Co., a Minnesota corporation with its principal offices at 300 East Fourth Street, St. Paul 1, Minnesota, filed with the Commission on March 23, 1959 a notification on Form 1–A and an offering circular relating to an offering of 60,000 shares of its $0.50 par value common stock at $5.00 per share, thereafter amended to 100,000 shares at $3.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 10, 1959 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held at the offices of the Chicago Regional Office of the Commission, 630 Bankers Building, 105 West Adams Street, Chicago 3, Illinois at 11:00 a.m., July 14, 1959, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The terms and conditions of Regulation A have not been complied with in that:

a. An offering circular was not used in connection with the offering of the issuer's securities to the public, as required by Rule 256(a)(1);

b. Written communications were published in violation of Rule 256(c); and

c. Written communications were published which were not filed with the Commission, as required by Rule 258.

2. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The statement that the issuer's vibrators are used as original equipment in auto radio sets and in the vibrator replacement market; and the failure to disclose that the original equipment auto radio vibrator market has materially declined in each year since 1955 and is presently almost non-existent, and that the replacement market for auto radio vibrators can be expected to decline materially in the next few years;

b. The statement that the Company, in its opinion, is recognized as one of the World's Leaders in the vibrator field;

c. The statement that the Company believes its market position to be equal to that of its competitors in the vibrator field;

d. The statement that the Company believes its sales potential on each of its product lines is extremely great;

e. The statements in the paragraph under the caption "Growth Prospects";

f. The statement that the Company "while relatively new in the Television Set manufacturing business, having entered it in 1955, has, in its opinion, developed a unique method of merchandising from factory directly to TV technician to the consumer";

g. The failure to disclose that if all the securities being offered are sold, with the Company receiving $300,000, the president's equity in the Company will be increased from approximately $235,000 to approximately $401,000, while the public's equity will be immediately reduced from $300,000 to $134,000; and

h. The failure to disclose adequately the purposes for which the net cash proceeds to the Company from the sale of the securities are to be used and the amount to be used for each such purpose, indicating in what order of priority the proceeds will be used for the respective purposes;

3. The offering is being and would be made in violation of section 17 of the Securities Act of 1933, as amended.

B. Whether the order dated June 10, 1959 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered,* That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on American Television & Radio Co., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before July 10, 1959 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–5500; Filed, July 1, 1959; 8:48 a.m.]

[File No. 70–3807]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issuance and Sale of Principal Amount of Bonds at Competitive Bidding

JUNE 25, 1959.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), an exempt holding company and a public-utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction which is described below.

Penelec proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, $15,000,000 principal amount of First Mortgage Bonds, to be dated August 1, 1959, and to mature August 1, 1989. The new bonds are proposed to be issued under the Mortgage and Deed of Trust dated as of January 1, 1942, of Penelec to Bankers Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of August 1, 1959. The interest rate on the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Penelec (which will not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

Of the proceeds from the sale of the new bonds, $9,000,000 will be applied to repay short-term bank loans in that amount outstanding at March 31, 1959 (the proceeds of which were applied to Penelec's 1959 construction program) and $6,000,000 will be applied to the 1959 construction program or to partially reimburse the company's treasury for previous expenditures for that purpose. The balance of the proceeds, if any, will be used for general corporate purposes. Penelec's 1959 construction program contemplates cash expenditures of approximately $39,700,000 for property additions.

The fees and expenses to be incurred by Penelec in connection with the proposed transaction are estimated at $80,000, including legal fees and expenses of $20,750 (Ballard, Spahr, Andrews & Ingersoll, $14,000; Berlack, Israels & Liberman, $6,750); fees and expenses of Lybrand, Ross Bros. & Montgomery, accountants, $4,200; printing and engraving expenses, $25,250; and indenture trustee's fees and expenses, $7,100. The fees and expenses of Beekman & Bogue, counsel for the purchasers, which are to be supplied by amendment, will be paid by the successful bidders.

The application states that the Pennsylvania Utility Commission has jurisdiction over the issuance and sale of the new bonds and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 23, 1959, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–5501; Filed, July 1, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–18769—G–18773]

HERD OIL & GAS CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

JUNE 24, 1959.

In the matter of Herd Oil & Gas Company, Docket No. G–18769; Redfern Oil Company, Docket No. G–18770; The Superior Oil Company, Docket No. G–18771; Gulf Oil Corporation (Operator) et al., Docket No. G–18772; Mound Company et al., Docket No. G–18773.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated	Date tendered	Effective date [1] unless suspended	Date suspended until [2]
G–18769	Herd Oil & Gas Co. (Herd).	1	[3] 3	El Paso Natural Gas Co.	5–15–59	5–25–59	6–25–59	11–25–59
G–18770	Redfern Oil Co. (Redfern).	1	[4] 3	do	5–14–59	5–25–59	6–25–59	11–25–59
G–18771	The Superior Oil Co. (Superior).	44	[5] 3	do	5–25–59	5–27–59	6–27–59	11–27–59
G–18772	Gulf Oil Corp. (operator), et al. (Gulf).	77	[6] 5	United Gas Pipe Line Co.	5–26–59	5–27–59	6–27–59	11–27–59
G–18773	Mound Co., et al. (Mound).	13	4	do	[7] 5–13–59	5–28–59	6–28–59	11–28–59
		13	5	do	5–27–59	5–28–59	6–28–59	11–28–59

[1] The stated effective dates are the effective dates requested by Respondents or the first day after expiration of the required thirty days' notice, whichever is later.
[2] And until such further time as they are made effective in the manner prescribed by the Natural Gas Act.
[3] The present rate is in effect subject to refund in Docke No. G–15775.
[4] The present rate is in effect subject to refund in Docket No. G–15776.
[5] The present rate is in effect subject to refund in Docket No. G–14003.
[6] The present rate is in effect subject to refund in Docket No. G–8516.
[7] Supplemental Agreement.

In support of their proposed favored-nation rate increases, Herd and Redfern cite a triggering increase in rate for a sale to El Paso Natural Gas Company. Herd and Redfern state that the pricing provisions of each contract collectively represent the negotiated contract price; the contracts were negotiated at arm's length; and the favored-nation pricing arrangement is common to many long-term contracts in order to permit initial delivery at a price lower than the contemplated average price for the life of the contract. In support of its proposed favored-nation rate increase, Superior cites the favored-nation clause of its contract. Superior also supports the amount of its proposed increased rate by citing the amount of a triggering increase and adjusting that amount for differences in delivery terms for the proposed and the triggering rates. In support of its proposed periodic rate increase, Gulf states that its contract was negotiated at arm's length and that exhibits sponsored by Gulf in the consolidated section 4(e) and section 5 proceeding in Docket No. G–9520, et al. support the proposed rate on a cost basis. In support of its proposed renegotiated rate increase, Mound states that the contract, as amended, was the result of arm's-length bargaining; the cost of producing natural gas has substantially increased in recent years; and it is necessary to supply every possible drilling incentive if the producing industry is to meet the demand for gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Respondent's FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearing shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the designated supplements to Respondent's FPC Gas Rate Schedules.

(B) Pending hearings and decisions thereon, Supplement No. 3 to Herd's FPC Gas Rate Schedule No. 1 and Supplement No. 3 to Redfern's FPC Gas Rate Schedule No. 1 are hereby suspended and the use thereof deferred until November 25, 1959; Supplement No. 3 to Superior's FPC Gas Rate Schedule No. 44 and Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 77 are hereby suspended and the use thereof deferred until November 27, 1959; and Supplement Nos. 4 and 5 to Mound's FPC Gas Rate Schedule No. 13 are hereby suspended and the use thereof deferred until November 28, 1959; and each supplement is further suspended until such time as it is made effective in the manner prescribed by the Natural Gas Act.

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

(C) None of the several supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5491; Filed, July 1, 1959; 8:46 a.m.]

[Docket No. G-18768]

A. G. OLIPHANT ET AL.

Order for Hearing and Suspending Proposed Change in Rate

JUNE 24, 1959.

A. G. Oliphant (Operator) et al. (Oliphant) on May 25, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Louisiana-Nevada Transit Company (Louisiana Nevada).
Rate schedule designation: Supplement No. 3 to Oliphant's FPC Gas Rate Schedule No. 3.
Effective date: June 25, 1959 (stated effective date is the first day after the required thirty days' notice).

In support of the proposed redetermined rate increase, Oliphant states that the proposed rate is a matter of contractual obligation arising from a written agreement which was negotiated at arm's length; the proposed rate is an integral part of the initial rate schedule; the price of gas is below the price of competing fuels; and the redetermination provision is necessary to provide for seller's economic needs over the term of the contract.

Protest to the acceptance of this rate filing was filed on May 29, 1959, by Louisiana Nevada, which purchases the gas involved and which urged rejection of this rate filing for the reasons stated in Commission Opinion No. 314.[2] Oliphant filed on June 15, 1959, a motion to strike this protest, claiming the right to file as a signatory to its contract. Louisiana Nevada also protested the amount of the proposed increased rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The proposed change in rate tendered by Oliphant should be accepted for filing conditionally pending final determination of Commission Opinion No. 314.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The proposed change in rate tendered by Oliphant is accepted for filing conditionally pending the final determination of Commission Opinion No. 314.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge.

(C) Pending such hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until November 25, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5492; Filed, July 1, 1959; 8:46 a.m.]

[Project No. 2265]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Notice of Application for Preliminary Permit

JUNE 25, 1959.

Public notice is hereby given that the Southern Indiana Gas and Electric Company of Evansville, Indiana, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for preliminary permit for proposed water-power project to be located in Warrick County, upstream from Newburgh, Indiana, on the Ohio River at the proposed U.S. Government high lift navigation lock and dam. The project would consist of a powerhouse located at the Indiana end of the Newburg Dam with an installed capacity of 45,000 kilowatts. The power will be distributed through the applicant's interconnected system.

No construction is authorized under a preliminary permit. A permit, if issued, gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 13, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5493; Filed, July 1, 1959; 8:46 a.m.]

[Docket Nos. G-16236, G-16237]

PACIFIC NORTHWEST PIPELINE CORP.

Notice of Applications

JUNE 25, 1959.

Take notice that Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation, address P.O. Box 1526, Salt Lake City 10, Utah, filed on September 10, 1958, an application in Docket No. G-16236 for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas; and an application in Docket No. G-16237 for permission and approval to abandon certain facilities and service rendered by means thereof, all as hereinafter described.

Pacific proposes by the application in Docket No. G-16237 to abandon the sale and delivery of natural gas to Colorado Interstate Gas Company in Sweetwater County, near Rock Springs, Wyoming, covered by its service agreement dated May 3, 1956, and applicable Rate Schedule PL-1, and coincident with the abandonment of service to sell natural gas to El Paso Natural Gas Company at this same point, as requested in Docket No. G-16236. Pacific proposes to sell up to a maximum of 235,000 Mcf per day to El Paso under a rate schedule designated PL-2 consisting of a demand charge of $2.24 per month per Mcf of contract demand and a commodity charge of 22.84 cents per Mcf. Pacific will remove its existing measuring and regulating station constructed at a cost of $78,000, required for the sale of gas to Colorado Interstate and construct and operate a measuring and regulating station at a cost of $173,000 out of current funds.

This application is related to the El Paso and Colorado Interstate proposals in Docket Nos. G-16235 and G-16904, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. The applications are on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5494; Filed, July 1, 1959; 8:46 a.m.]

[Docket No. G-17485 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Waiving Intermediate Decision Procedure Setting Date for Filing Briefs and Fixing Date for Oral Argument

JUNE 25, 1959.

In the matters of Northern Natural Gas Company, Docket Nos. G-17485, G-17486 and G-17874; Permian Basin Pipeline Company, Docket No. G-17487; Iron Ranges Natural Gas Company, Docket No. G-17626; El Paso Natural Gas Company, Docket No. G-17854; Phillips Petroleum Company, Docket No. G-18113.

On June 9, 1959, Northern Natural Gas Company and its subsidiary, Permian Basin Pipeline Company[1] filed a "Motion for Omission of Intermediate Decision Procedure" requesting that the Commission issue an order (1) omitting the intermediate decision in the above-entitled proceeding, (2) setting a time for the filing of simultaneous briefs two weeks after the conclusion of the hearing and (3) fixing a date for oral argument, in lieu of reply briefs, one week following the filing of the simultaneous briefs. In support of this motion, Northern again emphasizes, as it did in its "Motion for Severance and Ommission of Intermediate Decision Procedure" filed herein on April 27, 1959,[2] that the Cities of Duluth and Superior are urgently in need of natural gas and that a certificate must be issued during July in order to permit construction of the necessary facilities in time to render natural-gas service to Duluth and Superior and other proposed communities by the coming 1959-60 heating season. On page 2 of its motion, Northern says that it is "* * * most unlikely that a final certificate can be issued in time to permit service to * * * new markets during the 1959-60 heating season unless the time required for issuance of an intermediate decision and for the filing of Exceptions thereto is eliminated from the decisional process".

Under § 1.12(c) of the Commission's rules of practice and procedure, the last day for filing answers to Northern's motion was June 19, 1959, and as of that date, thirteen answers[3] had been filed in support of Northern's motion and two answers[4] had been filed in opposition thereto. The parties supporting the motion uniformly either give the urgent need for gas in Duluth and Superior as their reason for desiring expedition of the decision, or stress the length of time that they have been trying to get gas for additional communities proposed to be served, and the many frustrations they have encountered incident thereto and aver that granting Northern's motion may make it possible for some communities, in addition to those on the proposed Duluth extension to receive natural-gas service by this coming heating season.

The principal contentions of MUD against granting Northern's motion are rather well summarized on page 3 of its answer as follows:

> Applicant Northern seeks in these proceedings to obtain a certificate of convenience and necessity which would authorize an investment in excess of $100,000,000 to provide an additional salable capacity of some 230,000 Mcf. Certainly projects of that immensity, together with the additional problem of rates as heretofore mentioned, demand the application of the careful and painstaking consideration of all the parties in the form of briefs after the record is closed, including the Presiding Examiner, in order that due process and the essential functions and responsibilities of the Commission be adequately discharged.

The Coal Interveners' answer first calls "* * * attention to the contradictory positions taken by Northern in these consolidated dockets" in that Northern has heretofore stated in prior filings that July 1 is the latest date it can receive a certificate and still construct the facilities necessary to serve Duluth and Superior by the 1959-60 heating season, whereas in the motion now before the Commission, Northern has stated that it can construct the requisite facilities to serve Duluth and Superior by the coming heating season if a certificate is received during the month of July. Apparently the Coal Interveners overlooked the fact that Northern explained this change in "final" dates by stating in connection with the latter date that the facilities could be constructed "* * * by means of an accelerated construction program * * *". Taking this explanation into consideration, the change in deadlines does not appear to be contradictory.

The Coal Interveners also allege that "* * * no just and sufficient reason has been set forth as grounds * * *" for granting Northern's motion. In this connection, it should be noted that the Commission, in denying Northern's motion for severance, filed April 27, 1959, found that it was unnecessary to act upon Northern's request in that motion to omit the intermediate decision procedure because that particular request was confined to Docket No. G-17485 upon the assumption that the desired severance would be granted. Since the Commission's order of May 15, 1959, denying the severance, dealt primarily with the merits of Northern's desire to sever Docket No. G-17485 from the remaining dockets in this proceeding, that order cannot properly be used to infer that Northern has given no grounds in the motion now before the Commission for its request to omit the intermediate decision procedure when such request is not dependent upon the merits of a preliminary request to sever any one docket from the rest of the proceeding.

The Coal Interveners' principal objection to the granting of Northern's motion seems to relate to the two-week period requested by Northern for the filing of simultaneous briefs. On page 3 of their answer, the Coal Interveners state that "* * * the granting of only two weeks time in which to prepare Briefs would be in diametric opposition to the concept of fair play as this concept is contained in the due process clause of the Constitution of the United tSates. * * * If a Brief is to be meaningful it must flow from an intelligent and comprehensive analysis of the record, and two short weeks does not even closely approximate the time these Intervenors require to make that analysis." In this same vein, the Coal Interveners urge on page 5 of their answer that "* * * if the Commission is disposed to order filing of simultaneous Briefs, such Briefs should in no event be due sooner than July 30, 1959."

Finally, the Coal Interveners point out on page 5 of their answer that:

> The Examiner announced at the final day of hearing that he intended to inform the parties on June 24, 1959, the dates for filing Briefs. In so doing, he intimated that such Briefs would be designated by him to contain only proposed findings and conclusions. (Tr. 3910) Such procedure would fly in the face of § 1.29 of the rules of practice and procedure and would preclude parties from pointing up to the Examiner and the Commission those portions of the record which support their contentions. It is therefore respectfully urged that the Commission act upon Northern's Motion before June 24, 1959, in order to eliminate the necessity of having to deal with still another Order of the Examiner * * *.

As pointed out by Northern in its motion, omission of the intermediate decision herein would be entirely consistent with the Commission's intent to expedite the handling and disposition of new applications seeking to serve midwestern markets filed by any of the applicants who were parties to the proceeding terminated by Opinion No. 316, issued October 31, 1958, In the Matters of American Louisiana Pipe Line Company, et al.,

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[2] Rehearing of Opinion No. 314 and the accompanying order was granted by order issued September 19, 1958, in Docket Nos. G-4932, et al., but a final order thereon has not been issued. Oliphant's FPC Gas Rate Schedule No. 3 and Supplements Nos. 1 and 2 were accepted conditionally on June 11, 1959, pending final determination of Opinion No. 314.

[1] Hereinafter jointly referred to as "Northern".

[2] Denied by the Commission's order issued May 15, 1959, in the above-entitled consolidated proceeding.

[3] Filed by Central Natural Gas Company; City of Emmetsburg, Iowa; Iowa Electric Light and Power Company; Iron Ranges Natural Gas Company; Minnesota Natural Gas Company; Minnesota Valley Natural Gas Company; North Central Public Service Company; Northern States Power Company of Minnesota and Northern States Power Company of Wisconsin (jointly); Northwest Gas and Power Company; Northwestern Public Service Company; Public Service Commission of Wisconsin; State of Minnesota; and Superior Water, Light and Power Company and City of Duluth, Minnesota (jointly).

[4] Filed by Metropolitan Utilities District of Omaha (hereinafter referred to as "MUD"); and National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Mid-West Coal Producers Institute, Inc., Upper Lake Docks Coal Bureau, Inc., and The Chesapeake and Ohio Railway Company (jointly), hereinafter referred to as the "Coal Interveners".

Docket Nos. G–2306, et al. In fact, the Commission took action similar to that requested by Northern when it issued its order of March 20, 1959, waiving the intermediate decision procedure in the proceeding In the Matters of Midwestern Gas Transmission Company, et al., Docket Nos. G–16841, et al., which concerned the first of the new applications which were envisaged by the Commission when it issued Opinion No. 316. Consistent with the intent expressed in Opinion No. 316 and because of the need for early commencement of pipeline construction required to initiate natural-gas service to Duluth and Superior and as many other communities as possible by the 1959–60 heating season, the Commission considers, in the event it is determined that certificates of public convenience and necessity should be issued, that good cause has been shown for waiving the intermediate decision procedure and for allowing oral argument before the Commission.

The Commission's order issued March 20, 1959, in the Midwestern case, referred to above, permitted four weeks for the filing of principal and reply briefs plus a two-day interval for preparation for oral argument. The record in this proceeding is considerably longer and the details are more complex than those involved in the Midwestern case. Northern's request for two weeks for filing of simultaneous briefs and one week for oral argument in lieu of reply briefs is somewhat less time than is desirable under the circumstances. Therefore, this order will provide for the filing of simultaneous briefs and the scheduling of oral argument, in lieu of reply briefs, in such a manner as to allow a minimum of four weeks between the conclusion of the hearing on June 18, 1959, and the fixing of the date for oral argument.

The Commission finds:

(1) The due and timely execution of the Commission's functions imperatively and unavoidably requires the omission of the intermediate decision procedure.

(2) Good cause has been shown for waiving and omitting the intermediate decision procedure and for allowing oral argument before the Commission at the time hereinafter fixed.

(3) A greater period of time than the two weeks requested by Northern is required for the preparation of simultaneous briefs, as hereinafter ordered.

The Commission orders:

(A) The intermediate decision procedure in the above-entitled proceeding be and it is hereby waived and omitted.

(B) Simultaneous briefs shall be filed on or before July 10, 1959, and oral argument, in lieu of reply briefs, shall be held as hereinafter provided in paragraph (C).

(C) Oral argument before the Commission shall be held on July 17, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All parties desiring to participate in the oral argument shall inform the Secretary of the Commission in writing of the length of time desired for argument not later than July 10, 1959.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5495; Filed, July 1, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7697 et al.]

SERVICE TO REGINA CASE

Notice of Hearing

In the matter of the proceeding involving service between Williston and/or Minot, North Dakota, and Regina, Saskatchewan, Canada.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding will be held July 28, 1959, at 10:00 a.m., c.s.t., in the Auditorium of the Provident Life Insurance Building, Bismarck, North Dakota, before Examiner Herbert K. Bryan.

Dated at Washington, D.C., June 29, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–5517; Filed, July 1, 1959; 8:50 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 121–57]

CONNECTICUT VOLUNTEERS FOR CIVIL RIGHTS

Notice of Fact That Order Has Become Final Requiring Registration as a Communist-Front Organization

William P. Rogers, Attorney General of the United States, Petitioner v. Connecticut volunteers for Civil Rights, Respondent.

Pursuant to section 13(g) of Title I of the Internal Security Act of 1950, the Subversive Activities Control Board on April 14, 1959, duly issued and served a report and order requiring the Connecticut Volunteers for Civil Rights to register as a Communist-front organization under section 7 of said Title I. Publication of the order appeared in the FEDERAL REGISTER for April 24, 1959.

The time allowed in section 14(a) of Title I for filing a petition for review of the said order having expired and no such petition having been filed, notice is hereby given of the fact that said order has become final under the provisions of section 14(b) of Title I.

SUBVERSIVE ACTIVITIES CONTROL BOARD,
DOROTHY MCCULLOUGH LEE,
Chairman.

JUNE 26, 1959.

[F.R. Doc. 59–5503; Filed, July 1, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 24]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JUNE 26, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 99828 (Sub No. 4) (REPUBLICATION), filed December 10, 1958, published June 11, 1959 issue FEDERAL REGISTER. Applicant: PAUL W. NIELSEN, doing business as, NIELSEN TRUCKING COMPANY, 118 West Fifth South, Salt Lake City, Utah. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables*, and *bananas*, between points in California and Arizona on the one hand, and on the other, points in Arizona, Utah, Idaho, Colorado, Oregon, and Washington.

NOTE: The purpose of this republication is to show a between movement instead of a from and to movement as previously published.

No. MC 113843 (Sub No. 34) (REPUBLICATION), filed December 8, 1958, published FEDERAL REGISTER issue of April 2, 1959. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James Michael Walsh, 316 Summer Street, Boston 10, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea*, and *bananas*, in straight and in mixed loads with *certain exempt commodities*, from Boston, Mass., Baltimore, Md., Columbus and Cleveland, Ohio, Chicago, Ill., Detroit, Mich., Pittsburgh, Pa., Rochester N.Y., and points in New Jersey, Maine, and the Delmarva Peninsula, to points in Illinois, Ohio, Indiana, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Maryland, Pennsylvania, Michigan, Virginia, Wisconsin, the District of Columbia, Kentucky, Maine, West Virginia, Delaware, and Minnesota.

NOTE: The purpose of this republication is to advise that applicant's attorney states that the application above, originally noticed in the FEDERAL REGISTER on the date shown, did not accurately reflect the operations performed. And the actual transportation of which will be substantiated by documentary evidence to be presented at the hearing covering the transportation of the above commodities, between all points in the States of: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

HEARING: Remains as assigned July 30, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner David Waters.

No. MC 118442, filed December 9, 1958. Applicant: VIRGIL KING, doing business as KING TRUCK SERVICE, R.R. No. 1, Bellevue, Ohio. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, between points in the United States and Canada.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5460; Filed, July 1, 1959; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 29, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35516: *Caustic soda—Port Neches, Tex., to southern points.* Filed by Southwestern Freight Bureau, Agent (No. B–7574), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Port Neches, Tex., to specified points in Florida, Tennessee and Virginia.

Grounds for relief: Market competition at destinations with Baton Rouge, Lake Charles, Plaquemine, La., Corpus Christi and Houston, Tex.

Tariff: Supplement 594 to Southwestern Freight Bureau tariff I.C.C. 4136.

FSA No. 35517: *Glassware—Chattanooga, Tenn., to Baton Rouge, La.* Filed by O. W. South, Jr., Agent (SFA No. A3820), for interested rail carriers. Rates on glassware, other than cut, namely bottles, carboys, demijohns or jars, and related articles, straight or mixed carloads from Chattanooga, Tenn., to Baton Rouge, La.

Grounds for relief: Market competition at destination with East St. Louis, Ill.

Tariff: Supplement 150 to Southern Freight Association, Agent, tariff I.C.C. 1548.

FSA No. 35518: *Caustic soda—Huntsville and Redstone Arsenal, Ala., to Rome, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3821), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Huntsville and Redstone Arsenal, Ala., to Rome, Ga.

Grounds for relief: Rail market competition with Evans, Ala., at Rome.

Tariff: Supplement 92 to Southern Freight Association, Agent, tariff I.C.C. 1536.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5506; Filed, July 1, 1959; 8:49 a.m.]

[Notice 147]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62014. By order of June 25, 1959, the Transfer Board approved the transfer to Kelly-Springfield Trucking Co., A Corporation, Kearny, N.J., of permit in No. MC 45148, issued February 10, 1942, to Louis E. Gaeckle, doing business as Kelly-Springfield Trucking Company, Kearny, N.J., authorizing the transportation of: Iron castings, scrap iron, and various other specified commodities, between specified points in New York, New Jersey, Pennsylvania, Delaware, and Connecticut. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC–FC 62195. By order of June 25, 1959, the Transfer Board approved the transfer to H. & S. Inc., Jacksonville, Fla., of Permits in Nos. MC 4840 and MC 4840 Sub 2, issued March 9, 1950 and November 14, 1951, respectively, to L. W. Holstun and Paul E. Holstun, a Partnership, doing business as L. W. Holstun & Son, Ocala, Fla., authorizing the transportation of: various specified commodities of a general commodity nature between named points in Florida, Georgia, and South Carolina. Farris Bryant, Munroe & Chambliss Bank Building, Ocala, Fla., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5507; Filed, July 1, 1959; 8:49 a.m.]

FILING OF DOCUMENTS

Notice of Holiday

JUNE 29, 1959.

As the result of Executive Order 10825 (24 F.R. 4825) the offices of the Commission will be closed on July 3, 1959. The next day, July Fourth, a legal holiday, falls on Saturday. Under the circumstances, any pleading, brief, or other document due to be filed with the Commission not later than July 3 need not be filed until Monday, July 6. This is pursuant to § 1.21 of the general rules of practice.

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5508; Filed, July 1, 1959; 8:49 a.m.]

[Notice 276]

MOTOR CARRIER APPLICATIONS

JUNE 30, 1959.

The following application is governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

No. MC–F 7239. Authority sought for merger into OKLAHOMA TRANSPORTATION COMPANY (AN OKLAHOMA CORPORATION), 1206 Exchange Avenue, Oklahoma City 4, Okla., of the operating rights and property of THE OKLAHOMA TRANSPORTATION CO., INC. (A DELAWARE CORPORATION), 1206 Exchange Avenue, Oklahoma City 4, Okla., and for acquisition by R. S. BOWERS, EUGENE JORDAN and JULIA JORDAN, all of Oklahoma City, of control of such rights and property through the transaction. Applicants' representative: Eugene Jordan, Executive Vice President and General Counsel of The Oklahoma Transportation Co., Inc., 1206 Exchange Avenue, Oklahoma City, Okla. Operating rights sought to be merged: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Oklahoma City, Okla., and Ardmore, Okla., between Mangum, Okla., and Norman, Okla., between Duncan, Okla., and Davis, Okla., between junction U.S. Highway 77 and Oklahoma Highway 59, south of Wayne, and Ada, Okla., between junction U. S. Highway 77 and Oklahoma Highway 74F and Purcell, Okla., between

Oklahoma City, Okla., and Norman, Okla., between Lawton, Okla., and the Fort Sill Military Reservation, Okla., between Oklahoma City, Okla., and Fort Smith, Ark., between Krebs Junction, Okla., and junction U.S. Highway 271 and Oklahoma Highway 31, east of Bokoshe, Okla., between Oklahoma City, Okla., and Wichita Falls, Tex., and between Waurika, Okla., and Bowie, Tex., serving certain intermediate points. OKLAHOMA TRANSPORTATION COMPANY (AN OKLAHOMA CORPORATION) holds no authority from this Commission. However, it is affiliated with MID-CONTINENT COACHES, INC., a motor carrier subject to Part II of the Interstate Commerce Act, through stock ownership. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5577; Filed, July 1, 1959; 9:08 a.m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 24 NUMBER 130

Washington, Friday, July 3, 1959

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 172]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.472 Valencia Orange Regulation 172.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 1, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 5, 1959, and ending at 12:01 a.m., P.s.t., July 12, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 669,900 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5625; Filed, July 2, 1959; 11:25 a.m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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(As of January 1, 1959)

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CODIFICATION GUIDE

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[Lemon Reg. 799]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.906 Lemon Regulation 799.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 5, 1959, and ending at 12:01 a.m., P.s.t., July 12, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 418,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5601; Filed July 2, 1959; 9:00 a.m.]

[957.318]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in Sections 957.1 through 957.91 inclusive of the said order. The Idaho-Eastern Oregon Potato Committee, pursuant to § 957.51 of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop potatoes, as authorized by said marketing agreement and order, should be issued. The recommendations of said committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 957.318 Limitation of shipments.

During the period from July 6, 1959, through May 31, 1960, no person shall handle any lot of potatoes or cause any such potatoes to be handled unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d) and (e) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round red varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(2) *White Rose variety.* U.S. No. 2, or better, grade, 5 ounces minimum weight: *Provided,* That any potatoes that grade not less than U.S. No. 1, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight, size A.

(3) *Russett variety.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight, size A.

(4) *All other varieties (including but not limited to Kennebecs and Early Gems).* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(5) *Cleanliness.* For all varieties, at least "generally fairly clean."

(b) *Minimum maturity requirements*—(1) *Kennebec variety.* Not more than 25 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered."

(2) *Russet variety.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-fourth of the skin missing or "feathered."

(3) *All other varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered."

(4) Not to exceed a total of 50 cwt. of each variety of a lot of such potatoes may be handled for any producer without regard to the aforesaid maturity (skinning) requirements: *Provided,* That in addition to such 50 cwt. of potatoes of any variety that may be handled without regard to said maturity requirements, any lot of potatoes may be handled for any producer without regard to such requirements if:

(i) Such lot of potatoes previously failed, upon inspection by a Federal-State inspector to meet grade and size requirements but met the aforesaid maturity requirements applicable to such lot of potatoes;

(ii) Such lot of potatoes has been regraded, and such lot of potatoes otherwise meets, as indicated by a Federal-State inspection certificate, the grade and size requirement applicable to such potatoes; and

(iii) The potatoes failing to meet the aforesaid maturity requirements are not in excess of 100 cwt. in any such lot.

(iv) Prior to each shipment of potatoes exempt from the above maturity

requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;
(2) Charity;
(3) Starch;
(4) Canning and freezing;
(5) Dehydration;
(6) Export: *Provided,* That no handler shall ship potatoes for export which do not meet the requirements of the U.S. No. 2 grade, or better, 1½ inches minimum diameter; and
(7) Experimentation.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning and freezing, dehydration, export, or for experimentation, pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;
(2) Pay assessments on such shipments, except shipments for canning or freezing;
(3) Have such shipments inspected, except shipments for canning or freezing;
(4) Upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege;
(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;
(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment; and
(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not exceed, 5 cwt. of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 cwt. of potatoes.

(f) *Definitions.* The terms "slightly skinned," "moderately skinned," "U.S. No. 1," "U.S. No. 2," "Size A" and "fairly clean" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1959, to become effective July 6, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5558; Filed, July 2, 1959; 8:48 a.m.]

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area (7 CFR Part 973), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the month of July 1959:

In § 973.9(b)(1) the phrase "during any month 50 percent or more of such plant's total receipts for such month from farms of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area resulting from the inability of certain "pool plants" regularly associated with the market to qualify as such for the month of July 1959 under present § 973.9(b) of the order.

(3) The inability of certain plants to qualify as pool plants for July 1959 under § 973.9(b) of the order is the result of marketing developments affecting the day-by-day volumes of milk needed at bottling plants, causing increased supplies to be utilized on weekends at country supply plants for manufacturing uses, and consequently making it infeasible for the latter to be qualified under the specified delivery performance requirements.

(4) This suspension order has been requested by associations representing more than two-thirds of the producers whose milk is subject to pricing by the order. It has been indicated that handlers of milk in the market have no objection to the action sought.

(5) Unless the proposed action is taken the milk of a substantial number of producers who have been regular suppliers of this market over a period of many years will not be eligible for pooling under the order for July 1959.

Therefore, good cause exists for making this order effective July 1, 1959.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective July 1, 1959 for the period July 1 through July 31, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of June 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–5559; Filed, July 2, 1959; 8:48 a.m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Notice of rule making with respect to proposed Limitation of Shipments to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), was published in the FEDERAL REGISTER June 26, 1959 (24 F.R. 5223).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within three days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the Limitations of Shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

Findings. It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date specified (5 U.S.C. 1001 et seq.) in that (1) the handling of potatoes grown in the production area will begin on or about the effective date of this section, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of June 26, 1959 (24 F.R. 5223).

§ 992.314 Limitation of shipment.

During the period from July 6, 1959, through May 31, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or such potatoes are handled in accordance with paragraphs (c), (d) and (e) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* For all varieties, at least "fairly clean".

(b) *Minimum maturity requirements; all varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any such lot may have more than one-half of the skin missing or "feathered".

(c) *Special purpose shipments.* The minimum grade, size, cleanliness and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;
(2) Livestock feed;
(3) Charity;
(4) Starch;
(5) Canning and freezing;
(6) Dehydration;
(7) Export; or
(8) Potato chipping.

(d) *Safeguards.* Each handler making shipments of potatoes for canning and freezing, dehydration, export, or for potato chipping pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;
(2) Pay assessments on such shipments, except shipments for canning or freezing;
(3) Have such shipments inspected, except shipments for canning or freezing;
(4) Upon request by the committee, furnish reports of each shipment pursuant to each Certificate of Privilege;
(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;
(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment;
(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(e) *Minimum quantity exception.* Each handler may ship up to, but not exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Definitions.* The terms "fairly clean", "moderately skinned", and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1959, to become effective July 6, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5572; Filed, July 2, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 45; Civil Air Regs., Amdt. 41–24]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

Scheduled United States-Hawaii and Intra-Hawaii Operations

By virtue of the provisions of the Hawaii Statehood Act (Pub. Law 86–3, 73 Stat. 4), adopted on March 18, 1959, the former Territory of Hawaii will be admitted into the Federal Union upon the issuance of the Presidential Proclamation contemplated by section 7(c) of that Act. Accordingly, it is necessary to amend § 41.0 of the Civil Air Regulations so that the provision of scheduled air transportation between the other 49 states, and the new State of Hawaii, as well as the provision of scheduled air service by common carriers, other than air taxi operators, to pairs of points within the boundaries of the new state may continue to be governed by the safety regulatory provisions of Part 41.

Since the provisions of Part 41 are presently applicable to such operations, the amendment does not impose any additional burden upon any person. Consequently, the Administrator finds that compliance with the notice, public participation and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41) is hereby amended, effective upon the date when the State of Hawaii is admitted to the Union, as follows:

1. Amend § 41.0 to read as follows:

§ 41.0 General.

The regulations in this part are prescribed for scheduled air transportation operations conducted by air carriers between a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between any place in a Territory or possession and a place in any other Territory or possession of the United States; or between places in a Territory or possession; or between any place in the United States and any place outside thereof; or between any two places outside the United States. The regulations in this part shall also apply to:

(a) Scheduled air transportation operations conducted by air carriers between a place in any State of the United States and the State of Alaska or the State of Hawaii, respectively, or between the State of Alaska and the State of Hawaii; and

(b) Any scheduled operations conducted between points within the State of Alaska or the State of Hawaii, respectively, by a common carrier engaged in the carriage by aircraft of persons or property for compensation or hire or of U.S. mail unless such operations are conducted as an Air Taxi Operator under Parts 42 or 47 of this subchapter.

This amendment shall be effective upon the date when the State of Hawaii is admitted to the Union.

(Secs. 313(a), 601, 604; 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on June 25, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59–5535; Filed, July 2, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 44; Amdt. 28]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of a recent incident involving Colonial C–1 and C–2 aircraft where the plastic lock for the control surface hinge pin cracked, thus making it possible for the hinge pin to work out, inspection and replacement of all plastic locks is required.

Due to the possibility that a small number of Wright R–1300–1A engines were released by the military for civil sale and use with crankshafts that had undergone a chrome plating salvage repair which rendered the crankshaft unsafe, a re-examination of the engine records is necessary.

To allow time for obtaining parts, the compliance date given for the Vickers modification, airworthiness directive 59–5–7, has been extended. Airworthiness directive 59–10–2 for Allison engines (24 F.R. 4305) is superseded by a new directive to include aircraft having operating engine vibration detection equipment, and a new directive is issued superseding 59–9–2 for Fairchild F–27 aircraft to incorporate installation of fatigue meters.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are

impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 507.10(a) is amended as follows:

1. 59–5–7 Vickers Viscount 745D as it appeared in 24 F.R. 3755 is revised by changing the compliance statement to read: "Compliance required as soon as possible but not later than December 1, 1959."

2. The following new airworthiness directives are added:

59–12–4 ALLISON. Applies to Model 501–D13 and 501–D13A engines.

A few cases of Allison 501–D13 and –D13A third stage turbine blade failure have occurred due to a resonance condition at low speed ground idle. All of these failures to date have resulted in visible damage to fourth stage blades as well as fourth stage vanes. In one case continued operation of an engine with a failed blade resulted in failure of the turbine inlet case-vane case split line bolts.

A. Aircraft not having operating engine vibration detection equipment must observe the following engine operating restriction and inspection.

(1) Low speed ground idle not to exceed two minutes after all engines have been started and two minutes prior to the stopping of engines at the end of the flight.

(2) Conduct inspection of fourth stage turbine blades before next departure of airplane from principal maintenance base and at intervals not to exceed 25 hours of operation for indications of damage using adequate light and optical aid.

B. Aircraft having operating engine vibration equipment shall use this equipment to detect any abnormal high frequency indications and if found, the above inspection of fourth stage turbine blades shall be conducted upon arrival at the next maintenance base.

If any damage is discovered as a result of A. or B. it is cause for more detailed inspection and/or engine removal.

This restriction shall remain in force until further notice.

This supersedes AD 59–10–2.

59–12–5 COLONIAL. Applies to Model C–1 and C–2 aircraft Serial Numbers 1 through 132.

Compliance required as indicated.

The following inspection and replacement of all plastic locks is required. Prior to next flight inspect the control surface hinge pin locks.

(1) If made of metal, no further action necessary.

(2) If made of plastic material inspect for cracks. Parts found cracked must be replaced with locks fabricated of 0.025 2024–T3 aluminum alloy material or equivalent before further operation.

(3) All plastic locks must be replaced within the next 10 hours of operation with metal locks fabricated of 0.025 2024–T3 aluminum alloy material or equivalent.

(Colonial Service Bulletin No. 15 covers this same subject.)

59–12–6 FAIRCHILD. Applies to Model F–27 aircraft Serial Numbers 1 through 50 inclusive.

Compliance required as indicated.

To detect the possible development of cracks in service, to determine actual in-flight loads experienced in service and to control the inspection program the following is required:

(1) Conduct an X-ray inspection of the wing center section lower skin and stringers in accordance with Fairchild Service Bulletin 51–2 at 1,200 hours and 2,400 hours operation and thereafter at every 600 hours operation. If cracks are found, consult Fairchild for approved repairs.

(2) Install and maintain fatigue meters and adhere to the provisions of Fairchild Service Bulletins Nos. 31–3 and 51–2. Compliance required within the next 350 hours of operation or July 15, 1959, whichever occurs first.

This supersedes AD 59–9–2.

59–12–7 WRIGHT ENGINES. Applies to R–1300–1A engines installed in T–28A aircraft.

Compliance required by July 1, 1959, or within the next ten hours of operation, whichever occurs first.

Engines which have crankshafts that were salvaged by chrome plating during the last military overhaul, must be removed from service consistent with the above stipulated compliance provisions. Prior to re-use of the engine in civil aircraft, the affected crankshaft must be replaced.

Engines with these salvaged crankshafts have a note to this effect in the records and log sheets kept for the engine. A re-examination of the military records of these engines must be made. No other identification of such engines was provided.

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 25, 1959.

ALAN L. DEAN,
Acting Administrator.

[F. R. Doc. 59–5536; Filed, July 2, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7327 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

J. Jacob Shannon & Co.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, J. Jacob Shannon & Company, Philadelphia, Pa., Docket 7327, June 6, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a mail order merchandiser in Philadelphia, Pa., with advertising fictitious exaggerated amounts as "Reg." prices for purportedly reduced items.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent J. Jacob Shannon & Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent's regular or usual price of any product is any amount which is in excess of the price at which respondent has usually and customarily sold such product in the recent regular course of business;

2. Representing, directly or by implication, that the value of any product is any amount which is in excess of the price at which such product is usually and customarily sold in the trade area, or areas, where the statement is made.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–5544; Filed, July 2, 1959; 8:46 a.m.]

[Docket 7403 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

A. E. Troutman Co. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, A. E. Troutman Company (Greensburg, Pa.) et al., Docket 7403, June 9, 1959]

In the Matter of A. E. Troutman Company, a Corporation, and B. Poverman, Inc., a Corporation, and B. Poverman, Individually and as an Officer of B. Poverman, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Greensburg, Pa., with violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and advertising requirements; and, in advertisements in local newspapers, failing to disclose the names of animals producing certain furs or that certain furs were artificially colored, and representing prices as reduced without maintaining adequate records as a basis therefor.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents A. E. Troutman Company, a corporation, and its officers; B. Poverman, Inc., a corporation, and its officers; B. Poverman, individually and as officer of said corporation; and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution, of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

C. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches;

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose: (1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

B. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;

4. Making price claims and representations respecting prices and values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, A. E. Troutman Company and B. Poverman, Inc., corporations, and B. Poverman, individually and as an officer of B. Poverman, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–5545; Filed, July 2, 1959; 8:46 a.m.]

[Docket 6779]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Niresk Industries, Inc., and Bernice Stone Kahn

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.215 *Seals, emblems, or awards;* § 13.235 *Source or origin:* Maker or seller, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Niresk Industries, Inc. (Chicago, Ill.), et al., Docket 6779, June 5, 1959]

In the Matter of Niresk Industries, Inc., a Corporation, and Bernice Stone Kahn, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago mail order sellers of kitchenware with false advertising in publications of wide distribution which represented fictitious and excessive amounts as usual retail prices of their cooker-fryers and electric skillets and the offered prices as reductions therefrom; which misrepresented the manufacturer of their cooker-fryer through prominent use thereon of the phrase "Westinghouse Automatic Thermostat"; and which represented falsely through the manner of use of the Good Housekeeping Guaranty Seal, that their said cooker-fryer had been awarded such seal.

Following hearings in due course, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. Denying the appeal, the Commission on June 5 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Niresk Industries, Inc., a corporation, and its officers, and respondent Bernice Stone Kahn, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the Cooker-Fryer or any other products in commerce, as "commerce" is defined

in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Certain amounts are the regular and usual retail prices of products when such amounts are in excess of the prices at which such products are regularly and customarily sold at retail;

2. Any savings are afforded from the retail price of products unless such savings represent a reduction from the price at which said products are regularly and customarily sold at retail;

3. The Cooker-Fryer is the product of, or manufactured by, the Westinghouse Electric Corporation; or that any other product is the product of, or manufactured by, the Westinghouse Electric Corporation or any other corporation, firm, or individual, when such is not a fact;

4. The Cooker-Fryer has been awarded the Good Housekeeping Guaranty Seal; or that any other product has been awarded the Good Housekeeping Guaranty Seal, when such is not a fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Niresk Industries, Inc., and Bernice Stone Kahn, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: June 5, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59–5546; Filed, July 2, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1887]

[Fairbanks 010659]

ALASKA

Withdrawing Lands for Use of Department of the Army in Connection With Haines-Fairbanks Products Pipeline System; Revoking Public Land Order No. 1045 of December 28, 1954, as Amended

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Army for terminal facilities in connection with the Haines-Fairbanks Products Pipeline System, as authorized by the act of September 28, 1951 (65 Stat. 336):

COPPER RIVER MERIDIAN

T. 18 N., R. 11 E., sec. 12, S½NE¼, N½SE¼, N½N½N½S½SE¼.
T. 18 N., R. 12 E., Sec. 7, Lots 2 and 3, excepting the East 660 feet thereof.

Containing 202.35 acres.

2. Public Land Order No. 1045 of December 28, 1954, as amended by Public Land Order No. 1086 of March 8, 1955, which withdrew for similar purposes, a portion of the lands described in paragraph 1, hereof, is hereby revoked.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59–5548; Filed, July 2, 1959; 8:46 a.m.]

[Public Land Order 1888]

[75660]

OREGON

Modifying Boundaries of Rogue River, Umpqua and Mt. Hood National Forests

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. So much of the following-described lands as now lie within the exterior boundaries of the Rogue River National Forest are hereby transferred to the Umpqua National Forest:

WILLAMETTE MERIDIAN

T. 32 S., R. 1 W.,
Secs. 15 and 17, those parts now within the Rogue River National Forest;
Sec. 20, that part of the SW¼ now within the Rogue River National Forest.
T. 32 S., R. 2 W.,
Secs. 22 to 24, inclusive, those parts now within the Rogue River National Forest;
Secs. 25 and 26;
Sec. 27, that part now within the Rogue River National Forest;
Sec. 28, SE¼;
Secs. 29, 31 and 32, those parts now within the Rogue River National Forest;
Sec. 33, N½N½;
Secs. 34, 35 and 36.

The areas described aggregate approximately 5,620 acres.

2. Such of the following-described lands as were not eliminated from the Rogue River and the Mt. Hood National Forests by the joint order of the Secretaries of Agriculture and of the Interior, signed respectively on June 12, 1956 and June 21, 1956 (21 F.R. 4525–30), and as subsequently amended and modified, are hereby eliminated from the areas now within the said forests:

ROGUE RIVER NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 32 S., R. 1 E.,
Sec. 1;
Sec. 2, S½;
Secs. 3, 4, 5, and 8 to 11, incl.;
Sec. 12, W½ and SE¼;
Sec. 14.
T. 32 S., R. 2 E.,
Sec. 3, S½NW¼, W½SW¼, and E½SE¼;
Secs. 4 and 5;
Sec. 6, lots 2 to 7 incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, NE¼, E½W½, N½SE¼, and SW¼SE¼;
Sec. 8, NE¼NE¼, S½NE¼, N½NW¼, SW¼NW¼, and S½;
Sec. 9, lots 1, 2, 3, 4, N½NE¼, SE¼NE¼, E½W½, and SE¼;
Sec. 10;
Sec. 15, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 16;
Sec. 17, W½NE¼, SE¼NE¼, N½NW¼, E½SW¼, and SE¼;
Sec. 18;
Sec. 21, lots 1, 2, 3, 4, 7, 10, and W½;
Sec. 22, lot 4, NE¼, S½NW¼, and N½SW¼;
Sec. 27, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 28, N½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 30, NE¼.
T. 34 S., R. 2 E.,
Sec. 2;
Sec. 3, lots 3, 4, 5, SE¼NW¼, and SE¼;
Secs. 8, 9, and 10;
Sec. 11, N½, N½S½, and SE¼SW¼;
Sec. 12;
Sec. 13, lots 1, 2, W½NE¼, W½SW¼, and NW¼;
Sec. 14;
Sec. 15, lots 1, 2, 3, W½NE¼, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Secs. 17, 18, 20 to 22, incl.;
Sec. 23, SW¼NE¼, W½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Secs. 24, 25, and 26;
Sec. 27, lots 1 to 7 incl., NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Secs. 28 and 34.
T. 33 S., R. 3 E.,
Secs. 18, 19, 28 to 33 incl.
T. 34 S., R. 3 E.,
Secs. 1 to 6, incl., 8 to 14, incl., 24 to 27, incl., 34 to 36, incl.;
T. 35 S., R. 3 E.,
Secs. 1, and 2;
Sec. 12, NE¼.
T. 37 S., R. 3 E.,
Secs. 5 to 8, incl., 17 to 20, incl., 29 to 32, incl.
T. 38 S., R. 3 E.,
Secs. 4, 5, 6, 8 to 18, incl., 20 to 23, incl.;
Secs. 25 to 30, incl., 32 to 34, incl.;
Sec. 24, W½E½, and W½.
T. 39 S., R. 3 E.,
Secs. 4, 5, 6, 8, 9, 14 to 18, incl., 20 to 23, incl., 26 to 30, incl., 32 and 34.
T. 38 S., R. 4 E.,
Secs. 7, 17 to 20, incl., 25 to 29, incl.;
Sec. 32, N½NE¼, SE¼NE¼, SW¼, and E½SE¼;
Secs. 33 to 36, incl.
T. 39 S., R. 4 E.,
Secs. 4, and 5;
Sec. 6, W½NE¼, NW¼, and S½.
T. 38 S., R. 5 E.,
Secs. 13 to 17, incl.;
Sec. 18, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 19 to 34, incl.;
Sec. 35, lots 1, 2, 3, 4, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 36.

T. 38 S., R. 6 E.,
Secs. 19 to 22, incl.;
Sec. 23, lots 1 to 6, incl., W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 24;
Sec. 25, SW¼;
Secs. 26 to 30, incl., 32 to 36, incl.
T. 39 S., R. 6 E.,
Secs. 4 to 6, incl.
T. 32 S., R. 1 W.,
Secs. 1, 2 and 11, those parts now within the Rogue River National Forest;
Secs. 12 and 13;
Secs. 14, 16 and 19, those parts now within the Rogue River National Forest;
Sec. 20, that part of the E½ now within the Rogue River National Forest;
Secs. 21 and 22, those parts now within the Rogue River National Forest;
Secs. 23 to 30, incl.;
Secs. 32, 34, 35 and 36;
T. 33 S., R. 1 W.,
Secs. 2, 10, 12, and 14;
Sec. 15, lots 1 to 7 incl., W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Secs. 16, 17, and 18;
Sec. 20, E½NE¼, NW¼, and S½;
Secs. 21 to 24, incl., 26 and 27;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, and S½;
Sec. 32, S½NE¼, SE¼SW¼, NE¼SW¼, and N½SE¼;
Sec. 34, SW¼, and S½SE¼.
Secs. 29, and 30.
T. 39 S., R. 1 W.,
Secs. 18 to 22, incl., 27 to 30, incl.
T. 32 S., R. 2 W.,
Sec. 28, that part of N½ and SW¼ now within the Rogue River National Forest;
Sec. 33, S½N½, and S½.
T. 38 S., R. 2 W.,
Secs. 26, 34 and 35.
T. 39 S., R. 2 W.,
Secs. 1, 2, 3, 10 to 15, incl., 19 to 36, incl., excepting Lot 1 of section 1.
T. 40 S., R. 2 W.,
Secs. 2 to 10, incl.
T. 34 S., R. 3 W.,
Sec. 30, E½.
T. 38 S., R. 3 W.,
Secs. 6 to 10, incl., 13 to 26, incl., 35 and 36.
T. 39 S., R. 3 W.,
Secs. 2 to 9, incl;
Sec. 10, all except lot 6 and SW¼SE¼;
Secs. 11, 12, and 13;
Sec. 14, E½NE¼, NE¼NW¼NE¼, SW¼NE¼, NW¼, and S½;
Secs. 15 to 21, incl.;
Sec. 22, E½NE¼, S½S½SW¼NE¼, E½NW¼, E½W½NW¼, E½SW¼, E½NW¼SW¼, SW¼NW¼SW¼, SW¼SW¼, E½SE¼, W½W½NW¼SE¼, and SW¼SE½;
Secs. 23 to 27, incl.;
Sec. 28, E½NE¼, S½NW¼NE¼, W½NW¼, SW¼, and N½SE¼;
Secs. 29, 30, 33 to 36, incl.
T. 40 S., R. 3 W.,
Secs. 1, and 12.
T. 39 S., R. 4 W.,
Secs 1, to 32, incl.
T. 39 S., R. 5 W.,
Sec. 35, that part within the Rogue River National Forest.

The areas described aggregate approximately 237,000 acres.

MT. HOOD NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 8 S., R. 4 E.,
Sec. 1;
Sec. 2, lots 1, 2, and SE¼;
Sec. 11, NE¼;
Sec. 12, that part within the Mt. Hood National Forest.
T. 4 S., R. 5 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, and N½S½;
Sec. 2;
Sec. 3, lots 1, 2, 3, 4, S½NE¼, SW¼NW¼, and S½;
Sec. 7;
Sec. 10, N½NE¼, NW¼, and S½;
Sec. 11, N½, NW¼SW¼, S½SW¼, and SE¼;
Sec. 12, N½, N½SW¼, and SE¼;
Sec. 18.
T. 6 S., R. 5 E.,
Sec. 6, lots 3, 4, 5, 6, 9, 10, 11, SE¼NW¼, and E½SW¼;
Sec. 8, SW¼SW¼;
Sec. 18;
Sec. 20, N½NW¼, and SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, W½SE¼, and SE¼SE¼;
Sec. 32;
Sec. 33, lots 1, 2, W½NW¼, SE¼NW¼, and N½SW¼.
T. 7 S., R. 5 E.,
Sec. 4, lots 3, 4, S½NW¼, and SW¼;
Secs. 5 to 8, incl.;
Sec. 9, W½NW¼;
Sec. 17, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, and NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, 3, 4, and E½W½.
T. 8 S., R. 5 E.,
Sec. 6, lots 4 to 12, incl.
T. 2 S., R. 6 E.,
Sec. 13.
T. 2 S., R. 7 E.,
Sec. 19.

The areas described aggregate approximately 14,150 acres.

3. The boundaries of the Rogue River, Umpqua and Mt. Hood National Forests are hereby adjusted to the extent necessary to conform with the inter-forest transfer made by paragraph 1 of this order, and the exclusions made by paragraph 2 and with the joint order in 21 F.R. 4525–30, referred to in paragraph 2 hereof.

4. The lands eliminated from the Rogue River and Mt. Hood National Forests by paragraph 2 of this order are either privately owned or revested Oregon and California railroad grant lands. The revested lands shall continue to be subject to such forms of appropriation as may by law be made of such lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59–5549; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1889]

[Arizona 010137]

ARIZONA

Withdrawing Public Lands for Use of Department of the Air Force for Military Purposes (Vincent Air Force Base)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Air Force for military purposes in connection with the Vincent Air Force Base:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 16, SE¼SE¼NE¼.

The area described contains 10 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59–5550; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1890]

NEW MEXICO

Reserving Lands Within Gila, Lincoln, and Cibola National Forests for Use by Forest Service as Administrative Sites and Recreation Areas

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Gila, Lincoln, and Cibola National Forests in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as administrative sites and recreation areas:

[New Mexico 039510]

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Coal Mine Canyon Picnic Ground

T. 12 N., R. 8 W.,
Sec. 29, SW¼SE¼.
Totaling 40 acres.

[New Mexico 023643]

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

Emory Pass Recreation Area

Unsurveyed.
T. 16 S., R. 9 W.,
Sec. 15, N½SW¼SW¼.
Totaling 20 acres.

Bearwallow Administrative Site (Lookout)

Unsurveyed.
T. 10 S., R. 18 W.,
Sec. 11, NE¼SW¼SW¼ and NW¼SE¼SW¼.
Totaling 20 acres.

[New Mexico 036793]

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

Queens Administrative Site

T. 24 S., R. 22 E.,
Sec. 19, lot 4, SE¼SW¼;
Sec. 30, lot 1.
Totaling 120 acres.

The areas described in this order total 200 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26; 1959.

[F.R. Doc. 59-5551; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1891]

[80822]

ARKANSAS

Order Providing for Opening of Public Lands (Power Projects Nos. 1 and 654)

1. In DA-57-Arkansas, issued October 24, 1958, the Federal Power Commission vacated the withdrawals created by the filing of the applications for preliminary permits for proposed Water Power Projects Nos 1 and 654, respectively, affecting the following-described lands:

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 14 W.,
Sec. 31, SW¼NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼.

The areas described aggregate 200 acres.

2. Until 10:00 a.m. on November 26, 1959, the lands shall be subject only to application by the State of Arkansas, in accordance with and subject to the limitations and requirements of subsection (b) of section 2 of the act of August 27, 1958 (Public Law 85-771), or to application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

3. Commencing at 10:00 a.m. on February 26, 1960, the lands shall be open to application, petition, location, and selection by the public generally, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284) as amended.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Eastern States Office, Bureau of Land Management, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59-5552; Filed, July 2, 1959; 8:47 a.m.]

[Public Land Order 1892]

[Fairbanks 022504]

[1841660]

ALASKA

Partially Revoking Public Land Order No. 19 of August 4, 1942

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 19 of August 4, 1942, to the extent that it withdrew lands as an addition to Air Navigation Site Withdrawal No. 149, Alaska, dated December 13, 1940, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 4 S., R. 7 W.,
Sec. 31, NW¼, E½SW¼, and E½W½SW¼, unsurveyed.
T. 5 S., R. 7 W.,
Sec. 6, W½, unsurveyed.
T. 4 S., R. 8 W.,
Sec. 25, SE¼.
T. 5 S., R. 8 W.,
Sec. 1, E½E½NE¼, S½, W½NW¼, and W½E½NW¼;
Sec. 12, N½.

The areas described aggregate 1,560 acres.

2. Until 10:00 a.m. on September 25, 1959, the State of Alaska shall have a preferred right to select the lands or parts thereof, in accordance with and subject to the limitations in and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) or section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. Subject to the rights of the State of Alaska, to valid existing rights and the requirements of applicable law, the surveyed public lands are hereby opened to the filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10.00 a.m. on September 25, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 28, 1959, will be governed by the time of filing.

4. Subject to the rights of the State of Alaska, to valid existing rights and the requirements of applicable law, the unsurveyed public lands are hereby opened to settlement and to the filing of such applications, selections and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b(1) below, the lands, beginning at 10:00 a.m. on September 25, 1959, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended). Beginning at 10:00 a.m. on December 28, 1959, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on September 25, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 3a. (1) and (2), and 4b. (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on December 28, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to location under the United States mining laws, beginning at 10:00 a.m. on December 28, 1959.

Persons claiming veterans' preference rights under paragraphs 3a. (2) and 4a. and b. (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 26, 1959.

[F.R. Doc. 59-5553; Filed, July 2, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the Regulations Governing the Grading and Inspection of Egg Products under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The proposed amendment would require as a condition to performing inspection service on egg products which were produced in nonofficial plants that laboratory analyses would be made in addition to the organoleptic examination. Minor changes would be made in the processing requirements for certain blends of egg products; recording thermometers would not be required on egg driers; and the official identification and rejection of application provisions would be modified.

All persons who desire to submit written data, views or arguments in connection with the proposed amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change § 55.24 to read:

§ 55.24 When application may be rejected.

Any application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 55.23(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

2. Change § 55.36 to read:

§ 55.36 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purposes of § 55.2(a).

(b) The inspection mark which is permitted to be used on egg products, other than those prepared in accordance with §§ 55.39 and 55.40, shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except that the lot number may be applied to the container other than within the inspection mark, and in such instances the inspection mark shall be in the form and design as indicated in Figure 3 of this section. The plant number may be applied to the container other than within the inspection mark.

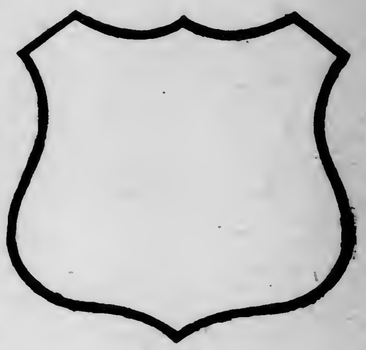


FIGURE 1.



FIGURE 2.



FIGURE 3.

3. Change § 55.41 to read:

§ 55.41 Products not eligible for official identification.

Egg products which are prepared in nonofficial plants shall not be officially identified. However, such products may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Frozen whole eggs will be drilled and examined organoleptically and if the product appears to be satisfactory, samples will be taken for laboratory analyses. The samples will be examined for direct microscopic count and the presence of acetic acid. Frozen whole eggs shall be considered unsatisfactory if they have a direct microscopic bacteria count of 5 million or more per gram of frozen whole egg; or contain acetic acid in any measurable quantity.

§ 55.85 [Amendment]

4. Change § 55.85(d) to read:

(d) Liquid egg, other than whites and yolks with 10 percent salt added, held for shipment in liquid form for drying, stabilization or pasteurization, or which is not moved directly into a freezer shall be cooled to 45° F. within 1½ hours from the time of breaking and maintained at temperatures not exceeding 45° F. until loaded for shipment, or until stabilizing or pasteurizing operations are begun, or until frozen or dried, or delivered to the consumer. Such liquid eggs, if to be held for more than 8 hours, shall be reduced to a temperature of less than 40°F. within 1½ hours from time of breaking and held at that temperature or less until stabilizing or pasteurizing operations are begun, or until dried, or frozen, or delivered to the consumer. Yolks, with 10 percent salt added, may be accumulated up to 3 hours at a temperature not exceeding 60° F., for the purpose of equalizing salt, fat, and color, and immediately thereafter, the product shall be packaged and placed in a freezer.

§ 55.91 [Amendment]

5. Change § 55.91(c) to read:

(c) Driers shall be equipped with approved air intake filters.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74)

Issued at Washington, D.C., this 29th day of June 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-5519; Filed, July 2, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket No. 855]

FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

Notice of Proposed Rule Making

Whereas, the Federal Maritime Board finds that various foreign governments have promulgated laws, rules, regulations and practices which discriminate against vessels of the United States in favor of vessels flying the flags of those countries or vessels owned, operated or chartered by shipping companies to which those governments for various reasons have extended the same privileges and benefits as are accorded national vessels; and

Whereas, efforts of the Federal Maritime Board to eliminate the above discriminatory laws, rules, regulations and practices through friendly representations with foreign governments or agencies in diplomatic and other channels have proven inadequate in some cases to obtain the desired relief; and

Whereas, the Federal Maritime Board is authorized and directed pursuant to authority vested in the Board by section 19(1)(b) of the Merchant Marine Act, 1920, as amended (46 U.S.C. 876), section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), sections 101 and 104 of Reorganization Plan No. 21 of 1950 (64 Stat. 1273), and other pertinent laws, to make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally and which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country;

Now, therefore, the Federal Maritime Board proposes to adopt the following rule of general application to be invoked when negotiations with a foreign government or agencies thereof fail to eliminate such discriminatory laws, rules, regulations and practices as are from time to time found to exist:

1. To counteract the adverse effect of fees or charges imposed by a foreign government which discriminate, directly or indirectly, against vessels documented under the flag of the United States, the Federal Maritime Board will impose equalizing fees or charges against such aforementioned vessels flying the flags of those discriminating countries or vessels owned, operated, or chartered by shipping companies to which those foreign governments have extended the same preferential treatment as are accorded national vessels, and/or the users of the services of said vessels.

2. Where other discriminatory practices exist against U.S. flag vessels, offsetting regulations will be imposed by the Federal Maritime Board.

Persons interested in the proposed rule may file with the Secretary, Federal Maritime Board, Washington 25, D.C., U.S.A., written comments thereon and request for hearing if desired (original and fifteen copies), within thirty days after publication of this order in the FEDERAL REGISTER.

Dated: June 29, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5589; Filed, July 2, 1959; 8:51 a.m.]

[46 CFR Ch. II]

[Docket No. 856]

CONSULAR FEE DISCRIMINATION BY REPUBLIC OF ECUADOR; EQUALIZATION FEE

Notice of Proposed Rule Making

Whereas, pursuant to Ecuadoran Decree No. 505 of February 9, 1946, as amended, the Republic of Ecuador levies a consular invoice tariff or fee upon goods, merchandise, and cargo imported into Ecuador in an amount currently equal to 8½ percent of the f.o.b. value of the same as of the port of export when the same are shipped to Ecuador in vessels registered under the flag of the Republic of Ecuador and/or in vessels to which have been extended the same prerogatives and privileges by the Republic of Ecuador as are extended to vessels registered under the flag of Ecuador (including, pursuant to Ecuadoran Decree No. 750 of December 2, 1946, vessels owned or operated by, or under charter to the Flota Mercante Grancolombiana), and for an amount currently equal to 9½ percent of the f.o.b. value as of the port of export of such goods, merchandise, and cargo when the same are shipped to Ecuador in other vessels, including vessels of United States registry; and

Whereas, the Federal Maritime Board has found that the consular invoice tariffs or fees levied upon goods imported into Ecuador are discriminatory in that a higher rate of payment is required if the goods are not imported in vessels registered in Ecuador or vessels accorded the same preferred treatment as such national vessels, and has further found that such consular invoice tariffs or fees are favorable to such aforementioned vessels and detrimental to the U.S. flag vessels in the same trade, thereby creating a special condition unfavorable to U.S. shipping engaged in the foreign trade between the United States of America and the Republic of Ecuador; and

Whereas, despite the repeated requests of the United States Government, the Government of Ecuador has failed to remove this discrimination with respect to U.S. shipping in foreign trade; and

Whereas, the Federal Maritime Board, in accordance with its rule of June 29, 1959, entitled "Foreign Discrimination Affecting U.S. Ships" and pursuant to authority vested in the Board by section 19(1)(b) of the Merchant Marine Act, 1920, as amended (46 U.S.C. 876), and section 204 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and sections 101 and 104 of Reorganization Plan No. 21 of 1950 (64 Stat. 1273), and section 21 of the Shipping Act, 1916, as amended (46 U.S.C. 820), has found it necessary to adopt regulations affecting shipping in the foreign trade between the United States and the Republic of Ecuador in order to adjust and to meet the special unfavorable and discriminatory condition above found to exist;

Now, therefore, the Federal Maritime Board proposes to adopt the regulations set forth below:

1. Every exporter, or the duly authorized agent thereof, shipping goods, merchandise, or cargo from a port of the United States of America to the Republic of Ecuador via a vessel registered under the flag of the Republic of Ecuador, or via a vessel to which the Republic of Ecuador has extended the same prerogatives and privileges as to a vessel registered under the flag of Ecuador (in which category are included vessels owned or operated by or under charter to the Flota Mercante Grancolombiana), shall, prior to placing such goods, merchandise, or cargo upon a pier or dock or other place of loading or upon such vessel for the purpose of export, file with the Atlantic, Gulf or Pacific Coast Director of the Maritime Administration of the District from which such vessel is about to depart, a report under oath (Federal Maritime Board Form No. ------)[1] specifying in sufficient detail the name of such vessel, and the origin, destination, quantity, description of goods, merchandise, or cargo to be exported thereon including the marks and numbers thereof and type of packages to be shipped and the f.o.b. value of such goods, merchandise, or cargo as of the United States port of export.

2. Every exporter or agent required to file such report pursuant to the provisions of paragraph 1 above shall at the time of such filing pay to the Coast Director of the District from which such vessel is about to depart an equalization fee equal to 1 percent of the f.o.b. value, as of the United States port of departure, of all goods, merchandise, or cargo included and described in such report. From time to time such rate will be adjusted to conform the same to any variation which may occur in the amount of rate discrimination from time to time existing under the aforementioned consular invoice tariffs or fees, or other discriminatory or preferential charges.

3. Prior to the close of the 4th business day after clearance by the Collector of Customs for departure from a port of the United States of America of any vessel registered under the flag of the Republic of Ecuador or of any vessel to which the Republic of Ecuador has extended the same prerogatives and privileges as to a vessel registered under the flag of Ecuador (in which category are included vessels owned or operated by, or under charter to the Flota Mercante Grancolombiana), the owner, operator, charterer, or agent thereof shall file with the Coast Director of the District from which such vessel has cleared (who is hereby authorized to receive the same as agent for the Federal Maritime Board), a manifest under oath specifying in detail the name of such vessel, its registry, and the origin, destination, quantity, description of goods, merchandise, or cargo loaded aboard vessels at ports of the United States of America and destined for the Republic of Ecuador including the marks and numbers thereof and type of packages shipped and the f.o.b. value of such goods, merchandise, or cargo as of the United States port of departure, such manifest having attached thereto a copy of Federal Maritime Board Form No. ------ with respect to each shipment of such goods, merchandise, or cargo described in said manifest.

Whoever fails to comply with the provisions of this order shall, upon conviction thereof, be subject to the applicable penalties provided by law.

Persons interested in the proposed regulations may file with the Secretary, Federal Maritime Board, Washington 25, D.C., U.S.A, written comments thereon and request for hearing if desired (original and fifteen copies), within thirty days after publication of this order in the FEDERAL REGISTER.

Dated: June 29, 1959.

By the Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5590; Filed, July 2, 1959; 8:51 a.m.]

[1] Filed as part of the original document. Copies may be obtained from the Federal Maritime Board.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption of Copper Oleate and Copper Sulfate Mono-hydrate From Requirement of Tolerances

The Food and Drug Administration has received requests for clarification of the status of residues of certain copper compounds in or on raw agricultural commodities from preharvest application.

On the basis of evidence taken at the spray residue hearings in 1950, residues of certain specified copper compounds were exempted from the requirement of tolerances when such residues occurred from application of the copper compounds to growing crops in accordance with good agricultural practice (21 CFR, 1958 Supp. 120.6). That evidence also warrants including copper oleate and copper sulfate monohydrate in the list of copper compounds so exempted.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.29 (a)), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.6) be amended by inserting, in alphabetical order, the items "copper oleate" and "copper sulfate monohydrate" to the list of exempted copper compounds in paragraph (b)(1). As amended, § 120.6(b)(1) would read as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * * *

(b) * * *

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copper-lime mixtures, copper oleate, copper oxychloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper-zinc chromate, cuprous oxide, tetra copper calcium oxycloride.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing copper oleate or copper sulfate monohydrate may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: June 26, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-5562; Filed, July 2, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR 40, 41, 42]

[Reg. Docket No. 49; Draft Release 59-7]

DRINKING AND SERVING OF ALCOHOLIC BEVERAGES ABOARD AIR CARRIER AIRCRAFT

Notice of Proposed Rule Making

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Section 43.45 of the Civil Air Regulations forbids a pilot to permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor. However, there is no regulation dealing with the problem of alcoholic beverage consumption by passengers aboard an aircraft.

At hearings conducted before subcommittees of the House and Senate Committees on Interstate and Foreign Commerce, to consider bills to prohibit the serving of alcoholic beverages aboard air carrier aircraft witnesses described a number of instances in which the intoxication of passengers aboard air carrier aircraft had led to disorderliness or other conduct which may have endangered the safety of the aircraft. These instances, however, appear to have been caused by the passenger's consumption of a personal liquor supply rather than by consumption of liquor served to him under the control and supervision of the air carrier.

Under the provisions of section 601 (a)(6) of the Federal Aviation Act of 1958, the Administrator has the power and the duty to prescribe regulations governing such practices as he finds necessary to provide adequately for safety in air commerce. In the exercise of this power and duty the Administrator now finds that the drinking and serving of alcoholic beverages aboard air carrier aircraft must be controlled to the extent necessary to provide adequately for safety in air commerce. Accordingly, in order to provide such control, it is proposed to adopt a regulation which would prohibit (1) the drinking of any alcoholic beverage aboard an air carrier aircraft unless the beverage has been served by the air carrier operating the aircraft, and (2) the serving by the air carrier of such beverage to a person who is or who appears to be intoxicated. Under this regulation, a passenger who drinks an alcoholic beverage aboard an air carrier aircraft without being served such beverage by the air carrier will be subject to a civil penalty not to exceed $1,000. Correspondingly, an air carrier which serves an alcoholic beverage to an intoxicated passenger will also be subject to such a penalty.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a) and 601(a) (6) of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421(a)(6)).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 by adding new §§ 40.371, 41.135 and 42.65 respectively, each to read as follows:

Drinking and serving of alcoholic beverages. (a) No person shall drink any alcoholic beverage aboard an air carrier aircraft unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier aircraft if such person is or appears to be intoxicated.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5580; Filed, July 2, 1959; 8:50 a.m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9476]

UNITED STATES OVERSEAS AIRLINES, INC., ET AL.

Postponement of Hearing

In the matter of the formal complaint of United States Overseas Airlines, Inc., against Great Lakes Airlines, Inc., Currey Air Transport, Ltd., Trans-Alaskan Airlines, Inc., Transcontinental Airlines Agency System, Skycoach System and Irving E. Hermann and Ida Mae Hermann.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled matter now assigned for the 7th of July 1959, is postponed to July 28, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., June 29, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-5576; Filed, July 2, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ANNISTON LIVESTOCK SALE ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ALABAMA

Name of stockyard	*Date of posting*
Anniston Livestock Sale, Oxford	May 3, 1959
Hartselle Livestock Co., Hartselle	June 1, 1959
King & Newborn Stockyards, Florence	May 28, 1959
Sand Mt. Sales Barn, Albertville	May 21, 1959

GEORGIA

Name of stockyard	*Date of posting*
Dodge County Livestock Barn, Eastman	May 22, 1959
Elberton Livestock Auction Co., Elberton	June 2, 1959
Pulaski Stock Yard, Hawkinsville	June 2, 1959
Shuman Livestock Market, Inc., Hagan	May 30, 1959
Smith Stockyard, Thomson	June 2, 1959
Tri-County Livestock Auction Company, Social Circle	June 1, 1959
Turner County Stockyards, Inc., Ashburn	May 19, 1959

KANSAS

Marion Livestock Sales & Commission Co., Marion	June 2, 1959
McPherson Sales Company, McPherson	June 2, 1959

MICHIGAN

Michigan Live Stock Exchange, Battle Creek (Battle Creek Stock Yard)	Apr. 24, 1959
Michigan Live Stock Exchange, St. Louis (Central Michigan Stockyards)	Apr. 24, 1959

MISSOURI

Adair County Sale Barn, Kirksville	May 28, 1959
Butler Community Sale, Butler	June 5, 1959
Cassville Livestock Auction, Cassville	May 28, 1959

MISSOURI—Continued

Name of stockyard	*Date of posting*
Clinton Community Sale, Clinton	May 27, 1959
Columbia Livestock Auction, Columbia	May 20, 1959
Edina Sale Co., Edina	May 29, 1959
Kennett Sales Company, Inc., Kennett	May 8, 1959
Lamar Community Sale, Lamar	May 26, 1959
Mansfield Livestock Auction, Mansfield	June 8, 1959
McDonald County Sales Co., Goodman	May 11, 1959
Monett Sale Co., Monett	June 4, 1959
Neosho Livestock Commission Co., Neosho	June 4, 1959
Payne Auction, Lebanon	June 5, 1959
C. M. Pasley Auction Company, Osceola	June 4, 1959
Poplar Bluff Sales Co., Poplar Bluff	June 5, 1959
Thayer Sales Company, Thayer	May 18, 1959
Windsor Auction Co., Windsor	June 3, 1959

NEBRASKA

Aurora Sale Pavilion, Aurora	June 1, 1959
Pawnee Livestock Co., Pawnee City	Apr. 6, 1959
Syracuse Sale Pavilion Co., Inc., Syracuse	June 5, 1959

NORTH DAKOTA

Ellendale Live Stock Sales Co., Ellendale	June 6, 1959
Missouri Slope Livestock Auction, Inc., Bismarck	June 1, 1959

OKLAHOMA

Cherokee Sales Company, Cherokee	June 2, 1959

TENNESSEE

Collierville Auction Co., Collierville	May 25, 1959
Jamestown Stockyards, Jamestown	June 1, 1959
Scotts Hill Auction Co., Scotts Hill	May 7, 1959

WISCONSIN

Clear Lake Livestock Market, Clear Lake	May 26, 1959
H. A. Meyer Cattle Co., Plymouth	May 28, 1959

Done at Washington, D.C., this 29th day of June 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-5573; Filed, July 2, 1959; 8:50 a.m.]

Farmers Home Administration

DIRECTORS OF THE SEVERAL LOAN DIVISIONS OF THE NATIONAL OFFICE

Delegation of Authorities

The Order of the Administrator of the Farmers Home Administration dated January 24, 1957 (22 F.R. 616), is hereby amended to delete reference to the "Emergency Loan Division" and to substitute the "Water Resources Division" therefor.

(Order of the Acting Secretary of Agriculture dated December 24, 1953, as amended (19 F.R. 74, 22 F.R. 8188))

Dated: June 29, 1959.

H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F.R. Doc. 59-5575; Filed, July 2, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Region Four Order 3, Amdt. 5]

SUPERINTENDENTS

Delegation of Authority

MAY 27, 1959.

1. Paragraphs (a), (b) and (c) of section 1 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

(a) Appointments and status changes involving personnel in GS-14 and higher grades; however, appointments and status changes involving grade GS-13 must be submitted to the Region Four Office for review before being finalized.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of any permanent position.

2. Paragraphs (a), (b) and (c) of section 2 of Order No. 3, issued February 17, 1956, (21 F.R. 1494) is amended to read as follows:

(a) Appointments and status changes involving personnel in the same Civil Service grade, as, or higher grades than, the Superintendent making appointments or status changes.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of any permanent position.

3. Paragraphs (b) and (c) of section 3 of Order No. 3, issued February 17, 1956 (21 F.R. 1494) are amended to read as follows:

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of any permanent position.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2)

LAWRENCE C. MERRIAM,
Regional Director, Region Four.

[F. R. Doc. 59-5554; Filed, July 2, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Application for Construction Permit and Utilization Facility License

EDITORIAL NOTE: This application is published pursuant to section 182(b) of the Atomic Energy Act of 1954 (68 Stat. 954; 42 U.S.C. 2232(b)) which requires publication in the FEDERAL REGISTER once a week for four consecutive weeks.

Please take notice that Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, under section 103 of the Atomic Energy Act of 1954 has submitted an application for license authorizing construction and operation of a 50 megawatt (electrical) single-cycle, natural internal circulation, boiling water nuclear reactor as part of Unit No. 3 at its Humboldt Bay Power Plant located near Eureka, California. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 5th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-4857; Filed, June 11, 1959; 8:45 a.m.]

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 8, 1959, the Atomic Energy Commission has issued Facility License No. R-57 authorizing The Veterans Administration Hospital to possess and operate a TRIGA type nuclear reactor at thermal power levels up to ten kilowatts on its site in Omaha, Nebraska. Notice of the proposed action was published in the FEDERAL REGISTER on June 9, 1959, 24 F.R. 4671.

Dated at Germantown, Md., this 26th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5534; Filed, July 2, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12310, 12914; FCC 59-605]

ENTERTAINMENT AND AMUSEMENTS OF OHIO, INC., AND WMBO, INC. (WMBO)

Order Designating Application for Consolidated Hearing on Stated Issues

In re applications of Entertainment and Amusements of Ohio, Inc., Solvay, New York; Docket No. 12310, File No. BP-10988; Requests: 1320 kc, 500 w,

DA, Day; WMBO, Incorporated (WMBO) Auburn, New York; Docket No. 12914, File No. BP-12271; Has: 1340 kc, 250 w, U; Requests: 1340 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, but that the proposed operation of Entertainment and Amusements of Ohio, Inc. would cause interference to the proposed operation of WMBO; that the proposal of Entertainment and Amusements of Ohio, Inc. would cause objectionable interference to Station WOSC, Fulton, New York; that the proposed operation of WMBO would cause objectionable interference to Station WUSJ, Lockport, New York; and

It further appearing that, by Order adopted April 8, 1959, the Commission designated for hearing the application of Entertainment and Amusements of Ohio, Inc.; that the application of WMBO, Incorporated was accepted for filing August 15, 1958, and, therefore, is entitled to be consolidated in said hearing proceeding in Docket 12310, pursuant to § 1.106 of the Commission rules; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated May 7, 1959, of the aforementioned deficiencies; and

It further appearing that a timely reply was received from each of the applicants; and

It further appearing that, in an amendment filed on May 13, 1959, the managers of Stations WMBO and WUSJ agreed to accept the interference which would "result from a mutual increase in power to one kilowatt", but that WUSJ has no such proposal before the Commission to effectuate a mutual increase in power, and does not state that it will accept the interference from WMBO's instant proposal to the existing operation of WUSJ; and

It further appearing that, by Petition filed April 7, 1959, BP-12271, requested that its application be designated for hearing with BP-10988 because the latter's transmitter site is located within its proposed primary service area; that by Petition filed April 14, 1959, BP-10988 opposed the above-referenced petition on the grounds that no interference would be caused to BP-12271; that, however, on the basis of conductivities shown on Figure M-3 of the Commission Rules slight interference will be caused to BP-12271 by BP-10988 and therefore BP-12271 is entitled to be consolidated in the above hearing proceeding in Docket No. 12310; and

It further appearing that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the proposals is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the application of WMBO, Incorporated is consolidated for hearing in the proceeding in Docket No. 12310, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Entertainment and Amusements of Ohio, Inc. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WMBO and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Entertainment and Amusements of Ohio, Inc., would involve objectionable interference with Station WOSC, Fulton, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of WMBO would involve objectionable interference with Station WUSJ, Lockport, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That Cassill Radio Corporation and Lockport Union-Sun Journal, Inc., licensees of Stations WOSC and WUSJ, Fulton and Lockport, New York, respectively, are made parties to the proceeding.

It is further ordered, That in the event the proposal of WMBO, Incorporated is favored in hearing, the finding will be without prejudice to such action as the Commission may deem warranted as a result of a final determination in the comparative hearing proposed in its Memorandum Opinion and Order of July 30, 1958, (FCC 58-771) on the renewal of licenses of Stations WMBO and WMBO-FM, File Nos. BR-212 and BRH-414, and the application of Herbert P. Michels for a construction permit for Station WAUB, Auburn, New York, File No. BP-10994.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5564; Filed, July 2, 1959; 8:48 a.m.]

[Docket Nos. 12636, 12637; FCC 59M-829]

FRANK JAMES AND SAN MATEO BROADCASTING CO.

Order Continuing Hearing

In re applications of Frank James, Redwood City, California, Docket No. 12636, File No. BPH-2344; Grant R. Wrathall, tr/as San Mateo Broadcasting Company, San Mateo, California, Docket No. 12637, File No. BPH-2431; for construction permits.

The Hearing Examiner having under consideration a request for consolidation of hearing sessions filed by Frank James on June 22, 1959;

It appearing that an informal conference was held on June 29, at which time a revised schedule was agreed upon to accommodate all the parties and the Hearing Examiner;

It is ordered, This 30th day of June 1959, that the further hearing now scheduled for July 1 is continued to July 13, 1959, and the request for consolidation of hearing sessions is dismissed as moot.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5565; Filed, July 2, 1959; 8:48 a.m.]

[Docket No. 12870; FCC 59M-827]

NORTHEAST RADIO, INC. (WCAP)

Order Continuing Hearing

In re application of Northeast Radio, Inc. (WCAP), Lowell, Massachusetts, Docket No. 12870, File No. BP-12014; for construction permit.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on July 20, 1959; and

It appearing that a motion to enlarge, modify or clarify issues filed by Northeast Radio, Inc., on June 3, 1959, is pending before the Commission, and that it will conduce to the orderly dispatch of business to continue the hearing to await Commission action on the pending pleading; now therefore,

It is ordered, This 29th day of June 1959, that the hearing now scheduled to be commenced on July 20, 1959 is continued to a date to be fixed by subsequent order.

Released: June 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5566; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12915; FCC 59-606]

BOOTH BROADCASTING CO. (WSGW)

Order Designating Application for Hearing on Stated Issues

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; Has: 790 kc, 1 kw, DA-2, U; Requests: 790 kc, 1 kw, 5 kw-LS, DA-2, U; for construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 23, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commisison's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSGW and the availability of other primary service to such areas and populations.

2. To determine whether interference received from Stations CKSO, Sudbury, Ontario, Canada, and CKLW, Windsor, Ontario, Canada, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Station WSGW, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether a grant of the instant proposal of WSGW would be in contravention of § 3.35 (a) and (b) of the Commission rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5567; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12918; FCC 59-608]

DODGE CITY BROADCASTING CO., INC.

Order Designating Application for Hearing on Stated Issues

In re application of The Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP-12110; Requests: 600 kc, 500 w, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, said applicant is legally, technically, financially, and otherwise qualified to operate its proposal, but that subject proposal does not provide, day or night, a 25 mv/m contour over the business area or adequate nighttime service to the city of Liberal, Kansas, in accordance with §§ 3.188(a)(1) and 3.188(b)(1) of the Commission rules; that daytime interference received from Stations KCSJ, Pueblo, Colorado, KERB, Kermit, Texas, and KTBB, Tyler, Texas, and nighttime interference received from Stations WMT, Cedar Rapids, Iowa, and KTBB, Tyler, Texas, may affect more than ten percent of the population within the normally protected primary service area of the proposed operation in contravention of § 3.28(c)(2) and (3) of the Commission rules; that subject applicant is licensee of Station KGNO, Dodge City, Kansas (75 miles NE. of Liberal), publishes the only newspaper in Dodge City, owns 11.2 percent of Television Station KTVC, Channel 6, Ensign, Kansas (located between Dodge City and Liberal), the proposed 2 mv/m contour would overlap the KGNO 2 mv/m contour and the program schedule of instant proposal appears to be similar to that of KGNO, all of which, raises a substantial question as to whether a grant of this proposal would be in contravention of § 3.35 of the Commission rules on multiple ownership; and

It further appearing that the applicant, by petitions filed on February 18, March 26, and May 4, 1959, contends that the instant proposal complies with the provisions of § 3.28(c) although it involves an excessive loss daytime, because it would provide the first full-time station at Liberal and a first nighttime primary service to the Liberal area; and that, if the proposal is not considered in compliance with § 3.28(c), a waiver is requested on the grounds that the proposal would provide (a) a third primary service daytime to Liberal; (b) a first daytime primary service to Ulysses, Kansas, a county seat; (c) a third daytime primary service to Hugoton, Kansas, a county seat; (d) a second and third daytime primary service to two larger ural areas; (e) new daytime primary service to a rural population of 173,318 in an area of 32,906 square miles, containing few cities, an area which receives six or fewer primary services and, in many cases, from stations located a substantial distance from Liberal; (f) network programs; (g) that a grant of this application should not preclude a grant of the KSCB application to add nighttime operation on 1270 kilocycles; (h) and that no objectionable interference within normally protected contours would be caused to other stations either day or night; and

It further appearing that, in oppositions to above referenced petitions, The Seward County Broadcasting Company, Inc., licensee of KSCB, Liberal, Kansas (1270 kc, 1 kw, D) an applicant to increase the hours of operation of said

station from daytime only to unlimited time, File No. BP–12397, contends in substance that the instant proposal should be dismissed on the grounds that (a) instant application does not comply with § 3.28(c) of the Commission rules because its daytime loss does not meet the exceptions in the rules with respect to nighttime operation and that other reasons which subject applicant has advanced are insufficient to support its request for waiver of § 3.28(c); (b) does not provide 25 mv/m contour coverage, day or night, over the Liberal business district or adequate nighttime service to the entire city of Liberal in accordance with §§ 3.188(a)(1) and 3.188(b)(1) of the Commission rules; (c) would not provide a first primary service to Ulysses, Kansas because KSCB now provides a 0.5 mv/m contour over the city, which has a population of less than 2500 according to the 1950 U.S. Census; (d) would be in contravention of § 3.35(a) of the rules on multiple ownership; (e) the proposed frequency is a Regional Channel which is intended to provide service primarily to metropolitan districts and the rural areas contiguous thereto and should not be allocated to Liberal, Kansas; and

It further appearing that the applicant, by pleading filed May 4, 1959, suggested that the Commission consider the three applications now pending for standard broadcast authorizations at Liberal, Kansas, in the order of filing, or, in the alternative, consider all three at the same time because consideration of the instant application would be prejudiced by a prior grant of either of the other two applications; and

It further appearing that there is no requirement that the status quo with respect to all facts which may be relevant to a determination on an application be maintained; and

It further appearing that the contention of The Seward County Broadcasting Company, Inc., that the proposed frequency is a Regional Channel for primary service primarily to metropolitan districts and the rural areas contiguous thereto fails to take into account the Commission's definition of a metropolitan district contained in § 3.22(c) of the rules which includes any center of population, such as Liberal, in any area; and

It further appearing that the applicant, by amendment filed April 14, 1959, expressly waived its right under section 309(b) of the Communications Act of 1934, as amended, to be advised by letter of any deficiencies in the application; and that no objection to said waiver has been filed; and

It further appearing that the public interest would be served by allowing said notice to be waived as requested by the applicant, see Niagra Frontier Amusement Corp., 10 Pike and Fischer R.R. 57, 58; and that no other party will be prejudiced thereby, since the applicant is the only party entitled under section 309(b) to reply to a letter advising it of the deficiencies found; and

It further appearing that the instant proposal's daytime operation is not in compliance with § 3.28(c)(3) of the Commission rules because the exceptions provided therein are applicable only with respect to nighttime operation; and that, on the basis of the data here submitted, the Commission is unable to conclude whether circumstances exist which warrant a waiver of the said section as requested, and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative the above-captioned application and the grounds advanced in support of the request for waiver;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from proposed operation of Dodge City Broadcasting Company, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether the station proposed would provide the coverage of the city sought to be served, as required by §§ 3.188(a)(1) and 3.188(b)(1) of the Commission rules.

3. To determine whether daytime interference received from Stations KCSJ, Pueblo, Colorado, KERB, Kermit, Texas and KTBB, Tyler, Texas and nighttime interference received from Stations WMT, Cedar Rapids, Iowa and KTBB, Tyler, Texas would affect more than ten percent of the population within the normally protected primary night and day service areas of the station proposed in contravention of § 3.28(c)(2) and (3) of the Commission rules, and, if so, whether circumstances exist which would warrent a waiver of said section.

4. To determine whether a grant of instant proposal would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the above-referenced requests of the applicant and The Seward County Broadcasting Company, Inc., insofar as they request that the instant application be designated for hearing, are granted, and in all other respects, are denied.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5568; Filed, July 2, 1959; 8:49 a.m.]

[Docket Nos. 12919, 12920; FCC 59-610]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP–10345; Requests: 1550 kc, 500 w, D; Mid-America Broadcasters, Inc. (KOBY) San Francisco, California, Docket No. 12920, File No. BP–12744, Has: 1550 kc, 10 kw, DA–2, U. Requests: 1550 kc, 10 kw, 50 kw–LS, DA–2, U. For construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Robert L. Lippert and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KOBY and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of KOBY would involve objectionable interference with Station KFBK, Sacramento, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Robert L. Lippert would involve objectionable interference with Station KOBY's existing operation in San Francisco, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That McClatchy Newspapers, licensee of Station KFBK, Sacramento, California, is made a party to the proceeding, and Mid-America Broadcasters, Inc., is made a party with respect to its existing operation.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5569; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12925 etc.; FCC 59-615]

EAST TEXAS TRANSMISSION CO. ET AL.

Memorandum Opinion and Order Scheduling Oral Argument

In re applications of East Texas Transmission Company, Tyler, Texas, Docket No. 12925, File No. 2007–C1–P–58, for Construction Permit for new fixed video radio station. Frequencies: 5937.5, 6037.5, 6137.5 and 6237.5 Mc. Location: Hwy #429 0.6 miles SW of College Mound, Texas; Docket No. 12926, File No. 2008–C1–P–58; for Construction Permit for new fixed video radio station. Frequencies: 5987.5, 6087.5, 6187.5 and 6287.5 Mc. Location: 1.3 miles NW of Colfax, Texas; Docket No. 12927, File No. 2009–C1–P–58; for Construction Permit for new fixed video radio station. Frequencies: 5937.5, 6037.5, 6137.5 and 6237.5 Mc. Location: North Glenwood Blvd. and West Cloud St., Tyler, Texas.

Preliminary statement. 1. On April 30, 1959, the three above identified applications for microwave relay radio facilities, filed March 7, 1958, were granted by the Commission. The grants were announced in a Public Notice dated May 4, 1959 (Report No. 475, Mimeo No. 72912). The grants were made to enable the applicant to construct a microwave relay system to make an off-the-air pickup of the programs of two television stations at Fort Worth, Texas and two television stations at Dallas, Texas and to deliver these programs to an operator of existing community antenna television systems at Tyler, Texas and at Jacksonville, Texas, respectively, (hereinafter referred to as the CATVs). The grantee, East Texas Transmission Co. (hereinafter called East Texas) is a partnership composed of Glenn H. Flinn, Managing Partner with a 50 percent interest, and Raymond H. Hedge, Non-Managing Partner with a 50 percent interest. Glenn H. Flinn and Raymond H. Hedge each own a 50 percent interest in the partnerships which operate the CATVs.

2. On April 23, 1958, the Channel 7 Company (the protestant herein, hereinafter called Channel 7), filed a petition to designate the applications for hearing. Channel 7 is the licensee of television station KLTV, Tyler, Texas. Channel 7 expressed certain objections to a grant of the subject applications and requested that they be designated for hearing and that such hearing also encompass the general policy questions relating to this type of application.

3. The general policy questions referred to by Channel 7 were considered and disposed of In the Matter of Inquiry into the Impact of Community Antenna Systems, TV Translators, TV "Satellite" Stations, and TV "Repeaters" on the Orderly Development of Television Broadcasting (Docket No. 12443). This proceeding was initiated by the Commission by a notice released May 22, 1958 and was terminated by a Report and Order of the Commission (FCC 59–292; Mimeo No. 71489, adopted April 13, 1959 (26 FCC 403)).

4. Pursuant to, and following the determination made in the above mentioned Report and Order in Docket No. 12443, the subject applications were duly granted. On June 1, 1959, Channel 7 filed a timely protest herein, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, coupled with a timely request for reconsideration pursuant to section 405 of the Act, requesting that the subject grants be vacated and that the applications be designated for hearing on specified issues.

5. On June 11, 1959, East Texas timely filed its Opposition to the protest and petition for reconsideration and, on June 15, Channel 7 filed its Reply to the Opposition.

The protest. 6. Channel 7 relates that the result of the grant of the contested applications will be to enable the CATV systems at Tyler and Jacksonville to bring multiple signals from distant metropolitan stations, where such signals would not otherwise be receivable in the KLTV service area, and that this will have a substantial adverse economic impact on the operation of KLTV. Upon this showing, we conclude that Channel 7 is a "party in interest" within the meaning of section 309(c) of our Act and a "person aggrieved" within the meaning of section 405 of our Act and has standing to protest and to request the reconsideration of our action herein.

7. Channel 7 requests an opportunity to show that the Tyler-Jacksonville area is a place where the impact of CATV operations, made possible by these microwave grants, may destroy, jeopardize, or diminish the service presently provided and presently projected by station KLTV; and that the number of persons who would lose pro tanto, their only local off-the-air service is considerably greater than the number who would thereby gain a multiple service. Channel 7 also contends that East Texas is the alter ego of the CATVs because of the "corporate" interrelationship between "East Texas Transmission Corporation" and "Television Cable Service, Inc." at Tyler; that, through this "corporate" device, a CATV system in KLTV's service area, not itself eligible for microwave channels under the Commission's rules, is obtaining eight frequencies reserved for common carrier use for its own private purposes. In addition, Channel 7 requests that the Commission determine the full facts pertaining to the interrelationship between "East Texas Transmission Corporation", its officers and managers, and the persons owning, controlling, managing, and financing the various CATV systems in KLTV's service area.[1] Further, Channel 7 contends that East Texas and its alleged alter ego, the CATVs, are utilizing the signals and programs picked up from Dallas and Fort Worth stations without the consent of such stations and others who may have a property right in such signals, and that this reflects adversely on the character qualifications of East Texas. Finally Channel 7 contends that the

[1] Channel 7 evidently has mistakenly identified the applicant and the related CATVs as corporate entities, whereas they are actually partnerships. We do not regard this error in identification as material.

Commission should not act on these applications until the Congress has had an opportunity to adopt certain legislative proposals suggested by the Commission in its Report and Order relative to Docket No. 12443.[2]

The opposition to the protest. 8. East Texas admits there is an interrelationship between it and the CATV system inasmuch as both are partnerships which are owned by the same persons, Glenn H. Flinn and Raymond H. Hedge. East Texas contends that Channel 7 is entitled to no more than oral argument as to the validity of the doctrines and policies set forth in the Commission's Report and Order in Docket No. 12443 as they may be applicable to Channel 7's allegations. East Texas makes various references to the Report and Order which we do not here repeat because of the consideration given to them hereinafter. East Texas contends that the Commission should exercise its discretion favorably to East Texas in making the "public interest" finding prescribed in section 309(c) of our Act as a condition precedent to maintaining the contested construction permits in a valid status pending the determination of this proceeding.

9. The reply to the Opposition, which reiterates what has been previously stated in Protestant's Protest, has been considered in the disposition hereof.

Disposition of the protest. 10. As we have hereinabove indicated, it is our view that the protestant has standing to initiate the instant protest and request for reconsideration. As indicated in our resumé of his pleading, Channel 7 alleges various reasons and grounds purporting to show that the grant herein was improperly made or would otherwise not be in the public interest. In our Report and Order in Docket No. 12443, we undertook an extensive and careful review of all the considerations brought to our attention and bearing upon the alleged interrelationships between the provision of common carrier microwave relay communication service to CATVs generally and the operation of CATVs versus television broadcasters. In our Report and Order we arrived at various considered conclusions, some of which have a direct bearing upon this situation.

11. Thus, in paragraphs 45 through 51 of that Report and Order, we considered the impact of CATVs on television broadcasters and concluded that there is nothing that would justify us in taking action, or seeking authority under which we could act, to bar CATVs from coming into, or continuing to operate in, a particular market. As a concomitant to this, we also concluded, in paragraphs 58 through 71, that we had no jurisdiction to regulate CATVs directly or indirectly. In paragraphs 65 through 68, and in paragraphs 78 through 79, we made various pertinent determinations concerning our lack of authority and competence to determine contested questions of property rights as between broadcasters and others, on the one hand, and common carriers and CATVs, on the other hand. In paragraphs 72 through 77 of the Report and Order, we set out the basis for our conclusion that it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorizations for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby television stations.

12. In light of the aforementioned determinations made in Docket No. 12443, which we hereby affirm and adhere to, we think the instant protest must turn first on the threshhold question as to whether or not the subject grantee is a communications common carrier. If it is determined that East Texas is a bona fide common carrier then, in the light of our determinations in Docket No. 12443, we should not proceed further herein unless Channel 7 can demonstrate to us that our relevant and controlling determinations in Docket No. 12443 (which we have herein identified) are erroneous, or that the interrelationships between East Texas and CATVs warrant a different result in this case.

13. The facts relating to East Texas' operations and its interrelationships are clearly established and admitted. The legal conclusion to flow from these facts and the proposed operations of East Texas, relative to the asserted common carrier status of East Texas, is therefore, the first issue for proper determination in this proceeding. Though, as we have noted above, Channel 7 has not contended that our decision in Docket No. 12443 is, in any wise, in error, we will afford him an opportunity to argue this issue also insofar as it relates to the proper determination to be made herein assuming that East Texas is confirmed in its status as a communication common carrier. Accordingly, we shall designate these issues for determination before the Commission on oral argument. If it should subsequently appear that there is a need for an evidentiary hearing herein, an appropriate further order will be issued hereafter.

14. In designating this matter for oral argument on the issues we have specified, we note that there is no dispute as to the facts relating to these issues. Assuming the truth and accuracy of these facts, we do not, of course, imply that the ultimate conclusions flowing therefrom, as asserted by protestant, are either correct or relevant. The matters to be determined relative thereto are the legal conclusions which would flow from such facts. As contemplated in the statutory scheme of section 309(c) of our Act, as amended in 1956, this appears to be an appropriate case for disposition on oral argument, since the ultimate question to be determined is, assuming that the facts are proven as related by protestant, whether there are legal grounds for setting the grants aside.

15. As for protestant's plea that we stay the subject grants pending action by the Congress on the legislative recommendations we have submitted relative to CATVs, we note that, during the pendency of the formal Inquiry in which these matters were under consideration (Docket No. 12443), the Commission felt it appropriate to defer action on applications for such microwave transmission systems as were then before it so that the status quo might be unimpaired until a final decision was reached. Our deferral of consideration of such applications was challenged in a mandamus proceeding in which the Court of Appeals sustained the Commission during the pendency of the Inquiry. See Mesa Microwave, Inc. v. FCC, No. 14729, December 24, 1958. However, having reached and announced our conclusions on these matters, we would find it difficult to justify a reinstitution of the freeze. In the light of our conclusions, this might be subject to a further mandamus action because such action would not be in accord with the proper exercise of our jurisdiction on the sole basis of the pendency of these particular legislative proposals. Accordingly, having carefully weighed the entire matter and having reached our reasoned conclusions, as set forth in the Report mentioned above, we feel that the proper course for the Commission is to continue to process applications in the regular course pending action of the Congress on legislation necessary to changes in the established regulatory pattern.

16. The remaining question to be determined is whether we should stay the effectiveness of the contested grants pending a determination of this proceeding. Since the contested operation involves a new service, it cannot be held to be necessary to the maintenance and conduct of an existing service. In light of the facts adduced on the record to date indicating that other television service is available in the area without the existence of the microwave relay facility, we are unable to conclude that the public interest requires that the grants remain in effect. Accordingly, we shall stay the effectiveness of the subject grants pending final determination of this matter.

Conclusion. 17. In view of the foregoing; *it is ordered*, That effective immediately, the effective date of the grant of the above-captioned applications of East Texas Transmission Company, is postponed, pending a final determination herein by the Commission; that the protest and petition for reconsideration of Channel 7 is granted to the extent herein provided, and denied in all other respects; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a.m. on July 24, 1959, on the following issues:

(1) To determine whether East Texas is a bona fide communications common carrier eligible to receive approval and grant of the subject applications.

(2) To determine whether our conclusions in paragraphs 45 through 51, and 58 through 79, of the Report and Order in Docket No. 12443, as applied in this case, are in error.

(3) To determine whether the interrelationships between East Texas and the CATVs require a different conclusion in this case from that reached in Docket No. 12443.

18. *It is further ordered*, That the protestant and applicant herein, and the Chief, Common Carrier Bureau, are hereby made parties to this proceeding; and that each party intending to participate in oral argument shall file a statement of intention to appear not later than July 6, 1959; and

19. *It is further ordered*, That the parties to the proceeding shall have until ten days prior to date of oral argument to file briefs or memoranda of law and five days after the filing of such briefs or memoranda of law to file a reply thereto.

Adopted: June 24, 1959.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5570; Filed, July 2, 1959; 8:49 a.m.]

[Docket No. 12932; FCC 59-627]

MONTANA MICROWAVE

Order Scheduling Oral Argument

In re applications of James G. Edmiston, d/b as Montana Microwave, Kalispell, Montana, Docket No. 12932, File Nos. 581-C1-MP-58 (KOV46); 582-C1-P-58 (KPC56); 583-C1-P-58 (KPC57); for construction permits to extend microwave communications system from Missoula to Helena, Montana.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959:

The Commission having under consideration the opinion of the United States Court of Appeals for the District of Columbia Circuit in the above-entitled proceeding, dated May 21, 1959, styled Capital City Television, Inc. v. Federal Communications Commission No. 14,901; and the Commission having reviewed and considered the protest filed by Capital City Television, Inc. (KXLJ-TV), in the light of section 309 (c) of the Communications Act, together with the subject applications and the materials reflected therein; and the Commission having taken official notice of certain material contained in its files relating to Station KPF-67, File No. BPTI-151, being protestant's letter of April 24, 1958, disclosing that on March 25, 1958, permittee offered to serve protestant with microwave common carrier facilities; and

It appearing that the Commission has determined that even if the facts alleged in said protest were to be proven, it appears that no grounds for setting aside the grants are presented, particularly in view of our conclusions in Docket No. 12443; and accordingly under the terms of section 309(c) it is appropriate that this protest be set for oral argument; and

It further appearing that this authorization does not involve the maintenance or conduct or an existing service, as of the date of the protest; and

It further appearing that the Commission is unable affirmatively to find that the public interest requires that the grants remain in effect pending hearing and decision on this protest; and accordingly that the effective date of these grants must be postponed pending a final determination by the Commission, following oral argument;

It is ordered, That the subject Protest is designated for oral argument before the Commission en banc, at the offices of the Commission at Washington, D.C., on July 24, 1959, at 10:00 a.m., on the following issues to determine whether any of the questions set forth therein present matters which would warrant setting aside the grants in question:

1. To determine whether the applicant is a bona fide common carrier under the circumstances presented in this case.

2. To determine whether the possible competitive impact by the CATV customer of a microwave common carrier upon a broadcaster should be considered in determining whether the public interest would be served by a grant to a microwave common carrier.

It is further ordered, That effective ten days from the date hereof, the effective date of the grants of the above-captioned applications are postponed, pending a final determination by the Commission herein; and

It is further ordered, That Capital City Television, Inc., and the Chief, Common Carrier Bureau, are hereby made parties to the proceeding herein, and that the appearances by the parties intending to participate in the above oral argument shall be filed not later than July 6, 1959.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5571; Filed, July 2, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-968—California]

LAND WITHDRAWN IN PROJECT 334

Vacation of Withdrawal

JUNE 16, 1959.

In the matter of Land Withdrawn in Project No. 334; Docket No. DA-968—California; Roy Hensley, Colfax, California.

An application was filed by Roy Hensley, of Colfax, California, seeking the restoration to entry under appropriate public land laws of the following described land, withdrawn for power site purposes and requiring a finding or a determination under section 24 of the Federal Power Act by the Commission:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 9 E.,
Sec. 25: Lot 1 (NE¼NE¼).

The subject land lies about a half mile north of the North Fork American River on the north slope of Bunch Canyon, at elevations ranging from approximately 1,120 feet to slightly over 1,800 feet. This land is withdrawn pursuant to the filing of an application for preliminary permit for Project No. 334, on August 2, 1922. The application was rejected January 15, 1927.

The proposed development of power in Project No. 334 was by means of diversion dams and conduits. However, recent power plans contemplate the creation of large multipurpose storage dams on the main stem of the American River and its forks. A proposed Auburn dam and reservoir to be located just below the confluence of the Middle and North Forks would have a reservoir pool elevation of 920 feet. Big Bend dam and reservoir located on the North Fork as proposed by Elk Grove Irrigation District, in its application for Project No. 2176, contemplates a reservoir flow line of 1045 feet. The subject land lies above the upper elevation limits of both of the proposed projects.

The possibility of developing power in the upper reaches of the North Fork American River has been cited by the Geological Survey. However, it is not apparent that such development would involve the subject land.

Furthermore, it does not appear imminent that power development along any of the lines suggested will take place for a number of reasons, which include the settlement of water rights appropriations and the question of flooding Gold Discovery Site State Park at Coloma, California. Consequently, it appears that the power values of the land involved are negligible and that outright restoration of the land would be appropriate.

The Commission finds: The subject land has negligible value for purposes of power development; the existing withdrawal serves no useful purpose; and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the land described in the first paragraph hereof under section 24 of the Federal Power Act, pursuant to filing of an application for a license for Project No. 334 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5538; Filed, July 2, 1959; 8:45 a.m.]

[Docket No. DA-969—California]

LAND WITHDRAWN IN PROJECT 761

Partial Vacation of Withdrawal

JUNE 29, 1959.

In the matter of Land Withdrawn in Project No. 761; Docket No. DA-969—California, Forest Service, United States Department of Agriculture.

[2] Channel 7 cites our Report and Order in Docket No. 12443 frequently, with apparent approval. There is no contention or suggestion in his pleading that such Report is, in any wise, in error.

The Forest Service, United States Department of Agriculture, in order to consummate a land exchange, by letter dated February 4, 1959, has requested vacation of the withdrawal pertaining to the following-described land under section 24 of the Federal Water Power Act:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 16 E., sec. 15, SE¼NE¼.

The above-described land, which is crossed by Big Creek and is located about 4 miles upstream from the confluence of that stream with the Tuolumne River, is part of, and located several miles from the main area of, the Stanislaus National Forest. The land is reserved, among other lands, pursuant to the filing on December 6, 1926, of an application for a preliminary permit for proposed Project No. 761. A subsequent application for a license for the project was withdrawn, such withdrawal being approved by the Commission on March 27, 1934.

Proposed Project No. 761 contemplated, among other things, construction of the Groveland dam and reservoir on Big Creek and would have flooded more than half the land. No further consideration has been given to such contemplated construction. On the contrary, the California State Water Plan proposes the enlargement and redevelopment of existing works in the Tuolumne River basin, such as the upstream Hetch Hetchy site and the downstream Don Pedro site, together with smaller developments on the north side of the basin—the latter being considered primarily for irrigation purposes. The presently proposed developments would preclude use of the land for power purposes. Use of the land in connection with power development appears to be extremely remote. Consequently, the power value of the land appears to be negligible.

The Commission finds: Inasmuch as the land has negligible value for purposes of power development, the existing withdrawal serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for Project No. 761 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5539; Filed, July 2, 1959; 8:45 a.m.]

[Docket No. E-6887]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

Notice of Request for Confirmation and Approval of Revised Wholesale Rate Schedules and Revised General Rate Schedule Provisions

JUNE 26, 1959.

Notice is hereby given that the Secretary of the Interior, on behalf of the Bonneville Power Administration has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, and section 5 of the Flood Control Act of 1944 (58 Stat. 890) revised Wholesale Rate Schedules and revised General Rate Schedule Provisions of the Bonneville Power Administration, all proposed to be effective December 20, 1959.

The Secretary states that the changes proposed at this time are mainly to update the schedules and clarify the general provisions, and that in view of the revenue anticipated during the period ending June 30, 1964, and the accumulated available power revenues, no changes are proposed in the basic wholesale rate levels. In general, the following indicates the purpose of certain deletions, extended application of rate schedules and renumbering:

RATE SCHEDULES

Rate Schedule F–4. The language changes of this schedule are to provide for the application of the demand charge of 75¢ per kilowatt for coordination of the output of purchasers' generating plants with Federal plants. This application of the rate is also stated under 8.2 *Sale of power for coordination*, of the General Rate Schedule Provisions.

Rate Schedule H–3. The wording of this schedule is to permit application of this rate to purchasers for coordination with energy of their generating plants with those of the Government's. This application of the rate is also stated under 8.2 *Sale of power for coordination*, of the General Rate Schedule Provisions.

Rate Schedule R–1. The R–1 schedule has been dropped as no power has been sold under this rate nor is there any foreseeable need for such schedule.

Power factor adjustment. This section, in the applicable schedules, has been expanded to include a limitation on leading as well as lagging power factor and indicates the conditions under which delivery of power may be curtailed.

Rate adjustments and general provisions. In rate schedules A–4, C–4, E–4, H–3 and F–4, the old sections 5 or 6 or 7 dealing with annual adjustments have been removed as the effective dates of such adjustment opportunities have lapsed and there seems to be no further need for continuing this arrangement during the forthcoming five-year rate period. Accordingly, the following section, General Provisions, has advanced one number and becomes section 5 or 6 or 7 without further change.

GENERAL RATE SCHEDULE PROVISIONS

These provisions generally embody changes in wording from the present provisions for the purpose of clarification rather than substantive changes. The following numbered paragraphs have been revised for the purposes indicated.

2.3 *Computed demand.* The computed demand provision has been substantially reworded so as to state the general principles, method of determination of assured capability, and the determination of the computed demand in a more straightforward and more understandable manner.

8.2 *Sale of power for coordination.* This is a proposed new section to extend the H–3 and F–4 rate schedules for purposes of coordination of the operations of a purchaser's generating plants with those of the Government.

9.2 *Payment of bills.* Provision is made for whole-dollar billings for each separate rate schedule application. This proposed change is in accordance with standard modern practice, and should result in savings in our statistical and accounting functions.

Proposal is made for use of a monthly interest charge for late payment of bills instead of the present flat 2% charge regardless of time element. This proposed charge is in accordance with the type of penalty provisions now in effect in rates for other power marketing agencies of the Department.

13.1 *Uncontrollable forces.* This section as drafted contains essentially the same wording as used in Bonneville's standard general contract provisions where Bonneville has heretofore found it desirable to agree on a restatement of this definition.

15.1 *Sale of interruptible power.* The provision as drafted permits the Administrator to sell interruptible power for short-term loads without separate special arrangements and to provide service for emergency or periodic maintenance on generating systems of customers of Bonneville's purchasers. These arrangements are now covered by a policy and procedural statement requiring written agreement by contract or by separate letter whenever interruptible power is sold for these purposes.

In addition, Section D of this paragraph permits the Administrator to enter into priority interruptible power contracts without further Federal Power Commission review and approval.

16.1 *Temporary curtailment of contract demand.* This provision is intended as a section which would authorize uniform or equitable provisions in a manner as prescribed in the contract.

The proposed revised Wholesale Power Rate Schedules and General Rate Schedule Provisions are on file with the Commission for public inspection. Any person desiring to comment or make any representations with respect thereto should submit same on or before August 3, 1959, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5540; Filed, July 2, 1959; 8:45 a.m.]

[Docket Nos. G-18842–G-18849]

CABOT CARBON CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates[1]

JUNE 26, 1959.

In the matters of Cabot Carbon Company, Docket No. G–18842; Amerada Petroleum Corporation, Docket No. G–18843; Cabot Carbon Company (Operator), Docket No. G–18844; Shell Oil Company, Docket No. G–18845; Rouse Well Service (Operator) et al., Docket No. G–18846; Lamar Hunt, Docket No. G–18847; W. H. Hunt, Docket No. G–18848; Magnolia Petroleum Company, Docket No. G–18849.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Contract or notice of change dated	Date tendered	Effective date[1] unless suspended	Date suspended until—
G–18842	Cabot Carbon Co.	9	[2] 4	El Paso Natural Gas Co.	5–22–59	5–29–59	7– 1–59	12– 1–59
G–18843	Amerada Petroleum Corp.	7	8	Tennessee Gas Transmission Co.	5–25–59	5–28–59	6–28–59	11–28–59
G–18844	Cabot Carbon Co. (operator).	27	1	El Paso Natural Gas Co.	5–28–59	6– 3–59	7– 4–59	12– 4–59
G–18845	Shell Oil Co.	4	[3] 13	Texas Eastern Transmission Corp.	6– 1–59	6– 3–59	7– 4–59	12– 4–59
		5	[4] 13					
G–18846	Rouse Well Service (operator), et al.	1	2	Trunkline Gas Co.	5–25–59	6– 3–59	7–15–59	12–15–59
G–18847	Lamar Hunt	1	[5] 6	El Paso Natural Gas Co.	Undated	6– 5–59	7– 6–59	12– 6–59
G–18848	W. H. Hunt	1	[6] 6	El Paso Natural Gas Co.	Undated	6– 5–59	7– 6–59	12– 6–59
G–18849	Magnolia Petroleum Co.	190	2	Lone Star Gas Co.	6– 4–59	6– 5–59	7– 6–59	12– 6–59

[1] The stated effective date is either that proposed by the Respondent or the first day after the expiration of the required thirty days' notice, whichever is later.
[2] The presently effective rate is subject to refund in Docket No. G–14266.
[3] The presently effective rate is subject to refund in Docket No. G–17266 and is also subject to order in Docket No G–14920.
[4] Rate of 14.7067¢ suspended in Docket No. G–17442.
[5] The presently effective rate is subject to refund in Docket No. G–14926.
[6] The presently effective rate is subject to refund in Docket No. G–17424 and is also subject to order in Docket No G–14500.
[7] The presently effective rate is subject to refund in Docket No. G–17425 and is also subject to order in Docket No. G–14502.

In support of its two favored-nation rate increases, Cabot Carbon Company (Cabot) alleges that the increased contract prices are not in excess of the fair field price of gas and that the contract provisions were negotiated at arm's length. In addition, Cabot states that favored-nation provisions are common in long-term contracts and are beneficial to buyer in providing buyer with a low initial price during the period when buyer's unamortized capital investment is high and are beneficial to seller in permitting seller to receive progressively higher returns as production costs increase. Purchaser, El Paso Natural Gas Company, has filed a formal protest to the proposed rate increases.

Amerada Petroleum Company in support of its proposed rate increase cites the contract favored-nation provisions and the triggering rate.

Shell Oil Company (Shell) proposed two redetermined rate increases, basing such redetermined price upon the average of the three highest prices paid by transporters of natural gas produced in a specified area which includes the area wherein Shell sells to Texas Eastern Transmission Company (Texas Eastern). In support of its proposed rate increases Shell states that the price provisions were an essential inducement to seller executing the contract and that the contract was entered into at arm's length. Texas Eastern has filed a formal protest to the proposed rate increase.

Rouse Well Service (Operator) et al. (Rouse) supports its proposed favored-nation rate increase by stating that the contract was negotiated at arm's length as evinced by an express provision permitting seller a fair market price for the gas. Rouse also states that the proposed additional revenues are required to partially offset increased development and production costs, and to provide a reasonable rate.

Lamar Hunt and W. H. Hunt state that their proposed rate increases are justified by the favored-nation provisions of their contracts, such provisions being negotiated at arm's length. In further support, they state that but for the favored-nation provisions, the contracts would not have been executed, and that a denial of the increased price would constitute a deprivation of property without due process of law. El Paso Natural Gas Company has filed a formal protest to the proposed rate increases.

Magnolia Petroleum Company (Magnolia) also proposes a favored-nation rate increase. In support, Magnolia submitted a letter from purchaser, Lone Star Gas Company, advising that certain Lone Star contracts provide for the same base rate as Magnolia now proposes. In additional support, Magnolia states that the contract was executed from arm's length negotiations and that the proposed rate does not exceed the market price for the area. Furthermore, it is alleged that the proposed additional revenues are necessary to offset increasing costs and to encourage exploration and development.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, the aforesaid supplement in Docket No. G–18842 is suspended until December 1, 1959, the aforesaid supplement in Docket No. G–18843 is suspended until November 28, 1959, the aforesaid supplements in Docket Nos. G–18844 and G–18845 are suspended until December 4, 1959, the aforesaid supplement in Docket No. G–18846 is suspended until December 15, 1959, and the aforesaid supplements in Docket Nos. G–18847, G–18848, and G–18849 are suspended until December 6, 1959; each of all the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5541; Filed, July 2, 1959; 8:45 a.m.]

[Docket No. G–16235]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 26, 1959.

Take notice that El Paso Natural Gas Company (El Paso), a Delaware corporation, address El Paso Natural Gas Building, El Paso, Texas, filed on September 10, 1958, an application which was supplemented on February 27, 1959, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation and sale of natural gas.

El Paso proposes by this application to sell to Southern California Gas Company and Southern Counties Gas Company of California (Southern California) a maximum of 470,000 Mcf of natural gas per day at a point southwest of Las Vegas, Nevada, on the California-Nevada border. Southern California is to accept the gas at this point and transport such gas by means of a pipeline to be constructed to a point of inter-connection with their transmission and distribution systems serving the Southern California area. El Paso proposes to transport such gas through 394.6 miles of 34" pipeline extending from a point of connection near Thistle, Utah, with facilities proposed to be built by Colorado Interstate Gas Company, for which Colorado Interstate seeks authorization in Docket No. G–16904 (Notice published on February 20, 1959; 24 F.R. 1335).

To carry out this proposal, El Paso will purchase a maximum of 235,000 Mcf per day from Colorado Interstate and a maximum of 235,000 Mcf per day from its subsidiary, Pacific Northwest Pipeline Corporation, in the vicinity of Rock

Springs, Wyoming, and from this point Colorado Interstate will transport such gas to the proposed interconnection near Thistle, Utah. Authorization for the proposed sale and transportation by Colorado Interstate is requested in the aforesaid Docket No. G–16904 and the proposed sale by Pacific is requested in Docket No. G–16236.

El Paso estimates the cost of its proposed facilities to be $56,935,000 plus financing costs of $1,000,000 and additional working capital of $750,000, which will be financed by the issuance of $38,000,000 of bonds, $20,000,000 of common stock (or possible convertible second preferred stock) and $685,000 from retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5542; Filed, July 2, 1959; 8:46 a.m.]

[Docket No. G–16911 etc.]

TEXAS PACIFIC COAL AND OIL CO. ET AL.

Notice of Application, Consolidation and Date of Hearing

JUNE 26, 1959.

In the matters of Texas Pacific Coal and Oil Company, Docket No. G–16911; Cimarron Transmission Company, Docket No. G–17014; Texaco, Inc., Docket No. G–17015; Sinclair Oil & Gas Company, Docket No. G–17017; Natural Gas Pipeline Company of America, Docket No. 17241; Shell Oil Company, Docket No. G–18016; George E. Cameron, Inc., Docket No. G–18526.

Take notice that George E. Cameron, Inc. (Applicant), an Oklahoma corporation with principal place of business at Cameron Center, Palm Springs, California, filed an application in Docket No. G–18526 on May 12, 1959, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from certain acreage located in Enville Field, Love County, Oklahoma, to Cimarron Transmission Company for resale to Natural Gas Pipeline Company of America. This sale will be made pursuant to a contract dated February 18, 1959, as amended April 27, 1959 (to be designated as Applicant's FPC Gas Rate Schedule No. 1) which provides for a base initial price of 15.5 cents per Mcf at 14.65 psia.

Heretofore, by notice issued on June 19, 1959, In the Matters of Pacific Coal and Oil Company, et al., Docket No. G–16911, et al., the applications filed in Docket Nos. G–16911 through G–18016, as captioned above, were consolidated for formal hearing to be held on July 28, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications. This notice also fixed July 13, 1959, as the last day for filing protests or petitions to intervene in said proceedings.

The proposal contained in Docket No. G–18526 is related to the proposals contained in Docket No. G–16911, et al., as heretofore consolidated, and should be heard on a consolidated record with said proposals.

The application in Docket No. G–18526 is hereby consolidated for purposes of hearing with the applications in Docket No. G–16911, et al., as heretofore consolidated.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–5543; Filed, July 2, 1959; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL HOUSING AND PUBLIC HOUSING COMMISSIONERS

Redelegation of Certain Authority

The Federal Housing Commissioner and the Public Housing Commissioner each is hereby authorized:

1. To utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended, 41 U.S.C. 251 (herein called the Act), when procuring property and services, except the authority under section 305 (advance payments), the nondelegable authority to make the determinations or decisions specified in subsections 302(c) (12) and (13), and the authority under subsection 302(c)(11) with respect to contracts which will require the expenditure of more than $25,000. This authority shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, and controls prescribed by the General Services Administration.

2. To redelegate to any officer or employee under his juridction any of the authority herein delegated except that under subsection 302(c)(11) of the Act.

Except for transactions initiated before March 10, 1959, this redelegation supersedes the redelegation to the Federal Housing Commissioner effective August 25, 1953 (18 F.R. 5072, August 25, 1953), which is hereby revoked.

(Delegation of Authority 363 from Administrator of General Services to Heads of Executive Agencies effective March 10, 1959, 24 F.R. 1921, March 17, 1959; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 10th day of March, 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59–5563; Filed, July 2, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 30, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35519: *Liquefied petroleum gas—Canadian points to Western Trunk Line Territory.* Filed by George H. Mitchell, Agent (C.F.A. No. 8), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Acheson, Breton, Calgary, Calmar, Drywood, East Edmonton, Nevis, Redwater, and Stettler, Alta., and Domex, and Melville, Sask., Canada to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula, and market competition with producing points in North Dakota.

Tariff: G. H. Mitchell, Agent, Canadian Freight Association tariff I.C.C. 137.

FSA No. 35520: *TOFC service—Between points in Central Territory and points in Arkansas and Oklahoma.* Filed by Southwestern Freight Bureau, Agent (No. B–7581), for interested rail carriers. Rates on commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars between points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia, on the one hand, and points in Arkansas and Oklahoma, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4318.

FSA No. 35521: *Sand—Southwestern points to Sparrows Point, Md.* Filed by Southwestern Freight Bureau, Agent (No. B–7578), for interested rail carriers. Rates on sand, carloads from Guion, Ark., Klondike, Ludwig, Pacific, Webb City, Mo., Mill Creek and Roff, Okla., to Sparrows Point, Md.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 12 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4319.

FSA No. 35522: *Coarse grains—Iowa and Minnesota points to Texas ports.* Filed by The Chicago, Rock Island and Pacific Railroad Company, for itself (No. 883), and other interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, in bulk, carloads from points in Iowa and Minnesota on the Rock Island to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Port competition with New Orleans, La., and Baltimore, Md.

Tariff: Supplement 4 to Chicago, Rock Island and Pacific Railroad Company tariff I.C.C. C–13604.

FSA No. 35523: *Caustic soda—Charleston, W. Va., group to Pace, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3822), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Pace, Fla.

Grounds for relief: Rail market competition with Baton Rouge and North Baton Rouge, La.

Tariff: Supplement 42 to Trunk Line-Central Territory Railroads Tariff Bureau tariff I.C.C. 4790 (Hinsch series).

FSA No. 35524: *Freight, all kinds from and to points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 359), for interested rail carriers. Rates on freight, all-kinds, less than carloads between points in Texas, and between points in Texas on the one hand, and points on the Texas New Mexican Railway and in the Shreveport, La., groups, on the other.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariffs: Supplement 22 to Texas-Louisiana Freight Bureau tariff I.C.C. 835. Supplement 17 to Agent J. D. Hughett's tariff MF–I.C.C. No. 300.

FSA No. 35525: *Silica sand between and to points in the southwest.* Filed by Southwestern Freight Bureau, Agent (B–7576), for interested rail carriers. Rates on silica sand, carloads, as described in the application (1) between points in southwestern territory, and (2) from points in western trunk line and Illinois territories to points in southwestern territory.

Grounds for relief: Short-line distance formulas, and maintenance of higher level rates from and to intermediate points in certain intermediate territories.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–5555; Filed, July 2, 1959; 8:48 a.m.]

[Notice 148]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62004. By order of June 29, 1959 the Transfer Board approved the transfer to Hayes Express, A Corporation, Lodi, N.J., of Certificate in No. MC 42177, issued June 28, 1949, to John Garrantano and Sam C. Garrantano, a partnership, doing business as Hayes Express, Lodi, N.J., authorizing the transportation of: *General commodities*, except household goods, commodities in bulk, and the other usual exceptions, between points in Queens and Nassau Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Essex, Passaic, Union, and Middlesex Counties, N.J.; and *Garments* and *materials*, between Passaic, Garfield and Lodi, N.J., on the one hand, and, on the other, New York, N.Y., except Queens County, N.Y. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC–FC 62041. By order of June 29, 1959, the Transfer Board approved the transfer to Bernsie's Express, A Corporation, Lyndhurst, N.J., of Certificate in No. MC 76015, issued December 5, 1949, to Joseph Bernadino, Sr., Joseph Bernadino, Jr., and Victor Bernadino, a partnership, doing business as Bernsie's Express, Lyndhurst, N.J., authorizing the transportation of: *General commodities*, except household goods, commodities in bulk, and the other usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in Essex, Bergen, Passaic, Hudson, Union, and Middlesex Counties, N.J.; *Steamship signal devices and parts, strainers, gauges, valves, and valve parts*, from Lyndhurst, N.J., to Philadelphia, Pa., and Annapolis, Md.; and return of rejected shipments. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–5556; Filed, July 2, 1959; 8:48 a.m.]

[No. 33051]

MINNESOTA INTRASTATE FREIGHT RATES AND CHARGES

Order for Investigation and Hearing

At a session of the Interstate Commerce Commission, by Division 2, held at its office in Washington, D.C., this 19th day of June A.D. 1959.

It appearing, that in the proceedings listed in Appendix A set forth below the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated May 21, 1959, has been filed on behalf of the Canadian National Railway Company and other common carriers by railroad operating to, from, and between points in the State of Minnesota, averring that the Railroad and Warehouse Commission of the State of Minnesota has refused to authorize or permit increases in rates and charges on the commodities described in Appendix A set forth below moving in intrastate commerce corresponding to the increases authorized by the Commission in the proceedings listed in said Appendix A set forth below on interstate traffic as more fully set forth in the petition;

It further appearing, that petitioners allege that the failure of the Railroad and Warehouse Commission of the State of Minnesota to permit the increases in rates and charges on intrastate traffic, referred to in the preceding paragraph, causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against, and undue burden on, interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Minnesota:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the said rates and charges of the common carriers by railroad, or any of them, operating in the State of Minnesota for the intrastate transportation of the commodities listed in Appendix A set forth below, made or imposed by authority of the State of Minnesota, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed in said Appendix A set forth below, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Minnesota, subject to the juris-

diction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Minnesota be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad and Warehouse Commission of the State of Minnesota at St. Paul, Minn.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., for public inspection, and by filing a copy with the Federal Register Division, Washington, D.C.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A

COMMODITIES AND CHARGES EXCEPTED FROM APPLICATION OF EX PARTE INCREASES ON MINNESOTA INTRASTATE TRAFFIC

Ex Parte No. 196, Increased Freight Rates, 1956 (298 I.C.C. 279):

Bolts, wood.
Coal, Anthracite or Bituminous
Coke, petroleum.
Limestone, agricultural.
Livestock (cattle, hogs and sheep).
Timber, Aspen and Jack-pine.
Pulpwood.
Rock, crushed.
Short logs.
Sugar beets.

Ex Parte No. 206, Increased Freight Rates, Eastern and Western Territories, 1956 (299 I.C.C. 429):

Coal, Bituminous.
Forest products, including bolts, wood; logs, short; pulpwood and timber, Aspen and Jack-pine.
Sugar beets.

Ex Parte No. 206, Increased Freight Rates, Eastern, Western and Southern Territories, 1956 (300 I.C.C. 633):

Coal, Bituminous.
Flax straw.
Forest products, including bolts, wood; logs, short; pulpwood and timber, Aspen and Jack-pine.
Granite, rough quarried.
Limestone, agricultural.
Livestock—From So. St. Paul to Austin and Duluth, Minnesota.
Sand, gravel, crushed rock and other aggregates.
Soybean, soybean meal and soybean flour.
Sugar beets.

Ex Parte No. 212, Increased Freight Rates, 1958 (302 I.C.C. 665; 304 I.C.C. 289):

Grain and grain products (Including flax seed and related articles and soybean and soybean meal): No increase.
Sugar beets: No increase.
Straw, flax: No increase.
Livestock, edible—the rates on edible livestock moving from South St. Paul to Duluth: No increase.
Sand, gravel, and crushed rock: No increase.
Agricultural limestone: No increase.
Wood bolts: No increase.
Short logs: No increase.

Jack-pine and Aspen timber: No increase.

Minimum rates on less than carload traffic accorded pickup and delivery service and the minimum charge on less than carload shipments.

[F. R. Doc. 59-5557; Filed, July 2, 1959; 8:48 a.m.]

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1934

FEDERAL REGISTER

VOLUME 24 NUMBER 131

Washington, Tuesday, July 7, 1959

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 421—GRAINS AND RELATED COMMODITIES

Notice With Respect to Determination of Amount of Deduction of Warehouse Storage Charges Under 1959-Crop Price Support Programs for Certain Grains

The 1959-crop price support program regulations in effect for barley, corn, flaxseed, grain sorghums, oats, rye, soybeans and wheat provide that unless there is written evidence that the storage charges have been prepaid through maturity date, a deduction for storage must be made from the support rate for the period of time beginning on the date of deposit of the commodity as shown on the warehouse receipt or the date of the warehouse receipt if the date of deposit is not shown, in determining the amount of the loan or purchase price.

In some instances, storage charges against holders of the warehouse receipt do not start until sometime subsequent to either the date of deposit of the commodity or the date of the warehouse receipt. Notwithstanding the foregoing provisions of such regulations if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt and such date is prior to the maturity date of loans for the commodity, the deduction for storage in computing the amount of the loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through the loan maturity date. In arriving at the support rate, the amount of the deduction for storage shall be determined in accordance with the schedule of storage charges shown in the applicable 1959 crop commodity price support program bulletins supplementing CCC Grain Price Support Bulletin 1 (23 F.R. 9651).

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 101, 105, 203, 301, 401, 63 Stat. 1051, 1053, 1054, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442, 1446d, 1447)

NOTE: This notice amends § 421.4084, 24 F.R. 3027; § 421.4144, 24 F.R. 4199; § 421.4484, 24 F.R. 3036; § 421.4234, 24 F.R. 3031; § 421.4284, 24 F.R. 2933; § 421.4384, 24 F.R. 2937; § 421.4434, 24 F.R. 4128; § 421.4044, 24 F.R. 1633.

Issued this 30th day of June 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-5604; Filed, July 6, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1960–61 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1960 CROP

§ 728.1006 Basis and purpose.

The county acreage allotments for 1960 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1960 as established by the proclamation dated June 1, 1959 (24 F.R. 4507).

Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment

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FEDERAL REGISTER

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is made, shall be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the 10 calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. The applicable 10-year period used in apportioning the 1960 State wheat acreage allotments among the counties in the respective States included the years 1949 to 1958 inclusive.

Section 301(c) of the Act requires that the latest available statistics of the Federal Government be used in making the apportionments required to be made under the Act. Estimates of county annual seeded acreage made by the Agricultural Marketing Service of the Department of Agriculture do not meet the definitions of wheat acreage as contained in the regulations pertaining to 1960 wheat acreage allotments and marketing quotas. Such regulations provide that: (1) Wheat seeded in mixtures with other small grains will be counted as wheat acreage if the harvested mixture is

classified as wheat or as mixed grain under the official grain standards; (2) wheat used for cover crop will not be counted as wheat acreage in any county; and (3) the transferring of farm records of wheat acreage across county lines will be permitted for administrative purposes. For these reasons acreage data obtained from farm surveys by county ASC committees in 1949, 1950, 1953, 1954, 1955, 1956, 1957, and 1958 covering the 10-year period, 1949–1958 were used as basic data in lieu of Agricultural Marketing Service estimates. It was necessary to adjust the total seeded acreage of wheat for 1954, 1955, and for 1956 in the States of Minnesota, Montana, North Dakota, and South Dakota, and for 1956 in California, in order that the acreage seeded to durum wheat in excess of the official farm acreage allotments under the provisions of Public Law 290, 83d Congress, for 1954, Public Law 8, 84th Congress, for 1955, and Public Law 431, 84th Congress, for 1956 would not be considered in establishing future State, county, and farm acreage allotments. For 1957, the data compiled by the farm survey excluded the acreage of durum wheat seeded in excess of the regular allotment under the provisions of Public Law 85–13. Therefore, no further adjustment was necessary for this factor.

The 1953 Agricultural Stabilization and Conservation survey compiled 1951–53 wheat acreage seeded for grain, the acreage of mixtures of wheat and other small grains, and the acreage used for cover crop as separate items. Such items were included or excluded as required to conform to the wheat acreage definition set forth in the regulations. Since the change in definition for wheat mixtures will not be effective with the crops prior to 1960, no change was made in determining wheat history acreage for the 1958 and prior crops. The surveys for 1950, 1954, 1955, 1956, 1957, and 1958 compiled wheat acreage according to definition, so data for those years were used as compiled.

Credit for acreage diverted from wheat under previous agricultural adjustment and conservation programs was determined for each applicable county for the years 1950 and 1951. Credit for wheat diversion in 1950 was computed on a county basis for each State by subtracting from the total 1950 base acreage of wheat established for farms which complied with their 1950 wheat allotments, the larger of (1) the total 1950 wheat acreage seeded on such farms or (2) 90 percent of the total 1950 wheat acreage allotted to such farms.

No diversion credit was determined under the 1951 program for counties in which only spring wheat was seeded, because wheat acreage allotments for that year were suspended before spring wheat was seeded. For counties in which only winter wheat was seeded, diversion credit for 1951 was computed by subtracting from the county base acreage of wheat established under the 1951 wheat allotment program the larger of (1) the total wheat acreage seeded in the county for 1951 or (2) the county wheat acreage allotment for 1951, except that no diversion credit was allowed where the total acreage in the county exceeded the county base acreage of wheat. For counties in which both winter and spring wheat was seeded, diversion credit for 1951 was determined in the same manner as for counties in which only winter wheat was seeded except that the respective results were adjusted by applying a decimal factor which was obtained by dividing the total winter wheat acreage seeded in the county during the preceding three years by the total acreage of all wheat in the county during the same year.

Credit for wheat diversion in 1954 and 1955 was computed on a farm basis rather than on a county basis and was determined as follows: For each year, if the farm wheat acreage allotment was exceeded, no credit for diversion was allowed. If the allotment was not knowingly exceeded and the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county scaling factor and subtracting from this result the wheat acreage.

Credit for wheat diversion in 1956 was computed on a farm basis in a similar manner as for 1954 and 1955, except that 75 per centum was used in all computations instead of 90 per centum.

The sums of all such computed farm diversion credits were totaled for each year to obtain the county diversion credit for wheat for 1954, 1955, and 1956. For the States of California, Minnesota, Montana, North Dakota, and South Dakota the acreages of Durum Wheat (Class II) grown within the allotment increases made for 1954 under Public Law 290, 83d Congress, for 1955 under Public Law 8, 84th Congress, and for 1956 under Public Law 431, 84th Congress, were subtracted from the respective 1954, 1955, and 1956 wheat acreages adjusted as described above, so as to conform to language in these Acts providing that such acreage shall not be considered in the determination of future allotments.

Adjustments for abnormal weather conditions in county wheat acreage estimates were considered only for those counties for which the State ASC committees had determined that the wheat acreage seeded and diverted for any year of the ten year period except 1957 and 1958, was below normal due to abnormal weather conditions, and the Director of the Grain Division had approved such determinations. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level as an adjustment for abnormal weather. Determinations of such adjusted acreages made for years prior to 1957 were not revised even though minor revisions were made in acreages of the "normal" years as a result of census revisions.

The 1957 wheat acreage data as compiled from CSS statistics included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 85–13; (2) the amount by which the acreage on a farm was less than the wheat acreage allotment; (3) the acreage diverted from the production of wheat on complying farms; and (4) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary. Use of this 1957 acreage data precluded the necessity of making any adjustments for abnormal weather conditions.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85–203, to add the following: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section."

Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded. The 1958 wheat acreage data compiled from Commodity Stabilization Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded;

(2) The wheat acreage base on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and

(3) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

To determine for each county the acreage seeded for the production of wheat during the ten calendar years immediately preceding the year 1959, in addition to the foregoing adjustments for diverted acres and abnormal weather, the following additional adjustments for trends, abnormal weather and promotion of soil conservation practices were made:

(1) The simple average of the annual county wheat acreage estimates, adjusted as described above, for the 10-year period, 1949–58 inclusive, was determined.

(2) The simple average of the annual wheat acreage estimates, adjusted as described above, for the 5-year period, 1954–58, was determined.

(3) A simple average of the 10-year average and the 5-year average was de-

termined giving equal weight to each. This acreage became the preliminary adjusted county base acreage of wheat.

(4) As a further adjustment for trend and to give greater effect to the sharp changes in county seeded acreages of wheat during recent years, the preliminary adjusted county base acreages were limited to an acreage of not less than 80 percent nor more than 120 percent of the 4-year (1955–58) average acreage.

(5) As a still further adjustment for trend, in counties having a sharp downward trend in acreage, the county base acreage was limited to 120 percent of the four year average farm history of farms on the county listing sheets, adjusted where necessary for abnormal weather conditions, or other unusual circumstances which prevented producers from seeding in any year.

In order to compensate for transferring farms from one county to another, the base as calculated or limited was further adjusted if more than one percent of the county history had been either transferred into or out of the county. This adjustment was made by multiplying the base as previously determined by the factor obtained by dividing the four years (1954–57) average county history after the transfer by the four-year average county history prior to the transfer.

If the sum of the county base acreages thus established exceeded the State base established for the apportionment of the National allotment to States, all preliminary county base acres were factored downward pro rata so that the sum of the county base acres equaled the State base acres.

The resultant preliminary 1960 county base acreages as further adjusted for trend were reviewed by the respective State Agricultural Stabilization and Conservation Committee and appropriate adjustments made for the promotion of soil conservation practices. In determining the preliminary county base acreage, no consideration was given to the effect on the seeding of wheat of abnormal weather which might have been usually favorable for the production of wheat and other small grains. During the extended drought period of the past few years, the reduction of rainfall in the more humid area of the wheat belt has resulted in some shifting of hay crops and row crops to the production of wheat and other small grains. If the State committee determined that the acreage of wheat in any county had increased in recent years due to abnormal weather conditions, the committee was permitted to make a downward adjustment in the county base acreage subject to the approval of the Director of the Grain Division. The maximum acceptable adjustment was an upward adjustment of three percent or downward adjustment of five percent from the preliminary base acreage. All county base acres were factored pro rata so that the sum of the county base acres after such adjustments were the same as prior to the adjustments. The resultant figure was the final 1960 county wheat base acreage.

The county wheat acreage allotments for 1960 were determined by apportioning pro rata to the counties on the basis of the final 1960 county base acreages, the 1960 State wheat acreage allotment less (1) a reserve acreage for new farms in an amount not to exceed three per centum of the State acreage allotment, and (2) a reserve acreage for missed farms, appeals, and corrections of errors.

Section 334(a) of the Agricultural Adjustment Act of 1938, as amended, states in part, "The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States * * *. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotment because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed."

A reserve acreage of 60,000 acres was withheld for this purpose. In order for a county located in the 1958 commercial wheat-producing area to receive an additional allotment under this provision the State committee was required to establish that a definite delineable area of the county which had not been producing wheat prior to 1950 has gone into the production of wheat during the past ten years. The amount of additional allotment apportioned under this provision was the sum of the acreages determined on the basis of the formula set forth below, but in no case was the amount of the apportionment less than an amount obtained by subtracting the regular 1959 county allotment from 50 percent of the average of the county history for the four-year period 1954–57 inclusive.

(1) The sum of the acreages apportioned by the State committee from the State reserve for new farm acreages in the delineable area for the 1959 crop year.

(2) The amount by which the 1960 regular county allotment was less than the 1959 final county allotment factored by the ratio of the State allotment in 1960 to the State allotment in 1959, if the 1960 State allotment was smaller than the 1959 allotment, less the allotment which was lost to the county due to the provisions of Public Law 85–203 because of overseeding on allotment farms.

In the two States, Alabama and Mississippi, which were added to the commercial wheat-producing area in 1959, and in Arizona which was added to the commercial wheat area in 1960, the above mentioned apportionment procedure cannot be used because there have been no allotments for counties or farms since 1954. Since in each of these three States it was determined that virtually every county now producing wheat has come into the production of wheat during the past ten years, all such counties were treated alike. Sufficient acreage out of the national reserve was set aside to bring the total acres apportioned to the State to 50 percent of the average seedings for the four years 1955–58 inclusive. Sufficient acreage was apportioned to each county from such reserve acreage so that for each of such counties the total of the regular allotment and the apportionment from the national reserve was the same percentage of the county average history for the four years 1955–58 inclusive. No apportionment from the national reserve was made in those counties in which the regular allotment exceeded the proportion of the four year history that was the basis for the total allotment to other counties in these States.

The total apportioned from the national reserve was 52,325 acres.

The tables which are a part of the regulations show the county base acreage, and the apportionment of the 1960 State wheat acreage allotments and the national reserve among the counties. The reserve acreage for new farms and the reserve acreage for missed farms, appeals, and corrections of errors withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld for appeals and corrections by the county committee in apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

Prior to determinations of county acreage allotments for 1960 crop wheat, public notice (24 F.R. 1255) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining to the determination of county acreage allotments for 1960 crop wheat were submitted pursuant to such notice. For farm wheat acreage allotments, which are based upon the county allotments herein, to be determined and farmers notified thereof prior to the wheat marketing quota referendum to be held on July 23, 1959, as required by law, it will be impracticable to publish these county allotments 30 days in advance of their effective date. Accordingly, the county allotments herein shall become effective upon filing with the Director, Division of the Federal Register.

§ 728.1007 Wheat acreage apportioned to counties for 1960.

Wheat Acreage Apportioned to Counties for 1960—Continued

ARIZONA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Apache	176	115	10		
Cochise	994	592	22	237	155
Coconino	3,145	2,060	40	139	91
Graham	62	41	3	15	10
Greenlee	78	51		8	5
Maricopa	13,818	9,050	215	3,611	2,365
Mohave	587	384	14		
Navajo	1,495	1,298	30	261	171
Pima	1,455	1,288	10	119	78
Pinal	11,616	7,607	97	3,039	1,990
Santa Cruz	19	12		6	4
Yavapai		1,098	20	414	271
Yuma	10,544	6,905	100	2,758	1,806
Reserve new farms		500			
Reserve appeals and corrections		100			
Total	44,956	30,042	570	10,607	6,946

ARKANSAS

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Arkansas	956	638			
Ashley	73	49			
Baxter	177	118			
Benton	3,571	2,382	3		
Boone	301	201	1		
Carroll	262	175	1		
Chicot	995	664		217	145
Clark	1				
Clay	7,827	5,221	8		
Cleburne	37	25	1		
Conway	2,012	1,342	3		
Craighead	1,265	844	5		
Crawford	2,447	1,632	3	364	243
Crittenden	6,622	4,417	3	576	384
Cross	4,218	2,147	2	2,234	1,490
Desha	226	226	2	617	411
Drew	153	153			
Faulkner	359	239	1		
Franklin	396	396	1		
Fulton	194	129			
Garland	43	29	2		
Greene	1,713	1,143			
Hempstead	9				
Hot Spring	27	18			
Independence	5,019	3,348	1	1,504	1,003
Izard	25	17			
Jackson	2,192	1,462	5		
Johnson	184	123			
Lafayette	1,297	865	10		
Lawrence	14	9			
Lee	1,774	1,183	3	379	253
Lincoln	2,122	1,416	2	480	320
Little River	117	78	1		
Logan	27	18			
Lonoke	1,958	1,306	3		
Madison	1,298	865	2		
Marion	462	308	2		
Miller	72	48			
Mississippi	14	9			
Monroe	13,143	8,767	10	2,968	1,973
Montgomery	383	255	3		
Newton	61	29			
Ouachita	6	4			
Perry	2	1	1	108	72
Phillips	4,436	2,894	2	639	426
Pike	2,752	1,991	2		
Polk	14	9			
Pope	1,516	1,011	3	537	358
Prairie	906	338	2	169	107
Pulaski	3,000	2,601		1,451	968

ALABAMA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Autauga	1,086	717	2.0	480	317
Baldwin	7,953	5,254	12.0	3,418	2,258
Barbour	63	42	.4	26	17
Bibb	48	32	1.0	20	13
Blount	95	63	2.0	54	36
Bullock	26	17		17	11
Calhoun	151	100	2.0	61	40
Chambers	464	307	5.0	229	151
Cherokee	1,214	802	2.0	521	344
Clarke	35	17		50	33
Clay	119	79	1.1	33	22
Cleburne	73	48	2.0	79	52
Coffee	169	112		114	75
Colbert	154	102	3.0	3,699	2,444
Conecuh	8,613	5,690	75.0	67	44
Coosa	124	82	1.0	11	7
Covington	17	133		86	57
Crenshaw	201	94	4.0	23	15
Cullman	34	22		32	21
Dale	57	38	2.0	180	119
Dallas	299	198	1.0	295	195
De Kalb	682	454	2.0	80	53
Elmore	153	101	3.0	218	144
Escambia	506	334	1.0	543	359
Etowah	1,294	835	5.0	26	17
Fayette	62	41	3.0	36	24
Franklin	84	55	6.0	303	201
Geneva	780	390	1.0	541	357
Greene	59	31		6	4
Hale	16	199	.2	130	86
Henry	301	213	5.0	138	91
Houston	322	642	5.0	456	301
Jackson	972	286	8.0	194	128
Jefferson	433	61	1.1	64	42
Lamar	92	42		41	27
Lauderdale	63	6,092	60.0	3,948	2,605
Lawrence	9,176	3,053	15.0	1,968	1,300
Lee	4,584	1,071	10.0	136	90
Limestone	2,343	1,803	10.0	1,175	776
Lowndes	2,729	260	2.0	179	118
Macon	394	159		104	69
Madison	241	2,072	10.0	1,349	891
Marengo	3,137	24		17	11
Marion	37	105	.6	92	61
Marshall	150	71		47	31
Mobile	108	227	14.8	147	97
Monroe	343	32	.2	21	14
Montgomery	48	599	4	391	258
Morgan	907	716	10.0	466	308
Perry	1,084	127		83	55
Pickens	290	165	.1	117	77
Pike	177	117	2.0	121	80
Randolph	258	167	3.0	88	58
Russell	35	23		20	13
St. Clair	43	23		21	14
Shelby	113	52	1.0	42	28
Sumter	512	226	1.5	35	23
Talladega	88	58	.3	147	97
Tallapoosa	70	46	3.0	36	24
Tuscaloosa	107	71		30	20
Walker	296	195		67	44
Washington	44	29		127	84
Wilcox				20	13
Winston		100			
Reserve new farms		300			
Reserve appeals and corrections					
Total	52,602	33,151	277.1	22,928	15,144

Wheat Acreage Apportioned to Counties for 1960—Continued

ARKANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Randolph	1,063	1,309	7		
St. Francis	4,656	3,106	3	881	588
Saline	9	6			
Searcy	282	188	1		
Sebastian	490	327	1	213	142
Sevier	4	3			
Sharp	154	103			
Stone	333	222	2		
Van Buren	53	35			
Washington	1,079	720	3		
White	978	652	2		
Woodruff	1,457	1,305	3	448	299
Yell	964	643	2	202	135
Reserve new farms		50			
Reserve appeals and corrections		53			
Total	86,127	57,554	111	14,024	9,355

CALIFORNIA

Alameda	2,560	1,706	20		
Alpine	17	11			
Amador	410	272			
Butte	12,304	8,171	31		
Colusa	10,034	6,664	25		
Contra Costa	2,421	1,608	5		
El Dorado	1	1			
Fresno	28,125	18,679	25		
Glenn	5,669	3,765	21		
Imperial	3,438	2,283	5		
Inyo	22	15			
Kern	58,823	39,066	100		
Kings	1,810	1,202	25		
Lake	492	327	4		
Lassen	12,191	8,096	50		
Los Angeles	40,065	26,608	16		
Madera	15,808	10,499	25		
Marin	608	404	3		
Mariposa	173	115			
Mendocino	1,379	916	10		
Merced	5,031	3,341	20		
Modoc	23,079	15,327	75	382	254
Mono	14	9			
Monterey	25,118	16,682	50		
Napa	2,377	1,579	32		
Orange	910	604	2		
Placer	16,186	10,750	20		
Plumas	1,197	795	15		
Riverside	28,884	19,183	10		
Sacramento	26,167	17,378	90		
San Benito	2,694	1,789	10		
San Bernardino	287	191	2		
San Diego	1,468	975	2		
San Joaquin	14,141	9,391	50		
San Luis Obispo	135,210	89,797	50		
San Mateo	61	41	3		
Santa Barbara	16,436	10,916	20		
Santa Clara	176	117	2		
Shasta	2,533	1,682	15		
Sierra	509	338	5		
Siskiyou	29,454	19,561	100	1,059	703
Solano	19,658	13,055	63		
Sonoma	886	588	5		
Stanislaus	1,094	727	7		
Sutter	25,291	16,796	50		
Tehama	3,231	2,146	25		
Tulare	43,404	28,826	72		
Tuolumne	43	29			
Ventura	1,164	773	5		

Wheat Acreage Apportioned to Counties for 1960—Continued

CALIFORNIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Yolo	16,502	10,959	40		
Yuba	2,450	1,627	25		
Reserve new farms		2,145			
Reserve appeals and corrections		500			
Total	642,014	429,025	1,230	1,441	957

COLORADO

Adams	188,607	131,502	75		
Alamosa	1,356	945	8		
Arapahoe	90,009	62,757	75		
Archuleta	2,523	1,759	10		
Baca	369,014	257,287	300		
Bent	42,269	29,471	25		
Boulder	15,945	11,117	25		
Chaffee	338	236	5		
Cheyenne	205,038	142,959	75		
Conejos	2,514	1,753	5		
Costilla	1,662	1,159	5		
Crowley	13,840	9,650	20		
Custer	485	338	3		
Delta	1,845	1,286	8		
Dolores	44,920	31,326	25		
Douglas	16,295	11,361	20		
Eagle	545	380	2		
Elbert	92,435	64,449	50		
El Paso	21,728	15,150	25		
Fremont	827	577	3		
Garfield	7,169	4,998	5		
Grand	1,706	1,189	2		
Huerfano	7,378	5,144	5		
Jackson	729	508			
Jefferson	12,305	8,579	25		
Kiowa	317,046	221,054	75		
Kit Carson	347,773	242,478	200		
La Plata	28,557	19,911	50		
Larimer	31,813	22,181	50		
Las Animas	29,438	20,525	50		
Lincoln	201,252	140,319	50		
Logan	197,859	137,953	50		
Mesa	2,305	1,607	2		
Moffat	47,810	33,335	50		
Montezuma	29,757	20,747	50		
Montrose	7,239	5,047	25		
Morgan	86,098	60,030	75		
Otero	3,035	2,116	20		
Ouray	1,140	795	2		
Phillips	158,234	110,326	50		
Pitkin	307	214	5		
Prowers	228,619	159,400	100		
Pueblo	23,508	16,390	50		
Rio Blanco	8,784	6,124	10		
Rio Grande	4,389	3,060	10		
Routt	34,635	24,149	25		
Saguache	1,045	729	5		
San Miguel	1,362	950	2		
Sedgwick	90,537	63,125	35		
Teller	30	21			
Washington	337,209	235,112	100		
Weld	270,042	188,281	50		
Yuma	203,832	142,118	75		
Reserve new farms		2,000			
Reserve appeals and corrections		1,000			
Total	3,835,146	2,676,977	2,067		

Wheat Acreage Apportioned to Counties for 1960—Continued

DELAWARE

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Kent	20,609	14,897	97		
New Castle	17,046	12,322	50		
Sussex	9,494	6,863	50		
Reserve new farms		100			
Reserve appeals and corrections		0			
Total	47,149	34,182	197		

GEORGIA

Appling	58	39	0.2		
Bacon	8	5			
Baker	174	116	2.0		
Baldwin	83	55	1.0		
Banks	1,594	1,064	5.0		
Barrow	1,544	1,031	5.0		
Bartow	3,121	2,083	5.0		
Ben Hill	44	29	0.5		
Berrien	6	4	0.3	3	2
Bibb	972	649	2.0		
Bleckley	580	387	1.0		
Brooks	65	43			
Bryan	10	7	0.1		
Bulloch	370	247	1.0		
Burke	1,858	1,240	8.0		
Butts	1,677	1,119	6.0		
Calhoun	157	105			
Candler	70	47	1.0		
Carroll	1,281	855	3.0		
Catoosa	402	268	1.0		
Chatham	7	5	0.1		
Chattooga	275	184	3.0		
Cherokee	225	150	0.5		
Clarke	2,551	1,703	5.0		
Clay	189	126	1.0		
Clayton	426	284	2.0		
Cobb	206	138	1.5		
Coffee	132	88			
Colquitt	8	5	0.5		
Columbia	376	251	1.0		
Coweta	434	290	3.0		
Crawford	1,623	1,083	5.0		
Crisp	872	582			
Dade	157	105	0.2		
Dawson	323	216	2.0		
Decatur	36	24	0.2		
De Kalb	313	209	2.0		
Dodge	240	160	1.0		
Dooly	3,393	2,265	5.0		
Dougherty	895	597	1.0		
Douglas	260	174	1.0		
Early	1,203	803	2.0		
Effingham	70	47	0.5		
Elbert	3,916	2,614	15.0		
Emanuel	946	631	2.0		
Evans	74	49	0.2		
Fannin	29	19	0.5		
Fayette	713	476	3.0		
Floyd	974	650	3.0		
Forsyth	723	483	6.0		
Franklin	5,733	3,827	10.0		
Fulton	551	368	3.0		
Gilmer	36	24	1.0		
Glascock	743	496	3.0		
Gordon	836	558	3.0		
Grady	293	196	1.0	3	2
Greene	626	418	4.0		
Gwinnett	2,183	1,457	10.0		
Habersham	239	160	1.0		
Hall	1,038	693	5.0		
Hancock	433	289	4.0		

Wheat Acreage Apportioned to Counties for 1960—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Haralson	381	254	3.0		
Harris	176	118	2.1		
Hart	7,808	5,212	20.0		
Heard	706	471	2.0		
Henry	2,529	1,688	10.0		
Houston	6,950	4,639	5.0		
Irwin	10	7	0.2		
Jackson	4,402	2,937	15.0		
Jasper	730	487	4.0		
Jeff Davis	2	1			
Jefferson	14,824	9,895	10.0		
Jenkins	445	297	1.0		
Johnson	993	663	1.0		
Jones	129	86	1.0		
Lamar	754	503	3.0		
Laurens	2,475	1,652	3.0		
Lee	704	470	1.0		
Lincoln	487	325	2.0		
Lowndes	53	35			
Lumpkin	79	53	3.0		
McDuffie	461	308	3.0		
Macon	3,195	2,133	2.0		
Madison	12,091	8,071	20.0		
Marion	275	184	1.0		
Meriwether	1,007	672	2.0		
Miller	376	251	2.0		
Mitchell	30	20	0.2	13	9
Monroe	385	257	3.0		
Montgomery	42	28	1.0		
Morgan	1,344	897	8.0		
Murray	1,531	1,024	4.0		
Muscogee	2	1			
Newton	810	541	5.0		
Oconee	3,747	2,501	10.0		
Oglethorpe	7,876	5,257	10.0		
Paulding	367	244	1.0		
Peach	3,346	2,233	1.0		
Pickens	174	116	1.0		
Pike	1,542	1,029	5.0		
Polk	1,344	897	2.0		
Pulaski	994	664	1.5		
Putnam	236	158	2.0		
Quitman	23	15	1.0		
Rabun	27	18	1.0		
Randolph	466	311	1.0		
Richmond	1,040	694	4.0		
Rockdale	397	265	5.0		
Sehley	364	243	1.0		
Screven	451	301	2.0		
Seminole	387	258	2.0		
Spalding	1,774	1,184	5.0		
Stephens	626	418	8.0		
Stewart	102	68	1.0		
Sumter	3,571	2,384	2.0		
Talbot	214	143	2.0		
Taliaferro	283	189	1.2		
Tattnall	57	38	0.1		
Taylor	336	224	2.0		
Telfair	44	29			
Terrell	517	345	1.0		
Thomas	128	85	2.0		
Tift	43	29	0.5		
Toombs	108	72	2.0		
Towns	134	89	5.0		
Trentlen	83	55	1.0		
Troup	98	65	2.0		
Turner	319	213	1.0		
Twiggs	111	74	0.3		
Union	359	240	3.0		
Upson	566	378	5.0		
Walker	972	649	4.0		
Walton	2,862	1,910	10.0		
Warren	2,078	1,387	5.0		

Wheat Acreage Apportioned to Counties for 1960—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Washington	5,457	3,643	3.0		
Webster	167	111	1.0		
Wheeler	1,205	804	3.0		
White	110	73	2.0		
Whitfield	1,551	1,035	3.0		
Wilcox	371	248	1.0		
Wilkes	1,214	810	3.0		
Wilkinson	222	148	1.0		
Worth	199	133	0.6		
Reserve new farms		75			
Reserve appeals and corrections		50			
Total	163,223	109,073	423.0	19	13

IDAHO

Ada	8,744	5,837	50		
Adams	1,595	1,065	15		
Bannock	72,743	48,558	150	2,126	1,419
Bear Lake	32,871	21,942	50		
Benewah	28,516	19,035	40	21	14
Bingham	77,704	51,870	140	1,624	1,084
Blaine	10,929	7,295	100		
Boise	701	468			
Bonner	2,470	1,649	29	253	169
Bonneville	134,917	90,061	450		
Boundary	14,044	9,375	20		
Butte	14,291	9,540	150		
Camas	52,075	34,762	350		
Canyon	24,768	16,533	80		
Caribou	74,607	49,802	100		
Cassia	91,306	60,950	100	1,988	1,327
Clark	7,996	5,338	13	22	15
Clearwater	11,362	7,585	30		
Custer	2,895	1,933	19		
Elmore	11,226	7,494	50		
Franklin	51,086	34,101	125		
Fremont	71,438	47,687	187		
Gem	3,123	2,085	20		
Gooding	10,869	7,255	75		
Idaho	87,233	58,231	300		
Jefferson	41,977	28,021	100	96	64
Jerome	18,762	12,524	125	620	414
Kootenai	35,927	23,982	240		
Latah	98,358	65,657	325		
Lemhi	1,981	1,322	30		
Lewis	60,587	40,444	50	18	12
Lincoln	14,251	9,513	100		
Madison	72,717	48,541	100		
Minidoka	31,396	20,958	75	3,425	2,286
Nez Perce	94,052	62,783	250		
Oneida	101,898	68,020	50		
Owyhee	7,522	5,021	25		
Payette	7,418	4,952	35		
Power	136,625	91,201	256	313	209
Teton	43,520	29,051	51		
Twin Falls	49,441	33,003	350		
Valley	847	565	20		
Washington	26,423	17,638	100		
Reserve new farms		1,000			
Reserve appeals and corrections		250			
Total	1,743,211	1,164,897	4,925	10,506	7,013

Wheat Acreage Apportioned to Counties for 1960—Continued

ILLINOIS

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adams	50,295	33,492	225		
Alexander	6,689	4,454	5		
Bond	25,847	17,212	100		
Boone	561	374	6		
Brown	10,369	6,905	75		
Bureau	2,805	1,868	20		
Calhoun	6,748	4,494	50		
Carroll	436	290	10		
Cass	28,016	18,656	75		
Champaign	43,029	28,654	150		
Christian	69,609	46,354	125		
Clark	34,077	22,693	125		
Clay	18,799	12,519	200		
Clinton	47,179	31,417	200		
Coles	33,493	22,304	100		
Cook	2,979	1,984	30		
Crawford	23,859	15,888	150		
Cumberland	20,347	13,549	130		
De Kalb	927	617	6		
De Witt	8,140	5,421	50		
Douglas	25,468	16,960	100		
Du Page	4,709	3,136	50		
Edgar	38,571	25,685	200		
Edwards	16,547	11,019	50		
Effingham	27,362	18,221	150		
Fayette	35,140	23,400	110		
Ford	962	641	25		
Franklin	26,781	17,834	175		
Fulton	24,355	16,218	200		
Gallatin	11,420	7,605	60		
Greene	33,716	22,452	100		
Grundy	1,087	724	15		
Hamilton	17,631	11,741	80		
Hancock	34,948	23,273	150		
Hardin	254	169	10		
Henderson	6,234	4,151	100		
Henry	1,307	870	20		
Iroquois	17,528	11,672	50		
Jackson	25,529	17,000	200		
Jasper	30,290	20,171	200		
Jefferson	27,474	18,295	105		
Jersey	26,991	17,907	100		
Jo Daviess	44	29	2		
Johnson	2,871	1,912	25		
Kane	3,035	2,021	17		
Kankakee	10,732	7,147	115		
Kendall	1,337	890	12		
Knox	4,299	2,863	20		
Lake	5,088	3,388	30		
La Salle	3,107	2,069	21		
Lawrence	28,261	18,820	200		
Lee	4,477	2,981	30		
Livingston	1,246	830	35		
Logan	29,750	19,811	200		
McDonough	17,031	11,341	160		
McHenry	2,254	1,501	28		
McLean	5,850	3,896	30		
Macon	29,452	19,613	150		
Macoupin	62,259	41,459	150		
Madison	77,219	51,422	250		
Marion	29,484	19,634	100		
Marshall	4,369	2,909	20		
Mason	46,503	30,967	200		
Massac	4,731	3,150	15		
Menard	22,281	14,837	100		
Mercer	2,131	1,419	20		

Wheat Acreage Apportioned to Counties for 1960—Continued

ILLINOIS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Monroe	50,090	33,356	200		
Montgomery	57,362	38,198	100		
Morgan	43,066	28,678	200		
Moultrie	23,149	15,415	100		
Ogle	1,503	1,001	5		
Peoria	13,246	8,821	100		
Perry	26,345	17,544	75		
Piatt	22,511	14,990	75		
Pike	33,705	22,445	100		
Pope	2,828	1,883	40		
Pulaski	5,557	3,701	30		
Putnam	2,433	1,620	10		
Randolph	49,348	32,862	150		
Richland	17,521	11,668	100		
Rock Island	1,244	828	20		
St. Clair	84,212	56,078	300		
Saline	17,800	11,853	250		
Sangamon	57,811	38,497	100		
Schuyler	21,596	14,381	200		
Scott	20,895	13,914	100		
Shelby	49,094	32,693	200		
Stark	875	583	20		
Stephenson	284	189	10		
Tazewell	27,574	18,362	200		
Union	9,381	6,247	50		
Vermilion	57,453	38,259	300		
Wabash	20,092	13,380	75		
Warren	1,848	1,231	25		
Washington	73,657	49,050	125		
Wayne	22,971	15,297	75		
White	34,523	22,990	250		
Whiteside	5,724	3,812	30		
Will	10,557	7,030	100		
Williamson	8,248	5,492	25		
Winnebago	1,664	1,108	10		
Woodford	4,308	2,869	25		
Reserve for new farms		4,000			
Reserve for appeals and corrections		1,001			
Total	2,146,694	1,434,524	9,787		

INDIANA

Adams	19,736	13,222	67		
Allen	40,974	27,451	185		
Bartholomew	31,656	21,208	202		
Benton	17,248	11,556	75		
Blackford	4,784	3,205	75		
Boone	13,003	8,712	130		
Brown	516	346	15		
Carroll	18,891	12,656	80		
Cass	17,280	11,577	85		
Clark	10,136	6,791	34		
Clay	22,219	14,886	75		
Clinton	24,916	16,693	85		
Crawford	3,627	2,430	50		
Daviess	27,286	18,281	200		
Dearborn	8,987	6,021	30		
Decatur	37,292	24,984	125		
De Kalb	26,180	17,544	90		
Delaware	17,019	11,402	102		
Dubois	19,669	13,178	132		
Elkhart	27,961	18,733	150		
Fayette	14,851	9,950	100		
Floyd	2,574	1,724	15		
Fountain	24,338	16,306	82		
Franklin	21,297	14,268	125		
Fulton	16,666	11,166	56		
Gibson	32,322	21,655	150		

Wheat Acreage Apportioned to Counties for 1960—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Grant	17,332	11,612	116		
Greene	16,080	10,773	150		
Hamilton	16,384	10,977	100		
Hancock	16,006	10,723	81		
Harrison	11,216	7,514	60		
Hendricks	15,510	10,391	103		
Henry	16,792	11,250	88		
Howard	16,659	11,161	100		
Huntington	17,529	11,744	175		
Jackson	23,592	15,806	80		
Jasper	21,548	14,436	175		
Jay	16,288	10,912	150		
Jefferson	9,714	6,508	33		
Jennings	13,392	8,972	75		
Johnson	19,482	13,052	65		
Knox	46,141	30,913	160		
Kosciusko	27,334	18,313	125		
Lagrange	23,492	15,739	250		
Lake	16,510	11,061	150		
La Porte	44,535	29,837	400		
Lawrence	4,480	3,001	50		
Madison	21,520	14,418	96		
Marion	10,560	7,075	71		
Marshall	22,810	15,282	150		
Martin	3,226	2,161	15		
Miami	16,374	10,970	55		
Monroe	1,879	1,259	15		
Montgomery	23,888	16,004	160		
Morgan	11,813	7,914	150		
Newton	13,190	8,837	100		
Noble	21,926	14,690	150		
Ohio	1,802	1,207	15		
Orange	5,487	3,676	37		
Owen	5,730	3,839	85		
Parke	19,161	12,837	128		
Perry	7,130	4,777	75		
Pike	11,094	7,429	100		
Porter	26,827	17,973	315		
Posey	34,956	23,419	117		
Pulaski	21,438	14,363	100		
Putnam	13,538	9,070	75		
Randolph	21,343	14,299	80		
Ripley	24,503	16,416	100		
Rush	34,382	23,035	135		
St. Joseph	29,624	19,847	127		
Scott	6,234	4,177	25		
Shelby	31,422	21,052	152		
Spencer	20,342	13,628	80		
Starke	14,224	9,530	300		
Steuben	16,001	10,720	130		
Sullivan	27,936	18,716	187		
Switzerland	4,308	2,886	50		
Tippecanoe	30,218	20,245	175		
Tipton	14,163	9,489	62		
Union	15,604	10,454	52		
Vanderburgh	16,364	10,963	75		
Vermillion	14,536	9,739	100		
Vigo	19,367	12,975	150		
Wabash	22,061	14,780	100		
Warren	19,177	12,848	65		
Warrick	13,464	9,020	46		
Washington	14,646	9,812	100		
Wayne	22,584	15,131	151		
Wells	16,792	11,250	56		
White	19,313	12,939	75		
Whitley	17,700	11,858	125		
Reserve new farms		2,274			
Reserve appeals and corrections		1,140			
Total	1,692,097	1,137,060	9,918		

Wheat Acreage Apportioned to Counties for 1960—Continued

IOWA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adair	347	261	10		
Adams	2,330	1,753	50		
Allamakee	13	10			
Appanoose	1,382	1,040	15		
Audubon	90	68	1		
Benton	423	318	7		
Black Hawk	64	48			
Boone	74	56			
Bremer	13	10			
Buchanan	134	101	4		
Calhoun	52	39			
Carroll	35	26			
Cass	1,932	1,454	40		
Cedar	153	115	1		
Cerro Gordo	106	80	2		
Chickasaw	35	26			
Clarke	503	378	5		
Clayton	4	3			
Clinton	112	84	6		
Crawford	514	387	10		
Dallas	518	390	30		
Davis	2,222	1,672	30		
Decatur	1,086	817	10		
Delaware	15	11	1		
Des Moines	5,235	3,938	40		
Dubuque	106	80			
Floyd	20	15			
Fremont	15,680	11,797	100		
Greene	40	30			
Guthrie	608	457	10		
Hamilton	45	34			
Hancock	34	26			
Harrison	22,423	16,870	500		
Henry	1,657	1,247	30		
Ida	61	46			
Iowa	187	141	5		
Jackson	4	3			
Jasper	1,019	767	25		
Jefferson	1,810	1,384	20		
Johnson	140	105	8		
Jones	74	56			
Keokuk	398	299	15		
Kossuth	3	2			
Lee	10,128	7,620	100		
Linn	148	111			
Louisa	2,026	1,524	5		
Lucas	1,348	1,014	15		
Lyon	43	32			
Madison	2,906	2,186	10		
Mahaska	726	546	14		
Marion	1,573	1,183	15		
Marshall	126	95	6		
Mills	13,775	10,363	60		
Monona	23,314	17,540	175		
Monroe	1,281	964	5		
Montgomery	6,590	4,958	100		
Muscatine	1,454	1,094	10		
Osceola	21	16			
Page	11,926	8,972	100		
Palo Alto	8	6			
Plymouth	1,283	965	25		
Pocahontas	33	25	2		
Polk	2,668	2,007	25		
Pottawattamie	10,896	8,197	95		
Poweshiek	92	69	1		
Ringgold	3,150	2,370	10		
Sac	26	20			
Scott	436	328	4		
Shelby	259	195	5		
Sioux	18	14	9		
Story	167	126	5		
Tama	94	71			
Taylor	5,406	4,067	90		
Union	517	389	10		
Van Buren	3,865	2,908	75		
Wapello	2,520	1,896	30		
Warren	5,427	4,083	20		
Washington	533	401	10		
Wayne	347	261	14		
Winnebago	42	32			
Woodbury	9,352	7,036	100		
Worth	72	54	10		
Wright	26	20			
New farm reserve		2,921			
Reserve appeals and corrections		0			
Total	186,353	143,123	2,131		

Wheat Acreage Apportioned to Counties for 1960—Continued

IOWA—Continued

KANSAS

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Allen	36,152	24,110	110		
Anderson	40,345	26,907	200		
Atchison	41,745	27,840	270		
Barber	183,032	122,066	205		
Barton	352,547	235,118	400		
Bourbon	27,969	18,653	100		
Brown	55,012	36,688	300		
Butler	92,883	61,945	200		
Chase	28,048	18,706	150		
Chautauqua	18,920	12,618	100		
Cherokee	88,786	59,212	175		
Cheyenne	176,480	117,697	148		
Clark	152,366	101,615	200		
Clay	141,190	94,161	300		
Cloud	180,240	120,204	700		
Coffey	39,117	26,088	100		
Comanche	150,462	100,345	124		
Cowley	147,924	98,652	480		
Crawford	48,959	32,651	190		
Decatur	148,597	99,101	126		
Dickinson	212,784	141,908	400		
Doniphan	21,050	14,038	100		
Douglas	43,783	29,199	160		
Edwards	222,940	148,681	250		
Elk	18,064	12,047	100		
Ellis	228,500	152,389	200		
Ellsworth	172,765	115,219	200		
Finney	283,457	189,041	235		
Ford	397,247	264,929	333		
Franklin	36,348	24,241	100		
Geary	42,088	28,058	200		
Gove	177,059	118,083	147		
Graham	177,514	118,386	250		
Grant	133,071	88,747	200		
Gray	306,000	204,075	260		
Greeley	211,246	140,882	177		
Greenwood	27,890	18,600	100		
Hamilton	213,298	142,251	178		
Harper	289,345	192,967	300		
Harvey	151,875	101,287	350		
Haskell	217,535	145,077	200		
Hodgeman	230,765	153,900	191		
Jackson	50,468	33,658	415		
Jefferson	47,330	31,565	154		
Jewell	174,339	116,269	300		
Johnson	34,947	23,307	300		
Kearny	154,921	103,319	150		
Kingman	253,880	169,315	300		
Kiowa	178,391	118,971	300		
Labette	84,046	56,051	150		
Lane	176,827	117,928	150		
Leavenworth	34,141	22,769	200		
Lincoln	174,086	116,100	150		
Linn	34,061	22,710	150		

Wheat Acreage Apportioned to Counties for 1960—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Logan	167,445	111,671	150		
Lyon	51,027	34,030	200		
McPherson	300,331	200,294	400		
Marion	179,545	119,741	300		
Marshall	114,526	76,379	550		
Meade	241,949	161,359	250		
Miami	38,388	25,601	125		
Mitchell	257,763	171,905	500		
Montgomery	62,902	41,950	102		
Morris	63,386	42,273	250		
Morton	128,063	85,407	150		
Nemaha	47,204	31,481	400		
Neosho	61,130	40,768	200		
Ness	296,040	197,432	250		
Norton	128,063	85,407	175		
Osage	37,556	25,047	150		
Osborne	211,684	141,174	200		
Ottawa	175,334	116,932	250		
Pawnee	305,495	203,738	400		
Phillips	142,827	95,253	175		
Pottawatomie	56,475	37,664	400		
Pratt	258,393	172,325	215		
Rawlins	185,155	123,482	211		
Reno	418,359	279,008	500		
Republic	135,489	90,359	500		
Rice	243,650	162,493	350		
Riley	48,481	32,335	150		
Rooks	209,674	139,834	200		
Rush	273,525	182,417	250		
Russell	223,787	149,246	185		
Saline	190,730	127,200	300		
Scott	178,344	118,940	180		
Sedgwick	282,724	188,552	400		
Seward	152,987	102,029	130		
Shawnee	52,275	34,853	172		
Sheridan	179,487	119,702	152		
Sherman	227,557	151,760	200		
Smith	151,341	100,934	200		
Stafford	250,450	167,028	450		
Stanton	189,891	126,640	160		
Stevens	152,083	101,426	127		
Sumner	437,642	291,868	600		
Thomas	286,422	191,018	243		
Trego	193,362	128,915	175		
Wabaunsee	40,287	26,868	125		
Wallace	126,691	84,492	150		
Washington	127,595	85,095	300		
Wichita	170,282	113,563	286		
Wilson	63,909	42,622	100		
Woodson	21,483	14,327	100		
Wyandotte	4,196	2,798	50		
New farm reserve		10,635			
Reserve appeals and corrections		10,635			
Total	15,916,660	10,636,275	24,582		

KENTUCKY

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adair	2,044	1,360	30		
Allen	3,071	2,043	20		
Anderson	577	384	10		
Ballard	1,873	1,246	20		
Barren	2,708	1,801	10		
Bath	2,025	1,347	20		
Boone	1,544	1,027	30		
Bourbon	7,505	4,992	75		
Boyd	34	23			
Boyle	3,483	2,317	5		
Bracken	1,773	1,179	5		
Breckenridge	7,482	4,977	40		
Bullitt	2,159	1,436	25		
Butler	1,173	780	2		
Caldwell	2,716	1,807	25		
Calloway	6,761	4,497	20		
Campbell	887	590	10		
Carlisle	1,016	676	10		
Carroll	394	263	15		
Carter	126	84	5		
Casey	916	609	10		
Christian	26,042	17,322	25		
Clark	1,174	781	78		
Clinton	1,373	913	40		
Crittenden	1,921	1,278	5		
Cumberland	205	136	5		
Daviess	8,324	5,537	30		
Edmonson	712	474	5		
Fayette	2,987	1,987	30		
Fleming	2,120	1,410	10		
Franklin	817	543	10		
Fulton	4,046	2,691	10		
Gallatin	359	239	2		
Garrard	1,704	1,133	15		
Grant	420	279	15		
Graves	6,440	4,284	5		
Grayson	4,805	3,196	10		
Green	1,947	1,295	25		
Greenup	98	65	14		
Hancock	1,931	1,284	5		
Hardin	5,579	3,711	25		
Harrison	3,658	2,433	10		
Hart	490	326	15		
Henderson	6,024	4,007	20		
Henry	1,974	1,313	5		
Hickman	5,747	3,823	25		
Hopkins	6,233	4,146	15		
Jackson	140	93			
Jefferson	3,287	2,186	20		
Jessamine	1,676	1,115	20		
Kenton	240	160	3		
Knox	62	41			
Larue	2,402	1,598	5		
Laurel	72	48	21		
Lee	12	8			
Lewis	863	574	10		
Lincoln	2,901	1,930	20		
Livingston	1,056	702	5		
Logan	22,481	14,954	150		
Lyon	1,543	1,026	5		
McCracken	1,114	741	12		
McLean	3,480	2,315	25		
Madison	947	630	20		
Marion	2,268	1,509	10		
Marshall	2,056	1,368	10		
Mason	6,084	4,047	10		
Meade	5,520	3,672	20		
Mercer	3,073	2,044	15		
Metcalfe	650	432	8		
Monroe	2,112	1,405	10		
Montgomery	1,403	933	10		
Morgan	65	43			
Muhlenberg	4,462	2,968	25		
Nelson	5,668	3,770	20		
Nicholas	1,849	1,230	10		
Ohio	1,847	1,229	10		
Oldham	2,759	1,835	20		
Owen	396	263	10		
Pendleton	1,478	983	20		
Powell	70	47			
Pulaski	2,003	1,332	26		
Robertson	649	432	7		
Rockcastle	162	108	6		
Rowan	195	130	5		
Russell	751	500	20		
Scott	3,505	2,331	20		

Wheat Acreage Apportioned to Counties for 1960—Continued

KENTUCKY—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Acreage apportioned
Shelby	5,357	3,603	26		
Simpson	10,130	10,729	25		
Spencer	1,479	981	20		
Taylor	6,183	3,448	80		
Todd	14,821	9,838	100		
Trigg	8,599	5,660	20		
Trimble	1,895	1,320	20		
Union	11,282	7,304	20		
Warren	5,161	3,433	20		
Washington	2,682	1,751	20		
Wayne	1,672	1,112	20		
Webster	7,307	4,900	50		
Whitley	1	1			
Wolfe	6	3			
Woodford	3,695	2,458			
Lesserve new farms	7	200			
Reserve appeals and corrections		498			
Total	323,978	216,498	1,986		

MARYLAND

Allegany	1,610	1,126	15		
Anne Arundel	2,536	1,742	20		
Baltimore	9,122	6,504	100		
Calvert	1,492	1,025	30		
Caroline	17,390	11,944	150		
Carroll	26,162	17,969	80		
Cecil	12,594	8,650	150		
Charles	6,036	4,146	25		
Dorchester	31,642	21,733	200		
Frederick	15,783	10,840	100		
Garrett	2,530	1,738	25		
Harford	5,904	4,056	50		
Howard	7,816	5,368	150		
Kent	18,156	12,470	150		
Montgomery	4,356	2,971	10		
Prince Georges	25,703	17,654	200		
Queen Annes	7,864	5,401	30		
St. Marys	912	626	25		
Somerset	23,245	15,965	80		
Talbot	28,022	15,846	150		
Washington	781	538	25		
Wicomico	2,015	1,384	50		
Worcester	200				
Reserve new farms	100				
Reserve appeals and corrections					
Total	260,006	179,179	1,865		

MICHIGAN

Alcona	2,936	1,960	60		
Alger	14	9	4		
Allegan	33,256	22,200	300		
Alpena	7,208	4,812	100		
Antrim	6,482	4,327	125		
Arenac	11	7	2		
Baraga	29,994	20,023	350		
Barry	27,959	18,664	150		
Bertie	314	210	10		
Berrien	18,934	12,639	200		
Branch	33,308	22,208	250		
Calhoun	43,017	28,710	300		
Cass	28,405	18,984	200		

Wheat Acreage Apportioned to Counties for 1960—Continued

MINNESOTA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Acreage apportioned
Aitkin	360	240	13		
Anoka	209	140	5		
Becker	23,239	15,520	75		
Beltrami	1,858	1,241	20		
Benton	352	235	10		
Big Stone	16,798	11,218	60		
Blue Earth	5,960	3,974	30		
Brown	1,365	912	5		
Carlton	1	1			
Carver	65	44	5		
Chippewa	1,881	1,257	30		
Chisago	175	117	5		
Clay	108,988	72,783	100		
Clearwater	5,004	3,402	20		
Cottonwood	1,120	748	10		
Crow Wing	92	61	2		
Dakota	7,207	5,013	20		
Dodge	384	256	5		
Douglas	8,345	5,705	30		
Faribault	1,629	1,021	10		
Fillmore	439	293	5		
Freeborn	787	526	5		
Goodhue	6,019	4,040	50		
Grant	10,550	7,016	50		
Hennepin	396	264	10		
Houston	362	242	5		
Hubbard	682	455	15		
Isanti	1,383	924	10		
Itasca	215	144	5		
Jackson	336	224	10		
Kanabec	94	63	5		
Kandiyohi	1,740	1,162	25		
Kittson	132,014	88,163	200		
Koochiching	1,682	1,123	15		
Lac qui Parle	8,361	5,577	60		
Lake of the Woods	6,161	4,115	25		
Le Sueur	6,604	4,418	25		
Lincoln	2,902	1,937	15		
Lyon	2,245	1,499	15		
McLeod	4,242	2,833	25		
Marshall	145,073	96,884	200		
Martin	157	105	5		
Meeker	3,164	2,113	20		
Mille Lacs	397	265	5		
Morrison	1,278	853	15		
Mower	088	400	5		
Murray	360	174	5		
Nicollet	2,414	1,890	20		
Nobles	101	67	5		
Norman	68,800	45,947	100		
Olmsted	1,303	870	10		
Otter Tail	39,577	26,431	275		
Pennington	13,919	9,296	40		
Pine	134	89	5		
Pipestone	96	61	5		
Polk	192,202	128,358	520		
Pope	5,844	3,903	90		
Ramsey	26	17	2		
Red Lake	12,924	8,644	40		
Redwood	3,026	2,021	40		
Renville	6,500	4,341	80		
Rice	2,807	1,935	15		
Rock	66	44			
Roseau	37,452	26,012	75		
St. Louis	236	218	10		
Scott	2,605	1,740	15		
Sherburne	5,830	3,907	40		
Sibley	1,166	779	5		
Stevens	3,266	2,368	50		
Steele	659	373	5		
Stevens	11,876	7,931	50		

Wheat Acreage Apportioned to Counties for 1960—Continued

MINNESOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Acreage apportioned
Swift	4,708	3,304	40		
Todd	1,210	808	30		
Traverse	28,911	19,308	125		
Wabasha	1,482	990	25		
Wadena	365	244	10		
Waseca	2,642	1,764	15		
Washington	1,049	701	15		
Watonwan	321	214	5		
Wilkin	73,198	49,081	75		
Winona	865	578	10		
Wright	2,803	1,912	20		
Yellow Medicine	5,307	3,678	30		
Reserve new farms		800			
Reserve appeals and corrections		200			
Total	1,077,151	720,336	3,244		

MISSISSIPPI

Adams	30	20			
Alcorn	67	44			
Attala	28	18			
Benton	62	41			
Bolivar	8,448	5,549	50	1,990	1,312
Calhoun	6	4		2	1
Carroll	263	174		100	66
Chickasaw	63	42			
Choctaw	37	24		15	10
Clarke	1	1	1		
Clay	210	133		80	53
Coahoma	6,024	4,004		2,309	1,522
Copiah	30	20		11	7
Covington	14	9		6	4
De Soto	3,921	2,618	40	1,309	996
Forrest	30	19		11	7
Franklin	3	2			
Greene	64	42		24	16
Grenada	128	81		60	33
Hinds	134	88		12	8
Holmes	2,087	1,376	15	795	521
Humphreys	1,040	686		396	261
Issaquena	60	40		23	15
Itawamba	60	38		23	15
Jackson	16	10		6	4
Jefferson	21	14		8	5
Jefferson Davis	10	7		3	2
Jones	35	23			
Kemper	1	1	1		
Lafayette	21	14		8	5
Lamar	1	1			
Lauderdale	6	4		3	2
Lawrence	114	76		42	28
Lee	1,185	781	10	452	298
Leflore	938	621		366	241
Lowndes	89	59		33	22
Madison	163	107		64	42
Marshall	116	76		44	29
Monroe	30	20		11	7
Montgomery	8	5		3	2
Neshoba	156	103		58	38
Noxubee	39	26		17	11
Oktibbeha	877	578		335	221
Panola	4	3			
Perry	447	295	20	149	98
Pontotoc	4	3			
Prentiss	2,830	1,859		828	529
Quitman	2,092	1,379		796	625
Simpson	9	6		3	2
Sunflower	2,615	1,724	20	457	301
Tallahatchie	3,496	2,305	20	1,330	877
Tate	298	196		114	75

Wheat Acreage Apportioned to Counties for 1960—Continued

MICHIGAN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Acreage apportioned
Charlevoix	1,797	1,200	40		
Cheboygan	1,329	887	20		
Chippewa	725	484	28		
Clinton	3,601	2,404	20		
Crawford	45,280	32,230	250		
Delta	8	5			
Dickinson	196	131	6		
Eaton	6	4			
Emmet	45,963	30,683	240		
Genesee	1,068	713	30		
Gladwin	36,367	24,281	230		
Grand Traverse	4,960	3,305	30		
Gratiot	2,683	1,791	20		
Hillsdale	42,560	28,411	400		
Houghton	35,065	23,408	225		
Huron	52	35	4		
Ingham	73,716	49,210	250		
Ionia	36,751	23,866	300		
Iosco	41,533	20,728	260		
Isabella	26,003	17,358	300		
Jackson	28,899	19,292	250		
Kalamazoo	34,864	23,274	100		
Kalkaska	427	285	10		
Kent	26,433	17,645	300		
Lake	849	571	10		
Lapeer	32,270	21,542	150		
Lenawee	1,351	835	30		
Livingston	60,874	40,637	200		
Luce	29,786	19,857	200		
Mackinac	130	87	4		
Macomb	20,522	13,700	100		
Manistee	1,130	754	25		
Marquette	7,303	4,875	80		
Mason	8,560	5,714	125		
Mecosta	379	253	32		
Menominee	11,943	7,979	125		
Midland	2,667	1,780	15		
Missaukee	47,562	31,751	300		
Monroe	27,488	18,360	150		
Montcalm	1,224	1,151	30		
Montmorency	6,387	4,197	60		
Muskegon	7,597	5,071	20		
Newaygo	17,212	11,490	200		
Oakland	5,035	3,361	30		
Oceana	2,744	1,825	75		
Ogemaw	93	62	5		
Ontonagon	5,008	3,343	30		
Osceola	123	115	1		
Oscoda	435	290	10		
Otsego	23,561	15,728	100		
Ottawa	4,806	3,208	50		
Presque Isle	94	63	2		
Roscommon	61,740	41,215	475		
Saginaw	41,430	27,657	200		
St. Clair	33,005	22,033	300		
Sanilac	73,644	49,161	250		
Schoolcraft	62		2		
Shiawassee	48,146	32,140	125		
Tuscola	68,860	48,288	225		
Van Buren	39,391	26,296	300		
Washtenaw	11,424	7,627	300		
Wayne	1,120	762	25		
Wexford		720			
Reserve new farms		240			
Reserve appeals and corrections					
Total	1,445,024	965,684	10,184		

Wheat Acreage Apportioned to Counties for 1960—Continued

MONTANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equivalent base acreage	Apportionment from the national reserve
Broadwater	37,036	25,570		25	
Carbon	43,046	29,720	90		
Cascade	182,678	126,124	600		
Carter	38,826	26,806	100		
Chouteau	499,049	344,553	700		
Custer	30,398	20,987	100		
Daniels	279,330	192,855	370		
Dawson	184,926	127,676	300		
Deer Lodge	129,062	89,100	100		
Fergus	222,203	153,454	320		
Flathead	37,872	26,148	10		
Gallatin	92,064	61,253	125		
Garfield	60,704	41,911	100		
Glacier	72,335	49,955	200		
Golden Valley	26,552	18,332	40		
Granite	1,796	1,240	5		
Hill	436,849	301,616	200		
Jefferson	13,281	9,172	25		
Judith Basin	114,820	79,290	190		
Lewis and Clark	21,808	15,057	40		
Liberty	220,944	152,588	200		
Lincoln	1,210	835	25		
McCone	235,435	162,549	200		
Madison	16,268	11,232	25		
Meagher	5,623	3,903	25		
Mineral	1,310	904	5		
Missoula	12,144	8,384	15		
Musselshell	24,866	16,781	35		
Petroleum	9,229	6,717	25		
Phillips	127,772	88,216	275		
Pondera	215,082	148,497	120		
Powder River	42,045	29,029	100		
Powell	7,258	5,011	15		
Prairie	51,971	35,895	100		
Ravalli	10,382	7,133	60		
Richland	207,856	143,501	250		
Roosevelt	302,520	208,791	290		
Rosebud	35,065	24,210	20		
Sanders	9,987	6,895	35		
Sheridan	304,680	210,357	100		
Silver Bow	113	78			
Stillwater	86,316	59,591	150		
Sweet Grass	16,480	11,378	25		
Teton	230,975	159,470	300		
Toole	212,486	146,704	200		
Treasure	323,139	223,101	100		
Valley	8,289	5,720	30		
Wheatland	13,901	9,598	40		
Wibaux	76,362	52,722	200		
Yellowstone	118,686	81,943	75		
Reserve new farms		1,500			
Reserve appeals and corrections		1,202			
Total	5,803,282	4,009,398	6,961		

NEBRASKA

Adams	132,069	90,229	150		
Antelope	8,806	6,016	40		
Arthur	18	12	1		
Banner	78,158	53,397	50		
Blaine	6	4			
Boone	15,202	10,386	60		
Box Butte	139,386	95,236	300		
Boyd	1,973	1,348	14		
Brown	3,167	2,164	11		
Buffalo	63,853	43,624	200		
Butt	12,612	8,616	45		

Wheat Acreage Apportioned to Counties for 1960—Continued

NEBRASKA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equivalent base acreage	Apportionment from the national reserve
Butler	68,904	47,116		100	
Cass	39,878	27,244		150	
Cedar	457	312		3	
Chase	107,484	73,433		125	
Cherry	1,884	1,287		6	
Cheyenne	232,281	158,693		200	
Clay	125,806	85,950		200	
Colfax	27,248	18,821		75	
Cumbing	2,818	1,884		25	
Custer	71,868	49,100		250	
Dakota	340	232		2	
Dawes	64,859	44,311		200	
Dawson	28,572	19,520		100	
Deuel	93,580	65,300		125	
Dixon	156	107		5	
Dodge	37,199	25,414		125	
Douglas	3,992	2,727		20	
Dundy	31,826	21,750		75	
Fillmore	124,593	85,121		300	
Franklin	65,554	44,796		200	
Frontier	80,348	54,893		100	
Furnas	90,083	61,510		100	
Gage	119,393	81,569		300	
Garden	60,374	41,247		75	
Garfield	276	189		1	
Gosper	45,530	31,106		75	
Greeley	14,770	10,091		100	
Hall	48,242	32,959		100	
Hamilton	88,082	60,177		150	
Harlan	78,804	53,907		100	
Hayes	62,138	42,462		125	
Hitchcock	101,897	69,616		200	
Holt	9,577	6,543		20	
Hooker	7	5			
Howard	37,314	25,493		130	
Jefferson	82,552	56,415		100	
Johnson	35,756	24,429		125	
Kearney	102,802	68,808		100	
Keith	1,627	1,112		6	
Keya Paha	190,584	130,206		180	
Kimball	4,645	3,105		5	
Knox	103,927	71,002		250	
Lancaster	81,656	55,719		280	
Lincoln	10,130	6,921		5	
Logan	180	123		1	
Loup	130	82		1	
McPherson	7,628	5,208		25	
Madison	34,864	23,819		100	
Merrick	51,966	35,503		150	
Morrill	31,174	21,298		107	
Nance	35,880	24,513		125	
Nemaha	73,763	50,395		200	
Nuckolls	50,664	38,644		175	
Otoe	23,383	15,736		80	
Pawnee	40,240	26,851		80	
Perkins	195,070	133,271		200	
Phelps	81,406	55,616		75	
Pierce	2,140	1,462		8	
Platte	30,412	20,777		125	
Polk	51,808	35,396		128	
Redwillow	94,606	64,634		200	
Richardson	39,419	26,931		75	
Rock	48	33		1	
Saline	112,180	76,641		240	
Sarpy	6,257	4,275		40	
Saunders	48,794	33,336		125	
Scotts Bluff	24,191	16,527		45	
Seward	84,020	57,402		200	
Sheridan	81,610	55,687		75	
Sherman	23,028	15,767		80	
Sioux	12,229	8,355		30	
Stanton	2,158	1,474		10	
Thayer	109,289	74,666		150	

Wheat Acreage Apportioned to Counties for 1960—Continued

MISSOURI

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equivalent base acreage	Apportionment from the national reserve
Adair	8,894	5,935	40		
Andrew	13,864	9,251	35		
Atchison	17,090	11,404	50		
Audrain	27,502	18,351	60		
Barry	10,652	7,108	30		
Barton	55,359	36,940	115		
Bates	45,119	29,772	80		
Benton	14,010	9,348	25		
Bollinger	9,706	6,537	25		
Boone	30,332	13,567	75		
Buchanan	29,136	19,435	75		
Butler	14,610	9,749	25	12	8
Caldwell	17,452	11,645	60		
Callaway	21,372	14,261	50		
Camden	1,838	1,226	30		
Cape Girardeau	29,965	13,983	25		
Carroll	54,952	36,690	50		
Carter	948	632	12		
Cass	25,529	17,035	45		
Cedar	17,956	11,962	12		
Chariton	36,648	24,464	75		
Christian	8,131	5,426	15		
Clark	15,005	10,012	65		
Clay	15,062	10,050	25		
Clinton	13,401	8,942	50		
Cole	14,860	9,916	35		
Cooper	27,052	18,061	40		
Crawford	2,575	2,385	10		
Dade	6,685	4,461	20		
Dallas	20,311	17,557	100		
De Kalb	16,170	10,790	50		
Dent	3,354	2,238	10		
Douglas	3,499	2,335	15		
Dunklin	18,734	9,164	25		
Franklin	28,607	18,989	200		
Gasconade	17,570	11,724	75		
Gentry	16,306	10,881	60		
Greene	16,651	11,111	60		
Grundy	8,441	5,632	40		
Harrison	17,220	11,490	50		
Henry	30,295	20,215	60		
Hickory	6,677	4,455	20		
Holt	24,511	16,356	50		
Howard	21,219	14,159	70		
Howell	4,334	2,892	15		
Iron	944	630	12		
Jackson	30,786	13,870	60		
Jasper	56,761	37,875	125		
Jefferson	24,671	16,462	60		
Johnson	13,891	9,269	25		
Knox	7,809	5,271	5		
Laclede	37,372	24,937	85		
Lafayette					

Wheat Acreage Apportioned to Counties for 1960—Continued

MISSOURI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Equivalent base acreage	Apportionment from the national reserve
Lawrence	29,234	19,507		40	
Lewis	25,524	17,031		30	
Lincoln	30,060	20,038		25	
Linn	12,427	8,292		40	
Livingston	20,049	13,383		75	
McDonald	5,024	3,352		15	
Macon	15,033	10,031		40	
Madison	8,767	5,850		10	
Maries	24,806	16,612		25	
Marion	6,305	4,207		60	
Miller	10,406	6,944		15	
Mississippi	19,949	13,311		10	
Moniteau	16,399	10,943		35	
Monroe	26,145	17,446		60	
Montgomery	24,029	16,034		60	
Morgan	11,605	7,744		25	
New Madrid	26,384	17,605		20	
Newton	26,590	17,743		10	
Nodaway	16,998	11,342		25	
Oregon	2,642	1,763		15	
Osage	15,717	10,488		40	
Ozark	1,881	1,255		10	
Pemiscot	5,080	3,390		20	
Perry	23,100	15,414		50	
Pettis	30,334	20,241		60	
Phelps	5,669	3,779		10	
Pike	24,525	16,361		100	
Platte	38,030	25,377		50	
Polk	18,524	12,361		10	
Pulaski	1,936	1,305		10	
Putnam	2,113	1,410		10	
Ralls	19,567	13,057		50	
Randolph	15,758	10,515		50	
Ray	32,812	21,895		75	
Reynolds	1,205	804		10	
Ripley	3,628	2,421		10	
St. Charles	24,888	16,273		40	
St. Clair	3,993	2,664		20	
St. Francois	20,017	17,360		75	
St. Louis	7,525	5,021		50	
Ste. Genevieve	44,936	29,985		150	
Saline	2,352	1,569		10	
Schuyler	7,934	5,294		25	
Scotland	29,427	19,636		15	
Scott	1,401	935		15	
Shannon	23,383	15,736		80	
Shelby	40,240	26,851		30	
Stoddard	2,229	1,487		15	
Stone	5,421	3,617		40	
Sullivan	234	156		25	
Taney	10,451	6,974		10	
Texas	46,432	30,983		10	
Vernon	21,270	14,193		60	
Washington	2,337	1,559		15	
Wayne	2,605	1,738		20	
Webster	9,252	6,174		10	
Worth	6,964	3,563		10	
Wright	5,323				
Reserve new farms		960			
Reserve appeals and corrections		1,000			
Total	1,999,174	1,335,944	4,476	12	8

MONTANA

Beaverhead	13,332	9,198		60	
Big Horn	97,124	67,036		100	
Blaine	116,003	80,091		100	

Wheat Acreage Apportioned to Counties for 1960—Continued

NEBRASKA—Continued

Counties	County Wheat Base acreage	Average apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Average apportioned
Thomas	4	3			
Thurston	611	417	10		
Valley	23,806	10,244	70		
Washington	12,818	8,778	75		
Wayne	65,744	44,916	160		
Webster	109	74	1		
Wheeler	78,389	53,411	200		
York		2,000			
Reserve new farms		1,003			
Reserve appeals and corrections					
Total	4,633,050	3,181,945	9,044		

NEW JERSEY

Atlantic	13	9			
Bergen	1		30		
Burlington	4,850	3,343			
Camden	637	439	10		
Cape May	77	53	5		
Cumberland	1,396	962	25		
Gloucester	962	663	30		
Hunterdon	13,018	8,994	25		
Mercer	13,555	9,343	10		
Middlesex	9,616	6,628	40		
Monmouth	15,091	10,404	100		
Morris	1,014	699	10		
Ocean	384	230	5		
Passaic	4	3			
Salem	4,122	2,841	50		
Somerset	6,667	4,596	250		
Sussex	362	250	5		
Union	36	25	7		
Warren	4,168	2,873	15		
Reserve new farms		90			
Reserve appeals and corrections		10			
Total	75,986	52,466	407		

NEW MEXICO

Bernalillo	1,985	1,398	5		
Catron	327	230			
Chaves	681	480	2		
Colfax	12,249	8,627	50		
Curry	285,441	201,048	300	5	
De Baca	456	320			
Eddy	185	130			
Grant	103	73			
Guadalupe	37,691	26,547	25		
Harding	16	11			
Hidalgo	1,165	821	3		
Lea	374	263	1		
Lincoln	2,600	1,831	5		
McKinley	119	84			
Mora	176,982	124,656	100		
Otero	11,393	8,025	5		
Quay	81,804	57,660	75		
Rio Arriba	1,731	1,219	5		
Roosevelt	1,306	920	10		
Sandoval	2,130	1,514	6		
San Juan	5,285	3,687	10		
San Miguel	74	52			
Santa Fe	5,440	3,860	5		
Sierra	2,746	1,934	5		
Socorro	27,176	19,141	50		
Torrance					

Wheat Acreage Apportioned to Counties for 1960—Continued

NORTH CAROLINA

Counties	County Wheat Base acreage	Average apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Average apportioned
Alamance	10,588	7,066	60		
Alexander	5,303	3,579	20		
Alleghany	280	187	10		
Anson	9,365	6,260	20		
Ashe	26	17	1		
Avery	58	39	4		
Beaufort	788	526	1		
Bertie	56	37	2		
Bladen	1,976	1,319	6		
Brunswick	391	261	1		
Buncombe	571	381	5		
Burke	3,600	2,402	15		
Cabarrus	11,957	7,979	25		
Caldwell	2,373	1,584	12		
Camden	232	155	10		
Carteret	234	160	30		
Caswell	8,229	5,492			
Catawba	19,133	12,768	30		
Chatham	7,458	4,977	30		
Cherokee	87	58			
Chowan	99	66	5		
Clay	46	31			
Cleveland	17,836	11,903	100		
Columbus	1,395	931	10		
Craven	853	570	5		
Cumberland	8,709	5,812	45		
Currituck	224	149	3		
Davidson	13,407	8,947	25		
Davie	5,901	3,938	20		
Duplin	2,151	1,435	30		
Durham	2,003	1,337	20		
Edgecombe	1,580	1,054	5		
Forsyth	6,987	4,663	10		
Franklin	5,200	3,470	20		
Gaston	9,993	6,671	20		
Gates	373	249	5		
Graham	3,628	2,421	15		
Granville	669	447	5		
Greene	13,404	8,945	100		
Halifax	2,730	1,822	15		
Harnett	7,323	4,887	5		
Haywood	83	55			
Henderson	290	194			
Hertford	184	123	5		
Hoke	4,040	2,696	10		
Hyde	165	110	2		
Iredell	22,807	15,280	80		
Jackson	28	19	2		
Johnston	6,630	4,424	20		
Jones	312	208	3		
Lee	3,014	2,011	10		
Lenoir	1,889	1,227	2		
Lincoln	15,574	10,393	25		
McDowell	1,086	731	8		
Macon	103	69	3		
Madison	331	221	1		
Martin	181	121	4		
Mecklenburg	9,072	6,051	35		
Mitchell	1	1			
Montgomery	3,895	2,599	10		
Moore	6,026	4,021	12		
Nash	4,550	3,036	10		
New Hanover	93	62	2		
Northampton	1,977	919	5		
Onslow	284	190	2		
Orange	4,854	3,241	25		
Pamlico	528	352			
Pasquotank	783	523	10		
Pender	1,022	682			
Perquimans	393	262	10		
Person	6,244	4,167	20		
Pitt	1,020	681	6		

Wheat Acreage Apportioned to Counties for 1960—Continued

NORTH CAROLINA—Continued

Counties	County Wheat Base acreage	Average apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Average apportioned
Polk	1,161	775	15		
Randolph	14,504	9,739	35		
Richmond	5,309	3,670	25		
Robeson	7,664	5,115	40		
Rockingham	9,479	6,326	25		
Rowan	22,681	15,130	25		
Rutherford	7,509	5,011	25		
Sampson	2,042	1,363	10		
Scotland	22,184	14,804	10		
Stanly	3,294	2,138	15		
Stokes	3,099	2,068	50		
Surry	2	1			
Swain	40	27			
Transylvania	369	246	4		
Tyrrell	18,620	12,420	20		
Union	7,641	2,762	12		
Vance	7,972	5,320	50		
Wake	6,126	3,421	15		
Warren	418	279	15		
Washington	123	82	6		
Watauga	3,873	2,585	10		
Wayne	3,904	2,605	60		
Wilkes	2,963	1,971	2		
Wilson	8,002	5,340	75		
Yadkin	6	4	2		
Yancy					
Reserve new farms		200			
Reserve appeals and corrections					
Total	442,769	295,529	1,750		

NORTH DAKOTA

Adams	218,470	145,853	365		
Barnes	267,905	178,916	600		
Billings	54,421	36,390	100		
Bottineau	371,301	247,884	1,000		
Bowman	181,716	121,315	300		
Burke	204,611	136,600	350		
Burleigh	147,401	98,406	400		
Cass	288,285	192,529	920		
Cavalier	311,549	207,938	1,000		
Dickey	244,114	176,325	800		
Divide	191,162	127,622	400		
Eddy	86,093	57,477	244		
Emmons	201,471	134,504	700		
Foster	102,545	68,460	350		
Golden Valley	111,793	74,634	100		
Grand Forks	257,670	172,028	420		
Grant	202,769	135,371	300		
Griggs	100,311	66,909	330		
Hettinger	292,588	195,335	428		
Kidder	118,192	78,906	300		
La Moure	235,244	131,362	200		
Logan	149,014	99,483	650		
McHenry	293,589	189,327	900		
McIntosh	172,221	114,977	600		
McKenzie	230,726	154,035	760		
McLean	400,901	267,646	1,026		
Mercer	145,134	96,803	400		
Morton	318,660	212,241	1,000		
Mountrail	235,244	151,048	260		
Nelson	172,980	115,450	450		
Pembina	85,201	57,081	250		
Pierce	252,020	168,251	600		
Ramsey	219,916	146,818	700		
Ransom	286,722	191,482	960		

Wheat Acreage Apportioned to Counties for 1960—Continued

NEW MEXICO—Continued

Counties	County Wheat Base acreage	Average apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Average apportioned
Quay	1,985	1,398	5		
Rio Arriba	327	230			
Roosevelt	681	480	2		
Sandoval	12,249	8,627	50		
San Juan	285,441	201,048	300	5	
San Miguel	456	320			
Santa Fe	185	130			
Sierra	103	73			
Socorro	37,691	26,547	25		
Taos	16	11			
Torrance	1,165	821	3		
Union	374	263	1		
Valencia	2,600	1,831	5		
Reserve new farms	119	84			
Reserve appeals and corrections	176,982	124,656	100		
Total	11,393	8,025	5		
	81,804	57,660	75		
	1,731	1,219	5		
	1,306	920	10		
	2,130	1,514	6		
	5,285	3,687	10		
	74	52			
	5,440	3,860	5		
	2,746	1,934	5		
	27,176	19,141	50		
Torrance					

Wheat Acreage Apportioned to Counties for 1960—Continued

NEW YORK

Counties	County Wheat Base acreage	Average apportioned to counties from State allotments	County reserve for appeals and corrections	Equitable base acreage	Apportionment from the national reserve Average apportioned
Albany	2,848	1,901	40		
Allegany	6,016	4,016	110	5	
Broome	348	232			
Cattaraugus	2,201	1,469	75		
Cayuga	31,658	21,132	400		
Chautauqua	4,725	3,154	60		
Chemung	3,660	2,376	50		
Chenango	1,206	805	20		
Clinton	29	20			
Columbia	3,009	2,009	20		
Cortland	1,084	724	20		
Delaware	1,140	761	12		
Dutchess	18,026	12,032	125		
Erie	615	411	10		
Essex	6	3			
Franklin	269	180	10		
Fulton	33,662	22,469	165		
Genesee	2,066	1,379	15		
Greene	1,492	999	30		
Jefferson	112	75	2		
Herkimer	3,867	2,581	30		
Lewis	43,083	28,738	600		
Livingston	4,228	2,822	40		
Madison	42,688	28,494	400		
Monroe	3,030	2,023	30		
Montgomery	463	309	1		
Nassau	30,489	20,351	210		
Niagara	3,333	2,238	40		
Oneida	15,289	10,172	100		
Onondaga	42,502	28,370	500		
Ontario	455	294	5		
Orange	25,556	17,059	325		
Orleans	3,681	2,457	15		
Oswego	1,051	702	15		
Otsego	6	4			
Putnam	2,396	1,599	50		
Rensselaer	24	16	1		
Rockland	277	185	15		
Saratoga	1,583	1,057	40		
Schenectady	533	369	15		
Schoharie	8,522	5,688	50		
Schuyler	2,854	1,905	20		
Seneca	25,921	17,302	200		
Steuben	30,485	13,674	100		
Suffolk	2,665	1,779	25		
Sullivan	60	40	2		
Tioga	2,805	1,872	25		
Tompkins	10,947	7,307	100		
Ulster	2,001	1,336	5		
Warren	9	6			
Washington	1,037	692	30		
Wayne	25,371	16,935	150		
Westchester	18,167	12,126	300		
Wyoming	29	33	1		
Yates	20,073	13,399	300		
Reserve new farms		150			
Reserve appeals and corrections		308			
Total	479,754	320,508	4,792		

Wheat Acreage Apportioned to Counties for 1960—Continued

NORTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Ransom	97,516	65,103	240		
Renville	186,128	124,261	350		
Richland	123,949	82,750	300		
Rolette	151,652	101,244	700		
Sargent	105,538	70,458	300		
Sheridan	163,203	108,956	400		
Sioux	64,494	43,057	200		
Slope	148,110	98,880	350		
Stark	236,195	157,686	400		
Steele	116,754	77,946	380		
Stutsman	365,819	244,091	800		
Towner	265,294	177,093	875		
Traill	148,926	99,425	275		
Walsh	274,047	182,957	600		
Ward	383,085	255,752	1,000		
Wells	254,101	169,640	844		
Williams	394,687	263,497	700		
Reserve new farms		5,000			
Reserve appeals and corrections		2,001			
Total	10,979,686	7,337,153	28,673		

OHIO

Adams	18,221	12,167	75		
Allen	32,361	21,608	200		
Ashland	29,010	19,371	150		
Ashtabula	18,754	12,522	100		
Athens	2,252	1,504	40		
Auglaize	31,968	21,346	200		
Belmont	5,742	3,834	40		
Brown	23,426	15,642	50		
Butler	27,248	18,194	200		
Carroll	10,617	7,089	30		
Champaign	34,237	22,861	200		
Clark	32,560	21,741	150		
Clermont	13,340	8,907	100		
Clinton	45,366	30,292	150		
Columbiana	19,322	12,902	100		
Coshocton	18,191	12,147	200		
Crawford	35,350	23,604	205		
Cuyahoga	1,700	1,135	40		
Darke	47,347	31,615	250		
Defiance	38,194	25,503	300		
Delaware	26,786	17,886	200		
Erie	21,166	14,133	75		
Fairfield	46,981	31,370	180		
Fayette	49,773	33,235	150		
Franklin	35,929	23,991	200		
Fulton	36,631	24,459	200		
Gallia	3,045	2,033	75		
Geauga	7,279	4,860	25		
Greene	40,627	27,128	300		
Guernsey	6,876	4,591	100		
Hamilton	4,997	3,337	100		
Hancock	55,095	36,788	250		
Hardin	35,049	23,397	175		
Harrison	4,484	2,994	60		
Henry	46,855	31,286	300		
Highland	45,562	30,423	170		
Hocking	6,055	4,043	150		
Holmes	24,952	16,661	125		
Huron	40,603	27,112	180		
Jackson	3,820	2,551	25		
Jefferson	5,356	3,576	35		
Knox	36,255	23,541	200		
Lake	2,675	1,786	40		
Lawrence	887	592	10		
Licking	38,796	25,905	225		
Logan	27,430	18,316	125		
Lorain	21,540	14,383	150		

Wheat Acreage Apportioned to Counties for 1960—Continued

OHIO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Lucas	19,644	13,117	125		
Madison	46,608	31,121	150		
Mahoning	14,479	9,668	125		
Marion	29,443	19,660	240		
Medina	21,829	14,576	150		
Meigs	3,419	2,283	50		
Mercer	36,011	24,046	300		
Miami	40,131	26,796	200		
Monroe	3,120	2,083	60		
Montgomery	31,254	20,869	200		
Morgan	4,422	2,953	50		
Morrow	24,028	16,044	100		
Muskingum	15,031	10,037	75		
Noble	2,089	1,395	50		
Ottawa	24,589	16,419	300		
Paulding	39,314	26,251	150		
Perry	14,601	9,749	100		
Pickaway	63,817	42,612	150		
Pike	6,613	4,416	50		
Portage	17,516	11,696	60		
Preble	36,859	24,612	300		
Putnam	55,760	37,232	200		
Richland	31,570	21,080	200		
Ross	46,084	30,771	75		
Sandusky	41,175	27,493	300		
Scioto	5,970	3,986	50		
Seneca	58,997	39,394	300		
Shelby	31,989	21,360	300		
Stark	29,522	19,713	50		
Summit	7,464	4,984	160		
Trumbull	13,766	9,192	125		
Tuscarawas	18,618	12,432	200		
Union	29,711	19,839	200		
Van Wert	38,797	25,906	250		
Vinton	1,963	1,311	40		
Warren	26,989	18,021	175		
Washington	5,975	3,990	100		
Wayne	48,082	32,106	250		
Williams	36,212	24,180	150		
Wood	73,282	48,932	400		
Wyandot	41,011	27,384	200		
Reserve new farms		400			
Reserve appeals and corrections		800			
Total	2,298,055	1,535,670	13,315		

OKLAHOMA

Adair	1,084	733	5		
Alfalfa	323,647	218,985	200		
Atoka	201	136	3		
Beaver	389,885	263,803	135		
Beckham	66,162	44,766	18		
Blaine	231,716	156,783	50		
Bryan	5,714	3,866	8		
Caddo	134,496	91,002	50		
Canadian	203,166	137,466	75		
Carter	894	605	5		
Cherokee	1,851	1,252	5		
Choctaw	422	286	5	9	6
Cimarron	278,546	188,469	100		
Cleveland	13,400	9,067	20		
Coal	530	359	2		
Comanche	82,917	56,103	10		
Cotton	153,886	104,122	50		
Craig	26,284	17,784	10		
Creek	2,348	1,589	5		
Custer	238,634	161,464	30		
Delaware	10,501	7,105	10		
Dewey	163,870	110,877	100		
Ellis	173,758	117,568	150		

Wheat Acreage Apportioned to Counties for 1960—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Garfield	401,439	271,621	250		
Garvin	10,783	7,296	15		
Grady	71,059	48,080	40		
Grant	405,272	274,214	200		
Greer	95,917	64,899	50		
Harmon	87,254	59,038	30		
Harper	193,882	131,184	50		
Haskell	2,498	1,690	2		
Hughes	761	515	1		
Jackson	194,256	131,437	50		
Jefferson	10,921	7,389	10		
Johnston	756	512	3		
Kay	274,363	185,639	75		
Kingfisher	308,689	208,864	100		
Kiowa	273,125	184,801	75		
Latimer	15	10			
Le Flore	5,377	3,638	5	105	71
Lincoln	14,200	9,608	30		
Logan	104,316	70,582	20		
Love	918	621	5		
McClain	14,824	10,030	10		
McCurtain	38	26			
McIntosh	2,959	2,002	5		
Major	202,765	137,194	150		
Marshall	1,139	771	3		
Mayes	13,000	8,796	20		
Murray	2,991	2,024	5		
Muskogee	13,726	9,287	10		
Noble	161,274	109,121	100		
Nowata	15,658	10,594	5		
Okfuskee	2,235	1,512	5		
Oklahoma	34,204	23,143	15		
Okmulgee	1,543	1,044	5		
Osage	35,480	24,006	15		
Ottawa	32,969	22,307	35		
Pawnee	24,410	16,516	10		
Payne	28,393	19,211	20		
Pittsburg	1,830	1,238	7		
Pontotoc	1,054	713	3		
Pottawatomie	14,900	10,082	5		
Pushmataha	3	2			
Roger Mills	76,144	51,520	20		
Rogers	15,337	10,377	15		
Seminole	1,892	1,280	5		
Sequoyah	7,288	4,931	5		
Stephens	20,677	13,990	5		
Texas	581,776	393,640	300		
Tillman	240,527	162,745	50		
Tulsa	9,422	6,375	5		
Wagoner	17,411	11,781	10		
Washington	8,487	5,742	8		
Washita	235,631	159,432	30		
Woods	256,663	173,663	250		
Woodward	151,940	102,805	100		
Reserve new farms		500			
Reserve appeals and corrections		1,002			
Total	7,188,303	4,865,230	3,286	114	77

OREGON

Baker	23,213	15,475	150		
Benton	7,967	5,311	35		
Clackamas	10,878	7,252	30		
Clatsop	3	2			
Columbia	328	219	5		
Crook	5,685	3,790	30		
Deschutes	2,130	1,420	20		
Douglas	1,599	1,066	50		
Gilliam	136,648	91,096	400		
Grant	2,874	1,916	25		

Wheat Acreage Apportioned to Counties for 1960—Continued

OREGON—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment form the national reserve	
				Equivalent base acreage	Acreage apportioned
Harney	4,052	2,701	50		
Hood River	2	1			
Jackson	2,195	1,463	30		
Jefferson	40,916	27,276	600		
Josephine	195	130	10		
Klamath	17,597	11,731	100		
Lake	25,843	17,228	250		
Lane	7,534	5,023	100		
Linn	11,565	7,710	100		
Malheur	22,578	15,052	150		
Marion	26,790	17,859	500		
Morrow	176,390	117,589	200		
Multnomah	647	431	5		
Polk	19,027	12,684	160		
Sherman	143,815	95,873	200		
Umatilla	301,998	201,325	1,000		
Union	63,892	42,593	150		
Wallowa	36,914	24,609	175		
Wasco	98,275	65,514	200		
Washington	22,461	14,974	100		
Wheeler	9,097	6,065	100		
Yamhill	24,084	16,055	150		
Reserve new farms		750			
Reserve appeals and corrections		1,250			
Total	1,247,192	833,433	5,075		

PENNSYLVANIA

Adams	25,613	17,498	75		
Allegheny	4,114	2,810	10		
Armstrong	12,812	8,753	40		
Beaver	6,270	4,283	20		
Bedford	14,701	10,043	20		
Berks	39,918	27,270	150		
Blair	4,460	3,779	35		
Bradford	5,096	3,481	50		
Bucks	23,299	15,917	50		
Butler	15,929	10,882	25		
Cambria	7,469	5,102	25		
Cameron	33	23	1		
Carbon	4,026	2,750	20		
Centre	21,542	14,717	55		
Chester	18,946	12,943	50		
Clarion	11,873	8,111	50		
Clearfield	4,461	3,048	30		
Clinton	6,362	4,346	40		
Columbia	21,634	14,779	80		
Crawford	12,740	8,703	30		
Cumberland	31,400	21,451	90		
Dauphin	16,554	11,309	75		
Delaware	718	490	15		
Elk	498	340	10		
Erie	12,429	8,491	100		
Fayette	5,958	4,070	25		
Forest	406	277	5		
Franklin	42,988	29,367	130		
Fulton	10,529	7,193	15		
Greene	2,062	1,409	25		
Huntingdon	12,135	8,292	35		
Indiana	14,812	10,119	50		
Jefferson	7,872	5,378	40		
Juniata	12,214	8,344	60		
Lackawanna	208	142	8		
Lancaster	68,326	46,677	50		
Lawrence	11,818	8,074	25		
Lebanon	17,932	12,250	60		
Lehigh	20,062	13,705	75		
Luzerne	5,833	3,985	25		
Lycoming	17,541	11,847	40		
McKean	202	138	10		

Wheat Acreage Apportioned to Counties for 1960—Continued

PENNSYLVANIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Mercer	15,174	10,366	50		
Mifflin	10,638	7,267	25		
Monroe	3,436	2,347	25		
Montgomery	15,376	10,504	75		
Montour	9,275	6,336	75		
Northampton	13,328	9,105	100		
Northumberland	21,180	14,469	30		
Perry	16,544	11,302	15		
Philadelphia	506	346	5		
Pike	94	64	2		
Potter	1,112	760	20		
Schuylkill	13,721	9,374	20		
Snyder	14,507	9,911	115		
Somerset	9,126	6,234	25		
Sullivan	432	295	25		
Susquehanna	494	337	5		
Tioga	2,830	1,933	15		
Union	12,230	8,355	25		
Venango	4,568	3,121	10		
Warren	1,604	1,096	10		
Washington	9,584	6,547	50		
Wayne	102	70	3		
Westmoreland	15,972	10,911	50		
Wyoming	1,396	954	10		
York	61,046	41,704	200		
Reserve new farms		150			
Reserve appeals and corrections		105			
Total	831,873	568,549	2,809		

SOUTH CAROLINA

Abbeville	6,843	4,564	15		
Aiken	5,853	3,903	10		
Allendale	3,406	2,272	10		
Anderson	27,832	18,562	60		
Bamberg	2,452	1,635	5		
Barnwell	2,265	1,511	10		
Berkeley	204	136	2		
Calhoun	8,089	5,395	10		
Charleston	202	135			
Cherokee	6,924	4,618	15		
Chester	2,315	1,544	5		
Chesterfield	3,685	2,458	4		
Clarendon	2,261	1,508	9		
Colleton	480	320	2		
Darlington	8,300	5,535	10		
Dillon	1,923	1,282	5		
Dorchester	219	146	2		
Edgefield	3,339	2,227	6		
Fairfield	958	639	5		
Florence	5,331	3,555	9		
Georgetown	221	147	2		
Greenville	10,800	7,203	30		
Greenwood	3,203	2,136	11		
Hampton	2,291	1,528	5		
Horry	1,113	742	5		
Jasper	49	33			
Kershaw	3,145	2,097	7		
Lancaster	2,040	1,360	6		
Laurens	10,488	6,995	10		
Lee	5,247	3,499	10		
Lexington	3,790	2,528	10		
McCormick	727	485	5		
Marion	632	421	6		
Marlboro	2,481	1,655	20		
Newberry	5,483	3,657	10		
Oconee	6,087	4,060	5		
Orangeburg	7,882	5,257	10		
Pickens	4,953	3,303	15		
Richland	4,990	3,328	6		

Wheat Acreage Apportioned to Counties for 1960—Continued

SOUTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Saluda	4,249	2,834	4		
Spartanburg	19,452	12,973	35		
Sumter	6,255	4,172	10		
Union	2,121	1,415	10		
Williamsburg	1,202	802	3		
York	4,962	3,309	10		
Reserve new farms		200			
Reserve appeals and corrections		72			
Total	206,744	138,156	439		

SOUTH DAKOTA

Aurora	17,226	11,516	56		
Beadle	121,524	81,245	300		
Bennett	70,710	47,273	125		
Bon Homme	3,060	2,046	25		
Brookings	2,131	1,425	25		
Brown	277,625	185,606	300		
Brule	18,826	12,586	63		
Buffalo	7,700	5,148	20		
Butte	24,466	16,357	75		
Campbell	130,068	86,957	150		
Charles Mix	44,135	29,506	100		
Clark	96,232	64,330	200		
Clay	6,702	4,481	50		
Codington	44,559	29,790	75		
Corson	171,245	114,486	112		
Custer	6,700	4,479	22		
Davison	2,329	1,557	30		
Day	113,097	75,611	180		
Deuel	2,186	1,461	10		
Dewey	90,566	60,548	150		
Douglas	5,524	3,693	18		
Edmunds	191,800	128,228	290		
Fall River	24,898	16,646	50		
Faulk	125,169	83,682	175		
Grant	18,969	12,682	65		
Gregory	24,166	16,156	100		
Haakon	54,128	36,187	45		
Hamlin	9,434	6,307	75		
Hand	105,764	70,708	275		
Hanson	1,495	999	20		
Harding	61,312	40,990	100		
Hughes	68,350	45,095	100		
Hutchinson	7,344	4,910	25		
Hyde	30,898	20,657	77		
Jackson	21,571	14,421	50		
Jerauld	32,639	21,821	100		
Jones	71,586	47,859	40		
Kingsbury	39,792	26,603	75		
Lake	888	594	10		
Lawrence	8,301	5,550	25		
Lincoln	320	214	10		
Lyman	133,036	88,941	200		
McCook	1,430	956	10		
McPherson	139,384	93,185	200		
Marshall	80,310	53,691	150		
Meade	85,400	57,094	100		
Mellette	40,688	27,202	100		
Miner	7,380	4,934	25		
Minnehaha	193	129	5		
Moody	341	228	2		
Pennington	69,081	46,184	200		
Perkins	211,237	141,222	190		
Potter	142,042	94,962	150		
Roberts	71,726	47,952	150		
Sanborn	6,384	4,268	15		
Shannon	29,795	19,919	30		
Spink	351,884	235,252	300		
Stanley	40,678	27,195	75		

Wheat Acreage Apportioned to Counties for 1960—Continued

SOUTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Sully	158,180	105,751	200		
Todd	15,058	10,067	50		
Tripp	113,426	75,831	300		
Turner	982	657	20		
Union	14,080	9,413	48		
Walworth	127,714	85,383	100		
Washabaugh	22,622	15,124	50		
Yankton	2,525	1,688	50		
Ziebach	53,872	36,016	100		
Reserve new farms		1,998			
Reserve appeals and corrections		1,000			
Total	4,074,883	2,727,258	6,613		

TENNESSEE

Anderson	194	129	10		
Bedford	8,595	5,735	25		
Benton	1,054	703	15		
Bledsoe	1,227	819	12		
Blount	5,141	3,430	35		
Bradley	1,556	1,038	10		
Campbell	391	261	10		
Cannon	876	584	3		
Carroll	1,552	1,035	25		
Carter	570	380	30		
Cheatham	2,923	1,950	25		
Chester	174	116	3		
Claiborne	4,981	3,323	15		
Clay	1,070	714	5		
Cocke	3,293	2,197	20		
Coffee	4,746	3,167	8		
Crockett	335	224	10		
Cumberland	383	256	8		
Davidson	2,103	1,403	25		
Decatur	115	77	3		
De Kalb	1,729	1,154	9		
Dickson	2,095	1,398	14		
Dyer	3,154	2,104	30		
Fayette	44	29	1		
Fentress	905	604	10		
Franklin	9,646	6,436	12		
Gibson	2,251	1,502	20		
Giles	5,702	3,804	5		
Grainger	2,976	1,986	5		
Greene	12,202	8,141	50		
Grundy	876	584	5		
Hamblen	5,770	3,850	25		
Hamilton	757	505	16		
Hancock	1,610	1,074	15		
Hardeman	281	187	6		
Hardin	1,251	835	20		
Hawkins	7,722	5,152	50		
Haywood	453	302	5		
Henderson	99	66	2		
Henry	3,581	2,389	100		
Hickman	938	626	5		
Houston	787	525	5		
Humphreys	1,793	1,196	20		
Jackson	470	314	10		
Jefferson	8,140	5,431	65		
Johnson	1,074	717	5		
Knox	2,152	1,436	50		
Lake	631	421	15		
Lauderdale	321	214	5		
Lawrence	7,777	5,189	25		
Lewis	212	141	3		
Lincoln	6,803	4,599	8		
Loudon	4,448	2,968	15		
McMinn	2,388	1,593	15		
McNairy	44	29	2		

Wheat Acreage Apportioned to Counties for 1960—Continued

TENNESSEE—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Macon	1,663	1,130	38		
Madison	412	275	3		
Marion	706	471	10		
Marshall	5,786	3,860	15		
Maury	14,394	9,604	50		
Meigs	1,526	1,018	10		
Monroe	5,286	3,527	3		
Montgomery	9,495	6,335	50		
Moore	597	398	2		
Morgan	205	137	15		
Obion	8,693	5,800	100		
Overton	2,417	1,613	10		
Perry	442	295	6		
Pickett	1,010	674	15		
Polk	881	588	15		
Putnam	1,990	1,328	20		
Rhea	1,347	899	15		
Roane	1,203	803	2		
Robertson	28,998	19,348	140		
Rutherford	6,312	4,211	5		
Sequatchie	329	220	4		
Sevier	4,869	3,249	60		
Shelby	539	360	5		
Smith	986	658	15		
Stewart	747	498	5		
Sullivan	3,642	2,430	30		
Sumner	7,366	4,915	75		
Tipton	1,426	951	5		
Trousdale	531	354	10		
Unicoi	146	98	6		
Union	562	376	20		
Van Buren	258	172	5		
Warren	3,779	2,521	25		
Washington	6,423	4,286	50		
Wayne	979	653	6		
Weakley	5,231	3,492	25		
White	2,688	1,793	20		
Williamson	9,471	6,319	80		
Wilson	3,122	2,083	80		
Reserve new farms		250			
Reserve appeals and corrections		50			
Total	288,941	193,084	1,965		

TEXAS

Andegson	11	7			
Archer	44,722	30,495	15		
Armstrong	126,650	86,360	60		
Atascosa	404	275	1		
Austin	4	3			
Bailey	24,342	16,598	25		
Bandera	56	38			
Bastrop	28	19			
Baylor	96,982	66,130	10		
Bee	13	9			
Bell	8,094	5,519	5		
Bexar	2,182	1,488	4		
Blanco	779	531	5		
Borden	2,610	1,780	10		
Bosque	5,849	3,988	20		
Bowie	173	118			
Brazos	12	8			
Briscoe	76,057	51,861	20		
Brown	24,741	16,870	12		
Burnet	1,790	1,221	10		
Caldwell	16	11			
Callahan	28,740	19,597	20		
Carson	226,252	154,276	36		
Castro	153,876	104,924	100		
Cherokee	7	5			

Wheat Acreage Apportioned to Counties for 1960—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Childress	65,134	44,413	20		
Clay	44,654	30,448	85		
Cochran	3,590	2,427	25		
Coke	3,112	2,122	10		
Coleman	37,764	25,750	25		
Collin	61,540	41,963	20		
Collingsworth	37,149	25,331	10		
Comal	448	305	1		
Comanche	3,042	2,074	10		
Concho	34,224	23,337	20		
Cooke	34,150	23,286	20		
Coryell	13,508	9,211	30		
Cottle	38,404	26,187	4		
Crosby	53,814	36,694	25		
Culberson	7	5			
Dallam	100,871	68,782	100		
Dallas	33,544	22,873	35		
Dawson	1,614	1,101	40		
Deaf Smith	293,928	200,423	100		
Delta	1,356	925	5		
Denton	48,902	33,345	15		
De Witt	4	3			
Dickens	34,230	23,341	41		
Donley	26,036	17,753	10		
Eastland	7,945	5,417	30		
Edwards	38	26			
Ellis	15,398	10,500	15		
Erath	2,008	1,369	4		
Falls	431	294	2		
Fannin	16,806	11,460	10		
Fisher	42,722	29,131	10		
Floyd	194,589	132,682	50		
Foard	100,473	68,510	10		
Frio	10	7		53	36
Gaines	2,377	1,621	15		
Garza	2,756	1,879	50		
Gillespie	8,866	6,046	10		
Glasscock	408	278			
Gonzales	19	13			
Gray	127,544	86,909	20		
Grayson	65,100	44,390	25		
Guadalupe	487	332	6		
Hale	97,541	66,511	61		
Hall	20,198	13,773	20		
Hamilton	7,226	4,927	10		
Hansford	329,612	224,755	100		
Hardeman	127,608	87,013	50		
Harris	10	7			
Harrison	127,956	87,250	45		
Hartley	74,353	50,700	56		
Haskell	114	78	5		
Hays	52,602	35,868	15		
Hemphill	50	34			
Henderson	3,137	2,139	6		
Hill	732	499	10		
Hockley	298	203	2		
Hood	67	46			
Hopkins	12	8			
Houston	3,556	2,425	25		
Howard	14	10			
Hudspeth	6,394	4,360	10		
Hunt	96,127	65,547	10		
Hutchinson	72	49			
Irion	5,886	4,014	10		
Jack	163	111			
Jackson	3,224	2,198	10		
Johnson	85,287	58,155	25		
Jones	519	354			
Karnes	2,496	1,702	5		
Kaufman	2,788	1,901	4		
Kendall	8,039	5,482			
Kent	2,308	1,574	5		
Kerr	418	285	1		
Kimble					
King	8,009	5,461	10		
Knox	73,820	50,336	10		
Lamar	3,856	2,629	5		
Lamb	8,831	6,022	25		
Lampasas	2,686	1,832	5		
Leon	10	7			
Limestone	64	44			
Lipscomb	160,984	109,771	40		
Live Oak	164	112			
Llano	132	90	1		
Lubbock	5,729	3,906	8		
Lynn	2,522	1,720	20		
McCulloch	21,190	14,449	10		
McLennan	9,707	6,660	8		
Martin	210	143	3		
Mason	65	44			
Maverick	150	102			
Medina	445	303	2		
Menard	1,656	1,129	2		
Midland	1	1			
Milam	208	142	1		
Mills	3,816	2,602	3		
Mitchell	11,472	7,822	15		
Montague	3,938	2,685	15		
Moore	207,330	141,373	34		
Morris	36	25		147	100
Motley	15,916	10,853	15		
Navarro	694	473	6		
Nolan	21,948	14,966	25		
Ochiltree	359,266	244,975	100		
Oldham	87,933	59,959	75		
Palo Pinto	4,186	2,854	14		
Parker	757	516	3		
Parmer	155,978	106,358	75		
Potter	49,214	33,558	18		
Presidio	17	12			
Rains	34	23			
Randall	197,462	134,645	50		
Red River	531	362	2	148	101
Reeves	26	18			
Roberts	43,572	29,711	25		
Rockwall	4,872	3,322	5		
Runnels	52,816	36,014	20		
San Saba	3,413	2,327	7		
Schleicher	800	545	1		
Scurry	16,972	11,573	20		
Shackelford	24,318	16,582	20		
Sherman	263,896	179,944	44		
Somervell	104	71	1		
Stephens	18,668	12,729	25		
Sterling	450	307			
Stonewall	32,150	21,922	25		
Swisher	178,952	122,023	50		
Tarrant	4,034	2,751	5		
Taylor	91,888	62,656	30		
Terry	16,872	11,505	25		
Throckmorton	47,720	32,539	15		
Titus	12	8			
Tom Green	3,137	2,139	10		
Travis	157	107			
Uvalde	322	220	1		
Van Zandt	310	211			
Victoria	11	7			
Walker	6	4			
Waller	44	30			
Wharton	86	59			
Wheeler	33,562	22,885	15		
Wichita	83,841	57,196	50		
Wilbarger	126,833	86,484	24		
Williamson	2,035	1,388	5		
Wilson	330	225	5		
Wise	7,052	4,809	10		
Wood	12	8			
Yoakum	3,610	2,462	25		
Young	72,246	49,263	35		
Zavala	164	112			
Reserve new farms		1,750			
Reserve appeals and corrections		249			
Total	5,998,524	4,092,251	2,834	348	237

UTAH

Beaver	2,780	1,904	20		
Box Elder	140,254	96,041	400		
Cache	48,672	33,329	200		
Carbon	2,031	1,391	7		
Daggett	46	31			
Davis	5,176	3,544	15		
Duchesne	4,134	2,831	40		
Emery	4,207	2,881	20		
Garfield	1,938	1,327	10		
Grand	546	374	10		
Iron	8,982	6,151	30		
Juab	30,306	20,753	100		
Kane	1,396	956	10		
Millard	41,983	28,749	150		
Morgan	3,048	2,087	10		
Piute	256	175			
Rich	5,156	3,531	35		
Salt Lake	27,860	19,078	100		
San Juan	44,576	30,524	50		
Sanpete	17,716	12,131	75		
Sevier	4,028	2,758	20		
Summit	1,748	1,197	10		
Tooele	10,168	6,963	50		
Uintah	5,110	3,499	40		
Utah	24,745	16,945	150		
Wasatch	384	263	20		
Washington	9,763	6,685	30		
Wayne	440	301	2		
Weber	4,033	2,762	20		
Reserve new farms		100			
Reserve appeals and corrections		49			
Total	451,482	309,310	1,624		

VIRGINIA

Accomac	726	484	10		
Albemarle	2,448	1,632	15		
Alleghany	189	126	5		
Amelia	7,745	5,164	3		
Amherst	2,559	1,706	25		
Appomattox	7,721	5,148	25		
Augusta	15,669	10,446	50		
Bath	501	334	10		
Bedford	8,949	5,966	100		
Bland	1,581	1,054	5		
Botetourt	2,264	1,509	10		
Brunswick	5,030	3,353	15		
Buchanan	20	13			
Buckingham	6,496	4,331	20		
Campbell	10,454	6,970	30		
Caroline	7,787	5,191	10		
Carroll	1,122	748	10		
Charles City	3,892	2,595	30		
Charlotte	6,716	4,477	50		
Chesterfield	1,900	1,267	5		
Clarke	5,013	3,342	30		
Craig	790	527	5		
Culpeper	3,198	2,132	35		
Cumberland	4,889	3,259	15		
Dickenson	1	1			
Dinwiddie	3,527	2,351	10		
Hampton	127	85	6		
Essex	8,676	5,784	25		
Fairfax	2,296	1,531	15		
Fauquier	8,177	5,451	25		
Floyd	2,250	1,500	10		
Fluvanna	2,395	1,597	20		
Franklin	7,329	4,886	40		
Frederick	6,217	4,145	20		
Giles	727	485	3		
Gloucester	987	658	10		
Goochland	2,666	1,777	10		
Grayson	863	575	2		
Greene	1,924	1,283	10		
Greensville	309	206	5		
Halifax	12,141	8,094	20		
Hanover	9,638	6,426	10		
Henrico	2,413	1,609	10		
Henry	1,486	991	20		
Highland	403	269	5		
Isle of Wight	121	81	2		
James City	1,159	773	9		
King and Queen	3,923	2,615	25		
King George	3,535	2,357	15		
King William	3,766	2,511	20		
Lancaster	1,453	969	12		
Lee	2,739	1,826	25		
Loudoun	13,292	8,862	60		
Louisa	5,482	3,655	25		
Lunenburg	3,918	2,612	25		
Madison	3,327	2,218	25		
Mathews	402	268	10		
Mecklenburg	9,564	6,376	25		
Middlesex	2,179	1,453	15		
Montgomery	1,918	1,279	10		
Nansemond	534	356	10		
Nelson	2,167	1,445	20		
New Kent	1,959	1,306	25		
Norfolk	2,353	1,569	10		
Northampton	170	113	5		
Northumberland	4,823	3,215	25		
Nottoway	3,149	2,099	10		
Orange	3,705	2,470	30		
Page	5,288	3,525	36		
Patrick	647	431	5		
Pittsylvania	21,286	14,191	25		
Powhatan	1,820	1,213	15		
Prince Edward	7,591	5,061	25		
Prince George	2,172	1,448	10		
Prince William	3,161	2,107	10		
Princess Anne	1,992	1,328	20		
Pulaski	1,750	1,167	10		
Rappahannock	1,304	869	25		
Richmond	5,482	3,655	15		
Roanoke	1,738	1,159	10		
Rockbridge	5,169	3,446	10		
Rockingham	15,944	10,630	75		
Russell	3,323	2,215	15		
Scott	2,896	1,931	25		
Shenandoah	7,965	5,310	25		
Smyth	2,747	1,831	10		
Southampton	699	466	5		
Spotsylvania	2,980	1,987	20		
Stafford	1,811	1,207	10		
Surry	593	395	9		
Sussex	951	634	5		
Tazewell	2,474	1,649	4		
Warren	2,399	1,599	15		
Newport News	5	3			
Washington	6,777	4,518	25		
Westmoreland	8,845	5,897	20		

Wheat Acreage Apportioned to Counties for 1960—Continued

WEST VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Marshall	852	618			
Mason	2,512	1,824	70		
Mercer	601	436			
Mineral	1,041	194			
Monongalia	150	109	10		
Monroe	4,236	3,075	20		
Morgan	2,310	1,540	0		
Nicholas	512	372	20		
Ohio	484	351			
Pendleton	2,904	2,173	10		
Pleasants	28	20			
Pocahontas	706	512	45		
Preston	1,646	1,196	20		
Putnam	557	404			
Raleigh	110	80	5		
Randolph	314	228			
Ritchie	177	128	2		
Roane	17	12			
Summers	537	390	5		
Taylor	84	61	5		
Tucker	53	38	3		
Tyler	53	38			
Upshur	144	105	15		
Wayne	28	20			
Webster	6	4			
Wetzel	36	26			
Wirt	53	38			
Wood	690	500	20		
Wyoming		300			
Reserve new farms		1,000			
Reserve appeals and corrections			511		
Total	60,203	37,741			

WISCONSIN

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Adams	383	268			
Ashland	31	24			
Barron	48	37			
Bayfield	278	216			
Brown	439	341			
Buffalo	871	677			
Burnett	89	69			
Calumet	854	664			
Chippewa	1,232	1,032			
Clark	295	229			
Columbia	2,754	2,141			
Crawford	157	122			
Dane	2,114	1,643			
Dodge	1,956	1,520			
Door	1,875	1,457			
Douglas	208	162			
Dunn	242	188			
Eau Claire	347	270			
Florence	1,261	981			
Fond du Lac	58	45			
Forest	590	459			
Grant	241	187			
Green	920	715			
Green Lake	486	378			
Iowa	5	4			
Iron	476	370			
Jackson	1,250	970			
Jefferson	2,541	1,975			
Juneau	1,360	1,057			
Kenosha	324	252			
Kewaunee	217	169			
La Crosse	1,304	1,014			
Lafayette	130	101			
Langlade	1,182	919			
Lincoln	7	5			
Manitowoc	1,182	919			
Marathon	909	707			
Marinette	414	322			
Marquette	913	710			
Milwaukee	1,563	1,215			
Monroe	262	204			
Oconto	594	462			
Oneida	130	101			
Outagamie	493	383			
Ozaukee	1,526	1,186			
Pepin	1,198	931			
Pierce	3,170	2,464			
Polk	379	295			
Portage	620	482			
Price	28	22			
Racine	6,757	5,252			
Richland	205	159			
Rock	2,543	1,977			
Rusk	5	4			
St. Croix	1,000	777			
Sauk	1,976	1,536			
Sawyer	6	5			
Shawano	505	393			
Sheboygan	1,038	807			
Taylor	78	61			
Trempealeau	814	633			
Vernon	91	71			
Vilas	2	2			
Walworth	1,664	1,293			
Washburn	30	23			
Washington	2,078	1,615			
Waukesha	2,447	1,902			
Waupaca	329	256			
Waushara	607	472			
Winnebago	970	754			
Wood	67	52			
Reserve new farms		65			
Reserve appeals and corrections		396			
Total	59,938	47,054			

WYOMING

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Albany	148	98			
Big Horn	2,382	1,594	10		
Campbell	45,516	30,457	200		
Carbon	16,564	11,084	50		
Converse	8,517	5,699	10		
Crook	39,628	26,517	150		
Fremont	4,168	2,789	25		
Goshen	85,275	57,061	50		
Hot Springs	262	175			
Johnson	8,646	5,785	20		
Laramie	99,470	66,560	140		
Lincoln	5,756	3,852	15		
Natrona	436	292	0		
Niobrara	13,218	8,845	55		
Park	3,966	2,654	15	65	42
Platte	57,406	38,413	100		
Sheridan	19,085	12,771	75		
Sublette	8	5			
Sweetwater	13	9	3		
Teton	988	661	5		
Uinta	178	119	10		
Washakie	238	159			
Weston	13,234	8,855	30		
Reserve new farms		300			
Reserve appeals and corrections		200			
Total	425,102	284,954	964	65	42
Total, commercial States	81,323,591	54,905,011		79,075	52,324
Total, non-commercial States (not apportioned)		34,989			7,676
National reserve (not apportioned)					
Total U. S.	81,323,591	54,940,000		79,075	60,000

Wheat Acreage Apportioned to Counties for 1960—Continued

WISCONSIN—*Continued*

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Marathon	909	707			
Marinette	414	322			
Marquette	913	710			
Milwaukee	1,563	1,215			
Monroe	262	204			
Oconto	594	462			
Oneida	130	101			
Outagamie	493	383			
Ozaukee	1,526	1,186			
Pepin	1,198	931			
Pierce	3,170	2,464			
Polk	379	295			
Portage	620	482			
Price	28	22			
Racine	6,757	5,252			
Richland	205	159			
Rock	2,543	1,977			
Rusk	5	4			
St. Croix	1,000	777			
Sauk	1,976	1,536			
Sawyer	6	5			
Shawano	505	393			
Sheboygan	1,038	807			
Taylor	78	61			
Trempealeau	814	633			
Vernon	91	71			
Vilas	2	2			
Walworth	1,664	1,293			
Washburn	30	23			
Washington	2,078	1,615			
Waukesha	2,447	1,902			
Waupaca	329	256			
Waushara	607	472			
Winnebago	970	754			
Wood	67	52			
Reserve new farms		65			
Reserve appeals and corrections		396			
Total	59,938	47,054			

WYOMING

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Albany	148	98			
Big Horn	2,382	1,594	10		
Campbell	45,516	30,457	200		
Carbon	16,564	11,084	50		
Converse	8,517	5,699	10		
Crook	39,628	26,517	150		
Fremont	4,168	2,789	25		
Goshen	85,275	57,061	50		
Hot Springs	262	175			
Johnson	8,646	5,785	20		
Laramie	99,470	66,560	140		
Lincoln	5,756	3,852	15		
Natrona	436	292	0		
Niobrara	13,218	8,845	55		
Park	3,966	2,654	15	65	42
Platte	57,406	38,413	100		
Sheridan	19,085	12,771	75		
Sublette	8	5			
Sweetwater	13	9	3		
Teton	988	661	5		
Uinta	178	119	10		
Washakie	238	159			
Weston	13,234	8,855	30		
Reserve new farms		300			
Reserve appeals and corrections		200			
Total	425,102	284,954	964	65	42
Total, commercial States	81,323,591	54,905,011		79,075	52,324
Total, non-commercial States (not apportioned)		34,989			7,676
National reserve (not apportioned)					
Total U. S.	81,323,591	54,940,000		79,075	60,000

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interprets or applies secs. 334, 52 Stat. 54, 67 Stat 151; 7 U.S.C. 1334)

Done at Washington, D.C., this 30th day of June 1959.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-5574; Filed, July 1, 1959; 9:58 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 5, Amdt. 2]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restriction on the handling of Late Tragedy, Kelsey, Late Santa Rosa, and Queen Ann plums grown in California.

It is, therefore, ordered as follows:

The provisions in paragraph (b) (1) of § 936.618 (Plum Order 5; 24 F.R. 4901; 5237) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of any variety of plums other than Tragedy, Eldorado, Late Tragedy, Kelsey, Late Santa Rosa, Queen Ann, Mariposa, Ace, and Elephant Heart unless such plums grade at least U.S. No. 1: *Provided,* That Duarte plums which otherwise grade U.S. No. 1 may be shipped if two-thirds (⅔) of the flesh of such plums has any degree or intensity of red color (including pink).

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which

has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 5; or (2) as releasing or extinguishing any violation of Plum Order 5 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 2, 1959, to be effective on and after 12:01 a.m., P.s.t., July 8, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5641; Filed, July 6, 1959; 9:12 a.m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.627 Plum Order 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Late Tragedy plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided,* That, gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade; and:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and eight-sixteenth (1 1/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and eight-sixteenth (1 1/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 8½-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5642; Filed, July 6, 1959; 9:12 a.m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.628 Plum Order 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Kelsey plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5643; Filed, July 6, 1959; 9:12 a.m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.629 Plum Order 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Kelsey plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5644; Filed, July 6, 1959; 9:12 a.m.]

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Sharkey, President, Laroda, or Late Duarte plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5644; Filed, July 6, 1959; 9:12 a.m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.630 Plum Order 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Late Santa Rosa plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5645; Filed, July 6, 1959; 9:12 a.m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.631 Plum Order 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of Queen Ann plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and, except to the extent otherwise permitted under this paragraph:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper

only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 2, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5646; Filed, July 6, 1959; 9:13 a.m.]

[Lemon Reg. 798, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.905 (Lemon Regulation 798; 24 F.R. 5239) are hereby amended to read as follows:

(ii) District 2: 465,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5602; Filed, July 6, 1959; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Piece Rates for Hand-Lacing of Certain Plastic and Leather Products

On June 2, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 4496) that the Administrator of the Wage and Hour and Public Contracts Divisions, proposed to amend 29 CFR Part 681, to increase the minimum piece rates for homeworkers in the Leather, Leather Goods, and Related Products Industry, and the Shoe and Related Products Industry in Puerto Rico. The notice provided a period of fifteen days within which interested persons might submit data, views, or arguments pertaining to the proposed regulations.

The only comment received, though opposed to homework in principle, did not object to the proposed increase in piece rates. Upon consideration of all relevant matter, I conclude that the amendment should be adopted as proposed.

The amendment is based on section 6(a)(2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 206) which requires in part that homeworkers in Puerto Rico be paid not less than the minimum piece rate prescribed by regulation or order. Such minimum piece rates are required to be commensurate with, and to be paid in lieu of, the minimum hourly wage rates applicable under section 6 of the Act. Since the minimum hourly wage rates for employees in the Leather, Leather Goods, and Related Products industry (24 F.R. 3792), and the Shoe and Related Products Industry (24 F.R. 3791), have recently been increased, the increases in piece rates prescribed herein are now required.

Accordingly, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of sections 6 and 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended, 1066 as amended; 29 U.S.C. 206, 211), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), 29 CFR Part 681 is hereby amended as follows:

1. Paragraph (c) of § 681.9 is amended to read as follows:

(c) *Piece rates for the hand-lacing of plastic and leather wallets, leather wallet covers, and leather moccasin plugs.* A minimum piece rate of $^{70}/_{100}$ of one cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of $^{88}/_{100}$ of one cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material of leather moccasin plugs; a minimum piece rate of 1 and $^{71}/_{100}$ cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 2 and $^{13}/_{100}$ cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(Secs. 6, 11, 52 Stat. 1062, as amended, 1066 as amended; 29 U.S.C. 206, 211)

This amendment shall take effect on August 7, 1959.

Signed at Washington, D.C., this 1st day of July 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59–5650; Filed, July 6, 1959; 9:39 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7332 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

United States Bedding Co.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1056 *Pretiketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods—Prices:* § 13.1811 *Fictitious pretiketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 6, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The United States Bedding Company, St. Paul, Minn., Docket 7332, June 2, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in St. Paul, Minn., with attaching to its mattresses, labels bearing fictitious prices, and with placing in the hands of dealers for their use, newspaper mats representing falsely that some of its mattresses carried a full ten-year guarantee.

Based on a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The United States Bedding Company, a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of mattresses or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by pretiketing, or in any other manner, that certain amounts are the regular or usual retail prices of their mattresses or other merchandise when such amounts are in excess of the prices at which their mattresses or other merchandise are regularly and customarily sold at retail.

2. Representing, directly or by implication, that their mattresses or other merchandise are guaranteed unless the nature of the guarantee and the manner in which the guarantor will perform are fully and clearly set forth.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent The United States Bedding Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–5547; Filed, July 6, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Discontinuance of Insurance for Postal Union Printed Material for Canada

Notice of proposed amendment to § 168.5 *Individual country regulations*, discontinuing the insurance service on printed matter for Canada was published in the FEDERAL REGISTER of May 27, 1959, at page 4264, as Federal Register document 59–4449.

No comments have been received by the Department with respect to the proposed amendment.

Accordingly, the amendment is adopted without change. As adopted, the amendment to § 168.5 shall read as follows:

In § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2119–2195 as Federal Register document 59–2388, the country "Canada (Including Newfoundland and Labrador)" as amended by Federal Register document 59–4137, 24 F.R. 3991, is further amended by striking out the item "*Insurance*" under postal union mail and inserting in lieu thereof the following:

Insurance. Eight-ounce merchandise packages may be insured. For fees and other conditions see "Insurance" under "Parcel Post".

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59–5591; Filed, July 6, 1959; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Pinto Pass, Alabama

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.493 governing the operation of the Alabama Dry Dock and Shipbuilding Company railroad bridge across Pinto Pass, Mobile, Alabama, is hereby revoked, the bridge having been replaced by a fixed bridge, as follows:

§ 203.493 Pinto Pass, Ala.; Alabama Dry Dock and Shipbuilding Company railroad bridge, Mobile, Ala.

[Revoked]

[Regs. June 23, 1959, 285/91 (Pinto Pass, Alabama)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59–5582; Filed, July 6, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Reg. Docket 47; Amdt. 125]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CDR VOR	CDR "H"	017°—18.9	5600	T-dn C-dn A-dn	300–1 700–1 800–2	NA NA NA	NA NA NA

Procedure turn W side of final approach crs—357° Outbnd, 177° Inbnd, 4600′ within 10 miles.
Facility on airport. Minimum altitude over facility 4000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile turn right climb to 4600′ on course 357° within 20 miles.

City, Chadron; State, Nebr.; Airport Name, Chadron; Elev., 3312′; Fac. Class, "H" (non-Federal facility); Ident., CDR; Procedure No. 1, Amdt. 1; Eff. Date, 1 Aug. 59; Sup. Amdt. No. Orig.; Dated, 18 Apr. 59

Ft. Riley Int#	FRI "H"	Direct	2800	T-dn C-dn# S-dn-04 A-dn	300–1 600–1 600–1 1500–2	300–1 600–1 600–1 1500–2	200–½ 600–1½ 600–1 1500–2

Procedure turn East side of crs, 207° Outbound, 027° Inbound, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 031°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing FRI "H", climb to 2800′ on a crs of 059° from the "H" within 20 mi.
CAUTION: Restricted area R-197 adjacent to airport northwest. Small arms firing range 2.4 miles North.
*Int V-4 and R-320 EMP VOR.
#All circling approaches will be made to the East of the airport. See caution note.

City, Ft. Riley; State, Kans.; Airport Name, Marshall AAF; Elev., 1062′; Fac. Class, H; Ident., FRI; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Aug. 59

Dallas RBn	LOM	Direct	2200	T-dn	300–1	300–1	200–½
Grand Prairie RBn	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
Britton VOR	LOM	Direct	2800	S-dn-13	400–1	400–1	400–1
Stadium Int	LOM	Direct	2700	A-dn	800–2	800–2	800–2
Roanoke Int	LOM (Final)	Direct	2000				

Radar Terminal Area transition altitude, 2000′ within 20 mi.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 2349′ msl 15 mi SSE, 1743′ msl 12 mi WSW, 1221′ msl 6 mi N.
Procedure turn N side NW crs, 309 Outbnd, 129 Inbnd, 2000′ within 10 mi. (Nonstandard due to ATC requirements.)
Minimum altitude over LOM inbnd final, 2000′.
Crs and distance, facility to airport, 129°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi after passing LOM, turn right, proceed to Grand Prairie MHW, climbing to 2000′.
CAUTION: Radio tower 1221′ MSL located 4.3 mi ENE of outer marker.

City, Ft. Worth; State, Tex.; Airport Name, Amon Carter; Elev., 568′; Fac. Class, LOM; Ident. AC; Procedure No. 1, Amdt. 7; Eff. Date, 1 Aug. 59; Sup. Amdt. No. 6 (ADF portion of Comb. ILS-ADF); Dated, 26 Sept. 57

2. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sargo Int	Abeam LPT RBn (Final)	092°—8.4	700	T-dn	300–1	300–1	#200–½
Surf Int	SAN-TVOR	Direct	2500	C-dn	800–2	800–2	800–2
LaJolla FM/Int	SAN-TVOR R-272 at 5 mi from SAN-TVOR.	190°—5.0	1500	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
Coronado RBn-FM	SAN-TVOR	Direct	1500				
Jamul RBn	SAN-TVOR	Direct	3600				
Lemon Grove Int	SAN-TVOR	Direct	2500				

Procedure turn S side crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600**.
Crs and distance, breakoff point to approach end Runwy 9, 092°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right, climb to 2000′ on SAN TVOR R-137 to Coronado RBn/FM or, when directed by ATC, if visual contact not established abeam Loma Portal RBn, make left climbing turn, climb to 2500′ on SAN TVOR R-325 to La Jolla Int.
#300–1 required for takeoff on all runways except 27.
*On La Jolla transition recommended that aircraft cross final approach radial on 190 heading, then execute approximately 270° clockwise turn to Inbnd crs of 092°.
**Descend below 700′ MSL NA until abeam Loma Portal RBn.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15′; Fac. Class, TVOR; Ident., SAN; Procedure No. TerVOR-9, Amdt. 3; Eff. Date, 1 Aug. 59; Sup. Amdt. No. 2; Dated, 13 June 59

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dallas RBn	LOM	Direct	2200	T-dn	300–1	300–1	*200–½
Grand Prairie RBn	LOM	Direct	1900	C-dn	400–1	500–1	500–1½
Britton VOR	LOM	Direct	2800	S-dn-13*	200–½	200–½	200–½
Roanoke Int	LOM (Final)	Direct	2000	A-dn	600–2	600–2	600–2
Stadium Int	LOM	Direct	2700				

Radar Terminal Area transition altitude, 2000′ within 20 mi.
Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers 2349′ msl 15 mi SSE, 1743′ msl 12 mi WSW, 1221′ msl 6 mi N.
Procedure turn N side NW crs, 309 Outbnd, 129 Inbnd, 2000′ within 10 mi (nonstandard due to ATC requirements).
Minimum altitude at G.S. int inbnd, 2000′.
Altitude of G.S. and distance to approach end of runway at OM 2000—4.6, at MM 770—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to Hensley Int, climbing to 2000′ or, when directed by ATC, turn right, proceed to Grand Prairie MHW, climbing to 2000′.
CAUTION: Radio Tower 1221 MSL located 4.3 mi ENE of outer marker.
NOTE: 400–¾ required when glide slope not utilized.
*Runway Visual Range 2600′ also authorized for takeoff and landing on Runway 13; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 768′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Ft. Worth; State, Tex.; Airport Name, Amon Carter; Elev., 568′; Fac. Class, ILS; Ident., I-ACF; Procedure No. ILS-13, Amdt. 7; Eff. Date, 1 Aug. 59; Sup. Amdt. No. 6 (ILS portion of Comb. ILS-ADF); Dated, 26 Sept. 57

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 26, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59–5537; Filed, July 6, 1959; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 32969]

PART 156—REGULATIONS GOVERNING THE REPORTING OF PROPERTY CHANGES; PIPELINE CARRIERS

Recording and Reporting Property Changes for Valuation Purposes

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of June A.D. 1959.

Having under consideration the regulations for the reporting of property changes by pipeline carriers for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and,

It appearing that a notice of proposed rule making was issued March 25, 1959, and published in the FEDERAL REGISTER on April 3, 1959 (24 F.R. 2592), by the terms of which any interested person could on or before April 30, 1959 submit written views or arguments concerning certain amendments to Revised Supplement No. 8 to Valuation Order No. 3, Second Revised Issue, details of which amendments were attached to the notice; and upon consideration of views, arguments, and other representations which were timely filed in response to the said notice and giving effect to further minor changes suggested in such responses:

It is ordered, that Regulations Governing the Reporting of Property Changes; Pipeline Carriers, as prescribed by an order entered May 23, 1958, be, and they are hereby, canceled effective July 1, 1959, in conformity with which the regulations in this part are revoked.

It is further ordered, that the regulations so canceled, modified only as to matters detailed in the notice dated March 25, 1959 or otherwise developed in the rule making proceedings herein, be, and they are hereby, reissued in the form attached hereto and by this reference made a part of this order, to become effective July 1, 1959, which reissued regulations may be cited as Revised Supplement No. 8 to Valuation Order No. 3, Second Revised Issue, 1959 Edition, and which regulations should be inserted in Title 49 of the Code of Federal Regulations as Part 156—Regulations Governing the Reporting of Property Changes; Pipeline Carriers.

It is further ordered, that all carriers by pipeline subject to provisions of the Interstate Commerce Act shall comply with the regulations so reissued in reporting physical property which was installed, retired, or otherwise changed on and after January 1, 1958.

And it is further ordered, that this order shall be served on each pipeline carrier which is subject to its provisions, and each lessor thereof, and on every trustee, receiver, executor, administrator, or assignee of any such pipeline carrier or lessor, and that notice of the order including the attachments shall be given to the general public by depositing copies thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing the order and attachments with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

GENERAL

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FORMS

156.300 List of forms.

AUTHORITY: §§ 156.0 to 156.300 issued under sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply section 19a, 37 Stat. 701, as amended; 49 U.S.C. 19a. The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

GENERAL

§ 156.0 Regulations prescribed.

Each common carrier by pipeline subject to provisions of the Interstate Commerce Act is required to comply with regulations in this part in reporting property changes subsequent to the date fixed for the basic inventory of its property. This does not supersede provisions of Valuation Order No. 3—Second Revised Issue, effective January 1, 1919 (Part 155 of this chapter) requiring all carriers to record and report property changes. Those requirements are adapted by regulations in this part to the terminology and property units peculiar to pipeline carriers, as contemplated by the provisions of sec. 23 of Valuation Order No. 3—Second Revised Issue (155.23 of this chapter).

§ 156.1 Prescribed forms.

Facsimiles of ACV Forms No. 1, 2, 3 and 4 are presented in Appendices A, B, C and D,[1] respectively, and their use is prescribed as outlined herein.

§ 156.2 Preparation of forms.

Detailed instructions concerning the information to be reported on the forms are set out in §§ 156.100 to 156.103, and §§ 156.200 to 156.205.

§ 156.3 Copies required.

The prescribed forms shall be filed with the Commission in an original only and one copy shall be retained by carriers for examination by Commission representatives. Copies of forms prepared by other than filing carriers, appropriately amended by filing carriers to indicate their identity and their designated valuation section numbers, may be filed in lieu of originals.

[1] Filed as part of original document.

§ 156.4 Geographical identity of property changes.

Changes relating to property which is not normally moved from place to place, or mobile property such as vehicles or other work equipment or other property which services a particular valuation section on a reasonably permanent basis, shall be identified with the valuation section and State in which the property is physically located at the end of the reporting period. Changes relating to mobile property servicing more than one valuation section of a State shall be reported as unallocated for the State in which such valuation sections are located. If mobile property services more than one State, changes affecting same shall be reported as unallocated for the carrier as a whole without State identity.

§ 156.5 Carrier and noncarrier property defined.

Carrier property is that which is used exclusively for common-carrier purposes. Noncarrier property is that which is used exclusively for purposes other than those of a common carrier. These definitions are to be interpreted as disregarding incidental or immaterial use.

§ 156.6 Reporting changes by class of carrier property.

Property changes shall be reported separately by use and ownership category of carrier property. These are defined as follows:

(a) Class 1: Property owned by a common carrier and used for common-carrier purposes. This class of property includes:

(1) Wholly owned and wholly used by the same carrier.

(2) Jointly owned and used by the same carriers.

(b) Class 2: Property owned by a common carrier but used by another common carrier for common-carrier purposes. This class of property includes:

(1) Wholly owned by one carrier but wholly used by another carrier.

(2) Wholly owned by one carrier but jointly used by other carriers.

(3) Jointly owned by carriers but wholly used by another carrier.

(4) Jointly owned by carriers but jointly used by other carriers.

(c) Class 3: Property used by a common carrier for common-carrier purposes but owned by another common carrier. This class of property includes:

(1) Wholly used by one carrier but wholly owned by another carrier.

(2) Wholly used by one carrier but jointly owned by other carriers.

(3) Jointly used by carriers but wholly owned by another carrier.

(4) Jointly used by carriers but jointly owned by other carriers.

(d) Class 4: Property used by a common carrier for common-carrier purposes but owned by other than a common carrier. This class of property includes:

(1) Wholly used by a carrier but wholly owned by a noncarrier.

(2) Wholly used by a carrier but jointly owned by noncarriers.

(3) Jointly used by carriers but wholly owned by a noncarrier.

(4) Jointly used by carriers but jointly owned by noncarriers.

(e) All possible ownership and use combinations have not been included in the examples set out under the four classes of property defined above. Questions concerning those omitted shall be submitted to the Commission by carriers on an individual case basis.

§ 156.7 Responsibility for filing forms.

(a) Class 1 property:

(1) ACV Forms No. 1, 2, 3 and 4 shall be filed by the owning carrier.

(2) For agent operated jointly owned and used property, ACV Forms No. 1, 2 and 4 shall be prepared for the property as a whole by the agent operator. In addition to preparing these ACV Forms No. 1, 2 and 4, agent operators shall also prepare, for jointly owned and used property, ACV Forms No. 1 and 2 showing the proportionate share of original cost changes for the reporting period applicable to each jointly owning and using carrier. Separate forms shall be prepared for each state and the identity of the jointly owning and using carrier shall be entered on the Report Filed by _____, Property Owned by _____, and Property Used by _____ lines of the forms. The caption "Proportionate Share of the (Name of the system) Jointly Owned and Used" shall be entered in the body of the forms. Where acquisitions have occurred during the reporting period, enter the caption "Acquisitions" in column 6 of ACV Form No. 1, and in columns 6 and 13 of ACV Form No. 2. The affected primary accounts shall then be listed in column 1 of ACV Form No. 1 and in columns 1 and 11 of ACV Form No. 2. The valuation sections in which property changes have occurred shall be set out under the appropriate account numbers, and the original cost of additions and retirements applicable thereto shall be entered in the Original Cost columns of ACV Forms No. 1 and 2. Acquisitions, if any, shall be entered in the columns so headed. Totals shall be shown in these columns for each account. See Appendix F[1] for sample forms.

(3) Agent operators shall also prepare for jointly owned and used property ACV Form No. 4 showing the proportionate share of cost of reproduction new and cost of reproduction new less depreciation, both including overhead, as of the end of the reporting period, applicable to each jointly owning and using carrier. A separate form shall be prepared for each state and the identity of the jointly owning and using carrier shall be entered on the Report Filed by _____, Property Owned by _____, and Property Used by _____ lines of the form. The caption "Proportionate Share of the (Name of the system) Jointly Owned and Used" shall be entered in the body of the form. The valuation sections of the state shall be listed in column 9 of the form and the related cost of reproduction new and cost of reproduction new less depreciation shall be recorded in columns 21 and 22, respectively. See Appendix F[1] for sample form.

(4) Agent operators shall file the ACV Forms No. 1, 2 and 4, prepared by them in accordance with the preceding paragraphs, with the Commission where they will be reviewed and retained. Upon the completion of this review agent operators will be so advised and will be provided with photocopies of all ACV Forms No. 1, 2 and 4 on which corrections are made by the Commission. Each jointly owning and using carrier shall then be provided by agent operators with two copies of ACV Forms No. 1, 2 and 4, other than those prepared for jointly owned and used property as a whole, one to be retained by the recipient carrier and the other to be filed with the Commission. Copies of ACV Forms No. 1, 2 and 4 prepared by agent operators for jointly owned and used property as a whole may be made available to jointly owning and using carriers by arrangement with agent operators.

(5) For nonagent operated jointly owned and used property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly owning and using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly owning and using carrier. The recipient carrier shall retain one copy of these forms and shall file the other with the Commission.

(6) For both agent and nonagent operated jointly owned and used property, the proportionate share of original cost changes reported on ACV Forms No. 1 and 2 shall be included in amounts reported on ACV Form No. 3, and the proportionate share of cost of reproduction new and cost of reproduction new less depreciation shall be listed on the ACV Form No. 4 summary.

(b) Class 2 and 3 property:

(1) ACV Forms No. 1, 2, 3 and 4 shall be filed by the owning carrier for class 2 property and by the using carrier for class 3 property. ACV Forms No. 1, 2 and 4 may be prepared by a wholly owning but not using carrier, or by a wholly using but not owning carrier. Two copies of these forms shall be mailed by the carrier preparing them to the wholly owning or to the wholly using carrier, as appropriate.

(2) For agent operated jointly owned but not used property, or for agent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared for the property as a whole by the agent operator. In addition to preparing these ACV Forms No. 1, 2 and 4, agent operators shall also prepare, for jointly owned but not used and for jointly used but not owned property, ACV Forms No. 1 and 2 showing the proportionate share of original cost changes for the reporting period applicable to each jointly owning or jointly using carrier. Separate forms shall be prepared for each state. For Class 2 property, the identity of the jointly owning but not using carrier shall be entered on the Report Filed by _____ and Property Owned by _____ lines, and the identity of the using carrier, or carriers, shall be entered on the Property Used by _____ line. For Class 3 property, the identity of the jointly using but not owning carrier shall be entered on the Report Filed by _____ and Property Used by _____ lines, and the identity of the owning carrier, or carriers, shall be entered on the Property Owned by _____ line. The caption "Proportionate Share of the (Name of the system) Jointly Owned but not Used, or Jointly Used but not Owned," as appropriate, shall be entered in the body of the forms. Where acquisitions have occurred during the reporting period, enter the caption "Acquisitions" in column 6 of ACV Form No. 1, and in columns 6 and 13 of ACV Form No. 2. The affected primary accounts shall then be listed in column 1 of ACV Form No. 1 and in columns 1 and 11 of ACV Form No. 2. The valuation sections in which property changes have occurred shall be set out under the appropriate account numbers, and the original cost of additions and retirements applicable thereto shall be entered in the Original Cost columns of ACV Forms No. 1 and 2. Acquisitions, if any, shall be entered in the columns so headed. Totals shall be shown in these columns for each account.

(3) Agent operators shall also prepare for jointly owned but not used, and for jointly used but not owned, property ACV Form No. 4 showing the proportionate share of cost of reproduction new and cost of reproduction new less depreciation, both including overhead, as of the end of the reporting period, applicable to each jointly owning but not using, and jointly using but not owning, carrier. A separate form shall be prepared for each state. The lines Report Filed by _____, Property Owned by _____, and Property Used by _____ shall be filled in as directed in the preceding paragraph, and the caption "Proportionate Share of the (Name of the system) Jointly Owned but not Used," or "Jointly Used but not Owned," as appropriate, shall be entered in the body of the form. The valuation sections of the State shall be listed in column 9 of the form and the related cost of reproduction new and cost of reproduction new less depreciation shall be reported in columns 21 and 22, respectively.

(4) Agent operators shall file the ACV Forms No. 1, 2 and 4, prepared by them in accordance with the preceding paragraphs, with the Commission where they will be reviewed and retained. Upon the completion of this review agent operators will be so advised and will be provided with photocopies of all ACV Forms No. 1, 2 and 4 on which corrections are made by the Commission. Each jointly owning but not using, and each jointly using but not owning carrier shall then be provided by agent operators with two copies of ACV Forms No. 1, 2 and 4, other than those prepared for jointly owned but not used and jointly used but not owned property as a whole, one to be retained by the recipient carrier and the other to be filed with the Commission. Copies of ACV Forms No. 1, 2 and 4 prepared by agent operators for jointly owned but not used, or for jointly used but not owned property as a whole may be made available to jointly owning or jointly using carriers by arrangement with agent operators.

(5) For nonagent operated jointly owned but not used or jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly owning or jointly using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly owning or jointly using carrier. The recipient carrier shall retain one copy of these forms and shall file the other with the Commission.

(6) For both agent and nonagent operated jointly owned but not used, or jointly used but not owned property, the proportionate share of original cost changes reported on ACV Forms No. 1 and 2 shall be included in amounts reported on ACV Form No. 3, and the proportionate share of cost of reproduction new and cost of reproduction new less depreciation shall be listed on the ACV Form No. 4 summary.

(c) Class 4 property:

(1) ACV Forms No. 1, 2, 3 and 4 shall be filed by the using carrier.

(2) For agent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared for the property as a whole by the agent operator. In addition to preparing these ACV Forms No. 1, 2 and 4, agent operators shall also prepare, for jointly used but not owned property, ACV Forms No. 1 and 2 showing the proportionate share of original cost changes for the reporting period applicable to each jointly using carrier. Separate forms shall be prepared for each state. The identity of the jointly using but not owning carrier shall be entered on the Report Filed by _____ and Property Used by _____ lines of the forms, and the identity of the owner, or owners, of the property shall be entered on the Property Owned by _____ line of the form. The caption "Proportionate Share of the (Name of the system) Jointly Used but not Owned" shall be entered in the body of the forms. Where acquisitions have occurred during the reporting period, enter the caption "Acquisitions" in column 6 of ACV Form No. 1, and in columns 6 and 13 of ACV Form No. 2. The affected primary accounts shall then be listed in column 1 of ACV Form No. 1 and in columns 1 and 11 of ACV Form No. 2. The valuation sections in which property changes have occurred shall be set out under the appropriate account numbers, and the original cost of additions and retirements applicable thereto shall be entered in the Original Cost columns of ACV Forms No. 1 and 2. Acquisitions, if any, shall be entered in the columns so headed. Totals shall be shown in these columns for each account.

(3) Agent operators shall also prepare for jointly used but not owned property ACV Form No. 4 showing the proportionate share of cost of reproduction new and cost of reproduction new less depreciation, both including overhead, as of the end of the reporting period, applicable to each jointly using but not owning carrier. A separate form shall be prepared for each state. The identity of the jointly using but not owning carrier shall be entered on the Report Filed by _____ and Property Used by _____ lines of the form, and the identity of the owner, or owners, of the

property shall be entered on the Property Owned by ---------- line of the form. The caption "Proportionate Share of the (Name of the system) Jointly Used but not Owned" shall be entered in the body of the form. The valuation sections of the state shall be listed in column 9 of the form and the related cost of reproduction new and cost of reproduction new less depreciation shall be recorded in columns 21 and 22, respectively.

(4) Agent operators shall file the ACV Forms No. 1, 2 and 4, prepared by them in accordance with the preceding paragraphs, with the Commission where they will be reviewed and retained. Upon the completion of this review agent operators will be so advised and will be provided with photocopies of all ACV Forms No. 1, 2 and 4 on which corrections are made by the Commission. Each jointly using but not owning carrier shall then be provided by agent operators with two copies of ACV Forms No. 1, 2 and 4, other than those prepared for jointly used but not owned property as a whole, one to be retained by the recipient carrier and the other to be filed with the Commission. Copies of ACV Forms No. 1, 2 and 4 prepared by agent operators for jointly used but not owned property as a whole may be made available to jointly using but not owning carriers by arrangement with agent operators.

(5) For nonagent operated jointly used but not owned property, ACV Forms No. 1, 2 and 4 shall be prepared by one of the jointly using carriers, and two copies of these forms shall be mailed by the carrier preparing them to each jointly using carrier. The recipient carrier shall retain one copy of these forms and shall file the other with the Commission.

(6) For both agent and nonagent operated jointly used but not owned property, the proportionate share of original cost changes reported on ACV Forms No. 1 and 2 shall be included in amounts reported on ACV Form No. 3, and the proportionate share of cost of reproduction new and cost of reproduction new less depreciation shall be listed on the ACV Form No. 4 summary.

(d) Forms filed with the Commission shall report all property changes whether made by the owning or by the using carrier.

(e) To assure the prompt review and early return by the Commission of the ACV Forms pertaining to agent operated property required by this Section to be mailed to the Commission, such forms shall be mailed as soon after the close of the reporting year as practicable.

(f) A summary by class of property shall be filed by each carrier on ACV Form No. 4, prepared in accordance with § 156.103 (d) and (e).

§ 156.8 Reporting period and filing date.

The forms shall be prepared as of December 31 of each year, shall be filed with the Commission not later than the next succeeding September 30, and shall cover property changes occurring since the date of basic inventory or since the date of the lates previously filed forms.

§ 156.9 Out-of-service property.

Property temporarily out of service, and held under a definite plan for pipeline operations within a reasonable period of time, shall not be reported as a retirement or reported separately. Out-of-service property not meeting these criteria shall be reported as a retirement.

§ 156.10 Transfers between category of property.

Transfers between carrier and noncarrier property, between classes of carrier property, or between primary accounts, shall be reported separately as additions and retirements and shall be clearly identified as such.

§ 156.11 Exceptions.

Exceptions taken by the Commission to property transactions recorded or reported on forms prescribed by Valuation Order No. 3, or Supplements or Revisions thereto, fall into two categories: those evidenced by corrections made by the Commission on ACV Forms filed by carriers; and those made the subject of a letter of exception. Carriers will be provided with photocopies of ACV forms in the former category, and such forms shall supersede and shall replace in the files of carriers the related ACV forms originally filed. No further action need be taken by carriers on exceptions in this category. Exceptions made the subject of a letter of exception shall be processed on the first ACV forms prepared following the receipt of such a letter, and reference shall be made on the forms to the letter directing the action.

§ 156.12 Reconciliations.

(a) Carrier property: Carriers shall prepare and submit on ACV Form No. 1 an analysis of the difference between the closing balance of original cost shown in column 5 of ACV Form No. 3 for owned property and the closing balance in Account 1, Investment in Carrier Property (primary accounts 101 to 193, inclusive) and Account 2, Cost of Organization at the end of the reporting period. This analysis shall be in such form as to separately indicate by subheadings, amounts included in Accounts 1 and 2 but not included in the closing balance of original cost at the end of the reporting period, and amounts included in the closing balance of original cost but not included in Accounts 1 and 2 at the end of the reporting period. The details of items under each subheading shall be grouped under appropriate descriptive headings according to the nature of the difference.

(b) Noncarrier property: Carriers shall also prepare and submit on ACV Form No. 1 a reconciliation statement showing an analysis of the difference between the closing balance of original cost shown in column 5 of ACV Form No. 3 for owned property and the closing balance in Account 5, Miscellaneous Physical Property at the end of the reporting period.

(c) See Appendix E [1] for sample reconciliations.

§ 156.13 Valuation sections.

Valuation section identity shall be determined as of the date of original valuation, or subsequent thereto when appropriate, subject to the approval of the Commission.

§ 156.14 Corrections of additions or retirements previously reported.

In reporting corrections of additions or retirements previously reported, the adjusting entry in the current report shall be shown as an increase or as a decrease in the same column in which the original item was reported.

§ 156.15 Ancillary documents.

The following documents referred to in these regulations will be supplied by the Bureau of Accounts, Cost Finding and Valuation:

1947 Period Guide Prices and Annual and Period Indices.
Schedule of Annual and Period Indices.
Pipeline Condition Percent Table.
Schedule of Element Codes and Guide Service Lives.
Table of Index Reciprocals.
Schedule of ratios of Freight Rates to Delivered Prices of Pipe.

§ 156.16 Assembling and numbering forms.

(a) To facilitate the review and processing of ACV forms they shall be assembled in the following order prior to their being filed with the Commission:

(1) ACV Form No. 1 bearing the carrier's certification and the identity of the forms filed.

(2) ACV Form No. 1 containing the narrative statement pertaining to significant changes which occurred during the reporting period.

(3) ACV Form(s) No. 1 presenting the Reconciliation Statement for carrier property.

(4) ACV Form(s) No. 1 presenting the Reconciliation Statement for noncarrier property.

(5) ACV Forms No. 3 followed by the ACV Form No. 4 summary. ACV Forms No. 3 shall be arranged as follows:

(i) Class 1 property.

(ii) Class 2 property: Assemble alphabetically by lessee.

(iii) Class 3 and 4 property: Assemble alphabetically by lessor without regard to class of property.

(6) ACV Forms No. 1, 2 and 4 prepared by the filing carrier and those prepared by other than the filing carrier, covering property changes for the reporting period, shall be grouped together by form number in the above order. ACV Form No. 2 listing by state those valuation sections in which there were no property changes for the reporting period shall be placed ahead of the ACV Forms No. 2 reporting property changes. Each group of forms thus assembled shall include all classes of property in the following order:

(i) Class 1 property: For wholly owned and used property, assemble forms alphabetically by state and under each state by gathering, trunk, and general valuation sections grouped separately, with each group in valuation section number order. Arrange forms so grouped by primary account number. For jointly owned and used nonagent operated property, assemble forms for each such property in the same order prescribed for wholly owned and used property, and file alphabetically by jointly owned and used property identity immediately following the forms for wholly owned and used property for the corresponding state. For jointly owned and used agent operated property, assemble forms alphabetically by state and thereunder alphabetically by system, and file immediately following the forms for jointly owned and used nonagent operated property for the corresponding state.

(ii) Class 2 property: For wholly owned but not used, and jointly owned but not used nonagent operated property, assemble forms alphabctically by lessee and thereunder alphabetically by state, the latter in the manner prescribed above for wholly owned and used Class 1 property. Interfile with these forms, alphabetically by lessee and thereunder alphabetically by state, forms for jointly owned but not used agent operated property.

(iii) Class 3 and 4 property: For wholly used but not owned, and jointly used but not owned nonagent operated property, assemble forms alphabetically by lessor, without regard to class of property, and thereunder alphabetically by state, the latter as prescribed above for wholly owned and used Class 1 property. Interfile with these forms alphabetically by lessor, also without regard to class of property, and thereunder alphabetically by state, forms for jointly used but not owned agent operated property.

(b) ACV Forms assembled in accordance with the foregoing shall be numbered consecutively beginning with ACV Form No. 1 referred to in paragraph (a) (1) of this section and ending with the last ACV Form No. 4 assembled under paragraph (a) (6) of this section. These consecutive numbers shall be shown in the top right-hand corner of the forms and shall be in addition to the numbers prescribed to be entered on the Sheet No. ------ of ------ Sheets line of the ACV forms.

§ 156.17 Location sketches.

A sketch, or sketches, 17" x 11" in size, which need not be drawn to scale, shall be submitted showing, by valuation section, the approximate geographical location of trunk lines and pumping stations. Trunk lines shall be identified by crude or product, and loop or parallel lines shall be shown. The pumping station identity assigned by the carrier shall be indicated and cities adjacent thereto shall be shown. Indicate for gathering lines only the general areas served. It will not be necessary to submit a separate sketch for each valuation section. A single sketch for an entire state will suffice where a carrier's pipelines and pumping stations are located in one state. Where it can be produced legibly, a single sketch will also be acceptable where a carrier operates in a number of contiguous states. Following the initial submission of sketches it will be necessary thereafter to submit corrected sketches only to reflect significant changes such as added pumping stations, entry into a new field, construction of parallel or loop trunk lines, or trunk line extensions or connections.

§ 156.18 Amendments and deviations.

Only those amendments to or deviations from the regulations prescribed by this part as may be directed by the Commission are authorized.

FORMS INSTRUCTIONS

§ 156.100 Property changes other than land and rights-of-way.

Instructions for the preparation of ACV Form No. 1 Statement of Property Changes other than Land and Rights-of-Way.

(a) The data to be reported on this form should be typewritten. However, the form may be prepared manually where such method will assure legibility and permanency. Where the form is prepared manually, required additional horizontal lines shall be provided at the time of printing to aid in its preparation and to improve its legibility. A new sheet shall be started for each primary account. When ACV Form No. 1 is used to report changes in noncarrier property, the primary account numbers used for carrier property shall also be employed to facilitate the identification of such changes. With the exception of column 1, all entries on the form shall be double spaced. Additions and retirements shall be reported on separate lines. If there have been no property changes in a given valuation section for the reporting period, a form shall be prepared for each such valuation section bearing the statement "No Property Changes." When a major addition to, or a major replacement of a portion of, a unit of existing property occurs, report as a retirement the entire unit of property affected by the action and, in the case of a major addition, report as an addition both the property so retired and the addition made; in the case of a major replacement, report as an addition both the property retired less the replaced portion, and the replacing portion. (See Appendix G,[1] for example.) For additions or retirements of pipe for accounts 103, 153, 110, 160, 112 and 162 report both the gross linear footage, and the related screwage included in such gross linear footage. To facilitate the preparation and verification of the Pipeline Footage Change Summary, segregate additions and retirements for the above accounts for trunk lines by crude and product, and thereunder separately by line, loops and other. Segregate, also, and report separately additions and retirements for all gathering lines and, if reported, service pipe. Except for service pipe, show both gross linear footage and related screwage totals for additions and for retirements for each of the above segregations.

(b) A single copy of the form shall be used to set forth the following statement which shall be signed by a responsible officer of the carrier preparing the reports:

The forms identified hereon have been carefully examined by the undersigned who declares that they have been prepared in accordance with regulations issued by the Interstate Commerce Commission.

---------- (Signature)

---------- (Title)

---------- (Date)

There shall also be set forth on this copy the identity and the number of forms filed. To assure the receipt of such forms this information shall be presented in such manner as to permit ready verification. A single copy of the form shall also be used to present in narrative form a summary of significant changes which occurred during the reporting period. Record the statement "No significant changes during reporting period" when appropriate.

(c) Sheet No. 1 of ACV Form No. 1 of each valuation section shall be used to identify the primary accounts, by account number only, in which property changes are reported for the valuation section. Footage change totals reported for accounts 103, 153, 110, 160, 112 and 162 in accordance with § 156.100(a) shall also be summarized on this sheet as follows:

PIPELINE FOOTAGE CHANGE SUMMARY

	Trunk Lines						All goth. lines	
	Line		Loops		Other			
	Adds.	Rets.	Adds.	Rets.	Adds.	Rets.	Adds.	Rets.
Account No. ----------								
Less Screwage								
Account No.								
Less Screwage								
Account No.								
Less Screwage								
Totals [2]								
Equivalent Miles								

[1] Indicate whether Crude or Products for trunk lines.
[2] Show footage totals, less screwage, for all accounts. Convert to miles, to the nearest thousandth, and record results on the Equiv. Miles line. Enter these miles on the Pipeline Mileage Statement.

This same sheet shall also set forth a statement of changes in pipeline mileage occurring between the current and the next previously filed statement. This information shall be presented in the following form:

PIPELINE MILEAGE STATEMENT
(In Thousandths)

	At beginning of period	During period		At end of period
		Adds.	Rets.	
Trunk Lines:				
Crude:				
Line				
Loops				
Other				
Totals				
Products:				
Line				
Loops				
Other				
Totals				
All Gathering Lines				

The Pipeline Footage Change Summary and the Pipeline Mileage Statement shall be prepared to include only the category of pipeline being reported, i.e. Trunk Lines—Crude; or Trunk Lines—Products; or All Gathering Lines, as appropriate. It will not be necessary to include the inapplicable portions of the formats shown.

[1] Filed as part of original document.

(d) When ACV Form No. 1 is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by _____ and Property Used by _____ line and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(e) ACV Form No. 1 shall be executed as follows:

(1) *Statement of Property Changes From* _____ *To* _____. Indicate the beginning and ending dates of the period covered by the report.

(2) ☐ *Carrier Property* ☐ *Noncarrier Property.* Place an X in the appropriate block to identify the property being reported. Data shall not be recorded in columns 4, 6, 8, 9, 10 and 12 of ACV Form No. 1 when reporting property changes for noncarrier property.

(3) *Report Filed by* _____ *Property Owned by* _____ *Property Used by* _____. Enter appropriate identifications. Where jointly owned or jointly used property is being reported, enter an asterisk (*) on the Property Owned by _____ and Property Used by _____ line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 for the valuation section, as directed in (d) above.

(4) *State* _____ *Val. Sec.* _____. Identify the state and valuation section in which the property changes being reported occurred. Enter the word "Unallocated" on the Val. Sec. _____ line for mobile property servicing more than one valuation section of the state. Enter the word "Unallocated" on the State _____ line for mobile property servicing more than one state, leaving the Val. Sec. _____ line blank.

(5) *Sheet No.* _____ *of* _____ *Sheets.* Except when the form is used as a summary or as otherwise directed, the use of this line shall be restricted to identifying the sheets relating to the valuation section indicated on the line above on the form. It shall not be used for the consecutive numbering of all sheets constituting the complete carrier's report of all property changes for the reporting period. When the form is otherwise used this line shall identify the sheets so used.

(6) *Columns 1 and 3.* Property additions described in these columns shall be expressed as prescribed in the 1947 Period Guide Prices and Annual and Period Indices. When reporting significant additions, such as additional pipeline construction, excluding loops, or newly constructed buildings, file with related ACV Forms No. 1 right-of-way maps and station plats for pipeline construction, and floor plan sketches and pictures for buildings. Property retirements need not be described in complete detail. A general description, including the carrier's property number, will suffice. Include in column 1, however, for retirements, the identity of the B.V. Form 590 which reported, as a basic inventory item, the property being retired; include also the the identity of the Statement of Property Changes which reported, as an addition, the property being retired. When reporting additions to existing property, such as an addition made to an existing building or tank, indicate this same identity for the existing property to which the addition was made. Report, also, the date of installation of the existing property in column 1. Identify secondhand property and station piping clearly as such in column 1, and indicate the applicable freight rates for accounts 103, 105, 110, 112, 153, 155, 160 and 162. Show in column 1 the computation of the factor and the quotient referred to in (8) below.

(7) *Column 2.* Enter for both additions and retirements the year, including the current year, the property was dedicated to public service. This shall be construed as the year in which the property was first placed in common-carrier service by a carrier, and this date shall also govern when reporting carrier property transactions for each successive owning or using common carrier. Record dates for additions, only, for accounts 104 and 154. When the year of dedication to public service differs from the year the property was actually installed indicate, also, the latter year in column 1. This requirement shall apply equally to property installed by previous owners. Where the precise year cannot be determined enter the best estimate. When showing these dates only the last two digits of the year need be shown. Thus, 1956 may be indicated by 56.

(8) *Column 4.* Enter applicable unit price from the 1947 Period Guide Prices and Annual and Period Indices. Where period guide prices have not been established enter appropriate annual index from this same document, or the corresponding reciprocal from the Table of Index Reciprocals. For retirements from accounts 104 and 154 enter factor, determined by dividing cumulative cost of reproduction new by cumulative original cost, both as of the end of the next previous reporting period. For retirements of construction damages from accounts 105 and 155, enter the quotient of cumulative cost of reproduction new divided by related lineal feet of line pipe, both as of the end of the next previous reporting period. All entries in this column shall be used as multipliers.

(9) *Columns 5 and 11.* Enter the number of units applicable to the property described in columns 1 and 3. Leave these columns blank where the unit in column 3 is Lot.

(10) *Column 6.* Enter, to the nearest dollar, the product of column 5 times column 4. This will represent the cost of reproduction new at 1947 period prices. Entries shall not be made in this column for overhead items.

(11) *Columns 7 and 13.* Enter in these columns, to the nearest dollar, the original cost of each unit, or the aggregate cost of all units, reported in related columns 5 and 11, or the original cost of each lot reported in column 3. The term original cost shall be interpreted to mean the actual cost of property to a carrier at the time of its initial dedication to public use. Overhead items shall be stated separately and shall be clearly defined and identified as such in column 1.

(12) *Columns 8 and 9.* The data to be entered in these columns shall be taken from the Schedule of Element Codes and Guide Service Lives. Where property is to be depreciated to a 50 percent minimum indicate an asterisk (*) after the guide service life in column 9. Service life shall not be shown in column 9 for accounts 104, 105, 154 and 155, nor for element code 124 of accounts 111 and 161.

(13) *Column 10.* Enter applicable percent for additions or retirements from the Pipeline Condition Percent Table. Indicate 100 percent when appropriate. Except as may be otherwise approved by the Commission in individual cases, additions to existing property, such as an addition to an existing building or tank shall follow the condition percent of the property to which it is added. Condition percent for accounts 104 and 105, and, 154 and 155, shall not be shown in this column since the condition percent of these accounts follows the condition percent of accounts 103 and 153, respectively. Omit condition percent also for element code 124 of accounts 111 and 161, since the condition percent for this element represents a composite of the condition percents of the remaining tank elements of accounts 111 and 161.

(14) *Column 12.* Enter, to the nearest dollar, the product of column 11 times column 4. This will represent the cost of reproduction new at 1947 period prices. Entries shall not be made in this column for overhead items.

(f) A total shall be shown on this form, at the end of each account, for columns 6, 7, 12 and 13. The amount of property changes reported in columns 6 and 12 shall then be summarized, by element code, and the summaries entered in these columns below the total, with the appropriate element code, service life, and weighted average condition percent being shown in columns 8, 9 and 10, respectively. Caption this summary "Distribution of columns 6 and 12." The total of amounts summarized by code in columns 6 and 12 must agree with the totals shown at the end of the account for these columns, and this summary shall serve as the posting medium for entries to be made in columns 7, 8, 9 and 10 of ACV Form No. 4.

(g) For jointly owned or jointly used property, the owning and the using percentages set out on Sheet No. 1 for the valuation section shall be applied to the totals prescribed in the preceding paragraph to be shown at the end of each account for columns 7 and 13. The percentages and resultant amounts shall be shown and identified by each owning and each using carrier.

(h) ACV Form No. 1 reporting changes to jointly owned or jointly used property representing less than a valuation section shall report the complete property change. There shall then be indicated on the form the identity of the participating carriers and their owning or using percentage of interest. The appropriate percentage shall then be applied to the totals prescribed to be shown at the end of each account for columns 7 and 13, and by element code for columns 6 and 12. The resultant amounts shall be shown and identified by each owning or using carrier, and two copies of ACV Form No. 1 shall be mailed by the carrier reporting the change to each participating carrier, one to be retained and the other to accompany related forms filed with the Commission. In the case of joint projects involving expenditures not exceeding $5,000.00 each, expenditures representing the portion borne by the carrier may be grouped for the entire valuation section and the total reported as a lot. Joint projects involving expenditures exceeding $5,000.00 each shall be described in complete detail, including the total cost of the project, the identity and percentage of participation, and the number of units, in column 1 of ACV Form No. 1 and the carrier's share of the expenditure reported in total in columns 6, 7, 12 or 13.

(i) See §§ 156.201 to 156.205 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

§ 156.101 Land and rights-of-way property changes.

Instructions for the preparation of ACV Form No. 2—Statement of Land and Rights-of-Way Property Changes.

(a) The data to be reported on this form shall be typewritten. When ACV Form No. 2 is used to report changes in noncarrier property, the primary account numbers used for carrier property shall also be employed to facilitate the identification of such changes. If there have been no property changes in a given valuation section for the reporting period, it will not be necessary to prepare ACV Form No. 2 for such valuation sections. Prepare, instead, a single copy of the form listing thereon by state the valuation sections in which there were no property changes for the reporting period. All classes of property shall be included on this copy. When the form is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by _____ and Property Used by _____ lines and, in the body of the form, the identity of both the owning and the using carriers and the percentage of their respective owning or using interest.

(b) Instructions set out in § 156.100(h) pertaining to the manner of preparing ACV Form No. 1 covering changes in jointly owned or jointly used property representing less than a valuation section, or when used to report joint projects, shall also apply in the preparation of ACV Form No. 2.

(c) Maps, prepared in accordance with the specifications set out in Valuation Order No. 26, showing land additions and retirements, shall be filed with ACV Form No. 2 for both carrier and noncarrier property. Land additions and retirements shall also be indicated on carriers' copies of maps. Maps will not be required to be filed where an entire parcel, previously reported, is retired.

(d) In reporting land acquisitions having an original cost of $500.00 or less per individual acquisition, group such acquisitions by county and report original cost and related areas by county total, and identify the county in column 17. It will not be necessary to file maps for acquisitions so reported. Undeveloped land having an original cost of $500.00 or less per lease, leased to a carrier or to a noncarrier, or leased from a carrier, shall not be reported. Undeveloped land leased from a noncarrier having an annual rental of $500.00 or less shall not be reported. When reporting undeveloped land leased from a noncarrier having an annual rental in excess of $500.00 omit original cost. Regardless of the original cost or annual rental amount, land shall be reported where the property leased includes improvements. Exclude, however, original cost when reporting such land leased from a noncarrier. See paragraph (f) of this section for instructions governing the treatment to be accorded leased land for agent or nonagent operated jointly owned or jointly used property. Portions of land owned and no longer used for common-carrier purposes, and having an original cost of $500.00 or less per portion, shall be regarded as incidental and immaterial with respect to its noncarrier category, and such portions shall not be transferred to noncarrier property.

(e) ACV Form No. 2 shall be executed as follows:

(1) From _____ To _____. Indicate the beginning and ending dates of the period covered by the report.

(2) ☐ *Carrier Property* ☐ *Noncarrier Property.* Place an X in the appropriate block to identify the property being reported.

(3) *Report Filed by* _____ *Property Owned by* _____ *Property Used by* _____. Enter appropriate identifications. Where jointly owned or jointly used property is being reported, enter an asterisk (*) on the Property Owned by _____ and Property Used by _____ line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 of ACV Form No. 2 for the valuation section, as directed in (a) above.

(4) *State* _____ *Val. Sec.* _____. Identify the state and valuation section in which the property changes being reported occurred.

(5) *Sheet No.* _____ *of* _____ *Sheets.* This line shall identify the sheets relating to the valuation section, only, indicated on the line above on the form.

(6) *Column 1.* Enter the number of the land map assigned by the carrier.

(7) *Column 2.* Indicate the number assigned to the parcel, or parcels, on the map identified in column 1.

(8) *Column 3.* Indicate the date and the kind of instrument by which title to, or interest in, each parcel was derived, such as deed, quitclaim deed, condemnation, ordinance, lease, agreement, grant, donation, etc. In the case of land retirements requiring the execution of a new instrument, identify such instrument in this column.

(9) *Columns 4 and 5.* Enter, respectively, the name of the grantor and grantee cited in the instrument identified in column 3.

(10) *Columns 6 and 8.* Enter in these columns, respectively, the area, either in square feet or acres, of the land added or retired.

(11) *Columns 7 and 9.* Enter to the nearest dollar in these columns, respectively, the original cost of additions or retirements for the areas reported in columns 6 and 8. Incidental costs and assessments for public improvements shall be reported separately and shall be identified in column 17. Incidental costs and assessments shall be allocated to the parcels affected. If the considerations involved are other than cash identify such considerations in column 17. Enter valuation section totals for these columns.

(12) *Column 10.* Use this column for both land and rights-of-way. Enter the year that the parcel of land, or the year that the first trunk pipeline rights-of-way for the valuation section, or portion thereof, was dedicated to public service. Record this information for both additions and retirements.

(13) *Columns 11 and 12.* Identify the termini of the valuation section, or portion thereof, of trunk pipeline rights-of-way added or retired.

(14) *Columns 13 and 15.* Enter in these columns, for the termini identified in columns 11 and 12, the line miles of trunk pipeline rights-of-way added or retired.

(15) *Columns 14 and 16.* Enter to the nearest dollar in these columns, respectively, the total original cost for the valuation section as a whole of additions or retirements. If the considerations involved are other than cash identify such considerations in column 17.

(16) *Column 17.* Use this column to record information relevant to both land and rights-of-way not otherwise provided for on the form such as, in the case of land or rights-of-way acquired, a statement of the specific use to which such property has been put; or, in the case of land or rights-of-way retired, transferred or relinquished from carrier use, the disposition thereof, such as sales, transfers to noncarrier, reversions, etc. Record also in this column the dollar amount of land or rights-of-way sales.

(f) For jointly owned or jointly used agent or nonagent operated property, record the total original cost of each land change in column 17 of ACV Form No. 2, indicate the owning or using percentages set out on Sheet No. 1 for the valuation section, apply same to the total original cost recorded in this column and show, also in column 17, the resultant amounts representing each jointly owning or jointly using carrier's proportionate share of the change. For land changes other than those reporting the lease of undeveloped land to a carrier or to a noncarrier, or from a carrier, enter the total original cost also in column 7 or column 9, as appropriate. For land changes reporting the lease of undeveloped land add those proportionate shares appearing in column 17 which exceed $500.00 and enter the total in column 7 or column 9, as appropriate. In conformance with the provisions of paragraph (d) of this section, only those proportionate shares appearing in column 17 having an original cost in excess of $500.00 shall be included on ACV Forms No. 2 prepared by agent operators in accordance with § 156.7, showing the proportionate share of original cost changes applicable to each jointly owing or jointly using carrier; also, jointly owning or jointly using carriers of nonagent operated property shall include only those proportionate shares shown in column 17 having an original cost in excess of $500.00 when preparing their ACV Forms No. 3. In the case of rights-of-way changes affecting jointly owned or jointly used agent or nonagent operated property, the owning or the using percentages appearing on Sheet No. 1 for the valuation section shall be applied to the total original cost recorded for the valuation section as a whole in column 14 or column 16 in accordance with paragraph (e) (15) of this section. The percentages and resultant amounts shall be shown and identified by each jointly owning or jointly using carrier.

(g) See §§ 156.201 to 156.205 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

§ 156.102 Summary of original cost.

Instructions for the preparation of ACV Form No. 3—Summary of Changes in Original Cost and Total Original Cost at Close of Period.

(a) This form includes two identical sections of five columns each for reporting, by primary account and by the noncarrier property categories indicated, the information cited in the title of the form, for the carrier as a whole and for each state and Unallocated. A blank block appears at the top of each section of the form to provide this latter identity. The information required for the carrier as a whole shall be entered in the first section of Sheet No. 1 and this section shall be headed "As a Whole" in the blank block provided. The information required for the first State to be reported shall be entered in the remaining section of Sheet No. 1 of the form, and this section shall bear the name of the State being reported in the blank block provided. The sections of all such additional sheets as may be required shall be used to report

the remaining States, and Unallocated, and these sections shall also be appropriately identified in the blank blocks. Record States alphabetically, with Unallocated last in these blank blocks. When the form has been completed, the total of all amounts entered in similarly numbered columns in the state and Unallocated sections shall be balanced, by primary account and by noncarrier property category, with amounts entered in the corresponding columns of the "As a Whole" section. All totals and grand totals indicated to be shown on ACV Form No. 3 shall be crossfooted by individual state and Unallocated sections, which shall then be crossfooted to balance with amounts shown in the "As a Whole" section. Since this form will not be prepared by class of property for noncarrier property, for uniformity in reporting, record the data for all noncarrier property on ACV Form No. 3 prepared for class 1 property.

(b) The data reported on ACV Form No. 3 shall be typewritten and the form shall be executed as follows:

(1) *Summary of Changes in Original Cost From* _____ *To* _____, *and Total Original Cost at Close of Period.* Indicate the beginning and ending dates of the period covered by the report.

(2) *Sheet No.* _____ *of* _____ *Sheets.* This line shall identify the number of sheets constituting the Summary and the individual sheets thereof.

(3) *Report Filed by* _____ *Property Owned by* _____ *Property Used by* _____. Enter appropriate identifications.

(4) *Accounts.* The primary accounts and the noncarrier property categories designated in this column shall identify the applicable amounts stated in columns 1 through 5 of both sections of the form.

(5) *Column 1.* Enter the amounts appearing in column 5 of the form for the previous reporting period.

(6) *Column 2. Each state and Unallocated.* Record, by primary account and by noncarrier property category, for all valuation sections, the total of acquisitions recorded on ACV Forms No. 1 and 2 prepared in accordance with § 156.7(a), (b) and (c); § 156.201(b) (2) and (3); § 156.202(b)(1); § 156.203(b); and § 156.205(a).

(7) *Columns 3 and 4. Each state and Unallocated.* Record, by primary account and by noncarrier property category, for all valuation sections, the total of additions and retirements recorded on ACV Forms No. 1 and 2 for the reporting period, exclusive of those acquisitions referred to in (6) above.

(8) *Column 5. Each state and Unallocated.* This column is the product of column 1 plus columns 2 and 3 minus column 4.

(9) *Columns 2, 3, 4 and 5. As a whole.* The amounts to be entered in these columns shall represent the total of amounts entered in similarly numbered columns of the state and Unallocated sections.

§ 156.103 Summary of cost of reproduction new and cost of reproduction new less depreciation.

Instructions for the preparation of ACV Form No. 4—Summary of Cost of Reproduction New and Cost of Reproduction New Less Depreciation.

(a) The data to be reported on this form should be typewritten. However, the form may be prepared manually where such method will assure legibility and permanency. Where the form is prepared manually, required additional horizontal lines shall be provided at the time of printing to aid in its preparation and to improve its legibility. All entries on the form shall be double spaced. Because of changing condition percents and current period indices, it will be necessary to prepare and file this form even though there were no additions or retirements during the reporting period. When the form is used to report changes affecting jointly owned or jointly used property enter on Sheet No. 1, for each valuation section, an asterisk (*) on the Property Owned by _____ and Property Used by _____ line and, in the body of the form, the identiy of both the owning and the using carriers and the percentage of their respective owning or using interest.

(b) ACV Form No. 4 shall be executed as follows:

(1) *For the Year* _____. Indicate the calendar year covered by the report.

(2) *Report Filed by* _____ *Property Owned by* _____ *Property Used by* _____. Enter appropriate indentifications. Where jointly owned or jointly used property is being reported, enter an asterisk (*) on the Property Owned by _____ and Property Used by _____ line to indicate that the identity of the owning and the using carriers is set out on Sheet No. 1 of ACV Form No. 4 for the valuation section, as directed in (a) above.

(3) *State* _____ *Val. Sec.* _____. Identify the state and valuation section in which the property changes being reported occurred. Enter the word "Unallocated" in the Val. Sec. _____ line for mobile property servicing more than one valuation section of the state. Enter the word "Unallocated" on the State _____ line for mobile property servicing more than one state, leaving the Val. Sec. _____ line blank.

(4) *Sheet No.* _____ *of* _____ *Sheets.* Except where the form is used as a summary, the use of this line shall be restricted to identifying the sheets relating to the valuation section indicated on the line above on the form. It shall not be used for the consecutive numbering of all sheets constituting the complete carrier's report of all property changes for the reporting period. When the form is used as a summary this line shall identify the sheets so used.

(5) *Freight on Pipe.* Rate _____ percent. Enter the appropriate rate and percentage from the Schedule of Ratios of Freight Rates to Delivered Prices of Pipe.

(6) *Columns 1, 2, 3, 4 and 5.* Enter in these columns, respectively, the same information appearing in columns 1, 2, 3, 11 and 12 of the form for the next previous reporting period. Omit service life and condition percent in columns 3 and 5 for accounts 104, 105, 154, and 155, and for element code 124 of accounts 111 and 161. Where property changes occur during the current reporting period and no entries appear in columns 11 and 12 for the next previous reporting period, enter account number, element code, and service life in columns 1, 2 and 3, respectively, from ACV Form No. 1.

(7) *Column 6.* Enter the applicable current year condition percent for each element code from the Condition Percent Table. Omit condition percent for accounts 104, 105, 154 and 155, and for element code 124 of accounts 111 and 161.

(8) *Columns 7, 8, 9 and 10.* The data to be entered in these columns are those set out in columns 6, 10 and 12 under "Distribution of columns 6 and 12" which appears at the end of each account on ACV Form No. 1 for which property changes are reported. Since this distribution will report no condition percent for accounts 104, 105, 154 and 155, or for element code 124 of accounts 111 and 161, none will be shown in columns 8 and 10.

(9) *Column 11.* The amount to be entered in this column is produced as follows: Column 4 plus column 7, minus column 9. Enter account totals in this column.

(10) *Column 12.*

(i) This condition percent is arrived at by dividing the product of: Column 4 times column 6, plus column 7 times column 8, minus column 9 times column 10, by the amount in column 11.

(ii) In the case of element codes 2, 4, 6 and 8, for accounts 103 and 153 the percentage of cost new shall also be shown in this column. This percentage is determined by multiplying the salvage factor percent (to be shown as SF—in parenthesis in column 13) by the difference between the condition percent and 100 percent, and adding the result to the condition percent. Entries in this column shall be shown, for example, as 70/76, the condition percent being 70 and the percentage of cost new being 76.

(iii) A weighted condition percent shall also be developed from the element codes of accounts 103 and 153 which shall be used for conditioning accounts 104 and 105, and 154 and 155, respectively. This weighted condition percent shall be developed as follows: Multiply the amount for each element code in column 11 by the related condition percent (not the percentage of cost new) in column 12. Add the products and divide the resultant sum by the total for account 103 or 153 appearing in column 11. This weighted condition percent shall be shown in parenthesis in this column opposite the total for these accounts. This condition percent shall be entered in this column for the element codes of accounts 104, 105, 154 and 155, and shall be used to condition amounts in column 11 for these elements. It shall not be used to condition accounts 103 or 153.

(iv) A weighted condition percent shall also be developed from the tank element codes of accounts 111 or 161, which shall be used for conditioning element code 124 of these accounts. This weighted condition percent shall be developed by multiplying the amount for each tank element code in column 11 by the related condition percent in column 12, adding the products and dividing the resultant sum by the total of the tank elements for account 111 or 161 appearing in column 11. This condition percent shall be entered in this column for element code 124, and shall be used to condition the amount in column 11 for this element.

(11) *Column 13.* This is the product of column 11 times column 12. For elements 2, 4, 6 and 8 of accounts 103 and 153 use the percentage of cost new instead of condition percent. Where a current period index (Column 14) is common to all elements of an account, the total of the account, only, shall be entered in this column. Enter also in parenthesis in this column for element codes 2, 4, 6 and 8 for accounts 103 and 153, the appropriate salvage factor (SF–) as shown in the Schedule of Element Codes and Guide Service Lives. Indicate account totals in this column.

(12) *Column 14.* Enter the current year period index from the Schedule of Annual and Period Indices. Since the amounts reported in columns 11 and 13 for accounts 103 and 153 include freight, for which a separate period index is established, it will be necessary to develop a weighted index for amounts in columns 11 and 13 for accounts 103 and 153. This weighted index shall be arrived at by multiplying the Freight on Pipe %, shown in the upper right hand portion of the form, by the current year period index for freight on pipe, and adding to this the product of 100 percent less the freight on pipe percent, times the current year period index for line pipe. Enter the weighted index computed for account 103 and for account 153 in this column, opposite the totals shown for these accounts in column 13 and, above the index, the factors used in computing it.

(13) *Columns 15 and 16.* Enter, respectively, the products of column 11 times column 14, and column 13 times column 14.

(14) Enter valuation section totals for columns 4, 7, 9, 11 (these columns must crossfoot), 13, 15 and 16.

(15) Entries will be made on ACV Form No. 4 in columns 17 through 22 as follows for the valuation section as a whole only:

(i) *Columns 17, 18, 19 and 20.* Enter the percentages approved for the carrier for each valuation section.

(ii) *Columns 21 and 22.* Add 100 to each of the percentages in columns 17 through 20, and multiply columns 17 times 18 times 19 times 20. Apply the product to the totals in columns 15 and 16 and enter the results in columns 21 and 22, respectively.

(c) For jointly owned or jointly used property, the owning and the using percentages, set out on Sheet No. 1 of ACV Form No. 4 for the valuation section, shall be applied to each of the totals appearing in columns 21 and 22. The resultant amounts shall be shown and identified by each owning and each using carrier.

(d) ACV Form No. 4 shall be used to produce summaries of the following categories of property:

(1) *Owned and Used Summary.* List wholly owned and wholly used property followed by jointly owned and used property. When listing jointly owned and used property identify the system of which it is a part, or other joint tenant or tenants.

(2) *Owned but Not Used Summary.* List property, whether wholly or jointly owned, leased to carriers and identify lessees.

(3) *Used but Not Owned Summary.* List property, whether wholly or jointly used, leased from carriers followed by property leased from noncarriers. Identify lessors.

(e) Execute the "For the Year," "Report Filed by _____," and "Sheet No. _____ of _____ Sheets" captions in the heading of the form, and prepare the summaries, double spaced, as follows:

(1) Enter the following headings on the first line of the body of the form:

Column 7. Val. Sec.
Column 9. Line.
Column 11. Loops.
Column 13. Other.
Column 15. Total Trunk.
Column 16. All Gathering.

(2) Identify the summary being produced. Use the summary titles referred to in (d) above.

(3) On the next line, in column 11, indicate the state being summarized.

(4) Enter on successive lines for each valuation section:

(i) *Columns 7, 9, 11, 13, 15 and 16.* List, from Sheet No. 1 of ACV Form No. 1, the valuation section number and the appropriate mileages recorded in the At End of Period column of the Pipeline Mileage Statement. Add the suffix "Prod." to product valuation section numbers. For jointly owned and used, and jointly owned but not used or jointly used but not owned property record the total mileage for the valuation section and enter an asterisk (*) in column 6.

(ii) *Columns 21 and 22.* List, from ACV Form No. 4, the totals in these columns appearing at the end of each valuation section. Enter the proportionate share, only, for jointly owned and used, and for jointly owned but not used or jointly used but not owned property.

(iii) Include in the above listing, and identify as "Unallocated" in column 7 ACV Forms No. 4 for mobile property servicing more than one valuation section.

(iv) Where two or more valuation sections are listed in a single state for a given lessee or lessor, indicate a state total for each in columns 21 and 22 only.

(v) For jointly owned and used property identify, beginning in column 1, the system of which it is a part, or other joint tenant or tenants. For owned but not used property, and property used but not owned, identify, also beginning in column 1, lessees and lessors, respectively.

(5) Indicate the subheading "State Totals" in column 4 and enter the totals of columns 21 and 22 only.

(6) Repeat (3), (4) and (5) above until all states have been summarized.

(7) Following the development of state totals enter, on the next line, the caption "Unallocated" in column 11 and, on the same line, record in columns 21 and 22 the totals appearing in these columns on ACV Form No. 4 for mobile property servicing more than one state.

(8) Enter the identification "As a Whole Totals" in column 4 on the next line and, on the same line, record, in columns 21 and 22 only, the grand summary of state and unallocated totals produced in accordance with (5), (6) and (7) above.

(9) When as a whole totals have been developed for each summary enter, on the next succeeding lines, the terms "Total Owned," and "Total Used." Record, in columns 21 and 22, opposite the former term, the totals of amounts appearing in these columns for the owned and used, and owned but not used summaries; record opposite the latter term, in columns 21 and 22, the totals of amounts in these columns for the owned and used, and used but not owned summaries.

(10) Enter an asterisk (*) on the last line followed by the phrase "Undivided joint mileage."

(f) See §§ 156.201 to 156.205 for instructions covering purchase, sale, merger, consolidation or reorganization actions.

INSTRUCTIONS COVERING THE PROCESSING OF PURCHASE, SALE, MERGER, CONSOLIDATION OR REORGANIZATION ACTIONS

§ 156.200 Introduction.

(a) ACV Forms No. 1, 2, 3 and 4, and B. V. Form No. 588–R and related Subschedules prescribed by Supplement No. 8 to Valuation Order No. 3, Second Revised Issue, shall be used as outlined in this section to document actions in the captioned category. The term "acquiring carrier," as used in this section, refers to the carrier gaining title to property; "releasing carrier" refers to the carrier relinquishing title.

(b) Where purchase, sale, merger, consolidation or reorganization actions are between common carriers, the original cost of property to the releasing carrier as of the date of the action shall be used to record such actions. If such actions are between common carriers and individuals, firms, corporations, or others not common carriers, the purchase price paid by acquiring common carriers shall be used to record property acquisitions, and the original cost of property as of the date of the action shall be used to record property releases.

(c) Cost of organization, either added or retired in connection with purchase, sale, merger, consolidation or reorganization actions, shall be reported on ACV Form No. 1 under accounts 116, 166 or 186 as appropriate.

(d) In identifying actions being reported, as directed in §§ 156.201 to 156.205, include vendor or vendee identity in cases of significant sales or purchases.

§ 156.201 Actions between common carriers affecting property representing one or more complete valuation sections.

(a) The releasing carrier shall:

(1) Prepare ACV Forms No. 1 and 2 covering changes occurring between the date of the latest previously filed statements of property changes and the date of the action.

(2) Prepare a separate ACV Form No. 1, by valuation section, identifying thereon the action being reported, showing the balances of original cost and cost of reproduction new remaining after giving effect to the property changes reported in accordance with subparagraph (1) of this paragraph. Identify the primary accounts affected in column 1, enter the appropriate element codes in column 8, and record related cost of reproduction new balances in column 12. Using the same primary account identity, enter related original cost balances in column 13.

(3) Prepare a separate ACV Form No. 2, by valuation section, identifying thereon the action being reported, showing the balances of original cost remaining after giving effect to the property changes reported on ACV Form No. 2 prepared in accordance with subparagraph (1) of this paragraph. Identify the primary accounts affected in column 1 and enter the balances in column 9 for land accounts, and in column 16 for rights-of-way accounts.

(4) Prepare ACV Form No. 4 through column 11, as directed in Section 156.103, and include in column 9 amounts reported in column 12 of ACV Forms No. 1 prepared in accordance with subparagraph (2) of this paragraph. This will reduce the balance in column 11 of ACV Form No. 4 to zero.

(5) Provide the acquiring carrier with:

(i) A copy of its December 31, 1947, or later, basic inventory, showing units and costs, of the property affected by the action.

(ii) A copy of all its B. V. Forms No. 588–R and related Subschedules, and ACV Forms No. 1 and 2 covering all property changes through the effective date of the action.

(iii) A copy of its ACV Forms No. 4 referred to in subparagraph (4) of this paragraph showing zero balance in column 11.

(b) Following the close of the reporting period the acquiring carrier shall:

(1) Prepare ACV Forms No. 1 and 2 covering changes for the period from the date of the action to December 31, of the reporting year, including additional organization expenditures.

(2) Prepare a separate ACV Form No. 1, by valuation section, identifying thereon the action being reported. List the

primary accounts affected in column 1 and record as acquisitions in column 7 the retirements reported in column 13 of ACV Forms No. 1 prepared by the releasing carrier in accordance with paragraph (a)(2) of this section, and provided the acquiring carrier in accordance with paragraph (a)(5) of this section. Exclude cost of organization reported by the releasing carrier.

(3) Prepare a separate ACV Form No. 2, by valuation section, identifying thereon the action being reported. List the primary accounts affected in column 1 and record as acquisitions in column 7 for land accounts, and in column 14 for rights-of-way accounts, the retirements reported in columns 9 and 16 of ACV Forms No. 2 prepared by the releasing carrier in accordance with paragraph (a)(3) of this section, and provided the acquiring carrier in accordance with paragraph (a)(5) of this section.

(4) Prepare ACV Form No. 4 to cover the entire reporting year, identifying same to indicate that it includes changes applicable to both the releasing and the acquiring carrier. To accomplish this, copy in the corresponding columns of this form the data appearing in columns 1, 2, 3, 4 and 5 of ACV Form No. 4 received from the releasing carrier in accordance with paragraph (a)(5) of this section. Consolidate, by element, the amounts of cost of reproduction new property changes appearing in columns 6 and 12 of the copy of ACV Form No. 1 received from the releasing carrier covering current year changes to the date of the action, and the ACV Form No. 1 prepared by the acquiring carrier covering current year changes from the date of the action to the end of the reporting year. Record these consolidated changes in columns 7 and 9 of ACV Form No. 4 and complete the form as directed in § 156.103.

(5) Prepare, for the carrier as a whole, a separate ACV Form No. 1 identifying differences between amounts covering acquisitions recorded in account 1, Investment in Carrier Property, and related original cost amounts recorded on ACV Forms No. 1 and 2.

§ 156.202 Actions between common carriers affecting property representing less than a complete valuation section.

(a) The releasing carrier shall:

(1) Identify the action and report same, by account, as a retirement on separate ACV Forms No. 1 and 2, including complete description, units, costs, etc., immediately following the recording of regular property changes for the reporting year.

(2) Provide the acquiring carrier with a copy of the ACV Forms No. 1 and 2 referred to in subparagraph (1) of this paragraph.

(b) The acquiring carrier shall:

(1) Identify the action and report same by account, as an acquisition on ACV Forms No. 1 and 2, including complete description, units, costs, etc., immediately following the recording of regular property changes for the reporting year. ACV Forms No. 1 and 2 received from the releasing carrier in accordance with paragraph (a)(2) of this section shall serve as the posting media for recording these data.

(2) Prepare, for the carrier as a whole, a separate ACV Form No. 1 identifying differences between amounts covering acquisitions recorded in account 1, Investment in Carrier Property, and related original cost amounts recorded on ACV Forms No. 1 and 2.

§ 156.203 Actions between common carriers and individuals, firms, corporations or others not common carriers.

(a) The releasing carrier shall record the action as a retirement in the same manner as outlined in § 156.202(a)(1), except that it will not be necessary to prepare separate ACV Forms No. 1 and 2.

(b) The acquiring carrier shall record the action as an acquisition in the same manner as outlined in § 156.202(b)(1), except that if the property represents a valuation section or more separate ACV Forms No. 1 and 2 shall be prepared, the date of the acquisition shall be the year in which the property is dedicated to public service by the acquiring carrier and the source medium shall be the inventory of the property acquired. This inventory shall state the manner in which it was determined and shall identify the installation dates of the property included therein. Where accurate installation dates cannot be determined the best possible estimate shall be used.

(c) The acquiring carrier shall also prepare, for the carrier as a whole, a separate ACV Form No. 1 identifying differences between amounts covering acquisitions recorded in account 1, Investment in Carrier Property, and related purchase price amounts recorded on ACV Forms No. 1 and 2.

§ 156.204 Purchases and sales of jointly owned or jointly used agent operated property.

In cases of purchase and sale actions affecting agent operated jointly owned or jointly used property the agent operator shall:

(a) Prepare a summary on ACV Forms No. 1 and 2 for each valuation section, identifying the action being reported, listing thereon by primary account the total additions and retirements, each shown separately, from the date of the latest previously filed statements of property changes to the date of the action. Indicate the appropriate owning or using percentage in effect prior to the date of the action for each jointly owning or jointly using carrier and apply same to the additions and retirements and record the resultant amounts. See Appendices H and I[1] for examples.

(b) Prepare ACV Forms No. 1 and 2 for each valuation section, identifying the action being reported, and showing thereon the following information by primary account:

(1) The balance of original cost at the end of the latest previous reporting period.

(2) The total of additions and retirements reported in accordance with (a) above.

(3) The balance of original cost as of the date of the action after giving effect to subparagraph (2) of this paragraph. See Appendices H and I for examples.

(c) Apply to the balance developed under paragraph (b)(3) of this section, the percentage representing the relationship between the original cost of the portion of the valuation section involved in the action and the total original cost of the valuation section. Identify the result by each releasing and acquiring jointly owning or jointly using carrier. See Appendices H and I[1] for examples.

(d) Include amounts developed under paragraphs (a) and (c) of this section in totals reported on ACV Forms No. 1 and 2 prepared in accordance with § 156.7 (a), (b) and (c) reporting the carrier's proportionate share of jointly owned or jointly used agent operated property.

(e) Include ACV Forms No. 1 and 2 prepared in accordance with paragraphs (a), (b) and (c) of this section with forms filed with the Commission.

§ 156.205 Purchases and sales of jointly owned or jointly used nonagent operated property.

(a) The ACV Forms No. 1 and 2 referred to in § 156.204 (a), (b) and (c) shall be prepared by the carrier having responsibility for preparing the ACV forms for the jointly owned or jointly used property.

(b) Two copies of the ACV Forms No. 1 and 2 referred to in paragraph (a) of this section shall be mailed to each jointly owning or jointly using carrier, one to be retained, the other to be included with reports filed with the Commission.

FORMS

§ 156.300 List of forms.[1]

ACV Form No. 1—Statement of Property Changes other than Land and Rights-of-Way.

ACV Form No. 2—Statement of Land and Rights-of-Way Property Changes.

ACV Form No. 3—Summary of Changes in Original Cost and Total Original Cost at Close of Period.

ACV Form No. 4—Summary of Cost of Reproduction New and Cost of Reproduction New Less Depreciation.

[F.R. Doc. 59-5578; Filed, July 6, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

UNITED STATES STANDARDS FOR LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

Extension of Time for Filing Comments on Proposed Suspension of Federal Meat Grading Service

On May 28, 1959, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) there was published in the FEDERAL REGISTER (24 F.R. 4307), a notice that the Department of Agriculture was considering amending the Federal Meat Grading Regulations (7 CFR Part 53, Subpart A, as amended), issued under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), effective August 1, 1959, to suspend the Federal meat grading service under said regulations for the determination of the grades of lamb, yearling mutton, and mutton carcasses in accordance with the United States Standards (7 CFR Part 53, Subpart B, as amended).

On June 25, 1959, there was published in the FEDERAL REGISTER (24 F.R. 5187) a notice that the time for filing comments on this proposal was extended to July 6, 1959.

Because of the continued interest in this matter and because several requests have been received asking that additional time be allowed for filing comments on the proposal, it is now deemed desirable to extend the time for filing comments to include July 20, 1959. In this same connection, the effective date for the possible suspension of lamb, yearling mutton, and mutton grading is also changed from August 1, 1959, to September 1, 1959.

Therefore, all persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., on or before July 20, 1959.

Done at Washington, D.C., this 2d day of July 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-5647; Filed, July 6, 1959; 9:13 a.m.]

[1] Filed as part of original document.

[7 CFR Part 961]

[Docket No. AO-160-A21]

MILK IN PHILADELPHIA, PA., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in U.S. District Courtroom No. 4, United States Courthouse, 9th and Market Streets, Philadelphia, Pennsylvania, beginning at 9:30 a.m., e.d.t., on July 13, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Milk Distributors Association of the Philadelphia Area, Inc.

Proposal No. 1. Revise § 961.61 to read as follows:

§ 961.61 Plants subject to other federal orders.

Any plant specified in paragraphs (a), (b) or (c) of this section shall be considered a non-producer milk plant except that the operator thereof shall, with respect to total receipts and utilization or disposition of product pounds at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any plant referred to in § 961.7 in which all the milk handled either as producer milk or other source milk allocated to Class I, is subject to the classification, pricing and pooling under Part 927 of this chapter;

(b) Any plant referred to in § 961.7 (a) at which all the milk handled either as producer milk or other source milk allocated to Class I, is subject to the classification, pricing and pooling of another order pursuant to the Act unless a greater volume of milk is disposed of from such plant to retail or wholesale outlets (except producer milk plants) in the Philadelphia marketing area than in the marketing area regulated pursuant to such other order; and

(c) Any plant as referred to in § 961.7 (b) at which all the milk handled either as producer milk or other source milk allocated to Class I, is subject to the classification, pricing and pooling of another order pursuant to the Act unless such plant disposes of a greater volume of Class I milk to producer milk plants under Order No. 61 than to plants distributing in the marketing area regulated pursuant to such other order.

Proposal No. 3. Delete the last proviso of § 961.52(a) and substitute therefor the following: "from which plant milk from producers is shipped to plants specified in § 961.7(a) or at which plant milk is otherwise disposed of as Class I, and limited at that plant to the amount shipped or otherwise disposed of as Class I."

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, L. S. Iverson, 1528 Walnut Street, Philadelphia 2, Pennsylvania, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 1st day of July 1959.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-5603; Filed July 6, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.0]

PRODUCT CONSISTING OF COLLOIDAL SIZED PARTICLES COMPOSED OF SILICA AND WATER

Notice of Prospective Classification

JULY 1, 1959.

It appears that a product known as "Cab-O-Sil" consisting of colloidal sized particles composed of 98.4 percent silica and 1.6 percent of water is properly classifiable as an acid anhydride, not specially provided for, under paragraph 1, Tariff Act of 1930, and dutiable at the reduced rate of 12½ percent ad valorem under that paragraph as modified.

Pursuant to § 16.10a(d) of the customs regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of classifying such product as sand containing 95 percent or more of silica and not over 0.6 percent of oxide of iron and suitable for use in the manufacture of glass under paragraph 207, dutiable at the reduced rate of 50 cents per ton, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-5605; Filed, July 6, 1959; 8:47 a.m.]

Office of the Secretary

[AA 643.3]

RAYON STAPLE FIBER FROM SWEDEN

Determination of No Sales at Less Than Fair Value

JUNE 30, 1959.

A complaint was received that rayon staple fiber from Sweden was being sold

to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Sweden is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The quantity of rayon staple fiber, the same as or similar to the rayon staple fiber sold to the United States, sold for home consumption was inadequate to form a basis for a fair value comparison. Accordingly, a weighted average of the price in the home market and the prices for exportation to countries other than the United States represents the fair value of the imported merchandise.

It was found that the purchase price was not less than the weighted average of the price in the home market and the prices to third countries, after appropriate adjustments for circumstances of sale differences such as freight and moisture regain factors. It was also ascertained that purchase price was not less than third country price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5606; Filed, July 6, 1959; 8:47 a.m.]

[AA 643.3]

RAYON STAPLE FIBER FROM SWITZERLAND

Determination of No Sales at Less Than Fair Value

JUNE 30, 1959.

A complaint was received that rayon staple fiber from Switzerland was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Switzerland is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The quantity of rayon staple fiber, the same as or similar to the rayon staple fiber sold to the United States, sold for home consumption was inadequate to form a basis for a fair value comparison. Accordingly, a weighted average of the price in the home market and the prices for exportation to countries other than the United States represents the fair value of the imported merchandise.

It was found that the purchase price was not less than the weighted average of the price in the home market and the prices to third countries, after appropriate adjustments for circumstances of sale differences such as advertising, commissions, freight, and moisture regain factors. Actual discounts granted in the home market and to third countries for quantity were also considered. It was also ascertained that purchase price was not less than any third country price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5607; Filed, July 6, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

Notice of Proposed Withdrawal for Permanent Reservation of Certain Lands

JUNE 30, 1959.

The Fish and Wildlife Service, Department of the Interior, Washington, D.C. has filed an amended application of BLM 044365, for the withdrawal of certain public land located on Sanibel Island, Lee County, Florida, hereafter described, from all forms of appropriation under the public land laws, including the United States mining but not the mineral leasing laws, subject to valid existing rights.

The land is required as an addition to the Sanibel National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each party of record.

The land involved in the application is:

TALLAHASSEE MERIDIAN, FLORIDA

T. 46 S., R. 23 E., sec. 18, Lot 5.

The area described comprises 40 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59-5584; Filed, July 6, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in St. James Parish, Louisiana, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parish after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of June 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-5588; Filed, July 6, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-606]

SCHWARZINGER & CO. INTERNATIONALE SPEDITIONS G.m.b.H.

Order Denying Export Privileges for an Indefinite Period

In the matter of Schwarzinger & Co. Internationale Speditions G.m.b.H., Vienna 1, Stallburggasse 4, Austria; Respondent, File 23-606.

There is pending an investigation concerning what may be an unauthorized diversion of approximately 30,000 pounds of Neoprene in 585 bags, valued at about $15,000, which were exported from the United States under general license. The Director of the Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Schwarzinger & Co. Internationale Speditions G.m.b.H. all export privileges for an indefinite period because of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the export regulations (15 CFR, Chapter III, Subchapter B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

The evidence submitted in support of the application shows that although the Neoprene had been exported from the United States for delivery to a consignee in Switzerland, it was not delivered there but was forwarded, on instructions from a forwarder, by the respondent to East Germany or another Soviet Bloc destination. Relevant and material interrogatories concerning the handling of the goods by the respondent and the instructions received and given by it were duly served on the respondent, but it has failed and omitted to answer the same and has failed to give any satisfactory or reasonable explanation for its failure so to do. Such failure and omission to answer the interrogatories has impaired and impeded the investigation by the Bureau of Foreign Commerce into the ultimate disposition of the Neoprene and the ascertainment of the persons responsible therefor.

Having concluded that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act

of 1949, as amended: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

II. The respondent, its successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the using of any export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

III. This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the export regulations;

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11(c) of the export regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: May 29, 1959.

RAUER H. MEYER,
Acting Director,
Office of Export Supply.

[F.R. Doc. 59-5587; Filed, July 6, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10667; Order No. E-14161]

REEVE ALEUTIAN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of July 1959.

In the matter of reduced local fares for official military travel between Adak, Alaska, and Kodiak, Alaska, proposed by Reeve Aleutian Airways, Inc., Docket No. 10667.

Reeve Aleutian Airways, Inc. (Reeve) has filed tariffs to become effective July 5, 1959, providing for reduced one-way and round-trip local and joint fares for personnel of the military agencies and the Selective Service System traveling on Government transportation requests. The proposed local fare applies between Adak and Kodiak, Alaska.[1] This fare is $130.00 one-way which represents a discount of about 18 percent from the regular fare of $160.00. The proposed joint fares apply between Adak, Alaska, and Seattle, Washington, via Reeve from Adak to Anchorage or Kodiak, Alaska, thence via Pacific Northern Airlines, Inc., to Seattle and via Reeve from Adak to Anchorage thence via Northwest Airlines, Inc., on tourist flights to Seattle.[2]

On the basis of data and information available to the Board, it appears that there is a substantial volume of military traffic between Adak and Seattle currently moving via military transportation services and that such traffic would be moved via the civil air carriers if the proposed joint fares are permitted to become effective. In consideration of the substantial economic benefits which would accrue to Reeve through the carriage of such traffic between Adak and Anchorage or Kodiak, the relatively minor fare discount involved, and the Board's recent decision in the Certificated Air Carrier Military Tender Investigation,[3] the Board has concluded to permit the joint Adak-Seattle fares published in C.A.B. No. 19 to become effective.

As regards the proposed local Adak-Kodiak fares, however, no facts have been presented to the Board in support of such fares nor can the Board find on the basis of available information any warrant for the discount of more than 18 percent which would be thereby afforded official military traffic. The Board, after consideration of the proposed fares set forth in C.A.B. No. 20, finds that such fares may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation be, and hereby is, instituted to determine whether the fare and provisions in Reeve Aleutian Airways, Inc., Special Military Local Passenger Fares Tariff No. 1, C.A.B. No. 20 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fare and provisions.

2. Pending such investigation, hearing, and decision by the Board, Reeve Aleutian Airways, Inc., Special Military Local Passenger Fares Tariff No. 1, C.A.B. No. 20 be and hereby is suspended and its use deferred to and including October 2, 1959, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order be filed with the aforesaid tariff and a copy be served upon Reeve Aleutian Airways, Inc., which is hereby made a party to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-5600; Filed, July 6, 1959; 8:47 a.m.]

[1] Reeve Aleutian Airways, Inc., C.A.B. No. 20.

[2] Reeve Aleutian Airways, Inc., C.A.B. No. 19. Change from $218.40 to $210.00.

[3] Docket No. 9036, Mimeo. Opin. Order No. E-13536, dated February 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12209 etc.; FCC 59M-837]

DAVID M. SEGAL ET AL.

Order Scheduling Prehearing Conference

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427; Clifford W. Paine & William John Hyland, III d/b as Denver Broadcasting Company, Denver, Colorado, Docket No. 12883, File No. BP-11791; John L. Buchanan, tr/as Satellite Center Radio Company, Arvada, Colorado, Docket No. 12884, File No. BP-12514; for construction permits.

It is ordered, This 30th day of June 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Tuesday, July 7, 1959, in the offices of the Commission, Washington, D.C.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5592; Filed, July 6, 1959; 8:46 a.m.]

[Docket No. 12210; FCC 59M-830]

KENNETH G. AND MISHA S. PRATHER

Order Continuing Hearing

In re application of Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-11289; for construction permit.

Upon informal advice of counsel in the above-entitled matter that the application will be amended so as to remove this case from hearing status: *It is ordered*, This 29th day of June 1959, that the further hearing presently scheduled for July 1, 1959, be, and it hereby is, postponed indefinitely.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5593; Filed, July 6, 1959; 8:46 a.m.]

[Docket Nos. 12837-12840; FCC 59M-832]

BIRNEY IMES, JR., ET AL.

Order Continuing Prehearing Conference

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; for construction permits.

It is ordered, This 30th day of June 1959, on the Examiner's own motion, that the prehearing conference in the above-entitled proceeding presently scheduled for July 7, 1959 is continued without date pending Commission action on the application of Garrett Broadcasting Corporation, file No. BP-12987.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5594; Filed, July 6, 1959; 8:46 a.m.]

[Docket Nos. 10854-10858; FCC 59M-841]

BISCAYNE TELEVISION CORP. ET AL.

Order Scheduling Prehearing Conference

In re applications of Biscayne Television Corporation, Miami, Florida, Docket No. 10854, File No. BPCT-1453; East Coast Television Corporation, Miami, Florida, Docket No. 10856, File No. BPCT-1612; South Florida Television Corporation, Miami, Florida, Docket No. 10857, File No. BPCT-1806; Sunbeam Television Corporation, Miami, Florida, Docket No. 10858, File No. BPCT-1816; for construction permits for new television broadcast stations (Channel 7).

It is ordered, This 1st day of July 1959, that a prehearing conference, in accordance with the provisions of Section 1.111 of the Rules, will be held in the above-entitled matter on September 9, 1959, at 11:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5595; Filed, July 6, 1959; 8:46 a.m.]

[Docket Nos. 12885-12887; FCC 59M-838]

MADISON COUNTY BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of James B. Tharpe and Joseph L. Rosenmiller, Jr., d/b as Madison County Broadcasters, Granite City, Illinois, Docket No. 12885, File No. BP-11685; Charles H. Norman, John Karoly and George J. Moran, d/b as Tri-Cities Broadcasting Company, Granite City, Illinois, Docket No. 12886, File No. BP-11875; East Side Broadcasting Company, Granite City, Illinois, Docket No. 12887, File No. BP-12530; for construction permits.

Upon decision reached at a prehearing conference held this day: *It is ordered*, This 30th day of June, 1959, that the hearing in the above-entitled matter now scheduled to commence on July 28, 1959, is hereby rescheduled to commence on September 28, 1959.

Released: July 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5596; Filed, July 6, 1959; 8:46 a.m.]

[Docket No. 12897; FCC 59M-835]

SHERRILL C. CORWIN (KFMC)

Order Scheduling Prehearing Conference

In re application of Sherrill C. Corwin (KFMC), Santa Barbara, California, Docket No. 12897, File No. BMPH-5408; for modification of construction permit for FM broadcast station.

On the Examiner's own motion: *It is ordered*, This 30th day of June 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D.C., at 10:00 o'clock a.m., on Tuesday, July 14, 1959.

Released: June 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5597; Filed, July 6, 1959; 8:46 a.m.]

[Docket Nos. 12916, 12917; FCC 59-607]

GULF COAST BROADCASTERS AND TRI-COUNTY BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Anthony E. Zuccaro tr/as Gulf Coast Broadcasters, Moss Point, Mississippi, requests 1440 kc, 1 kw, Day, Docket No. 12916, File No. BP-11733; Tri-County Broadcasters, Inc., Lucedale, Mississippi, requests 1440 kc, 1 kw, Day, Docket No. 12917, File No. BP-12659; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 24th day of June 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 7, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received from the other proposal herein and any existing stations would affect more than 10 percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5598; Filed, July 6, 1959; 8:46 a.m.]

[Docket No. 12921; FCC 59-612]

MOUNT LASSEN RADIO AND TELEVISION BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Mount Lassen Radio and Television Broadcasting Company, Red Bluff, California, requests. 1360 kc, 500 w, Day, Docket No. 12921, File No. BP-12196; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of June 1959;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 27, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing, that by letter dated September 3, 1958, Modesto Broadcasting Company, licensee of Station KFIV, Modesto, California, requested that the instant proposal be designated for hearing and that Station KFIV be made a party to the proceeding; and

It further appearing, that, after consideration of the foregoing and the applicant's reply the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Mount Lassen Radio and Television Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Mount Lassen Radio and Television Broadcasting Company would involve objectionable interference with Station KFIV, Modesto, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service which would be broadcast by Mount Lassen Radio and Television Broadcasting Company and whether the program service would be in the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Modesto Broadcasting Company, licensee of Station KFIV, Modesto, California, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5599; Filed, July 6, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4791]

BROOKRIDGE DEVELOPMENT CORP.

Order Cancelling Hearing

JUNE 30, 1959.

The Commission by order dated June 15, 1959, having ordered that a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, commence on July 28, 1959 at 10:00 a.m., at the New York Regional Office of the Commission, and

The Company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting hereto,

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the hearing scheduled for July 28, 1959 be and it hereby is cancelled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-5585; Filed, July 6, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Application for Utilization Facility License

Please take notice that Walter Reed Army Institute of Research, Washington, D.C., under sections, 104 a. and c. of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 50-kilowatt (thermal), Atomics International Model L-54 homogeneous solution-type medical research and treatment reactor at the Walter Reed Army Medical Center lication is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 59-5581; Filed, July 6, 1959; 8:45 a.m.]

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Order Postponing Hearing

On June 4, 1959, the Commission issued a Notice of Hearing on the application for a facility license filed by Commonwealth Edison Company (Commonwealth) and provided for a hearing to be held on July 9, 1959 at 10:30 a.m. in the Auditorium of the AEC Headquarters, Germantown, Maryland. In accordance with the Notice and on June 24, 1959, Commonwealth filed its answers to the issues specified by the Commission for consideration.

On July 2, 1959, Commonwealth and the staff filed with the undersigned a joint request for a postponement of hearing until July 16, 1959 and a request for a pre-hearing conference on July 10, 1959.

The Presiding Officer finds: Good cause appears for a postponement of the hearing from July 9, 1959 to July 16, 1959 and for the convening of a pre-hearing conference on July 10, 1959.

The Presiding Officer orders:

A. The hearing on the application filed by Commonwealth Edison Company for a facility license in this proceeding is postponed from July 9, 1959 and in lieu thereof shall convene at 10:30 a.m., e.d.t., on July 16, 1959 in the Auditorium of the AEC Headquarters, Germantown, Maryland.

B. A pre-hearing conference in this proceeding shall be convened at 10:30 a.m., e.d.t., on July 10, 1959, in the Press Room of the Auditorium of the AEC Headquarters, Germantown, Maryland.

Dated this 2d day of July 1959.

SAMUEL W. JENSCH, *Presiding Officer.*

[F.R. Doc. 59-5653; Filed, July 6, 1959; 11:33 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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FEDERAL REGISTER

VOLUME 24 NUMBER 132

Washington, Wednesday, July 8, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Civil Defense Administration; Office of Civil and Defense Mobilization

§ 6.123 [Amendment]

1. Effective August 7, 1959, paragraph (d) of § 6.123 is revoked.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.163 as set out below.

§ 6.163 Office of Civil and Defense Mobilization.

• • • • •

(c) The Director and Deputy Director, Labor Participation Office, Office of National Organizations and Civic Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F.R. Doc. 59-5633; Filed, July 7, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3), (5) and (21) of § 6.342 are amended and a new subparagraph (22) is added as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(3) One Assistant Administrator (Program Policy).

• • • • •

(5) One Assistant Administrator (International Housing).

• • • • •

(21) Assistant Commissioner for Technical Standards, Urban Renewal Administration.

(22) One Secretary to the Assistant Administrator (Program Policy).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F.R. Doc. 59-5634; Filed, July 7, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 50, Amdt. 20-9]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Clarification of Private Pilot Experience Requirements for Issuance of an Instrument Rating

Section 20.127(a) sets forth the aeronautical experience which an applicant must meet in order to acquire an instrument rating. As one of the requirements, it is specified that the applicant must hold either a commercial or private pilot certificate and meet the aeronautical experience requirements for the issuance of a commercial pilot certificate. As part of the aeronautical experience for a commercial pilot certificate § 20.44(c) requires the applicant to secure 10 hours of dual instruction in preparation for the commercial flight test. To require such dual instruction to be made applicable to private pilots seeking instrument ratings is unduly burdensome and has no direct bearing on either the preparation or demonstration of proficiency required for an instrument rating.

It further appears that paragraph (d) of § 20.44, which provides for 10 hours of instrument flight experience, is a prerequisite to fulfilling minimum requirements of ICAO for issuance of a commercial pilot certificate. Since this provision is unrelated to the acquisition by

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FEDERAL REGISTER

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a private pilot of an instrument rating, there is no need to include the requirements of this paragraph as a part of the aeronautical experience requirements that must be met by the private pilot to obtain an instrument rating.

Therefore, in order to clarify the intent of § 20.127(a), it is necessary to amend the provisions of that paragraph to provide that an applicant for an instrument rating who is the holder of a private pilot certificate is not required to meet the areonautical experience requirements for a commercial pilot certificate specified in § 20.44 (c) and (d).

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows:

By amending paragraph (a) of § 20.127 to read:

§ 20.127 Aeronautical experience.

• • • • •

(a) He shall hold (1) a commercial pilot certificate, or (2) a private pilot certificate and meet the aeronautical experience requirements of § 20.44 (a) and (b); and

This amendment shall become effective upon its publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 602, 608–610, 72 Stat. 754, 775, 776, 779–780; 49 U.S.C. 1354, 1421, 1422, 1428–1430)

Issued in Washington, D.C., on July 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5610; Filed, July 7, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7020 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Firestone Tire & Rubber Co.

Subpart—*Advertising falsely or misleadingly:* § 13.175 *Quality of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Firestone Tire & Rubber Company, Akron, Ohio, Docket 7020, June 9, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a tire manufacturer with headquarters in Akron, Ohio, with advertising falsely that its second-line tires were used by manufacturers of motor vehicles as original equipment.

The hearing examiner's initial decision and order to cease and desist were on June 9 adopted by the Commission as its own decision following denial of appeal therefrom by complaint counsel. A charge that respondent's tire names were deceptive was dismissed.

The order to cease and desist is as follows:

It is ordered, That respondent, The Firestone Tire & Rubber Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its motor vehicle tires and tubes, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that any tire not currently used as original equipment has been used or designed for use as original equipment, without clear and conspicuous disclosure, in close conjunction therewith, of the latest year such tire was actually sold and used as original equipment, the term "original equipment" tires being defined as "the same brand and quality tires used generally as original equipment on new current models of vehicles of domestic manufacture."

It is further ordered, That the complaint, in all other respects, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such further action against respondent herein as future facts may warrant.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, The Firestone Tire & Rubber Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–5615; Filed, July 7, 1959; 8:46 a.m.]

[Docket 7084 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Higbee Co.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Higbee Company, Cleveland, Ohio, Docket 7084, June 9, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Cleveland, Ohio, with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements, and by advertising which failed to disclose the names of animals producing the fur in some products, or that other products were made of artificially colored or cheap or waste fur, and which contained the name of an animal other than that producing certain furs.

After the usual hearings, the hearing examiner made his initial decision and order to cease and desist which, after modification of the findings by the Commission, on June 9 became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, The Higbee Company, a corporation, and its officers, and the respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products, in commerce, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other indentification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information;

(c) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

3. Failing to set forth on labels attached to fur products all of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of such labels.

4. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder with respect to each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice:

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth on invoices pertaining to fur products information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

2. Contains the name of names of any animal or animals other than the name or names provided for in Paragraph C-1(a) hereof.

It is further ordered, That respondent, The Higbee Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5616; Filed, July 7, 1959; 8:46 a.m.]

[Docket 7140 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Hutchinson Chemical Corp. and Herman S. Hutchinson

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods—* Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hutchinson Chemical Corporation et al., Chicago, Ill., Docket 7140, June 11, 1959]

In the Matter of Hutchinson Chemical Corporation, a Corporation, and Herman S. Hutchinson, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors of an automobile polish designated "Hutchinson's Waterproof Wax", with representing falsely in television advertising that its product imparted a finish that was both heat- and cold-resistant, and with representing an excessive amount as the usual retail price.

The Commission, granting complaint counsel's appeal from the hearing examiner's initial decision, modified the initial decision and on June 11 adopted it as so modified, as the decision of the Commission. The charge of advertising falsely the heat- and cold-resistant properties of the polish was dismissed for lack of sustaining evidence.

The order to cease and desist is as follows:

It is ordered, That respondents Hutchinson Chemical Corporation, a corporation, and its officers, and Herman S. Hutchinson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and distribution of automobile polish or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by any means, that the regular or usual price of such product is any amount which is in excess of the price at which the respondents have usually and customarily sold such product in the recent and regular course of their business.

It is further ordered, That the complaint herein, with respect to all other allegations, be, and the same hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents, Hutchinson Chemical Corporation and Herman S. Hutchinson, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5617; Filed, July 7, 1959; 8:46 a.m.]

[Docket 6772 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Silf Skin, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Silf Skin, Inc., et al., New York, N.Y., Docket 6772, June 9, 1959]

In the Matter of Silf Skin, Inc., a Corporation, and George Lacks and Harold Lacks, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City manufacturers with advertising falsely that their "Silf Skin" girdles were "Full-fashioned" and seamless.

On the basis of the record established in the usual hearings, the hearing examiner made his initial decision and order to cease and desist from which respondents appealed. The Commission, on review, substituted its own order for that in the initial decision and on June 9 adopted the initial decision as thus modified as its own decision.

Said order to cease and desist is as follows:

It is ordered, That respondents Silf Skin, Inc., a corporation, and its officers, and George Lacks and Harold Lacks, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of girdles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that said girdles are seamless.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents named herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5618; Filed, July 7, 1959; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Exemption of Small Holding Company Systems; Postponement of Rescission

The Securities and Exchange Commission today announced the postponement from June 30, 1959 to December 31, 1959 of the effective date for the rescission of § 250.9 (Rule 9) promulgated under the Public Utility Holding Company Act of 1935 ("Act"), which rule affords a basis for claiming exemption from all provisions of the Act by small holding company systems.

While considerable progress has been made by these systems in conforming to the requirements of section 3 of the Act, which affords exemptions not based upon size, or in ceasing to be holding companies altogether, a few of such holding companies, by reason of special problems, find it impossible to complete their reorganization programs within the time heretofore provided and have requested this further extension of the exemption afforded by Rule 9.

(Sec. 20, 49 Stat. 833; 15 U.S.C. 79t)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 26, 1959.

[F.R. Doc. 59-5619; Filed, July 7, 1959; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54888]

PART 17—PROTESTS AND REAPPRAISEMENTS

Discontinuance of Notices to Importers of Reappraisement Decisions

For many years, § 17.8(a) of the Customs Regulations has provided that a collector of customs, upon receipt from the United States Customs Court of a notice of a reappraisement decision, shall immediately notify the importer or his agent of any advance over entered value. This provision of the regulations for the giving of notice by a collector of customs is a successor to regulatory provisions in effect when by law an importer had but two official days in which to file notice of dissatisfaction with a reappraisement decision.

Today, simultaneously with the mailing of the notice to a collector of customs, the Customs Court mails a notice directly to the importer of its decision. The importer has 30 days from the date of the filing of the notice with the collector within which to file with the collector of customs an application for review of the court's decision.

During that 30-day period, the invoices and related papers are retained by the Customs Court so that they are available to the court in the event an application for review of its decision is filed. Consequently, without such documents, the collector of customs is most often unable to determine whether the decision of the Customs Court affects the imported merchandise involved by advancing the value over the entered value.

As a result, the collector is unable to give immediate notice to an importer about an advance of value pursuant to the court's decision. It is deemed advisable, therefore, to discontinue the regulatory provision that the collector of customs shall give such notice.

Accordingly, § 17.8 is amended to read as follows:

§ 17.8 Review of reappraisement decision; filing application for.

Any application by or on behalf of the consignee for a review of a reappraisement decision shall be filed with collector in duplicate. Customs Form 4307 may be used for this purpose.

(Sec. 1, 62 Stat. 981; 28 U.S.C. 2636)

(R.S. 161, as amended, 251, secs. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

Notice of the proposed amendment of § 17.8 of the Customs Regulations was published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2741), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or arguments were received. The amendment as set forth above is hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: June 30, 1959.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-5631; Filed, July 7, 1959; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

Miscellaneous Amendments

Part 100, Chapter I, Subtitle B, Title 31, of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 55, Revised), is hereby amended in the following respects:

1. By revising § 100.3 to read as follows:

§ 100.3 Lawfully held coins and currencies in general.

The official agencies of the Treasury Department will continue to exchange lawfully held coins and currencies of the United States, dollar for dollar, for other coins or currencies which may be lawfully acquired and are legal tender for public and private debts. Paper currency of the United States (including national bank notes and Federal Reserve bank notes in process of retirement and Federal Reserve notes) which has been falsely altered and coins altered to render them available for use as other denominations will not be redeemed since such currency and coins are subject to forfeiture under title 18, U.S. Code, section 492. Persons receiving such currency and coins should notify immediately the nearest local office of the Secret Service Division of the Treasury Department and hold the same pending advice from that Division.

2. By revising § 100.9 to read as follows:

§ 100.9 Affidavit forms; totally destroyed paper; discretion of Treasurer of the United States.

Blank forms for affidavits will be furnished upon request by the Currency Redemption Division, Office of the Treasurer of the United States, Washington 25, D.C. No relief is granted on account of currency totally destroyed. The Treasurer of the United States will exercise such discretion under this subpart as

may seem to him needful to protect the United States from fraud.

3. By revising § 100.10 to read as follows:

§ 100.10 Mutilated coin; in general.

Mutilated silver and minor coins are not accepted at their face amount but at their bullion or metal value. Silver coins are mutilated when punched, clipped, plugged, fused together, or when so defaced as to be not readily and clearly identifiable as to genuineness and denomination. Minor coins are mutilated when punched, clipped, plugged, fused together, or so defaced as not to be readily identifiable. Coins containing lead, solder or other substances which will render them unsuitable for coinage metal will not be accepted by the mints. Silver and minor coins that are bent or twisted out of shape, but are readily and clearly identifiable as to genuineness, and coins that have been reduced in weight by natural abrasion only, are not regarded as mutilated, and will be received at face amount.

§§ 100.8, 100.11 [Deletion]

4. By the deletion of §§ 100.8 and 100.11.

(Sec. 1, 49 Stat. 938; 31 U.S.C., 773a)

Dated: July 1, 1959.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5632; Filed, July 7, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Miscellaneous Amendments

1. Section 1452.4 *Subcontracts to perform work or furnish materials* is amended by making the following changes in paragraph (b) thereof:

a. Subparagraph (1) is amended by deleting the first sentence and the second (parenthetical) sentence and inserting in lieu thereof the following: "The term 'subcontract' includes all purchase orders or agreements to perform all or any part of the work or to make or furnish any materials required for the performance of a renegotiable prime contract."

b. Subparagraph (1) is further amended by deleting in subdivision (v) the words "contracts included in subdivisions (i), (ii), (iii), or (iv) of this subparagraph" and inserting in lieu thereof "prime contracts and subcontracts included in subdivisions (i), (ii), (iii), or (iv) of this subparagraph".

c. Subparagraph (2) is amended by deleting the heading and the text through the word "Department" before the colon and inserting in lieu thereof the following:

(2) *Indirect relation to renegotiable business.* The Board has determined that purchase orders or agreements for any of the following materials, when such materials are not to be ultimately delivered to a Department, are so indirectly related to the performance of renegotiable prime contracts and subcontracts as not to constitute subcontracts within the definition contained in section 103(g)(1) of the act.

2. Section 1453.5(b)(8) *General Services Administration* is amended by inserting ", National Aeronautics and Space Administration" after "Atomic Energy Commission".

3. Section 1453.5 *Contracts that do not have a direct and immediate connection with the national defense* is amended by deleting paragraph (f) in its entirety and inserting in lieu thereof the following:

(f) *Procedure for exemption of individual contracts.* Any individual prime contractor who believes that its prime contract is not directly and immediately connected with the national defense may submit its recommendation that such prime contract be determined to be exempt from renegotiation under section 106(a)(6) of the act, through the Department entering into such prime contract.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: July 2, 1959.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 59-5636; Filed, July 7, 1959; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

Part 168, Directory of International Mail, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117-2195 as Federal Register document 59-2388, is amended as follows:

I. In § 168.5 *Individual country regulations* make the following changes.

A. In country "Bolivia" as amended by Federal Register document 59-4137, 24 F.R. 3991, under Parcel Post, the item *Observations* is amended as follows:

1. Strike out the second, third and fourth paragraphs as result of the changes in the Bolivian requirements with respect to Consular and Commercial invoices for parcel post packages, and insert in lieu thereof the following:

Consular and commercial invoices are required for parcels valued at $50 or over. Parcels valued under $50 require only commercial invoices, two copies of which will be certified by Bolivian Consulates without charge. Parcels valued under $5 require no invoices.

Consular invoice forms obtained from a Bolivian Consulate must be completed by the sender and submitted with his commercial invoice (6 copies of each) to the Consulate for certification. Two certified copies of each will be returned by the Consulate to the sender, who should send one copy direct to the addressee.

No more than four parcels per month without consular invoices may be received by one addressee in Bolivia.

2. Strike out "Beverly Hills, Calif." and "San Luis Obispo, Calif." in the list of Bolivian consulates, and insert a new consulate "Houston, Texas" in its proper alphabetical order therein.

B. In country "Egypt" under Postal Union Mail, the item *Money orders* is amended, effective July 1, 1959, as result of arrangements for the direct exchange of money orders between the United States and United Arab Republic (Egyptian Territory), so that the item will read:

Money orders. Yes. International form. See § 61.2(d) of this chapter.

C. In country "Guinea (Republic of)" under Postal Union Mail, money order service is discontinued, so that the item *Money orders* is amended to read:

Money orders. No service.

D. In country "Ireland (Eire) (See item 'Great Britain and Northern Ireland' concerning Northern Ireland)" under Postal Union Mail, the item *"Small packets*—Not accepted." is amended to read: *"Small packets*—Accepted."

E. In country "Peru" under Parcel Post, the item *Observations* is amended as follows:

1. Strike out the first paragraph as result of changes in the Peruvian requirements with respect to Consular and Commercial invoices for parcel post packages, and insert in lieu thereof the following:

Each parcel valued at $50 or over must be accompanied by a consular invoice if there is a Peruvian Consulate located at the place of mailing. If there is none, or if the value is under $50, a commercial invoice must be furnished instead. The commercial invoice must be legalized by a Peruvian Consulate or countersigned by a chamber of commerce, or if neither is available it may bear the notarized signatures of two well-known local merchants. The consular or commercial invoice may be either enclosed in the parcel or sent separately to the addressee so as to arrive before the parcel, but the legalization must not be dated later than the day of mailing.

2. Strike out "Washington, D.C." in the list of Peruvian Consulates, and insert the following new consulates in their proper alphabetical order:

Cahuas, P.R.	Rolla, Mo.
Birmingham, Ala.	Salt Lake City, Utah.
Kansas City, Kans.	Tampa, Fla.

F. In country "Yugoslavia" under Parcel Post, the item *Observations* is amended, effective June 14, 1959, as a result of the imposition of import duties on gift parcels, so that the item will read:

Observations. The contents of gift parcels are generally dutiable at high rates. Interested patrons may obtain information as to the rates of duty on specific items by inquiry from the European Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C. or from any field office of that Department.

Parcels containing merchandise sent for commercial purposes, for which the senders are to receive payment, must be accompanied by the original invoice and the wrappers endorsed to indicate that the original invoice is enclosed.

It shall be recommended to senders that, in order to facilitate customs handling, a signed copy of the invoice be transmitted to the addressees by letter mail, giving notice of the mailing of the parcels.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-5635; Filed, July 7, 1959; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time; Nushagak District

Basis and purpose. On the basis of good showings of red salmon in the Nushagak district of the Bristol Bay Area, it has been determined that additional limited fishing can be permitted over and above the fishing time provided in § 104.9(a) and the announcement of 294 units of gear registered for fishing in the Nushagak district as of 6 p.m. Friday, June 26, 1959, for the week ending July 4, 1959, as published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5394).

The provisions of § 104.9(a) notwithstanding, fishing is permitted in the Nushagak district of Bristol Bay from 9 a.m. to 6 p.m. July 4, 1959.

Since immediate action is necessary to permit this relaxation in the regulations, the above action shall become effective immediately (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 3, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-5681; Filed, July 6, 1959; 4:33 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

[Docket No. AO-226-A6]

MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Correction

In F.R. Document 59-5505, appearing in the issue for Thursday, July 2, 1959, at page 5372, make the following change:

On page 5373, column 1, last paragraph after line 9 which begins with the word "sale" insert a new line reading "producer-handlers. It was indicated".

[7 CFR Part 963]

[Docket No. AO-309]

HANDLING OF MILK IN GREAT BASIN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Great Basin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Salt Lake City, Utah, on October 27-31, and November 3, 1958, pursuant to notice thereof which was issued October 8, 1958 (23 F.R. 7897).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The principal fluid milk processing and distributing plants in the proposed Great Basin marketing area are located in Salt Lake City, Murray, and Ogden, Utah. There are a number of other milk distributing plants located in the most heavily populated areas surrounding Salt Lake City and in some of the outlying parts of the proposed marketing area.

Bottled milk products from handlers located in Salt Lake City, Murray and Ogden, regularly go to out-of-State markets in Wyoming, Idaho, and Nevada. From time to time, bulk milk also has been sold by these Utah handlers to places in Colorado, New Mexico, Nevada, and Arizona.

The supply of milk for the fluid milk sales by these handlers is received largely from dairy farmers in the State of Utah but there are producers in Wyoming and Idaho who furnish part of the supply for these Utah handlers. Some milk is distributed in the marketing area by plants located in Colorado and under the regulation of Federal Order No. 80 for the Western Colorado marketing area. There have been occasional shipments of milk from handlers in the Great Basin marketing area to handlers in the Western Colorado marketing area.

Milk in excess of the fluid sales requirements is received by Great Basin handlers and is manufactured into various dairy products including butter, nonfat dry milk, ice cream, and condensed products which are marketed in the States of Nevada, Idaho, California, New Mexico, Arizona, Colorado, Wyoming, and Montana, as well as in Utah.

(2) *Need for an order.* Market conditions in the Great Basin marketing area show that the issuance of an order to regulate the handling of milk in that marketing area will tend to effectuate the declared policy of the Act.

The largest part of milk produced for sale in the Great Basin marketing area is produced by farmers who are members of three cooperative associations. These associations are the Weber Central Dairy Association which has a plant for proc-

essing and packaging fluid milk products and manufacturing milk products at Ogden, Utah; Hi-Land Dairymen's Association which has a plant at Murray, Utah, equipped for processing and packaging fluid milk products, and also manufacturing facilities; and the Federated Milk Producers Association which does not operate a plant but markets the milk of its members to handlers who use it for fluid distribution, and to plants which manufacture milk products. The members of these three associations, who are the proponents of the order for this area, produce about 85 percent of the milk supply for the marketing area.

Besides the milk distributed in the marketing area by the cooperative associations or by handlers who buy milk from the Federated Milk Producers Association, there is milk distributed also by about 30 other handlers. The distribution systems of these 30 handlers are much less extensive than distribution by the cooperative plants or plants served by the cooperatives.

There is no pooling of milk among handlers in the marketing area except insofar as such pooling is carried out by the Federated Milk Producers Association among the handlers it supplies, and the individual pooling operations of each of the other two cooperative associations. As a result, there is an uneven distribution of the burden of milk in excess of fluid milk sales which must be put into manufacturing uses. Some of the smaller handlers follow the practice of arranging for a regular supply which is close to the volume of their daily fluid milk sales but depend upon other sources, including the cooperative associations, to meet fluctuating requirements due to seasonal changes in milk production and variations in sales. The major part of the reserve for the entire market is carried by the cooperative associations. In recent years dealers who do not obtain their regular supply from the associations have expanded their operations. Some of these handlers indicated that they obtained milk at prices competitive with the blend prices paid by the associations. On this basis, they are able to obtain milk for fluid sales at less than the market average cost. This is particularly pertinent in view of the tendency of these handlers to maintain a regular supply which is short in relation to their fluid sales and to depend on other sources for supplementary milk supplies.

Although there is a general pattern of milk use classification practiced by the cooperative associations, there are significant quantities of milk in the marketing area which are not sold on the basis of uniform prices for each classification. Among handlers who do not obtain their regular supply from the associations there is no precise relationship between utilization and the method of paying their farmers. Among these handlers the payments are made under base and excess plans which do not always reflect the actual utilization in the month for which payment is made but may be adjusted from time to time according to the needs of the handler. Also, in the case of milk produced by association members there is not a strict adherence to a price classification system. Milk used to fill contracts with schools or government installations is, at times, priced differently than other milk for fluid distribution. Adjustments have been made on the price of milk which must be transported long distances to the point of sale.

It would be impossible for a pooling operation to be carried out within the market unless there were a uniform and reliable accounting for milk according to use classification. Such a uniform system of accounting and classification does not exist within the marketing area nor is there any organization in the market which is able to make effective such a system. Although the classification systems within the marketing area are a matter of common knowledge, the absence of an organization or agency to apply such a classification system uniformly and according to accurate accounting methods inevitably results in variations and individual adjustments to meet various competitive situations. As a result of this situation, the milk pricing system within the Great Basin marketing area is being undermined and there is impending further market disorganization.

It is concluded that a Federal milk marketing order is needed in the Great Basin marketing area to implement the declared congressional policy of establishing and maintaining orderly marketing conditions by providing:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market, and an equitable sharing by all producers of the lower returns for sale of reserve milk; and

(f) Market-wide information on receipts, sales and other data relating to milk marketing in the area.

(3) *Order provisions*—(a) *Scope of regulation.* The scope of the regulation may be specified by providing appropriate definitions including "marketing area", "handler", "producer", "pool plant", "producer-handler", "producer milk", "other source milk", and such other definitions as are needed to completely describe the incidence of the order regulation.

Marketing area. The marketing area should include the counties of Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah.

The marketing area herein provided thus includes all the territory requested by the proponent cooperative associations except Box Elder County.

The sanitary requirements applicable to milk produced for fluid distribution throughout the marketing area are patterned according to U.S. Public Health Milk Ordinances and Codes. Sanitary requirements applicable to milk for processing at fluid milk plants located in Salt Lake City, Provo and Ogden are administered by city or county authorities. Sanitary requirements applicable to milk for processing at fluid milk plants located in other parts of the marketing area are administered by the Utah State Board of Agriculture. Milk meeting the sanitary requirements of Salt Lake City, Ogden or Provo inspection moves between these cities under reciprocal arrangement and is acceptable to the State Board of Agriculture for distribution throughout the marketing area herein provided.

According to the census for 1950, the population of the marketing area herein provided was about 593,000. It is estimated that during the period 1950 to 1957, the population in the marketing area as proposed increased by about 22 percent. This would indicate a current population in the marketing area provided for herein of about 725,000. The population of Box Elder County in 1950 was about 20,000.

About two-thirds of the 1950 population of the marketing area was concentrated in the counties of Salt Lake, Utah, Weber, and Davis. Within these counties there are located the five largest distributing handlers which would be regulated under the proposed order. These handlers are estimated to handle about 85 percent or more of the milk produced for the marketing area.

Each of these five handlers serves all of the three counties of Salt Lake, Utah, and Weber. Davis County is between Salt Lake and Weber counties, and is served by four of these handlers.

Distribution routes of handlers in the Salt Lake City locality extend southward along two of the main highways in the State, U.S. Public Highways Nos. 91 and 89. These routes pass through Juab, Millard, Sanpete and Sevier counties. In each of these counties some of the aforementioned five largest handlers with plants located in Salt Lake and Utah counties distribute at least 50 percent of total Class I sales. These handlers also sell milk on routes extending in a southeasterly direction along U.S. Public Highway No. 50 into Carbon, Emery and Grand counties, and easterly along U.S. Public Highway No. 40 into Wasatch, Duchesne and Uintah counties. These handlers sell all, or the majority, of total Class I sales disposed of in each of these counties with the possible exception of Grand County. Some of the milk distributed in Grand County originates at a plant regulated under the Western Colorado Federal milk order (Order No. 80). It is not shown in the record whether the majority of milk distributed in Grand County originates in this plant or in the plants of handlers located in Salt Lake County. In any event, all of the milk distributed in this county originates at plants located in Salt Lake County or Grand Junction, Colorado.

Salt Lake City handlers also sell the majority of the fluid sales in Tooele County.

Handlers with plants located in Salt Lake and Weber counties, which would be regulated plants under the proposed order, distribute all of the Class I milk sold in Morgan, Summit and Daggett counties. Daggett is a relatively sparsely-populated county which proponents requested be included in the marketing area because the Flaming Gorge Dam which is now being built will result in a development of both permanent and tourist population within the county.

Cache County, Utah, was not proposed to be part of the marketing area. In Cache County the principal milk distribution is by the plant of the Cache Valley Dairymen's Association located at Smithfield, Utah. This plant's milk sales are mostly outside the proposed marketing area, but some of its routes extend into Box Elder County, including Brigham City, and as far south as the vicinity of Perry. Present operations of this plant would not qualify it as a pool plant under the proposed order.

In Box Elder County there are sales by seven other handlers, five of whom have their plants in either the Salt Lake City locality or Ogden. The other two handlers have their plants at Tremonton and Brigham City in Box Elder County. These two handlers do not sell milk in any other part of the proposed marketing area.

Sales in Box Elder County by handlers whose plants are in the Salt Lake City locality or in Ogden represent a small percentage of their total sales. There is an overlapping of their distribution with the distribution by the plant at Smithfield. Such overlapping of distribution occurs in Brigham City, which is the principal population center in Box Elder County, as well as at other points in the county. The plant at Smithfield does not distribute in any other part of the proposed marketing area.

A suggestion was made by interested parties including proponents of the order that a specified daily volume of sales in the marketing area by a nonpool plant, such as 2,000 pounds daily, might be exempted from any obligation to the market pool. In the case of the Cache County handler, this would serve to exempt from compensatory payments the present volume of distribution by this plant in Box Elder County. It is questionable, however, whether this type of exemption, which would apply on a general basis to any nonpool plant, would serve the purpose of assuring an orderly, stable market for the Great Basin area.

In view of the foregoing considerations, it appears that regulation of Box Elder County plants is not sufficiently important to justify inclusion of this county in the marketing area. Sales of milk in the minor portion of Box Elder County where there is no distribution by the plant at Smithfield, specifically in that part of the county south of Perry, are not substantial. It is concluded, therefore, that Box Elder County should not be included in the marketing area. All of the other Utah counties proposed should be included in the marketing area.

"Producer", "pool plant" and other definitions. The term "producer" should be defined so as to include dairy farmers who constitute the regular supply on which the marketing area depends for fluid milk. For this purpose the term should distinguish between farmers who meet the sanitary requirements for producing milk for a fluid market and other dairy farmers whose milk is qualified only for use in manufactured dairy products. In this marketing area, milk intended for fluid consumption is required to be produced in compliance with specified health standards. It is not necessary for order purposes that the approval of sanitary practices of producers be given by health authorities in the marketing area, provided that the farmer is approved by a duly constituted health authority which has supervision over the sanitary regulations of milk for fluid use. Approval by Government agencies of milk for fluid consumption at installations under their supervision would also be considered to satisfy the health approval provision.

The qualification of a farmer as a producer for the market would be established by the receipt of his milk at a plant which is substantially supplying the marketing area. (Such plants are hereinafter more definitely described in connection with the term "pool plant".) The term "producer" would also include those dairy farmers whose milk is ordinarily received at a pool plant but which is temporarily diverted either by the plant operator or by a producer cooperative association to a nonpool plant. Such a provision in the "producer" definition is necessary in the interest of efficient handling of milk which serves as a reserve part of the milk supply. Economy in transportation often favors moving such reserve milk to nonpool plants which are closer to the producer's location than is the pool plant to which his milk is ordinarily delivered. Also, a number of the fluid milk plants in the area do not have facilities for manufacturing the reserve milk or do not have adequate facilities therefor. As proposed by producers, there would be no limitation on the number of days a producer could be diverted. Their proposal contemplated also that diversion should be performed only by cooperative associations.

A dairy farmer who retains his status as producer during diversion of his milk to a nonpool plant should have established a definite, substantial connection with the market prior to such diversion. Otherwise, a dairy farmer could be given producer status and receive all the benefits thereof under the order without being an essential part of the market supply. This would not be in the public interest nor would it favor orderly marketing of milk by producers who constitute the regular supply for the market. For this reason it is necessary that the status as a producer during diversion be limited. It is reasonable that it should be limited to the same number of days in a month as the number of days on which the dairy farmer's milk is received at a pool plant. An exception should be made to this in the months of April, May and June because of the seasonal increase in milk production. During the months of April, May and June, a handler (including a cooperative association) should be allowed to divert a producer's milk on any day of the month, provided that the farmer was a producer for an entire month during any one of the three calendar months preceding.

It is not necessary to restrict the diversion function to cooperative associations. Some handlers receive milk from farmers who are not members of an association.

The determination of whether the plant to which the dairy farmer delivers his milk operates substantially as a part of the supply system is one of the bases for distinguishing which farmers are to be considered producers for the market. It is possible that there are, or will be, plants which have only a minor association with the market.

Inasmuch as the method of distributing returns to producers in this market will be on a basis of a market-wide pool (as it is concluded elsewhere in this proceeding) it is appropriate that plants to be regulated as receivers of producer milk be called "pool plants". Such plants may be of two types: those which operate routes on which they distribute milk in the marketing area, and other plants which only ship milk in bulk to distributing plants. Among those plants which distribute milk in the marketing area it is necessary to distinguish between those plants which are primarily in the fluid milk business and those which are not.

A plant which uses less than 50 percent of its receipts of Grade A milk for fluid milk sales is not primarily in the fluid milk business. Such plants are not representative of the type of plant operations upon which this market presently depends, nor is there any need to include such plants in the pooling operation to assure an adequate supply. If they were included in the market-wide pool of milk utilization, the result would be an uneconomic distribution of the money returns intended to assure the market an adequate supply of fluid milk. This would not be in the public interest nor would it promote orderly marketing.

Under the order regulation, plants having only a minor part of their distribution business in the marketing area need not be included in the market pool, but should be subject to regulation which will assure that their operations do not result in inequity among handlers or otherwise constitute a disturbance to the market. Under these conditions it is not necessary to include plants which have less than 10 percent of their route sales in the marketing area. Such plants, too, would be likely to be at a disadvantage if their entire milk handling operations were put under the pricing regulation required of pool plants, since this would affect their competitive position in outside markets.

At the present time all plants supplying the marketing area have most of their route sales in the marketing area. Under the circumstances, 10 percent of

a plant's route sales is a reasonable measure of association with the market to determine whether the plant should be a pool plant.

There is no indication that when an order is established there will be any plants operating as shipping plants supplying the plants distributing in the marketing area. In case such an operation does develop, the order should provide that it will be part of the pool if it meets specified standards. Shipping plants should be pool plants if they ship to distributing pool plants 50 percent of the milk they receive from dairy farmers meeting the inspection requirements described in connection with the definition of "producer" and other receipts qualified for fluid distribution. Shipping plants which so qualify as pool plants during the period of August through January should be allowed to continue in status as pool plants, if they so desire, during the subsequent months of February through July. This will accommodate the economical handling of reserve supplies which normally would be held in shipping plants to a greater extent in the spring and early summer seasons. There is no indication of need to pool plants with less substantial or less regular contribution to market supply.

Certain types of operations which would otherwise qualify as pool plants should be exempt from the pooling provisions of the order. Such exemption should cover plants which would be subject to the pricing and pooling provisions of another Federal order if a larger volume of milk is involved with the other order market than is associated with the Great Basin market. If the plant operates as a distributing plant under both orders, the volume of Class I sales in each market during the month would determine the applicable order, unless it is determined otherwise by the Secretary. In the case of a supply plant, for each of the months of August through January the plant would qualify as a pool plant under this order by reason of shipment to this market of more than 50 percent of the producer milk received or diverted therefrom during the month; and in other months, if the plant ships less than 50 percent, the operator has the option of withdrawing from the pool. In the latter case the order should provide that if the plant qualifies for regulation under another order, the applicable regulation may be determined by the Secretary.

Another example of a kind of plant which should not be a pool plant is the Church Welfare plant at Salt Lake City which is operated by the Mormon Church. This plant bottles milk which is distributed as a donation to needy individuals. It does not compete in sales with plants which would be regulated. This exemption should be provided with respect to any plant which distributes milk only on a donation basis. Inasmuch as the Church Welfare plant would be a nonpool plant if operated as herein described, receipts therefrom at pool plants would be milk from an unregulated source and would be assigned accordingly to the lowest class of utilization. Transfers of bulk milk to a nonpool plant such as the Church Welfare plant should be classified as any other transfer to a nonpool plant according to equivalent use in the nonpool plant as explained in subsequent findings and conclusions.

"Handler" is a term designed to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor. It includes (a) persons operating pool plants, (b) persons operating nonpool plants from which Class I milk is distributed on routes in the marketing area, (c) a cooperative association with respect to member milk diverted to a nonpool plant, and (d) a cooperative association with respect to milk of a member which the association delivers to a pool plant in a tank truck owned and operated by, or under contract to, the association. In the latter case the cooperative association should give prior notice to the market administrator and the plant operator of its intention to be the receiving handler for such milk.

In this market a large part of the milk supply is delivered to pool plants in tank trucks operated by cooperative associations. The weight readings and milk samples for individual producers are taken at the farm by persons responsible to the association. In some instances where milk moves from the farm in bulk tanks, it is delivered to a plant not operated by the association operating the tank truck. The plant operator then has no way of knowing the weights and butterfat tests of milk of individual producers in the load, except as this information is reported to him by the association. There may be difficulty in identifying the milk delivered to the plant with individual producers if a load is split between two plants, or there has been a reloading operation, or a load has been topped-off at a plant. For administrative purposes, many of the problems of accounting for milk will be simplified if the cooperative association is the handler with respect to milk of its members that it moves from the farm in bulk tank trucks. Designation of a cooperative association as the handler on this milk will also assist the association in efficient distribution of the milk supply according to the needs of handlers.

Such a designation of a cooperative association as a handler on bulk tank milk was proposed by the associations. For administrative purposes it is necessary that the market administrator be able to definitely assign the responsibility for the milk, and therefore the cooperative association which intends to be the handler for bulk tank milk should so notify the market administrator. Otherwise the handler at whose pool plant the milk is received will be accountable for it under the order and responsible for payments to producers. It follows that the association should also notify the operator of the pool plant that the association intends to be the handler for the milk.

When a cooperative association is a handler for bulk tank milk delivered to the pool plant of another handler this delivery constitutes an interhandler transfer which would be classified in accordance with the general rule applying to interhandler transfers. A special provision in the order would obligate the handler to pay the association the class prices on the transferred milk. The association, in turn, would be obligated to settle with the market-wide pool (through the producer-settlement fund) with respect to the total value of this milk.

There are some individuals who are handlers and also operate dairy farms. If such an individual operates a plant which receives milk from other dairy farmers and which meets the requirements specified for pool plants, the milk received at such plant will be subject to the pooling requirements including milk received from the individual's own farm.

There are some handlers in this market who produce on their own farms a large part of their milk supply. The order regulation would apply differently to that type of handler who depends substantially on his own farm production for his milk supply. A definition for producer-handler would describe the special kind of milk-handling operation to be covered. Other provisions of the order with respect to reporting, classification and payments would apply in a special manner to such an operation.

A producer-handler would be exempt, with respect to his own farm production, from the pooling requirement which applies to all other handlers who are primarily associated with the market. In view of this exemption it is necessary that the term "producer-handler" cover a restricted type of operation which will not be a disturbance to orderly marketing conditions.

A handler who depends entirely on his own farm production for milk supplies would qualify as a producer-handler. On the other hand, any handler who obtains part of his supply from another person who is a dairy farmer would not qualify as a producer-handler and would be subject to the order requirements with respect to pool plants if his plant met the qualifications of "pool plant", or the requirements with respect to nonpool plants not operated by producer-handlers.

A producer-handler may occasionally find it desirable to obtain supplemental supplies of milk from sources other than his own farm production. This need not disqualify such a handler from producer-handler status, providing appropriate conditions are applied under the order with respect to classification and payments in the case of such supplementary milk supplies. The order should provide that transfers of milk to producer-handlers from handlers who receive producer milk shall be a Class I disposition by the transferring handler. This is appropriate since the normal need of a producer-handler for supplemental supplies is associated with his fluid sales, and such classification is justified in consideration of his exemption from pooling with respect to his own farm production. This classification requirement will tend to prevent an unequal sharing of the burden of reserve supply for the market as between producer-handlers and producers.

A producer-handler who desires supplemental supplies may also look to sources which are not regulated by this proposed order or another order. If a producer-handler were free to use milk from sources not priced under orders issued pursuant to the Act, this would give him an unjustified cost advantage. Accordingly, the same kind of compensatory payments should be required of producer-handlers with respect to their use of unregulated milk as in the case of other nonpool plants selling Class I milk in this market. In the case of producer-handlers, the compensatory payment would apply to all of their Class I disposition above that met out of supplies from their own farm production and from milk transferred from pool handlers. Milk from plants under other orders where it had been priced as Class I would not be a basis for compensatory payments. Milk received from a producer-handler would fall within the general category hereinafter more specifically described as "other source milk." Thus milk received by a producer-handler from another producer-handler would be subject to the same kind of compensatory payment requirement as in the case of previously-mentioned receipts from unregulated plants.

The application of the order provisions to a producer-handler would be greatly facilitated by the requirement that persons who desire to be treated as producer-handlers under the order make written application to the market administrator prior to the first month in which such person desires to be considered to be a producer-handler. In the absence of such an application, the market administrator would apply the order to the plant in question on the basis of the provisions that do not apply to producer-handlers.

Since the exemption of pooling own-farm production provides an incentive for individuals to attain producer-handler status, it is necessary to preclude certain devices which may be used to circumvent the intent of the order provisions. The milk supply which is to be treated as the own-farm production of the producer-handler should be produced entirely from production resources which are under the complete and exclusive control of the person who is the producer-handler. The processing facilities and the distribution facilities should be similarly under the complete and exclusive control of the same person.

Producer-handlers should be subject to reporting requirements so that the market administrator may be informed as to the continuing status of such individuals as producer-handlers, and as to the amounts of any obligations which such individuals incur under the order provisions.

Custom bottling of milk by a handler for another person who distributes it is a practice in the market. One case was described where a farmer delivers his milk to a plant for bottling and then takes back the bottled milk for distribution on routes he operates. A plant performing such custom bottling need not be distinguished from other plants which bottle (or package) milk only for their own distribution. The farmer who distributes the bottled milk is essentially a vendor or subhandler for milk processed in the handler's plant. Exemption of this type of arrangement from the pricing and pooling requirements would open up a wide range of possible handling operations which would undermine the minimum price and market-wide pooling arrangements which are necessary to establish orderly marketing conditions in this market. The existence of numerous such arrangements outside the market pool could result in one or more substantial pooling operations, separate from the general market pool which it is decided herein should serve as the method of distributing returns to producers who are the supply for the market.

"Producer milk" is a term which may be used to distinguish milk received at pool plants directly from farmers herein defined as producers. Obviously, after milk from producer and nonproducer sources has been mingled together in a plant, the actual milk from producer sources may not be physically distinguishable. At the time of receipt and prior to such mingling with other milk, producer milk may be distinguished as to weight, test and source, and this is the basis for the handler's obligation to producers. Milk received by a cooperative association in its capacity as handler on bulk tank milk would be producer milk as received by the association.

Milk from a producer's farm which is diverted to a nonpool plant pursuant to the producer definition also is producer milk.

Producer-handlers operate nonpool plants and, accordingly, may be the recipients of milk diverted by pool handlers. Such milk would be accounted for by the diverting handler as a diversion and a transfer to a producer-handler and be considered as a Class I disposition.

"Other source milk" is specifically defined so as to distinguish it from producer milk. It includes milk received at a pool plant from nonpool sources and products, other than fluid milk products, from any source which are reprocessed or converted to another product in the plant during the month.

A definition of "fluid milk product" is provided to facilitate reference in the subsequent sections of the order. The fluid milk products are those which constitute Class I use in the market and include milk, chocolate milk, buttermilk, chocolate drink, fluid cream, skim milk, modified skim milk (fortified and reconstituted skim milk), mixtures of milk, skim milk and cream, frozen milk, and concentrated milk.

The term "route" is used to cover a number of types of milk-distributing operations. It includes any delivery, including sales by a vendor or from a plant store, of any fluid milk product except deliveries to other milk-processing plants, either pool plants or nonpool plants.

Classification of milk. All milk and milk products received by a handler should be classified in two classes according to use. Skim milk and butterfat should be classified separately in accordance with their use in Class I and Class II milk.

Skim milk and butterfat are not used in most products in the same proportion as contained in the milk received from producers, and, therefore, should be classified separately according to use. The skim milk and butterfat content of milk products received and disposed of by handlers can be determined through recognized testing procedures. Some products such as fortified skim milk, condensed milk, and concentrated products present an accounting problem in that some of the water contained in the milk used to produce these products has been removed. It is necessary in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce them. This can be established through the use of adequate plant records made available to the market administrator for products produced by the handler, or by means of conversion factors for products purchased by the handler. The accounting procedure to be used in the case of any milk product should be based on the pounds of milk or skim milk required to produce such products.

Milk classes. Class I milk should be defined as skim milk and butterfat used in those kinds of milk and milk products disposition which are generally required by health authorities having jurisdiction in the marketing area to be made from milk or milk products obtained from approved Grade A sources. The extra cost of getting quality milk produced and delivered to a market in the condition and quantities required, makes it necessary to provide a price for milk for such uses above the price for ungraded or manufacturing milk price.

Class I butterfat and skim milk should include all butterfat and skim milk contained in any product herein defined as a "fluid milk product", namely, milk, chocolate milk, buttermilk, chocolate drink, fluid cream, skim milk, modified skim milk (fortified and reconstituted skim milk), and mixtures of milk, skim milk and cream. All of these products are required by the health authorities having jurisdiction in the defined marketing area to be made from milk produced on farms approved to supply milk for fluid use. Grade A milk from locally approved farms must be used in the manufacture of nonfat powder which is used to fortify fluid milk products.

The Class I products which contain concentrated skim milk solids such as skim milk drinks and buttermilk to which extra solids are added, or concentrated whole milk disposed of in fresh or frozen form for fluid use, should be included under the Class I definition.

Some handlers proposed a method for classification of fortified, concentrated and reconstituted milk or skim milk, based on a kind of milk equivalent calculated from the relationship of the nonfat solids content of such products to the average nonfat solids content of fluid milk received by the handler. Under

that proposal, the extent to which such an equivalent exceeds the weight of the product would be a quantity assigned to Class II milk. This proposal is not adopted herein because it would not result in a full accounting in Class I of all milk used to produce Class I products.

It is necessary in accounting for Class I sales of fortified, concentrated and reconstituted milk that the order provisions prevent displacement of producer milk from the Class I use for which it is intended. This principle requires that such disposition be accounted for on the basis of milk used to produce such products, which would include all water originally associated with the milk solids used. Fortified, concentrated and reconstituted milk compete for the same outlets as whole fluid milk and fluid skim milk and so, if made from other source milk, could displace producer milk which is available for the same disposition. It is concluded that accounting for skim milk in these Class I products on the basis of volume including all the water originally associated with the solids is necessary to return to producers a value commensurate with the use and availability of their milk for fluid disposition.

Products such as evaporated or condensed milk in bulk, or packaged in hermetically-sealed cans, should not be considered to be concentrated milk, and should not be Class I milk.

Class II milk should include all skim milk and butterfat used to produce any product not specified as Class I. Class II uses shall include, but are not restricted to, butter, cheese, evaporated and condensed milk, and nonfat dry milk. Class II should also include any skim milk which is dumped after prior notification to, and opportunity for verification by, the market administrator; and that skim milk used for livestock feed to the extent that verifiable records of such utilization are maintained by the handler.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records of such products, however, to permit audit of their utilization by the market administrator.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, bottled milk, and other items included in the definition of fluid milk products. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

There is adopted herein the proposal that closing inventory should be accounted for as Class II milk. Under this system it is necessary to provide a proper method of classifying in the following month the milk in beginning inventory if it is used for Class I disposition.

The method of classifying beginning inventory is subsidiary to the general principle of giving precedence in Class I assignment to producer milk received during the month. The allocation procedure also allows for the assignment of interhandler transfers according to rules provided in the classification provisions. If under the general allocation procedure, part of total Class I milk utilization by the handler is assigned to beginning inventory, an appropriate charge should be made therefor.

Inasmuch as beginning inventory is composed of the same items of fluid milk products which were designated as ending inventory and classified as Class II in the preceding month, a revaluation up to the Class I price should be applied in certain cases where beginning inventory is assigned under allocation procedure to Class I milk. Here again, precedence is given in Class I assignment to receipts of the handler in the prior month from pool sources. The amount to which a reclassification charge would apply would be limited by the amount of receipts from pool sources which in the preceding month were assigned to Class II milk.

If the foregoing procedure does not apply a reclassification charge to all beginning inventory allocated to Class I, it is necessary to determine to what extent in the previous month other source milk became an inventory item, and thus was carried over to beginning inventory available for use as Class I milk. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge which applies to pool sources would be subject to compensatory payment, provided that such a charge would not apply to any milk received from a plant regulated by another order where it had been classified under such other order as Class I milk.

Inventories of fluid milk products on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Some handlers proposed that the order should provide Class II classification for unaccounted-for skim milk and butterfat (hereinafter referred to in some cases as "shrinkage") limited, however, in the case of producer milk to not more than 2 percent of receipts. The evidence does not show specific or average shrinkage experienced by those fluid milk plants which are subject to regulation. Obviously, however, there would be some loss of butterfat and skim milk in the processing of fluid milk and manufactured products, and the amount of loss would depend largely on the care exercised in handling the milk.

It is appropriate that allowance in Class II classification be made for a reasonable amount of shrinkage in accordance with the various types of handling operations existing in the market. In the absence of specific information for this market as to the amount of actual shrinkage which has been experienced, there is adopted the allowance of up to 2 percent of milk received from producers. This amount of shrinkage allowance is common under Federal orders and official notice is here taken of such a rate of allowance in the orders for the Western Colorado marketing area (Part 980), the Colorado Springs-Pueblo marketing area (Part 994) and the North Texas marketing area (Part 943). Official notice is also taken of the order provisions which allocate shrinkage to various types of milk receipts.

In this market as in the other markets referred to, part of the milk is collected at the farms in tank trucks and other milk is collected in cans. As pointed out in the discussion of the definition of "handler", in the case of milk picked up at the farms in tank trucks the operator of the tank truck is the person who would have the records of the weights and tests of individual producers and ordinarily would be the handler for such milk. Thus a cooperative association which operates tank trucks which it uses to move milk from producers' farms to pool plants would be the receiving handler for such milk. Some part of the shrinkage allowance should be allocated to this part of the handling operation so as to accommodate any differences which may occur between the measurements and tests taken at the farm and the amounts of skim milk and butterfat actually delivered to a pool plant. For this purpose 0.5 percent of the volume of milk received would be allocated to this part of the handling operation as a maximum shrinkage allowance to be classified in Class II, and the other 1.5 percent of the total allowance would be allocated to the pool plant to which the milk is delivered. On the other hand, in the case of milk delivered in cans the plant operator would be the handler and 2 percent would apply as a maximum allowance to the plant where the producer milk is received.

Pool plants may also receive milk in tank trucks from pool plants of other handlers. In this case, also, the total maximum allowance of 2 percent would be allocated at the rate of 1.5 percent to the plant where received, leaving the other 0.5 percent for the shipping plant. This system of applying shrinkage allowances recognizes that relatively little shrinkage occurs during the receiving part of milk handling and more in processing, bottling and distribution.

No shrinkage allowance should apply in the case of producer milk diverted to nonpool plants inasmuch as the operations of nonpool plants are not subject to the over-all accounting which applies at pool plants.

Actual shrinkage in a pool plant should be prorated between other source milk received in the form of fluid milk products as one category and the remaining category which includes producer milk and milk received from other handlers. The amount thus prorated to the second category would be classified as Class II utilization only up to 2 percent of the total amount of skim milk and butterfat, respectively, received at the plant directly from producers. In the case of milk received at the pool plant from another pool plant or from a cooperative association for which the association is the handler, the similar limitation on

Class II classification would be 1.5 percent.

To the extent that actual shrinkage of a handler exceeds the limitations here described for Class II classification, the remainder would be Class I milk. Such a method of accounting for shrinkage provides a reasonable incentive to handlers to exercise care in handling and accurate accounting for milk.

If in any case there is an amount of skim milk or butterfat which the handler has received but for which he has not accounted for as to use in the categories described, it is necessary for purposes of complete accounting that the market administrator classify such skim milk and butterfat as Class I milk unless a different classification can be established.

Transfers. It is necessary to establish rules for the classification of milk transferred from one plant to another plant.

In the case of butterfat and skim milk used in the production of Class II items, the classification should be considered to be established when the product is made. Consequently, the rules for classification of transfers need apply only to fluid milk products.

In order to provide a definite rule for transfers between pool plants, milk in the form of fluid milk products transferred by a handler to the pool plant of another handler should be classified as Class I milk, unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk and there is sufficient Class II utilization available at the transferee plant for such assignment after prior allocation of beginning inventory and other source milk. This rule should be subject to the further provision that the assignment will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These accounting procedures will carry out the recognized principle that the highest-valued uses should be assigned first to the milk of regular producers.

Some milk received at pool plants may be moved to nonpool plants. Producer milk may also be diverted to nonpool plants. In the latter case, the milk would move directly from the producer's farm to the nonpool plant. Transfers or diversions of fluid milk products to nonpool plants beyond 225 miles from the center point of Salt Lake City should be classified as Class I milk. Within this area are adequate manufacturing facilities so that no producer milk would need to be moved beyond this limit to find an outlet in manufacturing uses. Administrative feasibility requires that some limit be set on the area within which the market administrator must send his staff to verify utilization. Because of these considerations, the classification of fluid milk products moved to points beyond 225 miles from Salt Lake City as Class I milk is a reasonable administrative rule.

Transfers of fluid milk products and diversion of producer milk to nonpool plants within the 225-mile range may be classified according to utilization in the nonpool plant, providing certain conditions are met. In order to provide a definite rule for classification in case of such transfers and diversions, fluid milk products transferred in bulk form to nonpool plants within the 225-mile distance, and producer milk diverted to such nonpool plants, should be classified as Class I milk unless the following conditions are met:

(1) The transferring or diverting handler claims classification in Class II milk in his report;

(2) The operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of all milk in the nonpool plant; and

(3) The nonpool plant used during the month an amount of skim milk and butterfat in Class II equal to the amount of the transferred or diverted milk so classified.

Shipments of fluid milk products in packaged form by a pool plant to a nonpool plant would be Class I milk disposition by the pool plant.

Milk transferred from a pool plant to the plant of a producer-handler would be Class I milk. The reasons for this are explained in prior findings on producer-handlers. Diversion by a pool plant of a producer's milk to a producer-handler would be classified in the same way. Transfers of milk from a producer-handler's plant to a pool plant would be other source milk when received at the pool plant.

Allocation. Pool plants may receive other source milk as well as producer milk and milk from other pool plants. All of the skim milk and butterfat handled in a pool plant must be classified so as to establish the handler's obligation to producers. Since the order class prices apply only to producer milk, it is necessary if a pool plant receives butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to receipts from producers. Milk of producers should have priority in assignment to Class I utilization. This is necessary to assure the effectiveness of the classified pricing program.

The system of assigning Class I and Class II utilization of milk to receipts from different sources as set forth in detail in the order will carry out this objective. In general, this procedure provides that after setting aside the appropriate allowances for shrinkage, the skim milk and butterfat received in other source milk should be subtracted from Class II utilization of skim milk and butterfat, respectively, before other kinds of milk receipts are assigned. Since some other source milk may originate from plants regulated under other Federal orders, such milk, if priced as Class I under the other order, should take priority with respect to the highest utilization over other source milk not so priced. Receipts of milk from other handlers would be subtracted out from the class utilization to which they are assigned pursuant to the rules governing classification of milk transferred between handlers.

The sequence of subtractions, beginning with Class II utilization, necessary to achieve that remainder of utilization which should be properly assigned to producer milk is as follows:

(1) Allowable shrinkage;

(2) Receipts of other source milk not priced as Class I under another Federal order;

(3) Receipts of other source milk priced as Class I under another Federal order;

(4) Beginning inventory;

(5) Receipts from other handlers according to classification; and

(6) Overage.

Class prices. The Class I price should be established at a level which along with the appropriate Class II price will return to producers a uniform price sufficient to bring forth an adequate but not excessive supply of Grade A milk, including a reasonable reserve.

The producer groups which proposed an order for the Great Basin marketing area requested a Class I price of $5.724 for milk testing 3.6 percent butterfat to be effective for each of the first eighteen months of the order. For reasons set out in the following findings and conclusions, such a fixed price is not adopted. Instead there would be provided a Class I price based on a differential relationship over representative values for milk used in manufactured dairy products.

Basic formula price. The supply of Grade A milk produced for the Great Basin marketing area is very largely produced within the marketing area. Also there is milk qualified only for manufacturing purposes produced in the marketing area and in other areas within a distance from which the market may reasonably obtain milk for fluid sales.

Official notice is taken of the 1955 and 1956 Utah Annual Milk and Dairy Products Report published by the Agricultural Statistician, Agricultural Marketing Service, United States Department of Agriculture, Salt Lake City, Utah. A similar report for 1957 was submitted on the record, and official notice is taken of corresponding data for 1958 published by the Agricultural Statistician. In 1955 dairy farmers delivered 254 million pounds of manufacturing grade milk to Utah dairy plants; in 1956, 240 million pounds; in 1957, 243 million pounds; and in 1958, 238 million pounds. These quantities were less than the volume of Grade A milk, but represented 43 percent, 39 percent, 38 percent, and 36 percent, respectively, of total milk deliveries to Utah dairy plants in these years.

Quantities of Grade A milk were also used in manufactured dairy products. In this connection official notice is taken of data shown in the publication entitled "Production of Manufactured Dairy Products" as issued for 1955 and 1956 by the Agricultural Marketing Service, United States Department of Agriculture. Data for 1957 were submitted on the record. On a whole-milk-equivalent basis the quantities of Grade A and non-Grade A milk used for manufacturing in Utah dairy plants in the years of 1955, 1956 and 1957, were as follows: 376 million pounds, 405 million pounds, and 413 million pounds, respectively. The volume of milk used in manufactured dairy products in nearby

states reported on the same basis was in 1956: for Idaho 1,138 million pounds, for Wyoming 84 million pounds, for Nevada 23 million pounds, and for Colorado 461 million pounds.

To a degree, dairy farmers producing milk only for manufacturing purposes experience the same production conditions and are influenced by similar supply and demand conditions as affect producers supplying the Grade A market. There are also notable differences in the requirements for production of Grade A milk as compared to production of milk for manufacturing. The higher requirements are the reason for the higher level of price needed to obtain a supply of Grade A milk. From time to time some dairy farmers who produce manufacturing grade milk will make the additional expenditures needed to establish themselves as Grade A farmers. They are more likely to do this when the difference between the manufacturing milk price and the fluid market price makes such change particularly attractive. This is one way in which an increase in the supply of Grade A might occur. The so-called "cow pool" plan is a method which has been used by several farmers to qualify for certain Grade A markets. Under this plan one or more farmers shift their herds to a farm or facility qualified for Grade A production.

In view of the close availability of a large volume of non-Grade A production, the relationship of the Class I price to the manufacturing milk price is an important consideration as to what level of price will assure an adequate but not excessive supply for the Grade A market. It is concluded for the above reasons that the Class I price should be established by adding a differential to a representative price level for milk used in manufactured dairy products. Such a price will provide a degree of responsiveness to supply and demand conditions and will, therefore, be preferable to a constant price.

Within the milkshed for the Great Basin market, substantial milk manufacturing operations exist producing butter, nonfat dry milk, and evaporated milk. Under some orders paying prices of local manufacturing plants are one of the alternatives used in establishing a basic formula price. In this area, there are not a sufficient number of manufacturing plants independent of handler operations to provide a representative value for manufacturing milk. A more appropriate basis for a basic formula price is the higher of the Midwest condensery price average or a suitable butter-powder price formula. The condensery price commonly used in other orders for this purpose and the butter-powder formula used in the Western Colorado order (Part 980) are suitable for the basic formula in this order and are adopted. The basic formula price for each month would be used in establishing the Class I price for the following month.

As explained in the findings and conclusions on the level of Class I price, the prices under the order would be expressed for milk containing 3.5 percent butterfat. The butter-powder formula would be computed by subtracting 3 cents from the Chicago price for 92-score butter, adding 20 percent thereof, and multiplying the result by 3.5; and subtracting 5.5 cents from the average price for nonfat dry milk (spray and roller process) at manufacturing plants in the Chicago area, and multiplying by 8.2. The butter price would be that reported by the United States Department of Agriculture for the month, and the powder price as reported for the period from the 26th day of the preceding month through the 25th day of the month. The average of the basic formula prices which would have applied in establishing Class I prices in 1958 was $3.02. During the months of January, February, March, April and May 1959 the applicable basic formula prices for milk of 3.5 percent butterfat would have been $3.07, $3.06, $3.06, $3.01, and $2.95, respectively.

Class I differential. For an initial period the order for the Great Basin marketing area should establish a minimum Class I price per hundredweight of milk of 3.5 percent butterfat content at $2.20 over the basic formula price. Prices for subsequent periods should be based on a re-examination of market conditions.

The proponent cooperatives requested a Class I price of $5.724 per hundredweight for milk of 3.6 percent butterfat content, such price to be effective for the first eighteen months of the order. This is the price currently reported to be used by producer associations as a basis for their pricing system, with variations therefrom as indicated in the record. A handler representative proposed that the Class I price should be $5.32. These proposals need to be examined in light of the level of utilization of market supplies in Class I uses, existing and prospective supplies, as well as price levels which have prevailed in the market.

Under the system of accounting and classification most generally used in the market, the percentage of the milk supply used in fluid sales is estimated to have been about 66 percent in 1957. A somewhat higher percentage of Class I utilization may be expected under an order due to differences in the system of accounting and classification as compared to present practices. The order would require accounting for nonfat solids used in Class I on the basis of the quantity of milk used to produce the nonfat solids. In view of the widespread promotion of sales of fortified fluid products in the market, which are now accounted for on the basis of the weight of the product sold, the order accounting could in this connection show a noticeable change in utilization figures.

As pointed out in previous findings, some handlers have not accounted for milk on a utilization basis. These handlers have been able to obtain milk from farmers not members of the proponent cooperative associations at prices which result in a product cost for their fluid sales lower than the market average. In view of this it is likely that accounting under the order would tend to result in a higher market average utilization in fluid sales than has been experienced by the cooperative associations.

In view of such considerations and judgments submitted on the record by representatives of producers and handlers, it is estimated that the system of classification embodied in the order and the requirement of full accounting for all Class I use would result in about 4 percent higher Class I utilization than the fluid utilization percentage shown under current accounting practices. Thus, it is estimated that in 1957 under the type of accounting in the proposed order, the percentage of utilization of milk would have been about 70 percent in Class I.

The trend of Grade A milk production available to plants in Utah is shown by the annual totals of milk delivered to these plants. In 1955, there were 341 million pounds of Grade A milk received by Utah dairy plants; in 1956, 380 million pounds; in 1957, 405 million pounds; and in 1958, 419 million pounds. During this same period there was a decrease in the amount of ungraded milk received by Utah dairy plants from 254 million pounds in 1955 to 238 million pounds in 1958.

Farm production resources now used in the production of milk for manufacturing plants constitute a potential source of supply for the fluid market if the price is sufficiently attractive. The quantities of milk used in manufacturing in nearby states have been discussed in connection with the basic formula price. The largest supply in nearby states is in Idaho where milk production in 1957 was 1,526,000,000 pounds. Also within the State of Utah in an area bordering on the northern boundary of the proposed marketing area there are large scale milk manufacturing operations which depend largely on the milk produced there. Plants in this area also receive milk from Idaho farmers.

In the production area for the Great Basin market, the system of payments to dairy farmers for their milk has generally been under a managed base system. In this situation, the importance of the potential supplies at price levels prevailing in recent years may not have been fully realized. It is observed, however, that the data on milk received by Utah dairy plants show in recent years a general increase in the volume of milk qualified for fluid consumption. The concurrent decrease in the volume of manufacturing grade milk produced may indicate that farmers producing for manufacturing plants have converted to Grade A production.

An examination of price data entered by producer associations discloses certain deficiencies with respect to actual prices received by farmers. Exhibit 63, entered by producers, contains average price figures for milk sold for fluid and manufacturing uses to handlers by the proponent cooperatives during 1957. This exhibit does not show the average prices received by member producers, which testimony shows to be lower than the average price figures in the exhibit. Exhibits 13 and 14 contain data on prices received by farmers supplying prospective pool plants and other plants in Utah, but because price brackets are used with open end brackets for the lowest and highest portions of the price range, it is not possible to compute therefrom average prices paid to dairy farmers.

Other evidence in the record shows that the nominal Class I price announced by the cooperative associations was not received for all fluid disposition.

The Utah Annual Milk and Dairy Products Report for 1957 issued by the United States Department of Agriculture provides the best record data on prices paid to dairy farmers by Utah dairy plants. Official notice has already been taken of corresponding data for the years 1955, 1956, and 1958. These data show average prices per pound of butterfat of $1.27, $1.29, $1.30, and $1.26 for each of the years 1955 through 1958, respectively, which correspond to prices for milk testing 3.6 percent butterfat at $4.57, $4.64, $4.68, and $4.54 per hundredweight. These prices represent the average paid at Utah dairy plants for all milk qualified for fluid consumption including milk so qualified used in manufacturing. On the basis of the previously outlined data with respect to supplies and prices, it is apparent that the average prices just cited have been sufficient to attract at least an adequate supply for the Great Basin market and the nearby areas within the State of Utah.

Sales activities of the producer associations and proprietary handlers to whom they sell are widespread, extending into neighboring States. Accordingly the prices in such outlying markets are an important consideration as to the appropriate price for the Great Basin market.

The sales of milk by Great Basin handlers include regular distribution in Las Vegas and some other Nevada markets, and in Idaho and Wyoming. The producer price at Las Vegas for milk for fluid consumption was reported to be $5.76 per hundredweight for milk testing 3.6 percent butterfat. Based on this price and allowing for the cost of transportation, the returns to producers in the Salt Lake City area on milk moving to Las Vegas would be about $5.00 per hundredweight. It is further apparent that the price proposed by Great Basin producers cannot be realized on most shipments to out-of-State markets, since the prices in Idaho markets are lower, and the Federal order Class I price in the Western Colorado market, if it had been in effect for all of 1958, would have averaged $5.14 for milk of 3.6 butterfat content. Returns on shipments from the Great Basin market to the Western Colorado area would of course, be reduced by the cost of transportation.

Milk produced in Cache County, Utah, and qualified for fluid distribution was reported to be paid for at $4.03 per hundredweight for milk of 3.6 percent butterfat and an accompanying "surplus" price of 87 cents per pound of butterfat. The quantity of milk available at such prices was indicated to be equivalent to about 20 percent of the amount of Class I disposition by Great Basin handlers.

In view of the foregoing considerations, with respect to supplies and prices, it is concluded that the level of Class I price requested by producers is not in accordance with supply and demand conditions. The existing level of utilization of milk received by handlers in the Great Basin marketing area and the volume of existing and potential supplies available at lower price levels, require that a lower level of Class I price be established if a stable market situation is to be achieved.

The only other Class I price proposal supported on the record was a price of $5.32 per hundredweight for milk testing 3.6 percent butterfat. This proposal was made by a representative of two of the large proprietary handlers. The considerations referred to previously indicate that an adequate supply can be assured at such a price in combination with other features of the order.

It is concluded that a price at approximately this level should be adopted as the initial order price. This should be accomplished by providing a Class I differential of $2.20 over the basic formula price. For the year 1958 this would have resulted in an average Class I price of $5.30 for milk testing 3.6 percent butterfat. In combination with the Class II price and the estimated utilization of 70 percent in Class I as previously referred to, the resulting blend price would have been $4.63 at a butterfat test of 3.6 percent.

The uncertainties involved in the effect upon the available milk supplies which might result from the establishment of a milk order in an area which is near to large potential additional supplies, require that the initial Class I price be established only on a temporary basis. Accordingly, the price level under the proposed order should be reviewed as soon as possible after the order has been made effective and market data are available. Although the order provisions provide for the price to be established at $2.20 over the basic formula price for the first 18 months of the order, a determination should be made as soon as sufficient information is available, as to whether a public hearing should be called to reconsider the level of the Class I price.

For purposes of uniformity with other markets where Federal orders apply, the prices should be calculated and announced for milk testing 3.5 percent butterfat. The conversion from prices for 3.6 test to prices for 3.5 test, and vice versa, may be readily accomplished by application of the appropriate butterfat differentials.

No recommendation was made by proponents for seasonal changes in prices. Fluid sales of handlers and receipts show only a moderate seasonal variation. A reexamination of this matter should be made after the order has been effective for a year or more.

Class II price. Since Class II milk will include all milk used in manufacturing it is appropriate that the Class II price should be at a level which reflects the value of manufacturing grade milk. The Class II pricing formula, as proposed by producers, reflects this value and is therefore adopted as appropriate for the Great Basin marketing area.

During 1956, dairy farmers delivering ungraded milk to Utah plants received $3.05 per hundredweight for milk of 3.5 percent butterfat content. The average Class II price during 1956 pursuant to the proposed formula would have been $3.12. In 1957, Utah dairy farmers received an average price of $3.08 for manufacturing grade milk of 3.5 percent butterfat content, and the Class II pricing formula would have produced an average price of $3.13. In 1958, Utah dairy farmers received an average price of $2.91 for manufacturing grade milk of 3.5 percent butterfat content. During 1958, the formula would have produced a Class II price of $2.99. During the first four months of 1959, the average Class II price would have been $2.90.

Except for cottage cheese and ice cream manufactured by proprietary handlers, two of the proponent cooperative associations process most of the Grade A milk in the market which is disposed of for manufacturing purposes.

It is concluded that the price per hundredweight for Class II milk should be computed each month by subtracting 52 cents from the sum of the Chicago 92-score butter price multiplied by 4.03, and the Chicago spray-powder price multiplied by 8.2.

Butterfat differentials. The attached order provides that butterfat and skim milk be accounted for separately for classification purposes. It also provides that class and blend prices should be established for milk containing 3.5 percent butterfat. Therefore, it will be necessary to adjust the Class I, Class II and blend prices in accordance with the average test of the milk in each class or delivered by each producer to reflect differences in the value of the milk due to variations in butterfat content.

The Class I butterfat differential for each one-tenth of one percent that the average test of Class I use varies from the basic test should be determined by multiplying the price of 92-score butter at Chicago by 1.35, dividing the result by ten and rounding to the nearest tenth of a cent. The average Class I differential which would have been effective during 1958 pursuant to this formula is 7.9 cents.

Various proposals relative to the appropriate Class I butterfat differential were made at the hearing. Some of these proposals would have resulted in a higher Class I differential than herein provided, and would have allocated a relatively low value to the skim component of Class I milk. A butterfat differential equal to 135 percent of the Chicago butter price will allocate an adequate proportion of the value of Class I milk to the butterfat component and will allocate a substantial and equitable value to the skim milk component as well.

The Class II butterfat differential should be 1.15 times the price of 92-score butter at Chicago, divided by 10 and rounded to the nearest tenth of a cent. The average Class II differential which would have been effective during 1958 pursuant to this formula is 6.7 cents. This formula will reflect appropriately the value of butterfat in milk used in manufacturing operations and is the same as the factor used in the butterfat portion of the Class II price.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the but-

terfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the principle of a uniform price to all producers. Each producer will share equally in the total value of all handlers' Class I and Class II utilization at the basic test of 3.5 percent butterfat. It is equally appropriate that each producer should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Equivalent price. If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations described in the order may not be available sometimes in the form described or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of an equivalent price(s).

Location differentials. Class I and uniform prices paid by handlers operating plants located a considerable distance from specified points within the marketing area should be subject to minus adjustments to reflect the cost of moving milk to the Great Basin marketing area. Adjustments to Class I prices at such plants are necessary to equalize the cost of fluid milk to all handlers distributing within the marketing area. Adjustments to producer prices will recognize the lesser value for the milk of those producers which must be transported a considerable distance to the Great Basin market.

Producer proponents proposed that location price adjustments apply to plants located at least 50 miles from the City Hall in Salt Lake City. However, plants located in or near Salt Lake City, and plants located in or near Provo and Ogden which are within the 50-mile limit proposed by producers, distribute a significant portion of total fluid distribution in all sections of the Great Basin marketing area. Therefore, if location adjustments as proposed by the cooperatives were provided, several handlers whose plants are located within the marketing area but more than 50 miles from Salt Lake City would have a Class I price advantage as compared with handlers located in or near Salt Lake City, Ogden or Provo. Producers delivering to these plants located within the marketing area but more than 50 miles from Salt Lake City would be placed at a disadvantage as compared with producers delivering to plants within the 50-mile radius.

To prevent such competitive advantages among handlers and inequities to producers, location adjustments should apply only to those plants located 100 miles or more from the nearest city hall in Ogden, Vernal, Richfield, and Price, Utah, by the shortest highway distance as determined by the market administrator.

A representative of a proponent cooperative testified as to costs involved in moving bulk milk considerable distances to areas surrounding the Great Basin area; namely, from 18 to 22 cents per hundredweight per hundred miles. These costs, however, relate only to sporadic shipments by one large over-the-road tanker. The schedule of milk-hauling rates of the Dairyland Transport Company located in Springfield, Missouri, was also entered in evidence. The rates contained in this schedule are less than the cost incurred by the cooperative, and are considered more representative of costs of transporting milk on a regular basis.

This schedule substantiates a rate of 15 cents per hundredweight for a distance of a hundred miles, which is similar to rates used in a number of Federal orders. For instance, the location differential contained in the Western Colorado Federal order, which regulates the handling of milk in an area surrounded by mountainous terrain such as is the case in parts of the Great Basin marketing area, is 15 cents for plants located 100 miles but less than 110 miles from Grand Junction, and 1.5 cents for each additional 10 miles.

It is concluded that a rate of 15 cents should be established for the 100–110-mile distance zone from the named locations, and 1.5 cents for each additional 10 miles or fraction thereof. This rate should apply to the price of Class I milk to handlers and to the uniform price to producers.

A method should be provided for determining the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials allowed to handlers. Such allowance should be made for sources in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

Payments on unpriced milk. The rate of payment to be required of nonpool plants to offset their advantage as to cost of milk for fluid sales in the marketing area should be based on the circumstances generally affecting cost of milk to unregulated plants. One of the conditions affecting such cost in this marketing area is the substantial proportion of the milk which meets Grade A requirements but does not find a fluid market. This excess over fluid market needs must find an outlet in manufactured dairy products. The presence of this excess provides an opportunity for an unregulated plant to obtain for Class I use (fluid sales) milk for which the alternative use value is established by the market for manufactured dairy products.

A nonpool handler who is not subject to any requirement to pay for his milk supplies on a class-use basis may expand his fluid milk sales in the marketing area without paying the Class I price for the corresponding part of his supply. For such sales he may use milk which otherwise would be used for manufacturing and which represents reserve or surplus carried in his own plant or other unregulated plants.

Accordingly in order to fully offset any cost advantage to an unregulated plant with respect to its fluid milk sales in the marketing area, such plant should be required to make a payment at the rate per hundredweight which is the difference between the Class I price, adjusted for butterfat and location differentials, and the representative value for milk used in manufactured dairy products. The latter value would be adequately represented by the Class II price.

Pool plants also might avail themselves of the opportunity to procure unpriced milk from unregulated plants for use in Class I sales in the marketing area. Just as in the case of nonpool plants the opportunity exists for pool plants to use for Class I supplies of milk from sources where it is not priced according to class utilization unless some offsetting requirement is provided in the order. Under the allocation provisions of the order, producer milk is given priority with respect to the Class I utilization of the handler. If the handler does not procure sufficient producer milk to cover his Class I sales and receives milk from unregulated sources for Class I use, it is necessary to offset any cost advantage which might accrue to the handler by this arrangement. The circumstances affecting the availability and cost of unpriced milk in this case are similar to those in the case of an unregulated plant distributing milk on routes in the marketing area. Accordingly, the same rate of compensatory payment should apply with respect to the amount of other source milk used by the pool plant in Class I.

It is administratively necessary to use the stated rate of compensatory payment instead of attempting to determine a particular rate in each given case. Pool plant operators may obtain other source milk with little or no advance notice from a wide variety of sources. Any attempt to determine the actual cost of such milk to the regulated handler would be complicated by the number of plants involved, the fact that some of the plants supplying the other source milk might be operated by the same handler in which case the interplant billing would be purely arbitrary, the possibility of arbitrary billing even where the plants were not under common ownership, and the fact that the originating plant would not be subject to the audit and payment provisions of the order. It is, therefore, necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensatory payment on other source milk derived from nonfat dry milk will be comparable to that on any other source milk which is allocated to Class I milk.

No compensatory payments should be required on milk classified and priced under any other Federal order. The nearest other market in which a Federal order applies is the Western Colorado market (Order No. 80). One handler in the Western Colorado market has route distribution within Grand County in this marketing area. The price relationships between the Great Basin market and other markets from which milk might be obtained are such as would not ordinarily result in any undermining of the stability of this market. If it should develop that any plant which is regulated under another order and which by reason of a peculiar location advantage does threaten the stability of this market, the appropriate application of price regulation to such a plant would need to be examined on the basis of the circumstances evidenced at the time such event occurred.

These payments to be made by nonpool plants distributing milk in the marketing area and by pool plants which use milk from unregulated sources in Class I are herein called "compensatory payments", and should be paid into the producer-settlement fund. In the case of the nonpool plant, the operator of such plant is the person responsible for the distribution of the milk in the marketing area and, accordingly, should make the payment to the producer-settlement fund. In the case of pool plants using other source milk for Class I use, the operator of such plant is the person responsible for bringing other source milk into the regulated market and should make the payment to the producer-settlement fund.

It is appropriate that the compensatory payments should be paid into the producer-settlement fund. In this way they will add to the total value paid to the dairy farmers upon whom the market depends for a regular supply of fluid milk. This is in accordance with the purpose of assuring a sufficient and dependable supply of milk for the fluid market.

(d) *Distribution of proceeds to producers.* Returns from the sale of milk should be distributed to producers through a market-wide pool rather than through individual handler pools.

The Act specifies that an order must provide for (1) the payment of uniform prices for all milk delivered by producers to the same handler, or (2) the payment of uniform prices for all milk delivered by producers to all handlers based upon the market-wide use of such milk. The former method of payment is by individual handler pools, the latter by a market-wide pool. Under either method, all handlers pay the same class prices for producer milk except for plant location and butterfat content differences. Under the individual handler pool, the minimum prices to be paid producers will be uniform to all producers delivering their milk to the same handler. The uniform price will depend upon the proportion of producer receipts used in each class by the handler. Although each handler is required to pay minimum uniform prices to all the producers who deliver milk to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

Daily fluctuations in receipts and sales and normal seasonal changes in production and sales inevitably result in some Grade A milk being disposed of for other than fluid purposes. Such milk which constitutes the reserve for the fluid market must be disposed of in the less remunerative outlet of manufactured dairy products.

Procurement practices of various handlers and the efforts of the three proponent cooperatives to stabilize market conditions have resulted largely in a situation such that these associations assume the responsibility of carrying almost the entire reserve supply of the market. One of the three, a bargaining cooperative, operates a pool which equalizes returns among its members, depending on the utilization of a group of relatively large proprietary handlers through whom the cooperative markets members' milk. Each of the other two, both of which are operating cooperatives, conducts a pool based upon their respective Class I utilization, including proceeds from sales of milk to other handlers. Each of the three cooperatives supplies supplemental milk to some of the handlers who purchase most of their milk from nonmember sources. A market-wide type of pool would result in a more equitable distribution of returns among all dairy farmers who produce the fluid milk supply for the Great Basin area.

A market-wide pool will also contribute to the flexibility of milk marketing in the Great Basin area in two other important respects. One of these is that supplemental supplies may be freely distributed among handlers without disturbing the prices paid to producers at each plant. The other is that temporary or seasonal reserves may be shifted between plants either by transfer of the milk or of the producers so as to result in the most economical use of milk and facilities and yet without affecting the prices paid to producers at individual plants.

Payments to individual producers and to members of cooperative associations. Each handler should make final payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 17th day of the month following receipt of the milk; or in lieu thereof should make payment to a cooperative association if appropriately requested as described herein.

In the case of producers who are members of a cooperative association which is not the handler for their milk, the handler receiving such milk should pay the cooperative association for such milk if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should provide for indemnifying the handler for any loss incurred because of any improper claim.

Unless a cooperative association can receive payment for the milk marketed on behalf of its producer members, it cannot reblend the sales proceeds from milk sold from various outlets. This function is specifically provided for in the Agricultural Marketing Agreement Act.

In making such payments for milk of individual producers to a cooperative association the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made, the volume and butterfat content of milk delivered by each such producer and the amount of and reasons for any deductions which the handler withheld from the amount payable to each such producer. This statement is necessary so the cooperative association can make proper distribution of the money to the producers for whom it collects payment.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers so that all producers will receive payment on approximately the same date.

It should also be provided that payments shall be made to cooperatives by handlers for that milk for which the cooperative is a handler and delivers to the pool plant of another handler. The payments for this milk should be at the class prices for the classification arrived at under the rules for classification of interhandler transfers. In the case of such milk the cooperative will be the handler receiving such milk from producers and will equalize with the pool on such milk.

Producer-settlement fund. Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount which he is required to pay directly to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay for producer milk at the uniform price should pay the difference into the producer-settlement fund; and all handlers who are required to pay more for producer milk at the uniform price than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to accommodate this rounding of prices, to allow for unavoidable delays in receiving payments from handlers and to permit payments to be made to any handler, which audit by the market administrator reveals are due such handler from the producer-settlement fund, a reasonable reserve should be held in the producer-settlement fund at all times. The amount of the reserve should be sufficient to enable the producer-settlement fund to perform its functions efficiently. The reserve, which would be adjusted each month, is established in the attached order by deductions from the uniform price computation at the rate

of not less than 4 cents, nor more than 5 cents, per hundredweight of producer milk in the pool for the month. One-half of the unobligated balance remaining in the fund from the preceding month would be added to the values used in calculating the uniform prices each month.

If, at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

(e) *Other administrative provisions.* The remaining provisions are of a general, administrative nature, are incidental to the other provisions of the order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers, and set forth the rules to be followed in making the required computations. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in event of suspension or termination. They are similar to like provisions in other milk orders, and except as set forth below require no comment.

Records and reports. Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports. Dates must also be established for the announcement of prices by the market administrator. It should be provided that the market administrator report to each cooperative association, which so requests, the amount of class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler. These reports are necessary for the cooperative association to market effectively milk of its members.

In view of the provisions concerning the classification of milk transferred to the plant(s) of a producer-handler(s) from a pool plant(s) and to a pool plant(s) from a producer-handler(s), the market administrator should publicly announce each month the names of those operators who have declared their intention to operate as producer-handlers. This provision will not excuse any handler, however, from adjustments necessitated if the market administrator discovers on audit that a person who had made such declaration of intention had not complied with the requirements for producer-handlers.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the market-wide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and the net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on a period of time after which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949; and the Secretary's decision of January 26, 1949 (14 F.R. 444), covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

6th: Announcement by the market administrator of the Class I price and Class I butterfat differential for the current month, and of the Class II price and the Class II butterfat differential for the preceding month.

7th: Submission by cooperative associations of monthly report of receipts and utilization of milk for which it is the first handler.

7th: Submission by handlers of monthly report of receipts and utilization.

12th: Announcement by the market administrator of uniform prices.

12th: Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from the producer-settlement fund.

14th: Payments by handlers of amounts due to producer-settlement fund.

15th: Payments by market administrator out of producer-settlement fund.

15th: Payments by handlers to cooperative associations.

17th: Payments by handlers to producers and to market administrator for expenses of administration and marketing services.

Expenses of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight (or such lesser amounts as the Secretary may, from time to time, prescribe) on:

(a) Producer milk including such handler's own production;

(b) Other source milk in pool plants which is allocated to Class I milk pursuant to § 963.44 (a) (2) and (b); and

(c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant, except the plant of a producer-handler.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such costs of administration shall be financed through an assessment on handlers. In view of the manner in which the regulation applies to various handlers and types of handler operations, the described application of administrative assessment appropriately assigns a proportionate share of expense to each handler.

Marketing services. A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator, unless provided by a qualified cooperative association, and the costs should be borne by the producers receiving the service. The order should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for the use of the market administrator in financing such services. For producers for whom the cooperative association is rendering such services the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect, such payments to be in lieu of those to the market administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 963.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 963.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 963.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified herein.

§ 963.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 963.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all territory within the counties of Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah.

§ 963.7 Producer.

"Producer" means:

(a) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered directly from such dairy farmer's farm to a pool plant; or

(b) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements described in paragraph (a) of this section, on each day of the month on which his milk is diverted by a handler (including a cooperative association) from a pool plant to a nonpool plant up to the same number of days as his milk is delivered to a pool plant during the month; and on each day of the months of April, May and June on which his milk is so diverted to a nonpool plant if such farmer was a producer for the entire month during any one of the three calendar months preceding.

§ 963.8 Producer-handler.

"Producer-handler" means any person who produces milk and operates an approved plant described in § 963.10(a) which receives no milk from other dairy farmers: *Provided*, That such person meets the requirements set forth in paragraphs (a) and (b) of this section.

(a) The person who is the producer-handler exercises complete and exclusive control over the production resources which are used to produce the milk which is to be considered his own production, and over the processing facilities and operation thereof which are used to process such milk, and over the distribution facilities and operation thereof which are used to dispose of such milk; and

(b) The person who is the producer-handler makes written application to the market administrator stating his intention to operate as a producer-handler under the order, such application to be effective beginning with the first month after which such application is received.

§ 963.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants;

(b) Any cooperative association with respect to milk diverted for its account as described in § 963.7; and

(c) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from producers by the cooperative association.

§ 963.10 Approved plant.

"Approved plant" means a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except a plant of a producer-handler as described in § 963.8, from which during the month (1) there are disposed of on routes fluid milk products equal to not less than 50 percent of the total of receipts at the plant of milk from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant, and other fluid milk products qualified for distribution for fluid consumption received at the plant, and (2) there are disposed of on routes in the marketing area fluid milk products equal to not less than 10 percent of total fluid milk product disposition from the plant on routes: *Provided*, That any approved plant from which the total route distribution of fluid milk products is without remuneration shall be a nonpool plant.

(b) An approved plant from which during the month fluid milk products equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant and other fluid milk products qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 963.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 963.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received from producers at a pool plant in amount determined by weights or measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck;

(b) Diverted as described in § 963.7 to a nonpool plant, in which case it is received by the handler diverting the milk;

(c) Received by a cooperative association which is defined as a handler of the milk pursuant to § 963.9(c).

§ 963.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, (3) milk received from a cooperative association for which the cooperative association is a handler pursuant to § 963.9(c); and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 963.15 Fluid milk product.

"Fluid milk product" means milk (including frozen or concentrated milk), chocolate milk, buttermilk, chocolate

drink, fluid cream (sweet or sour), skim milk, fortified milk or skim milk, reconstituted milk or skim milk, and mixtures of milk, skim milk and cream.

§ 963.16 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 963.17 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 963.18 Powder price.

"Powder price" means the carlot price per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

MARKET ADMINISTRATOR

§ 963.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 963.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 963.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 963.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 963.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to § 963.30 through § 963.33, or payments pursuant to § 963.80 through § 963.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk of each handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 963.50 and 963.52, respectively;

(2) The 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 963.50 and 963.52, respectively;

(3) The 12th day of each month, the uniform price for producer milk computed pursuant to § 963.71 and the butterfat differential computed pursuant to § 963.72, all for the preceding month;

(4) The 1st day of each month the name of each person who has applied for producer-handler status pursuant to § 963.8, and the location of his plant.

REPORTS, RECORDS AND ACCOUNTING

§ 963.30 Reports of sources and utilization.

(a) On or before the 7th day after the end of each month, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Producer milk received at the plant or diverted therefrom by the handler;

(ii) Milk received from a cooperative association which is a handler for such milk pursuant to § 963.9(c);

(iii) Fluid milk products received from other pool plants;

(iv) Other source milk;

(v) Inventories of fluid milk products on hand at the beginning of the month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month; and

(b) On or before the 7th day after the end of each month, each cooperative association shall report the following:

(1) The quantities of skim milk and butterfat in producer milk which the cooperative association diverted from pool plants of other handlers to nonpool plants, and the classification thereof;

(2) The quantities of skim milk and butterfat in producer milk which the cooperative association received pursuant to § 963.9(c).

§ 963.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such tme and in such manner as the market administrator may prescribe.

§ 963.32 Payroll reports.

Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer;

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received or delivered to;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(b) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 963.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 963.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 963.40 Responsibility of handlers.

All skim milk and butterfat required to be reported by handlers pursuant to § 963.30 shall be classified as Class I milk unless the handler who received or diverted such skim milk and butterfat establishes that it was utilized as Class II milk.

§ 963.41 Classes of utilization.

The classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of fluid milk products except that classified as Class II milk pursuant to paragraph (b) of this section and §§ 963.42 through 963.43, and

(2) Not otherwise specifically accounted for as Class II pursuant to paragraph (b) of this section.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of as skim milk for livestock feed;

(4) Dumped as milk or skim milk if with the prior approval of the market administrator;

(5) In actual shrinkage of skim milk and butterfat allocated pursuant to § 963.45(b)(2) not to exceed the following: 2 percent of skim milk and butterfat in producer milk (except diverted milk) received by handlers, plus 1½ percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 963.9(c), less 1½ percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants of other handlers; and

(6) In shrinkage allocated to other source milk pursuant to § 963.45(b)(1).

§ 963.42 Transfers.

(a) Skim milk and butterfat transferred from the pool plant of a handler or by a cooperative association in its capacity as a handler pursuant to § 963.9(c) to a pool plant of another handler as fluid milk products in bulk form shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II in their reports submitted pursuant to § 963.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to be the respective amounts thereof remaining at the pool plants of the transferee handler after the subtraction of other source milk pursuant to § 963.44;

(b) Skim milk and butterfat transferred or diverted to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant which is not the plant of a producer-handler shall be classified as Class I milk unless:

(1) The transferee plant is located inside the marketing area or less than 225 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) The skim milk and butterfat in the transferred fluid milk products which are classified as Class II milk do not exceed the pro rata Class II utilization of skim milk and butterfat in the nonpool plant determined by a calculation which prorates Class II utilization of skim milk and butterfat at the nonpool plant to fluid milk products received from all plants which are subject to classification provisions of Federal milk marketing orders issued pursuant to the Act.

§ 963.43 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 963.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at each pool plant, in producer milk diverted, and in milk for which a cooperative association is a handler pursuant to § 963.9(c): *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 963.44 Allocation of skim milk and butterfat at pool plants.

(a) The pounds of skim milk remaining in each class after making the following computations with respect to each pool plant shall be the pounds of skim milk in such class allocated to the producer milk received at such plant, or diverted therefrom by the plant operator, during the month:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II milk pursuant to § 963.41(b)(5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk received as other source milk not in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk in the form of fluid milk products except that to be subtracted pursuant to subparagraph (4) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk

in Class I milk: *And provided further*, That if such fluid milk products are received from more than one plant regulated under another order the assignment shall be pro rata according to the amount of the skim milk received from each plant;

(5) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers and from a cooperative association which is the handler for that milk pursuant to § 963.9(c), from the pounds of skim milk remaining in the class to which assigned, pursuant to § 963.42;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this section; and

(8) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 963.45 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) For each handler prorate the resulting amounts between (1) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products, and (2) the pounds of skim milk and butterfat in other fluid milk products received (excluding diverted milk).

MINIMUM PRICES

§ 963.50 Class prices.

Subject to the provisions of §§ 963.52 and 963.53, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section shall be the basic formula price computed pursuant to § 963.51 for the previous month plus $2.20.

(b) *Class II milk price.* The price for Class II milk per hundredweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph and subtracting 52 cents.

(1) Multiply the butter price by 4.03;

(2) Multiply the powder price by 8.2.

§ 963.51 Basic formula price.

The basic formula price shall be the higher of the amounts computed pursuant to paragraph (a) or (b) of this section:

(a) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 963.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 963.50 shall be increased or decreased, respectively, for each one-tenth percent of butterfat by an amount computed as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 1.35 divide the result by 10, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the butter price for the current month by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

§ 963.53 Location differentials to handlers.

For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 963.9(c) to a pool plant and which is classified as Class I milk, the price computed pursuant to § 963.50(a) shall be reduced at the rate in the following schedule:

Distance (miles)	*Rate per hundredweight (cents)*
100 but not more than 110	15.0
For each additional 10 miles or fraction thereof in excess of 110	1.5

Such distance to be measured from the plant to the nearest of the city halls in Ogden, Price, Richfield, or Vernal, all in Utah: *Provided*, That for the purpose of calculating such location credit to the handler, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 963.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 963.60 Producer-handler.

Sections 963.70 through 963.74 and §§ 963.80 through 963.86 shall not apply to a producer-handler.

§ 963.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 963.11, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part.

(a) Any plant which does not dispose of a greater volume of Class I milk on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant which, during the months of February through July, qualifies as a pool plant pursuant to the proviso of § 963.11(b).

§ 963.62 Operators of nonpool plants.

(a) An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, is not the plant of a producer-handler, and is not described pursuant to the proviso of § 963.11(a), shall, on or before the 14th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the difference between the Class II price, adjusted for butterfat differential, and the Class I price, adjusted for butterfat differential and location, by the total hundredweight of fluid milk products disposed of from such nonpool plant on routes in the marketing area during the month.

(b) A producer-handler shall, on or before the 14th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the difference between the Class II price, adjusted for butterfat differential, and the Class I price, adjusted for butterfat differential and location, by the hundredweight of Class I milk disposed of by the producer-handler in which the skim milk and butterfat exceed the totals of skim milk and butterfat, respectively, received during the month from (i) his own production, (ii) pool plants, (iii) other handlers by diversion pursuant to § 963.7, and (iv) plants under other orders issued pursuant to the Act where such skim milk or butterfat is priced and classified as Class I milk.

DETERMINATION OF PRICES TO PRODUCERS

§ 963.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 963.40 through 963.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location credit allowance required pursuant to the proviso of § 963.53;

(b) Add the amounts computed in subparagraphs (1) and (2) of this paragraph:

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a) (2) and (b) by the difference between the Class II price and the Class I price, each adjusted by the respective butterfat differentials;

(2) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a) (3) and (b) by the difference between the Class II price, adjusted for butterfat differential, and the Class I price adjusted for butterfat differential and adjusted for location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 963.44 (a) (8) and (b) by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 963.45(a)(5) and the corresponding step of (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 963.45(a)(5) and the corresponding step of (b) for the month, whichever is less;

(2) An amount computed by multiplying the difference between the Class II price adjusted for butterfat differential and the Class I price adjusted for butterfat differential and location by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 963.44 (a)(5) and the corresponding step of (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this § 963.70(d), and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 963.44(a)(4) and the corresponding step of § 963.44(b).

§ 963.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.80 and § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content.

§ 963.72 Butterfat differential to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 963.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 963.73 Location differentials to producers.

The applicable uniform prices to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 963.53.

§ 963.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 963.71 and the producer butterfat differential computed pursuant to § 963.72;

(c) The amounts to be paid by such handler pursuant to §§ 963.82, 963.85 and 963.86, and the amount due such handler pursuant to § 963.83.

PAYMENTS

§ 963.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) or (d) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 17th day of the following month, an amount equal to not less than the uniform price per hundredweight pursuant to § 963.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 963.85;

(ii) Plus or minus adjustments for errors made in previous payments to such producer; and deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 963.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association, which the market administrator determines is authorized by its members to collect payment for their milk, and which has requested such payment from any handler in writing, such handler shall on or before the second day prior to the date payments are due to individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section: *Provided*, That the cooperative has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this sec-

tion shall report to such cooperative association for each such producer on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The amount or rate and nature of any authorized deductions to be made from payments; and

(4) The amount and nature of payments due pursuant to § 963.84.

(d) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such cooperative association for which the association is the handler not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided in § 963.53 and the butterfat differentials provided by § 963.52, by the hundredweight of milk in each class pursuant to § 963.44.

§ 963.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 963.62, 963.82 and 963.84 and out of which he shall make all payments pursuant to §§ 963.83 and 963.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 963.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month:

(a) Each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 963.70 is greater than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 963.71, adjusted by the producer butterfat and location differentials.

§ 963.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 963.70, is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 963.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any account so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 963.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 963.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 963.86 Expense of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b);

(c) Class I milk disposed of on routes in the marketing area from a nonpool plant.

§ 963.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 963.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 963.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 963.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 963.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 2d day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-5649; Filed, July 7, 1959; 8:50 a.m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Decrease in Prune Administrative Committee's Expenses and Increase in Rate of Assessment for 1958–59 Crop Year

Notice is hereby given that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601–674),

there is under consideration a proposed decrease in the expenses of the Prune Administrative Committee, established under the order, for the 1958–59 crop year and a related increase in the rate of assessment for that year, as hereinafter set forth. On the basis of the recommendations of the Prune Administrative Committee, (including the committee's estimate of a total assessable tonnage of prunes of 136,400 tons), and relevant matters pertaining thereto, expenses of the committee in the amount of $88,660 and an assessment rate of 65 cents for each ton of prunes received were fixed, and published in the FEDERAL REGISTER (23 F.R. 6341; 7 CFR 993.309), for the 1958-59 crop year. The committee has now unanimously recommended for such crop year a reduction in such expenses to $71,718 and a related increase from 65 cents to 75 cents per ton in the assessment rate in order to obtain sufficient funds to cover the expenses.

After the expenses and the rate of assessment were fixed for the 1958–59 crop year, it became apparent that the 1958 crop of California prunes would be considerably less than originally estimated due to unfavorable growing conditions, and that assessment income would be less than the approved total expenses of $88,660. Therefore, the committee curtailed its activities in an effort to keep expenditures within the prospective reduced assessment income. On the basis of the information and recommendation submitted by the committee and other available information, it is now estimated that for the 1958–59 crop year: (1) The assessable tonnage will approximate 95,600 tons; (2) reduced expenses in the amount of $68,138.64 are reasonable and likely to be incurred by the committee for its maintenance and functioning; (3) such expenses would be approximately $6,000 more than the committee's assessment income computed at the assessment rate of 65 cents per ton; and (4) an increased assessment rate of 72 cents per ton would provide sufficient funds to cover such expenses.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the fifth day after publication of this notice in the FEDERAL REGISTER.

The proposal is to revise § 993.309 Expenses of the Prune Administrative Committee (7 CFR 993.309) in the following respects:

1. Delete from paragraph (a) thereof the sum "$88,660" and insert in lieu thereof the sum of "$68,138.64"; and

2. Delete from paragraph (b) thereof the sum "65 cents" and insert in lieu thereof the sum "72 cents".

Dated: July 2, 1959.

G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-5648; Filed, July 7, 1959; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs., Docket No. 10671]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Requirement for Separate Reports With Respect to Domestic and International or Territorial Operations

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations which would (1) redesignate and redefine the categories of air transport operations thereunder, (2) change the standard abbreviations for air carrier operations, and (3) require each certificated carrier (excluding supplemental air carriers) to file certain separate reports with respect to their domestic and international or territorial operations.

The principal features of the proposed regulation are explained in the explanatory statement set forth below and the proposed amendment to Part 241 is set forth below. This regulation is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the Proposed Rule-making through submission of seven (7) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 7, 1959 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after August 10, 1959 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

The subject notice of proposed rule making supersedes Draft Release No. 87 dated November 27, 1957. Therefore, the rule making proceeding initiated by Draft Release No. 87 is hereby terminated.

Dated: July 1, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. With the recent acquisition of statehood by Alaska and the imminence of Hawaiian statehood, the Board finds that the present categories of air transport operations, i.e., domestic, foreign and overseas, as they are defined in Part 241 are no longer suitable for its accounting and statistical purposes. Therefore, such categories must be redefined. However, to avoid any inconsistency with the definition of "foreign and overseas air transportation" in the Act, it is proposed to eliminate the reference to "foreign and overseas operations" in Part 241 and to insert in lieu thereof new categories designated as "international operations" and "terri-

torial operations." In order to avoid any possible misunderstanding as to the meaning of these categories, they are defined in terms of "flight stages." A "flight stage" is defined as the single movement of the aircraft from take-off to landing.

Thus, as proposed herein, the three categories of air transport operations for the purposes of Part 241 will be domestic, international and territorial. However, as is the present practice, reports relating to international or territorial operations will be combined and reported under the category international/territorial. Each flight stage shall be reported by the certificated carriers for both their scheduled and nonscheduled services in either the domestic or international/territorial category in which it belongs.

The proposed rule also contains an amendment to the standard air carrier operation abbreviations provision of Part 241 to make it consistent with the foregoing proposed change in the designation of air transport operations categories.

In addition to the foregoing, experience indicates that the Board has not been receiving sufficient information from carriers certificated in either the domestic or the international/territorial area of operations as defined herein but conducting noncertificated service in the other area of operations concerning the traffic, income and expenses attributable to each of these operations. Consequently, the Board proposes to amend Part 241 to (1) require the certificated carriers to report the traffic and capacity elements separately for their domestic and international/territorial operations whether certificated or noncertificated, (2) require a full separation of profit and loss elements by each carrier certificated to serve in both the domestic and the international and territorial areas, and (3) require a separation of flight costs by carriers certificated in one area and performing noncertificated services in the other area when the volume of such noncertificated services exceeds five percent of the total operations in the area of certification.

This proposal will require no significant change in the present reporting of carriers certificated to engage in air transportation in both domestic and international or territorial areas of operations.

Proposed rule. It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241).

§ 241.03 [Amendment]

a. By adding a new definition entitled "flight state" to § 241.03 to read as follows:

Flight stage. A single movement of the aircraft from takeoff to landing.

b. By deleting the present definition of "Operations, domestic" in § 241.03 and inserting in lieu thereof a new definition of "Operations, Domestic" to read as follows:

Operations, domestic. Flight stages both terminals of which are within territory of the United States and are not separated by foreign territory or major expanses of international waters, provided that (a) flight stages within the State of Alaska conducted by carriers certificated to perform services between the 48 contiguous United States and Alaska as well as within Alaska shall be considered as a "territorial operation"; (b) all flight stages in nonscheduled operations between contiguous U.S. and Canadian territories terminating at points south of the 54th parallel and all flight stages over routes with terminal points within contiguous United States and Canadian territories south of the 54th parallel shall be considered as "domestic" operations; and (c) all flight stages operated on certificated routes which would otherwise be "domestic" but over which only traffic in operations herein defined as territorial or international may be carried shall be considered as "territorial" or "international operations," respectively.

c. By deleting from § 241.03 the present definition entitled "Operations, foreign and overseas" and inserting in lieu thereof the definitions entitled "Operations, international" and "Operations, territorial" to read, respectively, as follows:

Operations, international. Flight stages which have either one or both terminals located outside United States territory including those "domestic" flight stages operated on certificated routes over which only traffic in foreign air transportation may be carried, except that flight stages over certified routes with terminal points within contiguous United States and Canadian territories south of the 54th parallel and all flight stages in nonscheduled operations between contiguous U.S. and Canadian territory terminating at points south of the 54th parallel shall be considered as "domestic operations".

Operations, territorial. Flight stages the two terminals of which are within territory of the United States and are separated by foreign territory or major expanses of international waters including those "domestic" flight stages operated on certificated routes over which only territorial traffic may be carried, and those flight stages within Alaska conducted by carriers which perform services between the 48 continguous United States and the State of Alaska as well as within the State of Alaska.

2. By deleting the present § 241.05 and substituting in lieu thereof the following:

§ 241.05 Standard air carrier operation abbreviations.

Operation	*Abbreviation*
Domestic Passenger/Cargo:	
Trunk Lines	DT
Local Service	DL
Intra-Alaska	DA
Intra-Hawaii	DH
Domestic All-Cargo	DC
International and Territorial Passenger/Cargo:	
Atlantic Area	ITA
Central and South America Area	ITL
Pacific Area	ITP
International and Territorial All-Cargo	ITC

§ 241.21 [Amendment]

3. By deleting present § 241.21(i) and substituting in lieu thereof the following:

(i) Separate reports as specified in following sections, shall be filed for each separate operating entity of each air carrier and, in any event, shall be filed separately for domestic operations on the one hand and international/territorial operations, on the other hand, whether such operations consist of certificated or noncertificated services, as if performed by a separate entity. Under circumstances in which nonscheduled services are performed in either the domestic or the international/territorial area by air carriers certificated for operations only in the opposite area, separate balance sheet and profit and loss schedules need not be filed except that separate schedules P–5 shall be filed for each calendar quarter subsequent to any cumulative six months period in which available ton-miles in nonscheduled services, outside the area of certificated operations, exceed five percent of available ton-miles in such certificated operations. Separate Schedules T–1 and T–3 traffic and capacity statements shall be filed irrespective of the relative volumes of domestic and international/territorial operations performed, and, in the event separate Schedules T–4 are not required for the reporting of certificated services, airport activity data shall be separately reported on the single schedule for each on-line airport involved, for domestic and international/territorial operations, respectively. When so directed by the Board, as required in the national interest, any air carrier which performs nonscheduled transport services for the defense establishment of the United States shall make separate reports for such services as if they were conducted by a physically separated transport entity. Such reports shall consist of Schedules D–1, P–1, through P–9, T–1, and T–3. The letter "D" shall be inserted on such reports following the schedule number of each P and T schedule. Where a carrier has more than one reporting entity, nonscheduled transport and nonscheduled defense services shall be assigned to the reporting entity to which most closely related.

[F.R. Doc. 59–5638; Filed, July 7, 1959; 8:49 a.m.]

[14 CFR Part 242]

[Economic Regs. Docket No. 10672]

FILING OF REPORTS BY SUPPLEMENTAL AIR CARRIERS AND LARGE IRREGULAR AIR CARRIERS

Notice of Proposed Rule-Making

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 242 of the Economic Regulations which would redesignate and redefine the air transport operations of the carriers covered thereunder.

The principal features of the proposed regulation are explained in the explanatory statement set forth below and the proposed amendment to Part 242 is set forth below. This regulation is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule-making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 7, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after August 10, 1959, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated: July 1, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. With the recent acquisition of statehood by Alaska and the imminence of Hawaiian statehood, the Board finds that the present categories of air transport operations, i.e., domestic and international, as they are defined on Schedule C of CAB—Form 242—are no longer suitable for its accounting and statistical purposes. Consequently, such categories must be redefined. Simultaneously herewith, the Board is issuing a notice of proposed rule making which would redefine the categories of air transport operations under Part 241 as "domestic," "international," and "territorial." Therefore, in the interest of uniformity, it is proposed to change the categories of air transport operations set forth on Schedule C of CAB—Form 242 to "domestic" and "international/territorial" and to define such categories in the terms of "flight stages." A "flight stage" is defined as the single movement of the aircraft from take-off to landing.

Proposed rule. It is proposed to amend Part 242 of the Economic Regulations (14 CFR Part 242) by amending Schedule C "Flight and Traffic Statistics" of CAB Form 242 by deleting the first paragraph under the instructions entitled "Domestic and International Operations" and by substituting in lieu thereof the following:

Domestic and International/territorial operations. Where the reporting carrier conducts both domestic and international/territorial operations, the carrier shall file a separate Schedule C for each such operation. Check either "Domestic" or "International/territorial" on the line under "Operations" in the heading. For this purpose, statistics in the "Domestic" schedule shall encompass all flight stages the two terminals of which are within U.S. territory and are not separated by foreign territory or major expanses of international waters and all flight stages between points in contiguous U.S. and Canadian territory south of the 54th parallel of latitude but shall not encompass those flight stages within Alaska conducted by air carriers performing services between the 48 contiguous States of the United States and the State of Alaska, as well as within the State of Alaska. Statistics in the "International/territorial" schedule shall encompass all other operations.

[F.R. Doc. 59–5637; Filed, July 7, 1959; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 53]

CANNED TOMATOES

Standard of Identity

Notice is given that the Canners League of California, 215 Market Street, San Francisco, California, has proposed that the definition and standard of identity for canned tomatoes (21 CFR 53.40) be amended to provide for the optional use of citric acid in the food by adding to paragraph (a) of the standard a new subparagraph worded:

(—) Citric acid, in a quantity reasonably necessary to compensate for any deficiency of natural acid in the tomatoes so as to facilitate effective processing by heat, but in no case in chuch an amount that the pH of the finished canned tomatoes is thereby lowered below 4.0.

Notice is also given that the Commissioner of Food and Drugs, on his own initiative, proposes that if the standard of identity for canned tomatoes is amended to make citric acid a permitted optional ingredient then a concurrent amendment of § 53.40 should be made to require that when the optional ingredient citric acid is added the label of the canned tomatoes shall bear the statement "With added citric acid" or "Citric acid added."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are invited to present their views in writing regarding the proposals published in this notice. Views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 1, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drug.

[F.R. Doc. 59–5666; Filed, July 7, 1959; 8:58 a.m.]

NOTICES

FEDERAL AVIATION AGENCY

[Agency Order 1, Amdt. 1]

BUREAU OF NATIONAL CAPITAL AIRPORTS

Establishment of Bureau and Delegation of Final Authority

1. *Purpose.* The purpose of this amendment is to establish the Bureau of National Capital Airports, to assign its functions, to transfer management responsibility for the Washington National Airport, and to provide for management of the Washington International Airport.

2. *Establishment of Bureau.* The Bureau of National Capital Airports is hereby established within the Federal Aviation Agency. Agency Order 1 of January 15, 1959 (24 F.R. 1576), is hereby amended by:

(a) Deleting the words "Washington National Airport and" in section 4.4c and adding at the end of this section after the words "airports in Alaska; and" the phrase "provide consulting services to the Administrator, as requested, in connection with engineering, construction, improvement and maintenance of airports under the jurisdiction of the Federal Aviation Agency, and".

(b) Deleting section 5.3, and

(c) Adding section 4.5 to read as follows:

4.5 *Bureau of National Capital Airports.* The Bureau of National Capital Airports shall, within the District of Columbia or its vicinity:

a. Provide terminal airport facilities, hangar, office, commercial, maintenance, parking and ramp facilities;

b. Operate the Washington National Airport, the Washington International Airport, and such other Federally owned airports as may be brought under the jurisdiction of the Federal Aviation Agency;

c. Promulgate rules and regulations, as deemed necessary, in the interest of public safety to protect the property and conduct of persons on the premises of the facilities under the jurisdiction of the Bureau;

d. Provide and maintain space and operating facilities for air carriers and other aeronautical operations at the airports;

e. Negotiate for the Administrator, Federal Aviation Agency, and contract therefor with the airlines and other commercial activities on user charges for services, facilities, equipment, and other resources so as to assure appropriate rentals, fees, etc.; and

1. Furnish, or provide through concessionnaires, various services required by air carriers, passengers, tenants, governmental agencies, and the public using the airports.

3. *Transfers.* The functions, authorities, responsibilities, personnel, records, supplies, equipment, and all property, real, personal, and mixed, and other resources of the Washington National Airport are hereby transferred to the Bureau of National Capital Airports. Upon becoming operational as a public airport and as directed by the Administrator, the Washington International Airport shall be transferred from the Bureau of Facilities to the Bureau of National Capital Airports, together with such property, real, personal, and mixed, personnel, records, supplies, equipment, and other resources as the Administrator shall determine.

4. *Effective date.* This amendment is effective May 11, 1959. All other orders or instructions or parts thereof issued prior to the effective date of this amendment that are inconsistent or in conflict herewith are amended or superseded accordingly.

(Sec. 313(a), 303(d), 72 Stat. 752, 747; 49 U.S.C. 1354, 1344)

Issued in Washington, D.C., on July 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5609; Filed, July 7, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OIL AND GAS LEASE OFFER

Outer Continental Shelf Off Louisiana

JULY 1, 1959.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Outer Continental Shelf Office, Bureau of Land Management, 1001-A Maritime Building, New Orleans, Louisiana, will be received on or before August 11, 1959, at 10:00 a.m., c.s.t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened in the Claiborne Room, Mezzanine Floor, St. Charles Hotel, 211 St. Charles Street, New Orleans, Louisiana. Bids may be delivered in person to the Office of the Manager or to the Claiborne Room between 8:30 a.m., c.s.t., and 10:00 a.m., c.s.t., August 11, 1959. Bids received by mail or delivered in person after 10:00 a.m., c.s.t., August 11, 1959, will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21 and 201.22. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $10 per acre or fraction thereof. Each lease will be subject to the terms and conditions of the agreement of October 12, 1956 between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $25 per acre or fraction thereof will be considered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana, (insert number of tract), not to be opened until 10:00 a.m., c.s.t., August 11, 1959." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

Tract No.	Block	Description	Acreage
		LOUISIANA OFFICIAL LEASING MAP NO. 1	
		WEST CAMERON AREA	
La.-523 [1]	20	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,000
La.-524 [1]	25	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,220
La.-525 [1]	26	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,580
La.-526	34	S½	2,500
La.-527	68	N½	2,500
		LOUISIANA OFFICIAL LEASING MAP NO. 2	
		EAST CAMERON AREA	
La.-528 [1]	2	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,220
La.-529 [1]	9	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,050
La.-530 [1]	16	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,240
La.-531 [1]	17	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	210
La.-532 [1]	23	E½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,160
La.-533 [1]	23	W½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,480
La.-534	24	E½	2,500
La.-535	24	W½	2,500
		LOUISIANA OFFICIAL LEASING MAP NO. 3	
		VERMILION AREA	
La.-536 [1]	27	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	3,730
		LOUISIANA OFFICIAL LEASING MAP NO. 4	
		EUGENE ISLAND AREA	
La.-537 [1]	5	E½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,330
La.-538 [1]	5	W½, that portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,150
La.-539 [1]	6	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	3,700
La.-540 [1]	7	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	2,570
La.-541 [1]	8	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	1,970
La.-542	9	N½	2,497.37
La.-543	10	N½	2,500
La.-544	11	N½	2,500
La.-545	12	N½	2,500
		LOUISIANA OFFICIAL LEASING MAP NO. 7	
		GRAND ISLE AREA	
La.-546 [1]	25	That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.	30
La.-547	37	E½	2,269.94

[1] These tracts are limited by the line (3 geographic miles seaward from the so-called "Chapman Line") which was defined in the Agreement of October 12, 1956 between the United States of America and the State of Louisiana, as the landward boundary of Zone 2 for the purpose of administration of the areas pending settlement of court proceedings. Until final determination of the position of the State boundary has been made, the acreage herein assigned to each tract will be considered administratively to be the acreage of that tract in Zone 2.

Bidders are requested to submit their bids in the following form:

Manager,
Outer Continental Shelf Office,
Bureau of Land Management,
Department of the Interior,
1001-A Maritime Building,
203 Carondelet Street,
New Orleans, La.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:
Area ..... Official Leasing Map No. .....

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

.....
(Signature)
.....
(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

EDWARD WOOZLEY,
Director.

[F.R. Doc. 59-5614; Filed, July 7, 1959; 8:46 a.m.]

Fish and Wildlife Service

BRISTOL BAY, ALASKA

Announcement of Units of Fishing Gear

In accordance with 50 CFR 104.9(c), announcement is made of the total number of units of gear registered for use in the salmon fishing districts of Bristol Bay as of 6 p.m. Friday, July 3, 1959 for the week ending July 12, 1959, as follows:

	Units
Kvichak-Naknek	149
Nugashak	294
Egegik	60
Ugashik	50

Dated: July 6, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-5682; Filed, July 6, 1959; 4:33 p.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 59-19]

EQUIPMENT, INSTALLATIONS, OR MATERIALS, AND CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

Approval and Termination of Approval; Amendments of Prior Documents

Correction

In F.R. Doc. 59-5143, appearing at page 5024 of the issue for Saturday, June 20, 1959, the following changes should be made:

1. On page 5027, in the table under Approval No. 162.001/143/1, the last Type No. in the column should be "1415NC".

2. On page 5028, in the second line under the heading Fire Extinguishers, Portable, Hand, Chemical Foam Type, "Symbol GS" should read "Symbol GE".

3. On page 5030, in the second and fifth paragraphs, "The Bastion-Blessing Co." should read "The Bastian-Blessing Co.".

4. On page 5030, in the paragraph under the heading Deck Coverings, "Johns-Mansville" should read "Johns-Manville".

ATOMIC ENERGY COMMISSION

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that University of Washington, Seattle, Washington, under section 104c of the Atomic Energy Act of 1954, has submitted an application dated June 1, 1959 for license authorizing construction and operation on the University's campus, of a 10 kilowatt thermal nuclear reactor. The reactor will be a heterogeneous, light water-moderated and -cooled graphite-reflected training reactor of the Argonaut type. AMF Atomics, Greenwich, Connecticut will install the reactor for the applicant. A copy of the application is on file in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of June 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5608; Filed, July 7, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6889]

PACIFIC POWER & LIGHT CO.

Notice of Application

JUNE 29, 1959.

Take notice that on June 22, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of $10,996,000 in principal amount of Convertible Debentures. The _____ percent Convertible Debentures, due 1974, will be issued by Applicant under an appropriate indenture, to be dated as of September 1, 1959, between Applicant and The Chase Manhattan Bank, as Trustee. The Debentures are to be initially offered to the common stockholders of Applicant for subscription, and any debentures not subscribed for pursuant to said subscription offer are to be sold to underwriters at competitive bidding. The Debentures are to

be convertible into common stock of Applicant at a conversion price of $_____ per share, payable by surrender of $100 principal amount of debentures and $_____ in cash for each three shares of Applicant's common stock. The conversion price and cash price for the aforesaid three shares will be supplied by amendment to this application. Following the issuance and sale of the Debentures, an aggregate of 329,880 shares of Applicant's common stock will become issuable upon the conversion of the Debentures. Holders of common stock of Applicant will receive a transferrable subscription warrant expressed in terms of rights. Holders of such warrants, which will have a life of not less than 20 days, will be entitled to subscribe for the Debentures at a price of 100 percent of the principal amount thereof at the rate of $100 principal amount of Debentures for each 40 rights evidenced by their warrants. The proceeds from the issuance and sale of the Debentures, together with cash presently on hand and to be internally generated, will be used by Applicant in completing its construction program for the year 1959 and in supplying funds for starting its construction program for 1960.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of July 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5611; Filed, July 7, 1959; 8:45 a.m.]

[Docket No. G-18872]

THREE STATES NATURAL GAS CO.

Order for Hearing and Suspending Proposed Changes in Rates

JUNE 30, 1959.

Three States Natural Gas Company (Three States) on May 29, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: El Paso Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Three States' FPC Gas Rate Schedule No. 8. Supplement No. 7 to Three States' FPC Gas Rate Schedule No. 9. Supplement No. 5 to Three States' FPC Gas Rate Schedule No. 10. Supplement No. 6 to Three States' FPC Gas Rate Schedule No. 11.
Effective date: July 1, 1959.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplements No. 7 to Three States' FPC Gas Rate Schedules Nos. 8 and 9, respectively; Supplement No. 5 to Three States' FPC Gas Rate Schedule No. 10; and Supplement No. 6 to Three States' FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements No. 7 to Three States' FPC Gas Rate Schedules Nos. 8 and 9, respectively; Supplement No. 5 to Three States' FPC Gas Rate Schedule No. 10; and Supplement No. 6 to Three States' FPC Gas Rate Schedule No. 11.

(B) Pending the hearing and decision thereon, these supplements are each hereby suspended and the use thereof deferred until December 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5612; Filed, July 7, 1959; 8:45 a.m.]

[Docket No. G-14871 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Notice of Oral Argument

JULY 1, 1959.

Notice is hereby given that oral argument in these matters will be heard before the Commission on July 14, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission at Washington, D.C. Parties desiring to present oral argument shall notify the Secretary in writing on or before July 7, of their intention to do so and the allotment of time desired for such purpose.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5613; Filed, July 7, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10569]

AIR-INDIA INTERNATIONAL

Notice of Prehearing Conference

Notice is hereby given pursuant to the Federal Aviation Act of 1958, that a prehearing conference on that portion of the above-entitled application covering service between India and New York on route 1 is assigned to be heard on July 17, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 2, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-5639; Filed, July 7, 1959; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 336, Revocation]

SPECIAL ASSISTANT TO THE ADMINISTRATOR (NICARO PROJECT)

Revocation of Delegation of Authority To Manage Nicaro Nickel Project in Cuba

JULY 3, 1959.

Pursuant to the authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471-514, 41 U.S.C. 251-260), the Defense Production Act of 1950 (64 Stat. 798; 50 U.S.C. App. 2061-2166), the National Industrial Reserve Act of 1948 (62 Stat. 1255, 50 U.S.C. 451-462), and Executive Order No. 10480 (18 F.R. 4939), all as amended, Delegation of Authority No. 336, dated April 22, 1958 (23 F.R. 2996), is hereby revoked.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-5716; Filed, July 7, 1959; 12:28 p.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT DIRECTOR, MORTGAGE BRANCH

Delegations of Final Authority

Section II, Delegations of Final Authority, is amended as follows:

Paragraphs D9 and E7 are amended by adding to the list of officials shown therein:

Assistant Director of the Mortgage Branch.

Approved: June 26, 1959.

CHARLES E. SLUSSER,
Commissioner.

[F.R. Doc. 59-5583; Filed, July 6, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

JUNE 30, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On June 19, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending June 30, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 1, 1959 to July 10, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-5620; Filed, July 7, 1959; 8:47 a.m.]

[File No. 7-2000]

SWIFT & CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 1, 1959.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Midwest Stock Exchange.

Upon receipt of a request, on or before July 15, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-5621; Filed, July 7, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-9 (Revision 1)]

CHIEF, LOAN PROCESSING SECTION, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-V-1 (Revision 1), as amended, 23 F.R. 3085, 24 F.R. 3554), and further amended April 20, 1959, there is hereby redelegated to the Chief, Loan Processing Section, the following authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000; and

2. To approve disaster loans in an amount not exceeding $50,000.

3. To decline original applications but not reconsiderations of disaster loans.

4. To approve but not decline Limited Loan Participation loans.

5. To execute loan authorizations for Washington approved loans and for all loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator,
By _____
Chief,
Loan Processing Section.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization, providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

Administrative. 12. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all non-policy-making, routine correspondence, except Congressional correspondence, relating to the loan processing functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated with the exception of I.B.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section, FAD.

IV. All previous authority delegated by the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegation of authority prior to the date hereof.

Dated: April 20, 1959.

GEORGE H. GAFFNEY,
Chief, Financial Assistance Division, Region V, Atlanta Regional Office.

[F.R. Doc. 59-5622; Filed, July 7, 1959; 8:47 a.m.]

[Delegation of Authority 30–VIII–1 (Revision 1), Amdt. 2]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Functions

Delegation of Authority No. 30–VIII–1 (Revision 1), as amended (22 F.R. 6390, 24 F.R. 1673) is hereby further amended by deleting section II in its entirety, and substituting the following in lieu thereof:

II. The authority delegated in I.B. and I.C. may be redelegated.

Dated: June 12, 1959.

ROBERT C. ALM,
Regional Director,
Minneapolis Regional Office.

[F.R. Doc. 59–5623; Filed, July 7, 1959; 8:47 a.m.]

[Delegation of Authority 30–VIII–12]

BRANCH MANAGER, FARGO, NORTH DAKOTA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 Revision 4), as amended 22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435), there is hereby delegated to the Branch Manager, Fargo, North Dakota, Branch Office, Small Business Administration, the following authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $10,000.

(b) Participation business loans in an amount not exceeding $50,000.

2. To approve disaster loans in an amount not exceeding $20,000.

3. To decline disaster loans.

4. To approve or decline Limited Loan Participation loans.

5. To enter into Disaster Participation Agreements with banks.

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDEL B. BARNES,
Administrator,
By ----------
Branch Manager.

7. To modify or amend authorizations for business or disaster loans approved under delegated authority in any manner consistent with the original authority to approve loans.

8. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

9. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

(a) Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

(b) Carry loans which are delinquent or past due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

(c) Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

(d) Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

(e) Waive amounts due under net earnings clause.

(f) Approve requests to exceed fixed assets limitations and waive violations of this limitation.

(g) Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

(h) Approve changes in use of loan proceeds in connection with partially disbursed loans.

(i) Waive violations of agreements to maintain working capital of a specified amount.

10. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administrations.

11. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

(b) Release or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

(c) Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release of insurance funds not exceeding $1,000 covering loss or damage to property securing the loan and expired hazard insurance policies.

(d) Approve the sale of real or personal property and the exchange of equipment held as collateral on loans, providing sale proceeds are applied as special principal payment.

(e) Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

(f) Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

(g) Reinstate terms of payment provided in the borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

(h) Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

12. To extend, or consent to the extension of, the maturity date of time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

13. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

14. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

15. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of the Small Business Administration or its Administrator beneficial interest in real or personal property.

16. To appoint, consent to or approve the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

17. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

18. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

19. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

20. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

21. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State Law.

22. To foreclose, by summary foreclosure proceedings where State Law permits and in accordance with such State Laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or

otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

Procurement and Technical Assistance. 23. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. 24. To administer oaths of office.

25. To approve annual and sick leave for employees under his supervision.

26. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

27. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

28. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

B. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A., except I.A.23, and I.B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

Dated: June 22, 1959.

ROBERT C. ALM,
Regional Director,
Minneapolis Regional Office.

[F.R. Doc. 59–5624; Filed, July 7, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 25]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JULY 2, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 119023, filed December 10, 1958. Applicant: H. R. EASON, doing business as EASON'S BANANA TRANSFER, 6233 Elgin Road, Norfolk, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Philadelphia, Pa., Charleston, S.C., and Baltimore, Md., to Norfolk, Va.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5626; Filed, July 7, 1959; 8:48 a.m.]

[Notice 91]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 2, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 6945 (Deviation No. 1), THE NATIONAL TRANSIT CORPORATION, 1687 West Fort Street, Detroit 16, Mich., filed June 22, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Maumee, Ohio and Saginaw, Mich., as follows: from Maumee over U.S. Highway 23 to junction U.S. Highway 10, approximately 6 miles south of Saginaw, and thence over U.S. Highway 10 to Saginaw and return over the

same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: From Bay City, Mich., over U.S. Highway 23 to Saginaw, Mich., thence over U.S. Highway 10 via Pontiac, Mich., to Detroit, Mich., thence over U.S. Highway 25 via Toledo, Dayton and Cincinnati, Ohio to Covington, Ky. (also from Pontiac, Mich., over U.S. Highway 24 to Toledo, also from Dayton over Ohio Highway 4 to Cincinnati), and return over the same route.

No. MC 13123 (Deviation No. 4), WILSON FREIGHT FORWARDING CO., 3636 Follett Avenue, Cincinnati 23, Ohio, filed June 24, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between New Haven, Conn., and Boston, Mass., as follows: From New Haven over the Connecticut Turnpike and access routes to gate 90 of said Turnpike, over a connecting route to Danielson, Conn., thence over Connecticut Highway 12 to junction Connecticut Highway 21, thence over Connecticut Highway 21 to junction Connecticut Highway 193, thence over Connecticut Highway 193 to junction Connecticut Highway 12, thence over Connecticut Highway 12 to gate 10 of the Massachusetts Turnpike, thence over the Massachusetts Turnpike and access routes to Boston and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New Haven and Boston over U.S. Highway 1.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5627; Filed, July 7, 1959; 8:48 a.m.]

[Notice 277]

MOTOR CARRIER APPLICATIONS

JULY 2, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub No. 261), filed June 29, 1959. Applicant KENOSHA AUTO TRANSPORT CORPORATION, an Ohio corporation, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks* and *buses*, excluding trailers, as defined in *Descriptions of Motor Carrier Certificates*, Ex Parte MC-45, in initial movements in truckaway service, from points in Orange County, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: July 23, 1959, at the Federal Building, Los Angeles, Calif., before Examiner Reece Harrison.

MOTOR CARRIER OF PASSENGERS

No. MC 1800 (Sub No. 25), filed January 5, 1959. Applicant: ALEXANDRIA, BARCROFT & WASHINGTON TRANSIT COMPANY, doing business as A.B. & W. TRANSIT CO., 600 North Royal Street, Alexandria, Va. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers, and mail* in the same vehicle with passengers, (1) Between Alexandria, Va., and the Andrews Air Force Base, Prince Georges County, Md., from the intersection of Mount Vernon Memorial Boulevard and proposed Woodrow Wilson Bridge (Jones Point Bridge) Approach, thence over Woodrow Wilson Bridge (Jones Point Bridge), thence over proposed Washington Circumferential Highway to Andrews Air Force Base, and return over the same route, serving all intermediate points, and (2) Between Washington, D.C., and Alexandria, Va. (a) from the intersection of Mount Vernon Memorial Boulevard and Woodrow Wilson Bridge (Jones Point Bridge) Approach, thence over Woodrow Wilson Bridge to its intersection with proposed Anacostia Freeway, thence over proposed Anacostia Freeway to Washington, D.C., and return over the same route, serving all intermediate points. (b) from Mount Vernon Memorial Boulevard and Woodrow Wilson Bridge (Jones Point Bridge) Approach, thence over Woodrow Wilson Bridge (Jones Point Bridge), thence over proposed Washington-Circumferential Highway to its intersection with Indianhead Highway, thence over Indianhead Highway to Washington, D.C., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Virginia, and the District of Columbia.

HEARING: September 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1514), filed June 26, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between St. Paul, Minn., and Fort Dodge, Iowa: from St. Paul southwest over Minnesota Highway 13 to junction Minnesota Highway 101, thence west over Minnesota Highway 101 to junction U.S. Highway 212, thence southwest over U.S. Highway 212 to junction Minnesota Highway 41, thence southeast over Minnesota Highway 41 to junction U.S. Highway 169, thence southwest over U.S. Highway 169 to junction Minnesota Highway 21, thence southeast over Minnesota Highway 21 to junction Minnesota Highway 13, thence southeast over Minnesota Highway 13 to junction U.S. Highway 69, thence southwest over U.S. Highway 69 to junction Iowa Highway 9, thence west over Iowa Highway 9 to junction Iowa Highway 250, thence south over Iowa Highway 250 to Lakota, Iowa, and return over the same route to Iowa Highway 9, thence west over Iowa Highway 9 to Armstrong, Iowa, thence east over Iowa Highway 9 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Fort Dodge, Iowa, thence north over U.S. Highway 169 to junction Iowa Highway 222, thence east and north over Iowa Highway 222 to junction Iowa Highway 60, thence north over Iowa Highway 60 to junction Iowa Highway 256, thence east over Iowa Highway 256 to Corwith, Iowa, and return to Iowa Highway 60 over the same route, thence north over Iowa Highway 60 to junction U.S. Highway 18, thence east over U.S. Highway 18 to junction U.S. Highway 69, thence north over U.S. Highway 69 to junction Minnesota Highway 13, thence north over Minnesota Highway 13 to junction U.S. Highway 14, thence east over U.S. Highway 14 to Owatonna, Minn., and thence north over Minnesota Highway 218 to St. Paul, serving the intermediate points of Chaska, Jordan, New Prague, Montgomery, Kilkenny, Waterville, Waseca, New Richland, Hartland, Emmons, Owatonna, Faribault, Northfield, and Rosemount, Minn., and Lake Mills, Forest City, Thompson, Buffalo Center, Lakota, Swea City, Armstrong, Bancroft, Humboldt, Badger, Livermore, Lu Verne, Corwigh, and Leland, Iowa. RESTRICTIONS: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported shall be limited to those moving on through bills of lading or express receipts, covering, in addition to a motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the intermediate railheads of Albert Lea, Minn., and Algona and Britt, Iowa, to be utilized for the transfer of traffic to and from rail service where such transfer would expedite the movement of the traffic.

No. MC 66562 (Sub No. 1515), filed June 26, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving North Grafton, Mass., as an intermediate point in connection with applicant's authorized regular route operations between Providence, R.I., and Worcester, Mass., in its Certificate No. MC 66562 Sub No. 1271, subject to the restrictions set forth therein. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1517), filed June 26, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Corry, Pa., and St. Mary's Pa.: from Corry over Pennsylvania Highway 426 to Junction Pennsylvania Highway 77, thence over Pennsylvania Highway 77 to junction Pennsylvania Highway 27, thence over Pennsylvania Highway 27 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, thence over unnumbered highway to Wilcox, thence over U.S. Highway 219 to Ridgway, and thence over U.S. Highway 120 to St. Mary's, and return over the same route, serving the intermediate points of Warren, Kane, Wilcox, Johnsonburg and Ridgway, Pa. RESTRICTIONS: The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service. Shipments transported shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that as the proposed shipments do not have an immediately prior or an immediately subsequent movement by rail or air, that the restriction requiring an immediately prior or immediately subsequent movement by rail or air, be omitted. Such shipments will, however, move under applicant's through bill of lading or express receipt and under its rates, tariffs and classifications.

No. MC 66562 (Sub No. 1516), filed June 26, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving North Grafton, Mass., as an intermediate point in connection with applicant's authorized regular route operations between Providence, R.I., and Worcester, Mass., in its Certificate No. MC 66562 Sub No. 1271, subject to the restrictions set forth therein. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1517), filed June 26, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Corry, Pa., and St. Mary's Pa.: from Corry over Pennsylvania Highway 426 to Junction Pennsylvania Highway 77, thence over Pennsylvania Highway 77 to junction Pennsylvania Highway 27, thence over Pennsylvania Highway 27 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, thence over unnumbered highway to Wilcox, thence over U.S. Highway 219 to Ridgway, and thence over U.S. Highway 120 to St. Mary's, and return over the same route, serving the intermediate points of Warren, Kane, Wilcox, Johnsonburg and Ridgway, Pa. RESTRICTIONS: The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service. Shipments transported shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 72442 (Sub. No. 11), filed June 23, 1959. Applicant: AKERS MOTOR LINES, INCORPORATED, P.O. Box 79, New Hope Road, Gastonia, N.C. Applicant's attorney: Edgar Watkins, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, tobacco, liquor, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only, (1) between Greensboro, N.C., and Siler City, N.C., over U.S. Highway 421 serving no intermediate points; (2) between Greensboro, N.C., and Asheboro, N.C., over U.S. Highway 220 serving no intermediate points; (3) between Winston-Salem, N.C., and junction U.S. Highways 220 and 311 near Randleman, N.C., serving no intermediate points except as otherwise authorized in MC 72442 Sub No. 4, and serving the junction of U.S. Highways 220 and 311 for the purpose of joinder only, from Winston-Salem over U.S. Highway 331 to junction U.S. Highway 220, near Randleman, and return over the same route. Applicant is authorized to conduct operations in Massachusetts, New York, Rhode Island, Connecticut, North Carolina, New Jersey, Pennsylvania, Maryland, Virginia, Georgia, South Carolina, and the District of Columbia.

No. MC 94527 (Sub No. 2), filed June 25, 1959. Applicant: A. M. HOUSOUR, Wakarusa, Ind. Applicant's representative: Wm. L. Carney, Middle West Traffic Service, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, from the plant site of Michiana Chemical Co., near Niles, Mich., to points in Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, De Kalb, Delaware, Elkhart, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Newton, Noble, Parke, Porter, Pulaski, Putnam, Randolph Saint Joseph, Starke, Steuben, Tippecanoe, Tipton, Vermillion, Wabash, Warren, Wayne, Wells, White, and Whitley Counties, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 102616 (Sub No. 680), filed June 26, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and related products*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Moraine City, Montgomery County, Ohio. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, Illinois, Maryland, New Jersey, Ohio, South Carolina, West Virginia, and the District of Columbia.

No. MC 109637 (Sub No. 130), filed June 24, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrine*, in bulk, in tank vehicles, from Indianapolis, Ind., to Memphis, Tenn. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

No. MC 110479 (Sub No. 14), filed June 1, 1959. Applicant: DUDLEY HARPER, doing business as HARPER TRUCK SERVICE, 1230 North Eighth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Williams Building, Broadway at 17th, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Paducah, Ky., on the one hand, and, on the other, Little Cypress, Tri-City, Sedalia, Cuba, New Concord, Tatumville, Lowes, Gage, Blandville, Five Points, Milburn, Bandana, Pottertown, Fancy Farm, Kirbyton, Harvey, and Viola, Ky., restricted against serving Briensburg and Calvert City, Ky., and the sites of the Atomic Energy Commission and the T.V.A. Shawnee Steam plants near Kevil, Ky., or any point within the terminal area or Commercial Zones of any such points, as defined by the Commission. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee.

NOTE: Applicant states that all the points involved in the application are small, isolated communities which have neither rail nor motor carrier service.

No. MC 113779 (Sub No. 98), filed June 22, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean oil*, in bulk, in tank vehicles, from Decatur, Ill., to Houston, Tex.; and (2) *Linseed oil*, in bulk, in tank vehicles, from Valley Park, Mo., to Houston, Tex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia,

Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

No. MC 119001, filed June 16, 1959. Applicant: PAUL F. MEIERHOFER AND DONALD H. MEIERHOFER, doing business as MEIERHOFER BROS., R.F.D. No. 3, Minonk, Ill. Applicant's attorney: James A. Riely, Minonk, Woodford County, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used farm machinery*, from Minonk, Ill., to points in Chippewa, Eau Claire, Clark, Taylor, Rusk, and Dunn Counties, Wis.; (2) *Grain bins and dryers*, from Kansas City, Mo., to Minonk, Ill.; and (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-specified destination points to the respective origin points.

MOTOR CARRIERS OF PASSENGERS

No. MC 2796 (Sub No. 2), filed June 25, 1959. Applicant: FULLINGTON AUTO BUS COMPANY, INC., 314 Cherry Street, Rear, Clearfield, Pa. Applicant's attorney: W. Albert Ramey, 12 North Second Street, Clearfield, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express, newspapers, magazines, periodicals*, and *mail*, in the same vehicle with passengers, no single express package to exceed $100.00 in value, (1) Between Clearfield, Pa., and Altoona, Pa., from Clearfield over U.S. Highway 322 to Philipsburg, Pa., thence over Pennsylvania Highway 53 to Osceola Mills, Pa., thence over Pennsylvania Highway 970 to Sandy Ridge, Pa., thence over Pennsylvania Highway 350 to Bald Eagle, Pa., thence over U.S. Highway 220 to Tyrone, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 764, and thence over Pennsylvania Highway 764 to Altoona, and return over the same route, serving all intermediate points except those between Tyrone, Pa., and Altoona. (2) Between the junction of U.S. Highway 322 with Township Road 806 in Woodland, Pa., and junction of Pennsylvania Highway 153 with U.S. Highway 322; from the former junction over Township Road 806 to Bigler, Pa., and thence over Pennsylvania Highway 153 to junction with U.S. Highway 322, and return over the same route, serving all intermediate points. (3) Between the junction of Pennsylvania Highway Legislative Route 17060 and U.S. Highway 322 near Wallaceton, Pa., and junction of Township Road 806 with U.S. Highway 322; from the former junction over Pennsylvania Highway Legislative Route 17060 through Wallaceton to Township Road 806, and thence over Township Road 806 to junction with U.S. Highway 322, and return over the same route, serving all intermediate points. (4) Between the junction of U.S. Highway 322 and Pennsylvania Highway Legislative Route 17049 near West Decatur, Pa., and junction of Pennsylvania Highway Legislative Route 17057 with U.S. Highway 322; from the former junction over Pennsylvania Highway Legislative Route 17049 to junction with Township Road 775, thence over Township Road 755 to junction with Pennsylvania Highway Legislative Route 17057, and thence over Pennsylvania Highway Legislative Route 17057 to junction with U.S. Highway 322, and return over the same route, serving all intermediate points. (5) Between Philipsburg, Pa., and Sandy Ridge, Pa., over Pennsylvania Highway 350, serving all intermediate points. (6) Between Clearfield, Pa., and Karthaus, Pa., over Pennsylvania Highway 879, serving all intermediate points. (7) Between Philipsburg, Pa., and Kylertown, Pa. From Philipsburg over Pennsylvania Highway 53 to Kylertown, and return over the same route and the off-route point of Winburne, Pa., serving all intermediate points. (8) Between Osceola Mills, Pa., and Coalport, Pa. From Osceola Mills over Pennsylvania Highway 53 to Coalport, and return over the same route, serving all intermediate points. (9) Between Houtzdale, Pa., and Madera, Pa., through Ramey, Pa., and Smoke Run, Pa., over Pennsylvania Highway Route 453, serving all intermediate points. (10) Between Clearfield, Pa., and Quehanna, Pa. Beginning at applicant's terminal on Temple Street near Market Street in the Borough of Clearfield, Clearfield County, thence on Temple Street to Market Street, thence on Market Street to Second Street, thence on Second Street to Bridge Street, thence on Bridge Street to River Street, thence on River Street to State Highway Traffic Route 879, thence on State Highway Traffic Route 879 to its intersection with State Highway Legislative Route 17068 in the Village of Karthaus, thence on State Highway Legislative Routes 17068 and 17069 to the Curtiss-Wright Corporation lands, located partly in Clearfield County and partly in Cameron County, thence returning over the same route to the place of beginning, and serving all intermediate points. (11) Between Philipsburg, Pa., and Quehanna, Pa. Beginning at applicant's terminal at the intersection of Fourth and Alder Streets in the Township of Rush, Centre County, thence on Alder Street to Center Street in the Borough of Philipsburg, thence on Center Street to Presqueisle Street, thence on Presqueisle Street to Front Street, thence on Front Street to State Highway Traffic Route 53 at Point Lookout, thence on State Highway Traffic Route 53 to State Highway Legislative Route 17067 in the Village of Kylertown, Clearfield County, thence on State Highway Legislative Route 17067 and State Highway Traffic Route 879 to its intersection with State Highway Legislative Route 17068, in the Village of Karthaus, thence on State Highway Legislative Routes 17068 and 17069 to the Curtiss-Wright Corporation lands, located partly in Clearfield County and partly in Cameron County, thence returning over the same route to the place of beginning, and serving all intermediate points. (12) Between Tyrone, Pa., and State College, Pa. Beginning at the intersection of 10th Street and Pennsylvania Avenue in the Borough of Tyrone, Blair County, thence on 10th Street, State Highway Traffic Route 350 and State Highway Traffic Route 550 to the Village of Warriors Mark, Huntingdon County, thence on State Highway Legislative Route 56 to the Village of Seven Stars, thence on State Highway Traffic Route 45 to the Borough of State College, Centre County, thence on College Avenue, Allen Street, Beaver Avenue, and Atherton Street to College Avenue, and returning over the same route, and serving all intermediate points. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New York, West Virginia, Virginia, New Jersey, and District of Columbia.

No. MC 108219 (Sub No. 4), filed June 23, 1959. Applicant: GREY GOOSE BUS LINES, LIMITED, Union Bus Depot, Winnipeg, Canada. Applicant's attorney: Allan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations, from points on the United States-Canada Boundary line through ports of entry in North Dakota, Montana and Minnesota to points in the United States and return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming.

PETITION

No. MC 30319 and MC 30319 (Sub No. 74) (REPUBLICATION), published issue FEDERAL REGISTER July 1, 1959. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Petitioner's attorney: Edwin M. Bell, 1600 Esperson Building, Houston 2, Tex. By petition dated November 14, 1958, in No. MC 30319 and sub numbers thereunder, petitioner sought reopening for "relocation of restrictions" in the lead docket, MC 30319, and various subsequently-numbered authorities. It is the purpose of this publication to reflect the relief sought pertaining to the subject authority which reads: "(1) Substituting Brownsville, Texas, for Corpus Christi, Texas, in that restriction described at page 8 of Consolidated Certificate No. 30319 (and substituting Brownsville, Texas, for Corpus Christi, Texas, in any and all other restrictions appearing in certificates of petitioner) dated February 13, 1956, as follows: 'No shipment shall be transported by said carrier between any of the following points, or through, or to, or from, more than one of said points: Dallas, Austin, Houston, San Antonio, Beaumont, and Corpus Christi, Texas, except that Houston shall not be considered as a keypoint in respect of shipments which have an immediately prior or immediately subsequent movement by rail or water and which are transported from Beaumont or from Corpus Christi.' (2) Removing in its entirety that restriction appearing in Certificate No. MC 30319 (Sub No. 74) dated April 26, 1957, which states: 'The service to be rendered hereunder shall be subject to existing key point and other restrictions as set forth in Certificate No. MC 30319, issued February 13, 1956; in addition thereto, the service authorized herein is restricted against the transportation of shipments in interstate or foreign commerce which move wholly in over-the-highway motor carrier service between Houston or San Antonio, on the one hand, and, on the other, Edinburg, Tex., and points south of Edinburg located on the line of the Railroad.'" An order of Division one entered May 18, 1959, in MC 30319 and Subs thereunder, including No. MC 30319 (Sub No. 74), provides that the petitions be assigned for oral hearing at a time and place to be hereafter fixed.

NOTE: The purpose of this republication is to add (1) above which was inadvertently omitted from previous publication.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7203 (WALLACE-COLVILLE AUTO FREIGHT, INC.—PURCHASE—LAURENCE VERHAAG), published in the May 27, 1959, issue of the FEDERAL REGISTER on page 4285. Supplement filed June 25, 1959, to show joinder of ARTHUR R. GINGRICH and ROY J. GINGRICH, both of North 15 Grant Street, Spokane 2, Wash., as the persons in control of vendee.

No. MC-F 7236. Authority sought for purchase by THE SQUAW TRANSIT COMPANY (OKLA. CORP.) 5121 South 49th West Avenue, P.O. Box 9415, Tulsa, Okla., of the operating rights and property of THE SQUAW TRANSIT COMPANY (KANSAS CORP.), 5121 South 49th West Avenue, P.O. Box 9415, Tulsa, Okla., and a portion of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, P.O. Box 18104, Houston, Tex., and for acquisition by COMMODORE STONE and R. W. BEATTY, both of Tulsa, of control of such rights and property through the transaction. Applicants' attorneys: W. T. Brunson, 908 Leonhardt Building, Oklahoma City 2, Okla., and Joe C. Fender, 1421 Melrose Building, Houston, Tex. Operating rights sought to be transferred: *Oilfield commodities*, as *common carrier* over irregular routes, (SQUAW) between points in Oklahoma, between points in Oklahoma, on the one hand, and on the other, points in Colorado, Kansas, and Nebraska, between Coffeyville, Kans., and Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Mexico, Ohio, Texas, and West Virginia, and between Houston, Tex., and Parkersburg, W. Va., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and West Virginia, (GULF) between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, and Ohio. Vendee holds no authority from this Commission. However, its controlling stockholders presently own all the capital stock of THE SQUAW TRANSIT COMPANY (KANSAS CORP.). Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7237. Authority sought for purchase by VAN GORP VAN SERVICE, INC., 401 Metropolitan Building, Louisville 2, Ky., of the operating rights and property of WILFRED VAN GORP AND BONNA VAN GORP, doing business as VAN GORP VAN SERVICE, 5705 Southern Parkway, Louisville 14, Ky., and for acquisition by J. VERNON PAXTON and T. W. CUMMINS, JR., both of Louisville, of control of such rights and property through the purchase. Applicants' attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Operating rights sought to be transferred: *Horses*, other than ordinary horses, and in connection therewith, *personal effects* of attendants, *supplies* and *equipment*, including mascots, used in the care and exhibition of such animals, as a *common carrier* over irregular routes, between points in Michigan, Ohio, Illinois, Kentucky, Louisiana, and Arkansas, between points in Florida, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Texas, between points in Michigan, Ohio, Illinois, Kentucky, Louisiana, and Arkansas, on the one hand, and, on the other, points in Florida, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Texas, and between points in Michigan, Ohio, Illinois, Kentucky, Louisiana, Arkansas, Florida, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Texas, Oklahoma, Indiana, Kansas, Missouri, and Nebraska, on the one hand, and, on the other, points in Colorado; *livestock*, other than ordinary livestock, and in the same vehicle with livestock, *mascots, personal effects* of attendants, trainers, and exhibitors, and *supplies* and *equipment* used in the care and maintenance of such livestock, between points in Oklahoma, Arkansas, Illinois, Indiana, Kansas, Missouri, Nebraska, and Texas; *race and show horses*, and *mascots, stable supplies and equipment*, and *personal effects of attendants*, in the same vehicle with horses, between points in Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with CEMENT TRANSPORT, INC., Kosmosdale, Ky., which is authorized to operate as a *contract carrier* in Kentucky, Indiana, Ohio, Illinois, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7240. Authority sought for control by OLIVER ANDERSON AND LOYED CAVINS, 312 West Morris Street, Caseyville, Ill., of FRIGIDWAYS, INCORPORATED, 529 East Brooks Road, P.O. Box 2387, Memphis, Tenn. Applicants' attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled: *Meats, packing-house products, dairy products, poultry, eggs, rice, dried apples, cream, cheese boxes, empty cans, bananas, sugar, canned goods, cheese, vinegar* (in seasonal operations, during the period from March 1 to September 30, both inclusive, of each year), *glass containers*, in truckloads, *paper* (in truckloads), *paper products* (in truckloads), *fresh fruit, spinach, coal, livestock, flour, feed, grain, meat products, meat byproducts, articles distributed by meatpacking houses, shelled pecans, shelled peanuts, frozen citrus fruit juice, frozen citrus fruit concentrates*, and *frozen foods*, as a *common carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in Michigan, Kansas, North Dakota, Nebraska, Missouri, Wisconsin, Minnesota, Iowa, Arkansas, Tennessee, Mississippi, Louisiana, Oklahoma, Illinois, North Carolina, Alabama, Georgia, and Texas. OLIVER ANDERSON and LOYED CAVINS hold no authority from this Commission. However, both jointly control CENTRAL & SOUTHERN TRUCK LINES, INC., Caseyville, Ill., a *contract carrier*, and INDUSTRIAL BUS LINES, INC., Caseyville, Ill., *a common carrier*. OLIVER ANDERSON controls CASEYVILLE BUS LINE, INC., Caseyville, Ill., a common carrier. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7241. Authority sought for purchase by COOPER-JARRETT, INC., 311 West 14th Street, Kansas City, Mo., of the operating rights of LUKENS TRUCKING CORPORATION, 510 North Fourth Street, Philadelphia 23, Pa., and for acquisition by R. E. COOPER, JR., 100 Water Street, Jersey City, N.J., of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York 7, N.Y., and Zink, Shinehouse & Holmes, 1500 Commercial Trust Building, South Penn Square, Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey (not including those north of New Jersey Highway 33), those in Philadelphia County, Pa., and those in New Castle County, Del.; *butter*, and *fresh and canned eggs*, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Aberdeen, and Annapolis, Md., and Washington, D.C. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Iowa, Massachusetts, Illinois, Ohio, Rhode Island, New York, Connecticut, Pennsylvania, Kansas, New Jersey, Indiana, Delaware, Colorado, Oklahoma, Texas, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 3240. Authority sought by petition filed April 24, 1959, to continue until December 31, 1964, arrangement for the pooling of certain services, traffic, and net earnings of CANADA COACH LINES, LIMITED, 18 Wentworth Street North, Hamilton, Ontario, Canada, and NIAGARA SCENIC BUS LINE, INC., 328 Main Street, Niagara Falls, N.Y. Applicants' attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C. Arrangement sought to be continued, involving sightseeing services, insofar as operations in the United States are concerned, described in 45 M.C.C. 555, decided March 27, 1947, as supplemented by report, 56 M.C.C. 801 (not printed in full) and orders entered December 21, 1949, and September 15, 1954, renewing and extending authority for the arrangement for a period expiring December 31, 1959: Between Niagara Falls, N.Y., and Niagara Falls, Ontario, between other points within an area embracing those points and including scenic points in the Ontario-Niagara Parks System, such as Table Rock, Whirlpool, Whirlpool Rapids, and Brock's Monument in Canada and scenic points in the Niagara Frontier State Park, including Prospect Point, Goat Island, Whirlpool State Park, and Devil's Hole, in New York, using the Rainbow Bridge, the Whirlpool Rapids Bridge, and the Lewiston Bridge, and between Niagara Falls, N.Y., and Toronto, Ontario, Canada (known as Morden's Toronto All-Expense Tour).

No. MC–F 7238. Authority sought for control by JACK MIROW, 1222 Jerome Avenue, Bronx 52, N.Y., and GEORGE H. ROSEN, 291 Broadway, New York 7, N.Y., of SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 1222 Jerome Avenue, Bronx 52, N.Y., CENTRAL STAGES, INC., 1222 Jerome Avenue, Bronx 52, N.Y., and BELL TRANSPORTATION CO., INC., Wrightstown, N.J. Applicant's attorney: George H. Rosen, 291 Broadway, New York, 7, N.Y. Operating rights sought to be controlled: (SALEM) *Passengers and their baggage*, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than seven passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a separate seat or seats, as a *common carrier* over irregular routes, between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J., between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C., and between Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and all other points in the Townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., and La Guardia Airport, Idlewild International Airport, Fort Hamilton and Manhattan Beach Air Force Base, New York, N.Y.; (CENTRAL) *passengers and their baggage*, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a separate seat or seats, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in the towns of Amenia in Dutchess County, Copake in Columbia County, and Kent in Putnam County, N.Y., and points in the town of Salisbury in Litchfield County, Conn.; (BELL) Operating rights applied for covering the transportation of automobiles, which are owned by persons traveling by air under military orders to points beyond the United States, and which are moving under commercial bills of lading, in driveaway service, as a *common carrier* over irregular routes, from McGuire Air Force Base, N.J., to the New York Port of Embarkation at Brooklyn, N.Y. JACK MIROW and GEORGE H. ROSEN hold no permanent authority from this Commission. However, they are affiliated with SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, CENTRAL STAGES, INC., and BELL TRANSPORTATION CO., INC. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5628; Filed, July 7, 1959; 8:48 a.m.]

[Notice 149]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 2, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62140. By order of June 30, 1959, the Transfer Board approved the transfer to Montezuma Truck Lines, Inc., Durango, Colo., of Certificates Nos. MC 76052, MC 76052 Sub 7, MC 76052 Sub 12, and MC 76052 Sub 16, issued June 11, 1951, August 19, 1955, June 10, 1959, and February 10, 1959, respectively, to John B. Able, doing business as Montezuma Truck Line, Durango, Colo., authorizing the transportation of: Wool, from Cortez, Colo., and points in Colorado within 50 miles of Cortez, to Gallup, N. Mex.; lumber, from McPhee, Colo., to Farmington, Aztec, and Gallup, N. Mex., between points in New Mexico, Colorado, and Arizona, between points in New Mexico, Colorado, and Arizona, on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas, between points in Colorado, Utah, Nebraska, and Wyoming, between points in Arizona, on the one hand, and, on the other, points in Utah; and from Durango, Colo., to Mesa, Tucson, Globe, and Phoenix, Ariz.; cable, from Aztec, N. Mex., to McElmo, Colo.; brick, from Gallup, N. Mex., to Cortez, Colo., and points in Colorado within 50 miles of Cortez; dressed poultry, from Cortez, Colo., to Gallup, N. Mex.; livestock, between Cortez, Colo., and points in Colorado within 50 miles of Cortez, on the one hand, and, on the other, Gallup, N. Mex., and points in New Mexico within 50 miles of Gallup; heavy machinery, boilers, saw mill equipment, and machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between Cortez, Colo., and points in Colorado within 50 miles of Cortez, on the one hand, and, on the other, points in McKinley and San Juan Counties, N. Mex.; and cement, in containers, from Portland, Colo., to points in San Juan County, N. Mex., and points in Navajo, and Apache Counties, Ariz., north of a line extending along U.S. Highway 66 through Winslow, Holbrook, and Chambers, Ariz., except points within five miles of said highway. Montezuma Truck Lines, Inc., was also substituted as applicant in pending applications Nos. MC 76052 Sub 14, and MC 76052 Sub 15TA. Marion F. Jones, 526 Denham Building, Denver 2, Colo., for applicants.

No. MC–FC 62170. By order of June 30, 1959, the Transfer Board approved the transfer to Joliet Delivery Service, Inc., Joliet, Ill., of Permit No. MC 111543, issued January 5, 1952, to Joseph F. Kozlowski, doing business as Joliet Delivery Service, Joliet, Ill., authorizing the transportation of: Such commodities as are dealt in by persons engaged in the wholesale distribution of building materials, exclusive of manufacturers of roofing, siding and insulating materials, from Joliet, Ill., to Baraboo, Campbellsport, Deerfield, Eagle, Lancaster, Lakemills, McFarland, Montello, Mukwonago, Oconomowoc, Portage, Reedsburg, Stoughton, and West Bend, Wis. Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill., for applicants.

No. MC–FC 62256. By order of June 30, 1959, the Transfer Board approved the transfer to Frank A. Dalesandro, 1115 Quince Street, Vineland, N.J., of Certificate in No. MC 14631, issued September 10, 1940, to Samuel E. Houston, 2514 W. Oxford St., Philadelphia, Pa., authorizing the transportation of: *Household goods*, Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

No. MC–FC 62262. By order of June 30, 1959, the Transfer Board approved the transfer to Box Bar Transportation, Inc., Santa Fe, N. Mex., of certificate in No. MC 115665 Sub 1, issued May 16, 1957, to F. H. Tompkins, Jr., doing business as Box Bar Transportation Company, Midland, Texas, authorizing the transportation of: *Water and hydraulic fracturing fluids*, in bulk, in tank vehicles, between points in a specified territory in Arizona, Colorado, Utah and New Mexico. Donovan N. Hoover, P.O. Box 897, Santa Fe, New Mexico, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5629; Filed, July 7, 1959; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 102]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the St. Johnsbury & Lamoille County Railroad, account bridge burned out between Sheldon Junction and St. Johnsbury, Vermont, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The St. Johnsbury & Lamoille County Railroad and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a.m., June 29, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 29, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59–5630; Filed, July 7, 1959; 8:48 a.m.]

[Notice 2]

APPLICATIONS FOR LOAN GUARANTIES

JULY 2, 1959.

Notice is hereby given of the filing of the following applications under Part V of the Interstate Commerce Act:

Finance Docket No. 20689, filed June 29, 1959, by The New York Central Railroad Company, 466 Lexington Avenue, New York 17, New York, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $40,000,000. Applicant's representative: James B. Gray, General Counsel, The New York Central Railroad Company, 466 Lexington Avenue, New York 17, New York. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements:

Finance Docket No. 20691, filed June 30, 1959, by The Atlantic and Danville Railway Company, 115 West Tazewell Street, Norfolk 10, Virginia, for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding $800,000. Applicant's representatives: L. D. Curtis, President and General Manager, The Atlantic and Danville Railway Company, 115 West Tazewell Street, Norfolk 10, Virginia; Edward R. Baird, 1119 National Bank of Commerce Building, Norfolk 10, Virginia. Loan is for the following purposes: Reimbursement of applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements, $300,000; refinancing of unpaid balance not to exceed $240,000 of cost of 200 used freight train cars acquired after January 1, 1957; and for maintenance of property, $160,000.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5640; Filed, July 7, 1959; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 1, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35526: *Commodities between north Pacific coast points and points in Utah.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 240), for interested rail carriers. Rates on general commodities between points in British Columbia, Idaho, Oregon and Washington, on the one hand, and Ogden and other points in Utah on the Union Pacific Railroad, on the other.

Grounds for relief: Abandonment of the Bamberger Railroad Company under Finance Docket 20202, and adoption of portions of this line by the Union Pacific Railroad Company under Finance Docket 20367.

Tariff: Supplement 427 to Pacific Southcoast Freight Bureau tariff I.C.C. 1360.

FSA No. 35527: *Gravel-Dickason Pit, Ind., to Illinois Points.* Filed by Illinois Freight Association, Agent (No. 64), for interested rail carriers. Rates on screened gravel, carloads from Dickason Pit, Ind., to Holland, Moccasin, and Altamont, Ill.

Grounds for relief: Motor truck competition from gravel pit to jobsites.

Tariff: Supplement 118 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5579; Filed, July 6, 1959; 8:45 a.m.]

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Title 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

Part 502 of this chapter sets forth the rules of procedure of the Office of Alien Property applicable to claims under sections 9(a), 32 and 34 of the Trading With the Enemy Act, as amended (50 U.S.C. App. 9(a), 32 and 34) and sections 207 (b) and 208(a) of Title II of the International Claims Settlement Act of 1949 (22 U.S.C. 1631f(b) and 1631g(a)). Changes in organization of the Office of Alien Property were made as of July 1, 1959 which effected transfers of certain functions, duties and powers with which Part 502 is concerned. Accordingly, it is necessary to amend Part 502 to reflect these changes in organization. Since the amendments relate to procedure, neither notice nor hearing thereon is required by statute.

Part 502 is hereby amended to read as follows:

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502.300 General claims.

AUTHORITY: §§ 502.1 to 502.300 issued under 40 Stat. 411, as amended, 69 Stat. 562; 50 U.S.C. App. 1–40; 22 U.S.C. 1631. E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, Oct. 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp.; E.O. 10644, Nov. 7, 1955, 20 F.R. 8363, 3 CFR, 1955 Supp.

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FEDERAL REGISTER

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Subpart A—General Rules

§ 502.1 Scope of part.

(a) Sections 502.1 to 502.32 shall be applicable solely to title and to debt claims.

(b) Sections 502.100 to 502.110 shall be applicable solely to title claims.

(c) Sections 502.200 to 502.205 shall be applicable solely to debt claims.

(d) Section 502.300 shall be applicable to all claims other than title and debt claims as defined in § 502.2 (e) and (f).

§ 502.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "act" means the Trading With the Enemy Act, as amended, or the International Claims Settlement Act of 1949, as amended. The term "section" refers to a section of either act.

(b) The term "Office" means the Office of Alien Property.

(c) The term "rules" means the rules of the Office set forth in this part.

(d) The term "Director" means the Director, Office of Alien Property, or other person duly authorized to perform his functions.

(e) The term "title claim" means a claim under sections 9(a) or 32 of the Trading With the Enemy Act, as amended, or section 207(b) of the International Claims Settlement Act of 1949, as amended.

(f) The term "debt claim" means a claim under section 34 of the Trading With the Enemy Act, as amended, or section 208(a) of the International Claims Settlement Act of 1949, as amended.

(g) The term "claim" refers to a title claim or a debt claim and shall include the Notice of Claim form, any amendment thereto, and such other material as may have been filed by the claimant with respect to the claim.

(h) The term "excepted claim" means (1) any title claim which involves the return of assets having a value of $50,000 or more, and any debt claim in the amount of $50,000 or more; (2) any title claim which the Director finds will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; and any debt claim which the Director finds will, as a practical matter control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,00 or more; (3) any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(i) The term "non-excepted claim" shall mean any claim other than an "excepted claim."

(j) The term "claimant" means the person in whose behalf a claim is filed.

(k) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(l) The term "parties" includes the claimant on the one hand and the Chief of the Trial Section or the Chief of the Appellate and Special Litigation Section on the other.

(m) The term "vested property" means any property or interest vested in or transferred to the Alien Property Custodian or the Attorney General of the United States pursuant to the act (other than any property or interest so acquired by the United States prior to December 18, 1941), or the net proceeds thereof.

(n) The term "filing" means receipt by the Office or appropriate officer or employee thereof.

(o) The term "Chief Hearing Examiner" refers to the hearing examiner designated as such by the Director.

(p) The term "docketed claim" means a claim which has been referred by the Director or the Chief of the Trial Section to the Chief Hearing Examiner for hearing and has been given a docket number.

(q) The term "hearing" means the proceedings upon a docketed claim.

§ 502.3 Indispensable party.

The Chief of the Trial Section shall be a necessary party in all proceedings with respect to docketed claims before a Hearing Examiner. The Chief of the Appellate and Special Litigation Section shall be a necessary party in all other proceedings with respect to docketed claims.

§ 502.4 Appearance.[1]

(a) A claimant may appear in a claim proceeding in person or may be represented by an agent, attorney in fact or at law. A member of a partnership may represent the partnership; an officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) Any person appearing in a claim proceeding in a representative capacity may be required to file a power of attorney showing his authority to act in such capacity.

§ 502.5 Intervention.

Any person who claims to have a substantial interest in a docketed claim proceeding may file a specification of such interest in writing with the Hearing Examiner after serving a copy thereof upon the parties. Upon a finding by the Hearing Examiner that the petitioner has a substantial interest which may be adversely affected by the proceeding he may authorize the petitioner to participate in the proceeding upon such conditions as may be imposed.

[1] CROSS REFERENCE: For limitations on representative activities, see § 505.60 of this chapter. For powers of attorney see § 505.1 (d) of this chapter.

§ 502.6 Forms.

(a) Claims shall be filed on forms authorized or prescribed by the rules of this Office.

(b) Subject to the provisions of sections 33 and 34 of the Trading With the Enemy Act, as amended, or sections 208(b) and 210 of the International Claims Settlement Act of 1949, as amended, the Director or the Chief of the Claims Administration Section may expressly waive the requirement of paragraph (a) of this section.

§ 502.7 Amendment and withdrawal of claim.

(a) Subject to the provisions of sections 33 and 34(b) of the Trading With the Enemy Act, as amended, or sections 208(b) and 210 of the International Claims Settlement Act of 1949, as amended, the claimant may amend his claim prior to hearing or after the opening of a hearing in a claim proceeding by consent of the Chief of the Claims Administration Section or of the Chief of the Trial Section or as allowed by the Hearing Examiner or the Director.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 502.8 Order for hearing.

The Director, or the Hearing Examiner in any docketed claim proceeding, may issue an order for hearing. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of the hearing. The order shall be served on all parties a reasonable time, but not less than ten (10) days in advance of the hearing, unless the parties shall agree to a shorter time.

§ 502.9 Designation of Hearing Examiner.

Prior to a hearing, a Hearing Examiner shall be designated by the Chief Hearing Examiner.

§ 502.10 Removal of a claim proceeding and hearing by the Director.

The Director may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Director, at any stage of a claim proceeding before a Hearing Examiner, may remove the claim proceeding from the Hearing Examiner. Decisions of the Director under this section shall first be issued in tentative form and the Director shall fix a time within which all parties may submit exceptions and briefs with reference thereto and after which he shall render his final decision. In the case of non-excepted claims, this decision shall be the decision of the Office. In the case of excepted claims, the Director shall deliver a copy of this decision to the Attorney General immediately upon its issuance, together with the record and all exceptions and briefs. Such decision shall become the decision of the Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the

parties may submit exceptions and briefs with reference to the decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of the Office. The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.11 Pre-hearing conferences.

(a) At any time after a claim has been docketed with the Chief Hearing Examiner and prior to hearing, the Hearing Examiner may arrange for the parties to appear before him at a designated time and place for the purpose of determining the issues between the parties and obtaining admissions or stipulations with respect to any matters, records, or documents which will be relied upon by any party at the hearing.

(b) At the conclusion of the conference, the Hearing Examiner shall prepare an order setting forth the issue or issues to be determined at the hearing and describing the matters, records, or documents which the parties have admitted or stipulated. Such order shall be presented to each of the parties for their approval and when approved by them shall be made a part of the record in the claim proceeding and shall be conclusive as to the action embodied therein.

§ 502.12 Consolidation of claims.

The Director, the Chief Hearing Examiner, or the designated Hearing Examiner, may, where such action will expedite the disposition of claims and further the ends of justice, consolidate docketed claims.

§ 502.13 Hearings.

(a) All hearings, except hearings before the Director, shall be conducted by a Hearing Examiner. At any time prior to hearing, a Hearing Examiner may be designated to take the place of the Hearing Examiner previously designated to conduct the hearing. In the case of the death, illness, disqualification or unavailability of the Hearing Examiner presiding in any claim proceeding, another Hearing Examiner may be designated to take his place. Hearing Examiners shall, so far as practicable, be assigned to cases in rotation.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Director after affidavits alleging personal bias or other disqualifications have been filed with the Director and the matter has been considered by the Director or by a Hearing Examiner upon referral by the Director.

(c) Hearings shall be open to the public unless otherwise ordered by the Director or the Hearing Examiner.

(d) Subject to the rules of this Office, including this part, Hearing Examiners presiding at hearings shall have the hearing powers set forth in section 7(b) of the Administrative Procedure Act.

(e) Hearing Examiners shall act independently in the performance of their duties as examiners and perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters, no Hearing Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party and the Hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) Any record, document, or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of an investigator of this Office or any other agency of the United States, or by a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross-examination shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original when accompanied by a certificate of any of the persons hereinabove designated, stating that it conforms to the original. The methods of authentication provided for in this rule shall be in addition to, and not exclusive of, other methods of authentication.

(k) All investigative reports, affidavits, or other written statements of persons that reside at a distance of more than 100 miles from the place of a hearing or are otherwise unavailable as witnesses, when signed by an investigator of this Office or any other agency of the United States, or by the person making such affidavit or statement, shall be accepted as evidence and made a part of the record in a claim proceeding. All circumstances in the making of such investigative report, affidavit, or other written statement, as well as the lack of opportunity for cross-examination shall be considered by the Attorney General, the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of any investigative report shall be equally admissible as the original when accompanied by a statement of an official of this Office or other agency of the United States that it is a copy of such report.

(l) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(m) In the discretion of the Hearing Examiner, any witness may be excluded until he is called upon to testify. Contemptuous conduct at any hearing before a Hearing Examiner shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(n) Hearings shall be stenographically reported by a reporter designated by the Director or Chief Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Director or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make it conform to the evidence presented at the hearing. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(o) Hearings may be waived by the parties and the claim submitted to the Hearing Examiner, or to the Director, with his consent, on a stipulated record or an agreed statement of facts.

§ 502.14 Witnesses.

(a) Witnesses shall be examined orally under oath or affirmation, to be administered by the Hearing Examiner, except that for good cause testimony may be taken by deposition.

(b) Witnesses summoned before the Director or the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 502.15 Subpoenas.

(a) The Director, or in the case of any docketed claim the Chief Hearing Examiner or the Hearing Examiner, shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify

the books, records, correspondence or other documents sought.

(b) The Director, Chief Hearing Examiner or the Hearing Examiner before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 502.16 Depositions.

(a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Director, or in the case of a docketed claim the Chief Hearing Examiner or the Hearing Examiner, may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken and specify the time when, the place where, and the officer before whom the witness is to testify. Such order shall be served upon all parties by the Director, the Chief Hearing Examiner, or the Hearing Examiner, as the case may be, a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be taken under oath or affirmation and shall be reduced to writing by the officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the officer.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witnesses' own words.

(d) Where the deposition is taken in a foreign country and the officers designated in the authorization is unavailable, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person as may be agreed upon by the parties stipulating in writing.

(e) A witness whose deposition is taken pursuant to the rules in this part and the officer taking the deposition, unless he be employed by the Office, shall be entitled to the same fees and mileage paid for like service in the Courts of the United States, which fees shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 502.17 Documents in a foreign language.

Every document, exhibit or paper written in a language other than English, which is filed in any claim proceeding, shall be accompanied by complete English translation thereof duly verified to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation. For good cause verification may be waived. If a document, exhibit or paper in a foreign language is offered in evidence at a hearing any dispute as to the accuracy of the translation thereof shall be determined as is any other issue of fact.

§ 502.18 Motions.

(a) All motions and requests for rulings addressed to the Director, Chief Hearing Examiner or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claim proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of a hearing, or to any other matters within the authority of the Hearing Examiner, may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party thereafter in the claim proceeding to assign a ruling as error.

§ 502.19 Withdrawal of papers.

(a) No paper, document or claim officially filed shall be returned unless the Director shall allow such return. The granting of a request to dismiss a claim or withdraw a paper, document or claim does not authorize the removal of the paper, document or claim from the records of the Office.

(b) Where the original of a record, document or other paper is offered in evidence at a hearing a photostatic or conformed copy thereof may be substituted during the course of the hearing with the approval of the Hearing Examiner.

§ 502.20 Oral argument.

The Director or the Hearing Examiner, as the case may be, may grant to any party at the close of a hearing a reasonable period for oral argument and such argument may, with the consent of the hearing officer, be included in the stenographic report of the hearing.

§ 502.21 Proposed findings and conclusions.

At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time to be fixed by him. As far as practicable the procedure shall be followed of having claimant's brief filed first, followed by the brief of the Chief of the Claims Administration Section with any reply briefs filed in the same order.

§ 502.22 Hearing Examiner's decision.

(a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript, all exhibits and briefs, shall make a recommended decision which shall include proposed findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact or law presented on the record. Such recommended decision shall become part of the record.

(b) At any time prior to the filing of his recommended decision, the Hearing Examiner may, for good cause, re-open the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's recommended decision shall be served upon each party.

(d) In the case of the death, illness, disqualification or unavailability of the Hearing Examiner who presided at the hearing, the Director shall make a tentative decision or shall designate another Hearing Examiner to make a recommended decision.

(e) At any time prior to the filing of exceptions to a recommended decision of a Hearing Examiner and if the time for filing such exceptions has not expired pursuant to § 502.23, the Hearing Examiner shall have authority to amend, modify or vacate orders issued by him, to the extent that such amendment, modification or vacation may be desirable to correct typographical or procedural errors or to make purely ministerial changes therein, but not otherwise.

§ 502.23 Review of the Hearing Examiner's recommended decision.

Within 30 days after service of the Hearing Examiner's recommended decision, any party objecting thereto shall file exceptions with the Director. Where exceptions are filed the Director shall fix a time for the filing of briefs. If no exceptions are filed within 30 days of the service of the Hearing Examiner's recommended decision any party shall have an additional 15 days within which to file a brief with the Director. After the expiration of the time for filing of briefs the Director shall, in non-excepted claims, render his decision which shall be the decision of the Office. After the expiration of such time in the case of excepted claims the Hearing Examiner shall certify the entire record to the Director for initial decision. The Director shall then render an initial decision which shall be served on the parties and a copy thereof immediately delivered to the Attorney General, together with the record and all exceptions and briefs. Such initial decision shall become the decision of this Office unless within 60 days from the date thereof the Attorney General by order directs review thereof. An order for review shall fix a time within which the parties may submit exceptions and briefs with reference to the initial decision of the Director. After the expiration of such time the Attorney General shall render a final decision which shall be the decision of this Office.

The decision of the Attorney General shall be returned to the Director for service on all parties and for the Director's further action in accordance with the rules in this part.

§ 502.24 Waiver by the Director or the Attorney General.

The Director or the Attorney General, as the case may be, may, with the consent of the parties, waive any of the requirements of this part, when, in his opinion, the ends of justice would thereby be served.

§ 502.25 Motion to dismiss.

(a) Motion to dismiss any claim may be made by the Chief of the Trial Section which motion shall be in writing and shall state the reasons in support thereof and may be accompanied by supporting documents. The Chief of the Trial Section shall obtain from the Chief Hearing Examiner a date and place of hearing. Thereupon the Chief of the Trial Section shall serve a copy of the motion, together with a notice of the date and place of hearing, upon all parties, and shall docket the motion and statement of service with the Chief Hearing Examiner.

(b) Hearing on the motion shall be held at the time and place specified in the notice, or at such other time and place as may be fixed by the Hearing Examiner.

(c) The claimant shall file any affidavits, papers or documents in opposition to the motion with the Hearing Examiner, after service upon the Chief of the Trial Section not later than five (5) days prior to the date of hearing.

(d) Briefs may be submitted within the time fixed by the Hearing Examiner.

(e) Hearing before a Hearing Examiner may be waived by the parties and, with the consent of the Director, the matter submitted to him for decision.

(f) A claim shall be dismissed when it appears that there is no genuine issue as to any material fact and the claim cannot be allowed as a matter of law or when the claim has been abandoned.

(g) A claim shall be deemed abandoned when after request to do so the claimant has not furnished relevent information in support of his claim, or where by virtue of his failure to respond to inquiries regarding the claim it appears that he does not wish to pursue it further. The Hearing Examiner may on his own motion enter a recommended order dismissing a docketed claim as abandoned when the claimant fails to produce any information or document ordered so produced by the Hearing Examiner.

(h) All decisions or orders of the Hearing Examiners on motions to dismiss shall be recommended decisions or orders only and shall be subject to review in accordance with the provisions of § 502.23.

(i) The Chief of the Claims Administration Section may serve a notice upon the claimant that, after the expiration of a time fixed in the notice, which time shall not be less than thirty (30) days, he intends to apply to the Director for an order dismissing the claim. The notice shall state the grounds for dismissal and the claimant may, within the time indicated in the notice, file a statement specifying his objections to dismissal, together with his reasons in support thereof; any evidence or other material in support of the claim which has not previously been filed with this Office shall be filed by the claimant with the statement of objections. Upon application by the Chief of the Claims Administration Section for an Order dismissing the claim, the Director will consider the objections if any which may have been filed. The Director thereafter may remand the application to the Chief of the Claims Administration Section for further proceeding under the rules in this part, or in the case of non-excepted claims if it appears to him that there is no genuine issue may issue an order dismissing the claim. In cases of excepted claims where the Director is of the opinion there is no genuine issue he shall transmit the record together with any objections which have been filed to the dismissal of the claim to the Attorney General, and upon approval by the Attorney General, the Director shall enter an order dismissing the claim.

§ 502.26 Service.

(a) *By the Chief Hearing Examiner.* Decisions, notices of hearing, and orders shall be served by the Chief Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the claimant, his agent or attorney. Notices of all other actions may be served by ordinary mail, except where other methods are specifically required by the rules of this part. When service is not made by registered mail, it may be made by anyone duly authorized by the Chief Hearing Examiner by delivering a copy thereof at the principal place of business of the party to be served within reasonable office hours. The return of the person making service shall be proof of such service.

(b) *By the Chief of the Trial Section or by the Chief of the Claims Administration Section.* Service by the Chief of the Trial Section of a notice of the date and place of hearing of a motion or by the Chief of the Claims Administration Section of a notice pursuant to § 502.25 (i) shall be by registered mail.

(c) *By the Director.* Any action taken by the Attorney General or the Director in a claim proceeding shall be served by the Director in the manner provided in paragraph (a) of this section.

(d) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Director or Hearing Examiner, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing except as otherwise provided by the rules of this part.

(e) *Service upon attorneys or agents.* When any party has appeared by attorney or agent, service upon the attorney or agent shall be deemed service upon the party.

(f) *Date of service.* The date of service shall be the day when the matter is deposited in the United States mail or delivered in person, as the case may be.

§ 502.27 Computation of time.

In computing any period of time prescribed or allowed by this part, the last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the last day which is neither a Saturday, Sunday nor legal holiday.

§ 502.28 Continuances and extensions.

Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Attorney General, the Director, Chief Hearing Examiner or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§ 502.29 Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.

Notices of Claim for Return of Property heretofore filed by depositors of the Yokohama Specie Bank, Ltd., Honolulu Branch, in respect of principal and interest accruing to the date of the closing of said bank on December 7, 1941, shall be considered as including Notices of Claim for Payment of Debt under section 34 of the act covering interest accruing subsequent to the closing of said bank. Releases and receipts executed by such claimants on account of return orders issued in connection with their Notices of Claim for Return of Property shall not be a bar to the allowance of their debt claims for post-closing interest in the event the Director subsequently determines that such post-closing interest is payable. The foregoing shall not be construed as a present determination by the Director as to the validity of such debt claims. (E.O. 9567, June 8, 1945, 10 F.R. 6917; 3 CFR, 1945 Supp.)

§ 502.30 Filing of claim as condition precedent to suit under the Trading With the Enemy Act, as amended.

The filing heretofore or hereafter, of a claim under section 32 of the Trading With the Enemy Act, as amended, shall constitute the filing of notice required by Section 9 of that act as a condition precedent to the filing of a suit in equity for the return of property vested in or transferred to the Attorney General of the United States pursuant to that act.

§ 502.31 Effect of disallowance of claim in determining period of limitations for filing suit under the Trading With the Enemy Act, as amended.

The final disallowance under the rules of this part of any claim for the return of property filed under the Trading With the Enemy Act, as amended, shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of that act, within which a suit pursuant to section 9 of that act may be instituted.

Subpart B—Title Claims

§ 502.100 Definitions.

As used in §§ 502.100 to 502.110, applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36(d) of the Trading With the Enemy Act, as amended, or section 212(d) of the International Claims Settlement Act of 1949, as amended.

(b) The term "national interest" means the interest of the United States under section 32(a)(5) of the Trading With the Enemy Act, as amended.

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 502.101 Order of processing.

Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 502.102 Procedure for allowance without hearing.

(a) The Chief of the Claims Administration Section may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto, and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the claim shall be returned to the Director for further proceedings in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance, the claim shall be remanded to the Chief of the Claims Administration Section for such action as may be appropriate.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Administration Section makes no recommendation with respect to taxes or conservatory expenses. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 502.103 Requirement for hearing.

No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25(i), § 502.102 or § 502.105.

§ 502.104 Hearing calendar.

The Chief Hearing Examiner shall maintain a hearing calendar and docket of all docketed claim proceedings.

§ 502.105 National interest under the Trading With the Enemy Act, as amended.

(a) In the case of non-excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest pursuant to section 32(a)(5) of the Trading With the Enemy Act, as amended, he may (1) by order disallow the claim by citation of this section, or (2) by order suspend, for a fixed or indefinite time, further action by the Office in the claim proceeding by citation of this section. In the case of excepted claims where it appears to the satisfaction of the Director that a return of vested property is not in the national interest as aforesaid he shall transmit the record to the Attorney General for his consideration and the Attorney General may (1) by order disallow the claim by citation of this section, (2) by order suspend for a fixed or indefinite time further action by the Office of Alien Property in the claim proceeding by citation of this section, or (3) return the claim to the Director for such action as the Attorney General deems appropriate.

(b) The Director may direct with respect to any question of fact relating to national interest, that a hearing be held before himself, a Hearing Examiner or such other person or persons as he may designate. In such a hearing the officer or officers shall prepare recommended findings of fact only which shall be submitted to the Director with a transcript of the hearing.

§ 502.106 Publication of notice of intention to return vested property under the Trading With the Enemy Act, as amended.

In compliance with section 32(f) of the Trading With the Enemy Act, as amended, prior to the return of vested property the Director will issue and file for publication with the FEDERAL REGISTER a notice of intention to return vested property, except that no such notice need be published where the return is to be made to a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia.

§ 502.107 Revocation of notice of intention to return vested property under the Trading With the Enemy Act, as amended.

(a) The notice of intention to return vested property may be revoked by the Director at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 502.108 Return order.

Where no notice of intention to return vested property has been issued, an order directing return will issue at the time the claim is allowed or as soon thereafter as practicable. Where notice of intention to return vested property has been issued under the Trading With the Enemy Act, as amended, an order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice, except where the notice has been revoked in accordance with § 502.107.

§ 502.109 Final audit.

Prior to making full and final return of property pursuant to return order, a final audit with respect to the property involved will be made. Any transaction occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 502.110 Return of vested property.

After issuance of the return order, completion of the final audit and final administrative determination with respect to taxes, fees and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Director shall determine acknowledging receipt of the property returned.

Subpart C—Debt Claims

§ 502.200 Definitions.

As used in §§ 502.200 to 502.205 applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(b) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes.

(c) The term "expenses" means the amount of the expenses of the Office of Alien Property, the former Office of Alien Property Custodian, and the former Philippine Alien Property Administration, including both expenses in connection with vested property of the debtor involved and such portion as the Director shall fix of the other expenses of these agencies, and such amount, if any, as the Director may establish as a cash reserve for the future payment of such expenses.

(d) The term "taxes" means taxes as defined in section 36(d) of the Trading With the Enemy Act, as amended, or section 212(d) of the International Claims Settlement Act of 1949, as amended, and includes taxes paid by the Director in respect of vested property of the debtor involved and such amount, if any, as the Director may establish as a cash reserve for the future payment of such taxes.

(e) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(f) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor,

(g) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 502.201 Procedure for allowance and payment without hearing of claims against debtors' solvent estates.

(a) With respect to claims against debtors' solvent estates, the Chief of the Claims Administration Section may initiate a proceeding for allowance of a claim, or a separable part thereof which he deems entitled to allowance, without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance.

(c) In the case of non-excepted claims the Director shall consider the record and may allow the claim. In the case of excepted claims, the Director shall transmit the record with his recommendation for allowance to the Attorney General who may approve the recommendation. In such cases the Attorney General shall return the claim to the Director for further proceeding in accordance with the rules in this part.

(d) If the Attorney General or the Director shall disagree with a recommendation for allowance the claim shall be remanded to the Chief of the Claims Administration Section for such action as may be appropriate.

§ 502.202 Claims against debtors' insolvent estates.

(a) Notices of claims filed with this Office against a particular debtor's insolvent estate shall be available for inspection by all claimants in respect of such estate in accordance with the provisions of § 503.1(b) of this chapter.

(b) With respect to claims against a particular debtor's insolvent estate the Chief of the Claims Administration Section may submit to the Director a recommendation for allowance of any claim or a separable part thereof which he deems entitled to allowance. The record shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance. All such claims submitted to the Director shall be dealt with by him or the Attorney General in accordance with the procedures set forth in § 502.201 (c) and (d).

(c) Where the Chief of the Claims Administration Section concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, he shall refer the claim to the Chief of the Trial Section and the latter shall docket it for hearing. At such hearing any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the provisions of § 502.5. The recommended decision of a Hearing Examiner with respect to the claim is subject to review in accordance with the provisions of § 502.23.

(d) The Director may issue a tentative schedule showing all debt claims proposed to be allowed by him with the priorities assigned thereto and the payment to be made to each claimant. Notice of the issuance of the tentative schedule shall in the manner provided by § 502.26 be served on all claimants in respect of the particular debtor's estate, whose claims are then pending, together with notice that objections to such tentative schedule may be filed within the period prescribed in the notice, which period shall not be less than thirty (30) days. The tentative schedule shall be made available for inspection at the Office of Alien Property, Washington, D.C. With the consent of all claimants, the tentative schedule may be omitted.

(e) The Director shall consider any objection to the tentative schedule that may have been timely filed, and shall take such action as may be appropriate. As soon thereafter as appropriate, the Director shall as required by section 34(f) of the Trading With the Enemy Act, as amended, or section 208(f) of the International Claims Settlement Act of 1949, as amended, prepare and serve by registered mail on all claimants in respect of a particular debtor's insolvent estate, a final schedule of the debt claims allowed, with priorities assigned thereto, and the proposed payment to each claimant.

(f) The Director may issue a tentative schedule and a final schedule limited to claims, payment of which, in accordance with the priorities assigned thereto by the Director pursuant to the provisions of section 34(g) of the Trading With the Enemy Act, as amended, or section 208(g) of the International Claims Settlement Act of 1949, as amended, would not adversely affect the payment of any other claim in respect of the particular debtor's insolvent estate.

§ 502.203 Requirement for hearing.

No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25(i), § 502.201 or § 502.202.

§ 502.204 Payment of allowed claims.

As soon as practicable after the allowance of a claim, in whole or in part, the claim will be paid to the extent allowed: *Provided, however*, That with respect to claims against a debtor's insolvent estate, pending determination of any complaint for review filed under section 34(f) of the Trading With the Enemy Act, as amended, or section 208(f) of the International Claims Settlement Act of 1949, as amended, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

§ 502.205 Future payments.

If additional monies become available for the payment of claims after the first payment on allowed claims in respect of a debtor's insolvent estate, the Director shall order further payments in accordance with the final schedule theretofore issued by him, or as modified on review under section 34(f) of the Trading With the Enemy Act, as amended, or section 208(f) of the International Claims Settlement Act of 1949, as amended.

Subpart D—General Claims

§ 502.300 General claims.

All claims against the Attorney General of the United States relating to the Office of Alien Property or against his predecessors, the Alien Property Custodian and the Philippine Alien Property Administrator, other than title and debt claims as defined in § 502.2 (e) and (f) shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Director of the Office of Alien Property containing a statement of the details of the claim.

Executed at Washington, D.C., on July 1, 1959.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 59-5674; Filed, July 8, 1959; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis-free areas is amended in the following respects:

1. The paragraph headed "Arkansas" is amended to read:

Arkansas: Baxter, Benton, Boone, Carroll, Clark, Cleburne, Columbia, Dallas, Fulton, Garland, Grant, Hempstead, Hot Spring, Independence, Izard, Johnson, Lafayette, Madison, Marion, Montgomery, Nevada, Newton, Perry, Pike, Polk, Pope, Saline, Scott, Searcy, Sharp, Stone, Van Buren, Washington, and Yell Counties;

2. The paragraph headed "California" is amended to read:

California: Alpine, Colusa, Del Norte, Humboldt, Inyo, Lassen, Marin, Modoc, Mono, Sierra and Trinity Counties;

3. The paragraph headed "Colorado" is amended to read:

Colorado: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, LaPlata, Mesa, Montezuma, Montrose, Ouray, Pitkin, Rio Grande, Saguache, San Juan, San Miguel, and Sedwick Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation.

4. The paragraph headed "Florida" is amended to read:

Florida: Baker, Bay, Calhoun, Columbia, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

5. The paragraph headed "Georgia" is amended to read:

Georgia: Appling, Atkinson, Bacon, Baldwin, Banks, Barrow, Ben Hill, Berrien, Brantley, Brooks, Bryan, Bullock, Burke, Butts, Candler, Carroll, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Coffee, Colquitt, Columbia, Cook, Crawford, Dade, Dawson, DeKalb, Dodge, Douglas, Early, Echols, Elbert, Evans, Fannin, Forsyth, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Irwin, Jackson, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Liberty, Lincoln, Lowndes, Long, Lumpkin, Madison, Marion, Meriwether, Miller, Monroe, Montgomery, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pierce, Pike, Polk, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Spalding, Stephens, Talbot, Tattnall, Taylor, Telfair, Tift, Toombs, Towns, Truetlen, Troup, Turner, Twiggs, Union, Upson, Walker, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkinson, and Worth Counties;

6. The paragraph headed "Idaho" is amended to read:

Idaho: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Gooding, Idaho, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Valley, and Washington Counties; and Fort Hill Indian Reservation;

7. The paragraph headed "Illinois" is amended to read:

Illinois: Boone, Bureau, Champaign, Clay, Clinton, Coles, Cook, Cumberland, DeKalb, DuPage, Edgar, Effingham, Ford, Greene, Grundy, Kane, Kankakee, Kendall, Lake, LaSalle, Lawrence, Lee, Livingston, McHenry, McLean, Macon, Monroe, Moultrie, Ogle, Perry, Stephenson, Vermilion, Wabash, Will, and Winnebago Counties;

8. The paragraph headed "Indiana" is amended to read:

Indiana: Adams, Allen, Benton, Blackford, Brown, Cass, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DeKalb, Delaware, Dubois, Elkhart, Floyd, Fulton, Grant, Hancock, Harrison, Howard, Huntington, Jay, Lagrange, Lake, LaPorte, Madison, Marion, Marshall, Martin, Noble, Orange, Parke, Perry, Pike, Porter, Posey, Pulaski, Randolph, St. Joseph, Spencer, Starke, Steuben, Sullivan, Union, Vanderburgh, Vermillion, Wabash, Warrick, Wells, and Whitley Counties;

9. The paragraph headed "Kentucky" is amended to read:

Kentucky: Anderson, Galloway, Campbell, Elliott, Graves, Greenup, Hopkins, Jackson, Lawrence, Metcalfe, Morgan, Rockcastle, Rowan, Simpson, Todd, Trigg, Trimble, Warren, and Wolfe Counties;

10. The paragraph headed "Mississippi" is amended to read:

Mississippi: Alcorn, Attala, Choctaw, Clay, Forrest, George, Greene, Hancock, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lee, Newton, Neshoba, Oktibbeha, Perry, Pike, Pontotoc, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Winston, and Yalobusha Counties;

11. The paragraph headed "Missouri" is amended to read:

Missouri: Andrew, Barry, Bollinger, Boone, Butler, Cape Girardeau, Carroll, Chariton, Christian, Dade, Dent, Franklin, Greene, Jackson, Jasper, Jefferson, Lawrence, Monroe, Montgomery, Oregon, Osage, Perry, Pettis, Putnam, Ralls, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, Shelby, Texas, Webster, Worth, and Wright Counties;

12. The paragraph headed "Montana" is amended to read:

Montana: Beaverhead, Blaine, Carbon, Carter, Cascade, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Rivalli, Richland, Roosevelt, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

13. The paragraph headed "Nebraska" is amended to read:

Nebraska: Adams, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Franklin, Gage, Hall, Hamilton, Harlan, Howard, Johnson, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

14. The paragraph headed "New York" is amended to read:

New York: Albany, Allegany, Bronx, Broome, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Greene, Hamilton, Jefferson, Kings, Lewis, Nassau, Niagara, Onondaga, Orange, Oswego, Otsego, Putnam, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington, and Westchester Counties;

15. The paragraph headed "Ohio" is amended to read:

Ohio: Athens, Belmont. Carroll, Columbiana, Cuyahoga, Fulton, Guernsey, Hancock, Henry, Hocking, Jackson, Mahoning, Meigs, Monroe, Morrow, Noble, Ottawa, Paulding, Putnam, Scioto, Seneca, Tuscarawas, Van Wert, Vinton, Washington, Wood, and Wyandot Counties;

16. The paragraph headed "Oregon" is amended to read:

Oregon: Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Deschutes, Douglas, Grant Hood River, Jackson, Jefferson, Josephine, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wasco, Washington, Wheeler, and Yamhill Counties; and Warm Springs Indian Reservation;

17. The paragraph headed "Tennessee" is amended to read:

Tennessee: Anderson, Bedford, Benton, Bledsoe, Bradley, Campbell, Carroll, Carter, Cheatham, Chester, Claiborne, Clay, Cocke, Davidson, Decatur, DeKalb, Dickson, Dyer, Fentress, Franklin, Gibson, Giles, Grundy, Hamilton, Hancock, Hardeman, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, McNairy, Macon, Madison, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Rutherford, Scott, Shelby, Smith, Stewart, Sullivan, Tipton, Trousdale, Unicoi, Union, Wayne, Weakley, Williamson, and Wilson Counties;

18. The paragraph headed "Virginia" is amended to read:

Virginia: Accomack, Alleghany, Arlington, Bath, Bland, Brunswick, Buchanan, Buckingham, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Essex, Fairfax, Giles, Gloucester, Hanover, Henrico, Highland, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Lee, Loudoun, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince William, Princess Anne, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, Wise, Wythe, and York Counties, and City of Hampton;

19. The paragraph headed "West Virginia" is amended to read:

West Virginia: Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lincoln, Logan, McDowell, Marion, Marshall, Mason, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne,

Webster, Wetzel, Wirt, Wood, and Wyoming Counties;

20. The paragraph headed "Wyoming" is amended to read:

Wyoming: Big Horn, Fremont, Lincoln, Park, Uinta and Weston Counties; and Lower Arapacho Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Lemhi County in Idaho, Lewis and Clark, and Liberty Counties in Montana, and Jefferson County in Nebraska from the list of areas designated as modified certified brucellosis-free areas, because it has been determined that such counties no longer come within the definition of § 78.1(i), and adds certain additional areas which have been determined to come within such definition.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1959.

F. J. MULHERN,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 59–5671; Filed, July 8, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

Subchapter C—Aircraft Regulations

[Regulatory Docket No. 52; Amdt. 29]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to permit inspection at regular maintenance bases and to exempt new aircraft now being delivered as well as aircraft modified in accordance with Lockheed Bulletin SB 262, it is necessary to issue a new directive for Allison engines, 501–D13, which supersedes AD 59–11–1 (24 F.R. 4652).

As a result of cracks which have developed in the aileron balance weight attachment bulkheads on Piper PA–24 aircraft, reinforcement is necessary.

To determine if cracks are present outboard of Number 2 and Number 3 nacelle attach angle which require repair on Lockheed 188 aircraft, an early inspection is required.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directives:

59–13–1 ALLISON. Applies to Allison 501–D13 and –D13A engines.

Compliance required as indicated.

Seven recent cases of spalling of the propeller shaft roller bearing on Allison 501–D13 engines necessitates a continuity check using a probe be made of the reduction gear magnetic plug at least every 10 hours on engine installations not modified in accordance with Allison Commercial Engine Bulletin 72–74 and Lockheed Bulletin SB 262. This check is necessary due to high bearing loads caused by propeller during certain aircraft flight conditions. If metal chips are found as described in Allison Maintenance Manual, section 72–0, paragraph 8B, page 219, remove gearbox.

This supersedes AD 59–11–1.

59–13–2 PIPER. Applies to Models PA–24 and PA–24 "250" aircraft Serial Numbers 24–1 to 24–978 inclusive and 24–980.

Compliance required within the next 100 hours of operation or by October 1, 1959, whichever occurs first.

Service experience indicates that cracks have developed in the aileron balance weight attachment bulkheads. These bulkheads are riveted to the front spar of the aileron and are the supports to which the balance weight arm is attached. To reduce the probability of failure of the aileron balance weight arm attachment install reinforced bulkheads on both ailerons except on Serial Number 24–980 replace the balance weight attachment bulkhead on right aileron only.

(Piper Service Bulletin No. 173 also covers this subject and states "Service Kit, Part Number 734 233, is available from your nearest Piper distributor or dealer free of charge if the airframe serial number is included on the purchase order.")

59–13–3 LOCKHEED. Applies to all Lockheed 188 aircraft.

Compliance required as indicated.

At the earliest opportunity where maintenance facilities are available, visually inspect the Number 4 plank left and right hand upper surface for cracks outboard of Number 2 and Number 3 nacelle attach angle, particularly leading edge area of plank. Repeat inspection daily. If crack is discovered, approved repair required prior to further scheduled operation. Permissible to one-time ferry to main base for repairs.

Issued in Washington, D.C., on July 1, 1959.

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5657; Filed, July 8, 1959; 8:45 a.m.]

[Regulatory Docket No. 51; Amdt. 22]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C59, Airborne Selective Calling Equipment; TSO–C60, Airborne Loran A Receiving Equipment

Proposed §§ 514.64 and 514.65 establishing minimum performance standards for selective calling and Loran A receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations were published in 24 F.R. 3700.

Interested persons have been afforded an opportunity to participate in the making of the rules. No comments were received.

In consideration of the foregoing, Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows effective on the dates indicated:

1. Section 514.64 is added as follows:

§ 514.64 Airborne selective calling equipment (for air carrier aircraft)—TSO–C59.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne selective calling equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne selective calling equipment manufactured for use on civil air carrier aircraft on or after July 31, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Selective Calling Equipment," Paper 25–59/DO–93 dated February 10, 1959.[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [1] which is incorporated by reference in and thus is a part of Paper 25–59/DO–93 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne selective calling equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne selective calling equipment approved prior to July 31, 1959, may continue to be manufactured under the provisions of its original approval.

Effective date. July 31, 1959.

2. Section 514.65 is added as follows:

§ 514.65 Airborne Loran A receiving equipment operating within the radio-frequency range of 1800–2000 kilocycles (for air carrier aircraft)—TSO–C60.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne Loran A receiving equipment operating within the radio-frequency range of 1800–2000 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne Loran A receiving equipment manufactured for use on civil air carrier aircraft on or after July 31, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Loran A Receiving Equipment Operating Within the Radio-Frequency Range of 1800–2000 Kilocycles" (Paper 226–58/DO–92 [2] dated November 18, 1958). Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [2] which is incorporated by reference in and thus is a part of Paper 226–58/DO–92 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne Loran A receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne Loran A receiving equipment approved prior to July 31, 1959, may continue to be manufactured under the provisions of its original approval.

Effective date. July 31, 1959.

Issued in Washington, D.C., on July 1, 1959.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 601, 72 Stat. 775; 49 U.S.C. 1421)

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5656; Filed, July 8, 1959; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 25–59/DO–93, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 226–58/DO–92, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

[9th Gen. Rev. of Export Regs. Amdt. 19 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 381—ENFORCEMENT PROVISIONS

PART 382—DENIAL OF EXPORT PRIVILEGES

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

§ 371.13 [Amendment]

1. In § 371.13 *General license SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES*, paragraph (d) *General license REGISTERED CARRIER STORES* is amended to read as follows. The notes following paragraph (d) remain unamended.

(d) *General license REGISTERED CARRIER STORES.* (1) A general license designated REGISTERED CARRIER STORES is hereby established, authorizing exportations to any destination except a destination in Subgroup A, of certain commodities for use by or on a vessel or plane of United States or Canadian registry located at a port outside the United States or Canada; *Provided*, That such commodities are (i) shipped as cargo under a Bill of Lading; (ii) in usual and reasonable kinds and quantities; (iii) ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel or plane; or ordered by a United States or Canadian air carrier and consigned to its own installation or agent abroad to be used for the maintenance, repair, or operation of aircraft which are owned or operated by the air carrier and which are registered in either the United States or Canada; (iv) not intended for unlading in a foreign country except for transshipment and delivery to the vessel, plane or to the installation or agent of a United States or Canadian air carrier to which they are consigned; and (v) covered by such declarations as are required to be filed by § 379.1(a)(2) of this chapter.

(2) Commodities exported to a United States or Canadian air carrier installation or agent abroad in accordance with the provisions of subparagraph (1)(iii) of this paragraph, may be used

[1] This amendment was published in Current Export Bulletin 817, dated July 2, 1959.

or reexported for the maintenance, repair or operation of any aircraft of United States or Canadian registry, regardless of whether such aircraft are owned or operated by the exporting air carrier, provided that the commodities are not used for, or not reexported for use of, any aircraft located in, leased to, or under charter to a Subgroup A country or a national thereof.

(3) Only commodities described in paragraph (a) of this section may be exported to vessels of United States or Canadian registry located at a port outside the United States or Canada, and only articles described in paragraph (b) of this section may be exported to planes of United States or Canadian registry located outside the United States or Canada.

(4) In addition, commodities may be exported to vessels or planes of United States or Canadian registry located outside the United States or Canada pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship or plane are located.

§ 371.15 [Amendment]

2. In § 371.15 *General license GLC; exportations of commercial vehicles by certain civil airlines and by private or common carriers*, paragraph (a) *air carriers* is amended to read as follows:

(a) *Air carriers.* Civil aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate, or Air Taxi Operating Certificate issued by the Federal Aviation Agency may depart from the United States for any destination other than a destination in Subgroup A, except that United States registered aircraft shall not depart for the purpose of sale, resale, lease, charter or any other disposition abroad.

NOTE: This provision is not intended to prevent an otherwise eligible United States registered aircraft from departing from the United States under General License GLC for the purpose of conducting a round trip flight to a foreign country(ies) and subsequent return to the United States.

§ 371.25 [Amendment]

3. In § 371.25 *General license GATS; aircraft on temporary sojourn*, paragraph (b) *United States registered aircraft* is amended to read as follows:

(b) *United States registered aircraft.* A civil aircraft of United States registry may depart from the United States on temporary sojourn under the conditions set forth in subparagraphs (1) and (2) of this paragraph.

(1) United States civil aircraft may depart from the United States for any destination except Poland (including Danzig) or a destination in Subgroup A, provided that:

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a United States licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Bureau of Foreign Commerce;

(v) The aircraft's United States registration shall not be changed while abroad.

(2) Where it is decided that the aircraft or any of its equipment, parts, accessories or components will be sold or leased abroad, or is not to be returned to the United States for any other reason, request shall be made to the Bureau of Foreign Commerce for authorization of such disposition. The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for non-return to the United States, the country in which the aircraft will be registered, the commodity description, Schedule B number of the commodity, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition, the request shall be accompanied by all documents which would be required in support of an export license for shipment of the same commodity directly from the United States to the proposed destination. If the request for authorization of non-return of the aircraft is approved, the Bureau of Foreign Commerce will stamp the letter of request with the validation stamp of the Department of Commerce and return one validated copy to the applicant. Where the request is not approved by the BFC, the applicant will be advised by letter.

NOTE: Where the Bureau of Foreign Commerce approves the non-return of the aircraft to the United States and the aircraft is disposed of abroad, the required Shipper's Export Declaration may be submitted to a Collector of Customs located at any port in the Customs District from which the aircraft departed.

§ 371.52 [Amendment]

4. In § 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO*, footnote 1 referring to special types of alloy steel is amended to read as follows:

[1] The "special types" of alloy steel covered by this entry include steels with any of the following characteristics: (1) All nickel-bearing alloy steels, (2) alloys containing 6 percent up to 10 percent molybdenum, (3) alloys containing 3 up to 5 percent molybdenum and 14 percent chromium, (4) alloys containing 0.25 up to 1.5 percent columbium and/or tantalum, (5) alloy steel mill products (including stainless), semi-finished and finished made from steel of the vacuum melt process. (For other "special types" of alloy steel under this Schedule B number which require validated license for shipments to Poland (including Danzig), see Positive List § 399.1 of this chapter.)

§ 373.2 [Amendment]

5. In § 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*, paragraph (c) *Special provisions for Hong Kong* is amended by revoking subparagraph (3), and paragraph (d) *Submission of Import Certificate* is amended by substituting the following Note for the Note appearing after subparagraph (1) (i):

NOTE: 1. *Reproduced copy of Import Certificate not acceptable.* As indicated above, the original import certificate, whether a Single Transaction or Multiple Transaction Import Certificate, shall be attached to the license application. A reproduced copy (photostat or other type) of the import certificate will not be accepted by the Bureau of Foreign Commerce.

2. *Use of Positive List commodity description.* In requesting an import certificate from his foreign consignee, whether a Single Transaction or Multiple Transaction Import Certificate, the United States exporter should furnish his consignee the commodity description shown on the Positive List and advise him to use this description when applying for the import certificate from his government. The use of this commodity description will expedite the issuance of the import certificate.

and the following Note is added after subparagraph (2):

NOTE: See Notes 1 and 2 following § 373.2(d) (1) (i).

6. Section 373.51 *Spare parts accompanying aircraft* is added to read as follows:

§ 373.51 Spare parts accompanying aircraft.

Notwithstanding the provisions of paragraphs (a), (e) and (f) of § 372.5 of this chapter where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Poland (including Danzig) or a Subgroup A destination, the applicant may (a) include both the aircraft and the accompanying spare parts on a single application even though these commodities may not have the same processing code or the same related commodity group numbers; (b) show on the application the total value of the accompanying spare parts without the necessity for indicating the value of each Schedule B entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Schedule B number. The provisions of this section do not relieve the applicant from classifying the commodities shown on the application in accordance with Schedule B or from describing the commodities in accordance with Positive List or Schedule B commodity description terminology.

§ 379.1 [Amendment]

7. In § 379.1 *General Export clearance requirements*, paragraph (b) *Exportations by mail* is amended by substituting "$50" for "$25" in subparagraph (2) (i).

§ 379.3 [Amendment]

8. In §379.3 *Presentation of shipper's export declaration*, paragraph (c) *Number of copies to be presented* is amended by substituting "$50" for "$25" in subparagraph (2) (i).

§ 381.1 [Amendment]

9. In § 381.1 *Sanctions*, paragraph (a) is amended to read as follows:

(a) Any person who violates the Export Control Law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than $10,000 or by imprisonment for not more than one year, or both. A violator of any law, order, regulation, or license relating to export controls is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the Export Control Law, and to exclusion from practice before the Bureau of Foreign Commerce.

10. Section 381.3 *Conspiracy, attempt, and solicitation to violate* is amended to read as follows:

§ 381.3 Solicitation, attempt, and conspiracy.

(a) *Solicitation and attempt.* No person may do any act which solicits the commission of, or which constitutes an attempt to bring about, a violation of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder.

(b) *Conspiracy.* No person may conspire or act in concert with one or more persons in any manner or for any purpose to bring about or to do any act which constitutes a violation of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder.

§ 381.10 [Amendment]

11. The heading of § 381.10 is revised to read *Transactions with persons subject to denial orders.*

§ 382.51 [Amendment]

12. In § 382.51 *Supplement 1; Table of denial and probation orders currently in effect*, paragraph (b) *Table of denial and probation orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Byrrild-Steffensen, Benny, Warburgstrasse 33, Hamburg 36, Federal Republic of Germany.	1-14-59	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Alf Tomsen & Co., which see.)	24 F.R. 438, 1-17-59. 24 F.R. 3803, 5-12-59.
Davis Electrical and Radio Accessories Ltd., Central Hall, 16 Drayton Park, N5, London, England.	5-1-53	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F.R. 2659, 5-7-53.
Gevirtzmann, Fanny, Gevirtzmann, Moeche, Central Hall, 16 Drayton Park, N5, London, England.	5-1-53	do	do	18 F.R. 2659, 5-7-53.
Greco, Anthony, 25 Broadway, New York, N.Y.	7-1-59	8-31-59 (on probation 9-1-59—6-30-60).	do	24 F.R. 4382, 6-30-59.
Magna Mercantile Co., Inc., 25 Broadway, New York, N.Y.	7-1-59	do[1]	do	24 F.R. 4382, 6-30-59.
Vinci, Vincent, 25 Broadway, New York, N.Y.	7-1-59	do[1]	do	24 F.R. 4382, 6-30-59.

[1] Although the named person or firm is entitled to all export privileges during this probation period, those privileges may be revoked upon a finding that the probation has been violated.

§ 385.2 [Amendment]

13. In § 385.2 *General licenses*, paragraph (b) *General license GTDU; unclassified technical data either unpublished or not generally available in published form* is amended by revising subparagraph (3) to read as follows:

(3) This general license shall not be applicable to technical data relating to the commodities described below in this subparagraph. However, operating and maintenance instructional material which relate to these commodities may be exported under this general license.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities; or

(ii) The following electronic commodities:

(a) Electrical and electronic instruments, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(b) Airborne transmitters, receivers, and transceivers, Schedule B number 70779.

(c) Airborne direction finding equipment, Schedule B number 70797.

(d) Airborne electronic navigation apparatus; airborne, ground and marine radar equipment, Schedule B number 70867.

This amendment shall become effective as of July 2, 1959, except that the amendments set forth in Parts 7 and 8 shall become effective as of July 1, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-5676; Filed, July 8, 1959; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7363]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Bonheur Co. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bonheur Company et al., Chicago, Ill., Docket 7363, June 11, 1959]

In the Matter of Frieda Baker, an Individual Doing Business as Bonheur Company, and Edward Baker, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors of domestically manufactured colognes and perfumes with representing falsely in advertising on labels and packaging of their products that fictitious prices were the usual retail prices, and, by use of French words and terms, that the products were compounded in France.

Upon failure of respondents to file an answer or to appear at the scheduled hearing, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Frieda Baker, individually and as sole proprietor trading as Bonheur Company, and Edward Baker, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes or any other cosmetic, as "cosmetic" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products which advertisement:

(a) Contains or lists prices or amounts when such prices or amounts are in excess of the prices at which the products are usually and customarily sold at retail;

(b) Uses the term "C'est si Bon" or any other French word, term or depiction in connection with any such product not imported from France, or represents in any other manner, directly or indirectly, that any such product compounded in the United States has been imported from France;

(c) Uses the words "all essential oils imported from France" or represents in any other manner that all essential oils or other ingredients are imported from France or from any other country when some or all of them are of domestic origin or are not so imported.

2. Disseminating or causing to be disseminated any advertisement by any

means for the purpose of inducing or which was likely to induce directly or indirectly the purchase of respondents' products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

It is further ordered, That respondents Frieda Baker, individually and as sole proprietor trading as Bonheur Company, and Edward Baker, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, colognes or any other related product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling or packaging of their products, or representing in any other manner that certain amounts are the regular and usual retail prices of their products, when such amounts are in excess of the prices at which such products are usually and customarily sold at retail;

2. Using the words or terms "Concentre Fabrique—Avec de France", "Concentre Fabrique—Avec Essences de France", "C'est si Bon" or any other French word, term or depiction on the label or in the labeling or packaging of any such products which are not compounded in France, or representing in any other manner, directly or indirectly, that any such products compounded in the United States, were compounded in France.

3. Placing in the hands of others any means or instrumentality by or through which they may mislead the public as to any of the matters set out in Paragraphs 1 and 2 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5664; Filed, July 8, 1959; 8:46 a.m.]

[Docket 7364]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H & S Associates et al.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Domestic product as imported.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H & S Associates, Chicago, Ill., Docket 7364, June 11, 1959]

In the Matter of Seymour Galter, Mitchell Handelman, Max D. Handelman, Individually and as Copartners Doing Business as H & S Associates

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors of perfumes and colognes with representing falsely on labels and packaging of their products that fictitious excessive prices were the usual retail prices, and, by use of French words, that the products were compounded in France.

Respondents having failed to appear at the scheduled hearing, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Seymour Galter, Mitchell S. Handelman and Max D. Handelman, individually and as copartners doing business as H & S Associates, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters, colognes or any other related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Setting out prices or amounts on the labels or in the labeling or packaging of their products, or representing in any other manner that certain amounts are the regular and usual retail prices of their products, when such amounts are in excess of the prices at which such products are usually and customarily sold at retail;

2. Using the words or terms "Concentre Fabrique—Avec de France", "Concentre Fabrique—Avec Essences de France", "C'est si Bon" or any other French word, term or depiction on the label or in the labeling or packaging of any such products which are not compounded in France, or representing in any other manner, directly or indirectly, that any such products compounded in the United States, were compounded in France.

3. Placing in the hands of others any means or instrumentality by or through which they may mislead the public as to any of the matters set out in Paragraphs 1 and 2 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commisson a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5665; Filed, July 8, 1959; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146A—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.85, 146a.104 (21 CFR, 1958 Supp., 24 F.R. 967), 146a.108 (21 CFR, 1958 Supp.)) are amended as set forth below.

1. In § 146a.85 *Benzathine-procaine-buffered crystalline penicillins for aqueous injection*, paragraph (c) is amended by changing the comma after the words "penicillin G in the immediate container" to a period and by deleting the remainder of the paragraph.

2. In § 146a.104 *Penicillin V for oral suspension* * * *, paragraph (c) (1) (iv) is amended by changing the period at the end of the subdivision to a comma and adding the following new clause: "and except that the blank may be filled in with the date that is 24 months after the month in which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

3. In § 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil;* * * *, paragraph (b), the first sentence is amended by changing the period after the word "certified" to a comma and adding the following new clause: "except that if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for 18 months, such date may be used for such drug."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for this amendment.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 30, 1959.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 59-5678; Filed, July 8, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Indian Irrigation Project, Idaho

JUNE 29, 1959.

On May 28, 1959, there was published in the daily issue of the FEDERAL REGISTER, Volume 24, Number 104, page 4305, a notice of intention to amend § 221.32 of Subchapter T, Chapter I of the Code of Federal Regulations, Title 25. This section deals with the operation and maintenance charges on assessable lands at the Fort Hall Indian Irrigation Project, Fort Hall, Idaho. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, within thirty days from the date of publication of the notice. No comments have been received. Accordingly, § 221.32 *Basic water charge*, of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter T, Operation and Maintenance Assessments, is amended as follows:

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions for the act of March 1, 1907 (34 Stat. 1024), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1960 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Projects	$3.75
(2) Minor Units, Fort Hall	1.25

(b) In addition to the foregoing charges, there shall be collected annually a minimum charge of $5.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $8.75.

(c) Indian lands, leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385)

PERRY E. SKARRA, *Acting Area Director.*

[F.R. Doc. 59-5667; Filed, July 8, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6395]

PART 240—WINE

Miscellaneous Amendments

On June 11, 1959, a notice of proposed rule making with respect to the amendment of the regulations in 26 CFR Part 240 was published in the FEDERAL REGISTER (24 F.R. 4736). The amendments would conform the regulations to applicable provisions of the Internal Revenue Code of 1954, as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (P.L. 85-859, 72 Stat. 1313) and provide for the use of liquid sugar and invert sugar syrup.

In accordance with the notice interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No objections were received within the period of 15 days prescribed in the notice. However, it has been determined administratively to make simplifying, liberalizing, and clarifying changes in the proposed amendments in respect of (1) the definitions of "liquid sugar" and "invert sugar syrup"; (2) the procedure for adjusting the total solids content and reducing the natural fixed acid content of juice; (3) the procedure for the use of carbon dioxide in still wines; and (4) the procedure for the return to bond of unmerchantable taxpaid wine. Accordingly, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

1. a. Paragraph 7 of the notice is changed as follows:

(A) By changing the first sentence of proposed § 240.40a to read "Liquid sugar shall mean that grade of commercially available sugar syrup which is a substantially colorless solution containing not less than 60 percent sugar by weight (60 degrees Brix)."; and

(B) By changing the last sentence of proposed § 240.40b to read "It shall be a substantially colorless solution containing not less than 60 percent sugar by weight (60 degrees Brix).".

b. Paragraph 8 of the notice is changed by striking in the proposed § 240.49 the figure "240.536" and inserting in lieu thereof the figure "240.534".

2. Section 240.407 is revised.

3. Section 240.529 is amended by inserting in the "Reference or limitation" column immediately opposite the use for "Carbon Dioxide, CO_2", the reference "§§ 240.531 to 240.535"; and

4. Immediately after § 240.530 a new undesignated center head and new §§ 240.531 to 240.535 are added.

5. A new Subpart 00 consisting of §§ 240.800 through 240.808 is added.

Because this Treasury decision implements and effectuates changes made in Chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

Approved: July 2, 1959.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

In order to conform the wine regulations (26 CFR Part 240) to the applicable provisions of the Internal Revenue Code of 1954 as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1313) and provide for the use of liquid sugar and invert sugar syrup, 26 CFR Part 240, Wine, is amended as follows:

1. By inserting a new section, reading as follows, immediately after § 240.10:

§ 240.10a Affiliated persons or firms.

"Affiliated persons or firms" shall mean any one or more bonded wine cellar proprietors associated as members of the same farm cooperative, or any one or more bonded wine cellar proprietors affiliated within the meaning of section 17(a)(5) of the Federal Alcohol Administration Act, as amended.

§ 240.13 [Amendment]

2. Section 240.13 is amended by adding, immediately after the phrase "of water and pure sugar," the words "or liquid sugar or invert sugar syrup,".

3. A new section, designated § 240.19a, is added, immediately following § 240.19, as follows:

§ 240.19a Distilled spirits plant.

"Distilled spirits plant" shall mean an establishment qualified under Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations. When used in this part, "distillery," "fruit distillery," "registered distillery," "internal revenue bonded warehouse," and "industrial alcohol plant" shall mean the bonded premises of a distilled spirits plant and "rectifying plant" and "taxpaid distilled spirits bottling house" shall mean the bottling premises of a distilled spirits plant.

4. Section 240.21 is amended to read as follows:

§ 240.21 Effervescent wine.

"Effervescent wine" shall mean sparkling wine and artificially carbonated wine and shall not include still wine as defined in this part.

§ 240.35 [Amendment]

5. Section 240.35 is amended by changing the period to a comma and adding, "whether or not produced by a predecessor in interest at such bonded wine cellar, and includes wine produced by fermentation in bonded wine cellars owned or controlled by the same or affiliated persons or firms when located within the same State."

6. A new section, designated § 240.36a, is added, reading as follows, immediately after §240.36:

§ 240.36a Person.

The term "person" shall mean an individual, trust, estate, partnership, association, company, or corporation.

7. Two new sections, designated §§ 240.40a and 240.40b, are added, immediately following § 240.40, reading as follows:

§ 240.40a Liquid sugar.

Liquid sugar shall mean that grade of commercially available sugar syrup which is a substantially colorless solution containing not less than 60 percent sugar by weight (60 degrees Brix). The sugar content shall be of not less than 95 percent purity calculated on a dry basis. The sugar may be partially or completely inverted in which case it is called invert sugar syrup or an invert type of liquid sugar.

§ 240.40b Invert sugar syrup.

Invert sugar syrup shall mean a solution of invert sugar which has been prepared by recognized methods of inversion from pure sugar. It shall be a substantially colorless solution and contain not less than 60 percent sugar by weight (60 degrees Brix).

8. Section 240.49 is amended to read as follows:

§ 240.49 Still wine.

"Still wine" shall mean noneffervescent wine, including those wines containing carbon dioxide as authorized in §§ 240.531 to 240.534, inclusive.

9. Section 240.55 is amended to read as follows:

§ 240.55 Wine spirits.

"Wine spirits", as authorized for use in wine production by section 5373, I.R.C., means brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from fresh or dried fruit, or their residues, or the wine or wine residues therefrom (except that where, in the production of natural wine, sugar has been used, the wine or residues thereof may not be used, if the unfermented sugars therein have been refermented). Such wine spirits shall not be reduced with water from the distillation proof, nor be distilled at less than 140 degrees of proof (except that commercial brandy aged in wood for a period of not less than 2 years, and barreled at not less than 100 degrees of proof, shall be deemed wine spirits for the purpose of this part).

10. A new section is added, immediately following § 240.55, to read as follows:

§ 240.55a Withdrawn without payment of tax.

"Withdrawn free of tax" wherever used in this part, except in reference to wine withdrawn under section 5362 (c) (7), (8), and (9), I.R.C., shall mean "withdrawn without payment of tax."

§ 240.208 [Amendment]

11. Section 240.208 is amended as follows:

(A) By striking the first word of the first sentence and inserting in lieu thereof the words "Except as provided in § 240.221a, every"; and

(B) By changing the citation to read "(72 Stat. 1349, 1379; 26 U.S.C. 5173, 5354)".

12. A new section is added, immediately after § 240.221, as follows:

§ 240.221a Combined operations bond.

Notwithstanding the provisions of §§ 240.208 and 240.221, any person intending to commence or continue business as proprietor of a bonded wine cellar and an adjacent distilled spirits plant qualified under Part 201 of this chapter for the production of distilled spirits shall, in lieu of the bond on Form 700 and the bonds required under the provisions of subsections (b) (other than the bond provided for in (b) (1) (C)), (c), and (d) of section 5173, I.R.C., as amended, give bond on Form 2601 in accordance with the applicable provisions of Part 201 of this chapter. (72 Stat. 1349; 26 U.S.C. 5173)

§ 240.273 [Amendment]

13. Section 240.273 is amended by striking the word "black" in the second sentence and inserting in lieu thereof the word "blue".

14. The heading of Subpart N, preceding § 240.340, is amended by adding at the end thereof the words "as wholesale and retail liquor dealers".

§ 240.340 [Amendment]

15. Section 240.340 is amended as follows:

(A) By amending the headnote to read "Payment of tax";

(B) By deleting "§ 240.341," and inserting in lieu thereof the reference "§§ 240.341 and 240.342a,";

(C) By deleting the words "or both"; and

(D) By changing the citation to read "(68A Stat. 846, 72 Stat. 1340, 1343, 1346; 26 U.S.C. 7011, 5111, 5112, 5121, 5122, 5142)".

16. Section 240.341 is amended to read as follows:

§ 240.341 Exemption of proprietor.

No proprietor of a bonded wine cellar shall be required to pay special tax as a wholesale or retail dealer in wines on account of the sale, at his principal business office, as designated in writing to the assistant regional commissioner, or at his bonded wine cellar, of wine which, at the time of sale, is stored at his bonded wine cellar or had been removed from such premises to a taxpaid storeroom the operations of which are integrated with the operations of such bonded wine cellar and which is contiguous or adjacent to, or in the immediate vicinity of, such premises. However, no such proprietor shall have more than one place of sale, as to each bonded wine cellar, that shall be exempt from special tax under this section.

(72 Stat. 1340; 26 U.S.C. 5113)

17. Section 240.342 is amended to read as follows:

§ 240.342 Place of exemption.

Unless the exemption is claimed elsewhere by the proprietor, it will be presumed that the exemption is claimed at the bonded wine cellar where the wine is stored. If the proprietor wishes to be exempt from payment of special tax for sales at his principal business office rather than for sales at his bonded wine cellar, he shall notify the assistant regional commissioner of the region in which the bonded wine cellar is located of his intention. Such notice shall be in writing, in letter form and shall be submitted in triplicate. On approval, two copies of the notice will be returned to the proprietor, one to be filed at the bonded wine cellar and the other to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the bonded wine cellar, special tax must be paid at the bonded wine cellar if sales are made thereat.

(72 Stat. 1340; 26 U.S.C. 5113)

18. A new section is added, immediately following § 240.342, to read as follows:

§ 240.342a Wholesale dealer.

No proprietor who has paid special tax as a wholesale dealer shall again be required to pay special tax as such dealer on account of sales of wines to wholesale or retail dealers in liquors, or to limited retail dealers, consummated at the purchaser's place of business.

(72 Stat. 1340; 26 U.S.C. 5113)

19. Section 240.343 is amended to read as follows:

§ 240.343 Annual special tax.

The special tax year commences on July 1 and ends on June 30 of the next year. All persons liable for special tax must file Form 11 with the district director of internal revenue, and pay the special tax to him on or before July 1 of each year. If the Form 11, with remittance, is not actually delivered to the district director on or before July 1, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(68A Stat. 846, 895, 72 Stat. 1346, 1347; 26 U.S.C. 7011, 7502, 5142, 5143)

20. Section 240.344 is amended to read as follows:

§ 240.344 Business commenced after July.

Where business is commenced after July, the tax will be prorated from the first day of the month in which business was commenced to June 30 following. In such case, if the Form 11, with remittance, is not actually delivered to the district director of internal revenue before the day on which the business was commenced, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(72 Stat. 1346, 1347; 26 U.S.C. 5141, 5143)

§ 240.354 [Amendment]

21. Section 240.354 is amended as follows:

(A) By inserting in the second sentence, immediately after the words "is to be used," the words "liquid sugar or"; and inserting a comma after the word "inversion"; and

(B) By changing the citation to read "(72 Stat. 1387; 26 U.S.C. 5392)".

§ 240.365 [Amendment]

22. Section 240.365 is amended as follows:

(A) The first sentence is amended to read "In the production of natural wine from grapes having a fixed acid content over five parts per thousand, water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup may be added, subject to the limitations set forth in § 240.366."; and

(B) By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.366 [Amendment]

23. Section 240.366 is amended as follows:

(A) By amending the first sentence to read "In producing wine from grapes or grape juice having a high acid content, there may be added to the juice or to the wine, or both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand.";

(B) By deleting the next to the last sentence, beginning "If a mixture of", in its entirety; and

(C) By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.371 [Amendment]

24. Section 240.371 is amended as follows:

(A) By changing the period at the end of paragraph (f) to a comma and adding the words "except that it may be transferred in bond to an affiliated bonded wine cellar within the same State for further sweetening or the addition of wine spirits, or both."; and

(B) By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

§ 240.374 [Amendment]

25. Section 240.374 is amended as follows:

(A) By amending the first sentence to read "Grape wine spirits may be added only to natural grape wine of the proprietor's own production."; and

(B) By changing the citation to read "(72 Stat. 1381, 1382, 1383; 26 U.S.C. 5366, 5373, 5382)".

§ 240.405 [Amendment]

26. Section 240.405 is amended as follows:

(A) By amending the first sentence to read "In the production of natural fruit wine from fruit or berries by a method other than that described in §§ 240.401 through 240.404, water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup may be added, subject to the limitations set forth in §§ 240.406 and 240.407."; and

(B) By changing the citation to read "(72 Stat. 1385; 26 U.S.C. 5384)".

27. Section 240.407 is revised to read as follows:

§ 240.407 Limitations on other amelioration.

In producing wine from fruit other than grapes, or from mixtures (which may include grapes) of two or more fruits, the juice may be ameliorated by adding a sufficient quantity of pure dry sugar to adjust the juice to a total solids content prior to fermentation of not more than 25 degrees Brix. Thereafter, there may be added to the juice or to the wine, or to both, ameliorating material consisting of either water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup in such total volume as may be necessary to reduce the natural fixed acid content of the mixture of juice and such ameliorating material to a minimum of five parts per thousand. Where it is desired to so reduce the natural fixed acid content and to so adjust the total solids content of juice, the operations may be combined, and the pure dry sugar for the the adjustment of the total solids content may be mixed with the ameliorating material. The acid content shall be determined before fermentation, and calculated as malic acid for apple wine and as citric acid for other fruit wine. The volume of the ameliorating material shall not exceed 35 percent of the total volume of the ameliorated juice or wine (calculated exclusive of pulp), except that in the case of wine made exclusively from loganberries, currants, or gooseberries, the volume limitation shall be 60 percent. In determining the amount of ameliorating material permitted, the volume of the juice obtained after correction with pure dry sugar within the 25 degrees limitation shall be used as a basis for the calculation. The ameliorating material may be added before or during fermentation, in fermenters or in intermediate storage. See Subpart XX of this part for tables showing the maximum quantity in gallons of ameliorating material that may be added to each 1,000 gallons of juice (exclusive of pulp) based on the acid expressed in parts per thousand.

(72 Stat. 1385; 26 U.S.C. 5384)

§ 240.440 [Amendment]

28. Section 240.440 is amended as follows:

(A) By changing the fourth sentence to read as follows: "In addition to flavoring material, caramel may be added for coloring, and pure dry sugar, liquid sugar, invert sugar syrup, or water, may be added to the extent permitted by §§ 240.443 and 240.444."; and

(B) By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5386)".

§ 240.443 [Amendment]

29. Section 240.443 is amended as follows:

(A) The second sentence is changed to read as follows: "Special natural wine made under this section may be ameliorated with pure dry sugar, water, or a combination of pure dry sugar and water, liquid sugar, or invert sugar syrup in the same manner and to the same extent as natural wine made from the same fruit, as provided in Subpart P of this part in the case of grape wine, or subpart Q of this part in the case of fruit wine."; and

(B) By changing the citation to read "(72 Stat. 1381, 1386; 26 U.S.C. 5367, 5386)".

§ 240.444 [Amendment]

30. Section 240.444 is amended as follows:

(A) By changing the third sentence to read as follows: "Caramel, pure dry sugar, liquid sugar, or invert sugar syrup, or pure dry sugar-water solution of not less than 60 degrees (Brix), may be used in special natural wine made under this section."; and

(B) By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5386)".

§ 240.460 [Amendment]

31. Section 240.460 is amended as follows:

(A) By inserting in the second sentence the word "dry" immediately following the words "or pure", and by inserting the words "or liquid sugar or invert sugar syrup" immediately preceding the words "may be used";

(B) By changing the last sentence to read as follows: "Agricultural wine made with sugar other than pure dry sugar; or with pure dry sugar, or water, liquid sugar, or invert sugar syrup in excess of the limitations of this subpart; may not be made or stored on standard wine premises."; and

(C) By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5387)".

§ 240.461 [Amendment]

32. Section 240.461 is amended as follows:

(A) By deleting the words "or pure dry sugar, or a combination of water and pure dry sugar," from the fourth sentence, and inserting in lieu thereof the words ", pure dry sugar, a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup,"; and

(B) By changing the citation to read "(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)".

§ 240.462 [Amendment]

33. Section 240.462 is amended as follows:

(A) By deleting, in the third sentence and immediately following the words "solids content to", the number "23" therefrom and inserting in lieu thereof the number "25";

(B) By deleting the words "or a combination of water and pure dry sugar," from the fourth sentence and inserting in lieu thereof the words ", a combination of water and pure dry sugar, liquid sugar, or invert sugar syrup"; and

(C) By changing the citation to read "(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)".

§ 240.464 [Amendment]

34. Section 240.464 is amended as follows:

(A) By inserting the words "or liquid sugar or invert sugar syrup" in the first sentence immediately following the words "pure dry sugar";

(B) By changing the proviso to read as follows: "*Provided*, That the total weight of pure dry sugar used for fermentation shall be less than the weight of the primary winemaking material and the density of the mixture prior to fermentation shall not be less than 22 degrees (Brix), if water, or liquid sugar, or invert sugar syrup is used."; and

(C) By changing the citation to read "(72 Stat. 1386, 1387; 26 U.S.C. 5387, 5388)".

§ 240.481 [Amendment]

35. Section 240.481 is amended as follows:

(A) By striking the word "similar" preceding the words "wine products" in paragraph (c); and

(B) By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5364)".

§ 240.488 [Amendment]

36. Section 240.488 is amended as follows:

(A) By deleting "or water" from the first sentence and inserting in lieu thereof the words ", water, liquid sugar, or invert sugar syrup"; and

(B) By changing the citation to read "(72 Stat. 1381, 1387; 26 U.S.C. 5364, 5388)".

§ 240.529 [Amendment]

37. Section 240.529 is amended as follows:

(A) By inserting in the "Materials" column immediately following the word "Carbon" the words "Carbon Dioxide, CO_2";

(B) By inserting in the "Use" column, immediately opposite the words "Carbon Dioxide, CO_2" the words "To stabilize and preserve still wine";

(C) By inserting in the "Reference or limitation" column immediately opposite the use for "Carbon Dioxide, CO_2", the reference "§§ 240.531 to 240.536"; and

(D) By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

38. By inserting immediately after § 240.530 a new undesignated center heading and new sections §§ 240.531 to 240.535, as follows:

USE OF CARBON DIOXIDE IN STILL WINE

§ 240.531 General.

The addition to (and retention in) still wines of small quantities of carbon dioxide is permitted: *Provided*, That, at the time of removal for consumption or sale, the still wine shall not contain more than 0.256 gram of carbon dioxide per 100 milliliters of wine, subject to the tolerance provisions of § 240.533. Where carbon dioxide is added to, or retained in, still wines, the proprietor shall file notice in accordance with § 240.532. Where such carbon dioxide content of wine, at the time of removal for consumption or sale, is to be less than 0.225 gram of carbon dioxide per 100 milliliters of wine, the provisions of § 240.534 shall not be applicable.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.532 Notice.

Proprietors intending to add carbon dioxide to, or retain carbon dioxide in, still wines shall submit a notice to the assistant regional commissioner on letter size paper, in duplicate, showing the name, address, and registry number of the proprietor. The notice shall identify the method or process, the kinds (class and type) of wine, and the type equipment, to be used. One copy of the notice shall be returned to the proprietor for his files. Where the method, process, or equipment is changed (except for minor changes) after filing a notice a perfected notice shall be filed.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.533 Tolerance.

A tolerance to the maximum limitation on carbon dioxide in still wines, not to exceed 0.009 gram of carbon dioxide per 100 milliliters of wine, will be allowed where the proprietor shows to the satisfaction of the assistant regional commissioner that the amount of carbon dioxide in excess of 0.256 gram per 100 milliliters of wine was due to mechanical variations which could not be completely controlled under good commercial practices. Such tolerance will not be allowed where it is found that the proprietor continuously or intentionally exceeds 0.256 gram of carbon dioxide per 100 milliliters of wine or where the variation results from the use of methods or equipment not in accord with good commercial practices.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.534 Tests and records of carbon dioxide in still wine.

The carbon dioxide contained in still wines shall be determined in accordance with approved test procedures announced by the Director. For purposes of this section, each proprietor bottling still wine containing carbon dioxide shall keep commercial records showing each item (that is, wine of the same class and type bottled under the same brand or label) bottled each day. A single day's bottling of the same item shall be considered a single batch, unless the proprietor desires to divide such a day's bottling of each item into two or more batches. The proprietor's commercial records shall show (a) by appropriate description or symbol, the batch identification of the wine; (b) the kind and quantity of the wine in each batch; and (c) the results of the individual tests of carbon dioxide content made with respect to each such batch. Unless the proprietor uses a code identification, approved by the assistant regional commissioner, on the label of the bottle, he shall mark on each case of wine at the time of filling (a) the date of filling, and (b) the batch identification of the wine. The method of marking the label or case shall be stated in the proprietor's notice under § 240.532.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.535 Misrepresentations of still wines containing carbon dioxide.

Penalties are provided in section 5662, I.R.C., for any person who, whether by manner of packaging or advertising or any other form of misrepresentation, represents any still wine to be an effervescent wine or a substitute for an effervescent wine.

(72 Stat. 1407; 26 U.S.C. 5662)

§ 240.591 [Amendment]

39. Section 240.591 is amended as follows:

(A) By striking the comma between the words "holiday" and "the" and inserting in lieu thereof the words "of the District of Columbia or a Statewide legal holiday of the particular State where the return is required to be filed,"; and

(B) By changing the citation to read "(68A Stat. 895, 896, 72 Stat. 1335; 26 U.S.C. 7502, 7503, 5061)".

§ 240.634 [Amendment]

40. Section 240.634 is amended as follows:

(A) By striking the period at the end of the last sentence and inserting in lieu thereof the words "for the production of spirits other than spirits for use in wine production."; and

(B) By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5368, 5373)".

41. Subpart 00 consisting of §§ 240.800 through 240.811 is stricken and in lieu thereof a new subpart 00 consisting of §§ 240.800 through 240.808 is inserted as follows:

Subpart OO—Return of Unmerchantable Taxpaid Wine to Bonded Wine Cellar

§ 240.800 General.

Taxpaid foreign or United States wine may be received at any bonded wine cellar for reconditioning and reshipment without retaxpayment, or for destruction, and in the case of unmerchantable wine produced in the United States, tax may be refunded or credited in accordance with the provisions of this subpart.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

§ 240.801 Receipt.

The unmerchantable taxpaid wine shall be received and retained off the bonded premises, or in the taxpaid room on the bonded premises; such wine, pending its disposition shall be completely segregated from all other wine, be identified as returned wine, and be accessible for inspection by internal revenue officers until it is transferred to the general bonded area. A record of the wine received shall be maintained in accordance with § 240.921. The containers of each lot of wine returned must be marked so that they may readily be associated with credit memoranda or similar papers covering return of the wine.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

§ 240.802 Transfer of unmerchantable taxpaid wine to general bonded premises.

When the proprietor intends to transfer unmerchantable, taxpaid wine (United States or foreign) to the general bonded area after receipt thereof, he shall give written notice of his intention, in quadruplicate, to the assistant regional commissioner or to an officer designated by him: *Provided*, That such notice may be submitted directly to an inspector or storekeeper-gauger at the bonded wine cellar. Each notice shall be serially numbered commencing with "1" on January 1, of each year. Separate notices shall be given for United States and foreign wines. The notice shall, except as otherwise provided in this section, specify the date on which the proprietor intends to effect the transfer, which shall not be less than 10 days from the date of mailing or otherwise furnishing the notice to the assistant regional commissioner or designated officer. Where the notice is given to an inspector or storekeeper-gauger at the bonded wine cellar, such officer may, without regard to the time otherwise provided in this section, at that time supervise the transaction, or he may transmit the notice to the assistant regional commissioner. Where it appears that delay in disposing of unmerchantable, taxpaid wine may impose an undue hardship on the proprietor, the assistant regional commissioner may, on request by the proprietor, permit disposition of such wine without regard to the time otherwise provided in this section. This notice shall contain, as applicable, the following information:

(a) Whether United States or foreign wine;

(b) The quantity, by taxable grade;

(c) The identity of the premises at which the wine was bottled and, if known, the identity of the bonded wine cellar from which removed on determination of tax;

(d) The date the wine was received at the bonded wine cellar;

(e) As to each taxable grade, the amount of tax previously paid or determined on the wine; and

(f) With respect to each item, the disposition to be made thereof.

Each notice shall be signed by the proprietor and immediately above the signature there shall appear the following statement:

I declare under the penalties of perjury that this notice has been examined by me and, to the best of my knowledge and belief, the information given herein is true and correct.

When United States wine is returned to bond it shall be reported on Form 702 with an explanatory notation in the special operations part of the form.

(72 Stat. 1332, 1380; 26 U.S.C. 5044, 5361)

§ 240.803 Reconditioning and removal of foreign wine.

Foreign wine shall be kept separate from United States wine. The foreign wine shall be reconditioned and removed from the general bonded area expeditiously. The containers in which reconditioned foreign wine is placed shall be marked in accordance with § 240.562 and the country of origin shall be marked thereon.

(72 Stat. 1380; 26 U.S.C. 5361)

§ 240.804 Records of reconditioned foreign wine.

The proprietor shall keep a separate record concerning the reconditioning of returned taxpaid foreign wine showing the date of reconditioning, the quantity and taxable grade of the wine reconditioned, and the serial numbers or other identification of the containers in which the reconditioned wine was placed. In addition the following information shall be shown in respect of wine received for reconditioning and removed:

(a) Name and address of the person from whom the wine is received;

(b) Date of receipt;

(c) The kind, quantity, and taxable grade of the wine;

(d) The serial numbers or other identifying marks of the containers in which the wine is received;

(e) The name and address of the persons to whom the reconditioned wine is shipped;

(f) Date of shipment; and

(g) The kind, quantity, and taxable grade shipped to each.

If the information required in regard to receipts and shipments is shown on the taxpaid room record required by § 240.921 the separate record of reconditioning need not include information as to receipt and disposition of the wine.

(72 Stat. 1380; 26 U.S.C. 5367)

REFUND OR CREDIT OF TAX ON UNMERCHANTABLE WINE

§ 240.805 General.

The tax paid or determined on any wine produced in the United States which is returned to bond in a bonded wine cellar as unmerchantable may be refunded, or credited, without interest, as provided in this subpart. All provisions of this part applicable to wine in bond on the premises of a bonded wine cellar and to removals thereof shall be applicable to such wine returned to bond for refund or credit of tax under the provisions of section 5044, I.R.C.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.806 Claim for allowance of credit for tax.

A proprietor may file with the assistant regional commissioner a claim for allowance of credit for the tax paid on unmerchantable, taxpaid United States wine returned to bond. Such claim shall not be filed for a quantity on which credit of tax would be in an amount of less than $10.00: *Provided*, That, as to any returned wine on which the 6 month period for filing a claim will expire, a claim for allowance of tax on a lesser quantity of wine may be filed. Any such claim shall be submitted in letter form, in duplicate, and shall be signed by the proprietor, and immediately above the signature there shall appear the following statement:

I declare under the penalties of perjury that the wine covered by this claim was returned to bond and so reported on Form 702, and that this claim for allowance of credit for tax has been examined by me and, to the best of my knowledge and belief, the information given herein is true and correct.

A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim. When allowance of the credit or any part thereof is made by the assistant regional commissioner, the proprietor shall make a proper adjusting entry and explanatory statement in the next subsequent wine tax return (or returns) to the extent necesasry to exhaust the credit.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.807 Claims for refund of tax.

In lieu of filing a claim for allowance of credit of tax as provided in § 240.806, the proprietor may file a claim for refund of tax on unmerchantable, taxpaid United States wine returned to bond. Such claim shall not be filed for a quantity on which refund of tax would be in an amount of less than $25.00: *Provided*, That, as to any returned wine on which the 6 month period for filing a claim will expire, a claim for refund of tax on a lesser quantity of wine may be filed. When the wine is returned to bond, a claim on Form 843 (original only) may be filed with the assistant regional commissioner by the proprietor for refund of tax on such wine. The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so reported on Form 702. A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.808 Date of filing.

No claim shall be allowed for refund or credit of tax on unmerchantable wine unless such claim is filed within 6 months after the date of the return of the wine to bond, as reported on Form 702.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.820 [Amendment]

42. Section 240.820 is amended as follows:

(A) By striking "section 5215" in the first sentence and inserting in lieu thereof "section 5373"; and

(B) By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.822 [Amendment]

43. Section 240.822 is amended as follows:

(A) By deleting the period at the end of the next to the last sentence, which begins "He shall state", and inserting the words "or Form 2601, whichever is applicable."; and

(B) By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.890 [Amendment]

44. Section 240.890 is amended as follows:

(A) By striking from the parenthetical phrase appearing in the first sentence the word "not" so that it will now read "(including volatile fruit-flavor concentrates)";

(B) By inserting a new sentence after the first sentence to read as follows: "In addition to such application, if the proprietor desires to establish a volatile fruit-flavor concentrate plant, he shall file Form 27–G and otherwise comply with the provisions of Part 198 of this chapter."; and

(C) By changing the citation to read "(72 Stat. 1380; 26 U.S.C. 5361)".

§ 240.901 [Amendment]

45. Section 240.901 is amended by changing the second sentence to read as follows: "There shall also be shown any increases or decreases in tax due to errors in previous returns, Forms 2050, or credit under the provisions of Subpart 00 for unmerchantable wines returned to bond and for the prepayment of tax as shown by Form 2052.".

46. The undesignated center heading immediately following § 240.975 is amended by striking the number "23" and inserting in lieu thereof the number "25".

§ 240.976 [Amendment]

47. Section 240.976 is amended by deleting the number "23" in the first sentence and inserting in lieu thereof the number "25".

48. Section 240.977 is amended to read as follows:

§ 240.977 Example.

Find the amount of dry cane sugar required to raise the total solids content of 500 gallons of juice from 12 degrees Brix to 25 degrees Brix, and the resultant gallonage.

(a) Find the figure 12 in the left-hand column of Table IV.

(b) Opposite the figure 12, the pounds of cane sugar required for each gallon of juice is found in the second column, and is 1.5122.

(c) 1.5122×500=756.10 pounds of cane sugar.

(d) Opposite the figure 12, the resultant gallonage for each gallon of juice is found in the third column and is 1.1127.

(e) 1.1127×500=556.4 gallons of corrected juice.

49. Section 240.978 is amended to read as follows:

§ 240.978 Pounds of commercial dextrose or cane or beet sugar required to raise one gallon of juice to 25 degrees Brix and the resultant gallonage.

TABLE IV

Brix of juice	Pounds cane or beet sugar	Resultant gallonage	Pounds commercial dextrose	Resultant gallonage
0	2.7760	1.2069	3.3625	1.2625
1	2.6735	1.1902	3.2383	1.2528
2	2.5720	1.1917	3.1154	1.2432
3	2.4698	1.1841	2.9916	1.2335
4	2.3667	1.1764	2.8667	1.2238
5	2.2629	1.1686	2.7409	1.2140
6	2.1582	1.1608	2.6141	1.2041
7	2.0526	1.1530	2.4863	1.1941
8	1.9463	1.1450	2.3575	1.1840
9	1.8391	1.1370	2.2276	1.1739
10	1.7310	1.1290	2.0967	1.1637
11	1.6220	1.1209	1.9647	1.1534
12	1.5122	1.1127	1.8317	1.1430
13	1.4015	1.1044	1.6976	1.1325
14	1.2899	1.0961	1.5624	1.1219
15	1.1773	1.0877	1.4261	1.1113
16	1.0639	1.0793	1.2887	1.1006
17	0.9495	1.0707	1.1501	1.0898
18	0.8342	1.0621	1.0106	1.0789
19	0.7180	1.0535	0.8697	1.0679
20	0.6008	1.0447	0.7277	1.0568
21	0.4826	1.0359	0.5845	1.0456
22	0.3634	1.0270	0.4402	1.0343
23	0.2433	1.0181	0.2947	1.0230
24	0.1221	1.0091	0.1479	1.0115
25	0	1.0000	0	0

[F.R. Doc. 59–5677; Filed, July 8, 1959; 8:49 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59–26]

INFLATABLE LIFE RAFTS AND MARKING OF LIFEBOATS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2742–2751), the Merchant Marine Council held a Public Hearing on April 27, 1959, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive. The proposed regulations regarding inflatable life rafts and marking of lifeboats were set forth as Item I in the Agenda, CG–249. A summary of the proposals was set forth in the previously mentioned FEDERAL REGISTER of April 3, 1959.

This document is the seventh of a series covering the regulations and actions considered at the April 27, 1959, Public Hearing and annual session of the Merchant Marine Council.

This document contains the final actions taken with respect to the proposed changes in Item I regarding lifesaving appliances. On the basis of information received changes were made in the specification for inflatable life rafts designated 46 CFR Subpart 160.051. The proposals as set forth in Item I, as revised, are adopted and included herein.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 28, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER; however, with respect to markings of lifeboats, compliance shall be accomplished by the date specifically provided in the text of the regulations:

SUBCHAPTER D—TANK VESSELS

PART 33—LIFESAVING APPLIANCES

Subpart 33.25—Markings, Care and Inspection

Section 33.25–5 is amended by adding a new paragraph (d) at the end thereof reading as follows:

§ 33.25–5 Numbering and marking of lifeboats—TB/ALL.

* * * * * *

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 78—OPERATIONS

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

Section 78.47–60 is amended by adding at the end thereof a new paragraph reading as follows:

§ 78.47–60 Lifeboats.

* * * * * *

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

Section 97.37–37 is amended by adding at the end thereof a new paragraph (f) reading as follows:

§ 97.37–37 Lifeboats.

* * * * * *

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.035—Lifeboats for Merchant Vessels

1. Section 160.035–2(c) is amended by adding at the end thereof a new subparagraph (1) reading as follows:

§ 160.035–2 General requirements for lifeboats.

* * * * * *

(c) * * *

(1) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange in accordance with Federal Specification TT–P–59(a).

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428 as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 160.051—Inflatable Life Rafts

2. Part 160 is amended by the addition of a new Subpart 160.051, consisting of §§ 160.051–1 to 160.051–9, inclusive, to read as follows:

Sec.

160.051–1 Applicable specification.
160.051–2 Alternate construction.
160.051–3 Type and sizes.
160.051–4 Design.
160.051–5 Inspections and tests.
160.051–6 Servicing.
160.051–7 Equipment.
160.051–8 Name plate and marking.
160.051–9 Procedure for approval.

AUTHORITY: §§ 160.051–1 to 160.051–9 issued under R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4491, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 489, 390b, 50 U.S.C. 198.

§ 160.051–1 Applicable specification.

(a) *Specification.* The following specification, of the issue in effect on the date inflatable life rafts are manufactured, forms a part of this subpart for guidance purposes only:

(1) *Military Specification:* MIL–L–19496 (Ships)—Lifeboat, CO_2 Inflatable, Mark 5, 15-Person Capacity.

(b) *Copies on file.* Copies of the specifications referred to in this section, as well as the various reference specifications forming a part thereof, shall be kept on file by the manufacturer, together with the approved plans, specifications, and certificate of approval. They shall be kept for a period consisting of the duration of approval and 5 years after termination of approval, except that the approval certificate shall be returned for cancellation immediately following the termination date. The Military Specification may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D.C.

§ 160.051–2 Alternate construction.

(a) *Requirements.* Inflatable life rafts or components which differ from the requirements set forth in this specification may be given consideration for approval provided:

(1) The manufacturer can demonstrate that the raft or component has at least three years of successful operational experience which has been accumulated in marine atmospheres at sea in frigid as well as tropic conditions, or by tests which are the equivalent thereof.

(2) Complete detail plans and specifications are submitted.

(3) The raft can pass the tests outlined in § 160.051–5.

(4) The manufacturer has arranged for maintenance and servicing in accordance with § 160.051–6.

§ 160.051–3 Type and sizes.

(a) *Definition.* An inflatable life raft is defined as meaning an abandon-ship flotation appliance designed to support a specified number of persons clear of the water, which is stowed in a folded or collapsed condition and is capable of withstanding severe launching shock and which is inflated by gas or air into a raft designed for rugged service.

(b) *Sizes.* Inflatable life rafts shall be of 4 or more person sizes. An inflatable life raft, complete with case and required emergency equipment, shall not weigh more than 400 pounds unless suitable means are provided to enable it to be launched without lifting by hand.

§ 160.051–4 Design.

(a) *General.* Inflatable life rafts may be circular, octagonal, elliptical or boat shaped and the design shall incorporate the material and construction details outlined in Military Specification MIL–L–19496 for guidance. All materials used in the construction of inflatable life rafts shall be of good quality and suitable for the purpose intended, and shall not be subject to undue deterioration from the effects of weathering aboard ship under the conditions of usual stowage, nor from contact with salt water or spray or petroleum products. Where dissimilar materials are used in combination, provision shall be made to prevent such deleterious effects as loosening or tightening due to differences in thermal expansion, freezing or buckling of parts, galvanic corrosion, or other forms of contamination. Consideration may be given to materials and construction which differ from those required by Military Specification MIL–L–19496 if it can be shown by tests and/or other means that the proposed material or construction is at least as suitable for the intended use.

(b) *Body.* The bottom of the raft shall be waterproof and fitted with an inflatable floor which can be inflated or deflated as desired. A life line festooned in bights shall be provided around the periphery of the life raft. A boarding ladder and towing connection shall be fitted at each end of the life raft. Suitable pockets or equivalent shall be fitted for stowage of hand pumps, repair kits, instruction manuals and other equipment needed immediately on launching. Reinforcing patches shall be substantially fitted in way of the attachments for the righting line, painter, sea anchor line, etc. The holders for retaining the gas or air pressure containers shall be substantially fitted and sufficiently strong to retain the containers when the raft is inflated or when the raft is dropped into the water. All exposed surfaces shall be reasonably smooth and free from sharp protrusions or projections which might be injurious in boarding or occupancy. Water pockets to improve stability and reduce drifting shall be fitted on the underside of the floor.

(c) *Canopy.* The design shall incorporate an inner and outer canopy to insulate the occupants from the weather which shall become automatically erected upon initial inflation of the raft. The canopy shall provide adequate headroom and provision shall be made for furling the ends to allow entry of occupants, free passage of air, and adequate room for paddling. Provision for catching rain water shall be incorporated in the canopy.

(d) *Laps and seams.* The amount of lap shall be sufficient to make the seams as strong as the coated cloth joined and the seams shall be required to withstand a test load equal to the coated cloth tensile strength.

(e) *Color.* The outside of the canopy shall be colored Indian orange (Cable No. 70072, Standard Color Card of America) or other color of high conspicuity against a background of a white-capped sea. The remainder of the raft may be the natural color of the finished coated cloth, except that the underside of the floor shall be dark blue, dark grey or black.

(f) *Containment.* Manufacturers shall design and provide suitable containment for each type of raft. A carrying case and a container will normally be required, but designs which combine the functions of the case and the container in a single unit will be acceptable.

(1) *Carrying case.* Inflatable life rafts shall be folded and stowed in a carrying case affording protection from the weather and mechanical damage. The carrying case is to be arranged so as to display evidence of use or tampering, such as by the use of a suitable seal, or equivalent.

(2) *Container.* The container shall be constructed of metal, wood, or plastic, and shall be capable of being securely fastened aboard ship and arranged for quick release of the life raft. The container shall be weather-tight, except that provision shall be made for drainage and the circulation of air. The stowage arrangement shall be such that the raft will float free in the event of the vessel sinking.

(g) *Inflation.* Inflation shall take place upon the pulling of a lanyard or by

some equally simple means which may be accomplished manually both from the deck of a vessel and by a swimmer in the water. The arrangement shall be such that inflation will take place automatically if the vessel sinks and the raft floats free.

(h) *Buoyancy.* The principal buoyancy shall be located at the periphery of the inflatable life raft and shall be subdivided into not less than two compartments, either of which must be capable of supporting the rated number of persons out of the water. Where more than two compartments are incorporated in the design, the raft shall be capable of supporting the rated number of persons out of the water with one-half of the compartments deflated. In either case, the deflation of any one compartment shall not unduly jeopardize the stability of the raft.

(i) *Capacity.* The maximum number of persons for which an inflatable life raft may be rated shall be the overall horizontal clear area inside the raft, in square feet (including thwarts if fitted) divided by four, or the volume of the principal buoyancy compartments in cubic feet (including automatically inflated thwarts) divided by 3.4, whichever is the lesser.

§ 160.051–5 Inspections and tests.

(a) *General.* Whenever any work is being done on components or the assembly of inflatable life rafts, the manufacturer shall notify the Commander of the Coast Guard District in which the factory is located in order that he may assign a marine inspector to the factory to witness the applicable tests and satisfy himself that the quality assurance program of the manufacturer is satisfactory.

(1) The marine inspector shall be admitted to any place in the factory where work is done on the inflatable life rafts or component parts or materials, and he may take samples of parts or materials entering into construction for further inspections or tests. The manufacturer shall provide a suitable place and the apparatus necessary for the performance of the tests to be witnessed by the marine inspector.

(2) Tests at commercial or government laboratories, when applicable, shall be at the expense of the manufacturer. Suitable material affidavits or invoices for essential materials entering into construction shall be obtained by the manufacturer from his suppliers and he shall maintain a file showing the lot numbers of the inflatable life rafts for which such materials were used.

(b) *Lot size.* A lot shall consist of not more than 50 inflatable life rafts of the same design and size. Lots shall be numbered serially by the manufacturer and if at any time during the processing of a lot, any change or modification in materials or production methods is made, a new lot shall be started.

(c) *Routine inspections and tests.* Manufacturers of approved inflatable life rafts shall maintain quality control of the materials used, manufacturing methods, workmanship, and the finished product, and shall make full inspections and tests as necessary to maintain the quality of the product. The fact that certain tests are required as enumerated below does not relieve the manufacturer from making any and all other tests, inspections, or other determinations as may be necessary to assure the quality of all materials, parts and the finished product. The following inspections and tests shall be conducted by the manufacturer in the presence of the marine inspector, and records of such tests shall be kept on file by the manufacturer for a period of 5 years and shall be made available to the Coast Guard marine inspector upon demand:

(1) *Inspection.* Each completed inflatable life raft shall, in addition to all other inspections during process of fabrication or testing, receive 100 percent visual inspection for surface defects, obvious mis-arrangements or dimensional non-conformance, and for general conformance to the applicable requirements of the manufacturer's approved plans and specifications, and non-conforming units shall be rejected.

(2) *Over-pressure test.* Each raft shall be individually tested by inflating with air to 2.5 times its working pressure and allowed to stand for 10 minutes. At the end of 10 minutes the raft shall not show signs of seam slippage or rupture nor shall the pressure decrease by more than 5 percent. Relief valves, if fitted, shall be made inoperable for this test and each valve shall be tested to determine that it relieves the pressure at not more than 140 percent of the designed working pressure and will reseat at the designed working pressure. Upon completion of this test, the raft shall immediately be subjected to the test required by subparagraph (3) of this paragraph.

(3) *Working pressure leakage test.* Each principal buoyancy compartment as well as other inflated compartments of every life raft shall be individually tested for gas-tight integrity by inflating with air to its working pressure, allowed to stand one hour, and then checked and readjusted as necessary to the original working pressure. After standing 6 hours the pressure shall not have decreased by more than 10 percent, compensation being made for the difference in temperature and barometric pressure. During the test more than one compartment may be tested at one time, but adjacent compartments shall be opened to the atmosphere during the test.

(4) *Inflation test.* For lots of less than 30, one specimen shall be tested. For lots of at least 30, but not more than 50, two specimens shall be tested. The specimens shall be selected at random from the lot after the rafts have been folded and packed in their carrying cases with equipment. When the directions on the carrying case are followed, the specimen shall break free from the case and it shall become inflated and attain its designed shape and approximate dimensions in not more than 30 seconds at 70° F., and reach its designed working pressure in not more than 3 minutes. The specimen shall be allowed to stand for one hour to allow the gases inside to come to room temperature. The pressure in all the principal buoyancy compartments shall be approximately the designed working pressure. If the specimen(s) fails this test the entire lot shall be subjected to the inflation test.

(d) *Lot acceptance or rejection.* When the inspections and tests prescribed by paragraphs (a), (b), and (c) of this section, above have been completed satisfactorily and all non-conforming units eliminated, and the inflatable life rafts comprising the lot are considered suitable, the lot shall be accepted, and the carrying cases shall be marked in accordance with § 160.051–8(a).

(e) *Preapproval inspection and tests.* The prototype raft shall be inspected and tested at the plant of the manufacturer in the presence of a marine inspector in accordance with subparagraphs (c) (1) through (c)(4). If the inspections and tests are satisfactory, the raft shall be repacked together with its equipment in the carrying case with the cylinder(s) charged and the raft in all respects ready for use. The carrying case shall be shipped prepaid to the Field Testing and Development Unit, Coast Guard Yard, Baltimore 26, Maryland, for testing in accordance with subparagraphs (1) through (11) of this paragraph. The case shall be shipped in the container required by § 160.051–4(f)(2) unless a combination stowage is provided in accordance with § 160.051–4(f). The following additional material shall be forwarded at that time: Completely charged cylinder(s) (one or two depending on the number used in the raft design), two yards of all coated cloth used, and two seams 7 inches wide by 12 inches long made in exact accordance with the manufacturer's plans and specifications.

(1) *Seam strength.* It shall be demonstrated that the sample seams can withstand a test load equal to the coated cloth tensile strength.

(2) *Drop test.* The inflatable life raft, complete with all its equipment shall be set for operation and dropped into water from a height of not less than 60 feet. The raft shall not be inflated until it has been demonstrated that the raft in its carrying case will remain afloat for not less than one-half hour. The operating lanyard shall then be pulled and the raft shall break free from its case and assume its designed shape with canopy erected and in all respects ready for boarding. The raft shall not sustain damage which would be sufficient to prevent its use as emergency abandon-ship flotation equipment, nor shall the equipment suffer damage sufficient to affect its usefulness.

(3) *Loading, seating and swamp test.* The raft shall be loaded with the number of persons it is intended to carry. Each person used in this test shall be an adult wearing an approved life jacket and the average of the weight of all persons used in the test shall not be less than 165 pounds. It shall be demonstrated that the floor can be inflated, that there is sufficient head room, and that the occupants have adequate room and access to the equipment. The floor shall then be deflated and the raft flooded. In this condition the raft shall support the number of persons it is intended to carry and remain seaworthy.

(4) *Stability test.* The full complement of the raft shall be crowded to one side and then to one end and in each case the freeboard shall be adequate to prevent the raft being swamped. The floor shall be deflated for this test.

(5) *Damage test.* It shall be demonstrated that the buoyancy and stability required by § 160.051–4(h) can be obtained when the raft is in a condition simulating damage. The freeboard in damage condition shall be adequate to prevent the raft being swamped.

(6) *Righting test.* It shall be demonstrated that the life raft is capable of being righted by one man if it inflates in an inverted position.

(7) *Boarding test.* It shall be demonstrated that the life raft can be boarded from the water, within 30 seconds of the time the operating lanyard is pulled, by an adult suitably clothed and wearing an approved life jacket.

(8) *Towing test.* It shall be demonstrated that when a tow line is attached to the towing connection the loaded raft can be satisfactorily towed at a speed of five knots.

(9) *Jump test.* It shall be demonstrated that an adult, suitably clothed and wearing an approved life jacket, can jump on the canopy of the life raft from a height of not less than 15 feet without damage to the canopy.

(10) *Mooring out test.* The raft shall be ballasted with weights equivalent to its capacity, (165 pounds per person) and moored out for 30 days. Topping up will be permitted each morning of the test if necessary. Upon completion of the test period the buoyancy compartments shall be tested in accordance with the over pressure test requirements of subparagraph (c)(2) of this section.

(11) *Temperature exposure.* The packed raft shall be exposed to a temperature of minus 20 degrees F. or lower and to a temperature of 165 degrees F. or higher. The raft shall remain at each temperature for not less than 24 hours and shall be inflated within five minutes after removal from each temperature chamber. The raft shall be allowed to return to a temperature of approximately 70 degrees F. before being subjected to the second exposure. For the high temperature test, if carbon dioxide is used for inflation, the raft may be inflated by means of carbon dioxide cylinders which have not been exposed to the test temperatures. It shall be demonstrated that the raft will assume its designed shape with canopy erected, that there is no seam slippage, that the fabric has shown no tendency to crack or become tacky, and that the raft is in all respects ready for use.

§ 160.051–6 Servicing.

(a) *Frequency.* All inflatable life rafts shall be serviced every twelve months at approved servicing facilities.

(b) *Manufacturer's responsibilities.* No approvals will be issued to manufacturers of inflatable life rafts unless adequate servicing facilities are maintained on the east coast, west coast, Gulf coast and Great Lakes area of the United States. Authorized manufacturer's representatives skilled in the servicing of inflatable life rafts will be acceptable.

(c) *Service manual.* Manufacturers of inflatable life rafts shall prepare service manuals which shall include instructions for opening, inspecting, testing, repairing and repacking each of their approved life rafts. Where extensive repairs are necessary the inflatable life rafts shall be returned to the manufacturer.

(d) *Servicing facilities and personnel.* Servicing facilities shall be clean, free from excessive dust, drafts and strong sunlight and arranged so that even temperatures can be maintained. The floor shall be smooth and kept clean and free from oil, grease and abrasive materials. Equipment for performing the necessary tests and repairs shall be provided. It shall be established to the satisfaction of a marine inspector that the servicing personnel have been properly trained and are competent to perform the work.

(e) *Inspection.* A marine inspector shall witness the servicing of each inflatable life raft and conduct a working pressure leakage test as outlined in § 160.051–5(c)(3), except that the waiting period may be two hours in lieu of 6 hours. All equipment shall be inspected for condition and outdated water, signals, etc., shall be replaced. Inflation cylinders shall be weighed and recharged if the weight loss exceeds 5 percent of the weight of the charge. After the raft has been satisfactorily serviced and repacked the case shall be sealed as required by § 160.051–4(f)(1) and the carrying case stamped "Passed" together with the date, the port, and the inspector's initials.

§ 160.051–7 Equipment.

(a) *General.* All inflatable life rafts, regardless of the service, shall be provided with the equipment required by paragraph (b) of this section. In addition, life rafts intended for ocean service vessels shall be provided with the equipment set forth in paragraph (c) of this section and those intended for limited service vessels shall be provided with equipment set forth in paragraph (d) of this section.

(b) *Items required for all rafts.* The following equipment for ocean service and limited service life rafts shall be stowed outside of the equipment containers so as to be readily available.

(1) *Boarding ladder.* A boarding ladder or equivalent at each entrance to the raft. In addition, hand holds or equivalent on each side of each entrance to assist in boarding.

(2) *Heaving line.* A nylon heaving line, or equivalent, not less than 10 fathoms in length and having a breaking strength of not less than 250 pounds fitted with a buoyant quoit at one end with the other end attached to the raft near the after entrance.

(3) *Instruction manual.* An instruction manual printed on water resistant paper and stowed in a pocket inside the raft shall describe the raft and its equipment, use of the inflation pump, repair kit, sea anchor, etc., and contain survival information.

(4) *Jackknife.* A jackknife of an approved type constructed in accordance with Subpart 160.043 of Subchapter Q (Specifications) of this chapter, shall be fitted in a pocket near the forward entrance.

(5) *Light.* A watertight light fitted on top of the canopy visible for 2 miles for a period of 12 hours and a light inside the canopy, both of which operate automatically when the raft is inflated. Means shall be provided to interrupt the current to the light inside the canopy. The source of power shall be capable of satisfactory operation after at least one year in service.

(6) *Life line.* A life line of not less than $\frac{9}{16}$-inch nylon tubular webbing, or equivalent, festooned in bights around the periphery of the raft. The bights shall be not more than 24 inches long, shall be fastened at intervals not exceeding 18 inches, and shall hang within 3 inches of the waterline when the raft is fully loaded.

(7) *Paddles.* Two paddles, 4 feet long.

(8) *Painter.* A painter (operating lanyard) of nylon line, or equivalent, of a type easily gripped, 100 feet in length having a breaking strength of 1,000 lbs. or half the main buoyancy of the life raft, whichever is the least, and stowed so that it will run free when the life raft is launched and not cause inadvertent inflation before the raft is in the sea. The attachment of the painter to the life raft shall be at least equal in strength to the nominal breaking strength of the painter (without knots). The other end of the painter will be secured to the vessel.

(9) *Pump, inflation-deflation.* An inflation-deflation pump with hose in accordance with Military Specification MIL–L–19496, or equivalent.

(10) *Righting gear.* Suitable hand holds or straps on the underside of the floor to enable a righting moment to be exerted. Such straps shall be a web material of adequate strength. The righting strap shall run the full width of the life raft and shall be secured to the buoyancy chamber on both sides of the raft.

(11) *Sea anchor.* Two sea anchors in accordance with Military Specification MIL–L–19496 or equivalent, each fitted with 50 feet of $\frac{1}{4}$-inch diameter braided nylon line, or equivalent. One stowed inside the raft and ready for use and the other stowed outside the raft which will stream automatically when the raft is inflated if the painter parts.

(12) *Towing connection.* A suitable towing connection at each end of the raft.

(c) *Ocean service equipment.* Equipment for life rafts intended for ocean service shall be stowed in watertight containers which are tied to the inside of the raft with short lengths of nylon line, webbing, or equivalent. The following ocean service equipment shall be provided:

(1) *Bailer.* Two flexible plastic bailers not less than 6 inches in diameter.

(2) *Drinking cup.* A flexible plastic drinking cup graduated in ounces.

(3) *First-aid kit.* An approved first-aid kit in accordance with Subpart

160.041 of Subchapter Q (Specifications) of this chapter, or approved alternate.

(4) *Flashlight.* An approved Type 1, Size No. 3 flashlight constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall not remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(5) *Mirror, signaling.* Two signaling mirrors of an approved type.

(6) *Provisions.* One pound of hard bread or its approved equivalent for each person. Provisions to be packaged in hermetically sealed cans of an approved type.

(7) *Repair kit.* A repair kit consisting of six sealing clamps in accordance with Military Specification MIL–L–19496; five 2-inch diameter tube patches and cement compatible with the raft fabric together with a roughing tool.

(8) *Signals.* Three hand-held rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter, and three hand combination flare and smoke distress signals or three hand orange smoke distress signals constructed in accordance with Subparts 160.023 and 160.037, respectively, of Subchapter Q (Specifications) of this chapter.

(9) *Sponge, cellulose.* Two Type 1, Size 10 cellulose sponges.

(10) *Water.* One quart of drinking water consisting of 3 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. Service life of this equipment shall be limited to 5 years from date of packing.

(d) *Limited service equipment.* Equipment for life rafts intended for limited service shall be stowed in watertight containers which are tied to the inside of the raft with short lengths of nylon line, webbing or equivalent.

(1) *Bailer.* One flexible plastic bailer not less than 6 inches in diameter.

(2) *Flashlight.* An approved Type 1, Size No. 3 flashlight constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter. Three spare cells (or one 3-cell battery) and two spare bulbs shall be provided with each flashlight. Batteries shall not remain in the flashlight or be used as spares beyond the serviceable date appearing on the cell or its jacket.

(3) *Repair kit.* A repair kit consisting of six sealing clamps in accordance with Military Specification MIL–L–19496, five 2-inch diameter tube patches and cement compatible with the raft fabric together with a roughing tool.

(4) *Signals.* One hand-held rocket-propelled parachute red flare distress signal constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter, and two hand combination flare and smoke distress signals or two hand orange smoke distress signals constructed in accordance with Subparts 160.023 and 160.037, respectively, of Subchapter Q (Specifications) of this chapter.

(5) *Sponge, cellulose.* One type 1, Size 10 cellulose sponge.

§ 160.051–8 Name plate and marking.

(a) *Name plate.* Each inflatable life raft and carrying case shall have permanently attached a substantial name plate of compatible material on which is embossed or imprinted the name of the manufacturer, the approval number, the manufacturer's model number and serial number, the number of persons for which the inflatable life raft is approved, and the lot number. In addition, the carrying case shall be marked "Ocean Service Equipment" or "Limited Service Equipment" as applicable, together with the marine inspector's initials, the date, and the letters "USCG."

(b) *Marking.* Marking shall be clearly and legibly applied in a color contrasting to its background, using materials which are permanent for the life of the inflatable life raft as follows: Instructions for inflating; directions for righting if the raft inflates in an inverted position; directions for boarding; position and use of items stowed outside the equipment containers; contents of equipment containers, and warning against tampering.

§ 160.051–9 Procedure for approval.

(a) *Preliminary plans and specifications.* Inflatable life rafts for use on vessels subject to Coast Guard inspection are approved only by the Commandant, U.S. Coast Guard, Washington 25, D.C. Before any action is taken on any design of inflatable life raft, detailed plans covering fully the arrangement and construction of the inflatable life raft, material specifications, and description of construction methods shall be submitted to the Commandant through the Commander of the Coast Guard District in which the inflatable life raft is built.

(b) *Pre-approval inspections and tests.* If the drawings and specifications are satisfactory, the Commander of the Coast Guard District in which the inflatable life raft is to be built shall be notified in writing when fabrication is to commence. A marine inspector will be assigned to observe the construction in accordance with the plans and specifications, and upon completion will witness the tests described by § 160.051–5(c) (1) through (4). The raft shall then be forwarded to the Field Testing and Development Unit, Coast Guard Yard, Curtis Bay, Baltimore 26, Maryland, for testing in accordance with § 160.051–5(e) (1) through (11) together with a check covering the costs of the tests.

(c) *Final plans and specifications.* After the tests have been successfully completed, the manufacturer shall present to the inspector four copies of the plans and specifications including any corrections, changes or additions which may have been found necessary since the original submittal.

(d) *Commandant's approval action.* Upon receipt of the inspector's report of the examinations and tests conducted at the manufacturer's plant, four copies of corrected drawings and specifications, and a report of the pre-approval tests conducted at the Coast Guard Yard, the Commandant will determine compliance of the inflatable life raft with the requirements of this subpart and its suitability for type or brand approval for use on inspected vessels. Suitable documentary evidence of compliance with the requirements of § 160.051–6 will be required before approvals are issued.

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.35—Lifesaving Equipment

Section 167.35–25 is amended by adding a new subparagraph (d) at the end thereof to read as follows:

§ 167.35–25 Numbering and marking of lifeboats.

* * * * * * *

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. This shall be in effect on and after January 1, 1961.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1–21, 2, 54 Stat. 163–167, as amended, 1028, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406–412, 239, 481, 489, 363, 367, 526–526t, 463a, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: July 2, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F.R. Doc. 59–5680; Filed, July 8, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC–C–258]

PART 170—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 29th day of June A.D. 1959.

It appearing that on May 14, 1959, the Commission, division 1, made and filed in this proceeding a third report on further consideration and an order defining the limits of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans.;

And it further appearing that certain inadvertent errors in the zone description were made and correction thereof does not require a notice of proposed rule making as required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003);

Upon consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

It is ordered, That the said proceeding be, and it is hereby, reopened for further consideration on the present record, on our own motion, solely for the purpose of correcting certain errors in such zone description;

It is further ordered, That § 170.8 *Kansas City, Mo.-Kansas City, Kans.*, entered in this proceeding on May 14, 1959 (49 CFR § 170.8) be, and it is hereby, vacated and set aside and the following is substituted in lieu thereof:

§ 170.8 Kansas City, Mo.-Kansas City, Kans.

The zone adjacent to and commercially a part of Kansas City, Mo.-Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt, under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303 (b)(8)), from regulation, includes and is comprised of all points in the area bounded by a line as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to Missouri Highway 9, thence north along Missouri Highway 9 to junction U.S. Highway 71, thence north along U.S. Highway 71 to the southern limits of the Mid-Continent International Airport, thence along the southern, western, northern and eastern boundaries of said Airport to U.S. Bypass 71, thence east along U.S. Bypass 71 to Liberty, Mo., thence along the northern and eastern boundaries of Liberty to U.S. Bypass 71, thence south along U.S. Bypass 71 to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U.S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway to its junction with Jones Road, thence south on Jones Road to its junction with Necessary Road, thence south on Necessary Road to its junction with Holke Road, thence west on Holke Road to Kiger Road, thence south on Kiger Road to Evans & Sheley Lane, thence east on Evans & Sheley Lane to County Road 10E, thence south on County Road 10E to the northern limits of Lees Summit, Mo., thence along the northern, eastern, and southern boundaries of Lees Summit to County Road 10S (Longview Road), thence west on County Road 10S to junction Raytown South Road (5E), thence south on Raytown South Road (5E) to Missouri Highway 150, thence west on Missouri Highway 150 to the eastern boundary of Richards-Gebaur Air Force Base, thence along the eastern, southern, and western boundaries of said Air Force Base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to junction U.S. Highway 69, thence north along U.S. Highway 69 to junction 103rd Street, thence west along 103rd Street to junction Pflumm Road, thence north along Pflumm Road to Lenexa, Kans., thence along the southern, western, and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to junction Kansas Highway 10, thence west on Kansas Highway 10 to junction Kansas Highway 7, thence north on Kansas Highway 7 to Bonner Springs, Kans., thence along the southern and eastern boundaries of Bonner Springs to junction Kansas Highway 32, thence east on Kansas Highway 32 to junction 65th Street, thence north along 65th Street to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to junction Kansas Highway 5, thence east along Kansas Highway 5 to 77th Street, thence north along 77th Street and its continuation, Pomeroy Drive, northwesterly to junction 79th Street, thence north along 79th Street to junction Wolcott Drive at Pomeroy, Kansas, thence due west 1.3 miles to junction unnamed road, thence north along such unnamed road to the entrance to the Powell Port Facility, thence due north to to southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective August 17, 1959, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–5673; Filed, July 8, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. The red salmon runs in the Nushagak district of Bristol Bay continue to be sufficiently strong so as to permit additional fishing time for the week ending July 12.

Therefore, the requirements of § 104.9 and the announcement dated July 6, listing the number of units of gear registered for fishing for the week ending July 12, 1959, notwithstanding, fishing is permitted in the Nushagak district from 9 a.m. to 6 p.m. Wednesday, July 8, 1959.

Since immediate action is necessary, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 8, 1959.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59–5743; Filed, July 8, 1959; 11:03 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO–210–A11]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Balinese Room of the Skirvin Hotel, Oklahoma City, Oklahoma, beginning at 10:00 a.m., c.s.t., on July 28, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oklahoma Metropolitan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Oklahoma Milk Producers Association and the Pure Milk Producers Association of Eastern Oklahoma:

Proposal No. 1. Amend § 906.6 to include the city limits of the City of Ponca

City, Oklahoma, within the Oklahoma Metropolitan milk marketing area.

Proposal No. 2. Amend § 906.7(b) by deleting the present language included therein, and inserting in lieu thereof, the following:

(b) From which 50 percent or more of its receipts from approved dairy farmers during the month is transferred to a plant described in paragraph (a) of this section, or from which 50 percent or more of the receipts of such milk were so transferred during each of the preceding months of September through December, unless the operator of such plant has requested the Market Administrator, in writing, that such plant be considered a nonpool plant.

Proposal No. 3. Amend § 906.12 by deleting the present language included therein, and inserting in lieu thereof the following:

§ 906.12 Other source milk.

"Other source milk" means all skim milk and butterfat other than that contained in producer milk or in receipts of Class I products from other pool plants, including products designated as Class II milk, pursuant to § 906.41(b), from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month, including any nonfluid milk products not otherwise specifically accounted for.

Proposal No. 4. Amend § 906.45 by adding the following language to said section: "Skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

Proposal No. 5. Amend § 906.44 to provide for the classification of fluid cream based upon the utilization of such fluid cream, rather than upon the movement of such cream to a nonpool plant, provided the containers are labeled and tagged "For Manufacturing Use Only".

Proposal No. 6. Amend § 906.51(a) to read as follows:

(a) *Class I milk.* The basic formula price plus $1.75 during the months of March, April, May, and June, and plus $1.95 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall be not more than that for the preceding month. To this price, add or subtract a "supply-demand adjustment" of not more than 23 cents, computed as follows.

Proposal No. 7. Amend § 906.51 to provide for the inclusion of producer receipts and gross Class I utilization as computed under the provisions of Federal Order No. 86, regulating the handling of milk in the Red River Valley marketing area, in the computation of the standard utilization percentages for determining supply-demand relationship. Also, modify the table in § 906.51(a)(2)(iii), to read as follows:

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	November-December	121	131
February	December-January	125	135
March	January-February	127	137
April	February-March	127	137
May	March-April	131	141
June	April-May	139	149
July	May-June	148	158
August	June-July	145	155
September	July-August	133	143
October	August-September	123	133
November	September-October	119	129
December	October-November	119	129

Proposal No. 8. Amend § 906.70 to provide for a compensatory payment into the producer settlement fund of the Oklahoma Metropolitan order on other source milk allocated to Class I, except in cases where such milk was subject to the Class I pricing, and payment provisions of another Federal milk order issued pursuant to the Act, and to provide for the computation of such compensatory payments at a rate equal to the difference between the Class I price, adjusted by the Class I butterfat differential, and the Class II price, adjusted by the Class II butterfat differential, during all months of the year.

Proposal No. 9. Amend §§ 906.65, 906.72, and 906.73 to change the months listed therein from "February through July" to "March through June".

Proposal No. 10. Make such conforming changes in other sections of the order as may be necessary to effectuate the intent of the specific amendments herein proposed.

Proposed by Glencliff Dairy, Beatrice Foods Company, The Carnation Company, Townley Dairy, The Borden Company, Gilt Edge Dairy, Brown Dairy and Staffans Dairy:

Proposal No. 11. Amend § 906.6 to add Garfield County, Oklahoma, to the marketing area.

Proposal No. 12. Add as § 906.17 the following:

§ 906.17 Accounting-Period.

"Accounting-period" shall mean the calendar month unless a handler during any calendar month shall make a request in writing to the market administrator requesting two accounting periods during such calendar month.

Proposal No. 13. Make such changes in §§ 906.30, 906.40, 906.44, 906.45, 906.46, 906.70, and 906.71 as may be necessary as a result of adoption of the above proposal.

Proposal No. 14. Amend § 906.88 to provide that any handler requesting two accounting periods during any calendar month shall be assessed an increase in its administration costs for that calendar month.

Proposal No. 15. Amend § 906.46(a) by renumbering subparagraphs 906.46 (a)(6) and subsequent subparagraphs and inserting as § 906.46(a)(6):

(6) Subtract from the remaining pounds of skim milk in each class on a pro rata basis the skim milk contained in milk produced by the handler on his own farm.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 16. Amend the last sentence in § 906.10 Producer to read as follows: "This definition shall not include a person with respect to milk produced by him which is received at a plant which is regulated by another order issued pursuant to the Act, if the other order requires such person to be designated as a producer."

Proposal No. 17. Amend § 906.11 Producer milk to read as follows:

§ 906.11 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler, either directly from producers or from other handlers as defined in § 906.9(b).

Proposal No. 18. Amend § 906.30 to provide for the reporting of opening and closing inventories.

Proposal No. 19. Amend § 906.66(c) by inserting after the phrase "45 consecutive days" the phrase "during the months of January through July".

Proposal No. 20. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2570 South Harvard, Tulsa, Okla., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 6th day of July 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-5683; Filed, July 8, 1959; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 5 parts per million for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on each of the raw agricultural commodities citrus citron, grapefruit, lemons, limes, oranges, tangelos, and tangerines.

The analytical methods proposed in the petition for determining residues of 2,4,5,4'-tetrachlorodiphenyl sulfone are as follows:

1. The colorimetric method by O. H. Fullmer and C. C. Cassil, published in the Journal of Agricultural and Food Chemistry, Vol. 6, page 906 (1958).

2. The infrared method of F. A. Gunther, R. C. Blinn, and J. Barkley, published in the Journal of Agricultural and Food Chemistry, Vol. 7, page 104 (1959).

3. The total chloride method of G. K. Helmkamp, F. A. Gunther, and J. P. Wolf III, published in the Journal of Agricultural and Food Chemistry, Volume 2, page 836 (1954).

Dated: July 1, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-5679; Filed, July 8, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Notice of Further Extension of Time for Filing Comments

Proposed amendments to Part 20 were published in the FEDERAL REGISTER for public comment on May 2, 1959 (24 F.R. 3537).

The proposed amendments to Part 20 are designed to bring the Commission's radiation protection standards in Part 20 into accord with the most recent recommendations of the National Committee on Radiation Protection and Measurements.

Initially, members of the public were given the customary 30 days to file comments and suggestions concerning the proposed amendments. It appeared, however, that the 30 day period was insufficient and that good cause existed why such period should be extended. Accordingly, by notice published in the FEDERAL REGISTER on June 4, 1959 (24 F.R. 4564), such period was extended to July 1, 1959. In view of requests received from interested persons, and because of the importance of the proposed amendments, it appears that good cause exists why a further extension of the comment period should be granted.

Notice is hereby given that with respect to the proposed amendments to Part 20 the Commission will receive and consider written comments filed on or before August 31, 1959. Comments should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of July 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-5652; Filed, July 8, 1959; 8:45 a.m.]

NOTICES

ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

EXECUTIVE DIRECTOR, ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

Delegation of Authority To Negotiate Contract With Firm for Engineering and Economic Research Services

SECTION 1. *Delegation.* The Executive Director of the Alaska International Rail and Highway Commission is authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Chairman of the Alaska International Rail and Highway Commission (24 F.R. 1921) to negotiate, without advertising, under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), a contract for the services of a specialized engineering and research firm in connection with a study to be made by the Commission in relation to additional rail and highway transportation facilities between Alaska and the other 48 States, and, subject to the provisions of section 2 of this order, to exercise all other authority of the Chairman of the Alaska International Rail and Highway Commission in regard to the administration of such contract.

SEC. 2. *Limitations on exercise of authority.* (a) The authority delegated by section 1 of this order shall be exercised in accordance with all provisions of Title III of said Act with respect to the negotiation of contracts, all other provisions of law, and the regulations of the General Services Administration.

(b) The authority granted by section 1 of this order shall not include the power to obligate the United States to pay in excess of $125,000 for the services of the contractor.

WARREN G. MAGNUSON,
Chairman, Alaska International Rail and Highway Commission.

[F.R. Doc. 59-5651; Filed, July 8, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 30, 1959.

The National Park Service has filed an application, Serial No. Washington 03542, for the withdrawal of the lands described below, from all forms of appropriation, including the general mining and mineral leasing laws. The applicant desires the land for use in the establishment of an administrative, museum, and historic site in connection with the recreation uses of the Coulee Dam National Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Willamette Meridian, Washington

That portion of the original Fort Spokane Military Reserve in Sections 20 and 29, T. 28 N., R. 36 E., Willamette Meridian, lying above the 1310-foot contour, said contour being the presently established boundary of the existing Coulee Dam National Recreation Area, and that portion below said contour being now within the said Coulee Dam National Recreation Area, more particularly described as:

T. 28 N., R. 36 E., W.M.,
Sec. 20, lots 15, 16, 21, 22 and 23;
Sec. 29, lots 7 to 12 incl.

This tract contains 331.31 acres, more or less.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 59-5668; Filed, July 8, 1959; 8:46 a.m.]

[Document No. 209]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Corps of Engineers, U.S. Army, has filed an application, Serial No. AR-020646, for the withdrawal of lands as described below, from all forms of appropriation under the public land laws, including locations and entry under the general mining laws.

The applicant desires the lands for use relating to the construction, operation and maintenance of the civil works flood

control project known as the Whitlow Ranch Reservoir on Queen Creek, Arizona, and desires the right to over-flow, flood and submerge the lands, the right to remove any debris which may be detrimental to the maintenance and operation of the flood control project, the right to prohibit any construction which might create a potential source of floatable debris, the right to prohibit human habitation on part of the described lands, and the right to construct and maintain a dike or dikes for use in conjunction with controlling the waters of Queen Creek.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 11 E., Pinal County, Arizona (Unsurveyed),
Sec. 27: NW¼SW¼;
Sec. 28: S½, SW¼NE¼;
Sec. 29: S½;
Sec. 32: All;
Sec. 33: N½, N½SW¼, SW¼SW¼;
Sec. 34: NW¼, SW¼NE¼, NW¼SE¼, NE¼SW¼.
T. 2 S., R. 11 E., Pinal County, Arizona
Sec. 5: Lot 4 (NW¼NW¼);
Sec. 6: Lots 1, 2, 3, 4, 5, SE¼NW¼, S½ NE¼ (N½).

Total: Approximately 2590 acres.

E. I. ROWLAND,
State Supervisor.

JULY 1, 1959.

[F.R. Doc. 59-5669; Filed, July 8, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ODIE EDWARD WALKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: No change.
B. Additions: U.S. Treasury Bonds.

This statement is made as of June 26, 1959.

ODIE EDWARD WALKER.

JUNE 26, 1959.

[F.R. Doc. 59-5675; Filed, July 8, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11836, 11837; FCC 59M-849]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

Order Scheduling Hearing

In re applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell and Kermit S. Ashby, d/b as Star of the Plains Broadcasting Co., Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

It is ordered, This 1st day of July 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5684; Filed, July 8, 1959; 8:49 a.m.]

[Docket Nos. 12528, 12529; FCC 59-638]

DONALD W. HUFF AND EQUITABLE PUBLISHING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP-11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP-11934; for construction permits.

1. There are before the Commission for consideration a Memorandum Opinion and Order of the Hearing Examiner, released March 10, 1959 (FCC 59M-300), denying applicant Donald W. Huff (Huff) leave to amend his application to specify a new and larger transmitter site and to correct his financial proposal to reflect the increased cost of the new site; a petition for review of the Memorandum Opinion and Order filed March 17, 1959, by applicant Huff; oppositions to the petition for review filed March 25 and 30, 1959, respectively, by Equitable Publishing Company, Lansdale, Pennsylvania (Equitable), and the Commission's Broadcast Bureau (Bureau); and Huff's reply to the oppositions filed April 9, 1959. There are also before the Commission a petition to enlarge issues to permit inquiry as to the adequacy of applicant Huff's transmitter site filed January 19, 1959, by the Bureau; a response thereto filed February 9, 1959, by Huff; a response and a petition for further enlargement of issues to permit inquiry as to Huff's financial qualifications filed February 9, 1959, by Equitable; oppositions to the petition for further enlargement of the Bureau and Huff, both filed February 24, 1959; and Equitable's reply to the oppositions.

2. The above-entitled applications were designated for hearing by Commission Order, released July 21, 1958, on issues relating to areas and populations to be served by applicants, interference with existing stations, compliance with § 3.28(c) of the Commission's rules (the 10 percent rule) and the standard comparative issue. At the hearing held January 6 and 7, 1959, Equitable offered evidence to prove that a specified two tower directional antenna and ground system shown on a "property sketch" attached to the engineering statement submitted with Huff's application would require a tract of land nearly three times the size of the transmitter site available to Huff under an option agreement also attached as an exhibit to his application.[1] The evidence was excluded as not pertinent to issues designated for hearing.

3. Subsequent to hearing, the Bureau filed a petition to enlarge issues to permit inquiry as to the adequacy of Huff's transmitter site. Equitable requested further enlargement to add an issue as to Huff's financial qualifications. Also subsequent to hearing, on February 16, 1959, Huff filed a petition to amend his application to specify a new transmitter and antenna site directly across the street and approximately 1,000 feet removed from his present site, and to correct his financial proposal to reflect the increased cost of the proposed new site. The petition to amend was denied by the Examiner in a Memorandum Opinion and Order released March 10, 1959 (FCC 59M-300).

PETITION FOR REVIEW

4. The petition for review filed March 17, 1959, by applicant Huff requests the Commission to review and reverse the Examiner's Memorandum Opinion and Order, released March 10, 1959, denying Huff leave to amend his application to specify a new and larger transmitter site, and allow the amendment. As good cause within the meaning of § 1.311 of the Commission's rules for amendment of the application subsequent to designation for hearing, Huff alleges that although he was informed by his consulting engineer the site under option was too small to accommodate his antenna system, because of inexperience with Commission procedures he failed to grasp the necessity for prompt action to secure a revised or supplemental option. Huff also alleges that he was led to believe that the site under option was acceptable because the Commission, prior to designation for hearing, did not question its adequacy although twice requesting detailed information regarding other aspects of the application; and that this belief was deepened by the fact that his adversary did not question adequacy of the site immediately after designation for hearing in the manner prescribed by the Commission's rules.

5. Unfamiliarity with Commission procedures, which could have been avoided by securing professional advice, does not present cause for allowance of the amendment. Nor does reliance on the fact that adequacy of the site was not questioned by the Commission or by Equitable present a basis therefor. Huff's engineering exhibits represented and sketched a site adequate for the proposed directional array; there was no obligation on the part of the Commission or its staff to plot out the metes and bounds of the tract described in the option agreement and determine and advise the applicant what he already knew—that the tract was too small to accommodate the proposed antenna system. Huff cannot shift his responsibility to correct a known defect into an obligation on the part of the Commission or his adversary to bring the matter to applicant's attention.

6. Huff also contends that the amendment would not change the hearing issues, would not require the addition of new parties or introduction of new evidence, would moot the Bureau petition to enlarge issues, and would permit the Commission to continue to have a choice of applicants. In addition, Huff contends denial of the amendment would encourage litigants to conceal non-comparative defects in their opponents' applications until hearing, and would irrevocably injure an individual who has prosecuted his application in good faith for two years. The Commission finds that none of these considerations presents good cause for allowing the amendment. Allowance of the amendment at this late stage of the proceeding to correct a deficiency known when the application was filed would disrupt orderly procedures, encourage delay and be prejudicial to the other applicant. Such injury as may result to petitioner stems from his own inattentiveness and lack of diligence. The Commission finds no ground for overruling the Examiner and the petition for review will accordingly be denied.

BUREAU PETITIONS TO ENLARGE

7. The Bureau petition requests addition of an issue as to the adequacy of the site specified in Huff's application to support the antenna system proposed therein. The Bureau alleges that it had good cause for not filing the petition within the time prescribed by § 1.141 of the Commission's rules. The Bureau petition discloses a basic defect in Huff's application which did not become apparent until the hearing held January 6 and 7, 1959. The defect was known to applicant when the application was filed; it was not noted prior to hearing because of representations in the applicant's engineering exhibits that the land available was adequate to support the antenna system proposed. Under the circumstances, adequate cause is shown for delay in filing and the Bureau's requested issue will be granted.

REQUESTED FINANCIAL ISSUE

8. Equitable requests that the issues be further enlarged to include an issue as to Huff's financial qualifications in the event the Bureau's petition to enlarge issues is granted. It is Equitable's position that Huff's original showing as to financial qualifications was inadequate; that if the Bureau petition is granted, Huff will be required to make additional expenditures to acquire additional land adjacent to the present site under option, or to secure a new site; and that it is accordingly necessary and desirable in the interests of expedition to include an issue directed to Huff's financial qualifications at this time. Huff's petition to amend to a new site has been denied, and Equitable's petition for a financial issue is therefore moot to the extent that it is in anticipation of increased costs to be incurred by Huff for a new site. The assertion that a financial issue is now necessary because Huff may make additional expenditures for land adjacent to the site under option is conjectural since Equitable could have no knowledge of the increased cost involved for such land nor of Huff's proposal to finance it. Equitable's contention that Huff's original showing as to financial qualifications was inadequate was specifically rejected in the order designating the applications for hearing because no facts or data were submitted in support thereof and the application showed sufficient funds available to construct and operate the proposed station; further consideration of this contention is not required. Equitable's petition for enlargement of the issues will, therefore, be denied.

Accordingly, it is ordered, That the petition for review, filed March 17, 1959, by Donald W. Huff is denied; the petition for further enlargement of issues, filed February 9, 1959, by Equitable Publishing Company is denied; and that the petition to enlarge issues, filed January 19, 1959 by the Commission's Broadcast Bureau is granted, and that the issues in this proceeding are amended to renumber Issue Nos. 4 and 5 as Issue Nos. 5 and 6, respectively, and to include as Issue No. 4 the following: "To determine whether applicant Donald W. Huff is technically qualified to construct and operate the station proposed with particular reference to whether the site specified in his application is of sufficient size to accommodate the antenna system proposed."

Adopted: July 1, 1959.

Released: July 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5685; Filed, July 8, 1959; 8:49 a.m.]

[1] The Huff application, as filed May 23, 1957, proposed a directional antenna system consisting of two towers, each approximately 175' high, to be located on Welsh Road, a main thoroughfare approximately 1.15 miles northwest of Lansdale. A property sketch attached to the engineering statement in Huff's application showed the proposed directional antenna system on a site rectangular in shape and having approximate dimensions of 664 feet in length by 342 feet in width, while the option agreement attached to Huff's application covered a tract on Welsh Road having dimensions of 340 by 420 by 360 by 140 feet.

[Docket No. 12179 etc.; FCC 59M-859]

RADIO ST. CROIX, INC., ET AL.

Notice of Conference

In re applications of Radio St. Croix, Inc., New Richmond, Wisconsin, Docket No. 12179, File No. BP-10925; et al., Docket Nos. 12181, 12786, 12788, 12789, 12791, 12792, 12794, 12795, 12796, 12797, 12798, 12799, 12800, 12801, 12802, 12803, 12805, 12905, 12906, 12907; for construction permits.

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a.m. on Tuesday, July 28, 1959, in Washington, D.C.

Dated: July 2, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5686; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12733; FCC 59M-854]

NORMAN E. KAY

Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration an informal request from the applicant for a continuation of the hearing now scheduled to commence on July 17, 1959;

It appearing that additional time is needed for the preparation of engineering data and that all the other parties have no objection to the requested continuance;

It is ordered, This 1st day of July 1959, that the hearing now scheduled to commence on July 17 is continued to September 17, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5687; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12860-12863; FCC 59M-853]

WILLIAM PARMER FULLER, III, ET AL.

Order Continuing Hearing

In re applications of William Parmer Fuller, III, Salt Lake City, Utah, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; L. John Miner, tr/as Inland Empire Broadcasting Co., Price, Utah, Docket No. 12862, File No. BP-11907; Cache Valley Broadcasting Company (KVNU), Logan, Utah, Docket No.

12863, File No. BP-12017; for construction permits.

The Hearing Examiner having under consideration oral request of Cache Valley Broadcasting Company for continuance of the hearing and extension of time for exchange of applicants' direct cases;

It appearing that counsel for all other participating parties have consented to immediate consideration and grant of the request;

It is ordered, This 1st day of July 1959, that the above request is granted; the hearing now scheduled for July 9, 1959, is continued until September 11, 1959, at 10:00 a.m.; and the date for exchange of the applicants' direct cases is postponed from July 6, 1959, to September 1, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-5688; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12898, 12899; FCC 59M-856]

TYRONE BROADCASTING CO. (WTRN) AND TRIANGLE PUBLICATIONS, INC. (WFBG)

Order Advancing Hearing Date

In re applications of Cary H. Simpson, tr/as Tyrone Broadcasting Company (WTRN), Tyrone, Pennsylvania, Docket No. 12898, File No. BP-11358; Triangle Publications, Inc. (WFBG) (Radio & Television Division), Altoona, Pennsylvania, Docket No. 12899, File No. BP-11902; for construction permits for standard broadcast stations.

The Hearing Examiner having under consideration a joint petition to advance the hearing date filed by the applicants on June 29, 1959;

It appearing that a hearing is now scheduled to commence on September 9, 1959, but the two applicants are urging that this date be advanced in order to permit a speedy determination of the engineering issues and that counsel for the Broadcast Bureau has given his consent to the requested advance and to immediate consideration of the petition;

It is ordered, This 1st day of July 1959, that the joint petition to advance hearing date is granted and the date of hearing is advanced from September 9 to July 14, 1959.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5689; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12915; FCC 59M-847]

BOOTH BROADCASTING CO. (WSGW)

Order Scheduling Hearing

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; for construction permit for standard broadcast station.

It is ordered, This 1st day of July 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5690; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12916, 12917; FCC 59M-851]

GULF COAST BROADCASTERS AND TRI-COUNTY BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Anthony E. Zuccaro tr/as Gulf Coast Broadcasters, Moss Point, Mississippi, Docket No. 12916, File No. BP-11733; Tri-County Broadcasters, Inc., Lucedale, Mississippi, Docket No. 12917, File No. BP-12659; for construction permits.

It is ordered, This 1st day of July 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5691; Filed, July 8, 1959; 8:50 a.m.]

[Docket Nos. 12919, 12920; FCC 59M-848]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Scheduling Hearing

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

It is ordered, This 1st day of July 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 23, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5693; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12918; FCC 59M-852]

DODGE CITY BROADCASTING CO., INC.

Order Scheduling Hearing

In re application of The Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP-12110; for construction permit.

It is ordered, This 1st day of July 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5692; Filed, July 8, 1959; 8:50 a.m.]

[Docket No. 12921; FCC 59M-850]

MOUNT LASSEN RADIO AND TELEVISION BROADCASTING CO.

Order Scheduling Hearing

In re application of Mount Lassen Radio and Television Broadcasting Company, Red Bluff, California, Docket No. 12921, File No. BP-12196; for construction permit.

It is ordered, This 1st day of July 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 24, 1959, in Washington, D.C.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5694; Filed, July 8, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13036, etc.]

COLUMBIAN FUEL CORP. ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JULY 1, 1959.

In the matters of Columbian Fuel Corporation, Docket No. G-13036; United Carbon Company, Inc. (Maryland), Docket No. G-13037; Colorado Oil and Gas Corporation, Operator, et al., Docket No. G-13086.

Take notice (1) that Columbian Fuel Corporation (Columbian), a Delaware corporation with a principal office in New York, New York, filed an application in Docket No. G-13036 on August 9, 1957, (2) United Carbon Company, Inc. (Maryland) (United Carbon), with a principal office in Charleston, West Virginia, filed an application in Docket No. G-13037 on August 9, 1957, and (3) Colorado Oil and Gas Corporation (Colorado), a Delaware corporation with a principal office in Denver, Colorado, filed an application in Docket No. G-13086 on August 19, 1957 for itself and Pioneer Production Corporation, pursuant to section 7 of the Natural Gas Act for:

(a) Columbian in Docket No. 13036 and United in Docket No. G-13037 to partially abandon service to Panhandle Eastern Pipe Line Company (Panhandle) from the Stevens Field, Mead County, Kansas, covered by a contract dated November 19, 1953, as amended November 19 and December 22, 1953, and March 31, 1956, between United Producing Company, Inc., United and Columbian, as sellers, and Panhandle, as buyer. Copies of said contract, as amended, are on file as Columbian Fuel Corporation FPC Gas Rate Schedule No. 2 and United Carbon Company, Inc. (Maryland) FPC Gas Rate Schedule No. 5, and

(b) Colorado in Docket No. G-13086 to continue the services to Panhandle proposed to be abandoned by Columbian and United.

The foregoing proposals are more fully set forth in the applications on file with the Commission, and open to public inspection.

The application of Columbian recites that by two instruments of assignment dated December 9, 1955, Columbia and United assigned their separate 50 percent working interests in the following acreage to Colorado subject to the aforementioned amended contract of November 19, 1953, and certain overriding royalty reservations.

Assigned Acreage

(A)

E/2 and SW/4 Sec. 35-32S-30W
SW/4 Sec. 26-32S-30W
NW/4 Sec. 11-33S-30W
Sec. 2-33S30W (Except N/2 of NW/4 Sec. 2-33S-30W)
Lots 3 & 4 Sec. 2-33S-30W

(B)

E/2 Sec. 3-33S-30W

Colorado, by instruments of assignment executed February 15, 1956, assigned a 50 percent working interest in the Item "B" acreage and by instrument dated February 16, 1956, assigned a 50 percent working interest in the Item "A" acreage to Amarillo Oil Company (Amarillo)[1] subject to the above contract and royalty reservations by Columbian and United. Amarillo, in turn, by separate instruments dated February 12, 1957, assigned to Pioneer all of Amarillo's interest to all casinghead gas production from the above Item "A" acreage; gas rights including casinghead gas from the Morrow Formation and from the Chester Formation (except SE/4 and SW/4 Sec. 35-32S-30W) and by assignment executed September 24, 1956, gas from the Chester Formation underlying said SE/4 and SW/4 Sec. 35-32S-30W; all of said assignments by Amarillo being subject to the above contract of November 19, 1953, as amended, and certain overriding royalty reservations, among other things.

Colorado states in Docket No. G-13086 that subsequent to its acquisition of the interests of Columbian and United in said acreage and the commencement of drilling operations in Section 3-33S-30W, the interest holders in said section pooled their interest and, as a result thereof, Pioneer and Colorado each acquired a 31.25 percent interest therein which is dedicated to the amended contract of November 19, 1953, by a ratification agreement dated April 9, 1957, wherein Colorado and Pioneer ratify the subject contract.

The application further recites that Columbian and United were authorized on November 15, 1955, in Docket Nos. G-4308 and G-4316, respectively, In the Matters of Columbian Fuel Corporation, et al., Docket No. G-4308, et al., to render service to Panhandle from the subject acreage, in addition to other acreage dedicated to the subject contract.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5658; Filed, July 8, 1959; 8:45 a.m.]

[1] Amarillo is an affiliate of Pioneer.

[Docket Nos. G-6622, G-8510]

CROW DRILLING CO., INC.

Notice of Continuance of Hearing

JUNE 25, 1959.

Upon consideration of the motion filed June 10, 1959, by Crow Drilling Co., Inc., to vacate orders fixing date of hearing in the above-designated matter;

The hearing now scheduled for June 29, 1959, is hereby postponed to September 14, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5659; Filed, July 8, 1959; 8:45 a.m.]

[Docket No. G-18252]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

JULY 1, 1959.

Take notice that on April 6, 1959, supplemented on May 15, 1959, The Ohio Fuel Gas Company (Applicant) filed in Docket No. G-18252 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to provide for more effective utilization of Applicant's Pavonia Storage Field capacity and to permit transmission of increased volumes of gas necessary for storage injection, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought are as follows:

(1) 6.4 miles of 24-inch pipeline extending main Line K-205 to Treat Compressor Station in Licking County, Ohio, which extension would complete the looping of Line K-170 between Crawford and Treat Stations Tie-in, at Treat Compressor Station; and

(2) 1,500 additional horsepower compressor unit at Pavonia Compressor Station on Applicant's main line in Richland County, Ohio.

The esimated total cost of the proposed facilities is $865,000, which is to be financed by the sale of promissory notes and common stock to Applicant's parent company, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5660; Filed, July 8, 1959; 8:46 a.m.]

[Docket Nos. G-13048, G-13049, G-13050]

PHILLIPS PETROLEUM CO.

Notice of Applications and Date of Hearing

JULY 1, 1959.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation with its principal place of business in Bartlesville, Oklahoma, filed on August 12, 1957, applications, as supplemented November 12, 1958, in Docket Nos. G-13048, G-13049 and G-13050, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Warren Petroleum Corporation (Warren), operator of the Garvin County Plant System (consisting of three Garvin County Plants and related gathering system jointly owned by Oklahoma Natural Gas Company, Texaco Inc., Cities Service Oil Company and Kerr-McGee Oil Industries, Inc.), being rendered by Applicant to Warren, subject to the jurisdiction of the Commission and as more fully described in the applications on file with the Commission and open to public inspection.

The sales proposed to be abandoned are identified by lease and docket as follows:

(1) In Docket No. G-13048, the Chancey Lease, Lindsay Area, Garvin County, Oklahoma, covered by a sales contract dated August 5, 1952 (Phillips Petroleum Company FPC Gas Rate Schedule No. 98).

(2) In Docket No. G-13049, from the O. E. Jackson Lease, Lindsay Area, Garvin County, Oklahoma, under a sales contract dated August 7, 1952 (Phillips Petroleum Company FPC Gas Rate Schedule No. 99).

(3) In Docket No. G-13050, from the Martin Ranch Lease Wells No. 7 and No. 8, Golden Trend Area, Garvin County, Oklahoma, pursuant to a sales contract dated August 7, 1952 (Phillips Petroleum Company FPC Gas Rate Schedule No. 97).

Applicant states it has negotiated an intrastate gas sales contract dated April 19, 1955, with Transok Pipe Line Company (Transok), and is dedicating the described leases to said sale.

Applicant states that (1) Warren has not been taking the total allowable production from the leases since January 1, 1956 (the Oklahoma Corporation Commission having canceled some 210,700 Mcf of untaken allowable production), (2) that no existing evidence indicates this situation will terminate and, therefore, Applicant will suffer continued loss of allowables and resulting drainage by other wells in the vicinity, (3) that casinghead gas production from adjacent properties is being flared because it is produced at a low pressure and is, therefore, incapable of being delivered into Warren's high pressure system and (4) that should the abandonment applications herein be authorized, Applicant would be able to extend its low pressure system to gather and deliver to Transok the volumes now being delivered to Warren, in addition to the untaken allowables and the volumes of gas now being flared.

Applicant further states it was authorized on September 28, 1956, in Docket Nos. G-3387, G-3388 and G-3389 to render service to Warren and the co-owners of the Garvin County Plant System from the Martin Ranch Lease Wells No. 7 and No. 8, the Chancey, and the O. E. Jackson Leases, respectively.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5661; Filed, July 8, 1959; 8:46 a.m.]

[Docket No. G-17335, etc.]

TEXAS GAS TRANSMISSION CORP. ET AL.

Order Waiving Intermediate Decision Procedure, Setting Date for Filing Briefs, and Fixing Date for Oral Argument

JULY 2, 1959.

In the matters of Texas Gas Transmission Corporation, Docket No. G-17335; Texas Eastern Transmission Corporation, Docket No. G-17420; Hope Natural Gas Company, Docket No. G-17565; Texas Gas Exploration Corporation, Docket No. G-17336; J. Ray McDermott & Co., Inc., Docket No. G-17337; Kilroy Properties Incorporated, et al. Docket No. G-17338; The California Company, Docket No. G-17339; Callery Properties, Inc., Docket Nos. G-17340 and G-17341; Ocean Drilling & Exploration Company, Docket Nos. G-17342 and G-17343; Humble Oil & Refining Company, Docket No. G-17391; Amerada Petroleum Corporation, Docket Nos. G-17393 and G-17407; Kerr-McGee Oil Industries, Inc., Docket No. G-17396; Bel Oil Corporation, Docket No. G-17397; Caroline Hunt Sands and Loyd B. Sands, Docket No. G-17398; Richardson & Bass, (Louisiana Account), Operator, Docket No. G-17399; Magnolia Petroleum Company, Docket No. G-17401; Beck Oil Company, et al. Docket No. G-17402; Phillips Petroleum Company, Docket No. G-17405; Mississippi River Fuel Corporation, Docket No. G-17413; Union Oil Company of California, Docket No. G-17457; Tidewater Oil Company, Docket Nos. G-17463, G-17474, G-17475, and G-17483; Continental Oil Company, Docket Nos. G-17554 and G-17566; Shell Oil Company, Docket No. G-17560; Pan American Petroleum Corporation, Docket No. G-17574.

At the conclusion of the hearing in the above-entitled matters on June 25, 1959, counsel for Hope Natural Gas Company moved orally to waive the intermediate decision procedure in the entire consolidated proceeding. This motion was concurred in by counsel for Texas Gas Transmission Corporation, Texas Eastern Transmission Corporation, The Ohio Fuel Gas Company, The Manufacturers Light and Heat Company, Humble Oil & Refining Company, Shell Oil Company, and Texas Gas Exploration Corporation. In addition, counsel for Hope Natural Gas Company stated on the record that counsel for the New York State Public Service Commission had authorized him to state that it did not object to the omission of the intermediate decision procedure. The motion was opposed by counsel for Tennessee Gas Transmission Company. The staff of the Commission took no position on the motion. A number of other parties of record were not present at the time the motion was made, and accordingly expressed no position thereon.

The hearing examiner adopted a compromise proposal made by counsel for the Shell Oil Company setting July 16, 1959, as the date for the filing of initial briefs by the parties involved. At this time counsel for Shell also stressed the importance his company attached to the expeditious determination of the issues involved in this matter. Texas Gas Transmission and the Hope Natural Gas Company have likewise indicated that an expeditious determination is necessary in order that the proposed facilities herein may be in operating condition for the 1959-60 heating season in the event that affirmative approval is made by the Commission.

Omission of the intermediate decision procedure and the hearing of oral argument on issues involved in the above-entitled matters would be entirely consistent with the Commission's intent to expedite the handling and disposition of new applications seeking to serve expanding markets before the advent of the 1959-60 heating season. The Commission, In the Matters of Midwestern Gas Transmission Company, et al., Docket Nos. G-16841, et al., acted similarly in that instance because of the need for early commencement of pipeline construction required to initiate natural-gas service to certain northern communities during the course of the 1959-60 heating season.

Therefore, this order will provide for the expeditious filing of initial briefs and allow four days for reply briefs.

(1) The due and timely execution of the Commission's functions imperatively and unavoidably requires the omission of the intermediate decision procedure.

(2) Good cause has been shown for waiving and omitting the intermediate decision procedure and for requiring oral argument before the Commission at the time hereinafter fixed.

The Commission orders:

(A) The intermediate decision procedure in the above-entitled matters be and it is hereby waived and omitted.

(B) Initial briefs shall be filed on or before July 16, 1959, and any parties desiring to file reply briefs shall do so on or before July 20, 1959. Oral argument shall be heard on these matters.

(C) Oral argument before the Commission shall be held on July 21, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All parties desiring to participate in the oral argument shall inform the Secretary in writing of the length of time desired for argument not later than July 14, 1959.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5663; Filed, July 8, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HENRY W. CLARK

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Henry W. Clark, Vice President, Alaska Steamship Company.

This amends statement published October 29, 1958 (23 F.R. 8369).

Dated: April 26, 1959.

HENRY W. CLARK.

[F.R. Doc. 59-5654; Filed, July 8, 1959; 8:45 a.m.]

C. F. OGDEN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Domestic Stocks

Aeroquip Corporation.
American Airlines, Inc.
Aluminum, Ltd.
Davidson Brothers, Inc.
The Detroit Edison Company.
Dow Chemical Company.
Fundamental Investors, Inc.
General Dynamics.
General Electric Company.
Glenn L. Martin Company.
McLouth Steel.
Parke Davis & Company.
Phillips Petroleum.
Rayonier, Inc.
Republic Steel Corporation.
Sperry Rand Corporation.
Texas Gas Transmission.

Canadian Stocks

Britalta Petroleums, Ltd.
New Athona Mines, Ltd.
Scurry Rainbow Oil, Ltd.
Rayrock Mines, Ltd.

This amends statement published February 10, 1959 (24 F.R. 994).

Dated: July 1, 1959.

C. F. OGDEN.

[F.R. Doc. 59-5655; Filed, July 8, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3808]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Execution of Surety Bonds by Holding Company for Public Utility Subsidiaries

JULY 2, 1959.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 thereunder as applicable to the proposed transactions, which are summarized as follows:

United Fuel Gas Company ("United") and The Manufacturers Light and Heat Company ("Manufacturers"), two wholly owned public utility subsidiaries of Columbia, have filed with the Public Service Commission of West Virginia revised rate schedules which will provide estimated annual increases in revenues approximately as follows: United, $4,682,000 and Manufacturers, $2,057,000.

The State commission, by order issued on April 10, 1959, suspended the collection of United's new rates until August 30, 1959, and by order dated May 7, 1959, suspended the collection of Manufacturers' new rates until September 12, 1959. However, by subsequent orders issued on May 15, 1959, United and Manufacturers were permitted to commence the collection of a portion of the increased rates immediately upon the posting of a bond in the amount of $100,000 by each of the companies to cover the contingent refunds of the amounts thus collected during the periods from May 15 to August 30 and September 12, 1959.

According to the filing the State commission is expected to require United and Manufacturers to post additional bonds of not to exceed $3,000,000 and $5,000,000, respectively, as conditions to their further collection of the increased rates commencing on August 30, 1959, and September 12, 1959. The State commission has indicated its willingness to accept Columbia as surety on the bonds and Columbia proposes to act as surety thereon without fee or other expenses, in order to relieve the subsidiaries of paying the customary fee of a surety company. In the event any portion of the increased rates should ultimately be determined to be excessive United and Manufacturers will make refunds in the ordinary course of business out of their respective general corporate funds.

Columbia requests authorization, approval or exemption of its acting as surety on the bonds of United and Manufacturers.

Notice is further given that any interested person may, not later than July 16, 1959, at 5:30 p.m. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law; if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transactions as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-5670; Filed, July 8, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 6, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35528: *Lumber—North Pacific coast points to points in Utah.* Filed by Trans-Continental Freight Bureau, Agent (No. 360), for interested rail carriers. Rates on lumber and related articles, carloads from points in British Columbia, Oregon, and Washington to Ogden, Utah, and other specified points.

Grounds for relief: Abandonment under Finance Docket 20202 of the Bamberger Railroad Company's lines and adoption of portion of such lines by the Union Pacific Railroad Company under Finance Docket 20367.

Tariff: Supplement 28 to Trans-Continental Freight Bureau tariff I.C.C. 1589.

FSA No. 35529: *Substituted service—CRI&P for motor carriers.* Filed by Middlewest Motor Freight Bureau, Agent (No. 175), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier, (1) between Chicago (Burr Oak), Ill., on one hand, and Kansas City (Armourdale), Kans., Dallas, Forth Worth, Tex., or Oklahoma City, Okla., on the other, and (2) between St. Louis, Mo., and Kansas City (Armourdale) or Wichita, Kans., on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 103 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35530: *Substituted service—CRI&P for Merchants Motor Freight, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 174), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and Moline, Ill., on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 103 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35531: *Asphalt, oil and tailings to New Mexico points.* Filed jointly by The Atchison, Topeka and Santa Fe Railway Company (No. 86-A), and the Chicago Rock Island and Pacific Railroad Company (No. 882), for themselves and interested rail carriers. Rates on asphalt, petroleum road oil and wax tailings, tank-car loads from Artesia, N. Mex., and points in southwestern and Mid-Continent territorial groups to stations in New Mexico described in the application.

Grounds for relief: Short-line distance formula and truck competition.

Tariffs: Supplement 35 to AT&SF Ry tariff I.C.C. 14813. Supplement 11 to CRI&P RR tariff I.C.C. 13494.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5672; Filed, July 8, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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OF MICHIGAN
JUL 13 1959
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 134

Washington, Friday, July 10, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Veterans Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of § 6.322(a) is amended and subparagraph (10) is added as set out below.

§ 6.322 Veterans Administration.

(a) *Office of the Administrator.* * * *

(8) The Associate Deputy Administrator.

* * * * *

(10) One Assistant Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5695; Filed, July 9, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 629, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.81-2 of the regulations supplemental to notice of Quarantine No. 81 relating to the imported fire ant (7 CFR 301.81-2, 23 F.R. 2240), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions in 7 CFR, 1958 Supp., 301.81-2a are hereby revised to read:

§ 301.81-2a Administrative instructions designating regulated area under the imported fire ant quarantine.

Infestations of the imported fire ant have been determined to exist in the counties, parishes, other civil divisions, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, parishes, other civil divisions, or parts thereof, are hereby designated as imported fire ant regulated area within the meaning of the provisions in this subpart:

ALABAMA

Counties of Autauga, Baldwin, Bibb, Bullock, Butler, Chilton, Choctaw, Clarke, Conecuh, Covington, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Houston, Jefferson, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pickens, Sumter, Shelby, Tuscaloosa, Walker, Washington, and Wilcox.

Barbour County. That portion of the county lying south of the north line of T. 9 N. and east of the west line of R. 28 E.

Calhoun County. E⅔ Tps. 15 and 16 S., R. 6 E.; W⅔ Tps. 15 and 16 S., R. 7 E.; secs. 35 and 36, T. 16 S., R. 7 E.; and secs. 31 and 32, T. 16 S., R. 8 E.

Crenshaw County. That portion of the county lying north of the south line of T. 8 N.

Dale County. T. 5 N., R. 24 E.; S½ T. 6 N., R. 24 E.; and all of the county lying south of the Choctowhatchee River.

Etowah County. N½ T. 11 S., R. 6 E.; S½ T. 11 S., Rs. 5, 6, and 7 E., and all of the county within Rs. 5, 6, and 7 E., lying south of the north line of T. 12 S.

Henry County. The entire county except for Tps. 7 and 8 N., R. 27 E.; and E⅓ Tps. 7 and 8 N., R. 26 E.

Limestone County. T. 4 S., R. 4 W.; S½ T. 3 S., R. 4 W.; NE¼ T. 4 S., R. 5 W.; SE¼ T. 3 S., R. 5 W.; and all of T. 5 S., R. 4 W., lying north of the Tennessee River.

Morgan County. T. 4 S., R. 5 W.; T. 5 S., R. 4 W.; that part of T. 5 S., R. 5 W., lying south of the Tennessee River; and the N½ T. 6 S., Rs. 4 and 5 W.

Russell County. T. 14 N., R. 28 E.; that portion of T. 13 N., R. 28 E., lying east of North Fork Cowikee Creek; and that portion of the county lying east of the west line of R. 29 E.

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FEDERAL REGISTER

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(As of January 1, 1959)

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FLORIDA

Counties of Bay, Escambia, Okaloosa, Santa Rosa, and Walton.

Calhoun County. That portion of the county bounded on the north by the Jackson-Calhoun County line; on the east by the eastern boundaries of secs. 22, 27, and 34, T. 2 N., R. 10 W. and sec. 3, T. 1 N., R. 10 W.; on the south by the southern boundaries of secs. 3, 4, 5, and 6, T. 1 N., R. 10 W. and secs. 1, 2, 3, 4, 5, and 6, T. 1 N., R. 11 W.; and on the west by the Bay-Calhoun County line.

That portion of the county bounded on the north by the northern boundaries of secs. 30, 29, 28, 27, 26, and 25, T. 1 S., R. 11 W., secs. 30, 29, 28, 27, 26, and 25, T. 1 S., R. 10 W. and secs. 30, 29, 28, 27, 26, and 25, T. 1 S., R. 9 W.; on the east by the eastern boundaries of secs. 25 and 36, T. 1 S., R. 9 W., and the eastern boundary of T. 2 S., R. 9 W.; on the south by the southern boundaries of secs. 36, 35, 34, 33, and a portion of 32, T. 2 S., R. 9 W., extending to the eastern boundary of Dead Lake, thence southward along Dead Lake to the Gulf-Calhoun County line, and thence westward on the Gulf-Calhoun County line to the Bay-Calhoun County line; and on the west by the Bay-Calhoun County line.

Duval County. That portion of the county bounded on the north by St. Johns River; on the east by Greenfield Creek, State Highway 101A and the Duval-St. Johns County line; on the south by the southern boundaries of T. 3 S., R. 28 E. extending through sec. 36, T. 3 S., R. 27 E. to State Highway 115, thence southward along State Highway 115 to its intersection with U.S. Highway 1, thence southeast along said highway to the intersection of Loretta Road, thence west along Loretta Road to St. Johns River, thence north along St. Johns River to its intersection with the northern boundary of T. 4, S., R. 27 E., thence west to Ortego River; on the west by the Ortego River to its intersection with the Atlantic Coast Line Railroad, thence northeastward on the Atlantic Coast Line Railroad to its intersection with the Georgia Southern and Florida Railroad, thence southeast along said railroad to the St. Johns River.

Gadsden County. That portion of the county bounded on the north by the line common to Decatur County, Georgia and Gadsden County, Florida; on the east by the east bounday of T. 3 N., R. 3 W.; on the south by the southern boundary of T. 3 N., R. 3 W.; and on the west by the west boundary of T. 3 N., R. 3 W., including all of secs. 24 and 25, T. 3 N. R. 4 W.

Gulf County. That portion of the county bounded on the north by the Calhoun-Gulf County line; on the east by the east shore line of Dead Lake and the Chipola River; on the south by the southern boundary of sec. 31, T. 4 S., R. 9 W. and the southern boundaries of T. 4 S., R. 10 W. and T. 4 S., R. 11 W.; and on the west by the Bay-Gulf County line.

Hillsborough County. That portion of the county bounded on the north by the Pasco-Hillsborough County line; on the east by the Polk-Hillsborough County line; on the south by U.S. Highway 92 from the Polk County line west to the Pinellas County line; and on the west by the Pinellas-Hillsborough County line.

Holmes County. That portion of the county included in secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 3 N., R. 18 W.; and secs. 19, 30, and 31, T. 3 N., R. 17 W.

That portion of the county included in secs. 25, 26, 27, 34, 35, and 36, T. 5 N., R. 15 W.; secs. 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 5 N., R. 14 W.; secs. 1, 2, 3, 10, 11, and 12, T. 3 N., R. 15 W.; and secs. 2, 3, 4, 5, 6, 7, 8, 9, and 10, T. 3 N., R. 14 W.

Jackson County. That portion of the county bounded on the north by the Houston County, Alabama-Jackson County, Florida line; on the east by the eastern boundary of secs. 20, 29, and 32, T. 7 N., R. 11 W. and secs. 5, 8, 17, and 20 of T. 6 N., R. 11 W.; on the south by the southern boundaries of secs. 20 and 19, T. 6 N., R. 11 W. and secs. 24, 23, 22, and 21 of T. 6 N., R. 12 W.; and on the west by the western boundaries of secs. 21, 16, 9, and 4 of T. 6 N., R. 12 W. and secs. 33, 28, and 21 of T. 7 N., R. 12 W.

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Nassau County. That portion of the county bounded on the north by the northern boundary of T. 2 N., R. 28 E.; on the east by the Atlantic Ocean; on the south by the Duval-Nassau County line; and on the west by the Amelia River.

Pasco County. That portion of the county included within a line beginning at the northwest corner of sec. 10, T. 25 S., R. 16 E., and extending eastward along State Highway 52 to the intersection of the corporate limits of Dade City and thence south and east along the corporate limits to the intersection of U.S. Highway 98, thence south and southeast along said highway to its intersection with the Polk County line, thence west and south along the Polk County line to the intersection of the Hillsborough County line, thence due west along the Hillsborough County line to its intersection with U.S. Highway 19, thence north on U.S. Highway 19 to its intersection with the City limits of New Port Ritchie, thence east along said city limits and continuing due east to the intersection of the eastern boundary of sec. 10, T. 26 S., R. 16 E., thence due north to the point of beginning.

Washington County. That portion of the county bounded on the north by State Highway 166, on the east by State Highway 277, on the south by State Highway 280, and on the west by Holmes Creek.

That portion of the county included within sec. 36, T. 4 N., R. 13 W., secs. 31, 32, and 33, T. 4 N., R. 12 W.

That portion of the county bounded on the north by the northern boundaries of secs. 22, 23, and 24, T. 1 N., R. 15 W., secs. 19, 20, 21, 22, and 23, T. 1 N., R. 14 W.; on the east by the eastern boundaries of secs. 23, 26, and 35, T. 1 N., R. 14 W.; on the south by the southern boundaries of secs. 35, 34, 33, 32, and 31, T. 1 N., R. 14 W. and secs. 36, 35, and 34, T. 1 N., R. 15 W.; and on the west by the western boundaries of secs. 34, 27, and 22, T. 1 N., R. 15 W.

GEORGIA

Counties of Decatur, Grady, and Muscogee.

Bleckley County. That portion of the county lying within a circle having a radius of 2 miles with center at the intersection of U.S. Highway 23 and State Highway 26, including all of the city of Cochran.

Clayton County. That portion of the county included in the Lovejoy GMD 1651, including the town of Lovejoy; Forest Park GMD 1644, including the town of Forest Park and Lake City; and the portion of Adamson GMD 1189 north of the Southern Railroad spur, including that area within the Atlanta General Depot.

Crisp County. That portion of the county north of U.S. Highway 280, including all of the city of Cordele.

Dooly County. That portion of the county lying south of State Highway 27, excluding the city of Vienna.

Dougherty County. That portion of the county included in Albany GMD 945 lying north of State Highway 62, and a line extending due east from the intersection of State Highways Nos. 62 and 91 to the east GMD line; and that portion of East Dougherty GMD 1097 lying north of the Plummers School Road and a line extending due west from the intersection of the Plummers School Road and State Highway 133, to the west GMD line.

Harris County. That portion of the county in Waverly Hall GMD 934, including all of the town of Waverly Hall.

Meriwether County. That portion of the county lying south of State Highway 109 and west of the Central of Georgia Railroad, including all of the towns of Durand, Odessadale, Stovall and White Sulphur Springs and excluding all of the town of Greenville.

Troup County. That portion of the county included within a circle with a 4-mile radius using the intersection of the Atlanta and West Point Railroad and the Troup-Meriwether County line as a radius point, and the Community of Big Springs.

LOUISIANA

Parishes of Ascension, Beauregard, Concordia, East Baton Rouge, Iberia, Iberville, Jefferson, Lafayette, Livingston, Orleans, Ouachita, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Washington, and West Baton Rouge.

Acadia Parish. That portion of Acadia Parish lying east of R. 1 W.

Assumption Parish. That portion of the parish lying west of R. 14 E.

Avoyelles Parish. That portion of the parish lying south of T. 2 N.

Caddo Parish. That portion of the parish included within a circle having a 3½-mile radius with the center at the intersection of State Highways 1 and 511.

Calcasieu Parish. That portion of the parish lying west of R. 10 W.

Evangeline Parish. That portion of the parish lying east of R. 1 W.

Lafourche Parish. Secs. 1, 2, 3, 4, 24, 25, 37, 38, 39, 40, 41, 42, and 43, T. 18 S., R. 21 E.; secs. 4, 5, 6, 7, 8, 12, and 62, T. 17 S., R. 21 E.; secs. 43, 44, 45, 46, and 104, T. 17 S., R. 20 E.; and secs. 11, 12, 13, and 14, T. 14 S., R. 18 E.

Madison Parish. That portion of the parish lying west of Tensas Bayou and north of T. 15 N.

Rapides Parish. That portion of the parish south of T. 3 N., and east of R. 2 W.

Richland Parish. Secs. 12, 13, 24, and 25, T. 17 N., R. 9 E.; secs. 30, 19, 18, and 7, T. 17 N., R. 10 E.

St. Helena Parish. That portion of the parish lying south of T. 3 S., and west of the Tickfaw River.

St. Mary Parish. That portion of the parish lying west of the Wax Lake Outlet.

Vermilion Parish. That portion of the parish lying east of the west line of R. 1 E.

West Feliciana Parish. T. 2 S., R. 3 W.; T. 3 S., R. 2 W.; T. 4 S., R. 2 W.

MISSISSIPPI

Counties of Clay, Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones,

Kemper, Lamar, Lauderdale, Lowndes, Marion, Monroe Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Stone, Walthall, and Wayne.

Amite County. Secs. 15 and 35, T. 1 N., R. 6 E.

Attala County. T. 15 N., R. 7 E.; secs. 5, 6, and 31, T. 14 N., R. 7 E.

Chickasaw County. Sec. 35, T. 14 S., R. 4 E.

Copiah County. Secs. 4, 5, 8, 9, and 36, T. 1 N., R. 1 E.; secs. 24 and 25, T. 2 N., R. 2 W.

Hinds County. That portion of the county lying east of the east line of R. 2 W.

Lawrence County. Sec. 2, T. 5 N., R. 10 E.; sec. 2, T. 4 N., R. 11 E.; and secs. 20, 21, 28, and 29, T. 7 N., R. 11 E.

Leake County. T. 9 N., R. 7 E.; T. 9 N., R. 8 E.; and the SE¼, T. 10 N., R. 6 E.

Lincoln County. E½, T. 7 N., R. 7 E.; and W½, T. 7 N., R. 8 E.

Madison County. SE¼ T. 7 N., R. 1 E.; SW¼ T. 7 N., R. 2 E.; sec. 29, T. 8 N., R. 2 E.

Pike County. Tps. 1 and 2 N., Rs. 7, 8, and 9 E.; E½ T. 3 N., R. 7 E.; T. 3 N., R. 8 E.; and sec. 29, T. 4 N., R. 8 E.

Rankin County. Tps. 5, 6, and 7 N., Rs. 1, 2, and 3 E.; sec. 3, T. 6 N., R. 4 E.; and sec. 26, T. 4 N., R. 1 E.

Sharkey County. Sec. 12, T. 12 N., R. 7 W.

Simpson County. NE¼ T. 1 N., R. 4 E.; S½ T. 2 N., R. 4 E.; and sec. 19, T. 2 N., R. 5 E.

Smith County. That portion of T. 10 N., R. 14 W., and that portion of W½ T. 10 N., R. 13 W., which lies in Smith County; E½ T. 1 N., R. 9 E.; and sec. 10, T. 2 N., R. 9 E.

Webster County. Sec. 10, T. 16 S., R. 2 E.

Wilkinson County. Sec. 35, T. 2 N., R. 2 W.

Winston County. Sec. 27, T. 15 N., R. 13 E.; sec. 7, T. 16 N., R. 14 E.

Yazoo County. Sec. 36, T. 12 N., R. 2 W.

SOUTH CAROLINA

Charleston County. That area included within a line beginning at a point where U.S. Highway 17 intersects Secondary State Highway 57, and extending northeast along Secondary State Highway 57 to its intersection with Primary State Highway 61; thence northwest along said highway to its intersection with the Charleston-Dorchester County line; thence east along said county line to its intersection with Secondary State Highway 75; thence southeast along Secondary State Highway 75 to its intersection with the Southern Railroad; thence southeast along said railroad to its intersection with Primary State Highway 7; thence southwest along said highway to its intersection with U.S. Highway 17; thence northwest along said U.S. Highway 17 to the point of beginning.

Orangeburg County. That area included within a line beginning at a point where the Atlantic Coast Line Railroad crosses the North Fork Edisto River and extending south along said river to Secondary State Highway 39; thence east along Secondary State Highway 39 to its intersection with U.S. Highway 21; thence south along U.S. Highway 21 to its intersection with Secondary State Highway 80; thence southeast along Secondary State Highway 80 to its intersection with Primary State Highway 121; thence northeast along Primary State Highway 121 to its intersection with U.S. Highway 178 at Bowman; thence northwest along U.S. Highway 178 to its intersection with Secondary State Highway 196; thence northeast along Secondary State Highway 196 to its intersection with Secondary State Highway 50; thence west along Secondary State Highway 50 to its intersection with Secondary State Highway 154; thence northwest along Secondary State Highway 154 to its intersection with Secondary State Highway 65; thence northwest along Secondary State Highway 65 to its intersection with the Atlantic Coast Line Railroad; thence southwest along the Atlantic Coast Line Railroad to the point of beginning; excluding the area within the corporate limits of the towns of Orangeburg, Rowesville, and Bowman.

TEXAS

Counties of Bexar, Hardin, Harris, Jasper, Jefferson, Newton, Orange, and Tyler.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR, 1958 Supp., 301.81–2)

This revision shall become effective July 10, 1959, when it shall supersede P.P.C. 629, 7 CFR, 1958 Supp., 301.81–2a, which became effective May 6, 1958.

The purpose of this revision is to add the following to the regulated area:

Alabama. New area comprising Shelby County and part of Talladega County.

Arkansas. Additional sections in Union County.

Florida. All previously nonregulated area in Bay and Walton Counties; extensions of previously regulated area in Duval, Gadsden, Hillsborough, Holmes, Jackson, Pasco, and Washington Counties; and new area in Calhoun and Gulf Counties.

Georgia. New area including portions of the counties of Bleckley, Clayton, Dooly, Dougherty, Harris, Meriwether, and Troup.

Louisiana. Additional area in Caddo Parish, and new area to include Beauregard and Concordia Parishes and portions of the Parishes of Assumption, Lafourche, Madison, Rapides, and Richland.

Mississippi. Additional portions of Amite, Attala, Lawrence, Leake, Lincoln, Pike, Rankin, Simpson, and Smith Counties, and new area in Sharkey County.

Texas. New area comprising Bexar and Harris Counties.

This revision imposes restrictions supplementing imported fire ant quarantine regulations already effective. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1959.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 59–5714; Filed, July 9, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER–278]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Posting and Notice Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1959.

The current provisions of Part 221 of the Economic Regulations governing the posting of tariffs and the making of tariffs available for public inspection do not expressly provide for the posting and publishing of proposed tariff changes which have been filed but are not yet effective. Section 403 of the Act, on the other hand, directs the Board to prescribe regulations in accordance with which a carrier or foreign air carrier shall file, post, and publish proposed tariff changes. Accordingly, the Board is amending the appropriate provisions of Part 221 to meet the requirements of the Act.

Section 403(c) of the Act states that "No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any air carrier or foreign air carrier, except after thirty days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section." Subsection (a) provides that "Tariffs shall be filed, posted and published in such form and manner, and shall contain such information, as the Board shall by regulation prescribe, * * *." Thus, the statutory language in the section clearly states that any carrier or foreign air carrier shall file, post, and publish proposed tariff changes at least thirty days before such changes become effective in accordance with regulations which the Board is directed to prescribe. Of course, this requirement is subject to the additional provision in section 403(c) which provides that "The Board may in the public interest, by regulation or otherwise, allow such change upon notice less than that herein specified, or modify the requirements of this section with respect to filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions."

This amendment to Part 221 provides that proposed tariff changes shall be posted and made accessible to the public at least thirty days prior to the effective date of such changes, with two exceptions. In the case of carrier offices or stations outside the continental United States, its territories and possessions, the time shall not be less than 25 days before the effective date of the tariff, and a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

Under the plain language of section 403(c), each carrier must post its proposed tariff changes to give 30 days' notice to the public except where the Board authorizes a lesser period in particular instances or by general order under special or peculiar circumstances or conditions. The purpose of this requirement is to give all members of the public (who are legally charged with notice of the contents of tariffs filed with the Board) some form of actual notice of tariff changes sufficient to enable them to exercise their statutory right to file a complaint with the Board respecting a tariff change prior to the time such change goes into effect and thereby enable the Board to determine whether to investigate and/or suspend the change. A second purpose of these provisions is to insure that all members of the traveling and shipping public receive equal and nondiscriminatory notice of tariff changes and to avoid unnecessary surprise changes in tariffs.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. For the most part, objections to the amendment are based upon the additional expense and time that posting requires, the carriers contending that such time and expense are not justified by the public benefits to be received. The clear language of section 403(c), however, does not authorize us to waive the statutory requirements on such grounds. Moreover, the Board believes that the public is entitled to this opportunity to obtain information of impending tariff changes.

It is also argued that the public is not interested in the posting of tariff changes since the Board receives very few complaints from the public. This argument appears to the Board to be entirely without merit. The right to complain is accorded by statute and it may well be that this right is being frustrated because the carriers do not have the facilities in the field to let interested persons examine proposed tariff changes. The fact is, however, that the Board has received a number of letters complaining about the lack of prior notice in the field of proposed tariff changes.

Objection has also been made to the provision that a tariff publication which the Board has authorized to be filed on notice shorter than 30 days shall be posted by the carrier on like notice as authorized for filing. It is contended that such a requirement would substantially curtail or even eliminate tariff changes on short notice even when the Board approves such changes. We are, however, here concerned with a rule of general applicability. Under section 403(c) we may relax the 30-day requirement either by a rule of general applicability or in particular instances. Carriers filing applications for short notice with the Board are always free to request permission to post tariffs on less than the notice authorized for filing.

The Board believes, however, that a case has been made for a somewhat lesser period for posting tariffs outside the continental United States, its Territories and possessions. We feel justified in this regard in view of the substantial additional time as well as expense involved in getting tariffs to outlying stations in foreign countries. Accordingly, this amendment also provides that the posting period shall be reduced to 25 days in such cases. Of course, to the extent that any treaty or foreign law requires a period longer than 25 days, such treaty or foreign law would govern.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221), as follows, effective August 8, 1959:

By amending § 221.171 to read as follows:

§ 221.171 **Posting at stations, terminals, or offices, other than principal or general office.**

(a) Each carrier shall post and make available for public inspection at each of its stations or offices which are in charge of a person employed exclusively by the carrier, or by it jointly with another person, and at which tickets for passenger transportation are sold, or at which property is received for transportation, all tariff publications which have been issued but are not yet effective and all of the currently effective tariffs to which it is a party. A carrier will be deemed to have complied with the requirement that it "post" tariffs, if it maintains at each station or ticket office a file in complete form of all tariff publications required to be posted.

(b) Each tariff publication issued shall be posted by each carrier party thereto at least 30 days before its effective date, except that in the case of carrier offices or stations outside the continental United States, its territories and possessions, the time shall not be less than 25 days before the effective date of the tariff, and except that a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 403, 72 Stat. 758, 49 U.S.C. 1373)

By the Civil Aeronautics Board.[1]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–5721; Filed, July 9, 1959; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7223 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Greenwich Book Publishers, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Advertising and promotional services; cooperative nature; organization and operation; personnel or staff; publication services; unique or special status or advantages; § 13.60 *Earnings and profits;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Greenwich Book Publishers, Inc., et al., New York, N.Y., Docket 7223, June 12, 1959]

In the Matter of Greenwich Book Publishers, Inc., a Corporation; The American Press, a Corporation, and Carl Buehler, Edwin Ezorsky and Lyla Ezorsky, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two affiliated New York City publishers with representing falsely that they operated a publishing plan under which they shared expenses with authors, their misrepresentations including such matters as so-called "royalties", the nature, size and operation of the business, and the effectiveness of the publicity and promotional aid purportedly rendered author-customers.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Greenwich Book Publishers, Inc., a corporation, The American Press, a corporation, and their officers, and Carl Buehler, Edwin Ezorsky, and Lyla Ezorsky, individually and as officers of said corporate respondents, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the solicitation of contracts for the printing, promotion, sale, and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act and in connection with the printing, promotion, sale, and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly that:

1. They operate a cooperative publishing plan in which they share with the author in the expense of editing, printing, binding, promotion, and sale of the book, or that they are partners with the author;

2. They publish on a partial subsidy basis;

3. Under their plan of publication an author will recover his or her entire investment in the publication of his or her book, except in rare instances;

4. They bind all the copies listed in the contract of the first edition of an author's book;

5. Their organization has numerous employees, or that they have an art or sales department; or that they have any other department, unless such is the fact;

6. They accept and have accepted for publication only those manuscripts with merit or sales appeal possibilities; or that they "risk" their own money in publishing authors' manuscripts;

7. They have a board of editors or that the reports of their readers are "Editorial reports"; that their reports are impartial or a full and frank disclosure of the merit and sales potential of the submitted manuscript;

8. They have publicity and promotion departments, or that their promotion and sales reach any significant number of book trade outlets in North America;

9. They reinforce their sales promotion of authors' books with national-direct mail drives;

10. They have dealings with retail stores, libraries, universities, wholesalers,

[1] Gurney, Vice Chairman, dissented.

or department stores except to a limited extent, or that retail stores, libraries, universities, wholesalers, and department stores buy any great number of the books published through respondents;

11. Authors' books published through them have been selected for sale to or through book clubs for the membership thereof or that they sell or have sold reprint rights to their authors' books to pocket book reprint companies;

12. They sell or have sold subsidiary rights to their authors' books to foreign publishers, television producers, motion picture studios, digest or serialized periodicals;

13. They pay their authors a royalty of 40 percent or any other percentage or sum until after the author recoups and is reimbursed for his or her investment;

14. They arrange for reviews of their authors' books published through them in key periodicals; or any other periodicals, unless such is the fact;

15. They offer an author an exclusive book service or one which is different from that of other subsidy publishers;

16. They have never sold at reduced prices, or otherwise disposed of, any of their authors' poetry, Christian or fiction books for lack of continued sales;

17. They are accredited with large book wholesalers, jobbers, or retail outlets to any significant extent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5705; Filed, July 9, 1959; 8:46 a.m.]

[Docket 7418 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Max Grodnick Textile Corp. et al.

Subpart—*Concealing, obliterating, or removing law-required and informative marking:* § 13.525 *Wool products tags or identificaton.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Max Grodnick Textile Corp. et al., New York, N.Y., Docket 7418, June 12, 1959]

In the Matter of Max Grodnick Textile Corp., a Corporation; Henry Gewirtz Textile Corp., a Corporation; Fleet Fabrics, Inc., a Corporation; Makel Textiles, Inc., a Corporation; and Joseph Klein and Frances Klein, Individually and as Officers of Above Corporations, and Max Klotz, Max Grodnick, Stanley Kane and Seymour Gewirtz, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City with violating the Wool Products Labeling Act by removing, prior to sale, tags attached to wool products when delivered to them, and by failing in other respects to comply with the labeling requirements.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 12 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Max Grodnick Textile Corp., a corporation; Henry Gewirtz Textile Corp., a corporation; Fleet Fabrics, Inc., a corporation; and Makel Textiles, Inc., a corporation, and their officers, and Joseph Klein, and Frances Klein, individually and as officers of said corporations, and Max Grodnick, Stanley Kane, and Seymour Gewirtz, individually, and respondents' representatives, agents, and employees, directly or through any corporate device, in connection with the introduction, or the offering for sale, sale, transportation or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of piece goods or other "wool products" as "wool products" are defined in the Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of their constituent fibers contained therein;

2. Failing to affix securely on each such product a stamp, tag, label, or other means of identificaton showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of the total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter; and

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof, in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

B. Causing or participating in the removal of mutilation of any stamp, tag, label or other means of identification affixed to any wool product pursuant to the provisions of the Wool Products Labeling Act of 1939, with intent to violate the provisions of said Act.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Max Klotz.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents except Max Klotz shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5706; Filed, July 9, 1959; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 46—ENROLLMENT OF INDIANS OF THE RINCON, SAN LUISENO BAND OF MISSION INDIANS IN CALIFORNIA

Preparation, Approval and Maintenance of Roll

On page 1158 of the FEDERAL REGISTER of February 14, 1959, there was published a notice of intention to add Part 46 to Title 25 of the Code of Federal Regulations. The purpose of the regulations is to govern the preparation of a roll of the Rincon, San Luiseno Band of Mission Indians in California.

Interested persons were given an opportunity to submit their views, data, and arguments concerning the proposed regulations within 30 days from the date of publication of the notice to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C.

Several suggestions pertaining to the proposed regulations were received within the period specified. The suggestions have been thoroughly considered since the expiration of the 30-day period. As a result of such consideration it was determined that the suggestions would be very helpful in the implementation of the regulations, and would be incorporated therein.

To clarify the effective date of the regulations the wording of the first sentence of § 46.4 *Application for enrollment*, has been revised to read: "A person who believes that he, or a minor, or a mental incompetent is entitled to enrollment with the Band, may within ninety (90) days from the date of publication of this part of the FEDERAL REGISTER, file with the Field Representative a written application for enrollment in this Band."

Section 46.4 has also been revised by adding as the penultimate sentence in the first paragraph of that section: "If the Area Director has knowledge of a minor or mental incompetent for whom an application has not been filed within the 90-day period, he shall file an application for that person and submit it to the Enrollment Committee."

This addition was made in order that the interests of minors and mental incompetents might be adequately protected.

Section 46.11 *Action by the Secretary*, has been clarified by adding the words "on the roll" between the words "enter" and "the" in the second sentence of that section. With the revision the sentence will read as follows: "The Director is authorized to enter on the roll the name of any such person whose appeal has been granted when so directed by the Secretary."

It was the intent in § 46.14 *Current membership roll*, to provide for the addition to the roll of the names of children born subsequent to July 21, 1957. Therefore, to clarify this point we have added "born after July 21, 1957," between the words "children" and "who" in the first sentence of § 46.14, which now reads: "The roll shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Band and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Director and by adding thereto the names of children born after July 21, 1957, who meet the membership requirements set forth in § 46.5."

The proposed regulations are hereby adopted, as so revised, and are set forth below. These regulations will become effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT, *Under Secretary of the Interior.*

JULY 2, 1959.

Sec.
46.1 Purpose.
46.2 Definitions.
46.3 Preparation of roll.
46.4 Application for enrollment.
46.5 Persons to be enrolled.
46.6 Enrollment Committee election.
46.7 Review of applications by Enrollment Committee.
46.8 Determination of eligibility and enrollment by Director.
46.9 Appeals.
46.10 Action by the Commissioner.
46.11 Action by the Secretary.
46.12 Preparation and approval of roll.
46.13 Certificate.
46.14 Current membership roll.
46.15 Use of approved roll.

AUTHORITY: §§ 46.1 to 46.15 issued under secs. 463 and 465 Revised Statutes, 25 U.S.C. 2 and 9.

§ 46.1 Purpose.

The regulations in this part shall govern the enrollment of persons in the Rincon, San Luiseno Band of Mission Indians in California as of July 21, 1957.

§ 46.2 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Sacramento Area Office.

(d) "Field Representative" means the Area Field Representative, Riverside, California.

(e) "Band" means the Rincon, San Luiseno Band of Mission Indians.

(f) "Enrollment Committee" means a committee of three (3) members of adult age and now on the census roll of the Rincon, San Luiseno Band, to assist in enrollment.

(g) "Census Roll" means the 1940 census roll of the Rincon, San Luiseno Band of Mission Indians, revised as of July 21, 1957.

§ 46.3 Preparation of roll.

The Director shall prepare and submit for approval by the Secretary, a roll of the members of the Band.

§ 46.4 Application for enrollment.

A person who believes that he, or a minor, or mental incompetent, is entitled to enrollment with the band, may within ninety (90) days from the date of publication of this part in the FEDERAL REGISTER, file with the Field Representative a written application for enrollment in this Band. Application forms may be obtained from the Field Representative or a member of the Enrollment Committee. The form of the application shall be prescribed by the Director. The execution of each application shall be witnessed by two (2) disinterested persons who are not members of the household of the applicant. An application on behalf of a minor or mental incompetent shall be executed by a parent, natural guardian, or other person responsible for his care. If the Area Director has knowledge of a minor or mental incompetent for whom an application has not been filed within the 90-day period, he shall file an application for that person and submit it to the Enrollment Committee. Each application shall contain the following information:

(a) The name and address of the applicant, and if the applicant is a minor or mental incompetent, the name, address, representative capacity and blood relationship of the person executing the application on behalf of the minor or mental incompetent.

(b) The date and place of birth of the applicant.

(c) The applicant's degree of Indian blood and degree of Indian blood of the Rincon, San Luiseno Band.

(d) The applicant's allotment number, date of trust patent, or date and number of assignment approved by the Tribal Council.

(e) If the applicant is unallotted, the names of relatives who may have received allotments, their blood relationship to the applicant, and the name of the reservation where such relative may be allotted.

(f) The name and degree of Indian blood of each parent of the applicant, the degree of Indian blood of the Rincon, San Luiseno Band, the name of the tribe or band with which each parent of the applicant is enrolled or affiliated, and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment.

(g) If the applicant has previously been enrolled on the approved roll of Indians of California, the number thereon of the applicant.

§ 46.5 Persons to be enrolled.

The names of persons in any of the following categories who were alive on July 21, 1957, shall be placed on the membership roll of the Rincon, San Luiseno Band of Mission Indians, provided he or she is not an enrolled member with some other tribe or band.

(a) Indians whose names appear as members of the Band on the census roll.

(b) Indians who have received allotments on the Rincon Reservation.

(c) Descendants of Indians whose names appear as members of the Band on the census roll, provided such descendants have ⅛ or more degree of Indian blood of the Band.

(d) Descendants of allottees having ⅛ degree or more of Indian blood of the Band.

(e) If an Indian who applies for enrollment under the provisions of paragraph (a), (c), or (d) of this section has received in his or her own right an allotment with some band or tribe, and has not relinquished such allotment prior to July 21, 1957, such person shall not be enrolled. Ownership of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment.

§ 46.6 Enrollment Committee election.

A person whose name now appears as a member on the census roll of the Band shall be entitled to vote at a time and place and in a manner designated by the Band or the Director, to elect three (3) persons, twenty-one (21) years of age or older, whose names appear on such roll, as members of the Enrollment Committee and two (2) persons to act as alternates to the Committee. Three (3) persons receiving the highest number of votes shall constitute the Enrollment Committee of the Band, and the persons receiving the fourth and fifth highest number of votes shall serve as alternate members of the Committee. The person receiving the highest number of votes shall be the chairman; the person receiving the next highest number of votes shall be the secretary.

§ 46.7 Review of applications by Enrollment Committee.

The Field Representative shall refer duly filed applications for enrollment to the Enrollment Committee. The Enrollment Committee shall review each such application and may require an applicant to furnish additional information in writing or in person to assist the Enrollment Committee to make a recommendation. The Enrollment Committee shall file with the Director, through the Field Representative, those

applications which it approves and with those applications not approved shall submit a separate report stating reasons for disapproval. These applications, whether approved or disapproved, shall be filed with the Director within thirty (30) days from receipt of the applications by the Committee.

§ 46.8 Determination of eligibility and enrollment by Director.

The Director shall review the reports and recommendations of the Enrollment Committee and shall determine the applicants who are eligible for enrollment in accordance with the provisions of § 46.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who have been determined by the Director to be eligible for enrollment against the report and recommendation of the Enrollment Committee, and the reports and recommendations of the Enrollment Committee relative to applicants who have been determined by the Director not to be eligible for enrollment against the reports and recommendations of the Enrollment Committee, with a statement of the reasons for his determination.

§ 46.9 Appeals.

If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 46.5, he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of mailing of the notice to him to file with the Director an appeal from the rejection of his application, together with any supporting evidence not previously furnished. The Director shall forward to the Commissioner the appeal, supporting data, his recommendation thereon, and the report and recommendation of the Enrollment Committee on the application.

§ 46.10 Action by the Commissioner.

When upon review the Commissioner is satisfied that the appellant meets the provisions of § 46.5 he shall so notify the appellant in writing, and the Director is authorized to enter his name on the roll. If the Commissioner determines that an appellant is not eligible for enrollment in accordance with the provisions of § 46.5 the appellant shall be notified in writing of his decision and the reasons therefor. The appellant shall then have thirty (30) days from the date of mailing of the notice to file an appeal with the Secretary.

§ 46.11 Action by the Secretary.

The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. The Director is authorized to enter on the roll the name of any such person whose appeal has been granted when so directed by the Secretary.

§ 46.12 Preparation and approval of roll.

Upon notice from the Secretary that all appeals have been determined the Director shall prepare in quintuplicate a roll of members of the Band, arranged in alphabetical order. The roll shall contain for each person: Name, address, sex, date of birth, and degree of Indian blood of the Rincon, San Luiseno Band of Mission Indians. The Director shall submit the roll to the Secretary for approval. Four (4) copies of the approved roll shall be returned to the Director, who shall make one (1) copy available to the Chairman of the Tribal Council and one (1) copy available to the Chairman of the Enrollment Committee.

§ 46.13 Certificate.

The Director shall affix a certificate to the approved roll certifying that the roll, to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the Band.

§ 46.14 Current membership roll.

The roll shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Band and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Director and by adding thereto the names of children born after July 21, 1957, who meet the membership requirements set forth in § 46.5. It will not be necessary for the Secretary to approve each addition to or deletion from the current membership roll. However, before the roll may be used for the distribution of tribal assets it shall be submitted to the Secretary for his final approval.

§ 46.15 Use of approved roll.

Unless otherwise directed by Congress, the approved roll shall be used for all official purposes, including the allotting of tribally-owned land.

[F.R. Doc. 59-5707; Filed, July 9, 1959; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Investigating and Processing Claims

Sections 836.200 to 836.220 supersede §§ 836.1 to 836.6 (17 F.R. 3320, April 15, 1952).

Sec.
- 836.200 Purpose.
- 836.201 Definitions of terms.
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- 836.218 Transfers and assignments of claims.
- 836.219 Participation in the prosecution of claims and disclosure of information.
- 836.220 Prejudging claims.

AUTHORITY: §§ 836.200 to 836.220 issued under sec. 1, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 939, 2731-2735, 9801-9806; 28 U.S.C. 2671-2680.

SOURCE: AFR 112-2, Mar. 26, 1959.

§ 836.200 Purpose.

Sections 836.200 to 836.220 establish responsibility for, and prescribe procedures to be followed in investigating and reporting all accidents and incidents arising out of Air Force activities which may result in claims.

§ 836.201 Definitions of terms.

(a) *Claim.* Any written demand for the payment of a sum of money, other than for ordinary obligations incurred by the Air Force in the regular procurement of services, supplies, equipment, or real estate. An oral demand may be considered a claim under the provisions of §§ 836.51 to 836.56 and §§ 836.61 to 836.78 (AFR's 112-5 and 112-6).

(b) *Small claim.* A claim for property damage arising within the United States, its territories or possessions, which is presented for $250 or less; or a claim arising outside the United States, its territories or possessions, which is presented for $250 or less.

(c) *Claimant.* An individual, partnership, association, corporation, country, State, Territory, or their political subdivision. The term does not include the United States Government or any of its instrumentalities, except for claims in favor of the United States (see §§ 837.1 to 837.7 (AFR 112-9) and §§ 837.11 to 837.16 (AFR 112-12) of this chapter and §§ 836.141 to 836.148 (AFR 112-12).

(d) *Military personnel.* Individual members of the Air Force.

(e) *Civilian personnel.* Civilian employees of the AF paid from appropriated funds. However, this term also may include prisoners of war and interned enemy aliens engaged in labor for pay, and volunteer workers and others serving as employees of the AF without compensation, except for claims under §§ 836.90 to 836.101 (AFR 112-7).

(f) *Scope of employment.* Acts or omissions of AF military or civilian personnel expressly or impliedly directed or authorized by competent authority.

(g) *Noncombat activities.* Any authorized AF activities, other than combat activities (see paragraph (h) of this section). However, under §§ 836.11 to 836.24 (AFR 112-3) and §§ 836.61 to 836.78 this term relates to statutory provisions in 10 U.S.C. 2733 and 2734. These provisions are given special meaning and relate to certain non-negligence activities that are peculiarly AF activities having little parallel in civilian pursuits and historically have been considered as furnishing a proper basis for paying claims. Ordinary traffic accident and other tort-type claims are not included in this interpretation, although such claims may be payable under other statutory provisions.

(h) *Combat activities.* Activities resulting from action by the enemy, or by United States Armed Forces engaged in, or in immediate preparation for, impending armed conflict.

(i) *Inhabitant of a foreign country.* A person who dwells or resides in a foreign country (see §§ 836.61 to 836.78).

(j) *Settle.* To consider, ascertain, adjust, determine, and dispose of a claim, whether by approval or disapproval in whole or in part.

(k) *Approving authority.* Any officer designated by the Secretary of the Air Force, and any foreign claims commission appointed by him or his designee, to settle certain claims.

§ 836.202 Other claims and procedures.

(a) *Air National Guard claims.* (1) Claims arising out of activities of the Air National Guard, when its units are called or its members are ordered into active Federal service in the manner provided by statute, will be investigated and processed in the same manner as any other claim under this subchapter.

(2) When the ANG has not been called or ordered into active Federal service, claims arising out of the activities of military or civilian personnel of the ANG of a State, Territory, or the District of Columbia, including caretakers or clerks, are not the responsibility of the AF. Such claims will be referred, without investigation, to the Adjutant General of the political entity concerned. Included in this category are property damage claims that arise incident to an ANG camp of instruction, since such authorities are required to process these claims and refer them to the Chief of the National Guard Bureau. However, a copy of the referral letter and claim will be forwarded to The Judge Advocate General at the following address: Hq USAF (AFCJA-13), Washington 25, D.C.

(3) Claims arising out of the activities of AF military personnel assigned to ANG units will be processed as any other claim against the AF.

(b) *AFROTC claims.* Claims arising out of the activities of Air Force Reserve Officers Training Corps (AFROTC) student members are the responsibility of the educational institution where enrolled, except when these student members are engaged in AF flight instruction or training camp duties. Certain type injury claims of AFROTC student members are covered under the Federal Employees Compensation Act (70 Stat. 805; 5 U.S.C. 802). Claims against the United States arising out of the military activities of USAF personnel assigned to AFROTC units will be processed as any other claim against the AF.

(c) *Contract claims.* Claims which arise from AF contracts, express or implied, ordinarily are covered under Subchapter J of this chapter, and are not payable under this subchapter. (However, see paragraph (i) of this section, and §§ 836.11 to 836.24; §§ 836.61 to 836.78; §§ 836.141 to 836.148 and §§ 836.161 to 836.165 and §§ 837.11 to 837.16 of this chapter.)

(d) *Contractor employees salary claims in security cases.* Salary reimbursement claims in security cases of AF contractors' employees will be processed pursuant to current AF directives.

(e) *Post Office Department claims.* Claims of the Post Office Department for losses caused by unbonded AF military personnel assigned to APO duty will be processed under current AF directives.

(f) *Laundry and dry cleaning establishment claims.* Claims involving AF laundry and dry cleaning establishments will be processed and disposed of under current AF directives. When the facility does not operate under the industrial fund, or if the claim is not the type that can be settled by the laundry officer, the claim will be considered under current AF directives or §§ 836.11 to 836.24 or §§ 836.90 to 836.101, as appropriate. In such cases, the purported "waiver" or "agreement" printed on the laundry ticket will not be given any legal effect.

(g) *Nonappropriated fund activity claims.* Claims arising out of nonappropriated fund activities will be processed pursuant to §§ 836.161 to 836.165, which includes compensation, tort, and contract claims.

(h) *Loss or destruction of Government property claims.* Claims by the AF against military or civilian personnel for loss or destruction of Government property will be processed under current AF directives. Other claims in favor of the AF will be considered under §§ 837.1 to 837.7 and §§837.11 to 837.16 of this chapter or §§ 836.141 to 836.148, as appropriate.

(i) *Real estate acquisition and disposition claims.* Claims for rent, damage, and other payments involving the acquisition and disposition of real property or interests therein by and for the AF will be processed in accordance with current AF regulations.

(j) *Claims generated by other United States armed forces.* (1) Claims presented to an AF base, installation, or corresponding unit for damage, injury, or death arising out of the activities of another United States Armed Force will be referred immediately, without investigation, to the nearest installation of that Armed Force for appropriate disposition.

(2) Exceptions are when the AF has been assigned responsibility for the settlement of claims in the area where the accident or incident occurred, or when it involved a claim under the Military Personnel Claims Act (see § 836.206 and §§ 836.61 to 836.78).

(k) *Claims under international agreements.* The governments of some foreign countries in which United States Armed Forces are stationed have by treaty or agreement waived or assumed, or may hereafter waive or assume, some claims against the United States. When this has occurred with respect to any claim, there is no authority to receive, consider, or pay the claim under United States laws or regulations which normally are available for its administrative settlement. However, when such governments have assumed responsibility for the settlement of certain claims generated by United States forces, AF authorities will investigate such matters in accordance with the implementing agreement between the U.S. and the government concerned. Ordinarily, the AF investigation will be limited to U.S. military sources, and the foreign government to any other sources.

(l) *Claims not otherwise provided for.* Any claim not provided for herein, or by any specific law, regulation, or appropriation available to the AF will be forwarded through claims channels to The Judge Advocate General of the Air Force for appropriate determination or action.

§ 836.203 Occurrences requiring investigation.

(a) *Noncombat accidents and incidents.* Investigation of AF noncombat service-connected accidents and incidents will be made immediately when:

(1) Property other than U.S. Government property is damaged, lost, or destroyed.

(2) U.S. Government property is damaged, lost, or destroyed under circumstances which may give rise to a claim in favor of the Government under §§ 836.141 to 836.148, or §§ 837.1 to 837.7 and §§ 837.11 to 837.16 of this chapter.

(3) Injury or death occurs to any person other than military or civilian personnel of the United States Armed Forces.

(4) A claim is presented or complaint made.

(5) Competent authority so directs, including requests for investigation of accidents or incidents by another United States Armed Forces or a foreign government authorized to settle claims under international agreements.

(b) *Investigations otherwise required.* Provisions of §§ 836.200 to 836.220 do not modify the requirements of any other directive relating litigation, line-of-duty, reports of fires, explosions, storms, aircraft accidents, surveys, ground safety, actions under Article 139 of the Uniform Code of Military Justice, board of officers proceedings, or disciplinary matters. When only such matters are involved, the action taken will be in accordance with the requirements of such other AF directive.

§ 836.204 Purpose of the investigation.

The investigation is made to ascertain, marshal, and preserve the facts of an accident or incident which has or may become the basis of a claim in favor of or against the United States. It should develop definitive answers to the basic questions: Who? What? Where? When? and Why? The investigator must have a working knowledge of pertinent principles of law and regulations which is sufficient to enable him to determine what facts are relevant and to seek them out.

§ 836.205 Extent of investigation.

A thorough and impartial investigation of the facts will be made. The circumstances of the particular case and the amount involved will determine the extent of investigation. When accidents or incidents give rise to a small claim it will not always be necessary to comply literally with all requirements of a formal

investigation. A claim in excess of the amount which may be settled administratively by the AF generally will require a more complete investigation than one which may be settled administratively.

§ 836.206 Claims presented by a member of another U.S. armed force.

A member of another U.S. armed force may present a claim to the AF for loss of personal property incident to his service under 10 U.S.C. 2732. If such a claim is presented at an AF installation which is the nearest military facility where claims may be presented, then the claim will be investigated under the provisions of §§ 836.200 to 836.220 and §§ 836.90 to 836.101, and forwarded through claims channels to The Judge Advocate General at the following address: Hq USAF (AFCJA–13), Washington 25, D.C.

§ 836.207 Presentation of claim.

(a) *Property damage.* (1) A claim for damage to, or loss or destruction of property may be presented by the owner of the property, his duly authorized agent or legal representative, or survivors, only as authorized in specific AF directives.

(2) As used in §§ 836.200 to 836.220, "owner" includes bailee, lessee, mortgagor, and conditional vendee, but does not include mortgagee, conditional vendor, nor others having title for purposes of security only. If more than one party has a real interest in the property or property right damaged, all must join in the claim.

(b) *Personal injury or death.* (1) A claim for personal injury may be presented by the injured person, his duly authorized agent, or legal representative.

(2) A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any other person legally or beneficially entitled in accordance with local law governing the rights of survivors.

(c) *Insurance subrogees.* Claims of subrogees are governed by the provisions of this subchapter.

§ 836.208 Claim forms.

(a) *Presenting claim forms.* Claimant will present his claim in triplicate on authorized official forms; SF 95, Claim for Damage or Injury, or AF Form 529, Claim for Personal Property (see § 836.211). The following information will be included on these forms, where appropriate:

(1) In connection with claims presented under §§ 836.90 to 836.101, the address of the claimant will be that address at which claimant is most likely to receive his mail promptly.

(2) Facts of accident or incident, including date, place, property, and persons involved.

(3) Nature and extent of damage, loss, or injury, and amount claimed in a sum certain.

(4) Ownership of property or property right for which claim is presented.

(5) Cause or occasion of the accident or incident.

(6) Whether or not litigation has been instituted in any court on the subject matter of the claim, and, if so, the name and location of the court, style of the lawsuit, amount demanded by plaintiff, and the status or outcome of such litigation.

(7) Whether or not the damage or loss is covered in whole or in part by insurance, and, if covered, the amount of coverage and name and address of insurer; whether or not a claim has been presented to an insurer, and, if so, in what amount; and whether or not the insurer has or is expected to pay the claim.

(b) *Signatures on claim forms*—(1) *How to sign.* Claim forms will be signed in ink by the claimant, or in his name by a duly authorized representative. The signature will include the first name, middle initial (if any), and surname of both the claimant and the person signing the claim on his behalf. A married woman must sign her claim in her given name—for example, "Mary A. Doe" rather than "Mrs. John Doe." The claim, if presented by an agent or legal representative, will be presented in the name of the owner, be signed by the agent or legal representative, show the title or capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative—for example, "John Doe by Richard Roe, Attorney in Fact." The authority to present a claim will have been executed within 180 days of presentation of the claim.

(2) *Corporation claims.* A claim presented by a corporation will show the title or capacity of the corporate officer signing, and the corporate seal (if any) will be affixed to the claim form. When other than an officer of a corporate claimant signs the claim form on behalf of the corporation, a certification by a corporate officer that the person whose signature appears on the claim form is an agent of the corporation duly authorized to present and settle the claim will be presented with the claim, and the corporate seal (if any) will be affixed thereto.

(3) *Joint interests.* In states or countries where community property laws exist, both the husband and wife will sign the claim form when a claim is presented for property damage or personal injury to either spouse. Where joint tenancy of real property is recognized by law, both the husband and wife also must sign the claim form.

(4) *Insurance subrogation claims.* When an insurer has been subrogated to an interest in a claim, it may present its claim separately or jointly with the insured.

§ 836.209 Where to present claim forms.

The claim will be presented to the commander of the military or civilian personnel involved, if known, otherwise it will be presented to the commander of the unit or installation at or nearest to which the accident or incident occurred. If the accident or incident occurred in a foreign country where no AF unit is stationed, the claim will be presented to the United States Air Attache, any attache of the United States Armed Forces, or those Military Assistance Advisory Group personnel authorized to receive claims.

§ 836.210 Evidence to be submitted by claimant.

The claimant will submit competent evidence and information concerning the cause of the damage or injury for which claim is made, proof of ownership of property, and the correctness of the amount claimed.

(a) *Real property damage.* The following evidence and information are required, as indicated.

(1) *Proof of ownership.* (i) When the amount claimed for damage to or loss or destruction of real property does not exceed $1,000, proof of ownership ordinarily may consist of the claimant's statement or affirmation on the executed claim form that he had legal title to the property or property right on the date of the accident or incident giving rise to the claim, or a statement of his interest in the property or property right. If the claims officer has reason to believe that the claimant does not own the property or property right or have an interest for which a claim may be made, he will require the claimant to furnish additional evidence.

(ii) When the amount claimed for damage to or loss of destruction of real property exceeds $1,000:

(*a*) The claimant will be required to submit an affidavit to include:

(*1*) Legal description of the property.

(*2*) A statement that he had legal title to the property on the date of the accident or incident giving rise to the claim; if he did not have legal title, a statement of his interest on that date.

(*3*) A statement how title or other interest was acquired—such as by warranty deed, tax deed, court decree, lease, will, or otherwise.

(*4*) Date of any legal instrument or document conveying legal title or other interest to claimant.

(*5*) Name and location of office of record where instrument or document conveying title or other interest to claimant was recorded, date of recording, and book and page number where instrument was recorded.

(*6*) Statement whether or not he has the identical title or interest in the property as that held at the date of damage, destruction, or loss.

(*7*) Statement whether or not any other person has an interest or asserted interest in the property, and the name and address of such person and description of such interest.

(*8*) If any of the required items of information are not included, the claimant will explain their absence in his affidavit.

(*b*) If a single instrument or document of record exists which conveyed title or other interest to the claimant, the claimant will be required to submit a properly authenticated copy of such instrument or document.

(iii) The requirements set forth in subdivision (ii) of this subparagraph are not mandatory for claims considered under the provisions of 10 U.S.C. 2734 and §§ 836.61 to 836.78, or 10 U.S.C. 9801—9806 and §§ 836.141 to 836.148 and §§ 837.11 to 837.16 of this chapter, but may be utilized as a guide to establish ownership of real property.

(2) *Land and soil damage.* (i) Proof of ownership, as required by subparagraph (1) of this paragraph.

(ii) The cost of rehabilitation of the land and steps taken to effect rehabilitation are required, including a report on whether or not complete restoration was effected, cost of fertilizer, tillage, holes covered, persons doing work, and any additional damage caused during such rehabilitation.

(iii) If pasture or grazing land is involved, determine the value of the destroyed grasses. This ordinarily will require consideration of the length of time the claimant will be denied the use of the land for pasture or grazing purposes, whether or not substitute land is available reasonably to the claimant, expenses incurred by the claimant for rent or use of substitute land, loss of rents from the affected land, and other pertinent information.

(iv) In the event of permanent damage, or when a claim is made for a reduction in value of land, the claimant will be required to submit a statement from a qualified real estate appraiser of the before and after market value and the date of purchase and purchase price.

(3) *Crop losses.* (i) Proof of ownership, as required by subparagraph (1) of this paragraph.

(ii) Since crop yields cannot be accurately known until harvest time, certain information is essential in calculating a loss:

(*a*) Claimant's past production record.

(*b*) Average yield per acre for the affected crop in the county or locality where the land is located.

(*c*) Market price of the crop at maturity.

(*d*) Any special problems of irrigation involved.

(iii) A statement whether or not any crops involved were subject to any Federal or State production restrictions, allocations, aids, or benefits, and, if so, give details.

(iv) A statement showing any steps taken to minimize the loss—such as substitute planting where possible, harvesting, and crop and land rotation.

(v) A statement showing any loss of rentals, and any crop agreements involved in leased land.

(vi) Costs of planting, harvesting, preparation for marketing, and marketing will be thoroughly investigated and considered in determining actual monetary loss. Also, reference will be made to prior costs of the claimant and average local costs, prevailing market conditions at the time the crop would have been harvested, and the effect of any unfavorable weather conditions on crops in the claimant's area.

(4) *Houses, stores, barns, outbuildings, fences, or other structures affixed to the realty.* (i) Proof of ownership, as required by subparagraph (1) of this paragraph.

(ii) Photographs of the buildings or structures.

(iii) A detailed description of the damage is required.

(iv) Ordinarily at least two detailed written estimates of cost of repairs will be furnished by the claimant. However, one such estimate will be acceptable if it is not possible for the claimant to obtain more than one, or when only one is directed by the Staff Judge Advocate, Air Materiel Command, the Staff Judge Advocate of the command having claims responsibility for the area outside the United States, or the Chief of Claims Division, Office of The Judge Advocate General. If repairs have been accomplished, claimant will furnish the bill, receipt, or a copy thereof.

(v) Whether a building or other structure is repairable or has been destroyed is sometimes a question of fact which must be carefully considered:

(*a*) If it has been destroyed, the claimant will be required to submit written appraisals of the market value by two qualified real estate appraisers. These appraisals will include the date of construction, cost of construction, market value at time of destruction, local real estate conditions that may have affected market value, improvements made after original construction, and the condition of the structure at the time of destruction. Evidence as to reconstruction cost has probative value and may be considered.

(*b*) If it is not possible to obtain an appraisal, the measure of damage may be determined by using the reconstruction cost, less a deduction for depreciation. Depreciation is determined by the age of the destroyed building or other structure, as compared to its normal life expectancy. Depreciation schedules may be found in publications of the Internal Revenue Service or may be those employed in local business practices.

(vi) The damage to or destruction of a building or other structure used for commercial or residential purposes may give rise to a claim for loss of use:

(*a*) On residential structures, the file will include a detailed breakdown of the cost of rent for substitute quarters, and any extra expenses incurred for food, utilities, transportation, or any other item claimed. To permit determination of the damage, the file must include information concerning the period of time reasonably required to effect repairs or reconstruction, whether or not the claimant has made reasonable efforts to effect repairs or reconstruction, claimant's normal living expenses, expenses other than housing, food, and utilities, and whether or not such expenses were reasonable and necessary. When available, the claimant will be required to furnish the claims officer with bills, receipts, or other documentary evidence in support of such expenses.

(*b*) On commercial structures, the file will include a statement of the cost of rent for any necessary substitute structure, the period of time reasonably required to effect repairs or reconstruction, and whether or not the claimant has made reasonable efforts to effect repairs or reconstruction. When available, the claimant will be required to furnish the claims officer with documentary evidence in support of rental expenses.

(*c*) If a claim for loss of profits is made, the claimant will be required to submit an affidavit explaining in detail such alleged loss and the basis therefor, including comparison of profits for the year immediately preceding the damage and the period for which the loss is claimed.

(vii) If the claimant has effected repairs himself, the cost of materials used, the reasonable value of his labor, and any wages lost from regular employment to effect repairs may be considered in determining the damage.

(5) *Trees, grass, bushes, plants, or vines.* (i) Proof of ownership of the land, as required by subparagraph (1) of this paragraph.

(ii) Photographs of the damaged objects or area.

(iii) A detailed description of the damage is required.

(iv) *Trees, grass, bushes, plants, or vines not grown for commercial purposes.* When permanently damaged or destroyed, the claimant will be required to submit a written appraisal by a qualified real estate appraiser of the market value of the land immediately before and after damage or destruction. It is emphasized that the replacement cost of a tree not grown for commercial purposes is not the measure of damage for the loss of such tree.

(v) *Trees, grass, bushes, plants, or vines grown for commercial purposes.* (*a*) The evaluation of damage to or destruction of merchantable trees by a forest fire or other causes presents special problems. Such trees are generally classed as sawtimber, pulpwood, or young trees, depending upon their size. The measure of damage for sawtimber and pulpwood destroyed is stumpage—the market value of the tree standing in the forest. For young trees, it is generally the cost of replacement for destroyed trees, plus an allowance for lost growth. When any size tree is only damaged and it survives, an allowance may be made for lost growth. In fires, soil damage may also be considered. When possible, the claims officer will obtain a damage appraisal from a professional forester or other qualified individual. Advice and assistance may be obtained from the nearest United States Forest Service office.

(*b*) *Fruit and nut trees and vines grown in commercial orchards.* (*1*) When destroyed, the measure of damage generally is the loss of profits during the period required for a young tree or vine to reach bearing age, plus an allowance for removing the remains of the destroyed item and replacing it with a young tree or vine.

(*2*) Evaluation of the damage requires information concerning the type and number of trees or vines affected, total orchard or vineyard acreage, produce market prices, age of trees or vines at time of destruction, maturity period for the trees or vines, years of profitable bearing, cultivation, harvesting, and marketing costs, and any special factors peculiar to the locality.

(*c*) *Trees, bushes, plants, or vines grown in commercial nurseries.* When the item itself is merchantable and is destroyed, the local market value at the time of destruction must be determined.

(b) *Personal property damage.* The claimant will be required to submit the following evidence and information:

(1) Proof of ownership of personal property damaged, lost, or destroyed ordinarily may consist of the claimant's statement or affirmation on the executed claim form that he owned the property on the date of the incident giving rise to the claim, or a statement of his interest in the property. If the claims officer has reason to doubt the claimant's ownership, he will require the claimant to furnish additional evidence.

(2) A statement of the amount claimed for each item.

(3) For personal property which has been or can be economically repaired, an itemized receipt for payment of necessary repair costs, or an itemized written statement or estimate of the repair costs from a competent individual or firm.

(4) For personal property which is not economically repairable, or is lost or destroyed, a statement listing the month and year of purchase, purchase price of each item, and any salvage value.

(5) In determining awards for items of personal property not economically repairable, or lost or destroyed, the depreciation schedules (or Allowance List) published periodically by the Chief of the Claims Division, Office of The Judge Advocate General of the Air Force, will be used as a guide in establishing the depreciation on such items. No limitations on types, quantities, and amounts prescribed in such schedules shall have any application to claims considered under statutes and regulations available for the processing of claims, except in two instances:

(i) Claims considered under the provisions of 10 U.S.C. 2732 and §§ 836.90 to 836.101.

(ii) Personnel-type claims considered under the provisions of 10 U.S.C. 2733 and §§ 836.11 to 836.24 for losses which would otherwise be considered under the provisions of 10 U.S.C. 2732 and §§ 836.90 to 836.101 except for the fact that the person suffering the loss would not be a proper claimant under the latter statute and §§ 836.90 to 836.101.

(c) *Personal injury.* (1) In support of a claim for personal injury, including pain and suffering, the claimant will be required to submit the following evidence and information:

(i) A written report by his attending physician or dentist showing the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity.

(ii) Itemized and signed bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(iii) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(iv) When a claim is made for loss of time from work or loss of earnings, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(v) When claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(d) *Death.* (1) In support of a claim for death, including any pain and suffering preceding death, the claimant will be required to submit the following evidence and information:

(i) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of deceased.

(ii) An affidavit showing the following: (*a*) Deceased's employment or occupation at time of death, including monthly or yearly salary or earnings (if any), and length of time at last employment or occupation.

(*b*) Full names, birth dates, kinship, and marital status of all survivors, including identification of those survivors who were dependent for support upon deceased at the time of his death.

(*c*) Degree of support afforded by the deceased to each survivor dependent for support upon deceased at the time of his death.

(*d*) Educational benefits that survivors might reasonably have expected from deceased had he lived.

(*e*) Deceased's general physical condition before death.

(*f*) Any other evidence which would have a bearing on the determination of the proper claimants and award.

(iii) Itemized and signed bills for medical and burial expenses arising out of the accident or incident causing death, or itemized receipts of payment for such expenses.

(iv) In support of the element of pain and suffering incident to death, a physician's detailed statement concerning injuries suffered, duration of pain and suffering, drugs administered for pain, and deceased's physical condition in the interval between injury and death.

(e) *Recoveries from third parties.* If the claimant has elected to proceed against a third party as a joint tortfeasor, or has recovered from his insurer or common carrier, he will report the facts of such action and any amounts recovered with respect to items of damage which otherwise may properly be included in the claim against the Government (see §§ 836.11 to 836.24; §§ 836.31 to 836.46; §§ 836.51 to 836.56; §§ 836.61 to 836.78; §§ 836.90 to 836.101; and §§ 836.141 to 836.146, and §§ 837.11 to 837.16 of this chapter).

(f) *Domestic animals and fowl; fish and wildlife.* Claims for damage usually arise out of direct physical injury or shock caused by aircraft crashes, from fright or nervousness induced by low-flying aircraft, or from the spraying of insecticides. When noise or insecticides are involved, particular attention will be given to the matter of Air Force causation, since this is often the determining factor in disposition of the claim.

(1) *Death or injury to domestic animals and fowl.* (i) A statement will be required from the claimant that he owns the animals or fowl, and the number and description of those affected.

(ii) In injury cases, the claimant will be required to submit a detailed statement describing the injuries and cost of treatment, supported by any bills or receipts. The claimant also will be required to furnish written statements from any veterinarian in attendance showing the cause and extent of injuries or losses.

(iii) In the case of fur-bearing animals kept for pelting or sale, the claim usually will be based on destruction of the young by mothers, fur damage, reduced fertility of breeding stock resulting from shock, or fright or nervousness induced by noise. The claimant will be required to state:

(*a*) Length of time he has been in the business of raising the animals for sale or pelting.

(*b*) Name of any breeding or marketing association to which he may belong, and whether or not he occupies the position of an officer in the association.

(*c*) Number and type of adult and young animals at the location of the incident immediately before the incident.

(*d*) Number, type, and ages of all the adults and young animals affected.

(*e*) When destroyed, the market value of each animal and the expected profit on each animal.

(*f*) On each animal for which claim is made, whether the damage is based on the value of the animal for pelting or sale as breeding stock.

(*g*) Market prices received for his last sales of pelts or breeding stock prior to the incident.

(*h*) Name and address of his pelt buyer or market.

(*i*) Normal mortality rate per litter.

(2) *Loss of weight or production and other disabilities.* (i) When a claim is made for loss of weight or production of animals or fowl of commercial value, or for other disabilities suffered as the result of physical injury, shock, or nervousness, it must be determined if they are susceptible to such losses or disabilities, and, if so, for what period of time. The damage claimed is usually based on the reduced market value of the animal or fowl if raised for meat, or in the case of dairy animals and chickens, for reduction of milk or egg production, or reduction in quality of the product.

(ii) The local market price of the animals, fowl, or their produce at the time of damage will be obtained in all cases. Since a damaged claimant is only entitled to any loss of profits, all raising and marketing costs will be considered. Accurate determination of the damage requires a comparison of weight and production statistics of the alleged affected animals or fowl with those of the claimant's prior operations, and with statistics of the county or locality as to average weights and production.

(3) *Fish and wildlife.* (i) Claims for damage to fish and wildlife often will arise out of the use of insecticides or noise generated by aircraft. Therefore, particular attention will be given the matter of Air Force causation in these cases.

(ii) When a claim is made for loss of income from fish, oysters, or other marine life, or trapping, the claimant will be required to furnish an affidavit showing his profits from the previous three seasons.

(iii) When diminution in the value of land is alleged, the claimant will be required to submit written appraisals from at least two qualified persons.

(iv) Consideration will be given to fluctuations in population that are due to natural causes.

(g) *Excluded items.* The following items generally are not considered proper elements of damage within the meaning of claims regulations. However, the claimant will not be prevented from including itemized accounts and complete and substantiating evidence with regard to any such damage.

(1) Interest on any award will not be allowed.

(2) Cost of preparation and presentation of the claim, including but not limited to expenditures incident to obtaining evidence—such as fees for appraisals and estimates of damage, travel and telephone expenses in connection with presenting the claim, attorney fees, and the cost or value of the claimant's or another's time and labor in preparing the claim.

(3) Inconvenience, including but not limited to the monetary value alleged by the claimant for hardship, mental anguish, loss of use of noncommercial property, and other intangible damage and loss which may be considered punitive damages, as opposed to compensatory damages. In death claims, mental anguish may be a proper element of damage.

§ 836.211 Assistance to claimants.

A claim will not be rejected upon initial presentation for the reason that it is not on the proper form or does not include proper supporting evidence and information. Upon acceptance of such a claim, the claims officer will advise the claimant of the necessity for further documentation, and that the processing of the claim will necessarily be delayed pending receipt of this documentation.

§ 836.212 Investigation by claims officer.

(a) *Investigative procedure.* (1) Statements, bills, or estimates for necessary repair work from disinterested firms or individuals which are submitted by the claimant need not be certified as just and correct. However, they will be properly identified with regard to the qualifications of the maker, and a business letterhead or similar evidence ordinarily will suffice. If the claims officer believes these statements, bills, or estimates appear unreasonably high, unsuitable, or include estimates or repair for damage which did not result from the incident giving rise to the claim, the claims officer either will require the firm or individual submitting such statement, bill, or estimate to certify that it is just and correct, or require the claimant to furnish an additional estimate. If neither alternative is satisfactory, the claims officer will attempt to obtain an independent estimate.

(b) *Physical examination.* When a claim for personal injury is presented, with the consent of the injured person or his personal representative, the claims officer immediately will have a physical examination made of the injured person at a military medical facility, or by a physician from such a facility.

§ 836.213 Factors for determining compensation for damage to, or loss or destruction of property.

The fundamental principle to be applied in the determination of damage to property is that the claimant shall receive monetary compensation for the actual damage sustained.

(a) *Land damage*—(1) *Irreparable damage.* (i) If the land has been permanently damaged but its value has not been totally destroyed, the measure of the damage is the difference between its market value immediately before and after the damage.

(ii) If the value of the land has been totally destroyed, the measure of damage is the market value of the property immediately before its destruction.

(2) *Repairable damage.* (i) Recovery is measured by the amount necessary to repair the damage and put the land in substantially its condition immediately before the damage.

(ii) If the cost of repairs exceeds the market value immediately before the damage the meaure of recovery is the market value.

(b) *Grass, trees, bushes, plants, and vines*—(1) *Grown for noncommercial purposes.* Diminution in the market value of the land is the measure of damage for permanent damage to or destruction of grass, shade trees, fruit trees, nut trees, bushes, plants, and vines. This is determined by reference to the market value of the land immediately before and after the damage or destruction.

(2) *Grown for commercial purposes.* When the items are permanently damaged or destroyed, the measure of damage generally is the loss of profits on the produce; or, when the grass, tree, bush, plant, or vine is a merchantable item itself, it is generally the market value of the grass, tree, bush, plant, or vine. When the measure of damage is the loss of profits on the produce, an allowance may be made for the cost of removing a destroyed item and replanting grass or a young tree, bush, plant, or vine.

(c) *Buildings or structures*—(1) *Destruction of buildings or structures.* The measure of damage is the difference between the market value of the entire premises on which the building or structure is located immediately before and after its destruction, less any salvage value.

(2) *Damage to buildings or structures.* (i) When a damaged building or structure has been or can be repaired economically, the measure of damage is the cost of repairs necessary to restore it to substantially its condition immediately before the damage.

(ii) A building or structure is not considered repairable economically if the cost of repairs exceeds the market value immediately before the damage, less the salvage value of any materials. If it is not repairable economically, the measure of damage is the market value immediately before the damage, less any salvage value.

(d) *Farm or commercial crops.* The measure of damage to or destruction of annual growing crops is the market value of the crop at maturity, less the cost of planting, cultivating, harvesting, and marketing. In claims involving damage to perennial crops, the measure of damage is the value of the land with the crop, less its value after destruction of the crop.

(e) *Personal property*—(1) *Loss or destruction.* The measure of damage for the loss or destruction of articles of personal property ordinarily is the market value of the property at the time and place of loss or destruction.

(2) *Damage to personal property.* (i) When damaged personal property has been or can be repaired economically, the measure of damage is the cost of repairs necessary to restore it to substantially its condition immediately before the damage.

(ii) It is not considered repairable economically if the cost of repairs exceeds the market value immediately before the damage, less any salvage value.

(3) *Domestic animals or fowl.* (i) When they are injured, the allowable compensation is the reasonable expense of treatment necessary to restore them to substantially their condition immediately before the injury.

(ii) When they are permanently injured, the measure of damage ordinarily is the reduction in their market value at the time and place of injury.

(iii) When they are destroyed, the measure of damage ordinarily is the market value of the animal or fowl at the time and place of the loss.

(4) *Personal claims.* For the measure of damage to or loss or destruction of personal property when a claim is presented under the provisions of 10 U.S.C. 2732, see §§ 836.90 to 836.101.

(f) *Other damage.* In addition to the elements of damage enumerated above, certain other types of damage or loss may be considered under AF claims directives.

(1) *Loss of use.* When real or personal property used for commercial purposes or residential property is damaged or destroyed, compensation may be allowed for reasonable expenses incurred for necessary substitute property during the period reasonably required to effect repairs, rehabilitation, or reconstruction, and other necessary expenses.

(2) *Loss of profits.* (i) When real or personal property used for commercial purposes is damaged or destroyed, compensation may be allowed for loss of profits if such loss can be shown with reasonable certainty. Loss must not depend on the chance of trade, but upon the market value of commodities and other facts which are susceptible of definite proof.

(ii) Alleged profits which are merely conjectural, speculative, or incapable of being ascertained with any reasonable degree of certainty do not afford a proper basis for compensation.

(iii) Loss of profits is not a proper element of damage under §§ 836.141 to 836.148, or §§ 837.11 to 837.16 of this chapter.

(3) *Interference with or interruption of business.* In cases of interference with or interruption of business activities, compensation may be allowed for loss of profits when the loss is the proximate result of the accident or incident. The

amount of loss must be shown with reasonable certainty by competent evidence.

(4) *Diminution or appreciation in value as a result of repairs.* (i) If damaged real or personal property is repairable but cannot be completely restored, an allowance may be made for the measurable difference between its market value immediately before the incident and after repair, in addition to the cost or repair.

(ii) Conversely, if the damaged real or personal property has been appreciated in market value by repair, then the measure of damage is the cost or repair, less the amount by which the market value of the property has been increased.

(5) *Appraisal expenses.* (i) In the case of property damage or loss when the claimant has utilized the services of a professional private appraiser in the documentation and support of his claim, and has been billed or has paid for these services, a fee for the appraisal may be considered a compensable item of damage when all of the following conditions exist:

(*a*) The appraisal, in form and content, satisfactorily meets the legal basis for computing the measure of damage;

(*b*) The claimant is required by the claims officer to submit the appraisal;

(*c*) The appraisal is accepted and utilized by the AF at all stages of claims processing, and no other expense of time, money, or manpower is incurred by the AF for appraisal of the items concerned; and

(*d*) There is no indication that the appraiser could benefit otherwise than by his fee, nor would the fee be deducted from any repair bills submitted to the claimant.

(ii) The claims officer will not require the claimant to submit such an appraisal except:

(*a*) When the magnitude and complexity of the damage indicate the necessity for it, and

(*b*) When the claims officer is not able to obtain a reasonably accurate evaluation of the damage by his own efforts or the use of Government appraisers, or

(c) Unless otherwise required by §§ 836.200 to 836.220, or the Staff Judge Advocate, Air Materiel Command, the Staff Judge Advocate of the command having claims responsibility for the geographic area outside the United States, but including Alaska, or the Chief of the Claims Division, Office of the Judge Advocate General.

(iii) If an appraisal is required, no statement will be made to the claimant concerning compensation for the appraisal, except that if an inquiry is made the claimant may be informed only that a claim for the expenses incurred will be considered.

(iv) When a claim is presented under the provisions of 10 U.S.C. 2732, and the claimant is required to support his claim by submitting an estimate of repair, see §§ 836.90 to 836.101 for applicable instructions.

(v) The claimant may, of course, voluntarily submit an appraisal in support of his damage. In this event, any claim for expense of appraisal fees will be considered under the criteria mentioned in subdivision (i) of this subparagraph, for required appraisals.

(6) *Mitigation of damage.* When a claimant, in the exercise of reasonable diligence, has expended money to minimize his damage, an allowance may be made for such expenditures. The allowance must be reasonable in relation to the amount of damage suffered, and will depend upon the circumstances of the particular case.

(7) *Interest costs.* When, as the result of suffering injury or damage, it is necessary for a claimant to borrow money to defray the expenses of housing, food, clothing, or medical expenses for himself or the members of his household dependent upon him, the expense of reasonable interest costs may be allowed. To justify an allowance, the necessity for borrowing money must be clearly shown. No allowance will be made for the cost of borrowing money when the damage suffered is fully covered by insurance and the claimant may receive prompt compensation from the insurer upon timely application.

(8) *Fish and wildlife.* An allowance may be made either when it can be clearly shown that the claimant has suffered a loss of profits or diminution in the market value of his real property as the result of damage to or loss of the fish and wildlife which have their habitat thereon.

(9) *Registered or insured mail.* (i) The measure of damage for the loss or destruction of registered or insured mail is the market value immediately before the incident, plus the amount of registration, postage prepaid, insurance, or other special fees.

(ii) In case of damage only, or partial loss or destruction, the measure of damage is the market value immediately before the incident less any salvage value. However, if repairable economically, the measure of damage is the cost of repairs.

(iii) No prepaid postage or other fees are payable if actual delivery of the parcel or letter is made to the correct addressee.

(10) *Federal Tort Claims Act.* The measure of damage in claims cognizable under the provisions of 28 U.S.C. 2671–2680 and §§ 836.31 to 836.46, is determined by the law of the place where the act or omission occurred.

§ 836.214 Factors for determining compensation for personal injury or death.

(a) *Law of jurisdiction.* Ordinarily, the law of the jurisdiction (situs) where the accident or incident occurred will be used as a guide in determining awards for personal injury or death, with these exceptions:

(1) When the claim arises out of an accident or incident occurring within the US, its territories or possessions, and the claimant is a foreign national, the allowable compensation ordinarily will be determined by the law of the domicile of the claimant.

(2) When the claim arises out of an accident or incident occurring outside of the US, its territories or possessions, and is cognizable under the provisions of 10 U.S.C. 2733, the law of the domicile of the injured or deceased will be considered in determining the elements of the allowable compensation.

(3) When the claim arises under the circumstances of subparagraph (2) of this paragraph, except that it is cognizable under 10 U.S.C. 2734, and the claimant is a foreign national not an inhabitant of the country where the accident or incident occurred, the allowable compensation ordinarily will be determined by the law of the domicile of the claimant.

(b) *Elements of award.* In all cases involving personal injury and death the compensation allowable will include reasonable medical, hospital, and burial expenses necessarily incurred. Other elements which may be considered, as appropriate in accordance with paragraph (a) of this section, are compensation for loss of earnings and services, anticipated medical expenses, pain and suffering, diminution of earning capacity, physical disfigurement, loss of companionship, and mental anguish. In death cases no allowance will be made for punitive damages, but only for those elements which are compensatory in nature.

§ 836.215 Action if claim is withdrawn.

If the claim is withdrawn, the only papers that may be returned to a claimant are his original claim form and such supporting documents as the claimant has furnished. In no instance will reports of investigation or any other evidence not submitted by the claimant be furnished or exhibited to him. The claims officer will make and retain for the file copies of any papers returned to the claimant. When documents—such as photographs of damage, and so forth—submitted by the claimant are returned, copies will be made and retained in the claim file (see §§ 836.219 and 836.220).

§ 836.216 Action on approved claims.

(a) *Settlement agreement.* (1) When either a claim within the settlement limits of the approving authority has been approved under the provisions of §§ 836.11 to 836.24; §§ 836.31 to 836.46; or §§ 836.61 to 836.78 for less than the amount claimed, or any personal injury claim is approved, the claimant will be required to sign a claims settlement agreement or other written release, in triplicate. In such cases, a settlement agreement or other written release will be obtained from the claimant.

(2) In claims considered under §§ 836.90 to 836.101, no settlement agreement is required or will be obtained.

(b) *Forwarding of checks.* Checks will not be forwarded to any person other than the payee without specific written authority from the payee. However, checks may be placed in the temporary custody of a representative of the AF for the purpose of delivery to the payee, or his duly authorized agent or legal representative.

§ 836.217 Action on disapproved claims.

If a claim is disapproved in whole or in part, the approving authority will notify the claimant in writing informing him of that action. The requirements of the claims directive under which the disapproval action was taken will control the matter of any appeals (see §§ 836.11 to 836.24; §§ 836.31 to 836.46; §§ 836.51 to 836.56; §§ 836.61 to 836.78; §§ 836.90 to 836.101; or §§ 836.161 to 836.165).

§ 836.218 Transfers and assignments of claims.

Transfers and assignments of claims against the U.S. ordinarily are null and void by reason of the provisions of the Anti-Assignment Act (R.S., sec. 3477, as amended; 54 Stat. 1029, 65 Stat. 41; 31 U.S.C. 203), except assignments of claims by operation of law—such as receivers or trustees in bankruptcy or administrators of estates. A power of attorney or other purported authority to receive payment of all or a part of any claim in another's name is null and void. However, provisions of the statute do not apply to claims of insurance subrogees based on involuntary assignments arising under the provisions of 10 U.S.C. 2733 or 28 U.S.C. 2671–2680.

§ 836.219 Participation in the prosecution of claims and disclosure of information.

(a) *Aid or assistance prohibited.* Government personnel are forbidden to represent, aid, or assist any claimant or potential claimant in the prosecution or support of any claim against the U.S., or to receive any gratuity, share, or interest in any such claim (62 Stat. 697; 63 Stat. 280; 18 U.S.C. 283). This includes the disclosure or furnishing of information or documents which may be made the basis of a claim, or any evidence of record in a claim matter—such as reports of investigation, statements of witnesses, photographs, and medical reports.

(b) *Official duty exception.* The prohibition against furnishing aid and assistance does not apply to the proper discharge of official duties. Upon inquiry, a claimant may be advised how to present a claim, and evidence originally furnished by the claimant may be exhibited or returned to him or his representative (see §§ 836.211 and 836.215). Documentary evidence required to be submitted by a claimant under §§ 836.90 to 836.101 may be furnished on request, and when necessary, claimants may be assisted in preparing the claim form and assembling the evidence. Foreign governments may be assisted as provided in § 836.211.

§ 836.220 Prejudging claims.

Prior to final disposition of the claim by an approving authority, no recommendation will be revealed to the claimant, and no opinion will be expressed to him concerning whether the claim will be approved or disapproved. Except for the letter of disapproval to the claimant, no other document giving the basis for disapproval will be exhibited or furnished to the claimant or his representatives.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59–5697; Filed, July 9, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1893]

[BLM 037410]

WISCONSIN

Revoking Executive Order of February 17, 1843 (Fort Crawford Military Reservation)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of February 17, 1843, which withdrew the following-described lands in Wisconsin in connection with the Fort Crawford Military Reservation is hereby revoked:

FOURTH PRINCIPAL MERIDIAN

T. 7 N., R. 4 W.,
Sec. 18.

The area described contains 628.06 acres.

The lands have been patented.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 2, 1959.

[F.R. Doc. 59–5709; Filed, July 9, 1959; 8:47 a.m.]

[Public Land Order 1894]

[Colorado 024416]

COLORADO

Reserving Lands Within Pike National Forest for Use of Forest Service for Research Purposes

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Pike National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, for research projects being conducted, in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U.S.C. 581, 581a–581k) as amended:

SIXTH PRINCIPAL MERIDIAN

HURRICANE CANYON NATURAL AREA

T. 13 S., R. 68 W.,
Sec. 34, E½NE¼;
Sec. 35, W½, W½SE¼, and SE¼SE¼.

SADDLE MOUNTAIN NATURAL AREA

T. 14 S., R. 72 W.,
Sec. 8, SE¼, and E½SW¼;
Sec. 17, NE¼, and E½NW¼.

The areas described aggregate 1,000 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 2, 1959.

[F.R. Doc. 59–5710; Filed, July 9, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12867; FCC 59–666]

PART 9—AVIATION SERVICES

Authorization of Transmitters Which Have Not Been Type Accepted

1. A Notice of Proposed Rule Making in the above-entitled matter was released by the Commission on April 30, 1959. The Notice, which made provision for the filing of comments by May 19, 1959, was duly published in the FEDERAL REGISTER on May 5, 1959 (24 F.R. 3611).

2. The amendment permits the authorization of transmitters which have not been type accepted, (a) for use by Flight Test Stations, for limited periods, where justified on the basis of good cause shown; and (b) for use by CAP Stations. CAP Stations are separately licensed on frequencies made available for CAP operations by the Air Force.

3. Comments in this proceeding were filed by the Aeronautical Flight Test Radio Coordination Council (AFTRCC) and Aeronautical Radio, Inc. (ARINC).

4. The AFTRCC favored the proposal contained in the Notice of Proposed Rule Making and felt that it met the difficulties they anticipated as a result of type acceptance.

5. ARINC did not comment "for or against the merits of the Commission's proposals on the subject matter," but called "to the attention of the Commission the arrangements effected in the interest of the National Defense under Executive Order No. 10219 which established the Civil Reserve Air Fleet (CRAF). Under the CRAF Program, designated aircraft and others as required upon notice are available to the Government to furnish airlift to any part of the world in the event of national emergency." ARINC described three situations in which it felt a need existed for exemption of equipment, supplied by the Military, from the type acceptance requirement, as follows:

1. "Certain equipment, including various radio transmitters, are not normally maintained as a permanent part of the aircraft equipment but are stockpiled at strategic locations for immediate installation when and if such aircraft are used for various missions. Thus, upon call in time of emergencies, the designated aircraft are readied for the tactical or support missions for which they may be required. * * *. The radio equipment involved is the property of the government and would presumably operate on government frequencies."

2. Government owned "equipment maintained as a part of the normal installation of the aircraft in its commercial mission would be licensed by the aircraft operator and would also operate on non-Government frequencies."

3. "There is also the possibility that in time of emergency Government aircraft would be assigned to the airlines for the performance of missions in the National Defense."

6. It appears from the language in ARinc's comments that situations (1) and (3) would occur "in the event of National emergency." Therefore, the President could invoke his powers, under Section 606, if he saw fit, and suspend the type acceptance requirement. In the event that operations of this nature should occur under conditions where 606 was not in force, relief could be sought through a request for waiver of § 9.187 of the Commission's rules.

7. Under situation (2), the planned use by the airlines, of equipment not in compliance with the general objectives of the type acceptance program, for normal airline operations "in its commercial mission," would in effect, frustrate a significant portion of the type acceptance program. This is made particularly clear by ARinc's concern over the inability of certain equipment to comply with the current provisions of the Commission's rules relating to harmful interference. It must be pointed out that the previously described situation is distinctly different from that of the CAP where Government supplied equipment is separately licensed to operate on frequencies made available by the Air Force. The CAP exemption does not allow operation on regular civil aviation frequencies where a separate license is required and the type acceptance provisions of § 9.187 apply. If the type accepted equipment is capable of operating on CAP frequencies in addition to the regularly assigned frequencies for civil aircraft communications, the transmitters would, of course, be eligible for separate licensing to perform the two functions.

8. For the reasons stated above, the Commission feels that it is not necessary or proper, in this rulemaking, to give blanket exemption to equipment supplied by the Military to the air transport industry. Accordingly, the requests of ARinc, contained in its comments, have not been adopted.

10. Since the amendment herein ordered imposes no new requirement on any applicant or licensee, but rather relieves an existing restriction, such an amendment may be made effective less than 30 days after publication as provided in section 4(c) of the Administrative Procedures Act.

11. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 303(e), (f), and (r) of the Communications Act of 1934, as amended, that, effective July 1, 1959, Part 9 of the Commission's rules is amended as set forth below; and

12. *It is further ordered*, That the proceedings in Docket No. 12867 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 1, 1959.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 9.187(b) is amended to read as follows:

§ 9.187 Acceptability of transmitters for licensing.

* * * * *

(b) Except for transmitters used at (1) developmental stations, (2) flight test stations, for limited periods, where justified on the basis of good cause shown, and (3) Civil Air Patrol Stations, each transmitter utilized at a station authorized for operation after July 1, 1959, must be of a type which has been type accepted by the Commission for use in these services. Until January 1, 1965, types of equipment in use by a licensee prior to July 1, 1959, may continue to be used by the same licensee, his successors or assigns. These exceptions are provided on the express condition that the operation of stations using transmitting equipment not type accepted by the Commission shall not result in harmful interference due to the failure of such equipment to comply with the current technical standards of Subpart E of this part.

[F.R. Doc. 59-5724; Filed, July 9, 1959; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 32406]

PART 132—POWER BRAKES AND DRAWBARS (RAILROAD)

Initial Terminal Road Train Air Brake Tests

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 29th day of June A.D. 1959.

It appearing that the Association of American Railroads; The Atchison, Topeka and Santa Fe Railway Company, the Gulf, Colorado and Santa Fe Railway Company, and the Panhandle and Santa Fe Railway Company; the Great Northern Railway Company; the Northern Pacific Railway Company; the Southern Pacific Company; and the Union Pacific Railroad Company have filed petitions for modification and relief from the requirements of the 500-mile inspection requirement of § 132.12 of the rules for Inspection, Testing and Maintenance of Air Brake Equipment;

It further appearing, that on July 18, 1958 and August 25, 1958, notices of proposed rule making and hearing were issued in the above-entitled proceeding (23 F.R. 5696 and 6777) pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003), indicating the changes proposed;

And it further appearing, that a hearing on said petitions has been had and that said division has, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That 49 CFR Part 132 Power Brakes and Drawbars (Railroad) be, and it is hereby, amended by adding a note following the introductory paragraph of § 132.12 to read as follows:

NOTE: Relief from the 500-mile inspection requirement of this section will be granted upon an adequate showing by an individual carrier.

(Sec. 2, 32 Stat. 943, as amended; 45 U.S.C. 9)

And it is further ordered, That the petitions of The Atchison, Topeka and Santa Fe Railway Company, the Gulf, Colorado and Santa Fe Railway Company, the Panhandle and Santa Fe Railway Company, the Great Northern Railway Company, the Northern Pacific Railway Company, the Southern Pacific Company, and the Union Pacific Railroad Company for relief from the 500-mile inspection requirement of said § 132.12 be, and they are hereby, denied.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5717; Filed, July 9, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 107—CHIGNIK AREA

Additional Escapement Permitted

Basis and purpose. The escapement of red salmon through the Chignik weir has fallen far behind the commercial catch in the Chignik Bay District, with an escapement count through July 6 of 98,000 red salmon compared with a commercial catch of 181,000 red salmon.

Additional escapement is needed. In order to obtain a proper spread in the required escapement, it is necessary to eliminate fishing on Friday in two successive weeks.

Therefore, § 107.9 is amended in paragraph (b) to read as follows:

(b) *Chignik Bay District.* From 6 p.m. Monday to 6 a.m. Wednesday; from 6 p.m. Wednesday to 6 a.m. Friday; and from 6 p.m. Friday to 6 a.m. Monday: *Provided*, That fishing is prohibited from 6 p.m. Wednesday to 6 a.m. Monday from July 9 to 19, inclusive, 1959.

Since immediate action is vital if the needed escapement is to be achieved, notice and public procedure on this amendment are impracticable, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 9, 1959.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-5789; Filed, July 9, 1959; 12:35 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Sale of Timber

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874) it is proposed to amend 43 CFR §§ 115.16, 115.17, 115.18, 115.22 and 115.24 as set forth below. These amendments are necessary to provide for the sale of set-aside timber to qualified small businesses in accordance with the Small Business Act of July 18, 1958 (72 Stat. 384).

These proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 2, 1959.

1. Section 115.16 is amended by adding a new paragraph (f) to read as follows:

§ 115.16 Definitions.

* * * * *

(f) "Set-aside" means a designation of timber for sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under the authority of section 15 of the Small Business Act of July 18, 1958 (72 Stat. 384).

2. Section 115.17 is amended to read as follows:

§ 115.17 Annual timber sale plan.

Plans for the sale of timber from the O. and C. lands will be developed annually. Suggestions from prospective purchasers of such timber may be received to assist in the development of a sound annual timber sale plan. Such plan shall be advertised in a newspaper of general circulation in the area in which the timber is located. Such advertisement shall indicate generally the probable time when the various tracts of timber included in the plan will be offered for sale, set-asides if any, and the probable location and anticipated volumes of such tracts. The authorized officer may subsequently change, alter or amend the annual timber sale plan.

3. Paragraph (b) of § 115.18 is amended to read as follows:

§ 115.18 Advertising.

* * * * *

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which timber is being offered, the species, estimated quantities, the unit of measurement, appraised values, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, which tracts of timber if any have been designated as set-asides, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

4. Section 115.22 is amended to read as follows:

§ 115.22 Qualifications of bidders.

A bidder for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the State of Oregon. A bidder must also have submitted a deposit in advance of sale as required by § 115.23. To purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration in its regulations (13 CFR Part 121).

5. In § 115.24 the present paragraphs (c) and (d) are redesignated as paragraphs (d) and (e) and a new paragraph (c) is added as follows:

§ 115.24 Conduct of sales.

* * * * *

(c) Only bids of small business concerns which have filed a self-certification statement as required by § 115.22, may be considered for sales subject to set-asides. When no such bids are received, the timber may be sold under paragraph (e) of this section in the same manner as timber not previously made subject to a set-aside. When timber subject to a set-aside is not sold for any other reason, the sale may be rescheduled for a set-aside sale.

[F.R. Doc. 59-5708; Filed, July 9, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Modified Minimum Grade Standards for Packed Raisins; Extension of Time

Notice is hereby given that there is being considered a proposal to extend until October 6, 1959, the modified minimum grade standards for certain packed raisins (24 F.R. 1408) which are to expire on August 31, 1959. The current modification, effective for the period from February 26, 1959, through August 31, 1959, is in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed extension was recommended by the Raisin Administrative Committee, established under the said amended marketing agreement and order.

Consideration will be given to data, views, or arguments pertaining to the extension which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten business days after publication of this notice in the FEDERAL REGISTER.

Unless the current modification, which became effective February 26, 1959, is continued in effect beyond August 31, 1959, the minimum grade standards prescribed in § 989.59(a)(2) (as modified (23 F.R. 6374) pursuant to § 989.59(b) and in effect prior to February 26, 1959) will become operative September 1, 1959. The current modification providing less severe restrictions for mechanical injury was made effective in order to facilitate the reconditioning and recovery of 1958 crop raisins damaged by rain. The time-consuming nature of the reconditioning and the desirability of reconditioning the raisins just prior to shipment now indicate that such modification should be extended beyond August 31. Since 1959 crop raisins are not expected to be available in substantial volume for shipment until about October 5, 1959, it is proposed that such modification be extended to and including such date.

The extension would permit the rain-damaged raisins held on September 1, 1959, to be reconditioned and shipped in response to trade demand prior to adequate supplies of 1959 crop raisins becoming available for shipment. It could prevent hardship to producers whose raisins otherwise would not be reconditioned. On October 6, 1959, the minimum grade standards for packed raisins in effect prior to February 26, 1959, would become operative, and apply to raisins shipped on and after such date.

It is proposed that the further modification of minimum grade standards for packed raisins (24 F.R. 1408), pursuant to the authority contained in § 989.59 (b), be continued in effect beyond August 31, 1959, until October 6, 1959.

Dated: July 7, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-5722; Filed, July 9, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Forest Service

CERTAIN LANDS ACQUIRED UNDER TITLE III, BANKHEAD-JONES FARM TENANT ACT

Suitability for National Forest Purposes

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F.R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquried through exchange since June 30, 1958, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1013), are hereby determined to be suitable for national forest purposes.

RICHARD E. MCARDLE,
Chief, Forest Service.

JULY 2, 1959.

[F.R. Doc. 59-5715; Filed, July 9, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11747, 12936; FCC 59-667]

SANGAMON VALLEY TELEVISION CORP.

Memorandum Opinion and Order Designating Matter for Hearing on Stated Issues

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Springfield, Ill.-St. Louis, Mo.), Docket No. 11747; in the matter of proceedings pursuant to remand in Sangamon Valley Television Corp. v. United States and Federal Communications Commission, et al. (Case No. 13992, May 8, 1959), Docket No. 12936.

1. The Commission's Report and Order in the above-entitled Docket No. 11747, dated March 1, 1957, has been vacated by the United States Court of Appeals for the District of Columbia Circuit in its decisions of May 8, 1959 in Sangamon Valley Television Corp. v. United States and Federal Communications Commission, et al. (Case No. 13992).

2. By its decision, the Court of Appeals, upon the basis of certain testimony before the Subcommittee on Legislative Oversight of the House Committee on Interstate and Foreign Commerce, has remanded the proceeding in Case No. 13992 to the Commission • • • "with instructions to hold, with the aid of a specially appointed hearing examiner, an evidential hearing to determine the nature and source of all ex parte pleas and other approaches that were made to Commissioners while the former proceeding was pending, and any other factors that might be thought to require either disqualification of some Commissioners from participating in the reopened proceeding or disqualification of some parties from receiving any award that may ultimately result."[1]

3. The Commission is aware that the hearings before the Subcommittee on Legislative Oversight were not full and complete evidentiary hearings and that the parties affected thereby are entitled to make a full evidentiary record, with the right of cross-examination, on the matters referred to in the Court's decision.[2]

4. The Commission proposes to direct the holding of an evidentiary hearing before a specially appointed hearing examiner to be designated by the Commission, at a time and place to be specified in a subsequent order, upon issues relating to ex parte pleas; possible disqualification of Commissioners in Docket No. 11747 and in further proceedings in this matter; the effect thereof upon the validity of the proceedings in that Docket; and possible disqualification of parties from receiving any award that may ultimately result. The order will provide that all parties to the proceedings in Docket No. 11747 before the Commission and to the proceedings in Case No. 13992 before the Court shall be admitted to participate in the evidentiary hearing as parties if they so request. The order will further provide that the hearing examiner shall make findings and conclusions upon the above-described issues and shall submit his recommended decision thereon to the Commission. The order will also provide that, after exceptions to the recommended decision and oral argument thereon before the Commission en banc, the Commission will issue a decision incorporating its findings and conclusions upon such issues. In addition, the Commission will, in the light thereof, make its determination upon the following issue:

3. What further action, in the light of all of the foregoing, is warranted with respect to the above-mentioned rule-making proceedings affecting the allocation of television channels.

5. It is contemplated that the parties to the evidentiary hearing will be given an opportunity, in their briefs accompanying exceptions and in oral argument, to address themselves to the matters to be determined by the Commission in Issue 3 above. Thereafter, the Commission will submit to the Courts its decision incorporating its findings and conclusions on all of the foregoing matters, together with its determinations as to the effect thereof upon the rule-making proceeding.

6. The Commission finds that it will be in the public interest, pending completion and resolution of these proceedings, to continue existing services affected by the rule-making proceedings in Docket No. 11747, and the Court has authorized the Commission to do so.

Accordingly, and in view of the foregoing,

It is ordered, This 1st day of July 1959, That an evidentiary hearing shall be held before a specially appointed hearing examiner to be designated by the Commission, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the facts with respect to the nature and source of any ex parte presentations and other approaches that may have been made to any Commissioner in connection with the proceedings in Docket No. 11747.

2. To determine, in the light of the evidence adduced under Issue 1 and any other relevant factors, whether or not:

a. Any Commissioner who participated in the above-mentioned proceedings should have disqualified himself from voting in the matter;

b. The proceedings in Docket No. 11747 were void or are voidable;

c. Any factors exist, in the circumstances of the instant proceeding, that would require that any Commissioner disqualify himself from participating in the further proceedings in this matter;

d. Any party to the proceedings in Docket No. 11747 should be found to have been disqualified to receive a grant of a permit for any television channel allocated as a result of said proceedings; and whether, if not so disqualified, its conduct has been such as to reflect adversely upon it from a comparative standpoint in any licensing proceeding which may be held upon applications for the aforesaid television channels.

It is further ordered, That, all parties to the proceedings in Docket No. 11747 before the Commission and to the proceedings in Case No. 13992 before the Court shall be admitted to participate as parties if they so request, as provided below, and that any person or persons concerning whom evidence may be received in the said hearing shall be permitted to cross-examine and to submit rebuttal testimony if he or they request the opportunity to do so. Notices of appearance, in triplicate, shall be filed by parties within 30 days of the publication of this Order and, by persons concerning whom evidence is received, within five days after the receipt of such evidence.

It is further ordered, That, the Examiner shall make findings and conclusions upon the above-listed Issues 1 and 2 and that he shall submit his recommended decision thereon to the Commission, which shall be subject to exceptions filed by the parties and oral argument thereon if requested.

It is further ordered, That, after such further proceedings on the Examiner's recommended decision, including the opportunity for the parties in their briefs accompanying exceptions and in oral argument to address themselves to the matters to be determined by the Commission in Issue 3 below, the Commission will issue its Decision incorporating its findings and conclusions upon the foregoing Issues 1 and 2 and, in the light thereof, its determination upon the following issue:

3. What further action, in the light of all of the foregoing, is warranted with respect to the above-mentioned rule-making proceedings affecting the allocation of television channels.

It is further ordered, That, pending the Commission's further Order herein, Signal Hill Telecasting Corporation is authorized to continue its operations on Channel 2 at St. Louis, Mo., subject to the provisions of the Commission's rules and regulations.

Released: July 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5725; Filed, July 9, 1959; 8:50 a.m.]

[1] It is to be noted that, shortly after the decision in the Sangamon case, the Court of Appeals issued its decision in WORZ, Inc. v. FCC (Case No. 13996, May 21, 1959) an adjudicatory case, in which it stated that, in the procedure then being directed on remand, which was in items identical to that used in Sangamon, it was "• • • adhering generally to the type of procedures adopted in comparable cases, including WKAT and Massachusetts Bay, • • • and the more recent instance of Sangamon Valley Television Corp. v. United States and FCC." Accordingly, the hearing which is provided for below will follow generally the procedure employed in the cited WKAT and Massachusetts Bay cases, with such necessary modifications as are required by virtue of the fact that the collateral evidentiary hearing ordered herein arises out of events occurring during the course of a rulemaking proceeding allocating television channels, pursuant to Section 4 of the Administrative Procedure Act.

[2] Although the Court's remand in this regard is in terms of "while the • • • proceeding was pending", reference is made in the Court's opinion to matters in the Legislative Oversight Committee record which covered events preceding the date of the Notice of Proposed Rule Making instituting the proceedings in Docket No. 11747. It would appear, in the circumstances of this case, that the parties, if they so desire, should be permitted (under Issue 1 hereinafter designated) to develop the record with respect to the above-mentioned events in the context in which they occurred, even though they preceded the institution of the proceeding.

[Docket Nos. 12654, 12935; FCC 59-655]

OLD BELT BROADCASTING CORP. (WJWS) AND PATRICK HENRY BROADCASTING CORP. (WHEE)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia, Docket No. 12654, File No. BP-11412, Has: 1370 kc, 1 kw, Day, Requests: 1370 kc, 5 kw, Day; Patrick Henry Broadcasting Corporation (WHEE), Martinsville, Virginia, Docket No. 12935, File No. BP-11416, Has: 1370 kc, 1 kw, Day, Requests: 1370 kc, 5 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 1st day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that the proposals involve mutual interference; that the proposed operation of WJWS would result in mutual interference with existing Station WHEE; that the proposed operation of WHEE would result in mutual interference with existing Station WJWS; that interference received from the proposed operation of WJWS by the WHEE proposal may affect more than ten percent of the population within its proposed primary service area in contravention of § 3.28(c)(3) of the Commission's rules, and that WHEE by amendment received April 23, 1959, requested a waiver of § 3.28(c)(3) of the rules; and

It further appearing that, pursuant to § 1.362(c) of the Commission rules, both applicants herein, by amendments filed April 15 and April 23, 1959, respectively, expressly waived their rights under section 309(b) of the Communications Act of 1934, as amended, to be advised by letter of any deficiencies in their respective applications; and that no objections to the waiver have been filed; and

It further appearing that the public interest would be served by allowing said notice to be waived as requested by the instant applicants, see Niagara Frontier Amusement Corp., 10 Pike and Fischer RR 57, 58; and Order of the Commission, FCC 59-192, released March 11, 1959; and that no other party will be prejudiced thereby, since the applicants are the only parties entitled under section 309(b) to reply to a letter advising them of deficiencies found; and

It further appearing that by letter received May 11, 1959, Winston-Salem Broadcasting Co., Inc., licensee of Station WTOB, Winston-Salem, North Carolina, agreed to accept any resulting interference from the proposed operation of WHEE, but measurement data submitted by WHEE May 19, 1959 revealed no interference would occur; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WHEE and WJWS and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availibility of other primary service to such areas and populations.

3. To determine whether the instant proposal of WJWS would involve objectionable interference with Station WHEE, Martinsville, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of WHEE would involve objectionable interference with Station WJWS, South Hill, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent therof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from the proposed operation of WJWS would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal of WHEE, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That Old Belt Broadcasting Corporation and Patrick Henry Broadcasting Corporation, respectively, are made parties with respect to the existing operations of Stations WJWS and WHEE, respectively.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5726; Filed, July 9, 1959; 8:50 a.m.]

[Docket No. 12666, etc.; FCC 59-642]

PUBLIX TELEVISION CORP ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

1. There are before the Commission the petitions of Publix Television Corporation (Publix) and of South Florida Amusement Co., Inc. (South Florida), both filed December 5, 1958, seeking enlargement of the hearing issues, and various reply pleadings filed by Coral Television Corporation (Coral) and the Commission's Broadcast Bureau.

2. The requests of Publix and of South Florida to enlarge issues relate to Coral's financial and technical qualifications. Publix requested that the Commission,

a. Amend Issue 1 (the "financial qualifications" issue) so as to include Coral Television Corporation • • •."

b. Renumber Issues 3 and 4 as 4 and 5 and add the following as Issue 2: "To determine whether Coral Television Corporation is technically qualified to construct, own and operate the proposed television broadcast station."

South Florida requested addition of the following issues:

(a) To determine whether the site proposed by Coral Television Corporation is suitable for the construction of a television station which is required in its operation to serve public interest, convenience and necessity.

(b) To determine the financial qualifications of Coral Television Corporation to construct and operate its proposed television station.

3. The requested issues are based upon the contentions that (a) the Boulevard National Bank of Miami which is to provide $200,000 to Coral according to its proposal, is limited by Title 12 U.S.C., Secs. 24 and 84, to lending Coral only approximately $90,000, i.e., 10 percent of the bank's paid-in, unimpaired capital stock, and 10 percent of the bank's unimpaired surplus fund; (b) Coral's proposal to construct its transmitter building, erect the antenna tower, and install the necessary associated equipment for $30,000 is unrealistic and inaccurate and that the correct cost would be approximately $240,000; (c) various of Coral's cost estimates are low, and (d) it is questionable whether Coral's stockholders, proposed bank creditors, and proposed credit equipment supplier are aware of the business risks inherent in as hazardous an operation as that proposed by Coral, i.e., to locate its transmitter on a small coral key off the Florida coast in an area susceptible to hurricane damage. As to (a), petitioners argue the Boulevard National Bank of Miami is subject to the limitations of Title 12 U.S.C., Secs. 24 and 84; that as of June 30, 1958 the capital stock of the bank was $600,000 and its surplus was $310,000; and that the most it is legally empowered to lend to Coral is $91,000. No one questions the correctness of these figures. The completeness of Coral's showing of the terms upon which the bank loan would be available to Coral is questioned by Publix. As to (b), South Florida asserts that Coral cannot construct its transmitter building for $30,000 as proposed in Coral's application, and in support of this assertion it states that its consulting Florida architect estimates the cost of such a building at $186,350, plus an additional contingency fund equal to 20 percent of this figure. According to Publix, the cost of constructing Coral's transmitter at its remote and relatively inaccessible location will total more than $200,000. It is the contention of the petitioners that there is available to Coral only $300,000 instead of its proposed $510,000, and that its cash requirements for its first year of operation will be substantially higher than the estimated $490,000 set forth in its application. South Florida places the figure at $700,000, computed by adding to Coral's $490,000 estimate, $210,000 additional for the transmitter building.

4. With respect to the question of the Boulevard National Bank's financial commitment to it, Coral in its opposition calls attention to a letter from the bank dated April 21, 1958 which it submitted with its application and in which the bank states, "• • • it is agreed that this Bank will loan to your group or undertake to arrange financing for the corporation in a remaining amount to place the corporation in operation • • •." Coral states that in supplementary letters dated September 8 and 12, 1958, the bank stated that the principal was to be retired in 24 equal monthly payments beginning at the end of the first year, with interest at 6 percent per year. Coral attached to its opposition a copy of a letter dated December 31, 1958 from the Boulevard National Bank stating it had arranged the financing of its commitment to Coral, its portion of the loan to be $90,000, with the Mercantile National Bank of Miami Beach, Florida, participating for the balance of $210,000 on the same terms as those set forth by Boulevard in its letter submitted to the Commission.

5. While Coral's opposition, and the attachments thereto, are explanatory of the Boulevard National Bank's commitment to it, neither its application nor any amendment thereto set forth its arrangement through the Boulevard National Bank for a $210,000 credit with the Mercantile National Bank nor is the latter bank identified in the application or any amendment thereto as a source of funds. For this reason, a financial qualification issue will be added.

6. The question of the cost to Coral of its proposed transmitter building is countered by Coral by offering with its pleadings a copy of an agreement whereby a Mr. M. F. Pafford, on terms and conditions set forth in the agreement, would construct for Coral for a total cost of up to $180,000 the tower foundation and transmitter building, and lease the same to Coral for a term of 20 years. A firm estimate from a construction company to Pafford is attached to Coral's opposition as an exhibit. According to this agreement, Coral is to make an initial payment of $30,000 to Pafford; Coral will convey its rights in the Ragged Key No. 2 transmitter site to Pafford; and Pafford will then erect the necessary transmitter building on the site and lease back the improved property. Coral argues that the figures in the Pafford agreement are in substantial accord with even South Florida's and Publix's own estimates of the cost of the transmitter building on Ragged Key No. 2.

7. Coral's reliance on the Pafford lease agreement as the means by which it intends to fulfill its estimate of $30,000 as the cost of its transmitter building, Publix and South Florida contend, is an attempt to interpose a variance to its application by way of a pleading. The Commission is of the opinion that the question of a variance is not one to be resolved upon an interlocutory petition; this is a matter of an exclusionary evidentiary rule, which may be invoked by Publix and South Florida at such time as Coral offers the agreement in evidence at the hearing.

8. The contentions of the petitioners that the hazardous character of Coral's proposal requires taking evidence as to the willingness of Coral's stockholders, bank creditors and proposed credit equipment supplier to assume the extraordinary business risks here present (see par. 3, supra), do not warrant serious consideration since they are accompanied by no substantial factual allegations. The petitioners' various assertions that Coral's cost estimates are too low relate to the sufficiency of the funds Coral has allocated to the items of its proposal. It is within the province of the Hearing Examiner in this proceeding to entertain petitions for the addition of such an "Evansville" issue.

9. The suitability of Coral's proposed transmitter is questioned by both petitioners on the ground that it is a small (100 ft. x 600 ft.) coral key off the Florida Atlantic coast and nine miles from the nearest mainland point, and that it is in an area particularly susceptible to hurricanes. It is alleged that the key is an isolated island of limited accessibility on which there are no improvements at this time; that hurricanes will cover the key with more than two feet of water, and waves driven by the wind will be approximately ten feet higher than the water level; that the approach of a hurricane would require evacuation of the site by its personnel, and consequent suspension of operation, at just a time when its operation would be most essential to the public interest, to wit, when a hurricane or other substantial storm with winds of subhurricane velocity was approaching the Miami metropolitan area.

10. Coral's opposition thereto is of a very general character. It questions the qualifications of the affiants and consultants whose opinions provide the basis of these contentions by Publix and South Florida. Coral refers at some length to the incidence of various improvements upon various other coral keys in the general vicinity of its proposed site. The only conclusion which can be drawn from this part of the oppositions is that some keys in the area are inhabited, and that some have been damaged by hurricanes in the past, though the extent of the damage is disputed. Coral states that persons connected with its application are long-time residents and businessmen in the Miami area who are fully familiar with the weather and terrain of that area; that they relied in making their proposal upon expert advice; that it is not uncommon for television stations to be located at relatively remote places which present some problems of accessibility and maintenance of personnel; and finally that there is no question of the feasibility of its site proposal.

11. The Commission's Broadcast Bureau states that the susceptibility of the area to hurricanes, established by information from the Weather Bureau, United States Coast Guard, and United States Corps of Engineers, plus the possibility that station personnel would have to be evacuated from the site upon posting of a hurricane or strong-wind warning at just the time the public interest would require continued operation, raise a serious policy question which the Commission should consider in the light of a fully developed hearing record. The Broadcast Bureau therefore endorses South Florida's proposed issue. The Commission is in accord with the Broadcast Bureau that the allegations in the petitions require that the questions raised be resolved on the basis of a full hearing record.

For the foregoing reasons: *It is ordered,* That Issue 1 is amended by deleting therefrom "Gerico Investment Company"[1] and substituting therefor "Coral Television Corporation";

It is further ordered, That Issues 2, 3, and 4 are renumbered Issues 4, 7, and 9, respectively, and the following is added as new Issue 5 (new Issues 2, 3, and 6 are being added by other Orders of the Commission of this same date):

5. To determine whether the site proposed by Coral Television Corporation is suitable for the construction of a television station which is required in its operation to serve the public interest, convenience and necessity.

It is further ordered, That to the extent reflected in this Order the petitions of Publix Television Corporation and of South Florida Amusement Co., Inc., filed December 5, 1958, seeking enlargement of the hearing issues are granted.

Adopted: July 1, 1959.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5727; Filed, July 9, 1959; 8:50 a.m.]

[Docket No. 12666, etc.; FCC 59-643]

PUBLIX TELEVISION CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

1. There are before the Commission the petitions to enlarge issues, filed December 5, 1958, by Coral Television Corporation (Coral) and South Florida Amusement Co., Inc. (South Florida), and various reply pleadings filed by Publix Television Corporation (Publix), and the Commission's Broadcast Bureau.

2. The petitions of South Florida and of Coral are addressed to the legal and financial qualifications of Publix. South Florida asks that the following issue be added: "To determine the legal and financial qualifications of Publix Television Corporation to construct and operate its proposed station."

Coral requests that the issues be expanded to include the following three additional issues:

(1) To determine what understandings and/or agreements exist between Publix Television Corporation and Irving Kipnis; the relationship between Kipnis and Publix; whether Kipnis is a principal in, or controls Publix; and, if so, whether Kipnis is legally and/or otherwise qualified to be a party to the application of Publix.

(2) To determine whether Publix Television Corporation is legally qualified to construct, own and operate its proposed television broadcast station.

(3) To determine whether Publix Television Corporation is financially qualified to construct, own and operate its proposed television broadcast station.

3. As to Publix's financial qualifications, the allegations of both South Florida and Coral revolve around the relationship of Irving Kipnis to Publix. Kipnis, according to Publix's proposal, is to provide funds not in excess of $2,000,000 toward the $2,170,000 (apart from deferred payments) which Publix states is available to it to meet its estimated cost of construction of $969,630.63, and estimated cost of operation for the first year of $730,000.00. Publix's estimated revenues for the first year of operation amount to $500,000. It is alleged that the showing required by Section III-4 of the FCC Form 301 has not been made as to Kipnis; and that the specific terms are not stated upon which he is to make available to Publix up to $2,000,000. It is alleged that Kipnis has not filed a full and complete account of his business and financial interests within the last five years. Further allegations, particularly by Coral, are that there is insufficient basis to support a finding of financial qualification favorable to Publix at this time in view of the insufficiency of detail and the total amount of net liquid assets of C. and D. Danton, N. J. Serbin, L. L. Lazar, and Kipnis shown in their financial statements. Kipnis' net worth statement attached to the application discloses approximately $208,000 of liquid assets, including cash, U.S. Government bonds, and equity in marketable securities; the balance of the assets shown are of doubtful liquidity, including nonlisted corporate stock, notes, mortgages receivable, and equities in various real estate; the terms, nature, assignability, discountability or maturity of these assets are not shown. As to the parties Serbin, Lazar and the Dantons, their financial statements show net liquid assets of only $63,104.97, which is less than 25 percent of their total commitment of $248,300.00.

4. Publix's opposition takes the position that the feasibility of its construction and operating proposals has not previously been questioned, and that no facts are now alleged which should cause reconsideration of the finding in the hearing order that Publix is financially qualified. Publix asserts that its application, together with the exhibits attached to its opposition, resolve any question as to its financial qualifications. Kipnis' commitment to Publix contained in one of the attached exhibits is in the form of a letter recital of the agreement between them. Additional data are submitted concerning the parties Serbin, Lazar and the Dantons to the effect that they will meet their financial commitments through sale of assets

[1] Gerico Investment Company has ceased to be a party to this proceeding because of its failure to amend its application as required by the Commission's Order of November 17, 1958 (FCC 58-1075).

or with funds borrowed without security, except that C. Danton will provide $60,000 of his commitment of $100,000 by transferring land of that value to the applicant corporation. This additional showing is made by means of affidavits of the parties attached to Publix's opposition.

5. Coral observes that a balance sheet of Kipnis as of September 30, 1953, submitted in connection with another application to this Commission (that of Miami Biscayne for Channel 33, Miami), stated his net worth to be $754,797.73. Coral states that the "dramatic difference" between the 1953 figure and the over $2,000,000 figure for his net worth given in the instant October 31, 1958, financial statement is due to the addition of two principal items: "Notes Receivable—Crosley Corporation ($693,537.50)" and "Mortgages Receivable ($1,150,000)". These items were not a part of the 1953 balance sheet. Coral states that Kipnis failed to list in his October 31, 1958, financial statement his $50,000 stock subscription and $200,000 loan commitment in connection with his Miami Channel 33 application.

6. On the basis of the allegations set forth in the pleadings summarized above the Commission is satisfied that an issue as to Publix's financial qualifications should be added. The financial information supplied by Publix in its application as to Kipnis and the parties named above has not been set forth so as to meet the requirement of Section III, par. 4d., FCC Form 301, that the financial information must be sufficiently detailed "to permit a determination of current position and should be more than a mere statement of total assets and total liabilities or a statement of net worth."

7. The petitioners' requests to add issues relating to Publix's legal qualifications (and other matters, in the case of Coral's request) concern the question of the status of Irving Kipnis as related to Publix in view of his agreement to provide the preponderance of all funds to be made available to that applicant, and in view of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in WLOX Broadcasting Company v. F.C.C., 200 F. 2d 712, 17 RR 2120 (September 18, 1958), rehearing denied. South Florida's argument in support of its petition is that in view of Publix's proposed financial arrangements and its utter dependence upon Kipnis for its survival, a question is presented as to Kipnis' status as a principal as well as to the control Kipnis would have over Publix. The letter recital of the agreement between Kipnis and Publix is alleged to be insufficient to resolve questions respecting the terms and conditions of contemplated mortgages, and the assets which those mortgages would include. It is also urged that Publix's proposed non-network operation in a four-station market could not be expected to do well enough financially to retire such loans as Kipnis would make to Publix, within the three-year maximum period permitted for such payment.

8. Coral's argument includes additionally the contention that Publix's application fails to state the position Kipnis would have with Publix, the commitments Publix has made to him, and what policy powers he will have over the applicant, especially in view of the possibility that his ultimate investment may completely dwarf that of the parties to the application. Coral argues that the WLOX case requires that Kipnis be considered a principal of Publix for comparative purposes, and that decisions of the Commission, especially Western Gateway B/Casting Corp., 6 RR 1325 (1951), and AEC-Paramount Merger Case, 8 RR 541, 617 (1953), support the request to add an issue as to Kipnis' control over the applicant, since actual power to control rests where even unexercised power to control occurs, and that in the instant situation it is unrealistic to suppose that Kipnis will not at the very least be in a position to wield substantial power, influence, and perhaps dominance over Publix. Coral contends that the Western Gateway and AEC-Paramount decisions discuss and define "control", "actual control", and "controlling influences" of minority stockholders over their corporations.

9. Publix replies that all information necessary to establish its legal qualifications was submitted in its application, that all information required as to Irving Kipnis has also been submitted, and that there is no basis for questioning its legal qualifications. In view of the definition of "party to this application" given at the beginning of Part II of the FCC Form 301, to wit: "* * * the words 'party to this application' have the following meanings, respectively: * * * In the case of a corporate applicant, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock, and persons who voted any of the voting stock at the last stockholders meeting." Publix argues the only "parties" to its application are its stockholders and officers C. Danton, Lazar, Serbin, Spire, and D. Danton; that Kipnis is not a party and will exercise no control over the proposed station; and that this information is given in its application as amended on March 19, 1953. Publix points out that the Commission raised no question as to Publix's legal qualifications in its 309(b) letter, dated August 11, 1958. In conclusion, Publix takes the position that the question whether Kipnis is a principal for the purpose of weighing the applicant's comparative qualifications is unrelated to its legal qualifications.

10. The Commission is in agreement with the position of the Broadcast Bureau that the full facts concerning Kipnis' relationship to Publix should be developed in the record. The failure of the 309(b) letter to raise questions of Publix's legal qualifications, and of Kipnis' relationship to Publix in itself is of no significance. WLOX Broadcasting Company v. FCC, supra.

11. The letter recital of the agreement between Kipnis and Publix according to which he is to provide by far the major portion of all funds required by Publix does not contain the requisite detail as to terms of repayment and security. The agreement merely states that the security for Kipnis' loans shall be either debenture bonds of promissory notes or some other instrument evidencing the debt, and that in addition or in the alternative, at Kipnis' election, Publix shall execute and deliver mortgages on its physical properties and equipment; any promissory notes of Publix are to be personally endorsed or guaranteed by Publix's stockholders at the time of the loan. The agreement states that details not referred to will be taken care of at the time of any advancement of funds. The maturity date of any obligations acquired pursuant to this agreement is to be not less than one year nor more than three years from the advancement. Thus, in view of Kipnis' very extensive financial support of Publix, the possibilities of his either directing Publix operation or gaining legal control of the station, and the lack of clarity and detail in the showing of Kipnis' agreement with Publix, it is the opinion of the Commission that a sufficient showing has been made of the Kipnis-Publix relationship to warrant inquiry into the legal control of Publix by Kipnis; the legal qualifications issue as to Publix as well as an issue with respect to Kipnis' relationship to Publix will thus be added.

For the foregoing reasons: *It is ordered*, That the following is added as new Issue 2 (other Orders of the Commission of the same date renumber present Issues 2, 3, and 4 Issues 4, 7 and 9 respectively, and add new Issues 3 and 5):

2. To determine whether Publix Television Corporation is financially qualified to construct, own, and operate its proposed television broadcast station.

and that the following is added as new Issue 6:

6. To determine what understandings and/or agreements exist between Publix Television Corporation and Irving Kipnis; the relationship between Kipnis and Publix; whether Kipnis is a principal in, or controls Publix; and, if so, whether Kipnis is legally and/or otherwise qualified to be a party to the application of Publix Television Corporation and in the event Kipnis is found to be a party, whether Publix Television Corporation is legally qualified.

It is further ordered, That to the extent reflected in this Order, the petitions of Coral Television Corporation and South Florida Amusement Co., Inc., filed on December 5, 1958, both for enlargement of the hearing issues, are granted and in all other respects denied.

Adopted: July 1, 1959.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5728; Filed, July 9, 1959; 8:50 a.m.]

[Docket No. 12666 etc.; FCC 59-645]

PUBLIX TELEVISION CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

1. There are before the Commission the petition of Coral Television Corporation (Coral) for revision of the hearing issues, filed December 5, 1958, and various reply pleadings filed by South Florida Amusement Co., Inc. (South Florida), Publix Television Corporation (Publix), and the Commission's Broadcast Bureau.

2. Coral's petition to add a financial issue as to South Florida requests that the Commission reconsider its finding in the hearing Order, released November 17, 1958, that South Florida is financially qualified, and adopt an issue as follows: "To determine whether South Florida Amusement Co., Inc. is financially qualified to construct, own and operate its proposed television broadcast station."

The basis of the petition is that Bernard Berkley, a 38.5-percent stock subscriber of South Florida, has not made a sufficient showing of current and liquid assets to meet his commitment of $231,000.00 toward the total of $408,250.00 which South Florida proposes will be raised from five persons (including Berkley) to cover its total estimated initial costs of construction of $404,295.00. Berkley's financial statement, submitted as an exhibit to South Florida's application, lists total assets and net worth in the amount of $1,210,000.00, including $40,000.00 in cash, and the balance in various real estate holdings. Coral contends that except for cash, these assets cannot be considered "current and liquid", absent a specific showing that they will provide funds to meet the proposed commitment, and that no such showing is made. Since South Florida's proposal depends principally upon Berkley's commitment, it is argued a finding of financial qualification cannot be based upon the information submitted.

3. South Florida's opposition states that Berkley's statement shows as net worth an amount five times as large as his commitment to South Florida, and that in the absence of contradicting material to this strong showing, the previous judgment of the Commission must be accepted. Berkley additionally submitted with South Florida's opposition his affidavit stating, among other things, his intention to pledge or sell whatever assets are necessary to meet his commitment, and letters of commitment from First National Bank of Hollywood, Florida, and The North Shore Bank, Miami Beach, Florida, dated January 5 and 6, 1959, respectively, reciting the banks' approvals of total credits in the amount of $231,000.00 available to Berkley up to April 1, 1959, which date the banks would consider extending.

4. Publix states in its filed comments that in view of the supplemental information supplied by South Florida in its opposition, Coral's showing is insufficient to compel addition of the requested issue.

5. The Commission's Broadcast Bureau takes substantially this same position, adding that it believes the bank letter representations can be relied upon although South Florida's application has not been amended to reflect their substance.

6. Coral, in its reply pleading, states that the necessity for a determination of South Florida's financial qualifications based upon a hearing record is not removed by the supplemental information submitted in the opposition pleading. Coral alleges that Berkley's affidavit statement respecting his assets falls far short of the description of assets required by Section III, par. 4 of application Form 301, in that simple reference to the amount of his net worth is specifically not a sufficient showing. Coral contends that the bank letter commitments are insufficient to establish availability of funds since they are both contingent upon any loans being properly secured, and neither letter shows the terms of payment, if any, or security, if any, as is required by the above section of the application form. Coral alleges that there is now no more substantial evidence to support a finding of financial qualification than there was before the pleadings pursuant to this petition, and that such evidence as there is will not support the necessary basic findings in this regard.

7. The factual allegations contained in the instant pleadings provide some support for the view that South Florida is financially qualified. However, they do not sufficiently demonstrate such financial qualifications, and under these circumstances, the Commission is of the view that Coral's petition should be granted in order to permit development of further evidence as to South Florida's financial qualifications, as for example, evidence as to the terms of the bank loan and as to whether the security required by the bank will be available and satisfactory to the bank.

For the foregoing reasons: *It is ordered*, That the petition of Coral Television Corporation for revision of the hearing issues, filed December 5, 1958, is granted, and the following new Issue 3 is added to the hearing issues (other Orders of the Commission of the same date renumber present Issues 2, 3, and 4 Issues 4, 7, and 9 respectively, and add new Issues 2, 5, and 6):

3. To determine whether South Florida Amusement Co., Inc., is financially qualified to construct, own, and operate its proposed television broadcast station.

Adopted: July 1, 1959.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5729; Filed, July 9, 1959; 8:50 a.m.]

[Docket No. 12666, etc.; FCC 59-646]

PUBLIX TELEVISION CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

1. There are before the Commission Coral Television Corporation's (Coral) petition to clarify or enlarge issues, filed April 16, 1959, and various reply pleadings filed by South Florida Amusement Co., Inc. (South Florida), Publix Television Corporation (Publix), and the Commission's Broadcast Bureau.

2. Coral's petition for clarification of the present standard comparative issue to permit introduction of evidence of comparative coverage, or, in the alternative, for enlargement of issues to permit such a showing, was filed on April 16, 1959. The hearing Order in this proceeding was released on November 17, 1958, and was published in the FEDERAL REGISTER on November 20, 1958, 23 F.R. 9042. Under § 1.141 of the Commission's Rules, 47 CFR 1.141, motions to enlarge or change the issues must be filed not later than 15 days after the issues have first been published in the FEDERAL REGISTER, unless good cause is shown for the delay in filing. The delay in the instant situation is over four months since December 5, 1958, the last date for filing petitions of this kind without the necessity for an accompanying showing of good cause.

3. Coral presents in this connection first the contention that the matters with which the petition is concerned are fully covered by the currently effective hearing issues specified in the Order released November 17, 1958. This argument corresponds with Coral's first alternative request for clarification of the present standard comparative issue, and especially of the programming portion thereof. It is Coral's contention that decisions like Hall v. Federal Communications Commission, 99 US App. D.C. 86, 237 F. 2d 567 (1956) have established that the Commission must consider proposed coverage and any other factor that reasonably bears upon a comparative evaluation of competing applicants and their proposals in a television proceeding; that an effective and realistic showing of proposed programming must include a showing of the persons who are to receive the service; that the currently specified Issue 3(c) relating to comparative programming should be "clarified" to permit introduction of comparative coverage evidence; and that evidence which is so significant from a public interest viewpoint should not be excluded because of the absence of "magic words" of such a precise issue.

4. The Commission's Broadcast Bureau opposes the request for clarification. It contends that the Commission has never permitted a showing of comparative coverage (engineering) in connection with proposed program service under the standard comparative issue, and that in Mid-Western Broadcasting Co., 13 RR 613 and Great Lakes Television, Inc., 16 RR 201, upon which Coral relies, special issues were designated to allow the introduction of evidence as to comparative

coverage. The Bureau states that the absence of language in the present hearing issues respecting comparative coverage precludes the adduction of such evidence. The Bureau argues that none of the decisions upon which Coral relies abrogates the Commission's authority to regulate the course and scope of its hearing proceedings. The Bureau concludes that Coral's argument that a special issue is not necessary is an attempt to circumvent the requirement of good cause for the delay in filing the instant petition.

5. Publix's opposition to the petition is largely in accord with the Commission's Broadcast Bureau upon the point under consideration. Publix states that Coral's argument that the present issues are capable of the interpretation Coral requests regardless of the absence of "magic words" of a precise issue on the subject of comparative coverage finds no support in logic, Commission precedent, or the decisions cited by Coral.

6. It was never contemplated nor previously understood that comparative coverage evidence is within the scope of the standard comparative issue. None of the authorities cited by Coral persuades the Commission to the contrary. Thus, the issue comprehending such evidence was added in Mid-Western before, and in Great Lakes after, the Hall v. FCC decision. The Broadcast Bureau and Publix appear correctly to have characterized Coral's attempt to have the present issues "clarified" as an attempt to circumvent the Rules requirement of good cause for delay in filing the instant petition. Coral's request for clarification will be denied.

7. In support of its view that good cause exists for the late filing of its petition, Coral contends that no surprise can be claimed by any of the parties since it was obvious to all parties since March 16, 1959, when proposed exhibits were exchanged by all parties, that Coral intended to introduce such evidence. Coral states that its proposed comparative coverage evidence is of such possible significance from a public interest standpoint that its consideration must not be refused. Publix, South Florida and the Commission's Broadcast Bureau oppositions thereto rest upon the grounds that Coral's counsel are experienced and are aware that the standard comparative issue in a television proceeding does not include matters of engineering, and that no good cause at all is shown for the instant inordinately late petition apart from such substantive merit as it possesses.

8. The Commission finds that good cause is not shown for the very considerable delay in filing the instant petition. The authoritative basis of Coral's petition, viz, the Hall, Mid-Western, and Great Lakes decisions, consists wholly of Commission and Court actions taken in 1956 and 1957; the hearing Order in this proceeding was released November 17, 1958. Coral does not rely as justification for its delay in filing upon a change in the context of applicable law since issuance of the instant hearing Order. In brief, Coral relies upon nothing beyond such substantive merit as its petition possesses. Since this does not in itself amount to any cause at all for the delay in filing, the Commission will deny Coral's petition to enlarge the hearing issues.

9. On its own motion, and in consideration of the matters of record relevant to this matter, especially the prepared exhibit of Coral which purports to show that based upon theoretical coverage curves prepared in accordance with §§ 3.683 and 3.684 of the rules, 47 CFR 3.683 and 3.684, the populations within Coral's contours are approximately three times as large as those within the other applicants' contours, and the fact that since the Hall decision the Commission has permitted the introduction of evidence relative to coverage regardless of whether a preliminary showing had been made that the evidence was of more than tenuous validity, the Commission will enlarge the issues by adding the issue set forth below. It is the Commission's view that the issue adopted herein will best serve the public interest in that the relative needs of the respective coverage areas cannot properly be determined without a showing as to what other stations serve the areas concerned. One applicant's greater coverage may be mitigated by factors having to do with the availability of other services from other stations over the same areas.

For the foregoing reasons: *It is ordered*, That Coral Television Corporation's petition to clarify or enlarge issues, filed April 16, 1959, is denied: *And it is further ordered*, That, on the Commission's own motion, the issues in this proceeding (other Orders of the Commission of the same date renumber present Issues 2, 3, and 4 Issues 4, 7, and 9 respectively, and add new Issues 2, 3, 5, and 6) will be enlarged by adding the following Issue:

8. (a) To determine the location of the proposed Grade A and B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

(c) In the event the proof under (a) and (b) above shall establish that any or all of the applicants will bring actual service to areas and populations not served by its competitors, to determine the number of services, if any, presently available to such areas and populations.

Adopted: July 1, 1959.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5730; Filed, July 9, 1959; 8:51 a.m.]

[Docket No. 12690; FCC 59M-865]

LOS BANOS BROADCASTING CO.

Order Continuing Hearing

In re application of James H. Rose tr/as Los Banos Broadcasting Company, Los Banos, California, Docket No. 12690, File No. BP-11874; for construction permit.

The Hearing Examiner having under consideration the petition for a 60 day continuance of procedural dates or in the alternative continuance sine die filed in the above-entitled proceeding on June 25, 1959, by Los Banos Broadcasting Company;

It appearing that by order released June 11, 1959, it was specified that applicant was to provide the other parties copies of his affirmative case exhibits on June 25, 1959, and hearing was scheduled for July 8, 1959;

It further appearing that in the course of preparation of certain engineering exhibits check measurements of the signal intensity of Station KCRA on pertinent radials were made which indicate a significant increase in field strength over the values determined on the basis of earlier measurements utilized in the preparation of applicant's case and continuance is requested to permit recalibration of the field intensity meter utilized and the making of additional measurements to resolve this conflict;

It further appearing that no opposition to the said petition has been filed and the foregoing circumstances constitute good cause for a grant thereof;

It is ordered, This 2d day of July 1959 that the said petition is granted in the alternative and the time for providing other parties with the affirmative case exhibits of applicant and for the hearing herein are continued without date;

It is further ordered, That 30 days after release of this order the applicant shall report to the Hearing Examiner the progress made in development of his case and 30 days thereafter whether his application is to be further prosecuted.

Released: July 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5731; Filed, July 9, 1959; 8:51 a.m.]

[Docket No. 12844 etc., FCC 59M-862]

RICHARD L. DeHART ET AL.

Order Following Further Prehearing Conference

In re applications of Richard L. DeHart, Mountlake Terrace, Wash., Docket No. 12844, File No. BP-11312; KVOS, INC. (KVOS), Bellingham, Wash., Docket No. 12845, File No. BP-11360; John W. Davis (KPDQ), Portland, Oreg., Docket No. 12847, File No. BP-11436; for construction permits for standard broadcast stations.

A further prehearing conference in the above-entitled proceeding having been held on July 1, 1959, and it appearing that certain agreements were reached therein which should properly be formalized in an Order:

It is ordered, This 2d day of July, 1959, that:

(1) The affirmative case of applicant John W. Davis (KPDQ) will be presented by written, sworn exhibits; and

(2) Applicant John W. Davis (KPDQ) will supply his exhibits in final form to the other parties herein (except applicant DeHart) on July 13, 1959;

It is further ordered, That the hearing in this matter heretofore scheduled to commence on July 7, 1959, is continued to Monday, July 27, 1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5732; Filed, July 9, 1959; 8:51 a.m.]

[Docket No. 12878; FCC 59M-864]

PINE TREE TELECASTING CORP. (WPTT)

Order Continuing Hearing

In re application of Pine Tree Telecasting Corporation (WPTT), Augusta, Maine, Docket No. 12878, File No. BMPCT-4662; for modification of construction permit.

Pursuant to agreements reached at the prehearing conferences held on June 24 and July 2, 1959, the evidentiary hearing now scheduled to begin on July 27, 1959, is continued to a date to be announced following the further prehearing conference to be held on October 30, 1959.

It is so ordered, This the 2d day of July 1959.

Released: July 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5733; Filed, July 9, 1959; 8:51 a.m.]

[Docket Nos. 12919, 12920; FCC 59M-867]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Notice of Prehearing Conference

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

A prehearing conference will be held Tuesday, July 21, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: July 6, 1959.

Released: July 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5734; Filed, July 9, 1959; 8:51 a.m.]

[Docket No. 12934; FCC 59-653]

CLEARWATER BROADCASTING CORP. (WDCL)

Order Designating Application for Hearing on Stated Issues

In re application of Clearwater Broadcasting Corporation (WDCL), Tarpon Springs, Florida, Docket No. 12934, File No. BML-1746, Has: 1470 kc, 5 kw, Day, Tarpon Springs, Florida, Req: 1470 kc, 5 kw, Day, Tarpon Springs-Clearwater, Florida; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of July 1959;

The Commission having under consideration the above-captioned and described application; and

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, financially, technically and otherwise qualified to operate the proposed station; but that on the basis of the ground conductivity shown by Figure M-3 of the Commission Rules the 25 mv/m contour would not encompass the principal business area of the city of Clearwater in accordance with the requirements of § 3.188(b)(1) of the Commission rules; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated January 16, 1959 of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that by letters dated December 19, 1958 and April 23, 1959, the applicant requested a waiver of § 3.188(b)(1) of the Commission rules, stating that the business area of Clearwater consists almost exclusively of retail stores which are spread throughout the city, and that there is, therefore, no principal or concentrated business or industrial area within the meaning of the rule; that the proposed 25 mv/m contour falls short of encompassing the principal business area (on the basis of conductivities indicated by Figure M-3 of the Commission Rules) but that to provide a 25 mv/m contour over the Clearwater business district would require the installation of a directional antenna system at a cost of approximately $20,000, which would be virtually prohibitive at the present time; that the instant proposal would increase the acceptance of the station by the merchants and residents of Clearwater and assist the station materially in a difficult financial situation without in any way detracting from the service provided by the station to Tarpon Springs; but that, on the basis of the information before it, the Commission is unable to determine at this time whether circumstances exist which would warrant a grant of a waiver of said section; and

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the proposed 25 mv/m contour would encompass the principal business area of the city of Clearwater in accordance with the requirement of § 3.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

2. To determine whether, in light of the evidence adduced pursuant to the foregoing issue, a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5735; Filed, July 9, 1959; 8:51 a.m.]

CIVIL SERVICE COMMISSION

SKILLS CRITICAL TO NATIONAL SECURITY EFFORT

Notice of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 85-749, the Civil Service Commission has determined that there is a manpower shortage in skills critical to the national security effort for Military Installations Planners, GS-020, at San Bruno, California.

For these positions, in the area stated, agencies may pay travel and transportation costs of new appointees in accordance with the travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5696; Filed, July 9, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2240]

JOHNSON RANCHO COUNTY WATER DISTRICT, YUBA RIVER PROJECT

Notice of Land Withdrawal; California

JULY 6, 1959.

In the matter of Johnson Rancho County Water District, Yuba River Project, California; Project No. 2240.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No.

2240 for which complete application for preliminary permit was filed December 26, 1957, by L. Cedric Macabee, now Johnson Rancho County Water District. Under said section 24 all lands of the United States lying within the boundaries of the project as delimited on map exhibits filed in support thereof are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or Congress.

MOUNT DIABLO MERIDIAN

T. 16 N., R. 6 E.,
Sec. 2: Lots 1, 2, 5, 6, 7, 8, 9, 10;
Sec. 14: Lots 4, 6, SE¼SE¼.
T. 17 N., R. 7 E.,
Sec. 10: N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 31: SE¼SW¼, S½SE¼;
Sec. 32: NE¼SW¼, S½SW¼.
T. 18 N., R. 7 E.,
Sec. 1: Lots 1, 2;
Sec. 2: Lot 1, SE¼NW¼, NE¼SE¼;
Sec. 12: Lots 1, 2, 3, 4;
Sec. 13: Lot 3;
Sec. 14: NE¼, E½SE¼;
Sec. 24: Lot 4, SW¼NE¼, E½E½NW¼, W½W½NW¼, W½NW¼SW¼, W½SE¼SW¼, W½SE¼;
Sec. 26: NE¼SE¼, S½SE¼;
Sec. 34: SE¼SE¼.
T. 19 N., R. 7 E.,
Sec. 13: NW¼SE¼;
Sec. 24: SE¼SW¼;
Sec. 25: NW¼SW¼;
Sec. 26: E½SW¼, N½SE¼, SW¼SE¼;
Sec. 35: NW¼NE¼, S½NE¼, SE¼;
Sec. 36: S½SW¼.
T. 18 N., R. 8 E.,
Sec. 4: Lot 5, SW¼SW¼, SE¼;
Sec. 6: S½ Lot 4, Lots 5, 6, S½NE¼SE¼NW¼, W½E½SW¼, E½W½SE¼, E½SE¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8: Lot 1, SE¼NE¼, SW¼SW¼, NW¼SE¼;
Sec. 9: Lots 1, 2, 3, 4, NW¼NE¼;
Sec. 17: SE¼NE¼, N½NW¼, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 18: Lots 1, 2, 3, 4, E½W½, NE¼, N½SE¼, SW¼SE¼;
Sec. 20: SE¼SE¼, W½SE¼;
Sec. 22: W½NE¼SW¼NE¼, NW¼SW¼NE¼, N½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 26: NW¼NE¼, S½NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, SE¼;
Sec. 27: N½SW¼SE¼;
Sec. 28: All;
Sec. 29: NE¼NW¼;
Sec. 32: E½NE¼.
T. 19 N., R. 8 E.,
Sec. 3: SE¼SW¼;
Sec. 7: Lot 4, S½SE¼;
Sec. 8: SE¼NE¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 9: S½N½, S½;
Sec. 10: W½;
Sec. 11: NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 13: SE¼NE¼, S½NW¼, N½S½, S½SE¼;
Sec. 14: N½, NE¼SE¼;
Sec. 15: N½;
Sec. 16: NW¼NE¼, SE¼NE¼, N½NW¼;
Sec. 18: Lots 1, 2, 3, 4;
Sec. 24: E½NW¼.
T. 18 N., R. 9 E.,
Sec. 30: Lots 3, 4, 5, 11, 12, S½ Lot 14, S¼NE¼.
T. 19 N., R. 9 E.,
Sec. 1: S½;
Sec. 7: S½SE¼;
Sec. 8: S½;
Sec. 10: E½SW¼, SE¼.
Sec. 11: Lot 1, NE¼, N½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 12: N½NW¼, SW¼NW¼;
Sec. 15: W½NE¼, W½;
Sec. 16: NE¼, E½NW¼, S½;
Sec. 17: N½N½, SW¼NW¼, NW¼SW¼, E½SE¼, SW¼SE¼;
Sec. 18: Lots 4, 5, S½ Lot 6, Lot 7, N½ Lot 8, NE¼, N½SE¼;
Sec. 19: Lots 1, 2, 3, N½ Lot 6.
T. 19 N., R. 10 E.,
Sec. 4: SW¼NW¼;
Sec. 5: SW¼NE¼, S½SE¼NE¼, S½NW¼, W½NW¼SW¼, W½E½NW¼SW¼, SW¼SW¼, NW¼SE¼, N½NE¼SE¼;
Sec. 6: Lots 5, 6, 7, SE¼NW¼, E½SW¼, SE¼.

The area reserved by the filing of this application is approximately 13,381.04 acres of which approximately 12,942.83 acres are within the Tahoe or Plumas National Forests. Also approximately 12,101.04 acres have been heretofore reserved for power purposes in connection with, either, projects Nos. 187, 631, 1291, 1403, 2238, 2246, Power Site Reserves Nos. 88, 710 or Power Site Classifications Nos. 183 or 425.

A copy of project (Revised) map Exhibit "H–1" (F.P.C. No. 2240–2) is being transmitted to Bureau of Land Management, Geological Survey, and Forest Service.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5698; Filed, July 9, 1959; 8:45 a.m.]

[Project No. 2005]

OAKDALE AND SOUTH SAN JOAQUIN IRRIGATION DISTRICTS, CALIFORNIA

Land Withdrawal Modification

JULY 6, 1995.

Notice of land withdrawal appearing in the FEDERAL REGISTER (24 F.R. 5037) issued Saturday, June 20, 1959, should read Mount Diablo Meridian, California, instead of Willamette Meridian, Oregon.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5699; Filed, July 9, 1959; 8:45 a.m.]

[Docket No. G–17059]

HONOLULU OIL CORP. ET AL.

Order Amending Order for Hearing and Suspending Proposed Change in Rates and Making Effective Proposed Rates Upon Filing of Undertakings To Assure Refund of Excess Charges

JUNE 30, 1959.

In the matters of Honolulu Oil Corporation (Operator) et al. (etc.), Docket No. G–17059.

The above-designated Respondents each have an interest in the Prentice Plant in Yoakum County, Texas, from which residue natural gas is sold to Permian Basin Pipeline Company.[1] Each Respondent negotiated a separate contract wtih the purchaser regarding the sale of its share of the residue gas and filed the contract with the Commission as an FPC Gas Rate Schedule. On October 28, 1958, Honolulu Oil Corporation (Operator), et al. (Honolulu), tendered for filing a proposed changed in its FPC Gas Rate Scehdule No. 3 for its sales in question. The filing was designated Supplement No. 1 to that rate schedule and was suspended by order of the Commission issued November 26, 1958, until May 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

It now appears from the filing and from letters of Honolulu, dated April 23 and April 24, 1959, that Honolulu also had tendered the proposed change in rate as agent on behalf of each Respondent other than itself; and all those Respondents had expected the proposal to be considered a proposed change in rate in each of their rate schedules for the sales in question. The suspension order did not reflect the tender of any of the proposed changes except the one under Honolulu's rate schedule. The suspension order should be amended to reflect the tender and the suspension of each and all of the proposed changes, which are designated Supplement No. 1 to each of the following rate schedules:

Respondent	FPC Gas Rate Schedule No.
Deane E. Ackers	1
Argo Oil Corp	35
Mrs. R. G. Beach	1
Albert Bradley	1
P. F. Brown	1
John J. Burns	1
Cabot Carbon Co	26
John T. Cahill	1
R. W. Carter	1
A. W. Cherry	2
John J. Christmann	1
J. L. Cruce, Jr	1
J. A. Daugherty	1
Ethel Jo Davis	1
K. W. Davis	1
K. W. Davis, Jr	1
J. Walter Duncan, Jr	1
Raymond T. Duncan	1
Vincent J. Duncan	1
Walter Duncan	3
David M. Evans	1
Leland Fikes	6
John M. Franklin	1
George Royalty Co., et al	1
Joseph Peter Grace	1
Great Western Drilling Co	2
Patricia Ruth Carter Hart	1
Frank A. Howard	1
J. D. Hunter, Trustee Acct. No. 2	1
J. D. Hunter, Trustee Acct. No. 3	2
Ladenburg, Thalmann & Co	1
Thomas S. Lamont	1
George P. Livermore	1
G. Hilmer Lundbeck, Jr	1
Midwest Oil Corp	10
George A. Moberly	1
Joseph I. O'Neill, Jr	14
Clifford E. Payne	1
Placid Oil Co	13
Celestine V. Powell Trust	1
Deloss E. Powell	1
F. Purnell Powell	1
Mortimer Powell	1
Len Powell	1

[1] Sales by other plant interests, not involved in the proceeding in Docket No. G–17059, are governed by Shell Oil Company's FPC Gas Rate Schedule No. 151, Sinclair Oil & Gas Company's FPC Gas Rate Schedule No. 136, and Tennessee Gas Transmission Company's Rate Schedule F–18.

Respondent	FPC Gas Rate Schedule No.
Prentice Development Corp	1
H. W. Regester	1
Warren Scarborough	1
Edward L. Shea	1
Mrs. Aurelia Spence	1
D. H. Thornbury	1
R. C. Tucker	1
J. M. Welborn	1

On April 29, 1959, Honolulu filed a motion requesting that the suspended increased rate proposals become effective as of May 1, 1959.[2]

This proceeding, which was instituted pursuant to Sections 4 and 15 of the Natural Gas Act for the purpose of determining the lawfulness of the increased rates and charges proposed by Respondents, has not been concluded, nor has a decision been rendered herein.

Section 4(e) of the Natural Gas Act provides, in pertinent part:

> If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification, or service shall go into effect. Where increased rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such increased rates or charges by its decision found not justified.

The Commission finds:

(1) The order of the Commission issued November 26, 1958, in Docket No. G–17059, should be amended throughout to order the suspension of Supplement No. 1 to each of the above-designated rate schedules.

(2) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act to require each of the aforementioned Respondents to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) The order of the Commission issued November 26, 1958, in Docket No. G–17059 is amended throughout to reflect the tender and suspension of Supplement No. 1 to each of the above-designated rate schedules.

(B) Upon the execution by each of the aforementioned Respondents of its respective agreement and undertaking described in paragraph (D) below and acceptance thereof, evidenced by a letter addressed to the complying Respondent by the Secretary of the Commission, the rates, charges and classifications proposed by said Respondent in its filing as set forth above shall be effective May 1, 1959, subject to further orders of the Commission in the respective proceedings.

(C) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Respondent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and one (1) copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under its rates in effect immediately prior to the date upon which its increased rates allowed by this order become effective, and under its rates allowed by this order to become effective, together with the differences in the revenues so computed.

(D) As a condition of this order, within 15 days from the date of issuance hereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (C) hereof, signed by Respondent, or, if Respondent is a corporation, signed by a responsible officer thereof and evidenced by proper authority from the board of directors, as follows:

Agreement and Undertaking of (Name of Respondent) To Comply With the Terms and Conditions of Paragraph (C) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued (date) in Docket No. ------, (name of respondent) hereby agrees and undertakes to comply with the terms and conditions of paragraph (C) of said order, (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ------ day of ----------.

By ----------

Attest:

---

[1] If a corporation.

As a further condition of this order, each Respondent shall file with its agreement and undertaking a certificate showing service of copies thereof upon all purchasers under its rate schedules involved.

(E) If each Respondent shall, in conformity with the terms and conditions of paragraph (C) of this order, make the refunds as may be required by order of the Commission, its undertaking shall be discharged; otherwise, it shall remain in full force and effect.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5700; Filed, July 9, 1959; 8:46 a.m.]

[2] On May 25, 1959, Cabot Carbon Company also filed a motion, on its own behalf, requesting that its suspended increased rate proposal become effective.

[Docket No. G–18851]

GEORGE T. ABELL ET AL.

Order for Hearing and Suspending Proposed Change in Rate

JUNE 30, 1959.

In the matter of George T. Abell et al. (Operators), Docket No. G–18851.

George T. Abell et al. (Operators) (Abell) on June 3, 1959, tendered for filing a proposed change in his presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase in rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 1, 1958.
Purchaser: Permian Basin Pipe Line Co.
Rate schedule designation: Supplement No. 2 to Abell's FPC Gas Rate Schedule No. 2.
Effective date: July 4, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increase, Abell states that the contractual periodic pricing clause is in the public interest in that it permits the long term commitment of gas reserves at a lower initial price during the time the pipeline unamortized capital investment is highest and that the rate here proposed is "moderate and conservative" and below that currently being charged in the area. Abell also submitted cost of service studies for the calender year 1958 and allocation thereof on both the Btu and the vapor volume methods.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Abell's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Abell's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement hereby is suspended and the use thereof deferred until December 4, 1959, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5701; Filed, July 9, 1959; 8:46 a.m.]

[Docket No. G-18872]

THREE STATES NATURAL GAS CO.

Order for Hearing and Suspending Proposed Changes in Rates

JUNE 30, 1959.

Three States Natural Gas Company (Three States) on May 29, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.
Purchaser: El Paso Natural Gas Co.
Rate schedule designation: Supplement No. 7 to Three States' FPC Gas Rate Schedule No. 8. Supplement No. 7 to Three States' FPC Gas Rate Schedule No. 9. Supplement No. 5 to Three States' FPC Gas Rate Schedule No. 10. Supplement No. 6 to Three States' FPC Gas Rate Schedule No. 11.
Effective date: July 1, 1959.

The increased rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplements No. 7 to Three States' FPC Gas Rate Schedules Nos. 8 and 9, respectively; Supplement No. 5 to Three States' FPC Gas Rate Schedule No. 10; and Supplement No. 6 to Three States' FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplements No. 7 to Three States' FPC Gas Rate Schedules Nos. 8 and 9, respectively; Supplement No. 5 to Three States' FPC Gas Rate Schedule No. 10; and Supplement No. 6 to Three States' FPC Gas Rate Schedule No. 11.

(B) Pending the hearing and decision thereon, these supplements are each hereby suspended and the use thereof deferred until December 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5702; Filed, July 9, 1959; 8:46 a.m.]

[Docket No. G-18886]

TEXAS GAS TRANSMISSION CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 2, 1959.

On June 5, 1959, Texas Gas Transmission Corporation (Texas Gas) filed 51 revised tariff sheets[1] proposing an annual increase in rates of $6,986,022 or 7.3 percent over the rates in effect subject to refund in Docket No. G-16405 (and Docket No. G-12823 as to Texas Eastern Transmission Corporation only). The increased rates are proposed to become effective on July 6, 1959.

In support of its proposed rate increase Texas Gas relies principally on the increased cost of purchased gas due to shifts in sources of supply and increased rates of suppliers, the need for a 6½ percent rate of return with associated income taxes, and increased operating expenses.

The claimed increases in cost of purchased gas appear to be based in part on increases which are presently suspended or which are in effect subject to refund. The need for a rate of return higher than the 6 percent rate heretofore allowed can only be established after a formal hearing.

The increased rates and charges provided for in the Revised Tariff Sheets tendered by Texas Gas on June 5, 1959, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

Texas Gas requests that its increase be suspended only until November 1, 1959, inasmuch as the increased rates of two of its suppliers were suspended until May 15, 1959 in one case (Docket No. G-17166) and October 1, 1959 in the other (Docket No. G-18406).

Texas Gas authorizes the Secretary of the Commission to change the effective date on its proposed tariff sheets for the sale of gas for resale for industrial use only[2] to the date which will coincide with the end of the suspension period for the other tariff sheets.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended by First Revised Sheet No. 68-I; Second Revised Sheets Nos. 68-BB, 68-G, 68-H, 68-K, 68-L and 70-A; Third Revised Sheets Nos. 13, 15 and 68-C; Fourth Revised Sheets Nos. 7, 9, 19, 21, 25, 27 and 71; Fifth Revised Sheets Nos. 68-A, 68-B, 68-E and 68-F; Sixth Revised Sheets Nos. 79-I and 79-J; Seventh Revised Sheets Nos. 5, 11, 23, 29, 33, 41, 53, 55, 59, 61, 63, 67, 69, 70, 73 and 74; Eighth Revised Sheets Nos. 17, 31, 35, 37, 43, 57 and 65; and Ninth Revised Sheet No. 39; and that said proposed Revised Tariff Sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1 as proposed to be amended by First Revised Sheet No. 68-I; Second Revised Sheets Nos. 68-BB, 68-G, 68-H, 68-K, 68-L and 70-A; Third Revised Sheets Nos. 13, 15 and 68-C; Fourth Revised Sheets Nos. 7, 9, 19, 21, 25, 27 and 71; Fifth Revised Sheets Nos. 68-A, 68-B, 68-E and 68-F; Sixth Revised Sheets Nos. 79-I and 79-J; Seventh Revised Sheets Nos. 5, 11, 23, 29, 33, 41, 53, 55, 59, 61, 63, 67, 69, 70, 73 and 74; Eighth Revised Sheets Nos. 17, 31, 35, 37, 43, 57 and 65; and Ninth Revised Sheet No. 39.

(B) Pending such hearing and decision thereon Texas Gas' First Revised Sheet No. 68-I; Second Revised Sheets Nos. 68-BB, 68-G, 68-H, 68-K, 68-L and 70-A; Third Revised Sheets Nos. 13, 15 and 68-C; Fourth Revised Sheets Nos. 7, 9, 19, 21, 25, 27 and 71; Fifth Revised Sheets Nos. 68-A, 68-B, 68-E and 68-F; Sixth Revised Sheets Nos. 79-I and 79-J; Seventh Revised Sheets Nos. 5, 11, 23, 29, 33, 41, 53, 55, 59, 61, 63, 67, 69, 70, 73 and 74; Eighth Revised Sheets Nos. 17, 31, 35, 37, 43, 57 and 65; and Ninth Revised Sheet No. 39 to its FPC Gas Tariff, Second Revised Volume No. 1 be and they are hereby suspended and the use thereof deferred until November 1, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Sixth Revised Sheets Nos. 45, 47 and 51, and Seventh Revised Sheet No. 49 to Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1 be accepted for filing to become effective on November 1, 1959 or such later date as the sheets herein suspended are placed in effect in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Connole dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5703; Filed, July 9, 1959; 8:46 a.m.]

[1] First Revised Sheet No. 68-I; Second Revised Sheets Nos. 68-BB, 68-G, 68-H, 68-K, 68-L and 70-A; Third Revised Sheets Nos. 13, 15, and 68-C; Fourth Revised Sheets Nos. 7, 9, 19, 21, 25, 27, and 71; Fifth Revised Sheets Nos. 68-A, 68-B, 68-E and 68-F; Sixth Revised Sheets Nos. 45, 47, 51, 79-I and 79-J; Seventh Revised Sheets Nos. 5, 11, 23, 29, 33, 41, 49, 53, 55, 59, 61, 63, 67, 69, 70, 73 and 74; Eighth Revised Sheets Nos. 17, 31, 35, 37, 43, 57 and 65; and Ninth Revised Sheet No. 39 to Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1.

[2] Sixth Revised Sheets Nos. 45, 47 and 51 and Seventh Revised Sheet No. 49 to Texas Gas' FPC Gas Tariff, Second Revised Volume No. 1.

[Docket No. G-18700]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 2, 1959.

Take notice that on June 4, 1959, Alabama-Tennessee Natural Gas Company (Applicant), a Delaware corporation, with its principal place of business at Florence, Alabama, filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.7 miles of 8⅝-inch loop pipeline extending from the North Header of Applicant's Tennessee River Crossing to its compressor station located in Limestone County, Alabama, which said facilities will be operated as an integral part of Applicant's natural gas pipeline system to serve the City of Huntsville, Alabama.

The purpose of the proposed facilities and their operation is to increase the line pressure on the suction side of the Limestone County Compressor Station so as to enable Applicant to deliver enough gas to Huntsville consumers to meet their requirements during peak hourly periods.

The estimated cost of facilities proposed is approximately $56,000. The funds to cover cost of construction will be paid from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on August 4, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5704; Filed, July 9, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

NOTICE OF AMENDMENT OF PLAN AND REGULATIONS OF THE ORDNANCE CORPS GOVERNING INTEGRATION COMMITTEE ON TRACKS FOR TRACK LAYING VEHICLES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the Voluntary Plan under Public Law 774, 81st Congress, as amended, for the participation in the activities of the Integration Committee on Tracks for Track Laying Vehicles, amended to put the mechanism for meeting defense requirements for reactivation in a standbuy status until such time as a national emergency in this field should be found to exist. This amendment was made after consultation between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Civil and Defense Mobilization. This amended voluntary plan was approved by the Director of the Office of Civil and Defense Mobilization and was found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the participation of your company in the activities of the Integration Committee on Tracks for Track Laying Vehicles. The Department of the Army has recommended that the Plan and Regulations of the Ordnance Corps covering its activities be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended (amendment attached).

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request for your participation in the activities of this Committee is superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely,

[S] LEO A. HOEGH,
Director.

The following companies have agreed to participate in the amended plan and this list supersedes membership notice published in 22 F.R. 5988, July 30, 1957.

ACCEPTANCES

Burgess-Norton Manufacturing Co., Geneva, Ill.
B. F. Goodrich Tire Co., Akron, Ohio.
Douglas Manufacturing Division, Kingston Products Corporation, Bronson, Mich.
Inland Manufacturing Division, General Motors Corporation, Dayton 1, Ohio.
The Firestone Tire and Rubber Company, Akron, Ohio.
The General Tire and Rubber Company, Wabash, Ind.
The Goodyear Tire and Rubber Company, Akron, Ohio.
The Ohio Rubber Company, Willoughby, Ohio.
The Standard Products Company, Port Clinton, Ohio.
United States Rubber Company, New York 20, N. Y.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: June 25, 1959.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59-5662; Filed, July 9, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2674]

GERMAN SAVINGS BANKS & CLEARING ASSOCIATION

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

JULY 6, 1959.

In the matter of German Savings Banks & Clearing Association, SF Gold Debentures 7 percent Series 1926 due February 1, 1947, SF Gold Debentures 6 percent Series 1928 due June 1, 1947; File No. 1-2674.

The Boston Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

These bonds are inactive on the Exchange and are in process of conversion into new securities which will not become listed.

Upon receipt of a request, on or before July 22, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–5712; Filed, July 9, 1959; 8:48 a.m.]

[File No. 24FW–1170]

CONSOLIDATED PETROLEUM INDUSTRIES, INC.

Notice of and Order for Hearing

JULY 6, 1959.

I. Consolidated Petroleum Industries, Inc. (issuer), a Texas corporation with its principal offices at 908 Alamo National Bank Building, San Antonio 5, Texas, filed with the Commission on April 30, 1959, a notification on Form 1–A and an offering circular, and filed amendments thereto, relating to an offering of 80,000 shares of its $3.50 par value 6 percent cumulative convertible preferred stock and 80,000 shares of its $.10 par value common stock, to be sold in units of one share of preferred and one share of common at a unit price of $3.75, for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 9, 1959, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission, deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held at the offices of the Fort Worth Regional Office of the Commission, 301 U.S. Courthouse, 10th and Lamar Streets, Fort Worth 2, Texas, at 10:00 a.m., July 14, 1959, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The offering circular contains untrue statements of material facts, and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The projection of net future income under the caption "Summary of Valuation";

b. The valuations attributed to the Nulty, Villarreal, and Peters leases;

c. The estimates of reserves and of net future income from the Howeth and Mason leases;

d. The statement that there are 343,200 barrels of recoverable oil worth $1,098 240 underlying the Nulty lease;

e. The statement concerning the estimate of recoverable oil in the Owens report;

f. The statements that 225 barrels per acre foot are recoverable from East Wintergarden by present method of operation and that "this ultimate recovery can be increased by almost 400 percent by a complete natural water drive, or at least 200 percent by an artificial water flood project";

g. The table of gross production from the Askew and Clark leases, and the failure to disclose that the leases were being given discovery allowables and were not subject to shutdown days;

h. The inclusion of $261,636.42 in the financial statements representing appraised values of oil reserves and of equipment, such amount being arbitrary and having no relation to the nominal cost actually paid;

i. The failure to disclose in tabular form the net production of oil to the issuer's interests in its producing properties;

j. The statement under the caption "Transactions With Promoters" concerning the percentage of outstanding securities of the issuer which will be held by directors, officers, and promoters, as a group, and the percentage of such securities which will be held by the public, if all the securities to be offered are sold, and the respective amounts of cash paid therefor by such group and by the public.

2. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

B. Whether the order dated June 9, 1959 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. *It is further ordered,* That Robert N. Hislop or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Consolidated Petroleum Industries, Inc., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before July 10, 1959 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–5713; Filed, July 9, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FEES FOR COPYING, CERTIFICATION AND SERVICES IN CONNECTION THEREWITH

JULY 1, 1959.

Paragraph 7 of the Commission's notice of July 15, 1958, as amended, in the matter of fees for copying, certification, and services in connection therewith (23 F.R. 5642 and 23 F.R. 10577), is further amended to read as follows:

7. Transcripts of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For the fiscal year beginning July 1, 1959, the official reporter is the CSA Reporting Corporation, 939 D Street NW., Washington, D.C., and transcripts will be furnished to the public at the rate of 55 cents per page of approximately 200 words. Application for copies and payment therefor should be made direct to the official reporter.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–5720; Filed, July 9, 1959; 8:49 a.m.]

[Notice 150]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62220. By order of June 30, 1959, the Transfer Board approved the transfer to Harold Olson and T. J. Liveringhouse, a partnership, doing business as Olson and Liveringhouse, Wayne, Nebr.; of certificate in No. MC 94152, issued March 13, 1941, to T. J. Liveringhouse, Wayne, Nebr., authorizing the transportation of: certain specified commodities between specified points in Iowa and Nebraska.

No. MC–FC 62228. By order of June 30, 1959, the Transfer Board approved the transfer to John Conrad, R.R. No 1, Florence, Ky., of certificate in No. MC 102168, issued July 17, 1950, to Sam Ryle, Burlington, Ky., authorizing the transportation of: *General commodities,* except household goods and the other usual exceptions from Cincinnati, Ohio to specified points in Kentucky, and, *Livestock,* and *agricultural commodities,* from specified points in Kentucky to Cincinnati.

No MC–FC 62234. By order of June 30, 1959, the Transfer Board approved the transfer to Elliott Van & Storage Co., Inc., 2240 South 54th Street, West Allis 14, Wis., of certificate in No. MC 80279, issued October 14, 1949, to Ralph Elliott, doing business as Elliott Van & Storage Co., 2240 South 54th Street, West Allis, Wis., authorizing the transportation of: *Household goods,* between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC–FC 62270. By order of June 30, 1959, the Transfer Board approved the transfer to Miller North Broad Transit Company, a corporation, Philadelphia, Pa., of a certificate in No. MC 2283, issued October 10, 1940, to Whitehead Transfer and Storage Co., a corporation, Springfield, Mo., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between specified points in Missouri and all points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Ohio, Oklahoma, Tennessee, and Texas. Lawrence B. Fenneman, Fenneman, Sachs and Cronin, 100 St. Paul Street, Baltimore 2, Md.

No. MC–FC 62291. By order of June 30, 1959, the Transfer Board approved the transfer to Sybil A. Beason, doing business as Beason Truck Service, Hardtner, Kans., of certificate in No. MC 90172, issued July 21, 1942, to Vernon Beason, Kiowa, Kans., authorizing the transportation of: Livestock, between 5 counties in Kansas, on the one hand, and, on the other, Oklahoma City, Okla., and points in Oklahoma, and between points in Alfalfa and Woods Counties, Okla., on the one hand, and, on the other, Wichita, Kans., and points in 11 counties, Kansas; agricultural implements and parts, binder twine, and farm machinery and parts between Hutchinson and Wichita, Kans., on the one hand, and, on the other, points in Alfalfa and Woods Counties, Okla., and between Kiowa, Kans., on the one hand, and, on the other, Enid, Okla., and points in 6 counties in Oklahoma; emigrant movables between points in Barber County, Kans., on the one hand, and, on the other, points in Oklahoma; carnival equipment, between points in Barber County, Kans., on the one hand, and, on the other, points in Alfalfa and Woods Counties, Okla.; and feed from Anadarko, Chickasha, and Oklahoma City, Okla., to points in Barber County, Kans. Townsend, Landers & Hope, Attorneys at Law, 641 Harrison Street, Topeka, Kans.

No. MC–FC 62292. By order of June 30, 1959, the Transfer Board approved the transfer to Complete Auto Transit of Missouri, Inc., St. Louis, Mo., of a portion of the operating rights in Permit No. MC 49368, and the entire operating rights in Permits Nos. MC 49368 Sub 68 and MC 49368 Sub 71, issued December 28, 1950, November 10, 1947, and January 3, 1950, respectively, to Complete Auto Transit, Inc., Detroit, Michigan, authorizing the transportation, over irregular routes, truckaway and driveaway, of new automobiles, new trucks, new bodies, and parts thereof, restricted to initial movements, from St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia; new, used, unfinished, or wrecked automobiles, trucks, bodies, and parts thereof, restricted to secondary movements between points in Missouri; automobiles, trucks, chassis, bodies, cabs, all other automotive vehicles, unfinished automobiles, and automobile parts and accessories, restricted to initial movements, from St. Louis, Mo., to points in Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Texas, and Wisconsin; in driveaway service, trucks, chassis, bodies, cabs, and parts thereof, in initial movements, from St. Louis, Mo., to points in Idaho, Montana, North Dakota, South Dakota, Minnesota, Wyoming, Nevada, Utah, Colorado, and New Mexico, trucks, chassis, bodies, cabs, and parts thereof, in secondary movements, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming, and trucks and truck chassis, in initial movements, by driveaway method, and truck bodies and cabs, from St. Louis, Mo., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. Edmund M. Brady, 2150 Guardian Building, Detroit 26, Mich., for applicants.

No. MC–FC 62352. By order of June 30, 1959, the Transfer Board approved the transfer to Don Swart, doing business as Don Swart Trucking, Triadelphia, West Virginia, of a Certificate in No. MC 41069, issued March 21, 1941, to Paul Kardules, Martins Ferry, Ohio, authorizing the transportation of such bulk commodities as are transported in dump trucks, over irregular routes, between points in Marshall and Ohio Counties, W. Va., on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 21. Carl B. Galbraith, 904–5–6 Riley Law Building, Wheeling, W. Va.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–5719; Filed, July 9, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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OF MICHIGAN
JUL 13 1959
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 24 NUMBER 135

Washington, Saturday, July 11, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.313(h) as set out below.

§ 6.313 Department of Labor.

* * * * *

(h) *Bureau of Labor Standards.* * * *

(4) One Confidential Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5751; Filed, July 10, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 173]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.473 Valencia Orange Regulation 173.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 12, 1959, and ending at 12:01 a.m., P.s.t. July 19, 1959, are hereby fixed as follows:

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FEDERAL REGISTER

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5829; Filed, July 10, 1959; 11:27 a.m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.632 Plum Order 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Diamond or Giant plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1\frac{1}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{1}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5755; Filed, July 10, 1959; 8:48 a.m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.633 Plum Order 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Emily plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{1}0/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{1}0/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5756; Filed, July 10, 1959; 8:48 a.m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.634 **Plum Order 20.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Nubiana plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5757; Filed, July 10, 1959; 8:48 a.m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.635 **Plum Order 21.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement

and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this order is based became available and the time when this order must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this order relieves restriction on the handling of Becky Smith plums grown in California.

(b) *Order.* (1) The provisions of Plum Order 7 (§ 936.620; 24 F.R. 4904) are hereby terminated insofar as they apply to Becky Smith plums at the effective time of this regulation.

(2) During the period beginning at 12:01 a.m., P.s.t., July 9, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of Becky Smith plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (2) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (2) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(4) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (2) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided*, That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (3) of this paragraph.

(5) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, excepting as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(6) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 7; or (2) as releasing or extinguishing any violation of Plum Order 7 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959, to be effective on and after 12:01 a.m., P.s.t., July 9, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5758; Filed, July 10, 1959; 8:48 a.m.]

[Lemon Reg. 800]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.907 Lemon Regulation 800.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 12, 1959, and ending at 12:01 a.m., P.s.t., July 19, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 395,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 9, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5796; Filed, July 10, 1959; 9:38 a.m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 959.1 through 959.88, inclusive, of the order. The Oregon-California Potato Committee, pursuant to § 959.51 of the order, has recommended that regulations limiting the handling of 1959 crop potatoes should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations have been made available to producers and handlers in the production area.

§ 959.317 Limitation of shipments.

During the period from July 13, 1959, through September 10, 1959, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum grade and size requirements.* All varieties: U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(b) *Minimum maturity requirements.* (1) All varieties: "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered".

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) *Certified seed.*

(ii) *Livestock feed or grading and storing: Provided*, That potatoes may not be shipped for such purpose outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing or for livestock feed within, or to, such districts for such purposes.

(iii) *Charity.*

(iv) *Starch.*

(v) *Canning or freezing.*

(2) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Dehydration: Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if at least 85 percent of the potatoes grade not less than U.S. No. 1.

(ii) *Export: Provided*, That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(iii) *Potato chipping: Provided*, That potatoes which fail to meet the requirements of paragraphs (a) and (b) of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped: *Provided further*, That potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away may be shipped if the remaining portion weighs 6 ounces or more and if such potatoes otherwise meet the applicable grade requirements: *Provided further*, That potatoes which by clipping second growth could be made to meet the aforesaid grade and size requirements may be shipped without such clipping.

(iv) *Hash browns or potato salad: Provided*, That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to subparagraph (c) of this section shall:

(i) Furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request by the Committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler, making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or for use in hash browns or potato salad, pursuant to paragraph (c) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments, except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege.

(v) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the com-

mittee such periodic receivers' reports that the committee may require.

(vi) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after date of such shipment.

(vii) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 959.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an Inspection Certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) *Definitions.* The terms "moderately skinned", "U.S. No. 1", "U.S. No. 2", and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959, to become effective July 13, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5759; Filed, July 10, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-276]

PART 235—REINVESTMENT OF GAINS DERIVED FROM THE SALE OR OTHER DISPOSITION OF FLIGHT EQUIPMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1959.

A Notice of Proposed Rule Making was published in the FEDERAL REGISTER on September 5, 1958 (23 F.R. 6837), and circulated to the industry as Draft Release No. 98, dated September 2, 1958, which proposed the adoption of a new Part 235 of the Board's Economic Regulations. Upon consideration of all relevant matter presented in the written comments submitted, the Board has decided to adopt Part 235 in the form set forth below.

Section 406(b) of the Civil Aeronautics Act of 1938, as amended by Public Law 85–373, approved April 9, 1958, exempted flight equipment capital gains from offset against subsidy when such gains are reinvested in other flight equipment, in accordance with Board regulations. This provision now is found in section 406(d) of the Federal Aviation Act of 1958. In order to obtain the benefits of this provision, an air carrier is required to notify the Board that it has invested or intends to invest the net gains and to submit evidence that an amount equal to the net gain has been expended for the purchase of flight equipment, or has been deposited in a special re-equipment fund for reinvestment in flight equipment. This regulation sets forth the form of notice and type of evidence to be submitted to the Board, as well as the period within which the reinvestment must occur.

To avail itself of this statutory exemption, an air carrier must make a prompt determination of the use which is to be made of flight equipment capital gains. The carrier has the choice of applying all or any part of the gain to the purchase of flight equipment (including retirement of debt incurred therefor) or of depositing such amounts in a special re-equipment fund. One of these actions must be taken not later than 60 days after the date of the sale or other disposition of flight equipment and before the carrier files with the Board the required notice that it has invested or intends to reinvest the gains. In most cases the date of the sale or other disposition will be the date of transfer of title or, if an involuntary disposition, the date of settlement with an insurer. In any event, a broad definition as used in the regulation is required in view of the various procedures which may be involved in a disposition.

The Board sees no justification for the suggested elimination or modification of the 60-day time limit on the application on segregation of gains. A time limit is essential in view of the statutory requirement that gains be segregated and held solely for reinvestment in flight equipment. The fact that the 60 days is geared to the date of the sale or other disposition rather than to the receipt of the funds is not expected to work a hardship. Where the entire purchase price is not immediately received in cash, compliance may be achieved by depositing a purchaser's note in the fund within the 60-day period.

Under this regulation a "gain" will include any value which is realized from the sale or other disposition of flight equipment, whether it be cash, an obligation issued by a purchaser, an insurance recovery, or any other form of value. In computing the gain, it will be to a carrier's advantage to deduct all legitimate expenses where it is on a closed subsidy rate and where there is a question as to whether it will be able to reinvest all the gains in accordance with the regulation. In the typical case, however, a carrier might well have an incentive to minimize the expenses which it reports as related to capital gains and to include such expenses as part of its operating costs for rate purposes. Thus, a suggestion that specific categories of expenses appearing in the definition of "applicable expenses" be omitted from the regulation on the theory that such an item necessarily would be considered by a carrier is being rejected. In computing the cost of units sold or disposed of, the carrier may properly include the cost of capital improvements.

Losses may be offset against gains only where such gains and losses occur in the same transaction. It was suggested that separate sales of components be excluded from the definition of "flight equipment" on the ground that Congress intended the statute to apply only to gains and losses realized upon the sale of complete aircraft. Under this theory, gains from the sale of separate components could be offset against subsidy requirements even though they may have been invested in replacement equipment, and losses from such sales could be underwritten with mail pay. We conclude that there is no warrant, either in the statutory language or in the legislative history of Public Law 85–373, for such a restrictive definition of the term "flight equipment" and that components of flight equipment separately sold come within the scope of the statute.

In this connection reference is made to our opinion on reconsideration in the Capital Gains Proceeding (Order No. E-14104) in which we conclude that, for purposes of adjusting final future mail rates and where section 406(d) is not applicable, we will consider only gains arising from transactions involving sales or dispositions of aircraft or engines. Thus, in the case of future mail rates, gains realized from the sale of separate components are offset only when such sales are part of a transaction involving the disposition of complete aircraft or engines. However, in fixing past period mail rates, the Board will continue to consider all gains realized on the sale of flight equipment, including components sold separately (except, of course, gains exempted under section 406(d)). Accordingly, the definition of flight equipment for purposes of reporting under this part includes components sold separately, whereas the definition of flight equipment contained in Order No. E–14104 does not.

Under this part, carriers realizing gains from the sale of separate components are not required to maintain records or make reports with respect to such sales unless they wish to claim the benefits of section 406(d). Reporting of such transactions would thus not be necessary when the gains are realized during the pendency of a final future rate. On the other hand, if such gains are realized while the carrier is on an open rate, it should report such gains under this part if it desires them to be exempt from offset against past period subsidy.

Since, for the purpose of this regulation, it will be sufficient if a carrier invests an "amount equal to the gain" rather than the gain itself, a tracing of the gains into new equipment will not be necessary. Where the gains are deposited in a re-equipment fund, the proof would be the same as in the case of a direct expenditure, i.e., that the carrier show that an "amount equal to the gain" has been deposited in a special re-equipment fund. However, this fund must be segregated and held for the sole purpose of investment in flight equipment. Use of the fund for other purposes, whether directly or by pledging the fund as security for loans, would result in disqualifying the gain for the special treatment provided by section 406(d).

A "deposit" connotes a physically identifiable asset such as a bank account or negotiable securities, not a mere memorandum entry on the carrier's books. On the other hand, it may take the form of a purchaser's note or of proceeds deposited with a mortgagee or trustee pursuant to a credit agreement. But, regardless of the form it takes, the re-equipment fund which is established must itself be capable of actual identification, and the amounts deposited must be equal to the subsequent expenditures for equipment or for the retirement of a debt. Once reinvestment has taken place, an equivalent amount may be returned to the unappropriated retained earnings account.

In response to industry comments, the provisions governing the reinvestment or deposit of gains make it clear that the regulation is applicable to transactions occurring between April 6, 1956, and the effective date of the regulation, that part payments will qualify, and that no ceiling exists on the amount of a deposit. Also, a definition of "investment in flight equipment" has been added to make clear that investment may consist also of capital improvements to aircraft.

Gains which are deposited in a re-equipment fund will have to be reinvested in accordance with this part within two years after the date of the transaction which yielded the gain. An extension of this time limitation may be granted by the Board where good cause is shown by the air carrier. The Board sees no need for extending the period within which deposited funds must be invested to "5 years after the receipt of such proceeds." If aircraft is retired after newly acquired aircraft is put into service, a gain may be applied against retirement of debt incurred in connection with earlier acquisitions, and notes received from a purchaser may represent a segregated fund. A carrier's ability to apply gains within this period is also enhanced by the fact that in the typical case gains will probably be small in relation to the total purchase price of replacement equipment. Under the circumstances, a two-year period is a reasonable time limit.

In its Notice of Proposed Rule-making, the Board interpreted Public Law 85–373 as not permitting an outright purchase of equipment prior to an equipment retirement to be used as a basis for exempting the subsequent gain from offset. On the other hand, the exemption would apply where a gain is applied to the amortization of a debt incurred prior to the realization of the gain since the statute specifically permits applications of gains in retirement of debt contracted for this purchase or contsruction of flight equipment. In this context, debt would not be considered as retired where there is merely a substitution of a new debt for an old debt in order to free the gain for other uses. However, a carrier would be permitted to make an immediate application of gains to the actual retirement of a debt without going through the formality of establishing a re-equipment fund.

Certain comments have challenged the above interpretation as being unduly restrictive and illogical in view of the ordinary course of airline finance which frequently requires the purchase and delivery of new aircraft before existing aircraft can be withdrawn from service and sold. When an air carrier has acquired flight equipment prior to the disposition of other flight equipment which results in a gain, these carriers feel the gain should be eligible for the benefit of section 406(d), whether or not any debt was contracted in connection with the acquisition and is still outstanding at the time of the disposition of the other flight equipment. The Board recognizes that in many instances gains will not be realized until after replacement equipment is delivered and, consequently, such gains would not come within the terms of section 406(d) except to the extent that they are applied against retirement of debt contracted to purchase the replacement equipment. However, a practical problem is not likely to arise since generally the purchases of new equipment by subsidized air carriers will be debt-financed at least in part, thus providing ample opportunity for using the proceeds from subsequent sales for retiring such debt. The Board believes, therefore, that its construction of the statute as contemplating retirement of debt as the regular vehicle for investing gains in previously acquired flight equipment will not work any hardship. On the merits, the Board remains of the view that anticipatory investments cannot generally form the basis of exemption of capital gains from offset against "need." Whether, under unusual circumstances not now before us, gains could ever be retroactively applied is a question which need not be decided at this time.

As originally proposed, this regulation would have required an air carrier to furnish a surety bond in an amount equal to the gain deposited in a re-equipment fund to cover the amount of subsidy which would be refundable by the carrier if the gain is not reinvested in accordance with the regulation. However, upon consideration of the comments filed by various air carriers regarding the necessity for and the expense involved in this provision, the Board has concluded that this requirement should be eliminated.

The Draft Release provided that where a carrier exchanges flight equipment for like equipment or applies retirement gains to the purchase of like equipment, the transaction will be regarded as a substitution of assets, rather than a "sale or other disposition," as that term is used in section 406 (d). Under this provision, no gain would be considered as realized and the replacement equipment would be put on the carrier's books at the same book value as the retired equipment. Various carriers contend that section 406(d) is applicable to such transactions, arguing that the statute makes no distinction based upon the type of flight equipment which is acquired by the carrier. If the carriers' position were adopted, the substituted equipment would be set up on the carriers' books at its purchase price (in the case of sale and purchase of like equipment), or fair market value (in the case of exchange of like equipment). Thus, where the retired equipment had been depreciated on the books, the typical effect of the carriers' proposal would be to increase the amounts recorded in the flight equipment account.

Insofar as exchanges of flight equipment for other equipment of the same type are concerned, we remain of the view that the sound practice under the statute, as well as for accounting purposes, is to treat the transaction as a substitution of assets with no gain or loss occurring where the exchange does not involve an additional payment of cash or other consideration.[1] On the other hand, we agree with the carriers that the application of gains realized from the sale of equipment to one party to the purchase of equipment of the same type from another party falls within section 406(d), and that the gains that are reinvested in the replacement equipment should be recognized in the investment base for rate purposes. Accordingly, we have deleted that portion of the provision in question to the extent that it would deprive an air carrier of the benefit of the statute where the retirement gains are applied to the purchase of like equipment. The carriers are cautioned, however, that equipment acquired to replace like equipment may be subject to disallowance in rate cases if the Board finds the purchase to have been the product of uneconomical or inefficient management or otherwise not consistent with the provisions of section 406(b). This is a matter which must be left to individual proceedings under section 406.

The proposed regulation defined "sale or other disposition" as including "an insured loss upon settlement of which the air carrier has the option to select between replacement in kind and cash or its equivalent." It was the intention of this provision that where an insurance company elects at its option to replace a loss in kind rather than in cash, no sale or other disposition would be involved, no gain or loss would be realized, and the replacement aircraft would be treated as a substitution of the retired aircraft, taking the book value of the retired aircraft. The carriers contended that since Congress made no distinction regarding insurance losses, the statute requires that all involuntary conversions

[1] We do not at this time find it necessary to determine the treatment of exchanges of like equipment involving additional payments of cash or other consideration. This issue, which may involve questions of fact as well as law, is reserved for determination when it arises in an actual case. Carriers claiming that all or a portion of cash or other consideration received represents a gain under the statute should file their reports on that basis.

should be considered as "other dispositions" of flight equipment and that the gains arising therefrom are protected by the terms of the statutes. The carriers' arguments cannot be accepted. It is to be noted that, as in the case of exchanges of like equipment, discussed above, our proposal to treat replacements in kind as substitutions of assets would not result in any refund of capital gains to the Board, since no gain would be considered as realized. On the other hand, if the carriers' view were adopted it would be necessary to assign a new value to the replacement equipment which in most cases would be higher than the book value of the retired equipment. We do not read the statute as contemplating the inflation of book values in this manner and we remain of the view that a replacement in kind by an insurer, at the latter's option, does not give rise to a gain under section 406(d).

As previously noted, the Draft Release would permit the carriers to carry on their books replacement aircraft, purchased with insurance proceeds, at the cost of such replacement aircraft, where the insurance company did not exercise an option to replace in kind. While this has been the general treatment in past mail rate cases, the Board is not at this time certain that Congress intended that such transactions be entitled to the special treatment afforded by section 406 (d). We do not now pass on this question. Accordingly, we have revised the provision respecting the reinvestment of insurance proceeds (see § 235.1(e)), and, by doing so, it is our intention to leave this question open pending our determination of the issue in an appropriate proceeding.[2]

Contemporaneously with the adoption of this regulation, the Board is promulgating amendments to Part 241 providing for the filing of schedules relating to the sale or other disposition of flight equipment and to the later acquisition of flight equipment or retirement of debt.

Interested persons have been afforded an opportunity to participate in the formulation of this part of the Economic Regulations, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulation (14 CFR Ch. II) effective August 10, 1959 by adding a new Part 235 to read as follows:

Sec.
235.1 Definitions.
235.2 Eligibility for benefits of section 406(d).
235.3 Reinvestment of gains.
235.4 Notice to Board.
235.5 Re-equipment fund.

AUTHORITY: §§ 235.1 to 235.5 issued under sec. 204(a); 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 406(d), 72 Stat. 764; 49 U.S.C. 1376.

[2] As in the case of cash received with exchanges of like aircraft, carriers claiming that section 406(d) is applicable to the application of insurance proceeds to the purchase of equipment of the same type as that retired, should report on that basis pending the Board's determination of this question.

§ 235.1 Definitions.

For the purpose of this part:

(a) "Applicable expenses" means all direct and indirect expenses attributable to the offering, preparation or presentation of the flight equipment for sale or delivery, including but not limited to:

(1) Advertising expense;
(2) Broker's and saleman's expense and commissions;
(3) Packaging expense and other costs incident to preparation for shipment;
(4) Reconditioning, refurnishing, painting and other similar expenses;
(5) Transportation and shipping expenses;
(6) Overhaul expense;
(7) Legal fees and other administrative expenses.

(b) "Applicable taxes" means all federal, state, territorial and foreign taxes paid by or refunded to the carrier with respect to each gain or loss upon retirement of flight equipment, including capital gains taxes, deductions for capital losses, transfer taxes and documentary taxes.

(c) "Date of sale or other disposition" means the date on which the transfer or disposition of the flight equipment is final and complete and nothing remains to be done by the air carrier selling or disposing of the flight equipment to entitle it to payment of the consideration or value, regardless of the period over which actual payments are to be made.

(d) "Flight equipment" means airframes, aircraft engines, aircraft propellers, aircraft communications and navigational equipment, miscellaneous flight equipment, improvements to leased flight equipment and flight equipment rotable parts and assemblies, within the meaning of Part 241 (Accounts 1601 through 1608 and 1701 through 1708) of this subchapter.

(e) "Gain" means the amount by which the total proceeds (less applicable expenses and taxes) realized from the sale or other disposition of one or more units of flight equipment in a single transaction exceeds the total depreciated cost of the units of flight equipment sold or disposed of in that transaction: *Provided, however,* That no gain shall be considered as realized in the case of an exchange of like equipment or in the case of a recovery from the carrier's insurer on account of the loss or destruction of an aircraft, where the insurer exercises an option under the insurance policy to replace such aircraft in kind.

(f) "Investment in flight equipment" means the acquisition of flight equipment in any manner including purchase, exchange, construction, additions and improvements to flight equipment, or payment on account thereof.

(g) "Re-equipment fund" means cash or its equivalent and other liquid assets such as an obligation of the purchaser, a special bank deposit or investment in securities, segregated from the general assets of the air carrier and held for the exclusive purposes of purchasing or constructing flight equipment or retiring debt contracted for the purchase or construction of flight equipment.

(h) "Sale or other disposition" means the retirement of flight equipment by any means, including sale, exchange, abandonment, demolition, or other disposal of flight equipment.

§ 235.2 Eligibility for benefits of section 406(d).

Air carriers seeking to obtain the benefits of section 406(d) of the Federal Aviation Act of 1958 with respect to all or part of any gain derived from the sale or other disposition of flight equipment, shall comply with the statutory requirements in the manner provided in this part.

§ 235.3 Reinvestment of gains.

The gain from the sale or other disposition of flight equipment shall be applied to investment in flight equipment or to the retirement of debt contracted for investment in flight equipment, or shall be deposited for such purposes in a re-equipment fund not later than 60 days after the date of such sale or other disposition and before the date on which the air carrier files the schedules required by § 235.4. The gain may not be invested in flight equipment delivered to the carrier prior to April 6, 1956. A gain realized prior to the adoption of this part shall be applied or deposited in the manner described herein not later than 60 days after the adoption of the part.

§ 235.4 Notice to Board.

Form 41 Schedule B–8(a) shall be filed by the air carrier, in triplicate, with the Board not later than 60 days after the date of the sale or other disposition of flight equipment from which the air carrier derived a gain. Form 41 Schedule B–7(a) shall also be filed, in triplicate, within the same period if the carrier has applied the gain for investment in flight equipment or to the retirement of debt contracted for investment in flight equipment. If the date of the sale or other disposition was on or after April 6, 1956, but prior to the date of the adoption of this part, the appropriate schedule(s) shall be filed not later than 60 days after the adoption of this part.

§ 235.5 Re-equipment fund.

(a) Any gains deposited in a re-equipment fund shall be applied to investment in flight equipment, or to the retirement of debt contracted for investment in flight equipment, not later than two years after the date of the sale or other disposition of flight equipment from which the air carrier derived the gain, unless the Board, for good cause shown, grants an extension of such time limitation. Gain invested in flight equipment delivered to the carrier prior to April 6, 1956, is not eligible for the benefits of section 406(d).

(b) Not later than 10 days after any change in the assets making up the re-equipment fund, the air carrier shall report such change in an amended Schedule B–8(a). Not later than 60 days after the application of the gain deposited in a re-equipment fund, the air carrier shall file Form 41 Schedule B–7(a).

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[F.R. Doc. 59–5753; Filed, July 10, 1959; 8:47 a.m.]

[Reg. ER–277]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Capital Gains Reinvested

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1959.

Contemporaneously herewith, the Board is promulgating a new Part 235 of the Economic Regulations which sets forth the circumstances under which air carriers may avail themselves of the benefits of section 406(d) of the Federal Aviation Act of 1958. In its notice of proposed rule-making (23 F.R. 6837) the Board indicated that air carriers would be required to notify the Board of the details of the capital gain and of the use to which such gain is put by filing proposed new Form 41 Schedules B–7(a) and B–8(a) in accordance with Part 241. The Board has considered the carriers' suggestion that the present Schedules B–7 and B–8 be used for reporting this information, and concludes that the present forms would not readily accommodate the needed information. Accordingly, this amendment to Part 241 is being adopted to include the two proposed schedules in the list of Schedules in § 241.22.

Schedule B–8(a) is to be used for detailing information with respect to the transaction involving the disposition of flight equipment. This schedule should identify the items of flight equipment involved in a gain and the other parties to the transaction, state the date of the sale or other disposition, the depreciated cost of each such item, and the value received therefor, the applicable expenses, taxes and the net gain. Unless the gain is already reinvested in flight equipment this schedule also should describe the re-equipment fund. Gains which are placed in the re-equipment fund are not to be classified as current assets. Within ten days after any change in the assets making up the re-equipment fund the carrier would have to report the change in an amended Schedule B–8(a). A transfer to unappropriated retained earnings account of an amount equivalent to the amount invested is provided for in the instructions accompanying this Schedule.

Schedule B–7(a) is fileable, in addition to Schedule B–8(a), where the gain has been applied either through acquisition of flight equipment or retirement of an existing debt (incurred in the purchase or construction of flight equipment). Schedule B–7(a) must describe the equipment purchased or the debt liquidated, give the names of the parties to the transaction, the date of the application of the gain, the method and terms of payment, and the cost of each item of equipment. The carrier may establish the purpose of debt from its internal records as well as from the term of the loan itself.

Schedule B–8(a) shall be filed by the air carrier not later than 60 days after the date of the sale or other disposition of flight equipment from which the air carrier derived gain. Schedule B–7(a) shall be filed within the same period as Schedule B–8(a), or if applicable not later than 60 days after the expenditure of amounts which were deposited in a re-equipment fund.

Apart from the foregoing, it is not the intention of this amendment to make any substantive changes in present Part 241.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations, effective August 10, 1959, as follows:

1. By amending the list of schedules in § 241.22 of Part 241 by adding the following schedules and footnote:

Schedule No.	Title	Frequency	Postmark interval
B–7(a)..	Reinvestment of Flight Equipment Capital Gains.	(1)	(1)
B–8(a)..	Flight Equipment Capital Gains Invested or Deposited for Reinvestment in Flight Equipment.	(1)	(1)

[1] In accordance with the provisions of §§ 235.4 and 235.5 of Part 235 of this subchapter.

2. By amending § 241.23 of Part 241 by adding the following instructions:

SCHEDULE B–7(a)—REINVESTMENT OF FLIGHT EQUIPMENT CAPITAL GAINS [1]

(a) This schedule shall be filed by each carrier which desires to establish that it is entitled to the benefit of section 406(d) of the Act and which has filed Schedule B–8(a) notifying the Board that it has reinvested the capital gains reported thereon in flight equipment and/or used the capital gains in retirement of debt contracted for the purchase or construction of flight equipment.

(b) Column 1, "Description of Flight Equipment Acquired and Debt Retired" shall identify the specific items of flight equipment acquired, the applicable account number, and the particular issue of debt being retired including a description of the flight equipment for which such debt was contracted, the type of obligation, date of maturity, interest rate, commitment fees, and, if applicable, name of creditor.

(c) Column 2, "Date of Application of Gain" shall include the day, month and year on which the gain was applied to each item of flight equipment or to liquidation of debt.

(d) Column 3, "Cost" shall include the total amount of cash or its equivalent actually paid to acquire each item of equipment or to liquidate debt incurred in the purchase or construction of flight equipment.

(e) Column 5, "Source of Gains" shall identify the gain, reported on Schedule B–8(a), which has been reinvested.

[1] Form filed as part of original document.

SCHEDULE B–8(a)—FLIGHT EQUIPMENT CAPITAL GAINS INVESTED OR DEPOSITED FOR REINVESTMENT IN FLIGHT EQUIPMENT [1]

(a) This schedule shall be filed by each carrier which desires to establish that it is entitled to the benefits of section 406(d) of the Act and which has reinvested or intends to reinvest gains derived from the sale or other disposition of flight equipment pursuant to Part 235 of this subchapter.

(b) Column 1, "Description of Flight Equipment Retired" shall identify the various items of flight equipment retired including the applicable account number.

(c) Column 2, "Date of Sale or Other Disposition" shall include the day, the month and the year on which each item was sold or otherwise disposed of within the meaning of § 235.1(b) of Part 235.

(d) Column 8, "Net Amount of Gain" shall reflect the net of column 5 minus columns 6 and 7; an entry shall be made transferring an amount equal to the amount in column 8 from "Account 2940 Unappropriated Retained Earnings" to "Account 2930 Other Appropriations of Retained Earnings." If an initial measurement of gain is subject to adjustment to reflect losses which result upon collection of installment sales or in converting proceeds to cash, the adjustment should be reported at the time the loss is determined. Upon the investment of gains in flight equipment, an equivalent amount may be returned to "Account 2940 Unappropriated Retained Earnings."

(e) Column 9, "Disposition" shall reflect the name of the person or organization to which the flight equipment is sold or a notation as to the nature of the disposition if not sold.

(f) Columns 10 and 11 shall reflect the date and amount of each gain deposited in a re-equipment fund for reinvestment in flight equipment. Such deposits shall be recorded in "Account 1550 Special Funds—Other."

(g) Column 12 shall identify the assets in the fund and shall indicate the location of the fund if not in immediate physical possession of the air carrier.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 406(d), 72 Stat. 764; 49 U.S.C. 1376)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[F.R. Doc. 59–5754; Filed, July 10, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7416 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Mr. Adolf et al.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act:

§ 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Adolf Reizfeld et al. t/a Mr. Adolf, New Haven, Conn., Docket 7416, June 13, 1959]

In the Matter of Adolf Reizfeld and Esther Reizfeld, Individually and as Copartners Trading as Mr. Adolf

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in New Haven, Conn. with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Adolf Reizfeld and Estar Reizfeld, individually and as copartners trading as Mr. Adolf, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, offering for sale, transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals in addition to the name or names provided for in section 5(b)(1) of the Fur Products Labeling Act;

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

D. Failing to set forth the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder with respect to "new fur" or "used fur" added to fur products that have been repaired, restyled or remodeled.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Adolf Reizfeld and Estar Reizfeld (cited in the complaint as Esther Reizfeld), individually and as copartners trading as Mr. Adolf, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5741; Filed, July 10, 1959; 8:46 a.m.]

[Docket 7296 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Temple Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155. *Prices:* Exaggerated as regular and customary; retail as cost, etc., or discounted. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Temple Company, Inc., et al., Philadelphia, Pa., Docket 7296, June 13, 1959]

In the Matter of Temple Company, Inc., a Corporation, and Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, Individually and as Officers of the Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging mail order merchandisers in Philadelphia, Pa., with using fictitious prices in connection with certain of their products by offering mink furs at prices purportedly reduced from excessive amounts represented in catalogs and periodicals to be the usual retail prices, and by claiming falsely that a supplier was a manufacturer and wholesaler from whom their customers could buy furs at wholesale prices.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, individuals, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fur coats, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Comission Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of fur coats, or other merchandise, when such amounts are in excess of the prices at which said merchandise in regularly and usually sold at retail, or representing that certain amounts are the regular or usual retail prices of fur coats, or other merchandise, when such amounts are in excess of the established retail market prices of said fur coats, or other merchandise.

2. Representing in any manner that any of respondents' mail order suppliers are wholesalers, or manufacturers, when such is not the fact.

It is further ordered, That the complaint herein insofar as it relates to respondent Temple Company, Inc., a corporation, be and the same hereby is dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, individually and as former officers of respondent Temple Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5742; Filed, July 10, 1959; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 270—AVAILABILITY OF RECORDS

Fees for Copying, Certifying and Search of Records by the Bureau of Accounts

Paragraph (b), § 270.3, Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America, is hereby revised to read as follows:

(b) For furnishing special fiscal data that have not been published at the time of request, $4.00 per hour, with a minimum charge of $2.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

Notice of the proposed issuance of the foregoing revision was published in the FEDERAL REGISTER on March 24, 1959 (24 F.R. 2277), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003).

The revision shall become effective upon the expiration of thirty days after the date of its publication in the FEDERAL REGISTER.

(R.S. 161, 5 U.S.C. 22; 65 Stat. 290, 5 U.S.C. 140)

[SEAL] JULIAN B. BAIRD, *Acting Secretary of the Treasury.*

JULY 7, 1959.

[F.R. Doc. 59-5750; Filed, July 10, 1959; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 58-50]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The purpose of the following amendments to the regulations is to:

(a) Elaborate upon existing requirements and to clarify ambiguities found to exist;

(b) Define with greater particularity the procedures to be followed;

(c) Clarify the charges to be made in performing aids to navigation work for other agencies;

(d) Amend the regulations governing inspection of private aids to navigation; and

(e) Revise the regulations relative to the marking of structures in and over navigable waters to bring them in conformance with Public Law 550, 84th Congress, 2d session, approved June 4, 1956, which amended 14 U.S.C. 85. This law clarifies and consolidates the authority to require the establishment, maintenance, and operation of aids to maritime navigation on fixed structures including dams, in or over navigable waters of the United States.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-3 dated May 6, 1953 (18 F.R. 2962), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976), and 167-23 dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

PART 60—GENERAL

Subpart 60.01—General Provisions

1. The authority for this part is amended to read as follows:

(Sec. 92, 63 Stat. 503 as amended; 14 U.S.C. 92. Interpret or apply secs. 81, 86, 633, 63 Stat. 500 as amended, 501, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 81, 86, 633, 43 U.S.C. 1333)

2. Section 60.01-1 is amended to read as follows:

§ 60.01-1 Purpose.

(a) The aids to navigation system of the United States is for the purpose of aiding navigation. That part of the system administered by the Coast Guard is to serve the needs of the armed forces and the commerce of the United States. This subchapter contains the rules, regulations and procedures related thereto.

3. Section 60.01-5 is amended by revising paragraphs (a) and (c) to read as follows:

§ 60.01-5 Definition of terms.

(a) *Aid to navigation.* The term aid to navigation or aid, as used in this subchapter, means any device external to a vessel or aircraft intended to assist a navigator to determine his position or safe course, or to warn him of dangers or obstructions to navigation.

(c) *Commerce.* The term commerce as used in this subchapter, in addition to the general national and international trade and commerce of the United States, includes trade and travel by seasonal passenger craft (marine and air), yachts, houseboats, fishing boats, motor boats, and other craft whether or not operated for hire or profit.

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

Subpart 62.01—Establishment of Aids to Navigation

1. Section 62.01-1 is amended to read as follows:

§ 62.01-1 Maritime aids.

(a) The establishment, maintenance and operation of maritime aids to navigation, other than loran stations, to serve the needs of commerce of the United States may be authorized by the Commandant to mark the navigable waters of the United States, its territories and possessions, the Trust Territory of the Pacific Islands and those waters on which aids to navigation have been established by the Coast Guard prior to June 26, 1948.

(b) The establishment, maintenance and operation of loran stations to serve the needs of maritime commerce of the United States may be authorized by the Commandant. The establishment, maintenance and operation of loran stations to serve the needs of maritime and air commerce of the United States may be authorized by the Commandant providing the need for loran stations required to serve air commerce of the United States is determined by the Administrator of the Federal Aviation Agency.

(c) Any aid to navigation to be established, maintained and operated by the Coast Guard to serve the needs of commerce must be necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and must be justified in terms of public benefit to be derived therefrom.

2. Section 62.01-5 is amended to read as follows:

§ 62.01-5 Aids for Armed Forces.

(a) Upon request of the military authority having jurisdiction of the area, the Coast Guard may establish, maintain and operate maritime aids to navigation, other than loran stations, in order to meet the needs of the Armed Forces.

(b) Upon request of the Secretary of the appropriate department within the Department of Defense, the Commandant may establish, maintain and operate loran and other aids to air navigation in order to meet the needs of the Armed Forces.

(c) Establishment, maintenance and operation of aids to navigation, other than loran stations, as covered in paragraphs (a) and (b) of this section shall be limited to the United States, its territories and possessions, the Trust Territory of the Pacific Islands, or beyond the territorial jurisdiction of the United States at places where naval or military bases are located, and at other places where aids to navigation have been established by the Coast Guard prior to June 26, 1948.

3. Section 62.01-10 is amended by changing the heading to read as follows and by amending paragraph (b) to read as follows:

§ 62.01–10 Federal Agencies other than the Armed Forces.

* * * * *

(b) Any aid to navigation which is for the primary benefit of a Federal Agency other than the Armed Forces may be established and maintained by the Coast Guard on a reimbursable basis. The charge for the original establishment in the case of permanent aids shall be based on the actual cost thereof. The charge for maintenance, including servicing time, shall be in accordance with Part 74 of this subchapter. In the case of temporary establishments, the charge for both establishment and maintenance shall be in accordance with Part 74 of this subchapter. In very minor cases charges may be waived by the Commandant to simplify administrative procedures.

4. Section 62.01–25 is amended to read as follows:

§ 62.01–25 Danger, restricted, and prohibited areas.

The Coast Guard will appropriately mark, if deemed necessary by the Coast Guard and at the request of the cognizant District Engineer, danger, restricted, and prohibited areas which have been so designated by the Secretary of the Army. Charges shall not be made by the Coast Guard for preparation, establishment, servicing, and maintenance of such marking.

Subpart 62.10—Recommendations and Requests

5. Section 62.10–1 is amended to read as follows:

§ 62.10–1 Maritime aids.

(a) Requests and recommendations pertaining to maritime aids to navigation, or reports of aids no longer needed should be mailed to the District Commander concerned, or to the Commandant, U.S. Coast Guard, Washington 25, D.C.

(b) Requests or recommendations for improvements should be supported with information on the following in order to justify the action proposed:

(1) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night.

(2) Where practicable, the type of navigating devices, such as compasses, radio direction finder, radar, loran, and searchlights, with which such vessels are equipped.

(3) The number of passengers; and type, quantity, and value of cargo involved.

(4) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement.

6. Section 62.10–5 is amended to read as follows:

§ 62.10–5 Armed Forces.

(a) Requests for the establishment of aids to air navigation or loran service should be addressed to the Secretary of the Treasury (see § 62.01–5(b)). Requests for the establishment of other aids to navigation should be addressed to the appropriate District Commander (see § 62.01–5(a)).

(b) Requests and recommendations concerning the operation of any aid to navigation maintained by the Coast Guard should be addressed to the appropriate District Commander.

(c) Requests and recommendations should be made as far in advance as possible of the time of actual need in order that required funds may be considered in preparing Coast Guard budget estimates. When such requests or recommendations require work not normally covered by or specifically included in Coast Guard appropriations the aids will be established and maintained by the Coast Guard as soon as funds are made available for the purpose. In every case, the requesting agency will be advised of the estimated date of establishment. In any case where the Coast Guard is unable, with its own funds, to establish aids to navigation as soon as the requesting agency may desire, earlier action by the Coast Guard will depend upon the Agency's ability to make the necessary funds available. Such work will be undertaken on a reimbursable basis. Reimbursement in connection therewith will be arrived at by the determinations made by the District Commander and approved by the Commandant. In minor cases, such as the temporary placement of an aid, preparation charges will be made in accordance with Part 74 of this subchapter when such work is clearly apart from routine operations.

(d) Charges are not made by the Coast Guard for the servicing and maintenance of aids to navigation established for the Armed Forces except in the case of wreck markings established at the request of the Corps of Engineers.

Subpart 62.15—Reporting Defects

7. Section 62.15–1 is amended to read as follows:

§ 62.15–1 Procedure.

Mariners are requested to notify immediately the nearest District Commander of any defects observed in an aid to navigation. Experienced mariners realize that the Coast Guard cannot keep the thousands of aids to navigation comprising the federal system under simultaneous and continuous observation and that, for this reason, it is impossible to maintain every buoy, daybeacon, light, fog signal and other aid operating properly and on its charted position at all times. Therefore, the safety of the mariner and that of all persons embarked or serving in vessels will be enhanced if every person who discovers an aid to be missing, sunk, capsized, or damaged, or who observes a defect in the position or characteristic of any aid, will promptly notify the Coast Guard of the fact. Radio messages should be prefixed "Coast Guard" and transmitted directly to one of the United States Government shore radio stations listed under "Communication" in Section 400B of Radio Navigational Aids HO–205 for relay to the District Commander. If the radio call sign of the nearest United States Government radio shore station is not known, radio-telegraph communication may be established by the use of the general call "NCG" on the frequency of 500 kilocycles. Merchant ships may send messages relating to defects noted in aids to navigation through commercial facilities only when they are unable to contact a United States shore radio station. Charges for these messages will be accepted "collect" by the Coast Guard.

Subpart 62.25—Buoys

8. Section 62.25–1(a) is amended to read as follows:

§ 62.25–1 General.

(a) The waters of the United States are marked to assist navigation by a lateral system of buoyage for use with charts. This system employs a simple arrangement of colors, shapes, numbers and light characteristics to show the side on which a buoy should be passed when proceeding in a given direction. The characteristics are determined by the position of the buoy with respect to the navigable channels as the channels are entered from seaward toward the head of navigation. As all channels do not lead from seaward, at times arbitrary assumptions must be made in order that the system may be consistently applied. The characteristics assigned to buoys are based on the assumption that proceeding in a southerly direction along the Atlantic Coast, in a northerly and westerly direction along the Gulf Coast, in a northerly direction on the Pacific Coast, and in a westerly and northerly direction on the Great Lakes (except Lake Michigan), and in a southerly direction on Lake Michigan, is proceeding from seaward.

9. The title of Subpart 62.35 is amended to read as follows:

Subpart 62.35—Maritime Radiobeacons

10. Section 62.35–1 is amended to read as follows:

§ 62.35–1 General.

Maritime radiobeacons operate during periods of fog or low visibility and in clear weather during specific intervals as published in Coast Guard Lists of Lights and Other Marine Aids. For station identification simple characteristics consisting of combinations of dots and dashes are used. Certain low-powered marine radiobeacons use combinations of high and low tone dashes to provide additional distinction in their characteristics. The characteristics of marker radiobeacons are composed of groups or series of dashes or by a continuous signal for part of a 30 second cycle which is followed by a silent period to complete the 30 second cycle. Maritime radiobeacons are divided into classes depending on their usable range. Class A radiobeacons give a reliable average range of 200 miles; Class B a maximum reliable range of 100 miles; Class C a maximum reliable range of 20 miles; and Class D a reliable average range of 10 miles. The transmitter power is adjusted to provide a usable range which meets the operational requirement. All Coast Guard maritime radiobeacons operate within the frequency band 285–325 kilocycles.

(Sec. 92, 63 Stat. 502, as amended; 14 U.S.C. 92. Interpret or apply sec. 81, 87, 93, 633, 63 Stat. 500 as amended; 501, 503, 504, 545; 14 U.S.C. 81, 87, 93, 633)

PART 64—MARKING OF WRECKS

Subpart 64.15—Charges for Marking Wrecks

Section 64.15–1 is amended to read as follows:

§ 64.15–1 Charges invoiced to owner.

The cost of marking a sunken wreck and the subsequent removal of aids therefrom shall be borne by the owner of the wreck. Charges for the marking of a sunken wreck by the Coast Guard shall be determined according to Part 74 of this subchapter. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck in accordance with § 64.05–10.

(Sec. 92, 63 Stat. 503 as amended; 14 U.S.C. 92. Interpret or apply sec. 15, 30 Stat. 1152, sec. 86, 633, 63 Stat. 501, 545; 33 U.S.C. 409, 14 U.S.C. 86, 633)

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—General

1. Section 66.01–1(a) is amended to read as follows:

§ 66.01–1 Basic provisions.

(a) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish, erect or maintain in the navigable waters of the United States any aid to maritime navigation, without first obtaining permission to do so from the Commandant; nor shall any person, public body, or instrumentality change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01–15) without first obtaining permission to do so from the Commandant. Discontinuance of any authorized voluntary private aid (Classes II and III, § 66.01–15), not required by statute or regulation, may be effected by order of the Coast Guard in accordance with § 66.01–25 or by removal by the owner after 30 day period notice to the Commander of the District to whom the original request for authorization for establishment of the aid was submitted.

2. Section 66.01–20 is amended to read as follows:

§ 66.01–20 Inspection.

All classes of private aids to navigation shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer.

3. Section 66.01–35 is amended to read as follows:

§ 66.01–35 Marking of structures.

Any structure, including floating plants, moorings, mooring buoys, and dams in or over the navigable waters of the United States shall display the lights and other signals for the protection of maritime navigation as may be prescribed by the Commandant. Any owner, or operator of a structure excluding an agency of the United States, who violates any of the rules and regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding $100 for each day during which such violation continues. The prescribed lights and signals shall be installed, maintained, and operated by and at the expense of the owner, or operator, who shall after obtaining a Corps of Engineers' permit authorizing construction of the structure, apply to the District Commander having jurisdiction over the waters in which the work will be executed for determination of the lights and other signals to be displayed. This requirement includes the temporary lights and signals to be displayed during the construction of such structure. Regulations prescribing the lights or other signals required to mark any work or obstruction, may or may not be published. If no regulation exists, each case shall be considered individually by the District Commander, who will prescribe such lights and signals as he may consider necessary for the safety of navigation. The characteristics of lights and signals shall comply as nearly as possible to the United States lateral system described in Part 62 of this subchapter. Upon being advised of the lights and other signals required, the owner or operator shall promptly prepare and submit an application in accordance with § 66.01–5.

4. Section 66.01–45 is amended to read as follows:

§ 66.01–45 Penalty.

Any person, public body, or instrumentality, excluding the armed forces, who shall establish, erect, or maintain any aid to maritime navigation without first obtaining authority to do so from the Commandant in accordance with the regulations issued in this part is subject to a penalty as provided in 14 U.S.C. 83.

5. Part 66 is amended by adding a new section reading as follows:

§ 66.01–55 Transfer of ownership.

When private aids to navigation which have been authorized by the Commandant, or the essential real estate or facility with which the aids are associated has been sold or transferred, both parties to the transaction shall submit application (§ 66.01–5) to the Commander of the Coast Guard District in which the aids to navigation are located, requesting authority to transfer responsibility for maintenance of the aids. In the event the above procedure is not complied with, the transferor shall be required to remove the aid or aids without expense to the United States.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 85, 633, 43 U.S.C. 1333)

PART 68—LIGHTING OF BRIDGES

Subpart 68.01—Basic Provisions

1. Section 68.01–1 is amended to read as follows:

§ 68.01–1 General requirements.

All persons owning, occupying or operating bridges over the navigable waters of the United States shall maintain at their own expense such lights and other signals required for safety of maritime navigation as may be prescribed by the Commandant, and on any international bridge constructed after March 23, 1906, such additional signals as may be prescribed by the Commandant.

2. Section 68.01–5 is amended to read as follows:

§ 68.01–5 Penalty for failure to maintain.

Any person required to maintain lights and other signals upon any bridge or abutment over or in the navigable waters of the United States who fails or refuses to maintain such lights and other signals, or to obey any of the lawful rules and regulations relating to the same is subject to a penalty as provided in 14 U.S.C. 85.

Subpart 68.05—Procedure

3. Section 68.05–1 is amended to read as follows:

§ 68.05–1 Obtaining information.

Persons desiring information concerning the marking of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant.

4. Section 68.05–10 is amended to read as follows:

§ 68.05–10 Action by Coast Guard.

(a) The District Commander receiving the application will review it and approve the lights and other signals proposed, or mark on the drawings, the lights and other signals required, and in the case of lights, cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) Upon approval, one set of drawings will be returned to the applicant with the notation "navigational lights and/or other signals approved as shown", date, name and title of the District Commander.

Subpart 68.10—General Conditions

5. Section 68.10–5 is amended to read as follows:

§ 68.10–5 Lighting during bridge construction.

(a) While a bridge is under construction the District Commander having jurisdiction over the area in which the bridge is being built will prescribe the temporary lights and other signals to be displayed for the protection of navigation.

(b) When unusual conditions exist, the District Commander will confer with the District Engineer having jurisdiction over the construction work before prescribing the temporary lights and other

signals to be displayed during construction of the bridge.

(c) When the construction of a bridge is completed the permanent lights and other signals approved by the District Commander for the completed bridge shall be displayed.

6. Section 68.10–20 is amended by adding a new paragraph (c) reading as follows:

§ 68.10–20 Periods of operation.

* * * * *

(c) The operation of signals other than lights shall be as prescribed by the District Commander. Each case shall be considered individually.

7. Section 68.10–25 is amended to read as follows:

§ 68.10–25 Visibility of lights.

All lights required by the regulations in this part shall be securely attached to the structure and shall be of sufficient candlepower as to be visible against the background lighting at a distance of at least 2,000 yards 90 percent of the nights of the year. They shall be located as prescribed by the Commandant, with colors and arcs of visibility as specified.

Subpart 68.15—Marking Requirements

8. Section 68.15–10(c) is amended to read as follows:

§ 68.15–10 Lights on single-opening drawbridges.

* * * * *

(c) *Pier or abutment lights.* Every swing bridge shall be lighted so that the end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw, or each end of the protection piers for such piers, abutments, or fixed portion of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

9. Section 68.15–15(a) and note are amended to read as follows:

§ 68.15–15 Lights on bascule bridges.

(a) *Lift span lights.* Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all other positions of the lift span. Each red and each green light shall show through a horizontal arc of 180°. The lighting apparatus shall be securely mounted to the side of the span so that the light will show equally on either side of a line parallel to the axis of the channels, so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, existing lights may show through a horizontal arc of less than 180°. When major repairs to or replacement of existing lights are made they shall conform with this paragraph.

(Sec. 4, 34 Stat. 85, as amended; sec. 92, 63 Stat. 503, as amended; 33 U.S.C. 494, 14 U.S.C. 92. Interpret or apply secs. 84, 85, 633, 63 Stat. 500, 545, as amended; 14 U.S.C. 84, 85, 633)

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

Subpart 70.05—Collision With or Damage to Aids to Navigation

Sections 70.05–25, 70.05–30, 70.05–32, 70.05–35, 70.05–40, 70.05–45, 70.05–50 and 70.05–55 are cancelled.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547; 14 U.S.C. 86, 633, 642)

PART 72—MARINE INFORMATION

Subpart 72.01—Notices to Mariners

1. Section 72.01–25 is amended to read as follows:

§ 72.01–25 Marine broadcasts.

Marine broadcast notices to Mariners are made by the Coast Guard through Coast Guard or Naval radio stations to report deficiencies and changes in aids to navigation of importance. Radio stations broadcasting marine information are listed in "Radio Navigational Aids (HO–205)" published by the Hydrographic Office.

2. The title of Subpart 72.05 is amended to read as follows:

Subpart 72.05—Lists of Lights and Other Marine Aids

3. Section 72.05–1 is amended to read as follows:

§ 72.05–1 Purpose.

(a) The Coast Guard publishes annually the following four Lists of Lights and Other Marine Aids covering the waters of the United States, its territories and possessions:

(1) Atlantic and Gulf Coasts (Local Lists of Lights and Other Marine Aids are also published for each of the five Coast Guard districts on the Atlantic Coast).

(2) Mississippi River System.

(3) Great Lakes.

(4) Pacific Coast and Islands (Local Lists of Lights and Other Marine Aids are also published for each of the five Coast Guard districts on the Pacific Coast).

(b) These Lists of Lights and Other Marine Aids show the official name, location, characteristics and general description of all aids to navigation maintained by or under authority of the U.S. Coast Guard.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply sec. 93, 63 Stat. 504, as amended; 14 U.S.C. 93)

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

1. The title of Part 74 is amended to read as set forth above.

2. Part 74 is amended to read as follows:

Subpart 74.01—Charges to the Public

Sec.
74.01–1 Claim for damage or destruction.
74.01–5 Computation of repair or replacement costs.
74.01–10 Charges invoiced to owner for marking sunken wrecks.
74.01–15 Charges for placement of temporary aids.
74.01–20 Deposit of payment in special account.

Subpart 74.05—Charges to Armed Forces—Other Than Corps of Engineers

74.05–1 Armed Forces.

Subpart 74.10—Charges to Corps of Engineers

74.10–1 Danger, restricted, and prohibited areas.
74.10–5 Charges invoiced to U.S. Corps of Engineers.

Subpart 74.15—Charges to Federal Agencies

74.15–1 Federal agencies.

Subpart 74.20—Standard Charges

74.20–1 Table of charges.

AUTHORITY: §§ 74.01–1 to 74.20–1 issued under sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547; 14 U.S.C. 86, 633, 642.

Subpart 74.01—Charges to Public

§ 74.01–1 Claim for damage or destruction.

(a) When an aid to navigation, fixed or floating, is damaged and can be repaired, or is damaged to the extent that the cost of repair will exceed its value (and thereby it has become a constructive total loss), or is totally destroyed, claim shall be promptly made upon the party responsible for the damage or destruction for the full cost to the Government to make repairs to the aid, or for the cost to make replacement with an identical aid or replacement with a substitute aid acceptable to the Coast Guard, and for all other costs to the Government incident to and directly caused by reason of the damage or destruction. Claim for cost of replacement with an identical or substitute aid (as prescribed in this paragraph) shall be made whether or not the aid is actually replaced, and whether or not the new aid is established at the same or different location as that of the aid being replaced. No claim shall be made for damage to aids by instrumentalities of the Federal Government.

(b) Because of advancement in engineering practices, and fluctuation of capital plant values and maintenance expenses, it is impracticable to announce an inflexible standard applicable to all situations involving repair or replacement of aids to navigation. The policy of the Government respecting such claim is that it looks to the responsible interests to reimburse the Coast Guard for all expenses which flow from or are chargeable to repair or replacement of aids. The Coast Guard does not wish to gain any pecuniary profit from these incidents; nor does it intend to assume any financial losses therefrom.

§ 74.01–5 Computation of repair or replacement costs.

(a) The cost to make repairs shall be the cost of restoring the damaged aid to operating condition acceptable to the Coast Guard. This shall include the cost of all labor, material, and overhead involved whether furnished by private contract or by the Government.

(b) The cost to make replacement shall be actual, present day cost to reproduce an identical aid or an aid having similar general characteristics and permanence satisfactory to the Coast Guard.

(c) Expense incident to and directly caused by reason of the damage or destruction of an aid to navigation shall be included as part of the total claim against the responsible party, and shall include costs of the following items, whichever are applicable:

(1) Cost of placing a replacement aid in operation on station, whether as a permanent substitute or to serve as a temporary auxiliary aid for that which was damaged or destroyed. Such cost shall be determined in accordance with Subpart 74.20 of this part.

(2) Cost of removing a replacement aid which was placed in operation on station to serve as a temporary or auxiliary aid for that which was damaged or destroyed. Such cost shall be determined in accordance with Subpart 74.20 of this part.

(3) Cost of searching for, recovering and removing or attempting to recover and remove the damaged or destroyed aid or any of its component parts which may require recovery or removal. Such costs shall be determined in accordance with Subpart 74.20 of this part.

(4) Cost or value of time consumed by Government personnel (excluding ship's complement), including such services as inspection, supervision, etc., on projects where necessary to insure that the project is being completed in accordance with prepared plans and/or contract. These costs shall include:

(i) Actual travel expenses incurred and paid to personnel from public funds; and,

(ii) Actual payroll value of time of all personnel expended upon the project, including travel time during paid status.

(5) Cost of value of time consumed by Government vessel, including ship's complement, employed by reason of and directly attributed to the damage or destruction. In the performance of this work no charge shall be made for the time and expense of Coast Guard vessels, including ship's complement, when the aid can be or is repaired or restored on station by the vessel on routine scheduled duty where only minimum interruption of that assignment occurs. If such vessel time is charged, it will be charged in accordance with the type of damaged aid which must be serviced as set forth in Subpart 74.20 of this part.

(6) Where tender work other than servicing the specific type of aid indicated in Subpart 74.20 of this part is required in connection with damaged aids, vessel time shall be an hourly charge determined by dividing the latest fiscal year cost for operating the applicable class of vessel in the district by the number of hours the vessel was operationally employed for the fiscal year.

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks.

(a) Charges for the establishment and maintenance by the Coast Guard of an aid or aids to mark a sunken wreck shall be determined in accordance with Subpart 74.20 of this part and invoiced to the owner. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck.

(b) Charges shall be made for the cost or value of time consumed by the Government vessel, including ship's complement, employed by reason of and directly attributed to the placing of the wreck marking. In the performance of this work no charge shall be made for the time and expense of Coast Guard vessels, including ship's complement, when the aid can be or is placed on station by the vessel on routine scheduled duty where only minimum interruption of that assignment occurs. If such vessel time is charged, it will be charged in accordance with the type of aid involved as set forth in Subpart 74.20 of this part.

(c) All charges so invoiced to the owner shall, upon collection, be deposited to miscellaneous receipts.

§ 74.01–15 Charges for placement of temporary aids.

Charges for placement of temporary aids will be reimbursable and in accordance with Subpart 74.20 of this part. Where the placement of temporary aids other than those specified is made, a reasonable equivalence will be determined, and charges made accordingly.

§ 74.01–20 Deposit of payment in special account.

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property. The Coast Guard will accept and deposit such payment in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

Subpart 74.05—Charges to Armed Forces—Other than Corps of Engineers

§ 74.05–1 Armed forces.

(a) Requests and recommendations for the establishment of aids requiring considerable expenditure of funds should be made in sufficient time to permit their incorporation in Coast Guard budget requests. When these requests or recommendations require work not normally covered by or specifically included in Coast Guard appropriations, the aids will be established and maintained as soon as the requesting agency makes funds available for the purpose on a reimbursable basis (31 U.S.C. 686). Such reimbursement will be based on determinations made by the District Commander and approved by the Commandant.

(b) In minor cases, such as the temporary placement of an aid, preparation charges will be made in accordance with Subpart 74.20 of this part when such work is clearly apart from routine operations. Charges shall not be made for vessel time nor for servicing in the case of the Armed Forces.

Subpart 74.10—Charges to Corps of Engineers

§ 74.10–1 Danger, restricted, and prohibited areas.

The Coast Guard will appropriately mark, if deemed necessary by the Coast Guard, and at the request of the cognizant District Engineer, danger, restricted and prohibited areas which have been so designated by the Secretary of the Army. Charges shall not be made by the Coast Guard for the preparation, establishment, servicing, and maintenance of such marking.

§ 74.10–5 Charges invoiced to U.S. Corps of Engineers.

Charges for the marking of sunken wrecks by the Coast Guard for the Department of the Army in accordance with § 64.05–10 shall be invoiced to the District Engineer. Charges, including charges for vessel time shall be determined in accordance with Subpart 74.20 of this part. Such work will be undertaken on a reimbursable basis (14 U.S.C. 86).

Subpart 74.15—Charges to Federal Agencies

§ 74.15–1 Federal agencies.

Any aid to navigation which is for the primary benefit of a Federal agency other than the Armed Forces may be established and maintained by the Coast Guard on a reimbursable basis (31 U.S.C. 686). The charge for the original establishment in the case of permanent aids shall be based on the actual cost thereof. The charge for maintenance, including servicing time, shall be in accordance with Subpart 74.20 of this part. In the case of temporary establishments the charge for both establishment and maintenance shall be in accordance with Subpart 74.20 of this part. In very minor cases charges may be waived by the Commandant to simplify administrative procedures.

Subpart 74.20—Standard Charges

§ 74.20–1 Table of charges.

Charges for authorized work performed under the provisions of this subchapter shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the actual cost incurred by the Coast Guard when having such work performed on contract.

TABLE A—STANDARD CHARGES

Type of aid	Preparation of aid [1]	Service charge per month or major fraction thereof	Vessel time per hour
1. Lighted buoy for exposed station, with or without sound	$130	$87	$102
2. Bell, gong or whistle buoys, unlighted	52	27	102
3. Lighted buoy (S') for sheltered station, with or without sound	110	61	102
4. Lighted buoy (7' or less) for sheltered station, with or without sound	83	33	48
5. Can or nun buoys (1st and 2d class), except river type	17	14	48
6. Can or nun buoy (3d class), except river type	13	6	30
7. Wooden spar buoy, any class	15	12	48
8. River type buoy	8	4	30
9. Lighting apparatus (only)	55	25	30
10. Rebuilding minor structures on submarine sites such as piling, pile clusters, etc			28

[1] Includes preparation, adaptation, and placing of a replacement aid (exclusive of vessel time), and preparation, adaptation, placing, retrieving, and overhaul following retrieving of a temporary aid (exclusive of vessel time).

Dated: July 6, 1959.

[SEAL]

A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59-5747; Filed, July 10, 1959; 8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Pacific Ocean, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 205.57 is hereby prescribed establishing and governing the use of prohibited dumping grounds in the Pacific Ocean in the approaches to Los Angeles—Long Beach Harbors, San Diego Harbor, and Port Hueneme Harbor, California, as follows:

§ 205.57 Pacific Ocean, approaches to Los Angeles-Long Beach Harbor, San Diego Harbor, and Port Hueneme Harbor, California.

(a) *Prohibited dumping grounds.* (1) The waters of San Pedro Bay and San Pedro Channel off Los Angeles-Long Beach Harbors within an area bounded as follows: Beginning at latitude 33°-42'51", longitude 118°18'35"; thence 180° true to latitude 33°40'34", longitude 118°18'35"; thence to latitude 33°34'30", longitude 118°14'06"; thence 090° true to latitude 33°34'30", longitude 118°07'28"; and thence to latitude 33°41'44", longitude 118°02'50".

(2) The waters of the Pacific Ocean off San Diego Harbor including the dredged channel, within an area bounded as follows: Beginning at Point Loma Light; thence to latitude 32°32'00", longitude 117°16'50"; and thence to latitude 32°33'30", longitude 117°07'45".

(3) The waters of Santa Barbara Channel and the Pacific Ocean off Port Hueneme Harbor within an area prescribed by an arc with a radius of three nautical miles seaward from Port Hueneme Light.

(b) *The regulations.* (1) No dumping of solid objects or solid materials of any type or class by any vessel or craft within the areas prescribed in this section shall be done until prior permission therefor has been obtained from the District Engineer, U.S. Army Engineer District, Los Angeles, 751 South Figueroa Street, Los Angeles 17, California.

(2) The district engineer may suspend the work or revoke the permission at any time. If inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the party responsible for the dumping.

(3) The regulations in this section shall be enforced by the Commander, Western Sea Frontier, the Commandant, Eleventh Naval District, San Diego, California, and such agencies as the Commandant may designate.

[Regs., June 23, 1959, 285/91 (Pacific Ocean, Calif.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-5737; Filed, July 10, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

PART 161—SHIPPER'S EXPORT DECLARATION

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

I. In § 111.2 *Specific categories,* subparagraph (8) of paragraph (g) is amended by striking out "Ireland (Eire)" where it appears therein. The Postal Administration of Ireland has given notice that small packets may now be accepted for delivery in that country.

NOTE: The corresponding Postal Manual section is 221.278.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. In § 161.1 *When required,* strike out "$25" where it appears in that part preceding paragraph (a) and insert in lieu thereof "$50", so that the part reads: "Business concerns sending merchandise valued at $50 and over to other business concerns—"

NOTE: The corresponding Postal Manual section is 271.1.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-5752; Filed, July 10, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-28]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

FLORIDA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 25, 1959, approved the Florida system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Florida system shall be operative on and after Monday, July 20, 1959. On that date the authority to number motorboats principally used in the State of Florida will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Florida. On and after July 20, 1959, all reports of "boating accidents" which involve motorboats numbered in Florida will be required to be reported to the nearest county sheriff in Florida pursuant to the Florida Motorboat Registration and Certification Act of 1959.

Because § 172.25-15(a), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R 6521), and 167-17, dated June 29, 1956 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 Effective dates for approved State systems of numbering.

(a) The following State systems of numbering have been approved with effective dates as follows:

(1) Florida—July 20, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 7, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59-5748; Filed, July 10, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-661]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

In the matter of amendment to § 2.601 of Part 2 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of July 1959;

The Commission having under consideration § 2.601 of Part 2 of its rules and regulations; and

It appearing that the proposed changes do not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4(a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons; and

It further appearing that authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

It is ordered, That, effective July 1, 1959, Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 Treaties and Other International Agreements relating to Radio.

(Corrected to June 1, 1959. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.)

(a) The applicable International Treaties and Other International Agreements in force relating to radio and to which the United States of America is a party, are listed below:

Subject	Citations [1]	Date
Arrangement between the United States and the Dominion of Canada governing radio communications between Private commercial stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in EAS 62.	1929 For. Rel., vol. II, p. 114. TS 767-A.	1928 and 1929
Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government on Feb. 1, 1933.) Arrangement still in force with respect to the United States, Canada, and Newfoundland.	IV Trenwith 4787. TS 777-A.	1929
Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in TS 767-A. Effected by exchange of notes Apr. 23, and May 2 and 4, 1934. Entered into force on May 4, 1934.	48 Stat. 1876. EAS 62.	1934
Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16, and May 23, 1934. Entered into force May 23, 1934.	49 Stat. 3555. EAS 66.	1934
Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.	49 Stat. 3667. EAS 72.	1934
Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedures established in the NARBA (TS 962, EAS 227, and TIAS 1553) and the Inter-American Radio Communications Convention (TS 938).	51 Stat. 314. EAS 109.	1937
Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939.	53 Stat. 1570. TS 938.	1937
North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Havana, Dec. 13, 1937. Entered into force Mar. 29, 1941. EAS 227 and TIAS 1553 supplement this Agreement.	55 Stat. 1005. TS 962.	1937
Radiotelegraph Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939.	54 Stat. 1675. TS 949.	1938
Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 25, and Dec. 10, 1938. Entered into force Mar. 29, 1941.	53 Stat. 2042. EAS 136.	1938
Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, Aug., Sept., Oct., Nov., and Dec., 1938. Entered into force Aug. 1, 1938.	53 Stat. 2092. EAS 142.	1938
Arrangement between the United States and Canada concerning the Use of Radio on Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939.	53 Stat. 2157. EAS 143.	1939
Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941.	54 Stat. 2483. EAS 196.	1940
Supplementary North American Regional Broadcasting Agreement signed at Washington, D.C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See TS 962 and TIAS 1553).	55 Stat. 1398. EAS 227.	1941
Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Telegraph Communications. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946.	60 Stat. 1690. TIAS 1527.	1946
North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D.C., Feb. 25, 1946. Entered into force Mar. 29, 1946. (See TS 962 and EAS 227). Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc.) (TIAS 1802 which entered into force Apr. 1, 1948).	60 Stat. 1862. TIAS 1553.	1946
Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication, Standardization of Distance Measuring Equipment. Signed at Washington, D.C., Oct. 13, 1947. Entered into force Oct. 13, 1947.	61 (3) Stat. 3131. TIAS 1652.	1947

Subject	Citations [1]	Date
Bilateral Arrangements between the United States and the following:		1925
Great Britain.	IV Trenwith 4248.	
Canada.	IV Trenwith 4250.	
Newfoundland.	IV Trenwith 4251.	
Effected by exchange of notes signed Sept. and Oct., 1925, providing for the prevention of interference by ships of the one of these countries with radio broadcasting. Entered into force Oct. 1, 1925.	TS 724-A.	

[1] Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (Compiled under Senate Resolution No. 122, Seventy-fifth Congress, First Session.
For. Rel.—Papers Relating to the Foreign Relations of the United States, 1929.
Stat.—United States Statutes at Large.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

Date	Citations [1]	Subject
1947	3 UST (3) 3787. TIAS 2908.	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in either country. Signed at Ottawa, Feb. 8, 1951. Entered into force May 15, 1952.
	2 UST (1) 1041. TIAS 2259.	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo, May 12 and 14, 1951. Entered into force May 14, 1951.
1947	61 (4) Stat. 3860. TIAS 1726.	Agreement between the United States and Mexico which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10, and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2356 is amended by TIAS 2654 which was signed at Mexico City, June 4 and 25, 1952.)
1947	3 UST (2) 2860. TIAS 2459.	Agreement between the United States and Cuba concerning the Control of Electro-magnetic Radiations. Effected by exchange of notes signed at Havana, Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1947	3 UST (4) 5520. TIAS 3748.	Administrative Regulations. Signed at the Extraordinary Administrative Radio Conference, Atlantic City, 1947, entered into force to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) not brought into force January 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force March 1, 1952.
	3 UST (3) 3892. TIAS 2520.	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third parties. Effected by exchange of notes signed at Habana, Sept. 17, 1951, and Feb. 21, 1952. Entered into force Feb. 27, 1952.
	3 UST (3) 4443. TIAS 2594.	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 250 miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa, Apr. 29, 1952 and June 23, 1952. Entered into force June 23, 1952.
1948	3 UST (1) 4823. TIAS 2654.	Amendment to TIAS 2356. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico, June 4 and 25, 1952. Entered into force June 25, 1952.
	3 UST (4) 4926. TIAS 2666.	Agreement between the United States and Canada for the Purpose of Promoting Safety on Vessels of all countries as provided for in Agreement Signed for the Great Lakes by Means of Radio. The Agreement signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 13, 1954.
1948	3 UST (4) 5140. TIAS 2705.	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London, Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London, Aug. 12, 1949.
1949	6 UST 1213. TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955.
	5 UST (3) 2810. TIAS 3138.	Limited Interconnection between United States and Canada relating to the Operation of Mobile Radio Transmitting Equipment. Effected by exchange of notes signed at Washington, D.C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
	7 UST 2179. TIAS 3617.	Agreement between the United States and Panama concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Panama, July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1950	7 UST 2830. TIAS 3665.	Agreement between the United States Amateur Stations on Behalf of Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Washington, D.C., Aug. 13, and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1951	7 UST 3159. TIAS 3694.	Agreement between the United States and Nicaragua concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Managua, Oct. 8, and 16, 1956. Entered into force Oct. 16, 1956.
		Agreement between the United States and Mexico regarding Allocation of Ultra High Frequency Channels to Land Mobile and Television Stations. Effected by exchange of notes signed at Mexico, July 16, 1958. Entered into force July 16, 1958.
	TIAS 4080.	

Date	Citations [1]	Subject
1947	61 (4) Stat. 3416. TIAS 1678.	Agreement between the United States and the United Nations relative to headquarters of the U.N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U.N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.)
1947	61 (4) Stat. 3800. TIAS 1726.	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r.f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D.C., Jan. 8, and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	3 UST (2) 2860. TIAS 2459.	Agreement between the United States and Cuba concerning the Control of Electro-magnetic Radiations. Effected by exchange of notes signed at Havana, Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1947	63 (2) Stat. 1399. TIAS 1901.	International Radio Regulations. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. However, the effective date provisions of the Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1959. This printing contains also the International Telecommunication Convention, Buenos Aires, 1952. The printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Atlantic City Radio Regulations which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.)
1948	62 (3) Stat. 2632. TIAS 1802.	Arrangement between the United States and Canada concerning Radio Broadcasting, Engineering Standards applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc.). Effected by exchange of notes signed at Washington, D.C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948.
1948	TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva, Mar. 6, 1948. Entered into force Mar. 17, 1958.
1948	3 UST (3) 3450. TIAS 2405.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	2 UST (1) 17. TIAS 2173.	Telegraph Regulations (Paris Revision, 1949) annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 29, 1950.
1949	3 UST (2) 2686. TIAS 2435.	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3064. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Done at Washington, D.C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 19.
1950	3 UST (2) 2672. TIAS 2433.	Arrangement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	2 UST (1) 683. TIAS 2223.	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia, Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1948	62 (3) Stat. 2632. TIAS 1802.	Arrangement between the United States and Canada concerning Radio Broadcasting, Engineering Standards applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc.). Effected by exchange of notes signed at Washington, D.C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948.
1952	3 UST (3) 3892. TIAS 2520.	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third parties. Effected by exchange of notes signed at Habana, Sept. 17, 1951, and Feb. 21, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (3) 4443. TIAS 2594.	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 250 miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa, Apr. 29, 1952 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (1) 4823. TIAS 2654.	Amendment to TIAS 2356. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico, June 4 and 25, 1952. Entered into force June 25, 1952.
1952	3 UST (4) 4926. TIAS 2666.	Agreement between the United States and Canada for the Purpose of Promoting Safety on Vessels of all countries as provided for in Agreement Signed for the Great Lakes by Means of Radio. The Agreement signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (4) 5140. TIAS 2705.	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London, Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London, Aug. 12, 1949.
1952	6 UST 1213. TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955.
1953	5 UST (3) 2810. TIAS 3138.	Limited Interconnection between United States and Canada relating to the Operation of Mobile Radio Transmitting Equipment. Effected by exchange of notes signed at Washington, D.C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179. TIAS 3617.	Agreement between the United States and Panama concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Panama, July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2830. TIAS 3665.	Agreement between the United States Amateur Stations on Behalf of Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Washington, D.C., Aug. 13, and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159. TIAS 3694.	Agreement between the United States and Nicaragua concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Managua, Oct. 8, and 16, 1956. Entered into force Oct. 16, 1956.
1958	TIAS 4080.	Agreement between the United States and Mexico regarding Allocation of Ultra High Frequency Channels to Land Mobile and Television Stations. Effected by exchange of notes signed at Mexico, July 16, 1958. Entered into force July 16, 1958.

[1] Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (Compiled under Senate Resolution No. 132, Seventy-fifth Congress, First Session.)
For Rel.—Papers Relating to the Foreign Relations of the United States, 1929.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

[2] In addition, certain Resolutions and Recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 at Washington, D.C., on July 9, 1949. (Available from the International Telecommunication Union, Geneva, Switzerland.)

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

Date	Citations [1]	Subject
1912	38 Stat. 1672. TS 581.	International Radiotelegraph Convention. Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913.
1927	45 Stat. 2760. TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington, D.C., Nov. 25, 1927. Entered into force Jan. 1, 1929.
1932	49 Stat. 2391. TS 867.	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid, Dec. 9, 1932. Entered into force for the United States June 12, 1934.
1937	54 Stat. 2514. EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana, Dec. 13, 1937. Entered into force for the United States July 18, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago, Jan. 26, 1940 (EAS 231).
1938	54 Stat. 1417. TS 948.	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations (Atlantic City, 1947) annexed to the International Telecommunication Convention. Entered into force Sept. 1, 1939.
1940	55 Stat. 1482. EAS 231.	Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference.) Signed at Santiago, Jan. 26, 1940. Entered into force with respect to the United States June 26, 1941. Replaced by the Inter-American Radio Agreement signed at Washington, D.C., July 9, 1949 (TIAS 2489.)
1947	63 (2) Stat. 1399. TIAS 1901.	International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention signed at Buenos Aires, Dec. 22, 1952 (TIAS 3266). This printing contains also the Radio Regulations and other documents still in force.

[1] Stat.—United States Statutes at Large.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

(c) The following agreements have been signed by the United States and are included because of their importance or of the imminence of their effective dates:

Date	Subject
1950	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D.C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Available from the Department of State, Telecommunications Division, Washington 25, D.C.)
1957	Agreement between the United States and Mexico on the Use of Standard Band Broadcasting Channels (535-1605 kc). Signed at Mexico City, Jan. 29, 1957. Agreement will enter into force immediately subsequent to ratification by the constitutional procedures of each government. Subject to ratification procedure in the United States.
1958	Telegraph Regulations (Geneva Revision, 1958) annexed to the International Telecommunication Convention, Buenos Aires, 1952. Signed at Geneva, Nov. 29, 1958. Pursuant to provisions of Article 103, these Regulations will enter into force Jan. 1, 1960. Subject to ratification procedure in the United States.

(d) There are, in addition to the foregoing, certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Citations [1]	Subject
1944	61(2) Stat. 1180. TIAS 1591.	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[3]
1946		ICAO Communications Division, Second Session, Montreal.[3]
1949		ICAO Communications Division, Third Session, Montreal.[3]
1951		ICAO Communications Division, Fourth Session, Montreal.[3]
1954		ICAO Communications Division, Fifth Session, Montreal.[3]
1957		ICAO Communications Division, Sixth Session, Montreal.[3]
1958		ICAO Communications Division, Special Session, Montreal.[3]

[1] Stat.—United States Statutes at Large. TIAS—Treaties and Other International Acts Series.
[2] Available from the Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal, Canada.

[F.R. Doc. 59-5723; Filed, July 10, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Part 43]

[Regulatory Docket No. 56; Draft Release 59-8]

GENERAL OPERATION RULES

Student Piloting of Make and Model of Aircraft Other Than That for Which Approved by a Flight Instructor

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 43 of the Civil Air Regulations as hereinafter set forth.

Section 43.55 provides that a student shall not pilot an aircraft other than that of the category, class and type which has been endorsed on his student pilot certificate by a flight instructor. As used in this regulation, the word "type" was intended to mean the make and model of the aircraft which a flight instructor had found the student to be qualified to fly solo. It was not intended that the endorsement of a make and model on the student pilot certificate meant that the student was approved to fly solo in an aircraft of any other make and model regardless of the similarity of such aircraft to that endorsed on his certificate. Similarity in the design of some aircraft, especially those of the same manufacturer, could present substantial difficulty in determining whether two particular aircraft are of the same type. Accordingly, it is proposed to amend the provisions of § 43.55 by substituting the words "make and model" for the word "type", to clarify the intention and application of the section.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within sixty days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601 and

602(a) of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

In consideration of the foregoing, it is proposed to amend Part 43 (14 CFR Part 43) by amending § 43.55 to read as follows:

§ 43.55 Aircraft limitations.

A student shall not pilot an aircraft other than that of the category, class, and make and model which has been endorsed on his student pilot certificate by a flight instructor.

Issued in Washington, D.C., on July 7, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

JULY 7, 1959.

[F.R. Doc. 59-5767; Filed, July 10, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish Potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, as amended, during the fiscal period beginning June 1, 1959 and ending May 31, 1960, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(Secs. 1–19, 48 Stat., as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5760; Filed, July 10, 1959; 8:48 a.m.]

[7 CFR Part 973]

[Docket No. AO-178-A10]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the North American Life and Casualty Building, 1750 Hennepin Avenue, Minneapolis 3, Minnesota, beginning at 10:00 a.m., on July 15, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Twin City Milk Producers Association:

Proposal No. 1. Change from July through October to August through October as the months in 1959 during which a plant must ship at least 50 percent of its receipts to distributing plants that are pool plants in order to obtain automatic pool plant status for the following November through June.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1750 Hennepin Avenue, Room 307, Minneapolis 3, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 8th day of July 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-5766; Filed, July 10, 1959; 8:49 a.m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of expenses and rate of assessment, hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish Potatoes Grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions, pursuant to provisions of the marketing agreement and order, during the fiscal year ending May 31, 1960, will amount to $23,664.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992).

(Secs. 1–19, 48 Stat., as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5761; Filed, July 10, 1959; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Approval of Budget and Fixing of Rate of Assessment for Calendar Year 1959

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1959, as follows:

§ 131.159 Budget of expenses and rates of assessment for the calendar year 1959.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1959, will amount to $44,615.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $11,847.02 on hand with said Control Agency on January 1, 1959, from assessments collected during the calendar year 1958, leaving a balance of $32,767.98 to be collected during the calendar year 1959.

(b) *Rates of assessment.* Of the amount of $32,767.98 to be collected during the calendar year 1959, the sum of $25,001.97 shall be assessed against handlers who are manufacturers, and $7,766.01 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1959 by each handler who is a manufacturer shall be $14.54 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1958 and the pro rata share of such expenses to be paid for the calendar year 1959 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $4.70 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used herein, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 11, Mo.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the fifteenth (15th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate. (49 Stat. 781; 7 U.S.C. 851 et seq.).

Issued this 7th day of July 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-5762; Filed, July 10, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

DEFORMED STEEL BARS FROM MEXICO

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JULY 7, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of deformed steel bars manufactured by Aceros Del Norte, Mexicali, B.C., Mexico, is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of deformed steel bars manufactured by Aceros Del Norte, Mexicali, B.C., Mexico, pursuant to § 14.9 of the customs regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-5749; Filed, July 10, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NEVADA COUNTY LIVESTOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained that the Nevada County Livestock Auction, Prescott, Arkansas, originally posted on December 18, 1958, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and the Hugh W. Ford Livestock Commission Company, La Junta, Colorado, originally posted on August 23, 1951, as being subject to said act, no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 6th day of July 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-5746; Filed, July 10, 1959; 8:46 a.m.]

LAFAYETTE COUNTY LIVESTOCK AUCTION, INC., ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202) and should be made subject to the provisions of the act.

Lafayette County Livestock Auction, Inc., Lewisville, Ark.
Mankato Sales Co., Mankato, Kans.
D & D Sales Pavilion, Alexandria, Minn.
Granite Falls Sales Co., Granite Falls, Minn.

Luverne Livestock Association, Luverne, Minn.
Pipestone Livestock Auction Market, Pipestone, Minn.
Spring Grove Livestock Exchange, Spring Grove, Minn.
Renville Sales Pavilion, Renville, Minn.
Wadena Auction Market, Wadena, Minn.
Holden Auction Co., Holden, Mo.
Davenport Sale Barn, Davenport, Nebr.
Sugarcreek Livestock Auction, Sugarcreek, Ohio.
Loopers Auction, Stillwater, Okla.
Maxson Sales Co., Inc., South Coffeyville, Okla.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-5745; Filed, July 10, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

U.S. ATLANTIC & GULF-PUERTO RICO CONFERENCE (MEMBER LINES) ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 6120-9, between the member lines of the United States Atlantic & Gulf-Puerto Rico Conference, modifies the basic agreement of that conference (No. 6120, as amended), to provide for the giving of thirty days written notice before withdrawal from conference membership becomes effective. Agreement No. 6120, as amended, presently provides for the giving of fifteen days written notice of withdrawal.

(2) Agreement No. 8081-1, between the carriers comprising the Ivaran Lines-Far East Service joint service and Bull Insular Line, Inc., modifies approved Agreement No. 8081, which covers a through billing arrangement in the trade from Hongkong, the Philippines and Japan to Puerto Rico with transhipment at New York, Baltimore and Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transhipment under the agreement.

(3) Agreement No. 8382, between the carriers comprising the Southern Cross Line joint service and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Argentina, Uruguay and Brazil to Puerto Rico, with transhipment at New York, Baltimore, Philadelphia, Mobile or New Orleans.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 8, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5765; Filed, July 10, 1959; 8:49 a.m.]

Maritime Administration

[Docket No. S-95]

MOORE-McCORMACK LINES, INC.

Notice of Cancellation of Hearing

Notice of Hearing in the above-captioned matter appeared in the FEDERAL REGISTER issue of June 30, 1959 (24 F.R. 5315).

Notice is hereby given that such hearing is cancelled by reason of withdrawal of Application.

Dated: July 8, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5763; Filed, July 10, 1959; 8:49 a.m.]

[Docket No. S-96]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS Mormacpine," which is under time charter to States Marine Lines to engage in one intercoastal voyage commencing at United States Pacific ports on or about July 29, 1959, to load a full cargo of lumber for discharge at United States North Atlantic ports. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Maritime Administrator for July 22, 1959, at 9:30 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 21, 1959, notify the Secretary, Maritime Administration in writing, in triplicate and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Not withstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on July 21, 1959, will not be granted in this proceeding.

Dated: July 8, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5764; Filed, July 10, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18618]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 6, 1959.

Take notice that on May 25, 1959, East Tennessee Natural Gas Company (Applicant) filed an application in Docket No. G-18618, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to relocate, during the remainder of calendar year 1959 and during calendar year 1960, certain of its transmission facilities in order to allow for easy maintenance and repair at points to be crossed by parts of the new federal interstate highway system and by new state highway construction, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Most of the relocations are unspecified since they are not known at this time.

The application states that it appears likely that contemplated new federal and state highway construction in the eastern part of Tennessee will cross several of Applicant's existing pipelines and will make future maintenance or replacement of such facilities extremely difficult. To avoid this Applicant desires authority to relocate its lines wherever they are to be crossed by new highway construction without being required to file an application for each such project individually. The overall budget-type authorization here requested will allow highway construction to proceed without the delay of waiting for authorization for each relocation.

Applicant expects that each relocation of its facilities will involve less than 2,500 feet of line. It will adjust or relocate its facilities pursuant to contract with the State of Tennessee which will reimburse Applicant for the actual cost of each relocation, and Applicant agrees to submit to the Commission completed cost data for each project with a description of the actual relocation of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5738; Filed, July 10, 1959; 8:45 a.m.]

[Docket No. G-14806]

H. L. HAWKINS ET AL.

Notice of Application and Date of Hearing

JULY 6, 1959.

In the matter of H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., Docket No. G-14806.

H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., (Applicants), Operators[1] filed an application on April 2, 1958, in Docket No. G-14806, pursuant to section 7(b) of the Natural Gas Act, for authorization to abandon service to Trunkline Gas Company (Trunkline) from the Hawkins-Hayes Unit in the Hayes Field, Calcasieu and Jefferson Davis Parishes, Louisiana, covered by a sales contract dated December 24, 1952, between Applicants and Sinclair Oil & Gas Company (Sinclair), as sellers, and Trunkline, as buyer, on file as H. L. Hawkins, et al., FPC Gas Rate Schedule No. 2. The sale was previously authorized by the Commission's order issued March 21, 1951, in Docket No. G-4407. The foregoing proposal is more fully described in the application on file with the Commission, and open to public inspection.

Applicants state that they have encountered the increasing appearance of formation sand in the Hawkins-Hayes Unit No. 1 Well which has necessitated cutting back deliveries to Trunkline from 5,000 Mcf to 1,500 Mcf per day; that water production from the well increased to approximately 70 barrels per day thereby seriously hampering distillate recovery, and that as a result thereof, Applicants face a growing economic loss in the continued operation of the well.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5739; Filed, July 10, 1959; 8:45 a.m.]

[Docket No. G-16316]

UNITED FUEL GAS CO.

Order Amending Order for Hearing, Suspending Proposed Changes in Rates, and Allowing Increased Rates To Become Effective

JULY 6, 1959.

United Fuel Gas Company (United Fuel), on August 22, 1958, tendered for filing First Revised Sheets Nos. 7, 27 and 33 and Second Revised Sheet No. 22 to its FPC Gas Tariff, Fifth Revised Volume No. 1. Said sheets proposed an increase of 0.34¢ per Mcf in the commodity price for gas sold under its FPC Gas Rate Schedules CDS-1, SGS-1, AOS-1 and ES-1. United Fuel stated that such increase was designed to recoup the added costs stemming from the gas-gathering tax levied by the State of Louisiana pursuant to Act No. 8 of 1958.

By order issued September 19, 1958, herein, the Commission suspended the aforementioned revised tariff sheets for one day, until September 23, 1958, and, by the same order, permitted said sheets to become effective, provided that United Fuel file its agreement and undertaking to make refunds should such be ordered. Said agreement and undertaking was filed on October 2, 1958, making the aforementioned revised tariff sheets effective as of September 23, 1958, subject to the terms and conditions of the order issued September 19, 1958.

On December 30, 1958, United Fuel filed a motion requesting that the Commission amend paragraphs (D) and (E) of that order so as to encompass the State's gas-severance tax, as well as the gas-gathering tax. In support of its motion, United Fuel states that this procedure (1) would be the most expeditious and most feasible method of resolving the problems in Docket No. G-16316; (2) would avoid the necessity of another rate filing; and (3) would protect United Fuel's customers by providing refunds if either or both of the Louisiana gathering and severance taxes are[2] held invalid.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the order issued herein on September 19, 1958 be amended as hereinafter ordered.

The Commission orders:

(A) Paragraphs (D) and (E) of the order issued September 19, 1958, herein, are amended to read as follows:

(D) For the period from September 23, 1958, through and including November 30, 1958, United Fuel shall refund, with interest, at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the rates and charges found in Docket No. G-12195 to be just and reasonable and the rates and charges which, by order issued herein on September 19, 1958, were permitted to be effective as of September 23, 1958, in the event the additional gas-gathering tax levied by the State of Louisiana (Act No. 8 of 1958), for any reason is declared to be invalid. For the period from December 1, 1958, until April 7, 1959,[3] United Fuel shall refund with interest at such times and in such amounts to the persons entitled thereto, and in such manner as may be prescribed by the Commisison, the difference in the rates and charges found in Docket No. G-12195 to be just and reasonable and the increased rates and charges permitted to become effective as of September 23, 1958, by order issued herein on September 19, 1958, to the extent that the additional revenues resulting from the rates which became effective on September 23, 1958, exceed the added costs to United Fuel stemming

[1] Sinclair is a co-owner in the unit.

[2] Pursuant to Act No. 3 of the Extraordinary Session of the Legislature 1958 (House Bill No. 2) of the State of Louisiana, as approved on November 17, 1958, the State-gathering tax was suspended as of December 1, 1958. The Louisiana severance tax is set out in Act No. 2 which was also enacted on November 17, 1958, in the Extraordinary Session, to be effective as of December 1, 1958.

[3] Date on which the rates and charges subject to review in Docket No. G-16815 were made effective, subject to the terms and conditions set out in order issued April 6, 1959, in that docket.

from the severance tax levied by the State of Louisiana as set out in Act No. 2 of the Extraordinary Session of the 1958 Legislature. Should either the Louisiana gas-gathering or severance taxes be held invalid and the State of Louisiana makes refund, with interest, of the tax moneys collected as a result thereof, then, and in that event, a proportionate part of the interest so received by United Fuel shall be passed on and paid to the persons entitled thereto as may be required by final order of the Commission. United Fuel shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to September 23, 1958 and under the rates allowed to become effective in this Docket on September 23, 1958, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, United Fuel shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) as herein amended, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of United Fuel Gas Company To Comply With the Terms and Conditions of Paragraph (D), as Herein Amended, of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued September 19, 1958, as amended by this order issued _____, in Docket No. G–16316, United Fuel Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said latter order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____, 1959.

(B) The reports required to be filed by United Fuel by order issued August 9, 1957, in Docket No. G–12195, by order issued April 6, 1959, in Docket No. G–16815, and by order issued May 8, 1959, in Docket No. G–18420, shall continue to be filed by United Fuel until such time as said dockets are terminated or until United Fuel is otherwise relieved from making such reports.

(C) In all other respects, said order issued September 19, 1958, in this proceeding shall remain in full force and effect.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5740; Filed, July 10, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Construction Permit Amendment

Please take notice that the Atomic Energy Comission by an order of the Presiding Officer dated May 19, 1959, has amended Construction Permit No. CPPR–5 issued to Yankee Atomic Electric Company. A public hearing on the proposed amendment was held on April 9, 1959. The Presiding Officer delivered his intermediate decision and order amending Paragraph D of the Construction Permit to read as follows:

D. Yankee Atomic Electric Company has adequate financial resources to meet the requirements of the Atomic Energy Act and the regulations issued thereunder in reference to the project set forth in the construction permit issued herein, as amended, and is financially qualified pursuant to § 50.40(b) of the AEC regulations to design and construct the facility (nuclear reactor) and is financially qualified pursuant to § 50.60(c)(2) of the AEC regulations to receive an allocation of special nuclear material.

The amendment, which for administrative purposes shall be referred to as Amendment No. 3, became effective on June 10, 1959.

Dated at Germantown, Md., this 7th day of July, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59–5736; Filed, July 10, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 6–9–59 to 6–8–60 (women's washable service uniforms).

Angelica Uniform Co., Marquand, Mo.; effective 6–18–59 to 6–17–60 (men's low-priced cotton pants).

Angelica Uniform Co., Summersville, Mo.; effective 6–12–59 to 6–11–60 (women's washable service uniforms).

Bowman Manufacturing Co., Inc., 199 Broughton SE., Orangeburg, S.C.; effective 6–10–59 to 6–9–60 (children's dresses).

Brookside Industries, Inc., Reidsville, N.C.; effective 6–19–59 to 6–18–60 (men's sport, uniform and dress shirts).

Columbus Manufacturing Co., Tabor City, N.C.; effective 6–24–59 to 6–23–60 (boys' shirts).

Devil Dog Manufacturing Co., Zebulon, N.C.; effective 7–1–59 to 4–24–60. Learners may not be employed at special minimum wage rates in the production of separate skirts (children's boxer shorts and longies) (replacement certificate).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6–10–59 to 6–9–60 (boys' and infants' cotton Polo shirts).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 6–17–59 to 6–16–60 (men's and boys' cotton work trousers).

Helena Garment Co., Bobbie Brooks Square, West Helena, Ark.; effective 6–23–59 to 6–22–60 (junior's dresses).

Hortex Manufacturing Co., Inc., 100 South Cotton Avenue, El Paso, Texas; effective 6–12–59 to 6–11–60. (dungarees, waistband overalls, dress shorts and short pants).

The KYM Co., Jackson, Ga.; effective 6–12–59 to 6–11–60 (men's single pants).

Mary Ann Manufacturing Division, Wilmer Fashion Co., Inc., 268 West Broadway, Jim Thorpe, Pa.; effective 6–8–59 to 6–7–60 (women's and misses' dresses).

Mode O'Day Corp., Plant No. 2, 146 SW. Temple Street, Salt Lake City, Utah; effective 6–3–59 to 6–2–60 (women's dresses).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6–7–59 to 6–6–60. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Publix Shirt Corp., Myerstown, Pa.; effective 6–12–59 to 6–11–60 (cotton dress shirts).

Sullcraft Manufacturing Co., Inc., Dushmore (Sullivan County), Pa.; effective 6–23–59 to 6–22–60 (men's and boys' pajamas and sportswear).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 6–17–59 to 6–16–60 (women's blouses and shorts).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 6–3–59 to 6–2–60 (men's shirts).

Wilmer Fashion Co., Inc., 7th and Bridge Streets, Lehighton, Pa.; effective 6–8–59 to 6–7–60 (ladies' dresses).

Windsor Knit Co., Inc., Edinburg, Va.; effective 6–8–59 to 6–7–60 (infants' and children's outerwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Garment Co., North Third and Division Streets, Altamont, Ill.; effective 6–4–59 to 6–3–60; 10 learners (boys' trousers).

Fluffy Ruffling Manufacturing Co., 116½ South Center Street, Arlington, Tex.; effective 6–3–59 to 6–2–60; 5 learners (children's dresses).

Gross Galesburg Co., 154 North Main Street, Canton, Ill.; effective 6–23–59 to 6–22–60; 10 learners (work jackets and one-piece suits).

Hunter Bros. Co., Inc., Statesville, N.C.; effective 6–4–59 to 6–3–60; 5 learners, in the production of sport shirts only.

Jersey Shore Sylvania Manufacturing Co., Inc., Bank Avenue, Jersey Shore, Pa.; effective 6–6–59 to 6–5–60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses and sportswear).

Roseboro Manufacturing Co., Roseboro, N.C.; effective 6–6–59 to 6–5–60; 5 learners (ladies' dresses).

Washington Garment Co., 112 East Sixth Street, Washington, N.C.; effective 6–9–59 to 6–8–60; 10 learners (children's dresses).

Wear Well Garment Co., Inc., First North and German Streets, New Ulm, Minn.; effective 6–18–59 to 6–17–60; 10 learners (ladies' slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bestform Foundations of Windber, Inc., 19th Street and Vell Avenue, Windber, Pa.; effective 6–15–59 to 12–14–59; 75 learners (brassieres).

Blackwelder Manufacturing Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 7–1–59 to 12–31–59; 10 learners (ladies' pajamas; men's and boys' sportshirts).

Fairfield Manufacturing Co., Inc., Winnsboro, S.C.; effective 6–15–59 to 12–14–59; 20 learners (women's cotton dresses).

Fleetline Industries, Inc., Garland, N.C.; effective 6–2–59 to 12–1–59; 20 learners (sportshirts).

Fortex Manufacturing Co., Fort Deposit, Ala.; effective 6–8–59 to 12–7–59; 30 learners (pajamas).

Glenn Berry Manufacturers, Inc., 126 North River Street, Commerce, Okla.; effective 6–8–59 to 12–7–59; 20 learners (men's and boys' denim dungarees and twill Ivy League trousers).

Gopher Manufacturing Co., Buffalo, Minn.; effective 6–8–59 to 12–7–59; 50 learners (children's outer garments).

Guin Garment Corp., Guin, Ala.; effective 6–8–59 to 12–7–59; 30 learners (boys' shirts).

International Latex Corp., LaGrange, Ga.; effective 6–10–59 to 12–9–59; 60 learners (brassieres).

International Latex Corp., Manchester, Ga.; effective 6–10–59 to 12–9–59; 40 learners (bids, shower caps, infants' pants, etc.).

Lamar Manufacturing Co., Millport, Ala.; effective 6–12–59 to 12–11–59; 30 learners (men's and boys' dress pants).

Lawrenceburg Manufacturing Co., 201 Depot Street, Lawrenceburg, Tenn.; effective 6–5–59 to 12–4–59; 25 learners (women's dresses).

Myrna Mills, Inc., Adamsville, Tenn.; effective 6–1–59 to 11–30–59; 30 learners (men's and boys' sport shirts).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 6–15–59 to 12–14–59; 35 learners (men's dress and work trousers).

Renovo Shirt Co., Inc., Mena, Ark.; effective 6–10–59 to 12–9–59; 100 learners (ladies' and men's shirts).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 6–8–59 to 12–7–59; 55 learners (work pants and shirts) (supplemental certificate).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 6–15–59 to 12–14–59; 100 learners (men's and boys' pants).

Stately Lady Nitewear, Inc., Charlotte, N.C.; effective 6–2–59 to 12–1–59; 25 learners (ladies' and children's pajamas and night gowns).

Levi Strauss & Co., Warsaw, Va.; effective 6–10–59 to 12–9–59; 25 learners (men's cotton work pants).

Swingmaster Corp., Wellsville, Mo.; effective 6–8–59 to 12–7–59; 10 learners (children's woven and purchased knitted sportswear).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 6–17–59 to 12–16–59; 15 learners (women's blouses and shirts).

True Loom Manufacturing Co., Inc., Lafayette, Tenn.; effective 6–8–59 to 12–7–59; 35 learners (men's sport shirts).

Williamson Dickie Manufacturing Co., Weslaco, Tex.; effective 6–15–59 to 11–14–59; 30 learners (men's and boys' cotton casual pants) (replacement certificate).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.55, as amended).

The Batesville Co., Batesville, Miss.; effective 6–18–59 to 6–17–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Capitol Mills, Inc., South Wayne Street, Milledgeville, Ga.; effective 6–8–59 to 6–7–60; 5 learners for normal labor turnover purposes (seamless).

Southern Hosiery Mill, 953 C Avenue SE., Hickory, N.C.; effective 6–9–59 to 6–8–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35).

Bluemont Knitting Mills, Inc. (formerly Wonderknit Corp.), Galax, Va.; effective 6–23–59 to 6–22–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit shirts and pajamas).

Chalmers Knitting Co., Inc., Amsterdam, N.Y.; effective 6–9–59 to 6–8–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and children's underwear and men's handkerchiefs).

Chalmers Knitting Co., Inc., Amsterdam, N.Y.; effective 6–9–59 to 12–8–59; 20 learners for plant expansion purposes (men's, women's and children's underwear and men's handkerchiefs).

Hamlet Products Co., 323 East Hamlet Avenue, Hamlet, N.C.; effective 6–9–59 to 9–16–59; 5 learners for normal labor turnover purposes (ladies' lingerie) (replacement certificate).

Hamlet Products Co., Rockingham, N.C.; effective 6–9–59 to 6–9–60; 5 learners for normal labor turnover purposes (ladies' lingerie) (replacement certificate).

Hamlet Products Co., Rockingham, N.C.; effective 6–9–59 to 12–8–59; 45 learners for plant expansion purposes (ladies' lingerie).

Hunter Bros. Co., Inc., Statesville, N.C.; effective 6–4–59 to 6–3–60; 5 learners for normal labor turnover purposes in the production of woven undershorts and ladies' blouses and dusters.

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 6–3–59 to 6–2–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips).

Junior Form Lingerie Corp., Boswell, Pa.; effective 6–3–59 to 6–2–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, night gowns and panties).

I. Mathews & Bro., 64 Conduit Street, New Bedford, Mass.; effective 7–3–59 to 7–2–60; 5 learners for normal labor turnover purposes (ladies' and children's cotton, nylon, rayon, and plastic panties).

Norwich Mills, Inc., Clayton, N.C.; effective 6–2–59 to 12–1–59; 30 learners for plant expansion purposes (knitted outerwear and underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Michaels Stern & Co., Inc., 204 Liberty Street, Penn Yan, N.Y.; effective 6–15–59 to 12–14–59; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final pressing, and finishing operations involving hand sewing, each for a learning period of 480 hours; at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits and sportcoats).

Mohawk Lining Co., Inc., 804 Broadway, Schenectady, N.Y.; effective 6–8–59 to 12–7–59; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of glove lining sewer, for a learning period of 480 hours at rates of at least 85 cents an hour for the first 320 hours and not less than 95 cents an hour for the remaining 160 hours (glove linings).

Newey Bros., Inc., St. Johnsbury Road, St. Johnsbury, Vt.; effective 6–3–59 to 12–2–59; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours, at rates of at least 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours (sewn hook-and-eye tape).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Barry Corp., Barrio Obrero Station, Santurce, P.R.; effective 5–17–59 to 3–25–60; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 480 hours, at rates of 57 cents an hour for the first 240 hours and 68 cents an hour for the second 240 hours (fabric gloves) (replacement certificate).

The Carib Co., Inc., Aibonito, P.R.; effective 5–17–59 to 1–18–60; authorizing the employment of 15 learners for normal labor turnover purposes in the occupations of machine sewing and laying off, each for a learning period of 480 hours, at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (women's gloves) (replacement certificate).

Caribe Flower Co., Cayey, P.R.; effective 5–18–59 to 11–17–59; authorizing the employment of 75 learners for plant expansion purposes in the occupation of decorator (hat and cap) (including the pasting, trimming

and steaming of feathers), for a learning period of 240 hours, at the rate of 58 cents an hour (hat decoration).

Carolina Brassiere Co., Inc., International Airport Branch, San Juan, P.R.; effective 6–1–59 to 11–30–59; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operator (2 needle machines), for a learning period of 480 hours at rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Edro Corp., Anasco, P.R.; effective 5–17–59 to 10–8–59; authorizing the employment of 12 learners for normal labor turnover purposes in the occupations of sewing machine operator and laying off, each for a learning period of 480 hours, at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (fabric gloves) (replacement certificate).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 5–25–59 to 11–24–59; authorizing the employment of 30 learners for plant expansion purposes in the occupations of molders and assemblers, each for a learning period of 480 hours at rates of 80 cents for the first 240 hours and 90 cents an hour for the second 240 hours (electrical wiring devices).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 5–21–59 to 5–20–60; authorizing the employment of 16 learners for normal labor turnover purposes in the occupations of: (1) knitting, topping and looping, each for a learning period of 480 hours at rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the second 240 hours; (2) machine stitching, pressing, hand sewing, finishing operations involving hand sewing each for a learning period of 320 hours at rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the second 160 hours; and (3) winders, for a learning period of 240 hours at the rate of 72 cents an hour (full-fashioned sweaters).

Gordonshire Knitting Mills No. 2 (Andrew Hosiery Mills Division), Cayey, P.R.; effective 5–25–59 to 11–24–59; authorizing the employment of 55 learners for plant expansion purposes in the occupations of: (1) loopers and menders, each for a learning period of 960 hours at rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the second 480 hours; (2) preboarding for a learning period of 480 hours at rates of 50 cents an hour for the first 240 hours and 57 cents an hour for the second 240 hours; and (3) examiners and knitters, each for a learning period of 240 hours at the rate of 50 cents an hour (seamless hosiery).

Haddon Corp., Sabana Grande, P.R.; effective 5–25–59 to 11–24–59; authorizing the employment of 50 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours (boys' and girls' pajamas).

La Vega Co., Inc., Aibonito, P.R.; effective 5–29–59 to 5–28–60; authorizing the employment of 30 learners for normal labor turnover in the occupation of sewing machine operator for a learning period of 480 hours at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours (women's underwear).

Manuela Manufacturing Co., Inc., Naranjito, P.R.; effective 5–27–59 to 11–3–59; authorizing the employment of 50 learners for plant expansion purposes in the occupations of: (1) machine embroidery operator for a learning period of 480 hours at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours; (2) hand cutting of applique for a learning period of 240 hours at rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery and hand cutting of applique) (replacement certificate).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 5–28–59 to 8–15–59; authorizing the employment of 50 learners for plant expansion purposes in the occupations of: (1) hand sewing of baseballs and softballs, for a learning period of 320 hours at rates of 47 cents an hour for the first 160 hours and 55 cents an hour for the second 160 hours; (2) winders, core compressing machine operators, each for a learning period of 160 hours at the rate of 47 cents an hour (baseballs and softballs) (replacement certificate).

Pan American Screw Corp., Rio Grande, P.R.; effective 5–20–59 to 5–19–60; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of header operator, roll threader operator, cut thread operator, plating and cleaning, slotter and shaver operator, inspector and shipper, and heat treating, each for a learning period of 480 hours at the rate of 75 cents an hour for the first 240 hours and 88 cents an hour for the second 240 hours (screws and bolts).

Paradise Manufacturing Co., Gurabo, P.R.; effective 6–1–59 to 11–30–59; authorizing the employment of 40 learners for plant expansion purposes in the occupation of sewing machine operator, for a learning period of 480 hours at rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Paula Brassiere Co., Inc., State Highway No. 1, KM. 34.2, Caguas, P.R.; effective 6–1–59 to 5–31–60; authorizing the employment of 14 learners for normal labor turnover purposes in the occupation of power sewing machine operator for a learning period of 480 hours at rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Rafali Corp., Road No. 2 to San German, Marina Station, Mayaguez, P.R.; effective 6–1–59 to 11–30–59; authorizing the employment of 55 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators and sewing machine operators, each for a learning period of 480 hours, at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours; and (2) hand cutters of applique, for a learning period of 240 hours at rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (lingerie).

Tempo Glove Corp., Bo. Coqui, Salinas, P.R.; effective 6–8–59 to 6–7–60; authorizing the employment of 11 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (gloves).

Trio Knitting Corp., Coamo, P.R.; effective 5–18–59 to 5–17–60; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of hand knitting machine operators for a learning period of 480 hours at rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the second 240 hours (sweaters).

Trouser Corporation of Puerto Rico, Fajardo, P.R.; effective 6–8–59 to 12–7–59; authorizing the employment of 50 learners for plant expansion purposes, in the occupations of: (1) sewing machine operations, final pressing, hand sewing and finishing operations involving hand sewing, each for a learning period of 480 hours at rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the second 240 hours; and (2) final inspection of fully assembled garments, machine operations other than sewing machine, and pressing other than final pressing, each for a learning period of 160 hours at the rate of 54 cents an hour (men's and boys' semi-dress trousers).

Williams Corporation of Puerto Rico, Luquillo, P.R.; effective 5–17–59 to 9–11–59; authorizing the employment of 54 learners for plant expansion purposes in the occupations of: (1) binders, outside shell sewers, liner sewers, and machine stitching, each for a learning period of 480 hours at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours; and (2) outside shell sealers for a learning period of 160 hours at the rate of 57 cents an hour (machine-made gloves and mittens) (replacement certificate).

The following learner certificates were issued in The Virgin Islands to the companies hereinafter named. The effective and expiraton dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Avoca Corp., 78–79 Kronprindsens Gade, Charlotte Amalie, St. Thomas, V. I.; effective 5–29–59 to 11–28–59, authorizing the employment of 4 learners for plant expansion purposes in the occupation of lace re-embroiderer (machine embroidery operator), for a learning period of 240 hours at the rate of 45 cents an hour (reembroidery of French lace).

Vimar Corp., 69 Kronprindsens Gade, Charlotte Amalie, St. Thomas, V. I.; effective 5–29–59 to 11–28–59, authorizing the employment of 25 learners for plant expansion purposes in the occupation of shoe lace pairer, for a learning period of 360 hours at rates of 45 cents an hour for the first 240 hours and 50 cents an hour for the remaining 120 hours (shoe laces).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 25th day of June 1959.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F.R. Doc. 59–5711; Filed, July 9, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Taylor's I.C.C. Order 103]

DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Detroit and Toledo Shore Line Railroad Company, because of work stoppage, is unable to transport traffic routed over and to points on its line.

It is ordered, That:

(a) Rerouting traffic: The Detroit and Toledo Shore Line Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., July 3, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., July 17, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59–5744; Filed, July 10, 1959; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 7, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35532: *Potassium—Carlsbad and Loving, N. Mex., to southwestern points.* Filed by The Atchison, Topeka and Santa Fe Railway Company, Agent (No. 87–A), for interested rail carriers. Rates on potassium (potash), and related articles, carloads from Carlsbad and Loving, N. Mex., to specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Competition of unregulated motor trucks.

Tariff: Supplement 35 to The Atchison, Topeka and Santa Fe Railway Company tariff I.C.C. 14836.

FSA No. 35533: *Fertilizers—Western points to eastern and southern points.* Filed by Southwestern Freight Bureau, Agent (No. B–7575), for interested rail carriers. Rates on fertilizers and fertilizer materials, carloads from points in Arkansas, Kansas (Lawrence and Military), Louisiana (west of the Mississippi River), Missouri, Nebraska (La Platte), New Mexico, Oklahoma, and Texas to points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, also Evansville, Ind., Cincinnati, Ohio, and specified points in West Virginia.

Grounds for relief: Short-line distance formulas and grouping.

Tariffs: Supplement 56 to Southwestern Freight Bureau tariff I.C.C. 4290. Supplement 45 to Western Trunk Line Committee tariff I.C.C. A–4241.

FSA No. 35534: *Substituted service—CRI & P RR for Gateway Transportation Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 176), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., and Des Moines, Iowa, or St. Paul (Inver Grove), Minn., and between Des Moines, Iowa, and St. Paul (Inver Grove), Minn., on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 104 to Middlewest Motor Freight Bureau, Agent, tariff MF–I.C.C. 223.

FSA No. 35535: *Tetrachloride and perchloroethylene—Wichita, Kans., to South.* Filed by Western Trunk Line Committee, Agent (A–2071), for interested rail carriers. Rates on carbon tetrachloride, liquid, and perchloroethylene, liquid, carloads from Wichita, Kans., to points in states in southern territory, also Helena, Ark., as described in the application.

Grounds for relief: Short-line distance formulas. Market competition at destinations with producing points in official territory. Maintenance of present levels of rates from intermediate origins and to intermediate destinations in other territories.

Tariff: Supplement 45 to Western Trunk Line Committee tariff I.C.C. A–4241.

FSA No. 35536: *Cement within Southwest and from western trunk line territory to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7579), for interested rail carriers. Rates on cement, and related articles, carloads, as more fully described in the application (a) from and to points in the Southwest, and (b) from and to points in western trunk line and Illinois territories and from those territories to points in the Southwest.

Grounds for relief: Short-line distance formula.

Tariffs: Southwestern Freight Bureau tariff I.C.C. 4162 and four other schedules as described in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–5718; Filed, July 9, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 24 NUMBER 136

Washington, Tuesday, July 14, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to § 6.313(a) as set out below.

§ 6.313 Department of Labor.

(a) *Office of the Secretary.* * * *

(8) One Confidential Assistant to the Assistant Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5794; Filed, July 13, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

Subpart—Regulations Pertaining to Rice Marketing Quotas

MISCELLANEOUS AMENDMENTS

The purpose of the amendments herein is (1) to change the definition of rice acreage relative to rice produced on a wildlife refuge farm; (2) to permit the issuance of a marketing card to a multiple producer when he has no interest in a farm which is in excess; (3) to extend present language, with respect to issuing marketing certificates to include experimental rice farms; (4) to announce the rate of penalty applicable to the 1959 crop of rice; (5) to clarify present language with respect to a buyer's responsibility for collecting the penalty due on excess stored rice at the time of any unauthorized depletion; (6) to clarify present language with respect to the substitution of excess rice in the case of licensed storage; (7) to require that acreage in the conservation reserve of the soil bank, be considered rice acreage when determining the amount of excess penalty rice that may be removed from storage; (8) to preclude the use of underplanted allotment on government-owned land under a restrictive lease for removing excess penalty rice from storage; (9) to require that acreage considered rice acreage under a conservation reserve contract, be deemed to have produced the normal production of rice when determining the actual production for the farm; (10) to require that excess rice delivered to the Secretary in satisfaction of the penalty, be clear of all encumbrances; (11) to authorize under certain conditions the issuance of a marketing certificate in lieu of a marketing card to an agricultural experiment station; and (12) to clarify present language regarding the marketing of within quota rice produced on wildlife refuge farms.

The amendment with respect to the definition of rice acreage referred to herein is necessary because of an amendment to Part 719—Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages (23 F.R. 10476). The amendments with respect to marketing cards and marketing certificates, collection of penalty by the buyer upon unauthorized depletion of excess rice in storage, the substitution of excess rice in storage, the requirement that conservation reserve acreage be considered rice acreage when determining the amount of excess penalty rice that may be removed from storage, the preclusion of the use of underplanted allotment on government-owned land under a restrictive lease for removing excess penalty rice from storage, and the requirement that rice delivered to the Secretary be free of all encumbrances are considered necessary to facilitate administration of the marketing quota program. The amendment with respect to the penalty rate is necessary because of the recent announcement of the parity price per pound for rice as of June 15, 1959.

Since farmers have already planted the 1959 crop of rice and soon will be making plans to harvest such crop, it is imperative that they be notified of these amendments as soon as possible. Ac-

(Continued on p. 5625)

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cordingly, it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and these amendments shall become effective beginning with the 1959 crop of rice upon publication in the FEDERAL REGISTER.

§ 730.951 [Amendment]

1. Section 730.951(v) (definition of rice acreage) is amended to read as follows:

(v) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of nonirrigated rice produced on any farm on which such acreage is three acres or less, (2) any acreage of sweet, glutenous, or candy rice commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (4) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided,* That such acreage is not harvested, but is left on the land for wildlife feed, (5) any acreage planted to rice in excess of the farm rice acreage allotment, or, when applicable, the permitted acreage of rice under a conservation reserve contract under the soil bank program, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for the disposal of excess acreage as provided in § 730.955(b) of the rice marketing quota regulations for 1958 and subsequent crop years (23 F.R. 2897), and any amendments thereto, so that rice cannot be harvested therefrom, and (6) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such area by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided,* That the seeding operations have been performed with an end gate seeder or by airplane.

§ 730.967 [Amendment]

2. The third sentence of § 730.967(c) is amended to read as follows: "The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall be eligible to receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer to receive a marketing card."

§ 730.968 [Amendment]

3. Section 730.968(a) is amended to read as follows:

(a) *Producers to whom marketing certificates may be issued.* The county office manager or a member of the county committee shall upon request issue a marketing certificate, Form MQ-94—Rice, to any producer (1) who is eligible to receive a marketing card and who desires to market rice by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee; (2) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 730.975(c); (3) who is ineligible to receive a marketing card solely because of penalties owed by him or by any producer on the farm for excess rice for any preceding crop year; (4) who is ineligible to receive a marketing card solely because of excess rice produced on another farm as provided in § 730.967(c); (5) who is ineligible to receive a marketing card because the farm marketing excess determined under § 730.959 was adjusted under § 730.962; (6) who has eligible rice produced in a prior year but is ineligible to receive a marketing card for the current crop year; (7) who is ineligible to receive a marketing card under § 730.967(e); or (8) who is a responsible executive officer of an agricultural experiment station entitled to market experimental rice only produced in excess of the allotment on an experimental farm.

§ 730.972 [Amendment]

4. Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1959 crop of rice shall be 3.81 cents per pound ,which is 65 per centum of the parity price per pound for rice as of June 15, 1959, which is determined to be 5.86 cents per pound."

§ 730.976 [Amendment]

5. Section 730.976 is amended by adding a new paragraph (e) as follows:

(e) *Collection by buyer at a sale which depleted stored excess rice.* Any buyer within the United States who purchases rice at a sale which has the effect of depleting stored excess rice, including a sale for storage charges, shall collect the penalty due from the producer under § 730.980(g) and remit the amount of the penalty to the treasurer of the county committee within 15 days after such purchase in the manner provided in § 730.977. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

§ 730.980 [Amendment]

6a. The second and third sentences of § 730.980(b) are amended to read as follows: "Commingling and substitution of rice shall be permissible in case of licensed storage, but this shall not be construed to permit the substitution of warehouse or elevator receipts deposited in escrow with the county committee to postpone or avoid payment of penalty under paragraph (c) of this section. In the case of non-licensed storage, excess rice may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year, and any or all stored excess rice may be replaced by rice from any other year produced by the same producer on the same or any other farm, if (1) the county committee gives prior written approval of such replacement; (2) the rice to be used for substitution is in storage; (3) the county committee determines that the rice to be used for substitution is of a quality equal to or better than the excess rice in storage and for which substitution is to be made; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with."

b. The last sentence of § 730.980(h) is amended to read as follows: "For the purpose of this paragraph the acreage, if any, under a conservation reserve contract will be considered rice acreage and such acreage shall be added to the rice acreage determined for the farm. The acreage considered as rice acreage under a conservation reserve contract shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the rice acreage allotment (after release and before reapportionment) for the farm exceeds the rice acreage determined for such farm: *Provided,* That in the event the farm also has one or more other commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each allotment commodity. If the acreage placed in the conservation reserve at the regular rate is equal to or is in excess of the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm, no excess penalty rice may be removed from storage."

c. Section 730.980(h) is further amended by adding at the end thereof new language to read as follows: "A producer shall not be entitled to remove excess rice from storage under this paragraph by underplanting the allotment on government-owned land under a lease restricting the production of rice."

d. Section 730.980(i) is amended by adding at the end thereof new language to read as follows: "For the purpose of this paragraph, any acreage which is considered to be rice acreage under a conservation reserve contract under § 730.980(h) will be deemed to have produced the normal production of rice when determining the actual production for the farm."

§ 730.981 [Amendment]

7. Section 730.981 is amended by adding a new paragraph (d) as follows:

(d) *Rice to be unencumbered.* Any rice delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no rice shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the rice to the Secretary shall be made by the execution and delivery of Form MQ–99–Rice.

§ 730.992 [Amendment]

8. Section 730.992(b) is amended to read as follows:

(b) *Issuing marketing cards or marketing certificates.* The county office manager or a member of the county committee shall, upon written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card or a marketing certificate for the experiment station in the manner and subject to the conditions specified in §§ 730.967 to 730.970, inclusive.

9. Section 730.993 is amended to read as follows:

§ 730.993 Rice produced on a wildlife refuge farm.

The penalty shall not apply to any rice produced in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided,* That such acreage is not harvested, but is left on the land for wildlife feed. The exemption from penalty shall be granted by the county office manager upon the written application of the farm operator or responsible executive officer on any such farm, stating that none of the excess rice produced on the farm will be harvested and that such excess will be left on the farm for wildlife feed. For the purpose of marketing within quota rice produced on such farm, a marketing card or marketing certificate may be issued in the same manner and subject to the conditions specified in §§ 730.967 to 730.970, inclusive.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 355, 356, 372, 52 Stat. 62, 65, as amended; 7 U.S.C. 1355, 1356, 1372)

Issued at Washington, D.C., this 9th day of July 1959.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–5798; Filed, July 13, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

Notice was published in the FEDERAL REGISTER of June 11, 1959 (24 F.R. 4748), that consideration was being given to certain administrative rules and regulations. This action was proposed to be taken in accordance with applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 9, as amended (7 CFR Part 909) regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposal. The prescribed time for such filing has expired and no communications have been received.

After consideration of all relevant matters presented, including the proposals in the notice, it is hereby found that the administrative rules and regulations (Subpart—Administrative Rules and Regulations), as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, the administrative rules and regulations applicable to operations under this part shall, on and after the effective time hereof, be as prescribed in the following Subpart—Administrative Rules and Regulations (§§ 909.450 to 909.481) in lieu of §§ 909.400 to 909.402 which, together with their respective subpart headings, are hereby terminated at the effective time of said Subpart—Administrative Rules and Regulations:

Subpart—Administrative Rules and Regulations

§ 909.450 Requirements for surplus withheld.

(a) *Exemption from program obligations.* Any handler who, pursuant to § 909.50, intends to dispose of almonds, other than those withheld to meet a surplus obligation, for crushing into oil, producing animal feed, or products in other outlets which the Board finds are noncompetitive with existing normal markets for almonds, may have the kernel weight of such almonds excluded from such handler's receipts and exempted from program obligations to the extent provided in this part if the almonds are so disposed of within 30 days after the close of the current crop year, and he complies with the following measures to assure accountability to the Board:

(1) Notifies the Board of his intention to use or ship such almonds at least 48 hours in advance of so using or loading for shipment, and certifies to the Board and to the Secretary of Agriculture that such almonds were received during such crop year.

(2) Prior to shipment of such almonds, obtains from the receiver thereof and submits to the Board a proposed schedule of processing and a written authorization to permit Board employees to enter the premises and observe the storage and processing or other disposition of such almonds.

(3) Ships directly to the location where disposition is to take place, and upon shipment of such almonds submits to the Board a copy of the sales invoice, a copy of the bill of lading, or in the absence of a sales arrangement such other instrument acceptable to the Board as shall verify the shipment.

(4) Upon completion of disposition the handler shall submit to the Board ACB Form 8 wherein the user of the almonds certifies to the Board and the Secretary that the almonds have been crushed, fed, or so commingled with other feed products or otherwise processed that they have lost their identity as almonds.

(b) *Containers and identification of surplus withheld.* (1) Almonds withheld as surplus pursuant to § 909.50 shall be packed in the containers used by handlers in sales to the trade, in the field bags used by handlers in receiving almonds from growers, or in bulk storage bins used by handlers in storing almonds and which permit identification, sampling, and segregation from other almonds.

(2) Seals, stamps, or tags shall be used to identify lots of surplus almonds and lots packed in hermetically sealed tins or glass containers may be identified by a stamped or die-cast code mark, or similar means, acceptable to the Board.

(3) No handler shall remove, exchange, or deface any surplus almonds identification of the Board except under supervision of the Board exercised by either the presence of a representative of the Board or specific written authorization.

(4) A lot of almonds which has been withheld and certified as meeting the requirements for surplus pursuant to § 909.51 shall not be commingled with any other lot, except when required or authorized by the Board.

§ 909.452 Inspection and certification of almonds for surplus.

(a) *Surplus almonds withheld.* (1) Inspection of almonds shall be limited to any plant, storage facility, or shipping point located in California where facilities acceptable to the inspection agency are available for weighing, sampling, and inspection of almonds.

(2) Except for almonds pledged and stored pursuant to § 909.53(b) as security, all almonds withheld to satisfy a surplus obligation, during any reporting period specified in § 909.472, shall be inspected and certified as surplus by the close of such period.

(3) When almonds are offered for inspection, the handler shall furnish the inspection agency with public weighmaster's certificates of weight or other evidence of weight satisfactory to the Board.

(4) The handler offering almonds for inspection shall furnish necessary labor and pay costs incurred in moving and emptying containers for sampling and weighing and shall also furnish necessary labor for affixing the identification to containers of inspected almonds under direct supervision of the inspector.

(5) The handler shall furnish or cause to be furnished to the Board a copy of each required inspection certificate issued by the inspection agency within 48 hours after issuance, covering each lot of almonds withheld, exported or diverted.

(b) *Salable almonds for subsequent surplus credit.* Almonds not withheld as surplus, but which are intended to be disposed of in surplus outlets and for which the handler intends to subsequently request surplus disposition credit, shall be inspected, certified, and identified in the same manner as surplus, and such almonds shall not be handled in normal markets for almonds unless the identification has been removed under the direction of the Board.

§ 909.453 Deferment of surplus withholding requirements.

(a) *Undertaking.* The written undertaking to be delivered pursuant to § 909.53(a) shall be on the form provided by the Board.

(b) *Almonds as security.* (1) When almonds are pledged pursuant to § 909.53(b) as security for such undertaking, the quantity pledged shall be at least the eligible weight as determined pursuant to this paragraph. Such weight of pledged almonds shall be the certified kernel weight if the almonds have been inspected and certified as meeting the requirements for surplus set forth in, or prescribed pursuant to, § 909.51. If the almonds have not been so inspected and certified but the Board determines that they appear to be acceptable for surplus, the eligible weight shall be the Board's estimated kernel weight based on actual weights, public weighmaster certificates, counts of standard containers or field bags, volumetric measure, or average weight of bulk bins: *Provided,* That if counts of standard containers or field bags, average weight of bulk bins or volumetric measure is used, 90 percent of the Board's estimated kernel weight shall be the eligible weight

(2) When volumetric measure is used as a basis for estimating kernel weight of unshelled almonds, the following kernel weight equivalents, by variety, for each cubic foot of unshelled almonds shall be used:

Variety	Pounds
IXL	9.2
Ne Plus	9.4
Nonpareil	12.5
Peerless	8.1
Drake	9.6
Mission	9.8
Others	8.1

(3) If the uninspected almonds pledged as security are subsequently offered in satisfaction of the surplus withholding obligation and, upon inspection, the certified kernel weight thereof is insufficient to satisfy the obligation, the handler shall withhold as surplus an additional quantity of almonds, the certified kernel weight of which is adequate to cover the deficiency.

(c) *Bonds as security.* (1) Prior to August 15 of any crop year the manager of the Board shall notify the handler or handlers whose price lists are to be used in computing the bonding rate pursuant to § 909.53(c). Handlers so notified shall immediately furnish the manager with their then current price lists and shall inform the manager immediately of all subsequent changes thereof.

(2) Within 48 hours from the receipt by the manager of any price list which effects a change in the bonding rate, the manager shall announce such new bonding rate to all handlers, and the handlers shall adjust the amounts of their bonds accordingly.

(3) In the event that the price lists used in computing the bonding rate do not quote prices for all of the sizes specified in § 909.53(c), the bonding rate shall be computed on the basis of the prices which are quoted and a calculated price for any size not quoted. Such calculated price for the absent size shall be computed by applying its recent differentials to the prices of the sizes quoted unless the manager has knowledge that such differentials do not reflect the current market price, whereupon he shall request from each handler, whose prices are used in the computation, a price indicative of the current market price of the absent size.

§ 909.455 Interhandler transfers.

(a) *Transfers of almonds.* Interhandler transfers of almonds pursuant to § 909.55 shall be reported to the Board on ACB Form 7. The report shall be prepared in quadruplicate and shall contain the following information: (1) Date of transfer; (2) the names, addresses, and plant locations of both the transferring and receiving handlers; (3) the number and kind of containers in the lot transferred; (4) the variety of almonds transferred; (5) whether the almonds are shelled or unshelled; (6) the manifest or billing number; and (7) name of handler assuming surplus and assessment obligations on the almonds transferred. ACB Form 7 shall be signed by the transferring handler and one copy (copy D) forwarded to the Board at the time of transfer, two copies (copies A and B) shall be forwarded to the receiving handler at the time of transfer, and one copy (copy C) may be retained by the transferring handler for his records. Within three business days following receipt of the almonds, the receiving handler shall sign and forward one copy (copy A) to the Board and may retain one copy (copy B) for his records.

(b) *Transfers of surplus credit.* Any handler having excess surplus credit or having established with the Board creditable disposition in surplus outlets, pursuant to § 909.467, in excess of his surplus withholding obligation may transfer such excess to another handler. The Board shall give effect to such transfers upon approval of a request for such transfer on ACB Form 11 executed by both handlers and showing the quantity of almonds for which credit is being transferred. Upon receipt of a request for such transfer, the Board shall take action to determine whether the transfer can be approved pursuant to § 909.55, and shall promptly advise both handlers that the transfer is approved or the reason that approval is withheld.

§ 909.459 Release of surplus.

When a decrease in the surplus percentage results in a handler having withheld as certified surplus a quantity of almonds in excess of his surplus obligation, and he wishes to have such excess released and restored to his salable quantity pursuant to § 909.59, such handler shall file a request for such release with the Board on ACB Form 22 prior to the date of the intended release. The handler may make the release upon receipt of a copy of ACB Form 22 on which the Board has indicated its approval of the release and its instructions for removal of identification as surplus.

§ 909.466 Surplus diversion outlets.

(a) *Diced, sliced, and slivered almonds.* In addition to the outlets specified in § 909.66(c), diced, sliced, and slivered almonds as defined in this paragraph packed in hermetically sealed tin or glass containers not exceeding a net weight of 8 ounces each are hereby found to be noncompetitive with existing normal markets for almonds and are designated as approved outlets for surplus almonds.

(1) "Diced almonds" means pieces of shelled almonds (raw, roasted, or otherwise prepared, and may include seasoning ingredients) practically all of which will pass through a round opening ⅜ inch in diameter.

(2) "Sliced almonds" means thin slices of shelled almonds (raw, roasted, or otherwise prepared, and may include seasoning ingredients) practically none of which is thicker than ⅛ inch.

(3) "Silvered almonds" means thin, narrow strips of shelled almonds (raw, roasted, or otherwise prepared, and may include seasoning ingredients) practically all of which will pass through a round opening ⅜ inch in diameter.

(b) *Almond butter.* Almond butter as used in § 909.66(c) is hereby defined as a comminuted food product prepared by grinding roasted shelled almonds into a homogenous plastic or semiplastic mass or liquid having practically no particles larger than 1/16 inch in any dimension.

§ 909.467 Disposition in surplus outlets by handlers.

(a) *Agents of Board.* Beginning with July 1 of any crop year a handler may become an agent of the Board pursuant to § 909.67 for the purpose of disposing of surplus almonds of such crop year either by export or by diversion from domestic normal channels of trade. The applicable agency shall be established upon a handler executing a surplus export agreement (ACB Form 12–A) or surplus diversion agreement (ACB Form 12–B) containing terms and conditions specified by the Board.

(b) *Forms.* Intentions to divert almonds shall be reported to the Board on ACB Form 13, shipments for diversion on ACB Form 14, and consummation of diversion on ACB Form 15. Intentions to export shall be reported on ACB Form 18, shipment into export on ACB Form 19, and consummation of export sale on ACB Form 20. On ACB Forms 14 and 19, the handler shall report whether the shipment is a disposition of surplus almonds withheld in satisfaction of his surplus obligation or a disposition of salable almonds in a surplus outlet pursuant to paragraph (c) of this section.

(c) *Surplus withholding credit.* Credit in satisfaction of a surplus withholding obligation shall not exceed the accrued surplus obligation derived by applying

the surplus percentage to the quantity of almonds received by a handler for his own account during the crop year. Dispositions by agents of the Board in eligible surplus outlets within a crop year in excess of said obligations shall be held to be dispositions of salable almonds. Where such dispositions have met the requirements for surplus pursuant to § 909.51 and have complied with the terms, conditions and documentation applicable to disposition of surplus almonds as determined by the Board, they may be credited against unsatisfied surplus obligations of the agent-handler or may be transferred to apply against the surplus obligation of another handler. Crediting of said transfers shall be subject to Board approval upon its receiving a jointly executed agreement of transfer (ACB Form 11).

§ 909.471 Record of receipts.

(a) Prior to issuing any receipts for almonds received in any crop year, each handler shall notify the Board of the serial numbers of the receipts he intends to use during such crop year.

(b) Whenever a receipt is spoiled, voided, or used for any purpose other than receiving almonds, the handler shall notify the Board of the number of such receipt or forward a copy of such receipt (marked to indicate it is void) to the Board not later than the next period for reporting receipts.

(c) Whenever almonds for which receipts have been issued are returned to the person from whom received, the handler shall file with the Board a copy of a new receipt setting forth the same information required when receiving almonds and on which is clearly stamped or written the word "credit" across its face.

§ 909.472 Report of almonds received.

Each handler shall report to the Board on ACB Form 1 the total pounds of almonds, unshelled and shelled, by varieties, received by him for his own account within any of the hereinafter prescribed reporting periods. Each such report shall be filed with the Board within 5 business days after the close of the applicable one of the following reporting period:

July 1 to September 30;
October 1 to October 15;
October 16 to October 31;
November 1 to November 15;
November 16 to November 30;
December 1 to December 31;
January 1 to March 31;
April 1 to June 30.

§ 909.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account the information listed and described in this section. Such information shall be reported within the applicable times specified in § 909.73 on forms provided by the Board.

(a) *Handler carryover.* A report of the weight of all almonds by variety, whether unshelled or shelled, wherever located, held by the handler for his own account (whether or not sold), except those held in satisfaction of a surplus withholding obligation or in the form of almond products.

(b) *Surplus.* A report of all almonds by variety, net weight, and certified kernel weight which are withheld in satisfaction of a surplus obligation and those which have been disposed of in the manner provided in §§ 909.66 through 909.68.

(c) *Delivered sales.* A report of salable almonds sold and delivered, showing the weight, variety, and whether unshelled or shelled, except those disposed of pursuant to the requirements for surplus disposition, or used in almond products.

(d) *Almond products.* A report of all almonds used by the handler in the manufacture of any almond product as defined in § 909.15, showing a description of each such product, the weight of almonds used therein, and the finished weight of such product.

(e) *Transfers.* A report listing each transfer of almonds to another handler showing the weight of each lot transferred, the variety of almonds in the lot, whether unshelled or shelled, the name of the receiving handler, and by whom the assessment and withholding obligations for such almonds were assumed.

(f) *Undelivered sales.* A report of salable almonds sold in domestic normal channels of trade but not delivered, showing the weight of such almonds, the variety, and whether they are shelled or unshelled.

§ 909.481 Refunds.

Refunds shall be made pursuant to § 909.81(b); however, if any handler fails to pay his full assessment for a crop year, the refunds shall be calculated in such a manner that will preclude any handler paying more than his pro rata share of expenses for such crop year.

It is hereby found that good cause exists for not postponing the effective time hereof later than the time hereinafter set forth (See section 4(c) of the Administrative Procedure Act; 5 U.S.C. 1001 et seq.) in that (1) the 1959–60 crop year began on July 1, 1959, and the administrative rules and regulations herein prescribed are necessary in connection with the handling operations during such crop year; (2) the proposals, on which these administrative rules and regulations are based, were submitted by the Almond Control Board (on which handlers and other members of the almond industry are represented) and, hence, handlers and others have knowledge of, and are familiar with, these rules and regulations of which notice was published in the FEDERAL REGISTER on June 11, 1959 (24 F.R. 4748); and (3) these rules and regulations do not require any special preparation for compliance therewith which cannot be completed by the effective time hereof. With respect to the termination of § 909.401, it is hereby further found that it is impracticable and unnecessary to give preliminary notice and engage in public rule-making procedure because the requirements of said section, with some relaxation thereof, have, in substance, been incorporated into, and superseded by, the provisions of § 909.51 on the basis of the prerequisite promulgation proceeding leading to the first amendment (21 F.R. 3416, 9569; 22 F.R. 1389, 3781) of the marketing agreement and order regulating the handling of almonds grown in California (7 CFR Part 909), at which time, however, § 909.401 was not expressly terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 9, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-5797; Filed, July 13, 1959; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Aircraft Equipment and Parts Industry

On March 13, 1959 notice of proposed rule making regarding the boat building and repairing industry and the aircraft equipment and parts industry was published in the FEDERAL REGISTER (24 F.R. 2090, 2091). The definitions relating to the boat building and repairing industry and the aircraft equipment and parts industry as proposed were not adopted based on consideration of relevant matters presented by interested parties in connection with hearings held by the Administrator on April 16, 1959 and April 23, 1959, respectively.

The definition of small business for the boat building and repairing industry shall remain unchanged, i.e., 500 or less employees.

In lieu of the proposed definition for the aircraft equipment and parts industry the following definition is hereby adopted, to become effective 30 days after publication in the FEDERAL REGISTER.

The Small Business Size Standards Regulation (Revision 1) (24 F.R. 3491) is hereby amended by adding the following new subparagraph 121.3–8(a)(5):

(5) *Aircraft equipment and parts industry.* In connection with the purchase by the Government of the items listed in this paragraph any business concern in the aircraft equipment and parts industry is small if its number of employees does not exceed 1,000 persons:

(i) Airframes and structural components,
(ii) Aircraft propellers and hubs,
(iii) Wheel and brake systems,
(iv) Jet engines,
(v) Fuel tanks,
(vi) Aircraft hydraulic systems,
(vii) Aircraft vacuum systems,
(viii) Aircraft air-conditioning,
(ix) Heating and pressurizing equipment,
(x) Fire control systems,
(xi) Flight instruments,
(xii) Flight simulators (except small cockpit trainers),
(xiii) Aircraft de-icing systems.

(Pub. Law 85–536, sec. 5, 72 Stat. 385)

Dated: July 6, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-5787; Filed, July 13, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket 58; Reg. SR–422B]

SUBCHAPTER A—CIVIL AIR REGULATIONS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATON AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Turbine-Powered Transport Category Airplanes of Current Design

Special Civil Air Regulation No. SR–422, effective August 27, 1957, prescribes requirements applicable to the type certification and operation of turbine-powered transport category airplanes for which a type certificate is issued after August 27, 1957. Special Civil Air Regulation No. SR–422A, effective July 2, 1958, included substantive changes to SR–422 and was made applicable to all turbine-powered transport category airplanes for which a type certificate is issued after September 30, 1958.

This Special Civil Air Regulation makes further changes to the airworthiness rules for turbine-powered transport category airplanes to be applicable to all such airplanes for which a type certificate is issued after August 29, 1959. These changes were proposed in Draft Release No. 58–1C (24 F.R. 128) by the Civil Aeronautics Board in connection with the 1958 Annual Airworthiness Review. The amendments herein have been adopted after careful consideration of all the discussion and comment received thereon.

Substantive and minor changes have been made to the provisions of SR–422A. For ease in identification they are listed as follows:

(a) Substantive changes: introductory paragraphs; 4T.114(b), (c), (d), (e), and (f); 4T.115(d); 4T.117a(b); 4T.120(a)(3), (b), and (d); 40T.81(c); 43T.11(c); and item 5 (a) and (b).

(b) Minor changes; item 2; 4T.112 (title), (b)(1), (c), (d), and (e); 4T.113 (b); 4T.116(i)(4); 4T.117(b) (1) and (2); 4T.120(a); 4T.121; 4T.122(d); 4T.123(a); 40T.82; and 40T.83.

Pertinent background information to this regulation is contained in the preambles to SR–422 and SR–422A. Following is a discussion of important issues relevant to the changed provisions contained herein.

One of the most important changes being introduced concerns the rotation speed V_R of the airplane during takeoff (4T.114). Experience gained in the certification of airplanes under the provisions of SR–422 and SR–422A indicates that relating V_R to the stall speed is not essential and might unduly penalize airplanes with superior flying qualities. It has been found that the primary limitations on V_R should be in terms of a margin between the actual lift-off speeds V_{LOF} and the minimum unstick speed V_{MU} at which the airplane can proceed safely with the takeoff. The provisions contained herein require that V_R speeds be established to be applicable to takeoffs with one engine inoperative as well as with all engines operating. The V_{MU} speeds can be established from free air data provided that the data are verified by ground takeoff tests. Certain safeguards are included in conjunction with the establishment of V_R speeds to ensure that takeoffs in service can be made with consistent safety.

A change is being introduced to the provision in 4T.117a(b) concerning the manner in which the net takeoff flight path is obtained. In accordance with this provision as contained in SR–422A, the net takeoff flight path would have a negative slope throughout the acceleration segment. Since this segment usually represents level flight easily controlled by reference to the normal flight instruments, a significant reduction in the flight path's gradient would not be expected. For these reasons, the provision is being changed to permit an equivalent reduction in acceleration in lieu of a reduction in gradient.

Section 4T.117a(b) is being amended additionally by changing the value of gradient margin in the net flight path for two-engine airplanes from 1.0 percent to 0.8 percent. The value for four-engine airplanes remains 1.0 percent. Differentiation in gradient values in the net flight path between two and four-engine airplanes is consistent with the differentiation in the climb gradients for the takeoff, en route, and approach stages of flight. Statistical analysis substantiates the specific reduction of the net flight path gradient to a value of 0.8 percent. Correlatively, a re-evaluation of the climb gradients for twin-engine airplanes in the second segment takeoff and in the approach climb indicates that the respective values should be 2.4 percent and 2.1 percent, and these changes are being made in 4T.120 (b) and (d).

A change is introduced in the conditions prescribed for meeting the climb gradient in the first segment takeoff climb (4T.120(a)), by changing the speed V_2 to the speed V_{LOF}. The intent of this requirement is to use the speed at which the airplane lifts off the ground. In SR–422 this speed was considered to be V_2; however, in SR–422A and in this regulation the speed V_2 is a higher speed which is reached at the end of the takeoff distance and no longer reflects the conditions pertinent to the first segment climb. In making this change consistent with relevant changes in SR–422A and in this regulation, no consideration has been given to the appropriateness of the minimum climb gradient values prescribed for the first segment climb. These are subject to alteration if results of further studies so indicate.

There is being introduced in this regulation the concept of "stopways," the definition of which is contained in item 5(b). Stopways have been used outside the United States in meeting the accelerate-stop distances in case of aborted takeoffs. They are considered to result in more practical operations. In order to ensure that they can be used without detrimental effects on safety, a provision is being included in 4T.115(d) requiring taking into account the surface characteristics of the stopways to be used in scheduling the accelerate-stop distances in the Airplane Flight Manual.

In conjunction with the introduction of stopways, there are changes being made in the definition of a "clearway" (item 5(a)). One of the changes is to specify that a clearway begins at the end of the runway whether or not a stopway is being used. Of the other changes, the most significant one expresses the clearway in terms of a clearway plane and permits this plane to have an upward slope of 1.25 percent. In effect, this change will allow, in some cases, use of clearways which would not be allowed under the definition in SR–422A because of relatively small obstacles or slightly sloping terrain. (See also 40T.81(c) and 43T.11(c).)

There are also included in this regulation a number of minor, editorial, or clarifying changes.

Draft Release No. 58–1C included a proposal for expanding lateral obstacle clearances in the takeoff flight path. Studies indicate that some expanding lateral clearances are necessary for safety in operations with all turbine-powered airplanes. It appears, therefore, that an appropriate rule should be made applicable not only to airplanes certificated in accordance with this regulation, but also to those certificated in accordance with SR–422 and SR–422A. Accordingly, no change is being made in this regulation to the lateral obstacle clearance provisions, instead, a Notice of Proposed Rule Making is now being prepared to amend SR–422, SR–422A, and this regulation, to require expanding lateral obstacle clearances for all airplanes certificated thereunder.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under § 4b.10 to impose such special conditions as are found necessary in any particular case to avoid unsafe design features and otherwise to ensure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (24 F.R. 128), and due consideration has been given to all relevant matter presented.

This regulation does not require compliance until after August 29, 1959; however, since applicants for a type certificate for turbine-powered transport category airplanes may elect to show compliance with this regulation before that date, it is being made effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby promulgated to become effective immediately:

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after August 29, 1959, shall comply with the following requirements. Applicants for a type certificate for a turbine-powered transport category airplane may elect and are authorized to meet the requirements of this Special Civil Air Regulation prior to August 29, 1959, in which case however, all of the following provisions must be complied with.

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to August 27, 1957, as the Administrator finds necessary to ensure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of §§ 4b.110 through 4b.125, 4b.133, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.* (a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provisions of §§ 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with § 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installational losses and less the power and/or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.* (a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the takeoff, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, takeoff flight paths, takeoff distances, and landing distances, changes in the airplane's configuration and speed, and in the power and/or thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. In addition, procedures shall be established for the execution of balked landings and missed approaches associated with the conditions prescribed in §§ 4T.119 and 4T.120(d), respectively. All procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

4T.112 *Stalling and minimum control speeds.* (a) The speed V_s shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the airplane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_s is being used;

(3) The weight of the airplane equal to the weight in connection with which V_s is being used to determine compliance with a particular requirement;

(4) The center of gravity in the most unfavorable position within the allowable range.

(b) The stall speed defined in this section shall be the minimum speed obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed chosen by the applicant, but not less than $1.2\ V_s$ nor greater than $1.4\ V_s$, and from a speed sufficiently above the stalling speed to ensure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed 1 knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of § 4b.160 of Part 4b of the Civil Air Regulations shall be complied with.

(c) The minimum control speed V_{MC}, in terms of calibrated air speed, shall be determined under the conditions specified in this paragraph so that, when the critical engine is suddenly made inoperative at that speed, it is possible to recover control of the airplane with the engine still inoperative and to maintain it in straight flight at that speed, either with zero yaw or, at the option of the applicant, with an angle of bank not in excess of 5 degrees. V_{MC} shall not exceed $1.2\ V_s$ with:

(1) Engines operating at the maximum available takeoff thrust and/or power;

(2) Maximum sea level takeoff weight or such lesser weight as might be necessary to demonstrate V_{MC};

(3) The airplane in the most critical takeoff configuration existing along the flight path after the airplane becomes airborne, except that the landing gear is retracted;

(4) The airplane trimmed for takeoff;

(5) The airplane airborne and the ground effect negligible;

(6) The center of gravity in the most unfavorable position;

(d) In demonstrating the minimum speed specified in paragraph (c) of this section, the rudder force required to maintain control shall not exceed 180 pounds and it shall not be necessary to reduce the power and/or thrust of the operative engine(s).

(e) During recovery from the maneuver specified in paragraph (c) of this section, the airplane shall not assume any dangerous attitude, nor shall it require exceptional skill, strength, or alertness on the part of the pilot to prevent a change of heading in excess of 20 degrees before recovery is complete.

4T.113 *Takeoff; general.* (a) The takeoff data in §§ 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane.

(2) In the configuration for takeoff (see § 4T.111).

(b) Takeoff data shall be based on a smooth, dry, hard-surfaced runway and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the takeoff surface shall be smooth water, while for skiplane it shall be smooth, dry snow. In addition, the takeoff data shall include operational correction factors in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients, within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the takeoff path opposite to the direction of takeoff, and not less than 150 percent of nominal wind components along the takeoff path in the direction of takeoff.

(2) Effective runway gradients.

4T.114 *Takeoff speeds.* (a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the takeoff run to be adequate to permit proceeding safely with the takeoff using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The minimum takeoff safety speed $V_{2\,min}$, in terms of calibrated air speed, shall not be less than:

(1) $1.2\ V_s$ for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) $1.15\ V_s$ for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}.

(c) The takeoff safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in § 4T.120(b), but it shall not be less than:

(1) The speed $V_{2\,min}$;

(2) The rotation speed V_R (see paragraph (e) of this section) plus the increment in speed attained prior to reaching a height of 35 feet above the takeoff surface in compliance with § 4T.116(e).

(d) The minimum unstick speed V_{MU}, in terms of calibrated air speed, shall be the speed at and above which the airplane can be made to lift off the ground and to continue the takeoff without displaying any hazardous characteristics. V_{MU} speeds shall

be selected by the applicant for the all-engines-operating and the one-engine-inoperative conditions. It shall be acceptable to establish the V_{MU} speeds from free air data: *Provided*, That these data are verified by ground takeoff tests.

NOTE: In certain cases, ground takeoff tests might involve some takeoffs at the V_{MU} speeds.

(c) The rotation speed V_R, in terms of calibrated air speed, shall be selected by the applicant in compliance with the conditions of subparagraphs (1) through (4) of this paragraph.

(1) The V_R speed shall not be less than:

(i) The speed V_1;

(ii) A speed equal to 105 percent of V_{MC};

(iii) A speed which permits the attainment of the speed V_2 prior to reaching a height of 35 feet above the takeoff surface as determined in accordance with § 4T.116(e);

(iv) A speed which, if the airplane is rotated at its maximum practicable rate, will result in a lift-off speed V_{LOF} (see paragraph (f) of this section) not less than 110 percent of V_{MU} in the all-engines-operating condition nor less than 105 percent of V_{MU} in the one-engine-inoperative condition.

(2) For any given set of conditions (weight, configuration, temperature, etc.), a single value of V_R speed obtained in accordance with this paragraph shall be used in showing compliance with both the one-engine-inoperative and the all-engines-operating takeoff provisions.

(3) It shall be shown that the one-engine-inoperative takeoff distance determined with a rotation speed 5 knots less than the V_R speed established in accordance with subparagraphs (1) and (2) of this paragraph does not exceed the corresponding one-engine-inoperative takeoff distance determined with the established V_R speed. The determination of the takeoff distances shall be in accordance with § 4T.117(a)(1).

(4) It shall be demonstrated that reasonably expected variations in service from the takeoff procedures established by the applicant for the operation of the airplane (see § 4T.111(c)) (e.g. over-rotation of the airplane, out of trim conditions), will not result in unsafe flight characteristics nor in marked increases in the scheduled takeoff distances established in accordance with § 4T.117(a).

(f) The lift-off speed V_{LOF}, in terms of calibrated air speed, shall be the speed at which the airplane first becomes airborne.

4T.115 *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airpane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

(d) If the accelerate-stop distance is intended to include a stopway with surface characteristics substantially different from those of a smooth hard-surfaced runway, the takeoff data shall include operational correction factors for the accelerate-stop distance to account for the particular surface characteristics of the stopway and the variations in such characteristics with seasonal weather conditions (i.e., temperature, rain, snow, ice, etc.), within the operational limits established by the applicant.

4T.116 *Takeoff path.* The takeoff path shall be considered to extend from the standing start to a point in the takeoff where a height of 1,500 feet above the takeoff surface is reached or to a point in the takeoff where the transition from the takeoff to the en route configuration is completed and a speed is reached at which compliance with § 4T.120(c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the takeoff path.

(a) The takeoff path shall be based upon procedures prescribed in accordance with § 4T.111(c).

(b) The airplane shall be accelerated on the ground to the speed V_1 at which point the critical engine shall be made inoperative and shall remain inoperative during the remainder of the takeoff. Subsequent to attaining speed V_1, the airplane shall be accelerated to speed V_2 during which time it shall be permissible to initiate raising the nose gear off the ground at a speed not less than the rotation speed V_R.

(c) Landing gear retraction shall not be initiated until the airplane becomes airborne.

(d) The slope of the airborne portion of the takeoff path shall be positive at all points.

(e) The airplane shall attain the speed V_2 prior to reaching a height of 35 feet above the takeoff surface and shall continue at a speed as close as practical to, but not less than, V_2 until a height of 400 feet above the takeoff surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the takeoff surface.

(g) At all points along the takeoff path starting at the point where the airplane first reaches a height of 400 feet above the takeoff surface, the available gradient of climb shall not be less than 1.2 percent for two-engine airplanes, and 1.7 percent for four-engine airplanes.

(h) The takeoff path shall be determined either by a continuous demonstrated takeoff, or alternatively, by synthesizing from segments the complete takeoff path.

(i) If the takeoff path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental takeoff path shall be clearly defined and shall be related to the distinct changes in the configuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental takeoff path data shall be checked by continuous demonstrated takeoffs up to the point where the airplane's performance is out of ground effect and the airplane's speed is stabilized, to ensure that the segmental path is conservative relative to the continuous path.

NOTE: The airplane usually is considered out of ground effect when it reaches a height above the ground equal to the airplane's wing span.

4T.117 *Takeoff distance and takeoff run.* (a) *Takeoff distance.* The takeoff distance shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the takeoff path from the start of the takeoff to the point where the airplane attains a height of 35 feet above the takeoff surface, as determined in accordance with § 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the takeoff path, with all engines operating, from the start of the takeoff to the point where the airplane attains a height of 35 feet above the takeoff surface, as determined by a procedure consistent with that established in accordance with § 4T.116.

(b) *Takeoff run.* If the takeoff distance is intended to include a clearway (see item 5 of this regulation), the takeoff run shall be determined and shall be the greater of the distances established in accordance with subparagraphs (1) and (2) of this paragraph.

(1) The horizontal distance along the takeoff path from the start of the takeoff to a point equidistant between the point where the speed V_{LOF} is reached and the point where the airplane attains a height of 35 feet above the takeoff surface, as determined in accordance with § 4T.116.

(2) A distance equal to 115 percent of the horizontal distance along the takeoff path, with all engines operating, from the start of the takeoff to a point equidistant between the point where the speed V_{LOF} is reached and the point where the airplane attains a height of 35 feet above the takeoff surface, as determined by a procedure consistent with that established in accordance with § 4T.116.

4T.117a *Takeoff flight path.* (a) The takeoff flight path shall be considered to begin at a height of 35 feet above the takeoff surface at the end of the takeoff distance as determined in accordance with § 4T.117(a).

(b) The net takeoff flight path data shall be determined in such a manner that they represent the airplane's actual takeoff flight paths, determined in accordance with § 4T.116 and with paragraph (a) of this section, reduced at each point by a gradient of climb equal to 0.8 percent for two-engine airplanes and equal to 1.0 percent for four-engine airplanes. It shall be acceptable to apply the prescribed reduction in climb gradient as an equivalent reduction in the airplane's acceleration along that portion of the actual takeoff flight path where the airplane is accelerated in level flight.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of §§ 4T.119 and 4T.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration the steady gradient of climb shall not be less than 3.2 percent, with:

(a) All engines operating at the power and/or thrust which are available 8 seconds after initiation of movement of the power and/or thrust controls from the minimum flight idle to the takeoff position;

(b) A climb speed not in excess of $1.3\ V_s$.

4T.120 *One-engine-inoperative climb.* (a) *Takeoff; landing gear extended.* In the critical takeoff configuration existing along the flight path between the points where the airplane reaches the speed V_{LOF} and where the landing gear is fully retracted, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall be positive for two-engine airplanes and shall not be less than 0.5 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available takeoff power and/or thrust existing in accordance with § 4T.116 at the time retraction of the airplane's landing gear is initiated, unless subsequently a more critical power operating condition exists along the flight path prior to the point where the landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116

at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_{LOF}.

(b) *Takeoff; landing gear retracted.* In the takeoff configuration existing at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.4 percent for two-engine airplanes and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available takeoff power and/or thrust existing in accordance with § 4T.116 at the time the landing gear is fully retracted, unless subsequently a more critical power operating condition exists along the flight path prior to the point where a height of 400 feet above the takeoff surface is reached;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final takeoff.* In the en route configuration, the steady gradient of climb shall not be less than 1.2 percent for two-engine airplanes and not less than 1.7 percent for four-engine airplanes, at the end of the takeoff path as determined by § 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the end of the takeoff path.

(3) The speed equal to not less than 1.25 V_s.

(d) *Approach.* In the approach configuration corresponding with the normal all-engines-operating procedure such that V_2 related to this configuration does not exceed 110 percent of the V_s corresponding with the related landing configuration, the steady gradient of climb shall not be less than 2.1 percent for two-engine airplanes and not less than 2.7 percent for four-engine airplanes with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available takeoff power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed established by the applicant in connection with normal landing procedures, except that it shall not exceed 1.5 V_s (see § 4T.111(c)).

4T.121 *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.1 percent for two-engine airplanes and 1.6 percent for four-engine airplanes. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* For airplanes with four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.5 percent. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds, within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (g) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or thrust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of § 4T.111(c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_s.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth, dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance data shall include operational correction factors for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the landing distance, provided such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(g) If the characteristics of a device (e.g., the propellers) dependent upon the operation of any of the engines noticeably increase the landing distance when the landing is made with the engine inoperative, the landing distance shall be determined with the critical engine inoperative unless the Administrator finds that the use of compensating means will result in a landing distance not greater than that attained with all engines operating.

4T.123 *Limitations and information.* (a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraph (1) through (4) of this paragraph. (See also § 4T.743.)

(1) *Takeoff weights.* The maximum takeoff weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the takeoff climb provisions prescribed in § 4T.120 (a), (b), and (c) for altitudes and ambient temperatures, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with the landing and takeoff climb provisions prescribed in §§ 4T.119 and 4T.120 for altitudes and ambient temperatures, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Accelerate-stop distance, takeoff distance, and takeoff run.* The minimum distances required for takeoff shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4T.115 and 4T.117(a), and with 4T.117(b) if the takeoff distance is intended to include a clearway, for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See §§ 4T.113 (a)(1) and (b), 4T.115(d), 4T.118, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with §§ 4T.117a(b), 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see subparagraph (a)(4) of this section). In addition, the performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum takeoff weights established in accordance with subparagraphs (a)(1) and (a)(2) of this section. (See also § 4T.743.)

(1) Climb in the landing configuration (see § 4T.119);

(2) Climb in the approach configuration (see § 4T.120(d));

(3) Landing distance (see § 4T.122).

AIRPLANE FLIGHT MANUAL

4T.743 *Performance limitations, information, and other data.*—(a) *Limitations.* The airplane's performance limitations shall be given in accordance with § 4T.123(a).

(b) *Information.* The performance information prescribed in § 4T.123(b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* Procedures established in accordance with § 4T.111(c) shall be given to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section. Such procedures, in the form of guidance material, shall be included with the relevant limitations or information, as applicable.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of §§ 40.70 through 40.78, 41.27 through 41.36(d), and 42.70 through 42.83, of Parts 40, 41, and 42, respectively, of the Civil Air Regulations, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of §§ 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of §§ 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.* (a) No airplane shall be taken off at a weight which exceeds the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the takeoff. (See §§ 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the before reaching a height of 50 feet as shown by the net takeoff flight path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The net takeoff flight path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of takeoff. (See §§ 4T.123(b) and 4T.743(b).)

40T.83 *En route limitations.* All airplanes shall be operated in compliance with paragraph (a) of this section. In addition, no airplane shall be flown along an intended route if any place along the route is more than 90 minutes away from an airport at which a landing can be made in accordance with § 40T.84(b), assuming all engines to be operating at cruising power, unless compliance is shown with paragraph (b) of this section.

(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraphs (1) or (2) of this paragraph at all points along the route. The net flight path shall have a positive slope at 1,500 feet above the airport where the landing is assumed to be made after the engine fails. The net flight path used shall be for the ambient temperatures anticipated along the route. (See §§ 4T.123(b) and 4T.743(b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 statute miles (4.34 nautical miles) on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an airport where a landing can be made in accordance with the provisions of § 40T.84(b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 statute miles (4.34 nautical miles) on either side of the intended track. The provisions of subdivisions (i) through (vi) of this subparagraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(iv) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to ensure a safe procedure.

(v) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vi) The consumption of fuel and oil after the engine is assumed to fail shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of § 40T.84(b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 statute miles (4.34 nautical miles) on either side of the intended track. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subparagraphs (1) through (5) of this paragraph shall apply. (See §§ 4T.123(b) and 4T.734(b).)

(1) The two engines shall be assumed to fail at the most critical point along the route.

(2) The net flight path shall have a positive slope at 1,500 feet above the airport where the landing is assumed to be made after failure of two engines.

(3) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to ensure a safe procedure.

(4) The airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,500 feet directly over the landing area and thereafter to fly for 15 minutes at cruise power and/or thrust.

(5) The consumption of fuel and oil after the engines are assumed to fail shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations.*—(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See §§ 4T.123(b) and 4T.743(b).)

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i.e., landing aids, terrain, etc.) If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

4. In lieu of § 43.11 of Part 43 of the Civil Air Regulations, the following shall be applicable.

43T.11 *Transport category airplane weight limitations.* The performance data in the Airplane Flight Manual shall be applied in determining compliance with the following provisions:

(a) No airplane shall be taken off at a weight which exceeds the takeoff weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the takeoff. (See §§ 4T.123(a)(1) and 4T.743(a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination and to the alternate airports, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See §§ 4T.123(a)(2) and 4T.743(a).)

(c) No airplane shall be taken off at a weight which exceeds the weight at which, in accordance with the minimum distances for takeoff scheduled in the Airplane Flight Manual, compliance with subparagraphs (1) through (3) of this paragraph is shown. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff. (See §§ 4T.123(a)(3) and 4T.734(a).)

(1) The accelerate-stop distance shall not be greater than the length of the runway plus the length of the stopway if present.

(2) The takeoff distance shall not be greater than the length of the runway plus the length of the clearway if present, except that the length of the clearway shall not be greater than one-half of the length of the runway.

(3) The takeoff run shall not be greater than the length of the runway.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123(a)(4) and 4T.743(a).)

5. The following definitions shall apply:

(a) *Clearway.* A clearway is an area beyond the runway, not less than 500 feet wide, centrally located about the extended center line of the runway, and under the control of the airport authorities. The clearway is expressed in terms of a clearway plane, extending from the end of the runway with an upward slope not exceeding 1.25 percent, above which no object nor any portion of

the terrain protrudes, except that threshold lights may protrude above the plane if their height above the end of the runway is not greater than 26 inches and if they are located to each side of the runway.

NOTE: For the purpose of establishing takeoff distances and takeoff runs, in accordance with § 4T.117 of this regulation, the clearway plane is considered to be the takeoff surface.

(b) *Stopway.* A stopway is an area beyond the runway, not less in width than the width of the runway, centrally located about the extended center line of the runway, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff. To be considered as such, a stopway must be capable of supporting the airplane during an aborted takeoff without inducing structural damage to the airplane. (See also § 4T.115(d) of this regulation.)

(Secs. 313(a), 601, 603, 604, 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1423, 1424)

Issued in Washington, D.C., on July 9, 1959.

JAMES T. PYLE,
Acting Administrator.

JULY 9, 1959.

[F.R. Doc. 59–5810; Filed, July 13, 1959; 8:51 a.m.]

[Regulatory Docket 60; Special Civil Air Reg. SR–434]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Elimination of Requirement for 100-Mile Solo Flight Experience for Issuance of Private Pilot Certificate on Island of Okinawa

Section 20.34(c) of the Civil Air Regulations presently provides that the aeronautical experience necessary for issuance of a private pilot certificate shall include 10 hours of solo cross-country flight time, at least one flight of which shall include a landing at a point more than 100 miles from the point of departure. The Naha Air Base Aero Club, a flying club composed of U.S. civil and military personnel, located at Sukiran Army Air Field on Okinawa and sponsored by the United States Air Force, has requested an exemption from the requirements of § 20.34(c) because the island is not large enough to permit the required 100-mile flight.

Okinawa is some 60 miles long and from 2 to 22 miles wide. The maximum distance between airports on the island is some 40 miles. Landings more than 100 miles from a point of departure on Okinawa may be made on other islands in the area, but such other islands are not equipped with adequate landing areas and flights to such landing areas would expose pilot trainees to the unnecessary hazard of overwater operations.

The purpose of the requirement for a 100-mile solo cross-country flight is to develop the necessary skills in navigation from maps and unfamiliar visual landmarks. The experience to be gained from a 100-mile cross-country flight would not be of any special value or assistance to a private pilot flying on Okinawa over that to be gained from a 40-mile cross-country flight on Okinawa. It appears that such a 40-mile flight as part of the 10 hours of solo cross-country flight time required by § 20.34(c) would so familiarize a pilot with the landmarks and terrain of the area in which he would be flying as to constitute an adequate standard of safety for issuance of a private pilot certificate for the island of Okinawa. A pilot holding such a certificate who may wish to obtain a certificate without limitation to Okinawa would still be required to comply with the experience requirement for the 100-mile solo cross-country flight prescribed by § 20.34(c).

Accordingly, this Special Civil Air Regulation is issued to permit such pilots to obtain a limited private pilot certificate without compliance with the 100-mile solo cross-country flight requirement of § 20.34(c). Since this regulation imposes no additional burden on any person, relieves a present restriction, and constitutes a grant of exemption, compliance with the notice, public participation, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby promulgated to become effective July 14, 1959:

1. The provision of § 20.34(c) of Part 20 of the Civil Air Regulations with respect to a 100-mile solo cross-country flight shall not apply to the issuance of a private pilot certificate to an applicant who demonstrates on the island of Okinawa, Ryukyu Islands, that he is otherwise eligible for issuance of such a certificate and who has completed a solo cross-country flight between those airports on Okinawa which are the farthest apart. A pilot certificate issued pursuant to this regulation shall contain the following limitation:

"The holder shall not pilot any aircraft carrying passengers except on flights over the island of Okinawa and within a radius of 40 miles from the airport of take-off."

2. The holder of a private pilot certificate issued subject to the limitations provided in paragraph 1 of this regulation may obtain a private pilot certificate without such limitation upon presentation to an inspector of the Federal Aviation Agency of satisfactory evidence of compliance with the 100-mile solo flight experience requirement of § 20.34(c), and after satisfactorily accomplishing a practical examination with respect to the procedures and maneuvers prescribed by § 20.35(b).

3. No private pilot certificate shall be issued under paragraph 1 of this regulation after June 30, 1961.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 602, 72 Stat. 775, 776; 49 U.S.C. 1421, 1422)

Issued in Washington, D.C., on July 9, 1959.

JAMES T. PYLE,
Acting Administrator.

JULY 9, 1959.

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Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket 55; Amdt. 30]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of failures of rudder aileron bungee interconnect cables on Beech A45 and B45 aircraft; a possibility of wing splice plate cracks occurring on Boeing 707–100 series aircraft; and occurence of lower front spar cap cracks with a possibility of lower center spar cap cracks developing on Douglas DC–6A and –6B aircraft, inspection and rework are required.

A revised airworthiness directive superseding 58–15–2 (23 F.R. 6343) is necessary to incorporate the latest version of a float installation for Marvel-Schebler carburetors. In addition, directive 59–7–3 for Lockheed aircraft is revised to eliminate removal from service of sound landing gear appearing to have a faulty weld, and directive 59–10–10 for Vickers Viscount 745 aircraft is corrected.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 59–7–3 Lockheed 049, 149, 649, 749 and 1049 series aircraft as it appeared in 24 F.R. 4651 is revised by deleting the fifth paragraph and replacing with the following paragraphs:

Any cylinder exhibiting a cracked or faulty weld shall be immediately removed from service and replaced with a cylinder that has passed a radiographic inspection of the entire periphery of the weld using the following standard. Acceptable weld quality shall be as defined in MIL–R–11468 (dated September 24, 1951) Standard II except that incomplete root penetration as depicted by Figure B1a–2a up to a width of 0.080 inch for the complete strut periphery shall not be cause for rejection.

The indication of incomplete root penetration is due to a chamfer of approximately 0.040 inch on the upper inside bore of the cylinder which did not receive weldment during fabrication.

2. 59–10–10 Vickers Viscount 745D aircraft as it appeared in 24 F.R. 5178 is revised by changing "0.85 inch" in the first and second paragraphs to "0.95 inch" and changing the phrase "depth of the internal bore" in the second paragraph, second sentence to "depth of the internal threads".

3. The following new airworthiness directives are added:

59–13–4 BEECH. Applies to all Model A45 (T34A) and B45 airplanes incorporating FAA Certification Kit No. 45–322A.

Compliance required by August 15, 1959, and after each subsequent 100 hours of operation.

Disconnect the turnbuckles on the 45-524504 and 45-524505 rudder-aileron bungee interconnect cable assemblies and make a thorough inspection of the cables. Prior to reassembly, replace any cables that show evidence of fraying, excessive wear, or internal breakage. Inspections are no longer necessary when kits using larger pulleys are installed.

(Beech Service Bulletin No. 32 on Models A45 (T34A) and B45 covers this same subject.)

59–13–5 BOEING. Applies to the following 707–100 Series aircraft only: Registry No. N707PA through N712PA, N70773, N7501A through N7514A, N731TW through N740TW, VH–EBA.

Compliance required as indicated.

The occurrence of seven wing splice plate cracks at Boeing on early 707 airplanes initiated laboratory tests and improved processing of the plates, which are installed at RBL and LBL 70.5 at the wing lower surface. Airplanes other than those noted above have the improved plates. The laboratory tests indicated a possibility of cracks occurring in service on the airplanes with the originally processed splice plates. One such crack has occurred in service. In view of these facts, the following inspections should be conducted on the above aircraft as indicated.

Unless already completed, within the next 200 to 400 flight-hours and again at 3,000 to 3,300 flight-hours, the following inspection will be accomplished (Normal inspection procedures will be followed after accomplishment of these two special inspections):

(a) Remove left and right hand lower wing-body fairings.

(b) Visually inspect all wing lower splice plates for cracks at LBL and RBL 70.5.

(c) If cracks are found, replace cracked splice plate with Boeing redesigned plate according to the revised Boeing installation procedures.

(Boeing Service Bulletin No. 186 pertains to this same subject.)

59–13–6 DOUGLAS. Applies to the following aircraft: DC–6A Serial Numbers 43296, 43297, 43817–43819, 43839–43841, 44063, 44064, 44069–44076, 44257. DC–6B Serial Numbers 43257–43259, 43261–43276, 43291, 43292, 43298–43300, 43518–43537, 43539–43547, 43549–43555, 43557–43564, 43738–43746, 43748–43750, 43820–43822, 43824–43826, 43828–43834, 43836, 43837, 43842, 43844–43847, 44056–44062, 44080–44083, 44087–44089, 44102–44113, 44165–44168 and 44251.

Compliance required as indicated.

Several instances of lower front spar cap cracks have been reported. The cracks involved are located at wing station 30 at the intersection of lower front spar cap aft tang and wing to fuselage attach angle. To date no cracks have been found in the lower center spar cap; however, due to the similarity of the structure, it is logical to assume that cracks can occur in this cap as well as in the lower front spar cap. To detect cracking of the lower front and center spar cap tangs at intersection with lower fuselage attach angle, the following must be accomplished on affected aircraft having in excess of 12,000 flying hours.

(a) Inspect lower front spar caps at nearest maintenance inspection period to 200-flight hours unless similar inspection has been conducted within last 1,250 flying hours.

(b) Inspect lower front and center spar caps at maintenance inspection period nearest to each succeeding 1,250 flying hours.

(1) At first 1,250–hour inspection period, holes in aft tang of front spar lower cap and fuselage attach angle should be enlarged and new attachments installed (KIT "A" of Douglas SB A–821 or equivalent).

(2) At next regularly scheduled overhaul period, holes located in forward tang of front spar lower cap should be enlarged and new attachments installed (KIT "A" of Douglas SB A–821 or equivalent).

(c) In event spar cap cracking is found at the 200–hour initial or 1,250–hour repetitive inspection periods, temporary rework per drawing No. 3645935 (KIT "B"), or equivalent, may be accomplished. With temporary rework installed, inspection must be repeated at the 1,250–hour intervals for a maximum of 3,200 flight-hours at which time permanent rework per drawing No. 5761922 (KIT "C"), or equivalent, must be accomplished.

(d) All aircraft not already reworked per (c) above must have permanent rework per drawing No. 5761922 (KIT "C"), or equivalent, accomplished within the next 6,400 flying hours.

(e) After installation of KIT "C", operators may revert to normal repetitive inspection periods not to exceed 3,200 flying hours.

(Douglas Service Bulletin DC–6 No. A–821 dated March 13, 1959, covers this same subject.)

59–13–7 MARVEL-SCHEBLER. Applies to all Marvel-Schebler MA4–5 and MA4–5AA Carburetors with Serial Numbers 3999574 and Under. These Carburetors Are Used With Various Continental, Franklin, and Lycoming Engine Models.

Compliance required by August 15, 1959, unless already accomplished.

Repetitive reports of retention failure of the float and lever assembly used with early type MA4–5 and MA4–5AA carburetors necessitate compliance with the following to correct this difficulty and maintain engine airworthiness:

(1) Remove float assembly P/N 30–629. (In this assembly the float is soldered to the lever for retention.)

(2) Install revised float assembly P/N A30–629 which has a rigid reinforcing brace added at the junction of the float and lever or the latest version of the float which is made of molded rubber. The reinforced float is incorporated in serial numbers 3999575 through 4012823 and the molded rubber float is incorporated in serial numbers 4012824 and up.

(Marvel-Schebler Products Division, Borg-Warner Corporation, Decatur, Illinois, Service Bulletins Nos. 5–57 and 4–59, Continental Service Bulletin 57–3, and Lycoming Service Bulletin No. 237 cover this same subject.)

This supersedes AD 58–15–2.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 8, 1959.

JAMES T. PYLE,
Acting Administrator.

JULY 8, 1959.

[F.R. Doc. 59–5768; Filed, July 13, 1959; 8:45 a.m.]

[Regulatory Docket No. 54; Amdt. 23]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C57, Aircraft Headsets and and Speakers; TSO–C58, Aircraft Microphones

Proposed §§ 514.56 and 514.57 establishing minimum performance standards for aircraft headsets and speakers and aircraft microphones to be used on civil aircraft of the United State engaged in air carrier operations were published in 24 F.R. 2751 and 2752.

After publication as a proposed rule, a discrepancy was noted requiring a minor change in subparagraph (2) of proposed § 514.56. In addition, RTCA Paper 100–54/DO–60, referenced in both proposed sections, has been amended necessitating a revision in format.

Interested persons have been afforded an opportunity to participate in the making of the rules, and due consideration has been given to all relevant matter presented. Since the above changes provide a relaxation in the proposed rules, republication for further comment is not necessary.

In consideration of the foregoing, Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows effective on the dates indicated:

1. Section 514.56 is added as follows:

§ 514.56 Aircraft headsets and speakers (for air carrier aircraft)—TSO–C57.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft headsets and speakers which are to be used on civil aircraft of the United States engaged in air carrier operations. New models of aircraft headsets and speakers manufactured for use on civil aircraft on or after August 14, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Aircraft Headsets and Speakers" (Paper 257–58/DO–90 dated November 18, 1958),[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [1] which is incorporated by reference in and thus is a part of Paper 257–58/DO–90 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. Exceptions to these standards are covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only aircraft headsets and speakers which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, are eligible under this section.

(ii) Radio Technical Commission for Aeronautics' Paper 257–58/DO–90 dated November 18, 1958, paragraph 2.3, Pilot Operated Gain Control. The provisions of this paragraph are applicable only to attenuators which are a part of the headset assembly.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 257–58/DO–90, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions as outlined in Procedure B of this same paper, as amended, shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Aircraft headsets and speakers approved by the Administrator prior to August 14, 1959, may continue to be manufactured under the provisions of their original approval.

Effective date. August 14, 1959.

2. Section 514.57 is added as follows:

§ 514.57 Aircraft microphones (for air carrier aircraft)—TSO–C58.

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for aircraft microphones which are to be used on civil aircraft of the United States engaged in air carrier operations. New models of aircraft microphones manufactured for use on civil aircraft on or after August 14, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Aircraft Microphones" (Paper 258–58/DO–91 dated November 18, 1958).[2] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 which is incorporated by reference in and thus is a part of Paper 258–58/DO–91 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedure A, B, and C. Only aircraft microphones which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, are eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions as outlined in Procedure B of this same paper, as amended, shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Aircraft microphones approved by the Administrator prior to August 14, 1959, may continue to be manufactured under the provisions of their original approval.

Effective date. August 14, 1959.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 601, 72 Stat. 775; 49 U.S.C. 1421)

Issued in Washington, D.C., on July 8, 1959.

JAMES T. PYLE,
Acting Administrator.

JULY 8, 1959.

[F.R. Doc. 59–5769; Filed, July 13, 1959; 8:45 a.m.]

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 258–58/DO–91, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Eligibility of Miscellaneous Type Mortgages

In § 221.42, paragraph (j) is amended to read as follows:

§ 221.42 Eligibility of miscellaneous type mortgages.

* * * * *

(j) Notwithstanding the provisions of § 221.11(a), in connection with mortgages on properties located within the Boulder City municipal area as provided in subparagraph (3) and mortgages of the character described in subparagraph (4) of paragraph (b), applications for commitments shall be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee will be returned to the applicant.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., July 8, 1959.

[SEAL] JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59–5790; Filed, July 13, 1959; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6396]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 253—REMOVAL OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS AND OTHER DOMESTIC ARTICLES TO FOREIGN-TRADE ZONES

On May 14, 1959, a notice of proposed rule making with respect to the amendments of 26 CFR Part 253 was published in the FEDERAL REGISTER (24 F.R. 3881). No objection to the proposed amendments having been received during the 30-day period prescribed in the notice, the regulations as so published are hereby adopted.

The purposes of this Treasury decision are to implement the provisions of section 201 of the Excise Tax Technical Changes Act of 1958, 72 Stat. 1313, with respect to distilled spirits and wines deposited in a foreign-trade zone with benefit of drawback and to eliminate provisions with respect to stills, worms, and condensers.

§ 253.20 [Amendment]

PARAGRAPH 1. Section 253.20 is amended as follows:

(A) By deleting the definition of "alcohol", and

(B) By amending the definition of "articles" to read as follows:

Articles. "Articles" shall include liquors as defined in this subpart and tobacco products and cigarette papers and tubes.

PAR. 2. Section 253.202 is amended to read as follows:

§ 253.202 General.

Distilled spirits bottled or packaged after the tax is paid or determined, and wine and bottled-in-bond spirits on which the tax has been paid or determined, which may be exported with benefit of drawback under Part 252 of this chapter, may be deposited, with benefit of drawback of the internal revenue tax paid or determined thereon, in foreign-trade zones for exportation or storage therein pending exportation. Except as otherwise provided in this subpart the provisions of Part 252 of this chapter, relating to the drawback on such distilled spirits and wines shall apply, to the extent applicable, to the rectification (if any), bottling and packaging, casing of bottles, marking of cases and packages, the transfer and storage pending transfer of such liquors to a zone, the filing of Form 1582 (as to distilled spirits) or Form 1582–A (as to wines), the inspection and removal from export storage, and the transfer to a zone: *Provided*, That no bond will be required respecting such removals.

(46 Stat. 690, as amended, 48 Stat. 999, 72 Stat. 1336; 19 U.S.C. 81c, 1309, 26 U.S.C. 5062)

PAR. 3. The undesignated center headnote immediately preceding § 253.206 is amended to read "Packages Filled in Internal Revenue Bond."

PAR. 4. Section 253.206 is amended to read as follows:

§ 253.206 General.

Packages of distilled spirits filled in internal revenue bond on which the tax has been paid or determined and to which prescribed stamps are affixed, containing not less than 20 wine gallons each, may be deposited, with the privilege of drawback of the internal revenue tax, in a foreign-trade zone for exportation or storage therein pending exportation. Except as otherwise provided in this subpart, the provisions of Part 252 of this chapter relating to the exportation of distilled spirits in packages filled in internal revenue bond with benefit of drawback are hereby made applicable to the deposit of spirits in foreign-trade zones with respect to the filing of applications, entries, and claims on Form 1629, the filing of evidence as to ownership of the spirits, and the inspection and gauge of the spirits including the reporting of such gauge by customs officers.

(48 Stat. 999, 72 Stat. 1327; 19 U.S.C. 81c, 26 U.S.C. 5009)

§ 253.207 [Amendment]

PAR. 5. Section 253.207 is amended as follows:

(A) By deleting the words "distillers' original packages" immediately following the phrase "to deposit distilled spirits in", and by inserting in lieu thereof the words "packages filled in internal revenue bond".

(B) By amending the citation at the end thereof to read "(72 Stat. 1327; 26 U.S.C. 5009)".

§§ 253.250–253.253 [Revocation]

PAR. 6. All of Subpart I, entitled "Removal of Stills or Distilling Apparatus for Deposit in a Foreign-Trade Zone for Exportation, Destruction, or Storage Pending Exportation", and embracing §§ 253.250 to 253.253, inclusive, is hereby revoked.

Because this Treasury decision implements changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275) which are effective July 1, 1959, and in order that these regulations may become effective on the same date as the changes in law, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly this Treasury decision shall be effective July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.
RALPH KELLY,
Commissioner of Customs.

Approved: July 8, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 59–5792; Filed, July 13, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59–690]

PART 11—INDUSTRIAL RADIO SERVICES

Station Limitations

1. The Commission has before it for consideration a Petition for Rule Amendments, filed on April 27, 1959, by the National Association of Manufacturers Committee on Manufacturers Radio Use. In the petition, it is requested (1) that the Commission eliminate so much of § 11.729(b) of the Rules Governing the Manufacturers Radio Service as restricts the location of Base Stations to "within the boundaries of a plant, factory, shipyard, mill or other manufacturing area occupied and controlled by the applicant * * * (or, upon a showing of impracticability with respect to such location, to) * * * a location immediately adjacent thereto"; and (2) that there be deleted § 11.729(d) of the above rules, which presently restricts licensees in the service to a maximum plate power input to the final radio frequency stage of 60 watts.

2. In support of the requested amendments, petitioner contends that many manufacturers are being unduly hampered by the above restrictions, particularly, in their materials-handling and plant-security functions. In this connection it is demonstrated that, in some cases, a radio system is required for the dispatch and control of vehicles used to pick up component materials from other manufacturing sources located outside its immediate plant areas and scattered throughout a large metropolitan area, adequate coverage of which cannot be effected by a base station located as presently required by the Rules. It is further shown that other manufacturers are similarly handicapped by virtue of their having separate manufacturing plants at a number of locations within a particular city.

3. Although its action can be said to be somewhat in departure from the original concept of the Manufacturers Radio Service (see paragraphs 32 through 39 of the Commission's First Report and Order in Docket No. 11991, FCC 58–602), the Commission is disposed to extend a measure of relief on the basis of the showings set forth in the petition. It will be recalled, however, that, although the service's frequency allocation is exclusive insofar as its frequencies above 450 Mc are concerned, its 152–162 Mc frequencies are presently shared with the heavily-used Petroleum and Forest Products Radio Services. With respect to these latter frequencies, the Commission believes that additional study must be given to all possible effects of dropping the restrictions before the matter can be considered further. In this connection, one of the bases for the sharing arrangement was the consideration that the greatest manufacturers' use of these frequencies would be at relatively-low power, and in metropolitan areas not normally the site of petroleum or forestry operations.

4. Because (as above stated) the service's frequency allocation above 450 Mc is exclusive, relief with respect to these frequencies can be extended with no harmful consequence to licensees in other services. Additionally, because of the relatively-light loading in the Manufacturers Radio Service and the lesser coverage of 450 Mc operations, the Commission is persuaded that there would be no significant adverse effect upon licensees in the same service. It appears, therefore, that amendments eliminating the restrictions with respect to this band can be effected without the necessity of the notice and public procedures contemplated by section 4 of the Administrative Procedure Act. In this connection the Commission has not overlooked the fact that the amendment herein ordered with respect to § 11.729(b) also applies to the 27 Mc frequencies presently shared with a number of other services. Because of this high degree of sharing, and because all operations on these frequencies are limited to 30 watts input, no significant adverse effect is foreseen.

5. Authority for the amendments ordered herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Because they relieve restrictions, the effective date of the amendments need not be delayed for the 30-day period specified in section 4(c) of the Administrative Procedure Act.

6. In view of the foregoing, *it is ordered*, this 8th day of July 1959, (a) That the Petition for Rule Amendments, filed on April 27, 1959, by the National Association of Manufacturers Committee on Manufacturers Radio Use, is granted in part; and (b) that effective July 17, 1959, Part 11 of the Commission's rules is amended in the manner set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 11.729 (b) and (d) is amended to read as follows:

§ 11.729 Station limitations.

* * * * *

(b) No Base Station will be authorized in this service for operation at unspeci-

fied or temporary locations, and no Base Station proposed to be operated on frequencies in the 152–162 Mc band will be authorized for operation at a location other than one within the boundaries of a plant, factory, shipyard, mill or other manufacturing area occupied and controlled by the applicant: *Provided, however,* That when it is shown that location within the boundaries of such manufacturing area is impracticable, the Commission may authorize a location immediately adjacent thereto.

* * * * *

(d) No station in this service proposed to be operated on frequencies in the 152–162 Mc band will be authorized to operate with a plate power input to the final radio frequency stage in excess of 60 watts.

[F.R. Doc. 59–5800; Filed, July 13, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1895]

[Fairbanks 019382]

ALASKA

Withdrawing Lands for Use of Bureau of Public Roads as Administrative Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Bureau of Public Roads, Department of Commerce, as an administrative site:

DENALI HIGHWAY—MACLAREN RIVER AREA

Beginning at a point on the center line of the Denali Highway, which point is ten feet northeast of the northeast end of the MacLaren River Bridge; thence

N. 79°36′ E., 400 feet along the centerline of the Denali Highway;
N. 10°24′ W., 700 feet;
S. 79°36′ W., 290 feet to a point on the left bank of the MacLaren River;
Southerly, 540 feet following the meanders of the left bank of the MacLaren River;
S. 39°20′ E., 170 feet;
S. 10°24′ E., 100 feet to the point of beginning.

The tract described contains 6.72 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 8, 1959.

[F.R. Doc. 59–5773; Filed, July 13, 1959; 8:45 a.m.]

[Public Land Order 1896]

[Sacramento 055692]

CALIFORNIA

Order Opening Lands to Location, Entry and Patent Under General Mining Laws

By virtue of the authority vested in the Secretary of the Interior by the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described national forest lands in the Shasta Trinity National Forest shall, commencing at 10:00 a.m. on August 13, 1959, be open to location, entry and patenting under the United States mining laws, subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Lands Office at Sacramento, California, before any rights attach by virtue of this order:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 4 W.,
Sec. 3, lots 1 and 2, SE¼NW¼, and S½ NE¼ (excluding Mineral Survey No. 4269).

The areas described contain approximately 199 acres.

The following stipulations are made a part of this order:

1. No pollution of any kind shall be allowed to enter Shasta Reservoir or any stream flowing into Shasta Reservoir.

2. Crusher plant dust and kiln fumes shall be controlled so as not to cause harm to vegetation or air pollution problems on United States owned lands.

3. There is reserved to the United States the right to construct and maintain telephone, telegraph, power transmission lines and roadways.

4. There is reserved to the United States a strip of land of varying widths across Sections 2 and 3, T. 33 N., R. 4 W., M.D.M., upon which is located the Stillwater to Bully Hill 60 kv P.G. & E. Transmission Line. This line is a part of the various utility company relocations in the Shasta Reservoir area. The deed covering this relocation has not yet been executed.

5. The permittee shall fully and currently repair all damage, other than ordinary wear and tear to national forest roads.

6. The Forest Service and its permittees and assigns shall have the right to use any road constructed by the permittee for any and all purposes in connection with the protection and administration of the National Forest or other lands under its jurisdiction.

7. All provisions of the Act of July 23, 1955 (P.L. 167) shall be adhered to.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 8, 1959.

[F.R. Doc. 59–5774; Filed, July 13, 1959; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order 39]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 29th day of June 1959.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 39, dated May 12, 1959, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on May 27, 1959 (24 F.R. 4265), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 39 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 39, dated May 12, 1959, as revised by the specific deletions and modifications set forth as follows:

1. Delete the entire proposed amendment to § 73.150 which is paragraph (a).

2. Delete the entire proposed amendment to § 73.240 which is paragraph (a).

3. Revise the amendatory text to § 77.823 and delete the proposed addition of paragraph (h).

4. In § 78.209–8(a)(2) change the 14th word in the 6th line to read, "out" instead of "cut."

5. In § 78.330–9 amend paragraph (a).

It is further ordered, That this order shall become effective September 26, 1959 and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

AUTHORITY: 62 Stat. 738, 18 U.S.C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (18 F.R. 3133, June 2, 1953) (15 F.R. 8263, 8265, 8266, 8268, 8271, 8272, 8273, Dec. 2, 1950) (22 F.R. 11030, Dec. 31, 1957) (22 F.R. 7835, Oct. 3, 1957) as follows:

§ 72.5 **List of explosives and other dangerous articles.**

(a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
*Alcohol, n.o.s.	F.L.	73.118, 73.125	Red	10 gallons.
*Butyl alcohol. *See* Alcohol, n.o.s.				
Ethyl alcohol. *See* Alcohol, n.o.s.				
Methanol (methyl alcohol). *See* Wood alcohol.				
Methyl alcohol (methanol). *See* Wood alcohol.				
Vinyl chloride	F.G.	73.302, 73.308, 73.314, 73.315.	Red Gas	300 pounds.
(Add)				
Denatured alcohol. *See* Alcohol, n.o.s.				
Igniter fuse-metal clad	Expl. C.	No exemption, 73.106		150 pounds.
*Propyl alcohol. *See* Alcohol, n.o.s.				
*Tertiary alcohol. *See* Alcohol, n.o.s.				
Wood alcohol (methanol, methyl alcohol)	F.L.	73.118, 73.125	Red	10 gallons.
(Cancel)				
*Alcohol, butyl. *See* Alcohol, n.o.s.				
Alcohol, denatured. *See* Alcohol, n.o.s.				
Alcohol, ethyl. *See* Alcohol, n.o.s.				
*Alcohol, propyl. *See* Alcohol, n.o.s.				
*Alcohol, tertiary. *See* Alcohol, n.o.s.				
Alcohol, wood (methanol, methyl alcohol)	F.L.	73.118, 73.125	Red	10 gallons.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

1. In § 73.31 amend footnote * to table 1 in paragraph (g)(9) (22 F.R. 4789, July 9, 1957) to read as follows:

§ 73.31 **Qualification, maintenance, and use of tank cars.**

* * * * *

(g) * * *

(9) * * *

* Tanks and safety valves in chlorine service must be retested every two years at any time during the calendar month the retest falls due. See § 73.314(a) Note 18.

* * * * *

2. In § 73.32 amend paragraph (e)(2) (24 F.R. 903, Feb. 6, 1959) to read as follows:

§ 73.32 **Qualification, maintenance, and use of portable tanks.**

* * * * *

(e) * * *

(2) Every portable tank container which is constructed in accordance with ICC Specification 51 (§ 78.245 of this chapter), or qualified for transporting compressed gases as prescribed in these regulations shall be tested at least once in every five years in accordance with paragraph (e)(3), (4), and (5) of this section. A written record indicating the dates and results of all required pressure tests shall be retained.

Subpart B—Explosives; Definitions and Preparation

1. In § 73.53 amend paragraphs (h)(1) and (n) (15 F.R. 8285, 8286, Dec. 2, 1950) to read as follows:

§ 73.53 **Definition of class A explosives.**

* * * * *

(h) * * *

(1) A shaped charge, commercial, consists of a plastic, paper, or other suitable container comprising a charge of not to exceed 8 ounces of a high explosive containing no liquid explosive ingredient and with a hollowed-out portion (cavity) lined with a rigid material. Detonators or other initiating elements shall not be assembled in the device unless approved by the Bureau of Explosives.

(No change in Notes 1 through 5.)

(n) *Explosive mines.* Explosive mines are metal or composition containers filled with a high explosive.

2. In § 73.60 amend paragraph (a)(6) (20 F.R. 8099, Oct. 28, 1955) to read as follows:

§ 73.60 **Black powder and low explosives.**

(a) * * *

(6) Spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter). Fiberboard boxes with inside cylindrical fiber cartridges not over 5 inches diameter nor over 18 inches long with fiber at least 0.05 inch thick paraffined on outer surface, with joints securely glued or cemented, or strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) ⅞ inch or more in diameter. Authorized gross weight not to exceed 65 pounds.

3. In § 73.100 add paragraph (dd) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.100 **Definition of class C explosives.**

* * * * *

(dd) Igniter fuse-metal clad consists of a base lead tube with a core of high explosive composition in quantity not exceeding 20 grains per foot.

4. In § 73.106 amend the heading and paragraph (a) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.106 **Cartridge bags, empty, with black powder igniters, igniters, safety squibs, electric squibs, delay electric igniters, igniter fuse-metal clad, and fuse lighters or fuse igniters.**

(a) Cartridge bags, empty, with black powder igniters, igniters, safety squibs, electric squibs, delay electric igniters, igniter fuse-metal clad, and fuse lighters or fuse igniters must be packed in strong fiberboard or wooden boxes or wooden or metal barrels or drums properly described and properly marked with the name of the article packed therein.

Subpart C—Flammable Liquids; Definition and Preparation

1. In § 73.127 amend the heading (23 F.R. 4028, June 10, 1958) to read as follows:

§ 73.127 **Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet, nitrocellulose flakes, colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.**

2. In § 73.136 add paragraph (a)(8) (15 F.R. 8302, Dec. 2, 1950) to read as follows:

§ 73.136 **Methyl dichlorosilane and trichlorosilane.**

(a) * * *

(8) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicle.

3. In § 73.145 add paragraph (a)(7) (20 F.R. 8101, Oct. 28, 1955) to read as follows:

§ 73.145 **Dimethylhydrazine, unsymmetrical, and methylhydrazine.**

(a) * * *

(7) Spec. MC 300, MC 301, MC 302, MC 303, MC 310, or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.330, or 78.331 of this chapter). Tank motor vehicles equipped with steel safety valves of approved design. Spec. MC 300, MC 301, MC 302, and MC 303 (§§ 78.321, 78.322, 78.323, 78.324 of this chapter) cargo tanks must not be equipped with bottom outlets. Authorized only for dimethylhydrazine, unsymmetrical.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

1. In § 73.190 amend paragraph (b) (4) (21 F.R. 3010, May 5, 1956) to read as follows:

§ 73.190 Phosphorus, white or yellow.

* * * * * * *

(b) * * *

(4) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter), tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity with water having a temperature not exceeding 140° F.

2. In § 73.219 cancel paragraph (a) (2) (15 F.R. 8311, Dec. 2, 1950) as follows:

§ 73.219 Potassium perchlorate.

(a) * * *

(2) Canceled.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

1. In § 73.249 add paragraph (a) (11); amend the introductory text of paragraph (b) and amend paragraph (b) (1) (15 F.R. 8314, Dec. 2, 1950) (21 F.R. 3011, May 5, 1956) (21 F.R. 7601, Oct. 4, 1956) to read as follows:

§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline battery fluids, and sodium aluminate, liquid.

(a) * * *

(11) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with not more than one inside polyethylene bottle not over 1-quart capacity each.

(b) Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by rail express, must be packed in specification containers as follows (also authorized for transportation by carriers by rail freight, highway, or water):

(1) In containers as prescribed in paragraphs (a) (8), (9), (10), and (11) of this section.

2. In § 73.260 amend paragraph (a) (2) (15 F.R. 8315, Dec. 2, 1950) to read as follows:

§ 73.260 Electric storage batteries, wet.

(a) * * *

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard box as authorized by §§ 78.205–25(a), 78.205–28(a), and 78.205–35(a) of this chapter.

3. In § 73.266 add paragraph (f) (2); cancel paragraph (g) (15 F.R. 8319, Dec. 2, 1950) (16 F.R. 5325, June 6, 1951) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

* * * * * * *

(f) * * *

(2) Spec. MC 310–H_2O_2 (§ 78.330 of this chapter). Tank motor vehicles. Tanks shall be welded construction of aluminum meeting the requirements of § 78.330–9(a) of this chapter having a minimum wall thickness of one-half inch, and must be built to a design working pressure of not less than 40 psig. and shall be designed so that internal surfaces may be effectively cleaned and passivated; all openings to be located on top of tank; all valves and safety devices shall be provided with overturn protection and dust covers; metal identification plate required by § 78.330–5(a) of this chapter shall be marked "ICC MC 310–H_2O_2" and in addition the vehicle shall be clearly marked in letters not less than one inch high "FOR HYDROGEN PEROXIDE ONLY"; designs for venting and pressure relief devices must be approved by the Bureau of Explosives.

(g) Canceled.

4. In § 73.271 add paragraphs (a) (12), (13), and (14); cancel paragraphs (b), (c), and (d) (15 F.R. 8321, Dec. 2, 1950) (22 F.R. 2226, Apr. 4, 1957) (21 F.R. 3011, May 5, 1956) (21 F.R. 9357, Nov. 30, 1956) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(12) Spec. 5A or 5C (§§ 78.81 or 78.83 of this chapter). Metal barrels or drums. Authorized for phosphorus trichloride and thiophosphoryl chloride.

(13) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles when tanks are clad with 20 percent Type 316 stainless steel. Authorized for phosphorus oxychloride only.

(14) Spec. MC 310 or MC 311 (§§ 78.330 or 78.331 of this chapter). Tank motor vehicles made from Type 316 stainless steel. Authorized for phosphorus trichloride only.

(b) Canceled.

(c) Canceled.

(d) Canceled.

Subpart F—Compressed Gases; Definition and Preparation

1. In § 73.308 paragraph (a) table, amend the entry "Vinyl chloride, inhibited" (20 F.R. 8103, Oct. 28, 1955) to read as follows:

§ 73.308 Compressed gases in cylinders.

(a) * * *

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(Change)	*Percent*	
Vinyl chloride... (See Note 7).	84	ICC–4B150, without brazed seams; ICC–4BA225, without brazed seams; ICC–3A150; ICC–3AA150; ICC–25.

* * * * * * *

2. In § 73.314 paragraph (a) table, amend the entry "Vinyl chloride, inhibited" (22 F.R. 4791, July 9, 1957) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)	*Percent*	
Vinyl chloride. (See Note 14.)	84	ICC–106A500, 106A500X, Note 12.
	87	ICC–105A200–W, Note 9.

3. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (24 F.R. 906, Feb. 6, 1959) (22 F.R. 7838, Oct. 3, 1957 to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable containers.

(a) * * *

Kind of gas	Maximum permitted filling density: Percent by weight (see Note 1)	Maximum permitted filling density: Percent by volume (see par. (f) of this section)	Specification container required: Type (see Note 2)	Specification container required: Minimum design pressure (psig)
(Change)				
Vinyl chloride	84	See Note 7	MC–330	150

* * * * * * *

(h) * * *

Kind of gas	Permitted gauging device
(Change)	
Vinyl chloride	None.

* * * * * * *

(i) * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (psig)
(Change)	
Vinyl chloride	150

Subpart G—Poisonous Articles; Definition and Preparation

1. In § 73.332 add paragraph (d) (15 F.R. 8333, Dec. 2, 1950) to read as follows:

§ 73.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied

* * * * * * *

(d) Spec. 105A500–W (§ 78.288 of this chapter). Tank cars. Tank cars having tanks which must be equipped with approved dome fittings and safety devices, and with cork insulation at least 4 inches in thickness. Tanks must be stenciled on both sides in letters not less than 2 inches high, "HYDROCYANIC ACID ONLY". Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of hydrocyanic acid.

2. In § 73.345 amend paragraph (a) (1) (15 F.R. 8334, Dec. 2, 1950) to read as follows:

§ 73.345 Exemptions for poisonous liquids, class B.

(a) * * *.

(1) In glass or earthenware containers not over 1 quart capacity each, or in metal containers or polyethylene bottles not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

* * * * * * *

3. In § 73.373 add paragraph (a) (4) (15 F.R. 8338, Dec. 2, 1950) to read as follows:

§ 73.373 Paranitraniline.

(a) * * *.

(4) In addition to specification containers prescribed in this section, paranitraniline may be shipped in bulk in strong, water-tight, metal-bodied covered hopper motor vehicles.

Subpart I—Shipping Instructions

In § 73.432 amend paragraph (a) (19 F.R. 8529, Dec. 14, 1954) to read as follows:

§ 73.432 Tank car shipments.

(a) Tank cars containing flammable liquids or flammable poison gas having a flash point of 80° F. or below, except liquid road asphalt or tar, must not be offered for shipment unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad-siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

PART 74—CARRIERS BY RAIL FREIGHT

In § 74.532 amend paragraphs (k) and (l) (5) (23 F.R. 2329, Apr. 10, 1958) (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

* * * * * * *

(k) Nitrates, except ammonium nitrate having organic coating, listed in § 73.182(b) of this chapter must be loaded in clean closed cars, which shall be free of loose boards, cracks, holes, or exposed decayed spots. Interior of cars must be swept clean and be free of any projections capable of injuring bags when so packaged. Doors of cars must have tight closures. Ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, ammonium nitrate mixed fertilizer, or ammonium nitrate-phosphate, in bulk may be loaded in clean covered hopper cars. Ammonium nitrate having organic coating must be loaded in all-wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors and must not be loaded in all-metal cars. Journals and boxes must be in good condition. (See § 74.541(a) (1).)

(l) * * *

(5) Gas handlers. Each shipment of one or more carloads, as described in subparagraphs (1), (2), (3), and (4) of this paragraph, shall be accompanied by a crew of qualified gas handlers, supplied with equipment to handle leaks or other container failure, which will permit the escape of gas. Gas handlers will remain with the shipment during the entire time that it is in the custody of the carrier. Gas handlers will, in the event of leakage or escape of gas, make repairs and perform decontamination, if necessary. If they need assistance they will advise the carrier's representative as to the nearest Chemical Warfare Service Depot and aid required.

Subpart C—Placards on Cars

1. In § 74.542 add paragraph (b) (15 F.R. 8350, Dec. 2, 1950) to read as follows:

§ 74.542 "Poison gas" placards.

* * * * * * *

(b) *"Flammable poison gas" placards.* "Flammable poison gas" placards as prescribed in § 74.556 must be applied to Class 105 tank cars containing hydrocyanic acid.

2. Add § 74.556 (15 F.R. 8352, Dec. 2, 1950) to read as follows:

§ 74.556 Flammable poison gas placard.

(a) The "Flammable poison gas" placard must be of rectangular shape, measuring 13 by 17 inches, and must bear the wording as shown in the following cut; the printing must be in red with the exception of name of contents which must be in black, as follows:

FLAMMABLE POISON GAS PLACARD

(Reduced Size)

17 inches

13 inches

DO NOT REMAIN ON OR NEAR THIS CAR UNNECESSARILY

Notify shipper and Bureau of Explosives if necessary to transfer lading en route

FLAMMABLE POISON GAS

NAME OF CONTENTS

This car must not be next to a car placarded "Explosives".

Beware of liquid and of gas leaking from tank or fittings.

WHEN LADING IS REMOVED THIS PLACARD MUST BE REVERSED.

(b) The reverse side of such placards may bear the wording as prescribed for the "Flammable Poison Gas—Empty" placard. (See § 74.563).

Subpart D—Unloading From Cars

1. In § 74.560 amend paragraph (a) (19 F.R. 8529, Dec. 14, 1954) to read as follows:

§ 74.560 Tank car delivery.

(a) Tank cars containing flammable liquids or flammable poison gas having a flash point of 80° F. or below, except liquid road asphalt or tar, must not be delivered unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad-siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

2. In § 74.562 add paragraph (d) (15 F.R. 8353, Dec. 2, 1950) to read as follows:

§ 74.562 Removal of placards and car certificate after unloading.

* * * * * * *

(d) After flammable poison gas is unloaded from tank car, the party unloading the car must remove all shipping cards and "Flammable Poison Gas" placards from car. "Dangerous—Empty Flammable Poison Gas" placards detailed in § 74.563 must be applied to empty tank car.

3. In § 74.563 amend the heading and paragraph (a); add paragraphs (d) and (e) (23 F.R. 2329, Apr. 10, 1958) (15 F.R. 8353, Dec. 2, 1950) to read as follows:

§ 74.563 "Dangerous—Empty" placards.

(a) "Dangerous—Empty" placards must measure 10¾ inches on each side

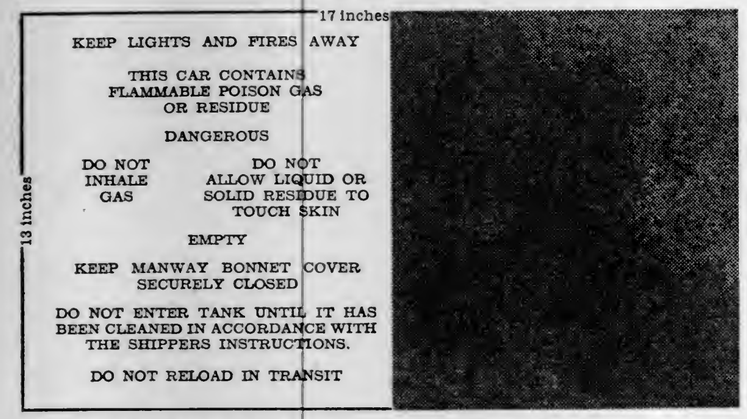
(see paragraph (d) of this section for "Flammable Poison Gas—Empty" placard). The printing must be as shown in the cuts in this section, in black on strong white paper, or on tag board designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 inches by 36 inches, and having a resistance of not less than 60 pounds per square inch, Mullen test.

* * * * *

(d) "Flammable Poison Gas—Empty" placard must be of rectangular shape, measuring 13 inches by 17 inches and must bear the wording as shown in the following cut:

"FLAMMABLE POISON GAS—EMPTY" PLACARD

(Reduced Size)



(e) The reverse side of such placards may bear the wording as prescribed for the "Flammable Poison Gas" placard. (See § 74.556.)

Subpart E—Handling by Carriers by Rail Freight

1. In § 74.582 amend paragraph (b) (15 F.R. 8354, Dec. 2, 1950) to read as follows:

§ 74.582 Movement to be expedited.

* * * * *

(b) No tank car loaded with flammable liquid, flammable poison gas or compressed flammable gas shall be received and held at any point, subject to forwarding orders, so as to defeat the purpose of this section or of § 74.560.

2. In § 74.584 amend entire table in paragraph (a); amend paragraph (f) (21 F.R. 4433, June 23, 1956) (17 F.R. 4296, May 10, 1952) (22 F.R. 3926, June 5, 1957) (24 F.R. 907, Feb. 6, 1959) (21 F.R. 3013, May 5, 1956) to read as follows:

§ 74.584 Waybills, switching orders, or other billing.

(a) * * *

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ¾" high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives, low explosives, and blasting caps or electric blasting caps more than 1,000 in quantity, class A.	None	"Explosives Placard"	"Explosives".
For explosive chemical ammunition containing class A poison gas.	Poison gas label	"Explosives and Poison Gas Placard".	"Explosives" and "Poison Gas".
For explosives, class B	None	"Dangerous Placard"	"Dangerous".
For explosives, class C	do	None	None.
For flammable liquids	Red label	"Dangerous Placard"	"Dangerous".
For flammable solids	Yellow label	do	Do.
For oxidizing materials	do	do	Do.
For corrosive liquids	White label	do	Do.
For compressed nonflammable gases in containers other than tank cars.	Green label	None	None.
For compressed nonflammable gases in tank cars.	None	"Dangerous Placard"	"Dangerous".
For compressed flammable gases	Red gas label	do	Do.
For poisonous gases or liquids, class A.	Poison gas label	"Poison Gas Placard"	"Poison Gas".
For flammable poisonous liquids, class A, in tank cars.	None	"Flammable Poison Gas Placard".	"Flammable Poison Gas".
For poisonous liquids or solids, class B.	Poison label	"Dangerous Placard"	"Dangerous".
For tear gases, class C	Tear gas label	None	None.
For radioactive materials, class D poison.	Radioactive material label.	"Dangerous Radioactive Material Placard".	"Dangerous Radioactive material".
For tank cars filled with water or inert gas and last containing phosphorus.	None	"Caution—this car contains residual phosphorus and must be kept filled with (water) or (inert gas)".	"Caution—Residual Phosphorus".

* * * * * * * *

(f) The car ticket, card waybill, running slip, envelope containing waybills, or any other billing for any loaded car which in this chapter should bear "Explosives", "Dangerous", "Dangerous—Radioactive material", "Poison Gas", or "Flammable Poison Gas" placards must have plainly stamped, or plainly written, on the face of such billing, near the car number, in letters not less than three-eighths of an inch high, the words "Explosives", "Dangerous", "Dangerous—Radioactive material", "Poison Gas", or "Flammable Poison Gas"; and for container cars must also show which of the containers loaded thereon contain dangerous articles.

* * * * * * *

3. In § 74.589 amend the introductory text of paragraph (b); amend the introductory text of paragraph (c); amend paragraph (h)(5); amend paragraph (j)(5); amend paragraph (k); amend paragraph (L); amend the introductory text of paragraph (m) and (m)(1) (22 F.R. 3927, June 5, 1957) (20 F.R. 953, Feb. 15, 1955) (15 F.R. 8356, Dec. 2, 1950) (21 F.R. 4433, June 23, 1956) to read as follows:

§ 74.589 Handling cars.

* * * * * * *

(b) *Placards on cars.* A car requiring car certificates and "Explosives", "Dangerous", "Dangerous—Radioactive material", "Poison Gas", "Flammable Poison Gas", or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required. Placards and car certificates lost in transit shall be replaced at next inspection point and those not required shall be removed.

* * * * * * *

(c) *Switching cars containing explosives, poison gas, or flammable poison gas or placarded trailers on flat cars.* A car placarded "Explosives", "Poison Gas", or "Flammable Poison Gas", or any flat cars carrying a placarded trailer shall not be cut off while in motion. No car moving under its own momentum shall be allowed to strike any car placarded "Explosives", "Poison Gas", or "Flammable Poison Gas", or any flat car carrying a placarded trailer nor shall any such car be coupled into with more force than is necessary to complete the coupling.

* * * * * * *

(h) * * *

(5) Any car placarded "Poison Gas" or "Flammable Poison Gas".

* * * * * * *

(j) * * *

(5) Any car placarded "Poison Gas" or "Flammable Poison Gas".

* * * * * * *

(k) *Position in freight train or mixed train of cars placarded "Poison Gas", "Flammable Poison Gas", or containing poison liquids, class A.* In a freight train or mixed train either standing or during transportation thereof, a car placarded "Poison Gas", "Flammable Poison Gas" or containing poison liquids, class A, shall not be next to other freight cars placarded "Explosives" or cars placarded "Dangerous".

(l) *Position in freight train or mixed train of cars placarded "Explosives" or "Poison Gas", or both, and cars placarded "Flammable Poison Gas" when accompanied by cars carrying guards or gas handling crews.* A car requiring "Explosives" or "Poison Gas" placards, or both, and a car requiring "Flammable Poison Gas" placards, shall be next to and ahead of the car occupied by the guards or gas handling crews accompanying such car; except that when the car occupied by guards or gas handling crews is equipped with a lighted heater or stove it shall be the fourth car behind a car or cars requiring "Explosives" placards.

(m) *Cars containing explosives, poison gas, or flammable poison gas and tank cars placarded "Dangerous" in passenger or mixed trains.* Cars containing explosives, class A, poison gases or liquids, class A, or flammable poison gas, and tank cars requiring "Dangerous" placards shall not be transported in a passenger train. Such cars may be transported in mixed trains but only at such times and between such points that freight train service is not in operation.

(1) Cars containing explosives, class A, poison gases or liquids, class A, or flammable poison gas, and tank cars placarded "Dangerous" shall not be transported next to occupied cabooses or cars carrying passengers in mixed trains, except as provided in paragraph (l) of this section.

4. In § 74.597 amend the introductory text of paragraph (e) (22 F.R. 3927, June 5, 1957) to read as follows:

§ 74.597 Leaking packages of acid or poisons.

* * * * * * *

(e) *Radioactive materials—Poison class D.* In event of breakage of container, wreck, fire, or unusual delay involving cars placarded "Dangerous—Radioactive material" as prescribed in § 74.541(b), the car and any loose radioactive material must be isolated as far as possible from danger of human contact and no persons must be allowed to remain close to the car or contents needlessly until qualified persons are available to supervise handling. The shipper and the Bureau of Explosives should be notified immediately. Details involving the handling of radioactive materials in the event of a wreck may be found in Bureau of Explosives' Pamphlet No. 22 covering "Recommended Practice for Handling Collisions and Derailments involving Explosives, Gasoline and Other Dangerous Articles."

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

In § 77.823 amend the introductory text of paragraph (b) and amend paragraph (b)(2); amend the introductory text of paragraph (d) (15 F.R. 8364, Dec. 2, 1950) (20 F.R. 8106, Oct. 28, 1955) to read as follows:

§ 77.823 Marking on motor vehicles and trailers.

* * * * * * *

(b) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any flammable liquid or flammable solid, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

* * * * * * *

(2) With the common name of the flammable liquid or flammable solid being transported.

* * * * * * *

(d) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any compressed gas, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof on a background of sharply contrasting color with a sign or lettering on the tank or motor vehicle with the words "COMPRESSED GAS," "FLAMMABLE COMPRESSED GAS," or "FLAMMABLE GAS," as appropriate in letters at least 6 inches high; and in letters at least 2 inches high with a commonly accepted name of the contents, such as "ANHYDROUS AMMONIA," "CARBON DIOXIDE," "CHLORINE," "NITROUS OXIDE," "SULFUR DIOXIDE," "LIQUEFIED PETROLEUM GAS," "PROPANE," or "BUTANE."

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

1. In § 78.205–25 amend paragraph (a); add § 78.205–35 (15 F.R. 8476, Dec. 2, 1950) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–25 Special box; authorized only for wet electric storage batteries of the glass cell type or synthetic resin (plastic) type.

(a) Must comply with this specification except as follows: Must be one-piece type of double wall corrugated fiberboard at least 275-pound test; must have linings to extend around four faces with joint in center of or at end of one face but at no time may joint of box and joint of liner coincide; lining to be of sufficient height to support vertical scorings of box; lining to be made of double wall corrugated board with minimum test of 275 pounds, top of battery or batteries to be protected by trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds; bottom of batteries to be protected by minimum of one excelsior pad or one double wall corrugated fiberboard pad; when one or more batteries are packed in same carton, batteries must be separated by a minimum of one thickness of double wall corrugated fiberboard having minimum test of 275 pounds; authorized gross weight 95 pounds.

§ 78.205–35 Special box; authorized only for aircraft type wet electric storage batteries.

(a) Box shall comply with this specification and shall be constructed of at least 275-pound test double-faced corrugated fiberboard. Inside corrugated fiberboard cushioning shall be provided as necessary to prevent short-circuits, breakage under normal conditions of transportation, and superimposed weights on links, covers, or other parts weaker than the battery case. Not more than one wet electric storage battery shall be packed in a box and gross weight shall not exceed 85 pounds.

2. In § 78.209–8 amend paragraphs (a) (2) and (3); in § 78.209–10 amend paragraph (a); in § 78.209–12 amend the introductory text of paragraph (b); in § 78.209–14 amend paragraph (a) (20 F.R. 8110, Oct. 28, 1955) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

§ 78.209–8 Type authorized.

(a) * * *

(2) Box to consist of full depth top and bottom sections completely telescoping. No inner lining tube required. Three variations are authorized: one with bottom slotted on ends and cover on sides; second, with both cover and bottom slotted on sides; and third, with sides and ends (both covers and bottom) not slotted, manufacturer's joint a side lap glued or stapled to end, closing flaps to form top and bottom of box with side closing flaps out and overlapping.

(No change in Note 1.)

(3) Box to consist of 1-piece or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209–11, except that lining tube is not required for boxes used for shipment of electric blasting caps packed in accordance with § 73.66(g)(1) of this chapter. Flaps must butt or have full overlap except that inner flaps may overlap ½ inch.

§ 78.209–10 Joints.

(a) Lapped 1½" and stitched at 2½" intervals and within 1" of each end of joint; except for full depth telescope style boxes, body joints must be double-stitched (two parallel rows of stitches).

* * * * * * *

§ 78.209–12 Closing for shipment.

* * * * * * *

(b) For full telescope and 1-piece or 3-piece type boxes as prescribed in § 78.209–8 (a)(2) and (a)(3) by coating with adhesive at least 50 percent of the entire contact surface of the closing flaps or by one of the following methods:

* * * * * * *

§ 78.209–14 Special tests.

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all

pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

3. In § 78.210–6 amend paragraph (a) (22 F.R. 7842, Oct. 3, 1957) (23 F.R. 7651, Oct. 3, 1958) to read as follows:

§ 78.210 Specification 12A; fiberboard boxes.

§ 78.210–6 Boxes authorized.

(a) Corrugated fiberboard boxes having gross weight not over 80 pounds of the following strengths are authorized:

Gross weight not over (pounds)	Corrugated fiberboard strength (Mullen or Cady test) minimum	
	Double-faced	Double-wall
20	200	200
50	275	200
80		275

* * * * *

4. In § 78.214–18 amend paragraph (a) (15 F.R. 8480, Dec. 2, 1950) to read as follows:

§ 78.214 Specification 23F; fiberboard boxes.

§ 78.214–18 Special tests.

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

5. In § 78.219–14 amend paragraph (a) (17 F.R. 1564, Feb. 20, 1952) to read as follows:

§ 78.219 Specification 23H; fiberboard boxes.

§ 78.219–14 Special tests.

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.330–3 amend paragraph (a); in § 78.330–5 paragraph (a) amend footnote 3; in § 78.330–8 amend paragraph (a); in § 78.330–9 amend paragraph (a); in § 78.330–11 amend paragraph (a); in § 78.330–14 amend paragraphs (a) and (c) (18 F.R. 6782, Oct. 27, 1953) (15 F.R. 8554, 8555, Dec. 2, 1950) (22 F.R. 11038, Dec. 31, 1957) (22 F.R. 7848, Oct 3, 1957) (21 F.R. 7611, Oct. 4, 1956) to read as follows:

§ 78.330 Specification MC 310; cargo tanks.

§ 78.330–3 New tank motor vehicles.

(a) Except as provided in § 78.330–4, every new tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any corrosive liquid shall comply with the requirements of specifications MC 310 or MC 311. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of either specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of either specification by his own test, he shall similarly retain the test data. Where such tanks are used for hydrogen peroxide in concentrations exceeding 52 percent by weight, such certificate or test data shall indicate that the tank complies with special provisions of this specification for that lading.

§ 78.330–5 Marking of cargo tanks.

(a) *Metal identification plate.* * * *

[3] Substitute "ICC SPEC–T–118", or "ICC 7.5–S–1", or "ICC MC 310–H_2O_2", or "NO SPECIFICATION", as appropriate.

§ 78.330–8 Must comply with A.S.M.E. Code.

(a) Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1949, 1950, 1952 or 1956 editions, which are hereafter referred to as "the Code".

* * * * *

§ 78.330–9 Material.

(a) As specified in paragraphs U–12, U–13, and U–20 of the A.S.M.E. Code for Unfired Pressure Vessels, 1949 Edition, no revisions. Tanks may be constructed of ferrous materials listed in Table U–2 including the stainless steels or of nickel or nickel alloys as listed in Table U–3 of the Code. Use of other materials listed in Table U–3 may be authorized by the Commission upon submission of satisfactory supporting data. Materials for tanks transporting hydrogen peroxide over 52 percent by weight, must comply with the 1956 edition of the Code, but shall be limited to Aluminum Association Nos. 1060, 1260, 5254 and 5652. Other aluminum alloys may be authorized by the Commission upon submission of satisfactory supporting data.

* * * * *

§ 78.330–11 Joints.

All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only, with subsequent heat treating or peening permissible.

§ 78.330–14 Tank outlets.

(a) *No bottom outlets.* Except as provided hereinafter, no cargo tanks, except those used for the shipments of sludge acid or alkaline corrosive liquids, and no tanks for the transportation of hydrogen peroxide in concentrations exceeding 52 percent by weight, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet provided such bottom outlets are equipped with an effective and reliable shut-off valve located inside the shell of the tank, tank compartment outlet, or sump if the sump is integral with the tank.

* * * * *

(c) *Bottom wash-out chambers.* Except as specified in paragraph (c) (1) of this section tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a liquid-tight closure at its lower end. If used for loading or unloading, they shall be equipped with a valve or plug at the upper end.

(1) Bottom washout chambers are not permitted on tanks used for the transportation of hydrogen peroxide of concentration exceeding 52 percent by weight.

[F.R. Doc. 59–5784; Filed, July 13, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time in Nushagak and Egegik Districts

Basis and purpose. The red salmon runs in the Nushagak District of Bristol Bay continue to be sufficiently strong so as to permit additional fishing time. Also, the red salmon runs in the Egegik District are now arriving in sufficient volume to warrant additional fishing time.

Therefore, § 104.9, as amended July 8, 1959, is further amended permitting fishing in the Nushagak District from 9 a.m. to 9 p.m. Friday, July 10, 1959, and in the Egegik District from 6 a.m. to 6 p.m. Saturday, July 11, 1959.

Since immediate action is necessary if the benefits of these relaxations are to be realized, notice and public procedure on this amendment is not in the public interest, and it shall become effective upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 10, 1959.

A. W. ANDERSON,
Acting Director
Bureau of Commercial Fisheries.

[F.R. Doc. 59–5832; Filed, July 10, 1959; 3:40 p.m.]

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Basis and purpose. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U.S.C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission. The whaling regulations, as last amended by the Commission in October 1957 were edited to conform in numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register and were published in their entirety as Part 351, Title 50, Code of Federal Regulations, without change in the substantive provisions (23 F.R. 3063, May 8, 1958).

On October 6, 1958, and January 29, 1959, amendments to the whaling regulations made by the Commission at its tenth meeting, at The Hague, 1958, became effective. Since these amendments effect only minor changes in the regulations as publlished on May 8, 1958, republication of the regulations in their entirely is not necessary. Therefore, publication is made at this time of the changes in the regulations accomplished by the Commission amendments which came into operation on October 6, 1958, and January 29, 1959.

The provisions of the whaling regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 23 F.R. 3063, May 8, 1958, are amended as set forth below.

Dated: July 7, 1959.

FRED A. SEATON,
Secretary of the Interior.

1. Paragraphs (a) and (b) of § 351.6 are amended to read as follows:

§ 351.6 Limitations on the taking of humpback whales.

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on November 8, 1964.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 60° West Longitude for a period ending on November 8, 1964.

2. The proviso to paragraph (a) of § 351.8 is amended to read as follows: "*Provided,* That in the season 1958–59, the number of baleen whales taken as aforesaid shall not exceed fourteen thousand five hundred blue whale units." [1]

3. The proviso to paragraph (c) of § 351.8 is amended to read as follows: "*Provided,* That when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 (but 13,000 in the season 1958–59) notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken." [2]

(Art. V, 62 Stat. 1718)

[F.R. Doc. 59–5783; Filed, July 13, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 960, 975]

[Docket Nos. AO–179–A17, AO–253–A4]

MILK IN CLEVELAND, OHIO, AND AKRON-STARK COUNTY, OHIO, MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, on February 24–28, 1959, pursuant to notices thereof issued on December 22, 1958 (23 F.R. 10373), and January 14, 1959 (24 F.R. 428).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 10, 1959 (24 F.R. 4842), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Merger of the orders into a single regulation;

2. Extension of the marketing area;

3. Provisions of the merged order with particular respect to

(a) Milk to be regulated and to be pooled;

(b) Classification and accounting provisions;

(c) Class prices;

(d) Location adjustments;

(e) The quota plan;

(f) Producer butterfat differential; and

(g) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Combination of orders.* Order No. 60 regulating the handling of milk in the Akron-Stark County, Ohio, marketing area and Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area should be merged into a single regulation. The marketing area of the consolidated regulation should be redesignated as the "Northeastern Ohio marketing area".

The very substantial competition in procurement and sales of milk between

[1] The proviso to paragraph (a) of § 351.8 reflects a restriction on the taking of blue whale units as amended by the International Whaling Commission at its Tenth Meeting, at The Hague, 1958, which came into operation on January 29, 1959. The amendment was objected to by Norway, the Netherlands, the United Kingdom, Japan, and the U.S.S.R. within the prescribed period, and the amendment, therefore, is not binding on those countries.

[2] The proviso to paragraph (c) of § 351.8 reflects a restriction on the taking of blue whale units as amended by the International Whaling Commission at its Tenth Meeting, at The Hague, 1958, which came into operation on January 29, 1959. The amendment was objected to by Norway, the Netherlands, the United Kingdom, Japan, and the U.S.S.R. within the prescribed period, and the amendment, therefore, is not binding on those countries.

dealers regulated under the Cleveland order and those regulated under the Akron-Stark County order has already been recognized by providing identical Class I prices under the two orders. These prices are adjusted for supply-sales relationships on the basis of the total producer receipts and Class I sales of the two markets. Class II and Class III prices are also identical. Identical provisions now apply also with respect to the shipments supply plants must make to achieve or retain pool status. Identical quota plans are incorporated in the orders as a method of distributing returns to producers. Many other order provisions are closely aligned.

This close alignment of prices and provisions is necessary because substantial volumes of milk priced under each order have been sold in the marketing area of the other order. It is presently estimated that 20 percent of all Class I milk sold in the Akron-Stark County area is distributed from plants under the Cleveland order. Prior to July 1957, a substantial volume of milk was sold in the Cleveland area by an Akron-Stark County handler. Since that date, this handler's sales in Cleveland have exceeded those in the Akron-Stark County area and as a consequence he now sells Cleveland milk in the Akron-Stark County area. Other Cleveland handlers have substantial sales in the Akron-Stark County area. One handler with multiple plants under the Cleveland order also has plants in Akron and Canton subject to the Akron-Stark County order.

The Akron-Stark County milk procurement area is wholly encompassed within that of the Cleveland market, and represents a substantial part of the area from which milk is delivered directly from producers' farms to plants bottling milk for the Cleveland market. Inspection requirements of the markets are substantially the same so that producers shift readily from one to the other. Plant inspections are accepted on a reciprocal basis without dual inspection.

Consolidation of the regulations will provide stability to producers by reflecting in one uniform price the fluid milk sales of all handlers rather than dividing them into two pools. There was no opposition expressed to the merger proposed by four of the larger cooperative associations representing producers under the two orders. It is concluded that a single regulation (an amended Order No. 75) should replace the separate orders. The combined marketing area may appropriately be designated the "Northeastern Ohio marketing area".

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in the administrative, marketing service, and producer-settlement funds under the Akron-Stark County order should be merged with assets in similar funds under the Cleveland order and any liabilities of such funds of the individual orders should be paid from the new funds so created. To distribute such funds under one order to producers and handlers under that order would unduly burden the producers and handlers now regulated by the other order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

2. *Marketing area.* Two townships in Medina County should be added to the marketing area. Proposals to add the area not now regulated in Lake and Ashtabula Counties, Tuscarawas County, one additional township in Medina County and nine townships in Wayne County should not be adopted on the basis of this record.

Of four proposals to merge the marketing area included in the notice of hearing, that to add those portions of Lake and Ashtabula Counties not now included in the marketing area brought forth the bulk of the testimony. The Cleveland marketing area presently includes three townships and the City of Painesville in Lake County and the City of Ashtabula in Ashtabula County. Five townships in Lake County and 28 in Ashtabula County would have been added (in whole or in part) by the proposals.

Cleveland handlers with plants in or near the presently regulated portions of these two counties assert that they have substantial sales in the unregulated portion of these counties and that their unregulated competitors have procurement advantages. The presently regulated handlers do have the predominance of Class I sales in Lake County and in the northern portion of Ashtabula County, exclusive of the City of Conneaut and its immediate vicinity. Only plants located in or in the vicinity of Conneaut are permitted to sell milk in that city. In the southern portion of Ashtabula County distribution by unregulated handlers predominates.

The record fails, however, to support the contention of procurement disadvantage to the regulated handlers. Proponents failed to show any specific paying prices that would substantiate the claimed lower costs to unregulated handlers selling in those portions of Lake and Ashtabula Counties not now in the Cleveland marketing area.

To extend the area as proposed would either price and pool a part of the Youngstown supply for which a cooperative association has negotiated class prices for a long period of years, or in the alternative would require dealers to stop deliveries to areas they have served for a number of years. In view of the lack of evidence of competitive disadvantage and certain positive testimony that some larger unregulated dealers selling in the area now enjoy no such advantage, it is concluded that the proposal should not be adopted on the basis of this record.

No evidence was offered in support of a proposal to include Tuscarawas County in the marketing area. This proposal is therefore denied.

Wadsworth and Sharon Townships in Medina County should be added to the marketing area. The City of Wadsworth, with a population of approximately 10,000 people, adjoins the present Akron-Stark County area and is wholly served by handlers presently regulated. Milk sales in Sharon Township are likewise wholly served by regulated dealers, and inclusion of Wadsworth Township would surround Sharon Township by regulated area. It is concluded that these two townships should be included in the marketing area.

The proposal to extend the area into nine townships in Wayne County and one additional township in Medina County would bring under regulation at least one additional handler whose area of distribution is not clearly defined on the record. The proponent handler operates a plant located in the area proposed, but it is regulated on the basis of sales in the present marketing area. This handler also has a larger volume of sales in Wadsworth than any other dealer. His proposal to include the remaining territory in which he sells should not be adopted at this time.

3. *Order provisions.* The majority of the provisions of a milk order apply to the individual operations of handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effects of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation. The close alignment of numerous order provisions between the Cleveland and Akron-Stark County orders has already been mentioned. Those provisions with respect to which there are substantial differences or for which changes were proposed in the hearing are discussed below:

(a) *Milk to be regulated and pooled.* As the result of a recent amendment to the Akron-Stark County order the conditions under which plants qualify their receipts for pooling are substantially the same under the two orders. The Cleveland order permits a handler operating two or more supply plants to operate such plants as a unit on the basis of aggregate receipts and shipments. Both orders exempt from pricing and pooling the receipts of distribution plants located outside the marketing area with daily average distribution of less than 300 points of Class I milk in the area. The Cleveland order does not regulate in any way the operations of a plant which distributes only cream in the marketing area. The Cleveland order, in addition, does not price nor pool the receipts of any distributing plant unless half or more of its receipts of approved milk are distributed on routes, but not necessarily in the marketing area. The handler operating such a plant is required to pay compensatory payments on his Class I sales in the area.

The aggregate performance provision for supply plants now in the Cleveland order should be included in the merged order to permit continuation of existing supply relationships. Likewise, the requirement that distributing plants have fluid distribution of half or more of their receipts is needed to distinguish those plants primarily engaged in fluid distribution from those which should be required to qualify for pool participation through the shipments required of supply plants.

It was proposed to extend regulation to plants which might confine their in-area distribution to cream or cottage cheese (a Class II product). Regulation should not be extended to those plants which distribute only Class II products or bulk cream. To price and pool the receipts of such plants might include in the marketwide pool a considerable volume of milk not qualified for distribution as fluid milk. Applicable location adjustment would in most cases equal or exceed the 30 cents per hundredweight by which the Class II price exceeds that of Class III milk.

The cooperative associations proposing the combined order also proposed that provision be made for pooling receipts of a supply plant operated by a cooperative association on the basis of overall performance of the association rather than shipments from the plant. Two of these associations jointly have recently acquired and are now operating three plants which have been regularly qualified as Cleveland supply plants for a number of years. It was proposed that a plant operated by a cooperative association be pooled if two-thirds of its member producers' milk had been delivered to the pool plants of other handlers during six of the seven preceding months.

It is claimed that the three plants are now operated as auxiliary supply and surplus disposal operations which supplement the principal function of the cooperative in supplying the needs of other handlers. Under the present shipping requirements of 30 percent or more of receipts during the months of August through January, the association has been unable to receive some production excess to the needs of bottling handlers.

Two of the plants (one equipped only for receiving milk) are relatively near the market within the area at which no location adjustments will apply in the combined order. The third is 225 miles from Cleveland. It appears that the principal function for which special consideration may be given is that incident to surplus disposal for bottling plants. Only plants relatively near the market can perform this function. It is concluded that cooperative plants whose receipts may be pooled without meeting stated shipping performance requirements should be limited to those within the zone for which no location adjustments are applicable. The association requirement in lieu of such shipments should be that during the preceding six-month period, two-thirds of the producer member milk of the association, exclusive of that delivered to other supply plants, have been received at pool bottling plants. Such requirements will limit the pooling privilege to those situations in which it appears that a cooperative plant can perform a service to the market that might be limited by shipping requirements. The extent to which pool bottling plants are receiving milk in bulk tanks from farms has reduced the demand for supply plant milk from the nearby plants, and has increased the need for readily available surplus outlets in this area.

It was suggested at the hearing that a "call" provision under which the market administrator might require shipments up to a specified percentage of receipts in periods of short supply might be included in the order to insure that any cooperative plants afforded pooling privileges supply the needs of the market to the fullest extent possible. The record is not clear, however, as to whether the proposed "call" provision would affect all supply plants or only the qualified cooperative plant, nor the mechanics by which the market administrator might determine the shipments to be required. Neither does the record provide a basis for integration of such requirements with specific minimum shipments through which any plant may now qualify. For these reasons a suitable "call" provision cannot be provided on the basis of this record.

The Akron-Stark County order provides for pooling milk of producers diverted to nonpool plants for the account of a handler or cooperative association in all months of the year, while the Cleveland order restricts this privilege to the months of April through July. By suspension action such diversion has also been permitted under the Cleveland order during January through March in each of the years 1958 and 1959. Weekly schedules of plant operations and distribution of sales throughout the week now make it desirable that diversion be permitted in all months of the year. Producers proposed that the period for which a single producer's milk might be diverted by a proprietary handler be limited to 15 days in each month but that there be no limit on the diversion by cooperatives. This proposal should not be adopted. While the record indicates the desirability of incorporating in the order some standard of association with the market that would determine the producers eligible to retain pool status on milk diverted to nonpool plants by either a cooperative association or a proprietary handler, it does not provide the detail necessary to determine the standard that would be appropriate. No pressing problems have so far arisen under the Akron-Stark County provisions or under the Cleveland order when the limitations were suspended. Should experience show the need to limit diversion to nonpool plants or to define the producers eligible for diversion the matter may be considered in a future hearing.

In view of diversions that now take place between plants regulated by the North Central Ohio and plants regulated by the Cleveland order, the order should exclude from the definition of producer those farmers who retain status as producers under another order when their milk is diverted to a pool plant.

(b) *Classification and accounting.* With the exception of eggnog the products classified as Class I are essentially the same in the present orders. There are, however, differences in transfer, allocation and accounting provisions which affect the volume of producer milk paid for in each class. Changes in classification and accounting provisions were proposed that are not included in either order.

Eggnog is essentially the same as ice cream mix, a Class III product, and should be classified in the same class. Health ordinances do not require eggnog to be made from Grade A milk.

Fluid milk products disposed of in bulk to commercial food processing establishments for use in food products prepared for general distribution, rather than consumption on the premises, should be Class III milk. This is the applicable classification under the Akron-Stark County order; under the Cleveland order such disposition is Class I milk. Grade A milk is not required for use in these products.

Handlers proposed that sour cream and bulk sweet cream be classified as Class II milk. The health department of the City of Cleveland issues cream permits to plants which are not permitted to supply milk for fluid use in the city. Under these permits bulk sweet cream, and packaged sour cream are distributed without a Grade A label through brokers and jobbers without being subject to regulation. To regulate such plants could result in including in the pool a large volume of milk which would not qualify for the fluid needs of the market. If bulk sweet cream were classified as Class II, while packaged sweet cream were classified as Class I, serious administrative difficulties would be encountered in correctly establishing the classification of cream sales. A considerable portion of the bulk sweet cream sales that handlers cite as being from unregulated plants are to commercial food processing plants for which Class III utilization is provided. In view of these circumstances the proposal to classify as Class II sweet cream disposed of in bulk is denied.

Sour cream should be classified in Class II. The Cleveland and Akron-Stark County order presently classify sour cream in Class I. The health department of the City of Cleveland does not require that sour cream distributed in the marketing area carry a Grade A label, whether in bulk or packaged form. The majority of the sour cream distributed in the marketing area from unregulated sources is in packaged form. The proposed Class II classification of all sour cream will create no administrative problem such as with the bulk sweet cream and will allow regulated handlers to compete for sales of this product.

Provisions similar to those of the Akron-Stark County order should be included to classify inventories of fluid milk products (products which either usually become Class I upon disposition, or are unprocessed milk, skim milk or cream) as Class III utilization subject to a further charge if allocated to a higher utilization in the following month. Such inventories must enter into the accounting for current receipts and utilization. Uniformity of minimum prices to handlers and simplicity of accounting are achieved if, so far as possible, Class I utilization in each month is assigned to current receipts of producer milk.

Classification of month end inventories at the lowest class of use and allocation of beginning inventories in series beginning with the lowest class furthers this objective. Should opening inventory be allocated to a higher class utilization, provisions are included to equalize prices with those which apply to current receipts of producer milk or other source milk, as applicable.

In order that Class I utilization may first be assigned to current receipts of producer milk, the definition of other source milk includes any nonfluid milk products reprocessed or converted into other products. Heretofore, the Cleveland order has required that milk in such products be reclassified; this involves determination of the months of receipt. Under this system and other language of the order, handlers receiving nonfluid milk products made from producer milk have been treated differently from those reprocessing other source nonfluid milk products for fortification of Class I products by addition of nonfat milk solids. Defining all such products as other source milk, whether made in a pool plant from producer milk or purchased from other sources, will eliminate such difference in treatment.

It was proposed in this connection that concentrated skim milk products used for fortification of a Class I product or in a Class II product be classified on a product pound basis. It was asserted that a decline in recent years in the average nonfat solids content of producer milk receipts required addition of solids to certain skim milk products. The proposal was designed to restrict the cost of such products to a volume of skim milk in producer milk equal to the volume of fortified milk sold, rather than the volume required to produce the solids disposed of as fortified milk. For accounting purposes it is necessary that receipts and disposition be accounted for on the same basis. For some other products, such as reconstituted milk, the volume to be considered must include all the water originally associated with the concentrated solids. This is the only basis upon which uniform accounting may be accomplished. Consideration may be given, however, to the classification to be accorded the skim milk equivalent of concentrated solids used in fortification.

Health regulations require that solids used for fortification be from Grade A milk. There are adequate supplies of producer milk in the Northeastern Ohio market to provide the solids required for fortification and facilities for concentration of such solids. The skim milk equivalent of such solids should be Class I utilization on the same basis as that of the solids in the producer skim milk to which they are added.

Cream should be deleted from the products classified as Class I milk when transferred to a nonpool plant more than 265 miles from Cleveland. Because of its concentrated form, cream is often moved long distances for manufacturing use.

With respect to the applicable rules for classification of transfers to nonpool plants within 265 miles, the Cleveland order at present permits classification in any class claimed for which there is equivalent use in the nonpool plant. The Akron-Stark County order assigns all transfers to nonpool plants, wherever located, to the highest class of use by the nonpool plant in excess of its receipts from its regular dairy farm supply. Cooperatives proposed in the notice of hearing that the Cleveland transfer rules apply. At the hearing it was suggested that the classification of milk transferred to nonpool plants might be at the highest class of use in the nonpool plant. The record fails, however, to explore in sufficient detail the circumstances under which movements of milk to nonpool plants now take place to provide a basis for substantial change in present provisions. In view of the substantially greater volume of milk that is currently being classified under the Cleveland provisions, the principle of equivalent use should continue until there is opportunity for more detailed consideration at a future hearing. Modification should be made, however, to recognize the possibility that there may be transfers to a single nonpool plant from more than one pool plant, and from plants regulated under other orders, and to require use equivalent to the total of all such movements.

The Cleveland order presently permits division of the shrinkage allowance with respect to bulk movements between pool plants. The amended order provides that in all such cases there be .5 percent shrinkage allowance to the transferring plant and 1.5 percent to the transferee plant. This more nearly represents normal experience in such transactions.

It was proposed that fluid milk products in packaged form received from a plant subject to another Federal order be deducted from the Class I disposition of the receiving plant. Such a provision is now in the Akron-Stark County order. It was contained in the Akron order before it was merged with the Stark County order to form the present regulation. At that time it recognized a long standing arrangement between an Akron dealer and a Stark County dealer. Presently no such movements are occurring. A plant of the handler proposing retention of the provision has, however, as of January 1959 been transferred from regulation of the Cleveland order to that of the North Central Ohio order. Certain products packaged at this plant had up to that time been distributed in the Cleveland marketing area through another plant of the same handler. This handler has other plants under the Cleveland order at which these products can and are being processed. Additional such plants of the same handler will be included under the same regulation by the action to combine orders. There appears in this case no economic reason to provide for Class I sales to be assigned as proposed.

A proposal to permit a handler to elect to have his obligations computed on more than one accounting period within a month should not be adopted on the basis of this record. Supply conditions in the Northeastern Ohio market are not now such that handlers need fear shortages in parts of months. The order combination herein effected makes the supply plant milk which heretofore has been producer milk only at Cleveland plants also producer milk at Akron and Stark County plants, and will thus diminish the likelihood that producer milk will not be available.

A proposal that compensatory payments on unpriced other source milk allocated to Class I milk apply only when the market supply of producer milk for the month exceeds 120 percent of Class I sales, rather than 110 percent as presently provided, should not be adopted. However, in view of the provisions made for diversion to nonpool plants in all months, a provision now in the Akron-Stark County order should be included with respect to the computation of the level of market supply that determines the applicability of such payments. Under this provision milk diverted to nonpool plants for the account of a cooperative association is included in the computation only if the association furnishes evidence that such milk was offered to handlers at order prices. Such a provision discourages unnecessary diversion when market supplies approach minimum reserve levels.

(c) *Class prices*—(1) *Class I price.* The Class I differentials and supply-demand adjustment should be changed to modify the seasonal pattern without substantial change in the annual average level of the Class I price.

The Class I price applicable to both orders is now determined by adding to a basic formula price $1.40 for the months of February through July and $1.85 for other months. An adjustment is then made based on the deviation from an established norm of the ratio of milk supplies to Class I sales in the most recent two-month period.

The seasonal reduction of differentials in February has not been fully effective in either 1958 or 1959. Northeastern Ohio is an area of severe winters which do not permit reduction in production costs until approximately April. Dealers are reluctant to change resale prices at this season. Producers proposed that the Class I differential be uniform for all months; handlers proposed that a higher rate prevail August through March and a seasonally lower rate for the other four months.

Milk supplies have increased faster than Class I sales from 1957 to 1958; for 1957 supplies were 132 percent of sales and for 1958, 139 percent. Under these circumstances an increase in the annual average of the Class I differential which would make any significant increase in the level of the Class-I price is not appropriate under the standards of the Act. The handler proposal that the differential be $1.35 for the months of April through July and $1.80 for other months approximates the present level and should result in no increase in producer prices with the classification changes proposed herein. It should be adopted.

A continued change in the pattern of production in the market requires adjustment in the seasonal pattern of standard utilization percentages used in the supply-demand adjuster. While the present utilization percentages reflect to some extent the changes in seasonality that began in 1956, they fail to reflect the full extent to which the variation in utilization between fall and spring seasons has narrowed. They should be revised as follows to reflect the average three-year (1956–1958) experience:

	Present standard	*Revised standard*
January	123	128
February	126	128
March	129	128
April	132	129
May	135	130
June	144	140
July	149	148
August	144	141
September	131	127
October	125	126
November	123	128
December	122	130

The month listed is in each case that for which a price is being computed so that the percentages opposite are those of the two-month period immediately preceding. The annual average of these percentages is 132, the same as the current standard.

(2) *Class III price.* The Class III price should not be revised.

The Class III milk price in the Cleveland and Akron-Stark County orders is determined by using the basic formula price which is the higher of a midwest condensery price or a butter-powder formula price.

Wayne Cooperative Milk Producers, Inc. proposed that the Class III milk price should be the basic formula price less 20 cents during the months of March, April, May and June. This proposal was modified at the hearing to one that would allow a 5-cent credit on each pound of butterfat that was used in the manufacture of butter during the months. The reason given was that at the present Class III price level during the flush months it has had difficulty in handling surplus milk without financial loss. A loss incurred in the production of butter and nonfat dry milk powder amounting to about 20 cents per hundredweight of milk is claimed.

In opposing, a cooperative association testified that a reduction in the Class III price would reduce returns to producers. It was also claimed that a low Class III price serves to encourage plants with manufacturing facilities to carry more than adequate reserve supply to insure the fluid needs of the market.

In 1958, 7.51 percent of the total butterfat received in producer milk under the Cleveland and Akron-Stark County orders was made into butter, and 4.18 percent was used to make hard type cheese. Both these products are purchased under the Government price support program at prices designed to reflect a single national average level of prices to dairy farmers for manufacturing milk. Decreasing the minimum price of butterfat used to manufacture butter would require consideration of similar action with respect to the butterfat used for making cheese. Milk used to produce hard cheese in 1957 and 1958 represented 1.5 and 3.2 percent of producer receipts, respectively. Official notice is taken of the monthly statistics published by the market administrator with respect to the disposition of receipts by pool handlers for the years 1957 and 1958.

Market supplies have been handled in recent years without indication of there being "distress milk" on the market. The cooperative association that opposed reduction of the Class III price has disposed of a substantial volume of milk to nonpool plants in the past year. Other cooperative associations which operate surplus disposal plants offered no testimony in support of the proposal.

The present Class III price is in good alignment with the average prices paid farmers in the milkshed States of Ohio, Michigan and Indiana for milk used for comparable products. Prices are reported for all three States for milk bought by condenseries primarily for evaporated milk and for milk used in making American cheese; prices are reported for Ohio and Michigan for milk used in making butter and creamery by-products. For 1958 the annual average Class III price, adjusted to the reported butterfat test in each instance, exceeded that of four of these series and was less than the average price of the other four. The differences ranged from one to ten cents per hundredweight with the Class III price exceeding the simple average of the eight series by two cents.

In view of the above facts the Class III price as now determined in Cleveland, Akron-Stark County reflects an appropriate value for milk used to manufacture dairy products and should continue to be used to determine the Class III price in the attached order.

(d) *Location adjustments.* Location adjustments to handlers and producers at a rate presently provided in each order should apply with respect to milk received at pool plants located 40 miles or more from the Public Square in Cleveland and 27.5 miles or more from the nearer of the City Halls in Akron or Canton.

The Cleveland order presently provides location adjustments at all pool plants located 40 miles or more from Cleveland. The Akron-Stark County order provides such adjustments at plants located 40 miles or more from the nearer of Cleveland, Akron or Canton. The rate at any plant beyond these points is identical, and is based on the distance from Cleveland. Four plants presently regulated under the Cleveland order are more than 40 miles from Cleveland but less than 40 miles from the nearer of Akron or Canton. One of these is in the immediate vicinity of a bottling plant which has been regulated at the full f.o.b. Akron-Stark County prices since the beginning of regulation in Akron. This Cleveland plant and a receiving station associated with it which is similarly situated with respect to the 40-mile limit are operated by a cooperative association and, if in the zone of no location, will be eligible for pooling under the provisions included for "standby plants" operated by cooperative associations. The other two plants are farther removed from bottling plants presently regulated under the Akron-Stark County order, and must rely on shipments to bottling plants to maintain pool qualification. Without the applicable location adjustment the handlers operating these plants may not be able to compete with other supply plants. These plants are each approximately 30 miles from the nearer of Akron or Canton. A zone of no location adjustment extending 40 miles from Cleveland and 27.5 miles from the nearer of Akron or Canton appears appropriate for the situation at this time. No proposal was made to alter the rates of location adjustment beyond adjustment of the differing areas for which no rates apply under the two orders.

Provisions should also be made to define "reload point" at which location adjustments would apply with respect to milk regularly transferred at such points from one bulk tank to another in the course of movement from farms to a milk plant. Bulk tank handling methods permit delivery of milk to plants at considerable distances from the farms of producers. Transfer of milk in the country from farm pickup tanks to larger tanks facilitates economical movement over longer distances. The Cleveland Board of Health has established standards for installations at which such transfer may be made. These include a covered building and tank washing facilities. Producers whose milk is received at distributing plants in the marketing area by bulk tank now receive the f.o.b. market price when their milk is diverted to a nonpool plant. Milk normally assembled at a reload point in a zone for which location adjustments apply may be diverted to a nearby plant and the producers receive substantially higher prices than producers delivering to a pool plant in that zone. Definition of a reload point as a pricing point will provide uniformity of treatment to producers. It was proposed that any reload point located at the premises of a pool plant should be considered as part of the operations of such plant, and that any other reload point should qualify for pool participation on the same basis as a supply plant. It was further proposed to limit the defined points to those approved by health authorities and operated by handlers. It is concluded that reload points should be limited to those installations approved by health authorities and, if on the premises of a pool plant, be considered part of such plant's operations. Otherwise the operations of a reload point should be considered for all purposes, except point of pricing, to be a part of the operations of the pool plant to which a major part of the milk passing through it normally moves. This will insure that the handlers now responsible for reports and payments for such milk will continue in that status, and will provide a more satisfactory basis for determination of pool status of the milk assembled at reload points.

Certain exceptions were filed to the effect that producer prices should also be based on the point of receipt when milk normally received in a bulk tank direct from the farm at a distribution plant is diverted to a nonpool plant or another pool plant. Such exceptions point out that the language of the recommended order would have provided

this result with respect to pool plants but not nonpool plants. After careful review of the record it is concluded that the potential dangers pointed out in the exceptions were not sufficiently developed with respect to direct delivered milk to provide a basis at this time for the action requested in such exceptions. Provision is made to continue pricing diversions between pool plants at the plant from which the milk is diverted.

Handlers receive location credit with respect to milk classified as Class I or Class II. Certain changes should be made in the order in which location adjustment credits are assigned with respect to interplant movements of milk. Since movements between plants of different handlers may be classified by agreement of the handlers and there is no provision for assigning classification to the individual plants of a multiple plant operator, assignment provisions must be included so that producers do not pay transportation costs on unnecessary movements of milk. Interplant movements are usually from supply plants to distributing plants. Credit for such movements should be limited to 108 percent of the volume required for Class I or II use at the transferee plant, less direct receipts from producers at such plant. Producers proposed the 8 percent "tolerance" as a reasonable minimum reserve required on an individual plant basis over the month's operations. Provision for a 5 percent "tolerance" is presently included in the Akron-Stark County order. Experience of a representative group of Cleveland dealers shows that receipts exceeded 108 percent of Class I and II utilization in a majority of months during which shipments were received from supply plants. Provisions are also included to define the maximum volume eligible for location adjustment with respect to any movement that might be made to a supply plant.

Where there are movements to a distributing plant from more than one plant, location adjustments should be assigned in the order that will result in the least total adjustment, with the exception that first priority of assignment be given receipts through any reload points considered to be a part of the operations of the transferee plant. This recognizes the association, fixed under other order provisions, between the distributing plant and such reload points.

(e) *Quota plan.* The provisions concerning the quota plan should not be changed except to provide for the computation of quotas for producers serving plants which become pool plants after the beginning of the quota forming months.

Two cooperative associations proposed that the quota plan be deleted from the order. They believed that the quota plan has caused producers to increase their production in the quota forming months to the level of their production in the flush months. Handlers proposed that there should be changes made in the quota forming months, quota operating months and in quota rules with respect to quotas to new producers. Two other cooperative associations proposed that no change be made to the quota plan at this time. They stated that the quota plan has not been in operation ample time to analyze its effectiveness and any changes should be considered at a future hearing. Moreover, it appears that the seasonality of production improved after the institution of the plan.

In view of this and the fact that the cooperative associations were not in agreement on the operation of the quota plan there should not be any change in the quota plan on the basis of this record. Further consideration of its continuation or changes in its provisions, may be given when further results of the plan may be observed. However, provision should be made for the computation of quotas for producers supplying distributing plants when such plants first achieve pool plants status after the beginning of the quota forming period. Producers supplying such plants in the preceding quota forming months evidently supplied milk for Class I use both before and after the plant achieved pool plant status. If satisfactory evidence of their deliveries during the preceding quota forming period can be furnished, those producers should have quotas computed as if they had been on the market during the entire preceding quota forming months. The present quota provisions appear appropriate for producers delivering to plants which first qualify as supply plants.

(f) *Producer butterfat differential.* No change should be made in the method used in computing the producer butterfat differential. A cooperative association proposed that the producer butterfat differential should be computed by multiplying the price of 92-score butter at Chicago by 115 percent. The basis of their proposal was that producers should be discouraged from producing fat because of the declining market for butterfat. The present producer butterfat differentials in the Cleveland and Akron-Stark County orders are the weighted average of the uses of butterfat in each class.

No change should be made in the present producer butterfat differential because the producer returns will reflect the actual sale value of their butterfat in each class. Thus, any decline in the Class I butterfat market will be reflected in the producer butterfat differential.

(g) *Administrative provisions.* The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

New or revised language consistent with the order revisions mentioned elsewhere in this decision are provided with respect to a number of definitions.

"Fluid milk product" is defined in the order because frequent references are made to this group of products. The products specified in the fluid milk product definition are milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, and mixtures of cream and milk or skim milk, including reconstituted milk or skim milk but not including frozen or sour cream, aerated cream products, eggnog or ice cream and frozen dessert mixes.

The dates of the final producer payment should be the 16th to a cooperative association and the 18th to the individual producer. Also, the date at which the market administrator makes payments out of the pool should be advanced from the 18th to the 17th. These changes are required because of the adoption in the combined order of the payment provisions contained in Akron-Stark County order.

The marketing service charge should be five cents per hundredweight. The Akron-Stark County order provides for a five-cent per hundredweight marketing service charge while the Cleveland order provides only four cents. Five cents is a reasonable maximum for the service required to be performed for producers who are not members of a cooperative association. The rate may be reduced by administrative action, but not increased beyond that stated in the order.

An administrative assessment should be made on Class I sales on routes in the marketing area from a nonpool plant from which distribution exceeds the exemption provided. The nonpool handler should pay a share of the cost of administration of the order. Verification of receipts and utilization is required to determine the status of such a nonpool plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing area", and "Order amending the order regulating the handling of milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1959 is hereby determined to be the representative period for the conduct of such referendum.

W. W. Hurwitz is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 8th day of July 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, Marketing Area

Sec.
975.0 Findings and determinations.

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AUTHORITY: §§ 975.0 to 975.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

§ 975.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts within the month of milk from producers, including such handler's own production; (b) any other source milk allocated to Class I pursuant to § 975.46(b) and the corresponding step of § 975.47; and (c) the amount of milk for which a payment is computed pursuant to § 975.84(b).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the Akron-Stark County, Ohio, and Cleveland, Ohio, orders (Parts 960 and 975) shall be merged under one order and the handling of milk in the consolidated marketing area, the Northeastern Ohio marketing area, shall be in conformity to and in compliance with the terms and conditions of Order No. 75 as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 975.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 975.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 975.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 975.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 975.5 Northeastern Ohio marketing area.

"Northeastern Ohio marketing area", hereinafter referred to as the "marketing area", means all territory within the boundaries of Cuyahoga and Summit Counties; Stark County, except Paris and Sugar Creek Townships; the City of Ashtabula in Ashtabula County; Knox Township in Columbiana County; Willoughby, Mentor and Kirtland Townships and the City of Painesville in Lake County; Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia and Grafton Townships in Lorain County; Smith Township in Mahoning County, except Great Lot 35 thereof; Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, Montville, Sharon and Wadsworth Townships in Medina County; Franklin, Ravenna, Brimfield and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; and Sections 1, 2, 3, 10, 11 and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio; together with all piers, docks and wharves connected therewith and including all municipal corporations and all Federal or State installations, institutions or establishments therein.

§ 975.6 Handler.

"Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which a route is operated in the marketing area, and (c) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted for the account of such association from a pool plant to a pool plant or nonpool plant.

§ 975.7 Producer.

"Producer" means any person other than a producer-handler with respect to milk produced by him having the approval of the appropriate health authority in the marketing area for consumption as fluid milk which is:

(a) Delivered from the farm to a pool plant;

(b) Diverted from the farm directly to a nonpool plant for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of another handler; and

(c) Diverted from the farm directly to another pool plant for the account of a handler operating a pool plant. Milk so diverted shall be deemed to have been received for the account of such handler at the pool plant from which it was diverted.

"Producer" shall not include any such person with respect to milk for which such person retains his status as a producer as defined in another order issued pursuant to the Act and which is classified and priced under such other order.

§ 975.8 Pool plant.

"Pool plant" means any milk plant specified in paragraph (a), (b), (c) or (d) of this section approved by the appropriate health authority in the marketing area, other than the plant of a producer-handler or a plant for which the handler is exempt pursuant to §§ 975.90 and 975.91.

(a) A plant at which milk is packaged and from which (1) fluid milk products classified as Class I milk are distributed on a route in the marketing area; and (2) total disposition of such fluid milk products on routes is 50 percent or more of total receipts during the month of milk approved for fluid use by a duly authorized health authority from dairy farmers, through reload points and from other milk plants;

(b) A plant from which there has been delivered to pool plant(s) described in paragraph (a) of this section, either during the current month or during any period of consecutive months ending with the current month, 30 percent or more of its total dairy farm supply of milk;

(c) A plant which was a pool plant during each month of the preceding period of August through January and during that period delivered to pool plant(s) described in paragraph (a) of this section 10 percent or more of its monthly total dairy farm supply of milk during each such month, and 30 percent or more of its total dairy farm supply during the entire August–January period, shall, unless written notice of withdrawal is received by the market administrator before the first day of the month, be a pool plant as follows:

(1) During the months of February through July regardless of shipments; and

(2) During each successive month of August through January in which it delivers 10 percent or more of its total dairy farm supply to pool plant(s) described in paragraph (a) of this section.

(d) A plant located less than 40 miles from the Public Square in Cleveland, Ohio, or less than 27.5 miles from the nearer of the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, operated by a cooperative association, or associations, if two-thirds or more of the milk (exclusive of that received at pool plants described in paragraphs (b) and (c) of this section) delivered during the immediately preceding six-month period by producers who are members of such association(s) was received at the pool plants of other handlers;

(e) All pool plants described in paragraph (b) or (c) of this section, respectively, operated by a handler may be considered as one plant for the purpose of meeting the percentage requirement of such paragraphs if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(f) A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.9 Nonpool plant.

"Nonpool plant" means any milk plant which is not a pool plant.

§ 975.10 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in milk received from producers.

§ 975.11 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (a) receipts during the month of fluid milk products except (1) receipts from other pool plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 975.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, and mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen or sour cream, aerated cream products, eggnog or ice cream and frozen dessert mixes.

§ 975.13 Producer-handler.

"Producer-handler" means a dairy farmer who operates a milk plant from which Class I products are distributed on route(s) in the marketing area and receives no fluid milk products during the month except milk of his own production or by transfer from pool plants.

§ 975.14 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I milk to a wholesale or retail outlet other than a delivery to any milk plant.

§ 975.15 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sale or marketing milk or its products for its member; and

(c) To have all of its activities under the control of its members.

§ 975.16 Eligible milk.

"Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 975.73 which is not in excess of such producer's daily average quota multiplied by the number of days in such month on which such producer delivered milk to such handler. With respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for the purpose of this section and § 975.60.

§ 975.17 Ineligible milk.

"Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 975.73 which is in excess of eligible milk received from such producer during such month and shall include all milk received from a producer for whom no daily average quota can be computed.

§ 975.18 Reload point.

"Reload point" means a location, more than 40 miles from the Public Square in Cleveland, Ohio, and more than 27.5 miles from the nearer of the City Hall in Akron or the City Hall in Canton, Ohio, at which facilities approved by the appropriate health authority in the marketing area for transfer of milk from one tank truck to another and for washing of tank trucks are maintained, and at which milk moved from the farm in a tank truck is commingled with other such milk before entering a milk plant. All reloading operations on the premises of a pool plant shall be considered to be a part of such pool plant's operation. Otherwise the operations at a reload point shall be considered to be a part of the operation of the pool plant to which the major portion of the milk moved from farms to the reload point normally moves, except for the application of location adjustments pursuant to §§ 975.55 and 975.81.

MARKET ADMINISTRATOR

§ 975.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of funds provided by § 975.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.30, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or § 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 20th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producer receipts of such handler;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day after the end of such month the minimum prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.51, 975.52, and 975.53, respectively, and butterfat differentials computed pursuant to § 975.54;

(2) On or before the 14th day after the end of such month the uniform price computed pursuant to § 975.71, and for April, May and June the price for ineligible milk and the price for eligible milk, computed pursuant to §§ 975.72, and 975.73, respectively, and the butterfat differential computed pursuant to § 975.82;

(k) On or before April 1 of each year provide written notice to: (1) Each producer who made deliveries of milk during the previous October through December as to his daily average quota computed pursuant to § 975.60, (2) each cooperative association as to the daily average quota of each member of such association, and (3) each handler as to the daily average quota of each producer from whom such handler received milk; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 975.30 Reports of receipts and utilization.

On or before the 8th day after the end of the month each handler who operates a pool plant, each handler who operates a nonpool plant, except as he is exempt pursuant to §§ 975.90 and 975.91, and any cooperative association with respect to milk for which it is a handler pursuant to § 975.6(c) shall report for the preceding month to the market administrator in detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in or used in the productions of:

(1) Milk received from producers (or qualified dairy farmers, in case of a nonpool plant) and for the months specified in § 975.60 to the aggregate quantities of eligible milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement with respect to:

(1) Disposition of fluid milk products on routes in the marketing area; and

(2) Inventories of fluid milk products on hand at the end of the month; and

(c) Such other information as the market administrator may prescribe.

§ 975.31 Other reports.

Each producer-handler and each handler exempt pursuant to § 975.90 or § 975.91 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 975.32 Payroll reports.

On or before the 25th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer payroll for the month, which shall show:

(a) For the months of July through March, the pounds of milk, and the percentage of butterfat contained therein, received from each producer; and for the months of April through June, the pounds of eligible milk and the pounds of ineligible milk, and the percentage of butterfat contained therein, received from each producer;

(b) The amount and date of payment to each producer or cooperative association pursuant to § 975.80; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this paragraph.

§ 975.33 Records and facilities.

Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.30 or § 975.31;

(b) The pounds of skim milk and butterfat contained in or represented by each fluid milk product on hand at the beginning and at the end of each month;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported pursuant to § 975.30 shall be classified pursuant to §§ 975.41 through 975.48.

§ 975.41 Classes of utilization.

Subject to the conditions set forth in §§ 975.43 and 975.44, the classes of utilization shall be:

(a) Class I utilization shall be all the skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of in the form of a fluid milk product, except as provided in subparagraphs (c) (2) and (3) of this section or (2) not accounted for as Class II or Class III utilization;

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce cottage cheese, and (2) disposed of as sour cream for consumption as such;

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce a product other than a fluid milk product or a Class II product, (2) disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises, (3) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator, (4) in cream frozen, (5) in inventory of fluid milk products or sour cream on hand at the end of the month, (6) in shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat respectively, in producer milk, plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants, and (7) in shrinkage of other source milk.

§ 975.42 Shrinkage.

(a) If a handler has receipts of other source milk, shrinkage shall be prorated between producer milk and other source milk received in the form of fluid milk products in the ratio that 50 times the maximum quantity of skim milk or butterfat, respectively, pursuant to § 975.41(c)(6) bears to that in such other source milk; and

(b) Producer milk diverted by a handler from his pool plant to another plant (pool or nonpool) without first having been received for the purposes of weighing in the diverting handler's pool plant shall be excluded from receipts at the diverting handler's pool plant and shall be included in the receipts of the plant to which such milk was diverted for the purpose of computing shrinkage.

§ 975.43 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) As Class I milk if transferred or diverted in the form of fluid milk products to the pool plant of another handler except as:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 975.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, after assignment of other source milk and beginning inventory of fluid milk products pursuant to §§ 975.46 and 975.47; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants that returns the highest valued class utilization to milk of producers at both plants.

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred or diverted to a nonpool plant located less than 265 miles from the Public Square in Cleveland, Ohio, in the form of milk or skim milk in bulk or to any nonpool plant in the form of cream in bulk unless all of the following conditions are met:

(1) The handler claims utilization in another class in his report submitted pursuant to § 975.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available upon request by the market administrator for audit; and

(3) Such receiving plant had actually used in the classification claimed an amount of skim milk or butterfat, respectively, equivalent to the total claimed in such classification by all handlers transferring or diverting milk from pool plants to such nonpool plant, plus that priced in a comparable class under another order on the basis of utilization in such plant. Should the equivalent utilization in the nonpool plant be less than the required total, a pro rata share of the excess shall be classified in the next higher priced available utilization.

§ 975.44 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 975.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report of receipts and utilization submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 975.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 975.41(c)(6);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remainnig in each class in series beginning with the lowest priced utilization, the pounds of butterfat contained in other source milk received from a plant at which the handling of milk is fully subject to the classification and pricing provision of another order issued pursuant to the Act:

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.43(a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds of butterfat subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization. Any amount so subtracted shall be known as "overage".

§ 975.47 Allocation of skim milk.

Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.46.

§ 975.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 975.46 and 975.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 975.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

COMPANY AND LOCATION
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.51 Class I milk prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant for milk received from producers or from a cooperative association, during the month which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
April through July	$1.35
All others	1.80

and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total quantity of milk received from producers during the first and second months preceding by the gross quantity of milk utilized as Class I (exclusive of interhandler transfers) at pool plants in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	128
February	128
March	128
April	129
May	130
June	140
July	148
August	141
September	127
October	126
November	128
December	130

(3) Determine the amount of the supply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 975.52 Class II milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 per-

cent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 975.50, plus 30 cents.

§ 975.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.50.

§ 975.54 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 975.51, 975.52, and 975.53 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3 and divide the result by 10;

(b) *Class II milk.* Multiply by 1.15 and divide the result by 10; and

(c) *Class III milk.* Multiply by 1.15 and divide the result by 10.

§ 975.55 Handler location adjustment.

For producer milk received at a pool plant or reload point located 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, the respective class prices for Class I and Class II utilization pursuant to §§ 975.51 and 975.52 shall be reduced at the rate specified below for the location of such plant or reload point:

(a) With respect to milk classified as Class I or Class II utilization without movement as a fluid milk product in bulk form to another pool plant;

(b) With respect to fluid milk products moved in bulk form to a pool plant described in § 975.8(a) in a volume not in excess of that computed in accordance with the following assignment:

(1) The volume by which an amount equal to 108 percent of Class I and Class II utilization at such transferee plant (including the volume assignable under the provisions of this subparagraph with respect to any transfers to a second such plant described in § 975.8(a)), exceeds receipts of producer milk at such plant will be assigned in sequence to (i) receipts in the form of fluid milk from reload points considered to be a part of such plant's operations, and (ii) to other receipts of fluid milk products from pool plants or reload points in the sequence at which the least total adjustment would apply.

(c) With respect to fluid milk products moved in bulk to pool plants described in § 975.8 (b), (c), or (d), in a volume not in excess of that by which (1) 108 percent of the Class I and Class II utilization specified in paragraph (a) of this section, plus (2) that assignable to such plant pursuant to paragraph (b) of this section exceeds receipts of producer milk at such plant, such volume to be assignable to transferor plants in the sequence provided in paragraph (b) of this section; and

(d) The rates of location adjustment credit shall be as follows, based on shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

Distance:	*Cents per hundredweight*
40.1–60 miles	13
60.1–74 miles	20

plus 2 cents per hundredweight for each 14 miles or major fraction thereof in excess of 74 miles.

§ 975.56 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.60 Determination of eligible milk quota for each producer.

Subject to the rules set forth in § 975.61, the market administrator shall determine quotas for producers as follows: During each of the months of April through June, inclusive, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of first delivery to the end of such 3-month period.

§ 975.61 Quota rules.

(a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period;

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any month that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations; and

(c) In the case of producers delivering milk to a pool plant described in § 975.8(a) which first qualifies as such during any month from November through June, a daily average quota for each such producer shall be calculated pursuant to § 975.60 on the basis of his verifiable deliveries of milk to such plant during the period of October through December immediately preceding.

DETERMINATION OF UNIFORM PRICE

§ 975.70 Net obligation of handlers operating pool plants.

The net obligation for milk received by each handler shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 975.43 by the applicable class prices;

(b) Add an amount computed by multiplying the pounds of overage computed pursuant to § 975.46(g) and the corresponding step of § 975.47 by the applicable class prices;

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 975.46(d) and the corresponding step of § 975.47; or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month;

(d) Add an amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class II price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class II pursuant to § 975.46(d) and the corresponding step of § 975.47; or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month less that subtracted from Class I pursuant to § 975.46(d) and the corresponding step of § 975.47.

(e) During any month in which the total receipts of producer milk (exclusive of milk diverted from the pool plant of another handler to a nonpool plant for the account of a cooperative association unless written evidence is furnished the market administrator that such milk was offered for delivery to a pool plant at class prices of the order) are more than 110 percent of the total Class I utilization at all pool plants add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 975.46(b) and the corresponding step of § 975.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 975.46(d) and the corresponding step of § 975.47 which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 975.46(c) and the corresponding step of § 975.47 for the month preceding.

§ 975.71 Computation of uniform price.

For each month, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content for milk delivered to pool plants at which no location adjustments are applicable as follows:

(a) Combining into one total the values computed under § 975.70 for all handlers who reported pursuant to § 975.30 for such month, except those in default in payments required pursuant to § 975.84 for the preceding month;

(b) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones set forth in § 975.81;

(c) Add any amount paid into the producer-settlement fund and subtract any amount paid out of the producer-settlement fund pursuant to § 975.88(a);

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 10;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.72 Computation of ineligible milk price.

For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value on a 3.5 percent butterfat basis of ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk included in these computations by the price for Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

§ 975.73 Computation of eligible milk price.

For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f.o.b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in § 975.72(a) from the aggregate value of milk computed pursuant to § 975.70 (a) through (e) and adjusting by any amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 975.74 Notification.

On or before the 14th day after each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 975.30 of:

(a) The classification pursuant to §§ 975.46 and 975.47 of skim milk and butterfat contained in producer milk received by such handler during the month and the value of such milk computed pursuant to § 975.70;

(b) The uniform prices for the month computed pursuant to §§ 975.71, 975.72, and 975.73; and

(c) The amount due such handler pursuant to § 975.85 and the amount to be paid by such handler pursuant to §§ 975.84, 975.86, and 975.87.

PAYMENTS

§ 975.80 Time and method of payment.

(a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 975.71 or §§ 975.72 and 975.73 adjusted by the butterfat and location differentials pursuant to §§ 975.81 and 975.82, and less any proper deductions authorized by the producer, including advance payments made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(c) Upon written request filed with him on or before the 15th day of the month by a producer, or by a cooperative association which collects payments pursuant to paragraph (b) of this section, each handler shall make advance payment as follows:

(1) On or before the last day of the month, to each such producer who has not discontinued delivery of milk to such handler, an amount not less than the value of milk received from such producer during the first 15 days of such month computed at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(2) On or before the 27th day of the month, to the cooperative association, with respect to milk received during the first 15 days of the month from certified members specified in the request for advance payment, an amount not less than the aggregate value of such milk at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling; and

(d) On or before the 15th day after the end of each month, each handler shall pay a cooperative association which is a handler, with respect to milk

received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 975.55 and the butterfat differential provided by § 975.54, by the hundredweight of milk in each class pursuant to §§ 975.46 and 975.47.

§ 975.81 Location adjustments to producers.

In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct with respect to eligible milk received from producers during the months specified in § 975.60 and with respect to all milk received from producers at a pool plant or reload point located 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, by the shortest highway distance as determined by the market administrator, at the rates specified in § 975.55 based on mileage measured from Public Square in Cleveland, Ohio.

§ 975.82 Butterfat differential.

In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 975.54 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 975.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall make payments to the market administrator as follows:

(a) If the value of milk received by a handler in the month as computed pursuant to § 975.70 exceeds the amount which such handler is required to pay all producers pursuant to § 975.80 such handler shall pay the difference between the two amounts; and

(b) Except as exempted pursuant to §§ 975.90, 975.91 and 975.92 each handler who operates during the month a nonpool plant out of which a route(s) was operated which extended into the marketing area an amount equal to the total hundredweight of fluid milk products so disposed of multiplied by the difference between the Class I price adjusted for location and butterfat and the Class III price.

§ 975.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or § 975.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month three cents per hundredweight, or such amount not exceeding three cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 975.46(b) and the corresponding step of § 975.47; and

(c) The amount of milk for which a payment is computed pursuant to § 975.84(b).

§ 975.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each month; and, on or before the 16th day after the end of such month, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each month to the cooperative association rendering such services and of which such producers are members.

§ 975.88 Adjustment of accounts.

(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 975.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed;

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 975.90 Milk subject to other Federal orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Northeastern Ohio marketing area shall be exempted for such month from all provisions of this part except §§ 975.31, 975.32, 975.33 and 975.34 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

§ 975.91 Handler exemption.

A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area shall be exempted for such month from all provisions of this part except §§ 975.31, 975.32, 975.33 and 975.34.

§ 975.92 Producer-handler.

A producer-handler shall be exempt from all provisions of this subpart except §§ 975.31, 975.33 and 975.34.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 975.100 Effective time.

The provisions of this part or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.101 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provisions of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision of this part.

§ 975.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 975.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 975.111 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 59-5788; Filed, July 13, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 57]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include airworthiness directives requiring inspection, replacement or modification of Beech and Lockheed aircraft, and Curtiss propellers.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directives:

BEECH. Applies to all Beech Model C-45G, TC-45G, C-45H, TC-45H and D18S airplanes.

Compliance required as indicated.

Corrosion of fuel supply lines in the wing root area can result from the flexible cockpit hot air duct touching the aluminum fuel line. Fuel line leaks due to this corrosion may cause fuel system malfunctioning or hazardous accummulations of fuel and fumes in the wings or cabin. To prevent these conditions, accomplish the following:

(a) Compliance required not later than September 15, 1959.

(1) Inspect the 5/8 inch O.D. fuel line (Beech P/N's 407-189686 LH and 407-189731 RH) beneath each battery installation on both sides of the airplane for indications of corrosion. Replace the lines if damaged.

(2) Install 5/8 inch I.D. x 1/16 inch tubing (Tygon tubing manufactured by U.S. Stoneware, Akron 9, Ohio) split lengthwise over the fuel lines (407-189686 LH and 407-189731 RH in the area of the cockpit hot air duct. Secure the split tubing by taping.

(3) Obtain adequate clearance between the fuel line and the cabin hot air duct by installing a suitable double clamp on the line and duct.

(b) Compliance required at each periodic airplane inspection after accomplishment of (a).

(1) Remove split Tygon tubing from fuel supply lines (407-189686 LH and 407-189731 RH) and inspect lines for corrosion. Replace fuel lines if necessary.

(2) Reinstall split Tygon tubing and double clamp between cabin hot air duct and fuel line as outlined in (a)(2) and (a)(3).

(Beech Service Bulletin No. 68, Model D18S issued February 1958, covers this same subject.)

CURTISS PROPELLER. Applies to all Curtiss Model C634S-C422, C634S-C514, and C634S-C516 propellers.

Compliance requires at first propeller overhaul after January 1, 1960, but not later than May 1, 1960.

Excessive wear of power unit motor and mating speed reducer splines in Curtiss C634S-C400 and C634S-C500 series propellers

has been observed at a time short of a full overhaul period. In order to minimize the possibility of such occurrences, provide a new motor rotor assembly which incorporates a longer shaft with splines of a larger pitch diameter and a new mating splined sleeve and high speed drive gear. Modification of Curtiss Propeller Assemblies C634S–C422, C634S–C514, and C634S–C516 to Propeller Assemblies C634S–C466, C634S–C522, and C634S–C524, respectively, is considered an acceptable means to accomplish the desired objective.

(Curtiss Service Bulletin No. C–24 covers this same subject.)

Compliance with AD 59–7–1 will no longer be required when this AD is complied with.

LOCKHEED. Applies to all Model 1049C, 1049D, 1049E, 1049G, and 1049H aircraft. Compliance required as indicated.

The following inspections have been established as a result of recently found cracking in the inner wing rear spar web at Wing Station 458.

At the next block overhaul or 4,000 flight-hours, whichever occurs first, on all aircraft (regardless of accumulated flight time) inspect the inner wing rear spar web at Station 458 for cracks in the upper and lower notched web area shown in Lockheed Drawing 555353. Inspection is applicable to both left and right wings. The use of X-ray is recommended since the area under surveillance is difficult to inspect visually.

If cracks are discovered incorporat the reinforcements shown in Lockheed Drawing 555353, or equivalent.

If no cracks are discovered, the reinforcements shown in Lockheed Drawing 555353 may be incorporated. Otherwise, reinspection at 4,000 flight-hour periods or block overhaul, whichever is less, is required to insure detection of cracks. The use of X-ray is also recommended for reinspection.

(Lockheed Service Letter FS/231094 covers this same subject.)

Issued in Washington, D.C., on July 7, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

JULY 7, 1959.

[F.R. Doc. 59–5793; Filed, July 13, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 10, 11, 16]

[Docket No. 12295; FCC 59–689]

PUBLIC SAFETY, INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

Further Notice of Proposed Rule Making

In the matter of amendment of Parts 10, 11 and 16 of the Commission's rules to change the effective date of narrow-band technical standards in the 25–50 and 152–162 Mc bands; Docket No. 12295.

1. Notice is hereby given of further proposed rule making in the above entitled matter.

2. The (First) Report and Order in this proceeding, released June 30, 1958 (FCC 58–620) specifies, among other things, that in all cases where the Commission's rules governing a particular service require frequency coordination, the assignment of any frequency in the 25–50 or 152–162 Mc bands, including "split channels", may be made only when coordination of the frequency selection has been effected with respect to all stations in the same or other services located in the same area and authorized to operate within 30 kc of the requested frequency or frequencies. That Report and Order further specifies that, subsequent to the date when the deviation of "wide-band" equipment is required to be reduced so as not to exceed that specified in the "narrow-band" standards, the Commission will not consider that interference caused to "wide-band" receivers constitutes "harmful interference".

3. Since it has been determined that interference to "wide-band receivers" will not be considered to constitute "harmful interference" subsequent to the date when the deviation of "wide-band" equipment in a particular service is required to be reduced so as not to exceed that specified in the "narrow-band" standards, it appears that the criteria by which coordination of frequencies 30 kc or less removed, in the 25–50 Mc or 152–162 Mc bands, should be accomplished in that service need include only the problem of interference to "narrow-band" receivers; i.e., to receivers which are designed to be used in conjunction with transmitters meeting the narrow band standards. Accordingly, it appears that the areas in which coordination need be accomplished with respect to frequencies separated as indicated above in those services where the deviation of "wide-band" equipment has been required to be reduced to ±5 kc (the Industrial and Land Transportation Radio Services) will be the same area in which such "adjacent channel" operation might reasonably be expected to cause mutual interference between equipments all complying with the more stringent narrow-band standards.

4. In response to the original Notice of Proposed Rule Making in this matter (FCC 58–78) released January 23, 1958, the Electronic Industries Association (EIA) submitted excerpts from the Joint Technical Advisory Committee (JTAC) Subcommittee 51.3 "Report on Land Mobile Channeling Arrangements", dated May 28, 1953. This report appears to show that, when using transmitters having 50 watts power output into antennas 100 feet above ground level, a separation of only 7 miles is required to avoid mutual interference of a grade which might be classed as excessive between stations using "narrow-band" equipment and operating on frequencies 20 kc apart (as in the 25–50 Mc band), and that similarly a separation of less than one mile (actually only 0.7 mile) is sufficient when operating on frequencies separated by 30 kc, as in the 152–162 Mc band. Extrapolating this data to include the maximum transmitter input power authorized on a regular basis in the Public Safety, Industrial or Land Transportation Radio Services on the frequencies here involved (600 watts), it appears that less than eleven miles separation is necessary when operating on frequencies 20 kc apart, and that less than one and one-half mile geographical separation is needed when the stations operate on frequencies 30 kc apart, to avoid any expected "adjacent-channel" interference between stations using "narrow-band" equipment and normal antenna heights, with non-directional patterns. These separation figures are nominal when compared to the average range of systems operating in these bands, and even if strictly applied, indicate that there would be cases of overlapping service areas. Since this situation will continue to require that the applicant or his engineering advisor exercise discretion in frequency selection it is thought that the reduction in frequency coordination requirements being proposed herein will not materially increase the interference potential.

5. In view of the foregoing, the Commission now proposes to change the requirements previously established in this proceeding regarding frequency coordination, with respect to the Industrial and Land Transportation Radio Services only, so as to specify that, in those services, in all cases where the Commission's rules governing the particular service involved require frequency coordination, the assignment of any frequency in the 25–50 or 150–162 Mc bands, including "split channels", may be made only when coordination of the frequency selection has been effected with respect to all stations in the same or other services located in the same area and authorized to operate within 15 kc (rather than 30 kc) of the requested frequency or frequencies. Specifically, the Commission proposes to amend § 11.8(a)(2) of the rules governing the Industrial Radio Services and §§ 16.8(f)(1) and 16.9(a)(1) of the rules governing the Land Transportation Radio Services by substituting the figure 15 kilocycles (or kc) for the figure 30 kilocycles (or kc) where it appears in those sections, and to amend such language in these parts as may be necessary to provide consistency with this change.

6. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before August 28, 1959, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 8, 1959.

Released: July 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5799; Filed, July 13, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order SA–7]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

Order Fixing Bar Date for Filing Debt Claims

In accordance with section 208(b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 10644, January 4, 1960 is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between January 1, 1959 and June 30, 1959, inclusive.

(Pub. Law 285, 84th Cong., 69 Stat. 252; E.O. 10644, Nov. 7, 1955, 20 F.R. 8363)

Executed at Washington, D.C., this 7th day of July 1959.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 59–5786; Filed, July 13, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

J. F. EMERY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1959.

Dated: June 26, 1959.

J. F. EMERY.

[F.R. Doc. 59–5775; Filed, July 13, 1959; 8:46 a.m.]

RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 15, 1959.

Dated: June 15, 1959.

RIGGS SHEPPERD.

[F.R. Doc. 59–5776; Filed, July 13, 1959; 8:46 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 16, 1959.

Dated: June 16, 1959.

A. H. WADE, Jr.

[F.R. Doc. 59–5777; Filed, July 13, 1959; 8:46 a.m.]

FRED H. WILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None
(4) None.

This statement is made as of June 19, 1959.

Dated: June 19, 1959.

FRED H. WILEY.

[F.R. Doc. 59–5778; Filed, July 13, 1959; 8:46 a.m.]

W. W. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

Dated: June 12, 1959.

W. W. WILLIAMS.

[F.R. Doc. 59–5779; Filed, July 13, 1959; 8:46 a.m.]

L. A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 24, 1959.

Dated: June 24, 1959.

L. A. MOLLMAN.

[F.R. Doc. 59–5780; Filed, July 13, 1959; 8:46 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 22, 1959.

Dated: June 22, 1959.

CLARENCE W. MAYOTT.

[F.R. Doc. 59-5781; Filed, July 13, 1959; 8:46 a.m.]

H. O. SPRINKLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 30, 1959.

Dated: July 1, 1959.

HUBERT O. SPRINKLE.

[F.R. Doc. 59-5782; Filed, July 13, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 7345-7, between the members of the California Association of Port Authorities modifies the basic agreement of that conference (No. 7345, as amended) by deleting Articles 27 and 28. Article 27 provides that the president, upon retiring, shall become an honorary member of the Association. Article 28 provides for a Program and Policy Committee for the purpose of reviewing the Association's activities and policies and to make such recommendations in regard thereto as it deems necessary for the welfare of the Association.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 9, 1959.

By order of the Federal Martime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-5791; Filed, July 13, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[Agency Bulletin 59-34]

DIRECTOR, BUREAU OF FLIGHT STANDARDS

Delegation of Final Authority

1. *Purpose.* The purpose of this Notice is to delegate certain authority of the Administrator under Title III and Title VI of the Federal Aviation Act of 1958 relating to the making of rules and regulations prescribing Technical Standard Orders for Aircraft Materials, Parts, Processes and Appliances; Standard Instrument Approach Procedures; and Minimum En Route IFR Altitudes to the Director, Bureau of Flight Standards.

2. *Delegation.* Section 303(d) of the Federal Aviation Act of 1958 authorizes the Administrator to delegate the performance of any function under the Act to any officer, employee, or administrative unit under his jurisdiction.

Final authority to make, issue, amend and terminate rules and regulations promulgated under Title III and Title VI of the Act relating to the subject matters listed below is hereby delegated to the Director, Bureau of Flight Standards:

Technical Standard Orders for Aircraft Materials, parts, Processes and Appliances
Standard Instrument Approach Procedures
Minimum En Route IFR Altitudes

The Director is directed to exercise this authority in accordance with any applicable plans and policies established or approved by the Administrator.

3. *Effective date.* This Notice is effective July 1, 1959.

(Sec. 313(a), 303(d), 72 Stat. 752, 747; 49 U.S.C. 1354, 1344)

Issued in Washington, D.C., on July 1, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5770; Filed, July 13, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12729; FCC 59-681]

DAYTIME BROADCAST STATIONS

Report on Inquiry Into Hours of Operation

In the matter of inquiry into the advisability of authorizing standard broadcast stations to operate with facilities licensed for daytime operation from 6:00 a.m. or local sunrise (whichever is earlier) to 6:00 p.m. or local sunset (whichever is later); Docket No. 12729.

1. On January 12, 1959, the Commission instituted an inquiry pursuant to section 403 of the Communications Act of 1934, as amended, in the above-entitled matter (FCC 59-11; 24 F.R. 375) with reference to the hours of operation of broadcasting stations licensed to broadcast during the daytime hours, i.e., between local sunrise and sunset. The Notice of Inquiry invited the filing of comments by interested parties concerning the service gains and losses which would result from permitting daytime stations to operate from 6:00 a.m. to 6:00 p.m. regardless of any nighttime skywave interference occurring during this time segment. The sixteen issues set forth in the Notice are attached as Appendix III.[1] The time for filing comments was set for April 8, 1959, and was, upon petition, extended to May 8, 1959. Comments were filed by the later date.

2. Earlier the Commission had given consideration in a rule making proceeding (Docket No. 12274) to a petition of the Daytime Broadcasters Association[1a] requesting that the rules be amended to license daytime stations to extend their broadcasting during such nighttime hours as may occur between 5:00 a.m. and 7:00 p.m. Denying the petition, the Commission decision (FCC 58-891; 23 F.R. 7488, September 19, 1958) held the record conclusively demonstrated, in view of the tremendous losses which would result to the existing radio service throughout the United States from the operation contemplated by the petition as compared with the much smaller amount of new services which would be provided in some locations,[2] that the proposal failed "to accord with the statutory standards governing radio broadcast services". Thereafter, the Inquiry herein was instituted simultaneously with a denial in part and dismissal in part (FCC 59-10) of the petitioner's request for reconsideration of that action. The petitioner's request for reconsideration had also requested, as an alternative to the earlier petition, the licensing of daytime stations to operate during such nighttime hours as may occur between 6:00 a.m. and 6:00 p.m., the time segments considered herein.

3. Under the Communications Act of 1934, as amended, the Commission may, with certain exceptions not relevant here, grant licenses only upon written applications which are required to set forth, among other things, the hours of the day during which it is proposed to operate the station. Each initial license granted for a station and each renewal of license which is granted specifies the hours during which the station is authorized to operate and the hours so specified, with the exception of certain provisions of the existing rules as discussed below, are the maximum hours during which any station may be operated under its license. In accordance with § 3.23 of the rules, standard broadcast applications may now be filed and stations may be licensed for various hours of operation which include:

(1) Specified hours which permits operation during the exact hours specified in the license;

(2) Sharing time, which permits operation during the hours shared with one or more other stations using the same channel;

(3) Daytime, which permits operation during the hours between average monthly local sunrise and sunset;

(4) Limited time which permits operation during daytime and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station and, in addition, during nighttime hours if not in use by the dominant station or stations on the channel; and

(5) Unlimited time, which permits operation without a maximum limit as to time.

4. Prior to April 13, 1940, the rules and regulations for the licensing of broadcasting stations (section 84) which had first been promulgated by the Federal Radio Commission[3] defined the term daytime as the period of time between 6:00 a.m. and local sunset. Thus the rules then provided that the broadcast day for daytime stations began at 6:00 a.m. However, during the winter months, this was considerably prior to local sunrise, causing rather serious interference due to nighttime propagation conditions prevailing, while during the summer months sunrise occurred considerably before 6:00 a.m. This rule was amended on April 13, 1940 (5 F.R. 1449), to specify local sunrise in place of 6:00 a.m. However, § 3.87 of the rules adopted June 10, 1940, contains provisions which permit program transmissions prior to local sunrise, beginning at 4:00 a.m. local standard time by daytime stations, except certain Class II stations, with their authorized daytime facilities where such operation does not cause undue interference. See Music Broadcasting Company v. Federal Communications Commission, 95 U.S. app. D.C. 12, 217 F. (2d) 339, 11 Pike & Fischer R.R. 2025 (1954); and In re Music Broadcasting Company, et al., 15 Pike & Fischer R.R. 547.

5. The differences in station interference between daytime and nighttime operation are well recognized, and comprehensive reference has been made thereto in the Notice of Inquiry. Briefly, and of greatest import here, skywave service and interfering signals are propagated over great distances respectively, at night on the clear and shared standard broadcast channels, as distinguished from the essential absence thereof during most daytime hours of the solar diurnal arc. This fundamental difference in natural radio conditions is an appropriate consideration in carrying out the provisions of the Communications Act which provide for efficient, fair, and equitable distribution of radio service.

6. The Notice of Inquiry stated with respect to the increasing number of daytime stations:

> The licensing of daytime stations has increased from 84 in 1946 to approximately 1,400 in 1958. Approximately 650 applications seeking daytime facilities are pending, ranging in power up to 50 kw. In addition, more than 350 applications for unlimited time operation are pending which propose, by use of directional antennas and reduced power, the avoidance of transmissions of interfering skywave signals during non-daytime hours. The filing of both kinds of applications is continuing at a substantial rate.

and:

> All parties are hereby placed on notice that the Commission in its deliberations on this matter will take into consideration the applications for new daytime and fulltime station.

The number of standard broadcast stations authorized as of March 1, 1959, listed by type of channel and hours of operation, is shown in the attached Appendix II.[3a]

7. Substantial engineering data were filed showing the service gains and losses. Much of the data have been tabulated and are attached as Appendix I.[4] It shows that, if all present daytime stations were to extend their hours of operation from 6:00 a.m. to 6:00 p.m. there would be substantial losses of existing groundwave services, new white areas[5] would be created in the vicinity of communities which are now served by unlimited time stations on the same frequencies, the resulting service areas of the daytime stations would be meager, and skywave service would be lost. While the losses would be most severe in rural and small urban communities a substantial number of regional stations would not even serve the entire community to which they are licensed. The effects of "6 to 6" operation do not differ appreciably, during the time segments involved, from the 5:00 a.m. to 7:00 p.m. operation considered in Docket No. 12274.

8. It is shown by the data that the interference to the present service would not terminate at 6 o'clock except for areas in the Pacific standard time zone even though the interfering stations ceased their operation at 6 o'clock local standard time.[5a] This results from the time zone changes whereby 6 o'clock in the Central Time Zone is 7 o'clock Eastern Standard Time; 6 o'clock in the Mountain Time Zone is 8 o'clock Eastern Standard Time and 7 o'clock Central Standard Time; and 6 o'clock in the Pacific Time Zone is 9 o'clock Eastern Standard Time, 8 o'clock Central Standard Time, and 7 o'clock Mountain Standard Time. Thus, a station operating until 6 o'clock in the Pacific Standard Time Zone would transmit skywave interfering signals which would endure until 6 o'clock, 7 o'clock, 8 o'clock, or 9 o'clock, local time, depending upon the location of the service areas affected. Considering the operation of interfering stations in each time zone, the duration of interference to existing service would thus extend from local sunset to 9 p.m. Eastern Time, 8 p.m. Central Time, 7 p.m. Mountain Time and 6 p.m. Pacific Time. The correlate of this sequence would occur during the pre-sunrise morning hours, beginning at 3 a.m. Pacific Time.

9. Data currently available are necessarily confined to interference resulting from the operation of existing stations. The prospective effects are necessarily somewhat speculative. The rate of increase of daytime stations and applications clearly shows a strong continuing demand and in addition the eventual lifting of the freeze will undoubtedly accelerate the filing of daytime applications. It thus appears, based on present licensing and reasonable expectancy of future development, that until 9 p.m. Eastern Standard Time all skywave service would be entirely destroyed[6] and

[1] Appendix III filed with the original document.

[1a] The Daytime Broadcasters Association represents some 150 daytime radio stations throughout the United States.

[2] The Commission Report and Order announcing the decision found that: "The population which would gain service during these hours is vastly exceeded by the population which would lose the service of existing stations because of the additional interference which would result on all but a few of the 107 standard broadcast frequencies from the operation of daytime stations during the nondaytime hours (before sunrise and after sunset) contemplated by the proposal. The daytime stations so operating during nondaytime hours would generally serve only a very small fraction of the areas and populations which they serve during daytime hours, a fact which would sharply limit the gains in service which would result. As a result of the additional interference so created, clear channel, unlimited time Class II and Class III stations would be limited in service so that in many instances they could not serve even all of the communities to which they are assigned. While a first nighttime primary service would be afforded to some population during these hours, and a first local service would be afforded to more than 900 communities in the nation, extensive 'white areas', in which the population would lose all nighttime primary service would be created. On virtually all of the clear channels all secondary service would be destroyed. Because of this destruction of secondary service (the only service received by some 20,000,000 persons in about one-half of the area in the United States) and vast impairment of primary service during the hours involved, service to rural areas would be lost. * * *"

[3] The rules which had been issued by the Federal Radio Commission were continued in effect by section 604 of the Communications Act of 1934, as amended until modified, terminated, superseded, or repealed by the Commission or by operation of law.

[3a] Appendix II filed with the original document.

[4] Data filed in other FCC proceedings, Docket Nos. 6741 and 12274 and in the standard broadcast station license files are also considered relevant and reliance has been placed thereon to the extent such data is either set forth herein or in the decision in Docket No. 12274. Appendix I filed with the original document.

[5] The time nighttime "white areas" is used to describe those areas receiving only skywave service with no groundwave service from any station during nighttime hours.

[5a] The transmission of skywave interfering signals from operations after local sunrise and before local sunset is considered in Docket No. 8333, The Daytime Skywave Proceeding.

[6] Skywave service attaches as an incident of the urban economic support of stations which are so protected from interference as to render broadcasting service over extensive areas by means of skywave signals, and is the only nighttime standard broadcast service available to 25,631,000 persons, in 1,727,-

groundwave service severely limited on most of the 107 standard broadcast channels. (Only the six local channels would be unaffected.)

10. The views and opinions expressed in the proceedings are substantially similar to those expressed earlier in Docket No. 12274. The Daytime Broadcasters Association, however, now urges "That the Commission—on an interim and experimental basis—authorize the operation of daytime only stations from 6 a.m. or local sunrise (whichever is earlier) to 6 p.m. or local sunset (whichever is later) for a period of two years." In support it is urged that the basic problem may be in this manner be resolved "not by theoretical data but by the actual results". No reason appears, however, to question the accuracy of the physical and engineering data on which the Commission's rules are bottomed, and no further showing has been made to bolster the views expressed earlier that additional hours should be granted daytime stations on the basis of present need for local service despite the resulting interference.

11. Other parties commenting have made the point that the specified hours of operation now provided by § 3.23 of the rules are not delimited to the daytime or nighttime hours. Thus applications filed under the existing rules may propose operation from 6 a.m. to 6 p.m. It is urged that the present rules are thus entirely adequate for the determination on a case by case basis of the merits of any application proposing operation during these hours. The Commission could in this manner appropriately evaluate the extent of the service proposed and the interference which may be caused. This, it is asserted, is necessary in any event in view of the fact that the merits of the present daytime operations have been evaluated solely under daytime transmission conditions with no other evaluation to meet the statutory tests for licensing."[8]

12. The Notice of Inquiry stated:

> In the pleadings and comments filed heretofore in Docket No. 12274, DBA and other advocates of extended hours for daytime stations have asserted that there is a large unsatisfied need for local service during pre-sunrise and post-sunset hours. Of particular significance, states DBA, is the fact that in the United States 913 communities, with a total population of more than 7,300,000, have available to them no locally licensed radio outlet other than daytime-only stations.

000 square miles, who do not receive nighttime groundwave service from any station. This area comprises somewhat more than half the land area of the United States (excluding Alaska and Hawaii). The basic cause for the absence of groundwave service in these areas is the nighttime inter-station interference which is encountered on the shared channels despite the following of engineering principles of allocation which include the use of directional antennas designed to minimize interference.

[8] It would be necessary that proposals for nighttime operation be evaluated under the rules and standards applicable for determination of nighttime service and interference.

13. With further reference to the communities referred to in the Notice of Inquiry, one party filing comments supplied additional data secured through a more detailed study of the records publicly available which show that the problem concerning adequacy of nighttime radio service to the people residing in these communities is not so severe as might appear from a more cursory examination. The detailed data show that a count of the communities listed totals 912; that 357 or 39.1 percent with a population total of 1,761,622 do not receive nighttime groundwave service from any stations; that 218 or 23.9 percent with a population total of 1,684,026 receive nighttime groundwave service from one station; that 337 or 37 percent with a population total of 5,218,854 receive nighttime groundwave service from two or more stations; and that many of the communities are nearby suburbs of well-served metropolitan areas.

14. As there is no practicable basis for increasing the number of standard broadcast channels, the only way in which more stations could be accommodated to provide additional services during the additional hours would be to increase the number of stations on these channels or by extending the hours of existing daytime stations. Under the Communications Act, however, and in principle it is clear that such should not be done at the expense of the broadcasting services now being effectively rendered during these hours, which would result in a severe loss of broadcasting service to the public. This is not to say, of course, that local nighttime operation might not be licensed in various of these communities were applications to be filed proposing operation which meets the appropriate criteria with reference to interference and other considerations whereby the Commission might find that the nighttime operations proposed could serve the public interest or could better serve the public interest than would other pending proposals.[7]

15. The Notice of Inquiry posed the consideration:

> Would it be feasible for daytime stations, if operating after sunset, to reduce power sufficiently at sunset and before sunrise to limit interference to other stations to the daytime level? If so, how much service would be provided with such reduced radiation?

The data, however, show that in the main the resulting interference would preclude the affording of a satisfactory measure of service by daytime stations if operating after sunset even with no reduction in power. Any substantial reduction in power during these hours designed to reduce the degree of the interference which would be caused to the groundwave service of unlimited time stations would further diminish the coverage of the daytime stations. The greater susceptibility of skywave service to interference and the great distances to which such service extends in the absence of interference makes exceedingly problematical any benefits which might be secured to skywave service through power reduction by the interfering stations. Thus it appears that power reduction poses only an extremely limited potential for alleviating the interference problem. Moreover, under the existing rules, Class II, III and IV stations may be licensed to operate with power as low as 0.25 kilowatts, 0.5 kilowatts, and 0.1 kilowatts, respectively and, with the exception of the Class IV stations, these stations may make use of directional antennas for the reduction of interference by limiting radiation in certain directions, although permitting full radiation in other directions in order to provide maximum service. Thus the provisions of the present rules appear adequate in this respect.

16. With reference to the proposal set out in paragraph 10 above, that experimental operation should be authorized during the time segments here considered, for a period of two years, and the view expressed in support thereof that an asserted deficiency in the Commission's licensing of hours of operation of standard broadcast stations would thereby be corrected; we believe it appropriate to observe that somewhat similar arguments of deficiency in the applicability of the Commission's rules and engineering standards for the licensing of stations[8] have been made by some parties in other proceedings with reference both to the hours during the sun's nocturnal arc with which this proceeding is concerned and to other time segments of the broadcast day, and these arguments have been or will be ruled upon in those proceedings. Finally, we believe it appropriate to observe, in view of the broad and widespread nature of the suggestion which has been made for experimental operation, that in those cases where experimentation may be warranted and desirable, for reasons not present here, the experimentation should be appropriately limited in scope and duration and so pointed in purpose as to secure the desired data with a minimum of disruption of the existing radio services which are otherwise in the public interest. We believe the general and universal basis for experimental operation suggested here fails also to meet that standard.

17. In the issues pointing out a number of problems involved, in the Notice of Inquiry, several issues were designed to solicit meaningful consideration in certain areas which would be brought into focus only in the event that it should otherwise appear some extended hours of operation would be meritorious. Examples of these are the effects upon the CONELRAD operation, upon the development of FM broadcasting, and upon the operations of stations in other North American countries. These and other similar issues require no resolution in view of our decision herein.

18. The Notice of Inquiry posed for consideration:

> (a) What effect would the new services gained have on reception of needed and valuable programs by persons who are advantaged by such reception, including emergency and weather information, farm information, national and local news, programs and announcements concerning local affairs and local organizations?[9]
>
> (b) What effect would the limitation of service through destructive interference have upon access to events of national and regional interest and to programs of a type which cannot be originated by local communities, and other needed and valuable transmissions now available under the existing allocation rules?

19. Upon a careful review of the comments which have been filed, and a review of our decision in Docket No. 12274, we conclude that the losses of standard broadcast radio service, both groundwave and skywave in the various areas affected, which would result from an extension of the hours of operation of stations licensed for daytime operation must be determinative herein. We are unable to find an expression of any local need which is impossible of substantial fulfillment under existing rules for station licensing[10] and which is so great or so pressing as to warrant widespread disruption of the existing radio service now enjoyed thereunder and relied upon daily by millions of citizens. Particularly, would it be undesirable and unwarranted to permit such disruption in those instances where the result as shown by the data would simply be the taking of regular service from rural farm areas and from small urban communities, which need radio vitally, and giving more stations—serving less area—to city and principal urban areas which are already relatively well supplied not only with standard broadcast radio programs but with other facilities for relaxation, intellectual stimulus, information and recreation. Moreover, this conclusion is strongly reinforced by a comparison of the 1,761,622 persons in 357 communities, now receiving only skywave service, who would gain in lieu thereof a local groundwave service, with the 25,631,000 persons in 1,727,000 square miles, now receiving skywave service, who would lose entirely the standard broadcast radio service now available to them.

20. On the basis of the data now available we find that there is no warrant for inaugurating rule making looking toward extended hours for daytime stations on a general or universal basis and we conclude that the Inquiry herein should be, and it is hereby terminated.

Adopted: July 8, 1959.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5801; Filed, July 13, 1959; 8:50 a.m.]

[Docket Nos. 12895, 12896; FCC 59M-870]

BUCKLEY-JAEGER BROADCASTING CORP. AND WHDH, INC.

Order Scheduling Prehearing Conference

In re applications of Buckley-Jaeger Broadcasting Corporation, Providence, Rhode Island, Docket No. 12895, File No. BPH-2552; WHDH, Inc., Boston, Massachusetts, Docket No. 12896, File No. BPH-2575; for construction permits for FM broadcast stations.

It is ordered, This 6th day of July 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 9:30 a.m. on Wednesday, July 15, 1959, in the offices of the Commission, Washington, D.C.

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5802; Filed, July 13, 1959; 8:50 a.m.]

[Docket No. 12934; FCC 59M-877]

CLEARWATER BROADCASTING CORP. (WDCL)

Order Scheduling Hearing

In re application of Clearwater Broadcasting Corporation (WDCL), Tarpon Springs, Florida, Docket No. 12934, File No. BML-1746; for modification of license.

It is ordered, This 6th day of July 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 28, 1959, in Washington, D.C.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5803; Filed, July 13, 1959; 8:50 a.m.]

[Docket Nos. 12854, 12855; FCC 59M-875]

GOLETA BROADCASTING ASSOCIATES ET AL.

Order Continuing Hearing Conference

In re applications of Thomas J. Davis, Jr. and Robert Sherman d/b as Goleta Broadcasting Associates, Goleta, California, Docket No. 12854, File No. BP-12044; Bert Williamson and Lester W. Spillane, a co-partnership, Santa Barbara, California, Docket No. 12855, File No. BP-12154, for construction permits.

The Hearing Examiner having under consideration a petition filed on July 7, 1959, by Bert Williamson and Lester W. Spillane, a co-partnership, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for July 8, 1959, be continued to July 28, 1959;

It appearing, that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition;

It is ordered, This 8th day of July 1959, that the petition be and it is hereby granted; and the prehearing conference in the above-entitled proceeding be and it is hereby continued to July 28, 1959, at 10 a.m., in Washington, D.C.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5804; Filed, July 13, 1959; 8:50 a.m.]

[Docket No. 12824; FCC 59M-880]

INTER-CITIES BROADCASTING CO.

Order

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP-10991; for construction permit for a new standard broadcast station.

It is ordered, This 7th day of July 1959, that the "Petition of Inter-Cities Broadcasting Company for Change of Certain

[7] It may be pointed out also that any complaints that existing fulltime stations have failed to devote a reasonable amount of broadcast time to meeting the needs of the areas and communities which now receive broadcast service from these licensees will be carefully considered by the Commission in connection with renewal proceedings relating to such stations. Under the Communications Act of 1934, as amended, standard broadcast stations are licensed for a term of three years and renewal of such licenses may be granted from time to time for a term not to exceed three years. In each instance the Commission grants the license only upon finding that the operation meets the statutory standard of public interest, convenience, or necessity.

[8] It is the intent and purpose of the rules and standards to provide, with due consideration of all the factors involved and of their complexity, criteria which can be generally applied under the Communications Act to proposed station assignments to determine their acceptability or non-acceptability for licensing in terms of acceptable or non-acceptable interference. As in the case of many other fields in which statistical methods are employed, the applicable interference criteria have resulted from a statistical analysis of a large number of recorded field intensity measurements accumulated over substantial periods of time. These criteria have been the subject of review from time to time to assure consonance with all scientific principles and all other known factors which may have a bearing on the licensing of broadcast stations.

[9] We expressed the view in the Report and Order in Docket No. 12274 (Par. 49) that the needs and advantages relating to programming were common to all radio service, and that "any change in allocation rules which results in degradation of overall radio service results in less meeting of the various needs and provides for less of the advantages than at present". We adhere to that view on the basis of the record made in that proceeding. But we wish to permit the presentation of any special facts as to the value of the programming of certain stations or kinds of stations which may be available; and accordingly we are including this among the issues herein. Data supplied along this line, as in other connections, should be specific and factual, rather than general and conclusionary.

[10] We here consider existing stations and prospective licensing of new stations.

Dates" filed July 2, 1959, is, without objection from any other party, granted; and the following changes in dates governing future steps in this proceeding are herewith effected:

From—	To—	For—
July 13, 1959	July 27, 1959	Inter-Cities Broadcasting Company's direct written presentation to be furnished other parties and the Examiner.
July 20, 1959	Aug. 3, 1959	Informal Engineering Conference.
Aug. 10, 1959	Aug. 14, 1959	In the event Station WGAR proposes to make rebuttal showing, that showing will be reduced to writing and copies furnished to other parties and to the Examiner.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5805; Filed, July 13, 1959; 8:50 a.m.]

[Docket Nos. 12654, 12935; FCC 59M-879]

OLD BELT BROADCASTING CORP. (WJWS) AND PATRICK HENRY BROADCASTING CORP. (WHEE)

Order Scheduling Hearing

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia, Docket No. 12654, File No. BP-11412; Patrick Henry Broadcasting Corporation (WHEE), Martinsville, Virginia, Docket No. 12935, File No. BP-11416; for construction permits.

It is ordered, This 6th day of July 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 28, 1959, in Washington, D.C.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5806; Filed, July 13, 1959; 8:50 a.m.]

[Docket No. 12695; FCC 59M-873]

RADIO MISSOURI CORP. (WAMV)

Order Scheduling Prehearing Conference

In re application of Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 7th day of July 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a further prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., July 22, 1959.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5807; Filed, July 13, 1959; 8:50 a.m.]

[Docket No. 12209 etc.; FCC 59M-878]

DAVID M. SEGAL ET AL.

Order Continuing Hearing

In re applications of David M. Segal, Boulder, Colorado, Docket No. 12209, File No. BP-10427, Clifford W. Paine & William John Hyland, III, d/b as Denver Broadcasting Company, Denver, Colorado, Docket No. 12883, File No. BP-11791; John L. Buchanan, tr/as Satellite Center Radio Company, Arvada, Colorado, Docket No. 12884, File No. BP-12514; for construction permits.

A prehearing conference in the above-entitled matter having been held on July 7, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an Order:

It is ordered, This 7th day of July 1959 that:

(1) The direct cases of the applicants shall be presented by written, sworn exhibits;

(2) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on September 15, 1959;

(3) The written sworn exhibits constituting the direct cases of the applicants shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 1, 1959, at which time, other than for corrective matters, the affirmative cases shall be deemed frozen;

(4) The hearing shall convene at 10:00 a.m. on November 16, 1959 for the presentation of the direct written cases into evidence and the notification of witnesses to be called for cross-examination;

(5) The calling of witnesses for cross-examination shall commence on December 1 1959;

It is further ordered, That the hearing in this matter presently scheduled to commence on July 28, 1959, is continued to November 16, 1959, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5808; Filed, July 13, 1959; 8:51 a.m.]

[Docket No. 12651 etc.; FCC 59M-874]

JAMES E. WALLEY ET AL.

Order Setting Prehearing Conference

In re applications of James E. Walley, Oroville, California, Docket No. 12651, File No. BP-11655; Robert L. Stoddard, tr/as Sierra Broadcasting Company (KATO) Reno, Nevada, Docket No. 12819, File No. BP-12299; Finley Broadcasting Company (KSRO), Santa Rosa, California, Docket No. 12820, File No. BP-12313; Gene V. Mitchell and Robert T. McVay, d/b as Sanval Broadcasters, Oroville California, Docket No. 12821, File No. BP-12381; for construction permits for standard broadcast stations.

It is ordered, This 7th day of July 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C. at 10 o'clock a.m., July 17, 1959, for the purpose of considering the following:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: July 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5809; Filed, July 13, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-17194 and G-17216]

GRAHAM-MICHAELIS DRILLING CO.

Notice of Applications and Date of Hearing

JULY 7, 1959.

Take notice that on December 4, 1958, in Docket No. G-17194, and on December 8, 1958, in Docket No. G-17216, Graham-Michaelis Drilling Company (Applicant) filed applications pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon natural gas service to Colorado Interstate Gas Company (Colorado Interstate) as follows:

(1) In Docket No. G-17194, from the Gilstrap No. 1 and Davis No. 1 Units located in the Hugoton Gas Field, Haskell County, Kansas, covered by a gas sales contract dated February 2, 1953, between Cities Service Oil Company (Cities Service), Applicant's predecessor in interest, and American Gas Production Company, as sellers, and Colorado Interstate, as buyer, on file as Graham-Michaelis Drilling Company (Operator), et al., FPC Gas Rate Schedule No. 9; and

(2) In Docket No. G-17216, from the Emmons No. 1 Unit, also located in the Hugoton Gas Field, Haskell County, Kansas, covered by a gas sales contract dated March 9, 1955, as amended, between Michaelis Drilling Company (Michaelis), et al., as seller, and Colorado Interstate, as buyer, now on file as Graham-Michaelis Drilling Company (Operator), et al., FPC Gas Rate Schedule No. 7.

Michaelis (predecessor of Applicant) was authorized on January 24, 1956, in Docket No. G-9180, and on October 16, 1956, in Docket No. G-9388, to sell gas to Colorado Interstate from the aforementioned units, among others, a portion of which services are proposed to be abandoned in Docket Nos. G-17194 and G-17216, respectively.

Applicant states that the subject unit wells are no longer capable of producing gas in commercial quantities.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on August 11, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5771; Filed, July 13, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

Miscellaneous Amendments

JUNE 16, 1959.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, purusant to section 17 of the Interstate Commerce Act as amended, revised to January 1, 1959 (24 F.R. 2506 and 24 F.R. 4070), have been amended in the following particulars:

The membership of Division 4 appearing in the section entitled *Divisions* on the first page of the text has been changed as stated below:

Division Four—Commissioners Anthony F. Arpaia (Chairman), Laurence K. Walrath and Abe McGregor Goff.

Item 9.6 *Finance* has been amended in the column headed "Reports to the Commission or appropriate division through" by substituting "Comr. Arpaia" for "Comr. Mitchell".

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5795; Filed, July 13, 1959; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 102-A]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting Traffic; Vacation of Order

To all railroads: Upon further consideration of Taylor's I.C.C. Order No. 102 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 102, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 p.m., July 6, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 6, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5785; Filed, July 13, 1959; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 54]

TRANSFER OF PROPERTY KNOWN AS CLEGHORN SPRINGS (F-SD-444) PENNINGTON COUNTY, SOUTH DAKOTA

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated June 2, 1959, that property known as Cleghorn Springs, Pennington County, South Dakota, and more particularly described in said deed, has been transferred from the United States to the State of South Dakota.

2. The above-described property was transferred to the State of South Dakota for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of Public Law 537.

Dated: July 6, 1959.

LAWSON B. KNOTT, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 59-5772; Filed, July 13, 1959; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 137

Washington, Wednesday, July 15, 1959

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is schedule of advance rates, by grades, for the 1959 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 26, 1958 (23 F.R. 5645).

§ 464.1121 1959 Crop; Flue-cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1F	82.12	B3LV	62.12
A2F	78.12	B4LV	58.12
A1R	75.12	B5LV	52.12
A2R	70.12	B3LL	58.12
B1L	72.12	B4LL	54.12
B2L	69.12	B5LL	48.12
B3L	67.12	B1F	72.12
B4L	62.12	B2F	69.12
B5L	56.12	B3F	67.12
B6L	49.12	B4F	62.12

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within Quota" (white or green) marketing card; rates for untied flue-cured tobacco similarly identified are five dollars ($5.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 50 percent of the applicable rates for tobacco identified on a "Within Quota" (white or green) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2, or No-G will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B5F	56.12	B4GK	40.12
B6F	49.12	B5GK	35.12
B3FV	62.12	B6GK	29.12
B4FV	57.12	B4GG	26.12
B5FV	52.12	B5GG	24.12
B1FR	67.12	B6GG	20.12
B2FR	65.12	H1L	74.12
B3FR	62.12	H2L	73.12
B4FR	57.12	H3L	72.12
B5FR	52.12	H4L	70.12
B6FR	45.12	H5L	65.12
B1R	60.12	H6L	59.12
B2R	56.12	H1F	74.12
B3R	52.12	H2F	73.12
B4R	44.12	H3F	72.12
B5R	37.12	H4F	70.12
B6R	30.12	H5F	65.12
B3RV	50.12	H6F	59.12
B4RV	43.12	H3R	66.12
B5RV	36.12	H4R	61.12
B3D	43.12	H5R	55.12
B4D	35.12	H6R	48.12
B5D	29.12	H4K	58.12
B6D	24.12	H5K	52.12
B3KL	52.12	H6K	45.12
B4KL	45.12	C1L	76.12
B5KL	40.12	C2L	74.12
B6KL	31.12	C3L	73.12
B3KF	52.12	C4L	72.12
B4KF	45.12	C5L	70.12
B5KF	40.12	C4LV	65.12
B6KF	31.12	C5LV	60.12
B4KV	43.12	C4LL	60.12
B5KV	36.12	C5LL	56.12
B6KV	29.12	C1F	76.12
B3KR	58.12	C2F	74.12
B4KR	53.12	C3F	73.12
B5KR	47.12	C4F	72.12
B3M	48.12	C5F	70.12
B4M	44.12	C4FV	65.12
B5M	38.12	C5FV	60.12
B6M	30.12	C4KL	57.12
B5RS	33.12	C5KL	52.12
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B5GS	31.12	C5KF	52.12
B6GS	25.12	C5KR	54.12
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B5GL	46.12	X2L	71.12
B6GL	43.12	X3L	69.12
B3GF	57.12	X4L	65.12
B4GF	50.12	X5L	56.12
B5GF	45.12	X3LV	60.12
B6GF	38.12	X4LV	54.12
B4GR	42.12	X5LV	45.12
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Grade	Advance rate	Grade	Advance rate
X1F	72.12	X5G	30.12
X2F	71.12	P2L	63.12
X3F	69.12	P3L	60.12
X4F	65.12	P4L	50.12
X5F	56.12	P5L	35.12
X3FV	60.12	P2F	63.12
X4FV	53.12	P3F	59.12
X5FV	43.12	P4F	48.12
X4KL	48.12	P5F	30.12
X4KF	50.12	P3G	45.12
X5KF	40.12	P4G	32.12
X4KV	39.12	P5G	22.12
X5KV	27.12	N1L	21.12
X4KR	51.12	N1F	28.12
X3M	51.12	N1R	23.12
X4M	45.12	N1GL	20.12
X5M	38.12	N1GF	25.12
X3G	50.12	N1GR	20.12
X4G	44.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423; secs. 125, 70 Stat. 198, 7 U.S.C. 1813)

Issued this 10th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–5839; Filed, July 14, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

PART 1001—GENERAL PROVISIONS

Miscellaneous Amendments

The following miscellaneous amendments are issued to this subchapter:

Subpart A—Introduction

1. Section 1001.109–3 is deleted and the following substituted therefor:

§ 1001.109–3 Deviations affecting more than one contract or contractor.

Deviations from Armed Services Procurement Regulation or a Department of Defense directive which affect more than one contract or contractor will be made by the Director of Procurement and Production, DCS/M, Hq USAF, after coordination as to form and legality by the Office of the General Counsel, USAF, consultation with the Office of the Assistant Secretary of the Air Force (Materiel), and prior approval of the Assistant Secretary of Defense (Supply and Logistics). Requests for authority to make such deviations will include complete justification and will be sent through channels, including the Commander, AMC, attn: MCPC.

2. Section 1001.109–4 is added as follows:

§ 1001.109–4 Conflicts between Government-to-Government agreements with ASPR.

Requests for deviation requiring consideration of ASPR Committee under § 1.109–4 of this title, will be forwarded direct to Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–1, with information copy to Commander, AMC, attn: MCPC.

3. Section 1001.109–50 is deleted and the following substituted therefor:

§ 1001.109–50 Deviations from AFPI or AFPC.

(a) Except for deviations from Subpart F, Part 1003 of this chapter, deviations from the requirements of the Air Force Procurement Instructions and an Air Force Procurement Circular will be made only by and with the prior approval of the Office of the Procurement Committee (MCPC), Hq AMC. Requests for authority to make such deviations will include complete justification and will be forwarded through channels to MCPC. Deviations from provisions affecting matters of major policy will be made only after prior coordination with the Director of Procurement and Production, DCS/M, Hq USAF. Deviations from the provisions of Subpart F, Part 1003 of this chapter, Imprest Fund, will be made only by and with the prior approval of the Director of Procurement and Production, DCS/M, Hq USAF. Requests for deviations from Subpart F, Part 1003 of this chapter, will be forwarded to Hq USAF through Commander, AMC, attn: MCPPP.

(b) A record of each deviation from Air Force Procurement Instructions or Air Force Procurement Circular will be maintained by MCPC, Hq AMC. In addition a file will be retained by MCPC on each deviation setting forth the reasons why a deviation was granted.

4. Sections 1001.111, 1001.111–1 and 1001.111–2 are added as follows:

§ 1001.111 Reports of suspected criminal conduct and non-competitive practices.

§ 1001.111–1 Suspected criminal conduct.

Policies and procedures with respect to the debarment, ineligibility, and suspension of bidders are set forth in Subpart F of this part, and Subpart F, Part 1 of this title.

§ 1001.111–2 Non-competitive practices.

(a) See Armed Services Procurement Regulations.

(b) Reports of non-competitive practices will be forwarded through channels, including AMC (MCPI), to the Director of Procurement and Production, DCS/Materiel, Hq USAF, for submission to the Secretary.

(c) See Armed Services Procurement Regulations.

Subpart B—Definition of Terms

1. Section 1001.201–9(a)(3) is deleted and the following substituted therefor:

§ 1001.201–9 Sources of supplies.

(a) * * *

* * * * *

(3) Regular dealers in the supplies to be procured, as defined in § 1.201–9(b)(2) of this title.

2. Section 1001.201–54 is deleted and the following substituted therefor:

§ 1001.201–54 Base procurement.

The term "base procurement" means the authorized purchase with appropriated funds, of materials, supplies, and services by an AF installation (normally a base) for its own use or the use of a logistically supported activity. Base procurement is not limited to the immediate geographical area in which the base is located. Pending revision of the Air Force Procurement Instructions, wherever the term "local purchase" is used, it will be deemed to refer to "base procurement."

3. Sections 1001.201–56, 1001.201–57 and 1001.201–58 are deleted and the following substituted therefor:

§ 1001.201–56 Base procurement activity.

The term "base procurement activity" means any AF installation that is engaged in base procurement and is located within the United States, its Territories or possessions. Pending revision of the Air Force Procurement Instructions, wherever the term "local purchase activity" is used it will be deemed to refer to "base procurement activity."

§ 1001.201–57 Foreign base procurement activity.

The term "foreign base procurement activity" means any AF installation that is engaged in base procurement and is located outside the United States, its Territories and possessions and the Commonwealth of Puerto Rico. The term includes air attachés and AF foreign missions.

§ 1001.201–58 AMC field procurement activities.

The term "AMC field procurement activities" means the purchasing and contract administration activities of the air materiel areas located in the United States and Dayton and Memphis AF Depots.

4. Section 1001.201–64 is deleted and the following substituted therefor:

§ 1001.201–64 Purchasing offices.

(a) *Purchasing office.* A purchasing office is any AF installation, activity, or a division office, branch, section or unit of an AF installation or activity, charged with a purchasing or procurement function, including base purchasing and contracting offices.

(b) *Principal purchasing office.* The following are designated as principal purchasing offices of the AF:

(1) Buying divisions of the Directorate of Procurement and Production, Hq AMC.

(2) AMC field procurement activities.

(3) AMC centers.

5. Section 1001.201–65 is added as follows:

§ 1001.201–65 Foreign central procurement activity.

The term "foreign central procurement activity" means any AMC installation that is engaged in central procurement and is located outside the United States, its Territories and possessions and the commonwealth of Puerto Rico.

§ 1001.202 [Deletion]

6. Section 1001.202 is deleted.

Subpart C—Basic Policies

1. Section 1001.300 is added as follows:

§ 1001.300 Scope of subpart.

In addition to implementing Subpart C, Part 1 of this title, this subpart sets forth certain general procurement policies of the AF.

§ 1001.302–4 [Amendment]

2. In § 1001.302–4, paragraph (b)(3) is amended by deleting the final sentence thereof.

3. Section 1001.305 is deleted and the following substituted therefor:

§ 1001.305 Specifications.

(a) *General requirement.* It is the duty of the AF personnel charged with responsibility for drafting specifications and item descriptions to assure that they are drafted to state the actual minimum needs of the Government clearly, fairly, and accurately. As a general rule, the specifications or descriptions must define the item to be procured in terms suf-

ficiently definite to assure that every bid complying with the invitation will be for substantially the same product or service. This is necessary to enable all bidders to compete on a common basis and to assure the Government the lowest price obtainable. In particular, specifications or descriptions of equipment which require a part having a specific functional feature should be carefully drawn to reflect the actual needs of the Government; for example, if at the same time the specification is prepared it has been determined that only an automatic transmission would be acceptable, the specification should be so drawn that potential bidders are made aware of that fact. Specifications and purchase descriptions will be prepared with the presumption that the method of procurement will be by formal advertising.

(b) *Necessary limitation.* Specifications or item descriptions which are so clearly directed to the known characteristics and features of one bidder's product as to preclude other companies from submitting responsive bids should not be used. Specifications or descriptions should be drafted to eliminate the restrictive features and to describe the item in a manner which will encourage maximum competition. The question whether specifications or item descriptions are unduly restrictive of competition goes to the essence of the contract and in the event of protest is subject to review by the General Accounting Office. However, in stating the actual minimum needs of the Government, advertised specifications or item descriptions will not be considered unduly restrictive of competition if the product or equipment of one or more manufacturer does not meet these minimum requirements.

(c) *Types of specifications.* The following types of specifications are authorized for use in the order of preference as listed below. These specifications will be considered by all AF personnel as suitable for formally advertised procurement.

(1) *Federal specifications.* Examples are W–R–151, QQ–A–3562, PPP–B–601.

(2) *Fully coordinated military specifications.* Examples are: MIL–C–823B, JAN–I–7, MIL–M–6176.

(3) *Limited coordination military specifications.* (ASG–Aeronautical Standards Group) examples are MIL–F–62188 (ASG), MIL–L–25336(ASG).

(4) *Limited coordinated military specifications (USAF).* Examples are: MIL–S–8750(USAF), MIL–8–8743A (USAF).

(5) *Limited coordinated military specifications (other than USAF).* Examples are: MIL–C–13664(ORD), MIL–C–13745 (Sig C). MIL–V–13512(CE), MIL–R–18059(Aer). MIL–W–19583(Navy). MIL–L–18045C(Ships).

(6) *Specifications of other Government agencies.* Examples are: CAA–293, GSA–312.

(7) *Specifications of non-Government agencies.* These specifications are approved for general use only when listed in ANA Bulletin 147 or ANA Bulletin 343 or if specifically approved for a particular AF use by the appropriate engineering activity.

(d) *Use of Federal specifications.* Under the provisions of section 206(b) of the Federal Property and Administration Act of 1949, Public Law 152 (81st Congress) as implemented by 44 CFR Part 52, 53.11–53.13, all executive agencies are required to use applicable Federal specifications promulgated by the Director, Bureau of Federal Supply. These Federal specifications are listed in a Federal Specifications Index which is available at the Government Printing Office, Washington, D.C.

(e) *Offshore procurement.* Contracting officers accomplishing off-shore procurement are authorized to use, where necessary, such specifications, standards, and purchase descriptions of foreign governments, foreign trade associations, or purchase descriptions developed locally which will be readily understood by foreign vendors, provided adequate measures are taken to insure satisfactory and acceptable products, including standard and interchangeable items, where required.

(f) *Purchase descriptions when no specification is available.* (1) If the item to be procured is not covered by a drawing, plan, or specification, and preparation of such data is not feasible, a description will be prepared and used containing all of the essential requirements to be met by the item. The description should concentrate on the fundamental properties of the item and should be such that any item which has the required fundamental properties can be considered in comparison with other items on the basis of price alone. Such description should contain essential physical and functional characteristics of the item, such as:

(i) Kind of material.
(ii) Electrical data, if any.
(iii) Dimensions.
(iv) Principles of operation.
(v) Restrictive or significant environmental conditions.
(vi) If part of an assembly, the location within the assembly.
(vii) Essential operating conditions.
(viii) Special features, if any.
(ix) Intended use.
(x) Operation to be performed.
(xi) Equipment with which the item is to be used.

Repeated use of such a description for large dollar volume purchases of any item other than one of minor significance indicates a need for specification. In those instances, necessary action will be taken to issue an adequate military or Federal specification as appropriate.

(2) The use of a named product "or equal" may be a necessary technique in procurement on some occasions. This technique should be used only as a last resort when an adequate specification or purchase description is not available or cannot feasibly be made available in time for the procurement under consideration. When "or equal" procedure is used, bidders must be given the opportunity to offer substitute items, and such substitute items need not be exact duplicates of those products named. Rather, such items will be considered acceptable if they will perform the functions needed by the Government in essentially the same manner as the specified products. When the "or equal" provision is used, three commercial products will be listed as part of the descriptions unless this is impossible. See § 1002.2002–3 of this chapter and § 2.201(d) of this title.

(g) *Procurement of replacement spare parts, components, or materials.* (1) *For commercial type items.* Specifications or purchase descriptions are not required for spare parts, components, or materials required for existing stocks of material or for maintenance and operation of established installations, provided the item description used includes the source's part number or drawing number and refers to the model designation and manufacturer's name and address of the equipment with which the item is to be used. The above items will be considered for formal advertising under the conditions described herein only when the items to be procured are predominantly commercial type items and two or more sources of supply are available for competition.

(h) *Adopted specifications.* Many adopted specifications cover several grades or types, and provide for several options in methods of inspection. When such specifications are used, the invitation for bids or request for proposals will state specifically the grade, type, or method of inspection on which bids are to be based.

4. Sections 1001.305–1, 1001.305–2 and 1001.305–3 are added as follows:

§ 1001.305–1 Exemptions.

See § 1.305–1 of this title.

§ 1001.305–2 Inadequate specifications.

Section 1001.305(c) provides that the types of specifications listed therein will be considered by all AF personnel as suitable for formally advertised procurement. In the event the specification is proven inadequate by formally advertising with no responsive bids received, the contracting officer will obtain approval for the specific deviations involved from the engineering activity controlling the specification before further procurement action is taken.

§ 1001.305–3 Packaging, specifications, and requirements.

See § 1.305–3 of this title.

5. Sections 1001.306–2, 1001.306–4 and 1001.306–5 are added, as follows:

§ 1001.306–2 Place of delivery.

See § 1.306–2 of this title.

§ 1001.306–4 Commodity description.

See § 1.306–4 of this title.

§ 1001.306–5 Delivery terms.

When f.o.b. destination is specified, the exact location where supplies are to be delivered should be stated in the invitation for bids, request for proposal, or contract. For example, if the location where supplies are to be delivered is within the physical confines of Charleston Air Force Base, South Carolina, the delivery terms would be: "f.o.b. destination Charleston Air Force Base, South Carolina."

Subpart D—Procurement Responsibility and Authority

1. In § 1001.451, paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is inserted therein.

§ 1001.451 Representatives of contracting officers.

* * * * *

(c) A person assigned to and performing his primary duty within a procurement office, who is operating in the capacity of a buyer (i.e., soliciting quotations, opening RFP's, negotiating with contractors, placing calls against Blanket Purchase Agreements (§ 3.606–2(a) of this title), etc.) does not require a written warrant designating him a representative of the contracting officer. Such a person is considered to be in effect an employee of the contracting officer, acting in his behalf and as such has the inherent authority to perform the acts enumerated above.

2. Section 1001.453 is amended as follows:

a. Paragraph (j) and the Note, are deleted, and the following substituted therefor:

§ 1001.453 Delegations of authority.

* * * * *

(j) In the event that a person acts without the requisite authority, his actions may, under certain circumstances, be later ratified. When such ratification is proposed, review and approval of the proposed ratification should be obtained from the appropriate Staff Judge Advocate.

b. The last sentence of paragraph (l)(5) is deleted.

c. Subparagraphs (6) and (7) of paragraph (l) are added as follows:

(6) Except as otherwise authorized, any supplemental agreement definitizing contract change notifications when the contract change notifications being definitized accomplished a change which increased the cost to the Government by more than the dollar limitation regardless of whether there are offsetting credits provided in the same supplemental agreement.

(7) Requirements aggregating more than the dollar amount of the contracting authority delegated will not be broken down into more than one purchase transaction for the purpose of avoiding authority limitations.

d. Subparagraph (4) of paragraph (m) is added as follows:

(4) Contract change notifications issued according to Subpart C, Part 1054 of this chapter.

3. In § 1001.454, paragraph (c)(3) is deleted and reserved. Paragraph (c)(7) is added; paragraphs (c)(4) through (c)(6) and (c)(8) through (c)(12) are deleted, and the following substituted therefor:

§ 1001.454 Authority to designate contracting officers and representatives thereof.

* * * * *

(c) * * *

(3) [Reserved]

(4) Commanders and deputy commanders of air materiel areas who may also designate persons not under the jurisdiction of the designating authority, including persons under the jurisdiction of other AF commands, as representatives of contracting officers.

(5) Commanders and deputy commanders of AF depots.

(6) Commanders of separate AMC activities under the direct jurisdiction of the Commander, AMC.

(7) Deputy Directors of the Directorate of Procurement and Production, Hq AMC, who may also designate (i) as contracting officers, persons assigned to any Hq AMC activity, and (ii) as representatives of contracting officers, persons not under the jurisdiction of the designated authority, including persons under the jurisdiction of other AF commands.

(8) Commander and Deputy Commander, Aeronautical Systems Center—AMC.

(9) Commander, Ballistic Missiles Center—AMC, who may also designate persons not under his jurisdiction as representatives of contracting officers. Further redelegation may be made to the Deputy Commander, Ballistic Missiles Center—AMC.

(10) Director, Air Force Academy Construction Agency, who may also designate persons not under his jurisdiction as representatives of contracting officers.

(11) Chief, Electronics Defense Systems Division, who may also designate persons not under his jurisdiction as representatives of contracting officers. Further redelegation may be made to the Deputy Chief, Electronics Defense Systems Division.

(12) Commanders and Deputy Commanders, Air Materiel Forces, who may also designate persons under the jurisdiction of other AF commands as representatives of contracting officers. Further redelegation may be made to commanders of first echelons of command immediately subordinate to the AMF.

§ 1001.455 [Amendment]

4. In § 1001.455, paragraph (a) is deleted and the following substituted therefor:

(a) The Commander, AMC, has delegated, with power of redelegation, to the Director and Deputy Directors of Procurement and Production, Hq AMC, the authority to act for the Secretary of the Air Force or the Assistant Secretary of the Air Force (Materiel) in the following particulars:

5. Section 1001.457 is deleted in its entirety, and the following substituted therefor:

§ 1001.457 Authority to enter into, execute and approve contracts.

(a) The authority to enter into, manually execute or approve contracts has been delegated by the Director of Procurement and Production, Hq AMC, to the persons listed below. Awards made and contracts executed in excess of dollar limitations shown herein or as provided for in paragraph (b) of this section, and §§ 1001.458, 1001.459 and 1001.461, require approval of higher authority as set forth in Subpart E, Part 1053 of this chapter. In this respect, reference should be made to § 1001.480 which offers a ready guide to the delegations of AF procurement authority. Properly authorized letter contracts do not require manual approval, irrespective of dollar amount, except letter contracts for personal and professional services as described in § 1001.458 (See § 1003.405–3 of this chapter).

(1) *Contracting officers of major air commands within the continental United States (except Air Materiel Command).* Authority is limited to making awards and executing contracts involving $100,000 or less. Commanders of major air commands may further limit the authority, provided such limitations are made uniform throughout the command. Commanders of major air commands have been authorized to make awards and manually approve contracts involving $100,000 or less, except Commander, Military Air Transport Service, who has been authorized to make awards and manually approve contracts involving $350,000 or less. Commanders may delegate authority to manually approve certain contracts not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command.

(2) *Commanders of oversea commands.* May authorize contracting officers, designated by them, to make awards and execute contracts involving $100,000 or less. Authority to manually approve contracts may be redelegated not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command.

(3) *Air attachés and chiefs of AF foreign missions.* Authority is limited to making awards and approving contracts involving $100,000 or less, except Chief, Joint United States Military Group, Spain, who has been authorized to make awards and manually approve contracts involving $1,000,000 or less. May authorize contracting officers, designated by them, to make awards and execute contracts involving $100,000 or less.

(4) [*Reserved*]

(5) *AMC field procurement activities.*

(i) *Contracting officers of AMC field procurement activities.* Authority is limited to making awards and executing contracts involving $30,000 or less, except that production lists or calls under open contracts may be issued (through administrative contracting officer) to contractors irrespective of estimated dollar amount and that contract change notifications may be issued according to Subpart C, Part 1054 of this chapter, irrespective of dollar amount. AMA and AF depot commanders or directors of procurement and production may further limit the authority. Commander, AMA's, and Dayton AF Depot, with power of redelegation to directors of procurement and production only, have been authorized to: (*a*) Make awards and manually approve contracts awarded as a result of formal advertising or small business re-

stricted advertising irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option according to § 1002.201–51 of this chapter, is excluded), (b) make negotiated awards and manually approve contracts involving amounts of $1,000,000 or less, and (c) manually approve contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts. Commanders, Shelby and Topeka AF Depots have been authorized to make awards and manually approve contracts involving $100,000 or less. Commander, Memphis AF Depot has been authorized to make awards and manually approve contracts involving $350,000 or less and to manually approve contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts. Commanders of AF depots may redelegate their authority to directors of procurement and production only. AMA commanders may also redelegate procurement authority to a director of a USAF Logistic Control Group for amounts of $100,000 or less.

NOTE: The limiting authority up to $30,000 is not applicable to obligating funds previously committed (but not obligated) in the basic contract (See § 1053.313 of this chapter).

(ii) *Administrative contracting officers.* Authority is limited to: (a) Executing documents establishing prices of calls against open contracts after review and approval, according to the provisions of Subpart F, Part 1055 of this chapter, (b) accomplishing initial pricing and price redeterminations according to § 1003.801–2(a) of this chapter; (c) obligating funds previously committed but not obligated in the basic contract, or in other contractual documents supplementary thereto approved by the designated approving authority, for support items as defined in Subpart F, Part 1055 of this chapter or for other items subject to provisioning action based on the submission of approved provisioning orders, irrespective of total amount, or for contingent items or services based on approved written document(s), work order(s), or invoice(s) irrespective of total amount; (d) obligating funds previously committed whenever additional funds must be obligated as a result of price redetermination negotiations conducted by ACO's and reviewed as set forth in (b) of this subdivision. AMA commanders or their directors of procurement may further limit this authority.

(6) *Base procurement contracting officers of separate AMC installations (excludes AMC field procurement activities, AMFPA, and AMFEA) under the direct jurisdiction of the Commander, AMC.* Authority is limited to making awards and executing contracts involving $30,000 or less. Commanders of the installations have been authorized to make awards and manually approve contracts involving $100,000 or less.

(7) *Commander, ARDC,* with respect to research and development contracting matters including authority to: (i) Waive bid, payment, performance, or other bonds (other than for construction), (ii) administer patent matters incident to R&D contracts, (iii) approve insurance programs and pension and retirement plans of AF contractors, and (iv) approve repricing actions according to paragraph (b) of this section. The authority may be redelegated. A copy of all redelegations by the Commander, ARDC, of any of his research and development procurement authorities will be furnished to the Commander, AMC, attn: MCPP. Limitations of the authority are shown as follows:

(a) This authority does not apply to procurement initiated by Wright Air Development Center (WADC), except for procurements of research and of armament development using 650 series funds. Procurements initiated by WADC for other than research or armament development in the 650 series (primarily development of experimental aircraft and aeronautical items) will be accomplished by WADC's preparing and forwarding a purchase request to AMC Aeronautical Systems Center, for necessary procurement action. Reassignments from WADC to any other component of ARDC of other-than-research responsibilities that involve procurement actions will be subject to prior coordination with the Director of Procurement and Production, Hq AMC.

(b) Make awards and manually approve contracts awarded as a result of formal advertising or small business restricted advertising irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option according to § 1002.201–51 of this chapter, is excluded).

(c) Negotiated contracts, involving more than $1,000,000 for research are subject to review by the Office of the Procurement Committee (MCPC), Directorate of Procurement and Production, Hq AMC, before manual approval by an official duly authorized by the Commander, ARDC.

(d) Negotiated contracts, involving more than $1,000,000 for other than research (including base procurement) are subject to review by MCPC, Hq AMC, and manual approval by an official duly authorized by the Director of Procurement and Production, Hq AMC.

(e) Manually approve contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts.

(8) *Deputy Directors of the Directorate of Procurement and Production, Hq AMC.* Normally, the authority with respect to manually approving contracts, involving $1,000,000 or less that are subject to manual approval of a duly authorized official of the Directorate of Procurement and Production, Hq AMC, because of limitations on delegated authority, will be exercised by a Deputy Director of the Directorate of Procurement and Production, Hq AMC. Such contracts involving more than $1,000,000 are normally approved by the Director of Procurement and Production, Hq AMC, but in his absence may be approved by one of the Deputy Directors, or by an individual officially designated as "Acting" in one of the above capacities. For the purposes of the dollar limitations in this subparagraph, acquisition cost on any industrial facilities to be furnished under a facilities contract will be added to the amount of funds being obligated on that contract.

(9) *Commander, AMC Aeronautical Systems Center.* Authority is limited to: (i) Making awards and manually approving contracts awarded as a result of formal advertising or small business restricted advertising irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option according to § 1002.201–51 of this chapter, is excluded), (ii) making negotiated awards and manually approving contracts (including facilities contracts) involving amounts of $1,000,000 or less, (iii) manually approving contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts, (iv) manually approving supplemental agreements for engineering changes (this authority may be used in conjunction with other contractual actions which in themselves in the aggregate do not exceed the delegated dollar limitation without further approval), and (v) making awards and manually approving short form facilities contracts using MCP 71–663 contract provisions, irrespective of dollar amount. Authority may be redelegated.

(10) *Commander, AMC Ballistic Missiles Center.* Authority is limited to: (i) Making awards and manually approving contracts awarded as a result of formal advertising or small business restricted advertising irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option according to § 1002.201–51 of this chapter, is excluded), (ii) making negotiated awards and manually approving contracts (including facilities contracts) involving amounts of $1,000,000 or less, (iii) manually approving contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts, (iv) manually approving supplemental agreements for engineering changes (this authority may be used in conjunction with other contractual actions which in themselves in the aggregate do not exceed the delegated dollar limitation without further approval), and (v) making awards and manually approving short form facilities contracts using MCP 71–663 contract provisions, irrespective of dollar amount. Authority may be redelegated.

(11) *Director, Air Force Academy Construction Agency.* Make awards and manually approve contracts and modifications thereto for supplies and services involving $350,000 or less. Contracts in excess of $350,000 will be subject to manual approval by duly authorized approving officials of the Directorate of Procurement and Production, Hq AMC. Contracting officers of the Air Force Academy Construction Agency are authorized to make awards and manually execute contracts and modifications thereto involving $30,000 or less, without approval of higher authority, subject to such limitations as may be imposed by the Director, Air Force Academy Construction Agency.

(12) *Chief, Electronics Defense Systems Division, Hq AMC.* Authority is limited to: (i) Making awards and manually approving contracts awarded as a result of formal advertising or small business restricted advertising, irrespective of dollar amount (authority to approve supplemental agreements amounting to more than $1,000,000 which result from the exercise of an option according to § 1002.201–51 of this chapter, is excluded), (ii) making negotiated awards and manually approving contracts involving amounts of $1,000,000 or less, (iii) manually approving contractual instruments which do no more than obligate overruns on cost-plus-a-fixed-fee contracts, and (iv) manually approving supplemental agreements for engineering changes (this authority may be used in conjunction with other contractual actions which in themselves in the aggregate do not exceed the delegated dollar limitation without further approval.) Redelegation may be made to the Deputy Chief, Electronics Defense Systems Division. Contracting officers are authorized to make awards and manually execute contracts and modifications thereto involving $30,000 or less, without approval of higher authority, subject to such limitations as may be imposed by the Chief, Electronics Defense Systems Division.

(13) *Commanders and deputy commanders, air materiel forces,* for amounts of $350,000 or less, with power or redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the air materiel force. Contracting officers, under the jurisdiction of the air materiel force, may be authorized to make awards and execute contracts involving $100,000 or less. Administrative contracting officers under the jurisdiction of the air materiel force may be authorized to exercise the authority described in subparagraph (5) (ii) of this paragraph.

(b) All repricing actions, including, but not limited to, incentive type contracts, FPR–E, and old III's and IV's require manual approval, as follows:

(1) The Director of Procurement and Production, Hq AMC, has limited the authority granted to Commander, ARDC, and AMC activities to execute and manually approve supplemental agreements resulting from repricing actions.

(i) This limitation provides that when the gross redeterminable amount is in excess of $1,000,000, the repricing action whether involving an increase or decrease will be reviewed by Office of the Procurement Committee (MCPC), Hq AMC, and manually approved by a duly authorized approving official within the Directorate of Procurement and Production, Hq AMC, according to paragraph (a) (8) of this section. The term "gross redeterminable amount" is defined as the maximum amount expendable under the contract and subject to the current repricing action.

(ii) When the gross redeterminable amount subject to current repricing action is not in excess of $1,000,000 regardless of the amount of increase or decrease brought about by the repricing action, manual approval is delegated to:

(a) Commanders, air materiel areas (ConUS) and Dayton AF Depot with power of redelegation to no lower than the director of procurement and production.

(b) Commander, ARDC, with power of redelegation.

(c) Commander, AMC Ballistic Missiles Center, with power of redelegation.

(d) Commander, AMC Aeronautical Systems Center, with power of redelegation.

(e) Chief and Deputy Chief, Electronics Defense Systems Divisions, Hq AMC.

(f) Commanders, air materiel forces with power of redelegation to no lower than the director of procurement and production at an oversea air materiel area, except that an increase in price in excess of $350,000 will be reviewed by MCPC, Hq AMC, and manually approved according to paragraph (a) (8) of this section.

(g) Commander, Memphis AF Depot, with power of redelegation to no lower than the Director of Procurement and Production, except that an increase in price in excess of $350,000, will be reviewed by MCPC, Hq AMC, and manually approved by a duly authorized approving official within the Directorate of Procurement and Production, Hq AMC.

6. Section 1001.458 is deleted and the following substituted therefor:

§ 1001.458 Manual approval of contracts for services of experts and consultants.

(a) Prior approval in the form of findings and determinations personally signed by the Secretary are required for contracts for the services of experts and consultants entered into by authority of Public Law 600 (79th Congress), act of August 2, 1946, section 15 (60 Stat. 810; 5 U.S.C. 55a), and the current implementing appropriation acts. If the Secretary has made the necessary findings required by law, he may direct others to manually approve contracts for such services. In his findings and determinations made in support of the contracts, the Secretary generally includes a statement that, by his direction, the contracts will be approved by the Commander, AMC, or his designee.

(b) Except for the particular classes covered in § 1001.459, contracts described in this section may be approved by the following persons pursuant to designations by the Commander, AMC:

(1) Director and Deputy Directors of Procurement and Production, Hq AMC.

(2) Commander, ARDC, or his designee for contracts entered into by ARDC. Designees of the Commander, ARDC, may not be other than a staff officer responsible for procurement within Hq ARDC, or within the headquarters of the first echelon of command immediately subordinate thereto.

7. Section 1001.459 is deleted and the following substituted therefor:

§ 1001.459 Manual approval of architect-engineer contracts.

(a) The Commander, AMC, has been authorized to review and approve contracts involving $1,000,000 or less for architectural and engineering services when findings and determinations authorizing such contracts have been made by the Secretary. Except as otherwise authorized, the authority applies only to contracts written according to the format contained in Subpart QQ, Part 1007 of this chapter. Use of letter contracts is not authorized except as indicated in paragraph (b) (4) of this section.

(b) The authority described in paragraph (a) of this section has been delegated by the Commander, AMC, to the Director of Procurement and Production, Hq AMC, who has further delegated the authority, subject to limitations shown, to the following:

(1) Commanders of AF commands outside the continental United States for contracts involving $1,000,000 or less, with power of redelegation to the vice commander and a command staff officer responsible for procurement. Commanders, vice commanders, and command staff officers responsible for procurement may further redelegate this authority to the commander of any AF base under their jurisdiction for contracts involving $5,000 or less.

(2) Commanders of AF commands (other than Air Materiel Command) within the continental United States, with power of redelegation to the vice commander and a command staff officer responsible for procurement for: (i) Contracts involving $500,000 or less that are authorized by an individual findings and determination, and (ii) contracts involving $100,000 or less that are authorized by a blanket findings and determination. Commanders, vice commanders, and command staff officers responsible for procurement may further redelegate this authority to the commander of any AF base under their jurisdiction for contracts involving $5,000 or less, except that Strategic Air Command may also redelegate to the Commander, 16th Air Force for contracts involving $50,000 or less.

(3) Chief, Joint U.S. Military Group, Spain, for contracts involving $50,000 or less.

(4) Commander and Deputy Commander, AMC Ballistic Missiles Center, for contracts (including letter contracts) involving $1,000,000 or less.

(5) Commander and Deputy Commander, AMC Aeronautical Systems Center, for (i) contracts involving $500,000 or less that are authorized by an individual findings and determination, and (ii) contracts involving $100,000 or less that are authorized by a blanket findings and determination.

(6) Commanders and deputy commanders of air material areas (ConUS), air materiel forces, and Dayton AF Depot, for (i) contracts involving $500,000 or less that are authorized by an individual findings and determination, and (ii) contracts involving $100,000 or less that are authorized by a blanket findings and determination.

(7) Commanders and deputy commanders of AF Depots (except Dayton) and air materiel areas under the jurisdiction of an air materiel force for contracts involving $5,000 or less.

(8) Commander, Wright-Patterson Air Force Base, for contracts involving $5,000 or less.

8. Section 1001.460 is deleted and the following substituted therefor:

§ 1001.460 Priorities authority — DO ratings and approved DX ratings.

(a) The Commander AMC has been delegated authority with respect to: The DO rating program, and the DX rating program for contracts and orders identifiable to programs of the highest national priority or by subsequent revisions (DoD Master Urgency List) as described in this section. These authorities are to be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established from time to time by proper authority (see § 1.308 of this title). Each person who redelegates the authority will maintain a record of such redelegations and limits placed thereon.

(1) Authority to authorize production and construction schedules and to make allotments of controlled materials with respect to contracts to meet authorized DO and DX Industrial Priority Rating Programs for which the Department of Defense is claimant agency and to meet such other programs as may be designated.

(2) Authority to process applications for adjustment or exception under the provisions of DMS Reg. 2 (issued by business and Defense Services Administration, Department of Commerce), and to take final appellate action under that regulation.

(3) Authority to apply, or assign to others the right to apply, DO and DX ratings and allotment numbers and symbols, as the case may be, with respect to contracts to meet authorized programs.

(4) Authority to assign the right to apply DO and DX ratings and allotment numbers to certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized programs.

(5) Authority to assign the right to apply DO and DX ratings and allotment numbers to certain contractors on orders for delivery of construction equipment for use on construction outside the Continental United States.

(b) The authority has been redelegated by the Commander, AMC to the Director of Procurement and Production, Hq AMC. Further redelegation has been made by the Director of Procurement and Production, Hq AMC, as follows:

(1) The authority set forth in paragraph (a) (1), (2), (3), (4), and (5) of this section to the Commander, AMC Aeronautical Systems Center, with power of redelegation.

(2) The authority set forth in paragraph (a) (3) and (4) of this section to and through successive echelons of command to all contracting officers (includes procuring and administrative) of the Air Force.

(3) The authority set forth in paragraph (a) (5) of this section, to and through the Commander, AMC Ballistic Missiles Center, and division chiefs of the Directorate of Procurement and Production, Hq AMC, to contracting officers under their jurisdiction.

9. In § 1001.461, the title is revised; paragraph (b) is deleted and a new paragraph (b) is substituted therefor; paragraphs (c) and (d) are added, as follows:

§ 1001.461 Contracts for public utility services extending beyond current fiscal year or including a connection charge in excess of $5,000.

* * * * *

(b) The authority described in paragraph (a) of this section has been delegated by the Commander, AMC, to the Director and Deputy Directors of Procurement and Production, Hq AMC.

(c) The statute authorizing definite term utility service contracts for periods not exceeding 10 years is Public Law 152 (81st Congress). This statute as well as 10 U.S.C. 2304(a)(10) will be cited on all definite term utility service contracts extending beyond the current fiscal year.

NOTE: Indefinite term utility service contracts as contemplated in Subpart KK, Part 1007 of this chapter (which are in effect until terminated) do not impose any obligation on the Government except as the service is actually used and therefore, do not come within the purview of this section. Such contracts will be approved pursuant to §§ 1001.457 and 1007.3706 of this chapter and will cite only 10 U.S.C. 2304(a)(10) as statutory authority.

(d) Any utility service contract involving a connection charge of $5,000 or more, including the agreed salvage value, will be submitted to the Commander, AMC, attn: MCPC.

10. Section 1001.462 is added, as follows:

§ 1001.462 Approval of certain PR's and MIPR's.

(a) AMA and AF depot commanders have been authorized by the Director of Procurement and Production, Hq AMC, to sign PR's and MIPR's that are initiated within the AMA or depot directorate of procurement and production and are supported by production program funds administered by that directorate. The authority granted without limitation as to dollar amount involved. AMA and AF depot commanders may further delegate the authority to the following persons, subject to the dollar limitations shown:

(1) AMA or AF depot director of procurement and production—PR's or MIPR's involving $1,000,000 or less.

(2) Contracting officers under the jurisdiction of the AMA or depot director of procurement and production—PR's or MIPR's involving $100,000 or less.

(b) Authority to sign PR's and MIPR's initiated within the Directorate of Procurement and Production, Hq AMC, has been delegated to the following persons, subject to the dollar limitations shown:

(1) Chief or deputy chief of initiating division—PR's or MIPR's involving more than $350,000.

(2) Branch chiefs—PR's and MIPR's involving $350,000 or less, except that the dollar limitation does not apply to PR's or MIPR's for increases or decreases due to price redetermination.

(3) Section chiefs—PR's or MIPR's involving $100,000 or less.

(4) Contracting officers—PR's or MIPR's involving $10,000 or less.

(c) Commander and deputy commander, air materiel forces and AMC centers, have been authorized by the Director of Procurement and Production, Hq AMC, with power of redelegation, to sign PR's and MIPR's without limitation as to dollar amount.

§ 1001.463 [Deletion]

11. Section 1001.463 is deleted and reserved.

12. In § 1001.464, the introductory paragraph is deleted and the following substituted therefor:

§ 1001.464 Delegation to commander, Air Training Command.

In addition to the authorities delegated to him as a commander of a major air command, the Commander, ATC, has been authorized by the Director of Procurement and Production, Hq AMC, to exercise the authorities described below. The authorities may be exercised only with respect to negotiated contracts for procurement of services for special training described in AFR 50–9, administration of resulting contracts will be assigned to the appropriate AMA of the Air Materiel Command, and procurement of services for primary pilot training.

13. In § 1001.465, paragraph (c) is deleted and new paragraphs (c) through (e) are added, as follows:

§ 1001.465 Manual approval of contracts for personal services for air photographic and charting service.

* * * * *

(c) Requests for programming data will be submitted to the appropriate Directorate, Hq USAF, Washington 25, D.C., or to the appropriate AMC organization as follows:

(1) For approved program data affecting production requirements, except as set forth in subparagraph (2) of this paragraph, to the Commander, AMC Aeronautical Systems Center, attn: LMF.

(2) For approved program data affecting production requirements of items where the AMA or the AF depot is assigned prime class procurement responsibility, to the commander of the appropriate AMA or AF depot.

(3) For approved program data affecting use of technical representatives and contract technicians within AMC, to the Commander, AMC, attn: MCMT.

(4) For approved program data affecting use of technical representatives and contract technicians within major commands other than AMC, to the Director of Maintenance Engineering, Hq USAF, attn: AFMME–PD.

(5) For approved depot level maintenance program data affecting production requirements, to the Commander, AMC, attn: MCMP.

(6) For forecasts of industrial facilities deficiencies, to the Commander, AMC Aeronautical Systems Center, attn: LMBI.

(7) For types of program and planning data not specifically listed above, to the Commander, AMC. The office of primary interest at Hq AMC, will contact the appropriate office in Hq USAF, for concurrence or approval, as appropriate.

(d) *Responsibility.* (1) *All AF Personnel.* All AF military and civilian personnel will refrain from releasing to individual business concerns or their representatives any preknowledge that such personnel may possess concerning proposed procurements or purchases of supplies (including construction or maintenance projects) by any AF procuring activity. Such information will be released to all potential contractors at the same time, as nearly as possible, and only through duly designated agencies so that one potential contractor may not be given an unfair advantage over another. All dissemination of such information will be according to existing authorized procedures and only in connection with the necessary and proper discharge of official duties.

(2) *Approving Activity.* The approving AF activity will insure that the release of programming data, as described in paragraph (b) of this section, to commercial sources is permitted only when thoroughly justified as providing necessary support to the assigned logistical responsibilities of the Air Force and when fully compatible with governing security regulations.

(e) The authority described in paragraph (b) of this section has been delegated by the Commander, AMC, to the following persons:

(1) *Director of Procurement and Production, Hq AMC.* The authority is limited to approval of release of program data affecting production requirements. The authority has been redelegated to the Commander, AMC Aeronautical Systems Center, with power of redelegation.

(2) *Director and Deputy Director of Maintenance Engineering, Hq AMC.* The authority is limited to approval of release of program data affecting utilization of field engineers and technical representatives.

(3) *Commanders of AMA's and AF depots.* The authority is limited to approval of release of program data in those cases where the AMA or AF depot has been assigned prime class procurement responsibility. Release of program data affecting utilization of field engineers and technical representatives is not authorized. The authority may only be redelegated to the AMA or AF depot director of procurement and production.

§ 1001.467 [Deletion]

14. Section 1001.467 is deleted and reserved.

15. In § 1001.480–2, numbers 1 through 11, 35, 36, 38, and the legend, are deleted, and the following substituted therefor:

§ 1001.480–2 Redelegation of AF Procurement authorities by the Commander, AMC and the Director of Procurement and Production, Hq AMC.

A Subject and reference	B HQ AMC	C AMA's & AF depots CONUS	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attaches and foreign missions
1. Designate contracting officers and representatives thereof (includes authority to terminate appointments). Reference: § 1001.454.	Comdr, AMC. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited. DDoPP, as stated in § 1001.454(c)(7). Power to redelegate: None. CBMC, as stated in § 1001.454(c)(9). Power to redelegate: DCBMC. CASC and DCASC. Power to redelegate: None. Chief, EDSD, as stated in § 1001.454(c)(11). Power to redelegate: Deputy Chief, EDSD.	Comdr and D Comdr, AMA's as stated in § 1001.454(c)(4). Power to redelegate: None. Comdr and D Comdr, AF Depots. Power to redelegate: None.	Comdr and D Comdr, AMF as stated in § 1001.454(c)(12). Power to redelegate: Comdrs of 1st echelons of command immediately subordinate to the AMF. Comdr, AMC separate activities under direct jurisdiction of Comdr, AMC. Power to redelegate: None.	Comdr. Power to redelegate: 1st echelon staff officers. Director, AF Academy Construction Agency, as stated in § 1001.454(c)(10). Power to redelegate: None.	Comdr, Oversea Commands. Power to redelegate: 1st echelon staff officers. Air Attaches and Chiefs of AF foreign missions. Power to redelegate: None.
2. Issue Letter Contracts. Reference: § 1003.405–3 of this chapter and § 3.405–3 of this title.	DoPP and DDoPP. Power to redelegate: Unlimited. CBMC, no dollar limitation. Power to redelegate: DCBMC. Chief, EDSD, anticipate costs not exceed $1,000,000. Power to redelegate: Deputy Chief, EDSD. CASC, anticipate costs not exceed $1,000,000. Power to redelegate: Unlimited.	Comdr AMA's, anticipate costs not exceed $1,000,000. Power to redelegate: DoPP. Comdr Dayton AF Depot, anticipate costs not exceed $1,000,000. Power to redelegate: DoPP. Comdr Memphis AF Depot, anticipate costs not exceed $350,000. Power to redelegate: DoPP.	Comdr, AMF, no dollar limitation. Power to redelegate: 1st echelon staff officer.	Comdr, ARDC, with respect to R&D procurements, no dollar limitation. Power to redelegate: Unlimited. Comdr, Air Training Command, subject to prior authorization by MCPC, Hq AMC. Power to redelegate: 1st echelon staff officer.	Comdr, oversea commands no dollar limitation. Power to redelegate: 1st echelon staff officer. Air Attaches and Chiefs of AF foreign missions, no dollar limitation. Power to redelegate: None.

A Subject and reference	B HQ AMC	C AMA's & AF depots CONUS	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attaches and foreign missions
3. Enter into, execute, and approve contracts. Reference: § 1001.457. NOTE: Unless otherwise indicated, the authority vested in contracting officers is limited to making awards and executing contracts.	Comdr, AMC, no dollar limitation. Power to redelegate: Unlimited. DoPP, no dollar limitation. Power to redelegate: Unlimited. DDoPP, normally manual approval $1,000,000 or less (see § 1001.457(a)(8). Power to redelegate: None. CASC and CBMC, subject to §§ 1001.457(a)(9) and (10): Formal advertising — Unlimited; Negotiated — $1,000,000; Overruns on CPFF contracts — Unlimited; Engineering changes — Unlimited; Short form facilities contracts — Unlimited. Power to redelegate: Unlimited. Chief, EDSD, subject to § 1001.457(a)(12): Formal advertising — Unlimited; Negotiated — $1,000,000; Overruns on CPFF contracts — Unlimited; Engineering changes — Unlimited. Power to redelegate: Deputy Chief, EDSD. Contracting officers, EDSD, $30,000 or less, subject to such limitations as may be imposed by the Chief, EDSD. Power to redelegate: None.	Comdr, AMA's & Dayton AF Depot subject to § 1001.457(a)(5)(i): Formal advertising — Unlimited; Negotiated—$1,000,000; Overruns on CPFF contracts — Unlimited. Power to redelegate: DoPP, Director of USAF LCG, $100,000 or less. Comdr, Shelby and Topeka AF Depots—$100,000 or less. Power to redelegate: DoPP. Comdr, Memphis AF Depot — $350,000 or less; Overruns on CPFF contracts — Unlimited. Power to redelegate: DoPP. Contracting officers, $30,000 or less (see § 1001.457(a)(5)(i) for exceptions). Power to redelegate: None. Administrative contracting officers (see § 1001.457(a)(5)(ii) for specific authorities). Power to redelegate: None.	Comdrs & D Comdrs AMF's, $350,000 or less. Power to redelegate: 1st echelon staff officers. Contracting officers, AMF's. $100,000 or less, subject to such further limitations as may be imposed by the Comdr. Power to redelegate: None. ACO's, AMF's (see § 1001.457(a)(5)(ii) for specific authorities). Power to redelegate: None. Comdr, AMC separate install. under the direct jurisdiction of the Comdr, AMC—$100,000 or less. Power to redelegate: None. Contracting officers, AMC separate install. under the direct jurisdiction of the Comdr, AMC — $30,000 or less. Power to redelegate: None.	Comdr, $100,000 or less except Comdr MATS—$350,000 or less. Power to redelegate: 1st echelon staff officer (approval). Contracting officers — $100,000 or less, subject to such further limitations as may be imposed by the Comdr, w/o power to redelegate. Comdr, ARDC, for R&D matters, no dollar limitation subject to: (a) Negotiated research contracts in excess of $1,000,000 require review by Hq AMC (MCPC) and mantial approval by an ARDC approving official. (b) Negotiated contracts other than research in excess of $1,000,000 require review by Hq AMC (MCPC) and manual approval by an AMC approving official. (c) WADC, only for procurement of research and of armament development using 650 series funds. (d) Formal advertising—Unlimited (see § 1001.457(a)(7)(ii)). (e) Overruns on CPFF contracts—Unlimited (see § 1001.457(a)(7)(v)). Power to redelegate: Unlimited. Director, AF Academy Construction Agency $350,000 or less. Power to redelegate: None. Contracting officers, AF Academy Construction Agency, $30,000 or less, subject to such limitations as may be imposed by the Director, AFACA. Power to redelegate: None.	Comdrs, oversea commands, no dollar limitation. Power to redelegate: 1st echelon staff officer (approval). Contracting officers for amounts of $100,000 or less. Air Attaches and Chiefs of AF foreign missions — $100,000 or less, except JUSMG—Spain—$1,000,000 or less. Power to redelegate: Contracting officers for amounts of $100,000 or less.
4. Make determinations and findings in support of incentive-type, cost-type and CPFF type contracts. Reference: § 1003.303.	Comdr, AMC. Power to redelegate: Unlimited. DoPP. Power to redelegate: Unlimited except to contracting officers for procurement involved. As stated in § 1003.303 (c) and (d): DDoPP. Power to redelegate: None. CBMC. Power to redelegate: Not below the Chief, Procurement Staff Division. Chief, EDSD. Power to redelegate: Deputy Chief, EDSD. CASC. Power to redelegate: Unlimited.	Comdr. Power to redelegate: Not below DoPP.	Comdr & D Comdr, AMF as stated in § 1003.303(c). Power to redelegate: 1st echelon staff officer.	Comdr, ARDC, for R&D (except base procurement). Power to redelegate: Unlimited. Comdr. Air Training Command as stated in § 1001.464. Power to redelegate: Staff officer responsible for procurement within Hq ATC. Director, AF Academy Construction Agency as stated in § 1003.303(c). Power to redelegate: None.	
5. Manual approval of Architect-Engineer Contracts. Reference: § 1001.459.	Comdr AMC and DoPP—$1,000,000 or less if secretarial F&D has been made. Power to redelegate: As stated in SAFO 640.5. CBMC and DCBMC—$1,000,000 or less (includes L/C) subject to § 1001.459. Power to redelegate: None. CASC and DCASC—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: None.	Comdr and D Comdr, AMA's and Dayton AF Depot—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: None. Comdr and D Comdr, AF Depots (except Dayton)—$5,000 or less subject to § 1001.459. Power to redelegate: None.	Comdr and D Comdr, AMF—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: None.	Comdr—$500,000 or less if individual secretarial F&D; $100,000 or less if blanket secretarial F&D. Power to redelegate: V Comdr and command staff officer responsible for procurement. Comdr, V Comdr and command staff officer responsible for procurement to any AF Base under their jurisdiction—$5,000 or less subject to § 1001.459. except that SAC may also redelegate to Comdr 16th Air Force for contracts involving $50,000 or less.	Comdr, oversea commands—$1,000,000 or less if secretarial F&D has been made. Power to redelegate: V Comdr and command staff officer responsible for procurement. Comdr, V Comdr and command staff officer responsible for procurement to any AF Base under their jurisdiction—$5,000 or less subject to § 1001.459. Chief Joint US Military Group Spain—$50,000 or less if secretarial F&D has been made. Power to redelegate: None.
6. Manual approval of contracts for services of experts and consultants. Reference: § 1001.458.	Comdr, AMC—subject to prior approval in form of Secretarial F&D. Power to redelegate: Unlimited. DoPP and DDoPP subject to § 1001.458. Power to redelegate: None.	----------	Comdr and D Comdr, AMA's under AMF's—$5,000 or less subject to § 1001.459. Power to redelegate: None.	Comdr, ARDC, subject to § 1001.458. Power to redelegate: Staff officer responsible for procurement within Hq ARDC: 1st echelon staff officers.	

A Subject and reference	B HQ AMC	C AMA's & AF depots CONUS	D Air materiel forces (AMF) and AMC separate installations	E AF commands CONUS	F AF commands—Overseas air attaches and foreign missions
7. Contractor Overtime Approval, subject to circumstances in § 12.102–4(a) of this title. Reference: § 1012.102.	Comdr, AMC; DoPP; CBMC; CASC. Power to redelegate: None.	Comdr AMA's, Dayton and Memphis AF Depots. Power to redelegate: None.	Comdr, Wright-Patterson AF Base—$5,000 or less subject to § 1001.459. Power to redelegate: None.	Comdr. ARDC. Dir of Procurement. Hq ARDC. Power to redelegate: None.	
8. Contracts for Public Utility Services (Power, Gas and water) extending beyond current fiscal year. Reference: § 1001.461.	Comdr, AMC, no dollar limitation, but subject to § 1001.461(a). Power to redelegate: Unlimited. DoPP and DDoPP, no dollar limitation. Power to redelegate: Unlimited.				
9. Make determinations under the "Buy American Act" based on nonavailability of supplies or materials. Reference: § 1006.103–2.	Comdr, AMC. DoPP and DDoPP. CBMC and DCBMC. CASC and DCASC. Div. Chiefs—DoPP, ASC and BMC. Power to redelegate: None may redelegate.	DoPP. Power to redelegate: None.	----------	Director and Deputy Director of Procurement, Hq ARDC. Power to redelegate: None.	
10. Authorize publication of advertisements in newspapers with respect to soliciting bids. Reference: § 1002.202–4.	Comdr, AMC; DoPP and DDoPP; CBMC and DCBMC; CASC and DCASC. Div. Chiefs—DoPP, ASC and BMC. Power to redelegate: None may redelegate.	DoPP. Power to redelegate: None.	DoPP, AMF's. Power to redelegate: None. Comdr, Wright-Patterson AF Base. Power to redelegate: None.	Comdr & V Comdr. Power to redelegate: None.	Comdr & V Comdr of over sea commands. Power to redelegate: None.
11. Make determinations—mistakes in bid prior to award pursuant to §2.405–2 of this title. Reference: § 1002.405–2.	Staff Judge Advocate. Power to redelegate: None.				
35. Appoint AF emergency facilities depreciation bd. Reference: § 1003.903.	Comdr, AMC. Power to redelegate: DoPP and DDoPP. DoPP and DDoPP. Power to redelegate: None.				
36. Sign applications for permits to procure tax-free or specially denatured alcohol. Reference: § 1011.205(b)	Comdr. AMC. DDoPP. Power to redelegate: None.	DoPP, MAAMA. Power to redelegate: None.			
38. Approve PR's and MIPR's. Reference § 1001.462.	DoPP and DDoPP no dollar limitation. Power to redelegate: Unlimited. Chief or D Chief of Division, no dollar limitation. Branch chiefs, $350,000 or less Section chiefs, $100,000 or less. Contracting officers, $10,000 or less. Power to redelegate: None may redelegate. CASC and CBMC, no dollar limitation. Power to redelegate: Unlimited.	Comdr, no dollar limitation. Power to redelegate: DoPP $1,000,000 or less. Contracting officers, $100,000 or less.	Comdr and D Comdr, AMF, no dollar limitation. Power to redelegate: Unlimited.		

LEGEND

Comdr	Commander.	DCASC	Deputy Commander, AMC Aeronautical Systems Center.
V Comdr	Vice Commander.	CBMC	Commander, AMC Ballistic Missiles Center.
D Comdr	Deputy Commander.	DCBMC	Deputy Commander, AMC Ballistic Missiles Center.
DoPP	Director of Procurement and Production.	1st echelon staff officer	means the staff officer responsible for procurement within the hq of the first echelon of command immediately subordinate to the activity concerned.
DDoPP	Deputy Directors of Procurement and Production.		
CASC	Commander, AMC Aeronautical Systems Center.		

Subpart F—Debarred, Ineligible, and Suspended Bidders

1. Section 1001.600 is added, as follows:

§ 1001.600 Scope of subpart.

See § 1.600 of this title.

§ 1001.601–1 [Amendment]

2. In § 1001.601–1, the last sentence of paragraph (a) is deleted.

3. Sections 1001.601–2 and 1001.601–3 are added, as follows:

§ 1001.601–2 Information contained in Departmental lists.

See § 1.601–2 of this title.

§ 1001.601–3 Joint consolidated list.

See § 1.601–3 of this title.

4. Section 1001.601–4 is deleted and the following substituted therefor:

§ 1001.601–4 Protection of lists.

The list will be classified "For Official Use Only." Related correspondence will be similarly classified unless information therein warrants a security classification.

5. Section 1001.601–5 is added, as follows:

§ 1001.601–5 Sample list.

See § 1.601–5 of this title.

§ 1001.601–50 [Deletion]

6. Section 1001.601–50 is deleted.

7. Section 1001.603–1 is deleted and the following substituted therefor:

§ 1001.603–1 Total restrictions.

(a) The DCS/M, Hq USAF, may, when appropriate, authorize exceptions to the restrictions outlined in § 1.603–1(a) of this title, in instances where firms or individuals have been debarred by the Air Force. In such cases where it is considered necessary or advisable to award a contract to a debarred firm, the contracting officer concerned will submit a written determination to AMC (MCPI) citing complete and detailed justification

for the proposed award. The determination will be based on such factors as (1) urgent delivery schedules or (2) inability to secure the supplies or services from other sources due to lead time, proprietary rights or lack of procurement data. MCPI will recommend to DCS/M, Hq USAF (AFMPP-PR) action to be taken in connection with individual requests for exceptions to restrictions when such action is deemed appropriate.

(b) See § 1.603–1(b) of this title.

(c) DCS/M, Hq USAF, will determine, based on recommendations of MCPI, whether it is in the best interest of the Government to terminate current contracts and/or withhold all or part of funds due firms and individuals appearing on the list. DCS/M, Hq USAF, will request the Air Force Finance Center, Denver, Colorado, to notify all AF finance officers to withhold payments where such action is considered appropriate.

(d) If award of a subcontract to a debarred firm or individual is considered in the best interest of the Government, the administrative contracting officer (ACO), prior to approving such award, will request an exception to restrictions according to the procedures outlined in paragraph (a) of this section. Approval may be granted by MCPI notwithstanding the fact that the firm or individual is carried on the list. Doubtful cases should be referred by MCPI to the DCS/M (AFMPP-PR), Hq USAF, for review and determination. If the prime contract is silent as to approval of subcontracts (or source approval of subcontractors) by the ACO, the prime contractor will not be prohibited from placing a subcontract with a firm or individual on the list. In the case of subcontracts already in effect, prime contractors will not be required by ACO's to terminate subcontracts with a debarred firm or individual unless provisions of a prime contract reserve to the Government such control over subcontracts permitting the Government to require their termination. If the Government has such control, the ACO will decide if termination of a subcontract would be detrimental to the interest of the Government. If the ACO finds that such detriment exists, he will forward his recommendations, with the facts in the case, to the DCS/M (AFMPP-PR), Hq USAF, through the Office of Inspection (MCPI), Hq AMC for review and advice as to further appropriate action.

8. Sections 100.603–2 and 1001.603–3 are added, as follows:

§ 1001.603–2 Buy American Act restrictions.

See § 1.603 of this title.

§ 1001.603–3 Ineligibility restrictions of Walsh-Healey Act.

See § 1.603 of this title.

9. Section 1001.603–50 is added, as follows:

§ 1001.603–50 Security clearances.

(a) Security clearances for facilities or individuals currently appearing on the debarred, ineligible, and suspended list will be initiated only after determination that the firm or individual concerned will be permitted to bid or submit quotations on classified Department of Defense contracts even though listed as suspended.

(b) If a facility has been issued a facility security clearance and subsequently is listed in the debarred, ineligible, and suspended contractor list, the commander of the major air command assigned security cognizance for that facility under the provisions of AFR 205–9 will reexamine the eligibility of the facility from a security viewpoint with a view to recommending revocation of such clearance.

10. Sections 1001.604, 1001.604–50, 1001.605, 1001.609, 1001.610, and 1001.650 are added, as follows:

§ 1001.604 Clauses and conditions under which departments may debar contractors.

§ 1001.604–1 Causes for debarment.

See § 1.604 of this title.

§ 1001.604–2 Period of debarment.

See § 1.604–2 of this title.

§ 1001.604–3 Notice of debarment.

The Deputy Chief of Staff, Materiel, Hq USAF, will furnish the notice required by § 1.604–3 of this title.

§ 1001.604–50 Recommendation for debarment.

Upon receipt of action copies of investigative reports containing evidence of fraud, attempted fraud, or other criminal conduct, submit fully substantiated recommendations as to debarment of the firm or individual involved, through the Office of Inspection (MCPI), Hq AMC, to DCS/M, Hq USAF.

§ 1001.605 Suspension of bidders.

§ 1001.605–1 Causes and conditions under which departments may suspend contractors.

Upon receipt of action copies of investigative reports containing evidence of fraud, attempted fraud, or other criminal conduct, submit fully substantiated recommendations as to suspension of a firm or individual involved, through the MCPI, Hq AMC, to DCS/M, Hq USAF.

§ 1001.605–2 Period of suspension.

See § 1.605–2 of this title.

§ 1001.605–3 Restrictions during period of suspension.

(a) If award of a contract to a suspended firm or individual is considered to be in the best interest of the Government, the contracting officer, prior to approving such award, will request an exception to restrictions and the procedures outlined in § 1001.603–1(a) will be followed.

(b) See § 1.605–3(b) of this title.

§ 1001.605–4 Notice of suspension.

All inquiries or correspondence from or in behalf of suspended contractors concerning their status, reasons for suspension action, etc., will be referred through Command channels to AMC (MCPI) for appropriate action. MCPI will refer these matters to DCS/M, Hq USAF (AFMPP-PR) if review, advice, or appropriate action by that Headquarters is deemed necessary.

§ 1001.609 Procurement outside the United States.

Major oversea commanders will furnish the DCS/M, Hq USAF, through the Office of Inspection (MCPI), Hq AMC, detailed information on action taken in any case of suspected fraud or criminal conduct as such incidents occur. A closing report of completed action will be furnished on each such case.

§ 1001.609–1 Responsibilities and area coverage.

See § 1.609 of this title.

§ 1001.609–3 Protection of lists.

See § 1.609–3 of this title.

§ 1001.609–4 Maintenance and distribution of lists.

See § 1.609–4 of this title.

§ 1001.609–5 Sample of list.

See § 1.609–5 of this title.

§ 1001.609–6 Basis of addition of firms and individuals on lists.

See § 1.609–6 of this title.

§ 1001.609–7 Treatment to be accorded firms or individuals in debarred or ineligible status.

See § 1.609–7 of this title.

§ 1001.609–8 Causes and conditions under which unified commanders may place names on the consolidated list.

See § 1.609–8 of this title.

§ 1001.609–9 Liaison with United States diplomatic missions.

See § 1.609–9 of this title.

§ 1001.610 Use of overseas lists within continental United States.

(a) Within Continental United States: Prior to the award of a prime or subcontract to an offshore supplier (assuming that the prime contract requires ACO approval of subcontracts) the cognizant ConUS procuring or administrative contracting officer will contact AMC (MCPI) in writing, to determine whether or not the firm or individual in question appears on any of the oversea consolidated lists.

(b) Territories or Possessions: AF contracting officers located in United States Territories or Possessions (see §§ 1.201–15 and 1.201–16 of this title) will contact whichever of the following activities is most conveniently located:

(1) CINCEUR
(2) CINCPAC
(3) CINCARIB
(4) Offshore Air Force Procurement Activity (e.g., SAMAP, NAMAP, etc.)
(5) AMC (MCPI).

(c) The activity contacted will reply to the requesting activity within 2 working days by the most expeditious means of communication. If the firm or individual in question appears on an offshore consolidated list, the reply will include the information outlined in § 1.609–2 of this title, and will be assigned a security classification commensurate with the information furnished.

§ 1001.650 Reporting violations.

All AF personnel will promptly report any indication of fraud or other violation of public trust for appropriate investigative action. Upon receipt of action copies of the investigative reports, the major command concerned will submit comments and recommendations as to debarment or suspension of the firms or individuals involved to the Deputy Chief of Staff, Materiel, Hq USAF, through MCPI. Upon request, major commands will supply MCPI with a closing report of action taken in regard to the findings outlined in investigative reports.

11. Section 1001.651–2 is revised, as follows:

§ 1001.651–2 AMC experience list.

This section sets forth the policies and procedures for the establishment and operation of the AMC Experience List. This section applies to personnel of the Directorate of Procurement and Production, Hq AMC, and AMC field procurement activities concerned with the placement, negotiation, administration, or termination of contracts. The procedures prescribed in this section are not to be interpreted to be in conflict with existing instructions concerning debarred, ineligible and suspended contractors; Facility Capability Reports, or approval of subcontracts as to source.

(a) *General.* (1) The AMC Experience List is established to aid procurement personnel in determining the responsibility of firms or individuals concerning the placement, administration, and termination of contracts, and the approval of subcontracts, as to source. In regard to the placement of contracts, the AMC Experience List is considered to be in consonance with §§ 2.406–3 and 3.101 of this title.

(2) The Office of Inspection (MCPI), Hq AMC, will place the names of firms or individuals on the subject list for the following reasons:

(i) *Improper or undesirable practices.* The name of a firm or an individual will not be placed on the list unless the Government has suffered injury from that firm or individual in a contractual relationship. Reasons for listing may include but are not limited to the following: (*a*) Inadequate quality control, (*b*) a history of delinquent deliveries provided such delinquencies are substantial and within a reasonable period of time preceding the determination to list, and provided further, such delinquencies are not caused by acts beyond the control of the contractor, (c) questionable business ethics or sharp business practices resulting in greater costs to the Government, (*d*) inadequate bookkeeping or accounting systems, (*e*) current OSI or FBI investigation reasonably tending to establish a violation of a Federal statute, (*f*) reasonable presumption of a violation of the Gratuities clause, and (*g*) any other conduct under a Government contract leading to a substantially increased administrative burden on the Government.

(ii) • • •

(b) *Use of the list.* The AMC Experience List is intended solely to alert procurement, production and contract administration personnel regarding the improper and unsatisfactory experiences which the Air Force has had with certain contractors. The appearance of a firm or individual on the list will not require mandatory refusal of an award nor will it authorize procurement personnel to omit solicitations of bids or proposals from such firms or individuals nor to discontinue termination proceedings, solely by reason of the inclusion of the name on the list. However, in view of the injury which the Air Force has previously suffered, necessary precautionary measures should be exercised to safeguard the best interests of the Government in connection with any contracts awarded to these firms or individuals.

(c) *Approval of subcontracts as to source.* • • •

(d) *Publication and distribution.* Hq AMC will prepare, publish, distribute, maintain, and keep current the AMC Experience List.

(1) The List will be classified "For Official Use Only." Related correspondence will be similarly classified unless information contained therein warrants a security classification.

(2) Distribution of the list will be made to all AMC activities having a legitimate interest and responsibility therein. The list will, upon request, be distributed to other AF activities, who have a legitimate interest.

(e) *Inquiries.* Because of the limited purpose sought to be served by the list, and the possible misinterpretation by persons other than those engaged in Government procurement of the inclusion thereon of a firm or individual, any unauthorized disclosure of information contained on the AMC Experience List must be strictly guarded against. Also, it is emphasized that a firm or individual may be placed on the list as the result of improper or undesirable practices revealed by a current or pending investigation; therefore, the unauthorized disclosure of the placement of a firm or individual on the list or the substantiating reason therefor could result in the hindrance or compromise of the pending investigation and is expressly forbidden.

Subpart G—Small Business Concerns

A new Subpart G is added, as follows:

Sec.
1001.700 Scope of subpart.
1001.701 Definitions.
1001.701–1 Small business concern.
1001.703 Determination of status as small business concern.
1001.704–2 Departmental small business advisors.
1001.704–3 Small business specialists.
1001.705 Cooperation with the Small Business Administration.
1001.705–1 General.
1001.705–2 SBA representatives.
1001.705–3 Screening of procurements.
1001.705–4 Access to bidders' lists and other information.
1001.705–5 Joint SBA-Defense small business set-aside program.
1001.705–6 Certificates of competency.
1001.706 Set-asides for small business.
1001.706–1 General.
1001.706–2 Review of SBA set-aside proposals.
1001.706–3 Withdrawal of set-asides.
1001.706–4 Reporting for Department of Commerce procurement synopsis.
1001.706–5 Total set-asides.
1001.706–6 Partial set-asides.
1001.706–7 Contract authority.
1001.707 Subcontracting.
1001.707–1 General policy.
1001.707–2 Required clause.
1001.707–3 Defense subcontracting in small business program.
1001.707–4 Responsibility for reviewing subcontracting program.
1001.707–5 Maintenance of records.
1001.750 Additional procedures for AMC
1001.751 Responsibilities of small business specialists assigned to Air Materiel Areas and Air Procurement Districts concerned with contract administration.

§ 1001.700 Scope of subpart.

This subpart sets forth the Air Force Small Business Program and its policies and procedures with respect to: (a) Complying with the Small Business Act of 1953, as amended, and the Armed Services Procurement Act, as amended and (b) carrying out a fully integrated and cooperative program of joint activities between the AF and the Small Business Administration (SBA) dealings with small business concerns.

§ 1001.701 Definitions.

See § 1.701 of this title.

§ 1001.701–1 Small business concern.

(a) See § 1.701 of this title.
(b) See § 1.701 of this title.
(c) See § 1.701 of this title.
(d) See § 1.701 of this title.

(e) *Small business certificate.* A Small Business Certificate as defined in § 1.701–1(e) is not to be confused with a Certificate of Competency which is issued by the SBA for a different purpose and which is described in § 1.705–6 of this title.

§ 1001.703 Determination of status as small business concern.

Prior to making an award to a bidder which has represented that it has been certified by the SBA as a small business concern, the contracting officer will obtain from the bidder a copy of the Small Business Certificate.

§ 1001.704 Small business officials.

See § 1.704 of this title.

§ 1001.704–2 Departmental small business advisors.

(a) The Small Business Advisor of the AF is the Chief, Office of Small Business, Directorate of Procurement and Production, Deputy Chief of Staff, Materiel (AFMPP–SB). He is responsible for the development and implementation of the overall Air Force Small Business Program and is the focal point for AF activities connected with small business.

(b) An Executive for Small Business is designated at the headquarters of each major command having purchasing offices in the United States. He serves as the focal point for small business activities within his command and performs staff supervision over small business matters. The Executive for Small Business,

Directorate of Procurement and Production, Hq AMC, performs staff supervision and guidance pertaining to the small business functions of AF activities throughout the United States. Direct communication between the Executive for Small Business, Hq AMC, and executives for small business for other major commands in the United States is authorized.

§ 1001.704–3 Small business specialists.

Small business specialists are assigned to Hq AMC, AMC field procurement activities, air procurement districts, air procurement offices, Air Research and Development Command centers, Air Force development field offices designated by Hq ARDC, and base procurement activities of all major commands in the United States. The chiefs of the small business offices at AMC field procurement activities are appointed in writing by the director of procurement and production of the activity to which they are assigned. The chiefs of the small business offices at air procurement districts are appointed in writing by the chiefs of the air procurement districts. The chief of each air procurement office will designate an individual as the small business specialist to carry out the small business functions that may be assigned to air procurement offices. Small business specialists assigned to Air Research and Development Command centers will be appointed in writing by the center director of procurement. Small business specialists assigned to AF development field offices will be appointed in writing by the Director of Procurement, Hq ARDC. Small business specialists will be appointed at each base procurement activity of all major commands in the United States other than AMC and ARDC by the chief of the purchasing office. Small business specialists will be responsible directly to the appointing authority, will serve as advisors to the appointing authority on all matters pertaining to small business, and will be the focal point within the installations to which they are assigned on all matters pertaining to small business.

§ 1001.705 Cooperation with the Small Business Administration.

§ 1001.705–1 General.

See § 1.705–1 of this title.

§ 1001.705–2 SBA representatives.

When assigning representatives to contracting offices of the Air Force, SBA will give prior notice in each case to Hq USAF, attn: AFMPP–SB. Evidence of such representative's security clearance will be forwarded by SBA direct to the provost marshal at the base to which the representative is assigned.

§ 1001.705–3 Screening of procurements.

To make proper recommendations as provided for in § 1.705–3 of this title, SBA representatives at the purchasing offices will be furnished upon request all pertinent information concerning all proposed procurements as soon as practicable following the receipt of the purchase request by the contracting officer, subject to the ASPR limitations. In applying the procedure set forth in § 1.705–3 of this title, the contracting officer is responsible for determining whether the procurement action will probably result in a contract or contracts exceeding $10,000.

§ 1001.705–4 Access to bidders' lists and other information.

See § 1.705–4 of this title.

§ 1001.705–5 Joint SBA-Defense small business set-aside program.

See § 1.705–5 of this title.

§ 1001.705–6 Certificates of competency.

(a) When a Certificate of Competency is issued by SBA and the contracting officer has substantial doubt as to the certified firm's ability to perform, he will refer the case, with all pertinent available information and indication of the degree of urgency, to the Commander, AMC, attn: MCP for review prior to award. If Hq AMC doubts the ability of the firm to perform in strict accordance with the particular procurement requirements, the case and all pertinent information will be forwarded to the Director of Procurement and Production, DCS/M, Hq USAF.

(b) See § 1.705–6(b) of this title.

§ 1001.706 Set-asides for small business.

§ 1001.706–1 General.

The procedures in paragraphs (a) and (b) of this section are techniques intended to aid small business in addition to those set forth in §§ 1.706–5 and 1.706–6 of this title.

(a) In the field of base procurement, procurements in excess of $2,500 for which there are known to be two or more small business sources from whom fair and reasonable prices may be expected will be set-aside totally for competition among small business concerns exclusively. Deviations from this policy may be approved in specific cases by notation on the purchase request or other authorized requisition by the chief of the contracting office or his designee provided the designee is not the contracting officer or buyer for the particular procurement.

(b) As to central procurement (as distinguished from base procurement) which is accomplished at AMC (Aeronautical Systems Center) and AMC field procurement activities, every procurement will be set-aside either totally or partially for competition solely among small business concerns if records of previous procurements for the same item or the same service disclose that three or more small business concerns submitted responsive bids that were considered fair and reasonable. However, a partial set-aside may be appropriate where only two small business concerns appear to have the technical competency and productive capacity to furnish a portion of the procurement. (See § 1.706–6(a)(3) of this title.) Deviations from this policy may be approved in specific cases at AMC Aeronautical Systems Center by the chief of the division responsible for the procurement or his designee. At AMC field procurement activities, such deviation may be approved in specific cases by the director of procurement and production or his designee. The procurement file will contain a record of the approval of such deviation. This procedure is not intended to limit the authority of SBA representatives, as set forth in §§ 1.705 and 1.706 of this title, to recommend set-asides and to appeal from the contracting officer's disapproval of such recommendations.

§ 1001.706–2 Review of SBA set-aside proposals.

(a) When circumstances of a procurement are such that the policy set out in § 3.108 of this title, as implemented by § 1003.108 of this chapter, make a total set-aside inappropriate, consideration will be given to use of a partial set-aside.

(b) Appeals of SBA representatives on disapprovals of set-aside recommendations by contracting officers will be sent within (1) AMC Aeronautical Systems Center to Chief, Contract Support Office (LMP) or his designee, (2) AMA's or AF depots to director of procurement and production or his designee, and (3) all other procurement activities to the chief of the contracting office. If the AF representative to whom such an appeal is made is unable to resolve the matter, the appeal with all pertinent backup material and recommendations may be forwarded directly to the Commander, AMC, attn: MCP for resolution. In event decision cannot be made at Hq AMC level, the appeal with pertinent backup materials and recommendations will be forwarded to the Director of Procurement and Production, Hq USAF, attn: Office of Small Business, AFMPP–SB, for decision.

§ 1001.706–3 Withdrawal of set-asides.

When a procuring contracting officer proposes to withdraw a set-aside which has been applied to a procurement as a result of a joint determination by the contracting officer and the SBA representative, the SBA representative, if he does not agree to the withdrawal, may refer the matter to the chief of the contracting office or his designee whose decision will be final. At AMC Aeronautical Systems Center, referral will be to LMP; at AMC field procurement activities, such referral will be to the director of procurement and production or his designee. If not resolved, appeal may be processed as indicated in § 1001.706–2(b).

§ 1001.706–4 Reporting for Department of Commerce procurement synopsis.

See § 1.706–4 of this title.

§ 1001.706–5 Total set-asides.

Small Business Restricted Advertising will be considered the normal method of procurement with conventional negotiation to be used only where the contracting officer has determined that Small Business Restricted Advertising cannot be used. The contract file will be documented to support this determination.

§ 1001.706–6 Partial set-asides.

Amend the first line of the notice as follows: "Notice to Prospective Bidders or Offerors. An additional quantity of (insert quantity of each item) has been set aside for award exclusively to small business concerns."

§ 1001.706–7 Contract authority.

See § 1.706–7 of this title.

§ 1001.707 Subcontracting.

§ 1007.707–1 General policy.

See ASPR.

§ 1007.707–2 Required clause.

See ASPR.

§ 1001.707–3 Defense subcontracting in small business program.

(a) Whenever an AF contracting officer deems it appropriate he will encourage a contractor to set up a Defense Subcontracting Small Business Program as a part of his purchasing system even though the prime contract is less than one million dollars. This may best be done during contract negotiation. Regardless of the amount of the prime contract, each contractor agreeing to establish a Defense Subcontracting Small Business Program will be requested to publish within the company the necessary instructions to purchasing personnel.

(b) Contractors establishing a Defense Subcontracting Small Business Program will submit DD Form 1140, "Defense Subcontracting Small Business Program Semiannual Report of Participating Companies" (Budget Bureau No. 22–R–163.1, which expires September 30, 1959). This report will be submitted to the small business specialist assigned to the air procurement district within whose geographical boundaries the reporting company is located when it is determined according to § 1001.707–4 that the Air Force has responsibility for reviewing the contractor's program. When special reporting arrangements have been agreed upon between the participating company and Hq AMC, the appropriate air procurement district will be so notified.

(c) Each reporting company or unit reporting to the Air Force will be assigned a permanent reporting unit identification number by the Executive for Small Business, Hq AMC, which will be entered in item 6a of the DD Form 1140, by the reporting company or unit.

§ 1001.707–4 Responsibility for reviewing subcontracting program.

(a) When, during negotiations or subsequent to award, the PCO obtains an agreement with a contractor to establish a Defense Subcontracting Small Business Program, he will notify through proper channels the Commander, AMC, attn: MCP–6, giving the name and location of the contractor and the name of the parent company if the contractor is a subsidiary or an affiliate of another company. The Executive for Small Business, Hq AMC, will determine which service has the responsibility for reviewing the contractor's program according to § 1001.707–4 of this title. If the responsibility is that of another service, all pertinent information will be forwarded to Hq USAF, attn: AFMPP–SB. If the responsibility for review of the contractor's program is that of the Air Force, MCP–6 will notify the small business specialist in the appropriate air procurement district.

(b) Upon receiving information from Hq AMC of a contractor's willingness to establish a Defense Subcontracting Small Business Program, the small business specialist assigned to the air procurement district will within 90 days contact the company and make reporting arrangements as described in § 1001.707–3(b). Also, he will verify the name and title of the individual assigned as small business liaison officer and forward this information to Commander, AMC, attn: MCP–6.

(c) Upon receiving reports from a participating contractor, the small business specialist in the air procurement district will enter in the space between the form number and the General Instructions on the face of all DD Forms 1140, the three digit Department of Defense procurement (claimant) code of the principal kind of military items or services being supplied by the reporting unit. Three copies of the completed DD Form 1140 received from each reporting unit will be forwarded by the air procurement district to the Commander, AMC, attn: MCP–6. The July through December 6-month report will be forwarded to reach Hq AMC no later than March 10 and the January through June 6-month report will be forwarded to reach Hq AMC no later than September 15.

(d) Where contractors have established Defense Subcontracting Small Business Programs, responsibility for which has been assigned to the Air Force, the small business specialist in the air procurement district will determine the adequacy of the contractor's Defense Subcontracting Small Business Program by a personal call on the contractor within 90 days after having been notified that the contractor has established a program. In determining the adequacy of the contractor's program, AFPI Form 46D, "Defense Subcontracting Small Business Checklist," will be completed and retained in the small business specialists' files. A copy of the completed checklist will be furnished to the administrative contracting officer or the AF plant representative for his consideration when reviewing the contractor's purchasing system for approval or disapproval, since it is recognized that liaison with the contractor insofar as subcontracting to small business is concerned is a joint responsibility of the small business specialist and the administrative contracting officer. Discrepancies in the contractor's Defense Subcontracting Small Business Program reflected by the completed checklist will be brought to the attention of the contractor's small business liaison officer with an appropriate request for corrective action.

§ 1001.707–5 Maintenance of records.

Hq AMC, will prepare, from the information on the DD Forms 1140, a Summary of Reports of Participating Units (RCS: DD–S&L–(SA)–267). Three copies of this Summary of Reports will be forwarded, accompanied by two copies of each DD Form 1140 to Hq USAF, attn: AFMPP–SB, for transmittal to the Assistant Secretary of Defense (Supply and Logistics).

§ 1001.750 Additional procedures for AMC.

At Hq AMC and AMC field procurement activities the additional procedures set forth in this section will be followed on all individual procurement actions which are expected to involve an expenditure of $10,000 or more.

(a) The procurement personnel will notify the small business specialist if prior to the initiation of purchase requests discussions are to be held for the purpose of considering potential sources. At such discussions potential sources suggested by the small business specialist will be given the same consideration as other potential sources that may be considered.

(b) PR–MIPR control offices will furnish a copy of all purchase requests (PR's) to the small business specialist simultaneously with the release of the PR to the buyer.

(c) The small business specialist will notify the buyer in the event the SBA representative, if one is assigned to the purchasing office, wishes to discuss the procurement.

(d) The buyer will notify the small business specialist, by telephone or personal contact, when ready, but prior to ordering the issuance of the IFB or RFP. The small business specialist will arrange a meeting with the buyer and will invite the SBA representative to participate in the meeting, if one is assigned to the installation:

(1) At this meeting, the buyer will state a proposed method of handling the procurement and furnish the small business specialist a copy of his procurement plan, if one has been prepared, and will furnish the small business specialist a copy of the bidders' mailing list to be used.

(2) The small business specialist will determine whether the item or service being procured is within the capability of small business concerns to produce or furnish as prime contractors and will advise the buyer of his determination. If such determination is affirmative, the contracting officer should consider making a total or partial set-aside of the procurement according to § 1.706 of this title. If it is determined, according to § 1001.302–4 of this chapter, that Defense Manpower Policy No. 4 is applicable, the small business specialist will furnish the buyer, for addition to the list of firms to be solicited, the names and addresses of firms appearing on the applicable Bidders' Mailing List that are located in Areas of Substantial Labor Surplus. The small business specialist will also make suggestions if desired as to the method of handling the procurement and will add to the list of concerns to be solicited the names and addresses of small business concerns when such additions are considered by the small business specialist to be necessary to afford small business an equitable opportunity to compete. Such additions to the Bidders' Mailing List will include the names of any small business con-

cerns submitted by the SBA representative as potential sources for the supplies or services being procured on the particular procurement. If it is determined by the small business specialist that the procurement will be synopsized according to § 2.206 of this title, action will be taken to submit the information at the earliest practicable time.

(3) Following the determination as to whether a small business set-aside will be made according to § 1.706–5 of this title and § 1001.706–5 or § 1.706–6 of this title and § 1001.706–6 of this chapter the small business specialist will furnish the buyer with a copy of AFPI Form 46, "Small Business Procurement Record Sheet," which will become a permanent part of the procurement file. Part I of AFPI Form 46 will be completed according to the agreements reached between the buyer and the small business specialist. The original of AFPI Form 46 will be retained by the small business specialist until such time as information is available to him for completion of Part II of AFPI Form 46 according to paragraph (g) of this section. When the procurement is to be synopsized, the buyer and the small business specialist will enter in the space provided on AFPI Form 46 a description of the supplies or services being procured which will be published in the Department of Commerce "Synopsis of Proposed Procurements, Sales and Contract Awards." Where it has been determined that the procurement will be synopsized, an extra copy of AFPI Form 46 will be furnished to the buyer for the use of the individual responsible for transmitting information to the Department of Commerce.

(e) For procurements determined by the small business specialist to be within the capability of small business, the buyer will:

(1) Furnish a copy of the IFB or RFP, and any amendments subsequently issued, to the small business specialist.

(2) Furnish to the small business specialist, prior to making awards, a copy of the abstract of bids or proposals including any engineering or laboratory evaluation that has influenced the procurement.

(f) The small business specialist will notify the buyer when not satisfied that adequate consideration has been given to small business concerns in the handling of the procurement and will be given an opportunity to appeal to the chief of the procurement committee at the AMC field procurement activity prior to award. At Hq AMC, the appeal will be made to the Director of Procurement and Production. The small business specialist will notify the buyer of any disagreement immediately upon receipt of the abstract to avoid delaying the procurement. Normal review functions will be performed on all awards requiring approval of higher authority.

(g) From the abstract received from the buyer, the small business specialist will complete Part II of AFPI Form 46 and retain the completed form until receipt of the DD Form 350 as provided for in paragraph (h) of this section.

(h) The small business specialist at AMC field procurement activities will review all DD Forms 350, "Individual Procurement Action Report," before they are sent to Hq AMC and will resolve with the buyer any apparent discrepancies between the small business information on the DD Form 350 and information recorded on AFPI Form 46. Small business specialists at Hq AMC will similarly review all DD Forms 350 originating in the buying divisions at Hq AMC before the information thereon is consolidated for recurring reports submitted by AMC to higher authority.

(i) One copy of each completed AFPI Form 46 will be forwarded to Commander, AMC, attn: MCP–5. These forms will be forwarded once each month for procurements completed during the month and will be forwarded to reach Hq AMC no later than the 10th calendar day of the month following the end of the month in which the procurements were completed For the purpose of this section, a procurement is considered to be completed during the month in which the small business specialist reviews the DD Form 350.

§ 1001.751 Responsibilities of small business specialists assigned to air materiel areas and air procurement districts concerned with contract administration.

(a) Small business specialists assigned to AMA's will perform staff supervision with respect to small business functions of APD's within the jurisdiction of the AMA.

(b) Small business specialists assigned to an APD are responsible, among other things, for the following: (1) Advising the chief of the air procurement district directly on all small business matters, and reporting directly to the chief of the APD any instances in which a small business concern is not receiving equitable treatment; (2) maintaining liaison with other Federal, State, and local agencies and civic organizations with respect to small business matters; (3) upon request, advising purchase activities within the geographical boundaries of the APD regarding application of small business policies; (4) keeping current data on the existence and capabilities of small business concerns within the APD and on the existence of AF prime contractors in and around the APD, and assisting small business concerns to participate either as prime contractors or subcontractors in AF procurements; and (5) surveillance of Defense Subcontracting Small Business Programs which may have been established by contractors within the geographical boundaries of the APD.

Subpart T—Ethical Standards of Procurement Personnel

1. Paragraph (b) of § 1001.2003–3 is revised, as follows:

§ 1001.2003–3 Private activities in conflict with Government interest.

* * * * *

(b) Other conflicts of interest.

Military and civilian personnel of the Air Force must refrain from any other private business or professional activity which would place them in a position where there is a conflict between their private interest and the public interest of the United States. In particular, it is a general rule of public policy that the Government should not contract with its own personnel unless the needs of the Government cannot reasonably be met otherwise. The ownership of stock, bonds, indentures, or any other form of interest in any business organization by AF personnel, or by members of their immediate families is considered disqualifying AF personnel from representing the Air Force in dealings of any kind with such business entity. Unless such financial interest is terminated, the disqualification must be reported to the appropriate superior. Personnel charged with the administration of AFR 34–21, who own stock in, or are officers of, an insurance company, must scrupulously avoid negotiating with such company in respect to granting authorization to solicit sales. The same restriction will apply in the case of personnel having a financial interest in any other business enterprise which deals with AF personnel on an individual basis.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

[SEAL] CHARLES M. McDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59–5824; Filed, July 14, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Snap Beans for Processing[1]

On May 30, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 4380) regarding a proposed revision of United States Standards for Snap Beans for Processing (7 CFR §§ 51.3240 to 51.3258).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Snap Beans for Processing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3240 U.S. No. 1.
51.3241 U.S. No. 2.

CULLS

51.3242 Culls.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

SIZE CLASSIFICATIONS

Sec.
51.3243 Size classifications.

APPLICATION OF STANDARDS

51.3244 Application of standards.

DEFINITIONS

51.3245 Similar varietal characteristics.
51.3246 Fresh.
51.3247 Firm.
51.3248 Succulent.
51.3249 Tender.
51.3250 Fairly well formed.
51.3251 Extraneous material.
51.3252 Damage.
51.3253 Diameter.
51.3254 Similar color.
51.3255 Reasonably similar type.
51.3256 Tough or overmature.
51.3257 Seriously misshapen.
51.3258 Serious damage.

AUTHORITY: §§ 51.3240 to 51.3258 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3240 U.S. No. 1.

"U.S. No. 1" consists of snap beans of similar varietal characteristics which are fresh, firm, succulent, tender, fairly well formed, free from decay, anthracnose and extraneous material, and free from damage caused by scars, rust, other disease, insects, bruises, punctures, broken ends or other means.

(a) Unless a larger diameter is specified, the maximum diameter of beans in this grade shall be less than $^{24}/_{64}$ of an inch (maximum diameter of 4 sieve size).

(b) Unless otherwise specified, the minimum diameter of beans in this grade shall be $^{12}/_{64}$ of an inch.

§ 51.3241 U.S. No. 2.

"U.S. No. 2" consists of snap beans of similar color and reasonably similar type which are fresh, firm, not tough or overmature, not seriously misshapen, and which are free from decay, anthracnose and extraneous material, and free from serious damage caused by scars, rust, other disease, insects, bruises, punctures, broken ends or other means.

(a) There shall be no maximum diameter in this grade.

(b) Unless otherwise specified, the minimum diameter of beans in this grade shall be $^{12}/_{64}$ of an inch.

CULLS

§ 51.3242 Culls.

"Culls" consists of beans which do not meet the requirements of U.S. No. 2 grade.

SIZE CLASSIFICATIONS

§ 51.3243 Size classifications.

Size classifications have been established by the industry to describe different sizes of beans. If size is specified, it is recommended that one or more of the following designations be used:

Sieve size:	*Diameter*
No. 1	$^{12}/_{64}$ to, but not including, $^{14\text{-}5}/_{64}$ inch.
No. 2	$^{14\text{-}5}/_{64}$ to, but not including, $^{18\text{-}5}/_{64}$ inch.
No. 3	$^{18\text{-}5}/_{64}$ to, but not including, $^{21}/_{64}$ inch.
No. 4	$^{21}/_{64}$ to, but not including, $^{24}/_{64}$ inch.
No. 5	$^{24}/_{64}$ to, but not including, $^{27}/_{64}$ inch.
No. 6 and larger	$^{27}/_{64}$ inch and larger.

APPLICATION OF STANDARDS

§ 51.3244 Application of standards.

In determining the grade of a lot of beans, representative samples are drawn from various parts of the lot and mixed together. The composite sample or a portion thereof is sorted into U.S. No. 1 grade, U.S. No. 2 grade, culls and extraneous material, and the percentage, by weight, of each is determined. Under this system, tolerances for beans below grade or for extraneous material are not required in the standards.

DEFINITIONS

§ 51.3245 Similar varietal characteristics.

"Similar varietal characteristics" means that the beans are of the same general type and color. Wax type shall not be mixed with green type, and round, semi-flat and flat types shall not be mixed.

§ 51.3246 Fresh.

"Fresh" means that the bean is not more than slightly wilted.

§ 51.3247 Firm.

"Firm" means that the walls of the bean are reasonably solid, not puffy or spongy.

§ 51.3248 Succulent.

"Succulent" means that the flesh inside of the walls of the bean is translucent and juicy with not more than a slight trace of drying around the seed.

§ 51.3249 Tender.

"Tender" means that the bean is practically free from fiber or strings.

§ 51.3250 Fairly well formed.

"Fairly well formed" means that the bean is not more than moderately curved, crooked, twisted or tapered.

§ 51.3251 Extraneous material.

"Extraneous material" consists of bean vines and leaves, weeds, stones, sticks, loose dirt or other foreign material. All vines attached to beans shall be detached in determining the grade and included with the extraneous material.

§ 51.3252 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially affects the processing quality of the bean. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Scar, rust or other disease spot which will be plainly noticeable after the bean has been blanched;

(b) Bruises or punctures which are noticeably discolored, or which affect an area more than one-fourth inch in length;

(c) Broken ends when the flesh of the thick portion of the bean is exposed, or when the remaining portion of the bean is less than 2¼ inches long; and,

(d) Insect stings or scars which will be plainly noticeable after the bean has been blanched.

§ 51.3253 Diameter.

"Diameter" means thickness as determined by the width of the smallest slot through which the bean may be passed, without forcing, in any one position or series of positions.

§ 51.3254 Similar color.

"Similar color" means that the bean is of the same color type as the majority of the beans in the lot. Wax type beans in a lot of green beans shall be classed as culls, and green type beans in a lot of wax beans shall be classed as culls.

§ 51.3255 Reasonably similar type.

"Reasonably similar type" means that the beans are not distinctly different in cross-section shape. For example, round and semi-flat beans shall be considered reasonably similar; and flat and semi-flat beans shall be considered reasonably similar. Round and flat beans shall not be considered reasonably similar types.

§ 51.3256 Tough or overmature.

"Tough or overmature" means that the bean is leathery, fibrous and stringy or has dry, whitish, pithy tissue or air pockets around the seeds.

§ 51.3257 Seriously misshapen.

"Seriously misshapen" means that the bean is badly curved, crooked, twisted or tapered.

§ 51.3258 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the processing quality of the bean. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Scars, rust or disease spots which are very dark colored or very unsightly, or which are moderately dark and moderately unsightly and affect more than one-fourth the length of the bean;

(b) Bruises or punctures which are badly discolored, or which affect an area more than three-fourths inch in length;

(c) Broken ends which expose the flesh of the thick portion of the bean when both ends are broken, or when one end is broken and the exposed flesh is distinctly discolored, or when the remaining portion of the bean is less than 2¼ inches long; and,

(d) Insects which are present inside the bean, or any insect hole penetrating the wall of the bean, or very unsightly insect stings or scars.

The United States Standards for Snap Beans for Processing contained in this subpart shall become effective 10 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Snap Beans for Processing which have been in effect since March 1, 1940.

It is hereby found and determined that good cause exists for not postponing the

effective date of these revised standards longer than ten days beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) The bean processing season has begun, and it is in the interest of the industry and the public that the standards be made effective at an early date; and (2) no special preparation for compliance with the standards on the part of the bean growers, processors or others is required.

Dated: July 10, 1959

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59–5835; Filed, July 14, 1959; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 577, 5th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Black Stem Rust

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT BARBERRY, MAHOBERBERIS AND MAHONIA PLANTS

Pursuant to § 301.38–5 of the regulations supplemental to the black stem rust quarantine (7 CFR 301.38–5), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, Administrative instructions appearing as 7 CFR, 1958 Supp., 301.38–5a are hereby revised to read as follows:

§ 301.38–5a Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.

(a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific Name

Berberis arido-calida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. cavallieri.
B. chenaulti.
B. circumserrata.
B. concinna.
B. coxii.
B. darwini.
B. dubia.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. gladwynensis.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. manipurana.
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. taliensis.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi argenteo marginata.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea erecta.
B. thunbergi atropurpurea nana.
B. thunbergi atropurpurea "Redbird".
B. thunbergi aurea.
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "thornless".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. verruculosa.
B. virgatorum.
B. wokingensis.
B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethkeana.
Mahonia aquifolium.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. lomariifolia.
M. nervosa.
M. pinnata.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended, 7 CFR 301.38–5)

These instructions shall become effective on July 15, 1959, when they shall supersede P.P.C. 577, fourth revision, effective April 23, 1958 (7 CFR, 1958 Supp., 301.38–5a).

The purpose of this revision is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following two additional species and varieties: Berberis thunbergi atropurpurea "Redbird" and B. thunbergi aurea.

The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division, based on tests conducted by the U.S. Department of Agriculture to determine the susceptibility of such species and varieties to black stem rust. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure concerning this revision are impracticable and unnecessary, and since it relieves restrictions it may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1959.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F.R. Doc. 59–5838; Filed, July 14, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to Expenses and Fixing of Rate of Assessment for 1959–60 Fiscal Period

Pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1020.203 Expenses and rate of assessment for the 1959–60 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1959, and ending March 31, 1960, will amount to $7,060.

(b) Rate of assessment: The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one and one-half dollars ($1.50) per ton of apricots so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of apricots are now being made; (2) the rate of assessment is applicable to all apricots shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles apricots; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Apricot Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Market Service.

[F.R. Doc. 59–5836; Filed, July 14, 1959; 8:47 a.m.]

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to Expenses and Fixing of Rate of Assessment for 1959–60 Fiscal Period

Pursuant to the marketing agreement and Order No. 122 (7 CFR Part 1022), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1022.204 Expenses and rate of assessment for the 1959–60 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1959, and ending March 31, 1960, will amount to $9,575.

(b) Rate of assessment: The rate of assessment, which each handler who first handles cherries shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar and thirty-five cents ($1.35) per ton of cherries so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of cherries are now being made; (2) the rate of assessment is applicable to all cherries shipped during the aforesaid fiscal period; (3) the provisions hereof do not impose any obligations on a handler until such handler handles cherries; and (4) it is essential that the specification of assessment rate be issued immediately so as to enable the said Washington Cherry Marketing Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5837; Filed, July 14, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 61; Special Civil Air Reg. SR–416A]

VOLUNTARY PILOT REPORT OF NEAR MID-AIR ("NEAR-MISS") COLLISION

Rescission of Special Civil Air Regulation SR–416

On February 23, 1956, the Civil Aeronautics Board adopted in the exercise of its powers under Titles VI and VII of the Civil Aeronautics Act of 1938, as amended, Special Civil Air Regulation No. SR–416. This regulation was adopted because of the Board's concern with the then increasing frequency of near mid-air collisions. It desired to encourage airmen to voluntarily report such incidents so that it could secure data relating to the circumstances surrounding these occurrences. The Board therefore established a program for reporting near mid-air collisions, anonymously or otherwise. In order to induce such reporting, the Board, in SR–416, officially assured that the identity of persons making these reports would be held in strict confidence and that the information derived therefrom would not be used to initiate, aid, or abet an enforcement, remedial, or disciplinary preceedings nothwithstanding that a violation of the Civil Air Regulations was disclosed by the report. SR–416, however, did not guarantee complete immunity because it also provided that where information indicating a violation of a Civil Air Regulation was obtained by other means, the fact that the information was voluntarily reported would not preclude disciplinary or remedial action based on such other information.

The Civil Aeronautics Board has advised that it has become apparent that the environmental factors of "near-miss" data obtained from the reports over the last three years indicate a nearly static quality of predictability and that further statistics would be merely repetitious of existing data. The Board therefore believes that no useful purpose would be served by a continuation of the present voluntary reporting program and does not wish to continue said program pursuant to its powers under section 701 (a)(5) of the Federal Aviation Act of 1958.

The FAA has recently established internally a near midair collision investigation program which is designed to gather promptly all of the available information regarding each particular case. Field representatives of the Federal Aviation Agency investigate the individual case, collect the available data, evaluate the factors involved, determine the cause, recommend corrective on enforcement action and forward their findings to a central office established in Washington. The office in Washington evaluates the individual case and breaks the data down into various statistical phases of operation, in order to determine deficiencies in the airways system, traffic patterns and procedures, in the civil air regulations, and in other areas of air operation. This system will thus enable the Federal Aviation Agency to evaluate quickly the circumstances surrounding each incident and to initiate any corrective or enforcement action that may be required.

In consideration of the views of the Civil Aeronautics Board and the Federal Aviation Agency's collision investigation program, it has been determined that it would not be in the public interest to continue SR–416 in effect.

SR–416 was adopted by the Civil Aeronautics Board not only under its general rule making authority (section 205(a)) of the Civil Aeronautics Act, as amended, but also under section 601 (Safety Regulation) and section 702 (Accident Investigation). Inasmuch as the Federal Aviation Agency now has the sole responsibility for adopting safety regulations, the action taken herein is predicated on section 313(a)

of the Federal Aviation Act of 1958, which contains its general rule making authority, and Section 601 of the Act which empowers it to adopt safety regulations. The Civil Aeronautics Board is taking parallel action simultaneous herewith.[1]

Since the rescission of SR–416 does not impose an additional burden on any person, the Administrator finds that compliance with the notice, public participation and effective date provisions of Section 4 of the Act is unnecessary. In consideration of the foregoing:

Effective July 15, 1959, Special Civil Air Regulation No. SR–416, adopted by the Civil Aeronautics Board on February 23, 1956, is hereby rescinded insofar as it was promulgated under Title VI of the Civil Aeronautics Act of 1938, as amended.

Issued in Washington, D.C., on July 10, 1959.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–5834; Filed, July 14, 1959; 8:47 a.m.]

[Reg. Docket 58; Reg. SR–422B]

SPECIAL CIVIL AIR REGULATION; TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

Correction

In F.R. Document 59–5810 appearing in the issue for Tuesday, July 14, 1959, at page 5629 make the following change: In 40 T.81(b), line 7, preceding the word "before" insert the following material which was inadvertently omitted:

"elevation of each of the airports involved and for the ambient temperatures anticipated at the time of landing. (See §§ 4T.123 (a)(2) and 4T.743(a).)

(c) No airplane shall be taken off at a weight which exceeds the weight at which, in accordance with the minimum distances for takeoff scheduled in the Airplane Flight Manual, compliance with subparagraphs (1) through (3) of this paragraph is shown. These distances shall correspond with the elevation of the airport, the runway to be used, the effective runway gradient, and the ambient temperature and wind component existing at the time of takeoff. (See §§ 4T.123 (a)(3) and 4T.743(a).)

(1) The accelerate-stop distance shall not be greater than the length of the runway plus the length of the stopway if present.

(2) The takeoff distance shall not be greater than the length of the runway plus the length of the clearway if present, except that the length of the clearway shall not be greater than one-half of the length of the runway.

(3) The takeoff run shall not be greater than the length of the runway.

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123(a)(4) and 4T.743(a).)

40T.82 *Takeoff obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a net takeoff flight path which clears all obstacles either by at least a height of 35 feet vertically or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the net takeoff flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked."

[1] See Title 14, Chapter II, F.R. Document 59–5841, *infra.*

Chapter II—Civil Aeronautics Board

[Reg. SIR–3]

VOLUNTARY PILOT REPORT OF NEAR MID-AIR ("NEAR-MISS") COLLISION

Rescission of Special Civil Air Regulation SR–416

On February 23, 1956, the Board promulgated Special Civil Air Regulation No. SR–416, entitled Voluntary Pilot Report of Near Mid-Air ("Near-Miss") Collision, pursuant to both its safety rule-making powers under Title VI of the Civil Aeronautics Act and its air safety investigation powers under Title VII of said Act. The Federal Aviation Act of 1958 transferred the air safety rule-making function from the Board to the Administrator of the Federal Aviation Agency while the safety investigation powers under Title VII remained in the Board. SR–416 has therefore remained in force under the authority of both the Board and the Administrator.

The Administrator has advised the Board that he wishes to rescind this regulation. The Board finds that the "near-miss" program established by SR–416 has yielded all the useful information which it is capable of producing for the time being, and that further extension of the program is not necessary at this time for the Board's air safety investigation purposes. The Board therefore has decided to rescind SR–416 simultaneously with like action by the Administrator.[1]

Accordingly, it is ordered that Special Civil Air Regulation SR–416 of February 23, 1956, insofar as it constitutes an exercise of the Board's powers under Title VII of the Federal Aviation Act, be, and it hereby is, rescinded, effective July 15, 1959.

Effective: July 15, 1959.

Adopted: June 26, 1959.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–5841; Filed, July 14, 1959; 8:48 a.m.]

[1] See Title 14, Chapter I, F.R. Document 59–5834, *supra.*

Chapter V—National Aeronautics and Space Administration

PART 1221—OFFICIAL SEAL AND INSIGNIA

Subpart 1 [Reserved]

Subpart 2—Official NASA Insignia

Sec.
1221.200 Scope of subpart.
1221.201 Definitions.
1221.202 Prescribed insignia.
1221.203 Manufacture, reproduction, and display.
1221.204 Distribution, issuance, and retail sale.
1221.205 Prohibited use.
1221.206 Violations.
1221.290 Illustration.

AUTHORITY: §§ 1221.200 to 1221.290 issued under sec. 203, Pub. Law 85–568.

Subpart 1—[Reserved]

Subpart 2—Official NASA Insignia

§ 1221.200 Scope of subpart.

This subpart prescribes the official insignia (to be distinguished from the official Seal) of the National Aeronautics and Space Administration (NASA) and establishes standards for the reproduction, manufacture, sale, possession, wearing, and use thereof.

§ 1221.201 Definitions.

For purposes of this subpart, the following definitions will apply:

(a) "Official articles" means:

(1) Wearing apparel used by NASA personnel in the performance of official duties.

(2) Pennants, placards, plates, or stickers for aircraft, spacecraft, or vehicles.

(3) Publications, posters, manuals, handbooks, signs, advertisements, lapel pins, identification cards, credentials, flags, banners, photographs, charts, or the like.

(b) "Equipment" means machinery tools, vehicles, furnishings, and similar items of a more or less permanent nature used and owned by the Administration.

(c) "Facilities" means buildings, shelters, test stands, shops, and similar structures used and owned by the Administration.

(d) "Administrator" means the Administrator, National Aeronautics and Space Administration.

(e) "Director of Business Administration" means the Director of Business Administration, National Aeronautics and Space Administration.

(f) "Administration" means the National Aeronautics and Space Administration.

§ 1221.202 Prescribed insignia.

(a) The prescribed insignia shall be a circular design depicting a sky background of dark blue; within and extending slightly beyond the circle shall be a wing configuration of solid red; and within the circle shall be the letters NASA, an elliptical flight path and random placed stars in white.

(b) The prescribed insignia may be reproduced in the above colors or in single color (including black). In single color reproduction, the wing insignia shall be hatched with diagonal lines as illustrated in section 1221.290 hereof. Two-color printing of the insignia shall be in accordance with standards prescribed in the U.S. Government Printing and Binding Regulations and shall be limited to cases where such printing serves a functional purpose.

(c) The dimensions of the components of the prescribed insignia will be established by the diameter of the insignia's dark blue background and may be proportionately increased or decreased.

§ 1221.203 Manufacture, reproduction, and display.

(a) Any individual, association, or business entity may manufacture the prescribed insignia and official articles in compliance with this subpart.

(b) The prescribed insignia may be reproduced and displayed only:

(1) On official articles;

(2) On equipment;

(3) On facilities;

(4) In connection with articles or advertisements in newspapers, magazines, or other publications, or in connection with television or other public information media, provided such use is not intended to discredit the Administration or to mislead, confuse, misrepresent or defraud, or does not erroneously confer the impression of indorsement or approval by or relationship to, the Administration; and

(5) On such other items, whether official articles or not, as may be designated or approved by the Administrator.

(c) Reproduction of the prescribed insignia in connection with any publication or article used for political purposes is prohibited.

(d) The prescribed insignia shall not be used in any case in which use of the Seal of the Administration is prescribed.

(e) No alteration or modification of the prescribed insignia may be made except as the Administrator may from time to time authorize.

(f) To the extent necessary, implementing instructions governing the manufacture, reproduction, and display of the prescribed insignia shall be issued by the Director of Business Administration.

§ 1221.204 Distribution, issuance, and retail sale.

No distribution, issuance, or retail sale of the prescribed insignia or official articles shall be made except upon the authorization of the Director of Business Administration.

§ 1221.205 Prohibited use.

No person shall possess or wear the prescribed insignia or any device in colorable imitation thereof with intent to deceive or mislead, or for the purpose of inducing the false impression that such person is engaged in the performance of an authorized Administration activity.

§ 1221.206 Violations.

Whoever manufactures, sells, or possesses the prescribed insignia or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of the prescribed insignia, or any colorable imitation thereof, except as authorized under this subpart, shall be subject to a fine or not more than $250.00 or imprisonment of not more than six months, or both (18 U.S.C. 701).

§ 1221.290 Illustration.



Effective date. The provisions of this subpart are effective July 15, 1959.

T. KEITH GLENNAN,
Administrator.

[F.R. Doc. 59–5859; Filed, July 14, 1959; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. The runs of red salmon in the Ugashik district of Bristol Bay have continued in sufficient strength through the open fishing periods allowed by section 104.9 during the week ending July 12, 1959, so as to permit limited additional fishing time during that week.

Therefore § 104.9 as amended July 8 and July 10, 1959, is further amended so as to permit fishing in the Ugashik district from 12 noon to 6 p.m. Saturday, July 11, 1959.

Since immediate action is necessary in order to fully realize the benefits of this relaxation in existing regulations, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 10, 1959.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59–5855; Filed, July 13, 1959; 2:21 p.m.]

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. The red salmon runs in the Nushagak and Egegik districts of Bristol Bay continue in sufficient strength so as to permit additional fishing time during the week ending July 19.

Therefore the provisions of § 104.9(a) and the announcement of the number of units of gear registered for fishing for the week ending July 19, 1959 notwithstanding, fishing is permitted in the Nushagak and Egegik districts from 9 a.m. Monday, July 13, to 9 p.m. Tuesday, July 14, and from 9 a.m. Thursday, July 16 to 9 p.m. Friday, July 17, 1959.

Since immediate action is necessary to effectuate these relaxations, notice and public procedure on this amendment are impracticable, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 13, 1959.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59–5856; Filed, July 13, 1959; 2:21 p.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6395]

PART 240—WINE

Miscellaneous Amendments

Correction

In F.R. Doc. 59–5677, appearing at page 5539 of the issue for Thursday, July 9, 1959, the first sentence of § 240.534 should read as follows: "The carbon dioxide contained in wines shall be determined in accordance with authorized test procedures announced by the Director."

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July 1959 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on credit sales made in July under the Export Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4⅜ percent per annum.

For periods over 6 months up to and including 18 months 4⅞ percent per annum.

For periods over 18 months up to and including 36 months, 5⅜ percent per annum.

NOTICE TO BUYERS

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct.

If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements which amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Office and therefore generally they do not appear in the Monthly Sales List.

NOTICE TO EXPORT BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service or judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic, unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	All sales except butter for restricted domestic use under LD-31 are under LD-29 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic price: For unrestricted use price is "in store" at storage locations of products. For restricted use price is on the basis of delivery f.o.b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-29. Export prices are on the basis of delivery f.a.s. vessel or at buyers option f.o.b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. During July, Commodity Credit Corporation's sales price for butter and nonfat dry milk for export shall be 8.0 cents per pound for non fat dry milk and 39.0 cents per pound for butter: *Provided, however,* That Commodity Credit Corporation's prices for these commodities if used to fulfill contractual commitments with foreign buyers entered into prior to February 1, 1959, shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959, unless an amendment to such contractual commitment is made providing for a decrease in the respective prices to the foreign buyers equal to the difference between Commodity Credit Corporation's January and July 1959 prices; *Provided also* That Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitment entered into with foreign buyers during the period Feb. 1, 1959, and ended June 30, 1959, shall be the export sales price in effect for export sales of these products by CCC during such period; *Provided, further,* That Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitments entered into prior to February 1, 1959, with U.S. Government Agencies which execute the certificates required by paragraph 11(c) of LD-29, shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959. Offers to purchase from Commodity Credit Corporation butter and nonfat dry milk for export shall state (1) "Offer is made pursuant to Announcement LD-29 and to the pricing and other conditions set forth in the July 1959 Monthly Sales List published in the FEDERAL REGISTER," (2) whether offer is to fulfill Public Law 480 commitments, and (3) either (a) date of contract of sale to foreign buyer of U.S. Government Agency, and, if such date is prior to February 1, 1959, whether the sales prices to the foreign buyers have been reduced as required or (b) the exportation of "dairy products purchased will not be pursuant to any sales or contract of sale made prior to July 1, 1959." Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: 66.25 cents per pound, New York, Pennsylvania, New Jersey, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.5 cents per pound, Washington, Oregon, and California. All other States 65.25 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 39 cents per pound. Export, unrestricted use: 39 cents per pound.
Nonfat dry milk (spray, roller) as available.	Domestic, unrestricted use: Spray process, U.S. extra grade: *Cents per pound* In barrels and drums — 16.0 In bags — 15.15 Roller process, U.S. extra grade: In barrels and drums — 14.00 In bags — 13.15 Domestic, restricted use (animal and poultry feed): In barrels, drums, or bags, 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U.S. extra grade, in barrels, drums, or bags, 8.0 cents per pound.
Cheddar cheese (cheddars, flats, twins, rindless blocks (standard moisture basis)).	Domestic, unrestricted use: 38.0 cents per pound for New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound. Export, unrestricted use: 35 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton, upland	Domestic, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-5 (Revision 1), as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcements CN-EX-5 and NO-C-11, as amended.
Cotton, extra long staple	Domestic (unrestricted use) or export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Rye, bulk—Continued	Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available: Domestic, Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices. Export, Minneapolis, Evanston, Portland, Dallas and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 20 cents per hundredweight if received by truck or (2) 11 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 heifer — $2.41 Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind Program. Available: Domestic, Dallas, Portland, Kansas City, Minneapolis and Evanston CSS Commodity Offices. Export, Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent loan rate for rough rice by varieties and grades plus 5 percent adjusted for milling, plus 80 cents per hundredweight basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Example of minimum prices of milled rice per hundredweight, at mills: U.S. No. 3 — U.S. No. 4 Blue Bonnet — $10.40 — $9.70 Century Patna — 9.47 — 8.87 Export: Under GR-379 for application to approved barter order commitments and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Special export: Competitive bid for limited quantities of California rice under CR-PD-99 (revised).
Rice, rough	Domestic, unrestricted use: Market price but not less than the 1958 loan rate plus 5 percent, plus 60 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369. Rice Export Program Payment-in-Kind, and under GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas CSS Commodity Offices.
Dry edible beans (bagged) (as available).	Domestic, unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1958 price support differential. Class — Price per hundredweight — Area of production — CSS commodity office Red kidney — $8.78 — California — Portland. Large limas — 10.30 — do — Do. Baby limas — 5.31 — do — Do. Small red — 7.26 — Washington — Do. Pink — 7.20 — California — Do. Other classes offered as available. Export: Competitive bids under Announcement GR-370 as announced by the Portland CSS Commodity Office.
Soybeans, bulk 1957 and 1958 crop (as available).	Domestic for crushing or export: Market price basis in store but not less than the 1958 basic loan rate for No. 2 grade, basis point of production plus 8 cents per bushel to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and redelivery to country destination will be added to the above price. If delivery is outside the area of production, applicable freight to subterminal or terminal storage point will be added to the above price. Sales of 1957-crop soybeans for application to barter contracts will be made under GR-212, revised, amended. Available, Evanston, Kansas City, and Minneapolis CSS commodity offices.
Oats, bulk	Domestic, unrestricted use: Market price, basis in store,[2] but not less than the 1959 applicable loan rates, plus (1) a markup of 6 cents per bushel for oats in storage at point of production, (2) a markup of 8 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from point of production to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats — $0.6634 Minneapolis, No. 3 oats — .5714 Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Office.
Wheat, bulk	Domestic, restricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus 16 cents per bu. if received by truck or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 HW DNS — $2.23 Minneapolis, No. 1 DNS — 2.20 Kansas City, No. 1 HW — 2.23 Portland, No. 1 SW — 2.14 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program pursuant to GR-345. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1958 applicable loan rate for corn produced in compliance with 1958 acreage allotments plus: (1) a markup of 20 cents per bushel for corn in storage at point of production, (2) a markup of 22 cents per bushel and the rail freight from point of production to present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago — $1.78 Minneapolis — 1.6114 Noncommercial corn-producing area: Market price basis in store,[2] but not less than 133 percent of the applicable 1958 loan rate plus markups as above. Non-storable corn, unrestricted use, (as available): At other bin sites, through the offices indicated below. At bin sites, through ASC County Offices. Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Barley, bulk	Domestic, restricted use: Market price in store but not less than the 1959 applicable loan rate plus (1) 9 cents per bushel if received by truck or (2) 6 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better — $1.06 Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 12 cents per bushel if received by truck or (2) 7 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better — $1.20

See footnotes at end of table.

Commodity	Sales price or method of sale
Flaxseed, bulk (as available)	Domestic for crushing or export: Market price basis in store but not less than the 1958-crop support rate for grade No. 1 with 10.6-11.0 moisture. Premiums and discounts provided in loan bulletin to apply to other qualities. Available Portland and Minneapolis CSS Commodity Offices.
Peanuts, shelled (as available)	Domestic, unrestricted use: 1958 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges, but not less than market price. Examples of the foregoing minimum price per pound: Virginias: Extra large — 24.60 cents per pound; Medium — 22.53; No. 1 — 20.42
	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Tung oil	Export: Competitive bid under Announcement CT-OP-10 by Cincinnati CSS Commodity Office.
Burley tobacco	Domestic (unrestricted use) or export: Competitive bid under the terms and conditions of announcements issued and to be issued. These announcements cover various lots totaling about 10 million pounds. Copies of announcements issued may be obtained from the Tobacco Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., or the Burley Tobacco Growers Cooperative Association, 620 South Broadway, Lexington, Ky.
Gum rosin	Domestic, unrestricted use: Offer and acceptance basis, in galvanized metal drums (averaging 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued periodically during the month. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Ga.
	Export: Competitive bid in storage, subject to Announcement TB-21-59 and weekly supplements thereto.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouse for storage documents.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: July 9, 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-5840; Filed, July 14, 1959; 8:48 a.m.]

Office of the Secretary

KANSAS AND TEXAS

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Great Plains Conservation Program Is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

KANSAS

Kingman. Pratt.
Pawnee. Rooks.

MONTANA

Cascade.

TEXAS

Baylor. Throckmorton.
Sterling. Wichita.

Done at Washington, D.C., this 10th day of July 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-5830; Filed, July 14, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

THOMAS V. CARTOLANO

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Thomas V. Cartolano.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 1, 1959.

4. Title of position: Consultant (Administrative Adviser to Director).

5. Name of private employer: Chemical and Rubber Division, Charles Pfizer & Company, Inc., Brooklyn, N.Y.

CARLTON HAYWARD,
Director of Personnel.

JUNE 4, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Charles Pfizer & Co., Inc.
Bank deposits.

T. V. CARTOLANO.

JULY 2, 1959.

[F.R. Doc. 59-5831; Filed, July 14, 1959; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

ALUMINUM FOIL FROM WEST GERMANY

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JULY 9, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of unbacked converter foil, 0.00065" gauge, manufactured by Aluminiumwerk Tscheulin GmbH, West Germany, is less, or likely to be less, than the foreign market value, as defined by section 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of unbacked converter foil, 0.00065" gauge, manufactured by Aluminiumwerk Tscheulin GmbH, West Germany, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-5833; Filed, July 14, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BRISTOL BAY, ALASKA

Announcement of Units of Fishing Gear

In accordance with 50 CFR 104.9(c), announcement is made of the total number of units of gear registered for use in the salmon fishing districts of Bristol Bay as of 6 p.m. Friday, July 10, 1959, for the week ending July 19, 1959, as follows:

	Units
Kvichak-Naknek	150
Nushagak	280
Egegik	60
Ugashik	50

Dated: July 13, 1959.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-5857; Filed, July 13, 1959; 2:21 p.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13033, G-17806]

CARTER-JONES DRILLING CO., INC., ET AL.

Notice of Application, Consolidation of Proceedings, and Date of Hearing

JULY 9, 1959.

In the matters of Carter-Jones Drilling Company, Inc., Operator, et al., Docket Nos. G-13033, G-17806.[1]

Take notice that Carter-Jones Drilling Company, Inc., Operator, et al., (Applicant), an independent producer of natural gas, filed an application on February 9, 1959, in Docket No. G-17806 for permission and approval to abandon service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant in its application in Docket No. G-13033 proposed to sell natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee) from production in the North Ross Field, Starr County, Texas, pursuant to a gas sales contract dated July 26, 1957. Temporary authority was issued to Applicant by letter dated August 23, 1957, pursuant to § 157.28 of the Commission's regulations under the Natural Gas Act.

In Docket No. G-17806, Applicant seeks permission and approval to abandon the above-described service to Tennessee pursuant to section 7(b) of the Natural Gas Act for the reason that the available supply of natural gas is depleted to the extent that continuance of service is unwarranted and that continuance of operation is not economically feasible.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5815; Filed, July 14, 1959; 8:45 a.m.]

[1] The application in Docket No. G-13033 has been duly noticed by publication in the FEDERAL REGISTER on March 12, 1959 (24 F.R. 1816) in consolidation with: In the Matters of Sun Oil Company, et al., Docket Nos. G-12709, et al., hearing set for March 24, 1959. The subject application was severed from the consolidated proceeding, by notice of severance dated March 5, 1959, and hearing date postponed to a date to be fixed by further notice.

[Docket Nos. G-18313-18316]

MIDWESTERN GAS TRANSMISSION CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Order Consolidating Proceedings and Fixing Date of Hearing

JULY 8, 1959.

In the matters of Midwestern Gas Transmission Co., Docket Nos. G-18313, G-18314, and G-18315; Michigan Wisconsin Pipe Line Co., Docket No. G-18316.

On April 15, 1959, Midwestern Gas Transmission Company (Midwestern) filed in Docket No. G-18313 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities and the sales of natural gas as hereinafter described.

Midwestern proposes to construct and operate approximately 504.1 miles of main transmission pipeline extending from a point of connection with proposed facilities of Trans-Canada Pipe Lines, Limited (Trans-Canada) at the United States-Canadian boundary near Emerson, Manitoba, and extending to Marshfield, Wisconsin, where such main transmission pipeline would connect with facilities of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

Midwestern also proposes to construct and operate two compressor stations at Noyes and Staples, Minnesota, each having a rated capacity of 5,280 horsepower. In addition Midwestern proposes to construct and operate 56.1 miles of lateral pipelines and a total of 21 meter stations to serve prospective customers along the route of the main transmission pipeline.

Midwestern proposes to purchase approximately 204,000 Mcf of natural gas per day from Trans-Canada and seeks authority to make sales and deliveries thereof as follows:

Customer:	Third-year peak day deliveries (Mcf)
Michigan Wisconsin	158,000
Northern States Power Co.	29,200
Montana-Dakota Utilities Co.	4,000
United Petroleum Gas Co.	1,847
Village of Perham, Minn.	962
Village of Hawley, Minn.	705
Town of Ada, Minn.	1,102
Village of Argyle, Minn.	378
Village of Frazee, Minn.	565
Village of Hallock, Minn.	823
Village of Lake Park, Minn.	377
Village of New York Mills, Minn.	537
Village of Stephen, Minn.	407
	198,903

The estimated total cost of the facilities proposed to be constructed by Midwestern is $52,297,000, and in connection therewith Midwestern proposes to issue the following securities:

		Percent
Pipeline bonds (5½%)	$40,000,000	75.5
Unsecured notes, 1970 (5%)	5,000,000	9.4
Common stock	8,000,000	15.1
	53,000,000	

By its application filed on April 15, 1959, Docket No. G-18314, Midwestern requests authority pursuant to section 3 of the Natural Gas Act to import the 204,000 Mcf of natural gas per day which Midwestern proposes to purchase from Trans-Canada.

By its application filed on April 15, 1959, Docket No. G-18315, Midwestern seeks a Presidential Permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance and connection at the international border of facilities necessary for the importation of 204,000 Mcf of natural gas per day from Canada to the United States.

On April 15, 1959, Michigan Wisconsin, Docket No. G-18316, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities and sales of natural gas hereinafter described.

Michigan Wisconsin proposes to construct and operate approximately 69.0 miles of 24-inch and 27.9 miles of 20-inch main transmission pipeline extending from Marshfield to Appleton, Wisconsin; 65.4 miles of 24-inch pipeline looping its existing pipeline system in Illinois, Indiana and Michigan between Michigan-Wisconsin's existing compressor stations 10 and Michigan "A"; 311 miles of pipeline of varying diameters between 4 and 16 inches; one new compressor station to be located at Marshfield, Wisconsin, having a rated capacity of 5,280 horsepower; and 23 metering stations.

The foregoing facilities are to be utilized for the receipt, transportation and sale of the 158,000 Mcf of natural gas per day which Midwestern proposes to deliver to Michigan Wisconsin as hereinbefore referred to.

The total estimated cost of the facilities proposed to be constructed by Michigan Wisconsin is $24,177,000. Michigan Wisconsin proposes to finance the cost of construction through the issuance of First Mortgage Pipe Line Bonds.

Through the proposed facilities Michigan Wisconsin proposes to sell and deliver additional volumes of natural gas to its existing customers for distribution in presently served markets. It also proposes to deliver and sell natural gas to the following utility companies for distribution in communities which presently do not have natural gas service:

Utility Company and Communities To Be Served
City Gas Co.—Antigo, Wis.
Merrill Gas Co.—Merrill, Wis.
Peoples Gas Co.—Marshfield, Wis.
Wisconsin Fuel and Light Co.—Wausau, Schofield, and Rothschild, Wis.
Wisconsin Public Service Corp.—Stevens Point, Whiting, Park Ridge, Marinette, Oconto and Peshtigo, Wis., and Menominee, Mich.
Wisconsin Rapids Gas and Electric Co.—Wisconsin Rapids, Biron, Port Edwards and Nekoosa, Wis.
Central Wisconsin Gas Co.—Waupaca, Wis.
Natural Gas Distributors, Inc.—Shawano, Clintonville, Hortonville, New London, Bear Creek, Embarrass, Bonduel, Gillett, Oconto Falls, Seymour and Weyauwega, Wis.

Michigan Wisconsin also proposes to sell and deliver natural gas at Menominee, Michigan to its affiliate, Michigan Consolidated Gas Company (Michigan Consolidated) for resale by the latter for ultimate consumption in the Upper Peninsula of Michigan where natural gas service presently is not available. Michigan Consolidated proposes to serve the following:

Customer and Community or Area To Be Served
City of Escanaba—Escanaba, Mich.
Michigan Gas and Electric Co.—Marquette, Ishpeming, Negaunee, Iron Mountain, Kingsford, Norway and Gladstone, Mich.
Cleveland Cliffs Iron Co.—Approximately 10 locations.

This order shall constitute the notice of the filing of the foregoing applications. Such applications, on file with the Commission, are open to public inspection.

The Commission finds: The applications filed in Docket Nos. G–18313, G–18314, G–18315 and G–18316 are interrelated and the proceedings upon such applications should be consolidated for purpose of hearing.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on July 27, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by the applications filed in Docket Nos. G–18313, G–18314, G–18315 and G–18316.

(B) Protests or petitions to intervene may be filed with the Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1959.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5816; Filed, July 14, 1959; 8:45 a.m.]

[Docket No. G–15988]

MONLA GAS CO., INC., ET AL.

Notice of Application and Date of Hearing

JULY 8, 1959.

Take notice that on August 14, 1958, Monla Gas Company, Inc., et al.,[1] (Applicants) filed in Docket No. G–15988 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Southern Natural Gas Company (Southern Natural) from the W. C. Feazel, et al., Wininger No. 1 Well in the Carlton Field Area of Ouachita Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract dated July 29, 1957, by and between Applicants and Southern Natural, on file as Monla Gas Company, Inc., et al., FPC Gas Rate Schedule No. 2, and was authorized by the Commission's order issued March 17, 1958, in Docket No. G–13281. Notice of cancellation of said gas sales contract, filed concurrently with the application herein, is on file as Supplement No. 1 to Monla Gas Company, Inc., et al., FPC Gas Rate Schedule No. 2.

Applicants state that production from the subject well has ceased due to depletion and that efforts to renew production have been unsuccessful.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5817; Filed, July 14, 1959; 8:45 a.m.]

[1] "Et al." parties are W. C. Feazel, Lallage Feazel, Gertrude Feazel Anderson and G. M. Anderson, known as Feazel Interests, and United Carbon Company.

[Docket No. DA–974–Calif.]

EARL C. SMITH AND POWER PROJECT LAND WITHDRAWAL

Finding of Commission and Partial Vacation of Withdrawal Under Section 24 of Federal Water Power Act

JULY 7, 1959.

In the matter of land withdrawn in Power Site Reserve No. 268 and Project No. 866, Docket No. DA–974–California, Earl C. Smith.

An application was filed by Earl C. Smith, of Sacramento, California, for release from power withdrawal of the following-described land:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 N., R. 9 E.,
Sec. 34, lot 4.

The above-described land is located about a half mile north of the Middle Fork American River on the upper slopes of the canyon at elevations ranging from 1,400 feet to 1,800 feet, and about four miles upstream from the confluence of the North Fork and Middle Fork. The land is withdrawn in Power Site Reserve No. 268, dated April 29, 1912, as modified by Order of Restoration and Modification No. 245, dated June 29, 1917, and is also reserved, among other lands, pursuant to the filing on January 11, 1928, of an application for a preliminary permit for proposed Project No. 866, which application was rejected on August 21, 1930.

Proposed Project No. 866 contemplated the construction of a dam at the junction of the forks to create a reservoir having a flow line of 890 feet elevation. It appears from a study of the project maps that the proposed construction would not have affected the above-described land and that the land was reserved as a result of an erroneous placing of contour lines.

An application for restoration to entry of the above-described land was denied by the Commission on October 22, 1923 (Docket No. DA–52–California).

More recent power plans contemplate the construction of large multi-purpose dams on the main stem of the American River and its forks. Auburn dam, below the confluence of the Middle and North Forks, has been given considerable consideration both by the Bureau of Reclamation, United States Department of the Interior, and the State of California. The California State Water Plan suggests an Auburn reservoir having a normal pool elevation of 920 feet or its alternative development—the Oregon Bar reservoir—with pool at 960 feet elevation, while the Bureau of Reclamation's plan for the Auburn site proposes a reservoir with flow line at 934.5 feet elevation.

Since the land is considerably above the flow line of past and present plans for development, its power value appears to be negligible.

The Commission finds:

(1) The existing power withdrawals pertaining to the land serve no useful purpose.

(2) The existing withdrawal pertaining to the land under Section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 866 should be vacated.

(3) It has no objection to revocation by the Secretary of the Interior of Power Site Reserve No. 268 insofar as such withdrawal affects said land.

The Commission orders: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 866 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5818; Filed, July 14, 1959; 8:46 a.m.]

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASH.

Notice of Application for Amendment of License

JULY 8, 1959.

Public notice is hereby given that Public Utility District No. 1 of Chelan County, Washington, of Wenatchee, Washington, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for amendment of the license for water-power Project No. 2145, located on the Columbia River in Chelan and Douglas Counties, Washington, to revise the clearing requirements for the project reservoir so that the sides and margins of the reservoir would be cleared between the horizontal plane established at elevation 698 feet (5 feet below the minimum pool) and an upper limit approximating the annual flood line of the reservoir and having a maximum forebay elevation at 710 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 10, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5819; Filed, July 14, 1959; 8:46 a.m.]

[Docket No. G–18808]

UNION ELECTRIC CO.

Notice of Application and Date of Hearing

JULY 8, 1959.

Take notice that Union Electric Company (Applicant), a Missouri Corporation, having its principal place of business at 315 North 12th Boulevard, St. Louis 1, Missouri, filed on June 17, 1959, an application pursuant to section 7(a) of the Natural Gas Act for an order directing Mississippi River Fuel Corporation (Mississippi) to increase its present allocation of natural gas of 10,000 Mcf to a stated demand of 14,000 Mcf per day by November 1, 1959.

Applicant states that it is engaged in the business of distributing and selling natural gas in Alton, Illinois and vicinity, and that its present allocation of gas is inadequate for the present and estimated future requirements of its natural gas customers. Applicant states that Alton is included in the rapidly expanding St. Louis metropolitan area where many of its residents are employed in the City of St. Louis and commute to their places of employment. Applicant further states that Alton is the home of several important industries which employ large numbers of people. Applicant further states that it has 2,106 applications for natural gas service, which it cannot supply under its existing allocations, and that 4,000 Mcf of natural gas per day would be required to supply the additional requirements of such applicants.

Applicant further alleges that under orders issued by the Illinois Commerce Commission, it is required, if it should obtain additional supplies of natural gas, to offer the increased supply of gas initially to dual fuel consumers of which 1,398 of the pending 2,106 applicants would be dual fuel customers.

The application is on file with the Commission and open for public inspection.

This matter should be heard and disposed of as promptly as possible under the applicable Rules and Regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held on September 15, 1959, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5820; Filed, July 14, 1959; 8:46 a.m.]

[Docket No. G–14290]

WALTERS DRILLING CO. ET AL.

Notice of Applications and Date of Hearing

JULY 8, 1959.

In the matters of Walters Drilling Co., Operator, et al.,[1] Docket No. G–14290; Jocelyn-Varn Oil Co., Operator, et al.,[1] Docket No. G–14291; N. B. Hunt, Docket No. G–14295; Pan American Petroleum Corporation, Docket No. G–14296; Cabot Carbon Company, Docket No. G–14301; Delhi-Taylor Oil Corporation, Docket No. G–14308; Texaco Inc. formerly The Texas Company,[2] Docket No. G–14310; Billy Bridewell, Operator, et al.,[1] Docket No. G–14311; Empire Oil Company,[3] Docket No. G–14322; Cabin Run Gas Company,[4] Docket No. 14328; The Atlantic Refining Company,[7] Docket No. G–14333.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Field and location	Purchaser
G–14290	Northwest Sharon Field, Barber County, Kans.	Cities Service Gas Co.
G–14291	Acreage in Sutton County, Tex.	El Paso Natural Gas Co.
G–14295	Palo Blanco Field, Brooks County, Tex.	United Gas Company, Inc.
G–14296	Rush Creek Field, Weld County, Colo.	Kimball Gas Products Co.
G–14301	Mocane (Ridgeway) Field, Beaver County, Okla.	Northern Natural Gas Co.
G–14308	Coastal Field, Starr County, Tex.	Tennessee Gas Transmission Co.
G–14310	East White Point Field, San Patricio County, Tex.	Texas Eastern Transmission Corp.
G–14311	Northeast Norman Field, Cleveland County, Okla.	Cities Service Gas Co.
G–14322	West Union District, Doddridge County, W. Va.	Columbian Carbon Co.
G–14328	Cabin Run Field, Doddridge County, W. Va.	Equitable Gas Co.
G–14333	McKinney Field, Clark County, Kans.	Northern Natural Gas Co.

See footnotes at end of document.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington- 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[1] Walters Drilling Co., Operator, is a partnership composed of Robert F. Walters, W. N. Bartlett and Alfred James, III, filing for itself and on behalf of the following nonoperators: Charles D. James, Robert H. Christy, Harold H. Anderson, Franklin J. Lunding, Foster G. McGaw, Don T. McNeill, Michigan Oil Company, W. N. Bartlett and The Amsden Lumber Company. All are signatory seller parties to the subject gas sales contract.

[2] Jocelyn-Varn Oil Co., Operator, is filing for itself and on behalf of the nonoperator, Ashland Oil & Refining Company, and both are signatory seller parties to the subject gas sales contract.

[3] Application covers an amendatory agreement dated December 19, 1957, which adds additional acreage to a basic gas sales contract dated December 21, 1956. By letter filed May 6, 1959, Applicant informed the Commission that on and after May 1, 1959, its corporate name was changed from The Texas Company to Texaco Inc.

[4] Billy Bridewell, Operator, is filing for himself and on behalf of the following nonoperators: J. G. Walker and Roy C. Gammill. All are signatory seller parties to the subject gas sales contract.

[5] Empire Oil Company, a partnership composed of N. L. Gribble and Carolyn E. Farr, proposes to sell natural gas from certain acreage pursuant to a letter agreement dated March 7, 1957, which adds additional acreage to a basic gas sales contract dated October 28, 1929, between W. B. Gribble, et al. (predecessors in interest to Applicant), sellers, and Columbian Carbon Company, buyer. Applicant is the only signatory seller party to the subject letter agreement through the signature of its Agent, P. Douglass Farr.

[6] Cabin Run Gas Company, Applicant, is a partnership composed of George J. Buff, Jr., Norman Myers, Francis J. Scott, Richard Kuback, James F. Hutton, Thomas Carey, Mrs. Byron M. Pell, Mrs. S. R. Matthews, Dolores A. Bortusch, W. M. Ritteman, Charles Myers, Peggy Buff, Milton H. Gordon, John F. Schrey, Samuel V. Geyer, Rebecca A. Baker, Harry E. Hill, Jr., Mattie E. Hill, Francis S. Heller, Eino F. Harpie and Clarence E. Powell.

[7] Application covers an amendatory agreement dated December 6, 1957, which adds additional acreage to a basic gas sales contract dated July 15, 1957, as amended.

[F.R. Doc. 59-5821; Filed, July 14, 1959; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-141]

STANFORD UNIVERSITY

Notice of Application for Utilization Facility License

Please take notice that Stanford University, Stanford, California, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 10-kilowatt (thermal) pool-type training and research reactor on the campus of Stanford University near Palo Alto, California. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 9th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5812; Filed, July 14, 1959; 8:45 a.m.]

[Docket No. 50-27]

STATE COLLEGE OF WASHINGTON

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Federal Register Division on June 22, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-37 authorizing State College of Washington to construct a 100 kilowatt pool-type research reactor on its campus in Pullman, Washington. Notice of the proposed action was published in the FEDERAL REGISTER on June 23, 1959, 24 F.R. 5121.

Dated at Germantown, Md., this 8th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5813; Filed, July 14, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 92]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 10, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 986 (Deviation No. 1), KANSAS NEBRASKA EXPRESS, INC., 1229½ Union Avenue, Kansas City 1, Mo., filed July 1, 1959. Attorney for said carrier, Tom B. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Kansas City, Mo., over the Kansas Turnpike to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 36, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Kansas City over U.S. Highway 24 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence west over U.S. Highway 36 to points within a 15 mile radius of Washington, Kans., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5826; Filed, July 14, 1959; 8:46 a.m.]

[Notice 278]

MOTOR CARRIER APPLICATIONS

JULY 10, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local d.s.t.), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 27648 (Sub No. 2), filed June 3, 1959. Applicant: EUGENE MERRITT SAVIN, P.O. Box 204, Townsend, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Chestertown, Md., to Middletown, Del., and points within 10 miles of Middletown, and *refused* or *rejected shipments* of fertilizer on return. Applicant is authorized to conduct operations in Maryland and Delaware.

HEARING: September 15, 1959, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 40.

No. MC 29886 (Sub No. 156), filed June 26, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, under 20 feet in length, from Santa Ana, Calif., to Fort Dodge, Iowa, and to points in Washington, Oregon, California, Arizona, New Mexico, Nevada, Idaho, Utah, Montana, Colorado, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 22, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 261) (CORRECTION), filed June 29, 1959, published July 8, 1959 issue of FEDERAL REGISTER. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, an Ohio corporation, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington, D.C. Previous publication gave applicant's attorney's address as 1825 Jefferson Place NW., in error. The correct address is *1821* Jefferson Place NW., Washington, D.C.

No. MC 92983 (Sub No. 353), filed May 21, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Olathe, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: July 28, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 92983 (Sub No. 359), filed June 16, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from Dupo, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: July 28, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner C. Evans Brooks.

No. MC 104128 (Sub No. 82), filed June 15, 1959. Applicant: CAMPBELL'S SERVICE, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 18 feet in length, and *boat trailers*, in truckaway service, from points in California to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Wyoming. Applicant is authorized to conduct operations in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

HEARING: September 23, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 106398 (Sub No. 119), filed May 20, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla., Mailing adress: Box 8096-Dawson Station, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Corona, Calif., to points in the United States including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 30, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 106398 (Sub No. 126), filed June 11, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: R. Y. Schureman, 634 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 18 feet in length, loaded in special rack boat trailers, from points in California to points in the United States, including Alaska and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 23, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 108121 (Sub No. 3), filed May 15, 1959. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 74 Jackson Street, Seattle 4, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles*, except trailers, in secondary movements, in truckaway service, restricted to traffic originating at points of manufacture or assembly in California, (a) from Kennewick, Wash., to points in Yakima, Kittitas, Benton, Franklin, Grant, Adams, Whitman, Garfield, Columbia, Walla Walla, Asotin, Klickitat, and Lincoln Counties, Wash., and to points in Oregon and Idaho; and (b) from Spokane, Wash., to points in Spokane, Whitman, Adams, Lincoln, Ferry, Stevens, Pend Oreille, Okanogan, Douglas, Grant, and Chelan Counties, Wash., and to points in Idaho and Montana; and (2) *Motor vehicles*, except trailers, in secondary movements, via truckaway service, (a) from Vancouver, Wash., to points in Washington and Oregon; (b) from Nampa, Idaho, to points in Idaho, Montana, Oregon, and Washington; (c) from Pocatello, Idaho, to points in Idaho, Montana, Oregon, Utah, and Wyoming; (d) from Ogden and Salt Lake City, Utah, to points in Idaho, Nevada, Utah and Wyoming; (e) from points in Nevada to points in Nevada and Utah; (f) from points in Montana to points in Idaho, Montana, and Wyoming; and (g) from points in Oregon to points in Idaho, Oregon, and Washington. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

NOTE: Applicant states it now holds authority to transport New Automobiles from Kennewick and Spokane, Wash., to a portion of the above-sought destination territory. Applicant further states that the effect of (1) above would be to include such vehicles as trucks, tractors, truck tractors, and buses to the presently authorized destination territory and to expand the destination territory. Applicant requests that (1) and (2) above be restricted to the transportation of shipments which have had a prior movement in rail trailer-on-flat car service.

HEARING: September 14, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109584 (Sub. No. 67), filed June 24, 1959. Applicant: ARIZONA-PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's at-

torney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups and liquid sugars*, in bulk, in tank vehicles, from Manteca, Spreckles and Woodland, Calif., to points in Douglas, Jackson, Josephine, Klamath and Lake Counties, Oreg., and *rejected and contaminated shipments*, on return. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

HEARING: September 30, 1959, at the Federal Building, Los Angeles, Calif., before Joint Board No. 11, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109772 (Sub No. 16), filed May 8, 1959. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in secondary movements, in truckaway service, (1) from points in Wyoming to points in Idaho, Montana, Oregon, and Washington; (2) from points in Utah to points in Idaho, Oregon, and Washington; and (3) from points in Montana to points in Idaho, Montana, Oregon, and Washington. Applicant is authorized to conduct operations in California, Arizona, New Mexico, Nevada, Oregon, Utah, Colorado, Idaho, Montana, Washington, Wyoming, and Nebraska.

HEARING: September 10, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109772 (Sub No. 17), filed June 5, 1959. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in secondary movements, in truckaway service, from points in Nebraska, to points in Idaho, Oregon, and Washington. Applicant is authorized to conduct operations in California, Arizona, New Mexico, Nevada, Oregon, Utah, Colorado, Idaho, Montana, Washington, Wyoming, and Nebraska.

HEARING: September 11, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 111823 (Sub No. 9), filed April 29, 1959. Applicant: VON DER AHE VAN LINES, INC., 4601 Olive Street, St. Louis, Mo. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. Applicant is authorized to conduct operations in Missouri, Illinois, Kansas, Oklahoma, Arkansas, Tennessee, Kentucky, Minnesota, Iowa, Ohio, Indiana, Wisconsin, Michigan, Alabama, Colorado, Connecticut, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, California, South Carolina, South Dakota, Texas, Virginia, and the District of Columbia.

NOTE: Applicant states that it proposes by this application to eliminate its gateway of the St. Louis, Mo. Commercial Zone in the transportation of household goods between its presently authorized territory and points in California.

HEARING: September 1, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 112020 (Sub No. 69), filed May 21, 1959. Applicant: COMMERCIAL OIL TRANSPORT, 1030 Stayton Street, Forth Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, including but not limited to wines, vermouths, liquors, spirits, and (2) *juices and juice concentrates*, in bulk, in tank vehicles, from points in California to points in New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and Tennessee and *refused or rejected shipments* on return, except wines from Fresno, Calif., to Gallup, N. Mex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 3, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 113558 (Sub No. 8), filed June 8, 1959. Applicant: BELYEA TRUCK CO., 6800 South Alameda Street, Los Angeles 1, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Missiles, space vehicles, space satellites, launching guidance, monitoring*, and *control units*, and *parts thereof*, requiring special equipment and handling for their transportation: (b) *Launching guidance, monitoring and control units*, and *equipment* and *parts* of such missiles, space vehicles, space satellites, launching guidance, monitoring, and control units, when such units and equipment and parts are transported incidental to, or are transported in connection with, missiles, space vehicles, space satellites, and launching guidance, monitoring, and control units, requiring special equipment and handling for their transportation; and (c) *Shipper-owned or government-owned trailers*, empty, in return movement, when such trailers have been used in the outbound transportation of the foregoing commodities, between points in California, on the one hand, and, on the other, points in Colorado, Florida, Idaho, Illinois, Kansas, Maine, Nebraska, Ohio, South Dakota, Texas, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations in Arizona, Nevada, New Mexico, and California.

HEARING: September 24, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 118591 (Sub No. 2), filed May 14, 1959. Applicant: ALBERT R. HUEY, doing business as HUEY'S TRANSPORTATION, 11905 South Alameda, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial refrigerators*, with or without glazed fronts or tops, with or without cooling or freezing apparatus, *cooling rooms, store display racks or stands, shelving, partitions or railings, check stands*, other than furniture, *turnstiles* and *flooring* for electronic equipment, all to be shipped uncrated, not in packages, from Los Angeles, Calif., to points in Arkansas, Colorado, Idaho, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; and *rejected and returned shipments* of the above-described commodities, and *exempt commodities*, on return.

HEARING: September 21, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 118714 (Sub No. 2), filed May 14, 1959. Applicant: EDGAR S. PROCTOR, doing business as G & W TRANSFER, 623 East 59th Street, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial refrigerators*, with or without glazed fronts or tops, with or without cooling or freezing apparatus, *cooling rooms, store display racks or stands, shelving, partitions or railings, check stands*, other than furniture, *turnstiles*, and *flooring* for electronic equipment, all to be shipped uncrated, not in packages, from Los Angeles, Calif., to points in Arkansas, Colorado, Idaho, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; and *rejected and returned shipments* of the above-described commodities, and *exempt commodities*, on return.

HEARING: September 21, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 118991, filed June 12, 1959. Applicant: COAST TO COAST TRUCKING CO., a corporation, 856 Warner Street SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between points in California and Arizona, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, Tennessee, Kentucky, Texas, Louisiana, Mississippi, Georgia, Florida, Alabama, North Carolina, South Carolina, and Arkansas. (2) Between points in Georgia, South Carolina and North Carolina, on the one hand, and, on the other, points in North Carolina, South Carolina, Maryland, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Florida, and Texas. Applicant states the proposed transportation is restricted to serving Shippers Cooperative, Inc., under a continuing contract.

HEARING: September 28, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub No. 262), filed April 21, 1959. Aplicant: PUBLIC SERVICE COORDINATED TRANSPORT, a New Jersey corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between the junction of Massachusetts and Washington Avenues and the New York Central Railroad Station, both located in Haworth, N.J., from the junction of Massachusetts and Washington Avenues at the Haworth-Dumont municipal line over Massachusetts Avenue to the junction of Valley Road, thence over Valley Road to the junction of Haworth Avenue, thence over Haworth Avenue to the New York Central Railroad Station, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

HEARINGS: October 23, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 25869 (Sub No. 9), filed July 2, 1959. Applicant: MYRON R. NOLTE AND MAURICE D. NOLTE, doing business as NOLTE BROS., Farnhamville, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Britt, Iowa, and *empty containers or other such incidental facilities* used in transporting malt beverages on return. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, Missouri, Nebraska, and Wisconsin.

No. MC 30319 (Sub No. 103), filed July 2, 1959. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a Texas Corporation, 810 North San Jacinto, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Marble Falls, Tex., and junction of Texas Highways 29 and 1431, over Texas Farm Road 1431, serving all intermediate points, including the town of Kingsland, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 66562 (Sub No. 1520), filed July 6, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Columbia, Tenn., and Loretto, Tenn., from Columbia over U.S. Highway 43 to Loretto, and return over the same route, serving the intermediate points of Mount Pleasant and Lawrenceburg, Tenn. Applicant indicates the proposed service is to be subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. 2. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 107496 (Sub No. 141), filed July 6, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resin*, in bulk, in tank vehicles, from Valley Park, Mo., to Little Rock, Ark., Milwaukee, Sheboygan and Fort Atkinson, Wis., and Denver, Colo. Applicant is authorized to conduct operations in Iowa, Illinios, Wisconsin, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Kansas, Ohio, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, Texas, Michigan, and Pennsylvania.

No. MC 112020 (Sub No. 74), filed June 29, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin*, in bulk, in tank vehicles, from Valley Park, Mo., to Oklahoma City, Okla. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 114890 (Sub No. 17), filed July 6, 1959. Applicant: KENNETH CHILDRESS, doing business as C. E. REYNOLDS GASOLINE & CHEMICAL, 2209 Range Line, P.O. Box 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P.O. Box 578, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from La Platte, Nebr., to Atlas, Mo., and Tulsa, Okla. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE: Dual operations may be involved.

No. MC 115162 (Sub No. 49), filed July 6, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing iron and steel*, from Mobile, Ala., to Pensacola, Fla. Applicant is authorized to conduct operations throughout the United States.

No. MC 115331 (Sub No. 18), filed July 2, 1959. Applicant: TRUCK TRANSPORT, INC., Highway 61–67, Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Birds Point, Mo., and points within four miles thereof, to points in Arkansas, Illinois, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Oklahoma, and Tennessee.

No. MC 116272 (Sub No. 2), filed June 30, 1959. Applicant: REMO CIAVARELLA, doing business as REMO CARTAGE COMPANY, 6025 North Elston Avenue, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used baking pans*, between Lake Zurich, Ill., on the one hand, and, on the other, points in Illinois and Indiana, points in Clinton, Dubuque, Jackson, Scott, Muscatine, Louisa, Des Moines, Lee, Cedar, Johnson, Iowa, Poweshiek, Jasper, and Polk Counties, Iowa, points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, and Cape Girardeau Counties, Mo., points in Berrien, Cass, Saint Joseph, Branch, Hillsdale, Lenawee, Monroe, Wayne, Washtenaw,

Jackson, Calhoun, Kalamazoo, Van Buren, Allegan, Barry, Eston, Ingham, Livingston, Oakland, Macomb, Saint Clair, Lapeer, Genesee, Shiawassee, Clinton, Ionia, Kent, Ottawa, Muskegon, Montcalm, Gratiot, Saginaw, and Tuscola Counties, Mich., and points in Grant, Lafayette, Green, Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Sauk, Columbia, Dodge, Washington, Ozaukee, Sheboygan, Fond du Lac, Green Lake, Marquette, Adams, Juneau, Waushara, Winnebago, Calumet, Door, Kewaunee, Manitowoc, Brown, Outagamie, Waupaca, Portage, Wood, Marathon, Shawano, and Oconto Counties, Wis. Applicant states the proposed operations are limited to a transportation service to be performed under a continuing contract or contracts with Chicago Metallic Manufacturing Company, an Illinois corporation, and/or its subsidiary, Pan Coatings, Inc., an Illinois corporation. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin.

No. MC 118887 (Sub No. 1), filed June 29, 1959. Applicant: G. MELVIN BROWN, Route 5, Staunton, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* and *sand*, in dump trucks, from rail sidings and rock and sand quarries located within one (1) mile of Harrisonburg, Va., to points in Pendleton County, W. Va.

NOTE: Applicant requests interline privilege at said rail sidings on shipments having an immediately prior movement by rail.

No. MC 118888 (Sub No. 1), filed June 29, 1959. Applicant: ELMER A. BAKER, Mt. Jackson, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* and *sand*, in dump trucks, from rock and sand quarries located within 1 mile of Harrisonburg, Va., to points in Pendleton County, W. Va.

No. MC 119032, filed June 29, 1959. Applicant: WARREN C. LARSON, JR., 111 West Eighth Street, P.O. Box 2, Stillwater, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Galveston, Tex., to Stillwater, Okla.

No. MC 119036, filed July 1, 1959. Applicant: WILLIAM HENRY MALLORY, doing business as MALLORY TRUCKING SERVICE, 523 North Spring, Palmyra, Mo. Applicant's attorney: Harold L. Volkmer, Court House, Hannibal, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from Palmyra, Mo., to Quincy, Peoria, Moline, East Moline, Rock Island, Macomb, and Monmouth, Ill., and *rejected shipments of rough lumber*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 258), filed March 26, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special sightseeing and pleasure tours, (1) Between Newark, N.J., and Bear Mountain, West Point and Hyde Park, N.Y. (2) Between Newark, N.J., and Crystal Cave and Hershey, Pa. (3) Between Newark, N.J., and Philadelphia, Valley Forge and Doylestown, Pa. (4) Between Newark, N.J., and Philadelphia and Longwood Gardens, Kennett Square, Pa. (5) Between Newark, N.J., and Danbury, Conn., Bear Mountain and Monroe, N.Y. (6) Between Newark, N.J., and Shartlesville and Hershey, Pa. (7) Between Newark, N.J., and Philadelphia, and Bushkill Falls, Pa., and High Point Park, N.J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: Applicant states as follows: Applicant now holds certificates from the Commission to operate individual trips between each of the above mentioned points. Applicant desires by this application to operate tours from Newark, N.J., to points outlined in (1) to (7), inclusive. Applicant further states: If the Commission should decide that applicant's present certificates are sufficient to permit tours, this application will be withdrawn.

No. MC 13300 (Sub No. 65), filed July 1, 1959. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Richmond, Va., and Petersburg Va.: from Richmond over Interstate Highway 95 (also known as Richmond-Petersburg Turnpike), to Petersburg, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, North Carolina, Virginia, and the District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7242. Authority sought for purchase by ROY L. JONES, INC., 915 McCarty Avenue, Houston, Tex., and TEX-O-KAN TRANSPORTATION CO., INC., P.O. Box 4278, 221 Northeast 28th Street, Fort Worth, Tex., of portions of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, Box 15096, Houston, Tex., and for acquisition by ROY L. JONES, Houston, Tex., and PAUL F. HEALY, Fort Worth, Tex., respectively, of control of such rights through the purchase. Applicants' attorneys: Austin L. Hatchell, 1009 Perry-Brooks Building, Austin, Tex., Reagan Sayers, Century Life Building, Fort Worth, Tex., and Joe G. Fender, Melrose Building, Houston 2, Tex. Operating rights sought to be transferred: (TO JONES) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, as a *common carrier* over irregular routes, between points in Mississippi, Alabama, Georgia, and Florida, and between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana; *machinery* and *equipment* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plant) sites, or storage sites, between points in Louisiana, New Mexico, and Texas, and between points in Texas, on the one hand, and, on the other, certain points in North Dakota; *machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells, between points in Arkansas, Louisiana, New Mexico, and Texas, between points in Mississippi, Alabama, Georgia, and Florida, between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas and Louisiana, and between points in Texas, on the one hand, and, on the other, certain points in North Dakota and South Dakota; (TO TEX-O-KAN) *machinery, equipment, materials,* and *supplies,* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe-lines, including the stringing and picking-up thereof, as a *common carrier* over irregular routes, between points in Arkansas, Louisiana, New Mexico, and Texas. ROY L. JONES, INC., is authorized to operate as a *common carrier* in Louisiana, Arkansas, Oklahoma, Mississippi, Texas, New Mexico, Kansas, Missouri, Tennessee, South Dakota, and North Dakota. TEX-O-KAN TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Oklahoma, Kansas, New Mexico, Texas, Colorado, Wyoming, Utah, Montana, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7244. Authority sought for purchase by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24 Wright Avenue, Auburn, N.Y., of the operating rights of A. CIMPI EXPRESS LINES, INC. (HARRY OROPALLO, TRUSTEE), 134 York Street, Auburn, N.Y., and for acquisition by JOHN BISGROVE, also of Auburn, of control of such rights through the purchase. Applicants' attorney: P. Bateman Ennis, 417 Southern Building, Washington, D.C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes, between Ithaca, N.Y., and Geneva, N.Y., and between Ithaca, N.Y., and Auburn, N.Y., serving all intermediate and certain off-route points; *wool yarn, carpets, rugs, wrenches, tinners' snips, farm-implements parts*, and *fireplace accessories*, over irregular routes, from Auburn, N.Y., to New York, N.Y.; *wool, cotton, dyes*, and *petroleum products*, in containers, from New York, N.Y., to Auburn, N.Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7245. Authority sought for control by B. L. LAWRENCE, doing business as LAWRENCE TRANSPORTATION CO., Tioga, N. Dak., of RENTAL SERVICE COMPANY, INC., Highway No. 2 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, American State Bank Building, Williston, N. Dak. Operating rights sought to be controlled: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, as a *common carrier* over irregular routes, from Williston, N. Dak., to points in Montana other than incorporated municipalities, and from points in Montana other than incorporated municipalities to Williston, N. Dak. Vendee is authorized to operate as a *common carrier* in North Dakota, Montana, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7246. Authority sought for purchase by YALE TRANSPORT CORP., 460 12th Avenue, New York 18, N.Y., of a portion of the operating rights of CHELSEA CONTRACTING & TRUCKING CO., 140 Third Street, Chelsea 50, Mass., and for acquisition by YALE RENTAL CORP. and, in turn, BENJAMIN ESKOW, GERALD W. ESKOW and BURTON I. ESKOW, all of New York, of control of such rights through the purchase. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York 38, N.Y., and Morris E. Schneider, 20 Pemberton Square, Boston 8, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over regular routes between Concord, N.H., and Boston, Mass., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, Florida, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7248. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC. (WASH. CORP.), 431 Burgess Drive, Menlo Park, Calif., of the operating rights of TRIANGLE TRANSFER COMPANY, 901 East 13th Avenue, North Kansas City, Mo. Applicants' attorneys: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo., and Eugene T. Liipfert, 431 Burgess Drive, Menlo Park, Calif. Operating rights sought to be transferred: *General commodities* with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Kansas City and North Kansas City, Mo., Kansas City, Kans., and those within 15 miles of the named points. Vendee is authorized to operate as a *common carrier* in Utah, Idaho, Oregon, Nevada, Washington, California, Minnesota, Montana, North Dakota, Wisconsin, Illinois, Wyoming, Iowa, Arizona, Kentucky, Pennsylvania, West Virginia, New Mexico, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7249. Authority sought for purchase by BINGHAMTON WAREHOUSE & TERMINAL, INC., Ninth and Market Streets, P.O. Box 127, Lemoyne, Pa., of the operating rights and property of SPEEDWAY CARRIERS, INC. (H. WILLIAM KOCH, TRUSTEE), Route 15, Post Office Box 146, Selinsgrove, Pa., and for acquisition by MAURICE E. SHAFFER, 223 North Front Street, Harrisburg, Pa., and A. S. HAMILTON, 144 Sutton Road, Ardmore, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Beverley S. Simms, 612 Barr Building, Washington, D.C., Robert H. Shertz, 811 Lewis Tower, Philadelphia, Pa., and Carpenter & Carpenter, Newberry Building, Sunbury, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Williamsport, Pa., and New York, N.Y., between specified points in Pennsylvania, between Reading, Pa., and Baltimore, Md., and between New York, N.Y., and Reading, Pa., serving certain intermediate and off-route points; three alternate routes for operating convenience only; *general commodities*, over irregular routes, between certain points in New Jersey, on the one hand, and, on the other, New York, N.Y.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between certain points in Pennsylvania, with the restriction that this authority shall not be utilized to render service between any two points which carrrier may serve in performance of the regular route operations authorized in Certificate No. MC 62350 Sub 8, and all irregular route operations authorized in this certificate shall be conducted in connection with carrier's regular route operations in said certificate and shall not be construed as an independent irregular route authority; *wearing apparel, wearing apparel materials*, and *tablecloths*, between Pottsville, Pa., and points within 30 miles thereof, on the one hand, and, on the other, Baltimore, Md., and Washington, D.C. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7250. Authority sought for purchase by W. R. STUBBS, 1501 West Main, P. O. Box 160, Henryetta, Okla., of the operating rights of W. E. ELLIS AND H. J. ELLIS, doing business as ELLIS TRANSPORTATION COMPANY, P.O. Box 360, Henryetta, Okla. Applicants' representative: W. R. Stubbs, 1501 West Main, Henryetta, Okla. Operating rights sought to be transferred: *Doors, glazed windows, plywood, moulding, window frames* and *parts* thereof, *window glass* and *plate glass, empty containers, store fixtures*, and *insulation board*, as a *common carrier*, over irregular routes, from Henryetta, Okla., and points within 5 miles thereof to points in Arkansas, Kansas and Missouri; *putty* and *used store fixtures*, from points in Arkansas, Kansas, and Missouri to Henryetta, Okla., and points within 5 miles thereof. Vendee is authorized to operate as a *common carrier* in Oklahoma and Arkansas. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 3240 (correction) (THE CANADA COACH LINES, LIMITED AND NIAGARA SCENIC BUS LINES, INC.—POOLING), published in the July 8, 1959, issue of the FEDERAL REGISTER on page 5522. The date of filing of the petition should have read April 15, 1959.

No. MC–F 7243. Authority sought for purchase by CAPITOL BUS COMPANY, Fourth and Chestnut Streets, Harrisburg, Pa., of the operating rights and property of LEONARD D. DICKINSON (LAURANCE D. DICKINSON AND M. LUCILLE DENSON, CO-EXECUTORS), doing business as THE L. D. DICKINSON MOTOR COACH LINES, 138 Main Street, Owego, N.Y., and for acquisition

by JOSEPH L. MAGUIRE and JOHN T. MAGUIRE, both of Harrisburg, of control of such rights and property through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, as a *common carrier* over regular routes, between Binghamton, N.Y., and Waverly, N.Y., and between Binghamton, N.Y., and Ithaca, N.Y., serving all intermediate points; *passengers and their baggage*, in the same vehicle with passengers, between Elmira, N.Y., and Waverly, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7247. Authority sought for purchase by DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., Travel Center Building, Denver, Colo., of a portion of the operating rights and certain property of AMERICAN BUSLINES, INC., 1341 P Street, Lincoln 8, Nebr., and for acquisition by TRANS-CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., and AMERICAN BUSLINES, INC., 1341 P Street, Lincoln 8, Nebr., of control of such rights and property through the purchase. Applicants' attorneys: R. Granville Curry and Frederick Dolan, both of 631 Southern Building, Washington 5, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes, between Denver, Colo., and Lafayette, Colo., between Lafayette, Colo., and Billings, Mont., between junction Colorado Highway 185 (U.S. Highway 87) and U.S. Highway 34, (5 miles east of Loveland, Colo.) and Wellington, Colo., with service at the junction of Colorado Highway 185 (U.S. Highway 87) and U.S. Highway 34 for the purpose of joinder only, between Billings, Mont., and Sheridan, Wyo. (subject to such limitations, restrictions, or modifications as the Commission may find it necessary to impose in order to insure that the service shall be auxiliary or supplementary to train service of the Chicago, Burlington & Quincy Railroad Company, and shall not unduly restrain competition), between Ranchester, Wyo., and Greybull, Wyo., during the season extending from the first day of June to the 31st day of October, inclusive, between Sheridan, Wyo., and Moorcroft, Wyo., between Moorcroft, Wyo., and Newcastle, Wyo., between Cheyenne, Wyo., and Belle Fourche, S. Dak., between Mule Creek, Wyo., and junction U.S. Highway 18 and U.S. Highway 85, between Mule Creek, Wyo., and Hot Springs, S. Dak., between Hot Springs, S. Dak., and Deadwood, S. Dak., and between Newcastle, Wyo., and Rapid City, S. Dak., serving certain intermediate and off-route points; alternate route for operating convenience only between junction Colorado Highways 185 and 7 (junction U.S. Highway 87 and Colorado Highway 7) (6 miles east of Lafayette, Colo.), and Loveland, Colo. Vendee is authorized to operate as a *common carrier* in Colorado, and as a *broker* at Denver, Colorado Springs and Pueblo, Colo., covering the transportation of *passengers* to all points in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5827; Filed, July 14, 1959; 8:46 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 103-A]

DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 103 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 103, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a.m., July 8, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., July 8, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5828; Filed, July 14, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 10, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35537: *Rice and rice products within and from points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7577), for interested rail carriers. Rates on clean and rough rice, rice meal, rice meal feed, rice flour, rice bran, rice polish, rice hulls, and rice mill screenings, carloads, from points in Arkansas, Louisiana, and Texas, also Memphis, Tenn., to points in southwestern, western trunkline, Illinois, official, and official-southern border territories.

Grounds for relief: Short-line distance formulas. Competition of unregulated motor trucks. Maintenance of higher level rates at intermediate points in southern territory on routes in part through that territory.

Tariffs: Southwestern Freight Bureau, Agent, tariff I.C.C. 4326. Supplement 154 to Southern Freight Association, Agent, tariff I.C.C. 426 (Marque series).

FSA No. 35538: *Tall oil heads between southern and official territories.* Filed by O. W. South, Jr., Agent (SFA No. A3823), for interested rail carriers. Rates on tall oil heads, crude (residual product from tall oil operations), carloads between points in southern territory, on the one hand, and points in trunk line (including Buffalo-Pittsburgh zone) and New England territories, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 371 to Trunk Line Territory Tariff Bureau tariff I.C.C. A-726 (Boin series).

FSA No. 35539; *Water-motor rates—freight loaded in containers—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 9) for interested carriers. Rates on various commodities loaded in containers of Seatrain Lines, Inc., between points in New Jersey grouped with New Brunswick or Wharton, N.J., on the one hand, and points in Louisiana grouped with and taking New Orleans, La., basis of rates, on the other.

Grounds for relief: Rail-water, water-rail, and rail-water-rail competition.

Tariff: Supplement 11 to Seatrain Lines, Inc. tariff I.C.C. 165.

FSA No. 35540: *Beverages—Milwaukee and Waukesha, Wis., to the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7584), for interested rail carriers. Rates on beverages, flavored or phosphated, noibn, as described in the application, straight or mixed carloads from Milwaukee and Waukesha, Wis., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Competition of local bottlers in the destination territory. Potential competition of shipper-operated motor trucks from origins.

Tariff: Southwestern Freight Bureau tariff I.C.C. 4327.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5825; Filed, July 14, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blakely Manufacturing Corp., Highway No. 62, Blakely, Ga.; effective 7-4-59 to 7-3-60 (washable service garments).

Carwood Manufacturing Co., Division of Chadbourn Gotham, Inc., Winder, Ga.; effective 6-28-59 to 6-27-60 (men's and boys' work pants and shirts).

Elder Manufacturing Co., Dexter, Mo.; effective 6-23-59 to 6-22-60 (men's and boys' sport shirts, and boys' slacks).

Fox Knapp Manufacturing Co., Laurel Street, Tremont, Pa.; effective 6-24-59 to 6-23-60 (men's and boys' sportswear and outerwear).

Fox Knapp Manufacturing Co., East Pottsville Street, Pine Grove, Pa.; effective 6-24-59 to 6-23-60 (men's and boys' sportswear and outerwear).

Fox Knapp Manufacturing Co., Maple and Race Streets, Milton, Pa.; effective 6-30-59 to 6-29-60 (men's and boys' sportswear and outerwear).

Frayne Sportswear Manufacturers, Inc., 2202 North Howard Avenue, 1911—12th Avenue, Tampa, Fla.; effective 6-22-59 to 6-21-60. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's slacks, shorts, jackets, etc).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-59 to 7-2-60 (men's and boys' sport shirts).

Joyner-Fields, Inc., Sherman, Miss.; effective 6-22-59 to 6-21-60 (men's and boys' sport shirts).

Kent Uniforms, Inc., Burkesville, Ky.; effective 6-30-59 to 6-29-60 (nurses' and waitresses' uniforms).

Metric Shirt Corp., Belton, S.C.; effective 6-18-59 to 6-17-60 (dress and sport shirts).

Mid-South Industries, Hackleburg, Ala.; effective 6-22-59 to 6-21-60 (boys' sport shirts).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-59 to 6-29-60 (men's and boys' sportswear).

Norann Manufacturing Co., Inc., 140 East Center Street, Nesquehoning, Pa.; effective 6-22-59 to 6-21-60 (women's and misses' dresses).

Paulsboro Dress Co., Delaware Street and Lodge Avenue, Paulsboro, N.J.; effective 6-26-59 to 6-25-60 (women's dresses).

Phillips-Van Heusen Corp., Barnesboro, Pa.; effective 6-26-59 to 6-25-60 (sport shirts).

Princess Peggy, Inc., 1001 Southwest Adams Street, Peoria, Ill.; effective 6-22-59 to 6-21-60 (women's cotton house dresses).

Reliance Dress Factory No. 48, Thayer, Mo.; effective 6-20-59 to 6-19-60 (ladies' cotton and rayon dresses).

Roberts Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla.; effective 6-17-59 to 6-16-60 (ladies', girls' and boys' denim and twill jeans).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N.C.; effective 6-26-59 to 6-25-60 (men's and boys' single pants, work shirts, overalls, etc.).

Henry I. Siegel Co., Gleason, Tenn.; effective 6-23-59 to 6-22-60 (men's and boys' pants).

Standard Shirt Co., McClure, Snyder County, Pa.; effective 6-18-59 to 6-17-60 (pajamas).

Statham Garment Corp., Statham, Ga.; effective 6-22-59 to 6-21-60 (trousers).

Sweet-Orr and Co., Inc., 68 First Street SW., Pulaski, Va.; effective 6-24-59 to 6-23-60 (men's and boys' pants).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 7-1-59 to 6-30-60 (denim dungarees and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Corp., 112 South Center Street, Mebane, N.C.; effective 6-26-59 to 6-25-60; 10 learners (children's dresses).

Bryan Infants' Wear, Inc., 712 South Wheeling, Tulsa, Okla.; effective 6-25-59 to 6-24-60; 5 learners (infants' wear—nightgowns, sunsuits, topper sets, etc.)

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 6-16-59 to 6-15-60; 10 learners (women's and children's sportswear).

J. R. Davis Manufacturing Co., Beaver Springs, Pa.; effective 6-29-59 to 6-28-60; 6 learners (car coats and outerwear).

Freeland Dress Co., Inc., 721 Birkback Street, Freeland, Pa.; effective 6-16-59 to 6-15-60; 10 learners (children's dresses).

Grandeur Fashions, Inc., 204 Oliver Street, Sweyersville, Pa.; effective 6-17-59 to 6-16-60; 5 learners (women's dresses).

Gross Galesburg Co., North Main Street, Charlton, Iowa; effective 6-25-59 to 6-24-60; 10 learners (work pants and shirts).

Guin Garment Corp., Guin, Ala.; effective 6-8-59 to 6-7-60; 10 learners (boys' shirts).

Guinn Manufacturing Co., Dawson, Ga.; effective 6-23-59 to 6-22-60; 10 learners (shirts).

Jay Fashions, Inc., 26 Academy Street, Warrior Run, Pa.; effective 6-22-59 to 6-21-60; 10 learners (dresses).

J.B.C. Company of Madera, Madera, Pa.; effective 6-30-59 to 6-29-60; 10 learners (men's and boys' trousers).

Jonny-Jax, Inc., Holsopple, Pa.; effective 6-29-59 to 6-28-60; 10 learners (children's jackets).

Nahas of Texas, Inc., 10 Second Street SW., Paris, Tex.; effective 6-29-59 to 6-28-60; 10 learners (children's lingerie).

Pocomoke Garment Co., Inc., Pocomoke City, Md.; effective 6-15-59 to 6-14-60; 6 learners (men's, women's and children's pajamas).

Southern Sportswear Manufacturers, Inc., 2202 North Howard Avenue, Tampa, Fla.; effective 6-23-59 to 6-22-60; 6 learners (women's and children's sportswear).

Sparta Garment Co., Inc., Sparta, Ga.; effective 6-29-59 to 6-28-60; 10 learners (replacement certificate) (men's and boys' pants).

Yori Joy Sportswear, Inc., 1301 Jefferson Avenue, Windber, Pa.; effective 6-20-59 to 6-19-60; 10 learners (men's and children's jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 6-22-59 to 12-21-59; 100 learners (brassieres).

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 6-29-59 to 12-28-59; 25 learners (boys' dress slacks).

Charldon Manufacturing Co., Charleston, Miss.; effective 6-15-59 to 12-14-59; 50 learnerns (boys' shirts).

The H. W. Gossard Co., 105 North Franklin, Bicknell, Ind.; effective 6-19-59 to 12-18-59; 10 learners (girdles and brassieres).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 6-23-59 to 12-22-59; 100 learners (men's and boys' sport shirts).

Jersey Shore Sylvania Manufacturing Co., Plant No. 2, Bellefont and Commerce Streets, Lock Haven, Pa.; effective 6-22-59 to 12-21-59; 10 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Kent Uniforms, Inc., Burkesville, Ky.; effective 6-25-59 to 12-24-59; 25 learners (nurses and waitresses uniforms).

Macon Manufacturing Corp., Tuskegee, Ala.; effective 6-22-59 to 12-21-59; 25 learners (women's sportswear).

Hank Mann, Inc., 2506 North General Bruce Drive, Temple, Tex.; effective 6-17-59 to 12-16-59; 40 learners (boys' single pants).

Page Manufacturing Co., Inc., 508 West Main Street., Lexington, Ky.; effective 6-30-59 to 12-29-59; 20 learners (ladies' cotton dresses).

Henry I. Siegel Co., Gleason, Tenn.; effective 6-23-59 to 12-22-59; 50 learners (men's and boys' pants) (supplemental certificate).

Troup Industries, Box 108, West Point, Ga.; effective 6-18-59 to 12-17-59; 50 learners (ladies' sportswear).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 6-18-59 to 12-17-59; 35 learners (infants' cotton apparel).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Second and Washington Streets, Steelton, Pa.; effective 6-29-59 to 6-28-60; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Riegel Textile Corp., Greenville, Ala.; effective 6-8-59 to 6-7-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Boardstown, Ill.; effective 6-18-59 to 6-17-60; 10 percent of the total number of factory production workers engaged in authorized learner occupations for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 6-8-59 to 6-7-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Brookville Glove Manufacturing Co., Inc., Foundry Avenue, Indiana, Pa.; effective 6-11-59 to 6-10-60; 10 learners (cotton work gloves).

Dinberg Glove Corp., 215 Gilvert Street, Ogdensburg, N.Y.; effective 6-8-59 to 6-7-60; 3 learners (youths', men's, and women's lined leather gloves).

Ideal Glove Co., Inc., Maben, Miss.; effective 6-15-59 to 6-14-60; 5 learners (work gloves).

Tex-Sun Glove Co., Fairfield, Tex.; effective 6–8–59 to 6–7–60; 10 learners (work gloves).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Boss Manufacturing Co., Oneida, Tenn.; effective 6–27–59 to 12–26–59; 25 learners (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 6–8–59 to 12–7–59; 20 learners (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Bisher Hosiery Mills, Inc., Denton, N.C.; effective 6–25–59 to 6–24–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 6–25–59 to 12–24–59; 14 learners for plant expansion purposes (ladies' full-fashioned and circular knit nylon hosiery).

Lynne-Knit Hosiery Mills, Inc., North South Street, Mount Airy, N.C.; effective 6–25–59 to 12–24–59; 6 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., Galax, Va.; effective 6–19–59 to 12–18–59; 10 learners for plant expansion purposes (knit shirts, pajamas).

Carmi Ainsbrooke Corp., Olney, Ill.; effective 7–3–59 to 7–2–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven undershorts).

Gibbs Underwear Co., Lincolnton, N.C.; effective 6–23–59 to 12–22–59; 60 learners for plant expansion purposes (knit underwear and sleepwear).

Hamlet Products Co., 323 East Hamlet Avenue, Hamlet, N.C.; effective 6–15–59 to 9–16–59; 10 learners for plant expansion purposes (ladies' lingerie).

Ithaca Textiles, Inc., 402 East State Street, Ithaca, N.Y.; effective 6–19–59 to 12–18–59; 35 learners for plant expansion purposes (Women's knitted acetate nylon sleepwear, briefs, slips, etc.).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 6–30–59 to 6–29–60; 5 learners for normal labor turnover purposes (men's, women's, and children's underwear and sleepwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 7–1–59 to 6–30–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's underwear and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Belfast Canning Co., Belfast, Maine; effective 6–22–59 to 12–21–59; 8 learners for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

William Underwood Co., Yarmouth, Maine; effective 6–16–59 to 12–15–59; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and 90 cents an hour for the remaining 80 hours (sardines).

Wolverine Hat & Cap Manufacturing Co., Inc., Reform, Ala.; effective 6–30–59 to 12–29–59; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 240 hours at the rate of 90 cents an hour (caps).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Barry Corp., Santurce, P.R.; effective 6–23–59 to 12–22–59; 20 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (fabric gloves).

Becton, Dickinson Inc. of Puerto Rico, Juncos, P.R.; effective 6–15–59 to 12–14–59; 10 learners for plant expansion purposes in the occupations of first test tubes; shakedown and rack for point; run through for point; point and unrack; chart and second machine test; wax; scale; numbers; names and serials; blot and dip bulbs; etch and clean; paint and polish; inspect engraving; rack for certify; run through for certify; certify and repair defective engraving, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (clinical thermometers).

Comerio Shoe Corp.; Comerio, P.R.; effective 5–28–59 to 9–8–59; 25 learners for plant expansion purposes in the occupations of machine stitchers; side zig-zag; french cord binding; space row; close back; back stay; counter pocket, each for a learning period of 480 hours at the rates of 47 cents an hour for the first 240 hours and 53 cents an hour for the remaining 240 hours (shoes).

Rico Glove Corp., Cayey, P.R.; effective 6–15–59 to 12–14–59; 16 learners for plant expansion purposes in the occupation of machine sewing for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (fabric gloves and leather gloves).

Saldana & Valdes, Saldana Place 453, Stop 24½, Santurce, P.R.; effective 5–27–59 to 11–26–59; 1 learner for plant expansion purposes in the occupation of ozalid operator for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (ozalid products).

Steer Leather Goods Corp., Caguas Industrial Center, Caguas, P.R.; effective 5–28–59 to 11–27–59; 6 learners for plant expansion purposes in the occupations of: (1) sewing machine operator for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) creasing machine operator, cutting machine operator, embossing machine operator, each for a learning period of 160 hours at the rate of 43 cents an hour (billfolds and wallets).

Youthful Corp., 318 Carpenter Road, Hato Rey, P.R.; effective 6–11–59 to 6–10–60; 5 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (girdles and panty girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 1st day of July 1959.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F.R. Doc. 59-5822; Filed, July 14, 1959; 8:46 a.m.]

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

ABC Manufacturing Co., Inc., 331 Main Street, Lilly, Pa.; effective 7–2–59 to 7–1–60 (children's slips, pajamas).

Bay Slacks, Inc., Bay Minette, Ala.; effective 7–1–59 to 6–30–60 (men's dress slacks).

Burro Manufacturing Co., 105 East Markham Street, Little Rock, Ark.; effective 7–11–59 to 7–10–60 (industrial work clothes).

Fountain Hill Underwear Mills, 477 Lehigh Avenue, Palmerton, Pa.; effective 6–30–59 to 6–29–60 (ladies' and girls' knitted sportswear).

Joseph Greenberg, Inc., 133 North Poplar Street, Elizabethtown, Pa.; effective 7–1–59 to 6–30–60 (children's dresses).

Helmer Manufacturing Division, Wilmer Fashion Co., Inc., Ore Street, Bowmanstown, Pa.; effective 7–1–59 to 6–30–60 (women's and misses' dresses).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa.; effective 7–15–59 to 7–14–60 (children's dresses).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 6–30–59 to 6–29–60 (men's and boys' cotton work pants).

Mitchell Garment Co., Inc., 119 Third Street, Farmville, Va.; effective 7–14–59 to 7–13–60; 5 learners for normal labor turnover purposes (children's wash dresses).

Iva Manufacturing Co., Inc., Iva, S.C.; effective 7–5–59 to 1–4–60; 10 learners for plant expansion purposes (ladies' blouses and dresses).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala.; effective 7–6–59 to 1–5–60; 25 learners for plant expansion purposes (men's and boys' trousers).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Second and Washington Streets, Steelton, Pa.; effective 7–6–59 to 1–5–60; 90 learners for plant expansion purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Wells Lamont Corp., McGehee, Ark.; effective 6–29–59 to 9–13–59; 10 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Efland Knitting Co., Efland, N.C.; effective 7–3–59 to 7–2–60; 5 learners for normal labor turnover purposes (full-fashioned).

Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 7–6–59 to 7–5–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Stamford Knitting Mills of N.C., Inc., Wilgrove Rd., Mint Hill, Charlotte, N.C.; effective 7–6–59 to 7–5–60; 2 learners for normal labor turnover purposes (sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Michaels, Stern, & Co., Inc., 204 Liberty Street, Penn Yan, N.Y.; effective 7–7–59 to 1–6–60; 15 learners for plant expansion purposes in the occupations of sewing machine operator, hand sewer, final pressing, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits, sportcoats, warmers).

Palm Beach Co., Danville, Ky.; effective 7–5–59 to 1–4–60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's coats).

Sparta Pipes, Inc., Sparta, N.C.; effective 6–30–59 to 12–29–59; 10 percent of the total number of factory production workers for normal labor turnover purposes, the single occupation of basic hand and machine operations for a learning period of 240 hours at the rate of 90 cents an hour (briarwood smoking pipes, cigar and cigarette holders).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Caribe General Electric, Inc., Palmer, P.R.; effective 6–10–59 to 12–9–59; 36 learners for plant expansion purposes in the occupations of: (1) welders, power press operators, calibrators, molders, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) assemblers, inspectors, plastic finishers, platers, stampers, drillers, each for a learning period of 240 hours at the rate of 80 cents an hour; (3) grinders, for a learning period of 160 hours at the rate of 80 cents an hour (electrical products).

Continental Products, Inc., Camuy, P.R.; effective 5–29–59 to 5–28–60; 5 learners for normal labor turnover purposes in the occupations of blanking, punching, stamping, mirror polishing, hollow grinding, heat treating, swedging, serrating, fine edging, tool and die making, handle shaping, handle slotting, handle drilling, assembly riveting, handle sanding, handle polishing, handle topping, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (cutlery manufacturing).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 7th day of July 1959.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F.R. Doc. 59-5823; Filed, July 14, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 138

Washington, Thursday, July 16, 1959

Title 3—THE PRESIDENT

Proclamation 3302

WORLD SCIENCE-PAN PACIFIC EXPOSITION (CENTURY 21 EXPOSITION)

By the President of the United States of America

A Proclamation

WHEREAS the World Science-Pan Pacific Exposition (Century 21 Exposition), to be held at Seattle, Washington, from May 1961 to October 1962, will commemorate the centennial of the physical fixing of the boundary line between the United States of America and Canada; and

WHEREAS the Exposition will also depict the role of science in modern civilization and will exhibit the varied cultures of the countries bordering the Pacific Ocean; and

WHEREAS the Congress, by an act approved September 2, 1958 (72 Stat. 1703), has authorized the President, by proclamation or in such manner as he may deem proper, to invite the several States of the Union and foreign countries to take part in the Exposition; and

WHEREAS such participation by the several States and foreign countries will contribute to the welfare of all participants by promoting domestic and international commerce and furthering understanding among peoples through the interchange of scientific and cultural knowledge; and

WHEREAS the Governor of the State of Washington will invite the several States of the Union to take part in the Exposition:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to take part in the World Science-Pan Pacific Exposition: *Provided*, that no Communist *de facto* government holding any people of the Pacific Rim in subjugation shall be invited to participate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of July in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-5897; Filed, July 14, 1959; 4:31 p.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

FD&C Red No. 1

A notice of proposed rule making was published in the FEDERAL REGISTER of May 27, 1959 (24 F.R. 4264), setting forth a proposal made by the Certified Color Industry Committee, through its Chairman, Mr. Arthur T. Schramm, National Aniline Division, Allied Chemical Corporation, 40 Rector Street, New York 6, New York, to amend the color-certification regulations by removing the specifications for FD&C Red No. 1 and substituting therefor the specifications given below. No objections to the proposed amendment were filed within the time specified in the notice.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 406, 504, 604, 701; 52 Stat. 1049, 1052, 1055, as amended 70 Stat. 919; 21 U.S.C. 346, 354, 364, 371), and delegated to the Commissioner of Food and Drugs (22 F.R. 1045; 23 F.R. 9500): *It is ordered*, That the color-certification regulations (21 CFR 9.60 (24 F.R. 3851)) be amended by changing § 9.60 to read as follows:

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FEDERAL REGISTER

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(As of January 1, 1959)

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§ 9.60 FD&C Red No. 1

Disodium salts of a mixture of 1-alkylphenylazo-2-naphthol-3,6-disulfonic acids, of which the mixture of amines obtained by reduction of the dye shall have the following composition:

1-Amino-2,4,5-trimethylbenzene, not less than 35 percent and not more than 45 percent.

1-Amino-2,4-dimethylbenzene, not less than 30 percent and not more than 40 percent.

1-Amino-2,5-dimethylbenzene, not less than 10 percent and not more than 20 percent.

1-Amino-2,6-dimethylbenzene, not less than 4 percent and not more than 12 percent.

1-Amino-2-ethylbenzene and 1-amino-4-ethylbenzene, total not more than 5 percent.

1-Amino-2,3-dimethylbenzene and 1-amino-3,4-dimethylbenzene, total not more than 4 percent.

1 - Amino-2,3,4,6-tetramethylbenzene, not more than 3 percent.

1-Amino-2,4,6-trimethylbenzene and amino-methylethylbenzenes, total not more than 0.4 percent.

Aniline, toluidines, and 1-amino-2,3,4-trimethylbenzene, not more than 1 percent of any individual amine and not more than 1.5 percent total of such amines.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water-insoluble matter, not more than 0.5 percent.

Ether extracts, not more than 0.2 percent.

Uncombined intermediates, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 6.0 percent.

Mixed oxides, not more than 1.0 percent.

Lower sulfonated dyes, not more than 2.0 percent.

Pure dye, not less than 85.0 percent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 719, 72 Stat. 948; 21 U.S.C. 371. Interprets or applies secs. 406(b), 504, 604, 52 Stat. 1046, 1052; 21 U.S.C. 346(b), 354, 364)

Dated: July 10, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-5860; Filed, July 15, 1959; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6397]

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

Miscellaneous Amendments

On June 11, 1959, a notice of proposed rule making with respect to the amendment of 26 CFR Part 195 was published in the FEDERAL REGISTER (24 F.R. 4735). No objections to the proposed amendments having been received within the 15-day period prescribed in the notice, the regulations as so published are hereby adopted.

Because this Treasury decision implements changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275) which are effective July 1, 1959, and in order that these regulations may become effective on the same date as the changes in law, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective July 1, 1959.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 10, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to implement the applicable provisions of the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (72 Stat. 1275), relating to the production of vinegar by the vaporizing process, and for other purposes, 26 CFR Part 195 is amended as follows:

PARAGRAPH 1. Section 195.14 is amended as follows:

§ 195.14 Distilled spirits.

"Distilled spirits" shall mean the substance known as ethyl alcohol, ethanol, spirits, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and includes low wines produced by the vaporizing process in the manufacture of vinegar.

§ 195.22 [Amendment]

PAR. 2. Section 195.22 is amended by deleting the period immediately following "1954" and adding ", as amended."

PAR. 3. Section 195.28 is amended to read as follows:

§ 195.28 Vinegar plant or vinegar factory

"Vinegar plant" or "vinegar factory" shall mean an establishment qualified under this part for the manufacture of vinegar by the vaporizing process.

PAR. 4. Section 195.35 is amended to read as follows:

§ 195.35 Restrictions.

Vinegar plants producing vinegar by the vaporizing process may not be established in any dwelling house, or in any shed, yard, or enclosure connected with any dwelling house, or on board any vessel, or boat, or on premises where beer or wine is produced, or where liquors of any description are retailed, or where any other business is carried on: *Provided*, That the assistant regional commissioner may, upon application to him in each case, authorize the proprietor to use the equipment of his vinegar plant for the production of vinegar from cider, or from sour wine or vinegar stock, or by the use of specially denatured alcohol, where such alternate production of vinegar is kept separate from the production of vinegar by the vaporizing process of such production will not jeopardize the revenue or unduly increase administrative supervision.

(72 Stat. 1391; 26 U.S.C. 5505)

§ 195.50 [Amendment]

PAR. 5. Section 195.50 is amended—

(A) By deleting the word "factory" immediately following the phrase "of the vinegar" and inserting in lieu thereof the word "plant".

(B) By deleting the word "Factory" in the quotation "Vinegar Factory No. ——," and inserting in lieu thereof the word "Plant".

(C) By striking the period at the end of the section and inserting a colon in lieu thereof and then add the following: "*Provided*, That where the plant designation as a 'Vinegar Factory' has obtained commercial and public significance, such identity may be retained."

§ 195.60 [Deletion]

PAR. 6. Section 195.60 is revoked.

PAR. 7. Section 195.75 is amended to read as follows:

§ 195.75 Application, Form 27–F.

Every person before commencing or continuing the business of a manufacturer of vinegar by the vaporizing process shall file application on Form 27–F, in triplicate, with the assistant regional commissioner of the region in which his premises are located, for registration of his premises and receive permission to operate. No application required by this section shall be approved until the applicant has complied with all requirements of law and this part in relation to such business. Except as provided in § 195.80, in the case of amended or supplemental applications, all information required by this part, and by the instructions on the form or issued in respect thereto, shall be furnished. Form 27–F shall be verified by a written declaration that it is made under the penalties of perjury. Form 27–F must be numbered serially, commencing with "1" and continuing in numerical sequence for all subsequent applications whether amended or supplemental. The initial application, Form 27–F, when approved and returned to the applicant, shall constitute permission to operate.

(72 Stat. 1390; 26 U.S.C. 5502)

§ 195.76 [Amendment]

PAR. 8. Section 195.76 is amended—

(A) By deleting "notice," immediately preceding "Form 27–F" and the comma immediately following "Form 27–F".

(B) By deleting the word "factory" and inserting in lieu thereof the word "plant".

§ 195.80 [Amendment]

PAR. 9. Section 195.80 is amended—

(A) By deleting the word "notices" as it appears in the section title and in the first and second sentences and inserting in lieu thereof the word "applications"

(B) By deleting the word "notice" each time it appears in the second sentence and inserting in lieu thereof the word "application".

§ 195.81 [Amendment]

PAR. 10. Section 195.81 is amended by deleting the phrase "notice on" from the first sentence.

§ 195.82 [Amendment]

PAR. 11. Section 195.82 is amended by deleting "notice", immediately preceding "Form 27–F" at the close of the section.

§ 195.83 [Amendment]

PAR. 12. Section 195.83 is amended by deleting the word "notice" each time it appears in the first sentence and substituting in lieu thereof the word "application".

§ 195.87 [Amendment]

PAR. 13. Section 195.87 is amended by deleting "notice", immediately preceding "Form 27–F" and the comma immediately following "Form 27–F".

§ 195.97 [Amendment]

PAR. 14. Section 195.97 is amended by deleting "notice", immediately preceding "Form 27–F" at the end of the second sentence.

§ 195.98 [Amendment]

PAR. 15. Section 195.98 is amended by deleting from the first sentence the phrase "distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse or denaturing plant, rectifying plant, or taxpaid bottling house" and inserting in lieu thereof the phrase "distilled spirits plant."

§ 195.111 [Amendment]

PAR. 16. Section 195.111 is amended by deleting the word "notice" in the title thereof and each time it appears in the section and inserting in lieu thereof the word "application".

§ 195.116 [Amendment]

PAR. 17. Section 195.116 is amended by changing the title thereof to read "Permanent discontinuance."

§ 195.131 [Amendment]

PAR. 18. Section 195.131 is amended by deleting "notice", immediately preceding "Form 27–F,".

§ 195.132 [Amendment]

PAR. 19. Section 195.132 is amended by deleting the word "notice" each time it appears in the third and fourth sentences and inserting in lieu thereof the word "application".

§ 195.140 [Amendment]

PAR. 20. Section 195.140 is amended by deleting the word "notices" and inserting in lieu thereof the word "applications".

§ 195.142 [Amendment]

PAR. 21. Section 195.142 is amended by deleting the word "notice" each time it appears in the first sentence and inserting in lieu thereof the word "application".

§ 195.143 [Amendment]

PAR. 22. Section 195.143 is amended by deleting the word "notice" each time it appears and inserting in lieu thereof the word "application".

§ 195.150 [Amendment]

PAR. 23. Section 195.150 is amended—

(A) By deleting "notice", immediately preceding "Form 27–F".

(B) By deleting the period at the end of the section and adding the following: "and permission to operate has been received".

PAR. 24. Section 195.165 is amended to read as follows:

§ 195.165 Taxes must be paid on distilled spirits illegally produced or removed.

The internal revenue taxes must be paid on any distilled spirits produced in or removed from the premises of a vinegar plant in violation of law or this part.

(72 Stat. 1391; 26 U.S.C. 5505)

PAR. 25. Section 195.166 is amended to read as follows:

§ 195.166 Sale or removal of vinegar or other fluid or material containing spirits.

No person shall remove, or cause to be removed, from any vinegar plant established under this part any vinegar or other fluid or material containing a greater proportion than 2 percent of proof spirits.

(72 Stat. 1391; 26 U.S.C. 5504)

§ 195.200 [Amendment]

PAR. 26. Section 195.200 is amended by deleting the word "notice" and inserting in lieu thereof the word "application".

§ 195.211 [Amendment]

PAR. 27. Section 195.211 is amended by deleting the word "notice" in the section title and inserting in lieu thereof the word "application".

§§ 195.220 and 195.221 [Deletion]

PAR. 28. Sections 195.220 and 195.221 are revoked.

§§ 195.260, 195.261, and 195.262 [Amendment]

PAR. 29. Sections 195.260, 195.261, and 195.262 are amended by deleting the word "notice" from the first sentence and inserting in lieu thereof the word "application".

(68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 59–5858; Filed, July 15, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1960–61 Marketing Year

MONTANA; REVISED COUNTY ACREAGE ALLOTMENTS FOR 1960 CROP

§ 728.1006 Basis and purpose.

(a) This amendment is issued pursuant to section 334 of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to revise the county wheat acreage allotments for 1960 for the State of Montana as published in the FEDERAL REGISTER on July 7, 1959 (24 F.R. 5441). Revision of the county allotments for the State of Montana is required in order to correct errors in transcribing and totaling basic data used in determining the original county allotments for 1960.

(b) The law requires that farm wheat acreage allotments, which are based upon county wheat allotments, be determined and farmers notified thereof, if practicable, prior to the wheat marketing quota referendum on July 23, 1959. Accordingly, it is hereby found that it is impracticable and contrary to the public interest to comply with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), and this amendment shall be effective upon filing with the Director, Division of the Federal Register.

§ 728.1007 Wheat acreage apportioned to counties for 1960.

The county wheat acreage allotments for 1960 for the State of Montana are revised to read as follows:

WHEAT ACREAGE APPORTIONED TO COUNTIES FOR 1960

MONTANA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Beaverhead	13,322	9,236	50
Big Horn	97,124	67,335	100
Blaine	116,003	80,423	100
Broadwater	37,036	25,677	25
Carbon	43,046	29,843	20
Carter	38,826	26,918	100
Cascade	182,678	126,648	600
Chouteau	484,061	335,593	700
Custer	30,398	21,074	150
Daniels	279,330	193,655	350
Dawson	184,926	128,207	300
Deer Lodge	1,496	1,037	1
Fallon	120,362	83,445	100
Fergus	222,262	154,091	250
Flathead	37,872	26,256	40
Gallatin	93,059	64,516	125
Garfield	60,704	42,085	100
Glacier	72,355	50,163	200
Golden Valley	26,552	18,408	40
Granite	1,796	1,245	5
Hill	436,859	302,868	500
Jefferson	13,284	9,210	25
Judith Basin	114,829	79,609	150
Lake	28,527	19,777	100
Lewis and Clark	21,808	15,119	40
Liberty	229,944	159,417	200
Lincoln	1,210	839	25
McCone	235,435	163,224	200
Madison	16,268	11,278	25
Meagher	5,653	3,919	25
Mineral	1,310	908	5
Missoula	12,144	8,419	15
Musselshell	24,306	16,851	35
Park	33,160	22,989	30
Petroleum	9,729	6,745	25
Phillips	127,772	88,582	75
Pondera	215,082	149,113	150
Powder River	42,045	29,149	100
Powell	7,258	5,032	15
Prairie	51,271	35,545	100
Ravalli	10,332	7,163	60
Richland	198,556	137,656	250
Roosevelt	362,520	251,330	300
Rosebud	35,065	24,310	150
Sanders	9,987	6,924	35
Sheridan	304,680	211,230	100
Silver Bow	113	78	----
Stillwater	86,316	59,842	150
Sweet Grass	16,480	11,425	25
Teton	230,975	160,132	300
Toole	212,486	147,313	200
Treasure	8,589	5,955	30
Valley	323,139	224,028	100
Wheatland	13,901	9,637	40
Wibaux	76,362	52,941	200
Yellowstone	118,686	82,283	75
Reserve new farms	----	1,500	----
Reserve appeals and corrections	----	1,203	----
Total	5,779,289	4,009,398	7,061

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interprets or applies secs. 334, 52 Stat. 54, 67 Stat. 151; 7 U.S.C. 1334)

Done at Washington, D.C., this 14th day of July 1959.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–5896; Filed, July 14, 1959; 1:53 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area 3

Findings. (a) Marketing Agreement No. 97, and Order No. 58 (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the area defined therein through the issuance of regulations authorized in §§ 958.1 through 958.88, inclusive, of the order. The area committee for Area No. 3, pursuant to § 958.19 of the order, has recommended that regulations limiting the handling of 1959 crop potatoes should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 958.330 Limitation of shipments.

During the period from July 20, 1959, through June 30, 1960, no person shall ship any lot of potatoes grown in Area No. 3 unless such potatoes meet the following requirements. The requirements of paragraph (b) of this section shall terminate on October 10, 1959.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity requirements*—(1) *All varieties.* Not more than "slightly skinned".

(2) Not to exceed a total of 100 hundredweight of such potatoes may be shipped for any producer without regard to the aforesaid maturity requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph, "producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market, and it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(c) *Definitions.* The terms "U.S. No. 2 grade" and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in said marketing agreement and order (§§ 958.1 to 958.88).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1959, to become effective July 20, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5876; Filed, July 15, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 597—TERMINATION OF CONTRACTS

PART 598—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

PART 605—PROCUREMENT FORMS

PART 606—SUPPLEMENTAL PROVISIONS

Miscellaneous Amendments

1. Revise paragraph (b) of § 590.301, paragraph (e) of § 590.401, paragraphs (i) and (j) of § 591.201, paragraph (b) of § 591.202, and paragraph (a) of § 591.202–4, as follows:

§ 590.301 Methods of procurement.

* * * * *

(b) Procurements effected under the authority of the act of August 28, 1958, authorizing extraordinary contractual actions to facilitate the National Defense, 72 Stat. 972; 50 U.S.C. 1431–1435, and Executive Order 10789, will be governed by the policies and procedures set forth in Part 17 of this title.

§ 590.401 Responsibility of each procuring activity.

* * * * *

(e) The responsibility and authority of heads of procuring activities in connection with applications for relief under the authority of the Act of August 28, 1958, authorizing extraordinary contractual actions to facilitate the national defense, 72 Stat. 972; 50 U.S.C. 1431–1435, and Executive Order 10789, are set forth in Part 17 of this title.

§ 591.201 Preparation of forms.

* * * * *

(i) *Price escalation.* If it is anticipated that some or all of the bidders will respond with bids which will include a provision for escalation, the invitations for bids will clearly state the specific escalation clause to be selected by the contracting officer from the clauses appearing in § 7.106 of this title which may be included in the bid and which shall be considered responsive. The invitation for bids shall further state that all bids which include a provision for escalation will be evaluated after applying the maximum amount of escalation. (§ 591.406(b).)

(j) *Availability, identification, and review of specifications.* Each invitation for bids shall list for each item included therein the applicable specifications as authorized for procurement in § 590.305(a) of this chapter, or will contain a description as provided in § 590.305(b) of this chapter. Such reference to specifications shall include the title and symbols with any revision letters, and dates, including any amendments identified by numbers and dates.

Prior to issuance of invitations for bids the proposed specifications shall be reviewed in accordance with procedures prescribed by heads of procuring activities (1) to insure compliance with the provisions of § 1.305 of this title and § 590.305 of this chapter, and (2) to eliminate subsequent procurement actions which would be prejudicial to the Government and to potential bidders. Such review is intended to eliminate or correct unduly restrictive specifications and to prevent, so far as practicable, the necessity for amendment of invitations after issuance, and the cancellation of invitations after opening, with consequent disclosure of bids where no award is to be made.

§ 591.202 Methods of soliciting bids.

* * * * *

(b) *Time allowed before opening.* Invitations for bids, will as a rule, allow 30 days to intervene between the date of issuance and the date of opening bids. A shorter period may be allowed, but no period of less than 10 days will be designated, except in case of emergency. The existence of such emergency will be determined by the contracting officer, and the copy of the invitation furnished the Procurement Information Center, Office

of the Deputy Chief of Staff for Logistics, Department of the Army (§ 591.250(a)), will bear on its face the following statement and appropriate reasons signed by the contracting officer: "The date shown hereon for the opening of bids cannot be a later date for the following reasons:"

§ 591.202–4 Publishing in newspapers.

* * * * *

(a) *Authority.* (1) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and all other forms of advertising authorized by law has been delegated by the Secretary to:

(i) The Assistant Secretary of the Army (Logistics).

(ii) The Deputy Chief of Staff for Logistics, Department of the Army.

(iii) Chief, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army.

(iv) Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army.

(v) The Adjutant General, for recruiting purposes only.

(vi) The Commander in Chief, U.S. Army, Europe, for the recruiting of indigenous labor at local wage rates.

(vii) Commanding generals and their deputies, ZI armies, for recruiting purposes only.

(viii) Chief of Engineers, for real estate and construction matters in CONUS and overseas and for recruitment of civilian personnel.

(ix) Chief of Transportation, for advertising Army-owned interchange freight and passenger car equipment in official train equipment registers and for recruitment of civilian personnel.

(x) The Quartermaster General, The Chief Signal Officer, The Chief of Ordnance, The Chief Chemical Officer and The Surgeon General, for recruiting civilian personnel.

(xi) Division Engineers, Corps of Engineers, for civil and military construction only.

(xii) The Commanding Officer, Army Property Disposal Center, Office of the Quartermaster General, for the disposition and sale of Army Surplus and foreign excess personal property. Such delegated authority shall not be redelegated.

(2) No advertisement, notice, or proposal shall be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above, or of a person to whom administrative duties have been duly assigned by the Secretary or the appropriate official named above, and no bill for any such advertising or publication shall be paid unless there be presented, with such bill, a copy of such written authority.

(3) The administrative duties involved in accomplishing such advertising may be assigned by the appropriate official named above to subordinates by name or position (or by name and position, if appropriate) by suitable instruments in writing setting forth the extent of the administrative duties involved and authorized to be performed by or through such subordinates (28 Comp. Gen. 305). Copies of instruments assigning administrative duties hereunder:

(i) Must either be attached to the first voucher submitted for payment to the United States General Accounting Office, Audit Branch, Indianapolis 49, Indiana; or

(ii) Be forwarded direct to that Branch immediately upon the issuance of same.

2. Section 591.352 is revised, paragraphs (d) and (e) of § 591.405–2 are revised and paragraph (f) added, § 591.405–51 is revoked, and § 591.406 is revised, as follows:

§ 591.352 Statement of contingent or other fees.

The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by bidders or contractors for soliciting or securing Government contracts, including the use of Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing, or Resulting from Award of, Contract), is set forth in Subpart E, Part 1 of this title, and Subpart E, Part 590 of this chapter.

§ 591.405–2 Mistakes disclosed after opening and prior award other than obvious or apparent mistakes of a clerical nature.

* * * * *

(d) The action taken to verify bids, as required by § 2.405–2(d) of this title must be sufficiently complete to either reasonably assure the contracting officer that the bid, as confirmed, is without error, or elicit the anticipated allegation of a mistake by the bidder. To insure that the bidder concerned will be put on notice of the mistake suspected by the contracting officer, the bidder should be advised, as is appropriate to the particular circumstances of the case, of (1) the fact that his bid is out of line with the next low or with the other bids, (2) important or unusual characteristics of the specifications, (3) changes in requirements from previous purchases of a similar item, or (4) such other data as may be proper for such disclosure to the bidder as will give him notice of the mistake which the contracting officer suspects. Where the initial confirmation of a bid by a bidder does not dispel the suspicion of an error, the contracting officer should seek further verification or should employ other means deemed appropriate to resolve the question of a possible error in the bid.

(e) Where circumstances require such prompt action as to preclude transmittal of the case by mail, contracting officers will use telegraphic, telephonic, or radio means of communicating with the appropriate higher authority, furnishing, so far as possible, the information called for by § 2.405–2(e) of this title.

(f) Notice to contracting officers of determinations made by higher authority and instructions based thereon will be issued by the head of a technical service when so authorized, or by the Deputy Chief of Staff for Logistics (Chief, Contracts Branch), to the Head of the Procuring Activity, except that in the latter instance contracting officers may be notified direct in cases requiring expeditious action and the Head of the Procuring Activity notified simultaneously.

§ 591.405–51 [Revocation]

§ 591.406 Award.

(a) *Making the award.* When a contracting officer has invited and received bids, he will make the award and execute the necessary papers, unless all bids are rejected. If an award requires the approval of higher authority, the award will not be made until such approval has been obtained. Every effort shall be made to make the award within the acceptance period allowed by the bidder in its bid. However, where such period is insufficient to permit evaluation, resolution of difficulties, and award prior to the expiration of a bid, the contracting officer shall request the bidder to extend in writing the bid acceptance period for a specified number of days, unless such action would be prejudicial to the other bidders.

(b) *Price escalation.* (1) If the invitation for bids specifies the escalation clause that will be considered responsive, bids containing such provision will be evaluated by applying the maximum amount of escalation, and award will be made to the bidder whose maximum price is lowest to the Government, provided the bid is otherwise responsive to conditions of the invitation. (§ 591.201 (i).)

(2) If the invitation for bids is silent on the matter of escalation, bids may not be rejected solely on the basis of inclusion of an escalation clause; evaluation will be performed is the manner prescribed in subparagraph (1) of this paragraph. Authority for use of clauses other than those appearing in § 7.106 of this title must be received from Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch. In those instances where bidders respond with different types of escalation clauses and it is impossible to evaluate the bids adequately, the bids should be rejected and readvertisement effected with the invitation for bids containing an escalation clause appearing in § 7.106 of this title.

3. Revise §§ 592.102, 592.104, 592.107, 592.156, 592,200, 592.218, and 592.302 to read as follows:

§ 592.102 General requirements for negotiation.

No contract shall be entered into as a result of negotiation unless or until the following requirements have been satisfied:

(a) The contemplated procurement comes within one of the circumstances permitting negotiation enumerated in Subpart B, Part 3 of this title and Subpart B of this part.

(b) Necessary determinations and findings prescribed by Subpart C, Part 3 of this title and Subpart C of this part, have been made.

(c) Such clearance or approvals have been obtained as are prescribed by this

subchapter and applicable procuring activity instructions (§ 606.204 of this chapter).

(d) The requirements of §§ 592.200–50 and 590.403 have been satisfied.

§ 592.104 Aids to small business in negotiated procurement.

See Subpart G, Part 1 of this title and Subpart G, Part 590 of this chapter.

§ 592.107 Late proposals and late unsolicited revisions to proposals.

Section 3.107 of this title is not applicable to purchases of $2,500 and less, utilizing the small purchase procedures.

§ 592.156 Disclosure of mistakes after award.

It is the policy of the Department of the Army to conduct negotiations with a view toward complete and final understanding between the contracting parties prior to the execution of a formal contract. The consideration to be given a mistake alleged by a contractor after completion of negotiations and award of the contract will depend on whether the evidence establishes that the claim of mistake is bona fide. Except for such cases where the matter is resolved under Part 17 of this title, mistakes alleged by contractors after award will be processed in the same manner as prescribed in § 591.405–3 of this chapter for advertised procurements.

§ 592.200 Scope of subpart.

See § 3.200 of this title.

§ 592.218 Construction work.

See § 3.218 of this title.

§ 592.302 Determinations and findings by the Secretary of a Department.

In addition to the determinations and findings required by § 3.302 of this title, determinations and findings with respect to procurement actions effected pursuant to the Act of 28 August 1958, authorizing extraordinary contractual actions to facilitate the national defense, 72 Stat. 972; 50 U.S.C. 1431–1435, and Executive Order 10789 (23 F.R. 8897), except as otherwise specifically authorized in Part 17 of this title, shall be made only by the Secretary of the Army. Action taken by the Army Contract Adjustment Board in this regard is deemed to be the action of the Secretary of the Army.

4. In § 592.303, revise paragraph (c), revise §§ 596.103–11 and 596.103–12, and add new § 596.203–4, to read as follows:

§ 592.303 Determinations and findings by the Head of a Procuring Activity signing as "a chief officer responsible for procurement."

* * * * *

(c) Determinations and findings which may be made by the Head of a Procuring Activity in connection with procurement actions effected under the authority of the Act of August 28, 1958 authorizing extraordinary contractual actions to facilitate the national defense, 72 Stat. 972; 50 U.S.C. 1431–1435, and Executive Order 10789 (23 F.R. 8897), are set forth in Part 17 of this title. Such authority may not be redelegated below the level of the Head of a Procuring Activity unless specifically authorized by the Assistant Secretary of the Army (Logistics).

§ 596.103–11 Default.

See § 7.103–11 of this title, Subpart F, Part 8 of this title, and Subpart F, Part 597 of this chapter.

§ 596.103–12 Disputes.

(a) *General*—(1) *Contract clause.* The Disputes clause contained in § 7.103–12 of this title shall be inserted as specified, except for contracts entered into by major oversea commanders and to be performed outside the United States (paragraph (c) of this section). The Disputes clause may be modified to provide for an intermediate appeal to the Head of a Procuring Activity upon approval of the Head of the Procuring Activity concerned.

(2) *Armed Services Board of Contract Appeals.* The charter and rules of the Armed Services Board of Contract Appeals are set forth in § 30.1 of this title. References herein to "Rules" are to the mentioned rules.

(3) *Correspondence and communications.* All official correspondence with the Board will be addressed to the Army Contract Appeals Panel, Armed Services Board of Contract Appeals, Office of the Secretary of the Army, Washington 25, D.C. All official correspondence with the Chief Trial Attorney will be addressed to the Chief Trial Attorney, Office of The Judge Advocate General, Department of the Army, Washington 25, D.C. The Chief Trial Attorney and the attorneys assigned to his office are authorized to communicate direct by telephone or otherwise with any person or organization to secure any witnesses, documents, or information considered necessary in connection with properly protecting the interests of and representing the Government in matters before the Board.

(4) *Time of filing of appeal to be indorsed.* When a notice of appeal has been received by the contracting officer or the Head of a Procuring Activity, as the case may be, there shall be indorsed thereon the date of receipt, and also where apparent, the date of mailing or, if dispatched by appellant by other means, the date of such dispatch.

(b) *Procedure for handling disputes*—(1) *Screening.* (i) The contracting officer should screen disputes arising under contracts to insure that findings and decision appealable under the Disputes clause are rendered only on disputes concerning questions of fact or disputes otherwise made subject to the Disputes procedure by specific contract provisions, such as a dispute as to an equitable adjustment under § 7.103–2 of this title and § 596.103–2, Changes clause, or § 7.103–5 of this title, Inspection clause, or a dispute resulting from failure to agree on a redetermined price under § 596.105–5, Price Redetermination clause. For example, an appealable decision and findings should not be issued by the contracting officer: (*a*) Where a mistake in bid is alleged by the contractor after award in that procedure outlined in § 2.405–3 of this title and § 591.405 of this chapter covers such cases, or (*b*) where § 7.104–16 of this title, Gratuities clause, is to be revoked in that such clause and § 30.4 of this title, Findings of Fact, are made by duly designated representatives of the Secretary.

(ii) Whenever a contracting officer has doubt as to whether findings and a decision should be made pursuant to the Disputes clause, he should obtain the advice of legal counsel.

(2) *Findings and decision*—(i) *Definitions.* (*a*) *Decision.* The "Decision" is that document furnished by the contracting officer to the contractor which sets forth the findings of fact and the conclusion of the contracting officer deciding the matter in dispute.

(*b*) *Findings of Fact.* "Findings of Fact" is that portion of the decision of the contracting officer which recites his determination of the facts in dispute.

(*c*) *Complaint.* A "Complaint" is a written statement from the contractor filed with the Board stating the reasons which he believes entitle him to relief from the decision of the contracting officer. For the purposes of this procedure, a complaint need not be formally labeled as a "Complaint," but may be submitted as part of, or simultaneously with, the Notice of Appeal, or in letter or memorandum form subsequent to the filing of the Notice of Appeal.

(ii) Whenever it becomes necessary to render a decision on a dispute the contracting officer shall prepare and sign findings, a true copy of which with his written decision shall be promptly furnished the contractor. When the contractor has a right of appeal under the contract and such right is directly to the Secretary, the contracting officer shall conclude his decision with the following paragraph:

If the decision hereinbefore set forth results in a dispute concerning a question of fact or a dispute otherwise made subject to the Disputes procedure by specific contract provisions, you are hereby notified that you may appeal from this decision to the Secretary of the Army in accordance with the provisions of Clause------, "Disputes" of the above numbered contract. A notice of appeal must be in writing and should indicate that an appeal is thereby intended, and should identify the contract (by number) and the decision from which the appeal is taken. The original, together with two copies, should be filed with the undersigned Contracting Officer. If a Notice of Appeal is filed, it will be forwarded to the Armed Services Board of Contract Appeals and the Recorder of that Board will docket the appeal and will forward to you a copy of the Rules of the Board. Under the Rules, the original and three copies of a Complaint may be filed with the contracting officer at the time the Notice of Appeal is filed, or it may be filed with the Recorder of the Board after the Appeal has been docketed. The rules provide that a Complaint should set forth a simple, concise, and direct statement of each claim, including the dollar amount claimed, and show wherein the contract or contends that he is entitled to relief. The rules further provide that each claim shall be stated with as much particularity as is practical, that each claim should be separately identified, that documentary evidence in support of claims may be filed as exhibits to the Complaints, that all documents filed as exhibits to the Complaint shall be plainly listed and identified in the Complaint, and that an original and three copies of the Complaint shall be filed. If any dispute resulting from the decision hereinabove set forth involves

an amount not in excess of $5,000, there is available in Rule 31 of the Rules of the Board an Optional Accelerated Procedure for disposition of the appeal by decision of a single member of the Board, either on the record or after an informal hearing. In order to invoke such accelerated procedure an appellant must specifically request in the complaint that the appeal be decided pursuant to the Optional Accelerated Procedure, and the Head of Procuring Activity concerned must concur. Where the parties agree to proceed under the Optional Accelerated Procedure and neither requests an informal hearing, decision will be made on the record.

(iii) It is emphasized that, where a contract provides for a Decision or a determination to be made by a contracting officer, he must give his personal and independent consideration to the making of each determination or decision, with the aid of such technical and legal advice as may be available to him.

(3) *Appeals to Secretary from decisions of contracting officers*—(i) *Policy.* It is the policy of the Secretary that appellants shall have prompt determination of disputes arising out of the performance of contracts. This policy may be achieved by reducing the administrative burden of processing low dollar appeals to the minimum consistent with the legal and contractual rights of the parties.

(ii) *Action by contracting officer.* (*a*) Within 10 days after receipt of a Notice of Appeal or a Complaint from the contractor, the contracting officer shall forward the same to the Board through the Head of the Procuring Activity concerned.

(*b*) Within 30 days after the receipt of the Notice of Appeal, the contracting officer shall forward to the Head of the Procuring Activity concerned a comprehensive report in narrative form concerning the dispute. The following shall be included in or attached to the report:

(*1*) The Findings of Fact supporting the Decision and the Decision from which the appeal is taken;

(*2*) The complete contract including all amendments, supplemental agreements and change orders, and the pertinent plans and specifications. In case of a negotiated procurement, a copy of the request for proposal will be included;

(*3*) All correspondence and memoranda or transcripts of meetings or telephone conversations pertinent to the appeal;

(*4*) The names and addresses of all potential witnesses, including those of the contractor, if known, having information concerning the facts in dispute. A statement signed by each Government witness reflecting the facts to which he will be able to testify (or a summary thereof if it is impossible to get the signed statement), and a statement as to the expected availability of each Government witness at the hearing;

(*5*) A discussion of the validity of the reasons submitted by the contractor for setting aside the Decision of the contracting officer.

(*6*) A memorandum by the legal advisor to the contracting officer setting forth an analysis of the legal issues involved in the dispute and comments upon the adequacy of the Findings of Fact and the legal sufficiency of the decision; and

(*7*) Such additional information as the contracting officer may consider pertinent, including such items as interoffice memoranda, sample photographs, and inspection, audit and financial reports.

(*c*) If a Complaint is received by the contracting officer subsequent to transmittal of the original comprehensive report referred to in (*b*) of this subdivision, the contracting officer, within 20 days after receipt of such Complaint, will forward to the Head of the Procuring Activity concerned a supplemental report of matters stated in the Complaint which were not previously covered in the comprehensive report. If the original report is sufficient to answer the matters alleged in the Complaint, the contracting officer will forward the Complaint with a statement to this effect and need not forward a supplemental report.

(*d*) Copies of all correspondence and all other data and information pertinent to the dispute received by the contracting officer, after the comprehensive report has been submitted, shall be forwarded to the Chief Trial Attorney.

(*e*) Where the Complaint is filed with the contracting officer with the Notice of Appeal under Rule 3, the contracting officer will forward the Notice of Appeal and the original and three copies of the Complaint to the Board through the Head of the Procuring Activity within 10 days. Within 20 days after receipt of the Notice of Appeal and Complaint from the contractor, the contracting officer will prepare and forward to the Chief Trial Attorney, through the Head of the Procuring Activity a single comprehensive report containing the items described in (*a*) and (*b*) of this subdivision, and substantiating the position taken by the contracting officer.

(*f*) In order that the Chief Trial Attorney may file an answer under Rule 6 within 60 days after service of the Complaint, or in order that he may have justification for any request for extension of time, the above time limits must either be met or the Chief Trial Attorney must be notified of the reason for the delay and the estimated extent thereof.

(*g*) When the Optional Accelerated Procedure has been requested by the contractor (see Rule 31, ASBCA, § 30.1 of this title) and the Head of the Procuring Activity has consented thereto, all papers in the case will be transmitted to the contracting officer who shall through his local legal counsel:

(*1*) Within 20 days prepare, pursuant to the rules of the Board, the answer or other appropriate pleading and transmit the original and three copies to the Board, through the Chief Trial Attorney. The answer shall contain a statement that the Government has consented to the Optional Accelerated Procedure;

(*2*) Advise the contractor of the Government's assent to the Optional Accelerated Procedure and that the Government's answer will be transmitted to the contractor by the Recorder of the Board. He will also remind the contractor that if the contractor desires an oral hearing its request therefor must be made within 10 days of receipt of its copy of the answer. The contracting officer should further request that he (the contracting officer) be informed promptly when the contractor has received the answer;

(*3*) Determine whether the best interests of the Government will be served by an oral hearing and, as soon as the contractor has received its copy of the answer, consult with the contractor regarding its wishes for such hearing. If neither desires an oral hearing, the appeal shall be deemed submitted on the record. If either desires an oral hearing, they shall set a mutually agreeable, tentative time and place for the hearing (the Board will fix the definite time and place) giving primary consideration to the convenience of the contractor, and the contracting officer shall so inform the Board within 10 days of the receipt of the answer by the contractor;

(*4*) If neither party has requested an oral hearing within the 10-day period provided for in the Board's Rules, forward to the Recorder of the Board through the Chief Trial Attorney within 20 days of the expiration of such period the documents, or certified true copies thereof, listed in (*b*) (*1*), (*2*), (*3*), (*5*), and (*7*) of this subdivision and advise the contractor that it may submit such additional documentation as it desires within a like time. If considered necessary or desirable a memorandum by the legal advisor setting forth an analysis of the legal issues involved may be forwarded with the documentation;

(*5*) If a hearing has been requested prepare and file all necessary motions, briefs, and other documents, and present the Government's case before the Board hearing member or examiner; and

(*6*) Maintain direct communication with the Recorder of the Board and the Chief Trial Attorney concerning the case and, if deemed advisable, request the assistance of the Chief Trial Attorney.

(iii) *Action by Head of a Procuring Activity.* The Head of the Procuring Activity receiving an appeal to the Secretary from a Decision of a contracting officer shall:

(*a*) Forward the required copies of the Notice of Appeal and the Complaint (if the Complaint was furnished to the Contracting Officer with the Notice of Appeal) to the Board without delay.

(*b*) Carefully review the Decision from which the appeal is taken to ascertain that all basic findings of fact are complete as to all issues bearing on the matter in dispute.

(*c*) Insure that the reports submitted by the contracting officer under subdivision (i) of this subparagraph are complete and ascertain that the evidence relied upon in support of the Decision does support the Government's position.

(*d*) Refer to the contracting officer for supplemental findings cases in which the original Findings of Fact do not contain all of the basic findings required to support the Decision or in which the Findings of Fact are not complete as to all issues bearing upon the matter in dispute.

(*e*) Return to the contracting officer for reconsideration, with appropriate instructions, all cases wherein timely appeal has been taken and it is clear from the evidence, contractual provisions and the applicable law, that the contracting officer's Decision is erroneous or not supported by competent and available evidence.

(*f*) When the head of a procuring activity, who is a chief of a technical service, decides that an appeal before the Armed Services Board of Contract Appeals will involve difficult operational and technical facts and has particular significance to his Technical Service, he may, on or before the filing of the comprehensive report and after consultation with The Judge Advocate General, detail to the Chief Trial Attorney an attorney of his technical service who has the necessary knowledge and who will be an attorney of record and act as the trial attorney for the case in each of its stages.

(*g*) Notify the Chief Trial Attorney within 10 days after action has been taken by the Head of the Procuring Activity under (*d*) and (*e*) of this subdivision; this notification will indicate the nature thereof, and will include an estimate as to when the appeal will be either withdrawn, or ready for preparation of an answer.

(*h*) Where action is not taken under (*d*) and (*e*) of this subdivision, forward to the Chief Trial Attorney (within 10 days after receipt) each of the reports of the contracting officer referred to in subdivision (ii) of this subparagraph together with the Head of the Procuring Activity's evaluation of the factual and legal issues involved as well as his conclusions and recommendations thereon. Where action is taken under (*d*) and (*e*) of this subdivision and the action does not dispose of the appeal, the Head of the Procuring Activity will take the same steps with regard to the reports of the contracting officer as are outlined in the foregoing sentence. The Head of the Procuring Activity will also furnish any additional evidence (documents, statements of witnesses, etc.) considered essential to enable the Chief Trial Attorney to properly protect the interests of and represent the Government before the Board.

(i) Insure that assistance is rendered to the Chief Trial Attorney in obtaining additional evidence or in making other necessary preparations for presenting the Government's position to the Board. In order that the Chief Trial Attorney may file timely pleadings in accordance with the Rules of the Board or that he may have justification for any request for extensions of time, it is imperative that heads of procuring activities furnish information within the prescribed time limit, or that the reason for the delay and estimated extent thereof be furnished to the Chief Trial Attorney.

(*j*) In the event the contractor has requested the Optional Accelerated Procedure, determine whether the Government's interests shall be adequately served by consenting thereto.

(*l*) If the Head of the Procuring Activity rejects the request for the Optional Accelerated Procedure, he shall comply with the requirements of (*a*) through (*i*) of this subdivision, and include his decision as to the Optional Accelerated Procedure in his report to the Chief Trial Attorney.

(2) If the Head of the Procuring Activity consents to the Optional Accelerated Procedure, he shall comply with the requirements of (*a*) through (*f*) of this subdivision, return the file to the contracting officer for preparation and presentation of the Government's position, and simultaneously notify the Board, through the Chief Trial Attorney, that the Government consents to the Optional Accelerated Procedure.

(*k*) If the appeal is from a decision of the Head of the Procuring Activity and the parties have agreed to the Optional Accelerated Procedure, the Head of the Procuring Activity shall not comply with subparagraph (5) of this paragraph, but shall prepare and present the case as prescribed for the contracting officer under subdivision (ii) (*g*) (*1*) through (*6*) of this subparagraph.

(4) *Immediate appeal to Heads of Procuring Activities.* Where a clause providing for intermediate appeal to the Head of a Procuring Activity has been authorized, necessary instructions covering the processing of such appeals to the Head of the Procuring Activity may be issued: *Provided,* That appeal taken from Decision of the Head of the Procuring Activity must be processed in accordance with the procedure prescribed herein.

(5) *Appeals to Secretary from decisions of Heads of Procuring Activities.* Within 15 days after receipt of a Notice of Appeal, the Head of a Procuring Activity shall prepare and forward to the Chief Trial Attorney a complete report containing a statement of the factual and legal issue involved in the appeal and inclosing therewith the following: A copy of his decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract including the plans and specifications and all changes and supplemental agreements; the Decision of the contracting officer; all papers and correspondence pertaining to the contract and pertinent to the consideration of the appeal; the name of each witness having knowledge that will support the Government's position; a statement signed by each witness reflecting facts to which he will be able to testify or a summary thereof if it is impossible to get the signed statement (a statement signed by an individual witness may be omitted if the substance of expected testimony is set forth in the transcript of proceedings); a statement as to the expected availability at the hearing of each witness; and such other information as may be necessary to substantiate the position taken by the Head of the Procuring Activity with regard to the appeal. Additionally, the Chief Trial Attorney shall transmit to the Head of the Procuring Activity a copy of the Complaint, and the Head of the Procuring Activity will furnish comments as to each allegation of fact in such Complaint (treating them in the order set forth therein) and comments as to whether it is well founded and, if not, a recital of the evidence to refute the same. Further, he shall insure that all essential witnesses and documentary evidence will be available at the time of the hearing of the appeal.

(6) *Appeals filed with the Secretary or the Board.* Where an appeal is filed directly with the Office of the Secretary of the Army or the Armed Service Board of Contract Appeals, the Board, pursuant to its rules and procedure, will promptly furnish a copy thereof to the Head of the Procuring Activity concerned, through the Chief Trial Attorney's office. Upon the receipt of such appeal the procuring activity shall process the appeal as though it had been initially filed with the activity.

(7) *Appeals improperly filed.* If any officer or agency of the Department of the Army other than the officer or agency designated in the contract, should receive a written appeal, the recipient shall, after endorsing thereon the date of its receipt, immediately transmit the appeal to the Head of the Procuring Activity concerned:

(i) For appropriate action as provided in subparagraph (5) of this paragraph if the appeal is from the Decision of the Head of a Procuring Activity, or

(ii) For action as required by subparagraph (3) of this paragraph if the appeal is from the Decision of a contracting officer.

(8) *Functions of the Office of the Chief Trial Attorney*—(i) *Optional accelerated procedure.* (*a*) When the Optional Accelerated Procedure has been requested by the contractor, the Chief Trial Attorney will forward the complaint together with any files received pertaining to the dispute to the Head of the Procuring Activity for his decision in accordance with subparagraph (3) (iii) (*j*) of this paragraph.

(*b*) If the Head of the Procuring Activity has not concurred in the request, the appeal shall be handled by the Chief Trial Attorney in the same manner as other appeals except, that the answer shall contain the statement that the Government does not consent to the Optional Accelerated Procedure.

(*c*) If the parties have agreed to the Optional Accelerated Procedure, the Chief Trial Attorney shall transmit any papers he received relating to the case not previously returned to the contracting officer and shall participate in the preparation and presentation of the case only at his request.

(ii) *New facts or circumstances.* Upon discovery of new facts or circumstances the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the Head of the Procuring Activity for reconsideration in the light of the additional facts or circumstances disclosed.

(iii) *Agreements or stipulations.* Pursuant to Rule 27, the Office of the Chief Trial Attorney may enter into an agreement, by stipulation or otherwise with appellant or his attorney on matters as to which there is no substantial controversy. Such agreements may be of two types:

(*a*) *Agreements on matters not disposing of an appeal.* An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may

be entered into by the Chief Trial Attorney or by an individual Trial Attorney provided authority threfor shall have been granted in advance by the Chief Trial Attorney.

(b) *Agreement on matters disposing of an appeal.* Pursuant to Rule 27, the Board may suspend further processing of an appeal in order to permit reconsideration by the contracting officer whenever it appears that appellant and the Chief Trial Attorney are in agreement as to the disposition of a controversy, subject to the provision that if the case is not actually disposed of by agreement it may be restored to the Board's calendar for hearing. In appropriate cases, such as those in which it is desirable to avoid time consuming delays incident to returning the appeal to the contracting officer, the Chief Trial Attorney (or an individual Trial Attorney acting with prior approval of the Chief Trial Attorney) may enter into an agreement with an appellant which will have the effect of disposing of an appeal after concurrence has been obtained from a representative of the Head of the Procuring Activity. Such agreement may then become the basis of a Board decision disposing of the appeal.

(9) *Motions for reconsideration.* (i) Heads of procuring activities shall review all decisions of the Armed Services Board of Contract Appeals with respect to their contracts, and, if they are of the opinion that any such decision is clearly erroneous, shall request the Chief Trial Attorney, within 10 days of the receipt of the decision, to move the Board for reconsideration, giving the grounds relied upon to sustain such a motion. The Chief Trial Attorney shall file a motion for reconsideration upon the request of the Head of the Procuring Activity, or, if he disagrees that such motion is appropriate, shall forward the request, together with his reasons in opposition within 5 days to the Assistant Secretary of the Army (Logistics) for decision. In all other cases heads of the procuring activities may request the Chief Trial Attorney to file such motion.

(ii) The Chief Trial Attorney shall independently review all decisions of the Armed Services Board of Contract Appeals involving Army contracts and, if he considers any such decision to be clearly erroneous, shall file with the Board a motion for reconsideration. In all other cases he may file such motion.

(iii) At a hearing on a motion for reconsideration, the Government's case normally shall be presented by the Chief Trial Attorney, assisted by the trial attorney who argued the Government's case on the appeal and an attorney designated by the Head of the Procuring Activity.

(iv) If the Head of a Procuring Activity is of the opinion, after a rehearing by the Armed Services Board of Contract Appeals or refusal of the Board to grant a rehearing, that the file should be referred to the Comptroller General for advance decision prior to payment, he will forthwith so advise The Judge Advocate General setting forth his reasons therefor, and instruct the contracting officer concerned to withhold submission of the voucher thereon. The Judge Advocate General will, within 10 days after receipt of such advice, report the same to the Assistant Secretary of the Army (Logistics) with his recommendations.

(c) *Major oversea commands.* (1) The following Disputes clause shall be inserted in all contracts entered into by major oversea commands and to be performed outside the United States in lieu of the clause set forth in § 7.103–12 of this title:

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (----------*) and the decision of the Commanding General (----------*), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less: *Provided*, That if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (----------*) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive: *Provided*, That if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (----------*) or that of his duly authorized representative shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(2) Each commanding general of a major oversea command shall appoint within his command a Board to be known as "[name of command] Board of Contract Appeals." The Board shall consist of three or more members who shall be persons trained in the law, one of whom shall be designated by the appointing authority as the President of the Board. There also shall be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board also may be a member thereof.

(3) The Board, created pusuant to the provisions of subparagraph (2) of this paragraph shall be designated by the commanding general as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board shall be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, shall adopt its own methods of procedure, rules, and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(4) Each commanding general of a major oversea command shall designate one or more trial attorneys, who shall be qualified attorneys at law, for the preparation and presentation of the contentions of the procuring activity in relation to appeals filed with the Board.

§ 596.203–4 Allowable cost, fee, and payment.

Contracting officers may substitute the alternate text provided by § 7.203–4(c)(3) of this title, where appropriate, for the third sentence of subparagraph (c)(1) in the Allowable Cost, Fee, and Payment clauses. Appropriate instances for the utilization of this alternate provision includes supply contracts covering the provision of spare parts, as well as other supply and service contracts where determined appropriate by the contracting officer. The increments of work specified should provide sufficient flexibility for contracting officers to work out appropriate contractual coverage for those procurements involving spare parts or a multiplicity of end items on which it is impractical to liquidate the withheld amounts on an individual item basis. The liquidation could be carried out by the establishment of increments based on selected predetermined percentages of costs to be incurred. Similarly, increments of time for the liquidation of the withheld portions might be established in the contract based on the expected period and level of performance.

5. Part 597 is revised to read as follows:

Sec.
597.000 Scope and applicability of part.

Subpart A—Definition of Terms

(See Subpart A, Part 8 of this title.)

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

597.200 Scope of subpart.
597.201 Authority of Contracting Officers.
597.202 Notice of termination.
597.203 Method of settlement.
597.204 Duties of Prime Contractor after receipt of notice of termination.
597.205 Duties of Contracting Officer after issuance of notice of termination.
597.206 Fraud or other criminal conduct.
597.207 Audit of settlement proposals and of subcontract settlements.
597.208 Settlement of subcontractor claims.
597.208–6 Delay in settlement of subcontractor claims.
597.208–7 Government assistance in settlement of contracts.
597.208–8 Assignment of rights under subcontracts.
597.209 Settlement agreements.
597.209–1 General.
597.209–2 Excepted items.
597.209–6 Joint settlement of two or more claims.
597.209–7 Settlement by determination.
597.210 Contracting Officer's negotiation memorandum.
597.211 Review and approval of proposed settlements.
597.211–1 Settlement Review Board.
597.211–2 Required review and approval.
597.211–3 Scope of review.
597.211–4 Action by Board.
597.212 Payment.
597.212–1 Partial payment upon termination.
597.212–2 Final payment.
597.213 Cost principles applicable to the settlement of certain terminated research and development contracts.
597.250 Status of terminations.

Subpart C—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Contracts

597.300 Scope of subpart.
597.307 Settlement proposals.
597.307–1 Submission of settlement proposals.
597.307–2 Bases for settlement proposal.

Subpart D—Additional Principles Applicable to the Settlement of Terminated Cost-Reimbursement Type Contracts

(See Subpart D, Part 8 of this title.)

Subpart E—Disposition of Termination Inventory

597.501 General.
597.502 Contractor-acquired property; purchase or retention at cost or return to suppliers.
597.503 Inventory schedules.
597.504 Scrap and salvage.
597.504–1 General.
597.504–2 Scrap warranty.

Subpart F—Termination for Default

597.600 Scope of subpart.
597.601 General.
597.602 Termination of fixed-price supply contracts for default.
597.602–3 Procedure for default.
597.603 Termination of fixed-price construction contracts for default.
597.650 Completion of construction contract after default.

Subpart G—Clauses

597.700 Scope of subpart.
597.750 Oversea commands.

Subpart H—Forms

(See Subpart H, Part 8, of this title)

AUTHORITY: §§ 597.000 to 597.750 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 597.000 Scope and applicability of part.

See § 8.200 of this title.

Subpart A—Definition of Terms.

(See Subpart A, Part 8 of this title.)

*Specify name of major oversea command concerned.

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

§ 597.200 Scope of subpart.

See § 8.200 of this title.

§ 597.201 Authority of Contracting Officers.

The Head of the Procuring Activity shall prescribe procedures under which contracting officers may terminate contracts for the convenience of the Government and in the case of cost-reimbursement type contracts for the default of the contractor. Notwithstanding a change in requirements a contract is not to be terminated for convenience (except at no-cost to the Government as provided in § 8.602–4(c) of this title) if the contractor is in unexcusable default and the Government has a legal right to terminate such contract for default.

§ 597.202 Notice of termination.

See § 8.202 of this title.

§ 597.203 Methods of settlement.

See § 8.203 of this title.

§ 597.204 Duties of Prime Contractor after receipt of notice of termination.

See § 8.204 of this title.

§ 597.205 Duties of Contracting Officer after issuance of Notice of Termination.

See § 8.205 of this title.

§ 597.206 Fraud or other criminal conduct.

See § 8.206 of this title.

§ 597.207 Audit of settlement proposals and of subcontract settlements.

(a) *General.* Referral by the contracting officer to the U.S. Army Audit Agency of settlement proposals and requests for audit which are required to be submitted under the provisions of § 8.207 of this title shall be governed by the provisions of § 606.207 of this chapter, in addition to the requirement for audit support, contracting officers generally should solicit accounting counsel from the cognizant audit agency on audit problems relating to prime or subcontract termination settlement proposals.

(b) *Subcontract settlement proposals.* (1) Except for settlements made pursuant to § 8.208–4(a) of this title contracting officers shall, in regard to subcontractor settlement proposals of less than $25,000, instruct prime contractors to submit the accounting analysis of the subcontractor's proposal along with the proposed settlement with the subcontractor at the time the subcontractor's proposed settlement is forwarded for review and ratification by the contracting officer. The adequacy of the accounting examination performed on the subcontractor's termination settlement proposal will be reviewed by the contracting officer. The services of the cognizant audit agency may be utilized for this purpose. Where the accounting examination or review is found to be acceptable, no further audit shall be required. If the contracting officer is not satisfied with the accounting examination or review which has been made by the prime contractor or a higher-tier subcontractor he will submit the proposal to the cognizant audit agency for examination and recommendation together with a copy of the accounting analysis made by the contractor or subcontractor.

(2) Settlement proposals under terminated subcontracts which are common to two or more prime contracts require special consideration. To permit the contracting officer to make proper allocations to the prime contracts involved and to facilitate joint settlement of two or more claims by prime contractors pursuant to § 8.209–6 of this title and § 597.209–6, referral of subcontract settlement proposals should be made to the cognizant audit agency even though such claims amount to less than $25,000.

(3) The contracting officer and the prime contractor may agree that any audit or other substantiation of subcontractor's costs may be undertaken by the Government instead of by the prime contractor or higher-tier subcontractor.

§ 597.208 Settlement of subcontract claims.

See § 8.208 of this title.

§ 597.208–6 Delay in settlement of subcontractor claims.

Where it is necessary to exclude the claim of a subcontractor from the settlement with a prime contractor, such exclusion will be reported as an "Unassumed Exclusion" in the manner prescribed by the Head of the Procuring Activity. Each such settlement agreement shall be clearly marked as follows: "This Settlement Agreement contains an Unassumed Exclusion."

§ 597.208–7 Government assistance in settlement of subcontracts.

See § 8.208–7 of this title.

§ 597.208–8 Assignment of rights under subcontracts.

Whenever a contracting officer determines that it is in the best interests of the Government to settle and pay a subcontractor's termination claim directly, approval shall first be obtained from the Head of the Procuring Activity concerned, or from his deputy or principal assistant responsible for procurement. Contracting officers in requesting approval shall clearly indicate the basis for determining that such action is in the best interests of the Government. The approving authority shall grant approval only if it appears that the reasons for direct settlement and payment outweigh the obligation of the prime contractor to accomplish settlement and payment.

§ 597.209 Settlement agreements.

See § 8.209 of this title.

§ 597.209–1 General.

See § 8.209–1 of this title.

§ 597.209–2 Excepted items.

Where it is necessary to exclude from a settlement any rights or claims of the Government or of the contractor such exclusion shall be reported as an "Unassumed Exclusion" in the manner prescribed by the Head of the Procuring Activity.

§ 597.209–6 Joint settlement of two or more claims.

Joint settlements shall not be undertaken with respect to any contract on which all contract actions applicable to the terminated portion of the contract have not been completed (e.g. price redetermination, change order, etc.).

§ 597.209–7 Settlement by determination.

See § 8.209–7 of this title.

§ 597.210 Contracting Officer's negotiation memorandum.

See § 8.210 of this title.

§ 597.211 Review and approval of proposed settlements.

See § 8.211 of this title.

§ 597.211–1 Settlement review boards.

See § 8.211–1 of this title.

§ 597.211–2 Required review and approval.

In addition to the review and approval required by § 8.211 of this title, all proposed settlements in excess of $2,000,000 shall be submitted by the heads of procuring activities to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, ATTN: Chief, Contracts Branch, for approval.

§ 597.211–3 Scope of review.

See § 8.211–3 of this title.

§ 597.211–4 Action by Board.

All actions by the Settlement Review Board shall be taken at duly constituted meetings of such Board and the written opinion of the Board setting forth its approval or disapproval of the proposed settlement shall be signed by each Board member present. Such written opinion should not be a repetition of the contracting officer's memorandum, but will contain all pertinent facts which prompted the approval or disapproval of the proposed settlement. Proposed settlements by agreement disapproved by the Board shall be returned to contracting officers for further negotiation with the contractor within the framework of the Board's opinion. Upon conclusion of such negotiation, the proposed settlement will be resubmitted to the Board. Proposed settlements by determination disapproved by the Board shall be returned to contracting officers for redrafting and resubmission to the Board. Except as provided in § 8.211–4 of this title contracting officers may not proceed with a proposed settlement until approval of the Settlement Review Board has been obtained.

§ 597.212 Payment.

See § 8.212 of this title.

§ 597.212–1 Partial payment upon termination.

Other means of protecting the interests of the Government in connection with partial payments, as authorized by § 8.212–1(d) of this title may be prescribed by the Head of the Procuring Activity.

§ 597.212–2 Final payment.

See §8.212–2 of this title.

§ 597.213 Cost principles applicable to the settlement of certain terminated research and development contracts.

See § 8.213 of this title.

§ 597.250 Status of terminations.

Heads of procuring activities will maintain a record of the status of each termination settlement until such action has been completed.

Subpart C—Additional Principles Applicable to the Settlement of Terminated Fixed-Price Contracts

§ 597.300 Scope of subpart.

See § 8.300 of this title.

§ 597.307 Settlement proposals.

See §8.307 of this title.

§ 597.307–1 Submission of settlement proposals.

See § 8.307–1 of this title.

§ 597.307–2 Bases for settlement proposals.

(a) Contracting officers may authorize use of the total cost basis of settlement under a complete termination where one of the following conditions exist:

(1) The only costs incurred are in the nature of initial costs;

(2) The contractor's accounting system does not lend itself to a segregation of costs between the completed and the terminated portions of the contract;

(3) A construction contract has been completely terminated;

(4) A letter contract has been completely terminated; or

(5) A contract is for a lump sum amount.

(b) The total cost basis of settlement may be used under a partial termination only if authorized by the Head of the Procuring Activity concerned. An example of a circumstance in which the total cost basis may be authorized for use under a partial termination is where the contractor's accounting system does not lend itself to a segregation of costs between the completed, continued and terminated portions of the contract and control can be exercised over the costs to be incurred on the continued portion of the contract. The settlement of a partial termination on the basis of the "total costs applicable to the terminated portions of the contract" is not a settlement on the total cost basis as in the case of paragraph (a) of this section.

(c) Where the partial termination of a contract results solely in the complete termination of a contract item under which there has been part delivery and the costs applicable to such terminated item are clearly severable from other contract costs, settlement of such partial termination may be made on the basis of the total costs applicable to such terminated item, less payments previously made, if:

(1) The contractor's accounting system does not lend itself to a segregation of costs between the completed and the terminated portion of such item; or

(2) The item is included in the contract in a lump sum amount.

Subpart D—Additional Principles Applicable to the Settlement of Terminated Cost-Reimbursement Type Contracts

(See Subpart D, Part 8 of this title.)

Subpart E—Disposition of Termination Inventory

§ 597.501 General.

See § 8.501 of this title.

§ 597.502 Contractor-acquired property; purchase or retention at cost or return to supplies.

See § 8.502 of this title.

§ 597.503 Inventory schedules.

See § 8.503 of this title.

§ 597.504 Scrap and salvage.

See § 8.504 of this title.

§ 597.504–1 General.

See § 8.504–1 of this title.

§ 597.504–2 Scrap warranty.

There shall be incorporated in the scrap warranty, by appropriate language, adequate identification and description of the material to which the scrap warranty is applicable. Where advisable for brevity or for other reasons, the identification may be accomplished by reference to appended schedules or to properly identified inventory schedules.

Subpart F—Termination for Default

§ 597.600 Scope of subpart.

See § 8.600 of this title.

§ 597.601 General.

See § 8.601 of this title.

§ 597.602 Termination of fixed-price supply contracts for default.

§ 597.602–3 Procedure for default.

(a) Contracts which involve outstanding guaranteed loans, progress payments, or advance payments may be terminated by the Head of the Procuring Activity or his authorized representative after coordination with the Chief, Contracts Branch, Office of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, Washington 25, D.C.

(b) Contracts which involve SBA certificates of competency or SBA-participated loans may be terminated for default in accordance with procedures prescribed in § 597.705–6(c).

(c) The following procedures, prescribed by the General Services Administration, shall be followed in terminating for default delivery orders placed against Federal Supply Schedule contracts.

(1) *Ordering office.* Before declaring a contractor in default, ordering offices should ordinarily notify the contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the delivery order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step will not be taken when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may withhold sufficient funds due the contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the contractor and to collect, by check or setoff, excess costs owed.

(2) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the contractor in default, ordering offices will thereafter refuse to accept further performance by the contractor or place further delivery orders with it. Ordering offices will thereafter purchase against the account of the contractor from replacing contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(3) *Notification.* Ordering offices shall furnish to the Purchase Branch, Federal Supply Service, Washington 25, D.C., the details concerning all material instances of unsatisfactory performance by the contractor, whether or not properly adjusted and settled. Ordering offices also shall report, as may be directed by the Federal Supply Service, all purchases made against the account of a contractor placed in default by the Federal Supply Service.

§ 597.603 Termination of fixed-price construction contracts for default.

§ 597.650 Completion of construction contract after default.

Where the contractor's right to proceed under a construction contract has been terminated, the contracting officer utilizing the same plans and specifications shall proceed without delay to have the work completed by the surety, or if the surety declines, by readvertisement, by negotiation with another contractor, or by Government plant and hired labor, whichever procedure is most appropriate under the circumstances. Any excess costs incurred (including liquidated or actual damages) will be deducted from any amounts due the defaulted contractor. If the amount due the defaulted contractor is insufficient to cover the excess costs, demand will be made promptly upon both the contractor and the surety for the payment thereof.

Subpart G—Clauses

§ 597.700 Scope of part.

See § 8.700 of this title.

§ 597.750 Oversea commands.

Where any provision of the "Default Clause for Fixed-Price Supply Contracts" (§ 8.707 of this title), or of the "Default Clause for Fixed-Price Construction Contracts" (§ 8.709 of this title), is inconsistent with or prohibited by local law, the clause will be amended to conform to the local law. For the purpose of this paragraph, local law is defined as the law of the foreign country or legal entity which is applicable to the execution and performance of the contracts herein.

Subpart H—Forms

(See Subpart H, Part 8 of this title.)

6. Revise §§ 598.107, 598.107–1, 598.107–2, 598.107–3, 598.157–4, 598.107–5, and 598.110 to read as follows:

§ 598.107 Patent rights.

§ 598.107–1 General.

(a) *Appropriate contracts.* The policy stated in § 9.107–1(a) of this title shall apply to any contract or modification thereof having experimental, developmental or research work as one of its purposes, irrespective of the contract designation or the source of funds involved.

(b) *Patent rights not to be obtained.* Procuring activities are not prohibited by § 9.107–2 of this title from accepting, on behalf of the Government, any gratuitous and voluntary grant of patent license rights.

§ 598.107–2 License rights; domestic contracts.

Whenever practical, the contracting officer should obtain the advice of cognizant Government patent counsel prior to excluding any inventions from the license grant in accordance with § 9.107–2(a) of this title. Any questions on the interpretation of § 9.107–2(a) of this title may be referred, through channels, to the Chief, Patents Division.

§ 598.107–3 License rights; foreign contracts.

See § 9.107–3 of this title.

§ 598.107–4 Contracts relating to Atomic Energy.

(a) Any provision to be incorporated into the Patent Rights Clause which authorizes the contractor to retain license rights, or authorizes any deviation from the Patent Rights Clause (§ 9.107–2 of this title) shall be forwarded through the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., ATTN: Chief, Contracts Branch, to the Chief, Patents Division, for referral to the U.S. Atomic Energy Commission for determination as to whether the provision or deviation may be granted.

(b) Disclosures of inventions relating to atomic energy furnished by any contractor shall be forwarded to the Chief, Patents Division, for referral to the United States Atomic Energy Commission.

§ 598.107–5 Contracts relating to Civil Defense.

The clause in § 9.107–5 of this title may be used, in lieu of subparagraph (b)(1) of the clause set forth in § 9.107–2 of this title, in all contracts for experimental, developmental, or research work relating primarily to supplies or services intended for the general public for Civil Defense purposes. This clause is particularly applicable for inclusion in contracts financed in whole or in part by the Federal Civil Defense Administration.

§ 598.110 Reporting of royalties.

(a) *Furnishing copy of reports.* The contracting officer shall furnish the Head of his Procuring Activity for transmittal directly to the Chief, Patent Division, a copy of each royalty report received in accordance with § 9.110(b) of this title which indicates that royalties in excess of $250 have been paid or are to be paid to any person or firm. In addition to the royalty report, the contracting officer also shall furnish the dollar amount and the date of the contract. These procedures shall also apply to royalty reports submitted in accordance with the prescribed contract clauses prior to October 15, 1958.

(b) *Incomplete reports.* Where a contractor presents a royalty report which, upon its face does not comply with the provisions of § 9.110 or § 9.110–2 of this title, the contracting officer shall secure from the contractor a conforming report prior to forwarding the report as provided in paragraph (a) of this section.

7. Subpart B of Part 598 is revised to read as follows:

Subpart B—Data and Copyrights

§ 598.200 Scope of subpart.

See § 9.200 of this title.

§ 598.201 Definitions.

See § 9.201 of this title.

§ 598.202 Acquisition and use of data.

See § 9.202 of this title.

§ 598.202–1 Acquisition of data.

(a) *General*—(1) *Data pricing requirements.* Where data is to be required under a contract, Invitations for Bids and Request for Proposals shall include the following clause:

DATA PRICING

Where data is specified for delivery, bidders are requested to insert opposite the data items the price of such data. If the price of the data is included in the price of the end items the statement "data price is included in the price of the end items" may be used. If the bidder does not insert the price as requested above, or inserts the words "No Charge For Data", or similar language, the Government will consider that the data price is included in the cost of the appropriate end items.

(2) *Withholding of payments.* Contracts which require the delivery of data in addition to other end items (e.g., equipment, medicines, etc.) shall contain the following provision in the Payments clause:

If the contractor fails to deliver to the contracting officer the data or any part thereof required by the Schedule there shall be withheld from payment until the contractor shall have furnished such data either ten percent (10%) of the amount of this contract, as from time to time amended, or five thousand dollars ($5,000), whichever

is less. After payment of eighty percent (80%) of the amount of this contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of such amount, or five thousand dollars ($5,000), whichever is less, shall have been set aside, such reserve or balance thereof to be retained until the contractor shall have furnished to the contracting officer the required data. The withholding of any amount or subsequent payment thereof to the contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This clause shall not be construed as requiring the contractor to withhold any amounts from a subcontractor to enforce the compliance with the data provisions of a subcontract.

(3) *Consideration of effects of obtaining data subject to limitation.* In determining whether, in accordance with § 9.202–2(b)(1) of this title, to obtain "proprietary data" subject to limitation as to its use, the contracting officer shall also take into account the impact of the limitation upon the Government's future use of the data in (i) connection with such pertinent programs as standardization, cataloging, supply inventory control of spare and ancillary parts, (ii) the desirability of competition for production contracts, and (iii) the manufacture of the equipment or practicing of the process.

(b) *Supply contracts and subcontracts thereunder.* (1) In determining initially whether data required in supply contracts and subcontracts thereunder is "proprietary data" or "other data" the definitions of § 9.201 of this title may be applied with the assumption that "the contractor has protected such information from unrestricted use by others." (§ 9.201(b) of this title.)

(2) When it has been determined that "other data" only is involved and required, such "other data" shall be specified in the contract Schedule. This "other data" may be specified by setting forth in the schedule a general description of the required data and a reference to a suitable document.

(3) When it has been determined that "proprietary data" is involved and required, it may be acquired under negotiated supply contracts. In connection with the negotiation and pricing of such data, the mere assertion that data is "proprietary data" by a prospective contractor does not itself establish that fact. The burden rests on the prospective contractor to show that the data is "proprietary data." This burden might be satisfied by furnishing the contracting officer information requested by procurement personnel and cognizant patent personnel. In arriving at a determination whether "data" is "proprietary data" and in assessing the weight to be given a claim that data is "proprietary data," the contracting officer, as required by the Head of the Procuring Activity, shall consult with either or both (i) appropriate scientific and technical personnel, or (ii) cognizant patent personnel, who, on the basis of available information and technical advice, shall make recommendations to the contracting officer.

(4) When, in accordance with § 9.202–2(b)(1) of this title, "proprietary data" is being obtained subject to limitations as to its use, the price to be paid for such data shall reflect consideration of such limitations. If the cost of such data includes any factor relating to the cost of developing the information contained in the data, this factor should be given only limited value. Care should also be taken to avoid any duplication of cost between this factor and any element of cost in the price of any other end item called for by the contract.

(5) Unless the requirement for "proprietary data" is specified in the contract Schedule, the contractor is excused from furnishing the "proprietary data" (except when the contract has as one of its principal purposes experimental, developmental, or research work, in which case § 9.202–1(c) of this title applies), since the paragraph set forth in § 9.203–2 of this title is required to be used in such a contract and so excuses the contractor.

(6) "Proprietary data" relating to an item of equipment will have to be procured, in most instances, from the same supplier who is to furnish the equipment itself. Where an advertised contract is to be used to obtain the equipment, the contracting officer should keep in mind the relationship of that advertised contract to the negotiated contract for the "proprietary data" concerning the equipment.

(c) *Contracts for experimental, developmental, or research work and subcontracts thereunder—(1) Consideration of effects of "proprietary data."* Whenever, in negotiating a contract which has as one of its principal purposes experimental, developmental, or research work and also calls for models of equipment or practical processes, the contracting officer shall, before awarding the contract to a contractor whose "proprietary data" is to be excluded in accordance with § 9.202–1(c)(2) of this title, consider the following:

(i) The impact of the exclusion of the proprietary data upon the Government's future use of the results of the contract in (*a*) connection with such programs as standardization, cataloging, supply, inventory control and ancillary parts, (*b*) the desirability of competition for production contracts, and (c) the manufacture of the equipment or practicing of the process by or for a cooperating foreign government; and if the impact is found to be serious.

(ii) The possibility of having the contractor use a design which eliminates or greatly reduces the impact or of awarding the contract to a different contractor.

(2) *Identification of exceptions to requirement for delivery of data.* Whenever, in accordance with the exceptions of § 9.202–1(c) (i) or (ii) of this title, it is known that certain portions of an item of data are not required to be delivered under the contract, these exceptions shall be identified by a note immediately after the description of the item in the Schedule substantially as follows:

NOTE. The following portions of this item, which come within the exceptions stated in §§ 9.202–1(c)(1) and 9.202–1(c)(2), are not required to be delivered under this contract: [Here insert the identification of those portions of the item which come within these exceptions, but with the specific one of these two exceptions indicated as to each portion.]

(3) *Screening of proprietary data.* In a contract which has as one of its principal purposes experimental, developmental, or research work and also calls for models or equipment or practical processes, the substance of the following clause shall be included in the contract:

Consideration will be given by the contractor to the performance of the work called for by this contract in such manner as to produce end results that are susceptible of reproduction by or for the Government by equipment which is readily available through Government or commercial channels and by standard or proven production techniques, methods and processes. Unless approved by the contracting officer, the contractor will not knowingly, in the performance of the work called for by this contract, produce an end result requiring the details of secrets of manufacture, such as may be contained in but not limited to manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not disclosed by inspection or analysis of the product itself.

§ 598.202–2 Use of data.

Policies and procedures for the use of "Data" obtained under a supply contract or a contract for experimental, developmental or research work are set forth in § 591.202–1 of this chapter and § 9.202–2 of this title.

§ 598.202–3 Multiple sources of supply.

Where arrangements for licensing and technical assistance appear to be required in establishing multiple sources of supply for domestic or foreign procurement under the provisions of § 9.202–3 (a) of this title, the contracting officer shall obtain the advice of cognizant patent personnel.

§ 598.202–6 Data furnished on a restricted basis in support of a proposal.

Where it is desired to acquire the rights to use all or part of the data furnished on a restricted basis, with the proposal on which a contract is to be awarded, the contracting officer should, in his evaluation of the data alleged to be "proprietary," and in his negotiations, follow the policies and procedures set forth in § 598.202–1(a)(1) and (b)(3) of this chapter.

§ 598.203 Contract clauses; general.

See § 9.203 of this title.

§ 598.203–1 Basic Data Clause.

The following paragraph shall be added to the Basic Data Clause (§ 9.203–1 of this title) in all cases:

The rights obtained by the Government in data furnished under this contract are set forth in this clause and nothing elsewhere in this contract or in any documents incorporated by reference shall be construed as in any way altering such rights.

§ 598.203–2 Provision for addition to basic data clause for use in supply contracts.

See § 9.203–2 of this title.

§ 598.203–3 Limited rights provision for addition to basic data clause.

Where, in accordance with § 9.202–2 (b)(1) of this title, "proprietary data" is being obtained under a supply contract subject to limitation as to its use, each item of the data which is subject to such limitation shall be identified by a note immediately after the description of the item in the schedule substantially as follows:

NOTE: The following portions of this item are subject to the limitations stated in Article ------ "Data" of this contract: [Here insert the identification of those portions of the item which are subject to the limitations, except that if the entire item is so subject, the words "The entire item" should be inserted.]

§ 598.203–4 Provision for addition to Basic Data Clause for use in contracts for experimental, developmental, or research work.

See § 9.203–4 of this title.

§ 598.204 Contract clauses; special.

See § 9.204 of this title.

§ 598.204–1 Limitation on Government's right of publication for sale to the general public.

Under the determining criteria provided in § 9.204–1 of this title the contracting officer is given the discretion of using the paragraph in § 9.204–1 of this title in contracts for research.

§ 598.204–2 Production of motion pictures.

The clause set forth in § 9.204–2 of this title shall be used in all contracts for the production of motion pictures, with or without accompanying sound, and in all contracts for the preparation (for use in connection with motion pictures) of scripts, musical compositions, sound tracks, translations, adaptations and the like.

§ 598.205 Contracts for acquisition of existing works.

See § 9.205 of this title.

§ 598.205–1 Off-the-shelf purchase of books and similar items.

See § 9.205–1 of this title.

§ 598.205–2 Contracts for existing motion pictures.

(a) The clause set forth in § 9.204–2 of this title shall be used in all contracts for the procurement of existing motion pictures, except that the following instructions apply to the use of this clause:

(1) Paragraph (b) may be modified or omitted by the procuring activity.

(2) Paragraph (c) may be modified by the procuring activity only to the extent of limiting the scope of the license granted by this paragraph to that scope which is consistent with the purposes for which the motion picture covered by the contract is being procured. Examples of such restricted rights are:

(i) Limitation as to the type of audience;

(ii) Limitation as to the geographical location; and

(iii) Limitation as to time.

(3) Paragraph (d) may be modified by the procuring activity to make the coverage of the indemnity coextensive with the rights acquired under the modification permitted by subparagraph (2) of this paragraph.

If paragraph (b) of the clause is omitted, the references to "(c)" and "(d)" in line 1 of paragraph (f), of the clause shall be changed to read "(b)" and "(c)", respectively.

(b) The clause set forth in § 9.204–2 of this title shall be used in all contracts for the procurement of a modification (through the addition of subject matter specified by the contract and not already in existence) of an existing motion picture, except that the instructions given in paragraph (a) (2) and (3) of this section apply in this situation also.

§ 598.206 Contracts to be performed outside the United States.

See § 9.206 of this title.

8. In § 605.503–1, revise paragraph (e) and revoke paragraphs (f) and (g), as follows:

§ 605.503–1 General.

* * * * *

(e) Contracts entered into on DD Form 731 shall be numbered in accordance with § 606.203–4 of this chapter. Each job order issued under such contracts shall contain a reference to the number of the master contract under which it is issued.

(f) [Revoked]

(g) [Revoked]

9. Sections 605.852, 605.854, 605.858, 605.859, 605.860, and 605.861 are revised to read as follows:

§ 605.852 Monthly Procurement Summary by Purchasing Office (DD Form 1057).

(§ 606.304 of this subchapter.)

§ 605.854 Request for Planning Action (DD Form 403), Desired Production and Production Schedule Work Sheet (DD Form 405), and Tentative Schedule of Production and Request for Allocation (DD Form 406).

(Subpart O, Part 590 of this chapter.)

§ 605.858 Transfer of Construction (ENG Form 290).

(§ 602.1708–2 of this chapter.)

§ 605.859 Contractor's Request for Progress Payments (DD Form 1195).

(AR 715–6.)

§ 605.860 Data on Proposed Procurement Action (DA Form 1377).

(§ 590.752 of this chapter.)

§ 605.861 Department of Labor Forms PC 12 and PC 13.

(See Part 12 of this title and Part 601 of this chapter).

10. Revoke § 605.862 and revise paragraph (d) of § 606.207 to read as follows:

§ 605.862 [Revocation]

§ 606.207 Audits of Procurement Contracts by Audit Agencies; general.

* * * * *

(d) Audit of termination settlement proposals of terminated cost-type or fixed-price contracts or subcontracts thereunder shall be in accordance with the requirements of § 8.207 of this title and § 597.207 of this chapter.

[C 16, APP, April 24, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–5842; Filed, July 15, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1897]

[82695]

WYOMING

Addition of Certain Lands to Medicine Bow National Forest

By virtue of the authority vested in the President by section 9 of the Act of June 7, 1924 (43 Stat. 655; 16 U.S.C. 471b; 505), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture and the Secretary of the Air Force, it is ordered as follows:

1. The following-described public and nonpublic lands within the Francis E. Warren Air Force Base, Pole Mountain Training Annex, Wyoming (formerly Fort D. A. Russell Target and Maneuver Reservation), are hereby added to and reserved as a part of the Pole Mountain District of the Medicine Bow National Forest, established by Executive Order No. 4245 of June 5, 1925: *Provided*, That said lands shall be subject to the provisions of and be administered in the manner provided by said Executive Order No. 4245:

SIXTH PRINCIPAL MERIDIAN

T. 14 N., R. 71 W.,
Sec. 3, N½N½;
Secs. 4 and 5;
Sec. 6, NE¼.
T. 15 N., R. 71 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½SE¼;
Sec. 31, E½;
Secs. 32 and 33.

The areas described aggregate approximately 3,317 acres.

ROGER ERNST,
Assistant Secretary of the Interior,

JULY 10, 1959.

[F.R. Doc. 59–5868; Filed, July 15, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 13—COMMERCIAL RADIO OPERATORS

Miscellaneous Amendments

The Commission having under consideration the amendment of its Commercial Radio Operator Rules; and

It appearing that the Commission discontinued the issuance of the aircraft radiotelephone operator authorization, effective February 1, 1954, and discontinued the issuance of the restricted radiotelegraph operator permit, effective September 1, 1950; and

It further appearing that the Commission discontinued the issuance of the temporary limited radiotelegraph second-class operator license, effective August 16, 1954; and

It further appearing that all licenses of the aforementioned classes which were in force on the respective discontinuance dates were issued for terms of five years and have expired or will expire on or before the effective date of this Order; and

It further appearing that Part 13 lists all other parts of the Commission's rules in which provision is made for operation of radio stations without licensed operators and that the list should be changed to reflect changes in that regard made elsewhere in the rules; and

It further appearing that the amendments herein ordered are editorial and not substantive and, therefore, compliance with the public rule-making procedures required by sections 4(a) and 4(b) of the Administrative Procedure Act is not required.

It is ordered, This 13th day of July 1959, pursuant to authority of section 0.341 of the Commission's Statement of Delegations of Authority and to authority contained in sections 4(i), 5(d)(1), 303(l), and 303(r) of the Communications Act of 1934, as amended, Part 13 of the Commission's rules, Commercial Radio Operators, is amended as set forth below effective August 16, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303).

Released: July 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 13 of the Commission's rules, Commercial Radio Operators, is amended as follows:

1. Note B to § 13.1 is amended to read as follows:

§ 13.1 Licensed operators required.

* * * * *

NOTE B: Provision is made in Parts 5, 7, 8, 9, 10, 11, 16, 19, and 21 of this chapter for operation of certain radio stations without licensed operators subject to limitations and conditions specified therein.

§ 13.2 [Amendment]

2. In § 13.2, paragraph (a)(i)(iii) is deleted, paragraph (b)(1)(i) is amended to delete the parenthetical reference to the Restricted Radiotelegraph Operator Permit, and paragraph (c)(i)(ii) is deleted.

3. Section 13.3 is amended as follows:

§ 13.3 Dual holding of licenses.

A person may not hold more than one radiotelegraph operator license or permit and one radiotelephone operator license or permit at the same time.

4. Section 13.25 is amended to read as follows:

§ 13.25 New class, additional requirements.

The holder of a license, who applies for another class of license, will be required to pass only the added examination requirements for the new class of license: *Provided,* That the holder of a radiotelegraph third-class operator permit who takes an examination for a radiotelegraph second-class operator license more than one year after the issuance date of the third-class permit will also be required to pass the code test prescribed therefor: *Provided further,* That no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued on the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration shall, by reason of the declaration or the holding of such permit, be relieved in any respect of qualifying by examination when applying for any other class of license.

5. Section 13.28 is amended to read as follows:

§ 13.28 Renewal service requirements, renewal examinations, and exceptions.

A restricted radiotelephone operator permit normally is issued for the lifetime of the holder and need not be renewed. A temporary limited radio telegraph second-class operator license is not renewable. A license of any other class may be renewed without examination provided that the service record on the reverse side of the license (see §§ 13.91 to 13.94) shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license. If this two-year renewal service requirement is not fulfilled, but the service record shows at least one year of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one-year period of grace after the date of expiration of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one-year period of grace, the license will not be renewed on any basis.

NOTE: By order dated and effective April 4, 1951, the Commission temporarily waived the requirement of prior service as a radio operator or examination for renewal in the case of any applicant for renewal of his commercial radio operator license. This order is applicable to commercial radio operator licenses which expired after June 30, 1950 until further order of the Commission.

§ 13.61 [Amendment]

6. In § 13.61, paragraph (c) is deleted and designated [Reserved] and the note to paragraph (d) is deleted.

7. Section 13.62(c) is amended to delete the reference to an aircraft radiotelephone operator authorization and a temporary limited radiotelegraph second-class operator license. As amended, that portion of paragraph (c) preceding subparagraph (1) reads as follows:

§ 13.62 Special privileges.

* * * * *

(c) The holder of a commercial radio operator license of any class may operate broadcast stations under the following conditions:

8. Section 13.94 is amended to delete the reference to a restricted radiotelegraph operator permit. As amended, that portion of § 13.94 preceding paragraph (a) reads as follows:

§ 13.94 Statement in lieu of service endorsement.

The holder of a first- or second-class radiotelegraph operator license desiring an endorsement to be placed thereon attesting to an aggregate of at least 6 months' satisfactory service as a qualified operator on a vessel of the United States may, in the event documentary evidence cannot be produced, submit to any office of the Commission a statement under oath accompanied by the license to be endorsed or the application, embodying the following:

[F.R. Doc. 59-5869; Filed, July 15, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time; Nushagak and Kvichak-Naknek Districts

Basis and purpose. On the basis of continuing heavy runs of red salmon in the Nushagak and Kvichak-Naknek districts of Bristol Bay, it has been determined that additional fishing time, over and above that already provided under § 104.9, as amended, can be permitted.

Therefore, § 104.9, as amended July 13, 1959, is further amended permitting fishing in the Nushagak district from 9 p.m. Tuesday, July 14, to 9 a.m. Wednesday, July 15, and from 9 p.m. Friday, July 17 to 9 a.m. Saturday, July 18, 1959, and in the Kvichak-Naknek district from 3 p.m. to 12 p.m. Tuesday, July 14, 1959.

Since immediate action is necessary in order to effectuate these relaxations, notice and public procedure on this amendment are not in the public interest and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 14, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-5895; Filed, July 14, 1959; 1:46 p.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-12]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND COMPULSORY REPORTING POINTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 31 presently extends from Cheyenne, Wyo., to Huron, S. Dak., and from Minneapolis, Minn., to La Crosse, Wis. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements on the segments from Cheyenne, Wyo., to Philip, S. Dak., as four and one respectively; Philip, S. Dak., to Pierre, S. Dak., zero and two respectively; Pierre, S. Dak., to Huron, S. Dak., zero and four respectively; Minneapolis, Minn., to La Crosse, Wis., zero and two respectively. On the basis of the survey, it appears that the retention of these airway segments and their associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 31, and the associated control areas and compulsory reporting points, would be revoked.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958, Supp., Parts 600, 601) as follows:

1. Section 600.231 *Red Federal airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.)* is revoked.

2. Section 601.231 *Red Federal airway No. 31 control area (Cheyenne, Wyo., to La Crosse, Wis.)* is revoked.

3. Section 601.4231 *Red Federal airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.)* is revoked.

Issued in Washington, D.C., on July 10, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-5843; Filed, July 15, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number A. 046352 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for a light aircraft parking area as an addition to the International Airport Reserve.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

POINT CAMPBELL MILITARY RESERVE

All of Lot 8, Sec. 27, and the North 400 feet of Lot 4, Sec. 34, all in T. 13 N., R. 4 W., S.M.

Containing 50 acres, more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-5848; Filed, July 15, 1959; 8:45 a.m.]

[Oregon 04707]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 9, 1959.

Notice of an application, Serial No. Oregon 04707, for withdrawal and reservation of lands was published as Federal Register Document No. 56-1432 on page 1244 of the issue for February 24, 1956. The applicant agency has canceled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on July 21, 1959, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN, OREGON

DESCHUTES NATIONAL FOREST, KLAMATH COUNTY

T. 24 S., R. 6 E.,
Sec. 2: E½SE¼SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 11: Those portions of the W½E½NE¼, W½NE¼, E½E½NW¼ lying north of the right-of-way of the Southern Pacific Railroad.

Approximately 200.00 acres.

RUSSELL E. GETTY,
Acting State Supervisor.

[F.R. Doc. 59-5849; Filed, July 15, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8748]

AMERICAN SHIPPERS, INC.; ENFORCEMENT PROCEEDING

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding, now assigned for July 21, 1959, is postponed to September 9, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., July 10, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-5861; Filed, July 15, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12938; FCC 59-682]

KVFC, INC. (KVFC)

Order Designating Application for Hearing on Stated Issues

In re application of KVFC, Incorporated (KVFC), Cortez, Colorado, Docket No. 12938, File No. BP-11847; Has: 740 kc, 1 kw, Day; Requests: 740 kc, 250 w, 1 kw-LS, DA-N, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 8th day of July 1959;

The Commmission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; but that on the basis of the applicant's own showing the proposed 25 mv/m contour would not encompass the principal business or factory area of Cortez, Colorado at night in accordance with § 3.188(b)(1) of the Commission rules; and

It further appearing that there is a substantial question as to whether the instant proposal represents a sound engineering proposal, since the city of Cortez is located in the area of maximum signal suppression and the main lobe of radiation is directed away from the city of Cortez; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated May 6, 1959 of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the subject application would be in the public interest; and

It further appearing that by amendment filed June 9, 1959, the applicant requested a waiver of § 3.188(b)(1) of the Commission rules on the grounds that Cortez has no factory or industrial area; that the proposal will provide a 25 mv/m contour over part (25 percent) of the principal business area and a 17 mv/m contour over the entire business area; and that the proposal would provide the first primary nighttime service to the city of Cortez; but, that, on the basis of the information before it, the Commission is unable to determine at this time whether circumstances exist which would warrant a grant of a waiver of said section; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KVFC and the availability of other primary service to such areas and populations.

2. To determine whether the proposed 25 mv/m contour would encompass the principal business area of the city of Cortez in accordance with the requirements of § 3.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5870; Filed, July 15, 1959; 8:48 a.m.]

[Docket No. 12939; FCC 59-683]

WPGC, INC. (WPGC)

Order Designating Application for Hearing on Stated Issues

In re application of WPGC, Inc. (WPGC), Morningside, Maryland, Docket No. 12939, File No. BML-1790; Has: 1580 kc, 10 kw, DA-D; Requests: Change of station location to Washington, D.C.; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of July 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to operate its instant proposal, but that the proposal would not provide a 25 mv/m contour over the main business area, and a 5 mv/m contour over the most distant residential section of Washington, D.C., as required by § 3.188(b) (1) and (2) of the Commission rules; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated March 16, 1959, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was received from the applicant, who contends that the standards of allocation of § 3.182(f) of the Commission's rules are applicable to the instant proposal rather than the provisions of § 3.188(b) (1) and (2), but applicant requests a waiver of the latter rule if it is applicable; and

It further appearing that the Memorandum of Law submitted with the application refers to § 3.188 of the rules as being entirely inapplicable to the instant application for a change of main studio and that the provisions of § 3.182 of the rules should be determinate; but that, It is obvious that the pleading indicates confusion relative to the requirements of the two rules; that § 3.182 defines the level of signal necessary to provide primary service over areas of varying population density; that, however, § 3.188 of the rules seeks to provide a "premium" type of service under extreme operating conditions of interference; and that the Commission records are replete with instances where § 3.188 of the rules is dominant in determining signal requirements over the community with which a station desires identification; and

It further appearing that after consideration of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operation as proposed would provide the coverage of the city sought to be served, as required by § 3.188(b) (1) and (2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5871; Filed, July 15, 1959; 8:48 a.m.]

[Docket Nos. 12697, 12698; FCC 59-676]

CONTINENTAL BROADCASTING CORP. (WHOA) AND JOSE R. MADRAZO

Memorandum Opinion and Order Amending Issues

In re application of Continental Broadcasting Corporation (WHOA), San Juan, Puerto Rico, Docket No. 12697, File No. BP-10489; Jose R. Madrazo, Guaynabo, Puerto Rico, Docket No. 12698, File No. BP-11480; for construction permit.

1. There are before the Commission for consideration (1) a petition to enlarge the issues filed by Jose R. Madrazo (Madrazo), December 29, 1958; (2) an opposition to the above petition filed by Continental Broadcasting Corporation (WHOA), January 8, 1959; (3) a petition by the Commission's Broadcast Bureau (Bureau) to accept late filing of a reply, filed January 12, 1959;[1] (4) a reply by the Bureau to the petition to enlarge issues, filed January 12, 1959; (5) a reply to the WHOA opposition filed by Madrazo, January 15, 1959; and (6) other matters of record herein.

2. By Order released December 9, 1958 (FCC 58-1156), the Commission designated for hearing in a consolidated proceeding the mutually exclusive applications of Madrazo and WHOA on issues which inquire (1 & 2) as to the areas and populations expected to gain or lose primary service under the proposals and the availability of other such service; (3) the applicability of section 307 (b), considerations and, if applicable, whether a grant to one or the other of the applicants can be made; (4) if a choice between the applicants cannot be made under section 307(b), then, which of the applicants should be preferred on a comparative basis; and (5) the ultimate issue as to which application should be granted. WHOA proposes to change its facilities from operation on 1400 kc with a power of 250 watts to operation on 870 kc with a power of 5 kw. Madrazo proposes a new station to operate on 860 kc with a power of 500 watts.

3. By his petition, Madrazo would have the following issues added to the present hearing issues:

(a) To determine whether or not Continental Broadcasting Corporation (WHOA) is financially qualified to construct and operate the proposed station.

(b) To determine whether or not the transmitter and antenna site specified by Continental Broadcasting Corporation (WHOA) will be available to it for construction and operation of the station as proposed.

(c) To determine whether or not Continental Broadcasting Corporation (WHOA) had misrepresented to the Commission or concealed from the Commission material facts concerning the availability of the site proposed for the location of the transmitter and antenna of the station, and whether or not the applicant's intentions as to the location of its transmitter and antenna for the proposed station have been candidly and fully presented to the Commission.

(d) To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WHOA on its present frequency, 1400 kc, with a power of 1 kilowatt, and whether, in the light of such evidence, considerations with respect to section 307(b) of the Communications Act of 1934, as amended, indicate that a more fair, efficient and equitable distribution of radio service to San Juan and to Guaynabo will be accomplished by a grant of the application of Jose R. Madrazo.

4. In support of requested issue (a), Madrazo alleges in substance that a proposed $25,000 loan from Mrs. Anthony (Carmina Mendez)[2] to WHOA, is not a firm loan arrangement because by its terms it is "due on or before five years from date of making the loan;" that Carmina Mendez's ability to make the loan has not been properly established in accordance with applicable Commission rules and requirements; that because of other financial commitments, WHOA will be unable to utilize its present funds and future profits for its instant proposal; and that for the foregoing reasons, the original finding that WHOA is financially qualified is erroneous. It is added that WHOA has not in its financial showing allowed for expenses to procure a new antenna and transmitter site which, according to Madrazo, will be necessary.[3]

5. In support of the issues requested as to site availability and misrepresentation (requested issues (b) and (c)), Madrazo, alleges that correspondence which he had with the lessor of WHOA's present and proposed site indicates that WHOA may be required to vacate the premises because of a contemplated land development program. Madrazo surmises that WHOA may have known of this fact and yet did not divulge it to the Commission. Citing Hall v. FCC,[4] Madrazo contends that it is misrepresentation for an applicant not to disclose "any mental reservations" concerning his site proposal.

6. Urging that a move by WHOA to a frequency and power other than that specified in its proposal would be feasible and would make possible a grant of both applications and implementation of a sound allocation policy, Madrazo also requests the addition of issue(d). In support of this request, Madrazo cites Wayne M. Nelson 16 RR 103 (1957), wherein an issue was added relative to a suggested alternate antenna proposal, and argues that it is possible to distinguish and reconcile therewith those holdings wherein the Commission refused to consider alternate proposals, e.g., Broadcasters, Inc., 16 RR 305 (1958).

7. As indicated by WHOA's application, the loan from Carmina Mendez represents a very substantial part of WHOA's financial plan. The showing as to her ability to make this loan is limited to her letter to WHOA in which she merely states "At the present time, I have in my own name liquid assets worth in excess of twenty-five thousand dollars * * * over and above all liabilities." A more detailed statement as to her financial situation is essential to support a finding that she is able to fulfill her commitment. Hence, a financial qualification issue will be added as to WHOA.

8. We do not, however, share Madrazo's view relative to requested issues (b), (c) and (d). Madrazo has shown no more than a bare possibility that WHOA's site will be unavailable. Indeed, as the letter from WHOA's lessor indicates, there has been no definite decision made for the development of the site for other purposes. According to the affidavit by WHOA's former president (Anthony), the site will be available for at least several years. All that can be deduced from the pleadings is that the site is presently available, which is of prime importance, and that as yet there is no certainty that the site will be subject to a development project and consequently unavailable to WHOA. Hence, the requested misrepresentation issue will be denied.

9. Madrazo's reliance on Wayne M. Nelson, supra, as authority for the inclusion of an issue regarding alternate facilities is misplaced. In Nelson, unlike the instant situation, an existing service would be protected through adoption of an alternate proposal. Where, however, as in the instant proceeding, there was no showing that an existing service would be protected through the adoption of an alternate proposal, we have denied requests for the addition of an issue similar to that requested by Madrazo. See In re Broadcasters, Inc., supra.

Accordingly, it is ordered, This 8th day of July 1959, that the petition of the Commission's Broadcast Bureau filed January 12, 1959, for acceptance of late filing is granted; that the petition to enlarge the issues filed herein by Jose R. Madrazo on December 29, 1958, is granted to the extent indicated herein and is in all other respects denied; and that the issues in this proceeding are amended to renumber Issues 1, 2, 3, 4,

[1] The Bureau states that its late filing was due to its misapprehension that Madrazo's petition to enlarge was filed by mail and not in person. No opposition has been filed to the Bureau's petition for acceptance of late filing, and it does not appear that a late filing of its reply would be prejudicial to any of the parties. Its petition will therefore be granted.

[2] Since the filing of the WHOA application Mrs. Anthony (hereinafter referred to as Carmina Mendez) has divorced William R. Anthony, the original owner of WHOA. By virtue of a property settlement effectuated pursuant thereto, Mrs. Anthony has become the sole owner of WHOA. WHOA's loan proposal remains unchanged, however. WHOA's application for transfer of ownership has previously been approved, and there is pending WHOA's petition for leave to amend its application to reflect the change in ownership.

[3] This last allegation is directed to the sufficiency of WHOA's funds. The Commission, in its order designating the subject application for hearing (FCC 58-1156), authorized the Examiner to add an issue which would inquire into the sufficiency of WHOA's funds.

[4] 237 F. 2d 567, 14 RR 2009 (1956); 257 F. 2d 626, 17 RR 2038 (1958).

and 5 as Issues 2, 3, 4, 5, and 6, and to include Issue 1, the following:

1. To determine whether or not Continental Broadcasting Corporation (WHOA) is financially qualified to construct and operate the proposed station.

Released: July 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5872; Filed, July 15, 1959; 8:49 a.m.]

[Docket Nos. 12900, 12901; FCC 59M-884]

JOHN LAURINO AND CAPITAL BROADCASTING CO. (WNAV)

Order for Prehearing Conference

In re applications of John Laurino, Ashland, Virginia, Docket No. 12900, File No. BP-12112; The Capital Broadcasting Company (WNAV), Annapolis, Maryland, Docket No. 12901, File No. BP-12773; for construction permits for standard broadcast stations.

A prehearing conference in the above-entitled proceeding will be held on Wednesday, July 15, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 8th day of July 1959.

Released: July 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5873; Filed, July 15, 1959; 8:49 a.m.]

[Docket Nos. 12666-12668; FCC 59M-885]

PUBLIX TELEVISION CORP. ET AL.

Order Scheduling Prehearing Conference

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

It is ordered, This 9th day of July 1959, that a further prehearing conference will be held in the above-entitled proceeding on Thursday, July 23, 1959 at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: July 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5874; Filed, July 15, 1959; 8:49 a.m.]

[Docket No. 12782; FCC 59M-882]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

It is ordered, This 9th day of July 1959, that a session of the above-entitled proceeding will be convened in the Offices of the Commission, Washington, D.C., at 10 a.m., July 21, 1959, and that the following persons shall attend the said session and give evidence and supply information pertinent to the inquiry:

Charles B. Ryan—Director of Merchandising and Advertising, The Firestone Tire and Rubber Company, Akron 17, Ohio.

Alfred J. McGinness—Manager of National Advertising, The Firestone Tire and Rubber Company, Akron 17, Ohio.

Joseph H. Thomas—Vice-President and General Counsel, The Firestone Tire and Rubber Company, Akron 17, Ohio.

Howard Barlow—Lower Shad Road, Pound Ridge, New York.

Released: July 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5875; Filed, July 15, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2264]

CHATANIKA POWER CO., INC.

Notice of Application for License

JULY 10, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Chatanika Power Company, Inc., of Fairbanks, Alaska, for license for a hydroelectric development, designated as Project No. 2264, to be constructed on the Chatanika River and affecting lands of the United States, in the Fourth Judicial Division of the State of Alaska.

The project will be a redevelopment of Davidson Ditch, which consists of a 46-mile earth canal, a diversion dam, headworks, siphons, easements, water rights, several hundred acres of patented lands and 23.5 miles of 33 KV transmission line—facilities which have heretofore been used by United States Smelting Refining & Mining Company for its placer mining operations and which were constructed by Fairbanks Exploration Company in 1925-28. The project will consist of the existing canal; two penstocks 30 inches in diameter and 50 feet long, leading from the existing Chatanika siphon; a powerhouse containing a 6,700 horsepower (6,250 KVA 0.9PF) generating unit; a substation; 26.23 miles of transmission line; a tailrace and other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is August 24, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5844; Filed, July 15, 1959; 8:45 a.m.]

[Docket No. G-18280]

PLATEAU NATURAL GAS CO.

Notice of Application

JULY 10, 1959.

Take notice that Plateau Natural Gas Company (Plateau), a Colorado corporation, address P.O. Box 1219, Colorado Springs, Colorado, filed on April 9, 1959, an application, which was supplemented on May 11, 1959, for an order of the Commission directing Colorado Interstate Gas Company to establish a physical connection of its transportation facilities with proposed facilities of and sell natural gas to Plateau for distribution in the Black Forest area, in El Paso County, Colorado.

Plateau desires to secure gas immediately from Colorado Interstate Gas Company and estimates that by 1962 for this area its annual requirements will be 90,019 Mcf with a maximum day requirement of 945 Mcf.

The estimated cost of the distribution system is $171,982, to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 10, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5845; Filed, July 15, 1959; 8:45 a.m.]

[Docket No. G-17859]

WESTERN KENTUCKY GAS CO.

Notice of Application

JULY 10, 1959.

Take notice that Western Kentucky Gas Company (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on February 17, 1959, which was supplemented on March 9, 1959, pursuant to section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish an additional physical connection of its transmission system with the facilities of Western, and to sell natural gas to enable Western to render natural gas service in the community of Symsonia, Kentucky, as more fully described in the application and supplement thereto, which are on file with the Commission and open to public inspection.

The application states that the town of Symsonia consists of about 128 residences and small commercial establishments. Western proposes to construct and operate a natural gas distribution system in the town which is about four miles from the Texas Gas main 26 inch pipeline. Applicant states it will construct and operate the line connecting Texas Gas System to Symsonia.

Facilities are stated principally to consist of 28,500 feet of 2-inch pipeline, and are estimated to cost $60,000 of which the residents of Symsonia have agreed to provide $34,000. The balance of $26,000 is to be paid by Western through retained earnings and short term bank loans.

Applicant estimates the natural gas requirement in Symsonia as follows:

Year of service	Number of customers	Peak day	Annual
1	64	126	8,844
2	84	166	11,577
3	100	198	13,788
4	116	230	16,119
5	128	255	17,928

On March 17, 1959, Texas Gas advised the Commission by its answer to Western Kentucky's proposal that it had no objection to rendering the service upon the terms and conditions set forth in the answer.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5846; Filed, July 15, 1959; 8:45 a.m.]

[Project No. 2197]

YADKIN, INC.

Notice of Application for Amendment of License

JULY 10, 1959.

Public notice is hereby given that Yadkin, Inc., of Badin, North Carolina, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for amendment of the license for waterpower Project No. 2197, located on the lower Yadkin stretch of the Yadkin-Pee Dee River in Stanly, Montgomery, Davidson, and Rowan Counties, North Carolina, to exclude therefrom Article 27 which requires the filing of an application for amendment of the license for the project to include therein the proposed Tuckertown-Badin transmission line or lines.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 10, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5847; Filed, July 15, 1959; 8:45 a.m.]

[Docket No. G-18913]

ATLANTIC REFINING CO.

Order for Hearing and Suspending Proposed Changes in Rates

JULY 9, 1959.

On June 12, 1959, The Atlantic Refining Company (Atlantic) tendered for filing proposed changes in its presently filed rate schedules and Notices of Changes thereto, dated May 14, 1959, for jurisdictional sales of natural gas to El Paso Natural Gas Company (El Paso). The proposed changes, which constitute increased rates and charges effective July 13, 1959,[1] are contained in the following designated filings:

Rate schedule designations:

(1) Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 11.[2]
(2) Supplement No. 5 to Atlantic's FPC Gas Rate Schedule No. 15.[3]
(3) Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 17.[3]
(4) Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 18.[3]
(5) Supplement No. 4 to Atlantic's FPC Gas Rate Schedule No. 19.[3]
(6) Supplement No. 10 to Atlantic's FPC Gas Rate Schedule No. 20.[3]
(7) Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 26.[4]
(8) Supplement No. 17 to Atlantic's FPC Gas Rate Schedule No. 28.[4]
(9) Supplement No. 8 to Atlantic's FPC Gas Rate Schedule No. 39.[5]
(10) Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 139.[6]

In support of each of the proposed ten favored-nation increases, Atlantic cites the favored-nation provisions of the contracts, and states that the contracts were negotiated at arm's-length; the favored-nation pricing arrangement permits initial delivery at a price lower than the contemplated average price for the life of the contract; and such arrangement is economically desirable and in the public interest.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonabe, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Atlantic's FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the designated supplements to Atlantic's FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 13, 1959, and thereafter until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5862; Filed, July 15, 1959; 8:47 a.m.]

[1] The stated effective date is the date proposed by Atlantic.

[2] Rate in effect subject to refund in Docket No. G-16467 (Supp. No. 2). (Also subject to order in Docket No. G-14250.)

[3] Rate in effect subject to refund in Docket No. G-14250 (Supp. No. 4; 3; 5; 3; and 8 to Atlantic's FPC Gas Rate Schedules Nos. 15; 17; 18; 19 and 20, respectively).

[4] Rate in effect subject to refund in Docket No. G-14036 (Supp. No. 5 and 14 to Atlantic's FPC Gas Rate Schedules Nos. 26 and 28, respectively).

[5] Rate in effect subject to refund in Docket No. G-14250 (Supp. No. 7).

[6] Rate in effect subject to refund in Docket No. G-13980 (Supp. No. 1).

[Docket No. G-18259]

KIRBY PETROLEUM CO.

Notice of Application and Date of Hearing

JULY 10, 1959.

Take notice that on April 6, 1959, Kirby Petroleum Company (Applicant) filed in Docket No. G-18259 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Tennessee Gas Transmission Company (Tennessee) from the R. E. Foster Lease in the East Gohlke Field, Victoria County, Texas, covered by a gas sales contract dated April 11, 1955, between Kirby Oil and Gas Company, Applicant's predecessor in interest, and Tennessee, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the reservoir from which production was being obtain has become depleted and that the well on said lease has been plugged and abandoned.

The subject service was originally authorized to Applicant's predecessor on June 25, 1956, in Docket No. G–7182 (Docket Nos. G–6366, et al.).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and Procedure (18 CFR 1.8 or 1.10) on or before August 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5863; Filed, July 15, 1959; 8:47 a.m.]

[Docket No. G–18911, etc.]

MOUND CO. ET AL.

Order For Hearings and Suspending Proposed Changes in Rates [1]

JULY 9, 1959.

In the matters of Mound Company, et al., Docket No. G–18911; Edwin L. Cox, Docket No. G–18912; J. C. Means, Jr., et al., Docket No. G–18914.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate sched. No.	Supp. No.	Purchaser	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—
G–18911	Mound Company, et al.	16	6	Tennessee Gas Transmission Co.	6–10–59	6–11–59	[1] 7–12–59	12–12–59
G–18911	Mound Company, et al.	12	9	Tennessee Gas Transmission Co.	6–12–59	6–15–59	[1] 7–16–59	12–16–59
G–18912	Edwin L. Cox	20	3	Kansas-Nebraska Natural Gas Co., Inc.	6–10–59	6–12–59	[2] 7–13–59	12–13–59
G–18914	J. C. Means, Jr., et al.	1	2	Texas Gas Corporation.	6–10–59	6–15–59	[1] 7–16–59	12–16–59

[1] The stated effective date is the first day after expiration of the required thirty days' notice.
[2] The stated effective date is that proposed by Edwin L. Cox.

In support of the two proposed redetermination rate increases, Mound Company et al. states that the increases are necessary to help offset increased operating expenses and to encourage exploration and development.

Edwin L. Cox, in support of the proposed periodic increase, states that the contract was negotiated at arm's length and that the pricing provisions represent the negotiated contract price.

In support of the proposed redetermination rate increase, J. C. Means, Jr., et al. cites the redetermination clause of the contract and states that the contract was negotiated at arm's length and to disallow the proposed rate would constitute taking seller's property without due process of law.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 6 to Mound Company, et al.'s FPC Gas Rate Schedule No. 16 is hereby suspended and the use thereof deferred until December 12, 1959; Supplement No. 9 to Mound Company, et al.'s FPC Gas Rate Schedule No. 12 is hereby suspended and the use thereof deferred until December 16, 1959; Supplement No. 3 to Edwin L. Cox's FPC Gas Rate Schedule No. 20 is hereby suspended and the use thereof deferred until December 13, 1959; Supplement No. 2 to J. C. Means, Jr., et al.'s FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 16, 1959; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5864; Filed, July 15, 1959; 8:48 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket No. G–18114]

RAYVILLE NATURAL GAS CO., INC.

Notice of Application and Date of Hearing

JULY 10, 1959.

Take notice that on March 18, 1959, Rayville Natural Gas Company, Inc., Operator (Applicant) filed in Docket No. G–18114 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Trunkline Gas Company (Trunkline) from certain wells located in the Rayville Field, Richland Parish, Louisiana, covered by a gas sales contract dated August 1, 1957, between Trunkline and W. H. Eddins, S. N. Cerniglia and Ines Gunter, (predecessors of Applicant), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant succeeded to the basic sales contract by instrument of assignment dated April 1, 1958, and said contract is presently on file with the Commission as Rayville Natural Gas Company, Inc., (Operator) et al., FPC Gas Rate Schedule No. 1.

Applicant states that the increase of salt water has made commercial production of gas impossible and that the drilling of new wells is unwarranted because of the presence of salt water.

Applicant's notice to Trunkline of cancellation has been designated as Supplement No. 4 to Rayville Natural Gas Company, Inc. (Operator) et al., FPC Gas Rate Schedule No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 18, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 7, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5865; Filed, July 15, 1959; 8:48 a.m.]

[Docket No. G–16602]

UNION OIL COMPANY OF CALIFORNIA

Order for Hearing, Suspending Proposed Change in Rate and Allowing Changed Rate To Become Effective

JULY 9, 1959.

Union Oil Company of California (Union), on June 9, 1959, tendered for filing a proposed change in its presently effective rate schedule [1] for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 8, 1959.

Purchaser: Tennessee Gas Transmission Co.

Rate schedule designation: Supplement No. 6 to Union's FPC Gas Rate Schedule No. 7.

Effective date: July 10, 1959 (effective date is the first day after the required thirty days' notice).

The subject filing provides for the change in Louisiana taxes from gathering to severance tax and reflects Union's interpretation of the tax clause of the basic contract. The purchaser has protested this interpretation. Moreover, the present rates sought to be changed have been suspended and are in effect subject to refund.[1]

The increased rate and charge so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Union be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Union's FPC Gas Rate Schedule No. 7.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until July 11, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the above-designated supplement shall be effective on July 11, 1959: *Provided, however,* That within 20 days from the date of this order Union shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Union shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Union until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Union so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sale to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Union shall execute and file in triplicate with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of Union Oil Company of California To Conform With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued July 9, 1959, in Docket No. G–16602, Union Oil Company of California hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

UNION OIL COMPANY OF CALIFORNIA,
By _____

Attest:

_____

As a further condition of this order Union shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Union is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Union shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5866; Filed, July 15, 1959; 8:48 a.m.]

[1] Supplement No. 4 to Union's FPC Gas Rate Schedule No. 7 previously suspended in this docket and presently in effect subject to refund.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY REGIONAL ADMINISTRATOR, REGION II (PHILADELPHIA)

Delegation of Authority To Serve as Acting Regional Administrator

The Deputy Regional Administrator of the Housing and Home Finance Agency, Region II, Philadelphia, Pennsylvania, is hereby authorized during the vacancy in the position of Regional Administrator, Region II, to serve as Acting Regional Administrator and to take all actions authorized to be taken by the Regional Administrator with respect to matters within Region II, Philadelphia, Pa.

(Reorg. Plan 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C., 1952 ed. 1701c; Reorg. Order 1, 19 F.R. 9303–5 (Dec. 29, 1954))

Effective as of the 7th day of July 1959.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 59–5867; Filed, July 15, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

JULY 10, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On June 30, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending July 10, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2–2 (17 CFR 240.15c2–2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 11, 1959 to July 20, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–5850; Filed, July 15, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–V–1 (Revision 1), Amdt. 2]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating To Financial Assistance Functions

Delegation of Authority No. 30–V–1 (Revision 1), as amended, (23 F.R. 3085, 24 F.R. 3554) is hereby further amended by deleting Part II in its entirety and substituting the following in lieu thereof:

II. The specific authority in subsections I.A 5, 13, 14 (a) through (e), 15 (c), (d), (h) and (i), 16 (e) through (h), 17 through 22, 26, 27 may not be redelegated.

Dated: April 20, 1959.

JAMES F. HOLLINGSWORTH,
Regional Director, Region V, Atlanta, Ga.

[F.R. Doc. 59–5851; Filed, July 15, 1959; 8:46 a.m.]

[Delegation of Authority 30–V–10 (Revision 1)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance Functions

1. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30–V–1 (Revision 1), as amended (23 F.R. 3085, 24 F.R. 3554), and further amended April 20, 1959, there is hereby redelegated to the Chief, Loan Administration Section, the following authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations set forth in SBA–500, Financial Assistance Manual, in the administration, collection, and orderly liquidation of all business and disaster loans, except those classified as "problem loans" or "in liquidation";

1. Approve, after partial or final disbursement, the salary of new employees, not to exceed $10,000 per annum.

2. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

3. Carry loans which are delinquent or past-due in such status for not more than three (3) months.

4. Waive amounts due under net earnings clause.

5. Approve requests to exceed fixed assets limitations and waive violations of this limitation.

6. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel and waivers of violation of salary and bonus limitations, provided the Chief, Loan Administration Section considers the bonuses and/or salary to be paid reasonable, and any such payment will not impair the borrower's cash position and the loan is current in all respects at the time payment is made.

7. Approve or reject substitutions of accounts receivable and inventories.

8. Release or consent to the release of inventories, accounts receivable, cash collateral or other personal property, held as collateral on loan, including the release of all collateral when loan is paid in full.

9. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release of insurance funds covering loss or damage to property securing the loans and to surrender expired hazard insurance policies.

10. Release, or approve the release of, real or personal property securing a loan for the purpose of sale, provided the sale proceeds are applied as a principal payment on the loan in inverse order of maturity; release or approve the release of machinery and equipment, furniture and fixtures, securing a loan for the purpose of allowing borrower to trade the property for other machinery or equipment, furniture and fixtures, useful in the operation of borrower's business, provided the newly acquired property is hypothecated to secure the loan subject only to purchase money lien, if any exists.

11. Administer fisheries' loans within the same authority delegated herein with respect to SBA loans.

Administrative. 12. Approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy, routine correspondence relating to the loan administration functions of the regional financial assistance program, except Congressional correspondence and correspondence with borrowers or guarantors containing any threat of legal action.

II. The specific authority delegated herein may not be redelegated, with the exception of IB.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section, Financial Assistance Division.

IV. All previous authority delegated to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: May 25, 1959.

GEORGE H. GAFFNEY,
Chief, Financial Assistance Division.

[F.R. Doc. 59–5852; Filed, July 15, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35541: *Scrap iron and steel—Muskegon, Mich., to Buffalo, N.Y.* Filed by O. E. Schultz, Agent (ER No. 2502), for interested rail carriers. Rates on scrap iron or steel (not copper clad), having value for remelting purposes only, carloads from Muskegon, Mich., to Buffalo, N.Y.

Grounds for relief: Competition of carriers via water over the Great Lakes.

Tariff: Supplement 42 to Grand Trunk Western Railroad Company tariff I.C.C. A–100.

FSA No. 35542: *Pipe or tubing—South Pacific coast to Texas points.* Filed by Trans-Continental Freight Bureau, Agent (No. 361), for interested rail carriers. Rates on pipe or tubing, plate or iron or steel, carloads, as described in the application from points in Arizona, California, Nevada, New Mexico, Oregon and Utah to Breckenridge, Tex., and six other points in Texas named in the application.

Grounds for relief: Maintenance of commodity rates through points in intermediate territory to which higher commodity rates are maintained account of abandonment and adoption proceedings involving change in routes.

Tariff: Supplement 14 to Trans-Continental Freight Bureau tariff I.C.C. 1612.

FSA No. 35543: *Iron and steel articles—Bethlehem, Pa., to Sparrows Point, Md.* Filed by O. E. Schultz, Agent (ER No. 2503), for interested rail carriers. Rates on iron and steel articles, manufactured and semi-finished, carloads, in multiple car lots from Bethlehem, Pa., to Sparrows Point, Md.

Grounds for relief: Private motor truck competition.

Tariff: Reading Company tariff I.C.C. 2410.

FSA No. 35544: *Cement from and to points in the West.* Filed by Western Trunk Line Committee, Agent (No. A–2072), for interested rail carriers. Rates on cement, concrete mixture, dry building mortar and related articles, carloads from points in states in western trunk-line and Illinois territories to points in states in western trunk-line and Illinois territories.

Grounds for relief: Short-line distance formulas. Motor truck competition.

Tariffs: Supplement 55 to Western Trunk Line tariff I.C.C. A–4188. Supplement 41 to Western Trunk Line tariff I.C.C. A–4189.

FSA No. 35545: *Cement and related articles in Illinois territory.* Filed by Western Trunk Line Committee, Agent (No. A–2073), for interested rail carriers. Rates on cement, concrete mixture, dry building mortar, and related producing points in Illinois, Iowa, Missouri and Wisconsin to specified points in Illinois, Iowa, Indiana, Kentucky, Missouri, and Wisconsin, in Illinois territory.

Grounds for relief: Short-line distance formulas.

Tariff: Supplement 55 to Western Trunk Line Committee tariff I.C.C. A–4188.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–5853; Filed, July 15, 1959; 8:46 a.m.]

[Notice 151]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 13, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62224. By order of July 9, 1959, the Transfer Board approved the transfer to McDermott Bus Corp., of Flushing, N.Y., of Certificate No. MC 115521 Sub 1 issued May 28, 1958, to Star Bus Lines, Inc., of Bellmore, N.Y., authorizing the transportation over irregular routes, of passengers and their baggage, restricted to traffic originating at the point indicated, in seasonal charter operations, during the season extending from the 15th day of May to the 1st day of October, both inclusive, of each year, from New York, N.Y., to points in Connecticut, New Jersey, New York, and Pennsylvania, and return. Sidney J. Leshin, 58 West 40th Street, New York, N.Y., for transferee and Harold J. Cloutman, 124 28th Avenue, Flushing 54, N.Y., for transferor.

No. MC–FC 62231. By order of July 9, 1959, the Transfer Board approved the transfer to Walter Baker Trucking Corp., Brooklyn, N.Y., of Permit No. MC 79013 Sub 3, issued March 27, 1959, to Walter Baker, Walter Stanley Bortko, Executor, doing business as Arrow Transportation Co., Brooklyn, N.Y., authorizing the transportation of: Brick, from Roseton (Orange County), N.Y., to New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in Connecticut and New Jersey; and empty pallets and damaged or returned shipments of brick, from the above-specified destination points to Roseton (Orange County), N.Y., limited to a transportation service to be performed under a continuing contract or contracts, with Jova Brick Works, New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC–FC 62302. By order of July 9, 1959, the Transfer Board approved the transfer to Vorden D. Cordell and Pauline Cordell, a partnership, doing business as Cordell Truck Line of Gardner, Kansas, of Certificate No. MC 45934 issued April 23, 1957, to George J. Jensen, doing business as George J. Jensen Truck Line of Gardner, Kansas, authorizing the transportation, over regular routes, of livestock and seed, from Edgerton, Kans., to Kansas City, Mo., serving the intermediate and off-route points within 12 miles of Edgerton, Kans., restricted to pick-up only; and livestock, feed, and fertilizer, from Kansas City, Mo., to Edgerton, Kans., serving the intermediate and off-route points within 12 miles of Edgerton, Kans., restricted to delivery only. Townsend, Jandera & Hope, 641 Harrison Street, Topeka, Kans., for applicants.

No. MC–FC 62317. By order of July 9, 1959, the Transfer Board approved the transfer to Frank Andrew Kahanic and Reeta Eva Kahanic, a partnership, doing business as Kahanic Trucking Co., of Downey, Calif., of Certificate No. MC 96623 issued June 6, 1952, in the name of Earl L. Wilson, William J. Wilson, Gertrude E. Wilson, and Madoline L. Wilson, a partnership, doing business as Pony Express Fast Freight of Huntington Park, Calif., authorzing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, from points in the Los Angeles, Calif., Commercial Zone, as defined by

the Commission, to the ports of Wilmington and Terminal Island, Calif., restricted to shipments moving to the territories and possessions of the United States. Frank Kahanic, 9329 South Paramount Boulevard, Downey, Calif., for applicants.

No. MC-FC 62324. By order of July 9, 1959, the Transfer Board approved the transfer to Florence Benowitz, doing business as Sam Benowitz Trucking of Lodi, N.J., of Certificates Nos. MC 95990 and MC 95990 Sub 1, issued June 20, 1942 and January 1, 1943, respectively, to Sam Benowitz, doing business as Sam Benowitz Trucking of Lodi, N.J., authorizing the transportation of dresses, over regular routes, between Lodi, N.J., and New York, N.Y.; materials and trimmings for dresses, from New York to Lodi, N.J.; and wearing apparel, and cut or uncut goods, trimmings, buttons, clips, clasps, and other articles, only when such articles are utilized in the manufacture of wearing apparel, being transported or to be transported, over irregular routes, between New York, N.Y., and Passaic and Paterson, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., for transferee and Macy Davidson, 140 Park Avenue, E. Rutherford, N.J., for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5854; Filed, July 15, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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FEDERAL REGISTER

VOLUME 24 NUMBER 139

Washington, Friday, July 17, 1959

Title 3—THE PRESIDENT

Executive Order 10828

DESIGNATING THE AIRPORT BEING CONSTRUCTED IN THE COUNTIES OF FAIRFAX AND LOUDOUN IN THE STATE OF VIRGINIA AS THE DULLES INTERNATIONAL AIRPORT

WHEREAS there is now being constructed in the counties of Fairfax and Loudoun in the State of Virginia, pursuant to an act of Congress approved September 7, 1950 (Public Law 762; 64 Stat. 770), an international airport which will provide facilities for the District of Columbia and its vicinity; and

WHEREAS it is desirable that this airport be given an appropriate and significant name; and

WHEREAS the public service of John Foster Dulles, the renowned diplomat and statesman, was dedicated in large measure to the ideals of democracy and the cause of freedom and peace throughout the world; and

WHEREAS it is fitting that the international airport being built to serve our Nation's Capital should bear the name of this distinguished American whose memory is revered wherever men cherish democracy and freedom:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby designate the airport now being constructed in the counties of Fairfax and Loudoun in the State of Virginia, pursuant to the above-mentioned act of Congress, as the Dulles International Airport; and such airport shall hereafter be known and referred to by that name.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 15, 1959.

[F.R. Doc. 59-5941; Filed, July 16, 1959; 10:17 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 27]

PART 927—MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Order Amending Order

§ 927.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which af-

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FEDERAL REGISTER

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fect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 8, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 9, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Amend § 927.42 by deleting transportation differential rates set forth in Column B of the schedule therein and by substituting the following new rates in Column B:

A Freight zone	B Classes I–A, I–B and skim milk subject to the fluid skim differential
	Cents per hundredweight
Miles:	
1–10	+24.0
11–20	+22.8
21–25	+21.6
26–30	+21.6
31–40	+20.4
41–50	+19.2
51–60	+18.0
61–70	+16.8
71–75	+15.6
76–80	+15.6
81–90	+14.4
91–100	+13.2
101–110	+12.0
111–120	+10.8
121–125	+9.6
126–130	+9.6
131–140	+8.4
141–150	+7.2
151–160	+6.0
161–170	+4.8
171–175	+3.6
176–180	+3.6
181–190	+2.4
191–200	+1.2
201–210	+0.0
211–220	−1.2
221–225	−2.4
226–230	−2.4
231–240	−3.6
241–250	−4.8
251–260	−6.0
261–270	−7.2
271–275	−8.4
276–280	−8.4
281–290	−9.6
291–300	−10.8
301–310	−12.0
311–320	−13.2
321–325	−14.4
326–330	−14.4
331–340	−15.6
341–350	−16.8
351–360	−18.0
361–370	−19.2
371–375	−20.4
376–380	−20.4
381–390	−21.6
391–400	−22.8
401 and over	−24.0

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 14th day of July 1959, to be effective on and after the 1st day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–5898; Filed, July 16, 1959; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7437 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Fulton Tool Co. and Edwin E. Rothchild

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Edwin E. Rothchild trading as Fulton Tool Company, Brooklyn, N.Y., Docket 7437, June 13, 1959]

In the Matter of Edwin E. Rothchild, an Individual Trading as Fulton Tool Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Brooklyn, N.Y., with selling to distributors and dealers for resale to the public without disclosure of their secondhand nature, used files which he purchased and reconditioned so that they appeared to be new.

Based on an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Edwin E. Rothchild, an individual, trading as Fulton Tool Company, or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of reconditioned second hand or used files, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing such files without clearly and conspicuously marking them with the words "reconditioned" or "rebuilt" or some other word or words of similar import, in such a manner that such markings cannot be readily obliterated.

2. Representing in any manner that such files are new.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–5886; Filed, July 16, 1959; 8:46 a.m.]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Correction

In F.R. Document 59–4346, appearing in the issue for Tuesday, June 2, 1959, at page 4480 make the following changes in § 303.7(l):

1. The heading "*Vinyl*" should read "*Vinal*".

2. In line 5, the formula should read "$(-CH_2-CHOH-)$".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—AIRCRAFT

PART 822—USE OF AIR FORCE INSTALLATIONS BY OTHER THAN AIR FORCE AIRCRAFT

In Part 822, §§ 822.1 to 822.13 are deleted and the following substituted therefor:

Sec.

822.1 Purpose.
822.2 Definitions.
822.3 Conditions under which AF installations may be used.
822.4 Cooperating with customs, immigration, and health authorities.
822.5 Type and amounts of insurance required.
822.6 How to request permission for civil use of landing facilities.
822.7 How to request permission for foreign military use of landing facilities.
822.8 How to obtain clearance from foreign governments.
822.9 Aircraft demonstrations.
822.10 Who must execute AF Forms 180 and 181.
822.11 Who may approve landings of civil aircraft.
822.12 Who may approve landings of aero club aircraft.
822.13 How to apply for permission to use real property.
822.14 Fees for landing, parking, leasing, and storage.
822.15 Aviation fuels and oils.
822.16 Where AF Forms 180 and 181 may be obtained.
822.17 Reporting violations.

AUTHORITY: Sections 822.1 to 822.17 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 49 U.S.C. 1507–1508.

SOURCE: AFR 55–20, February 26, 1959.

§ 822.1 Purpose.

This part establishes the responsibilities and describes the procedures for use of Air Force installations by other than Air Force aircraft under the authority of the Federal Aviation Act of 1958 (sections 1107 and 1108 (72 Stat. 798)).

§ 822.2 Definitions.

For the purpose of this part, certain terms are defined as follows:

(a) *Installation.* A separately located and officially defined area of real property in which the Air Force exercises a real property interest and which has been designated as an Air Force installation by Headquarters USAF; or where the Air Force has jurisdiction over real property agreement, expressed or implied with foreign governments, or by rights of occupation.

(b) *Civil airport.* A nonmilitary airport, the operation of which is not under exclusive operational control of the Air Force.

(c) *Regular airport.* An airport used as a regularly scheduled stop by certified air carriers.

(d) *Provisional airport.* An airport approved for the purpose of providing adequate service to a community when, because of repair, construction or the performance of other work, the regular

airport serving that community is not available for an extended period. (Planes may be dispatched.)

(e) *Alternate airport.* An airport specified in the flight plan, to which an aircraft may proceed when a landing at the point of first intended landing becomes impractical. (Planes may not be dispatched.)

(f) *Civil aircraft.* Aircraft (domestic or foreign) operated by private individuals or corporations of any national registry and foreign government-owned commercial aircraft in other than military or government operations.

(g) *Military aircraft.* Aircraft operated by the military agencies of any government.

(h) *Contract aircraft.* Civil aircraft operated under contract to any department of the U.S. Government and under operational control of that department.

(i) *Charter aircraft.* Civil aircraft operated under agreement with any department of the U.S. Government. The agreement for single or multiple trips may be either oral or written. Charter aircraft may or may not be under the operational control of the Government department consummating the agreement.

(j) *Government aircraft.* Aircraft owned or operated by any government, when not used as military or commercial aircraft.

(k) *Authorized supplier.* A commercial petroleum company doing business in the United States or Territories which has an agreement with the Air Force to guarantee payment for aircraft fuel and oil furnished by the Air Force to civil aircraft authorized to use Air Force bases.

(l) *Surety bond.* A bond, satisfactory to the U.S. Government contracting officer, guaranteeing payment for emergency maintenance, supplies, and services (except petroleum products).

(m) *User.* An individual, corporation, or company, named in AF Form 180, Hold Harmless Agreement, AF Form 181, Aircraft Permit, and the "Certificate of Insurance."

§ 822.3 Conditions under which AF installations may be used.

Air Force installations are established to support the operation of aircraft of the USAF. AF facilities, personnel, and material are maintained only to the extent required for use by the AF. However, nothing in this part will be interpreted to prohibit any aircraft from landing at any AF installation in case of emergency.

(a) Aircraft other than those belonging to the U.S. Government may use AF installations, if necessary, provided that:

(1) They do not interfere with military requirements, and the security of AF operations, facilities, or equipment is not compromised.

(2) No adequate civil airport is available. (Exception to this provision may be made when the aircraft is operated in connection with official Government business.)

(3) Pilots comply with regulations promulgated by Hq USAF and the commander of the installation.

(4) Civil aircraft users assume the risk in accordance with the provisions of AF Form 180.

(b) When a specific agreement authorized by Hq USAF, provides for joint civil and military use of an AF installation, the terms of that agreement will take precedence over the provisions of this part.

(c) For diplomatic agreements and clearances (overseas), the provisions of this part are subject to the provisions of diplomatic agreements and service-to-service arrangements will govern. This part will be used as a guide in negotiating agreements, at the local level, with representatives of a foreign military service concerning the use of AF installations by other than AF aircraft. Approval will be obtained from the Director of Operations, Hq USAF, for proposed terms which are in conflict with this part.

(d) Aircraft being produced for the AF under contract may use AF installations for testing and experimental purposes, if the contract so provides. The user will be required to execute AF Form 180 and furnish certificate of insurance as provided in this part.

(e) Contract and charter carriers may use AF installations when the carriers are identified by a certificate issued by the appropriate Government contracting agency. The user will be required to execute AF Forms 180 and 181, and furnish a certificate of insurance in accordance with this part.

§ 822.4 Cooperating with customs, immigration, and health authorities.

In connection with the arrival and departure of aircraft, commanders of AF installations will cooperate with local customs, immigration, health, and other public authorities. Mutually acceptable procedures will be made standard at the installation concerned, and clearance for takeoff will not be issued until all requirements have been met. The user of an installation will be responsible for:

(a) Complying with laws and regulations administered by the public authorities;

(b) Paying fees, charges for overtime services, and all other costs arising out of the administration of those laws.

§ 822.5 Types and amounts of insurance required.

To use AF installations, owners or operators of all aircraft, except those listed in § 822.14(a) (1), (2), (3), (4), and (10) must keep in force aircraft liability insurance at their own expense. Policies will be carried with a company or companies authorized by law to write the coverage required in paragraphs (a) through (e) of this section. In lieu of this insurance, proof of qualification as a self-insurer may be submitted to the Director of Operations, Hq USAF, for approval.

(a) Privately-owned commercially-operated aircraft used for cargo carrying only, aircraft produced under contract, and aircraft being ferried, will be insured for:

(1) Public bodily injury liability—A minimum of $50,000 for each person in any one accident with a minimum of $500,000 for any one accident;

(2) Public property damage liability—A minimum of $500,000 for each accident.

(b) Privately-owned commercially-operated aircraft used for carrying passengers or both passengers and cargo, in addition to the amounts required in paragraph (a) of this section will be insured for: Passenger bodily injury liability with a minimum limit of $50,000 for each passenger, and subject to that limit for each passenger, a minimum limit for each accident in any one aircraft equal to the total amount produced by multiplying the $50,000 limit stipulated for each passenger by a full number not less than 75 percent of the total number of seats in the aircraft or 75 percent of the total number of passengers carried, whichever is greater. (Exclusive of crew.)

(c) Privately-owned noncommercial aircraft will be insured as required by paragraphs (a) and (b) of this section except that for aircraft of less than 12,500 pounds certified maximum gross takeoff weight, the minimum coverage will be:

(1) Public bodily injury liability—$200,000;

(2) Public property damage liability—$150,000 for each accident;

(3) Passenger bodily injury liability for each accident in any one aircraft—$50,000 times the maximum number of persons certified to be carried on board (including pilot and crew).

(d) All policies will provide specifically, by indorsement or otherwise:

(1) For waiver of any right of subrogation the insurance company may have against the United States by reason of any payment under the policy for damage or injury arising out of or in connection with the insured's use of any AF installation or his purchase of services or supplies from the AF.

(2) That the provisions will be in full force and effect within the country or countries where the AF bases to be used by the insured are located.

(3) That, notwithstanding any exclusion(s), the coverage applies to the liability assumed by the insured under AF Form 180.

(4) That, in the event of cancellation or material change in policy coverage, the insurer will give 30 days prior written notice to: Hq USAF (AFOOP), Washington 25, D.C.

(e) Each applicant will furnish a Certificate of Insurance (in lieu of the insurance policy) executed by the insurer. It must contain the following data:

(1) Date of issue.

(2) Name and address of insurer.

(3) Name and address of insured ("User," see § 822.2(m)).

(4) Policy number(s).

(5) Effective dates: from ---------- to ----------.

(6) Limits of liability:

(i) Public bodily injury liability (excluding passenger), with limits for each person and each accident,

(ii) Passenger bodily injury liability, with limits for each passenger and each accident.

(7) List of aircraft, or a statement that all aircraft owned and/or operated by the insured are covered by the policy.

(8) Waiver of right or subrogation against the United States.

(9) Geographical limits (State and/or country) within which the policy applies.

(10) Waiver of exclusion clauses.

(11) Thirty days prior written notice agreement before the insurance can be canceled.

(12) Name of insurer and signature of office or authorized representative.

§ 822.6 How to request permission for civil use of landing facilities.

(a) Requests to use one AF installation for a one-time landing, for both official or unofficial business or for repeated landings on official Government business, may be made to the commander of the installation concerned.

(b) Requests to use more than one installation on official Government business and/or for repeated landings at one or more installations not in connection with official Government business, will be made to the Director of Operations, Hq USAF.

(c) Request to use an active AF installation overseas may be submitted either to the Director of Operations, Hq USAF, the installation commander, or to the appropriate USAF air attache. (See § 822.11.)

(d) All requests to use inactive installations will be sent direct to the Director of Operations, Hq USAF.

(e) Each request will be made by letter and will be accompanied with one copy of a current certificate of insurance (§ 822.5(e)), two copies of a completed AF Form 180, and four copies of AF Form 181 (only two copies if for a one-time landing approved by the base commander). The AF Form 181 will show:

(1) Name and location of AF installations and facilities to be used.

(2) Type of operation (tourist, survey, charter, revenue, nonrevenue, or other) and whether the facility is to be used as a regular, provisional, or alternate airport as defined in § 822.2.

(3) Details of proposed flights, including dates, purpose, routes, number, and frequency. If official Government business is indicated, detailed justification must be provided.

(4) Name and address of user and of registered owner of aircraft. (See § 822.2.)

(5) Country of registry, name of manufacturer, and type of aircraft.

(6) Model, serial number, registry number, identification mark of aircraft.

(7) Date of issue of FAA or other aeronautical authority aircraft airworthiness certificate.

(8) Passenger capacity. (For aircraft under 12,500 pounds, the capacity means the total number of persons on board including pilot and crew. For aircraft 12,500 pounds, or over, it means the number of passenger seats.)

(9) Maximum takeoff gross weight permitted by the appropriate aeronautical authority of the country of manufacture.

(10) Name and address of authorized supplier, and/or the company issuing surety bond. If none, so state. (See § 822.2 (k) and (l).)

(11) Typed name, title, and address, of individual or certified authorized company representative, and his signature.

(f) In lieu of paying cash for aviation fuels and oils, the following will be furnished:

(1) A letter from the authorized supplier, who guarantees payment to the AF for all petroleum products furnished the applicant. The office that approves AF Form 181 will retain one copy of the letter, send one to the Director of Operations, Hq USAF, and another to: Middletown AMA, Olmsted AFB, Pa.

(2) If designated on AF Form 181, a letter from the United States contracting officer certifying to the validity and adequacy of a surety bond. (See § 822.2 (l).) This will substantiate the guarantee of payment to the AF for emergency maintenance, supplies, and services (except petroleum products) furnished to an applicant rendering services to the U.S. Government. The base commander who approves AF Form 181 will retain the contract officer's letter.

§ 822.7 How to request permission for foreign military use of landing facilities.

Foreign military aircraft, operated on official business, required to use AF installations for one-time or repeated landings in the United States and Canal Zone will be considered under the same conditions set forth in § 822.3(a) and §§ 805.1 to 805.13 of this chapter. Each request must be submitted in writing at least 10 days in advance to the Foreign Liaison Branch, Assistant Chief of Staff, Intelligence, Hq USAF, through the air attache of the country concerned, with concurrent request to the Secretary of State. Each request will include:

(a) Name(s) of Air Force installation(s) required to be used.

(b) Nationality of requester.

(c) Pilot's name and grade.

(d) Name of persons on board.

(e) Type and serial number(s) of aircraft.

(f) Itinerary.

(g) Accommodations, supplies, etc., required.

(h) Payment for fuel.

(i) (No) Distinguished Visitor(s) will be on board (no) honors desired.

(j) (No) Other nationalities on board.

Upon determination that the aircraft and personnel can be accomodated at the AF installation, a USAF Landing Authorization Number will be assigned by the Assistant Chief of Staff, Intelligence, Hq USAF. This number will be cited in all matters pertinent to the operation. (Exception to this procedure will be by direction of the Assistant Chief of Staff, Intelligence, and implemented by the Director of Operations, Hq USAF.)

§ 822.8 How to obtain clearance from foreign governments.

In accordance with other current AF directives, and FAA regulations governing the flights of aircraft, operators of both civil and military aircraft must obtain appropriate clearance before each flight or series of flights over foreign sovereign territories, including that in which the installation is located. They also must obtain concurrent approval from the United States Department of State or the appropriate United States diplomatic representative in the countries concerned. (See § 822.3(c).)

§ 822.9 Aircraft demonstrations.

This section applies to the various aircraft manufacturing corporations and companies.

(a) The manufacturers of aircraft may use AF installations in demonstrating and/or showing aircraft to military and civilian personnel of the Defense Establishment, the Federal Aviation Agency, members of Congress, and officials of the Executive Department, U.S. Government, when:

(1) It is determined to be in the best interest of the Government.

(2) The aircraft was produced in accordance with Government specifications either with or without the aid of Federal funds.

(3) There is a procurement interest on the part of the Government.

(4) Major air commanders express an interest and request a showing and/or demonstration.

(5) There is an expressed interest on the part of Government officials responsible for procurement, approval, or certification of the aircraft.

(b) Landing and parking fees will be waived when civil aircraft use AF installations in accordance with paragraph (a) of this section. Base commanders are authorized to approve such use, provided that the user complies with § 822.10.

§ 822.10 Who must execute AF Forms 180 and 181.

Each applicant for use of an AF installation, except those listed in § 822.14(a), (1), (2), (3), (4), and (10), will be required to execute AF Forms 180 and 181, and furnish a certificate of insurance, before approval for the use of an AF installation can be given. In case of unauthorized landings see § 822.11(c). (For production aircraft see § 822.3(d)).

(a) AF Form 180 must be filled out in duplicate. Once executed, it is valid indefinitely.

(b) AF Form 181 is to be filled out in quadruplicate, but it will not be approved and signed by the AF representative until AF Form 180 has been executed and a certificate of insurance presented which provides evidence of minimum insurance coverage required by this part. It will be validated for the period the use of the installation is required, or for the period of current insurance coverage, but in no event will it be approved to expire the day of or beyond the insurance termination. This permit, or a certified or photostatic copy thereof, must be carried in the aircraft at all times and shown to the appropriate base official upon landing.

§ 822.11 Who may approve landings of civil aircraft.

(a) Subject to the provisions of specific agreements, evidence of insurance coverage, and the execution of AF Forms 180 and 181, the commander of an active AF installation may approve or disapprove:

(1) All one-time landings by civil aircraft at his installation.

(2) Repeated landings by civil aircraft on official Government business at or in the immediate vicinity of the installation.

(b) Subject to the provisions of paragraph (a) of this section, as well as to prior approval of the installation commander, a USAF air attache may approve one-time landings by operators of civil aircraft at an oversea installation. After approval of the permit, the USAF air attache will send documents of the approved flight to the commander of the installation(s) concerned. Requests submitted to the USAF air attache for repeated landings will be forwarded to the Director of Operations, Hq USAF, together with data required by § 822.6.

(c) If a civil aircraft lands without prior authorization, the base commander will request the aircraft operator to execute AF Forms 180 and 181. Under these circumstances, the local commander may sign the Aircraft Permit (AF Form 181) on behalf of the AF, but a statement explaining why a landing without prior authorization was necessary must be included on the back of AF Form 181. (See § 822.17.)

(d) Where civil aircraft are permitted to use an installation, the installation will maintain appropriate records. These records will include copies of AF Forms 180 and 181 executed at the installation, together with insurance certificates provided by the user. When permits are approved for more than one landing in accordance with paragraph (a)(2) of this section, copies of all related documents will be forwarded through military channels to the Director of Operations, Hq USAF.

(e) When the AF does not have exclusive operational control over a landing area, the aircraft operator will obtain permission to land from the appropriate civil authority. In such a case, the provisions of this part do not apply and AF Forms 180 and 181 are not required.

§ 822.12 Who may approve landings of aero club aircraft.

Commanders of active AF installations may approve or disapprove landings by aircraft of Air Force Aero Clubs that are established and organized in accordance with current AF regulations. The same prerogative may be extended to Aero Club aircraft of other military services provided that the sponsoring club is organized as a sundry fund activity and operated as an instrumentality of the Federal Government. Such organizations are provided insurance coverage as outlined in §§ 836.161 to 836.165 of this chapter and AF Forms 180 and 181 are not required. Aero Clubs organized as private associations are not afforded this insurance and must comply with all provisions of this part as applicable to civilian aircraft.

§ 822.13 How to apply for permission to use real property.

If an applicant wishes to use real estate or real property at an AF installation, in connection with his landing permit, he must submit a separate request to the base commander.

§ 822.14 Fees for landing, parking, leasing, and storage.

(a) For the use of his facilities, the commander of an installation will collect fees from all users except:

(1) Military aircraft of the United States or foreign governments not engaged in commercial activities.

(2) Aircraft owned and operated by departments or agencies of the U.S. Government.

(3) Aircraft owned and operated for noncommercial purposes by agencies of foreign governments, except in cases where the foreign government charges fees for U.S. Government aircraft.

(4) Aircraft owned and operated by States, counties, or municipalities of the United States.

(5) Cargo or passenger aircraft under charter or contract to the U.S. Government, when identified by a certificate issued by the contracting agency.

(6) Aircraft under production by U.S. Government contract. (See § 822.3(c).)

(7) Aircraft owned and operated by military and auxiliary personnel (Civil Air Patrol, Air Force Reserve, Air National Guard, Air Force Reserve Officers' Training Corps), either retired or on active duty, unless the aircraft are used for commercial purposes.

(8) Private aircraft operated in connection with official Government business in the immediate vicinity of the installation.

(9) Aircraft used for training operators in the use of ground controlled approach or instrument landing system, etc.

(10) Aircraft operated by Air Force Aero Clubs established in accordance with the provisions of current AF regulations and Aero Clubs of other military services which are organized as sundry fund activities and operated as instrumentalities of the Federal Government.

(b) Landing and parking fees are based on frequency of operations and on the maximum gross takeoff weight which the appropriate aeronautical authority authorized for the aircraft. Consult the maximum gross takeoff weight tables approved by the FAA. They appear in the current aircraft operator's manual and on the airworthiness certificate issued by FAA. If the weight cannot be determined, estimate it from the best information available. Fees will be calculated on weights computed to the nearest 1,000 pounds.

(c) Fees to be charged at all active and inactive AF installations are as follows: (If an aircraft lands without prior authorization except in an emergency, the amount of the fee collected will be double the applicable fee, to take care of the special handling.)

(1) Landing fees within the continental United States:

	Weight of aircraft	Amount per landing
For first 90 landings per month, per user.	25,000 pounds or less	$2.50.
	Over 25,000 pounds	$2.50, plus 3½ cents per 1,000 pounds in excess of 25,000 pounds.
For next 90 landings per month, per user.	25,000 pounds or less	$1.66⅔.
	Over 25,000 pounds	$1.66⅔, plus 3½ cents per 1,000 pounds in excess of 25,000 pounds.
For landings after the first 180 per month, per user.	25,000 pounds or less	$0.83⅓.
	Over 25,000 pounds	$0.83⅓, plus 3½ cents per 1,000 pounds in excess of 25,000 pounds.

(2) Landing fees outside the continental United States normally will be the same as those at the nearest suitable civil airport within the same country; if the following rates are higher, however, they will be charged:

	Weight of aircraft	Amount per landing
For first 90 landings per month, per user.	10,000 pounds or less	$3.00.
	10,001 pounds to 25,000 pounds	$5.00.
	Over 25,000 pounds	$5.00 plus 15 cents per 1,000 pounds in excess of 25,000 pounds.
For next 90 landings per month, per user.	25,000 pounds or less	$4.00.
	Over 25,000 pounds	$4.00 plus 12 cents per 1,000 pounds in excess of 25,000 pounds.
For landings after the first 180 per month, per user.	25,000 pounds or less	$3.00.
	Over 25,000 pounds	$3.00 plus 10 cents per 1,000 pounds in excess of 25,000 pounds.

(3) Parking fees inside a hangar will be 20 cents per 1,000 pounds, minimum $3 per aircraft, for each 24-hour period or fraction thereof when parking is emergency, temporary, or intermittent and nonexclusive.

(4) Parking fees outside a hangar will be 10 cents per 1,000 pounds, minimum $1 per aircraft for each 24-hour period or fraction thereof; the charge to start 6 hours after the plane lands.

(5) The free storage of airplanes owned and operated, not for profit, by military personnel on active duty may be permitted when facilities are available and storage will not interfere with military operation.

(6) Fees for protracted use by lease of real property, building space, and so forth will be negotiated as provided by current AF directives.

§ 822.15 Aviation fuels and oils.

(a) Commanders may sell aviation fuels and oils:

(1) For cash or on credit to the operators of civil aircraft on official business with the U.S. Government at AF installations in the continental United States and overseas. Credit sales will be made only upon presentation of an approved AF Form 181 which indicates an authorized supplier.

(2) To operators of aircraft (unless used for commercial purpose) owned or operated by agencies of the U.S. Government, States, Territories, or foreign governments for cash or credit in the continental United States and overseas.

(3) To operators of civil aircraft, private or commercial, provided that prior approval is obtained from Hq USAF.

(4) In an emergency, to the operators of any civil aircraft for cash or credit. An emergency supply of aviation fuels and oils will be furnished only to the extent required for the aircraft to reach the nearest commercial airport where the grade of fuel required is available. The amount furnished will be determined by the base commander, based on safe flight requirements.

(5) To Air Force Aero Clubs established in accordance with current AF directives, for cash only, at prices and under conditions outlined in current AF directives.

NOTE: Credit cards issued to aircraft operators by petroleum companies are NOT authorized credit credentials.

(b) Charges for aviation fuels and oils will be governed by the provisions of current AF directives.

(c) Where supplies and services are required, charges will be in accordance with current AF directives, or established rates that are not lower than local rates for similar supplies and services, except that civil aircraft operating under LOGAIR contracts may be furnished supplies and services at AF cost.

(d) Aircraft that become inoperable while at an AF installation may be stored temporarily at rates established in § 822.14. The base commander will assume no responsibility for such aircraft and will request the operator(s) to remove the aircraft from the installation as soon as it is operational.

(e) Emergency medical services may be furnished. Charges will be made in accordance with current AF directives.

§ 822.16 Where AF Forms 180 and 181 may be obtained.

AF Forms 180 and 181 may be obtained at the base or from: HQ USAF (AFOOP) Wash. 25, D.C.

§ 822.17 Reporting violations.

When a violation of this part occurs, the violator will be informed of the provisions of this part. Except under emergency conditions, the violations will be made the subject of a report:

(a) Within the continental United States, its Territories and Possessions to the District Office of the Federal Aviation Agency having jurisdiction over the area in which the violation occurs.

(b) In foreign areas, to the USAF air attache in the country in which the violation occurs, for any action considered appropriate.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-5881; Filed, July 16, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. The red salmon run in the Egegik district continues in sufficient strength so that an excellent escapement is now assured, and it has been determined that 12 hours of additional fishing time can be allowed to harvest fish in excess of spawning requirements.

Therefore, § 104.9, as amended July 13 and July 14, is further amended permitting fishing in the Egegik district from 9 p.m. Friday, July 17, to 9 a.m. Saturday, July 18, 1959.

Since immediate action is necessary, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 16, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-5962; Filed, July 16, 1959; 11:23 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1898]

[1960848]

IDAHO

Revoking Public Land Order No. 172 of September 27, 1943, Which Withdrew Lands for Use of War Department as Precision Bombing Ranges

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 172 of September 27, 1943, which withdrew the public lands in the following-described areas for use of the War Department as precision bombing ranges, is hereby revoked:

BOISE MERIDIAN

T. 6 S., R. 2 E.,
Secs. 26, 27, 34, and 35.
T. 6 S., R. 4 E.,
Secs. 34 and 35.
T. 7 S., R. 4 E.,
Secs. 2 and 3.
T. 9 S., R. 6 E.,
Secs. 15, 16, 21, and 22.

The areas described, including both public and non-public lands aggregate 7,672.20 acres.

2. The following-described lands, which are a portion of the lands described in paragraph 1, hereof, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under the jurisdiction of the Secretary of the Interior as a safety measure for the protection of the public.

T. 6 S., R. 2 E.,
Sec. 34.
T. 7 S., R. 4 E.,
Sec. 3, S½.

The areas described aggregate 960 acres.

The lands described in paragraph 2 of this order have been contaminated by unexploded ordnance. They have been certified for, and may be subject to any use under the public land laws which does not contemplate invasion of the subsurface, and which is consistent with the withdrawal made by Paragraph 2.

3. Until 10:00 a.m. on January 13, 1960, the State of Idaho shall have a preferred right of application to select the released lands or any part thereof, in accordance with and subject to the exceptions in, and to the requirements of section 2276(c) of the Revised Statutes (26 Stat. 796; 72 Stat. 928; 43 U.S.C. 852) as amended.

4. Other applications under the nonmineral public land laws may be presented to the Manager named below, beginning on the date of this order.

5. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

6. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, presented prior to 10:00 a.m. on August 18, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 17, 1959, will be governed by the time of filing.

7. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 5 and 6 above, presented prior to 10:00 a.m. November 17, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

8. Veterans and others claiming preference rights, other than the State of Idaho, should submit with their applications supporting evidence of entitlement.

9. The released lands shall be open to locations under the United States mining laws, and to applications and offers under the mineral leasing laws, at 10:00 a.m. on January 13, 1960.

10. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 13, 1959.

[F.R. Doc. 59-5887; Filed, July 16, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO-232-A8]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Saint Anthony Hotel, San Antonio, Texas, beginning at 10:00 a.m., c.s.t., on July 22, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. Proposed amendments relating to the definition of "pool plant" and the revision of the rate of compensatory payments necessarily involve consideration of location differentials.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Association of San Antonio:

Proposal No. 1. Amend § 949.9 in such a way as to make a cooperative association a handler, with respect to milk from any producer who diverts it to a nonpool plant, or which it causes to be delivered directly from the farm bulk tanks and picked up by trucks owned and/or operated by subject association.

Proposal No. 2. Amend § 949.42, concerning shrinkage provision of the order, so that the effect will be to divide shrinkage between the buyer and seller handlers, with the limitation of two percent.

Proposal No. 3. Amend § 949.52(b) so as to delete therefrom "through July 1959".

Proposal No. 4. Amend § 949.65 so as to provide uniform payments upon a twelve months' basis.

Proposal No. 5. Amend § 949.53(a) so as to change the figure of $0.125 to the figure of $0.108.

Proposal No. 6. Amend § 949.80(c) so as to change the dates of payment to a cooperative association from "on or before the 26th and 13th days of each month" to "on or before the 20th and 11th days of each month".

Proposal No. 7. Amend § 949.22(j)(3) so that the uniform price will be announced by the tenth of each month.

Proposal No. 8. Amend § 949.30 so that the handlers report by the fifth of the month, instead of the seventh of each month.

Proposal No. 9. Make necessary changes in §§ 949.6 and 949.7 to conform with the proposed § 949.9.

Proposal No. 10. Review § 949.60 for the purpose of determining (a) whether the Secretary's determination that a handler disposes a greater portion of his Class I milk in another marketing area or in the San Antonio area can or should be retroactive and for how long, and (b) whether the computation in § 949.60(b) shall include milk from producers as well as from other sources in determining the obligation to the producers settlement fund of Order No. 49 for a handler who has been determined as disposing a greater part of his Class I milk under another Federal order.

Proposed by Oak Farms Dairies:

Proposal No. 11. Amend § 949.60 by deleting § 949.60(b).

Proposed by Producers Creamery Company:

Proposal No. 12. Amend § 949.7 by deleting the proviso and substituting in lieu thereof the following: *"Provided:* That a pool plant shall include any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area. If such plant is operated by a cooperative association and 75 percent or more of the producer milk of such association is received during the months at pool plants of other handlers, or if 75 percent of the producer milk of such association is transferred for Class I use to the pool plants of other handlers during the months of July through February, then such plant shall be considered to be a pool plant for the succeeding period of March through June."

Proposed by Foremost Dairies, Incorporated:

Proposal No. 13. Amend § 949.41 to classify sour cream as a Class II product.

Proposed by The Borden Company, Southern Division:

Proposal No. 14. Amend § 949.12 in such a way as to provide that products classified as Class II milk from any source, including those produced at the plant, be defined as other source milk when such products are reprocessed or converted into another product during the month.

Proposal No. 15. Amend § 949.41 to provide that frozen storage cream be classified as Class II.

Proposed by Knowlton's Creamery:

Proposal No. 16. Amend § 949.41 to provide that all Grade A milk products be classified as Class I and that all ungraded products be classified as Class II, Grade A and ungraded to be in accordance with local and state health department regulations.

Proposal No. 17. Amend § 949.46 to provide that solids used to fortify skim milk should be accounted for on the pounds of added solids rather than being converted to skim milk equivalent.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 18. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 13th day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-5892; Filed, July 16, 1959; 8:47 a.m.]

DEPARTMENT OF LABOR

[29 CFR Part 8]

SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Notice of Hearings on Proposed Safety and Health Regulations for Ship Repairing

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of 72 Stat. 835 which recently amended section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 33 U.S.C. 941), notice is hereby

given that the Secretary of Labor proposes to implement the said amendment to the Longshoremen's and Harbor Workers' Compensation Act, as he is therein directed and authorized, by issuing safety and health regulations applicable to employments and places of employments in the ship repair industry.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that public hearings to receive the data, views and arguments of interested persons will be held before a duly assigned Hearing Examiner on August 17, 1959, beginning at 10 a.m. local time, in Room 600, U.S. Courthouse, 219 South Clark Street, Chicago, Illinois; on August 24, 1959, beginning at 10 a.m. local time, in Room 503, Federal Building, 600 South Street, New Orleans, Louisiana; on August 31, 1959, beginning at 10 a.m. local time, in Room 1152, Appraisers Building, 630 Sansome Street, San Francisco, California; and on September 8, 1959, beginning at 10 a.m. local time, in Room 4500, General Post Office, 8th Avenue and 33d Street, New York, New York.

The basis and purpose of the proposed regulations are, as set out in 72 Stat. 835, to require that "Every employer shall furnish and maintain employment and places of employment which shall be reasonably safe for his employees in all employments covered by this Act and shall install, furnish, maintain, and use, such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees."

The subjects and issues involved in the proposed regulations and concerning which data, views, and arguments are invited for presentation at the hearings herein noticed, are the appropriateness of proposed standards governing:

1. The safeguarding of places of employment wherein hazardous conditions arising out of explosive and dangerous atmospheres are likely to exist, including atmospheric tests as well as precautions and corrective measures to insure the safety of employees entering or working in such atmospheres;

2. The use of chemicals, toxic cleaning solvents, mechanical methods involving use of tools and implements for preparation of surfaces (degreasing, cleaning and paint stripping), application of paints and tank coatings with volatile, toxic or flammable solvents, use of personal protective equipment, maintenance of atmospheres below explosive limits, and the use of explosion-proof equipment and other safeguards;

3. The safe use and treatment of compressed gas cylinders, fuel gas and oxygen hoses, insuring a safe working environment for arc welding, and oxyacetylene cutting and welding, including reduction of fire potential, the safe maintenance of tools, equipment, and other materials in such processes, electrical equipment cables and grounds, and handling of radioactive materials, protective respiratory equipment and ventilation for arc welding or oxyacetylene cutting and welding or gas cutting, welding or burning materials of toxic significance, inert-gas metal-arc welding, and use of radioactive sources in radiographic inspection of weldments or castings.

4. Construction and erection of scaffolds, staging and ladders, inspection, maintenance moving and alteration of scaffolds and staging, guarding of deck openings, safe access to ships afloat or in dry dock, and specifications for gangways and their rigging.

5. Safe and healthful working conditions, including housekeeping, illumination, safeguards for the supply of steam and electrical power to vessels, safety of employees working in confined spaces, exposure to radiation from radar equipment, health, sanitation, and first-aid facilities;

6. Inspection, care, maintenance, safe use and safe working loads of materials handling equipment and component parts, operation and supervision of ships' gear for hoisting aboard, and qualifications for such operators.

7. Maintenance care and guarding of power tools, tools and component parts, and personal protective equipment for use therewith.

8. Specifications for required personal protective equipment, the care and maintenance, and its use, and limitations.

9. Gas freeing, inerting and testing for control of gas hazards on vessels to be prepared, establishing threshold limit values for the control of health hazards in atmospheres containing gases and vapors, toxic dusts, fumes, mists, and mineral dusts.

Any interested person desiring to participate in such hearings shall file a notice of intention with the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than ten days before the scheduled date of the particular hearing in which he proposes to participate. The notice of intention shall state the name and address of the person, specify his interest, whether he wishes to present his data, views and arguments orally or in writing, and if orally the amount of time he requires for such purpose, and the identification of counsel or other representative if the oral presentation is not to be made in person. Written material which is supplemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views and arguments in quadruplicate to the Secretary of Labor at the aforementioned address, not later than five days before the scheduled date of the particular hearing for which submitted. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of such hearing.

The hearings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the hearings, dispose of procedural requests, objections and comparable matter, and confine the hearings to matters pertinent to the notice subjects and issues. He shall have discretion to keep the record open for a reasonable stated time after each hearing to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

Upon completion of the hearings, the transcript of each hearing, exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented to him, together with such other information that may be available to him and will thereafter issue appropriate regulations by publication thereof in the FEDERAL REGISTER to be effective not earlier than 30 days after the date of such publication.

The proposed regulations in this matter are filed with the FEDERAL REGISTER as part of this document and are available to any interested person and will be furnished without charge on written request addressed to the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

Signed at Washington, D.C., this 13th day of July 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-5893; Filed, July 16, 1959; 8:47 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-132]

AMF ATOMICS

Notice of Filing of Application for Facility Export License

Please take notice that AMF Atomics, a Division of American Machine and Foundry Company, 140 Greenwich Avenue, Greenwich, Connecticut, has submitted an application dated June 9, 1959, for a license to export a one (1) megawatt (thermal) pool-type research reactor to the Turkish Atomic Energy Commission, Istanbul, Turkey.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor pro-

posed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Government of the Turkish Republic, the Commission may issue a facility export license authorizing the export of the reactor to Istanbul, Turkey.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5877; Filed, July 16, 1959; 8:45 a.m.]

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

Notice of Amendment to Facility License No. R-4

Please take notice that the Atomic Energy Commission has issued to Battelle Memorial Institute, Amendment No. 4, set forth below, to Facility License No. R-4, as requested by an application dated May 18, 1959. The amendment (1) increases the allocation of special nuclear material required for operation of the reactor to 14.320 kilograms of contained uranium-235, (2) increases the total amount of contained uranium-235 which may be received, possessed and used under the license, and (3) revises the schedule of receipts and transfers of uranium-235.

The Commission has found that the licensee is financially qualified to assume responsibility for the payment of Commission charges for the special nuclear material to be furnished by the Commission and to undertake and carry out the proposed use of such material for a reasonable period of time. It has found, further, that the issuance of the amendment is not inimical to the common defense and security.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see the application for license amendment submitted by Battelle Memorial Institute on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-4, Amdt. No. 4]

Paragraphs 2.b.(1) and 5. together with Appendix "A" of Facility License No. R-4 are hereby amended to read as follows:

2.b.(1) 14.320 kilograms of contained uranium-235 in fuel element assemblies as fuel for operation of the facility;

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Battelle Memorial Institute for use in the operation of the reactor, 14.320 kilograms of uranium 235 contained in uranium in the isotopic ratio specified in Battelle Memorial Institute's application. Estimated schedules of special nuclear material transfers to Battelle Memorial Institute and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Battelle Memorial Institute in accordance with column (2) in Appendix "A" will be conditioned upon Battelle Memorial Institute's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

APPENDIX A

Estimated Schedule of Transfers of Special Nuclear Material From the Commission to Battelle and to the Commission From Battelle

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Battelle, kgs U-235	(3) Returns by Battelle to AEC, kgs U-235		(4) Net yearly distribution including cumulative losses, kgs U-235	(5) Cumulative distribution including cumulative losses, kgs U-235
		Recoverable cold scrap	Spent hot fuel		
1956	10.083			10.083	10.083
1957		4.280		(4.280)	5.803
1958	0.002			0.002	5.805
1959	5.039	0.199		4.840	10.645
1960	5.054		4.757	0.297	10.942
1961	5.054		4.491	0.565	11.505
1962	5.054		4.491	0.563	12.068
1963	5.054		4.491	0.563	12.631
1964	5.054		4.491	0.563	13.194
1965	5.054		4.491	0.563	13.757
1966	5.054		4.491	0.563	14.320
			[1] 8.982	(8.982)	[1] 5.338
	50.502	4.479	40.685	[2] 5.338	

[1] Inventory to be returned.
[2] Fabrication and burnup losses.

This amendment is effective as of the date of issuance.

Date of issuance: July 10, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5878; Filed, July 16, 1959; 8:45 a.m.]

[Docket No. 50-128]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to The Texas Agricultural and Mechanical College System, College Station, Texas, a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by The Texas Agricultural and Mechanical College System and amendment thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 10th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 5, 1959, and amendment thereto dated April 14, 1959 (hereinafter together referred to as "the application"), The Texas Agricultural and Mechanical College System requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities," Title 10, Chapter 1, CFR, authorizing construction and operation on a site near College Station, Texas, of a nuclear reactor (hereinafter referred to as "the facility").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The Texas Agricultural and Mechanical College System is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material, and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The Texas Agricultural and Mechanical College System is technically qualified to design and construct the facility.

E. The Texas Agricultural and Mechanical College System has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to The Texas Agricultural and Mechanical College System will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The Texas Agricultural and Mechanical College System to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is December 1960. The latest date for completion of the facility is July 1961. The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location near College Station, Texas, specified in the application.

C. The general type of facility authorized for construction is a 100-kilowatt open-pool type, light water moderated and cooled research reactor with a heterogeneous core, utilizing enriched uranium as fuel.

D. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Texas Agricultural and Mechanical College System has submitted to the Commission (by proposed amendment of the application) additional data required to complete the hazards evaluation and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

4. Upon completion (as defined in subparagraph 3.A. above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The Texas Agricultural and Mechanical College System pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59-5879; Filed, July 16, 1959; 8:45 a.m.]

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7 set forth below to License No. CX-6 authorizing Westinghouse Electric Corporation to perform "Loose Lattice Critical Experiments" as described in its application for amendment dated May 22, 1959, in its Westinghouse Reactor Evaluation Center CRX facility located near Waltz Mill in Westmoreland County, Pennsylvania. The Commission has found that conduct of the experiments in accordance with the terms and conditions of the license as amended will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. For further details see (a) the application for license amendment by Westinghouse Electric Corporation, and (b) a hazards analysis of the experiments prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 10th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. CX-6, Amdt. 7]

In addition to the activities previously authorized by the Commission under License No. CX-6, as amended, the Westinghouse Electric Corporation (hereinafter referred to as the "the licensee") is authorized to perform the "Loose Lattice Critical Experiments" described in its application for amendment dated May 22, 1959, in the Westinghouse Reactor Evaluation Center CRX facility in accordance with the procedures and subject to the limitations stated or incorporated therein.

In performing these experiments the licensee shall comply with the conditions and requirements contained in paragraph 4. of License No. CX-6, as amended.

This amendment is effective as of the date of issuance.

Date of issuance: July 10, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5880; Filed, July 16, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-15136, G-16587]

A. R. KELLY AND FRANK F. MORRISON

Notice of Applications and Date of Hearing

JULY 10, 1959.

Take notice that on May 20, 1958, A. R. Kelly (Kelly) filed in Docket No. G-15136 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to continue the service of natural gas to Hope Natural Gas Company (Hope) from the 150-acre Frank F. Morrison Lease in Grant District, Ritchie County, West Virginia, formerly rendered by Davis-Kelly Oil Company (Davis-Kelly) under a gas sales contract dated October 21, 1952, as amended, originally designated as Davis-Kelly Oil Company FPC Gas Rate Schedule No. 2, and covered by certificate authorization issued July 13, 1955, in Docket No. G-5624 (In the Matters of Penova Interests, et al., Docket Nos. G-4091, et al.).

Concurrently with the filing of the foregoing application, Kelly submitted evidence of his succession to the Davis-Kelly interest in the Morrison Lease and the basic contract with Hope, which latter was accordingly redesignated A. R. Kelly FPC Gas Rate Schedule No. 1.

By instrument of assignment dated August 2, 1958, Kelly and wife assigned their seven-eighths working interest in the subject lease, wells and equipment thereon to Frank F. Morrison (Morrison).

On October 14, 1958, Morrison filed in Docket No. G-16587 an application for a certificate of public convenience and necessity to continue service to Hope previously rendered by Kelly, and also filed the aforementioned instrument of assignment from Kelly and wife, and a notice of succession to A. R. Kelly FPC Gas Rate Schedule No. 1. This latter rate schedule has accordingly been redesignated Frank F. Morrison FPC Gas Rate Schedule No. 1, and the instrument of assignment designated as Supplement No. 2 thereto.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 18, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 7, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5882; Filed, July 16, 1959; 8:46 a.m.]

[Docket Nos. G-9892 etc.]

SOUTH GEORGIA NATURAL GAS CO. ET AL.

Order Fixing Date for Oral Argument

JULY 10, 1959.

In the matters of South Georgia Natural Gas Company, Docket No. G-9892; Southern Natural Gas Company, Docket No. G-14587; Secure Trusts, Docket No. G-14903; Estate of Lyda Bunker Hunt, Deceased, Docket No. G-14904; H. L. Hunt, Docket No. G-14905; The Texas Company, Docket No. G-15038; Olin Gas Transmission Corporation, Docket No. G-15110; Earl G. Bateman d/b/a Bateman Drilling Company, Operator, et al., Docket No. G-15141; Hunt Oil Company, Operator, Docket No. G-15146; The California Company, Docket No. G-16680; Placid Oil Company, Docket No. G-17746; Gulf Oil Corporation, Docket No. G-17760.

Exceptions have been filed to the initial decision of the Presiding Examiner issued on June 11, 1959 in the above-captioned consolidated proceedings and it is appropriate that oral argument be held thereon.

The Commission orders:

(A) Oral argument be had before the Commission on July 28, 1959 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

(B) Parties to these proceedings intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before July 20, 1959 of such intention and of the length of time requested for presentation of their arguments.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5883; Filed, July 16, 1959; 8:46 a.m.]

[Docket Nos. G-14871, etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Order Extending Time for Filing Exceptions and Fixing Date for Oral Argument

JULY 10, 1959.

In the matters of Transwestern Pipeline Company, Docket No. G-14871; Gulf Oil Corporation, Docket Nos. G-14925, G-14940, G-14950, G-16139, G-16141, G-16218; Pure Oil Company, Docket No. G-15040; Monsanto Chemical Company, Docket No. G-15318; Pan American Petroleum Corporation, Docket No. G-15389; Humble Oil Refining Company, Docket No. G-15714; Sun Oil Company, Docket No. G-15791; Union Oil Company of California, Docket No. G-15810; Warren Petroleum Company, Docket Nos. G-16030, G-16031; British American Oil Producing Company, Docket Nos. G-16091, G-16093, G-16103; Curtis R. Inman, Docket No. G-16106; Richardson & Bass, et al., Docket No. G-16137; G. H. Vaughn, Jr., et. al., Docket No. G-16195; Cities Service Gas Company, Docket No. G-16216; Superior Oil Company, Docket No. G-16261; Magnolia Petroleum Company, Docket Nos. G-16367, G-16368, G-16432; Hunt Oil Company, Docket No. G-16445.

On April 28, 1959, the Commission ordered that any exceptions to the Presiding Examiner's decision in these proceedings should be filed within ten days after such decision is issued, and provided that oral argument shall follow at the earliest possible date thereafter on a date to be fixed by notice of the Secretary of the Commission.

On July 1, 1959, the Presiding Examiner issued his decision. The Secretary of the Commission, by notice issued July 1, 1959, advised all parties that exceptions, if any, should be filed on or before July 13, 1959. The date for oral argument was fixed as July 14, 1959.

On July 2, 1959, the Public Utilities Commission of the State of California requested 20 days additional time in order to prepare and file exceptions and prepare for oral argument. Transwestern Pipeline Company has opposed the request of the Public Utilities Commission of California for such an extension of time.

Upon consideration of the request filed by the Public Utilities Commission of the State of California and the allegations contained therein and the response of Transwestern Pipeline Company thereto, it appears reasonable to grant additional time for the filing of exceptions and to fix the date thereafter for oral argument before the Commission.

The Commission finds: It is in the public interest that the Public Utilities Commission of the State of California should be afforded additional time in order to properly prepare and file its exceptions to the Presiding Examiners decision as well as to prepare for oral argument.

The Commission orders:

(A) The date for filing exceptions, if any, to the Presiding Examiner's decision in the above-entitled proceedings shall be and hereby is extended to July 21, 1959.

(B) Oral argument before the Commission be held on July 23, 1959.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5884; Filed, July 16, 1959; 8:46 a.m.]

[Docket Nos. G-14892, G-16789]

UNITED STATES SMELTING REFINING AND MINING CO. AND NATIONAL ASSOCIATED PETROLEUM CO.

Notice of Applications and Date of Hearing

JULY 10, 1959.

Take notice that United States Smelting Refining and Mining Company (Smelting) and National Associated Petroleum Company (National), hereinafter referred to collectively as Applicants, filed applications on April 15, 1958, and October 27, 1958, in Docket Nos. G-14892 and G-16789, respectively, for certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Applicants propose to sell natural gas to El Paso Natural Gas Company (El Paso) from certain Southern Ute Tribal Oil and Gas Leases in the Ignacio Field, La Plata County, Colorado. Said sales will be made by Smelting and National pursuant to an amendatory agreement dated October 1, 1956, which adds additional acreage to a 20-year basic gas sales contract dated January 18, 1956 (Smelting is the only signatory seller party to said contract),[1] and two instruments of assignment, each dated February 10, 1958, wherein certain acreage previously dedicated under the aforesaid amendatory agreement is conveyed by Smelting to National.

[1] Smelting authorized to sell gas under the January 18, 1956, contract in Docket No. G-10191.

Smelting's application covers a total of 4,800 acres (covers all formations down to and including the Dakota Formation beneath 2,920 acres and formations between base of the Pictured Cliffs Formation and base of the Dakota Formation beneath 1,880 acres). However, 640 of the above-mentioned acres (formations above base of the Mesaverde Formation) have been assigned to National and are the acreages involved in National's application in Docket No. G-16789. National will own all the working interest in the assigned acreage until such time as the costs of drilling, completing, equipping and placing in operation of wells thereon have been recovered. Thereafter, a 50 percent working interest will revert to Smelting pursuant to farmout agreement dated October 23, 1957; however, National will continue to operate the wells.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings prusuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5885; Filed, July 16, 1959; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Revocation of Delegations of Authority; Correction Notice

The listing of June 5, 1959, entitled, Revocation of Delegations of Authority (24 F.R. 4863), is hereby corrected by removal from such list of Delegation of Authority No. 318, dated January 31, 1958, to the Secretary of Health, Education, and Welfare.

Dated: July 10, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-5894; Filed, July 16, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1235]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order

JULY 10, 1959.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company has filed an application and an amendment thereto pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of B. B. Geyer Company, Inc. ("Geyer").

Broad Street, a Maryland Corporation, offers its shares to the public on a continuous basis at net asset value plus varying sales charges depending on the amount purchased. As of March 31, 1959, the net assets of Broad Street amounted to $148,075,949 and there were outstanding 11,422,786 shares of stock.

Geyer, a New York corporation, is an investment company having 12 stockholders (with 8 other persons having beneficial interests in its stock) and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and Geyer substantially all of the cash and securities owned by Geyer with an adjusted total value of approximately $2,409,876 as of May 22, 1959, but giving effect to certain transactions completed after that date, will be transferred to Broad Street in exchange for shares of its capital stock. The number of shares of Broad Street to be delivered to Geyer will be determined by dividing the aggregate market value of the assets of Geyer to be transferred to Broad Street by the net asset value per share of Broad Street, both to be determined as of the closing time under the agreement. When acquired by Geyer the shares of Broad Street are to be distributed to shareholders of Geyer in liquidation of that company. Broad Street has been informed that the Geyer shareholders intended to hold the shares thus acquired for investment.

The value of the assets of Geyer will be calculated in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. The agreement is conditioned upon Geyer's receiving a ruling from the Internal Revenue Service that no gain or loss will be recognized to either Broad Street or Geyer as a result of the exchange, and the basis to Broad Street of the assets acquired from Geyer will be the same as the basis of the assets in the hands of Geyer immediately prior to the exchange. As of May 22, 1959 the net unrealized appreciation of Geyer's securities which are to be taken over at the closing amount to approximately $311,676 or about 14.2 percent of the value of the entire portfolio, as compared with the net unrealized appreciation of $57,419,158 on that date of the securities held by Broad Street, or approximately 37 percent of the value of its portfolio. Broad Street states in its application that substantially all of the securities obtained in the exchange are consistent with its investment policy. The agreement between Broad Street and Geyer provides that the latter's President, within five days after the exchange, will purchase from Broad Street the shares of a company affiliated with Geyer, at the same price at which Broad Street acquired them, or approximately $91,000.

The application recites that no affiliation exists between Geyer or its officers, directors or stockholders and Broad Street, its officers or directors, and the agreements were negotiated at arms length by executive officers of the two companies. The Board of Directors of Broad Street approved the acquisition as being in the best interests of its share holders, taking all relevant considerations into account, including the following factors:

(a) The favorable difference in percentage of unrealized appreciation between the two portfolios.

(b) The fact that the resulting increase in assets will tend to reduce per share expenses due to the fact that Broad Street is furnished investment research and administrative facilities and services at cost under its arrangement with three other investment companies for the joint ownership and operation of Union Service Corporation.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Broad Street are to be issued to Geyer at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protec-

tion of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 24, 1959, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–5890; Filed, July 16, 1959; 8:46 a.m.]

[File No. 7–2003]

VANADIUM-ALLOYS STEEL CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 13, 1959.

In the matter of application by the Pittsburgh Stock Exchange for unlisted trading privileges in Vanadium-Alloys Steel Company, Capital Stock.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before July 27, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–5891; Filed, July 16, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Region 3 Order 3, Amdt. 4]

SUPERINTENDENTS, REGIONAL ADMINISTRATIVE OFFICER AND REGIONAL PROCUREMENT AND PROPERTY OFFICER, REGION 3

Delegations of Authority With Respect to Appointments, Status Changes and To Execute and Approve Certain Contracts

MAY 22, 1959.

Section 1 and paragraphs (a), (b), and (c) of section 1; section 2 and paragraphs (a), (b), (c) and (e) of section 2; paragraphs (b) and (c) of section 3; section 4; and section 5 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

SECTION 1. The National Park Service Superintendents in Region Three whose positions are allocated to Civil Service grades GS–14 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in GS–14 and higher grades; however, appointments and status changes involving grade GS–13 must be submitted to the Region Three Office for review before being finalized.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of permanent graded or ungraded positions.

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS–11, GS–12, and GS–13, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in the same Civil Service grade as, or higher grades than, the Superintendent making appointments or status changes.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of permanent graded or ungraded positions.

(e) Approval of contracts for construction, supplies, or services in excess of $50,000 by the Superintendents whose positions are allocated to Civil Service grades GS–11 and GS–12.

SEC. 3. * * *

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of permanent graded or ungraded positions.

SEC. 4. *Regional Administrative Officer.* The Regional Administrative Officer may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment, and services. This authority may be exercised by the Regional Administrative Officer in behalf of any office or area for which the Region Three Office serves as the field finance office.

SEC. 5. *Regional Procurement and Property Officer.* The Regional Procurement and Property Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, and services. This authority may be exercised by the Regional Procurement and Property Officer in behalf of any office or area for which the Region Three Office serves as the field finance office.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2)

HUGH M. MILLER, *Regional Director.*

[F.R. Doc. 59–5888; Filed, July 16, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

REQUIREMENTS RELATING TO BRINGING IN OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Notice of Requirement for Prior Authorization

1959 SUGAR QUOTA FOR CUBA—DIRECT-CONSUMPTION PORTION

Pursuant to § 817.5 (23 F.R. 671) notice is hereby given that the direct-consumption portion of the 1959 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.5 (23 F.R. 671), after the close of business on July 16, 1959, and for the remainder of the calendar year 1959, Collectors of Customs shall not release for entry into the continental United States from Cuba any direct-consumption sugar unless and until the authorization as prescribed in § 817.6 (23 F.R. 671) is issued.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153; 7 CFR 817.12)

Issued this 14th day of July 1959.

LAWRENCE MYERS, *Director, Sugar Division, Commodity Stabilization Service.*

[F.R. Doc. 59–5899; Filed, July 16, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 152]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 14, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 35337. By order of June 29, 1959, the Transfer Board approved the lease to Ft. Hood Warehouse Co., a corporation of Waco, Texas, the operating rights set forth in Certificate No. MC 61518, acquired by lessor, Acme Safeway Van & Storage Co., a corporation, of Houston, Texas, pursuant to No. MC–FC 61743 and assigned No. MC 60158 Sub 2, authorizing the transportation of household goods, over irregular routes, between points in Texas, excluding Houston, Texas and a 50 mile radius of Houston (but not excluding Galveston, Texas), on the one hand, and, on the other, points in Oklahoma, and between Dallas, Texas, on the one hand, and, on the other, points in Texas, excluding Houston, Texas and a 50 mile radius of Houston, but not excluding Galveston, Texas. H. H. Prewett, 2101 Tennessee Building, Houston 2, Texas, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–5889; Filed, July 16, 1959; 8:46 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 140

Washington, Saturday, July 18, 1959

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 173, Amdt. 1]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.473 (Valencia Orange Regulation 173, 24 F.R. 5593) are hereby amended to read as follows:

(ii) District 2: 785,400 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 15, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5915; Filed, July 17, 1959; 8:47 a.m.]

[Valencia Orange Reg. 174]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.474 Valencia Orange Regulation 174.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective

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FEDERAL REGISTER

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in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 16, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 19, 1959, and ending at 12:01 a.m., P.s.t., July 26, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5992; Filed, July 17, 1959; 11:28 a.m.]

[Lemon Reg. 801]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.908 Lemon Regulation 801.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 15, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 19, 1959, and ending at 12:01 a.m., P.s.t., July 26, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 348,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5973; Filed, July 17, 1959; 9:18 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7252 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Cutter Cravat, Inc., and J. Arthur Hirsch

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cutter Cravat, Inc., et al., Chicago, Ill., Docket 7252, June 16, 1959]

In the Matter of Cutter Cravat, Inc., a Corporation, and J. Arthur Hirsch, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Chicago manufacturer with preticketing its men's neckties with fictitious and excessive prices, thereby enabling retailers to mislead the public as to the quality and regular retail price.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Cutter Cravat, Inc., a corporation, and its officers, and J. Arthur Hirsch, individually and as officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of men's neckties or other articles of merchandise, do forthwith cease and desist from:

1. Representing, by pre-ticketing or in any other manner, that certain amounts are the usual and regular retail price of their products when such amounts are in excess of the prices at which such neckties, or other articles of merchandise, are usually and regularly sold at retail.

2. Supplying to or putting in the hands of retailers or others the means whereby they may misrepresent the regular and usual retail price of respondents' merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5908; Filed, July 17, 1959; 8:46 a.m.]

[Docket 7397 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TOBIAS HABER AND INTERNATIONAL FURRIERS

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.70 *Fictious or misleading guarantees;* § 13.155 *Prices:* Retail as cost, etc., or discounted; sales below cost. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Tobias Haber trading as International Furriers, Niagara Falls, N.Y., Docket 7397, June 16, 1959]

In the Matter of Tobias Haber, an Individual Trading as International Furriers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturing furriers in Niagara Falls, N.Y., with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or the fact that some products were artificially colored; which contained the name of a fictitious animal, and used the word "blended" improperly; which deceptively represented "written guarantee with each fur"; and which represented prices as reduced or below cost without maintaining adequate records as a basis therefor.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Tobias Haber, an individual trading as International Furriers, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation, or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

B. Setting forth on labels affixed to fur products:

(1) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(3) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

(4) Information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with pencil;

C. Failing to set forth the information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence;

D. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under Section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

2. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The term number or mark assigned to a fur product;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product;

B. Contains a fictitious or nonexistent animal name;

C. Sets forth the term "blended" as part of the information required under Section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

D. Represents, directly or by implication, that any such fur products are guaranteed, unless the nature and extent of such guaranty and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth;

4. Making claims and representations respecting prices or values of fur products, unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Tobias Haber, an individual trading as International Furriers, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5909; Filed, July 17, 1959; 8:46 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-176; Order 214]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Statement of Sales and Revenues of Independent Producers

JULY 15, 1959.

In this proceeding the Commission has under consideration the amendment of section 260, entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act, by the revision of § 260.5 so as to prescribe FPC Form No. 301–1957, Independent Producers' Report—1957, and FPC Form No. 301–1958, Independent Producers' Report—1958. The forms herein prescribed, identical to each other, are a revision and simplification of the FPC Form No. 301, prescribed by Commission Order No. 187 (Docket No. R–152, issued May 11, 1955, 21 F.R. 3146) and applicable to producer transactions for the year ended December 31, 1955, and FPC Form No. 301–1956, prescribed by Commission Order No. 198 (Docket No. R–162, issued November 19, 1957, 22 F.R. 9385, 18 FPC 662). The forms for 1955 and 1956 were prescribed as a result of formal rulemaking proceedings, held pursuant to section 4 of the Administrative Procedure Act, and in which objections and suggestions (submitted in response to a notice of proposed rulemaking in each proceeding) were given careful consideration by the Commission which modified its proposed forms to meet the objections which had been determined to have substance.

The form prescribed herein is a simplified version of the one used in 1956. Through rearrangement and clarification the form now being adopted is designed to reduce substantially the costs of reporting and processing without material reduction in the information requested.

The chief difference between the form prescribed herein and the 1956 form is relative to the request in 1956 for details of interests under the sales contract as well as under filed rate schedules. Where a number of producing units or leases were involved in a sales contract and producers concerned did not have interests in all of the units, the attempt to combine sales contract and rate schedule data resulted in considerable confusion and variations in reporting. Editing and cross-referencing of the material proved to be impractical. The new form limits the data to be reported in detail to the filed rate schedules of the respondents. Sales under rate schedules filed by others will, however, be included in the totals reported.

A minor revision was also made to eliminate the column in Part III of the 1956 form requesting the average rate per Mcf for sales, as this can be computed from reported data. Columns have been added to secure data on point of delivery and FPC docket number under which the sale was authorized.

The Commission's regulations exempt producers from compliance with the comprehensive accounting and reporting requirements of the Natural Gas Act. This exemption is still continued, but the Commission's experience in the regulation of producers convinces it of the necessity for at least the minimum financial data called for in the form herein prescribed in order that the regulatory responsibilities of the Commission may be viewed in relation to the relative importance and financial effects of such regulation on the regulated producers.

For the reasons set forth above the Commission finds:

(1) The amendment hereinafter adopted including the form therein prescribed is necessary and appropriate to carry out the provisions of the Natural Gas Act.

(2) It is unnecessary, in view of the facts set forth above, that the notice required by section 4(a) of the Administrative Procedure Act be given in this proceeding.

(3) Good cause exists that the amendment shall become effective as hereinafter provided.

The Commission, acting pursuant to authority granted by sections 10 and 16 of the Natural Gas Act (52 Stat. 826, 830; 15 U.S.C. 717i, 717o) orders:

(A) Part 260 of the Commission's regulations entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act (18 CFR Part 260) is amended by amending § 260.5 to read as follows:

§ 260.5 Form No. 301–1957 and Form No. 301–1958, Statement of sales and revenues of independent producers.

(a) FPC Form No. 301–1957[1] and FPC Form No. 301–1958, Independent Producers Report—1957 (1958)[1] being in each case a statement of sales of natural gas made during the calendar years 1957 and 1958, respectively (or established fiscal years beginning during either of those calendar years) under rate schedules filed with the Commission pursuant to § 154.92 and § 154.94 of this chapter, including the instructions and schedules therein contained, be and the same hereby are approved.

(b) Each independent producer as defined in § 154.91 of this chapter who had a rate schedule on file with the Commission on December 31, 1957, shall file with the Commission on or before August 31, 1959, two copies of such completed FPC Form No. 301–1957.

(c) Each independent producer as defined in § 154.91 of this chapter who had a rate schedule on file with the Commission on December 31, 1958, shall file with the Commission on or before October 31, 1959, two copies of such completed FPC Form No. 301–1958.

(B) The amendment to Part 260 herein prescribed is hereby made effective upon the issuance of this order.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5925; Filed, July 17, 1959; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54896]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Refunds of Certain Alcohol and Tobacco Taxes on Imported Merchandise

On March 18, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 1987) with respect to excess deposits of internal-revenue tax occurring for various reasons which may be refunded by collectors of customs upon liquidation or reliquidation in harmony with section 6423, Internal Revenue Code of 1954 (26 U.S.C. 6423), and Treasury Department Order No. 165–2, Amendment 1, T.D. 54803 (24 F.R. 1991). No data, views, or arguments pertaining thereto were received.

To specify the types of cases to which section 6423, supra, is not deemed applicable, and for which the authority of collectors of customs to make refunds is retained under Treasury Department Order No. 165–2, dated October 29, 1953, T.D. 53368 (18 F.R. 7177), as amended, and to set forth procedures to be followed in cases which are not excepted from application of section 6423, the amendment of § 24.36 of the Customs Regulations as proposed in the notice is hereby adopted, as set forth below:

Section 24.36 of the Customs Regulations is amended as follows:

[1] Filed as part of the original document.

1. A new paragraph (d) is added to read:

(d) The authority of collectors of customs to make refunds pursuant to paragraphs (a), (b), and (c) of this section of excessive deposits of alcohol or tobacco taxes, as defined in section 6423(e)(1), Internal Revenue Code of 1954 (26 U.S.C. 6423(e)(1)),[1] is confined to cases of the types which are excepted from the application of section 6423, Internal Revenue Code of 1954 (26 U.S.C. 6423). The excepted types of cases and, therefore, the types in which the collector of customs is authorized to make refunds of such taxes are those in which:

(1) The tax was paid or collected on an article imported for the personal or household use of the importer;

(2) The refund is made pursuant to provisions of laws and regulations for drawback;

(3) The tax was paid or collected on an imported article withdrawn from the market, returned to bond, or lost or destroyed, when any law expressly provides for refund in such case;

(4) The tax was paid or collected on an imported article which has been lost, where a suit or proceeding was instituted before June 15, 1957;

(5) The refund of tax is pursuant to a claim based solely on errors of computation of the quantity of the imported article, or on mathematical errors in computation of the tax due;

(6) The tax was paid or collected on an imported article seized and forfeited, or destroyed, as contraband;

(7) The tax was paid or collected on an imported article refused admission to customs territory and exported or destroyed in accordance with section 558, Tariff Act of 1930, as amended;

(8) The refund of tax is pursuant to a reliquidation of an entry under section 520(c)(1), Tariff Act of 1930, as amended, and does not involve a rate of tax applicable to an imported article; or

(9) The tax was paid or collected on a greater quantity of imported articles than that actually imported and the fact of the deficiency is established to the collector of customs' satisfaction before liquidation of the entry becomes final.

2. The following new paragraph (e) is added:

(e) In any instance in which a refund of internal-revenue tax on imported distilled spirits, wines, and beer, is not of a type covered by paragraph (d) of this section the following procedure shall apply:

(1) The collector shall issue a notice of refund for duty only and shall place the following statement on the notice of refund issued for duty: "Claim for refund of any overpayment of internal-revenue tax on this entry must be executed and filed with the assistant regional commissioner (alcohol and tobacco tax) of the internal revenue region in which the claimant is located, in accordance with internal revenue regulations (Title 26 of the Code of Federal Regulations)." On request of the claimant, the collector shall issue a certified statement on customs letterhead identifying the entry, showing the amount of internal revenue tax deposited with respect to each entry for which a claim on internal revenue Form 843 is to be made, and showing the date of issuance of the notice of refund of duty.

(2) The claim shall be executed on internal revenue Form 843 (original only) which may be procured from offices of the Internal Revenue Service and shall be filed with the assistant regional commissioner (alcohol and tobacco tax) of the internal revenue region in which the claimant is located. The certified statement shall be attached to and filed in support of such claim which may include refunds under more than one entry but shall be limited to refunds under entries filed in the same customs collection district and the same internal revenue region. The data to be shown on the claim shall be as prescribed in internal revenue regulations, with the exception that any data on the certified statement also required to be shown in the claim need not be restated in the claim.

(3) The date of allowance of refund or credit in respect of such tax for the purposes of section 6407, Internal Revenue Code of 1954 (26 U.S.C. 6407) shall be that date on which a claim is perfected and the refund is authorized for scheduling under the applicable internal revenue regulations.

(72 Stat. 9; 26 U.S.C. 6423)

Because the provisions of section 6423 of the Internal Revenue Code of 1954 apply to certain claims for refund of internal-revenue tax filed after April 30, 1958, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)). Accordingly, this Treasury decision shall be effective as of the date of publication in the FEDERAL REGISTER.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 10, 1959.

FRED C. SCRIBNER,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5931; Filed, July 17, 1959; 8:50 a.m.]

[1] "(e) *Meaning of terms.* For purposes of this section—

(1) *Alcohol or Tobacco Tax.* The term 'alcohol or tobacco tax' means—

(A) Any tax imposed by chapter 51 (other than part II of subchapter A, relating to occupational taxes) or by chapter 52 or by any corresponding provision of prior internal revenue laws, and

(B) In the case of any commodity of a kind subject to a tax described in subparagraph (A), any tax equal to any such tax, any additional tax, or any floor stocks tax." (26 U.S.C. 6423(e)(1)).

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUREMENTS OF MORTGAGE COVERNG MULTIFAMILY HOUSING

Information for Preliminary Examination

Section 232.1 is amended by adding a new paragraph (e) as follows:

§ 232.1 **Information for preliminary examination.**

* * * * * *

(e) The provisions of paragraph (b)(1) of this section requiring payment of a commitment fee shall not apply to mortgages insured pursuant to the provisions of § 232.30(b)(4) of this chapter.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

Issued at Washington, D.C., July 14, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-5927; Filed, July 17, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Revisions; Institutional Phase

§ 862.9 [Amendment]

1a. In § 862.9 *Categories of advanced course cadets*, paragraph (d) is amended by deleting the words: " * * * in accordance with §§ 861.901 to 861.909."

b. In § 862.9, paragraph (e)(2) is revised as follows:

(2) Within the detachment concerned, all production quota vacancies for which the individual is qualified must be filled. If quotas are not filled, the individual will be voluntarily transferred to the existing vacancy. Individuals not agreeable to such transfers will be disenrolled from Air Force ROTC.

§ 862.14 [Amendment]

2. In paragraph (c) of § 862.14, the following sentence is added: "However, under no circumstances will the requirements for successful completion of the summer training phase of the Air Force ROTC program be waived."

3. Section 862.21 is revised as follows:

§ 862.21 **Appointment as Reserves of the Air Force.**

A member of the advanced course, Air Force ROTC, accrues no vested right to commission in any Air Force component by virtue of such membership. If otherwise qualified, such a graduate will be tended an appointment as second lieutenant, Reserve of the Air Force, upon successful completion of prescribed military training and upon the award of a baccalaureate degree from an accredited educational institution, or upon being certified by an authorized institutional official as having qualified for a degree to be officially awarded at a later date.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381–9387, 70A Stat. 527, 568–571; 10 U.S.C. 9381–9387) [AFR 45-48A, May 28, 1959]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-5934; Filed, July 17, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—ALASKA

[Circular 2020]

PART 76—STATE GRANTS

State Preference Right of Selection; Waivers

Circular 2020, § 76.15(a) published in the FEDERAL REGISTER on June 9, 1959, is corrected to read as follows:

§ 76.15 **State preference right of selection; waivers.**

(a) The acts of July 28, 1956 (see § 76.7), and July 7, 1958 (see § 76.11), provide that upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than 90 days before the date on which it otherwise becomes effective during which period the State of Alaska shall have a preferred right of selection under the acts of 1956 and 1958, except as against prior existing valid rights, equitable claims subject to allowance and confirmation, and other preferred rights of application conferred by law other than the preferred right of application created by section 4 of the act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 13, 1959.

[F.R. Doc. 59-5912; Filed, July 17, 1959; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1885]

[Oregon 06727]

OREGON

Modifying Boundaries at Willamette National Forest

Correction

In F.R. Document 59-5484 appearing in the issue for Thursday, July 2, 1959, at page 5371, make the following change:

Under "T. 14 S., R. 2 E.," line 8 should read "Sec. 15, W½, W½SE¼, and SE¼SE¼".

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-29]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

MONTANA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on July 1, 1959, approved the Montana system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Montana system shall be operative on and after Monday, July 20, 1959. On that date the authority to number motorboats principally used in the State of Montana will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. These motorboats presently numbered should continue to display the Coast Guard number until renumbered by Montana. On and after July 20, 1959, all reports of "boating accidents" which involve motorboats numbered in Montana will be required to be reported to the nearest county sheriff in Montana pursuant to the Substitute House Bill No. 15, Chapter No. 285, Montana Sessions Laws of 1959.

Because § 172.25-15(a)(2), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandmant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a)(2) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25-15 **Effective dates for approved State systems of numbering.**

(a) * * *

(2) Montana—July 20, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 13, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 59-5930; Filed, July 17, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 304]

(—) 3-HYDROXY-N-PHENACYL-MORPHINAN

Notice of Proposed Determination With Respect to Addiction-Forming or Addiction-Sustaining Liability

Notice is hereby given, pursuant to the provisions of the Act of March 8, 1946 (60 Stat. 38; 26 U.S.C. 4731), section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1103), and by virtue of the authority vested in me by the Secretary of the Treasury (12 F.R. 1480), that a determination is proposed to be made that the following named new drug has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate:

(—) 3-Hydroxy-N-phenacylmorphinan.

Consideration will be given to any written data, views or arguments, pertaining to the addiction-forming or addiction-sustaining liability of the above-named drug, which are received by the Commissioner of Narcotics prior to August 21, 1959. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the above-named drug will be accorded the opportunity at a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., August 21, 1959, provided that such person furnishes written notice of his desire to be heard, to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publica-

tion of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held, but the Commissioner of Narcotics shall proceed to make a recommendation to the Secretary of the Treasury for a finding under section 1 of the Act of March 8, 1946.

(60 Stat. 38; 26 U.S.C. 4731)

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

[F.R. Doc. 59-5933; Filed, July 17, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO-123-A22]

MILK IN LOUISVILLE, KY., MARKETING AREA AND LEXINGTON-FRANKFORT, KY., AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order and on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Highway Auditorium, State Office Building, Frankfort, Kentucky, beginning at 10:00 a.m. on August 4, 1959, with respect to (1) proposed amendments to the tentative marketing agreement and to Order No. 46, regulating the handling of milk in the Louisville, Kentucky, marketing area, including a proposal to expand the marketing area to include territory in the Lexington-Frankfort, Kentucky, area, and (2) as an alternative, a proposed marketing agreement and order to regulate the handling of milk in the Lexington-Frankfort area with terms and provisions of such separate order to be identical with those contained in Order No. 46 (22 F.R. 7851, effective October 1, 1957) as proposed to be amended herein, or with other appropriate modifications thereof.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions relating to the handling of milk in the area and in relation to the other proposals set forth below.

The hearing on the various proposals is to determine whether or not:

(a) The handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce or directly burdens, obstructs or affects interstate or foreign commerce;

(b) The proposed amendments to the present Order No. 46 or the issuance of an additional order is justified; and

(c) The provisions specified in the proposals and all other provisions of the present order would tend to effect the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, as applied to the marketing area, as proposed to be redefined or as a separate area, and if not, what modification of the proposals and of the provisions of Order No. 46 would be necessary and appropriate.

The proposals set forth below have not received the approval of the Secretary of Agriculture:

Proposed by the Falls Cities Cooperative Milk Producers Association:

Proposal No. 1. Consider the propriety of the inclusion of all or a portion of the territory geographically located within the limits of the counties of Franklin and Fayette in Kentucky:

(1) As a part of the Louisville, Kentucky, marketing area specified in § 946.6 of the order regulating the handling of milk in the Louisville, Kentucky, marketing area, which said marketing area, as amended, shall be designated as the Louisville-Lexington, Kentucky marketing area.

(2) As the marketing area under a new and separate Federal milk market order for the regulation of such area, with further consideration to the application of the entire regulatory terms of the Louisville order, or appropriate modifications thereof that will tend to effectuate the declared policy of the Act with respect to such area.

(3) Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from the hearing.

Proposal No. 2. Consider further amendment to § 946.6 to include all of the territory within the boundaries of Clark County, Indiana, in lieu of the specified townships in the said county, in the marketing area.

Proposal No. 3. Amend paragraph (a) of § 946.9 to read:

(a) A city plant, other than a plant operated by a producer-handler, from which not less than 45 percent of the milk received from persons described in § 946.12(a) either directly from such persons or from country plants during the two immediately preceding months is disposed of as Class I milk to outlets other than pool plants and not less than 10 percent of such receipts during the current month are distributed through routes in the marketing area: *Provided*, That in case of a plant for which such utilization percentage for the two immediately preceding months cannot be ascertained by the market administrator, the 45 percent requirement shall apply to receipts and Class I sales during the current month.

Proposal No. 4. Amend paragraph (a) of § 946.51 to read:

(a) *Class I milk.* The price of Class I milk per hundredweight shall be the basic formula price for the preceding month rounded to the nearest tenth of a cent plus $1.45.

Proposal No. 5. Amend the first portion of paragraph (c) of § 946.51 to read:

(c) *Class III milk.* The price of Class III milk for the months of September through March shall be the price per hundredweight computed pursuant to § 946.50(a), or that pursuant to subparagraph (1) of this paragraph, whichever is higher, and for the months of April through August the higher of the prices computed pursuant to subparagraph (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

Proposal No. 6. Amend § 946.53 to read:

§ 946.53 Location differential to handlers.

For that milk which is received from producers at a pool plant located outside the marketing area and 85 miles or more from the City Hall in Louisville (or Lexington, Kentucky, whichever is nearest, in case Fayette County is included in the marketing area), by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 946.51(a) shall be reduced at the rate set forth in the following schedule according to location of the pool plant where such milk is received from producers:

Mileage zone	Rate per hundredweight (cents)
Not more than 85 miles	0
More than 85 but not more than 95 miles	15
For each additional 10 miles or fraction thereof an additional	1½

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned first to any remainder of Class III milk in the plant to which transferred after making the calculation prescribed in § 946.46(a) (1) through (4) and the comparable steps in § 946.46(b) and then in sequence beginning with the next lowest use classification for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

Proposal No. 7. Amend § 946.82 to read:

§ 946.82 Location differentials to producers.

In making payments to producers pursuant to § 946.80(b) the handler shall deduct from the uniform price, with respect to all milk received from producers at a pool plant located outside of the marketing area and 85 miles or more from the City Hall in Louisville (or Lexington, Kentucky, whichever is nearest, in case Fayette County is included in the marketing area), not more than the appropriate zone differential provided in § 946.53.

Proposal No. 8. Amend paragraph (b) of § 946.85 to read as follows:

(b) On or before the 16th day after the end of each of the months of September, October, November, and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80(b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payment pursuant to § 946.80(c) for such month at the rates per hundredweight determined as follows: For each of the months of September, October, and November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71(d) during the immediately preceding period of April through July by the hundredweight of producer milk received by all handlers during such month (computed to the nearest cent per hundredweight) and compute such rates per hundredweight in like manner for the month of December by dividing the then remaining balance of the said aggregate amount set aside pursuant to § 946.71(d) by the hundredweight of producer milk received by all handlers during such month.

Proposed by Ashland Dairies, Ball and Co., Inc., Dixie-Bell Dairies, Jersey Heights, Kelly Dairies, and Lexington Dairy:

Proposal No. 9. Amend § 946.6, Order No. 46, if the handling of milk in Fayette County is to be regulated, to include the counties of Woodford, Scott, Harrison, Madison, Bourbon, Jessamine, Clark, Garrard, Anderson, Montgomery, Fayette, Franklin, Owen, and Boyle, all in the State of Kentucky.

Proposed by the Beatrice Foods Company:

Proposal No. 10. Amend § 946.6 to include: Hardin, Oldham, Shelby, Bullitt, Henry, Spencer, and Meade Counties, Kentucky.

Proposed by Sealtest Foods, Division of National Dairy Products, Inc.:

Proposal No. 11. Consider the regulation of the handling of milk in the territory lying within the boundaries of Hardin, Nelson, Bullitt, Spencer, Shelby, Franklin, and Fayette Counties in Kentucky, and Clark and Harrison Counties in Indiana, and determine what portion or portions of said territory should be regulated as:

1. Part of the Louisville, Kentucky, marketing area, properly to be included in § 946.6 of the order regulating the handling of milk in the Louisville, Kentucky, marketing area, part No. 946, in addition to the area presently designated as "marketing area" in said § 946.6.

2. As a marketing area under a separate Federal milk market order.

3. Also determine the terms and provisions of the regulation appropriate for said territory to effectuate the declared policy of the Act; whether the terms and provisions of said Order No. 46 are applicable to said territory or appropriate modifications of said terms and provision are necessary.

Proposed by Oscar Ewing:

Proposal No. 12. Consider the regulation of the handling of milk in the counties of Hardin, Henry, Larue, Oldham, and Shelby in the State of Kentucky.

Proposed by Plainview Farms, Inc.:

Proposal No. 13. Consider the regulation of the handling of milk in the counties of Oldham and Shelby in the State of Kentucky.

Proposed by Dean Milk Company, Inc.:

Proposal No. 14. Amend § 946.6, Order No. 46 to include the counties of Oldham, Shelby, Franklin, Scott, Meade, Bullitt, Spencer, Nelson, Anderson, Fayette, Hardin, Washington, Mercer, Larue, Henry, Woodford, and Boyle in the State of Kentucky.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 15. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of Order No. 46 (22 F.R. 7851) effective October 1, 1957, may be procured from the Market Administrator, 963 Baxter Avenue, P.O. Box 37, Baxter Avenue Station, Louisville, Kentucky or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 15th day of July, 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-5963; Filed, July 17, 1959; 9:18 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 63; Draft Release 59-9]

[Special Civil Air Reg. SR-424B]

POSITIVE AIR TRAFFIC CONTROL

Extension of SR-424A for Indefinite Period

Pursuant to the authority delegated to me by the Administrator (§ 405.27; 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to extend for an indefinite period Special Civil Air Regulation No. 424A, which will expire on September 15, 1959.

Notice was given on May 15, 1959, that the Federal Aviation Agency had under consideration a proposal to extend for an indefinite period the positive control concept provisions of SR-424, which was to expire on June 15, 1959.

This notice explained the purpose of these provisions as a means by which the nature and extent of the traffic handling problem of all weather positive control concept could be determined. It explained that the positive control concept had been implemented on three transcontinental airways at altitudes from 17,000 to 22,000 feet and discussed the problems of further development of such concept. It related that future plans contemplated experimentation with positive control areas as well as positive control route segments.

The Department of the Air Force submitted the sole objection to this notice of proposed rule making. Because of this objection it was decided to extend the present provisions of SR-424 until September 15, 1959, rather than for an indefinite period. This temporary extension was made in order not to lose the increased safety provided by the present program and to provide time in which to further discuss the provisions of the rule with the Air Force.

The principal objection of the Air Force was not in opposition to the continuation of the currently effective positive control routes but to the increased extent of airspace authorized in the rule for positive control route segments. It was pointed out by the Air Force that positive control route segments are currently designated along certain 10-mile wide airways from 17,000 to 22,000 feet, while the rule authorized such route segments along routes 40-miles wide and extending from 17,000 to 35,000 feet.

As issued the proposed rule authorized the designation of positive control routes which exceeded the dimensions of those currently designated. This was consistent with the initial authorization contained in SR-424 as adopted by the Civil Aeronautics Board and was considered to be representative of future airspace requirements for the positive control concept.

Due to the present capabilities of the air traffic control system it was not intended to increase immediately the dimensions of positive control route segments to the full extent authorized in the proposed rule. Therefore, in order to clarify the intent of the rule it appears desirable to adopt a new Special Civil Air Regulation which will limit the designation of the positive control route segments to the same dimensions as those currently designated.

However, as pointed out in the notice of proposed rule making dated May 15, 1959, the future plans for further development and expansion of the positive control concept contemplate experimentation and "service testing" with positive control areas as well as positive control route segments. These plans will be the subject of future rule making procedures in order to provide interested parties with full opportunity to participate.

This amendment is proposed under the authority of sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749; 49 U.S.C. 1354, 1348).

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by August 17, 1959, will be

considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

In consideration of the foregoing, it is proposed to promulgate the following Special Civil Air Regulation to be effective September 15, 1959:

1. The special air traffic rules prescribed in paragraphs (2), (3) and (4) of this special regulation shall be applicable to any operation of an aircraft in that portion of airspace between the altitudes of 17,000 and 22,000 feet having a width of 10 miles which has been designated by the Administrator as a "positive control route segment" in Part 601 of the Administrator's Regulations (14 CFR Part 601).

2. No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

3. All VFR flight activities, including VFR on top, irrespective of weather conditions, are prohibited from operating in this designated airspace.

4. All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

This Special Civil Air Regulation shall remain in effect until superseded or rescinded by the Administrator.

Issued in Washington, D.C., on July 15, 1959.

G. S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5929; Filed, July 17, 1959; 8:49 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-18]

REVOCATION OF A SEGMENT OF FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND COMPULSORY REPORTING POINTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.259, 601.259 and 601.4259 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 59 presently extends from Garden City, Kansas, via Gage, Oklahoma, to Oklahoma City, Oklahoma. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, show zero and one aircraft movement, respectively, for the segment from Garden City, Kansas to Gage, Oklahoma. On the basis of the survey it appears that the retention of this airway segment, and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 59 and its associated control areas would then extend from Gage, Oklahoma to Oklahoma City, Oklahoma. In addition, the caption to § 601.4259, relating to the associated compulsory reporting points, will have to be amended.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Gage, Oklahoma-Garden City, Kansas, segment of Red Federal airway No. 59 and its associated control areas by amending §§ 600.259 and 601.259 (14 CFR, 1958 Supp., 600.259, 601.259) and to amend § 601.4259 (14 CFR, 1958 Supp., 601.4259) as follows:

1. Section 600.259 *Red Federal airway No. 59 (Garden City, Kansas, to Oklahoma City, Oklahoma).*

a. Delete "*(Garden City, Kansas, to Oklahoma City, Oklahoma)*". Substitute therefor "*(Gage, Oklahoma, to Oklahoma City, Oklahoma)*".

b. Delete "Garden City, Kansas, radio range station via the intersection of the south course of the Garden City, Kansas, radio range and the northwest course of the Gage, Oklahoma, radio range;"

2. In § 601.259 *Red Federal airway No. 59 (Garden City, Kansas, to Oklahoma City, Oklahoma)*, delete "*(Garden City, Kansas, to Oklahoma City, Oklahoma)*". Substitute therefor "*(Gage, Oklahoma, to Oklahoma City, Oklahoma)*".

3. In § 601.4259 *Red Federal airway No. 59 (Garden City, Kansas, to Oklahoma City, Oklahoma)*, delete "*(Garden City, Kansas, to Oklahoma City, Oklahoma*". Substitute therefor "(Gage, Oklahoma, to Oklahoma City, Oklahoma)".

Issued in Washington, D.C., on July 13, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5902; Filed, July 17, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-8]

REVOCATION OF FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND COMPULSORY REPORTING POINTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13; 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 31 presently extends from Burlington, Iowa, to Moline, Ill. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows no aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 31, the control areas and compulsory reporting points associated with it would then be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such confrences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Blue Federal airway No. 31 and associated control areas by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.631 *Blue Federal airway No. 31 (Burlington, Iowa, to Moline, Ill.)* is revoked.

2. Section 601.631 *Blue Federal airway No. 31 control areas (Burlington, Iowa, to Moline, Ill.)* is revoked.

3. Section 601.4631 *Blue Federal airway No. 31 (Burlington, Iowa, to Moline, Ill.)* is revoked.

Issued in Washington, D.C., on July 13, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5901; Filed, July 17, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-80]

MODIFICATION OF CONTROL ZONE

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13; 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2125 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration a minor modification of the Hulman Field, Terre Haute, Indiana, control zone. A portion of the present control zone extends two miles either side of the 002° radial of the Terre Haute VOR, to a point ten statute miles north of the VOR. The prescribed VOR Standard Instrument Approach Procedure (24 F.R. 2391) permits a procedure turn to be made on the west side of the 360° course within ten nautical miles of the VOR. It is therefore necessary to extend the above mentioned portion of the control zone to a point twelve statute miles (approximately 10 nautical miles) north of the VOR in order to provide adequate controlled airspace for VOR instrument approaches to Hulman Field.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to modify the Terre Haute, Indiana, control zone, by amending § 601.2125 (24 F.R. 704) as follows:

In § 601.2125 *Terre Haute, Indiana, control zone*, delete "10 miles north of the VOR," and substitute therefor "12 miles north of the VOR."

Issued in Washington, D.C., on July 13, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-5903; Filed, July 17, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Muskogee Area Office Redelegation Order 1, Amdt. 2]

OSAGE AGENCY

Redelegation of Authority

Order 1, as amended, is further amended by the addition of a new part and seven new sections, to read as follows:

Part 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 3.29 *Osage land exchanges, partitions and change designations of homestead.* The Superintendent, Osage Agency, may approve orders to change designation of homestead and instruments vesting title, pursuant to the provisions of 25 CFR Part 127.

SEC. 3.35 *Leasing for oil and gas mining.* The Chief, Branch of Minerals, Osage Agency, may exercise the authority of the Superintendent set forth in 25 CFR 183.26, 183.46(a) and 183.46(c). The authority delegated in this section does not include:

1. The approval of the schedule of bids accepted by the Osage Tribal Council following a sale of oil leases and gas leases conducted in conformity with the provisions of § 183.39

Any action taken under this section is subject to the right of appeal to the Superintendent.

FUNCTIONS RELATING TO HEALTH AND WELFARE MATTERS

SEC. 3.254 *Appointment of guardians.* The Superintendent, Osage Agency, may approve the appointment of guardians of Osage Indians pursuant to the provisions of the Act of February 27, 1925 (43 Stat. 1008).

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 3.261 *Investment of Osage funds.* The Superintendent, Osage Agency, may invest funds of Osage Indians held in the Accounts of the Indian Bureau for individual Indians and Indian associations in any public debt of the United States, bonds, notes, or other obligations, authorized under the Act of February 27, 1925 (CH 359, 43 Stat. 1008, 1009), provided the principal of any such investment is guaranteed by the United States.

SEC. 3.265 *Osage Indian funds.* The Superintendent, Osage Agency, may approve applications by Osage Indians under section 5 of the Act of April 18, 1912 (37 Stat. 87), for the withdrawal of individual trust funds in the Treasury of the United States and quarterly pro rata share payments of Osage tribal funds and interest on individual funds in the United States Treasury pursuant to the provisions of the Act of June 28, 1906 (34 Stat. 544), as amended, or supplemented by the Acts of February 27, 1925 (43 Stat. 1008), and June 24, 1938 (52 Stat. 1034).

SEC. 3.266 *Osage headrights.* The Superintendent, Osage Agency, may approve transfers of Osage headrights belonging to any person not an Indian by blood, pursuant to the provisions of the Act of April 12, 1924 (43 Stat. 94).

SEC. 3.267 *Deposit and expenditure of individual funds—Osage.* The Superintendent, Osage Agency, may exercise any and all the authority of the Commissioner set forth in 25 CFR 108.

H. REX LEE,
Acting Commissioner.

JULY 14, 1959.

[F.R. Doc. 59-5911; Filed, July 17, 1959; 8:47 a.m.]

Bureau of Land Management

ALASKA

Notice of Filing of Alaska Protraction Diagram, Anchorage Land District, Notice No. 3

JULY 13, 1959.

1. Notice is hereby given that the following protraction diagram has been officially filed of record in the Anchorage Land Office, 334 East Fifth Avenue, Anchorage, Alaska, effective upon publication of this notice, and will become the basic record for the description of oil and gas lease offers filed after 10:00 a.m., 30 days after the publication of this notice, in accordance with 43 CFR § 192.42a(c), (24 F.R. 4140, May 22, 1959):

Alaska Protraction Diagram (Unsurveyed)

SEWARD MERIDIAN

S. 13–6, Ts. 11 to 12 N., Rs. 10 to 12 W.

2. Copies of this diagram are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 334 East Fifth Avenue, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 59–5913; Filed, July 17, 1959; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[344.3]

ROSARY CASES, WHOLLY OR IN CHIEF VALUE OF POLYSTYRENE NOT SERVING AS CHIEF BINDING AGENT

Prospective Tariff Classification

JULY 14, 1959.

It appears that rosary cases, wholly or in chief value of polystyrene, a synthetic resin, not serving as chief binding agent, are properly dutiable by virtue of the similitude clause in paragraph 1559(a), Tariff Act of 1930, at the rate applicable to base metal rosary cases, that is, 19 percent ad valorem under paragraph 397, as modified, if valued not over 20 cents per dozen, 55 percent ad valorem under paragraph 1527(c)(2), as modified, if valued over 20 cents but not over $5 per dozen, or at the rate of 35 percent ad valorem under paragraph 1527(c)(2), as modified, if valued over $5 per dozen.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing practice of assessing duty on this merchandise by virtue of the similitude clause in paragraph 1559(a) at the rate of 17 percent ad valorem, the rate applicable under paragraph 31(a)(2), as modified, to articles in chief value of cellulose acetate.

By law the rate of duty to be assessed should be the rate applicable to that article enumerated in the tariff act which these polystyrene rosary cases most resemble with respect to use. Consideration will be given to any relevant data, views, or arguments pertaining to the correct dutiable status of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59–5932; Filed, July 17, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

R. CHESTER REED

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: None.

This statement is made as of July 7, 1959.

R. CHESTER REED.

JULY 7, 1959.

[F.R. Doc. 59–5926; Filed, July 17, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–8]

NORTH CAROLINA STATE COLLEGE

Notice of Issuance of Utilization Facility License Amendment

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on March 2, 1959, the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R–1 authorizing North Carolina State College to possess and operate the Raleigh Research Reactor at steady power levels up to 100 watts at the new location on its campus at Raleigh, North Carolina. Notice of the proposed action was published in the FEDERAL REGISTER on March 3, 1959, 24 F.R. 1575.

Dated at Germantown, Md., this 13th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59–5900; Filed, July 17, 1959; 8:45 a.m.]

BUREAU OF THE BUDGET

CERTAIN LANDS IN MISSOURI

Order Retransferring Jurisdiction From Department of the Interior to Department of Agriculture

By virtue of the authority vested in the President of the United States by the last sentence of paragraph (c) of section 32 of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 525, as amended (7 U.S.C. 1011(c)), and delegated to the Director of the Bureau of the Budget by section 1(f) of Executive Order No. 10530 of May 10, 1954, and upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, it is ordered as follows:

Jurisdiction over all lands, together with improvements therein, in the State of Missouri, which were transferred to the Department of the Interior by Executive Order No. 8509 of August 8, 1940, for use and management by the Curators of the University of Missouri, under the custody of the Fish and Wildlife Service, Department of the Interior, is hereby retransferred to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III, and related provisions of Title IV, of the Bankhead-Jones Farm Tenant Act.

This transfer shall become effective only upon the issuance by the Secretary of the Interior, pursuant to Executive Order No. 10355 of May 26, 1952, of a public land order disestablishing the Missouri Wildlife Management Area established by Executive Order No. 8509 of August 8, 1940.

ELMER B. STAATS,
Acting Director of the Bureau of the Budget.

JULY 7, 1959.

[F.R. Doc. 59–5922; Filed, July 17, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9941]

MACKEY AIRLINES, INC.; RENEWAL PROCEEDING

Notice of Hearing

In the matter of the application of Mackey Airlines, Inc., for an amendment to its temporary certificate of public convenience and necessity for route No. 110.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on August 18, 1959, at 10 a.m., e.d.s.t., at the Galt Ocean Mile Hotel, Fort Lauderdale, Fla., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., July 14, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–5928; Filed, July 17, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12938; FCC 59M–892]

KVFC, INC. (KVFC)

Order Scheduling Hearing

In re application of KVFC, Incorporated (KVFC), Cortez, Colorado, Docket No. 12938, File No. BP–11847; for construction permit.

It is ordered, This 13th day of July 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1959, in Washington, D.C.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5935; Filed, July 17, 1959; 8:50 a.m.]

[Docket No. 12939; FCC 59M–893]

WPGC, INC. (WPGC)

Order Scheduling Hearing

In re application of WPGC, Inc. (WPGC), Morningside, Maryland, Docket No. 12939, File No. BML–1790; for modification of license.

It is ordered, This 13th day of July 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1959, in Washington, D.C.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5936; Filed, July 17, 1959; 8:50 a.m.]

[Docket No. 12940; FCC 59–692]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of Telephone Company facilities with certain facilities of customers.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of July 1959;

The Commission having under consideration (1) certain tariff schedules filed by American Telephone and Telegraph Company (AT&T) under its Transmittal No. 5991, and Northwestern Bell Telephone Company under its Transmittal No. 749 establishing new and revised regulations applicable to connection of telephone company facilities with certain customer-owned facilities, such tariff schedules being designated as follows:

A.T. & T. Tariff FCC No. 134

114th Revised Page 1.
9th Revised Page 10 F.
Original Page 10 F A.
7th Revised Page 10 G.

N.W. Bell Tel. Co. Tariff FCC No. 20

43d Revised Page 1.
2d Revised Page 41 A.
4th Revised Page 42.
2d Revised Page 42 A.

(2) petitions filed by the Southern Railway System on July 1, 1959, and the Atchison, Topeka and Santa Fe Railroad System on July 6, 1959 requesting that the Commission suspend the above-mentioned new and revised tariff schedules and that it initiate a hearing and investigation into the lawfulness thereof; and (3) a telegram dated July 3, 1959 from the Illinois Central Railroad Company seeking the same relief requested by the Atchison, Topeka and Santa Fe Railroad System;

It appearing that the above-mentioned tariff schedules extend to certain classes of customer privileges with respect to interconnection of privately owned facilities with facilities of the telephone companies which are not permitted under the tariffs in the case of customers generally;

It further appearing that under the proposed tariff, power and pipe line companies may interconnect their telephone facilities with the exchange and message toll facilities of AT&T so as to form a through circuit only under the three conditions set forth in the tariff, including emergency conditions and cases involving hazardous or inaccessible locations, whereas railroads are not so limited in connecting their facilities to such telephone company facilities;

It further appearing that the terms and conditions under which railroads may interconnect their communications facilities with those of AT&T may operate so as to create unlawful discrimination among railroads; and

It further appearing that no rights and interests of the public will be substantially affected if the schedules are permitted to become effective on the date scheduled;

It further appearing that the Commission is unable to determine from the aforementioned tariffs and the information supplied by AT&T in connection therewith whether the classifications, regulations, and practices set forth therein are or will be lawful under the provisions of sections 201(b) and 202(a) of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted, into the lawfulness of the classifications, regulations, and practices contained in the above-mentioned tariff schedules;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be hereafter followed with respect to the service governed by the aforementioned tariff schedules and, if so, what classifications, regulations, and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be hereafter specified; and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or Recommended Decision;

It is further ordered, That the petitions of the Southern Railway System and Atchison, Topeka and Santa Fe Railroad System are granted to the extent indicated herein and in all other respects are denied;

It is further ordered, That American Telephone and Telegraph Company, Northwestern Bell Telephone Company and all carriers concurring in the above-mentioned tariff schedules are hereby made parties respondent in the proceedings herein, and Southern Railway System, the Atchison, Topeka and Santa Fe Railroad System and Illinois Central Railroad Company are hereby granted leave to intervene upon filing notice of intention to participate in these proceedings within twenty days from the date of issuance of this order.

Released: July 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–5937; Filed, July 17, 1959; 8:51 a.m.]

[Docket No. 12918; FCC 59M–890]

DODGE CITY BROADCASTING CO., INC.

Order for Prehearing Conference

In re application of the Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP–12110; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Monday, July 20, 1959, beginning at 2:00 p.m. in the offices of the Commission, Washington, D.C. This conference is called

pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 13th day of July 1959.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-5938; Filed, July 17, 1959; 8:51 a.m.]

[Docket No. 12908; FCC 59M-889]

LAIRD BROADCASTING CO., INC. (KHAK)

Order Continuing Hearing

In re application of Laird Broadcasting Company, Inc. (KHAK), Cedar Rapids, Iowa, Docket No. 12908, File No. BP-11855; for construction permit for standard broadcast station.

It is ordered, This 10th day of July 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Thursday, July 16, 1959, in the offices of the Commission, Washington, D.C.

It is further ordered, That on the Hearing Examiner's own motion, due to a conflict in his calendar, the hearing presently scheduled herein to commence on July 23, 1959, is continued without date.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-5939; Filed, July 17, 1959; 8:51 a.m.]

[Docket No. 11932; FCC 59M-894]

NEW JERSEY EXCHANGES, INC.

Order Scheduling Hearing Conference

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

A further hearing conference in the above-entitled proceeding will be held on Wednesday, July 15, 1959, beginning at 11:00 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 13th day of July 1959.

Released: July 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-5940; Filed, July 17, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15523]

ATLANTIC REFINING CO.

Notice of Application and Date of Hearing

JULY 13, 1959.

Take notice that on July 22, 1958, The Atlantic Refining Company (Applicant) filed in Docket No. G-15523 an application purusant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Texas Eastern Transmission Corporation (Texas Eastern) from certain lands and leaseholds located in the Koenig Field, DeWitt County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The service sought to be abandoned is covered by a gas sales contract dated March 1, 1956, as amended, on file with the Commission as The Atlantic Refining Company, Operator, et al., FPC Gas Rate Schedule No. 160.

By letter agreement dated December 6, 1957, between Applicant and Texas Eastern, the subject service was terminated and cancelled. This latter agreement has been accepted for filing as Supplement No. 9 to The Atlantic Refining Company FPC Gas Rate Schedule No. 160.

Applicant states that the subject acreage has become non-productive and the well thereon has been plugged.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 20, 1959, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 59-5904; Filed, July 17, 1959; 8:45 a.m.]

[Docket No. G-18890]

BIG CHIEF DRILLING CO.

Order for Hearing and Suspending Proposed Change in Rate

JULY 13, 1959.

Big Chief Drilling Company (Big Chief), on June 15, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge is contained in the following designated filing:

Description: (1) Supplemental Agreement dated November 11, 1958. (2) Notice of change, undated.

Purchaser: Colorado Interstate Gas Company.

Rate schedule designation: (1) Supplement No. 2 to Big Chief's FPC Gas Rate Schedule No. 9. (2) Supplement No. 3 to Big Chief's FPC Gas Rate Schedule No. 9.

Effective date: July 16, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Big Chief states that the reasons, nature and basis for the rate change are set forth in the contract, which provides that the price during each five-year period after December 31, 1958, shall be the market price for gas sold under similar conditions to major pipeline companies within a 50-mile radius of any of Big Chief's wells.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplements Nos. 2 and 3 to Big Chief's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplements Nos. 2 and 3 to Big Chief's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until December 16, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 59-5905; Filed, July 17, 1959; 8:45 a.m.]

[Docket No. G-18891]

SUNRAY MID-CONTINENT OIL CO.

Order for Hearing and Suspending Proposed Change in Rate

JULY 13, 1959.

Sunray Mid-Continent Oil Company (Sunray), on June 18, 1959, tendered for filing a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge is contained in the following designated filing:

Description: Contract, dated May 22, 1959. Notice of change, dated June 16, 1959.

Purchaser: Kansas-Colorado Utilities Incorporated.

Rate schedule designation: Sunray's FPC Gas Rate Schedule No. 180 Supplement No. 1 to Sunray's FPC Gas Rate Schedule No. 180.

Effective date: July 19, 1959 (stated effective date is the first day after expiration of the required 30 days' notice).

In support of the proposed renegotiated rate increase, Sunray states that the contract was negotiated at arm's length; it has been a common and accepted practice in the industry to provide for periodic and favored-nation price increases in long-term contracts, and such pricing provisions are necessary to assure seller a price equal to the current commodity value of his gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Sunray's FPC Gas Rate Schedule No. 180 and Supplement No. 1 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Sunray's FPC Gas Rate Schedule No. 180 and Supplement No. 1 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and supplement be and they hereby are suspended and the use thereof deferred until December 19, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 59-5906; Filed, July 17, 1959; 8:46 a.m.]

[Docket No. G-18889]

WESTERN NATURAL GAS CO.

Order for Hearing and Suspending Proposed Changes in Rates

JULY 13, 1959.

Western Natural Gas Company (Western Natural), on June 15, 1959, tendered for filing two proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designations: Supplement No. 4 to Western Natural's FPC Gas Rate Schedule No. 21. Supplement No. 3 to Western Natural's FPC Gas Rate Schedule No. 22.

Effective date: July 16, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increases, Western Natural states that the contracts were negotiated at arm's length and that the pricing provisions thereof constitute an integral part of the consideration upon which the contracts are based.

On June 24, 1959, Texas Eastern Transmission Corporation, inter alia, filed a formal protest to the acceptance for filing of the subject rate changes, alleging that the changes are unsupported by the contracts.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplement Nos. 4 and 3 to Western Natural's FPC Gas Rate Schedule Nos. 21 and 22 respectively, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 4 and 3 to Western Natural's FPC Gas Rate Schedule Nos. 21 and 22 respectively.

(B) Pending the hearing and decision thereon, these supplements are hereby suspended and the use thereof deferred until December 16, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 59-5907; Filed, July 17, 1959; 8:46 a.m.]

[Project No. 2130]

PACIFIC GAS AND ELECTRIC CO.

Notice of Modification of Land Withdrawal; California

JULY 15, 1959.

On September 22, 1926, this Commission gave notice to the General Land Office (now the Bureau of Land Management) of the reservation of 860 acres of lands of the United States pursuant to the filing of an application for license by the Sierra and San Francisco Power Company for Project No. 708. Commission letters of May 28 and July 1, 1938, as superseded and modified by letters of April 28 and August 2, 1941, gave notice to that office of the reservation of approximately 1,397 acres of United States lands pursuant to the filing of an original and an amendatory application by the Sierra and San Francisco Power Company for Project No. 1318. In addition, by withdrawal notice of October 15, 1956, this Commission gave notice that the Pacific Gas and Electric Company, the present licensee for Projects Nos. 708 and 1318, had filed an application for major license on April 16, 1953, as sup-

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[1] In addition to increasing the level of rate, the instant filings propose to supersede Sunray Mid-Continent Oil Company (Operator) et al.'s FPC Gas Rate Schedule No. 90 as amended.

plemented by an application of January 4, 1955, to include the two above-mentioned constructed projects under a single license as Project No. 2130. An additional 20.5 acres of United States lands were reserved by this notice, making a total of 2,277.5 acres reserved under Project No. 2130. (Maps showing the project area were redesignated as F.P.C. Nos. 2130–13 through 2130–15 and 2130–17 through 2130–25.)

On April 20, 1959, the Pacific Gas and Electric Company filed an application for amendment of their license to provide for a new Stanislaus power plant and related and appurtenant facilities and appropriate retirement of the existing Stanislaus plant. On April 29, 1959, they filed revised map Exhibit K–10–D (F.P.C. No. 2130–37) delimiting the retired facilities and the lands to be occupied by the new facilities.

Therefore, in accordance with section 24 of the Federal Power Act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power Project No. 2130 for which completed amendatory application for license was filed April 29, 1959. Under said section 24 these lands are from date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within the project boundary as delimited on the map designated as K–10–D (F.P.C. No. 2130–37) entitled "Plan of Stanislaus, Forebay, Conduits, Powerhouse, and Afterbay, Pacific Gas and Electric Co.," filed in the Federal Power Commission April 29, 1959, superseding Exhibit K–10–C (F.P.C. No. 1318–31, redesignated as 2130–22).

T. 3 N., R. 14 E.,
Sec. 12: N½ and SE¼ Lot 4.
T. 3 N., R. 15 E.,
Sec. 6: SE¼ Lot 9, unpatented portion Lot 10, NW¼SE¼, NW¼SW¼SE¼, NE¼ and S½ Lot 2.
Sec. 7: N½ Lot 1.

This notice modifies and supersedes that given April 28, 1941, in connection with Project No. 1318 (redesignated October 15, 1956, as Project No. 2130), insofar as it refers to the location of the Stanislaus Tunnel and Powerhouse located in portions of the above-noted subdivisions. The area reserved under this notice embraces approximately 109 acres of which approximately 106 acres have been heretofore reserved for power purposes under Project No. 2130, Power Site Reserve No. 86, or Power Site Classification No. 220. The lands in T. 3 N., R. 15 E., noted above, are within the Stanislaus National Forest.

Copies of the amendatory project map Exhibit K–10–D (F.P.C. No. 2130–37) have been tranmitted to the Bureau of Land Management, Geological Survey and Forest Service.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–5923; Filed, July 17, 1959; 8:48 a.m.]

[Docket No. G–15163 etc.]

EMPIRE STATES DRILLING CORP. ET AL.

Notice of Applications and Date of Hearing

JULY 14, 1959.

In the matters of Empire States Drilling Corporation [1], Docket No. G–15163; Rutter and Wilbanks Brothers, Operator [2], Docket No. G–15201; Rutter and Wilbanks Brothers, Operator [3], Docket No. G–15202; Shell Oil Company, Docket No. G–15700; Magnolia Petroleum Company, Docket No. G–16303; Pan American Petroleum Corporation, Docket No. G–16465; James E. Rogers, Operator, et al.[4], Docket No. G–16541; Southwest Gas Producing Company, Inc. et al.[5], Docket No. G–16764; Tidewater Oil Company, Docket No. G–16928; William A. Hudson and Edward R. Hudson, et al.[6], Docket No. G–16930; John Allen and Henry Stephens, Docket No. G–16977; Champlin Oil & Refining Company [7], Docket No. G–16993; Colorado Oil & Gas Corporation [8], Docket No. G–17011.

Take notice that each of the above-designated parties hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as follows:

Docket Nos., Field and Location, and Purchasers

G–15163; Fulcher Kutz (Pictured Cliffs) Field, San Juan County, New Mexico; El Paso Natural Gas Company.

G–15201; Spraberry Trend Field, Reagan County, Texas; El Paso Natural Gas Company.

G–15202; Spraberry Trend Field, Reagan County, Texas; El Paso Natural Gas Company.

G–15700; Block 18 (Eugene Island Area), Offshore Louisiana; Tennessee Gas Transmission Company.

G–16303; Spraberry Trend Field, Upton County, Texas; El Paso Natural Gas Company.

G–16465; Carlton and Calhoun Fields, Lincoln and Ouachita Parishes, Louisiana; Texas Gas Transmission Corporation.

G–16541; Blanco (Pictured Cliffs) Field, Rio Arriba County, New Mexico; El Paso Natural Gas Company.

G–16764; Carlton, Calhoun and Tremont Fields, Lincoln, Ouachita and Jackson Parishes, Louisiana; Texas Gas Transmission Corporation.

G–16928; Southwest Ponca City Field, Kay County, Oklahoma; Wunderlich Development Company.

G–16930; Emperor Devonian Ellenberger Field, Winkler County, Texas; West Texas Gathering Company.

G–16977; Abbott Creek Field, Floyd County, Kentucky; Kentucky West Virginia Gas Company.

G–16993; Davis Ranch Area Field, Barker County, Kansas; Cities Service Gas Company.

G–17011; Hugoton Field, Finney County, Kansas; Northern Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the Procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[1] Production is limited to depths down to and including the Pictured Cliffs Formation.

[2] Rutter and Wilbanks Brothers, a partnership composed of Jess Wilbanks, G. L. Wilbanks, A. W. Rutter and A. W. Rutter, Jr., Operator, is filing for its 50 percent working interest in certain acreage and, as Operator, lists the following nonoperators with their respective percentages of working interest: Westlund Drilling Company, Conrad N. Hilton, David Baird and Serge Semenenko. Production from subject acreage is proposed to be sold under a basic gas sales contract dated November 3, 1952, as amended, between Humble Oil & Refining Company, seller, and El Paso, buyer. Applicant acquired its interest in subject acreage by three separate assignments from Carl J. Westlund (assignee of Humble) dated May 29, 1956, June 22, 1956 and July 18, 1956.

[3] Rutter and Wilbanks Brothers, a partnership composed of Jess Wilbanks, G. L. Wilbanks, A. W. Rutter and A. W. Rutter, Jr., Operator, is filing for its working interests in certain leases and, as Operator, lists the following nonoperators with their respective percentages of working interest: Conrad N. Hilton, David Baird, Serge Semenenko, West Central Drilling Company, A. J. Frazier, Joe Staley and Texas American Oil Corporation. Production from three productive leases, as well as other undeveloped leases, is proposed to be sold under a basic gas sales contract dated October 3, 1952, as amended, between The Standard Oil Company (Ohio), predecessor in interest to Sohio Petroleum Company, seller, and El Paso, buyer. Applicant acquired its interest in subject leases by assignments from Standard dated December 27, 1955, December 30, 1955 and April 10, 1956.

[4] James E. Rogers, Operator, is filing for himself and on behalf of the following nonoperators: Ethel H. Rogers, J. Felix Hickman, Merle Hickman, Paul H. Luckett II, Maxine Luckett, Ralph A. Sanders, Pauline Sanders, Reginald Sanders, Ruth Sanders, Oscar Rosen, Evelyn Rosen, Abe Horwitz, Rudolph D. Wisbrun, Eleanor Wisbrun and Betty S. Belding. All are signatory seller parties to the gas sales contract dated July 31, 1958, which contract limits production to horizona down to and including the Pictured Cliff's Formation.

[5] Southwest Gas Producing Company, Inc., is filing for itself and on behalf of the following co-owners: W. C. Feazel, Gertrude Feazel Anderson, G. M. Anderson and Lallage Feazel. Applicant proposes to sell (1) production from approximately 4,452 acres after processing in its plant and (2) residue gas owned by other producers, who do not negotiate contracts for the disposition of their gas; said gas will be sold pursuant to the terms of processing agreements for the account of such producers and Southwest, et al., will receive as payment for processing their proportionate part of extracted plant products. All above-named co-owners are signatory seller parties to the subject gas sales contract. Applicant states that service commenced on November 5, 1958, and the application acknowledges Applicant's willingness to accept a conditioned certificate requiring refund to Buyer should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

[6] William A. Hudson and Edward R. Hudson, nonoperators, are filing for themselves and on behalf of the following nonoperators: First Hutchings-Sealy National Bank of Galveston, Trustee for Mrs. Frances B. Moore and Guardian of the Minors, John Knox Hutchings and Donald Bartlett Moore; Mrs. Carol Moore; Kenneth R. Shelton; and Frances Moore Shelton. David W. Moore, Charles H. Moore and B. D. Moore, Jr., individually and as Executors of the Estate of Frances B. Moore, Deceased. All are signatory seller parties to the gas sales contract dated December 31, 1957.

[7] Application covers a basic gas sales contract dated November 4, 1958, which contract supersedes and includes in the acreage dedicated thereto (1) acreage previously dedicated to a contract between Champlin and Cities Service dated April 5, 1955, as amended March 23, 1956 and June 21, 1957, for which certificate authorization has been either issued or requested in Docket Nos. G–8868, G–10389 and G–14384, respectively (2) acreage attributable to Champlin's 24.22485 percent nonoperating interest in two wells, which acreage was previously dedicated to a gas sales contract between Champlin, et al., and Cities Service dated September 22, 1958 and (3) certain additional acreage not previously dedicated to a gas sales contract. Champlin is applying herein with respect to (2) and (3) above. Champlin is the only signatory seller party to the subject gas sales contract and as Operator of the above-mentioned additional acreage is filing for itself and lists in the application the names and percentages of working interests of M. B. Armer and Max Cohen, nonoperators.

[8] Application covers a ratification agreement dated March 1, 1958, of a basic gas sales contract dated October 14, 1957, between Nathan Appleman, et al., sellers, and Northern, buyer. Both Colorado and Northern are signatory parties to the subject ratification agreement.

See footnotes at end of document.

[F.R. Doc. 59–5924; Filed, July 17, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2–10453 etc.]

GENERAL MOTORS ACCEPTANCE CORP.

Notice of Application and Opportunity for Hearing

JULY 10, 1959.

In the matter of General Motors Acceptance Corporation, File No. 2–10453; File No. 2–11018; File No. 2–11435; File No. 2–11840; File No. 2–13495; File No. 2–13860.

Notice is hereby given that General Motors Acceptance Corporation (Company) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of Morgan Guaranty Company of New York (Morgan Guaranty) under the Six Existing Indentures hereinafter described and trusteeship by Guaranty under an Indenture to be dated as of June 15, 1959, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as such under said indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of the section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and under another indenture of the same obligor. However, pursuant to clause (ii) of subdivision (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one or more of such indentures.

The Company alleges that:

1. The Company proposes to issue and sell $50,000,000 principal amount of its Five Year 4⅞ percent Debentures due June 15, 1964 to be issued under an Indenture to be dated as of June 15, 1959 to be executed by the Company with Morgan Guaranty Trust Company of New York, a corporation organized and existing under the laws of the state of New York, as Trustee (herein referred to as the 1959 Indenture).

2. Such transaction is exempt from registration under the Securities Act of 1933 by reason of section 4(1) of said Act and the 1959 Indenture is exempt from qualification under the Trust Indenture Act of 1939 by reason of section 304(b)(1) of said Act.

3. The Company has outstanding the following issues of Debentures under six wholly unsecured Indentures (herein referred to as the Six Existing Indentures) executed by the Company with J. P. Morgan & Co., Inc. (Morgan) as Trustee and under all of which Morgan Guaranty is now successor trustee:

(a) $150,000,000 principal amount of its Eight-Year 3⅞ percent Debentures Due 1961 issued under an Indenture dated September 15, 1953.

(b) $75,000,000 principal amount of its Ten-Year 2¾ percent Debentures Due 1964 and $75,000,000 principal amount of its Fifteen-Year 3 percent Debentures Due 1969 issued under an Indenture dated July 15, 1954.

(c) $50,000,000 principal amount of its Five-Year 3 percent Debentures Due 1960 and $200,000,000 principal amount of its Seventeen-Year 3½ percent Debentures Due 1972 issued under an Indenture dated March 15, 1955.

(d) $200,000,000 principal amount of its Twenty-Year 3⅝ percent Debentures Due 1975 issued under an Indenture dated September 1, 1955.

(e) $100,000,000 principal amount of its Twenty-Year 5 percent Debentures Due 1977 issued under an Indenture dated August 15, 1957.

(f) $150,000,000 principal amount of its Twenty-One Year 4 percent Debentures Due 1979 issued under an Indenture dated March 1, 1958.

4. Morgan was duly merged into Guaranty on April 24, 1959. Morgan Guaranty became the successor Trustee under the Six Existing Indentures.

5. The Six Existing Indentures, all of which were qualified under the Trust Indenture Act of 1939, contain provisions embodying the provisions of section 310(b) of the Act.

6. All of the Six Existing Indentures, as well as the 1959 Indenture, are wholly unsecured and the Company is not in default thereunder. Except for variations in respect of amounts, dates, interest rates, and redemption prices, and except for the fact that the 1959 Indenture does not comply with the requirements of the Trust Indenture Act of 1939, all of said Indentures are essentially in the same form. Other than the promise to pay principal and interest the only general covenant of any substance is the so-called "negative-pledge" covenant. Any difference in the provisions of these Indentures is unlikely to cause any conflict of interest in the trusteeship of Morgan Guaranty under said Indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after July 27, 1959, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than July

24, 1959, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-5914; Filed, July 17, 1959; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

[Organization Description, Including Delegations of Final Authority]

COMMUNITY FACILITIES COMMISSIONER ET AL.

Redelegation of Certain Authority To Use Title III of Federal Property and Administrative Services Act of 1949, as Amended

Each of the following officers within the Housing and Home Finance Agency:

Community Facilities Commissioner.
Director, Division of General Services, OA.
Director, Property Management Branch, OA.
Executive Officer, Division of General Services, OA.
HHFA Regional Administrator.
Regional Director of Community Facilities Activities.
Director for Northwest Operations, Region VI.

is hereby authorized to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended, 41 U.S.C. 251 (herein called the Act), when procuring property and services, except the authority under section 305 (advance payments), the nondelegable authority to make the determinations or decisions specified in subsections 302(c) (12) and (13), and the authority under subsection 302(c)(11) with respect to contracts which will require the expenditure of more than $25,000. This authority shall be exercised in accordance with the applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, and controls prescribed by the General Services Administration.

Except for transactions initiated before March 10, 1959, this redelegation supersedes the redelegation to the Commissioner of Community Facilities and the Division Engineers of Community Facilities Service effective June 9, 1951 (16 F.R. 5505, June 9, 1951), which is hereby revoked.

(Delegation of Authority 363 from Administrator of General Services to Heads of Executive Agencies effective March 10, 1959, 24 F.R. 1921, March 17, 1959)

Effective as of the 10th day of March 1959.

[SEAL] NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 59-5910; Filed, July 17, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERDA MARIA SCHULTZ-HENCKE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerda Maria Schultz-Hencke, Voltastrasse 35, Zurich 44, Switzerland; $35,759.15 in the Treasury of the United States.

Vesting Orders Nos. 17800, 17979 and 17997; Claim No. 61254.

Executed at Washington, D.C., on July 10, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 59-5921; Filed, July 17, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 32992]

ACCOUNTING FOR FEDERAL INCOME TAXES

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 2d day of July A.D. 1959.

Consideration has been given to a petition filed May 22, 1959 by Arthur Andersen & Co., a firm of certified public accountants, requesting reconsideration of a notice issued by Division 2 on February 9, 1959 (24 F.R. 1401), which stated that possible income taxes to be assessed in the future will not be considered an element of tax expense for the current year. On March 5, 1959 the same petitioners filed a petition averring that the said notice amended the accounting regulations without recourse to public rule making procedures, and requesting that the notice be rescinded; that rule making proceedings in respect of such matter be instituted; and that petitioner be afforded the right to participate therein. This petition was denied for good cause by an order entered herein April 24, 1959 by Division 2 (24 F.R. 3525).

Petitioners now request that the entire Commission reconsider both actions by Division 2 and grant the relief previously denied, which in effect is a renewed petition to rescind the notice of February 9, 1959, to institute rule making proceedings in respect of such matter, and to afford petitioners the right to participate therein.

After consideration of such renewed petition:

It is ordered, That the views announced by Division 2 in the notice dated February 9, 1959 be, and they are hereby, affirmed; and further that the petition filed May 22, 1959 be, and it is hereby, denied for the reason that sufficient grounds have not been advanced to sustain it.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-5916; Filed, July 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 14, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35546: *Cement—Minneapolis and Duluth, Minn., groups to northwestern points.* Filed by Great Northern Railway Company (No. 1062), for interested rail carriers. Rates on cement (hydraulic, masonry, mortar, natural or portland) and articles taking same rates, straight or mixed carloads from Minneapolis, Minnesota Transfer, St. Paul, Duluth, Steelton (Duluth), Minn., and Superior, Wis., to points on the Great Northern Railway in Iowa, Minnesota, and South Dakota.

Grounds for relief: Motor truck competition in connection with distance scale rates for short-line distances up to 240 miles.

Tariff: Supplement 17 to Great Northern Railway Company tariff I.C.C. A-8871.

FSA No. 35547: Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2409), for interested rail carriers. Rates on cement, cement clinker, and dry building mortar, carloads, as described in the application from Limedale, Mitchell, and Speed, Ind., to points in Illinois Freight Association territory.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariff: Supplement 14 to Traffic Executive Association—Eastern Railroads, Agent, tariff I.C.C. C-56.

FSA No. 35548: *Cement from Houston, Tex., to Virginia Points.* Filed by Southwestern Freight Bureau, Agent (No. B-7583), for interested rail carriers. Rates on white portland cement, in carloads from Houston, Tex., to points taking Norfolk and Roanoke, Va., rates.

Grounds for relief: Grouping.

Tariff: Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4185.

FSA No. 35549: *TOFC service—Between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7586), for interested rail carriers. Rates on commodities moving on class rates loaded in trailers and transported on railroad flat cars between specified points in Oklahoma, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4285.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-5917; Filed, July 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35550: *Pig iron from eastern origins, including Keokuk, Iowa, and Calvert, Ky., to Michigan.* Filed by O. E. Schultz, Agent (Er No. 2501), for interested rail carriers. Rates on pig iron, in carloads, in multiple carlots from specified points in Illinois, Iowa, Kentucky, New York, Ohio and Pennsylvania to Muskegon, Cableton, South Haven and Holland, Mich.

Grounds for relief: Water and market competition.

Tariffs: Supplement 37 to D.T. & I.R.R. tariff I.C.C. 734 and other schedules named in appendix A to the application.

FSA No. 35551: *Plaster from Indiana to Missouri.* Filed by Southewestern Freight Bureau, Agent (No. B-7585), for interested rail carriers. Rates on plaster and related articles, in carloads from East Shoals and Willow Valley, Ind., to points in Missouri.

Grounds for relief: Rail carrier competition.

Tariff: Supplement 76 to Southwestern Freight Bureau tariff I.C.C. 4149.

FSA No. 35552: *Substituted service—C&O for motor carriers.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 26), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier, between Chicago, Ill., on the one hand, and Cincinnati, Ohio and Detroit, Mich., on the other, on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., tariff, I.C.C. 28, MF-I.C.C. 917.

FSA No. 35553: *Substituted service—PRR for motor carriers.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 27), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier (1) between Cleveland, Ohio, on the one hand, and Chicago and East St. Louis, Ill., on the other, and (2) between Pittsburgh, Pa., on the one hand, and Indianapolis, Ind., on the other, on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., tariff I.C.C. 28, MF-I.C.C. 917.

FSA No. 35554: *Substituted service—Erie Railroad for Liberty Motor Freight Lines, Incorporated.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 28), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier between Leavittsburg, Ohio, and Hammond, Ind., on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 4 to Central States Motor Freight Bureau, Inc., tariff I.C.C. 28, MF-I.C.C. 917.

FSA No. 35555: *Commodity rates from and to Counce, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3824), for interested rail carriers. Rates on various commodities (other than coal and coke), carload and less-than-carload between Counce, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Grouping and establishment of specific commodity rates from and to a new station.

FSA No. 35556: *Substituted service—C&O for Hajek Trucking Co., Inc.* Filed by Hajek Trucking Co., Inc. (No. 1) for itself and The Chesapeake and Ohio Railway Company. Rates on property loaded in trailers and transported on railroad flat cars by named substituting rail carrier between Chicago, Ill., on the one hand, and Cincinnati, Ohio, on the other, on traffic described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Hajek Trucking Co., Inc., tariff MF-I.C.C. 13. Supplement 15 to Hajek Trucking Co., Inc., tariff MF-I.C.C. 14.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-5918; Filed, July 17, 1959; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 104]

BELT RAILWAY COMPANY OF CHICAGO

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Belt Railway Company of Chicago, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Belt Railway Company of Chicago, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., July 13, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., July 27, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 13, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5919; Filed, July 17, 1959; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 105]

CHICAGO & EASTERN ILLINOIS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Chicago & Eastern Illinois Railroad Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) Rerouting traffic: The Chicago & Eastern Illinois Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., July 13, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., July 27, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 13, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5920; Filed, July 17, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during July. Proposed rules, as opposed to final actions, are identified as such.

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UNIVERSITY OF MICHIGAN
JUL 23 1959
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 24 NUMBER 141

Washington, Tuesday, July 21, 1959

JUL 23 1959
MAIN READING ROOM

Title 3—THE PRESIDENT

Proclamation 3303

CAPTIVE NATIONS WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

WHEREAS the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

WHEREAS the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent; and

WHEREAS it is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and the people of the United States of America for their just aspirations for freedom and national independence; and

WHEREAS by a joint resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July 1959 as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning July 19, 1959, as Captive Nations Week.

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of July in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-6037; Filed, July 20, 1959; 9:19 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraphs (d) and (e) are added to § 6.364 as set out below.

§ 6.364 Federal Aviation Agency.

* * * * *

(d) The Chief, Office of Public Affairs.

(e) One Confidential Assistant to the Chief, Office of Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5978; Filed, July 20, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (a)(1) of § 6.142 is amended as set out below.

§ 6.142 Housing and Home Finance Agency.

(a) *Office of the Administrator.* (1) Until July 31, 1961, Executive Secretary

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FEDERAL REGISTER

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and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–5979; Filed, July 20, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.208 is amended as set out below.

§ 6.208 Department of Justice.

* * * * *

(b) Deputy United States Marshals, Supervisory Deputy United States Marshals, and Chief Deputy United States Marshals.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–5980; Filed, July 20, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 483—WHEAT AND FLOUR

Subpart—Revision I of the Wheat Export Program Payment in Kind (GR–345) Terms and Conditions

The terms and conditions of Revision I of the Wheat Export Program Payment In Kind (GR–345) (23 F.R. 5365), are amended as follows:

Section 483.105 is amended by deleting paragraph (a) and substituting the following paragraph (a) and by adding a new paragraph (h) immediately following § 483.105(g) as shown following the amended paragraph (a):

§ 483.105 General conditions of eligibility.

(a) Payment under this program will be made to an exporter in connection with the net quantity of wheat exported from the United States to a designated country and the net quantity of wheat shipped to Canada and exported from Canadian ports, excluding West Coast Canadian ports, to a designated country pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a designated Contracting Officer of CCC, in accordance with § 483.136, subject to the terms and conditions set forth in this subpart. Payment also will be made to an exporter for wheat which was exported prior to sale and for which the exporter has received a Notice of Registration from a designated Contracting Officer of CCC, subject to the terms and conditions of this subpart particularly § 483.109.

* * * * *

(h) Exportation of wheat by or to a United States Government agency to or in a designated country shall not qualify as an exportation for the purposes of this program. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Department of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company.) Sales of wheat to foreign buyers, including foreign governments, though financed with funds made available by a U.S. agency such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency, provided such wheat is not for transfer to a U.S. Government agency.

Section 483.140 is amended by deleting the words, "and the Declaration of sale" appearing therein so that the section shall read as follows:

§ 483.140 Exporters agreement with CCC.

The Notice of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of wheat within the prescribed period stated in the Notice of Sale in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart.

§ 484.146 [Amendment]

Section 484.146(d) is amended by adding the Kansas City and Minneapolis Offices to the group of offices to which certificates may be presented so that the second sentence shall read as follows: "The certificate may be presented to the Dallas, Evanston, Kansas City, Minneapolis or Portland Office of Commodity Stabilization Service as provided in § 483.155 for wheat handled by the office to which submitted."

§ 483.147 [Amendment]

1. Section 483.147 is amended by deleting the words, "unless otherwise approved by the Director" from the opening sentence of § 483.147(a) and by deleting paragraph (a) (ii) and substituting the following:

(ii) Properly signed or certified true copy or copies of the document or documents, or other appropriate forms, that prove the maintenance of the U.S. identity of the wheat during the handling or storage of the grain in Canada and its ultimate loading to the vessel identified in the ocean bill of lading.

2. Section 483.147(a) is further amended by adding the following subparagraphs (6), (7), (8), and (9):

(6) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in subparagraph (1) of this paragraph as may be applicable hereto.

(7) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligation to export.

* * * * *

(8) Where exportation of the wheat has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas identified in § 483.184(b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of

Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

(9) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against the exporter's agreement with CCC, as provided in § 483.140 and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program, or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold wheat at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

Section 483.161(a) is amended to read as follows:

§ 483.161 Export requirements.

(a) The purchase shall, on or after the date of sale and within 60 days after delivery of the wheat to him or within such extension of that period as may for good cause be authorized by the Vice President in writing before or after expiration of such 60-day period, cause exportation to a designated country of wheat equal in quantity to, and of the same class as, the wheat delivered by CCC. In the case of delivery of wheat to the purchaser at a Great Lake port, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period or within such extension of that period as may for good cause be approved by CCC in writing ship from the place of delivery by CCC to any export point not on the Great Lakes wheat equal in quantity and of the same class as the wheat delivered by CCC. Wheat so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The requirement that wheat of the same class be exported may be satisfied by exporting a quantity of mixed wheat which contains, as evidenced by the Export Grain Inspection Certificate, wheat at least equal in quantity and of the same class as that delivered by CCC.

§ 483.162 [Amendment]

1. Section 483.162 is amended by deleting paragraph (a)(5)(ii) and substituting the following:

(ii) Properly signed or certified true copy or copies of the document or documents, or other appropriate forms, that prove the maintenance of the U.S. identity of the wheat during the handling or storage of the grain in Canada and its ultimate loading to the vessel identified in the ocean bill of lading.

2. Section 483.162 is further amended by deleting subparagraph (6) of paragraph (a) and inserting the following subparagraphs (6), (7), and (8) and by adding a new paragraph (c) to follow paragraph (b) as follows:

(6) If the export shipment is made by vessel, plane, truck or other carrier operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity the quantity, the export destination a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in subparagraph (1) of this paragraph as may be applicable hereto.

(7) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligation to export.

(8) If the wheat is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the purchaser must, in conformance with the requirement in § 483.161(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of the required quantity and class of wheat from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the purchaser that the wheat represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as permitted in paragraph (c) of this section. Such evidence shall be submitted in the time required by § 483.161(b) or within such extension of that time as may be approved by CCC in writing.

* * * * * *

(c) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat required to be exported under the purchaser's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different purchase contract with CCC under this program or under any other program of CCC requiring the export of a quantity of wheat, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the purchaser identifying all such contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

§ 483.163 [Amendment]

The last sentence of § 483.163(a)(3) is amended to read as follows: "Any upward adjustment of sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines (i) that the wheat has not been exported or has been reentered into the Continental United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such wheat was pursuant to written approval of CCC, subsequently actually exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 438.162 hereof; or (ii) that the wheat placed in transit to an export location for export under this Announcement or reentered into the Continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations; or (iii) that the wheat required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

§ 483.180 [Amendment]

Section 483.180 is amended to show the address of the Minneapolis CSS Commodity Office as follows:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minnesota.

Section 483.188 is amended to read as follows:

§ 483.188 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment from the continental United States destined to a designated country, or a shipment from Canada destined to a designated country of wheat which has been moved from the United States into Canada and stored and handled in such manner as to preserve the U.S. identity of the wheat. The wheat so shipped shall be deemed to have been exported on the date which appears on the applicable onboard export bill of landing, or if shipment to the designated country is by truck or rail, the date of shipment clears the United States Customs. If wheat is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading.

Section 483.191 is amended to read as follows:

§ 483.191 United States.

"United States" or "continental United States" unless otherwise qualified means the states on the North American continent excluding Alaska.

NOTE TO EXPORTER: Since the export payment on any given quantity of wheat is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat against any loss which may occur prior to the wheat leaving this country by rail or truck or prior to loading on the export vessel.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 2, 63 Stat. 945, as amended; sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1641, 1427, 1851)

Issued this 15th day of July 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for reexport of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the general license GHK list (CES § 370.23) and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 59-5976; Filed, July 20, 1959; 8:49 a.m.]

[Amdt. IV]

PART 484—FEED GRAINS

Subpart—Feed Grain Export Program Payment in Kind (GR-368) Terms and Conditions

The terms and conditions of the Feed Grain Export Program Payment in Kind (GR-368) (23 F.R. 3226) (23 F.R. 3313) (23 F.R. 4998) (23 F.R. 6100) (23 F.R. 7905) are further amended as follows:

§ 484.105 [Amendment]

Section 484.105 is further amended by adding new paragraph (f) immediately following § 484.105(e) which will read as follows:

(f) Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company.) Sales to foreign buyers, including foreign governments, though financed with funds made available by a United States agency such as the International Cooperation Administration or the Export-Import Bank, are not sales to a United States Government agency, provided the commodity is not for transfer by such buyer to a United States Government agency.

§ 484.126 [Amendment]

Section 484.126(a) is amended to read as follows:

(a) The purchaser shall, on or after the date of sale and within 60 days after delivery by CCC of the feed grain to him or within such extension of that period as may for good cause be approved by the Vice President in writing, before or after expiration of such 60-day period, export or cause exportation to an eligible country of the same kind of feed grain, of an equal quantity, as the feed grain sold and delivered by CCC. In the case of delivery of feed grain to the purchaser at Great Lakes ports, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period or within such extension of that period as may for good cause be approved by CCC in writing ship from the place of delivery by CCC to any export point not on the Great Lakes, feed grain of the same kind and quantity as the feed grain sold and delivered by CCC. Feed grains so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The feed grain exported shall not be reentered by anyone into the United States, including Hawaii, or Puerto Rico, nor shall the purchaser cause the feed grain exported to be transshipped to any country excluded by § 484.150.

§ 484.127 [Amendment]

Section 484.127(a) is amended by the addition of a new subparagraph (7) to read as follows:

(7) If the commodity is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the purchaser must, in conformance with the requirement in § 484.126(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of a commodity of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the purchaser that the feed grain represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as permitted in § 484.116(d). Such evidence shall be submitted in the time required by § 484.26(f) or within such extension of that time as may be approved by CCC in writing.

§ 484.128 [Amendment]

The last sentence of § 484.128(a)(3) is amended to read as follows: "Any upward adjustment of the sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines (i) that the feed grain has not been exported or has been reentered into the Continental United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such feed grain was pursuant to written approval of CCC, subsequently actually exported to an eligible country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 484.127; or (ii) that the feed grain placed in transit to an export location for export under this Announcement or reentered into the Continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations; or (iii) that the feed grain required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

§ 484.140 [Amendment]

Section 484.140 is amended to show the address of the Minneapolis CSS Commodity Office as follows:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture,

6400 France Avenue South, Minneapolis 10, Minnesota.

Section 484.154 is amended to read as follows:

§ 484.154 United States.

"United States" or "continental United States" unless otherwise qualified means the states on the North American continent excluding Alaska.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1051, as amended, sec 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851)

Issued this 15th day of July 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES § 371.23), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by that agency. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment for the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 59-5977; Filed, July 20, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Decrease in Prune Administrative Committee's Expenses and Increase in Rate of Assessment for 1958–59 Crop Year

Notice was published in the July 8, 1959, issue of the FEDERAL REGISTER (24 F.R. 5509), that consideration was being given to a proposed decrease in the expenses of the Prune Administrative Committee for the 1958–59 crop year and a related increase in the rate of assessment for that year, on the basis of the information and recommendations submitted by the committee and other available information pursuant to the provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). In said notice, interested persons were afforded the opportunity to file written data, views or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters presented (including the information and recommendation submitted by the committee, other available information, and the aforesaid notice) and on the basis and for the reasons set forth in such notice, it is hereby found and determined and, therefore, ordered, that § 993.309 Expenses of the Prune Administrative Committee (7 CFR 993.309) be revised in the following respects:

(1) Delete from paragraph (a) thereof the sum "$88,660" and insert in lieu thereof the sum "$68,138.64"; and

(2) Delete from paragraph (b) thereof the sum "65 cents" and insert in lieu thereof the sum "72 cents".

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Pursuant to the amended marketing agreement and order, the increased rate of assessment applies to all prunes received by handlers as the first handlers thereof during the current crop year (August 1, 1958–July 31, 1959); (2) assessment income at the current rate of 65 cents per ton of prunes received will not result in the collection of sufficient funds to defray the necessary expenses of the committee in the reduced amount of $68,138.64, and the current crop year will terminate on July 31, 1959; (3) the committee must promptly obtain sufficient assessment revenue to defray the reduced expenses, so as to be enabled properly to perform its authorized functions in the administration of, and pursuant to, the marketing program during the current crop year; (4) changes in the assessment rate and expenses for the current crop year were recommended unanimously by the committee, which represents growers and handlers; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 16, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-5975; Filed, July 20, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—GENERAL CREDIT TO INDIANS

Loans to Withdrawing Members of Klamath Tribe

Section 91.20 approved by the Secretary of the Interior December 12, 1958, is amended to permit money to be loaned to withdrawing Klamath Indians regardless of their degree of Indian blood. The act of June 11, 1959 (73 Stat. 70), authorizes the Secretary of the Interior to make such loans. The amendment shall become effective upon publication in the FEDERAL REGISTER.

It is the policy of the Department of the Interior to publish amendments to the Code of Federal Regulations as notice of proposed rule making before adoption even though, as in this instance, notice is not required by the Administrative Procedure Act (5 U.S.C. 1003). However, any delay in the publication of an effective regulation in this instance will only result in additional hardship to the persons intended to be benefited. The omission of a notice of proposed rule making will not adversely affect the Indians. Accordingly § 91.20 is amended to read as follows:

§ 91.20 Loans to Klamath Indians.

Loans may be made to withdrawing members of the Klamath Tribe to alleviate financial vicissitudes raised by the Termination Act of August 13, 1954 (25 U.S.C. 564), as amended. A loan made under this section shall constitute an indebtedness to be repaid without interest from funds representing the borrower's share of the tribal assets.

(Sec. 10, 48 Stat. 986; 25 U.S.C. 470)

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59-5946; Filed, July 20, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Regulatory Doc. '59; Amdt. 126]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Birmingham VOR	BHM-LFR	Direct	2000	T-dn	300-1	300-1	*300-1
Eden FM	BHM-LFR	Direct	2600	C-dn	800-1	900-1	900-1½
				A-dn	1000-2	1000-2	1000-2

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2500'; 0–360° within 15–25 miles, 3500'.
Radar control must provide 3 miles separation from tower 1582' MSL located 4 miles SW of airport or maintain 2600'.
Procedure turn W side N crs, 358 Outbnd, 178 Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 178—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 mi, climb to 2600' on S crs BHM-LFR within 20 mi.
AIR CARRIER NOTE: No reduction in minimums authorized.
*200-½ authorized Rnys5/23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class, SBRAZ; Ident., BHM; Procedure No. 1, Amdt. 9; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 8; Dated, 2 Aug. 58

ETP "H"	OZR LFR	Direct	1600	T-dn	300-1	300-1	200-½
DHN TVOR	OZR LFR	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 240° Outbnd, 060° Inbnd, 1600' within 10 mi. Nonstandard due airway South.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 060°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1600' proceeding to ETP "H" via NW crs OZR LFR.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
Major Change: Deletes reference to DHN LFR, as it is to be decommissioned.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class, MRLZ; Ident., OZR; Procedure No. 1, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 30 May 59

California FM	OMA-LFR (Final)	Direct	1900	T-dn#	*300-1	*300-1	##200-½
				C-d	600-1	700-1	700-1½
				C-n	600-1½	700-1½	700-1½
				S-d-14L	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West, 2700' within 3 mi of 1746' tower 3 mi SW, and 2600' within 3 mi of 1620' tower 11.5 mi SW of airport.
Procedure turn W side of N crs, 334° Outbnd, 154° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 139—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2700' on SE crs within 20 mi.
CAUTION: Bluff 1339' m.s.l. 1.3 mi East of airport. TV towers 1739' m.s.l. 4 mi WNW and 1746' 3 mi SW of airport. Stack 1192' m.s.l. 1.1 mi South of LFR.
#After takeoff, climb to 2000' m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-engr. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35 R. ##300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, SBRAZ; Ident., OMA; Procedure No. 1, Amdt. 13; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 12; Dated, 7 Dec. 58

Wadsworth FM	RNO-LFR	Direct	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	Direct	9000	C-d	2000-2	2000-2	2000-2
Int W crs RNO-LFR and 353° brng to Stead AFB "H" (Faro Int).	RNO-LFR	Direct	9000	C-n	2000-3	2000-3	2000-3
				A-dn	2500-3	2500-3	2500-3

Procedure turn E side N crs, 342 Outbnd, 162 Inbnd, 8000' within 9 mi. NA beyond 9 mi. (Nonstd. due to terrain).
Minimum altitude over facility on final approach crs, 6800'.
Crs and distance, facility to airport, 162—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles.
Shuttle: N crs to 10,000' within 20 miles.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4404'; Fac. Class, SBRAZ; Ident., RNO; Procedure No. 1, Amdt. 6; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 5; Dated, 20 Mar. 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wadsworth FM	RNO-LFR	Direct	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	Direct	9000	C-d	1500-2	1500-2	1500-2
Faro Int (W crs RNO-LFR and 353° brng to Stead AFB "H".	RNO-LFR	Direct	9000	C-n	1500-3	1500-3	1500-3
				A-d	2000-3	2000-3	2000-3
Bingo Int	RNO-LFR (Final)	Direct	6800				

Procedure turn E side N crs, 342 Outbnd, 162 Inbnd, 8000' within 9 mi. NA beyond 9 mi. (Nonstd. due to terrain.)
Crs and distance, facility to airport, 162—2.3.
Minimum altitude over facility on final approach crs, *6800'.
*After passing Black Jack Int on final descent to cross RNO LFR at 6000' authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles.
Shuttle: N crs to 10,000' within 20 miles or in the Bingo Holding Pattern to 9500'.
Authorized only for aircraft equipped with LFR and either ADF or VOR
AIR CARRIER NOTE: No reduction in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class, SBRAZ; Ident., RNO; Procedure No. 2, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 18 Apr. 57

U Cross FM	SHR-LFR	Direct	5500	T-d	400-1	400-1	400-1
Sheridan FM	SHR-LFR (final)	Direct	*5000	T-n	400-2	400-2	400-2
Sheridan VOR	SHR-LFR	Direct	6000	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 118° Outbnd, 298° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, *5000'
Crs and distance, facility to airport, 297—1.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles, climb to 8000' on NW crs within 20 miles or, when directed by ATC, turn right, climb to 6500' on the NE crs of the Sheridan LFR within 20 miles.
CAUTION: High terrain to SE and SW.
*Both visual and aural signals must be received over Sheridan FM, otherwise minimum altitude over LFR will be 5500'.

City, Sheridan; State, Wyo.; Airport Name, Sheridan County; Elev., 4021'; Fac. Class, SBRAZ; Ident., SHR; Procedure No. 1, Amdt. 7; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 6; Dated, 28 Jan. 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DHN TVOR	OKB RBn	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 250° Outbnd, 070° Inbnd, 1600' within 10 mi. (Nonstandard due airway South.)
Minimum altitude over facility on final approach crs, 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OKB RBn, turn left and climb to 1600' on crs of 280° within 20 mi.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
Major Change: Deletes transition from DHN LFR, as it is to be decommissioned.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class, MH; Ident., OKB; Procedure No. 1, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 9 Aug. 58

OMA-LFR	LOM	Direct	2500	T-dn#	*300-1	*300-1	##200-½
OMA-VOR	LOM	Direct	2700	C-d	600-1	700-1	700-1½
California FM	LOM	Direct	2500	C-n	600-1½	700-1½	700-1½
				S-d-14L	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

#After takeoff climb to 2000' m.s.l. before proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. ##300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.
Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West, 2700' within 3 mi of 1746' tower 3 mi SW and 2600' within 3 mi of 1620' tower 11.5 mi SW of airport.
Procedure turn West side NW crs, 315 Outbnd, 135 Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 135°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700' on crs 135° from LOM within 20 mi or, when directed by ATC, climb to 2700' on SE crs of OMA-LFR within 20 mi.
CAUTION: Bluff 1339' m.s.l. 1.3 mi East. Towers 1739' m.s.l. 4 mi WNW and 1746' m.s.l. 3 mi SW of airport. Stack 1192' m.s.l. 018 mi SSE of LOM.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, LOM; Ident., OM; Procedure No. 1, Amdt. 8; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 7; Dated, 7 Dec. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MSY LFR	MSY VOR	Direct	1400	T-dn	300-1	300-1	300-1
Laplace RBn	MSY VOR	Direct	1400	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Radar site located at Moisant Int'l Airport. Radar transition altitude 1500' within 25 miles. Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3-5 miles of radio towers 750' and 563' 12 mi SE of Radar site, and 978' 16 mi ESE of Radar site. Radar may be used to position aircraft for a final approach within 5 miles of Bayou St. John FM with the elimination of a procedure turn.
Procedure turn South side of crs, 262° Outbnd, 082° Inbnd, 1400' within 10 mi.
Minimum altitude over VOR on final approach crs, 900'.
Crs and distance, facility to airport, 082°—7.6 mi.
Minimum altitude over Bayon St. John FM on final approach crs, 500'.
Crs and distance, Bayon St. John FM to airport, 082°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi of VOR or 3.1 mi after passing Bayou St. John FM, turn left, climb to 2000' on MSY VOR R-079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R-064, climbing to 1500' within 20 mi.
CAUTION: 978' MSL tower 6 mi SSE of airport.
NOTES: Air Carrier use NA. Full weather information not available—visibility information only.

City, New Orleans; State, La.; Airport Name, New Orleans; Elev., 8'; Fac. Class, BVOR; Ident., MSY; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Aug. 59

Pendleton LFR	PDT-VOR	Direct	4000	T-dn	300-1	300-1	200-½
Pendleton LOM	PDT-VOR	Direct	4000	C-dn	500-1	500-1	500-1½
Int S crs Walla Walla LFR and R-061	PDT-VOR	Direct	4000	S-dn-7	400-1	400-1	400-1
Pendleton VOR.				A-dn	800-2	800-2	800-2
Cabbage Hill FM	PDT-VOR	Direct	4800				

Procedure turn N side W crs, 253° Outbnd, 073° Inbnd, 3500' within 10 miles. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 073°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, make left turn climbing to 4000' on R-234 within 20 miles.

City, Pendleton; State, Oreg.; Airport Name, Pendleton; Elev., 1493'; Fac. Class, BVOR; Ident., PDT; Procedure No. 1, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 6 June 59

Wadsworth FM	RNO-VOR	Direct	9000	T-dn	2000-2	2000-2	2000-2
Reno LFR	RNO-VOR	Direct	9000	C-d	2500-2	2500-2	2500-2
Verdi Int	RNO-VOR	Direct	9000	C-n	2500-3	2500-3	2500-3
Bingo Int	RNO-VOR	Direct	9000	A-dn	2500-3	2500-3	2500-3

Procedure turn S side of crs, 050 Outbnd, 230 Inbnd, 9000' within 10 miles. NA beyond 10 miles. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 7900'.
Crs and distance, facility to airport, 230—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles, turn right climb to 9000' on R-050 within 10 miles.
CAUTION: If contact not established at minimums, missed approach must be started immediately due to high terrain W.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport Name, Municipal; Elev., 4411'; Fac. Class, BVOR; Ident., RNO; Procedure No. 1, Amdt. 7; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 6; Dated, 18 Apr. 59

N Philadelphia LFR	ARD-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Navy Willow Grove LFR	ARD-VOR	Direct	2000	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 261° Outbnd, 081° Inbnd, 2000' within 10 mi. (NA beyond 10 mi due to reception.)
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 081°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, make a left climbing turn to 2000' and return to Yardley VOR.

City, Trenton; State, N.J.; Airport Name, Mercer County; Elev., 213'; Fac. Class, VOR; Ident., ARD; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Aug. 59

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn south side of crs, 246° Outbnd, 066° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 066°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile, make an immediate left climbing turn to 1600' to hold on the New Castle VOR R-246 within 10 mi.

City, Wilmington; State, Del.; Airport Name, New Castle County; Elev., 79'; Fac. Class, VOR; Ident. ,EWT; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Aug. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Laurel Int	BAL VOR	Direct	1600	T-dn	300–1	300–1	200–½
Relay Int	BAL VOR	Direct	1500	C-dn	500–1	500–1	500–1½
Beltsville FM	BAL VOR	Direct	1600	S-dn-10*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 287° Outbnd, 107° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 646′. Maintain 1000′ until passing LOM.
Crs and distance, breakoff point to approach end of runway, 099°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 1500′ on R-107 of BAL VOR within 10 mi.
*If BAL LOM not received, minimums of 800–1 will apply.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l; Elev., 146′; Fac. Class, VOR; Ident., BAL; Procedure No. TerVOR-10, Amdt. Orig.; Eff. Date, 8 Aug. 59

Laurel Int	BAL VOR	Direct	1600	T-dn	300–1	300–1	200–1½
Relay Int	BAL VOR	Direct	1500	C-dn	500–1	500–1	500–1½
Beltsville FM	BAL VOR	Direct	1600	S-dn-28#	500–1	500–1	500–1
BAL LFR	BAL VOR	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500′ within 5 mi of Orchard Beach Int.*
Minimum altitude over facility on final approach crs, 646′. Maintain 1300′ until passing Orchard Beach Int.*
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 1500′ on R-276 of BAL VOR within 10 miles.
#Descend to landing minimums after passing Orchard Beach Int.
*Int East crs 1LS and South crs BAL LFR.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l.; Elev., 146′; Fac. Class, VOR; Ident., BAL; Procedure No. TerVOR-28, Amdt. Orig.; Eff. Date, 8 Aug. 59

CHS LFR	CHS VOR	Direct	1200	T-dn	300–1	300–1	200–½
				C-dn	*400–1	500–1	500–1½
				S-dn-15	*400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 335° Outbnd, 155° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′*.
Facility on airport.
Distance from final approach fix (Int CHS R-335 and Brg. 065° from LOM), 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished prior to passing CHS-VOR, climb to 2000′ on R-155 within 15 miles or, when directed by ATC, turn left, climb to 1200′ on R-335 of VOR.
CAUTION: Radio towers 428′ m.s.l. 6 mi SE; 1049′ m.s.l. 10 mi SE.
Major Change: Relocation of VOR within airport boundary.
*Descent below 600′ MSL NA unless final approach fix (Int CHS R-335 and Brg. 065° from LOM) is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45′; Fac. Class, VOR; Ident, CHS; Procedure No. TerVOR-15, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 16 Sept. 58

Morton Int	ORD-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Elgin Int	ORD-VOR	Direct	2500	C-dn	500–1	500–1	500–1½
Midway LOM	ORD-VOR	Direct	2000	S-dn-14L	400–1	400–1	400–1
Glenview LFR	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Spring Lake Int	ORD-VOR	Direct	2500				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach crs at least 3 mi from inbound fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn West side of crs, 329° Outbnd, 149° Inbnd, 2500′ within 10 mi.
Minimum altitude over *Arlington Int or 6.0 mi Radar fix, 2500′.
Crs and distance, *Arlington Int or 6.0 mi Radar fix to airport, 149°—6.0 mi.
Crs and distance, breakoff point to appr end of Runway 14L, 138°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, climb to 2500′ or higher altitude specified by ATC, and proceed to Northbrook VOR via R-030 ORD and R-135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500′, proceed to Morton Int via R-075 ORD; (2) Make immediate left turn, climb to 2500′, proceed to NBU LFR via 030° crs and SE crs NBU LFR.
*Int R-329 ORD and R-193 OBK.

City, Chicago; State, Ill.; Airport Name, O'Hare Intl; Elev., 666′; Fac. Class, VORTAC; Ident., ORD; Procedure No. TerVOR-14L, Amdt. Orig.; Eff. Date, 8 Aug. 59

Spring Lake Int	ORD-VOR	Direct	2500	T-dn	300–1	300–1	200–½
Morton Int	ORD-VOR	Direct	2000	C-dn	600–1	600–1	600–1½
Elgin Int	ORD-VOR	Direct	2500	S-dn-22	600–1	600–1	600–1
Midway LOM	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Glenview LFR	ORD-VOR	Direct	2000				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn N side of crs 035° Outbnd, 215° Inbnd, 2000′ within 5 mi of *Int.
Minimum altitude over *Int on final approach crs, 1500′.
Crs and distance, *Int or Radar fix to airport, 215°—5.0 mi.
Crs and distance, breakoff point to approach end of Rnwy 22, 217°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500′ or higher altitude if specified by ATC and proceed to Northbrook VOR via R-030 ORD and R-135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500′, proceed to Morton Int via R-075 ORD; (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030° crs and SE crs Glenview LFR.
*Int R-035 ORD and R-146 OBK or Radar Fix.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666′; Fac. Class, VORTAC; Ident., ORD; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 8 Aug. 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
South Boston VOR	DAN VOR	Direct	1700	T-dn	300–1	300–1	200–½
Leaksville Int	DAN VOR	Direct	2100	C-dn	500–1	500–1	500–1½
Reid Int	DAN VOR	Direct	1800	S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn East side of crs, 211° Outbnd, 031° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end of Runway 2, 020°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2200′ on the Danville VOR R-031 within 10 miles of the VOR.

City, Danville; State, Va.; Airport Name, Danville; Elev., 582′; Fac. Class, VOR; Ident., DAN; Procedure No. TerVOR-2, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1, Orig.; Dated, 18 July 59

				T-dn	1500–2		
				C-dn	1500–2		
				A-dn	1500–3		

Procedure turn S side of crs, 105° Outbnd, 285° Inbnd, 9000′ within 10 mi of DRO-TVOR.
Facility on airport.
Minimum altitude over facility on final approach crs, 8200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to Falfa Int* on DRO R-259, proceed to Farmington VOR on R-014 at 8800′.
CAUTION: No control area. Pilots using Durango TVOR shall, as soon as practicable, advise Durango TVOR (on 122.1 MCS) of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Durango TVOR, hold between facility and a point two minutes out on final approach course at least 1000′ above procedure turn altitude and 1000′ above previously reported traffic until advised that aircraft making approach has landed. Keep Durango TVOR advised (on 122.1 MCS) at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTES: Use of procedure authorized only when communications available (Communications available—0500–2200 local time) Facility owned by City of Durango, Colo. Durango receives communications on 122.1 MCS; transmits on TVOR frequency 108.2 MCS.
*Int Durango TVOR R-259 and Farmington VOR R-014.

City, Durango; State, Colo.; Airport Name, Durango-La Plata County; Elev., 6684′; Fac. Class, TVOR (non-Federal facility); Ident., DRO; Procedure No. TerVOR (R-105), Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 20 June 59

ETP "H"	OZR TVOR	Direct	1600	T-dn	300–1	300–1	200–½
DHN TVOR	OZR TVOR	Direct	1700	C-dn	400–1	500–1	500–1½
		Direct	1700	S-dn	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 243° Outbnd, 063° Inbnd, 1600′ within 10 mi; Teardrop Procedure turn, R-261 Outbnd, R-063 Inbnd, 1600′ within 10 mi.
Minimum altitude abeam OZR-LRF on final approach crs, 800′; over facility, 700′.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1600′ on R-280 OZR TVOR within 20 miles.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
Major Change: Deletes transition from DHN LFR, as it is to be decommissioned.
*If unable to check abeam OZR-LFR, descent below 800′ not authorized.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class, TVOR, Ident., OZR; Procedure No. 1, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 23 May 59

Norfolk LFR	ORF-VOR	Direct	1400	T-dn	300–1	300–1	200–½
Deep Creek FM	ORF-VOR	Direct	1400	C-dn	500–1	500–1	500–1½
				S-dn*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 228° Outbnd, 048° Inbnd, 1400′ within 5 mi of LOM.
Minimum altitude over facility on final approach crs, 526′. Maintain at least 800′ until passing ORF LFR.
Crs and distance, breakoff point to approach end of runway, 044°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORF VOR, turn right and climb to 1400′ on R-228 of ORF VOR within 10 miles.
*If ORF LFR not received, minimums of 800–1 apply.

City, Norfolk; State, Va.; Airport Name, Norfolk Municipal; Elev., 26′; Fac. Class, VOR; Ident., ORF; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 8 Aug. 59

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Manakin RBn	RIC VOR	Direct	2000	C-dn*	500–1	500–1*	500–1½
Hopewell VOR	RIC VOR	Direct	1500	S-dn-6*	400–1	400–1	400–1
Chester FM	RIC VOR	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1500′ within 10 mi of RIC VOR.
Minimum altitude over facility on final approach crs, 567′. Maintain 800′ until passing Stack Int.#
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 1500′ on R-056 of RIC VOR within 10 miles or, when directed by ATC, make left climbing turn to 1500′ on the N crs of RIC LFR within 10 miles.
*If Stack Int. not received, minimums of 800–1 will apply.
#Int of R-236 RIC VOR & the NW crs of RIC LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. Orig.; Eff. Date, 8 Aug. 59

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Chester FM	RIC VOR	Direct	1500	C-dn	700–1	700–1	700–1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-15	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 338° Outbnd, 158° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 867′.
Crs and distance, breakoff point to approach end of runway, 154°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on R-158 RIC VOR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. Orig.; Eff Date, 8 Aug. 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Hopewell VOR	RIC VOR (Final)	Direct	1500	C-dn	600-1	600-1	600-1½
Chester FM	RIC VOR	Direct	1500	S-dn-33	600-1	600-1	600-1
Manakin RBn	RIC VOR	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 144° Outbnd, 324° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 767′.
Crs and distance, breakoff point to approach end of facility, 334°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, make a right climbing turn to 1500′ on R-360 of RIC VOR or, when directed by ATC, make a right climbing turn to 1500′ on N crs of RIC LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR-33, Amdt. Orig.; Eff. Date, 8 Aug. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Maxwell LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Montgomery VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Catona Int	LOM	Direct	1700	S-dn-9°	200-½	200-½	200-½
Craig Int	LOM (Final)	Direct	1700	A-dn	600-2	600-2	600-2
Calhoun Int	LOM	Direct	1500				
Swift Creek Int	LOM	Direct	1500				
Sellers Int	LOM	Direct	2500				
Radar Terminal Area Transition Altitudes		Within 15 mi	2000				
		Within 30 mi	3000				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to appr end of Rny at OM, 1700′—5.1; at MM, 435′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800′ and proceed to MGM VOR or, when directed by ATC, climb to 2000′ on E crs ILS within 20 miles.
CAUTION: Tower 987′ MSL, 8 mi East.
*400-¾ required when Glide Slope not used.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class, ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt 6; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 5; Dated, 20 June 59

MXF LFR	Catona Int	Direct	2000	T-dn	300-1	300-1	200-½
MGM VOR	Catona Int	Direct	2000	C-dn	400-1	500-1	500-1½
Radar Terminal Area Transition Altitudes	Radar Site	Within 15 mi	2000	S-dn-27	400-1	400-1	400-1
		Within 30 mi	3000	A-dn	800-2	800-2	800-2

Procedure turn* S side of E crs, 093° Outbnd, 273° Inbnd, 2000′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over Catona Int on final approach crs, 1500′.
Crs and distance, Catona Int to airport, 273°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700′ on W crs ILS within 20 mi or, when directed by ATC, turn left, climb to 1800′ and proceed to MGM VOR.
*Procedure turn nonstandard due to traffic.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class, ILS; Ident., IMGM; Procedure No. ILS-27, Amdt. 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 30 May 59

OMA-VOR	LOM	Direct	2700	T-dn#	*300-1	*300-1	##200-½
OMA-LFR	LOM	Direct	2500	C-d	600-1	700-1	700-1½
California FM via R-170	NW crs ILS (Final)	Direct	2500	C-n	600-1½	700-1½	700-1½
Neola VOR	LOM	Direct	2500	S-dn-14L%	300-¾	300-¾	300-¾
				A-dn	700-1½	700-1½	700-1½

Radar transitions authorized all sectors 2500′ except 2700′ within 3 mi of 1739′ tower 4 miles West; 2700′ within 3 mi of 1746′ tower 3 mi Southwest and 2600′ within 3 mi of 1620′ tower 11.5 mi Southwest of airport.
#After takeoff climb to 2000′ m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. ##300-1 takeoff minimums required for more than 2-eng. aircraft except Rnwys 14L, 32R, 17L and 35R. %400-¾ straight-in required when glide slope or approach lights are inoperative.
Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2500′ within 10 mi of OM.
Minimum altitude at glide slope int inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2085′—4.0 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700′ on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, (1) Climb to 2500′ on SE crs ILS, turn left and proceed direct to Neola VOR; (2) When under radar direction, climb to 2500′ prior to making right or left turn.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East; TV towers 1739′ MSL 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982′; Fac. Class, ILS; Ident., I-OMA; Procedure No. ILS-14L, Amdt. 8; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 7; Dated, 7 Dec. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OMA LFR	Keg Int*	Direct	2700	T-dn#	%300-1	%300-1	@200-½
Neola VOR	Keg Int*	Direct	2500	C-d	600-1	700-1	700-1½
OMA LOM	Keg Int*	Direct	2700	C-n	600-1½	700-1½	700-1½
OMA VOR	Keg Int (Final)*	Direct	2500	S-d-32R	500-1	500-1	500-1
Keg Int*	Stack Int (Final)**	Direct	1800	S-n-32R	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2500′ except 2700′ within 3 mi of 1739′ tower 4 mi West; 2700′ within 3 mi Southwest; and 2600′ within 3 mi of 1620′ tower 11.5 mi Southwest of airport.
Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2500′ within 10 mi of *Keg Int.
No glide slope, Outer or Middle Marker. Descend to 1800′ after passing *Keg Int. Descend to landing minimums after passing **Stack Int. Crs and distance, **Stack Int to airport, 315°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing **Stack Int, climb to 2700′ on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2500′ and proceed to Neola VOR.
NOTE: Radar fixes authorized at *Keg and **Stack Intersections. ILS procedure NA when radar inoperative unless aircraft equipped to receive ILS/VOR simultaneously.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East; TV towers 1739′ m.s.l. 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport. Stack 1192′ m.s.l. 0.8 mi SSE of LOM.
*Keg Int: Neola VOR R-196 and back localizer course.
**Stack Int: Neola VOR R-204 and back localizer course.
#After takeoff, climb to 2000′ m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES: %No reduction in 2-engine or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. @300-1 takeoff minimums required for more than 2-eng. aircft except Rnys 14L, 32R, 17L and 35R.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982′; Fac. Class, ILS; Ident., I-OMA; Procedure No. ILS-32R, Amdt. 1; Eff. Date, 8 Aug. 59; Sup. Amdt. No. Orig.; Dated, 7 Dec. 58

New Alexandria RBn or Int	Hudson Int	Direct	3000	T-dn	300-1	300-1	200-½
Butler RBn	River RBn	Direct	3000	C-dn	500-1	500-1	500-1½
McKeesport RBn	ILS crs (Final)	320-11	3000	S-dn-28*	200-½	200-½	200-½
Pittsburgh LFR	River RBn	Direct	3000	A-dn	600-2	600-2	600-2
Pittsburgh VOR	River RBn	Direct	3000				
Cecil RBn	River RBn	Direct	3000				
Clinton RBn	River RBn	Direct	3000				
Hudson Int	River RBn (Final)	Direct	3000				
Tarentum Int	ILS crs (Final)	245-13.5	3000				
Radar Terminal Area Transition Altitudes	Radar Site	All sectors within:					
		10 mi	#2500				
		10-40 mi	3000 or MEA when lower				

Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles of River RBn. NA beyond 10 mi.
Minimum altitude at G.S. int inbnd, 3090′.
Altitude of G.S. and distance to appr end of rnwy at OM, 3000′—5.6 mi; at MM, 1390′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on West crs of ILS to Clinton RBn.
NOTES: Center line modified type B approach lighting. Radar may be used to position aircraft to final approach course inbound within 10 miles of LOM (River RBn) with the elimination of a procedure turn.
#Radar control must provide 1000′ clearance when within three miles or 500′ clearance when 3-5 miles of antenna towers reaching 2049′ MSL in area 9 to 15 miles East of airport.
*400-¾ required with glide slope inoperative.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168′; Fac. Class, ILS; Ident., I-GPB; Procedure No. ILS-28, Amdt. 4; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 3; Dated, 13 Dec. 58

Savannah LFR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Marlow Int	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Savannah VOR	LOM	Direct	1300	S-dn-9*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transition altitude 1500′ within 25 miles.
Procedure turn N side crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 miles. Beyond 10 mi. NA. (Nonstandard due to danger area.)
Minimum altitude at G.S. int. inbnd, 1500′.
Altitude of G.S. and distance to appr end of rny at OM 1450—4.8, at MM 237—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left turn, climb to 1400′ on R-300 SAV VOR or NW crs SAV LFR within 20 mi.
*400-¾ required when glide slope not utilized.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class, ILS; Ident., ISAV; Procedure No. ILS-9, Amdt. 5; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 4; Dated, 11 Oct. 58

South Bend LFR	Int*	Direct	2000	T-dn	300-1	300-1	200-½
South Bend LOM	Int*	Direct	2000	C-dn	500-1	500-1	500-1½
South Bend VOR	Int*	Direct	2000	S-dn 9	500-1	500-1	500-1
Int E crs ILS & East crs SBN LFR	Int*	Direct	2000	A-dn	800-2	800-2	800-2
New Carlisle Int#	Int* (Final)	Direct	1500				
Grand Beach Int**	R-345	3000					
La Porte Int***	New Carlisle Int#	OXI-VOR W crs SBN ILS	2100				

Procedure turn N side of W crs 268° Outbnd, 088° Inbnd 2000′ within 10 mi. of Int*.
No glide slope or markers. Alt. over Int* 1500′—distance from over Int* 2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi of Int*, climb to 2000′ on E crs ILS to SBN LOM or, when directed by ATC, climb to 2000′ on E crs SBN LFR within 20 mi.
NOTE: Authorized only when aircraft equipped to receive ILS and VOR or ILS and ADF or ILS and LFR simultaneously.
*Int W crs SBN ILS and N crs SBN LFR or R-215 SBN VOR
**Int R-271 SBN VOR and R-345 OXI VOR.
***Int W crs SBN ILS and R-345 OXI VOR.
#Int W crs SBN ILS and R-007 OXI VOR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 775′; Fac. Class, ILS, back crs approach; Ident., ISBN; Procedure No. ILS-9, Amdt., 2; Eff. Date, 8 Aug. 59; Sup. Amdt. No. 1; Dated, 20 Nov. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
0	360°	Within 15 mi	#2500	T-dn	300–1	300–1	*200–½
		Within 15–25 mi	3500	C-dn	800–1	900–1	900–1½
				S-dn-5/23	600–1	600–1	600–1
				S-dn-18	700–1	700–1	700–1
				S-dn-36	800–1	800–1	800–1
				A-dn	1000–2	1000–2	1000–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runway 5: Climb to 3000', turn right and proceed to Leeds Int via BHM VOR R-115 or, when directed by ATC, climb to 2500' on crs of 052° from LOM within 15 miles.
Runway 23: Climb to 2600', turn right and proceed to BHM VOR or, when directed by ATC, climb to 2600' and proceed to BHM LOM or, climb to 2600', turn right and proceed to BHM LFR.
Runway 36: Climb to 2000', turn left and proceed to BHM VOR or, when directed by ATC, climb to 2500' on N crs BHM LFR within 20 miles.
Runway 18: Climb to 3000', turn left and proceed to BHM VOR or, when directed by ATC, climb to 3000', turn left and proceed to BHM LFR.
AIR CARRIER NOTE: Sliding scale NA.
#Radar control must provide 3 mi separation from radio tower 1582' located 4 mi SW of airport or maintain 2600'.
*Runway 5–23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class, Birmingham; Ident., Radar; Procedure No. 1, Admt. 2; Eff. Date, 8 Aug 59; Sup. Amdt. No. 1; Dated, 9 Feb. 57

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 9, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–5814; Filed, July 20, 1959; 8:45 a.m.]

[Regulatory Docket 64; Amdt. 50]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable.

Part 610 is amended as follows:

Section 610.207 *Red Federal airway 7* is amended to read in part:

From Int. S. crs. Greenville, S.C., LFR and SW crs., Spartanburg, S.C., LFR; to Greenville, S.C., LFR; MEA 2,300.

Section 610.281 *Red Federal airway 81* is amended to read:

From Lansing, Mich., LFR; to Manchester INT, Mich.; MEA 2,900.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Columbus, Miss., VOR; to Hamilton INT, Ala.; MEA 2,000.
From Tuscaloosa, Ala., VOR; to Millport INT, Ala.; MEA 2,000.
From Gregg Co., Tex., VOR; to Int. 255 GGG VOR and 175 UIM VOR; MEA 2,100.

Section 610.1001 *Direct routes, U.S.* is amended to delete:

From Gregg Co., Tex., VOR; to Int. GGG VOR 259 and UIM VOR 180; MEA 2,100.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From *Pine Log INT, Ga.; to **Dalton INT, Ga.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.
From *Pine Log INT, Ga.; via W alter.; to **Dalton INT, Ga., via W alter.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Taylor INT, Wis.; to Racine INT, Wis.; MEA **3,000. *4,500—MCA Taylor INT, southbound. **2,100—MOCA.
From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA 2,100. *3,500—MRA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.
From Taylor INT, Wis., via E alter.; to Racine Int, Wis., via E alter.; MEA *3,000. *2,100—MOCA.
From Racine INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA 2,100. *3,500—MRA.
From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,300.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Evansville, Ind., VOR via E alter.; to Scotland, Ind., VOR via E alter.; MEA *2,700. *2,000—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Gage, Okla., VOR via N alter.; to *Aetna INT, Okla., via N alter.; MEA **9,500. *10,500—MRA. **3,500 MOCA.
From Lewis, Ind., VOR; to Spencer INT, Ind.; MEA 2,000.
From Spencer INT, Ind.; to Wilbur INT, Ind.; MEA 2,200.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Aberdeen, S. Dak., VOR; to Bismarck, N. Dak., VOR; MEA 4,700.
From Waco, Tex., VOR; to Waxie INT, Tex.; MEA 2,000.
From Waxie INT, Tex.; to Fair Park INT, Tex.; MEA 2,600.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Blythe, Calif., VOR via N alter.; to Big Horn INT, Ariz., via N alter.; MEA *6,500. *5,500—MOCA.
From Big Horn INT, Ariz., via N alter.; to Hassayampa, Ariz., VOR via N alter.; MEA *8,000. *5,000—MOCA.
From *Tucson, Ariz., VOR via S alter.; to Mescal INT, Ariz., via S alter.: southeastbound, MEA 9,000; northwestbound, MEA 7,000. *7,500—MCA Tucson VOR, southeastbound.
From Mescal INT, Ariz., via S alter.; to Cochise, Ariz., VOR via S alter.; MEA 10,000.
From Cochise, Ariz., VOR; to *Animas INT, N. Mex.; MEA 11,000. *10,000—MCA Animas INT, westbound.
From Hilltop, N. Mex., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *1,800—MRA.
From Bonnie View INT, Tex.; to Palacios, Tex., VOR; 1,400.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *15,000. *10,000—MOCA.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *4,100—MRA.
From Green Bay, Wis., VOR; to *Pine Grove INT, Wis.; MEA 2,900. *2,400—MCA Pine Grove INT, northwestbound.
From Pine Grove INT, Wis.; to Nero INT, Wis.; MEA 2,000.
From Nero INT, Wis.; to *Pentwater INT, Mich.; MEA **3,800. *3,800—MRA. **2,000—MOCA.
From Pentwater INT, Mich.; to White Cloud, Mich., VOR; MEA *3,800. *2,100—MOCA.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From St. Petersburg, Fla., VOR via W alter.; to *Crystal INT, Fla., via W alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Crystal INT, Fla., via W alter.; to Shrimp INT, Fla., via W alter.; MEA *2,400. *1,000—MOCA.

Section 610.6038 *VOR Federal airway 38* is amended to read in part:

From Annawan INT, Ill.; to *Triumph INT, Ill.; MEA 5,200. *5,200—MCA Triumph INT, westbound.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Roberta INT, Ga., via W alter.; to Atlanta, Ga., VOR via W alter.; MEA 2,300.
From *Pine Log INT, Ga.; to **Dalton INT, Ga.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.
From *Pine Log INT, Ga., via W alter.; to **Dalton INT, Ga., via W alter.; MEA ***4,000. *5,000—MRA. **4,500—MRA. ***3,500—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Muskegon, Mich., VORTAC; to *Pentwater INT, Mich.; MEA **3,000. *3,800—MRA. **2,100—MOCA.
From Pentwater INT, Mich.; to Nero INT, Wis.; MEA *3,800. *2,000—MOCA.
From Nero INT, Wis.; to *Pine Grove INT, Wis.; MEA 2,000. *2,400—MCA Pine Grove INT, northwestbound.
From Pine Grove INT, Wis.; to Green Bay, Wis., VOR; MEA 2,900.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Douglas, Ariz., VOR; to *Animas INT, N. Mex.; MEA 11,000. *11,000—MCA Animas INT, southwestbound.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From *Armstrong INT, Tex.; to Brownsville, Tex., VOR; MEA **2,000. *10,000—MRA. **1,400—MOCA.
From Junction, Tex., VOR; to *Morris INT, Tex.; MEA **3,600. *7,000—MRA. **3,400—MOCA.
From Morris INT, Tex.; to *Comfort INT, Tex.; MEA **3,600. *5,700—MRA. **3,400—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *1,800—MRA.
From Bonnie View INT, Tex.; to Palacios, Tex., VOR; MEA 1,400.

Section 610.6071 *VOR Federal airway 71* is amended to read in part:

From Springfield, Mo., VOR; to *Schell City INT, Mo.; MEA 2,500. *3,500—MRA.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Dodge City, Kans., VOR; to Greensburg INT, Kans.; MEA *3,700. *2,900—MOCA.
From Greensburg INT, Kans.; to Salt INT, Kans.; MEA *3,600. *3,300—MOCA.
From Salt INT, Kans.; to Anthony, Kans., VOR; MEA *3,600. *2,900—MOCA.

Section 610.6078 *VOR Federal airway 78* is amended to read in part:

From Litchfield INT, Minn.; to *Cokato INT, Minn.; MEA **3,000. *3,300—MRA. **2,300—MOCA.
From Cokato INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,300—MOCA.
From White Bear INT, Minn.; to Houlton INT, Wis.; MEA 2,800.
From Houlton INT, Wis.; to Eau Claire, Wis., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Amarillo, Tex., VOR via E alter.; to *Dumas INT, Tex., via E alter.; MEA 5,200. *10,000—MRA.
From Dumas INT, Tex., via E alter.; to Dalhart, Tex., VOR via E alter.; MEA 5,200.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Britton, Tex., VOR; to Waxie INT, Tex.; MEA 2,600.
From Waxie INT, Tex.; to Scurry INT, Tex.; MEA 1,900.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From St. Petersburg, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Crystal INT, Fla.; to Shrimp INT, Fla.; MEA *2,400. *1,000—MOCA.
From St. Petersburg, Fla., VOR via E alter.; to *Crystal INT, Fla., via E alter.; MEA **1,500. *2,200—MRA. **1,300—MOCA.
From Crystal INT, Fla., via E alter.; to Shrimp INT, Fla., via E alter.; MEA *2,400. *1,000—MOCA.

Section 610.6098 *VOR Federal airway 98* is amended to read in part:

From Pulaski INT, Ohio; to Lyons INT, Ohio; MEA *2,600. *2,300—MOCA.
From Lyons INT, Ohio; to Deerfield INT, Mich.; MEA 2,600.
From Deerfield INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Casa Grande, Ariz., VOR; to *Indian INT, Ariz.; MEA 4,000. *6,000—MRA.
From Indian INT, Ariz.; to Phoenix, Ariz., VOR; MEA 4,000.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Amarillo, Tex., VOR via S alter.; to *Ranch INT, Tex., via S alter.; MEA 4,700. *9,000—MRA.
From Ranch INT, Tex., via S alter.; to Childress, Tex., VOR via S alter.; MEA 4,700.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Amarillo, Tex., VOR via N alter.; to *Pampa INT, Tex., via N alter.; MEA 4,700. *6,000—MRA.
From Pampa INT, Tex., via N alter.; to Sayre, Okla., VOR via N alter.; MEA 4,700.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Brownsville, Tex., VOR; to *Armstrong INT, Tex.; MEA **2,000. *10,000—MRA. **1,400—MOCA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Excelsior INT, Minn.; to Mayer INT, Minn., MEA 2,500.
From Mayer INT, Minn.; to *Cokato INT, Minn.; MEA **3,300. *3,300—MRA. *3,600—MCA Cokato INT, northwestbound. **2,500—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Nebr., VOR via N alter.; to Neola, Iowa, VOR via N alter.; MEA 4,500.

Section 610.6180 *VOR Federal airway 180* is amended to read in part:

From *Conoco INT, Tex.; to Arcola INT, Tex.; MEA 1,600. *2,800—MRA.
From Arcola INT, Tex.; to Galveston, Tex., VOR; MEA 2,200.

Section 610.6181 *VOR Federal airway 181* is amended to read:

From Sioux Falls, S. Dak., VOR; to *Oakwood INT, S. Dak.; MEA 3,000. *4,000—MRA.
From Oakwood INT, S. Dak.; to Watertown, S. Dak., VOR; MEA 3,000.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA 2,600.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,100—MOCA.
From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA 2,100. *3,500—MRA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From Springfield, Mo., VOR via W alter.; to *Schell City INT, Mo., via W alter.; MEA 2,500. *3,500—MRA.
From Schell City INT, Mo., via W alter.; to Blue Springs, Mo., VOR via W alter.; MEA 3,500.

Section 610.6208 *VOR Federal airway 208* is amended to delete:

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA *6,600. *5,500—MOCA.

Section 610.6217 *VOR Federal airway 217* is amended to read in part:

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,100—MOCA.
From Racine INT, Wis.; to Oakwood INT, Wis.; MEA 2,100.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From Columbus, Ga., VOR; to *Big Spring INT, Ga.; MEA 2,200. *2,800—MRA.
From Big Spring INT, Ga.; to Raymond INT, Ga.; MEA 2,200.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA *6,600. *5,500—MOCA.
From Gage, Okla., VOR; to *Aetna INT, Okla.; MEA **9,500. *10,500—MRA. **3,500—MOCA.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Tuskegee, Ala., VOR; to *Big Spring INT, Ga.; MEA **2,800. *2,800—MRA. **2,300—MOCA.
From Big Spring INT, Ga.; to McDonough, Ga., VOR; MEA *2,800. *2,300—MOCA.

Section 610.6600 *VOR Federal airway 1500* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *4,100—MRA.
From Green Bay, Wis., VOR; to *Pine Grove INT, Wis.; MEA 2,900. *2,400—MCA Pine Grove INT, northwestbound.
From Pine Grove INT, Wis.; to Nero INT, Wis.; MEA 2,000.
From Nero INT, Wis.; to *Pentwater INT, Mich.; MEA **3,800. *3,800—MRA. **2,000—MOCA.
From Pentwater INT, Mich.; to White Cloud, Mich.; MEA *3,800. *2,100—MOCA.
From Litchfield INT, Minn.; to *Cokato INT, Minn.; MEA **3,000. *3,300—MRA. **2,300—MOCA.
From Cokato INT, Minn.; to Minneapolis, Minn., VOR; MEA *3,000. *2,300—MOCA.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From O'Neill, Nebr., VOR; to Sioux City, Iowa, VOR; MEA *4,700. *3,700—MOCA.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From Annawan INT, Ill.; to *Triumph INT, Ill.; MEA 5,200. *5,200—MCA Triumph INT, westbound.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA 2,600.
From State Line INT, Kans.; to Liberal, Kans., VOR; MEA 4,500.
From Englewood INT, Kans.; to *Aetna INT, Kans.; MEA **10,500. *10,500—MRA. **3,500—MOCA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Cochise, Calif., VOR; to *Animas INT, N. Mex.; MEA 11,000. *10,000—MCA Animas INT, westbound.
From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; MEA 9,000.

Section 610.6633 *VOR Federal airway 1533* is amended to read in part:

From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *15,000. *10,000—MOCA.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective August 27, 1959.

Issued in Washington, D.C., on July 15, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5943; Filed, July 20, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7265 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Alton Canning Co., Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Alton Canning Company, Inc., et al., Alton, N.Y., Docket 7265, June 20, 1959]

In the Matter of Alton Canning Company, Inc., a Corporation; Edward E. Burns, and Morton Adams, Individually and as Officers of Said Alton Canning Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an Alton, N.Y., canner of fruits and vegetables with discriminating in price in violation of section 2(a) of the Clayton Act by such practices as selling its products to some purchasers at prices from 2 percent to 14 percent higher than those at which it sold to favored buyers, including a purchaser for resale to large grocery chains.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Alton Canning Company, Inc., a corporation, and Edward E. Burns, individually and as an officer of corporate respondent, directly or through any corporate or other device, in connection with the sale of their canned fruits and vegetables in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Discriminating in the price of such products of like grade and quality:

1. By selling to any purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes with the purchaser paying the higher price in the resale and distribution of Respondents' products;

2. By selling to any purchaser at net prices higher than the net prices charged to any other purchaser whose customers in fact compete with the customers of the purchaser paying the higher price in the resale and distribution of Respondents' products;

3. By selling to any purchaser at net prices lower than the net prices charged to any other purchaser whose customers in fact compete with the purchaser paying the lower price in the resale and distribution of Respondents' products.

It is further ordered, That the complaint be dismissed as to Morton Adams.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Alton Canning Company, Inc., a corporation, and Edward E. Burns, individually and as an officer of said Alton Canning Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5944; Filed, July 20, 1959; 8:45 a.m.]

[Docket 7423 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Eastern Canners, Inc., and Dill Wattis, Jr.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Eastern Canners, Inc., et al., Glenside, Pa., Docket 7423, June 16, 1959]

In the Matter of Eastern Canners, Inc., a Corporation, and Dill Wattis, Jr., Individually and as an Officer of Said Respondent Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of canned fruits and vegetables and other grocery items in Glenside, Pa., with violating section 2(c) of the Clayton Act by receiving and accepting from suppliers on purchases for its own account for resale, allowances or discounts in lieu of brokerage ranging from 1½ percent to 4 percent of the net purchase price.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Eastern Canners, Inc., a corporation, and its officers, and Dill Wattis, Jr., individually and as an officer of respondent corporation, and respondents' agents, representatives, or employees, directly or through any corporate or other device, in connection with the purchase and resale of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities for their own account, or while acting for or on behalf of any buyer as an intermediary or agent, or subject to the direct or indirect control of such buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5945; Filed, July 20, 1959; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6398]

PART 252—DRAWBACK ON LIQUORS EXPORTED

Miscellaneous Amendments

On June 11, 1959, a notice of proposed rule making, proposing certain amendments to 26 CFR Part 252, was published in the FEDERAL REGISTER (24 F.R. 4742). No objection to the proposed amendments having been received during the 15-day period prescribed in the notice, the regulations as proposed in the FEDERAL REGISTER are hereby adopted, subject to the following minor clarifying and liberalizing changes:

1. Paragraph 9 of the notice is revised by striking the word "owner" from § 252.135 and inserting in lieu thereof the word "exporter".

2. Paragraph 12 of the notice is revised as follows:

(A) By inserting in the first sentence of § 252.195, immediately after the words "drawback of tax", the phrase ", under this subpart,".

(B) By revising § 252.198.

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

DANA LATHAM,
Commissioner of Internal Revenue.
[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 15, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Section 201 of the Excise Tax Technical Changes Act of 1958 (72 Stat. 1313) makes certain changes respecting drawback of internal revenue tax paid or determined on liquors exported or used as supplies on certain vessels or aircraft. These changes, in general, provide for drawback of internal revenue tax on such exportation or use of (1) distilled spirits bottled in bond for export with benefit of drawback, (2) distilled spirits bottled for domestic use (including bottled-in-bond spirits) which are restamped and marked for export, (3) distilled spirits in packages filled in internal revenue bond, and (4) wines manufactured or produced in the United States, contained in packages or unbroken cases filled on premises qualified under this chapter, to package or bottle wines.

In order to implement these changes, 26 CFR Part 252 is amended as follows:

1. Section 252.1 is amended to read:

§ 252.1 Drawback on distilled spirits, wines, and beer.

The regulations in this part relate to the allowance of drawback of internal revenue tax on eligible distilled spirits, wines, and beer exported or used as supplies on certain vessels or aircraft. All the provisions of this part relating to spirits or wines on which the internal revenue taxes have been paid shall apply equally to spirits or wines on which the internal revenue taxes have been determined. Regulations relating to drawback of tax on such articles deposited in foreign-trade zones are contained in part 253 of this chapter.

§ 252.3 [Amendment]

2. Section 252.3 is amended by revising all of that portion which precedes the colon to read: "Distilled spirits (except distilled spirits in packages filled in internal revenue bond), wines, and beer, eligible for drawback of tax under this part when exported, shall be considered to be exported for the purpose of drawback of taxes, when laden as supplies on vessels and aircraft as follows:"

3. Section 252.17 is amended to read:

§ 252.17 Distilled spirits or spirits.

"Distilled spirits" or "spirits" shall mean that substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, vodka, rectified spirits, cordials, liqueurs and similar compounds, and other rectified products prepared with distilled spirits and wines, except where otherwise indicated.

4. Section 252.24 is amended to read:

§ 252.24 Rectifier.

"Rectifier" shall mean the proprietor of an establishment qualified under the provisions of this chapter to engage in the business of rectifying spirits and wines.

5. Section 252.25 is amended to read:

§ 252.25 Rectifying plant.

"Rectifying plant" shall mean the rectifying and bottling facilities of an establishment qualified under the provisions of this chapter to rectify spirits or wines.

6. Section 252.29 is amended to read:

§ 252.29 Taxpaid bottling house.

"Taxpaid bottling house" shall mean the bottling facilities of an establishment qualified under the provisions of this chapter to bottle distilled spirits or distilled spirits and wines, after the tax is paid or determined, but not qualified for rectification.

7. Section 252.44 is amended to read:

§ 252.44 Bond procedure.

Insofar as such procedure is not inconsistent with the regulations in this part, drawback bonds, Form 1581 and Form 1581-A, shall be executed, filed, approved, disapproved, superseded, strengthened, and terminated in accordance with the procedure prescribed in this chapter in respect to bonds required of proprietors of distilled spirits plants (except that such drawback bonds shall be continuing bonds).

8. The headnote to Subpart D is amended to read:

Subpart D—Drawback on Distilled Spirits Exported in Packages Filled in Internal Revenue Bond

9. Section 252.135 is amended to read:

§ 252.135 Drawback authorized.

Distilled spirits on which all taxes have been paid may be exported, with the privilege of drawback, in casks or packages filled in internal revenue bond containing not less than 20 wine gallons each, on application of the exporter thereof to the collector of customs at any port of entry and after making such entry and complying with other conditions as prescribed in this subpart.

10. Section 252.137 is amended to read:

§ 252.137 Application and entry.

Any person desiring to export and claim drawback of the tax paid on distilled spirits in casks or packages filled in internal revenue bond shall, at least six hours prior to the time for inspecting and gauging such packages by customs officers and the lading thereof, present to the collector of customs for the port from which the exportation is to be made an application and entry (in triplicate) on Form 1629, with part 1 of the form executed. All the information required by part 1, as indicated by the lines and the headings of the columns, and the instructions printed on the form, shall be furnished.

§ 252.142 [Amendment]

11. Section 252.142 is amended by deleting the period at the end of the section and inserting in its place a colon, followed by the words "*Provided*, That if the exporter desires allowance of drawback under the provisions of § 252.41 on packages of distilled spirits filled in internal revenue bond which are not the distillers' original packages, he shall file on Form 1533, in triplicate, a consent of the surety on the bond required by § 252.42, extending the terms of the bond to cover the exportation of such packages."

12. New Subparts G and H are added, as follows:

Subpart G—Drawback on Wine Exported

§ 252.191 Drawback authorized.

Notwithstanding the provisions of Subpart C of this part, on the exportation of wines manufactured or produced in the United States on which an internal revenue tax has been paid or determined and contained in packages or unbroken cases filled on premises qualified under this chapter to package or bottle wines, there shall be allowed, subject to the provisions of this subpart, a drawback equal in amount to the tax found to have been paid or determined thereon.

§ 252.192 Persons authorized to remove wines for export or for use as supplies with benefit of drawback.

Only persons who have qualified under this chapter as proprietors of distilled spirits plants, bonded wine cellars, or taxpaid wine bottling houses, or persons who are wholesale liquor dealers as defined in section 5112 I.R.C. and who have paid the required tax as such a dealer, are authorized to remove wines for export or use as supplies on vessels or aircraft with benefit of drawback under the provisions of this subpart.

§ 252.193 Optional provisions.

Any eligible person who desires to follow the requirements and procedures prescribed in Subpart C of this part in lieu of those in this subpart, with respect to wines, may do so.

§ 252.194 Notice and claim, Form 1582–A.

Claim for allowance of drawback of internal revenue taxes on wines removed for export under the provisions of § 252.191 shall be prepared by the exporter on Form 1582–A, appropriately modified to omit references and entries applicable only to wines bottled or packaged especially for export.

§ 252.195 Certificate of tax determination, Form 2605.

Every claim for drawback of tax, under this subpart, on Form 1582–A shall be supported by a certificate, Form 2605, which shall be executed, in duplicate, (a) by the person who withdrew the wine from bond on tax determination, certifying that all taxes have been properly determined on such wine, or (b) where the wine was bottled or packaged after tax determination, by the person who did such bottling or packaging, certifying that the wines so bottled or packaged were received in taxpaid status and specifying from whom they were so received. The assistant regional commissioner may require other evidence of taxpayment whenever he deems it necessary. It shall be the responsibility of the exporter to secure Form 2605, properly executed, and to submit the original of such form to the assistant regional commissioner with whom the claim, Form 1582–A, is filed. The exporter shall retain the copy of Form 2605 for his files.

§ 252.196 Labeling of bottled wines.

Bottled wines to be exported with benefit of drawback under the provisions of this subpart shall be labeled in accordance with the provisions of § 252.59 or, in the case of wines previously labeled for domestic use with a label conforming to the provisions of 27 CFR Part 4, the bottles shall be marked for export. Such marking may consist of affixing to each bottle a neck label containing the words "For Export."

§ 252.197 Marking of cases and packages.

In addition to the marks and brands required by other provisions of this chapter to be placed thereon at the time of filling or removal from bond, each case or package removed for export under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information as specified below:

(a) "Export—Drawback Claimed"—where the removal is for export from the United States, or for shipment to the armed services for export; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—where removal is for use on vessels or aircraft; and

(c) Where the wine is removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

§ 252.198 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of wines removed for export with benefit of drawback, and the forwarding of claims and entry forms, under this subpart, shall be made under the applicable provisions of §§ 252.96 to 252.103 and §§ 252.105 to 252.111.

§ 252.199 Allowance of claims.

The provisions of Subpart C of this part, with respect to the filing of bonds, evidence of exportation (including bills of lading), landing certificates, proof of loss at sea, and applications for relief and extensions of time and actions thereon, and to the allowance of claims and crediting of bonds, are hereby made applicable to claims under the provisions of this subpart: *Provided*, That, if the exporter desires allowance of drawback on wines under this subpart and the provisions of §§ 252.41 and 252.42, he shall file on Form 1533, in triplicate, a consent of the surety on the required bond, extending the terms of the bond to cover the exportation of wines which have not been bottled or packaged especially for export.

Subpart H—Drawback on Spirits Bottled in Bond for Export and on Bottled Spirits Restamped and Marked Especially for Export

§ 252.201 General.

Spirits bottled in bond especially for export with benefit of drawback may, after payment or determination of the tax, be exported with benefit of drawback. Likewise, bottled spirits manufactured or produced in the United States (including spirits bottled in bond) originally bottled for domestic use, and spirits originally bottled in bond for exportation without payment of tax, that have not been removed from the distilled spirits plant where originally bottled, may be restamped and marked especially for export with benefit of drawback, by the proprietor of the plant, if he has established export storage and, after payment or determination of the tax, be exported with benefit of drawback, subject to the provisions of this part.

§ 252.202 Consent of surety.

Where the exporter desires allowance of drawback under the provisions of § 252.41 on spirits bottled in bond for export and on bottled spirits restamped and marked for export under the provisions of this subpart, he shall file on Form 1533, in triplicate, a consent of the surety on the bond required by § 252.42, extending the terms of his bond to cover the exportation of such spirits.

§ 252.203 Labels.

Bottled spirits, except spirits bottled in bond for export, to be exported with benefit of drawback under the provisions of this subpart shall be labeled in accordance with the provisions of § 252.58 or, in the case of spirits previously labeled for domestic use with a label conforming to the requirements of 27 CFR Part 5, the bottles shall be marked for export. Such marking may consist of affixing to each bottle a neck label containing the words "For Export". The provisions of Part 225 of this chapter in respect of labels and marks on spirits bottled in bond for export shall be applicable to such spirits to be exported with benefit of drawback under the provisions of this part.

BOTTLED-IN-BOND SPIRITS TO BE RESTAMPED AND MARKED

§ 252.204 Other regulations made applicable.

Bottled-in-bond spirits to be restamped and marked for export shall be so restamped and marked (including marks on cases) as provided in Part 201 of this chapter. The procedures prescribed in Part 225 of this chapter in respect of restamping of bottled spirits shall be applicable to spirits to be restamped and marked under the provisions of this section, except that an extra copy of Form 1515 will be prepared and forwarded by the proprietor to the assistant regional commissioner on completion of the operation. For the purposes of this section, the overprinting of export stamps on spirits originally bottled in bond for export, as required in Part 201 of this chapter, shall also be deemed to be restamping.

OTHER DOMESTIC BOTTLED SPIRITS

§ 252.205 Restamping.

Spirits originally bottled for domestic use after payment or determination of tax shall be restamped for export with benefit of drawback by the use of export stamps as prescribed in § 252.55: *Provided*, That if the red strip stamps previously affixed on the bottles which are to be restamped can be legibly imprinted, by the use of a rubber stamp, with the word "EXPORT" in letters of the size type prescribed in § 252.55, in such a manner that the word will be imprinted on such stamps with permanent black ink in the position prescribed in § 252.55, then such rubber stamping of the previously affixed stamps will be deemed to be restamping for the purposes of this subpart.

§ 252.206 Marking of cases.

Each case of spirits restamped pursuant to § 252.205 shall be marked as prescribed in § 252.61.

§ 252.207 Use of Form 230.

When spirits originally bottled for domestic use after payment or determination of tax are to be restamped as authorized in § 252.205, the proprietor of the distilled spirits plant shall give notice thereof in Parts 1 and 2 of Form 230, in triplicate. The form shall be appropriately modified to show its purpose, and shall bear notations referring, by date and serial number, to the Form 230 or 237 pursuant to which the spirits were originally bottled. On completion of the restamping and marking operations, the proprietor shall sign Part 5 of the form and complete it by inserting therein, in lieu of a description of cases filled, a statement, as follows:

> The cases of spirits described on the face of this form have been restamped and marked for export.

The strip stamp accounting in Part 5 of Form 230 shall be modified to report the number of export strip stamps used, as provided in § 252.55, or to show that the stamps affixed to the bottles have been overprinted with a rubber stamp as authorized in § 252.205. The proprietor shall hold such cases of restamped and remarked spirits pending inspection by the assigned internal revenue officer and will then deposit them in export storage. The removal to export storage, examination by the internal revenue officer, and disposition of Form 230 shall be in accordance with the applicable provisions of § 252.74.

§ 252.208 Procedures applicable.

Except as otherwise provided in this subpart, the provisions of Subpart C of this part relative to bonds, transfers and storage pending exportation, filing of notice and removal, shipment or delivery for export, procedures at port of export, disposition of claims, and proof of exportation shall apply to spirits restamped and marked for export with benefit of drawback, and to spirits bottled in bond for export with benefit of drawback, as provided in this subpart. When spirits bottled in bond are to be exported with benefit of drawback, the Forms 1582 and 1656 used for the procedures prescribed in Subpart C of this part shall be appropriately modified for the purpose of referring to the Form 1515 pursuant to which such spirits were bottled or restamped and the Form 1519 pursuant to which they were taxpaid.

[F.R. Doc. 59–5971; Filed, July 20, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Enlistments

Sections 561.29 through 561.36 are revised to read as follows:

Sec.
561.29 General.
561.30 Periods of enlistment.
561.31 Age and consent requirements.
561.32 Citizenship and residence.
561.33 Educational requirements for women.
561.34 Dependents.
561.35 Members of Reserve components of other Armed Forces.
561.36 Ineligibility.

AUTHORITY: §§ 561.29 to 561.36 issued under sec. 280, 70A Stat. 14; 10 U.S.C. 280.

SOURCE: AR 140–111, January 20, 1959, including C 1, May 14, 1959.

§ 561.29 General.

(a) *Purpose.* The regulations of §§ 561.29 to 561.36 prescribe the standards and procedures for enlistment and reenlistment of individuals as Reserve enlisted members of the Army for assignment to, and service in, the Army Reserve, and, unless otherwise specified, apply equally to male and female personnel. The basic laws governing enlistments as Reserves of the Army for service in the Reserve components are in addition to Title 10, United States Code (and Title 32 for the National Guard of the United States), and Universal Military Training and Service Act, as amended, and the Armed Forces Reserve Act of 1952, as amended. The Universal Military Training and Service Act, hereinafter referred to as UMT&S Act, imposes service obligations on male persons under 26 years of age who initially enlist, are initially inducted, or initially appointed in any component of the Armed Forces. The Armed Forces Reserve Act of 1952, hereinafter referred to as AFRA, provides for enlistment of individuals as Reserve enlisted members of the Army for service in the Reserve components. The Reserve components of the Army are the National Guard of the United States and the Army Reserve (10 U.S.C. 261). Title 10, United States Code, section 270, imposes mandatory participation requirements on all members of the Ready Reserve of the Army Reserve who initially entered military service after August 9, 1955, under any provision of law except by reason of enlistment or appointment in the Army National Guard of the United States or the Air National Guard of the United States.

(b) *Responsibility and authority of area commander.* The area commander has the overall responsibility for the functions required to be performed under the provisions of the regulations of §§ 561.29 to 561.36. He also has the authority to effect their performance. He may delegate to commanders of US Army Corps (Reserve) or to other officers, authority for performance of any of these functions, except when such authority is specifically reserved by the regulations of §§ 561.29 to 561.36 to the area commander.

(c) *Meaning of terms used.* (1) Abbreviations used are as follows:

ACB—Army Classification Battery.
ACDUTRA—Active duty for training.
AFES—Armed Forces Examining Station.
AFQT—Armed Forces Qualification Test.
AFRA—Armed Forces Reserve Act of 1952, as amended.
AFWST—Armed Forces Women's Selection Test.
ARNGUS—Army National Guard of the United States.
EST—Enlistment Screening Test.
MST—Military Science Training.
RFA—Reserve Forces Act of 1955.
RMS—Recruiting main station.
ROTC—Reserve Officers Training Corps.
UMT&S ACT—Universal Military Training and Service Act.
USAR—Army Reserve.
WAC—Women's Army Corps.
WEST—Women's Enlistment Screening Test.

(2) For the purposes of the regulations of §§ 561.29 to 561.36 the following definitions apply:

(i) *Area commander.* The commanding general of a Z1 army or of an oversea command reporting direct to Headquarters, Department of the Army on reserve matters.

(ii) *Commander, United States Army Corps (Reserve) or Chief of military district.* Commanders subordinate to the area commander to whom authority may be delegated for performance of functions pertaining to the Army Reserve within a prescribed Corps area or State.

(iii) *Initial ACDUTRA.* A period of 3 to 6 months of active duty for training required by law of initial enlistees under 26 years of age.

(iv) *Initial enlistment.* Enlistment without prior service in any component of any of the Armed Forces including service performed as a cadet or midshipman at any of the service academies or under an appointment as a midshipman, Naval Reserve for training in USNROTC.

(v) *Reservist.* A reserve enlisted member of the Army, male or female, serving in the Army Reserve.

(vi) *Satisfactory participation.* (*a*) Attendance at and satisfactory participation in a minimum of 90 percent of the scheduled drills and training periods of the Ready Reserve unit to which assigned and performance of not less than 18 days active duty for training annually, or

(*b*) When authorized, performance of not to exceed 17 days active duty for training annually in lieu of (*a*) of this subdivision.

(ii) *United States.* The Continental United States, Alaska, Puerto Rico, Territory of Hawaii, and the U.S. possessions.

§ 561.30 Periods of enlistment.

All enlistments in force at the beginning of a war or such national emergency, hereafter declared by the Congress or entered into during the existence of war or such national emergency, which otherwise would expire, shall continue in force until 6 months after the termination of the war or national emergency, whichever is later, unless sooner terminated by the Secretary of the Army. Enlistments as reserves of the Army for service in the Army Reserve will be for periods as provided in this section.

(a) *Three-year period.* Women applicants and male applicants over 26 years of age, those not subject to induction under the UMT&S Act, and those who have a remaining service obligation of less than 3 whole years will be enlisted for 3 years.

(b) *Six-year period under title 10, United States Code, section 511(b).* Male individuals under 26 years of age who have not been ordered to report for induction into the Armed Forces, may be enlisted for 6 years under section 261, AFRA, for entry on a 2-year period of active duty within 120 days.

(c) *Six-year period—six months active duty for training program.* A male applicant without prior military service who has not attained age 26 may be enlisted for 6 years with agreement to enter on 6 months active duty for training within 120 days from date of enlistment and to participate satisfactorily in Ready Reserve units training during the entire period of his enlistment. The enlistee under this program who is successfully pursuing a course in high school may have entry on ACDUTRA delayed until graduation but not longer than 1 year.

(d) *Eight-year period under section 262, AFRA, as added by RFA.* (1) Until August 1, 1959, a male applicant who has not attained the age of 18 years and 6 months may be enlisted for 8 years under section 262, AFRA. Prior to signing the oath of enlistment he must understand that he will be required to perform an initial period of 6 months active duty for training and thereafter to participate satisfactorily in Reserve duty training for 3 years if at time of enlistment he is a high school student or if he enters on active duty for training while under age 18½. For the individual enlisted while satisfactorily pursuing a course in high school, entry on initial active duty for training shall be delayed until he ceases to pursue such course satisfactorily, graduates from such course, or attains the age 20 years, whichever first occurs. Enlistment more than one year prior to expected date of graduation is not authorized. For enlistees not in high school a delay of up to 120 days may be granted. Enlistees of this latter category who enter on active duty for training after attaining age 18½ must participate in Reserve unit training for 5½ years following completion of that training.

(2) Until August 1, 1959, male applicants over 18½ but under 26 years of age who are classified IA by Selective Service who possess critical skills and are engaged in civilian occupations in critical defense supporting industry or in a research activity affecting national defense, and who are selected by Selective Service authorities as eligible for enlistment under section 262, AFRA, as critically skilled personnel, may be enlisted for 8 years. They are required to enter upon a 3-month period of active duty for training within 120 days.

(e) *Periods to cover remaining obligation.* An applicant who is an obligated member of a Reserve component of another Armed Force and who is granted a conditional release for the purpose of enlisting for service in the Army Reserve, will, if otherwise eligible, be enlisted for a number of whole years which will cover the remainder of his existing service obligation, but in no case less than 3 years. His original service obligations under UMT&S Act and/or AFRA carries over to this enlistment. Service number prefix is ER.

(f) *Extension of enlistment of officer candidates.* When the enlistment period of a member of a Reserve component, designated as an officer candidate, will expire during the period of his attendance at OCS, the expiration date of his enlistment is extended to the time of completion of the course, or to such earlier time as his officer candidate status may be terminated.

§ 561.31 Age and consent requirements.

The general age limitations for initial enlistments are 17 to 34 years inclusive for men and 18 to 34 years inclusive for women. The limitations for specific programs are as shown in paragraph (c) of this section. All nonprior service applicants must furnish documentary evidence of birth and citizenship as required in paragraph (a) of this section. Male applicants under 18 and female applicants under 21 years of age must furnish documentary evidence of consent of parents as shown in paragraph (b) of this section.

(a) *Evidence of birth and citizenship.* Each nonprior service applicant for enlistment must submit documentary evidence of birth and/or United States citizenship. The following are acceptable: Birth certificate showing birth within the United States, its territories or possessions, naturalization certification (or proof of having filed legal declaration of intention to become a citizen). When the age of an applicant cannot be verified by a birth certificate, and the State Registrar of Vital Statistics or other similar State, Municipal, or Government official states that there is "no record" of birth of the individual, other documentary evidence as to age and citizenship may be accepted in the following sequence:

(1) Baptismal record or certified copy thereof.

(2) Sworn statement of one or both parents or legal guardian supported by:

(i) Notarized copy of the school record from the first school attended, showing date of birth or age at attendance; or

(ii) Certificate from the physician in attendance at birth. The documentary evidence of age and citizenship will be examined prior to completing items 15, 16, 19, 20, and 21 on DD Form 4. All documents submitted by applicant will be returned after appropriate entries have been made.

(b) *Parental consent.* A male applicant who has reached his 17th but not his 18th birthday, or a female applicant who has reached her 18th but not her 21st birthday, will be required to furnish written consent of his or her parents or guardian. If the applicant has neither parents nor guardian, a statement to that effect will be included under "Remarks" on DD Form 4. The written consent prepared on DD Form 373 (Consent, Declaration of Parent or Legal Guardian) will:

(1) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. If the parents are divorced, the consent of the parent having custody of the applicant is sufficient. In such cases, however, the divorced parent must furnish proof of custody. Enlistment is not authorized if either parent objects.

(2) Be signed in duplicate, and fastened securely to the original and duplicate copies of the enlistment record.

(c) *Ages for initial enlistment for specific programs.* (1) For enlistment under section 261 AFRA for 6 years including 2 years active duty, 17 to 25 years inclusive.

(2) For enlistment under section 262 AFRA for 8 years including 6 months active duty for training and 3 years satisfactory participation in Ready Reserve training following completion of initial ACDUTRA, 17 to 18½ years. For nonhigh school student enlistees under this authority who enter on active duty for training after reaching age 18½, the period of satisfactory participation required is 5½ years.

(3) For enlistment under section 262(b), AFRA (Critical Skills) for 8 years including 3 months active duty for training with the possibility of transfer to Standby Reserve upon completion of initial ACDUTRA, or of retention in Ready Reserve for remainder of enlistment period, 18½ to 25 years inclusive.

(4) For 6-year initial enlistment including 6 months ACDUTRA and 5½ years satisfactory participation in Ready Reserve training; 18½ to 25 years inclusive.

(5) For 3-year initial enlistment including 6 months ACDUTRA and 2½ years satisfactory participation in Ready Reserve training; 26 to 34 years inclusive.

(6) For special programs for female enlistees, age limitations are prescribed by the regulations to the particular program, e.g., AR 601–19.

(d) *Applicants with prior service.* The period of enlistment for prior service applicants is 3 years unless a greater period is required to complete an existing service obligation.

(1) *Through age 34.* Applicants with prior service in any of the Armed Forces of the United States may be enlisted or reenlisted through age 34, without regard to the amount of such prior service.

(2) *Age 35 through 54.* Enlistments or reenlistments are authorized for individuals 35 years of age and over, but less than 55 years of age, who have had a minimum of 3 years honorable service in the Armed Forces (at least 3 months of which must have been in the Army or Army Air Corps), provided their age at enlistment is not greater than 35 years plus the length of their prior honorable service on active duty or in an active Reserve status with such active participation in Reserve training as to have made the period creditable for retirement purposes. Count only such honorable service since 1 September 1943 for women. Except as provided in paragraph (f) of this section, a former member of the Air Force, Navy, Marine Corps, or Coast Guard, who has had no prior Army or Army Air Corps service, and who is 35 years of age or older, may not be enlisted as a Reserve enlisted member of the Army for service in the Army Reserve.

(e) *Applicants last honorably discharged.* Applicants last honorably discharged as enlisted personnel from the Regular Army, the Army Reserve, the National Guard of the United States, or as Reserve officers of the Army may be enlisted or reenlisted (for 3 years) as Reserves of the Army within 180 days after date of such discharge, without regard to the maximum age restrictions prescribed in this section, provided they are otherwise eligible except that:

(1) The applicant who is 55 years of age may be enlisted only:

(i) For his own vacancy,

(ii) On the day following discharge, and

(iii) If he will be able to complete 20 years of qualifying service for retirement purposes prior to attaining age 60.

(2) Officers removed from active status by reason of having attained maximum age or service are not eligible for enlistment under this authority.

(f) *Applicants with needed skills.* Exception to the foregoing age and prior service limitations may be made for applicants, possessing skills needed in the Army Reserve, who may be accepted for enlistment or reenlistment after reaching their 35th birthday and prior to reaching their 45th birthday when specifically authorized by the area commander. Men enlisted for service in an Army Reserve Band must meet the minimum requirements for members of a Regular Army band. An individual originally enlisted under the provisions of this paragraph will be reenlisted without special authorization, provided such reenlistment is accomplished within 90 days after discharge from a prior enlistment.

(g) *Individuals on the Temporary Disability Retired List.* Enlisted individuals on Temporary Disability Retired List (TDRL) who have been found physically qualified for active duty may apply for and be enlisted in grade held at time of release from active duty and without regard to normal reenlistment qualification if enlistment is accomplished on day following removal of name from TDRL. If no suitable vacancy is available they may be enlisted for USAR Control Group (Reinforcement). Those individuals who have been removed from TDRL who later apply for enlistment must meet normal reenlistment requirements.

§ 561.32 Citizenship and residence.

Applicants must be citizens of the United States, its Territories or possessions, must have filed legal declaration of intention to become citizens of the United States, or must have had prior service in the Armed Forces of the United States. Each applicant must be a resident of, and must furnish a permanent home address within, the continental United States, its Territories, or possessions. In recognition of the Ready Reserve participation requirements under title 10, United States Code, section 270, and in order that enlistees may be able to participate satisfactorily in scheduled unit training, it is necessary to restrict enlistment to those qualified applicants who live or work within reasonable travel distance of the unit for which enlisted.

§ 561.33 Educational requirements for women.

(a) *Nonprior service.* Women without prior military service (including those whose only service has been in the WAAC) must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level General Educational Development (GED) test. Recruiting personnel will not administer this test but will advise applicants to communicate with the Department of Education of the appropriate State for information concerning the GED test.

(b) *Prior service.* Women with prior military service must have completed a minimum of 2 years of high school or present substantiating data that they have successfully completed the high school level GED test.

§ 561.34 Dependents.

(a) Except as provided for especially skilled applicants, applicants with dependents, other than those who reenlist on the day following honorable discharge, are authorized to enlist only under the following conditions:

(1) Except for the Selective Service registrant under 26 years of age who is classified 1A and who may be enlisted for 6 years including 6 months active duty for training, if he attains a percentile score of 31 or higher on the AFQT, nonprior servicemen with not more than one dependent may enlist in grade E–1 provided they attain a percentile score of 65 or higher on the AFQT and are otherwise eligible.

(2) Prior servicemen with not more than .3 dependents who are otherwise eligible to enlist in grades E–1 through E–3 may be enlisted provided they attain a percentile score of 65 or higher on the AFQT. For men entitled to enlist or reenlist in grade E–4 or higher a percentile score of 31 or higher is required.

(3) Applicants who have 4 or more dependents may be enlisted or reenlisted only if entitled to enlist in grade E–4 or higher, and provided they execute a written statement that they will not request relief from order to active duty because of dependency.

(4) For applicants who do not meet all the requirements listed in this section, area commanders may grant waivers in exceptionally meritorious cases of persons with 6 or more years of honorable active service. This authority may be delegated to USAR Corps (Reserve) commanders or chiefs of military districts.

(b) Women who have any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including stepchildren or foster children, under 18 years of age, will not be enlisted.

§ 561.35 Members of Reserve components of other Armed Forces.

Applicants who are members of Reserve components of other Armed Forces, and who have service obligations under title 10, United States Code, section 651, including those who are enrolled in or are applying for enrollment in Advanced Course, Senior Division, ROTC, may be enlisted as Reserves of the Army provided they meet current criteria for prior service applicants and provided:

(a) Their applications are submitted through, and approved by, officials of the losing Armed Force authorized to accept resignation or otherwise effect separations; or

(b) They submit a certificate, signed by an official of the losing Armed Force authorized to accept resignations or otherwise effect separation, that the applicants will be released from their current status if enlisted as Reserves of the Army (10 U.S.C. 512, 595).

§ 561.36 Ineligibility.

Standards of eligibility for enlistment or reenlistment—other than AFQT score for nonprior service individuals enlisting for the 6 months active duty for training programs—are the same as those for enlistment or reenlistment in the Regular Army.

(a) *Classes ineligible for enlistment or reenlistment unless waiver is granted.* Those individuals described in § 571.2(e) of this chapter as ineligible unless waiver is granted may not be enlisted or re-

enlisted as Reserves of the Army unless waiver is granted.

(b) *Classes ineligible for enlistment or reenlistment—no waivers granted.* (1) Those described in § 571.2(f) of this chapter as ineligible.

(2) Critical air transport personnel who have been denied Ready Reserve assignment by the Air Force are ineligible for enlistment. No waivers will be granted.

(3) Persons with military status except as shown in § 561.35.

(4) Officers removed from active status by reason of having attained maximum age or service or by reason of having twice failed to be selected for promotion.

R. V. LEE,
Major General, U.S. Army.
The Adjutant General.

[F.R. Doc. 59-5942; Filed, July 20, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 33—METERED STAMPS

PART 45—CITY DELIVERY

Records Retention Periods, Postage Meter Manufacturers and Apartment House Managers

The proposed amendments to § 33.8 *Manufacture and distribution of postage meters*, and § 45.6 *Apartment house receptacles*, published in the FEDERAL REGISTER of February 4, 1959, at page 815 (24 F.R. 815) as Federal Register Document 59-943, notice of proposed rulemaking, are adopted as the regulations of the Post Office Department with the following changes:

Subdivision (x) in paragraph (e)(2) of § 33.8 is modified by striking out the sentence which authorized the records to be destroyed three years after the postage meter is scrapped. The subdivision is further modified to require a permanent record to be maintained by serial number of all meter keys.

The regulations, as adopted, read as follows:

In § 33.8 *Manufacture and distribution of postage meters* make the following changes in subparagraph (2) of paragraph (e):

1. Add the following sentence to subdivision (viii): "These records may be destroyed three years after the meter is scrapped.", so that the subdivision will read as follows:

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department. These records may be destroyed three years after the meter is scrapped.

2. Add the following sentence to subdivision (x): "These records may be destroyed three years after the meter is scrapped.", so that the subdivision will read as follows:

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

NOTE: The corresponding Postal Manual sections are 143.852h and 143.852j.

(R.S. 161, as amended, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 273)

In § 45.6 *Apartment house receptacles* add the following sentence to subdivision (ii) of paragraph (b)(3): "The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.", so that the subdivision will read as follows:

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.

NOTE: The corresponding Postal Manual section is 155.623b.

(R.S. 161, as amended, 396, as amended; 3868; sec. 1, 24 Stat. 355, sec. 1, 24 Stat. 569, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 151, 155, 156)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-5995; Filed, July 20, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1899]

[Colorado 022844]

COLORADO

Withdrawing Lands Near Gunnison for Use of Federal Aviation Agency as an Air Navigation Site

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency for a VORTAC Air Navigation facility:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 48 N., R. 1½ W.,
Sec. 1, S. 15 chains of lot 4, NW¼NW¼, and N½SW¼NW¼;
Sec. 2, S. 15 chains of lot 1, lot 2, and N. 10 chains of lot 3.
T. 48 N., R. 2 W.,
Sec. 1, SE¼ of lot 8, E½ of lot 9, and NE¼ of lot 16.

The areas described aggregate 188.21 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59-5948; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1900]

[1406375]

NEW MEXICO

Air Navigation Site Withdrawal No. 51, Reduced

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of February 3, 1931, reserving lands for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 S., R. 4 W.,
Sec. 35, SW¼SW¼ (Lot 7).
T. 27 S., R. 18 W.,
Sec. 30, NE¼SW¼SE¼, N½NW¼SW¼SE¼, SW¼NW¼SW¼SE¼, and S½SW¼SE¼.

The areas described aggregate 75.75 acres.

2. The lands are located in the southwestern part of the State. The topography is rolling and undulating, the soils are sandy and rocky, and the vegetation consists of grama grass, tobosa, and some brush.

3. No applications for the lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

The State of New Mexico has waived the preference right of application afforded it by subsection (b) of section 2 of the Act of August 27, 1958 (Public Law 85-771).

4. Subject to any existing rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations, in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on August 19, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 18, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 18, 1959. Such locations made prior to that date and hour are invalid.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59-5949; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1901]

[Colorado 022828]

COLORADO

Withdrawing Public Lands in Pike National Forest for Use of Forest Service as Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Pike National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

SIXTH PRINCIPAL MERIDIAN

MOUNT HERMAN NURSERY (ADDITION)

T. 11 S., R. 67 W.,
Sec. 20, SW¼NE¼, SE¼NW¼, NE¼SW¼NW¼, S½NE¼NE¼SW¼, N½SE¼NE¼SW¼, and N½SE¼.
Totaling 180 acres.

WOODLAND PARK ADMINISTRATIVE SITE

T. 12 S., R. 68 W.,
Sec. 7, lots 8, 10, 11, 12, and N½ of lot 6.
Totaling 86.88 acres.

INDIAN CREEK ADMINISTRATIVE SITE (ADDITION)

T. 8 S., R. 69 W.,
Sec. 3, S½SW¼SE¼ (S½ of lot 19).
Totaling 20 acres.

DEVILS HEAD LOOKOUT

T. 9 S., R. 69 W.,
Sec. 22, NW¼NE¼.
Totaling 40 acres.

LAKE GEORGE ADMINISTRATIVE SITE (ADDITION)

T. 12 S., R. 71 W.,
Sec. 28, S½SW¼NW¼, and S½N½SW¼NW¼;
Sec. 29, SW¼NE¼NE¼, S½NW¼NE¼, N½SW¼NE¼, and N½S½SW¼NE¼.
Totaling 90 acres.

JEFFERSON CREEK ADMINISTRATIVE SITE

T. 7 S., R. 76 W.,
Sec. 23, NW¼NE¼.
Totaling 40 acres.

The areas aggregate 456.88 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 14, 1959.

[F.R. Doc. 59-5950; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1902]

[New Mexico 051955]

NEW MEXICO

Reserving Lands Near Carson National Forest for Use of Forest Service as a District Ranger Headquarters

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site for a district ranger headquarters in connection with administration of the Carson National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

BLANCO ADMINISTRATIVE SITE

T. 29 N., R. 9 W.,
Sec. 17, SW¼NE¼.

The area described contains 40 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59-5951; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1903]

[Montana 027833]

MONTANA

Partially Revoking Departmental Order of January 7, 1938 (Buffalo Rapids Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of January 7, 1938, which withdrew lands in Montana for reclamation purposes in the first form, in connection with the Buffalo Rapids Project, is hereby revoked so far as it affects the following-described lands:

PRINCIPAL MERIDIAN

T. 13 N., R. 53 E.,
Sec. 8, E½NE¼.
T. 14 N., R. 55 E.,
Sec. 8, lot 8.

The areas described contain 105.91 acres.

2. The State of Montana has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The tract in T. 13 N., R. 53 E., is located approximately 20 miles southwest of Glendive, Montana, and is traversed by U.S. Highway No. 10 in the southeast corner. The topography is gently rolling to rough and it supports a

vegetative cover of native grasses. The tract in T. 14 N., R. 55 E., comprises a part of two islands in the Yellowstone River and is located approximately 9 miles southwest of Glendive, Montana. It supports a vegetative cover of cottonwoods, willows, rose, rye and bluegrass. The tract is subject to flooding. Both tracts are located in Dawson County.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. Lot 8 of sec. 8, T. 14 N., R. 55 E., is within Petroleum Reserve No. 43, Montana No. 3, created by Executive order of January 11, 1916. It has been open to applications and offers under the mineral leasing laws. It will be open to locations under the United States Mining Laws in accordance with the act of August 13, 1954 (68 Stat. 708; 30 U.S.C. 521) at 10:00 a.m. on November 19, 1959. Any patent for lot 8 under the nonmineral public land laws shall contain the mineral reservation required by the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121).

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5952; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1904]

[Wyoming 1661830]

WYOMING

Partially Revoking Reclamation Withdrawal of July 18, 1940, Eden Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of July 18, 1940, so far as said order withdrew the following-described lands for reclamation purposes in connection with the Eden Project, Wyoming, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 106 W.,
Sec. 16, SW¼;
Sec. 34, E½NE¼;
Sec. 35, W½NW¼;
Sec. 36, NE¼NE¼, SE¼NW¼NE¼, S½NE¼, E½SE¼NW¼, NE¼SW¼, S½NW¼SW¼, S½SW¼, and SE¼.

The areas described aggregate 770 acres.

The lands are State or privately owned lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5953; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1905]

NEVADA

Withdrawing Lands for Use of Federal Aviation Agency for Air Navigation Facilities

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Federal Aviation Agency for air navigation facilities:

MOUNT DIABLO MERIDIAN

[Nevada 045905]

T. 8 N., R. 35 E.,
Sec. 12, SE¼.
(160 acres.)

[Nevada 045161]

T. 2 N., R. 44 E.,
Sec. 15, SE¼NW¼, S½NE¼NW¼, S½N½NE¼NW¼, E½SW¼NW¼, E½W½SW¼NW¼, SE¼NW¼NW¼, E½SW¼NW¼NW¼, S½NE¼NW¼NW¼, and SE¼NW¼NW¼NW¼.
(122.5 acres.)

[Nevada 043493]

T. 33 N., R. 55 E.,
Sec. 10, NE¼NW¼SE¼.
(10 acres.)

The areas described aggregate 292.5 acres.

This order shall take precedence over but not otherwise affect the departmental order of March 6, 1910, which established Stock Driveway Withdrawal No. 62, Nevada No. 11.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5954; Filed, July 20, 1959; 8:46 a.m.]

[Public Land Order 1906]

[Idaho 09451]

IDAHO

Withdrawing Lands for Use of Bureau of Reclamation in Connection With Anderson Ranch and Dam Reservoir (Boise Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) it is ordered as follows:

Subject to valid existing rights, the following-described lands in Idaho are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Anderson Ranch and Dam Reservoir;

BOISE MERIDIAN

T. 1 N., R. 9 E.,
Sec. 26, SW¼NW¼.
Sec. 29, N½NE¼.
T. 1 N., R. 10 E.,
Sec. 19, lots 1, 2, and N½NE¼.

The areas described contained 267.75 acres.

This order shall be subject to the existing withdrawal for power purposes so far as it affects any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5955; Filed, July 20, 1959; 8:47 a.m.]

[Public Land Order 1907]

[62449]

CALIFORNIA

Partially Revoking Departmental Orders of February 26 and 27, 1952 (Central Valley Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of February 26 and 27, 1952, which withdrew lands in California for reclamation purposes in the first form in connection with the Central Valley Project, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 6 E.,
Sec. 4, lots 5 and 7.
T. 19 N., R. 6 E.,
Sec. 33, NE¼ and W½SE¼.
T. 13 S., R. 24 E.,
Sec. 9, NE¼SW¼.

The areas described aggregate 335.93 acres.

2. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands in T. 19 N., R. 6 E., are patented and those in T. 13 S., R. 24 E., are withdrawn in Power Site Reserve No. 322.

4. The remaining lands in section 4 are in extreme Western Yuba County, are drained by South Honcut Creek, and are rough and mountainous.

5. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1)) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 19, 1959, those in power withdrawals being so opened subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5956; Filed, July 20, 1959; 8:47 a.m.]

[Public Land Order 1908]

[Colorado 026555]

COLORADO

Revoking Stock Driveway Withdrawal No. 172, Colorado No. 17

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental order of August 9, 1924, which withdrew the following-described lands in Colorado as Stock Driveway Withdrawal No. 172, Colorado No. 17, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 11 N., R. 95 W.,
Secs. 5 and 6.
T. 12 N., R. 95 W.,
Sec. 30, E½;
Sec. 31, E½.

The areas described aggregate approximately 1,920 acres, of which the S½SE¼, section 5, and the SE¼ and E½SW¼, section 6 have been patented, or are State-owned.

2. The State of Colorado has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands are located 55 miles northwest of Craig, Colorado, in Moffat County, and about three miles south of the boundary common to the States of Colorado and Wyoming. The topography of the lands is generally rolling to rough and steep. Soils consist of a clay loam with some sand intermixed in the surface. Sagebrush, grasses and various forbs comprise the vegetation.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications

presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 19, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to location under the United States mining laws, and to applications and offers under the mineral-leasing laws.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

[F.R. Doc. 59–5957; Filed, July 20, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59–27]

RULES OF THE ROAD AND PILOT RULES

Publication in Pamphlet or Placard Form

This document is to give public notice with respect to:

1. Availability of revised "Rules of the Road" pamphlets dated May 1, 1959, which supersede previous editions of similar pamphlets.

2. Discontinuance of certain placard forms containing regulatory "Pilot Rules," except for the Great Lakes.

3. Statutory requirements that vessels shall have and keep on board available for ready reference, where practicable, copies of the applicable "Rules of the Road" pamphlets.

4. Required changes in the vessel inspection regulations in 46 CFR Chapter I dealing with "Pilot Rules" and to prescribe necessary changes in language so as to substitute "Rules of the Road" for "Pilot Rules."

With respect to availability of current Coast Guard pamphlets, the 3 Coast Guard pamphlets containing the statutory and regulatory "Rules of the Road" were revised and brought up-to-date with an edition date of May 1, 1959, and the titles (but not the identification numbers) were revised as follows:

CG–169—Rules of the Road—International—Inland.
CG–172—Rules of the Road—Great Lakes.
CG–184—Rules of the Road—Western Rivers.

The pamphlets bearing the same identification numbers but different titles and edition dates prior to May 1, 1959, are not up to date and are superseded by the above described pamphlets dated May 1, 1959. The previous pamphlets were entitled:

CG–169—Rules To Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico (edition dated April 1, 1958, and all prior editions).

CG–172—Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters (edition dated April 1, 1958, and all prior editions).

CG–184—Pilot Rules for the Western Rivers (edition dated July 1, 1957, and all prior editions).

It is desired that wide publicity be given to the availability and use of these latest pamphlets regarding "Rules of the Road," which may be obtained upon request from local Coast Guard Officers in Charge, Marine Inspection, situated in the major ports in the United States, or from the Commandant (CHS), U.S. Coast Guard, Washington 25, D.C.

With respect to placard forms containing regulatory "Pilot Rules," it is no longer necessary that certain placards be distributed and posted on vessels and craft navigating certain inland waters and the western rivers. These placard forms, which will no longer be printed and will no longer be required to be kept posted by the Coast Guard, are:

CG–803—Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and Coast of the Gulf of Mexico (all edition dates).

CG–804a—Rules for lights for Barges, Canal Boats, Scows and Other Vessels of Nondescript Type Not Otherwise Provided for When Being Towed (all edition dates).

CG–805—Pilot Rules for the Western Rivers and the Red River of the North (all edition dates).

CG–3018—General Regulations of the Corps of Engineers, Department of the Army, and the United States Coast Guard (all edition dates).

NOTE: This action does not change requirements of the Corps of Engineers which still requires its General Regulations to be posted on specified vessels navigating the Great Lakes.

In this regard, however, it should also be noted that the Act of August 14, 1958, did not alter the provisions in section 3 of the Act of February 8, 1895, as amended (33 U.S.C. 243), with respect to placards quoting portions of the regulatory "Pilot Rules" for the Great Lakes. Therefore, all steam vessels over 65 feet in length when navigating on the Great Lakes must continue to keep posted in conspicuous places 2 copies of placard form CG–807, entitled "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters." Since this placard is a copy of the same regulatory "Pilot Rules" which are in the revised pamphlet "Rules of the Road—Great Lakes" (CG–172), it is not considered necessary to reprint this placard or revise its title at this time.

With respect to statutory requirements for vessels to keep (where practicable) applicable "Rules of the Road" pamphlets on board available for ready reference, it should be noted that one of the purposes of the Act of August 14, 1958 (Pub. Law 85–656; S. 3951), was described in Senate Report No. 1842 (bottom page 3 and top page 4) to accompany S. 3951, in this manner:

> The bill would also amend section 2(a) of the act of June 7, 1897, as amended, and section 4233A(a) of the Revised Statutes by deleting from each the requirement that "two printed copies of such rules shall be furnished to all vessels and craft mentioned in this subsection, which rules shall, where practicable, be kept posted up in conspicuous places thereon," and substituting the provision that "a pamphlet containing such act and regulations shall be furnished to all vessels and craft subject to this act. On vessels and craft over 65 feet in length the pamphlet shall, where practicable, be kept on board and available for ready reference." The existing provision requires that only the rules be kept on board (i.e., posted). It is essential that the statutory rules also be kept on board. The Coast Guard now publishes the statutory and regulatory rules together in a pamphlet. The requirement that the rules be posted is not necessary. It is only necessary that the rules be handy in pamphlet form for ready reference, where practicable. Moreover, the existing requirement applies only to vessels and craft mentioned in the subsection. There are many other vessels that should be required to carry the rules pamphlet, where practicable. The proposed amending language reflects the foregoing considerations.

The statutory changes as a result of the Act of August 14, 1958, became effective on that date. It is the policy of the Commandant that the Coast Guard make every effort to publicize such important changes to owners and operators of vessels. The Coast Guard has available as indicated above the required pamphlets containing the "Rules of the Road," so that every vessel can have on board and readily available for use the current edition of the applicable pamphlet.

Attention is invited to the fact that failure to have the required "Rules of the Road" pamphlet on board and readily available (where practicable) on vessels and craft over 65 feet in length while on the inland waters and western rivers, or 2 copies of the placard form CG–807 while on the Great Lakes, may be grounds for assessment of a $500 penalty against such vessels or craft.

Finally, with respect to required changes in the vessel inspection regulations in 46 CFR Chapter I, the detailed amendments set forth in this document are editorial and in general accomplish the following:

a. Substitute the phrase "Rules of the Road" for "Pilot Rules."

b. When necessary also indicate whether the "Rules of the Road" are "International," "Inland," "Great Lakes," or "Western Rivers."

c. When necessary revise regulations to show that "Rules of the Road" include both statutory and regulatory requirements.

d. When necessary delete navigation requirements from regulations which paraphrase statutory "Rules of the Road."

e. Revise and bring up-to-date informational regulations regarding Coast Guard pamphlets or forms.

Because the regulations in this document are editorial in nature or based on statutory changes contained in the Act of August 14, 1958, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–9, dated August 3, 1954 (19 F.R. 5915), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 7605), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.20—Reports and Forms

1. Section 2.20–1 is amended by canceling paragraphs (c), (d), (e), and (j), and by revising and redesignating paragraphs (f), (g), (h), (i), and (k) to (c), (d), (e), (f), and (g), respectively, so that such paragraphs read as follows:

§ 2.20–1 Forms.

* * * * * *

(c) *CG–807.* This form "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters" is required by 33 U.S.C. 243 and 33 CFR 90.15.

(d) *CG–809.* This form "Station Bills, Drills and Reports of Masters" is required by §§ 35.10–5, 78.17–50(f), and 97.15–35(d) of this chapter.

(e) *CG–810.* This form "Duties of Mates of Inland Steam Vessels" is required by § 157.35–5 of this chapter.

(f) *CG–811.* This form "Instructions for the Use of the Gun and Rocket Apparatus for Saving Life from Shipwreck as Practiced by the United States Coast Guard" is required by §§ 35.10–10, 78.53–5, 97.43–5, and 167.65–50 of this chapter.

(g) *CG–3256.* This form "Atomic Attack Instructions for Merchant Vessels in Port" is required by 33 CFR 122.10.

2. Subpart 2.20 is amended by inserting after § 2.20–1 a new § 2.20–5 reading as follows:

§ 2.20–5 Rules of the Road pamphlets.

(a) *Required to be carried aboard.* Statutes and regulations require that current editions of applicable Coast Guard pamphlets containing Rules of the Road shall, where practicable, be carried on board and maintained for ready reference on all vessels and craft over 65 feet in length while navigating within the certain waters as described in law or regulation. The titles indicate the waters on which generally applicable. These pamphlets may be obtained from any Marine Inspection Office. The Coast Guard pamphlet identification numbers and the statutes or regulations which require that they be carried on board certain vessels or craft over 65 feet in length are described in succeeding paragraphs in this section.

(b) *CG–169.* This pamphlet "Rules of the Road—International—Inland" is required by 33 U.S.C. 157 and 33 CFR 80.13(b) to be carried and available for ready reference, where practicable, on vessels navigating the harbors, rivers, and inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(c) *CG–172.* Two copies of this pamphlet "Rules of the Road—Great Lakes" are required by 33 CFR 90.15(b) to be kept on board, and where practicable, one copy thereof shall be kept conspicuously posted on steam and other motor vessels of not more than 10 gross tons navigating the Great Lakes and their connecting and tributary waters.

(d) *CG–184.* This pamphlet "Rules of the Road—Western Rivers" is required by 33 U.S.C. 353 and 33 CFR 95.23 to be carried and available for ready reference, where practicable, on vessels navigating the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917; 33 CFR, 1952 Supp.)

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02—General Requirements for All Deck and Engineer Officers' Licenses

§ 10.02–21 [Amendment]

1. Section 10.02–21 is amended by changing in the headnote the phrase "pilot rules" to "Rules of the Road," and by deleting the phrase "and the Pilot Rules" from the first sentence.

Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected Vessels)

2. Section 10.05–43(a)(1) is amended to read as follows:

§ 10.05–43 Examination for license as pilot.

(a) * * *

(1) Rules of the Road.

3. Section 10.05–47(a)(1) is amended to read as follows:

§ 10.05–47 Examination for license as master of Great Lakes steam and motor vessels.

(a) * * *

(1) Rules of the Road.

4. Section 10.05–49(a)(1) is amended to read as follows:

§ 10.05–49 Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.

(a) * * *

(1) Rules of the Road applicable to the waters desired.

5. Section 10.05–51(a)(1) is amended to read as follows:

§ 10.05–51 Examination for license as master of river steam or motor vessels.

(a) * * *

(1) Rules of the Road.

§ 10.05–55 [Amendment]

6. Section 10.05–55 is amended by changing in the second sentence the phrase "Pilot Rules" to "Rules of the Road."

Subpart 10.20—Motorboat Operators Licenses

§ 10.20–3 [Amendment]

7. Section 10.20–3(a)(2) is amended by changing the phrase "pilot rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER C—UNINSPECTED VESSELS

PART 24—GENERAL PROVISIONS

Subpart 24.10—Definition of Terms Used in This Subchapter

Section 24.10–25 is amended to read as follows:

§ 24.10–25 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

PART 25—REQUIREMENTS

Subpart 25.05—Navigation Lights and Shapes

1. Section 25.05–1 is amended to read as follows:

§ 25.05–1 Vessels other than motorboats.

(a) All vessels other than motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

2. Section 25.05–5 is amended to read as follows:

§ 25.05–5 Motorboats.

(a) All motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 25.05–10 [Cancellation]

3. Section 25.05–10 *Motorboats operating on the navigable waters of the United States* is canceled.

Subpart 25.10—Whistles

§ 25.10–1 [Amendment]

4. Section 25.10–1(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

Subpart 25.20—Fog Sound Signal Devices

§ 25.20–1 [Amendment]

5. Section 25.20–1(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

PART 26—OPERATIONS

Subpart 26.05—Penalties

§ 26.05–1 [Amendment]

Section 26.05–1(a) is amended by changing the phrase "Motorboat Act of April 25, 1940, as amended (54 Stat. 163–167; 46 U.S.C. 526–526t)" to "Act of April 25, 1940, as amended (54 Stat. 163–167, as amended; 46 U.S.C. 526–526u)."

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.10—Definitions

§ 30.10–53 [Cancellation]

1. Section 30.10–53 *Pilot rules—TB/ALL* is canceled.

2. Subpart 30.10 is amended by inserting after § 30.10–61 a new § 30.10–62 reading as follows:

§ 30.10–62 Rules of the Road—TB/ALL.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416)

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

Subpart 70.10—Definition of Terms Used in This Subchapter

§ 70.10–27 [Amendment]

1. Section 70.10–27, 3d sentence, is amended by changing the phrase "Motorboat Act of April 25, 1940, as amended (secs. 1 to 21, 54 Stat. 163–167, 46 U.S.C. 526–526t)" to "Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended; 46 U.S.C. 526–526u)."

2. Section 70.10–37 is amended to read as follows:

§ 70.10–37 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

3. Section 70.10–47 is amended to read as follows:

§ 70.10–47 Western rivers.

For the purposes of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 77.17—Navigation Lights and Shapes

1. Section 77.17–1(a) is amended to read as follows:

§ 77.17–1 When required.

(a) All vessels shall be equipped with navigation lights and shapes as prescribed by law and regulation.

Subpart 77.20—Whistles

§ 77.20–1 [Amendment]

2. Section 77.20–1(a) is amended by changing the phrase "pilot rules" to "Rules of the Road."

Subpart 77.23—Fog Horns

§ 77.23–1 [Amendment]

3. Section 77.23–1(a) is amended by changing the phrase "pilot rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

Subpart 90.10—Definition of Terms Used in This Subchapter

§ 90.10–23 [Amendment]

1. Section 90.10–23, 3d sentence, is amended by changing the phrase "Motorboat Act of April 25, 1940, as amended (secs. 1 to 21, 54 Stat. 163–167, 46 U.S.C. 526–526t)" to "Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended, 46 U.S.C. 526–526u)."

2. Section 90.10–31 is amended to read as follows:

§ 90.10–31 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

3. Section 90.10–39 is amended to read as follows:

§ 90.10–39 Western rivers.

For the purpose of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 96.17—Navigation Lights and Shapes

1. Section 96.17–1(a) is amended to read as follows:

§ 96.17–1 When required.

(a) All vessels and motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 96.17–5 [Cancellation]

2. Section 96.17–5 *Motorboats operating on the high seas* is cancelled.

§ 96.17–10 [Cancellation]

3. Section 96.17–10 *Motorboats operating on the navigable waters of the United States* is canceled.

Subpart 96.20—Whistles

§ 96.20–1 [Amendment]

4. Section 96.20–1(a), 1st sentence, is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

Subpart 96.23—Fog Horns

§ 96.23–1 [Amendment]

5. Section 96.23–1(a), 1st sentence, is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.15—Definition of Terms Used in This Subchapter

§ 110.15–125 [Amendment]

1. Section 110.15–125, 3d sentence, is amended by changing the phrase "Motorboat Act of April 25, 1940, 46 U.S.C. 526–526t" to "Act of April 25, 1940, as amended (secs. 1 to 22, 54 Stat. 163–167, as amended, 46 U.S.C. 526–526u)."

§ 110.15–150 [Cancellation]

2. Section 110.15–150 *Pilot rules* is canceled.

3. Subpart 110.15 is amended by inserting a new § 110.15–177, to follow § 110.15–175, reading as follows:

§ 110.15–177 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

4. Section 110.15–195 is amended to read as follows:

§ 110.15–195 Western rivers.

For the purpose of this subchapter, the term "western rivers" is as defined in CG–184, "Rules of the Road—Western Rivers."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subpart 113.55—Navigation Lights

1. Section 113.55–5(a) is amended to read as follows:

§ 113.55–5 General requirements.

(a) All vessels and motorboats shall be equipped with navigation lights and shapes as prescribed by law and regulation.

§ 113.55–15 [Amendment]

2. Section 113.55–15(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

§ 113.55–20 [Amendment]

3. Section 113.55–20(a) is amended by changing the phrase "Pilot Rules" to "Rules of the Road."

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 175—GENERAL PROVISIONS

Subpart 175.10—Definitions of Terms Used in This Subchapter

Section 175.10–21 is amended to read as follows:

§ 175.10–31 Rules of the Road.

(a) The term "Rules of the Road" means the statutory and regulatory rules governing navigation of vessels. These rules are also published by the Coast Guard in pamphlet form as follows:

(1) Rules of the Road—International—Inland (CG–169).

(2) Rules of the Road—Great Lakes (CG–172).

(3) Rules of the Road—Western Rivers (CG–184).

(b) The current editions of the "Rules of the Road" pamphlets may be obtained from any Marine Inspection Office.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 184.15—Navigation Lights and Shapes, Whistles, Fog Horns, and Fog Bells

Section 184.15–1(a) is amended to read as follows:

§ 184.15–1 Requirements in Rules of the Road.

(a) All vessels shall be fitted with navigation lights and shapes, whistles, fog horns, and fog bells as prescribed by law and regulation.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

PART 185—OPERATIONS

Subpart 185.20—Miscellaneous Operating Requirements

Section 185.20–5 is amended to read as follows:

§ 185.20–5 Rules of the Road.

(a) Persons operating these vessels shall comply with the applicable sections of the Rules of the Road covering the waters on which the vessel is navigated.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Dated: July 14, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59–5969; Filed, July 20, 1959; 8:48 a.m.]

[CGFR 59–31]

VISION EXAMINATIONS BY PUBLIC HEALTH SERVICE AND ENDORSEMENTS ON OCEAN OPERATORS' LICENSES FOR ADDITIONAL ROUTES

Persons serving or intending to serve in the merchant marine are recommended to take a physical examination by an ophthalmic surgeon to determine whether or not their vision, and color vision where required, is such as to qualify them for service in the merchant marine. During World War II and for awhile thereafter the Public Health Service gave these examinations free and the requirements in 46 CFR 10.2–5 (e) reflected this practice. Since this is no longer in agreement with current Public Health Service regulations, which now provide that only bona fide seamen are eligible for treatment at Public Health Service facilities, the amendment to 46 CFR 10.2–5(e)(6) set forth below in this document deletes from the regulations the reference to the voluntary visual examination by the Public Health Service.

Persons holding licenses as ocean operators have been restricted in obtaining endorsements for additional routes by the fact that each Officer in Charge, Marine Inspection, has exclusive geographical jurisdiction over requested routes within his Inspection Zone. The amendment to 46 CFR 187.25–25(a) set forth below in this document is considered administrative in nature and revises this control of the issuance of endorsements to ocean operators' licenses for additional routes. In the future Officers in Charge, Marine Inspection, will have the same administrative control over the issuance of endorsements for additional routes that they have now over the issuance of the basic licenses as ocean operators.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule

making, public rule making procedures thereon, and effective date requirements thereof) is deemed unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5195), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02 — General Requirements for All Deck and Engineer Officers' Licenses

Section 10.02-5(e)(6) is amended to read as follows:

§ 10.02-5 Requirements for original licenses.

* * * * *

(e) *Physical examination.* * * *

(6) Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their vision, and color vision where required, is such as to qualify them for service in that profession.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438–4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 68 Stat. 434, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1333, 239b, 390b; 50 U.S.C. 198)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 187—LICENSING

Subpart 187.25—Specific Requirements for Ocean Operators

The introductory text of § 187.25-25(a) (but not the subparagraphs thereof) is amended to read as follows:

§ 187.25-25 Additional routes.

(a) A licensed operator of mechanically or sail propelled ocean vessels who applies for an endorsement to his license of an additional route, which embraces additional navigational hazards, may be required, at the discretion of the Officer in Charge, Marine Inspection, to show service on the waters for which the endorsement is requested. However, applicants shall not be required to show more than 3 months' service, or 12 trips within one year. Each applicant for endorsement of an additional route on his license shall be examined on the following subjects, except that examination on International and Inland Rules of the Road shall be required not more than once a year:

(Sec. 3, 76 Stat. 152; 46 U.S.C. 390b)

Dated: July 14, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-5970; Filed, July 20, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 104—BRISTOL BAY AREA

PART 108—KODIAK AREA

PART 111—PRINCE WILLIAM SOUND

Miscellaneous Amendments

Basis and purpose. The red salmon runs in the Kvichak-Naknek district of Bristol Bay continue in sufficient volume to permit some additional fishing time in that district.

Conversely, not only is the total red salmon run in the Karluk district of the Kodiak area low to date, but the commercial catch is well ahead of the escapement, necessitating a drastic curtailment in fishing time.

The small run of red salmon in the Robe River, tributary to Valdez Arm in Prince William Sound, is being seriously decimated by sport fishermen, requiring complete closure of this river to salmon fishing. No bona fide personal use fishery will be affected by such a closure.

For the above reasons the following actions are taken:

§ 104.9 [Amendment]

1. Section 104.9, as amended July 13, July 14, and July 16, is further amended, permitting fishing in the Kvichak-Naknek district from 2 p.m. Friday, July 17, to 3 a.m. Saturday, July 18, 1959.

§ 108.5 [Amendment]

2. Section 108.5 is amended in subparagraph (2) of the proviso of paragraph (a) to read as follows: (2) from 6 p.m. July 17 to 6 a.m. July 27, 1959.

3. A new section designated 111.93 is added to read as follows:

§ 111.93 Closed waters.

Fishing for, taking or molesting any salmon by any means, or for any purpose is prohibited in:

(a) Robe River, tributary to Valdez Arm, all waters.

Since immediate action is necessary, notice and public procedure on these amendments are impracticable, and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 17, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6014; Filed, July 20, 1959; 8:51 a.m.]

PART 104—BRISTOL BAY AREA

Additional Fishing Time

Basis and purpose. Field observations of the red salmon runs in the Nushagak, Kvichak-Naknek, and Egegik Districts of Bristol Bay, indicate runs of sufficient volume so as to permit additional fishing time over and above the fishing time presently allowed by § 104.9.

Therefore, the provisions of § 104.9, including the announcement dated July 20, listing the number of units of gear registered for fishing by districts for the week ending July 26 notwithstanding, fishing is permitted in the Nushagak, Kvichak-Neknek, and Egegik Districts from 9 a.m. Monday, July 20 to 9 a.m. Wednesday, July 22, and from 9 a.m. Thursday July 23 to 9 a.m. Saturday, July 25.

Since immediate action is necessary, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 20, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6068; Filed, July 20, 1959; 12:18 p.m.]

PART 109—COOK INLET AREA

Additional Fishing Time

Basis and purpose. The salmon fishing time contemplated for Cook Inlet by the announcement dated July 17, made pursuant to § 109.9(a)(1), has not yet been realized for the current week, which will end July 19, due to stormy weather. Because of satisfactory red salmon escapements to date additional fishing time can be permitted in lieu of that already lost.

Therefore, the provisions of § 109.9, and the announcement dated July 17, listing the number of units of gear registered for fishing from July 17 to 27 inclusive, 1959 notwithstanding, fishing is permitted in the Northern, North Central, South Central and Southern districts of Cook Inlet from 6 a.m. to 6 p.m. Saturday, July 18, 1959.

Immediate action is necessary in order to realize the benefits of this relaxation. Therefore, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 17, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-6069; Filed, July 20, 1959; 12:18 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Returns and Payment of Tax (Consolidated Returns)

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 20 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 20-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) under subchapter A of chapter 6, relating to returns and payment of tax (Consolidated Returns), and subchapter B, related rules, of the Internal Revenue Code of 1954, are hereby amended to conform such regulations to changes made by the Technical Amendments Act of 1958 (72 Stat. 1606), the Small Business Tax Revision Act of 1958 (72 Stat. 1676), and to make certain clarifying amendments. Except as otherwise specifically provided therein, such amendments are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Paragraph (b) of § 1.1502-2 is amended to read as follows:

§ 1.1502-2 Definitions.

* * * * *

(b) *Affiliated group.* (1) * * *

(vi) A regulated investment company subject to tax under subchapter M of chapter 1;

(vii) An unincorporated business enterprise subject to tax as a corporation under section 1361; and

(viii) An electing small business corporation as defined in section 1371(b).

* * * * *

PAR. 2. Paragraph (h) of § 1.1502-13 is amended to read as follows:

§ 1.1502-13 Change in affiliated group during taxable year.

* * * * *

(h) *Time for making separate returns for periods not included in consolidated return.* (1)(i) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) precedes the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then, on or before the due date of the subsidiary's separate return, it may make a separate return either for that portion of its taxable year which would not be included in the consolidated return, if such return is filed, or for its complete taxable year. However, if a separate return is filed for only a portion of its taxable year and the group does not elect to make a consolidated return, such subsidiary shall file a return for its complete taxable year not later than the due date (including extensions of time) prescribed for the filing of the consolidated return by the group. In such case the return previously filed for only a portion of its taxable year shall not be considered a return within the meaning of section 6012. On the other hand, if a return is filed for the subsidiary's complete taxable year and the group later makes a consolidated return, such subsidiary should file an amended return not later than the due date (including extensions of time) for the filing of the consolidated return of the group. Such amended return shall be for that portion of the taxable year which is not included in the consolidated return.

(ii) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) is later than the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then the separate return for that portion of the subsidiary's taxable year which is not included in the consolidated return of the group should be filed no later than the due date (including extensions of time) for the filing of the consolidated return.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P, which reports its income on a calendar year basis, acquires all of the stock of Corporation S on January 1, 1959. Corporation S reports its income on a fiscal year ending March 31. On June 15, 1959, the due date for the filing of a separate return by Corporation S, it is anticipated that Corporation P will elect, on the due date of its return, to file a consolidated return for 1959. On June 15, Corporation S may file either a return for a short taxable year beginning April 1, 1958, and ending December 31, 1958, or it may file a return for the complete fiscal year ending March 31, 1959. If it files a return for the short taxable year and Corporation P does not elect to file a consolidated return, corporation S must file a return for the complete fiscal year ending March 31, 1959, in lieu of the return previously filed for the short period. Interest is computed on any additional tax from June 15, 1959.

Example (2). Assume the same facts as in example (1) except that Corporation P acquires all of the stock of Corporation S on October 1, 1959, and that Corporation P elects to file a consolidated return on March 15, 1960, the due date of its return. The return of Corporation S for the short taxable year beginning April 1, 1959, and ending September 30, 1959, should be filed on March 15, 1960.

PAR. 3. Section 1.1502-14 is amended to read as follows:

§ 1.1502-14 Accounting period of an affiliated group.

(a) The taxable year of an affiliated group which makes a consolidated return shall be the same as the taxable year of the common parent corporation; and, except as provided in paragraph (c) of this section, upon having elected to file a consolidated return, each subsidiary corporation shall, not later than the close of the first consolidated taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

(b) If a change of accounting period is necessary in order to conform the accounting periods of the common parent and of its subsidiaries, Form 1128 shall be submitted at or before the time of filing the consolidated return for the taxable year in which the subsidiary has first adopted the parent corporation's annual accounting period.

(c) If the common parent corporation of an affiliated group has a fiscal year accounting period and any member of the group is an includible insurance company required by section 843 to file its return on a calendar year, the first consolidated return which includes such insurance company may be filed on the basis of the fiscal year accounting period of the common parent, provided, however, the common parent and the other includible corporations change to a calendar year basis effective immediately after the close of such fiscal year. For this purpose, Form 1128 shall be submitted at or before the time such first consolidated return is filed.

(d) With respect to computations for years involved in the change to the consolidated basis, see § 1.1502-32.

PAR. 4. Paragraphs (a), (b), and (d) of § 1.1502-31 are amended to read as follows:

§ 1.1502–31 Bases of tax computation.

* * * * *

(a) *Definitions* — (1) *Consolidated taxable income.* * * *

(i) * * *

(*b*) Any consolidated section 1231 net loss, relating to net losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231,

* * * * *

(*f*) Any consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(*g*) Any consolidated section 247 deduction, and

(*h*) Any consolidated section 582(c) net loss,

* * * * *

(4) *Consolidated net operating loss carrybacks.* (i) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending after December 31, 1957, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years;

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(*c*) The amount of the consolidated net operating loss, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group),

and, with respect to a net operating loss sustained by a corporation which, for any of the three succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragaph (b)(3), of this section

(*d*) The amount of the net operating loss, if any, sustained by such corporation, for the first succeeding taxable year, reduced to the extent absorbed by such corporation for either or both of the first two preceding taxable years, or, if the income of such corporation is included in the consolidated return for either or both of the first two preceding taxable years, reduced to the extent absorbed by such consolidated return or returns;

(*e*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year, reduced to the extent absorbed by such corporation for the first preceding taxable year, or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(*f*) The amount of the net operating loss, if any, sustained by such corporation for the third succeeding taxable year.

If the taxable year in which the net operating loss or consolidated net operating loss was sustained is a year beginning in 1957 and ending in 1958, the carryback is subject to paragraph (b)(4)(v) of this section. See also paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a), or any member of the group is subject to the limitations provided under section 382.

(ii) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending before January 1, 1958, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year to the extent not attributable to those corporations making separate returns in the taxable year;

and, with respect to a net operating loss sustained by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragraph (b)(3) of this section,

(c) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year reduced to the extent absorbed by such corporation for the first preceding taxable year or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(*d*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year.

See, however, paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(5) *Consolidated net operating loss.* * * *

(ii) The consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(iii) The consolidated section 1231 net loss,

(iv) The aggregate of the deductions of the several affiliated corporations under sections 243, 244, and 245 (computed without regard to the limitation contained in section 246(b)) and under section 247 (computed without regard to the limitation of paragraph (a)(1)(B) of such section), and

(v) The consolidated section 582(c) net loss,

over the sum of—

(vi) The combined taxable income of the several affiliated corporations having taxable income, computed without regard to any deductions under section 242 (relating to partially tax-exempt interest), and

(vii) The consolidated net capital gain.

* * * * *

(8) *Consolidated charitable contribution carryovers.* The consolidated charitable contribution carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated charitable contribution deduction (computed without regard to any charitable contribution carryovers) for the two preceding taxable years over the limitation of subparagraph (1)(i)(c) of this paragraph for such years to the extent that the consolidated charitable contribution deduction for any such preceding year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year reduced by—

(*a*) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(*b*) The increase in a consolidated or separate net operating loss carryover resulting from such excess,

and, with respect to any excess of charitable contributions over the applicable 5-percent limitation of a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(ii) The amount of such excesses of such corporation for the two preceding taxable years reduced by:

(*a*) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(*b*) The increase in a consolidated or separate net operating loss carryover resulting from such excess.

(9) *Consolidated net capital gain.* The consolidated net capital gain shall be the excess of the sum of—

(i) The aggregate of the capital gains of the several affiliated corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

over the sum of—

(iv) The aggregate of the capital losses of such corporations, and

(v) The aggregate of the consolidated net capital loss carryovers to the taxable year.

* * * * *

(12) *Consolidated net capital loss.* * * *

(i) The aggregate of the capital gains of such corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

reduced in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 831, but only for the purpose of net capital loss carryover computations, by whichever of the following amounts is the lesser—

(iv) The combined additional capital loss deductions of such corporations authorized by section 832(c)(5), or

(v) The consolidated taxable income computed without regard to capital gains and losses and without regard to any deduction for partially tax-exempt interest provided by section 242.

* * * * *

(18) *Consolidated accumulated taxable income.* * * *

(ii) The consolidated charitable contribution deduction computed wi out regard to section 170(b)(2),

* * * * *

(19) *Consolidated accumulated earnings credit.* * * *

(i) In the case of an affiliated group which is not a mere holding or investment group, an amount equal to such part of the aggregate of the earnings and profits for the taxable year of the several members of the group as are retained for the reasonable needs of the business of the group, minus the deduction allowed by subparagraph (18)(iv), but not less than the amount (if any) by which $100,000 ($60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year, or

(ii) In the case of an affiliated group which is a mere holding or investment group, the amount (if any) by which $100,000 (or $60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year.

* * * * *

(23) *Consolidated undistributed personal holding company income.* * * *

(ii) In lieu of the deduction provided by paragraph (a)(1)(i)(c) of this section, the consolidated charitable contribution deduction computed without the application of section 170(b)(2) but limited as provided in section 170(b)(1)(A) and (B) (except that the 10-percent and 20-percent limitations therein shall be applied with respect to the consolidated adjusted gross income);

(iii) The amount of the consolidated net operating loss for the preceding taxable year (computed without the deductions provided in part VIII (except section 248) of subchapter B if the current taxable year begins after December 31, 1957) to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group for the taxable year, and, with respect to a corporation which filed a separate return or joined in a consolidated return filed by another affiliated group for the preceding taxable year, the net operating loss of such corporation for such preceding taxable year (computed without the deductions provided in part VIII (except section 248) of subchapter B if the current taxable year begins after December 31, 1957) but not in excess of the portion of the consolidated personal holding income attributable to such corporation for the taxable year;

* * * * *

(35) *Consolidated section 175 carryovers.* The consolidated section 175 carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated section 175 deductions over 25 percent of the consolidated section 175 gross income of preceding taxable years to the extent that such consolidated section 175 deduction for any preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover by the consolidated section 175 gross income for preceding taxable years

and, with respect to any excess of deductions under section 175 over the 25-percent limitation of section 175(b) of a corporation in a taxable year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(15) of this section.

* * * * *

(36) *Consolidated section 582(c) net loss.* The consolidated section 582(c) net loss shall be the excess of the aggregate of the losses of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of gains of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

(37) *Consolidated section 582(c) net gain.* The consolidated section 582(c) net gain shall be the excess of the aggregate of the gains of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of the losses of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

* * * * *

(b) *Computations.* * * *

(1) *Taxable income.* * * *

(iv) There shall be disregarded all gains and losses from involuntary conversions subject to section 1231, and from sales and exchanges of property subject to section 1231;

* * * * *

(xi) No deductions under sections 243, 244, 245, or 247 (relating to deductions with respect to dividends received and dividends paid) or under section 922 (relating to the special deduction for Western Hemisphere trade corporations), shall be taken into account;

(xii) No deductions under section 175 (relating to soil and water conservation expenditures) shall be taken into account by a member of an affiliated group to which the consolidated section 175 deduction is applicable; and

(xiii) In the case of a bank, for taxable years beginning after December 31, 1958, there shall be disregarded all gains and losses from sales and exchanges of property described in section 582(c).

* * * * *

(2) *Other computations on separate basis.* * * *

(iii) *Capital gains and losses.* * * *

(*c*) The net capital loss carryovers provided in section 1212,

(*d*) In the case of a corporation which became a member of the affiliated group subsequent to January 1, 1954, common parent corporation or subsidiary, as the case may be, capital losses to the extent disallowed pursuant to the provisions of subparagraph (9) of this paragraph, and

(*e*) In the case of a bank, for taxable years beginning after December 31, 1958, gains or losses from sales or exchanges of property described in section 582(c).

* * * * *

(viii) *Gains or losses under section 1231.* Gains and losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231 shall be determined without regard to—

* * * * *

(3) *Limitations on net operating loss carryovers and carrybacks from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carryovers under paragraph (a)(3)(ii) of this section (relating to the net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as consolidated net operating loss carrybacks under paragraphs (a)(4)(i) (*d*), (*e*) and (*f*), and (a)(4)(ii) (c) and (*d*) of this section (relating to a net operating loss sustained by a corporation which for any of the two or three succeeding taxable years, whichever is applicable, files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the taxable income of such corporation included in the computation of the consolidated taxable income for the taxable year decreased by its deductions under sections 243, 244, 245, 247, and 922 (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction),

increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231. * * *

(4) *Law applicable to computations of net operating loss carryovers and carrybacks.* (i) * * *

(iii) (*a*) The consolidated net operating loss deduction for a taxable year beginning in 1953 and ending in 1954, shall be the sum of—

(*1*) That portion of the consolidated net operating loss deduction for such taxable year, computed as though § 1.1502–31(a)(2) applied to such taxable year, which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year, and

(*2*) That portion of the consolidated net operating loss deduction for such taxable year, computed in accordance with § 24.31(a)(2) of this chapter (Regulations 129), which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year.

(*b*) The consolidated net income for any taxable year beginning in 1953 and ending in 1954 which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with the principles of section 172(f)(4).

(iv) (*a*) The consolidated net operating loss deduction for a taxable year beginning after December 31, 1953, and ending before August 17, 1954, shall be computed as if the regulations under section 1502 apply to such taxable year.

(*b*) The consolidated net income for any taxable year beginning after December 31, 1953, and ending before August 17, 1954, which is subtracted from the consolidated net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with section 172(g)(3).

(v) In the case of a consolidated net operating loss for a taxable year beginning in 1957 and ending in 1958, the amount of such consolidated net operating loss which shall be carried to the third preceding taxable year shall be the amount which bears the same ratio to such consolidated net operating loss as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the amount absorbed for the third taxable year preceding the loss year shall not exceed the portion of the consolidated net operating loss which is carried to the third preceding taxable year.

(vi) For purposes of section 141 of the Internal Revenue Code of 1939 and that part of the regulations promulgated thereunder which relate to subchapter D of chapter 1 of such Code, excess profits net income and consolidated section 433(a) excess profits net income shall be computed as if the regulations under section 1502 did not apply and as if such section and such regulations continued to apply to taxable years beginning after December 31, 1953.

* * * * *

(10) *Loss to group of investment in an affiliate.* * * *

(ii) The portion of any such loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivision (i) of this subparagraph shall be considered as a consolidated net operating loss to be taken into account as a consolidated carryback to the two preceding taxable years or, if the loss is sustained in a taxable year ending after December 31, 1957, the three preceding taxable years and as a consolidated carryover to the five succeeding taxable years, but in an amount not greater for any taxable year than the excess of the consolidated taxable income for such year, computed without regard to such carryover or carryback, as the case may be, over that portion of such consolidated taxable income so computed for such taxable year attributable to such other affiliate.

* * * * *

(15) *Limitation on section 175 carryovers from separate return years.* In no case shall there be included in the consolidated section 175 deductions for the taxable year as consolidated section 175 carryovers under paragraph (a)(35)(ii) of this section (relating to excess section 175 deductions of a corporation for years for which separate returns were filed or for which such corporation joined in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the amount by which 25 percent of the gross income of such corporation derived from farming included in the computation of the consolidated section 175 gross income for the taxable year exceeds the amount of the expenditures of such corporation of the taxable year deductible under section 175.

* * * * *

(d) *Net operating loss deduction, excess charitable contributions, excess section 175 deductions, and dividend carryover before or after consolidated return*—(1) *Net operating loss deduction.* The consolidated net operating loss of an affiliated group shall be used in computing the consolidated net operating loss deduction notwithstanding that one or more members of the group in the taxable year in which such loss originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year), but only to the extent that such consolidated net operating loss is not attributable to such corporations. Such portion of such consolidated net operating loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year) shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any net operating loss separately sustained by a corporation prior to a first taxable year in respect of which its income is included in the consolidated return of the group (or sustained in either of the two taxable years immediately following a consolidated return year or any of the three taxable years so following if sustained in a taxable year ending after December 31, 1957) shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net operating loss was not absorbed (either as a carryover or as a carryback) in the computation of the consolidated net operating loss deduction for consolidated return periods.

(2) *Excess charitable contributions.* The excess of the consolidated charitable contributions over the 5 percent limitation of paragraph (a)(1)(i)(c) of this section shall be used in computing the consolidated charitable contribution carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess charitable contribution is not attributable to such corporations. Such portion of such excess charitable contributions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of charitable contributions of a corporation for the year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the charitable contribution deduction of such corporation (or the consolidated charitable contribution deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess charitable contribution was not absorbed as a carryover in the consolidated charitable contribution deduction for consolidated return periods. In applying this paragraph, the excess of the consolidated charitable contributions over the 5 percent limitation shall be reduced by the increase in a consolidated or separate net operating loss carryover resulting from such excess.

(3) *Excess section 175 deductions.* The excess of the deductions under section 175 over the limitation of 25 percent provided in paragraph (a)(1)(i)(*f*) of this section shall be used in computing the consolidated section 175 carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess section 175 deduction is not attributable to such corporations. Such portion of such excess section 175 deductions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of section 175 deductions of a corporation for a year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the section 175 deduction of such corporation (or the consolidated section 175 deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess section 175 deduction was not absorbed as a carryover in the computation of a consolidated section 175 deduction for consolidated return periods.

(4) *Unused consolidated dividend carryover.* The unused consolidated dividend carryover shall be used in computing the consolidated dividend carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such unused consolidated dividend carryover is not attributable to such corporations. Such portion of such unused consolidated dividend carryover as is attributable to the several corporations making separate returns or computing their tax liability under section 541 pursuant to the last sentence of § 1.1502–30(b)(4) (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns, in such separate computations under section 541, or in such consolidated returns of the other affiliated group. Any unused dividend carryover of a corporation separately produced for a year prior to a taxable year in respect of which its tax liability under section 541 is computed upon the consolidated undistributed personal holding company income shall be used in computing the dividend carryover of such corporation (or the consolidated dividend carryover of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused dividend carryover was not absorbed in the computation of the consolidated section 561 dividends paid deduction for the intervening consolidated return period.

* * * * *

PAR. 5. Section 1.1502–43 is amended to read as follows:

§ 1.1502–43 Credit for foreign taxes.

(a) *Choice of credit or deduction.* The credit under section 901 for taxes paid or accrued shall be allowed to an affiliated group filing a consolidated return only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the taxable year. If this choice is made, no deduction may be taken under section 164 on the consolidated return for such taxes paid or accrued by any member of the group. For purposes of this section, the term "taxes paid or accrued" includes the amount of taxes deemed paid pursuant to section 902.

(b) *Amount of credit.* Subject to the limitation provided in paragraph (c), the credit allowable to an affiliated group filing a consolidated return shall be an amount equal to the aggregate of the taxes paid or accrued by the several members of the affiliated group for the taxable year, plus the aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year allowable as a credit under section 904(c).

(c) *Per country limitation.* The credit for tax paid or accrued for the taxable year to any country or possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group from sources within such country or possession (but not in excess of the consolidated taxable income of the group) bears to the entire consolidated taxable income.

(d) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid to any foreign country or possession shall consists of—

(1) The consolidated excess tax paid to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that the consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(c) in years preceding the current taxable year (whether or not taken as a credit), and,

with respect to the excess tax paid by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (h) of this section—

(2) The amount of the excess tax paid to such country or possession by such corporation for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that the excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(c) in years preceding the current taxable year (whether or not taken as a credit).

(e) *Consolidated excess tax paid carrybacks.* (1) The consolidated excess tax paid carrybacks to the current taxable year for taxes paid to any foreign country or possession shall consist of—

(i) The consolidated excess tax paid to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(c) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid to such country or possession for the second succeeding taxable year to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year;

and, with respect to any excess tax paid to such country or possession by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (h) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(c) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(c) by such consolidated return (whether or not taken as a credit); and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(2) The excess tax paid, whether consolidated or separate, may not be carried back to a taxable year beginning before January 1, 1958; and in determining the carryover or carryback to taxable years beginning on or after January 1, 1958, no amount shall be treated as absorbed for taxable years beginning before such date.

(f) *Consolidated excess tax paid.* The consolidated excess tax paid to any foreign country or any possession for a taxable year is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession over the per country limitation described in paragraph (c) of this section applicable to such country or possession. However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes any deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(g) *Excess tax paid.* The excess tax paid or accrued to any foreign country

or possession by a corporation for any year for which a separate return is filed is the excess of the taxes paid or accrued by the corporation to such foreign country or possession over the amount allowable as a credit for such year pursuant to section 904(a). However, there is no such excess tax paid or accrued for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid to any foreign country or possession.

(h) *Limitation on credit for carryovers and carrybacks of excess tax paid from separate return years.* In no case shall there be included in the credit for taxes paid or accrued to any foreign country or possession for the taxable year as consolidated excess tax paid carryovers under paragraph (d)(2) of this section (relating to excess tax paid by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as consolidated excess tax paid carrybacks under paragraph (e)(1) (iii) and (iv) of this section (relating to excess tax paid by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate that which would be allowable as a credit for a carryover or carryback to such corporation if it had filed a separate return for such taxable year.

(i) *Apportionment of consolidated excess tax paid.* If an affiliated group filing a consolidated return has a consolidated excess tax paid with respect to any foreign country or any possession for the taxable year and if there are included as members of such group one or more corporations which make separate returns (or join in a consolidated return filed by another affiliated group) in a preceding or succeeding taxable year, the portion of such consolidated excess tax paid attributable to such corporations severally shall be determined. The portion in the case of any such corporation shall be the amount which bears the same ratio to such consolidated excess tax paid as the tax paid or accrued by such corporation to such country or possession bears to the total tax paid or accrued by the affiliated group to such country or possession.

(j) *Consolidated excess tax paid before or after consolidated return period.* The consolidated excess tax paid by an affiliated group with respect to any foreign country or possession shall be used in computing the consolidated excess tax paid carryover and carryback of the group notwithstanding that one or more corporations that were members of the group in the taxable year in which such consolidated excess tax paid originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback for a preceding taxable year) but only to the extent that such consolidated excess tax paid is not attributable to such corporation. Such portion of such consolidated excess tax paid as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback, for a preceding taxable year) reduced to the extent absorbed in earlier years shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any excess tax paid by a corporation prior to the first taxable year in which its income is included in the consolidated return of the group (or paid in either of the two years immediately following a consolidated return year) may be used in computing the carryover or carryback of such corporation (or of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in the consolidated return of another group, but only to the extent that such excess tax paid was not absorbed (either as a carryover or as a carryback) for consolidated return periods.

PAR. 6. Section 1.1504 is amended to read as follows and to add historical note:

§ 1.1504 Definitions.

(a) *Definition of "affiliated group".* * * *

(b) *Definition of "includible corporations".* * * *

(2) Insurance companies subject to taxation under section 802 or 821.

* * * * *

(8) An electing small business corporation (as defined in section 1371(b)).

* * * * *

[Sec. 1504(b) as amended by sec. 5; Act of March 13, 1956 (Pub. Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657) sec. 3(f)(1) Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 9. Section 1.1551 is amended to read as follows and to add historical note:

§ 1.1551 Disallowance of surtax exemption and accumulated earnings credit.

If any corporation transfers, on or after January 1, 1951, all or part of its property (other than money) to another corporation which was created for the purpose of acquiring such property or which was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor corporation or its stockholders, or both, are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then such transferee corporation shall not for such taxable year (except as may be otherwise determined under section 269(b)) be allowed either the $25,000 exemption from surtax provided in section 11(c) or the $100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer. For purposes of this section, control means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of the corporation. In determining the ownership of stock for the purpose of this section, the ownership of stock shall be determined in accordance with the provisions of section 544, except that constructive ownership under section 544(a)(2) shall be determined only with respect to the individual's spouse and minor children. The provisions of section 269(b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this section, be applicable to this section.

[Sec. 1551 is amended by sec. 205(a), Small Business Tax Revision Act of 1958 (72 Stat. 1680)]

PAR. 10. Section 1.1551–1(a) is amended to read as follows:

§ 1.1551–1 Disallowance of surtax exemption and accumulated earnings credit.

(a) *In general.* If one corporation transfers on or after January 1, 1951, all or part of its property (other than money) to another corporation, neither the $25,000 exemption from surtax provided in section 11(c) nor the $100,000 ($60,000 if the taxable year begins before January 1, 1958) accumulated earnings credit provided in paragraph (2) or (3) of section 535(c) shall be allowed the transferee if: * * *

[F.R. Doc. 59–6002; Filed, July 20, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

RECREATIONAL USE OF O. AND C. LAND IN OREGON

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874) and Revised Statutes 2478 (43 U.S.C. 1201), it is proposed to issue regulations implementing the provisions of the said act of August 28, 1937, relating to the development and use of recreational facilities on the O. and C. lands.

The proposed regulations consist of five new sections to be added to Part 115 and are set forth below.

The proposed regulations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D.C., within thirty days of date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1959.

§ 115.180 Statutory authority.

The act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c) authorizes the Secretary of the Interior, under such rules and regulations as may be necessary and proper, to conserve and manage such portions of the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands as are under his jurisdiction, for multiple purposes, including the provision of recreational facilities.

§ 115.181 Definitions.

Except as the context may otherwise indicate, for the terms used in §§ 115.180–115.184 and in contracts made thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "O. and C. lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands and other lands administered by the Bureau under the provisions of the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c).

(c) "Authorized Officer" means the Government official who has been duly authorized to (1) designate O. and C. lands as public recreational sites, (2) to administer the construction, operation and maintenance of public recreation facilities and (3) to administer the use of such sites and facilities through leasing or otherwise.

(d) "Public Recreational Sites" means O. and C. lands possessing special values for some form of intensive public outdoor recreational activity, including but not limited to picnicking, camping, swimming, boating or skiing.

(e) "Public Recreational Facilities" means improvements or structures of any type constructed, operated and maintained in public recreational sites for the enhancement of the public enjoyment of the recreational resources of such sites.

§ 115.182 Competing uses; memoranda of understanding.

(a) In public recreational sites the use and disposal of resources such as timber, minerals, and forage shall be administered in such a manner as to minimize damage to recreational or scenic resources and facilities. Such competing uses shall also be regulated so as to protect routes of access to public recreational sites and to minimize damage to scenic values along such access routes.

(b) Where adequate recreational facilities in a public recreational site are not provided for through lease or permits to state or local government agencies or their instrumentalities under authority of other laws or regulations referred to in § 115.184, such facilities may be constructed, operated and maintained by the authorized officer alone, or under a memorandum of agreement jointly with Federal, state or local government agencies or their instrumentalities.

§ 115.183 Use of public recreational sites and facilities operated by the Bureau.

(a) Public recreational sites and facilities operated by the Bureau shall be for transient use by the public and shall not be occupied by users for extended periods nor in a manner that, in the judgment of the authorized officer, is contrary to the public interest.

(b) The authorized officer may, in his discretion, post reasonable requirements for the use of public recreational sites and facilities operated by the Bureau, including but not limited to provisions to protect the area from fire, protect recreational values, and to protect the public health and safety.

(c) The authorized officer may establish and collect a reasonable service charge for the use of public recreational sites and facilities operated by the Bureau.

(d) No restrictions on the use of public recreational sites and facilities shall be made because of reasons of race, creed, color or country of origin.

(e) The penalty for wilful violation of any of the provisions of this section or of any reasonable rules or regulations promulgated thereunder may be denial of the use of the public recreational sites and facilities and if the circumstances so indicate, the initiation of an action for trespass on the property of the United States.

§ 115.184 Leases, permits, and licenses.

Leases, permits and licenses for the recreational use of the O. and C. lands, including lands containing recreational facilities may be granted, upon application, under the provisions of Parts 9, 254, 257, and 258 of this chapter and shall contain provisions determined necessary by the authorized officer, including but not limited to, provisions to protect the area from fire, protect recreational values, and to protect the public health and safety. Leases, permits and licenses which involve the operation of commercial concessions shall contain stipulations requiring conformance with reasonable public service rules including schedules of charges approved by the authorized officer.

[F.R. Doc. 59–5947; Filed, July 20, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses of Date Administrative Committee for 1959–60 Crop Year and Fixing Rate of Assessment for Such Crop Year

Notice is hereby given that, pursuant to Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), hereinafter referred to collectively as the "order", regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), there is under consideration a proposal to approve the expenses of the Date Administrative Committee (established under the order) for the 1959–60 crop year and fix the rate of assessment for that year, as hereinafter set forth. The committee has unanimously recommended a budget for such crop year in the total amount of which approval is being considered.

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER.

The proposed rule is as follows:

§ 1003.304 Expenses of the Date Administrative Committee and rate of assessment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $39,735 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundredweight of dates which he handles or has certified for handling or for further processing during the crop year beginning August 1, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: July 16, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–5974; Filed, July 20, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

FISHING GEAR REGISTRATIONS; COOK INLET AREA, ALASKA

Announcement of Units of Gear

In accordance with 50 CFR 109.9(a)(1) announcement is made that the total number of units of gear registered for fishing from July 17 to July 27, inclusive, 1959, is in the bracket 880–1049 units,

permitting fishing 2.5 days per week during that period.

Dated: July 17, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6015; Filed, July 20, 1959; 8:51 a.m.]

BRISTOL BAY, ALASKA

Announcement of Units of Fishing Gear

In accordance with 50 CFR 104.9(c), announcement is made of the total number of units of gear registered for use in the salmon fishing districts of Bristol Bay as of 6 p.m. Friday, July 17, 1959, for the week ending July 26, 1959, as follows:

	Units
Kvichak-Naknek	150
Nushagak	280
Egegik	60
Ugashik	50

Dated: July 20, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6070; Filed, July 20, 1959; 12:18 p.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 261]

F. H. BERTLING

Order Revoking Export Licenses and Denying Export Privileges

In the matter of F. H. Bertling, Monckebergstrasse 11, Hamburg 1, Federal Republic of Germany, respondent; Case No. 261.

F. H. Bertling, of Hamburg, Germany, the respondent herein, was charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, it participated in the transshipment of two lots of borax aggregating about 315 tons to unauthorized destinations contrary to notices accompanying said goods to the effect that they might not be shipped to destinations other than the destinations for which their exportation had been licensed. In its answers to the charging letters served herein, it did not deny the transshipments but alleged various defenses both in avoidance and mitigation.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports the charges to the extent hereinafter found and has recommended that the respondent be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers and evidence in opposition, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following Findings of Fact:

1. At all times hereinafter mentioned, F. H. Bertling was and now is a freight forwarder engaged in that business in the City of Hamburg, Germany.

2. Heretofore and on or about the 23d day of October, 1957, an American exporter exported from the United States approximately 100 tons of borax, valued at about $6,000, for delivery to an ultimate consumption in Sweden.

3. Said borax was exported under and pursuant to an export license authorizing delivery to Sweden as the country of ultimate destination, and the bill of lading issued in connection therewith had endorsed thereon a notice to the effect that the laws of the United States prohibited the disposition of the goods described therein to destinations within the Soviet Bloc without authorization by the United States Government.

4. After the borax had arrived in Sweden, it was acquired by a merchant in Paris who, thereafter, sold it to a company in East Germany.

5. For the purpose of making delivery to his purchaser in East Germany, the Paris merchant caused the borax to be sent to Hamburg and gave instructions to Bertling to deliver it to the purchaser in East Germany.

6. Together with said instructions, the Paris merchant delivered to Bertling a duplicate copy of the said bill of lading containing the endorsement to which reference is made in Finding 3, and Bertling thereby became informed and knew that the laws of the United States prohibited the transshipment of the said goods to East Germany.

7. No authorization was given by any agency of the United States Government for the transshipment of the said borax to East Germany.

8. Nevertheless, and in disregard of the notice endorsed on the bill of lading received by it, Bertling transshipped the said 100 tons of borax to consignees in East Germany.

9. Heretofore and on or about the 6th day of January 1958, under authority of an export license authorizing the exportation to Sweden of 215 tons of borax, valued at about $13,000, an American firm exported the same from the United States.

10. In accordance with the terms of the license, the borax was shipped first to Hamburg, West Germany, as an intermediate destination en route to Sweden.

11. The bill of lading issued in connection with said exportation had endorsed thereon a notice to the effect that the exportation had been licensed for delivery to Sweden as the ultimate destination and that diversion contrary to United States laws was prohibited.

12. While supposedly en route to Sweden, at or about the time it was unloaded at Hamburg, the same Paris merchant acquired title thereto and engaged Bertling to act as his forwarder at Hamburg, Germany. For this purpose he caused the bill of lading to be delivered to Bertling, and Bertling thereby became informed and acquired notice that the borax had been licensed for exportation to Sweden as the ultimate destination and that diversion contrary to United States laws was prohibited.

13. The Paris merchant informed Bertling that he had sold the borax to a buyer in East Germany and consulted with Bertling as to the means or methods whereby it might be delivered to East Germany.

14. Bertling informed the Paris merchant that such delivery could be made by shipping the borax first to a city in Austria whence, thereafter, the Paris merchant, by giving instructions to a forwarder there, could arrange for the ultimate delivery to East Germany.

15. For the purpose of facilitating such ultimate delivery to East Germany, Bertling caused the borax to be transshipped out of Hamburg to Regensburg, Germany, and gave instructions that from there it was to be carried by barge to Linz, a city in Austria, to be held for further instructions from the Paris merchant.

16. The movement of the goods was thereafter intercepted and, as a result of intervention by agents of the United States, the objective of transshipment to East Germany was never attained, and the goods were sold ultimately to an approved purchaser in Switzerland.

And, from the foregoing, I have concluded that the respondent, Bertling, received and forwarded goods exported from the United States, knowing that, with respect to the same violations of the Export Control Act of 1949, as amended, the regulations promulgated thereunder, and the export licenses issued in connection therewith were about to and were intended to occur and, further, knowingly and without authorization of the Bureau of Foreign Commerce diverted and transshipped such goods to unauthorized destinations contrary to the terms and conditions of the export control documents accompanying said goods and the notifications prohibiting such actions endorsed on such documents, all in violation of §§ 381.2, 381.3, 381.4, 381.6, and 379.10(d)(2) of the Export Regulations.

In his report the Compliance Commissioner said:

> The plea that a German forwarder is subject only to the laws and regulations of his own country and not subject to any extraterritorial application of United States laws and regulations has been made frequently in these export control compliance cases. It has been consistently held that this defense is not sufficient to justify disregard of our regulations. It is not really a question of extraterritorial application. The restrictions on movement and disposition of goods exported from the United States are attached to the goods and are conditions to which their exportation has been made subject by the export control regulations. By holding, as the Bureau of Foreign Commerce has held consistently, that merchants, carriers, and forwarders in foreign countries must abide by these restrictions and conditions affecting the movement of goods, the Bureau of Foreign Commerce does not reach out and attempt to exercise jurisdiction over them. A nonresident foreign merchant, carrier, or forwarder is free, subject only to economic reprisal, to take and handle the goods or to refuse so to do. (There is no evidence in this case that Bertling, as a public utility subject to governmental regulations, was compelled to accept and forward the shipments in disregard of the restrictions attached thereto under pain of possible government action against him for refusal to do so.)
>
> The action finally taken in these compliance cases is not intended primarily to inflict a penalty. True, it may result in some financial impact. However, this has corrective and deterrent values, normal objectives of remedial action. In these cases the Bureau of Foreign Commerce carries out the mandate of the Congress, which is to effectuate the policies set forth in the Act and make regulations governing the participation in exports by any person "to the extent necessary to achieve effective enforcement of this Act." Among the policies are "(b) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security." Our foreign policy is not to allow exportations to Communist Bloc destinations except as specifically permitted by the regulations. It has been found that borax is a commodity which bears a significance to the national security. In order to accomplish these objectives, it is the function of the Bureau of Foreign Commerce to determine to whom goods exported from the United States may be sent and who shall be permitted to handle, forward, or transport such goods. When its actions in the performance of this function are defeated by persons who disregard the conditions under which goods are exported, such persons may be excluded from participation in exportations from the United States. In this sense, the function of the Department of Commerce is purely and simply remedial and is exercised here and not extraterritorially.
>
> On the basis of the record of this case and classified information, which was made available to me following my conclusion that contraventions had occurred, to aid me in deciding what remedial action should be recommended, it is my belief that Bertling should be excluded from participation in any function involving exportations from the United States because of its conduct in this case and its activities in matters touching upon or in connection with the objectives of the Export Control Act of 1949, as amended. For this reason, it is my recommendation that it be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent, F. H. Bertling, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and so long as export controls shall be in effect, the said respondent, its officers, partners, agents, and employees be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which it may be now or hereafter related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall, on behalf of or in any association with the respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: July 16, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-5968; Filed, July 20, 1959; 8:48 a.m.]

Federal Maritime Board

MEMBER LINES OF SWISS/NORTH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 7860-7, between the member lines of the Swiss/North Atlantic Freight Conference, modifies the basic agreement of that conference (No. 7860, as amended) which covers the trade from Switzerland and Upper Alsace (Belfort and Mulhouse to the south of Colmar, inclusive, except potash from Alsace) to North Atlantic ports in the Hampton Roads/Portland, Maine, range via European Continental ports of loading in the Hamburg/Bayonne range, both inclusive; in the Ventimiglia/Reggio Calabria range, both inclusive, on the Italian mainland; in Sicily; and on the Adriatic Sea. The purpose of the modification is to provide for the creation of a committee of the member lines to investigate violations of the conference agreement, make findings with respect thereto, and assess fines for such violations as set forth in the modification.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 16, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-5967; Filed, July 20, 1959; 8:48 a.m.]

Maritime Administration

[Docket No. S-97]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application and of Hearing

Notice is hereby given of the application of American President Lines, Ltd., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223 to permit the carriage, by the "SS President Hoover", Voyage No. 20 scheduled to sail for California from Hawaii about July 28, 1959, of the automobiles and household effects of the MSTS passengers booked for this voyage pursuant to the written authorization of the Deputy Maritime Administrator in Docket No. S-94. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Deputy Maritime Administrator for July 27, 1959, at 9:30 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, 25, D.C. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 24, 1959, notify the Secretary, Maritime Administration in writing in triplicate, and file petition to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close

of business on July 24, 1959, will not be granted in this proceeding.

Dated: July 20, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6038; Filed, July 20, 1959; 10:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16586 etc.]

PHILIP LEMON ET AL.

Notice of Applications and Date of Hearing

JULY 15, 1959.

In the matters of Philip Lemon et al.,[1] Docket No. G-16586; J. G. Franks et al.,[2] Docket No. G-16588; Chandler and Simpson, Operator,[3] Docket No. G-17045; Consolidated Oil & Gas, Inc., Operator,[4] Docket No. G-17092; W. P. McCutchan et al,, Docket No. G-17102; Warrior Oil Company,[5] Docket No. G-17103; Allegheny Land and Mineral Company, Docket No. G-17106; Carter-Jones Drilling Company, Operator,[6] Docket No. G-17107; A. A. Cameron, Operator,[7] Docket No. G-17110; J. A. Chapman, Docket No. G-17112; Skelly Oil Company, Docket No. G-17113; Consolidated Oil & Gas, Inc.,[8] Docket No. G-17115; Redstone Oil and Gas,[9] Docket No. G-17118; Tingler Oil & Gas Company,[10] Docket No. G-17119.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, and Purchaser

G-16586; Union District, Ritchie County, West Virginia; Hope Natural Gas Company.

G-16588; Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

G-17045; Darby Creek Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

G-17092; Blanco (Mesaverde) Field, San Juan County, New Mexico; Southern Union Gathering Company.

G-17102; New Milton District, Doddridge County, West Virginia; Hope Natural Gas Company.

G-17103; Laverne Field, Harper County, Oklahoma; Michigan-Wisconsin Pipe Line Company.

G-17106; Various Leases in Ritchie, Doddridge, Lewis and Calhoun Counties, West Virginia; Hope Natural Gas Company.

G-17107; Vickie Lynne Field, Marion County, Texas; Arkansas Louisiana Gas Company.

G-17110; Mocane Area, Beaver County, Oklahoma; Colorado Interstate Gas Company.

G-17112; Acreage in Grant County, Oklahoma; Consolidated Gas Utilities Corporation.

G-17113; Acreage in Texas County, Oklahoma; Cities Service Gas Company.

G-17115; Blanco (Mesaverde) Field, San Juan County, New Mexico; Southern Union Gathering Company.

G-17118; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

G-17119; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959 at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[1] Philip Lemon et al. is a partnership consisting of Philip Lemon, Edward Bennett, Frank H. Crisplip, Mrs. Elizabeth Collins, Harry C. Tinney, Mrs. A. Gay Califf, Mrs. Ann Davis Hewitt, William F. Bowman, Elizabeth S. Bowman, E. S. Hamric, Cecil W. Phillips, Jr., Mrs. Chas. M. Wells, Mrs. Ethel Harden and H. B. Layfield. Philip Lemon is a signatory seller party to the subject gas sales contract, and the remaining above-mentioned partners are also signatory parties to the contract through the signature of Philip Lemon who has signed the contract as Attorney-in-Fact for said parties.

[2] J. G. Franks et al. is a partnership consisting of J. G. Franks, William H. Ellis, William H. Busch, Ruth S. Franks, Stanley Gertz, August Gertz, Madeline Stern, Howard E. Stern, Andrichyn E. Schnabel, Samuel H. Corson, Esther W. Corson, William Ouzts, William H. Patten, Marie F. Patten and William J. O'Hara. J. G. Franks is a signatory seller party to the subject gas sales contract and the remaining above-named partners are also signatory parties to the contract through the signature of J. G. Franks who has signed the contract as Attorney-in-Fact for said parties.

[3] Chandler and Simpson, Operator, is a partnership consisting of Collis P. Chandler, Jr., Grover M. Simpson and Wayne R. Davy, who is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following nonoperators: John Simpson, Sarah Simpson, L. A. Laybourn, Morrison-Quirk Grain Corporation, Milton L. Morrison, Kenneth Morrison, Lloyd and Alta Morrison, Transport Underwriters Association, Chandler-Musgrove, Inc., S. O. Beren, Max Beren and Allen A. Staub. Chandler and Simpson Operator, is the only signatory seller party to the subject gas sales contract.

[4] Consolidated Oil & Gas, Inc., Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest, Southern Union Gas Company as nonoperator. The application states that the portion of the subject gas resold to Southern Union Gas Company will be consumed wholly within the State of New Mexico. Application covers an amendatory agreement dated October 20, 1958, which adds additional acreage to a basic gas sales contract dated January 1, 1958, between Colorado Western Exploration, Inc. (now Consolidated Oil & Gas, Inc.), Seller, and Southern Union Gathering Company, Buyer. Consolidated is a signatory seller party to the subject amendatory agreement.

[5] E. A. Obering, President of Warrior Oil Company, is the only signatory seller party to the subject gas sales contract. However, at the time said contract was executed, Obering was executing it as President of the Obering Oil Company. On September 30, 1958, Obering Oil Company assigned the leases subject to the gas sales contract to Warrior Oil Company by instrument dated October 1, 1958.

[6] Carter-Jones Drilling Company, Operator, is filing for itself and, as Operator, lists in the application, together with the percentage of working interest of each, the following nonoperators: Bobby Manziel Estate, Allan Shivers, C. E. Woolman and Edward Mike David. Operator and Estate of Bobby Manziel are the only signatory seller parties to subject gas sales contract.

[7] A. A. Cameron, Operator, is filing for itself and, as Operator, lists Pan American Petroleum Corp., nonoperator. Cameron acquired the subject acreage by instrument of assignment dated August 20, 1958, from Cities Service Oil Company and proposes to sell gas produced from said acreage pursuant to a basic gas sales contract dated February 13, 1957, between Cities Service Oil Company, Seller, and Colorado Interstate Gas Company, Buyer. Cameron has attained signatory status (to the extent of the subject assignment) to the above-mentioned basic contract.

[8] Consolidated Oil & Gas, Inc. (formerly Colorado Western Exploration, Inc.), is filing for its interest in the subject acreage. Application covers a basic gas sales contract dated January 1, 1958, between Western Exploration, Inc., Seller, and Southern Union Gathering Company, Buyer.

[9] Redstone Oil and Gas is an association consisting of Alice M. Vandergrift, Earl Hardman, W. E. Hovey, E. S. Vaughan, Joseph P. Seltzer, M. M. Andrew, John W. Straton, Walter Leighton, Victor A. Smith, P. E. Hoskins, G. J. Allman, Ernest M. Bahor, Richard Moses, George Rauch, Theresa Rauch, David Rauch, H. F. Bell, C. F. Yost, Phyllis L. Thomas, Albert R. Reuter, I. C. Ruddle, Robert E. Ruddle, Harry C. Taylor, Robert G. Pohrer, Oliver A. Shaw, and Christie Vandergrift. Alice M. Vandergrift and Earl Hardman are signatory seller parties to the subject gas sales contract and the remaining above-named individuals are also signatory seller parties to the contract through the signature of Alice M. Vandergrift who has signed the contract as Attorney-in-Fact for said parties.

[10] Tingler Oil & Gas Co. is a partnership consisting of W. H. Mossor, Paul L. or Merle Layman, Paul T. or Patricia Bordeau, R. N. Richmond, E. C. or Jessie Ray, C. D. or Peal Wilson, James E. or Eula Clegg, Dr. F. G. Prather, Alfred P. Dye, John E. Huffner, J. E. Hampton, Mrs. Ora L. Goff, Peter A. Birckbichler, A. H. Ritson, C. B. Grubb, Mrs. Ada Clayton, Hilda Clayton, Dorthy Ritson, Dr. W. H. Prather, Ralph or Elsie Lamm, Mrs. Opal Goff, Flora Goff, Ann Davis Hewitt, Dr. Edward Vacher, Fogle F. Earp, C. M. Ware, Paul or Alpha Pritchard and F. J. or Elva Patton. W. H. Mossor is a signatory seller party to the subject gas sales contract and the remaining above-named individuals are also signatory seller parties to the contract through the signature of W. H. Mossor who has signed the contract as Attorney-in-Fact for said individuals.

[F.R. Doc. 59-5964; Filed, July 20, 1959; 8:47 a.m.]

[Docket No. G-17500 etc.]

ST. LAWRENCE GAS CO., INC., AND NEW YORK STATE NATURAL GAS CORP.

Notice of Applications, Consolidation of Proceedings, and Fixing Date of Hearing

JULY 15, 1959.

In the matters of St. Lawrence Gas Company, Inc., Docket Nos. G-17500, G-17501; New York State Natural Gas Corporation, Docket No. G-17579.

Take notice that St. Lawrence Gas Company, Inc. (St. Lawrence) a New York corporation with its principal place of business in the City of Ogdensburg, New York, filed in Docket No. G-17500 on January 12, 1959, an application, as supplemented June 11, 1959, requesting an order of the Commission, under section (3) of the Natural Gas Act, authorizing St. Lawrence to import natural gas from Canada into the United States for a period of twenty (20) years.

St. Lawrence proposes to construct and operate approximately 1,000 feet of 12-inch pipeline, which will connect with facilities of Niagara Gas Transmission Limited (a subsidiary of Trans-Canada Pipe Lines Limited) at the International Boundary near a point in the center of the St. Lawrence River known as Cornwall Island and otherwise described as being 12 miles northeast of Massena, New York, and will be used to receive, import and purchase from Niagara Gas Transmission Limited volumes of natural gas estimated to reach a peak day quantity of 8,240 Mcf in the third year of proposed operation. St. Lawrence proposes to transport and distribute such natural gas at retail to communities and industries in the Massena-Ogdensburg area of St. Lawrence County, New York. The estimated total cost of St. Lawrence's project for the first year is approximately $3,433,000 which will be financed by the issuance of first mortgage bonds and common stock. The total cost of the project at the end of the sixth year of operation is estimated to be $6,783,100.

Concurrently, St. Lawrence filed in Docket No. G-17501 an application for a Presidential Permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance and connection, at the International Boundary of Canada and the United States, of natural gas pipeline facilities to be used for the importation of natural gas from Canada into the United States.

Take further notice that New York State Natural Gas Corporation (New York Natural), filed in Docket No. G-17579 an application on January 20, 1959, as supplemented on April 17, 1959, for a certificate of public convenience and necessity seeking authorization to sell and deliver to Niagara Mohawk Power Corporation (Niagara Mohawk), in addition to the volume now authorized to be sold and delivered to it, all the natural gas required by Niagara Mohawk for resale and distribution in the Counties of St. Lawrence, Lewis, and Franklin in the State of New York. No additional facilities are proposed by New York Natural to enable it to increase deliveries and sales through its existing Therm City and Oneida (New York) delivery points to Niagara Mohawk.

Niagara Mohawk proposes to utilize the additional volumes of gas available to it by rendering natural gas service at retail to substantially the same communities and industries which St. Lawrence seeks to serve, and to that end, Niagara Mohawk proposes to expand its system to the Massena-Ogdensburg area by the construction of transmission and distribution facilities estimated to cost $13,166,900 in the first year of operation and increasing to $17,660,900 in the fifth year of operation. These costs will be currently financed by cash on hand and short-term bank loans; and upon the exhaustion of these resources, Niagara Mohawk plans to undertake permanent financing to cover the entire construction program.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 1, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5965; Filed, July 20, 1959; 8:48 a.m.]

[Docket No. G-16578]

VILLAGE OF STONINGTON, ILLINOIS

Notice of Application and Date of Hearing

JULY 15, 1959.

Take notice that the Village of Stonington, Christian County, Illinois (Applicant), filed on October 13, 1958, an application, and on November 24, 1958, a supplement thereto, pursuant to section 7(a) of the Natural Gas Act for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with facilities proposed to be constructed by Applicant and to sell and deliver to Applicant natural gas for resale to the public in Stonington and the urban area immediately adjacent to its corporate limits, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 4.1 miles of 4-inch transmission pipeline extending from a connection with Panhandle's pipeline east to the village limits and also a distribution system for the community.

The estimated total cost of the proposed facilities is $220,000, which Applicant proposes to finance by the issuance of public utilities certificates under Article 49 of Chapter 24 R.S. Illinois, 1957.

Applicant estimates its third peak day requirement will be 572 Mcf and that its fifth year peak day requirement will be 629 Mcf. It estimates its third year requirement will be 69,434 Mcf and its fifth year annual requirement will be 78,435 Mcf.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 1, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5966; Filed, July 20, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1959.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35557: *Wheat from points in Texas to Port Arthur, Tex.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 361), for interested rail carriers. Rates on wheat in Texas to Port Arthur, Tex., for export.

Grounds for relief: Motor truck competition.

Tariff: Supplement 18 to Texas-Louisiana Freight Bureau tariff I.C.C. 899.

FSA No. 35558: *Corn from Richardson, Tex., to New Orleans, La., for export.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 360), for interested rail carriers. Rates on corn and related articles, in carloads from Richardson, Tex., to New Orleans, La., for export.

Grounds for relief: Market competition.

Tariff: Supplement 57 to Texas-Louisiana Freight Bureau tariff I.C.C. 774.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5958; Filed, July 20, 1959; 8:47 a.m.]

[Notice 153]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62089. By order of July 10, 1959, the Transfer Board approved the transfer to Richard Summers and Robert Giorgis, a partnership, doing business as Summers & Giorgis, Coquille, Oregon, of the operating rights in Certificate No. MC 108545 Sub 1, issued October 2, 1951, to Jewel S. Smith, authorizing the transportation, over irregular routes, of lumber, from points in Douglas, Curry, and Coos Counties, Oreg., to points in Coos County. Lynne W. McNutt, 410 Hall Building, Coos Bay, Oregon, for applicants.

No. MC-FC 62206. By order of July 10, 1959, the Transfer Board approved the transfer to Imperial Coach Co., doing business as Imperial Coach Corp., New York, N.Y., of certificate in No. MC 34752 issued May 18, 1955, to Crown Coach Co., Inc., New York, N.Y., authorizing the transportation of: Passengers and their baggage from New York, N.Y., to Connecticut, New Jersey, Pennsylvania, the District of Columbia, Massachusetts, New Hampshire, and Maine, and return. Sidney J. Leshin, 58 West 40th Street, New York, N.Y., for applicants.

No. MC-FC 62230. By order of July 13, 1959, the Transfer Board approved the transfer to Premier Trucking Service Co., a Corporation, of Chicago, Ill., of Certificate No. MC 17803 issued March 28, 1941, in the name of M. M. Levin, doing business as Premier Trucking Service, Chicago, Ill., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Sioux City, Iowa, and Omaha and South Omaha, Nebr.; and paper boxes, over irregular routes, from Morris, Ill., to Des Moines and Sioux City, Iowa, and Omaha and South Omaha, Nebr., with no transportation for compensation on return. Lawrence S. Newmark, 10 South La Salle Street, Chicago 3, Ill., for applicants.

No. MC-FC 62240. By order of July 10, 1959, the Transfer Board approved the transfer to Acme Van Lines, Inc., Kansas City, Mo., of a portion of Certificate No. MC 40494, issued August 18, 1958, to J. S. Byard, Enid, Oklahoma, authorizing the transportation of household goods and emigrant movables, between points in Harper, Grant, Alfalfa, Garfield and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas; and household goods, between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas. Kretsinger & Kretsinger, 1014 Temple Building, Kansas City 6, Mo., for applicants.

No. MC-FC 62312. By order of July 13, 1959, the Transfer Board approved the transfer to Cagnina Truck Line, Inc., of Crowley, La., of Permit No. MC 33631, issued November 24, 1941, in the name of Philip J. Cagnina, doing business as Cagnina Truck Line of Crowley, La., authorizing the transportation of rice, rice mill products, talcum powder, minimum 10,000 pounds, over irregular routes, between Crowley, La., and points within 25 miles of Crowley, on the one hand, and, on the other, Lake Charles and New Orleans, La.; and clean rice, in truckload lots, over irregular routes, from Crowley, Kaplan, Gueydan, and Abbeville, La., and points within 15 miles of each, to Lake Charles, La., with no transportation for compensation on return. Edwin W. Edwards, Edwards and Edwards, Edwards Building, Crowley, La., for applicants.

No. MC-FC 62331. By order of July 13, 1959, the Transfer Board approved the transfer to Howard Ousey, Joseph Ousey, and Kenneth Ousey, a partnership, doing business as "OZ" Trucking & Rigging Co., of Cambria Heights, N.Y., of Permit No. MC 112576, issued August 27, 1951, in the name of Elizabeth Fitzhenry, Howard Ousey, Joseph Ousey, and Kenneth Ousey, a partnership, doing business as "OZ" Trucking & Rigging Co., of Cambria Heights, N.Y., authorizing the transportation of safes, vaults, and parts of the foregoing described commodities, over irregular routes, between points in Connecticut, New York, New Jersey, and Pennsylvania within 100 miles of New York, N.Y., including New York, N.Y. Kenneth Ousey, 120-10 230th Street, Cambria Heights, N.Y., for applicants.

No. MC-FC 62349. By order of July 10, 1959, the Transfer Board approved the transfer to Robert G. Wright, doing business as Salmon Short Lines, Salmon City, Idaho, of Certificate No. MC 115723 Sub 1, issued June 15, 1956, in the name of Arlo E. Miller, doing business as Star Valley Jackson Stages, of Afton, Wyoming, authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, with no seasonal restrictions, over regular routes, between Idaho Falls, Idaho, and Afton, Wyo., serving all intermediate points; and passengers and their baggage and express, mail and newspapers, in the same vehicle with passengers, during the season extending from the 15th day of June to the 15th day of October, inclusive, of each year, between Alpine, Wyo., and Jackson, Wyo., serving all intermediate points. Bartly G. McDonough, 10 Executive Building, Salt Lake City, Utah, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-5959; Filed, July 20, 1959; 8:47 a.m.]

[Rev. S. O. 562; Taylor's I.C.C. Order 105A]

CHICAGO AND EASTERN ILLINOIS RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 105 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 105, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:00 a.m., July 14, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 14, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-5960; Filed, July 20, 1959; 8:47 a.m.]

[Rev. S. O. 562; Taylor's I.C.C. Order 104-A]

BELT RAILWAY CO. OF CHICAGO

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 104 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 104, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:00 a.m., July 14, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 14, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-5961; Filed, July 20, 1959; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Amendment of Delegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs, effective as of December 23, 1954 (20 F.R. 428, January 19, 1955), as amended (20 F.R. 4275, June 17, 1955; 21 F.R. 1468, March 7, 1956; 21 F.R. 3038, May 5, 1956; 21 F.R. 5385, July 18, 1956; 21 F.R. 5471, July 20, 1956; 22 F.R. 2887, April 24, 1957; 22 F.R. 4105, June 11, 1957; 23 F.R. 1202, February 26, 1958; 23 F.R. 1611, March 6, 1958; 23 F.R. 4820, June 28, 1958; 23 F.R. 8413, October 30, 1958; 23 F.R. 9078, November 21, 1958; 23 F.R. 9399, December 4, 1958; 24 F.R. 242, January 9, 1959), is hereby further amended in the following respects:

1. In subparagraph 1(d), by deleting the clause numbered (3) and renumbering existing clauses (4), (5), (6), and (7) as clauses (3), (4), (5), and (6), respectively.

2. In subparagraph 5(1), by deleting the word "and" at the end thereof.

3. In subparagraph 5(m), by deleting the period and inserting "; and".

4. By adding the following new subparagraph 5(n):

(n) Approve "Certificates of Completion and of Gross and Net Project Cost".

Effective as of the 21st day of July 1959.

NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 59-5972; Filed, July 20, 1959; 8:48 a.m.]

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UNIVERSITY OF MICHIGAN
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 142

Washington, Wednesday, July 22, 1959

UNIVERSITY OF MICHIGAN
JUL 23 1959
MAIN READING ROOM

Title 3—THE PRESIDENT

Executive Order 10829

FLEET ADMIRAL WILLIAM D. LEAHY

As a mark of respect to the memory of Fleet Admiral William D. Leahy, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 20, 1959.

[F.R. Doc. 59-6082; Filed, July 20, 1959; 5:13 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC TECHNICAL AND PROFESSIONAL POSITIONS

Horticulturist

The headnote of § 24.78 is amended and paragraph (b) of the section is amended by the deletion of the words "the maintenance of parks and grounds." As amended, the headnote and paragraph (b) read as follows:

§ 24.78 Horticulturist, CS–437–5–15—(except for non-research positions in the Management specialization which involve primarily the maintenance of parks and grounds).

* * * * *

(b) *Duties.* Horticulturists advise on, administer, supervise or perform research or other professional and scientific work which is concerned with the breeding, testing (behavior), propagation or culture of fruits, vegetables, flowers or ornamental trees and shrubs, and on allied problems related to their production, storage and handling. Some of the positions are of a research nature and require an understanding of the growth habits and full life cycle of specific horticultural plants, or of the various processes of germination, reproduction and propagation, cultural requirements, harvesting techniques and methods of storage and handling. Other positions involve the application of a professional knowledge of horticulture to orchard or land management, farm management, greenhouse and nursery management, or the operation of arboretums and botanic gardens.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6006; Filed, July 21, 1959; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; New Jersey

On June 22, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

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FEDERAL REGISTER

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(As of January 1, 1959)

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NEW JERSEY

County:	Average value
Atlantic	$25,000
Bergen	45,000
Burlington	35,000
Camden	25,000
Cape May	25,000
Cumberland	30,000
Essex	45,000
Gloucester	30,000
Hudson	-----
Hunterdon	35,000
Mercer	35,000
Middlesex	35,000
Monmouth	30,000
Morris	35,000
Ocean	25,000
Passaic	45,000
Salem	30,000
Somerset	30,000
Sussex	35,000
Union	45,000
Warren	40,000

(Sec. 41, 50 Stat., as amended; 7 U.S.C. 1015 Order of Acting sec. of Agric. 19 F.R. 74, 77, 22 F.R. 8188)

Dated: July 15, 1959.

M. H. HOLLIDAY, Jr.,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-5994; Filed, July 21, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 22d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Mila Booth Farm, located 2¾ miles south and ¾ mile east of Colorado River Indian Agency, P.O. Box 1993, Parker.

Don Calder Dairy, 915 South Horne Lane, Mesa.

Camelback Inn Horse Stable, 5402 East Lincoln Drive, Phoenix.

Tom Drennen Farm, located ½ mile north and 2 miles east of LOFO No. 1, c/o Colorado River Trading Co., Parker.

Carl Eaves Stables, 1604 North Center Street, Mesa.

Hi-Jolly Date Farm, 4500 East Main Street, Mesa.

Mrs. J. C. Lincoln Goat Dairy, East McDonald Road and Saguaro Road, Scottsdale.

William E. McCardle Chicken Yard, 2920 West Monte Vista, Phoenix.

George Willis Chicken Yard, 928 North Center Street, Mesa.

CALIFORNIA

Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, P.O. Box 226, Thermal.

NEW MEXICO

Bob Scoggins Poultry Farm, located 1 mile south of the city limits of Hatch on Highway 85, Box 286, Hatch.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

Advance Seed & Grain Co. (Grain Division), 310 South 24th Avenue, Phoenix.

NEW MEXICO

Jim Akers Dairy Farm, Highway 85, located 2 miles south of Hatch, P.O. Box 12, Hatch.

Frank Erdell (dairy), located 2 miles west and 1 mile north of the junction of Highways 70–80 and 85, Route 2, Box 85, Las Cruces.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

Subsequent to the twenty-first revision, effective June 3, 1959, infestation of the khapra beetle was discovered on the premises of Wallace A. Moore Ranch, located 3.4 miles east and 3.5 miles south of Separ, Box 223, Separ, New Mexico. Movement of regulated articles from these premises was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, this property is not being included in this revision.

This revision has the effect of revoking the designation as a regulated area of certain premises in California and New Mexico, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and New Mexico to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision segregates certain regulated premises in Arizona and New Mexico where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective July 22, 1959, when they shall supersede P.P.C. 612, Twenty-first Revision, effective June 3, 1959 (24 F.R. 4505).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and unnecessary, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1959.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 59-6033; Filed, July 21, 1959; 8:51 a.m.]

PART 318—TERRITORIAL QUARANTINE NOTICES

Subpart—Guam

GUAM QUARANTINE AND REGULATIONS

On April 29, 1959, there was published in the FEDERAL REGISTER (24 F.R. 3326), under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sec-

tion 8 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161), a notice of rule making and of public hearing concerning proposed notice of quarantine No. 82 relating to Guam and the regulations supplementary thereto. After due consideration of all relevant matter presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150bb, 150ee), the quarantine and regulations to appear in 7 CFR 318.82, 318.82–1 et seq., are hereby issued as follows:

QUARANTINE

Sec.
318.82 Notice of quarantine.

REGULATIONS

318.82–1 Definitions.
318.82–2 Movement of regulated articles.
318.82–3 Costs.

AUTHORITY: §§ 318.82 to 318.82–3 issued under sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interpret or apply sec. 8, 37 Stat. 318, as amended, sec. 10, 45 Stat. 468, secs. 103, 105, 107, 71 Stat. 32, 34; 7 U.S.C. 161, 164a, 150bb, 150dd, 150ff.

QUARANTINE

§ 318.82 Notice of quarantine.

(a) Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (7 U.S.C. 150bb, 150ee), and after public hearing, it has been determined that it is necessary to quarantine Guam to prevent the spread to other parts of the United States of dangerous insect infestations and plant diseases, which are new to or not heretofore widely prevalent or distributed within and throughout the United States, including among others: Icerya aegyptiaca (Dougl.), Xanthomonas citri (Hasse) Dowson, Aleurocanthus spiniferus (Q.), Phyllocnistis citrella (Stainton), Coccus viridis (Green), Anomala sulcatula Burm., Furcaspis oceanica Ldgr., Stephanoderes hampei (Ferr.), Pectinophora scutigera (Holdaway), Dacus dorsalis Hend., Dacus cucurbitae (Coq.), Marcua testulalis (Geyer), Lampides boeticus (L.), Prays endocarpa Meyr., Prodenia litura (F.), Euscepes postfasciatus (Fairm.), Earias fabia (Stoll), Elsinoe batatas (Saw.) Viegas and Jenkins, Uredo dioscoreae-alatae Rac., Cercospora batatae Zimm., Coniothyrium sp., Phyllosticta colocasiophila Weed., Xanthomonas vasculorum (Cobb) Dowson, Rhabdoscelus obscurus (Boisd.), Neomaskellia bergii (Sign.), Pyrausta nubilalis (Hbn.), Physoderma zeae-maydis Shaw, Leptocorisa acuta (Thunb.), Adoretus sinicus Burm., and Holotrichia mindanaona Brenske, as well as other plant pests, and Guam is hereby quarantined because of such insect infestations and diseases and other plant pests, and regulations are prescribed in this subpart governing the movement of carriers of these pests.

(b) No plants or parts thereof capable of propagation; seeds; fruits or vegetables; cotton or cotton covers; sugarcane or parts or by-products thereof; cereals; cut flowers; or packing materials; as such articles are defined in regulations supplemental hereto, shall be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person from Guam into or through any other State, Territory, or District of the United States, in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: *Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to the pest risk involved in the movement from Guam of the articles designated herein, make it safe to modify, by making less stringent, the restrictions contained in any regulations in this subpart or in any other subpart in this chapter made applicable thereto by this subpart, he shall publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent with respect to such movement, whereupon such modification shall become effective; or he may, when the public interests will permit in specific cases, upon notification to the consignor and to the consignee, authorize the interstate movement from Guam of the articles to which such regulations apply, under conditions that are less stringent than those contained in the regulations.

(c) Regulations governing the movement of live plant pests designated in this section are contained in Part 330 of this chapter.

REGULATIONS

§ 318.82–1 Definitions.

Words used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Plants.* Trees, shrubs, vines, cuttings, grafts, scions, buds, herbaceous plants, bulbs, roots, and other plants and plant parts intended for propagation.

(b) *Seeds.* The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(c) *Fresh fruits and vegetables.* The edible, more or less succulent, portions of food plants in the raw or unprocessed state.

(d) *Cotton and cotton covers.* Any parts or products of plants of the genus Gossypium, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and secondhand burlap and other fabrics, shredded or otherwise, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops.

(e) *Sugarcane or parts or by-products thereof.* Stems of sugarcane (Saccharum spp.), or cuttings or parts thereof, sugarcane leaves, or bagasse or other parts of sugarcane plants, except seeds, not sufficiently processed to remove plant pest danger.

(f) *Cereals.* Seed and other plant parts of all members of the grass family (Gramineae) which yield grain or seed suitable for food, including, but not limited to, wheat, rice, corn and related plants. This definition shall include straw, hulls, chaff and products of the milling process (but excluding flour) of such grains and seeds as well as stalks and all other parts of broomcorn.

(g) *Cut flower.* The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state.

(h) *Packing materials.* Any plant or plant product, or soil as defined in § 330.100(t) of this chapter, or other substance associated with or accompanying any commodity or shipment to serve for filling, wrapping, ties, lining, mats, moisture retention, protection, or any other auxiliary purpose. The word "packing," as used in the expression "packing materials," shall include the presence of such materials within, in contact with, or accompanying such commodity or shipment.

(i) *Administrative instructions.* Published documents relating to the enforcement of the regulations in this subpart, issued under the authority of such regulations by the Director of the Plant Quarantine Division.

(j) *State, Territory, or District of the United States.* Guam, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States (including Alaska).

(k) *United States.* The States, the District of Columbia, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(l) *Oceania.* The islands of the Central and South Pacific, including Micronesia, Melanesia, and Polynesia, as well as Australia, New Zealand, and the Malay Archipelago.

(m) *Far East.* The countries of East and Southeast Asia, including Japan, Korea, Taiwan, the northeastern provinces of Manchuria, the Philippines, Indo-China, and India.

§ 318.82–2 Movement of regulated articles.

(a) Plants, plant products, and other articles designated in § 318.82 may be moved from Guam into or through any other State, Territory, or District of the United States only if, in the case of articles other than soil, they meet the strictest plant quarantine requirements for similar articles offered for entry into such State, Territory, or District from Oceania or the Far East under Part 319 or 321 of this chapter, except requirements for permits, foreign inspection certificates, notices of arrival, and notices of shipment from port of arrival, and in the case of soil if it meets the requirements of § 330.300 of this chapter. If such similar articles cannot be imported into the particular State, Territory, or District from Oceania or the Far East under either Part 319 or 321 of this chapter, the interstate movement of the articles from Guam into or through such State, Territory or District shall be similarly prohibited. Plants, plant products, and other articles moved from Guam into or through any other State, Territory or District of the United States shall be subject to inspection at the port of first arrival in another part of the United States to determine whether they are free of plant pests and otherwise meet the requirements applicable to them under this subpart, and shall be subject to release, in accordance with § 330.105 (a) of this chapter as if they were foreign arrivals. Such articles shall be released only if they meet all applicable requirements under this subpart.

(b) A release may be issued orally by the inspector when inspection of small quantities of regulated articles is involved except that a release issued in specific cases pursuant to the proviso in § 318.82 shall be in writing.

(c) The appropriate provisions of Part 352 of this chapter are hereby made applicable to the safeguarding of regulated articles from Guam temporarily in parts of the United States other than Guam, when landing therein is not intended or landing has been refused in accordance with this subpart. The movement of plant pests, means of conveyance, plants, plant products, and other products and articles from Guam into or through any other State, Territory, or District is also regulated by Part 330 of this chapter.

§ 318.82–3 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner.

This quarantine and the related regulations shall be effective on August 21, 1959.

The purpose of the quarantine and supplemental regulations is to prevent the spread of dangerous insect infestations, plant diseases, and other plant pests from Guam, where they are known to occur, to other parts of the United States. The regulations provide methods, when feasible, whereby host material may be treated or otherwise made eligible for interstate movement from Guam.

Done at Washington, D.C., this 17th day of July 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-6034; Filed, July 21, 1959; 8:52 a.m.]

PART 318—TERRITORIAL QUARANTINE NOTICES

PART 319—FOREIGN QUARANTINE NOTICES

Administrative Instructions Relating to Interstate Movements or Importations Into Guam

The Director of the Plant Quarantine Division has found that existing conditions as to the pest risk involved in the importation into Guam or the interstate movement thereto from other parts of the United States, of various plants, plant products, and other articles, to which certain regulations in 7 CFR, as amended, Parts 318 and 319 apply, make it safe to modify, by making less stringent, certain requirements of the regulations, as specified below. It is also deemed advisable to publish interpretations with respect to the application to Guam of certain other provisions of the regulations, as set out below.

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by the proviso in the Hawaiian Fruit and Vegetable Quarantine (7 CFR 318.13, as amended, 23 F.R. 7165, 9830); the proviso in the Territorial Sugarcane Quarantine (7 CFR 318.16, as amended, 23 F.R. 9830); the proviso in the Territorial Cotton, Cottonseed, and Cottonseed Products Quarantine (7 CFR 318.47, as amended, 23 F.R. 7165, 9830); the proviso in the Foreign Cotton and Covers Quarantine (7 CFR 319.8, as amended, 23 F.R. 7165); the proviso in the Foreign Sugarcane Quarantine (7 CFR 319.15, as amended [1]); the proviso in the quarantine on Indian Corn or Maize and Related Plants (7 CFR 319.24, as amended, 23 F.R. 7165); the proviso in the European Corn Borer Quarantine (7 CFR 319.41, as amended, 23 F.R. 7165); the proviso in the Rice Quarantine (7 CFR 319.55, as amended [1]); the proviso in the Fruit and Vegetable Quarantine and § 319.56–2 of the regulations under said quarantine (7 CFR and 1957 Supp., 319.56 and 319.56–2, as amended, 23 F.R. 7165); the proviso in the Flag Smut Quarantine (7 CFR 319.59, as amended, 23 F.R. 7165); and the proviso in the Packing Materials Quarantine (7 CFR 319.69, as amended [1]); and by other delegation of authority (22 F.R. 2679); under sections 1, 5, 7, 8, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 161, 162), this document is issued to constitute administrative instructions and interpretations of regulations, including provisions to appear in 7 CFR 318.13a, 318.16a, 318.47a, 319.8a, 319.15a, 319.24a, 319.41a, 319.55a, 319.56a, 319.59a, and 319.69a, as follows:

§ 318.13a Administrative instructions relating to the movement from Hawaii to Guam of specified articles.

(a) The following fruits, vegetables, and other products may be moved from Hawaii into or through Guam without certification or other restriction under this subpart:

[1] See F.R. Document 59-6036, *infra*.

(1) Peel of fruits of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae or Toddalioideae of the botanical family Rutaceae.

(2) Cut flowers, as defined in § 318.13–1(c).

(3) All fruits and vegetables designated in § 318.13–2(b).

(4) Bitter melons, Cavendish bananas, and zucchini squash.

(b) Section 318.13–13 shall not apply with respect to the movement of surface or air traffic from Hawaii to Guam.

§ 318.16a Administrative instructions and interpretation relating to movement to Guam of bagasse and related sugarcane products.

Bagasse and related sugarcane products have been so processed that, in the judgment of the Department, their movement from Hawaii into or through Guam will involve no pest risk, and they may be so moved without permit or other restriction under this subpart, if they are made available for inspection upon request by an inspector of the Department in Hawaii or in Guam. If upon inspection they are found to be infected, infested, or contaminated with any plant pest and are not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

§ 318.47a Administrative instructions relating to Guam.

The plants, products and articles specified in § 318.47(c) may be moved from Hawaii into or through Guam without restriction under this subpart.

§ 319.8a Administrative instructions relating to the entry of cotton and covers into Guam.

The plants and products specified in § 319.8(a) may be imported into Guam without further permit, other than the authorization contained in this paragraph. Sections 319.8–2 and 319.8–3 shall not be applicable to such importations. In addition, such importations need not comply with the requirements of § 319.8–4 relating to notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Sections 319.8–5 through 319.8–27 shall not be applicable to importations into Guam. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

§ 319.15a Administrative instructions and interpretation relating to entry into Guam of bagasse and related sugarcane products.

Bagasse and related sugarcane products have been so processed that, in the judgment of the Department, their importation into Guam will involve no pest risk, and they may be imported into Guam without further permit, other than the authorization contained in this

paragraph. Such importations may be made without the submission of a notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

§ 319.24a Administrative instructions relating to entry of corn into Guam.

Corn may be imported into Guam without further permit, other than the authorization contained in this section but subject to compliance with § 319.24-3. Such imports need not comply with the notice of arrival requirements of § 319.24-4 inasmuch as information equivalent to that in a notice of arrival is available to the inspector from another source. Section 319.24-5 shall not be applicable to importations of corn into Guam. Such importations shall be subject to inspection at the port of entry. Corn found upon inspection to contain disease infection will be subject to sterilization in accordance with methods selected by the inspector from administratively authorized procedures known to be effective under the conditions in which applied.

§ 319.41a Administrative instructions relating to entry into Guam of broomcorn, brooms, and similar articles.

(a) Broomcorn for manufacturing purposes, and brooms and similar articles made of broomcorn may be imported into Guam without further permit, other than the authorization contained in this section, and without other restriction under this subpart. Notice of arrival for such importations is not necessary inasmuch as there is available to the inspector the essential information normally supplied by the importer at time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part 319, disposition may be made in accordance with § 330.106 of this chapter.

(b) Shelled corn and seeds of other plants listed in § 319.41, and mature corn on the cob, may be imported into Guam without further permit, other than the authorization contained in this section, and without other restriction under this subpart, but such importations are subject to the requirements of § 319.37-4(a).

(c) Green corn on the cob may be imported into Guam without restriction under this subpart, but such importations are subject to the requirements of § 319.56-2.

§ 319.55a Administrative instructions relating to entry of rice straw and rice hulls into Guam.

Rice straw and rice hulls may be imported into Guam without further permit, other than the authorization contained in this paragraph. The port of entry shall be Agana or such other port as may be satisfactory to the inspector. Such importations may be made without the submission of a notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by an importer at the time of importation. The requirements of §§ 319.55-6 and 319.55-7 shall not apply. Inspections of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated by any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(a) Only the following fruits and vegetables may be imported into Guam and they shall be subject to the requirements of this subpart as modified by this section.

(1) All fruits and vegetables from the Marianas Islands, Bonin Islands, Volcano Islands, and Ryukyu Islands;

(2) All fruits and vegetables from the Caroline Islands, except bananas and citrus fruits, and except taro from the Palau and Yap districts (the excepted products are not approved for entry into Guam under § 319.56);

(3) Stone and pome fruits, celery, lettuce, melons, watermelons, citrus fruits, tomatoes, potatoes, grapes, and bell peppers from Japan and Korea;

(4) Leafy vegetables, celery, and potatoes, from the Philippine Islands;

(5) Celery, lettuce, and potatoes, from Australia;

(6) Celery, chives, garlic, leek, onions, arrowroot, kale, cow-cabbage, cauliflower, broccoli, cabbage, sprouts, asparagus, Portuguese cabbage, cassava, dasheen, gingerroot, horseradish, kudzu, lettuce, turnip, udo, waterchestnut, watercress, waterlilyroot, and yam bean root, from Formosa;

(7) Lettuce from Netherlands New Guinea;

(8) Celery, lettuce, loquats, persimmons, tomatoes, and stone fruits, from New Zealand;

(9) Celery and lettuce, from Thailand;

(10) Green corn on the cob;

(11) All other fruits and vegetables administratively approved for entry into any other part or port of the United States, except those for which a treatment is specified as a condition of entry and except any which are now, or may subsequently be, specifically designated in this section as not approved.

(b) The inspector in Guam may, in his judgment, accept an oral application and issue an oral permit for products within paragraph (a) of this section, which shall be deemed to fulfill the requirements of §§ 319.56-3 and 319.56-4. He may waive the documentation required in § 319.56-5 for such products whenever he shall find that information available from other sources meets the requirements under this subpart for the information normally supplied by such documentation.

(c) The provisions of §§ 319.56-2a and 319.56-2b shall not apply to chestnuts and acorns imported into Guam and they shall be enterable without further permit, other than the authorization contained in this paragraph, and without other restriction under this subpart, in accordance with the second paragraph of § 319.56-2. Inspections of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

(d) Coconuts are not approved for entry into Guam from the Trust Territory under § 319.56.

(e) Application of the provisions of §§ 319.56-2d, and 319.56-2f to 319.56-2m, inclusive, is impracticable in the case of traffic into Guam and therefore such application is withdrawn. The fruits and vegetables which are the subject of said provisions are not enterable into Guam except as they are now, or may later be, listed in paragraph (a) of this section. Yams are included in the listings in (a) (1) and (2) of this section.

(f) Baskets or other containers made of coconut fronds are not approved for use as containers for fruits and vegetables imported into Guam. Fruits and vegetables in such baskets or containers offered for importation into Guam will not be regarded as meeting the requirement of the first paragraph of § 319.56-2.

§ 319.59a Administrative instructions relating to the entry into Guam of wheat straw, hulls, and chaff.

Wheat straw, hulls, and chaff may be imported into Guam without further permit, other than the authorization contained in this section, and without other restriction under this subpart. Notice of arrival for such importations is not necessary inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated by any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

§ 319.69a Administrative instructions and interpretation relating to the entry into Guam of plant materials specified in § 319.69.

(a) Plants and products designated in §§ 319.69(a) (1), (3), (4), and (5) and (b) (1), (3), and (4) as prohibited or restricted entry into the United States from the countries and localities named may be imported into Guam as packing materials without prohibition or restriction under this subpart. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

(b) Corn and allied plants listed in § 319.69(a)(2) may be imported into Guam subject to the requirements of §§ 319.69-2, 319.69-3, and 319.69-4.

(c) Under § 319.69(a) (6) and (7), coconut fronds and other parts of the coconut trees are prohibited entry into Guam as packing materials except as permitted in § 319.37-16a.

(Secs. 1, 5, 7, 8, 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U.S.C. 154, 159, 160, 161, 162)

The foregoing provisions shall become effective August 21, 1959.

These provisions supplement amendments of certain quarantines and regulations in 7 CFR, Chapter III, effective concurrently with this document. Such provisions have been adopted after a thorough study of the plant quarantine needs of Guam, made by the Division of Plant Quarantine, Agricultural Research Service, and a representative of the Government of Guam. They incorporate into the Federal plant quarantine structure the plant quarantine requirements and prohibitions previously enforced by the Government of Guam to the extent warranted by plant pest conditions in relation to normal trade patterns. Among other things they interpret the Federal regulations as precluding importations into Guam of coconuts from the Trust Territory, and certain other products. They also afford relaxation of prohibitions and restrictions that are applicable to importations into the remainder of the United States but which are not needed to protect Guam because of its remoteness or because of the occurrence of certain plant pests on that Island.

Done at Washington, D.C., this 17th day of July 1959.

[SEAL] C. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 59-6035; Filed, July 21, 1959; 8:52 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

PART 321—RESTRICTED ENTRY ORDERS

PART 352—TREATMENT OF RESTRICTED OR PROHIBITED PLANTS OR PLANT PRODUCTS TEMPORARILY IN UNITED STATES

Guam

On April 15, 1958, there was published in the FEDERAL REGISTER (23 F.R. 2428), notice of proposed amendments of 7 CFR, Chapter III, as amended, to correlate the quarantines, regulations, and orders therein with a current extension of plant quarantine operations in Guam. Subsequently certain amendments were promulgated (23 F.R. 7163) pursuant to the notice. After further consideration of all relevant matters and under the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), the provisions in 7 CFR, Chapter III, as amended, are hereby further amended in the following respects:

§ 319.12 [Amendment]

1. Section 319.12 is amended by adding at the end of the first paragraph a proviso to read: *"Provided,* That this prohibition shall not apply to importations into Guam of the seeds of the avocado or alligator pear but such importations are subject to the requirements of § 319.37-4(b)."

§ 319.15 [Amendment]

2. Section 319.15 is amended by adding at the end of the first paragraph another proviso to read: *"Provided, further,* That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of bagasse and related sugarcane products into Guam, make it safe to modify by making less stringent the restrictions of this section with respect to such importation, he shall publish such finding in administrative instructions, specifying the manner in which the restrictions shall be made less stringent and imposing such conditions on such importation as he deems necessary to carry out the purposes of this section, whereupon such modification shall become effective."

§ 319.19 [Amendment]

3. Section 319.19 is amended by adding thereto a new paragraph (d) to read:

(d) This prohibition shall not apply to importations into Guam of the plants and plant parts designated in paragraph (b) of this section but such importations are subject to the requirements of § 319.37-6.

§ 319.34 [Amendment]

4. Section 319.34 is amended by adding at the end of the second paragraph another proviso to read: *"Provided, further,* That this prohibition shall not apply to importations into Guam of the bamboo seeds, plants, or cuttings designated in this paragraph but such importations are subject to the requirements of §§ 319.37-4(b) and 319.37-6."

§ 319.55 [Amendment]

5. Section 319.55 is amended by adding at the end of the third paragraph a proviso to read: *"Provided,* That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations."

6. Section 319.56-2a is amended to read:

§ 319.56-2a Permits required for entry of chestnuts and acorns and certain coconuts.

It has been determined that the drying and processing of chestnuts and acorns, and of coconuts imported into Guam from the Trust Territory, may not entirely eliminate risk of spread of injurious insects. Therefore, notice is hereby given that chestnuts and acorns of all varieties and species may be imported into any part of the United States from any foreign country and coconuts may be imported into Guam from the Trust Territory, only under permit and upon compliance with the safeguards prescribed therein pursuant to § 319.56-2.

§ 319.69 [Amendment]

7. Section 319.69 is amended by adding after subparagraph (b)(5) another subparagraph to read:

However, whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the movement of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

§ 319.70 [Amendment]

8. Section 319.70 is amended by adding at the end of the first paragraph a proviso to read: *"Provided,* That this prohibition shall not apply to importation into Guam of the products designated in this section, but such importations of elm plants and parts thereof and seeds, for propagation, are subject to the requirements of §§ 319.37-4(b) and 319.37-6."

§ 321.3 [Amendment]

9. Section 321.3 is amended by adding at the end of the first paragraph another proviso to read: *"Provided further,* That the restrictions in this subpart shall not apply to the importation of potatoes into Guam, but such importations are subject to the requirements of § 319.56-2."

§ 352.1 [Amendment]

10. Section 352.1 is amended by adding at the end thereof a new paragraph to read:

Whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the handling of plants and plant products temporarily in the United States, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less strin-

gent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the handling of such plants and plant products in Guam, upon request in specific cases, authorize such procedure under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

(Secs. 1, 5, 7, 9, 37 Stat. 315, 316, 317, 318, as amended; 7 U.S.C. 154, 159, 160, 162)

The foregoing amendments shall become effective August 21, 1959.

These amendments supplement the amendments of 7 CFR, Chapter III, effective October 18, 1958 (7 CFR, 1958 Supp., 319.12, 319.15, 319.19, 319.34, 319.55, 319.56, 319.56–2, 319.69, 319.70, 321.1, 352.1), and contain refinements of details to correlate and carry out the intent of the original amendments. The amendments herein have been adopted after a thorough study of the plant quarantine needs of Guam made by the Division of Plant Quarantine, Agricultural Research Service, and a representative of the Government of Guam. The amendments provide for the incorporation into the Federal plant quarantine structure of the plant quarantine restrictions and prohibitions previously enforced by the Government of Guam, to the extent warranted by plant pest conditions in relation to normal trade patterns.

The amendments include coconuts from the Trust Territory within the class of products which cannot be imported into Guam except under permit under § 319.56–2. This in effect precludes such importations inasmuch as such coconuts cannot meet the conditions imposed under § 319.56–2 for issuance of permits.

The amendments also afford relaxation of prohibitions and restrictions that are applicable to importations into the remainder of the United States but which are not needed to protect Guam because of its remoteness or because of the occurrence of certain plant pests on that Island.

Done at Washington, D.C., this 17th day of July 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59–6036; Filed, July 21, 1959; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Valencia Orange Reg. 173, Amdt. 2]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.473 (Valencia Orange Regulation 173, 24 F.R. 5593, 5751) are hereby further amended to read as follows:

(ii) District 2: 877,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc 59–5993; Filed, July 21, 1959; 8:46 a.m.]

[Avocado Order 18, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until July 14, 1959; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on July 14, 1959, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of paragraph (b) of § 969.318 (24 F.R. 4050, 4827) are hereby amended as follows:

1. Delete subparagraph (1), redesignate subparagraph (2) as subparagraph (1), and amend said redesignated subparagraph (1) by adding to Table I appearing therein the varieties Trapp, Peterson, Pinelli, Tonnage, and Blair, so that after such addition said redesignated subparagraph (1) shall read as follows:

(1) After the effective time of this section no handler shall handle any of the varieties of avocados listed in Column 1 of the following Table I prior to the date listed for the respective variety in Column 2 of such table; and during the period from 12:01 a.m., e.s.t., of such date and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is at least the diameter specified for such variety in said Column 3.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)
Fuchs	6–29–59	12 ounces	7–20–59
Pollock	7–13–59	3 1/16 inches. 16 ounces	8–17–59
Simmonds	7–20–59	3 9/16 inches. 14 ounces	8–17–59
Hardee	7–20–59	3 7/16 inches. 14 ounces	8–17–59
Nadir	7–27–59	3 5/16 inches. 12 ounces	8–24–59
Trapp	8–17–59	3 7/16 inches. 12 ounces	9–14–59
Peterson	8–24–59	3 9/16 inches. 12 ounces	9–21–59
Pinelli	8–31–59	3 9/16 inches. 16 ounces	9–21–59
Tonnage	9–14–59	12 ounces	10– 5–59
Blair	10– 5–59	3 5/16 inches. 14 ounces	10–26–59

2. Insert a new subparagraph (2) reading as follows:

(2) After the effective time of this section no handler shall handle any avocados of the varieties listed in Column 1 of the following Table II except in accordance with the following terms and conditions:

(i) No handler shall handle any such variety prior to 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of said Table II.

(ii) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of said Table II and 12:01 a.m., e.s.t., of the date listed for such variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces or is at least the diameter specified for the respective variety in Column 3 of such table.

(iii) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of said Table II and 12:01 a.m., e.s.t., of the date listed for such variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces or is at least the diameter specified for the respective variety in Column 5 of such table.

TABLE II

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)
Waldin	8–24–59	16 ounces	9–7–59	14 ounces	9–28–59
Booth 8	9–28–59	3 9/16 inches. 16 ounces 3 7/16 inches.	10–19–59	3 5/16 inches. 13 ounces 3 1/16 inches.	11–2–59

Effective time. The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 23, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6018; Filed, July 21, 1959; 8:49 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1067—AVOCADOS

Prohibition on Importation

§ 1067.7 Avocado Regulation No. 7.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited except in accordance with the following terms and conditions:

(1) All avocados imported during the period beginning at 12:01 a.m. e.s.t., July 27, 1959, and ending at 12:01 a.m., e.s.t., April 30, 1960, shall grade not less than U.S. No. 2.

(2) Avocados of the Pollock variety shall not be imported prior to 12:01 a.m., e.s.t., August 3, 1959, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measure at least 3 9/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported prior to August 3, 1959, unless the individual fruit in each lot of such avocados weighs at least 18 ounces.

(4) No avocados of the Trapp variety shall be imported prior to 12:01 a.m., e.s.t., August 3, 1959; and during the period beginning at 12:01 a.m., e.s.t., August 3, 1959, and ending at 12:01 a.m., e.s.t., August 31, 1959, the individual fruit in each lot of such avocados shall weigh at least 12 ounces or measure at least 3 7/16 inches in diameter.

(5) No avocados of any variety other than Pollock, Catalina, and Trapp shall be imported (i) prior to 12:01 a.m., e.s.t., August 10, 1959, unless the individual fruit in each lot of such avocados weighs at least 12 ounces; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 10, 1959, and ending at 12:01 a.m., e.s.t., August 25, 1959, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided,* That any lot of such avocados may be imported without regard to the minimum weight requirements of this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety prescribed in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(7) Each importation of avocados shall be made in conformance with the general regulations (Part 1060 of this subchapter; 19 F.R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of this subchapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity and quality regulations that are being made applicable, prior to the effective time hereof, to shipments of avocados grown in south Florida.

(h) The provisions of Avocado Regulation No. 6, as amended (§ 1067.6; 24

F.R. 4134, 4829) are hereby terminated as of the effective time of this section.

(i) As used in this section, the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069) of this title.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that (i) the requirements of this import regulation are imposed pursuant to § 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation necessary; (ii) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (iii) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (iv) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, July 17, 1959, to become effective at 12:01 a.m., e.s.t., July 27, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6017; Filed, July 21, 1959; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7306 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

May Department Stores Co.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.95 *Identity of product:* Fur Products Labeling Act;[1] § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.235 *Source or origin:* Place: *Imported products or parts as domestic.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The May Department Stores Company, St. Louis, Mo., Docket 7306, June 23, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation operating some 30 department stores throughout the United States, including stores in the Los Angeles metropolitan area, with violating the Fur Products Labeling Act by failing to comply with the labeling, invoicing, and advertising requirements; and, specifically, by advertising in Los Angeles and other newspapers which failed to disclose the names of animals producing the fur in certain products or the fact that some products contained artificially colored or cheap or waste fur and named animals other than those producing some furs; which represented prices as reduced from so-called regular prices which were in fact fictitious, illustrated higher priced products than those available at the advertised selling prices, and named the United States falsely as the country of origin of imported furs; and by failing to keep adequate records as a basis for said pricing claims.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That The May Department Stores Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth on labels affixed to fur products: (1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing or otherwise identifying fur products as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(4) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a)(1) of the Fur Products Labeling Act.

C. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Fails to set forth the term "Dyed Mouton processed Lamb" in the manner required by law.

E. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

F. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business.

G. Represents directly or by implication that any such fur product is of a higher grade, quality, or price than is the fact, by means of illustrations or depictions of higher priced products than those actually available for sale at the advertised selling price.

4. Falsely or deceptively advertising or otherwise identifying any such product as to the name of the country of origin of the fur contained in the fur product.

5. Making price claims and representations of the types referred to in Paragraph 3 F above unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That The May Department Stores Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6012; Filed, July 21, 1959; 8:49 a.m.]

[1] New.

[Docket 7413 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Midwest Industrial Supply, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 1315 *Business status, advantages, or connections:* Service; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.130 *Manufacture or preparation;* § 13.195 *Safety:* Investment; § 13.205 *Scientific or other relevant facts;* § 13.255 *Surveys.* Subpart—*Misrepresenting oneself and goods*—Business Status, advantages or connections: § 13.1553 *Services;* [*Misrepresenting oneself and goods*]—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, Midwest Industrial Supply, Inc., et al., St. Paul, Minn., Docket 7413, June 20, 1959]

In the Matter of Midwest Industrial Supply, Inc., a Corporation, and James Knudsen, Helen Knudsen, and Gordon Bjurback, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a St. Paul, Minn., concern with selling vending and radio tube testing machines through false employment offers in newspaper advertising, exaggerated earnings claims, misrepresentations of exclusive territories and established sales routes, assistance to customers, etc.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Midwest Industrial Supply, Inc., a corporation, and its officers, and James Knudsen, Helen Knudsen and Gordon Bjurback, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines, tube testing machines or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication that:

1. Employment is offered by respondents when in fact the real purpose of respondents' advertisements is to obtain purchasers for respondents' products.

2. The earnings or profits derived from the operation of respondents' machines are any amounts in excess of those which have been, in fact, customarily earned by operators of respondents' machines.

3. The amount invested in respondents' products is secured.

4. Purchasers are given exclusive territory within which their machines may be placed for operation.

5. It is necessary for a person to have a car or a satisfactory background in order to qualify for respondents' offer.

6. Surveys are made by respondents or their agents in any locality or for any purpose.

7. Sales routes have previously been established for purchasers or that respondents or their sales representatives have obtained satisfactory locations, or will obtain satisfactory locations for the machines after purchase or will re-locate said machines.

8. The machines being sold by respondents are of a certain structural design or of a certain capacity, unless such is the fact.

9. Respondents will repurchase or resell the machines purchased from them.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6013; Filed, July 21, 1959; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Chlorothen Citrate Preparations; Exemption From Prescription-Dispensing Requirements

There was published in the FEDERAL REGISTER of June 3, 1959 (24 F.R. 4518), notice of a proposal to amend § 130.102 (a) for the purpose of exempting certain chlorothen citrate preparations from the prescription-dispensing requirements of section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic

Act. No comments having been filed within the 30-day period stipulated in the above-identified notice, the amendment set out below is ordered, effective 30 days from the date of publication in the FEDERAL REGISTER, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended 72 Stat. 948; 21 U.S.C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 130.101(b)).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale*, paragraph (a) is amended by adding thereto the following new subparagraph (24):

(24) Chlorothen citrate (chloromethapyrilene citrate; *N,N*-dimethyl-*N'*-(2-pyridyl)-*N'*-(5-chloro-2-thenyl) ethylenediamine citrate) preparations meeting all the following conditions:

(i) The chlorothen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The chlorothen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of chlorothen citrate per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 25 milligrams of chlorothen citrate per dose or 150 milligrams of chlorothen citrate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age or exceeding the recommended dosage, unless directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for the temporary relief of symptoms of colds, a statement that continued administration for such use should not exceed 3 days, unless directed by a physician.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U.S.C. 353, 355)

Dated: July 16, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6009; Filed, July 21, 1959; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6400]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Losses Caused by Disaster

MISCELLANEOUS AMENDMENTS

On June 11, 1959, a notice of proposed rule making with respect to the amendments of 26 CFR Part 170 was published in the FEDERAL REGISTER (24 F.R. 4732). No objection to the proposed amendments having been received during the 15-day period prescribed in the notice, the proposed regulations so published are hereby adopted subject to the following editorial change made to conform to a change in the designation of the inventory forms prescribed by the notice:

The second sentence of § 170.305 is changed to read as follows: "The claim shall state all the facts on which the claim is based, and shall have attached thereto Form 2606, Inventory of Distilled Spirits Lost by Disaster, Form 2606–A, Inventory of Wines Lost by Disaster, and Form 2606–B, Inventory of Beer Lost by Disaster, as the case may be, prepared in accordance with the instructions thereon."

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective July 1, 1959.

DANA LATHAM,
Commissioner of Internal Revenue.
[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 16, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

The following new subpart, Subpart O, is added to Part 170:

Subpart O—Losses Caused by Disaster After June 30, 1959

Sec.
170.301 Scope of subpart.
170.302 Forms prescribed.

DEFINITIONS

170.303 Meaning of terms.

PAYMENTS

170.304 Circumstances under which payment may be made.

CLAIMS PROCEDURE

170.305 Execution and filing of claim.
170.306 Separation of imported, domestic, and Virgin Islands liquors; separate claims for taxes and duties.
170.307 Claimant to furnish proof.
170.308 Supporting evidence.
170.309 Action on claims.

DESTRUCTION OF LIQUORS

170.310 Supervision.

PENALTIES

170.311 Penalties.

AUTHORITY: §§ 170.301 to 311 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parenthesis.

§ 170.301 Scope of subpart.

The regulations in this subpart prescribe the requirements necessary to implement section 5064, I.R.C., concerning payments which may be made by the United States of amounts equal to the internal revenue taxes paid or determined and customs duties paid on distilled spirits, wines, rectified products, and beer previously withdrawn, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" occurring in the United States after June 30, 1959. The provisions of this subpart shall not be applicable in respect of distilled spirits, wines, rectified products, and beer of Puerto Rican manufacture brought into the United States.

§ 170.302 Forms prescribed.

The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, claims, records, and reports. Information called for shall be furnished in accordance with the instructions on the forms, or issued in respect thereto.

DEFINITIONS

§ 170.303 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural shall include the singular, and vice versa, and words importing the masculine shall include the feminine as well. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcoholic liquors, or "liquors". Distilled spirits, wines, rectified products, and beer, lost, rendered unmarketable, or condemned, as provided in this subpart.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or other similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

Claimant. The person who held the liquors for sale at the time of the disaster and who files claim under this subpart.

Commissioner. The Commissioner of Internal Revenue.

Commissioner of Customs. The Commissioner of Customs, Bureau of Customs, Treasury Department, Washington, D.C.

Disaster. A flood, fire, hurricane, earthquake, storm, or other catastrophe occurring after June 30, 1959, (1) which the President of the United States has determined under the Act of September 30, 1950 (64 Stat. 1109; 42 U.S.C. 1855) to be a "major disaster" as defined in said act, and (2) which occurred in a part of the United States in which disaster assistance by the Federal Government was authorized under 42 U.S.C. Chapter 15 because of such catastrophe.

Distilled spirits, or spirits. Ethyl alcohol and other distillates, such as whisky, brandy, rum, gin, and vodka, on which the internal revenue tax has been paid or determined, and, if imported, on which duties have been paid at the rate applicable thereto.

Duly authorized official. Any Federal, State, or local government official in whom has been vested authority to condemn liquors made the subject of a claim under this subpart.

Duty or duties. Any duty or duties paid under the customs laws of the United States.

Rectified products. Liquors manufactured by rectifying, purifying, refining, mixing, or blending distilled spirits or wines and on which tax has been paid or determined, and, if imported, on which duty has been paid.

Tax. With respect to: (a) Unrectified distilled spirits, the internal revenue distilled spirits tax paid or determined thereon; (b) wines, the internal revenue wine tax paid or determined thereon; (c) rectified products, the internal revenue distilled spirits tax, the rectification tax (if any), the cordial tax (if any), and the wine tax (if any), paid or determined thereon; and (d) beer, the internal revenue beer tax paid or determined thereon.

United States. When used in a geographical sense includes only the States, the Territory of Hawaii, and the District of Columbia.

Wines. All still wines, effervescent wines, and flavored wines, on which internal revenue wine tax has been paid or determined, and, if imported, on which duty has been paid.

PAYMENTS

§ 170.304 Circumstances under which payment may be made.

Assistant regional commissioners shall allow payment (without interest) of an amount equal to the amount of tax paid or determined, and the Commissioner of Customs shall allow payment (without interest) of an amount equal to the amount of customs duty paid, on distilled spirits, wines, rectified products, and beer previously withdrawn, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a disaster occurring in the United States after June 30, 1959. Payment may be made only if (a) at the time of the disaster, such liquors were being held for sale by the claimant; (b) refund or credit of the amount claimed or any part thereof has not or will not be claimed for the same liquors under any other provision of law or regulations; and (c) the claimant was not indemnified by a valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the liquors covered by the claim.

CLAIMS PROCEDURE

§ 170.305 Execution and filing of claim.

Claims under this subpart shall be executed on Form 843 (Internal Revenue) in accordance with such instructions thereon as are applicable, and filed (original only) with the assistant regional commissioner of the internal revenue region in which the liquors were lost, rendered unmarketable, or condemned, within 6 months after the date on which the President makes the determination that the disaster has occurred. The claim shall state all the facts on which the claim is based, and shall have attached thereto Form 2606, Inventory of Distilled Spirits Lost by Disaster, Form 2606–A, Inventory of Wines Lost by Disaster, and Form 2606–B, Inventory of Beer Lost by Disaster, as the case may be, prepared in accordance with the instructions thereon. The claim shall contain a statement that no claim for credit or refund has been or will be filed under any other provision of law with respect to the same liquors for the amount claimed or any part thereof.

§ 170.306 Separation of imported, domestic, and Virgin Islands liquors; separate claims for taxes and duties.

If a claim involves taxes on domestic liquors, imported liquors, and/or liquors of Virgin Islands manufacture, the quantities of each must be shown separately in the claim. A separate claim on Form 843 must be filed in respect of customs duties.

§ 170.307 Claimant to furnish proof.

The claimant shall furnish proof to the satisfaction of the assistant regional commissioner regarding the following:

(a) That the tax on such liquors, or the tax and duty if imported, was fully paid, or the tax, if not paid, was fully determined;

(b) That such liquors were lost, rendered unmarketable, or condemned by a duly authorized official, by reason of damage sustained as a result of a disaster;

(c) The type and date of occurrence of the disaster and the location of the liquors at that time;

(d) That the claimant was not indemnified by a valid claim of insurance or otherwise in respect of the tax, or tax and duty, on the liquors covered by the claim; and

(e) That the claimant is entitled to payment under this subpart.

§ 170.308 Supporting evidence.

The claimant shall support his claim with any evidence (such as inventories, statements, invoices, bills, records, labels, formulas, stamps) that he is able to submit, relating to the quantities and identities of liquors, on which duty has been paid or tax has been paid or determined, on hand at the time of the disaster and averred to have been lost, rendered unmarketable, or condemned as a result thereof. If the claim is for refund of duty the claimant shall furnish, if practicable, the customs number, the date of entry, and the name of the port of entry.

§ 170.309 Action on claims.

The assistant regional commissioner shall date stamp and examine each claim filed under this subpart and will determine the validity of the claim. Claims and supporting data involving customs duties will be forwarded to the Commissioner of Customs with a summary statement by the assistant regional commissioner regarding his findings.

DESTRUCTION OF LIQUORS

§ 170.310 Supervision.

When allowance has been made under this subpart in respect of the tax, or tax and duty, on liquors condemned by a duly authorized official or rendered unmarketable, such liquors shall be destroyed by suitable means under supervision satisfactory to the assistant regional commissioner, unless such liquors were previously destroyed under supervision satisfactory to the assistant regional commissioner. The Commissioner of Customs will notify the assistant regional commissioner as to allowance under this subpart of claims for duty in respect of unmarketable or condemned liquors.

(72 Stat. 1337; 26 U.S.C. 5064)

PENALTIES

§ 170.311 Penalties.

Penalties are provided in sections 7206 and 7207 of the Internal Revenue Code for the execution under the penalties of perjury of any false or fraudulent statement in support of any claim and for the filing of any false or fraudulent document under this subpart. All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, rectified products, and beer, shall, insofar as applicable and not inconsistent with this subpart, be applied in respect of the payments provided for in this subpart to the same extent as if such payments constituted refunds of such taxes.

(68A Stat. 852, 853; 26 U.S.C. 7206, 7207)

[F.R. Doc. 59-6008; Filed, July 21, 1959; 8:48 a.m.]

[T.D. 6399]

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS

On June 11, 1959, a notice of proposed rule making with respect to the revision of 26 CFR Part 173 was published in the FEDERAL REGISTER. No objections to the proposed revision having been received

within the 15-day period prescribed in the notice, the regulations as so published are hereby adopted.

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 16, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede the 1955 edition of 26 CFR Part 173 (20 F.R. 4818).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced prior to the effective date of these regulations. All formal written demands issued under prior statutory authority or regulations prior to the effective date of these regulations and outstanding shall remain in force.

3. The regulations in this part shall be effective on July 1, 1959.

Subpart A—Scope of Regulations

Sec.
173.1 Returns of substances, articles, or containers.
173.2 Forms prescribed.

Subpart B—Definitions

173.5 Meaning of terms.

Subpart C—Requirement of Returns

173.10 Returns required; substance and articles.
173.11 Returns required; containers.
173.12 Rendition of returns.

Subpart D—Records To Be Maintained

173.15 Records required.

Subpart E—Tax and Penalties

173.20 Tax.
173.21 Penalties.

AUTHORITY: §§ 173.1 to 173.21 issued under 68A Stat. 917; 26 U.S.C. 7805. Interpret or apply 68A Stat. 895, 72 Stat. 1314, 1373, 1374, 1402; 26 U.S.C. 7502, 5001, 5291, 5301, 5605, 5606.

Subpart A—Scope of Regulations

§ 173.1 Returns of substances, articles, or containers.

This part relates to the returns and records of the disposition of articles from which distilled spirits may be recovered, of substances of the character used in the manufacture of distilled spirits, and of containers of the character used for the packaging of distilled spirits.

§ 173.2 Forms prescribed.

The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including demand letters, reports, and returns. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

Subpart B—Definitions

§ 173.5 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Articles. Denatured spirits or any product or preparation which contains more than 25 percent by volume of denatured spirits.

Assistant Regional Commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and superivsion of, a regional commissioner.

Commissioner. The Commissioner of Internal Revenue.

Container. Any receptacle, vessel, barrel, cask, keg, bottle, jug, can, or jar of the character used for the packaging of distilled spirits.

Demand letter. The "demand letter" is the formal requirement of the assistant regional commissioner that a person disposing of any article, container, or substance shall render a correct return.

Denatured spirits. Spirits to which denaturants have been added pursuant to formulas prescribed in Parts 212 and 216 of this chapter.

Dispose. "Dispose" and all forms of the word shall mean and include, but not by way of limitation, consign, sell, transfer, deliver, destroy, or lose, and all forms of those words.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka and products produced in such manner that the person producing them is a rectifier within the meaning of section 5082 of the Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Region. An internal revenue region.

Regional Commissioner. A regional commissioner of internal revenue.

Render. "Render" shall mean to deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the Post Office Department not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

Substance. The term "substance" shall mean and include, but not by way of limitation, any of the following: Any grade or type of sugar, sirup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain, or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt sirup; oak chips, charred or not charred; yeast; cider; honey; fruits; grapes; berries; fruit, grape, or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used for the production of distilled spirits by chemical reaction; or any combination of such materials or chemicals.

United States. "United States" shall mean the States, the Territory of Hawaii, and the District of Columbia.

U.S.C. "U.S.C." shall mean the United States Code.

Subpart C—Requirement of Returns

§ 173.10 Returns required; substance and articles.

Every person in the United States who disposes of any substance or article, as defined in § 173.5, shall, when required by a demand letter issued by the assistant regional commissioner, and until notified to the contrary in writing by such officer, for the purpose of enabling the determination in accordance with law as to whether all taxes due with respect to any distilled spirits produced or recovered from such substances or articles have been paid, render in writing on Form 169 (or other form authorized by the assistant regional commissioner) for the periods specified in the demand letter, correct returns showing (a) the date of each disposition of such substances or articles, and in such quantities, as may be specified by the assistant regional commissioner in the demand letter; (b) the quantity and kind of each substance or article disposed of; (c) the name and complete address of each purchaser, consignee, and other person actually receiving such substances or articles, and of any other person for, by, or through whom the substances or articles were ordered or disposed of; (d) the date and method of shipment or delivery; and (e) if delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(72 Stat. 1373; 26 U.S.C. 5291)

§ 173.11 Returns required; containers.

Every person in the United States who disposes of any containers, as defined in Section 173.5, shall, when required by a demand letter issued by the assistant regional commissioner, and until notified to the contrary in writing by such officer, for the purpose of protecting the revenue, render in writing on Form 169A (or other form authorized by the assistant regional commissioner) for the periods specified in the demand letter, correct returns showing (a) the date of each disposition of such containers and in such quantities, as may be specified by the assistant regional commissioner in the demand letter; (b) the quantity and kind of containers disposed of; (c) the name and address of each purchaser, consignee, and other person actually receiving such containers and of any other person for, by, or through whom the containers were ordered or disposed of; (d) the date and method of shipment or delivery; and (e) if delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 173.12 Rendition of returns.

(a) The return shall be rendered on Form 169 (in the case of substances and articles) or Form 169A (in the case of containers) to the officer or employee of the Internal Revenue Service designated in the demand letter: *Provided*, That the assistant regional commissioner may authorize the return to be rendered in another form requiring the same information in lieu of Form 169 or Form 169A where it is shown that this is necessary in order to use tabulating equipment, or business machines, and will not (1) unduly hinder the effective administration of this part or (2) jeopardize the revenue. A person who proposes to use a form other than Form 169 or Form 169A shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed form and set forth the need therefor. The assistant regional commissioner will determine the need for the substitute form and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. A substitute form shall not be employed until approval is received from the assistant regional commissioner.

(b) The return shall be prepared and rendered in accordance with the instructions contained in the demand letter for the designated reporting period.

Subpart D—Records To Be Maintained

§ 173.15 Records required.

Every person who has been required to render a return shall maintain at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the required return. Such books, records, documents, papers, invoices, bills of lading, etc., shall be maintained for a period of three years and shall be kept readily available for, and open to, inspection by any Internal Revenue Officer during the hours of business of such person.

Subpart E—Tax and Penalties

§ 173.20 Tax.

Any person who produces, withdraws, sells, transports, or uses, denatured distilled spirits, or articles, as defined in § 173.5, in violation of law or regulations shall be required to pay the tax on such denatured distilled spirits or articles, as provided by section 5001(a)(6), Internal Revenue Code of 1954, as amended.

§ 173.21 Penalties.

Any person who willfully violates any provision of section 5291 or 5301(b) of the Internal Revenue Code of 1954, as amended, or of the regulations in this part shall, upon conviction, be fined or imprisoned as provided by section 5605 or 5606 of the Internal Revenue Code of 1954, as amended.

[F.R. Doc. 59-6007; Filed, July 21, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of Chapter XIV, Title 32, is amended as follows:

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

General Coverage of the Act

Section 1452.1(b) *Coverage after December 31, 1956* is amended by deleting "June 30, 1959" from subsection (c)(1) of the statutory provision set forth in subparagraph (1)(iii) and inserting in lieu thereof "June 30, 1962".

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

Losses on renegotiable business in other years: extent allowable in fiscal years ending on or after December 31, 1956

1. Section 1457.9(a) *Statutory provision* is amended by deleting the statutory provision set forth therein and inserting in lieu thereof, the following:

(m) *Renegotiation loss carryforwards*—(1) *Allowance.* Notwithstanding any other provision of this section, the renegotiation loss deduction for any fiscal year ending on or after December 31, 1956, shall be allowed as an item of cost in such fiscal year, under regulations of the Board.

(2) *Definitions.* For the purposes of this subsection—

(A) The term "renegotiation loss deduction" means—

(i) For any fiscal year ending on or after December 31, 1956, and before January 1, 1959, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding two fiscal years; and

(ii) For any fiscal year ending after December 31, 1958, the sum of the renegotiation loss carryforwards to such fiscal year from the preceding five fiscal years (excluding any fiscal year ending before December 31, 1956).

(B) The term "renegotiation loss" means, for any fiscal year, the excess, if any, of costs (computed without the application of this subsection and the third sentence of subsection (f)) paid or incurred in such fiscal year with respect to receipts or accruals subject to the provisions of this title over the amount of receipts or accruals subject to the provisions of this title which were received or accrued in such fiscal year, but only to the extent that such excess did not result from gross inefficiency of the contractor or subcontractor.

(3) *Amount of carryforwards to 1956, 1957, and 1958.* For the purposes of paragraph (2)(A)(i), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") shall be a renegotiation loss carryforward to the first fiscal year succeeding the loss year. Such renegotiation loss, after being reduced (but not below zero) by the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year, shall be a renegotiation loss carryforward to the second fiscal year succeeding the loss year. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in the first fiscal year succeeding the loss year shall be computed as follows:

(A) If such first fiscal year ends on or after December 31, 1956, such profits shall be computed by determining the amount of the renegotiation loss deduction for such first fiscal year without regard to the renegotiation loss for the loss year.

(B) If such first fiscal year ends before December 31, 1956, such profits shall be computed without regard to any renegotiation loss for the loss year or any fiscal year preceding the loss year.

(4) *Amount of carryforwards to fiscal years ending after 1958.*—For the purposes of paragraph (2)(A)(ii), a renegotiation loss for any fiscal year (hereinafter in this paragraph referred to as the "loss year") ending on or after December 31, 1956, shall be renegotiation loss carryforward to each of the five fiscal years following the loss year. The entire amount of such loss shall be carried to the first fiscal year succeeding the loss year. The portion of such loss which shall be carried to each of the other four fiscal years shall be the excess, if any, of the amount of such

loss over the sum of the profits derived from contracts with the Departments and subcontracts in each of the prior fiscal years to which such loss may be carried. For the purposes of the preceding sentence, the profits derived from contracts with the Departments and subcontracts in any such prior fiscal year shall be computed by determining the amount of the renegotiation loss deduction without regard to the renegotiation loss for the loss year or for any fiscal year thereafter, and the profits so computed shall not be considered to be less than zero.

[This subsection (m) added by Pub. Law 870, 84th Cong., approved August 1, 1956, as amended by Pub. Law 86-89, approved July 13, 1959]

2. Section 1457.9(b) *In general* is amended by adding at the end thereof the following: "For convenience, the rules set forth in this section are stated in terms of the 2-year loss carryforward provided in section 103(m) (2)(A)(i) and (3) of the act for fiscal years ending on or after December 31, 1956 and before January 1, 1959. The same rules shall apply with respect to the 5-year loss carryforward provided in section 103(m) (2)(A)(ii) and (4) of the act for fiscal years ending after December 31, 1958."

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

Losses

Section 1459.5(a) *Losses in prior or subsequent years* in amended by deleting "two fiscal years" in the third sentence and inserting in lieu thereof "two or more fiscal years".

PART 1466—TERMINATION OF RENEGOTIATION

Termination Date

This part is amended in the following respects:

1. Section 1466.1 *Statutory provision* is amended by deleting "June 30, 1959" from subsection (c)(1) of the statutory provision set forth therein and inserting in lieu thereof "June 30, 1962".

2. Section 1466.2 *Definition of "termination date"* is amended by deleting "June 30, 1959" and inserting in lieu thereof "June 30, 1962".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: July 17, 1959.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 59-6016; Filed, July 21, 1959; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

Olympic National Park

By notice of proposed rule making published in the FEDERAL REGISTER on April 22, 1959 (24 F.R. 3113), interested persons were invited by the Superintendent of Olympic National Park to submit written comments, suggestions, or objections on the proposed amendment to special regulations for said Park. Such written comments, suggestions, or objections were required to be filed with the Superintendent of Olympic National Park, 600 Park Avenue, Port Angeles, Washington, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following amendment, to become effective upon publication in the FEDERAL REGISTER, is adopted:

Section 20.28 *Olympic National Park* is amended as follows:

1. Paragraph (a) is revised to read as follows:

(a) *Fishing*—(1) *Open season.* The opening date of the season for fishing in Park streams, Lake Mills, Lake Crescent and Irely Lake shall conform to that of the State of Washington for streams and lowland lakes for the adjoining counties of Clallam, Jefferson, Mason and Grays Harbor. The opening date for all other Park Lakes shall be July 4. The closing date for all fishing except for the special steelhead trout fishing season shall be October 31, subject to the following exceptions and restrictions:

(i) The following streams or portions thereof are open to fishing of steelhead trout only, from the opening date of the season for steelhead trout fishing established by the State of Washington for adjoining counties, to February 28, inclusive; all tributaries thereof are closed except otherwise indicated:

Bogachiel River.
Dosewallips River below falls.
Queets River below Tshletshy Creek.
Hoh River, including South Fork.
Quinault River, including North Fork below Wolf Bar Shelter and the East Fork below Graves Creek.
Soleduck River below the North Fork Soleduck.

(ii) Fishing is prohibited from one hour after sunset until sunrise.

(iii) In that part of Olympic National Park known as the Queets Corridor and the Olympic Ocean Strip, and other areas which were added to the Park by proclamation of the President, dated January 6, 1953 (18 F.R. 169), fishing shall be done in conformity with the laws and regulations promulgated by the State of Washington for these areas.

(2) *Closed waters.* The following waters and their tributaries are closed to fishing:

Cat Creek.
Entire Morse Creek watershed except Lake Angeles and P.J. Lake.

(3) *Size limit.* Steelhead trout of less than 12 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands and returned at once to the water.

(4) *Limit of catch and in possession.* The limit of catch per person per day shall not exceed 10 fish or 10 pounds of fish and one fish, except as otherwise provided.

(i) Between the opening day of the season and February 28 inclusive, the limit of catch of steelhead trout shall not exceed 3 fish per person per day or 6 fish per week, or 24 fish per winter season, less the number of steelhead trout caught by each person in the State of Washington outside Olympic National Park. Each person possessing a State of Washington fishing license shall account for his catch of steelhead trout in the Park in the same manner as required by the State of Washington for fish caught outside the Park.

(ii) The limit of catch per person per day in Lake Crescent shall not exceed 10 fish or 10 pounds and one fish, of which no more than one fish may exceed 18 inches in length.

(iii) Possession of more than one day's catch limit by any one person at any one time is prohibited.

(5) *Bait.* (i) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder, and more than three (3) hooks attached to such line, gear, or tackle, is prohibited.

(ii) The placing or depositing of fish eggs, fish roe, food, or other substances in any Park waters for the purpose of attracting, collecting, or feeding fish, is prohibited.

(6) *Pollution of waters.* The cleaning of fish in Park lakes or streams, or depositing of fish entrails, heads, gills, or other refuse in any Park lake or stream is prohibited.

(7) *License.* A license to fish in Park waters is not required except that a Washington State or County fishing license is required for fishing in Lake Angeles, located in section 15, T. 29 N., R. 6 W., W.M.; and within those portions of Olympic National Park known as the Queets Corridor and Olympic Ocean Strip, and in sections 1 to 6 inclusive, T. 27 N., R. 11 W., W.M. and in sections 1 to 3 inclusive, T. 27 N., R. 12 W., W.M. which were added to the Park by proclamation of the President dated January 6, 1953 (18 F.R. 169).

2. Paragraphs (b), (c), (d) and (e) are deleted.

3. Paragraphs (h), (i), (j) and (k) are redesignated paragraphs (b), (c), (d) and (e).

(sec. 3, 39 Stat. 535, as amended, sec. 209, 48 Stat. 205; 16 U.S.C. 3, 40 U.S.C. 409)

Issued this 23d day of May 1959.

DANIEL B. BEARD,
Superintendent,
Olympic National Park.

[F.R. Doc. 59-5990; Filed, July 21, 1959; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

Part 168, Directory of International Mail, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117-2195, as Federal Register Document 59-2388, is amended as follows.

§ 168.5 [Amendment]

In § 168.5 *Individual country regulations,* make the following changes:

A. In country "Canada", as amended by Federal Register Document 59-4137, 24 F.R. 3991, and by Federal Register Document 59-5591, 24 F.R. 5467, under Postal Union Mail, make the following changes:

1. The item *Special delivery* is amended as result of special delivery service becoming effective at additional Canadian post offices. Accordingly, the third paragraph of the item *Special delivery* is amended as follows:

a. Insert the following additional offices for special delivery service in their proper alphabetical order therein:

Asbestos, P.Q.
Agincourt, Ont.
Bathurst, N.B.
Dawson Creek, B.C.
Lachine, P.Q.
Lachute, P.Q.
La Tuque, P.Q.
New Market, Ont.
New Waterford, N.S.
Richmond Hill, P.Q.
St. Eustache, P.Q.
Ste. Anne de Bellevue, P.Q.
Transcona, Man.

b. Strike out "Shawinigan Falls, P.Q." where it appears in alphabetical order therein, and insert in lieu thereof "Shawinigan, P.Q."

2. The third paragraph of the item *Observations* is amended for the purpose of clarification to read as follows:

These articles must bear postage at the surface or air rate for Canada. Letter packages are limited to 4 pounds 6 ounces in weight.

B. In country "Hungary" under Parcel Post, make the following changes as result of Hungarian authorities terminating the exemption from customs duty previously granted and modifying the import regulations in connection with gift parcels.

1. The item *Observations* is amended to read as follows:

Observations. To be admitted to Hungary as gift shipments, parcels must contain only articles for the personal use of the addressee or members of his family. The contents of gift parcels are subject to customs duty which must be paid by the addressees.

Preserved food in tin cans or other hermetically sealed containers must not be sent in gift parcels.

Medicines, serums and vaccines to be admitted in gift parcels must be in the intact original wrappings of the manufacturing firm. Medicines prepared by pharmacists are not admitted.

To facilitate the Customs treatment of gift parcels in Hungary two complete and detailed lists of the contents should be enclosed in each parcel. The lists should be written in the Hungarian language if possible.

Contents of gift parcels are limited to the items shown on the following list, and no addressee may receive amounts exceeding the quotas indicated.

I. FOOD, BEVERAGES AND TOBACCO

Description	*Yearly quotas*
Foodstuffs:	
Foods not elsewhere specified	22 pounds.
Flour, spaghetti, noodles, biscuits, powdered milk, infant food, meat, sausage	11 pounds each.
Candy	4 pounds 6 ounces.
Chewing gum	10½ ounces.
Coffee, cocoa, chocolate (including chocolate products)	4 pounds 6 ounces each.
Tea	1 pound 1½ ounces.
Spices except vanilla	1 pound 1½ ounces.
Vanilla	3½ ounces.
Beverages	3 quarts.
Tobacco:	
Cigarettes	1,000.
Cigars	100.
Other tobacco products	2 pounds 3 ounces.

II. TEXTILE GOODS

Thread and yarn	4 pounds 6 ounces.
Cloth:	
Overcoat material	3¼ yards.
Suit and curtain material	6½ yards.
Linen and drapery material	13 yards.
Sheeting	17½ yards.
Wearing apparel and other cloth articles, sewn or knit:	
Overcoat	1.
Suits	2.
Dresses	3.
Stockings or socks	6 pairs.
Handkerchiefs	24.
Infant wear	30 articles.
Other articles	3 items or 3 pairs.
Rugs or curtains	2.

III. FURS, LEATHER AND RUBBER GOODS

Dressed fur skins	Sufficient for 1 garment.
Articles of fur	1 article or 1 pair.
Leather for footwear	Sufficient for 2 pairs of shoes or 1 pair of boots.
Leather for clothing	Sufficient for 1 garment.
Articles of leather	2 pairs of shoes, 1 pair of boots, 1 coat, 2 pairs of gloves, and 1 other article.
Articles of rubber	1 pair of footwear; other articles, 2 items or 1 pair.

IV. MISCELLANEOUS

Medicines and therapeutic appliances	As prescribed by physician.
Eau de cologne, cold cream	1 pound 1½ ounces.
Other cosmetics and toilet articles	6 of each kind.
Laundry soap and soap powder	6 pounds 9 ounces.
Precious jewelry:	
Gold	1 pound 1½ ounces.
Platinum	3½ ounces.
Ornaments, imitation jewelry	2 articles of a kind, or 1 set.
Sporting goods, games, and toys	2 articles, 2 pairs, or 1 set; 24 tennis balls or 48 pingpong balls.
Other miscellaneous articles except as mentioned below	2 of each kind.
Phonograph records	10.
Tape recordings	5.
Razor blades, lighter flints	100.
Pencils	24.
Fountain pens	2.
Film	10 reels.
Postage stamps	Up to 1,000 forints value.
Books, magazines, photographs	3 of each kind.

V. DURABLE GOODS

Cameras, flashlights, tape recorders, radios, typewriters, musical instruments, household appliances, oriental rugs and expensive furs	1 of each kind.

2. The item *Import restrictions* is hereby rescinded.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL]

HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-5991; Filed, July 21, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12054; FCC 59-721]

PART 3—RADIO BROADCAST SERVICES

Television Broadcast Stations; Columbus, Ga.

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Columbus, Georgia); Docket No. 12054.

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 57-625) issued in this proceeding on June 17, 1957, inviting comments from interested parties on a proposal (hereinafter sometimes referred to as "Proposal 1"), filed December 3, 1956, by Television Columbus, then licensee of a UHF station in Columbus, Georgia,[1] to deintermix Columbus by substituting a UHF channel for Channel 4 in that city. Comments were filed in response to that Notice by August 15, 1957, and reply comments by September 24, 1957.

2. Included among the comments were several counterproposals. Two of them would make Columbus a two-VHF channel market. One of these (hereinafter sometimes referred to as "Proposal 2"), filed August 15, 1957, by Martin Theatres of Georgia, Inc., licensee of Station WTVM on Channel 28 in Columbus, Georgia, involved the following changes in the Table of Assignments for Television Broadcast Stations, § 3.606 of the Commission's rules:

City	Channel No.	
	Present	Proposed
Columbus, Ga.	4, 28, *34	3, 9, *34
Dothan, Ala.	9, 19	4, 19

The other counterproposal to make Columbus a two-VHF market (hereinafter referred to as "Proposal 3"), filed September 24, 1957, by Columbus Broadcasting Company, Inc., licensee of Station WRBL-TV, Columbus, was as follows:

City	Channel No.	
	Present	Proposed
Columbus, Ga.	4, 28, *34	4, 9, 28, *34
Dothan, Ala.	9, 19	8, 19
Selma, Ala.	8, 58	58
Tuscaloosa, Ala.	45, 51	8, 45, 51
Waycross, Ga.	8, 16	16
Waycross-Brunswick, Ga.		8

3. Another counterproposal (hereinafter sometimes referred to as "Proposal 4") was filed by the Georgia State Department of Education on August 15, 1957. The Department, while expressing no opinion on the question whether Channel 4 in Columbus should be deleted as a commercial assignment, urged that, if the Commission should decide to make this change, Channel 4 be reserved for education in Columbus.

4. On May 24, 1957, Capitol Broadcasting Company, licensee of Station WCOV-TV on Channel 20 in Montgomery, Alabama, petitioned for rule making to deintermix Montgomery by either of two alternative plans (hereinafter sometimes referred to as "Proposal 5"), as follows:

Plan 1

City	Channel No.	
	Present	Proposed
Montgomery, Ala.	12, 20, *26, 32	8, 12, 20, *26, 32
Selma, Ala.	8, 58	58

Plan 2

Montgomery, Ala.	12, 20, *26, 32	*12, 20, 26, 32
Selma, Ala.	8, 58	58
Tuscaloosa, Ala.	45, 51	*8, 45, 51

These proposals were incorporated by reference in the instant proceeding by comments filed by Capitol Broadcasting on October 9, 1957.[2] While Capitol's alternative counterproposals do not directly concern Columbus channels, the first of them conflicts with Proposal 3, supra.

5. On December 10, 1957, the Washington Post Company petitioned for rule making to shift Channel 8 from Selma, Alabama, to Birmingham, Alabama. This proposal (hereinafter sometimes referred to as "Proposal 6"), which conflicts with Proposals 3 and 5, supra, is as follows:

City	Channel No.	
	Present	Proposed
Birmingham, Ala.	6, *10, 13, 42, 48	6, 8, *10, 13, 42, 48
Selma, Ala.	8, 58	58

6. On January 20, 1958, the Commission issued a Notice of Further Proposed Rule Making and Orders to Show Cause in this proceeding (FCC 58-52), inviting comments on the counterproposal urged by Martin Theatres of Georgia, Inc. (WTVM), to make Columbus, Georgia, a two-VHF channel market (Proposal 2, supra), and ordering the licensees of Stations WRBL-TV and WTVM in Columbus and WTVY in Dothan, Alabama, to Show Cause why they should not be required to change operating channels.

7. Comments and reply comments in response to the Notice of Further Proposed Rule Making included several new counterproposals. On February 21, 1958, Frank K. Spain, principal owner of the permittee of Station WTWV on Channel 9 at Tupelo, Mississippi, submitted a counterproposal (hereinafter sometimes referred to as "Proposal 7") to shift Channel 9 from Tupelo to Tuscaloosa, Alabama, as follows: [3]

City	Channel No.	
	Present	Proposed
Tupelo, Miss.	9, 38	38
Tuscaloosa, Ala.	45, 51	9, 45, 51
Columbus, Ga.	4, 28, *34	28, *34, 44
Eufaula, Ala.	44	
Dothan, Ala.	9, 19	4, 19

8. On March 3, 1958, Middle Georgia Broadcasting Company, licensee of Radio Station WBML, Macon, Georgia, submitted three alternative counterproposals (hereinafter sometimes referred to as "Proposal 8") to add a second VHF channel to Macon, as follows:

Plan 1

City	Channel No.	
	Present	Proposed
Macon, Ga.	13, *41, 47	3, 13, *41, 47
Savannah, Ga.	3, *9, 11	9, 11, *46
Columbus, Ga.	4, 28, *34	4, 9, 28, *34
Dothan, Ala.	9, 19	8, 19
Selma, Ala.	8, 58	58
Tuscaloosa, Ala.	45, 51	8, 45, 51
Waycross, Ga.	8, 16	16
Waycross-Brunswick, Ga.		8

Plan 2

Macon, Ga.	13, *41, 47	3, 13, *41, 47
Savannah, Ga.	3, *9, 11	9, 11, *46
Columbus, Ga.	4, 28, *34	28, 34, *44, 62
Eufaula, Ala.	44	

Plan 3

Macon, Ga.	13, *41, 47	3, 13, *41, 47
Savannah, Ga.	3, *9, 11	9, 11, *46

9. On March 27, 1958, the Board of Education of Muscogee County, Georgia, School District endorsed the WTVM proposal to make Columbus, Georgia, a two-VHF channel community (Proposal 2, supra), and in addition requested that the educational reservation in Columbus be changed from Channel 34 to Channel 28 (hereinafter sometimes referred to as "Proposal 9"), as follows:

City	Channel No.	
	Present	Proposed
Columbus, Ga.	4, 28, *34	3, 9, *28, 34
Dothan, Ala.	9, 19	4, 19

[1] On April 1, 1957, Television Columbus assigned its license for Station WDAK-TV, Channel 28, Columbus, Georgia, to Martin Theatres of Georgia, Inc., and the call letters of the station were changed to "WTVM".

[2] Capitol accompanied its comments with a petition to accept late filing of that pleading, noting therein that Capitol had no interest in the Columbus proceeding until after Proposal 3 was filed, which conflicts with Capitol's proposals for Montgomery. Similarly, Deep South Broadcasting Company, permittee of Station WSLA, authorized to operate on Channel 8 at Selma, on October 21, 1957, filed comments in this proceeding, which comments were addressed to Proposal 3, and accompanied its comments with a petition to accept late filing of its comments. Proposal 3 was filed on September 24, 1957, the last date for filing comments. Capitol and Deep South have demonstrated good cause for the late filing of their comments, and they are accepted.

[3] This proposal contemplates adoption of a rule making proposal to shift Channel 9 from Hattiesburg, Mississippi, to Baton Rouge, Louisiana (Docket No. 12281). This proposed assignment has now been finalized.

10. On April 2, 1958, Birmingham Television Corporation, authorized to operate Station WBMG on Channel 42 at Birmingham, Alabama, submitted a counterproposal (hereinafter sometimes referred to as "Proposal 10") which, in addition to the channel changes proposed in the Commission's Notice of Further Proposed Rule Making, would result in the allocation of a third commercial VHF channel in Birmingham and a second VHF in Montgomery, Alabama, as follows: [4]

City	Channel No.	
	Present	Proposed
Columbus, Ga.	4, 28, *34	3, 9, *34
Dothan, Ala.	9, 19	4, 19
Birmingham, Ala.[1]	6, *10, 13, 42, 48	4, 6, *10, 13, 42, 48
Columbus, Miss.	4, 28	2, 28
State College, Miss.	*2	*8
Montgomery, Ala.	12, 20, *26, 32	8, 12, 20, *26, 32
Selma, Ala.	8, 58	58

[1] Birmingham Television Corporation asserts that another way to assign a third commercial VHF channel to Birmingham would be to move Channel 8 from Selma to Birmingham, as urged in Proposal 6, supra. Birmingham Television notes, however, that if Channel 8 is assigned to Birmingham, it could not be used in Montgomery to provide a second VHF service to that city.

11. On April 2, 1958, Frank K. Spain submitted a second counterproposal (hereinafter sometimes referred to as "Proposal 11"), which, in addition to the channel changes proposed in the Commission's Notice of Further Proposed Rule Making, would shift Channel 4 from Columbus, Mississippi, to Tuscaloosa-Birmingham, and would shift Channel 9 from Tupelo, Mississippi, to Columbus, Mississippi, as follows: [5]

City	Channel No.	
	Present	Proposed
Columbus, Ga.	4, 28, *34	3, 9, *34
Dothan, Ala.	9, 19	4, 19
Tuscaloosa-Birmingham, Ala.	(1)	4
Columbus, Miss.	4, 28	9, 28
Tupelo, Miss.	9, 38	38

[1] Tuscaloosa is now assigned Channels 45 and 51, and Birmingham is assigned Channels 6, *10, 13, 42 and 48.

12. The record convinces us that the two operating stations in Columbus, Georgia (WRBL-TV on Channel 4 and WTVM on Channel 28) should operate in the same band; i.e., they should both be either UHF or both VHF. WTVM asserts that despite its intensive efforts to provide programming of the highest quality, its UHF station has been unable to operate on a financial basis which would permit continued operation, and that this is attributable solely to the preference of national advertisers for the VHF station in Columbus (WRBL-TV). WTVM argues that if deintermixture is not achieved, Columbus, a fast-growing community with a population of 79,611, will ultimately be served by only one television station.

13. Comments favoring the original proposal (Proposal 1) to make Columbus, Georgia, an all-UHF market were filed by Martin Theatres of Georgia, Inc. (WTVM on Channel 28 at Columbus, Georgia), and comments opposing this proposal were filed by Columbus Broadcasting Company, Inc. (WRBL-TV on Channel 4 at Columbus, Georgia), WTVY, Inc., (WTVY on Channel 9 at Dotham, Alabama), WJDM, Inc. (WJDM-TV on Channel 7 at Panama City, Florida), and numerous civic, fraternal, governmental, commercial, and other parties residing within the WRBL-TV service area.

14. Estimates of population who would lose their only Grade B television service (i.e., "white area" population) from the deletion of Channel 4 from Columbus range from 35,640 to 38,548 persons. Numerous civic, governmental, commercial, and other groups commented that the best, and in many cases the only, television service in outlying communities some miles away from Columbus is Station WRBL-TV on Channel 4. The Columbus, Georgia, area is not a predominantly UHF area; since the only operating UHF station other than WTVM which provides Grade B or stronger service to any portion of the WRBL-TV Grade B service area is Station WCOV-TV on Channel 20 in Montgomery, Alabama, 78 miles from Columbus, and WCOV-TV provides Grade B service to only a very small segment of the WRBL-TV Grade B contour. There is considerable conversion to UHF receiving sets in the Columbus area, but it appears that most of the sets so converted have strip tuners to receive WTVM and could not receive any new UHF signal without further set modification. While the terrain in the Columbus area is generally favorable for UHF propagation, there is evidence of record that substantial areas north and northeast of Columbus are not as favorable for UHF operations as for VHF operations.

15. In view of the wider coverage of VHF stations, and the fact that the removal of the only VHF channel from Columbus would result in the creation of substantial "white area", we believe that the public interest would be better served by making Columbus a two-VHF market than an all-UHF area.

16. Two proposals to make Columbus a two-VHF market have been advanced: Proposal 2, submitted by WTVM; and Proposal 3, tendered by WRBL-TV. Proposal 2 was made the subject of our January 20, 1958, Notice of Further Proposed Rule Making. The same Notice rejected Proposal 3, because it is more complicated, involving channel shifts in six communities instead of two communities.

17. Comments favoring Proposal 2 were filed by Martin Theatres of Georgia, Inc. (WTVM on Channel 28 at Columbus, Georgia); Columbus Broadcasting Company, Inc. (WRBL-TV on Channel 4 at Columbus); WTVY, Inc. (WTVY on Channel 9 at Dothan, Alabama); the Board of Education of the Muscogee County, Georgia, School District; Birmingham Television Corporation; and Capitol Broadcasting Company (WCOV-TV on Channel 20 at Montgomery, Alabama). The only opposition to Proposal 2 was filed by Middle Georgia Broadcasting Company, licensee of AM Station WBML, Macon, Georgia. A channel conflict exists between Proposal 2 and Plans 1 and 2 of Middle Georgia's counterproposal to obtain a second VHF channel in Macon, Georgia (Proposal 8). Herald Publishing Company, permittee of Station WALB-TV on Channel 10 at Albany, Georgia, while not opposing the channel changes contemplated by Proposal 2, asks that the Commission restrict the area in which a Channel 9 station in Columbus may be located in order to accommodate a proposed transmitter site change of Station WALB-TV.[6]

18. Our January 20, 1958, Notice of Further Proposed Rule Making included Orders to the licensees of Stations WRBL-TV and WTVM in Columbus and to the permittee of Station WTVY in Dothan to Show Cause why their stations should not operate on other channels. These operators have all consented to such channel changes. WRBL-TV proposes to operate on Channel 3 and WTVM on Channel 9 from a common tower at a site near Columbus. WTVY has also consented to a modification of its authorization to specify operation on Channel 4 at Dothan. Contractural arrangements have been entered into between these parties to provide for exchange of certain equipment and for defrayal of the expenses of the change-over. Under these agreements, WTVM will reimburse WRBL-TV for most of the expenses involved in its move from Channel 4 to Channel 3, and will acquire certain equipment from WRBL-TV which will, in turn, be utilized by WTVY, Inc. WTVM will not pay all of the expenses which WTVY will incur in changing to Channel 4, but it will provide WTVY with considerable Channel 4 equipment, most of which is presently being used by WRBL-TV. On the other hand, WTVY will transfer to WTVM all of the equipment presently used by WTVY in connection with its operation on Channel 9. Since the Channel 4 equipment to be obtained through WTVM is of greater value than the Channel 9 equipment being transferred, and since certain WTVY construction costs are to be borne by WTVM, WTVY will pay WTVM $105,000.00.

19. We are convinced that the public interest would be served by the allocation of Channels 3 and 9 to Columbus with attendant modification of the authorizations of Stations WRBL-TV and

[4] Birmingham Television also asserts that a second VHF channel (Channel 4) could be assigned to Macon, Georgia, if the Dothan VHF channel is changed from Channel 9 to Channel 7 and the Panama City VHF channel is changed from Channel 7 to Channel 4. This additional proposal would conflict with Proposal 2, supra.

[5] This proposal, like Mr. Spain's earlier proposal (Proposal 7, supra, contemplates the adoption of a rule making proposal to shift Channel 9 from Hattiesburg, Mississippi, to Baton Rouge, Louisiana (Docket No. 12281). See footnote 3, supra.

[6] WALB-TV was subsequently granted authority to change its site to a location which is not in conflict with the proposed site at Columbus for Channel 9. Since the last date for filing comments in this proceeding there have been tendered other pleadings which are directed primarily to sites suitable for VHF stations at Columbus, Ga., but which are not controlling in our decision reached herein.

WTVM. From the common site and antenna which these stations propose, WRBL–TV asserts that it will increase the population within its Grade B contour from 606,732 persons to 879,915 persons; and WTVM asserts that it will increase its Grade B coverage from 351,700 persons to 742,800 persons. No "white area" would result from these channel changes. WRBL–TV and WTVM anticipate no difficulty obtaining site-tower approval by the Airspace Subcommittee.

20. The adoption of Proposal 2 would not only result in the creation of effective competition between the commercial stations in Columbus, Georgia; it would also permit the shifting of the educational reservation in Columbus from Channel 34 to Channel 28, as requested by the Board of Education of the Muscogee County, Georgia, School District (Proposal 9). This change in the educational reservation in Columbus will provide the educational interests in the community with a ready-made audience; the record establishes that the Columbus community is well saturated with sets able to receive Channel 28.

21. Our decision to make Columbus a two-VHF channel market and to shift Channel 4 from Columbus to Dothan necessarily requires denial of the counterproposal of the Georgia State Department of Education to reserve Channel 4 for education in Columbus (Proposal 4).

22. Counterproposals with which Proposal 2 is in conflict are those of Middle Georgia Broadcasting Company to add a second VHF channel to Macon, Georgia (Proposal 8). Middle Georgia asserts, in support of its counterproposals, that Macon and most of the surrounding area have only one television station; that Macon, the fifth city in Georgia, with a population of 70,252 should have at least two television stations; that no UHF station can hope to survive in the market;[7] that each of the Georgia communities of comparable size—Columbus, Savannah, and Macon—should have two commercial VHF and one non-commercial educational UHF channel; and that there is a greater need for a second commercial VHF channel in Macon than a VHF educational reservation in Savannah.

23. Oppositions to Middle Georgia's counterproposals were filed by the Board of Public Education for the City of Savannah and the County of Chatham, the Joint Council on Educational Television, John H. Phipps (applicant for Channel 8 in Waycross, Georgia), Martin Theatres of Georgia, Inc. (WTVM), Columbus Broadcasting Company, Inc. (WRBL–TV), WTVY, Inc. (WTVY), Deep South Broadcasting Company (WSLA, Channel 8, Selma, Alabama), Birmingham Television Corporation (WBMG), Channel 42, Birmingham, Alabama), Capitol Broadcasting Company (WCOV–TV, Channel 20, Montgomery, Alabama), and the Regents of the University System of Georgia.

[7] Station WOKA (formerly WNEX–TV) operated in Macon on Channel 47 from August 21, 1953, to May 31, 1955.

24. These parties submit a wide range of reasons why each of the three counterproposals tendered by Middle Georgia should be rejected. The most cogent reasons advanced for denial of the counterproposals relate to the need for retaining the educational reservation of Channel 9 in Savannah. Each of the three plans submitted by Middle Georgia would deprive Savannah of its VHF reservation (see Proposal 8, supra). The Board of Public Education of the City of Savannah and the County of Chatham have applied for Channel 9. The Board and other educational interests assert that construction and operation of an educational station on Channel 9 will be accomplished with all reasonable purpose and speed; that since the entire Savannah area is now served by VHF stations, an educational station on a UHF channel would not be practical; that the local and state educational interests intend to operate an educational station in the Savannah area as an integral part of a Georgia state educational network; that a consulting engineering firm has been retained to make the necessary surveys and construction cost estimates for such a statewide network; and that steps will be taken by the State Department of Education, after the necessary reports and estimates are on hand, to proceed with the financing of the operation.

25. The Commission has carefully considered Middle Georgia's counterproposals in light of the policy of reserving channels for educational use as outlined in the Sixth Report and Order and later opinions. In cases where requests have been made to remove educational reservations, our policy has been to retain the educational reservation where there has been an active interest in the assignment on the part of educators and educational institutions and where affirmative plans for the utilization of the educational channels have been undertaken. In the instant case an active interest in the use of Channel 9 in Savannah for an educational station has been demonstrated. Evidence of this interest are the steps which have already been taken by the Georgia State Department of Education and by the local Savannah educational interests looking toward the development of a statewide educational television network. Accordingly, we believe that the educational reservation in Savannah should not be disturbed, and that the counterproposals of Middle Georgia Broadcasting Company must therefore be denied.[8]

26. The first Frank K. Spain counterproposal, requesting the reallocation of Channel 9 from Tupelo, Mississippi, to Tuscaloosa, Alabama, proposes to make Columbus, Georgia, all-UHF (Proposal 7). This counterproposal would thus appear to conflict with our decision herein that Columbus, Georgia, be made a two-VHF station market. Yet, as WRBL–TV and WTVM point out in their reply comments, there is really no conflict between the Spain counterproposal and our decision to allocate Channels 3 and 9 to Columbus, Georgia. The common transmitter location proposed by WRBL–TV and WTVM for their Channel 3 and 9 operations in Columbus is compatible with the use of Channel 9 in Tuscaloosa.

[8] Since the final date for filing comments in this proceeding, an application has been filed for this channel by Georgia State Board of Education BPET–78.

27. Proposals 5, 6, 10 and 11, as well as the portion of Proposal 7 not affecting Columbus, Georgia, do not conflict in any respect with Proposals 2 and 9 which we are adopting. They do, however, involve several conflicts among themselves. We are today issuing a Notice of Proposed Rule Making on some of these proposals.

28. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f) and (r), 307(b) and 316 of the Communications Act of 1934, as amended.

29. In view of the foregoing: *It is ordered*, That effective August 24, 1959, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

(a) Amend the entry under the State of Alabama, to read as follows:

City	Channel No.
Dothan	4, 19–

(b) Amend the entry under the State of Georgia, to read as follows:

City	Channel No.
Columbus	3, 9+, *28, 34

30. *It is further ordered*, That, effective August 24, 1959, pursuant to sections 303(f) and 316 of the Communications Act of 1934, as amended:

(a) The license of Columbus Broadcasting Company, Inc., for operation of Station WRBL–TV on Channel 4 in Columbus, Georgia, is modified to specify operation on Channel 3 in Columbus, subject to the evaluation and approval by the Commission of technical data submitted by the licensee to cover the operation of Station WRBL–TV on Channel 3 in Columbus.

(b) The license of Martin Theatres of Georgia, Inc., for operation of Station WTVM on Channel 28 in Columbus, Georgia, is modified to specify operation on Channel 9 in Columbus, subject to the evaluation and approval by the Commission of technical data submitted by the licensee to cover the operation of Station WTVM on Channel 9 in Columbus.

(c) The license of WTVY, Inc., for Station WTVY on Channel 9 in Dothan, Alabama, is modified to specify operation on Channel 4 in Dothan, subject to the condition that the licensee submit to the Commission by August 24, 1959, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WTVY on Channel 4 at Dothan.

(d) The aforesaid orders of modification are subject to the further conditions that construction looking to change-over to the new frequencies pursuant to the action herein should not be commenced until modified authorizations are issued to Columbus Broadcasting, Martin Theatres and WTVY; that Columbus Broadcasting, Martin Theatres and WTVY may continue to operate in accordance with their present authorizations until they are ready to commence operation on the new frequencies in accordance with the orders of modification herein; and that Columbus Broadcasting, Martin Theatres and WTVY, upon completion of construction of the Channels 3, 9 and 4 facilities, respectively, in accordance with the terms of the modified authorizations, submit, in triplicate, proof-of-performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for a television license, at least ten days prior to the date on which it is desired to begin program operations, with the proviso that program operations of Station WRBL–TV on Channel 3, WTVM on Channel 9 and WTVY on Channel 4 are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

31. *It is further ordered*, That the August 15, 1957 counterproposal of Martin Theatres of Georgia, Inc. (the subject of the Commission's January 20, 1958 Notice of Further Proposed Rule Making) and the March 27, 1958 counterproposal of the Board of Education of the Muscogee County, Georgia, School District are granted.

32. *It is further ordered*, That, except to the extent provided hereinabove, the several requests embodied in the December 3, 1956 petition of Television Columbus, the September 24, 1957 counterproposal of Columbus Broadcasting Company, Inc., the August 15, 1957 counterproposal of the Georgia State Department of Education, the March 3, 1958 counterproposals of Middle Georgia Broadcasting Company, and the April 2, 1958 comments of Herald Publishing Company are denied, and that this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6021; Filed, July 21, 1959; 8:50 a.m.]

[Docket No. 12747; FCC 59–717]

PART 10—PUBLIC SAFETY RADIO SERVICES

Authorization of Mobile Relay Stations

In the matter of amendment of Part 10 of the Commission's rules so as to remove certain restrictions relating to the authorization of mobile relay stations and related matters; Docket No. 12747.

1. By a Notice of Proposed Rule Making adopted January 28, 1959, in the above-entitled proceeding, the Commission proposed to amend Part 10 of its rules so as to:

(a) Delete the provisions of Part 10 which provide that mobile relay stations may be authorized in the Public Safety Radio Services only where the system cannot function satisfactorily without communications between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication; or where an integrated system of radiocommunication is desirable between two or more licensees and where by the use of mobile relay stations the integrated system provides an actual reduction in the frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operated separate systems;

(b) Provide that mobile relay stations in the Public Safety Radio Services will be authorized only for the utilization of frequencies which are normally available for base stations;

(c) Provide that mobile relay stations authorized in the Public Safety Radio Services shall be so designed and installed as to normally be activated only by means of a coded signal or signals or such other means as will effectively prevent activation by undesired signals; will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and that each mobile relay station will be deactivated upon receipt or cessation of a coded signal or signals and, in addition, shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation;

(d) Provide that stations "controlling" mobile relay stations may be authorized to operate on the "mobile service" frequency assigned to the associated mobile stations.

2. Interested persons were given opportunity to file original and/or reply comments in support of or in opposition to the proposed rule amendments described above. The time for the filing of such original and reply comments has now expired.

3. A total of thirteen parties filed comments in this proceeding. Of these comments two, those of the Associated Police Communications Officers, Inc., and the City of San Diego, California, unequivocally supported adoption of the amendments proposed by the Notice of Proposed Rule Making. Each of the remaining eleven comments supported a portion of the proposed amendments but also requested that at least one of the proposals be adopted only if modified to some extent.

4. The Notice of Proposed Rule Making proposed to amend §§ 10.254(a), 10.304(a), 10.354(a), 10.404(a), and 10.554(a) so as to provide that mobile relay stations in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services will be authorized only on frequencies above 150 Mc which are available for assignment to base stations in the applicable Public Safety Radio Service.

These sections presently do not permit the assignment of frequencies below 150 Mc for use by mobile relay stations in the Public Safety Radio Services but do not prohibit the assignment of frequencies which are designated as "mobile" frequencies as would the proposed amendments.

The Associated Police Communications Officers, Inc., the City of San Diego, California, and Motorola, Inc., favor adoption of this proposal and the Forestry Conservation Communications Association and Kern County, California oppose adoption of this proposal.

The comments favoring adoption of the proposal set forth no reasons in support of the position taken; whereas, the comment of Kern County, California, states in opposition to the proposal: "it is recommended that the Commission give official recognition to geographic frequency coordinating committees which are already established, or will be established, in their recommendation to the Commission for frequencies to be used as mobile relay within the area whether they be base or base and mobile frequencies, inasmuch as committees are composed of representation from all the users, as set forth in Part 10, within the area, and are fully qualified to coordinate the operation of said mobile relays with a minimum of engineering." The objection to the adoption of the proposal set forth in the comment of Forestry Conservation Communications Association states: "It is felt that inasmuch as frequencies above 150 Mc in the Forestry-Conservation Radio Service, with the exception of the frequency 458.05–458.95 Mc are listed under § 10.355(d) as available for base-mobile operation and, since, it is desirable to also be able to operate a mobile relay station on the frequencies 458.05 to 458.95 Mc, we respectively submit the request that the above portion of paragraph (a) be changed to read 'pursuant to the provisions of § 10.355(d) available for base or mobile station'."

Pursuant to the provisions of §§ 10.255, 10.305, 10.355, 10.405, and 10.555, frequencies designated for use by "mobile" stations may presently be authorized for use at base stations, including mobile relay stations, only after coordination with other licensees in the areas is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. In view of this fact, the Commission is persuaded that elimination of the absolute prohibition against assignment to mobile relay stations of frequencies designated as "mobile" frequencies will not be prejudicial to effective and efficient usage of frequencies allocated to the Public Safety Radio Services. Accordingly, such prohibition is being eliminated from the proposed amendment and the amendment will be adopted as so modified.

5. The Notice of Proposed Rule Making proposed to delete from §§ 10.254(a), 10.304(a), 10.354(a), and 10.404(a), and 10.554(a) the requirement that mobile

relay stations may be authorized only where a radio system can not function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication or where an integrated system of radio communication is desirable between two or more licensees and whereby the mobile relay stations in the integrated systems provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

The only comment filed in this proceeding which opposed the deletion of the present requirements detailed above was that of the Florida Fish and Game Commission. This objection was set forth as follows: "This section of the docket seems to embody the basic purpose of the proposed change and as such is admissive of the fact that the proposal is not based upon an advancement of the art, either technically or system-wide. Rather it seems to constitute an interpolation of FCC undesirable administrative load into a still more undesirable economics load upon the supporting tax structures of those non-governmental agencies operating under Part 10." Since the proposed deletion of provisions appearing in the present rules merely eliminates special qualifications for authorization of mobile relay stations in the Public Safety Radio Services, it is difficult to understand the allegation of the Florida Fish and Game Commission that such deletion will transfer an administrative burden from the Commission to the user. Accordingly, the objection of the Florida Fish and Game Commission and the stated basis therefor do not appear to warrant rejection of the proposed rule change.

6. In lieu of the present requirements specified in paragraph 5 hereof, the Notice of Proposed Rule Making proposed to add in §§ 10.254(a), 10.304(a), 10.354(a), 10.404(a), and 10.554(a) the requirement that mobile relay stations authorized pursuant to the provision of these sections be so designed and installed that: normally it will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activitation by undesired signals; it will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activates it; and it will be deactivated upon receipt or cessation of a coded signal or signals and, in addition, shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

The proposal which, if adopted, would require mobile relay stations in the Public Safety Radio Services to be so designed and installed as to provide for coded signal actuation and de-actuation results from the Commission's concern that mobile relay systems in the Public Safety Radio Services should be so engineered so as to preclude the possibility of actuation by undesired signals. Typical of the reactions which this proposal engendered is that of the Forestry Conservation Communications Association which stated:

> The desirability for tone control of mobile relay stations which are activated by frequencies below 150 Mc to prevent activation by undesirable signals, is recognized. The same form of control does not appear desirable or necessary in the case of mobile relay stations activated by frequencies above 150 Mc. Extensive experience by several states in operating mobile relay stations activated by frequencies above 150 Mc has failed to produce evidence of the activation of such mobile relay stations by signals other than the normal activating frequency.

The comment of Motorola, Inc., states:

> Motorola supports the Commission's concern that mobile relay systems should be so engineered so as to preclude a possibility of their actuation by undesired signals. This is especially true when the frequency which actuates the mobile relay station (the mobile transmit frequency) falls in the 25–50 Mc band. In contrast, the same propagation characteristics which limit direct mobile-to-mobile range on frequencies higher in the spectrum, also reduces the probability of mobile relay systems being actuated by undesired signals * * *. Years of experience with such systems [mobile relay systems] in the Industrial Services have shown that the use of tones is generally unnecessary above 150 Mc but should be permitted and not made mandatory.

That portion of the proposal which would require that mobile relay stations be so designed and installed as to be deactivated upon receipt or cessation of a coded signal or signals "and in addition shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation" was also objected to by the Forestry Conservation Communications Association. This Association stated:

> It is felt that the mandatory use of both tone coded signals or cessation of coded signals and a time delay or clock device is unnecessary to accomplish the desired results. Experience with several hundred mobile relay stations in the Forestry Conservation Radio Service equipped with time delay deactivating devices has proven such an arrangement to be effective in accomplishing the result we feel is desired by the proposal in § 10.354(a)(3). We respectfully request the wording in the Commission's proposal of § 10.354(a)(3) to be as follows:
>
> "Each mobile relay station authorized pursuant to this section shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation".

The City of Los Angeles, California suggests that the proposal be modified so as to provide that in lieu of requiring the design and installation of mobile relay stations to be such that they will be deactivated upon receipt or cessation of a coded signal or signals that the licensee be allowed to "provide a positive control from a manned control point which will allow the repeater to be placed in an inoperative condition if required by an improper operation." In support of this suggestion, the City of Los Angeles states:

> Our City is at present using a repeater located in a remote location which is controlled by microwave from our main dispatch point in the city hall. This dispatch point is manned at all times that the system is in use and the operator can deactivate the repeater positively through the microwave circuit. We believe this meets the Commission's objective in proposing the use of a coded tone for deactivation of the repeater and, in fact, is more positive in operation since control can be withheld from any unit, even one operating in our own system.

After considering all comments filed, the Commission finds that the public interest will be served by adoption of the proposals discussed in this paragraph, with the following modifications: The requirements set forth in this proposal will be made applicable only to mobile relay stations which are activated by the use of frequencies below 50 Mc and will be adopted in a form which will only require that mobile relay stations be so designed and installed as to be deactivated upon receipt or cessation of a coded signal or shall be equipped with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

Several parties requested that should such proposal be adopted, the Commission exempt from the requirements thereof all mobile relay stations authorized prior to the effective date of the amendment. A check of the Commission's records indicates that very few presently authorized mobile relay stations are in systems where the activating frequency, that of the associated mobile units, is below 50 Mc. In view of this fact and the fact that the proposal is being adopted in such manner as to make the requirements relative to coded signal activation and deactivation mandatory only for those mobile relay stations activated by signals transmitted on frequencies below 50 Mc, the adoption of the proposal as modified, will have adverse economic impact only upon an extremely small number of licensees. Furthermore, the Commission is of the opinion that the benefits to be derived from promulgation of the requirements set forth in the proposal being discussed herein, as modified, more than offset any detriment which may accrue to those few licensees of presently authorized mobile relay stations which may be activated by signals transmitted on frequencies below 50 Mc. Accordingly, the requested exemption of presently authorized mobile relay stations from the requirements being adopted is denied.

7. The Notice of Proposed Rule Making proposed to add §§ 10.254(d), 10.304(c), 10.354(c), 10.404(d), and 10.554(c) and amend §§ 10.255(f), 10.305(e), 10.355(c), 10.405(d), and 10.555(e) so as to provide that "control" stations in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services which are associated with one or more mobile relay stations, authorized pursuant to Part 10 of the Commission's rules, may be assigned the mobile service frequency assigned to mobile stations associated with such mobile relay stations; assignment of such frequencies to these "control" stations would be subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the Table of Frequency Allocations as set forth in Part 2 of the Commission's rules.

The comment of the Florida Fish and Game Commission states in regard to this proposal:

> This Commission favors this change in the rules and is of the opinion it will contribute to more adequate control and flexibility of the system, provided, no frequency below 150 Mc be assigned mobile or base control units for the purpose, either primarily or secondarily, of activating a mobile relay station transmitter or allied equipment.

The Forestry Conservation Communications Association states that it is in agreement with this proposal and feels that adoption of such proposal "will contribute to more adequate control and provide system flexibility. It is felt, however, that under no circumstances should this proposal be extended to frequencies below 150 Mc." The comment of Motorola, Inc., supports adoption of this proposal and states:

> Along with the Commission's proposal to eliminate special qualifications for mobile relay systems in the Public Safety Services, with the exception of the Special Emergency Service, it is certainly in the interest of all concerned to simultaneously amend the rules to permit control stations to be authorized to transmit on the mobile service frequency assigned to the associated mobile station * * *. Unless this phase of the proposal is adopted many mobile relay systems will continue to use three frequencies. Thus, the existing rules place an unnecessary economic burden on the licensee when three frequencies, as required, result in an inefficient use of the spectrum.

The City of Los Angeles, California also supports adoption of this proposal and in support of its position states:

> In our opinion, this will clarify permissible use of mobile relay stations, allow the use of control stations operating on the mobile frequencies which many times are essential to overall system operation, and insure sufficient safeguards to adequately control this type of operation. The ability to use control stations at remote locations in branch service yards for direct contact to mobile repeater with mobile units in the field, is essential for the development of our radio system serving the Highway Maintenance and sanitation bureaus of the City and the Department of Animal Regulation and the Office of the Civil Defense.

The present provisions of the rules applicable to the Public Safety Radio Services would permit the assignment to stations controlling mobile relay stations of the mobile service frequency when such mobile service frequency is above 150 Mc. Therefore, adoption of the suggestion made by the Forestry Conservation Communications Association and the Florida Fish and Game Commission (that assignment to stations "controlling" mobile relay stations of the "mobile service frequencies" of associated mobile units be restricted so as to allow assignment of such frequencies only when they are above 150 Mc) would require no change in the rules and accomplish no beneficial purpose. In this connection, it is noted that no basis for the suggested restriction is set out by the comments of these parties. The requirement that mobile relay stations which are activated by frequencies below 50 Mc be coded signal activated and deactivated will, in the opinion of the Commission, substantially preclude the possibility of such mobile relay stations being activated by undesired signals.

Furthermore, the assignment of the "mobile service frequency" of associated mobile units to control stations associated with mobile relay stations will be subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the Table of Frequency Allocations as set forth in Part 2 of the Commission's rules. Accordingly, this proposal is being adopted in the form in which it was proposed.

8. *Accordingly, it is ordered*, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 10 of the Commission's rules be and is amended, effective August 21, 1959, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 10 of the Commission's rules, public safety radio services, is amended as follows:

1. Section 10.254 is amended to revise the text of paragraph (a) and to add a new paragraph (d) as follows:

§ 10.254 Station limitations.

(a) Mobile relay stations in the Police Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.255(g), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * * *

(d) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

2. Section 10.255(f) is amended to read as follows:

§ 10.255 Frequencies available to the Police Radio Service.

* * * * * *

(f) Control and repeater stations, except as provided for by § 10.254(d), in the Police Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc, provided an adequate showing is made why such operations cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service, or if the particular frequency is required for mobile service operations in the area concerned.

3. Section 10.304 is amended to revise the text of paragraph (a) and to add a new paragraph (c) as follows:

§ 10.304 Station limitations.

(a) Mobile relay stations in the Fire Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.305(f), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally is will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

* * * * * *

(c) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

4. Section 10.305(e) is amended to read as follows:

§ 10.305 Frequencies available to the Fire Radio Service.

• • • • •

(e) Control and repeater stations, except as provided for by § 10.304(d), in the Fire Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc, provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

5. Section 10.354 is amended to revise the text of paragraph (a) and to add a new paragraph (c) as follows:

§ 10.354 Station limitations.

(a) Mobile relay stations in the Forestry-Conservation Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.355(d), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

• • • • •

(c) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

6. Section 10.355(c) is amended to read as follows:

§ 10.355 Frequencies available to the Forestry-Conservation Radio Service.

• • • • •

(c) Control and repeater stations, except as provided for by § 10.354(c), in the Forestry-Conservation Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 150.8 Mc, provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

7. Section 10.404 is amended to revise the text of paragraph (a) and to add a new paragraph (d) as follows:

§ 10.404 Station limitations.

(a) Mobile relay stations in the Highway Maintenance Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.405(e), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its asociated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

• • • • • •

(d) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

8. Section 10.405(d) is amended to read as follows:

§ 10.405 Frequencies available to the Highway Maintenance Radio Service.

• • • • •

(d) Control and repeater stations, except as provided for by § 10.404(d), in the Highway Maintenance Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 150.8 Mc, provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the mobile service or if the particular frequency is required for mobile service operations in the area concerned.

9. Section 10.554 is amended to revise the text of paragraph (a) and to add a new paragraph (c) as follows:

§ 10.554 Station limitations.

(a) Mobile relay stations in the Local Government Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.555(f), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

• • • • •

(c) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

10. Section 10.555(e) is amended to read as follows:

§ 10.555 Frequencies available to the Local Government Radio Service.

• • • • •

(e) Control and repeater stations, except as provided for by § 10.554(c), in the Local Government Radio Service will be authorized only on frequencies allocated to operational fixed stations.

[F.R. Doc. 59-6022; Filed, July 21, 1959; 8:50 a.m.]

[Docket No. 12728; FCC 59-716]

PART 12—AMATEUR RADIO SERVICE

Operating Privileges for Technician Class Amateur Operator

In the matter of amendment of Part 12 of the Commission's rules, Amateur Radio Service, to permit operating privileges for the Technician Class amateur operator in the 144–148 Mc band; Docket No. 12728.

1. On January 7, 1959, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was released on January 13, 1959, and published in the FEDERAL REGISTER of January 16, 1959 (24 F.R. 396). In that Notice it was proposed to amend Section 12.23(d) of the rules to permit the holders of Technician[1] Class amateur operator licenses to operate in the 144–148 Mc amateur band. Ample opportunity was afforded interested parties to submit comments in support of, or in opposition to, the proposed amendment, and the time allowed for filing such comments has expired.

2. Rule changes proposed in this proceeding were engendered by a petition filed by Mr. Robert K. Wallace, R.R. #1, Box 7, Bellbrook, Ohio, licensee of amateur station K8BYQ.

The Commission has received a very large number of comments, both for and against the proposal, from individuals and from organizations representing large numbers of interested parties including the American Radio Relay League, Inc.,[2] and a number of amateur radio clubs.

3. The League filed its comment in support of the proposed amendment to the rules and stated: " • • • We agree with the Commission's conclusion that several of the pertinent considerations have undergone changes in the four years since a similar proposal was dismissed, largely at our request. The League feels that, in general terms, the arguments set forth are valid and meritorious."

The principal arguments which were advanced by comments supporting adoption of the proposal may be summarized as follows:

(a) "The 144–148 Mc band offers a 'stepping stone' between the familiar techniques of communication in the HF region and those in existence and under development for the UHF region. (Example: 144 Mc is probably the lowest amateur-assigned frequency for effective application of parametric amplification techniques now being developed.) This band thus offers a real challenge in advancing the state-of-the-art as well as the achievements obtainable from known techniques." Furthermore, it offers the less experienced amateurs an easier transition to the higher VHF and the UHF than the present span of 50 Mc to 220 Mc.

(b) "The normal short range propagation characteristics of the frequency band under consideration make it well suited to limited range emergency communications."

(c) "Civil Defense activities will be accelerated inasmuch as there are many areas which utilize the band for their activities, and which do not utilize the 50–54 Mc amateur band." This would be the "best band for civil defense work open to all amateurs."

(d) "In case of emergency (CD nature) it would create a pool of skilled operators on a band that would be more useful for short range communications than 6 meters [50–54 Mc]."

(e) The Civil Air Patrol and the Military Affiliate Radio System will be assisted because CAP and MARS personnel who are "Technicians" will be encouraged to purchase VHF equipment capable of being operated on the CAP and MARS VHF frequencies adjacent to the 144–148 Mc amateur band as well as in that band.

(f) The rule change would provide a common meeting ground "wherein Novice and Technician licensees may communicate with each other • • •" on the same band "• • • whereas none now exists."

(g) It would relieve an economic hardship now imposed upon Novice licensees who progress to the Technician Class but not to the General Class in that they would, under the proposal, be enabled to continue use of their 144 Mc equipment.

(h) The 144 Mc band has not been developed to any appreciable extent in many areas. "Technicians" would greatly assist in developing it as they have the 50 Mc band.

(i) The proposed amendment would greatly assist those "Technicians" living in TV channel 2 areas by providing a VHF band much less likely to interfere with television reception.

(j) The "Technicians," by increasing the occupancy of the band, will provide "greater potential for contribution to technical knowledge." The "Technicians" are presently hampered in propagation investigations by the great gap between the 50 Mc and 220 Mc bands at present available to them.

(k) "The harmonic relationship between 144, 432, and 1296 megacycles bands will serve to increase activity • • •" and experimentation in the UHF region.

(l) "There is no legitimate reason to single out one band in a contiguous group and deny 'Technicians' the right to operate in it."

4. The principal arguments advanced by those opposed to the proposed amendment are:

(a) The Technician Class license was established in order to promote experimentation in the higher portion of the spectrum and to permit the study of propagation characteristics and the development of equipment and communication techniques by persons not interested in the routine exchange of communications. The experience gained since the 50–54 Mc band was made available to "Technicians" indicates that little experimentation is conducted in that band by "Technicians" and that the predominant use of the band by this Class of amateur operator is for "rag chewing." The same situation would probably result in the 144–148 Mc band, should it be made available to "Technicians," in that the great majority would use it for purposes other than experimentation. This is borne out by the very large amount of commercially built equipment being used by "Technicians" in the 50–54 Mc band and the fact that much of this same equipment is also operable in the 144–148 Mc band.

(b) As has happened in the 50–54 Mc band, the proposed amendment would tend to reduce further the number of technicians who will increase their code speed to 13 words per minute and qualify as General Class licensees. This tends to lower the standards of the amateur service as a whole since it reduces the percentage of amateurs who are capable radio telegraph operators.

(c) The Technician Class license term is five years and is renewable. Therefore, the proposal to permit "Technicians" to operate in an additional band will reduce the incentive of this class amateur operator to obtain General Class privileges.

(d) "Technicians" at the present time do very little experimental work and have contributed little toward advancement of the art. To permit them to operate in the 144–148 Mc band would lessen interest at 220 Mc and above, thereby further defeating the purpose of the "Technician's" license.

(e) In a number of the larger metropolitan areas the 144–148 Mc band is already well occupied. Permitting "Technicians" to operate in the band may well overload it in those areas. Furthermore, although "the importance of occupancy of these higher frequency bands for their future availability to the amateur service • • •" is fully realized "• • • it is felt that Technician privileges designed solely for occupancy are a step backward as far as improving the amateur art is concerned. An extremely important provision for Technician occupancy should be some means of promoting their participation in experimentation and development and not merely allowing general communications to prevail."

(f) The amendment, if adopted, will not add to the number of persons qualified to provide emergency communications since "Technicians" generally, are not concerned with message procedure nor interested in improving their operating practices. Also, since "Technicians" are not eligible for RACES station authorizations, no additional emergency communications stations would result from the proposal.

(g) "The Technician already has enough room in the 50 Mc band and only uses the lower 800 kc of that."

5. A considerable number of comments were to the effect that something less than the whole 144–148 Mc band should be made available for "Technicians" or that special conditions be made applicable to any such availability. These recommendations included a large variety of proposals for opening portions of the band to "Technicians." One of these was that 144.1 to 148 Mc be made available to "Technicians" with the 144.1 to 144.2 Mc segment being for A1 emission only. Others suggested 145–147 Mc; 145–148 Mc; and 145–146 Mc with a 75 watt power limit. Some comments suggested that A1 and A2 emission only be permitted to "Technicians" operating in the band to encourage their increasing their code speed. Others suggested that the band be available to only those "Technicians" who have passed the 13 words per minute code test. A number of amateurs recommended that the band be made available to only those "Technicians" who have passed the examination under the supervision of Commission personnel; others that all "Technicians" be required to take the examination before a Commission examiner; still others that "Technicians" be required to take the Amateur Extra Class license written examination or an examination equivalent to the first or second class Radiotelephone Operator License examination.

6. The Commission has carefully considered every comment filed in this proceeding and has evaluated the soundness of the reasons given for each expressed position. As a result of this consideration the Commission finds:

(a) Frequencies in the 144–148 Mc range have been demonstrated to be very useful and reliable for communication purposes over distances of up to and somewhat beyond line-of-sight. Furthermore, long range interference is seldom a serious problem at these frequencies. Consequently, the band could provide means for carrying on necessary civil defense and emergency communications over short and medium range distances and use of the frequencies may be duplicated in relatively closely spaced areas without mutual interference.

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[1] Hereinafter referred to as "Technicians."

[2] Hereinafter referred to as the League.

(b) "Technicians" are the only amateurs who presently have no access to the 144–148 Mc band. Making this band available to "Technicians" would provide one area of the spectrum in which all amateurs could intercommunicate on one band, and the only area in which "Technicians" and Novices could so intercommunicate.

(c) Adoption of the proposal would permit experimentation by "Technicians" in the 144–148 Mc band and thereby increase the potential for the advancement of general knowledge of this portion of the spectrum.

(d) Opening the band for "Technicians" would tend to more evenly distribute activity in the VHF amateur bands.

(e) Even though "Technicians" are not eligible for RACES station licenses, permitting them to operate their amateur stations in the 144–148 Mc band would result in there being in use more equipment capable of operation in that band. This additional equipment could be made available for use in RACES operations thus contributing to the success of civil defense activities. Furthermore, the "Technicians" who gain experience in operating in the band would, thereby, become a valuable asset in the conduct of civil defense operation using these frequencies.

(f) Even though the 144–148 Mc band is well occupied in a number of large metropolitan areas, the amount of use being made of it throughout most of the country is relatively small. Thus, the use of these frequencies by "Technicians" would aid materially in promoting overall occupancy of the band.

(g) A large number of the comments in opposition to the proposal contained the arguments that less than the entire 144–148 Mc band should be made available to "Technicians." The reasons given were generally related to the belief that opening the whole band to "Technicians" would decrease the incentive of these amateurs to experiment with and develop higher portions of the spectrum, and to increase their code speed with the intent to advance to General Class licensees. These arguments appear to have merit and the Commission is led to concur therewith. It would appear that, to attain a more even distribution of occupancy of the VHF amateur bands, increase participation of amateurs in civil defense activities, and still retain some of the incentive for "Technicians" to gain General Class privileges, only part of the band under discussion should be made available to "Technicians."

7. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules so that only two megacycles, or half, of the 144–148 Mc band are made available to "Technicians."

Further, the Commission concludes that the 145–147 Mc segment of the band is a reasonable choice for the specific band segment for a number of reasons; namely, it would permit the "Technicians" and Novices to intercommunicate on the same band using voice or telegraphy; the two classes could take advantage of this for the purpose of increasing their code speed and, hence, qualifying for General Class privileges; it would result in the least disruption of General Class licensees who are presently using specific segments of the band; Novices who progress first to "Technicians" could continue to use their equipment without the necessity of shifting frequency; and this, coupled with the fact that amateurs tend to group in band segments so as to intercommunicate more consistently using the same mode of operation, appears to provide the best solution in arriving at a choice of band segment for "Technicians" in the band.

8. *Accordingly, it is ordered,* Pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, that Part 12 of the Commission's rules be and is amended, effective August 21, 1959, as set forth below.

9. *It is further ordered,* That the petition of Mr. Robert K. Wallace for amendment of § 12.23(d) of the rules is granted to the extent that the determinations herein are consistent therewith and is, in all other respects, denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 12.23(d) is amended to read as follows:

§ 12.23 Classes and privileges of amateur operator licenses.

* * * * *

(d) *Technician Class.* All authorized amateur privileges in the amateur frequency bands 50 to 54 Mc, 145 to 147 Mc, and in the amateur frequency bands above 220 Mc.

[F.R. Doc. 59-6023; Filed, July 21, 1959; 8:50 a.m.]

[Docket No. 12568; FCC 59-713]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

Accounting for Certain of the Amounts Charged Customers Upon Termination of Service

In the matter of amendment of Parts 31, 34, and 35 of the Commission's rules with respect to the accounting for certain of the amounts charged customers upon the termination of service. (Also amendment of Part 33 with respect to the same matter); Docket No. 12568.

1. On July 31, 1958, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter, which was published in the FEDERAL REGISTER on August 6, 1958 (23 F.R. 5960), in accordance with section 4(a) of the Administrative Procedure Act. This Notice presented for comment, on or before September 15, 1958 (with allowance for reply comments within twenty days thereafter) a proposal of American Telephone and Telegraph Company, (AT&T), made on behalf of itself and the Bell System companies, that the prescribed accounting in Part 31 (Uniform System of Accounts, Class A and Class B Telephone Companies) of the Commission's Rules which states that the operating revenue accounts shall be credited with all amounts charged for termination of service be changed so as to provide that amounts received at the termination of service when such amounts are designed to cover the loss of investment in the particular case shall be credited to the depreciation reserve. There was also presented for comment an alternative to the AT&T proposal which contemplated the continuance of the revenue credits but, in order to provide in the depreciation reserve for the loss of investment recovered, would call for expense charges with concurrent credits to the depreciation reserve. Since The Western Union Telegraph Company may also be making termination charges of the type AT&T had in mind, comments were invited on amending Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules in the same manner as Part 31. In order to keep Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) of the Commission's rules parallel in its provisions to Part 35, it was suggested that it might also be amended.

2. Timely comments were received from AT&T, General Telephone Service Corporation (General), Hawaiian Telephone Company (Hawaiian), California Interstate Telephone Company (Interstate), the Rural Electrification Administration (REA), United States Independent Telephone Association (USITA), New Jersey Department of Public Utilities (NJ) and the Wyoming Public Service Commission (Wyo.). Since all the comments were received from telephone companies or from others whose interests are more identified with telephone activities than with telegraph, the discussion will be in terms of Part 31 of the Commission's rules. There were no replies to the original comments filed. No one requested a public hearing or oral argument.

3. General and USITA believe that Part 31 of our rules as presently written may reasonably be interpreted to provide for the depreciation reserve accounting desired by AT&T. However, USITA believes that a simple and direct clarification is desirable. NJ, on the other hand, believes that the system of accounts as presently written calls for the accounting contemplated by the alternative presented for comment. No purpose would be served by discussing these points of view because we believe the system of accounts should be amended in such a manner that the accounting for this particular type of termination charge will be perfectly clear to everyone.

4. NJ, despite its expressed view that the system of accounts already covers the situation adequately, is willing to see an amendment adopted and, in that event, would find no objection to the alternative proposal presented for comment. Wyo. believes an amendment is required and expresses no preference as between the two proposals presented for comment.

5. AT&T, General, Interstate, REA and USITA all believe the "Capital Accounting" approach proposed by AT&T is the one which should be adopted. Hawaiian also prefers the AT&T proposal although it finds the alternative proposal to have some of the advantages of the AT&T proposal.

6. In answer to a possibility discussed in the proposed rule making, AT&T contends that it would not be feasible to substitute initial nonrecurring installation charges and higher regularly recurring service charges for the type of termination charges under consideration. The reason given for this contention is that there is no practical basis for computing such initial and regular charges. General also states that it would not be practical to avoid termination charges in this manner for the reasons that, if there is no premature termination, no termination charge is involved and the date of termination of the contract usually is beyond the control of the customer and cannot be foreseen by either the company or the customer. Difficulty in fixing nonrecurring installation charges or regularly recurring charges at levels to make termination charges unnecessary is no answer to our point that all three should be treated in like manner in the accounts. A more basic differentiation is required to justify different accounting treatment.

7. AT&T accepts the thought expressed in our Notice of Rule Making that the termination charges in question are charges for service. It does not disagree that the general rule is that all charges for service are credited to revenues. It asserts, however, that termination charges which are designed to reimburse for capital costs in particular cases are from an accounting viewpoint different from other charges for service. They are, it adds, so special and contingent in nature as to be in a class by themselves. AT&T draws an analogy between the special type of termination charges with which we are concerned herein, and the liquidated damages recovery by the owner from one who charters his ship and it is lost at sea. General makes a like point by analogy to insurance or salvage recoveries. REA points out that the termination charges are computed on the basis of estimated plant loss and argues that they are thus not charges for service as such. REA also called attention to Case E–105 relating to the uniform system of accounts for electric utilities in which the Committee on Accounts of the National Association of Railroad and Utilities Commissioners ruled in favor of crediting cancellation payments received upon cancellation of power contracts to the depreciation reserve, looking upon them as being in the nature of salvage recoveries.

8. AT&T, General, USITA and REA object to the suggestion in the proposed rule making that the termination charge amounts which are to be accorded special accounting treatment be limited to those exceeding $10,000. This limitation was suggested principally to exclude small items which might occur with considerable frequency and be of such nature that their effect on the depreciation reserve would be contemplated in service life studies made for the purpose of determining depreciation rates. In view of the comments received, a dollar limitation has not been adopted, but it has been provided that relatively minor amounts shall not be accorded the special accounting even though they qualify for it in other respects. If there are many termination charges, they may ultimately have an effect upon depreciation accrual rates.

9. General indicates that, under the "Revenue and Expense Accounting" approach, if termination charges are treated as taxable income and the offsetting charge to operating expenses is disallowed for tax purposes, it may be necessary to collect additional amounts from customers to cover the resulting taxes. General believes that "the Internal Revenue Service would more likely accept the recovery as 'depreciation reserve accounting' if it is so recorded on the books in accordance with F.C.C. requirements." Hawaiian states that an advantage of the "Capital Accounting" approach would be a reduction of the amount of gross receipts taxes. The Commission feels that possible tax effects cannot be permitted to control the accounting it prescribes. It seems unlikely, in any event, that tax authorities would not look behind the accounts and levy taxes according to their ideas of proper application of the tax statutes. There are numerous examples of differences between the accounts for tax purposes and for financial reporting. It is to be noted, also, that total income taxes payable would not be affected, but only the timing of their impact on a communications carrier.

10. The Commission, faced with a choice between two courses, viz, "Capital Accounting" or "Revenue and Expense Accounting," has decided upon the latter. It is clear from all the Commission's prescribed systems of account that the operating revenue accounts are designed to show amounts of money which become lawfully receivable by utilities from the furnishing of communication service, including operations incidental thereto. There are express exceptions to this general rule, such as for initial charges based on the cost of specially assembled private branch exchanges, which were pointed out in the comments of General and REA and in the petition for rule making of AT&T. We are not persuaded that we should broaden the scope of these exceptions in this instance. The amendments adopted do not follow exactly the form presented in the Notice of Proposed Rule Making but have been modified and supplemented as considered desirable to accomplish the changes most effectively.

11. The amendments adopted provide for continuing to credit all termination charges to revenue and that, except for relatively minor amounts, where losses of investment occasioned by terminations of service are recovered through termination charges then (in the case of Part 31) account 171 shall be credited and account 609 shall be charged with the amounts thereof. It is possible that some termination charges of the type under consideration may include an element of profit or some other amount which does not represent recovery of the estimated loss of plant investment. Accordingly, the amendments are so worded as to exclude any such elements from charges to expense and credits to the depreciation reserve. When, in these amendments, reference is made to a termination charge designed to recover the loss in investment resulting from termination of service, it is not intended to limit the application to termination charges calculated on a case-by-case basis. Rather, it is intended to cover all termination charges designed to accomplish the recovery result, including those geared to an estimated average loss of investment. Among the telegraph carriers we believe that The Western Union Telegraph Company, at least, may be making termination charges of a type deserving special accounting treatment. Consequently, Parts 34 and 35 of our rules are being amended along the same lines as the amendments ordered for Part 31.

12. REA states that its interest in this proposed rule making stems from the fact that many state commissions have adopted Part 31 and Part 33 (Uniform System of Accounts for Class C Telephone Companies) of our Rules as their own rules and thus any changes in these systems normally become applicable to REA borrowers. REA requires that provision for termination charges be included in certain contracts between subscribers and its telephone borrowers in cases involving subscribers in rural areas with specialized service requirements. REA believes that the smaller telephone companies subject to Part 33 when adopted by state commissions may have this type of termination charge. In the proposed rule making, the Commission stated that it was not believed necessary to amend Part 33 because it was thought that any telephone company making termination charges of the type under consideration would not be using Part 33. However, in view of REA's comments Part 33 is being amended, but the manner of amendment supported by REA is not being adopted. It is believed that Part 33 should be amended in the same manner as discussed hereinbefore for Part 31.

13. The fact that we are amending our accounting rules to provide specifically for termination charges designed to recover losses of plant investment suffered as a result of termination of service by a customer is not to be taken as an indication of our attitude toward the inclusion of termination charges in a pub-

lic utility rate structure or, if they are included, what form they should take.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 31, 34 and 35 in substantially the form of the alternative proposal presented in the Notice of Proposed Rule Making;

It further appearing that Part 33 should be amended in a similar manner;

It is ordered, That under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 31 (Uniform System of Accounts, Class A and B Telephone Companies), Part 33 (Uniform System of Accounts, Class A and Class B Telephone Companies), Part 33 (Uniform System of Accounts for Radiotelegraph Carriers) and Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) are hereby amended as set forth below.

It is further ordered, That the amendments ordered herein be effective February 1, 1960; *Provided, however,* That any carrier may, if it so desires, make these amendments effective in its accounts at any earlier date that is subsequent to December 31, 1958.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. New § 31.02–84 is added, as follows:

§ 31.02–84 Plant retired compensated for by termination charges.

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 609, "Extraordinary retirements," shall be made as provided for in paragraph (b) of that account.

2. Section 31.171(b) is amended to read as follows:

§ 31.171 Depreciation reserve.

* * * * *

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the original cost of the property retired plus the cost of removal and shall be credited with the salvage value and insurance recovered, if any. (With respect to entries relating to station apparatus and station connections, see accounts 231 and 232). This account shall also be credited with amounts chargeable to account 138, "Extraordinary maintenance and retirements," as provided in § 31.02–83, and with amounts charged to account 609, "Extraordinary retirements," as provided in paragraph (b) thereof. (Note also § 31.2–25.)

3. Section 31.609 is amended to read as follows:

§ 31.609 Extraordinary retirements.

(a) This account shall include the proportion of the service value of telephone plant retired, carried in account 138, "Extraordinary maintenance and retirements," which by specific authority of this Commission shall be charged to operating expenses for the period. (Note also § 31.02–83 and account 138.)

(b) This account shall also include losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 171, "Depreciation reserve." (Note also § 31.02–84.)

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

1. New § 33.66 is added, as follows:

§ 33.66 Plant retired compensated for by termination charges.

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 5000, "Depreciation expense," shall be made as provided for in paragraph (b) of that account.

2. Section 33.2600(b) is amended to read as follows:

§ 33.2600 Depreciation reserve.

* * * * *

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the book cost of the property retired plus the cost of removal (except the cost of removal of station apparatus and station wiring) and shall be credited with the salvage value and insurance recovered, if any. It shall be credited with amounts representing extraordinary losses due to destruction of plant by storms, floods, etc., transferred to account 1890, "Other deferred charges," when so authorized by the Commission and with amounts charged to account 5000 as provided in paragraph (b) thereof. (See also § 33.66.)

3. Section 33.5000 is amended to read as follows:

§ 33.5000 Depreciation expense.

(a) This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts charged to clearing accounts (if kept). The depreciation charges shall be computed in accordance with § 33.65.

(b) This account shall include also losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 2600, "Depreciation reserve." (See also § 33.66.)

NOTE: Depreciation on miscellaneous physical property shall be charged to account 6100, "Income from miscellaneous physical property," and credited to account 2790, "Other reserves."

III. Part 34—Uniform System of Accounts for Radiotelegraph Carriers, is amended as follows:

1. New § 34.04–5 is added, as follows:

§ 34.04–5 Plant retired compensated for by termination charges.

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 4925, "Extraordinary plant losses," shall be made as provided for in paragraph (b) of that account.

2. Section 34.1515(a) is amended to read as follows:

§ 34.1515 Allowance for depreciation; radiotelegraph plant.

(a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accruing depreciation of radiotelegraph plant owned by the carrier; also with amounts charged to account 4925, "Extraordinary plant losses," as provided in paragraph (b) thereof, and with amounts of depreciation applicable to plant contributed to the carrier, and plant acquired from predecessors as provided in §§ 34.1–2 and 34.1–5. (See also §§ 34.04–1, 34.04–2, 34.04–3, 34.04–4, 34.04–5, and 34.30–3.)

3. Section 34.4925 is amended to read as follows:

§ 34.4925 Extraordinary plant losses.

(a) This account shall be charged and account 1910, "Extraordinary maintenance, depreciation, and retirements," or account 1515, "Allowance for depreciation; radiotelegraph plant," as appropriate, shall be credited with the unprovided-for loss in service value of plant retired for causes not factors in depreciation. (See also § 34.04–4.)

(b) This account shall include also losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 1515. (See also § 34.04–5.)

(c) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to (1) transmission service for each station and (2) nontransmission service.

IV. Part 35—Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, is amended as follows:

1. New § 35.04–5 is added, as follows:

§ 35.04–5 Plant retired compensated for by termination charges.

When charges for terminations of service are made which are designed to recover a loss in service value resulting therefrom a charge to account 4925, "Extraordinary plant losses," shall be made as provided for in paragraph (b) of that account.

2. Section 35.1515(a) is amended to read as follows:

§ 35.1515 Allowance for depreciation; wire-telegraph and ocean-cable plant.

(a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accruing depreciation of wire-telegraph and ocean-cable plant owned by the carrier; also with amounts charged to account 4925, "Extraordinary plant losses," as provided in paragraph (b) thereof, and with amounts of depreciation applicable to plant contributed to the carrier and to plant acquired from predecessors, as provided in §§ 35.1–2 and 35.1–5(g). (See also §§ 35.04–1, 35.04–2, 35.04–3, 35.04–4, 35.04–5, and 35.30–3.)

3. Section 35.4925 is amended to read as follows:

§ 35.4925 Extraordinary plant losses.

(a) This account shall be charged with amounts representing the unprovided-for loss in service value of plant retired for causes not contemplated in prior allowances for depreciation approved for inclusion herein as provided in § 35.04–4.

(b) This account shall include also losses in service value, other than relatively minor amounts, suffered through terminations of service when charges for such terminations are made which are designed to recover the loss in service value. The measure of a charge made hereto shall be the portion of the termination charge assignable to recovery of service value loss. Amounts thus charged to this account shall be credited to account 1515, "Allowance for depreciation; wire-telegraph and ocean-cable plant." (See also § 35.04–5.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to (1) wire-telegraph plant and (2) ocean-cable plant.

[F.R. Doc. 59–6024; Filed, July 21, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of the United States Standards for Grades of Canned Grapes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than November 1, 1959.

PRODUCT DESCRIPTION AND GRADES

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52.4034 Score sheet for canned grapes.

AUTHORITY: §§ 52.4021 to 52.4034 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.4021 Product description.

Canned grapes for the purpose of this subpart cover the product prepared from fresh, sound, properly matured grapes of the Thompson Seedless (Sultanina) variety or similar variety of white seedless grapes for canning. The grapes are stemmed, cleaned, and washed; are packed in a suitable packing media with or without the addition of nutritive sweetening ingredients, artificial sweetening ingredients, or other ingredients permissible under the Federal Food, Drug, and Cosmetic Act; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.4022 Grades of canned grapes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided,* That the canned grapes may possess a reasonably uniform and reasonably bright typical color and may be reasonably uniform in size, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points: *Provided,* That the canned grapes may fail to be reasonably uniform in size, if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned grapes that fail to meet the requirements of U.S. Grade B.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.4023 Liquid media and Brix measurements for canned grapes.

"Cut-out" requirements for liquid media in canned grapes are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup"	22° or more but not more than 35°.
"Heavy sirup"	18° or more but less than 22°.
"In water"	(No requirement.)
"In grape juice"	(No requirement.)

§ 52.4024 Recommended fill of container for canned grapes.

The recommended fill of container for canned grapes is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of grapes as practicable with-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

out impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.4025 Recommended minimum drained weights for canned grapes.

(a) *General.* The minimum drained weight recommendations in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned grapes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and grapes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.4026 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned grapes is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED GRAPES

Container designations (metal, unless otherwise stated)	Container size-over-all dimensions		In any liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z Tall	2 1/16	3 4/16	5.2
8 oz. glass			5.2
No. 300	3	4 5/16	9.0
No. 1 Tall	3 1/16	4 1/16	10.0
No. 303	3 3/16	4 5/16	10.0
303 glass			10.0
No. 2	3 7/16	4 2/16	12.2
No. 2½	4 1/16	4 1/16	17.0
No. 2½ glass			17.5
No. 10	6 2/16	7	64.0

FACTORS OF QUALITY

§ 52.4027 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(b) *Definition of normal flavor.* "Normal flavor" means that the canned grapes are free from objectionable flavors and objectionable odors of any kind.

§ 52.4028 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means "17, 18, 19, or 20 points").

§ 52.4029 Color.

(a) *General.* The factor of color does not apply to canned grapes which are artificially colored and spiced grapes and is not scored on such grapes but the other three factors (uniformity of size, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Canned grapes that possess a good color may be given a score of 17 to 20 points. "Good color" means that the grapes possess a practically uniform and bright, light green to greenish-yellow color, typical of well-developed Thompson Seedless grapes that have been properly prepared and processed; and that not more than 10 percent, by weight, of the drained grapes may possess a reasonably bright typical color, a noticeably dull color, or a light tan cast.

(c) (*B*) *classification.* If the canned grapes possess a reasonably good color, a score of 14 to 16 points may be given. Canned grapes that fall into this classification due to a noticeably dull color or a brownish cast shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the grapes possess a reasonably uniform and reasonably bright color typical of Thompson Seedless grapes that have been properly prepared and processed; and that the presence of grapes with a noticeably dull color or a brownish cast does not seriously affect the appearance or edibility of the product.

(d) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4030 Uniformity of size.

(a) (*A*) *classification.* Canned grapes that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that the weight of the 5 percent, by count, consisting of the largest intact grapes in the sample unit is not more than twice the weight of the 5 percent, by count, consisting of the smallest intact grapes in the sample unit.

(b) (*B*) *classification.* If the canned grapes are reasonably uniform in size, a score of 14 to 16 points may be given. "Reasonably uniform in size" means that the grapes may vary in size as to appearance and weight provided such variation in size does not seriously affect the appearance of the product.

(c) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.4031 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from main stems (or portions thereof), harmless extraneous vegetable material, attached or loose capstems, mutilated grapes, blemished grapes, and any other defects not specifically mentioned that affect the appearance or edibility of the product.

(b) *Definition of defects.* (1) "Blemished" means any discolored area on or in the grape, which singly or in the aggregate, materially affects the appearance of the grape. Cracks without discoloration are considered processing cracks and are not scored as defects. (See § 52.4032.)

(2) "Seriously blemished" means any blemished area on or in the grape (such as scab, scar tissue, and discolored cracks), which singly or in combination with other defects, seriously affects the appearance or edibility of the grape.

(3) "Mutilated" means that the grape is so spread open, crushed, or broken that it cannot be restored to its original shape or that the grape is severed into two or more separate parts.

(c) (*A*) *classification.* Canned grapes that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that:

(1) There may be present not more than 1 main stem (or portion thereof) or 1 piece of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each 4 ounces of total contents;

(3) Not more than a total of 5 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided,* That not more than 3 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) (*B*) *Classification.* Canned grapes that are reasonably free from defects may be given a score of 21 to 25 points. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present not more than a total of 3 main stems (or portions thereof) or pieces of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each ounce of total contents;

(3) Not more than a total of 10 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided,* That not more than 5 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4032 Character.

(a) *General.* The factor of character refers to the fleshiness and texture of the canned grapes and to the presence of serious processing cracks.

(1) "Serious processing crack" means a crack without any discoloration that is split to approximately the center of the grape but is not a mutilated grape. Processing cracks that are not serious are not scored.

(b) (*A*) *classification.* Canned grapes that possess a good character may be given a score of 25 to 30 points. "Good character" means that the grapes are reasonably uniform in texture and are generally thick-fleshed and tender but not soft or flabby; and that not more than 5 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(c) (*B*) *classification.* If the canned grapes possess a reasonably good character, a score of 21 to 24 points may be given. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapes are fairly uniform in texture and may be slightly soft but are not flabby; and that not more than 10 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(d) (*SStd*) *classification.* Canned grapes that fail to meet the requirement of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.4033 Ascertaining the grade of a lot.

The grade of a lot of canned grapes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87 of this title).

SCORE SHEET

§ 52.4034 Score sheet for canned grapes.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Brix measurement
Sirup designation (extra heavy, heavy, etc.)

Factors		Score points	
Color		20	(A) 17-20 (B) [2] 14-16 (SStd.) [1] 0-13
Uniformity of size		20	(A) 17-20 (B) 14-16 (SStd.) [2] 0-13
Absence of defects		30	(A) 26-30 (B) [2] 21-25 (SStd.) [1] 0-20
Character		30	(A) 25-30 (B) [2] 21-24 (SStd.) [1] 0-20
Total score		100	
Flavor	( ) Normal ( ) Off		
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: July 17, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6019; Filed, July 21, 1959; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 65; Draft Release 59-10]

AIRBORNE WEATHER RADAR FOR LARGE AIRCRAFT CARRYING PASSENGERS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

A recent survey of air carrier aircraft accidents for the calendar years 1950 through 1958 has highlighted the importance of airborne weather radar as a safety measure in preventing aircraft accidents during severe weather conditions. Analysis showed a decrease in aircraft accidents occurring during severe weather conditions in calendar year 1955, which coincided with the initial installation and use of airborne weather radar by some air carrier operators. Today a considerable number of air carrier aircraft are equipped with airborne weather radar and practically all new transport-type aircraft have provisions for the installation of airborne weather radar. Particularly noteworthy is the fact that at least one large air carrier has its entire aircraft fleet fully equipped with airborne weather radar. In a two-year period this particular air carrier has not experienced a single passenger or crew injury or any appreciable aircraft damage due to thunderstorms or hail. At the same time the carrier completed a high percentage of scheduled trips. The advantage which airborne weather radar can provide for the safety of operations is well known in the industry. This is particularly true with high-performance aircraft which are operating at speeds considerably in excess of the turbulent air penetration speeds. These higher speeds make mandatory early detection and location of severe weather conditions which can be encountered at all altitudes in order to avoid them or to reduce aircraft penetration speeds before reaching such areas. Several airborne weather radars have already been type certificated and are available for use. In view of the excellent safety record attained by those air carriers which have been operating one of the several approved weather radars, it is believed that regulatory action is necessary and should be developed to require airborne weather radar on all air carrier passenger-carrying aircraft certificated under transport category rules and used in air transportation. Also, consideration will be given to making this requirement applicable to all other large aircraft carrying passengers engaged in air transportation.

TSO requirements. The tentative minimum performance standards for an airborne weather radar are contained in paper 155-58/SC 58-249 of the Radio Technical Commission for Aeronautics. Copies of this paper are available for study and review in the office of the Secretariat, Room 2035, Building T-5, 16th Street and Constitution Avenue NW., Washington 25, D.C.

If this proposal is adopted, it is expected that at least 6 months will be allowed for procurement and installation of required equipment.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by October 8, 1959, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, and 604

of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations by requiring the following:

All aircraft certificated under the transport category rules and carrying passengers shall be equipped with airborne weather radar, so installed as to be available to the pilot in command on the flight deck by radarscope, or other means of display of weather information received. Such equipment shall be in an operating condition for all IFR operations, and for night VFR operations when thunderstorms or severe weather conditions are forecast for the flight plan route during the time of flight.

Issued in Washington, D.C., on July 15, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-5988; Filed, July 21, 1959; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 67]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring the incorporation of shroud drains to eliminate the possibility of fuel leakage creating a fire hazard in the air conditioning compartment of Fairchild F-27 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

FAIRCHILD. Applies to all F-27 Series aircraft equipped with the heater system. Compliance required not later than September 15, 1959.

(a) In order to provide drainage of possible leakage at the heater fuel line fittings, remove three shroud assemblies, P/N 27-774575-1, attached to tube connections at top of heater fuel control, P/N 43C80, and heater P/N 49C65. Modify shroud assemblies by punching one (1) ⅛ inch diameter hole in side of shroud 1 13/64 inches from top.

(b) Remove fuel control drain tube assembly, P/N 27-774554-11 or -51, whichever installed.

(c) On airplanes Nos. 1 to 6 inclusive, drill 5/8 inch diameter hole in bottom fuselage skin between stringers Nos. 102 and 103, 2½ inches aft of station 731, and install AN 931-6-10 grommet removed from former location of drain line. Install flush skin patch over former drain hole location in accordance with Chapter 51-7 of F-27 Structural Repair Manual.

(d) On all affected airplanes, install new drain tube assembly, P/N 27-774750-11 in place of 27-774554-11 or -51.

(e) Install modified shroud assemblies, using three each new half clamp assemblies, P/N 27-774749-11, half clamp P/N 27-774749-3, bolt P/N AN3-3A, and nuts P/N MS 20365-1032.

(f) Install one each new hose, P/N 27-774094-3 and -5 between heater fuel control shrouds and drain tube, and P/N 27-774094-7 between heater shroud and drain tube, using six new clamps, P/N AN737RM22.

(g) Install two new plates, P/N 27-774749-9, on the heater fuel control unit, and four new clamps, P/N AN742-8, two on the plates at the fuel control unit to support 27-774094-3 and -5 hose and two on the flanges of the fuselage former at stations 730 and 731 to support 27-774094-7 hose. Use four each new screws P/N AN525-10R6, and nuts P/N MS20365-1032.

(Fairchild F-27 Service Bulletin No. 21-49 dated June 12, 1959, covers this same subject.)

Compliance with AD 59-12-1 no longer required after compliance with this directive.

Issued in Washington, D.C., on July 16, 1959.

BURLEIGH PUTMAN,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6010; Filed, July 21, 1959; 8:48 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 66]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Life Rafts (Twin Tube)

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator as hereinafter set forth.

This proposal is to amend § 514.22 (24 F.R. 2027) to incorporate additional inflation standards and data requirements for life rafts used on civil aircraft of the United States.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing [1] is proposed to amend Part 514 as follows:

By amending § 514.22 to read as follows:

§ 514.22 Life rafts (twin tube)—TSO-C12b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life rafts (twin tube) which specifically are required to be approved for use on civil aircraft of the United States. New models of life rafts manufactured on or after the effective date of this section shall meet the standards set forth in the ATA Specification No. 800, "Airline Life Rafts," dated May 1, 1958,[1] with the additional requirements shown in subparagraph (2) of this paragraph. Life raft models approved by the Administrator prior to the effective date of this section may continue to be used under the provisions of their original approval until they are no longer seaworthy.

(2) *Additional requirements.* The degree of inflation shall be such that the raft will be "rounded-out" (i.e., attain its design shape and approximate dimensions) to be able to receive the first occupant within one minute after the start of inflation. Thereafter, inflation during boarding by the remainder of occupants shall be sufficient to ensure a serviceable and rigid raft.

(b) *Marking.* In lieu of the marking requirements specified by § 514.3, the marking instructions contained in ATA Specification No. 800 shall be acceptable and, in addition, each life raft shall be permanently marked with the Technical Standard Order designation, FAA-TSO-C12b, to identify the life raft as meeting the requirements of this section.

(c) *Data requirements.* (1) One copy each of the manufacturer's operation and inflation instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(2) The raft manufacturer must also provide the purchaser with applicable limitations pertaining to installation of rafts on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the raft from performing its intended function and complying with the minimum performance standards under all reasonably foreseeable emergency conditions.

Issued in Washington, D.C., on July 16, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-5989; Filed, July 21, 1959; 8:46 a.m.]

[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D.C.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12945, FCC 59-722]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Montgomery, Selma, Tuscaloosa and Birmingham, Alabama; Tupelo, Columbus and State College, Miss.); Docket No. 12945.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration certain requests for rule making to amend § 3.606, Table of Assignments, Television Broadcasting Stations, to wit:

(1) A petition for rule making, filed May 24, 1957, and amended July 3, 1957, by Capitol Broadcasting Company, licensee of Station WCOV-TV on Channel 20 at Montgomery, Alabama, to assign a second VHF channel to Montgomery as follows: [1]

City	Channel No.	
	Present	Proposed
Montgomery, Ala.	12, 20, *26+, 32	8-, 12, 20, *26+, 32
Selma, Ala.	8-, 58+	58+

Petitioner asks that the Commission order Deep South Broadcasting Company to show cause why its authorization for Station WSLA should not be modified to specify operation on Channel 58+ in lieu of Channel 8— in Selma. In addition, petitioner requests that it be ordered to show cause why its authorization for Station WCOV-TV should not be modified to specify operation on Channel 8— in lieu of Channel 20 in Montgomery.

[1] In an alternative proposal petitioner requests that Montgomery be made all-UHF as follows:

City	Channel No.	
	Present	Proposed
Montgomery, Ala.	12, 20, *26+, 32	*12, 20, 26+, 32
Selma, Ala.	8-, 58+	58+
Tuscaloosa, Ala.	45, 51-	*8-, 45, 51-

WKY Television System, Inc., licensee of Station WSFA-TV on Channel 12 at Montgomery, filed an opposition to Capitol Broadcasting's petition. WKY contends that the deletion of the only VHF channel in Montgomery, as contemplated by Capitol's Plan 2, would result in the creation of a large "white area"; would result in a loss of service to large numbers of persons who have not converted their television sets to receive UHF signals, and would contravene the requirements of section 307(b) of the Communications Act. We are of the view that the alternative proposal of Capitol does not have sufficient merit to warrant rule making. Accordingly, it is denied.

(2) A petition for rule making, filed December 10, 1957, by the Washington Post Company, to provide a third commercial VHF channel at Birmingham, Alabama, as follows:

City	Channel No.	
	Present	Proposed
Birmingham, Ala.	6-, *10-, 13-, 42+, 48	8-, 8-, *10-, 13-, 42+, 48
Selma, Ala.	8-, 58+	58+

Petitioner also asks that the Commission either provide for the termination of Deep South Broadcasting Company's construction permit for Station WSLA on Channel 8 in Selma or that it Order Deep South to Show Cause why its authorization for Station WSLA should not be modified to specify operation on Channel 58 at Selma.

(3) Proposals submitted as alternative counterproposals in the Columbus, Georgia, rule making proceeding (Docket No. 12054) on February 21, 1958, and on April 2, 1958, by Frank K. Spain, principal owner of Tupelo Citizens Television Co., permittee of Station WTWV on Channel 9 at Tupelo, Mississippi, to shift Channel 9 from Tupelo to Tuscaloosa or to Tuscaloosa-Birmingham, Alabama, as follows:

Plan 1 [1]

City	Channel No.	
	Present	Proposed
Tupelo, Miss.	9-, 38	38
Tuscaloosa, Ala.	45, 51-	9-, 45, 51-

Plan 2

Tupelo, Miss.	9-, 38	38
Tuscaloosa-Birmingham Ala.[2]		4-
Columbus, Miss.	4-, 28-	9-, 28-

[1] Mr. Spain's first plan also contemplated certain channel shifts in Columbus, Georgia and Eufaula and Dothan, Alabama, so that Columbus, Georgia would become an all-UHF market. These additional channel shifts are unnecessary. See paragraph 26 of the Report and Order released this date in the Columbus, Georgia rule making proceeding (Docket No. 12054).

[2] Tuscaloosa is now assigned Channels 45 and 51-; and Birmingham is assigned Channels 6-, *10-, 13-, 42+ and 48. No channels are now assigned to the hyphenated allocation "Tuscaloosa-Birmingham."

Both plans assumed that the Commission would adopt its proposal in another rule making proceeding to shift Channel 9 from Hattiesburg, Mississippi, to Baton Rouge, Louisiana (Docket No. 12281), in which case no further channel change would be required at Hattiesburg. The Commission has adopted a Report and Order in Docket No. 12281 in which the reassignment of Channel 9 from Hattiesburg to Baton Rouge was ordered. Mr. Spain also requests that the Commission order Tupelo Citizens Television Co. to Show Cause why its authorization for Station WTWV on Channel 9— at Tupelo should not be changed to specify operation on Channel 9— at Tuscaloosa, Alabama or on Channel 4— at Tuscaloosa-Birmingham, Alabama; and that Birney Imes, Jr., licensee of Station WCBI-TV on Channel 4— in Columbus, Mississippi, be ordered to Show Cause why his authorization should not be changed to specify Channel 9— in Columbus.

(4) A proposal, submitted as a counterproposal in the Columbus, Georgia, rule making proceeding (Docket No. 12054) on April 2, 1958, by Birmingham Television Corporation, authorized to operate Station WBMG on Channel 42 at Birmingham, Alabama, which would assign a third commercial VHF channel to Birmingham and a second VHF channel to Montgomery, Alabama, as follows: [1]

City	Channel No.	
	Present	Proposed
Birmingham, Ala.[1]	6-, *10-, 13-, 42+, 48	4-, 6-, *10-, 13-, 42+, 48
Columbus, Miss.	4-, 28-	2+, 28-
State College, Miss.	*2+	*8
Montgomery, Ala.	12, 20, *26+, 32	8-, 12, 20, *26+, 32
Selma, Ala.	8-, 58+	58+
Columbus, Ga.[2]	4, 28, *34	3, 9+, *34
Dothan, Ala.[3]	9+, 19-	4, 19-

[1] Birmingham Television submits that another way to assign a third commercial VHF channel to Birmingham would be to move Channel 8— from Selma to Birmingham, as urged by the Washington Post Company. Birmingham Television notes, however, that if Channel 8 is assigned to Birmingham, it could not be used in Montgomery to provide a second VHF service to that city.

[2] We are today adopting a Report and Order in the Columbus, Ga., rule making proceeding (Docket No. 12054) changing the Columbus, Ga., assignments to Channels 3, 9+, *28 and 34, and changing the Dothan, Ala., assignments to 4 and 19-.

Birmingham Television also asks that the Commission Order it to Show Cause why its authorization for Station WBMG on Channel 42+ at Birmingham should not be modified to specify temporary operation on either Channel 4— or 8— at Birmingham.

3. Oppositions to the Capitol Broadcasting and Washington Post petitions were filed by Deep South Broadcasting Company, permittee of Station WSLA, authorized to operate on Channel 8 at Selma, Alabama. Deep South contends that there is a greater need for a first VHF station in Selma than for a second VHF channel in Montgomery or a third commercial VHF in Birmingham; and that it has been prosecuting its application for a change of facilities for Station WSLA for several years, which applica-

[3] Birmingham Television also asserts that a second VHF channel (Channel 4) could be assigned to Macon, Ga., if the Dothan VHF channel is changed from Channel 9 to Channel 7 and the Panama City channel is changed from Channel 7 to Channel 4. This would, however, conflict with our decision in Docket 12054.

tion is in hearing status (File No. BMPCT-2100, Docket No. 11371).

4. Replies to these oppositions were tendered by Capitol Broadcasting Co. and the Washington Post Company.

5. On December 10, 1957, and on March 18, 1958, the Washington Post Company filed oppositions and motions to dismiss the presently pending application (File No. BMFET-171) of the Regents of the University System of Georgia for modification of the construction permit of non-commercial educational Station WGTV on Channel 8 at Athens, Georgia. The Washington Post Company alleges that a grant of the WGTV application would prevent the use of Channel 8 in Birmingham, since the applicant proposes to move the transmitter location of Station WGTV about 40.9 miles closer to Birmingham than the existing WGTV site.

6. On March 6, 1958, Capitol Broadcasting Co. (WCOV-TV) also filed a motion to dismiss the WGTV application. Capitol contends that if the WGTV application is granted, a Channel 8 station in Montgomery would have to locate its transmitter site 42.5 miles from the furthest city limit of Montgomery, and that a 1,500 foot antenna would be required to put a city-grade signal over Montgomery from that site.

7. The Commission is of the view that a rule making proceeding should be instituted and that interested parties should be invited to file comments on the foregoing proposals.

8. The proposed amendments, if adopted, would affect outstanding authorizations and existing stations. We do not believe, however, that we should direct any party so affected to show cause why its outstanding authorization should not be modified at this time. Any additional procedures which may be necessary in light of such outstanding authorizations can be instituted at a later date.

9. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

10. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6026; Filed, July 21, 1959; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 12946, FCC 59-724]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (San Francisco and Sacramento, California, and Reno, Nevada); Docket No. 12946.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration certain requests for rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations, to wit:

(a) A petition for rule making, filed August 27, 1956, and amended May 8, 1957 and July 14, 1958, by Irving J. Schwartz, William Stephen George and John Matranga, d/b as Capitol Radio Enterprises, permittee of Station KGMS-TV on Channel 46 (not operating) at Sacramento, California, to assign a third commercial VHF channel to Sacramento, as follows:

City	Channel No.	
	Present	Proposed
Sacramento, Calif.	3, *6, 10, 40−, 46+ 12−	3, *6, 10, 12−, 40− 11−
Chico, Calif.		

Petitioner also requests that it be ordered to Show Cause why its authorization for Station KGMS-TV should not be changed to specify operation on Channel 12− at Sacramento.

(b) A proposal, submitted on October 9, 1956, as a counterproposal in the Fresno, California, rule making proceeding (Docket No. 11759) by S. H. Patterson (KSAN-TV) to assign an additional VHF channel to San Francisco, as follows:

City	Channel No.	
	Present	Proposed
San Francisco, Calif.	2+, 4−, 5+, 7−, *9+, 20−, 26−, 32+, 38, 44	2+, 4−, 5+, 7−, *9+, 11+, 20−, 26−, 32+, 38, 44−
San Jose, Calif.	11+, 48, *54, 60	12+, 48, *54, 60

[3] Commissioner Bartley concurring and stating: "I would concur with the exception of proposal 4."

S. H. Patterson also requests that it be ordered to Show Cause why its authorization for Station KSAN-TV should not be changed to specify operation on Channel 11+ at San Francisco.

(c) A petition for rule making, filed on June 4, 1958, and amended on August 13, 1958, and October 28, 1958, by E. L. Cord, prospective applicant for a VHF channel in Reno, Nevada, to assign a third commercial VHF channel to Reno and a first educational VHF channel to that city as follows:

City	Channel No.	
	Present	Proposed
Reno, Nev.	4, 8, *21+, 27−	2, 4, 8, *11, 21+, 27−

3. Either the Capitol Radio proposal to add Channel 12 to Sacramento or the S. H. Patterson proposal to add Channel 11 to San Francisco can be accomplished in compliance with the mileage separation requirements of our rules if Channel 12+ is removed from Fresno, California. The deletion of Channel 12+ from Fresno is proposed by the Commission in another rule making proceeding (Docket No. 11759). Capitol Radio's proposal is mutually exclusive with the S. H. Patterson proposal. Capitol Radio asks that Channel 12 be assigned to Sacramento; while the S. H. Patterson proposal would assign Channel 12 to San Jose; less than 90 miles from Sacramento. Cord's proposal is mutually exclusive with the Capitol Radio proposal. Cord requests that Channel 11 be assigned to Reno; while Capitol Radio would assign Channel 11 to Chico, about 110 miles from Reno.

4. Capitol Radio's proposal would require an operating station KHSL-TV at Chico, California, to shift from Channel 12 to Channel 11. S. H. Patterson's proposal would compel Station KNTV at San Jose, California, to shift from Channel 11 to Channel 12.

5. In support of its proposal, Capitol Radio asserts that the addition of a third VHF assignment at Sacramento would aid in the development of competitive television service in the Sacramento area; that UHF stations have no chance to succeed in markets such as Sacramento where two VHF stations are operating; that Sacramento is the 56th market in the nation, and is one of the most rapidly growing cities in California; and that such a market should have three equally competitive television services.

6. S. H. Patterson contends that the addition of another VHF station in the San Francisco area would fill an unsatisfied need of the San Francisco audience for non-network television programs oriented to local needs. Mr. Patterson asserts that, since he operates the only UHF station in the San Francisco market, he is unable to compete effectively against VHF stations there. He states that San Francisco has a greater need for an additional competitive television operation than does Sacramento.

7. E. L. Cord urges that Channel 11 may be assigned to Reno without disturbing any existing assignments or stations; that it should be reserved for educational use; and that Reno, the largest city in Nevada needs and merits additional television service.

8. Oppositions to the Capitol Radio proposal were filed by Sacramento Telecasters, Inc., permittee of Station KBET-TV on Channel 10 at Sacramento, Capitol City TV Corporation, former operator of UHF Station KCCC at Sacramento, Golden Empire Broadcasting Company's licensee of Station KHSL-TV on Channel 12 at Chico, and Television Diablo, Inc., licensee of Station KOVR at Stockton. KHSL-TV and KOVR oppose the required shifts in assignments made necessary by the proposal of Capitol Radio. A reply to the opposition was filed by Capitol Radio. These opponents contend that Capitol Radio has not made "even a token showing" why the changes which it seeks in the allocation table would serve the public interest. Sacramento Telecasters asserts that ample competitive television service already exists in the Sacramento market.

9. Standard Radio and Television Company, licensee of Station KNTV on Channel 11 at San Jose, has filed an opposition to the S. H. Patterson proposal, which would require KNTV to change from Channel 11 to Channel 12. KNTV states that such a forced move would place an intolerable economic burden upon it. KNTV asserts that it has already suffered substantial financial losses and cannot afford any further economic hardships. Since KNTV now operates from a site south of San Jose, and since most receiving antennas in the area are oriented to receive San Francisco stations, KNTV contends that its signal is not as well received in San Jose as it should be. KNTV is considering the advisability of moving its transmitter to a site further north so that its signal will be better received in San Jose. KNTV argues that this move would not meet the Commission's mileage separation requirements if, as S. H. Patterson proposes, Channel 11 were allocated to San Francisco. KNTV's consulting engineer asserts that the signal of a Channel 11 station in San Francisco at the minimum spacing distance would override the signal of KNTV on Channel 12, causing deterioration of the KNTV service to the San Jose community.

10. The Washoe County School District requests that in the event the Cord proposal for Reno is adopted that Channel 11 be reserved for educational use. Capitol Radio filed an opposition to the Cord request pointing out that the proposal to assign Channel 11 to Reno conflicts with its request for Channel 12 at Sacramento. Capitol Radio suggests that Channels 2 and 5 may be assigned to Reno to resolve this conflict.

11. The Commission is of the view that a rule making proceeding should be instituted and that interested parties should be invited to file comments on the foregoing proposals.

12. The proposed amendments, if adopted, would affect outstanding authorizations and existing stations. We do not believe, however, that we should direct any party so affected to show cause why its outstanding authorization should not be modified at this time. Any additional proceedings which may be necessary in light of such outstanding authorizations will be instituted at a later date.

13. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (c), (d), (f) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

14. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

15. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6027; Filed, July 21, 1959; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 11759; FCC 59-723]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Memorandum Opinion and Order, Notice of Further Proposed Rule Making, and Orders To Show Cause

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Fresno, Bakersfield, and Santa Barbara, Calif., Goldfield, and Tonopah, Nevada); Docket No. 11759.

1. Notice is hereby given of further proposed rule making in the above-mentioned matter looking toward amendment of § 3.606 *Table of assignments,* Television Broadcast Stations.

2. The Commission has before it for consideration:

(a) Our Report and Order, and Order to Show Cause, issued in this proceeding on March 1, 1957 (22 FCC 365, 15 Pike & Fischer RR 1586i), in which we concluded that the Fresno market should be made all-UHF by the removal of VHF Channel 12 to Santa Barbara and the allocation of another UHF channel to Fresno, and issued an order to California Inland Broadcasting Company, then licensee of Station KFRE-TV, Fresno, to show cause why its license on Channel 12 should not be modified to specify operation on Channel 30;

(b) Pleadings directed to that decision, or relating either to channel assignments in Fresno or to assignments in Bakersfield and other cities which are involved with the Fresno assignments. Since all of these pleadings are interrelated, they are considered together here.

3. Before discussing the several proposals presented, it may be helpful to summarize briefly the background of this proceeding.

4. On June 26, 1956, the Commission released a Report and Order in its general television allocation proceeding (Docket No. 11532) in which, among other things, it gave consideration to an interim program, pending the development of longer-range TV reallocation possibilities. A number of rule making proceedings were undertaken to consider proposals for the reallocation of frequencies geared to improve, in the interim, the competitive television situation in specific communities and areas. In some cities the Commission proposed to enhance the opportunities for more effective competition by achieving deintermixture through deleting VHF channels in order to make the area completely or substantially dependent upon UHF; in other cities, where it was believed feasible, the Commission proposed to add VHF channels to accomplish its basic objective.

5. One VFH channel has been assigned to Fresno, Channel 12, on which Station KFRE-TV operates. We initially proposed to deintermix the Fresno area by substituting UHF Channel 30 for VHF Channel 12 at Fresno, and by shifting Channel 12 from Fresno to Santa Barbara, California. On March 1, 1957, the Commission released its Report and Order and Order to Show Cause, concluding that its initial proposal should be finalized. Since KFRE-TV was licensed to operate on Channel 12 at Fresno, final action with respect to the proposal to shift Channel 12 from Fresno to Santa Barbara was not taken; instead, the licensee was directed to Show Cause why its authorization should not be modified to specify operation on Channel 30.

6. Preliminarily, before turning to consideration of the various proposals and pleadings, we deal with several motions, filed by some parties and directed against pleadings filed by opposing parties, requesting that those pleadings be stricken or not be considered by us because they were not timely filed, were "further pleadings" not contemplated by our rules, were not properly served, contained sham or frivolous matter, or otherwise did not form to proper procedure. Such motions were directed against: (1) "Modification of Petition" and "Further Modification" filed by Bakersfield Broadcasting Company (KBAK-TV, Bakersfield Channel 29) in February and May 1958, in which that party amended the proposal contained in its original petition filed in April 1957; (2) "Motion to Vacate Order to Show Cause" filed by California In-

land Broadcasting Company (the licensee of KFRE–TV, Fresno Channel 12) in September 1958; (3) "Supplemental Petition" filed by O'Neill Broadcasting Company (KJEO, Fresno Channel 47) on April 16, 1959; (4) "Opposition" filed by O'Neill on October 14, 1958, directed against KFRE–TV's motion to vacate the show cause order; and (5) "Reply" filed by ABC in April 1957, directed to KFRE–TV's opposition to ABC's petition for reconsideration of our Report and Order herein. The motion to strike the last-mentioned pleading (of ABC) was on the grounds that it was frivolous, sham and impertinent; the other motions were on grounds of lack of timeliness, lack of proper service, etc.

7. Our rules governing the filing of rule making petitions and comments relating thereto (§§ 1.202 and 1.204) and other rules concerning pleadings, are intended to apply with reasonable strictness, so that our proceedings may be conducted in an orderly manner and terminated at a reasonably early date, with the interested parties having adequate notice of the proposals involved. It is at least arguable that some of the pleadings mentioned did not meet our procedural requirements. The same might be said of other pleadings relating to the matters under consideration here, to which no motion to strike was directed. But it must also be considered that the present series of situations, with all of their ramifications, are complex, and have changed from time to time as new proposals and counterproposals have been advanced, the possibility of new allocations has developed, and other factors have been altered. In the circumstances of this proceeding, and taking into account the unavoidable delays in disposing finally of the issues while we reviewed the nationwide TV allocation problem, we believe it is desirable to consider all the proposals and arguments filed in relation to this proceeding. We therefore need not determine whether the various pleadings which are questioned are in strict compliance with our rules. Accordingly, the pleadings mentioned in paragraph 6 are considered herein, and the motions to strike them are denied.

8. The petitions and other pleadings presenting various courses of action in these matters are as follows:

(a) Petition for reconsideration of our Report and Order, filed by American Broadcasting Company (ABC) on April 1, 1957, seeking the reassignment of Channel 12 to Bakersfield instead of Santa Barbara (and also the assignment of Channel 8 to Bakersfield).

(b) Petition for reconsideration of our Report and Order, filed April 1, 1957, by Fred M. Hall, Sidney M. Held and Carroll R. Hauser, seeking the reassignment of Channel 12 to Ventura or Ventura-Oxnard, California, instead of Santa Barbara,[1]

(c) "Request to Expedite Action" filed July 31, 1958, by O'Neill Broadcasting Company, requesting speedy action to make Fresno all-VHF or all-UHF.

(d) "Supplemental Petition" filed August 26, 1958, by McClatchy Newspapers, licensee of KMJ–TV, Fresno Channel 24, asking in the alternative that the Commission either assign Channels 2, 5, 7 (reserved for education) and 9 to Fresno and Channels 8 and 12 (from Fresno) to Bakersfield in addition to Channel 10 already there, or expedite action looking toward removal of Channel 12 from Fresno and Channel 10 from Bakersfield; and pleadings supporting this supplemental petition filed by ABC, O'Neill Broadcasting Company (licensee of Station KJEO, Fresno Channel 47) and Bakersfield Broadcasting Company (licensee of Station KBAK–TV, Bakersfield Channel 29);[2]

(e) "Further Modification of Petition" filed May 12, 1958, by Bakersfield Broadcasting Company (KBAK–TV), asking in the alternative deletion of Channel 10 from Bakersfield or assignment of Channels 8 and 12 (in addition to 10) to that city;[3]

(f) "Petition" of Coast Ventura Company, filed June 24, 1957, seeking deletion of Channel 10 from Bakersfield and its assignment to Ventura-Oxnard, or to Santa Barbara with Channel 12 reassigned to Ventura (Coast Ventura is the licensee of a Ventura radio station; its principals include Messrs. Hall et al., the petitioners mentioned above);

(g) "Reply to Supplemental Petition of McClatchy," etc., filed September 25, 1958, by California Inland Broadcasting Company, then licensee of Station KFRE–TV, Fresno Channel 12, inter alia proposing—in lieu of the McClatchy proposal mentioned as (d) above—the assignment of Channels 2, 5, and *7 and retention of 12 in Fresno and the assignment of Channels 6 and 8 (and retention of 10) in Bakersfield, Channel 6 to be removed from San Luis Obispo, California and Channels 4 and 9 substituted therefor there. Reduction of mileage separations in Zone II or the western part thereof is proposed as part of this plan.[4]

(h) "Motion to Vacate Order to Show Cause," filed September 25, 1958, by California Inland (KFRE–TV), asking the Commission to vacate the show-cause proceedings directed to it looking toward modification of its license to specify Channel 30 instead of Channel 12;

(i) "Supplemental Petition" of O'Neill (KJEO, Fresno Channel 47) filed April 16, 1959, asking prompt action to make Fresno and Bakersfield all–VHF;

(j) Comments, oppositions, and replies filed by the above parties directed to the pleadings of other parties, and similar pleadings filed by Kern County Broadcasters, Inc., Wrather-Alvarez Broadcasting, Inc., and Marietta Broadcasting, Inc., (past licensees and present licensee, respectively, of Station KERO–TV, Bakersfield Channel 10) Edward E. Urner, et al. tr/as Kern County Broadcasting Company, permittee of Station KICU, Bakersfield Channel 17 (whose construction permit has been stayed pending a protest proceeding); Channel City Television & Broadcasting Co., Inc., (potential applicant for Channel 12 at Santa Barbara); Salinas Valley Broadcasting Corporation, licensee of Stations KSBW–TV, Salinas Channel 8, and KSBY–TV, San Luis Obispo Channel 6; Westinghouse Broadcasting Company, Inc., licensee of KPIX, San Francisco Channel 5; and the Association of Maximum Service Telecasters, Inc., (MSTA).

(k) Various pleadings, discussed more fully in the Notice of Proposed Rule Making which we are issuing herewith relating to proposals to assign Channel 12 to Sacramento or to San Jose (with shift of Channel 11 from San Jose to San Francisco), and related proposals involving the assignment of Channels 2, 5 and/or 11 to Reno, Nevada.

The alternative presented. 9. The pleadings mentioned present us with several alternative courses of action, which may be summarized as follows:

(a) With respect to the Fresno market:

(1) Leave it in status quo, by vacating our show-cause proceeding and our Report and Order, leaving VHF Channel 12 (KFRE–TV), three UHF commercial channels (24, 47, 53) with two operating UHF stations, and one non-commercial educational channel (*18).

(2) Pursue our course looking toward making the market all-UHF, by deletion of Channel 12 (subject to show cause proceedings against KFRE–TV), and addition of Channel 30.

(3) Make the market substantially all-VHF, by adding Channels 2, 5, *7 and 9, removing Channel 12, and instituting show cause proceedings looking toward operation by KFRE–TV on one of the new channels (which would require a change in its site if existing mileage separations are to be maintained.

(4) Make the market substantially all-VHF by adding Channels 2, 5 and *7, and retaining Channel 12.

(b) With respect to the Bakersfield market:

(1) Leave it in status quo with VHF Channel 10 (KERO–TV), and UHF Channels 17, 29 and 39. There is one UHF station operating (KBAK–TV, Channel 29) and construction permits for the other two UHF channels have been granted but the grants have been stayed pending protest proceedings.

[1] Letters were filed by the Chambers of Commerce of Oxnard and Ventura, to the same effect as the Hall petition. This petition was opposed in a letter filed by the licensee of Radio Station KOXR, Oxnard, urging that Ventura County remain all-UHF.

[2] We also have before us earlier "Petitions" filed by McClatchy and O'Neill on February 6 and January 13, 1958, respectively, seeking the assignment of Channels 2, 5, and 7 (and by McClatchy also 9) to Fresno in addition to Channel 12.

[3] We also have before us Bakersfield's Petition (filed April 8, 1957), and "Modification of Petition" (filed February 6, 1958); in the former Bakersfield requested the deletion of Channel 10 from Bakersfield and the addition of UHF Channel 39; in the "Modification" it requested deletion of Channel 10 or, in the alternative, addition of Channel 8 to Bakersfield. There is also before us a petition filed by O'Neill supporting the deletion of Channel 10 and proposing the addition of Channel 17 as well as 39.

[4] The present licensee of KFRE–TV, Triangle Publications, Inc. (Radio & Television Division) takes essentially the same position as California Inland in pleadings filed April 29, May 14, and May 15, 1959, in relation to O'Neill's "Supplemental Petition."

(2) Make the market all-UHF by removing Channel 10, for assignment elsewhere, possibly on the coast.

(3) Add another VHF channel to the market, either Channel 12 if that is to be removed from Fresno, and we obtain Mexican concurrence, or possibly some other channel (Channels 8 and 6 have been mentioned as possible assignments).

(4) Add two VHF channels to the market (subject to the same conditions) such as 12 and either 8 or 6.

(c) If we decide to remove Channel 12 from Fresno (under alternatives (a) (2) or (a) (3) mentioned above) we could assign it either to Bakersfield or to Santa Barbara or Ventura-Oxnard.

(d) If we decide to remove Channel 10 from Bakersfield, a similar assignment in coastal California might be possible.

(e) If we decide to remove Channel 12 from Fresno, its use in Northern California (for example, at San Jose or Sacramento) is possible, under circumstances described in the Notice of Rule Making on that subject. If used at San Jose, Channel 11 now assigned there could be reassigned to San Francisco.

Mileage separation and related considerations. 10. When the Commission considered the Fresno case prior to the adoption of its March 1, 1957 Report and Order looking toward the deletion of Channel 12, it was not aware of any method of assigning multiple VHF channels in the Fresno area that would meet existing minimum mileage requirements. The Commission believed, therefore, that the only means of ensuring people of the Fresno area would be afforded at least three comparable television services was to make the area all-UHF. However, it appears from the petitions filed by McClatchy and O'Neill that Channels 2, 5, 7, and 9 may be assigned to Fresno, provided the stations operating on these channels place their transmitter sites some distance to the east of that city. It appears that operating from Mount Patterson, about 44 miles east-northeast of Fresno, where sites are available with a ground elevation of more than 8,000 feet above sea level, a station operating on any of these four channels would put a signal of more than the intensity required for principal-city service (77 dbu) over the entire city of Fresno. The use of Channels 5 and 9 at Fresno would necessitate the deletion thereof from the communities of Goldfield and Tonopah, Nevada, respectively. These communities are quite small (both having populations of less than 1,500); there are no existing or, as far as appears, prospective stations there, and no opposition to the removal of the channels from these places has been presented. In other respects, use of any of these four channels at Mount Patterson sites would meet all applicable mileage separation requirements. If Station KFRE–TV is to operate on one of these channels (Channel 9 is proposed for it by McClatchy), it would be required to move from its present transmitter site, which is closer to Fresno but of lesser elevation, in order to meet the separation requirements.

11. Aside from the question of whether or not Mexico would concur in the assignment of Channel 8 or Channel 12 to Bakersfield (see our Report and Order, para. 24 and footnote 12), it appears that the assignment of Channel 12 to that city (if deleted from Fresno) presents no substantial problems of mileage separation or site availability. As to Channel 8, the 190-mile separation requirement would limit a Bakersfield Channel 8 operation to an area some 25–30 miles east of the city; however, it appears that within this area there is a possible site (about 25 miles from the city) from which a Channel 8 station could provide a signal over the city of greater intensity than that required for principal city service.

12. The use of Channel 6 in Bakersfield, advanced by KFRE–TV as a counterproposal to provide 3 VHF channels to that city without Channel 12, would mean that that channel must be deleted from San Luis Obispo, where Station KSBY–TV is licensed and operates thereon. KFRE–TV proposes that Channels 4 and 9—both of which are in use in both San Francisco and Los Angeles—be assigned to San Luis Obispo instead, and that KSBY–TV operate on one of these. However, the present site of KSBY–TV is only about 167 miles from the Channel 4 and Channel 9 Los Angeles stations, considerably short of the 190-mile requirement. It appears that it is impossible to find any location in the San Luis Obispo area which would meet the separation requirement with respect to both the Los Angeles and San Francisco stations operating on these channels. McClatchy asserts, moreover, that the present KSBY–TV site (slightly north of San Luis Obispo) is located about as far north as it can be and still take advantage of favorable terrain to serve the city.

12a. With respect to the feasibility of using Channel 12 at Santa Barbara or Ventura, this matter was covered in our Report and Order (pars. 24, 25, 29). The subsequent pleadings herein do not furnish any material which requires further discussion. As to use of Channel 10 in this general area, if deleted from Bakersfield, its use would appear to be feasible, from a mileage standpoint, in some community on the California coast between a point about 10 miles north of Santa Barbara and a point north of San Luis Obispo (such as San Luis Obispo or Santa Maria).

The contentions of the parties. 13. We have carefully considered the various pleadings filed concerning the matters involved here, and the arguments and data advanced therein. Their chief lines of argument are as follows.

14. Citing the familiar history of UHF–VHF competition, the three existing Fresno and Bakersfield UHF stations (KJEO and KMJ–TV, Fresno, and KBAK–TV, Bakersfield) assert that a UHF station cannot successfully compete with a VHF station in the same market, and that therefore, if the goal of multiple competitive television services is to be achieved, the assignments in the respective markets must be made competitively comparable. They advocate the achievement of this end through making Fresno and Bakersfield essentially all-VHF, by the addition of Channels 2, 5, 7 (for education) and 9 to Fresno, the removal of Channel 12 from Fresno and its assignment to Bakersfield, and the assignment of Channel 8 to Bakersfield. It is urged that this solution to the problem is preferable to the all-UHF solution for Fresno which we adopted in our Report and Order and which some of them had advocated earlier, for the following reasons: (1) Fresno can never be made a UHF "island" because of VHF signals received in the area from Bakersfield and also from VHF stations in other cities in California; (2) loss of service which would be entailed by an all-UHF allocation because of lesser UHF coverage, particularly in the foothill areas where UHF does not always work satisfactorily (and similar loss in the Bakersfield area which, it is urged, would also have to be made all-UHF); (3) the decline in UHF viewing and development, both in the Fresno area (through nonreplacement of tubes and antennas) and generally in the United States; (4) unlike all-UHF solutions for Fresno and Bakersfield, which would take years to effectuate because of the litigation involved, an all-VHF solution could be implemented speedily (the only litigation beyond rule-making being a possible show-cause proceeding looking toward KFRE–TV shifting from Channel 12 to Channel 9); (5) thus three competitive facilities, and three comparable network outlets, can be provided in both markets speedily.

15. With respect to the relationship between the Fresno and Bakersfield markets (the two cities are about 105 miles apart) the Fresno UHF stations argue that they are harmed by VHF competition from KERO–TV in Bakersfield and would be even more harmed by assignments there on Channel 8 and/or 12, and that these two markets should be treated as a unit. KBAK–TV, Bakersfield, likewise now supports a single VHF solution for the entire San Joaquin Valley; it also argued, earlier, that the similar Fresno and Bakersfield situations should at least be treated comparably—with deintermixture in both places—and points out that its plan to add Channels 8 and 12 to Bakersfield would be consistent with an all-UHF solution for Fresno. ABC, which originally sought the addition of Channels 8 and 12 to Bakersfield even if Fresno was to be made all-UHF, now supports the all-VHF solution for both markets as the speediest way to get three competitively comparable facilities in both places.

16. Station KFRE–TV, Fresno Channel 12, opposes this plan for an all-VHF solution because of the move in its site involved; it asserts that the move to Mt. Patterson (necessary for Channel 9 operation) would be costly and should not be required when the Commission may fairly soon decide on shorter separations which might make such a move unnecessary, and would result in service to the city of Fresno and the foothill areas poorer than that rendered by KFRE–TV from its present site closer to Fresno but lower. In reply, McClatchy asserts that the greater height from Mt. Patterson would mean better service in the area over-all. KFRE–TV does not oppose an all-VHF solution for Fresno and Bakersfield, and as a means of effectuating that

while still retaining Channel 12 in Fresno, it suggests its alternative of assigning Channel 8 and also Channel 6 to Bakersfield, through deletion of Channel 6 from San Luis Obispo. Since the substitution of channels at San Luis Obispo (described above) would involve co-channel mileage separations considerably shorter than the 190 miles specified for Zone II, KFRE–TV suggests that the Commission consider on a case-to-case basis assignments in the western portion of Zone II with no more than 170 miles separation—separations which, it is urged, are equal to those in Zone I, are appropriate for the mountainous terrain in the western portion of Zone II, and would make this and other reallocations possible. The opponents of KFRE–TV's alternative plan urge that the Fresno-Bakersfield problem should not be approached by considering such a fundamental change in our allocation principles (which is not necessary and which would inevitably be complex and time-consuming), and that their plan is the only workable one.

17. The past and present licensees of Station KERO–TV, Bakersfield Channel 10, oppose any of the proposed changes in Bakersfield assignments. It is argued that deintermixture is not needed in Bakersfield (or, for that matter, in Fresno either) since the UHF stations appear to be doing reasonably well, and, in this situation as elsewhere, the presence of only one VHF station does not render difficult the survival and development of UHF stations. As to the deletion of Channel 10 originally proposed, KERO–TV argues that this would cause loss of service to areas which UHF cannot serve, and that no suitable use of the channel could be made elsewhere in a substantial community. As to Channel 8, KERO–TV asserts that use thereof in Bakersfield would not be satisfactory because of shadowing in some directions and "ghosting" resulting from the mountainous terrain around the transmitter site; and that this assignment, like the proposed new Fresno VHF assignments, would be bad allocation policy because considerations of adequate service would be subordinated to "squeeze-ins" designed to meet mileage separation requirements. It is argued that the addition of one or two VHF channels in Bakersfield would mean the end of UHF there, and would limit the city to two stations until Channel 12 might be available after show-cause proceedings against KFRE–TV in Fresno, and forever to no more than three stations, whereas there are now two operating stations and two outstanding (though stayed) UHF construction permits (in reply, KBAK–TV asserts that UHF construction permits are not the equivalent of going, successful stations). It is also asserted that any additional VHF assignments in Bakersfield would injure the cause of UHF in Fresno. It is argued that comparable treatment of the two markets is not required, since the facts are different—UHF in Fresno being more appropriate because of the existence of two UHF stations (of high power) long before the VHF station commenced operation, unlike the Bakersfield situation.

18. The parties interested in assignment of Channels 12 and 10 on the California coast argue that the all-UHF plan is appropriate for Fresno (as we have held) and also for Bakersfield, and would make Channels 10 and 12 available for use on the California coast. It is pointed out that the Santa Barbara market could thereby have two or even three VHF outlets instead of one (and that no UHF station will ever survive there), and also that assignment of one of the channels to Ventura or Ventura-Oxnard would provide these communities and Ventura County with a first local outlet: (the respective parties of course differ as to where on the coast these channels should be assigned). ABC, urging the assignment of Channel 12 to Bakersfield instead of Santa Barbara, advances in support thereof the relative present population of the respective counties (Kern and Santa Barbara) and also greater area and population which would be served by a Bakersfield station on this channel (12,500 square miles and 329,000 persons as compared to 7,150 square miles of land area and 255,000 persons for a Santa Barbara station).[5]

Conclusions. 19. The basic alternatives which the parties have urged in Fresno and Bakersfield are to make these markets all-UHF or VHF. With one exception there was no support for the status quo of intermixed markets.

Our reconsideration of these markets in the light of the detailed data and arguments summarized in the preceding paragraphs leads us to the conclusion that the public interest would best be served by the addition of Channels 2, 5, 7, and 9 to Fresno (with Channel 7 reserved for educational use), the assignment of Channel 12 and Channel 8 to Bakersfield, and the incidental deletion of Channels 5 and 9 from Goldfield and Tonopah, Nevada, respectively.

20. We consider this course preferable to eliminating VHF outlets from this area, which would result in some—though no extensive—loss of service. It is, moreover, preferable to leaving the markets intermixed, a course which would neglect our interim objective of making comparative opportunities more nearly equal in important markets where it is feasible to do so with due regard for all local circumstances and applicable policies.

21. In the case of Fresno, we must also consider the time factor involved. Assignment of Channels 2, 5, *7, and 9 would permit Stations KMJ–TV and KJEO to prepare for VHF operation after the rule making proceedings are completed; and if KFRE–TV should maintain its right to a "show cause" hearing before modification of its license to specify Channel 12 (from the Mt. Patterson site) at least all of the operating stations in Fresno will be VHF during that period. Accordingly, we conclude that the Fresno area should be deintermixed by the assignment of four VHF channels (one reserved for education) to that city.

22. We turn to consideration of which course of action we should pursue with respect to additional Fresno VHF assignments, whether to add Channels 2, 5, 7 (for education) and 9, and remove 12, or add 2, 5, and 7 (for education) and keep Channel 12. We adopt, as a basis for further proceedings which may be necessary hercin, the plan under which 2, 5, *7 and 9 are added and Channel 12 is removed. It presently appears that service from the more distant site at which these channels (including 9) would be used will be adequate to serve the city and the area. Moreover, the removal of Channel 12 from Fresno will make possible its use elsewhere, both in northern California and in Bakersfield.

For reasons set forth below, we conclude that its use in Bakersfield is preferable, in order to achieve deintermixture of that area. We do not propose as an alternative for Bakersfield the addition of Channel 6, as requested by KFRE–TV; because this course of action would involve the deletion of this channel from San Luis Obispo, without any satisfactory assignment to replace it. KFRE–TV has proposed that Channels 4 and 9 be assigned to San Luis Obispo; but this would involve very substantial violation of our mileage separation rules, and we are not disposed to alter these on a case-to-case basis when an alternative, which appears to have no substantial drawbacks affecting the public interest, appears available. We cannot accept KFRE–TV's argument that it would be subjected to substantial adjacent channel interference if operating on Channel 9 in Fresno, in view of the large distances from other adjacent channel assignments. We are not of course prejudging the further Fresno rule making which appears to be necessary, or whatever show cause proceeding may be involved with KFRE–TV; but as a basis upon which to proceed we favor the proposal which contemplates operation by the three Fresno stations on Channels 2, 5 and 9, and the deletion of Channel 12 from that city. Accordingly, in the attached Further Notice we propose to assign Channels 2, 5, 7 (educational) and 9 to Fresno, and to reassign Channel 12 elsewhere. We also issue show cause orders directed to KFRE–TV and the other Fresno stations.

23. We conclude that the public interest would be better served by the use of Channel 12 in Bakersfield, along with Channel 10 and Channel 8. The arguments for deintermixture of this market are the same as those applicable to Fresno. For similar reasons, it appears preferable not to make Bakersfield an all-UHF market or leave it intermixed. The course we adopt here necessitates

[5] Various parties herein refer to the respective populations of Bakersfield, Santa Barbara, Ventura, and Oxnard, and the counties wherein they are located. The pertinent facts appear to be as follows:

	1950 Census	*Current (1958)*
Bakersfield	34,784	54,300
Kern County	228,309	279,600
Santa Barbara	44,913	57,100
Santa Barbara Co.	98,220	121,300
Oxnard	21,567	34,600
Ventura	*30,209	27,100
Total	51,776	61,700
Ventura County	114,647	163,100

*Township.

using Channel 12 at Bakersfield, rather than at Santa Barbara or Ventura-Oxnard. In our Report and Order (paragraph 30) we decided on the assignment of Channel 12 to Santa Barbara rather than Bakersfield inter alia because use thereof at Bakersfield would work to the disadvantage of UHF operation in Bakersfield and might have a similar effect in the Fresno area. Now, since we propose to make Fresno substantially all-VHF and contemplate similar action with respect to Bakersfield if it proves feasible, this reason no longer applies. Accordingly, we are of the view that, for the interim period with which our actions here are concerned, use of Channel 12 in Bakersfield, where it would help to solve the intermixture problem and would also make possible the provision of service to a much more populous county and a substantially greater total area and population, is to be preferred to its use at Santa Barbara. Likewise, use of this channel at Bakersfield we conclude to be more in accordance with our interim objectives than its assignment to Ventura or Ventura-Oxnard.

24. Use of Channels 8 and 12 at Bakersfield requires the concurrence of Mexico, since Bakersfield is within 250 miles of the Mexican boundary (see our Report and Order, paragraphs 24 and 25). Negotiations have been in progress looking toward such concurrence with respect to these channels, and it appears that there is substantial likelihood that formal concurrence will be obtained in these assignments. Accordingly—subject of course to the final outcome of these negotiations—we are instituting rule making proceedings looking toward these assignments.

25. Bakersfield Broadcasting Company has requested that it be issued a show cause order looking toward modification of the license of KBAK–TV to specify Channel 12 instead of Channel 29. While we are instituting rule making proceedings looking toward the assignment of Channels 8 and 12 to Bakersfield, we do not believe it appropriate to issue any show cause order in view of the fact that there are two UHF construction permits outstanding, even though not in effect at this time because of the protest proceeding. In this respect, KBAK's request is denied.

26. On October 2, 1958, Kern County Broadcasting Company (then an applicant for Channel 17) filed a petition requesting that Channel 39, Bakersfield, be reserved for educational use, so as to leave three commercial channels (1 VHF and 2 UHF) in that city. In view of the pending proceedings involving Bakersfield allocation, it is not necessary to pass upon that petition at this time. Kern County Broadcasting Company, or any other party, is of course free to assert in rule making proceedings relating to Bakersfield that one channel should be reserved for education.

27. As noted above, if Channel 12 is deleted from Fresno, an additional VHF channel may be assigned to a city north of Fresno. Two proposals have been submitted looking toward the assignment of a new VHF channel to San Francisco, and a conflicting proposal requests an additional VHF assignment to Sacramento. We are today instituting rule making on two proposals, together with interrelated proposals for additional VHF outlets at Reno. In connection with proposals involving Reno, we note that that city is 192 air miles north of Fresno. Since the proposal for use of Channels 2, 5, *7 and 9 at Fresno involves use of a site east-northeast of that city, it is possible that the assignment of Channels 2 and 5 to Fresno may involve some limitation upon the site at which these channels could be used at Reno. Despite this possible interrelationship, we conclude upon full consideration of all relevant factors that the rule making on Fresno and Bakersfield assignments should proceed separately from our review, in a different proceeding, of allocation proposals affecting Reno, Sacramento, San Francisco and other California cities. A consolidated proceeding would be unduly cumbersome. Moreover, we attach more urgency to an interim solution for the currently intermixed markets of Fresno and Bakersfield than to the interim problems in Reno, a smaller market with two VHF assignments. It follows that if a site conflict should arise between Reno and Fresno—and this is an uncertain eventuality—we would be compelled to resolve it in favor of Fresno.[6]

28. In view of the foregoing: *It is ordered*, That the Commission's Report and Order and Order to Show Cause, adopted in this proceeding on February 26, 1957 and released on March 1, 1957 (22 FCC 365, 15 Pike and Fischer RR 1586i), is vacated.

29. Notice is hereby given of further proposed rule making to amend § 3.606 *Table of assignments*, Television Broadcast Stations, as follows:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif.	10−, 17, 29, 39+	8, 10−, 12+, 17, 29, 39+
Fresno, Calif.	12+, *18−, 24, 47, 53	2−, 5−, *7+, 9−, 33
Goldfield, Nev.	5−	
Tonopah, Nev.	9−	

30. The Commission is of the view that interested parties should be invited to file comments on the foregoing proposal before further action is taken in the subject proceeding.

[6] We also note a pleading filed very recently (May 19, 1959) on behalf of Station KCCC–TV, Sacramento Channel 40, which asks us to consider lowering the Zone II co-channel mileage separation requirements to 100 to 125 miles, in lieu of the present 190 miles. The pleading also proposes numerous changes in assignments in California on the basis of such reduced separations. While we are considering the possible reduction of mileage separations in situations where the critical shortage of VHF channels can be alleviated only by this means, it is not appropriate to consider, in a proceeding relating to individual cities, a drastic reduction in separations throughout the largest of the three zones. Accordingly, this pleading is denied insofar as it proposes concurrent consideration of reassignments in Fresno, Bakersfield, and elsewhere which involve such radical reduction in separations.

31. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307(b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

32. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

33. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, responses, or comments shall be furnished the Commission.

34. *It is ordered*, That, pursuant to the provisions of sections 303(f) and 316 of the Communications Act of 1934, as amended:

(a) O'Neill Broadcasting Company is ordered to show cause why its authorization for Station KJEO on Channel 47 in Fresno should not be modified to specify operation on Channel 2.

(b) McClatchy Newspapers is ordered to show cause why its license for Station KMJ–TV on Channel 24 in Fresno should not be modified to specify operation on Channel 5−.

(c) Triangle Publications, Inc., is ordered to show cause why its license for Station KFRE–TV on Channel 12+ in Fresno should not be modified to specify operation on Channel 9−.

35. Responses to the Show Cause Orders issued herein should be filed on or before August 24, 1959. If a respondent consents to the proposed modification of its authorization, it will be helpful if the response includes all data necessary for the preparation of engineering specifications covering the modified authorization.

36. *It is further ordered*, That each respondent should file an original and 14 copies of its response, and should indicate therein whether or not it requests a hearing in the matter, and if so, whether it intends to appear and present evidence at such hearing on the matters specified herein and in said response.

37. *It is further ordered*, That failure to file a response by August 24, 1959 shall be deemed consent by the respondent to the modification of its authorization as proposed, and a final order will issue accordingly.

38. *It is further ordered*, That failure to indicate said response that respondent requests a hearing will be deemed a waiver of its right to a hearing, and if the response is filed and the right to request a hearing has been waived by

respondent, the Commission may, depending upon the facts alleged and proof offered, either call upon respondent to furnish additional information under oath, designate the matter for hearing on its own motion or issue without further proceedings an order modifying respondent's authorization, as proposed herein.

39. *It is further ordered*, That the proposals inconsistent with those adopted herein for further rule making are denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: July 15, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6020; Filed, July 21, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

RALPH M. BESSE

Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Ralph M. Besse on July 2, 1959 in the Department of the Army. Mr. Besse is serving as Chief of the Cleveland Ordnance District, Cleveland, Ohio.

Mr. Besse is presently employed by the Cleveland Electric Illuminating Company, Cleveland, Ohio.

Mr. Besse's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

The Cleveland Electric Illuminating Co.—Executive Vice President and Director.
The CEICO Company—President.
The Cleveland Trust Co.—Director.
American Management Assn.—Director.
(Charitable and educational organizations not listed.)

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

American Vitrified Products.
Cleveland Electric Illuminating Co.
Cleveland Trust Co.
Controls Co. of America.
Diamond-Portland Cement.
Dow Chemical Co.
Gerber Products Co.
Great American Life Underwriters.
National Screw & Mfg. Co.
Nationwide Corp. "A".
Ohio Oil Co.
One William Street Fund.
Prince Marine Drilling & Exploration.
Producing Properties.
Royal Dutch Petroleum.
Standard Oil of New Jersey.
Television Electronic Fund.
Travelers Insurance Co.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 29, 1959.

RALPH M. BESSE.

[F.R. Doc. 59-5982; Filed, July 21, 1959; 8:45 a.m.]

ALBERT W. GILMER

Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Albert W. Gilmer on July 1, 1959 in the Department of the Army. Mr. Gilmer is serving as Chief of the Philadelphia Ordnance District, Philadelphia, Pennsylvania.

Mr. Gilmer is presently employed as a partner with Barnes, Dechert, Price, Myers and Rhoades, Philadelphia, Pennsylvania.

Mr. Gilmer's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

(a) Commercial Banking Corp., Director, Philadelphia, Pa.
(b) Airdesign Corp., Director, Secretary, Upper Darby, Pa.
(c) William Freihofer Baking Co., Director, Philadelphia, Pa.
(d) Gates Engineering Co., Secretary, Wilmington, Del.
(e) Wilmington Realty Co., Secretary, Wilmington, Del.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

(a) Chicago & Northwestern Railway, Stockholder, Chicago, Ill.
(b) East Sugar Loaf Coal Co., Stockholder, Philadelphia, Pa.
(c) Petroleum Conversion Corp., Stockholder, Wilmington, Del.
(d) Lehigh Coal & Navigation Co., Stockholder, Bethlehem, Pa.
(e) The Macco Chemical Co., Stockholder, Cleveland, Ohio.
(f) Crown Cork & Seal Co., Inc., Stockholder.
(g) Airdesign Corp., Stockholder, Upper Darby, Pa.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

(a) Barnes, Dechert, Price, Myers & Rhoads (Law Firm), Partner, Philadelphia, Pa.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: June 1, 1959.

ALBERT W. GILMER.

[F.R. Doc. 59-5983; Filed, July 21, 1959; 8:45 a.m.]

EDWARD F. McCROSSIN

Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edward F. McCrossin on July 1, 1959 in the Department of the Army. Mr. McCrossin is serving as Chief of the New York Ordnance District.

Mr. McCrossin is self-employed. He is the sole owner of McCrossin and Company, New York.

Mr. McCrossin's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporations of which I am, or within 60 days preceding this appointment have been, an officer or director:

Seaboard Fire & Marine Insurance Company of New York, Director.
Yorkshire Insurance Company of New York, Director.
Yuba Consolidated Industries, Director.

2. The names of any corporations in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Stockholder (Investments),
Alabama Power Company.
American Metals, Ltd.
American Tel. & Tel. Co.
American Equitable Assurance Co.
Crown Cotton Mills of Dalton, Ga.
Cherokee Royalty Co., Beaumont, Tex.
General Electric Company.
Irving Trust Co. of New York City.
Inland Steel Company.
Kennecott Copper Company.
Mississippi River Fuel Corp.
Mountain Fuel Supply Company.
National Steel Corp.
Pacific Gas & Electric Co.
Seaboard Fire & Marine Insurance Co.
Socony Mobile Oil Company.
Standard Oil of California.
Standard Oil of Indiana.
Standard Oil of New Jersey.
Union Carbide & Carbon Corp.
F. W. Woolworth Company.
Yorktown Products Corp.
Yuba Consolidated Industries.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

McCrossin & Company, Consulting Engineers, sole owner.

Dated: June 30, 1959.

EDWARD F. McCROSSIN.

[F.R. Doc. 59-5984; Filed, July 21, 1959; 8:45 a.m.]

JOHN S. PFEIL

Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. John S. Pfeil on July 1, 1959 in the Department of the Army. Mr. Pfeil is serving as Chief of the Boston Ordnance District, Boston, Massachusetts.

Mr. Pfeil is presently retired.

Mr. Pfeil's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTIN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

None.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds or other financial interests:

Home Insurance Company.
Newton-Waltham Bank.
Incorporated Investors.
Eastern Utility Associates.
Massachusetts Investors Trust.
Norfolk County Trust Company.
General Motors.
Bank of America.
Tennessee Gas Transmission.
Eaton & Howard.
Manufacturers Trust Company.
Continental Baking Company.
Massachusetts Port Authority.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment, have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1959.

JOHN S. PFEIL.

[F.R. Doc. 59-5985; Filed, July 21, 1959; 8:45 a.m.]

HARRY S. ROBINSON

Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Harry S. Robinson on July 1, 1959 in the Department of the Army. Mr. Robinson is serving as Chief of the Cincinnati Ordnance District, Cincinnati, Ohio.

Mr. Robinson is retired.

Mr. Robinson's statement of his personal business interests is set forth below.

Dated: July 16, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by Section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

Treasurer & Director, Technical Equipment Company, Cincinnati, Ohio.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

Borg-Warner Corporation.
Food Machinery & Chemical Company.
General Electric Company.
General Portland Cement Company.
Halliburton Oil Well Cementing Co.
McGraw Hill Publishing Company.
Monarch Machine Tool Company.
Republic Steel Company.
Southern Company.
Standard Oil of California.
Standard Oil of Indiana.
Standard Oil of New Jersey.
West Penn Electric Co.
Central Trust Co., Cincinnati.
Fifth-Third Union Trust, Cincinnati.
U.S. Shoe Corp., Cincinnati.
Technical Equipment Co., Cincinnati.
American Gas & Electric Co.
Cincinnati Enquirer.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1959.

HARRY S. ROBINSON.

[F.R. Doc. 59-5986; Filed, July 21, 1959; 8:45 a.m.]

WILLIAM J. RUSHTON

Employment Without Compensation

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. William J. Rushton on July 1, 1959 in the Department of the Army. Mr. Rushton is serving as Chief of the Birmingham Ordnance District.

Mr. Rushton is presently employed by the Protective Life Insurance Company, Birmingham, Alabama.

Mr. Rushton's statement of his personal business interests is attached:

Dated: July 16, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated November 28, 1955 (subsection 710(b) (6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

First National Bank of Birmingham, Birmingham, Ala.
Gulf, Mobile & Ohio Railroad.
Alabama Power Company.
Moore Handley Hardware.
Protective Life Insurance Company.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

First National Bank of Birmingham, Birmingham, Ala.
Gulf, Mobile & Ohio Railroad.
Alabama Power Company.
Moore Handley Hardware.
Protective Life Insurance Company.
South Georgia Gas Company.
Southern Company.
Chattanooga Coca-Cola Bottling Company.
Darlington-Hartsville Coca-Cola Company.
Coca-Cola Bottling Company of Lake Charles.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 1, 1959.

WILLIAM J. RUSHTON.

[F.R. Doc. 59-5987; Filed, July 21, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 127]

EMPIRE IMPORT & EXPORT CORPORATION

Whereas, by virtue of the issuance of Vesting Order No. 177, dated September 28, 1942, as amended May 21, 1943 (7 F.R. 8569; 8 F.R. 7204), and other actions taken under the Trading With the Enemy Act, as amended, the Attorney General of the United States, (hereinafter referred to as "Attorney General"), successor to the Alien Property Custodian, holds all of the capital stock of Empire Import & Export Corporation (hereinafter referred to as the "Company"), a corporation organized under the laws of the State of New York; and

Whereas, by virtue of the issuance of Vesting Order No. 734, dated January 23, 1943 (8 F.R. 1658), and other actions taken under the Trading With the Enemy Act, as amended, there is vested in the Attorney General all right, title, interest and claim of Local Filatures Corporation, Kobe, Japan, in and to all obligations owing to it by the Company, which obligations have been determined to aggregate $99,917.14; and

Whereas, the Company has been substantially liquidated.

Now, therefore, under authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the assets of the Company, after write-off of uncollectible items, consist of cash in the amount of $18,988.99 and are insufficient to pay in full its liabilities listed below; and

2. Finding that the claims of all known creditors of the Company have been paid except:

(a) The aforesaid vested obligation due the Attorney General in the amount of $99,917.14;

(b) Account payable to Butter & Silverman, Attorneys at Law, 291 Broadway, New York 7, New York, in the amount of $350.00;

(c) Account payable to Harry Feldman, Certified Public Accountant, 11 West 42d Street, New York, New York, in the amount of $200.00;

(d) Account payable to New York Telephone Co. (E. Newton Wellington, Attorney, 104 Broad Street, New York 4, N.Y.) in the amount of $15.72;

(e) Account payable to the Attorney General for advances made or services rendered to the Company by the Office of Alien Property prior to date of dissolution of the Company (October 30, 1943) in the amount of $314.75; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up, and that its assets be distributed as hereinafter provided, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York on October 30, 1943, upon application of the Alien Property Custodian as sole stockholder of said Company

Hereby orders, That the officers and directors of the Company (to wit, Lewis M. Reed, President and Director, and Stanley B. Reid, Secretary and Director, or their successors or any of them) wind up the affairs of the Company and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay all current expenses and reasonable and necessary charges, if any, of winding up the affairs of the Company; and

(b) They shall then pay all known federal, state, and local taxes or fees, if any, owed by or accrued against the Company; and

(c) They shall then apply all funds of the Company remaining in their hands after making the payments, if any, specified in (a) and (b) above, to the payment, on a *pro rata* basis, of the claims and obligations owing to the Attorney General and each of the other creditors listed in subparagraphs (a) through (e) of paragraph 2 hereof; and

(d) They shall then deliver to the Attorney General an assignment of all remaining assets or property (if any) of the Company of whatever kind or nature (including any after-discovered assets or property and all claims or causes of action of whatever kind or nature). The Attorney General, if and when such assets or property (if any) are liquidated, will apply the net proceeds thereof to the purposes and with priorities specified by paragraphs (a), (b), and (c) hereof, and will retain any remaining balance as a liquidating distribution of assets to the sole stockholder; and

Further orders, That nothing herein set forth shall be construed as prejudicing the rights under the Trading with the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any assets or property received by the Attorney General hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further*, That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to section 5(b)(2) of the Trading with the Enemy Act, as amended (50 U.S.C. App. 5), and the acquittance and exculpation provided therein.

Executed at Washington, D.C., on July 14, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6001; Filed, July 21, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-136]

GENERAL ELECTRIC CO.

Notice of Filing of Application for Facility Export License

Please take notice that International General Electric Company, a Division of General Electric Company, 150 East 42d Street, New York 17, New York, has submitted an application dated June 4, 1959, and amendment thereto dated June 12, 1959, for a license authorizing the export of a 62,000 thermal kilowatt (15,000 kilowatt electrical) boiling water power reactor to Allgemeine Elektricitats-Gesellschaft AG, Frankfurt/Main AEG-Hochhaus, Federal Republic of Germany.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of the Federal Republic of Germany, the Commission may issue an export license authorizing the export of the reactor to West Germany.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application and amendment is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 15th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-5981; Filed, July 21, 1959; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[Amdt. 27]

ORGANIZATIONS AND FUNCTIONS

Establishment of New Aircraft Engineering District Offices

In accordance with the public information requirements of the Administrative Procedure Act, section 22(b) of the Organizations and Functions of the Federal Aviation Agency as published on December 24, 1957 (22 F.R. 10499), is amended to add Aircraft Engineering District Offices located as follows to the list of such offices for Region 2:

1. Marietta, Georgia, mailing address: c/o Lockheed Aircraft Corporation, Georgia Division, Marietta, Georgia.
2. International Airport, mailing address: International Airport, San Antonio 9, Texas.

Issued in Washington, D.C., on July 15, 1959.

ALAN L. DEAN,
Acting Administrator.

[F.R. Doc. 59-6011; Filed, July 21, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12879; FCC 59M-897]

FREDERIC C. DOUGHTY

Order Continuing Hearing

In the matter of Frederic C. Doughty, Springfield, Pennsylvania, Docket No. 12879; suspension of Amateur Radio Operator License (W3PHL).

On the Hearing Examiner's own motion: *It is ordered*, This 14th day of July 1959, that the hearing in this proceeding heretofore scheduled for July 24, 1959, is postponed to Tuesday, September 29, 1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.[1]

Released: July 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6028; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 12860 etc.; FCC 59M-904]

WILLIAM PARMER FULLER, III, ET AL.

Order Advancing Hearing Date

In re applications of William Parmer Fuller, III, Salt Lake City, Utah, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; Cache Valley Broadcasting Company (KVNU), Logan, Utah, Docket No. 12863, File No. BP-12017; for construction permits.

The Hearing Examiner having under consideration oral request of William Parmer Fuller, III, for the advancement of the hearing herein;

It appearing that all participating parties have consented to a grant of the request;

It is ordered, This 15th day of July 1959, that the request is granted, and the hearing scheduled herein for September 11, 1959, is advanced to July 31, 1959, at 10:00 a.m.

Released: July 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6029; Filed, July 21, 1959; 8:57 a.m.]

[Docket No. 12777; FCC 59M-909]

SEASIDE BROADCASTING CO.

Order Scheduling Hearing

In re application of Ronald L. Rule, James L. Dennon and Seldon Mason, d/b as Seaside Broadcasting Company, Seaside, Oregon, Docket No. 12777, File No. BP-11200; for construction permit.

The Hearing Examiner having under consideration the motion of Seattle, Portland and Spokane Radio made at the prehearing conference held in the above-entitled proceeding on July 13, 1959, to rule applicant Seaside Broadcasting Company in default for failure to attend said conference, close the record, and issue an initial decision denying the application;

It appearing, that Seaside Broadcasting Company is represented by counsel having offices in Portland, Oregon; and

It further appearing, that the proceeding involving a single applicant and intervenor, the failure herein is not sufficiently disruptive to orderly disposition of the proceeding to warrant invoking the sanction of default if it be assumed said motion would properly lie at this point in the proceeding;

It is ordered, This 15th day of July 1959 that the said motion to rule applicant in default is denied;

It is further ordered, That hearing herein is scheduled to commence on July 30, 1959, at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: July 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6030; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 12897; FCC 59M-912]

SHERRILL C. CORWIN (KFMC)

Order Following Prehearing Conference

In re application of Sherrill C. Corwin (KFMC), Santa Barbara, California, Docket No. 12897, File No. BMPH-5408; for modification of construction permit for FM broadcast station.

A prehearing conference in the above-entitled matter having been held on July 14, 1959, and it appearing that certain agreements were reached therein which properly should be formalized in an Order;

It is ordered, This 16th day of July 1959, that:

(1) The affirmative case of the applicant and the rebuttal case of the respondent (if any) shall be presented by written, sworn exhibits;

(2) The applicant shall make a preliminary exchange of its exhibits with the other parties herein on August 21, 1959;

(3) The applicant and respondent shall make an exchange of their respective exhibit in final form (with copies to be supplied to counsel for the Broadcast Bureau and the Hearing Examiner) on September 9, 1959; and

It is further ordered, That the hearing in this proceeding heretofore scheduled to commence on September 3, 1959, is continued to Wednesday, September 16, 1959, at 9:30 a.m., in the offices of the Commission, Washington, D.C.

Released: JULY 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6031; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 12813; FCC 59M-903]

SOUTHBAY BROADCASTERS

Order Continuing Hearing

In re application of Burr Stalnaker, John B. Stodelle and Melva G. Chernoff, d/b, as Southbay Broadcasters, Chula Vista, California, Docket No. 12813, File No. BP-11469; for construction permit for a new standard broadcast station.

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed in the above-entitled proceeding on July 13, 1959, by Southbay Broadcasters;

It appearing that pursuant to the order released herein on June 11, 1959, the direct case of Southbay Broadcasters was to be supplied the other parties and the Hearing Examiner on or before July 13, 1959; the direct affirmative or rebuttal evidence of KFWB Broadcasting Company was to be supplied the other parties and the Examiner on or before July 20, 1959; notification of witnesses for cross-examination was to be given on or before July 23, 1959; and the hearing was scheduled to commence on July 27, 1959, which dates the instant petition requests be continued as specified in the said petition;

It further appearing that all parties to the proceeding have consented to immediate consideration and grant of the said petition and good cause for a grant thereof has been shown in that additional time is required for the making of field intensity measurements;

It is ordered, This 14th day of July 1959 that the petition for continuance of procedural dates is granted and the dates for exchange of applicant's direct case,

[1] The instant order does not affect respondent's pending request for the transfer of the place of hearing to Philadelphia, Pennsylvania, which request is a matter for consideration by the Chief Hearing Examiner.

for exchange of respondent's direct affirmative or rebuttal evidence, and for notification of witnesses for cross-examination are continued to September 15, 1959; September 22, 1959; and September 25, 1959, respectively;

It is further ordered, That the hearing presently scheduled for July 27, 1959 is continued to September 29, 1959, commencing at 10:00 a.m.

Released: July 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6032; Filed, July 21, 1959; 8:51 a.m.]

[Docket No. 11997; FCC 59-714]

ALLOCATION OF CERTAIN FREQUENCIES TO NON-GOVERNMENT SERVICES

Order Extending Time for Filing Exhibits

In the matter of statutory inquiry into the allocation of frequencies to the various non-governmental services in the radio spectrum between 25 Mc and 890 Mc; Docket No. 11997.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 15th day of July 1959.

The Commission having before it for consideration, requests for extension of time in which to file exhibits in the above referenced docket by the National Committee for Utilities Radio and the Association of American Railroads, the latter association requesting an extension of time to September 1, 1959, in which to file its reserved exhibit:

It appearing that the Commission desires to have the exhibits to be received in this proceeding in their most complete and useful form;

It further appearing that the request appears to be reasonable and would aid the Commission in its deliberations in this matter and that an extension of time is considered necessary and would be in the public interest;

It is ordered, That the request for an extension of time to September 1, 1959, in which to file exhibits in the subject docket is granted.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6028; Filed, July 21, 1959; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

ZINC OXIDE PELLETS HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 165,273 pounds of zinc oxide pellets now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that, because of obsolescence of said pellets for use in time of war, there is no longer any need for stockpiling said material.

GSA proposes to offer said zinc oxide pellets for sale on a competitive basis. It is proposed to offer the entire quantity for sale at one time since the quantity is very small in relation to domestic consumption.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the zinc oxide pellets covered by this notice available for sale beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 16, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-6005; Filed, July 21, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 26]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JULY 17, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7 of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 119055, filed November 28, 1958. Applicant: DAVE BYER, doing business as DAVE BYER FRUIT XPRESS, 201 West 24th, Hutchinson, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *bananas*, in straight and in mixed loads with *certain exempt commodities*, from Galveston, Tex., New Orleans, La., Mobile, Ala., Miami, Fla., and Alamosa, Colo., to Wichita, Pittsburg, Coffeyville, and Topeka, Kans., Kansas City and Springfield, Mo., Denver and Billings, Mont., Oklahoma City, Okla., and Carter, Tex.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5998; Filed, July 21, 1959; 8:47 a.m.]

[Notice 93]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 17, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 986 (Deviation No. 2), KANSAS-NEBRASKA EXPRESS, INC., 1229½ Union Avenue, Kansas City 1, Mo., filed July 9, 1959. Attorney, Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Kansas City, Mo., over U.S. Highway 71 to junction City U.S. Highway 71, thence over City U.S. Highway 71 to junction U.S Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 73, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Kansas City over U.S. Highway 24 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to points within a 15-mile radius of Morrowville, Kans., and return over the same route.

No. MC 6945 (Deviation No. 2), THE NATIONAL TRANSIT CORPORATION, 1687 West Fort Street, Detroit 16, Mich., filed July 6, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Fostoria, Ohio, over Ohio Highway 199 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to junction U.S. Highway 24A, in Toledo, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: from Perrysburg, Ohio, over U.S. Highway 23 to Marion, Ohio; and from Toledo, Ohio, over U.S. Highway 23 to Perrysburg; and return over the same routes.

No. MC 13123 (Deviation No. 5), WILSON FREIGHT FORWARDING CO., 3636 Follett Avenue, Cincinnati 23, Ohio, filed July 6, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over two deviation routes, (A) from junction U.S. Highway 22 and New Jersey Highway 24 at or near Phillipsburg, N.J., over New Jersey Highway 24 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 93, thence over New Jersey Highway 93 to junction U.S. Highway 1, (B) from junction U.S. Highway 22 and New Jersey Highway 24 at or near Phillipsburg, N.J., over New Jersey Highway 24 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Phillipsburg, N.J., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 93; from Phillipsburg, N.J., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 3; and return over the same routes.

No. MC 71478 (Deviation No. 5), THE CHIEF FREIGHT LINES, COMPANY, 1229½ Union Avenue, P.O. Box 4049, Station A, Kansas City, Mo., filed July 9, 1959. Attorney, Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Oklahoma City, Okla., over Oklahoma Highway 74 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 177, thence over U.S. Highway 177 to the Kansas Turnpike, thence over the Kansas Turnpike and access routes to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent authorized service route: from Oklahoma City over the Turner Turnpike to Tulsa, Okla., and thence over U.S. Highway 169 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-5999; Filed, July 21, 1959; 8:47 a.m.]

[Notice 279]

MOTOR CARRIER APPLICATIONS

JULY 17, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 328), filed April 30, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks*, and *truck chassis*, in initial movements, in truckaway and driveaway service, from points in Wayne County, Ind., to points in the United States, including the new State of Alaska, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 4405 (Sub No. 331), filed June 10, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers*, and *trailer and semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements by truckaway service, from Perkasie and Falls Township, Bucks County, Pa., to points in the United States, including Alaska; and (2) *cargo containers*, from Trevose, Perkasie, and Falls Township, Bucks County, Pa., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 21120 (Sub No. 1), filed April 29, 1959. Applicant: PANTHER CARTAGE CO., 1041 Front Street, Cleveland 13, Ohio. Applicant's attorney: Oliver H. Wolf, Jr., Leader Building, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (a) between points in Lake, Geauga, Summit, Medina, and Lorain Counties, Ohio, on the one hand, and, on the other, the Cleveland Hopkins Airport located in Cuyahoga County, Ohio. (b) Between Cleveland Hopkins Airport, on the one hand, and, on the other, the Akron Airport, Columbus Airport, and Dayton Airport. Applicant states all authority requested in (a) and (b) above is to be restricted to shipments having a prior or subsequent movement by aircraft. Applicant has filed Motion to Dismiss this application on the grounds that the requested authority is within the exemption provided in 49 U.S.C., section 303(b)(7a) respecting transportation of property by motor vehicle when incidental to transportation by aircraft. Applicant is authorized to conduct operations in Ohio.

NOTE: Applicant states as follows: This is a pickup and delivery service for authorized air freight carriers and is supplementary to such transportation by aircraft. Applicant will be paid out of revenues payable for transportation by aircraft. All freight moves on airline bills of lading from or through Cleveland Hopkins Airport to destination or from origin to or through Cleveland Hopkins Airport. Freight moves between the five county Ohio area and the Cleveland Hopkins Airport. Movements between the four airports set forth in (b) above will be either by air or motor vehicle whichever is more practical to accomplish the particular movement.

HEARING: September 10, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 21623 (Sub No. 80), filed June 24, 1959. Applicant: W. J. DILLNER TRANSFER CO., 601 Melwood Street, Pittsburgh 13, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys* and *alloying metals*, in bulk, in dump or other unloading vehicles, loose or in packages on pallets with or without standing sides, or specially designed containers on flat bed or specially designed trailers, and *empty containers* used in the transportation of the above commodities, (1) between points in Pennsylvania west of U.S. Highway 15, on the one hand, and, on the other, points in Delaware, Southern Peninsula of Michigan, Ohio, New

York, New Jersey, and West Virginia; (2) between points in Ohio on the one hand, and, on the other, points in West Virginia. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, New York, Michigan, Delaware, New Jersey, and Tennessee.

HEARING: September 29, 1959, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 29886 (Sub No. 145), filed May 4, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment* and *machinery* used in the construction and maintenance of streets and highways, from the plant site of Littleford Bros., Inc., in Cincinnati, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to said plant for repair or reconditioning, or which are used for shows or advertising purposes. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 28, 1959, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 29886 (Sub. No. 149), filed May 7, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers* and *machinery* and *equipment* used in the construction and maintenance of streets and highways, from Springfield, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to Springfield for repair or reconditioning, and which are used for advertising or display purposes. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 24, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 29886 (Sub No. 150), filed May 7, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mixers, compressors, pumps,* and *machinery* and *equipment* used in the construction of streets and highways, from the plant site of Jaeger Machine Company in Columbus, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to said plant for repair or reconditioning, and which are used for shows or advertising purposes. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1959, at the Federal Building, Room 712, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 33448 (Sub No. 1), filed May 1, 1959. Applicant: PAUL'S DELIVERY & TRUCKING CORP., 20 West 17th Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *empty hangers*, between Springfield (Delaware County), Pa., and New York, N.Y. Applicant is authorized to conduct operations in Delaware, New Jersey, New York, and Pennsylvania.

HEARING: September 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 44639 (Sub No. 9), filed April 27, 1959. Applicant: SAM MAITA, IRVING LEVIN AND ABE LEVIN, a Partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* and *supplies* used in the manufacture of wearing apparel, and *wearing apparel*, on hangars, between New York, N.Y., on the one hand, and, on the other, Bedford, Roanoke, and New Castle, Va. Applicant is authorized to conduct similar operations from and to specified points in New York, New Jersey, Virginia, and Maryland.

HEARING: September 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 48386 (Sub No. 8), filed May 6, 1959. Applicant: HERBERT GRAVER, CLAIR GRAVER, CARL GRAVER AND JOHN GRAVER, doing business GRAVER TRUCKING, 1007 North 9th Street., Stroudsburg, Pa. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in New Jersey, other than Carteret, N.J., to points in Pennsylvania bounded by a line beginning at the intersection of the Pennsylvania-Maryland State line and U.S. Highway 15 and extending along U.S. Highway 15 to its intersection with the Pennsylvania-New York State line, thence east along the Pennsylvania-New York State line to the intersection with U.S. Highway 11, thence south along U.S. Highway 11 to Northumberland, Pa., thence along Pennsylvania Highway 14 to Sunbury, Pa., thence along U.S. Highway 122 to Oxford, Pa., and thence along U.S. Highway 1 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the intersection with U.S. Highway 15, the point of beginning, including points on the indicated portion of U.S. Highway 15. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: September 11, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 50069 (Sub No. 210), filed May 6, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Detroit and Trenton, Mich., to points in Indiana, Illinois, and Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: September 16, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 52657 (Sub No. 559), filed June 10, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers,* and *trailer and semi-trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from points in Snyder County, Pa., to points in the United States; (2) *truck tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial driveaway service, from points in Snyder County, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (3) *Containers, cargo containers, cargo container bodies, cargo container boxes,* and *truck and trailer bodies*, from points in Snyder County, Pa., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 52657 (Sub No. 560), filed June 10, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers, cargo container bodies, cargo container boxes, truck bodies, trailer bodies,* and the truckaway of *trucks* and *fire engines*, in initial movements, from points in Chemung County, N.Y., to points in the United States including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 52657 (Sub No. 561), filed June 10, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling equipment, including mobile cranes, fork trucks, winches, hoists, car pullers, and straddle crane vehicles,* and *parts* and *attachments* of same when accompanying shipment, from Brooklyn, N.Y., and Milford, Conn., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas J. Kilroy.

No. MC 52657 (Sub No. 563), filed June 15, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mixers, compressors, pumps, concrete finishing machines, concrete spreaders, aggregate spreaders, finishing floats,* and *machinery* and *equipment* used in the construction of streets and highways, from the plant site of the Jaeger Machinery Company, Columbus, Ohio, to points in the United States, including Alaska, and on return, such of the above-described commodities which are being returned to said plant for repair or reconditioning, and which are used for shows or advertising purposes. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 52657 (Sub No. 564), filed June 17, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment* and *machinery* used in the construction and maintenance of streets and highways, from the plant site of Littleford Bros., Inc., in Cincinnati, Ohio, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 28, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 52657 (Sub No. 565), filed June 22, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck cabs*, from points in the Cincinnati, Ohio Commercial Zone, as defined by the Commission, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 30, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 55811 (Sub No. 52), filed June 15, 1959. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Fremont, Mich., and points in Indiana, Illinois, Ohio, points in Iowa within ten miles of the Illinois-Iowa State line, points in Missouri within ten miles of the Missouri-Illinois State line, including points in St. Louis County, Mo., points in Kentucky within ten miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line, including points in Jefferson County, Ky., points in West Virginia within ten miles of the West Virginia-Ohio State line, and points in Pennsylvania within ten miles of the Pennsylvania-Ohio State line, including points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley, and South Connellsville, Pa. and points within ten miles thereof. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

NOTE: Applicant states any duplication of authority will constitute only one authority.

HEARING: September 11, 1959, at the Olds Hotel, Lansing, Mich., before Examiner Alfred B. Hurley.

No. MC 56213 (Sub No. 6), filed June 15, 1959. Applicant: WILLIAM H. BRILLHART, doing business as H & B TRUCKING COMPANY, Codorus, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Spring Grove and Codorus, Pa., to points in Illinois, Indiana, Michigan, and Ohio, and *rejected, refused or damaged shipments* of food products, on return. Applicants authorized to conduct operations in Pennsylvania, New Jersey, Delaware, Maryland, New York, the District of Columbia, West Virginia, Massachusetts, Connecticut, and Rhode Island.

HEARING: September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 59759 (Sub No. 11), filed April 23, 1959. Applicant: FOOD PRODUCTS TRUCKING CO., a Corporation, 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, except liquids in bulk, in tank vehicles, from New York, N.Y., to points in New Jersey on and north of New Jersey Highway 33 (except those in a territory in eastern New Jersey bounded by a line beginning at Barnegat Inlet, N.J., and extending in a northwesterly direction across Barnegat Bay and through Forked River, N.J., to Lakehurst, N.J., thence north through Englishtown and Spotswood, N.J., to New Brunswick, N.J., thence in a northwesterly direction through Raritan and Clinton, N.J., to Washington, N.J., thence east to Stirling, N.J., thence in a northeasterly direction along the western boundary lines of Union and Essex Counties, N.J., to the Essex-Morris-Passaic Counties, N.J. lines at a point two miles north of Fairfield, N.J., thence in a southeasterly direction through Lyndhurst, N.J., to Hoboken, N.J., and thence south along all east bay and river shores and along the Atlantic Coast to Barnegat Inlet, N.J.), and points in Middlesex, New Haven, and New London Counties, Conn. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Maryland, Delaware, and Pennsylvania.

NOTE: Applicant states that the above transportation will be under contract with persons who operate retail stores, the business of which is the sale of food.

HEARING: September 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 66753 (Sub No. 1), filed June 5, 1959. Applicant: CHAIN HAULAGE, INC., 160 Washington Street, Brighton District, Boston, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith *equipment, materials* and *supplies* used in the conduct of such business, between Norwood and Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and those in Westchester County, N.Y. Applicant is authorized to conduct operations in Vermont, Massachusetts, Connecticut, New Hampshire, New York, and Rhode Island.

NOTE: Duplication should be eliminated.

HEARING: September 29, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 67646 (Sub No. 51), filed May 18, 1959. Applicant: HALL'S MOTOR TRANSIT COMPANY, a Corporation, Fifth and Vine Streets, Box 738, Sun-

bury, Pa. Applicant's attorney: John E. Fullerton, 131 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Tamarack, Clinton County, Pa., and points within six (6) miles thereof, as off-route points in connection with applicant's authorized regular route operations between Lock Haven, Pa., and Du Bois, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia.

HEARING: September 16, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 76478 (Sub No. 3), filed June 8, 1959. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities in so called mixer trucks where commodities are mixed or agitated in transit*, between points in New Jersey, Delaware, and those in Berks, Bucks, Philadelphia, Delaware, Chester, Montgomery, Lancaster, Lebanon, Dauphin, and Perry Counties, Pa., and those in Cecil, Kent, Queen Annes, Talbot, Harford, and Caroline Counties, Md.; (2) *Stone* and *soil or earth*, in bulk, (a) from points in Lancaster and Berks Counties, Pa., to points in Delaware, New Jersey, and those in Cecil, Kent, Queen Annes, Talbot, Harford, and Caroline Counties, Md., (b) from points in East Caln Township, Chester County, Pa., to points in Harford County, Md.; (3) *Sand*, in bulk, from points in Cecil County, Md., to points in Bucks, Berks, Philadelphia, Delaware, Montgomery, Lancaster, Lebanon, Dauphin, and Perry Counties, Pa., and those in Delaware and New Jersey; (4) *Sand*, in bulk, from points in Delaware and New Jersey to points in Berks County, Pa. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Delaware, and Maryland.

HEARING: September 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 82336 (Sub No. 19), filed June 8, 1959. Applicant: UNITED PARCEL DELIVERY, INC., 663 Bryson Street, Youngstown, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by mill supply houses*, from Warren, Ohio, to points in Beaver, Butler, Crawford, Erie, Lawrence, Mercer, and Venango Counties, Pa., and *returned and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 82336 (Sub No. 18).

HEARING: September 10, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 83539 (Sub No. 52), filed July 13, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles, space vehicles, space satellites*, and *parts thereof* requiring special equipment for their transportation, *equipment* and *parts* of such missiles, space vehicles and satellites and *mobile launching guidance, monitoring*, and *control units*, when such equipment, parts and units are incidental to, and transported in connection with such missiles, space vehicles, or satellites, and the return of *shipper-owned* or *Government-owned trailers* which have been used in the out-bound transportation of the foregoing commodities, between points in San Diego County, Calif., and Patrick Air Force Base, Cape Canaveral, Fla. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: July 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 87523 (Sub No. 76), filed June 8, 1959. Applicant: FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid lard*, in bulk, in tank vehicles, from Boston, Mass., to Portland, Maine. Applicant is authorized to conduct operations in Massachusetts, Vermont, New Hampshire, New York, Virginia, Tennessee, Illinois, Indiana, Ohio, Michigan, Maine, Connecticut, Rhode Island, Pennsylvania, Delaware, New Jersey, and Maryland.

HEARING: September 30, 1959, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 95540 (Sub No. 306), filed June 24, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Saugatuck, Mich., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 23, 1959, at the U.S. Custom Building., 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 96448 (Sub No. 5), filed May 18, 1959. Applicant: BROOK LEDGE, INC., 210 Main Street, Hackensack, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock), and *equipment and paraphernalia incidental to the transportation, care, and display of such horses*, between points in Connecticut, Indiana, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Maine, New Hampshire and Vermont. Between points in Connecticut, Indiana, Massachusetts, New Jersey, New York, and Rhode Island.

NOTE: Applicant states it now holds authority between all of the points applied for, and that the purpose of the application is to clarify the description in the operating rights now held, in order to secure a uniform commodity description in all the authority presently held. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 18, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 100148 (Sub No. 16), filed May 13, 1959. Applicant: THOMAS E. BUBER, INC., 308 Antoine Street, Wyandotte, Mich. Applicant's attorney: John M. Veale, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast artificial stone*, from points in the Detroit, Mich., Commercial Zone, as defined by the Commission, in Michigan to points in Indiana, Ohio, Pennsylvania, New York, Illinois, Kentucky, and Wisconsin; (2) *Conduit*, from Drayton Plains, Mich., to ports of entry on the International Boundary line between the United States and Canada at or near Detroit and Port Huron, Mich., and to points in Fulton, Ottawa, Huron, Lorain, Cuyahoga, and Williams Counties, Ohio; and (3) *Damaged, defective, returned or rejected shipments* of the commodities described in (1) and (2) above, from the above-specified destination points to the respective origin points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 100148 (Sub No. 13) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 17, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 100148 (Sub. No. 17), filed June 8, 1959. Applicant: THOMAS E. BUBER, INC., 308 Antoine Street, Wyandotte, Mich. Applicant's attorney: John M. Veale, 2150 Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay* and *refractory products*, from Goose Lake, Ill., to Detroit, Mich., and *damaged, defective, returned or rejected clay* and *refractory products*, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 100148 (Sub No. 13).

HEARING: September 10, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 101126 (Sub No. 54), STILLPASS TRANSIT COMPANY, INC., EXTENSION—SPECIFIED LIQUID COMMODITIES (Cincinnati, Ohio). The following covers an Order of the Commission, division 1, entered in the subject proceeding June 23, 1959: *It appearing*, That by report and order entered in this proceeding on August 13, 1958, Division 1 authorized issuance to applicant of an interim permit to perform certain operations as a for-hire carrier by motor vehicle in interstate or foreign commerce; *It further appearing*, That an interim permit was issued to applicant on January 9, 1959: *It further appearing*, That by petition filed May 6, 1959, applicant seeks to add Colgate Palmolive Company, of New York, N.Y., to the list of shippers applicant already may serve; Upon consideration of the record in the above-entitled proceeding, and of said petition; and good cause appearing therefor: *It is ordered*, That § 1.101(e) of the general rules of practice be, and it is hereby, waived, and said petition be, and it is hereby, accepted for filing: *It is further ordered*, That the findings in said report be, and it is hereby, modified by adding "and Colgate Palmolive Company, of New York, N.Y.", after the word "the" on line 29 of sheet 16 of such report: *It is further ordered*, That the notice of this action be published in the FEDERAL REGISTER.

No. MC 101126 (Sub No. 88), STILLPASS TRANSIT COMPANY, INC., EXTENSION—ANIMAL AND VEGETABLE OILS (Cincinnati, Ohio). The following covers an Order of the Commission, division 1, entered in the subject proceeding June 23, 1959: *It appearing*, That by report and recommended order of the examiner, served May 5, 1958, which order became effective as the order of the Commission, by operation of law on May 26, 1958, the issuance to applicant of an interim permit was authorized to perform certain operations as a for-hire carrier by motor vehicle in interstate or foreign commerce: *It further appearing*, That an interim permit was issued to applicant on July 21, 1958: *It further appearing*, That by petition, filed May 6, 1959, applicant seeks to add to the said permit the name of Procter and Gamble Company, of Cincinnati, Ohio, as a shipper it is authorized to serve thereunder; Upon consideration of the record in the above-entitled proceeding, and of said petition; and good cause appearing therefor: *It is ordered*, That § 1.101(e) of the general rules of practice be, and it is hereby, waived, and said petition be, and it is hereby, accepted for filing: *It is further ordered*, That the findings in the said report be, and they are hereby, modified by adding "and Procter and Gamble Company of Cincinnati, Ohio" after "and Emery Industries, Inc., of Cincinnati, Ohio," on line 54 of sheet 3 of such report: *It is further ordered*, That notice of this action be published in the FEDERAL REGISTER.

No. MC 101126 (Sub No. 121), filed April 28, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products* and *blends thereof*, in bulk, in insulated, stainless steel tank vehicles, from St. Bernard and Cincinnati, Ohio to points in Virginia, Maryland, Delaware, and New Jersey, and *rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

HEARING: September 24, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 101126 (Sub No. 122), filed June 1, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Grain* and *grain products, animal* and *poultry feeds, drugs*, and *antibiotics*, in bulk, and in bags, between points in Indiana, Ohio, Kentucky, and Illinois. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 101126 (Sub No. 86).

HEARING: September 23, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 101219 (Sub No. 39), filed May 18, 1959. Applicant: MERIT DRESS DELIVERY, INC., 524 West 30th Street, New York, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies*, used in connection therewith, between New York, N.Y., and Portland, Maine. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

HEARING: September 15, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 102295 (Sub No. 3), filed June 3, 1959. Applicant: GUY HEAVENER, INC., School Street, Harleysville, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, gravel, slag, sand, lime, limestone, limestone products, flyash*, and *bituminous concrete*, in dump vehicles, from points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., to points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33, points in Delaware, Maryland, and the District of Columbia, (2) *sand, stone* and *gravel* in dump vehicles, from points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33 to points in Berks, Bucks, Carbon, Chester, Delaware, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, and Schuylkill Counties, Pa., and (3) *cinders* and *waylite*, in dump vehicles, from points in Lehigh and Northampton Counties, Pa., to points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33, and points in Delaware, Maryland, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

HEARING: September 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 102295 (Sub No. 4), filed June 3, 1959. Applicant: GUY HEAVENER, INC., School Street, Harleysville, Pa.

Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in dump or spreader vehicles, (1) from Baltimore, Md., to points in Delaware, those in Pennsylvania east of the Susquehanna River, points in Mercer County, N.J., and those in New Jersey on and south of New Jersey Highway 33, and points in New York on and south of New York Highway 7, and (2) from Philadelphia, Pa., to points in Delaware, Maryland, the District of Columbia, and those in Mercer County, N.J., and points in New Jersey on and south of New Jersey Highway 33. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

HEARING: September 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 102295 (Sub No. 5), filed June 3, 1959. Applicant: GUY HEAVENER, INC., School Street, Harleysville, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bird food, bird feeders, seed, seeds, seed inoculant, seed preservative, bacteria, fertilizer, plant food, insecticides, fungicides, weed killers* and *soil*, in bags or other containers, and *spreaders*, from the plant and warehouse of Seaboard Seed Company, Philadelphia, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *weed killer, plant foods* and *fertilizer*, in bags or other containers, from Lebanon, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania and New Jersey.

HEARING: September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 102616 (Sub No. 678), filed June 23, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquer, lacquer thinners and sealers*, and *furniture finishing compounds*, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in North Carolina and Virginia. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, the District of Columbia, Illinois, Maryland, New Jersey, Ohio, South Carolina, and West Virginia.

HEARING: September 18, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 105187 (Sub No. 7), filed June 18, 1959. Applicant: CHARLES FARKAS, 101 Parkway, White Oak, McKeesport, Pa. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in shipper-owned trailers, and in bags, from the plant site of Sucrest Sugar Division, American Molasses Co., in Brooklyn, N.Y., to points in Allegheny, Armstrong, Beaver, Butler, Lawrence, Mercer, Westmoreland, and Washington Counties, Pa., and *empty shipper-owned trailers* which have been used in the outbound transportation of the foregoing commodities and *returned* or *rejected shipments*, on return. Applicant is authorized to conduct operations in Pennsylvania.

NOTE: Applicant states that, transportation service restricted under a continuing contract with Sucrest Sugar Division, American Molasses Co. of Brooklyn, N.Y.

HEARING: September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 105813 (Sub No. 38), filed April 28, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17, Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to the International Boundary between the United States and Canada at Detroit, Mich., and Buffalo and Niagara Falls, N.Y. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin.

NOTE: Applicant states the proposed service will be in foreign commerce.

HEARING: September 15, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 106398 (Sub No. 123), filed May 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Pennsylvania except Irwin, Meadville, Mansfield, State College, Chambersburg, West Pittston, Clarion, Montoursville, Camp Hill, and Clearfield to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 107107 (Sub No. 121), filed June 24, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., Office address: 2424 Northwest 46th Street, Miami, Fla. Mailing address: P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, unfrozen, requiring refrigeration in transit, and *dairy products*, as described by the Commission, from Baltimore, Md., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 107128 (Sub No. 20), filed March 25, 1959. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cartons*, knocked down, or folded flat, from Newcastle, Ind., and Middletown, Ohio to Vienna, W. Va.; (2) *Glassware*, with or without closures, and *fibreboard cartons*, knocked down or folded flat, in mixed shipments with glass containers, from Vienna, W. Va., to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and *empty pallets, refused, rejected* or *damaged* shipments of the above specified commodities on return; (3) *Alfalfa meal*, from Blissfield, Mich., and points within 5 miles thereof to points in Indiana, Ohio, Kentucky and West Virginia. Applicant is authorized to conduct operations in Kentucky, Indiana, Wisconsin, Illinois, Missouri, Michigan, West Virginia, and Ohio.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine applicant's status is that of a common or contract carrier in No. MC 107128 (Sub No. 10).

HEARING: October 2, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Michael B. Driscoll.

No. MC 107323 (Sub No. 33), filed May 11, 1959. Applicant: GILLILAND TRANSFER CO, a Corporation, 21 West Sheridan, Fremont, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies of all kinds*, which are manufactured and/or distributed by baby food manufacturers, between Fremont, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 10, 1959, at the Olds Hotel, Lansing, Mich., before Examiner Alfred B. Hurley.

No. MC 107409 (Sub No. 21), filed June 17, 1959. Applicant: RATLIFF AND RATLIFF, INC. Mailing address: P.O. Box 399, Wadesboro, N.C. Office address: Highway 742, Wadesboro, N.C. Applicant's attorneys: Stanley Winborne and Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured iron and steel products and articles*, in flat-bed or open-top vehicles, equipped with safety fastenings, bindings, or devices to secure the lading to the bottom of the trailer during shipment, from the plant site of the Armco Steel Division, in Ashland, Ky., to points in Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 15, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 107515 (Sub No. 321), filed May 18, 1959. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, from Covington, Ky., to points in Georgia, Florida, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

NOTE: Section 210, dual operations, may be involved.

HEARING: September 22, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 108125 (Sub No. 14), filed June 10, 1959. Applicant: CENTRAL MOTOR TRUCKING, INC., 85 Central Street, Waltham, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Porcelain enamel panels*, uncrated and crated, from Milford, Mass., to points in Rhode Island, Arkansas, Missouri, Iowa, Minnesota, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wisconsin, Louisiana, Illinois, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Florida, Colorado, and Michigan, and *damaged and rejected shipments* of the above specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 28, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 108678 (Sub No. 32), filed April 30, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Gluconic acid*, in bulk, in tank vehicles, from Terre Haute, Ind., and points within six miles thereof, to points in Georgia, Iowa, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108678 (Sub No. 21).

HEARING: September 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 108678 (Sub No. 33), filed April 30, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between points in Indiana, Illinois, Ohio, and Missouri on the one hand, and, on the other, points in Iowa, Nebraska, Kansas and Missouri. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 108678 (Sub No. 21).

HEARING: September 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 109448 (Sub No. 6), filed June 18, 1959. Applicant: WESLEY A. PARKER, doing business as PARKER TRANSFER, 622 West Street, Elyria, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sandstone, sandstone products, grindstone frames and fixtures*, and *power grindstones*, and *damaged, defective, rejected* or *returned shipments* of such commodities, between Amherst, Ohio, and points within five (5) miles thereof, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New York, New Jersey, Ohio, Pennsylvania, West Virginia, Georgia, North Carolina, South Carolina, Virginia, Tennessee, the District of Columbia, Texas Connecticut, Massachusetts, Rhode Island, and Ports of Entry on the boundary between the United States and Canada at Detroit, Mich., and Buffalo, N.Y.

NOTE: Pursuant to transfer proceedings in MC–FC 61779, applicant is authorized, in Certificate MC 109448,, to conduct a portion of the above-described operations. He pro-

poses by the instant application to substantially extend these operations, and states that he will surrender the said certificate when and if an amended certificate is granted. Applicant is authorized in Certificate MC 109448 to transport the above-described commodities from Amherst and points within five miles thereof, to points in South Carolina, North Carolina, Virginia, Georgia, Indiana, Michigan, Illinois, Kentucky, and West Virginia, and points in Pennsylvania and New York with certain exceptions.

HEARING: September 28, 1959, at the Old Post Office Building, Public Square and Superior Ave., Cleveland, Ohio, before Examiner Alfred B. Hurley.

No. MC 109451 (Sub No. 98), filed June 12, 1959. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Ficklin, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 109761 (Sub. No. 22), filed May 7, 1959. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorneys: Herbert Baker, 50 W. Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and fruit juices, vegetable and vegetable juices, fruit and vegetable drink, fruit and vegetable drink base, prune drink base, fruit and vegetable juice concentrates*, and *citrus products*, with or without additives, in bulk, from points in California and those in Texas on and south of a line beginning at Corpus Christi and extending along Texas Highway 44 to Freer and thence along U.S. Highway 59 to Laredo to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, Ohio, Georgia, Maine, New Hampshire, and Vermont.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 109761 (Sub No. 12).

HEARING: September 11, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 110104 (Sub No. 2), filed June 22, 1959. Applicant: MELVIN ASTON TRUCKING CO., 3363 Nandale Drive, Cincinnati 39, Ohio. Applicant's attorney: Olive L. Holmes, 705 Tri-State Building, 432 Walnut Street, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, from Bradford, Pa., to Columbus, Ohio. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

HEARING: September 23, 1959, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 111350 (Sub No. 9), filed May 14, 1959. Applicant: LIQUID TRANSIT, INC., Rhinebeck, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrups, blends or mixtures of corn syrup*, and *liquid sugar* and/or *invert sugar*, in bulk, in tank vehicles, from Yonkers and New York, N.Y., to points in Ohio. Applicant is authorized to conduct operations in New York, Ohio, Illinois, and Pennsylvania.

NOTE: Applicant states it presently holds authority to transport liquid sugar in bulk, in tank vehicles, within the same area; and that authority is sought to clarify the commodity description.

HEARING: September 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 111450 (Sub No. 12), filed May 28, 1959. Applicant: GRANT TRUCKING, INC., Oak Hill, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys* and *pig iron*, in bulk, in dump trucks, from Jackson, Ohio, to points in New York, Wisconsin and Illinois, and *damaged, rejected and returned shipments* of the above-specified commodities from points in New York, Wisconsin and Illinois to Jackson, Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 14, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Michael B. Driscoll.

No. MC 112696 (Sub No. 12), filed June 12, 1959. Applicant: HARTMANS, INCORPORATED, P.O. Box 468, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, rubber heels and soles*, and *supplies* and *equipment* used in a shoe factory, (1) between Harrisonburg and Winchester, Va., Hagerstown, Md., Gettysburg, Lancaster, York, Dillsburg, Berlin, and Littlestown, Pa., and Boston, Mass.; and (2) from Harrisonburg and Winchester, Va., Hagerstown, Md., Gettysburg, Lancaster, York, Dillsburg, Berlin, and Littlestown, Pa., and Boston, Mass., to Worcester, Malden, and Athol, Mass., New York, N.Y., Baltimore, Md., and Lynchburg, Va. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it is authorized to conduct operations in the transportation of the commodities described above to and from all points involved in the instant application except Berlin, Pa. Duplication with present authority to be eliminated.

HEARING: September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 112750 (Sub No. 39), filed May 5, 1959. Applicant: ARMORED CARRIER CORPORATION, De Bevoise Building, 222–17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents* and *written instruments* (except coin, currency, bullion, and negotiable securities) as are used in the business of bank and banking institutions, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, (1) between Detroit, Mich., on the one hand, and, on the other, Cleveland, Ohio, (2) between Toledo, Ohio, on the one hand, and, on the other, points in Monroe, Lenawee, and Wayne Counties, Mich., (3) between points in Berrien County, Mich., on the one hand, and, on the other, points in St. Joseph County, Ind. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: September 9, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 112813 (Sub No. 2), filed June 23, 1959. Applicant: GRANT BRUCE AND HAROLD BRUCE, doing business as RIVERSIDE MARINE, 1016 St. Rose, Riverside, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used boats*, between ports of entry on the International Boundary line between the United States and Canada in Minnesota, Michigan, and New York, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, New York, Maryland, Connecticut, Wisconsin, Minnesota, Missouri, New Jersey, and Delaware.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 22, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 114015 (Sub No. 11), filed June 16, 1959. Applicant: RUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shooks, pallets* and *pallet material*, from Chase City and Keysville, Va., to Charleston, S.C., Detroit, Mich., Wheeling, W. Va., and points in New York, and *refused and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, and the District of Columbia.

HEARING: September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 114106 (Sub No. 16), filed June 17, 1959. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Box 461, 1820 South Main Street, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, lacquers, lacquer sealer, enamels, varnishes, stains, thinners*, and *finishing materials* used in the manufacture of furniture, in bulk, in tank vehicles, between Grand Rapids, Mich., on the one hand, and, on the other, points in New York, Pennsylvania, Virginia, Tennessee, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant has contract carrier authority under Permit No. MC 115176, dated May 14, 1956. Section 210 (dual authority) may be involved.

HEARING: September 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 114227 (Sub No. 8), filed May 11, 1959. Applicant: ALBERT MEEUSEN AND CLIFFORD RUSSELL, doing business as A & C CARRIERS, 2955 East Laketon Avenue, Muskegon, Mich. Applicant's attorney: James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enamel, varnish, lacquers, lacquer thinner and sealer, stains, commercial finishes*, and *resins*, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Virginia, Pennsylvania, Georgia, Tennessee, and Arkansas. Applicant is authorized to conduct operations in Indiana, Michigan, and North Carolina.

HEARING: September 16, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 115883 (Sub No. 5), filed June 11, 1959. Applicant: ROBERT A. WELSH, White Mills, Pa. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from Trenton, N.J., and Shamokin, Pa., to Baltimore, Md.; and (2) *Empty containers*, from Baltimore, Md., to Trenton, N.J., and Shamokin, Pa. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: September 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 115911 (Sub No. 1), filed June 12, 1959. Applicant: BOULEVARD TRANSFER COMPANY, a Corporation, 1955 West Edsel Ford Expressway, Detroit 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel fuel tanks and fuel tank accessories, heavy machinery and equipment*, and *supplies used in construction work*, between points in Michigan, on the one hand, and, on the other, points in Ohio, Indiana, Kentucky, Illinois, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Minnesota, and Wisconsin.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 21, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 116930 (Sub No. 1), filed June 8, 1959. Applicant: THE ZENITH TRUCKING AND SALES COMPANY, a Corporation, P.O. Box 163, Crownsville, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, piling, poles* and *posts*, from Baltimore, Md., and points in Howard, Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md., and points on the Delmarva Peninsula, to points in Maryland, Virginia, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, and Massachusetts. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia. Any duplication with present authority to be eliminated.

HEARING: September 1, 1959, at the Offices of the Interstate Commerce Commission, before Examiner C. Evans Brooks.

No. MC 117632 (Sub No. 1), filed April 23, 1959. Applicant: TREMBLAY TRANSPORT, INC., New Montgomery Road, Chicopee (Willimansett), Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used or reconditioned drums or containers*, (1) between Chicopee and Springfield, Mass., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, New York and Rhode Island; (2) between New York, N.Y., Philadelphia, Pa., and points in New Jersey, exclusive of Newark and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (3) between Newark and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., points in New York, exclusive of Albany County, and points in Rhode Island; *new drums or containers*, (1) from New York, N.Y., Philadelphia, Pa., and points in New Jersey, exclusive of Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (2) from Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in New York and Rhode Island. Applicant is authorized to transport new steel Drums or containers from Linden, N.J., to points in Connecticut and Massachusetts, and used or reconditioned steel drums or containers between Ridgefield and Newark, N.J., on the one hand, and, on the other, points in Albany County, N.Y., Connecticut, and Massachusetts.

HEARING: September 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 117788 (Sub No. 2), filed June 4, 1959. Applicant: JOHN K. RAMSEY, doing business as RAMSEY PRODUCE TRUCKING, 29150 Bretton, Livonia, Mich. Applicant's attorney: Bernard L. Walsh, 1632 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Offal* for animal food and medicinal purposes, from Detroit, Mich., to points in Pennsylvania, Illinois, Wisconsin, Ohio, South Carolina, New Jersey, New York, and Indiana, and *rejected offal* on return.

HEARING: September 17, 1959, at the U.S. Custom Building, 100 West Larned Street, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 118465 (Sub No. 2), filed April 30, 1959. Applicant: COMMERCIAL OIL TRANSPORT OF OKLAHOMA, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank truck loads and packages, from Ardmore, Cyril, Cushing, Enid, Grandfield, Stroud, and Wynnewood, Okla., to points in New Mexico on and north of U.S. Highway 60, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *rejected shipments* of Asphalt on return. Applicant is authorized to conduct operations in Iowa, Nebraska, Oklahoma, and South Dakota.

HEARING: July 30, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 210.

No. MC 118844, filed April 2, 1959. Applicant: PERCY EAGAN, 5216 Kentucky Street, Charleston, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25,

W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* or *house trailers*, between points in West Virginia, on the one hand, and, on the other, points in all States east of the Mississippi, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin, and the District of Columbia.

HEARING: October 1, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Michael B. Driscoll.

No. MC 118879, filed April 17, 1959. Applicant: CHARLES ATKINSON, 6400 MacCorkle Avenue, St. Albans, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* or *house trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, between points in Kanawha, Wood, Pleasants, Ritchie, Wirt, Jackson, Roane, Putnam, Lincoln, Boone, Raleigh, Fayette, and Clay Counties, W. Va., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Michigan, Mississippi, North Carolina, New Hampshire, New Jersey, and New York.

HEARING: October 1, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Michael B. Driscoll.

No. MC 118920, filed May 5, 1959. Applicant: ROBERT H. WHITING, 5 Point Road, Edinburg, Pa. Applicant's attorneys: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C., and Errol Fullerton, 701 L. S. & T. Building, New Castle, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *China, ceramic and refractory products* and *materials and supplies* used in the manufacture of china, ceramic and refractory products, between the plant site of Shenango China, Inc., New Castle, Pa., and points in Alabama, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

HEARING: September 29, 1959, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Alfred B. Hurley.

No. MC 118993, filed June 12, 1959. Applicant: L. R. McDONALD & SONS LTD., 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats and their accessories* between ports of entry on the International Boundary line between the United States and Canada at New York and Vermont, on the one hand, and, on the other, points in New York, New Hampshire, Vermont, Maine, and Massachusetts. (2) *Boats* and *moulds* therefor, between ports of entry on the International Boundary line between the United States and Canada at Michigan, on the one hand, and, on the other, Little Falls, Minn. Applicant states the proposed service shall be restricted to the transportation of property moving to and from points in the Dominion of Canada in international commerce.

HEARING: September 11, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 118999, filed June 15, 1959. Applicant: ROBT. KNIPFEL TRANSPORT LIMITED, Petersburg, Ontario, Canada. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, concentrates, fresh fruits and vegetables, canned fruit juices* and *shrimp*, from points in Florida to ports of entry in New York, Vermont, New Hampshire, and Maine on the International Boundary between the United States and Canada; and (2) *poultry*, from points in Georgia to ports of entry in New York, Vermont, New Hampshire, and Maine on the International Boundary between the United States and Canada.

HEARING: September 10, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 119005, filed June 17, 1959. Applicant: PAUL GREENFIELD, doing business as PAUL'S TOWING SERVICE, 8606 Lanier Drive, Silver Spring, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* and *trailers*, in towaway service, by use of wrecker equipment, between Washington, D.C., and points in Frederick, Montgomery, Howard, Prince Georges, Anne Arundel, Calvert, St. Mary's, and Charles Counties, Md., Alexandria, Va., Arlington, Fairfax, Loudoun, Prince William, Stafford, Culpeper, and Fauquier Counties, Va., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and North Carolina.

HEARING: September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 119017, filed June 22, 1959. Applicant: GEORGE E. ISABEL, 99 Talbot Street, Fall River, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homing and racing pigeons*, in seasonal operations between April 1 and October 30 inclusive, of each year, from Fall River and Norwood, Mass., and Pawtucket, R.I., to Providence, Chepachet and Greenville, R.I., Putnam, Conn., Southbridge, Westfield, Pittsfield, Mass., Albany, Little Falls, Lyons, Buffalo, and East Buffalo, N.Y., Yastabula and Sandusky, Ohio, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 30, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 119028, filed June 26, 1959. Applicant: VIVIAN EARL DICKINSON AND ROBERT EZRA DICKINSON, doing business as DICKINSON BROTHERS LUMBER COMPANY, Mineral, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment*, from Peoria and Danville, Ill., to Richmond, Roanoke, and Norfolk, Va., and Baltimore, Md., and *refused and damaged shipments* on return.

HEARING: September 17, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

MOTOR CARRIERS OF PASSENGERS

No. MC 1940 (Sub No. 37), filed June 11, 1959. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 400 Trailways Building, 1200 Eye Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, Continental Building, 14th at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *mail* and *express* in the same vehicle with passengers, between Concord, N.H., and Laconia, N.H., from the intersection of U.S. Highway 4 at Everett Toll Highway in Concord over U.S. Highway 4 to the intersection with New Hampshire Highway 106, thence over New Hampshire Highway 106 to Laconia, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island.

HEARING: October 1, 1959, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 186, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 117806 (Sub. No. 1), filed May 25, 1959. Applicant: ANTIETAM TRANSIT COMPANY, INC., 437 East Baltimore Street, Hagerstown, Md. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Hagerstown, Md., and State Line, Pa., over U.S. Highway 11, serving all intermediate points.

HEARING: October 20, 1959, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 74.

No. MC 118926, filed May 7, 1959. Applicant: SAMUEL OLSON, doing business as ASHLAND CITY LINES, 628 East Main Street, Ashland, Ohio. Applicant's attorneys: Ewald E. Kundtz and Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Ashland County, Ohio, and extending to points in Indiana, Illinois, Michigan, Missouri, Kansas, Colorado, New Mexico, Texas, Oklahoma Arkansas, Tennessee, Kentucky, Pennsylvania, Maryland, Virginia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Iowa, West Virginia, North Carolina, South Carolina, Georgia, Florida, Wisconsin, and the District of Columbia.

HEARING: September 24, 1959, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Alfred B. Hurley.

APPLICATION FOR BROKERAGE LICENSE MOTOR CARRIER OF PASSENGERS

No. MC 12706, filed April 20, 1959. Applicant: ANTHONY A. COSTA, doing business as WORLDWIDE TRAVEL BUREAU, 1094 Flatbush Avenue, Brooklyn 26, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York N.Y. in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, in round-trip, special and charter, all-expense tours, beginning and ending at New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States.

NOTE: Applicant states that it will arrange for the transportation of passengers and their baggage to points in foreign countries and to possessions and territories of the United States.

HEARING: September 24, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 4761 (Sub No. 13), filed July 15, 1959. Applicant: LOCK CITY TRANSPORTATION COMPANY, a Corporation, 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, (1) between the junction of U.S. Highway 2 and Michigan Highway 117, near Engadine, Mich., and the junction of U.S. Highway 2 and Michigan Highway 28, near Dafter, Mich., from the junction of U.S. Highway 2 and Michigan Highway 117 over Michigan Highway 117 to the junction of Michigan Highway 28 near Roberts Corner, thence over Michigan Highway 28 to the junction of U.S. Highway 2, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between the junction of U.S. Highway 41 and Michigan Highway 35 at Menominee, Mich., and the junction of Michigan Highway 35 and U.S. Highway 41 at Escanaba, over Michigan Highway 35, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Michigan, Wisconsin, Illinois, Indiana, Minnesota, Ohio, Pennsylvania, Kentucky, Kansas, Missouri, Iowa, Alabama, and Tennessee.

No. MC 30884 (Sub No. 6), filed July 6, 1959. Applicant: JACK COOPER TRANSPORT COMPANY, INC., 3636 Ewing Avenue, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements by truckaway and driveaway, and *parts* and *show paraphenalia* when accompanying such vehicles, from the site of the Chevrolet Division (General Motors Corporation) plant at Kansas City, Mo., to points in Arizona. Applicant is authorized to conduct operations in Missouri, Kansas, Nebraska, Iowa, Arkansas, Colorado, Oklahoma, Texas, New Mexico, Utah, Wyoming, South Dakota, Idaho, and Montana.

No. MC 52917 (Sub No. 27), filed July 14, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* as defined in Appendix I, subheading A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *perishable foods*, in vehicles equipped with temperature control devices, from points in that part of Maryland on and east of U.S. Highway 1 and north of Baltimore to Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New York, Pennsylvania, and the District of Columbia.

No. MC 61403 (Sub No. 42), filed July 10, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid* and *phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Charleston, S.C., to points in Indiana and Kentucky. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

No. MC 66562 (Sub. No. 1519), filed July 6, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Morristown, N.J., and Washington, N.J., from Morristown over U.S. Highway 511 to junction New Jersey Highway 10, thence over New Jersey Highway 10 to junction New Jersey Highway 53, thence over New Jersey Highway 53 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 57, thence over New Jersey Highway 57 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to Washington, and return over the same route, serving the intermediate or off-route points of Denville, Netkong, Dover, Hackettstown, Wharton, Newton, and Branchville, N.J. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub. No. 1521), filed July 6, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORTED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Malone, N.Y., and Rouses Point, N.Y., from Malone over U.S. Highway 11 to Rouses Point, and return over the same route, serving no intermediate points. Applicant indicates the proposed service will be subject to the following conditions: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1523), filed July 8, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Bluefield, W. Va., and Norton, Va., from Bluefield over combined U.S. Highways 19 and 460 to Claypool Hill, Va., thence over U.S. Highway 460 to Raven, Va., thence over Virginia Highway 67 to Honaker, Va., thence over Virginia Highway 80 to junction U.S. Highway 19, thence over U.S. Highway 19 to Lebanon, Va., thence over Virginia Highway 71 to junction Alternate U.S. Highway 58 approximately two miles south of Dickensonville, Va., and thence over Alternate U.S. Highway 58 to Norton, and return over the same route, also return from Norton over Alternate U.S. Highway 58 to junction Virginia Highway 71, thence over Virginia Highway 71 to Lebanon, Va., thence over U.S. Highway 19 to Claypool Hill, Va., and thence over combined U.S. Highways 19 and 460 to Bluefield, serving the intermediate points of Pounding Mill, Cedar Bluff, Richlands, Raven, Honaker, St. Paul and Coeburn, Va., and the off-route points of North Tazewell, Swords Creek, Finney, Cleveland, and Castlewood, Va. The application indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1524), filed July 9, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Allentown, Pa., and Lehighton, Pa., from Allentown over city streets to Catasauqua, Pa., thence over unnumbered streets to Northampton, Pa., thence over Pennsylvania Highway 329 to junction Pennsylvania Highway 145, thence over Pennsylvania Highway 145 to Walnutport, Pa., thence over unnumbered streets to Slatington, Pa., thence over Pennsylvania Highway 29 via Palmerton, Pa., to Lehighton, and return over the same route, serving the intermediate points of Slatington, Catasauqua, Northampton, and Palmerton, Pa. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1525), filed July 10, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Rail Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Franklin, N.H., and Potter Place, N.H., from Franklin over New Hampshire Highway 11 to Potter Place, and return over the same route, serving no intermediate points. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1526), filed July 11, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Mobile, Ala., and Thomasville, Ala., from Mobile over U.S. Highway 43 to junction U.S. Highway 84, thence over U.S. Highway 84 to Whatley, Ala., thence return over U.S. Highway 84 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction unnumbered county road, thence over unnumbered county road 3.1 miles to Fulton, Ala., thence return over unnumbered county road to junction U.S. Highway 43, thence over U.S. Highway 43 to Thomasville, and return over the same route to Mobile, serving the intermediate points of Mount Vermon, Calvert, McIntosh, Jackson, Whatley, and Fulton, Ala. Applicant states the proposed service is subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. 2. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1527), filed July 13, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Birmingham, Ala., and Selma, Ala., from Birmingham over U.S. Highway 11 to Bessemer, Ala., thence over Alabama Highway 150 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 119, thence over Alabama Highway 119 to Montevallo, Ala., thence east over Alabama Highway 25 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 191, thence over Alabama Highway 191 to junction Alabama Highway 22, thence over Alabama Highway 22 to Selma, and return over the same route, serving the intermediate points of Plantersville, Maplesville, Montevallo, and Bessemer, Ala. Applicant indicates the proposed service is subject to the following conditions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service. 2. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1528), filed July 13, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives,* moving in express service, (1) between Boston, Mass., and Woburn, Mass., from Boston over city streets to Somerville, Mass., thence over Massachusetts Highway 38 to Woburn, and return over the same route, serving no intermediate points. (2) Between Concord, Mass., and Ayer, Mass., from Concord over Massachusetts Highway 2 to junction Massachusetts Highway 27, thence over Massachusetts Highway 27 to junction Massachusetts Highway 2A, thence over Massachusetts Highway 2A to Ayer, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states the proposed route between Concord and Ayer is an extension of and in connection with its authorized regular route operations between Boston and Concord, Mass., in MC 66562 (Sub No. 1337).

No. MC 107002 (Sub No. 146), filed July 9, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Resin compound surface coating,* in bulk, in tank vehicles, from Fox, Ala., to Pauline, Kans. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107002 (Sub No. 147), filed July 9, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Phenol,* in bulk, in tank vehicles, from Oak Point, La., to points in Oklahoma and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 108973 (Sub No. 3), filed July 9, 1959. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Fresh citrus juices,* in cartons, from Columbia, Mo., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities,* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant states it will serve all accounts of the Central States Processors, Inc.

No. MC 112955 (Sub No. 1), filed July 13, 1959. Applicant: J. R. GRANHAM, doing business as GRAHAM TRANSFER, 1401 Heistan Place, Memphis, Tenn. Applicant's attorney: Leo Bearman, Suite 1140, Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier,* by motor vehicle, over regular routes, transporting: (1) *Meat, packing house products,* and *commodities used by packing houses,* as described in Appendix I, A, B, C, and D, to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, by means of refrigerated trucks, from Memphis, Tenn., to Millington, Tenn., over U.S. Highway 51 North, serving all intermediate points; and (2) *empty containers or other such incidental facilities,* used in transporting the above-described commodities, from Millington, Tenn., to Memphis, Tenn., over U.S. Highway 51 North, serving all intermediate points.

No. MC 118563 (Sub No. 2), filed April 22, 1959. Applicant: GARY T. FULK, Gulks Run, Va. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crushed stone* and *sand,* in dump trucks, from quarries located approximately one mile from Harrisonburg, Va., on U.S. Highway 33 to points in Pendleton County, W. Va.

PETITIONS

No. MC 30837 (Sub No. 220) KENOSHA AUTO TRANSPORT CORPORATION EXTENSION—FOREIGN CARS (Kenosha, Wis.)

No. MC 8989 (Sub No. 159) HOWARD SOBER, INC., EXTENSION—BALTIMORE, MD. (Lansing, Mich.)

No. MC 52657 (Sub No. 485) ARCO AUTO CARRIERS, INC., EXTENSION—BALTIMORE FOREIGN TRAFFIC (Chicago, Ill.)

Upon consideration of petitions of applicants and other parties these proceedings were reopened for further hearing by order of the Commission entered April 6, 1959. The issues involved were published in the FEDERAL REGISTER as follows: No. MC 30837 (Sub No. 220), May 22, 1957; No. MC 8989 (Sub No. 159), June 13, 1956; and No. MC 52657 (Sub No. 485), July 11, 1956.

FURTHER HEARING: September 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Burroughs.

PETITIONS

Any person or persons desiring to participate in these proceedings may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC 30319 (Sub No. 63) PETITION TO MODIFY A RESTRICTION, dated August 22, 1958, and amended PETITION dated September 26, 1958. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. The restriction reads: "The motor carrier service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Texas and New Orleans Railroad Company. 'Carrier shall not serve any point not a station on the rail lines of the Texas and New Orleans Railroad Company, except Bowie, Brownsville, Bunkie, Cecelia, Cleon, Deroven, Gray, Humphreys, Henderson Landing, Leleux, Long Bridge, Maurice, Milton, Porte Barre, Shuteston, and Tulieu, La., and points between Houma, La., on the one hand, and, on the other, Montegut, Dulac, and Theriot, La.'" Petitioner prays that the above restriction be changed to read: "The motor carrier service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Texas and New Orleans Railroad Company, except at Leonville". And further, that Leonville be added to the list of stations not on the Texas and New Orleans Railroad.

No. MC 95540 (Sub No. 130) and Subs 142, 157, 160, 164, 175, 179, 180, 181, 183, 184, 187, 190, 191, 192, 195, 207, and 208. PETITION FOR WAIVER OF RULE 101(e) and PETITION FOR RECONSIDERATION. Petitioner: WATKINS MOTOR LINES, INC., Thomasville, Ga. Petitioner's attorneys: Joseph H. Blackshear, Gainesville, Ga., and Wrape and Hernly, 1624 Eye Street NW., Washington 6, D.C. The above-numbered certificates issued to petitioner contain a restriction reading: "The authority granted herein is subject to the condition that neither said carrier, nor any person or persons controlling, controlled by or under common control with said carrier, shall at any time in the future engage in any commercial enterprise involving the performance of transportation as a private carrier." By petition dated July 14, 1959, petitioner prays that the condition or restriction be vacated or stricken and that an appropriate amended certificate be issued in each proceeding covered by the instant petition. Failing this, the restriction in question be modified or revised to conform to those imposed in the *Geraci* case.

No. MC 103926 (Sub No. 8) (PETITION FOR CLARIFICATION AND INTERPRETATION OF OPERATING AUTHORITY AND DECLARATORY ORDER), dated June 17, 1959. Petitioner: W. T. MAYFIELD SONS TRUCKING CO., 3881 Bankhead Highway, Atlanta 18, Ga. Petitioner's attorney: R. J. Reynolds, Jr., 1403 C & S Bank Building, Atlanta 3, Ga. Certificate issued October 25, 1946 in No. MC 104932 (Sub No. 8) authorizes the transportation of: *"Contractors' machinery and equipment,* over irregular routes, between points and places in Georgia, on the one hand, and, on the other, points and places in Alabama, Florida, North Carolina, South Carolina, and Tennessee. *Concrete pipe,* over irregular routes, from Atlanta, Ga., to points and places in Alabama, Florida, North Carolina, South Carolina and Tennessee, with no transportation for compensation on return except as otherwise authorized." Petitioner states that at all times petitioner and its predecessor in interest have transported under said commodity authority contractors' machinery and equipment regardless of whether same is being transported for or used by private contractors or whether such commodities were to be used by military or civilian agencies of the Federal Government or by Agencies of the State, County and Municipal Governments and sub divisions thereof that are located within the territory served by petitioner. Petitioner, James J. Mayfield, President, states that he has been advised that there is a question as to their legal authority to transport the above-named commodities when they were not going to be used by a private contractor. Petitioner prays "(a) That its existing operating authority as described in its certificate of public convenience and necessity issued to it by this Honorable Commission in Docket No. MC 103926 Sub 8 be formally clarified and interpreted and held to authorize the transportation of the commodities referred to hereinabove regardless of whether or not the same are transported from or to, or are to be used by a private contractor, and that a declaratory order to such effect be issued herein, and that in the alternative, petitioner's existing operating authority be so formally modified or amended as to specifically authorize it to transport such commodities regardless of the nature of the business or occupation of the consignor, the con-

signee, or the user thereof, and in such an event a declaratory order to such effect be issued; and (b) For such other and further relief as to this Honorable Commission seems just and proper in the premises."

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY § 1.240 TO THE EXTENT APPLICABLE

No. MC 2472 (Sub No. 3), filed June 24, 1959. Applicant: THE BLAKE MOTOR LINES, INCORPORATED, 65 Grant Street, Torrington, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Torrington, Conn., and Philadelphia, Pa., as follows: From Torrington over Connecticut Highway 25 to New Milford, Conn., thence over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highway 6 to Brewster, N.Y., thence over U.S. Highway 202 to Somers, N.Y., thence over New York Highway 100 to junction New York Highway 35, thence over New York Highway 35 to Katonah, N.Y., thence over New York Highway 117 to junction New York Highway 128, thence over New York Highway 128 to Armonk, N.Y., thence over New York Highway 22 to New York; (also from Torrington over Connecticut Highway 8 to Stratford, Conn., thence over U.S. Highway 1 to New York, thence continue over U.S. Highway 1 to Philadelphia, Pa.), (also from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 73 near Palmyra, N.J., thence over New Jersey Highway 73 to Philadelphia), and return over the above routes to Torrington, serving no intermediate points. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania.

NOTE: Applicant states that the purpose of this application is to convert its irregular route authority between Torrington, Conn., on the one hand, and, on the other Philadelphia, Pa. to regular route authority. This matter is directly related to MC–F 7214.

No. MC 119049, filed July 10, 1959. Applicant: T.E.K. VAN LINES, INC., 316 North Bedford Drive, Beverly Hills, Calif. Applicant's attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, and (2) between points in Arizona, California, Idaho, Nevada, Utah, Oregon, and Washington, on the one hand, and, on the other, points in Colorado, Louisiana, Missouri, Montana, New Mexico, Texas, and Wyoming.

NOTE: This matter is directly related to MC–F7252.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–7247, DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC.—PURCHASE (PORTION)—AMERICAN BUSLINES, INC., published in the JULY 15, 1959, issue of the FEDERAL REGISTER. Application filed JULY 13, 1959, for temporary authority under section 210a(b).

No. MC–F–7251. Authority sought for purchase by MATSON, INCORPORATED, 2519 16th Ave. (P.O. Box 43), Cedar Rapids, Iowa, of a portion of CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio, and for acquisition by EDWIN D. MATSON, P.O. Box 43, Cedar Rapids, Iowa, of control of such rights through the purchase. Applicants' attorneys: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio, and William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Operating rights sought to be transferred: *Road building and earth moving machines*, as a *common carrier* over irregular routes, from Cedar Rapids, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Illinois and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7252. Authority sought for control by TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Ave., Chicago 20, Ill., ENGEL BROTHERS, INC., 1179 East Grand Street, Elizabeth, N.J., and KINGS VAN & STORAGE, INC., 916 North Broadway, Oklahoma City, Okla., of T.E.K. VAN LINES, INC., 360 North Bedford Drive, Beverly Hills, Calif., and for acquisition by JOHN J. RAPP, also of Chicago, WILLIAM E. ENGEL, JOSEPH W. ENGEL and ANNA ENGEL, all of Elizabeth, GLADYS THEUS, WAYNE THEUS and MARILYN F. CORSI, all of Oklahoma City, respectively, of control of T.E.K. VAN LINES, INC., through the acquisition by TRANS-AMERICAN VAN SERVICE, INC., ENGEL BROTHERS, INC., and KINGS VAN & STORAGE, INC. Applicants' attorney: John C. Bradley, c/o Rice, Carpenter & Carraway, 618 Perpetual Building, Washington, D.C. Concurrently with the filing of this application, T.E.K. VAN LINES, INC., filed an application on Form BMC–78 (Docket No. MC–119049) for a *common carrier* certificate to transport *household goods* as defined by the Commission, over irregular routes, between points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and between points in those States identified above, on the one hand, and, on the other, points in Colorado, Louisiana, Missouri, Montana, New Mexico, Texas, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–119049 is a matter directly related.

No. MC–F–7254. Authority sought for purchase by ROSS TRANSFER, a Washington Corporation, East 41 Gray Avenue, Spokane, Washington, of the operating rights and property of DALE L. ROSS, LESTER E. ROSS and EMMETT A. ROSS, a partnership, doing business as ROSS TRANSFER COMPANY, West 409 Graves Road, Spokane, Washington, and for acquisition by F. K. HASLUND, JR., 2 Hanford Street, Seattle 4, Washington, of control of such rights and property through the purchase. Applicants' attorney and representative, respectively: George W. Shoemaker, 1327 Old National Bank Building, Spokane, Washington, and E. B. Wellman, Secretary-Treasurer, ROSS TRANSFER, East 41 Gray Avenue, Spokane, Washington. Operating rights sought to be transferred: *General commodities* with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route, between Spokane, Washington, and Post Falls, Idaho, and the intermediate and off-route points of Dishman, Vera, Spokane, Bridge, Greenacres, Newman, Liberty Lake, Trentwood, Velox, Otis Orchard, and East Farms, Washington, and Heutter, Hauser, East Greenacres, Bates Corner, Pleasant View, and Ross Point, Idaho. Vendee holds no authority from this Commission, however, F. K. HASLUND, JR., is the principal stockholder of (1) RIVERSIDE WAREHOUSES, INC., and (2) SEATTLE TRANSFER & STORAGE COMPANY, which are authorized to operate as *common carriers* in (1) Washington, and (2) Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7255. Authority sought for purchase by ROSS TRANSFER, a Washington Corporation, East 41 Gray Avenue, Spokane, Washington, of the operating rights of RIVERSIDE WAREHOUSES, INC., East 41 Gray Avenue, Spokane, Washington, and for acquisition by F. K. HASLUND, JR., 2 Hanford Street, Seattle 4, Washington, of control of such rights through the purchase. Applicants' attorney and representative, respectively: George W. Shoemaker, 1327 Old National Bank Building, Spokane, Wash., and E. B. Wellman, Secretary-Treasurer, ROSS TRANSFER, East 41 Gray Avenue, Spokane 2, Washington. Operating rights sought to be transferred: *General commodities* with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points within three miles of Spokane, Wash., including Spokane, and between Spokane, Wash., on the one hand, and, on the other, points not less than three nor more than fifteen miles of Spokane. Vendee holds no authority from this Commission, however, F. K. HASLUND, JR., is the principal stockholder of vendor herein, and SEATTLE TRANSFER & STORAGE COMPANY, which is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6000; Filed, July 21, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35559: *Grain and grain products—Northern Illinois and Wisconsin to the east.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2408), for carriers parties to schedules listed or referred to below. Rates on corn, oats, soybeans, sorghum grains, and their products, carloads from points in northern Illinois and Wisconsin to Chicago, Ill., Kewaunee, and Milwaukee, Wis., and group points, on traffic destined to the East.

Grounds for relief: Across country competition with like traffic from nearby origins in northern Illinois from which depressed barge-truck competitive rates are maintained, and maintain relationships.

Tariff: Supplement 138 to Central Territory Railroads Tariff Bureau tariff I.C.C. 4403 and other schedules named in the application.

FSA No. 35560: *Fine coal from Alabama points to Port Wentworth, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3827), for interested rail carriers. Rates on bituminous fine coal, in carloads from Ealine, Fox, Holt and Northport, Ala., to Port Wentworth, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Southern Freight Association tariff I.C.C. S–39.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–5997; Filed, July 21, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

AMERICAN SAFETY RAZOR CORP.

Deletion From Membership in Integration Committee on Small Arms Ammunition

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the following deletion from the list of companies which have accepted the request to participate in the voluntary plan entitled, "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Small Arms Ammunition," as amended. The request and complete list of acceptances were published in 24 F.R. 2759, April 9, 1959.

Deletion

American Safety Razor Corporation, New York, New York.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958. 23 F.R. 6971)

Dated: July 7, 1959.

LEO A. HOEGH, *Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 59–6003; Filed, July 21, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during July. Proposed rules, as opposed to final actions, are identified as such.

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 24 — 1934 — NUMBER 143

Washington, Thursday, July 23, 1959

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bronx River, New York

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.190 is hereby amended redesignating subparagraph (f) (2) as (f) (2–a) and prescribing a new subparagraph (f) (2) to govern the operation of the City of New York highway bridge across the Bronx River at Westchester Avenue, Borough of The Bronx, New York, New York, as follows:

§ 203.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * * *

(2) Bronx River; City of New York highway bridge at Westchester Avenue. At least 24 hours' advance notice required, except that the draw shall be opened for the passage of vessels owned, controlled or employed by the United States or by the City of New York, with the least possible delay upon receipt of oral or written notice.

(2–a) Bronx River; New York, New Haven and Hartford Railroad Company bridge, north of Westchester Avenue. The draw need not be opened for the passage of vessels and the special regulations contained in paragraphs (b) to (e) of this section shall not apply to this bridge.

[Regs. July 10, 1959, 285/91 (Bronx River, N.Y.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6042; Filed, July 22, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—AID TO CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 805—SAFEGUARDING MILITARY INFORMATION

In Part 805, §§ 805.1 to 805.17 supersede §§ 805.1 to 805.13 (21 F.R. 3834, June 5, 1956; 22 F.R. 3041, April 30, 1957, and 23 F.R. 7219, September 18, 1958).

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AUTHORITY: §§ 805.1 to 805.17 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 205–1, April 1, 1959.

§ 805.1 Purpose.

This part establishes policies for safeguarding classified information and explains how to identify, classify, and protect such official material.

§ 805.2 Definitions.

(a) *Atomic energy restricted data.* As defined by Public Law 703, 83d Congress, Atomic Energy Act of 1954, Act of August 30, 1954 (68 Stat 924), Restricted Data means all data concerning (1) the design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the pro-

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duction of energy, but shall not include data declassified or removed from the category of Restricted Data which the Atomic Energy Commission from time to time determines may be published without undue risk to the common defense and security.

(b) *Classified defense information.* Official information, the safeguarding of which is necessary in the interests of national defense, and which is classified for such purpose by appropriate classifying authority.

(c) *Document.* Any recorded information regardless of its physical form or characteristics. Includes, but is not limited to, the following: all written material, whether handwritten, printed, or typed; all painted, drawn, or engraved material; all sound or voice recordings; all printed photographs and exposed or printed film, still, or motion picture; and all reproductions of the foregoing, by whatever process reproduced.

(d) *Foreign nationals.* All persons not citizens of or immigrant aliens to, the United States. All citizens of the United States and immigrant aliens when acting as representatives, officials, or employees of a foreign government, firm, corporation, or individual shall be considered as foreign nationals. (Immigrant aliens are persons in the United States for permanent residence under immigration visas.)

(e) *Material.* Any document, product, or substance on or in which information may be recorded or embodied.

(f) *Materiel.* Any article, product, substance, or apparatus from which information may be obtained. It comprises military arms, armament, and equipment, both complete and in process of research, development, experimentation, and construction, and includes elements, components, accessories, models, fixtures, mockups, jigs, and dies associated therewith.

(g) *Security.* The protected conditions of classified matter which prevents unauthorized persons from obtaining information of direct or indirect military value. It is a condition resulting from the establishment and maintenance of protective measures which insure a state of inviolability from hostile acts or influences.

§ 805.3 Responsibility of individuals.

Each individual is responsible for protecting and accounting for any classified information which he possesses or knows, no matter how that information was obtained.

§ 805.4 Preparation, reproduction, and photographing.

(a) *Photographs.* Photographs or similar reproductions of classified matter are prohibited, except by persons specifically directed or authorized by proper authority.

(b) *Commercial facilities.* Classified matter other than Top Secret may be printed, developed, or otherwise processed or reproduced in properly cleared commercial facilities if adequate Government facilities are not available.

§ 805.5 Dissemination; general provisions.

(a) *Discussion and access.* Classified information will not be discussed in the presence or hearing of unauthorized persons.

(b) *Physical security factor.* Possession or use of classified defense information or material will be limited to locations where prescribed facilities for secure storage or protection of it are available.

(c) *Automatic distribution and dissemination.* Regulations and other directives which authorize automatic distribution of documents or dissemination of information will not apply to classified information unless the proposed dissemination is necessary and is authorized by this part. Normally, automatic distribution of classified information outside the Department of Defense will not be authorized.

§ 805.6 Identification and personnel security clearance.

Before an individual discusses or permits access to classified information, he must make sure that the intended recipients are indisputably identified and determined trustworthy (by personal recognition, identifying documents, or verification of identity by telephone, telegraph, radio, or mail communication). If prior personnel security clearance is prescribed as a prerequisite for access to a specific item of information, the intended recipient's clearance will be verified.

§ 805.7 Advising of need for protection.

When classified information is discussed with persons who are subject to military law or are employed in the Executive Branch of the Federal Government they will be informed of its classification. When classified information is discussed with persons other than those subject to military law or employed in the Executive Branch, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Laws and that its revelation to an unauthorized person is prohibited by law.

§ 805.8 Telephone conversations.

Classified information will not be discussed or revealed over the telephone. However, it is permissible to refer to classified material, provided that such references do not reveal the classified portions. For example, reference may be made to the file number, date, and subject (provided that the subject itself is not classified). Each individual must make sure that questions or their answers do not reveal classified information.

§ 805.9 Commercial and service publications.

(a) *Individual activities.* Military or civilian personnel will not include classified information in any personal or commercial article, thesis, book, or other product written for publication or distribution.

(b) *Compilations of information.* A compilation of individually unclassified items may be published in commercial or service publications only after coordination with the office(s) having primary interest in the material to insure that such compilation does not require classification.

§ 805.10 Additional precautions necessary to limit dissemination.

(a) *Personal correspondence.* Classified information will not be included in personal correspondence or messages.

(b) *Rescission.* Classified documents which have been rescinded or superseded will be protected according to their category until destroyed.

§ 805.11 Return or transfer of classified matter.

(a) *General.* Neither a military person nor a civilian may retain classified matter for personal or commercial purposes, even though such person may have been solely or partly responsible for production of the material.

§ 805.12 Top secret, secret, and confidential matter.

(a) *Top Secret matter—(1) Definition.* Executive Order 10501 defines the Top Secret category as follows: "The use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

(b) *Secret matter—(1) Definition.* Executive Order 10501 defines the Secret category as follows: "The use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations."

(c) *Confidential matter—(1) Definition.* Executive Order 10501 defines the Confidential category as follows: "The use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation."

§ 805.13 Atomic energy restricted data.

(a) *Dissemination—(1) Within Department of Defense and to contractors.*

Restricted Data may be disclosed only to Department of Defense personnel and to contractors of the Department of Defense and their employees who have been granted a personnel security clearance equivalent to the security classification of the information involved.

(2) *Disclosure to foreign nationals.* Foreign nationals (see § 805.2(d)) will not be permitted to have access to Restricted Data or classified former Restricted Data, regardless of grade, position, employment, or nationality, except for certain releases that are made in strict compliance with the Atomic Energy Act of 1954, after specific approval of the Chief of Staff, USAF (Assistant Chief of Staff, Intelligence).

(b) *Oral discussions.* When an individual discloses Restricted Data or classified former Restricted Data to other persons during discussions, he will inform them of the designation of such information.

§ 805.14 Disclosure of classified information.

(a) *General limitations.* Classified information will not be released or disclosed to private individuals, organizations, corporations, or State or Federal agencies, unless they must have it to perform an official governmental function in the interest of promoting national defense. Further, no release or disclosure of classified information will be made to persons or agencies outside the Department of Defense except with specific approval of the officials designated in this section.

(b) *Congress and its members.* All requests by the Congress or its committees or members for classified information will be referred to the Secretary of the Air Force (SAFLL).

(c) *Contractors and prospective contractors*—(1) *Responsibility for dissemination.* The commander, major air command, who has jurisdiction over a contractor, or who will procure materiel, supplies, or services from a prospective contractor, is responsible for releasing or disclosing classified information to them if they must have it. However, he may release or disclose only the classified information required by such contractors or prospective contractors in performing specific contracts or preparing specific bids or quotations. Such a commander may authorize a subordinate commander to release or disclose classified information to a contractor or prospective contractor, if such subordinate is authorized to procure materiel, supplies, or services. The authorization will only be given in writing. Also, it must be specific as to the conditions under which the subordinate may make disclosures or releases.

(2) *Requirements for assuring security.* Before a commander can release or disclose classified information to a contractor or prospective contractor, the following is required: A security agreement, signed by the individual or by a responsible officer on behalf of the firm or corporation concerned; a facility security clearance, properly granted; and a security survey of the facility, as appropriate.

(d) *To other civilian activities.* Generally, all requests for classified information from persons or agencies outside the Department of Defense, and all proposals originating in the Air Force to release classified information to such persons or agencies will be forwarded for necessary action to the Chief of Staff, USAF.

§ 805.15 Visitors.

(a) *Definition of "visitor" and applicability of policy*—(1) *Visits at AF activities.* For the purpose of this section, a visitor is any person admitted to any AF installation except those who are directly and officially concerned with its activities (on duty, employed, or traveling under official orders requiring performance of duty at the installation).

(2) *Access to classified defense information.* A person has access to classified information when he is permitted to gain knowledge of the information, or to be in a place where he would be expected to gain such knowledge. A person does not have access to classified information merely by being in a place where classified material is kept, provided security measures prevent him from gaining knowledge of the information.

(b) *Requests for permission to visit.* Individual requests to visit an installation should be referred to the installation commander for approval or disapproval. All requests for permission to visit AF installations or activities which will involve access to classified information will:

(1) Be in writing, and be made early enough to permit appropriate action by the commander.

(2) Be forwarded to the office or headquarters having the authority to approve the disclosure of the classified information involved.

(3) Include the following information, as applicable: (i) Name in full, grade, title, position.

(ii) Nationality of visitor (immigrant aliens will furnish alien registration number), date, and place of birth.

(iii) Current residence or military assignment.

(iv) Employer or sponsor.

(v) Name and location of installation or activity to be visited.

(vi) Date, time, and duration of visit.

(vii) Purpose of visit, in detail.

(viii) Security clearance status of visitor and name of clearing agency (if clearance previously granted).

(c) *Visits to AF installations*—(1) *Visits involving access to classified information*—(i) *Approval.* Individuals may be permitted to visit AF installations or activities to receive or to have access to classified information only if its disclosure or dissemination is properly approved.

(ii) *Written authority for admission.* Approval for visitors to AF installations to have access to classified information must be given in writing.

(iii) *Concurrences and notices.* Whenever practical, the official who approves a request to visit another AF installation should coordinate with the commander of that installation for concurrence or recommendation before finally approving the visit. In all cases, the official who approves such a visit will promptly notify the commander concerned. He will also specify any limitations or restrictions to be placed upon the visitor.

(2) *Visits not involving access to classified information.* United States citizens and foreign nationals who will not have access to classified information may be admitted to AF installations on the authority of the commander concerned. However, they must not be allowed in any place where mere presence would afford them access to or knowledge of classified information.

§ 805.16 Restricted areas.

(a) *Designation of restricted areas.* The commander of an AF installation will designate as a "restricted area" such areas under his jurisdiction as he considers necessary to promulgate regulations pursuant to section 21 of the Internal Security Act of 1950.

(b) *Procedure in case of violations.* Persons not subject to military law who violate the regulations issued by the commander will be delivered to the appropriate civil authority, subject to the following provisions:

(1) The commander of an AF installation will cause any such person to be detained, warned of his rights, and interrogated as soon as possible by proper authority. If there is no evidence of intent to violate the regulations the person may be warned against repetition and released. Otherwise, the commander will promptly notify the nearest office of the Office of Special Investigations by the fastest means available. That office will immediately request the nearest office of the Federal Bureau of Investigation to take custody of the individual at the installation. The commander will furnish the representative of the Federal Bureau of Investigation with a written statement of the facts, the names and address of the witnesses, and any pertinent exhibits that may be available.

(2) When an investigation reveals that such a person has entered a restricted area or building, and was not apprehended, the commander will promptly notify the nearest district office of the Office of Special Investigations of all the facts, including the names and addresses of the witnesses. The district office will immediately notify the nearest office of the Federal Bureau of Investigation.

§ 805.17 Air space reservations.

An air space reservation is the air space above an area on the land or water, designated and set apart by Executive Order of the President of the United States, or by State, Commonwealth, or Territory, over which the flight of aircraft is prohibited or restricted for the purpose of national defense or for other governmental purposes.

[SEAL] CHARLES M. McDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-6063; Filed, July 22, 1959; 8:49 a.m.]

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter J is amended as follows:

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart A—Use of Formal Advertising

1. Sections 1002.104 and 1002.104–50 are added, as follows:

§ 1002.104 Types of contracts.

See § 2.104 of this title.

§ 1002.104–50 Firm fixed-price materials reimbursable contracts.

(a) When it is desired to procure the repair and overhaul of items on the basis of a firm fixed-price for the services with reimbursement for cost of materials used, such procurement may be advertised when both of the following criteria are met:

(1) The cost of the direct materials to be used will be relatively small in relation to the total cost of the repair and overhaul services.

(2) It can be reasonably expected that the materials for which reimbursement is to be made are available to all bidders at basically the same price.

(b) The IFB and the resultant contract must:

(1) Adequately define the material for which reimbursement is to be made.

(2) Limit reimbursement to the contractor's actual cost of such reimbursable material (including cash and trade discounts, rebates, allowances, and commissions).

(3) Contain adequate controls to limit the purchase of reimbursable materials by the contractor.

The IFB will not require bidders to furnish estimated prices of materials the cost of which is reimbursable, nor will the cost of such materials be considered in the evaluation of bids.

(c) The clauses set forth in Subpart SS, Part 1007 of this chapter, will be used, provided the "Payments" clause includes the sentence prohibiting payment of profit on materials, as prescribed for use in formally advertised contracts in the note set forth in § 1007.4503–4 of this chapter.

Subpart B—Solicitation of Bids

1. Section 1002.200 is added, as follows:

§ 1002.200 Scope of subpart.

See § 2.200 of this title.

2. Section 1002.201 is deleted and the following substituted therefor:

§ 1002.201 Preparation of forms.

For forms discussed in this section, see Part 1016 of this chapter. The following paragraphs contain implementations of the corresponding paragraphs of § 2.201 of this title. (See Subpart T of this part for samples.)

(a) *Invitation for bids.* (1) *Invitation number.* Each invitation issued will be assigned, and will contain in the space provided therefor, a number composed of: (i) the station number of the issuing office, followed by a dash, (ii) the last two numerals of the fiscal year in which the invitation is issued, followed by a dash, and (iii) the serial number of the invitation being issued. Only one series of numbers will be used under any one station number for each fiscal year, and the first invitation issued in each fiscal year will bear "1" as its serial number. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. Other numbers or letters will not be prefixed or suffixed to this number. Accordingly, the first invitation issued by the Base Contracting Officer, Wright-Patterson Air Force Base, in the fiscal year 1954 would be numbered 33–601–54–1.

(2) *Name and address of issuing activity.* No reference.

(3) *Date of issuance.* No reference.

(4) *Date, hour, and place of opening.* The hour for opening of bids is of importance to bidders desiring to attend openings. Military timing by the 24-hour clock will NOT be used, Standard Time will be used in every instance; although a base is in a locality operating on daylight saving time, this fact will be ignored in establishing the hour of opening and Standard Time will be used, with this information stated in the invitation for bids.

ILLUSTRATION: ---------- will be received at the above office until 11:00 o'clock a.m. eastern standard time ----------

IFB's will generally allow 30 days to intervene between the date of issuance and the date of opening of bids. A shorter period may be allowed, but no period of less than 10 days will be designated, except in case of emergency. The existence of such emergency will be determined by the contracting officer. When such emergency will not permit 10 days to intervene, the copy of the invitation furnished the Procurement Information Center will bear on its face the following certificate and appropriate reasons signed by the contracting officer:

I certify that the date shown hereon for the opening of bids cannot be a later date for the following reasons:

---

(5) *Statement required on invitation for bids.* See § 2.201(a)(5) of this title.

(b) *Bid.* See § 2.201(b) of this title.

(c) *Schedule.* In addition to the information to be included in the Schedule, as set forth in § 2.201(c) of this title, the following additional information and changes are authorized or required, as specified, whenever applicable. (Before reviewing the information set forth in subparagraph (1) of this paragraph, the contracting officer should familiarize himself with the policy set forth in § 1001.305–3 of this chapter.)

(1) *Number of pages.* This insertion will include the number of additional continuation sheets (Standard Form 36) required to complete the invitation for bids.

(2) *Requisition (or other purchase authority), appropriation, and accounting data.* No reference.

(3) *Discount provisions.* The discount provisions on the bid portion of Standard Form 33 and in the approximate center of the Schedule, Standard Form 31, relating to "10 calendar days," "20 calendar days," and "30 calendar days" may be deleted only when it is definitely known that final acceptance cannot be accomplished, or that payment cannot be effected within the period of time from date of delivery or from date of receipt of invoice, whichever is later. To accomplish this, the blanks referred to will be X-ed out and the words "none" inserted after "as follows." This authority will be used sparingly. In special cases where a prolonged acceptance test is necessary, and the invitation or specifications set a limiting date for acceptance that is more than 20 days after date of delivery, the provision in the form on computation of discount (Condition 7 on Reverse of Standard Form 30 and 33) may be changed by special provisions to read as follows: "Time, in connection with the discount offered, will be computed from the limiting date set herein for final acceptance." When the change is made, the limiting date for final acceptance must be stated in the invitation.

(4) *Quantity of supplies or services to be furnished under each item, and any provision for quantity variation.* Quantity variation includes requirements contracts (see § 1007.4028 of this chapter) and indefinite quantity call contracts (see § 1007.4039 of this chapter) as well as the standard type of variation in quantity provisions.

(5) *Description of supplies or services to be furnished under each item.* See § 1.305 of this title; ASPR 3–201(d) and § 1001.305 of this chapter as to general requirements, and see § 1002.2002 for sample descriptions.

(6) *Qualified products.* The provision set forth in § 1002.505–2 will be used to meet the requirements of § 2.201(c)(6) of this title.

(7) *Time, place, and method of delivery.* With reference to invitations for bids specifying place of delivery being on the basis of f.o.b. carrier's equipment, wharf, or freight station (at the Government's option) at or near contractor's plant, at a specified point (see § 1.306–2(b) of this title), the procuring contracting officer will comply with the requirements of § 1053.104 of this chapter to insure accurate analysis of transportation costs.

(8) *Permission, if any, to submit telegraphic bids.* Invitations for bids which permit the submission of telegraphic bids will contain a provision that any bidder who submits a telegraphic bid must complete the required forms prior to award if he is the successful bidder. (For letter bids, see § 1002.301.)

(9) *Permission, if any, to submit alternative bids including alternative materials or designs.* See § 1002.2003–6 for sample provisions and paragraph (d)(6) of this section.

(10) *Requirement, in the case of advertising for the construction of naval vessels, that the bidder files with his bid the estimates on which the bid is based.* No reference.

(11) *Preservation, packaging, packing and marking requirements, if any.* See the sample provision in § 1002.2001, for central procurements in AMC only.

(12) *Place, method, and conditions of inspection.* See Part 1014 of this chapter.

(13) *Bond and surety requirements, if any.* See Subpart 10 of this title and Subpart 1010 of this chapter.

(14) *Special provisions.* (Also see § 1002.406–3(a)(2) and (3) of this chapter.)

(i) Liquidated damages: (See § 1007.105–5 of this chapter.)

(ii) Buy American certificate: See §§ 6.104–3 and 6.204–2 of this title.

(iii) Delivery schedules: The usual provision, where the Government indicates a desired delivery schedule, is included in the sample IFB in § 1002.2001. A "required delivery" provision is set forth in § 1002.2003–2.

(iv) Bids of partial quantities: Condition 8 on the reverse side of Standard Forms 30 and 33 includes:

Unless otherwise provided in the schedule, bids may be submitted for any quantities less than those specified; and the Government reserves the right to make an award on any item for a quantity less than the quantity bid upon at the unit prices offered unless the bidder specifies otherwise in his bid.

Accordingly, if it is intended to make an award only on the basis of the quantities advertised, it will be necessary to make this provision inapplicable in the invitation for bids.

(v) Awards in groups or in the aggregate: If it is intended to make an award in groups or in the aggregate, the invitation will so state.

(vi) Increase or decrease: When it is considered necessary in the interest of the Government to provide for an increase or decrease in the quantity specified in the invitation at the option of the Government, the maximum percentage of such increase or decrease will be specified by the contracting officer in the invitation. Such percentages will only in rare cases exceed 25 percent and should not in any case exceed 50 percent.

(vii) Location of plant: Invitations may provide for each bidder to indicate the location of the particular establishment or plant in which a contract will be performed, if awarded.

(viii) Percentage of subcontracting: When a Facility Capability Report is contemplated as prescribed in Part 1052 of this chapter, the IFB will contain the following clause: "Bidder represents that the estimated percentage of subcontracting contemplated on this procurement is _____ percent."

NOTE: The "percentage of subcontracting" will be reported as a percentage of the prime contractor's selling price. "Subcontracting" means only contracts for the production of or work upon an item, component, or assembly and does not include: (a) any purchase of a standard commercial or catalog item, (b) any purchase of a basic raw material, (c) any purchase of supplies or services for the general operation of the contractor's plant, or (d) any purchase from a parent, subsidiary, or affiliate of the contractor.

(ix) Number of employees: Invitations will provide that each bidder will indicate the number of persons employed, to comply with § 1.702(c) of this title.

(x) Samples: See § 1002.403–51.

(xi) Approval of resulting contracts: IFB's covering procurement which may exceed the delegated authority of the issuing contracting officer for which the resulting contract may require approval of higher authority, will include the following provision:

APPROVAL: Any contract in excess of $ (insert amount of delegated contracting authority of contracting officer issuing the invitation for bids) awarded as a result of this invitation shall contain the following approval clause: "This contract shall be subject to the written approval of the Secretary of the Air Force or his duly authorized representative and shall not be binding until so approved."

(xii) Items assigned to another department or agency: Include a statement that the department or agency having assigned procurement responsibility has authorized the AF to purchase the items, when such authorization is required.

(xiii) Statement in lieu of Standard Form 119: See § 1001.507–1 of this chapter (to be used in conjunction with § 1.506 of this title).

(xiv) Labor surplus "set-asides," under DMP No. 4: See § 1002.205–3.

(xv) Small business "set-asides:" See §§ 1.706–5 and 1.706–6 of this title (as implemented by § 1001.706–6 of this chapter).

(xvi) Financial and technical ability: See §§ 1002.2003–3 and 1052.302 of this chapter.

(xvii) Procurement of items containing wool (except mohair): See § 6.304–2 (c) of this title.

(xviii) DO ratings: See § 1001.463 of this chapter.

(xix) Labor information: See § 1012.603 of this chapter.

(xx) Classified information: Classified information in bids will be handled according to AFR 205–4, Armed Forces Industrial Security Regulation (AFISR) and regulations issued by each major air command, such as AMCR 205–9 for Air Materiel Command.

(xxi) Price escalation for basic steel, aluminum, brass, bronze or copper mill products: See § 1002.250.

(xxii) Multiple awards: IFB's which will be evaluated according to § 1002.406–3 (d) will include the following statement:

NOTICE TO BIDDERS: Bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making multiple awards. For this purpose, the cost of issuing an advertised contract is estimated to be $50. Accordingly, where several items are included in an invitation for bid and, after opening bids, it is ascertained that no one responsible bidder submitted the lowest price on each of the items, the $50 factor of whether it will be to the best interest of the Government to make multiple awards will be considered, other factors being equal.

(xxiii) Progress payments: (*a*) Whenever, incident to formal advertising, the contracting officer considers: (*1*) that the period between the beginning of work and the required first production delivery will exceed 6 months, or (2) that progress payments will be useful or necessary by reason of unusual circumstances that will involve substantial accumulation of pre-delivery costs that may have a material impact on a contractor's working funds (including but not limited to substantial small business set asides expected to involve a relatively large pre-delivery accumulation of materials, purchased parts, or components) the IFB will include the following provision:

NOTICE TO BIDDERS

PROGRESS PAYMENTS

The need for progress payments conforming to regulations (22 F.R. 826–838; 22 CFR, Ch. 1, Subch. 9, Part 82; AR 715.6, NPD 31, AFR 173–133) will not be considered as a handicap or adverse factor in the award of a contract hereunder. Bidders desiring progress payments in accordance with the Progress Payments clause attached hereto, shall include a written request therefor in their bids, and bids including requests for progress payments will be evaluated on an equal basis with bids not including a request for progress payments. Copies of pertinent regulations cited above are available for examination at the office issuing this invitation for bids. The Progress Payments clause attached hereto conforms to such regulations. If a bid does not contain a request for progress payment provision, the Progress Payments clause will not be included in the contract as awarded.

NOTE: (1) The above provision will not be used on construction contracts providing for progress payments based on a percentage or stage of completion.

(2) When the above provision is included in an IFB, the Progress Payments—Total Cost clause contained in § 1058.306–1 of this chapter will be attached to the invitation.

(3) In "Small Business Restricted Advertising" (See § 1.706–5 of this title), the percentage stated throughout the Progress Payments—Total Cost clause § 1058.306–1 of this chapter will be 75 percent.

(4) Whenever it is intended that the contractor is to be reimbursed for progress payments to subcontractors the clause set forth in § 1058.306–3 of this chapter will be included in the schedule.

(*b*) Whenever the contracting officer determines that Progress Payments are not appropriate in connection with a particular procurement in accordance with the criteria set forth above the following statement will be included in the IFB:

Progress Payments are not available under this invitation for bids and bids conditioned upon the making of Progress Payments will be considered nonresponsive. This does not preclude payments for partial deliveries as otherwise authorized in the General Provisions.

(xxiv) Advance payments: (Advance Payment provisions in connection with advertised procurement are reserved pending implementation of Public Laws 800 and 804, 85th Congress.)

(xxv) The following alteration to General Provisions will be included in the IFB:

The following is hereby added to Clause 10, Federal, State and Local Taxes: The term "except as otherwise provided in this contract" means "except as the Government has otherwise provided in this IFB" and shall not be construed to permit the bidder to submit bids conditioned on exclusions of tax not set forth in the IFB.

(15) *Special provisions relating to Government-furnished property and to the use of Government property in the bidder's possession under a facilities contract or other agreement independent of the IFB.* (i) The property to be furnished by the Government for performance of the contract will be described in the schedule or specification. See §§ 13.101–(2)(a), 13.102, 13.201, and 13.301 of this title.

(ii) (Applicable only to AMC central procurement IFB's). Use of Government property in the bidder's possession under a facilities contract or other agreement independent of the IFB on a "no charge for use," "rent free," or other no charge basis is not permitted. See Note 7, §§ 1002.2001 and 1002.406–3(f).

(16) *Minimum period for Government acceptance of bids.* See § 2.201(c)(16) of this title.

(17) *Affiliated Bidders.* See § 2.201(c)(17) of this title.

(18) *Principal producing facilities.* See § 2.201(c)(18) of this title.

(d) *Availability and identification of specifications.* See § 1001.305 of this chapter.

(1) *Formal specifications.* Every item on an IFB which is covered by drawings, plans, or specifications will contain a reference to all applicable drawings, plans, and specifications. (See § 1001.305 of this chapter for a listing of the various types of specifications in order of preference.) At least one copy of each referenced drawing, plan, or specification will be on file at the AF installation which issues the IFB prior to such issuance. When bids are invited on an item to be supplied according to drawings, plans, or specifications, and when distribution to prospective bidders of the applicable drawings, plans, and specifications with the IFB (pursuant to § 2.201(d)(i) of this title) or upon request (pursuant to § 2.201(d)(ii)), is impracticable, the IFB will state the exact mailing address of all locations where the IFB, containing a complete set of drawings, plans, and specifications, will be available for public display and examination.

(2) *Description of authorized alternate bids.* The IFB may request that alternate bids be submitted on the basis of several different items or qualities of material; for example: (i) Where the Government wants to use a specific grade of material but the bids for that grade may be so high as to require the use of less expensive material, or (ii) where the Government wishes to have a certain quantity of work done, or items delivered, but the cost of such work or items may be so high that the Government's interest will require procurement of a lesser quantity. Similarly, the Invitation for Bids may request alternate bids in situations where two different items will be equally acceptable to the Government depending upon relative price. (See § 1002.2003–6.) However, alternate bids which are authorized in the IFB must be stated with a reasonable degree of preciseness to assure that the same degree of competition is obtainable on the alternate bids as is obtainable on the basic item described.

(e) *General provisions or conditions.* (1) The IFB will include general provisions according to the appropriate part of Part 1007 of this chapter, and any special conditions necessary to describe the Government's requirements fully, such as, but not limited to, the following:

(i) Kind of packing required.

(ii) Special marking of packages, boxes, invoices, etc.

(iii) Conditions of inspection.

(iv) Special factors to be used in evaluation of bids covering such areas as quality, qualifications and experience of bidders, financial and technical ability, cost of inspection, etc.

See Subparts A and T of this part.

(2) When procurement is effected by formal advertising, price redetermination clauses (as distinguished from escalation clauses) will not be inserted in the IFB or in any resulting contract. (See § 1002.104–50.)

(3) IFB's for sealed bids sales will be prepared according to instructions contained in paragraph 21, section 9, volume XIII, AFM 67–1, except that IFB's and contracts for the disposal of edible garbage will also contain the following provision:

Prior to award the bidder agrees to furnish a certification from an Animal Disease Eradication Division representative of the U.S. Department of Agriculture that he possesses adequate and approved garbage sterilization equipment. In the event of an acceptance of his bid by the Government, the bidder warrants that all garbage received under contract will be sterilized not less than 30 minutes at 212° F before being fed to livestock or poultry. The bidder agrees to permit representatives of Animal Disease Eradication Division of the U.S. Department of Agriculture to make inspections at any time without prior arrangements to determine that the garbage is heat-treated in accordance with this provision.

3. Section 1002.202 is added, as follows:

§ 1002.202 Methods of soliciting bids.

4. Section 1002.202–1 is deleted and the following substituted therefor:

§ 1002.202–1 Mailing or delivering to prospective bidders.

(a) IFB's, when mailed, will be sent as first class mail.

(b) In the case of construction contracts, copies of the IFB's including plans and specifications, if available, may be furnished upon request to nonbidders having a direct interest in the bidding, such as subcontractors, material men and suppliers of equipment for installation or use by the prime contractor on the project. Copies may also be furnished to any established trade publication or association requesting them, provided that the activities of the publications or associations are not restricted to publishing bid information for which a charge is made.

5. Sections 1002.202–2 and 1002.202–3 are added, as follows:

§ 1002.202–2 Displaying in public places.

One copy of each IFB will be displayed in a public place at the activity issuing the IFB. The place selected for such public display should be one available to the public with due consideration given to the security requirements of the activity issuing the IFB. In the case of Hq AMC, the place of public display will be Contractors Relations Office.

§ 1002.202–3 Publishing in trade journals.

See § 1002.202–1(b).

6. Section 1002.202–4 is deleted and the following substituted therefor:

§ 1002.202–4 Publishing in newspapers.

Paid advertisements in newspapers will be used in connection with the disposition of disposable property by sale. If time will permit, the publication of essential details of IFB's in newspapers (paid advertisements) may be authorized as shown in paragraph (a) of this section, when necessary to obtain effective competition, or in view of the quantity, character, or value of the supplies or services to be procured.

(a) *Authority.* (1) Authority to authorize the publication of advertisements, notices, or proposals has been delegated by the Secretary to the:

(i) Commander, Air Materiel Command.

(ii) Director and Deputy Directors of Procurement and Production, Hq AMC.

(iii) Commander and Deputy Commander, AMC Ballistic Missiles Center.

(iv) Commander and Deputy Commander, AMC Aeronautical Systems Center.

(v) Chiefs of divisions, Directorate of Procurement and Production, Hq AMC, AMC Ballistic Missiles Center, and AMC Aeronautical Systems Center.

(vi) Director of Procurement and Production, air materiel areas and AF depots.

(vii) Directors of Procurement and Production, air materiel forces.

(viii) Commanders and Vice Commanders of major AF commands.

(ix) Commander, Wright-Patterson Air Force Base.

and, while he is so acting, to the person acting for the time being in any of the foregoing capacities. The above authority will not be redelegated.

(2) No advertisement, notice, or proposal will be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named in subparagraph (1) of this paragraph, and no bill for advertising will be paid unless a copy of such written authority is presented with the bill.

(3) All authority to advertise is granted to the office concerned, not to the officer.

(b) *Requests for authority to place advertisements.* (1) Requests for authority to place advertisements in newspapers will be made on AFPI Form 25, "Request for Authority to Advertise,"

according to § 1002.202–4(h)(1) of this title, except in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested direct by telegraph to the proper official, who will obtain the necessary coordination with others concerned.

(2) In applying for authority to advertise, newspapers in which it is considered advantageous to advertise will be specified. Due economy will be observed regarding the number of newspapers and the number of insertions, whether advertising under special or general authority, no greater number being used in any case than may be necessary to give proper and sufficient public notice.

(i) Special authority authorizes the publication of a given advertisement a specified number of times in a designated newspaper or newspapers.

(ii) General authority authorizes the publication during a fiscal year, as designated, of such advertisements, for proposals as may be required by the duties of officers engaged in making frequent purchases or contracts.

(3) In all cases authority to advertise must be obtained in advance. Authority will not be granted retroactively.

(c) *Preparation of advertisements.* Except as provided in subparagraph (1) of this paragraph, all advertisements will be solid line. A sample set up according to the usual Government requirements is shown on Standard Form 1143, "Advertising Order."

(1) When advertising to be set other than solid is authorized, care will be taken to insure that the specifications are definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent heads, unless specifically ordered, or for additional space required by the use of type other than that specified in the sworn statement of advertising rates on file in the General Accounting Office. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order, and copies of both documents will be sent to the General Accounting Office with the voucher.

(2) Any unnecessary expense to the Government, resulting from failure to observe the requirements of this section, may be made a charge against the pay of the officer responsible therefor.

(d) *Insertions and limitations thereon.* Ordinarily, advertisements will be given six insertions in daily or four in weekly papers. When more than 10 days are to intervene between the date of the first publication and the date of opening bids, those in the daily newspapers inviting bids will at once be given four consecutive insertions, and immediately before the date of opening two consecutive insertions. In construction projects, such insertions will be placed in sufficient time prior to the date of opening to allow interested bidders to obtain plans and specifications and prepare bids. In case of emergency, advertisements may be given one or more insertions, as time and circumstances permit.

7. Section 1002.204–1(a) is deleted and the following substituted therefor:

§ 1002.204–1 General.

(a) *Basic policies.* (1) *Advertised procurement.* It is mandatory that the completed list be obtained by the contracting officer. The selection of sources from the list will be at the discretion of the contracting officer but will be in consonance with §§ 1.302–4(b)(3), and 1.702(b)(2) of this title.

(2) *Negotiated procurement.* It is mandatory that the complete list be obtained by the contracting officer for procurement of supplies and services estimated to cost $10,000 or more unless the procurement is to be placed on an authorized selected-source basis. The selection of sources from the list will be at the discretion of the contracting officer but will be in consonance with §§ 1.302–4(b)(3), and 1.702(b)(2) of this title.

8. Section 1002.205–3 is deleted and the following substituted therefor:

§ 1002.205–3 Special conditions to be inserted in invitations for bids.

Whenever it has been determined to set aside a quantity of a procurement according to § 1.302–4 of this title and § 1001.302–4 of this chapter, the following provision will be included in the IFB or RFP covering procurement of the items not set aside. Pursuant to Defense Manpower Policy No. 4, an additional quantity of _____ (Insert quantity) has been "set-aside" for subsequent negotiation exclusively with the firms who: (a) are located in areas classified by the Department of Labor as areas of substantial labor surplus; or are located in areas not so classified by the Department of Labor but submit with their bids (or proposals) a certification from the Local State Employment Office that the firm is located in an area of substantial labor surplus; (b) will perform not less than 60 percent of the dollar value of any resulting contract in an area of substantial labor surplus; and (c) have submitted a bid (or proposal) upon the items covered by this IFB (or RFP) at a unit price within 120 percent of the highest award made with respect to the items covered by this IFB (or RFP).

9. Sections 1002.206, 1002.206–1 and 1002.206–2 are added, as follows:

§ 1002.206 Synopses of proposed procurements.

§ 1002.206–1 Statement of policy.

(a) Section 2.206–1(f) of this title will apply when the opening date is 18 days or less from date of issue.

(b) Justification referred to in § 2.206–1(g) of this title will be approved by the chief or deputy chief of the buying division at Hq AMC, by the division chief or deputy division chief of the purchasing office at AMA's and AF depots, and by the chief or deputy chief of the purchasing and contracting office at all base procurement activities. This written justification will be made part of the procurement file.

§ 1002.206–2 Supply of invitation for bids and request for proposals at purchasing offices.

Based upon the judgment and experience of the purchasing office, a reasonable number of copies of each IFB and RFP that has been synopsized will be maintained by the purchasing office for supplying requests therefor. Once this supply has been exhausted, requesters will be advised of the nearest location where a copy of such IFB or RFP is available for examination. In addition, in the case of IFB's, requesters will be advised that letter bids are acceptable according to § 1002.301 of this chapter, provided such letter bids specifically accept all the terms and conditions of the IFB and are otherwise responsive thereto so that acceptance of such bid by the Government will result in a mutually binding contract.

Subpart D—Opening of Bids and Award of Contract

1. Section 1002.402 is deleted and the following substituted therefor:

§ 1002.402 Recording of bids. (Abstract of bids.)

(a) *Procedure.* An abstract of bids will be prepared for each IFB as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening of bids. The abstract will set forth all qualifications to the IFB made by bidders and included in their bid. As soon as practicable after bid opening a preliminary abstract of bids will be made available for public examination in the procurement office or other appropriate location. In the case of Hq AMC, the place for public examination will be Office of Inspection (MCPI) in which contractor's relations function is performed. The preliminary abstract will be replaced by the abstract prepared when award has been made or bids have been rejected.

2. In § 1002.403–50, paragraph (c)(2)(iv) is revised, as follows:

§ 1002.403–50 Rejection of bids because of internal administrative Air Force difficulties.

* * * * *

(c) * * *

(2) * * *

(iv) Failure to resolve the administrative difficulties and effect award of the contract(s) to the lowest responsible bidder prior to the expiration of the bid acceptance period (or any unqualified extensions thereto) will not be cause for rejection of all bids and readvertisement unless the delay in making award or the difference in price between the lowest responsive bid and the next lowest responsive bid is unreasonable.

§ 1002.404 [Amendment]

3. In § 1002.404, paragraph (e) is deleted.

4. Section 1002.405 is deleted and the following substituted therefor:

§ 1002.405 Mistakes in bids.

After the opening of bids, contracting officers will examine all bids for mistakes.

In cases of obvious error, and in cases where the contracting officer has reason to believe that a mistake has been made, he will request from the bidder a verification of the bid (see § 1002.405–2(d)(1)). If the bidder alleges a mistake, the matter will be processed as set forth in § 2.405 of this title. All the foregoing action will be taken before the award is made.

5. In § 1002.405–2, paragraphs (b)(1) through (3), (d)(1) and (f) are deleted and the following substituted therefor:

§ 1002.405–2 Mistakes disclosed after opening and prior to award other than obvious or apparent mistakes of a clerical nature.

* * * * *

(b)–(c) See § 2.405–2(b) and (c) of this title.

(d)(1) When requesting a bidder to either verify the bid submitted or furnish evidence in support of a mistake according to § 2.405–2(d) of this title, the contracting officer should inform the bidder of the reason for suspecting that a mistake in bid exists. Such reason may be based on a substantive analysis of the bid in relation to the required work or may be based on the disparity in prices between the low bid and the other bids in relation to the surrounding circumstances. General requests for verification which do not inform the bidder of the reason for suspecting a mistake will will not be made. If a mistake in bid is alleged, the contracting officer will request the bidder to ask for permission either to withdraw the bid from consideration for award or to modify the bid to correct the alleged mistake according to the bidder's desires. In addition, the contracting officer should request the bidder to submit all available evidence in support of the alleged mistake such as sworn statements of facts, bidder's file copy of the bid, the original work sheets and other data used in preparing the bid, sub-bidder's quotations, published price lists, and any other evidence which tends to establish the existence of the error, how it occurred, and, if modification is sought, the bid actually intended. Requests for extensions of bid expiration time should be made of the bidders as necessary to permit administrative determination of the alleged mistake in bid.

* * * * *

(f) Doubtful mistakes in bids will NOT be submitted by contracting officers directly to the Comptroller General for advance decisions.

(g) In addition to § 2.405–2(g) of this title, copies of all administrative determinations will be included in the official contract file. If modification is authorized and award is made to the bidder alleging the mistake, a copy of the determination will be furnished to the finance officer to support payment. MCJCR, Hq AMC, will maintain the record required by § 2.405–2(g) of this title. At the end of each 6-month period, or more often if warranted, the Staff Judge Advocate will forward to the Purchase Policy Division (MCPP), Hq AMC, the number of cases handled for the period by types, and his findings as to any pattern disclosed that may indicate the need for additional or revised procurement instructions or procedures. Following review of the findings a copy will be furnished by MCPP to Hq USAF together with a statement showing the action taken.

§ 1002.405–3 [Amendment]

6. In § 1002.405–3, paragraphs (c) and (d) are deleted and the following substituted therefor:

(c) The data required by paragraph (b) of this section will be submitted to the Commander, AMC, attn: MCPRC, who will take appropriate action according to Part 17 of this title concerning correction of mistakes in contracts.

(d) Correction of mistakes under paragraph (b) of this section involving the sale of Government-owned surplus property will be processed to the Comptroller General.

7. In § 1002.406–3, paragraph (a)(2) is deleted and the following substituted therefor:

§ 1002.406–3 Other factors to be considered.

(a) *General.* * * *

(2) The selection of proper evaluation factors is considered to be the most important judgment area of the contracting officer in the preparation of IFB's. It is only through these factors that the best interest of the Government may be served. However, caution must be observed to insure that invitations to prospective bidders do not impose conditions or restrictions which tend to limit competition unless such restrictions are required by statute or otherwise permitted in the public interest. This does not mean that restrictions necessary to achieve contractual goals cannot be applied. This does mean, however, that judgment must be used to insure contractual goals cannot be achieved by any other means. For example, establishing a geographical limitation in an IFB covering the furnishing of offset Printing Supplies and Services (or other similar printing requirements) is considered an unwarranted restriction since compliance with the needs of the Air Force can be achieved by establishing realistic time limits in the IFB for pick up of the work; return of the proofs, if necessary; and delivery of the final contract requirements. Bids may not be evaluated on any basis not provided for in the IFB, except that cost of delivery may be considered in determining award whether expressly stated in the IFB or not.

§ 1002.408–50 [Amendment]

8a. In § 1002.408–50(a), the first sentence is amended to read: "All purchasing offices will prepare and forward one copy of the synopses report to the addresses listed below."

b. In § 1002.408–50(b), the word "competitively" is to be inserted before the word "Negotiated" in the heading and in the text.

Subpart E—Qualified Products

1. Section 1002.503–1 is deleted and the following substituted therefor:

§ 1002.503 Qualification of products.

§ 1002.503–1 Opportunity to qualify.

(a) *Procedures leading to qualification.* (1) The Directorate of Engineering Standards, WADC (WCXPR), W-PAFB, Ohio, issues a Daily Activity Report which lists and identifies all specifications covering commodities requiring qualification testing which are used by the Air Force.

(2) The Daily Activity Report will be distributed to the appropriate services office at the AMC procurement activity.

(3) When a specification containing a qualification requirement appears on the Daily Activity Report for the first time, Contract Distribution and Files Branch (LMPGS), AMC, or the services activity within the AMA, Depot or other AMC procurement activities shall obtain a current source list and notify all sources thereon by letter, stating the Air Force policies on procurement of Qualified Products and encourage manufacturers to contact the Commander, W-PAFB, USAF Engineering Specifications and Drawings Branch, Administrative Services Office, attn: EWBFE, Wright-Patterson Air Force Base, Ohio, for copies of the QPL Summary Provisions Governing Application for Military Qualified Products Lists and the specification for the product which they may wish to qualify.

(4) LMPGS will forward each specification number, nomenclature as listed in the Daily Activity Report together with the name and address of the organization to be contacted for copies of specifications to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago 7, Illinois, for publication in the daily "Synopsis of U.S. Government Proposed Procurements, Sales and Contract Awards." If a qualification testing requirement is deleted, or a specification requiring qualification testing is canceled (the Daily Activity Report contains this information), LMPGS or the services office at the appropriate AMC procurement activity will notify all sources on the source list of the change in the specification.

(b) Unlisted manufacturers requesting to be added to the bidder's mailing list as manufacturers of products covered by a QPL will be informed by LMPGS or the applicable AMC procurement services activity of the Air Force policies on procurement of qualified products.

2. Section 1002.503–50 is added, as follows:

§ 1002.503–50 Waivers of qualification requirement.

The qualification requirement of a specification may be disregarded when no products have been approved for inclusion on a QPL. Waivers of the qualification requirement where products have been approved for inclusion on a QPL shall be treated as deviations and processed according to § 1001.109–50 of this chapter. When the qualification requirement of the specification is not invoked, coordination of the responsible engineering activity, whose identity and address is normally set forth in the ap-

plicable specification, will be obtained as to the use of first article test procedures.

Subpart T—IFB Provisions

1. Section 1002.2003–1 is deleted and the following substituted therefor:

§ 1002.2003 Special contract provisions.

§ 1002.2003–1 General.

The use of formal advertising is not impractical merely because certain special conditions must be applied with respect to matters other than the description of the supplies or services being procured. Since maximum use of formal advertising is required, the insertion of special conditions in Invitations for Bids, thereby enabling these procurements to be formally advertised, may be necessary; provided these conditions are not otherwise unduly restrictive and are properly utilized. Certain of these special conditions are set forth in the sample Invitation for Bids appearing in § 1002.2001 as lettered paragraphs following the Schedule item description; they are conditions relating to subjects which will require treatment in most, if not all, Invitations for Bids. The following sections set forth additional sample provisions covering other special conditions which are used with varying frequency. In particular, the special conditions relating to qualifications of bidders (§ 1002.2003–3) should not be employed except where necessary to protect the interests of the Government (see also § 1002.406–3 of this chapter). However, the availability of such special conditions where properly applied is pointed out here for the purpose of illustrating that formal advertising may still be employed despite the need for the insertion of special conditions.

2. Section 1002.2003–2 is deleted and the following substituted therefor:

§ 1002.2003–2 Required delivery schedule.

Paragraph F in the Schedule of the sample IFB in § 1002.2001 advises bidders of the delivery schedule desired by the Government and then asks the bidder to offer its own delivery schedule within a stipulated maximum number of days. With that provision in the IFB, award will normally be made to the lowest responsible bidder regardless of the fact that the delivery schedule offered is somewhat longer than the desired delivery schedule but not exceeding the stipulated maximum number of days. Since permitting the bidders to establish their own delivery schedule normally results in lower cost to the Government, the "desired delivery" provision should be used in most formally advertised procurements. In a few procurements the urgency of the Government requirement may make delivery by a certain date essential. The Invitation for Bids in such cases should contain a "required delivery" provision similar to the sample set forth below rather than the "desired delivery" provision of § 1002.2001. (In either case see § 1053.102–4 of this chapter as to limits on maximum delivery time where fiscal year funds are involved.) Also, see § 1053.102–3(e) of this chapter.

DELIVERY

Delivery of the articles listed herein is required on or before expiration of the time specified immediately below:

------ days after receipt of written notice of award.

Bidders are cautioned to consider carefully the Government's required delivery, as bids specifying delivery after the time specified above will be rejected.

Bidder's proposed Delivery Schedule: ------ days after receipt of written notice of award.

If the bidder does not state a different delivery schedule, the Government's required delivery schedule, stated above, will apply.

3. In § 1002.2003–3, paragraphs (b) (1), (2) and (3) are deleted and the following substituted therefor:

§ 1002.2003–3 Qualification of bidders.

* * * * *

(b) *Special qualifications.* In unusual cases (see § 1002.406–3), special qualifications may have to be inserted in invitations due to the complexity of the equipment being purchased or for some other special reason. Sample clauses are set forth in subparagraphs (1) and (2) of this paragraph, covering these types of situations to again serve as a reminder that, in spite of the need for such special conditions, formal advertising may nevertheless be employed. Since such conditions tend to reduce competition and to eliminate potential bidders, these conditions should only be used where necessary to protect the Government's interests (see § 1002.2003–1). In any event, such special conditions as to qualifications of bidders should not be so limiting as to reduce the number of potential bidders to the point where full and free competition will not be obtained. The following subparagraphs set forth sample provisions for use in these unusual situations and should be modified to suit particular procurements.

(1) *Sample number one.*

BIDDER'S QUALIFICATIONS

All bidders are hereby notified that any bid submitted in response to this advertisement must be accompanied by a statement of facts in detail of the business and technical organization of the bidder available for the contemplated work including financial resources and building experience. The Government expressly reserves the right to reject any bid in which the facts as to the business and technical organization, financial resources, or building experience, compared with the project bid upon, justifies such rejection.

(2) *Sample number two.*

BIDDER'S QUALIFICATIONS

Bids to furnish and install the equipment specified will be accepted only from bidders who are versed in the art of water sterilization by means of chlorine gas, and who have been engaged in the business either as manufacturers of such equipment or as suppliers and installers of such equipment for a period of not less than five (5) years and who have actually made similar installations of a satisfactory character. Bidders shall submit with their proposals a list of not less than three (3) such installations which are now operating satisfactorily and have been so operating for a period of not less than two (2) years. The Government reserves the right to reject any bid which does not comply with the above requirements.

§ 1002.2003–5 [Deletion]

4. Section 1002.2003–5 is deleted.

Subpart U—Procedures for Two-Step Formal Advertising

1. A new Subpart U is added, as follows:

Sec.

1002.2100 Scope of subpart.
1002.2101 Applicability of subpart.
1002.2102 Criteria for use of two-step formal advertising.
1002.2103 Procedure for use in two-step formal advertising.
1002.2104 Discontinuance of a procurement under two-step formal advertising.

AUTHORITY: §§ 1002.2100 to 1002.2104 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1002.2100 Scope of subpart.

This subpart provides for: (a) Determination of need for technical proposals, (b) method of soliciting technical proposals, (c) evaluation of technical proposals, (d) solicitation of bids, and (e) evaluation of bids and award of contract.

§ 1002.2101 Applicability of subpart.

This subpart applies to procurements accomplished by AMC procurement activities.

§ 1002.2102 Criteria for use of two-step formal advertising.

(a) This method is used when:

(1) The specification is not sufficiently definitive to permit full and free competition without negotiation as to the technical aspects of the requirement to obtain an acceptable basis of understanding between the individual bidders and the Government.

(2) A production contract is contemplated as disinguished from a contract that would require development to advance the state of the art to meet AF requirements.

(3) More than one source would be available as to technical qualifications either initially or after negotiation of the technical aspects of the requirement.

(4) A firm fixed price contract is contemplated.

(b) This method is accomplished in two steps:

(1) Submission and evaluation of technical proposals without pricing to determine acceptability of the products offered.

(2) Issuing Invitations for Bids (IFB's), only to those firms having acceptable technical proposals.

§ 1002.2103 Procedure for use in two-step formal advertising.

(a) Upon receipt of a Purchase Request, the buyer will review the requirement to select the best method of procurement with consideration to be given in the following order of preference: (1) Straight formal advertising, (2) formal advertising with special evalution factors included in the IFB, (3) two-step formal advertising, and (4) negotiation.

(b) (1) When it is believed that straight or special evaluation formal advertising procedures cannot be used and the criteria of § 1002.2102(a) are present, two step formal advertising procedures should be considered. It is necessary to obtain concurrence of the cognizant engineering activity before using this procedure.

(2) If the cognizant engineering activity concurs in using the two-step procedure, it will specifically state in writing the detailed requirements for the technical proposal to give all bidders an equal opportunity to submit the required data. Terms such as "the bidder will furnish such data as to indicate an understanding of the problem" will not be used. The engineering activity will furnish the following to be used by the buyer:

(i) Criteria for technical proposals.

(ii) Cutoff date for receipt of technical proposals.

(iii) Anticipated date evaluation of technical proposals will be completed.

(3) In the event the engineering activity does not concur in using this procedure for the procurement under consideration, the nonconcurrence will be signed out at the level of the Chief of the Laboratory, or comparable level and will be considered a final determination not to use Two-Step Formal Advertising Procedures. The reasons cited in the nonconcurrence will be considered in determining an alternate method of procurement.

(c) Upon receipt of concurrence from the cognizant engineering activity and such approval as is required by the procurement activity, the buyer will prepare a letter request for proposal. Selection of sources will be according to § 1.302–2 of this title and § 1002.204 of this chapter. In addition, the letter request for technical proposals will be synopsized according to § 2.206 of this title and § 1002.206 of this chapter. The authority in § 2.206–1(g) of this title will not be exercised.

(d) The letter request for Technical Proposals will be identified as "Letter Request for Technical Proposals Number (add applicable purchase request number)." The IFB resulting from the Request for Technical Proposals will be numbered in the normal manner.

(e) The letter request for technical proposals will be substantially as follows:

Gentlemen:

The Department of the Air Force anticipates a requirement for procurement of the following:

1,000 ea. (Complete description)
Delivery: (Insert schedule)

This procurement will be accomplished in two phases: (1) submission and evaluation of technical proposals without pricing to determine acceptability of the products offered, and (2) issuing Invitation for Bids only to those firms having acceptable proposals.

Requirements for the technical proposals are as follows: ----------

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It is strongly urged that the requirements for the technical proposals set forth above be strictly complied with and complete in all respects. Do not rely on data previously submitted being given any consideration. The right is reserved to negotiate with firms having marginal technical proposals.

Your technical proposal (not including any pricing information) must be received not later than ---------- Proposals received after that time may not be considered.

It is now anticipated that Invitation for Bids will be issued on or about ---------- only to those bidders having acceptable technical proposals on that date. No other firms will be given opportunity to bid. Firms having unacceptable proposals will be so notified. Award will be made to the lowest responsible bidder conforming to the Invitation for Bids.

Technical proposals should be forwarded to the following address: ----------

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(Insert address of Buyer)

Yours truly,

CONTRACTING OFFICER.

(f) Distribution of Request for Technical Proposals in addition to potential bidders will be as follows: One copy of the letter request and one set of data will be furnished to:

(1) Each air procurement district.
(2) LMMA–1, ASC.
(3) Procurement Information Center.
(4) Air Procurement Offices, if appropriate.

(g) The buyer will receive the technical proposals and hold them unopened in a secure manner until the submission cutoff date has arrived. The buyer will then open the proposals and examine them for inadvertent references to proposed prices. Any reference to proposed prices will be deleted or removed and those bidders so notified, since engineering evaluation will be based strictly on technical aspects without reference to price. Extreme care will be exercised in the deletion or removal of any reference to price to insure that the engineering aspects are not changed or distorted. The buyer will then forward the technical proposals to the engineering activity for evaluation, making reference to the previously agreed anticipated date for completion of evaluation. Technical Proposals marked pursuant to § 3.109 of this title are acceptable under Two-Step Formal Advertising procedures notwithstanding § 1003.109–50 of this chapter and they will be handled according to § 3.109(a) of this title and § 1003.109 of this chapter.

(h) If technical proposals are received after the submission cutoff date, the contracting officer will document a recommended course of action as to whether the late technical proposal should be considered and refer it for final decision to the Director or Deputy Director of AMC Centers or to the director or deputy director of procurement and production of AMC field procurement activities.

(i) Upon receipt of the technical proposals, the engineering activity will commence evaluation based upon the exact criteria required for preparation of the technical proposals. Technical evaluation will be accomplished as set forth in Joint AMCR 84–19/ARDC R 11–16. It should be borne in mind that the Air Force reserved the right to negotiate with firms having marginal proposals. The engineering activity will submit recommendations to the buyer for negotiations with the bidders. The buyer will discuss these recommendations with the contracting officer and they will arrange and conduct such discussions with the bidders, assisted by the engineering activity.

(j) Following any negotiations with the bidders, the engineering activity will give the buyer its final evaluation of each of the technical proposals. Acceptable proposals will be so designated. For unacceptable proposals, the engineering activity will give complete and detailed reasons as to why the proposal is not acceptable. Broad statements of unacceptability will not suffice. Some technical proposals may be received which require additional information or clarification to make a firm technical evaluation. The handling of these proposals requires acute and careful exercise of judgment. If additional information or clarification is required and the proposal is otherwise technically satisfactory, those items in doubt should be clarified and defined. Proposals should not be rejected when reasonable effort on the part of the Government would bring the proposal to acceptability and increase competition. If, on the other hand, the technical proposal clearly does not comply with the provisions of the request and the matters in question leave no doubt or uncertainty as to the technical inadequacies of the proposal, it should not be considered. Technical evaluations listing proposals which are unacceptable must clearly state whether rejection is based on the failure of the firm to furnish sufficient information or because of an unacceptable engineering approach. If the rejection is because of missing information the evaluating activity must state specifically what information was not furnished. These evaluations are recommendations only and must be approved by the contracting officer, as selection of sources is his responsibility. However, any differences of opinion between the contracting officer and the engineering activity must be mutually resolved or decision will be made in writing by the chief or deputy chief of the buying division, of the AMC procurement activities, following discussion with the chief of the cognizant engineering activity concerned.

(k) After approval of the technical evaluation, the contracting officer will notify each bidder having an unacceptable technical proposal of that fact and acknowledge appreciation for its participation. Upon request, these bidders will be given the detailed reasons of the engineering activity as to why the technical proposal was not acceptable. He will also issue the Invitation for Bids ONLY to the bidders having acceptable proposals. The technical proposal may be referenced in the item description included in the IFB. The IFB will include the following clause "Award: This IFB is issued pursuant to Two-Step Formal Advertising procedures set forth in Air Force Procurement Instruction Section II Part 21. Award will be made to only those firms who have submitted acceptable technical proposals pursuant to the first step of such procedures." The Invitation for Bids will not be synopsized or publicly posted.

(l) Submission and evaluation of bids and award of contract will be strictly according to Subparts C and D, Part 2 of this title, and Subparts C and D of this part.

§ 1002.2104 Discontinuance of a procurement under two-step formal advertising.

If, after evaluation of technical proposals, it appears necessary to discontinue the two-step advertising method of procurement, the full facts and circumstances which make for such discontinuance will be set forth in writing and submitted to the official of the procurement activity (§ 1002.2103(c)) who originally approved the method of procurement. If that official approves the discontinuance, the buyer will notify each bidder in writing of the discontinuance, stating the reasons therefor.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart C—Determination and Findings

§ 1003.101–53 [Amendment]

1. In § 1003.101–53, former paragraph (e) is redesignated paragraph (f), and former paragraph (f) is redesignated paragraph (g); new paragraphs (e) and (f)(6) are added, as follows:

§ 1003.101–53 Steps in negotiation.

* * * * *

(e) *Determination of the appropriate type of contract.* (1) *New procurements.* Before commencing negotiations the contracting officer should consider the type contract which is likely to be most appropriate in the circumstances to protect the best interest of the Government. The alternatives will be fully weighed at the outset. (See Subpart D of this part.)

(2) *Follow-on procurements.* See Subpart K, Part 1053 of this chapter.

(f) *Request for proposals.* * * *

(6) Contain for procurements involving small business set-asides the notices applicable in §§ 1.706–5 or 1.706–6 of this title (as implemented by § 1001.706–6 of this chapter).

2. Section 1003.107–2 is deleted and the following substituted therefor:

§ 1003.107–2 Procedure.

Research and development procurements are exempt from the procedure set forth in paragraphs (a) and (b) of this section.

(a) In each case in which a late low proposal, or a late proposal otherwise worthy of consideration, is received from a qualified firm, the contracting officer will immediately execute a finding and determination as to the course of action which he deems to be in the best interests of the Government, taking into account all pertinent factors, and will refer it to the appropriate officer listed below for written concurrence:

(1) The director or deputy director of procurement and production at the AMC field procurement activity for contracts to be written by that activity.

(2) The chief of the buying division or weapon system project office (WSPO) of the AMC Aeronautical Systems Center (ACS) for contracts to be written by that buying division or WSPO except where both the two conditions set forth in subparagraph (3) of this paragraph are present.

(3) The Chief or Deputy Chief, Contract Support Office, ASC, for ASC contracts.

NOTE: Only those findings and determinations will be referred to the Chief or Deputy Chief, Contract Support Office, for signature, which: (i) find that the late low proposal will not be accepted for consideration and (ii) involve a procurement which will exceed $350,000.

(4) The commander of the major air command concerned (or a duly authorized representative not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command).

(5) The Commander, AMC Ballistic Missiles Center or his designee.

(6) The Chief, Electronics Defense Systems Division, Hq AMC, or his designee.

(b) See § 3.107–2 of this title.

§ 1003.153 [Amendment]

3. In § 1003.153, the word "Bidder" is changed to "Offeror."

Subpart B—Circumstances Permitting Negotiation

1. Section 1003.200 is added, as follows:

§ 1003.200 Scope of subpart.

See § 3.200 of this title.

2. Sections 1003.201–1 and 1003.201–2 are deleted and the following substituted therefor:

§ 1003.201–1 Authority.

See § 3.201–1 of this title.

§ 1003.201–2 Application.

(a) See § 3.201–2 of this title.

(b) See § 3.201–2 of this title.

(c) Negotiated procurements other than the categories mentioned in § 3.201–2(b) of this title must be authorized by appropriate subsections of 10 U.S.C. 2304(a). See § 1003.250. Purchases or contracts negotiated under the categories mentioned in § 3.202–2(b) of this title will cite 10 U.S.C. 2304(a)(1) on the face of the DD Form 1261, 1155, 746–2 as appropriate and no further written determinations and findings are required.

3. Section 1003.201–3 is added, as follows:

§ 1003.201–3 Limitation.

See § 1003.201–50.

4. Sections 1003.203, 1003.203–1, 1003.203–2 and 1003.203–3 are added, as follows:

§ 1003.203 Purchases not more than $2,500.

§ 1003.203–1 Authority.

The authorization contained in § 3.203 of this title will be used in the case of purchases aggregating $2,500 or less rather than any other authorization set forth in Subpart B, Part 3 of this title, except as provided in § 3.203–3 of this title and § 1003.203–3. For example, a purchase of perishable or nonperishable subsistence supplies aggregating $2,500 or less will be made under 10 U.S.C. 2304(a)(3) rather than 10 U.S.C. 2304(a)(9).

§ 1003.203–2 Application.

See § 3.203–2 of this title.

§ 1003.203–3 Limitation.

In addition to the limitation in § 3.203–3 of this title, contracts aggregating $2,500 or less for personal or professional services will not be negotiated under this authority, but will be negotiated under 10 U.S.C. 2304(a)(4). (See § 1003.204.)

5. Section 1003.208–3 is added, as follows:

§ 1003.208–3 Limitation.

This authority will not be used in connection with purchases made pursuant to Purchase Notice Agreements published in Department of the Army Supply Bulletins.

6. Section 1003.210–3 is deleted and the following substituted therefor:

§ 1003.210–3 Limitation.

It is essential that first consideration be given to the practicability of effecting procurement by formal advertising. If such consideration leads to the definite conclusion that procurement by formal advertising is impracticable and none of the other authorities set forth in §§ 3.201 to 3.217 of this title, except § 3.212, are applicable as a basis for negotiation, the contracting officer will prepare and sign determinations and findings. Each such determinations and findings will set forth the particular reasons why competition by formal advertising is impracticable, and will be approved as provided in § 1003.306(b). (See § 1003.210–2 for examples of circumstances in which this authority may be used.)

7. Section 1003.212–3 is added, as follows:

§ 1003.212–3 Limitation.

See § 3.212–3 of this title.

8. Section 1003.215–50 is added, as follows:

§ 1003.215–50 Application.

The authority of 10 U.S.C. 2304(a)(15) can be invoked for all or only a portion of a specific procurement. Requests for determinations and findings to negotiate under this authority should state: (a) The range of bid prices received and reasons why these prices (or some of them) are deemed unreasonable, or (b) evidence that the bid prices have not been independently arrived at in open competition. The letter of transmittal will set forth the estimated cost of the proposed procurement.

Subpart C—Determinations and Findings

1. Section 1003.301 is added as follows:

§ 1003.301 Nature of determinations and findings.

(a) Determinations and findings are the written recordings of the facts that circumstances permitting negotiation or other action, such as the making of advance payments, are present. Determinations and findings consist of two distinct parts: (1) The findings which is a recital of facts, and (2) the determination, which is a statement of the conclusion which follows logically from the facts recited in the findings. It is emphasized that the conclusion (the determination) must be one which follows logically from the recited facts (the findings). In composing determinations and findings, care must be taken to see not only that the conclusion follows from the facts, but that sufficient facts are recited to sustain and make clear the appositeness of the conclusion.

(b) Determinations and findings, referred to throughout Part 3 of this title, may be made with respect to classes of purchases or contracts only by the Secretary. The policy of the Department of the Air Force is to make class determinations only under very exceptional circumstances and for a period normally not to exceed one year. In requesting class determinations and findings the supporting information with respect to each item of the class will be as detailed as the supporting information required for an individual determinations and findings under the particular section of the Act involved.

2. In § 1003.303, subparagraphs (1) through (8) of paragraph (c) are deleted, and subparagraphs (1) through (6) substituted therefor:

§ 1003.303 Determinations and findings by the head of a procuring activity signing as "a Chief Officer responsible for procurement."

* * * * *

(c) * * *

(1) Deputy Directors of the Directorate of Procurement and Production, Hq AMC.

(2) Commander, Aeronautical Systems Center—AMC, with power of redelegation.

(3) Commander, Ballistic Missiles Center—AMC. Redelegation may be made to not below the level of the Chief, Procurement Staff Divison.

(4) Commanders of AMC field procurement activities with power of redelegation not below the level of a deputy director of procurement and production.

(5) Commander, ARDC, with respect to research and development procurement (excludes base procurement) with power of redelegation.

(6) Chief, Electronics Defense Systems Division, with power of redelegation to the Deputy Chief, Electronics Defense Systems Division.

3. Section 1003.306 is added as follows:

§ 1003.306 Procedure with respect to determinations and findings.

(a) *Contracting officer's determinations and findings; negotiated contracts.* There is no approved format for individual determinations and findings with respect to the negotiation of contracts under the authority of § 3.202 of this title but those set forth for the Secretarial determinations and findings may be used as a guide.

(b) *Approval of determinations and findings; negotiated contracts.* Determinations and findings under §§ 3.202 and 3.210 of this title and §§ 1003.202 and 1003.210 of this chapter require contracting officers' signature and will be subject to the following written approvals:

(1) Buying Divisions, Hq AMC and AMC Centers:

(i) Branch Chiefs or their deputies—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Division Chiefs or their deputies—procurements initially estimated to be in excess of $50,000.

(2) AMC field procurement activities:

(i) Chiefs or deputy chiefs of divisions—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Directors or deputy directors of procurement and production—procurements initially estimated to be in excess of $50,000.

(3) Hq ARDC and ARDC Centers:

(i) Chief or Deputy Chief of Buying Divisions—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Director or Deputy Director of Procurement—procurements initially estimated to be in excess of $50,000.

(4) Purchasing activities other than those stated in subparagraphs (1), (2), and (3) of this paragraph: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(c) *Limitation.* No person will exercise the authority redelegated in paragraph (b) of this section if he is the contracting officer in the procurement involved. This limitation does not apply to WSPO's at Hq AMC where the chief of the WSPO is the only contracting officer appointed for such WSPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the WSPO and no further approval of such determination and finding will be required.

(d) *AMC procedure.* (1) Prior to preparation of determinations and findings, procurement personnel should familiarize themselves with the provisions of § 1003.301(a).

(2) Determinations and findings authorizing negotiation which require signature by the Assistant Secretary of the Air Force will be prepared on plain bond paper, undated, and without signature block. An original and nine carbon copies will be prepared.

(3) Letters of transmittal will be prepared and submitted (an original and four copies) to the Commander, AMC, attn: MCPC, for review and forwarding to the Director of Procurement and Production, AFMPP–PR, Hq USAF. When considered necessary, these letters will include additional information to show compliance with the applicable section of ASPR.

(e) *ARDC procedure.* ARDC activities will process requests for approval of determinations and findings authorizing negotiation requiring signature by the Assistant Secretary of the Air Force through command channels directly to the Director of Procurement and Production, AFMPP–PR, Hq USAF.

(f) *Major commands other than ARDC.* Such activities will process requests for approval of findings and determinations authorizing negotiation requiring signature by the Assistant Secretary of the Air Force through command channels directly to the Commander, AMC, attn: MCPC, using procedure set forth in paragraph (d) of this section.

(g) *Quantitative change in requirements.* Whenever a quantitative increase in requirements occurs with respect to a Secretarial determination and finding prior to execution of the contract, the following policies will govern:

(1) Secretarial Determinations and Findings authorizing negotiation for research and development will be considered to authorize negotiation for increased requirements provided the dollar value of the increase in requirements, in the aggregate, does not exceed 20 percent of the dollar value of the quantity upon which the original D&F was based, or $500,000, whichever is less.

(2) Secretarial Determinations and Findings authorizing negotiation for other than research and development will be considered to authorize negotiation for increased requirements provided the increase in requirements, in the aggregate, does not exceed 10 percent of the quantity upon which the original D&F was based, or $350,000, whichever is less.

(3) If a change in requirements exceeds the limitations authorized above, the procurement will not be consummated until a new determination and finding covering the increase has been obtained according to the prescribed procedures.

(h) *Cancellation.* If total requirements are cancelled or if a signed Secretarial determinations and findings is cancelled or not used for any other reason, Hq USAF (AFMPP–PR) will be so notified through the same channels prescribed for submission of requests for determinations and findings. This notification will be made immediately after deciding that the determinations and findings will not be needed; and the determinations and findings will be marked "cancelled" and placed, together with a copy of the letter of notification, in the cancelled PR/MIPR case file.

Subpart D—Types of Contracts

1. Section 1003.402 is deleted and the following substituted therefor:

§ 1003.402 Selection of contract type.

Sound procurement requires discriminating choice of the right type of contract. This selective process requires the exercise of judgment to determine the type of contract best suited to each individual negotiated procurement. No absolute rules can be laid down, but there are numerous factors bearing on

this problem which should be considered when negotiating an appropriate type of contract. Rigid attitudes or preferences to any one type of contract will be avoided. Preferences or prejudices towards the use of any single type of contract without adequate consideration of the major factors bearing on the selection can result in an inappropriate contract. The factors given in § 2.402 of this title should be carefully weighed and applied to the individual procurement at hand before the type of contract is selected.

2. Section 1003.402–1 is deleted and the following substituted therefor:

§ 1003.402–1 Obligation of funds.

The following rules will apply to obligation of funds under each type of contract:

(a) *Firm fixed-price contract.* Obligations will be for the total amount of the contract.

(b) *Fixed-price contract with an escalation, price redetermination or an incentive provision.* Obligations will be for the amount of the fixed price stated in the contract, or the target or billing price in the case of a contract with an incentive clause. For any type of contract having both a target and a ceiling price, obligation will be in the amount of the target price.

(c) *Cost-reimbursement type contracts, time and material contracts, and labor-hour contracts.* Obligations will be for the amount of the total estimated costs or payments shown or provided for in the contract, but not in excess of the maximum current liability shown, including the fixed fee in the case of cost-plus-fixed-fee contracts and the target fee in the case of cost-plus-incentive-fee contracts.

(d) *Letter contracts.* (See § 1003.405–3(c).)

(e) *Basic agreements.* Basic agreements do not create any monetary liability and require no obligation of funds.

(f) *Indefinite delivery type contracts.* Funds are obligated at the time of and to cover each call or order.

3. In § 1003.403–3, the clause in paragraph (j) is deleted and the following substituted therefor:

§ 1003.403–3 Fixed-price contract providing for the redetermination of price.

* * * * *

(j) * * *

Form F (FPR–F) clause. Price redetermination upon happening of specified contingency.

FORM F CLAUSE

a. Basic assumption: The contractor represents the prices under this contract are on a fixed price basis compiled on the shooting schedule set forth in the approved cost estimated breakdown upon which this contract is awarded and further based on the following assumption (hereinafter called the basic assumption).

1. That no standby time will be required, which is beyond the control and without the fault or negligence of the contractor, due to adverse weather conditions while on shooting location.

2. That no standby time will be required by the contractor due to the unavailability of Government personnel and equipment or other act by the Government which is beyond the control and without the fault or negligence of the contractor.

b. In the event of the non-realization of the basic assumption, in whole or in part, and as a result the contractor's shooting schedule is exceeded and there is an increased cost to the contractor, the parties agree that an equitable adjustment shall be made in the contract price from that non-realization. It is expressly understood between the parties that the Government shall not pay for the cost of standby time incurred hereunder until the combined actual shooting time plus standby time incurred has exceeded the contractor's shooting schedule; and that an adjustment shall be made for only that portion of increased time cost which (i) exceeds the contractor's approved shooting schedule, and (ii) was incurred as standby time hereunder.

c. Immediately upon the occurrence of standby time or upon completion of the location photography phase, whichever is later, the contractor shall submit a claim in writing for standby time occasioned by the non-realization of the basic assumption to the contracting officer through the Air Force Project Officer, consisting of three copies of an interim report as to the cause of delay, the number of personnel involved, the type of personnel involved and the time involved. The Air Force Project Officer shall attach a letter of transmittal to the contractor's claim setting forth comments, recommendations and/or justification of the contractor's claim. Then, within sixty (60) days after completion of the contract (or within such further period as the contracting officer may in writing allow before the date of final settlement of the contract), the contractor shall submit to the contracting officer, through the Air Force Project Officer, three detailed copies compiling all claims which the contractor may then have for adjustment under this clause, setting forth the fact and extent of such non-realization of the basic assumption together with three copies of a detailed cost breakdown consistent with the breakdown of estimated cost furnished by the contractor in his Request for Proposal upon which this contract is based. The Air Force Project Officer shall attach a letter of transmission to the contractor's final detailed claim setting forth comments and recommendations to the contracting officer.

d. In the event of the non-realization of the basic assumption resulting in standby time while on location, in determining an equitable adjustment of the contract price, the Government shall allow only the additional direct costs incurred plus a fair and reasonable allowance for General and Administrative Costs.

e. In the event of the non-realization of the basic assumption resulting in standby time in the Producer's Studio, in determining an equitable adjustment of the contract price, the Government shall allow only the additional direct costs incurred plus a fair and reasonable allowance for overhead.

f. The parties agree to negotiate in good faith concerning any claims under this article as to the amount and terms of any equitable adjustment which should be made. If the parties fail to agree whether an equitable adjustment is required under this clause, or upon the terms or amount of such adjustment, the dispute shall be disposed of as a question of fact in accordance with Clause hereof entitled "Disputes."

g. Nothing provided in this clause shall excuse the contractor from proceeding with the contract in accordance with its terms and conditions.

h. Nothing provided in this clause is intended to alter, restrict or limit the terms of Clause 2—Changes—of the General Provisions or the authority of the contracting officer thereunder.

i. Warranty—The contractor represents and warrants that there is not included in the fixed price hereunder any charge, allowance, or reserve for the possible non-realization, in whole or in part, of the basic assumption.

j. Any adjustment hereunder shall be evidenced by a Supplemental Agreement to this contract, between the parties.

k. The contractor agrees not to incur any costs under this Clause which when added to all cost previously incurred under this contract will exceed the total allotted to the contract as set forth in Part I of the Schedule, as amended from time to time, except with the prior approval of the contracting officer.

4. In § 1003.403–4, a new paragraph (a) is added; former paragraphs (a) through (c) are now redesignated (b) through (d), and paragraphs (d) and (e) are deleted and a new paragraph (e) substituted therefor:

§ 1003.403–4 Fixed-price incentive contracts.

(a) *Description.* See § 3.403–4(a) of this title.

* * * * *

(e) *Fixed-price-incentive clause (FPIF) with initially firm target.* Section 7.108 of this title applies.

(f) *Fixed-price-incentive clause (FPIS) with successive targets.* No standard clause available.

5. Section 1003.404–2 is deleted and the following substituted therefor:

§ 1003.404–2 Cost-sharing contract (CS).

(a) *Description.* See § 3.404–2(a) of this title.

(b) *Applicability.* See § 3.404–2(b) of this title.

(c) *Limitations.* This type of contract is authorized for use by Hq AMC, AMC centers, AMC field procurement activities, ATC, ARDC, and the AF Academy Construction Agency. Other procuring activities are not authorized to use this type of contract.

6. In § 1003.404–3, paragraph (c) (1) to (3) is revised, and paragraph (d)(1) and (2) is added, as follows:

§ 1003.404–3 Cost-plus-a-fixed-fee contract (CPFF).

* * * * *

(c) *Limitations.* (1) This type of contract is authorized for use by Hq AMC, AMC centers, AMC field procurement activities, ATC, ARDC, and the AF Academy Construction Agency. AMFPA and AMFEA are allowed this type of contract for limited use as set forth in § 1003.303(g). Other procuring activities are not authorized to use this type of contract.

(2) In no case will the fixed fee exceed the percentages of estimated cost authorized by section 4(b) of 10 U.S.C. 2306(d), and only in most unusual circumstances (usually those involving an outstanding contribution to the defense effort (see § 3.808–4 of this title) in relation to estimated cost) will authority be granted to exceed the percentages set forth in § 3.404–3(c) of this title. To obtain the approval of the Secretary to exceed the prescribed percentages for a fixed fee, the initiating agency will forward a request containing a full statement of facts and recommendations through the Commander, AMC, attn: MCPC, to the Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–2.

The request will contain information pertaining to the type of procurement (research or development, production, architectural or engineering, etc.) need for the supplies or services, estimated total costs, percentage of fixed fee proposed, and all other pertinent information.

(3) For contracts placed by AMC field procurement activities, AMC centers, and Hq AMC, fees within the prescribed limits may be approved by those officials who have been authorized to make findings and determinations to support the use of this type of contract.

* * * * *

(d) *Contractors' investment in work-in-process.* (1) See § 3.404–3(d)(1) of this title.

(2) Unless exception is granted by § 3.404–3(d)(2) of this title, the clause contained in § 7.203–4(b) of this title, appropriately modified, will be incorporated in (i) all new procurements placed on a cost reimbursement basis effected by new contracts, supplemental agreements or otherwise, whether or not involving a basic agreement and (ii) definitive contracts superseding letter contracts. When the definitive contract supersedes a letter contract issued prior to November 1, 1957, November 1, 1957 is the date on which withholding under the clause will be made effective. On such contracts reimbursement for cost incurred prior to November 1, 1957 will be made according to the terms of the contract, exclusive of this clause. Where the letter contract was issued subsequent to November 1, 1957, the date the letter contract becomes effective will be the date on which withholding under the clause will be made applicable. The 20 percent withholding applies to all allowable costs incurred before completion of delivery of the end items governing liquidation of the gross withheld payments pool. After complete liquidation of the gross withheld payments pool, full reimbursement will be made according to the terms of the contract, exclusive of this clause. In administration of prime contracts incorporating this ASPR clause, every effort should be made to insure that prime contractors do not place an undue hardship on their subcontractors (and particularly small business) or restrict unduly subcontractors' abilities to continue production. The ASPR clause will not be added to existing contracts except upon direction of the Office of the Secretary of the Air Force. Requests for exception, contemplated in § 3.404–3(d)(2)(ix) of this title, will be screened by the Financial Branch (MCPZF), Hq AMC. The request, if considered favorably by Hq AMC, must be forwarded through channels to the Assistant Secretary of the Air Force (Materiel) for decision.

7. In § 1003.404–4, a new paragraph (a) is added. Former paragraphs (a), (b), and (c) are redesignated (b), (c), and (e), respectively. A new paragraph (d) is added.

§ 1003.404–4 Cost-plus-incentive-fee contract (CPIF).

(a) *Description.* See § 3.404–4(a) of this title.

* * * * *

(d) *Contractors' investment in work-in-process.* See § 3.404–3(d) of this title.

(e) *Cost-plus-incentive-fee clause (CPIF).* Section 7.203–4(b) of this title applies.

8. In § 1003.405–3, paragraphs (c)(1) and (d) (2) to (4) are deleted and the following substituted therefor:

§ 1003.405–3 Letter contract (LC).

* * * * *

(c) *Limitations.* * * *

(1) Subject to the limitations set forth in § 3.405–3 of this title and § 1003.405–3 of this chapter, the authority vested in the Director of Procurement and Production, Hq AMC, to issue letter contracts has been redelegated as indicated below:

(i) Irrespective of dollar amount:

(*a*) Commander, Ballistic Missiles Center—AMC, with power of redelegation to the deputy Commander, Ballistic Missiles Center.

(*b*) Commander, ARDC, with respect to research and development procurements, with power of redelegation.

(*c*) Commanders of oversea commands, air attachés, and chiefs of AF foreign missions. Oversea commanders may redelegate to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major air command.

(*d*) Commanders, air materiel forces, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the air materiel force.

(*e*) Commander, Air Training Command, with power of redelegation to not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to Air Training Command. The exercise of this authority will be subject to obtaining prior authorization of the Office of the Procurement Committee, Hq AMC, according to the provisions of paragraph (e) of this section.

(ii) Where the total estimated costs are not anticipated to exceed $1,000,000:

(*a*) Commanders, air materiel areas (ConUS) and Rome and Dayton AF Depots with power of redelegation to directors of procurement and production only.

(*b*) Commander, Aeronautical Systems Center—AMC, with power of redelegation.

(*c*) Chief, Electronics Defense Systems Division, Hq AMC, with power of redelegation to Deputy Chief, Electronics Defense Systems Division.

* * * * *

(d) *Content.* * * *

(2) *Progress payments under fixed price supply or service letter contracts.* For AF policy concerning use of Progress Payment clauses in letter contracts see Part 1058 of this chapter. Progress Payments at 75 percent of total cost or 90 percent of direct labor and material may be made to small business concerns pursuant to § 1058.302(c) of this chapter. For unusual progress payments see §§ 1058.303(d) and 1058.304 of this chapter. When progress payments are to be provided in a letter contract § 1058.306–4 of this chapter will be complied with. Subparagraph (a)(4) of either clause will be replaced by a provision reading as follows:

(a)(4) The aggregate amount of progress payments made shall not exceed $_____

The amount to be inserted in the blank space will be:

(i) *Total cost basis.* The amount represented by the percentage at which progress payments are made of the dollar amount obligated by the letter contract. Illustration: Progress payments are made at 70 percent of total costs; the total estimated cost of the procurement is $1,000,000; the amount of obligation by the letter contract is $400,000; the amount to be inserted in the blank space is $280,000.

(ii) *Direct labor and material basis.* The amount represented by the percentage at which progress payments are made of the percentage of estimated total cost represented by the estimated costs of direct labor and material of the amount obligated by the letter contract. Illustration: Progress payments are made at 90 percent; estimated labor and material cost represent 70 percent of estimated total costs; the amount obligated by the letter contract is $400,000; the amount inserted in the blank is $252,000 (i.e., 63 percent [90 x 70] of the obligated amount).

(3) *Reimbursement under cost-reimbursement type letter contracts.* Current reimbursement may be provided under cost-reimbursement type letter contracts upon request by the contractor. Contract financing policy stated in Subpart A, Part 1058 of this chapter, as it relates to fixed price contracts is equally applicable in principle to cost-reimbursement contracts. Reimbursement will be at a rate not exceeding 70 percent of the contractor's allowable cost or 85 percent of the contractor's direct labor and material cost if desired. Reimbursement at rates of 75 percent of total cost or 90 percent of direct labor and material cost may be made to small business concerns. In each instance where current reimbursement is to be provided a clause must be drafted for inclusion in the letter contract. This clause will include a sentence stating: "In no event shall reimbursement aggregating more than $_____ be made under this letter contract." The figure to be inserted in the blank space will be calculated in the same manner as in paragraph (d)(2) of this section.

(4) Properly authorized letter contracts do not require manual approval, irrespective of dollar amounts, except letter contracts for personal and professional services procured under the authority of Public Law 600 (see § 1003.204).

9. In § 1003.405–5, paragraph (c)(1) is deleted and the following substituted therefor:

§ 1003.405–5 Indefinite delivery type contracts.

* * * * *

(c) *Indefinite quantity contract*—(1) *Description.* The clause provided by § 1007.4039 of this chapter will be used as a required clause. The stated minimum quantity of the supplies or services will be in terms of obligated dollars only and will be a part of the contract at the time of execution. The first call (order) on the contract may or may not be included in the original contract. The PCO will determine which alternative serves the Government's best interest. In addition to the specific item(s) included in the first call, if used, the contract may provide contractual coverage for future calls for similar type supplies or services where recurring requirements are anticipated, but specific item requirements are not presently known, provided that the pricing for such calls can be effected by the same method as for the initial specific supplies or services and is so provided in the contract. Except for the obligated amount on the contract, the Government is under no obligation to order any supplies or services during the contract period. After liquidation of the original obligated dollars by calls (orders) all funds are obligated and delivery schedules and quantities are established by each call, not the contract itself. The stated maximum quantity contained in the contract will be the estimated dollar amount of similar supplies or services of the type involved to be procured during the contract period. Such dollar amount will be considered the amount of the contract within the delegation of authority to make awards and execute or approve contracts set forth in § 1001.457 of this chapter.

* * * * *

The present Subpart E is deleted and the following inserted in lieu thereof:

Subpart E—Advance Payments

CROSS REFERENCE: For a complete discussion on the policy and procedures covering advance payments see Subpart G, Part 1058 of this chapter. For instructions relating to administration of advance payments see Subpart AA, Part 1054 of this chapter.

Subpart F—Small Purchases

1. In § 1003.604, the reference "§ 1003.604–1(d)(1) and (2)" is changed to "§ 1003.604–1(c)(1) and (2)"; paragraph (a)(3) is added; and paragraph (b)(2) to (4) is revised, as follows:

§ 1003.604 Imprest funds (petty cash) method.

(a) *Policy.* * * *

(3) The use of Standard Form 1094, "US Government Tax Exemption Certificate," will not be required for payments made in cash through the use of the imprest fund procedure. Cash purchases will be made on a basis inclusive of all taxes except where the vendor is permitted by local or state authorities to use the copy of AF Form 385a as evidence that a local or state tax was not included in the price to the Government (see § 1003.604–2(a)(3)).

(b) *Definitions.* * * *

(2) "Cash Purchasing Officer." Any officer, warrant officer, airman (not below grade E–5), or civilian under the command or jurisdiction of the base commander who has been appointed cash purchasing officer (imprest fund cashier) and also appointed a cash purchasing agent by competent authority.

(3) "Accounting and Finance Officer." The individual who performs the duties described in paragraph 50318, AFM 170–6.

(4) "Accounting and Disbursing Agent." The individual who performs the duties described in paragraph 50322, AFM 170–6.

2. Section 1003.604–1 is deleted and the following substituted therefor:

§ 1003.604–1 Conditions for use.

See § 3.604–1 of this title.

(a) Purchases for each activity, i.e., air installations or base supply, will be considered separate transactions if based upon separate Purchase Requests or other authorized requisition forms used as purchase requests.

(b)–(d) See § 3.604–1(b)–(d) of this title.

(e) A cash purchasing officer has been appointed, is bonded according to the provisions of AFM 173–10, and has been intrusted with funds.

(f) The supplies or services to be procured are authorized for purchase by existing regulations or directives.

(g) The signature of the vendor or his agent can be obtained for each transaction over $3.

(h) The cost of the item is considered reasonable.

(i) No additional action following payment for the supplies or services and the signing of the receipt by the vendor is required to complete the procurement. Assigning a defense order rating or execution of a hand receipt by the vendor for equipment delivered to him for repair are not considered "additional action."

(1) *Limitation.* Imprest funds will not be used to pay for personal services, to pay transportation charges on bills of common carriers, to cash checks or other negotiable instruments, or for any other payment that is not for authorized small purchases contemplated by these instructions.

(2) *Cash purchasing procedure.* (i) *Requests for procurement.* (*a*) Requirements will be submitted to the contracting office (or Cash Purchasing Officer at isolated activities without a contracting office) as appropriate.

(*b*) If a cash purchasing officer who is assigned to a contracting office determines that cash purchase is not appropriate and that the requirement is chargeable against an obligation authority or may be purchased against a blanket purchase agreement, he will turn the requirement over to the contracting officer, who will process it by one of the other prescribed small purchase procedures. If the requirement cannot be charged to an obligation authority or purchased against a blanket purchase agreement or if a cash purchasing officer who is not assigned to a contracting office determines that cash purchase is not appropriate, the requirement will be returned to the initiating office for submission to the contracting officer as a funded purchase request.

(*c*) When a contracting officer receives a funded Purchase Request and determines that the supplies listed therein should be procured by cash, he will mark across the face of the Request "appropriate for cash purchase," and effect the procurement by cash if authorized to do so, or forward a copy of the request to a cash purchasing officer who will effect the procurement by cash on the basis of the information contained in the request.

(ii) *Effecting procurement.* (*a*) The contracting officer, or cash purchasing officer, upon receipt of the requirement, will make the determination, based on paragraph (a)(1) of this section, as to whether the supplies will be purchased by cash. If he decides to purchase by cash, the contracting officer, or cash purchasing officer, will select a source (see § 3.603 of this title) and effect payment in cash upon delivery. At the time of payment, a signed receipt will be obtained from the vendor on AF Form 385, "Cash Purchase Receipt."

(*b*) At the discretion of the cash purchasing officer, quantities in excess of those requisitioned by the using activity may be procured if the standard unit pack of such item can be purchased more economically than the exact quantity requested. The full unit pack will be accepted by the requisitioning activity.

(3) *Cash purchasing officers*—(i) *Appointment and termination authority.* Any base commander is authorized to appoint any qualified officer, warrant officer, airman (not below Grade E–5), or civilian under his jurisdiction as a cash purchasing officer and to terminate such appointment whether made by him or a predecessor. However, before a base commander may appoint any individual who is not assigned to the contracting office as a cash purchasing officer, prior written approval for assigning cash purchasing functions outside the contracting office must be obtained. When it is necessary to appoint a cash purchasing officer in an activity of one major command which is assigned to a base of another major command for logistical support, but which is geographically located away from the base, such appointment will be made by the base commander of the base to which assigned for logistic support, after securing the necessary prior approval from his major air commander.

(ii) *Appointment and termination orders.* Each appointment and termination of appointment will be made by the base commander in writing, together with special orders or letter orders, which will: (*a*) Include designation as a cash purchasing officer (imprest fund cashier) and as a cash purchasing agent; (*b*) identify the name, installation, and accounting and disbursing station number of the accounting and finance officer or accounting and disbursing agent for whom the cash purchasing agent will act; (*c*) specify the duties and responsibilities related to the appointment and a statement that the position is covered by Air Force position schedule bond; and (*d*) cite the maximum amount of cash to be advanced to the cash purchasing officer.

(4) [Reserved.]

(5) *Personal responsibility.* (i) Attention is directed to the following sections contained in Title 18, U.S. Code Annotated, crimes and criminal procedure, which provide:

(*a*) *Sec. 653, Disbursing officer misusing public funds.*

Whoever, being a disbursing officer of the United States, or any Department or agency thereof, or a person acting as such, in any manner converts to his own use, or loans with or without interest, or deposits in any place or in any manner, except as authorized by law, any public money intrusted to him; or, for any purpose not prescribed by law, withdraws from the Treasury or any authorized depositary, or transfers, or applies, any portion of the public money intrusted to him, is guilty of embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled or imprisoned not more than ten years, or both; but if the amount embezzled is $100 or less, he shall be fined not more than $1,000 or imprisoned not more than one year or both.

(*b*) *Sec. 1001, Statements or entries generally.*

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(*c*) *Sec. 2073, False entries and reports of moneys or securities.*

Whoever, being an officer, clerk, agent or other employee of the United States or any of its agencies, charged with the duty of keeping acounts or records of any kind, with intent to deceive, mislead, injure, or defraud, makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties; or

"Whoever, being an officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, with like intent, makes a false report of such moneys or securities—

Shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

(ii) The cash purchasing officer will be responsible for the legality of all payments made by him and personally accountable for any unauthorized payments he may make.

(iii) When the cash purchasing officer is in doubt as to the propriety of any particular purchase he may refer the matter to the base commander who, if he considers the purchase proper, will give specific approval in writing for the purchase before it is made.

(iv) The base commander will be responsible for insuring that sufficient surveillance of the cash purchasing system is maintained to assure that pertinent laws and regulations are observed.

(6) *Request for deviations and interpretations.* Deviations from the requirements of § 1003.604 will be made only by and with the prior approval of the Director of Procurement and Production, DCS/M, Hq USAF, who will be responsible for coordination and clearance of all proposed deviations within the Department of Defense. Requests for deviations or interpretations of § 1003.604 will be sent to Hq USAF through channels including Commander, AMC, attn: MCPC.

3. In § 1003.604–2, paragraph (a)(1) and the sample form are deleted and the following substituted therefor:

§ 1003.604–2 Documentation.

(a) *Cash purchase receipt.* AF Form 385, "Cash Purchase Receipt," and AF Form 385a, "Cash Purchase Receipt—Memorandum," April 16, 1956, are authorized for use in lieu of Standard Form 1165. AF Form 385 (original) is available in pads and AF Form 385a is available in pads with interleaved carbon.

(1) AF Form 385 and four copies of AF Form 385a will be prepared, except as provided in subparagraph (3) of this paragraph, using ballpoint pen, indelible pencil, or typewriter, to include the following:

* * * * *

Standard Form No. 1190—Rev. Form prescribed by Comp. Gen., U. S. March 10, 1952 General Regulations No. 103
ATTACH SUBVOUCHERS HERE

REIMBURSEMENT VOUCHER

(For use of Accounting & Finance Officer)

D. O. Vou. No. _____

Bur. Vou. No. _____

U.S. Air Force - Accounting & Finance
(Department, bureau, or establishment)

Payee's name John Doe, Cash Purchasing Agent

Mailing address Blank Air Force Base

PAID BY

(For use by Accounting & Finance Officer Only)

(AF Form 385)

For payments made on account of official business as per attached subvouchers numbers (Insert Number) to (Insert Number), inclusive, for the period (Insert Date), 19....., to (Insert Date), 19.....,
and reclaimed subvouchers numbers (Insert Numbers) →

STATUS OF FUND	DOLLARS	CENTS
This Voucher	(Insert Amt's.)	
Unpaid Reimbursement Voucher Dated		
Unscheduled Subvouchers		
Interim Receipts for Cash		
Cash on Hand		
TOTAL	(Total of Above)	

AMOUNT	
DOLLARS	CENTS
(Insert Amt's.)	

Differences
(For use of Accounting & Finance Officer or Accounting & Disbursing Agent Only)

Amount verified; correct for

(Signature or initials)
(For Administrative Use)

I certify that the disbursements claimed herein are correct and proper, that payment has not been received, and that the status of the imprest fund for which I am accountable is as stated above.

(Signature of Cash Purchasing Agent)
(Imprest Fund Cashier)

(Insert Date)
(Date)

SIGN ORIGINAL ONLY

Title (Cash Purchasing Agent)

Approved:

(Not to be completed)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

(For use of Accounting & Finance Officer or Accounting & Disbursing Agent)

(Date) *Authorized Certifying Officer.*

(SIGN ORIGINAL ONLY)

Number of reimbursement checks desired _____

in the amounts of (Insert Amounts)

ACCOUNTING CLASSIFICATION (Appropriation symbol must be shown—other classification optional)

(To be completed by Comptroller's Office)

* Insert amount of voucher submitted to finance officer for which reimbursement has not as yet been received.
** Insert dollar and cents amount of AF Forms 385 on hand for which reimbursement has not been requested.
*** Insert amount of cash in hands of others for which interim receipts are being held.
**** Insert amount of cash and checks on hand.

Paid by check(s) on Treasurer of the United States in favor of payee named above No.(s) _____

(For use of Accounting & Finance Officer or Accounting & Disbursing Agent)

Paid by cash, $_____ On _____ (Date)

(For use of Accounting & Finance Officer or Accounting & Disbursing Agent)

Payee _____

(SIGN ORIGINAL ONLY)

4. Sections 1003.605, 1003.605–1, 1003.606–1, and 1003.606–2 are deleted and the following substituted therefor:

§ 1003.605 Order-invoice-voucher method.

Standard Form 44, "U.S. Government Purchase Order-Invoice-Voucher," is now available in books of 25 sets, five copies each, with interleaved carbon. Approximately May 1, 1959, the form will be available in seven-part, manifold snapout construction with interleaved carbon of light-weight paper which will permit it to be prepared by ballpoint pen or indelible pencil as well as typewriter. Pending availability of the seven-part form, authority is granted to use two additional copies from another set, except that the original or vendor's copy may not be used for this purpose.

§ 1003.605–1 Limitations on use.

Additional conditions are hereby added to the conditions set forth in § 3.605–1 of this title, as follows:

(a)–(d) See § 3.605–1 of this title.

(e) Requirement is chargeable against an obligation authority, or the funds for the requirement were committed on the purchase request.

§ 1003.606 Blanket purchase agreement method.

§ 1003.606–1 General.

The blanket purchase agreement method will be used to the greatest extent practicable. In every case when a request is made, whether orally or by informal memorandum, the applicable request number and name of person placing the request will be furnished the vendor at the time the request is placed in order that he may ascertain that the request is proper against the blanket agreement.

§ 1003.606–2 Establishment of blanket purchase agreement.

Notwithstanding the monetary limitations imposed by § 16.303–2(b) of this title, DD Form 1155, "Order for Supplies or Services," will be used to establish the "Blanket Purchase Agreements." The schedule in each blanket purchase agreement will contain a statement to the effect that the issuance of individual requests against the blanket purchase agreement will be made under the authority of 10 U.S.C. 2304(a)(3).

(a) See § 3.606–2(a) of this title.

(b) When individual requests are to be funded against existing obligation authorities, blanket purchase agreement will contain the statement: "Individual requests under this agreement will be charged to an existing obligation authority administered by the contracting officer."

(c) The contracting officer will negotiate with each proposed charge account vendor to obtain a prior understanding of pricing basis for noncompetitive orders (less than $100). Usually this will be a matter of discount from some recognized list price. The contracting officer will prepare a memorandum for record, briefly outlining understanding of the parties, and will maintain the memorandum in the blanket agreement file. This memorandum need not be redrawn at the beginning of each blanket purchase agreement period, but should at all times represent the current understanding. Periodic spot checks will be made to assure that billings conform to the understandings.

(d)–(f) See § 3.606–2 (d) through (f) of this title.

(g) In establishing blanket purchase agreements, contracting officers will attempt to induce vendors to provide delivery of supplies purchased thereunder. Vendors should not be expected to make multiple deliveries of small dollar value purchases. However, an agreement wherein vendors would deliver all purchases, in excess of a specified monetary value is considered feasible and advisable.

5. Section 1003.607 is deleted and the following substituted therefor:

§ 1003.607 Use of Department of Defense or departmental procurement forms.

Small purchases as defined in § 3.600 of this title will normally be accomplished on AF Form 385 and AF Form 385a, SF44, or DD Forms 1155 and 1155s. When DD Form 1155 and 1155s are used, they will be prepared and processed according to Subpart C, Part 16 of this title and Subpart C, Part 1016 of this chapter. When the procurement necessitates the addition of clauses covering the subject matter of any ASPR clause, other than those set forth on the reverse side of DD Form 1155 or on the face of DD Form 1155s, or in § 6.403 of this title, any appropriate authorized negotiated (two-signature) contract form (e.g., DD Form 351) will be used.

6. Section 1003.651–1 is added, as follows:

§ 1003.651–1 Applicability of section.

This section applies to AMC field procurement activities and AF base procurement activities.

7. Section 1003.651–2 is deleted and the following substituted therefor:

§ 1003.651–2 General.

(a) All requests to oil companies for credit cards will be made according to Federal Supply Schedule classes 7 and 14 and by a properly appointed contracting officer who will be accountable for all such cards issued to the installation.

(b) The contracting officer will maintain a record of all credit cards received and issued and of the officer having responsibility for each card.

(c) Upon receipt of a written request, credit cards will be issued by the contracting officer to an officer responsible for vehicles (commander, motor vehicle squadron, base motor pool officer, etc.). Such officer will be responsible to the contracting officer for purchases made against credit cards issued to him.

(d) Whenever a purchase is made against a credit card, the individual making the purchase will secure from the service station attendant a copy of the delivery ticket and, immediately upon return from a trip, will turn in such delivery ticket to the officer responsible for the credit card.

(e) The officer responsible for the credit card will immediately review each delivery ticket to insure that it is correct and complete, including identification number of the vehicle and signature of the individual who made the purchase.

(1) If the responsible officer is authorized to hold the credit card for an indefinite period, he will accumulate these delivery tickets and submit them to the contracting officer on the first work day of each month, and, in addition, on the 15th day of June or the first work day thereafter.

(2) If the credit card has been issued for a specific trip, the responsible officer will submit delivery tickets to the contracting officer immediately upon return from the trip.

(f) Copies of delivery tickets will be held by the contracting officer, filed under the name of the appropriate Federal Supply Schedule contractor pending receipt of invoice.

(g) Oil companies will be instructed to submit all invoices for credit card purchases to the contracting office.

(h) To preclude overobligation of funds in connection with credit card purchases, the contracting officer will: (1) Utilize "obligation authorities," for all purchases made, billed, and processed for payment during the same fiscal year (appropriate action, as determined locally, will be taken to assure that sufficient funds of the obligation authority are available to cover credit card invoices), and (2) initiate action in the month of June of each year to require the accounting activity to record an obligation using AF Form 406 "Miscellaneous Obligation Document" (MOD) in an amount sufficient to cover all purchases made or anticipated to be made during the fiscal year but not billed for prior to the end of that fiscal year. The amount and period of the "MOD" will be governed by local conditions and practices. Factors to be considered are: (i) Uninvoiced delivery tickets, (ii) average monthly expenditures, (iii) average delay between date of purchase and date of billing, and (iv) average time required to process purchases made during a specific monthly period.

(i) Upon receipt of the invoice and supporting delivery tickets, the contracting officer will match the copies of delivery tickets in his suspense files with those attached to the invoice and verify the amount due. Upon verification of the amount due, the contracting officer will prepare a DD Form 1155, "Order for Supplies or Services," under the applicable Federal Supply Schedule contract. The order will cite the current Obligation Authority and proper allotment citation and, if appropriate (when invoice covers purchases made during the current and preceding fiscal years), the allotment citation, number and date of the Miscellaneous Obligation Document established by paragraph (h) of this section. The duplicate delivery tickets will be retained in the files of the contracting officer.

(j) Delivery orders prepared and issued as above will not:

(1) Itemize the supplies and services shown on the invoice, but will merely contain a reference to the contractor's invoice and amount, less State and local taxes, if any.

(2) Be written for a portion of the invoiced amount. (If a discrepancy is discovered, such an error in the amount of the invoice or of the tickets attached, or an unauthorized purchase, such discrepancies will be rectified prior to preparation of the order.)

(3) Be distributed to the contractor (order is for internal Air Force purposes).

(4) Be issued to such organizations as the National Credit Card Association (invoice must be submitted by the oil company concerned).

Subpart H—Price Negotiation Policies and Techniques

§ 1003.805 [Deletion]

1. Section 1003.805 is deleted.

2. In § 1003.808–4, paragraph (b) is deleted and paragraphs (b) to (f) are added, as follows:

§ 1003.808–4 Profit.

(a) *General.* * * *

(b)–(e) See § 3.808–4 (b) through (e) of this title.

(f) *Contractor's performance.* Because it is AF policy to reward good performance through application of the incentive approach in its contracting, demonstrably poor performance should result in reduction of profit. This policy may have its most important application in the case of design changes where the contracting officer's review establishes that the change was made necessary by a deficiency in the contractor's design. In this situation, the contracting officer first must determine whether the cost of the change is something the contractor should bear wholly or in part. If the responsibility can be fixed with the contractor and the change negotiated so that the contractor bears at least a part of its attendant cost, the question of profit reduction becomes academic. If however, the responsibility is shared in such a way that it becomes reasonable for the Air Force to pay the cost of the design change, the figure agreed to by the Air Force should include little or no provision for profit.

3. In § 1003.808–5, paragraph (b) is redesignated paragraph (d) and the symbol "MCPPC" in the second sentence therein is changed to "MCPK". Paragraphs (b) and (c) are added, as follows:

§ 1003.808–5 Subcontracting.

* * * * *

(b) See Subpart A, Part 1053 of this chapter.

(c) See § 3.808–5 of this title.

4. In § 1003.811, paragraph (b) is deleted and the following is substituted therefor:

§ 1003.811 Record of price negotiation.

* * * * *

(b) *Record of contractor's certification.* A written statement is required from the contractor when: (1) A price negotiation conference is required, (2) price negotiated is based more on the contractor's actual or estimated cost than upon competition, catalog, or market prices, or (3) actual prices on material, actual labor costs, and other actual cost data are available for use at the negotiation conference. The settlement must affirm that all pricing data available have been considered in preparing the proposal and that such data is current. The signed statement, substantially in the following format, will be included in the contract file along with the memorandum of the negotiations.

This is to certify that in the preparation of the proposal for _____ (Insert item identification) being produced under the terms of Contract No. _____ (Insert contract number when applicable) (i) all available actual prices on materials, actual labor costs, and other actual cost data have been considered in preparing the price estimate, and made known to the Air Force negotiator for his use in evaluating the estimate and (ii) all significant pricing data being considered in the negotiation conference is current.

The requirement for a contractor's certification of pricing is not to be considered a substitute for careful review and analysis of contractors' proposals by contracting officers, price analysts, and, where appropriate, Government auditors.

5. In § 1003.850–1, paragraph (b)(3) is revised as follows:

§ 1003.850–1 Pricing of support items.

* * * * *

(b) *Responsibility.* * * *

(3) Where support items are procured without a provisioning document on other than indefinite quantity contracts, responsibility for final review and acceptance of prices, unless otherwise specified, remains that of the procuring contracting officer (PCO). However, where contractor uses formula method to price support items and administrative contracting officer (ACO) has negotiated a formula for this purpose, ACO will be responsible for recommending prices to PCO. ACO also will write and distribute memorandum of formula negotiations to each AF buying office dealing with the contractor. PCO may accept those recommendations without further analysis or negotiation but he should put a notation in contract file that exhibits were priced using ACO-approved formula.

Subpart T—Administration of All Types of Price Revision Clauses

1. Subpart T is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59–6064; Filed, July 22, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1960

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, Public Law 86–80, Public Law 85–58, Public Law 85–170, and Public Law 85–766, the provisions of §§ 1101.1000 to 1101.1097 of the 1959 National Agricultural Conservation Program (23 F.R. 5247), as amended, shall be effective for the 1960 National Agricultural Conservation Program for the period July 1, 1959, through December 31, 1960, except for the following changes and such other changes as may hereafter be made:

1. For purposes of the 1960 program, references to the years 1958, 1959, and 1960 (except those in § 1101.1005(b)) shall be construed as references to the years 1959, 1960, and 1961, respectively.

2. Paragraph (a) of § 1101.1002 is amended, for purposes of the 1960 program, to read:

§ 1101.1002 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1959 distribution. The allocation of funds among the States is as follows:

Alabama	$6,148,000
Alaska	62,000
Arizona	1,585,000
Arkansas	4,938,000
California	5,879,000
Colorado	3,281,000
Connecticut	492,000
Delaware	332,000
Florida	2,795,000
Georgia	7,378,000
Hawaii	184,000
Idaho	1,831,000
Illinois	8,836,000
Indiana	5,758,000
Iowa	9,680,000
Kansas	6,446,000
Kentucky	7,143,000
Louisiana	4,339,000
Maine	980,000
Maryland	1,292,000
Massachusetts	561,000
Michigan	5,148,000
Minnesota	6,234,000
Mississippi	6,609,000
Missouri	9,097,000
Montana	3,883,000
Nebraska	6,447,000
Nevada	390,000
New Hampshire	539,000
New Jersey	718,000
New Mexico	1,941,000
New York	4,683,000
North Carolina	6,588,000
North Dakota	4,505,000
Ohio	6,088,000

Oklahoma	$7,357,000
Oregon	2,297,000
Pennsylvania	4,972,000
Puerto Rico	867,000
Rhode Island	82,000
South Carolina	3,642,000
South Dakota	4,693,000
Tennessee	5,220,000
Texas	20,230,000
Utah	1,376,000
Vermont	1,114,000
Virgin Islands	13,000
Virginia	4,570,000
Washington	2,452,000
West Virginia	1,566,000
Wisconsin	5,596,000
Wyoming	2,143,000
Total	211,000,000

§ 1101.1003 [Amendment]

3. Section 1101.1003 is amended, for purposes of the 1960 program, by changing the period at the end thereof to a colon and adding the following: *"Provided,* That the proportion of the State fund initially allocated to any county for the 1960 program shall not be reduced from the distribution of such fund for the 1958 program year."

§ 1101.1005 [Amendment]

4. Paragraph (b) of § 1101.1005 is amended, for purposes of the 1960 program, by changing the proviso in the third sentence to read: *"Provided, however,* That notwithstanding other provisions of the 1960 national or State program, no change shall be made in the 1960 program for the county which will have the effect of restricting eligibility requirements or cost-sharing on practices included in either the 1957 or 1958 program for the county, unless such change shall have been recommended by the county committee and approved by the State committee."

(Sec. 4, 49 Stat. 164; 16 USC. 590d. Interpret or apply secs. 7 to 17, 49 Stat. 1148, as amended, 73 Stat. 167, 71 Stat. 176. 71 Stat. 426, 72 Stat. 864; 16 U.S.C. 590g–590o)

Done at Washington, D.C., this 17th day of July 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–6065; Filed, July 22, 1959; 8:49 a.m.]

[ACP–1959–Alaska, Supp. 2]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1959

Seeding, Planting, or Interplanting Forest Trees or Shrubs or Improvement of a Stand of Forest Trees on Farmland

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959, the 1959 Agricultural Conservation Program for Alaska, approved August 8, 1958 (23 F.R. 6231), as amended February 17, 1959 (24 F.R. 1304), is further amended as follows:

Section 1104.848(a) is amended to read as follows:

(a) *Purpose.* This practice includes (1) thinning, (2) pruning crop trees, (3) removing or killing competing or undesirable vegetation, (4) seeding, planting, or interplanting desirable trees or shrubs, (5) site preparation for natural reseeding, and (6) establishing fire lanes.

(Sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interprets or applies secs. 7 to 17, 49 Stat. 1148, as amended, 72 Stat. 192; 16 U.S.C. 590g–590q)

Done at Washington, D.C., this 17th day of July 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–6066; Filed, July 22, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Special Airspace Reg. 1]

PART 409—PROCEDURES AND RULES FOR AIRSPACE ASSIGNMENT AND UTILIZATION

Report on Utilization of Restricted Areas

Section 307(a) of the Federal Aviation Act of 1958, authorizes and directs the Administrator of the Federal Aviation Agency to develop plans for and to formulate policy with respect to the use of the navigable airspace of the United States, and assign by rule, regulation, or order, the use of such airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. The Administrator may also modify or revoke assignments of airspace when required in the public interest.

In assuming management of the navigable airspace of the United States, and, in order to carry out the objectives of section 307(a) of the Act, it is the Administrator's view that assignments and allocations of airspace must be subject to continuous reexamination. This can be accomplished only when there is available, accurate and complete information with respect to the past and present utilization of airspace which has been assigned or allocated. In addition there must be sufficient information on which to evaluate the future need therefor.

A large portion of the navigable airspace of the United States is presently set aside for special purposes through the designation of "Restricted Areas" each of which is under the jurisdiction of a "Controlling Agency." However, the Federal Aviation Agency is without complete information as to the nature and volume of past and present operations conducted in these restricted areas, or future requirements. As one of the first steps in establishing a program for the management of the navigable airspace, the Administrator is adopting, as an interim measure, this Special Airspace Regulation which will provide the Federal Aviation Agency with the requisite data in connection with the utilization of restricted areas. It is anticipated that the data so obtained will furnish the basis for the development of a permanent regulation which will require that such information be furnished periodically.

It is essential that the information required to be submitted by this Special Airspace Regulation be obtained at an early date in order to enable the Federal Aviation Agency to carry out its responsibilities under section 307(a) of the Federal Aviation Act. For this reason, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest.

In consideration of the foregoing, I hereby adopt the following Special Airspace Regulation:

Within 30 days after the effective date hereof, each Controlling Agency of a designated restricted area shall submit a report of the use of such restricted area. Such report shall be submitted in triplicate to the Director, Bureau of Air Traffic Management, Federal Aviation Agency, Washington 25, D.C., and shall contain the following information:

A. For the period of July 1, 1958 through June 30, 1959.

1. Designation number of area.
2. Name of area.
3. Activities presently being conducted in area (be specific).
4. Controlling Agency.
5. User Agencies.
6. Number of aircraft involved in daily operations (average).
7. Types of aircraft normally involved in daily operations.
8. Number of hours area used per day (average).
9. Time daily operations commence and end.
10. Number of days per week of actual operations (average).
11. Altitudes used in daily operations and percent of time used.
   (a) Minimum.
   (b) Maximum.
   (c) Normal operating altitudes.
12. Flight operations: Depict the following information on aeronautical charts:
   (a) Geographical location of points of ingress to area.
   (b) Aircraft flight paths (if appropriate).
   (c) Type, location and coverage of electronic control equipment.
13. Ground operations: Depict the following information on aeronautical charts:
   (a) Geographical location of firing points.
   (b) Maximum range and ordinate altitude of operations in area.
   (c) Per cent of time (daily) maximum range and altitude are utilized.
   (d) Normal ordinate altitude for daily operations.

B. Current Use and Future Requirements.

A brief resume of pertinent facts concerning present use, future requirements and justification for continued use of the area or any part of it.

NOTE: Items 6 through 13 should be reported on the basis of actual operations conducted within the restricted area during its period of use as a restricted area. If area is used by other agencies as a restricted area, this information should be obtained from the user agency and identified and included in the report.

This regulation shall become effective August 1, 1959.

(Sec. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 17, 1959.

E. R. QUESADA,
Administrator.

JULY 17, 1959.

[F.R. Doc. 59–6045; Filed, July 22, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7061]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Macris & Kaptan

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alex Macris and James Kaptan trading as Macris & Kaptan, New York, N.Y., Docket 7061, June 24, 1959]

In the Matter of Alex Macris and James Kaptan, Individually and as Copartners Trading as Macris & Kaptan

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by setting forth on labels the names of animals other than those producing certain furs and by failing in other respects to comply with the labeling and invoicing requirements.

Following the usual proceedings, the hearing examiner made his initial decision and order to cease and desist which, with slight modification, on June 24 became the decision of the Commission.

The order to cease and desist, as so modified, is as follows:

It is ordered, That respondents Alex Macris and James Kaptan, individually and as copartners trading as Macris & Kaptan, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, or offering for sale in commerce, or in the transportation and distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

3. Setting forth on labels attached to fur products:

(a) Required information in abbreviated form or in handwriting.

(b) Non-required information mingled with required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on each invoice the item number or mark assigned to a fur product.

3. Setting forth on any invoice required information in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Alex Macris and James Kaptan, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 24, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6053; Filed, July 22, 1959; 8:47 a.m.]

[Docket 7439 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Continental Wool Co. and William Safran

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, William Safran doing business as Continental Wool Co., Brooklyn, N.Y., Docket 7439, June 2, 1959]

In the Matter of William Safran, an Individual Doing Business as Continental Wool Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Brooklyn, N.Y., manufacturer with violating the Wool Products Labeling Act by labeling and invoicing as "wool" and "all wool", woolen stocks which contained a substantial quantity of other fibers and fibers previously woven or felted; and by failing in other respects to comply with the requirements of the Act.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 24 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent William Safran, an individual, doing business as Continental Wool Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wolen stocks or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined

in the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent, William Safran, doing business as Continental Wool Co., or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen stocks or other products, in commerce, do forthwith cease and desist from, directly or indirectly: Misrepresenting the constituent fibers of which products are composed, or the percentages thereof, in invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent William Safran, an individual doing business as Continental Wool Co., shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 8, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59–6052; Filed, July 22, 1959; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Adoption of New Registration Form S–14

The Securities and Exchange Commission has adopted certain amendments to Rule 133 under the Securities Act of 1933 and has also adopted a new registration form designated Form S–14 (§ 239.23). Notice of the proposed amendments to Rule 133 was published September 15, 1958, in Securities Act Release No. 3965. After further study of the matter and consideration of the views and comments submitted, the Commission published a revision of the proposed amendments to the rule together with a draft of the proposed Form S–14. All of the views and comments submitted in response to the revised proposals and the proposed registration form were carefully considered by the Commission and certain of the suggestions made are reflected in the amended rule and registration form as adopted by the Commission.

The general purpose of the amendments to Rule 133 is to indicate the circumstances under which securities distributed by persons receiving them in connection with mergers, consolidations and similar transactions, may be required to be registered under the Act.

The new Form S–14 is designed to provide a simplified registration procedure for securities issued in a Rule 133 transaction where such registration is required and where the issuer has solicited proxies under the Commission's proxy rules with respect to such transaction. The form provides that the prospectus may consist chiefly of the information set forth in the proxy statement and may be in the form of a proxy statement meeting the requirements of the proxy rules. The information thus supplied must be supplemented by the necessary underwriting and distribution data and pertinent information regarding developments in the registrant's business subsequent to the Rule 133 transaction. A copy of Form S–14 is attached hereto.[1]

Rule 133 is amended by designating the existing rule as paragraph (a) and adding to the rule the following new paragraphs (b), (c), (d), (e) and (f):

§ 230.133 "Definition for purposes of section 5 of the act of "sale", "offer", "offer to sell", and "offer for sale".

* * * * * *

(b) Any person who purchases securities of the issuer from security holders of a constituent corporation with a view to, or offers or sells such securities for such security holders in connection with, a distribution thereof pursuant to any contract or arrangement, made in connection with any transaction specified in paragraph (a) of this section, with the issuer or with any affiliate of the issuer, or with any person who in connection with such transaction is acting as an underwriter of such securities, shall be deemed to an underwriter of such securities within the meaning of section 2(11) of the Act. This paragraph does not refer to arrangements limited to provision for the matching and combination of fractional interests in securities into whole interests, or the purchase and sale of such fractional interests, among security holders of the constituent corporation and to the sale on behalf of, and as agent for, such security holders of such number of fractional or whole interests as may be necessary to adjust for any remaining fractional interests after such matching.

(c) Any constituent corporation, or any person who is an affiliate of a constituent corporation at the time any transaction specified in paragraph (a) of this section, is submitted to a vote of the stockholders of such corporation, who acquires securities of the issuer in connection with such transaction with a view to the distribution thereof shall be deemed to be an underwriter of such securities within the meaning of section 2(11) of the Act. A transfer by a constituent corporation to its security holders of securities of the issuer upon a complete or partial liquidation shall not be deemed a distribution for the purpose of this paragraph.

[1] Filed as part of the original document.

(d) Notwithstanding the provisions of paragraph (c) of this section, a person specified therein shall not de deemed to be an underwriter nor to be engaged in a distribution with respect to securities acquired in any transaction specified in paragraph (a) of this section, which are sold by him in brokers' transactions within the meaning of section 4(2) of the Act, in accordance with the conditions and subject to the limitations specified in paragraph (e) of this section, if such person—

(1) Does not directly or indirectly solicit or arrange for the solicitation of orders to buy in anticipation of or in connection with such brokers' transactions;

(2) Makes no payment in connection with the execution of such brokers' transactions to any person other than the broker; and

(3) Limits such brokers' transactions to a sale or series of sales which, together with all other sales of securities of the same class by such person or on his behalf within the preceding six months, will not exceed the following:

(i) If the security is traded only otherwise than on a securities exchange, approximately one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions, or

(ii) If the security is admitted to trading on a securities exchange, the lesser of approximately (*a*) one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions or (*b*) the largest aggregate reported volume of trading on securities exchanges during any one week within the four calendar weeks preceding the receipt of such order.

(e) For the purposes of paragraph (d) of this section:

(1) The term "brokers' transactions" in section 4(2) of the Act shall be deemed to include transactions by a broker acting as agent for the account of the seller where (i) the broker performs no more than the usual and customary broker's functions, (ii) the broker does no more than execute an order or orders to sell as a broker and receives no more than the usual or customary broker's commissions, (iii) the broker does not solicit or arrange for the solicitation of orders to buy in anticipation of or in connection with such transactions and (iv) the broker is not aware of any circumstances indicating that his principal is failing to comply with the provisions of paragraph (d) of this section;

(2) The term "solicitation of such orders" in section 4(2) of the Act shall be deemed to include the solicitation of an order to buy a security, but shall not be deemed to include the solicitation of an order to sell a security;

(3) Where within the previous 60 days a dealer has made a written bid for a security or a written solicitation of an offer to sell such security, the term "solicitation" in section 4(2) shall not be deemed to include an inquiry regarding the dealer's bid or solicitation.

(f) For the purposes of this rule, the term "constituent corporation" means any corporation, other than the issuer, which is a party to any transaction specified in paragraph (a) of this section. The term "affiliate" means a person controlling, controlled by or under common control with a specified person.

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 2(3), 5, 6, 7, 10 and 19(a) thereof.

Inasmuch as Rule 133 is in the nature of an interpretative rule, and the use of Form S–14 is optional with registrants, the Commission finds that the foregoing amendments and form may be made effective immediately. Accordingly, the foregoing action shall become effective immediately upon publication, July 16, 1959.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–6061; Filed, July 22, 1959; 8:49 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6401]

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

Taxes on Motor Vehicles and Parts or Accessories Therefor

On November 8, 1958, notice of proposed rule making with respect to regulations under sections 4061, 4062, and 4063 of the Internal Revenue Code of 1954, as amended, relating to the tax imposed on the sale of motor vehicles and parts or accessories therefor was published in the FEDERAL REGISTER (23 F.R. 8728). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below which include changes required by section 3(a)(1) of the Tax Rate Extension Act of 1959 (73 Stat. 157).

PARAGRAPH 1. Section 40.4061(a) is revised as follows:

(A) By striking "July 1, 1959" in section 4061(a)(2), and inserting in lieu thereof "July 1, 1960", and

(B) By inserting in the historical note following section 4061(a) "; sec. 3(a)(1), Tax Rate Extension Act 1959 (73 Stat. 157)" after "Tax Rate Extension Act 1958 (72 Stat. 259)".

PAR. 2. Paragraph (b)(1)(ii) of § 40.4061(a)–1 is revised by deleting "June 30, 1959" and "July 1, 1959", and by substituting therefor "June 30, 1960" and "July 1, 1960", respectively.

PAR. 3. Paragraph (b)(2) of § 40.4061(a)–1 is revised as follows:

(A) By striking "and the regulations thereunder contained in Subpart M of this part" and inserting in lieu thereof "as applicable to sales made prior to January 1, 1959", and

(B) By striking "and the regulations thereunder contained in Subpart N of this part" and inserting in lieu thereof "as applicable to sales made prior to January 1, 1959".

PAR. 4. Paragraph (b) of § 40.4061(a)–4 is revised by striking the second and third sentences.

PAR. 5. Section 40.4061(b) is revised as follows:

(A) By striking "July 1, 1959" in section 4061(b), and inserting in lieu thereof "July 1, 1960", and

(B) By inserting in the historical note following section 4061(b) before the bracket at the end thereof"; sec. 3(a)(1), Tax Rate Extension Act of 1959 (73 Stat. 157)".

PAR. 6. Paragraph (b) of § 40.4061(b)–1 is revised as follows:

(A) By deleting "June 30, 1959" and "July 1, 1959", and inserting in lieu thereof "June 30, 1960" and "July 1, 1960", respectively, and

(B) By striking "and the regulations thereunder contained in Subpart M of this part" and inserting in lieu thereof "as applicable to sales made prior to January 1, 1959".

PAR. 7. Section 40.4061(b)–2 is revised as follows:

(A) By striking paragraph (e),

(B) By redesignating paragraph (f) as paragraph (e), and

(C) By deleting "and the regulations thereunder contained in Subpart L of this part" from redesignated paragraph (e)(3).

PAR. 8. Paragraph (e) of § 40.4063–1 is revised by striking "and the regulations thereunder contained in Subpart N of this part" and inserting in lieu thereof "as applicable to sales made prior to January 1, 1959".

PAR. 9. Section 40.4063–2 is revised by striking "and the regulations thereunder contained in Subpart M of this part" and inserting in lieu thereof "as applicable to sales made prior to January 1, 1959".

(Sec. 7805, I.R.C. 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

Approved: July 17, 1959.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 40.0–3 of The Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 40) has been amended by striking paragraph (g) and inserting in lieu thereof the following:

(g) *Subpart H.* The regulations in Subpart H of this part, unless otherwise specified in such subpart, relate to:

(1) *Motor vehicles.* Sales made by a manufacturer, producer, or importer on or after September 1, 1955, of motor vehicles and parts or accessories therefor.

(2) *Tires, tubes, and tread rubber.* [Reserved]

(3) *Gasoline.* [Reserved]

(4) *Lubricating oil.* [Reserved]

[Paragraph 1 is issued under the authority of section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).]

PAR. 2. The regulations as adopted under part I of subchapter A of chapter 32 of the Internal Revenue Code of 1954, as amended, are as follows:

SUBPART H—MOTOR VEHICLES, TIRES, TUBES, TREAD RUBBER, GASOLINE, AND LUBRICATING OIL

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

Sec.	
40.4061 (a)	Statutory provisions; imposition of tax; automobiles.
40.4061 (a)–1	Imposition of tax.
40.4061 (a)–2	Definitions.
40.4061 (a)–3	Parts or accessories sold on or in connection with chassis, bodies, etc.
40.4061 (a)–4	Sale of automobile bodies and chassis.
40.4061 (b)	Statutory provisions; imposition of tax; parts and accessories.
40.4061 (b)–1	Imposition of tax.
40.4061 (b)–2	Definition of parts or accessories.
40.4061 (b)–3	Rebuilt, reconditioned, or repaired parts or accessories.
40.4062 (a)	Statutory provisions; definitions; certain articles considered as parts.
40.4062 (a)–1	Specific parts or accessories.
40.4062 (b)	Statutory provisions; definitions; sale price of rebuilt parts.
40.4062 (b)–1	Rebuilt parts or accessories sold on an exchange basis.
40.4063	Statutory provisions; exemptions.
40.4063–1	Tax-free sales of bodies to manufacturers.
40.4063–2	Other tax-free sales.

AUTHORITY: §§ 40.4061 to 40.4063–2, incl., are issued under sec. 7805, I.R.C. 1954, 68A Stat. 917; 26 U.S.C. 7805.

AUTOMOTIVE AND RELATED ITEMS

MOTOR VEHICLES

§ 40.4061 (a) Statutory provisions; imposition of tax; automobiles.

SEC. 4061. *Imposition of tax*—(a) *Automobiles.* There is hereby imposed upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

(1) Articles taxable at 10 percent, except that on and after July 1, 1972, the rate shall be 5 percent—

Automobile truck chassis.
Automobile truck bodies.
Automobile bus chassis.
Automobile bus bodies.
Truck and bus trailer and semitrailer chassis.
Truck and bus trailer and semitrailer bodies.
Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, bus, truck or bus trailer or semitrailer shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

(2) Articles taxable at 10 percent except that on and after July 1, 1960, the rate shall be 7 percent—

Automobile chassis and bodies other than those taxable under paragraph (1).
Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

A trailer of an automobile, trailer, or semitrailer shall, for the purposes of this para-

graph, be considered to be a sale of the chassis and of the body.

[Sec. 4061 (a) as amended by sec. 3 (a) (2), Tax Rate Extension Act 1955 (69 Stat. 15); Act of Aug. 12, 1955 (Pub. Law 379, 84th Cong., 69 Stat. 709); sec. 3 (a) (2), Tax Rate Extension Act 1956 (70 Stat. 66); sec. 203, Highway Revenue Act 1956 (70 Stat. 388); sec. 3 (a) (1), Tax Rate Extension Act 1957 (71 Stat. 9); sec. 3 (a) (1), Tax Rate Extension Act 1958 (72 Stat. 259); sec. 3(a) (1), Tax Rate Extension Act 1959 (73 Stat. 157). Secs. 203, 211, Highway Revenue Act 1956, substituted "10 percent" for "8 percent" and "July 1, 1972" for "April 1, 1957" in sec. 4061 (a) (1), effective July 1, 1956.]

§ 40.4061(a)–1 Imposition of tax.

(a) *In general.* Section 4061(a) imposes a tax upon the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof) sold by the manufacturer, producer, or importer thereof:

(1) Automobile truck and bus chassis and bodies;

(2) Truck and bus trailer and semitrailer chassis and bodies;

(3) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer;

(4) Other automobile chassis and bodies; and

(5) Chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles.

(b) *Rates and computation of tax.* (1) Tax is imposed upon each of the above-mentioned taxable articles at the rate applicable on the date on which the article is sold, as specified below:

(i) Automobile truck and bus chassis and bodies, truck and bus trailers and semitrailers, and tractors sold—

	Percent
(a) During the period September 1, 1955, to June 30, 1956, inclusive	8
(b) During the period July 1, 1956, to June 30, 1972, inclusive	10
(c) On or after July 1, 1972	5

(ii) Other automobile chassis and bodies sold—

	Percent
(a) During the period September 1, 1955, to June 30, 1960, inclusive	10
(b) On or after July 1, 1960	7

(2) The tax is computed by applying to the price for which the article is sold the rate in effect at the time of the sale. For definition of the term "price", see section 4216 as applicable to sales made prior to January 1, 1959. For provisions relating to credit against the tax under section 4061(a) with respect to tires, inner tubes, and automobile radio and television receivers sold on or in connection with, or with the sale of, articles specified in section 4061(a), see section 6416(c) as applicable to sales made prior to January 1, 1959.

(c) *Liability for tax.* The tax imposed by section 4061 (a) is payable by the manufacturer, producer, or importer making the sale.

(d) *Nonhighway vehicles.* A chassis or body specified in section 4061 (a) (see paragraph (a) of this section) which is not designed for highway use is not subject to the tax imposed by such section. The following are examples of vehicles which are not designed for highway use, and, therefore, not taxable: Road graders, bulldozers, power shovels, earth movers, farm tractors, motor-driven vehicles designed and adapted for use in pulling or drawing vehicles around the premises of factories and railway stations, and small trucks for handling baggage and trunks at railway stations.

(e) *Trailers.* (1) A trailer or semitrailer chassis or body primarily designed for highway use in combination with a taxable truck, bus, or tractor is subject to the tax imposed by section 4061 (a) (1). Trailers and semitrailers which are suitable for use in combination with passenger automobiles, but which are not house trailers, are subject to the tax imposed by section 4061 (a) (2). A trailer designed for use in combination with a passenger automobile which is to be used for purposes other than living or sleeping, commonly referred to as a "utility trailer", is an example of a trailer taxable under section 4061 (a) (2). The tax attaches even though the trailer or semitrailer may have equipment to perform functions other than in connection with the transportation of property or persons. However, no tax under section 4061 (a) attaches to that part of the selling price of the complete unit which is reasonably attributable to such equipment provided that such part of the selling price is billed separately on the invoice to the customer or can be otherwise established by adequate records.

(2) Examples of trailers and semitrailers subject to the tax imposed by section 4061 (a) (1) are:

(i) General purpose pole trailers, combination pole and cable reel trailers, transformer trailers, machinery trailers, tilt-top implement trailers, reel dollies, pole dollies, and highway logging dollies.

(ii) Low-bed trailers or semitrailers designed for transporting heavy equipment over the highways.

(3) A farm wagon primarily designed for use on farms, although it may be used on the highway, illustrates a type of vehicle which is not a trailer within the meaning of section 4061 (a).

§ 40.4061(a)–2 Definitions.

For purposes of the regulations in this subpart, unless otherwise expressly indicated:

(a) *Automobile truck.* The term "automobile truck" includes automobile buses, and truck and bus trailers and semitrailers.

(b) *Other automobile.* The term "other automobile" means all automobiles other than automobile trucks, and includes trailers and semitrailers suitable for use in connection with passenger automobiles, but does not include house trailers.

(c) *Tractor.* The term "tractor" means any tractor chiefly used for highway transportation in combination with a trailer or semitrailer.

(d) *Cross references.* For other definitions, see §§ 40.0–2 and 40.7701.

§ 40.4061(a)–3 Parts or accessories sold on or in connection with chassis, bodies, etc.

The tax attaches in respect of parts or accessories for articles specified in section 4061(a) sold on or in connection therewith or with the sale thereof at the rate applicable to the sale of the basic article. The tax attaches whether or not the parts or accessories are billed separately. Moreover, if taxable chassis, bodies, or tractors are sold by the manufacturer without parts or accessories which are considered equipment for such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made on or in connection with the sale of the basic article even though they are shipped separately at the same time or at a later date. For example, if a manufacturer sells to any person a chassis and the bumpers for such chassis, or sells a taxable tractor and the fifth wheel and attachments, the tax applies to such parts or accessories at the same rate as on the chassis or tractor regardless of the method of billing or the time at which the shipments were made. For the tax applicable to parts or accessories which are not sold on or in connection with the sale of a taxable chassis, body, or tractor, see § 40.4061 (b)–1.

§ 40.4061(a)–4 Sale of automobile bodies and chassis.

(a) *Sale of complete vehicle.* An automobile truck or other automobile for purposes of the tax consists of two parts, namely, a body and a chassis. The tax applies to the sale by the manufacturer of each. Thus, if the purchaser of a taxpaid chassis attaches to it a body manufactured by him and sells the completed vehicle, he is liable for a tax based on the sale price of the body only. However, the tax attaches to the selling price of the unit unless adequate records are available to show the portion of the total selling price attributable to the body.

(b) *Nontaxable equipment on a chassis.* Special equipment mounted on a taxable chassis which equipment is not primarily designed or adapted as a body for a chassis is not subject to the tax.

(c) *Bodies and chassis which are subject to different tax rates.* If different rates of tax apply to the body and the chassis and the completed vehicle is sold as a unit, the tax is computed at the appropriate rate on the portion of the selling price applicable to each. Thus, if the manufacturer of a truck body installs it on a passenger automobile chassis manufactured by him, the sale of the body and chassis must be recorded and billed separately and the tax is based on the separate sale price of the body and chassis at the rate applicable to each. The respective selling prices of the body and chassis must include all parts and accessories made a part thereof, or attached thereto, or sold in connection therewith. When doubt exists as to whether a part or accessor should be included in the sale price of the body or of the chassis, the rate of tax will be determined according to whether it is customary to sell such part or accessory with bodies or with chassis when bodies or chassis are sold separately.

§ 40.4061(b) Statutory provisions; imposition of tax; parts and accessories.

SEC. 4061. *Imposition of tax.* • • •

(b) *Parts and accessories.* There is hereby imposed upon parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in subsection (a) sold by the manufacturer, producer, or importer a tax equivalent to 8 percent of the price for which so sold, except that on and after July 1, 1960, the rate shall be 5 percent.

[Sec. 4061 (b) as amended by sec. 3 (a) (2), Tax Rate Extension Act 1955 (69 Stat. 15); sec. 3 (a) (2), Tax Rate Extension Act 1956 (70 Stat. 66); sec. 3 (a) (1), Tax Rate Extension Act 1957 (71 Stat. 9); sec. 3 (a) (1), Tax Rate Extension Act 1958 (72 Stat. 259); sec. 3(a) (1), Tax Rate Extension Act 1959 (73 Stat. 157)]

§ 40.4061(b)–1 Imposition of tax.

(a) *In general.* Section 4061(b) imposes a tax upon parts or accessories (other than tires and inner tubes and other than automobile radio and television receiving sets) for any of the articles enumerated in section 4061 (a) (see paragraph (a) of § 40.4061 (a)–1) sold by the manufacturer, producer, or importer thereof.

(b) *Rates of tax.* Tax is imposed upon parts or accessories for any of the articles enumerated in section 4061 (a) at the rates specified below:

	Percent
(1) Parts or accessories sold during the period September 1, 1955, to June 30, 1960, inclusive	8
(2) Parts or accessories sold on or after July 1, 1960	5

The tax is computed by applying to the price for which the part or accessory is sold the rate in effect at the time of the sale. For definition of the term "price", see section 4216 as applicable to sales made prior to January 1, 1959.

(c) *Liability for tax.* The tax imposed by section 4061 (b) is payable by the manufacturer, producer, or importer making the sale.

§ 40.4061(b)–2 Definition of parts or accessories.

(a) *In general.* The term "parts or accessories" includes (1) any article, the primary use of which is to improve, repair, replace, or serve as a component part of an automobile truck or bus chassis or body, or other automobile chassis or body, or taxable tractor, (2) any article designed to be attached to or used in connection with such chassis, body, or tractor to add to its utility or ornamentation, and (3) any article, the primary use of which is in connection with such chassis, body, or tractor, whether or not essential to its operation or use. However, the term does not include tires, inner tubes, or automobile radio or television receiving sets, since these articles are expressly excluded by section 4061 (b) from the tax. The term "parts or accessories" does include tire valves designed for use on tires or tubes for articles taxable under section 4061 (a). The term "parts or accessories" includes all articles which have reached such a stage of manufacture as to be commonly known as parts or accessories whether or not fitting operations are required in connection with their installation.

(b) *Articles of a general use.* The term "parts or accessories" does not include articles which are not used primarily in the manufacture of automobile trucks, other automobiles, or tractors, but have a general use in the manufacture of various articles. For example, commodities such as ball and roller bearings, bolts, nuts, washers, screws, nails, tacks, rivets, pins, studs, cotters, pipe fittings such as plugs, tees, elis, and elbows, drain cocks, grease cups, oilers, and similar articles are not of themselves parts or accessories. On the other hand, parts for automobile parts or accessories are in themselves taxable unless they are articles of a type not specifically designed for use primarily in the automobile field. For example, the tax applies to the sale of gears, flexible shafts, and flexible housings designed as replacement parts for automotive speedometers, as well as replacement parts for automobile engines, transmissions, differentials, steering mechanisms, timers, windshield wiper motors, and other automobile parts or accessories.

(c) *Materials of a general use.* The term "parts or accessories" also does not include materials such as glass, cloth, leather, matting, linoleum, and materials sold in rolls or by the foot, such as brake lining, tape, binding, wire, cable, metal and rubber tubing, packing, conduit, and similar material. When any such material is cut or otherwise transformed by any person into an automobile part or accessory, tax attaches at the time such part or accessory is sold by such person. However, the tax does not attach with respect to a part or accessory which is cut or transformed from such material pursuant to a customer's order in connection with an immediate repair job and installed by the person who cut such material inasmuch as the transaction is one involving principally labor and material, rather than the sale of a part or accessory.

(d) *Examples of articles taxable as parts or accessories.* Examples of articles which are taxable as parts or accessories are: Automobile air conditioners, baby seats for automobiles, automobile beds, automobile hammocks, automobile clutches, bottle warmers and heating pads designed to operate from an automobile cigarette lighter, automobile radio antennae, automobile license plate frames, automobile clocks, automobile mirrors and mirror brackets, purses for carrying parking meter coins or cases for carrying registration cards when designed for attachment to an automobile; safes primarily designed for use in taxable motor vehicles; electric bulbs primarily designed and adapted for use on automobiles, automobile floor mats, jacks of the mechanical or hydraulic bumper, screw, ratchet, scissors, or other type primarily designed to be carried as accessories in automobiles as distinguished from jacks designed especially for use in garages and repair shops; dollies of the type commonly known as converter dollies which are used as connecters to convert semitrailers to full trailers; tool kits recommended for use with automobiles, automobile seat covers of any construction whether they are ready-made or custom fitted, and fitted truck top covers.

(e) *Cross references.* For provisions relating to the tax imposed upon:

(1) Tires and inner tubes, see section 4071 and the regulations thereunder contained in Subpart H of this part;

(2) Automobile radio and television receiving sets, see section 4141 and the regulations thereunder contained in Subpart J of this part; and

(3) Fare registers and fare boxes for use on buses and automobiles, see section 4191.

§ 40.4061(b)–3 Rebuilt, reconditioned, or repaired parts or accessories.

(a) *Rebuilt parts or accessories.* Rebuilding of automobile parts or accessories, as distinguished from reconditioning or repairing, constitutes manufacturing, and the rebuilder of such parts or accessories is liable for the tax imposed by section 4061 (b) with respect to his sales of such rebuilt parts or accessories. Reboring or other machining, rewinding and comparable major operations constitute rebuilding. The person owning the part or accessory being rebuilt is the manufacturer of the article and is liable for the tax on his sale of the rebuilt part or accessory. The tax attaches whether the machining or other operation is performed by the rebuilder himself or by some other person in his behalf. For example, the tax attaches with respect to sales of (1) rebuilt batteries, (2) rebabbitted or machined connecting rods, (3) reassembled clutches after operations such as the resurfacing of clutch plates, (4) rewound armatures, (5) reassembled generators with armatures rewound by or for the person reassembling the generator, (6) reground or remetalized crankshafts, and (7) engines in which blocks are machined (such as cylinders rebored or new sleeves inserted with or without cylinders being rebored) or new blocks installed. For provisions relating to the sale price of rebuilt parts or accessories, see § 40.4062 (b)–1.

(b) *Reconditioned parts or accessories.* The mere disassembling, cleaning, and reassembling (with any necessary replacements of worn parts) of automobile parts or accessories, such as fuel pumps, water pumps, carburetors, distributors, shock absorbers, windshield-wiper motors, brake shoes, clutch disks, voltage regulators, and other parts or accessories, are regarded as reconditioning operations rather than the manufacturing or production of rebuilt parts or accessories. The sale of reconditioned parts or accessories is not subject to tax. Any new taxable parts or accessories produced, or purchased tax free for use in further manufacture, and used as replacements in reconditioning such units are subject to tax when used by the reconditioner.

(c) *Repaired parts or accessories.* The tax does not apply to the amount paid for the repair of automobile parts or accessories for the owner thereof. Repairing consists of the restoration, whether by rebuilding or reconditioning, of an owner's part or accessory to usable condition for his own use, rather than for sale. The person who performs the repairing must retain in his possession evidence or documents from which the nontaxable nature of the operation can be ascertained. Any person engaged in

rebuilding parts or accessories for purposes of sale incurs liability for tax with respect to his own use of any part or accessory rebuilt by him for sale.

§ 40.4062(a) Statutory provisions; definitions; certain articles considered as parts.

SEC. 4062. *Definitions*—(a) *Certain articles considered as parts.* For the purposes of section 4061, spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 4061 (a), shall be considered parts or accessories for such articles, whether or not primarily adapted for such use.

§ 40.4062(a)–1 Specific parts or accessories.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, automobile trucks, other automobiles, tractors, or other vehicles enumerated in section 4061(a), are considered parts of, or accessories for, such articles whether or not primarily designed or adapted for such use.

§ 40.4062(b) Statutory provisions; definitions; sale price of rebuilt parts.

SEC. 4062. *Definitions.* • • •

(b) *Sale price of rebuilt parts.* In determining the sale price of a rebuilt automobile part or accessory there shall be excluded from the price, in accordance with regulations prescribed by the Secretary or his delegate, the value of a like part or accessory accepted in exchange.

§ 40.4062(b)–1 Rebuilt parts or accessories sold on an exchange basis.

The sale price of a rebuilt part or accessory on which the tax is to be computed shall not include the value of a like part or accessory accepted in exchange. The total amount charged in excess of the amount allowed for a like article accepted in an exchange will be the basis for tax. For example, if a rebuilt automobile engine is sold for $100, plus another automobile engine, the tax on the rebuilt engine will be computed on the basis of $100.

§ 40.4063 Statutory provisions; exemptions.

SEC. 4063. *Exemptions*—(a) *Specific articles exempt from tax on automobiles.* The tax imposed under section 4061 (a) (2) shall not apply in the case of house trailers or tractors.

(b) *Sales to manufacturers.* Under regulations prescribed by the Secretary or his delegate, the tax under section 4061 shall not apply in the case of sales of bodies by the manufacturer, producer, or importer to a manufacturer or producer of automobile trucks or other automobiles to be sold by such vendee. For the purposes of section 4061, such vendee shall be considered the manufacturer or producer of such bodies.

[Sec. 4063 as amended by sec. 1 (g), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690)]

§ 40.4063–1 Tax-free sales of bodies to manufacturers.

(a) *Nonapplication of tax.* The tax imposed by section 4061 shall not apply to bodies sold by the manufacturer thereof to a manufacturer (but not an importer) of automobile trucks or other automobiles to be sold by the purchaser. Thus, a manufacturer of automobile truck bodies or other automobile bodies is permitted to sell such bodies tax free to manufacturers of automobile truck chassis or other automobile chassis. However, there is no similar provision with respect to the sale of an automobile truck chassis or other automobile chassis to manufacturers of automobile truck bodies or other automobile bodies.

(b) *Exemption certificates required.* In order for a body to be sold tax free under section 4063 (b), the vendor must secure and retain in his possession a certificate of the purchaser establishing that the purchaser is a manufacturer of automobile trucks or other automobiles to be sold by him and that the bodies purchased by him tax free are to be used in the manufacture of automobile trucks or other automobiles to be sold by him. A chassis manufacturer who purchases a body tax free under a certificate, as provided in this paragraph, is required to pay tax on his sale of the completed vehicle as the manufacturer of both chassis and body.

(c) *Frequency of certificates.* Where only occasional sales are made by a manufacturer of automobile bodies to a manufacturer (but not an importer) of automobile trucks or other automobiles, a separate exemption certificate should be furnished for each order. However, where sales of automobile bodies are regularly or frequently made to a manufacturer of automobile trucks or other automobiles, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001 as applicable to sales made prior to January 1, 1959. If the records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax is payable on such sale.

§ 40.4063–2 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4061, see—

(a) Section 4220, relating to sales or resales to manufacturers for further manufacture;

(b) Section 4222, relating to sales for use as supplies for certain vessels and airplanes;

(c) Section 4224, relating to articles sold for the exclusive use of a State or local government; and

(d) Section 4225, relating to sales for export; as applicable to sales made prior to January 1, 1959.

[F.R. Doc. 59-6073; Filed, July 22, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1909]

[Arizona 017177]

ARIZONA

Withdrawing Lands for Reclamation Purposes, Marble Canyon Project, Arizona

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and subject to valid existing rights, so much of the following described public lands as lies west of the Navajo Indian Reservation is hereby withdrawn in the first form for use by the Bureau of Reclamation in connection with the Marble Canyon Project, Arizona:

GILA AND SALT RIVER MERIDIAN

T. 36 N., R. 5 E. (partly unsurveyed),
Sec. 2, E½;
Sec. 10, E½SE¼;
Sec. 11, NE¼, E½NW¼ and SW¼;
Sec. 15, NE¼, SE¼NW¼ and S½SW¼;
Sec. 21, SE¼NE¼ and E½SE¼;
Sec. 22, NW¼ and S½;
Sec. 27, All;
Sec. 28, E½NE¼.
T. 37 N., R. 5 E. (partly unsurveyed),
Sec. 25, SE¼NE¼, SE¼SW¼ and SE¼;
Sec. 35, SE¼SE¼;
Sec. 36, NE¼NW¼, S½NW¼ and SW¼.
T. 37 N., R. 6 E. (partly unsurveyed),
Sec. 4, W½;
Sec. 5, SE¼SE¼;
Sec. 9, W½ and SE¼;
Sec. 16, NW¼ and W½SW¼;
Sec. 17, E½NE¼, NE¼SE¼ and S½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, NE¼, SE¼NW¼ and SW¼;
Sec. 30, NE¼ and W½.
T. 38 N., R. 6 E. (partly unsurveyed),
Sec. 1, NE¼, S½NW¼ and SW¼;
Sec. 11, E½SE¼;
Sec. 12, W½;
Sec. 13, NW¼;
Sec. 14, NE¼NE¼, S½NE¼ and S½;
Sec. 15, NE¼SE¼ and S½SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, E½, E½NW¼, NE¼SW¼ and S½SW¼;
Sec. 27, W½NE¼, E½NW¼ and SW¼;
Sec. 33, NE¼, S½NW¼ and SW¼.
T. 39 N., R. 6 E. (partly unsurveyed),
Sec. 36, E½E½.
T. 39 N., R. 7 E. (partly unsurveyed),
Sec. 3, lots 3, 5, and 8;
Sec. 4, NE¼SE¼ and S½SE¼;
Sec. 9, E½;
Sec. 16, NE¼, SE¼NW¼ and SW¼;
Sec. 20, NE¼NE¼, S½NE¼ and SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, NW¼NE¼, NW¼ and NW¼SW¼;
Sec. 30, SE¼NE¼, NE¼SW¼, S½SW¼ and SE¼;
Sec. 31, W½W½.

The areas described contain approximately 10,040 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 17, 1959.

[F.R. Doc. 59-6054; Filed, July 22, 1959; 8:47 a.m.]

[Public Land Order 1910]

[Fairbanks 020729]

ALASKA

Withdrawing Lands for Use of Department of the Air Force for Military Purposes (Indian Mountain); Revoking Public Land Order No. 1748 of October 21, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Air Force for military purposes:

INDIAN MOUNTAIN AREA

TRACT A

A parcel of land in approximate latitude 66°04' N., longitude 153°41' W., approximately 195 miles northwest of Fairbanks, described as follows:

Beginning at a point from which Triangulation Station "Indian" bears N. 51°57' E., 9,804 feet, thence
North, 11,200 feet, approximately to a point on Latitude 66°05' N.;
East, 11,858 feet along Latitude 66°05' N.;
South, 11,950 feet, approximately;
N. 86°36'54" W., 11,902 feet to the point of beginning.

The tract described contains approximately 3,136 acres.

TRACT D

A parcel of land situated along Indian Creek and Utopia Creek, approximately 195 miles northwest of Fairbanks, described as follows:

Commencing at a point, monumented at Latitude 65°59'36.938" N., Longitude 153°41'-29.852" W., and designated "Strip No. 1"; thence N. 40°50'51" W., 1,102.60 feet to the point of beginning thence
N. 76°58'55" E., 1,040 feet, approximately to a point on the mean high water line on the right bank of Indian Creek;
Southeasterly, 170 feet, approximately along line of mean high water;
S. 17°11'20" W., 40 feet, approximately;
S. 72°48'40" E., 365.66 feet;
S. 10°19'53" E., 366.28 feet to a point on the north boundary of Claim No. 7 Below Discovery;
S. 51°20'43" W., 761.02 feet along said boundary;
S. 77°11'31" W., 3,665.31 feet;
S. 7°51'10" E., 94.54 feet;
S. 28°18'39" W., 225.71 feet;
S. 79°23'46" W., 570.49 feet;
N. 10°36'04" W., 1,464.94 feet;
N. 79°25'27" E., 3,683.65 feet to the point of beginning.

The tract described contains 130.25 acres.

2. Public Land Order No. 1748 of October 21, 1958, which reserved the following-described public lands for use of the Department of the Air Force for military purposes, is hereby revoked:

INDIAN MOUNTAIN SITE

Beginning at a point from which U.S.C. & G.S. Triangulation Station "Indian" bears N. 51°57' E., 9,804 feet, thence
North, 17,838 feet;
East, 11,858 feet;
South, 18,540 feet;
N. 86°36'54" W., 11902 feet to the point of beginning.

The tract described contains 4,951.45 acres.

3. The lands released by this order are all the lands described in paragraph 2 except those described in paragraph 1.

4. The State of Alaska has waived the preference rights of application under section 6(g) of the act of July 7, 1958 (72 Stat. 339), and under section 202b of the act of July 28, 1956 (70 Stat. 709, 711; 48 U.S.C. 46–3b).

5. At 10:00 a.m. on August 22, 1959, the released lands shall, subject to valid existing rights and to the provisions of existing withdrawals be open to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, and to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461) only, and to those forms of appropriation only by qualified veterans of World War II and the Korean Conflict for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a.m. on November 21, 1959, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

The released lands shall be open to location under the United States mining laws, and to applications and offers under the mineral leasing laws at 10:00 a.m. on November 21, 1959.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 17, 1959.

[F.R. Doc. 59-6055; Filed, July 22, 1959; 8:47 a.m.]

[Public Land Order 1911]

[Montana 032160]

MONTANA

Partially Revoking Departmental Order of September 2, 1955 (Missouri River Basin Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of September 2, 1955, which withdrew lands in Montana for reclamation purposes in the first form in connection with the Missouri River Basin Project, is hereby revoked so far as it affects the following-described land:

PRINCIPAL MERIDIAN

T. 31 N., R. 14 E.,
Sec. 9, lot 4.

The area described contains 10.45 acres.

2. The State of Montana has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The land is located in Hill County approximately three miles northeast of Laredo, Montana and one-half mile from a country road. It is gently rolling and supports a vegetative cover of native grasses.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 22, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 21, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 21, 1959.

6. Persons claiming veterans' preference rights must enclose with their ap-

plications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 17, 1959.

[F.R. Doc. 59-6056; Filed, July 22, 1959; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 35—PHILATELY

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

I. Section 4.1 *Inquiries* is amended to read as follows:

§ 4.1 Inquiries.

Inquiries in regard to mail should be made to your postmaster

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, 2, 2½, 3, 4, 4½ through 10 cents; 12, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	24 4-cent: 97 cents.
	Coil of 100	4 cents. (Dispenser to hold coils of 100 4-cent stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000	1, 2, 3, 4, and 4½ cents.
Commemorative stamps	Single or sheet	Various denominations as announced.
Airmail postage (for use on airmail only). (See § 31.1(b) of this chapter.)	do	5, 7, 10, 15, and 25 cents.
	Book	12 7-cent: 85 cents.
	Coils of 500 and 3,000	7 cents.
Precanceled postage	Coils and sheets	Available on special order to permit holders only. (See part 32 of this chapter.)
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5. (Available to public for stamp collections only through the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.
Special delivery. (See part 56 of this chapter.)	do	30 cents. Good only for special-delivery fee.

NOTE. The corresponding Postal Manual section is 141.41.

(R.S. 161, as amended, 396, as amended, 3914, 3915, as amended, 3916, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 351, 354, 356)

§ 31.2 [Amendment]

IV. In § 31.2 *Plain envelopes, postal cards, and air letter*, the second column headed "Size" in the table of paragraph (a)(1), as amended by Federal Register document 59-361, 24 F.R. 365, is further amended to read "Size and Number."

NOTE. The corresponding Postal Manual section is 141.211.

(R.S. 161, as amended, 396, as amended, 3914, 3915, as amended, 3916, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 351, 354, 356)

NOTE. The corresponding Postal Manual section is 114.1.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

§ 4.2 [Amendment]

II. In § 4.2 *General postal publication*, as amended by Federal Register document 59-30, 24 F.R. 55, make the following changes:

A. In paragraph (f) strike out "($1.00 a copy)" and insert in lieu thereof "(75 cents a copy)".

B. In paragraph (g) strike out "Distribution: one copy to each first-class office)" and insert in lieu thereof "(No distribution made to post offices)".

C. Paragraph (i) is amended to read as follows:

(i) "Postage Stamps of the United States, 1847–1957", lists all issues of stamps from the first adhesive stamp, issued in 1847, through the Flushing Remonstrance Commemorative Stamp, issued December 27, 1957. It contains an illustration of each stamp and gives detailed information on each stamp as well as miscellaneous historical information on stamps. ($1 a copy.) (Supplement 1, including stamps issued to December 31, 1958, 15 cents a copy.) (No general distribution made to post offices.)

NOTE: The corresponding Postal Manual section is 114.2.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

§ 31.1 [Amendment]

III. In § 31.1 *Postage Stamps (adhesive)*, paragraph (a) is amended to read as follows:

(a) *Adhesive stamps available.*

Part 35 Philately, is amended to read as follows:

Sec.
35.1 Commemorative stamps.
35.2 The philatelic sales agency.
35.3 New stamp issue.
35.4 Cancellations for philatelic purposes.
35.5 Inaugural covers.
35.6 Stamp exhibits.
35.7 Stamp booklet.

AUTHORITY: §§ 35.1 to 35.7 issued under R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369.

§ 35.1 Commemorative stamps.

(a) *Description.* Commemorative stamps are postage stamps issued in limited quantities to focus attention on historical places, events, or personages. Widespread use of these stamps by the American public is encouraged by the Department in order that our ideals, progress, andheritage, as reflected in our stamps, are carried throughout the world. They do not displace regular stamps of like denomination, but are provided on request, if available.

(b) *Commemorative stamp supplies.* Postmasters shall carefully evaluate the demand for new stamp issues and shall forward a separate requisition for adequate stocks in accordance with notices which appear in the Postal Bulletin, so that stock will be available at all post offices on the day following official first-day sale. Regional distributing offices shall make certain stamps are supplied to post offices in time to permit sales the day after the official first-day sale.

(c) *Sale of commemorative stamps.* Commemorative stamps will be sold to meet the public demand until supply is exhausted, as follows:

(1) *Philatelic window service.* In post offices where full or part-time philatelic window service is provided, the sale of plate numbers and marginal markings shall be restricted according to the instructions outlined by the Philatelic Sales Agency. When notice is published in Postal Bulletin of removal of a stamp from sale in the Philatelic Sales Agency, the item will be immediately withdrawn from the philatelic window of post offices and the stock sold for regular postage purposes.

(2) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Stamp clerks must not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(3) *Outside sales of commemorative stamps.* Postmasters shall not accept mail orders for postage stamps from patrons outside the limits of the area served by their post office, and any such requests shall be returned to the sender calling attention to the services provided by the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

§ 35.2 The philatelic sales agency.

(a) *Establishment and purpose.* The Philatelic Sales Agency was established on November 25, 1921, to make available to stamp collectors United States postage stamps of selected quality. Stamps sold by the Agency are the best available, having been selected for good centering, and freedom from tears and other flaws.

(b) *Stamps available.* In addition to stamps of the ordinary series, the Agency has for sale commemorative, airmail, special delivery, special handling, postage-due, and migratory-bird hunting stamps. To get a list of items available for sale, send a self-addressed stamped envelope with your request to the Philatelic Sales Agency, Post Office Department, Washington 25, D.C. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value plus postage and handling charges listed below, for mail orders where domestic rates apply:

1–49 stamps	$0.05
50–400 stamps	.10
401–1,000 stamps	.20
1,001–3,000 stamps	.40
3,001–5,000 stamps	.70
5,001–10,000 stamps	1.20
10,001–35,000 stamps	3.00
Over 35,000 stamps	5.00

A flat charge of 50 cents will be made on each order for registration, regardless of value, where this protection is desired. All mail orders will be returned by official permit mail, and postage stamps will not be affixed to covering envelopes. Address your order to Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

(d) *Remittance.* Remittance should be by money order, cashier's check, or certified check payable to Philatelic Sales Agency. Postage stamps, and foreign or mutilated money are not acceptable. If you send cash, it is suggested that you register your letter.

§ 35.3 New stamp issues.

(a) *Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading First Day of Issue, and a pictorial cancellation adding an interpretation of the meaning of the stamp, as illustrated below. If you want first-day cancellations of a new stamp, send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of stamps. (See § 35.1(d) of this chapter.)

(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of postal card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, First-Day Covers. Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Sales Agency does not service first-day covers.

§ 35.4 Cancellations for philatelic purposes.

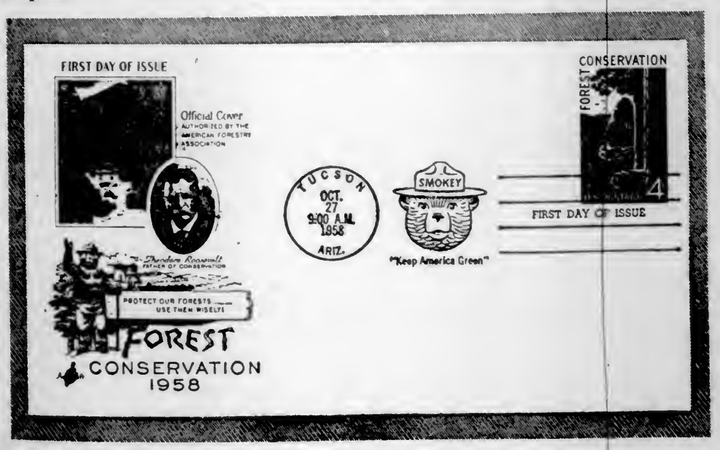
(a) *How stamps are canceled.* Postmasters will cooperate with stamp collectors by furnishing clean and legible postmarks, and they will give special attention to mail bearing an endorsement that it is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue but this should be accomplished without excessive defacement, and with a minimum number of impressions.

(b) *Plain cards or slips of paper.* Postmarks will not be placed on plain slips of paper or plain cards (including those bearing postage stamps representing less than a lawful rate of postage) submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp stuck on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in cancelling.

§ 35.5 Inaugural covers.

(a) *Cachets authorized.* Official cachets are usually authorized when airmail service is inaugurated on a new airmail route, segment of a new route, or at a new stop point on an existing route, and when new highway post office routes are established. Notice of the new service is published in the Postal Bulletin as far in advance by the inaugural date as practicable.



(b) *How to get inaugural cachets.* Send covers to receive inaugural cachets to the postmaster at the office where service is to be inaugurated. Include a letter requesting the postmaster to hold the covers for the inaugural service and to apply the cachet. After cachets have been applied, all covers will be transported to a designated post office for backstamping and then forwarded to their destinations.

(c) *How to prepare inaugural covers.* (1) Covers should bear postage at the airmail rate for first-flight cachets or at the first-class rate for highway post office service cachets.

(2) Put an enclosure of medium weight in each envelope to obtain a better impression.

(3) Leave 1½ inches of clear space to the left of the innermost postage stamp or 4 inches to the left of the right edge of the cover, whichever is greater, for application of the postmark impression. Also allow a clear space of 2½ by 2½ inches to the left of the address and postmark area for application of the cachet. Cachets will not be applied if their application would overlap the postmark, nor will they be applied to the reverse side of the cover.

(4) *Restrictions.* Double postal cards and double post cards intended for return reply purposes are not acceptable for inaugural covers. No provision is made for point-to-point covers.

§ 35.6 Stamp exhibits.

(a) *Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Special Assistant to the Postmaster General, Post Office Department, Washington 25, D. C.

(b) *Philatelic exhibit.* The Office of the Special Assistant to the Postmaster General maintains a comprehensive exhibit of United States postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.7 Stamp booklet.

The Post Office Department publishes a booklet entitled Postage Stamps of the United States, containing reproductions and information of interest to collectors on all United States stamps issued from 1847 to the latest revision date. The booklet, which is revised from time to time, and an annual supplement may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

NOTE: The corresponding Postal Manual Part is 145.

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59–5996; Filed, July 22, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 109—COOK INLET AREA

Closed Waters

Basis and purpose. The important red salmon run into Fish Creek, tributary to Knik Arm in upper Cook Inlet, is being severely decimated by unduly heavy sport fishing pressure within the stream. Because of the present ready accessibility of Fish Creek to the city of Anchorage, complete closure is required to prevent annihilation of the run.

Therefore, § 109.92 is amended by adding a new paragraph designated (c) to read as follows:

(c) Fish Creek.

Since immediate action is necessary if this closure is to accomplish its intended purpose, notice and public procedure on this amendment are impracticable and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.),

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 21, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6096; Filed, July 21, 1959; 4:16 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1028]

[Docket No. AO–314]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Illinois Hotel, 207 West Jefferson Street, Bloomington, Illinois, beginning at 10:00 a.m., on August 11, 1959, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Central Illinois marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Pure Milk Association, Chicago, Illinois:

Proposal No. 1 (Proposed Marketing Agreement and Order).

DEFINITIONS

§ 1028.1 Meaning of terms.

(a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department" means the United States Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this part.

(d) "Person" means any individual, partnership, corporation, association, or other business unit.

(e) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines: (1) to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(f) "Central Illinois marketing area" hereinafter called the "marketing area" means all of the territory within the boundaries of the following counties in the State of Illinois: McLean, Tazewell, Peoria, DeWitt, Piatt, Macon, Moultrie, Marshall, Scott, Fulton, Shelby, Morgan, Cass, Coles, Knox, Menard, Logan, Mason, Champaign, Woodford, Vermilion, Stark, Iroquois, Ford, Livingston, Pike, Effingham, Douglas, Cumberland, Edgar, Clark, Kankakee, Grundy, LaSalle, Putnam, Bureau, Warren, McDonough, Schuyler and Brown, and including all territory wholly or partially within such boundaries which is occupied by Government (Municipal, State or Federal) installations, institutions or other establishments.

(g) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor from a plant store, or to a vending machine) of any item of Class I milk pursuant to § 1028.41 other than to a plant.

(h) "Plant" means the entire land, building, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This definition shall not include any building, premises, facilities or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on routes.

(i) "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

(j) Subject to § 1028.61, "Pool plant" means: (1) Plant, other than the plant of a producer handler, in which milk is processed and packaged and from which not less than 25 percent of its total disposition of Class I milk during the month is made within the marketing area on a route(s): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area is not less than 50 percent of such plant's total receipt of milk eligible for sale in fluid form as Grade A milk within the marketing area; or (2) any plant or reload point from which during each of the months August through January 50 percent or more, and for the months of February through July 25 percent or more, of its total receipts for such month from farms of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to subparagraph (1) of this paragraph.

(k) "Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant.

(l) "Dairy farmer" means any person with respect to milk of his own production delivered to a plant.

(m) "Producer" means any person, except any person as defined in paragraph (o) of this section and any dairy farmer who is a producer under another Federal order, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which milk is delivered to a pool plant or diverted by a cooperative association for the account of the association to a nonpool plant. *Provided*, That any such milk so diverted shall be deemed to have been received by the cooperative association at the location of the plant from which it was diverted.

(n) "Handler" means (1) any person who during the month operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area on a route(s), or (2) a cooperative association which diverts milk of its members from a pool plant to a nonpool plant.

(o) "Producer handler" means any person who processes milk from his own farm production, distributing all or a portion of such milk within the marketing area as Class I milk but who receives no other source milk or milk from other producers.

(p) "Producer milk" means only that skim milk and butterfat contained in milk which during the month was (1) received at a pool plant directly from producers, or (2) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in paragraph (m) of this section.

(q) "Other source milk" means all skim milk and butterfat contained in (1) receipts during the month in the form of products designated as Class I milk except producer milk and fluid milk products received from other pool plants, and (2) products designated as Class II milk from any source, except pool plants, which are repackaged, reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

§ 1028.10 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1028.11 Powers.

The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1028.12 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received for expense of administration, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred for marketing services, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports or payments as required under the order.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, report, on or before the 15th day after the end of each month, to each cooperative association:

(1) The percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in such class, and

(2) The percentage relationship which the total pounds of producer milk bears to the total pounds of milk classified in Class I, exclusive of skim milk or butterfat disposed of to another handler or to a nonpool plant, during each month for each handler to whom any producer milk was caused to be delivered by the cooperative association or by its members during each month.

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat from such handler depends;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order; and

(k) Publicly announce, by posting in his office and by other means he deems appropriate, on or before;

(1) The 5th day of each month, (i) the minimum price for Class I milk and Class I butterfat differential, both for the current month, and (ii) the minimum price for Class II milk and the Class II butterfat differential, both for the preceding month;

(2) The 11th day after the end of each month, the uniform price and the producer butterfat differential.

REPORTS, RECORDS AND FACILITIES

§ 1028.20 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his pool plants of (1) producer milk, including a handler's own farm production, (2) skim milk or butterfat in any form from pool plants, and (3) other source milk;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of disposition of Class I milk outside the marketing area;

(c) Inventories of products in fluid form on hand at the beginning and end of the month;

(d) The name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received;

(e) Name and address of each producer who discontinued deliveries of milk, and the date on which milk was last received from such producer; and

(f) Except as provided in paragraph (a) of this section, each handler who operates a nonpool plant shall report to the market administrator his total receipts of milk, his utilization of milk and milk products, including as a separate figure the quantity disposed of within the marketing area on routes, and such other information as the market administrator may prescribe.

§ 1028.21 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of each month for each producer from whom milk was received (i) his name and address, (ii) the total pounds and butterfat content of milk received from such producer during the month, and (iii) the net amount of such handler's payment to the producer together with the price paid and the amount and nature of any deductions authorized in writing by such producer, or a cooperative association if the cooperative association is receiving payment for its producer members;

(2) On or before the 10th day after the request of the market administrator, each handler shall submit a schedule of transportation rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Any changes made in this schedule of transportation rates which are charged and paid for the

transportation of milk from the farm of each producer to such handler's plant Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days;

(3) Such other information with respect to his sources and utilization of butterfat and milk as the market administrator may prescribe.

§ 1028.22 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records, including financial records, and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) Payments to producers, including the amount and nature of deductions authorized by producers or a cooperative association and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream or other milk products on hand at the beginning and end of the month.

§ 1028.23 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1028.30 Basis of classification.

All skim milk and butterfat at a pool plant, which is required to be reported pursuant to § 1028.20 shall be classified each month by the market administrator pursuant to the provisions of § 1028.31 through 1028.36.

§ 1028.31 Classes of utilization.

The classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (fresh, frozen or sour), buttermilk, milk drinks (plain or flavored) and any mixture in fluid form of skim milk and cream; and (2) all skim milk and butterfat not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce a product other than those specified as Class I milk, (2) in inventory variation of milk, skim milk, cream or any Class I product, and (3) actual shrinkage but not to exceed 2 percent of receipts of producer milk and other source milk.

§ 1028.32 Shrinkage.

The market administrator shall compute and assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler, and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively computed pursuant to paragraph (a) of this section between the pounds of producer milk and other source milk.

§ 1028.33 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 1028.34 Transfers.

Skim milk and butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of Class I products to a pool plant of another handler unless utilization in another class is agreed upon.

(b) As Class I milk if transferred in the form of Class I products to a producer-handler.

(c) As Class I milk if transferred in the form of products designated as Class I milk to a nonpool plant located more than 50 miles outside the marketing area.

(d) As Class I milk if transferred in the form of products designated as Class I milk to a nonpool plant located in, or not more than 50 miles outside the marketing area, unless the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification, in which case the total receipts at the nonpool plant shall be classified in accordance with the provisions of this order and the skim milk or butterfat assigned to Class I milk by the transferor-handler shall not be less than the quantities of Class I milk determined by prorating the transferred milk in accordance with the classification of total receipts at the nonpool plant.

(e) As Class I milk if transferred in packaged form to any nonpool handler.

§ 1028.35 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in any product, other than half and half (12–14 percent butterfat) (milk and cream mixture), shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids, except that water removed from half and half shall be considered Class II.

§ 1028.36 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month, with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk determined pursuant to §.1028.31(b)(3).

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the Act: *Provided,* That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(3) Subtract pro rata from the pounds of skim milk remaining in Class I and Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the Act.

(4) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of producer milk.

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1028.40 Basic formula price.

The basic formula price for each month to be used in determining the class prices shall be the higher of the price computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic, or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Borden Company, Mount Pleasant, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Sparta, Mich.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Cooperville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by United States Department during the month: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month, by the United States Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents, and adjust to the nearest full cent.

§ 1028.41 Class prices.

Subject to the provisions of § 1028.42 the minimum class prices per hundredweight to be paid by each handler for milk received at his pool plant from producers or from the pool plant of a cooperative association during the month shall be as follows:

(a) For that portion utilized as Class I milk:

(1) Except as provided in subparagraphs (2) and (3) of this section, the basic formula price for the preceding month plus $0.90 for the months of March, April, May and June; $1.10 for the months of July, December, January and February; and $1.30 during the months of August, September, October, and November.

(2) For plants located in the Illinois counties of Knox, Warren, Peoria, Woodford, Tazewell, McLean, Ford, Champaign, Vermilion, Fulton, Mason and DeWitt, the price computed in subparagraph (1) of this section shall be increased 6 cents.

(3) For plants located in the Illinois counties of Edgar, Douglas, Piatt, Moultrie, Macon, Logan, Menard, Cass, Schuyler, McDonough, Brown, Morgan, Scott, Pike, Shelby, Effingham, Coles, Cumberland, and Clark, the price computed in subparagraph (1) of this section shall be increased 12 cents.

(b) For that portion utilized as Class II milk: (1) For all plants, basic formula price computed for the month pursuant to § 1028.40.

§ 1028.42 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) For Class I milk, multiply by 0.125 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the preceding month, and round to the nearest one-tenth cent.

(b) For Class II milk, multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month, and round to the nearest one-tenth cent.

§ 1028.43 Computation of prices of skim milk and butterfat.

The prices per hundredweight of skim milk and butterfat to be paid by each handler for producer milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 1028.40 and 1028.41) less the result of multiplying the applicable class butterfat differential for the month (§ 1028.42) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

§ 1028.44 Use of equivalent prices.

If for any reason a price specified by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

§ 1028.45 Rates of compensatory payment on unpriced milk.

The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of February through July, from the Class I milk price, adjusted by the Class I butterfat differential, subtract the Class II milk price, adjusted by the Class II butterfat differential.

(b) For the months of August through January, from the Class I milk price, adjusted by the Class I butterfat differential, subtract the uniform price to producers, adjusted by the producer butterfat differential.

§ 1028.46 Location differential credit to handlers on Class I milk.

In computing the value of each handler's milk pursuant to § 1028.60, the following location differentials shall be credited with respect to each hundredweight of producer milk received at a reload point or pool plant described in § 1028.1(j)(2) and classified as Class I milk; 15 cents for distances not more than 10 miles outside the marketing area, and an additional 1.6 cents for each 10 miles (or major fraction thereof) beyond 10 miles outside the marketing area, distances to be determined by the market administrator by the shortest hard-surfaced highway.

APPLICATION OF PROVISIONS

§ 1028.50 Producer-handler.

Sections 1028.30 through 1028.36, 1028.50 through 1028.54, 1028.61, 1028.62, 1028.70 through 1028.79, 1028.80 through 1028.89, shall not apply to a producer-handler.

§ 1028.51 Plants subject to other Federal orders.

In the case of any plant which the Secretary determines disposes of a greater portion of its milk as Class I milk on retail or wholesale routes (including plant stores) in another marketing area regulated by another order or marketing agreement issued pursuant to the act than is disposed of as Class I milk on retail or wholesale routes (including plant stores) in the Central Illinois marketing area, the provisions of this order shall not apply, except as follows: The operator of such plants shall with respect to the total receipts and utilization of skim milk and butterfat, at the plant make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

§ 1028.52 Handlers operating nonpool plants.

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk dis-

posed of in the form of products designated as Class I milk from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 1028.45: *Provided,* That any non-handler who upon audit can demonstrate to the market administrator that he paid producers a price equivalent to that which would have been paid if he had been subject to the terms of the order shall not be required to make compensatory payments.

DETERMINATION OF PRICES TO PRODUCERS

§ 1028.60 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class by the applicable class price, and add together the resulting amounts;

(b) Add an amount computed as follows: Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1028.36(a)(2) by the rate of compensatory payment as determined pursuant to § 1028.45; and

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price.

§ 1028.61 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1028.60 for the producer milk of all handlers who submit reports prescribed in § 1028.20 and who have made payments for the preceding month pursuant to § 1028.73;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 3.5 percent by the butterfat differential computed pursuant to § 1028.71(a) and multiply the result by the total hundredweight of such milk;

(c)(1) Deduct the amount of the plus differentials applicable pursuant to § 1028.63 (a) and (b) and

(2) Add the amount equal to the total value of the location differential computed pursuant to § 1028.71(b)

(d) Add an amount equivalent to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1028.62 Notification of handlers.

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his known address, a statement showing:

(a) The amount of his producer milk allocated to each class;

(b) The calculation of the amount and value of his producer milk in each class and the totals thereof;

(c) The uniform price computed pursuant to § 1028.61 and the producer butterfat differential computed pursuant to § 1028.71(a); and

(d) The amounts to be paid by such handler pursuant to §§ 1028.73, 1028.77 and 1028.78.

§ 1028.63 Producer location adjustments.

(a) In making payments pursuant to § 1028.70 to producers or a cooperative association for milk received at a plant located in the area described in § 1028.41(a)(2), the uniform price computed pursuant to § 1028.61 shall be increased 5 cents.

(b) In making payments pursuant to § 1028.70 to producers or a cooperative association for milk received at a plant located in the area described in § 1028.41(a)(3), the uniform price computed pursuant to § 1028.61 shall be increased 10 cents.

PAYMENTS

§ 1028.70 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the 25th day of each month to each such producer an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month.

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price, adjusted by the producer butterfat differential, to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing services deductions made pursuant to § 1028.78, (iii) plus or minus adjustment for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer or by the cooperative association marketing the producer's milk; (v) in case of co-op paying its members, only such deductions as are authorized by the co-operative: *Provided,* That if by such date such handler has not received full payment pursuant to § 1028.74 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the dates on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association an amount not less than the amount due such producer-members as determined pursuant to paragraph (a) of this section.

§ 1028.71 Producer butterfat differential.

(a) The uniform price to be paid each producer pursuant to § 1028.70 shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department during the month in which the milk was received by 0.12, and adjusting to the nearest even one-tenth of one cent.

(b) In making payments to producers pursuant to § 1028.70 for milk received at a pool plant at which a location adjustment is applicable pursuant to § 1028.46, the uniform price per hundredweight shall be reduced by the zone rate for such plant.

§ 1028.72 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1028.52, 1028.73, and 1028.75, and out of which he shall make all payments pursuant to §§ 1028.74 and 1028.75.

§ 1028.73 Payments to producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk is computed pursuant to § 1028.60 for the month, is greater than the amount owed by him for such milk at the uniform price, adjusted by the producer butterfat differential: *Provided,* That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is over-due.

§ 1028.74 Payments out of producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1028.60, for such month is less than the amount owed by him for such milk at the uniform price, adjusted by the producer butterfat differential. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1028.75 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amounts so due and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 1028.76 Payments.

Any payments due any handler shall be offset by any payments due from such handler.

§ 1028.77 Expense of administration.

As his pro rata share of the expense of the administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month 3 cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of milk (a) received from producers, (b) received at a pool plant as Grade A other source milk and allocated to Class I, or (c) distributed as Class I milk in the marketing area from a nonpool plant.

§ 1028.78 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 1028.70, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* (1) In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the requirements of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section shall make the deductions from the payments made pursuant to § 1028.70 which are authorized by such producers and on or before the 15th day after the end of each month, pay over such deductions to the cooperative association rendering such services.

(2) Each handler subject to this regulation shall permit representatives of qualified cooperative associations to enter their premises in order to verify weights, samples and tests of their members' milk.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1028.80 Effective time.

The provisions of this order, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1028.81 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this order, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereof.

§ 1028.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this order, or any amendment thereof, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1028.83 Liquidation.

Upon the suspension or termination of the provisions of this order, except §§ 1028.23, 1028.78, and 1028.81 through 1028.83, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1028.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this order.

§ 1028.91 Separability of provisions.

If any provision of this order, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Proposed by Wareham Dairy Foods, Taylorville, Illinois:

Proposal No. 2. Include Christian and Sangamon Counties in the proposed marketing area.

Proposed by the Borden Company, Pekin Division:

Proposal No. 3. "Producer" means any person, except a "producer-handler", who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the mnths of March through August, and (2) on not more than one-half the days on which the milk was delivered from a farm during any of the months of September through February: *Provided,* That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

Proposal No. 4. "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except frozen cream, aerated cream products, ice cream mix, evaporated or condensed milk, sterilized products packaged in hermetically sealed containers, frozen dessert mix, or other fluid product used for human consumption the base of which is milk or a derivative of milk, unless such product shall be labeled as Grade A).

Proposal No. 5. Subject to the conditions set forth in § 1028.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) of this section), and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of to wholesale bakeries, candy manufacturers, soup companies, or for livestock feed; (3) dumped after prior notification to and opportunity for verification by the Market Administrator; (4) contained in inventory of fluid milk products on hand at the end of the month; (5) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1028.9) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (6) in shrinkage of other source milk.

Proposal No. 6. Amend § 1028.46(a) by inserting the following as subparagraph (1) and renumbering subparagraph (1) through (6) as subparagraphs (2) through (7):

(1) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk that were received in the form of fluid milk products in containers not larger than a gallon, that are subject to the Class I pricing provisions of another order issued pursuant to the Act, and that are disposed of as Class I in the same form as received.

Proposal No. 7. Amend § 1028.51 by deleting all of proponent's § 1028.51 and substituting therefor the following:

§ 1028.51 Class prices.

Subject to the provisions of §§ 1028.52 and 1028.56, the class prices per hundredweight for the month shall be as follows:

(a) Class I milk price: Except as provided in paragraphs (b) and (c) of this section, the Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 8 cents.

(b) For plants located in Illinois counties of Knox, Warren, Peoria, Woodford, Tazewell, McLean, Ford, Champaign, Vermillion, Fulton, Mason and De Witt, the price computed in paragraph (a) of this section shall be increased 6 cents.

(c) For plants located in Illinois counties of Edgar, Douglas, Piatt, Moultrie, Macon, Logan, Menard, Cass, Schuyler, McDonough, Brown, Adams, Hancock, Morgan, Scott, Pike, Shelby, Effingham, Coles, Cumberland, and Clark, the price computed in paragraph (a) of this section shall be increased 12 cents.

(d) Class II milk price: The Class II milk price shall be the butter-powder formula computed for the month pursuant to paragraph (b) of § 1028.50.

Proposal No. 8. Amend § 1028.80 by deleting all of proponent's § 1028.80 and substituting therefor the following:

§ 1028.80 Time and method of payment for producer milk.

Each handler shall make payment as follows:

(a) On or before the fifteenth day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 1028.71, subject to the butterfat differential computed pursuant to § 1028.81 and less location differential deductions pursuant to § 1028.81(b).

(b) On or before the twelfth day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

(ED. NOTE: Section and paragraph references specified in connection with proposals 3 through 8 relate to the pertinent sections and paragraphs of proposal No. 1 as originally numbered by proponent PMA.)

Proposed by Hays Dairy Products, Waterman, Illinois:

Proposal No. 9. Include Whiteside, Henry, Lee, De Kalb, Carroll and Mercer Counties in the proposed marketing area.

Proposed by Prairie Farms of Western Illinois:

Proposal No. 10. Include Hancock and Adams Counties in the proposed marketing area.

Proposed by Sealtest Foods, Central Division, National Dairy Products Corp:

Proposal No. 11.

DEFINITIONS

§ 1028.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1028.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1028.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 1028.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1028.5 Central Illinois Marketing Area.

"Central Illinois marketing area", hereinafter called the "marketing area" means all the territory within the boundaries of the counties of Bureau, Cass, Champaign, Christian, Coles, De Witt, Douglas, Ford, Fulton, Greene, Hancock, Henry, Iriquois, Kankakee, Knox, La Salle, Livingston, Logan, McDonough, McLean, Macon, Marshall, Mason, Menard, Mercer, Moultrie, Morgan, Peoria, Pike, Piatt, Putnam, Sangamon, Schuyler, Scott, Stark, Tazewell, Warren, and Woodford, all in the State of Illinois, including all municipalities within such boundaries, and including all the territory within such boundaries occupied by government (municipal, State or Federal) reservations, installations, institutions or other establishments.

§ 1028.6 Cooperative associations.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 1028.7 Producer.

"Producer" means any person, except a "producer-handler", who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 1028.8 Distributing plant.

"Distributing plant" means a plant which is approved by the appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors), or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1028.9 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 1028.10(a).

§ 1028.10 Pool plant.

"Pool plant" means: (a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts, or 25,000 pounds, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 40 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 55 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before February 1 of any year, be designated as a pool plant for the months of February through July of such year.

§ 1028.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1028.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants;

(b) Any cooperative association with respect to the milk of producers diverted by the association for the account of such association from a pool plant to a nonpool plant in accordance with § 1028.7.

§ 1028.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk is distributed in the marketing area, but receives no milk from sources other than his own production.

§ 1028.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1028.7.

§ 1028.15 Fluid milk product.

"Fluid milk product" means skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1028.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products which are reprocessed and converted to another product in the plant during the month.

§ 1028.17 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1028.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1028.21 Powers.

The market administrator shall have the following powers with respect to this part.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1028.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1028.87:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1028.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1028.30 and 1028.31, or payments pursuant to §§ 1028.80, 1028.84, 1028.86, 1028.87, and 1028.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(i) Prepare and disseminate to the public such statistics and such information reasonably necessary to the proper administration of the order as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1028.51(a) and the Class I butterfat differential, pursuant to § 1028.52(a) both for the current month; and the minimum price for Class II milk, pursuant to § 1028.51(b), and the Class II butterfat differential, pursuant to § 1028.51(b) both for the preceding month; and

(2) On or before the 10th day after the end of each month the uniform price pursuant to § 1028.71 and the producer butterfat differential pursuant to § 1028.81.

REPORTS, RECORDS AND FACILITIES

§ 1028.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1028.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(g) Such other information with respect to his utilization of butterfat and skim milk reasonably necessary for the proper administration of this order as the market administrator may prescribe.

§ 1028.31 Other reports.

Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(a) On or before the 23d day after the end of the month for each of his pool plants his producer payroll for such month which will show for each producer: (1) The total pounds of milk received from such producer, (2) the days on which milk was received from such producer, if less than a full month, (3) the average butterfat content of such milk, and (4) the net amount of each handler's payment to each producer, together with the price paid and the amount and nature of any deductions;

(b) Such other information reasonably necessary to the proper functioning of this part, as is prescribed by the administrator.

§ 1028.32 Records and facilities.

Each handler shall keep adequate records of receipts of utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or to his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and utilization of all skim milk and butterfat, and, in case of errors or omissions, ascertain the correct figure;

(b) Weight, sample and test butterfat content of all milk and milk products handled;

(c) Verify payments to producers; and

(d) Make such examinations of operations, equipment, and facilities, as are reasonably necessary to the proper administration of this part or any amendments thereto.

§ 1028.33 Retention of records.

All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give

further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1028.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1028.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1028.41 through 1028.46.

§ 1028.41 Classes of utilization.

Subject to the conditions set forth in § 1028.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) of this section) and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of to wholesale bakeries, candy manufacturers, soup companies, or for livestock feed; (3) dumped after prior notification to and opportunity for verification by the market administrator; (4) contained in inventory of fluid milk products on hand at the end of the month; (5) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1028.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (6) in shrinkage of other source milk.

§ 1028.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and other source milk.

§ 1028.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1028.44 Transfers.

Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1028.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1028.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in a written statement submitted to the market administrator by the operators of both the pool plant and the nonpool plant on or before the 7th day after the end of the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An equivalent amount of skim milk and butterfat had been used at the nonpool plant during the month in the indicated utilization.

§ 1028.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler.

§ 1028.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1028.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in Class I milk disposed of as cream (sweet or sour), half and half, skim milk, flavored milk and skim milk drinks, and buttermilk, all in consumer-packaged form on routes, which was received during the month in the same product and same packages from a plant fully regulated pursuant to Order No. 3 (Part 903 of this chapter) regulating the handling of milk in the St. Louis, Missouri, marketing area.

(2) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1028.41(b)(5);

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products.

(5) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk which was not subtracted pursuant to subparagraph (1) of this paragraph, and which is subject to the Class I pricing provisions of another order issued pursuant to the Act;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph;

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products determined pursuant to § 1028.44(a);

(10) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph, and if the remaining pounds of skim in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1028.50 Basic formula price.

The basic formula price shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest whole cent:

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants at which prices have been reported to the market administrator or to the U.S. Department of Agriculture on or before the 5th day after the end of the month:

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 1028.51 Class Prices.

Subject to the provisions of § 1028.52 and § 1028.53 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus the following amount for the delivery periods indicated:

August, September, October, November ------
December, January, February, July ------
March, April, May, June ------

(b) *Class II milk price.* The Class II milk price shall be the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period from the 16th day of the preceding month through the 15th day of the current month at the following plants or places from which prices have been reported to the market administrator or to the United States Department of Agriculture:

PRESENT OPERATOR AND LOCATION

Kraft Foods Co., Milledgeville, Ill.
Kraft Foods Co., Stockton, Ill.
Kraft Foods Co., Manlius, Ill.
Kraft Foods Co., Toulon, Ill.
Watseka Milk Products Co., Pontiac, Ill.
Hansen Dairy Co., San Jose, Ill.
Minonk Dairy Products Co., Minonk, Ill.

§ 1028.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat content, the class prices for the month calculated pursuant to § 1028.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.115.

§ 1028.53 Location differentials to handlers.

With respect to skim milk and butterfat contained in milk received from producers at a pool plant as defined in paragraph (b) of § 1028.10 located more than 70 but less than 80 miles from the nearest of the City Hall in Peoria, Illinois, the City Hall in Champaign, Illinois, and the City Hall in Springfield, Illinois, which is shipped to a pool plant as defined in paragraph (a) of § 1028.10, and is classified as Class I milk and Class II milk the class prices shall be reduced 16 cents per hundredweight, and for each additional 10 miles in excess of 80 miles the price shall be reduced an additional 1.6 cents.

§ 1028.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 1028.60 Producer-handler.

Sections 1028.40 through 1028.46, 1028.50 through 1028.53, 1028.70, 1028.71 and 1028.80 through 1028.88, shall not apply to a producer-handler.

§ 1028.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant is qualified as a pool plant pursuant to § 1028.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Central Illinois marketing area than in the marketing area regulated pursuant to such order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1028.30) and allow verification of such reports by the market administrator.

§ 1028.62 Handlers operating nonpool plants.

None of the provisions from § 1028.44 through § 1028.52, inclusive, or from § 1028.70 through § 1028.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 1028.63.

§ 1028.63 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of February through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant applying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through January subtract from the Class I price, f.o.b. such nonpool plant, the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 1028.70 Computation of value of milk for each handler.

The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1028.46(a)(10) and the corresponding step of paragraph (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II after the calculation pursuant to § 1028.45(a)(9) and the corresponding step of paragraph (b) for the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1028.46(a)(8) and the corresponding step of paragraph (b) for the current month, whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class

I milk pursuant to § 1028.46(a) (3) and (4) and the corresponding step of paragraph (b) by the rate of payment on unpriced milk determined pursuant to § 1028.63 at the nearest nonpool plant(s) from which an equivalent amount of other source milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 1028.71 Computation of uniform price.

For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f.o.b. pool plants located within 70 miles of the City Hall of Peoria, Illinois, the City Hall of Champaign, Illinois, or the City Hall of Springfield, Illinois, as follows:

(a) Combine into one total the values computed pursuant to § 1028.70 for all handlers who made the reports prescribed in § 1028.30 for such month except those in default of payments required pursuant to § 1028.84 for the preceding month.

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1028.82;

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 1028.80 Time and method of payment for producer milk.

Each handler shall make payment as follows:

(a) On or before the 18th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, an amount equal to not less than the uniform price computed in accordance with § 1028.71, subject to the butterfat differential computed pursuant to § 1028.81 and less location differential deductions pursuant to §1028.82, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (1) Less marketing service deductions made pursuant to § 1028.88, (2) plus or minus adjustments for errors made in previous payments made to such producer, and (3) less deductions authorized by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 1028.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such payment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipts of the balance due from the market administrator.

(b) On or before the 15th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative is authorized to collect such payments for its member-producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 1028.81 Butterfat differentials to producers.

The applicable uniform prices to be paid each producer pursuant to § 1028.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1028.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1028.82 Location differentials to producers.

With respect to skim milk and butterfat contained in milk received from producers at a pool plant as defined in paragraph (b) of § 1028.10 located more than 70 but less than 80 miles from the nearer of the City Hall in Peoria, Illinois, the City Hall in Champaign, Illinois, and the City Hall in Springfield, Illinois, which is classified as Class I milk and Class II milk, the class prices shall be reduced 16 cents per hundredweight, and for each additional 10 miles in excess of 80 miles the price shall be reduced an additional 1.6 cents.

§ 1028.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1028.62, 1028.84, and 1028.86, and out of which he shall make all payments to handlers pursuant to §§ 1028.85 and 1028.86.

§ 1028.84 Payments to the producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 1028.70 for such month exceeds the obligation pursuant to § 1028.80 of such handler to producers for milk received during the month.

§ 1028.85 Payments out of the producer-settlement fund.

On or before the 18th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1028.80, of such handler to producers for milk received during the month exceeds the value of milk for each such handler computed pursuant to § 1028.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1028.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1028.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1028.87 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month ____ cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk, (b) other source milk at a pool plant which is allocated to Class I pursuant to § 1028.46, other than that allocated to Class I pursuant to subparagraph (1) of paragraph (a) of § 1028.46, and the corresponding provisions under paragraph (b) of § 1028.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1028.88 Marketing services.

(a) Each handler making payments to producers pursuant to § 1028.80 shall deduct ______ cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers (excepting such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 18th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period, and to provide such producers with market information. Such services shall be performed by the market administrator or by an employee of the United States responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 18th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1028.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, or make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction of set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1028.90 Effective time.

The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1028.91 Suspension or termination.

The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 1028.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1028.93 Liquidation.

Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 20th day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-6075; Filed, July 22, 1959; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 59-NY-11]

ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendent to Part 602 of the Regulations of the Administrator, as hereinafter set forth.

Scheduled air carrier jet service will be inaugurated between New York, N.Y. and New Orleans, La., in the near future. The existing coded jet route structure is satisfactory for the proposed operation, except with regard to the portion between Spartanburg, S.C., and Flat Rock, Va., because of a potential traffic conflict with high altitude military air operations. Accordingly, the Federal Aviation Agency proposes to establish a new coded jet route between Spartanburg, S.C., and Gordonsville, Va. This route will not only bypass much of the high altitude military traffic but will also improve the coded jet route structure between New York and Spartanburg.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendent. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for exami-

nation at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958.

(72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

In consideration of the foregoing, it is proposed to amend Part 602 as follows:

Section 602.569 is added to read:

§ 602.569 VOR/VORTAC jet route No. 69 (Spartanburg, S.C., to Gordonsville, Va.).

From the Spartanburg, S.C., VOR to the Gordonsville, Va., VOR.

Issued in Washington, D.C. on July 17, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-6043; Filed, July 22, 1959; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-FW-17]

EXTENSION OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.558 of the Regulations of the Administrator, as hereinafter set forth.

Jet Route No. 58 presently extends from San Francisco, Calif., to Dallas, Tex. Scheduled air carrier jet service between Dallas, Tex., and New Orleans, La., will be inaugurated in the near future. Such service will require the use of a Jet Route in the interest of safety and for air traffic control purposes. The Federal Aviation Agency proposes to extend Jet Route No. 58 from Dallas, Tex., to New Orleans, La., via the Alexandria, La., VOR. The proposed extension would provide a direct route between Dallas and New Orleans and, in addition, would bypass the heavy concentration of military air traffic in the vicinity of Lake Charles, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958.

(72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

In consideration of the foregoing, it is proposed to amend § 602.558 (24 F.R. 2650) as follows:

1. Section 602.558 VOR/VORTAC jet route No. 58 (San Francisco, Calif., to Dallas, Tex.).

(a) Delete "(San Francisco, Calif., to Dallas, Tex.)" and substitute therefor "(San Francisco, Calif., to New Orleans, La.)."

(b) Delete "to the Dallas, Tex., VOR" and substitute therefor, "Dallas, Tex., VOR; Alexandria, La., VOR; to the New Orleans, La., VOR."

Issued in Washington, D.C. on July 17, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-6044; Filed, July 22, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 60-1]

OREGON

Small Tract Classification and Opening

JULY 15, 1959.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), as amended, I hereby classify the following-described revested Oregon and California Railroad grant lands in Douglas County, Oregon, as suitable for lease for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, subject to valid existing rights:

WILLAMETTE MERIDIAN, OREGON

T. 26 S., R. 2 W.,
Sec. 14: That portion of the SW¼, described as tracts Nos. 2 to 30 incl., shown on a plat now on file in the Portland Land Office, Bureau of Land Management, 809 NE. Sixth Avenue, Portland 12, Oregon, and entitled "Susan Creek Home Sites."

2. Classification of the above-described land by this order segregates it from all appropriation under the public land laws, including the mining laws. Only 29 tracts are by this order opened to leasing under the Small Tract Act, as amended.

3. The tracts available for lease are located on either side of Susan Creek, which is a tributary of the North Umpqua River. The tracts are approximately 25 miles east of Roseburg, Oregon, via the Roseburg-Diamond Lake Highway, and ⅛ mile northerly from said highway over an all-season road. The topography of the tracts is almost level to gently south sloping, and also sloping toward Susan Creek, which flows southerly through the tracts. The elevation averages about 1,000 feet above sea level. The soil is clay loam mixed with rock and gravel. The vegetative cover consists of a growth of Douglas fir, pine, and cedar, with an understory of vine maple, native shrubs, and grasses.

A powerline and a telephone line parallel the Roseburg-Diamond Lake Highway ⅛ mile south of the tracts. Domestic water may be obtained from Susan Creek after purification processing. An elementary school and general store are located at the settlement of Glide, downstream about 10 miles. The nearest all-purpose marketing center is Roseburg, Oregon. The weather is typical of the west slope of the Cascade Mountains. Precipitation is 35 inches or more, some of which is in the form of snow during the winter. There is no evidence of metallic or nonmetallic minerals.

4. The 29 individual tracts have been marked on the ground, and vary in size from 0.20 to 0.46 of an acre. A plat showing the location of each of the tracts can be secured for $1.00 from the Manager of the Land Office, 809 NE. Sixth Avenue, Portland 12, Oregon; or from the District Manager, Bureau of Land Management, 2583 W. Harvard Avenue, P.O. Box 231, Roseburg, Oregon.

The annual rental of each tract is $45, except for Tract No. 14, which is $40. Access to the tracts will be from an existing road on adjoining public land. The United States reserves for itself, its contractors and permittees, the right to enter on the leased areas to administer the land for sustained-yield timber management purposes under the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a).

5. Leases will be issued for a term of 20 years. Advance rental payment for the first year of the lease will be required before the issuance of a lease. Subsequent rentals will be paid annually in advance. To maintain their rights under their lease, lessees will be required to construct substantial improvements on their tract within the first 5-year period of the lease. Failure to do so will result in cancellation of the lease.

Leases will be subject to renewal at the discretion of the Bureau of Land Management for periods of 10 to 20 years provided the lessee complies with the conditions and stipulations contained in the original lease within the periods allowed; and such renewal leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances existing at the time of renewal.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to lease a tract unless they can make a showing satisfactory to the Bureau of Land Management that the lease of another tract is warranted in the circumstances.

7. Upon allowance of an application and before commencement of construction, the lessee must confer with the District Manager concerning plans and specifications of improvements. The improvements referred to in paragraph 5 above must meet the following requirements:

(a) Buildings must be suitable for year around use and must be placed on a permanent foundation consisting of concrete, brick, pumice blocks, or stone masonry. Pitch of the roof and the size and spacing of rafters and ceiling joists must be adequate to withstand heavy snow packs. Chimneys must be constructed from ground level and shall consist of pumice or concrete blocks, bricks or stone masonry, or comparable fire-resistant materials.

(b) All buildings must be constructed in a workmanlike manner of attractive, properly finished materials in harmony with surroundings.

(c) Every dwelling must have a floor space of not less than 500 square feet and have at least two doors as a means of access.

(d) All dwellings must be provided with sanitation facilities in accordance with or better than required by the laws of the State of Oregon. All lessees must comply with the laws of the State of Oregon as to fire protection, building construction, sanitation, and public health; and any Douglas County health and sanitation requirements supplemental thereto.

(e) The dwelling must have interior sanitary facilities with all sewages and waste water being disposed of through a septic tank of not less than 500 gallons capacity which meet the specifications and approval of the Oregon State Board of Health. Under no conditions will exterior latrines or garbage dumps be allowed, nor will any dumping of any refuse in any streams or on the adjoining Federal lands be permitted.

(f) Prior to initiation of construction, tract development plans and specifications must be submitted to the District Manager for his written approval.

(g) Any open fires shall conform to the State Safety Fire Code.

(h) Without special written approval from the District Manager, no building shall be placed closer than 15 feet from the boundaries of the leased lot areas.

(i) The grounds and buildings shall be maintained in a neat and orderly manner.

(j) Garbage shall be disposed of only at dumps established for such purpose and approved by the Douglas County Health Department.

(k) The leased area will be subject to the disposal of materials and forest products under the act of August 28, 1937 (50 Stat. 874).

(l) The keeping or raising of domestic livestock will not be permitted on a tract.

8. The 29 tracts, numbered 2 to 30 inclusive, which are shown on the plat filed in the Land Office, Portland, Oregon; and in the District Manager's Office, Bureau of Land Management, 2583 W. Harvard Avenue, P.O. Box 231, Roseburg, Oregon, are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are: (a) Honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of the living veteran.

The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty, or to the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager of the Land Office, or from the District Manager, Roseburg, Oregon.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the Manager of the Land Office prior to 10 a.m., October 15, 1959. A drawing will be held on that date, or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to the entrants in the order in which their names are drawn. All entrants will be notified of the results of the drawing.

Successful drawees will be allowed 15 days from receipt of notice in which to execute the lease forms (Form 4-776) accompanying the notice, in accordance with instructions, and return them with payment of a filing fee of $10 plus the advance rental specified above, and evidence of military service.

Any tracts for which lease forms have not been filed and accompanied by the required payments within the 15-day period will immediately thereafter become available to alternate drawees in the order in which their cards were drawn.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 809 NE. Sixth Avenue, Portland 12, Oregon.

RUSSELL E. GETTY,
Acting State Supervisor.

[F.R. Doc. 59-6057; Filed, July 22, 1959; 8:47 a.m.]

[Miscellaneous NM 6]

NEW MEXICO

Order Providing for Opening of Public Lands; Amendment

JULY 17, 1959.

An order providing for opening of public lands, New Mexico Miscellaneous No. 6, dated March 23, 1959, published in the FEDERAL REGISTER, Tuesday, March 31, 1959, Vol. 24, No. 62, page 2501 is hereby corrected as follows:

The following described land is deleted:

T. 21 N., R. 5 W., New Mexico Principal Meridian, Sec. 36, N½.

The land described as "T. 7 S., R. 26 E., New Mexico Principal Meridian, Sec. 5, SE¼SW¼." is corrected to read "T. 7 S., R. 26 E., New Mexico Principal Meridian, Sec. 5, NE¼SW¼."

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59-6058; Filed, July 22, 1959; 8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Navy has filed an application, Serial Number A.048872 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. Shall be subject to Tract 2 of Public Land Order 17 of July 21, 1942. The applicant desires the land for protection of existing and contemplated defense installations.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WOODY ISLAND

Beginning at Corner No. 1 of U.S.S. 484, thence:
S. 34°57' E., 2.77 chains to Corner No. 2, U.S. Survey No. 484,
S. 54°54' W., 2.17 chains to Corner No. 3, U.S. Survey No. 484,
S. 41°41' E., 5.34 chains to Corner No. 4, U.S. Survey No. 484,
N. 88°10' E., 2.79 chains to Corner No. 5, U.S. Survey No. 484,
S. 55°25' W., 4.77 chains to Corner No. 1, U.S. Survey No. 603 Tract B.

S. 78°45' W., 2.21 chains to Corner No. 4, U.S. Survey No. 603,
S. 76°45' W., 4.14 chains,
N. 46°40' W., 2.60 chains,
N. 1°16' W., 4.00 chains,
N. 26°43' E., 3.80 chains,
N. 60°24' E., 4.86 chains to point of beginning.

The tract described contains 7.33 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-6059; Filed, July 22, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12697, 12698, FCC 59M-914]

CONTINENTAL BROADCASTING CORP. (WHOA) AND JOSE R. MADRAZO

Notice of Conference

In re applications of Continental Broadcasting Corporation (WHOA), San Juan, Puerto Rico, Docket No. 12697, File No. BP-10489; Jose R. Madrazo, Guaynabo, Puerto Rico, Docket No. 12698, File No. BP-11480; for construction permits.

Notice is hereby given that a further prehearing conference will be held in the above-entitled proceeding at 10:00 a.m. on Thursday, July 23, 1959, in Washington, D.C.

Dated: July 16, 1959.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6076; Filed, July 22, 1959; 8:51 a.m.]

[Docket No. 12881; FCC 59-719]

STANLEY M. HAUSER

Order Designating Application for Hearing on Stated Issues

In the matter of Stanley M. Hauser, 27 West 84th Street, New York 24, New York, Docket No. 12881; application for renewal of radiotelegraph and radiotelephone first class operator licenses Nos. T1-2-1093; P1-2-6990.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1959;

The Commission having under consideration the application of Stanley M. Hauser, 27 West 84th Street, New York 24, New York, for renewal of his radiotelegraph and radiotelephone first class operator licenses Nos. T1-2-1093 and P1-2-6990; and

It appearing that the Commission, in pursuance of its authority under section 303(1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified and pursuant to § 1.71 of the Commission's rules directed Stanley M. Hauser to supplement his application for renewal of his radiotelegraph and radiotelephone first class operator licenses by furnishing answers to certain specified questions, under oath; and

It further appearing that Stanley M. Hauser, by letter dated May 26, 1959, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Stanley M. Hauser possesses the requisite qualifications to be the holder of a radio operator license.

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, and § 1.71 of the Commission's rules that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D.C., at a time and before an Examiner to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Stanley M. Hauser failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Stanley M. Hauser possesses the necessary qualifications to hold a radio operator license.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6078; Filed, July 22, 1959; 8:51 a.m.]

[Docket No. 12903; FCC 59-720]

RUDOLPH WILLIAM JONES

Order Designating Application for Hearing on Stated Issues

In the matter of Rudolph William Jones, 115 Ashland Place, Brooklyn 1, New York, Docket No. 12903; application for renewal of radiotelegraph second-class operator license No. T2-2-1586.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 15th day of July 1959;

The Commission having under consideration the application of Rudolph William Jones, 115 Ashland Place, Brooklyn 1, New York, for renewal of his radiotelegraph second-class operator license No. T2-2-1586; and

It appearing that the Commission, in pursuance of its authority under section 303(1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified and pursuant to § 1.71 of the Commission's rules directed Rudolph William Jones to supplement his application for renewal of his radiotelegraph second-class operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that Rudolph William Jones, by letters dated April 16 and June 4, 1959, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Rudolph William Jones possesses the requisite qualifications to be the holder of a radio operator license.

It is ordered, Pursuant to section 303(1) of the Communications Act of 1934, as amended, and § 1.71 of the Commission's rules that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D.C. at a time and before an Examiner to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Rudolph William Jones failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Rudolph William Jones possesses the necessary qualifications to hold a radio operator license.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6077; Filed, July 22, 1959; 8:51 a.m.]

[Docket No. 12882; FCC 59-718]

HAROLD O. TOWNSEND

Order Designating Application for Hearing on Stated Issues

In the matter of Harold O. Townsend, 324 Brentwood Road, Bayshore, New York, Docket No. 12882; application for renewal of radiotelephone first class operator license No. P1-2-6668.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1959;

The Commission having under consideration the application of Harold O. Townsend, 324 Brentwood Road, Bayshore, New York, for renewal of his radiotelephone first class operator license No. P1-2-6668; and

It appearing that the Commission, in pursuance of its authority under § 303 (1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified and pursuant to § 1.71 of the Commission's rules directed Harold O. Townsend to supplement his application for renewal of his radiotelephone first class operator license by furnishing answers to certain specified questions, under oath; and

It further appearing that Harold O. Townsend, by letters dated April 19, and June 1, 1959, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Harold O. Townsend possesses the requisite qualifications to be the holder of a radio operator license.

It is ordered, Pursuant to section 303 (1) of the Communications Act of 1934, as amended, and § 1.71 of the Commission's rules that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D.C., at a time and before an Examiner to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Harold O. Townsend failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Harold O. Townsend possesses the necessary qualifications to hold a radio operator license.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6079; Filed, July 22, 1959; 8:51 a.m.]

[Docket No. 12938; FCC 59M-913]

KVFC, INC. (KVFC)

Order Scheduling Prehearing Conference

In re application of KVFC, Incorporated (KVFC), Cortez, Colorado, Docket No. 12938, File No. BP-11847; for construction permit.

It is ordered, This 16th day of July 1959, that a pre-hearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., July 30, 1959, in the Commission's offices in Washington, D.C.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6080; Filed, July 22, 1959; 8:51 a.m.]

[Docket No. 12908; FCC 59M-919]

LAIRD BROADCASTING CO., INC. (KHAK)

Order Scheduling Hearing

In re application of Laird Broadcasting Company, Inc. (KHAK), Cedar Rapids, Iowa, Docket No. 12908, File No. BP-11855; for construction permit for standard broadcast station.

A prehearing conference in the above-entitled matter having been held on July 16, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an Order;

It is ordered, This 16th day of July 1959 that:

(1) Exhibits to be offered in evidence as part of the direct cases will be under oath and shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on August 11, 1959;

(2) Exhibits to be offered as rebuttal evidence will be under oath and shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on August 21, 1959;

(3) Notification of witnesses to be called for cross-examination shall be given on August 28, 1959;

It is further ordered, That hearing herein is scheduled to commence on September 8, 1959, at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: July 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6081; Filed, July 22, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18937]

BALTIC OPERATING CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

JULY 15, 1959.

Baltic Operating Company (Baltic) on June 15, 1959, tendered for filing Fourth Revised Sheets Nos. 4, 8, and 9, and Fifth Revised Sheet No. 6 to its FPC Gas Tariff, First Revised Volume No. 1, to become effective as of June 23, 1959, proposing an annual increase in its rates and charges of $4,224, or 12.8 percent, based on the test year ended December 31, 1958, to its two customers, United Gas Service Company and Baxter Springs Gas Company.

In support of the proposed increase, Baltic states that Cities Service Gas Company filed increased rates which would result in an annual increase charge to Baltic of $4,251. Cities Service's proposed rate increase in Docket No. G-18799 was suspended until November 23, 1959, by order issued June 19, 1959.

The proposed changes provided in Baltic's Fourth Revised Sheets Nos. 4, 8, and 9, and Fifth Revised Sheet No. 6 to its FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Baltic's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 4, 8, and 9, and Fifth Revised Sheet No. 6, and that this proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Baltic's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 4, 8, and 9, and Fifth Revised Sheet No. 6.

(B) Pending such hearing and decision thereon, Baltic's Fourth Revised Sheets Nos. 4, 8, and 9, and Fifth Revised Sheet No. 6 to its FPC Gas Tariff, First Revised Volume No. 1, is suspended until December 16, 1959, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6046; Filed, July 22, 1959; 8:46 a.m.]

[Project No. 2082]

CALIFORNIA OREGON POWER CO.

Notice Fixing Hearing

JULY 15, 1959.

The Commission's order issued May 29, 1959, scheduled a hearing to be held on August 4, 1959 in the above-designated matter.

Said hearing will be held at 10:00 a.m., P.s.t., August 4, 1959, in the Mills School Auditorium, Klamath Falls, Oregon.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6047; Filed, July 22, 1959; 8:46 a.m.]

[Docket No. G-12391]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Accepting and Approving Proposed Stipulation Limiting Issues for Hearing and Fixing Date of Hearing

JULY 17, 1959.

On March 14, 1957, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) filed First Revised Sheets Nos. 4, 5 and 9 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective on May 1, 1957, and providing increased rates and charges for

sales of natural gas, subject to the jurisdiction of the Commission. By order issued April 12, 1957, the Commission ordered that a public hearing be held upon a date to be fixed thereafter, and that, pending such hearing and decision thereon, the proposed increased rates and charges be suspended until October 1, 1957. Thereafter, on that date, the proposed increased rates and charges were permitted to take effect, subject to refund, by order issued October 10, 1957.

At the request of Kansas-Nebraska, before the matter was set for hearing, a conference of all interested parties, including the Commission's staff, was held on January 28 and 29, 1959. As a result of the conference, a stipulation, dated March 3, 1959, was entered into, limiting the issues to be heard in this proceeding. On April 8, 1959, Kansas-Nebraska filed a motion requesting that the stipulation be accepted by the Commission and that the issues to be heard herein be limited as set forth therein.

By mutual agreement of all parties with appropriate reservations, it was stipulated that the matters to be heard in this proceeding be limited by accepting the overall cost of service, in the amount of $14,946 272, as set forth in a study of Kansas-Nebraska's costs prepared by the Commission's staff, with the exception that the return on investment and the reflected income tax effect thereon, included in said study would remain in issue. It was also agreed that the proper allocation to jurisdictional customers of the total cost of service should remain in issue. By the reservation of the return and cost allocation issues, we understand the parties intended to retain in issue the proper rates related to such cost of service.

It is noted that the stipulation does not state what effect it may have upon the cost of service to be used in determining rates for the refund period. It appears, however, that the overall cost of service in the amount of $14,946,272 includes purchase gas costs based upon increased contract prices which were renegotiated during the refund period which commenced October 1, 1957. The renegotiations were prompted by the court invalidation of the State of Kansas minimum price statute.[1] Consequently, if the same increased rates were to be allowed by the Commission for the refund period as for the future, the company might receive allowances for the refund period not justified by equivalent expenditures. Accordingly, in accepting the stipulation for the limited purposes of this order, we will keep open for further consideration the question concerning Kansas-Nebraska's actual purchase gas cost to be allowed for the refund period.[2]

The Commission finds:

(1) It is appropriate and in the public interest to accept the stipulation agreement entered into as aforesaid for the purpose of limiting the issues to be heard in this proceeding and Kansas-Nebraska's motion to that effect should be granted, as provided herein.

(2) This proceeding should be set for hearing as provided herein.

The Commission orders:

(A) The Proposed Stipulation Limiting Issues for Hearing, dated March 3, 1959, entered into by the parties hereto, and submitted with the aforesaid motion, is hereby accepted and approved.

(B) The public hearing directed to be held by our order issued April 12, 1957, herein, shall convene on September 22, 1959, at 10:00 a.m., e.d.t., in a public hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(C) The issues upon which evidence shall be received shall be limited to those of the appropriate rate of return, the return on investment, the income tax allowable thereon, the appropriate allocation to jurisdictional customers of the total cost of service, and the proper rates related to such cost of service. For the purpose of establishing rates for the future, the total cost of service shall be deemed to be $14,946,272, as shown in the aforementioned Commission staff's study, and as modified by any change in the rate of return and applicable income tax reflecting change in return on investment based thereon. For the purpose of establishing rates for the refund period the stipulated cost of service may be further amended to reflect legally effective purchase gas contract prices during that period.

(D) The procedure to be followed shall be: Kansas-Nebraska shall serve by mail its exhibits and prepared testimony, upon all parties and the staff, on or before August 14, 1959; the Commission's staff and all intervenors shall serve by mail their exhibits and prepared testimony, upon all parties, on or before September 4, 1959; at the hearing the order of procedure shall be that normally followed in section 4(e) proceedings under the Act, with Kansas-Nebraska going forward with its case-in-chief first and being required to maintain the burden of proof. Upon the opening of the hearing, nevertheless, it will be essential for the staff to introduce in exhibit form the above identified cost of service study upon which the aforementioned stipulation is based.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6048; Filed, July 22, 1959; 8:46 a.m.]

[1] Cities Service Gas Co. v. Kansas Corporation Commission, 355 U.S. 391.

[2] In this connection we are particularly mindful of the proceedings now pending before us in Docket No. R-168.

[Docket No. G-18448]

NATURAL GAS STORAGE COMPANY OF ILLINOIS

Notice of Application and Date of Hearing

JULY 16, 1959.

Take notice that on May 4, 1959, Natural Gas Storage Company of Illinois (Applicant) filed in Docket No. G-18448 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing:

(1) The construction and operation of two additional 660 B.H.P. compressor engines, with appurtenant facilities, at Applicant's Herscher storage project in Kankakee County, Illinois;

(2) Utilization of the Mt. Simon reservoir for top storage operation; and

(3) Increase of the presently authorized maximum day gas withdrawal by 75,000 Mcf to a total of 575,000 Mcf from the Mt. Simon and Galesville reservoirs at Herscher and the integrally operated Cooks Mills storage project.

The subject application is on file with the Commission and open to public inspection.

The proposed facilities will be utilized in conjunction with the existing facilities for injection of gas replacements into the Mt. Simon and Galesville reservoirs as quickly as possible after gas withdrawals, and for withdrawal operations from the Galesville reservoir.

The additional peak capacity is to be allocated to present customers in accordance with the procedure set forth in Applicant's FPC Gas Tariff, Original Volume No. 1.

The estimated total cost of the proposed facilities is $362,000, to be paid from funds on hand and from short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 25, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6050; Filed, July 22, 1959; 8:46 a.m.]

[Docket No. G-18195]

McGRATH & SMITH ET AL.

Notice of Application and Date of Hearing

JULY 16, 1959.

Take notice that on March 31, 1959, McGrath & Smith (Operator) et al.,[1] (Applicants) filed in Docket No. G-18195 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso) from three leases in the Spraberry Field, Upton County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The specific leases involved are the J. D. Christy "A" Lease, the J. D. Christy "B" Lease and the First National Bank of San Angelo Lease. Applicants propose to make the subject sales pursuant to a contract dated November 3, 1952, between Humble Oil & Refining Company (Humble) and El Paso, to which contract Applicant has acquired signatory status by certain assignments from Humble. This assigned contract has been accepted for filing and designated McGrath & Smith (Operator), et al. FPC Gas Rate Schedule No. 1 and Supplements 1-4, inclusive thereto.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6049; Filed, July 22, 1959; 8:46 a.m.]

[1] The co-owners of the working interests in the subject leases and their percentum of ownership are stated to be:

	Percent
R. Searle McGrath et al	10.0
Pomeroy Smith, Limited '58	30.0
Neil E. Salsich, No. 2, Ltd	25.0
Carl J. Westlund	25.0
Oscar Bourg	7.5
Bob Franklin	2.5
	100.0

[Docket No. G-18550]

UNITED FUEL GAS CO.

Notice of Application and Date of Hearing

JULY 16, 1959.

Take notice that on May 18, 1959, supplemented on June 18, 1959, United Fuel Gas Company (Applicant) filed in Docket No. G-18550 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities to be attached to Applicant's system in the Kenova area of West Virginia as the first step in a five-year rehabilitation plan for this part of said system, all as more fully set forth in the application and supplement, which are on file with the Commission and open to public inspection.

The facilities for which authorization is sought herein are:

(1) One 2,000 horsepower compressor unit and four 1,100 horsepower compressor units, and appurtenances, to be installed at the existing Kenova compressor station;

(2) Approximately 4.8 miles of 16-inch transmission pipeline (designated BM-109) to extend from the Kenova station to Applicant's existing Ceredo compressor station; and

(3) One additional 2,000 horsepower compressor unit to be installed at the Ceredo compressor station.

Applicant states that the facilities proposed herein, together with replacement facilities to be applied for in future applications, will enable Applicant to transport its available gas supplies to storage and to market in a more efficient manner than is now possible through existing old facilities which are rapidly becoming unserviceable.

The estimated cost of the compressor and pipeline facilities proposed in this application is $3,568,300, to be financed by Applicant's parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 25, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure, a hearing will be held on August 25, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-6051; Filed, July 22, 1959; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

HYOSCINE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 4,070 ounces of hyoscine now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that, because of obsolescence of hyoscine for certain uses in time of war, there is no longer any need for stockpiling this quantity of hyoscine.

General Services Administration proposes to offer said hyoscine for sale, on a competitive basis, at intervals of not less than nine months, with not more than approximately 1,070 ounces to be offered for sale at any one time.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the hyoscine covered by this notice available for sale beginning six months after date of publication of this notice in the FEDERAL REGISTER.

Dated: July 16, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-6067; Filed, July 22, 1959; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9476]

UNITED STATES OVERSEAS AIRLINES, INC., v. GREAT LAKES AIRLINES, INC.

Notice of Postponement of Hearing

In the matter of the formal complaint of United States Overseas Airlines, Inc., against Great Lakes Airlines, Inc., Currey Air Transport, Ltd., Trans-Alaskan Airlines, Inc., Transcontinental Airlines Agency System, Skycoach System and Irving E. Hermann and Ida Mae Hermann.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled matter now assigned to be held the 28th of July 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Washington, D.C., is postponed to August 11, 1959, at 10:00 a.m. (Local Time) in Room 810, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, California, before Examiner John A. Cannon.

Dated at Washington, D.C., July 17, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6074; Filed, July 22, 1959; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

GERHARD D. BLEICKEN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Vice President and Secretary, John Hancock Mutual Life Insurance Co. Boston, Mass.

Director, High Vacuum Equipment Corporation, Hingham, Mass.

Director, Kinetics Corporation, Hingham, Mass.

Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published February 10, 1959 (24 F.R. 993).

Dated: July 9, 1959.

GERHARD D. BLEICKEN.

[F.R. Doc. 59-6039; Filed, July 22, 1959; 8:45 a.m.]

OTTO L. NELSON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Addition

Chairman, Temporary State Commission on Governmental Operations of the City of New York.

This amends statement published January 31, 1959 (24 F.R. 716).

Dated: July 10, 1959.

Maj. Gen. OTTO L. NELSON (USA Ret.).

[F.R. Doc. 59-6040; Filed, July 22, 1959; 8:45 a.m.]

SAM M. EWING

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last statement, published January 28, 1959 (24 F.R. 618).

Dated: July 9, 1959.

SAM M. EWING.

[F.R. Doc. 59-6041; Filed, July 22, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1237]

MUTUAL TRUST

Notice of Filing of Application for Exemptions

JULY 17, 1959.

Mutual Trust ("Applicant"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order of the Commission temporarily exempting the Applicant from certain provisions of section 15(a) of the Act to the extent that such provisions may require stockholder approval of an Investment Advisory Contract.

Applicant is a common law trust, organized under an Agreement and Declaration of Trust dated November 2, 1944, as amended, which issues Shares of Beneficial Interest. It is registered under the Act as an open-end, diversified, managed investment trust. As of November 28, 1958, Applicant had net assets of approximately $9,886,201 applicable to its Shares of Beneficial Interest outstanding and had approximately 5,000 shareholders, including those who acquired Beneficial Interests pursuant to periodic purchase plans.

Security Management, Incorporated, a Missouri corporation (the Investment Adviser), has acted as Investment Adviser to the Applicant since 1950 pursuant to an Agreement dated September 22, 1950, between the Trustees of the Applicant and Security Management, Incorporated (the Agreement). The Agreement is subject to renewal annually by the shareholders or Trustees and has been renewed by the Trustees for the fiscal year ending November 30, 1959, and would normally expire on that date if not again renewed. The Agreement contains the required statutory provision that it will terminate automatically in the event of its assignment.

Voting control of the Investment Adviser is owned by A. E. Weltner & Co., a Missouri corporation, all of the authorized and outstanding 200 shares of Common Stock, par value $10 per share, of the Investment Adviser being beneficially owned by A. E. Weltner & Co., Inc. The authorized capitalization of A. E. Weltner & Co., Inc. consists of 1,000 shares of 5 percent Cumulative Preferred Stock, par value $100 per share, of which 872 shares are issued and outstanding and owned by one person, and 1,000 shares of common stock, par value $10 per share, of which 600 shares are issued and outstanding. Of the 600 issued and outstanding shares of Common Stock, which is the only voting security, 448 shares were owned by A. E. Weltner.

On February 23, 1959 A. E. Weltner died. Under the terms of his will, all of the Common Stock of A. E. Weltner & Co., Inc. owned by him passed to his wife, Mrs. Edna Weltner. Mrs. Weltner has never been active in the business of the Invsetment Adviser.

Section 15(a) of the Act provides, in part, that it shall be unlawful for any person to serve or act as Investment Adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such registered company. Under the Agreement and Declaration of Trust, dated November 2, 1944, as amended, under which the Applicant was organized, each shareholder has one vote for each share registered in his name on the books of the Trustees with respect to matters on which and meetings at which shareholders are entitled to vote.

Section 15(a) also requires that any Investment Advisory Contract must provide for its automatic termination in the event of its assignment by the Investment Adviser.

"Assignment" is defined by section 2(a)(4) of the Act to include any direct or indirect transfer of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

Applicant requests that the Commission grant the Applicant a temporary exemption from the provisions of section 15(a) of the Act so as to permit the Applicant and the Investment Adviser to continue operation of the Agreement from February 23, 1959 to January 19, 1960, the date of the next regular shareholders' meeting of Mutual Trust. Prior to January 19, 1960, in connection with the regular shareholders' meeting of Mutual Trust, the Trustees of the Applicant propose to solicit the approval of shareholders of the Applicant with respect to continuance of the Agreement and all of the terms and provisions thereof, or to approve a new Investment Advisory Contract, such continuance or new contract, as the case may be, to be effective on or prior to January 19, 1960.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 28, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6062; Filed, July 22, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 20, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35561: *Caustic soda from McIntosh, Ala., to Rome, Ga.* Filed by Southern Railway Company (No. 140-A), for itself. Rates on liquid caustic soda, in tank-car loads from McIntosh, Ala., to Rome, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 97 to Southern Freight Association tariff I.C.C. 1536.

FSA No. 35562: *Vegetables—Kansas points to southern territory.* Filed by Western Trunk Line Committee, Agent (No. A-2076), for interested rail carriers. Rates on vegetables, in carloads of varying minimum from points in Kansas to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplements 53 and 54 to Western Trunk Lines tariff I.C.C. A-4016.

FSA No. 35563: *Scrap iron or steel—Pittsburgh district points to Calvert, Ky.* Filed by O. E. Schultz, Agent (ER No. 2504), for interested rail carriers. Rates on scrap iron or steel, in carloads from Pittsburgh, Pa., district points to Calvert, Ky.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 131 to Trunk Line Territory Tariff Bureau tariff I.C.C. A-1079.

FSA No. 35564: *Express rates in the United States.* Filed by the Railway Express Agency, Incorporated (No. 1-59). Rates on commodities moving on less-carload express rates from, to, and between points in the United States.

Grounds for relief: Short-line distance formula and grouping.

FSA No. 35566: *Fine coal—Percy and Sparta, Ill., to Rome, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A-3825), for interested rail carriers. Rates on bituminous fine coal, in carloads from Percy and Sparta, Ill., to Rome, Ga.

Grounds for relief: Market competition with mines located on the Illinois Central Railroad Company.

Tariff: Supplement 16 to Illinois Freight Association tariff I.C.C. 765.

AGGREGATE OF INTERMEDIATES

FSA No. 35565: *Express rates in the United States.* Filed by Railway Express Agency, Incorporated (No. 2-59).

Rates on commodities moving on less-carload express rates from, to, and between points in the United States.

Grounds for relief: Maintenance of single-factor through rates which exceed the aggregates of the intermediate rates.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6071; Filed, July 22, 1959; 8:50 a.m.]

[Notice 154]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 20, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62073. By order of July 15, 1959, the Transfer Board approved the transfer to Balto-Hedges Towing, Inc., doing business as Bishop Towing Company and Emergency Towing Service, Minneapolis, Minn., of certificate in No. MC 113733, issued July 8, 1954, to Lewis Hedges, doing business as Bishop Towing Co., Minneapolis, Minn., authorizing the transportation of: Wrecked or disabled motor vehicles, and tractors for replacement or wrecked or disabled tractors, in truck-away service between Minneapolis, and St. Paul, Minn., on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin. Leonard T. Juster, 311 Produce Bank Building, Minneapolis 3, Minn., for applicants.

No. MC-FC 62153. By order of July 15, 1959, the Transfer Board approved the transfer to Ray Churchill, Barre, Vt., of Certificate No. MC 112886 Sub 2, issued March 4, 1953, to Vermont Transport Company, Inc., Barre, Vt., authorizing the transportation of: Rough, dressed, or carved granite and marble, from points in Rutland Township, Rutland County, Vt., and Berlin and Barre Townships, Washington County, Vt., to Philadelphia, Pa.; and rough, dressed, or carved granite, from the above-specified origin points to Wilmington, Del. Richard E. Davis, 25 Keith Avenue, Barre, Vt., for applicants.

No. MC-FC 62210. By order of July 15, 1959, the Transfer Board approved the transfer to Bob Wootan Moving and Storage Co., Inc., of Jackson, Miss., of Certificate No. MC 114747 issued April 15, 1955, in the name of Robert S. Wootan, doing business as Bob Wootan Moving and Storage of Jackson, Miss., authorizing the transportation of meats, meat products, and meat by-products, dairy products, and articles distributed by meat packing houses, between points in Mississippi within 100 miles of Jackson, Miss. Phineas Stevens, 900 Milner Building, Jackson, Miss., for applicants.

No. MC-FC 62211. By order of July 15, 1959, the Transfer Board approved the transfer to Bob Wootan Moving and Storage Co., Inc., of Jackson, Miss., of Certificate No. MC 38619 issued August 29, 1944 in the name of Mrs. Wm. Rednour doing business as Wm. Rednour Transfer & Storage Company of New Orleans, La., authorizing the transportation of household goods, over irregular routes, between New Orleans, La., on the one hand, and, on the other, Memphis, Tenn., and points in Alabama, Arkansas, Georgia, Mississippi and Florida on and north of U.S. Highway 90. Phineas Stevens, 700 Petroleum Building, Jackson, Miss., for applicants.

No. MC-FC 62216. By order of July 15, 1959, the Transfer Board approved the transfer to Robert A. Carroll and Richard J. Carroll, a Partnership, doing business as Carroll The Mover, Quincy, Mass., of the operating rights in Certificate No. MC 89111 Sub 5, issued September 4, 1956, to W. W. Welch, Inc., authorizing the transportation of household goods, over irregular routes, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and between points in the states named above, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Ohio, Michigan, Indiana, Illinois, West Virginia, North Carolina, and South Carolina, and between points in Maine, on the one hand, and, on the other, points in Massachu-

setts and New Hampshire. Theodore E. Shasta, 60 State Street, Boston 9, Mass., for applicants.

No. MC–FC 62308. By order of July 15, 1959, the Transfer Board approved the transfer to Charles D. Merrick, Torrington, Wyo., of the operating rights in Certificate No. MC 96351, issued January 17, 1957, to Paul N. Merrick, Torrington, Wyo., authorizing the transportation, over irregular routes, of livestock, household goods, hay, grain feed, lumber, bridge materials, farm products, insecticides, grain and potato bags, new and used farm machinery, and livestock, from and to specified points in Wyoming, Nebraska, and Colorado. Stanley K. Hathaway, Call Building, Torrington, Wyo., for applicants.

No. MC–FC 62332. By order of July 13, 1959, the Transfer Board approved the transfer to Kato Theatre Service, Inc., of Elizabethtown, Ky., of Certificate No. MC 108329 issued May 27, 1954, in the name of James R. Mays and Landis R. Mays, a partnership, doing business as Kato Theatre Service, of Elizabethtown, Ky., authorizing the transportation of motion picture films, projector equipment and supplies, and advertising matter, over irregular routes, between Indianapolis, Ind., on the one hand, and, on the other, 61 specified counties in Kentucky; and substitution in MC 108329 Sub 2. Earl C. Frankenberger, 1104 Kentucky Home Life Building, Louisville 2, Kentucky for applicants.

No. MC–FC 62361. By order of July 15, 1959, the Transfer Board approved the transfer to Leonard J. Spanick and Alice Hunt Spanick, a Partnership, doing business as Pointe Van & Storage Co., of the operating rights in Certificate No. MC 59725, issued September 14, 1940, to B. J. Townes, doing business as American Van Service, authorizing the transportation of household goods, over irregular routes, between points in Wayne, Oakland, and Macomb Counties, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, and New York. Edmund N. Brady, 2150 Guardian Building, Detroit 26, Mich., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–6072; Filed, July 22, 1959; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa.; effective 7–18–59 to 7–17–60 (infants' and children's knit goods).

Blue Bell, Inc., Madison, Va.; effective 7–14–59 to 7–13–60 (little boys' play clothing).

Cotton City Wash Frocks, Inc., 52 Twelfth Street, Fall River, Mass.; effective 7–13–59 to 7–12–60 (misses' and women's cotton wash dresses).

Dillon Manufacturing Co., Dillon, S.C.; effective 7–9–58 to 7–8–60 (ladies' cotton house dresses).

Morris Freezer and Co., Inc., 1200 West Main Street, and West Spring Street, Wytheville, Va.; effective 7–19–59 to 7–18–60 (boys' woven shirts).

Greenwood Manufacturing Co., 331 Waller Avenue, Greenwood, S.C.; effective 7–21–59 to 7–20–60 (ladies' dresses, housecoats).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 7–12–59 to 7–11–60 (children's wear).

Hunter-Sadler Co., Strauss Street, Tupelo, Miss.; effective 7–16–59 to 7–15–60 (men's and boys' jackets).

Industrial Garment Manufacturing Co., Route No. 2, Palestine, Tex.; effective 7–9–59 to 7–8–60 (men's cotton work pants).

Katz Underwear Co., Sixth Street Plant; Sunrise Avenue Plant, Honesdale, Pa.; effective 7–23–59 to 7–22–60 (women's and misses' nightgowns and pajamas).

Kinston Manufacturing Co., Inc., Kinston, Ala.; effective 7–13–59 to 7–12–60 (men's and boys' outerwear; boys' pants).

M & G Sportswear, Inc., Union Mill No. 2, Fall River, Mass.; effective 7–9–59 to 7–8–60 (children's sportswear and outerwear).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 7–12–59 to 7–11–60 (dresses).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N.J.; effective 7–20–59 to 7–19–60 (ladies' shorts, slacks, etc.).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 7–23–59 to 7–22–60 (men's dress trousers; men's and boys' Ivy Leagues, dungarees).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 7–23–59 to 7–22–60 (men's dress pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Benld Garment Co., 815 East Central Avenue, Benld, Ill.; effective 7–9–59 to 7–8–60; 10 learners (ladies' dresses).

Delta Shirt Manufacturing Co., Inc., Bayard, N. Mex.; effective 7–13–59 to 7–12–60; 10 learners (boys' clothing).

New Castle Manufacturing Co., Inc., New Castle, Va.; effective 7–13–59 to 7–12–60; 10 learners (children's and ladies' woven pajamas and gowns).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 7–13–59 to 7–12–60; 10 learners (ladies' pajamas and dusters).

West Union Garment Co., Inc., West Union, W. Va.; effective 7–11–59 to 7–10–60; 10 learners (brassieres, sun halters).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bolivar Manufacturing Corp., Bolivar, Mo.; effective 7–13–59 to 1–12–60; 53 learners (ladies' shorts and slacks).

Heath Springs Manufacturing Co., Heath Springs, S.C.; effective 7–12–59 to 1–11–60; 50 learners (children's wear).

L and S Dress Co., West Mill Street, Elysburg, Pa.; effective 7–9–59 to 1–8–60; 10 learners (ladies' and misses' dresses).

Shane Manufacturing Co., 1501 West Franklin Street, Evansville, Ind.; effective 7–9–59 to 12–8–59; 150 learners (boys' short and long pants; short and long sleeved shirts; Eton coats; zipper jackets).

Spring Hope Manufacturing Co., Inc., Spring Hope, N.C.; effective 7–13–59 to 1–12–60; 20 learners (children's sport shirts).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; effective 7–12–59 to 1–11–60; 10 learners (men's work and sport shirts; ladies' sportswear).

Temple Manufacturing Co., Temple, Okla.; effective 7–15–59 to 1–14–60; 50 learners (men's and boys' single pants).

Tennessee Textile Corp., Maryville, Tenn.; effective 7–13–59 to 1–12–60; 26 learners (men's cotton work trousers and shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Adams-Millis Corp., Bodenhamer Street, Kernersville, N.C.; effective 7–14–59 to 7–13–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Gaby Hosiery Mills, Inc., Mill Street, Dandridge, Tenn.; effective 7–7–59 to 7–6–60; five learners for normal labor turnover purposes (seamless).

Granite Hosiery Mills, 838 South Main Street, Mt. Airy, N.C.; effective 7–8–59 to 7–7–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Mayo Knitting Mill, Inc., Chestnut Street, Tarboro, N.C.; effective 7–22–59 to 7–21–60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Parkdale Hosiery Mill, Catawba, N.C.; effective 7–13–59 to 7–12–60; three learners for normal labor turnover purposes (seamless).

Walton Knitting Mills, Inc., Hickory, N.C.; effective 7–7–59 to 7–6–60; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Alabama Textile Products Corp., Crestview, Ala.; effective 7–13–59 to 7–12–60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of men's shorts.

Leola Undergarment Co., Inc., Leola, Pa.; effective 7–7–59 to 7–6–60; five learners for normal labor turnover purposes (ladies' slips).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Runnymede Mills, Inc., 103 First Street, Tarboro, N.C.; effective 7–13–59 to 7–12–60; 10 learners for normal labor turnover purposes (slippers).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Consolidated Cigar Corporation of Puerto Rico, Caguas, P.R.; effective 6–25–59 to 6–24–60; 137 learners for normal labor turnover purposes in the occupations of: (1) cigar making, packing, each for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours; (2) sorting, selecting, sizing and tying, each for a learning period of 240 hours at the rate of 65 cents an hour; (3) machine stripping, inspectors, each for a learning period of 160 hours at the rate of 65 cents an hour (cigars).

Shelen, Inc., 18 San Vicente Street, Mayaguez, P.R.; effective 6–29–58 to 12–28–59; 20 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (elastic girdles).

Superior Embroidery Co., Inc., 19 Morell Campos Street, Mayaguez, P.R.; effective 6–22–59 to 12–21–59; 80 learners for plant expansion purposes in the occupations of: (1) embroidery machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) handcutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 15th day of July 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59–6060; Filed, July 22, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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JUL 27 1959
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FEDERAL REGISTER

VOLUME 24 NUMBER 144

Washington, Friday, July 24, 1959

Title 3—THE PRESIDENT

Proclamation 3304

FIRE PREVENTION WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS experience has shown that effective community fire-prevention programs can save thousands of lives each year and millions of dollars in property values; and

WHEREAS increased fire losses during the past year emphasize the need for increased care, responsibility, and community action on the part of all of the American people:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 4, 1959, as Fire Prevention Week.

I call upon our people to promote programs for the prevention of fires; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of July in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-6132; Filed, July 22, 1959; 1:30 p.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7284 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kalan Uniform Co., Inc., et al.

Subpart—*Misbranding or mislabeling:* § 13.1215 *Government, official or other sanction;* § 13.1235 *Indorsements, approval, or awards.* Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1645 *Government standards or specifications.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kalan Uniform Co., Inc., et al., Chicago, Ill., Docket 7284, June 26, 1959]

In the Matter of Kalan Uniform Co., Inc., a Corporation, and Macey B. Gordon, John William Benson, and Philip Fishbein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Chicago sellers of uniforms to military personnel with representing falsely that their military uniforms had been approved by the United States Government, by such practices as attaching labels so similar to the certificate label authorized by the U.S. Army's Uniform Quality Control Office that soldiers were led to believe that the garments were approved by that agency.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Kalan Uniform Co., Inc., a corporation, and its officers, and respondents Macey B. Gordon, John William Benson, and Philip Fishbein, individually and as offi-

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

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cers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of uniform items in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using any label which simulates or closely resembles the label provided by Army Regulation AR 700–8400–3, promulgated by the Department of the Army on January 15, 1957, on any Controlled Uniform Item which has not been approved by the Uniform Quality Control Office, or representing, directly or indirectly, by marking or labeling or in any other manner, that any Controlled Uniform Item has been approved by said Uniform Quality Control Office or by any other agency of the United States Government, when such item has not been so approved.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59–6086; Filed, July 23, 1959; 8:45 a.m.]

[Docket 7446 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

George Horwitz et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, George Horwitz et al. trading as North Bergen Quilting Company, North Bergen, N.J., Docket 7446, June 26, 1959]

In the Matter of George Horwitz, and Milton Horwitz, Individually and as Copartners Trading as North Bergen Quilting Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in North Bergen, N.J., with violating the Wool Products Labeling Act by falsely labeling, and by failing to label, interlinings as to their fiber content.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decison and order to cease and desist which became on June 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents George Horwitz and Milton Horwitz, individually and as copartners trading as North Bergen Quilting Company, or trading under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 of woolen interlining material or other woolen products, as such products are defined in and subject to the said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amounts of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage, by weight of such fiber, is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents George Horwitz and Milton Horwitz, individually and as copartners trading as North Bergen Quilting Company, or trading under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the sale or distribution of woolen fabrics or any other woolen products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents George Horwitz and Milton Horwitz, individually and as copartners trading as North Bergen Quilting Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 26, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59–6087; Filed, July 23, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 105—ALASKA PENINSULA AREA

PART 109—COOK INLET AREA

Miscellaneous Amendments

Basis and purpose. Because the escapement of red salmon in the Bear River section in the Alaskan Peninsula area totals only 30,000 fish, compared with a commercial catch of 340,000 fish, curtailment in fishing time is needed to secure additional escapement.

Continued stormy weather in Cook Inlet has precluded fishing as contemplated by § 109.9(a) as amended July 17, while red salmon escapements continue to be good. Thus additional fishing time can be permitted without jeopardizing needed escapements.

Therefore the following actions are taken:

1. In Part 105, § 105.5(b)(3)(i) is amended to read as follows:

(i) Purse seines and gill nets may be used throughout the section from 6 a.m. June 22 to 6 p.m. June 25; from 6 a.m., July 22 to 6 p.m. July 23; and from 6 a.m. August 3, to 12 noon September 30, 1959.

2. Effective at 12 noon July 22, 1959, paragraph (a) of § 109.9 *Weekly closed period,* is amended to read as follows:

(a) From 9 a.m. Saturday to 9 a.m. Monday in the Northern, North Central, South Central and Southern districts.

Since immediate action is necessary notice and public procedure on these amendments are impracticable and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: July 22, 1959.

RALPH C. BAKER, *Acting Director, Bureau of Commercial Fisheries.*

[F.R. Doc. 59–6135; Filed, July 23, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket 70; Amdt. 127]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-10	500-1	500-1	500-1
				A-dn	NA	NA	NA.

Procedure turn South side of West crs, 279° Outbnd, 099° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 098°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a left climbing turn to 1500', return to the NKZ LFR, hold on the West crs, one minute, right turns.
NOTES: No weather reporting. No tower communications at airport. Contact Salisbury Radio for ATC clearance. Prior approval required from NASA Chincoteague, Va., for landings at this airport.

City, Chincoteague; State, Va.; Airport Name, NASA Chincoteague; Elev., 38'; Fac. Class, SBMRLZ; Ident., NKZ; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Aug. 59

LaHabra FM	LGB-LFR	Direct	1800	T-dn*	300-1	300-1	200-½
Huntington Beach FM	LGB-LFR (Final)	Direct	1000	C-dn	500-1	600-1	600-2
Long Beach VOR	LGB-LFR	Direct	1500	S-dn-30	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach course authorized.
Procedure turn S side SE crs, 118° Outbnd, 298° Inbnd, 1500' within 10 miles, beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 298—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles, climb to 800' on NW crs LGB LFR, turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500' or, when directed by ATC, climb to 800' on NW crs LGB, reverse course to left and return to LGB LFR at 1,500'.
CAUTION: 500' hill with oil derricks one mile S of airport; standard clearance not provided over obstructions for circling minimums. All circling and maneuvering shall be accomplished North of field.
Major Change: Deletes transition utilizing El Toro LFR.
*300-1 required for takeoff runways 16L, 25L, 34R; 600-1½ required for takeoff runway 16R.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56'; Fac. Class, SBMRLZ; Ident., LGB; Procedure No. 1, Amdt. 16; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 15; Dated, 4 Jan. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRW LFR	CR LOM	Direct	2500	T-dn	300-1	300-1	200-½
CRW VOR	CR LOM	Direct	2500	C-dn	600-1	600-1	600-1½
Gay Int	CR LOM	Direct	2500	S-dn-23	600-1	600-1	600-1
Walnut Grove Int	CR LOM	Direct	2500	A-dn	800-2	800-2	800-2
Ivydale Int	CR LOM	Direct	2500				

Radar Terminal Area Transition Altitudes (Sectors are magnetic clockwise from Radar Site):
160° to 210° within 10 miles, 3000'.
210° to 160° within 10 miles, 2500'.
All sectors within 15 miles, 3000'.
All sectors within 23 miles, 5000'.
Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 230°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 3000' proceeding to Charleston LFR or, when directed by ATC, climb to 2500' direct to Charleston VOR.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981'; Fac. Class, LOM; Ident., CR; Procedure No. 1, Amdt. 10; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 9 (ADF portion of Comb. ILS-ADF); Dated, 29 Apr. 58

LGB LFR	LOM	Direct	1500	T-dn*	300-1	300-1	200-½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500-1	600-1	600-2
San Pedro Int	LOM	Direct	1500	S-dn-30	500-1	500-1	500-1
LGB VOR	LOM	Direct	1900	A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized.
Procedure turn S side of SE crs, 120° Outbnd, 300° Inbnd, 1500' within 10 mi of LOM. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 300°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM, climb to 800' on 300° brng from LOM; turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500' or, when directed by ATC, climb to 800' on NW crs LGB LFR, reverse crs to left and return to LGB LFR at 1500'.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks one mile south of airport. All circling and maneuvering shall be accomplished North of field.
*300-1 required for takeoff Runways 16L, 25L, 34R; 600-1½ required for takeoff Rwy 16R.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56'; Fac. Class, LOM; Ident., LG; Procedure No. 1, Amdt. 15; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 14 (ADF portion of Comb. ILS-ADF); Dated, 4 Jan. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albany LFR	ABY-VOR	Direct	1600	T-dn	300-1	300-1	*300-1
				C-dn	500-1	500-1	500-1½
				S-dn-16	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transition altitude, 000° thru 360°, 1600' within 25 miles. All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000' vertical separation; or 3 to 5 miles and 500' vertical separation from the following towers: 719' MSL 22 miles WNW, 1362' MSL 20 miles SSE.
Procedure turn W side crs, 333° Outbnd, 153° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 153—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi, climb to 1500' on R-172 within 20 mi of ABY-VOR.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196'; Fac. Class, BVOR; Ident. ABY; Procedure No. 1, Amdt. 7; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 6; Dated, 15 Nov. 58

				T-d	300-1	NA	NA
				C-d	500-1	NA	NA
				A*	NA	NA	NA

Procedure turn West side of crs, 358° Outbnd, 178° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 178°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb straight ahead on R-178 of the Waterville VOR to 1500', then make a left climbing turn to 2000' and return to the Waterville VOR. Hold Southeast on Waterville VOR R-157, one minute, left turns.
CAUTION: Stacks 850' one mile SW of airport and tower 947' two miles SE of airport.
NOTES: Airport communications available on 122.8, sunrise to sunset. No tower communications at airport. Contact Toledo approach control for ATC clearance. Night operations NA. No airport lighting.
*No weather reporting available.

City, Bowling Green; State, Ohio; Airport Name, University; Elev., 675'; Fac. Class, VOR; Ident., VWV; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Aug. 59

LGB LFR	LGB VOR	Direct	1500	T-dn*	300-1	300-1	200-½
Huntington Beach FM	LGB VOR	Direct	1500	C-dn	500-1	600-1	600-2
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 120° Outbnd, 300° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach, 1500'.
Crs and distance, facility to airport, 274°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, make immediate right climbing turn and return to LGB VOR at 1500'.
NOTE: Use of this procedure under VFR flight conditions must be approved by the NAS Los Alamitos Tower.
CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks one mile south of airport. All circling and maneuvering shall be accomplished North of field.
*300-1 required on Runways 16L, 25L, and 34R; 600-1½ required for takeoff on Runway 16R.

City, Long Beach; State, Calif.; Airport Name, Long Beach; Elev. 56'; Fac. Class, BVOR; Ident., LGB; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 19 May 58

PROCEDURE CANCELLED, EFFECTIVE 27 AUGUST 1959.

City, Modesto; State, Calif.; Airport Name, Municipal; Elev., 96'; Fac. Class, VORW; Ident., MOD; Procedure No. 1, Amdt. 4; Eff. Date, 4 May 57; Sup. Amdt. No. 3; Dated, 8 Jan. 55

MSY-LFR	MSY-VOR	Direct	1400	T-dn	300-1	300-1	200-½
La Place M1IW	MSY-VOR	Direct	1400	C-dn	400-1	500-1	500-1½
Int Bayou St. John FM and R-063 MSY-VOR.	MSY-VOR (Final)	243—4.3	700	S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Int Bayou St. John FM and R-079 MSY-VOR.	MSY-VOR (Final)	259—4.5	700				
Radar Fix#	MSY-VOR (Final)	Direct	700				

#Radar Fix is 5 mi dist. from VOR on R-054.
Radar transition altitude 1500' within 25 miles. Radar control must provide 3 mi lateral or 1000' vertical separation from 623' and 563' radio towers 12 miles SE of airport, and 978' TV tower 16 miles East of airport.
Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1200' within 10 mi.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 237°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi of VOR, climb to 1300' on R-237 within 20 mi or, when directed by ATC, (1) turn right, intercept and climb to 1400' on R-271 to La Place RBn or (2) turn left, intercept and climb to 1500' on R-208 within 20 mi.
CAUTION: 409' radio tower 2.3 mi North of airport.

City, New Orleans; State, La.; Airport Name, Moisant Int'l.; Elev., 3'; Fac. Class, VORTAC; Ident., MSY; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 20 Dec. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Watsonville Int*	Santa Rita FM or Int** (Final)	122—10	1100	T-dn	300-1	300-1	300-1
Santa Rita FM or Int**	SNS VOR (Final)	122—4.2	600	C-dn	500-1	500-1	500-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Standard procedure turn NA. All maneuvering and descent shall be accomplished in a two-minute right turn holding pattern NW of R-302 SNS-VOR, minimum altitude 1500'. Descent to cross Santa Rita FM or Int. at 1100' authorized on final approach course 122° inbnd on R-302 SNS-VOR.

Facility on airport.

Minimum altitude over facility on final approach crs, #600'.

Crs and distance, breakoff point to Rwy 13, 131°—0.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of SNS VOR, make 180° right turn and climb to 1700' in a two-minute right turn holding pattern on R-302 (122° inbnd, 302° outbnd) of SNS VOR.

*R-302 SNS VOR and 173° brng to Monterey LMM.

**R-302 SNS VOR and 212° brng to Monterey LMM.

#If Santa Rita FM or Int is not identified on final, ceiling minimums of 1000' for landing are applicable.

City, Salinas; State, Calif.; Airport Name, Salinas; Elev., 84'; Fac. Class, BVOR; Ident., SNS; Procedure No. TerVOR-13, Amdt, 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 28 Aug. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albuquerque LFR	LOM	Direct	7000	T-dn	300-1	300-1	200-½
Albuquerque VOR	LOM	Direct	7000	C-dn	400-1	500-1	500-1½
Aden Int (via N crs ABQ ILS)	LOM	Direct	8000	S-dn-35	200-½	200-½	200-½
Peralta Int-FM	LOM (Final)	Direct	6400	A-dn	600-2	600-2	600-2
Weiler Int	LOM	Direct	7000				
Kirtland Int	LOM	Direct	7000				
Int 090 R ABQ VOR and ILS S crs	LOM	Direct	7000				
Int 107 R ABQ VOR and ILS S crs	LOM	Direct	7000				
Belen MHW	Peralta Int	Direct	7000				
South Int (via S crs ABQ Loc.)*	LOM	Direct	7000				
South Int	Peralta Int/FM	Direct	7000				
La Joya VOR	South Int	Direct	8000				
Mooney Int	Roundhouse Int	Direct	12,000				
Roundhouse Int	Belen MHW	Direct	8000				
Dalies Int	Belen MHW	Direct	8000				
Dalies Int	LOM	Direct	8000				

Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000' within 10 mi.

Minimum altitude at G.S. int inbnd 6400.

Altitude of G.S. and distance to appr end of rny at OM 6400—3.8, at MM 5530—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 8000' on N crs ABQ LFR to Alameda MHW or, when directed by ATC, (1) make left climbing turn, climb to 8000' on 260° crs direct to ABQ VOR, (2) turn left and climb to 8000' on W crs ABQ LFR within 20 miles, (3) aircraft will be vectored to MEA in accordance with approved radar patterns.

CAUTION: Terrain exceeding 8000' E of ILS localizer—all turns to be made W of localizer crs.

*Int R-147 ABQ VOR and ABQ ILS South crs.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun.; Elev., 5352'; Fac. Class, ILS; Ident., ABQ; Procedure No. ILS-35, Amdt. 16; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 15; Dated, 4 July 59

Peconic LFR	OM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Riverhead VOR	OM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-5	#300-¾	#300-¾	#300-¾
				A-dn	600-2	600-2	600-2

Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 1500' within 10 miles of PIC-LFR.

Minimum altitude at glide slope int inbnd 1500'.

Altitude of glide slope and distance to approach end of runway at OM, 1490', 5.0 mi; MM 285', 0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000' on the ILS NE crs within 10 miles, then make a left climbing turn to 1500' and proceed direct to the Peconic LFR. Hold SW of Peconic LFR on SW crs of ILS, one minute, right turns.

#400-¾ required with Glide Slope inoperative.

City, Calverton; State, N.Y.; Airport Name, Peconic River; Elev., 75'; Fac. Class, ILS; Ident., PIC; Procedure No. ILS-5, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 4 Apr. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Charleston LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Charleston VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Tucker Int	LOM (Final)	Direct	1200	S-dn-15#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

#400-¾ required when glide slope not utilized.

Procedure turn W side NW crs, 328° Outbnd, 148° Inbnd, 1200' within 10 mi.

Minimum altitude at G.S. interception inbnd final, 1200'.

Altitude of G.S. and distance to approach end of rny at OM, 1180'—3.7 mi; at MM, 256'—0.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to CHS LOM.

CAUTION: Tower 1049' msl 10 mi SE.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class, ILS; Ident., ICHS; Procedure No. ILS-15, Amdt. 3; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 2; Dated, 3 Jan. 59

Int NE crs ILS and brng 254° to CRW LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
CRW LFR	LOM	Direct	2500	C-dn	600-1	600-1	600-1½
CRW VOR	LOM	Direct	2500	S-dn-23	500-1	500-1	500-1
Gay Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Walnut Grove Int	LOM	Direct	2500				
Ivydale Int							

Radar Terminal Area Transition Altitudes (Sectors are magnetic clockwise from Radar Site):

160°-210° within 10 miles, 3000'.

210°-160° within 10 miles, 2500'.

All sectors within 15 miles, 3000'.

All sectors within 23 miles, 5000'.

Procedure turn N side NE crs, 050° outbnd, 230° inbnd, 2300' within 10 miles.

Minimum altitude at glide slope intercepton inbnd, 2300'.

Altitude of G.S. and distance to approach end of rny at LOM, 2330'—4.3; at LMM 1130'—0.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' proceeding to CRW LFR or, when directed by ATC, climb to 2500' proceeding to CRW VOR.

NOTE: Provisions for use with inoperative ILS components are not applicable to this procedure.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981'; Fac. Class, ILS; Ident., CRW; Procedure No. ILS-23, Amdt. 10; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 9 (ILS portion of Comb. ILS-ADF); Dated, 29 Apr. 58

LGB LFR	LOM	Direct	1500	T-dn*	300-1	300-1	200-½
Huntington Beach FM	LOM (Final)	Direct	1400	C-dn	500-1	600-1	600-2
San Pedro Int	LOM	Direct	1500	S-dn-30#	300-¾	300-¾	300-¾
LGB VOR	LOM	Direct	1500	A-dn	600-2	600-2	600-2

Radar vectoring to final approach course authorized.

Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 1500' within 10 mi of LOM. Beyond 10 mi NA.

Minimum altitude at Glide Slope Int inbnd, 1400'.

Altitude of Glide Slope and distance to approach end of runway at OM, 1230'—4.2 mi; at MM, 220'—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800' on NW crs LGB ILS; turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500' or, when directed by ATC, climb to 800' on NW crs LGB-LFR, reverse crs to left and return to Long Beach LFR at 1500'.

CAUTION: Standard clearance over obstructions not provided for circling minimums; 500' hill with oil derricks one mi S of airport. All circling and maneuvering shall be accomplished North of field.

Major Change: Deletes transition utilizing El Toro LFR.

*300-1 required for takeoff runways 16L, 25L, 34R; 600-1½ required for takeoff Runway 16R.

#Straight-in landing minimums are 400-1 with glide slope inoperative.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56'; Fac. Class, ILS; Ident., LGB; Procedure No. ILS-30, Amdt, 15; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 14 (ILS portion of Comb. ILS-ADF); Dated, 4 Jan. 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
205	255	5	1800	10	2500	15	3500	20	3500	----	----	----	----	T-dn*	300-1	300-1	200-½
255	205	5	1800	10	2000	15	3000	20	3500	----	----	----	----	C-dn	500-1	500-1	500-1
														S-dn#	500-1	500-1	500-1
														A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800' msl, then proceed to San Pedro Int continuing climb to minimum of 2500' msl.

CAUTION: Circling minimums do not provide clearance over 500' hill one mile south of airport. All circling and maneuvering shall be accomplished north of field.

*300-1 required for takeoff Rnys 16L, 25L, and 34R; 600-1½ required for takeoff Rny 16R.

#Rnys 7L, 25R, 16R, 30.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56'; Fac. Class, Long Beach; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 59; Sup. Amdt. No. Orig.; Dated, 9 May 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 17, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6083; Filed, July 23, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Estimated Season Average Price for 1959–60 Crop Year

In accordance with the provisions of paragraph (a) of § 993.50 of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act", it is hereby found that:

(a) The estimated season average price for prunes for the 1959–60 crop year, which will begin on August 1, 1959, will be in excess of the price level (i.e., parity) contemplated by the provisions of section 2(1) of the act; and

(b) The handling of prunes during such crop year in accordance with the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 will tend to effectuate the declared policy of the act by establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for prunes in interstate commerce as will effectuate such orderly marketing of prunes as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

In conformity with the requirements of § 993.42 of the amended marketing agreement and order, the Prune Administrative Committee (established under the amended marketing agreement and order) reconsidered, at its meeting of July 10, 1959, its original marketing policy for the 1959–60 crop year, including the consideration of the Secretary's tentative views with respect thereto and other relevant data, and unanimously recommended that the above-parity finding set forth in the preceding paragraph be made and that the handling of prunes shall be in accordance with the provisions of § 993.50. Available information indicates for the 1959–60 crop year a below-average total available supply of prunes that will be somewhat less than the total probable market requirements in domestic and foreign commerce (including carryout), that the prospective demand situation is enhanced by small early-season inventories of prunes, prune juice and concentrate, and by increased dollar area quotas established for dried fruits by the United Kingdom, and that the season average price to producers for prunes will exceed parity.

Since the provisions of § 993.50 are being made effective in lieu of the requirements of §§ 993.48 and 993.49 (which would otherwise be operative in the absence of this order) for the 1959–60 crop year, the minimum standards as to grade for natural condition prunes or processed prunes, as the case may be, shall be those set forth in § 993.97 (Exhibit A), as currently in effect (23 F.R. 6339). Therefore, the respective combined tolerance allowances of 20 percent as provided in § 993.97 (Exhibit A) for the defects included therein would be in effect during the 1959–60 crop year instead of the modified combined tolerance allowances of 15 percent made effective August 20, 1957 (22 F.R. 6645) pursuant to the provisions of §§ 993.48(c) and 993.49(c). Moreover, the pack regulations, which became effective June 20, 1958 (§§ 993.501–993.518; 23 F.R. 3373) pursuant to § 993.49(b)(3) would be inoperative during the 1959–60 crop year, the same as for the current crop year.

It is, therefore, ordered, That:

1. The provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 shall apply to all handling of prunes during the 1959–60 crop year beginning August 1, 1959.

2. The modified (22 F.R. 6645) combined tolerance allowances of 15 percent for the defects contained in § 993.97 (Exhibit A), effective August 20, 1957, shall not be operative for said 1959–60 crop year.

3. The pack regulations, effective June 20, 1958 (§§ 993.501–993.518; 23 F.R. 3373), shall not be operative for said crop year.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) and for making the provisions hereof effective August 1, 1959, in that: (1) The regulatory provisions pursuant to the amended marketing agreement and order that are currently in effect (23 F.R. 6339) will terminate at the end of the present, above-parity crop year (i.e., on July 31, 1959); (2) in the absence of the requirements pursuant hereto becoming effective August 1, 1959—the beginning of the 1959–60 crop year—more restrictive requirements pursuant to §§ 993.48 and 993.49 would, unless sooner suspended or modified, automatically become operative at that time with respect to the handling of prunes during that crop year; (3) the regulatory provisions pursuant to the amended marketing agreement and order that are hereby ordered to be in effect during the 1959–60 crop year are authorized by said marketing agreement and order and are substantially the same as those in effect during the current crop year and are well known to handlers; (4) handlers will need to know as soon as possible the regulations which will apply to the handling of prunes during the 1959–60 crop year so as to arrange their operations accordingly; (5) prunes of the 1958 crop are on hand and will continue to be handled beyond the current crop year (i.e., after July 31, 1959); (6) to be of maximum benefit, the above-parity requirements prescribed by this order for the 1959–60 crop year for prunes should be in effect for the entire crop year and regulate all handling of prunes, including the August 1, 1959, carryin; (7) to delay the effective time hereof beyond the beginning of the 1959–60 crop year (i.e., beyond August 1, 1959) would result in the applicability of the above-parity requirements during only a portion of such crop year, which would not tend to effectuate the declared policy of the act; (8) compliance herewith will require no advance preparation by handlers; and (9) the requirements hereof relieve restrictions against the handling of prunes during the 1959–60 crop year which would otherwise become effective August 1, 1959, in the absence of the above-parity finding herein.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 21, 1959, to become effective August 1, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6106; Filed, July 23, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262-A4]

MILK IN TEXAS PANHANDLE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Texas, on January 22–24, 1959, pursuant to notice thereof issued on December 23, 1958 (23 F.R. 10,540).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 12, 1959 (24 F.R. 4920) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Expanding the marketing area;
2. Qualifying a cooperative association as a handler with respect to farm bulk tank milk which it delivers directly to the pool plant of another handler;
3. Modifying the location differentials to handlers and producers;
4. Revising provisions with respect to transfers of more than 300 miles but less than 350 miles;
5. Modifying the Class II milk price; and
6. Providing that handlers should furnish cooperative associations with information on the volume of milk received from their member producers on earlier dates than now provided in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should be expanded to include Childress, Collingsworth, and Swisher counties in the State of Texas, and Beckham County, Oklahoma.

In each of these counties milk for fluid distribution is required to meet essentially the same health standards as in the presently regulated marketing area.

Collingsworth and Childress counties are a part of the market normally served by Texas Panhandle handlers. Approximately 80 percent of the milk sold in these counties is distributed by handlers who are regulated under the Texas Panhandle marketing order. With the possible exception of a producer-handler located in Childress County, the remainder of the distribution of milk in these two counties is by handlers who are regulated under other Federal marketing orders. Inclusion of these counties in the area would bring no new plants under regulation.

Swisher County should likewise be added to the marketing area. About 90 percent of the milk now is distributed there by regulated handlers. The largest distributor of milk in the county is a handler whose plant is located at Tulia in Swisher County. At the time of the hearing this plant was partially regulated under the Texas Panhandle order because its sales in the marketing area were very limited. Official notice is taken of the fact that subsequent to the hearing this plant expanded its sales in the present marketing area to such an extent that it became a fully regulated handler under the order during March 1959. In addition to these plants there is at least one unregulated plant from which milk is distributed in Swisher County. The volume of milk which it disposes of in the county is such that expansion of the area to include Swisher County is not expected to bring it under full regulation of the order.

The principal distributor of milk in Beckham County, Oklahoma, is a handler whose plant is at Elk City in that county. This handler distributes milk throughout the present marketing area and has been subject to full regulation ever since the order was issued. In addition to his normal route distribution, this handler regularly supplies large volumes of milk to military installations and other government agencies outside the Texas Panhandle marketing area. Contracts to supply such milk are usually for periods of 3 to 6 months. At times the volume of milk involved in such contracts is fairly substantial. At certain periods the volume of milk supplied to government installations in neighboring marketing areas has been such that the handler was very close to becoming regulated under an adjoining order rather than under the Texas Panhandle order for the life of the contract.

If the regulation of this handler were to shift from the Texas Panhandle order to some adjacent order and then back to the Texas Panhandle order again every 3 to 6 months, it would disrupt the orderly marketing of milk in both the Texas Panhandle marketing area and the other marketing areas involved. This would be particularly true if the shift in regulation occurred during either the base-forming or base-paying period. Since the bulk of this handler's route distribution is in the Texas Panhandle marketing area and in Beckham County and his sales in other marketing areas are confined generally to short-term contracts to supply government installations, it is desirable that the handler continue to be regulated under the Texas Panhandle marketing order. The most feasible way to insure his continued regulation under this order is to add Beckham County, Oklahoma, to the marketing area. This county is adjacent to the present marketing area.

In addition to the handler at Elk City who is the largest distributor of milk in the county, it is served by at least one other handler subject to regulation under the Texas Panhandle order. Milk is also distributed in Beckham County by several handlers who are regulated under either the Oklahoma Metropolitan or the Red River Valley marketing order. There are no unregulated plants from which milk is distributed in the area. Thus, extending regulation to Beckham County will not bring under regulation any new handlers, but it will insure that the plant at Elk City will continue to be regulated under the Texas Panhandle marketing order.

The marketing area should not be expanded to include any of the 5 New Mexico counties of Chaves, Curry, Lea, Quay, and Roosevelt, which were proposed to be annexed to the present marketing area.

The addition of these counties was proposed by one of the handlers subject to regulation and was supported by the North Texas Producers Association which is the major cooperative association supplying the Texas Panhandle marketing area.

The handler that made the proposal disposes of a substantial volume of milk in the 5-county area of New Mexico. It is the only regulated handler which regularly disposes of milk on routes in those 5 counties. In support of its request for inclusion of this territory in the marketing area, the handler attempted to show that its distribution in New Mexico which, incidentally, is approximately one-third of its total distribution of milk, was threatened by chaotic conditions and unfair competition from unregulated handlers located in New Mexico. The evidence, however, does not support the contention since sales of milk by this handler in New Mexico have continued to expand and there is no showing that a substantial loss of sales in any portion of that area has occurred.

The absence of lower priced competition from unregulated milk in the 5 New Mexico counties is borne out by the fact that the contract to supply milk to the Air Force Base at Clovis in Curry County has been obtained by handlers regulated under the Texas Panhandle marketing order during at least half of the contract periods in recent years. At the present time this contract is held by one of the Texas Panhandle handlers.

The North Texas Producers Association in urging the annexation of these counties to the Texas Panhandle marketing area stated that it had more than 100 members among producers supplying milk to plants located in the New Mexico area, but that it was unable to

negotiate with these plant operators, either with respect to prices paid producers or with respect to a plan for rendering marketing services to its members in New Mexico. The association, however, presented very little evidence to support its position on the grounds that it was fearful that if specific instances were cited the New Mexico handlers would take retaliatory action against the member producers involved.

Inclusion of the New Mexico area under the Texas Panhandle marketing order was opposed by all handlers located in New Mexico and by the Dairy Farmers Association of New Mexico, an organization which allegedly represents most of the dairy farmers supplying milk to plants in the State of New Mexico and the City of El Paso, Texas. Since this Association claims to represent a majority of the producers located in the 5-county area, it appears that either one of the associations overestimated its membership, or there must be some producers who are members of both this Association and the North Texas Producers Association. This Dairy Farmers Association claimed that its relationships with the handlers to whom it sold milk are excellent, that it felt that milk was being properly accounted for, both as to weight and test, and that any questions which might arise as to the weight and test of an individual producer's milk had always been satisfactorily settled. In addition, it was stated that the New Mexico laws are such that the Association could obtain an audit of a handler's books any time that it felt there was an indication that the handler was not properly accounting for the utilization of producer milk.

Since the only handler regulated under the Texas Panhandle order at the present time who regularly distributes milk in the 5-county area has been able to expand his sales there, and since there is no evidence that regulation of the 5-county area is necessary to maintain orderly marketing in the present marketing area, it must be concluded that there are no grounds at the present time for expanding the Texas Panhandle marketing area into the State of New Mexico.

2. The handler definition should be changed to provide for a cooperative association to become a handler with respect to milk which it delivers directly from the farms of its member producers to the pool plant of another handler in tank trucks owned or operated by such association, if it desires to assume the handler obligations of the order relative to accounting to the pool and making payments to producers for such milk. Shrinkage incurred on such bulk tank milk, for which the cooperative association elects to become the handler, should be divided between such association and the pool plant to which it is delivered. Actual shrinkage in an amount up to 0.5 percent of the total receipts of skim milk and butterfat in such milk should be allocated to the cooperative association and the pool plant to which the milk is delivered for processing should be permitted shrinkage in an amount not in excess of one and one-half percent of the pounds of skim milk and butterfat in such milk.

Proponent producers testified that more than 50 percent of the milk delivered to the distributing plants of other handlers is from farm bulk tanks. This has created a problem with respect to the determination of responsibility to the individual producers. When milk comes to market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is used. The operator of the plant is responsible for paying the individual producer for the quantity of milk received at the determined butterfat test.

When milk comes to market in a bulk tank truck, the weight of the milk is checked and a sample for butterfat testing is taken by the driver at the farm. The milk of a number of producers is intermingled in the tank truck. When the tank truck is owned or operated under the control of the cooperative association, the weight of each producer's milk is checked and a sample for butterfat testing is taken by a person who is an employee of, or directly responsible to the cooperative association. The handler who receives the milk of a number of producers in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose milk is contained in the load, except as such information is reported to him by the association. In some instances, especially with respect to supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

There are two cooperative associations with member producers supplying the market. One association testified in favor of the proposal and the other offered no testimony.

To the present time, the problems created by the conversion to bulk tank milk have not been serious and the cooperative association and the handlers have ironed out any difficulties that have arisen with respect to the weights and tests of milk in bulk tanks. As the trend to bulk tanks continues, however, the problems will become more numerous and more serious. Accordingly, it is concluded that a cooperative association should be qualified as a handler with respect to bulk tank milk of its member producers which it causes to be delivered from their farms to the pool plant of another handler, but on a permissive basis at the present time. If a cooperative association wishes to become the handler for such bulk tank milk deliveries, it will be so considered if, prior to the first day of the month in which the change is to be effective, it notifies the market administrator and the handler to whom the milk is delivered in writing to that effect. Otherwise, the handler at whose pool plant the milk is physically received will continue to be accountable for it under the order and responsible for payments to producers, either directly or through their cooperative association authorized to collect such payments, at the uniform price. For milk for which the cooperative association is the handler, the operator of the pool plant at which it is received will be obligated to pay the cooperative association the applicable class prices for such milk.

The qualification of a cooperative association to become a handler with respect to farm bulk tank milk involves consideration of the allocation of shrinkage incurred with regard to such milk. Under the present terms of the order, the first receiving handler of the milk is entitled to the shrinkage incurred up to the limit of 2 percent of the skim milk and butterfat in such milk. When the operator of the pool plant which physically receives the milk is the handler and accounts for the milk on the basis of the farm determined weights and samples for butterfat tests, the shrinkage is allocated to such receiving handler. However, when such conditions do not exist, and the cooperative association becomes a handler for such milk, some equitable division of the 2 percent permitted should be established between the cooperative association for shrinkage incurred between the farm and plant and shrinkage incurred by the handler who processes the milk. Because of limited experience, the cooperative association was unable to establish the amount of shrinkage incurred in bulk tank handling of milk between the farm and the plant. Under generally similar conditions in other Federal order markets, an allowance of one-half of one per cent has been used to accommodate shrinkage losses incurred in performing receiving station functions and up to one and one-half percent to accommodate shrinkage losses incurred at the distributing plant.

Pending further information based on actual operations in the market, it is concluded that the cooperative association with respect to farm bulk tank milk, for which it elects to become the handler, should be permitted the allowable shrinkage up to one-half of one percent and the processing plant shrinkage up to one and one-half percent of the skim milk and butterfat in such milk. With respect to milk so handled and for which the cooperative association is not the handler, the operator of the plant at which the milk is received would be obligated to account to producers at the reported farm weights. Thus, the cooperative association in such instances would incur no loss and the plant of receipt should be permitted the entire shrinkage on such milk up to a maximum of 2 percent.

3. The location differentials to handlers and producers should be reduced.

The proponent producers' association and a handler testified in favor of reducing the location differentials. Two handlers offered testimony in opposition thereto; they also contended that location differentials should apply only to supply plants and not to distributing plants.

The purpose of location differentials is to establish the value of milk for use as Class I products at various locations in relation to some basing point, which is usually the central market for such milk. The milk delivered by farmers directly to a plant in or near the central market is worth more to the handler than milk which is received from farmers at a plant located many miles from the market. This is because from the more distant plant the handler must incur an additional cost of transporting that milk into the central or deficit area of the market. Additional cost of hauling is involved whether the milk is transported in bulk or in packaged form. Thus, the value of the milk delivered to plants away from the central market, or deficit area basing point, is reduced by a price differential approximating the cost of transporting the milk from such plants to the central and deficit area of the market. The producer's price for milk delivered to plant at such distant points in turn is reduced by a like differential to compensate for the cost of hauling the milk from such points to the central, or deficit, market area.

A handler with a distributing plant at Amarillo, Texas, argued that location differentials should not apply to milk of a pool distributing plant located at Elk City, Oklahoma. He contended that to allow the Elk City handler a location differential on Class I milk places handlers whose plants are in Amarillo at a competitive disadvantage in the distribution of milk in areas to the east of Amarillo. It is clear that a handler with a plant at Amarillo has a location disadvantage with respect to his sales of milk in areas to the east and northeast of his plant in competition with a handler whose plant is located in that direction from Amarillo toward the areas of surplus milk production where milk prices would be expected to be lower. Whether it is profitable for a handler with a plant in Amarillo to extend his sales into territories in the direction of surplus milk producing areas where the value of milk is lower, despite such disadvantage, is a matter of his own decision. In cases of this kind, handlers sometimes continue their sales even though they have an apparent location disadvantage, because of other offsetting factors such as the decreased unit costs associated with increases in volume handled in their plants. The handler, however, who moves his fluid milk products in the direction of the central or deficit market area in packaged form should not be penalized to accommodate a handler who moves milk counter to the general movement of milk on an economic basis.

When the Texas Panhandle order was promulgated, there was only one supply plant located outside the marketing area which was definitely associated with the marketing area. This plant, located at Arnett, Oklahoma, received milk from farmers in the Oklahoma area. The milk was cooled and transported in tanks in the quantities needed to supply the handler's distributing plant in Amarillo, Texas. Prior to the issuance of the order, this handler had been taking a location adjustment of 75 cents per hundredweight for milk received from farmers at the Arnett plant as compared with the price paid for milk delivered directly to the plant in Amarillo. When the order became effective, the location differential applicable at the Arnett plant's location was reduced to 41.4 cents per hundredweight.

The location differential is intended to reflect only the cost of transporting milk to the central market. Because a handler chooses to perform some or all of the processing functions at a point some distance from the central market he cannot expect producers to assume a portion of these costs. Thus, the costs incurred in processing and bottling milk at Elk City or in assembling and cooling milk at Arnett should not be borne by producers. Likewise, the location differential should apply only to Class I milk. The value of Class II products at Elk City, Arnett or any other point in the milkshed is essentially the same as at Amarillo. The price the producer receives for his Class II milk should not be reduced because the handler maintains his manufacturing operations at a distance from the city market.

During the past several years, important changes have occurred in the handling and movement of milk from the farm to the market. The development of bulk tank handling of milk on the farm has greatly facilitated the movement of such milk greater distances directly to distributing plants in the market than was formerly possible. Dairymen supplying the Texas Panhandle market have been rapidly converting to the bulk tank method of handling milk on their farms. Most of the milk supply for the market now is assembled in bulk tank trucks and moved directly from the farms to the plants from which the milk is distributed.

The rate of the location differential should reflect the most efficient and most economic means of transporting milk. The cost of transporting milk in bulk tanks per hundred miles from distant alternative sources of supply is approximately 15 cents per hundredweight. This rate for location differentials to both handlers and producers appropriately reflects the cost of moving milk to the Texas Panhandle market under the most efficient and economic conditions.

It is concluded, therefore, that the rate per hundredweight applicable to the location differentials, pursuant to §§ 911.53 and 911.82, should be reduced from 35 cents to 15 cents for the 100-to-110-mile zone from Amarillo City Hall and from 1.6 cents to 1.5 cents for each additional 10 miles or fraction thereof applicable 110 miles and beyond.

4. The transfer provisions should be modified to permit the transfer or diversion of any fluid milk product to a nonpool plant located not more than 350 miles from the nearest point in the marketing area and receive the Class II milk classification if so utilized.

The present order provides that when skim milk or butterfat is transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 300 miles from the nearest point in the marketing area, it should receive the Class I milk classification.

At present the North Texas Producers Association handles most of the diversions of milk to nonpool plants. Such milk is moved to a number of plants in Oklahoma and Texas, with a considerable quantity going to its plant at Muenster, Texas, nearly 300 miles from Amarillo.

The distance that fluid milk products were permitted to be transferred or diverted to nonpool plants and still be allowed to receive the Class II milk classification, adequately provided for the existing need when the order was issued. However, considerably more producer milk was used in Class II in 1958 than in either 1957 or 1956. A handler under the order now also has a plant in Denver, Colo., which is associated with and regulated under the Colorado Springs-Pueblo order. By increasing the distance that milk or cream may be transferred or diverted to a nonpool plant from 300 to 350 miles, and still receive the Class II classification, this handler could transfer cream to his plant in Denver for use in ice cream rather than make disposition in lower valued products such as butter and cheese. The Denver plant is subject to regular audits with respect to its utilization of milk under the Colorado Springs-Pueblo order.

To accommodate the above-changed conditions in the market, it is concluded that fluid milk products should be permitted to be transferred or diverted to nonpool plants located not more than 350 miles by the shortest highway distance from the nearest point in the marketing area without becoming automatically subject to the Class I classification.

5. The proposal to price Class II milk year-round on the basis of prices paid for ungraded milk by three nearby plants should be denied.

The pricing provisions presently in the order establish the price of Class II milk, for the months of March through June, on the price paid for ungraded milk by four nearby plants processing such milk and, for the months of July through February, on the higher of the price paid by such nearby plants or the basic formula butter-powder computed price.

For each month, July through February, since the inception of the order, the Class II price has been determined by the butter-powder formula price. During this eight-month period of 1958, the Class II price averaged 15 cents higher than it would have been if the nearby plants had been used as a basis for establishing the price. During these months reserve supplies of milk are small and are primarily used in the high valued Class II milk products such as ice cream and cottage cheese. The North Texas Producers Association, which handles more than one-half of the Class II milk on the market, has been able to dispose of reserve supplies of milk for manufacturing uses satisfactorily and without financial loss at the present order Class II price.

Official notice is taken of the determination made, in accordance with § 911.54 of the order, of the equivalent price for Class II milk, issued effective May 1, 1959 (24 F.R. 3564). The determination substituted three manufacturing plants pursuant to § 943.50(c) of the North Texas Order No. 43, as amended, as a basis for pricing Class II milk in place of the four plants listed in

§ 911.51(b)(1). This became necessary because two of the four plants have discontinued receiving ungraded milk and the small volume of ungraded milk handled by the remaining two plants does not provide an adequate basis for properly reflecting the value of milk used in the manufacture of dairy products.

In view of the above-described conditions, it is concluded that the proposal should be denied, but that the order determining an equivalent price for Class II milk should be continued in effect.

6. The order should be modified with respect to dates when a handler who receives milk from a cooperative association, which pays its own members, should furnish such association information on the volume of milk received from its members.

The present order makes provision for a handler to account to a cooperative association for milk received from its member producers. The dates specified, however, often make it impossible for a cooperative association to make its computations and payments to producers on dates specified in the order. For example, if a handler does not account to a cooperative association for his receipts of its members' milk until the 13th of the month, the date specified in the order when such accounting is due, and a week end falls immediately following the 13th, it is often impossible for the association to pay its producer members on the 15th, the date specified in the order for settlement for the previous month's milk.

The proponent producers' association testified that this condition could be alleviated if each handler who receives milk from a cooperative association which collects payments for its members furnished each such association, on or before the 20th of each month, information on the daily and total pounds of milk received from each of the association's member producers for the first 15 days of the month and, on or before the 5th day after the end of each month, such information for the 16th through the end of the month.

No testimony was offered in opposition to the proposal.

It is concluded that the proposal should be adopted.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activities specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Texas Panhandle Marketing Area", and "Order amending the order regulating the handling of milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of July 1959.

TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (1) producer milk, (2) other source milk at a pool plant which is allocated to Class I milk, and (3) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another Federal order.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. Amend § 911.6 to read as follows:

§ 911.6 Texas Panhandle marketing area.

"Texas Panhandle marketing area", hereinafter called the "marketing area", means all of the territory within the counties of Armstrong, Briscoe, Carson, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, all in the State of Texas, and Beckham in the State of Oklahoma.

2. Amend § 911.12 to read as follows:

§ 911.12 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more distributing or supply plants, (b) any cooperative association with respect to the milk of producers diverted by the association for its own account from a pool plant to a nonpool plant, or (c) any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 911.41 [Amendment]

3. In § 911.41(b)(4), substitute a colon for the period and add the following proviso: *"Provided,* That with respect to milk for which a cooperative association is the handler pursuant to § 911.12(c), shrinkage incurred shall be allocated to the cooperative association in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat in such milk and the pool plant to which it is delivered for processing shall be allocated shrinkage incurred in an amount not to exceed one and one-half percent of the total pounds of skim milk and butterfat in such milk."

§ 911.44 [Amendment]

4. In § 911.44 (c) and (d), substitute the figure "350" for the figure "300".

§ 911.53 [Amendment]

5. In § 911.53, under "Rate per hundredweight (cents)" substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

§ 911.80 [Amendment]

6. Amend § 911.80(c) by adding the following new subparagraph (3):

(3) Each handler who receives milk from a cooperative association which collects payments for its members pursuant to subparagraph (1) of this paragraph shall, on or before the 20th of each month, furnish such association information showing the daily and total pounds milk received from each of the association's member producers for the first fifteen days of such month and, on or before the fifth day after the end of each month, such information for the 16th through the end of such month.

§ 911.82 [Amendment]

7. In § 911.82, under "Rate per hundredweight (cents)", substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

[F.R. Doc. 59-6089; Filed, July 23, 1959; 8:46 a.m.]

[7 CFR Part 1023]

[Docket No. AO-295-A1]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Des Moines, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Des Moines, Iowa, on May 27, 1959, pursuant to notice thereof which was issued May 19, 1959 (24 F.R. 4150).

The material issue on the record of the hearing relates to the level of the Class I price.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The method of determining the Class I price should be amended to limit temporarily the effect of the Chicago supply-demand ratio on the Class I price in this market.

The Des Moines Class I price is fixed at 35 cents above that in the Chicago order and reflects the minus 24-cent supply-demand adjustment included in the Chicago Class I price. The minus 24-cent supply-demand adjustment, which is the maximum provided under the Chicago order, has been effective continuously since November 1958 and it may reasonably be expected to be applicable beyond the approaching months of seasonally low production.

The availability of supplies in relation to the demand for milk for fluid use for the Des Moines market is significantly different than that for Chicago and producers proposed discontinuance of the Chicago order supply-demand ratio as a factor in determining the Des Moines order Class I price. For the first 7 months of the Des Moines order, September 1958 through March 1959, the Class I sales as a percentage of producer receipts averaged 88 percent. The Chicago order supply-demand utilization percentage during the same period averaged 61 percent.

Approximately 80 percent of the producers under the order are members of the Des Moines Cooperative Dairy. During the first 3 months of 1959 they delivered to Des Moines order pool plants 55.8 million pounds of Grade A milk compared with 59.9 and 55.7 million pounds, respectively, delivered to these same plants during the corresponding periods of 1957 and 1958. Purchases by its buying handlers during each of these 3-month periods were 44.2, 45.0 and 47.6 million pounds, respectively, in 1957, 1958, and 1959. These purchases as a percentage of the receipts from dairy farmers were 73.8, 80.7 and 85.3 percent, respectively, during the first 3 months of 1957, 1958 and 1959.

The Des Moines Cooperative Dairy obtains supplemental supplies of milk from distant plants in Minnesota and Wisconsin during those months of the year when local production is not adequate to meet the needs of the market. The present rate of production in relation to the market's Class I requirements portends a heavy upsurge in the quantities of milk that will have to be imported during the remaining months of this year. Approximately 2 million pounds of milk were imported by producer associations from August through December 1958 to supplement the needs of handlers now regulated by the order and it is estimated that at least twice as much milk will need to be imported during the remainder of this year by the Des Moines Cooperative to meet handlers' Class I requirements. On a seasonally adjusted basis, producer milk for the Des Moines market is in shorter supply in relation to demand than that experienced by the market over a number of years.

Steps are being taken by the Des Moines Cooperative Dairy toward increasing the regular supply of milk for the market. The goal of the cooperative is to obtain a sufficient number of producers so that the market's needs will be fully supplied on a year-round basis. Current efforts by the producer association in this regard include newspaper advertising, working through truckers on their now established hauling routes to solicit new producers, and contacting ungraded dairy farmers in the milkshed to

attempt to get them to convert to Grade A operations.

Although producers and potential producers in the production area for the Des Moines market may now be assured of a Grade A market whether they are can or bulk tank shippers, the time is rapidly approaching when all major distributors on the market will receive milk from bulk tank shippers only. In recognition of this, the Des Moines Cooperative Dairy has embarked on a program of converting its producer members from can to bulk tank shippers within an 18-month period, and it may be reasonably expected that any ungraded dairy farmer who contemplates shifting to a Grade A operation in order to qualify to ship to the Des Moines market will install a bulk tank operation. The cost of such an installation will vary depending upon its size and the facilities for handling milk that the ungraded producer already has. Under any circumstance, however, his capital outlay to fix up for Grade A as a bulk tank shipper would be significantly greater than as a can shipper. Another deterrent to ungraded farms shifting to Grade A production for the Des Moines market is the relatively good level of prices for beef cattle. The present level of Des Moines order prices is not adequate to encourage such farmers to establish facilities for Grade A production on their farms.

Milk is shipped regularly from plants regulated by the North Central Iowa and Cedar Rapids-Iowa City orders to markets at great distances from these plants. It was suggested that the Des Moines Cooperative Dairy obtain its supplemental needs from the plants under these nearby orders or procure some of the producers now supplying North Central Iowa and Cedar Rapids-Iowa City handlers as direct delivery shippers to Des Moines. In this regard it was pointed out that the milk shipped from the North Central Iowa and Cedar Rapids-Iowa City order plants to outside markets is sold generally on a year-round basis to these buyers and the price received from these outside markets is better than the Des Moines Cooperative Dairy could afford to pay for such milk on a yearly contract.

There is relatively little overlapping of the Des Moines production area with those in which are located the producers supplying North Central Iowa and Cedar Rapids-Iowa City pool plants. The Des Moines Cooperative Dairy's hauling routes extend as much as 120 miles from Des Moines and would have to be extended much farther if they were to take on Grade A producers now supplying these other nearby Federal order markets. The increased transportation that these producers would have to pay for their milk moving into the Des Moines market would be enough greater so as to nullify any gain that they might have in shifting markets. There has been no shifting of producers from the North Central Iowa and Cedar Rapids-Iowa City order markets to Des Moines handlers.

Better net prices for their milk from St. Louis and Kansas City order handlers have resulted in the transferring of some Des Moines order producers to these markets with the loss of others in prospect. A number of producers supplying handlers in Ottumwa have left the Des Moines order market to ship to handlers under the St. Louis order and other producers selling to Des Moines order regulated handlers in that vicinity contemplate shifting to St. Louis. Des Moines order producers, some of whose farms are within 10 miles of Des Moines, have shown an interest in shipping to the Kansas City market and have been meeting with buyers on that market in this regard.

The prices under these other orders are enough better than Des Moines to stand the extra transportation costs and enable the producers to be ahead pricewise. In fact, a load of milk produced on a farm in Meservey, Iowa, which is in the vicinity of Mason City, is moved regularly to the Kansas City plant of a handler with whose representative Des Moines order producers have discussed selling their milk. The tank truck from Meservey passes through Des Moines on its way to Kansas City.

The Des Moines market is at a disadvantage pricewise with the markets for which it must compete for supply. The monthly prices computed pursuant to the Des Moines order Class I price formula averaged $4.07 for 1958. During the same period the Class I price under the St. Louis, Kansas City and Omaha-Lincoln-Council Bluffs orders for 3.5 percent milk averaged 23, 37, and 35 cents, respectively, above this; and for the first 4 months of 1959 the Class I price for these markets averaged 25, 50, and 53 cents above that for De Moines. Of the other nearby regulated markets, North Central Iowa and Cedar Rapids-Iowa City, the Class I price is directly related to the Chicago Class I price, as is Des Moines. In each month the Class I price under these orders is 20 cents less than that for Des Moines for milk delivered in the base zone (Polk County) and 10 cents less than that for milk delivered to Des Moines order plants outside the base zone.

The pricing provisions of the Des Moines order became effective October 1, 1958. The Des Moines uniform price for the period October 1958 to April 1959 averaged $3.88 for milk received at plants in the base zone and $3.78 for milk received at other Des Moines order plants. The comparable uniform prices under the nearby Federal orders for the same period for 3.5 percent milk averaged $4.25 for St. Louis, $4.19 for Kansas City, $4.35 for Omaha-Lincoln-Council Bluffs, $3.80 for North Central Iowa and $3.74 for Cedar Rapids-Iowa City. These prices are for milk delivered at plants in the specified maketing area at which no location adjustment is applicable.

Because the Des Moines order has been in operation less than a year there are not yet available sufficient statistical data on which to establish a separate supply-demand formula to replace the effect of the Chicago supply-demand factor in the Des Moines Class I price. In view of this, it would not be practicable to make any permanent changes in the Des Moines order Class I pricing provisions at this time. Consideration may more appropriately be given to this matter at such time as statistical data for at least a full year of operation of the Des Moines order are available.

A number of producers on the market must currently decide whether to convert to a bulk tank operation on their farms or go out of the Grade A milk business. Ungraded shippers need to have greater incentive than is currently available to fix up for Grade A production for the Des Moines market. With respect to those Grade A producers supplying nearby markets, a price incentive which warrants the additional transportation costs to ship the greater distance to Des Moines handlers is needed to attract them to the Des Moines market.

To give appropriate consideration to the various factors that are causing a continuous decline in the supply for the Des Moines market and to provide some encouragement to obtaining the additional supply needed on the market, the effect of the Chicago order supply-demand adjuster on the Des Moines Class I price through April 30, 1960 should be limited to 10 cents. This would result in an average monthly increase of approximately 11 cents in the uniform price. Based on the level of such prices since the inception of the Des Moines order, the comparable uniform prices under the St. Louis, Kansas City, and Omaha-Lincoln-Council Bluffs orders, would average 26, 20, and 36 cents above and those under the North Central Iowa and Cedar Rapids-Iowa City orders 19 and 25 cents below that for Des Moines after giving consideration to the change herein recommended. This price level should provide some incentive to assure the Des Moines market of an adequate supply of milk during the approaching period of seasonally low production.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete § 1023.50(a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk pursuant to Part 941 (Chicago) of this chapter, plus 35 cents: *Provided,* That through April 30, 1960, the effect on the price pursuant to this paragraph of the supply and demand ratio as contained in § 941.52(a)(1) of this chapter shall be limited to 10 cents: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

Issued at Washington, D.C., this 21st day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6105; Filed, July 23, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Conditions Under Which Polypropylene May Be Present in Food

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Hercules Powder Company, Wilmington, Delaware, proposing that polypropylene be permitted in food when its presence therein results from its transfer from materials used in packing, processing, packaging, transporting, or holding such food and in which isotactic polypropylene having the following specifications functions as the basic resin:

1. Its reduced specific viscosity is 2.5 to 9.0.

2. It is completely soluble in decahydronaphthalene at 160° C., with a maximum soluble fraction of 8 percent after cooling to 25° C.

3. It contains no components that transfer to food at a toxicologically significant level, or that are not generally recognized as safe, or that are not permitted by a regulation issued pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

The petitioner represents that it is unnecessary to establish by regulation the quantity of polypropylene that may be permitted to migrate to food, because the proposed regulation by its nature renders it impossible for the amount of transfer to exceed the safe level.

Dated: July 22, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6133; Filed, July 23, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1959 Dept. Circular 1028]

4¾ PERCENT TREASURY NOTES OF SERIES C–1960

Offering of Notes

JULY 20, 1959.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 4¾ percent Treasury Notes of Series C–1960, in exchange for 1⅝ percent Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or 4 percent Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992. The amount of the offering under this circular will be limited to the amount of securities tendered in exchange and accepted. The books will be open only on July 20 through July 22 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4¾ percent Treasury Notes of Series A–1964, which offering is set forth in Department Circular No. 1029, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated August 1, 1959, and will bear interest from that date at the rate of 4¾ percent per annum, payable on a semiannual basis on February 15 and August 15, 1960. They will mature August 15, 1960, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 3, 1959, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992, which will be accepted at par, and should accompany the

subscription. Coupons dated August 1, 1959, on the certificates and notes should be detached by holders and cashed when due. Coupons dated February 1, 1960, and all subsequent coupons must be attached to the notes of Series A–1961 when surrendered.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59–6090; Filed, July 23, 1959; 8:46 a.m.]

[1959 Dept. Circular 1029]

4¾ PERCENT TREASURY NOTES OF SERIES A–1964

Offering of Notes

JULY 20, 1959.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 4¾ percent Treasury Notes of Series A–1964, in exchange for 1⅝ percent Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or 4 percent Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992. Interest will be adjusted on the securities to be exchanged as of July 20, 1959, as provided in Section IV, payment, hereof. The amount of the offering under this circular will be limited to the amount of securities tendered in exchange and accepted. The books will be open only on July 20 through July 22 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4¾ percent Treasury Notes of Series C–1960, which offering is set forth in Department Circular No. 1028, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated July 20, 1959, and will bear interest from that date at the rate of 4¾ percent per annum, payable on a semiannual basis on November 15, 1959, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1964, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 3, 1959, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1959, maturing August 1, 1959, or Treasury Notes of Series A–1961, on which notice of intention to redeem on August 1, 1959, was given in accordance with the terms of Department Circular No. 992, which will be accepted at par, and should accompany the subscription. Coupons dated August 1, 1959, on the certificates and notes, and all subsequent coupons on the notes, must be attached to the securities when surrendered, and accrued interest from February 1, 1959, to July 20, 1959 ($7.58633 per $1,000 on the certificates and $18.67403 per $1,000 on the notes) will be paid subscribers following acceptance of the securities to be exchanged.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59–6091; Filed, July 23, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

AMENDMENT OF DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN ACTIVITIES

Whereas, delegations of authority have been heretofore published (21 F.R. 2957 and 22 F.R. 3643) to provide for the performance of certain functions relating to loan and purchase agreement transactions, farm storage facility loans, sales of Commodity Credit Corporation commodities locally, and execution of certain other documents in connection with Commodity Credit Corporation transactions; and

Whereas, it is desirable to make certain provisions with regard to liens and chattel mortgages which appear in the delegation of authority under the heading "Farm storage facility loan program", as heretofore published, clearly applicable to farm storage commodity loans, as well as to farm storage facility loans;

Now, therefore, the heading "Farm storage facility loan program", which appears in the notice published May 3, 1956 (21 F.R. 2957), is hereby amended to read "Farm storage facility and commodity loan programs."

The action of any chairman or manager, as defined in said notice, which has been taken heretofore in connection with a farm storage commodity loan, is hereby ratified, if such action would have been authorized under this amendment.

Issued this 21st day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–6108; Filed, July 23, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23–491]

ABOU HADID FRERES

Order Denying Export Privileges for an Indefinite Period

In the matter of Abou Hadid Freres, Rue Hamidie—Souk Nasrie—No. 49, Damascus, Syria; File 23–491.

There is pending an investigation concerning the truth of and the responsibility for making certain representations as to ultimate consumer and ultimate country of destination of 6,429 barrels of lubricating oil, valued at more than $200,000, for which an export license application was submitted to the Bureau of Foreign Commerce. The Director of the Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Abou Hadid Freres all export privileges for an indefinite period because of their failure and refusal to respond to written interrogatories duly served on them. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Ch. III, Subchapter B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

The evidence submitted in support of the application shows that there is reason to believe that false representations as to ultimate consumer and ultimate destination were made in an application for a validated export license to export said 6,429 barrels of lubricating oil from the United States to an alleged purchaser in Syria.

Relevant and material interrogatories concerning the part played by the respondents in the proposed transaction and their knowledge of the facts involved therein were duly served on them, but they have failed and omitted to answer the same and have failed to give any satisfactory or reasonable explanation for their failure so to do. Such failure and omission to answer the interrogatories has impaired and impeded the investigation by the Bureau of Foreign Commerce in its efforts to ascertain whether, in fact, false representations were made and, if such false representations were made, what persons were responsible therefor and their purpose.

Having concluded that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

II. The respondents, their successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, such participation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the using of any export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

III. This denial of export privileges shall apply not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. This order shall remain in effect until the respondents satisfactorily answer or furnish written information or documents in response to the interrogatories heretofore served on them or give adequate reason for their failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations;

V. No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States), on behalf of or in any association with the respondents or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities or technical data from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States. Nor shall any person do any of the foregoing acts with respect to any exportation in which respondents or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and they may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: July 21, 1959.

JOHN C. BORTON,
Director, Office of Export Supply.

[F.R. Doc. 59–6093; Filed, July 23, 1959; 8:46 a.m.]

Bureau of Public Roads

MATERIALS OF FOREIGN ORIGIN IN FEDERAL-AID HIGHWAY WORK

Conditions Under Which Restrictions May be Placed on the Use of Such Materials

APRIL 23, 1959.

Restrictions upon materials of foreign origin in Federal-aid highway work may be imposed by State highway departments provided such restrictions do not limit the use of such materials to any greater extent than is permitted for Federal construction work under the so-called Buy-American Act (41 United States Code 10a–d) and Executive Order 10582, dated December 17, 1954. The Buy-American Act, in substance, prescribes certain preferences for domestic materials, subject to considerations of reasonableness of price and the public interest. Executive Order No. 10582 is designed to effectuate uniformity in the application of the Buy-American Act and provides methods for determining the reasonableness of the price of domestic materials in relation to the bid or offered price of materials of foreign origin.

Public Roads will not interpose objection to restrictions upon materials of foreign origin (otherwise meeting approved technical specifications) in Federal-aid highway work that are no more stringent than the restrictions applied by Federal agencies in Federal construction work under such Act and Executive Order. Such restrictions, however, may be imposed only in conformity with the following requirements:

1. The contract specifications or other contract or bidding documents shall clearly inform bidders of the restrictions and identify the particular materials or articles subject to the restrictions;

2. The restrictions may be imposed only upon a material or article that is set forth in the bid or proposal form as a bid item for the furnishing of such material or article (but not including its incorporation in the project) for which a separate bid price is required;

3. If any bidder intends to provide a material or article of foreign origin under any such bid item, he shall be required to indicate this fact in his bid, and he shall not be permitted to furnish such foreign article or material unless he so indicates;

4. The bid or offered price for any such bid item of any bidder offering a material or article of foreign origin thereunder shall be required to include applicable duty and all costs incurred after arrival in the United States, including costs of delivery of the material or article to the place specified in the contract documents;

5. It shall be provided in the bidding documents that for the purpose of comparing bids the total bid price on the contract submitted by any bidder offering a material or article of foreign origin in conformity with the requirements herein shall be increased by an amount

equal to six percent of the bid or offered price for such material or article; and

6. The contract amount of any contract awarded as provided in the preceding paragraph shall be based upon the bid as submitted, without regard to such differential.

Restrictions presently imposed by State highway departments should be carefully reviewed and, if necessary, revised to conform with the requirements hereof to avoid jeopardizing Federal participation in the projects involved. Public Roads will not approve plans, specifications or other contract document or contract award which is inconsistent with this memorandum.

This memorandum does not apply to State highway departments that do not impose or contemplate imposing in Federal-aid highway work, restrictions upon materials of foreign origin otherwise meeting technical specifications.

The requirements of this memorandum shall become effective only as to any contracts for Federal-aid highway work for which bids are initially advertised or invited on and after July 1, 1959.

A policy and procedure memorandum on this subject will be issued at a later date.

JUNE 2, 1959.

Circular Memorandum issued by me under date of April 23, 1959, pertaining to the above subject is amended by striking the effective date "July 1, 1959" in the next to the last paragraph and substituting therefore the date "January 1, 1960". This change is for the purpose of affording additional time to State highway departments and industry to make such adjustments as may be necessary by reason of the requirements of the Circular Memorandum. (Sec. 315, 72 Stat. 915; 23 U.S.C. 315; 23 CFR 1.22.)

B. D. TALLAMY,
Federal Highway Administrator.

[F.R. Doc. 59-6004; Filed, July 23, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10569]

AIR INDIA INTERNATIONAL

Notice of Hearing

In the matter of the application of Air-India International for the issuance of a foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, authorizing it to engage in foreign air transportation as a common carrier of passengers, property and mail, in scheduled flights on a route between Bombay, India, and New York, New York, via various intermediate points.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on July 30, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 20, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6094; Filed, July 23, 1959; 8:46 a.m.]

[Docket No. 7263]

PITTSBURGH-SYRACUSE SERVICE CASE

Notice of Hearing

In the matter of the proceeding known as the Reopened Northeastern States Area Investigation.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on October 6, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 20, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6095; Filed, July 23, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12940; FCC 59M-924]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of Telephone Company facilities with certain facilities of customers.

It is ordered, This 20th day of July 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6097; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12825 etc.; FCC 59-705]

BINDER-CARTER-DURHAM, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP-11565; requests 1010 kc, 250 w, DA-Day; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP-12526; requests 1010 kc, 500 w, DA-Day, Triad Television Corporation, Lansing, Michigan, Docket No. 12942, File No. BP-12980; requests 1010 kc, 500 w, DA-Day, for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that by Order adopted April 8, 1958, and released on April 15, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Binder-Carter-Durham, Inc. and Herbert T. Graham; that the application of Triad Television Corporation was filed on April 7, 1959 and is, therefore, entitled to be consolidated in the said hearing, pursuant to § 1.106 of the Commission Rules; and

It further appearing that except as indicated by the issues specified below, Binder-Carter-Durham, Inc., Herbert T. Graham, and Triad Television Corporation, are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 19, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Triad Television Corporation filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicant's reply the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the application of Triad Television Corporation is consolidated for hearing in the proceeding in Docket Nos. 12825 and 12826 at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be expected to receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced under the foregoing issues, which, if any, of the proposals should be granted.

It is further ordered, That this order shall supersede, with respect to the issues only, the Commission's Order of April 8, 1959, designating for hearing the first two above-captioned applications.

It is further ordered, That to avail themselves of the opportunity to be heard, Triad Television Corporation, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6098; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12823; FCC 59M-928]

CRAIN'S GARAGE

Order Continuing Hearing

In the matter of James L. Houston, d/b as Crain's Garage, P.O. Box 1055, Marietta, Georgia, Docket No. 12823, order to show cause why there should not be revoked the license for Automobile Emergency Radio Station KIM-855.

Upon the Hearing Examiner's own motion, since there is a pleading pending before the Chief Hearing Examiner for consideration and action. *It is ordered,* This 21st day of July 1959, that the hearing in this proceeding now scheduled for July 22, 1959, be, and the same is hereby, continued without date.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6099; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12941; FCC 59-701]

BROADCASTERS, OREG. LTD., AND GOSPEL BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Stanley M. Goard, George W. Phillips, James L. Murray and Dolores E. Zabelle, d/d as Broadcasters, Oreg. Ltd., (assignor), and Gospel Broadcasting Company, (assignee), Docket No. 12941, File Nos. BAL-3454, BALH-370; for consent to the assignment of licenses of stations KPAM and KPFM, Portland, Oregon.

1. The Commission has before it for consideration (a) the "Protest To The Grant of The Assignment of License To Gospel Broadcasting Company", filed on June 19, 1959 pursuant to section 309(c) of the Communications Act of 1934, as amended, by John W. Davis, directed against the Commission's action of May 20, 1959, granting without hearing the above-entitled application (b) an "Opposition To 'Protest To The Grant of The Assignment of License To Gospel Broadcasting Company'" filed by the applicants herein on June 29, 1959; and (c) a "Reply" filed on July 7, 1959 by the protestant, John W. Davis, in answer to the "Opposition" filed by the applicant, Gospel Broadcasting Company, on June 29, 1959.

2. The protestant, John W. Davis, is the licensee of Station KPDQ, Portland, Oregon, which operates on a frequency of 800 kc with power of 1000 watts, daytime only. The above-entitled application requests Commission consent to the assignment of the licenses of Stations KPAM and KPFM, Portland, Oregon, from Stanley M. Goard, et al, d/b as Broadcasters, Oreg., Ltd., to Gospel Broadcasting Company (hereinafter referred to as Gospel or assignee corporation). Commission records indicate that F. Demcy Mylar, a Baptist minister, is the President, General Manager, and principal shareholder (45 percent) of the proposed assignee corporation, that he is a 50 percent owner of Station KRWC, Forest Grove, Oregon, and 50 percent owner of the applicant for a new standard broadcast station in Caldwell, Idaho. Subsequent to the Commission's grant of the above-entitled application and prior to the filing of the protest herein, the parties to the application consummated the assignment agreement.

3. In said protest, protestant alleges, in substance, that he is the licensee of Station KPDQ, Portland, Oregon, which "broadcasts religious programs and sacred music and news exclusively"[1] to the Portland area, that he is in direct competition with Station KPAM for advertising; that he has suffered, and will in the future suffer, economic injury as a result of the grant of the above-entitled application because the changed ownership and realistic control of Stations KPAM and KPFM will enable these stations to compete more effectively against KPDQ; that therefore he is a "party in interest" under section 309(c); that Mr. Mylar's interests in Stations KPAM and KRWC "are substantial and there can be little doubt that he actually controls the operation of both stations not only as part owner but also as general manager"; that the two stations overlap in their 2 mv/m and 0.5 mv/m contours in violation of the "duopoly" rule of the Commission, section 3.35; that specifically, the KPAM 2 mv/m contour overlaps 35 percent of the KRWC 2 mv/m contour, and the KRWC 2 mv/m contour overlaps 15.4 percent of the KPAM 2 mv/m contour; that the KPAM 0.5 mv/m contour overlaps 84 percent of the KRWC 0.5 mv/m contour and that the KRWC 0.5 mv/m contour overlaps 35.3 percent of the KPAM 0.5 mv/m contour.

4. Protestant further alleges that the proposed program schedule of KPAM is substantially the same as that of KRWC, and in view of the overlap of the two stations, such programming would not be in the public interest; that the proposed programming of Station KPAM is identical with that proposed by Mr. Mylar at the time he purchased his interest in KRWC (BAL-3137), the same as the program proposal made in the application to move KRWC to Beaverton (BP-12,906), and the same as the program proposal made in the application of Christian Broadcasting Company (in which Mr. Mylar has a 50% interest) for a new station at Caldwell, Idaho (BP-12,813); that since a program schedule in one community is not likely to serve the public need in two other communities, the proposed programming in the present application "was obviously not formulated with the intention or the purpose of serving Portland;" that in view of the above programming duplication there is serious doubt as to whether the assignment of license of Station KPAM is in the public interest; that the duplication of programming of KPAM and KRWC is further aggravated by the fact that KPFM duplicates the entire daytime schedule of KPAM which will result in "three stations, each substantially overlapping the other" presenting substantially the same programs which is not in the public interest; that the programs actually now being presented by KPAM have little or no relationship to the program schedule as proposed in the assignment application, raising doubts as to whether the applicant had any intention to carry out its program proposal; that the Portland area is already

[1] Commission records (BR-1611; dated January 30, 1957) indicate that Station KPDQ allots 13.3% of its composite program week to religious programs; 77.7% to entertainment; 7.5% to news; and 1.5% to public service.

adequately serviced by religious programming by protestant's station (KPDQ) and station KWJJ, both in Portland, and every other station serving the market; that the addition of more religious programming through KPAM, especially where it duplicates the programs of KRWC would not appear to be in the public interest; that prior to the assignment to Gospel, KPAM and KPFM specialized in classical music programming; and that since no other station presents such programming in the Portland area during daytime hours, the loss of this service is against the interests of the community.

5. Protestant further alleges, "upon information and belief," that the applicant has gained an economic advantage by offering free time on Station KRWC to those persons programming or advertising on KPAM and KPFM, or by offering a combination rate for the three stations which is often lower than KPDQ can afford to charge for time on that station alone, and that as a result, KPDQ has lost two accounts to applicant and may be in danger of losing more in the future; that this practice was one of the evils that Section 3.35 of the Commission's rules was intended to cure; that "information coming to the attention of the protestant" indicates that applicant falsified its application to the Commission by stating that it had $50,000.00 on deposit in the First National Bank of Portland, Oregon when in fact it did not have it; that "a serious question arises as to just what source of funds it was that Gospel Broadcasting Company used to finance the purchase of the stations;" that although the application contained a balance sheet of the applicant corporation which showed that there were loans outstanding from stockholders in the amount of $35,250.00, this information was not submitted in another part of the application, viz., paragraph 4, section III, which requires it; that although the applicant indicated in Part IV of the application that no program time on KPAM would be allotted to advertising or promoting any business or activity in which it has a direct or indirect interest, three of its minor shareholders, namely Messrs. Berg (2 percent), Mitchell (2 percent) and Taylor (6 percent), are in fact so advertising their businesses or activities over KPAM; that Mr. Mylar failed to reveal the full extent of his business interests by not reporting that he is the president and editor of a monthly newspaper, "The Country Preacher" and by not reporting his interest in the Christian Broadcasting Company; [2] and that although Mr. Myler has had an interest in the four applications filed with the Commission, he has never furnished the Commission with a personal balance sheet or an income statement.[3]

6. In its prayer for relief, protestant requests that the above-entitled application be designated for hearing upon issues specified by it; that the effectiveness of the protested grant be stayed; and that there be a return of the license of Stations KPAM and KPFM to its former owners, Broadcasters, Oregon, Ltd.

7. In its opposition, Gospel concedes that protestant may have standing to file a protest under section 309(c) of the Communications Act, as amended. With respect to the facts and matters complained of in the protest, it alleges, in substance, that "On or about April 1, 1959, Station KPDQ, overnight, assumed the role of a religious station;" that it had for many years been "a record station commonly identified as a 'top-twenty rock and roll station' "; [4] that on or about April 1, 1959 "Station KPDQ undertook to actively solicit religious programs and advertising carried on Station KRWC, Forest Grove, Oregon"; that Mr. Davis, licensee of Station KPDQ, and protestant herein, publicly stated in the solicitation of KRWC advertisers that it was his intention to force Radio Station KRWC, Forest Grove, out of business; that the charges made by Protestant are "either totally without legal significance or absolutely false"; and that Protestant's claim to an evidentiary hearing is based upon entirely speculative and conjectural assumptions and unwarranted conclusions.

8. The opposition further alleges that in regards to the overlap situation of Stations KPAM and KRWC, the 2 mv/m contour of KPAM does not cover the city of Forest Grove (KRWC) and that the 2 mv/m contour of KRWC "falls far short of covering the city of Portland."; that "no less than ten stations provide primary service to 100 percent of the area of overlap between the 2 mv/m contours of Stations KPAM and KRWC."; [5] that it is common practice in the Portland area for religious advertisers to use the facilities of one or more Portland radio stations *and* the facilities of KRWC in Forest Grove; that although some of the programs released on KPAM, Portland, will also be released, although at a different time, on KRWC, Forest Grove, this situation is no radical departure from a condition that has long existed in the general area.

9. The opposition admits that the programming on station KPAM will be predominantly religious in nature, asserts that the applicant will adhere to its proposed programming as represented to the Commission, and contends that the allegation of Protestant that the programs actually presented on KPAM are at variance with the proposed programming is based upon a brief 20-day survey of applicant's KPAM operation, and that the applicant should be given a reasonable time "to get its house in order" before being subjected to criticism. The opposition also admits that after applicant assumed the operations of Stations KPAM and KPFM, numerous complaints were received from listeners because the stations had abandoned their 100 percent good music format and were devoting a portion of their time to religious programming, but it alleges that, as a result of these complaints, and in an effort to satisfy the listening public, stations KPAM and KPFM each now devote not less than four hours per day to so-called "good music."

10. The opposition denies that free time is offered on Station KRWC to those persons advertising on KPAM and KPFM but admits that in two instances where programs are carried on both KPAM and KRWC there is no time charge made for the programs as carried on KRWC because prior to the time that Gospel acquired Station KPAM, KRWC had been supplying time, without charge, to these two accounts and "This policy has been continued by Station KRWC, without any inducement or pressures from Gospel.". It denies the Protestant's charge that it has effected a combination rate sale for Stations KPAM and KRWC, but admits that in some instances KRWC, in an effort to keep some of the religious accounts which had transferred to KPAM because they desired improved coverage in the Portland market, offered to continue the broadcasts at a rate less than had theretofore been charged for such accounts on KRWC. It asserts that Gospel did in fact, at the time it so stated to the Commission, have $50,000.00 on deposit in the First National Bank of Portland and attaches to its pleading a certification from said bank in support of this assertion. It contends that Gospel made full disclosures in its application regarding loans to the corporation; that no part of KRWC's income comes from solicited donations; that Mr. Mylar and his partner Dr. Kines are not delinquent in their payments to the former owner of KRWC, Mr. Schmidtke, from whom they acquired said station; that Mr. Mylar did not falsify the application of Gospel to the Commission in respect to his other business interests and his ownership interest in station KRWC; that he has a 50 percent partnership interest in said station along with Robert M. Kines, doing business as Christian Broadcasting Company; that the non-profit religious corporation known as Christian Broadcasting Company referred to in the protestant's allegations is inactive and has never engaged in any business of any kind; that Mr. Mylar was not guilty of withholding information from the Commission in failing to advise it of his interest in the "Country Preacher" because he resigned as president of the publishing corporation (Country Preacher, Inc., a non-profit, religious corporation) on January 17, 1959; that the "Country Preacher" was last published in February of 1959; that "since that time Mr. Mylar has merely attempted to keep the activity of the paper alive"; that he has no business interest or direct or indirect financial participation in this non-profit corporation; and that any participation in such non-profit religious corporations by the stockholders of Gospel "was no more a 'business activity or interest' than if they had been a director of the Heart Association or the March of Dimes." In his Reply, protestant, in substance, reaffirms the points raised in his protest.[6]

11. In view of the facts alleged in the protest that the protestant is the licensee of Station KPDQ, Portland, Oregon, where Station KPAM is located; that the two stations are in direct competition for advertising revenue; and that KPDQ has alleged that it suffered and will suffer economic injury as a direct result of the assignment of license of Station KPAM to Gospel Broadcasting Company, we find the protestant to be a "party in interest" within the meaning of section 309(c) of the Communications Act of 1934, as amended. Camden Radio, Inc. v. FCC 94 U.S. App. D.C., 312, 220 F. 2d 191; In re application of J. R. Meachem 12 Pike and Fischer RR 1427; FCC v. Sanders Brothers, 309 U.S. 470; In re General-Times Television Corporation, 13 Pike and Fischer RR 1049. We find further that the protestant has specified with particularity, within the meaning of section 309(c), the facts upon which he relies and which he contends show that the grant by the Commission was improperly made or otherwise would not be in the public interest. Accordingly, the above-entitled application will be designated for an evidentiary hearing. The issues presented by the petitioners have been consolidated and reframed without change in scope. However, we are not adopting any of said issues, and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy, will be on the protestant.

12. The protestant has also requested that the effective date of the grant be postponed until a decision is handed down after a hearing on the matter. Section 309(c) presents two tests controlling the question of when the Commission may authorize the applicant to utilize the facilities or authorization in question pending decision after hearing. The first is when the Commission can find that the "authorization involved is necessary to the maintenance or conduct of an existing service." Although the applicant in its opposition alleges generally that a stay of the Commission's grant "would greatly hinder and affect the ability of stations KPAM and KPFM to provide a needed service in the area in the public interests", no facts are presented to support this allegation. The inability of the assignor to resume control of the station has not been established. Therefore, cessation of the broadcast service of KPAM and KPFM has not been shown to be inevitable under the circumstances. The second test under section 309(c) is when the Commission can affirmatively find "for reasons set forth in the decision that the public interest requires that the grant remain in effect." The Commission does not believe that the facts before it permit such a finding. The change in the position of the parties was a voluntary one, effectuated with full knowledge that the grant remained subject to protest by any party in interest for a period of 30 days. Although the applicant contends that if a stay of the grant is effected it "would result in irreparable injury" both to the assignee and the assignor, no facts are presented to support such contention. In any event the parties involved were on notice that a change in their status quo within the 30-day period during which the grant is subject to protest might result in problems of inconvenience and expense. While we appreciate the extent to which private interests might be effected by a stay of our grant, we are of the view that such circumstances were not within the contemplation of Congress when it provided for a "public interest" finding by the Commission to support an avoidance of stay. In re Saunders, 16 Pike and Fischer RR 444; In re Mitchell Motors, 14 Pike and Fischer RR 85.

13. In light of the above: *It is ordered*, That, pursuant to section 309(c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending final determination by the Commission in the hearing ordered below with respect to the protest herein; that said protest is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for evidentiary hearing at the offices of the Commission in Washington, D.C., on the following issues:

(1) To determine whether a grant of the above-entitled application would be consistent with the provisions of § 3.35 of the Commission's rules and its policies promulgated thereunder.

(2) To determine whether the program service submitted by Gospel Broadcasting Company was proposed in good faith and is designed to meet the needs of the Portland, Oregon area.

(3) To determine whether Gospel Broadcasting Company is financially qualified to operate Stations KPAM and KPFM.

(4) To determine whether, in submitting the above-entitled application, Gospel Broadcasting Company withheld pertinent information from the Commission.

(5) To determine whether time on Stations KPAM and KPFM has been offered or sold in combination with Station KRWC.

(6) To determine, in light of the evidence adduced under the foregoing issues, whether the grant of the above-entitled application will serve the public interest, convenience or necessity.

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof shall be on the protestant.

15. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a susequent order; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than July 31, 1959.

16. *It is further ordered*, That within 30 days from the date of this order, the parties to the above-entitled application shall rescind the assignment of the licenses of Stations KPAM and KPFM and said licenses and the control and operation of said stations shall be returned to the assignor.

Adopted: July 15, 1959.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6100; Filed, July 23, 1959; 8:47 a.m.]

[Canadian List 136]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 10, 1959.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

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[2] Commission records indicate the licensee of Station KRWC, Forest Grove, Oregon to be F. Demcy Mylar and Robert M. Kines d/b as Christian Broadcasting Co. and that the applicants for a new station at Caldwell, Idaho are F. Demcy Mylar and Harold Shaw d/b as Christian Broadcasting Company of Idaho.

[3] Commission records indicate that in all four applications Mr. Mylar's interest in the applicant has been that of a partner or a shareholder of a corp.

[4] Cf. footnote 1, supra.

[5] Engineering data submitted with the opposition states that in the areas where the respective contours overlap, primary service from a number of other radio stations is available, including: KEX, KOIN, KWJJ, KXL, KPDQ, KPOJ, KGW and KLIQ, all of Portland, Oregon; KGON, Oregon City, Oregon; KISN and KKEY, Vancouver, Washington and KUIK, Hillsboro, Oregon.

[6] On July 13, 1959, a "Request for Waiver of § 1.13 of The Commission's Regulations and Acceptance of Additional Affidavit" was filed by Gospel and on July 14, 1959 a "Consent" to this request was filed by John W. Davis.

[7] Statement of Commissioner Bartley filed as part of original document.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		690 kilocycles				
CHLT	Sherbrooke, P.Q.	5 kw	DA-1	U	III	Change in call letters from CKTS.
		730 kilocycles				
CKLG	North Vancouver, B.C.	10 kw	DA-1	U	II	Now in operation with increased power and new frequency.
		810 kilocycles				
CFAX	Saanich, B.C.	1 kw	ND	D	II	Assignment of call letters.
		900 kilocycles				
CKTS	Sherbrooke, P.Q.	1 kw	DA-N	U	II	Change in call letters from CHLT.
		940 kilocycles				
CJCJ	Woodstock, N.B.	1 kw	DA-1	U	III	Assignment of call letters.
		1000 kilocycles				
CJLR	Sillery (Quebec), P.Q.	5 kw	DA-1	U	II	Do.
		1070 kilocycles				
CKLG	North Vancouver, B.C.	1 kw	DA-1	U	II	Delete assignment—vide 730 kc.
		1070 kilocycles				
New	Kamloops, B.C.	10 kw. D/1 kw. N.	DA-N	U	II	EIO 7-15-60.
		1090 kilocycles				
CHEC	Lethbridge, Alta.	5 kw	DA-2	U	II	Assignment of call letters.
		1110 kilocycles				
CFML	Cornwall, Ont.	1 kw	DA-D	D	II	Do.
		1250 kilocycles				
CHFC	Fort Churchill, Man.	0.25 kw	ND	U	IV	Immediately—increase in power from 100 watts.
CKMP	Midland, Ont.	0.25 kw	ND	U	IV	Assignment of call letters—Now in operation.
		1290 kilocycles				
CKSL	London, Ont.	10 kw. D/5 kw. N.	DA-2	U	III	EIO 7-15-60 (P.O. 1290 kc. 5 kw. DA-1).
		1320 kilocycles				
CKKW	Kitchener-Waterloo, Ont.	1 kw	DA-2	U	III	Assignment of call letters.
		1340 kilocycles				
New	Stettler, Alta.	0.25 kw	ND	U	IV	EIO 7-15-60.
		1490 kilocycles				
CJNB	North Battleford, Sask.	10 kw	DA-N	U	III	Now in operation with increased power.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6103; Filed, July 23, 1959; 8:47 a.m.]

[Docket Nos. 12943, 12944; FCC 59-706]

W. H. HANSEN AND GRABET, INC., RADIO ENTERPRISES

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of W. H. Hansen, Tucson, Arizona, Docket No. 12943, File No. BP-11126, requests 940 kc, 250 w, Day; Grabet, Inc., Radio Enterprises, Tucson, Arizona, Docket No. 12944, File No. BP-12539, requests 940 kc, 250 w, DA-1, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, W. H. Hansen is legally, technically, financially, and otherwise qualified to construct and operate his instant proposal; and Grabet, Inc., Radio Enterprises is legally, technically and otherwise qualified to operate its instant proposal, but, since it has submitted no detailed balance sheet to indicate that Richard D. Grand can meet his commitment to the proposal and since the equipment manufacturer's letter (Exhibit 2A) is a general recitation of terms available if credit is extended but does not indicate that credit has actually been extended, it cannot be found that said applicant is financially qualified to construct and operate its proposed station; and

It further appearing that the proposed operation of Grabet, Inc., Radio Enterprises may involve interference to Station XEQ, Class I-B assignment in Mexico, since a question obtains as to the reasonableness of the MEOV's specified by the applicant in the general directions of N. 116° E. and N. 156° E. in the vertical plane compared with those specified in the horizontal plane; and that, therefore, in the event the instant proposal is found to be in contravention of the United States/Mexican Agreement, 1957, and is favored in the hearing ordered below, it should be held without final action pursuant to the provisions of § 1.352 of the Commission rules, pending ratification of the United States/Mexican Agreement, 1957; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 20, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Grabet, Inc., Radio Enterprises, would cause objectionable interference to Station XEQ, Mexico City, Mexico, in contravention of the provisions of the U.S./Mexican Agreement, 1957.

3. To determine whether Grabet, Inc., Radio Enterprises is financially qualified to construct and operate its proposed station.

4. To determine, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, if the proposal of Grabet, Inc., Radio Enterprises is found to be in contravention of the provisions of the U.S./Mexican Agreement, 1957, but is favored in the hearing proceeding, it will be held without final action pursuant to the provisions of § 1.352 of the Commission rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6101; Filed, July 23, 1959; 8:47 a.m.]

[Mexican List 216]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Correction in Assignments

JUNE 12, 1959.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement: List of changes, proposed changes, and correction in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		620 kilocycles				
XEEF (change in location from Santiago Ixcuintla, Nayarit).	Tepic, Nayarit	0.5 kw D/0.25 kw N.	ND	U	IV	12-12-59
		690 kilocycles				
XEEO (correction in classification).	Monterrey, Nuevo Leon.	0.25 kw D/0.2 kw N.	ND	U	II	6-12-59
		700 kilocycles				
XECO (delete assignment)	Zapopan, Jalisco	0.5 kw	ND	D	II	6-12-59
		770 kilocycles				
XETG (change in call letters from XELM).	Lagos de Moreno, Jalisco.	0.15 kw	ND	D	IV	6-12-59
		790 kilocycles				
XEVA (new)	Villahermosa, Tabasco.	2 kw	ND	D	III	12-12-59
		1240 kilocycles				
XELM (change in call letters from XETG.)	Tuxtla Gutierrez, Chiapas.	1 kw D/0.25 kw N.	ND	U	IV	6-12-59
		1150 kilocycles				
XEGE (change in frequency from 1570 kc).	Mexicali, Baja California.	1 kw	ND	D	III	12-12-59
		1270 kilocycles				
XEKO (increase in power)	San Luis Rio Colorado, Sonora.	1 kw	ND	D	III	9-12-59
		1560 kilocycles				
XELS (assignment of call letters)	Manzanillo, Colima.	1 kw D/0.1 kw N.	ND	U	IV	6-12-59
		1580 kilocycles				
XEKV (change in call letters)	Villahermosa, Tabasco.	1 kw D/0.5 kw N.	ND	U	III-B	6-12-59
		1430 kilocycles				
XELY (new)	Morelia, Michoacan.	1 kw	ND	D	III	12-12-59
		1440 kilocycles				
XETZ (new)	Tequila, Jalisco	1 kw	ND	D	III	12-12-59
		1460 kilocycles				
XEET (new)	Etla, Oaxaca	1 kw D/0.15 kw N.	ND	U	IV	12-12-59
		1490 kilocycles				
XESK (new)	San Blas, Nayarit	0.25 kw	ND	U	IV	12-12-59
		1600 kilocycles				
XEZK (new)	Tepatitlan, Jalisco	0.25 kw	ND	U	IV	12-12-59

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6104; Filed, July 23, 1959; 8:47 a.m.]

[Docket No. 12695; FCC 59M-922]

RADIO MISSOURI CORP. (WAMV)

Order Continuing Hearing Conference

In re application of Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for construction permit.

The Hearing Examiner having under consideration oral request of Radio Missouri Corporation for continuance of prehearing conference;

It appearing that counsel for all other participating parties have consented to immediate consideration and grant of the request;

It is ordered, This 20th day of July 1959, that the above request is granted; and the prehearing conference now scheduled for July 22, 1959 is continued until September 22, 1959, at 10:00 a.m.

Released: July 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6102; Filed, July 23, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

JULY 20, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On July 10, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending July 20, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 21, 1959, to July 30, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6088; Filed, July 23, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

PAN AMERICAN PETROLEUM CORP. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates[1]

JULY 17, 1959.

In the matters of Pan American Petroleum Corporation, Docket No. G-18949; The British-American Oil Producing Company, Docket No. G-18950; Texas Hydrocarbon Company, Docket No. G-18951; Texas Gas Products Corporation (Operator) et al., Docket No. G-18952; Carter-Jones Drilling Company (Operator) et al., Docket No. G-18953.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Supplement agreement or notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—
G-18949	Pan American Petroleum Corp.	221	1	Panhandle Eastern Pipe Line Co.	6-15-59	6-19-59	[2] 8-1-59	1- 1-60
G-18950	The British-American Oil Producing Co.	41	2	Colorado Interstate Gas Co.	12-12-58	6-22-59	[3] 7-23-59	7-24-59
G-18950	do	41	3	do	6-11-59	6-22-59	[3] 7-23-59	7-24-59
G-18951	Texas Hydrocarbon Co.	1	[4] 4	El Paso Natural Gas Co.	Undated	6-24-59	[3] 7-25-59	12-25-59
G-18952	Texas Gas Products Corp.	1	[4] 11	do	Undated	6-24-59	[3] 7-25-59	12-25-59
G-18953	Carter-Jones Drilling Co. (operator), et al.	3	7	Texas Eastern Transmission Corp.	6-12-59	6-22-59	[3] 7-23-59	12-23-59

[1] The stated effective date is that proposed by Pan American Petroleum Corporation.
[2] The stated effective date is the first day after expiration of the required thirty days' notice.
[3] Rate in effect subject to refund in Docket No. G-16889 (Supp. No. 3).
[4] Rate in effect subject to refund in Docket No. G-16888 (Supp. No. 10).

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

In support of the proposed periodic rate increase, Pan American Petroleum Corporation (Pan American) cites the contract provisions and states that the increased price, which is just and reasonable, is a matter of contractual obligation resulting from bona fide arm's-length negotiations and denial thereof would be inequitable, unfair and confiscatory. Pan American states that the increased price is insufficient to offset the decline in the purchasing power of the dollar and increases in the cost of producing gas.

In support of the proposed redetermination rate increase, The British-American Oil Producing Company (British-American) cites the contract provisions and states that such provisions are common in long-term contracts in order to permit initial delivery at a low price during the time the buyer's unamortized capital investment is high and to permit seller to receive progressively higher returns contemporaneously with increases in costs. In addition, British-American states that the contract resulted from arm's-length bargaining as no affiliation exists between it and Colorado Interstate Gas Company.

In support of the proposed favored-nation increases, Texas Hydocarbon Company (Texas Hydrocarbon) and Texas Gas Products Corporation (Operator), et al. (Texas Gas) cite the contract favored-nation provisions, state that the increases are in accordance with such provisions and cite increased rates (in effect subject to refund) in the area which would serve to trigger such provisions.

Carter-Jones Drilling Company (Operator), et al. (Carter-Jones), in support of the proposed two-component rate increase, states that the contract resulted from arm's-length negotiations, and without provision for the periodic price escalations it would not have committed the gas for such a long term and that the increased price is not in excess of prices being paid under other contracts in the area. Carter-Jones states additionally that its costs of operation increase with the age of property and the inflationary trend and that the proposed price in view thereof is just and reasonable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 221 is hereby suspended and the use thereof deferred until January 1, 1960; Supplements No. 2 and No. 3 to British-American's FPC Gas Rate Schedule No. 41 are hereby suspended and the use thereof deferred until July 24, 1959; Supplement No. 4 to Texas Hydrocarbon's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 25, 1959; Supplement No. 11 to Texas Gas' FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 25, 1959; Supplement No. 7 to Carter-Jones' FPC Gas Rate Schedule No. 3 is hereby suspended and the use thereof deferred until December 23, 1959; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

By the Commission.

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 59-6085; Filed, July 23, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 155]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62319. By order of July 16, 1959, the Transfer Board approved the transfer to S & H Transfer, Inc., Gardner, Mass., of Certificate No. MC 27965, issued December 8, 1952, to Davis Transportation Company, Incorporated, West Acton, Mass., authorizing the transportation of: New furniture, from Concord and Acton, Mass., to points in Rhode Island, Connecticut, New Hampshire, and New York, and those in New Jersey within a specified territory; cotton webbing, from Concord, Mass. to New York, N. Y.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, from New York, N. Y., to Boston and Lowell, Mass.; apples, from Concord and Acton, Mass., to New York, N.Y., and from Wolfeboro, N.H., to Concord, Mass.; and Household goods, as defined, between Concord, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, New Hampshire, New Jersey, New York, and Rhode Island. William L. Mobley, 1694 Main Street, Springfield 3, Mass., for applicants.

No. MC-FC 62384. By order of July 15, 1959, the Transfer Board approved the transfer to Kenneth R. Halstead, doing business as Halstead Trucking Service of Grinnell, Iowa, of Certificate No. MC 24987 issued September 14, 1953, in the name of Keith D. Halstead and Kenneth R. Halstead, a partnership, doing business as Halstead Bros. Trucking Co., Grinnell, Iowa, authorizing the transportation of livestock, over regular routes, from Grinnell, Iowa, to Chicago, Ill., with service to and from intermediate and off-route points within 30 miles of Grinnell; farm machinery, agricultural implements and parts, binder twine, feed, livestock, paints, and hardware, over regular routes, from Chicago, Ill., to Grinnell, Iowa with service from the intermediate and off-route points of Forest Park, Moline, East Moline, Silvis, and Rock Island, Ill., restricted to the pickup of the specified commodities except livestock; farm machinery and agricultural implements and parts, over regular routes, from Canton, Ill., to Grinnell, Iowa, with no service to or from intermediate points; and hay loaders and hay harvesting tools and machines, over irregular routes, from Rock Falls, Ill., to Grinnell, Iowa, with no transportation for compensation on return. Charles M. Manly II, Grinnell, Iowa, for applicants.

No. MC-FC 62386. By order of July 15, 1959, the Transfer Board approved the transfer to A. J. Boyd, A Corporation, Oaklyn, New Jersey, of a certificate in No. MC 50111 issued on September 10, 1940, to Anthony John Boyd, Oaklyn, New Jersey, authorizing the transportation of general commodities, including household goods, as defined by the Commission, and commodities in bulk, between Camden, N.J., and Blue Anchor, N.J., serving specified intermediate and off-route points, restricted to traffic which is auxiliary to, or supplemental of, rail service of the Pennsylvania Reading Seashore Lines. Robert T. Healey, 201 North Sixty Street, Camden 2, New Jersey, for applicants.

No. MC-FC 62398. By order of July 16, 1959, the Transfer Board approved the transfer to Sockol's Express, Inc., 8 West Avenue, Stamford, Connecticut, of a certificate in No. MC 52620 issued July 2, 1956, to Arthur A. Sockol and Richard E. Sockol, a partnership, doing business as Sockol's Stamford-New York Express, 8 West Avenue, Stamford, Connecticut, authorizing the transportation of specified commodities, from, to, and between specified points in New York and Connecticut.

No. MC-FC 62354. By order of July 16, 1959, the Transfer Board approved the transfer to Grundy's Garage, Inc., Williamstown, Mass., of the operating rights in Certificate No. MC 114721, issued May 12, 1955, to Elmer G. Nobel, Gordon E. Noble and Raymond A. Noble, a Partnership, doing business as Grundy's Garage, authorizing the transportation, over irregular routes, of wrecked or otherwise disabled motor vehicles, between Williamstown, Mass., and points within 10 miles thereof, on the one hand, and, on the other, points within 125 miles of Williamstown, except Manchester and Nashua. William I. Sabin, Box 178, Williamstown, Mass., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-6092; Filed, July 23, 1959; 8:46 a.m.]

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Soybean Loan and Purchase Agreement Program

The C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651) issued by the Commodity Credit Corporation and Commodity Stabilization Service and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1959 and subsequent crop years was supplemented by C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 1, Soybeans (24 F.R. 4128 and 4449) containing specific requirements applicable to price support operations on the 1959 soybean crop. These regulations are further supplemented by the addition of § 421.4437 as follows:

§ 421.4437 Support rates.

Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreement, and the schedule of premiums and discounts are set forth in this section. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

(a) *Basic county support rates.* (1) Basic county support rates per bushel for soybeans of the classes Green soybeans and Yellow soybeans grading No. 2, and containing from 13.8 to 14.0 percent moisture, are as follows:

ALABAMA

County	*Rate per bushel*
All counties	$1.79

ARIZONA

All counties	$1.71

ARKANSAS

All counties	$1.82

CALIFORNIA

All counties	$1.71

DELAWARE

All counties	$1.80

FLORIDA

All counties	$1.79

GEORGIA

All counties	$1.80

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$1.88	Jackson	$1.86
Alexander	1.85	Jasper	1.90
Bond	1.90	Jefferson	1.87
Boone	1.89	Jersey	1.88
Brown	1.88	Jo Daviess	1.88
Bureau	1.88	Johnson	1.85
Calhoun	1.88	Kane	1.91
Carroll	1.88	Kankakee	1.91
Cass	1.89	Kendall	1.91
Champaign	1.91	Knox	1.89
Christian	1.91	Lake	1.91
Clark	1.90	La Salle	1.91
Clay	1.89	Lawrence	1.88
Clinton	1.88	Lee	1.88
Coles	1.91	Livingston	1.91
Cook	1.92	Logan	1.91
Crawford	1.89	McDonough	1.88
Cumberland	1.91	McHenry	1.90
De Kalb	1.91	McLean	1.91
De Witt	1.91	Macon	1.91
Douglas	1.91	Macoupin	1.90
Du Page	1.91	Madison	1.89
Edgar	1.91	Marion	1.89
Edwards	1.87	Marshall	1.90
Effingham	1.91	Mason	1.89
Fayette	1.91	Massac	1.86
Ford	1.91	Menard	1.89
Franklin	1.86	Mercer	1.88
Fulton	1.88	Monroe	1.86
Gallatin	1.86	Montgomery	1.90
Greene	1.89	Morgan	1.90
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FEDERAL REGISTER

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(As of January 1, 1959)

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ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Pulaski	$1.85	Tazewell	$1.90
Putnam	1.88	Union	1.85
Randolph	1.86	Vermilion	1.91
Richland	1.89	Wabash	1.87
Rock Island	1.88	Warren	1.88
St. Clair	1.87	Washington	1.87
Saline	1.86	Wayne	1.87
Sangamon	1.91	White	1.86
Schuyler	1.88	Whiteside	1.88
Scott	1.89	Will	1.91
Shelby	1.91	Williamson	1.86
Stark	1.89	Winnebago	1.88
Stephenson	1.88	Woodford	1.90

INDIANA

Adams	$1.85	Lawrence	$1.85
Allen	1.86	Madison	1.84
Bartholomew	1.84	Marion	1.85
Benton	1.90	Marshall	1.86
Blackford	1.84	Martin	1.85
Boone	1.86	Miami	1.84
Brown	1.84	Monroe	1.85
Carroll	1.86	Montgomery	1.88
Cass	1.85	Morgan	1.85
Clark	1.83	Newton	1.90
Clay	1.86	Noble	1.86
Clinton	1.86	Ohio	1.83
Crawford	1.83	Orange	1.84
Daviess	1.85	Owen	1.85
Dearborn	1.83	Parke	1.87
Decatur	1.84	Perry	1.83
De Kalb	1.86	Pike	1.85
Delaware	1.84	Porter	1.89
Dubois	1.84	Posey	1.85
Elkhart	1.85	Pulaski	1.87
Fayette	1.84	Putnam	1.86
Floyd	1.83	Randolph	1.84
Fountain	1.89	Ripley	1.83
Franklin	1.84	Rush	1.84
Fulton	1.85	St. Joseph	1.86
Gibson	1.86	Scott	1.83
Grant	1.84	Shelby	1.84
Greene	1.86	Spencer	1.83
Hamilton	1.85	Starke	1.87
Hancock	1.84	Steuben	1.86
Harrison	1.83	Sullivan	1.87
Hendricks	1.85	Switzerland	1.83
Henry	1.84	Tippecanoe	1.88
Howard	1.85	Tipton	1.85
Huntington	1.85	Union	1.84
Jackson	1.84	Vanderburgh	1.85
Jasper	1.88	Vermillion	1.89
Jay	1.84	Vigo	1.88
Jefferson	1.83	Wabash	1.84
Jennings	1.83	Warren	1.89
Johnson	1.84	Warrick	1.84
Knox	1.86	Washington	1.83
Kosciusko	1.85	Wayne	1.84
Lagrange	1.86	Wells	1.85
Lake	1.90	White	1.88
La Porte	1.87	Whitley	1.86

IOWA

Adair	$1.81	Davis	$1.83
Adams	1.80	Decatur	1.81
Allamakee	1.82	Delaware	1.84
Appanoose	1.82	Des Moines	1.85
Audubon	1.81	Dickinson	1.79
Benton	1.85	Dubuque	1.84
Black Hawk	1.83	Emmet	1.79
Boone	1.82	Fayette	1.83
Bremer	1.82	Floyd	1.81
Buchanan	1.84	Franklin	1.82
Buena Vista	1.80	Fremont	1.79
Butler	1.82	Greene	1.81
Calhoun	1.81	Grundy	1.83
Carroll	1.81	Guthrie	1.81
Cass	1.80	Hamilton	1.82
Cedar	1.86	Hancock	1.80
Cerro Gordo	1.81	Hardin	1.83
Cherokee	1.79	Harrison	1.79
Chickasaw	1.81	Henry	1.84
Clarke	1.81	Howard	1.80
Clay	1.80	Humboldt	1.81
Clayton	1.83	Ida	1.80
Clinton	1.86	Iowa	1.85
Crawford	1.80	Jackson	1.86
Dallas	1.82	Jasper	1.84

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Jefferson	$1.84	Pocahontas	$1.80
Johnson	1.85	Polk	1.83
Jones	1.85	Pottawattamie	1.79
Keokuk	1.84	Poweshiek	1.84
Kossuth	1.80	Ringgold	1.80
Lee	1.85	Sac	1.81
Linn	1.85	Scott	1.86
Louisa	1.85	Shelby	1.80
Lucas	1.82	Sioux	1.78
Lyon	1.78	Story	1.83
Madison	1.81	Tama	1.84
Mahaska	1.83	Taylor	1.80
Marion	1.83	Union	1.80
Marshall	1.84	Van Buren	1.84
Mills	1.79	Wapello	1.83
Mitchell	1.80	Warren	1.82
Monona	1.79	Washington	1.84
Monroe	1.82	Wayne	1.82
Montgomery	1.79	Webster	1.82
Muscatine	1.86	Winnebago	1.79
O'Brien	1.79	Winneshiek	1.81
Osceola	1.79	Woodbury	1.79
Page	1.79	Worth	1.80
Palo Alto	1.80	Wright	1.82
Plymouth	1.78		

KANSAS

Allen	$1.78	Linn	$1.79
Anderson	1.79	Lyon	1.77
Atchison	1.79	McPherson	1.75
Bourbon	1.78	Marion	1.76
Brown	1.78	Marshall	1.77
Butler	1.76	Miami	1.79
Chase	1.76	Mitchell	1.75
Chautauqua	1.75	Montgomery	1.75
Cherokee	1.77	Morris	1.77
Clay	1.77	Nemaha	1.78
Cloud	1.76	Neosho	1.77
Coffey	1.78	Osage	1.78
Cowley	1.75	Osborne	1.74
Crawford	1.77	Ottawa	1.76
Dickinson	1.76	Pottawatomie	1.77
Doniphan	1.79	Reno	1.74
Douglas	1.79	Republic	1.76
Elk	1.76	Rice	1.74
Ellsworth	1.74	Riley	1.77
Franklin	1.79	Russell	1.74
Geary	1.77	Saline	1.75
Greenwood	1.77	Sedgwick	1.75
Harper	1.74	Shawnee	1.79
Harvey	1.75	Smith	1.74
Jackson	1.78	Sumner	1.74
Jefferson	1.79	Wabaunsee	1.78
Jewell	1.75	Washington	1.77
Johnson	1.79	Wilson	1.76
Kingman	1.74	Woodson	1.77
Labette	1.76	Wyandotte	1.79
Leavenworth	1.79	All other counties	1.73
Lincoln	1.75		

KENTUCKY

All counties — $1.84

LOUISIANA

All counties — $1.82

MARYLAND

All counties — $1.80

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.80	Isabella	$1.78
Arenac	1.78	Jackson	1.83
Barry	1.80	Kalamazoo	1.81
Bay	1.78	Kent	1.79
Berrien	1.83	Lapeer	1.80
Branch	1.83	Lenawee	1.84
Calhoun	1.82	Livingston	1.82
Cass	1.82	Macomb	1.82
Clare	1.78	Mecosta	1.78
Clinton	1.80	Midland	1.78
Eaton	1.81	Monroe	1.84
Genesee	1.80	Montcalm	1.79
Gladwin	1.78	Muskegon	1.78
Gratiot	1.79	Newaygo	1.78
Hillsdale	1.84	Oakland	1.82
Huron	1.78	Oceana	1.78
Ingham	1.82	Ottawa	1.79
Ionia	1.80	Saginaw	1.79

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
St. Clair	$1.81	Tuscola	$1.79
St. Joseph	1.82	Van Buren	1.81
Sanilac	1.79	Washtenaw	1.83
Shiawassee	1.80	Wayne	1.83

MINNESOTA

Aitkin	$1.74	Mille Lacs	$1.79
Anoka	1.78	Morrison	7.75
Becker	1.72	Mower	1.80
Benton	1.76	Murray	1.77
Big Stone	1.75	Nicollet	1.78
Blue Earth	1.79	Nobles	1.78
Brown	1.78	Norman	1.72
Carver	1.78	Olmsted	1.80
Cass	1.73	Otter Tail	1.73
Chippewa	1.76	Pennington	1.72
Chisago	1.78	Pine	1.76
Clay	1.72	Pipestone	1.77
Clearwater	1.72	Polk	1.72
Cottonwood	1.78	Pope	1.75
Crow Wing	1.74	Ramsey	1.79
Dakota	1.79	Red Lake	1.72
Dodge	1.80	Redwood	1.77
Douglas	1.74	Renville	1.77
Faribault	1.79	Rice	1.80
Fillmore	1.80	Rock	1.77
Freeborn	1.80	Roseau	1.71
Goodhue	1.80	Scott	1.79
Grant	1.74	Sherburne	1.78
Hennepin	1.79	Sibley	1.78
Houston	1.80	Stearns	1.76
Hubbard	1.72	Steele	1.80
Isanti	1.78	Stevens	1.75
Jackson	1.78	Swift	1.76
Kanabec	1.77	Todd	1.74
Kandiyohi	1.76	Traverse	1.74
Kittson	1.71	Wabasha	1.80
Lac qui Parle	1.76	Wadena	1.73
Le Sueur	1.79	Waseca	1.79
Lincoln	1.77	Washington	1.79
Lyon	1.77	Watonwan	1.79
McLeod	1.78	Wilkin	1.73
Mahnomen	1.72	Winona	1.80
Marshall	1.71	Wright	1.78
Martin	1.79	Yellow Medicine	1.76
Meeker	1.77		

MISSISSIPPI

All counties — $1.82

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.83	Dunklin	$1.83
Andrew	1.80	Franklin	1.83
Atchison	1.80	Gasconade	1.82
Audrain	1.84	Gentry	1.80
Barry	1.78	Greene	1.79
Barton	1.78	Grundy	1.81
Bates	1.80	Harrison	1.80
Benton	1.80	Henry	1.80
Bollinger	1.83	Hickory	1.80
Boone	1.83	Holt	1.80
Buchanan	1.80	Howard	1.82
Butler	1.83	Howell	1.81
Caldwell	1.80	Iron	1.81
Callaway	1.83	Jackson	1.80
Camden	1.81	Jasper	1.78
Cape Girardeau	1.83	Jefferson	1.83
Carroll	1.81	Johnson	1.80
Carter	1.82	Knox	1.84
Cass	1.80	Laclede	1.80
Cedar	1.79	Lafayette	1.80
Charlton	1.82	Lawrence	1.73
Christian	1.79	Lewis	1.85
Clark	1.85	Lincoln	1.84
Clay	1.80	Linn	1.82
Clinton	1.80	Livingston	1.81
Cole	1.82	McDonald	1.78
Cooper	1.82	Macon	1.83
Crawford	1.82	Madison	1.82
Dade	1.78	Maries	1.81
Dallas	1.80	Marion	1.85
Daviess	1.80	Mercer	1.81
De Kalb	1.80	Miller	1.81
Dent	1.81	Mississippi	1.83
Douglas	1.80	Moniteau	1.82
		Monroe	1.84

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Montgomery	$1.83	St. Clair	$1.80
Morgan	1.81	St. Francois	1.83
New Madrid	1.83	St. Louis	1.84
Newton	1.78	St. Genevieve	1.83
Nodaway	1.80	Saline	1.81
Oregon	1.81	Schuyler	1.83
Osage	1.82	Scotland	1.84
Ozark	1.80	Scott	1.83
Pemiscot	1.83	Shannon	1.81
Perry	1.83	Shelby	1.84
Pettis	1.81	Stoddard	1.83
Phelps	1.81	Stone	1.79
Pike	1.85	Sullivan	1.82
Platte	1.80	Taney	1.80
Polk	1.80	Texas	1.81
Pulaski	1.81	Vernon	1.79
Putnam	1.82	Warren	1.83
Ralls	1.85	Washington	1.82
Randolph	1.83	Wayne	1.82
Ray	1.80	Webster	1.80
Reynolds	1.81	Worth	1.80
Ripley	1.82	Wright	1.80
St. Charles	1.84		

NEBRASKA

Adams	$1.74	Merrick	$1.75
Antelope	1.75	Nance	1.75
Boone	1.75	Nemaha	1.78
Boyd	1.74	Nuckolls	1.75
Burt	1.78	Otoe	1.78
Butler	1.78	Pawnee	1.78
Cass	1.78	Pierce	1.75
Cedar	1.76	Platte	1.76
Clay	1.75	Polk	1.76
Colfax	1.77	Richardson	1.78
Cuming	1.77	Saline	1.77
Dakota	1.77	Sarpy	1.78
Dixon	1.77	Saunders	1.78
Dodge	1.78	Seward	1.77
Douglas	1.78	Stanton	1.76
Fillmore	1.76	Thayer	1.76
Gage	1.77	Thurston	1.77
Hall	1.74	Washington	1.78
Hamilton	1.75	Wayne	1.76
Jefferson	1.77	Webster	1.74
Johnson	1.78	York	1.76
Knox	1.75	All other counties	1.73
Lancaster	1.78		
Madison	1.75		

NEW JERSEY

All counties $1.81

NEW MEXICO

All counties $1.71

NEW YORK

All counties $1.80

NORTH CAROLINA

All counties $1.80

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$1.71	Sargent	$1.71
Cass	1.72	Steele	1.71
Grand Forks	1.71	Traill	1.72
Ransom	1.71	All other counties	1.70
Richland	1.72		

OHIO

Adams	$1.83	Coshocton	$1.85
Allen	1.86	Crawford	1.86
Ashland	1.85	Cuyahoga	1.86
Ashtabula	1.86	Darke	1.84
Athens	1.84	Defiance	1.87
Auglaize	1.85	Delaware	1.85
Belmont	1.84	Erie	1.87
Brown	1.83	Fairfield	1.85
Butler	1.83	Fayette	1.83
Carroll	1.85	Franklin	1.85
Champaign	1.84	Fulton	1.87
Clark	1.83	Gallia	1.83
Clermont	1.83	Geauga	1.86
Clinton	1.83	Greene	1.83
Columbiana	1.85	Guernsey	1.85

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Hamilton	$1.83	Muskingum	$1.85
Hancock	1.86	Noble	1.84
Hardin	1.85	Ottawa	1.87
Harrison	1.85	Paulding	1.87
Henry	1.87	Perry	1.85
Highland	1.83	Pickaway	1.84
Hocking	1.84	Pike	1.83
Holmes	1.85	Portage	1.86
Huron	1.86	Preble	1.83
Jackson	1.83	Putnam	1.87
Jefferson	1.85	Richland	1.86
Knox	1.85	Ross	1.83
Lake	1.86	Sandusky	1.87
Lawrence	1.83	Scioto	1.83
Licking	1.85	Seneca	1.87
Logan	1.85	Shelby	1.85
Lorain	1.86	Stark	1.85
Lucas	1.87	Summit	1.86
Madison	1.84	Trumbull	1.86
Mahoning	1.85	Tuscarawas	1.85
Marion	1.86	Union	1.85
Medina	1.86	Van Wert	1.86
Meigs	1.83	Vinton	1.84
Mercer	1.85	Warren	1.83
Miami	1.84	Washington	1.83
Monroe	1.83	Wayne	1.85
Montgomery	1.83	Williams	1.87
Morgan	1.84	Wood	1.87
Morrow	1.86	Wyandot	1.86

OKLAHOMA

All counties $1.76

PENNSYLVANIA

All counties $1.80

SOUTH CAROLINA

All counties $1.80

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.72	Jerauld	$1.72
Beadle	1.72	Kingsbury	1.73
Bon Homme	1.74	Lake	1.74
Brookings	1.74	Lincoln	1.76
Brule	1.72	McCook	1.74
Charles Mix	1.73	Miner	1.73
Clay	1.75	Minnehaha	1.75
Codington	1.72	Moody	1.74
Davison	1.73	Roberts	1.72
Dueul	1.73	Sanborn	1.72
Douglas	1.73	Turner	1.75
Grant	1.73	Union	1.76
Hamlin	1.72	Yankton	1.75
Hanson	1.73	All other counties	1.71
Hutchinson	1.74		

TENNESSEE

All counties $1.83

TEXAS

All counties $1.76

VIRGINIA

All counties $1.80

WEST VIRGINIA

All counties $1.80

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.82	Brown	$1.81
Barron	1.79	Buffalo	1.80

WISCONSIN—Continued

County	Average value	County	Average value
Burnett	$1.78	Monroe	$1.81
Calumet	1.82	Oconto	1.80
Chippewa	1.79	Oneida	1.78
Clark	1.79	Outagamie	1.81
Columbia	1.84	Ozaukee	1.85
Crawford	1.83	Pepin	1.80
Dane	1.85	Pierce	1.80
Dodge	1.85	Polk	1.79
Door	1.80	Portage	1.81
Douglas	1.78	Price	1.78
Dunn	1.80	Racine	1.88
Eau Claire	1.80	Richland	1.83
Fond du Lac	1.84	Rock	1.87
Grant	1.84	Rusk	1.78
Green	1.86	St. Croix	1.79
Green Lake	1.83	Sauk	1.83
Iowa	1.84	Sawyer	1.78
Jackson	1.81	Shawano	1.80
Jefferson	1.86	Sheboygan	1.84
Juneau	1.82	Taylor	1.78
Kenosha	1.88	Trempealeau	1.80
Kewaunee	1.80	Vernon	1.82
La Crosse	1.81	Walworth	1.88
Lafayette	1.85	Washburn	1.78
Langlade	1.79	Washington	1.85
Lincoln	1.78	Waukesha	1.86
Manitowoc	1.82	Waupaca	1.81
Marathon	1.79	Waushara	1.82
Marinette	1.79	Winnebago	1.82
Marquette	1.83	Wood	1.81
Milwaukee	1.86		

(b) *Application of discounts and premiums.* The cumulative discounts and premiums contained in paragraph (c) of this section shall be applied as follows:

(1) *Farm-storage loans.* In the case of eligible soybeans placed under farm-storage loans, the applicable discounts shall be applied to the basic rate at the time the loan is completed. Premiums shall be applied at the time of settlement on soybeans delivered to CCC.

(2) *Warehouse-storage loans.* In the case of warehouse-storage loans, the applicable discounts and premiums shall be applied to the basic rate at the time the loan is completed.

(3) *Purchase agreements.* On eligible soybeans delivered from farm-storage under purchase agreements and on eligible soybeans represented by warehouse receipts tendered to CCC under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(c) *Discounts and premiums.* (1) Classification discount: The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(2) Discounts for test weight per bushel, splits, damaged kernels, and foreign material:

Test weight per bushel	Discount	Splits	Discount	Damaged kernels [2]		Discount	Foreign Material	Discount
				Heat	Total			
Pounds [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½	2.1–2.5	1
52.0–52.9	1	25.1–30.0	1	0.8–1.0	4.1–5.0	1	2.6–3.0	2
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5.1–6.0	1½	3.1–3.5	3
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2	3.6–4.0	4
49.0–49.9	2½			2.2–3.0	7.1–8.0	2½	4.1–4.5	5
							4.6–5.0	6

[1] The figures in these columns are inclusive.
[2] Use column which yields the higher applicable discount.

(3) Premiums for low moisture content:

Moisture (percent)	Premium (cents per bushel)
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

(4) Premium for low foreign material content: A premium of 2 cents per bushel shall be applicable to eligible soybeans containing 1 percent or less foreign material.

(5) The discounts and premiums contained in this paragraph (c) are cumulative and are applicable to all classes of soybeans.

(d) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the soybeans are stored determines that State, district or county weed control laws, as administered, affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; 15 U.S.C. 714c, 7 U.S.C. 1446d, 1447, 1421)

Issued this 21st day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6107; Filed, July 24, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 175]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.475 Valencia Orange Regulation 175.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 23, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 26, 1959, and ending at 12:01 a.m., P.s.t., August 2, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 785,400 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6218; Filed, July 24, 1959; 11:23 a.m.]

[Peach Order 1]

PART 940—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

§ 940.311 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 27, 1959. A reasonable determination as to the supply

of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 17, 1959; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 17, 1959, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., m.s.t., July 27, 1959, and ending at 12:01 a.m., m.s.t., October 11, 1959, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1;

(ii) Any peaches of the Early Elberta, Gleason Elberta, Sullivan Elberta, or Golden Jubilee varieties which are of a size smaller than 2 inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or

(iii) Any varieties of peaches other than the Early Elberta, Gleason Elberta, Sullivan Elberta, and Golden Jubilee varieties which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 22, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6138; Filed, July 24, 1959; 8:49 a.m.]

[Lemon Reg. 802]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.909 Lemon Regulation 802.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 22, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 26, 1959, and ending at 12:01 a.m., P.s.t., August 2, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 23, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6193; Filed, July 24, 1959; 8:59 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 72; Amdt. 31]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of the complete loss of hydraulic fluid in the utility hydraulic system of a Boeing 707–100 series aircraft and possibility of fuel selector valve failure on certain Mooney M–20 and M–20A aircraft, inspection and replacement are required.

Airworthiness directive 59–5–5, Hiller UH–12 series helicopters, is revised to extend the compliance date for replacement of cyclic control lower scissor castings with a new forging.

To allow Piper PA–24 owners additional time, due to circumstances beyond their control, the compliance date for airworthiness directive 59–12–9 is extended.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 59–5–5 Hiller UH–12 series helicopters as it appeared in 24 F.R. 3754 is revised by changing items (2) and (3) to read as follows:

(2) Effective September 1, 1959, P/N 34141 casting (including basic number and all dash numbers) must be removed from service prior to accumulation of 275 hours total time.

(3) Upon replacement with a new forging P/N 34158, the special inspection of item (1) may be discontinued. This forging has unlimited service life.

2. 59–12–9 Piper PA–24 and PA–24 "250" aircraft as it appeared in 24 F.R. 5290 is revised by changing the compliance date to read: "Compliance required not later than July 30, 1959."

3. The following new airworthiness directives are added:

59–14–1 BOEING. Applies to the following Boeing 707–100 Series aircraft Serial Numbers 17586 through 17591, 17609, 17628 through 17637 and 17658 through 17662.

Compliance required as indicated.

As a result of the complete loss of hydraulic fluid in the utility hydraulic system of a 707–100 series aircraft caused by the rupture of the aluminum tube assembly in the nose wheel well door-open system, the following modification shall be accomplished. Prior to July 31, 1959, the nose wheel door-open aluminum tube assembly 50–6848–45 shall be replaced with corrosion resistant steel tubing ⅜ inch O.D. by 0.028 inch wall thickness.

(Boeing Service Bulletin No. 412 pertains to this same subject.)

59–14–2 MOONEY. Applies to Mooney M–20 airplanes Serial Numbers 1175 through 1200 and M–20A airplanes Serial Numbers 1201 through 1375. Compliance required prior to August 1, 1959.

To guard against fuel selector valve failure and inability to change selector valve position the following inspection and replacement is required prior to August 1, 1959. Replacement valves obtained from the factory after April 27, 1959, and installed need not comply with this AD.

(a) Remove fuel tank selector valve.

(b) Remove lower part of valve housing and remove plastic core.

(c) Determine if the shaft and plastic core are pinned together. If not, replace complete valve assembly with replacement valve P/N 311–221–1/4D obtained from Mooney.

(Mooney Service Letter 20–48 concerns this subject.)

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 21, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–6109; Filed, July 24, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7353 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kennebec Mills Corp. et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Kennebec Mills Corporation (Fairfield, Maine) et al., Docket 7353, June 27, 1959]

In the Matter of Kennebec Mills Corporation, a Corporation, and R. G. Fromkin Co., Inc., a Corporation, and Robert G. Fromkin, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two affiliated manufacturers with offices in Fairfield, Maine, and New York City, respectively, with violating the Wool Products Labeling Act by tagging as "50% reprocessed wool, 50% wool," fabrics which contained a substantial quantity of fibers other than wool, and by failing to label certain wool products as required.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Kennebec Mills Corporation, a corporation, and its officers, and R. G. Fromkin Co., Inc., a corporation, and its officers, and Robert G. Fromkin, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 of woolen fabrics or other "wool products" as such products are defined in, and subject to the said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amounts of the constituent fibers contained therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage, by weight of such fiber, is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Kennebec Mills Corporation, a corporation, and its officers, and R. G. Fromkin Co., Inc., a corporation, and its officers, and Robert G. Fromkin, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen fabrics or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof, in sales invoices, shipping memoranda, or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 26, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6116; Filed, July 24, 1959; 8:46 a.m.]

[Docket 7336 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Stephen-George Wholesale Furs et al.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, George Schwartz et al. trading as Stephen-George Wholesale Furs, Minneapolis, Minn., Docket 7336, June 27, 1959]

In the Matter of George Schwartz and Stephen Lisle, Individually and as Copartners Trading as Stephen-George Wholesale Furs

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Minneapolis, Minn., with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

Based on an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That George Schwartz and Stephen Lisle, individually and as copartners, trading as Stephen-George Wholesale Furs, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction,

manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with nonrequired information.

3. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish purchasers of fur products invoices showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 8, 1959.

By the Commission.

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6117; Filed, July 24, 1959; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

PART 11—SPECIAL PROVISIONS APPLICABLE TO COTTONSEED MEAL AND SOYBEAN MEAL

Correction of Amendments of June 18, 1959

The amendments issued June 18, 1959, published in the FEDERAL REGISTER dated June 23, 1959 (23 F.R. 5117), deleting paragraph (e) from §§ 2.01, 9.01, 10.01, and 11.01 of Parts 2, 9, 10, and 11, Chapter I, Title 17, Code of Federal Regulations (17 CFR 2.01, 9.01, 10.01, 11.01), should also have added the word "and" after the semicolon at the end of paragraph (c), and deleted the semicolon and the word "and" at the end of paragraph (d) and substituted a period in lieu thereof, in each of the aforesaid sections, and the said amendments are corrected accordingly.

These corrections consist of editorial changes only and do not affect the substantive provisions of the regulations.

CLARENCE L. MILLER,
Assistant Secretary.

JULY 22, 1959.

[F.R. Doc. 59-6141; Filed, July 24, 1959; 8:49 a.m.]

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

Reports on Form 300

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C. 1958 ed., Sections 1–17a), and pursuant to notice published in the FEDERAL REGISTER on June 17, 1959 (24 F.R. 4924), § 3.02, Part 3, Chapter 1, Title 17, Code of Federal Regulations (17 CFR 3.02), is hereby amended to read as follows:

§ 3.02 Time and place of filing reports on Form 300.

Unless otherwise authorized in writing by the Commodity Exchange Authority upon good cause shown, reports required to be made on Form 300 shall be filed in the office of the Commodity Exchange Authority in the city where the contract market covered by the report is located as soon as possible after the close of the market on each business day and not later than 30 minutes before the official opening of the market on the next following business day, or 9:30 a.m. on such following business day, whichever is earlier.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Issued July 22, 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-6142; Filed, July 24, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1912]

[81200]

CALIFORNIA

Order of Opening Under Section 24 of the Federal Power Act

1. In DA 751 and 758, California, issued August 21, 1951, the Federal Power Commission determined that the value of the following-described lands withdrawn in Power Site Reserve No. 471 would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 28 E.
Sec. 11, lots 1 and 8;
Sec. 12, lots 1 and 4;
Sec. 13, SE¼NW¼, W½SE¼, and S½SW¼;
Sec. 23;
Sec. 24, E½, N½NW¼, and E½SW¼;
Sec. 25;
Sec. 26, NW¼ and SE¼.

The areas described aggregate 2,351.94 acres.

2. Lot 8 in sec. 11 and lots 1 and 4 in sec. 12, are within the boundaries of the Sequoia National Park.

3. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and under section 24 of the Federal Power Act.

4. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, the lands outside the Sequoia National Park are hereby opened to application, petition, location and selection under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, to the provisions of section 24 of the Federal Power Act, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended. Applications by veterans and others claiming preference, filed at or before 10:00 a.m. on August 25, 1959, shall be considered as simultaneously filed at that time. Such applications thereafter filed, but before 10:00 a.m. on October 20, 1959, shall be considered in the order of filing.

5. Applications by the general public received at or before 10:00 a.m. on October 20, 1959, shall be considered as simultaneously filed at that time. Such applications thereafter filed shall be considered in the order of filing.

6. The lands have been open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 20, 1959.

[F.R. Doc. 59-6119; Filed, July 24, 1959; 8:46 a.m.]

[Public Land Order 1913]

[Oregon 06700]

OREGON

Partially Revoking the Reclamation Withdrawal of December 14, 1926 (Vale Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of December 14, 1926, which withdrew lands for reclamation purposes in the first form in connection with the Vale Project, Oregon, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 19 S., R. 43 E.,
Sec. 20, NE¼, and E½SE¼.

The areas described aggregate 240 acres.

2. The SE¼NE¼ and NE¼SE¼ of sec. 20, T. 19 S., R. 43 E., are within Federal Power Project No. 985.

3. The State of Oregon has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands are rolling to rough. The vegetative cover consists of big sagebrush, cheatgrass, mustard, and low annual weeds. The soil is a clay loam about 10 inches deep, intermingled with rocks in places.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 25, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 24, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 24, 1959.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 20, 1959.

[F.R. Doc. 59-6120; Filed, July 24, 1959; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-32]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

UTAH SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on July 13, 1959, approved the Utah system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Utah system shall be operative on and after Monday, July 20, 1959. On that date the authority to number motorboats principally used in the State of Utah will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Utah. On and after July 20, 1959, all reports of "boating accidents" which involve motorboats num-

bered in Utah will be required to be reported to the Supervisor of Boating, Utah State Park and Recreation Commission, pursuant to the regulations prescribed under the 1959 Utah Boating Act.

Because § 172.25–15(a)(3), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a)(3) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) • • •

(3) Utah—July 20, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 20, 1959.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 59–6143; Filed, July 24, 1959; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 4844]

PART 31—BILLS OF LADING

Form of Domestic Bill of Lading

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of July A.D. 1959.

It appearing that the contract terms and conditions of the uniform bill of lading as published in the Code of Federal Regulations, 49 CFR, 1938 ed., 31.2, and as referred to in 49 CFR, 1949 ed., 31.2, prescribe a six-month period for the filing of claims with carriers on domestic traffic as a condition precedent to the recovery for loss, damage, injury, or delay to property while in the possession of carriers, whereas the bill-of-lading provisions as published in the freight classifications of carriers generally provide for a nine-month period, and that certain other material inconsistencies exist:

It is ordered, That this proceeding be, and it is hereby, reopened for the limited purpose of considering these inconsistencies.

It appearing that the Code of Federal Regulations (49 CFR 31) refers, in § 31.2, to the use of the bill-of-lading form approved by this Commission in Appendix B of its report in this proceeding, 52 I.C.C. 671, as subsequently modified by later reports, wherein section 2(b) of the bill-of-lading contract terms and conditions provides for a six-month period within which to file such claims on domestic traffic, and that, by act of April 23, 1930, 46 Stat. 251, it was made unlawful for any common carrier to provide for a period shorter than nine months for the filing of such claims,

It further appearing that the said § 31.2 of the Code of Federal Regulations (49 CFR 31.2) refers to the York-Antwerp Rules of 1890 as governing the general average liability for loss of or damage to export traffic, whereas in a report on further hearing herein, 156 I.C.C. 188 (1929), this Commission approved the substitution of the York-Antwerp Rules of 1924 for that purpose,

And it further appearing that the carriers, in the publication of said contract terms and conditions in the classifications, have complied with the above-mentioned statute and Commission report regarding the provisions for general average liability; and that since the changes in existing regulations are merely corrections made to conform with the above-mentioned statute and Commission report, rulemaking procedures as required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003) are deemed unnecessary:

It is ordered, That 49 CFR, 1949 ed., 31.2, which refers to Appendix D; form of domestic (straight) bill of lading in 49 CFR, 1938 ed., 31.2 have the following corrective note added:

§ 31.2 Appendix D; form of domestic (straight) bill of lading prescribed.

(See 49 CFR, 1938 ed., 31.2.)

NOTE: Section 2(b) of the bill-of-lading contract terms and conditions is corrected to indicate a nine-month period within which to file claims with carriers on domestic as well as export traffic as a condition precedent to the recovery for loss, damage, injury, or delay to property while in the possession of carriers in accordance with the Act of April 23, 1930, 46 Stat. 251.

Section 9(d) of the bill-of-lading contract terms and conditions is corrected to indicate that the York-Antwerp Rules of 1924 governing the general average liability for loss of or damage to export traffic as approved in 156 I.C.C. 188 (1929) are substituted for the York-Antwerp Rules of 1890.

NOTE: Derived from 52 I.C.C. 671 (Appendix B); 64 I.C.C. 357, Appendix D; 66 I.C.C. 63, 167 I.C.C. 214; 172 I.C.C. 362; 245 I.C.C. 527, 6 F.R. 2912.

(Sec 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 1, 24 Stat. 379, as amended; 49 U.S.C. 1)

It is further ordered, That notice of this order be given to the public by depositing a copy thereof with the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

And it is further ordered, That this proceeding be, and it is hereby, discontinued.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–6122; Filed, July 24, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under subchapters A and B of chapter 6 of the Internal Revenue Code of 1954, relating to consolidated income tax returns, were published in the FEDERAL REGISTER for Tuesday, July 21, 1959.

A public hearing on the proposed regulations will be held on Thursday, August 13, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C. by August 10, 1959.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 59–6134; Filed, July 24, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Establishing Free, Restricted, and Withholding Percentages for 1959–60 Crop Year

Notice is hereby given that there is being considered the establishment for the 1959–60 crop year beginning August 1, 1959, of free, restricted, and withholding percentages for marketable dates of the Deglet Noor, Zahidi and Khadrawy varieties, as hereinafter set forth. The proposed percentages, which are based on the unanimous recommendation of the Date Administrative Committee and other available information, would be established in accordance with the applicable provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining to the proposal which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the eighth day after publication of this notice in the FEDERAL REGISTER.

The proposed percentages for marketable dates of the Deglet Noor, Zahidi, and Khadrawy varieties are based on the following estimates of the Date Administrative Committee and other available information:

[In thousand pounds]

Factors	Deglet Noor	Zahidi	Khadrawy
1. Uncertified handler carryover (July 31, 1959)	4,075	41	51
2. Production of marketable dates (1959–60 crop year)	33,440	1,334	630
3. Total available supply of marketable dates subject to regulation	37,515	1,375	681
4. Trade demand	24,500	1,290	695
5. Desirable handler carryover (July 31, 1960)	5,500	100	100
6. Certified handler carryover (July 31, 1959)	2,469	9	103
7. Requirements for free dates (item 4 plus item 5 minus item 6)	27,531	1,381	692
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7)	9,984	------	------

The indicated free poundage of Deglet Noor dates is 73.4 percent of the estimated total available supply of such variety of dates subject to regulation. The committee unanimously recommended that the free percentage be rounded to 73 percent, making the restricted percentage 27 percent and the withholding percentage 37 percent.

The estimates for the Zahidi and Khadrawy varieties of dates do not indicate the need for establishing the respective free percentage for marketable dates of such varieties at a percentage less than 100 percent. As a result, no volume restrictions would be in effect for such varieties of dates.

The proposal is as follows:

§ 1003.207 Free, restricted, and withholding percentages.

The free percentage, restricted percentage, and withholding percentage of marketable dates for each variety shall be, for the crop year beginning August 1, 1959, and ending July 31, 1960, as follows: (a) Deglet Noor variety dates: Free percentage, 73 percent; restricted percentage, 27 percent; and withholding percentage, 37 percent; (b) Zahidi variety dates: Free percentage 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

Dated: July 21, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–6140; Filed, July 24, 1959; 8:49 a.m.]

[7 CFR Part 1008]

[Docket No. A0–275–A5]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Spokane, Washington, on May 13, 1959, pursuant to notice thereof which was issued April 23, 1959 (24 F.R. 3298).

The material issues on the record of the hearing relate to:

(1) Provision for the diversion of milk between pool plants by a cooperative association as a handler.

(2) Revision of location differentials.

(3) Revision of the schedule of monthly delivery percentages used in computing "new producer" bases.

(4) Modification of the supply-demand adjuster in the Class I price formula.

(5) An increase in the administrative expense assessment.

(6) Revision of the provision governing the classification of transfers and diversions of milk to other pool plants and to nonpool plants.

(7) Minor changes for order clarification.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The definition of "handler" should be modified.

The present definition of handler includes a non-operating or bargaining-type, cooperative association with respect to milk diverted for the account of an association from a pool plant to a nonpool plant. One such association proposed that the definition be revised to include this type of association with respect to milk which it causes to be diverted from one pool plant to another pool plant.

Historically, and at present, the Inland Empire market primarily is a market for Class I milk. There are few facilities in the regulated plants for handling appreciable amounts of reserve milk over and above the quantities actually disposed of as Class I items.

The proponent bargaining-type cooperative, representing a substantial proportion of the producers, is obligated, under its membership contract, to find a market outlet for the milk of each member producer. In many instances the volume of milk requiring a different outlet is not sufficient to warrant the movement of the milk to a nonpool plant for disposal because the nearest of such plants is located at some distance from the Inland Empire market. A more economical means of disposition would be to divert the milk from its former pool plant outlet to another pool plant. At times, however, a pool plant may be reluctant to receive such milk since, under present order terms, the milk automatically becomes a part of the producer receipts of the plant when accepted there, and consequently increases the quantity of milk (in relation to receipts) which must be utilized in Class I to maintain the plant's status as a pool plant. This difficulty would be avoided if, as the proposal provides, the diverting association could accept responsibility for the milk as a handler and the milk could be omitted from the category of "producer milk" at the receiving pool plant.

It is concluded that a provision which will permit a nonoperating association the opportunity to divert milk from one pool plant to another for a period of 90 days in any instance will tend to promote orderly marketing and encourage more efficient use of the market supply. Since there is no apparent reason for a different method for classifying such diverted milk, it should be classified on the same basis as other producer milk at the plant where received.

(2) Price adjustments for location of plants should be revised.

Technological changes and efficiencies in the handling and transportation of milk, which have reduced the cost of moving milk from farms to the principal consuming center of the marketing area have taken place in the period since the present location differentials were established. This has resulted primarily

from the growth of the bulk tank system of delivery from farm to plant.

Milk delivered directly to a plant located at Spokane, the principal consuming center of this marketing area, which must draw its supplies from relatively long distances is worth more, at least by the cost of transportation, than is other milk to be utilized within the marketing area but delivered to a plant located at a considerable distance from Spokane where a lesser cost is involved in moving milk from farms to the plant. Location differentials represent reasonable allowances per hundredweight for moving milk from outlying supply plants at varying distances to plants in the major consuming center where the milk is processed for Class I uses. They reflect also the values of Class I milk at different locations in the milkshed in relation to its value at the principal center of consumption.

While transportation costs vary depending upon many factors, including the size of load, the schedule of location differentials proposed by the producer organizations are reasonably representative of present costs experienced in the movement of milk by over-the-road tank trucks in this area. Such proposed rates are in line also with the rates recently adopted for the Puget Sound marketing area where similar hauling services are available. In this connection official notice is taken of the June 26, 1959 decision of the Assistant Secretary on amendments to the Puget Sound order.

The schedule of rates proposed by producers should be modified, however, to fit the present rate schedule in the Inland Empire order, which sets forth rates by 10-mile zones for plant locations beyond 50 miles from the City Hall in Spokane, Washington. Thus, it is concluded that the rate of location differential for any plant located in a zone beyond such distance from Spokane should be computed at 2.0 cents per hundredweight of milk for each 10-mile zone (or major fraction thereof) for plants that are located beyond 50 miles but within a distance of 200 miles from Spokane, and an additional 1.0 cent per hundredweight for each 10 miles beyond a radius of 200 miles from Spokane.

(3) The provisions governing new producer bases should be revised.

The provisions relating to the establishment of bases for producers entering the market on their own volition for the first time, and providing an alternative method for establishing base for any producer who desires to cancel his base and be treated as a new producer under the limitations prescribed, should be revised.

The conditions under which a new producer might receive a base, or a regular producer might cancel base and be treated as a new producer in respect of his base, were set out in the original Inland Empire order and the reasons therefor were described in the initial decision issued by the Assistant Secretary on January 4, 1956, supporting the introduction of the order. Official notice is taken of the reasons set forth in such decision for the new producer base provision.

Since the percentage of delivery schedule on which new producer bases are computed was first established, the pattern of production has changed seasonally, and under present conditions producers are provided encouragement, under the provision, to cancel base in favor of treatment as new producers. The privilege of relinquishing base was included to relieve possible cases of hardship, but was not intended to offer the individual producer the means of general avoidance of the regular method of base computation, in order to gain an increased return at the expense of other producers. Unless revised, the present new producer base provisions would make the base plan increasingly ineffective.

The producers associations' proposal to reduce the schedule of delivery percentages 5 points during the months of December through March will reflect the change in the market-wide relationship between base milk to total receipts of producer milk in these months and will be in the interest of maintaining the effectiveness of the base plan. The proposal should be adopted to be effective for March 1960. This will provide reasonable advance notice to producers of the effective date.

(4) The supply-demand adjustment formula should be revised.

The present order contains a formula for the automatic adjustment of Class I prices as supply and demand conditions change in relation to a "norm". Under this formula a "current supply-demand ratio", indicating the relationship of producer supplies to Class I milk requirements during the second and third months preceding the month of application, is computed. This ratio then is compared with a predetermined ratio considered as normal (representing a balanced supply) for the corresponding months of the year, and for each percentage point of difference in the ratios, the Class I price is adjusted 5 cents per hundredweight up or down, as the case may be. Such formula was suspended effective February 1, 1959, for an indefinite period, pending review in this hearing, on a determination that the formula was resulting in erratic price movements not reflecting the longer-term trend in supply-demand relationships in the Inland Empire market, and if allowed to operate, would seriously threaten the market supply.

The difficulties which led to the suspension of the formula are reflected in the statistical material presented for the record. On an annual basis producer receipts were reasonably well equated with fluid sales in 1958, with 72.9 percent of producer milk utilized in Class I milk. Likewise, in 1957 the market was not unduly short of milk with 74.8 percent of producer milk in Class I milk. Even though in these two years the annual difference in the supply-demand relationship was not marked, the monthly and seasonal differences were quite significant when viewed in terms of an appropriate supply-demand formula which is expected at any given time to predict with reasonable accuracy the future trend in the supply-demand situation. For example, in 1957 the percentages of producer milk utilized in Class I in January and February were 84.3 and 82.1 percent, respectively. In the same months of 1958, these percentages were 73.9 and 73.6, respectively. Conversely, in 1957 when the larger proportions of producer milk were used in Class I in January and February, relatively smaller percentages were so used in September and October. September and October 1957 percentages were 77.1 and 78.3, respectively, while the percentages for the corresponding months of 1958 were 80.5 and 84.5, respectively. In both years the November Class I utilization was 79.6 percent of producer milk, but while in 1957 the December percentage dropped 6 points from November, the December percentage in 1958 decreased only 2 points from the preceding month.

During the three months of lowest production relative to sales in 1958 (September, October, and November), the Class I percentage increased 4 points from September to October and decreased 5 points from October to November. In 1957 there was an increase of 1.3 points from September to October and another increase of 1.3 points from October to November. The flush season percentages likewise show little consistency. From April to May in 1957 the ratio decreased 12 points, whereas in 1958 a decrease of only 7 points took place. Although May and June percentages were at the same level for each year, respectively, the July percentage exceeded that of June by 4.8 points in 1957 and was higher by 10 points in 1958.

Because of limited manufacturing facilities and the uncertainty of future requirements for Class I milk, it is appropriate to continue to employ a price mover in the order to reflect the basic trends in the supply-sales relationship, and thereby to tend to equate as nearly as possible the producer receipts with the needs for inspected milk. A Class I utilization of 73 percent annually (with appropriate seasonal adjustments) may be considered to reflect an adequate but not burdensome producer milk supply in this market. Modification of the formula which was operative prior to February this year is necessary, however, to eliminate the erratic price adjustments which have resulted from time-to-time without significant changes in the longer-term relationship of supply to Class I sales. This may be accomplished by (a) revising the "standard utilization percentages", or norm, by providing a range (3 percentage points) within which the supply-sales relationship may fluctuate without any adjustment in price, and (b) reducing the initial rate of adjustment per percentage point of change in the supply-sales relationship from 5 cents to 1 cent per hundredweight, but providing an increase in the adjustment rate as sales continue to change in the same direction in relation to supplies. The establishment of the norm as "percentage ranges" will overcome the temporary aberrations in the supply-sales relationship which have resulted in undue price adjustments under the prior formula. This may be achieved without changing the general character of the formula as a "two-month mover", i.e., an indicator based upon comparative changes in the supply-sales relationship of a recent two-month period with the normal range for the corresponding months.

To safeguard further against erratic price adjustments but to reflect promptly significant changes in the trend of sales to receipts, it is concluded that the rate of adjustment for variations from the standards adopted should be nominal when such variations first appear, but should be increased progressively as a variation of like direction and amount persists through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial price increases or decreases based on short-term non-recurring deviations from the established norm. Substantial price adjustments would occur, however, whenever undersupply or oversupply representing a significant variation from the established norm persists for any period of time.

This is accomplished by providing that for each percentage point of deviation from the norm the price shall be adjusted one cent, plus one cent for each percentage point for which there was a deviation of like extent and character computed for the preceding month, plus an additional cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the second preceding month.

For the year 1958 it is estimated that the revised formula would have provided an average annual adjustment per hundredweight of Class I milk of less than minus one-cent per hundredweight as compared with the actual annual average adjustment of minus 20 cents per hundredweight pursuant to the formula then in effect. For the first five months of 1959, the revised formula would have resulted in zero adjustments each month. The prior formula resulted in a minus 10-cent adjustment in January this year but was suspended February 1 because of erratic results.

It is concluded that the supply-demand adjuster adopted herein will provide for appropriate adjustment of the Class I price under the conditions prevailing in the market. The maximum amount of price adjustment will continue to be 50 cents per hundredweight increase or decrease. There was no testimony to revise this limitation.

(5) The expense of administration assessment should be increased from 4 to 5 cents per hundredweight of milk.

It was proposed that the assessment on handlers to cover the expenses of administering the order be increased from 4 cents to 5 cents per hundredweight of milk.

Salaries and most other costs of operating an office and an auditing staff have increased since the order first became fully effective on April 1, 1956. Typical increases in expense items are salaries, 10 percent; postage, 33⅓ percent; and travel, 10 percent. Additional expense obligations such as contributions to the employees' retirement system and costs involved in regulating more distant supply plants which have entered the market since the inception of the order also have been assumed. The reserve funds available to operate the market administrator's office until all order obligations are satisfied in the event of order liquidation have been nearly depleted.

The maintenance of the necessary functions and services financed by the administrative fund require additional monies. It is concluded, therefore, that the administrative expense assessment should be increased from 4 to 5 cents per hundredweight. The hearing developed no opposition testimony to the proposal.

(6) The provisions governing interplant movements of milk should be revised.

It is customary for the larger handlers to service some of the smaller distributing plants under the order with milk from time to time when the latter are short of supply. When milk was received mostly in cans, it was impractical to divert milk to other pool plants without the milk being received first in the plant of the diverting handler. With the rapid change to bulk tank pick-up at the farms, the diversion of the milk to the second plant is more economical and convenient for the plant operators involved. To permit the diversion at this time will simplify the supply problem for plants having temporary shortages and will tend to promote more efficient utilization of the total market supply. The rules governing interplant movements of milk therefore are revised to accomplish this result.

The inadequacy of manufacturing facilities at pool plants sometimes requires the disposition of producer milk supplies to nonpool plants. The present order provides for such disposition, but requires an accounting as Class I milk of all transfers or diversions made to any nonpool plant engaged in the distribution of milk in fluid form. At times, however, the relatively few manufacturing-type plants available to which milk may be moved are supplied fully with milk from their own regular sources and are reluctant to accept milk from this market. This is particularly true in the season of flush production. Producers contend that it is desirable to provide that under certain conditions unneeded milk may be shipped in bulk to nonpool plants having Class I utilization, when it is necessary to do so, without such milk being classified as Class I milk. To achieve this it is proposed that if the nonpool plant, which distributes milk in fluid form, can show that it was adequately furnished with milk of the quality required for such use by the dairy farmers who constitute its regular source of supply or by supplies of milk classified as Class I milk under another Federal order, the transferred or diverted quantity should be permitted a Class II classification. In this connection it is noted that pursuant to the order for the Puget Sound marketing area, milk under such order moved to a nonpool plant outside such marketing area must be classified as Class I milk. Thus, the two orders in this region will be coordinated if disposition from both markets to the same nonpool plant occurs.

It is concluded that such a provision will tend to promote orderly marketing conditions for Inland Empire producers. Accordingly, appropriate language is included in the order.

(7) Clarification of language.

The phrase "receipts of milk qualified as described in § 1008.11" is employed in the definition of pool plant, as is the phrase "receipts of milk from producers". The inadvertent use of the two phrases in connection with the same definition has necessitated an administrative interpretation of their application. It is concluded that the definition should be clarified to remove any doubt as to the sources of milk to which specific reference is made in such provision.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party in the market. This brief, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by such interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may

be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1008.8 [Amendment]

1. Delete § 1008.8(a) and substitute therefor the following:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2), and (3) in an amount not less than 20 percent of receipts thereat of milk from producers and from plants qualified under paragraph (b) of this section is distributed within the marketing area on routes (for the purpose of this section "route" shall mean a delivery to retail or wholesale outlets, including a delivery by a vendor or sale from a plant or plant store of milk or milk products classified as Class I milk pursuant to § 1008.41(a) (1), (2), and (3) other than a delivery to another pool plant): *Provided,* That the total quantity of Class I milk disposed of from such plant during the month, either inside or outside the marketing area on routes is not less than 40 percent of such plant's receipts of milk from producers and from plants qualified under paragraph (b) of this section in any of the months of February through August, inclusive, and not less than 50 percent of such receipts in any of the months of September through January, inclusive: *And provided further,* That for the purposes of computing the percentages specified in this section, plant receipts of milk from dairy farmers or producers, as the case may be, shall not include milk received by diversion in the manner described in § 1008.15(b)(2).

§ 1008.15 [Amendment]

2. Delete § 1008.15(b) and substitute therefor the following:

(b) Any cooperative association which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for its account (1) from a pool plant to a nonpool plant during any of the months of February through August, and (2) from one pool plant to another pool plant, but not exceeding a period of 90 consecutive days for any producer. Milk so diverted to another pool plant shall be deemed to have been received by the diverting association at the location of the plant to which the milk is divorted.

3. Delete that portion of § 1008.44 preceding paragraph (b) therein and substitute therefor the following:

§ 1008.44 Interplant movements.

Skim milk and butterfat moved in bulk form as any item specified in § 1008.41 (a) (1), (2), or (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant:

(1) As Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which the transfer was made: *Provided,* That if either or both plants received any other source milk, the quantity transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *And provided further,* That (i) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (ii) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having the least location adjustment.

(2) On a pro rata basis to each class according to the total use of producer milk in each class at the plant where physically received, in the case of milk diverted by a cooperative association in the manner described in § 1008.15(b)(2).

§ 1008.44 [Amendment]

4. Delete § 1008.44(b)(1) and substitute therefor the following:

(1) As Class I milk if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph), to the extent that milk is disposed of as any of the items specified in § 1008.41(a) (1), (2), and (3) from the receiving plant in amounts greater than could be supplied from such plant's regular dairy farm receipts of Grade A milk (or the equivalent thereof) and from receipts of milk classified as Class I milk under another Federal order as determined by audit of the market administrator, otherwise as Class II milk.

§ 1008.51 [Amendment]

5. Delete § 1008.51(a) and substitute therefor the following:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

6. Delete § 1008.51(d) (3) and (4) and substitute therefor the following:

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage".

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October-November	79	82
February	November-December	76	79
March	December-January	73	76
April	January-February	73	76
May	February-March	72	75
June	March-April	73	76
July	April-May	68	71
August	May-June	63	66
September	June-July	65	68
October	July-August	69	72
November	August-September	73	76
December	September-October	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1008.53 [Amendment]

7. Delete from § 1008.53 that portion of such section following the colon (:) and substitute therefor the following: "2.0 cents for each 10 miles, or major fraction thereof, up to 200 miles and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington."

§ 1008.60 [Amendment]

8a. Delete from the table in § 1008.60 (b) the words "December, January, February, March," and the percentages shown for each of such months, and substitute therefor the following:

December	75	February	70
January	75	March	65

b. Add the following proviso at the end of § 1008.60(b): "*Provided,* That the percentages to be used for December 1959, January 1960, and February 1960 shall be 80, 80, and 75, respectively."

§ 1008.88 [Amendment]

9. Delete from § 1008.88 the phrase "4 cents" wherever it appears therein and substitute therefor the phrase "5 cents".

Issued at Washington, D.C., this 22d day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6139; Filed, July 24, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 226]

[Docket No. 859]

FREE TIME AND DEMURRAGE CHARGES DURING STRIKES BY LONGSHOREMEN; NEW YORK

Notice of Proposed Declaratory Order and of Proposed Rule Making

On July 9, 1959, the Federal Maritime Board entered the following order:

Whereas, the United States Maritime Commission in its decision and order of October 19, 1948, Docket No. 659, Free Time and Demurrage Charges—New York, 3 U.S.M.C. 89, set forth specific rules and regulations, binding upon all common carriers by water in foreign commerce, with respect to free time and demurrage on import property at the Port of New York; and

Whereas, such decision and order were adopted as rules of the Commission by General Order No. 69, effective December 15, 1948 (46 CFR Part 226); and

Whereas, the regulatory functions of the Commission were transferred to the Federal Maritime Board by Reorganization Plan No. 21 of 1950 (64 Stat. 1273, 46 U.S.C.A. 1111 Note); and

Whereas, a controversy has arisen as to the application of such decision and order after free time has expired and cargo is under demurrage at commencement of a period of unavailability to consignees; and

Whereas, it appears that confusion exists among common carriers discharging cargo at New York Harbor, including but not limited to certain carriers who have petitioned [1] the Board to inaugurate this proceeding, and between such carriers and the consignees of such cargo, as to the proper application of the decision under such conditions,

It is ordered, That pursuant to section 17 and 22 of the Shipping Act, 1916 (47 U.S.C. 816 and 821), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the Board institute a proceeding for interpretation of the applicability of the decision and order in Docket No. 659, General Order No. 69 (46 CFR Part 226), and to consider modification thereof, in the circumstances set forth above, the issues in the proceeding to be:

Where common carriers by water in foreign commerce discharge cargo at piers at the Port of New York and, under the requirements of General Order 69 (46 CFR Part 226) tender it to consignees for the full period of free time; and

Where the consignees do not remove such cargo during the free time period and after the expiration thereof a strike by longshoremen commences which prevents the consignees from removing the cargo from the piers;

1. Do the rules in G.O. 69 and the decision in Docket 659 bar the carrier from assessing demurrage for such time as the inability to remove the cargo continues;

2. If not, at what rate or rates may demurrage be assessed;

3. Should the rules promulgated in General Order 69 be modified to eliminate, in the circumstances set forth above, any distinction in charges which depends on whether more or less than a substantial portion of this port is affected.

It is further ordered, That notice of this proceeding be published in the FEDERAL REGISTER with invitation to all interested parties to file with the Secretary, Federal Maritime Board, within sixty (60) days after publication of notice of this proceeding in the FEDERAL REGISTER such written arguments as they desire to have considered with regard to the determination of the issue set forth above.

Appendix A to Order of the Federal Maritime Board Instituting Investigation Docket No. 859

American President Lines, Ltd.
The Bank Line Ltd.
Skibsaktieselskapet Varild.
Skibsaktieselskapet Marina.
Aktieselskabet Glittre.
Dampskibsinteressentskabet Garonne.
Skibsaktieselskapet Sangstad.
Skibsaktieselskapet Solstad.
Skibsaktieselskapet Siljestad.
Dampskibsaktieselskabet International.
Skibsaktieselskapet Mandeville.
Skibsaktieselskapet Goodwill.
Wilhelmsens Dampskibsaktieselskab.
A/S Den Norske Afrika-og-Australielinie.
A/S Tonsberg.
A/S Tankfart I.
A/S Tankfart IV.
A/S Tankfart V.
A/S Tankfart VI.
Daido Kaiun Kaisha Ltd.
The Swedish East Asia Co., Ltd.
Ocean Steam Ship Co., Ltd.
The China Mutual Steam Navigation Co., Ltd.
Nederlandsche Stoomvaart Maatschappij "Oceaan" N.V.
Ellerman Lines Limited.
Ellerman & Bucknall Steamship Co., Limited.
The City Line Limited.
Hall Line Limited.
Skibsaktieselskapet Arizona.
Skibsaktieselskapet Astrea.
Skibsaktieselskapet Aruba.
Skibsaktieselskapet Noruega.
Skibsaktieselskapet Abaco.
A/S Atlantica.
Iino Kaiun Kaisha Ltd.
Isthmian Lines Inc.
Skibsaktieselskapet Igadi.
Aktieselskapet Ivarans Rederi.
Aktieselskapet Lise.
Kawasaki Kisen Kaisha Ltd.
Koninklijke Rotterdamsche Lloyd N.V.
Mitsubishi Kaiun Kaisha Ltd.
Mitsui Steamship Co., Ltd.
Dampskibsselskabet af 1912 Aktieselskab.
Aktieselskabet Dampskibsselskabet Svendborg.
N.V. Nederlandsch-Amerikaansche Stoomvaart Maatschappij "Holland-Amerika Lijn".
N.V. Stoomvaart Maatschappij "Nederland".
Nippon Yusen Kaisha.
Osaka Shosen Kaisha Ltd.
Philippine National Lines.
Prince Line.

Dated: July 22, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6126; Filed, July 24, 1959; 8:48 a.m.]

[1] Petitioners are named in Appendix A below.

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 59-HO-5]

FEDERAL AIRWAYS, CONTROL AREAS AND RESTRICTED AREAS

Designation of a Restricted Area; Modification and Revocation of Restricted Areas; Modification of Federal Airways and Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6408, 601.1380, and 608.62 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is considering the designation of a restricted area at Kauna Point, Hawaii; the revocation of the West Molokai, Hawaii, restricted area; the enlargement of the Kahuku Point, Hawaii, restricted area; and the modification of the Kaneohe control area extension.

The new proposed restricted area at Kauna Point (R-574), would overlie an area of about five by twenty miles, be unlimited in altitude, and would be designated during daylight hours, Monday through Friday. The activities to be conducted within the proposed area will be bombing and rocket firing.

These activities are now conducted in the West Molokai restricted area, which is a circular area of five miles radius at the west end of Molokai Island, adjacent to Red Hawaiian Federal airway No. 87, Hawaiian VOR Federal airway No. 2, and within the limits of Hawaiian VOR Federal airway No. 8. This restricted area reduces the traffic handling capabilities between Hawaii and Maui, and Oahu. The aircraft using the West Molokai restricted area normally operate at near sonic speeds. This activity would therefore be more suitably conducted away from the heavily traveled inter-island routes.

The restricted area at Kahuku Point (R323) is now an area of one and one half mile radius, at the north point of Oahu. It is designated to 3,000 feet and

the time of use is published in Notices to Airmen. The proposed expanded restricted area would be used by Naval and Marine pilots for low altitude bombing and radar approach practice. As these operations involve high speed approaches at low altitudes followed by high speed climbs, and pilot preoccupation with aircraft and systems operation, the expansion of the restricted area appears to be reasonable. The Navy states also that the preliminary phase of pilot proficiency training can be transferred from the West Molokai area. The Navy estimates that four to six aircraft will be flying within the area during 80 percent of the time of designation. The proposed expanded restricted area (R323) would lie along the shore of Oahu, extending about fifteen nautical miles to the southeast of Kahuku Point, and offshore for a distance of three nautical miles. The total area over which the expanded restricted area would lie is about sixty square miles.

The area west of Green Federal airway No. 9 and north of Oahu, is designated as control area extension. The Kahuku Point restricted area lies within this area. Concurrent with the proposed redesignation of the Kahuku Point restricted area, it is proposed to amend the description of the control area extension to exclude the redefined restricted area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under section 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6408 (14 CFR 1958 Supp. 600.6408); § 601.1380 as amended (14 CFR 1958 Supp. 601.1380, 24 F.R. 2648); and to amend § 608.62 (23 F.R. 8591); as follows:

1. In § 600.6408 *Hawaiian VOR Federal airway No. 8*, delete "The portion of this airway which overlaps the West Molokai Restricted Area (R-325) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

2. In § 601.1380 *Control area extension (Kaneohe, Oahu, T.H.)*, delete "excluding the airspace below 3,000 feet mean sea level lying within restricted area R-323." Substitute therefor "excluding the airspace from the surface to 15,000 feet mean sea level lying within restricted area R-323 during the hours of designation."

3. (a) In § 608.62 Kahuku Point, Oahu T.H. (R-323) (Hawaiian Islands Chart) is amended to read:

Kahuku Point, Oahu, T.H. (R-323).

Description by geographical coordinates. That area bounded by a line commencing at latitude 21°42'47" N., longitude 157°58'30" W.; thence directly to latitude 21°45'54" N., longitude 157°58'30" W.; thence in a clockwise direction (around the Island of Oahu) at a distance of three nautical miles from the shoreline to latitude 21°34'30" N.; longitude 157°48'02" W.; thence directly to latitude 21°32'45" N.; longitude 157°50'15" W.; thence to latitude 21°39'00" N.; longitude 157°55'16" W.; thence along the shoreline northward to the point of beginning.

Designated altitudes. Surface to 15,000 feet, MSL.

Time of designation. Monday through Friday, 0800 to 1600, local time.

Controlling agency. Commander, Fleet Air Hawaii, Barber's Point Oahu, T.H.

(b) In § 608.62 "West Molokai, T.H. (R-325) (Hawaiian Island Chart)" is revoked.

(c) In § 608.62, add "Kauna Point, Oahu, T.H. (R-574).

Description by geographical coordinates. The area bounded by a line from latitude 19°15'00" N., longitude 155°56'00" W.; to latitude 18°58'43" N., longitude 155°47'30" W.; to latitude 18°56'22" N., longitude 155°-47'30" W.; thence northwest along a line at a distance of three nautical miles from the shoreline of the Island of Hawaii, to latitude 19°14'35" N., longitude 155°57'30" W.; and thence directly to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Commander, Fleet Air Hawaii, Barber's Point, Oahu, T.H.

Issued in Washington, D.C., on July 23, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6199; Filed, July 24, 1959; 8:59 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-21]

RESTRICTED AREAS

Designation of Restricted Area

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.61 of the regulations of the Administrator, as hereinafter set forth.

The Department of the Army has informed the Federal Aviation Agency that it requires a restricted area southeast of Fairbanks, Alaska, in association with an impact area proposed to be acquired by the Department of Army to accommodate the firing of Nike-Hercules surface-to-air missiles. This proposed area lies north of Amber Federal airway No. 2 and southeast of the Fairbanks control area extension, covering approximately one hundred ninety-six square miles. There is a permanent Nike-Hercules installation adjacent to the proposed Restricted Area and one of the batteries will be used for training personnel attached to air defense units in the Alaskan Theatre. The area would also be used by other Army units for artillery, mortar, and chemical munitions firing, and tank training.

The designated altitudes would be from the surface to 80,000 feet. Because of the northern latitude training may be conducted twenty-four hours a day, therefore the time of use would be continuous. The Commanding General, Yukon Command, U.S. Army, Alaska, would be the Controlling Agency.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 608, published as a "Revision of Part" on November 4, 1958 (23 F.R. 8575) as follows:

In § 608.61 add:

Yukon, Alaska, Restricted Area (R-575)

Description by geographical coordinates. Beginning at lat. 64°44'25" N., long. 146°47'50" W., thence around the arc of a circle of twenty-five statute miles radius from the center of Ladd AFB (lat. 64°50'13" N., long. 147°36'46" W.) to the south boundary of the Chena extension to the Fairbanks control area at lat. 64°46'12" N., long. 146°46'40" W., thence along the south boundary of the Chena extension of the Fairbanks control area to lat. 64°46'15" N., long. 146°11'15" W., thence to lat. 64°35'18" N., long. 146°11'15" W., thence to lat. 64°33'24" N., long. 146°18'30" W., thence to the east boundary of Civil Airway Amber 2 at lat. 64°33'25" N., long. 146°27'00" W., thence along the east boundary of Amber 2 to the point of beginning.

Designated altitudes. Surface to 80,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Commanding General, Yukon Command, U.S. Army, Alaska.

Issued in Washington, D.C., on July 23, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6200; Filed, July 24, 1959; 8:59 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Land, Amended

Notice of the proposed withdrawal and reservation of land for the Department of the Air Force, Anchorage 033717, in the Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on October 19, 1957 in Volume 22, Number 204, Document 57-8609. The applicant has amended Tract C to read as follows:

PORT MOLLER—TRACT C

POL Area (Revised)

A tract of land located on the Alaska Peninsula near Port Moller, more exactly described as follows:

Commencing at U.S.L.M. S. 1147, Latitude 55°59'28" N., Longitude 160°34'29.374" W., 1927 N.A.D.; thence S. 73°32'44" E., 10,580 feet, more or less to a point, the Point of Beginning for this description; thence N. 88° E., 730 feet; thence S. 7° E., 1,000 feet; thence S. 83° W., 1,000 feet; thence N. 7° W., 1,000 feet; thence N. 83° E., 270 feet, to the point of beginning.

Containing 22.96 acres, more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-6121; Filed, July 24, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BLOUNT COUNTY STOCK YARDS ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

No. 145——3

Name of Stockyard and Date of Posting	
ALABAMA	
Blount County Stock Yards, Oneonta	June 9, 1959
Perry County Stock Yard, Marion	May 14, 1959
GEORGIA	
G. N. Byram Auction Co., Newnan	June 15, 1959
Chatham County Stockyard, Savannah	June 15, 1959
Miles Stockyard, Baxley (formerly Miles and Miller Stock Yard)	June 13, 1959
Millen Livestock Market, Millen	May 18, 1959
People's Livestock Market, Inc., Cuthbert	May 20, 1959
Sylvania Stockyard, Sylvania	May 14, 1959
Tattnall Livestock Market, Glennville	June 15, 1959
Vidalia Stock Yard, Vidalia	June 15, 1959
Washington County Marketing Association, Sandersville	June 12, 1959
INDIANA	
Anderson Sale Barn, Anderson	May 23, 1959
Boone Co. Sale Barn, Lebanon	June 10, 1959
Boswell Live Stock Commission Co., Boswell	June 11, 1959
Claypool Sales, Inc., Silver Lake	June 16, 1959
Decatur Sale Barn, Decatur	April 27, 1959
Etna Bourbon Livestock Sales, Etna Green	June 18, 1959
Fort Wayne Livestock Auction, Fort Wayne	May 22, 1959
Fountain County Livestock Comm. Co., Veedersburg	May 7, 1959
Fulton County Community Sale, Rochester	June 17, 1959
Geneva-Berne Livestock Sales Co., Berne (formerly Berne-Geneva Livestock Sales Co.)	May 5, 1959
Glenn Miller Community Sale, Richmond	April 22, 1959
Goshen Community Auction Sale, Goshen	June 17, 1959
Hilltop Auction Sale, Hanover	April 21, 1959
Johnson Co. Sales Pavilion, Franklin	June 9, 1959
Knightstown Sale Co., Knightstown	May 12, 1959
La Fontaine Live Stock Sale, La Fontaine	May 20, 1959
Laurel Burns Sale Barn, Brownsburg	June 10, 1959
Lowell Livestock Auction, Lowell	June 11, 1959
Loys Sale Barn, Portland	May 21, 1959
Marshall County Community Sale, Plymouth	June 17, 1959
Monroe County Sale Barn, Bloomington	April 23, 1959
Montgomery County Sale Pavilion, Crawfordsville	June 10, 1959
Morton Sales Barn, Inc., Greencastle	April 27, 1959
North Judson Livestock Market, North Judson	May 4, 1959
Parke County Sales Pavilion, Rockville	April 22, 1959
Producers Marketing Assn., Inc., Centerville	April 27, 1959
Producers Marketing Assn., Inc., Columbia City	April 27, 1959
Producers Marketing Assn., Inc., Lafayette	April 27, 1959
Producers Marketing Assn., Inc., Montpelier	April 27, 1959
Producers Marketing Assn., Inc., Terre Haute	April 27, 1959
Reynolds Sale Barn, Reynolds	June 11, 1959
Royal Center Community Sale Barn, Royal Center	June 11, 1959
Rushville Community Sale Barn, Inc., Rushville	April 22, 1959
Russell White Sale Barn, Brookville	April 23, 1959
Shipshewana Auction, Inc., Angola	April 27, 1959
Shipshewana Auction, Inc., Shipshewana	April 21, 1959
Smyser Sale Barn, Huntington	May 22, 1959
Star Sale Barn, Greensburg	April 21, 1959
Stony Pike Sale Barn, Logansport	April 24, 1959
Topeka Livestock Auction, Inc., Topeka	June 16, 1959
Valparaiso Community Sale, Valparaiso	April 30, 1959
Vincennes Producers Livestock Association, Vincennes	April 28, 1959
Wabash Sale Barn, Wabash	May 20, 1959
Wakarusa Community Sale, Wakarusa	May 14, 1959
Walkerton Livestock Commission Sales, Walkerton	June 17, 1959
West Baden Sale Barn, West Baden	April 28, 1959
Winamac Sale Barn, Winamac	June 16, 1959
IOWA	
Adams County Auction, Corning	June 1, 1959
Armstrong Sales Co., Armstrong	May 3, 1959
Audubon Auction Company, Audubon	May 28, 1959
Bassett Livestock Auction, Kanawha	June 8, 1959
Baxter Sale Co., Baxter	June 8, 1959
Bradley's Auction, Red Oak	June 11, 1959
Colfax Sale Co., Colfax	June 6, 1959
Corydon Sale Barn, Corydon (formerly Webb Sale Pavilion)	June 10, 1959
Cresco Livestock Market, Cresco	June 4, 1959
Davis County Sale Company, Bloomfield	May 29, 1959
DeWitt Sale Barn, DeWitt	May 29, 1959
Dyersville Sale Barn, Dyersville	June 1, 1959
Emmetsburg Sales Co., Inc., Emmetsburg	June 1, 1959
Exira Auction Company, Exira	June 1, 1959
Farmers Livestock Exchange, Waukon	June 2, 1959
Farmers Sale Company, Carroll	May 18, 1959
Farmers Sale Co., Sumner	May 22, 1959
Fonda Sales Barn, Fonda	June 4, 1959
Fort Dodge Auction Market, Fort Dodge	May 20, 1959
Hampton Sales Co., Hampton	June 1, 1959
Hopkinton Sales Pavilion, Inc., Hopkinton	June 1, 1959
Independence Sales Co., Inc., Independence	May 23, 1959
Iowa Falls Sale Pavilion, Iowa Falls	June 9, 1959
Irwin Sales Pavilion, Irwin	May 24, 1959

Name of Stockyard and Date of Posting	
IOWA—Continued	
Jefferson Livestock Market, Jefferson	June 11, 1959
Laurens Livestock Sales Co., Laurens	May 26, 1959
LeMars Livestock Sales Co., LeMars	May 29, 1959
Marengo Sale Barn, Marengo	June 3, 1959
Middletown Sale Co., Middletown	June 10, 1959
Montezuma Sale Company, Montezuma	June 9, 1959
Nesvik Livestock Auction Market, West Union	June 4, 1959
New Liberty Sale Barn, New Liberty	May 22, 1959
Northeast Iowa Sales Commission, Ossian	June 6, 1959
North East Iowa Sales Commission, Decorah	June 6, 1959
North English Sale, North English	June 9, 1959
Oelwein Livestock Exchange, Oelwein	June 3, 1959
Ollie Livestock Exchange, Ollie	June 9, 1959
Osceola Sale Company, Osceola	June 4, 1959
Oskaloosa Sales Pavilion, Oskaloosa	May 28, 1959
Paullina Sale Co., Paullina	June 10, 1959
Pella Sales Co., Pella	May 20, 1959
Rock Valley Sales Company, Rock Valley	June 3, 1959
Smylie's Livestock Company, Columbus Junction (formerly Midway Sales Co.)	May 29, 1959
St. Ansgar Sales Pavilion, St. Ansgar	June 1, 1959
Stuart Sales Co., Stuart	June 2, 1959
Tabor Sale Barn, Tabor	June 10, 1959
Umstead Livestock Auction, Eagle Grove	June 8, 1959
Ute Sale Barn, Ute	June 1, 1959
Warren County Sale Co., Indianola	June 10, 1959
Winneshiek Cooperative Association, Decorah	May 29, 1959
KANSAS	
Anthony Livestock Co., Anthony	June 16, 1959
Ashland Sales Co., Ashland	June 1, 1959
Coffey County Community Sale, Burlington	June 16, 1959
Dickinson County Livestock Co., Abilene	June 12, 1959
Dumler Bros. Livestock Commission Co., Russell	June 10, 1959
Elk City Community Sale, Elk City	June 16, 1959
Eureka Auction Sale, Eureka	June 17, 1959
Flint Hills Livestock Sales, Inc., Florence	June 11, 1959
Fort Scott Sale Company, Fort Scott	June 6, 1959
Hoisington Sale Co., Hoisington	June 10, 1959
Hoxie Livestock Sale, Hoxie	June 3, 1959
Iola Community Sale, Iola	May 28, 1959
Kinsley Livestock Sales Co., Kinsley	June 9, 1959
Koenig Sale Barn, Junction City	June 10, 1959
Lindsborg Livestock Commission Co., Lindsborg	June 18, 1959
Minneapolis Sale Company, Minneapolis	May 28, 1959
Ottawa Market Sale, Ottawa	June 16, 1959
Rezac Livestock Commission Company, St. Marys	June 11, 1959
St. Francis Livestock Sales Company, St. Francis	June 8, 1959
Turon Sales Co., Turon	June 9, 1995
Washington Sale Co., Washington	June 13, 1959
Zima Livestock Sales Company, Emmett	June 1, 1959
MISSOURI	
Central Missouri Sales Co., Sedalia	June 8, 1959
Robertson's Community Sale, Bethany	June 16, 1959
Trenton Livestock Market, Trenton	June 11, 1959
NEBRASKA	
Elwood Livestock Commission Co., Elwood	June 8, 1959
Ericson Livestock Market, Ericson	June 9, 1959
Geneva Sale Barn, Geneva	June 9, 1959
Humboldt Sale Barn, Humboldt	June 16, 1959
Humphrey Sales Company, Humphrey	June 10, 1959
Tecumseh Livestock Market, Tecumseh	June 16, 1959
Verdigre Livestock Market, Verdigre	June 10, 1959
Wayne Sales Company, Wayne	June 10, 1959
NORTH CAROLINA	
Elizabethtown Livestock Market, Elizabethtown	May 22, 1959
NORTH DAKOTA	
Hankinson Sale Barn, Hankinson	May 20, 1959
Park River Live Stock Sale Ring, Park River	June 9, 1959
Stockman's Livestock Auction, Ellendale	June 8, 1959
Turtle Lake Livestock Auction, Turtle Lake	June 6, 1959
Williston Sales Ring, Williston	June 12, 1959
OHIO	
Barnesville Livestock, Barnesville	June 9, 1959
Bloomfield Livestock Auction, North Bloomfield	June 11, 1959
Canfield Livestock Auction, Canfield	June 3, 1959
Carrollton Livestock Auction, Carrollton	June 1, 1959
Clark County Livestock Producers Association, Springfield	May 29, 1959
Columbus Union Stockyards, Franklin Township	June 1, 1959
Creston Live Stock Sales, Creston	June 1, 1959
Damascus Livestock Auction, Damascus	June 9, 1959
DeGraff Livestock Sales, DeGraff	May 28, 1959
Dorset Sale, Dorset	May 30, 1959
Farmers Livestock Auction Co., Marietta	June 2, 1959
Farmers Live Stock Assoc., Wooster	May 29, 1959
Farmerstown Sale, Farmerstown	June 9, 1959
Gibsonburg Live Stock Auction, Inc., Gibsonburg	June 2, 1959
Granville Community Live Stock Sale, Granville	May 28, 1959
Hartville Live Stock Auction, Hartville	June 11, 1959
Highland Producers Association, Hillsboro	June 3, 1959
Kenton Farmer's Marketing Corp., Kenton	June 3, 1959
London Stockyards Co., London	June 1, 1959
Lugbill Bros., Inc., Archbold	June 12, 1959
Lynchburg Stock Yards, Lynchburg	June 1, 1959
Mendon Livestock Exchange, Mendon	June 8, 1959
Mt. Hope Auction, Mt. Hope	June 3, 1959
Muskington Livestock Sales Co., Zanesville	June 8, 1959
Ohio Valley Livestock Co., Gallipolis	June 16, 1959
OHIO—Continued	
Orrville Livestock Auction, Orrville	May 28, 1959
Peoples Livestock Exchange, Greenville	June 4, 1959
Pickaway Livestock Co-op Assn., Circleville	June 2, 1959
Preble County Livestock Producers Association, Eaton	June 1, 1959
Producers Livestock Association, Coshocton	June 3, 1959
Producers Livestock Association, Findlay	June 1, 1959
Producers Livestock Association, Hicksville	June 1, 1959
Producers Livestock Association, Lancaster	June 1, 1995
Producers Livestock Association, Wapakoneta	June 1, 1959
Producers Livestock Association, Wilmington	June 2, 1959
Putnam County Livestock Coop. Assn., Columbus Grove	June 2, 1959
Somerville Sale Barn, Somerville	June 16, 1959
The Guernsey Livestock Sales, Cambridge	June 2, 1959
The Kidron Auction, Inc., Kidron	June 1, 1959
The Marietta Live Stock Market, Inc., Marietta	June 4, 1959
The Union Stock Yards Co., Hillsboro	June 11, 1959
Tiffin Livestock Sales Co., Tiffin	June 10, 1959
Troy Livestock Exchange, Troy	June 2, 1959
Warren County Livestock Sales, Inc., Lebanon	May 29, 1959
Western Ohio Livestock Exchange, Inc., Celina	June 10, 1959
Wheelersburg Live Stock Sales Co., Wheelersburg	May 28, 1959
Wilmington Livestock Sales Co., Wilmington	June 1, 1959
Zanesville Community Sales Co., Zanesville	June 5, 1959
SOUTH DAKOTA	
Clark Sale Barn, Clark	May 8, 1959
Clear Lake Sales Co., Clear Lake	May 28, 1959
Eureka Livestock Sales Co., Inc., Eureka	May 20, 1959
Falkton Livestock Sales Co., Faulkton	June 3, 1959
Grossman Sales Co., Brookings	June 1, 1959
Moore's Livestock Sales Barn, DeSmet	May 25, 1959
Selby Livestock Sales Co., Selby	June 5, 1959
Sioux Falls Livestock Auction Co., Inc., Sioux Falls	June 9, 1959
Wall Commission Co., Wall	May 30, 1959
TENNESSEE	
Johnson City Livestock Market, Johnson City	June 10, 1959
Newport Livestock Auction Co., Newport	June 12, 1959
Sparta Live Stock Market, Sparta	June 6, 1959
Tigrett Sales Company, Tigrett	June 5, 1959
Unionville Livestock Market, Unionville (formerly Boyce Livestock Company)	June 17, 1959
TEXAS	
Ranchers' Commission Company, Junction	May 5, 1959
VIRGINIA	
Woodstock Livestock Market, Inc., Woodstock	June 10, 1959

Name of Stockyard and Date of Posting	
WISCONSIN	
Kuehne Livestock Auction, Seymour	June 8, 1959

Done at Washington, D.C., this 21st day of July 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-6130; Filed, July 24, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Public Roads

CONVEYANCE OF PROPERTY TO ALASKA

Pursuant to the authority contained in section 21 of the act approved by the President June 25, 1959 (73 Stat. 141), the Secretary of Commerce by quitclaim deed on June 30, 1959, transferred to the State of Alaska all rights, title and interest of the Department of Commerce in all real properties owned, held, administered, or used by the Secretary of Commerce in connection with the activities of the Bureau of Public Roads in Alaska, except such real properties as the Secretary has determined are needed for the operations, activities, and functions of the Bureau of Public Roads in Alaska after such transfer. This transfer was subject to the condition that if the Secretary of Commerce or the head of any other Federal agency determines and publishes notice thereof in the FEDERAL REGISTER within 120 days next following June 30, 1959, that all or any part of these premises or any interests therein are needed for continued retention in Federal ownership for purposes other than or in addition to road purposes, the Secretary of Commerce may enter and terminate the estate quitclaimed in those portions of the premises concerning which said determinations are made, by notifying the Governor of the State of Alaska of such termination by registered letter or letters mailed by June 30, 1960. The State of Alaska has accepted the property transferred without waiving any rights it might otherwise have to refer any dispute to the Claims Commission authorized by section 46 of the aforesaid act approved June 25, 1959.

In order to give Federal agencies an opportunity to determine whether any of the real property so transferred is needed for continued retention in Federal ownership for purposes other than or in addition to road purposes, the following procedure will be used:

(a) Any Federal agency which determines that any of such real property is needed for continued retention in Federal ownership shall publish notice of such determination in the FEDERAL REGISTER within 60 days from the date of this publication.

(b) Such notice shall set forth a determination that there is either a firm requirement or a tentative requirement for retention of the properties concerned.

(c) If the notice sets forth a tentative requirement, the agency concerned shall determine whether a firm requirement for the property exists and, if so, shall publish notice of such determination within 30 days after publication of notice of the tentative requirement.

(d) It will be considered that none of the lands or interests in lands so transferred are needed for retention in Federal ownership for purposes other than or in addition to road purposes, unless a notice or notices with respect thereto are published in the FEDERAL REGISTER as provided in paragraphs (a), (b), and (c) herein.

(e) After notice has been published in the FEDERAL REGISTER that a firm requirement exists for the retention in Federal ownership of any real property transferred as above described, the Federal agency concerned shall, within 120 days after publication of such notice, submit a formal request to the Secretary of Commerce for the Secretary to enter and terminate the estate quitclaimed to the State of Alaska to the extent of the agency's request. Failure of a Federal agency to make such formal request to the Secretary of Commerce will be deemed a waiver of any right to have the property retained.

Real property retained in Federal ownership as provided herein which is not needed or required for any purpose by the Department of Commerce shall be reported as excess by the Secretary of Commerce to the General Services Administration, in accordance with applicable regulations and procedures, and the General Services Administration will be advised of the determinations of the Federal agencies.

A detailed list of individual parcels of land which have been transferred to the State of Alaska pursuant to section 21 of the act approved by the President June 25, 1959 (73 Stat. 141), is on file for inspection at the offices of the Bureau of Public Roads, U.S. Department of Commerce, 1717 H Street NW., Washington, D.C., Room 865, and at the Regional Office, Bureau of Public Roads, U.S. Department of Commerce, Federal Building, Juneau, Alaska.

Dated: July 20, 1959.

Recommended:

B. D. TALLAMY,
Federal Highway Administrator.

Issued:

F. H. MUELLER,
Acting Secretary of Commerce.

[F.R. Doc. 59-6125; Filed, July 24, 1959; 8:47 a.m.]

Federal Maritime Board

[Docket No. 860]

FREE TIME AND DEMURRAGE CHARGES WHEN REMOVAL OF CARGO PREVENTED BY TRUCKERS; NEW YORK

Notice of Investigation and of Hearing

On July 9, 1959, the Federal Maritime Board entered the following order:

Whereas, the United States Maritime Commission in its decision and order of October 19, 1948, Docket No. 659, Free Time and Demurrage Charges—New York, 3 U.S.M.C. 89, set forth specific rules and regulations, binding upon all common carriers by water in foreign commerce, with respect to free time and demurrage on import property at the Port of New York; and

Whereas, such decision and order were adopted as rules of the Commission by General Order No. 69, effective December 15, 1948 (46 CFR Part 226); and

Whereas, the regulatory functions of the Commission were transferred to the Federal Maritime Board by Reorganization Plan No. 21 of 1950 (64 Stat. 1273, 46 U.S.C.A. 1111 Note); and

Whereas, a controversy has arisen as to the application of such decision and order to the period of partial interference with removal of cargo from piers in the Port of New York in April 1958 alleged to be due to action taken by the Empire State Highway Transportation Association, Inc.,

It is ordered, That pursuant to sections 17 and 22 of the Shipping Act, 1916 (46 U.S.C. 816 and 821), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the Board institute a proceeding for interpretation of the applicability of the decision and order in Docket No. 659, General Order No. 69 (46 CFR Part 226), in the circumstances set forth above, the issue in the proceeding to be:

Whether the partial interference with removal of import cargo from piers at the Port of New York in April 1958 because of the refusal of truckmen to pick up cargo at some piers was of such character and extent as to make applicable the limitation on demurrage charges provided in Federal Maritime Board General Order No. 69, subparagraph (4) (46 CFR 226.1(d)).

It is further ordered, That notice of this proceeding be published in the FEDERAL REGISTER with invitation to all interested parties promptly to file petitions for intervention, and that the proceeding be set for hearing before an examiner of the Hearing Examiners' Office at a time and place to be announced.

Pursuant to the above order, notice is hereby given that the hearing will be conducted in accordance with the Board's rules of practice and procedure, at a date and place to be announced by the Chief Examiner, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Board promptly and should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 22, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6127; Filed, July 24, 1959; 8:48 a.m.]

[Docket No. 861]

MYSTIC TERMINAL CO. ET AL.

Notice of Investigation, Hearing and Consolidation of Proceedings

Mystic Terminal Company, the Boston Marine Terminal Corporation, and Boston & Maine Railroad; Agreement No. 8395.

On July 13, 1959, the Federal Maritime Board entered the following order:

Whereas, an agreement between The Mystic Terminal Company (Mystic) and The Boston Marine Terminal Corp. (Marine) has been filed for approval by the Board pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), and has been assigned Federal Maritime Board Agreement No. 8395; and

Whereas, notice of the filing of said agreement was published in the FEDERAL REGISTER on April 21, 1959 (24 F.R. 3060); and

Whereas, three protests against approval of said agreement have been received and considered, as has the reply to the protests by Marine; and

Whereas, there is currently pending a proceeding before the Board instituted by the formal complaint of Isthmian Lines, Inc. against Mystic, Marine, and Boston & Maine Railroad (Railroad) in which the legality of said agreement is challenged;

Now therefore, in consideration of the premises, and good cause appearing,

It is ordered, That an investigation be hereby instituted to determine (1) whether an unapproved agreement requiring approval under said section 15 has been carried out by Mystic, Marine, and Railroad, or any of them, in violation of said section and (2) whether said Agreement No. 8395 should be approved or disapproved in accordance with the provisions of said section 15; and

It is further ordered, That Mystic, Marine, and Railroad are named respondents in this proceeding; and

It is further ordered, That this proceeding is consolidated for hearing before an Examiner of the Board with Docket No. 850; and

It is further ordered, That this order be published in the FEDERAL REGISTER, and that a copy hereof be served on each of the respondents, and the parties to Docket No. 850.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be heard with Docket No. 850, before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 22, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-6128; Filed, July 24, 1959; 8:48 a.m.]

MEMBER LINES OF THE INTERNATIONAL HOUSEHOLD GOODS RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8470-1, between the 30 member lines of the International Household Goods Rate Agreement (common carriers by motor which also operate as non-vessel common carriers by water), modifies their approved Agreement No. 8470, which provides for the establishment and maintenance of agreed rates, charges, rules and regulations applicable to the transportation of household goods between ports of the United States and ports in the United Kingdom, France, Republic of Germany, Spain, Italy, Denmark, Norway, Japan, Okinawa, Formosa, Republic of the Philippines and Central America. The purpose of the modification is to include, within the scope of Agreement No. 8470, the trade between ports of the United States and ports in Algeria, Belgium, Bermuda, Brazil, Egypt, Greece, Hong Kong, Ireland, Israel, Korea, Lebanon, Libya, Morocco, Netherlands, Panama, Portugal, Sweden, Thailand, Tunisia, Turkey, and Vietnam.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 22, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-6129; Filed, July 24, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-342]

ACCIDENT OCCURRING AT NEW YORK INTERNATIONAL AIRPORT

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States registry N 707PA, which occurred at New York International Airport, New York, N.Y., July 11-12, 1959.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, July 30, 1959, at 9:30 a.m. (local time) at the Governor Room, Governor Clinton Hotel, Seventh Avenue and 32d Street, New York, N.Y.

Dated at Washington, D.C., July 17, 1959.

[SEAL] REID C. TAIT, *Hearing Officer.*

[F.R. Doc. 59-6136; Filed, July 24, 1959; 8:49 a.m.]

[Docket No. 9476]

UNITED STATES OVERSEAS AIRLINES, INC. v. GREAT LAKES AIRLINES, INC.

Notice of Change of Place of Hearing

In the matter of the formal complaint of United States Overseas Airlines, Inc., against Great Lakes Airlines, Inc., Currey Air Transport, Ltd., Trans-Alaskan Airlines, Inc., Transcontinental Airlines Agency System, Skycoach System and Irving E. Hermann and Ida Mae Hermann.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled matter now assigned to be held on August 11, 1959, at 10:00 a.m. (local time) in Room 810, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, Calif., will be held on the 11th day of August, 1959, at 10:00 a.m., e.d.s.t., in Room No. 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 21, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-6137; Filed, July 24, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12943, 12944; FCC 59M-936]

W. H. HANSEN AND GRABET, INC. RADIO ENTERPRISES

Order Scheduling Hearing

In re applications of W. H. Hansen, Tucson, Arizona; Docket No. 12943, File No. BP-11126; Grabet, Inc., Radio Enterprises, Tucson, Arizona; Docket No. 12944, File No. BP-12539; for construction permits.

It is ordered, This 20th day of July 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 1, 1959, in Washington, D.C.

Released: July 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6144; Filed, July 24, 1959; 8:50 a.m.]

[Docket No. 12941; FCC 59M-934]

BROADCASTERS, OREG. LTD. AND GOSPEL BROADCASTING CO.

Order Scheduling Hearing

In re application of Stanley M. Goard, George W. Phillips, James L. Murray and Dolores E. Zabelle d/b as Broadcasters, Oreg. Ltd (assignor) and Gospel Broadcasting Company (assignee), Docket No. 12941, File Nos. BAL-3454, BALH-370; for consent to the assignment of licenses of Stations KPAM and KPFM, Portland, Oregon.

It is ordered, This 16th day of July 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 1, 1959, in Washington, D.C.

Released: July 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6145; Filed, July 24, 1959; 8:50 a.m.]

[Docket Nos. 12919, 12920; FCC 59M-932]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Continuing Hearing

In re applications of Robert L. Lippert, Fresno, California; Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California; Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

It is ordered, This 21st day of July 1959, that the hearing now scheduled for September 23, 1959, is continued pending the setting of a new date following the further prehearing conference of September 28, 1959.

Released: July 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6146; Filed, July 24, 1959; 8:50 a.m.]

[Docket No. 12868; FCC 59M-935]

SAXONVILLE TAXI, INC.

Order Continuing Hearing

In the matter of Saxonville Taxi, Inc., 2 Library Street, Framingham, Massachusetts; Order To Show Cause Why There Should Not Be Revoked the License of Taxicab Radio Station KCF-210; Docket No. 12868.

The Hearing Examiner having under consideration a motion filed on July 10, 1959 by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled to commence on July 27, 1959, be continued indefinitely;

It appearing that the public interest requires an early consideration of such motion and good cause has been shown for the grant thereof;

It is ordered, This 20th day of July 1959, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to a time and place to be specified in a subsequent order.

Released: July 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6147; Filed, July 24, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2082]

CALIFORNIA OREGON POWER CO.

Modification of Notice of Land Withdrawal; Oregon

JULY 21, 1959.

By letter of May 25, 1951, and withdrawal notice of February 27, 1958, this Commission gave notice to the Director, Bureau of Land Management, of the reservation of approximately 1,479 acres of United States land for Project No. 2082, pursuant to the filing of an application for license and amendment of license by The California Oregon Power Company.

On April 22, 1959, the licensee for Project No. 2082, in accordance with Article 31 of their license, filed revised Exhibits K-3, sheets 1 through 15, and K-4, sheets 1 through 8, delimiting the lands occupied by the Big Bend Development and Big Bend Development Transmission Line, between Medford and Klamath Falls, Oregon.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands of the United States are included in the aforesaid power project as licensed. Under said section 24 these lands are, from the date of filing of completed application for amendment, April 22, 1959, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress. This notice modifies and supersedes in their entirety the notices of May 25, 1951, and February 27, 1958.

WILLAMETTE MERIDIAN, OREGON

All portions of the following described subdivisions lying within 50 feet of the center line survey of the transmission line location as shown on amendatory map Exhibits K-3, sheets 1 through 15 (F.P.C. Nos. 2082-62 through 2082-76), entitled "Transmission Line from Medford to Klamath Falls, Jackson and Klamath Counties, Oregon, Detail Map," filed in the Federal Power Commission April 22, 1959, superseding Exhibits K-3, sheets 1 through 25 (F.P.C. Nos. 2082-29 through 2082-43).

The Commission's general determination of April 17, 1922 (2d Ann. Rept. 128), with respect to lands reserved for transmission line purposes only, is applicable to the lands delimited on the above-mentioned K-3 exhibits.

REVESTED OREGON AND CALIFORNIA RAILROAD LANDS

T. 39 S., R. 2 E.,
Sec. 35: N½NW¼, NE¼SE¼, SE¼NE¼.
T. 40 S., R. 3 E.,
Sec. 17: Lots 1, 2, 5, 12;
Sec. 21: SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 27: S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 35: W½NE¼, SE¼NE¼, N½NW¼, NE¼SE¼.
T. 41 S., R. 3 E.,
Sec. 1: Lots 2, 3, S½NE¼, NE¼SE¼.
T. 41 S., R. 4 E.,
Sec. 7: N½NE¼, NE¼NW¼;
Sec. 9: S½N½.
T. 41 S., R. 5 E.,
Sec. 1: N½S½, SW¼SW¼;
Sec. 3: SE¼SE¼;
Sec. 7: Lot 2, SE¼NW¼, S½NE¼.
T. 40 S., R. 6 E.,
Sec. 1: Lots 5 and 6, NW¼SE¼;
Sec. 13: Lot 9;
Sec. 23: W½NW¼;
Sec. 27: NW¼NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 33: SE¼NE¼, NE¼SE¼.
T. 41 S., R. 6 E.,
Sec. 5: NW¼NE¼, N½NW¼.

PUBLIC LANDS

T. 39 S., R. 2 E.,
Sec. 28: SE¼NE¼.
T. 40 S., R. 3 E.,
Sec. 6: N½SE¼;
Sec. 26: W½SW¼.
T. 41 S., R. 4 E.,
Sec. 6: Lots 6, 7, SE¼SW¼;
Sec. 8: NW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 10: SW¼NW¼;
Sec. 12: S½NE¼, SE¼NW¼.
T. 40 S., R. 6 E.,
Sec. 12: Lots 6, 9, W½SW¼;
Sec. 14: Lot 6, NE¼NE¼, SW¼NE¼, NW¼SE¼.
T. 41 S., R. 6 E.,
Sec. 6: Lots 4, 6, 9, SW¼NE¼.

All portions of the following subdivisions lying within the dam, reservoir, conduit, forebay, tunnel, penstock, powerhouse, and access road areas of the Big Bend Development as delimited on amendatory map Exhibits K-4, sheets 1 through 9 (F.P.C. Nos. 2082-47 through 2082-55), filed April 22, 1959 (superseding K-1, sheet 1—F.P.C. No. 2082-10), entitled:

"Klamath River Project, Big Bend Development, Access Road Location" (Sheets 1 through 4).

"Klamath River Project, Big Bend Development, Topographic Map of Conduit, Forebay, Tunnel, Penstock and Powerhouse Location and Location of Access Road and Transmission Lines" (Sheet 5).

"Klamath River Project, Big Bend Development, Topographic Map of Conduit Location and Location of Access Road and Transmission Line" (Sheet 6).

"Klamath River Project, Big Bend Development, Topographic Map of Dam, Conduit and Reservoir Location; Location of Access Roads and Transmission Line" (Sheet 7).

"Klamath River Project, Big Bend Development, Topographic Map of Reservoir Area" (Sheet 8).

"Klamath River Project, Big Bend Development, Topographic Map of Reservoir Area and Reservoir Area Capacity Curve" (Sheet 9).

REVESTED OREGON AND CALIFORNIA RAILROAD LANDS

T. 40 S., R. 6 E.,
Sec. 1: Lots 5, 6, 7, 8, NW¼SE¼;
Sec. 13: Lots 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, NE¼NW¼;
Sec. 23: Lots 1, 4, 6, 7, 8, 9, 10;
Sec. 27: Lot 1, NE¼SE¼;
Sec. 35: W½W½.
T. 41 S., R. 6 E.,
Sec. 3: Lots 1, 2, SW¼SE¼.

PUBLIC LANDS

T. 40 S., R. 6 E.,
Sec. 12: Lots 2, 3, 4, 5, 6, 8, 9, NW¼SW¼;
Sec. 14: Lots 1, 4, 5, 6, NE¼NE¼;
Sec. 26: Lots 4, 5, 6, 7, 8;
Sec. 34: NE¼NE¼, SE¼SE¼.
T. 40 S., R. 7 E.,
Sec. 6: Lot 7.
T. 41 S., R. 6 E.,
Sec. 10: W½NE¼.

The area of United States land reserved pursuant to the filing of this amendment is approximately 446.91 acres of which approximately 284.81 acres are Revested Oregon and California Railroad lands and 162.10 acres are public lands. All of these lands have been heretofore reserved for power purposes in connection with Project Nos. 215, 704, 828, 1016, 2082; Power Site Reserve Nos. 258, 582, 649, 653; Power Site Classification No. 218; or Water Power Designation Nos. 3 or 13.

Copies of amendatory project maps, F.P.C. Nos. 2082–47 through 2082–55 and 2082–62 through 2082–76 have been transmitted to the Bureau of Land Management and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6110; Filed, July 24, 1959; 8:45 a.m.]

[Docket No. G–18650]

HOPE NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 21, 1959.

Take notice that on May 28, 1959, Hope Natural Gas Company (Applicant) filed in Docket No. G–18650 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation of a new 1,100 horsepower compressor unit and apurtenant facilities, and for permission to remove three existing 1,350 horsepower and two existing 675 horsepower compressor units (a total of 5,400 horsepower) at Applicant's Kennedy Compressor Station in Lewis County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of the subject application is to obtain authority to replace five obsolete engine units installed in 1912 with a single new unit which will be able to handle the present compressor requirements of the Kennedy Station at an annual saving of approximately $100,000 due to the reduction of work force and fuel costs.

The estimated total capital cost of the proposed new facilities is $330,000 and the total removal cost of part of the old facilities is estimated at $10,000. Applicant will finance the proposed project with cash on hand. All engine units to be removed will be sold as junk in place, and minor items of equipment will be retained by Applicant for future use.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 31, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6111; Filed, July 24, 1959; 8:45 a.m.]

LANDS WITHDRAWN IN PROJECT NO. 751

Vacation of Withdrawal Under Section 24 of the Federal Water Power Act

JULY 20, 1959.

Pursuant to the filing on October 11, 1926, of an application for a preliminary permit for proposed major Project No. 751, the Commission in its July 12, 1927 withdrawal notification letter described the lands being reserved under the provisions of section 24 of the Federal Water Power Act as:

WILLAMETTE MERIDIAN, OREGON

T. 5 N., R. 41 E. (unsurveyed),
Sec. 27, S½ (320 acres).

By letter of interpretation dated March 10, 1933, the said withdrawal notification was amended to describe the lands, in the terms of an official plat of survey of the township, as:

WILLAMETTE MERIDIAN, OREGON

T. 5 N., R. 41 E.,
Sec. 26, lots 1, 2, and 3 (107 acres).

The preliminary permit for the project which was issued October 29, 1927, was cancelled by the Commission on June 14, 1929, the Permittee having given notice of its intention to abandon the project and discontinue investigations under the permit.

The above-described lands are also included in Power Site Classification No. 191, dated November 5, 1927, as construed by Interpretation No. 207, dated April 7, 1933.

The Commission finds: The existing power withdrawal under section 24 of the Federal Water Power Act serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed major Project No. 751 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–6112; Filed, July 24, 1959; 8:45 a.m.]

[Docket No. G–18536]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

JULY 20, 1959.

Take notice that on May 15, 1959, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. G–18536 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain new natural gas facilities and for permission and approval to abandon certain other natural gas facilities to be replaced by certain of the new ones, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The new facilities for which authorization is sought consist of:

(1) 5.8 miles of 6-inch transmission line to extend from a connection with Applicant's existing 6-inch lateral near Bruin, Pennsylvania, to a point between Emienton and Eau Claire where it will feed into another existing 6-inch line serving the area, all in Butler County, Pennsylvania;

(2) 1.03 miles of 10-inch transmission line to replace 1.03 miles of existing 8-inch line which has to be removed to permit improvement by the West Virginia State Road Commission of Route No. 2 in Ohio County, just north of Wheeling, West Virginia; and

(3) 4.75 miles of 6-inch transmission line extending from a connection with Texas Eastern Transmission Corporation's main pipeline in Somerset County, Pennsylvania, to the town of Somerset, together with a regulator station.

The total estimated cost of the proposed new facilities is $430,000, which will be financed by the issuance and sale of stock debentures to Applicant's parent company, The Columbia Gas System.

The facilities for which permission and approval to abandon is sought consist of:

1.03 miles of 8-inch transmission line in Ohio County, West Virginia, to be replaced by the proposed 10-inch line mentioned in (2) above.

The cost of retiring this section of line, which is to be abandoned in place except for minor facilities which can be used to tie in the new line with existing laterals, is estimated at $300. No salvage value is given to the facilities to be abandoned. Credit to fixed capital is estimated at $11,892.

The purpose of the proposals in the subject application is to enable better service to existing market areas, including an additional delivery point from Texas Eastern to overcome capacity deficiency in the Somerset area and increased ability to serve industrial growth potential in the area north of Wheeling.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6113; Filed, July 24, 1959; 8:45 a.m.]

[Docket No. G–17572]

SUPERIOR OIL COMPANY ET AL.

Notice of Application and Date of Hearing

JULY 20, 1959.

On January 19, 1959, The Superior Oil Company (Superior) et al.[1] filed an application in Docket No. G–17572, pursuant to section 7(c) of the Natural Gas Act, for authorization to render natural gas service to Tennessee Gas Transmission Company (Tennessee) from the Annie Turner, et al. Gas Unit, operated by Tennessee and located in the Cecil Noble Field, Colorado County, Texas, pursuant to a contract dated April 1, 1955, as amended, between C. N. Housh (Housh) and Superior, et al., among others, as sellers, and Tennessee, as buyer,[2] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the subject gas unit was operated by Housh until Housh sold his interest therein to Tennessee effective as of January 1, 1958. The application further states that Tennessee, not being an independent producer as defined in § 154.91 of the Commission's regulations, cannot file as operator for the non-operating co-owners. Consequently, Superior filed the application herein on behalf of itself and the "et al." co-owners, all of whom are signatory parties to the contract.

As a part of the application herein, Superior filed a letter dated December 31, 1958, from the Spur Land Company authorizing Superior to file on behalf of the "et al." parties a notice of succession to C. N. Housh (Operator), et al., FPC Gas Rate Schedule No. 7.[3]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 24, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6114; Filed, July 24, 1959; 8:45 a.m.]

[1] "Et al." parties and their working interests are: Spur Land Company, 4 percent; Lawrence O'Donnell, 26 percent; Clarence A. Russell, 14 percent; and C. B. Faulkner, 20 percent. Superior has a 10 percent interest in the unit.

[2] Previously accepted for filing as Supplement No. 2 to C. N. Housh (Operator) et al., FPC Gas Rate Schedule No. 7.

[3] Concurrently with the subject application, Superior et al. filed the notice of succession to C. N. Housh (Operator), et al., FPC Gas Rate Schedule No. 7 which rate schedule was redesignated The Superior Oil Company, et al., FPC Gas Rate Schedule No. 82.

[Docket Nos. G–18369, G–18511]

ZAPATA OFF-SHORE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Applications and Date of Hearing

JULY 20, 1959.

Take notice that on May 13, 1959, amended on May 21, 1959, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. G–18511 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station, appurtenant facilities, and approximately 4.94 miles of 10-inch lateral pipeline extending from a point of connection with The Superior Oil Company's "B–1" platform, located in the Block 76 Field, in a southwesterly direction to the Zapata Off-Shore Company, Operator (Zapata), et al., proposed platform in the Block 86 Field, all in offshore Vermilion Parish, Louisiana, to purchase and receive natural gas produced by Zapata, et al., from the Block 86 Field.

The estimated initial cost of the above proposed facilities is $568,000, which cost will be financed through temporary bank loans, sale of mortgage bonds and sale of debentures.

On April 20, 1959, Zapata filed in Docket G–18369 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity covering the above sale of natural gas to Transco, to be made pursuant to a gas sales contract dated April 7, 1959, executed by and between Transco and Zapata et al.[1]

[1] Zapata is filing for itself and, as operator, lists other signatory parties and their per centum of interest in the subject acreage as follows:

Zapata Off-Shore Company, Operator	35.15625
Essex Offshore, Inc.	16.40625
Felmont Oil Corporation	32.81250
Harold C. Price	12.50000
G. H. Walker, Jr.	3.12500

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6115; Filed, July 24, 1959; 8:45 a.m.]

The foregoing applications are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6115; Filed, July 24, 1959; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DEPUTY ASSISTANT COMMISSIONER FOR MANAGEMENT

Designation To Act as Acting Assistant Commissioner for Management

Effective June 29 and during the absence of the Assistant Commissioner for Management the Deputy Assistant Commissioner for Management shall be Acting Assistant Commissioner for Management and shall have all the powers and functions vested in the Assistant Commissioner for Management.

Approved: July 16, 1959.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F.R. Doc. 59-6118; Filed, July 24, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 156]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 22, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62310. By order of July 21, 1959, the Transfer Board approved the transfer to Toledo Van & Storage Co., Toledo, Ohio, of a portion of Certificate in No. MC 62383, issued June 4, 1954, to A.B.C. Movers, Inc., Toledo, Ohio, authorizing the transportation of: Bakery goods, between Toledo, Ohio, on the one hand, and, on the other, points in that part of the lower peninsula of Michigan. Arthur R. Cline, Cline, Bischoff & Cook, Attorneys, 420 Security Building, Toledo 4, Ohio.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6124; Filed, July 24, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 22, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35567: *Petroleum and related articles from Carrizo Springs, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7589), for interested rail carriers. Rates on petroleum, petroleum products, and related articles, in carloads, from Carrizo Springs, Tex., to points in southern, official, Illinois, and western trunk line territories.

Grounds for relief: Market competition.

Tariff: Supplement 205 to Southwestern Freight Bureau tariff I.C.C. 4118, and other schedules named in the application.

FSA No. 35568: *Hay from Texas to Arkansas, Louisiana, Mississippi, and Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-7588), for interested rail carriers. Rates on hay, in carloads, from specified points in Texas to points in Arkansas, Louisiana, Mississippi, and Tennessee.

Grounds for relief: Rates constructed on the basis of a short line distance scale.

Tariff: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4147.

FSA No. 35569: *Brick and tile—Denver, Colo., to Kansas and Missouri.* Filed by Western Trunk Line Committee, Agent (No. A-2075), for interested rail carriers. Rates on building or facing brick and clay building tile, as described in the application, in carloads, from Denver, Colo., to specified points in Kansas, also Kansas City and St. Joseph, Mo.

Grounds for relief: Short line distance formula.

Tariff: Supplement 26 to Western Trunk Line Committee tariff I.C.C. A-4221.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6123; Filed, July 24, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADELE MEYER-WOLDE

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Adele Meyer-Wolde, Hauptstrasse 9, Kreuzlingen, Canton Thurgau, Switzerland; $665.09 in the Treasury of the United States. Vesting Order No. 9068; Claim No. 66533.

Executed at Washington, D.C., on July 21, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6131; Filed, July 24, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Washington, Tuesday, July 28, 1959

Title 3—THE PRESIDENT

Executive Order 10830

ESTABLISHING A SEAL FOR THE PRESIDENT'S COUNCIL ON YOUTH FITNESS

WHEREAS the Chairman of the President's Council on Youth Fitness has caused to be made, and has recommended that I approve, a seal of office for the President's Council on Youth Fitness, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a light blue disc edged gold, an open book with red binding, parchment-color pages edged gold with suggested black lettering, the sinister section of the book surmounting a gold torch inflamed in natural colors all within an open wreath of green laurel leaves and in upper dexter a gold cloud issuing gold rays, all encircled by the inscription "President's Council on Youth Fitness July 16, 1956" in gold letters;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the President's Council on Youth Fitness:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the President's Council on Youth Fitness.



DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 24, 1959.

[F.R. Doc. 59-6221; Filed, July 24, 1959; 11:36 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68 — REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart A—Regulations

GRAIN INSPECTION IN CANADA

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations and schedule of fees and charges for inspection and certification of certain agricultural commodities and products thereof (7 CFR, Part 68, Subpart A, as amended), are hereby amended as follows:

§ 68.4 [Amendment]

1. Section 68.4(b) is amended to read:

(b) Inspection under the regulations may be provided for commodities shipped or received in interstate commerce, and may also be provided for commodities at important central markets and other places designated by the Director when he determines that such inspection will facilitate the marketing, distribution, processing, and utilization of agricultural products through commercial channels. This may include the inspection under the official grain standards of the United States (Part 26, Subpart B, of this chapter) at designated places in Canada of grain produced in the United

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States which is moving through Canada in the course of exportation from the United States to countries other than Canada, and for which such standards have been fixed and established under the United States Grain Standards Act (7 U.S.C. 71 et seq.). Specific information as to the places where inspection is available may be obtained from the Director.

2. Section 68.5 is amended to read:

§ 68.5 Regulations not applicable for certain purposes.

The regulations do not apply to the inspection of grain in the United States under the United States Grain Standards Act (7 U.S.C. 71 et seq.) or to the testing and inspection of seed under the Federal Seed Act (7 U.S.C. 1551 et seq.).

§ 68.42a [Amendment]

3a. Section 68.42a is amended by adding a new paragraph (h) to read:

(h) *Inspection of United States grain in Canada.* (1) The fees for the sampling, inspection, grading, and certification of United States grain moving through Canada, in accordance with the Official Grain Standards of the United States (Part 26, Subpart B of this chapter), shall be as follows:

(i) For bulk or sacked grain in carload lots, $8.00 per car;

(ii) For bulk or sacked grain in trucks and trailers, $5.00 per truck or trailer lot;

(iii) For bulk or sacked grain in boats, barges, or other vessels, $2.00 per thousand bushels or fraction thereof, with a minimum of $5.00 per lot;

(iv) For a submitted sample or package of grain, $3.00 per sample or package;

(v) For all lots of grain other than those referred to in subdivisions (i), (ii), (iii), and (iv) of this subparagraph, $2.00 per thousand bushels or fraction thereof, with a minimum fee of $5.00 per lot.

(2) In addition, charges will be made for overtime, if any, and travel, if any, to points where no inspector is stationed, at rates in accordance with those prescribed in paragraph (a)(3) of this section.

b. Section 68.42a(a)(3) is amended to read:

(3) The fees provided for in subparagraphs (1) and (2) of this paragraph cover sampling, testing (including laboratory tests required by the usual specifications), and certificating commodities and products for quality specifications during the regular tour of duty of the inspector, at points where inspectors are located. There will be added to the fees charged under those subparagraphs charges for overtime, if any, at the rate of $5.80 per hour, and additional fees in accordance with paragraph (c) of this section to cover laboratory tests other than those required by usual specifications. At points where no inspector is located, further charges will be made in accordance with paragraph (e) of this section to cover fees paid to licensed samplers for obtaining samples, and charges to cover standby time at the rate of $4.50 per hour, overtime at the rate of $5.80 per hour, per diem within rates prescribed in standardized government travel regulations, mileage at the rate of eight cents per mile for travel by automobile, and the cost of other travel, and other items of cost incurred in obtaining samples.

c. Section 68.42a(b) is amended by changing "$5.50" to "$5.80".

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

The foregoing amendments provide for the inspection and certification upon request at designated places in Canada of the grade of United States grain moving through Canada in the course of exportation. The service will facilitate the exportation of such grain via the St. Lawrence Seaway. The service will be purely voluntary and will not necessitate any change in the business operations of affected members of the grain industry. As grain is presently moving through the Seaway it is essential that the amendments be made effective as soon as possible to be of maximum benefit to affected persons. Insofar as the amendments concern the costs of the service they relate to a matter on which this Department has complete information. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public rule-making procedure on the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments shall become effective on the 28th of July 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

JULY 23, 1959.

[F.R. Doc. 59-6197; Filed, July 27, 1959; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Milk Order 75]

PART 960—MILK IN AKRON-STARK COUNTY, OHIO, MARKETING AREA

PART 975—MILK IN NORTHEASTERN OHIO MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 975.0 to 975.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

§ 975.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cleveland, Ohio, and Akron-Stark County, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts within the month of milk from producers, including such handler's own production; (b) any other source milk allocated to Class I pursuant to § 975.46(b) and the corresponding step of § 975.47; and (c) the amount of milk for which a payment is computed pursuant to § 975.84(b).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 10, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 8, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order, amending the order, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the Akron-Stark County, Ohio, and Cleveland, Ohio, orders (Parts 960 and 975) shall be merged under one order and the handling of milk in the consolidated marketing area, the Northeastern Ohio marketing area, shall be in conformity to and in compliance with the terms and conditions of Order No. 75 as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 975.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 975.2 Secretary.

"Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 975.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 975.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 975.5 Northeastern Ohio marketing area.

"Northeastern Ohio marketing area", hereinafter referred to as the "marketing area", means all territory within the boundaries of Cuyahoga and Summit Counties; Stark County, except Paris and Sugar Creek Townships; the City of Ashtabula in Ashtabula County; Knox Township in Columbiana County; Willoughby, Mentor and Kirtland Townships and the City of Painesville in Lake County; Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia and Grafton Townships in Lorain County; Smith Township in Mahoning County, except Great Lot 35 thereof; Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, Montville, Sharon and Wadsworth Townships in Medina County; Franklin, Ravenna, Brimfield and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; and Sections 1, 2, 3, 10, 11 and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio; together with all piers, docks and wharves connected therewith and including all municipal corporations and all Federal or State installations, institutions or establishments therein.

§ 975.6 Handler.

"Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which a route is operated in the marketing area, and (c) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted for the account of such association from a pool plant to a pool plant or nonpool plant.

§ 975.7 Producer.

"Producer" means any person other than a producer-handler with respect to milk produced by him having the approval of the appropriate health authority in the marketing area for consumption as fluid milk which is:

(a) Delivered from the farm to a pool plant;

(b) Diverted from the farm directly to a nonpool plant for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if for the account of the operator of such plant, or at an identical location if for the account of a cooperative association through diversion from the pool plant of another handler; and

(c) Diverted from the farm directly to another pool plant for the account of a handler operating a pool plant. Milk so diverted shall be deemed to have been received for the account of such handler at the pool plant from which it was diverted.

"Producer" shall not include any such person with respect to milk for which such person retains his status as a producer as defined in another order issued pursuant to the Act and which is classified and priced under such other order.

§ 975.8 Pool plant.

"Pool plant" means any milk plant specified in paragraph (a), (b), (c) or (d) of this section approved by the appropriate health authority in the marketing area, other than the plant of a producer-handler or a plant for which the handler is exempt pursuant to §§ 975.90 and 975.91.

(a) A plant at which milk is packaged and from which (1) fluid milk products classified as Class I milk are distributed on a route in the marketing area; and (2) total disposition of such fluid milk products on routes is 50 percent or more of total receipts during the month of milk approved for fluid use by a duly authorized health authority from dairy farmers, through reload points and from other milk plants;

(b) A plant from which there has been delivered to pool plant(s) described in paragraph (a) of this section, either during the current month or during any period of consecutive months ending with the current month, 30 percent or more of its total dairy farm supply of milk;

(c) A plant which was a pool plant during each month of the preceding period of August through January and during that period delivered to pool plant(s) described in paragraph (a) of this section 10 percent or more of its monthly total dairy farm supply of milk during each such month, and 30 percent or more of its total dairy farm supply during the entire August–January period, shall, unless written notice of withdrawal is received by the market administrator before the first day of the month, be a pool plant as follows:

(1) During the months of February through July regardless of shipments; and

(2) During each successive month of August through January in which it delivers 10 percent or more of its total dairy farm supply to pool plant(s) described in paragraph (a) of this section.

(d) A plant located less than 40 miles from the Public Square in Cleveland, Ohio, or less than 27.5 miles from the nearer of the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, operated by a cooperative association, or associations, if two-thirds or more of the milk (exclusive of that received at pool plants described in paragraphs (b) and (c) of this section) delivered during the immediately preceding six-month period by producers who are members of such association(s) was received at the pool plants of other handlers;

(e) All pool plants described in paragraph (b) or (c) of this section, respectively, operated by a handler may be considered as one plant for the purpose of meeting the percentage requirement of such paragraphs if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(f) A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.9 Nonpool plant.

"Nonpool plant" means any milk plant which is not a pool plant.

§ 975.10 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in milk received from producers.

§ 975.11 Other source milk.

"Other source milk" means all skim milk and butterfat contained in (a) receipts during the month of fluid milk products except (1) receipts from other pool plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 975.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, and mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen or sour cream, aerated cream products, eggnog or ice cream and frozen dessert mixes.

§ 975.13 Producer-handler.

"Producer-handler" means a dairy farmer who operates a milk plant from which Class I products are distributed on route(s) in the marketing area and receives no fluid milk products during the month except milk of his own production or by transfer from pool plants.

§ 975.14 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I milk to a wholesale or retail outlet other than a delivery to any milk plant.

§ 975.15 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sale or marketing milk or its products for its member; and

(c) To have all of its activities under the control of its members.

§ 975.16 Eligible milk.

"Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 975.73 which is not in excess of such producer's daily average quota multiplied by the number of days in such month on which such producer delivered milk to such handler. With respect to any producer on "every-other-day" delivery to a pool plant, the days of nondelivery shall be considered as days of delivery for the purpose of this section and § 975.60.

§ 975.17 Ineligible milk.

"Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 975.73 which is in excess of eligible milk received from such producer during such month and shall include all milk received from a producer for whom no daily average quota can be computed.

§ 975.18 Reload point.

"Reload point" means a location, more than 40 miles from the Public Square in Cleveland, Ohio, and more than 27.5 miles from the nearer of the City Hall in Akron or the City Hall in Canton, Ohio, at which facilities approved by the appropriate health authority in the marketing area for transfer of milk from one tank truck to another and for washing of tank trucks are maintained, and at which milk moved from the farm in a tank truck is commingled with other such milk before entering a milk plant. All reloading operations on the premises of a pool plant shall be considered to be a part of such pool plant's operation. Otherwise the operations at a reload point shall be considered to be a part of the operation of the pool plant to which the major portion of the milk moved from farms to the reload point normally moves, except for the application of

location adjustments pursuant to §§ 975.55 and 975.81.

MARKET ADMINISTRATOR

§ 975.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of funds provided by § 975.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.30, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or § 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 20th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producer receipts of such handler;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day after the end of such month the minimum prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.51, 975.52, and 975.53, respectively, and butterfat differentials computed pursuant to § 975.54;

(2) On or before the 14th day after the end of such month the uniform price computed pursuant to § 975.71, and for April, May and June the price for ineligible milk and the price for eligible milk, computed pursuant to §§ 975.72, and 975.73, respectively, and the butterfat differential computed pursuant to § 975.82;

(k) On or before April 1 of each year provide written notice to: (1) Each producer who made deliveries of milk during the previous October through December as to his daily average quota computed pursuant to § 975.60, (2) each cooperative association as to the daily average quota of each member of such association, and (3) each handler as to the daily average quota of each producer from whom such handler received milk; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 975.30 Reports of receipts and utilization.

On or before the 8th day after the end of the month each handler who operates a pool plant, each handler who operates a nonpool plant, except as he is exempt pursuant to §§ 975.90 and 975.91, and any cooperative association with respect to milk for which it is a handler pursuant to § 975.6(c) shall report for the preceding month to the market administrator in detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in, or used in the production of:

(1) Milk received from producers (or qualified dairy farmers, in case of a nonpool plant) and for the months specified in § 975.60 the aggregate quantities of eligible milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement with respect to:

(1) Disposition of fluid milk products on routes in the marketing area; and

(2) Inventories of fluid milk products on hand at the end of the month; and

(c) Such other information as the market administrator may prescribe.

§ 975.31 Other reports.

Each producer-handler and each handler exempt pursuant to § 975.90 or § 975.91 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 975.32 Payroll reports.

On or before the 25th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer payroll for the month, which shall show:

(a) For the months of July through March, the pounds of milk, and the percentage of butterfat contained therein, received from each producer; and for the months of April through June, the pounds of eligible milk and the pounds of ineligible milk, and the percentage of butterfat contained therein, received from each producer;

(b) The amount and date of payment to each producer or cooperative association pursuant to § 975.80; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this paragraph.

§ 975.33 Records and facilities.

Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.30 or § 975.31;

(b) The pounds of skim milk and butterfat contained in or represented by each fluid milk product on hand at the beginning and at the end of each month;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain:

Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported pursuant to § 975.30 shall be classified pursuant to §§ 975.41 through 975.48.

§ 975.41 Classes of utilization.

Subject to the conditions set forth in §§ 975.43 and 975.44, the classes of utilization shall be:

(a) Class I utilization shall be all the skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of in the form of a fluid milk product, except as provided in subparagraphs (c) (2) and (3) of this section or (2) not accounted for as Class II or Class III utilization;

(b) Class II utilization shall be all skim milk and butterfat (1) used to produce cottage cheese, and (2) disposed of as sour cream for consumption as such;

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce a product other than a fluid milk product of a Class II product, (2) disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises, (3) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator, (4) in cream frozen, (5) in inventory of fluid milk products or sour cream on hand at the end of the month, (6) in shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat respectively, in producer milk, plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants, and (7) in shrinkage of other source milk.

§ 975.42 Shrinkage.

(a) If a handler has receipts of other source milk, shrinkage shall be prorated between producer milk and other source milk received in the form of fluid milk products in the ratio that 50 times the maximum quantity of skim milk or butterfat, respectively, pursuant to § 975.41(c)(6) bears to that in such other source milk; and

(b) Producer milk diverted by a handler from his pool plant to another plant (pool or nonpool) without first having been received for the purposes of weighing in the diverting handler's pool plant shall be excluded from receipts at the diverting handler's pool plant and shall be included in the receipts of the plant to which such milk was diverted for the purpose of computing shrinkage.

§ 975.43 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) As Class I milk if transferred or diverted in the form of fluid milk products to the pool plant of another handler except as:

(1) Utilization in another class is claimed by the operators of both plants in their reports submitted pursuant to § 975.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, after assignment of other source milk and beginning inventory of fluid milk products pursuant to §§ 975.46 and 975.47; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants that returns the highest valued class utilization to milk of producers at both plants.

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred or diverted to a nonpool plant located less than 265 miles from the Public Square in Cleveland, Ohio, in the form of milk or skim milk in bulk or to any nonpool plant in the form of cream in bulk unless all of the following conditions are met:

(1) The handler claims utilization in another class in his report submitted pursuant to § 975.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available upon request by the market administrator for audit; and

(3) Such receiving plant had actually used in the classification claimed an amount of skim milk or butterfat, respectively, equivalent to the total claimed in such classification by all handlers transferring or diverting milk from pool plants to such nonpool plant, plus that priced in a comparable class under another order on the basis of utilization in such plant. Should the equivalent utilization in the nonpool plant be less than the required total, a pro rata share of the excess shall be classified in the next higher priced available utilization.

§ 975.44 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 975.45 Computation of the skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report of receipts and utilization submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 975.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 975.41(c)(6);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat contained in other source milk received from a plant at which the handling of milk is fully subject to the classification and pricing provision of another order issued pursuant to the Act:

(d) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat contained in inventory of fluid milk products on hand at the beginning of the month;

(e) Subtract from the butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.43(a);

(f) Add to the remaining pounds of butterfat in Class III utilization the pounds of butterfat subtracted pursuant to paragraph (a) of this section; and

(g) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest priced utilization. Any amount so subtracted shall be known as "overage".

§ 975.47 Allocation of skim milk.

Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.46.

§ 975.48 Computation of total producer milk in each class.

The amounts computed pursuant to §§ 975.46 and 975.47 shall be combined into one total for each class and the weighted average butterfat content of producer milk in each class determined.

MINIMUM PRICES

§ 975.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

COMPANY AND LOCATION
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.51 Class I milk prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant for milk received from producers or from a cooperative association, during the month which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	Amount
April through July	$1.35
All others	1.80

and add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total quantity of milk received from producers during the first and second months preceding by the gross quantity of milk utilized as Class I (exclusive of interhandler transfers) at pool plants in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	Standard utilization percentage
January	128
February	128
March	128
April	129
May	130
June	140
July	148
August	141
September	127
October	126
November	128
December	130

(3) Determine the amount of the supply-demand adjustment from the following schedule:

Deviation percentage:	Amount of supply-demand adjustment (cents)
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 975.52 Class II milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 975.50, plus 30 cents.

§ 975.53 Class III milk prices.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.50.

§ 975.54 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 975.51, 975.52, and 975.53 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3 and divide the result by 10;

(b) *Class II milk.* Multiply by 1.15 and divide the result by 10; and

(c) *Class III milk.* Multiply by 1.15 and divide the result by 10.

§ 975.55 Handler location adjustment.

For producer milk received at a pool plant or reload point located 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, the respective class prices for Class I and Class II utilization pursuant to §§ 975.51 and 975.52 shall be reduced at the rate specified below for the location of such plant or reload point:

(a) With respect to milk classified as Class I or Class II utilization without movement as a fluid milk product in bulk form to another pool plant;

(b) With respect to fluid milk products moved in bulk form to a pool plant described in § 975.8(a) in a volume not in excess of that computed in accordance with the following assignment:

(1) The volume by which an amount equal to 108 percent of Class I and Class II utilization at such transferee plant (including the volume assignable under the provisions of this subparagraph with respect to any transfers to a second such plant described in § 975.8(a)), exceeds receipts of producer milk at such plant will be assigned in sequence to (i) receipts in the form of fluid milk from reload points considered to be a part of such plant's operations, and (ii) to other receipts of fluid milk products from pool plants or reload points in the sequence at which the least total adjustment would apply.

(c) With respect to fluid milk products moved in bulk to pool plants described in § 975.8 (b), (c), or (d), in a volume not in excess of that by which (1) 108 percent of the Class I and Class II utilization specified in paragraph (a) of this section, plus (2) that assignable to such plant pursuant to paragraph (b) of this section exceeds receipts of producer milk at such plant, such volume to be assignable to transferor plants in the sequence provided in paragraph (b) of this section; and

(d) The rates of location adjustment credit shall be as follows, based on shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

Distance:	Cents per hundredweight
40.1–60 miles	13
60.1–74 miles	26

plus 2 cents per hundredweight for each 14 miles or major fraction thereof in excess of 74 miles.

§ 975.56 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.60 Determination of eligible milk quota for each producer.

Subject to the rules set forth in § 975.61, the market administrator shall determine quotas for producers as follows: During each of the months of April through June, inclusive, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of first delivery to the end of such 3-month period.

§ 975.61 Quota rules.

(a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period;

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any month that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations; and

(c) In the case of producers delivering milk to a pool plant described in § 975.8(a) which first qualifies as such during any month from November through June, a daily average quota for each such producer shall be calculated pursuant to § 975.60 on the basis of his verifiable deliveries of milk to such plant during the period of October through December immediately preceding.

DETERMINATION OF UNIFORM PRICE

§ 975.70 Net obligation of handlers operating pool plants.

The net obligation for milk received by each handler shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 975.48 by the applicable class prices;

(b) Add an amount computed by multiplying the pounds of overage computed pursuant to § 975.46(g) and the corresponding step of § 975.47 by the applicable class prices;

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 975.46(d) and the corresponding step of § 975.47; or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month;

(d) Add an amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class II price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class II pursuant to § 975.46(d) and the corresponding step of § 975.47; or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month less that subtracted from Class I pursuant to § 975.46(d) and the corresponding step of § 975.47.

(e) During any month in which the total receipts of producer milk (exclusive of milk diverted from the pool plant of another handler to a nonpool plant for the account of a cooperative association unless written evidence is furnished the market administrator that such milk was offered for delivery to a pool plant at class prices of the order) are more than 110 percent of the total Class I utilization at all pool plants add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 975.46(b) and the corresponding step of § 975.47; and

(2) Milk in inventory subtracted from Class I pursuant to § 975.46(d) and the corresponding step of § 975.47 which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 975.46(c) and the corresponding step of § 975.47 for the month preceding.

§ 975.71 Computation of uniform price.

For each month, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content for milk delivered to pool plants at which no location adjustments are applicable as follows:

(a) Combining into one total the values computed under § 975.70 for all handlers who reported pursuant to § 975.30 for such month, except those in default in payments required pursuant to § 975.84 for the preceding month;

(b) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones set forth in § 975.81;

(c) Add any amount paid into the producer-settlement fund and subtract any amount paid out of the producer-settlement fund pursuant to § 975.88(a);

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 10;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.72 Computation of ineligible milk price.

For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value on a 3.5 percent butterfat basis of ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk included in these computations by the price for Class III milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

§ 975.73 Computation of eligible milk price.

For each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f.o.b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in § 975.72(a) from the aggregate value of milk computed pursuant to § 975.70 (a) through (e) and adjusting by any amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 975.74 Notification.

On or before the 14th day after each month the market administrator shall

notify each handler who submitted a report for the preceding month pursuant to § 975.30 of:

(a) The classification pursuant to §§ 975.46 and 975.47 of skim milk and butterfat contained in producer milk received by such handler during the month and the value of such milk computed pursuant to § 975.70;

(b) The uniform prices for the month computed pursuant to §§ 975.71, 975.72, and 975.73; and

(c) The amount due such handler pursuant to § 975.85 and the amount to be paid by such handler pursuant to §§ 975.84, 975.86, and 975.87.

PAYMENTS

§ 975.80 Time and method of payment.

(a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 975.71 or §§ 975.72 and 975.73 adjusted by the butterfat and location differentials pursuant to §§ 975.81 and 975.82, and less any proper deductions authorized by the producer, including advance payments made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(c) Upon written request filed with him on or before the 15th day of the month by a producer, or by a cooperative association which collects payments pursuant to paragraph (b) of this section, each handler shall make advance payment as follows:

(1) On or before the last day of the month, to each such producer who has not discontinued delivery of milk to such handler, an amount not less than the value of milk received from such producer during the first 15 days of such month computed at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling;

(2) On or before the 27th day of the month, to the cooperative association, with respect to milk received during the first 15 days of the month from certified members specified in the request for advance payment, an amount not less than the aggregate value of such milk at the Class III price for 3.5 percent milk for the preceding month, without deduction for hauling; and

(d) On or before the 15th day after the end of each month, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 975.55 and the butterfat differential provided by § 975.54, by the hundredweight of milk in each class pursuant to §§ 975.46 and 975.47.

§ 975.81 Location adjustments to producers.

In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct with respect to eligible milk received from producers during the months specified in § 975.60 and with respect to all milk received from producers at a pool plant or reload point located 40 miles or more from the Pubilc Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, Ohio, or the City Hall in Canton, Ohio, by the shortest highway distance as determined by the market administrator, at the rates specified in § 975.55 based on mileage measured from Public Square in Cleveland, Ohio.

§ 975.82 Butterfat differential.

In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 975.54 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 975.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall make payments to the market administrator as follows:

(a) If the value of milk received by a handler in the month as computed pursuant to § 975.70 exceeds the amount which such handler is required to pay all producers pursuant to § 975.80 such handler shall pay the difference between the two amounts; and

(b) Except as exempted pursuant to §§ 975.90, 975.91 and 975.92 each handler who operates during the month a nonpool plant out of which a route(s) was operated which extended into the marketing area an amount equal to the total hundredweight of fluid milk products so disposed of multiplied by the difference between the Class I price adjusted for location and butterfat and the Class III price.

§ 975.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or § 975.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month three cents per hundredweight, or such amount not exceeding three cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 975.46(b) and the corresponding step of § 975.47; and

(c) The amount of milk for which a payment is computed pursuant to § 975.84(b).

§ 975.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each month; and, on or before the 16th day after the end of such month, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each month to the cooperative association rendering such services and of which such producers are members.

§ 975.88 Adjustment of accounts.

(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975,86, 975.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 975.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed;

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 975.90 Milk subject to other Federal orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Northeastern Ohio marketing area shall be exempted for such month from all provisions of this part except §§ 975.31, 975.32, 975.33 and 975.34 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

§ 975.91 Handler exemption.

A handler who operates a plant described in §§ 975.8(a) or 975.9 located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other fluid milk product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area shall be exempted for such month from all provisions of this part except §§ 975.31, 975.32, 975.33 and 975.34.

§ 975.92 Producer-handler.

A producer-handler shall be exempt from all provisions of this subpart except §§ 975.31, 975.33 and 975.34.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 975.100 Effective time.

The provisions of this part or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.101 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provisions of this part, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision of this part.

§ 975.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business

of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 975.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 975.111 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 22d day of July 1959, to be effective on and after the 1st day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–6183; Filed, July 27, 1959; 8:50 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Avocado Reg. No. 7, Amdt. 1]

PART 1067—AVOCADOS

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), paragraph (a)(4) of § 1067.7 (Avocado Regulation No. 7; 24 F.R. 5825) is hereby amended to read as follows:

(4) Avocados of the Trapp variety shall not be imported (i) prior to 12:01 a.m., e.s.t., August 3, 1959, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 9/16 inches in diameter; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 3, 1959, and ending at 12:01 a.m., e.s.t., August 31, 1959, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

Findings and determinations. (a) It is hereby determined, on the basis of the further information which is now available, that the requirements set forth in this amendment are comparable to the maturity regulation presently in effect for the same type of Florida avocados pursuant to the marketing agreement and Order No. 69, as amended (7 CFR 969) regulating the handling of avocados grown in south Florida.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001 et seq.) because (1) this amendment of the existing import regulations is necessary to effectuate the purposes of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674); (2) compliance with this amendment to the avocado import restrictions will not require any special preparation which cannot be completed by the effective time; and (3) this amendment relieves restrictions on the importation of the Trapp variety of avocados into the United States.

Effective time. The provisions of this amendment shall become effective at 12:02 a.m., e.s.t., July 27, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 23, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6194; Filed, July 27, 1959; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Tennessee and Texas

On July 14, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

TENNESSEE

County	Average value
Anderson	$25,000
Bedford	25,000
Benton	20,000
Bledsoe	23,000
Blount	29,000
Bradley	23,000
Campbell	22,000
Cannon	25,000
Carroll	23,000

TENNESSEE—Continued

County	Average value
Carter	$24,000
Cheatham	23,000
Chester	22,000
Claiborne	22,000
Clay	23,000
Cocke	24,000
Coffee	23,000
Crockett	26,000
Cumberland	23,000
Davidson	31,000
Decatur	25,000
De Kalb	25,000
Dickson	22,000
Dyer	31,000
Fayette	26,000
Fentress	23,000
Franklin	25,000
Gibson	26,000
Giles	25,000
Grainger	24,000
Greene	27,000
Grundy	20,000
Hamblen	26,000
Hamilton	23,000
Hancock	20,000
Hardeman	24,000
Hardin	23,000
Hawkins	22,000
Haywood	26,000
Henderson	25,000
Henry	25,000
Hickman	23,000
Houston	22,000
Humphreys	22,000
Jackson	22,000
Jefferson	26,000
Johnson	23,000
Knox	30,000
Lake	38,000
Lauderdale	31,000
Lawrence	23,000
Lewis	18,000
Lincoln	25,000
Loudon	23,000
McMinn	23,000
McNairy	23,000
Macon	20,000
Madison	25,000
Marion	23,000
Marshall	25,000
Maury	28,000
Meigs	21,000
Monroe	28,000
Montgomery	25,000
Moore	23,000
Morgan	24,000
Obion	30,000
Overton	23,000
Perry	21,000
Pickett	23,000
Polk	23,000
Putnam	24,000
Rhea	22,000
Roane	22,000
Robertson	27,000
Rutherford	27,000
Scott	23,000
Sequatchie	23,000
Sevier	27,000
Shelby	30,000
Smith	25,000
Stewart	21,000
Sullivan	26,000
Sumner	25,000
Tipton	28,000
Trousdale	23,000
Unicoi	21,000
Union	23,000
Van Buren	22,000
Warren	25,000
Washington	28,000
Wayne	20,000
Weakley	24,000
White	24,000
Williamson	28,000
Wilson	25,000

TEXAS

County	Average value
Bell	$40,000
Bosque	40,000
Burnet	40,000
Childress	40,000
Coryell	40,000
Cottle	40,000
Gonzales	40,000
Hamilton	40,000
Harris	40,000
Haskell	40,000
Hopkins	23,000

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric. 19 F.R. 74, 77, 22 F.R. 8188)

Dated: July 22, 1959.

H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F.R. Doc. 59–6184; Filed, July 27, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 75; Amdt. 32]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of failure of an engine driven hydraulic pump on a Boeing 707–100 series aircraft, replacement or modification is necessary.

A satisfactory reinforcement has been designed for the wing surface plank cracks which have been inspected daily on Lockheed 188A aircraft. Instructions regarding this rework are now covered in a new directive which supersedes 59–13–3 as it appeared in 24 F.R. 5534.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directives:

59–16–5 BOEING. Applies to 707–100 Series aircraft with the following Serial Numbers: Model 707–121 Serial Numbers 17586 through 17591, Model 707–124 Serial Number 17609, Model 707–123 Serial Numbers 17628 through 17643, Model 707–131 Serial Numbers 17659 through 17672, Model VC–137A Serial Numbers 17925 through 17927.

Compliance required not later than August 21, 1959.

As a result of complete loss of fluid during service operation of the utility hydraulic system, primarily due to failure of engine driven hydraulic pump the following must be accomplished:

(a) Install new pump, Vickers No. AS–61689–L–2E, in place of the AS–61689–L–2B or –2C, or install pump external by-pass valve No. A–90073–Y6 with the –2B or –2C pump. If the pump external by-pass valve is installed the shaft seal on each hydraulic pump must be replaced at the same time.

(b) Install return line filter.

(Boeing Service Bulletin No. 379 and Vickers Service Letter dated June 17, 1959, pertain to item (a). Boeing Service Bulletins Nos. 69 and 213 pertain to item (b).)

59–16–6 LOCKHEED. Applies to all Lockheed Model 188A aircraft.

Compliance required as indicated.

On a daily basis, visually inspect the No. 4 upper wing surface plank, left and right side, for spanwise cracks. The area affected is adjacent to the outboard side of No. 2 and No. 3 nacelle attach angles (approximately wing Sta. 209) particularly near the forward edge of the plank. Continue the daily inspection until an approved reinforcement designed to preclude cracking is installed. Lockheed Service Bulletin No. 188/SB–306 describes a satisfactory reinforcement. In any event, reinforcement must be installed by January 1, 1960.

If cracks are found, FAA approved repair and reinforcement is required prior to further operation. A one time ferry to a main base is permissible. Upon installation of the above reinforcement, or the reinforcement and repair, the daily inspections may be discontinued. Eastern Airlines sketches 62059 and 62259 both revised June 25, 1959, are also considered satisfactory for this purpose.

This supersedes AD 59–13–3.

This amendment shall become effective immediately.

Issued in Washington, D.C., on July 24, 1959.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–6230; Filed, July 27, 1959; 8:53 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7338 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Charles Ford & Associates of the Midwest, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Connections or arrangements with others; financing activities; service; § 13.185 *Refunds, repairs, and replacements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles Ford & Associates of the Midwest, Inc., et al., Chicago, Ill., Docket 7338, July 1, 1959]

In the Matter of Charles Ford & Associates of the Midwest, Inc., a Corporation, and Charles C. Solk, Donald Karol and Gerald Newman, Individually and as Officers of Said Corporation; Casey and Associates, Incorporated, a Corporation, and Emmet R. Casey, Charles C. Solk, Donald Karol and Gerald Newman, Individually and as Officers of Said Corporation; and Carl F. Strodel, A. R. O'Rourke and George B. Bry, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two affiliated Chicago concerns with obtaining advance fees from businessmen seeking loan and property owners wanting to sell, by offering false inducements including representations that they were affiliated with lending institutions which would make loans to anyone they recommended, and that even larger loans than those requested would be obtained for those paying the fee; that they had ready buyers interested in the specific properties, asking prices of which should be increased; and that the advance fees would be refunded if the loans were not procured or the properties sold.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Charles Ford & Associates of the Midwest, Inc., a corporation, and its officers and Charles C. Solk, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any other corporate device, in connection with the offering for sale or sale of advertising in any advertising media, or of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents have available prospective buyers who are interested in the purchase of the specific property sought to be listed or advertised.

2. Respondents will finance the purchase of the listed property.

3. The property is underpriced by the owner or that the asking price should be increased or that respondents can or will sell the property at the increased price.

4. Respondents assume all risks or obligations in connection with their activities in listing or attempting to sell the listed property, or that the owner or prospective borrower has nothing to lose.

5. Respondents are associated with large numbers of cooperating brokers who will assist in the sale of listed property.

6. The listing or advance fee will be refunded if the property is not sold within a short period of time.

7. Property listed with respondents will be sold within a short period of time, or that the sale is guaranteed, or that respondents have sold the property of others, who listed it with them, within a few weeks or other short period of time.

It is further ordered, That respondents Casey and Associates, Incorporated, a corporation, and its officers and Charles C. Solk, individually and as an officer of said corporation, Emmet R. Casey, individually and as a former officer of said corporation, and George B. Bry, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device,

in connection with the offering for sale, or sale, of services to obtain loans for, or financial assistance to, businessmen or others, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents will obtain loans within a short period of time.

2. Respondents will refund the fee paid in the event they do not obtain a loan.

3. Respondents can and will obtain larger loans than the loans requested by businessmen.

4. Respondents are agents of, correspodents for, or are affiliated with banks, insurance companies, or other lending and financing institutions.

5. Banks or other lending institutions will make loans to anyone recommended by respondents.

6. Respondents have obtained loans within short periods of time for other businessmen.

7. Respondents' principal business is that of business consultants and that their service in obtaining loans is only a part of their principal business.

It is further ordered, That the complaint be and the same hereby is dismissed as to respondents Donald Karol and Gerald Newman, individually and as officers of said corporations, and Carl F. Strodel and A. R. O'Rourke, individually, without prejudice to the right of the Commission to take such action in the future as may be warranted by the then existing conditions.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents, except those against whom the complaint has been dismissed, shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-6152; Filed, July 27, 1959; 8:45 a.m.]

[Docket 7238 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Charles F. Gomez et al.

Subpart—*Advertising falsely or misleadingly:* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service:* Government; § 13.143 *Opportunities;* § 13.205 *Scientific or other relevant facts.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment:* Government;[1] § 13.1697 *Opportunities in product or service;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles F. Gomez trading as Western Coaching Bureau (San Francisco, Calif.) et al., Docket 7238, July 1, 1959; and Robert J. Gartner trading as Universal Extension Service, Grand Island, Nebr., Docket 7238, July 4, 1959]

In the Matter of Charles F. Gomez, Trading as Western Coaching Bureau, Marie Gomez, an Individual, Roy Huston, Trading as National Extension Service, James A. Sundstrom, Trading as Western Training Service, and Robert J. Gartner, Trading as Universal Extension Service

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the supplier and three distributors of a correspondence course on Civil Service preparation with representing falsely that they were connected with the U.S. Government and that persons completing the course were guaranteed Government jobs, and with misrepresenting the availability and salaries of Civil Service positions.

Following acceptance of agreements containing consent orders, the hearing examiner made two initial decisions on two separate dates, one with respect to three respondents and the other for the remaining distributor, which initial decisions became on July 1 and July 4, respectively, the decisions of the Commission.

The order to cease and desist, including all respondents, is as follows:

It is ordered, That respondents Charles F. Gomez, individually and doing business under the name of Western Coaching Bureau, or under any other name; Marie Gomez, individually; respondent James A. Sundstrom, individually and doing business under the name of Western Training Service, or under any other name; respondent Roy Huston, individually and doing business under the name of National Extension Service; and respondent Robert J. Gartner, individually and doing business under the name of Universal Extension Service, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or indirectly, that:

1. There are vacancies for any specified United States Civil Service positions, when such vacancies do not exist;

2. Positions in the United States Civil Service which may be open are available to all persons;

3. Positions in the United States Civil Service which are restricted to any group or otherwise restricted or require certain qualifications are open, unless the fact that such restrictions and qualifications exist is clearly set forth;

4. The starting salary, or any other salary, that may be received by persons receiving a Civil Service appointment is higher than is the fact;

5. Their said business, their agents or representatives, or any one of them, has any connection with the United States Civil Service Commission, any agency thereof, or any other agency of the United States Government;

6. Completion of respondents' course of instruction makes persons eligible for appointment to, or assures them of or guarantees United States Civil Service positions.

By "Decision of the Commission", etc., under two separate dates as aforesaid, reports of compliance were required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1 and June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-6153; Filed, July 27, 1959; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54900]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Extension of Limits of Customs Port of Brownsville, Texas

JULY 21, 1959.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Brownsville, Texas, in Customs Collection District No. 23 (Laredo), comprising the territory within the corporate limits of Brownsville and including the territory described in Executive Order 7474, 1 F.R. 1642 (T.D. 48589), are hereby extended to include the Brownsville Ship Shrimp Basin located adjacent to the north side of the Brownsville Ship Channel 4.3 miles east of the Brownsville ship basin; the Port Isabel Ship Channel; and the area within the corporate limits of the city of Port Isabel. The customs station of Port Isabel, which is within the territory described above, will become a part of the port of entry of Brownsville.

Section 1.1(c), Customs Regulations, is amended by deleting "•Brownsville (including territory described in E.O. 7474, Oct. 17, 1936; 1 F.R. 1642)" and adding "•Brownsville, Texas (including territory described in T.D. 54900)" in the column headed "Ports of entry" in District No. 23 (Laredo).

Section 1.2(d) of the Customs Regulations, is amended by deleting "Port Isabel, Tex." and "Brownsville" from the columns headed "Customs Stations" and "Port of entry having supervision", respectively, in District No. 23.

(R.S. 161, as amended, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66) [MC 192-23.1]

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-6191; Filed, July 27, 1959; 8:51 a.m.]

[T.D. 54901]

PART 8—LIABILITY FOR DUTIES: ENTRY OF IMPORTED MERCHANDISE

Use of Informal Entry Prepared on Certain Non-Serially-Numbered Customs Form

To make it clear that an informal entry prepared on a non-serially-numbered customs Form 5119 or 5119-A must be presented by an importer or his agent to a customs cashier or acting cashier to whom the duties and taxes shall be paid and by whom the entry shall be numbered, § 8.51 of the Customs Regulations is amended by substituting the following in lieu of the first sentence of paragraph (a): "Merchandise not exceeding $250 in value, unless falling within the provisions of § 8.50, may be entered on a customs Form 5119 or 5119-A. The non-serially-numbered customs Form 5119 or 5119-A may be prepared by importers or their agents or by customs officers when it can be presented to a customs cashier or acting cashier for payment of duties and taxes and for numbering of the entry before the merchandise is examined by a customs officer. The serially-numbered customs Form 5119 or 5119-A must be prepared by customs officers when the merchandise is to be cleared at a time or place where there is no customs cashier or acting cashier."

(R.S. 161, 251, sec. 498(a), sec. 624, 46 Stat. 728 as amended, 759, 5 U.S.C. 22, 19 U.S.C. 66, 1498(a), 1624)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: July 21, 1959.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-6192; Filed, July 27, 1959; 8:51 a.m.]

[1] New.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Bayou Lafourche, La.; Pacific Ocean, Hawaii

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended prescribing paragraph (j) (1-a) to govern the operation of the Louisiana Department of Highways bridge at Thibodaux, Louisiana, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.*

* * *

(1-a) Bayou Lafourche, Louisiana Department of Highways bridge at Thibodaux. At least 48 hours' advance notice required.

[Regs., July 10, 1959, 285/91 (Bayou Lafourche, La.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.223a is hereby prescribed establishing and governing the use and navigation of a danger zone in the Pacific Ocean at the Island of Oahu, Hawaii, as follows:

§ 204.223a Pacific Ocean, Island of Oahu, Hawaii; danger zone.

(a) *The danger zone.* Beginning at point of origin at Kaena Point Light in latitude 21°34'42" N., longitude 158°16'54" W.; thence on a bearing of 282°30' True to latitude 21°38' N., longitude 158°33' W.; thence along the arc of a circle centered at Kaena Point Light to latitude 21°42'30" N., longitude 158°03' W.; thence on a bearing of 228° True to latitude 21°35'33" N., longitude 158°11'30" W.; thence to point of origin.

(b) *The regulations.* (1) The area will be closed to all shipping on specific dates to be designated for actual firing and no vessel or other craft shall enter or remain in the area during the times designated for firing except as may be authorized by the enforcing agency. Notification to maritime interests of specific dates of firing will be disseminated through the U.S. Coast Guard media of the Local Notice to Mariners and the NOTAMS published by the Corps of Engineers. On dates not specified for firing, the area will be open to normal maritime traffic.

(2) The regulations of this section shall be enforced by the Commanding General, United States Army, Hawaii/25th Infantry Division, APO 957, and such agencies as he may designate.

[Regs., July 13, 1959. 285/91 (Pacific Ocean, Hawaii)—ENGWO] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

R. V. LEE, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 59-6149; Filed, July 27, 1959; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

Glacier National Park

By notice of proposed rule making published in the FEDERAL REGISTER on April 22, 1959 (24 F.R. 3113), interested persons were invited to submit written comments, suggestions, or objections on the proposed amendment, by the Superintendent thereof, of the Glacier National Park, Montana, special regulations. Such written comments, suggestions, or objections were required to be filed with the Superintendent of Glacier National Park, West Glacier, Montana, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following amendment, to become effective upon publication in the FEDERAL REGISTER, is adopted:

1. Paragraph (a) *Fishing; open season,* of § 20.3 *Glacier National Park,* is amended to read as follows:

(a) *Fishing; open season.* All waters within the Park are open to fishing in conformance with the State of Montana open season for high mountain streams and shall close at 10:00 p.m. on October 15, subject to the following exceptions and restrictions:

(1) Hours of fishing: 5:00 a.m. to 10:00 p.m.

(2) The open season on the Glacier National Park section of Waterton Lake shall conform to the Canadian season for this lake.

(3) All waters of the Waterton and Belly River drainages, except Waterton Lake, shall be closed to fishing after 10:00 p.m. on October 1.

(4) The open season on the Middle and North Forks of the Flathead River will conform to the Montana season for those waters, except that on the Park side the season will close October 15.

(5) Midvale and Hidden Creeks are closed to fishing at all times.

(6) Hidden Lake; Logging Creek, from the head of Logging Lake and including Grace Lake; Quartz Creek, between Lower Quartz Lake and Quartz Lake; and Kintla Creek, between Kintla Lake and Upper Kintla Lake, shall be open to fishing from July 1 to October 15, inclusive.

2. Paragraph (b) *Fishing; limit of catch and in possession*, of § 20.3 *Glacier National Park*, is amended to read as follows:

(b) *Fishing; limit of catch and in possession.* (1) The limit of catch per fisherman per day shall be 15 pounds of fish (dressed weight with heads and tails intact) and one fish, not exceeding in the aggregate 10 fish.

(2) Possession of more than one day's catch limit by any person at any time is prohibited.

3. Paragraph (c) *Fishing; bait; licenses*, of § 20.3 *Glacier National Park*, is amended to read as follows:

(c) *Fishing; bait; licenses.* (1) Fishing for merchandise or profit is prohibited.

(2) The possession or use for bait, of salmon eggs or other fish spawn, or any imitation thereof, or substance prepared therefrom, is prohibited.

(3) A fishing license is not required to fish in the waters of the Park.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C., 1952 ed., sec. 3)

Issued this 22d day of June 1959.

EDWARD A. HUMMEL,
Superintendent,
Glacier National Park.

[F.R. Doc. 59-6163; Filed, July 27, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1914]

[1966027]

[Los Angeles 0135132]

CALIFORNIA

Withdrawing Public Land for Use of Department of the Navy as Addition to Area Reserved by Public Land Order No. 293 of August 8, 1945 (Camp Pendleton)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in California is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, and also the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Navy for military purposes as an addition to those withdrawn by Public Land Order No. 293:

SAN BERNARDINO MERIDIAN

T. 9 S., R. 5 W.,
Sec. 3, lots 1, 2 and 3.

The areas described contain 80.87 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6154; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1915]

[Colorado 024419]

COLORADO

Withdrawing Public Lands Within San Isabel National Forest for Use of Forest Service as Recreation Areas and Picnic Grounds

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the San Isabel National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for recreation areas and picnic grounds:

NEW MEXICO PRINCIPAL MERIDIAN

SAN ISABEL NATIONAL FOREST

Hayden Creek Picnic Ground

T. 47 N., R. 10 E.
Sec. 11, S½SE¼SE¼, SE¼SW¼SE¼;
Sec. 12, SE¼SE¼, S½SW¼SE¼;
Sec. 13, W½NW¼, NE¼NW¼;
Sec. 14, N½NE¼NE¼.
Totaling 230 acres.

Rainbow Lake Picnic Ground

T. 46 N., R. 11 E.
Sec. 12, NW¼SW¼, W½NE¼SW¼, S½SW¼NW¼, SW¼SE¼NW¼.
Totaling 90 acres.

Brush Creek Lakes Recreation Area

T. 46 N., R. 11 E.
Sec. 25, NW¼, NW¼NE¼, NW¼SW¼, and W½NE¼SW¼;
Sec. 26, NE¼SE¼.
Totaling 300 acres.

Swift Creek Picnic Ground

T. 45 N., R. 12 E.
Sec. 14, S½SW¼, S½N½SE¼, N½S½SE¼, and S½SW¼SE¼.
Totaling 180 acres.

Cloud Lakes Recreation Area

T. 45 N., R. 12 E.
Sec. 21, NE¼SW¼, N½SE¼SW¼, NW¼SE¼, N½SW¼SE¼, W½NE¼SE¼, S½SW¼NE¼ and SW¼SE¼NE¼.
Totaling 170 acres.

Balman Reservoir Picnic Ground

T. 46 N., R 12 E.
Sec. 6, lots 6, 7, and SE¼SW¼.
Totaling 120.65 acres.

Brush Creek Picnic Ground

T. 46 N., R. 12 E.
Sec. 28, S½N½NE¼, and N½S½NE¼.
Totaling 80 acres.

South Brush Creek Picnic Ground

T. 46 N., R. 12 E.
Sec. 33, E½SE¼NE¼, and E½NE¼SE¼;
Sec. 34, W½SW¼NW¼, and W½NW¼SW¼.
Totaling 80 acres.

The areas withdrawn by this order aggregate 1,250.65 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6155; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1916]

[82223]

ALASKA

Excluding Lands From Chugach National Forest and Restoring Them for Purchase as Homesites

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described public lands in Alaska are hereby eliminated from the Chugach National Forest, and the boundaries of said forest are adjusted accordingly:

United States Survey No. 3531, lot 6, 1.74 acres latitude 60°29'30" N., longitude 149°47' W. (Homesite No. 171).

United States Survey No. 2525, lot 14, 4.32 acres; latitude 60°30'05" N., longitude 149°47' W. (Homesite No. 126).

United States Survey No. 2757, lot 4, 5.8 acres; latitude 60°55'26" N., longitude 149°39' 20" W. (Homesite No. 178).

The lands are hereby opened, pursuant to section 10 of the act of May 14, 1898 (30 Stat. 409) as amended by the act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461), to application by holders of permits issued by the Department of Agriculture, who own valuable improvements thereon and whose permits will be terminated by reason of this elimination. The lands will not be subject to any other form of appropriation under the public land laws unless a further order is issued by an appropriate officer of the Bureau of Land Management opening the lands to such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6156; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1917]

[Fairbanks 012895]

ALASKA

Withdrawing Public Lands for Use of Department of the Army Additional to Those Withdrawn by Public Land Order No. 1345 of August 16, 1956

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Army for military purposes as an addition to those withdrawn by Public Land Order No. 1345 of October 16, 1956 as amended by Public Land Order No. 1523:

FAIRBANKS MERIDIAN

T. 28., R. 3 E.,
Sec. 7, E½NW¼SE¼SW¼, NE¼SW¼SE¼SW¼, E½NW¼SE¼SE¼, and NE¼SW¼SE¼SE¼.

The areas described contain 15 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6157; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1918]

[Oregon 06373]

OREGON

Withdrawing Lands Within Rogue River National Forest for Use of Forest Service as Recreation Area

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Rogue River National Forest, Oregon, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as a recreation area:

WILLAMETTE MERIDIAN

Steve Fork Recreation Area

T. 40 S., R. 5 W.,
Sec. 34, E½NE¼NE¼, SW¼NE¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼NW¼, E½SW¼NW¼, SW¼SW¼NW¼, N½NW¼SW¼, and NW¼NE¼SW¼.

The area described contains 190 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6158; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1919]

[Montana 030862]

SOUTH DAKOTA

Partially Revoking Executive Order of January 1, 1908, Which Withdrew Certain Lands for Use of Forest Service as Administrative Site

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of January 1, 1908, which withdrew certain lands within the Black Hills National Forest for use of the Forest Service, Department of Agriculture, is hereby revoked so far as it affects the following-described lands:

BLACK HILLS MERIDIAN

Bald Hills Administrative Site

T. 1 N., R. 5 E.,
Sec. 13, SW¼NW¼;
Sec. 14, SE¼NE¼.

The areas described aggregate 80 acres.

2. The lands are within the Black Hills National Forest and shall be open subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a.m. on August 27, 1959.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6159; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1920]

[58916]

NEVADA

Partially Revoking Public Land Order No. 712 of April 16, 1951 (Nellis Air Force Range)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 712 of April 16, 1951, which withdrew lands in Nevada for use of the Department of the Air Force in connection with a bombing and gunnery range, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 6 S., R. 48 E., Unsurveyed,
Secs. 1, 11, 12, 13, 14, 23, 24, and 25.

The areas described aggregate 5, 120 acres.

2. The lands are located in the southwest portion of Nye County, Nevada, about 20 miles southeast of Goldfield, at an elevation of approximately 4,000 feet above sea level. Topography is generally flat varying to alluvial slopes on the northeast. Soils are inferior. Vegetation consists of the sagebrush type with some Indian rice grass.

3. This order shall not become effective to change the status of the lands described until 10:00 a.m. on August 27, 1959. At that time, they shall be open to filing of such applications, petitions, locations, and selections under the applicable nonmineral public land laws as are permitted on unsurveyed lands, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period under the Small Tract Laws for veterans and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended.

4. The lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on November 26, 1959.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6160; Filed, July 27, 1959; 8:46 a.m.]

[Public Land Order 1921]

[Idaho 04712]

IDAHO

Revoking Public Land Order No. 1017 of October 4, 1954, as Amended (Craters of the Moon Air Force Range)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1017 of October 4, 1954, as amended on December 16, 1954 (F.R. Doc. 54–10089), and as further amended by Public Land Order No. 1199 of August 2, 1955, which withdrew the following-described public lands in Idaho for use of the Department of the Air Force in connection with the Craters of the Moon Air-to-Air Gunnery Range, now the Craters of the Moon Air Force Range, is hereby revoked:

BOISE MERIDIAN

T. 1 S., R. 24 E.,
Secs. 1 to 14, incl.;
Sec. 15;
Secs. 17 to 21, incl.;
Sec. 22;
Sec. 23, S½;
Secs. 24 to 35, incl.
T. 2 S., R. 24 E.,
Sec. 1;
Sec. 3;
Sec. 4, E½, and SE¼SW¼;
Sec. 5;
Secs. 6 to 15, Incl.;
Sec. 17, N½ and SE¼;
Sec. 18, N½, SW¼, and W½SE¼;
Secs. 19 to 35, Incl.
T. 3 S., R. 24 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 4 S., R. 24 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 5 S., R. 24 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 6 S., R. 24 E.,
Secs. 1 to 15, Incl.;
Secs. 17, 18, 24 and 25.
T. 1 S., R. 25 E.,
Secs. 6 to 8, Incl.;
Secs. 17 and 18;
Sec. 19, lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, NE¼, and E½SE¼;
Sec. 20;
Sec. 21, S½;
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, S½;
Secs. 25 to 29, Incl.;
Sec. 30, lots 2, 3, 4, 5, 9, E½NE¼;
Sec. 31, lots 1 through 6;
Secs. 32 to 35, Incl.
T. 2 S., R. 25 E.,
Secs. 1 to 4, Incl.;
Sec. 5, lots 1, 2, 3, S½NE¼, SE¼, and SE¼SW¼;
T. 2 S., R. 25 E.,
Sec. 6, lots 2 to 14, Incl., SW¼NE¼, and W½SE¼;
Sec. 7, lots 1 to 12 Incl., SE¼, N½NE¼, and SW¼NE¼;
Sec. 8, S½, NE¼, and E½NW¼;
Secs. 9 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 3 S., R. 25 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 4 S., R. 25 E., Unsurveyed.
T. 5 S., R. 25 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 6 S., R. 25 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 7 S., R. 25 E.,
Secs. 1, 2, 3, 4, 10, 11, and 12.
T. 1 S., R. 26 E., Unsurveyed.
T. 2 S., R. 26 E., Unsurveyed.
T. 3 S., R. 26 E.,
Secs. 1, 12, and 13;
Secs. 2 and 3, Unsurveyed;
Secs. 10 and 11, Unsurveyed;
Secs. 14 and 15, Unsurveyed;
Secs. 22 to 27, Incl., Unsurveyed;
Secs. 34 to 36, Incl., Unsurveyed.
T. 4 S., R. 26 E., Unsurveyed.
T. 5 S., R. 26 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, Incl.;
Secs. 22 to 27, Incl.;
Secs. 34 and 35.
T. 6 S., R. 26 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, Incl.;
Secs. 22 to 27, Incl.;
Secs. 34 and 35.
T. 7 S., R. 26 E.,
Secs. 1 to 12, Incl.
T. 1 S., R. 27 E.,
Secs. 1 to 4, Incl.;
Secs. 5 to 8, Incl., Unsurveyed;
Secs. 9 to 12, Incl.;
Sec. 13, N½, SW¼, N½SE¼, and SE¼SE¼;
Secs. 14 and 15;
Secs. 17 to 20, Incl., Unsurveyed;
Secs. 21 and 22;
Sec. 23, NW¼, N½SW¼, N½NE¼, and SW¼NE¼;
Sec. 24, NW¼NW¼, NE¼NE¼, S½SW¼, and SE¼;
Secs. 25 to 28, Incl.;
Secs. 29 to 33, Incl., Unsurveyed;
Secs. 34 and 35.
T. 2 S., R. 27 E.,
Secs. 1, 2, 3, 11, 12, 13, 14, 23, 24, 25, 26, 35;
Secs. 4 to 10, Incl., 15 to 22, Incl., 27 to 34, Incl., Unsurveyed.
T. 3 S., R. 27 E.,
Secs. 1 to 3, Incl.;
Secs. 4 to 9, Incl., Unsurveyed;
Secs. 10 to 15, Incl.;
Secs. 17 and 18, Unsurveyed;
Secs. 19 to 35, Incl.
T. 4 S., R. 27 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 5 S., R. 27 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 6 S., R. 27 E.,
Secs. 1 to 15, Incl.;
Secs. 17 to 35, Incl.
T. 7 S., R. 27 E.,
Secs. 1 to 12, Incl.

The areas described aggregate approximately 457,184 acres.

2. The lands are located from 25 to 50 miles southwest of Arco, Idaho, at an elevation of about 5,000 feet. The area is typical of the broad, open area of the Snake River Plains. Topography is undulating and broken, consisting mainly of solid lava rock outflows with pockets of silt loam soil varying in size and shape. Vegetation consists of sagebrush, rabbitbrush, bunchgrass, cheatgrass, and some scattered juniper trees.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 27, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on November 26, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands will be open to applications and offers under the mineral leasing laws, and to locations under the United States mining laws beginning at 10:00 a.m. on November 26, 1959.

5. No application for the lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. The State of Idaho has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

8. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[FR. Doc. 59-6161; Filed, July 27, 1959; 8:47 a.m.]

[Public Land Order 1922]

[Idaho 010002]

IDAHO

Opening Lands Subject to Section 24 of the Federal Power Act (Project No. 2055)

1. In DA-520—Idaho, issued November 21, 1958, the Federal Power Commission determined that the value of the following-described lands reserved in Project No. 2055, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of 1920, as amended, and subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

BOISE MERIDIAN

T. 6 S., R. 7 E.,
Sec. 2, lot 4.

The area described contains 54.46 acres.

2. The lands are located about 6½ miles west of Hammett, Idaho, on the south bank of the Snake River. Topography is generally undulating with a hummocky surface caused by erosive wind action. Soils are fine sands underlain by clays, and are highly alkaline in character. The vegetation consists almost entirely of greasewood, with an understory of salt grass.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 1 of this order are hereby opened to location, entry, and selection under the public land laws, subject to Section 24 of the Federal Power Act, and the condition specified in said paragraph 1, and subject to existing valid rights and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 27, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 26, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The State of Idaho has waived the preference right of application granted to it by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

6. Until 10:00 a.m. on October 22, 1959, the lands shall be subject to application by the State of Idaho for the reservation to it or any of its political subdivisions of any of the lands required as a right-of-way for public highways, or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act, supra.

7. The lands have been open to applications and offers under the mineral leasing laws. They have been open to locations under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621), since May 20, 1957, the date of the Federal Power Commission order revising the Project boundaries.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

[F.R. Doc. 59-6162; Filed, July 27, 1959; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte 203]

PART 91—LOCOMOTIVE INSPECTION

Subpart C—Other Than Steam Locomotives and Appurtenances

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 16th day of July A.D. 1959.

APPROVAL OF FORM FOR REPORTING OF INSPECTIONS

It appearing, that pursuant to the provisions of section 4 of the Administrative Procedure Act, a notice was issued on February 28, 1957 (22 F.R. 1869) of an investigation into the reasonableness and lawfulness of Rule 203 of the Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam, following which an order was entered on June 2, 1959, amending 49 CFR Part 91, Subpart C, by substituting for § 91.203 a new section, which, among other things, provides that a report of the inspections required by said § 91.203 shall be made on an approved form;

It further appearing, that pursuant thereto, a form meeting the requirements of said § 91.203 has been prepared and is submitted herewith for approval;

And it further appearing, that because of the minor changes proposed in said form and because the pamphlet publishing all of the Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam, as amended, is ready for reprinting, rule-making procedure under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003(a), is unnecessary and impracticable, and that good cause exists for making this order effective upon less than 30 days notice pursuant to section 4(c) of the Administrative Procedure Act, 5 U.S.C. 1003(c);

It is ordered, That 49 CFR Part 91, Subpart C, be, and the same is hereby amended by substituting for that portion of § 91.203 designated as Form 2–A therein, the following:

ICC Form No. 2–A

Locomotive No. _____
Unit No. _____
Initials _____
_____ Railroad.

LOCOMOTIVE INSPECTION REPORT

INSTRUCTIONS: Each locomotive unit shall be inspected in accordance with Rule 203 of the Laws, Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam.

Inspected at _____ time _____ m.
Date _____ 19 __
Repairs needed:
_____
_____
_____
_____
_____
_____
Main reservoir pressure _____ lbs.
Brake pipe pressure _____ lbs.
Condition of brakes and brake rigging _____
_____
Signature of employee making inspection _____
Occupation _____

The above work has been performed, except as noted, and the report is approved.

_____
(Signature)
_____
(Occupation)

(Sec. 5, 36 Stat. 914, as amended; 45 U.S.C. 28. Interpret or apply Sec. 2, 36 Stat. 913, as amended; 45 U.S.C. 23)

Notice of this order shall be given to the general public by depositing a copy

thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6167; Filed, July 27, 1959; 8:47 a.m.]

[No. 32258]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

Tank Cars Without Underframes

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 16th day of July A.D. 1959.

It appearing that the Union Tank Car Company filed a petition on August 19, 1957, as amended on April 16, 1959, for modification of the United States Safety-Appliance Standards by the addition thereto of a fourth tank car description for a car designated as a tank car without an underframe;

It further appearing that notice of proposed rule making and hearing was issued in the above-entitled proceeding on May 29, 1958 (23 F.R. 3738) pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003);

It further appearing that hearing on the matter and things has been held and oral argument has been had;

And it further appearing that the Division has, on the date hereof, made and filed its report in this proceeding containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That 49 CFR Part 131, be, and the same is hereby, amended by adding thereto a new § 131.21 *Tank cars without underframes*, reading as follows:

§ 131.21 Tank cars without underframes.

(a) *Hand brakes*—(1) *Number.* Same as specified for "Box and other house cars" (see § 131.1(a)(1)).

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 131.1(a)(2)).

(3) *Location.* Each hand brake shall be so located that it can be safely operated while car is in motion. The brake shaft shall be located on end of car to the left of center.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 131.1(a)(4)).

(b) *End platforms*—(1) *Number.* Two.

(2) *Dimensions.* Minimum width, ten inches. Minimum thickness, one and three-quarters inches.

(3) *Location.* One on each end extending across car a distance equal to or greater than any other portion of car. Outside edge of end platform shall extend not less than seven inches beyond bulge of tank head and safety railing.

(4) *Manner of application.* End platforms shall be securely fastened to the draft sills and be sufficiently rigid to prevent sagging.

(c) *Sill steps.* Same as specified for "Box and other house cars" (see § 131.1(d)).

(d) *End platform safety railing*—(1) *Number.* Two.

(2) *Dimensions.* Minimum of seven-eighths inch diameter, wrought iron or steel, or one and one-quarter inch pipe. Minimum clearance, two and one-half inches.

(3) *Location.* One safety railing at each end of car shall extend horizontally across car not less than thirty-six inches nor more than fifty-four inches above end platform and extend downward within three inches of the end of the platform. The safety railing shall be located not more than six inches from the inside edge of the platform.

(4) *Manner of application.* Safety railings shall be supported at center of car and at each end by extending downward at the ends and attaching to the platform.

(e) *Side railing*—(1) *Number.* Two.

(2) *Dimensions.* One and one-quarter inch pipe. Minimum clearance two and one-half inches.

(3) *Location.* One on each side of car extending from end platform to side ladder and from side ladder to end platform at opposite end of car at a distance of not less than fifty-one inches from center line of car.

(4) *Manner of application.* Safety railings shall be securely attached to end platforms and supported from the car at intervals not exceeding ten feet.

(f) *Side handholds*—(1) *Number.* Four.

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 131.1(h)(2)).

(3) *Location.* Four horizontal; one on face of end platform end, over sill step, projecting downward or outward. Clearance of outer end of handhold shall be not more than twelve inches from end of car. Vertical portion of end platform safety railing shall be considered as a side vertical handhold.

(4) *Manner of application.* Same as prescribed for "Box and other house cars" (see § 131.1(h)(4)).

(g) *End handholds*—(1) *Number.* Four.

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 131.1(i)(2)).

(3) *Location.* Horizontal, one near each side of each end of car on face of end sill. Clearance of outer end of handhold shall not be more than sixteen inches from side of car.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 131.1(i)(4)).

(h) *Uncoupling levers.* Same as specified for "Box and other house cars" (see § 131.1(k)).

(i) *End ladder clearance.* No part of car above end sills within thirty inches from side of car, except buffer block, brake shaft, brake-shaft brackets, brake wheel, running boards or uncoupling lever shall extend to within twelve inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the buffer block or end sill, and no other part of end of car or fixtures on same, above end sills, other than exceptions herein noted, shall extend beyond the outer face of the buffer block.

(j) *Operating platform, ladder and safety railing*—(1) *Number.* One operating platform, two ladders and safety railing.

(2) *Dimensions.* (i) Ladder: Ladder stiles, three-eighths by two inches or equivalent, wrought iron or steel. One and one-quarter inch extra strong pipe will be considered equivalent.

(ii) Ladder treads, minimum diameter, five-eighths of an inch, wrought iron or steel.

(iii) Minimum clear length of treads, fourteen inches.

(iv) Maximum spacing of treads, nineteen inches.

(v) Minimum clearance of treads and ladder stiles, two inches, preferably two and one-half inches.

(vi) Operating platform, minimum width, seven inches; minimum thickness, one and three-quarters inches.

(vii) Safety railing, one and one-quarter inch wrought iron or steel pipe.

(3) *Location.* (i) Operating platform to be of sufficient length to provide access to all operating fittings. Ladder to be located on sides of car at center.

(ii) The safety railing shall enclose the operating platform, manway and fittings used in the loading and unloading of the tank. Railing shall be open only at the ladders where it shall extend in a vertical direction down to, and be securely attached to the platform. Maximum width of opening, twenty-four inches.

(4) *Manner of application.* (i) The ladders shall be securely fastened to the operating platform. The lower portion of ladder shall be braced in such a manner as to prevent any movement.

(ii) The operating platforms shall be supported to prevent sagging and be securely attached to the tank.

(iii) The safety railing shall be securely attached to four stanchions or corner posts, which shall be securely attached to the tank or operating platform.

(k) *Manner of application of safety appliances on tank cars covered with jackets.* On tanks covered with jackets, metal pads shall be securely attached to the shell proper, to which brackets shall be fastened for securing the safety appliances attached to the tanks; or, the safety appliances (with the exception of the operating platform brackets) may be secured to the jackets reinforced with metal pads at the point of attachment, which pads shall extend at least two inches from the center line of rivet holes. The operating platform brackets shall be secured to the jacket reinforced with suitable bands. When the safety appliances are attached to the jacket covering of the tank, the jacket shall be tightened so that there will be no danger of its slipping around.

(Sec. 25, 41 Stat. 498, as amended; 49 U.S.C. 26. Secs. 2, 3, 36 Stat. 298; 45 U.S.C. 11, 12. Interpret or apply secs. 4, 6, 27 Stat. 531, 532; 45 U.S.C. 4, 6. Sec. 1, 32 Stat. 943; 45 U.S.C. 8. Sec. 4, 36 Stat. 299, as amended; 45 U.S.C. 13)

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6166; Filed, July 27, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1959–60 Crop Year

Notice is hereby given that there is under consideration a proposed rule to establish a salable percentage of 68 percent and a surplus percentage of 32 percent for California almonds during the 1959–60 crop year which began on July 1, 1959. The proposed rule, which is based upon the recommendation of the Almond Control Board and other available information, would be established in accordance with the applicable provisions of Marketing Agreement No. 119 and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates (in terms of kernel weight) for the crop year beginning July 1, 1959: (1) Production of 72 million pounds; (2) trade demand for domestic almonds of 45 million pounds (based on a total trade demand of 48 million pounds less 3 million pounds of imported almonds); (3) a handler carryover of 6 million pounds on July 1, 1959; (4) provision for a handler carryover of 10 million pounds on June 30, 1960; (5) total trade demand and carryover requirements for 1959 crop of 49 million pounds; and (6) a surplus supply of 23 million pounds.

The proposed rule is as follows:

§ 909.209 Salable and surplus percentages for almonds during the crop year beginning July 1, 1959.

The salable and surplus percentages during the crop year beginning July 1, 1959, applicable to the total kernel weight of almonds received by handlers for their own accounts, shall be 68 percent and 32 percent, respectively.

Dated: July 22, 1959.

S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 59-6196; Filed, July 27, 1959; 8:52 a.m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO; AREA NO. 3

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.230 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and part, during the fiscal period ending May 31, 1960, will amount to $3,125.00.

(b) The rate of assessment for Area No. 3 to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 23, 1959.

S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 59-6195; Filed, July 27, 1959; 8:52 a.m.]

[7 CFR Part 964]

DRIED FIGS PRODUCED IN CALIFORNIA

Approval of Expenses of Dried Fig Administrative Committee for 1959–60 Crop Year and Rate of Assessment

Notice is hereby given that there are under consideration proposed expenses and a rate of assessment for the 1959–60 crop year, as hereinafter set forth, unanimously recommended by the Dried Fig Administrative Committee, established under Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR Part 964), regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining to the proposals which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the seventh day after publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 964.304 Expenses of the Dried Fig Administrative Committee and rate of assessment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $26,700 are reasonable and likely to be incurred by the Dried Fig Administrative Committee during the crop year beginning August 1, 1959, and ending July 31, 1960, for its maintenance and functioning.

(b) *Rate of assessment.* Each handler shall pay to the Dried Fig Administrative Committee, in accordance with the provisions of Marketing Agreement No. 123, as amended, and this part, as such handler's pro rata share of the aforesaid expenses, an assessment of $1.50 for each ton of salable tonnage dried figs handled by him as the first handler thereof during the crop year beginning August 1, 1959, and ending July 31, 1960; and such rate of assessment is hereby fixed for such crop year.

(c) *Salable tonnage dried figs.* The term "salable tonnage dried figs", as used in paragraph (b) of this section means and includes all natural condition dried figs acquired by a handler during the crop year beginning August 1, 1959, pursuant to the applicable provisions of the aforesaid marketing agreement, as amended, and part.

Dated: July 23, 1959.

S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 59-6181; Filed, July 27, 1959; 8:49 a.m.]

[7 CFR Part 973]

[Docket No. AO–178–A–10]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amneded (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minnesota, on July 15, 1959, pursuant to notice thereof issued on July 8, 1959 (24 F.R. 5614).

The material issues on the record of the hearing related to:

1. Modifying the requirements that a country plant must meet to qualify as a pool plant during certain months.

2. The need for immediate action by the Secretary on issue No. 1.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. A plant from which 50 percent of its receipts of Grade A milk is shipped to distributing plants that are pool plants during each of the months of August, September, and October 1959 should be designated a pool plant for the months of November 1959 through June 1960. The order now provides that a plant may obtain automatic pool plant status for the following November through June period by shipping 50 percent of its Grade A receipts to distributing plants that are pool plants during each of the months of July through October.

During any month for which it has not otherwise attained pool plant status a plant may qualify as a pool plant by shipping 50 percent of its Grade A receipts during the month to a distributing plant that is a pool plant. A suspension order issued by the Acting Secretary on June 29, 1959 (24 F.R. 5414) made this provision inoperative for the month of July 1959. The suspension action had been requested by associations representing more than two-thirds of the producers supplying the market when it become apparent that some supply plants regularly associated with the market as pool plants would be unable to qualify as pool plants during July 1959 on the basis of the requirement of shipping 50 percent of their receipts to pool plants. This situation was brought about because under prevailing marketing conditions it would have been impracticable, uneconomic, and contrary to the best interests of the market for all supply plants regularly associated with the market as pool plants to ship 50 percent of their Grade A receipts to the market during July 1959.

A number of supply plants in the market obtain automatic pool plant status for the months of November through June on the basis of having shipped 50 percent of their Grade A receipts to distributing plants that are pool plants during the preceding months of July through October. Because of the suspension order effective during July 1959 (whereby a supply plant has not been required to ship above any specified percentage of its receipts to the market to be a pool plant for the month) some supply plants regularly associated with the market as pool plants will not have shipped 50 percent of their Grade A receipts during July to distributing plants that are pool plants. Because of this, it would be inappropriate to include July as one of the months during this year that a plant must ship 50 percent of its receipts to distributing plants that are pool plants in order to obtain automatic pool plant status for the months of November 1959 through June 1960. The intent of the order provision whereby a supply plant may obtain pool plant status in other months on the basis of shipments to the market during the months of seasonally low production would best be accomplished for the current marketing year by providing that August through October replace July through October as the months in 1959 during which a plant must ship at least 50 percent of its receipts to distributing plants that are pool plants to obtain automatic pool plant status for the following November through June.

2. The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond August 1, 1959, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

Proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties in the market within the time allowed therefor.

General findings. (a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Minneapolis-St. Paul Marketing Area" and "Order amending the order, regulating the handling of milk in the Minneapolis-St. Paul Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Minneapolis-St. Paul marketing area, is approved or favored by producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 22d day of July 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul Marketing Area

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order [and of the previously issued amendments thereto;] and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified, in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Delete the second proviso in § 973.9 (b)(1) and substitute therefor the following: "*And provided further*, That if during each of the months of August through October 1959, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through June 1960;"

[F.R. Doc. 59–6182; Filed, July 27, 1959; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 201]

GENERAL REGULATIONS

Regular Dealer in Cotton Linters Under Walsh-Healey Public Contracts Act

James V. Bennett, Commissioner, Federal Prison Industries, Inc., a corporation all of the stock of which is beneficially owned by the United States has formally requested an exemption under the authority of section 6 from the provisions of section 1 of the Walsh-Healey Public Contracts Act requiring that contractors for the sale of cotton linters to Federal Prison Industries, Inc., be manufacturers of or regular dealers in such product. The request of the Commissioner is in accord with the provisions of general regulations under the Walsh-Healey Public Contracts Act, Part 201, § 201.101 (Title 41, Chapter II, Code of Federal Regulations), specifically providing for requests for exemptions from the manufacturer or regular dealer requirement.

The Commissioner has submitted his findings that the normal method of dealers in cotton linters in doing business excludes them from status as regular dealers in cotton linters within the meaning of the Act and the aforesaid regulations, and that as a result Federal Prison Industries, Inc., which is the sole government purchaser of cotton linters, finds it virtually impossible to purchase such goods, thus seriously impeding the conduct of government business.

After considering the general method of operation of dealers in cotton linters, I find and conclude that their practices are similar to those followed by regular dealers in raw cotton and that they do not stock or store cotton linters as required by the regular dealer regulation because of the large bulk of linters in relation to their value. Instead, these dealers provide for direct delivery to their customers from the producers of such cotton linters. For this reason they do not come within the definition of regular dealer as presently defined in § 201.101(b). I find it necessary, therefore, in order to carry out the objectives of the Act as well as to provide accommodation to the special situation with respect to dealers in cotton linters, to provide a definition of regular dealer in cotton linters as will accord to the facts and business practices rather than to grant an exemption from all of the terms and requirements of the Act.

Accordingly, pursuant to section 4 and section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2038 and 2040, as amended; 41 U.S.C. 38, 40) and in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), I propose to amend § 201.101(b) of Part 201 of Title 41 of the Code of Federal Regulations by adding a new paragraph (b)(9) to § 201.101, to read as follows:

(9) A regular dealer in raw or unmanufactured cotton linters may be a person who owns, operates, or maintains a store, warehouse, or other place of business in which materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

Prior to any final action on this proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Secretary of Labor, United States Department of Labor, Washington 25, D.C., within fifteen days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 21st day of July 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59–6168; Filed, July 27, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600, 601]

[Airspace Docket No. 59–WA–19]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Compulsory Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 96 presently extends from Lake Charles, Louisiana, to Baton Rouge, Louisiana. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows zero aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Texas. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional

Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Red Federal airway No. 96, its associated control areas and compulsory reporting points, by amending Parts 600 and 601 (14 CFR 1958 SUPP., 600, 601) as follows:

1. Section 600.296 *Red Federal airway No. 96 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

2. Section 601.296 *Red Federal airway No. 96 control areas (Lake Charles, La., to Baton Rouge, La.)* is revoked.

3. Section 601.4296 *Red Federal airway No. 96 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

Issued in Washington, D.C., on July 22, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6151; Filed, July 27, 1959; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59–KC–14]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6072 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 72 presently extends from Fayetteville, Ark., to Albany, N.Y. The distance between the Fayetteville, Ark., VOR and the Maples, Mo., VOR segment of this airway is approximately 155 miles, which is considerably in excess of the normally desired 90 mile maximum spacing between VOR's. The modification of the airway over an intermediate VOR to be installed at latitude 37°01'23", longitude 92°51'37" would increase the signal strength and useability of the airway at low altitudes. The airway segment would, if this action were taken, be designated from Fayetteville, Ark., via a new VOR at Dogwood, Mo., to Maples, Mo., VOR. The control areas associated with VOR Federal airway No. 72 are so designated so that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6072 (24 F.R. 3226) as follows:

Section 600.6072 VOR Federal airway No. 72 (*Fayetteville, Ark., to Albany, N.Y.*). Delete "From the Fayetteville, Ark., VOR; via the Maples, Mo., VOR;" and substitute therefor, "From the Fayetteville, Ark., VOR; via the Dogwood, Mo., VOR; Maples, Mo., VOR;".

Issued in Washington, D.C., on July 22, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6150; Filed, July 27, 1959; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Diuron

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours & Co., Wilmington 98, Delaware, proposing the establishment of tolerances for residues of diuron (3-(3,4-dichlorophenyl)-1,1-dimethylurea) in or on raw agricultural commodities, as follows:

2 parts per million in or on wheat hay, forage, or straw.
1 part per million in or on wheat grain.

The analytical method proposed in the petition for determining residues of diuron is the method published in the FEDERAL REGISTER of July 8, 1955 (20 F.R. 4871), except that the chromatographic purification technique of Bleidner (Journal of Agricultural and Food Chemistry, Volume II, pp. 682–684 (1954)) is employed.

Dated: July 21, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59–6185; Filed, July 27, 1959; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

DEFINITION OF BENEFICIAL OWNERSHIP

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule under the Investment Company Act of 1940 which would except small business investment companies from the registration and other requirements of the Act if certain conditions are met.

Section 3(c)(1) of the Act excepts from its operation any issuer which is not making and does not propose to make a public offering of its securities and whose outstanding securities are beneficially owned by not more than one hundred persons and further provides that beneficial ownership by a company shall be deemed beneficial ownership by one person, with the exception that if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership of the issuer shall be deemed to be that of the holders of such company's outstanding securities.

The proposed rule would provide that for the purpose of section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per centum or more of the outstanding voting securities of a small business investment company licensed or proposed to be licensed under the Small Business Investment Act of 1958 shall be deemed to be beneficial ownership by one person notwithstanding that such company owning such securities has more than one stockholder, if the value of all securities of small business investment companies owned by such company does not exceed 5 percent of the value of its total assets.

The proposed rule will, in the Commission's view, tend to effectuate the purposes and objectives of the Small Business Investment Act without adversely affecting the public investor interest or achievement of the statutory purposes of the Investment Company Act of 1940. The Commission, therefore, pursuant to the provisions of sections 6(c) and 38(a) of the Investment Company Act of 1940; is considering adoption of the rule set forth below.

The text of the Commission's proposed rule is as follows:

§ 270.3c–2 Definition of beneficial ownership.

For the purpose of section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per centum or more of the outstanding voting securities of any issuer which is a small business investment company licensed to operate under the Small Business Investment Act of 1958, or which has received from the Small Business Administration notice to proceed to qualify for a license, which notice or license has not been revoked, shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of small business investment companies owned by such company does not exceed 5 percent of the value of its total assets.

All interested persons are invited to submit views and comments on the proposed rule. Written statements of views and comments and any requests for oral argument in respect of the proposed rule should be submitted to the Securities and Exchange Commission, Washington 25, D.C., on or before August 21, 1959. Unless the person submitting any statement requests that his views not be made part of the Commission's public files, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 21, 1959.

[F.R. Doc. 59–6169; Filed, July 27, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 59–30]

APPROVAL AND TERMINATION OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS; CHANGE IN NAME OF MANUFACTURER

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), and R.S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3(c) of the act of August 9, 1954 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I: *It is ordered,* That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

d. The change in name of manufacturer shall be made as indicated in Part III of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, CORK, ADULT AND CHILD (JACKET TYPE), MODELS 32 AND 36

Approval No. 160.003/1/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.003/2/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.003/3/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.003/4/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.003/5/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

Approval No. 160.003/6/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass. (Extension of the approval published in the FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

LIFE PRESERVERS, BALSA WOOD, ADULT AND CHILD (JACKET TYPE), MODELS 42 AND 46

Approval No. 160.004/1/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.004/2/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954; effective May 12, 1959.)

Approval No. 160.004/3/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif. (Ex-

tension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

Approval No. 160.004/4/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

LIFE PRESERVERS: REPAIRING AND CLEANING

Approval No. 160.006/17/0, Castle cleaning process for kapok life preservers, specifications dated May 4, 1949, submitted by Castle Carpet Cleaning Corp., 36–21 33d Street, Long Island City, N.Y. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 23, 1959.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/32/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 23, 1959.)

BUOYANT APPARATUS

Approval No. 160.010/51/0, 3.75′ x 3.0′ x 0.83′ Type BP–12 buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 12-person capacity, dwg. No. BP–200–3, Rev. A dated February 27, 1959, material specification BP–201 dated October 10, 1958, and fabrication procedure BP–202 dated October 11, 1958, manufactured by Mariner Laminates, Inc., 501 Atlantic Avenue, Freeport, N.Y.

Approval No. 160.010/52/0, 4.75′ x 3.0′ x 0.83′ Type BP–15 buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 15-person capacity, dwg. No. BP–200–3, Rev. A dated February 27, 1959, material specification BP–201 dated October 10, 1958, and fabrication procedure BP–202 dated October 11, 1958, manufactured by Mariner Laminates, Inc., 501 Atlantic Avenue, Freeport, N.Y.

Approval No. 160.010/55/0, 4.0′ x 3.0′ x 0.38′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 6-person capacity, dwg. No. BA–2 dated April 20, 1959, and specification BA No. 1, Rev. 4 dated April 20, 1959, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco 5, Calif.

WINCHES, LIFEBOAT

Approval No. 160.015/66/0, Type B135–M–N lifeboat winch with quick return mechanism, approval is limited to mechanical components only and for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. No. 2105–11 dated November 19, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/9/0, Type B sea anchor, U.S.C.G., dwg. No. MMI–562 and specifications dated November 1, 1943, rev. August 24, 1944, manufactured by McIlwaine Canvas Co., 247 West Sixth Street, San Pedro, Calif. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective April 30, 1959.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE

Approval No. 160.022/2/1, Model OS–5 floating orange smoke distress signal, dwg. Nos. 7 and 8, both dated February 6, 1954, and specification OS–5 dated February 6, 1954, manufactured by Superior Signal Co., 6 Colfax Street, South River, N.J. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

Approval No. 160.022/5/0, Kilgore Model K–5 floating orange smoke distress signal, assembly dwg. No. GXC–323, Rev. 2 dated December 18, 1953, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/27/2, container for emergency drinking water, Globe Equipment Corp. dwg. No. 1313 dated November 1, 1956, revised May 6, 1959, packed by Ash Jon Corp., 257 Water Street, Brooklyn 1, N.Y., for Globe Equipment Corp., 257 Water Street, Brooklyn 1, N.Y. (Supersedes Approval No. 160.026/27/1 published in FEDERAL REGISTER January 22, 1958.)

LIFE FLOATS

Approval No. 160.027/54/0, 9.75′ x 6.25′ (10½″ x 10½″ body section) rectangular aluminum life float with unicellular plastic foam core, 25-person capacity, dwg. No. 60092, Rev. A dated May 18, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

DAVITS

Approval No. 160.032/43/2, Gravity davit, Type G–65–S (formerly Type 30–V), approved for a maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. 3379–3, Alt. 2 dated April 29, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.032/43/1 published in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.032/55/1, Mechanical davit, crescent sheath screw, Type C–53, approved for maximum working load of 10,500 pounds per set (5,250 pounds per arm) using not less than 2-part falls, identified by general arrangement dwg. No. 1974–1 dated September 1, 1948, and revised February 19, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.032/96/1, Mechanical davit, straight boom sheath screw, Type B–20, approved for maximum working load of 4,000 pounds per set (2,000 pounds per arm), using four-, five-, or six-part falls, identified by general arrangement dwg. No. 3161–1 dated December 23, 1953, and revised February 4, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.032/147/0, Gravity davit, Type G65S–8, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm), using 2-part falls, identified by arrangement dwg. No. 3515 dated January 12, 1954, and revised March 25, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 160.032/159/0, Gravity davit, Type LO–38–S, approved for a maximum working load of 9,000 pounds per set (4,500 pounds per arm), using 2-part falls, identified by arrangement dwg. No. 3696, revision G dated April 20, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

LIFEBOATS

Approval No. 160.035/53/1, 26.0′ x 9.0′ x 3.83′ aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 3083 dated April 18, 1959, and revised May 13, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/53/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/63/2, 31.0′ x 11.25′ x 4.5′ steel, motor-propelled lifeboat without radio cabin (Class B), 83-person capacity, identified by construction and arrangement dwg. No. 2414 dated January 9, 1953, and revised April 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/63/1 published in FEDERAL REGISTER May 12, 1954.)

Approval No. 160.035/313/1, 26.0′ x 9.0′ x 3.83′ aluminum, motor-propelled lifeboat with radio cabin (Class A), 43-person capacity, identified by construction and arrangement dwg. No. 3490 dated August 6, 1953, and revised April 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/313/0 published in FEDERAL REGISTER May 12, 1954.)

Approval No. 160.035/314/1, 22.0′ x 7.5′ x 3.17′ steel, motor-propelled lifeboat without radio cabin (Class B), 29-person capacity, identified by general arrangement dwg. No. G–2229M dated August 26, 1953, and revised May 18, 1959, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Supersedes Approval No. 160.035/314/0 published in FEDERAL REGISTER June 25, 1954.)

Approval No. 160.035/317/0, 20.0′ x 6.0′ x 2.5′ aluminum, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 20–1B dated December 14, 1953, and revised April 14, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

Approval No. 160.035/381/0, 24.0′ x 8.0′ x 3.5′ fibrous glass reinforced plastic, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. P–24–1A, Rev. A dated November 28, 1958, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J.

Approval No. 160.035/396/0, 24.0′ x 8.0′ x 3.5′ fibrous glass reinforced plastic, hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. P–24–1C, Alt. B dated April 14, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J.

KITS, FIRST-AID

Approval No. 160.041/7/0, First-Aid Kit, Model No. H–24–A, assembly dwg. dated March 20, 1959, manufactured by A. E. Halperin Co., Inc., 75–87 Northampton Street, Boston 18, Mass.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/135/1, Special approval for 15″ x 15″ x 2″ rectangular buoyant cushion with heat-sealed seams, 20 oz. kapok, dwg. No. 430M dated May 14, 1959, and bill of material dated October 23, 1958, manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio (Plant: Andrews, Ind.) (Supersedes Approval No. 160.048/135/0 published in FEDERAL REGISTER December 31, 1958.)

Approval No. 160.048/150/1, Special approval for 15″ x 15″ x 2″ rectangular buoyant cushion with heat-sealed seams, 20 oz. kapok, The Hettrick Manufacturing Co. dwg. No. 430M dated May 14, 1959, and bill of material dated October 23, 1958, manufactured by The Hettrick Manufacturing Co., 1401 Summit Street, Toledo 1, Ohio, (Plant: Andrews, Ind.) for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill. (Supersedes Approval No. 160.048/150/0 published in FEDERAL REGISTER June 20, 1959.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/28/0, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c)(1), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/46/0, Type II, Model 201–SHL–15.5, adult unicellular plastic foam buoyant vest, assembly dwg. No. 58J523, Rev. D dated February 19, 1959, manufactured by Gentex Corp., Carbondale, Pa.

Approval No. 160.052/48/0, Type II, Model 202–SFL–11, child size, medium, unicellular plastic foam buoyant vest, assembly dwg. No. 58F548, Rev. B dated February 19, 1959, manufactured by Gentex Corp., Carbondale, Pa.

Approval No. 160.052/49/0, Type II, Model 203–SFL–7, child size, small, unicellular plastic foam buoyant vest, assembly dwg. No. 58F538, Rev. A dated February 19, 1959, manufactured by Gentex Corp., Carbondale, Pa.

Approval No. 160.052/64/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.052/65/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.052/66/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.052/73/0, Type II, Model 101, adult unicellular plastic foam buoyant vest, assembly dwg. No. SL 101–1 dated February 16, 1959, revised June 10, 1959, manufactured by Aqua-King Mfg. Co., P.O. Box 7451, Fort Worth, Tex.

Approval No. 160.052/74/0, Type II, Model 102, child size, medium, unicellular plastic foam buoyant vest, assembly dwg. No. SL 102–1 dated February 17, 1959, revised June 10, 1959, manufactured by Aqua-King Mfg. Co., P.O. Box 7451, Fort Worth, Tex.

Approval No. 160.052/75/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

Approval No. 160.052/76/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

Approval No. 160.052/77/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/4/1, "Coslite" automatic floating electric water light (with bracket for mounting), dwg. No. 16–59, Alt. 2 dated March 9, 1959, manufactured by Coston Supply Co., Inc., 31 Water Street, New York 4, N.Y. (Supersedes Approval No. 161.001/4/0 published in FEDERAL REGISTER June 22, 1955.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/9/2, Style HN–MS–26 carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. HV–8–MS, revised January 28, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/10/2, Style HNA–MS–27 alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. HV–10–MS, revised January 29, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/11/2, Style HNA–MS–37 alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 900° F., dwg. No. HV–11–MS, revised February 1, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/12/2, Style HNA–MS–28 alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 1000° F., dwg. No. HV–10–MS, revised Jauary 29, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/13/2, Style HNA–MS–38 alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 1000° F., dwg. No. HV–11–MS, revised February 1, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/14/2, Style HS–MS–15, carbon steel body pop safety valve, exposed spring, maximum pressure 300 p.s.i., maximum temperature 650° F., dwg. No. HV–6–MS, revised January 29, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/15/2, Style HS–MS–25 carbon steel body pop safety valve, exposed spring, maximum pressure 450 p.s.i., maximum temperature 650° F., dwg. No. HV–7–MS, revised January 29, 1954, approved for sizes 1½″, 2″, 2½″, 3″ and 4″, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval pub-

lished in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/16/2, Style HSA–MS–16 carbon steel body pop safety valve, exposed spring, maximum pressure 300 p.s.i., maximum temperature 750° F., dwg. No. HV–12–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/17/2, Style HN–MS–36 carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 750° F., dwg. No. HV–9–MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/18/2, Style HSA–MS–17 alloy steel body pop safety valve, exposed spring, maximum pressure 300 p.s.i., maximum temperature 900° F., dwg. No. HV–12–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/19/2, Style HSA–MS–27 alloy steel body pop safety valve, exposed spring, maximum pressure 450 p.s.i., maximum temperature 900° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/46/2, Style HSA–MS–26 carbon steel body pop safety valve, exposed spring, maximum pressure 450 p.s.i., maximum temperature 750° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/101/1, Style HS–MS–35 carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/102/1, Style HSA–MS–36 carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/103/1, Style HSA–MS–37 alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. HV–13–MS, revised April 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/104/1, Style HN–MS–25 carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. HV–8–MS, revised January 28, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/105/1, Style HN–MS–35 carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., dwg. No. HV–9–MS, revised February 1, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/190/1, Style HS–MS–16 carbon steel body pop safety valve, exposed spring, maximum pressure 300 p.s.i., maximum temperature 750° F., dwg. No. HV–6–MS, revised January 29, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/191/1, Style HS–MS–26 carbon steel body pop safety valve, exposed spring, maximum pressure 450 p.s.i., maximum temperature 750° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/192/1, Style HS–MS–36 carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. HV–7–MS, revised January 27, 1954, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.001/218/0, Style AC–M1 safety valve, bronze body, 300 p.s.i., maximum temperature 450° F., dwg. No. H–41473, revised May 18, 1959, approved for sizes 1½", 2" and 2½", manufactured by the Ashton Valve Co., Wrentham, Mass.

Approval No. 162.001/219/0, Style AC–M2 safety valve, bronze body, 150 p.s.i., maximum temperature 366° F., dwg. No. H–41473, revised May 18, 1959, approved for sizes 1½", 2" and 2½", manufactured by the Ashton Valve Co., Wrentham, Mass.

BOILERS, HEATING

Approval No. 162.003/151/0, Size 3624–8C, vertical fire tube hot water heating boiler, 157,000 B.t.u. per hour, dwg. No. H–198, Rev. 2 dated February 1, 1954, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.003/152/0, Size 3630–10E, vertical fire tube steam or hot water heating boiler, 236,000 B.t.u. per hour, dwg. No. H–110M–1 dated October 29, 1953, and dwg. No. H–110–9, rev. 4 dated October 30, 1953, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.003/153/0, Size 4236–12E, vertical fire tube steam or hot water heating boiler, 341,500 B.t.u. per hour, dwg. No. H–110–L–1, rev. 2 dated July 31, 1953, and dwg. No. H–110–9, rev. 4 dated October 30, 1953, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

Approval No. 162.003/154/0, Size 6042–14E, vertical fire tube steam or hot water heating boiler, 525,000 B.t.u. per hour, dwg. No. H–110–N, rev. 1 dated September 25, 1952, and dwg. No. H–110–9, rev. 4 dated October 30, 1953, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/4/1, C-O-Two Type PSH–15, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D–56872, Rev. 6 dated April 12, 1957, name plate dwg. No. D–57094, Rev. 18 dated March 23, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.005/4/1 published in FEDERAL REGISTER November 1, 1957.)

Approval No. 162.005/5/1, C-O-Two Type PSH–10, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D–57045, Rev. 5 dated January 18, 1957, name plate dwg. No. D–56916, Rev. 17 dated March 23, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.005/5/1 published in FEDERAL REGISTER November 1, 1957.)

Approval No. 162.005/13/2, C-O-Two Type PSA–5, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. C–1102, Rev. 4 dated January 18, 1957, name plate dwg. No. C–1112, Rev. 14 dated February 9, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes

Approval No. 162.005/13/2 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/53/2, Buffalo Model No. 33–2, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. C–5115 dated January 8, 1957, name plate dwg. No. C–4886, Rev. 7 dated February 9, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.005/53/2 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/54/2, Buffalo Model No. 34–2, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D–5116 dated January 8, 1957, name plate dwg. No. D–4899, Rev. 7 dated March 23, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.005/54/2 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.005/55/2, Buffalo Model No. 35–2, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. D–5116 dated January 8, 1957, name plate dwg. No. D–4882, Rev. 9 dated March 23, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.005/55/2 published in FEDERAL REGISTER March 25, 1958.)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/33/1, Buffalo Model No. 18–25 C.G. (formerly 18–27), 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–25 C.G., Rev. B dated April 19, 1957, name plate dwg. No. 4709, Rev. E dated April 21, 1959 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.006/33/1 published in FEDERAL REGISTER January 22, 1958.)

Approval No. 162.006/37/2, Fyr-Fyter Model No. 18–4 C.G. (formerly 18–12), 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–4 C.G., Rev. A dated April 21, 1959, name plate dwg. No. 3567, Rev. G dated April 21, 1959 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.006/37/1 published in FEDERAL REGISTER January 22, 1958.)

Approval No. 162.006/38/2, Buffalo Model No. 18–5 C.G. (formerly 18–14), 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–5 C.G., Rev. A dated April 21, 1959, name plate dwg. No. 4760, Rev. F dated April 21, 1959 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.006/38/1 published in FEDERAL REGISTER January 22, 1958.)

Approval No. 162.006/42/0, Pyrene Model No. PW–12 C.G., 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. PW–12 C.G., Rev. A dated April 21, 1959, name plate dwg. No. 6242, Rev. F dated April 21, 1959 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/44/1, Buffalo Model No. 17–13, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. 17–13, revised November 7, 1954, name plate dwg. No. 4707, Rev. D dated July 24, 1958 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.007/44/1 published in FEDERAL REGISTER January 18, 1955.)

Approval No. 162.007/48/1, Fyr-Fyter Model No. 17–4, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. 17–4 dated March 18, 1958, name plate dwg. No. 4772, Rev. G dated April 21, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.007/48/0 published in FEDERAL REGISTER December 8, 1954.)

Approval No. 162.007/49/1, Buffalo Model No. 17–5, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. 17–5 dated March 18, 1958, name plate dwg. No. 4761, Rev. G dated April 21, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.007/49/0 published in FEDERAL REGISTER December 8, 1954.)

Approval No. 162.007/53/0, Pyrene Model SW–12, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. SW–12 dated March 18, 1958, name plate dwg. No. 6268, Rev. D dated March 13, 1959 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Approval No. 162.010/7/1, C-O-Two Type PDC–20, 20-lb. dry chemical cartridge-operated type hand portable fire extinguisher, assembly dwg. No. D–3489, Rev. 1 dated September 1, 1954, name plate dwg. No. D–58580, Rev. 24 dated March 23, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/7/1 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 162.010/29/0, C-O-Two Type PDC–4, 4-lb. dry chemical cartridge-operated type hand portable fire extinguisher, assembly dwg. No. D–59146, Rev. 7 dated May 7, 1952, name plate dwg. No. C–59138, Rev. 21 dated March 23, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/29/0 published in FEDERAL REGISTER November 1, 1957.)

Approval No. 162.010/38/1, American La France Model PDC–5, Series 2, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1226, Rev. D dated September 24, 1958, name plate dwg. No. 33X–519, Rev. C dated April 24, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y. (Supersedes Approval No. 162.010/38/0 published in FEDERAL REGISTER August 31, 1957.)

Approval No. 162.010/67/0, American La France Model PDC–2A, 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1254, Rev. H dated August 22, 1958, name plate dwg. No. 33X–411, Rev. E dated January 30, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y. (Supersedes Approval No. 162.010/67/0 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.010/68/0, American La France Model Protexall Deluxe, 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1334 dated April 16, 1958, name plate dwg. No. 33X–551, Rev. J dated December 10, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y. (Supersedes Approval No. 162.010/68/0 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.010/86/0, Leeder Marine Model No. 2¾, 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–621–302–2, Rev. 4 dated May 6, 1959, name plate dwg. No. A–928–302–7, Rev. 1 dated May 7, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 East First Avenue, Roselle, N.J.

Approval No. 162.010/87/0, Leeder Marine Model No. 2, 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. G–621–320–2, Rev. 4 dated May 6, 1959, name plate dwg. No. A–982–302–6, Rev. 1, dated May 7, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Manufacturing Co., Inc., 615 East First Avenue, Roselle, N.J.

Approval No. 162.010/104/0, Elkhart Model 2 DC (Symbol AM), 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1360 dated March 3, 1959, name plate dwg. No. 33X–595 dated March 3, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y., for Elkhart Brass Manufacturing Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind.

Approval No. 162.010/109/0, S.O.S. Defender (Symbol GEN) Model No. 4, 4-lb. dry chemical cartridge-operated type hand portable fire extinguisher, assembly dwg. No. DC4–11910, Rev. D dated March 12, 1959, name plate dwg. No. DC4–11907 dated March 12, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road,

Northbrook, Ill., for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa.

Approval No. 162.010/110/0, S.O.S. Defender (Symbol GEN) Model No. 2½, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½-11905 dated March 12, 1958, name plate dwg. No. 11902 dated March 25, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa.

Approval No. 162.010/115/0, Safety First Dri-Power Model DP–2, 2-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DP–200 dated December 9, 1958, name plate dwg. No. DP2–25 dated April 4, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Safety First Products Corp., 175 Saw Mill River Road, Elmsford, N.Y.

VALVES, RELIEF (HOT WATER HEATING BOILERS)

Approval No. 162.013/19/0, McDonnell No. 230–1" relief valve for hot water heating boiler, relieving capacity 743,400 B.t.u. per hour, at maximum set pressure of 30 p.s.i., dwg. MA230–1" dated October 20, 1952, approved for 1" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

Approval No. 162.013/20/0, McDonnell No. 230–1½" relief valve for hot water heating boiler, relieving capacity 1,025,100 B.t.u. per hour, at maximum set pressure of 30 p.s.i., dwg. No. MA230–1½" dated August 14, 1952, approved for 1½" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/23/3, Figure ST–4000–R pressure vacuum relief valve, enclosed pattern, weight-loaded poppet, bronze body, dwg. No. ST–7500 dated February 16, 1951, approved for 6" size, manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, Calif. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

Approval No. 162.017/78/0, Figure ST–4004 pressure vacuum relief valve, enclosed pattern, weight-loaded poppet, bronze body, dwg. No. ST–8470–2, Rev. 2 dated April 5, 1954, approved for 4" size, manufactured by Shand and Jurs Co., 2600 Eighth Street, Berkeley 10, Calif. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective June 25, 1959.)

APPLIANCES, LIQUEFIED PETROLEUM GAS-CONSUMING

Approval No. 162.020/111/0, John Wood Co. Model No. M–30 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(102–29, 320–6, 712–2.1 and –3.2) dated January 1, 1958, manufactured by John Wood Company, 100 Washington Street, Conshohocken, Pa.

Approval No. 162.020/112/0, John Wood Co. Model No. D–30 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(102–29, 320–6, 712–2.1 and –3.2) dated January 1, 1958, manufactured by John Wood Company, 100 Washington Street, Conshohocken, Pa.

Approval No. 162.020/113/0, John Wood Co. Model No. MG–30 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(102–29, 320–6, 712–2.1 and –3.2) dated January 1, 1958, manufactured by John Wood Company, 100 Washington Street, Conshohocken, Pa.

Approval No. 162.020/114/0, John Wood Co. Model No. DG–30 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(102–29, 320–6, 712–2.1 and –3.2) dated January 1, 1958, manufactured by John Wood Company, 100 Washington Street, Conshohocken, Pa.

DECK COVERINGS

Approval No. 164.006/38/0, Marbleloid, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230–12:FP2687 dated February 4, 1949, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Marbleloid, Inc., 2040 88th Street, North Bergen, N.J. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

BULKHEAD PANELS

Approval No. 164.008/24/1, Kaylo, inorganic composition board type bulkhead panel with aluminum, steel, or equivalent veneer on both sides identical to that described in National Bureau of Standards Test Report No. TG10230–7:FP2635 dated July 22, 1948, approved as meeting Class B–15 requirements in a ⅞-inch thickness, exclusive of the veneer, manufactured by United States Plywood Corp., 55 West 44th Street, New York 36, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective March 25, 1959.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/18/0, "J–M 85% Magnesia", magnesia block type incombustible material indentical to that described in National Bureau of Standards letter File 10.2 dated December 6, 1948, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y. (Extension of the approval published in FEDERAL REGISTER June 25, 1954, effective May 17, 1959.)

Approval No. 164.009/31/0, LW marine acoustical unit, incombustible material in accordance with Johns-Manville Sales Corp. letter dated February 3, 1954, and dwg. No. M–1–9 dated March 11, 1954, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y. (Extension of the approval published in FEDERAL REGISTER May 12, 1954, effective May 12, 1959.)

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 52 AND 56

Termination of Approval No. 160.005/11/0, Model 52, adult fibrous glass life preserver, U.S.C.G. Specification Subpart 160.005, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 160.005/12/0, Model 56, child fibrous glass life preserver, U.S.C.G. Specification Subpart 160.005, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Termination of Approval No. 160.009/31/0, 30-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by C. J. Hendry Co., 27 Main Street, San Francisco, Calif. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective April 30, 1959.)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Termination of Approval No. 160.017/17/2, Fig. 017–S.C. embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 017–1, Rev. G–2 dated January 21, 1954, manufactured by Allain Marine Sales Co., 2122 Kentucky Street New Orleans, La. (Approved FEDERAL REGISTER May 12, 1954. Termination of approval effective May 12, 1959.)

DAVITS

Termination of Approval No. 160.032/65/1, Mechanical davit, straight boom sheath screw, type B–40, approved for maximum working load of 8,500 pounds per set (4,250 pounds per arm), using five or six-part falls, identified by general arrangement dwg. No. 2260–1, Rev. 2 dated April 16, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

LIFEBOATS

Termination of Approval No. 160.035/111/1, 28.0' x 9.25' x 3.83' steel, motor-propelled lifeboat without radio cabin (Class B), 52-person capacity, identified by general arrangement and construction dwg. No. 49R–2817–2 dated November 24, 1953, and revised February 10, 1954, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, N.Y. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 160.035/152/1, 30.0' x 9.67' x 4.17' aluminum, hand-propelled lifeboat, 65-person capacity, identified by construction and arrangement dwg. No. 3137 dated October 16, 1946, and revised April 30, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

BOILERS, HEATING

Termination of Approval No. 162.003/8/2, Series Crane 20, cast iron sectional steam or hot water heating boiler, dwg. No. 28482–A dated January 29, 1954, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Approved FEDERAL REGISTER May 12, 1954. Termination of approval effective May 12, 1959.)

Termination of Approval No. 162.003/9/2, Series Crane 16, cast iron sectional steam or hot water heating boiler, dwg. No. 28481–A dated January 29, 1954, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Approved FEDERAL REGISTER May 12, 1954. Termination of approval effective May 12, 1959.)

Termination of Approval No. 162.003/11/2, Series Crane 14, cast iron sectional steam or hot water heating boiler, dwg. No. 28480–A dated January 29, 1954, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by Crane Co., 836 South Michigan Avenue, Chicago 5, Ill. (Approved FEDERAL REGISTER May 12, 1954. Termination of approval effective May 12, 1959.)

Termination of Approval No. 162.003/128/1, Series U.S.–2 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 82 dated January 6, 1949, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/129/1, Series U.S.–12 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 412 dated January 18, 1950, and G.S. 497 dated October 30, 1952, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/130/1, Series U.S.–20 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 73 dated January 12, 1949, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/131/1, Series U.S.–21 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 438 dated July 20, 1950, and G.S. 446 dated August 22, 1950, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/132/1, Series U.S.–25 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 63, undated, and G.S. 236 dated January 20, 1947, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/133/1, Series U.S.–28 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 434 dated July 17, 1950, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/134/1, Series U.S.–46 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 382 dated June 7, 1949, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/155/0, Series U.S.–3 cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 222, undated, and G.S. 223A dated September 9, 1949, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/156/0, Series "C" cast iron sectional steam or hot water heating boiler, dwg. No. G.S. 352 dated January 3, 1949, maximum design pressure 15 p.s.i., approval limited to bare boiler, manufactured by United States Radiator Corp., Detroit 31, Mich. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

Termination of Approval No. 162.003/157/0, No. DA–115–4036–1, coil type hot water heating boiler, dwg. No. 32409, Rev. B dated April 13, 1954, dwg. No. 50755, Rev. H dated April 10, 1954, dwg. No. 50779, Rev. D dated April 12, 1954, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by Vapor Heating Corp., 80 East Jackson Boulevard, Chicago 4, Ill. (Approved FEDERAL REGISTER June 25, 1954. Termination of approval effective June 25, 1959.)

STRUCTURAL INSULATIONS

Termination of Approval No. 164.-007/2/1, Spraycraft, plaster type structural insulation identical to that described in National Bureau of Standards letter, File III–6/23, dated June 2, 1944, approved for use without other insulating material to meet Class A–60 requirements in thicknesses and densities as follows:

3 inches at 12 pounds per cu. ft. density,
4 inches at 8 pounds per cu. ft. density,

manufactured by Sprayed Insulation, Inc., 56–58 Crittenden Street, Newark 4, N.J. (Approved FEDERAL REGISTER May 12, 1954. Termination of approval effective May 12, 1959.)

PART III—CHANGE IN NAME OF MANUFACTURER

The name of Duane Peabody Co., 6536 Southwest Macadam Avenue, Portland 1, Oreg., has been changed to Portland Industrial Plastics Co. for Approval No. 160.010/36/1 for buoyant apparatus published in the FEDERAL REGISTER of December 31, 1958, and Approval Nos. 160.010/49/0 and 160.010/50/0 for buoyant apparatus published in the FEDERAL REGISTER of September 27, 1958.

Dated: July 21, 1959.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 59–6190; Filed July 27, 1959; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S–98]

AMERICAN PRESIDENT LINES, LTD.

Notice of Hearing

Notice is hereby given that a public hearing will be held under section 605(c) of the Merchant Marine Act, 1936, as amended, upon an application of American President Lines, Ltd., for an operating-differential subsidy on the following described services:

During the Great Lakes navigation season, one to two sailings per month with dry cargo vessels, between United States ports on the Great Lakes and St. Lawrence River and ports in Portugal, Spain (south of Portugal), the Mediterranean Sea, and Morocco with the privilege of calling at Black Sea ports and at Canadian ports on the Great Lakes, St. Lawrence River and Atlantic coast. During such period as the Great Lakes are closed to navigation, one to two sailings per month with dry cargo vessels, between United States North Atlantic ports (Maine to Virginia, inclusive) and ports in Portugal, Spain (south of Portugal), the Mediterranean Sea, and Morocco, with the privilege of calling at Black Sea ports and at Canadian Atlantic ports.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application with respect to operations during the Great Lakes closed season, between United States North Atlantic ports (Maine to Virginia, inclusive), and ports in Portugal, Spain (south of Portugal), the Mediterranean Sea, and Morocco with the privilege of calling at Black Sea ports and at Canadian Atlantic ports, is one with respect to a vessel or vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is adequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) whether the application covering closed season opera-

tions is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into a contract covering said closed season operations in order to provide adequate service by vessels of the United States registry.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D.C., in writing in triplicate, by the close of business on August 14, 1959.

Dated: July 23, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-6186; Filed, July 27, 1959; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-140]

GENERAL ATOMICS, DIVISION OF GENERAL DYNAMICS CORPORATION

Notice of Filing of Application for Utilization Facility Export License

Please take notice that General Atomics, Division of General Dynamics Corporation, P.O. Box 608, San Diego, California, has submitted an application dated June 10, 1959, for a license authorizing export of a 100 kilowatt TRIGA Mark II nuclear reactor to the Office of Atomic Energy of the Republic of Viet Nam.

Pursuant to section 104 of the Atomic Energy Act of 1954, and 10 CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of the Republic of Viet Nam, the Commission may issue a facility export license authorizing the export of the reactor to Viet Nam.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 21st day of July, 1959.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 59-6148; Filed, July 27, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10531]

DOLLAR LINES, LTD.

Notice of Hearing

In the matter of the application of Dollar Lines, Ltd. for an exemption under section 416, or in the alternative, approval under section 408 of the Federal Aviation Act of 1958.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on July 31, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., July 22, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-6198; Filed, July 27, 1959; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19001 etc.]

CARTER-JONES DRILLING CO., INC., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates[1]

JULY 22, 1959.

In the matters of Carter-Jones Drilling Company, Inc. (Operator) et al., Docket No. G-19001; Bayou Oil Company et al., Docket No. G-19002; Pauley Petroleum, Inc., Docket No. G-19003; Pan American Petroleum Corporation, Docket No. G-19004; Union Oil Company of California, Docket No. G-19006.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Superseding contract or notice of change dated	Date tendered	Effective date unless suspended	Suspended until
G-19001	Carter-Jones Drilling Co., Inc. (operator), et al.	[1] 1	5	Texas Exastern Transmission Corp.	6-24-59	6-26-59	[3] 7-27-59	12-27-59
G-19001	do	6	11	do	6-12-59	6-22-59	[3] 7-23-59	12-23-59
G-19002	Bayou Oil Co., et al.	[2] 2	8	Phillips Petroleum Co.	6-25-59	6-26-59	[4] 8-1-59	[5] 1-1-60
G-19003	Pauley Petroleum, Inc.	[6] 2	9	do	6-25-59	6-26-59	[4] 8-1-59	[5] 1-1-60
G-19004	Pan American Petroleum Corp.	98	11	Tennessee Gas Transmission Co.	6-23-59	6-26-59	[7] 7-27-59	12-27-59
		[8] 30			4-20-59			
G-19006	Union Oil Co. of California.	30	1	United Gas Pipe Line Co.	Undated	6-25-59	[3] 7-26-59	12-26-59

[1] Respondent's present rates under Rate Schedule No. 1 (Supp. No. 2) are in effect subject to refund in Docket No. G-11359. A renegotiated increase (Supp. No. 3) was suspended in Docket No. G-13196 until February 12, 1958, but was never made effective.

[2] The stated effective date is the first day after expiration of the required thirty days' notice.

[3] Respondent's present rates under Rate Schedule No. 2 (Supp. No. 7) are in effect subject to refund in Docket No. G-16176.

[4] Or, if later, the date on which the related increased rates of El Paso Natural Gas Company are made effective in Docket No. G-17929 in the manner prescribed by the Natural Gas Act.

[5] Or, if later, five (5) months from the date on which the related increased rates of El Paso Natural Gas Company are made effective in Docket No. G-17929 in the manner prescribed by the Natural Gas Act.

[6] Supp. Nos. 6 and 7 to Respondent's FPC Gas Rate Schedule No. 2 are in effect subject to refund in Docket No. G-17179 and G-17176, respectively.

[7] The stated effective date is that proposed by Respondent.

[8] Supersedes Union Oil Company of California's FPC Gas Rate Schedule No. 8, as amended.

In support of its proposed rate increases, Carter-Jones Drilling Company, Inc. (Operator), et al. (Carter-Jones), states that the contracts were negotiated at arm's length; the proposed rates are not in excess of prices being paid under numerous other contracts in the same areas; Carter-Jones must deliver the natural gas to the purchaser at points six miles distant from the wellhead; and Carter-Jones is faced with an inflationary economy, an ever-increasing cost of labor, structural steel, tubular goods and equipment, and increased operating and maintenance expenses. In addition, in support of the increased rates provided in Supplement No. 5 to Carter-Jones' FPC Gas Rate Schedule No. 1, Carter-Jones submits a favored-nation letter from the purchaser.

In support of their proposed rate increases, Bayou Oil Company et al. (Bayou), and Pauley Petroleum, Inc. (Pauley), state that the proposed increased rates are less than the average price being paid to other producers in the same fields, and such rates will not set in motion any contractual arrangement which would cause an increase in the rates paid by the ultimate consumer.

In support of its proposed rate increase, Pan American Petroleum Corporation (Pan American) submits a favored nation letter from the purchaser. In addition, Pan American states that the proposed increased rate is a matter of contractual obligation arising from a written contract entered into as a result of arm's length negotiation; the proposed rate is an integral part of the initial rate agreed to by the parties to the contract; the price of gas could be materially increased, based upon its intrinsic value, before it would equal the price of competing fuels; and the regulatory standard for "just and reasonable" should be the current market price standard or the average base price of currently negotiated contracts.

In support of its proposed rate increase Union Oil Company of California (Union) states that the new contract was negotiated at arm's length; it conforms more closely to those contractual criteria which the Commission regards as being more in the public interest; the proposed rate falls into the lower range of natural gas prices in Louisiana parishes south of the 31st Parallel; and the proposed rate does not establish a new high for jurisdictional sales in South Louisiana and does not disturb the pricing economics of existing and future gas sales in this area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and Union's FPC Gas Rate Schedule No. 30, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements and Union's FPC Gas Rate Schedule No. 30.

(B) Pending hearings and decisions thereon, Supplement No. 5 to Carter-Jones' FPC Gas Rate Schedule No. 1 and Supplement No. 11 to Pan Americans FPC Gas Rate Schedule No. 98 are hereby suspended and the use thereof deferred until December 27, 1959; Supplement No. 11 to Carter-Jones' FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until December 23, 1959; Supplement No. 8 to Bayou's FPC Gas Rate Schedule No. 2 and Supplement No. 9 to Pauley's FPC Gas Rate Schedule No. 2 are hereby suspended and the use thereof deferred until January 1, 1960, or, if later, until five (5) months from the date on which the related increased rates of El Paso Natural Gas Company in Docket No. G-17929 are made effective in the manner prescribed by the Natural Gas Act; Union's FPC Gas Rate Schedule No. 30 and Supplement No. 1 thereto are hereby suspended and the use thereof deferred until December 26, 1959; and each of the aforementioned supplements and Union's FPC Gas Rate Schedule No. 30 shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL, *Acting Secretary.*

[F.R. Doc. 59-6187; Filed, July 27, 1959; 8:51 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket No. G-18157]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

JULY 22, 1959.

Take notice that on March 25, 1959, supplemented on May 13, 1959, The Manufacturers Light and Heat Company (Applicant) filed in Docket No. G-18157 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of seven portable compressor stations totalling 1,495 horsepower at certain locations in Washington, Fayette and Greene Counties in Pennsylvania, and in Wetzel County in West Virginia; and for permission to remove and dispose of seven old compressor stations totalling 4,727 horsepower at certain locations in Washington, Fayette, Westmoreland and Greene Counties in Pennsylvania, and in Marshall and Doddridge Counties in West Virginia, all as more fully set forth in the application and the exhibits attached thereto, as supplemented, on file with the Commission and open to public inspection.

The estimated total cost of the proposed new facilities is $439,300. The estimated cost of retiring the facilities proposed to be abandoned is $26,000 with an estimated salvage value to be realized of $90,700, and a credit to fixed capital accounts of $610,780. The financing of the new installations and the retiring of existing facilities will come from the Applicant's general funds, part of which will be derived from the 1959 general financing program with its parent company, The Columbia Gas System, Inc.

Applicant states that the project under this application will benefit its system by enabling increased use of existing storage fields and increased recovery of gas from the affected producing fields attached to Applicant's system. Also, operating and maintenance expenses are expected to be reduced by retiring unneeded and obsolete units and relocating other units, thus increasing efficiency and decreasing the manpower required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-6188; Filed, July 27, 1959; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2005]

ALUMINUM COMPANY OF AMERICA

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 22, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Aluminum Company of America common stock File No. 7-2005.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made ap-

plication for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 7, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6170; Filed, July 27, 1959; 8:48 a.m.]

[File No. 7-2004]

CERRO DE PASCO CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 22, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Cerro De Pasco Corporation common stock; File No. 7-2004.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 7, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6171; Filed, July 27, 1959; 8:48 a.m.]

[File No. 22-2608 (2-15322)]

BARTON DISTILLING CO.

Notice of Application

JULY 21, 1959.

Notice is hereby given that Barton Distilling Company (the Company) has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of American Bank and Trust Company of Chicago (American) under one indenture dated October 1, 1957, two indentures dated as of July 1, 1958 and one indenture to be dated as of July 1, 1959 of the same obligor is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify American from acting as Trustee under any one of the four indentures. The indentures are hereinafter referred to as the 1957, the 1958 indentures and the 1959 indenture respectively. The 1957 and 1958 indentures have been qualified under the Trust Indenture Act and application has been filed to qualify the 1959 indenture.

Section 310(b) of the Act provides in part that if an indenture trustee under an identure qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions not here applicable that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an obligor and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing therein, that trusteeship under a qualified indenture and another indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures. This provision was incorporated in the 1957 indenture and is to be incorporated in the two 1958 indentures.

The application shows that:

1. Barton Distilling Company, a Delaware corporation, has outstanding:

a. $1,000,000 aggregate principal amount of 6½ percent Secured Notes, due October 1, 1962 secured by the pledge of separate whiskey warehouse receipts for 1,250,000 gallons of whiskey (the "1962 Notes") issued under the 1957 indenture which notes are not in default;

b. Warrants to purchase whiskey warehouse receipts for 5,000 barrels of whiskey exercisable from January 2, 1961 through March 1, 1961 (the "warrants") issued under the 1957 indenture;

c. $300,000 aggregate principal amount of 6 percent Secured Notes due July 1, 1963 (the "1963 Notes") secured by the pledge of whiskey warehouse receipts for 375,000 gallons of whiskey, issued under an indenture dated July 1, 1958; and

d. $1,000,000 aggregate principal amount of 6 percent Secured Notes due July 1, 1964 (the "1964 Notes") secured by the pledge of whiskey warehouse receipts for 1,250,000 gallons of whiskey, issued under another indenture dated July 1, 1958.

2. The 1957 indenture was qualified under the Trust Indenture Act of 1939 effective February 27, 1958 as of February 16, 1958 and the two 1958 indentures were qualified effective July 10, 1958 as of July 9, 1958. The 1959 indenture is to be so qualified.

3. $2,000,000 aggregate principal amount of 6 percent Secured Notes, due July 1, 1965 (the "1965 Notes") are to be issued under the 1959 indenture and will be secured by the pledge of whiskey warehouse receipts for 2,500,000 gallons of whiskey.

4. The 1959 indenture differs from the 1957 and 1958 indentures in that it contains provisions to enable the company to conduct its operations in two or more corporations preceded by one or more transfers of assets to such corporations without being in default of the covenants of the 1959 indenture provided that the corporation or corporations to which such assets of Barton are transferred become additional obligors on the 1965 Notes. Aside from the differences in the 1957, 1958 and 1959 indentures as to amounts, dates, interest rates and the elimination of any reference to warrants under the 1958 and 1959 indentures and the provisions with respect to co-obligors in the 1959 indenture most of the provisions of said indentures are substantially identical, and the differences existing between the indentures are not likely to involve a conflict of interest in the trustee.

5. The company expects to issue and sell additional series of secured notes in the future, each such series to be issued under a separate indenture and to be secured by completely separate and distinct collateral, consisting of whiskey warehouse receipts. Because of the number of indentures which will be involved, the Company believes it would be impractical and too expensive for it to engage in such program unless the same trustee is allowed to serve as such under each of the indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the office of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 5, 1959, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person, may not later than August 3, 1959 at 5:30 p.m., eastern daylight saving time, in writing submit to the Commission his views and any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6172; Filed, July 27, 1959; 8:48 a.m.]

[File No. 24NY-4588]

TREPAC CORPORATION OF AMERICA

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 22, 1959.

I. Trepac Corporation of America (issuer), a New Jersey corporation, 30 West Hamilton Avenue (formerly located at One Engle Street), Englewood, New Jersey, filed with the Commission on November 8, 1957, a notification on Form 1-A and an offering circular relating to an issue of 20,000 shares of its $0.25 par value common stock to be offered at $2.00 per share for an aggregate offering price of $40,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file reports of sales on Form 2-A, as required by Rule 260;

2. Advertisements were used in connection with the offering which were not filed, as required by Rule 258;

3. The issuer failed to file a revised offering circular as required by Rule 256 of Regulation A;

4. The issuer failed to amend its offering circular so that the statements made therein would not contain information which was false and misleading in the light of the circumstances then existing;

5. The issuer failed to furnish, as an exhibit, copies of the escrow agreement with respect to securities underlying outstanding options held by officers, directors or controlling persons.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made not misleading, concerning, among other things:

1. The failure to disclose the method by which the securities are to be offered to the public and the commissions paid and/or to be paid for the sale of the issuer's securities;

2. The failure to disclose that the issuer sold its $0.25 par common stock at $0.25 and $0.40 per share in the year prior to the proposed public offering;

3. The statement that the issuer was negotiating for the sale of 10,000 shares of its common stock for $10,000, in that such 10,000 shares were issued for a consideration other than cash;

4. The failure to disclose the identity and affiliation of the purchaser of a controlling interest in the issuer, and the failure to disclose the consideration to be paid by him for such interest;

5. The statement concerning the percentage of the outstanding securities of the issuer which will be held by directors, officers, and promoters as a group and the percentage of such securities which will be held by the public if all the securities to be offered are sold and the respective amounts of cash paid therefor by such group and the public;

6. The failure to disclose the current address of the issuer;

7. The failure to disclose the names and addresses of the current directors and officers of the issuer;

8. The failure to disclose the use of proceeds received by the issuer in the sale of its securities;

9. The failure to disclose the sale of securities of the issuer by its affiliate, the prices received therefor, and the effect thereof on any future financing by the issuer;

10. The inclusion of a list of 52 prominent companies to whom trial samples of the issuer's product were sent in that such product was neither endorsed nor purchased in substantial amounts by such companies;

11. The failure to disclose all material transactions between the issuer and its officers, directors, or affiliates;

12. The failure to disclose all options outstanding to purchase securities of the issuer;

13. The use of an offering circular dated prior to the time of filing with the Commission;

14. The failure to disclose that the issuer does not have exclusive rights to its principal product (TREPAC) and that others may manufacture and/or distribute devices identical or similar to that of the issuer;

15. The failure to specify the various stages of development, manufacture, and testing claimed for the issuer's products other than Trepac;

16. The statement that a potential market for 500,000 units of Trepac exists and that the market is increasing by as much as 100,000 units each year;

17. The failure to set forth in the balance sheet the basis of valuing the inventory;

18. The failure to include depreciation on fixed assets as an expense in the income statement;

19. The failure to include all liabilities in the balance sheet;

20. The failure to include appropriate financial statements of the issuer and its predecessor with respect to earnings (losses) subsequent to September 1957.

C. The offering was made and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6173; Filed, July 27, 1959; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 230]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following county (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Los Angeles (forest fire occuring on or about July 10, 1959).

Office: Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 West Fifth Street, Los Angeles 13, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1960.

Dated: July 13, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-6174; Filed, July 27, 1959; 8:48 a.m.]

[Delegation of Authority 30-I-1, as amended]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

Notice is hereby given that this delegation (22 F.R. 6808, 23 F.R. 1708) is rescinded in its entirety without prejudice to any actions taken under this delegation.

Effective date: June 19, 1959.

EDWARD J. STEWART,
Regional Director, Boston Regional Office.

[F.R. Doc. 59-6175; Filed, July 27, 1959; 8:49 a.m.]

[Delegation of Authority 30-I-11]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by the Deputy Regional Director by Delegation No. 30-I-10, dated June 20, 1959, there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500 Financial Assistance Manual:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000.

(b) Participation business loans in an amount not exceeding $100,000.

(c) Disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for loans approved under delegated authority, said excution to read as follows:

WENDELL B. BARNES,
Administrator.

By ----------
Chief, Loan Processing Section.

3. To modify or amend authorizations for business or disaster loans approved by the Administrator by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

4. To extend the disbursement period on all undisbursed authorizations.

5. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence originating in the Loan Processing Section, except Congressional correspondence and correspondence with the Washington Office.

II. The specific authority delegated in IA may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

Effective date: June 20, 1959.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 59-6176; Filed July 27, 1959; 8:49 a.m.]

[Delegation of Authority 30-I-12]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by the Deputy Regional Director by Delegation No. 30-I-10, dated June 20, 1959 there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. Te extend disbursement period on undisbursed portion of loans authorized.

2. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

(b) Release, or consent to the release of inventories, accounts receivable, cash collateral or other personal property held as collateral on loan, including the release of all collateral when loan is paid in full.

(c) Release dividends on life insurance policies held as collateral for loans, approve the applications of same against premiums due; release or consent to the release of insurance funds covering loss or damage to property securing the loan and to surrender expired hazard insurance policies.

3. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

4. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

5. To enter into written arrangements with owners of premises, when it is necessary, to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

6. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence originating in the Loan Administration Section, except Congressional correspondence, correspondence with the Washington Office and letters to borrowers or guarantors proposing collection of loans by court action.

II. The specific authority delegated in 1A, may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Effective date: June 20, 1959.

BERNARD F. O'NEIL,
Chief, Financial Assistance Division, Boston Regional Office.

[F.R. Doc. 59-6177; Filed, July 27, 1959; 8:49 a.m.]

[Delegation of Authority 30-V-17]

CHIEF, LOAN LIQUIDATION SECTION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-V-1 (Revision 1), as amended (23 F.R. 3085, 24 F.R. 3554) and further amended April 20, 1959, there is hereby redelegated to the Chief, Loan Liquidation Section, the following authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual, in the administration, collection, and liquidation of all business and disaster loans classified as "problem loans," or "in liquidation":

1. Approve or reject substitutions of accounts receivable and inventories;

2. Release or consent to the release of inventories, accounts receivable, cash collateral or other personal property, held as collateral on loan, including the release of all collateral when loan is paid in full;

3. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release of insurance funds covering loss or damage to property securing the loans and to surrender expired hazard insurance policies;

4. Release, or approve the release of real and personal property securing a loan for the purpose of sale, provided the sale proceeds are applied as a principal payment on the loan in inverse order of maturity; release or approve the release of machinery and equipment, furniture and fixtures, securing a loan for the purpose of allowing borrower to trade the property for other machinery or equipment, furniture and fixtures, useful in the operation of borrower's business, provided the newly acquired property is hypothecated to secure the loan subject only to purchase money lien, if any exists.

5. Release or consent to release of real or personal property upon substitution of other collateral of equal or greater value.

6. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the administration in an amount not in excess of a total of $1,000 for any one loan, for these expenditures as may be required to accomplish these purposes.

7. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

8. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

Administrative. 9. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy, routine correspondence relating to the loan liquidation functions of the regional financial assistance program, except Congressional correspondence and correspondence with borrowers and guarantors containing any threat of legal action.

II. The specific authority delegated herein may not be redelegated with the exception of I.B.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section, FAD.

IV. All previous authority delegated to the Chief, Loan Liquidation Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: May 25, 1959.

GEORGE H. GAFFNEY,
Chief, Financial Assistance Division, Atlanta Regional Office.

[F.R. Doc. 59-6178; Filed, July 27, 1959; 8:49 a.m.]

[Delegation of Authority 30-X-7 (Revision 2)]

BRANCH MANAGER, OKLAHOMA CITY, OKLAHOMA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 4), as amended, (22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435), there is hereby delegated to the Branch Manager, Oklahoma City Branch Office, Small Business Administration, the authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

(a) Direct Business Loans in an amount not exceeding $20,000.

(b) Participation Business Loans in an amount not in excess of $100,000.

2. To approve or decline Disaster Loans in an amount not exceeding $50,000, but not to decline reconsiderations of applications for such loans.

3. To approve or decline Limited Loan Participation Loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, such execution to read as follows:

WENDELL B. BARNES,
Administrator.

By ----------
Branch Manager.

6. To modify or amend authorizations for business or disaster loans approved by Branch Manager under delegated authority, by the issuance of Certificates of Modification.

7. To extend, with concurrence of Branch Counsel, the disbursement period upon request of borrower on all loan authorizations.

8. To approve when requested, upon concurrence of Branch Counsel, in advance of disbursement, conformed copies of notes and other closing documents and to certify to the participating bank that such documents are in compliance with the Loan Authorization and Participation Agreement.

9. To approve, with concurrence of Branch Counsel, the extension or deferment of payments on principal falling due prior to or within 30 days after the initial disbursement on account of the loan, and provide for the coincidence of principal and interest payments.

10. To approve, with the concurrence of Branch Counsel, the compensation paid and to be paid by the borrower as attorney's fees for legal services rendered in connection with the loan.

11. To approve the compensation paid and to be paid by the borrower as fees to accountants, appraisers, architects, or engineers for services rendered in connection with the loan.

12. To approve, with recommendation of Branch Counsel, Requests for Disbursement and Notification of Checks Delivered, and transmit same directly to the Office of the Controller.

13. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

14. Release, or consent to the release of all collateral when loan is paid in full.

15. Approve or reject substitutions of accounts receivable and inventories as "exchangeable collateral."

16. Release, or consent to the release of insurance settlement funds covering loss or damage to property securing a loan in aggregate amount not exceeding $1,000 for any one specific loss or damage occurrence, and execute the endorsement of Small Business Administration on checks and drafts representing such funds.

17. To take the following actions to effect the servicing, administration and collection of direct business loans having an outstanding balance not in excess of $20,000; participation loans having an outstanding balance not in excess of $100,000; and disaster loans having an outstanding balance not in excess of $50,000; except those loans currently classified as "Problem or In Liquidation":

a. Waive amounts due under net earnings clause.

b. Approve request to exceed fixed assets limitations and waive violations of this limitation.

c. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violations of salary and bonus limitations, provided the loan is current in all respects at the time the payment is authorized, or the waiver approved, and if the payment is reasonable and will not impair borrower's cash position.

d. Waive violations of agreements to maintain working capital of a fixed amount or ratio.

e. Release dividends on life insurance policies held as collateral for loans, and approve application of same against premiums due on such policies.

f. Release, or approve the release of real or personal property securing a loan for the purpose of sale, provided the sale proceeds are applied as a principal payment on the loan in inverse order of maturity.

g. Release, or approve the release of machinery and equipment, furniture and fixtures, securing a loan for the purpose of allowing borrower to trade the property for other machinery or equipment, furniture and fixtures, useful in the operation of borrower's business, provided the newly acquired property is hypothecated to secure the loan subject only to purchase money lien, if any exists.

h. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property,

pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

i. Approve changes in use of loan proceeds in connection with partially disbursed loans.

18. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, renewal of mortgages or judgments, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Branch Manager shall lawfully do or cause to be done by virtue hereof.

19. To do and to perform every act and thing requisite, necessary and proper to be done for the purpose of effecting all actions in connection with any disbursed loan when the action is specifically approved by the Regional Director.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual, and SBA–600, Procurement and Technical Assistance Manual:

20. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. 21. To administer oaths of office.

22. To approve annual and sick leave for employees under his supervision.

23. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by GSA.

B. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I.A., except paragraph I.A.20, may not be redelegated.

The specific authority delegated in I.B. may be redelegated limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Oklahoma City, Oklahoma, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 13, 1959.

C. W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F.R. Doc. 59–6179; Filed, July 27, 1959; 8:49 a.m.]

[Delegation of Authority 30–XV–7, Amdt. 1]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance Functions

Delegation of Authority No. 30–XV–7 (24 F.R. 2669) is hereby amended by adding new paragraph I.A.8 as follows:

8. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority within the dollar limitations set forth in paragraphs I.A.1 and I.A.2 above, execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Chief,
Loan Processing Section.

Dated: May 27, 1959.

D. J. FAILOR,
Chief, Financial Assistance Division, Detroit Regional Office.

[F.R. Doc. 59–6180; Filed, July 27, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 157]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 23, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62050. By order of July 17, 1959, Division 4, approved the transfer to Jet Express, Inc., Newark, N.J., of a portion of Certificate No. MC 41701, issued August 14, 1958, to John P. McCloskey and James P. Morrison, doing business as Kollmar's Express, Linden, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Essex and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y. Edward G. Bowes, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC–FC 62051. By order of July 17, 1959, Division 4, approved the transfer to Safeway Trucking Corporation, Newark, N.J., of a portion of Certificate No. MC 41701, issued August 14, 1958, to John P. McCloskey and James P. Morrison, doing business as Kollmar's Express, Linden, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Essex and Union Counties, N.J., on the one hand, and, on the other, points in Nassau and Westchester Counties, N.Y., except those points in the New York, N.Y. Commercial Zone. Edward F. Bowes, 1060 Broad Street, Newark 2, N.J., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–6165; Filed, July 27, 1959; 8:47 a.m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 24 NUMBER 147

Washington, Wednesday, July 29, 1959

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 4]

PART 5—DETERMINATION OF PARITY PRICES

Tangerines

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761 as amended by 22 F.R. 693, 22 F.R. 8925, and 23 F.R. 1565) are amended as hereinafter specified in order to designate tangerines as a separate commodity for purposes of parity price calculations. Concurrent with this change the parity price for oranges will represent oranges, excluding tangerines whereas formerly it represented oranges, including tangerines. This change will become effective with parity price computations as of July 1959.

1. The paragraph of § 5.2 headed "citrus fruit" is amended by adding "tangerines."

2. The paragraph of § 5.4 headed "citrus fruit" is amended by adding "tangerines."

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C. this 24th day of July 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-6239; Filed, July 28, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 174, Amdt. 1]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.474 (Valencia Orange Regulation 174, 24 F.R. 5751) are hereby amended to read as follows:

(ii) District 2: 924,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc 59-6235; Filed, July 28, 1959; 8:49 a.m.]

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(As of January 1, 1959)

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AUTHORITY: §§ 925.0 to 925.102 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 925.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficent quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of other source milk classified as Class I milk and milk received from producers, including such handler's own production.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act.

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 925.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 925.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 Puget Sound, Washington, marketing area.

"Puget Sound, Washington, marketing area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsula on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within Whatcom County. "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific, and "District No. 4" of the marketing area shall include that part of the marketing area lying within Skagit County.

§ 925.7 Plant.

"Plant" means the land, building, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk and milk products: *Provided*, That this definition shall include any building with its premises, equipment and facilities including facilities for washing tanks, (hereinafter also referred to as "reload point") which is used primarily as a location at which milk is transferred from one bulk tank farm pick-up truck to another or to an over-the-road tank truck, and which is approved by an appropriate health authority for such use.

§ 925.8 Fluid milk plant.

"Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month skim milk or butterfat in any of the forms specified in § 925.41 (a) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 Country plant.

"Country plant" means any plant (including any reload point), other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided*, That any such plant located outside of the marketing area other than the plant at Sequim operated by the Sequim Creamery Association shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area in any of the forms specified in § 925.41(a), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September: *And provided further*, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 Nonpool plant.

"Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 Dairy farmer.

"Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 925.13 Producer milk.

"Producer milk" or "milk received from producers" means milk qualified as described in § 925.12, other than that produced by a producer-handler, which either is received directly from a farm at a fluid milk plant or country plant, or is caused to be diverted by a handler for his account from such plant to a nonpool plant: *Provided*, That any such milk diverted to a nonpool plant shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

§ 925.14 Other source milk.

"Other source milk" means:

(a) All skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and

(b) All other skim milk and butterfat other than in:

(1) Producer milk, and

(2) Milk and milk products in any of the forms specified in § 925.41(a) received from fluid milk plants and country plants.

§ 925.15 Handler.

"Handler" means: (a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which, during the month, more than 3,400 pounds of skim milk and butterfat in any of the forms specified in § 925.41(a) are disposed of to any place or establishment within the marketing area other than a plant: *Provided*, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to a military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 Producer-handler.

"Producer-handler" means a person who is both a dairy farmer and a handler, and who has been so designated by the market administrator upon his determination that all of the requirements of § 925.102 have been met, and that none of the conditions therein for cancellation of such designation exists. Such designation shall be effective on the first day of the month after receipt by the market administrator of the application required by § 925.102(a)(4), except that the effective date of designation shall be the same as the effective date of this provision if the application therefor is filed not later than 15 days after such effective date. The effective date of designation shall be governed

by the date of filing new applications in instances where applications previously filed have been denied. All designations shall remain in effect until cancelled pursuant to § 925.102(d).

§ 925.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 925.60(a) and (b) respectively.

§ 925.18 Base milk.

"Base milk" means milk delivered by a producer during the month which is not in excess of:

(a) His daily base computed pursuant to § 925.60(a) multiplied by the number of days of delivery in such month, or

(b) His base computed pursuant to § 925.60(b): *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60(a).

§ 925.19 Excess milk.

"Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 925.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive, or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70(a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70(a)(6);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80(a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70(b) of the pounds of other source milk on which payment is required to be made and the amounts due the producer-settlement fund and pursuant to § 925.88 from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51(a) and the Class I butterfat differential pursuant to § 925.52(a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51(b) and the Class II butterfat differential pursuant to § 925.52(b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price(s) computed pursuant to § 925.71 and the butterfat differential(s) computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 925.30 Monthly reports of receipts and utilization.

On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15(a) shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants from which skim milk or butterfat in any of the forms specified in § 925.41(a) is disposed of to any place or establishment within the marketing area other than a plant, and each cooperative association which is a handler pursuant to § 925.15(b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers, including as a separate amount any milk of own farm production;

(b) The quantities of skim milk and butterfat contained in milk and milk products specified in § 925.41(a) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except manufactured Class II milk products:

(1) Disposed of in the form in which received without further processing by the handler, or

(2) Used to produce other Class II milk products).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products specified in § 925.41(a);

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries (other than his own farm production) of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 Other reports.

At such times and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

§ 925.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, 925.32, and 925.102 and payments required to be made pursuant to §§ 925.80 to 925.88.

§ 925.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 Handler report to producers.

(a) In making payments to producers pursuant to § 925.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identification of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate(s) at which payment to the producer is required under the provisions of § 925.80;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 925.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 Classes of utilization.

Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted and fortified skim milk) and butterfat;

(1) Disposed of in fluid or frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drink, and cream (sweet or sour), and used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks (but not including:

(i) Those products commonly known as evaporated milk, condensed milk, and condensed skim milk;

(ii) Any milk or milk product sterilized and packaged in hermetically sealed metal containers; and

(iii) Any item named in this subparagraph disposed of pursuant to paragraph (b)(3) of this section),

(2) Disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt);

(3) Contained in monthly inventory variations,

(4) Shrinkage of producer milk in excess of that pursuant to paragraph (b)(4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 925.42(b), and

(5) Not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Disposed of (i) as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese, cocoa mixes, and aerated cream products) any product other than those included under paragraph (a)(1) and (2) of this section; or (ii) as milk or any milk product sterilized and packaged in hermetically sealed metal containers,

(2) Disposed of for livestock feed,

(3) Disposed of in bulk in any of the forms specified in paragraph (a) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44(c)(2) and (3),

(4) In actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk, and

(5) In actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided*, That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 925.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44(c)(1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c), of this section, as any item specified in § 925.41(a) from a fluid milk plant or country plant shall be assigned (separately) to each class in the following manner:

(a) To a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee-plant, subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor-plant, such excess shall be assigned last to the Class I available at the transferee-plant;

(2) If more than one transferor-plant is involved, the available Class I milk shall be assigned to the transferor-plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Pierce, Kitsap and Mason;

(iii) To fluid milk plants located in District No. 4;

(iv) To country plants located in District No. 4;

(v) To fluid milk plants in District No. 3;

(vi) To country plants located in District No. 3;

(vii) To fluid milk plants located in District No. 2;

(viii) To country plants located in District No. 2 or Kittitas County;

(ix) To country plants located in Clallam County or Jefferson County; and

(x) To country plants not located in the marketing area, Kitsap County, Mason County, Kittitas County, Clallam County, Jefferson County or Pierce County.

(3) If Class I is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee-handler may designate, within each of the ten categories of plants listed in such subparagraph, the plant(s) to which the available Class I milk shall be assigned.

(4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap, Mason, or Pierce are assigned to Class II milk, they shall be allocated, as designated by the transferee-handler, to the uses stated in § 925.54(a) insofar as such uses are available at the transferee-plant after allocating to such uses the other source milk at such plant; and

(5) Notwithstanding the prior provisions of this paragraph any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant by transfer to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant, and shall be classified in accordance with the provisions of paragraph (b) of this section.

(b) To a country plant: As Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee-plant after the subtraction pursuant to § 925.45(b)(2) of other source milk at such plant and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41(b)(4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

(2) If more than one transferor-plant is involved, the available Class II milk shall be assigned to the transferor-plants in the following order:

(i) To country plants not located in the marketing area, Kitsap County, Mason County, Clallam County, Jefferson County, Kittitas County or Pierce County;

(ii) To country plants located in Clallam County or Jefferson County;

(iii) To country plants in District No. 2 or Kittitas County;

(iv) To fluid milk plants in District No. 2;

(v) To country plants in District No. 3;

(vi) To fluid milk plants in District No. 3;

(vii) To country plants in District No. 4;

(viii) To fluid milk plants in District No. 4;

(ix) To country plants located in District No. 1, Kitsap County, Mason County, or Pierce County; and

(x) To fluid milk plants located in District No. 1.

(3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee-handler may designate, within each of the ten categories of plants listed in such subparagraph the plant(s) to which the available Class II milk shall be assigned; and

(4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1, Kitsap County, Mason County, or Pierce County are assigned to Class II milk, they shall be allocated, as designated by the transferee-handler, to the uses stated in § 925.54(a) insofar as such uses are available at the transferee-plant after allocating to such uses the other source milk at such plant.

(c) To a nonpool plant:

(1) As Class I milk if the transfer or diversion is to a nonpool plant located outside the marketing area or to the plant of a person holding designation as a producer-handler at the time of the transfer or diversion, except as provided for in subparagraphs (2) and (3) of this paragraph.

(2) As Class II milk if the transfer or diversion is to a nonpool plant located in the marketing area or within any of the counties of Kitsap, Mason, Clallam, Jefferson, Grays Harbor, Pierce and Island, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41(a) to any other nonpool plant distributing milk in fluid form, such disposition up to the quantity of milk transferred or diverted to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred or diverted quantity shall be allocated to uses other than those covered by § 925.54(a) to the extent that such other Class II milk uses are available at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

(3) As Class II milk to the extent of milk available in equivalent uses in the transferee-plant pursuant to the classification and allocation provisions applicable to milk therein, if the transfer or diversion is made in bulk form to a plant fully regulated under another Federal order.

§ 925.45 Computation of the quantity of producer milk in each class.

For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler either:

(1) To fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other Class I milk product, or

(2) For disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids;

(b) Allocate skim milk in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41(b)(4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk (§ 925.70(a)(5)): *Provided*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

Minimum Prices

§ 925.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 Class prices.

Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.65: *Provided*, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.120, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 925.53 Location adjustments on Class I milk.

The price of Class I milk at each plant not located in District No. 1 or in the counties of Kitsap, Mason or Pierce shall be, regardless of point of disposition within or outside the marketing area, the Class I price pursuant to § 925.51 less a location differential for such plant shown in the table below:

Plant location:	*Class I price differentials (cents per hundredweight)*
District No. 1 or Kitsap, Mason or Pierce Counties	0
District No. 4	15
District No. 3	20
District No. 2 or Kittitas Co.	25
Other locations outside the marketing area	40

§ 925.54 Location adjustments on Class II milk.

In computing each handler's value of milk there shall be added with respect to each fluid milk plant and country plant located in District No. 1 or in the counties of Kitsap, Mason or Pierce, an amount of money computed as follows:

(a) Compute the sum (in pounds) of:

(1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, non-fat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage (including that creamed) cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41(b)(4) and (5), and

(2) The total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants and allocated to the uses specified in subparagrap (1) of this paragraph (as provided in § 925.44(a)(4) and (b)(4));

(b) Subtract such sum from the total quantity of Class II milk for such plant, including that resulting from the disposition of skim milk or butterfat from such plant to nonpool plants;

(c) Subtract from the net amounts of skim milk and butterfat, respectively, resulting from paragraph (b) of this section to the extent of such amounts, the amounts of skim milk and butterfat received at such plant from fluid milk plants and country plants not located in District No. 1 or in the counties of Kitsap, Mason or Pierce and assigned to Class II milk pursuant to § 925.44 (but exclusive of the quantity by which transfers received from a transferor-plant exceeds the total of receipts from producers and other handlers at such transferor-plant); and

(d) Multiply by 25 cents per hundredweight the lesser of the following quantities:

(1) The net amount resulting from paragraph (c) of this section, or

(2) The total amount of producer milk received at such plant directly from farms which is available for Class II milk after the assignment of transfers pursuant to § 925.44.

§ 925.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Determination of Base

§ 925.60 Computation of producer bases.

Subject to the rules set forth in § 925.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided*, That for any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of (1) the plant to which his milk was delivered during the base-earning period subsequently being qualified as a fluid milk plant or country plant, or (2) cancellation of a producer-handler's designation as such, a daily base shall be computed pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

§ 925.61 Base rules.

The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 925.60(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 925.60(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and the last day of the base-earning period as specified in § 925.60(a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 925.60(a);

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph,

(i) A base, whether earned pursuant to § 925.60(a) or received by transfer, may be transferred to a member of a baseholder's immediate family, and

(ii) In the case of a baseholder's death, a base earned pursuant to § 925.60(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to an outside party.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60(b) until he can establish a new base in the manner provided in § 925.60(a).

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 925.60(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 925.60(a), for which such base was computed.

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provision of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

Determination of Uniform Price

§ 925.70 Computation of value of milk.

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if:

(i) Overage results in a fluid milk plant or country plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and

(ii) Overage results in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and the transferor-handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total pounds of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials pro-

vided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District 1 or in the counties of Kitsap, Mason or Pierce, such difference shall be reduced in accordance with the per hundredweight rates specified for Class I milk in the table set forth in § 925.53.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was restricted to Districts Nos. 2, 3, or 4, such difference shall be reduced in accordance with the respective per hundredweight rates specified for Class I milk in the table set forth in § 925.53.

§ 925.71 Computation of uniform price.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81(a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81(b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by §§ 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

§ 925.81 Location adjustments to producers.

In making payments to producers pursuant to § 925.80(a) and subject to the application of § 925.13 the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 925.53.

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap, Mason or Pierce.

§ 925.82 Producer butterfat differential.

In making payments pursuant to § 925.80(a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 925.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80(a).

§ 925.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80(a); and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87 and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefore to, a cooperative association,

(2) Whose milk is received at a plant not operated by such association, and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 Expense of administration.

As his pro rata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of:

(a) Other source milk classified as Class I milk, and

(b) Milk received from producers, including such handler's own production.

§ 925.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appro-

priate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 Producer-handlers.

(a) *Requirements for designation.* (1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (c)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes, or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (c)(2) of this section) skim milk or butterfat in any of the forms specified in § 925.41(a) derived from any source other than (i) his designated milk production resources and facilities, (ii) fluid milk plants or country plants within the limitations specified in paragraph (d)(5) of this section, or (iii) nonfat milk solids as described in the first proviso of § 925.45(a) which are used to fortify items specified in § 925.41(a).

(3) The producer-handler is neither directly or indirectly, associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Any person claiming to meet the foregoing requirements must file with the market administrator, on forms prescribed by the market administrator, an application for designation as a producer-handler, pursuant to paragraph (b) of this section: *Provided*, That any subsequent addition to, or elimination from, such resources and facilities so listed and described, made by a person designated as a producer-handler, shall be reported to the market administrator on or before the date for the filing of reports pursuant to § 925.30 next following such addition or elimination, for his determination as to whether the producer-handler continues, in the revised circumstance, to meet the requirements for designation as such.

(5) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with subparagraphs (1), (2), and (3) of this paragraph for a period of 12 consecutive months, and shall require the filing of a new application as required by subparagraph (4) of this paragraph. The sale or other transfer of the milk production, handling, processing, or distributing resources and facilities of such person to another person shall not remove the performance requirement provided herein in connection with the operation of any such resources and facilities.

(b) *Application.* Each application for designation as producer-handler must provide complete information concerning the following:

(1) A list and description of the applicant's milk production resources and facilities as defined in paragraph (c)(1) of this section, and of those milk production resources and facilities which the applicant desires not to be determined a part of his designated production resources and facilities pursuant to the proviso in such subparagraph;

(2) A list of the applicant's milk handling, processing, and distributing resources and facilities as defined in paragraph (c)(2) of this section;

(3) The names of any other person(s) having or exercising any degree of direct, indirect, or partial ownership, operation, or control of, or with whom there exists any contractural arrangement with respect to, the applicant's operation either as a dairy farmer or a handler; and

(4) Such other information as may be required by the market administrator.

(c) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk production resources and facilities: all resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement; and

(iii) Which are directly, indirectly, or partially owned, operated, or controlled by any partner or stockholder of the producer-handler: *Provided*, That for purposes of this subparagraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or potential source of milk supply for the producer-handler's operation as such, shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing, and distributing resources and facilities: all resources and facilities (including store outlets) used for handling, processing, and distributing within the marketing area skim milk and butterfat in any of the forms specified in § 925.41(a):

(i) Which are directly, indirectly, or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(d) *Cancellation.* The designation as a producer-handler shall be cancelled under any of the conditions set forth in subparagraphs (1), (2), (3), (4), or (5) of this paragraph, or upon determination by the market administrator that any of the requirements of subparagraphs (1), (2) and (3) of paragraph (a) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) Except in the months of August through February, and with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor currently designated a part of the producer-handler's milk production resources and facilities is transferred to another person who uses such resources or facilities for producing milk which is delivered as producer milk to another handler: *Provided*, That the provisions of this subparagraph shall not be deemed to preclude the occasional sale of individual cows from the herd.

(3) Except in the months of March through July, and with prior notice to the market administrator, a dairy herd, cattle barn or milking parlor previously used for the production of milk delivered as producer milk to another handler is added to the designated milk production resources and facilities of the producer-handler: *Provided*, That the provisions of this subparagraph shall not be deemed to preclude the occasional purchase of individual cows for the herd.

(4) A dairy herd, cattle barn, or milking parlor which at any time during any of the preceding 12 months was a part of the producer-handler's designated milk production resources and facilities and was subsequently during that period used by another person for producing milk delivered as milk to another handler is added to the producer-handler's milk production resources and facilities.

(5) Except as provided in subdivisions (i) and (ii) of this subparagraph, the producer-handler handles skim milk or butterfat in any of the forms specified in § 925.41(a) derived from sources other than the designated milk production facilities and resources:

(i) Purchases in the form of packaged fluid or frozen skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream from fluid milk plants or country plants which do not exceed an average amount of 100 product pounds per day in the aggregate during the month, and

(ii) Any other purchases of skim milk or butterfat, bulk or packaged, in any of the forms specified in § 925.41(a) from fluid milk plants or country plants which are effected within a single span of 45 consecutive days in any 12-month period.

(e) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for milk received from any producer-handler.

(f) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler (and upon the applicant for such designation) to establish through records required pursuant to § 925.33 that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (d) of this section for cancellation of designation do not exist.

(g) *Inapplicability of certain provisions.* Sections 925.40 to 925.45, inclusive, §§ 925.50 to 925.55, inclusive, §§ 925.60 and 925.61, §§ 925.70 and 925.71, and §§ 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 24th day of July 1959, to be effective on and after the first day of September, 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–6237; Filed, July 28, 1959; 8:49 a.m.]

[Grapefruit Reg. 311]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.972 Grapefruit Regulation 311.

(a) *Findings.* (1) On July 2, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5391) regarding a proposed limitation of shipments of grapefruit, grown in the production area, during the period August 3, 1959, through September 6, 1959, pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.). Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 26, 1959; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; a notice that consideration was being given to issuing the regulation recommended by the committee was published in the FEDERAL REGISTER, and interested persons were afforded an opportunity to submit their views; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., August 3, 1959, and ending at 12:01 a.m., e.s.t., September 7, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6236; Filed, July 28, 1959; 8:49 a.m.]

[Milk Order No. 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Order Amending Order

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of, the Agricultural Marketing Agreement Act of 1937, as amended (U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR

Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1959.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued July 22, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 973.9 [Amendment]

Delete the second proviso in § 973.9 (b)(1) and substitute therefor the following: *"And provided further,* That if during each of the months of August through October 1959, 50 percent or more of such plant's total receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph it shall be a pool plant through June 1960;"

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 24th day of July 1959 to be effective on and after the 1st day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-6238; Filed, July 28, 1959; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Miscellaneous Amendments

Correction

In F.R. Document 59-4632, appearing in the issue for Thursday, June 4, 1959, at page 4561, make the following change:

In § 205.59(a), the latitude in the seventh line now reading "47°29'40'", should be changed to read "37°29'40' '".

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 33—METERED STAMPS

Record Retention Periods for Postage Meter Manufacturers

In Federal Register Document 59-5995, appearing at page 5794 of the issue for Tuesday, July 21, 1959, the amendment numbered "2" to subparagraph (2) of paragraph (e) of § 33.8 *Manufacture and distribution of postage meters,* should read for the purpose of clarification as follows:

(2) Amend subdivision (x) to read as follows:

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

NOTE: The corresponding Postal Manual section is 143.852j.

(R.S. 161, as amended, 396, as amended; sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 273)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-6216; Filed, July 28, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

PART 414—FEES FOR COPYING, CERTIFICATION AND SEARCH OF RECORDS

Revision of Part

Acting in accordance with section 3 of the Administrative Procedure Act, section 501 of the Independent Offices Appropriation Act of 1952 and Bureau of the Budget Circular No. A–28 and pursuant to authority delegated to me by the Administrator (24 F.R. 1221), I hereby revise Part 414 (14 CFR Part 414) to read as follows:

Sec.
414.1 General.
414.2 Copying and search of records.
414.3 Certifications or validations and affixing seal.
414.4 Acceptable remittance.

AUTHORITY: §§ 414.1 to 414.4 issued under sec. 501, 65 Stat. 290, 5 U.S.C. 140.

§ 414.1 General.

Fees for services performed by the Federal Aviation Agency shall be imposed and collected in accordance with the schedules prescribed in this part.

§ 414.2 Copying and search of records.

(a) For the search of records and the furnishing of facsimile copies of documents not more than 12" x 18" by photostatic or similar process the following fees are charged:

	Per page
Aircraft and airman records	$0.50
Operations Specifications	1.00
Air carrier safety records	1.00
Report of Medical Examinations	1.00
Other documents	1.00

(b) For the search of records and the furnishing of duplicate original documents the following fees are charged:

Airman certificates	$2.00
Certificate of Registration (Aircraft, FAA–500.1)	1.00
Letter authorizing issuance of Airworthiness Certificate	1.00
Medical Certificate	2.00
Report of Written Examination (Airman), Form FAA–578A	1.00
Notice of Disapproval of Application (Airman), Form FAA–666	1.00
Other documents	1.00

§ 414.3 Certifications or validations and affixing seal.

The charge for each certification or validation with a seal is $.50.

§ 414.4 Acceptable remittance.

Checks, drafts or postal money orders made payable to the Federal Aviation Agency are acceptable as payment for the fees listed in this part.

This amendment shall be effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., July 23, 1959.

ARVIN O. BASNIGHT,
Acting Assistant Administrator for Management Services.

[F.R. Doc. 59-6202; Filed, July 28, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket 71; Amdt. 128]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Blythe VOR	BLH-LFR	Direct	3100	T-d	500–1	500–1	500–1
				T-n	800–2	800–2	800–2
				C-dn	1100–2	1100–2	1100–2
				A-dn	1100–2	1100–2	1100–2

Procedure turn W side S crs, 165° outbnd, 345° inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 266°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make 180 left turn, climb to 5000 on S crs within 20 mi of LFR.
CAUTION: 1160' m.s.l. terrain 2 mi WNW of airport and rising rapidly to 3100'.
NOTE: Provisions for reduction in visibility minimums NA.
City, Blythe; State, Calif.; Airport Name, Municipal; Elev., 397'; Fac. Class, SBMRAZ; Ident., BLH; Procedure No. 1, Amdt. 5; Eff. Date, 22 Aug 59; Sup. Amdt. No. 4; Dated, 12 Feb. 55

Stockton VOR	SCK-LFR	Direct	1500	T-dn*	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side S crs, 147° Outbnd, 327° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 285—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles, climb to 2000' on West crs within 15 miles.
NOTE: ADF procedure not authorized.
CAUTION: 340' MSL Radio Mast 1.5 miles N of airport.
*400-3 required for takeoff on Runway 34.
City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 28'; Fac. Class, BMRLZ; Ident., SCK; Procedure No. 1, Amdt. 6; Eff. Date, 27 Aug. 59; Sup. Amdt. No. 5; Dated, 21 Dec. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD-VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
OBK-VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
NBU-LFR	LOM	Direct	2500	S-dn-14L	400–1	400–1	400–1
MDW-LOM	LOM	Direct	2500	A-dn	800–2	800–2	800–2
Morton Int	LOM	Direct	2500				
Spring Lake Int	LOM	Direct	2500				
Elgin Int	LOM	Direct	2500				
Crystal Int	LOM	Direct	2500				

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 mi from LOM. Refer to radar procedures for O'Hare if sector altitude information is desired.
Procedure turn West side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 mi.
Minimum altitude over LOM on final approach crs, 2000'.
Crs and distance, facility to airport, 138°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R-030 and OBK R-135 or, if directed by ATC, (1) make immediate left turn, climb to 3500', proceed to Morton Int via ORD R-075; (2) make immediate left turn, climb to 2500', proceed to NBU LFR via 030° crs and SE crs NBU LFR.
City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666'; Fac. Class, LOM; Ident., OH; Procedure No. 2, Amdt. Orig; Eff. Date, 22 Aug. 59 or Com. of fac.

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 17 JUNE 1959. SJT-VOR RECOMMISSIONED.							
City, San Angelo; State, Tex.; Airport Name, Mathis; Elev., 1915'; Fac. Class, MH; Ident., SJT; Procedure No. Temporary ADF, Amdt. 1; Eff. Date, 15 May 59							

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	300-1	NA	NA
				T-n	1000-3	NA	NA
				C-d	1000-1	NA	NA
				C-n	1000-3	NA	NA
				S-dn-34	800-1	NA	NA
				A-dn*	1200-3	NA	NA
Procedure turn W side crs, 180° Outbnd, 360° Inbnd, 8000' within 10 miles. Beyond 10 miles NA. Minimum altitude over facility on final approach crs, 6000'. Crs and distance, facility to airport, 346—3.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 9000' on R-007 within 20 miles. CAUTION: Terrain 3 miles WNW, 1000' above airport. NOTE: Weather observation 0530—2030 only—no field attendant 2030—0530. *Use as alternate 2030—0530 NA.							
City, Milford; State, Utah; Airport Name, FAA Site 45; Elev., 5040'; Fac. Class, VORTACW; Ident., MLF; Procedure No. 1, Amdt. 3; Eff. Date, 22 Aug 59; Sup. Amdt. No. 2; Dated, 25 June 55							
Linden VOR	Stockton VOR	Direct	1500	T-dn*	300-1	300-1	300-1
Stockton LFR	Stockton VOR	Direct	1500	C-dn	600-2	600-2	600-1
				S-dn-29	600-1	600-1	600-1¼
				A-dn	800-2	800-2	800-2
Procedure turn South side of crs, 123° Outbnd, 303° Inbnd, 1500' within 10 mi. Minimum altitude over facility on final approach crs, 800'. Crs and distance, facility to airport, 303°—4.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, make left climbing turn to crs of 270° to intercept the 290° radial of Stockton VOR, climbing to 2000' within 15 mi. CAUTION: 340' MSL radio tower 1.5 mi. North of airport. *400-3 required for takeoff on Rwy 34.							
City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 28'; Fac. Class, VORTAC; Ident., SCK; Procedure No. 1, Amdt. Orig.; Eff. Date, 27 Aug. 59							

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ORD-VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
OBK-VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1
NBU-LFR	LOM	Direct	2500	S-dn-14L	400-1	400-1	400-1
MDW-LOM	LOM	Direct	2500	A-dn	800-2	800-2	800-1
Morton Int	LOM	Direct	2500				
Spring Lake Int	LOM	Direct	2500				
Elgin Int	LOM	Direct	2500				
Crystal Int	LOM	Direct	2500				
Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 mi from LOM. Refer to radar procedures for O'Hare if sector altitude information is desired. Procedure turn West side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 mi. No Glide Slope. No Middle Marker. Minimum altitude over LOM on final approach crs, 2500'. Crs and distance, LOM to airport, 138°—5.7 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 mi after passing LOM, make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to Northbrook VOR via ORD R-030 and OBK R-135 or, when directed by ATC, (1) make immediate left turn, climb to 3500', proceed to Morton Int via ORD R-075; (2) make immediate left turn, climb to 2500', proceed to NBU LFR via 030° crs and SE crs NBU LFR.							
City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666'; Fac. Class, ILS; Ident, I-OHA; Procedure No. ILS-14L, Amdt. Orig.; Eff. Date, 22 Aug. 59 or com. of fac.							

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 22 AUGUST 1959. BACK COURSE UNUSABLE.							
City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class, ILS; Ident., CMH; Procedure No. ILS-9, Amdt., 3; Eff. Date, 14 June 58; Sup. Amdt. No. 2; Dated, 30 July 55							
Harrisburg LFR	LOM	Direct	2700	T-d	500-1	500-1	500-1
Harrisburg VOR	LOM	Direct	2700	T-n	500-2	500-2	500-2
New Kingstown FM	LOM	Direct	2700	S-d-8	600-1½	600-1½	600-1½
				S-n-8	600-2	600-2	600-2
				C-dn	1000-2	1000-2	100-2
				A-dn	1000-2	1000-2	1000-2
Takeoff minimums of 300-1 authorized for Runways 8-26 only. Procedure turn S side W crs, 259° Outbnd, 079° Inbnd, 2700' within 10 miles. Minimum altitude over LOM 2700'. No Glide Slope. Distance to appr end of rny at OM 7.1, at MM 1.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on 079° crs from LOM within 15 miles. AIR CARRIER NOTES: Landing on Rnwy 2 authorized only during daylight hrs with ceiling 1500' or better. NOTE: Take-off on Rnwy 20 not authorized. NOTE: ADF approach not authorized. CAUTION: Circling minimums do not provide standard clearance over 1136' ridge and tower 1.6 mi S of airport. CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.							
City, Harrisburg; State, Pa.; Airport Name, State; Elev., 347'; Fac. Class, ILS; Ident, Har; Procedure No. 1, Amdt. 4; Eff. Date, 22 Aug. 59; Sup. Amdt. No. 3; Dated, 7 Dec. 58							

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar Site (Excludes Restricted Area R-64).	Within 25 mi	2500	Surveillance			
				T-dn	300-1	300-1	200-½
				C-dn-1, 6	700-1	700-1	700-1½
				C-dn-11, 19,* 24, 29.	600-1	600-1	600-1½
				S-dn-1, 6	700-1	700-1	700-1½
				S-dn-11, 19*	600-1	600-1	600-1½
				S-dn-24	500-1	500-1	500-1
				S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3-5 mi of towers 1590' MSL 12 mi NNW; 1060' MSL 4 mi NNW and 1110' MSL 6 mi S of airport. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: *Runway 1:* Turn left as soon as practical, climbing to 2000' on R-309 of LOU-VOR within 20 miles. *Runway 6:* Right turn, climbing to 2100' and proceed to LOU VOR. *Runway 11:* Climb to 2100' direct to LOU VOR. *Runway 19:* Climb to 2100' direct to SDF RBn (LOM). *Runways 24 and 29:* Left turn, climbing to 2100' and proceed to SDF RBn (LOM). *On approaches to Runway 19, maintain at least 1400' MSL until within 3 mi of runway.							
City, Louisville; State, Ky.; Airport Name, Standiford; Elev., 497'; Fac. Class, Louisville; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 22 Aug. 59; Sup. Amdt. No. Orig.; Dated, 1 July 59							

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 17, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6084; Filed, July 28, 1959; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. P.L. 13 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity description
	Rails, trackwork, and track accessories (all steel grades):
60530	Relaying rails.
60530	Other used rails.
	Electronic equipment and parts:
70856	Resistors: Resistors of value of 1,000 megohms or over.
	Optical measuring instruments, n.e.c., and specially fabricated parts and accessories, n.e.c.:
91966	Fluorophotometers (fluorimeters) employing ultraviolet light as the exciting source and photomultiplier tubes or photo-cells and detecting and amplifying devices; and specially fabricated parts and accessories, n.e.c.

This part of the amendment shall become effective as of July 2, 1959.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Other ferroalloys:					
62290	Ferroboron. (Report quantity in pounds, net weight, and specify pounds or percent of alloy content.) [1]	Lb	MINL 1	100	RO	A
	Electronic equipment, n.e.c., and parts:					
	Electronic detection and navigational apparatus, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
70867	Other electronic navigational and location finding aids, n.e.c., and specially fabricated parts and accessories, n.e.c.	--------	RARA 2	100	RO	
70867	Radio distance measuring systems, n.e.c., and hyperbolic grid systems, n.e.c., and specially fabricated parts and accessories, n.e.c.	--------	RARA 2	100	RO	
	Synthetic resin film and sheeting, except laminated, and except scrap (including printed, embossed, planished, or otherwise treated surface):					
82598	Oriented polystyrene film 0.01 inch or less in thickness.	Lb	RESN 2	100	R	

[1] On or after Aug. 17, 1959, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of this commodity to the countries specified in § 373.2.

This part of the amendment shall become effective as of July 9, 1959, except as otherwise indicated in the footnote.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Pneumatic tires and tire casings:					
20630	Aircraft tires, new or used. (Specify size and ply rating.) [2]	No.	RUBR 2	100	RO	E
20656	Aircraft inner tubes, new or used [2]	No.	RUBR 2	100	RO	E
50150	Gasoline blending agents as follows: alkylates (aviation grade); isopentane; and neohexane (bbl. of 42 gal.).[1]	Bbl.	PETR 1	100	RO	A
50590	Hydraulic or automatic transmission fluids, petroleum based, having all the following characteristics: (a) kinematic viscosity of 4.6 centistokes or greater at 210° F.; (b) pour point of minus 30° F. or lower; and (c) viscosity index (VI) of 130 or higher.[12]	Gal.	PETR 1	25	RO	A
	Abrasive products. (Report abrasive refuse in 59645:					
54124	Diamond grinding wheels (except dental type) (report net quantity of each commodity in terms of carat weight of embedded diamonds). (Report dental type in 91500.) [2]	Carat	TOOL 1	100	RO	
64290	Copper castings and forgings, rough and semifinished. (1) [2]	Lb.	NONF 10	100	RO	E
64793	Copper-base alloy castings and forgings, rough and semifinished.[2]	Lb.	NONF 10	100	RO	E
66435	Columbium or niobium metals and alloys in crude forms and scrap (include metal alloys in which columbium is the metal of chief value). (Report slag in 66540.) [13]	Lb.	MINL 1	100	RO	A
66445	Magnesium alloys in crude forms and scrap, containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal).[12]	Lb.	MINL 1	100	RO	A E
	Generators, n.e.c., and parts. (Report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 70921 and 70922; generators for electric propulsion motors in 70433):					
70015	Parts and accessories, n.e.c., specially fabricated for mobile generators, 5,000 kilowatts and over. (Specify by name and rating.) (1) [1]	--------	ELME 1	500	RO	A
70015	Parts and accessories, n.e.c., specially fabricated for generators 200,000 kilowatts and over. (Specify by name and rating.) (2) [1]	--------	ELME 2	500	R	
70372	Other signal generators specially designed for testing or calibrating the airborne direction finding equipment, airborne navigational apparatus, flight instruments, and airborne, ground, and marine radar equipment included on the Positive List under Schedule B Nos. 70797, 70867, and 79483. (Specify by name and model number.) (2) [18]	No.	ELME 3	100	RO	A
70379	Other electrical and electronic characteristics testing instruments specially designed for testing or calibrating the airborne direction finding equipment, airborne navigational apparatus, flight instruments, and airborne, ground, and marine radar equipment included on the Positive List under Schedule B Nos. 70797, 70867, and 79483. (Specify by name and model number.) (6) [18]	No.	ELME 3	100	RO	A
70432	Parts and accessories, n.e.c., specially fabricated for motors included on the Positive List under Schedule B Nos. 70415, 70425, and 70430. (Specify by name and horsepower rating.) [1]	--------	ELME 2	500	R	

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin 817, dated July 2, 1959.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Industrial motor controls (consisting of starting, speed regulating, stopping, and protecting devices), n.e.c., resistance welding controls, parts and accessories:					
70495	Special-purpose controls, and specially fabricated parts, n.e.c., for motors included on the Positive List under Schedule B Nos. 70415, 70425, and 70430. (Specify by name, horsepower, and type of mill.) [1]	--------	ELME 2	500	R	
70498	Accessory equipment, n.e.c., specially fabricated for controls for motors included on the Positive List under Schedule B Nos. 70415, 70425, and 70430 for which a validated license is required to R country destinations only. (Specify by name, horsepower, and type of mill.) [1]	--------	ELME 2	500	R	
	Electronic equipment, n.e.c., and parts. (Report tubes, crystal diodes and transistors, capacitors (condensers), resistors, inductors (transformers and coils), in 70824-70859; microphones, 70886; amplifiers, 70875, 70879; radar and other electronic detection and navigational equipment, 70867; antenna equipment, 70867; antenna towers, 61804; also see § 399.2, Int. 9):					
70867	Other ground and marine radar equipment, n.e.c., and specially fabricated parts and accessories, n.e.c. (7) [13]	--------	RARA 2	100	RO	
	Excavator-type power cranes and shovels, new (specify whether military or nonmilitary):					
72002	Crawler or walker mounted, full revolving, over 6 cubic-yard dipper capacity or over 100 tons, crane lifting capacity. (Specify type and capacity.) [12]	No.	CONS 4	None	R	
72004	Other wheel-mounted (including truck or wagon mounted), full revolving, over 1 cubic-yard dipper capacity, or over 30 tons crane lifting capacity. (Specify type and capacity.) (2) [14]	No.	CONS 4	None	R	
	Scrapers, dig-carry-haul type. (Specify whether military or non-military):					
72205	Non-military type, over 11 cubic yard struck capacity. (Specify struck capacity.) (2) [8]	No.	CONS 4	None	R	E
	Metal-cutting tools (not incorporating industrial diamonds), n.e.c., specially fabricated for metal-cutting machine tools:					
74455	Hollow deep-hole drills. (3) [23]	--------	TOOL 1	100	RO	A
74455	Surface broaching tools. (4) [23]	--------	TOOL 1	100	RO	A
76650	Electronic closed loop control systems in which a continuous feed-back of information from the actual operation results in continuous correction of control commands. (See § 399.2, Interpretation 20.) (1) [2]	No.	GIEQ	100	RO	A
	Industrial process indicating (measuring), recording, and/or controlling instruments, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
76670	Automatic equipment for controlling diameter or the concentricity of extruded dielectric on wires and cables, and specially fabricated parts and accessories, n.e.c. (1) [2]	--------	GIEQ	100	RO	A
76670	Fluid stream analyzers, and specially fabricated parts and accessories, n.e.c. (2) [2]	--------	GIEQ	100	RO	
76670	Instruments or devices capable of controlling the dimensions of a rolled product during its production (specify by name); and specially fabricated parts and accessories, n.e.c. (3) [2]	--------	TOOL 6	100	RO	
76670	Other industrial process indicating, recording, and/or controlling instruments containing one or more electronic components (incorporating one or more electronic tubes or transistors) (specify by name); and specially fabricated parts and accessories, n.e.c. [Report electronic industrial process control systems in 76650.] (4) [2]	--------	GIEQ	100	RO	
	Physical properties testing and inspecting machines, n.e.c., including products testing machines, n.e.c., and specially fabricated parts and accessories, n.e.c. (Report mass spectrometer type leak detectors in 91980):					
76693	Gear testers, and specially fabricated parts and accessories, n.e.c., designed for the testing of gears of diametral pitch finer than 48. (See § 399.2, Interpretation 19.) (4) [23]	--------	TOOL 1	100	RO	A
	Geophysical and mineral prospecting equipment, n.e.c., and specially fabricated parts, and accessories, n.e.c.:					
76698	Gravity meters (specify by name), and specially fabricated parts and accessories, n.e.c. (2) [2]	--------	CONS 6	100	RO	
76698	Seismic or seismograph equipment (excluding observatory type) (specify by name), and specially fabricated parts and accessories, n.e.c. (3) [2]	--------	CONS 6	100	RO	
76698	Well-logging instruments and equipment (specify by name), and specially fabricated parts and accessories, n.e.c. (4) [2]	--------	CONS 6	100	RO	
	Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts and accessories, n.e.c.:					
77125	Boiler superheaters, feedwater heaters, and economizers for marine steam boilers designed to operate at temperatures of 1,100° F. and above; and specially fabricated parts and accessories, n.e.c. (1) [1]	--------	CONS 1	500	RO	A
77125	Boiler superheaters, feedwater heaters and economizers, for marine steam boilers designed to operate at temperatures from 850° to 1,100° F.; and specially fabricated parts and accessories, n.e.c. (2) [1]	--------	CONS 2	500	RO	
	Pipe valves and parts:					
	Pipe valves, iron or steel, except automatic control or regulating:					
77450	Valves and cocks fitted with bellows seal, and lined with aluminum, nickel, or alloy containing 60 percent or more nickel. (1) [23]	No.	GIEQ 11	100	RO	A
77450	Other valves, cocks, or pressure regulators, n.e.c., designed to operate at temperatures below minus 130° C., or incorporating any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) polytetrafluoroethylene or polytrifluorochloroethylene. (Give full specifications.) (2) [22]	No.	GIEQ 11	100	RO	A E
	Pipe valves, brass, bronze or other nonferrous metals, except automatic control or regulating:					
77455	Valves and cocks fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. (1) [23]	No.	GIEQ 11	100	RO	A
77455	Other valves, cocks, or pressure regulators, n.e.c., designed to operate at temperatures below minus 130° C., or incorporating any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) polytetrafluoroethylene or polytrifluorochloroethylene. (Give full specifications.) (2) [23]	No.	GIEQ 11	100	RO	A E
	Automatic control or regulating pipe valves, n.e.c., (any pipe valve having a mechanism partially integral, i.e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation):					
77460	Automatic control valves, fitted with bellows seal, wholly made of or lined with aluminum, nickel or alloy containing 60 percent or more nickel. (1) [23]	No.	GIEQ 11	100	RO	A
77460	Automatic control valves or pressure regulators, n.e.c., designed to operate at temperatures below minus 130° C., or incorporating any of the following material: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) polytetrafluoroethylene or polytrifluorochloroethylene. (Give full specifications.) (2) [23]	No.	GIEQ 11	100	RO	A E

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Pipe valves, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
77465	Nonmetal valves, cocks, or pressure regulators, n.e.c., designed to operate at temperatures below minus 130° C., or incorporating any of the following material: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) polytetrafluoroethylene or polytrifluorochloroethylene. (Give full specifications.) (1) [2]	No.	GIEQ 11	100	RO	A E
77465	Parts and accessories, n.e.c., specially fabricated for ~~valves, cocks, or pressure regulators included on the~~ Positive List under Schedule B Nos. 77450–77465. (Specify Schedule B number of valve for which parts are intended, and full specifications.) (2) [2]	-------	GIEQ 11	100	RO	A E
77520	Equipment, n.e.c., specially designed for the production of gases in liquid form, capable of operating at pressures of 300 psi or over; and specially fabricated parts and accessories, n.e.c. (3) [2]	-------	GIEQ	100	RO	A
	Chemical and pharmaceutical processing and manufacturing machines, n.e.c., and specially fabricated parts and accessories, n.e.c. (Report spinning pumps in 77417; report furnaces under appropriate Schedule B No according to type of furnace, e.g., electric melting and refining furnaces for the production of chemicals, 70741):					
77525	Equipment specially designed for the conversion of nitrogen tetroxide to nitric acid of 98 percent or higher concentration, or for the concentration of nitrogen tetroxide and/or nitric oxides or mixtures thereof; and specially fabricated parts and accessories, n.e.c. (1) [2]	-------	GIEQ 19	100	RO	A
77525	Electrolytic cells, n.e.c. (specify by name); and specially fabricated parts and accessories, n.e.c. (2) [2]	-------	GIEQ	100	RO	A
77525	Equipment for the production of deuterium oxide; and specially fabricated parts and accessories, n.e.c. (3) [2]	-------	GIEQ 21	100	RO	A
77525	Equipment, n.e.c., specially designed for use in the following unit operations: (a) solvent processing; (b) fractionating, rectifying and dephlegmatizing; (c) hydrogenation; (d) dehydrogenation; (e) isomerization; (f) polymerization; (g) aromatization; (h) alkylation; (i) desulpherization, (j) thermal or catalytic cracking, reforming or platforming, and specially fabricated parts and accessories therefor, n.e.c. (4) [2]	-------	GIEQ 8	100	RO	
	Processing vessels, non-mixing, n.e.c., and specially fabated parts and accessories, n.e.c.:					
77585	Processing vessels specially designed for use in production of nitric acid of 98 percent or higher concentration or for concentration of nitrogen tetroxide and/or nitric oxides or mixtures thereof; and specially fabricated parts and accessories, n.e.c. (1) [2]	-------	GIEQ 19	100	RO	A
77585	Processing vessels, non-mixing, n.e.c., specially designed for use in the following unit operations: (a) solvent processing; (b) fractionating, rectifying and dephlegmatizing; (c) hydrogenation; (d) dehydrogenation; (e) isomerization; (f) polymerization; (g) aromatization; (h) alkylation; (i) desulpherization; (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c. (2) [2]	-------	GIEQ 8	100	RO	
77585	Processing vessels, n.e.c., specially designed for the production and/or concentration of deuterium oxide, and specially fabricated parts and accessories, n.e.c. (3) [2]	-------	GIEQ 21	100	RO	A
77585	Processing vessels, n.e.c., specially designed for the separation of helium from natural gases; and specially fabricated parts and accessories, n.e.c. (4) [2]	-------	GIEQ	100	RO	A
77585	Nitrators, continuous types, and specially fabricated parts and accessories, n.e.c. (5) [2]	-------	GIEQ 13	100	RO	A
	Separators and collectors, industrial process type, n.e.c., and specially fabricated parts and accessories, n.e.c. (Report ore and coal separating machines in 73075; electrostatic precipitators, precipitron type, in 77083):					
77588	Centrifuges, n.e.c., power-driven, bowl type, with product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify by name.) (Specify kind of metal and, if nickel alloy, state percentage of nickel content.) (Report tube or flask types in 91980.) (3) [2]	-------	GIEQ 17	100	RO	A
77588	Centrifuge bowls, wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. (Specify by name.) (Specify kind of metal and, if nickel alloy, state percentage of nickel content.) (4) [2]	-------	GIEQ 17	100	RO	A
77588	Cyclone separators designed to operate at temperatures of 800° F. or over, and specially fabricated parts and accessories, n.e.c. (5) [2]	-------	GIEQ 8	100	RO	
77588	Dewaxing chillers, and specially fabricated parts and accessories, n.e.c. (6) [2]	-------	GIEQ 8	100	RO	
77588	Oil and gas separators, and specially fabricated parts and accessories, n.e.c. (8) [2]	-------	GIEQ 8	100	RO	
77588	Other separators and collectors, n.e.c., specially designed for use in the following unit operations: (a) solvent processing; (b) fractionating, rectifying and dephlegmatizing; (c) hydrogenation; (d) dehydrogenation; (e) isomerization; (f) polymerization; (g) aromatization; (h) alkylation; (i) desulpherization; (j) thermal or catalytic cracking, reforming or platforming; and specially fabricated parts and accessories therefor, n.e.c. (9) [2]	-------	GIEQ 8	100	RO	
	Presses, power-driven, n.e.c. (Report specially fabricated parts and accessories, n.e.c. in 77599):					
77596	Dehydration presses, double opposed hydraulic ram type. (1) [2]	No.	GIEQ 13	100	RO	A
77596	Extrusion presses, hydraulic ram and closure type. (2) [2]	No.	GIEQ 13	100	RO	A
77596	Other presses, power-driven, n.e.c., specially designed for the production of military explosives. (3) [2]	No.	GIEQ 13	100	RO	A
	Industrial manufacturing and service-industries machines, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
77599	Equipment, n.e.c., for the production of military explosives (specify by name); and specially fabricated parts and accessories, n.e.c. (Report chemical processing equipment for the production of explosives in 77525; and processing vessels in 77585.) (4) [2]	-------	GIEQ 13	100	RO	A
77599	Powder cutting machines with feed rolls geared to rotating cutter blades, and specially fabricated parts and accessories, n.e.c. (11) [2]	-------	GIEQ 13	100	RO	A
77599	Sweetie barrels, revolving type, 5 feet or more in maximum diameter, and specially fabricated parts and accessories, n.e.c. (16) [2]	-------	GIEQ 13	100	RO	A
77599	Parts and accessories, n.e.c., specially fabricated for pressed listed on the Positive List under Schedule B No. 77596. (18) [2]	-------	GIEQ 13	100	RO	A
	Civil aircraft (commercial and civilian) 3,000 lbs. and over empty weight, n.e.c.:					
79361	Passenger transports, civil, new, 3,000, under 15,000 lbs. empty weight. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79363	Passenger transports, civil, new, 15,000, under 30,000 lbs. empty weight. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79365	Passenger transports, civil, new, 90,000 lbs. and over empty weight, of types and models which have been in normal civil use for two years or less. (Specify type, model, and name of manufacturer.) (1) [5]	No.	TRAN 3	None	RO	A E
79365	Other passenger transports, civil, new, 30,000 lbs. and over empty weight. (Specify type, model, and name of manufacturer.) (2) [5]	No.	TRAN 2	None	RO	E

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Civil aircraft (commercial and civilian) 3,000 lbs. and over empty weight, n.e.c.—Continued					
79367	Rotary-wing aircraft, civil, new, 3,000 lbs. and over empty weight. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79369	Civil aircraft, used and rebuilt (including converted or demilitarized), 90,000 lbs. and over empty weight, of types and models which have been in normal civil use for two years or less. (Specify type, model, and name of manufacturer.) (1) [5]	No.	TRAN 3	None	RO	A E
79369	Other civil aircraft, used and rebuilt (including converted or demilitarized), 3,000 lbs. and over empty weight. (Specify type, model, and name of manufacturer.) (2) [5]	No.	TRAN 2	None	RO	E
	Civil aircraft (commercial and civilian), under 3,000 lbs. empty weight, n.e.c.:					
79371	Utility, personal, and liaison aircraft, civil, new, 3 places and under. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79373	Utility, personal, and liaison aircraft, civil, new, 4 places and over. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79375	Rotary-wing aircraft, civil, new, under 3,000 pounds empty weight. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79377	Civil aircraft, used and rebuilt (including converted or demilitarized) under 3,000 pounds empty weight. (Specify type, model, and name of manufacturer.) [5]	No.	TRAN 2	None	RO	E
79379	Civil aircraft, new, n.e.c., 90,000 pounds and over empty weight, or types and models which have been in normal civil use for two years or less. (Specify type, model, and name of manufacturer.) (Report used and rebuilt in 79369 and 79377.) (1) [5]	No.	TRAN 3	None	RO	A E
79379	Other civil aircraft, new, n.e.c. (Specify type, model, and name of manufacturer.) (Report used and rebuilt in 79369 and 79377.) (2) [5]	No.	TRAN 2	None	RO	E
	Aircraft engines, including quick change units (horsepower ratings are maximum take-off horsepower at sea level):					
79440	Reciprocating, liquid-cooled, new, (all sizes). (Specify type and horsepower.) [5]	No.	TRAN 2	None	RO	E
79460	Reciprocating, air-cooled, new, under 400 horsepower. (Specify type and horsepower.) [5]	No.	TRAN 2	None	RO	E
79461	Reciprocating, air-cooled, new, 400, under 1,000 horsepower. (Specify type and horsepower.) [5]	No.	TRAN 2	None	RO	E
79464	Reciprocating, air-cooled, new, 1,000 under 2,500 horsepower. (Specify type and horsepower.) [5]	No.	TRAN 2	None	RO	E
79466	Reciprocating, air-cooled, new, 2,500 horsepower and over. (Specify type and horsepower.) [5]	No.	TRAN 2	None	RO	E
79468	Reciprocating (liquid and air-cooled, all sizes), used and rebuilt. (Specify type and horsepower.) [5]	No.	TRAN 2	None	RO	E
79470	Turbo-jets, new and used, 9,000 pounds thrust and over. (Specify type and pound thrust.) (1) [5]	No.	TRAN 3	None	RO	A E
79470	Turbo-jets, new and used, under 9,000 pounds thrust. (Specify type and pound thrust.) (2) [5]	No.	TRAN 2	None	RO	E
79470	Gas turbines (including prop jets), new and used. (Specify type and pound thrust or shaft horsepower.) (3) [5]	No.	TRAN 2	None	RO	E
79472	Jet types, n.e.c. (including rocket), new and used, 9,000 lbs. thrust and over. (Specify type and pound thrust.) (1) [5]	No.	TRAN 3	None	RO	A E
79472	Jet types, n.e.c. (including rocket), new and used, under 9,000 lbs. thrust. (Specify type and pound thrust.) (2) [5]	No.	TRAN 2	None	RO	E
79483	Integrated flight instrument systems, including gyro-stabilizers and automatic pilots, and specially fabricated parts and accessories, n.e.c. (Specify by name and model or type number.) (1) and (2) [5 15]	-------	SATE 1	100	RO	A E
79483	Other aircraft flight instruments, and specially fabricated parts and accessories, n.e.c. (Specify by name.) (3) [4]	-------	SATE 2	100	RO	A E
	Aircraft landing gear, and specially fabricated parts and accessories, n.e.c.:					
79487	Aircraft landing gear assemblies specially fabricated for types and models of aircraft of 90,000 lbs. and over empty weight which have been in normal civil use for two years or less.[4 17]	-------	TRAN 3	500	RO	A E
79487	Aircraft landing gear assemblies for other civil aircraft, and specially fabricated parts and accessories, n.e.c.[17]	-------	TRAN 2	500	RO	E
	Parts and accessories (except engine and propeller parts and accessories), n.e.c., specially fabricated for aircraft:					
79489	The following parts and accessories specially fabricated for types and models of aircraft of 90,000 lbs. and over empty weight which have been in normal civil use for two years or less: (a) fuselages or hulls; (b) wings, wing panels and sections; and (c) rudders and fins.[4 17]	-------	TRAN 3	500	RO	A E
	Parts and accessories (except engine and propeller parts and accessories), n.e.c., specially fabricated for aircraft:					
79489	Other parts and accessories, n.e.c., specially fabricated for aircraft.[17]	-------	TRAN 2	500	RO	E
	Metal salts of organic compounds, except paint and varnish driers:					
83979	Lithium salts of organic compounds. (Specify by name.) (5) [1]	Lb.	SALT 1	25	RO	A
	Explosives and blasting agents, n.e.c.:					
86070	Jet perforators. (1) [1]	Lb.	CONS 6	500	R	-------
86070	Oil well bullets. (4) [1]	Lb.	CONS 6	500	R	-------

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective July 9, 1959.
[3] The processing code is changed or related commodity group number is changed (see § 372.5(f) of this chapter.
[4] The symbol "A" is added in the column headed "Commodity Lists," indicating that on and after August 17, 1959 an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exportation of these commodities to the countries specified in § 373.2 of this chapter.
[5] The symbol "E" is added in the column headed "Commodity Lists," indicating that the commodity may now be exported under the Periodic Requirements Licensing procedure. (See Part 376 of this chapter.)
[12] The commodity description is revised without substantive change.
[14] The commodity coverage is decreased.
[16] The commodity coverage is increased, effective July 9, 1959.
[17] ~~Two entries are substituted for one presently on the Positive List under this Schedule B number.~~
[15] On or after August 17, 1959 an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of integrated flight instrument systems, including gyro-stabilizers and automatic pilots, of types and models which have been in normal civil use for more than two years, and specially fabricated parts and accessories therefor, to the countries specified in § 373.2 of this chapter. (Instruments of this type which have been in normal civil use two years or less are presently subject to this requirement.)

This part of the amendment shall become effective as of July 2, 1959 except as otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in parts 2 and 3 above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., July 9, 1959, may be exported under the previous general license provisions up to and including August 3, 1959. Any such shipment not laden aboard the exporting carrier on or before August 3, 1959 requires a validated license for export.

4. Section 399.2 *Appendix B—Commodity interpretations* is amended by adding the following interpretation:

Interpretation 21: Military automotive vehicles.

(1) *Military automotive vehicles.* For purposes of United States export controls, military automotive vehicles, "possessing or built to current military specifications differing materially from normal commercial specifications" fall into two categories:

Military automotive vehicles on the Munitions List, new and used. Automotive vehicles in this category are primarily combat (fighting) vehicles with or without armor

and/or armament, "designed for specific fighting function." These automotive vehicles are licensed by the State Department. See list with descriptions, Category VI, § 370.4 of this chapter.

Military automotive vehicles not on the Munitions List, new and used. Automotive vehicles in this category are primarily transport vehicles designed for non-combat military purposes (transporting cargo, personnel and/or equipment and for towing other vehicles and equipment over land and roads in close support of fighting vehicles and troops). These automotive vehicles are licensed by the Department of Commerce. United States military transport automotive vehicles currently in use are built on one of six basic truck chassis groups, classified as follows:

Truck, Utility, ¼-ton, 4 x 4, M38 Series.
Truck, Cargo, ¾-ton, 4 x 4, M37 Series.
Chassis, Truck, 2½-ton, 6 x 6, M44 Series,
Chassis, Truck, 2½-ton, 6 x 6, M133 Series,
Chassis, Truck, 5-ton, 6 x 6, M39 Series,
Chassis, Truck, 10-ton, 6 x 6, M121 Series.

United States military transport automotive vehicles in each of the above chassis groups may have a variety of chassis lengths and body types or styles and still meet the Positive List definition.

(2) *Parts for military automotive vehicles.* Only functional parts specifically fabricated for the six basic truck chassis groups of military automotive vehicles described in subparagraph (1) above are on the Positive List.

Functional parts are defined as those parts making up the power train of the vehicles including the electrical system, the cooling system, the fuel system and the control system (brake and steering mechanism), the front and rear axle assemblies including the wheels, the chassis frame, springs and shock absorbers.

Parts specifically fabricated for military automotive vehicles on the Munitions List are licensed for export by the State Department.

(3) *General instructions.* Manufacturers of non-Munitions List automotive vehicles and/or parts will know whether their products meet the conditions described above. Merchant exporters and other parties who are not sure whether their products (automotive vehicles and/or parts) meet these conditions should check with their suppliers for the required information before making a shipment under the general license or submitting an application to the Bureau of Foreign Commerce for an export license.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-6189; Filed, July 28, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7457 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Hacker, Siamon & Elfenbein, Inc., et al.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hacker, Siamon & Elfenbein, Inc., et al., New York, N.Y., Docket 7457, July 3, 1959]

In the Matter of Hacker, Siamon & Elfenbein, Inc., a Corporation, and Sidney Siamon, Nathan Hacker, and William Elfenbein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Hacker, Siamon & Elfenbein, Inc., a corporation, and its officers, and Sidney Siamon, Nathan Hacker, and William Elfenbein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, in commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6205; Filed, July 28, 1959; 8:45 a.m.]

[Docket 7366 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Premier Knitting Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1290 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Premier

Knitting Co., Inc. (New York, N.Y.), et al., Docket 7366, July 4, 1959]

In the Matter of Premier Knitting Co., Inc., a Corporation, and Arnold A. Saltzman, Sanford Forster, and Irving Saltzman, Individually and as Officers of Said Corporation, and Universal Dye Works, Incorporated, a Corporation, and Joseph B. Schmitz, Fred C. Oshell, Catherine C. Conver, and Lily M. Schmitz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Philadelphia garment finisher and dyer and a distributor in New York City with advertising falsely that orlon products treated with "UT-Formula" would not pill or fuzz up in balls.

Respondent garment finisher entered into an agreement containing a consent order. On that basis, the hearing examiner made his initial decision and order to cease and desist which became on July 4 the decision of the Commission. The matter is still pending as to the distributor respondent.

The order to cease and desist is as follows:

It is ordered, That respondents Universal Dye Works, Incorporated, a corporation, and its officers and Joseph Schmitz, Jr., individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their UT-Formula, or any other preparation possessing substantially the same properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, or in connection with Orlon sweaters or other Orlon products which have been finished by their UT-Formula, or by any other preparation or formula possessing substantially the same properties, which products are offered for sale, sold and distributed in said commerce, do forthwith cease and desist from:

1. Representing, directly or by implication, that Orlon sweaters or other Orlon products treated with their UT-Formula will not pill;

2. Furnishing means and instrumentalities, or putting into operation any plan, which may induce others to represent that Orlon products treated with UT-Formula, will not pill.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Fred C. Oshell, Catherine C. Conver, and Lily M. Schmitz, individually and as officers of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Universal Dye Works, Incorporated, a corporation, and Joseph Schmitz, Jr., erroneously named in the complaint as Joseph B. Schmitz, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6206; Filed, July 28, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1923]

[Wyoming 031283]

WYOMING

Withdrawing Lands in National Forests for Use of Forest Service as Recreation Areas, Roadside Zones and Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests designated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, roadside zones, and administrative sites, as indicated:

SIXTH PRINCIPAL MERIDIAN

TARGHEE NATIONAL FOREST

Rapid Creek Administrative Site

T. 43 N., R. 118 W. (Partly Unsurveyed),
Sec. 5, SE¼NW¼, SW¼NE¼, SE¼NE¼, and N½SE¼.
Totaling 200 acres.

Teton Canyon Administrative Site

T. 44 N., R. 118 W. (Unsurveyed),
Sec. 22, E½SE¼;
Sec. 23, W½SW¼.
Totaling 160 acres.

Mail Cabin Administrative Site

T. 41 N., R. 118 W. (Unsurveyed),
Sec. 22, E½NE¼;
Sec. 23, W½NW¼.
Totaling 160 acres.

Long Springs Administrative Site

T. 37 N., R. 118 W.,
Sec. 18, E½SW¼NE¼, and SE¼NE¼.
Totaling 60 acres.

Squirrel Meadows Administrative Site

T. 47 N., R. 118 W. (Unsurveyed),
Sec. 4, SE¼, and S½S½NE¼.
Totaling 200 acres.

Hominy Administrative Site

T. 47 N., R. 117 W.,
Sec. 16, W½W½SW¼NE¼, E½SE¼NW¼, and E½W½SE¼NW¼.
Totaling 40 acres.

Bircher (Coal Creek) Recreation Area

T. 41 N., R. 118 W. (Unsurveyed),
Sec. 14, W½SW¼;
Sec. 15, SE¼.
Totaling 240 acres.

Teton Pass Recreation Area (Observation Point).

T. 41 N., R. 118 W. (Unsurveyed),
Sec. 24; W½SW¼.
Totaling 80 acres.

Lower Teton Canyon Recreation Area

T. 44 N., R. 118 W. (Unsurveyed),
Sec. 24, S½;
Sec. 25, N½N½.
Totaling 480 acres.

Trail Creek Recreation Area

T. 41 N., R. 118 W. (Unsurveyed),
Sec. 5, S½SW¼;
Sec. 6, SE¼SE¼;
Sec. 8, N½NW¼.
Totaling 200 acres.

Darby Canyon Recreation Area

T. 43 N., R. 118 W. (Unsurveyed),
Sec. 21, NE¼SE¼;
Sec. 22, N½S½, and S½N½.
Totaling 360 acres.

Moose Creek Recreation Area

T. 42 N., R. 118 W. (Unsurveyed),
Sec. 32, N½NW¼.
Totaling 80 acres.

East Table Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed),
Sec. 31, NW¼, and N½N½SW¼.
Totaling 200 acres.

Cottonwood Creek Recreation Area

T. 37 N., R. 118 W. (Unsurveyed),
Sec. 13, SW¼NW¼, and NW¼SW¼;
Sec. 14, N½SE¼, and SE¼NE¼.
Totaling 200 acres.

Station Creek Recreation Area

T. 38 N., R. 117 W. (Unsurveyed),
Sec. 35, S½SE¼.
Totaling 80 acres.

Pole Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed),
Sec. 31, NE¼.
Totaling 160 acres.

Elbow Recreation Area

T. 38 N., R. 116 W. (Unsurveyed),
Sec. 32, NW¼.
Totaling 160 acres.

Cabin Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed),
Sec. 17, W½SE¼; and W½E½SE¼;
Sec. 20, NE¼.
Totaling 280 acres.

Dog Creek Recreation Area

T. 38 N., R. 116 W. (Unsurveyed),
Sec. 6, W½SE¼, and SE¼SE¼.
Totaling 120 acres.

Loon Lake Recreation Area

T. 48 N., R. 117 W.,
Sec. 18, S½SW¼SE¼, and S½SE¼SW¼;
Sec. 19, NW¼NE¼, and NE¼NW¼.
Totaling 120 acres.

Cave Falls Recreation Area

T. 48 N., R. 118 W.,
Sec. 9, lots 1 and 2;
Sec. 10, lot 4;

Sec. 15, W½NW¼NW¼;
Sec. 16, NE¼NE¼, and E½NW¼NE¼.
Totaling 142.71 acres.

Lake of the Woods Recreation Area

T. 48 N., R. 116 W.,
Sec. 19, lots 2, 3, and 4.
T. 48 N., R. 117 W.,
Sec. 23, lots 1 and 2, and SE¼SE¼;
Sec. 24, lots 1, 2, 3, 4, 5, 6, 7, and 8.
Totaling 525.23 acres.

Teton #5X (Wyoming #22) Highway, Roadside Zone

A strip of land 200 feet on each side of the center line of Wyoming Highway #22 through the following legal subdivisions:

T. 41 N., R. 118 W. (Unsurveyed),
Sec. 5, NW¼SW¼, and SW¼SE¼;
Sec. 6, NE¼SE¼;
Sec. 8, NE¼;
Sec. 9, SW¼NW¼, and S½;
Sec. 15, NW¼, and N½SW¼;
Sec. 16, NE¼;
Sec. 23, E½NW¼, NE¼, and N½SE¼.
Totaling 340 acres.

Star Valley-Yellowstone FH-6A (U.S. #89) Roadside Zone

A strip of land 200 feet on each side of the center line of U.S. Highway #89 through the following legal subdivisions:

T. 37 N., R. 118 W. (Partly Unsurveyed),
Sec. 13, NE¼, and SE¼NW¼;
Sec. 14, SW¼SE¼, and SE¼SW¼;
Sec. 21, lots 1, 2, 3, and 4;
Sec. 22, NE¼, SE¼NW¼, and N½SW¼;
Sec. 23, NW¼.
T. 37 N., R. 117 W. (Unsurveyed),
Sec. 1, N½N½NW¼;
Sec. 2, NW¼NW¼;
Sec. 3, SW¼, SE¼NW¼, SE¼, and S½S½NE¼;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½;
Sec. 7, NW¼NW¼, and NE¼NE¼;
Sec. 8, NW¼NW¼, and NE¼NE¼;
Sec. 9, N½N½N½;
Sec. 10, NW¼NW¼.
T. 38 N., R. 117 W. (Unsurveyed),
Sec. 34, SE¼SE¼;
Sec. 35, S½S½SW¼;
Sec. 36, S½, and S½NE¼.
T. 38 N., R. 116 W. (Unsurveyed),
Sec. 7, NE¼;
Sec. 8, SW¼, and SW¼NW¼;
Sec. 17, W½NE¼, and NE¼NW¼;
Sec. 20, SE¼;
Sec. 29, E½W½, and NW¼NE¼.
Totaling 872 acres.

Cave Falls F.D.R. #436 Wyoming Roadside Zone

A strip of land 200 feet on each side of the center line of the Cave Falls F.D.R. #436 in Wyoming through the following legal subdivisions:

T. 48 N., R. 118 W.,
Sec. 8, lots 1, 2, and 3;
Sec. 9, lots 3 and 4;
Sec. 17, lot 1, and N½NW¼NE¼.
Totaling 97 acres.

TETON NATIONAL FOREST

Granite Creek Recreation Area

T. 39 N., R. 113 W. (Unsurveyed),
Sec. 8, S½NW¼, and SW¼.
Totaling 240 acres.

Granite Hot Springs Recreation Area

T. 39 N., R. 113 W. (Unsurveyed),
Sec. 6, NW¼.
Totaling 160 acres.

Hoback Campground Recreation Area

T. 38 N., R. 115 W. (Unsurveyed),
Sec. 1, SW¼.
Totaling 160 acres.

Turpin Meadows Recreation Area

T. 45 N., R. 112 W.,
Sec. 14, lot 1, SW¼NE¼SE¼, S½NW¼SE¼, and SW¼SE¼.
Sec. 23, lots 1 and 2.
Totaling 154.77 acres.

Snake River Recreation Area

T. 48 N., R. 115 W. (Unsurveyed),
Sec. 21, W½SE¼, and E½SW¼.
Totaling 160 acres.

Snow King Mountain Recreation Area

T. 41 N., R. 116 W.,
Sec. 33, SE¼SE¼;
Sec. 34, S½SW¼.
T. 40 N., R. 116 W. (Unsurveyed),
Sec. 4, N½NE¼, and NE¼NW¼.
Totaling 240 acres.

Baldy Mountain Administrative Site

T. 44, N., R., 112 W. (Unsurveyed),
Sec. 8, S½NE¼, S½NW¼, SE¼, and SW¼.
Totaling 480 acres.

Blackrock Addition Administrative Site

T. 45 N., R. 113 W.,
Sec. 19, lots 4, 5, 6, and 7, W½SE¼, and SE¼SW¼;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, NE¼NW¼;
Sec. 31, NE¼NW¼.
T. 45 N., R. 13 W.,
Sec. 24, S½SE¼, and S½SW¼;
Sec. 25, lots 1, 2, 3, and 4, N½NE¼, SW¼NE¼, and NW¼.
Totaling 1,153.12 acres.

Bridger Lake Administrative Site

T. 48 N., R. 110 W. (Unsurveyed),
Sec. 19, NE¼.
Totaling 160 acres.

Bryan Flat Administrative Site

T. 38 N., R. 115 W. (Unsurveyed),
Sec. 9, NE¼, E½E½NW¼, NE¼SE¼, N½NW¼SE¼, N½SE¼SE¼, and NE¼NE¼SW¼;
Sec. 10, W½W½W½NW¼, W½W½NW¼SW¼, and W½NW¼SW¼SW¼.
Totaling 325 acres.

Clear Creek Administrative Site

T. 40 N., R. 111 W.,
Sec. 21, S½NE¼, and N½SE¼.
Totaling 160 acres.

Cliff Creek Administrative Site

T. 38 N., R. 114 W.,
Sec, 22, E½NE¼;
Sec. 23, NW¼NW¼.
Totaling 120 acres.

Darwin Administrative Site

T. 40 N., R. 111 W.,
Sec. 15, S½SW¼;
Sec. 22, NE¼NW¼.
Totaling 120 acres.

Enos Lake Administrative Site

T. 46 N., R. 112 W. (Unsurveyed),
Sec. 11, E½SE¼;
Sec. 12, W½SW¼.
Totaling 160 acres.

Flat Creek Administrative Site

T. 41 N., R. 115 W.,
Sec. 3, lots 2, 3, and 4, SW¼NE¼, and S½NW¼.
Totaling 241.97 acres.

Granite Falls Administrative Site

T. 39 N., R. 113 W. (Unsurveyed),
Sec. 6, SE¼, and E½SW¼;
Sec. 7, N½NE¼, and NE¼NW¼.
Totaling 360 acres.

Hoback Administrative Site

T. 38 N., R. 113 W.,
Sec. 29, S½SE¼;
Sec. 32, NE¼;
Sec. 33, W½NW¼.
Totaling 320 acres.

Horse Heaven Meadows Administrative Site

T. 36 N., R. 115 W. (Unsurveyed),
Sec. 9, SW¼SE¼, and SE¼SW¼.
Totaling 80 acres.

Lee Administrative Site

T. 41 N., R. 117 W. (Unsurveyed),
Sec. 29, S½NE¼, N½SE¼, and NE¼SW¼.
Totaling 200 acres.

Lower Soda Fork Administrative Site

T. 46 N., R. 111 W. (Unsurveyed),
Sec. 31, SE¼NW¼.
Totaling 40 acres.

Monument Ridge Lookout and Pasture Administrative Site

T. 37 N., R. 114 W. (Unsurveyed),
Sec. 7, SW¼;
Sec. 18, NW¼NW¼.
Totaling 200 acres.

Mt. Leidy Administrative Site

T. 44 N., R. 114 W.,
Sec. 14, W½SE¼, and SE¼SE¼.
Totaling 120 acres.

Deer Creek Lookout Administrative Site

T. 42 N., R. 111 W.,
Sec. 8, E½SE¼NE¼, E½NE¼SE¼, and NE¼SE¼SE¼;
Sec. 9, W½SW¼NW¼, W½NW¼SW¼, and NW¼SW¼SW¼.
Totaling 100 acres.

Goosewing Administrative Site

T. 42 N., R. 112 W.,
Sec. 33;
Sec. 34, W½W½.
T. 41 N., R. 112 W. (Unsurveyed),
Sec. 3, N½N½NW¼.
Totaling 840 acres.

Upper Hoback Narrows Administrative Site

T. 36 N., R. 115 W. (Unsurveyed),
Sec. 32, W½SE¼, and E½SW¼.
Totaling 160 acres.

Moran-Yellowstone Park Approach Road, U.S. 89 and 287, Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Moran-Yellowstone Park Approach Road through the following approximate legal subdivisions:

T. 47 N., R. 115 W. (Unsurveyed),
Sec. 5, W½;
Sec. 8, NW¼, and S½.
T. 48 N., R. 115 W. (Unsurveyed),
Sec. 9;
Sec. 16;
Sec. 21, N½, W½SW¼, and E½SE¼;
Sec. 28, N½, and SW¼;
Sec. 29, SE¼;
Sec. 32;
Sec. 33, NW¼.
Totaling 339 acres.

Wind River Highway (U.S. #287 and #26) Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Wind River Forest Highway, through the following approximate legal subdivisions:

T. 44 N., R. 110 W. (Unsurveyed),
Sec. 17, SW¼;
Sec. 18, S½;
Sec. 19, NE¼;
Sec. 20;
Sec. 29, N½.
T. 44 N., R. 111 W. (Unsurveyed),
Sec. 3, NW¼, and S½;
Sec. 4, N½;
Sec. 10, NE¼;
Sec. 11, NW¼, and S½;
Sec. 12, SW¼;
Sec. 13, N½, and SE¼;
Sec. 14, NE¼.

T. 45 N., R. 111 W. (Unsurveyed),
Sec. 31;
Sec. 32, NW¼, and S½;
Sec. 33, S½.
T. 45 N., R. 112 W.,
Sec. 31, NE¼;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34;
Sec. 35;
Sec. 36, S½.
T. 45 N., R. 113 W.,
Sec. 25, lot 8;
Sec. 29, NW¼NE¼, and N½NW¼;
Sec. 30, N½NE¼.
Totaling 1,117 acres.

Star Valley-Yellowstone Highway (U.S. #89 and #26) Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Star Valley-Yellowstone forest highway, through the following approximate legal subdivisions:

T. 39 N., R. 116 W.,
Sec. 2, lots 5 and 6, NE¼SW¼;
Sec. 3, lots 5 and 6;
Sec. 11, lots 3, 5, 8, and 9;
Sec. 12, SW¼NW¼, and SW¼; (Unpatented Portions)
Sec. 13, N½NW¼, N½SE¼NW¼, SW¼NW¼, and W½SW¼;
Sec. 14, E½NE¼, N½NE¼SE¼, NW¼SE¼, and E½SW¼; (Unpatented Portions)
Sec. 23, NE¼, NW¼, and Unpatented Portions of W½SE¼ and SW¼;
Sec. 26, W½NW¼; (Unpatented Portions)
Sec. 27, lot 5, NW¼NE¼, N½SW¼NE¼, N½SW¼, and SW¼SW¼;
Sec. 31, SE¼SE; (Unpatented Portions)
Sec. 32, lot 6.
T. 38, N., R. 116 W.,
Sec. 5, NW¼ and SW¼, those portions west of the Snake River;
Sec. 6, E½NE¼, and E½SE¼.
Totaling 170 acres.

Hoback Canyon Highway (U.S. #187) Roadside Zone

A strip of land 200 feet wide on each side of the Hoback Canyon Highway, through the following approximate legal subdivisions:

T. 37 N., R. 111 W.,
Sec. 31, N½, and SE¼;
Sec. 32, W½.
T. 37 N., R. 112 W.,
Sec. 20, S½;
Sec. 21, SW¼;
Sec. 25, SW¼;
Sec. 26, S½;
Sec. 27, N½, and SE¼;
Sec. 28, N½;
Sec. 29, N½;
Sec. 36, N½.
T. 38 N., R. 114 W. (Partly Unsurveyed),
Sec. 4, W½ (Unpatented Portions);
Sec. 5, N½;
Sec. 6, N½, and SW¼;
Sec. 9;
Sec. 10, SW¼;
Sec. 15, N½, and SE¼;
Sec. 22, W½NE¼;
Sec. 23, NE¼, E½NW¼, SW¼NW¼, and SE¼;
Sec. 24, W½NE¼NW¼, NW¼NW¼, S½NW¼, and SW¼.
T. 38 N., R. 115 W. (Unsurveyed),
Sec. 1, NE¼, and S½;
Sec. 2, NW¼, and S½;
Sec. 3, N½;
Sec. 4, N½NE¼.
T. 39 N., R. 115 W. (Unsurveyed),
Sec. 29, W½SW¼;
Sec. 30, NE¼NW¼, and SE¼ (Unpatented Portions);
Sec. 32, NE¼, N½NW¼, N½SE¼NW¼, and SE¼;
Sec. 33, SW¼;
Sec. 34, SW¼.
T. 39 N., R. 116 W. (Unsurveyed),
Sec. 23, SE¼, and SW¼ (Unpatented Portions);
Sec. 24, S½;
Sec. 26, NE¼, and Unpatented portions of NW¼.
Totaling 1,079 acres.

Teton Pass Forest Highway (Wyoming #22) Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Teton Pass Forest Highway, through the following approximate legal subdivisions:

T. 41 N., R. 117 W. (Unsurveyed),
Sec. 19, S½;
Sec. 20, SE¼SE¼;
Sec. 29, NW¼NE¼, and NW¼;
Sec. 30, NE¼.
T. 41 N., R. 118 W. (Unsurveyed),
Sec. 24, S½.
Totaling 217 acres.

Gros Ventre Road, Forest Service #88, Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Gros Ventre forest development road, through the following approximate legal subdivisions:

T. 41 N., R. 112 W. (Unsurveyed),
Sec. 2, S½;
Sec. 3, S½NE¼, SE¼NW¼, S½N½NW¼, and NE¼SE¼.
T. 42 N., R. 112 W.,
Sec. 19, SW¼;
Sec. 28, W½SW¼;
Sec. 29;
Sec. 30, N½N½.
T. 42 N., R. 113 W. (Partly Unsurveyed),
Sec. 6, SW¼;
Sec. 7, N½, and SE¼;
Sec. 8, SW¼;
Sec. 9, W½SW¼SW¼, and E½SW¼SE¼;
Sec. 15, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 16, E½NE¼, E½NW¼NE¼, and NE¼SE¼;
Sec. 22, N½NE¼;
Sec. 23, S½NE¼, NW¼, and N½SE¼;
Sec. 24, S½;
Sec. 25, NE¼.
T. 42 N., R. 114 W. (Partly Unsurveyed),
Sec. 1, NW¼, NE¼SW¼, and SE¼;
Sec. 2, N½NE¼;
Sec. 4, N½NW¼;
Sec. 5, N½;
Sec. 6, E½NE¼NE¼.
T. 43 N., R. 114 W. (Unsurveyed),
Sec. 31, S½;
Sec. 33, SE¼SW¼, and S½SE¼;
Sec. 34, S½;
Sec. 35, NW¼SW¼, S½SW¼, and SW¼SE¼.
Totaling 818 acres.

The total area withdrawn by this order aggregates 15,751.80 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59-6209; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1924]

[New Mexico 034635]

NEW MEXICO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve Nos. 574, 546, 59, and Water Power Designation No. 1)

1. In DA-48-New Mexico, issued May 13, 1957; DA-50-New Mexico, issued January 6, 1958, and DA-56-New Mexico, issued July 28, 1958, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act, as amended:

NEW MEXICO PRINCIPAL MERIDIAN

DA-50-New Mexico

T. 14 S., R. 10 E.,
Sec. 22, NW¼NE¼ and NW¼.

DA-56-New Mexico

T. 29 N., R. 14 W.,
Sec. 15, Lot 1.

DA-48-New Mexico

T. 23 S., R. 28 E.,
Sec. 9, NE¼NW¼.

The areas described aggregate approximately 268 acres.

2. The land in T. 14 S., R. 10 E., lies on the south side of the Rio Tularosa, on fairly level tableland bordering Tularosa Canyon. Lot 1, section 15, T. 29 N., R. 14 W., is located on the north bank of the San Juan River, approximately 5 miles from Farmington. The NE¼NW¼, section 9, T. 23 S., R. 28 E., is crossed by the Pecos River about three miles north of Loving.

3. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 1 of this order are hereby opened to location, entry and selection under the public-land laws, subject to the provisions of section 24 of the Federal Power Act, supra, and subject to valid existing rights, and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be sub-

ject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 28, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 27, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 27, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Until 10:00 a.m. on October 23, 1959, the lands shall be subject to application by the State of New Mexico under section 24 of the Federal Power Act, supra, for the reservation to the State or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

7. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59–6210; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1925]

[1174829]

OREGON

Partially Revoking Departmental Orders of September 2, 1914 and March 28, 1925 (Owyhee Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of September 2, 1914 and March 28, 1925, which withdrew lands in Oregon for reclamation purposes in the first form, in connection with the Owyhee Project, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 20 S., R. 45 E.,
Sec. 35, W½W½SE¼.
T. 22 S., R. 45 E.,
Sec. 28, E½ and E½SW¼;
Sec. 33, NE¼, NE¼NW¼, S½NW¼ and S½.
T. 22 S., R. 46 E.,
Secs. 6, 7, 17 and 18.

The areas described aggregate 3,542.94 acres.

2. The State of Oregon has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands are in Malheur County, approximately eight miles from Adrian, Oregon. The topography is rolling to rough and mountainous. Vegetation consists mostly of cheat grasses, a small amount of other native grasses, and sagebrush.

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. An application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following.

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended) presented prior to 10:00 a.m. on August 28, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 27, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 27, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 27, 1959.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59–6211; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1926]

[76666]

WISCONSIN

Opening Lands Under Section 24 of Federal Power Act (Power Site Classification No. 298)

1. In DA–5–Wisconsin, issued August 2, 1957, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act of 1920, as amended, and subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees, or licensees:

FOURTH PRINCIPAL MERIDIAN

T. 39 N., R. 9 E.,
Sec. 6, lot 5.

Containing 17.15 acres.

2. The tract is located eight miles west of Eagle River on the south bank of the Wisconsin River, and within the boundaries of the American Legion State Forest.

3. No application for the lands may be allowed under the homestead, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 1 of this order are hereby opened to filing of applications and selections, subject to section 24 of the Federal Power Act, supra, and the condition specified in said paragraph 1, and subject to existing valid rights and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or rights. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284, as amended), presented prior to 10:00 a.m. on August 28, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on November 27, 1959, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Until 10:00 a.m. on January 23, 1960, the lands shall be subject to applications by the State of Wisconsin in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). They shall also be subject to application by the State under Section 24 of the Federal Power Act, supra, for the reservation to the State or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

6. The lands have been open to applications and offers under the mineral leasing laws.

7. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59–6212; Filed, July 28, 1959; 8:46 a.m.]

[Public Land Order 1927]

[Oregon 05332]

OREGON

Revoking Executive Order Creating Power Site Reserve No. 644; Partially Revoking Executive Orders Creating Power Site Reserves Nos. 634 and 645, and Modifying Departmental Orders Constituting Water Power Designations Nos. 11 and 12

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, it is ordered as follows:

1. The Executive Order of July 17, 1917, creating Power Site Reserves Nos. 634 and 645, and the Departmental orders of July 13, 1917, classifying certain lands as Water Power Designations Nos. 11 and 12, pursuant to sections 2 and 3 of the act of June 9, 1916 (39 Stat. 218), are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 23 S., R. 9 W.,
Sec. 7, lot 13;
Sec. 17, SE¼SW¼;
Sec. 19, SE¼SW¼.
T. 22 S., R. 10 W.,
Sec. 35, lot 3, SE¼NE¼, SW¼SW¼, and NE¼SE¼.
T. 23 S., R. 10 W.,
Sec. 13, NE¼NE¼ and S½NE¼.

The areas described aggregate 402.35 acres of revested Oregon and California Railroad grant lands.

2. The Executive Order of August 23, 1917, reserving the following-described lands as Power Site Reserve No. 644, is hereby revoked:

WILLAMETTE MERIDIAN

T. 23 S., R. 9 W.,
Sec. 18, lot 2.

The area described contains 40.29 acres.

3. The departmental order of July 13, 1917 (Water Power Designation No. 11), and the Executive Order of July 17, 1917 (Power Site Reserve No. 634), referred to in paragraph 1 hereof, are hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, U.S. Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following-described lands, delineated upon maps in three sheets designated "Douglas County, Oregon, Loon Lake, R.D. No. 3 by A. H. May, County Eng." on file with the Bureau of Land Management in Oregon 05332:

WILLAMETTE MERIDIAN

T. 23 S., R. 10 W.,
Sec. 1, lots 17 and 18.

4. The Federal Power Commission has determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public-land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

(DA–461—Oregon)

T. 23 S., R. 9 W.,
Sec. 7, lot 17;
Sec. 17, NE¼SW¼ and W½SW¼;
Sec. 19, lot 4 (SW¼SW¼), NW¼SE¼, and NE¼SW¼.
T. 23 S., R. 10 W.,
Sec. 1, SW¼SE¼;
Sec. 13, NW¼NE¼;
Sec. 35, NE¼SE¼.

The areas described aggregate 400.23 acres.

(DA–470—Oregon)

T. 23 S., R. 10 W.,
Sec. 2, lots 14 and 15.

The areas described aggregate 75.86 acres.

5. The lands described in this order are, or have the status of revested Oregon and California Railroad grant lands. At 10:00 a.m. on October 23, 1959, they shall become subject to such disposition as may by law be made of such lands, those described in paragraph 4, however, to be subject to disposition only in accordance with and subject to the provisions of section 24 of the Federal Power Act (41 Stat. 1075; 16 U.S.C. 818) as amended. Until 10:00 a.m. on October 23, 1959, they, together with the lands described in paragraphs 1 and 2 of this order, shall be subject only to application by the State of Oregon under any statute or regulation applicable thereto for the reservation to it or to any of its political subdivisions of any portion of the lands needed as a right-of-way for public highways or as a source of materials for the construction and maintenance of such highways.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1959.

[F.R. Doc. 59-6213; Filed, July 28, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-762]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Renewal of Station Licenses

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the addition of a new § 21.709 to Part 21 of its rules, which concerns the standards for determination of the common carrier status of radio station licensees (other than wireline carriers) seeking renewal of authorizations in the Domestic Public Point-to-Point Microwave Radio Service; and

It appearing that while the Commission recognizes that an applicant (other than wireline carriers) may establish its initial eligibility to become a licensee of such point-to-point common carrier microwave radio facilities by holding itself out as a common carrier and assuming all legal burdens and obligations accruing to such status, it is necessary and desirable to review, after a reasonable interval of operation, the extent of use of such facilities by persons other than those in which the licensee has some direct or indirect interest or relation; and

It further appearing that the amendment herein ordered would elicit information on the basis of which the common carrier status of licensees (other than wireline carriers) seeking renewal of license will be considered; and

It further appearing that the amendment herein ordered sets forth a general statement of procedure relative to our reexamination of the common carrier status of certain licensees seeking renewal of station licenses for Domestic Public Point-to-Point Microwave Radio Systems licensed under Part 21 of our rules, which amendment is procedural in nature, and, therefore, proposed rulemaking is not required pursuant to the provision of section 4(a) of the Administrative Procedure Act;

It is ordered, That, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 21 of the Commission's rules is amended to add a new § 21.709, as shown below, effective the 31st day of August 1959.

Released: July 24, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 21 of the rules is amended by adding the following new § 21.709 thereto:

§ 21.709 Renewal of station licenses.

(a) Upon filing application for renewal of station license of a radio system in the Domestic Public Point-to-Point Microwave Radio Service, each such common carrier licensee who does not also operate a telephone or telegraph wireline system shall make a factual showing that, during the preceding license period, at least 50 percent of the total hours of service rendered over the radio system, and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with, the applicant.

(b) If the applicant is unable to meet the criteria set forth in paragraph (a) of this section, he shall make a factual showing of the extent of such service rendered, the specific nature, extent, and dates of any efforts the licensee has made to achieve use of the service by the public, and offer such further showing or explanation as he may deem appropriate.

(c) The showing made under paragraphs (a) and (b) of this section shall be made in duplicate and under oath and submitted with the appropriate renewal application.

[F.R. Doc. 59-6240; Filed, July 28, 1959; 8:50 a.m.]

[FCC 59-763]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Frequencies; Bandwidth and Emission Limitations

At a session of the Federal Communications Commission held at it offices in Washington, D.C., on the 22d day of July, 1959;

The Commission having under consideration the implementation of the frequency bands 942–952 and Mc 2110–2200 Mc for use by communication common carriers and other minor editorial changes in Part 21 of the Commission's Rules Governing Domestic Public Radio Services (Other than Maritime Mobile); and

It appearing that use of the frequency bands 942–952 Mc and 2110–2200 Mc for the purposes herein intended was duly considered in the rule making proceeding in Docket No. 12404 wherein the Commission, in its Fifth Report and Order, dated February 18, 1959, announced its intention to amend, in conformance therewith, its service rules without further Notices of Proposed Rule Making; and

It further appearing that the amendments herein considered conform to the table of frequency allocations in § 2.104 (a) (5) of Part 2 of the Commission's rules and the aforementioned Fifth Report and Order in Docket No. 12404; and

It further appearing that the rule changes herein considered would facilitate resolution of cases of harmful interference which may affect common carrier radio stations operating in the 890–940 Mc band; and

It further appearing, that use of the frequency band 2110–2200 Mc would facilitate common carrier rendition of public communication service over difficult radio transmission paths where use of other available frequencies is not practicable; and

It further appearing that because the public interest would be served by adoption of the rule changes set forth below and, since such changes are editorial in nature and relieve restrictions, proposed rule making proceedings are not necessary herein;

It is ordered, That §§ 21.501, 21.601, 21.701 and 21.703 of Part 21 of the Commission's rule are hereby amended, as set forth below, effective September 1, 1959. This action is taken pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and sections 4 (a) and (c) of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 22, 1959.

Released: July 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 21 is amended by addition of new paragraphs (e) and (h) to § 21.501 to read as follows:

§ 21.501 Frequencies.

* * * * * *

(e) On a shared basis with other common carrier fixed, international control and operational fixed radio services, frequencies in the band 2110–220 Mc may be authorized for use by control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service on the condition that the emission bandwidth is limited to the minimum necessary to serve the purpose required. Bandwidths in excess of 5 Mc will not be authorized.

* * * * * *

(h) Stations now authorized in the band 890–940 Mc may be authorized to operate in the band 942–952 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890–942 Mc band or by ISM equipment operating on 915 Mc.

(2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942–952 Mc is likely to eliminate the interference.

(3) That the bandwidth of emission does not exceed 1100 kc.

(4) That the proposed frequency assignment will not cause interference to existing operations in the band 942–952 Mc.

2. Part 21 is amended by deletion of footnote 16 and by addition of a new paragraph (f) to § 21.601 to read as follows:

§ 21.601 Frequencies.

* * * * * *

(f) Stations now authorized in the band 890–942 Mc may be authorized to operate in the band 942–952 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890–942 Mc band or by ISM equipment operating on 915 Mc.

(2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942–952 Mc is likely to eliminate the interference.

(3) That the bandwidth of emission does not exceed 1100 kc.

(4) That the proposed frequency assignment will not cause interference to existing operations in the band 942–952 Mc.

3. Part 21 is amended by addition of a new paragraph (e) to § 21.701 to read as follows:

§ 21.701 Frequencies.

* * * * * *

(e) On a shared basis with other common carrier fixed, international control and operational fixed radio services, frequencies in the band 2110–2200 Mc are available for assignment to radio stations in this service. Television transmission in this band is not authorized.

4. Part 21 is amended by revision of paragraphs (c) and (g) of § 21.703 to read as follows:

§ 21.703 Bandwidth and emission limitations.

* * * * * *

(c) Except as limited by § 21.701(e) and by paragraphs (a) and (b) of this section, stations operating in the frequency bands listed in § 21.701 may be authorized to use amplitude modulated, frequency modulated or pulse type emission for radiotelephony, facsimile and television. The use of unmodulated emission may be authorized in appropriate cases upon specific request supported by a justification of the need therefor.

* * * * * *

(g) The maximum bandwidth normally authorized in this service in the following frequency bands shall not exceed the limits set forth below:

Frequency band, Mc	Authorized bandwidth (Mc)
2110–2200	5
2450–2500	20
3700–4200	20
5925–6425	30
10700–11700	50
16000–18000	100
26000–30000	200

[F.R. Doc. 59-6241; Filed, July 28, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 48]

ENROLLMENT OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by secs. 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9, it is proposed to add enrollment regulations to Title 25 of the Code of Federal Regulations as Part 48. The proposed regulations are set forth below. The purpose of the regulations is to govern the preparation of a roll of the San Pasqual Band of Mission Indians in California.

All interested persons may, within thirty days of the date of publication of this notice in the FEDERAL REGISTER, submit to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., written comments, suggestions or objections with respect to the proposed regulations.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 23, 1959.

Sec.
48.1 Purpose.
48.2 Definitions.
48.3 Preparation of roll.
48.4 Application for enrollment.
48.5 Persons to be enrolled.
48.6 Enrollment Committee election.
48.7 Review of applications by Enrollment Committee.
48.8 Determination of eligibility and enrollment by Director.
48.9 Appeals.
48.10 Action by the Commissioner.
48.11 Action by the Secretary.
48.12 Preparation and approval of roll.
48.13 Certificate.
48.14 Current membership roll.
48.15 Use of approved roll.

AUTHORITY: §§ 48.1 to 48.15 issued under authority contained in secs. 463 and 465 Revised Statutes, 25 U.S.C. 2 and 9.

§ 48.1 Purpose.

These regulations shall govern the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959.

§ 48.2 Definitions.

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Sacramento Area Office.

(d) "Field Representative" means the Area Field Representative, Riverside, California.

(e) "Band" means the San Pasqual Band of Mission Indians.

(f) "Enrollment Committee" means a committee of three (3) members whose names appear on the June 30, 1910, Census roll of the San Pasqual Band, to assist in enrollment.

(g) "Census Roll" means the June 30, 1910, Census Roll of the San Pasqual Band of Mission Indians.

§ 48.3 Preparation of roll.

The Director shall prepare and submit for approval by the Secretary a roll of the members of the Band.

§ 48.4 Application for enrollment.

A person who believes that he or she, or a minor or mental incompetent is entitled to enrollment with the Band, may within ninety (90) days from the date of the publication of this part in the FEDERAL REGISTER, file with the Field Representative a written application for enrollment in this Band. Application forms may be obtained from the Field Representative or a member of the Enrollment Committee. The form of application shall be prescribed by the Director. The execution of each application shall be witnessed by two (2) disinterested persons who are not members of the household of the applicant. An application on behalf of a minor or mental incompetent shall be executed by a parent, natural guardian, or other person responsible for his care. If the Director has knowledge of a minor or mental incompetent for whom an application has not been filed within the 90-day period, he shall file an application for that person and submit it to the Enrollment Committee. Each application shall contain the following information:

(a) The name and address of the applicant, and if the applicant is a minor

or mental incompetent; the name, address, representative capacity and blood relationship of the person executing the application on behalf of the minor or mental incompetent.

(b) The date and place of birth of the applicant.

(c) The applicant's degree of Indian blood and degree of Indian blood of the Band.

(d) Date and number of land assignment approved by the Bureau of Indian Affairs.

(e) If the applicant has ever been allotted or enrolled, the name of the reservation where allotted or enrolled and the date of relinquishment of allotment or enrollment.

(f) The name and degree of Indian blood of each parent of the applicant, the degree of Indian blood of the Band, the name of the tribe or Band with which each parent of the applicant is or was enrolled, and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment with the Band.

(g) If the applicant is enrolled on approved roll of Indians of California, the number thereon of the applicant.

§ 48.5 Persons to be enrolled.

The names of persons in any of the following categories who were alive on January 1, 1959, shall be placed on the membership roll of the Band, provided he or she is not an enrolled member of some other tribe or band.

(a) Indians whose names appear as members of the Band on the Census Roll.

(b) Descendants of Indians whose names appear as members of the Band on the Census Roll, provided such descendants possess one-eighth (⅛) or more degree of Indian blood of the Band.

(c) Indians not included in the categories set out in paragraphs (a) and (b) of this section who can furnish sufficient proof to establish that they are ⅛ or more degree Indian blood of the Band.

(d) The burden of proof rests upon the applicant to establish that he or she is of the degree of Indian blood of the Band as claimed in the application.

(e) If an Indian who applies for enrollment under the provisions of paragraphs (a), (b) or (c) of this section has received in his or her own right an allotment or is enrolled as a member with some other tribe or band and has not relinquished such allotment or enrollment prior to January 1, 1959, such person shall not be enrolled. Ownership of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment.

§ 48.6 Enrollment Committee election.

A person who is twenty-one (21) years of age or older and believes that he is a member of the Band, shall be entitled to vote at a time and place and in a manner designated by the Band or Director, to elect three (3) persons, whose names appear on the Census Roll, to serve as members of the Enrollment Committee and two (2) persons to act as alternates to the Committee. The three (3) persons receiving the highest number of votes shall constitute the Enrollment Committee of the Band, and the persons receiving the fourth and fifth highest number of votes shall serve as alternate members of the Committee. The person receiving the highest number of votes shall be the chairman; the person receiving the next highest number of votes shall be the secretary.

§ 48.7 Review of applications by Enrollment Committee.

The Field Representative shall refer duly filed applications for enrollment to the Enrollment Committee. The Enrollment Committee shall review each such application and may require an applicant to furnish additional information in writing or in person to assist the Enrollment Committee to make a recommendation. The Enrollment Committee shall file with the Director, through the Field Representative, those applications which it approves and with those applications not approved shall submit a separate report stating reasons for disapproval. The applications, whether approved or disapproved, shall be filed with the Director within thirty (30) days from receipt of the applications by the Committee.

§ 48.8 Determination of eligibility and enrollment by Director.

The Director shall review the reports and recommendations of the Enrollment Committee and shall determine the applicants who are eligible for enrollment in accordance with the provisions of § 48.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who have been determined by the Director to be eligible for enrollment against the report and recommendations of the Enrollment Committee, and the reports and recommendations of the Enrollment Committee relative to applicants who have been determined by the Director not to be eligible for enrollment against the reports and recommendations of the Enrollment Committee, with a statement of the reasons for his determination.

§ 48.9 Appeals.

If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 48.5 he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of the mailing of the notice to him to file with the Director an appeal from the rejection of his application, together with any supporting evidence not previously furnished. The Director shall forward to the Commissioner the appeal, supporting data, and his recommendation thereon, and the report and recommendation of the Enrollment Committee on the application.

§ 48.10 Action by the Commissioner.

When upon review the Commissioner is satisfied that the appellant meets the provisions of § 48.5 he shall so notify the appellant in writing, and the Director is authorized to enter his name on the roll. If the Commissioner determines that an appellant is not eligible for enrollment in accordance with the provisions of § 48.5 the appellant shall be notified in writing of his decision and the reasons therefor. The appellant shall then have thirty (30) days from the date of mailing of the notice to file an appeal with the Secretary.

§ 48.11 Action by the Secretary.

The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. The Director is authorized to enter on the roll the name of any such person whose appeal has been granted when so directed by the Secretary.

§ 48.12 Preparation and approval of roll.

Upon notice from the Secretary that all appeals have been determined the Director shall prepare in quintuplicate a roll of members of the Band, arranged in alphabetical order. The roll shall contain for each person: name, address, sex, date of birth, and degree of Indian blood of the Band. The Director shall submit the roll to the Secretary for approval. Four (4) copies of the approved roll shall be returned to the Director who shall make one (1) copy available to the Chairman of the Tribal Council and one (1) copy available to the Chairman of the Enrollment Committee.

§ 48.13 Certificate.

The Director shall affix a certificate to the approved roll, certifying that the roll, to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the Band.

§ 48.14 Current membership roll.

The roll shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Band and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Director and by adding thereto the names of children born after January 1, 1959, who meet the membership requirements set forth in § 48.5. It will not be necessary for the Secretary to approve each addition to or deletion from the current membership roll. However, before the roll may be used for the distribution of tribal assets it shall be submitted to the Secretary for his final approval.

§ 48.15 Use of approved roll.

Unless otherwise directed by Congress, the approved roll shall be used for all official purposes.

[F.R. Doc. 59-6214; Filed, July 28, 1959; 8:46 a.m.]

[25 CFR Part 163]

ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 463 of the Revised Statutes (25 U.S.C. 2), it is proposed to amend 25 CFR 163 as set forth below. The purpose of this amendment is to exclude the 155,000 acres on the Colville Reservation known as the Columbia-San Poil Divide Area and the 125,000 acres on the Flathead Reservation known as the Mission Range Area from the list of roadless areas heretofore set forth in § 163.1 of Title 25, CFR; also the 19,000 acres known as the Fort Charlotte Area and the 11,000 acres known as the Grand Portage Area, both on the Grand Portage Reservation, are proposed to be excluded from the list of wild areas heretofore set forth in § 163.2 of Title 25, CFR. The respective Tribes have requested the elimination of these areas to facilitate the economic development of the areas.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1959.

Section 163.1 of Part 163 is amended to read as follows:

§ 163.1 Roadless areas.

A roadless area for the purpose of this part is one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in forested country or at least 500,000 acres in non-forested country. The following are established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Wind River Mountains	Shoshone	220,000
Mt. Thomas	Ft. Apache	130,000
Mesa Verde	Consolidated Ute	115,000
Goat Rocks	Yakima	105,000

The boundaries of these areas are described in the appendix to this part.[1]

Section 163.2 of Part 163 is amended to read as follows:

§ 163.2 Definition of wild areas.

There are certain areas, not large enough to be designated by the term roadless, from which it is nevertheless desirable to exclude provision for the passage of motorized transportation. Such tracts have been designated as wild areas. The Secretary of the Interior ordered that the following be established as wild areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Mount Adams	Yakima	48,000

The boundaries of this area are indicated in the appendix to this part.[1]

[F.R. Doc. 59-6208; Filed, July 28, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 939]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1959–60 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $37,535.40 are likely to be incurred by said committee during the fiscal period beginning July 1, 1959, and ending June 30, 1960, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles pears shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid period, the rate of assessment at eight and one-half mills ($0.0085) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6219; Filed, July 28, 1959; 8:46 a.m.]

Agricultural Research Service

[7 CFR Part 319]

COFFEE

Proposed Amendment of Quarantine and Regulations

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), is considering amending the Subpart "Coffee" (7 CFR 319.73, 319.73–1 through 319.73–3) to read as follows:

QUARANTINE

§ 319.73 Notice of quarantine.

Pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), and after the public hearing required thereunder, the Administrator of the Agricultural Research Service hereby determines that the unrestricted importation into Puerto Rico and Hawaii from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, (c) coffee plants and leaves, and (d) empty sacks previously used for unroasted coffee, may result in the entry into Puerto Rico and Hawaii of the coffee berry borer (Stephanoderes [coffeae Hgdn.] hampei Ferr.) and an injurious rust disease caused by the fungus Hemileia vastatrix B. and Br., and said Administrator hereby further determines, that, in order to prevent the introduction into Puerto Rico and Hawaii of said insect pest and coffee disease, which are new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into Puerto Rico and Hawaii of the products and plants specified above, except as permitted in the regulations supplemental hereto. Hereafter, the products and plants specified above shall not be

imported or offered for entry into Puerto Rico and Hawaii from any foreign country or locality except as permitted by said regulations. However, whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of one or more of the products to which this subpart applies, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

§ 319.73–1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Division.* The Plant Quarantine Division, Agricultural Research Service of the Department.

(b) *Director.* The Director of the Plant Quarantine Division of the Agricultural Research Service of the Department, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(d) *Permit.* A form of authorization to allow the importation of certain products in accordance with the regulations in this subpart.

§ 319.73–2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico and Hawaii, except as provided in §§ 319.73–3 and 319.73–4.

§ 319.73–3 Conditions for importation of certain products into Puerto Rico.

(a) *Coffee samples.* Samples of unroasted coffee seeds and beans, not exceeding one pound in weight, may be imported into Puerto Rico under permit by mail, freight, express, or baggage. They shall be subject, on arrival, to inspection and fumigation or such other treatment as may be required by the inspector.

(b) *In-transit shipments.* In-transit shipments of unroasted coffee seeds and beans through Puerto Rico to foreign countries shall be subject to the Plant Safeguard Regulations (Part 352 of this chapter). The same restrictions shall apply to shipments of these products in transit through Puerto Rico to destinations elsewhere in the United States.

(c) *Empty sacks previously used for unroasted coffee.* Empty sacks previously used for unroasted coffee may be imported into Puerto Rico under permit subject to inspection by an inspector. If found to be contaminated with unroasted coffee seeds, beans, or berries, the sacks shall be immediately disinfected by the person in charge or possession of such sacks, under the supervision of an inspector and in the manner prescribed by him.

§ 319.73–4 Conditions for in-transit movement of certain products through Hawaii.

(a) In-transit shipments through Hawaii of samples of unroasted coffee seeds and beans in closed mail dispatches, destined to foreign countries or to destinations elsewhere in the United States in compliance with this subpart, will be allowed to proceed without action by the inspector. Other samples of unroasted coffee seeds or beans received by mail in the post offices in Hawaii shall be subject to inspection and safeguard action by the inspector, who shall require their immediate return to origin or immediate forwarding to a destination elsewhere in the United States in compliance with this subpart. Such return or onward movement shall be in closed mail dispatches. If immediate action is not possible they shall be destroyed as a prohibited importation.

(b) Samples of unroasted coffee seeds or beans coming to Hawaii as cargo and not unloaded in Hawaii may be allowed to proceed to a foreign destination or to a destination elsewhere in the United States in compliance with this subpart. If the samples are transshipped in Hawaii, it shall be done immediately and the inspector shall see that the samples are properly wrapped or packaged to prevent pest escape and, if necessary, shall require the carrier to rewrap or package them to the inspector's satisfaction.

(c) Other mail, cargo and baggage shipments of products covered by § 319.73–2, arriving in Hawaii shall not be unloaded or transshipped in Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (Part 352 of this chapter).

§ 319.73–5 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

The purpose of the proposed amendments is to include Hawaii in the notice of quarantine, which heretofore related exclusively to imports of unroasted coffee and related items into Puerto Rico. The amendments would prohibit importations into Hawaii of unroasted coffee seeds or beans, coffee berries or fruits, coffee plants and leaves, and empty sacks previously used for unroasted coffee. Permit and inspection requirements have been added as a condition for the importation into Puerto Rico of empty, used coffee sacks as a further safeguard against the entry of the coffee berry borer. The supplementary regulations have also been modified to specify conditions for certain limited in-transit movement of coffee through Hawaii.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

Done at Washington, D.C., this 23d day of July 1959.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 59–6220; Filed, July 28, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 299]

[Economic Regs.; Docket No. 10740]

PART 299—EXEMPTION OF AIR CARRIERS FROM CERTAIN REQUIREMENTS OF SECTION 408 OF THE FEDERAL AVIATION ACT

Notice of Proposed Rule Making

JULY 24, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 299 of the Economic Regulations which would add another category of aircraft purchase or lease transactions to be excluded under § 299.2 and would put the carriers on notice that the Board reserves the right to terminate the exemptions under this part with respect to transactions believed not to be in the public interest.

The principal features of the proposed regulation are expressed in the attached Explanatory Statement and the proposed amendment is set forth in the Proposed Rule below. This regulation is proposed under authority of sections 204(a) and 416(b) of the Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of seven (7) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 28, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 1, 1959, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Part 299 of the Board's Economic Regulations grants limited exemptions from section 408(a) (2) and (3) of the Act to any direct air carrier which is a party to an aircraft purchase or lease transaction requiring approval under these subsections, provided that certain conditions are met. This regulation applies only where there has been, among other things, arm's length bargaining and there are no affiliations or interlocking or control relationships between the parties. Such exemptions are granted on the grounds that the continued processing of applications by air carriers for prior approval of these limited transactions on an individual basis is an undue burden on such air carriers by reason of the limited extent of or unusual circumstances affecting the operations of such air carriers and is not in the public interest.

It was the Board's intent under Part 299, as the preamble to that part indicates, to exempt those equipment transactions which are of such a limited nature, by virtue of the fact that they are not of sufficient importance or complexity in terms of their impact upon the public interest to warrant a hearing, that the continued processing of applications for prior approval thereof on an individual basis would impose an undue burden on the air carriers by reason of the limited extent of or unusual circumstances affecting the operations of such carriers. Recently, however, the Board's attention has been focused on a lease agreement between an air carrier and a person engaged in a phase of aeronautics wherein the proceeds of the operations under the lease were payable to the lessor less reimbursement for operating expenses and a fixed fee which were to be retained by the air carrier lessee. Agreements of this nature are not the usual type of lease arrangement and require individual scrutiny by the Board since they tend to subject the air carrier to the control of the lessor in violation of section 408(a)(5), or even to make the air carrier operation that of the lessor (possibly a person other than an air carrier) in violation of section 401(a) of the Act. Therefore, the Board believes that the prevention of possible abuses of operating authority and the sound regulation of the air carriers require that such transactions not be permitted without a clear evidentiary showing that they do not involve a violation of the Act or do not, for any other reason, adversely affect the public interest.

Inasmuch as a profit sharing situation could occur in a purchase agreement as well as a lease, it is proposed to amend Part 299 to specifically exclude from coverage under that part any aircraft purchase or lease agreement where the amount paid to the person whose aircraft are being acquired is directly related to the profits from the operation of such aircraft.

In addition, it is also deemed appropriate to further amend Part 299 to make it clear that the Board will take appropriate steps consistent with law to terminate any exemption afforded under Part 299 which it believes to be contrary to the public interest.

Proposed rule. It is proposed to amend Part 299 of the Economic Regulations (14 CFR Part 299) as follows:

§ 299.2 [Amendment]

1. By amending § 299.2 by adding a new paragraph (d) to read as follows:

(d) An aircraft purchase or lease agreement wherein the payment to the person whose aircraft are being purchased or leased is directly related to the gross revenue or profits derived from the operation of the aircraft.

2. By renumbering present § 299.4 as § 299.5 and by adding a new § 299.4 to read as follows:

§ 299.4 Termination of exemption.

The exemption granted by this part may be terminated by the Board, under appropriate procedures, with respect to any transaction that it believes to be contrary to the public interest.

[F.R. Doc. 59–6233; Filed, July 28, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59–WA–54]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6229 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 229 is presently designated, in part, direct between the Wilmington, N.C., VOR and the New Bern, N.C., VOR. The United States Marine Corps at Camp Lejeune is presently conducting training, under "controlled firing" within this airway. This training includes the firing of small arms, rockets, mortars, and artillery. Firing ceases whenever aircraft are observed in the vicinity of the firing area. In view of the volume of traffic along the airway, interruptions to firing are sufficiently frequent to seriously disrupt the training of the Marine Corps. It is therefore proposed to realign the Wilmington, N.C.-New Bern, N.C., segment of VOR Federal airway No. 229 to provide an adequate area adjacent to Camp Lejeune so that the weapons training program may be conducted with a minimum of interruption. If such action is taken, this segment of the airway would be redesignated via the point of intersection of the Wilmington VOR 014° True and the New Bern VOR 239° True radials, and add about five miles to the segment. As is presently the case, from sunset to sunrise daily, the portion of the modified airway within the Cherry Point Restricted Area (R–125) would extend upward only to 5,500 feet MSL. The control areas associated with VOR Federal airway No. 229 are so designated and described so that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6229 (14 CFR 1958 SUPP., 600.6229) as follows:

1. In § 600.6229 *VOR Federal airway No. 229 (Wilmington, N.C., to Cofield, N.C.)*, delete "From Wilmington, N.C., omnirange station via the New Bern, N.C., omnirange station;". Substitute therefor "From the Wilmington, N.C., VOR via the point of intersection of the 014° True radial of the Wilmington VOR and the 239° True radial of the New Bern, N.C., VOR; New Bern VOR;".

Issued in Washington, D.C., on July 23, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6201; Filed, July 28, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 12947; FCC 59–732]

RULES OF PRACTICE AND PROCEDURE

Notice of Proposed Rule Making

In the matter of amendment of §§ 1.212, 1.213, 1.214, 1.215, 1.216, and

1.218 *Rules of practice and procedure;* Docket No. 12947.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. The recent Sangamon decision (Sangamon Valley Television Corp. v. F.C.C., Case No. 13992, D.C. Cir., May 8, 1959) held that rulemaking proceedings which involve the "resolution of conflicting private claims to a valuable privilege" must as a matter of basic fairness be "carried on in the open" (slip opinion, p. 6). The alternative basis of the court's decision (slip opinion, p. 7) is that the Commission's existing rules, which apply to all rulemaking proceedings, prohibit the submission of materials, formally or informally, after the cut-off date, except where submittals are requested by the Commission or upon a showing of good cause. The court also implied (fn. 9) that § 1.218 of the Commission's rules limits the Commission in all rulemaking proceedings to consideration of comments and materials "of record". The purpose of § 1.218 was to guarantee to all interested persons that comments which were submitted in accordance with the procedures set forth in § 1.213 would be considered by the Commission before it took final action in a rulemaking proceeding. It was not intended to preclude the informal submission of other information and arguments, or to preclude the Commission from considering other data or material which might be available to it, but persons submitting materials informally were given no guarantee that these materials would be considered by the Commission. The proposed (rule) § 1.214(b) makes it clear that generally in rulemaking matters the Commission may consider any materials bearing upon the proceeding regardless of when and in what form they are made available to it. Proposed (rule) § 1.215 sets forth the procedures to be followed in those cases which must be given special consideration.

3. There have in the past been three types of rulemaking proceedings: (1) Those involving procedural rules and certain other classes in which no formal proceedings are required (see § 1.211 of the Commission's rules, 47 C.F.R. 1.211); (2) those in which the Commission is required to consider all relevant comments; and (3) those which are required by statute to be made on the record after opportunity for a Commission hearing (see § 1.214 of the Commission's rules, 47 CFR 1.214). The instant proposals affect only those proceedings in the second class listed above, that is substantive rules which are not required by statute to be made on the record after opportunity for a Commission hearing.

4. The proposed rules contemplate two separate procedures after issuance of the notice of proposed rulemaking. Section 1.214 will govern in rule making cases generally. Section 1.215 will govern in those cases wherein the circumstances indicate that the comments of interested persons should be limited to the record. As provided in § 1.212(f), the Commission will announce in its notice of proposed rulemaking which of the two sections will govern the proceeding. The proposed rules do not attempt to resolve the question as to which rulemaking proceedings come within the court's ruling. We do not believe it is feasible to write a standard into the rules at this time; hence, that question is left to the Commission for resolution on a case by case basis.

5. The substantive changes have been described above. The rules would in some cases be reorganized and renumbered. The formal changes are set forth herewith:

Section 1.212(f) is new. The first part of § 1.213 is new. The second part incorporates present § 1.214, as modified to reflect numbering changes.

The introductory passage to § 1.214(a) is new. Subparagraphs (1), (2), and (3) correspond to present paragraphs (a), (b), and (c) of § 1.213, except that the last three words of paragraph (a) have been deleted. Subparagraph (4) restates present § 1.215, which has been deleted. Subparagraph (5) restates paragraph (d) of present § 1.213, which has been deleted. Subparagraph (6) restates the first part of present § 1.218, which has been deleted. Paragraph (b) is new.

Paragraphs (a), (b), and (c) of § 1.215 correspond to paragraphs (a), (b), and (c) of present § 1.213, except that the last three words of paragraph (a) have been deleted. Paragraph (d) restates present § 1.215, which has been deleted. Paragraph (e) restates paragraph (d) of present § 1.213, which has been deleted. Paragraph (f) restates the first part of present section 1.218, which has been deleted. Paragraphs (g), (h), and (i) are new.

Section 1.216 is modified to reflect numbering changes. Section 1.218 restates the second part of present § 1.218.

6. The rules as amended would provide as follows:

§ 1.212 Content of notice.

A notice of the proposed issuance, amendment, or repeal of a rule will include (a) a statement of the time, nature and place of any public rulemaking proceeding to be held; (b) reference to the authority under which the issuance, amendment or repeal of a rule is proposed; (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved; (d) the docket number assigned to the proceeding; (e) a statement of the time for filing comments and replies thereto; and (f) a statement whether the proceeding will be conducted under the provisions of § 1.214 or § 1.215.

§ 1.213 Procedures governing rulemaking proceedings.

Rulemaking proceedings will be conducted under the provisions of § 1.214 unless the Commission finds that they should be conducted under the provisions of § 1.215, or when they are required by law to be conducted on the record after opportunity for a Commission hearing, in which case the requirements of sections 7 and 8 of the Administrative Procedure Act and applicable provisions of Subparts A and B of this part will govern in place of § 1.214 or § 1.215.

§ 1.214 Rulemaking procedures, general.

(a) Persons desiring to obtain consideration of data, views, or arguments are assured of such consideration in accordance with the following procedures:

(1) After notice of proposed rulemaking has been issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without the opportunity to present the same orally.

(2) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(3) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rulemaking.

(4) Comments and reply comments should conform to the requirements of §§ 1.52 and 1.54.

(5) The Commission may request additional comments and, upon a showing of good cause, may authorize the filing of comments, reply comments or additional comments submitted after the date specified in the notice of proposed rulemaking.

(6) Comments filed in accordance with subparagraphs (1) through (5) of this paragraph will be considered by the Commission before final action is taken in a rulemaking proceeding.

(b) The Commission may consider such other oral or written data, views or information as may be made available to it before final action is taken in a rulemaking proceeding conducted under this section.

§ 1.215 Rulemaking procedures, special.

(a) After notice of proposed rulemaking has been issued, the Commission will afford interested persons an opportunity to participate in the rulemaking proceeding through submission of written data, views, or arguments, with or without the opportunity to present the same orally.

(b) A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules, and the time provided will be specified in the notice of proposed rulemaking.

(c) A reasonable time will be provided for filing comments in reply to the original comments, and the time provided will be specified in the notice of proposed rulemaking.

(d) Comments and reply comments should conform to the requirements of §§ 1.52 and 1.54.

(e) The Commission may request additional comments and, upon a showing of good cause, may authorize the filing of comments, reply comments or additional comments submitted after the date specified in the notice of proposed rulemaking.

(f) Comments filed in accordance with paragraphs (a) through (e) of this section will be considered by the Commission before final action is taken in a rulemaking proceeding.

(g) Except as provided in paragraphs (a) through (e) of this section, written materials bearing upon matters in issue in a rulemaking proceeding conducted under this section shall not be submitted to, and will not be considered by, the Commission or the Commission staff in connection with the pending proceeding.

(h) No person shall consult with an individual Commissioner or any staff member with regard to matters at issue in any rulemaking proceeding conducted under this section during such time as it is pending before the Commission, without notifying all parties to the proceeding and giving them an opportunity to be present.

(i) Nothing in this section shall be construed to prohibit the Commission from considering relevant information made available to it prior to the issuance of the notice of proposed rulemaking; information of which it may take official notice; information obtained through consultation with the Commission staff; or any other information available to it and not eliminated from consideration by paragraphs (g) and (h) of this section.

§ 1.216 Further notice of rulemaking.

In any rulemaking proceeding where the Commission deems it warranted, a further notice of proposed rulemaking will be issued with opportunity for interested persons to submit comments in conformity with § 1.214 or § 1.215.

§ 1.218 Commission action.

The Commission will issue a report and order incorporating its finding and a brief statement of the reasons therefor.

7. The Commission is of the view that rulemaking proceedings should be instituted in this matter in order that all interested parties may submit their views.

8. Authority for the adoption of the amendments herein proposed is contained in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended.

9. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments.

10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 22, 1959.

Released: July 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6242; Filed, July 28, 1959; 8:50 a.m.]

[47 CFR Part 19]

[Docket No. 12987; FCC 59-768]

CITIZENS RADIO SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Part 19 *Citizens Radio Service*, to redefine the permissible communications in that service, and to specify a time limitation thereon; Docket No. 12987.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. By its Second Report and Order in Docket No. 11994 (FCC 58-798), published in the FEDERAL REGISTER of August 9, 1958, the Commission completely revised its rules governing the Citizens Radio Service and, among other things, established a new class of station in that service (Class D) for operation with radiotelephone emissions on certain frequencies in the 26.96-27.28 Mc band, to fulfill an apparent need for short-distance voice communications by radio for personal or business use.

3. On the basis of numerous inquiries and reports received by the Commission, it now appears that although the preponderance of the uses proposed to be made of radio stations in the service is within the general classes contemplated by the Commission when the service was first established, a considerable number of individuals may be planning the operation of facilities in this service for the sole purpose of making random "contacts" with distant or unknown stations, or for engaging in lengthy general discussions with the operators of other similar stations, in more-or-less the manner which is customary in the Amateur Radio Service. It appears that such amateur-type operation, if engaged in to any extent, could result in intolerable interference to those persons operating radio facilities in this service to meet their needs for short distance communications by radio directed to specific persons or stations on personal or business matters. It also appears that the public interest requires that this latter type of communications be protected from unwarranted interference.

4. Accordingly, the Commission proposes to amend §§ 19.3 and 19.61 of its rules governing the Citizens Radio Service as set forth below, so as to more clearly define the scope of permissible communications in that service and simultaneously to establish a limitation on the duration of any one transmission or exchange of communications between stations in the service. The proposed provisions will be made more particularly applicable to Class D stations in the service, because it is in connection with the use of that class of station that the greatest interference problems are expected to occur. In addition, § 19.61 is proposed to be amended so as to permit the joint, shared or cooperative use of a Class A station by two or more licensees, under certain circumstances.

5. The foregoing proposed amendments, which are set forth in detail below, are issued under the authority of sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before September 29, 1959, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commision will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of statements, briefs, an comments filed shall be furnished the Commission.

Adopted: July 22, 1959.

Released: July 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. It is proposed to amend § 19.3 to read as follows:

§ 19.3 Policy governing the assignment of frequencies.

(a) The frequencies which may be assigned to Class A stations in the Citizens Radio Service, and the frequencies which are available for use by Class B, Class C, or Class D stations, are listed in Subpart C. Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) In no case will more than one frequency be assigned to Class A stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency is essential to the operation proposed.

(c) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities. Continuous or uninterrupted transmissions from a single station or between a number of inter-communicating stations is prohibited, except for communications involving the safety of life, the protection of property, or civil defense operations as provided in § 19.93.

2. It is proposed to amend § 19.61 to read as follows:

§ 19.61 Permissible communications.

(a) Each Class A, Class B, or Class D station in this service may communicate

with any other station in the Citizens Radio Service. Communication with stations licensed under other parts of this chapter, or with United States Government or foreign stations, is prohibited except for communications relating to civil defense in accordance with the provisions of § 19.93.

(b) No person operating a station in this service shall knowingly interfere with or interrupt the communications of other stations which involve the safety of life or the protection of property.

(c) All communications shall be limited to the minimum possible transmission time. During any fifteen-minute period, the total transmission time for any unit of a Class D station, whether a single continuous transmission or a series of separate transmissions, shall not exceed a total of five minutes except in the case of inter-communication between units of the same licensee, or except in the case of communications involving the safety of life, the protection of property, or civil defense operations as provided in § 19.93.

(d) All transmissions from a Class D station must be addressed to specific persons or stations; any communication addressed to stations in general (such as by use of the general call "CQ"), for the purpose of conducting random communications with unknown stations, is prohibited except in cases of emergency involving the safety of life, the protection of property, or civil defense operations as provided in § 19.93.

(e) Subject to the provisions of paragraph (a) of this section, any station licensed in this service may be used for communication by or on behalf of any person, when authorized by the station licensee, on a strictly voluntary and no-charge basis; however, any joint, shared or cooperative use of the same unit of any station by two or more persons, for the purpose of communicating on a regular basis with other units of their respective stations, is prohibited unless specifically authorized in writing by the Commission. Such authorization will be granted only to Class A stations upon a showing, satisfactory to the Commission, that participation by the licensee in such joint, shared or cooperative use is not incidental to some other service or activity engaged in by the licensee for which he receives compensation or remuneration from the other party and that the licensee has full access to and exclusive control over the radio equipment operated under the authority of the license held by him; and upon a further showing either that no form of remuneration or compensation, direct or indirect, will be received for such use by the licensee of the station used, or that such joint, shared or cooperative use is on a non-profit, cost-sharing basis pursuant to a written contract between the parties concerned. Such contract shall clearly establish that contributions to capital and operating expenses are accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all parties to the agreement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the station licensee and held available for inspection by Commission representatives.

(f) A citizen's radio station may not be used for any purpose or in connection with any activity which is contrary to Federal, State, or local law; or to carry communications for hire; or to carry program material of any kind either directly or indirectly for use in connection with radio broadcasting; or for the transmission of music or any other material intended solely for entertainment purposes; or for direct transmission to the public through public address systems or by any other means.

(g) A citizens radio station may transmit a continuous carrier, without being modulated by any form of communication or signal, under the following conditions only:

(1) When transmitting for brief tests or when adjustments are being made to the transmitter; or

(2) When a station which is being used to control model aircraft by means of interrupted tone modulation is actually controlling such aircraft in flight.

(h) Except as provided in paragraph (g) of this section, a citizens radio station used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention, shall not be operated in a manner which involves the continuous radiation of energy.

(i) Except as provided in paragraph (g) of this section, a citizens radio station which is used for the purpose of communication by radiotelegraphy of any type shall not emit a carrier wave except when telegraph signals are being transmitted.

(j) The licensee of any station in this service may, during a period of emergency in which normal communication facilities are disrupted or inadequate as a result of hurricane, flood, earthquake, enemy action, or similar disaster, utilize such station for emergency communications without regard to the provisions of paragraphs (a), (c), (d) and (e) of this section, under the following conditions:

(1) As soon as possible after the beginning of such emergency use, notice shall be sent to the Commission in Washington, D.C., or to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the emergency and the use to which the station is being put;

(2) The emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and the Commission in Washington, D.C., or the Engineer in Charge, shall be notified immediately when such special use of the station is terminated; and

(3) The Commission may at any time order discontinuance of such special use of the authorized facilities.

[F.R. Doc. 59-6243; Filed, July 28, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

BYRON C. HEACOCK

Statement of Personal Business Interests

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Byron C. Heacock on 7 July 1959 in the Department of the Army. Mr. Heacock is serving as Chief of the San Francisco Ordnance District, San Francisco, California.

Mr. Heacock is presently retired.

Mr. Heacock's statement of his personal business interests is attached.

Dated: July 23, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

The following statement lists the names of concerns required by section 302(b) of Executive Order 10647, dated 28 November 1955 (subsection 710(b)(6) of the Defense Production Act of 1950, as amended).

1. The names of any corporation of which I am, or within 60 days preceding this appointment have been, an officer or director:

a. Caterpillar Tractor Co., Peoria, Ill.: Director.

b. South Pacific Airlines, Inc., San Francisco, Calif.: Director.

2. The names of any corporation in which I own, or within 60 days preceding this appointment have owned, any stocks, bonds, or other financial interests:

a. F. E. Booth Co., San Francisco: Stockholder and note holder.

b. Caterpillar Tractor Co., Peoria, Ill.: Stockholder.

c. Oakland Bank of Commerce, Oakland, Calif.: Stockholder.

d. Scott Paper Co., Chester, Pa.: Stockholder.

e. South Pacific Airlines, Inc., San Francisco, Calif.,: Stockholder.

3. The names of any partnerships in which I am, or within 60 days preceding this appointment have been, a partner:

None.

4. The names of any other businesses in which I own, or within 60 days preceding this appointment have owned, any similar interest:

None.

Dated: July 16, 1959.

BYRON C. HEACOCK.

[F.R. Doc. 59-6229; Filed, July 28, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 13; Amdt. 4]

ALASKA PUBLIC SALE ACT

JULY 22, 1959.

Pursuant to the authority delegated to me under section 2.5 of Bureau Order No. 541 of April 21, 1954, (19 F.R. 2473) as amended, Alaska Public Sale Classification No. 13 of December 29, 1953, as amended, is hereby further amended as follows:

The classification for industrial and commercial purposes only, which was applied to the lands in Lot 13 of Tract B of U.S. Survey 3292 is revised to include in addition classification for housing purposes. This amendment will take effect immediately.

RICHARD L. QUINTUS,
Operations Supervisor.

[F.R. Doc. 59-6234; Filed, July 28, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE ATLANTIC PASSENGER STEAMSHIP CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7840-34, between the member lines of the Atlantic Passenger Steamship Conference, modifies the Annex to the basic agreement of that conference (No. 7840, as amended), which governs all Atlantic passenger traffic carried by such lines between European, Mediterranean and Black Sea countries, also ports of Morocco, Madeira and the Azores Islands, on the one hand, and ports on the East Coast of North America, including United States, Canada, and Newfoundland, and United States Gulf ports, on the other hand. The purpose of the modification is to clarify the understanding of the member lines that the present reductions granted to agents, responsible clerks of general agents, their wives and children, and to blind persons accompanied by conductors, will apply to round-trips as well as to one-way passage.

(2) Agreement No. 8392, between Compania Maritima Orlanda, S.A., and Ostberg Line and Americana Shipping Corporation, covers an arrangement whereby Orlanda will charter space on its vessels for use of Ostberg and Americana in their alternate weekly joint service sailings in the trade from New York, Baltimore and/or Philadelphia to certain designated ports on the East Coast of Central America, upon terms and conditions set forth in the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 24, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6228; Filed, July 28, 1959; 8:47 a.m.]

Office of the Secretary

MAX LARRY BLUESTONE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: Merritt, Chapman & Scott.
B. Additions: American Metal Climax, Inc., General Telephone & Electronics, Universal Oil Products.

This statement is made as of July 8, 1959.

MAX LARRY BLUESTONE.

JULY 8, 1959.

[F.R. Doc. 59-6222; Filed, July 28, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2261]

IDAHO

Notice of Land Withdrawal

JULY 23, 1959.

In the matter of Lolo-Divide Creek Transmission Line, the Washington Water Power Company.

Conformable to the provisions of section 24 of the Federal Power Act a Notice of Land Withdrawal was issued, June 18, 1959 (24 F.R. 5124-5: June 23, 1959), reserving 30.84 acres of lands of the United States for transmission line right-of-way purposes pursuant to the filing of application for license on April 21, 1959, by The Washington Water Power Company for Project No. 2261.

A further examination of the project application discloses that the applicant also desired to obtain rights-of-way across parcels of lands of the United States for the location of access road rights-of-way, the alignments of which have not been determined by actual survey.

Therefore, in accordance with section 24 of the Federal Power Act notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in the above-cited project and are, from the date of filing of the aforesaid application, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

BOISE MERIDIAN

A strip of land 100 feet in width (unsurveyed) within the following described subdivisions for future access road rights-of-way locations as indicated upon the maps transmitted with the notice of June 18, 1959:

T. 29 N., R. 3 W.,
Sec. 5: SE¼NW¼;
Sec. 19: SW¼SE¼;
Sec. 30: NW¼NE¼.
T. 30 N., R. 3 W.
Sec. 6: Lot 5;
Sec. 32: Lot 7.
T. 31 N., R. 3 W.,
Sec. 8: NE¼NE¼;
Sec. 9: NW¼NW¼.
T. 30 N., R. 4 W.,
Sec. 12: E½NE¼.

The total area of the subdivisions listed above reserved pursuant to this notice is approximately 361.64 acres, which will be subject to reduction upon the filing of map exhibits delimiting the rights-of-way as surveyed.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6203; Filed, July 28, 1959; 8:45 a.m.]

[Project No. 137]

CALIFORNIA

Notice of Modification of Land Withdrawal

JULY 23, 1959.

In the matter of Pacific Gas and Electric Company, Mokelumne River Development.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission gave notice, to the Bureau of Land Management, on October 20, 1952, of the reservation of 103.29 acres of land of the United States pursuant to the filing, on December 26, 1951, of an application for amendment of license, by the Pacific Gas and Electric Company.

The Licensee on May 30, 1959, filed an application for further amendment of license, supported by revised map exhibits, filed April 1, 1959, superseding the exhibits which were the basis of the aforesaid withdrawal notice. These exhibits define the project boundaries of the various structures as constructed, thereby requiring a modification of the previous withdrawal notice to include additional land necessary for this project.

Therefore, in accordance with section 24 of the Act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 137 and are, from the date of filing of completed application for amendment on April 1, 1959, reserved

from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

LOWER BEAR RIVER RESERVOIR

All portions of the following described subdivisions lying within the project boundaries as delimited upon map designated "Exhibit K–12–F" (F.P.C. No. 137–153) entitled Lower Bear River Reservoir, Mokelumne River Development; superseding "Exhibit K–12–E" (F.P.C. No. 137–69) and superseding in part "Exhibit K–11–E" (F.P.C. No. 137–68).

T. 8 N., R. 15 E.,
Sec. 13: SE¼SE¼SE¼;
Sec. 24: NE¼NE¼NE¼.
T. 8 N., R. 16 E.,
Sec. 9: SE¼SW¼NW¼, E½SW¼SW¼NW¼;
Sec. 17: S½SW¼SW¼NW¼;
Sec. 19: NW¼ of Lot 1, S½ of Lot 1.

All portions of the following described subdivisions lying within the project as delimited upon map designated "Exhibit K–11–F" (F.P.C. No. 137–152) entitled Bear River Conduit, Mokelumne River Development; superseding, in part "Exhibit K–11–E" (F.P.C. No. 137–68).

BEAR RIVER CONDUIT

T. 8 N., R. 16 E.,
Sec. 33: E½SW¼.

Tunnel Sluice, including Valvehouse, Tunnel, pipe and channel rights-of-ways of various widths.

T. 8 N., 16 E.,
Sec. 28: SE¼SW¼, SW¼SE¼;
Sec. 33: NW¼NE¼, N½SW¼NE¼.

COLD CREEK DIVERSION TUNNEL

T. 8 N., R. 16 E.,
Sec. 28: NE¼NE¼SW¼.

A tract, for Road, from Salt Springs Powerhouse to Tramway.

T. 8 N., R. 16 E.,
Sec. 33: SE¼SE¼SE¼NW¼.

The additional area reserved for this project by this modification, is approximately 75.74 acres, all of which is within the El Dorado National Forest. Approximately 3.26 acres, part of Bear River conduit, have been heretofore reserved, under this project (No. 137), for the Salt Springs Development.

Copies of revised map Exhibits K–11–F (F.P.C. No. 137–152) and K–12–F (F.P.C. No. 137–153) have been transmitted to the Bureau of Land Management, Forest Service, and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6204; Filed, July 28, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12825 etc.; FCC 59M–937]

BINDER-CARTER-DURHAM, INC., ET AL.

Notice of Further Prehearing Conference

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP–11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP–12526; Triad Television Corporation, Lansing, Michigan, Docket No. 12942, File No. BP–12980; for construction permits for standard broadcast stations.

A further prehearing conference will be held Thursday, September 10, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: July 22, 1959.

Released: July 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6244; Filed, July 28, 1959; 8:50 a.m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

GOVERNMENT OF CZECHOSLOVAKIA

Extension of Time for Filing Claims

Notice was published in the FEDERAL REGISTER on Page 7161 on September 16, 1958 that pursuant to section 1, Public Law No. 85–604, approved August 8, 1958, which further amended the International Claims Settlement Act of 1949, as amended, the Foreign Claims Settlement of the United States would receive, during the period ending at midnight August 1, 1959, claims of United States nationals against the Government of Czechoslovakia for losses resulting from the nationalization or other taking of property, including any rights or interests therein, on or after January 1, 1945, in accordance with the terms and conditions prescribed in such Public Law and in accordance with the regulations of the Commission made with respect thereto.

Notice is further given that the time for filing such claims is extended to midnight September 15, 1959.

Dated: July 24, 1959.

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 59–6245; Filed, July 28, 1959; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

CALCINED ALUMINA HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 6,000 short tons of calcined alumina now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that, because of obsolescence of such alumina for use in time of war, there is no longer any need for stockpiling said material.

GSA proposes to offer said calcined alumina for sale on a competitive basis. It is proposed to offer the entire quantity for sale at one time, since the quantity is very small in relation to domestic consumption.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the calcined alumina covered by this notice available for sale or transfer beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 23, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59–6207; Filed, July 28, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1997]

CORN PRODUCTS CO. (DELAWARE)

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 23, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Corn Products Company (Delaware) common stock; File No. 7–1997.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 7, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–6217; Filed, July 28, 1959; 8:46 a.m.]

TARIFF COMMISSION

TOWELING OF FLAX, HEMP, OR RAMIE

Second Periodic Report

JULY 24, 1959.

The United States Tariff Commission today submitted to the President its second periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action on July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to domestic industry concerned.

In submitting its second report to the President under Executive Order 10401 with respect to toweling of flax, hemp, or ramie, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of the order. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59–6231; Filed, July 28, 1959; 8:48 a.m.]

STAINLESS-STEEL FLATWARE

Supplemental Report

JULY 24, 1959.

The U.S. Tariff Commission today submitted to the President a supplement to its report of January 10, 1958, on the "escape clause" investigation of stainless-steel table flatware which was made under section 7 of the Trade Agreements Extension Act of 1951, as amended. In its original report the Commission unanimously found that stainless-steel table flatware was being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like products. The six members of the Commission, however, divided three to three on the action that was necessary to remedy the injury. The supplemental report was prepared in response to a letter of March 7, 1958, from the President, requesting additional information.

The supplemental report gives, for stainless-steel table flatware, data on production, imports, exports, employment, and on the profit-and-loss experience of domestic producers through 1958.

Copies of the Commission's report are available as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59–6232; Filed, July 28, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 27]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JULY 24, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7 of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 111231 (Sub No. 34), (REPUBLICATION), filed November 10, 1958, published issue FEDERAL REGISTER March 26, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, coffee beans, tea, wool tops and noils*, and *wool waste* (carded spun, woven, or knitted), in straight and in mixed loads with *certain exempt commodities*, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE: Common control may be involved. The purpose of this republication is to include the transportation of certain exempt commodities in straight and in mixed loads, with the above commodities.

No. MC 118299, (REPUBLICATION), filed December 9, 1958, published issue of FEDERAL REGISTER, April 9, 1959. Applicant: D. K. BRADSHAW AND D. D. BRADSHAW, Doing business as BRADSHAW PRODUCE & TRUCKING, P.O. Box 455, Shelbina, Mo. Grandfather authority sought under Section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight and mixed loads with *certain exempt commodities*, from Mobile, Ala., and New Orleans, La., to points in Alabama, Illinois, Indiana, Kentucky, Missouri, Tennessee, and Texas.

NOTE: The purpose of this republication is to include certain exempt commodities and to reflect applicant's correct trade name as shown above.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–6224; Filed, July 28, 1959; 8:47 a.m.]

[Notice 94]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 24, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience

in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2309 (Deviation No. 6), GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex., filed July 10, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, between Houston, Tex., and Davis Mountain Station, Tex., as follows: From Houston over U.S. Highway 290 to Hempstead, thence over Texas Highway 6 to Waco, thence over U.S. Highway 84 to Gatesville, thence over Texas Highway 36 to Commanche, thence over U.S. Highway 67 to Fort Stockton, thence over U.S. Highway 290 to junction U.S. Highway 80 at Davis Mountain Station and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Houston and Davis Mountain Station over the following route: From Houston over U.S. Highway 75 to Dallas, thence over Texas Highway 114 to Grapevine, thence over Texas Highway 121 to Fort Worth, and thence over U.S. Highway 80 to Davis Mountain Station.

No. MC 67642 (Sub No. 2) (Deviation No. 6) HALL'S MOTOR TRANSIT COMPANY, P.O. Box 738, Sunbury, Pa., filed July 14, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From Port Matilda, Pa., over U.S. Highway 220 to junction U.S. Highway 22 at Hollidaysburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 422 near Edensburg, Pa., thence over U.S. Highway 422 to New Castle, Pa., thence over U.S. Highway 224 to junction Ohio Highway 7, thence over Ohio Highway 7 to the Ohio Turnpike Interchange No. 16 (Youngstown Interchange), thence over the Ohio Turnpike and access routes to Interchange No. 10 (Strongsville-Cleveland Interchange), thence over U.S. Highway 42 to Cleveland, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from State College, Pa., over U.S. Highway 322 via Martha Furnace, Port Matilda, and Clearfield to Grampian, and thence over U.S. Highway 219 to Du Bois, Pa.; from Du Bois over U.S. Highway 322 to Franklin, and thence over U.S. Highway 62 to Oil City, Pa.; and from Oil City over U.S. Highway 62 via Franklin, Pa., to Sandy Lake, Pa., thence over Alternate U.S. Highway 322 (formerly Pennsylvania Highway 358) to Greenville, Pa., thence over Pennsylvania Highway 358 to the Pennsylvania-Ohio State line, thence over Ohio Highway 88 to Parkman, Ohio, thence over U.S. Highway 422 to Chagrin Falls, Ohio, and thence over unnumbered highway to Cleveland; and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6225; Filed, July 28, 1959; 8:47 a.m.]

[Notice 158]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35339. By order of July 21, 1959, the Transfer Board approved the lease for one year to Duplantis Truck Line, Inc., Houma, La., of Certificate in No. MC 57887 Sub 1, issued July 20, 1951, to Elwin J. Duplantis, doing business as Duplantis Truck Line, Houma, La., authorizing the transportation of: *Lumber*, from points in Mississippi to Houma, La.; Household goods, between Houma, La., and points within 25 miles thereof, on the one hand, and, on the other, points in Mississippi and Texas; and Machinery, *equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between Houma, La., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Texas within 400 miles of Houma.

No. MC-FC 62037. By order of July 21, 1959, the Transfer Board approved the transfer to Rudeens, Inc., Michaud, Idaho, of a portion of Certificate No. MC 112504, issued September 24, 1951, to Leo J. Handy, Heyburn, Idaho, authorizing the transportation of: Wooden fence posts, lumber, and millwork, from Portland, Eugene, Klamath Falls, St. Helens, Baker, Union, LaGrande, and Pondosa, Oreg., and points within five miles of each to points in Cassia, Minidoka, Gooding, Twin Falls, Lincoln, Jerome, Bingham, Bonneville, Bannock, and Franklin Counties, Idaho; and damaged, defective and returned shipments of the above-described commodities, from the above-specified destination points to the above-designated origin points. Robert E. Bakes, Twin Falls Bank and Trust Building, Twin Falls, Idaho, for applicants.

No. MC-FC 62200. By order of July 21, 1959, the Transfer Board approved the transfer to Charles A. Ford of Dayton, Ohio, Certificate No. MC 34572 issued June 13, 1941, in the name of Harry Ford of Dayton, Ohio, authorizing the transportation of household goods, over irregular routes, between points in Montgomery County, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania and West Virginia, traversing Maryland for operating convenience only. Floyd G. McWilliams, 826 Reibold Building, Dayton 2, Ohio, for applicants.

No. MC-FC 62242. By order of July 21, 1959, the Transfer Board approved the transfer to Larry Gilmore, doing business as Gilmore Truck Line, Highland, Kans., of Certificate No. MC 1818, issued April 4, 1949, to Quentin Herring, Sparks, Kans., authorizing the transportation of: Livestock, from Sparks, Kans., to St. Joseph, Mo., with service from intermediate and off-route points within ten miles of Sparks, restricted to pick-up only; and brick, feed, sand, and livestock, from St. Joseph, Mo., to Sparks, Kans., with service to intermediate and off-route points within ten miles of Sparks, restricted to delivery only.

No. MC-FC 62410. By order of July 21, 1959, the Transfer Board approved the transfer to S. F. Douglas, an individual, doing business as S. F. Douglas Truck Line, 2330 West County Road C, St. Paul, Minn., of Certificates in Nos. MC 114606 and MC 114606 Sub 1, issued December 17, 1954 and July 8, 1955, respectively, to S. F. Douglas Truck Line, Inc., 2330 West County Road C, St. Paul, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Fargo, N. Dak., and St. Paul, Minn., serving the intermediate and off-route points of Minneapolis and South St. Paul, Minn., and sugar from Moorhead, Minn., to Ortonville, Minn.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6226; Filed, July 28, 1959; 8:47 a.m.]

[Notice 280]

MOTOR CARRIER APPLICATIONS

JULY 24, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 329), filed May 6, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis*, other than those designed to be drawn by passenger automobile, in initial movement by truckaway and driveaway, from Joplin, Mo., to points in the United States; and (2) *tractors*, in secondary movements, via driveaway ONLY when drawing trailers moving in initial movement by the driveaway method, from Joplin, Mo., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 4405 (Sub No. 330), filed May 6, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis*, other than those designed to be drawn by passenger automobile, in initial movement, in truckaway and driveaway service, from Augusta, Kans., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; (2) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements by the driveaway method, from Augusta, Kans., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 16, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 50132 (Sub No. 61), filed May 20, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour edible*, and *flour edible with over 40 percent other ingredients*, in boxes, packages, and bags, from Trenton, Ill., and points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, North Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 50132 (Sub No. 38). Applicant has pending a common carrier application in Docket No. MC 113267 (Sub No. 2). Section 210, dual operations, may be involved.

HEARING: September 18, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 50132 (Sub No. 62), filed May 18, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported baling and binder twine, imported baling wire, imported barbed wire and wire fencing*, and other *imported agricultural wire* and *steel products*, from Philadelphia, Pa., Wilmington, N.C., Charleston, S.C., Savannah, Ga., Mobile, Ala., Norfolk, Va., New Orleans, La., and Beaumont and Houston, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier. Applicant has a pending common carrier application under MC 113267 (Sub No. 2). Dual authority under section 210 may be involved.

HEARING: September 17, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 61396 (Sub No. 70), filed June 17, 1959. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, P.O. Box 1237, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oils and its refined products*, in bulk, in tank vehicles, between points in Harrison County, Mo., on the one hand, and, on the other, points in Iowa, Kansas, Nebraska, and Missouri. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: September 23, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 62056 (Sub No. 6), filed March 26, 1959. Applicant: PAUL E. SCOTT, doing business as SCOTT TRUCK LINE, 321 East 13th, Hutchinson, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen processed potato products*, from points in Oregon to points in Kansas; and (2) *Frozen juices*, in cans and containers, from points in California and Oregon to points in Kansas. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, and Oklahoma.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 62056 (Sub No. 4) to determine whether applicant's status is that of a common or contract carrier. Applicant has a pending application under MC 118207 (BOR 1). Dual operations under section 210 may be involved.

HEARING: September 28, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner James I. Carr.

No. MC 83539 (Sub No. 50), filed June 8, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Steel silos* or *storage tanks*, enamel and glass lined, knocked down or in sections and (b) *Component parts* and *accessories* of steel silos or storage tanks, *including silo loading and unloading devices*, and *materials* incidental to the erection and completion of silos, when moving in connection with such silos or storage tanks, from points in Kankakee, Ill., Commercial Zone, including Kankakee, to points in Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Utah. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: September 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 92983 (Sub No. 354), filed May 26, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Arkansas, Louisiana, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North

Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: September 15, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 92983 (Sub No. 355), filed May 28, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Harrison County, Mo., to points in Iowa, Kansas, Missouri, and Nebraska. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: September 15, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 92983 (Sub No. 358), filed June 2, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* and *spirits*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Illinois, Indiana, Iowa, and Kentucky. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

HEARING: September 29, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 95540 (Sub No. 303), filed May 19, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, from Postville, Iowa, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and those in Louisiana on and east of the Mississippi River. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 30, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 100449 (Sub No. 9), filed March 19, 1959. Applicant: FRANCIS MALLINGER, doing business as MALLINGER TRUCK LINES, 428 Avenue C, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe, drain tile, flue lining, wall coping, mortar mix*, and *fire clay*, from Lehigh, Iowa, to points in Colorado, Missouri, and Kansas. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 29, 1959, at the Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 103993 (Sub No. 120), filed June 1, 1959. Applicant: MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 2, 1959, at the Hotel Lassen, Wichita, Kans., before Examiner James I. Carr.

No. MC 106398 (Sub No. 122), filed May 28, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas except Great Bend, Newton, Wichita, and Coffeyville to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 2, 1959, at the Hotel Lassen, Wichita, Kans., before Examiner James I. Carr.

No. MC 106398 (Sub No. 125), filed June 8, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable grain dryers*, in truckaway service, from the site of American Farm Equipment plant, Crystal Lake, Ill., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 106400 (Sub No. 19), filed June 1, 1959. Applicant: KAW TRANSPORT COMPANY, a Corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Henry M. Shughart, Commerce Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in specialized vehicles, between Lawrence, Kans., and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, Oklahoma, and Arkansas. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Oklahoma, Arkansas, and Illinois.

HEARING: September 11, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 109447 (Sub No. 3), filed March 16, 1959. Applicant: REFRIGERATED TRANSIT, INC., 1320 Cass Avenue, St. Louis, Mo. Applicant's attorney: B. W. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *The commodities* classified as (A) meats, meat products and meat by-products, (B) dairy products, and (C) articles distributed by meatpacking houses, in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from St. Louis, Mo., to Salem, Worcester and Springfield, Mass. Applicant is authorized to conduct operations from and to specified points in Indiana, Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, Illinois, and Missouri.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109447 Sub 1, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 21, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 109889 (Sub No. 8), filed June 15, 1959. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from New Athens, Ill., St. Louis, Mo., and Omaha, Nebr., to points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., and *empty malt beverage containers*, on return. Applicant is authorized to transport malt beverages from and to specified points in Illinois, Missouri, Nebraska, Kansas, Iowa, Oklahoma, Minnesota, and South Dakota.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 66756. A proceeding has been instituted under section 212(c) in No. MC 109889 Sub No. 7, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 25, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 109889 (Sub No. 9), filed June 15, 1959. Applicant: E. A. MYERS, doing business as NABBS SERVICE, 33 East Main Street, Sabetha, Kans. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul and Minneapolis, Minn., to points in Kansas, and *empty malt beverage containers*, on return. Applicant is authorized to transport malt beverages from and to specified points in Illinois, Missouri, Nebraska, Kansas, Iowa, Oklahoma, Minnesota, and South Dakota.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 66756. A proceeding has been instituted under section 212(c) in No. MC 109889 Sub No. 7, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 24, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 110420 (Sub No. 237), filed July 9, 1959. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food coloring*, liquid (caramel color), in bulk, in tank vehicles, from Keokuk, Iowa, to points in Illinois, Indiana, Missouri, Michigan, Wisconsin, Ohio, Minnesota, and Arkansas; (2) *Liquid chocolate and chocolate coating*, in bulk, in tank vehicles, vehicles, from Waukegan, Ill., to points in Alabama, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, and Denver, Colo., Boston and North Abington, Mass., and New York and Rochester, N.Y.; and (3) *Used vegetable oils*, in bulk, in tank vehicles, from York, Nebr., to Clinton, Iowa. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 9, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 110988 (Sub No. 61), filed June 17, 1959. Applicant: KAMPO TRANSIT, INC., Congress Road, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Missouri, Michigan, Minnesota, Nebraska, and Ohio. Applicant is authorized to conduct operations in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 16, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 111401 (Sub No. 108), filed May 21, 1959. Applicant: GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* used in transporting petroleum products, between points in Texas on and north of U.S. Highway 66, on the one hand, and, on the other, points in Nebraska. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming.

HEARING: September 18, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 112020 (Sub No. 68), filed May 19, 1959. Applicant: COMMERCIAL OIL TRANSPORT, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, resins, varnishes* and *lacquers*, in bulk, in specialized equipment, from Kansas City, Mo., to Denver, Colo., Oklahoma City, and Tulsa, Okla., and points in Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 21, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 112069 (Sub No. 8), filed July 14, 1958. Applicant: LIPSMAN-FULKERSON & COMPANY, a Corporation, 314 South 11th Street, Omaha, Nebr. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Fruit and citrus juices*, and *purees* thereof; (b) *Vegetable juices* and *purees* thereof; (c) *Mixed fruit and citrus juices*, and *purees* thereof; (d) *Mixed vegetable juices* and *purees* thereof; (e) *Pies;* (f) *Frozen mixed vegetables;* (g) *Frozen cooked vegetables;* (h) *Candied fruit, candied nuts, fruit cakes, gift fruit boxes and baskets and packages*, including *fresh, dried, or otherwise preserved fruit and vegetables*, moving with any of these other items; (2) *Frozen fruits, frozen berries*, and *frozen vegetables;* (3) *Agricultural (including horticultural) commodities* (not including manufactured products thereof), when moving on the same vehicle with other commodities classified as manufactured products, between points in Michigan, Ohio, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, Kansas, and Colorado, on the one hand, and, on the other, points in California, Washington, Oregon, Arizona, Nevada, Utah, and Idaho; and (4) *Meats, packing-house products, and commodities used by packing houses*, as described in Sections B, C and D of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *bones*, (a) from Madison and Prairie du Chien, Wis., Austin, Minn., Davenport, Waterloo, Fort Dodge, Estherville, and Storm Lake, Iowa, to San Diego, Los Angeles, San Jose, San Francisco, Stockton, and Sacramento, Calif., Portland, Oreg., and Tacoma, Auburn, Seattle, and Spokane, Wash.; and (b) from Dubuque, Iowa, to points in Oregon and Washington. Applicant is authorized to conduct operations in California, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oregon, Washington, and Wisconsin.

NOTE: Applicant states that the authority sought in Nos. (1) and (2) above might duplicate certain claimed "grandfather" authority now being processed in a proceeding under Docket No. MC 112069 (Sub No. 7). Applicant further states it does not seek duplicate authority to, from or between the same points.

HEARING: September 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 114019 (Sub No. 27), filed June 4, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Austin and Indianapolis, Ind., to points in Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue, and Covington).

NOTE: Applicant has contract carrier authority in Permit No. MC 9685 and Sub Numbers thereunder. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 9685 (Sub No. 58).

HEARING: September 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 115036 (Sub No. 6), filed March 16, 1959. Applicant: VAN TASSEL, INCORPORATED, 5th and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products* and *jointing materials*, (1) from Pittsburg, Kans., to points in Alabama, Florida, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Ohio, Tennessee, and Wisconsin; (2) from Redfield, Iowa, to points in Arkansas, Kansas, Missouri, Nebraska, and Oklahoma; and (3) from St. Louis, Mo., to points in Illinois, Indiana, Kansas, and Ohio; and (a) *clay products*, and *equipment, materials and supplies* used or useful in the manufacturing, packaging, transporting and distributing of clay products, on return; and (b) *clay products*, and *equipment, materials and supplies* used or useful in the manufacturing, packaging, transporting and distributing of clay products, from points in Arkansas, Colorado, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas, to Pittsburg, Kans. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Oklahoma, Arkansas, New Mexico, Texas, Colorado, and South Dakota.

NOTE: Applicant states the proposed operations shall be under continuing contract or contracts with the W. S. Dickey Clay Manufacturing Company, Kansas City, Mo. Applicant further states that the proposed request for authority for return movement under (b) above, is to supplement applicant's present authorities held by it in Certificates No. MC 115036 and No. MC 115036 Sub No. 3.

HEARING: September 14, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 115036 (Sub No. 9), filed May 11, 1959. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, bagged and in bulk, from Tulsa, Okla., to points in Missouri, Arkansas, Louisiana, and Texas. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma, South Dakota, and Texas.

HEARING: September 14, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 115331 (Sub No. 17), filed May 15, 1959. Applicant: TRUCK TRANSPORT, INC., Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals, dry*, in bulk, in specialized vehicles and in shipper's specialized vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Pennsylvania, and Tennessee, and *empty shipper's specialized vehicles* used in transporting the above commodities, on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Oklahoma, and Tennessee.

HEARING: September 14, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 115754 (Sub No. 1), filed March 26, 1959. Applicant: WILLIAM L. PRICKETT, Plainville, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cereal malt beverages*, and advertising matter, from points in the St. Paul-Minneapolis, Minn. Commercial Zone, to Hays, Kans., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to transport malt beverages from St. Paul, Minn., St. Joseph and St. Louis, Mo., and Omaha, Nebr., to Norton, Kans., and empty malt beverage containers, on return.

HEARING: September 28, 1959, at the Hotel Kansan, Topeka, Kans., before Examiner James I. Carr.

No. MC 117029 (Second Republication), filed November 8, 1957. Applicant: GEORGE C. WIEGER, 10 Hawthorne Avenue, Trenton, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton 10, N.J. The application as originally filed sought authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated commercial refrigerator display cases*, and *walk-in boxes*, including installation and emergency l.t.l. shipments of these commodities, with or without installation, and *refrigerating units and coils* for installation in said cases and boxes, from Trenton, N.J., to points in Connecticut, Delaware, Maryland, New York (including Long Island and Staten Island), and points in Pennsylvania on and east of U.S. Highway 19, and *second-hand display cases and boxes*, on return. A Report and Order, Division 1, entered in the subject proceeding June 19, 1959, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *uncrated refrigerated display cases, walk-in refrigerator boxes*, and *refrigerating units and coils*, from the plant site of C. V. Hill and Company, Inc., in Trenton, N.J., to points in Connecticut, Delaware, Maryland, New York, and those in Pennsylvania on and east of U.S. Highway 19, and (2) of *used and damaged refrigerated display cases* and *walk-in refrigerator boxes* (a) between points in the destination territory described in (1) above, and (b) from points in said destination territory to the plant site of C. V. Hill and Company, Inc., in Trenton, N.J., with service under (1) above limited to shipments for which shipper requires installation by applicant, and service under both (1) and (2) above to be restricted against the use of special motor vehicle equipment, and provides that a certificate authorizing such operations should be issued after the lapse of 30 days from the date of this republication in the FEDERAL REGISTER of this corrected statement of the authority here granted, and provided that no protests or petitions for further proceedings are received during such period; and that the application in all other respects be denied.

No. MC 117712 (Sub No. 2), filed March 16, 1959. Applicant: KENNETH WEBER, Highway 63 North, Kirksville, Mo. Applicant's attorney: James Glenn, Macon, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs* and *rough or undressed lumber*, from points in Missouri and Iowa, to points in Illinois, Ohio, Wisconsin, Kentucky, and Indiana; and *refused or damaged shipments* of logs and rough or undressed lumber, on return.

HEARING: September 18, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 118828 (Sub No. 1), filed April 2, 1959. Applicant: HENRY K. FRIESEN, doing business as FRIESEN GRAIN AND TRANSPORT, Box 556, Meade, Kans. Applicant's attorney: Irene Osborn, First National Bank Building, Meade, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds, grain products*, and *feed ingredients*, in bulk and sacks, (1) from Kansas City and St. Joseph, Mo., to points in Kansas on and west of U.S. Highway 281; (2) from Wichita and Hutchinson, Kans., to points in that part of Oklahoma on and west of U.S. Highway 281 and on and north of U.S. Highway 60; (3) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Oklahoma and Texas.

NOTE: *Exempt commodities* will be transported on return.

HEARING: September 29, 1959, at the Hotel Lassen, Wichita, Kans., before Examiner James I. Carr.

No. MC 118914, filed April 30, 1959. Applicant: CLARENCE E. MEIER, doing business as MEIER BODY SHOP & TOWING SERVICE, 3rd and Virginia Street, Sioux City, Iowa. Applicant's attorney: Raymond B. Johansen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged or disabled trucks, tractors, trailers and automobiles*, by use of wrecker equipment only, and *parts* and *accessories* when transported therewith and for use in the furtherance of the aforesaid service, between points in the following counties in IOWA—Woodbury, Plymouth, Sioux, Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Palo Alto, Hancock, Clay, O'Brien, Cherokee, Buena Vista, Pocahontas, Humbolt, Wright, Franklin, Hamilton, Webster, Calhoun, Sac, Ida, Monona, Crawford, Carroll, Greene, Boone, Story, Polk, Dallas, Guthrie, Audubon, Shelby, Harrison, Pottawattamie, Cass, Adair, Madison, Union, Adams, Montgomery, Mills, Fremont, Page and Taylor, points in the following counties in NEBRASKA—Dakota, Dixon, Cedar, Knox, Boyd, Holt, Antelope, Pierce, Wayne, Thurston, Garfield, Wheeler, Boone, Madison, Stanton, Cuming, Burt, Valley, Greeley, Platte, Colfax, Dodge, Washington, Sherman, Howard, Nance, Merrick, Hall, Hamilton, York, Seward, Butler, Lancaster, Clay, Fillmore, Saline, Gage, Johnson, Otoe, Nemaha, Douglas, Saunders, Sarpy, and Cass, points in the following counties in SOUTH DAKOTA—Union, Lincoln, Minnehaha, Moody, Brookings, Kingsbury, Lake, McCook, Turner, Clay, Yankton, Hutchinson, Hanson, Miner, Sanborn, Davison, Aurora, Douglas, Charles Mix, and Bon Homme, and points in the following counties in MINNESOTA—Lincoln, Lyon, Redwood, Brown, Pipestone, Murry, Cottonwood, Watonwan, Blue Earth, Rock, Nobles, Jackson, Martin, and Faribault, on the one hand, and, on the other, points in Kansas, Nebraska, Illinois, South Dakota, Minnesota, and Iowa.

HEARING: September 25, 1959, at at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 118935, filed May 13, 1959. Applicant: ELLIS PRATZ, doing business as E P TRANSPORT, P.O. Box 585, El Dorado, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, requiring heat in transit, and *asphalt emulsions*, in bulk, in tank vehicles, between points in Kansas on the one hand, and, on the other, points in Missouri, Nebraska, Iowa, and Illinois.

HEARING: September 17, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 118955, filed May 22, 1959. Applicant: WILLIAM D. KELLY AND RUBY B. KELLY, doing business as R & B TRUCK LINES, 243 North Broadway, Wichita, Kans. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *specialties, signs* and other *advertising matter* incidental to the sale and advertising of malt beverages, from St. Paul, Minn., Milwaukee, Wis., Fort Wayne, Ind., St. Louis, Mo., and Omaha, Nebr., to Wichita, Kans., and *empty containers or other such incidental facilities, rejected shipments of malt beverages, advertising materials* and *signs* incidental to the advertising and sale of beer, on return.

HEARING: September 29, 1959, at the Hotel Lassen, Wichita, Kans., before Examiner James I. Carr.

No. MC 118959 (Sub No. 1), filed June 24, 1959. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water well casing, pipe* and *tubing, sheet and plate steel*, from Carlinville, Centralia, and Flora, Ill., and Louisiana, Mo., to point in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee.

HEARING: September 15, 1959, at the U.S. Court House and Custom Building, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 118969, filed June 3, 1959. Applicant: RICHARD REINHOLD, doing business as WING TRANSPORTATION, 1418 South 18th Street, Maywood, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in dump vehicles, (a) from Dubuque, Iowa, Milwaukee, Wis., and St. Louis, Mo., to points in Illinois; (b) from Chicago, Ill., to points in Indiana and Wisconsin. (2) *Slag*, from Gary, Ind., to points in Illinois and Wisconsin. (3) *Bulk aggregates*, including but not limited to sand, gravel, and limestone, from points in Wisconsin, to points in Illinois.

HEARING: September 17, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 118977, filed June 5, 1959. Applicant: TRANSBULK, INC., 2930 East 12th Street, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (including portland cement, hydraulic cement and masonry cement) and *dehydrated lime*, as well as mixtures thereof, in bulk or bags, and *empty containers or other such incidental facilities*, between points in Arkansas, Louisiana, Oklahoma, Kansas, Missouri, Illinois, Texas, and Iowa.

HEARING: September 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 118979, filed June 5, 1959. Applicant: IOLA TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags and packages, from the plant site of the Lehigh Portland Cement Co., in Iola, Kans., to points in Kansas, those in Baxter, Benton, Boone, Carroll, Conway, Crawford, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searly, Sebastian, Stone, Van Buren, and Washington Counties, Ark., those in Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Charlton, Christan, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Greene, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, Maries, McDonald, Miller, Moniteau, Morgan, Newton, Osage, Ozark, Pettis, Phelps, Platte, Polk, Pulaski, Randolph, Ray, Saline, St. Clair, Stone, Taney, Texas, Vernon, Webster, and Wright Counties, Mo., and those in Adair, Alfalfa, Beaver, Blaine, Canadian, Cherokee, Cimarron, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Grant, Harper, Haskell, Kay, Kingfisher, Lincoln, Logan, McIntosh, Major, Mayes, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Roger Mills, Rogers, Sequoyah, Texas, Tulsa, Wagoner, Washington, Woods, and Woodward Counties, Okla., and *rejected* and *returned shipments* of the above specified commodities on return.

NOTE: Applicant states that the above transportation will be performed under a continuing contract with Lehigh Portland Cement Co. of Allentown, Pa.

HEARING: September 22, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

No. MC 118981 (Sub No. 1) filed June 12, 1959. Applicant: CHARLES A. MATNEY, doing business as MATNEY TRUCK LINE, Gilman, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wagon boxes*, and *parts* used in the repair thereof, from Gilman, Iowa, to points in Arkansas, Missouri, Kansas, Minnesota, Indiana, Illinois, Ohio, Michigan, Wisconsin, North Dakota, South Dakota, Nebraska, and Colorado, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: October 1, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 119013, filed June 19, 1959. Applicant: DANIEL E. ENTZ, Route 5, Newton, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds and ingredients thereof, including oyster shells*, in sacks and in bulk, from points in Texas on and east of U.S. Highway 83 to points in Kansas on and east of U.S. Highway 83, those in Nebraska on and east of U.S. Highway 83 and those in Iowa, and exempt commodities on return.

HEARING: September 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James I. Carr.

MOTOR CARRIER OF PASSENGERS

No. MC 1427 (Sub No. 4), filed June 1, 1959. Applicant: NEW MEXICO TRANSPORTATION COMPANY, INC., Box 937, Roswell, N. Mex. Applicant's attorney: Harold D. Waggoner, Simms Building, P.O. Box 1035, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Corona, N. Mex., and Willard, N. Mex., over New Mexico Highway 42, serving no intermediate points, as an alternate route for operating convenience only in connection with

applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Mexico and Texas.

HEARING: September 1, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1649 (Sub No. 65), filed July 9, 1959. Applicant: RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, Local Business Address: 101 Union Station, Indianapolis, Ind. Main Office: 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including Class A and B explosives, moving in express service, between Campbellsburg, Ind., and New Albany, Ind., from Campbellsburg over Indiana Highway 60 to junction Indiana Highway 111, thence over Indiana Highway 111 to New Albany, and return over the same route, serving the intermediate points of Salem, Pekin, and Borden, Ind. Applicant is authorized to conduct operations in Indiana. RESTRICTION: The service to be authorized herein will be subject to the following conditions: (a) The service to be performed by applicant shall be limited to a service which is auxiliary to, or supplemental of, express service; and (b) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movements by applicant, an immediately subsequent movement by rail or air.

NOTE: Applicant states that interchange with rail and air express service will be made at New Albany, Ind. Applicant is a wholly-owned subsidiary of Railway Express Agency, Incorporated. Common control under section 210 may be involved.

No. MC 2633 (Sub No. 45), filed July 16, 1959. Applicant: WILLIAM F. CROSSETT, INC., P.O. Box 626, 404 Warren National Bank Building, Warren, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Farmers Valley, Pa., to Cleveland, Ohio. Applicant is authorized to conduct operations in New York, Ohio, and Pennsylvania.

No. MC 39406 (Sub No. 10), filed June 12, 1959. Applicant: CENTRAL MOTOR LINES, INCORPORATED, 124 East Sixth Street, P.O. Box 1067, Charlotte 1, N.C. Applicant's attorney: E. B. Ussery, Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) Between Conover, N.C., and Salisbury, N.C., over U.S. Highway 70 and Alternate or By-Pass 70, via Statesville, N.C., serving no intermediate points; (B) Between Ashboro, N.C., and Wallace, S.C., from Ashboro over U.S. Highway 220 to Rockingham, N.C., thence over U.S. Highway 1 to Wallace, and return over the same route, serving no intermediate points; and (C) Between Monroe, N.C., and Pageland, S.C., over U.S. Highway 601, serving no intermediate points. Applicant is authorized to conduct operations in Delaware, Georgia, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia.

No. MC 42405 (Sub No. 11), filed July 13, 1959. Applicant: MISTLETOE EXPRESS SERVICE, a Corporation, 111 Harrison Street, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express service, between Dallas, Tex., and Wichita Falls, Tex.: from Dallas over U.S. Highway 80 to Fort Worth, and thence over U.S. Highway 287 (with authority to use the Dallas-Fort Worth Turnpike between Dallas and Fort Worth), to Wichita Falls, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, serving no intermediate points, and serving Wichita Falls only for purposes of tacking with applicant's existing authority. Applicant is authorized to conduct operations in Texas and Oklahoma.

No. MC 42487 (Sub No. 405), filed July 21, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Wyman C. Knapp, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Culbertson, Mont., to points in Washington, Oregon, California and the Minneapolis-St. Paul, Minn., Commercial Zone. Applicant is authorized to conduct operations in Arizona, Wisconsin, Wyoming, Oregon, Washington, Idaho, California, North Dakota, Minnesota, Montana, Utah, Nevada, Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, New Mexico, and South Dakota.

No. MC 66562 (Sub No. 1515) (CORRECTION), filed June 26, 1959, published at Page 5518, issue of July 8, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. In connection with the route description in route (1) between Boston, Mass., and Manchester, N.H., Massachusetts Highway 38 should be designated instead of Massachusetts Highway 28.

No. MC 75320 (Sub No. 92), filed July 20, 1959. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 390, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New Orleans, La., and Ft. Smith, Ark., from New Orleans, over U.S. Highway 61 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 71, thence over U.S. Highway 71 to Ft. Smith, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 78786 (Sub No. 218), filed July 20, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: Wm. Meinhold, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Baggage, express, newspapers, milk* and *cream*, subject to the following conditions, (1) the service to be performed by the said carrier shall be limited to that which is auxiliary to, or supplemental of, railroad or railway express service; (2) the said carrier shall not serve any point not a station on Northwestern Pacific Railroad, between San Rafael, Calif., and Eureka, Calif., over U.S. Highway 101 to Eureka, Calif., and return over the same route, serving all intermediate and off-route points which are stations on the line of Northwestern Pacific Railroad Company between said termini. Applicant is authorized to conduct operations in Arizona, California, Nevada, and Oregon.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 78787 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

No. MC 101126 (Sub No. 125), filed July 21, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and greases*, in bulk, in tank vehicles, from Louisville, Ky., to St. Bernard, Ohio, and *rejected shipments* of animal fats and greases, on return. Applicant is authorized to conduct operations in Ohio, Kentucky, Indiana, Illinois, Maryland, New York, North Carolina, Michigan, Tennessee, South Carolina, Virginia, Alabama, Wisconsin, Pennsylvania, Missouri, Arkansas, Iowa, Kansas, Minnesota, Nebraska, West Virginia, Georgia, New Jersey, and Florida.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 101126 Sub 86 to determine whether applicant's status is that of a common or contract carrier.

No. MC 112520 (Sub No. 35), filed July 15, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–717 Professional Building, Jacksonville 3, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil* and *fish oil*, in bulk, in tank vehicles, from Pensacola, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Ohio, Tennessee and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

No. MC 112846 (Sub No. 22), filed July 14, 1959. Applicant: CLARE M. MARSHALL, INC., Rouseville Road, P.O. Box 611, Oil City, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Vanport, Pa., to Farmers Valley, Pa. Applicant is authorized to conduct operations in Delaware, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 113945 (Sub No. 11), filed July 15, 1959. Applicant: THE HAULING AND RIGGING CORPORATION, Highway 22, Climax, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy commodities* of such length, weight and bulk and other unusual characteristics as to require special vehicles and special facilities for handling, moving or placing, *building materials*, as defined in Ex Parte No. MC 45, and *motor vehicles*, whether involving the utilization of the motive power of the vehicles being transported, or not, between points in the United States, including Alaska. Applicant is authorized to conduct operations in Virginia, North Carolina, West Virginia, Tennessee, South Carolina, Georgia, Kentucky, Missouri, Illinois, Michigan, New York, New Hampshire, and Maine.

NOTE: Applicant states the proposed transportation is to be restricted solely to hauling for subsidiary and affiliated companies or partnerships of applicant, namely, Ferree Motor & Equipment Company, Ferree, Jr., Company, Climax Oil Company, Live at Home Farm, all of Climax, N.C., and J. S. Ferree Construction Company, Greensboro, N.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 7256. Authority sought for purchase by UNION PACIFIC MOTOR FREIGHT COMPANY, 1416 Dodge Street, Omaha, Nebr., of a portion of the operating rights of UNION PACIFIC STAGE COMPANY, 422 West Sixth Street, Los Angeles, Calif., and for acquisition by UNION PACIFIC RAILROAD COMPANY, also of Omaha, of control of such rights through the purchase. Applicants' attorney: F. J. Melia, 1416 Dodge Street, Omaha, Nebr. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between East Los Angeles, Calif., and Vernon, Calif., between Los Angeles, Calif., and Vernon, Calif., between Vernon, Calif., and North Long Beach, Calif., and between Long Beach, Calif., and the Harbor District of Los Angeles, Calif., serving all intermediate points. RESTRICTIONS: (1) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service; (2) shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail; (3) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. Vendee is authorized to operate as a *common carrier* in Wyoming, Idaho, Utah, Kansas, Missouri, Colorado, Iowa, Oregon, Nevada, Washington, California, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

NOTE: This application covers all of vendor's property carrier rights. Rights being retained are those of a passenger carrier.

No. MC–F 7257. Authority sought for puchase by CONSOLIDATED FREIGHTWAYS, INC. (WASH. CORP.), 175 Linfield Drive, Menlo Park, Calif., of the operating rights and certain property of CARRIE E. GINOCCHIO, JOHN R. GINOCCHIO, AND BERTHA E. WHEELER, doing business as NEVADA CALIFORNIA TRANSPORTATION COMPANY, 1603 East Second Street, Reno, Nev. Applicants' attorneys: Eugene T. Liipfert, 175 Linfield Drive, Menlo Park, Calif., William B. Adams, 331 Pacific Building, Portland 4, Oreg., and Marvin H. Handler, 625 Market Street, San Francisco, Calif. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Westwood, Calif., and Reno, Nev., between Johnstonville, Calif., and Alturas, Calif., between Keddie, Calif., and Westwood, Calif., between junction California Highway 89 and unnumbered highway, and Chester, Calif., and between Westwood, Calif., and Chester, Calif., serving all intermediate and certain off-route points without restriction, and between Alturas, Calif., and Klamath Falls, Oreg., and all intermediate points, with service at Klamath Falls and intermediate points restricted to the transportation of shipments originating at or destined to points south of Alturas, and with service at Alturas for the purpose of joinder only of the route herein authorized with carrier's authorized regular routes; *general commodities*, with certain exceptions including neither household goods nor commodities in bulk, between Keddie, Calif., and Reno, Nev., and between Reno, Nev., and Gardnerville, Nev., serving all intermediate points without restriction, and the off-route point of Walker Mine, Calif., during the season extending between June and November. Vendee is authorized to operate as a *common carrier* in Utah, Idaho, Oregon, Nevada, Washington, California, Minnesota, Montana, North Dakota, Wisconsin, Illinois, Wyoming, Iowa, Arizona, Kentucky, Pennsylvania, West Virginia, New Mexico, and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7258. Authority sought for purchase by DARL D. WOMELDORF, doing business as W. I. WOMELDORF & SONS, P.O. Box 232, Lewistown, Pa., of a portion of the operating rights of BOWEN TRUCKING, INC., Ridge Road, Holley, N.Y. Applicants' attorneys: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa., and Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Operating rights sought to be transferred: *Canned goods* and *frozen foods*, as a *common carrier* over irregular routes, from points in Monroe and Genesee Counties, N.Y., to points in New Jersey and Pennsylvania, and those in the New York, N.Y., Commercial Zone, as defined by the Commission; *sugar*, from points in the New York, N.Y., Commercial Zone as defined by the Commission to points in Niagara, Orleans, Monroe, and Genesee Counties, N.Y.; *empty containers*, from points in New Jersey, Pennsylvania, and those in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Orleans, Monroe, and Genesee Counties, N.Y.; *fertilizer*, from Baltimore, Md., and Carteret, N.J., to points in Erie, Orleans, Monroe and Genesee Counties, N.Y., and from Carteret, N.J., to points in Allegany County, N.Y.; *fresh fruit*, from points in Pennsylvania to points in Monroe and Orleans Counties, N.Y.; *materials and supplies* used in the manufacture and distribution of food products, from Hamlin, Hilton and Holley, N.Y., to Aspers, Pa.; *canned goods, frozen foods and fruits, vinegar stock and fresh fruits and vegetables*, from points in Erie, Niagara and Orleans Counties, N.Y., to points in New Jersey, Pennsylvania and those in New York within the New York, N.Y., Commercial Zone as defined by the Commission; *cereal preparations*, dry, from Hamlin, Hilton, Holley and Rochester, N.Y., to points in New Jersey, Pennsylvania, and points in the New York Commercial Zone, as defined by the Commission; *teething biscuits*, from Rochester, N.Y., to points in New Jersey, Pennsylvania, and points in the New York, N.Y., Commercial Zone, as defined by the Commission; *aluminum foil*, in

rolls, from Milford and Harrison, N.J., to Albion, N.Y.; *cores* and *pallets* used in the transportation of aluminum foil, from Albion, N.Y., to Milford and Harrison, N.J.; *beef extract* and *spices*, in packages, from Hoboken, N.J., to Holley, Waterport, and Albion, N.Y.; *soup mixes*, dehydrated, from Albion, N.Y., to points in New Jersey and Pennsylvania. Vendee is authorized to operated as a *contract carrier* in Pennsylvania, West Virginia, Maryland, New Jersey, Delaware, New York, Virginia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. A proceeding has been instituted under section 212(c) in Docket No. MC 52552 Sub 14 to determine whether vendee's status is that of a contract or common carrier. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7259. Authority sought for consolidation into LAW MOTOR FREIGHT, INC., Airport Road, Nashua, N.H., of the operating rights and property of LAW & INGHAM TRANSPORTATION COMPANY, INC., Airport Road, Nashua, N.H., and SOUTHWESTERN NEW HAMPSHIRE TRANSPORTATION COMPANY, INC., Tremont Street, Wilton, N.H., and for acquisition by RALPH R. MELENDY, Prospect Street, Milford, N.H., JOHN P. LAWRENCE, 10 Highland Street, Hudson, N.H., VERNICE W. LAW, 11 Ashland Street, Nashua, N.H., and GEORGE B. LAW, 24 Pine Hill Avenue, Nashua, N.H., of control of such rights and property through the transaction. Applicant's attorney: T. J. O'Loughlin, Jr., 18 Baker Street, Hudson, N.H. Operating rights sought to be consolidated: (LAW & INGHAM) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Manchester, N.H., and Boston, Mass., and between Winchendon, Mass., and Boston, Mass., serving all intermediate and certain offroute points; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Nashua, N.H., and Lowell, Mass., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Nashua, N.H., and points within 10 miles of Nashua, and Manchester, N.H., and Boston, Mass., and points within five miles of each; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between points in Hillsboro County, N.H., on the one hand, and, on the other, points in Massachusetts within a radius of 45 miles of Nashua; *household goods*, as defined by the Commission, between points in Hillsboro County, N.H., on the one hand, and, on the other, points in Massachusetts; (SOUTHWESTERN NEW HAMPSHIRE) *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Antrim, N.H., and Boston, Mass., between Concord, N.H., and Wilton, N.H., between Boston, Mass., and New Bedford, Mass., between Taunton, Mass., and New Bedford, Mass., and between Dartmouth, Mass., and Acushnet, Mass., serving certain intermediate and off-route points; *lumber*, over irregular routes, from Wilton and Milford, N.H., to points in Connecticut and certain points in Rhode Island and Massachusetts; *fruit*, from points in Hillsboro County, N.H., to Ayer, Lowell, Boston, Billerica, and Littleton, Mass.; *new furniture*, from Milford, N.H., to West Concord, Mass., Providence, R.I., New Haven, Conn., and New York, N.Y.; *paper*, from Henniker, N.H., to Northbridge, Mass., and Darlington and Pawtucket, R.I., and from Bennington, N.H., to Providence, R.I., and certain points in Massachusetts; *paper mill supplies*, from Providence, R.I., and Worcester, Mass., to Bennington and Henniker, N.H.; *rayon and wool tops* and *empty bags*, between Wilton, N.H., and South Barre, Mass.; *apples*, between Hancock and Peterboro, N.H., on the one hand, and, on the other, Ayer, Mass., and Red Hook, N.Y., and New York, N.Y.; *machinery*, between Wilton, N.H., on the one hand, and, on the other, North Grosvernordale, Conn., points in Rhode Island, and those in Massachusetts on and east of U.S. Highway 5; *wooden boxes and wooden box shooks*, from Jaffery, Peterboro, and Wilton, N.H., to points in Connecticut, Massachusetts, and Rhode Island. LAW MOTOR FREIGHT, INC., holds no authority from this Commission. However, its controlling stockholders are the majority stockholders of the following carriers: (VERNICE W. LAW AND GEORGE B. LAW) LAW & INGHAM TRANSPORTATION COMPANY, INC., (RALPH R. MELENDY AND JOHN P. LAWRENCE) SOUTHWESTERN NEW HAMPSHIRE TRANSPORTATION COMPANY, INC. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7261. Authority sought for purchase by LOMBARD BROS., INCORPORATED, 249 Mill Street, Waterbury 20, Conn., of the operating rights of JAMES J. SENTNER, INC., 2100 49th Street, North Bergen, N.J., and for acquisition by JOSEPH R. LOMBARD, NICHOLAS LOMBARD and CLOTILDA LOMBARD, all of New Haven Road, Prospect, Conn., and GIOCONDA LOMBARD, 764 Bunker Hill Avenue, Waterbury, Conn. (individually and as Executrix of the Estate of JOSEPH LOMBARD), of control of such rights through the purchase. Applicants' attorneys: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn., and James J. Farrell, 201 Montague Place, South Orange, N.J. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Newark, N.J., and points in New Jersey within 30 miles of Newark, on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Pennsylvania, New Jersey, Rhode Island, and New York. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7260. Authority sought for control by OLIVER ANDERSON AND LOYED CAVINS, 312 West Morris Street, Caseyville, Ill., of VANDALIA BUS LINE, INC., 108 St. Louis Road, Collinsville, Ill. Applicants' attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Operating rights sought to be controlled: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, as a *common carrier* over regular routes, between St. Louis, Mo., and Vandalia, Ill., serving all intermediate points: From St. Louis over U.S. Highway 40 to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40), and thence over Alternate U.S. Highway 40 via Greenville, Mulberry Grove and Hagarstown, Ill., to Vandalia, and return over the same route; and between Collinsville, Ill., and Edwardsville, Ill., serving all intermediate points: From Collinsville over U.S. Highway 40 to junction Illinois Highway 159, and thence over Illinois Highway 159 to Edwardsville, and return over the same route; *passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Illinois to St. Louis, Mo., and return. OLIVER ANDERSON AND LOYED CAVINS hold no authority from this Commission. However, both jointly control CENTRAL & SOUTHERN TRUCK LINES, INC., Caseyville, Ill., a *contract carrier*, and INDUSTRIAL BUS LINES, INC., Caseyville, Ill., a *common carrier*. OLIVER ANDERSON controls CASEYVILLE BUS LINE, INC., Caseyville, Ill., a *common carrier*. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6227; Filed, July 28, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35570: *Phosphate rock—Bartow, Fla., to Holden and Pleasant Hill, Mo.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, in carloads from Bartow, Fla., and points taking same rates to Holden and Pleasant Hill, Mo.

Grounds for relief: Short-line distance formula.

FSA No. 35571: *Petroleum coke—Texas points to Virgina points.* Filed by Southwestern Freight Bureau, Agent (No. B–7593), for interested rail carriers. Rates on petroleum coke, in carloads from Port Arthur and West Port Arthur, Tex., to Bellwood, Bentonville, and Roanoke, Va.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 117 to Southwestern Freight Bureau tariff I.C.C. 3983.

FSA No. 35572: *Perlite between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 362), for interested rail carriers. Rates on perlite, in carloads, between points in Texas over interstate short tariff routes.

Grounds for relief: Texas intrastate competition.

Tariff: Supplement 92 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

FSA No. 35574: *Iron and steel articles—Chicago area to Mississippi points.* Filed by Illinois Freight Association, Agent (No. 67), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads from Chicago, Ill., and points in switching district, also Joliet, South Chicago, Ill., Gary and Indiana Harbor, Ind., to Jackson, Tougaloo and Van Winkle, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 13 to Illinois Freight Association tariff I.C.C. 907.

FSA No. 35575: *Substituted service—C&O for Smith's Transfer Corporation of Staunton, Va.* Filed by Middle Atlantic Conference, Agent (No. 17), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Staunton, Va., on the one hand, and Huntington, W. Va., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Middle Atlantic Conference tariff I.C.C. 10, MF–I.C.C. A–983.

FSA No. 35576: *Silicon carbide firebrick—Worcester, Mass., to Tulsa, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B–7590), for interested rail carriers. Rates on silicon carbide firebrick, in carloads from Worcester, Mass., to Tulsa, Okla.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 364 to Southwestern Freight Bureau tariff I.C.C. 4109.

FSA No. 35577: *Iron or steel articles to Nashville, Tenn.* Filed by Illinois Freight Association, Agent (No. 66), for interested rail carriers. Rates on iron or steel articles, in carloads from points in Illinois, Indiana, Kentucky, Missouri, and Ohio to Nashville, Tenn.

Grounds for relief: Barge competition.

Tariffs: Supplement 13 to Illinois Freight Association tariff I.C.C. 907. Supplement 75 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 35578: *Iron and steel articles to Baton Rouge and New Orleans, La.* Filed by Illinois Freight Association, Agent (No. 68), for interested rail carriers. Rates on iron and steel articles, in carloads from points in Illinois and Indiana, and Milwaukee, Wis., to Baton Rouge and New Orleans, La.

Grounds for relief: Market competition and restore relationships.

Tariff: Supplement 13 to Illinois Freight Association tariff I.C.C. 907.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35573: *Fruits and vegetables and perlite between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 363), for interested rail carriers. Rates on frozen fruits and vegetables, and perlite, in carloads between points in Texas on traffic originating at or destined to points outside Texas via interstate routes.

Grounds for relief: Maintenance of through one-factor rates exceeding lowest combinations using as factors depressed rates between Texas points described above.

Tariff: Supplement 92 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6164; Filed, July 27, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35579: *Vegetable meal from, to and between points in the west and south.* Filed by Southwestern Freight Bureau, Agent (No. B–7568), for interested rail carriers. Rates on vegetable meal, whole pressed cottonseed, soybean hulls, and related articles, in carloads from, to, and between points in southwestern, western trunk line, southern, and Illinois territories.

Grounds for relief: Short-line distance formula and market competition.

Tariffs: Supplement 107 to Southwestern Freight Bureau tariff I.C.C. 3972 and other schedules named in the application.

FSA No. 35580: *Roofing and building material from the southwest to the south.* Filed by Southwestern Freight Bureau, Agent (No. B–7594), for interested rail carriers. Rates on roofing and building material, in carloads from points in southwestern territory to points in southern territory, including Mississippi River crossings Memphis, Tenn., and south, Helena and West Helena, Ark.

Grounds for relief: Market competition.

Tariff: Supplement 21 to Southwestern Freight Bureau tariff I.C.C. 4264.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6223; Filed, July 28, 1959; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7–30–59 to 7–29–60 (men's and boys' sport shirts).

Blue Bell, Inc., Madison, Va.; effective 7–21–59 to 7–13–60 (replacement certificate) (little boys' play clothing).

Colonial Blouse Co., 112 Line Street, Pottsville, Pa.; effective 7–20–59 to 7–19–60 (Ladies' cotton and nylon blouses).

Colonial Shirt Corp., Woodbury, Tenn.; effective 7–21–59 to 7–20–60 (men's and boys' dress and sport shirts).

Commerce Manufacturing Co., Inc., Commerce, Ga.; effective 7–16–59 to 7–15–60 (men's and boys' cotton pants, dungarees and overalls).

Henson Garment Co., 246 Oconee Street, Athens, Ga.; effective 7–15–59 to 7–14–60 (men's work pants, shirts and jackets).

Lanier Manufacturing Co., Easley, S.C.; effective 7–19–59 to 7–18–60 (men's and boys' sport shirts).

Lawrence Manufacturing Co., Lawrenceville, Va.; effective 7–20–59 to 7–19–60 (misses' and women's cotton blouses).

Linden Manufacturing Co., Linden, Ala.; effective 7–21–59 to 7–20–60 (cotton dresses).

McMinnville Garment Co., McMinnville, Tenn.; effective 7–24–59 to 7–23–60 (cotton work and sport trousers).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 7–31–59 to 8–1–60 (ladies' blouses; boys' sport shirts).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 7–20–59 to 7–19–60 (men's trousers).

Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7–17–59 to 7–16–60 (men's slacks).

Oberman Manufacturing Co., Morrilton, Ark.; effective 7–16–59 to 7–15–60 (men's and boys' pants).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-59 to 7-21-60 (men's and boys' woven sport shirts).

Tic Tac Co., Inc., Dicey Creek Road, RFD No. 2, Camden, S.C.; effective 7-18-59 to 7-17-60 (children's outerwear).

Toby Manufacturing Co., Inc., 620 Franklin Avenue, Essex, Baltimore, Md.; effective 7-28-59 to 7-27-60 (men's apparel).

Tropical Garment Manufacturing Co., 2508 Ivy Street, Tampa, Fla.; effective 7-20-59 to 7-19-60 (men's and boys' sport shirts, shorts and trousers).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-30-59 to 7-29-60 (ladies' rainwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; effective 7-26-59 to 7-25-60; 10 learners (ladies' nightgowns and pajamas).

Holly Hill Dress Corp., Holly Hill, S.C.; effective 7-20-59 to 7-19-60; 7 learners (children's dresses).

Mt. Vernon Corp., Mt. Vernon, Ga.; effective 7-20-59 to 7-19-60; 10 learners (women's outer garments, dresses).

Pajama Craft Manufacturing Co., Inc., Monarch St., Littlestown, Pa.; effective 7-17-59 to 7-16-60; 10 learners (men's and boys' pajamas).

Patrician Frock Co., 30 Susquehanna Street, Jim Thorpe, Pa.; effective 7-15-59 to 7-14-60; 5 learners (children's dresses).

Pierro Manufacturing Co., 402 Pecan Avenue, Sanford, Fla.; effective 7-16-59 to 7-15-60; 10 learners (men's, ladies' and children's sleepwear).

Statesboro Manufacturing Co., Statesboro, Ga.; effective 7-20-59 to 7-19-60; 10 learners (women's outer garments, dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 7-20-59 to 1-19-60; 25 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses, sportswear, jackets, etc.).

Bien Jolie Foundation Garments, 410 Ashe Avenue, Dunn, N.C.; effective 7-16-59 to 1-15-60; 30 learners (women's foundation garments).

Blue Bell, Inc., Red Bay, Ala.; effective 7-15-59 to 1-14-60; 50 learners (men's and boys' work and sport pants).

The Carthage Corp., Carthage, Miss.; effective 7-15-59 to 1-14-60; 50 learners (men's slacks).

Henson Garment Co., 246 Oconee Street, Athens, Ga.; effective 7-15-59 to 1-14-60; 10 learners (men's work pants, shirts and jackets).

Lawrence Manufacturing Co., Lawrenceville, Va.; effective 7-20-59 to 1-19-60; 25 learners (misses' and women's cotton blouses).

The Newton Co., Newton, Miss.; effective 7-15-59 to 1-14-60; 50 learners (men's slacks).

Tic Tac Co., Inc., Dicey Creek Road, RFD No. 2, Camden, S.C.; effective 7-22-59 to 1-21-60; 30 learners (children's outerwear).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 7-20-59 to 1-19-60; 60 learners for plant expansion purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-30-59 to 7-29-60; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7-30-59 to 7-29-60; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N.C.; effective 8-1-59 to 7-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Southland Sox, Inc., 937 Gault Avenue, North, Fort Payne, Ala.; effective 8-1-59 to 7-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Ind., effective 7-28-59 to 7-27-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., East Virginia Street, Galax, Va.; effective 7-16-59 to 12-18-59; 10 learners for plant expansion purposes (supplemental certificate) (knit shirts, pajamas)

Delta Undies, Inc., Webb, Miss.; effective 7-20-59 to 1-19-60; 25 learners for plant expansion purposes (women's, children's and infants' knitted underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 7-28-59 to 7-27-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's knit rayon underwear).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-59 to 7-29-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, petticoats and bouffants).

Royal Manufacturing Co., Washington, Ga.; effective 7-22-59 to 7-21-60; 5 percent of the total number of factory production workers engaged in the production of men's and boys' undershorts for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Clayton Shoe Co., Corning, Ark.; effective 7-15-59 to 7-14-60; 10 learners for normal labor turnover purposes (women's shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Stanberry Manufacturing Co., Stanberry, Mo.; effective 8-1-59 to 1-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (headwear).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Esco Corp., Morovis, P.R.; effective 7-1-59 to 12-31-59; 25 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) skivers, die cutters, decorators, case makers, finishing-inspectors, rivetting machine operators, each for a learning period of 160 hours at 43 cents an hour (wallets).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 22d day of July 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59-6215; Filed, July 28, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during July. Proposed rules, as opposed to final actions, are identified as such.

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 446—PEANUTS

Subpart—1959 Crop Peanut Price Support Program

This bulletin (hereinafter called subpart) contains the regulations applicable to the 1959 crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

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AUTHORITY: §§ 446.1101 to 446.1148 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

GENERAL

§ 446.1101 Administration.

(a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and the Dallas CSS Commodity Office (hereinafter called the commodity office). State and county committees and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(b) Associations operating under an Association Loan and Handling Agreement, CCC Peanut Form 27 (1959) with CCC (hereinafter referred to as an Agreement with CCC) may receive, arrange storage for and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

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§ 446.1102 Availability.

(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through February 1, 1960, and will mature on May 31, 1960, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1960. All farm storage loan documents must be dated and delivered to the county office on or before February 1, 1960. Warehouse receipts for peanuts delivered to an association operating under an Agreement with CCC shall show that the peanuts were received in the warehouse not later than February 1, 1960, and shall have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through February 1, 1960. A producer who desires to sell peanuts to CCC is required to file Commodity Purchase Form 1 with the county office on or before such date.

§ 446.1103 Methods of price support.

CCC will support the price of eligible 1959 crop peanuts through non-recourse farm storage loans to eligible producers, non-recourse warehouse storage loans to associations operating under Agreements with CCC, and through purchase agreements with eligible producers.

§ 446.1104 Definitions.

As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the association is delivered to the association by producer members;

(2) The members, and non-members who deliver peanuts to the association and who authorize the association to handle and market their peanuts and to obtain price support on such peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The association has the legal right to pledge or mortgage the peanuts tendered as security for a loan;

(4) The manager of the association shall not be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as manager of the association or as a producer; and

(5) The association shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the regulation entitled "Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages" (23 F.R. 6731, 7693, 9505, and 10476 and 24 F.R. 2642) which in general defines a farm as all adjoining or nearby farmland which is operated as one farming unit.

(d) *Farm allotment.* The effective farm allotment for the 1959 crop of peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1959, which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material and loose shelled kernels and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1959 farm peanut acreage determined in accordance with the marketing quota regulations which in general defines such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1959 and Subsequent Crops issued by the Acting Secretary of Agriculture, including any amendments or supplements thereto or revisions thereof (23 F.R. 8515 and 24 F.R. 2677).

(i) *Net weight.* That weight of farmers stock peanuts obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southeastern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(j) *Producer.* A person who is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(k) *Producer advance value.* The support price of eligible farmers stock peanuts less an amount equivalent to $9.00 per net weight ton. The producer advance value of any lot of peanuts pledged to CCC as collateral for a loan to an association shall be determined (as provided in section II, item P of Form MQ–94 or item O of MQ–94—Peanuts V–C) on the basis of the weight, grade and type of peanuts in the lot. The $9.00 deduction is made to provide funds to pay inspection, storage, and part of the association's expenses in connection with the loan program.

(l) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(m) *Type.* The generally known types of peanuts (i.e. Runner, Spanish, Valencia, and Virginia) as defined in 7 CFR 729.1004(a) of the "Determination with Respect to Supply of Valencia Type Peanuts for the 1959–60 Marketing Year," issued April 14, 1959, by the Acting Secretary of Agriculture (24 F.R. 2944).

(n) *Sound mature kernels.* Kernels which are free from damage and minor defects as defined in the U.S. Standards for shelled (1) Spanish type peanuts effective July 31, 1956, in the case of Spanish and Valencia peanuts, (2) Runner type peanuts, effective July 31, 1956, or (3) Virginia type peanuts, effective September 15, 1957; and which will not pass through a screen having:

(i) $\frac{15}{64}$ x $\frac{3}{4}$ inch perforations in the case of Spanish and Valencia peanuts,

(ii) $\frac{15}{64}$ x 1 inch perforations in the case of Virginia peanuts,

(iii) $\frac{10}{64}$ x $\frac{3}{4}$ inch perforations in the case of Runner peanuts.

(o) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having $\frac{21.5}{64}$ x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia Type Peanuts (effective September 15, 1957).

(p) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts suitable for cleaning and roasting shall be those containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(q) *Within quota card.* Form MQ–76 (Peanuts) 1958, 1958 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.1105 Support prices.

The national average support price and support prices and loan rates by types will be issued as an amendment to this subpart.

§ 446.1106 Eligible peanuts and overplanted farm agreement.

(a) *Eligible peanuts.* Peanuts eligible for price support are 1959 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on federally owned land, or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956, which:

(1) Contain not more than 10 percent foreign material and not more than 7 percent damaged kernels;

(2) Contain moisture not in excess of (i) 10 percent if placed under a farm storage loan, or (ii) 9 percent in the Southeast and Southwest areas and 10 percent in the Virginia-Carolina area when received into a warehouse as collateral for a loan to the association or when delivered under a purchase agreement, except that any such peanuts which have been mechanically dried shall contain at least 5 percent moisture in the Southeast and Southwest areas or 6 percent moisture in the Virginia-Carolina area;

(4) Are produced by an eligible producer on a farm (i) on which the 1959 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations, (ii) on which the farm peanut acreage exceeds the effective farm allotment, but the producer establishes to the satisfaction of CCC that he did not knowingly exceed such farm allotment, or (iii) for which a within quota marketing card is issued upon the execution of Form MQ–92—Peanuts (3–26–58), Agreement by Operator of Overplanted Peanut Farm: *Provided, however,* That the county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty.

(4) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In the Southwest area, if such peanuts are bagged, the bags are new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags

shall be of uniform size with approximately 2-bushel capacity.

(b) *Agreement by operator of overplanted peanut farm.* By execution of Form MQ-92—Peanuts (3-26-58), Agreement by Operator of Overplanted Peanut Farm, the operator agrees that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture. The liquidated damages payable to CCC under such agreement may be waived in a case where it is determined that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. The State administrative officer, or in his absence, the acting administrative officer, is authorized to make such determination in a case where the farm peanut acreage does not exceed the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement. The State committee is authorized to make such determination in a case where the farm peanut acreage exceeds the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement and the State committee also determines that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

§ 446.1107 Eligible producer.

(a) An eligible producer may be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and, wherever applicable, a State, political subdivision of a State, or any agency thereof producing peanuts in 1959 as landowner, landlord, tenant, or sharecropper. Executors, administrator, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Any producer who is in doubt as to whether his interest in the peanuts complies with the requirements of this section should make all pertinent information available to the county office. The county committee shall determine whether the requirements have been met.

(b) Two or more eligible producers may obtain a joint farm storage loan on eligible peanuts produced by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulty in settling a farm storage loan with a producer, the county committee may determine that he is not eligible for a 1959 crop farm storage loan. If such determination is made, the producer shall be able to obtain a 1959 crop loan through the association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such association, or he shall be permitted to sign a purchase agreement.

§ 446.1108 Determination of type and grade of farmers stock peanuts.

(a) A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture, shall determine the type and grade of each lot of farmers stock peanuts:

(1) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(2) When delivered in settlement of a farm storage loan;

(3) When delivered to CCC under a purchase agreement;

(4) When received in a warehouse under contract CCC Peanut Form 28 (1959) or CCC Peanut Form 28A (1959);

(5) When delivered to CCC from a warehouse under contract CCC Peanut Form 28 (1959) or CCC Peanut Form 28A (1959).

(b) The grade shall be expressed in terms of the percentages of sound mature kernels, damaged kernels, loose shelled kernels, other kernels, foreign material, moisture, fancy size, and extra large kernels in Virginia type peanuts.

§ 446.1109 Service charges and fees.

(a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made except where the amount collected exceeds the correct amount. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) The producer will pay the fee for inspecting peanuts placed under a farm storage or association loan or delivered to CCC under a purchase agreement. CCC will pay the fee for inspecting loan collateral peanuts acquired by CCC.

(c) The association will pay the warehouse charges on peanuts redeemed. CCC will pay warehouse charges with respect to loan collateral peanuts acquired by CCC, except that the producer will be required to defray storage charges accruing prior to May 31, 1960.

(d) The service charges and fees specified in this section will be computed on net weights.

§ 446.1110 Interest rate.

Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (a) where there is a default in satisfaction of a farm storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default, and (b) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 446.1111 Applicable forms and requirements.

(a) *Farm storage loans.* Applicable forms are the Producer's Note and Supplemental Loan Agreement, secured by Commodity Chattel Mortgage, delivery instructions issued by the county office, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the Purchase Agreement, Purchase Agreement Settlement, the delivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* Producer's Note and Supplemental Loan Agreements, and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid. A producer shall not have both a farm storage loan and purchase agreement on peanuts stored commingled in the same bin or building.

§ 446.1112 Personal liability of the borrower.

The making of any fradulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts by the producer or the association may render such producer or association subject to criminal prosecution under Federal law and shall render him or it personally liable for the amount of the loan (plus interest) made with respect to such peanuts and for any resulting expense incurred by the holder of the note. For the purpose of establishing any deficiency remaining due with respect to a farm storage loan in the event the producer has made any such fradulent representation, wilful conversion or unlawful disposition, the value of the peanuts delivered to the holder of the note or removed by such holder shall be the market value on the

date of delivery or removal, as determined by such holder: *Provided, however,* That notwithstanding the provisions of the Producer's Note and Supplemental Loan Agreement, if the conversion is determined by CCC not to have been wilful, the value of the peanuts delivered to the holder of the note or removed by such holder shall be the settlement value determined pursuant to § 446.1128 (e). For the purpose of establishing any deficiency remaining due with respect to a loan to an association in the event the producer has made any fraudulent representation, the value of any peanuts acquired by the holder of the note, whether by delivery or otherwise, in satisfaction of the warehouse receipts for the peanuts for which such fraudulent representation was made shall be the market value, as determined by the holder of the note, of such peanuts as of the date of such acquisition. For purposes of establishing any deficiency remaining due with respect to a loan to an association in the event of conversion or unlawful disposition by the association of any portion of the peanuts stored in a warehouse, the value of all peanuts acquired by the holder of the note in satisfaction of warehouse receipts issued for peanuts received for storage in such warehouse, shall be the market value, as determined by the holder of the note, as of the date of acquisition by such holder, whether by delivery or otherwise: *Provided, however,* That notwithstanding anything contained in this section, if the conversion is determined by CCC not to have been wilful, the value of the peanuts acquired by the holder of the note shall be the amount of the loan made with respect to such peanuts. In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this subpart, the producer or association, as the case may be, shall be liable for repayment of the amount of such excess.

§ 446.1113 Payments and collections; amounts not exceeding $3.

To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 446.1114 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by CSS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 446.1115 Foreclosure.

(a) *Farm storage loans.* (1) If a loan (including interest and charges) is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer, and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the peanuts. Any such disposition may similarly be effected without removing the peanuts from storage.

(2) If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e. the unpaid amount of the note plus interest and charges. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party:

(i) Any amount by which the settlement value of the mortgaged or pledged peanuts may exceed the principal amount of the loan; or

(ii) The amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

(b) *Association loans.* Upon maturity and nonpayment of an association loan as provided in § 446.1129, title to the unredeemed collateral peanuts shall, without sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including interest and charges.

§ 446.1116 Financial institutions.

As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 446.1117 Approved lending agency.

An approved lending agency shall be a bank or other financial organization with which CCC has entered into a lending agency agreement, CCC Peanut Form 50 (1959), authorizing the lending agency to make a loan to an association.

§ 446.1118 Assignment of association loans.

Approved lending agencies making loans to associations may assign all or part of such loans to CCC and obtain payment for the amounts assigned by means of sight drafts drawn on CCC payable through a designated Federal Reserve Bank or Branch Bank. Lending agencies may act as agents for CCC in servicing the loan or portion thereof assigned to CCC.

§ 446.1119 Compensation for hauling.

If the producer is directed by the county office to deliver, to a location other than his customary delivery point, peanuts under a farm storage loan or purchase agreement, the producer shall be allowed compensation (as determined by CCC, but not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the peanuts any distance greater than the distance from the point where the peanuts are stored by the producer to the customary delivery point.

PRODUCER LOANS

(FARM STORAGE LOANS)

§ 446.1120 Farm storage loans available at county office.

Loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans shall apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet requirements, the county office will determine the amount of the loan and prepare and approve the loan documents. Copies of all such documents will be kept in the county office.

§ 446.1121 Approved farm storage.

Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage for peanuts. Such structures shall be dry and well-ventilated.

§ 446.1122 Quantity determinations.

(a) *Quantity on which loan may be made.* Farm storage loans shall be made

on the entire quantity of peanuts stored in a bin or crib, except where the county committee has determined that a loan on part of the peanuts stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. However, approval of a loan on part of the peanuts stored in a bin or crib shall not be granted in the event the State committee has determined on a State-wide basis that such partial loans shall not be made.

(b) *Weight of peanuts placed under loan.* The net weight of the peanuts placed under a farm storage loan will be calculated from an estimated gross weight determined as provided below.

(1) Peanuts stored in bulk: The estimated gross weight of bulk peanuts may be determined either by actual weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot indicated below for the type of peanuts being placed under loan:

Type:	*Weight per cubic foot (pounds)*
Runner	16.9
Spanish	19.7
Valencia	17.5
Virginia	13.5

(2) Peanuts stored in bags: The estimated gross weight of bagged peanuts shall be determined by weighing a sufficient number of bags to estimate the gross weight of all the bags, or the gross weight may be determined by weighing all the bags.

(3) A minimum reduction of 5 percent in the estimated gross weight, determined as provided in subparagraph (1) or (2) of this paragraph is required in an effort to avoid underdelivery at maturity in the event the loan is not repaid.

(c) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of the loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

§ 446.1123 Disbursement.

Disbursement of farm storage loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans of Certain Commodities (23 F.R. 3913 and 24 F.R. 5277) and any further amendments or supplements thereto, or by sight drafts drawn on CCC by the county office. Disbursement shall not be made after February 15, 1960, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence and not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 446.1124 Insurance.

CCC will not require the borrower to insure the peanuts placed under a farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds shall be paid to CCC to the extent of its interest, after first satisfying the borrower's equity in the peanuts involved in the loss.

§ 446.1125 Safeguarding the peanuts.

The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

§ 446.1126 Loss or damage to the peanuts under farm storage loan.

(a) The producer is responsible for any loss in grade and for any loss in weight, except as provided in § 446.1128. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions:

(1) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure;

(2) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other external cause;

(3) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(4) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(b) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

§ 446.1127 Redemption of the peanuts under farm storage loan.

(a) A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC, redeem the peanuts remaining under farm storage loan by paying to CCC the principal amount of the note, plus charges and accrued interest. The producer shall pay any charges incurred in collecting the amount due.

(b) After the appropriate amount has been paid, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. Partial redemption of farm storage loans and release of the peanuts will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and releases of peanuts will not be permitted. A producer who wishes to contract for the sale of mortgaged peanuts and use the proceeds of the sale to repay all or any part of the loan shall obtain written prior approval of the county committee, on Commodity Loan Form 12, to remove the peanuts from storage. Any such approval shall be subject to the terms and conditions in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 446.1128 Settlement of farm storage loans.

(a) If the producer does not redeem the peanuts as provided in § 446.1127, he shall deliver the peanuts in accordance with instructions issued by the county office. If the producer fails to deliver mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(b) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county committee and confirm such notice in writing.

If the county committee determines that the peanuts are in danger of going out of condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(c) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(d) Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the peanuts in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of peanuts stored in bags, only the identical bags under loan shall be delivered.

(e) The settlement value of the peanuts delivered to and accepted by CCC shall be the amount, computed on the basis of the quantity and the support price for the type and grade (except as provided above for peanuts going out of condition) of such peanuts, plus an allowance for shrinkage during the storage period of four-tenths of a cent (0.004) per net weight pound delivered and an allowance for the actual shrinkage during the storage period of the extra large kernels in Virginia type peanuts: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 446.1106 shall be computed at a rate equal to the support price for the type and grade placed under loan, less any difference, at the time of delivery, between the market price for the type and grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (1) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made CCC may relieve the producer from liability for the deficiency, or (2) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(f) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(g) If the settlement value of the peanuts delivered to and accepted by CCC is less than the amount due on the loan (excluding interest) the producer shall pay CCC for the deficiency, plus interest thereon, unless the deficiency resulted from loss or damage assumed by CCC pursuant to § 446.1126.

(h) Notwithstanding the provisions of paragraph (g) of this section, if CCC removes peanuts from farm storage pursuant to § 446.1115 and sells such peanuts for an amount less than the amount due on the loan (excluding interest) and the grade or quantity of the peanuts removed is lower than the grade or quantity on which the loan was made, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the peanuts removed by CCC, plus interest. Such payment shall be in addition to that specified in paragraph (a) of this section. The settlement value of peanuts removed by CCC shall be determined in the manner specified in paragraph (e) of this section for determining the settlement value of peanuts delivered to CCC.

(i) Any amount due CCC from the producer may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

§ 446.1129 Loans to associations.

(a) Loans will be available to associations which receive, arrange storage for and handle peanuts for and on behalf of eligible producers and for and on behalf of eligible producers represented by bona fide producer marketing cooperatives which meet the criteria established for an association in § 446.1104(a), which are approved by CCC, and which are operating under an agreement with the association, on all eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC. Such loans will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1959), between the associations and CCC, and shall be evidenced by blanket notes in form prescribed by CCC. The association may receive eligible peanuts from eligible producers who are not members of the association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the association or with CCC. The names and locations of such warehouses may be obtained from the association or the county office. The association may obtain the loan from an approved lending agency or from CCC. Unless otherwise authorized by CCC, each producer from whom the association receives peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the association shall make an advance payment to the producer in the amount of the producer advance value for such peanuts. At any time prior to sale by CCC the association may redeem peanuts for sale in accordance with policies established by CCC.

(b) The association shall distribute to the producers from whom it receives peanuts all proceeds from the handling of such peanuts under loan, less operating expenses, unless other disposition of such proceeds is approved by CCC.

PURCHASE AGREEMENTS

§ 446.1130 Purchase agreement provisions.

Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

§ 446.1131 Delivery of peanuts under a purchase agreement.

If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1960, during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1960, without any cost to CCC.

§ 446.1132 Quality and quantity of peanuts delivered to CCC.

Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified in the purchase agreement, and shall meet the grade requirements of § 446.1106 as determined by a Federal or Federal-State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

§ 446.1133 Purchase agreement settlement.

Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and quantity, net weight (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of proceeds shall be made.

NO. 2 SHELLED PEANUTS

§ 446.1134 Purchase of No. 2 shelled peanuts.

(a) Subject to the terms and conditions of §§ 446.1134 to 446.1148, CCC will

purchase, from commercial peanut shellers, shelled peanuts which meet the eligibility requirements stated in § 446.1135, other than those obtained from a custom seed shelling operation (peanuts which meet such requirements are hereinafter referred to as "No. 2 peanuts"). Each of the following associations is designated to accept No. 2 peanuts on behalf of CCC in the area specified; and shellers located in any such area shall offer No. 2 peanuts to the appropriate association:

Southeastern area	GFA Peanut Association, Camilla, Ga.
Southwestern area	Southwestern Peanut Growers' Association, Gorman, Tex.
Virginia-Carolina area	Peanut Growers Cooperative Marketing Association, Franklin, Va.

(b) No. 2 peanuts will be purchased from only those eligible shellers who, within 90 days after the date this subpart is published in the FEDERAL REGISTER, have notified the appropriate Association of their intentions to sell No. 2 peanuts to CCC.

§ 446.1135 Eligibility requirements for No. 2 peanuts.

No. 2 peanuts of any type offered to CCC by shellers shall:

(a) Meet the standards for U.S. No. 2 shelled peanuts of such type (as specified in the U.S. Standards issued by the U.S. Department of Agriculture, Agricultural Marketing Service, effective July 31, 1956 for shelled Runner and Spanish peanuts and effective September 15, 1957 for shelled Virginia peanuts): *Provided, however,* That such peanuts may contain not more than (1) six percent damaged and unshelled peanuts, (2) two percent minor defects, except that any unused part of the tolerance for damaged and unshelled peanuts shall be allowed for minor defects, (3) two percent foreign material, (4) eleven percent for sound peanuts and portions of peanuts which will pass through the screen prescribed for such type and for minor defects, and (5) nine percent moisture in the Southeast and Southwest areas and 10 percent moisture in the Virginia-Carolina area: *And provided further,* That no straight shelled peanuts shall be eligible for sale to CCC.

(b) Be 1959 crop peanuts offered by an eligible sheller who has milled them in his own plant.

(c) Not exceed 200 pounds per ton, net weight, of eligible 1959 crop farmers stock peanuts of the same type (as determined by Federal or Federal-State inspectors) which the sheller purchased, prior to offering, from producers or from an association which redeemed such farmers stock peanuts from the price support loan.

(d) Be free and clear of all liens and encumbrances.

§ 446.1136 Eligible sheller.

A sheller shall be eligible to sell No. 2 peanuts to CCC if, by fulfilling all the requirements of this section, he cooperates in making price support available to all peanut producers who desire to pledge their peanuts to CCC. The sheller shall—

(a) Throughout the 1959 program year, inform each producer, upon request, of the producer advance value of his peanuts under a price support loan;

(b) Pay a price not less than the producer advance value for each lot of farmers stock peanuts purchased from a producer, if such peanuts are eligible for a price support loan;

(c) Make warehouse space available for the storage of loan collateral peanuts under a warehouse contract, in the area and to the extent requested and not later than the date specified by the Association, unless he establishes to the satisfaction of the association and CCC, that all storage space over which he has control is needed in his normal milling operation and that no other storage space is available to him at reasonable cost in the area which he serves; and

(d) Purchase from producers only those peanuts for which inspection certificates have been issued by the Federal or Federal-State inspectors.

§ 446.1137 Period for offering.

(a) Written offers of No. 2 peanuts may be filed with the associations through June 30, 1960, unless a later date is approved in writing by CCC: *Provided, however,* That CCC may at any time prior to June 30, 1960, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts: *And provided further,* That upon notification to the shellers CCC may suspend its offer to purchase for a specified period of time. The date the offer is received by the association shall be deemed to be the date of the offer.

(b) The sheller, within seven days after the date of the association's written request therefor, shall mail to the association a statement showing the quantity of No. 2 peanuts in his inventory which are eligible for sale to CCC. If the sheller fails to mail such information within the seven-day period, CCC shall not be obligated thereafter to purchase any peanuts from him.

§ 446.1138 Contract.

The offer, all the provisions of §§ 446.1134 to 446.1148, and the written acceptance by the association shall constitute the contract between the sheller and CCC.

§ 446.1139 Minimum quantity.

The minimum quantity of No. 2 peanuts which may be offered at any time is 25,000 pounds. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer. Each offer shall be made in the form prescribed by CCC.

§ 446.1140 Inspecting, grading, and sealing No. 2 peanuts.

(a) The type and grade of the No. 2 peanuts delivered to CCC pursuant to each contract shall be determined and recorded on inspection certificates by Federal or Federal-State inspectors authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture. The sheller shall pay the cost of inspection and grading. If the No. 2 peanuts are inspected before they are offered to CCC, the inspection certificate shall show that the inspection was completed not more than 9 days prior to the date on which the offer is received by the association. No. 2 peanuts which are not inspected before they are offered to CCC shall be inspected at the time the peanuts are delivered to CCC.

(b) The inspection data shall be used to determine (1) whether the No. 2 peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.1135, (2) the net weight, and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the Inspection Service procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(d) The peanuts may be reinspected at the request of CCC, and at its expense, within 5 days after receipt at destination.

§ 446.1141 Net weight of No. 2 peanuts.

The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the sum of the percentages of (a) foreign material and (b) moisture in excess of 7 percent in the Southeast and Southwest areas and 8 percent in the Virginia-Carolina area. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.1142 Delivery, rejection, and liquidated damages.

(a) The sheller shall deliver peanuts in accordance with instructions issued by the association. Such delivery instructions, except as provided in § 446.1143, shall be issued within 25 days after the date of the association's written acceptance of the offer.

(b) The sheller shall deliver all peanuts in bags of uniform size, which are packed in accordance with good commercial practices. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by the association or CCC may be required in some instances.

(c) CCC may upon notice to the sheller, reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer does not meet the eligibility requirements in § 446.1135 at the time of the original inspection or reinspection.

(d) If, as of the date No. 2 peanuts are moved out of the sheller's plant, such peanuts are subject to condemnation or disqualification for use as human food by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or if CCC determines that such peanuts would be subject to condemnation or disqualification if moved in interstate commerce, such peanuts shall not be delivered to CCC, and any amount paid to the sheller with respect to such peanuts shall be refunded to CCC. The sheller shall also pay any costs incurred by CCC with respect to such peanuts, as determined by CCC. Nothing contained in this subparagraph shall relieve the sheller of any obligation to deliver to CCC the quantity of eligible No. 2 peanuts specified in the sheller's offer.

(e) If the sheller fails to deliver, as prescribed in delivery instructions a quantity of eligible No. 2 peanuts equal to at least 95 percent of the quantity offered by him and accepted by the association, or if the sheller delivers peanuts which are ineligible and CCC determines that such peanuts can be rejected to the sheller, the sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such peanuts, liquidated damages in an amount equal to 2 cents per pound (1) for the quantity by which the quantity of eligible peanuts delivered is less than 95 percent of that offered by the sheller and accepted by the association, or (2) for the quantity of ineligible peanuts delivered to, and rejected by, CCC. The sheller shall also refund to CCC any amount paid to him with respect to ineligible peanuts which are rejected.

(f) If peanuts included in any offer are determined by CCC to be ineligible after CCC has contracted to sell such peanuts, the sheller shall make delivery of not less than 95 percent of the quantity offered by him and accepted by the association. The price which CCC will pay to the sheller for such ineligible peanuts shall be the amount received by CCC upon the sale of such ineligible peanuts, as determined by CCC. The sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such ineligible peanuts, liquidated damages in an amount equal to 2 cents per pound (1) for the quantity by which the quantity of peanuts delivered is less than 95 percent of that offered by the sheller and accepted by the association and (2) for the quantity of such peanuts delivered to CCC.

(g) Nothing contained in paragraphs (e) and (f) of this section shall require the payment of liquidated damages by the sheller under both of such paragraphs with regard to the same lot of peanuts. The sheller shall pay to CCC upon demand any amount determined by CCC to be due from the sheller under this section, or shall refund to CCC upon demand any amount paid to him which is in excess of any amount to which he may be entitled under this section as determined by CCC.

(h) Because of the difficulty in ascertaining the exact damages which CCC would sustain in the situations outlined in paragraphs (e) and (f) of this section, CCC and the sheller agree that the liquidated damages provided for in such paragraph constitute a reasonable estimate of CCC's probable actual damages. Nothing contained in this section shall be construed as waiving any right of CCC or of the United States in the event of any fraudulent act on the part of the sheller.

§ 446.1143 Passage of title.

Title and risk of loss and damage to the peanuts shall pass to CCC upon delivery from the sheller's plant, f.o.b. railroad cars or trucks at CCC's option, except that in the event the association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate, in form acceptable to CCC, which properly identifies the peanuts, and an inspection certificate issued by a Federal-State inspector if such peanuts were not inspected before they were offered. The gross weight of the peanuts for which the storage certificate is issued shall be determined, after the expiration of the 25-day period within which the association was to have issued shipping instructions, by a weighmaster, and on scales, approved by CCC. Subject to the provisions of paragraph (d) of § 446.1142, the sheller shall not be responsible for deterioration or for uninsured loss or damage to the peanuts prior to delivery but after passage of title to CCC unless such deterioration or such uninsured loss or damage is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise, or unless such peanuts are determined by CCC to be ineligible. If the peanuts are insured such insurance shall inure to the benefit of CCC. Any insurance proceeds received by CCC with regard to ineligible peanuts shall be applied against any amount due CCC from the sheller under § 446.1142, as determined by CCC. Any amount by which such proceeds exceed any amount due CCC shall be paid to the sheller, and any amount by which such proceeds are exceeded by the amount due CCC shall be paid by the sheller to CCC promptly upon demand. If the sheller fails to issue the storage certificate to CCC on or before the 30th day after the date of the association's written acceptance of the sheller's offer, title shall not pass until the peanuts are delivered in accordance with instructions issued by the association, and CCC shall not pay any storage or handling charges with respect to such peanuts. Title to ineligible peanuts, and risk of loss and damage if such peanuts have been delivered pursuant to instructions issued by the association shall, in the event CCC rejects such peanuts, revert to the sheller as of the date of CCC's notice of rejection to the sheller. CCC shall not pay storage charges with respect to peanuts which are rejected.

§ 446.1144 Payment for No. 2 peanuts.

(a) CCC will purchase eligible No. 2 peanuts at the price in effect on the date the offer is accepted by the association. No. 2 peanut prices shall be established by the Executive Vice President, CCC, who may revise such prices upward or downward at his discretion. Associations designated in § 446.1134 will furnish current No. 2 peanut prices to shellers who have informed the associations of their interest in selling No. 2 peanuts to CCC. A sheller shall have the right to withdraw his offer if the price is reduced before the offer is accepted by the association.

(b) Warehouse charges for peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.1143 shall be the sum of:

(1) $0.50 per net weight ton for handling-in charges,

(2) $0.50 per net weight ton for handling-out charges (delivery f.o.b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton or fraction thereof per storage month. Each calendar month or fraction thereof, following the calendar month in which title passed to CCC, and during which the peanuts remain in the sheller's facility, shall be a storage month: *Provided,* That if the peanuts are delivered in accordance with instructions issued by the association during the calendar month in which title passed to CCC, the sheller shall be paid storage for one month.

(c) (1) Payment for the peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for peanuts for which title passed to CCC upon delivery from the sheller's plant shall be made, after delivery, for the net weight determined from the gross weight obtained at the time the peanuts were loaded out.

(3) Payment for peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities as provided in § 446.1143, shall be made after title has passed to CCC; but payment of the warehouse charges specified in paragraph (b) of this section shall be made after the peanuts are loaded out of the sheller's facilities. The net weight on which payment for both the peanuts and the warehouse charges is determined, shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.1145 Records and reports.

(a) The records of the sheller shall at all times show (1) with respect to farmers stock peanuts purchased direct from producers the dates and places received, the names and addresses of the producers, the types and grades as determined by Federal or Federal-State inspectors, and the pounds of each such grade purchased from each producer, (2) the types, grades, and quantities of farmers stock peanuts purchased from an association, (3) the types, grades, and quantities of farmers stock peanuts purchased from persons other than producers or associations and (4) the types, grades, and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The association designated in § 446.1134 for the area in which the sheller is located or CCC may examine and audit the accounts and records of the sheller and may require the sheller

to make all of his records available at the main office at any time an audit is made. All books, accounts, and records shall be retained for a period of two years after the last No. 2 peanuts are delivered to CCC.

(b) The reporting and record keeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.1146 Assignment.

No contract, claim, or payment pursuant to any of the provisions of this subpart relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.1147 Officials not to benefit.

No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this subpart relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation or a producer in his capacity of producer.

§ 446.1148 Contingent fees.

The sheller shall not employ any person to solicit or secure any contract pursuant to any of the provisions of this subpart relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or, in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Issued this 24th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6276; Filed, July 29, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year, 1960

Pursuant to section 4 of the National School Lunch Act, as amended (42 U.S.C. 1751–1760) food assistance funds available for the fiscal year ending June 30, 1960, are apportioned among the states as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,757,690	$2,669,414	$88,276
Alaska	70,752	70,752	
Arizona	678,619	616,190	62,429
Arkansas	1,737,927	1,700,586	37,341
California	5,152,680	5,152,680	
Colorado	843,944	767,062	76,882
Connecticut	735,967	735,967	
Delaware	150,621	122,472	28,149
District of Columbia	242,892	242,892	
Florida	2,140,042	2,016,199	123,843
Georgia	2,981,141	2,981,141	
Guam	79,129	66,513	12,616
Hawaii	353,827	290,697	63,130
Idaho	446,959	428,528	18,431
Illinois	3,672,593	3,672,593	
Indiana	2,250,200	2,250,200	
Iowa	1,527,346	1,338,725	188,621
Kansas	1,145,308	1,145,308	
Kentucky	2,458,629	2,458,629	
Louisiana	2,205,132	2,205,132	
Maine	564,708	478,476	86,232
Maryland	1,341,906	1,117,459	224,447
Massachusetts	1,845,015	1,845,015	
Michigan	3,660,500	3,115,930	544,570
Minnesota	1,830,198	1,520,872	309,326
Mississippi	2,685,899	2,685,899	
Missouri	2,629,669	2,629,669	
Montana	373,146	332,148	40,998
Nebraska	766,734	659,637	107,097
Nevada	102,548	95,720	6,828
New Hampshire	294,016	294,016	
New Jersey	2,033,301	1,582,950	450,351
New Mexico	581,986	581,986	
New York	5,490,342	5,490,342	
North Carolina	3,830,739	3,830,739	
North Dakota	495,958	441,341	54,617
Ohio	3,987,164	3,371,956	615,208
Oklahoma	1,422,832	1,422,832	
Oregon	908,706	908,706	
Pennsylvania	4,885,209	3,855,223	1,029,986
Puerto Rico	3,261,764	3,261,764	
Rhode Island	383,030	383,030	
South Carolina	2,437,541	2,400,417	37,124
South Dakota	475,862	475,862	
Tennessee	2,688,744	2,599,216	89,528
Texas	5,459,838	5,136,702	323,136
Utah	579,234	567,374	11,860
Vermont	227,635	227,635	
Virginia	2,399,904	2,279,843	120,061
Virgin Islands	42,644	42,644	
Washington	1,274,467	1,184,068	90,399
West Virginia	1,430,863	1,389,097	41,766
Wisconsin	2,009,124	1,541,946	467,178
Wyoming	167,376	167,376	
Total	93,600,000	88,249,570	5,350,430

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U.S.C. 1751–1760)

Dated: July 24, 1959.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 59-6260; Filed, July 29, 1959; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 12,655]

PART 522—ORGANIZATION OF THE BANKS

Election of Directors

JULY 27, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 522 of the regulations for the Federal Home Loan Bank System (12 CFR Part 522) as hereinafter set forth in view of the admission of Alaska as a State of the Union and the impending admission of Hawaii as such, and for the purpose of effecting such amendment, hereby amends said part as follows, effective July 30, 1959:

Section 522.32 of said part (12 CFR 522.32) is hereby amended by striking all the language of said section after the line beginning with the word "Topeka" and inserting in lieu of the language so stricken the following language:

San Francisco 1

Resolved further that, as § 522.26 of said part provides that the Board will notify each member not later than August 1 of each year of its right to nominate and will furnish other information as therein set forth and that at the same time each member will be furnished with a copy of the regulations in said part governing the nomination and election of Federal Home Loan Bank directors and the necessary nominating certificate, and as § 522.27 of said part provides that the nominating certificate shall be executed and mailed to the Secretary of the Board so as to be delivered to his office in Washington, D.C., not later than August 31, the Board hereby finds that, because of the time that would be involved if notice and public procedure on the above amendment were afforded, such notice and public procedure are impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same cause deferment of the effective date of said amendment is not required under section 4(c) of said Act.

(Secs. 7, 17, 47 Stat. 730, 736, as amended; 12 U.S.C. 1427, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-6273; Filed July 29, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subparts 1–3—[Reserved]

Subpart 4—Small Business Policy

Sec.
1204.400 Scope of subpart.
1204.401 Policy.
1204.402 Responsibility.
1204.402–1 Division of procurement and Supply, NASA Headquarters.
1204.402–2 NASA field installations.
1204.403 General requirements.

AUTHORITY: §§ 1204.400 to 1204.403 issued under 42 U.S.C. 2473(b).

§ 1204.400 Scope of subpart.

This subpart establishes the small business policy and program of the National Aeronautics and Space Administration (NASA).

§ 1204.401 Policy.

(a) Consistent with the requirements of the Small Business Act (15 U.S.C. 631–650) and the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(5)), it is the policy of NASA to place a fair proportion of its total purchases and contracts with small business concerns.

(b) In carrying out the NASA procurement program, the primary consideration shall be that of securing contract performance, including obtaining deliveries of required items or services at the time, in the quantity and of the quality prescribed. In the area of research and development contracts, the general policy of NASA is to award such contracts to those organizations determined by responsible personnel to have a high degree of competence in the specific branch of science or technology required for the successful conduct of the work. It is in the interest of the civilian space program that the number of firms engaged in research and development work for NASA be expanded and that there be an increase in the extent of participation in such work by competent small business firms.

§ 1204.402 Responsibility.

§ 1204.402–1 Division of Procurement and Supply, NASA Headquarters.

The Director of Procurement and Supply, NASA Headquarters, is responsible for the development, supervision, and coordination of the NASA Small Business Program. A senior member serves on the Director's staff as Advisor on Small Business, with responsibility for formulating policies and procedures relating to small business, and representing the Director before other Government agencies on matters primarily affecting small business.

§ 1204.402–2 NASA field installations.

The head of each NASA field installation will designate a qualified individual in the procurement office as a "small business specialist," to provide a central point of contact to which small business concerns may direct inquiries concerning participation in the NASA procurement program, or secure assistance in submitting bids or proposals as well as performance of contracts. Where the head of a field installation considers that the volume of procurement or of functions relating to procurement at the installation does not warrant a full-time small business specialist, he may assign such duties to qualified procurement personnel on a part-time basis. NASA field installations shall establish and maintain liaison with the Small Business Administration representative or the appropriate Small Business Administration Regional Office in matters relating to field procurement activities.

§ 1204.403 General requirements.

(a) All proposed procurement transactions in excess of $2,500 shall be examined by small business specialists prior to issuance of bids or requests for proposals to determine suitability for small business participation or set-aside.

(b) The appropriate office of the Small Business Administration shall be informed of proposed procurements estimated to exceed $10,000.

(c) Bidders' lists shall be maintained on a current basis and reviewed to assure that small business firms are given an equitable opportunity to participate in those procurements suitable for performance by such firms.

(d) NASA small business personnel shall acquire descriptive data, brochures, or other information concerning small business firms which appear competent to perform research and development work in fields in which NASA is interested and furnish such information to technical personnel. The Small Business Advisor at Headquarters and the small business specialists at NASA field installations shall assist and consult with NASA technical personnel in the analysis of such information, in arranging field inspection of facilities, in making appointments for technical personnel with representatives of small business firms, and obtaining from other agencies appraisals of work performed by such firms.

(e) NASA will require contractors having negotiated contracts in excess of $1,000,000 and of such nature as to afford opportunities for subcontracting in substantial amounts to establish and conduct small business sub-contracting programs. Such programs will be periodically reviewed by NASA small business representatives to evaluate their adequacy.

(f) NASA will encourage competent small business concerns to submit unsolicited proposals for research and development work in areas within NASA's responsibility, which may lead to contracts for such work. The formation of contractor pools or joint ventures to perform research and development work will also be encouraged.

(g) NASA small business personnel will disseminate to small business concerns information concerning inventions for which NASA holds patents on behalf of the United States and under which it is NASA policy to grant licenses.

(h) Small business participation in NASA procurement shall be accurately measured, recorded, and publicized.

Effective date. The provisions of this subpart are effective July 30, 1959.

T. KEITH GLENNAN,
Administrator.

[F.R. Doc. 59-6267; Filed, July 29, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7442 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Main Line Lumber and Millwork Co. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Additional charges unmentioned.[1] Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1795 *Coverage or extras.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Main Line Lumber and Millwork Company et al., Wayne, Pa., Docket 7442, July 4, 1959]

In the Matter of Main Line Lumber and Millwork Company, a Corporation, and Harry K. Madway, Ralph K. Madway, Sam Madway, and Pauline M. Margolis, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of prefabricated homes and garages in Wayne, Pa., with representing falsely in newspaper and other advertisements that its stated prices included certain appliances, features, equipment, materials, or services which were, in fact, extra cost items and for which purchasers were required to pay separately.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Main Line Lumber and Millwork Company, a corporation and its officers, and Harry K. Madway, Ralph K. Madway, Sam Madway and Pauline M. Margolis, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of prefabricated homes, garages, or other buildings, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing directly or by implication that an advertised or stated price includes appliances, fixtures, equipment, material or services that are not included in said advertised or stated price.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6255; Filed, July 29, 1959; 8:45 a.m.]

[1] Amended to read as set forth.

[Docket 7419 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Monarch Carnival Supply Co.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jack Robinson trading as Monarch Carnival Supply Company, Washington, D.C., Docket 7419, July 7, 1959]

In the Matter of Jack Robinson, an Individual, Trading as Monarch Carnival Supply Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Washington, D.C., seller of a variety of products with selling to many of his customers, devices for reselling the merchandise to the public by chance or lottery.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Jack Robinson, an individual trading as Monarch Carnival Supply Company, or under any other name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Supplying, selling, or placing in the hands of others, by any means, any device or devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-6256; Filed, July 29, 1959; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Payment and Delivery

On page 1721 of the FEDERAL REGISTER of March 13, 1959, there was published a notice of intention to amend §§ 221.10 and 221.11, Title 25 of the Code of Federal Regulations in regard to due dates of operation and maintenance charges and penalty for delinquency.

Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. No written communications pertaining to the proposed amendment were received within the period specified.

The proposed amendments to the regulations are hereby adopted, without change, and are set forth below. These amendments shall become effective beginning with the calendar year 1960 and continue in effect thereafter until further notice.

ELMER F. BENNETT, *Acting Secretary of the Interior.*

JULY 24, 1959.

1. Sections 221.10 and 221.11 are amended to read as follows:

§ 221.10 Payments.

(a) The annual charges fixed in § 221.9 for the Nespelem and Little Nespelem Units shall become due on April 1 of each year and are payable on or before that date.

(b) The annual charges fixed in § 221.9 for the Monse Pumping Unit shall become due as follows: 50 percent on April 1 and 50 percent on July 1 and are payable on or before those dates.

(c) To any charges against non-Indian land or Indian land under lease to non-Indians remaining unpaid after July 1 there shall be added a penalty of one-half of one percent per month or fraction thereof from the due date until paid.

(d) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of the crops being grown on the lands, or from any other source, water may be delivered if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges. In such cases, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.11 Delivery contingent on payment.

(a) No water shall be delivered to any tract of land under the Nespelem and Little Nespelem Units until the entire irrigation charges for the current year shall have been paid. No water shall be delivered to any tract of land under the Monse Pumping Unit until at least 50 percent of the current year's charges have been paid. Water delivery shall not be continued after July 1 unless the total charges for the year have been paid, except as provided in § 221.10(d).

(b) No water shall be delivered to lands in non-Indian ownership until all delinquent charges, plus penalties, for previous years have been paid.

(c) No water shall be delivered to Indian lands under lease until the lessee has paid all charges, plus penalties in the case of a non-Indian lessee, which have accrued during the period of his lease.

(d) A water user who has fulfilled all requirements and is eligible to have water delivered to him shall give the ditch rider 48 hours notice in advance of the time he wishes to receive water or discontinue delivery of water to his tract.

2. Section 221.10a *Payments, Monse Pumping Unit* is eliminated for the reason that its provisions are included in § 221.10, as amended.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385)

[F.R. Doc. 59-6257; Filed, July 29, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6402]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Miscellaneous Amendments

On June 11, 1959, a notice of proposed rule making with respect to the amendment of 26 CFR Part 250 was published in the FEDERAL REGISTER. No objections to the proposed amendments having been received within the 15-day period prescribed in the notice, the regulations as so published are hereby adopted.

Because this Treasury decision implements and effectuates changes made in chapter 51 of the Internal Revenue Code of 1954 by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275) which become effective July 1, 1959, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall become effective July 1, 1959.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

RALPH KELLY, *Commissioner of Customs.*

Approved: July 24, 1959.

FRED C. SCRIBNER, JR., *Acting Secretary of the Treasury.*

In order to implement certain provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, as they relate to spirits, denatured spirits, and products manufactured from denatured spirits for shipment to the United States free of tax, 26 CFR Part 250 is amended as follows:

§ 250.6 [Deletion]

PARAGRAPH 1. Delete § 250.6 *Alcohol.*

PAR. 2. Section 250.7 is amended to read as follows:

§ 250.7 Article.

"Article" shall mean any preparation unfit for beverage use, made with or containing:

(a) Wine or beer;

(b) Distilled spirits or industrial spirits; or

(c) Denatured spirits when such preparation is not manufactured under the provisions of this subchapter.

PAR. 3. Section 250.12 is amended to read as follows:

§ 250.12 Denatured spirits.

"Denatured spirits" shall mean industrial spirits denatured in accordance with approved formulae in distilled spirits plants established and operated under the provisions of this subchapter relating to the establishment and operation of plants qualified to denature spirits in the United States, or, in respect of a product of the Virgin Islands, shall also mean spirits denatured in accordance with approved formulas in plants established under the provisions of the Virgin Islands regulations and shall include, unless otherwise limited, both completely and specially denatured spirits.

PAR. 4. Section 250.14 is amended to read as follows:

§ 250.14 Distilled spirits or spirits.

"Distilled spirits" or "spirits" shall mean that substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced and shall include whisky, brandy, rum, gin, etc., but shall not include industrial spirits as defined in this part except when used in reference to such spirits which would be subject to tax if brought into the United States.

PAR. 5. A new section, reading as follows, is inserted immediately following § 250.18:

§ 250.18a Industrial spirits.

"Industrial spirits" shall mean, as to products of Puerto Rico, distilled spirits produced and warehoused at and withdrawn from distilled spirits plants established and operated under the provisions of this subchapter relating to the establishment of such plants and the production, bonded warehousing, and withdrawal from bond of distilled spirits in the United States, or as to products of the Virgin Islands, distilled spirits produced, warehoused, and withdrawn under Virgin Islands regulations.

§ 250.21 [Amendment]

PAR. 6. Section 250.21 is amended by striking the words "ethyl alcohol" and inserting in lieu thereof the words "industrial spirits".

PAR. 7. A new section, reading as follows, is inserted immediately following § 250.30:

§ 250.30a Virgin Islands regulations.

"Virgin Islands regulations" shall mean regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, with the concurrence of the Secretary of the Treasury of the United States, or his delegate, under the provisions of section 5314, I.R.C., as amended, and § 250.201a.

§ 250.35 [Amendment]

PAR. 8. Section 250.35 is amended as follows:

(A) By inserting in the first sentence, immediately following "Puerto Rico", the following: ", except as provided in § 250.36,";

(B) By striking the word "upon" in the first sentence and inserting in lieu thereof the word "on"; and

(C) By striking the article "a" immediately following the words "are subject to" in the second sentence.

PAR. 9. Section 250.36 is amended to read as follows:

§ 250.36 Products exempt from tax.

Subject to the provisions of this part, the following products may be brought into the United States from Puerto Rico without incurring liability to any tax imposed by section 5001(a)(10) or section 7652(a) of the Internal Revenue Code:

(a) Industrial spirits for the purposes authorized in section 5214(a) (2) and (3), I.R.C.,

(b) Denatured spirits, and

(c) Products manufactured from denatured spirits under the provisions of § 250.36a.

(72 Stat. 1375; 26 U.S.C. 5314)

PAR. 10. Two new sections, reading as follows, are inserted immediately following § 250.36:

§ 250.36a Production in Puerto Rico for tax-free shipment to United States.

(a) *Regulations applicable to industrial spirits.* The provisions of this subchapter relating to the production, bonded warehousing, and the withdrawal from bond of spirits in the United States shall extend to and apply in Puerto Rico in respect of the production, bonded warehousing, and withdrawal of industrial spirits for shipment to the United States free of tax for the purposes authorized in section 5214(a) (2) and (3), I.R.C.

(b) *Regulations applicable to denatured spirits and products manufactured with denatured spirits.* The provisions of this subchapter relating to the production, bonded warehousing, and denaturation of spirits, and the withdrawal from bond of denatured spirits in the United States shall extend to and apply in Puerto Rico in respect of the production, bonded warehousing, and denaturation of spirits, and to the withdrawal of denatured spirits, where the denatured spirits are to be shipped to the United States free of tax, or are to be used in the manufacture of products containing such denatured spirits for shipment to the United States free of tax. The provisions of this subchapter relating to the withdrawal and use of denatured spirits in the manufacture of products in the United States shall extend to and apply in Puerto Rico in respect of the withdrawal and use, in Puerto Rico, of denatured spirits in the manufacture of products containing such denatured spirits for shipment to the United States free of tax.

(72 Stat. 1375; 26 U.S.C. 5314)

§ 250.36b Tax-free shipments to the United States.

The provisions of subpart 00 of Part 182 of this chapter in respect of alcohol, denatured alcohol, and products containing denatured alcohol, shall respectively apply to:

(a) Industrial spirits coming into the United States from Puerto Rico free of tax for the purposes authorized in section 5214(a) (2) and (3), I.R.C., and

(b) Denatured spirits and products containing denatured spirits coming into the United States from Puerto Rico free of tax.

The law does not authorize the transfer of spirits from the bonded premises of a plant in Puerto Rico to the bonded premises of a plant in the United States.

(72 Stat. 1375; 26 U.S.C. 5314)

§ 250.50 [Amendment]

PAR. 11. Section 250.50 is amended as follows:

(A) By changing the first sentence to read "Every person who ships liquors or products not exempt from tax under § 250.36, to the United States, shall submit to the Director, Alcohol and Tobacco Tax Division, in advance of shipment, formulae and processes on Form 27-B Supplemental covering the manufacture of such liquors or articles."; and

(B) By changing the last sentence to read "Formulae for products manufactured with denatured spirits shall be submitted as provided in this subchapter for products manufactured in the United States with denatured spirits."

§ 250.76 [Amendment]

PAR. 12. Section 250.76 is amended as follows:

(A) By striking "(a)" immediately following the number "5021" in the first sentence;

(B) By inserting the words "Special Puerto Rican" immediately preceding the phrase "rectified spirits stamps" in the first sentence; and

(C) By changing the second sentence to read "If the finished product is subject to the tax under section 5022, Internal Revenue Code, United States internal revenue rectification tax sheet stamps will be procured on Form 427-C and affixed to the cases as provided in § 250.72."

PAR. 13. Section 250.88 is amended to read as follows:

§ 250.88 Taxable status.

Articles not exempt from tax under the provisions of § 250.36 are subject to tax on the distilled spirits, wine, or beer contained therein at the rate imposed by law on like liquors of domestic production. A formula and process covering the manufacture of each such product shall be filed in accordance with subpart D of this part.

PAR. 14. The undesignated center-heading immediately preceding § 250.93 is amended by striking the word "Alcohol" and inserting in lieu thereof the words "Industrial Spirits".

PAR. 15. Section 250.164 is amended to read as follows:

§ 250.164 Proprietors of taxpaid premises.

Transactions involving the bringing of liquors into the United States from Puerto Rico by proprietors of distilled spirits plants in the United States qualified under the provisions of this subchapter shall be recorded and reported in accordance with the regulations governing the operations of such premises in the United States.

§ 250.200 [Amendment]

PAR. 16. Section 250.200 is amended by inserting the phrase ", except as provided in § 250.201," immediately following the words "Virgin Islands" in the first sentence.

PAR. 17. Section 250.201 is amended to read as follows:

§ 250.201 Products exempt from tax.

Subject to the provisions of this part, the following products may be brought into the United States from the Virgin Islands without incurring liability to the tax imposed by sections 7652(b)(1) of the Internal Revenue Code:

(a) Industrial spirits for the purposes authorized in section 5214(a) (2) and (3), I.R.C.,

(b) Denatured spirits manufactured in the Virgin Islands, and

(c) Products manufactured in the Virgin Islands with denatured spirits under the provisions of § 250.201a.

(72 Stat. 1375; 26 U.S.C. 5314)

PAR. 18. Two new sections, reading as follows, are inserted immediately following § 250.201:

§ 250.201a Production in the Virgin Islands for tax-free shipment to the United States.

(a) *Authority of the Governor to issue regulations.* The Governor of the Virgin Islands, or his duly authorized agents, are authorized to issue or adopt such regulations (and to approve such bonds, and to issue, suspend, or revoke such permits, as may be required by such regulations) as are necessary to insure that:

(1) Industrial spirits produced or manufactured in the Virgin Islands and shipped to the United States free of tax for the purposes authorized in section 5214(a) (2) and (3), I.R.C.;

(2) Denatured spirits manufactured in the Virgin Islands for shipment to the United States free of tax, and

(3) Products manufactured in the Virgin Islands with denatured spirits, for shipment to the United States free of tax,

conform in all respects to the requirements of law and this chapter imposed on like products of domestic manufacture.

(b) *Law and regulations applicable.* Regulations having been issued by the Governor of the Virgin Islands and concurred in by the Secretary of the Treasury of the United States to govern the production, warehousing, and denaturation of spirits and the use of denatured spirits in the manufacture of products for shipment to the United States free of tax, such regulations are applicable in the Virgin Islands and the Virgin Islands are hereby exempted from

(1) All provisions of chapter 51, I.R.C., with the exception of section 5314(b) and section 5687, I.R.C., and

(2) The provisions of this subchapter in respect of the production, bonded warehousing, denaturation, and withdrawal of distilled spirits and the use of denatured spirits in the United States:

Provided, That such exemption shall be effective only to the extent that any amendments or revisions of the regulations issued by the Governor of the Virgin Islands, or his duly authorized agents, are concurred in by the Secretary of the Treasury of the United States or his delegate. Otherwise, all provisions of law as provided in section 5314(b), I.R.C., and the provisions of this subchapter in respect of the production, bonded warehousing, denaturation, and withdrawal from bond of distilled spirits and denatured spirits and the use of denatured spirits in the manufacture of products shall extend to and apply in the Virgin Islands (1) in respect of the production, bonded warehousing, and withdrawal of spirits for shipment to the United States free of tax for the purposes authorized in section 5214(a) (2) and (3), I.R.C., and (2) in respect of the production, bonded warehousing, and denaturation of spirits, and to the withdrawal and use of denatured spirits, where the denatured spirits or products containing denatured spirits are to be shipped to the United States free of tax.

(72 Stat. 1375; 26 U.S.C. 5314)

§ 250.201b Tax-free shipment to the United States.

The provisions of subpart PP of Part 182 of this chapter in respect of alcohol, denatured alcohol, and products containing denatured alcohol, shall respectively apply to:

(a) Industrial spirits coming into the United States from the Virgin Islands free of tax for the purposes authorized in section 5214(a) (2) and (3), I.R.C., and

(b) Denatured spirits and products containing denatured spirits coming into the United States from the Virgin Islands free of tax.

The law does not authorize the transfer of spirits from the bonded premises of a plant in the Virgin Islands to the bonded premises of a plant in the United States.

(72 Stat. 1375; 26 U.S.C. 5314)

§ 250.220 [Amendment]

PAR. 19. Section 250.220 is amended as follows:

(A) By changing the first sentence to read "Every person who ships liquors or articles not exempt from tax under § 250.201, to the United States, shall submit to the Director, Alcohol and Tobacco Tax Division, in advance of shipment, a formula and process on Form 27-B Supplemental covering the manufacture of such liquor or article."

(B) By changing the last sentence to read "Formulae for products manufactured with denatured spirits shall be submitted as provided in this subchapter for products manufactured in the United States with denatured spirits."

PAR. 20. Section 250.275 is amended to read as follows:

§ 250.275 Proprietors of taxpaid premises.

Transactions involving the bringing of liquors into the United States from the Virgin Islands by proprietors of distilled spirits plants in the United States qualified under the provisions of this subchapter shall be recorded and reported in accordance with the regulations governing the operations of such premises in the United States.

(72 Stat. 1375; 26 U.S.C. 5314)

[F.R. Doc. 59-6271; Filed, July 29, 1959; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Approaches and Entrances to Coastal Ports

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 205.80, establishing and governing the use of dumping grounds and prohibited dumping grounds in waters adjacent to and waters constituting the approaches and entrances to certain ports, is hereby amended by adding new paragraph (c)(5) through (10), as follows:

§ 205.80 Entrances to seaports.

* * * * *

(c) *Prohibited dumping grounds.* * * *

(5) The waters of Lynn Canal in Southeastern Alaska north of latitude 59°00'00" including Chilkat, Chilkoot, Lutak and Taiya Inlets.

(6) The waters of the Gulf of Alaska in Harding Gateway and Resurrection Bay, off Blying Sound, bounded on the south by a line extending from Aialik Cape at latitude 59°42'00", longitude 149°31'30" to Cape Resurrection at latitude 59°51'45", longitude 149°16'30",

(7) The waters of the Gulf of Alaska in the western Prince William Sound area, Whittier and aproaches, within an area bounded by a line extending from Cape Junken at latitude 59°55'00", longitude 148°39'00" to Cape Cleare at latitude 59°47'00", longitude 147°56'00"; thence along the western coast line to Montague Island to latitude 60°00'00", longitude 147°40'00"; thence to Point Helen at latitude 60°09'15", longitude 147°46'00"; thence along the western coast line of Knight Island to Passage Point at latitude 60°31'00", longitude 147°41'30"; thence to latitude 60°48'00", longitude 147°55'45"; thence along the southern coast of Esther Island to Point Esther at latitude 60°47'45", longitude 148°08'30", to terminate at Point Pigot at latitude 60°48'00", longitude 148°20'45".

(8) The waters off the northeasterly shore of Kodiak Island, Alaska, including both Marmot and Chiniak Bay, the northerly boundary to begin at Cape Tonki at latitude 58°21'00", longitude 152°00'00"; thence to latitude 58°21'00", longitude 150°30'00"; thence to latitude 57°37'00", longitude 150°30'00"; thence to Cape Chiniak at latitude 57°37'00", longitude 152°10'00"; thence along the eastern coast of Kodiak Island to Shakmanof Point at latitude 57°55'30", longitude 152°35'15"; thence to Cape Izhut at latitude 58°06'00", longitude 152°20'00" and thence to the point of beginning.

(9) The waters of the Bering Sea, Dutch Harbor and approaches, in Unalaska Bay, Alaska, bounded on the north by a line extending from Cape Cheerful at latitude 54°01'00", longitude 166°40'00" to Cape Kalekta at latitude 54°00'30", longitude 166°22'15".

(10) The waters of the Bering Sea in Sitkin Sound and Kuluk Bay off Adak, Alaska, on the Aleutian Islands within an area bounded by a line beginning at Cape Adagdak at latitude 52°00'15", longitude 176°34'45"; thence to latitude 52°00'00", longitude 176°20'00"; thence to Blind Point at latitude 51°51'00", longitude 176°26'15".

[Regs., July 15, 1959, 285/91—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6247; Filed, July 29, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1928]

[80781]

ALABAMA

Opening Lands in Power Project No. 2146

Beginning at 10:00 a.m. on August 29, 1959, the following-described public lands, reserved on December 2, 1955, pursuant to the filing of an application for license for proposed Project No. 2146, shall be open to application, petition and selection under applicable public-land laws, subject to valid existing rights, requirements of applicable law, the provisions of existing withdrawals, the six-months' preference right to apply to select the lands granted to certain States by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852); the right of the State of Alabama to apply for reservation to it or to any of its political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of 1920, as amended; and the 91-day preference right filing period for veterans of World War II, the Korean Conflict and other persons entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended:

ST. STEPHENS MERIDIAN

T. 23 N., R. 15 E.,
Sec. 12, NE¼.
Containing 86.10 acres.

The lands are located seven miles east and 10 miles north of Clanton, Alabama. Terrain is rolling to steep, with a gravelly infertile soil unsuited for agricultural purposes.

The allowance of any application shall be in accordance with and subject to the provisions of section 24 of the Federal Power Act of 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

Inquiries concerning the lands shall be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 24, 1959.

[F.R. Doc. 59-6258; Filed, July 29, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12295; FCC 59-769]

PART 10—PUBLIC SAFETY RADIO SERVICES

Third Report and Order

1. The Commission on June 26, 1958, adopted a Report and Order in this proceeding which, inter alia:

(a) Required "that all radio communications systems first authorized subsequent to the effective date of this action in the Public Safety, Industrial, or Land Transportation Radio Services for operation in the 25–50 and 152–162 Mc bands utilize only equipment which meets the 'narrow-band' technical standards established in Docket Number 11253. The foregoing requirement will apply to the transmitters utilized in the radio communication system of any new licensee and to the transmitters utilized in the system of any previous licensee proposing to be operated on a frequency or in an area not previously authorized except as indicated below. It will not apply to the equipment of a licensed radio communication system authorized prior to the effective date of this action when that system is required to be moved to a different frequency due to the reallocation of the frequency previously assigned, provided the deviation of the transmitters of such equipment is immediately reduced to a point that it does not exceed the deviation (±5 kc) specified in the 'narrow-band' technical standards."

(b) Required "that the frequency deviation of all transmitters in the Industrial and Land Transportation Radio Services, operated on frequencies in the 25–50 and 152–162 Mc bands, be reduced to the point where it does not exceed the deviation specified in the 'narrow-band' technical standards (±5 kc) not later than six months from the effective date of this action [February 1, 1959], and that the frequency deviation of all transmitters in the Public Safety Radio Services, operated on frequencies in the 25–50 or the 152–162 Mc bands, be reduced to the same figure not later than two years from the effective date of this action [August 1, 1960]."

(c) Reaffirmed "that, on and after November 1, 1963, the equipment of all stations in the Public Safety, Industrial, and Land Transportation Radio Services, operated on frequencies in the 25–50 or 152–162 Mc bands, must meet all requirements of the 'narrow-band' technical standards prescribed in Docket Number 11253."

Subsequently, in the Second Report and Order issued in this proceeding, the Commission modified these requirements so as to "relieve from the February 1959 (August 1960 in the case of Public Safety users) reduction requirement (reduction of frequency deviation so as not to exceed ±5 kc), all users presently operating on frequencies in the 25–42 Mc range removed by at least 40 kc from the nearest regularly-available frequency listed in Parts 10, 11 or 16."

2. The Commission is now in receipt of a petition filed by the Illinois Chapter of the Associated Police Communication Officers, Inc., and by the Illinois State Police which requests the Commission "to permit the Illinois State Police, Illinois Counties and other Governmental Entities in the State of Illinois to be exempt from the narrow-band requirement when requesting the use of the frequency of 39.46 Mc for intersystem service. This waiver not to extend beyond October 31, 1963."

3. The frequencies 39.46 and 45.86 Mc are, pursuant to the provisions of § 10.255(h)(16), "reserved for assignment to stations in the Police Radio Service for intersystem operation only . . ."

4. The requirements set forth in paragraph 1 hereof were adopted so as to accelerate the dates of mandatory compliance with the "narrow-band" technical standards in an effort to promote maximum usage of all available frequencies. However, in the case of frequencies re-

served for "intersystem operations only," it appears that requiring stations first licensed for the use of one of these frequencies subsequent to August 1, 1958, to utilize only "narrow-band" equipment while allowing stations first licensed for the use of such frequency prior to August 1, 1958, to continue using "wide-band" equipment until November 1, 1963, actually inhibits rather than enhances maximum effective use of these "intersystem" frequencies. This inhibition results from the reduced compatibility and efficiency of operations when "wide-band" and "narrow-band" systems endeavor to intercommunicate as is done in intersystem operations.

5. In view of the foregoing, the Commission concludes that § 10.255 of the rules should be amended so as to allow all stations, which are licensed prior to November 1, 1963, for the use of 39.46 Mc or 45.86 Mc for intersystem operations in the Police Radio Service, to utilize transmitters operating with maximum authorized bandwidth of 40 kc and a frequency deviation of 15 kc to the same extent as such stations first licensed for use of these frequencies prior to August 1, 1958, may presently use transmitters so operating.

6. Furthermore, in view of the action being taken herein, the petition filed by the Illinois Chapter of the Associated Police Communication Officers, Inc., and by the Illinois State Police requesting the Commission to waive the "narrow-band" requirement as it applies to the use of 39.46 Mc for "intersystem" operations by Illinois police stations, is moot and is therefore denied.

7. Since the amendments herein are a relaxation of present requirements and, as such, will not detrimentally affect any person, the Commission finds that compliance with the Public Notice requirements of section 4 of the Administrative Procedure Act is unnecessary and that the amendments ordered herein should be made effective immediately.

8. *Accordingly, it is ordered,* That under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, § 10.255 of the Commission's rules is amended, effective July 22, 1959, as set forth below.

Adopted: July 22, 1959.

Released: July 27, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 10 of the Commission's rules, Public Safety Radio Services, is amended as follows:

Section 10.255 is amended as follows:

1. Paragraph (g) is amended to change the entries in the table for the frequencies 39.46 Mc and 45.86 Mc to read as follows:

39.46	Base and Mobile	16, 21
•	•	•
45.86	Base and Mobile	16, 22

2. Paragraph (h) is amended to add new subparagraphs (21) and (22) as follows:

(21) Notwithstanding the provisions of § 10.104(b), stations authorized to use this frequency for intersystem operations may utilize transmitters which are operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than October 31, 1963.

(22) Notwithstanding the provisions of § 10.104(b), stations authorized to use this frequency for intersystem operations may utilize transmitters which are operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than July 31, 1960. Subsequent to July 31, 1960, and until not later than October 31, 1963, such transmitters may continue to be utilized for authorized operation on the same frequency provided the frequency deviation thereof is reduced so as not to exceed ±5 kc.

[F.R. Doc. 59-6277; Filed, July 29, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ORGANIZATIONAL STATEMENTS

The following organizational statements have been approved by the Secretary of Defense:

1. Functions of the Department of Defense and its Major Components [DoD Directive 5100.1]
2. Organization of the Joint Chiefs of Staff and Relationships with the Office of the Secretary of Defense [DoD Directive 5158.1]
3. Director of Defense Research and Engineering [DoD Directive 5129.1]
4. Assistant Secretary of Defense (Comptroller) [DoD Directive 5118.3]
5. Assistant Secretary of Defense (Manpower, Personnel and Reserve) [DoD Directive 5120.26]
6. Assistant Secretary of Defense (Supply and Logistics) [DoD Directive 5126.1]
7. Assistant Secretary of Defense (Properties and Installations) [DoD Directive 5131.1]
8. Assistant Secretary of Defense (International Security Affairs) [DoD Directive 5132.2]
9. Assistant Secretary of Defense (Health and Medical) [DoD Directive 5136.4]
10. General Counsel of the Department of Defense [DoD Directive 5145.1]
11. Assistant to the Secretary of Defense (Atomic Energy) [DoD Directive 5148.2]
12. Assistant to the Secretary of Defense (Special Operations) [DoD Directive 5148.4]
13. Assistant Secretary of Defense (Public Affairs) [DoD Directive 5122.5]
14. Department of Defense Advanced Research Projects Agency [DoD Directive 5105.15]
15. Military Liaison Committee to the Atomic Energy Commission [DoD Directive 5148.1]

1. FUNCTIONS OF THE DEPARTMENT OF DEFENSE AND ITS MAJOR COMPONENTS [DoD DIRECTIVE 5100.1]

I. *Introduction.* Congress, in the National Security Act of 1947, as amended, has described the basic policy embodied in the Act in the following terms:

In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff.

To provide guidance in accordance with the policy declared by Congress, the Secretary of Defense, with the approval of the President, hereby promulgates the following statement of the functions of the Department of Defense and its major components.

II. *Organizational relationships in the Department of Defense.* 1. All functions in the Department of Defense and its component agencies are performed under the direction, authority, and control of the Secretary of Defense.

2. The Department of Defense includes the Office of the Secretary of Defense and the Joint Chiefs of Staff, the military departments and the military Services within those departments, the unified and specified commands, and such other agencies as the Secretary of Defense establishes to meet specific requirements.

a. In providing immediate staff assistance and advice to the Secretary of Defense, the Office of the Secretary of Defense and the Joint Chiefs of Staff, though separately identified and organized, function in full coordination and cooperation in accordance with DoD Directive 5158.1, Item No. 2, below.

(1) The Office of the Secretary of Defense includes the offices of the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, and the General Counsel and such other staff offices as the Secretary of Defense establishes to assist him in carrying out his duties and responsibilities. The functions of the heads of these offices shall be as assigned by the Secretary of Defense in accordance with existing laws.

(2) The Joint Chiefs of Staff, as a group, are directly responsible to the Secretary of Defense for the functions assigned to them. Each member of the Joint Chiefs of Staff, other than the Chairman, is responsible for keeping the Secretary of his military department fully informed on matters considered or acted upon by the Joint Chiefs of Staff.

b. Each military department (the Department of the Navy to include naval aviation and the United States Marine Corps) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. The Secretary of a military department shall be responsible to the Secretary of Defense for the operation of such department as well as its efficiency. Orders to the military departments will be issued through the Secretaries of these departments, or their designees, by the Secretary of Defense or under authority specifically delegated in writing by the Secretary of Defense or provided by law.

c. Commanders of unified and specified commands are responsible to the President and the Secretary of Defense for the accomplishment of the military missions assigned to them. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of unified and specified commands. Orders to such commanders will be issued by the President or the Secretary of Defense, or by the Joint Chiefs of Staff by authority and direction of the Secretary of Defense. These commanders shall have full operational command over the forces assigned to them and shall perform such functions as are prescribed by the Unified Command Plan and other directives issued by competent authority.

3. The functions assigned hereinafter may be transferred, reassigned, abolished, or consolidated by the Secretary of Defense in accordance with the procedures established and the authorities provided in the National Security Act of 1947, as amended.

III. *Functions of the Department of Defense.* As prescribed by higher authority, the Department of Defense shall maintain and employ armed forces:

1. To support and defend the Constitution of the United States against all enemies, foreign and domestic.

2. To insure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

3. To uphold and advance the national policies and interests of the United States.

4. To safeguard the internal security of the United States.

IV. *Functions of the Joint Chiefs of Staff.* The Joint Chiefs of Staff, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; and the Chief of Staff, U.S. Air Force, and supported by the Organization of the Joint Chiefs of Staff, constitute the immediate military staff of the Secretary of Defense. The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense. The Commandant of the U.S. Marine Corps has coequal status with the members of the Joint Chiefs of Staff on matters which directly concern the Marine Corps. In performance of their functions of advising and assisting the Secretary of Defense, and subject to the authority and direction of the President and the Secretary of Defense, it shall be the duty of the Joint Chiefs of Staff:

1. To serve as advisers and as military staff in the chain of operational command with respect to unified and specified commands, to provide a channel of communications from the President and Secretary of Defense to unified and specified commands, and to coordinate all communications in matters of joint interest addressed to the commanders of the unified or specified commands by other authority.

2. To prepare strategic plans and provide for the strategic direction of the armed forces, including the direction of operations conducted by commanders of unified and specified commands and the discharge of any other function of command for such commands directed by the Secretary of Defense.

3. To prepare integrated logistic plans, which may include assignments to the armed forces of logistic responsibilities in accordance with such plans.

4. To prepare integrated plans for military mobilization.

5. To provide adequate, timely, and reliable joint intelligence for use within the Department of Defense.

6. To review major personnel, materiel, and logistic requirements of the armed forces in relation to strategic and logistic plans.

7. To review the plans and programs of commanders of unified and specified commands to determine their adequacy, feasibility, and suitability for the performance of assigned missions.

8. To provide military guidance for use by the military departments and the armed forces as needed in the preparation of their respective detailed plans.

9. To participate, as directed, in the preparation of combined plans for military action in conjunction with the armed forces of other nations.

10. To recommend to the Secretary of Defense the establishment and force structure of unified and specified commands in strategic areas.

11. To determine the headquarters support, such as facilities, personnel, and communications, required by commanders of unified and specified commands and to recommend the assignment to the military departments of the responsibilities for providing such support.

12. To establish doctrines for (a) unified operations and training and (b) coordination of the military education of members of the armed forces.

13. To recommend to the Secretary of Defense the assignment of primary responsibility for any function of the armed forces requiring such determination and the transfer, reassignment, abolition, or consolidation of such functions.

14. To prepare and submit to the Secretary of Defense, for information and consideration in connection with the preparation of budgets, statements of military requirements based upon United States strategic considerations, current national security policy, and strategic war plans. These statements of requirements shall include tasks, priority of tasks, force requirements, and general strategic guidance for the development of military installations and bases and for equipping and maintaining military forces.

15. To advise and assist the Secretary of Defense in research and engineering matters by preparing: (a) Statements of broad strategic guidance to be used in the preparation of an integrated Department of Defense program; (b) statements of overall military requirements; (c) statements of the relative military importance of development activities to meet the needs of the unified and specified commanders; and (d) recommendations for the assignment of specific new weapons to the armed forces.

16. To prepare and submit to the Secretary of Defense for information and consideration general strategic guidance for the development of industrial mobilization programs.

17. To prepare and submit to the Secretary of Defense military guidance for use in the development of military aid programs and other actions relating to foreign military forces, including recommendations for allied military force, materiel, and facilities requirements related to United States strategic objectives, current national security policy, strategic war plans, and the implementation of approved programs; and to make recommendations to the Secretary of Defense, as necessary, for keeping the Military Assistance Program in consonance with agreed strategic concepts.

18. To provide United States representation on the Military Staff Committee of the United Nations, in accordance with the provisions of the Charter of the United Nations, and representation on other properly authorized military staffs, boards, councils, and missions.

19. To perform such other duties as the President or the Secretary of Defense may prescribe.

V. *Functions of the military departments and the military services.* The chain of command for purposes other than the operational direction of unified and specified commands runs from the President to the Secretary of Defense to the Secretaries of the military departments.

The military departments, under their respective Secretaries and in accordance with sections II and IV, shall:

1. Prepare forces and establish reserves of equipment and supplies for the effective prosecution of war, and plan for the expansion of peacetime components to meet the needs of war.

2. Maintain in readiness mobile reserve forces, properly organized, trained, and equipped for employment in emergency.

3. Provide adequate, timely, and reliable departmental intelligence for use within the Department of Defense.

4. Organize, train, and equip forces for assignment to unified or specified commands.

5. Prepare and submit to the Secretary of Defense budgets for their respective departments; justify before the Congress budget requests as approved by the Secretary of Defense; and administer the funds made available for maintaining, equipping, and training the forces of their respective departments, including those assigned to unified and specified commands. The budget submissions to the Secretary of Defense by the military departments shall be prepared on the basis, among other things, of the advice of commanders of forces assigned to unified and specified commands; such advice, in the case of component commanders of unified commands, will be in agreement with the plans and programs of the respective unified commanders.

6. Conduct research, develop tactics, techniques, and organization, and develop and procure weapons, equipment, and supplies essential to the fulfillment of the functions hereinafter assigned.

7. Develop, garrison, supply, equip, and maintain bases and other installations, including lines of communication, and provide administrative and logistical support for all forces and bases.

8. Provide, as directed, such forces, military missions, and detachments for service in foreign countries as may be required to support the national interests of the United States.

9. Assist in training and equipping the military forces of foreign nations.

10. Assist each other in the accomplishment of their respective functions, including the provision of personnel, intelligence, training, facilities, equipment, supplies, and services.

The forces developed and trained to perform the primary functions set forth hereinafter shall be employed to support and supplement the other Services in carrying out their primary functions, where and whenever such participation will result in increased effectiveness and will contribute to the accomplishment of the overall military objectives. As for collateral functions, while the assignment of such functions may establish further justification for stated force requirements, such assignment shall not be used as the basis for establishing additional force requirements.

A. *Functions of the Department of the Army.* The Department of the Army is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

The Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein.

1. *Primary functions of the Army.*

a. To organize, train, and equip Army forces for the conduct of prompt and sustained combat operations on land—specifically, forces to defeat enemy land forces and to seize, occupy, and defend land area.

b. To organize, train and equip Army air defense units, including the provision of Army forces as required for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

c. To organize and equip, in coordination with the other Services, and to provide Army forces for joint amphibious and airborne operations, and to provide for the training of such forces, in accordance with doctrines established by the Joint Chiefs of Staff.

(1) To develop, in coordination with the other Services, doctrines, tactics, techniques, and equipment of interest to the Army for amphibious operations and not provided for in section V, paragraph B1b(3) and paragraph B1d.

(2) To develop, in coordination with the other Services, the doctrines, procedures, and equipment employed by Army and Marine Forces in airborne operations. The Army shall have primary interest in the development of those airborne doctrines, procedures, and equipment which are of common interest to the Army and the Marine Corps.

d. To provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Army.

e. To provide forces for the occupations of territories abroad, to include initial establishment of military government pending transfer of this responsibility to other authority.

f. To formulate doctrines and procedures for the organizing, equipping, training, and employment of forces operating on land, except that the formulation of doctrines and procedures for the organization, equipping, training, and employment of Marine Corps units for amphibious operations shall be a function of the Department of the Navy, coordinating as required by section V, paragraph B1b(3).

g. To conduct the following activities:

(1) The administration and operation of the Panama Canal.

(2) The authorized civil works program, including projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions.

(3) Certain other civil activities prescribed by law.

2. *Collateral functions of the Army.* To train forces:

a. To interdict enemy sea and air power and communications through operations on or from land.

B. *Functions of the Department of the Navy.* The Department of the Navy is responsible for the preparation of Navy and Marine Corps forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Navy and Marine Corps to meet the needs of war.

Within the Department of the Navy, the Navy includes naval combat and service forces and such aviation as may be organic therein, and the Marine Corps includes not less than three combat divisions and three air wings and such other land combat, aviation, and other services as may be organic therein.

1. *Primary functions of the Navy and the Marine Corps.*

a. To organize, train, and equip Navy and Marine Corps forces for the conduct of prompt and sustained combat operations at sea, including operations of sea-based aircraft and land-based naval air components—specifically, forces to seek out and destroy enemy naval forces and to suppress enemy sea commerce, to gain and maintain general naval supremacy, to control vital sea areas and to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign.

b. To maintain the Marine Corps, having the following specific functions:

(1) To provide Fleet Marine Forces of combined arms, together with supporting air components, for service with the Fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. These functions do not contemplate the creation of a second land Army.

(2) To provide detachments and organizations for service on armed vessels of the Navy, and security detachments for the protection of naval property at naval stations and bases.

(3) To develop, in coordination with the other Services, the doctrines, tactics, techniques, and equipment employed by landing forces in amphibious operations. The Marine Corps shall have primary interest in the development of those landing force doctrines, tactics, techniques, and equipment which are of common interest to the Army and the Marine Corps.

(4) To train and equip, as required, Marine Forces for airborne operations, in coordination with the other Services and in accordance with doctrines established by the Joint Chiefs of Staff.

(5) To develop, in coordination with the other Services, doctrines, procedures, and equipment of interest to the Marine Corps for airborne operations and not provided for in section V, paragraph A1c(2).

c. To organize and equip, in coordination with the other Services, and to provide naval forces, including naval close air-support forces, for the conduct of joint amphibious operations, and to be responsible for the amphibious training of all forces assigned to joint amphibious operations in accordance with doctrines established by the Joint Chiefs of Staff.

d. To develop, in coordination with the other Services, the doctrines, procedures, and equipment of naval forces for amphibious operations, and the doctrines and procedures for joint amphibious operations.

e. To furnish adequate, timely, and reliable intelligence for the Navy and Marine Corps.

f. To organize, train, and equip naval forces for naval reconnaissance, antisubmarine warfare, and protection of shipping, and mine laying, including the air aspects thereof, and controlled mine field operations.

g. To provide air support essential for naval operations.

h. To provide sea-based air defense and the sea-based means for coordinating control for defense against air attack, coordinating with the other Services in matters of joint concern.

i. To provide naval (including naval air) forces as required for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

j. To furnish aerial photography as necessary for Navy and Marine Corps operations.

2. *Collateral functions of the Navy and the Marine Corps.* To train forces:

a. To interdict enemy land and air power and communications through operations at sea.

b. To conduct close air and naval support for land operations.

c. To furnish aerial photography for cartographic purposes.

d. To be prepared to participate in the overall air effort as directed.

e. To establish military government, as directed, pending transfer of this responsibility to other authority.

C. *Functions of the Department of the Air Force.* The Department of the Air Force is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

The Air Force, within the Department of the Air Force, includes aviation forces, both combat and service, not otherwise assigned.

1. *Primary functions of the Air Force.*

a. To organize, train, and equip Air Force forces for the conduct of prompt and sustained combat operations in the air—specifically, forces to defend the United States against air attack in accordance with doctrines established by the Joint Chiefs of Staff, to gain and maintain general air supremacy, to defeat enemy air forces, to control vital air areas, and to establish local air superiority except as otherwise assigned herein.

b. To develop doctrines and procedures, in coordination with the other Services, for the unified defense of the United States against air attack.

c. To organize, train, and equip Air Force forces for strategic air warfare.

d. To organize and equip Air Force forces for joint amphibious and airborne operations, in coordination with the other Services, and to provide for their training in accordance with doctrines established by the Joint Chiefs of Staff.

e. To furnish close combat and logistical air support to the Army, to include air lift, support, and resupply of airborne operations, aerial photography, tactical reconnaissance, and interdiction of enemy land power and communications.

f. To provide air transport for the armed forces, except as otherwise assigned.

g. To develop, in coordination with the other Services, doctrines, procedures, and equipment for air defense from land areas, including the continental United States.

h. To formulate doctrines and procedures for the organization, equipping, training, and employment of Air Force forces.

i. To provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Air Force.

j. To furnish aerial photography for cartographic purposes.

k. To develop, in coordination with the other Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations and not provided for in section V, paragraph B1b(3), and paragraph B1d.

l. To develop, in coordination with the other Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

2. *Collateral functions of the Air Force.* To train forces:

a. To interdict enemy sea power through air operations.

b. To conduct antisubmarine warfare and to protect shipping.

c. To conduct aerial mine-laying operations.

2. ORGANIZATION OF THE JOINT CHIEFS OF STAFF AND RELATIONSHIPS WITH THE OFFICE OF THE SECRETARY OF DEFENSE [DoD DIRECTIVE 5158.1]

I. *Purpose.* The Department of Defense Reorganization Act of 1958 and the President's Message to the Congress of April 3, 1958, set forth general policies, procedures, and organizational relationships required for the effective direction of the entire defense establishment.

The President's Message singles out the accomplishment of the following objective as one of the paramount duties of the Secretary of Defense, acting with the advice and assistance of the Joint Chiefs of Staff and under the supervision of the Commander in Chief:

> Strategic and tactical planning must be completely unified, combat forces organized into unified commands, each equipped with the most efficient weapons systems that science can develop, singly led and prepared to fight as one, regardless of Service.

This directive implements the Department of Defense Reorganization Act of 1958 and the President's Message of April 3, 1958, with respect to the organization of the Joint Chiefs of Staff and relationships with the major offices in the Office of the Secretary of Defense, i.e., those of the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, the General Counsel, the Assistants to the Secretary of Defense, and the heads of other offices established by the Secretary of Defense.

The functions of the Department of Defense and its major components have been set forth in DoD Directive 5100.1, "Functions of the DoD and its Major Components," Item No. 1 above.

II. *Responsibilities and procedures.*

A. The duties of the Chiefs of the military services as members of the Joint Chiefs of Staff shall take precedence over all of their other duties. To insure that the Chiefs of the military services have adequate time to devote to their duties as members of the Joint Chiefs of Staff, they shall delegate appropriate duties to their Vice Chiefs.

B. The Joint Chiefs of Staff shall, in discharging their responsibilities, avail themselves of the most competent and considered thinking that can be obtained representing every pertinent point of view, including scientific, industrial, and economic as well as military.

C. To insure that planning and operations will be of the highest order:

1. All elements of the organization of the Joint Chiefs of Staff shall cooperate fully and effectively with appropriate offices of the Office of the Secretary of Defense. In all stages of important staff studies, the organization of the Joint Chiefs of Staff shall avail itself of the views and special skills in the Office of the Secretary of Defense. As a normal procedure, specialized data necessary for the preparation of such studies will be obtained from or through the appropriate offices of the Office of the Secretary of Defense.

2. The Directors of the various Directorates of the Joint Staff shall maintain active liaison with appropriate offices of the Office of the Secretary of Defense. This shall include, but not be limited to, the exchange of information, interchange of technical advice, and guidance for mutual benefit. The heads of offices in the Office of the Secretary of Defense shall maintain similar liaison and make representatives available to meet formally or informally with appropriate members of the organization of the Joint Chiefs of Staff.

D. Directives and orders to the Joint Chiefs of Staff will be issued by the Secretary or the Deputy Secretary of Defense. Requests to the Joint Chiefs of Staff or to the Chairman of the Joint Chiefs of Staff, involving action by the Joint Chiefs of Staff, may be issued by responsible officials of the Office of the Secretary of Defense in accordance with authority specifically delegated by the Secretary of Defense.

E. Development of strategic and logistic plans will be based on the broadcast concepts of overall national interests, and personnel of the organization of the Joint Chiefs of Staff shall be selected with due regard for their competency and ability to support such interests.

F. The Chairman of the Joint Chiefs of Staff shall have the authority and responsibility for:

1. Serving as a member of and presiding over the Joint Chiefs of Staff.

2. Providing the agenda for meetings of the Joint Chiefs of Staff and assisting them to prosecute their business as promptly as is practicable.

3. Furnishing the Secretary of Defense with periodic progress reports on important items of current interest being considered by the Joint Chiefs of Staff.

4. Keeping the Secretary of Defense informed on issues upon which agreement among the Joint Chiefs of Staff has not been reached, and forwarding to the Secretary of Defense the recommendations, advice, and views of the Joint Chiefs of Staff, including any divergencies.

5. Arranging for the provision of military advice to all offices of the Office of the Secretary of Defense.

6. Making arrangements to relieve the Joint Chiefs of Staff of matters of lesser importance.

7. Organizing the Joint Staff and the subordinate structure of the organization of the Joint Chiefs of Staff to insure that they are designed to accomplish efficiently the tasks to be assigned.

8. Managing the Joint Staff and its Director on behalf of the Joint Chiefs of Staff. The term manage means to conduct, to guide, and to administer the work of the elements affected, and to insure that the work is performed in a manner that will permit the Secretary of Defense and the Joint Chiefs of Staff to discharge their total responsibilities. The Joint Staff shall perform such duties as the Joint Chiefs of Staff or the Chairman of the Joint Chiefs of Staff prescribes.

9. Keeping the Joint Chiefs of Staff informed, as appropriate, concerning any matter that is referred by the Chairman to the Secretary of Defense with a recommendation that it be assigned to a military department for consideration or action.

10. Appointing consultants to the Joint Chiefs of Staff from outside the Department of Defense, subject to the approval of the Secretary of Defense and with the advice of the Joint Chiefs of Staff.

G. The selection of the Director, Joint Staff, and of the members of the organization of the Joint Chiefs of Staff shall be as follows:

1. The Director, Joint Staff, shall be selected and his tenure fixed by the Chairman of the Joint Chiefs of Staff, in consultation with the Joint Chiefs of Staff and with the approval of the Secretary of Defense. The normal tenure of the Director will be two years; any extension of this tenure may not exceed one year except in time of war.

2. The members of the organization of the Joint Chiefs of Staff shall be selected by the Joint Chiefs of Staff with the approval of the Chairman of the Joint Chiefs of Staff.

H. The duties and manner of operation of the Operations Deputies will be prescribed by the Joint Chiefs of Staff.

I. In order to carry out the objectives of paragraph II C, above, the Director, Joint Staff, and appropriate heads of offices in the Office of the Secretary of Defense have the specific duty and authority of insuring that there is full cooperation between their respective agencies.

3. DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING [DoD DIRECTIVE 5129.1]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, the Director of Defense Research and Engineering shall have responsibilities, functions, and authorities as prescribed herein.

II. *Responsibilities.* The Director of Defense Research and Engineering is the principal adviser and staff assistant to the Secretary of Defense in the following functional fields:

1. Scientific and technical matters
2. Basic and applied research
3. Research, development, test and evaluation of weapons, weapons systems and Defense materiel
4. Design and engineering for suitability, producibility, reliability, maintainability, and materials conservation

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Director of Defense Research and Engineering shall supervise all research and engineering activities in the Department of Defense and shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.

2. Plan and recommend an optimum integrated program of research and development to meet the requirements of national military objectives and initiate projects to fill important gaps which may exist.

3. Review projects, programs and objectives of programs of the military departments and other Department of Defense research and development agencies.

4. Develop systems and standards for the administration and management of approved plans and programs.

5. Evaluate the administration and management of approved policies, programs and projects.

6. Recommend the assignment or reassignment of research and engineering responsibility for the development of new weapons or weapons systems, giving due consideration to the departmental functions set forth in DoD Directive 5100.1.

7. Direct and control (including their assignment or reassignment) research and engineering activities that the Secretary of Defense deems to require centralized management.

8. As approved by proper authority, engage in or designate appropriate research and development facilities to engage in basic and applied research projects essential to the responsibilities of the Department of Defense which pertain to weapons systems and other military requirements: (1) By contract with private business entities, educational or research institutions or other agencies of government, (2) through one or more of the military departments, or (3) by utilizing employees and consultants of the Department of Defense.

9. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.

10. Recommend to the Secretary of Defense appropriate funding for research, development, test and evaluation, including allocations from the Emergency Fund, Department of Defense.

11. Keep the Department of Defense informed on significant trends in scientific research relating to national security and recommend measures to assure continuing progress.

12. Exercise administrative direction of the Weapons Systems Evaluation Group and assure its responsiveness to the needs of the Joint Chiefs of Staff and the Office of the Secretary of Defense for operations analysis.

13. In coordination with the Assistant Secretary of Defense (International Security Affairs), engage in programs for assistance to friendly countries in military research and development and in the interchange of related scientific and technical information.

14. Such other duties as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Director of Defense Research and Engineering shall:

1. Coordinate actions as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.

3. Consult with the Joint Chiefs of Staff on the interaction of research and development and strategy.

4. Seek formal statements of military operational requirements from the military departments or the Joint Chiefs of Staff, as appropriate, for research and development projects and equipment areas which appear to require such statements.

5. Maintain or arrange for the maintenance of active liaison with appropriate research and development agencies outside the Department of Defense, including private business entities, educational or research institutions or other agencies of government.

6. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Director of Defense Research and Engineering and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Director of Defense Research and Engineering, in the course of exercising full staff functions in his assigned fields, including those enumerated in Section III above, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Such instructions and memoranda to the military departments will be issued through the Secretaries of those departments or their designees.

2. Approve, modify or disapprove programs and projects of the military departments and other Department of Defense agencies in his assigned fields to eliminate unpromising or unnecessarily duplicative programs, and initiate or support promising ones for research and development.

3. Obtain such reports and information (in accordance with provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Director of Defense Research and Engineering in other directives will be referenced in an inclosure to this directive.

VI. *Abolition and transfer.* A. The position of Assistant Secretary of Defense (Research and Engineering) is hereby abolished and all personnel, functions (including the administrative direction of the Weapons Systems Evaluation Group) and records of the Office of the Assistant Secretary of Defense (Research and Engineering) are transferred to the Office of the Director of Defense Research and Engineering as of the effective date of this directive.

B. All directives, instructions, memoranda, delegations of authority or other issuances not canceled by this directive containing the title of Assistant Secretary of Defense (Research and Engineering) are hereby changed to Director of Defense Research and Engineering.

Inclosure 1—References to Other Authorities Specifically Delegated by the Secretary of Defense to the Director of Defense Research and Engineering in Other Directives. 1. Authority to act for the Secretary of Defense in matters pursuant to Executive Order 9913 pertaining to the termination of OSRD contained in DoD Directive 5128.6, dated 9 August 1954 (19 F.R. 5155).

4. ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER) [DoD DIRECTIVE 5118.3]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is designated the Assistant Secretary of Defense (Comptroller) with responsibilities, functions and authorities as prescribed herein. The Assistant Secretary of Defense (Comptroller) shall be the Comptroller of the Department of Defense.

II. *Responsibilities.* The Assistant Secretary of Defense (Comptroller) shall advise and assist the Secretary of Defense in the performance of the Secretary's budgetary and fiscal functions.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Comptroller) shall perform the following functions in his assigned area of responsibility:

1. Supervise and direct the preparation of the budget estimates of the Department of Defense.

2. Establish and supervise the execution of:

a. Principles, policies and procedures to be followed in connection with organizational and administrative matters relating to:

(1) The preparation and execution of the budgets;

(2) Fiscal, cost, operating and capital property accounting;

(3) Progress and statistical reporting; and

(4) Internal audit.

b. Policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense.

3. Establish uniform terminologies, classifications and procedures in all such matters.

4. Evaluate (including audit and inspection in the field in accordance with Secretary of Defense memorandum dated August 17, 1957) the administration and management of approved policies and programs.

5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication or will contribute to improved military preparedness.

6. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Comptroller) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense officials or agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Comptroller) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Comptroller), in the course of exercising full staff functions and those assigned by Title IV of the National Security Act of 1947, as amended, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of Department of Defense Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Comptroller) in other directives will be referenced in an inclosure to this directive.

5. ASSISTANT SECRETARY OF DEFENSE (MANPOWER, PERSONNEL AND RESERVE) [DoD DIRECTIVE 5120.26]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Manpower, Personnel and Reserve) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Manpower, Personnel and Reserve) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Manpower, personnel and reserve affairs.

2. Armed Forces information and education.

3. Safeguarding of classified information and activities, and related personnel and physical security.

4. Continuity of Government, military participation in civil and domestic emergencies, and related emergency planning.

5. Industrial relations.

6. Federal voting assistance.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower, Personnel and Reserve) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.

2. Develop systems and standards for the administration and management of approved plans and programs.

3. Review programs of the military departments for carrying out approved policies.

4. Evaluate the administration and management of approved policies and programs.

5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.

6. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Manpower, Personnel and Reserve) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Manpower, Personnel and Reserve) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Manpower, Personnel and Reserve), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Manpower, Personnel and Reserve) in other directives will be referenced in an inclosure to this directive.

Inclosure 1—References to Other Authorities Specifically Delegated by the Secretary of Defense to the Assistant Secretary of Defense (Manpower, Personnel and Reserve) in Other Directives.

1. Authority to make determinations with respect to Reserve Forces facilities, as prescribed in DoD Directive 5100.10, dated May 29, 1959 (24 F.R. 4890).

2. Authority to administer the absentee voting within the Department of Defense, as prescribed in DoD Directive 1000.4, dated January 5, 1956 (23 F.R. 5699).

3. Authority to make available to designated schools and organizations certain surplus property of the Department of Defense in order to foster and encourage the educational purposes of such activities, as prescribed in DoD Dir. 5100.13, dated May 20, 1957 (22 F.R. 3765).

6. ASSISTANT SECRETARY OF DEFENSE (SUPPLY AND LOGISTICS) [DoD DIRECTIVE 5126.1]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Supply and Logistics) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Supply and Logistics) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Acquisition, inventory management, storage, maintenance, distribution, movement and disposal of materiel, supplies, tools and equipment.

2. Materiel requirements.

3. Supply cataloging, standardization and quality control.

4. Production planning and scheduling.

5. Commercial and industrial activities.

6. Small business matters.

7. Transportation, telecommunications, petroleum and other logistical services.

8. Vulnerability of resources to attack damage.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Supply and Logistics) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.

2. Develop systems and standards for the administration and management of approved plans and programs.

3. Review programs of the military departments for carrying out approved policies.

4. Evaluate the administration and management of approved policies and programs.

5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.

6. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Supply and Logistics) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Supply and Logistics) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Supply and Logistics) in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carry out policies approved by the Secretary of Defense for his assigned fields of responsibilities, in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and the assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Supply and Logistics) in other directives will be referenced in an inclosure to this directive.

Inclosure 1—References to Other Authorities Specifically Delegated by the Secretary of Defense to the Assistant Secretary of Defense (Supply and Logistics) in Other Directives.

1. Authority to make determinations and certifications with respect to construction, replacement or reactivation of bakery, laundry or dry cleaning facilities, as prescribed in DoD Dircetive 5126.8, dated November 14, 1955 (20 F.R. 8551).

2. Authority to exercise all authorities delegated to the Secretary of Defense by Business and Defense Services Administration Delegation No. 1, as amended, as prescribed in DoD Directive 4405.6, dated August 20, 1954 (19 F.R. 5446).

3. Authority to make determinations with respect to facilities and equipment for metal scrap, bailing or shearing, or for melting or smelting aluminum scrap, as prescribed in DoD Directive 5126.15, dated January 6, 1956 (21 F.R. 273).

4. Authority to act for the Secretary of Defense with respect to disposal of surplus property, as prescribed in DoD Dir. 5100.16, dated March 19, 1958 (23 F.R. 2047).

5. Authority to make determinations with respect to the donation of surplus personal property to educational activities of special interest to the Armed Services, as prescribed in DoD Dir. 5100.13, dated May 20, 1957 (22 F.R. 3765).

6. Authority to act for the Secretary of Defense with respect to the administration and operation of the Armed Forces Supply Support Center, as prescribed in DoD Dir. 5154.14, dated June 23, 1958.

7. Authority to exercise the responsibilities of the Secretary of Defense under the National Industrial Reserve Act of 1948 with respect to machine tool and production equipment reserve, as prescribed in DoD Directive 5100.17, dated January 7, 1959 (24 F.R. 463).

7. ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS) [DoD DIRECTIVE 5131.1]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Properties and Installations) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* A. The Assistant Secretary of Defense (Properties and Installations) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Military Public Works.
2. Family Housing.
3. Reserve Forces Facilities.
4. Real Estate and Real Property.
5. General Purpose Space.
6. Industrial and Commercial Facilities, including Fixed Industrial Equipment.

III. *Functions.* A. Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Properties and Installations) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.

2. Develop systems and standards for the administration and management of approved plans and programs.

3. Review programs of the military departments for carrying out approved policies.

4. Evaluate the administration and management of approved policies and programs.

5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.

6. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Properties and Installations) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Properties and Installations) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Properties and Installations), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities, in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1, and 5158.1) and asssistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Properties and Installations) in other directives will be referenced in an inclosure to this directive.

Inclosure 1—References to Other Authorities Specifically Delegated by the Secretary of Defense to the Assistant Secretary of Defense (Properties and Installations) in Other Directives.

1. Authority to approve minor construction and related land acquisitions, as prescribed in DoD Directive 4270.6, dated October 10, 1957, and as amended on October 15, 1958.

2. Authority to approve aquisition of Wherry Housing Projects, as prescribed in DoD Dir. 4165.29, dated October 23, 1956 (21 F.R. 8669).

3. Authority to issue instructions and enter into agreements with other executive departments and agencies regarding taxes on Wherry Housing Projects, as prescribed in DoD Dir. 4165.30, dated April 22, 1958 (23 F.R. 2872; 23 F.R. 3040).

4. Authority to approve Capehart Housing Projects and related matters, as prescribed in DoD Dir. 4165.21, dated May 1, 1957 (22 F.R. 3262).

5. Authority to make determinations, approve projects and programs, and effect related actions pertaining to National Defense and Reserve Forces facilities, as prescribed in DoD Dir. 5100.10 (24 F.R. 4890) and 1225.5, dated May 29, 1959 and February 20, 1957, respectively.

6. Authority with respect to the application of certain statutory limitations on unit costs for the construction of warehousing, barracks, and bachelor officer quarters, as prescribed in DoD Dir. 4270.2, dated August 18, 1955 (20 F.R. 6262).

7. Authority with respect to disposal of surplus property, as prescribed in DoD Dir. 5100.16, dated March 19, 1958 (23 F.R. 2047).

8. Authority to determine availability of housing facilities at or near military tactical installations and to take certain other actions as prescribed in DoD Dir. 5131.6, dated September 29, 1955 (20 F.R. 7452).

9. Authority to expedite construction and take related actions, as prescribed in DoD Dir. 5131.7, dated December 22, 1955.

10. Authority to approve certain construction and certain cost-plus-fixed-fee design and construction contracts, and to make determinations with respect to certain construction contracts, as prescribed in DoD Dir. 5131.8, dated September 30, 1958, and DoD Dir. 4270.5, dated July 11, 1955.

11. Authority to approve actions relating to family housing for civilian employees at research and development installations, as prescribed in DoD Dir. 5100.11, dated July 14, 1956 (21 F.R. 5452).

12. Authority to make determinations, certifications and other actions in the execution of the Fiscal Year 1959 Surplus Commodity and Capehart Housing Programs, as prescribed in DoD Dir. 5131.9, dated October 27, 1958 (23 F.R. 8563).

13. Authority to make recommendations to the Federal Power Commission in connection with facilities for the transmission of electric energy and natural gas across borders of the U.S., as prescribed in Secretary of Defense Memorandum dated September 5, 1958 (23 F.R. 7127).

14. Authority to exercise the responsibilities of the Secretary of Defense under the National Industrial Reserve Act of 1948 with respect to the plant reserve, as prescribed in DoD Directive 5100.17, dated January 7, 1959 (24 F.R. 463).

8. ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY AFFAIRS) [DoD DIRECTIVE 5132.2]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (International Security Affairs) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (International Security Affairs) is the principal staff assistant to the Secretary of Defense in the functional field of international security as set forth herein.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (International Security Affairs) shall perform the following functions in his assigned field of responsibility:

1. Monitor Department of Defense participation in National Security Council affairs including development, coordination and recommendation of the positions of and the provision of staff support for the Defense member on the Council, on the NSC Planning Board and on the Operations Coordinating Board.

2. Initiate appropriate actions and measures within the Department of Defense implementing approved National Security Council policies and Operations Coordinating Board actions.

3. Develop and coordinate Defense positions, policies, plans and procedures in the fields of international politico-military and foreign economic affairs, including disarmament, of interest to the Department of Defense and with respect to negotiating and monitoring of agreements with foreign governments and international organizations on military facilities, operating rights, status of forces and other international politico-military matters.

4. Provide policy guidance, as appropriate, to Department of Defense representatives on United States Missions and to international organizations and conferences.

5. Develop, coordinate and establish Department of Defense positions, plans and procedures pertaining to the Military Assistance Program, and supervise, administer and direct the Military Assistance Program, and other activities of interest to the Department of Defense under the Mutual Security Program.

6. Plan, organize and monitor the activities of Military Assistance Advisory Groups, including joint United States military advisory groups and training missions insofar as they concern military assistance functions, using channels prescribed in IV. B. below.

7. Evaluate the administration and management of approved policies and programs.

8. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (International Security Affairs) shall:

1. Coordinate actions as appropriate with the military departments, the Joint Chiefs of Staff and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments, the Joint Chiefs of Staff and other Department of Defense agencies.

3. Coordinate relations between the Department of Defense and the Department of State in the field of his assigned responsibility.

4. Make full use of established facilities in the Office of the Secretary of Defense, military departments, the Joint Chiefs of Staff and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The channel of communication with unified and specified commands on matters relating to the military assistance program shall be directly between those commands and the Secretary of Defense. The Assistant Secretary of Defense (ISA) is assigned staff responsibility as to such matters, and he is authorized to communicate directly as to them with commanders of unified and specified commands. All directives and communications of the Assistant Secretary to such commands, the military departments or the military assistance advisory groups, which pertain to military assistance affairs and have strategic or military operational implications, shall be coordinated with the Joint Chiefs of Staff. Conversely, all Joint Chiefs of Staff directives and communications to the unified and specified commands, the military departments or the military assistance advisory groups, which pertain to military assistance affairs, shall be coordinated with the Assistant Secretary of Defense (International Security Affairs).

C. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (International Security Affairs) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (International Security Affairs), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned field of responsibility, in accordance with DoD Directive 5025.1. Such instructions and memoranda to the military departments will be issued through the Secretaries of those departments or their designees.

2. Make requests to the Chairman of the Joint Chiefs of Staff for Joint Chiefs of Staff action or advice on matters in the Assistant Secretary's assigned field of responsibility.

3. Obtain such reports and information (in accordance with provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (International Security Affairs) in other directives will be referenced in an inclosure to this directive.

9. ASSISTANT SECRETARY OF DEFENSE (HEALTH AND MEDICAL) [DoD DIRECTIVE 5136.4]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Health and Medical) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Health and Medical) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Health and sanitation.
2. Medical care and treatment of patients.
3. Hospitals and related health and medical facilities.
4. Health and medical personnel.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Health and Medical) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.
2. Develop systems and standards for the administration and management of approved plans and programs.
3. Review programs of the military departments for carrying out approved policies.
4. Evaluate the administration and management of approved policies and programs.
5. Recommend appropriate steps (including the transfer, reassignment, abolition and consolidation of functions) which will provide in the Department of Defense for more effective, efficient and economical administration and operation, will eliminate unnecessary duplication, or will contribute to improved military preparedness.
6. Promote close cooperation and mutual understanding between the Department of Defense and the civil health and medical professions.
7. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Health and Medical) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.
2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.
3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Health and Medical) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Health and Medical), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Medical) in other directives will be referenced in an inclosure to this directive.

VI. *Civilian Health and Medical Advisory Council.* There will be a Civilian Health and Medical Advisory Council to advise the Assistant Secretary of Defense (Health and Medical) on such health and medical matters as he deems necessary. The Council shall consist of six civilian members appointed by the Secretary of Defense from among national authorities in the health and medical professional fields.

10. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE [DoD DIRECTIVE 5145.1]

Pursuant to the authority vested in the Secretary of Defense by law, including the provisions of the National Security Act of 1947, as amended, Reorganization Plan No. 6 of 1953, and the Department of Defense Reorganization Act of 1958, the General Counsel shall serve as the chief legal officer of the Department of Defense. He shall be responsible for all legal services to be performed within and involving the Department of Defense and shall perform such other duties as the Secretary of Defense assigns.

11. ASSISTANT TO THE SECRETARY OF DEFENSE (ATOMIC ENERGY) [DoD DIRECTIVE 5148.2]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, the position of Assistant to the Secretary of Defense (Atomic Energy) is hereby established with responsibilities, functions and authorities as prescribed herein. The Chairman of the Military Liaison Committee to the Atomic Energy Commission will serve as the Assistant to the Secretary of Defense (Atomic Energy) without additional compensation.

II. *Responsibilities.* The Assistant to the Secretary of Defense (Atomic Energy) is the principal staff assistant to the Secretary of Defense on atomic energy matters.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant to the Secretary of Defense (Atomic Energy) shall perform the following functions in his assigned field of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.
2. Develop systems and criteria for the execution of approved plans and policies.
3. Review programs of the Military departments for carrying out approved policies.
4. Evaluate the administration and management of approved policies and programs.
5. Advise and assist other officials of the Department of Defense on atomic energy aspects of Department of Defense policies, plans and programs.
6. Develop policies and procedures for the transmission of information to the Joint Committee on Atomic Energy, as required by the Atomic Energy Act of 1954, as amended, and coordinate such information, where appropriate, with other officials and agencies of the Department of the Defense and with the Chairman of the Atomic Energy Commission.
7. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant to the Secretary of Defense (Atomic Energy) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.
2. Maintain active liaison for the exchange of information and advice with the military department and other Department of Defense agencies.
3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant to the Secretary of Defense (Atomic Energy) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant to the Secretary of Defense (Atomic Energy), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

3. Make requests to the Chairman of the Joint Chiefs of Staff on atomic energy matters requiring action by the Joint Chiefs of Staff.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant to the Secretary of Defense (Atomic Energy) in other directives will be referenced in an inclosure to this directive.

VI. *Military Liaison Committee.* The Military Liaison Committee, established by the Atomic Energy Act of 1954, as amended, shall advise the Assistant to the Secretary of Defense (Atomic Energy) on such atomic energy matters as the latter deems appropriate and necessary.

12. ASSISTANT TO THE SECRETARY OF DEFENSE (SPECIAL OPERATIONS) [DoD DIRECTIVE 5148.4]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, the position of Assistant to the Secretary of Defense (Special Operations) is hereby established with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant to the Secretary of Defense (Special Operations) is the principal staff assistant to the Secretary of Defense in the following functional fields:

1. Intelligence.
2. Counterintelligence (except as otherwise specifically assigned).
3. Communications security.
4. CIA relationships and Special Operations.
5. Psychological warfare operations.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant to the Secretary of Defense (Special Operations) shall perform the following functions in his assigned fields of responsibility:

1. Recommend policies and guidance governing Department of Defense planning and program development.
2. Review plans and programs of the military departments for carrying out approved policies and evaluate the administration and management of approved plans and programs as a basis on which to recommend to the Secretary of Defense necessary actions to provide for more effective, efficient and economical administration and operations and the elimination of duplication.
3. Review the development and execution of plans and programs of the

National Security Agency and related activities of the Department of Defense.

4. Develop Department of Defense positions and provide for Department of Defense support in connection with special operations activities of the United States Government.

5. Coordinate requests for intelligence originating within the Office of the Secretary of Defense.

6. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions the Assistant to the Secretary of Defense (Special Operations) shall:

1. Coordinate actions, as appropriate, with the military departments and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

4. Maintain liaison with the Department of State, the Director of Central Intelligence and the Central Intelligence Agency, the United States Information Agency, and other U.S. and foreign government organizations on matters in his assigned fields of responsibility.

B. The Secretaries of the military departments, their civilian assistants, and the military personnel in such departments shall fully cooperate with the Assistant to the Secretary of Defense (Special Operations) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

C. The Secretaries of the Army, Navy and Air Force will designate an Under or Assistant Secretary or other appropriate official as having functional responsibility within their respective departments for the fields enumerated in II above. These officials, through collaboration and close contact with the Assistant to the Secretary of Defense (Special) Operations), will provide for the active participation of the resources of the respective military departments in the Department of Defense activities in the above fields.

D. The Chairman of the Joint Chiefs of Staff will designate officers of General or Flag rank serving in the Joint Staff as specific points of contact within the Joint Staff for matters in each field of functional responsibility enumerated in II above, and to provide military advice to the Secretary of Defense in respect thereto. These officers will facilitate through the medium of staff-level collaboration and close contact with the Assistant to the Secretary of Defense (Special Operations) the provision of military advice and support in such matters not requiring the formal consideration and advice of the Joint Chiefs of Staff.

V. *Authorities.* A. The Assistant to the Secretary of Defense (Special Operations), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities, in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretary of those Departments or their designees.

2. Exercise the authority vested in the Secretary of Defense by pertinent NSC directives relating to the direction and control of the National Security Agency and related activities of the Department of Defense.

3. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies, as may be necessary to the performance of his assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant to the Secretary of Defense (Special Operations) in other directives will be referenced in an inclosure to this directive.

13. ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS) [DoD DIRECTIVE 5122.5]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by that Act is hereby designated the Assistant Secretary of Defense (Public Affairs) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Public Affairs) is the principal staff assistant to the Secretary of Defense for all public information activities. He is also the principal staff assistant for community relations. In addition, he is responsible for activities in other functional fields as follows:

1. Security review.

2. Declassification of information.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Public Affairs) shall perform the following functions in his assigned fields of responsibility:

1. Advise and assist officials of the Department of Defense on public information and public relations aspects of Department of Defense policies, plans and programs.

2. Recommend policies and provide appropriate guidance and assistance to assure fulfillment of the Department's affirmative obligation to keep the public adequately informed as to its activities.

3. Provide for the review from a security standpoint under the provisions of Executive Order 10501 of all material originated within the Department of Defense, including testimony before Congressional Committees, or by its contractors for public release or for publication by departmental personnel as individuals, and of material submitted by sources outside the Department for such review.

4. Provide for the review of official speeches, press releases and other information originated within the Department of Defense for public release, or similar material submitted for review by other Executive agencies of the Government, for conflict with established policies or programs of the Department of Defense or of the national Government.

5. Supervise the Department of Defense Information Declassification Program.

6. Provide for the receipt and evaluation of requests for speakers received by agencies of the Department of Defense, and when appropriate, assist in arranging for the participation of qualified personnel.

7. Represent the Department of Defense with respect to formulation or implementation of Government-wide plans, policies and programs concerning public information and public relations activities.

8. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Public Affairs) shall:

1. Coordinate actions, as appropriate, with the Secretaries of the military departments, the Joint Chiefs of Staff and other Department of Defense agencies having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with the military departments and other Department of Defense agencies.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other Department of Defense agencies rather than unnecessarily duplicating such facilities.

4. Maintain liaison with and assist all information media with respect to matters relating to the activities of the Department of Defense.

5. Maintain liaison with and assist national and civic organizations with respect to matters relating to the activities of the Department of Defense.

B. The channel of communication for direction and guidance in public affairs matters of concern to unified and specified commands shall be directly between those commands and the Secretary of Defense whenever such matters are determined by the commander of such a command to require direct control for the accomplishment of the mission assigned to his command, or whenever so directed by the Secretary of Defense. The Assistant Secretary of Defense (Public Affairs) is assigned staff responsibility as to such matters and he is authorized to communicate directly as to them with commanders of unified and specified commands, coordinating on operational matters with the Joint Chiefs of Staff and, as appropriate, with the military departments.

C. Public affairs matters affecting service components within unified and specified commands, except as provided above, will continue to be handled in military department channels.

D. The Secretaries of the military departments, their civilian assistants and the military personnel in such departments shall fully cooperate with the Assistant Secretary of Defense (Public Affairs) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Public Affairs), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other Department of Defense agencies as may be necessary to the performance of his assigned functions.

3. Act as the sole agency at the seat of Government for all elements of the Department of Defense, for the release of official information for publication through any form of information media.

4. Assure the implementation of all public affairs policies and procedures of the Department of Defense, and the integration of all Department of Defense Public Affairs plans, programs and related activities.

5. Establish the criteria and be the approving authority for all credentials required by United States news gathering media representatives traveling in or outside the United States in connection with coverage of official Department of Defense activities.

6. Monitor military participation in public exhibitions, demonstrations and ceremonies of national or international significance.

7. The Office of the Assistant Secretary of Defense (Public Affairs) shall be the sole agency of the Department of Defense for coordination of all matters covered by this Directive with other departments and agencies of the Government, as appropriate.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Public Affairs) in other directives will be referenced in an inclosure to this directive.

VI. *Defense Public Affairs Council.* There will be a Defense Public Affairs Council to advise the Assistant Secretary of Defense (Public Affairs). The Council shall consist of the Assistant Secretary of Defense (Public Affairs), as chairman, the Deputy Assistant Secretary of Defense (Public Affairs) and the Chiefs of Information of the Army, Navy, Air Force, and Marine Corps.

14. DEPARTMENT OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY [DoD DIRECTIVE 5105.15]

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, an Advanced Research Projects Agency is hereby established as an operating research and development agency of the Department of Defense under the direction, authority and control of the Secretary of Defense.

II. *Organization and responsibility.* The Advanced Research Projects Agency will be separately organized within the Department of Defense under a Director of Advanced Research Projects appointed by the Secretary of Defense. The Agency will be responsible for basic and applied research and development for such advanced projects as the Secretary of Defense assigns. The assigned projects of the Agency will be subject to the supervision and coordination of the Director of Defense Research and Engineering in the same manner as those of the military departments and will be conducted in accordance with the priorities established by the Secretary of Defense.

III. *Functions.* Under the direction and control of the Director of Advanced Research Projects, the Agency will perform the following functions within its assigned field of responsibility:

1. Engage in those advanced research projects assigned by the Secretary of Defense.

2. Arrange for the performance of and supervise the work connected with assigned advanced projects by the military departments, other Government agencies, individuals, private business entities or educational or research institutions, giving consideration to the primary functions of the military departments.

3. Recommend to the Secretary of Defense, after consultation with the Director of Defense Research and Engineering and the Joint Chiefs of Staff, the assignment of advanced projects to the Agency.

4. Keep the Secretary of Defense, the Director of Defense Research and Engineering, the Joint Chiefs of Staff, the military departments and other DoD agencies informed, as appropriate, on significant new developments, breakthroughs and technological advances within assigned projects and on the status of such projects in order to facilitate early operational assignment.

5. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of its functions, the Agency shall:

1. Coordinate actions, as appropriate, with the military departments and other DoD agencies having collateral or related functions in the field of its assigned responsibility.

2. Maintain active liaison for the exchange of information and advice in the field of its assigned responsibility with the military departments, other DoD agencies and appropriate research and development agencies outside the Department of Defense, including private business entities, educational or research institutions or other agencies of Government.

3. Make full use of established facilities in the Office of the Secretary of Defense, military departments and other DoD agencies rather than unnecessarily duplicating such facilities.

B. Officials of the Office of the Secretary of Defense, military departments and other DoD agencies shall provide support, within their respective fields of responsibility, to the Director of Advanced Research Projects as may be necessary to carry out the assigned responsibilities and functions of the Agency.

V. *Authorities.* A. The Director of Advanced Research Projects, in the assigned field of responsibility of the Agency, is hereby specifically delegated authority to:

1. Place funded work orders with the military departments or other DoD agencies, or directly with subordinate activities of the military departments, after clearance with the Secretary of the department concerned.

2. Enter into agreements with other Government agencies for basic and applied research and development work connected with assigned advanced projects.

3. Authorize the allocation, transfer or expenditure of funds made available to the Agency for assigned advanced projects.

4. Establish for the Agency and with the military departments and other research and development activities such procedures as are required in connection with work being performed for the Agency consistent with policies and instructions governing the Department of Defense.

5. Acquire or construct such research, development and test facilities and equipment as are required to carry out his assignments and as may be approved by the Secretary of Defense in accordance with applicable statutes.

B. Other authorities specifically delegated by the Secretary of Defense to the Director of Advanced Research Projects in other directives will be referenced in an inclosure to this directive.

VI. *Procedure.* Project assignments to the Advanced Research Projects Agency will be made by the Secretary of Defense upon recommendation by the Director of Defense Research and Engineering, in accordance with Section 7 of Public Law 85–325, as amended by the Department of Defense Reorganization Act of 1958 (Public Law 85–599). Announcements of the assignment of projects to the Advanced Research Projects Agency will be made from time to time by numbered inclosures to this directive.

VII. *Support.* Such personnel, facilities and funds as the Secretary of Defense deems necessary will be made available to the Advanced Research Projects Agency for the performance of its assigned responsibilities.

15. MILITARY LIAISON COMMITTEE TO THE ATOMIC ENERGY COMMISSION [DoD DIRECTIVE 5148.1]

I. *Purpose.* It is the purpose of this directive to define the authority and

duties of the Military Liaison Committee (hereinafter called the "Committee") and to define the relationships of the Committee with the military departments and other agencies of the Department of Defense, and with the Atomic Energy Commission (hereinafter called the "Commission").

II. *Authority for issuance.* This directive is issued pursuant to the Atomic Energy Act of 1954, as amended (hereinafter called the "Act") which establishes the Military Liaison committee, and the authority vested in the Secretary of Defense by the National Security Act, as amended, and the Department of Defense Reorganization Act of 1958.

III. *Membership of the Committee.* The Committee shall consist of:

A. A Chairman who is the head thereof and who is appointed by the President as provided for in the Act.

B. Two members from each of the military departments to be assigned by the Secretary of the respective departments after consultation with the Chairman. These members shall normally be of General or Flag officer rank and shall be authorized to represent their departments on matters before the Committee.

IV. *Committee Staff.* A. The Committee shall be provided with a staff of military and civilian personnel as approved by the Secretary of Defense.

B. The staff shall be headed by an Executive Secretary who shall be specifically designated by the Chairman. This position will normally be occupied by a brigadier general or equivalent and rotated among the three military departments.

C. Military personnel shall be detailed to the staff of the Committee by the Office of the Secretary of Defense in approximately equal numbers from each of the three military departments and shall be acceptable to and serve at the pleasure of the Chairman. During their tenure on the Committee staff, such personnel shall be responsible to the Chairman for the performance of duty. They shall not be transferred or reassigned except after reasonable notice in advance to the Chairman through the Office of the Secretary of Defense so that suitable replacements may be obtained.

D. Civilian personnel for the staff shall be provided by the Office of the Secretary of Defense.

V. *Committee functions and authority.* A. The Committee, on behalf of the Department of Defense and in accordance with the provisions of section 27 of the Act, shall advise and consult with the Commission on all atomic energy matters which the Committee, acting for the Department of Defense, deems to relate to military applications of atomic weapons or atomic energy, including the development, manufacture, use and storage of atomic weapons, the allocation of special nuclear material for military research, and the control of information relating to the manufacture or utilization of atomic weapons.

B. The Committee shall keep the Secretary of Defense and other appropriate agencies of the Department of Defense fully and currently informed on all matters set forth in V.A. above.

C. The Committee, acting for the Department of Defense, shall keep the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the development or application of atomic energy.

D. If the Committee at any time concludes that any request, action, proposed action, or failure to act on the part of the Commission in adverse to the responsibilities of the Department of Defense, the Committee shall make such recommendations to the Secretary of Defense as it deems appropriate.

E. The Committee shall be the channel of formal communication, except for communications from the Secretary or Deputy Secretary of Defense, between the Department of Defense and the Atomic Engery Commission, but in the exercise of its liaison function it shall encourage and facilitate informal contacts between agencies of the Department of Defense and the Commission at corresponding levels.

F. In the exercise of the functions and authority prescribed herein the Committee shall not assume the functions and authority of other established agencies of the Department of Defense as provided by appropriate directives.

VI. *Procedures.* A. The Committee is authorized to establish such committees or make such assignments as are necessary to obtain information and carry out the functions and responsibilities of the Committee.

B. The Committee shall meet at the call of its Chairman or at such times as it may fix, and the presence of the Chairman (or Acting Chairman) and three military members, including at least one representative of each department, shall constitute a quorum. Members and Chairman each have equal voting power. If any member dissents on any Committee action, he is authorized to appeal to the Secretary of Defense through the Secretary of the Department he represents. Prior notificatıcn of any such action shall be made to the Chairman and other members of the Committee. Final action on appealed cases will await decision of the Secretary of Defense.

C. The Committee shall establish its own rules of procedure.

All previous charters and other issuances in conflict herewith are hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 59-6284; Filed, July 29, 1959; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

CEMENT FROM CANADA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JULY 24, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of cement, manufactured by the St. Lawrence Cement Co., of Clarkson, Ontario, Canada, and shipped only from the Clarkson plant, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of cement manufactured by the St. Lawrence Cement Co., of Clarkson, Ontario, Canada, and shipped only from the Clarkson plant, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-6269; Filed, July 29, 1959; 8:48 a.m.]

[493.32]

CERTAIN FLEXIBLE WIRE COMBS IMPORTED IN INDIVIDUAL SIZES

Change of Tariff Classification

JULY 24, 1959.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated June 19, 1959, that there was under review the practice of classifying certain flexible wire combs consisting of a zigzag arrangement of flexible steel wire forming the teeth, slightly under 1¼ inches in height, stretched and inserted in the hair, imported in various individual sizes, soldered at both ends, either unpainted or painted in hair shades under paragraph 1527(d), Tariff Act of 1930, as materials of metal suitable for use in the manufacture of articles provided for in paragraph 1527 (a), (b), or (c), dutiable at the rate of 40 percent ad valorem under that paragraph, as modified. In view of the fact that these articles at the time of importation are ready for use as combs, the Bureau by its letter to the collector of customs at New York, New York, dated ____ ruled that these articles when valued over 20 cents per dozen are classifiable under paragraph 1527(c)(2) as metal articles designed to be worn on the person, finished or unfinished, and dutiable at the reduced rate of 55 percent ad valorem if valued over 20 cents but not over $5 per dozen pieces, or at the reduced rate of 35 percent ad valorem if valued at over $5 per dozen pieces. If they are valued not over 20 cents per dozen pieces they are classifiable under paragraph 397 as articles, manufactured, not specially provided for, in chief value of steel, and dutiable at the rate of 19 percent ad valorem under that paragraph, as modified.

Insofar as this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under a uniform and established practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-6270; Filed, July 29, 1959; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AMALIA MEISTER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Amalia Meister, Brandschenkestrasse 157, Zurich 2, Switzerland; Claim No. 61919; $447.50 in the Treasury of the United States. Vesting Order No. 17903.

Executed at Washington, D.C., on July 23, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6263; Filed July 29, 1959; 8:47 a.m]

HERBERT CARL ELKAN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herbert Carl Elkan, Hamburg, Germany; Claim No. 61075; $44.63 in the Treasury of the United States. 500 shares $1.00 par value capital stock of The Goldfield Consolidated Mines Company, Wyoming, included among those represented by Certificate No. 11910 registered in the name of the Attorney General and held in the Federal Reserve Bank of New York, New York, for safekeeping. Vesting Order Nos. 6816 and 18872.

Executed at Washington, D.C., on July 24, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6264; Filed, July 29, 1959; 8:47 a.m]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: Sterling Precision Corporation.

B. Additions: None.

This statement is made as of July 11, 1959.

RAYMOND E. HEBERT.

JULY 21, 1959.

[F.R. Doc. 59-6265; Filed, July 29, 1959; 8:47 a.m.]

CHIEF, WEATHER BUREAU

Delegation of Authority To Negotiate Certain Contracts

1. Pursuant to the authority vested in the Secretary of Commerce by law, and by delegation from the Administrator of General Services, the Chief, Weather Bureau is hereby authorized to exercise the authority of the Secretary of Commerce to negotiate contracts without advertising under the provisions of section 302 (c) (4), (5), (10), and (11) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

2. This authority shall be exercised only with respect to procurement of those supplies and services which are required in connection with authorized activities, other than administrative programs, conducted by the Weather Bureau.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304, 305 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Weather Bureau. Attention is invited to that part of section 307 of the act which provides that the power to make the determinations or decisions specified in section 302(c) (11) is delegable only to a chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. Each determination or decision required by section 302(c)(11) shall be based upon written findings a copy of which shall be furnished the General Accounting Office with the contract.

5. A report, in triplicate, of all contracts entered into under the provisions of section 302(c)(11) for each six-month period ending June 30 and December 31 shall be filed with the Office of Budget and Management within 30 days after the close of the period. The report should contain (1) the name of the contractor, (2) the dollar amount, and (3) a brief description of the work involved (if classified, so state). Negative reports are not required.

6. This delegation is effective as of the date hereof.

Dated: July 22, 1959.

[SEAL] F. H. MUELLER,
Acting Secretary of Commerce.

[F.R. Doc. 59-6266; Filed, July 29, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah (II-7)]

UTAH

Small Tract Classification

JULY 22, 1959.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following-described public land totaling 112.5 acres in Grand County, Utah, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

SALT LAKE MERIDIAN

T. 26 S., R. 22 E.,
Sec. 9: Lots 5 to 12; 14 to 19, incl.;
Sec. 16: Lots 5 to 36, incl.

2. Classification of the above-described lands by this order segregates them from all appropriation under the public land laws, including locations under the general mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately two miles east of Moab, Utah, and are accessible by a partially improved road. The topography is fairly rough with a general slope to the south. The lands in section 16 are on a series of rocky rims and benches. The vegetation consists of black brush and a sparse understory of galleta grass and sand-drop seed grass. A power line extends into the area, but no other public utilities are now available. Culinary water is not available from any surface streams or springs on the land, but may be available from the underground reservoir. Stores, schools, churches, and other public facilities are available in Moab.

4. The lots vary in size from 2.07 to 2.50 acres and are all rectangular in shape. Upon further investigation it was found that, because of adverse topographic features, two lots should be combined as one tract in four instances. These combinations are bracketed in the following list and the bracketed lots will be offered as one tract. A plat of survey showing the location of each lot can be secured for $1.00 from the Manager, Land Office, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah.

The appraised value of the tracts varies from $75.00 to $200.00 as shown below, and the advance rental required for a 3-year lease is $30.00. Rights-of-way of 50 feet in width will be reserved on all sides for roads, streets and public utilities. All minerals in the land will be reserved to the United States.

	Description	Acreage	Appraised value
	Lot		
Sec. 9	*5	2.50	$125
	6	2.50	125
	7	2.50	125
	8	2.18	125
	*9	4.36	200
	16		
	10	2.50	125
	*11	5.00	200
	12		
	*14	5.00	200
	19		
	*15	4.00	200
	18		
	17	2.18	125
Sec. 16	5	2.50	75
	6	2.50	75
	7	2.50	75
	*8	2.50	125
	*9	2.50	125
	10	2.50	125
	11	2.50	75
	12	2.50	75
	13	2.50	75
	14	2.50	75
	15	2.50	125
	*16	2.50	125
	17	2.50	125
	18	2.50	125
	19	2.50	75
	20	2.50	75
	*21	2.50	125
	*22	2.50	125
	*23	2.50	125
	24	2.07	125
	25	2.08	125
	*26	2.50	125
	*27	2.50	125
	28	2.50	125
	*29	2.50	125
	30	2.50	125
	31	2.50	125
	32	2.09	125
	*33	2.09	260
	34	2.50	125
	35	2.50	125
	36	2.50	125

*Covered by applications from persons entitled to preference under 43 CFR 257.5(a).

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13(d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in Paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

(a) The home must be suitable for year-round use and be on a permanent foundation;

(b) Have a minimum of 700 square feet of floor space;

(c) Must be built in a workmanlike manner out of attractive, properly finished material. No rough lumber or tarpaper siding will be acceptable;

(d) Must have adequate sewage disposal and sanitary facilities must be installed, including a septic tank and inside bathroom.

8. Applicants must file, in duplicate, with the Manager, Land Office, P.O. Box 777, Salt Lake City 10, Utah, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified in Paragraph 4. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to September 12, 1958, will be granted the preference right provided by 43 CFR 257.5(a). All valid applications from persons entitled to veterans' preference filed prior to 10:00 a.m. August 27, 1959, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed prior to 10 a.m. November 26, 1959, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, P.O. Box 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 59–6259; Filed, July 29, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

STOCKGROWERS COMMISSION CO. ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Stockgrowers Commission Co., Stockton, Calif.
Elizabeth Livestock Auction, Elizabeth, Colo.
Haxtun Sale Barn, Haxtun, Colo.
Longmont Sales Yard, Longmont, Colo.
North Federal Sales Yard, Denver, Colo.
Southern Colorado Livestock Commission Co., Pueblo, Colo.
Augusta Livestock Market, Augusta, Ga.
Arends Sale Yard, Blue Earth, Minn.
Benson Live Stock Market, Benson, Minn.
Farmers Union Cattle Co., Madelia, Minn.
Kasson Sale Barn, Kasson, Minn.
Kayes Livestock Sales, Morris, Minn.
Marshall Sales Pavilion, Marshall, Minn.
Park Rapids Sales Co., Park Rapids, Minn.
Sleepy Eye Auction Market, Sleepy Eye, Minn.
Spring Valley Sales Pavilion, Spring Valley, Minn.
Thief River Sales Barn, Thief River Falls, Minn.
Truman Livestock Sales Co., Truman, Minn.
Walnut Grove Sales Pavilion, Walnut Grove, Minn.
Winger Sale Barn, Winger, Minn.
Fair Play Sales and Auction Co., Fair Play, Mo.
Wheaton Community Sale, Wheaton, Mo.
Wahpeton Livestock Co., Wahpeton, N. Dak.
Bryan Bros. Livestock Market, Decherd, Tenn.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of July 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59–6275; Filed, July 29, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12954; FCC 59–754]

DAWKINS ESPY

Order Designating Application for Hearing on Stated Issues

In re application of Dawkins Espy, Glendale, California; Req: 92.7 Mc, #224; 1 kw.; 2 feet: Docket No. 12954, File No. BPH–2365; for construction permit for new FM broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described application;

It appearing, that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 8, 1959 and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing on the application; and

It further appearing, that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed Glendale, California, operation and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the proposed station at Glendale, California, would cause interference to Stations KFAC–FM, KNX–FM, and KGLA, all of Los Angeles, California, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the assignment of the proposed Class A station at Glendale, California, would be in compliance with § 3.203(b) of the Commission's rules with reference to whether the city of Glendale is eligible for a Class A station.

4. To determine whether the operation of the proposed station at Glendale, California, would be in compliance with § 3.313(c) of the Commission's rules with particular reference to the requirement that such channel be utilized only when necessary to provide an equitable and efficient use of the facilities.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether the above-described application of Dawkins Espy would serve the public interest, convenience, and necessity.

It is further ordered, That the Los Angeles Broadcasting Company, Inc., licensee of Station KFAC–FM, the Columbia Broadcasting System, Inc., licensee of Station KNX–FM, and the Echo Park Evangelistic Association, licensee of Station KGLA, all of Los Angeles, California, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6278; Filed, July 29, 1959; 8:49 a.m.]

[Docket Nos. 12950, 12951; FCC 59–750]

ISLAND TELERADIO SERVICE, INC. AND WPRA, INC. (WPRA)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands; Requests: 1000 kc, 1kw, U: Docket No. 12950, File No. BP–11801; WPRA, Inc. (WPRA), Guaynabo, Puerto Rico; Has: 990kc, 10kw, DA–1, U; Requests: 990kc, 1kw, 10kw–LS, U: Docket No. 12951, File No. BP–12551; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 26, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that, the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that, by letter dated April 23, 1959, Island Teleradio Service, Inc., requested that the application of WPRA, Inc., File No. BP–12563, for a construction permit for a new standard broadcast station to operate on 960 kilocycles at Mayaguez, Puerto Rico, which is contingent upon a grant of the instant proposal to move WPRA from Mayaguez to Guaynabo, be consolidated with the above-captioned applications; but that, to avoid giving any applicant an undue advantage over other applicants who may wish to apply for the frequency to be vacated, and for administrative convenience, the Commission, as a matter of practice, places a contingent application in its pending file until the so-called parent application, upon which it is contingent, has received dispositive action, In re B. J. Parrish, 13 Pike and Fischer R.R. 617; and The Jack Gross Broadcasting Co. (KFMB), 3 Pike and Fischer R.R. 617; and

It further appearing, that, in a pleading filed May 28, 1959, Island Teleradio Service, Inc., states that the WPRA application originally specified a change of location from Mayaguez to San Juan; that the proposal would not provide coverage of San Juan as required by § 3.188(b)(1) of the Commission rules and was then amended to specify Guaynabo, a smaller city near San Juan; and contends that the hearing should include issues on whether WPRA's filing amendments to specify station location as Guaynabo and to specify English language programs for an area of predominantly Spanish-speaking people were in good faith; and

It further appearing, that WPRA opposed Island Teleradio's request to include the aforementioned issues by pleading filed June 15, 1959, in which WPRA states that its application was amended to specify the location as Guaynabo instead of San Juan after it was recognized that the proposal would not provide the required coverage of San Juan; and that the proposal was amended to specify English language programs after a careful study of the needs of the area; and

It further appearing, that facts alleged in support of the request for additional issues by Island Teleradio Service, Inc., concerning information and statements filed in the WPRA application; that the Commission is of the opinion that the information on file does not raise a substantial question as to the good faith of WPRA in filing the said amendments; and that the issues requested by Island Teleradio Service, Inc. should not be included in the hearing ordered below; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applica-

tions are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Island Teleradio Service, Inc. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WPRA and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from the other proposal herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether there are any objects in the vicinity of the proposed antenna site of WPRA which may prevent satisfactory operation of said antenna system.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the request of Island Teleradio Service, Inc., to include issues to determine WPRA's good faith in amending its application to change station location to Guaynabo to eliminate its noncompliance with § 3.188(b)(1) of the Commission rules, and to change its program proposal to broadcast English language programs, and to consolidate BP-12563 in the instant proceeding is hereby denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6279; Filed, July 29, 1959; 8:49 a.m.]

[Docket No. 12949; FCC 59-748]

SOUTH MINNEAPOLIS BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota; Requests: 740kc, 500w, DA-D; Docket No. 12949, File No. BP-11632; for construction permit for a new standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 22nd day of July, 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 11, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring a hearing on the particular issues hereinafter specified; and

It further appearing that on July 9, 1959, applicant submitted field intensity measurements purporting to show that there is no overlap of its proposed 25 mv/m contour and the 25 mv/m contour of Station KUOM, Minneapolis, Minnesota, but that these measurements are spot measurements which are not sufficiently conclusive to indicate that there would be no overlap of the respective 25 mv/m contours; and that § 3.186 of the Commission rules requires that such measurements be made in radial-like fashion; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the proposed antenna parameters would produce the proposed directional antenna pattern.

3. To determine whether the 25 mv/m contour of the instant proposal and the 25 mv/m contour of Station KUOM, Minneapolis, Minnesota would overlap in contravention of § 3.37 of the Commission rules.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6280; Filed, July 29, 1959; 8:49 a.m.]

[Docket Nos. 12666-12668; FCC 59M-949]

PUBLIX TELEVISION CORP. ET AL.

Order Scheduling Further Prehearing Conference and Hearing

In re applications of Publix Television Corporation, Perrine, Florida; Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida; Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida; Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations (Channel 6).

The Hearing Examiner having under consideration the record of the further prehearing conference held in the above-entitled proceeding on July 23, 1959, and it appearing that certain agreements reached and matters covered therein should be formalized in an order: *It is ordered,* This 23rd day of July, 1959 that:

(1) Oppositions, if any, to the petitions of Publix Television Corporation and of South Florida Amusement Company for enlargement of issues to include an issue directed to the application of Coral Television Corporation as to the sufficiency of funds to effectuate the proposals contained therein shall be filed on August 3, 1959;

(2) Copies of the affirmative case exhibits to be offered into evidence under the issues as enlarged shall be exchanged among the parties and provided the Commission's Broadcast Bureau and the Hearing Examiner on October 1, 1959;

It is further ordered, That a further prehearing conference shall be held on October 8, 1959 commencing at 10:00 a.m. in the offices of the Commission, Washington, D.C. and that further hearing is scheduled to commence on October 19, 1959 at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: July 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6281; Filed, July 29, 1959; 8:49 a.m.]

[Docket No. 12742 etc.; FCC 59-741]

GRANITE CITY BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Selbert McRae Wood, Clagett "Woody" Wood, Tycho Heckard Wood and Paul Edgar Johnson, d/b as Granite City Broadcasting Company, Mount Airy, North Carolina; Docket No. 12742, File No. BP-11811; Cumberland Publishing Company (WLSI), Pikeville, Kentucky; Docket No. 12743, File No. BP-11997; S. L. Goodman, Bassett, Virginia; Docket No. 12869, File No. BP-12611; for construction permits for standard broadcast stations.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed March 26, 1959, by Knoxville Ra-Tel, Inc. (WKXV); (2) a reply to the petition, filed April 15, 1959, by Granite City Broadcasting Company; (3) an opposition to the petition, filed April 17, 1959, by the Commission's Broadcast Bureau (Bureau); (4) a reply to the petition, filed April 17, 1959, by WJHL, Incorporated;[1] (5) a reply to the opposition, filed April 24, 1959, by petitioner WKXV.

[1] By order released April 17, 1959 (FCC 59M-496), the time for filing responsive pleadings to the petition was extended to April 17, 1959.

2. Granite City Broadcasting Company is an applicant for a construction permit for a new standard broadcast station at Mount Airy, North Carolina. Cumberland Publishing Company is an applicant for a construction permit to increase the power of Station WLSI (900 kc), Pikeville, Kentucky. By order released February 2, 1959 (FCC 59-61), the Commission designated these applications for hearing in a consolidated proceeding on a number of issues, several of which relate to interference problems presented by each applicant's proposals, and an issue under section 307(b) of the Communications Act of 1934, as amended. In the Commission's Order, the licensees of WGHL (910 kc, Johnson City, Tennessee), WKXV (900 kc, Knoxville, Tennessee), and WKYW (900 kc, Louisville, Kentucky), among others, were made parties to the proceeding. By order released May 8, 1959 (FCC 59-426), the application of S. L. Goodman was consolidated with the applications of Granite City Broadcasting Company and Cumberland Publishing Company.

3. Petitioner WKXV requests that the issues in this proceeding be enlarged to include the following issues:

(1) To determine the type and character of program service proposed to be rendered by Granite City Broadcasting Company and whether it would meet the requirements of the populations and areas proposed to be served.

(2) To determine the type and character of program service proposed to be rendered by Cumberland Publishing Company (WLSI) and whether it would meet the requirements of the populations and areas proposed to be served.

(3) To determine the type and character of program service rendered by Station WKXV to the area which will lose such service by virtue of the interference caused by the Cumberland Publishing Company (WLSI) proposal and whether it meets the requirements of the population and area proposed to lose such service.

In support of this request, WKXV relies solely upon its interpretation of Star of the Plains Broadcasting Co. v. FCC[2] as requiring the addition of the proposed issues.

4. In its reply, WJHL expresses the view that, under the Plains decision, programming evidence may be introduced under the issues already specified in the proceeding. It urges that the Plains decision holds programming evidence to be relevant in a proceeding before the Commission involving a determination under section 307(b) of the Act; a case involving an existing station is, it submits, such a proceeding. Should the Commission be of a contrary view, it requests that the following additional issue be adopted: "To determine the programming service rendered by Station WJHL to the area which will lose such service as a result of the grant of the application of Cumberland Publishing Company (WLSI)."

[2] United States Court of Appeals for the District of Columbia Circuit, March 9, 1959, 18 RR 2072.

5. It is the Commission's view that the Plains decision does not require the addition, under section 307(b), of the first two issues requested by WKXV. There is no showing that either applicant would provide primary service to the community of the other, and the Bureau in its opposition states that such primary service would not be provided. If the Bureau is correct, there is no occasion, as we view the Plains decision, to consider the programming of the two applicants. If, however, it should be established at the hearing by acceptable engineering evidence that primary service will be provided by either applicant to the community of the other, the former would, under the present 307(b) issue, be permitted to show how its programming proposals would better serve the needs of that community. In this connection, see our Memorandum Opinion and Order, released June 26, 1959. (FCC 59-594), in In re Plainview Radio.

6. The application of WLSI shows that its proposal would cause co-channel interference affecting 5.9 percent of the population within the 0.5 mv/m contour of WKXV, and that it would cause adjacent channel interference affecting 3.3 percent of the population within the 0.5 mv/m contour of WKYW and 2.8 percent of the population within the 0.5 mv/m contour of WJHL. Under the circumstances, programming issues will be added as to these areas of interference.[3] See Democrat Printing Co. v. FCC, 202 F. 2d 298 (C.A.D.C., 1952); Star of the Plains Broadcasting Co. v. FCC, supra. However, the third of the issues proposed by WKXV, and the issue proposed by WJHL in its alternative request, would inquire only as to the type of and character of program service rendered by WKXV and WJHL, respectively, to the area in which each would receive interference and whether it meets the requirements of that area or the population therein. A programming issue, under the circumstances herein involved, should also include an inquiry as to the manner in which other existing stations satisfy the needs of the interference areas.

Accordingly it is ordered, This 22d day of July 1959, that the petition to enlarge issues filed March 26, 1959, by Knoxville Ra-Tel, Inc., is granted to the extent indicated herein and is in all

[3] In the area of co-channel interference, neither Station WKXV nor applicant WLSI would provide service. For that reason, the issues adopted herein do not require a determination as to whether applicant WLSI's proposed program service would meet the requirements of such area and of the people residing therein. In the areas of adjacent channel interference, where there would be a substitution of applicant WLSI's service for that of Stations WKYW and WJHL, respectively, the issues adopted herein do require such a determination. In both the co-channel and adjacent channel interference areas, the adopted issues require a determination of the program services of the interfered-with stations and of other stations serving these interference areas, and the extent to which their program services meet the requirements of the interference areas which they now serve.

other respects denied; that the alternative request for an additional issue, as proposed by WJHL, Incorporated, in its reply filed April 17, 1959, is denied; that the issues in this proceeding are amended to renumber issues 6 and 7 as issues 8 and 9, respectively, and to include as issues 6 and 7 the following:

6. To determine the type and character of program service proposed to be rendered by Cumberland Publishing Company (WLSI), and whether it would meet the requirements of the populations and areas proposed to be served.

7. To determine the type and character of program service rendered by standard broadcast stations WKXV, WKYW and WJHL, respectively; the extent to which the program service of each of them meets the requirements of the populations and areas proposed to lose such service; and the extent to which the program services of existing standard broadcast stations meet the requirements of the populations and areas proposed to lose the service of WKXV, WKYW and WJHL, respectively.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6282; Filed, July 29, 1959; 8:49 a.m.]

[Docket Nos. 12952, 12953; FCC 59-753]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WBUD, Inc., Trenton, New Jersey; Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey; Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications:

It appearing, that except as indicated by the issues specified below, the instant applicants are legally, technically, and otherwise qualified; that Concert Network, Inc., is financially qualified, but that WBUD, Inc., may not be financially qualified; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 24, 1959, and incorporated herein by reference, notified the applicants, and any other known parties in interest of the grounds and reasons for the Commission's inability to make a finding that a grant of either application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of either application; and in which the applicants stated they would appear at a hearing on the instant applications; and

It further appearing, that WBUD, Inc., licensee of Station WBUD(AM), Trenton, New Jersey, proposes to mount the FM antenna on the No. 3 tower of the directional antenna array of Station WBUD; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of either application would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by WBUD, Inc., and Concert Network, Inc., and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the instant proposals would involve objectionable interference with Station WFIL-FM, Philadelphia, Pennsylvania, or any other existing FM broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other service to such areas and populations.

3. To determine whether WBUD, Inc., is financially qualified to construct and operate its proposed station.

4. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

5. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That Triangle Publications, Inc., licensee of Station WFIL-FM, Philadelphia, Pennsylvania, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That in the event of a grant of the application of WBUD, Inc., as a result of the hearing proceeding, the construction permit shall contain a condition requiring that Station WBUD request permission from the Commission to determine power of WBUD by the indirect method; that during the installation period of the FM antenna WBUD shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation WBUD shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, WBUD shall submit Forms 302 to report the change.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6283; Filed, July 29, 1959; 8:47 a.m.]

[1] Commissioner Cross dissenting.

FEDERAL POWER COMMISSION

[Docket No. E-6891]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JULY 23, 1959.

Take notice that on July 20, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Community Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of 30,000 shares of ____ percent Cumulative Preferred Stock, Series A, of the par value of $100 per share. Applicant proposes to determine the dividend rate on the Series A Preferred Stock by competitive bidding and said Preferred Stock will be issued and sold, at competitive bidding on or about September 9, 1959, unless postponed. Applicant states that the aforesaid Preferred Stock is to be issued and sold for the purpose of reimbursing its treasury for expenditures heretofore made for construction, extensions and improvements of facilities and to refund promissory notes evidenced by short-term bank loans created to obtain part of the funds needed for such program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of August 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6249; Filed, July 29, 1959; 8:45 a.m.]

[Docket No. G-16542]

COASTAL STATES GAS PRODUCING CO.

Notice of Application and Date of Hearing

JULY 24, 1959.

Take notice that on October 7, 1958, Coastal States Gas Producing Company (Applicant) filed an application in Docket No. G-16542, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to continue the sale of natural gas to Trunkline Gas Company (Trunkline), purchased from certain producers in the East Mathis, Het, Willman, and North Willman Fields, in San Patricio County, Texas, formerly rendered by Gas Gathering Company (Gathering) under a sales contract dated August 18, 1955, previously accepted for filing as Gas Gathering Company FPC Gas Rate Schedule No. 12, all as more fully described in the application on file with the Commission and open to public inspection.

Concurrently with its certificate application in Docket No. G-16542, Applicant filed a copy of the certificate of dissolution and a notice of succession to Gathering's FPC Gas Rate Schedule No. 12. Gathering's FPC Gas Rate Schedule No. 12 has been redesignated Coastal States Gas Producing Company FPC Gas Rate Schedule No. 10, and the certificate of dissolution as Supplement No. 2 thereto.

Take further notice that on May 11, 1959, Applicant filed a supplement to its application wherein Applicant states it has committed to said contract of August 18, 1955, with Trunkline, additional supplies of natural gas produced by Chizum, Rhodes & Hicks, et al. in the North Mathis Area, San Patricio County, Texas. Such gas is purchased by Applicant pursuant to a gas sales contract dated July 8, 1958, by and between Chizum, Rhodes & Hicks, et al., as sellers, and Applicant, as buyer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6250; Filed, July 29, 1959; 8:45 a.m.]

[Docket No. G-15138]

D. E. LONDON

Notice of Application and Date of Hearing

JULY 21, 1959.

Take notice that on May 19, 1958, D. E. London, Operator (Applicant)[1] filed an application in Docket No. G-15138, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to render service to Lone Star Gas Company (Lone Star) from a well formerly owned by Sohio Petroleum Company (Sohio)[2] and located in the NE/4 SE/4 Sec. 17-3S-4W in the Ridgeway Field, Stephens County, Oklahoma,[3] all as more fully described in the application on file with the Commission and open to public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 25, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6251; Filed, July 29, 1959; 8:45 a.m.]

[1] Ray London is a co-owner by assignment from Sohio Petroleum Company along with D. E. London.

[2] By instrument of assignment, dated January 18, 1956, and filed March 19, 1958, Sohio conveyed its working interest in the subject acreage in addition to other acreage adjacent thereto, to Applicant and Ray London, effective as of January 1, 1956. Applicant proposes to render the service to Lone Star proposed herein under a gas sales contract dated January 1, 1953. On March 3, 1958, Applicant filed a notice of succession to Sohio's related FPC Gas Rate Schedule No. 18.

[3] The service is covered by a contract, dated January 1, 1953, between Sohio, as seller, and Lone Star, as buyer, previously accepted for filing as Sohio Petroleum Company FPC Gas Rate Schedule No. 18.

[Docket No. G-18358]

UNITED FUEL GAS CO.

Notice of Application and Date of Hearing

JULY 21, 1959.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation, and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1700 MacCorkle Avenue SE., Charleston, West Virginia, filed on April 21, 1959 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate certain additional transmission facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 18.5 miles of 26-inch loop line from a point on Applicant's 20-inch transmission line SM-80 in West Virginia in an easterly direction to Applicant's Panther Mountain measuring station near its Cobb Compressor Station in Kanawha County, West Virginia.

Applicant alleges that its existing facilities do not have sufficient capacity to

transport the volumes of high pressure gas required by Applicant's customers and for Applicant's storage injection program centered around Applicant's Cobb operating area in Kanawha County, West Virginia during the summer period of 1959. Applicant in its application estimated the deficiency on an average May day, 1959 at 47,700 Mcf and states that similar deficiencies would continue through the storage injection period. It is estimated that during the comparable period in 1960 the transmission deficiency would exceed 150,000 Mcf.

Applicant alleges that the 1959 summer requirements of Atlantic Seaboard, as compared to 1958, will increase by 1,000,000 Mcf per month.

Applicant's proposal is for the purpose of alleviating this deficiency.

The estimated cost of the proposed construction will be $2,512,400, and the estimated operating expense will be $7,700 per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 9, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6252; Filed, July 29, 1959; 8:45 a.m.]

[Docket No. G-18649]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JULY 21, 1959.

Take notice that on May 28, 1959, United Gas Pipe Line Company (Applicant), filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain pipeline facilities consisting of approximately 8.72 miles of 30-inch pipe in two sections looping the same lengths of its 30-inch Agua Dulce Field, Texas-Sterlington, Louisiana Line, located in Angelina and San Augustine Counties, Texas.

The purpose of the construction at this time is to insure continued service to Applicant's numerous customers in the areas of Shreveport and Monroe, Louisiana at the lowest costs because the present facilities are to be submerged under the waters of the McGee Bend Reservoir to be constructed soon by the Corps of Engineers of the United States Army as a flood control project.

The total estimated cost of the proposed facilities is $2,022,461 which will be borne by Applicant from funds on hand. Applicants will be reimbursed for its costs by the Corps of Engineers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6253; Filed, July 29, 1959; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

Order Approving Applications Under Bank Holding Company Act

In the matter of the applications of Citizens and Southern National Bank and Citizens and Southern Holding Company for prior approval of acquisition of voting shares of American National Bank of Brunswick, Brunswick, Georgia.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), applications on behalf of Citizens and Southern National Bank and Citizens and Southern Holding Company, whose respective principal office is in Savannah, Georgia, for the Board's prior approval of the acquisition of 2,500 of the outstanding voting shares of American National Bank of Brunswick, Brunswick, Georgia; a Notice of Tentative Decision referring to a Tentative Statement on said applications having been published in the FEDERAL REGISTER on June 30, 1959 (24 F.R. 5319); the said Notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and no such objections or comments having been filed:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said applications be and hereby are granted and the acquisition by Citizens and Southern National Bank and Citizens and Southern Holding Company of 2,500 of the outstanding voting shares of American National Bank of Brunswick, Brunswick, Georgia, is hereby approved, provided that such acquisition is completed within three months from the date hereof, and that no action be taken by Citizens and Southern National Bank or Citizens and Southern Holding Company that will result in the termination of the corporate existence of American National Bank of Brunswick as a separate functioning banking institution until after 60 days following the date of this order.

Dated at Washington, D.C., this 23d day of July, 1959.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-6254; Filed, July 29, 1959; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SURPLUS MILITARY RIFLES

Investigation of Imports

Notice is hereby given, in accordance with the provisions of section 8 of the Trade Agreements Extension Act of 1958 and OCDM Regulation No. 4, as amended, that the Sporting Arms and Ammunition Manufacturers Institute has requested on behalf of six domestic sporting arms manufacturers that investigation be undertaken to determine whether surplus military rifles are being imported in such quantities or under such circumstances as to threaten to impair the national security.

Dated: July 2, 1959.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59-6246; Filed, July 29, 1959; 8:45 a.m.]

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

[2] Voting against this action: Governors Robertson and King.

ATOMIC ENERGY COMMISSION

[Docket No. 27-2]

CROSSROADS MARINE DISPOSAL CORP.

Notice of Issuance of Byproduct, Source and Special Nuclear Material License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Byproduct, Source and Special Nuclear Material License No. 20-685-2. The amendment to be effective August 15, 1959, authorizes Crossroads Marine Disposal Corporation, 26 T Wharf, Boston, Massachusetts, to (1) increase its possession limit of byproduct material from 20 curies to 1,000 curies, and of source material from 4,000 pounds to 16,000 pounds, (2) possess 100 grams of special nuclear material, and (3) conduct operations at its new address. The amendment changes the disposal site from an in-shore location to off-shore locations beyond the continental shelf at a minimum depth of 1,000 fathoms and incorporates various procedures and conditions in the license amendment governing transportation and handling procedures in order to assure adequate radiological safety practices as described in the application for license amendment dated June 19, 1959. There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license amendment.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after issuance of the license amendment.

For further details see (1) the application submitted by Crossroads Marine Disposal Corporation and amendments thereto and (2) a copy of Appendix A to the license amendment which contains transportation container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referenced to in Condition No. 6 of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of July 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Licensing and Regulation.

[License No. 20-685-2 (G61); Amdt. 3]

Effective as of August 15, 1959 as specified below, License No. 20-685-2 (G61) is amended to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material," 10 CFR Part 40, "Control of Source Material," and 10 CFR Part 70, "Special Nuclear Material," and in reliance upon the statements, and representations contained in the application for amendment dated June 19, 1959 (which was substituted by the applicant for applications for amendment dated July 28, September 22, and November 19, 1958, and February 24, and March 25, 1959) hereinafter referred to as "the application," a license is hereby issued to Crossroads Marine Disposal Corporation, 26 T Wharf, Boston, Massachusetts, to receive, possess, package, and dispose of byproduct, source, and special nuclear material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 1,000 curies of byproduct material; 16,000 pounds of source material; and 100 grams of special nuclear material at any one time.

2. Byproduct, source and special nuclear material shall be received, packaged, and disposed of by, or under the direct personal supervision of, George C. Perry or James J. Nuss.

3. The licensee shall receive, package, possess and dispose of the byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

4. A copy of "Personnel Monitoring Instructions" and "Instructions For Collection and Transportation of Radioactive Waste Material" as described in the application shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct, source and special nuclear material.

5. The licensee shall receive only waste materials which have been prepackaged by the licensee's customers in containers in compliance with applicable Interstate Commerce Commission regulations or with Condition 6 of this license. Prepackaged waste containers shall not be opened by the licensee. The licensee shall instruct each customer to package waste material in such a manner as to assure the absence of any significant voids.

6. The transportation of AEC-licensed material to and from the location designated in Condition 7 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet the specifications for sea disposal containers as approved herein or any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level of any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under Section 20.203(f) of 10 CFR 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with the lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL".

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

7. The licensee shall store and package byproduct, source and special nuclear ma-

terial for sea disposal only at Pier No. 4, Northern Avenue, Boston, Massachusetts as described in the application.

8. The licensee shall dispose of byproduct, source and special nuclear material in the Atlantic Ocean (1) within an area bounded by the parallels of latitudes 41°38' N., 41°28' N., and the meridians of longitude 65°28' W., 65°45' W; (2) within a 5 mile radius circle the center of which is at a point designated as parallel of latitude 38°30' N., and meridian of longitude 72°06' W.; or (3) at other locations in the Atlantic Ocean at a minimum depth of 1,000 fathoms when approved by the Commission.

9. Packaged radioactive waste containing special nuclear material shall be transported only aboard vessels of American registry.

10. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, the amount of special nuclear material in grams, and the most hazardous radioisotope contained in each container.

11. Containers received and packaged by Crossroads Marine Disposal Corporation shall not contain more than 20 grams of special nuclear material per container.

12. Waste byproduct, source and special nuclear material shall be disposed of at sea within 21 months from the date on which the Crossroads Marine Disposal Corporation first takes possession of such material.

This amendment shall be effective on August 15, 1959, and shall expire on July 31, 1961.

Date of issuance: July 23, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Licensing and Regulation.

MEMORANDUM

By application dated July 28, 1958, and amendments thereto dated July 28, September 22, November 19, 1958, and February 24 and March 25, 1959, all of which were incorporated into an application dated June 19, 1959, Crossroads Marine Disposal Corporation, 26 T Wharf, Boston, Massachusetts, requested renewal of their license to receive, possess, package and dispose of byproduct, source and special nuclear material wastes in the Atlantic Ocean. The Crossroads Marine Disposal Corporation has been authorized by the Commission to dispose of radioactive wastes at sea since July 23, 1952.

Based on the consideration set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger of life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct, source and special nuclear material in such a manner as to protect health and minimize danger to life or property; and

(c) The issuance of an amendment to the byproduct, source and special nuclear material license held by Crossroads Marine Disposal Corporation will not be inimical to the health and safety of the public.

Experience of personnel. Mr. George C. Perry, President and Mr. James J. Nuss, Superintendent, will directly supervise the receipt, packaging, and disposal operations. Mr. Perry has had about 11 years experience in the handling of low level radioactive waste in operating the Crossroads Marine Disposal Corporation. Mr. Nuss has had about 3 years experience with Crossroads Marine Disposal Corporation in the packaging and disposal of low level radioactive materials. Both Mr. Perry and Mr. Nuss appear to have sufficient training and experience in radiation monitoring, decontamination, methods, contamination control, and the principles and practices of radiation protection. Therefore, it appears that the licensee has personnel with sufficient training and experience in the handling of radioactive materials to provide assurance that the waste disposal operation will be conducted in a manner to protect the health and safety of the public and minimize the danger to life and property.

Equipment, facilities and procedures. The site for waste processing and temporary storage prior to sea disposal is located on the end of Pier No. 4, Northern Avenue, Boston, Massachusetts. The area is chiefly industrial. The site is approximately 400' x 150' and will be fenced in by an 8-foot-high chain link fence topped by an additional foot of barbed-wire. A brick and cement building of approximately 800 square feet is located on the site and will be used to store waste containers received from customers until they are packaged for sea disposal. After the final sea disposal containers are prepared they will be stored outside of the building in the storage area.

The storage and processing areas will be locked to prevent unauthorized entry. Adequate radiation protection procedures including emergency procedures have been established covering each phase of the waste disposal program. Written instructions on proper radiation protection precautions and procedures will be given to each employee involved in the waste disposal operation. Necessary equipment for packaging the waste and transporting it to the disposal site is available to the licensee.

Transportation of waste material both to and from the licensee's site will be conducted in accordance with the regulations of the Interstate Commerce Commission and the United States Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 6 of the license which establishes transportation requirements substantially the same as those of the Interstate Commerce Commission regulations.

The facilities, equipment and operating procedures described by the licensee appear adequate to assure that the disposal operations will be conducted in compliance with the Commission's regulations and conditions of the license.

Containers and disposal site. The packaging of waste material received from customers for disposal in the ocean meet the recommendations of the National Committee on Radiation Protection contained in Handbook 58, "Disposal of Radioactive Waste in the Ocean." The licensee will instruct his customers to prepackage byproducts, source and special nuclear material wastes in such a manner as to assure the absence of any significant voids. The licensee will encase the customer's containers in reinforced concrete (6 inches surrounding inner containers) to obtain a density of at least 10 pounds per gallon which will assure sinking in the ocean. Each final sea disposal container will be labeled to indicate the company's name, the date of packaging, the most hazardous radioisotope, the amount of radioactivity, and an identification number.

Disposal will be in the Atlantic Ocean at a minimum depth of 1,000 fathoms at the sites specified in Condition 8 of the license. These sites are approximately 120 miles from the coast and are beyond the continental shelf. The licensee is required to maintain a certified true copy of the ship's log to verify disposal at the sites.

The containers and disposal locations meet the recommendations of the National Committee on Radiation Protection contained in the National Bureau of Standards Handbook 58, "Radioactive Waste Disposal in the Ocean". At least 20 days prior to each sea disposal operation the Commission will be notified of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, total amount of source and special nuclear material in pounds, and the most hazardous radioisotope in each container.

The disposal of radioactive wastes at sea where the depth is 1,000 fathoms when packaged in accordance with the requirements of the license is considered a safe method of radioactive waste disposal. The small amounts of radioactive material licensed for sea disposal, even if released into sea water at the specified locations would be greatly diluted and dispersed by the ocean and would not result in concentrations of radioactivity of public health significance.

[F.R. Doc. 59-6274; Filed, July 29, 1959; 8:48 a.m.]

TARIFF COMMISSION

WATCH MOVEMENTS

Report to the President

JULY 27, 1959.

The U.S. Tariff Commission today submitted to the President its fourth periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its fourth report to the President under Executive Order 10401 with respect to watch movements, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401.. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59-6268; Filed, July 29, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 159]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 27, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62396. By order of July 21, 1959, the Transfer Board approved the transfer to Fox & Ginn Moving & Storage Co., a corporation, of Bangor, Maine, of Certificates Nos. MC 28536 Sub 6 and MC 28536 Sub 7, issued August 5, 1958 and July 18, 1957, respectively, in the name of Fox & Ginn, Inc., of Bangor Maine, authorizing the transportation over irregular routes of household goods, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island; between Medford, Mass., and points in Massachusetts within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, and Vermont; between Stoneham, Mass., and points in Massachusetts within 15 miles thereof, on the one hand, and, on the other, points in New Hampshire and Rhode Island; between Stoneham, Mass., and points within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, and New York; between Woburn, Mass., and points within five miles thereof, on the one hand, and, on the other, points in New Jersey, Pennsylvania, and the District of Columbia; between Woburn and Melrose, Mass., points within five miles of Woburn, and all other points within five miles of Melrose, on the one hand, and, on the other, points in Vermont; household goods, between Waltham, Mass., and points in Massachusetts within 10 miles thereof, on the one hand, and, on the other, points in New Hampshire, New Jersey, and Rhode Island; and new furniture, uncrated, between points in Maine, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Mary E. Kelley, 10 Tremont Street, Boston, Mass., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6262; Filed, July 29, 1959; 8:47 a.m.]

[No. 33140]

EXPRESS CONTRACT, 1959

JULY 24, 1959.

The above-entitled application is assigned for hearing on August 18, 1959, at 8:30 o'clock a.m., United States standard time (9:30 o'clock a.m. District of Columbia daylight saving time), at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Hosmer.

This is an application under section 5(1) of the Interstate Commerce Act for an order approving the pooling or division of traffic, service and earnings which would result from the conduct of the express transportation business under a proposed new agreement to replace the Standard Express Operations Agreement, effective March 1, 1954, between the Railway Express Agency, Incorporated and certain carriers approved by the Commission in Express Contract, 1954, 291 I.C.C. 11. A copy of the application was served upon the Governors of each State in which the Railway Express Agency operates and upon the Attorney General of the United States, and a copy of the application may also be inspected in the offices of this Commission. Information about the application may be requested of Mr. Robert J. Fletcher, Vice President and General Counsel, Railway Express Agency, Inc., 219 East 42d Street, New York, N.Y.

The matter of a proposal of the Railway Express Agency to adjust its rates will not be considered at the hearing in No. 33140.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6261; Filed, July 29, 1959; 8:46 a.m.]

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THE NATIONAL ARCHIVES

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MAIN READING ROOM

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS, AND DEMOTIONS

Procedure

Section 9.102(a)(1)(ii) is amended to reflect decision B–135906 of the Comptroller General (38 C.G. 203) dated September 11, 1958. As amended, paragraph (a)(1)(ii) reads as follows:

§ 9.102 Procedure in separating, suspending, or demoting employees.

(a) • • •

(1) *Actions against employees.* • • •

(ii) The employee shall be retained in an active duty status during the period of notice of the proposed action under this section. When the circumstances are such that the retention of an employee in an active duty status may result in damage to Government property or may be detrimental to the interests of the Government, or injurious to the employee, his fellow workers or the general public, the employee may be temporarily assigned to duties in which these conditions would not exist, or placed on leave with his consent. Where these circumstances exist and it is proposed to suspend the employee, the agency may require the employee to answer the charges and submit affidavits within such time as under the circumstances would be reasonable, but not less than twenty-four (24) hours; however, a preference eligible employee may not be suspended for more than thirty days under this procedure. Where these circumstances require immediate action, the employing agency may place the employee in a nonduty status with pay for such time, not to exceed five (5) days, as is necessary to effect the suspension.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION.
WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–6272; Filed, July 30, 1959; 8:45 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.409]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly Jodhpur, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

2. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (a) is amended by the addition of the following:

Karnal, India.

3. Effective as of the beginning of the first pay period following September 6, 1958, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sindri, Tarai, Trivandrum, Udaipur, and Vellore.

4. Effective as of the beginning of the first pay period following November 1, 1958, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

5. Effective as of the beginning of the first pay period following November 1, 1958, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banglore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Lud-

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FEDERAL REGISTER

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6. Effective as of the beginning of the first pay period following December 13, 1958, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Bangalore, Bhopal, Bombay, Calcutta, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

7. Effective as of the beginning of the first pay period following December 13, 1958, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bombay, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

8. Effective as of the beginning of the first pay period following March 7, 1959, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bombay, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

9. Effective as of the beginning of the first pay period following March 7, 1959, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

10. Effective as of the beginning of the first pay period following April 4, 1959, paragraph (b) is amended by the deletion of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Jodhpur, Karnal, Lucknow, Ludhiana, Madras, Nabha, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

11. Effective as of the beginning of the first pay period following April 4, 1959, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Gwalior, Hazaribagh, Hyderabad, Izatnagar-Bareilly, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

12. Effective as of the beginning of the first pay period following August 8, 1959, paragraph (a) is amended by the deletion of the following:

Chaco Area, Paraguay.
Chiquimula, Guatemala.
El Recreo, Nicaragua.
Korea, all posts.

13. Effective as of the beginning of the first pay period following August 8, 1959, paragraph (b) is amended by the deletion of the following:

Iran, all posts except Ahwaz, Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Sanandaj, Shahabad, Shiraz and Tehran.

14. Effective April 19, 1959, paragraph (a) is amended by the addition of the following:

Lome, Togo.

15. Effective as of the beginning of the first pay period following June 27, 1959, paragraph (a) is amended by the addition of the following:

Artibonite Valley, Haiti.

16. Effective as of the beginning of the first pay period following August 8, 1959, paragraph (a) is amended by the addition of the following:

Paraguay, all posts except Asuncion.
Sari, Iran.

17. Effective as of the beginning of the first pay period following August 8, 1959, paragraph (b) is amended by the addition of the following:

Iran, all posts except Ahwaz, Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Sanandaj, Sari, Shahabad, Shiraz and Tehran.
Korea, all posts.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: July 21, 1959.

For the Acting Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F.R. Doc. 59-6290; Filed, July 30, 1959; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended in the following respect:

Paragraph (a) *Canadian nationals and British subjects* of § 41.6 *Waivers of documentary requirements for nonimmigrants* is amended to read as follows:

(a) *Canadian nationals and British subjects.* A visa shall not in any case be required of a Canadian national or British subject who has his residence in Canada or Bermuda, and a passport shall not be required of such a national or subject except after a visit outside of the Western Hemisphere. A British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A visa shall not be required of a British subject who has his residence in and arrives directly from, the Cayman Islands and who presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Administrator of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: July 21, 1959.

JOHN W. HANES, JR.,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: July 22, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 59-6289; Filed, July 30, 1959; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 4]

PART 421—GRAINS AND RELATED COMMODITIES

Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

The regulations issued by the Commodity Credit Corporation published in 23 F.R. 3913, as amended, containing the terms and conditions under which financial institutions may participate in pools of CCC price support loans on certain commodities are hereby amended as follows:

1. Section 421.3802 is amended by deleting the second sentence thereof and substituting in lieu thereof the following: "CCC may place in the pool for any crop year notes evidencing any other unmatured price support program loans which were disbursed under a CCC price support program for any crop year."

2. Section 421.3804 is amended by the addition of the following sentence: "If August 1 falls on a Saturday, Sunday or national holiday, the maturity date of the certificates shall be the next succeeding business day.

3. Section 421.3806 is amended by deleting the first sentence thereof and substituting in lieu thereof the following: "A certificate may be transferred to another financial institution, at any time, by endorsement and delivery of the certificate."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Issued this 28th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6316; Filed, July 30, 1959; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER C—CARRIERS BY WATER

[No. 32464]

PART 324—UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 6th day of July A.D. 1959.

The matter of accounting regulations prescribed for carriers by water being under consideration pursuant to provisions of section 313 of the Interstate Commerce Act, as amended; and,

It appearing, that by an order dated November 7, 1946, the Uniform System of Accounts for Carriers by Inland and Coastal Waterways was prescribed but has since been variously modified by subsequent orders, and it is deemed necessary for proper reference that the regulations and the several modifications should be consolidated and published in revised form:

It is ordered, That the regulations prescribed by the order of November 7, 1946, including modifications thereof effective June 29, 1959, and prior thereto, which regulations so modified are hereby referred to and made a part hereof, be, and they are hereby, published in revised form to be cited as the Uniform System of Accounts for Carriers by Inland and Coastal Waterways, Issue of 1959; and,

It is further ordered, That notice of this order shall be given to all carriers by water subject to its provisions and to the general public by depositing a copy thereof, with the attached regulations in revised form, in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

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Introduction

(i) *Regulations prescribed.*

Carriers by water operating on inland and coastal waterways, and every lessor thereof subject to provisions of the Interstate Commerce Act, shall comply with regulations in this part which, as presented hereinafter, include all modifications thereof effective June 30, 1959, and prior thereto.

(ii) *Classification of carriers.*

(a) For the purpose of this system of accounts, carriers by water are divided into two classes as follows:

Class A. Companies having average annual operating revenues exceeding $500,000.

Class B. Companies having average annual operating revenues exceeding $100,000 but not more than $500,000.

Class A companies shall keep all of the accounts of this system of accounts which are applicable to their affairs.

Class B companies shall keep all of the accounts of this system of accounts which are applicable to their affairs, except that their accounts for operating revenues and operating expenses may be kept under the accounts of the condensed classification provided herein.

(b) When a uniform system of accounts is prescribed for companies having average annual operating revenues of $100,000 or less, carriers subject thereto will be given due notice.

NOTE: Carriers by water subject to these regulations shall adopt the class of operating accounts indicated by the average of their annual operating revenues for 3 years immediately preceding the effective date of this uniform system of accounts. If subsequently at the close of any calendar year the average of such annual revenues for the 3 latest years is more or less than the amount applicable to the class in which the carrier has been accounting, the appropriate class of operating accounts based on such average shall be adopted. New companies shall estimate the amount of their annual operating revenues and adopt the class of operating accounts appropriate for the amount of such estimated revenues.

General Instructions

1 Records.

(a) The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries in the accounts.

(b) Where the general book entries do not contain complete information, they shall be supported by other detail records, cross-referenced for ready identification.

(c) All records shall be filed in such manner as to be readily accessible for examination by representatives of the Commission.

(d) Attention is directed to the following extract from section 313 of part III of the Interstate Commerce Act:

(g) The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

The Commission's order specifying the records which may be destroyed is contained in its "Regulations to Govern the Destruction of Records."

(e) All accounts kept shall conform in numbers and titles to those prescribed herein, except that:

(1) Carriers may subdivide the accounts provided such subdivision does not impair the integrity of the accounts prescribed.

(2) The titles of all subdivisions or subaccounts shall refer by number or title to the accounts of which they are subdivisions.

(3) When subaccounts are thus kept, it is not required that the main accounts of which they are subdivisions shall also be kept in the carrier's books.

(f) Clearing accounts may be kept when necessary or useful in making the proper distribution of items to the appropriate primary accounts.

(g) The accounts for each month shall be recorded currently so that all

transactions applicable to each month, as nearly as may be ascertained, shall be entered in the books of the carrier. Each carrier shall close its books as of the end of the calendar year.

2 Definitions.

When used in this system of accounts the term:

(a) "Actually issued" as applied to certificates of capital stock or evidences of funded debt issued or assumed by the carrier means those which have been sold to bona fide purchasers for a valuable consideration (including those issued in exchange for other securities or other property) under the condition that the purchaser secured them free from all control by the issuing carrier; also securities issued as dividends on stock.

(b) "Actually outstanding" as applied to certificates of capital stock or evidences of funded debt issued or assumed by the carrier means those which have been "actually issued" and are neither retired nor held by or for the carrier.

(c) "Additions" are structures, facilities, or equipment added to transportation property in existence and not replacing property retired.

(d) "Affiliated companies" means companies or persons that, directly or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting carrier.

NOTE: Where reference is made to control (in referring to a relationship between any person or persons and another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

(e) "Book cost" means the amount at which assets are recorded in the accounts of the carrier without deduction of any related reserves or other items. If the book cost of units and minor items of property retired cannot be definitely determined from the carrier's records, the book cost of such items shall be estimated.

(f) "Book liability" means the amount at which liabilities (including securities issued or assumed by the carrier) are recorded in the accounts of the carrier.

(g) "Carrier" when not otherwise indicated in the context, means the accounting carrier.

(h) "Cost of removal" means the cost of demolishing, or otherwise disposing of transportation property, and recovering the salvage.

(i) "Component rates" as applied to depreciation accounting means the rates applied to the various subclasses of property within a primary account in arriving at the depreciation charge.

(j) "Debt expense" as applied to funded debt means all expense in connection with the issue and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper having a life of more than one year; fees paid trustees, specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges, and other like costs.

(k) "Delayed items" means items relating to transactions which occurred before the current calendar year, but which were not recorded in the books of account in such prior years. It includes adjustments of errors in the operating revenue, operating expense, or income accounts of prior years.

(l) "Depreciable accounts" are those in which is recorded the cost of property for which depreciation accounting is required.

(m) "Depreciation" means the loss in service value not restored by current maintenance, and incurred in connection with the consumption or prospective retirement of physical property in the course of service from causes against which the carrier is not protected by insurance, which are known to be in current operation, and whose effect can be forecast with a reasonable approach to accuracy.

(n) "Discount" as applied to securities issued or assumed by the carrier means the excess of the par or face value of the securities, plus interest or dividends accrued at the date of the sale, over the current money value of the consideration received at their sale.

(o) "Fixed improvements" means buildings, wharves, docks, and other structures attached to the land, including fixtures, machinery, and other appurtenances.

(p) "Investment advances" means advances, represented by notes or by book accounts, which it is mutually agreed or intended between the creditor and the debtor shall be settled by the issuance of capital stock or funded debt or carried with no intention of making settlement.

(q) "Minor items" means any part of physical property which is not designated as a unit of property.

(r) "Nominally issued" as applied to certificates of capital stock or evidences of funded debt issued or assumed by the carrier means those which have been signed, certified, or otherwise executed and placed with the proper officer for sale, or pledged or otherwise placed in some special fund of the carrier, but which have not been sold.

(s) "Nominally outstanding" as applied to certificates of capital stock or evidences of funded debt issued or assumed by the carrier means those which after being actually issued have been reacquired by or for the carrier under such circumstances as require them to be considered as held alive and not retired.

(t) "Nonaffiliated companies" means all companies other than those defined as affiliated.

(u) "Noncarrier property" means property neither used in nor held for transportation service.

(v) "Nondepreciable accounts" are those in which are recorded the book cost of those classes of transportation property for which no charges to operating or other accounts for depreciation are permitted.

(w) "Premiums" as applied to securities issued or assumed by the carrier means the excess of the current money value of the consideration received at their sale over the sum of their par or face value plus interest or dividends accrued at the date of the sale.

(x) "Property retired" means physical property which has been permanently withdrawn from transportation service.

(y) "Retirement" as applied to physical property means the permanent withdrawal of the property from transportation service.

(z) "Replacement" means the installation of physical property in substitution for other property which has been retired.

(aa) "Service life" means the period of time between the installation of a unit of property and its retirement.

(bb) "Service value" is the book cost of property retired plus the cost to the carrier of demolishing the property and recovering the salvage, less the value of the salvage.

(cc) "Straight-line method" as applied to depreciation accounting means the plan under which the annual depreciation charge is computed by applying such percentage rates to the book cost of items of depreciable property as will distribute their estimated service value in equal annual charges as nearly as may be to operating expenses and other accounts over their service lives.

(dd) "These accounts" means the accounts of the particular group to which the instruction relates.

(ee) "Time of installation" means the date at which property is completed and placed in transportation service.

(ff) "Time of retirement" means the date at which property is permanently withdrawn from the transportation service.

(gg) "Unit plan" means the plan under which depreciation charges are computed and the records maintained so that the total amount of depreciation accruals applicable to each unit can be determined.

(hh) "Value of salvage" means the amount received for transportation property retired and disposed of, or the amount at which material recovered will be charged if reused. In the event property is sold before it has reached the end of its useful life the amount received from the sale, less the expenditures incurred in connection therewith, shall be the value of the salvage.

3 Unaudited items.

When the amount of any item affecting revenues, expenses, or income cannot be accurately determined in time for inclusion in the accounts of the month in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts and debited or credited to the appropriate balance-sheet account. When the item is audited the necessary adjustment shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustment shall be made in the current accounts to cover such difference. The carrier is not required to anticipate items which would not appreciably affect the accounts.

4 Delayed items and adjustments.

Delayed items and adjustments except adjustments pertaining to account 150, "Depreciation reserve-Transportation property," arising during the current year which are applicable to prior accounting periods, shall be included in the same accounts which would have been credited or charged if the item had been taken up or adjusted in the period to which it pertained. When the amount of a delayed item, which is not an ordinary adjustment of a recurring nature, is relatively so large that its inclusion in income for the current year would seriously distort such income, the amount of the item shall be included in accounts 283 "Miscellaneous credits," or 285, "Miscellaneous debits," as appropriate.

5 Insurance.

(a) The amount of all insurance premiums paid in advance, other than those covering property under construction, shall be included in account 114, "Prepayments," and equitably distributed to the accounts of the period to which applicable except that minor premiums may be so distributed when audited. The cost of insurance shall be charged in accordance with the character of the loss or damage insured against.

(b) The following provisions apply if the carrier elects to insure its own risks and provides a reserve to equalize losses which may be sustained:

(1) The charges to the appropriate accounts and credits to the insurance-reserve account shall be upon the basis of rates which will fairly cover the risks insured. These rates shall be determined according to the carrier's experience and best estimates as to the hazard covered. The rates charged shall be reasonable and in no case shall they be in excess of commercial rates.

(2) Schedules of risks covered by the reserve shall be maintained giving a description of the property or the character of risks covered.

(3) If the carrier reinsures with insurance companies the risks initially covered by the insurance reserves, the premiums for such reinsurance shall be charged and amounts recovered from such commercial insurance shall be credited to the insurance reserve.

(c) The accounting in connection with claims covered by insurance shall be as follows:

(1) Units of property destroyed by casualties shall be accounted for as retired and the amount recoverable from insurance companies or chargeable to the insurance reserve shall operate to reduce the service value. No charge shall be made to the depreciation reserve for service value of property covered by insurance until the amount of insurance recovered has been exhausted; and correspondingly no profit from insurance shall be recognized unless an amount is recovered in excess of the net book value (book cost less recorded depreciation) of the property insured.

(2) The amount of claims covered by insurance shall be charged to account 166, "Claims pending." As the claims are completed and presented for collection, the amounts collectible shall be cleared from that account to account 108, "Claims receivable," and any uncleared balance in account 166, "Claims pending," with respect to such claim shall be cleared to the appropriate accounts to which chargeable.

7 Securities or other assets pledged.

The carrier shall maintain a record of securities or other assets owned, which have been pledged as collateral security for any of its funded debt, short-term loans, or other obligations. The record shall be kept in such manner as to show with respect to a particular obligation the identity of the securities or other assets pledged as collateral.

8 Interpretation of item lists.

List of "items" appearing in the texts of the accounts are given for the purpose of clearly indicating the application of the prescribed accounting rules. The lists do not comprise all items includible in the accounts, but merely are representative. On the other hand, the appearance of an item in a list warrants its inclusion in the account only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list.

9 Submission of questions.

To promote and maintain uniformity of accounting the carrier shall submit all questions of doubtful interpretation of the prescribed accounting rules to the Commission for consideration and decision.

11 Depreciation accounting.

The accounting for depreciation shall be in accordance with the following:

(a) *Computing and filing of depreciation rates.* (1) If percentage rates have not been prescribed, the carrier shall file with the Commission component annual percentage rates estimated to be applicable to the book cost of each class of depreciable transportation property owned by it. These percentage rates shall be based on the estimated service values and service lives developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to prospective future conditions. They shall be such that the service value of the property may be distributed under the straight-line method to operating expenses during its service life. The annual percentage rates, when filed, shall be accompanied by a statement showing the bases therefor and the methods employed in their computation.

(2) In the event annual percentage rates prescribed by the Commission are no longer considered currently applicable, the carrier shall file revised annual percentage rates which in its judgment should be established. Where property is acquired for which no rates have been prescribed, the carrier shall compile and submit to the Commission appropriate estimates.

(3) The carrier shall keep such records of depreciable property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property. The carrier shall at any time, upon direction of the Commission, compute and submit for approval revised percentage rates in cases where existing rates are deemed inapplicable.

(b) *Depreciation charges.* All depreciation charges to operating expenses, and concurrent credits to the depreciation reserve shall be made monthly. In computing such monthly charges and credits, the prescribed annual percentage rates shall be applied to the book cost recorded in the respective primary accounts as of the first of each month and the result divided by twelve.

(c) *Depreciation rates.* A separate component annual percentage rate for each class of depreciable property shall be used in computing depreciation charges. Such rates shall be those prescribed by the Commission, except that where no rates have been prescribed, the carrier's estimate shall be used until rates are prescribed.

(d) *Depreciable property accounts.* Depreciable property accounts are as follows:

141. Line equipment.
142. Harbor equipment.
143. Miscellaneous floating equipment.
144. Buildings and other structures.
145. Office and other terminal equipment.
146. Motor and other highway equipment.

(e) *Accrued depreciation.* At the time of retirement of depreciable property the amount of depreciation accrued and included in account 150, "Depreciation reserve—Transportation property," with respect to the particular unit or item retired shall be charged thereto. Any difference between the service value of the particular unit or item retired and the amount charged to account 150 shall be included in the appropriate income or retained income account.

(f) *Insurance recoverable.* When amounts are recoverable from insurance companies or chargeable to the insurance reserve in connection with retirement of depreciable property, the difference between the insurance recoverable and the net book value of the property (book cost less recorded depreciation) should be included in the appropriate income or retained income account.

(g) *Inadequate or excessive balance.* If it develops that the balance in the reserve is inadequate or excessive, the carrier may with approval of the Commission adjust the reserve and charge account 285, "Miscellaneous debits," or credit account 283, "Miscellaneous credits," as appropriate. The carrier's application to the Commission shall give full particulars.

(h) *List of accounting units of property.* (1) The following list of units of floating equipment and other transportation property is established for the purpose of designating items of physical property included in each depreciable

account, the book cost of which, if not less than $500, shall be credited to the respective property accounts at time of retirement. The replacement of items of property costing less than $500 shall be charged to the appropriate maintenance account and no adjustment is required of the property account. Upon application to the Commission a minimum lower than $500 may be authorized.

(2) The book cost of all property retired and not replaced shall be credited to the transportation property accounts.

(3) Accounting units of property shall include major units acquired as standby equipment such as a complete propulsion engine, boiler, propulsion motor, generator, etc. The carrier may include the cost of these standby units as part of the book cost of the units of floating equipment to which they apply or such standby units may be carried in a subaccount as a separate accounting unit.

I. FLOATING EQUIPMENT—VESSELS

141. Line equipment:

A barge, canal boat, ferry boat, lighter, motor ship, motor launch, power boat, power ship, sailing vessel, steamboat, steamship, tug boat, or other complete unit of floating equipment.

A complete propulsion engine, boiler, propulsion motor, or generator for propulsion power.

II. OTHER FLOATING EQUIPMENT

142. Harbor equipment:

A barge, car or other float, ferry boat, lighter, motor launch, transfer boat, tug boat, or other complete unit of floating equipment.

A complete propulsion engine, boiler propulsion motor or generator for propulsion power.

143. Miscellaneous floating equipment:

A float or other complete unit of floating equipment.

A complete propulsion engine, boiler, propulsion motor or generator for propulsion power.

A complete derrick, dredge, or pile driver.

III. TERMINAL PROPERTY AND EQUIPMENT

144. Buildings and other structures:

A complete building.

A complete platform not an integral part of a building. Complete paving at a terminal.

A complete fence.

A complete heating, lighting, ventilating, water-supply, air-conditioning, plumbing, or drainage system.

A complete elevator system.

A motor, generator, steam engine, pump, ventilating fan, air washer, elevator drum, machine tool, or similar item of equipment.

A fuel station.

A refrigerator plant.

A section of track.

A complete toilet-room equipment.

A dust-collecting system.

A complete slip.

A complete wharf.

A ferry bridge.

A float bridge.

A complete unit of machinery equipment for transferring and handling coal or ore.

145. Office and other terminal equipment:

Any article of furniture, office appliance, engineering instrument or other complete unit of equipment costing $500 or more.

146. Motor and other highway equipment:

A complete vehicle.

A motor.

A trailer.

A semitrailer.

12 Amortization of investment in leased property.

Under the conditions that improvements made by the lessee to leased property revert to the lessor at the termination of the lease, the amount of such improvements shall be amortized over the life of the lease through charges to account 413, "Amortization of investment—Leased property."

Balance-Sheet Instructions

21 Purpose of balance-sheet accounts.

The balance-sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, capital stock, and surplus or deficit of the carrier.

22 Current assets.

(a) In the group of accounts designated as current assets shall be included cash, those assets which are readily convertible into cash or held for current use in operations, current claims against others, and amounts accruing to the carrier which are subject to current settlement.

(b) There shall not be included in this group any item the collection of which is not reasonably assured by the known financial condition of the debtor. Items of current character but of doubtful value shall be written down or written off by charges to account 109, "Reserve for doubtful accounts." Items of a noncurrent character shall be included in account 170, "Other deferred assets," at an amount not in excess of a reasonable estimate of future value. If it is desired to retain a record of assets written off, they shall be recorded at a nominal value in account 170, "Other deferred assets."

23 Book cost of securities owned.

(a) Securities of others acquired by the carrier shall be recorded in these accounts at the money value, at time of acquisition, of the consideration given therefor by the carrier, but excluding amounts paid for accrued interest and dividends.

(b) The carrier shall write down such book cost in recognition of a decline in the value of the securities, but fluctuations in market values shall not be recorded. A permanent impairment in the values of the securities shall be recognized, and they shall be written down to a fair value, or written off if there is no reasonable prospect of future value. The amount of such adjustment shall be debited to account 285, "Miscellaneous debits."

(c) When securities with a fixed maturity date are purchased at a discount or premium (i.e., when the total cost, including brokerage, taxes, commissions, etc., is less or more than par), such discount or premium may be amortized over the remaining life of the securities, through periodic debits in the case of discount, and periodic credits in the case of premium, to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and with corresponding credits and debits to the account in which the interest income is recorded.

(d) No debits, however, shall be recorded in respect of discount upon securities held as investments, or in special funds, if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par value or the par value will not be collected at date of maturity.

24 Company securities owned.

Securities actually issued or assumed by the carrier which have been reacquired shall be either retired or if not retired, carried in accounts 191. "Reacquired and nominally issued capital stock," or 190. "Reacquired and nominally issued long-term debt," unless it is required by provisions of a mortage or by decision of a trustee, not subject to control by the carrier, that funded debt securities be retained alive in sinking or other special funds. Reacquired securities not retired shall be shown at par or face value.

25 Income from sinking and other reserve funds.

(a) When interest and other income arising from funds are required by the mortgage or other provisions to be held in the funds, the amounts shall be charged to the appropriate fund. If such fund was established by reservations of retained income, amounts so set aside shall be charged to account 286, "Miscellaneous reservations of retained income," and credited to account 260, "Retained income—Appropriated."

(b) Accretions representing interest, dividends, or other returns accrued on fund investments and retainable in such funds shall, at the time such accretions are charged to the fund, be credited to account 505, "Income from sinking and other special funds," and also charged to account 286, "Miscellaneous reservations of retained income," with concurrent credit to account 260. "Retained income—Appropriated."

26 Discount, expense, and premium on capital stock.

(a) Seperate ledger accounts shall be kept in which to record discount suffered, expense incurred, and premium realized at the sale of each class and series of capital stock issued, or assumed by the carrier; also in which to record general levies or assessments against stockholders for each class and series of capital stock against which levies or assessments are made.

(b) The debit balances in the ledger accounts for discount and expense shall be included in account 243, "Discount and expense on capital stock," and the credit balances in the ledger accounts for premiums, levies, or assessments shall be included in account 250–1, "Premiums and assessments on capital stock."

(c) Discount and expense on capital stock may be amortized by charges to account 285, "Miscellaneous debits," or discount and expense may be retained and carried in account 243 until the stock to which the discount and expense apply is retired. Premiums and assessments on capital stock shall be carried in account 250–1 until the stock to which the premiums and assessments apply is retired.

(d) When an issue of capital stock or any part thereof is reacquired, it shall be retired or carried in account 191, "Reacquired and nominally issued capital stock," at par, or if nonpar stock, at the pro rata proportion at which it is carried in account 240, "Capital stock", unless it is required that it be retained alive in sinking or other funds. The difference between the amount at which such reacquired stock was recorded in account 240, 'Capital stock,' and the amount paid by the accounting company for such stock, combined with the recorded premium or discount and expense in respect to the reacquired stock at the date reacquired, shall be included in account 250–2, "Paid-in surplus." In no event, however, shall net debits exceed the accumulated credits in account 250–2, "Paid-in surplus," applicable to the particular class of capital stock reacquired. Any excess of debits over the accumulated credits in account 250–2 shall be charged to account 285, "Miscellaneous debits."

(e) If reacquired capital stock is resold, the difference between the amount at which such stock is recorded in the accounts and the net sale price realized from its sale shall be included in account 250–2, "Paid-in surplus," except that debits to that account shall be limited to the accumulated credits therein applicable to that particular class of stock and any excess shall be charged to account 285, "Miscellaneous debits."

27 Discount, premium, and expense on long-term debt.

(a) Separate discount, premium, and debt expense ledger accounts shall be kept in which to include both discount suffered, premium realized, and expense incurred, in connection with the sale of each class and series of long-term debt (including receivers' and trustees' securities) issued or assumed by the carrier.

(b) Each month there shall be credited to each account in which there is a debit balance, such proportion (based upon the ratio of the period to the remaining life of the security) of the debit balance therein as is applicable to the period. The amounts thus credited shall be concurrently charged to account 530, "Amortization of discount on long-term debt." Correspondingly, each month there shall be charged to each account in which there is a credit balance a similar proportion of the credit balance therein applicable to the period. The amounts thus charged shall be concurrently credited to account 506, "Release of premium on long-term debt."

(c) Except as provided in instruction 44(i)(3), no part of the balance for discount, premium, and expense on long-term debt shall be included as part of the cost of acquiring property or part of the cost of operation.

(d) Except as otherwise provided in this instruction, the balance in each account shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based on the relation of the amount reacquired to the total outstanding before reacquirement) of the balance in the account for the particular class of long-term debt reacquired shall be closed to account 283, "Miscellaneous credits," or account 285, "Miscellaneous debits," as may be appropriate.

(e) In stating the balance sheet, if the net in the ledger accounts for all classes of long-term debt outstanding is a debit balance, the amount shall be included in account 174, "Debt discount and expense," and if a credit balance, the amount shall be included in account 231, "Premium on long-term debt."

28 Conversion of securities.

Journal entries which record the reacquirement of capital stock or funded-debt securities by issuing in exchange therefor the carrier's capital stock or funded debt securities, shall be submitted to the Commission for approval before they are spread upon the carrier's books. The text of such entries shall give complete information concerning the plan of exchange, the authority of the regulatory body with respect thereto, if any; and the basis upon which the amounts in the entries have been determined.

29 Contingent assets and liabilities.

(a) Contingent assets represent possible sources of value to the carrier contingent upon the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the carrier but are not obligations at the date of the balance sheet.

(b) Contingent assets and liabilities shall not be included in these accounts, but such records shall be kept as will enable the carrier to report all items of significant amount. If the contingent assets and liabilities become actual, they shall be included in the appropriate accounts herein, and prior to such time they shall be shown in a supplemental statement accompanying the carrier's balance sheet.

30 Reorganizations.

(a) Where a carrier involved in receivership or bankruptcy is so reorganized as to preserve in whole or in part the interests of its owners and creditors, whether through the owning corporation or a successor corporation, or is a company resulting from reorganization of a carrier in any other manner, and such carrier or company emerges from such reorganization as the owner of investments, it shall at the time of recording such investments on its books include in account 151, "Acquisition adjustment," the net difference between the total of accounts 100 to 191, inclusive, and the total of accounts 200 to 245, inclusive, as those accounts are properly adjusted under the reorganization plan.

(b) The carrier shall apply to the Commission for permission to use the adjustment account, so far as it is adequate, for the adjustment of all differences between amounts originally set up with respect to such investment items and the values of such items as finally determined; and retained income shall be affected only by losses and gains clearly attributable to operations subsequent to date of reorganization.

Property Instructions

41 Purpose of the property accounts.

The primary property accounts are designed to show an accounting analysis of the book cost of:

(a) Property owned and used by the carrier in its transportation service.

(b) Property owned by the carrier and leased to others for transportation service.

42 Basis of charges.

The costs includible in these accounts, except as provided in instructions 45 and 49, are actual money costs to the carrier. When the consideration for the acquisition of property is other than money, the current cash value of such consideration shall be recorded as the cost of the property acquired.

44 Cost of construction.

The cost of the construction of transportation property chargeable to these accounts shall include the following:

(a) "Cost of labor" includes the amount paid for labor performed by the carrier's employees. The salaries and expenses of engineers and other officers specifically assigned to construction work shall be included in the accounts appropriate for the cost of the property in connection with which their services are rendered. No charge shall be made to these accounts for the pay of operating officers and members of their staffs who merely render service incidentally in connection with construction work.

NOTE: The office, traveling, and other personal expenses of officers and employees shall be included in the accounts to which their pay is chargeable, except that traveling and incidental expenses incurred by operating officers and members of their staffs while rendering service incidentally in connection with construction shall be included in the cost of the work upon which they are incidentally engaged.

(b) "Cost of material, supplies, and small tools" includes the purchase price at the point of free delivery, plus costs of royalties, if any, inspection, loading, transportation, and an equitable proportion of store expenses.

In determining the cost of material used, proper allowance shall be made for the value of unused portions, small tools recovered and used for other purposes, and all other salvage.

NOTE: The cost of individual items of equipment of small value ($25.00 or less) or of short life, including small tools, shall not be charged to the cost of construction unless the correctness of the accounting is verified by current inventories, but shall be charged to operating expenses.

(c) "Special-machine service" includes the cost of material and supplies used in operating the carrier's machines and work equipment; it also includes expenditures for the rental, maintenance, and operation of machines and equipment of others.

NOTE: No charge shall be made to these accounts to cover a return upon the carrier's investment in special machines or work equipment used in construction service.

When special machines and work equipment are purchased for use in construction

work, their cost shall be included in account 149, "Construction work in progress." If the machines or equipment are sold at the completion of the work, their sale price shall be credited to account 149. In case they are retained for use in transportation service their appraised value at the completion of the work shall be charged to the appropriate property account and concurrently credited to account 149.

(d) "Cost of transportation" includes the amounts paid to other companies or individuals for the transportation of men, material and supplies, special-machine outfits, appliances, and tools in connection with construction.

NOTE: Freight charges paid other carriers for the transportation of construction material shall be included, so far as practicable, as a part of the cost of the material.

(e) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, engineering and supervision applicable to such work, costs incident to the award of the contracts, and inspection of the work.

(f) "Cost of protection" includes expenditures for protection in connection with construction.

(1) From casualties, including the cost of protection against fire, payments for discovery or extinguishment of fires, cost of detecting incendiaries including witness fees, amounts paid to municipal corporations and others for fire protection, and analogous items.

(2) From damages to others, including the cost of protecting the property of others from damage in the processes of construction work, and analogous items.

(g) "Cost of injuries and damages" includes expenditures on account of injuries to persons or damage to property when incident to construction. Such costs shall be included in the cost of the work in connection with which the injury or damage occurs, except that extraordinary losses that result in the destruction of units that have to be entirely replaced prior to completion of the project shall be charged to account 285, "Miscellaneous debits," and casualties to the extent covered by insurance shall be charged to account 166, "Claims pending"; also the portion of premiums paid for insuring against casualties applicable to the period prior to the completion of the property insured. The cost of injuries and damages in connection with the removal of old structures which are incumbrances on newly acquired land shall be included in account 147, "Land."

(h) "Taxes" on physical property belonging to the carrier including payroll taxes assessed during construction and before the facilities are used for transportation service shall be included in the accounts appropriate for the cost of the property so taxed.

(i) "Interest during construction" includes the net cost of borrowed funds used for construction purposes. Such interest shall be charged to the accounts appropriate for the cost of the property in connection with which the funds are expended. The period for which interest may be charged shall be limited to the period of construction. The interest includible in these accounts is:

(1) Interest on bonds, notes, and other evidences of indebtedness sold, and on interest-bearing debt incurred for the acquisition or construction of property for use in transportation service. It includes the interest accruing on that part of the debt representing the cost of property acquired (less interest, if any, allowed to carriers on unexpended balances) after such funds become available for use and before the completion of the property acquired. Interest accruing before the proceeds from the sale of the securities become available for use shall not be included in these accounts.

(2) There shall be deducted from such interest charges a proportion of premium on securities sold. The amount of premium thus deductible shall be determined by the ratio which the period between the date the proceeds from the securities issued become available and the completion of the property bears to the entire life of the securities issued.

(3) There shall be added to such interest charges a proportion of discount and expense on funded debt securities sold. The amount of discount and expense thus chargeable shall be determined by the ratio which the period between the date the proceeds from the securities issued become available and the completion of the property bears to the entire life of the securities issued. In no case except as provided in this paragraph shall discounts be included in these accounts.

(4) On expenditures made for a construction project that has been suspended, no interest charges from the date of suspension shall be included in these accounts unless specifically authorized by the Commission.

(j) The cost of disposing of material excavated, including privilege of wasting in connection with construction, shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

(k) The cost of launching and trial trips of floating equipment which is borne by the carrier shall be considered as part of the purchase price of floating equipment.

(l) When any equipment or other water-line property is acquired under an agreement which provides that the cost shall be paid in installments, the cost shall be charged to the appropriate property accounts at the time of its acquisition, in the same manner as the cost of property purchased outright. When notes or other securities are issued in payment, or in part payment, for such property and their value on a current cash basis is more or less than their face value, the difference between the face value of the securities and their cash value shall be charged or credited to the appropriate discount and expense or premium account.

45 Water-line property acquired.

(a) When transportation property constituting an operating unit or system is acquired by purchase, merger, consolidation or otherwise, the cost to the accounting carrier of the property acquired shall be included temporarily in account 151, "Acquisition adjustment." If the consideration is other than cash, the cash value thereof at the time control was acquired (estimated if not known) shall be the cost of the property acquired.

(b) When the assets acquired include not only transportation property but also securities and other assets, a reasonable estimate, as nearly as determinable of the value inherent in such securities and other assets, except intangible assets, shall be deducted from the total cash cost and the remainder shall be included in account 151, "Acquisition adjustment." The values assigned to the securities and other assets acquired shall be included in the accounts appropriate for such assets. The cost of intangible assets such as operating rights shall be retained in account 151, "Acquisition adjustment." (See account 223, "Amortization reserves—Intangible assets.") The par or recorded value of any securities issued and the cash value at date of contract of other liabilities assumed shall be included in determining the cost of the transportation property acquired with contra credit to the appropriate liability accounts. Any necessary adjustment between par value and cash value of securities issued shall be included in the appropriate premium or discount accounts.

(c) The accounting for the acquisition of transportation property shall be completed as follows:

The book cost of the physical property at the date of acquisition as shown by the records of the former owner shall be appropriately distributed and charged to the primary property accounts with contra credit to account 151, "Acquisition adjustment." Concurrently, account 150, "Depreciation reserve—Transportation property," shall be credited and account 151, "Acquisition adjustment," charged with the amount carried in the depreciation reserve of the former owner. Under no circumstances shall the amount charged to the primary accounts as the book cost of transportation property acquired exceed the original cost of the property when first devoted to transportation service.

(d) If the transportation property when acquired is in such physical condition that it is necessary substantially to rebuild the property in order to meet the standard required by the accounting carrier, the cost of such work shall be included in account 151, "Acquisition adjustment," and the distribution to primary accounts shall be deferred until the rehabilitation program has been completed so that the cost of the new property installed may be distributed to the appropriate primary account rather than the cost of the property retired.

(e) In connection with the acquisition of transportation property the accounting carrier shall procure all existing records relating to the property acquired or certified copies thereof and shall preserve such records until authorized by the Commission to destroy or otherwise dispose of them.

(f) Journal entries which record the acquisition of transportation property shall be submitted to the Commission for approval before they are spread upon the accounting carrier's books. The text of such entries shall give a complete description of the property acquired.

(g) Any balance in account 151, "Acquisition adjustment," is subject to such disposition as the Commission may direct.

46 Overhead construction costs.

(a) Overhead construction costs, such as engineering, supervision, legal expenses, insurance, injuries, damages, taxes, and interest shall be distributed equitably to the work benefited, so that the entire cost of construction, both direct and indirect, may be included in the appropriate primary account.

(b) These instructions shall be interpreted as requiring the assignment of the actual overhead costs to the cost of each particular project.

47 Retirements and replacements.

(a) *Book cost.* At the time of retirement, the book cost (estimated if not known) of transportation property retired from service, shall be credited to the appropriate property accounts in which included.

(1) Land retired including the proportional cost of public improvements pertaining to the land.

(2) Units of depreciable property retired.

NOTE: The dismantling of a structure or unit of equipment in order to replace parts with improved parts, the purpose of which is to modernize the unit and create an expectation of life fairly comparable with a new unit shall be accounted a retirement. The dismantling of such property only to the extent necessary to recondition or replace defective parts shall be accounted as repairs.

(3) Minor items of depreciable property retired and not replaced.

NOTE: If the book cost of a minor item retired is small, is not under a general plan, and in the judgment of the carrier does not affect the condition and value of the property for valuation or depreciation purposes, and will be accounted for by inclusion in the unit of property, of which it is a part when such unit is retired, no separate credit to the property account is required when such minor item is retired.

(4) Minor items of depreciable property retired and replaced with items of a different type or design or constructed of a different grade of material effecting a substantial improvement and rendering the part applied more durable or of greater capacity than that retired.

NOTE: If the retirement and replacement of minor items is in kind or does not effect a substantial improvement, the cost of the replacement including cost of removal shall be charged to the maintenance account appropriate for repairs, and no adjustment shall be made of the property accounts.

(b) The amounts thus credited to the primary property accounts shall be charged as follows:

(1) Units and minor items of property. The accounting for units and minor items of property accounted for as retired shall be in accordance with instruction 11(h).

(2) The value of salvage from retired property shall be charged according to the disposition of the material recovered. If retired property is held temporarily without being torn down, the estimated value of the salvage recoverable shall be included in account 170, "Other deferred assets," until the property is dismantled or otherwise disposed of. If retired property is held by the carrier for other than water-line service, its appraised value shall be included in account 160, "Noncarrier physical property."

(3) The cost of removal shall be included in determining the service value of property retired.

(c) *Land retired.* The book cost of the land, including the proportional cost of public improvements pertaining to the land, retired from service shall be credited to accounts 147, "Land," and 148, "Public improvements," respectively. If the land is sold, the necessary adjustment between the book cost and the sale price shall be included in account 508, "Profits from sale or disposition of property", or account 525, "Losses from sale or disposition of property", or retained income, as appropriate. If the land is retained, its appraised value shall be charged to account 160, "Noncarrier physical property," and the necessary adjustment included in account 508, "Profits from sale or disposition of property," or account 525, "Losses from sale or disposition of property," or retained income, as appropriate.

(d) *Sale of property.* In case carrier or noncarrier depreciable property is sold or otherwise disposed of and the net proceeds realized including insurance and salvage, are in excess of the net book value (book cost less recorded depreciation), such excess shall be credited to account 282, "Profits from unusual sales of property," or account 508, "Profits from sale or disposition of property," as appropriate.

48 Leased property.

(a) The cost of initial improvements (including rearrangements and additions) to property leased from others for transportation service made in the course of preparing the property for such service and the cost of any subsequent additions or improvements made to such leased property shall be charged to account 158, "Improvements on leased property."

(b) When improvements to leased property are of relatively minor cost or the lease is for a period not exceeding one year, the cost shall be charged to the appropriate repair account in operating expenses.

49 Donations.

(a) The carrier shall credit account 151, "Acquisition adjustment," at the time of acquisition, with the current money value of land and other grants contributed by governmental agencies or donations by individuals or companies toward the construction or acquisition of property used in transportation service, after obtaining the approval of the Commission.

(b) Any advances made by individuals and companies with provisions for partial or complete reimbursement shall not be considered as donations prior to the fulfillment of all conditions, and then only to the extent to which the liability for reimbursement is nullified. Prior to such determination the amounts received shall be credited to account 232, "Other deferred credits."

Surplus Instructions

51 Purpose of capital surplus account.

The capital surplus account is designed to show surplus arising from sources other than retained income.

52 Purpose of retained income account.

The retained income accounts are designed to show the changes in retained income during each calendar year as affected by the balance of the income account as reported for the period; by any disposition of retained income made solely at the option of the carrier; and by miscellaneous gains or losses not provided for elsewhere.

53 Segregation of surplus.

The carrier shall maintain account 250, "Capital surplus," account 260, "Retained income—Appropriated," and account 280, "Retained income—Unappropriated." If prior to January 1, 1942, a separation has not been maintained, the surplus shall be segregated, so far as practicable between capital surplus and retained income. The carrier shall carry any surplus that cannot be segregated in an account entitled "Surplus prior to January 1, 1942." The account so designated shall be carried until the balance therein has been entirely cleared.

Income Instructions

61 Purpose of income accounts.

(a) The income accounts are designed to show as nearly as practicable for each calendar year the amount of money that a carrier becomes entitled to receive for transportation services rendered, the income accrued upon investments in securities and noncarrier property, the accrued costs payable for the transportation services rendered, the amounts accrued for taxes, for use of moneys, and for use of properties of others.

(b) All items of profit and loss recognized during the year are includible in net income except those resulting from unusual sales of property and from delayed items (other than ordinary adjustments of a recurring nature), when the item of profit or loss is material in relation to net income for the year. Material items are those which, unless excluded from income accounts, would distort the accounts and impair the significance of net income for the year so that misleading inferences might be drawn therefrom.

62 Statement of income accounts.

The accounting for income shall be, as nearly as practicable, coincident with the transactions which create them. For the purpose of meeting this requirement, the carriers shall account for unaudited income upon an accrual basis.

Operating Revenue Instructions

71 Purpose of operating revenue accounts.

The operating revenue accounts are designed to show the amounts of revenue which the carrier becomes entitled to re-

ceive from the furnishing of transportation service, including service incidental thereto.

72 Statement of operating revenue accounts.

(a) The accounting for operating revenues, as nearly as practicable, shall be coincident with the transactions which create them. For the purpose of meeting this requirement, the carrier shall account for unaudited revenues upon an accrual basis.

(b) The revenue accounts shall not be used as clearing accounts for other carriers' proportions of revenue, except that overcharges or undercharges may be carried in these accounts until adjusted.

Operating Expense Instructions

81 Purpose of operating expense accounts.

The operating-expense accounts are designed to show expenses of the carrier in furnishing transportation service, and services incidental thereto including the expenses of maintenance (repairs, depreciation, and amortization) of the property used in such service.

82 Statement of operating expense accounts.

The accounting for operating expenses, as nearly as practicable, shall be coincident with the transactions which create them. For the purpose of meeting this requirement, the carrier shall account for unaudited expenses upon an accrual basis.

84 Maintenance expenses.

The accounts provided for maintenance are designed to show the cost of repairs, including the cost of replacing minor items of retired property in kind; the cost of supervision and inspecting and testing to determine the need of repairs, rearrangements, and inspecting and testing after repairs have been made. (See accounts 473, "Hull insurance and damage" and 477, "Other insurance," respecting repair costs borne by carriers under deductible provisions of insurance policies or otherwise not collectible from underwriters or others).

85 Cost of repairs.

(a) The cost of repairing fixed improvements or equipment shall be included in the appropriate repair accounts of this classification.

(b) The several items of cost here referred to are defined as follows:

(1) "Cost of labor" includes the pay and expenses for work performed by the carrier's employees, including the pay and expenses of members of vessel's crews while actually engaged in making or supervising repairs on vessels in inactive service.

(2) "Cost of material and supplies," including small tools, is the purchase price at the point of free delivery, plus the cost of inspection and loading borne by the carrier, and a suitable proportion of store expense; it includes freight charges paid to other carriers, but shall not include freight charges over the carrier's lines. Cash discounts on material purchased which can be directly assigned shall be credited to the cost of the materials to which they apply. Other discounts shall be apportioned on the basis of the apportionment of store expenses. In calculating the cost of materials, proper allowance shall be made for the value of unused portions and other salvage.

(3) "Cost of equipment work service" includes wages paid crews, including wages of crews held in readiness for such service; and the cost of fuel and other supplies consumed in the operation of equipment, including pile drivers, dredges, and other machines used in work service.

(4) "Contract work" includes amounts paid for repair work performed under contract by other companies, firms, or individuals, and costs incident to the awarding of the contract.

(5) "Cost of protection from casualties" includes expenditures for protection against fire, flood, etc., such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, including witness fees, amounts paid to municipal corporations and others for fire protection and protection against damages by floods, and analogous items. It does not include insurance premiums paid to assure reimbursement for prospective losses.

Balance Sheet Accounts

ASSET SIDE

CURRENT ASSETS

100 Cash.

This account shall include the amount of current funds available for use of demand or for general purposes in the hands of financial officers and agents or deposited in banks or trust companies including cash in transit for which agents or others have received credit.

NOTE: If the withdrawal of any portion of the cash recorded in this account is restricted for any purpose except the usual time limit for savings accounts, the balance sheet must carry an appropriate notation to that effect.

101 Imprest funds.

This account shall include cash funds maintained at fixed amounts as revolving funds to be used for minor disbursements requiring immediate payment, the funds being regularly reimbursed from the general cash.

102 Special cash deposits.

(a) This account shall include the amounts of cash on special deposit (other than in special funds or deposits as elsewhere provided) for the payment of dividends, interest, and other debts, of a current nature, when such payments are due one year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within one year from the date of the deposits; and other cash deposits of a special nature not provided for elsewhere.

(b) This account shall include also cash realized from the sale of the carrier's securities and deposited with trustees to be held until disbursed for the purpose for which the securities were sold, provided that cash so held until disbursed for such purpose, including cash held for redemption of securities, shall be included in account 124, "Other special funds," unless the liability for the disbursement is included under current liabilities.

NOTE A: Cash on deposit in special accounts, where the funds are available for the current requirements of the carrier, shall be included in account 100, "Cash."

NOTE B: Deposits for more than one year not offset by current liabilities shall be charged to account 125, "Special deposits."

103 Marketable securities.

This account shall include the book cost of readily marketable securities acquired for the purpose of temporarily investing cash, such as demand and time loans, including certificates of deposit, bankers' acceptances, United States Treasury bills, and other marketable securities readily converted into cash, but excluding securities of affiliated companies.

NOTE A: Securities issued or assumed by the carrier shall not be included in this account.

NOTE B: Investments in securities of other companies shall be included in the appropriate investment account unless they were purchased with the intention to sell them within one year, and they have not been held one year.

104 Traffic and car-service balances—Dr.

This account shall include the net of the balances receivable from or payable to other companies representing traffic and interline accounts, when such balance results in a net debit.

NOTE: When the net of the balances is a credit, it shall be included in account 203, "Traffic and car-service balances—Cr."

105 Notes receivable.

This account shall include the book cost not includible elsewhere of all collectible obligations in the form of notes receivable, or other similar evidences (except interest coupons) of money receivable on demand or within a time not exceeding one year from date of issue.

NOTE A: Notes receivable from affiliated companies subject to current settlement shall be included in account 106, "Affiliated companies—Notes and accounts receivable."

NOTE B: Notes discounted, sold, or transferred, unless transferred without recourse, shall be separately accounted for.

NOTE C: Notes evidencing investment advances to other companies shall be included in the appropriate investment account.

106 Affiliated companies; notes and accounts receivable.

This account shall include the total of amounts receivable from affiliated companies which are subject to current settlement, such as balances in open accounts for services rendered, material furnished, traffic or interline accounts, claims, rent for use of property, and similar items; interest and dividends due from affiliated companies; and loans, notes, and drafts for which affiliated companies are liable.

NOTE A: No amounts representing dividends receivable shall be included in this account unless they have been declared or guaranteed.

NOTE B: Investment advances shall be included in account 130, "Investments in affiliated companies."

107 Accounts receivable.

(a) This account shall include amounts due from others (except affiliated companies) for material and supplies furnished and services rendered, including transportation and other services, use of property, matured rents, amounts owing by public authorities, and amounts of collectible judgments.

(b) This account shall also include net balances in current accounts due from agents, masters, pursers, and other employees and representatives charged with the collection and custody of current revenues.

NOTE: Amounts of cash advanced to masters, pursers, or others as working funds shall be included in account 113, "Working advances."

108 Claims receivable.

This account shall include claims transferred from account 166, "Claims pending," including insurance claims which have been compiled and presented to underwriters for collection and other adjusted claims collectible within one year.

109 Reserve for doubtful accounts.

(a) This account shall be credited each month with amounts estimated as the loss due to uncollectible accounts. To this account shall be charged such amounts as are determined to be uncollectible. Amounts written off as uncollectible and later collected shall be credited to this account.

(b) The estimates shall be adjusted at the end of each year to conform to the experience of the carrier as determined by an analysis of its notes, accounts, and claims receivable.

110 Subscribers to capital stock.

This account shall include demand or short-term notes receivable or other amounts charged to subscribers to capital stock at the time subscriptions are accepted. Concurrently there shall be credited to account 241, "Capital stock subscribed," the par value of the stock subscribed, or the agreed purchase price in the case of stock without par value. Appropriate entries shall likewise be made with respect to any discount or premium. Payments made by subscribers shall be credited to this account.

112 Accrued accounts receivable.

This account shall include the amount of interest accrued to the date of the balance sheet on bonds, notes, deposits, open accounts, and other interest-bearing obligations, the amount of matured dividends, and dividends accrued on stocks when contracts require that the dividends be paid at stated times. It shall also include unmatured rents receivable and other unaudited current items receivable accrued to the date of the balance sheet. It is not required that minor items shall be accounted for upon an accrual basis.

NOTE A: No amounts representing interest, dividends, or rents receivable shall be included in this account unless collection thereof is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the carrier shall be included in this account.

NOTE C: Interest, dividends, and rents receivable from affiliated companies shall be included in account 106, "Affiliated companies—Notes and accounts receivable."

113 Working advances.

This account shall be charged with the amount of cash advanced to officers, employees, and masters, pursers, and other ship officers as working advances from which payroll, traveling, and other cash disbursements are to be made and accounted for. This account shall be credited, in the course of closing the voyage accounts and recording the transactions in the accounts, with all disbursements made with the approval of the master.

114 Prepayments.

This account shall include amounts representing prepayments of taxes, insurance, interest, rents, and miscellaneous. Deposits made to cover insurance premiums, such as premiums computed on payrolls, shall be considered premiums paid in advance.

This account shall be credited and the appropriate account charged in such manner as to distribute the amount of prepayment over the term to which applicable. Minor payments may be charged directly to final account.

115 Material and supplies.

(a) This account shall include the cost, less cash and other discounts, of all unissued and unapplied material and supplies, articles in process of manufacture by the carrier, fuel, tools, stationery, commissary and other supplies. This account shall include the cost of fuel on board vessels when such supplies are carried in the material and supplies accounts of the stores department. This account also shall include the cost of spare parts, except major standby units of the nature described in Instruction 11 (h) (3), which are to be included in appropriate property accounts.

(b) The costs chargeable to this account are the actual cash costs of the material and supplies at point of free delivery plus customs duties, excise and other taxes, insurance, inspection, special tests, loading and unloading and transportation charges paid for transporting the material from the free delivery point to the carrier's line.

(c) Amounts paid for containers, which are refundable if containers are returned, shall be charged to this account until refund is collected.

(d) Material recovered in connection with maintenance work or the demolishing of fixed improvements or equipment shall be charged to this account on the basis of its value as recovered. When scrap material is sold at a higher or lower price than that at which it is included in this account, the difference shall be adjusted, so far as practicable, through the accounts which were credited when the material was recovered and taken into this account.

NOTE A: Interest paid on material bills, the payment of which is delayed, shall be charged to account 529, "Interest on unfunded debt."

NOTE B: An annual inventory of material and supplies shall be taken and the necessary adjustments shall be made to bring this account into harmony with the actual inventory balances. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which such classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts.

NOTE C: No charges shall be made to this account for the cost of transporting material and supplies over the carrier's line.

116 Other current assets.

This account shall include the amount of assets of a current nature not includible in any of the foregoing current asset accounts.

SPECIAL FUNDS

122 Insurance funds.

(a) This account shall include cash cost of securities of other companies or governmental bodies, par value of reacquired stocks, bonds, or other evidences of indebtedness, issued or assumed by the carrier, and cost of other assets placed on deposit or in the hands of trustees to guarantee the satisfaction of obligations for losses, in instances where the carrier is a self-insurer in whole or in part.

(b) It shall also include accretions representing interest, dividends, or other returns accrued on insurance fund investments when retainable in such fund.

(c) Subsidiary accounts shall be maintained by depositories or trustees.

NOTE: Reacquired stocks, bonds, and other evidences of indebtedness issued or assumed by the carrier and held alive and not retired shall be considered to be nominally outstanding.

123 Sinking funds.

(a) This account shall include cash, cost of securities of other companies, par value of reacquired stocks, bonds, or other evidences of indebtedness, issued or assumed by the carrier, and cost of other assets placed on deposit or in the hands of trustees as a sinking fund to meet obligations maturing in the future, or to carry out such operations as the retirement of preferred stock or the purchase of serial bonds.

(b) It shall also include accretions representing interest, dividends, or other returns accrued on sinking fund investments when retainable in such fund.

(c) Subsidiary accounts shall be maintained by depositories or trustees, and under titles which shall designate the obligation in respect of which the fund is created.

NOTE: Reacquired stocks, bonds, and other evidences of indebtedness issued or assumed by the carrier and held alive and not retired shall be considered to be nominally outstanding.

124 Other special funds.

(a) This account shall include cash, cost of securities of other companies, par value of reacquired stocks, bonds, or other evidences of indebtedness, issued or assumed by the carrier, and cost of other assets, which are in the hands of trustees or managers of employees' pen-

sion, savings, relief, hospital, and other funds or any special funds for which no specific account is provided.

(b) It shall also include accretions representing interest, dividends, or other returns accrued on investments held in such funds when retainable therein.

(c) Subsidiary accounts shall be maintained for each fund by depositories or trustees.

NOTE A: Reacquired stocks, bonds, and other evidences of indebtedness issued or assumed by the carrier and held alive and not retired shall be considered to be nominally outstanding.

NOTE B: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employees' benefits shall be accounted for in accordance with the note to account 465, "Pensions and relief."

125 Special deposits.

This account shall include cash and cost of securities deposited to guarantee the performance of contracts and other agreements, or with utility corporations; also deposits in lieu of mortgaged property sold and other trust deposits, which are held until equivalent property is acquired or pending other disposition.

INVESTMENT SECURITIES

130 Investments in affiliated companies.

This account shall include the cost of the carrier's investment in securities issued or assumed by affiliated companies (other than securities held in special deposits or in special funds) including investment advances to affiliated companies.

NOTE A: Accounts with affiliated companies which are subject to current settlement shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B: No amounts representing interest or dividends on securities or investment advances shall be included in this account.

NOTE C: The value of securities borrowed by the carrier shall not be included in this account.

131 Other investments.

This account shall include the cost of carrier's investment in securities issued or assumed by nonaffiliated companies (other than securities purchased as temporary investments or held in special deposits or in special funds), including investment advances to nonaffiliated companies or individuals, and miscellaneous investments not provided for elsewhere.

NOTE A: Accounts with nonaffiliated companies which are subject to current settlement shall be classed as current assets or liabilities, as may be appropriate.

NOTE B: The value of securities borrowed by the carrier shall not be included in this account.

132 Reserve for revaluation of investments.

This account shall be credited with such reserves as are maintained to reflect the decline or loss in book value of securities or like assets held for investment where there appears to be a permanent impairment in value as recorded in accounts 130, "Investments in affiliated companies," or 131, "Other investments." If reserves are maintained for specific securities, when such securities are disposed of, the amount included in this account with respect thereto shall be charged hereto. If a general reserve is maintained for all securities when securities are disposed of, the amount of the loss to the extent of the credit balance herein, shall be charged hereto.

133 Cash value of life insurance.

This account shall include the cash surrender value of life insurance policies, under which the carrier is the beneficiary, less the amount of any loans which have been obtained on such policies and not repaid.

PROPERTY AND EQUIPMENT

140 Transportation property.

This account shall include the cost to the carrier of construction or acquisition, including additions and improvements, of all physical property used by the carriers or others in transportation operations, as detailed in the primary property accounts number 141 to 149, both inclusive.

141 Line equipment.

This account shall include the cost of marine or floating equipment, purchased or built by the carrier, for use in transportation service between terminals, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation to port at which it enters service.

LINE EQUIPMENT

Barges for line service.
Canal boats.
Ferry boats.
Lighters for line service.
Motor ships.
Motor launches.
Power boats.
Power ships.
Sailing vessels.
Steamboats.
Steamships.
Tug boats for line service.

APPURTENANCES, FURNITURE, AND FIXTURES

Aerial attachments.
Anchors.
Ash discharging apparatus.
Awnings and fixtures.
Berths.
Boats, life.
Boilers.
Boiler foundations.
Boiler tubes.
Brick, fire.
Cables.
Covering, floor.
Crockery, china and glassware.
Deck fittings and plates.
Dynamos.
Electric equipment and fixtures.
Engines.
Engine foundations.
Fixtures, electric.
Floor covering.
Flooring.
Furniture.
Galley equipment.
Generators.
Glass, window.
Heating equipment.
Hoisting apparatus.
Hose.
Hull plates.
Kitchen equipment.
Launches.
Life preservers.
Life rafts.
Life boats.
Lighting equipment.
Linens.
Machines.
Machine foundations.
Masts.
Musical instruments.
Pantry equipment.
Plumbing.
Propellers.
Pumps.
Refrigerator equipment.
Rigging.
Rotors.
Rudders.
Shafting.
Smokestacks.
Steam distribution system.
Steering equipment.
Tail shaft.
Tanks.
Telephone apparatus.
Tracks on floats.
Winches.
Windlasses.
Wireless apparatus.

142 Harbor equipment.

This account shall include the cost of marine or floating equipment purchased or built by the carrier, for use in harbor-transportation service, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation to port at which it enters service.

HARBOR EQUIPMENT

Barges for harbor service.
Car and other floats for harbor service.
Ferry boats.
Lighters for harbor service.
Motor launches.
Transfer boats.
Tug boats.

143 Miscellaneous floating equipment.

This account shall include the cost of marine or floating equipment purchased or built by the carrier for use in miscellaneous transportation service, including the cost of all appurtenances, furniture, and fixtures to equip it for service, and cost of inspection and transportation to the port at which it enters service.

MISCELLANEOUS FLOATING EQUIPMENT

Derricks.
Dredges.
Floats.
Pile drivers.
Row boats.

144 Buildings and other structures.

This account shall include the cost of fixed improvements purchased or built by the carrier for use in transportation service, such as buildings, wharves, docks, and other structures, including fixtures, machinery, appurtenances, and the cost of securing title and possession.

BUILDINGS, STRUCTURES, ETC.

Alarm systems.
Baggage rooms.
Bins for material.
Blacksmith shops.
Breakwaters for protection of structures.
Boilers.
Boiler rooms.
Boiler shops.
Buildings.
Bulkheads.
Carpenter shops.
Cisterns.
Coaling trestles.
Counters.
Cofferdams.

Docks.
Drainage systems.
Dredging.
Driveways.
Eating rooms.
Electric-light plants.
Electric wiring.
Elevators and machinery.
Fences.
Fire-alarm systems.
Fire-equipment houses.
Fire-extinguisher systems.
Foundations.
Foundries.
Freight houses.
Fuel stations.
Fuel storage tanks.
Garages.
General office buildings.
Generators.
Grain elevators.
Grain warehouses.
Greenhouses.
Heating plants.
Hedges.
Hose houses.
Hydrants.
Ice houses.
Lighting plants.
Lumber sheds.
Machine shops.
Motors.
Office buildings.
Paint shops.
Pavement within grounds.
Piers.
Piling.
Plumbing.
Pipe lines, interior.
Power plants.
Pumping stations.
Railings.
Refrigeration equipment.
Roofs.
Sewer systems.
Shelving.
Shops.
Sidewalks.
Slips.
Sprinkler systems.
Stables.
Steam and hot water distribution systems.
Storehouses.
Tracks.
Vaults.
Waiting rooms.
Washrooms.
Water-supply systems.
Watchhouses.
Wharves.

NOTE: The cost of movable equipment shall be included in account 145, "Office and other terminal equipment."

145 Office and other terminal equipment.

This account shall include the cost of all movable equipment and furniture of buildings and other fixed improvements devoted to transportation service.

SHOP EQUIPMENT

Acetylene-cutting and welding machines.
Anvils.
Assorted dies and blocks.
Beltings.
Bench vises.
Bolt cutters.
Boring bars.
Boring brasses.
Burning torches.
Cast iron face plates.
Chain blocks.
Charging boards (equipment for charging electric trucks).
Compressed-air apparatus.
Crosscut circular saws.
Die-stock ratchets.
Drill presses.
Drills.
Electric drills.
Emery grinders.
Forges.
Furnaces.
Hydraulic jacks.
Iron horses.
Lathes.
Magnetos.
Motors.
Mould filling brasses.
Paint burners.
Paint-spraying machines.
Pipe cutters.
Portable boring bars.
Portable electric grinders.
Power machines.
Power saws.
Propeller fans.
Punch and shears.
Reamers.
Riveters' hammers.
Saws.
Scales.
Scaling hammers.
Sewing machines.
Shapers.
Sledges.
Stamping tools.
Stationary engines.
Steam hammers.
Steam-test pumps.
Stencil machines.
Stillson wrenches.
Swedges.
Taper shanks.
Tools.
Torches.
Tube expanders.
Twist drills.
Twist-drill and tool grinder.
Ventilating set.
Wrenches.

OFFICE EQUIPMENT

Adding machines.
Addressing machines.
Billing machines.
Bins.
Blackboards.
Blueprinting machines.
Bookkeeping machines.
Bookcases.
Brief cases.
Cabinets.
Cages.
Calculating machines.
Call bells.
Cameras.
Carpets.
Chairs.
Check protectors.
Clocks.
Comptometer machines.
Coolers.
Costumers.
Counters.
Cuspidors.
Desks.
Dictaphones.
Dishes.
Display racks.
Drafting and engineering instruments.
Duplicating machines.
Electric cooking utensils.
Electric fans.
Filing cabinets.
Fire extinguishers.
Floor covering.
Floor scrubbing machines.
Freight handling equipment.
Guns.
Jardinieres.
Lamps.
Lockers.
Mailing machines.
Mimeograph machines.
Mirrors.
Motion picture projectors.
Numbering machines.
Photostatic equipment.
Pictures.
Polishing machines.
Printing press and printing equipment.
Racks.
Refrigerators.
Revolvers.
Rugs.
Safes.
Scales, mail or postal.
Settees.
Shelving, fixed or movable.
Smokeadors.
Stands.
Stools.
Stoves.
Tables.
Tableware.
Typewriters.
Vacuum cleaners.
Vending machines installed in station and office buildings.

WHARF EQUIPMENT

Canvas covers.
Canvas slings.
Cargo blocks.
Cargo chutes.
Cargo hooks.
Cargo rollers.
Chain slings.
Coal buckets.
Conveyors.
Cranes.
Crowbars.
Derricks, movable.
Drum hoisters.
Escalators.
Fire barrels.
Fire buckets.
Fire extinguishers.
Fire hose.
Freight-handling equipment.
Gangways.
Gas tanks.
Hand trucks.
Lift jacks.
Motor trucks, power driven.
Paper slings.
Platform scales.
Platform trays.
Pontoons.
Racks.
Rope.
Rope slings.
Scales.
Skids.
Stages.
Stalls for transportation of animals.
Tackles.
Tarpaulins.
Tents.
Tools, miscellaneous.
Tractors.
Trailers.
Truck trays.
Wharf fenders.
Wire falls.
Wire rope slings.

GARAGE EQUIPMENT

Air compressors and tanks.
Anvils.
Arbor presses.
Battery-charging outfits.
Belts, shafts, and countershafts.
Boring and reaming machines.
Car washing machines.
Cranes and hoists (portable).
Creepers.
Drill presses.
Electric equipment.
Engines and boilers.
Forges.
Gasoline and oil pumps and portable tanks.
Greasing racks and pumps.
Grinders.
Jacks.
Lathes.
Lockers.
Machine tools.
Motor-driven hand tools.
Oil reclaiming machines.
Paint sprayers.
Pneumatic tools.
Storage bins and shelving (portable).

Storeroom equipment (except office equipment).
Stoves.
Testing equipment.
Tire-changing equipment.
Tool racks.
Vises.
Vulcanizing equipment.
Weighing devices.
Welding apparatus.
Wheel pullers.
Work benches.

NOTE: Fixtures and appurtenances which form an integral part of a building or other structure shall be included in the cost of the structure.

146 Motor and other highway equipment.

This account shall include the cost of motor and other highway vehicles, and the cost of transportation to the carrier's line.

HIGHWAY EQUIPMENT

Automobiles.
Buses.
Lift vans.
Tractors, trailers, and semitrailers.
Trucks.

NOTE: Records shall be maintained in such manner as to show separately the cost of highway vehicles used in—

1. Transportation service subject to part II, and
2. Transportation service subject to part I and part III of the Interstate Commerce Act.

147 Land.

(a) This account shall include the cost of land used or held for use in transportation service, including:

(1) Cost of rights to occupy land permanently not purchased outright for transportation purposes.

(2) Cost of grounds for buildings and other fixed improvements and of the land for ingress to or egress from such grounds.

(3) Cost of "ground rents."

(4) Cost of riparian or littoral rights.

(5) Cost of removing and locating elsewhere the property of others (including cost of land for relocation of property when such cost is assumed by the carrier).

(b) Proceeds from the sale of timber or improvements purchased with the land, or minerals known to be in the land when purchased, less any cost of removal, shall be credited to this account.

DETAILS

1. Abstracts and guarantees of title.
2. Appraisals.
3. Commissions paid.
4. Compensation and expenses of land agents solely engaged in acquiring land.
5. Condemnation expenses, including court costs, and special counsel fees; also fees of parties appointed by the court to assess damages.
6. Costs, including agreed settlements, judgments, witness fees, and decreed court costs in proceedings to clear or defend titles against defects antedating the carrier's acquisition of property.
7. Cost of filling submerged or low land to establish a general level and grading land to render it usable for construction of fixed improvements.
8. Cost of making changes in or relocating property of others, when borne by carrier in order to secure permanent rights to locations, the cost of which is includible in this account; also the cost of securing sites for such relocations.
9. Ditches for waterways when part of consideration.
10. Easements, granting right of permanent occupancy of property for transportation service.
11. Lump-sum payments for right to use in perpetuity or for a period of years public property for transportation service. Such amounts paid for the right to use for a period of years only shall be amortized through account 486, "Water-line tax accruals," during the period of use.
12. Notarial fees.
13. Payments to vendors to secure release from restrictive provisions of original deeds.
14. Plats.
15. Premiums on condemnation bonds.
16. Recording deeds and easements.
17. Removal and relocation of buildings and other structures not purchased.
18. Surveys in connection with the purchase of the land.
19. Taxes and assessments for public improvements assumed at time of purchase.

NOTE A: When the acquisition of land for transportation service involves also the purchase of land not to be used for such purpose, the charges to this account shall be based upon the cost of the land purchased, less the estimated fair value of that portion which will not be so used.

NOTE B: The cost of land acquired for purposes other than transportation shall be included in account 160, "Noncarrier physical property." The cost of land acquired for which there is a definite plan for use in transportation service shall be included in account 149, "Construction work in progress," until the completion of the facilities constructed thereon.

NOTE C: Periodical payments for use of land for transportation purposes held under "ground rents" shall be charged to account 483, "Other operating rents."

NOTE D: When land with buildings thereon is acquired, each shall be separately appraised and the cost apportioned between the land and the buildings on the basis of such appraisals. If the removal of the buildings is contemplated, the cost of the land and buildings shall be accounted for as the cost of land and the salvage value of the buildings less the cost of removal if disposed of shall be deducted from the cost of the land.

NOTE E: Held for use referred to in paragraph (A) implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the land within a reasonable period of time.

148 Public improvements.

This account shall include amounts assessed on carrier property by governmental authority to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. It shall include also the cost borne by the carrier of public improvements constructed by it under governmental requirements.

DETAILS

1. Curbing streets and highways.
2. Drainage systems.
3. Flood protection.
4. Grade eliminations.
5. Grading streets and highways.
6. Guttering streets and highways.
7. Irrigation systems.
8. Levees.
9. Paving streets and highways.
10. Sewer systems.
11. Sidewalks.
12. Street-lighting systems.
13. Viaducts carrying streets and highways over terminal property.
14. Water works.

NOTE A: The cost to the carrier of assessments on carrier property for maintaining or renewing public improvements shall be included in operating expenses.

NOTE B: Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

NOTE C: When an assessment for the construction of public improvements is to be paid in installments over a period of more than one year, the full amount thereof shall be charged to this account when the assessment is levied and the amount of the deferred payments shall be appropriately credited to account 211, "Funded debt unmatured." The installments of the assessments shall be charged to that account as they become due and payable. Interest on the assessments shall be included in account 528, "Interest on funded debt."

NOTE D: Penalties imposed for failure to pay assessments within the allotted time shall be charged to account 529, "Interest on unfunded debt."

NOTE E: Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 160, "Noncarrier physical property."

149 Construction work in progress.

(a) This account shall include the cost of transportation property in process of construction and not completed at the date of the balance sheet. When any property, the cost of which has been included in this account, is completed, the cost thereof shall be credited to this account and charged to appropriate primary accounts of this classification provided for such property.

(b) The cost of land acquired for which there is a definite plan for use in transportation service shall be included in this account until the completion of the carrier facilities constructed thereon.

NOTE: It is not required that this account shall include the cost of construction work which is placed in service as the work progresses.

150 Depreciation reserve; transportation property.

(a) This account shall be credited with amounts charged to operating expenses to cover the estimated loss in service value of depreciable property. It shall be credited also with any amounts which the carrier may be authorized by the Commission to include in retained income. This account shall be subdivided so as to show separately:

(1) Depreciation reserve—transportation property.

(2) Past provision for amortization of defense projects.

(b) At the time of retirement of depreciable property the amount of depreciation accrued and included herein with respect to the particular unit or item retired shall be charged hereto.

151 Acquisition adjustment.

(a) This account shall include the difference between (1) the cost to the accounting company of water-line property acquired as an operating unit or system by purchase, merger, consolidation, or otherwise than in reorganization, and (2) the amount distributed to the primary property accounts, less amounts which may be credited to the depreciation and amortization reserves with respect to such property in accordance with instruction 45.

(b) This account shall also include the difference between the assets acquired and the par or recorded value of the accounting company's capital stock, plus its debts and other liabilities in respect of water-line property acquired in reorganization under the circumstances set forth in instruction 30.

(c) This account shall also include the cost of operating rights and other intangible assets. (See account 223, "Amortization reserves—Intangible assets.")

(d) This account shall be credited with donations or contributions in cash or property from governmental agencies, individuals, and others for construction purposes concurrent charges being made to the appropriate property or other asset accounts. (See instruction 49.)

158 Improvements on leased property.

(a) This account shall include the cost to the carrier of additions and improvements made to physical property leased from others and used in transportation operations.

(b) The carrier's records shall be so kept as to show the charges and credits to this account classified in accordance with the accounts for property owned.

159 Amortization reserve; leased property.

This account shall be credited with amounts charged to operating expenses to create a reserve to cover, at date of reversion of the leased property to the lessor, the cost of improvements thereon.

160 Noncarrier physical property.

This account shall include the cost to the carrier of land, structures, and equipment not used in transportation operations, including hotels, restaurants, power plants, equipment, and other property that is entirely distinct from the transportation property of the carrier and not operated in connection with or incident to its transportation operations.

161 Depreciation reserve; noncarrier physical property.

(a) This account shall be credited with amounts charged to account 523, "Expenses of noncarrier operations," to cover the depreciation of property included in account 160, "Noncarrier physical property."

(b) When depreciable noncarrier physical property is destroyed, sold, or otherwise retired from service, the amount included herein with respect to the property retired shall be charged hereto. In case the net proceeds realized, including insurance and salvage, are in excess of the net book value (book cost less recorded depreciation), such excess shall be credited to account 282, "Profits from unusual sales of property," or account 508, "Profits from sale or disposition of property," as appropriate.

DEFERRED ASSETS

166 Claims pending.

This account shall include claims in litigation and insurance claims in process of compilation or adjustment. After adjustment of claims, this account shall be cleared and the amounts receivable included in account 108, "Claims receivable." Deductible average insurance losses (if policies provide deductibles) shall be transferred at the same time to account 221, "Insurance reserves," provided the carrier accrues a reserve for such deductibles, otherwise the charge shall be made to the appropriate expense accounts.

170 Other deferred assets.

This account shall include noncurrent notes and accounts receivable, the settlement of which has been deferred beyond one year, or which by agreement are to run for more than one year from date of issue.

It shall also include the estimated value of salvage recoverable from property retired, when recovery is deferred for any reason; items of current character but doubtful value; funds on deposit with closed banks; advances to traffic associations and bureaus as working funds; and other deferred items not provided for elsewhere.

DEFERRED DEBITS

171 Incompleted voyage expenses.

(a) This account shall include all voyage expenses of incompleted voyages or other periods accrued and held in suspense until the voyage or period is completed, and the appropriate expense accounts are charged directly with such expenses. After each voyage or period has terminated, the expenses pertaining thereto shall be transferred to the appropriate operating-expense accounts. All voyage expenses may be recorded in the appropriate operating-expense primary accounts, and at the end of each month the balance relating to incompleted voyages may be transferred to this account with a reversal of the entries in the following month.

(b) This account shall also include the cost of food; deck, engine and steward department stores; buffet supplies; and fuel and other supplies on board vessels at the beginning of the voyage or period, when inventories are taken at the end of the voyage or period and charged to the succeeding voyage or period and credited to the completed voyage or period.

(c) When inventories are not taken at the end of each voyage or period, the value of vessel stores and supplies issued during the voyage or period shall be charged to the expenses of the voyage or period, and no adjustment is required until an inventory is taken.

174 Debt discount and expense.

(a) This account shall include the net total if a debit balance of all discount, expense, and premium accounts for long-term debt.

(b) When an issue of debt securities, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized discount and expense relating thereto, such amount, together with any premium paid in retiring the debt, shall be charged to retained income.

175 Other deferred debits.

(a) This account shall include the amount of debit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, such as:

Amounts paid for options pending final disposition;
Cost of preliminary surveys, investigations, or appraisals in connection with contemplated acquisition or sale of property or securities;
Debit balances in clearing accounts;
Commissions on tickets not honored;
Similar items, the proper and final disposition of which is uncertain.

(b) When the proper disposition of any item included in this account is determined, the amount thereof shall be credited to this account and concurrently charged to the appropriate account.

ORGANIZATION

180 Organization expenses.

(a) This account shall include expenditures incident to incorporation or other form of organization of the company.

(b) Include in this account:

Fees paid for the privilege of incorporation.
Legal and office expenses incident to organizing the company.
Cost of stock and minute books and corporate seal.
Cost of preparing and filing amendments to the certificate of incorporation.
Special counsel and other fees and expenses in mergers, consolidations, and reorganizations.

(c) Charges to income under a program to amortize organization expenses shall be credited to account 223, "Amortization reserves—Intangible assets."

NOTE A: This account shall not include discount upon securities issued or assumed; costs incident to negotiating loans, selling bonds or other evidence of debt; or discount, commissions and expense incident to the authorization, issuance and sale of capital stock.

NOTE B: When charges are made to this account for expenses in mergers, consolidations, or reorganizations, amounts previously included in this account on the books of the various companies shall not be carried over.

COMPANY SECURITIES

190 Reacquired and nominally issued long-term debt.

(a) This account shall include the par value of long-term debt of the carrier nominally issued or reacquired and held uncanceled by it, except debt held in sinking or other special funds.

(b) The difference between the par value of long-term debt and the amount paid therefor including commissions and expenses in connection with its reacquisition and the portion of unamortized premium, discount, and expense relating to the long-term debt reacquired shall be included in retained income.

(c) When reacquired long-term debt is resold, this account shall be cleared and the accounting for its sale shall be that provided for its original sale.

NOTE A: The provisions of this account shall apply to funded debt reacquired for sinking and other special funds.

NOTE B: Reacquired bonds and other evidences of indebtedness issued or assumed by

the carrier and not retired shall be considered to be nominally outstanding.

191 Reacquired and nominally issued capital stock.

This account shall include the par value of capital stock of the carrier nominally issued or reacquired and uncanceled, except when held in sinking or other special funds. If no par stock, it shall be charged at the pro rata proportion at which it is credited to account 240, "Capital stock." Stock having no par value classable as nominally issued shall be recorded by the number of shares.

NOTE: The accounting for the reacquisition and resale of capital stock actually issued or assumed by the company shall be in accordance with instruction 26 (d) and (e).

LIABILITY SIDE

CURRENT LIABILITIES

200 Notes payable.

This account shall include the face value of notes, drafts, and other evidences of indebtedness issued or assumed by the carrier (except interest coupons) which are payable on demand or not more than one year from date of issue.

NOTE: Notes payable to affiliated companies subject to current settlement shall be included in account 201, "Affiliated companies—Notes and accounts payable."

201 Affiliated companies; notes and accounts payable.

This account shall include the total of amounts payable to affiliated companies which are subject to current settlement, such as credit balances in open accounts for services rendered, material furnished, traffic or interline accounts, claims, rent for use of property, and similar items; interest and dividends due to affiliated companies; and loans, notes, and drafts which are payable to affiliated companies.

NOTE A: No amount representing dividends payable shall be included in this account unless they have been declared.

NOTE B: Items which are not subject to current settlement shall be included in account 213, "Affiliated companies—Advances payable."

202 Accounts payable.

(a) This account shall include amounts payable to others (except affiliated companies) for materials and supplies, and services received, including matured rents, amounts due to public authorities, amounts of payable judgments, current accounts with officers and employees, personal injury and property damage claims, and other similar items.

(b) This account shall also include amount of wages accrued at the date of the balance sheet; balances representing unclaimed wages; deductions from payrolls (except amounts payable to affiliated companies); outstanding drafts drawn by agents and others; amounts due sightseeing, hotel, or amusement companies for their services; and other items of the nature of demand liabilities.

203 Traffic and car-service balance—Cr.

This account shall include the net of the balances receivable from or payable to other companies representing traffic or interline accounts, when such balance results in a net credit.

NOTE: When the net of the balance is a debit, it shall be included in account 104, "Traffic and car-service balances—Dr."

204 Accrued interest.

This account shall include the amount of unpaid interest accrued to the date of the balance sheet actually outstanding on loans, funded debt and other interest-bearing obligations except interest accrued on obligations payable to affiliated companies.

NOTE A: This account shall be so kept that the carrier can report separately the amount of matured interest unpaid.

NOTE B: Interest payable to affiliated companies shall be included in account 201, "Affiliated companies—Notes and accounts payable."

205 Dividends payable.

This account shall include the amount of dividends declared on actually outstanding capital stock and unpaid at the date of the balance sheet.

NOTE: Dividends payable to affiliated companies shall be included in account 201, "Affiliated companies—Notes and accounts payable."

206 Accrued taxes.

(a) This account shall be credited each period with the amount of taxes accrued during the period, with concurrent debits to the appropriate accounts for tax charges. As credits to this account will necessarily be based upon estimates, they shall be adjusted from time to time during the year so that as nearly as possible the tax charge account may show the taxes applicable to the year. Payments of taxes for which accruals have been made shall be debited to this account. Prepayments of taxes shall be included in account 114, "Prepayments."

(b) The records supporting the entries to this account shall be kept to show separately the accrual of Federal income taxes, Federal old-age pension tax, unemployment compensation tax, and other taxes.

208 Accrued accounts payable.

This account shall include estimates of all unaudited items payable by the carrier to the date of the balance sheet which are chargeable to revenue, expense, or income and are in the nature of current liabilities. (See instruction 3.)

209 Other current liabilities.

This account shall include all liabilities of a current character not provided for in the foregoing accounts.

LONG-TERM DEBT DUE WITHIN ONE YEAR

210 Equipment obligations and other debt due within one year.

This account shall include the total amount of all funded obligations (except amounts due affiliated companies which shall be included in Account 213, "Affiliated companies—Advances payable") which are past due or which will mature within one year from the close of the accounting period and for which arrangements have not been entered into for an extension of time as to payment. This includes the portion of long-term debt maturing serially or payable in installments within one year.

LONG-TERM DEBT DUE AFTER ONE YEAR

211 Funded debt unmatured.

(a) This account shall include the total face value of funded debt, including bonds, notes, certificates and other evidences of indebtedness issued or assumed by the carrier and maturing more than one year from date of issue, which have not been reacquired and canceled.

(b) The amounts included in this account shall be further divided so as to show the amount of each class of funded debt, as follows:

(1) *Equipment obligations.* Equipment bonds or equipment notes, secured only by lien on specific equipment.

(2) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(3) *Collateral trust bonds.* Bonds and notes secured by lien on securities or other negotiable paper, and stock trust certificates that are similar in character to collateral trust bonds.

(4) *Income bonds.* Bonds which are a lien on a carrier's income alone, or bonds which, while being a lien on its property and franchises can claim payment of interest only in case interest is earned.

(5) *Miscellaneous obligations maturing more than one year after date of issue.* All funded obligations not provided for by the other subdivisions of this account, unpaid installment of assessments for public improvements, also notes, unsecured certificates of indebtedness, real-estate mortgages executed or assumed, and other similar obligations.

(6) *Receipts outstanding for funded debt.* When certificates are issued for amounts paid on account of funded debt, the face value shall be included in the account covering the class of funded debt for which the certificates are issued.

(c) A record shall be maintained for each class and series of funded debt showing:

Amounts authorized.
Amounts issued.
Amounts reacquired and canceled.
Amounts outstanding.
Date of issue.
Date of maturity.
Interest dates.
Rate of interest.

NOTE A: Advances from affiliated companies (except such as may be properly includible in account 201, "Affiliated companies—Notes and accounts payable") shall be included in account 213, "Affiliated companies—Advances payable."

NOTE B: Reacquired bonds and other evidences of indebtedness issued or assumed by the carrier and not retired shall be considered to be nominally outstanding.

212 Receivers' and trustees' securities.

When receivers or trustees acting under the orders of a court are in possession of the property of the carrier and under the order of the court issue evidences of indebtedness, or assume the payment of such indebtedness, the par value of such obligations shall be credited to this account.

NOTE: Reacquired securities issued or assumed by receivers or trustees and not retired shall be considered to be nominally outstanding.

213 Affiliated companies; advances payable.

(a) This account shall include the amount of advances from affiliated companies, whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement.

(b) This account shall be subdivided as follows:

Notes payable,
Open accounts not subject to current settlement,
Interest accrued on amounts included in this account not subject to current settlement.

NOTE: Amounts of advances which are subject to current settlement shall be included in account 201, "Affiliated companies—Notes and accounts payable."

RESERVES

220 Maintenance reserves.

(a) This account shall include balances representing reserves created for the purpose of equalizing the cost of repairs to vessels in line service or other floating equipment, also the cost of repairs to buildings and structures and dredging to deepen channels. When the repairs are made, their cost, to the extent of the provision herein, shall be charged to this account. The accruals credited to these reserves shall be based on the carrier's experience and class surveys of anticipated expenditures for major repairs.

(b) This account shall be kept to show the accruals for each vessel or other item of property for which provision is made.

221 Insurance reserves.

(a) Agreed amounts for marine hull and protection and indemnity insurance deductibles (if provided in the policies) or the carrier's proportion of self-carried insurance shall be charged for each voyage or period to the appropriate expense account and the corresponding credit included in this account. When the amount of deductible losses chargeable against each voyage or period is determined, it shall be cleared from account 166, "Claims pending," by a charge to this account.

(b) This account shall also be used for equalization of other insurance risks, such as self-carried workmen's compensation, public liability insurance, and loss and damage claims.

NOTE A: The records supporting the entries in this account shall be kept to show separately the transactions with respect to hull, cargo, and liability self-carried insurance or deductible costs, and each class of other insurance risks for which reserves have been created.

NOTE B: This account shall not include appropriations of retained income (surplus) which should be reflected in account 260, "Retained income—Appropriated."

222 Pension and welfare reserves.

This account shall include the book balances representing the liability of the carrier for the amount of the assets (whether contributed by the carrier, by the employees, or by others) in the hands of its treasurer, or of trustees or managers acting for it in the administration of employees' pension, savings, relief, hospital, and other association funds.

NOTE: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employees' benefits shall be accounted for in accordance with the note to account 465, "Pensions and relief."

223 Amortization reserves; intangible assets.

(a) This account shall be credited with amounts charged to account 527, "Miscellaneous income charges," which will equitably distribute the cost of intangible assets over a definite period. When an intangible asset is sold or relinquished, or otherwise expires or is abandoned, the reserve shall be charged with the balance therein with respect to such asset and the remainder of the cost of the asset shall be charged to account 527.

(b) This account shall be maintained so that a separate reserve is stated for each item of intangible property.

229 Other reserves.

This account shall include the net credit balances representing reserves created by accruals to the appropriate accounts in operating expenses to meet the probable liabilities not covered by other reserves. When the liability is determined, this account shall be cleared and amount payable credited to the appropriate liability account.

NOTE A: The records supporting entries in this account shall be kept to show separately the transactions with respect to each separate reserve.

DEFERRED CREDITS

230 Incompleted voyage revenues.

This account shall include all voyage revenues of incompleted voyages or periods accrued and held in suspense until the voyage or period is completed, if the appropriate revenue accounts are not credited directly with such revenue. After each voyage or period has terminated, the revenues pertaining thereto shall be transferred to the appropriate operating-revenue accounts. The carrier may, if it so elects, credit the appropriate primary revenue account with the revenue as recorded, and at the end of each month transfer the revenue so recorded from such primary accounts to this account by voyage totals and reverse the entries in the succeeding month.

231 Premium on long-term debt.

(a) This account shall include the net total if a credit balance of all discount, expense, and premium accounts for long-term debt.

(b) When an issue of debt securities, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, such amount shall be credited to retained income.

232 Other deferred credits.

(a) This account shall include the amount of all deferred credits not provided for elsewhere, such as:

Deposits by employees to assure the return of company property.
Credit balances in clearing accounts.

(b) This account shall include also the amount of credit balances in suspense accounts that cannot be entirely cleared and disposed of until additional information is received, such as:

Proceeds from passenger ticket sales representing tickets sold for future sailings or return portions of round-trip tickets.
Deposits on passenger, hotel, or shore excursion reservations, etc.
Proceeds from sales of damaged, unclaimed and over freight held awaiting claim.

(c) When the proper disposition of any item included in this account is determined, the amount thereof shall be debited to this account and concurrently credited to the appropriate account.

CAPITAL AND SURPLUS

240 Capital stock.

(a) This account shall include the total par value, or for stock without par value the money value of the consideration received, in respect to capital stock or other form of proprietary interest in the carrier which has been issued to bona fide purchasers and has not been reacquired and canceled, including the par value of capital stock nominally issued. It shall also include stock dividends representing appropriations of retained income. When capital stock is retired, this account shall be charged with the amount at which such stock is recorded herein.

(b) The credits hereto shall be divided as follows:

(1) Preferred stock (stocks having a preference or priority in respect to dividend participation).

(2) Common stock (stocks entitled to a dividend, if any, after preference stocks).

(c) A separate record shall be kept for each subclass showing the number of shares authorized by the articles of incorporation and amendments, the number of shares issued, the number of shares reacquired, the number of shares canceled, the number of shares outstanding, and their book value.

(d) The book value for nonpar stock reacquired shall be determined by a prorate of the amount recorded for shares of the particular subclass of stock of which the shares reacquired are a part actually outstanding immediately prior to the acquisition.

(e) In case capital stock is reacquired and held in the treasury or in sinking or other special funds, such stock shall be included in the appropriate accounts, in accordance with paragraphs (d) and (e) of instruction 26.

241 Capital stock subscribed.

This account shall include the amount of subscriptions to capital stock of the carrier. It shall be credited with the par value, or with the subscription price in case of stock without par value, exclusive

of accrued dividends, if any. Concurrently, a debit shall be made to account 110, "Subscribers to capital stock," for the agreed price and any discount or premium shall be included in the appropriate account. When properly executed stock certificates have been issued, this account shall be debited and account 240, "Capital stock," credited.

243 Discount and expense on capital stock.

(a) This account shall include all discount suffered and commissions and expense incurred in connection with the issuance and sale of capital stock. Records supporting the entries to this account shall be so kept as to show the discount, commissions, and expense on each class and series of capital stock.

(b) When capital stock is reacquired, the amount in this account with respect to the shares reacquired shall be credited hereto.

245 Proprietorial capital.

This account shall include the permanent investment by one or more proprietors in the business of a water-line carrier when organized as an unincorporated firm, copartnership or otherwise than as an incorporated company subject to change only by additional investments or by withdrawals of amounts invested.

NOTE A: Amounts payable to the proprietors as fair and reasonable compensation for services performed shall be charged to the appropriate operating expense or other accounts.

NOTE B: Income and surplus accounts shall be maintained and entries thereto shall be made in accordance with the provisions thereof.

NOTE C: Separate subaccounts shall be kept to show the equity of each member of a copartnership, and the transactions affecting the interest of each partner.

250 Capital surplus.

(a) This account shall include surplus arising from sources other than those provided under retained income.

(b) Subaccounts shall be maintained as follows:

250–1 Premiums and assessments on capital stock.

(a) This account shall include the excess of actual cash value of the consideration received over the par value and accrued dividends, of par value stock issued, together with assessments against stockholders representing payments in excess of the par or recorded values as included in account 240, "Capital stock".

(b) When capital stock is reacquired the amount in this account with respect to the shares reacquired shall be charged hereto.

250–2 Paid-in surplus.

This subaccount shall include such items as gains from retirement or resale of reacquired or donated shares of capital stock; from forfeiture of subscriptions; from debt of the carrier forgiven by stockholders; and from reduction of the par or recorded value of capital stock when approved by the commission.

This subaccount shall be charged with amounts included herein capitalized by stock dividends or otherwise; losses from retirement or resale of reacquired shares up to an amount not in excess of credits herein applicable thereto; and may be charged with the amortization of discount and expense on capital stock to the extent of credits herein applicable thereto.

250–3 Other capital surplus.

This subaccount shall include capital surplus as defined herein arising from other sources.

260 Retained income—Appropriated.

(a) This account shall include the net balance of appropriations of retained income for replacement of capital assets, debt retirement, and other special or funded reserves. It shall also include income accretions to such funds when retained therein.

(b) A subdivision of this account shall be provided for each reserve, the title of which shall indicate the purpose of the reserve.

280 Retained income—Unappropriated.

(a) This account shall include the net balance, either debit or credit, of unappropriated retained income arising from earnings. It shall not include credits from reductions of the carrier's capital stock or transfers from capital surplus without the approval of the Commission.

(b) The balance of all retained income accounts (281 to 288, inclusive) shall be closed into this account at the end of each calendar year.

BALANCE SHEET STATEMENT

Form of balance sheet statement.

ASSET SIDE

I. CURRENT ASSETS

100—Cash		$
101—Imprest funds		
102—Special cash deposits		
103—Marketable securities		
104—Traffic and car-service balances—Dr		
105—Notes receivable	$	
106—Affiliated companies—Notes and accounts receivable		
107—Accounts receivable		
108—Claims receivable		
109—Reserve for doubtful accounts		
110—Subscribers to capital stock		
112—Accrued accounts receivable		
113—Working advances		
114—Prepayments		
115—Material and supplies		
116—Other current assets		
Total current assets		

II. SPECIAL FUNDS

	Total book assets at close of year	Respondent's own issues included	
122—Insurance funds	$	$	$
123—Sinking funds			
124—Other special funds			
125—Special deposits			
Total special funds			

III. INVESTMENTS

130—Investments in affiliated companies	$	
131—Other investments		
132—Reserve for revaluation of investments		$
133—Cash value of life insurance		
Total investments		

IV. PROPERTY AND EQUIPMENT

140—Transportation property	$	
150—Depreciation reserve—Transportation property		$
151—Acquisition adjustment		
158—Improvements on leased property		
159—Amortization reserve—Leased property		
160—Noncarrier physical property		
161—Depreciation reserve—Noncarrier physical property		
Total property and equipment		

V. DEFERRED ASSETS

166—Claims pending	$
170—Other deferred assets	
Total deferred assets	

VI. DEFERRED DEBITS

171—Incompleted voyage expenses	$
174—Debt discount and expense	
175—Other deferred debits	
Total deferred debits	

ASSET SIDE—Continued

VII. ORGANIZATION

180—Organization expense	$

VIII. COMPANY SECURITIES

190—Reacquired and nominally issued long term debt	$
191—Reacquired and nominally issued capital stock	
Total assets	$

LIABILITY SIDE

IX. CURRENT LIABILITIES

200—Notes payable	$
201—Affiliated companies—Notes and accounts payable	
202—Accounts payable	
203—Traffic and car-service balances—Cr	
204—Accrued interest	
205—Dividends payable	
206—Accrued taxes	
208—Accrued accounts payable	
209—Other current liabilities	
Total current liabilities	

X. LONG-TERM DEBT DUE WITHIN ONE YEAR

210—Equipment obligations and other long-term debt due within one year	$

XI. LONG-TERM DEBT DUE AFTER ONE YEAR

	Total issued	Held by or for respondent	
211—Funded debt unmatured	$	$	$
212—Receivers' and trustees' securities			
213—Affiliated companies—Advances payable			
Total long-term debt			

XII. RESERVES

220—Maintenance reserves	$
221—Insurance reserves	
222—Pension and welfare reserves	
223—Amortization reserves—Intangible assets	
229—Other reserves	
Total reserves	

XIII. DEFERRED CREDITS

230—Incompleted voyage revenue	$
231—Premium on long-term debt	
232—Other deferred credits	
Total deferred credits	

XIV. CAPITAL AND SURPLUS

CAPITAL STOCK

	Total issued	Held by or for respondent	
240—Capital stock	$	$	$
241—Capital stock subscribed			
243—Discount and expense on capital stock			
Total capital stock			
245—Proprietorial capital			

CAPITAL SURPLUS

250—Capital surplus:	
1. Premiums and assessments on capital stock	$
2. Paid-in surplus	
3. Other capital surplus	
Total capital surplus	

RETAINED INCOME

260—Retained income—Appropriated	$
280—Retained income—Unappropriated	
Total retained income	
Total capital and surplus	
Total liabilities	$
NOTE: Amount of cumulative dividends in arrears	$
Amount of principal, interest, or sinking fund provisions of long-term debt in default	$

Retained Income Accounts

281 Net income balance.

This account shall include the net balance of the income accounts for the calendar year.

CREDIT ACCOUNTS

282 Profits from unusual sales of property.

This account shall include profits (excess of net proceeds over book cost less recorded depreciation) realized from unusual sales of carrier and noncarrier property when such profits are so material in amount that their inclusion in the income statement would impair the significance of net income for the year so that misleading inferences might be drawn therefrom. Ordinary profits or credit adjustments of a recurring nature incident to sale or other disposition of equipment or other property shall be included in income account 508, "Profits from sale or disposition of property."

283 Miscellaneous credits.

This account shall include amounts creditable to retained income, including amounts representing increases of resources, not properly assignable to other accounts. Among such items are:

1. Adjustments of depreciation reserve authorized by the Commission.
2. Cancellation of liability accounts (including unclaimed wages) written off because of carrier's inability to locate the creditor.
3. Credits resulting from adjustments required to bring to par long-term debt obligations issued or assumed by the carrier and reacquired at a cost less than par value.
4. Items, except unrefundable revenue overcharges, erroneously collected and retained on account of inability to make refund.
5. Profit derived from the sale of securities of others held as investments.
6. Delayed items and credit adjustments, other than ordinary adjustments of a recurring nature, including material adjustments of Federal income taxes. (See instruction 4, Delayed items and adjustments.)
7. Recovery of fines previously charged to Account 285, "Miscellaneous debits."
8. Remittances received from anonymous sources.
9. Unamortized premiums on long-term debt reacquired before maturity.

DEBIT ACCOUNTS

284 Losses from unusual sales of property.

This account shall include losses (deficiency between net proceeds and book cost less recorded depreciation) from unusual sales of carrier and noncarrier property when such losses are so material in amount that their inclusion in the income statement would impair the significance of net income for the year so that misleading inferences might be drawn therefrom. Ordinary losses or debit adjustments of a recurring nature incident to sale or other disposition of equipment or other property shall be included in income account 525, "Losses from sale or disposition of property."

285 Miscellaneous debits.

This account shall include amounts chargeable to retained income, including amounts not properly assignable to other accounts. Among such items are:

1. Adjustments of land values.
2. Book cost (in excess of reserve provisions) of improvements on leased property at time of reversion to lessor.
3. Debits resulting from adjustments required to bring to par long-term debt obligations issued or assumed by the carrier and reacquired at a cost exceeding par value.

4. Discount and expense on capital stock remaining unextinguished at the time of its retirement, in excess of the pro rata portion includible in account 250–2, "Paid-in surplus."

5. Adjustments of depreciation reserve authorized by the Commission.

6. Loss of funds due to bank failures.

7. Losses resulting from revaluation or sale of securities of others held as investments.

8. Delayed items and debit adjustments, other than ordinary adjustments of a recurring nature, including material adjustments of Federal income taxes. (See instruction 4, Delayed items and adjustments.)

9. Payments of liabilities previously written off through retained income.

10. Penalties and fines for violations of the Interstate Commerce Act, and other Federal or State laws when not specifically provided for elsewhere.

11. Unextinguished discounts and expenses on funded debt reacquired before maturity.

286 Miscellaneous reservations of retained income.

(a) This account shall include appropriations of retained income set aside in special reserve, including amounts appropriated to sinking fund and other special funds maintained by the carrier.

(b) Amounts charged to this account shall be credited to account 260, "Retained income—Appropriated." The use of this account is conditional upon the carrier's having an adequate credit balance in retained income.

287 Dividend appropriations of retained income.

(a) This account shall include amounts definitely declared payable from retained income as dividends on actually outstanding capital stock issued or assumed by the carrier, other than debenture stock. If a dividend is not payable in cash, the consideration shall be described in the entry with sufficient particularity to identify it.

(b) This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE: This account shall not include dividends on capital stock issued or assumed by the carrier and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or other special funds.

288 Federal income taxes assigned to retained income.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to profits and losses from sale of property and other amounts when, for accounting purposes, such amounts are recorded directly in retained income accounts.

Income Accounts

300 Water-line operating revenues.

This account shall include the total revenues derived from transportation service as detailed in primary operating revenue accounts number 301 to 355, both inclusive.

OPERATING REVENUE; LINE SERVICE

301 Freight revenue.

This account shall include the revenue accruing from the transportation of freight upon the basis of lawful tariff rates or special contracts.

Items to be credited:

1. Revenue upon the basis of local freight tariff rates.
2. The carrier's proportion of revenue upon the basis of just freight tariff rates.
3. Revenue from the transportation of mail matter and empty mail pouches at freight rates.
4. Arbitraries in the division of joint freight rates for such allowances as cargo insurance, and similar items.
5. Revenue from transportation of freight on basis of special contract excluding towing in line service for other regulated carriers.
6. Revenue from towing service performed for private carriers.
7. Revenue from charter rental of vessels to shippers when such rental is dependent upon the commodities and volume of freight transported.
8. Revenue from the transportation of automobiles at special rates when incident to the transportation of passengers.
9. The proportion accruing to the carrier of revenue from pools for the purpose of equalizing revenues.

Items to be charged:

1. Refunds of overcharges due to erroneous weights, measurements, rate classifications, or computations.
2. The carrier's proportions of refunds on account of errors in routing and billing.
3. The carrier's proportions of uncollected charges on lost, damaged, or destroyed shipments where neither shipper nor consignee is liable.
4. Foreign lines' proportions of overcharges assumed by the carrier under reciprocal rule establishing a voucher minimum.
5. Amounts payable for switching service and collection and delivery service when performed as part of the transportation of freight.

NOTE A: Other carriers' proportions of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to account 450, "Other terminal operations."

NOTE B: Other carriers' proportions of uncollected tariff charges paid by the carrier on freight lost, destroyed, or damaged in transit shall be charged to account 452, "Loss and damage—Freight," when not recoverable from insurance.

NOTE C: This account shall be maintained to show separately payments and allowances (a) to rail carriers, (b) to motor truck operators and others, and (c) allowances to shippers and consignees for collection and delivery service and switching service when performed at terminals as part of the transportation of freight on basis of tariff rates.

302 Passenger revenue.

This account shall include the revenue accruing from the transportation of passengers based upon lawful tariff fares.

The credits to this account shall appear under appropriate subheads as follows:

1. Revenue from transportation of passengers not including sleeping accommodations and meals.
2. Revenue from the rent of staterooms, berths in staterooms, and other sleeping and living accommodations.
3. Revenue from the sale of meals and food supplies.
4. Revenue from the transportation of passengers, including sleeping accommodations and meals (when not separable).

Items to be credited:

1. Revenue upon the basis of local fares.
2. The carrier's proportion of revenue from joint tariff fares.
3. Revenue from extra fares for limited service.
4. Revenue from mileage and scrip coupons honored.
5. Revenue from the transportation of corpses.

Items to be charged:

1. Redemptions of unused or partially used local passenger tickets.
2. The carrier's proportion of redemptions of unused or partially used joint tariff passenger tickets.
3. Refunds of overcharges resulting from collections in excess of lawful fares.

NOTE: No credits shall be included in this account for transportation, accommodations, and meals furnished employees.

303 Baggage.

This account shall include the revenue accruing from the transportation of baggage in excess of free authorized allowance; also the revenue from the transportation of packages, baby carriages, bicycles, animal pets, and other articles at other than freight or express tariff rates.

304 Mail.

This account shall include the revenue accruing from the transportation of mail at established rates for specific routes; from the use of special facilities; from bonuses for special mail transportation; and all other revenues accruing under the terms of general mail contracts with the Government.

Items to be charged: Fines and penalties imposed by the Government when not collected from agents or employees.

NOTE A: The revenue from the transportation of mail matter and empty mail pouches as freight shall be included in account 301, "Freight revenue."

NOTE B: When contracts with the Government provide specific amounts for the rent of mail facilities at stations, such amounts shall be included in account 342, "Other rent revenue."

305 Express.

This account shall include the revenue accruing from transportation of express matter and from the use of facilities on vessels and at stations incident to such transportation.

When a carrier transacts an express business through its regular organization, the revenue therefrom shall be credited to this account.

NOTE: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in account 342, "Other rent revenue."

306 Miscellaneous voyage revenue.

This account shall include the revenue earned by a carrier from sources incidental to transportation service and not provided for elsewhere.

Items to be credited:

1. Receipts from the sale of tobacco, cigars, cigarettes, beverages, mineral waters, ice cream, and buffet and bar supplies.
2. Receipts from the sale of books, periodicals, and other newsstand supplies.
3. Revenue from the rent of steamer chairs, rugs, and cushions.
4. Revenue from parcel rooms on vessels.
5. Revenue from weighing and vending machines on vessels.
6. Revenues from pay toilets on vessels.
7. Commissions from baggage insurance sold.
8. Tolls on radio messages.
9. Revenue from concession given to others to sell buffet and other supplies on vessels.

10. Revenue from the furnishing of exclusive service of stewardesses, stewards, or other vessel employees to passengers.
11. Revenue from barber or valet services rendered to passengers.
12. Revenue from telephone calls made from ship.
13. Revenue from refrigeration aboard vessels.
14. Revenue from special services by vessels in assisting other craft when aground, helping through cutoffs, catching vessels adrift, and other similar services.

312 Demurrage.

This account shall include per diem earned by the carrier for use of equipment on account of delay in excess of free time in loading and discharging cargo or releasing equipment.

313 Revenue from towing for regulated carriers.

This account shall include the revenue derived from services performed for other regulated water carriers in towing loaded or empty barges, and other similar equipment by line vessels.

NOTE A: Charges assessed against the carrier for whom such services are performed shall be included in account 429, "Outside towing expenses."

NOTE B: Revenue derived from towing performed for private carriers shall be included in account 301, "Freight revenue."

OTHER OPERATING REVENUE

320 Special services.

This account shall include the revenue from short excursions or special trips at lump-sum charges for such service between designated points.

321 Ferry service.

(a) This account shall include the revenue from the transfer by ferry of freight, passengers, vehicles, and livestock upon the basis of tariff rates for services performed.

(b) The credits to this account shall be recorded under appropriate subheads as follows:

1. Freight.
2. Passengers.
3. Vehicles and livestock.
4. Other.

REVENUE FROM TERMINAL OPERATIONS

331 Revenue from cargo-handling operations.

This account shall include the revenue derived from the performance by the carrier of stevedoring and other cargo-handling services for others, such as checking, tallying, receiving, transferring, delivering, coopering, and use of gear and equipment, including wharfage, transfer, handling and car loading and unloading when allowed as arbitraries in division of rates.

332 Revenue from tug and lighter operations.

This account shall include the revenue derived from services performed by the carrier for others by its tugs, lighters, barges, scows, launches, floating cranes, and similar floating equipment, including rental of equipment, arbitraries allowed in division of lighterage rates and demurrage on lighter and other harbor equipment.

333 Agency fees, commissions, and brokerage.

This account shall include revenue derived from agency fees, commissions, and brokerage covering services rendered to others when acting as agents for their vessels.

334 Miscellaneous operating revenue.

This account shall include revenue derived from shore operations incidental to the shipping business for which no other accounts are provided.

Items to be credited:

1. Revenue from advertising space in timetables, folders, and magazines.
2. Revenue from amusement parks.
3. Forwarding fees.
4. Revenue from clergy bureaus.
5. Revenue from commissions for collecting from employees premiums on insurance policies and installment payments for books, watches, etc.
6. Revenue from commissions received on ticket sales.
7. Revenue from garnishment fees.
8. Revenue from penalties for loss of baggage and parcel-check.
9. Revenue from operation of parcel rooms and lavatories at terminals.
10. Revenue from public telephone messages.
11. Revenue from sale of electricity.
12. Revenue from the sale of tariffs.
13. Revenue from sight-seeing tickets sold.
14. Revenue from storage of freight.
15. Revenue from ticket-validation agencies.
16. Revenue from vending machines at terminals.
17. Revenue from waste paper and old records sold.
18. Revenue from water sold.
19. Revenue from protective service such as refrigeration and precooling.
20. Insurance collections in excess of expenses applicable to maintenance or operation.
21. Revenue from watchmen's services.
22. Revenue from holding charges.
23. Revenue from terminal operations not provided for elsewhere.

RENT REVENUE

341 Revenue from charters.

(a) This account shall include the revenue receivable by the carrier under contract for the charter of its vessels to other carriers (or to shippers when the amount receivable for charter is not dependent upon the commodities and volume of freight transported) such as bare boat and time charters.

(b) The carrier shall include the charter revenue receivable under the contract in this account and shall include in the appropriate operating-expense accounts, the operating expenses, if any, incurred and borne by it in operating vessels so chartered.

NOTE: Charter revenue derived from rental of vessels to shippers where such revenue is dependent upon the commodities and volume of freight transported shall be included in account 301, "Freight revenue."

342 Other rental revenue.

This account shall include the amounts derived from rental or lease of terminal facilities by the carrier to others including dockage, side wharfage, top wharfage, use of doorways, lights, etc., including revenue from freight and passenger privileges over the carrier's wharves and docks.

MOTOR-CARRIER OPERATIONS

351 Motor-carrier revenue.

(a) This account shall include the operating revenues accruing to the carrier from the transportation of passengers, freight, express, and mail by motor vehicles operated in highway service in addition to or in lieu of services performed by vessels.

(b) The carrier shall maintain the primary revenue accounts prescribed by the Commission in the uniform systems of accounts for motor carriers of property and persons.

355 Interdepartmental credits.

If a carrier so elects, this account may include amounts which are credited to appropriate primary revenue accounts and concurrently charged to appropriate primary operating expense accounts representing interdepartmental items in connection with the operation of the carrier's terminal facilities while used by its own vessels in its own service. The carrier shall maintain subaccounts corresponding to the primary revenue accounts to which such credits shall be first allocated, and after closing the accounts, the amounts in these subaccounts shall be transferred to this account. In preparing and rendering reports to this Commission, the amounts in this account shall be omitted.

Small Carriers

CONDENSED REVENUE ACCOUNTS FOR SMALL CARRIERS

Accounts To Be Kept by Class A Companies	*Accounts To Be Kept by Class B Companies*
I. Operating Revenue—Line Service	I. Operating Revenue—Line Service
301. Freight revenue.	301. Freight revenue.
302. Passenger revenue.	302. Passenger revenue.
303. Baggage.	303. Other line service revenues.
304. Mail.	
305. Express.	
306. Miscellaneous voyage revenue.	
312. Demurrage.	
313. Revenue from towing for regulated carriers.	313. Revenue from towing for regulated carriers.
II. Other Operating Revenue	II. Other Operating Revenue
320. Special services.	320. Special services.
321. Ferry service.	321. Ferry service.

Small Carriers—Continued

CONDENSED REVENUE ACCOUNTS FOR SMALL CARRIERS—Continued

Accounts To Be Kept by Class A Companies	*Accounts To Be Kept by Class B Companies*
III. Revenue from Terminal Operations	III. Revenue from Terminal Operations
331. Revenue from cargo-handling operations.	331. Terminal revenues.
332. Revenue from tug and lighter operations.	
333. Agency fees, commissions, and brokerage.	
334. Miscellaneous operating revenue.	
IV. Rent Revenue	IV. Rent Revenue
341. Revenue from charters.	341. Charter and other rents.
342. Other rent revenue.	
V. Motor-Carrier Operations	V. Motor-Carrier Operations
351. Motor-carrier revenue.	351. Motor-carrier revenue.

OPERATING EXPENSES

400 Water-line operating expenses.

This account shall include the total expenses incurred in conducting transportation services as detailed in primary operating expense accounts number 401 to 495, both inclusive.

MAINTENANCE EXPENSES

401 Supervision.

This account shall include the pay of department heads and their assistants directly in charge of and engaged in maintenance, including clerks and attendants and the office and other expenses of the employees whose pay is chargeable to this account.

ITEMS

Auto service.
Books.
Directories.
Express charges.
Heat.
Ice.
Light.
Maps and plans.
Membership in association.
Newspapers.
Periodicals.
Photographs.
Supplies for cleaning.
Supplies for office.
Stationery and printing.
Telegraph and telephone.
Traveling expenses.
Wireless service.

NOTE: When department heads have direct supervision over other operating departments, the pay and expenses of their office shall be apportioned equitably over the departments under their supervision.

402 Repairs of floating equipment.

This account shall include the cost of material and labor expended in making repairs to vessels and other floating equipment directly attributable to replacement or restoration to a satisfactory condition of damaged and worn parts of vessels and other floating equipment, their machinery and fixtures comprising integral parts of such units.

The following is a representative list of items:

(a) *Repairs to hull.*
Beam frames, floors, girders, stringers.
Bulkheads and watertight.
Cargo lights and accessories.
Cargo ports and hatches.
Caulking decks.
Cost of surveys.
Credit for salvage material.
Deck houses, doors, windows, canvas decks, companionways, skylights.
Decks and superstructure.
Degaussing-Depermining, wiping and flashing.
Derricks, cargo cranes.
Dry-docking and painting bottom.
Fire and general alarm systems.
Hold stanchions and ladders.
Loud speakers.
Other mechanical work on deck fitting and appliances.
Other miscellaneous hull work.
Railings, port lights, scuttles, coal holes, and ventilators.
Rudder and attachments (including quadrant).
Sea chests and sea valves.
Shell plating, deck plating, bulkheads, casings, built-in tanks, tank tops.
Sluice gates, bilge suction systems, sounding pipes, scuppers, fire-main.
Sprinklers.
Steering-gear loads, sheaves, controlling gear.

(b) *Repairs to machinery.*
Air conditioning equipment.
All pumps, independent and attached to engine.
Ash-hoisting apparatus, discharge pipe and hopper.
Auxiliary condenser.
Boiler ash pans, ash guards and boiler repairs.
Boiler casting for furnace, connecting doors (labor).
Boiler furnaces and combustion chambers.
Boiler heads and shell.
Boiler smoke pipe, uptakes, furnace fronts.
Boiler tubes.
Boiler valves and mounting.
Blowers and airducts.
Capstans.
Cargo winches.
Dynamos and electrical fittings.
Electric generators and switchboards (including those for space occupied by machinery only).
Engine and boiler room floor plates and supporting structures.
Evaporators, distiller, filter tanks, donkey tank.
Hoisters.
Insulation on machinery, boilers, piping (not including sanitary lines, heating system, refrigerating or fresh water service).
Large ventilating fans.
Main condenser.
Main engine cylinders, pistons, valves, main engine parts, thrust bearings.
Piping fixtures, valves (not including sanitary, heating, refrigerator, or fresh water system).
Propeller, shafting and stern tube.
Refrigerating apparatus as far as loads to storage boxes.
Steering engine.
Windlass.

(c) *Repairs to fixtures.*
Brickwork on floors, tiling, asphalting cementing.
Drinking tanks, filters, fountains.
Emergency escape panel kickout.
Ice boxes, refrigerating pipes and insulation.
Labor and material on heating system, steam to galley and pantry.
Labor and material—sanitary, drains, fresh water, hand pumps, sinks.

(d) *Miscellaneous.*
All repairs to floating equipment not provided elsewhere. Towage of floating equipment to and from repair yards and docking and undocking.

NOTE: The cost of repairs resulting from casualties shall be charged to account 166, "Claims pending," when covered by insurance. See account 473, "Hull insurance and damage," with respect to amounts not recoverable from insurance companies.

404 Repairs of buildings and other structures.

This account shall include:

1. Cost of material used and labor expended in repairing fixed improvements of all classes, such as wharves, docks, and other landings or structures; pontoons, slips, sea walls, bulkheads, jetties, drydocks, and inclines thereto, including filling, strengthening, bracing, and painting.
2. Cost of repairing crib-work, racks, and bulkheads constructed for preserving the depth of water secured by dredging.
3. Cost of dredging to restore the depth of water.
4. Cost of repairs to guard and other piling, also cutting ice around docks and wharves to prevent damage, expenditures for protection against fire, and other expenses of a like nature.
5. Cost of repairs to general office and other buildings or structures, platforms, inclines to buildings.
6. Cost of repairing fixtures, machinery, and appurtenances.

Labor and material used in repairing the following:

Alarm system.
Arc lights.
Asbestos covering for boilers and pipes.
Asphalt.
Awnings.
Baggage rooms.
Bars and window.
Bins for material.
Blacksmith shops.
Boiler foundations.
Boiler rooms.
Boilers.
Boiler shops.
Boiler tubes.
Booths, telephone.
Bracing.
Breakwaters for protection of structures.
Buildings.
Bulkheads.
Canopies.
Carpenter shops.
Chutes.
Cisterns.
Coaling trestles.
Cofferdams.
Cord, window sash.
Counters.
Cross ties.
Docks.
Doors.
Door stops.
Drainage and sewage systems.
Drinking fountains.
Driveways.
Dynamos.
Eating rooms.
Electric light plants.
Electric wiring.
Elevators and machinery.
Express on repair material.
Faucets.

Fences.
Fenders, dock.
Fire buckets.
Fire houses.
Fire escapes.
Fire lines.
Fire sprinkler lines.
Floors.
Foundations.
Foundries.
Freight charges on repair material.
Freight cranes and derricks attached to buildings.
Freight house.
Fuel stations.
Garage buildings.
Gates.
General office buildings.
Grain elevators.
Grain warehouses.
Greenhouses.
Heating plants.
Hedges.
Hoisting engines for handling freight.
Hosehouses.
Hydrants.
Icehouses.
Lighting plants.
Lumber sheds.
Machine shops.
Office buildings.
Paint shops.
Pavement within grounds.
Paint and painting.
Partitions.
Piers.
Piling.
Pipe lines, interior.
Plumbing.
Power plants.
Pumping stations.
Railings.
Radiators.
Ramps.
Refrigeration plants.
Roofing.
Screens, window and door.
Shelving.
Shops.
Sidewalks.
Sprinkler systems.
Stables.
Stairs.
Steam and hot water distributing system.
Storehouses.
Skylights.
Toilets.
Tracks.
Vaults.
Ventilators.
Waiting rooms.
Wash bowls.
Wash rooms.
Watchhouses.
Water meters.
Water-supply systems.
Wharves.
Windows.
Window shades.

NOTE A: The cost of repairs of movable equipment of fixed structures shall be included in account 405, "Repairs of office and other terminal equipment."

NOTE B: The cost of repairs resulting from casualties shall be charged to account 166, "Claims pending," when covered by insurance. See account 477, "Other insurance" with respect to amounts not recoverable from insurance companies.

405 Repairs of office and terminal equipment.

This account shall include the cost of material and repair parts used and labor expended in repairing all movable equipment of building and other fixed terminal structures.

SHOP EQUIPMENT

Acetylene cutting and welding machines.
Anvils.
Assorted dies and blocks.
Belting.
Bench vises.
Blue printing machines
Bolt cutter.
Boring bar.
Boring brasses.
Burning torches.
Cages.
Cast iron face plate.
Chain blocks.
Charging boards.
Chisels.
Compressed-air equipment.
Crosscut saw.
Die stock ratchet.
Drill press.
Drills.
Electric drills.
Emery grinder.
Forges.
Furnaces.
Hydraulic jacks.
Iron horse.
Lathe.
Magnetos.
Motors.
Mould filling brasses.
Paint burners.
Paint spraying machine.
Pipe cutter.
Photostatic machine.
Portable boring bars.
Portable electric grinder.
Power machine.
Power saw.
Propeller fan.
Punch and shears.
Reamers.
Riveters' hammers.
Saws.
Scales.
Scaling hammers.
Sewing machines.
Shapers.
Sledges.
Stamping tools.
Stationary engine.
Steam hammer.
Steam-test pump.
Stencil machine.
Stillson wrenches.
Swedges.
Taper shanks.
Tools.
Torches.
Tube expanders.
Twist drills.
Twist drill and tool grinder.
Ventilating set.
Vises.
Wire cutters.
Wrenches.

OFFICE EQUIPMENT

Adding machines.
Addressing machines.
Billing and bookkeeping machines.
Blackboards.
Blueprinting machines.
Book cases.
Brief cases.
Cabinets.
Calculating machines.
Cameras.
Carpets.
Chairs.
Check protectors.
Clocks.
Comptometer machines.
Costumers.
Counters.
Desks.
Dictaphones.
Display racks.
Drafting and engineering instruments.
Duplicating machines.
Filing cabinets
Fire extinguishers.
Floor covering.
Floor scrubbing and polishing equipment.
Guns.
Lamps.
Linoleum.
Lockers.
Mailing machines.
Mimeograph machines.
Numbering machines.
Pictures.
Polishing machines.
Printing press and printing equipment.
Refrigerators.
Rugs and floor coverings.
Safes
Scales.
Settees.
Shelving, portable.
Stools.
Stoves.
Tables.
Typewriters.
Vacuum cleaners.
Vending machines.

WHARF EQUIPMENT

Airplane platforms.
Batteries.
Bumpers.
Canvas covers.
Canvas slings.
Cargo blocks.
Cargo chutes.
Cargo hooks.
Cargo rollers.
Chains.
Chain slings.
Coal buckets.
Conveyors and belts, castors and rollers.
Cranes, movable.
Crow bars.
Derricks, movable.
Drum hoisters.
Electric truck warehouse.
Escalators and castors, chains, and gears.
Fire barrels.
Fire buckets.
Fire hose.
Freight-handling equipment.
Gangplanks.
Gangways.
Gas tanks.
Hand trucks.
Hardware.
Lawn mowers.
Lift jacks.
Motor trucks, warehouse.
Mechanical parts for wharf equipment.
Paper slings.
Platforms.
Platform scales.
Platform trays.
Platforms, truck.
Pontoons.
Racks.
Rope.
Rope slings.
Scales, dock.
Seats.
Skids.
Tarpaulins.
Tents, canvas.
Tools, miscellaneous.
Tractors, warehouse.
Trailers, warehouse.
Trucks and truck bodies, warehouse.
Ventilator and heaters.
Wharf fenders.
Wheels.
Wire falls.
Wire-rope slings.

GARAGE EQUIPMENT

Air compressors and tanks.
Anvils.
Arbor presses.
Battery-charging outfits.
Belts, shafts, and countershafts.
Boring and reaming machines.
Car washing machines.
Cranes and hoists (portable).
Creepers.
Drill presses.
Electric equipment.
Engines and boilers.

Forges.
Gasoline, oil pumps, and portable tanks.
Greasing racks and pumps.
Grinders.
Jacks.
Lathes.
Lockers.
Machine tools.
Motor-driven hand tools.
Oil reclaiming machines.
Paint sprayers.
Pneumatic tools.
Storage bins and shelves (portable).
Storeroom equipment, except office.
Stoves.
Testing equipment.
Tire-changing equipment.
Tool racks.
Vises.
Vulcanizing equipment.
Weighing devices.
Welding apparatus.
Wheel pullers.
Work benches.

406 Repairs of highway equipment.

This account shall include the cost of labor, material, and other expenses incurred in the maintenance of highway vehicle and service equipment used in motor operations subject to parts I and III of the Interstate Commerce Act.

HIGHWAY EQUIPMENT

Automobiles.
Buses.
Lift vans.
Tractors, trailers, and semitrailers.
Trucks.

NOTE: The cost of repairing motor highway equipment subject to part II of the Interstate Commerce Act is chargeable to account 491, "Motor-carrier expenses."

407 Shop expenses.

This account shall include the cost of labor, material, and other expenses incurred in the operation of machine shops at which mechanical work is done.

ITEMS OF EXPENSE

Cleaning shops and yards.
Fuel, lubricants, etc.
Heat, light, and power.
Ice used in shops.
Portable hand tools of short life.
Supplies used in shops.

NOTE: When work done is chargeable to others, the expenses of operating the shop shall be included in a suspense account and only the carrier's proportion shall be cleared to this account.

408 Other maintenance expenses.

This account shall include all expenses incident to the maintenance of property used in transportation service for which no other account is provided.

DEPRECIATION AND AMORTIZATION

411 Depreciation; transportation property.

This account shall include the amount of depreciation charges applicable to the accounting period for all depreciable transportation property currently operated in the service of the carrier.

413 Amortization of investment; leased property.

(a) This account shall include the amount of amortization charges applicable to the accounting period relating to the carrier's investment in improvements on leased property.

(b) The amortization charges shall be computed to distribute as nearly as practicable the book cost of such investments in equal annual charges over the period of their useful life in the service of the carrier.

TRANSPORTATION EXPENSES

LINE SERVICE

421 Supervision.

This account shall include the pay of department heads and their assistants in charge of or engaged in the operation of vessels in line service, including the pay of clerks and attendants and office and other expenses of employees whose pay is chargeable to this account.

ITEMS OF EXPENSE AND SUPPLIES

Auto service.
Books.
Directories.
Express charges.
Heat.
Ice.
Light.
Maps.
Membership in associations.
Newspapers.
Painting signs on office doors.
Periodicals.
Photographs.
Supplies for cleaning.
Supplies for office.
Stationery and printing.
Telegraph and telephone.
Traveling expenses.
Wireless service.

NOTE: When department heads have direct supervision over other operating departments, their pay and expenses, and the pay and expenses of their employees, shall be apportioned equitably among the departments over which they have supervision.

422 Wages of crews.

This account shall include the wages of crews of vessels engaged in line service.

(a) *Deck department.* The pay of captains and all other employees of the deck department.

LIST OF EMPLOYEES

Boatswains.
Captains.
Carpenters.
Chief officers.
Deck hands.
Mates.
Pilots.
Portmen.
Quartermasters.
Sailors.
Seamen.
Watchmen, deck, cargo, and saloon.
Wireless telegraph operators.

(b) *Engineers' department.* The pay of chief engineers and all other employees of the engineers' department.

LIST OF EMPLOYEES

Assistant engineers.
Chief engineers.
Coal passers.
Electricians.
Firemen.
Oilers.
Plumbers.
Watertenders.
Wipers.

(c) *Stewards' department.* The pay of pursers and all other employees of the stewards' department.

LIST OF EMPLOYEES

Bakers.
Barbers.
Bellboys.
Butchers.
Cashiers.
Chefs.
Cooks.
Cruise directors.
Dishwashers.
Doctors.
Entertainers.
Food checkers.
Hostesses.
Messboys.
Messmen.
Musicians.
Nurses.
Pantrymen.
Porters.
Printers.
Pursers.
Scullions.
Stewardesses.
Stewards.
Storekeepers.
Telephone operators.
Waiters.

NOTE: When vessels are laid up in inactive service, the pay of the crews while engaged in repair work shall be charged to the appropriate accounts for repairs. If not engaged in repair work, the pay of the crews shall be charged to account 433, "Lay-up expenses."

423 Fuel.

This account shall include the cost of coal (including trimming when purchased f.o.b. lighters), oil, wood, and other fuel used for generating power, heat, and light on vessels in line service. This account shall also include the cost of analyzing or testing the quality of ships' fuel.

NOTE: When vessels are laid up in inactive service, the cost of fuel consumed during such period shall be charged to account 433, "Lay-up expenses."

424 Lubricants and water.

This account shall include the cost of oil, grease, tallow, graphite, and other lubricants; also of water and cost of analyzing and treating water for boilers of vessels in line service.

NOTE: When vessels are laid up in inactive service, the cost of lubricants and water used during such period shall be charged to account 433, "Lay-up expenses."

425 Food supplies.

This account shall include the cost of food furnished to the stewards' department of vessels in line service and consumed by officers, crew, and passengers, including cost of delivery on board and inspection.

LIST OF SUPPLIES

Bread.
Butter.
Cakes.
Cereals.
Cheese.
Coffee.
Condiments.
Crackers.
Cream.
Dry provisions.
Eggs.
Extracts.
Fish, fresh, salted and canned, shell, and frozen.
Flour.
Fruits, fresh, preserve and dry.
Groceries.
Honey.
Ice cream.
Ices.
Jams.
Jellies.
Juices, fruit, berry, and vegetable.
Milk.
Molasses.
Meats, fresh, salted, and prepared.
Nuts.
Olives.
Pickles.
Poultry.
Preserves.
Relishes.
Rolls.
Salt.
Sauces.
Sugar.
Spices.
Tea.
Vegetables, fresh, and canned.
Yeast products.

NOTE A: Food, such as fruit, ice cream, ices, etc., sold as buffet supplies shall be charged to account 427, "Buffet supplies."

NOTE B: When vessels are laid up in inactive service, the food consumed during such period shall be charged to account 433, "Lay-up expenses."

426 Stores, supplies and equipment.

This account shall include the cost of stores, supplies and equipment used by the deck department, the engineer's department, and the stewards' department of vessels in line service.

DECK AND ENGINEER'S DEPARTMENT

Acids.
Alcohol.
Ammonia.
Antiseptics.
Asbestos.
Ash bags.
Asphalt.
Atomizers.
Axes.
Babbitt metal.
Badges.
Barometer charts.
Batteries.
Beeswax.
Bits.
Blocks.
Boiler compound.
Bolts.
Borer.
Braces.
Brass sheet.
Bricks.
Brooms and brushes.
Buckets.
Bulbs, electric light.
Burlap.
Buttons for uniforms.
Calipers.
Can, squirt.
Candles.
Cans oil.
Canvas.
Caps.
Carbonic acid gas.
Carbons, searchlight.
Cement.
Chalk.
Charts.
Cheesecloth.
Chemicals.
Chisels.
Clamps.
Coal bags.
Coils.
Cost of delivery on board of stores.
Couplings, hose and pipe.
Cups, oil and grease.
Curled hair.
Dies.
Disinfectants.
Drayage on stores.
Drills.
Drinking cups.
Dry cells.
Drugs and medicines.
Dusters.
Dustpans.
Elbows.
Electric plugs.
Emery.
Emery cloth.
Epaulets.
Extinguishers, fire.
Falls.
Files.
Filter sheets.
Fire clay.
Fire extinguishing supplies.
First-aid kits.
Flags.
Flashlights.
Freight or express charges on stores.
Funnels.
Fuses.
Gaskets.
Gasoline.
Gauze, wire.
Glass, ground.
Globes.
Glue.
Glycerine.
Grommets.
Halyards, signal.
Hammers.
Hand tools.
Hatchets.
Hinges.
Hooks.
Hooks, boat.
Hose, water, steam, and metallic.
Hydrometers.
Ice.
Kerosene.
Lampblack.
Lamp burners.
Lamp chimneys.
Lamp guards.
Lamp oil.
Lamp wicks.
Lantern globes.
Lead, red.
Lead, white.
Line.
Linseed oil.
Lumber for dunnage.
Mail bags.
Maps.
Marline.
Marline spikes.
Master's permit.
Matches.
Medical and surgical supplies.
Medicine.
Metal polish.
Mop wringer pails.
Mops.
Nails.
Nipples.
Nozzles, hose.
Nuts.
Oil.
Oxalic acid.
Packing.
Padlocks.
Pails.
Paint.
Paint remover.
Paper cups.
Paste, polishing.
Pennants.
Plugs, fusible.
Plugs, pipe.
Polish, metal and other.
Potash.
Powder, soap.
Pumice stone.
Putty.
Rags.
Rat traps.
Rivets.
Rockets.
Rope.
Sail needles.
Sand.
Sandpaper.
Sawdust.
Saws.
Screw drivers.
Screws.
Sheet rubber.
Shellac.
Shovels.
Signal oil.
Small tools.
Soap.
Soda ash.
Solder.
Soldering supplies.
Sponges.
Springs.
Staples.
Stoppers.
Tacks.
Tallow.
Tape.
Tar.
Telephone charges.
Thermometers.
Tin, sheets of.
Tobacco cloth.
Torches, blow.
Trowels.
Turpentine.
Twine.
Uniforms.
Valves.
Varnish.
Washers.
Waste.
Wicks.
Wire.
Wrenches.
Zinc, white.

STEWARDS' DEPARTMENT

Aprons, coats, caps, uniforms for employees.
Badges, waiters.
Bed sheets.
Bedding.
Blankets.
Books for library.
Bowls.
Chinaware.
Cooking utensils.
Counterpanes.
Covers, pillow and mattress.
Crew eating gear.
Crockery.
Dishes.
Drinking cups, paper.
Epaulets.
Floral or other decorations.
Fresh water for drinking.
Freight or express charges on stores.
Fuel for cooking.
Galley fuel.
Glassware.
Ice.
Kettles.
Kitchen utensils.
Linen.
Matches.
Mattresses.
Mattress covers.
Menu.
Musical instruments.
Music rolls.
Napkins.
Neckties.
Nut crackers.
Pans.
Paper cups, napkins, and towels.
Phonograph records.
Pillows and pillow cases.
Pots.
Radio tubes, batteries, and parts (for passenger entertainment).
Sheets.
Sheet music.
Silverware.
Slips, pillow.
Soap.
Stationery and post cards for passenger use.
Suits.
Tableware.

Tablecloths.
Toilet paper.
Toothpicks.
Towels and toweling.

NOTE: When vessels are laid up in inactive service, the cost of stores, supplies, and equipment consumed during such period shall be charged to account 433, "Lay-up expenses."

427 Buffet supplies.

This account shall include the cost of buffet supplies for vessels in line service.

LIST OF BUFFET SUPPLIES

Alcoholic beverages.
Candy.
Carbonic acid gas.
Cigarettes.
Cigars.
Fruit.
Ice cream.
Mineral water.
Periodicals.
Post cards.
Souvenirs.
Tobacco.

428 Other vessel expenses.

This account shall include expenses incurred incident to the operation of vessels in line service and not properly chargeable to other accounts.

ITEMS OF EXPENSE

Ashes, removal of.
Ballast expense.
Board and room allowance for crew on shore.
Canal tolls.
Capacity plans.
Carrier's proportion of expenses incurred in operating pools for the purpose of equalizing revenues.
Chronometers, rating.
Compass, adjusting.
Crew, transportation and cost of securing.
Emblems.
Fresh water.
Garbage service.
Inventory expense.
Launch hire.
Lights furnished from shore.
Masters, expenses of.
Medical examinations of ship personnel.
Payroll expense.
Pianos, tuning.
Postage and petties.
Rental of motion picture reels.
Rental of radio equipment.
Rental of submarine signal apparatus.
Seaworthy certificate.
Stationery and printing.
Steam furnished.
Taxi hire.

NOTE: When vessels are laid up in inactive service, such expenses shall be charged to account 433, "Lay-up expenses."

429 Outside towing expenses.

This account shall include amounts paid to others for towing services performed for the carrier by line vessels of others not under charter.

430 Wharfage and dockage.

This account shall include expenditures for the privilege of using docks, wharves, piers, trestles, or floats belonging to others, for loading and discharging cargo, and for mooring vessels in line service.

This account may be subdivided in order to allocate wharfage and dockage expenses between those incurred for boats and those incurred for barges.

NOTE A: Tollage charge assessed on cargo on a per ton basis for the privilege of handling freight over docks is chargeable to account 443, "Stevedoring."

NOTE B: When vessels are laid up in inactive service, the expenditures for wharfage and dockage incurred by such vessels during such period shall be charged to account 433, "Lay-up expenses."

431 Port expenses.

This account shall include expenses and charges incident to port service of vessels in line service.

LIST OF CHARGES

Anchorage dues.
Bridges, opening.
Brokerage, customs.
Buoy hire.
Cargo dues.
Certificates, loading and discharging.
Chamber of Commerce dues.
Clearance dues and fees.
Consular fees and tonnage charges.
Customhouse dues.
Customs house, overtime.
Entry dues and fees.
Fumigation.
Handling lines.
Harbor dues.
Health office dues and fees.
Lighthouse dues.
Mooring and unmooring.
Packet privileges.
Permit for loading and discharging.
Pilotage.
Port dues and taxes.
Quarantine expenses.
Running lines.
Sanitary dues.
Shifting vessels.
Stamp for manifests.
Stamp tax and stamp paper.
Tonnage dues.
Towage.
Tug operation or hire.
Watching vessel.

NOTE: When vessels are laid up in inactive service, the expenses incident to port service shall be charged to account 433, "Lay-up expenses."

432 Agency fees and commissions.

This account shall include amounts payable as fees, commissions, and brokerage to outside agents as sub-agents appointed to look after the carrier's operations and who are compensated on the basis of an allowance or charge for agency or attendance fee.

NOTE: The agency fees paid agents engaged exclusively in canvassing and soliciting traffic shall be included in account 457, "Outside traffic agencies."

433 Lay-up expenses.

This account shall include the pay of crews while not engaged in repairs of vessels which are laid up in inactive service, including the cost of fuel, food, stores, supplies, and equipment; port expenses, wharfage, dockage, and other expenses.

NOTE A: When vessels are laid up in inactive service undergoing repairs, the pay of crews while actually engaged in making repairs shall be charged to the repair account.

NOTE B: Expenses of vessels in an inactive status, for a limited number of days or awaiting cargo, etc., shall be charged to appropriate line-service accounts.

TERMINAL SERVICE

441 Supervision.

This account shall include the pay of department heads and their assistants in charge of or engaged in the operation of terminals, and their clerks and attendants, including office and other expenses of employees whose pay is chargeable to this account.

ITEMS OF EXPENSE AND SUPPLIES

Books.
Business-auto service.
Directories.
Express charges.
Fees and dues in associations having a direct or immediate relation to the operation of equipment in terminal service.
Heat.
Ice.
Light.
Maps.
Membership in associations.
Newspapers.
Periodicals.
Photographs.
Supplies for cleaning.
Telegraph and telephone.
Traveling expenses.
Wireless service.

NOTE: Where department heads have direct supervision over other operating departments, their pay and expenses and the pay of their employees shall be apportioned equitably among the departments over which they have supervision.

442 Agents.

This account shall include the pay of agents, clerks and attendants and other agency employees, and the office and other expenses of those engaged in operating stations, wharves, and docks.

OFFICE EMPLOYEES

Accountants.
Agents.
Assistant agents.
Baggagemen.
Bookkeepers.
Cashiers.
Charwomen.
Clerks.
Collectors.
Comptometer operators.
Messengers.
Porters.
Stenographers.
Telephone operators.
Tellers.
Ticket agents.
Typists.

WHARF EMPLOYEES

(When not chargeable to account 443, "Stevedoring.")

Cleaners.
Clerks.
Gatemen.
Roundsmen.
Timekeepers.
Warehouse foremen.
Watchmen.

ITEMS OF EXPENSE AND SUPPLIES

Advertising for help.
Books.
Brooms and brushes.
Business-auto service.
Changing combination of safes.
Cleaning offices.
Cleaning supplies.
Directories.
Express charges.
Heat.
Ice.
Light.
Licenses of ticket agents.
Maps.
Membership in associations.
Messenger service.
Newspapers and periodicals.
Office supplies.
Polish.
Telephone and telegraph.
Traveling expenses.
Uniforms for employees.
Weighing and inspection bureaus.

443 Stevedoring.

This account shall include the following:

(a) The pay of stevedores, foremen, and longshoremen, engaged in:

1. Loading, stowing, or unloading cargoes of vessels.
2. Breaking down piles on docks and loading trucks for trucking to vessels.
3. Breaking down cargoes in vessels and loading trucks for discharging cargoes.
4. Loading and discharging baggage, express, and mail.
5. Trucking from dock, lighters or cars to vessels or from vessels to dock, lighters, or cars.
6. Rigging and unrigging gear.
7. Operating escalators or conveyors.
8. Opening holds, placing skids and nets.
9. Closing holds, taking in skids, nets, etc.
10. Piling or trucking cargo discharged from vessels.
11. Winchmen, switchmen, and routers.
12. Installation of cargo battens, cargo trimmers, cattle fittings, grain fittings, shifting boards and dunnage, and heading cotton.
13. Loading and discharging lighters direct to and from vessels.

(b) The pay of laborers and clerks engaged in:

1. Receiving, delivering, checking, tallying, measuring, and weighing cargo.
2. Stenciling and marking cargo.
3. Coopering cargo.
4. Sorting cargo.
5. Tiering cargo received for shipment and high piling of discharged cargo.
6. Loading and unloading and sealing freight cars when performed by carrier.
7. Cleaning holds and tanks for reception of cargo.
8. Shifting cargo on docks and watching cargo.
9. Tollage charges assessed on cargo on a per ton basis for the privilege of handling freight over docks.

(c) Hire of cranes, derricks, stevedore gear and equipment, including cargo slings, hatch bridles, save-alls, tarpaulins, hatch tents, and heavy lift charges.

(d) Transportation, traveling time, and feeding of stevedores and longshoremen; demurrage on lighters awaiting cargoes or transfers; landing charges and collections; and shifting barges and lighters at terminals.

(e) Inspection of fruit, vegetables, cotton, grain, etc.

(f) Barrel hoops, staves, heads, and metal strips; cooperage supplies and material, crayon and chalk for marking; lumber for coopering; material for packing and tagging freight; hardware, sawdust, burlap, and shaving; and seals for cars.

(g) Cost of gasoline and other fuel used in operating wharf equipment.

(h) This account shall also include amounts paid to others covering the cost of labor, material, and hire of equipment in the checking, receiving, loading, and unloading of vessels including Federal old-age pensions and unemployment compensation taxes. Such expense paid to others shall be kept in a separate subaccount from amounts expended by the carrier for labor and supplies.

444 Precooling and cold-storage operations.

This account shall include all expenses in connection with the operation of plants for precooling and cold storage of freight shipments. It shall include the pay and expenses of engineers, mechanics, and other employees, and the cost of fuel, lubricants, electric power, salt, and other supplies consumed in the operation of the plants.

445 Light, heat, power, and water.

This account shall include the expenses of light, heat, power, and water used in operations, except as otherwise provided for, whether produced by the carrier or purchased from others.

446 Stationery and printing.

This account shall include the cost of all stationery, stationery supplies, printing, books, and blank forms used in connection with the operation of terminals, including capacity plans, cargo plans, stowage plans, waybills, tickets, baggage checks, bills of lading, etc.

For list of items see account 466, "Stationery and printing."

447 Tug operations.

This account shall include all expenses in connection with the operation of tugs employed in transfer service, including expenses in connection with the operation of lighters and other similar floating equipment employed in such service and engaged in handling, loading, transporting and discharging lightered cargo when not incurred in connection with line service operations.

NOTE: When tug operations are incurred in connection with line service operations, they shall be charged to account 431, "Port expenses."

448 Operation of highway vehicles.

This account shall include expenses incurred in the operation of highway vehicles in connection with the transportation of passengers, freight, express, or mail in connection with handling cargo or passengers in loading and unloading vessels.

ITEMS OF EXPENSE

Bridge and tunnel charges.
Ferriage.
Fuel.
Garage supplies and expenses.
Gasoline.
Labor cleaning and preparing equipment for service.
Loading or unloading vehicles.
Lubricants.
Medicine.
Pay of operators and helpers, including the time held for duty.
Water and other supplies.

NOTE: Operating expenses incurred by the carrier in transporting passengers, freight, express, and mail by highway vehicles operated in addition to or in lieu of performing line service by vessels shall be included in account 491, "Motor-carrier expenses."

449 Local transfers.

This account shall include amounts expended for transfer service in connection with the transportation of passengers, freight, express, or mail by others when such payments are not includible in account 301, "Freight revenue."

450 Other terminal operations.

This account shall include all expenses incident to operation of terminal for which no other account is provided.

TRAFFIC EXPENSES

456 Supervision.

This account shall include the pay of department heads and their employees in charge of or engaged in supervising the soliciting and advertising of traffic; also the office, traveling, and other expenses of employees whose pay is includible in this account.

ITEMS OF EXPENSE AND SUPPLIES

Books.
Business-auto service.
Cleaning supplies.
Directories.
Heat.
Ice.
Light.
Maps.
Newspapers.
Periodicals.
Stationery and printing.
Telegraph and telephone.
Traveling expenses.

NOTE A: The pay and expenses of commercial, city, district, and other agents, their clerks, and attendants engaged exclusively in canvassing and soliciting traffic shall be charged to account 457, "Outside traffic agencies."

NOTE B: When department heads have direct supervision over other operating departments, their pay and expenses, and the pay and expenses of their employees shall be apportioned equitably among the departments over which they have supervision.

457 Outside traffic agencies.

This account shall include the pay of commercial, city, district, and other agents engaged exclusively in canvassing and soliciting traffic; employees of their offices, traveling solicitors; and the cost of supplies, office, traveling, and other expenses of employees whose pay is included in this account.

Commissions paid to tourist agents and other companies for securing passengers, commissions and brokerage paid others for securing freight traffic, and fees paid outside agents engaged exclusively in canvassing and soliciting traffic shall also be included in this account.

458 Advertising.

This account shall include the pay and expenses of employees in connection with advertising for the purpose of increasing traffic, including expenses incurred in the preparation, printing, and distribution of advertising matter.

This account shall also include commissions paid outside advertising agents or firms.

NOTE: Amounts received from the sale of advertising space in timetable folders, shall be credited to account 334, "Miscellaneous operating revenue."

459 Other traffic expenses.

This account shall include expenses in connection with securing traffic not properly chargeable to other traffic accounts, including the cost of printing freight and passenger tariffs, classifications, and division sheets.

GENERAL EXPENSES

461 General officers and clerks.

This account shall include the pay of general officers not otherwise provided for and their assistants, clerks and at-

tendants, including salaries and fees of receivers and traveling and other expenses of such employees.

LIST OF OFFICERS

Auditor.
Auditor of Disbursements.
Auditor of Revenue.
Chairman of the Board.
Comptroller.
Executive Committee.
General Accountant.
General Auditor.
General Manager.
Local Treasurer.
President.
Purchasing Agent.
Receiver.
Secretary.
Transfer Agent.
Treasurer.
Vice-president.

LIST OF EMPLOYEES

Accountants.
Bookkeepers.
Cashiers.
Charwomen.
Chief accountants.
Cleaners.
Clerks.
Comptometer operators.
Elevator operators.
Janitors.
Key-punch operators.
Machine operators.
Messengers.
Paymasters.
Porters.
Secretaries of officers.
Statisticians.
Stenographers.
Telephone operators.
Traveling accountants.
Traveling auditors.
Typists.
Watchmen.

462 General office supplies and expenses.

This account shall include the office expenses of general officers, their clerks, and attendants.

ITEMS OF EXPENSE AND SUPPLIES

Atlases.
Books.
Brushes.
Brooms.
Cable tolls.
Changing combination on safes.
Cleaning offices.
Cloth towels.
Directories.
Express charges.
Fee for transportation of cash.
Heat.
Laundering.
Light.
Local messenger service.
Maps.
Paper drinking cups and towels.
Periodicals and newspapers.
Radio service.
Rent of general offices.
Repairs of rented general offices.
Reports of commercial standings.
Safety deposit box rent.
Tabulating machine rent.
Telegraph service.
Telephone service.
Uniforms and caps for porters, janitors, and watchmen.
Water.
Watchman service.

463 Law expenses.

This account shall include the pay of officers in charge of the law department; of solicitors and attorneys, their clerks and attendants; and fees and retainers for services of attorneys not regular employees of the carrier; also office and traveling expenses of such officers and of their clerks; cost of lawbooks, printing briefs, legal forms, testimony and reports. It shall also include cost of suits and payments of special fees, notarial and witness fees not provided for in other accounts; fees paid arbitrators for settlement of disputed questions, and law and court expenses not provided for elsewhere.

OFFICERS AND EMPLOYEES

Attorney.
Clerks.
Counsel.
General attorney.
General counsel.
General solicitor.
Law agent.
Law clerk.
Librarian.
Office and staff forces.
Patent attorney.
Solicitor.
Special counsel.
Tax attorney.

ITEMS OF EXPENSE AND SUPPLIES

Agreements, briefs, contracts, legal forms, and reports, cost of preparing and printing.
Arbitrator's services in settlement of disputed questions.
Collecting revenue and other accounts, law expense in connection with.
Cost of taking depositions.
Cost of testimony.
Cost of suits.
Court bonds.
Court expenses.
Drawing and recording agreements.
Fees and retainers of attorneys (not regular employees).
Law books.
Legal forms.
Legal reports.
Membership fees and dues in law associations.
Notarial fees not provided for elsewhere.
Office expenses.
Special fees.
Telegraph services.
Telephone services.
Witness fees not provided for elsewhere.

464 Management commissions.

This account shall include amounts payable as commissions and fees to other concerns acting for the carrier in supervising and managing its operations, in instances where the carrier does not maintain an operating organization.

NOTE: The customary agency fees, commissions, and brokerage paid general and subagents at outports shall not be included in this account.

465 Pensions and relief.

(a) *Pensions.* This account shall include pensions or gratuities paid out of the carrier's funds to retired employees or the heirs of former employees and the expenses incurred solely in connection therewith.

(b) *Relief.* It shall include premiums on policies under which employees are insured, and they or their heirs are the beneficiaries, and also expenses incurred and amounts contributed toward funds or other provisions for the relief of employees.

NOTE: If, under a contractual pension plan which definitely established the payment, of specific pensions to employees regularly retired for superannuation or disability, the carrier elects to set aside in an irrevocable trust fund each month amounts, determined through the application of equitable actuarial factors to the current payrolls, which, together with interest accruals thereon, will, as nearly as may be, meet its liabilities for the payment of pensions or for the purchase of annuities for employees upon their retirement, it shall concurrently charge to this account and credit to account 222, "Pension and welfare," amounts equal to those set aside in the trust fund. The carrier shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established.

Before adopting the accrual plan of accounting for pensions, the carrier shall inform the Commission of complete details of its pension plan, giving full statement of the facts which in its judgment establish an irrevocable contractual obligation for pension payments, together with actuarial formula under which it proposes to create its pension fund.

No charge to this account shall be made in anticipation of discretionary pension payments in the future.

466 Stationery and printing.

This account shall include the cost of stationery, office supplies, passes, printing, tabulating cards, books, and blank forms, including contracts, leases, and stationery and printing of law department not provided for elsewhere, except cost of law books and the cost of printing briefs, legal forms, testimony and reports for the law department.

STATIONERY AND PRINTING ITEMS

Arm rests.
Baskets, letter.
Binders.
Blank books.
Blotters.
Blueprint paper.
Calendars.
Carbon paper.
Cardboard.
Card, blank and printed.
Circulars.
Clips, paper.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying cloths.
Crayons.
Cross-section books.
Cross-section paper.
Dating stamps and ribbons.
Desk baskets.
Desk trays.
Drawing paper.
Electrotypes.
Envelopes.
Erasers.
Eyelet punches.
Eyelets.
Fasteners.
Filing cases.
Forms, blank and printed.
Glue.
Indexes.
Ink.
Inkstands.
Invoice books.
Lease blanks.
Ledgers.
Legal-cap paper.
Letter paper.
Letter presses.
Manifold paper.
Manifold pens.
Mending tissue.
Mucilage.
Mucilage brushes.
Notebooks.

Note paper.
Notice blanks.
Oil paper.
Order blanks.
Pads, blank and ruled paper.
Pad, ink.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paperweights.
Paper, writing.
Pass forms.
Paste.
Pay checks.
Pencil sharpeners.
Pencils.
Penholders.
Penracks.
Pens.
Perforators.
Pins.
Postage.
Profile books and paper.
Punches.
Ribbons.
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scissors.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Sponge cups.
Sponges.
Stamps, impression.
Tablets, blank and printed.
Tacks, thumb.
Tags.
Tape.
Telegraph blanks.
Tickets, time.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriter ribbons.
Wage tables.
Wastebaskets.
Water colors.
Wrapping paper.
Wringers, copying press.

NOTE: The cost of dictionaries, periodicals, and technical books shall be charged to the appropriate supervision account. The cost of law books, etc., shall be charged to account 463, "Law expenses."

467 Other expenses.

This account shall include expenses of a general nature not properly chargeable to other general accounts.

ITEMS OF EXPENSE

Annual audits or investigations.
Annual reports, printing and publishing.
Association membership fees and dues.
Bank charges for services.
Contributions.
Corporate and fiscal notices of general character.
Cost of valuations and appraisals.
Donations to local fire departments.
Donations to YMCA and similar institutions.
Election of directors.
Exchange, domestic, on checks cashed or deposited and drafts bought.
Fees and expenses paid directors.
Fees paid for collection of insured loss.
Loss by fire or burglary of funds, or from defalcation of employees when not recoverable from insurance.
Loss from acceptance of counterfeit money.
Notice of dividends.
Pay to former employees separated from service.
Premiums paid less cash surrender value of insurance on lives of officers when carrier is the beneficiary.
Stockholders' meetings.

CASUALTIES AND INSURANCE

471 Supervision.

This account shall include the pay, traveling and other expenses of the departmental heads and their employees in charge of or engaged in the supervision, adjustment, investigation and settlement of claims for loss and damage to cargo and baggage, damage to property, and injuries to persons.

NOTE: Legal expenses of conducting suits or settling claims arising in connection with insurance coverage shall be charged to the appropriate insurance accounts.

472 Baggage insurance and losses.

(a) This account shall include insurance premiums paid to insure against amounts payable for loss, damage, delays, or destruction of baggage and other personal property as well as amounts payable when not recoverable through insurance or from other carriers; also pay and expenses of adjusters of baggage claims or while engaged as witnesses in lawsuits.

(b) This account shall be credited with the net amount received from the sale of unclaimed or damaged baggage.

473 Hull insurance and damage.

This account shall include the cost of insurance to protect the carrier against loss or damage sustained in the operation of floating equipment in line service or terminal service due to marine accidents, perils of the sea, fire and other losses covered by usual hull insurance policies.

This account also shall include the cost of repairs to floating equipment arising from such causes borne by the carrier under the deductible provisions of insurance policies or otherwise not collectible from underwriters or others. The account may be charged each month with an amount estimated to be sufficient to meet the probable liability for deductibles or the carrier's proportion of self-carried risks with concurrent credit to account 221, "Insurance reserves," and this latter account shall be charged when the liability is determined. Amounts recovered from underwriters or others less expenses in connection with such recovery shall be credited to this account or to account 221, "Insurance reserves," as appropriate.

474 Cargo insurance, loss and damage.

This account shall include the cost of insurance to protect the carrier against loss and damage to cargo.

This account also shall include amounts payable for loss, damage, delay, or destruction of freight shipments not recoverable through insurance or from other carriers. The account shall include uncollectible freight charges payable on lost, damaged, or refused shipments, and costs of repacking and boxing damaged freight. The account may be charged monthly with an amount estimated to be sufficient to meet the probable liability for freight claims with concurrent credit to account 221, "Insurance reserves," and this latter account shall be cleared when liability is determined. Amounts receivable from the sale of refused, unclaimed and damaged freight shall be credited to this account or to account 221, "Insurance reserves," as appropriate.

475 Liability insurance and losses, marine operations.

This account shall include the cost of insurance to protect the carrier against losses resulting from injury and illness of crew and passengers on its vessels, crew repatriation, damage to property of others caused by carrier's vessels, and other losses covered by protection and indemnity or other marine liability insurance policies, as well as penalties imposed by governmental authorities.

This account shall also include (1) amounts payable by the carrier for damage to or destruction of property owned by others, but excepting freight and baggage entrusted to the company for transportation, and (2) payments and expenses connected with injuries or death of persons and employees which occur in connection with marine operations in performing transportation service when such payments and expenses are borne by the carrier under the deductible provisions of insurance policies or not otherwise collectible from underwriters or others. The account may be charged each month with an amount estimated to be sufficient to meet probable liability for personal injuries and property damage claims arising from marine operations with concurrent credit to account 221, "Insurance reserves," and this latter account shall be cleared when liability is determined.

476 Liability insurance and losses, nonmarine operations.

This account shall include the cost of insurance to protect the carrier against liability for claims of employees who are employed on shore such as stevedores, shop employees, fleet employees, general and branch office employees ordinarily covered by workmen's compensation insurance, and cost of insurance to protect the carrier against claims arising from public liability in connection with shore operations.

This account also shall include (1) amounts payable by the carrier for damage, arising from shore operations, to or destruction of property owned by others, but excepting freight or baggage entrusted to the company for transportation, and (2) payments and expenses connected with injuries or death of persons and employees which occur in connection with shore operations where such payments and expenses are borne by the carrier under the deductible provisions of insurance policies or otherwise not collectible from underwriters or others. The account may be charged each month with an amount estimated to be sufficient to meet the probable liability for personal injury and property damage claims arising from shore operations with concurrent credit to account 221, "Insurance reserves," and this latter account

shall be cleared when liability is determined.

This account shall include expenses of consultants, witnesses in connection with personal injury claims, payments to hospitals and payments to physicians, surgeons, and nurses attending injured shore employees or other persons injured in shore operations.

477 Other insurance.

This account shall include the cost of insurance to protect the carrier against loss or damage not provided elsewhere, such as fire, theft, collision, public liability and property damage insurance on motor vehicles; fire insurance on structures, machinery, and equipment; and burglar, fidelity, and holdup insurance, including any payments and expenses borne by the carrier under the deductible provisions of such insurance policies or otherwise not collectible from underwriters or others.

OPERATING RENTS

481 Charter rents—Transportation property.

(a) This account shall include the rent payable by the carrier under contract for the charter of vessels (when the amount payable as charter rent is not dependent upon the commodities and volume of freight transported), such as bare boat or time charters.

(b) The carrier shall include the rent payable under the contract in this account, and shall include in other appropriate operating expense accounts additional expenses incurred by it in operating vessels chartered from others.

483 Other operating rents.

This account shall include, when not provided for elsewhere, rents payable for the use of land, structures, terminal facilities, and equipment used for transportation purposes.

OPERATING TAXES

485 Pay-roll taxes.

This account shall include old-age benefit, unemployment compensation, social security, and other similar taxes that are computed on basis of the payrolls.

486 Water-line tax accruals.

(a) This account shall include provisions for Federal, capital stock, state, county, municipal and other taxing district taxes (excluding income and excess profit taxes) applicable to the period for which the income account is stated. Taxes accruing prior to their payment shall be credited to account 206, "Accrued taxes."

(b) This account shall be kept in such a manner as to show the amount of each class of taxes.

(c) This account shall include:

(1) Taxes on earnings or income when in lieu of taxes on transportation property.

(2) Taxes on franchises or privileges of conducting transportation operations.

NOTE A: Taxes on other than transportation operations or property shall be charged to account 523, "Expenses of noncarrier operations." When taxes are levied so that the amount applicable to each class of property is not definitely stated, the total amount of the levy shall be apportioned on an equitable basis.

NOTE B: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expenses.

NOTE C: Discount allowed for prompt payment of taxes shall be credited to the account to which the taxes are chargeable.

NOTE D: Interest and penalties on tax assessments shall be charged to account 529, "Interest on unfunded debt."

NOTE E: Taxes on interest on carrier's long-term debt paid at the source under tax-free covenants shall be charged to account 527, "Miscellaneous income charges."

NOTE F: Where sales or other taxes are assessed as part of the cost of tangible personal property, they shall be included in the cost of the property purchased.

NOTE G: Taxes assessed against carriers for electric energy, telegraph, telephone, radio, cable messages, checks, and safe-deposit boxes, social security taxes, and motor vehicle drivers' licenses shall be included in operating expenses.

NOTE H: Taxes collected which are payable to governmental agencies shall be included in account 202, "Accounts payable."

MOTOR CARRIER OPERATIONS

491 Motor-carrier expenses.

(a) This account shall include the operating expenses incurred by the carrier in transporting passengers, freight, express, and mail by motor vehicles operated in highway service, in addition to or in lieu of services performed by line vessels.

(b) The carrier shall maintain the primary operating-expense accounts prescribed by the Commission in the uniform systems of accounts for motor carriers of property and persons.

495 Interdepartmental debits.

If a carrier so elects, this account may include amounts which are debited to appropriate primary operating-expense accounts and concurrently credited to appropriate primary revenue accounts representing interdepartmental items in connection with the operation of the carrier's terminal facilities while used by its own vessels in its own service.

The carriers shall maintain subaccounts corresponding to the primary operating-expense accounts to which such debits shall be first allocated, and after closing the accounts the amounts in these subaccounts shall be transferred to this account. In preparing and rendering reports to this Commission, the amount in this account shall be omitted.

Small Carriers

CONDENSED EXPENSE ACCOUNTS FOR SMALL CARRIERS

Accounts To Be Kept by Class A Companies	*Accounts To Be Kept by Class B Companies*
I. Maintenance Expenses	I. Maintenance Expenses
401. Supervision. 402. Repairs of floating equipment. 404. Repairs of buildings and other structures. 405. Repairs of office and terminal equipment. 406. Repairs of highway equipment. 407. Shop expenses. 408. Other maintenance expenses.	401. Maintenance of vessels and other property.
II. Depreciation and Amortization	II. Depreciation and Amortization
411. Depreciation—Transportation property. 413. Amortization of investment—Leased property.	411. Depreciation and amortization.
III. Transportation Expenses	III. Transportation Expenses
A. Line Service	A. Line Service
421. Supervision. 422. Wages of crews. 423. Fuel. 424. Lubricants and water. 425. Food supplies. 426. Stores, supplies, and equipment. 427. Buffet supplies. 428. Other vessel expenses. 429. Outside towing expenses. 430. Wharfage and dockage. 431. Port expenses. 432. Agency fees and commissions. 433. Lay-up expenses.	421. Operation of vessels. 433. Lay-up expenses.
B. Terminal Service	B. Terminal Service
441. Supervision. 442. Agents. 443. Stevedoring. 444. Precooling and cold-storage operations. 445. Light, heat, power, and water. 446. Stationery and printing. 447. Tug operations. 448. Operation of highway vehicles. 449. Local transfers. 450. Other terminal operations.	441. Terminal expenses.
IV. Traffic Expenses	IV. Traffic Expenses
456. Supervision. 457. Outside traffic agencies. 458. Advertising. 459. Other traffic expenses.	456. Traffic expenses.

Small Carriers—Continued

CONDENSED EXPENSE ACCOUNTS FOR SMALL CARRIERS—Continued

Accounts To Be Kept by Class A Companies	*Accounts To Be Kept by Class B Companies*
V. General Expenses	V. General Expenses
461. General officers and clerks. 462. General office supplies and expenses. 463. Law expenses. 464. Management commissions. 465. Pensions and relief. 466. Stationery and printing. 467. Other expenses.	461. General expenses.
VI. Casualties and Insurance	VI. Casualties and Insurance
471. Supervision. 472. Baggage insurance and losses. 473. Hull insurance and damage. 474. Cargo insurance, loss and damage. 475. Liability insurance and losses, marine operations. 476. Liability insurance and losses, nonmarine operations. 47. Other insurance.	471. Casualties and insurance.
VII. Operating Rents	VII. Operating Rents
481. Charter rents—Transportation of property. 483. Other operating rents.	481. Charter and other rents.
VIII. Operating Taxes	VIII. Operating Taxes
485. Payroll taxes. 486. Water-line tax accruals.	485. Payroll and other water-line tax accruals.
IX. Motor-Carrier Operations	IX. Motor-Carrier Operations
491. Motor-carrier expenses.	491. Motor-carrier expenses.

OTHER INCOME

500 Other income.

This account shall include the net of all items of income, other than revenues from water-line operations, and all items of income deductions, other than expenses incurred in water-line operations, as both such income and income deductions are detailed in primary income accounts number 502 to 532, both inclusive.

CREDIT ACCOUNTS

502 Income from noncarrier operations.

This account shall include the income derived from noncarrier physical property and also from noncarrier physical property leased from others.

503 Dividend income.

(a) This account shall include dividends declared on stocks of other companies whether such stocks are owned by the carrier and held in its treasury, or deposited in trust, or controlled through lease or otherwise.

(b) Dividends may be credited prior to actual collection if their payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise.

NOTE A: Dividends on stocks of other companies held in sinking or other special funds shall be credited to account 505, "Income from sinking and other special funds."

NOTE B: This account shall not include credits for dividends on stocks issued or assumed by the carrier, whether held in the treasury, in sinking or other reserve funds, or pledged as collateral.

504 Interest income.

(a) This account shall include the interest on securities and debenture stock of other companies, whether such securities are owned by it and held in its treasury or deposited in trust, or controlled through lease or otherwise. It shall include also interest on bank balances, certificates of deposit, open accounts, and other analogous items. Interest shall not be credited before actual collection unless its payment is reasonably assured.

(b) There may be included in this account for each fiscal period the applicable amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities owned, the income from which is includible in this account. Amounts thus credited or charged shall be concurrently included in the accounts in which the investment in the securities is carried. Any discount or premium remaining unextinguished upon the maturity and satisfaction of such securities shall be cleared to retained income.

NOTE A: Interest on securities of other companies, held in sinking or other special funds shall be included in account 505, "Income from sinking and other special funds."

NOTE B: Discount on bills for material purchased shall operate to reduce the cost of the material.

NOTE C: This account shall not include interest on securities issued or assumed by the carrier whether held in the treasury, in sinking or other funds or pledged as collateral.

505 Income from sinking and other special funds.

(a) This account shall include the income accrued on cash, securities of other companies, and other assets (not including securities issued or assumed by the carrier) held in sinking and other special funds.

(b) There may be included in the accounts for each fiscal period the applicable amount requisite to extinguish during the interval between the date of acquisition and the date of maturity the discount or premium on funded securities of other companies held in sinking or other reserve funds. Amounts thus credited or charged shall be concurrently charged or credited to the accounts in which the book cost of the securities is included.

NOTE A: Credits to this account representing income from special funds (retainable in them) shall be concurrently charged to account 286, "Miscellaneous reservations of retained income," and credited to account 260, "Retained income—Appropriated."

NOTE B: No dividends or interest on securities issued or assumed by the carrier shall be credited to this account.

506 Release of premium on long-term debt.

This account shall include during each fiscal period such proportion of the premiums on outstanding long-term debt as is applicable to that period.

507 Miscellaneous income.

This account shall include items not provided for elsewhere properly creditable to income during the fiscal period.

ITEMS

1. Profits derived from conversion of money of a foreign country into United States money.
2. Fees collected in connection with the exchange of coupon bonds for registered bonds.
3. Profits from sale of temporary cash investments.
4. Proceeds from the sale of mineral deposits in excess of the cost thereof including cost of recovery.

508 Profits from sale or disposition of property.

This account shall include profits realized from the sale or other disposition of carrier or noncarrier property. The amount includible in this account is the net proceeds or salvage realized or recovered in excess of the net book value (book cost less recorded depreciation). The account shall also include insurance proceeds in excess of net book value. (See account 282, "Profits from unusual sales of property.")

DEBIT ACCOUNTS

523 Expenses of noncarrier operations.

This account shall include the expenses (including depreciation, taxes, rent, and insurance) of maintaining and operating noncarrier physical property; also of noncarrier physical property leased from others. The rental for such property and directly assignable organization or administration expenses incident to investment in noncarrier physical property shall be included in this account.

524 Uncollectible accounts.

This account shall be charged each month with amounts estimated as the loss from uncollectible accounts. Concurrently, credits shall be made to account 109, "Reserve for doubtful accounts," which latter account shall be charged with amounts determined to be uncollectible and credited with amounts written off and subsequently collected. The estimates shall be adjusted at the end of the calendar year to conform to the experience of the carrier as determined by an analysis of its accounts. This account shall also be charged with amounts determined to be uncollectible when no reserves are provided for doubtful accounts.

525 Losses from sale or disposition of property.

This account shall include losses sustained from the sale or other disposition of carrier or noncarrier property. The amount includible in this account is the deficiency between the net proceeds, insurance, or salvage realized or recovered and the net book value (book cost less recorded depreciation). See account 284, "Losses from unusual sales of property."

526 Maintenance of investment organization.

This account shall include the directly assignable organization and administration expenses of a lessor company which are incident to its investment in water-line property leased to others, and in stocks, bonds, or other securities.

NOTE: Organization and administration expenses incident to operations are provided for in operating expenses.

527 Miscellaneous income charges.

This account shall include items not provided for elsewhere properly chargeable to income.

ITEMS OF EXPENSE

1. Calls for bids in accordance with provisions of mortgages.
2. Cost of advertising bonds drawn for redemption.
3. Losses due to conversion of money of a foreign country into United States money.
4. Premiums on bonds to assure performance of agreements when chargeable to income accounts.
5. Taxes on interest on carrier's funded debt paid at the source under tax-free covenants.
6. Trusts, current expenses of maintaining and administering.
7. Trustee's commissions and fees for paying out bond interest and expenses including registrars' fees connected with such payments.

528 Interest on funded debt.

This account shall include current accruals of interest on all classes of debt the principal of which is includible in long-term debt.

NOTE A: This account shall not include charges for interest on funded-debt obligations issued or assumed by the carrier and owned by it.

NOTE B: Interest provided for in the face amount of securities issued in the acquisition of equipment or other property shall be charged at the time of issuance to account 114, "Prepayments," and cleared to this account as the interest accrues.

NOTE C: Interest on matured debt shall be included in account 529, "Interest on unfunded debt."

529 Interest on unfunded debt.

(a) This account shall include current accruals of interest payable, except that chargeable to account 528, "Interest on funded debt." Discount and expense on short-term notes shall be charged to this account.

(b) A list of representative items follows:

ITEMS

1. Advances other than investment advances from affiliated companies.
2. Bond coupons, matured and unpaid.
3. Claims and judgments.
4. Long-term debt matured.
5. Open accounts (other than those includible in account 213, "Affiliated companies—Advances payable").
6. Short-term notes payable on demand or having maturity dates one year or less from date of issue.
7. Tax assessments, past due.

530 Amortization of discount on long-term debt.

This account shall include during each fiscal period such proportion of the discount and expenses on outstanding long-term debt as is applicable to that period.

532 Income taxes.

This account shall include accruals for Federal and State income taxes, when not in lieu of a property tax, payable on amounts includible in the carrier's income accounts.

NOTE: Federal income tax charges or credits attributable to items of taxable income or deductions from taxable income, recorded directly in retained income accounts, shall be included in account 288, "Federal income taxes assigned to retained income."

Income Statement

FORM OF INCOME STATEMENT

The classified form of income statement is designed to show the net income or loss from water-line transportation operations and from other sources during any specified period. As of the end of the calendar year, all accounts enumerated in the following statement shall be closed and the net balance transferred to retained income.

I. Water-line operating income:		
300. Water-line operating revenues	$------	
400. Water-line operating expenses	------	
Net revenue from water-line operations [1]		$------
II. Other income:		
502. Income from noncarrier operations	------	
503. Dividend income	------	
504. Interest income	------	
505. Income from sinking and other special funds	------	
506. Release of premium on long-term debt	------	
507. Miscellaneous income	------	
508. Profits from sale or disposition of property	------	
Total other income		------
Total income [1]		------
III. Miscellaneous deductions from income:		
523. Expenses of noncarrier operations	------	
524. Uncollectible accounts	------	
525. Losses from sale or disposition of property	------	
526. Maintenance of investment organization	------	
527. Miscellaneous income charges	------	
Total income deductions		------
Net income before fixed charges [1]		------
IV. Fixed charges:		
528. Interest on funded debt	------	
529. Interest on unfunded debt	------	
530. Amortization of discount on long-term debt	------	
Total fixed charges		------
Net income before provision for income taxes [1]		------
V. Provision for income taxes:		
532. Income taxes		------
Net income after income taxes [1]		$------

[1] If a loss, show the amount in red.

Clearing Account

601 Material and stores expenses.

(a) This account shall include the cost of supervision, labor, material, and other expenses incurred in the operation of storehouses, including stationery stores. The charges shall include the cost of storing, handling, and distributing materials, supplies, and stationery.

(b) Cash discount shall be credited hereto when such discount cannot be applied to the cost of particular classes of material.

(c) This account shall be cleared by adding to the cost of material and supplies a suitable loading charge which will distribute the charges equitably over the store issues.

LIST OF CHARGES

Adjustment of stock inventories when not assignable to specific classes of material.
Books and stationery supplies.
Building service.
Collecting and handling scrap material in stores.
Communication service.
Discount on purchases when not assignable to specific classes of material.
Freight, express and drayage, including vehicle and service equipment expenses when not assignable to specific classes of material.
Inspecting and testing material and supplies when not assignable to specific classes of material.
Losses due to breakage, leakage, evaporation, fire, or other causes. Credit amounts received from insurers, transportation companies, and others to reduce such losses.
Pay and expenses of storekeepers, clerks, laborers, and others engaged in storing, handling, and distributing materials and supplies.
Postage and printing.

NOTE: Pay and expenses of purchasing agent, clerks, and attendants in purchasing materials and supplies shall be included in accounts 461, "General officers and clerks," and 462, "General office supplies and expenses."

(Sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

[F.R. Doc. 59-6293; Filed, July 30, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

[S.R.A.—AMS 169]

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Amendment

The regulations governing the grading and inspection of dairy products (7 CFR Part 58), are amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.). The amendment changes the provision in paragraph (a) of § 58.43, Butter, Cheddar Cheese and Miscellaneous Dairy Products Grading Fees, setting forth a charge of $2.00 for each 5,000 pounds in excess of 20,000 pounds to a charge of $2.00 for each 10,000 pounds in excess of 20,000 pounds. This change will allow wider application of unit fees in the weight ranges of normal carlots of butter and Cheddar cheese.

It is hereby found that it would be impracticable, unnecessary and contrary to public interest to give preliminary notice and engage in public rule making procedures, and that good cause exists for making this amendment effective August 1, 1959, for the reason that the amendment increases the weight permitted within a certain fee schedule and therefore is relieving a restriction, and additional time is not required to comply with this amendment.

The amendment hereinafter set forth is hereby promulgated to become effective August 1, 1959.

The amendment is as follows:

Change paragraph (a) of § 58.43 to read as follows:

§ 58.43 Butter, cheddar cheese and miscellaneous dairy products grading fees.

* * * * *

(a) When all the bulk packages in a lot are individually identified by churning of butter or vat of cheddar cheese, the following fees shall be applicable:

For 3 or less churnings or vats (total marked net weight less than 15,000 pounds)	$3.00
For each churning or vat in excess of 3, an additional charge of	0.45

A minimum charge of $9.00 shall be applicable to any lot of butter or cheddar cheese weighing 15,000 to 20,000 pounds inclusive, marked net weight, plus a charge of $2.00 for each 10,000 pounds or fraction thereof in excess of 20,000 pounds.

(60 Stat. 1090; 7 U.S.C. 1624)

Issued at Washington, D.C., this 28th day of July 1959, to be effective on and after the 1st day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-6314; Filed, July 30, 1959; 8:48 a.m.]

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Subpart D—Interpretations and Statements of Policy

Pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.) the following interpretations and statements of policy under the Act are hereby set forth in a new Subpart D in 7 CFR, Part 81, to read:

Sec.
81.400 Interpretations and statements of policy with respect to producer exemption.
81.401 Interpretation and statement of policy applicable to certain carriers and caterers.

AUTHORITY: §§ 81.400 and 81.401 issued under sec. 14, 71 Stat. 447; 21 U.S.C. 463.

§ 81.400 Interpretations and statements of policy with respect to producer exemption.

A poultry producer exempted pursuant to subsection 15(a)(1), of the Act:

(a) May sell, in accordance with section 15(a)(1), directly to hospitals (which are considered to be in the same category as restaurants, hotels, and boarding houses);

(b) May give away without charge slaughtered poultry of his own raising on his own farm and poultry products thereof, directly to household consumers or restaurants, hotels, hospitals, and boarding houses for use in their own dining rooms or in the preparation of meals for sale direct to consumers only;

(c) May not ship in commerce, for further processing by a person other than the producer, slaughtered poultry or poultry products which are to be sold in the State where processed or returned to the State of origin for sale therein, even if such sales are made to someone eligible to receive the articles under the producer exemption. Shipments in commerce may be made for purposes of freezing or storage and sale to eligible purchasers in any State;

(d) May not ship in commerce under the producer exemption poultry or poultry products which have been processed by a person other than the producer;

(e) May sell poultry for gift purposes, provided delivery is made by the producer directly to the person receiving the gift and the requirements under section 15(a)(1) are met.

§ 81.401 Interpretation and statement of policy applicable to certain carriers and caterers.

Airlines; caterers to airlines; steamship lines; and operators of railroad dining cars are not deemed to be in violation of subsections 9(a) or 9(l) of the Act by reason of the fact that uninspected dressed poultry and poultry products placed aboard the carriers for consumption on the carriers are not consumed within the State in which they were placed aboard the carriers provided the product does not move in commerce en route to the carriers.

Issued at Washington, D.C., this 28th day of July 1959, to become effective upon publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-6315; Filed, July 30, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 911]

PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Amending Order

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only

to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (i) producer milk, (ii) other source milk at a pool plant which is allocated to Class I milk, and (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another Federal order.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than August 1, 1959.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 12, 1959, and the decision of the Acting Secretary containing all amendment provisions of this order, was issued July 20, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 911.6 to read as follows:

§ 911.6 Texas Panhandle marketing area.

"Texas Panhandle marketing area", hereinafter called the "marketing area", means all of the territory within the counties of Armstrong, Briscoe, Carson, Childress, Collingsworth, Dallas, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler, all in the State of Texas, and Beckham in the State of Oklahoma.

2. Amend § 911.12 to read as follows:

§ 911.12 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more distributing or supply plants, (b) any cooperative association with respect to the milk of producers diverted by the association for its own account from a pool plant to a nonpool plant, or (c) any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 911.41 [Amendment]

3. In § 911.41(b)(4), substitute a colon for the period and add the following proviso: "*Provided*, That with respect to milk for which a cooperative association is the handler pursuant to § 911.12(c), shrinkage incurred shall be allocated to the cooperative association in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat in such milk and the pool plant to which it is delivered for processing shall be allocated shrinkage incurred in an amount not to exceed one and one-half percent of the total pounds of skim milk and butterfat in such milk."

§ 911.44 [Amendment]

4. In § 911.44 (c) and (d), substitute the figure "350" for the figure "300".

§ 911.53 [Amendment]

5. In § 911.53, under "Rate per hundredweight (cents)" substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

§ 911.80 [Amendment]

6. Amend § 911.80(c) by adding the following new subparagraph (3):

(3) Each handler who receives milk from a cooperative association which collects payments for its members pursuant to subparagraph (1) of this paragraph shall, on or before the 20th of each month, furnish such association information showing the daily and total pounds milk received from each of the association's member producers for the first fifteen days of such month and, on or before the fifth day after the end of each month, such information for the 16th through the end of such month.

§ 911.82 [Amendment]

7. In § 911.82, under "Rate per hundredweight (cents)", substitute the figure "15.0" for "35.0" and the figure "1.5" for "1.6".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 28th day of July 1959, to be effective on and after the 1st day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–6313; Filed, July 30, 1959; 8:48 a.m.]

[Pear Order 11]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

§ 939.311 Pear Order 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beuree Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 3, 1959. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 13, 1959, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until July 24, 1959; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., August 3, 1959, and ending at 12:01 a.m., P.s.t., July 1, 1960, no handler shall ship:

(i) Any Beurre d'Anjou pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 193 size: *Provided*, That, Beurra d'Anjou years may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenth (3/16) of one inch in diameter or depth, as the case may be, if they otherwise grade at least U.S. No. 1, and are of a size not smaller than the 135 size: *Provided, further*, That, (*a*) Beurre d'Anjou pears grown in the Wenatchee District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks or frost injury, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 193 size;

(ii) Any Beurre Bosc pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size: *Provided*, That, Beurre Bosc pears grown in the Placerville District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size: *Provided, further*, That, Beurre Bosc pears grown in the Medford District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of frost injury, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size;

(iv) Any Winter Nelis pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 225 size;

(v) Any Beurre Easter pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 165 size.

(2) When used herein, "U.S. No. 1," "U.S. No. 2," "hail marks," and "frost injury," shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300 to 51.1323 of this title); "very seriously misshapen" shall have the same meaning as set forth in the Washington State Department of Agriculture Standards for d'Anjou, Bosc, Winter Nelis and Other Varieties of Winter Pears; "135 size," "165 size," "180 size," "193 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 135, 165, 180, 193, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep), and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6309; Filed, July 30, 1959; 8:47 a.m.]

[Milk Order 49]

PART 949—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the San Antonio, Texas, marketing area (7 CFR Part 949), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act:

In § 949.52(b) the provision "through July 1959,".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Information on which this action is based is the record of a public hearing held at San Antonio, Texas, July 22, 1959, at which evidence was received on a proposed amendment to provide a separate price on a year-round basis for milk used to produce Cheddar cheese. Milk production for the market has increased more than anticipated. Some of the increased production not needed for Class I use during the season when production is normally short of market needs must be manufactured into Cheddar cheese. To accommodate this situation, the present Class II–A milk price should be continued beyond July 1959 pending amendment of the order.

(4) The request for suspension of the provision included herein was supported on the record of the public hearing.

Therefore, good cause exists for making this order effective August 1, 1959.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective August 1, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 28th day of July 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–6340; Filed, July 30, 1959; 8:50 a.m.]

[Avocado Order 9, Amdt. 9]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Container Regulation

On June 26, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5223) that consideration was being given to revision of the avocado container regulation (7 CFR 969.309) effective under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida. This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice contemplated that the container regulation as revised would be placed in effect on September 14, 1959.

After consideration of all relevant matters presented, including the proposal set forth in the notice, which was submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found that the revised container regulation, hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is, therefore, ordered that § 969.309 *Container regulation* is hereby revised to read as follows:

§ 969.309 Container regulation.

(a) Effective at 12:01 a.m., e.s.t., August 1, 1959, through September 13, 1959, no handler shall handle any variety of avocados unless such avocados are packed in:

(1) (i) Wooden boxes and fiberboard cartons with inside dimensions 11 x 16¾ x 10 inches: *Provided*, That the

individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may weigh not more than 2 ounces less than 16 ounces, but not to exceed double such tolerance (20 percent) of fruit weighing less than 16 ounces shall be permitted in an individual container in a lot;

(ii) Fiberboard cartons with inside dimensions 13½ x 16½ x 3¼ inches;

(iii) Fiberboard cartons with inside dimensions 13½ x 16½ x 3¾ inches;

(iv) Wooden boxes with inside dimensions 13½ x 16½ x 3¾ inches; and

(v) Wooden boxes with inside dimensions 13½ x 16½ x 4½ inches.

(vi) Fiberboard cartons, with inside dimensions 13½ x 16½ x 4¼ inches: *Provided*, That the avocados in such container shall be packed in one layer only.

(vii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(viii) With respect to the containers prescribed in subdivisions (ii) through (vi) of this subparagraph, the net weight of the avocados in any such container shall be not less than 13½ pounds: *Provided*, That when such containers are packed with 20 or more avocados, the net weight of such avocados shall be not less than 13 pounds, and *Provided further*, That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

(2) The terms "handler," "handle," and "avocados" shall have the same meaning as when used in the amended marketing agreement and order (§§ 969.1 to 969.71).

(b) On and after 12:01 a.m., e.s.t., September 14, 1959, no handler shall handle any variety of avocados unless such avocados are packed in:

(1) (i) Boxes and cartons with inside dimensions 11 x 16¾ x 10 inches: *Provided*, That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may weigh not more than 2 ounces less than 16 ounces, but not to exceed double such tolerance (20 percent) of fruit weighing less than 16 ounces shall be permitted in an individual container in a lot.

(ii) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¼ inches.

(iii) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¾ inches.

(iv) Boxes and cartons with inside dimensions 11½ x 15¾ x 4¼ inches.

(v) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(2) The terms "handler," "handle," and "avocados" when used herein shall have the same meaning as when used in the amended marketing agreement and order (§§ 969.1 to 969.71).

In the notice of rule making, it was proposed that paragraph (b) (1) (i) of this section would become effective on September 14, 1959. On July 14, 1959, within the period allowed interested parties to submit data, views, or arguments in connection with the proposed revision, the Avocado Administrative Committee recommended that the packing of 16-ounce avocados in the multilayer container be authorized effective August 1, 1959, and not postponed to September 14, 1959. This recommendation is based on a finding that recent heavy rains have reduced the carrying qualities of some varieties of avocados and that such varieties can be advantageously marketed in nearby southeastern markets in the multilayer container beginning or about August 1, 1959. The provisions of paragraph (a) (1) (i) of this section incorporate the recommendations of the committee. The provisions of paragraph (b) (1) (i) of this section are substantially the same (except that the material of the container is not specified) as the provisions recommended by the committee to become effective August 1, 1959. It is found and determined, therefore, that notice of rule making as to § 969.309(a) (1) (i) is unnecessary and contrary to the public interest and that good cause exists for not postponing the effective time thereof later than August 1, 1959 (5 U.S.C. 1001–1011) in that: (1) The provisions thereof relieve restrictions on the handling of avocados in the container specified and (2) no special preparation on the part of the handlers is required to comply with such provisions.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 30, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6370; Filed, July 30, 1959; 11:42 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 79; Amdt. 33]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

Recent incidents have occurred involving landing gear failure on a Boeing 707 series aircraft, and loosening and shearing of throttle control arm attachment rivets on Colonial C–1 and C–2 aircraft.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directives:

59–15–1 BOEING. Applies to all Model 707 Series aircraft.

Unless already accomplished within the last 60 hours conduct the following inspection at next terminal where facilities are available but not to exceed 10 flight-hours and at periods not to exceed 60 flight-hours thereafter or immediately, after snubber failure. Thoroughly clean the main landing gear truck beams. Remove straps around beams and conduct close visual inspection of beams for any evidence of scratches, gouges, corrosion, or impact dents. Pay particular attention to forward area of beam where contact is possible with torsion link pivot pin retaining bolt and to aft area of beam where contact is possible with shock strut inner cylinder if snubber should fail. Truck beams exhibiting corrosion, scratches, or gouges may be returned to service after repair per FAA approved Boeing Service Bulletin 142. Beams with impact dents exceeding 0.005 inch deep must be replaced before next flight. Beams with impact dents less than 0.005 inch deep may be returned to service. No repair permitted for impact dents.

(Boeing Service Bulletin Number 142/R–1 dated July 14, 1959, covers this same subject.)

59–15–2 COLONIAL. Applies to all Model C–1 and C–2 aircraft.

Compliance required as indicated.

An incident has recently been experienced where the rivets fastening the aluminum throttle control handle to the steel bell crank have loosened and sheared. Accordingly these two rivets should be inspected immediately and replaced with the following hardware if any looseness is apparent: Two each AN23–8 clevis bolt, AN960D10L washer, and AN364–1032 self-locking thin nut. In any case the rivets should be replaced with the foregoing parts not later than the next periodic inspection or December 1, 1959, whichever comes first.

In order to accomplish this modification it is necessary to remove the throttle from its supporting bracket to change the rivets to bolts. In addition the slot in the bracket should be widened to allow ⅛-inch minimum clearance between the end of the bolt and the edge of the bracket.

(Colonial Service Bulletin No. 14 rev. A covers the same subject.)

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 29, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–6348; Filed, July 30, 1959; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7308 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

N & W Enterprises, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* History; personnel or staff; qualifications and abilities; § 13.135 *Nature;* § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, N & W Enterprises, Inc., et al., St. Petersburg, Fla., Docket 7308, July 8, 1959]

In the Matter of N & W Enterprises, Inc., a Corporation, and Janet L. Winters, Henry W. Winters, and Nancy Jean Winters Jackman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor in St. Petersburg, Fla., with advertising falsely that its "Sykes Hernia Control" devices were not trusses and misrepresenting their effectiveness, and with claiming falsely that its representatives were specialists in the fitting of trusses, and that it had been in the business of rupture control since 1916.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, N & W Enterprises, Inc., a corporation, and its officers, and Janet L. Winters, Henry W. Winters, and Nancy Jean Winters Jackman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices known as Sykes Hernia Control, or any device of substantially similar construction or design, whether sold under said name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said devices are not trusses.

(b) That said devices will retain or hold ruptures or hernias unless limited to reducible ruptures or hernias.

(c) That the use of said devices will cure ruptures or hernias.

(d) That respondents' representatives are medical specialists in the field of ruptures or hernias.

(e) That said devices will retain ruptures or hernias under all conditions of activity or strain.

(f) That respondents, or any of them, have been in the business of rupture control since 1916; or misrepresenting the period of time that they, or any of them, have been in such business.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices, any advertisement which contains any of the representations prohibited by paragraph 1 of this order.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6322; Filed, July 30, 1959; 8:49 a.m.]

[Docket 7305 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Stacey-Warner Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.85 *Government approval, action, connection or standards:* National Bureau of Standards;[1] Use; § 13.205 *Scientific or other relevant facts;* § 13.250 *Success, use or standing.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2035 *Results guarantee.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Stacey-Warner Corp. et al., New York, N.Y., Docket 7305, July 8, 1959]

In the Matter of Stacey-Warner Corp., a Corporation, National Dynamics Corp., a Corporation, Campbell-Smith Co., Inc., a Corporation, Mapleton Service, Inc., a Corporation, Parker Advertising, Inc., a Corporation, L & D Automotive Products, Inc., a Corporation, Biotex, Ltd., a Corporation, Frank Schere, Individually and as Officer of Stacey-Warner Corp., and as a Copartner Doing Business as Voltex Company, Elliott Meyer, Individually and as Officer of Stacey-Warner Corp., and National Dynamics Corp., Melvin Seligman, Individually and as Officer of Campbell-Smith Co., Inc., Alan A. Hecht, Individually and as Copartner Doing Business as Voltex Company, Murray Ross, Individually and as Officer of Mapleton Service, Inc., Robert Vallon, Individually and as Officer of Mapleton Service, Inc., Marvin Schere, an Individual, David Geller, an Individual Doing Business as David Geller, and David Ratke, Individually and as an Officer or Directing Official of Parker Advertising, Inc., L & D Automotive Products, Inc., and Biotex, Ltd.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a number of New York City concerns with representing falsely that the battery additive they distributed—known variously as "VX–6", "Voltex–6", etc.—had been tested and approved by the National Bureau of Standards and cleared by the U.S. Government for public use; that the product, or a similar one, was in regular use on the S.S. *Queen Mary* and S.S. *Queen Elizabeth* and on planes and other equipment of National Airlines; that articles in Reader's Digest and Popular Science reflected favorably on the product; and that it was guaranteed or insured by Lloyds of London.

After acceptance of agreements containing consent orders to cease and desist, the hearing examiner made his initial decision and order to cease and desist which became on July 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Stacey-Warner Corp., a corporation, and its officers; Campbell-Smith Co., Inc., a corporation, and its officers; Mapleton Service Co., Inc., a corporation, and its officers; Parker Advertising, Inc., a corporation, and its officers; L & D Automotive Products, Inc., a corporation, and its officers; Biotex, Ltd., a corporation, and its officers; and Frank Schere, individually and as an officer of Stacey-Warner Corp.; Elliott Meyer, individually and as an officer of Stacey-Warner Corp.; Melvin Seligman, individually and as an officer of Campbell-Smith Co., Inc.; Murray Ross, individually and as an officer of Mapleton Service, Inc.; Robert Vallon, individually and as an officer of Mapleton Service, Inc.; Marvin Schere, an individual; David Geller, an individual doing business as David Geller; and David Ratke, individually and as an officer or directing official of Parker Advertising, Inc., L & D Automotive Products, Inc., and Biotex, Ltd.; National Dynamics Corp., a corporation, and its officers, Elliott Meyer, individually and as officer of National Dynamics Corp.; Allan A. Hecht, an individual doing business as Voltex Company, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, of a battery additive, now known as VX–6, Voltex–6, Voltex, Voltex-Liquilectric, or of any other battery additive of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said product has been tested, approved or recognized by the National Bureau of Standards, or that a similar product has been tested, approved or recognized by the National Bureau of Standards; or has been tested, approved or recognized by any other branch or agency of the United States Government, unless such is the fact;

2. That said product has been cleared by the United States Government for public use;

[1] New.

3. That said product, or one similar to it, is in regular use or has been regularly used on the S.S. *Queen Elizabeth*, the S.S. *Queen Mary*, the planes or other equipment of National Airlines; or that said product, or one similar to it, is in use or has been used on any machine or equipment by or on the above-mentioned ships or airlines or on any other machine or equipment or by any other person or firm, unless such is the fact;

4. That either the Reader's Digest or Popular Science or both have published articles reflecting favorably upon said product; or that any other magazine, periodical or publication has published an article reflecting favorably upon said product, or one similar to it, unless such is the fact;

5. That Lloyds of London has guaranteed or insured said product or in any way warranted its effectiveness, except that this shall not be construed to prohibit a truthful representation concerning product liability coverage.

It is further ordered, That all respondents named herein except Allan A. Hecht, an individual doing business as Voltex Company, and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution, of a battery additive, now known as VX–6, Voltex–6, Voltex, Voltex-Liquilectric, or of any other battery additive of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said product is in regular use or has been regularly used on United States Navy battery-driven submarines or any other equipment of the United States Navy; or that said product or one similar to it, is used or has been used by the United States Navy or any Government agency or other organization, person or firm, unless such is the fact.

It is further ordered, That all respondents named herein except Stacey-Warner Corp., National Dynamics Corp., a corporation, and its officers, Elliott Meyer, individually and as officer of National Dynamics Corp., and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution, of a battery additive, now known at VX–6, Voltex–6, Voltex, Voltex-Liquilectric, or of any other battery additive of substantially similar properties, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the supply of said product for public use has been limited because of the demands of the Government or any other person, firm or organization.

It is further ordered, That respondents National Dynamics Corp., a corporation, and its officers, Elliott Meyer, individually and as officer of National Dynamics Corp., and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, of a battery additive, now known as VX–6, Voltex–6, Voltex, Voltex-Liquilectric, or of any other battery additive of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That said product, or one similar to it, is in regular use or has been used on any machine or equipment by or on the above-mentioned ships or airlines or on any other machine or equipment or by any other person or firm, unless such is the fact;

2. That either the Reader's Digest or Popular Science or both have published articles reflecting favorably upon said product; or that any other magazine, periodical or publication has published an article reflecting favorably upon said product, or one similar to it, unless such is the fact;

3

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6298; Filed, July 30, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6403]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deductions for Bad Debts

On July 3, 1956, notice of proposed rule making regarding the regulations under sections 165 and 166 of the Internal Revenue Code of 1954, relating to deductions for losses and bad debts, respectively, was published in the FEDERAL REGISTER (21 F.R. 4925). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations under section 166 are hereby adopted. Regulations under section 165 will be the subject of a separate Treasury decision. The regulations contained in this Treasury decision are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

Sec.
1.166 Statutory provisions; bad debts.
1.166-1 Bad debts.
1.166-2 Evidence of worthlessness.
1.166-3 Partial or total worthlessness.
1.166-4 Reserve for bad debts.
1.166-5 Nonbusiness debts.
1.166-6 Sale of mortgaged or pledged property.
1.166-7 Worthless bonds issued by an individual.
1.166-8 Losses of guarantors, endorsers, and indemnitors.

AUTHORITY: §§ 1.166 to 1.166-8 incl., issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 1.166 Statutory provisions; bad debts.

SEC. 166. *Bad debts*—(a) *General rule*—(1) *Wholly worthless debts.* There shall be allowed as a deduction any debt which becomes worthless within the taxable year.

(2) *Partially worthless debts.* When satisfied that a debt is recoverable only in part, the Secretary or his delegate may allow such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction.

(b) *Amount of deduction.* For purposes of subsection (a), the basis for determining the amount of the deduction for any bad debt shall be the adjusted basis provided in section 1011 for determining the loss from the sale or other disposition of property.

(c) *Reserve for bad debts.* In lieu of any deduction under subsection (a), there shall be allowed (in the discretion of the Secretary or his delegate) a deduction for a reasonable addition to a reserve for bad debts.

(d) *Nonbusiness debts*—(1) *General rule.* In the case of a taxpayer other than a corporation—

(A) Subsections (a) and (c) shall not apply to any nonbusiness debt; and

(B) Where any nonbusiness debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than 6 months.

(2) *Nonbusiness debt defined.* For purposes of paragraph (1), the term "nonbusiness debt" means a debt other than—

(A) A debt created or acquired (as the case may be) in connection with a trade or business of the taxpayer; or

(B) A debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(e) *Worthless securities.* This section shall not apply to a debt which is evidenced by a security as defined in section 165 (g) (2) (C).

(f) *Guarantor of certain noncorporate obligations.* A payment by the taxpayer (other than a corporation) in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of a noncorporate obligation the proceeds of which were used in the trade or business of the borrower shall be treated as a debt becoming worthless within such taxable year for purposes of this section (except that subsection (d) shall not apply), but only if the obligation of the borrower to the person to whom such payment was made was worthless (without regard to such guaranty, endorsement, or indemnity) at the time of such payment.

(g) *Cross references.* (1) For disallowance of deduction for worthlessness of debts owed by political parties and similar organizations, see section 271.

(2) For special rule for banks with respect to worthless securities, see section 582.

(3) For special rule for bad debt reserves of certain mutual savings banks, domestic building and loan associations, and cooperative banks, see section 593.

[Sec. 166 as amended by sec. 8, Technical Amendments Act 1958 (72 Stat. 1608)]

§ 1.166-1 Bad debts.

(a) *Allowance of deduction.* Section 166 provides that, in computing taxable income under section 63, a deduction shall be allowed in respect of bad debts owed to the taxpayer. For this purpose, bad debts shall, subject to the provisions of section 166 and the regulations thereunder, be taken into account either as—

(1) A deduction in respect of debts which become worthless in whole or in part; or as

(2) A deduction for a reasonable addition to a reserve for bad debts.

(b) *Manner of selecting method.* (1) A taxpayer filing a return of income for the first taxable year for which he is entitled to a bad debt deduction may select either of the two methods prescribed by paragraph (a) of this section for treating bad debts, but such selection is subject to the approval of the district director upon examination of the return. If the method so selected is approved, it shall be used in returns for all subsequent taxable years unless the Commissioner grants permission to use the other method. A statement of facts substantiating any deduction claimed under section 166 on account of bad debts shall accompany each return of income.

(2) Taxpayers who have properly selected one of the two methods for treating bad debts under provisions of prior law corresponding to section 166 shall continue to use that method for all subsequent taxable years unless the Commissioner grants permission to use the other method.

(3) (i) For taxable years beginning after December 31, 1959, application for permission to change the method of treating bad debts shall be made in accordance with section 446(e) and paragraph (e) (3) of § 1.446-1.

(ii) For taxable years beginning before January 1, 1960, application for permission to change the method of treating bad debts shall be made at least 30 days before the close of the taxable year for which the change is effective.

(c) *Bona fide debt required.* Only a bona fide debt qualifies for purposes of section 166. A bona fide debt is a debt which arises from a debtor-creditor relationship based upon a valid and enforceable obligation to pay a fixed or determinable sum of money. A gift or contribution to capital shall not be considered a debt for purposes of section 166. The fact that a bad debt is not due at the time of deduction shall not of itself prevent its allowance under section 166.

(d) *Amount deductible*—(1) *General rule.* Except in the case of a deduction for a reasonable addition to a reserve for bad debts, the basis for determining the amount of deduction under section 166 in respect of a bad debt shall be the same as the adjusted basis prescribed by § 1.1011-1 for determining the loss from the sale or other disposition of property. To determine the allowable deduction in the case of obligations acquired before March 1, 1913, see also paragraph (b) of § 1.1053-1.

(2) *Specific cases.* Subject to any provision of section 166 and the regulations thereunder which provides to the contrary, the following amounts are deductible as bad debts:

(i) *Notes or accounts receivable.* (a) If, in computing taxable income, a taxpayer values his notes or accounts receivable at their fair market value when received, the amount deductible as a bad debt under section 166 in respect of such receivables shall be limited to such fair market value even though it is less than their face value.

(*b*) A purchaser of accounts receivable which become worthless during the taxable year shall be entitled under section 166 to a deduction which is based upon the price he paid for such receivables but not upon their face value.

(ii) *Bankruptcy claim.* Only the difference between the amount received in distribution of the assets of a bankrupt and the amount of the claim may be deducted under section 166 as a bad debt.

(iii) *Claim against decedent's estate.* The excess of the amount of the claim over the amount received by a creditor of a decedent in distribution of the assets of the decedent's estate may be considered a worthless debt under section 166.

(e) *Prior inclusion in income required.* Worthless debts arising from unpaid wages, salaries, fees, rents, and similar items of taxable income shall not be allowed as a deduction under section 166 unless the income such items represent has been included in the return of income for the year for which the deduction as a bad debt is claimed or for a prior taxable year.

(f) *Recovery of bad debts.* Any amount attributable to the recovery during the taxable year of a bad debt, or of a part of a bad debt, which was allowed as a deduction from gross income in a prior taxable year shall be included in gross income for the taxable year of recovery, except to the extent that the recovery is excluded from gross income under the provisions of § 1.111-1, relating to the recovery of certain items previously deducted or credited. This paragraph shall not apply, however, to a bad debt which was previously charged against a reserve by a taxpayer on the reserve method of treating bad debts.

(g) *Worthless securities.* (1) Section 166 and the regulations thereunder do not apply to a debt which is evidenced by a bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form. See section 166(e). For provisions allowing the deduction of a loss resulting from the worthlessness of such a debt, see § 1.165-5.

(2) The provisions of subparagraph (1) of this paragraph do not apply to any loss sustained by a bank and resulting from the worthlessness of a security described in section 165(g) (2) (C). See paragraph (a) of § 1.582-1.

§ 1.166-2 Evidence of worthlessness.

(a) *General rule.* In determining whether a debt is worthless in whole or in part the district director will consider all pertinent evidence, including the value of the collateral, if any, securing the debt and the financial condition of the debtor.

(b) *Legal action not required.* Where the surrounding circumstances indicate that a debt is worthless and uncollectible and that legal action to enforce payment would in all probability not result in the satisfaction of execution on a judgment, a showing of these facts will be sufficient evidence of the worthlessness of the debt for purposes of the deduction under section 166.

(c) *Bankruptcy*—(1) *General rule.* Bankruptcy is generally an indication of the worthlessness of at least a part of an unsecured and unpreferred debt.

(2) *Year of deduction.* In bankruptcy cases a debt may become worthless before settlement in some instances; and in others, only when a settlement in bankruptcy has been reached. In either case, the mere fact that bankruptcy proceedings instituted against the debtor are terminated in a later year, thereby confirming the conclusion that the debt is worthless, shall not authorize the shifting of the deduction under section 166 of such later year.

(d) *Banks and other regulated corporations*—(1) *Worthlessness presumed in year of charge-off.* If a bank or other corporation which is subject to supervision by Federal authorities, or by State authorities maintaining substantially equivalent standards, charges off a debt in whole or in part in obedience to the specific orders of such supervisory authorities, then the debt shall, to the extent charged off during the taxable year, be conclusively presumed to have become worthless, or worthless only in part, as the case may be, during such taxable year. But no such debt shall be so conclusively presumed to be worthless, or worthless only in part, as the case may be, if the amount so charged off is not claimed as a deduction by the taxpayer at the time of filing the return for the taxable year in which the charge-off takes place.

(2) *Evidence of worthlessness in later taxable year.* If such a bank or other corporation does not claim a deduction for such a totally or partially worthless debt in its return for the taxable year in which the charge-off takes place, but claims the deduction for a later taxable year, then the charge-off in the prior taxable year shall be deemed to have been involuntary and the deduction under section 166 shall be allowed for the taxable year for which claimed, provided that the taxpayer produces sufficient evidence to show that—

(i) The debt became wholly worthless in the later taxable year, or became recoverable only in part subsequent to the taxable year of the involuntary charge-off, as the case may be; and,

(ii) To the extent that the deduction claimed in the later taxable year for a debt partially worthless was not involuntarily charged off in prior taxable years, it was charged off in the later taxable year.

§ 1.166-3 Partial or total worthlessness.

(a) *Partial worthlessness*—(1) *Applicable to specific debts only.* A deduction under section 166(a) (2) on account of partially worthless debts shall be allowed with respect to specific debts only.

(2) *Charge-off required.* (i) If, from all the surrounding and attending circumstances, the district director is satisfied that a debt is partially worthless, the amount which has become worthless shall be allowed as a deduction under section 166(a) (2) but only to the extent charged off during the taxable year.

(ii) If a taxpayer claims a deduction for a part of a debt for the taxable year within which that part of the debt is charged off and the deduction is disallowed for that taxable year, then, in a case where the debt becomes partially worthless after the close of that taxable year, a deduction under section 166(a) (2) shall be allowed for a subsequent taxable year but not in excess of the amount charged off in the prior taxable year plus any amount charged off in the subsequent taxable year. In such instance, the charge-off in the prior taxable year shall, if consistently maintained as such, be sufficient to that extent to meet the charge-off requirement of section 166(a) (2) with respect to the subsequent taxable year.

(iii) Before a taxpayer may deduct a debt in part, he must be able to demonstrate to the satisfaction of the district director the amount thereof which is worthless and the part thereof which has been charged off.

(b) *Total worthlessness.* If a debt becomes wholly worthless during the taxable year, the amount thereof which has not been allowed as a deduction from gross income for any prior taxable year shall be allowed as a deduction for the current taxable year.

§ 1.166-4 Reserve for bad debts.

(a) *Allowance of deduction.* A taxpayer who has established the reserve method of treating bad debts and has maintained proper reserve accounts for bad debts or who, in accordance with paragraph (b) of § 1.166-1, adopts the reserve method of treating bad debts may deduct from gross income a reasonable addition to a reserve for bad debts in lieu of deducting specific bad debt items.

(b) *Reasonableness of addition to reserve*—(1) *Relevant factors.* What constitutes a reasonable addition to a reserve for bad debts shall be determined in the light of the facts existing at the close of the taxable year of the proposed addition. The reasonableness of the addition will vary as between classes of business and with conditions of business prosperity. It will depend primarily upon the total amount of debts outstanding as of the close of the taxable year, including those arising currently as well as those arising in prior taxable years, and the total amount of the existing reserve.

(2) *Correction of errors in prior estimates.* In the event that subsequent realizations upon outstanding debts prove to be more or less than estimated at the time of the creation of the existing reserve, the amount of the excess or inadequacy in the existing reserve shall be reflected in the determination of the reasonable addition necessary in the current taxable year.

(c) *Statement required.* A taxpayer using the reserve method shall file with his return a statement showing—

(1) The volume of his charge sales or other business transactions for the taxable year and the percentage of the reserve to such amount;

(2) The total amount of notes and accounts receivable at the beginning and close of the taxable year;

(3) The amount of the debts which have become wholly or partially worthless and have been charged against the reserve account; and

(4) The computation of the addition to the reserve for bad debts.

(d) *Special rule applicable to certain banking organizations.* For special rule for the addition to the bad debt reserves of certain mutual savings banks, domestic building and loan associations, and cooperative banks, see § 1.593-1.

§ 1.166-5 Nonbusiness debts.

(a) *Allowance of deduction as capital loss.* (1) The loss resulting from any nonbusiness debt's becoming partially or wholly worthless within the taxable year shall not be allowed as a deduction under either section 166(a) or section 166(c) in determining the taxable income of a taxpayer other than a corporation. See section 166(d) (1) (A).

(2) If, in the case of a taxpayer other than a corporation, a nonbusiness debt becomes wholly worthless within the taxable year, the loss resulting therefrom shall be treated as a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than

6 months. Such a loss is subject to the limitations provided in section 1211, relating to the limitation on capital losses, and section 1212, relating to the capital loss carryover, and in the regulations under those sections. A loss on a nonbusiness debt shall be treated as sustained only if and when the debt has become totally worthless, and no deduction shall be allowed for a nonbusiness debt which is recoverable in part during the taxable year.

(b) *Nonbusiness debt defined.* For purposes of section 166 and this section, a nonbusiness debt is any debt other than—

(1) A debt which is created, or acquired, in the course of a trade or business of the taxpayer, determined without regard to the relationship of the debt to a trade or business of the taxpayer at the time when the debt becomes worthless; or

(2) A debt, the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

The question whether a debt is a nonbusiness debt is a question of fact in each particular case. The determination of whether the loss on a debt's becoming worthless has been incurred in a trade or business of the taxpayer shall, for this purpose, be made in substantially the same manner for determining whether a loss has been incurred in a trade or business for purposes of section 165(c)(1). For purposes of subparagraph (2) of this paragraph, the character of the debt is to be determined by the relation which the loss resulting from the debt's becoming worthless bears to the trade or business of the taxpayer. If that relation is a proximate one in the conduct of the trade or business in which the taxpayer is engaged at the time the debt becomes worthless, the debt comes within the exception provided by that subparagraph. The use to which the borrowed funds are put by the debtor is of no consequence in making a determination under this paragraph. For purposes of section 166 and this section, a nonbusiness debt does not include a debt described in section 165(g)(2)(C). See § 1.165–5, relating to losses on worthless securities.

(c) *Guaranty of corporate obligations.* For provisions treating a loss sustained by a guarantor of the obligations of a corporation as a loss resulting from the worthlessness of a nonbusiness debt, see paragraph (b) of § 1.166–8.

(d) *Examples.* The application of this section may be illustrated by the following examples involving a case where A, an individual who is engaged in the grocery business and who makes his return on the basis of the calendar year, extends credit to B in 1955 on an open account:

Example (1). In 1956 A sells the business but retains the claim against B. The claim becomes worthless in A's hands in 1957. A's loss is not controlled by the nonbusiness debt provisions, since the original consideration has been advanced by A in his trade or business.

Example (2). In 1956 A sells the business to C but sells the claim against B to the taxpayer, D. The claim becomes worthless in D's hands in 1957. During 1956 and 1957, D is not engaged in any trade or business. D's loss is controlled by the nonbusiness debt provisions even though the original consideration has been advanced by A in his trade or business, since the debt has not been created or acquired in connection with a trade or business of D and since in 1957 D is not engaged in a trade or business incident to the conduct of which a loss from the worthlessness of such claim is a proximate result.

Example (3). In 1956 A dies, leaving the business, including the accounts receivable, to his son, C, the taxpayer. The claim against B becomes worthless in C's hands in 1957. C's loss is not controlled by the nonbusiness debt provisions. While C does not advance any consideration for the claim, or create or acquire it in connection with his trade or business, the loss is sustained as a proximate incident to the conduct of the trade or business in which he is engaged at the time the debt becomes worthless.

Example (4). In 1956 A dies, leaving the business to his son, C, but leaving the claim against B to his son, D, the taxpayer. The claim against B becomes worthless in D's hands in 1957. During 1956 and 1957, D is not engaged in any trade or business. D's loss is controlled by the nonbusiness debt provisions even though the original consideration has been advanced by A in his trade or business, since the debt has not been created or acquired in connection with a trade or business of D and since in 1957 D is not engaged in a trade or business incident to the conduct of which a loss from the worthlessness of such claim is a proximate result.

Example (5). In 1956 A dies; and, while his executor, C, is carrying on the business, the claim against B becomes worthless in 1957. The loss sustained by A's estate is not controlled by the nonbusiness debt provisions. While C does not advance any consideration for the claim on behalf of the estate, or create or acquire it in connection with a trade or business in which the estate is engaged, the loss is sustained as a proximate incident to the conduct of the trade or business in which the estate is engaged at the time the debt becomes worthless.

Example (6). In 1956, A, in liquidating the business, attempts to collect the claim against B but finds that it has become worthless. A's loss is not controlled by the nonbusiness debt provisions, since the original consideration has been advanced by A in his trade or business and since a loss incurred in liquidating a trade or business is a proximate incident to the conduct thereof.

§ 1.166–6 Sale of mortgaged or pledged property.

(a) *Deficiency deductible as bad debt*—(1) *Principal amount.* If mortgaged or pledged property is lawfully sold (whether to the creditor or another purchaser) for less than the amount of the debt, and the portion of the indebtedness remaining unsatisfied after the sale is wholly or partially uncollectible, the mortgagee or pledgee may deduct such amount under section 166(a) (to the extent that it constitutes capital or represents an item the income from which has been returned by him) as a bad debt for the taxable year in which it becomes wholly worthless or is charged off as partially worthless. See § 1.166–3.

(2) *Accrued interest.* Accrued interest may be included as part of the deduction allowable under this paragraph, but only if it has previously been returned as income.

(b) *Realization of gain or loss*—(1) *Determination of amount.* If, in the case of a sale described in paragraph (a) of this section, the creditor buys in the mortgaged or pledged property, loss or gain is also realized, measured by the difference between the amount of those obligations of the debtor which are applied to the purchase or bid price of the property (to the extent that such obligations constitute capital or represent an item the income from which has been returned by the creditor) and the fair market value of the property.

(2) *Fair market value defined.* The fair market value of the property for this purpose shall, in the absence of clear and convincing proof to the contrary, be presumed to be the amount for which it is bid in by the taxpayer.

(c) *Basis of property purchased.* If the creditor subsequently sells the property so acquired, the basis for determining gain or loss upon the subsequent sale is the fair market value of the property at the date of its acquisition by the creditor.

§ 1.166–7 Worthless bonds issued by an individual.

(a) *Allowance of deduction.* A bond or other similar obligation issued by an individual, if it becomes worthless in whole or in part, is subject to the bad debt provisions of section 166. The loss from the worthlessness of any such bond or obligation is deductible in accordance with section 166(a), unless such bond or obligation is a nonbusiness debt as defined in section 166(d)(2). If the bond or obligation is a nonbusiness debt, it is subject to section 166(d) and § 1.166–5.

(b) *Decline in market value.* A taxpayer possessing debts evidenced by bonds or other similar obligations issued by an individual shall not be allowed any deduction under section 166 on account of mere market fluctuation in the value of such obligations.

(c) *Worthless bonds issued by corporation.* For provisions allowing the deduction under section 165(a) of the loss sustained upon the worthlessness of any bond or similar obligation issued by a corporation or a government, see § 1.165–5.

(d) *Application to inventories.* This section does not apply to any loss upon the worthlessness of any bond or similar obligation reflected in inventories required to be taken by a dealer in securities under section 471. See § 1.471–5.

§ 1.166–8 Losses of guarantors, endorsers, and indemnitors.

(a) *Noncorporate obligations*—(1) *Deductible as bad debt.* A payment during the taxable year by a taxpayer other than a corporation in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of an obligation issued by a person other than a corporation shall, for purposes of section 166 and the regulations thereunder, be treated as a debt's becoming worthless within the taxable year, if—

(i) The proceeds of the obligation so issued have been used in the trade or business of the borrower, and

(ii) The borrower's obligation to the person to whom the taxpayer's payment is made is worthless at the time of payment except for the existence of the guaranty, endorsement, or indemnity, whether or not such obligation has in fact become worthless within the taxable year in which payment is made.

(2) *Nonbusiness debt rule not applicable.* If a payment is treated as a loss in accordance with the provisions of subparagraph (1) of this paragraph, section 166(d), relating to the special rule for losses sustained on the worthlessness of a nonbusiness debt, shall not apply. Accordingly, in each instance the loss shall be deducted under section 166(a)(1) as a wholly worthless debt even though there has been a discharge of only a part of the taxpayer's obligation. Thus, if the taxpayer makes a payment during the taxable year in discharge of only part of his obligation as a guarantor, endorser, or indemnitor, he may treat such payment under section 166(a)(1) as a debt's becoming wholly worthless within the taxable year, provided that he can establish that such part of the borrower's obligation to the person to whom the taxpayer's payment is made is worthless at the time of payment and the conditions of subparagraph (1) of this paragraph have otherwise been satisfied.

(3) *Other applicable provisions.* Other provisions of the internal revenue laws relating to bad debts, such as section 111, relating to the recovery of bad debts, shall be deemed to apply to any payment which, under the provisions of this paragraph, is treated as a bad debt. If the requirements of section 166(f) are not met, any loss sustained by a guarantor, endorser, or indemnitor upon the worthlessness of the debtor's obligation shall be treated under the provisions of law applicable thereto. See, for example, paragraph (b) of this section.

(b) *Corporate obligations.* The loss sustained during the taxable year by a taxpayer other than a corporation in discharge of all of his obligation as a guarantor of an obligation issued by a corporation shall be treated, in accordance with section 166(d) and the regulations thereunder, as a loss sustained on the worthlessness of a nonbusiness debt if the debt created in the guarantor's favor as a result of the payment does not come within the exceptions prescribed by section 166(d)(2)(A) or (B). See paragraph (a)(2) of § 1.166–5.

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). During 1955, A, an individual who makes his return on the basis of the calendar year, guarantees payment of an obligation of B, an individual, to the X Bank, the proceeds of the obligation being used in B's business. B defaults on his obligation in 1956. A makes payment to the X Bank during 1957 in discharge of his entire obligation as a guarantor, the obligation of B to the X Bank being wholly worthless. For his taxable year 1957, A is entitled to a deduction under section 166(a)(1) as a result of his payment during that year.

Example (2). During 1955, A, an individual who makes his return on the basis of the calendar year, guarantees payment of an obligation of B, an individual, to the X Bank, the proceeds of the obligation being used in B's business. In 1956, B pays a part of his obligation to the X Bank but defaults on the remaining part. In 1957, A makes payment to the X Bank, in discharge of part of his obligation as a guarantor, of the remaining unpaid part of B's obligation to the bank, such part of B's obligation then being worthless. For his taxable year 1957, A is entitled to a deduction under section 166(a)(1) as a result of his payment of the remaining unpaid part of B's obligation.

Example (3). During 1955, A, an individual who makes his return on the basis of the calendar year, guarantees payment of an obligation of B, an individual, to the X Bank, the proceeds of the obligation being used for B's personal use. B defaults on his obligation in 1956. A makes payment to the X Bank during 1957 in discharge of his entire obligation as a guarantor, the obligation of B to X Bank being wholly worthless. A may not apply the benefit of section 166(f) to his loss, since the proceeds of B's obligation have not been used in B's trade or business.

Example (4). During 1955, A, an individual who makes his return on the basis of the calendar year, guarantees payment of an obligation of Y Corporation to the X Bank, the proceeds of the obligation being used in Y Corporation's business. Y Corporation defaults on its obligation in 1956. A makes payment to the X Bank during 1957 in discharge of his entire obligation as a guarantor, the obligation of Y Corporation to the X Bank being wholly worthless. At no time during 1955 or 1957 is A engaged in a trade or business. For his taxable year 1957, A is entitled to deduct a capital loss in accordance with the provisions of section 166(d) and paragraph (a)(2) of § 1.166–5. He may not apply the benefit of section 166(f) to his loss, since his payment is in discharge of an obligation issued by a corporation.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 24, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59–6291; Filed, July 30, 1959; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Correction

In Federal Register Document 59–5011, appearing at page 4955 of the issue for Thursday, June 18, 1959, the following change should be made: In § 202.2(b)(6)(iii), the word "copy" in the second line should read "copyright".

Dated: July 29, 1959.

ARTHUR FISHER,
Register of Copyrights.

Approved:

RUTHERFORD D. ROGERS,
Acting Librarian of Congress.

[F.R. Doc. 59–6369; Filed, July 30, 1959; 11:07 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1888]

[75660]

OREGON

Modifying Boundaries of Rogue River, Umpqua and Mt. Hood National Forests

Correction

In F.R. Doc. 59–5549, appearing at page 5418 of the issue for Friday, July 3, 1959, the following change should be made:

In the first column of page 5419 under "T. 33 S., R. 1 W.", Sec. 32 should read:

Sec. 32, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U.S. STANDARDS FOR BROCCOLI FOR PROCESSING [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Broccoli for Processing (7 CFR §§ 51.425 to 51.440) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Proposed changes in this revision would permit the elimination of defective portions of stalks of broccoli in the grading process under certain conditions; add definitions for "well trimmed" and "fairly well trimmed"; reword the definitions for "damage" and "serious damage"; amend the wording of "damage by insects"; and, change additional words for reasons of clarity.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than September 1, 1959.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.425 U.S. No. 1.
51.426 U.S. No. 2.

BASIS FOR GRADING BROCCOLI

51.427 Basis for grading broccoli.

CULLS

51.428 Culls.

CULL MATERIAL

51.429 Cull material.

DEFINITIONS

51.430 Stalk.
51.431 Fresh.
51.432 Tender.
51.433 Good characteristic color.
51.434 Compact heads.
51.435 Well trimmed.
51.436 Damage.
51.437 Fairly compact heads.
51.438 Fairly well trimmed.
51.439 Serious damage.
51.440 Diameter.

AUTHORITY: §§ 51.425 to 51.440 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.425 U.S. No. 1.

"U.S. No. 1" consists of stalks or portions of stalks of broccoli (see § 51.427) which are fresh, tender, and have good characteristic color and compact heads, are well trimmed and which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three-eighths inch (see § 51.429).

§ 51.426 U.S. No. 2.

"U.S. No. 2" consists of stalks or portions of stalks of broccoli (see § 51.427) which are fresh, tender, and have good characteristic color and fairly compact heads, are fairly well trimmed and which are free from decay and cull material and are free from damage caused by scars, dirt or other foreign material, disease, insects, are free from serious damage caused by discoloration, freezing, hollow stem or pithiness or mechanical or other means.

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch (see § 51.429).

BASIS FOR GRADING BROCCOLI

§ 51.427 Basis for grading broccoli.

Stalks of broccoli shall be halved or quartered lengthwise to remove defective portions; except that stalks with heads smaller than 1½ inches in diameter shall not be cut to remove defective portions, but shall be treated as a whole stalk (see § 51.429). The stalk shall be cut so that a proportionate ratio of head material to stem material is maintained.

CULLS

§ 51.428 Culls.

"Culls" are stalks of broccoli which fail to meet the requirements of either of the foregoing grades.

CULL MATERIAL

§ 51.429 Cull material.

"Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U.S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than 1½ inches above the top of the head.

DEFINITIONS

§ 51.430 Stalk.

"Stalk" means an individual unit of broccoli which consists of the stem, head cluster and any attached leaves.

§ 51.431 Fresh.

"Fresh" means that the broccoli is not badly wilted or excessively flabby.

§ 51.432 Tender.

"Tender" means that the broccoli stem within the specified maximum length is succulent, and practically free from fibrous material and is not tough or stringy.

§ 51.433 Good characteristic color.

"Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

§ 51.434 Compact head.

"Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

§ 51.435 Well trimmed.

"Well trimmed" means that the presence of small side shoots or ragged or partially removed side shoots or leaves does not materially detract from the appearance of the stalk.

§ 51.436 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which more than slightly detracts from the appearance, or the processing or edible quality of the stalk, within the maximum length specified. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching;

(b) Freezing when causing more than slight discoloration of the individual stalk;

(c) Hollow stem or pithiness when discolored, or when more than slightly detracting from the appearance of the individual stalk;

(d) Scars when discolored, or when more than slight or superficial;

(e) Dirt or other foreign material which cannot be removed in the ordinary washing process;

(f) Disease when showing discoloration, or when more than slightly detracting from the appearance, or the processing or edible quality; and,

(g) Insects when the broccoli is more than slightly infected or more than slightly blemished by feeding or other means.

§ 51.437 Fairly compact head.

"Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

§ 51.438 Fairly well trimmed.

"Fairly well trimmed" means that the presence of small side shoots or ragged or partially removed side shoots or leaves does not seriously detract from the appearance of the stalk.

§ 51.439 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which materially detracts from the appearance, or the processing or edible quality of the stalk, within the maximum length specified. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the appearance of the individual stalk is materially affected;

(b) Freezing when causing discoloration which materially detracts from the appearance of the individual stalk; and,

(c) Hollow stem or pithiness when discolored, or when materially detracting from the appearance of the individual stalk. Stalks which show a ragged appearance or deep holes shall be considered as serious damage.

§ 51.440 Diameter.

"Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

Dated: July 28, 1959.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-6310; Filed, July 30, 1959; 8:47 a.m.]

[7 CFR Part 1028]

[Docket No. AO-314]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Postponement of Hearing on Proposed Marketing Agreement and Order

Notice is hereby given that the hearing on a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area originally scheduled to begin at 10:00 a.m. August 11, 1959 (24 F.R. 5908) in the Illinois Hotel, Bloomington, Illinois, is hereby postponed until August 25, 1959. The time and place remain the same.

Done at Washington, D.C., this 28th day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6311; Filed, July 30, 1959; 8:47 a.m.]

[7 CFR Part 1023]

[Docket No. AO-295-A1]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area, which was issued July 21, 1959 (24 F.R. 5943), is hereby extended to August 3, 1959.

Dated: July 28, 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6312; Filed, July 30, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 46]

NUT FOOD PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Peanut Butter; Extension of Time for Filing Views and Comments

A request has been received for an extension of time for filing views and comments upon the proposal to establish a definition and standard of identity for peanut butter which was published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5391).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the time for filing views and comments in the above-referenced matter is extended to September 1, 1959.

Dated: July 23, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6294; Filed, July 30, 1959; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-26]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.217 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 17 presently extends from Rantoul, Ill., via the Baltimore, Md., radio range station, to the point of intersection of the east course of Baltimore, Md., radio range and the southwest course of the Millville, N.J., radio range (Price, Md., Intersection). An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements for the segment from the Baltimore, Md., radio range station, to the Price, Md., Intersection as fifteen and seven movements, respectively. On the basis of the survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 17 and its associated control areas would then extend from Rantoul, Ill., to the Baltimore, Md., radio range station. The control areas associated with Red Federal airway No. 17 are so designated and described that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the segment of Red Federal airway No. 17 from the Baltimore, Md., radio range to the Price, Md., Intersection by amending § 600.217, as amended (14 CFR, 1958 Supp. 600.217, 24 F.R. 2645) as follows:

1. In § 600.217 *Red Federal airway No. 17 (Rantoul, Ill., to Baltimore, Md.)*, delete "Baltimore, Md., radio range station to the intersection of the east course of the Baltimore, Md., radio range and the southwest course of the Millville, N.J., radio range, except that the portion of the Federal airway which overlaps the Aberdeen restricted area (R-54) (published in § 608.28 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.", and substitute therefor "to the Baltimore, Md., radio range station."

Issued in Washington, D.C., on July 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6287; Filed, July 30, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-19]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Compulsory Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 28 presently extends from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detorit, Mich. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements for segments of the airway between Chicago, Ill., and Benton Harbor, Mich., zero and zero respectively; Benton Harbor, Mich., to Grand Rapids, Mich., five and one respectively; Lansing Mich., to Detroit, Mich., one and six respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4228, relating to the associated compulsory reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 600 and 601 (14 CFR 1958 Supp. 600, 601) as follows:

1. Section 600.228 *Red Federal airway No. 28 (Chicago, Ill., to Detroit, Mich.)* is revoked.

2. Section 601.228 *Red Federal airway No. 28 control areas (Chicago, Ill., to Detroit, Mich.)* is revoked.

3. Section 601.4228 *Red Federal airway No. 28 (Chicago, Ill., to Detroit, Mich.)* is revoked.

Issued in Washington, D.C., on July 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6285; Filed, July 30, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-16]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Compulsory Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.606, 601.606 and 601.4606 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 6 presently extends from Springfield, Ill., to Peoria, Ill., and from North Liberty, Ind., to Muskegon, Mich. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements for segments of the airway from Springfield, Ill., to Peoria, Ill., as zero and three movements respectively; North Liberty, Ind., to South Bend, Ind., four and zero movements respectively; South Bend, Ind., to Benton Harbor, Mich., zero aircraft movements. On the basis of the survey it appears that the retention of these airway segments and associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 6 and the control areas associated with it would then extend from the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station. In addition the caption to § 601.4606, relating to the associated compulsory reporting points, will have to be amended.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Springfield, Ill., to Peoria, Ill., and the North Liberty, Ind., to Benton Harbor, Mich., segments of Blue Federal airway No. 6 by amending §§ 600.606, 601.606 and 601.4606 (14 CFR 1958 Supp. 600.606, 601.606, 601.4606) as follows:

1. In § 600.606 *Blue Federal airway No. 6 (Springfield, Ill., to Muskegon, Mich.)*

(a) Delete "*(Springfield, Ill., to Muskegon, Mich.)*". Substitute therefor "*(Bangor, Mich., to Muskegon, Mich.)*",

(b) Delete "From the Springfield, Ill., RR to the Peoria, Ill., RR. From the INT of the west course of the Goshen, Ind., RR and the south course of the South Bend, Ind., RR via the South Bend, Ind., RR to the INT of the North course of the South Bend, Ind., RR and the northeast course of the Chicago, Ill., RR."

2. In § 601.606 *Blue Federal airway No. 6 control areas (Springfield, Ill., to Muskegon, Mich.)*, delete "*(Springfield, Ill., to Muskegon, Mich.)*." Substitute therefor "*(Bangor, Mich., to Muskegon, Mich.)*."

3. In § 601.4606 *Blue Federal airway No. 6 (Springfield, Ill., to Muskegon, Mich.)*, delete "*(Springfield, Ill., to Muskegon, Mich.)*." Substitute therefor "*(Bangor, Mich., to Muskegon, Mich.)*."

Issued in Washington, D.C., on July 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6286; Filed, July 30, 1959; 8:45 a.m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12879; FCC 59M-950]

FREDERIC C. DOUGHTY

Order Changing Place of Hearing

In the matter of Frederic C. Doughty, Springfield, Pennsylvania, Docket No. 12879; suspension of amateur radio operator license (W3PHL).

It is ordered, This 24th day of July 1959, upon request of the respondent and with the consent of the Chief, Safety and Special Radio Services Bureau, that the place of hearing in the above-entitled proceeding, which was scheduled to be held in Washington, D.C., before Hearing Examiner Isadore A. Honig on September 29, 1959, is changed to Philadelphia, Pennsylvania.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6301; Filed, July 30, 1959; 8:47 a.m.]

[File No. BP-11230; FCC 59-751]

ELECTRONIC ENTERPRISES, INC. (WITA)

Memorandum Opinion and Order

In re application of Electronic Enterprises, Inc. (WITA), San Juan, Puerto Rico, has 1140 kc, 500 w, Unl., requests 1030 kc, 1 kw, Unl., File No. BP-11230; for construction permit.

1. The Commission has before it for consideration the above-captioned and described application by Electronic Enterprises, Inc. (WITA, hereinafter); a "Petition for Waiver of or Exception to Public Notice of August 9, 1946" filed on May 15, 1958 by WITA; oppositions thereto filed on May 23 and 28, 1958 by Westinghouse Broadcasting Company, Inc. (WBZ, Boston, Massachusetts) and American Broadcasting-Paramount Theatres, Inc. (WABC, New York, N.Y.), respectively; replies by WITA on May 28 and June 13, 1958; an "Opposition and Motion To Dismiss" filed by WBZ on May 26, 1959, and opposition thereto and motion to strike filed by WITA on June 8, 1959; and a "Petition To Place Application in Pending File" filed by WABC on June 3, 1959, and opposition thereto and motion to strike filed by WITA on June 15, 1959.

2. WITA here seeks immediate consideration of its above application, which, it contends, is not subject to the provisions of the Commission's Public Notice of August 9, 1946 requiring that action be withheld on all proposals for 1030 kilocycles until conclusion of the proceedings in Docket No. 6741 on the "clear channel" matter. WITA requests that the Public Notice be waived if it is considered applicable.

3. The said Notice provides as follows: The frequency 770 kc under the Commission's rules as presently written remains a I-A channel although KOB operates on it under a special service authorization, while 1030 kc under the Commission's rules remains a I-B channel even though no other station operates on that frequency nighttime. An anomalous situation, therefore, exists as far as the frequencies 770 and 1030 kc are concerned. The Commission is desirous of resolving this situation as soon as possible but cannot do so effectively until after the conclusion of the clear channel hearing. Accordingly, it is proposed that the KOB application and all other applications for operation on 770 and 1030 kc be placed in the pending file until after a decision in the clear channel hearing. Any applications which may be filed in the future for operation on either of these two frequencies will likewise be put in the pending files.[1]

4. WITA states that the Commission has specified in § 1.351 of its rules the types of applications for § 3.25 (a) and (b) frequencies which will be held without action pending conclusion of proceedings in Docket 8333 on the "daytime skywave" matter. WITA contends that its instant proposal is not in contravention of § 1.351; that the condition announced in 1946 by Public Notice has been eliminated or discarded; that the condition was not later incorporated in § 3.25(a) of the rules and that the Commission has subsequently referred to 1030 kc as a I-B channel on several occasions, including the Commission's "Further Notice of Proposed Rule Making", released April 15, 1958, concerning United States Class I-A channels. Alternatively, Petitioner alleges that, if the Public Notice was not superseded by the later-adopted rules, the provisions of the Notice should be waived here because "the reason for the prohibition does not apply in the instant case since the subject proposal of WITA would cause no interference to any other station on 1030 kc."

5. In its opposition to the instant petition, WBZ alleges that it is entitled to protection as a Class I-A station; that such protection precludes a grant of the instant application; that WBZ operated many years as a Class I-A station (unduplicated at night) prior to the reallocation of frequencies under the 1940 NARBA; that WBZ filed a timely protest to the preliminary list of NARBA assignments released September 11, 1940, in which the Commission proposed to assign KOB to 1030 kc and reclassify the channel as well as WBZ from I-A to I-B; that WBZ has not been granted the hearing on its protest as required by statute; and that a grant of the subject WITA petition prior to a final decision in the KOB and clear channel proceedings would prejudice WBZ's rights in these proceedings, in which the future status of 1030 kc is at issue.[2]

6. In its Reply to WBZ's Opposition, WITA points out that 1030 kc is listed in § 3.25(b) of the Commission rules as a Class I-B clear channel and that it has been so referred to in other Commission notices. WITA argues that there is no question of whether WBZ should be a Class I-A station in the KOB proceeding (Docket Nos. 6584 and 6585), but merely whether WBZ should protect KOB, both being Class I-B stations, or whether KOB should be a Class II station protecting WBZ as a Class I-B station. WITA notes that the Commission, in a Notice in Docket No. 6741, stated that 1030 kc is a Class I-B clear channel on which a new unlimited time station could be assigned; that WBZ has been a party to the KOB proceedings and has had ample opportunity to be heard with regard to its 1940 protest to the reclassification of 1030 kc and KOB from I-A to I-B status; that since the Commission did not propose to reclassify 1030 kc as a Class I-A clear channel, it is urged that it be treated as a Class I-B clear channel on which additional assignments can be made.

7. In its opposition to the instant petition, WABC contends that the WITA application should not be granted because such action would prejudice pending proceedings before the Commission, Docket 6741 (Clear Channel Hearing), and Dockets 6584 and 6585 (KOB case). WABC further asserts, on the basis of an engineering affidavit, that a grant of the WITA application would result in interference to WBZ, thereby providing WBZ with additional reasons for opposing the return of KOB, Albuquerque, New Mexico to 1030 kc (WBZ's frequency).

8. In a reply to the WABC opposition, WITA alleges that "it is clear that WABC is seeking to use the captioned matter as a vehicle to further wage its contest against WBZ on the question of which frequency KOB should be permanently assigned, i.e., to 770 kc, WABC's frequency, or to 1030 kc, WBZ's channel; that, as the Commission is aware, the evidentiary hearing has been held in the KOB case and the decision released assigning KOB to 770 kc; that WABC's only ground for opposing WITA's petition has been shown to be without merit."

9. In the "Opposition and Motion to Dismiss" filed May 26, 1959, by WBZ, it is pointed out that the WITA application is in conflict with the Commission's policy announced in the Public Notice of August 9, 1946 (see paragraphs 2 and 3 above); that an application tendered for filing by Charles E. Halstead, Jr., et al., on January 15, 1958, was returned by the Commission with a letter dated February 17, 1958, in which the Commission advised the applicant that further action on the application would be withheld pursuant to the Public Notice of August 9, 1946;[2] that the oppositions to the application of the Northern California Broadcasting Company, File No. BP-11738, for a new standard broadcast station to operate on 1030 kc filed by WBZ and WABC are equally applicable to the WITA application; that the "applicant admits that the proposed 10% field intensity [of WITA] will exceed 25 uv/m in the area of Charleston, South Carolina, but makes no showing of the area and population subject to this interference"; that the classification of 1030 kilocycles as a Class I-B channel is under protest by WBZ and, thus, before another station could operate on 1030 kilocycles, the Commission would have to grant WBZ a hearing pursuant to Section 316 of the

[1] This Public Notice was necessitated by the anomalous situation of KOB's being licensed on 1030 kc with 10 kw power but operating, pursuant to a special service authorization, on 770 kc, with 50 kw power. This situation arose because no provision was made under the 1940 NARBA for certain United States stations on 1180 kc (including KOB) to continue operating on that frequency. Thus, new assignments had to be found for them on frequencies already assigned to other United States stations. KOB has been licensed to operate with 10 kw on 1030 kc, since March 29, 1941, but was issued a Special Service Authorization June 3, 1941, to increase power to 50 kw day and 25 kw night. Subsequently, however, field intensity measurement data indicated that KOB's service area would be more extensive on 770 kc and, accordingly, on its own motion, the Commission modified KOB's SSA to specify 770 kc in lieu of 1030 kc. Oppositions filed by WBZ (operating on 1030 kc) and WABC (operating on 770 kc), were among the matters considered in the KOB proceeding (Dockets 6584 and 6585) on which a final decision was adopted September 3, 1958, but against which WABC has an outstanding petition for reconsideration.

[2] The September 3, 1958, KOB decision to assign KOB to 770 kc, leaves WBZ the only United States nighttime station on 1030 kc.

[2] The application tendered on January 15, 1958, to which WBZ refers, was returned by the Commission because the application was incomplete in several respects.

Communications Act of 1934, as amended; that "a reduction of WBZ's classification would be clearly contrary to the public interest"; and that the North American Regional Broadcasting Agreement of 1950, now awaiting ratification of the United States Senate, classifies the frequency 1030 kilocycles as a Class I–A clear channel and to permit WITA to operate on 1030 kilocycles at night would be contrary to the provisions of said agreement and would "jeopardize the ultimate issuance of the consent of the Senate and will prove embarrassing to the United States in international radio relations".

10. For the foregoing reasons, WBZ moves the Commission to dismiss the WITA application as "ineligible for processing", or, in the alternative to withhold action on the WITA application pending (a) the resolution of the issues in the KOB matter (Docket No. 6584); (b) the ratification and entry into force of the North American Regional Broadcasting Agreement; and (c) the grant of a hearing to WBZ on the reclassification of its I–A clear channel, whichever shall last occur.

11. WITA's opposition of June 8, 1959, to WBZ's pleading of May 26, 1959, requests the Commission to dismiss or strike the said WBZ pleading on the ground that it is repetitious, was filed without leave of the Commission as required by Section 1.13 of the Commission rules, was improperly served because a copy of said pleading was not sent to counsel for WITA, was not sufficient in light of § 1.352(d) of the rules which requires that a petition to place an application in the pending file must be filed in quintuplicate and accompanied by an affidavit of a qualified radio engineer setting forth the basis for the petition, and is without merit for reasons set forth in the pleadings previously filed by WITA.

12. By pleading filed June 4, 1959, WABC urged that the WITA application be placed in the pending file in accordance with the August 9, 1946 Public Notice and that WABC would be prejudiced by any new unlimited time grants on 1030 kilocycles because such grants would render more difficult the return of Station KOB to operation on 1030 kilocycles.

13. On June 15, 1959, WITA filed an opposition to WABC's pleading of June 4, 1959, in which WITA contends that the WABC pleading must be stricken or dismissed because the pleading is repetitious, was filed in violation of § 1.13 of the rules which requires authorization by the Commission to file additional pleadings, was improperly served because counsel for WITA was not served a copy in accordance with the requirements of § 1.56(a) of the rules, is insufficient in the light of § 1.352(d) of the rules which requires filing in quintuplicate with accompanying engineering affidavit of a petition to place an application in the pending file. WITA further contends that WABC which operates on a frequency 260 kilocycles removed from the frequency requested by WITA is without standing to oppose the WITA application and that WABC's contentions with respect to the WITA application are without merit for reasons advanced in pleadings previously filed by WITA.

14. 1030 kc is listed in § 3.25(b) of the Commission rules as a Class I–B channel as a result of the shift of frequencies necessitated by the 1940 NARBA and the assignment of KOB to the channel in March 1941. Subsequently, however, KOB was granted a Special Service Authorization to operate on 770 kc (a Class I–A channel), leaving WBZ the only nighttime facility on 1030kc, within the United States. Because of the anomalous situation of KOB being licensed on 1030 kc but operating on 770 kc pending a decision with regard to which channel (770 or 1030 kc) KOB would be permanently assigned, the Commission released the aforementioned Public Notice of August 9, 1946, stating that the anomalous situation with respect to 770 and 1030 kilocycles could not be effectively resolved until conclusion of the Clear Channel Hearing.

The decision in the KOB matter, adopted September 3, 1958 and against which there is an outstanding petition for reconsideration filed by WABC, contemplates KOB's assignment to 770 kc, thereby leaving WBZ the only U.S. nighttime station on 1030 kc. Thus, it is clear why both channels have been treated as Class I–A and why 1030 kc must be further treated as a I–A frequency pending a decision with respect to the outstanding WABC petition against the decision in the KOB matter, and pending a decision with respect to the Clear Channel matter. The Commission's views concerning the 1030 kc channel are set forth in Albuquerque Broadcasting Co. (KOB), 25 FCC 683, 785, 16 Pike and Fischer R.R. 765, 874, wherein it is noted that "if the 1950 NARBA treaty is ratified, under its provisions 1030 kc would be classified a I–A channel and as such would be the only I–A channel in the area comprising the six New England States. It would be incongruous in such event to deprive the New England States of their only I–A station by assigning KOB to share 1030 kc with WBZ in Boston while leaving the Middle Atlantic States with 6 Class I–A and 6 Class I–B stations."

15. The projected reclassification of the 1030 channel would be prejudiced by a grant of WITA's instant proposal, which exceeds the permissible limits of radiation to the continental United States if 1030 kc is protected as a Class I–A channel. Under § 3.25(a) of the Commission rules, an application for operation in Puerto Rico cannot be granted for a U.S. Class I–A channel if a skywave signal in excess of 25 microvolts, 10 percent of the time, is delivered at any point within the continental United States. WITA notes that its proposal would deliver a 25-microvolt per meter signal, 10 percent skywave signal at Charleston, South Carolina. Furthermore, WITA's data indicates that WBZ delivers a 0.5 mv./m. skywave signal at Charleston 50 percent of the time. Thus, according to the Commission's rules, the WITA proposal also fails to protect the WBZ secondary service area. The applicant's calculations on an RSS basis with regard to protection to the WBZ secondary service area are not appropriate for a Class I channel.

16. The Commission is of the opinion that the foregoing considerations necessitate the denial of WITA's requests here under consideration without regard to any relief to which WBZ and WABC deem themselves entitled. Accordingly, and since WITA has raised certain questions with respect to the sufficiency of certain of the pleadings filed by WBZ and WABC,

It is ordered, That the above-referenced pleadings of WBZ and WABC are granted to the extent provided for herein, and, in all other respects, are denied.

It is further ordered, That the request of WITA for a waiver of, or exception to, the Commission's Public Notice of August 9, 1946, is denied. This application was inadvertently included in the Commission's Public Notice of April 9, 1959, setting forth applications available and ready for processing, and it is hereby deleted therefrom.

Adopted: July 22, 1959.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6302; Filed, July 30, 1959; 8:47 a.m.]

[Docket No. 12881; FCC 59M–951]

STANLEY M. HAUSER

Order Scheduling Hearing

In the matter of Stanley M. Hauser, 27 West 84th Street, New York 24, New York, Docket No. 12881; application for renewal of radiotelegraph and radiotelephone first class operator licenses Nos. T11–2–1093; P1–2–6990.

It is ordered, This 24th day of July 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1959, in Washington, D.C.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6303; Filed, July 30, 1959; 8:47 a.m.]

[Docket No. 12903; FCC 59M–953]

RUDOLPH WILLIAM JONES

Order Scheduling Hearing

In the matter of Rudolph William Jones, 115 Ashland Place, Brooklyn 1, New York, Docket No. 12903; application for renewal of radiotelegraph second-class operator license No. T2–2–1586.

It is ordered, This 24th day of July 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1959, in Washington, D.C.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6304; Filed, July 30, 1959; 8:47 a.m.]

[Docket No. 12831; FCC 59–747]

NORTH SHORE BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of North Shore Broadcasting Co., Inc., Wauwatosa, Wisconsin, requests 1590 kc, 1 kw, DA–Day, Docket No. 12831, File No. BP–11768; Suburbanaire, Inc., West Allis, Wisconsin, requests 1590 kc, 1 kw, DA–Day, Docket No. 12832, File No. BP–12511; Watertown Radio, Inc. (WTTN), Watertown, Wisconsin, has 1580 kc, 250 w, Day, requests 1580 kc, 250 w, 1 kw (CR) Day, Docket No. 12948, File No. BP–12920; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that by order adopted April 8, 1959, and released on April 14, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of North Shore Broadcasting Co., Inc., and Suburbanaire, Inc.; that the application of Watertown Radio, Inc. (WTTN) was tendered for filing on March 12, 1959 and is, therefore, entitled to be consolidated in said hearing, pursuant to § 1.106 of the Commission rules; and

It further appearing that except as indicated by the issues specified below, North Shore Broadcasting Co., Inc., Suburbanaire, Inc., and Watertown Radio, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Watertown Radio, Inc., filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application of Watertown Radio, Inc., is consolidated for hearing in the proceeding in Docket Nos. 12831 and 12832, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of North Shore Broadcasting Co., Inc.; and Suburbanaire, Inc.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTTN and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Watertown Radio, Inc., to increase the power of Station WTTN would involve objectionable interference with the proposal of Russell G. Salter for Aurora, Illinois (File No. BP–11380, Docket No. 12617) or any existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded pursuant to the foregoing issue that a choice cannot be made between the proposals for Wauwatosa and West Allis, Wisconsin, on considerations relating to section 307(b), which of the said two proposals would better serve the public interest in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

6. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any of the instant applications should be granted.

It is further ordered, That the above issues shall supersede the issues in the Commission's Order of April 8, 1959, designating for hearing the first two above-captioned applications.

It is further ordered, That Russell G. Salter, applicant for a new standard broadcast station at Aurora, Illinois, is made a party to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, Watertown Radio, Inc., and Russell G. Salter, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6305; Filed, July 30, 1959; 8:47 a.m.]

[Docket Nos. 12957–12959; FCC 59–757]

PIONEER BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Pioneer Broadcasting Company, Spanish Fork, Utah, requests 1480 kc, 1 kw, Day, Docket No. 12957, File No. BP–11678; Jack E. Falvey and Harry Saxe, d/b as Fortune Broadcasting, Salt Lake City, Utah, requests 1470 kc, 1 kw, Day, Docket No. 12958, File No. BP–12239; United Broadcasting Company (KVOG), Ogden, Utah, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 12959, File No. BP–12260; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that measurement data submitted May 4, 1959, by KVOG on the KVOG signal indicate that slight interference would result to KVOG from the proposed operation of Pioneer Broadcasting Company; and

It further appearing that pursuant to § 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 16, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Pioneer Broadcasting Company and Fortune Broadcasting and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KVOG and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the instant proposal of Pioneer Broadcasting Company would involve objectionable interference with Station KVOG, Ogden, Utah, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of Fortune Broadcasting would involve objectionable interference with Station KEYY, Provo, Utah, and existing KVOG, Ogden, Utah, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Fortune Broadcasting and the proposal of KVOG in contravention of § 3.37 of the Commission rules.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Mid-Utah Broadcasting Company, licensee of Station KEYY, Provo, Utah, is made a party to the proceeding, and United Broadcasting Company is made a party respondent with respect to the existing operation of Station KVOG, Ogden, Utah.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6306; Filed, July 30, 1959; 8:47 a.m.]

[Docket No. 12882; FCC 59M-952]

HAROLD O. TOWNSEND

Order Scheduling Hearing

In the matter of Harold O. Townsend, 324 Brentwood Road, Bayshore, New York, Docket No. 12882; application for renewal of radiotelephone first class operator license No. P1-2-6668.

It is ordered, This 24th day of July 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 14, 1959, in Washington, D.C.

Released: July 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6307; Filed, July 30, 1959; 8:47 a.m.]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In reapplications of W. K. Ulerich, Milton J. Bergstein and John A. Dame, d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Requests 1390 kc, 500 w, Day, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corp., State College, Pennsylvania, Requests 1390 kc, 500 w, Day, Docket No. 12956, File No. BP-12007; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission in a letter dated June 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity, and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that in the Commission's said letter it was pointed out that Suburban Broadcasting Corp. had submitted insufficient information from which to determine that it was financially qualified; but that, in a timely reply, the applicant showed total funds available of $44,000, and equipment manufacturer's credit of $13,747; and that we have determined from the showing that the applicant has sufficient funds to meet the $18,080 necessary for the construction and early operation of the proposed station, and the $25,161 necessary for instant applicant's application for a construction permit for a new standard broadcast station in Elkton, Maryland; and that the applicant is, therefore, financially qualified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the applicants and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal of Bald Eagle-Nittany Broadcasters would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6308; Filed, July 30, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-19030, 19031]

ALLEGHENY LAND AND MINERAL CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

JULY 24, 1959.

In the matters of Allegheny Land and Mineral Company, Docket No. G-19030; J. W. Cunningham et al. Docket No. G-19031.

Allegheny Land and Mineral Company (Allegheny) and J. W. Cunningham, et al (Cunningham) on June 11, 1959, and June 25, 1959, respectively, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The purchaser in each instance is Hope Natural Gas Company. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

	Docket No. G-19030, Allegheny Land and Mineral Co.	Docket No. G-19031, J. W. Cunningham, et al.
Notice of change dated	6-8-59	6-23-59
Rate schedule number	3	1
Supplement number	3	9
Effective date	[1] 7-29-59	[2] 7-26-59
Suspended until	12-29-59	12-26-59

[1] The stated effective date is that proposed by Allegheny.
[2] The stated effective date is the first day after expiration of the required 30 days' notice.

In support of the proposed favored nation rate increases, both Allegheny and Cunningham refer to the contract provisions and submit copies of the purchaser's letters agreeing to the increases in price. In addition, Cunningham cites the increased cost of living and states that the increase is provided for by contract terms. Allegheny states that it is committed to complete a minimum of thirty wells; that its drilling program is just getting under way; that it has realized income from only one well during April and May 1959; and that the wells are small and must be operated with great care and efficiency in order to provide a reasonable return on investment. Allegheny also states that, in order to raise sufficient venture capital, it assured its associates that they would have an opportunity to benefit from any price increase.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 3 to Allegheny's FPC Gas Rate Schedule No. 3 is hereby suspended and the use thereof deferred until December 29, 1959; Supplement No. 9 to Cunningham's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until December 26, 1959; and each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6317; Filed, July 30, 1959; 8:48 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket No. G-19005]

ARKANSAS FUEL OIL CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

JULY 24, 1959.

Arkansas Fuel Oil Corporation (Arkansas Fuel) on June 26, 1959 tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 24, 1959.
Purchaser: Southern Natural Gas Company.
Rate schedule designation: Supplement No. 13 to Arkansas Fuel's FPC Gas Rate Schedule No. 7.
Effective date: July 27, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

Arkansas Fuel's proposed redetermined rate increase includes a questionable interpretation of the tax reimburse-

[1] Present rate is in effect subject to refund in Docket No. G-17680.

ment provisions of its contract with the purchaser. The purchaser originally protested this questionable interpretation prior to the suspension in Docket No. G–17680 of Arkansas Fuel's proposed change in rate to reflect reimbursement for the Louisiana severance tax.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. It is therefore deemed advisable to suspend the said proposed increased rate and charge. This suspension, however, is based on the questionable interpretation of the tax provisions of the contract and only such tax reimbursement portion of the proposed rate shall be subject to refund.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 13 to Arkansas Fuel's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Arkansas Fuel be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 13 to Arkansas Fuel's FPC Gas Rate Schedule No. 7.

(B) Pending such hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until July 28, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in said supplement shall be effective on July 28, 1959: *Provided, however,* That within 20 days from the date of this order, Arkansas Fuel shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Arkansas Fuel shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Arkansas Fuel until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Arkansas Fuel so elects and so notifies the Commission within 20 days after the issuance of this order, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C), within 20 days from the date of issuance of this order, Arkansas Fuel shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of Arkansas Fuel Oil Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

In conformity with the requirements of the order issued ----------, 1959, in Docket No. G–19005, Arkansas Fuel Oil Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for that purpose has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 1959.

ARKANSAS FUEL OIL CORPORATION

By ----------

Witness:

Secretary

As a further condition of this order Arkansas Fuel shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Arkansas Fuel is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Arkansas Fuel shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6318; Filed, July 30, 1959; 8:48 a.m.]

[Docket No. G–16542]

COASTAL STATES GAS PRODUCING CO.

Notice of Application and Date of Hearing

JULY 24, 1959.

Take notice that on October 7, 1958, Coastal States Gas Producing Company (Applicant) filed an application in Docket No. G–16542, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to continue the sale of natural gas to Trunkline Gas Company (Trunkline), purchased from certain producers in the East Mathis, Het, Willman, and North Willman Fields, in San Patricio County, Texas, formerly rendered by Gas Gathering Company (Gathering) under a sales contract dated August 18, 1955, previously accepted for filing as Gas Gathering Company FPC Gas Rate Schedule No. 12, all as more fully described in the application on file with the Commission and open to public inspection.

Concurrently with its certificate application in Docket No. G–16542, Applicant filed a copy of the certificate of dissolution and a notice of succession to Gathering's FPC Gas Rate Schedule No. 12. Gathering's FPC Gas Rate Schedule No. 12 has been redesignated Coastal States Gas Producing Company FPC Gas Rate Schedule No. 10, and the certificate of dissolution as Supplement No. 2 thereto.

Take further notice that on May 11, 1959, Applicant filed a supplement to its application wherein Applicant states it has committed to said contract of August 18, 1955, with Trunkline, additional supplies of natural gas produced by Chizum, Rhodes & Hicks, et al. in the North Mathis Area, San Patricio County, Texas. Such gas is purchased by Applicant pursuant to a gas sales contract dated July 8, 1958, by and between Chizum, Rhodes & Hicks, et al., as sellers, and Applicant, as buyer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6319; Filed, July 30, 1959; 8:48 a.m.]

[Docket No. G–19041]

PERMIAN BASIN PIPELINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheet

JULY 24, 1959.

Permian Basin Pipeline Company (Permian), on June 26, 1959, tendered for filing Third Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, to become effective August 1, 1959, proposing an annual increase in its rates and charges to its affiliate Northern Natural Gas Company of $334,400 or 1.0 percent over the rates presently in effect subject to refund in Docket No. G–15336.

Permian supports its proposed increase by citing higher costs of purchased gas and by claiming a 6.75 percent rate of return.

The proposed increased rates and charges have not been supported in several respects, including, but not limited to, the method of computing net gas plant, inclusion of minimum bank balances in working capital, offsetting working capital with only one-third of federal income tax accruals, the proposed rate of return, and the method of allocating costs.

The proposed changes in rates, charges, classifications, or services, provided for in the tariff sheets tendered by Permian on June 26, 1959, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

On July 21, 1959, twenty-seven utility customers of Northern Natural Gas Company[1] (Northern) filed a Motion requesting that the Commission issue an order rejecting the revised Tariff Sheet, referred to above, or, in the alternative, that the Commission issue an order accepting said revised Tariff Sheet and dismissing the proceedings in Docket No. G–15336. The Commission has not had sufficient time to properly consider the Motion.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Permian's FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by Third Revised Sheet No. 5 and that the above-designated tariff sheet and the rates proposed therein be suspended and the use thereof deferred as hereinafter ordered.

(2) The effectiveness of this order should be subject to such future action as the Commission may deem necessary in respect to the Motion filed July 21, 1959, by certain utility customers of Northern.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Permian's FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by Third Revised Sheet No. 5.

(B) Pending such hearing, and decision thereon, the above-designated tariff sheet and the rates proposed therein are suspended and the use thereof deferred until January 1, 1960, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) The effectiveness of this order is subject to such future action as the Commission may deem necessary in respect to the Motion filed July 21, 1959, by certain utility customers of Northern.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6321; Filed, July 30, 1959; 9:49 a.m.]

[1] Northern purchases gas under the revised Tariff Sheet involved herein.

[Docket No. G–19040]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 24, 1959.

Northern Natural Gas Company (Northern) on June 26, 1959, tendered for filing the following revised tariff sheets: Fourth Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 to Northern's FPC Gas Tariff, First Revised Volume No. 1. The above revised tariff sheets, proposed to become effective July 27, 1959, reflect an annual increase under its zoned contract demand service rate schedules of $10,675,920 or 7.6 percent over the rates presently in effect subject to refund in Docket No. G–15335.[1]

In support of the proposed increase Northern states that it is based upon (1) increased plant in service; (2) increased cost of purchased gas due to increased takes of high priced gas and shifts in sources of supply; (3) increased operating costs; (4) a 6.75 percent annual rate of return in lieu of lesser rates proposed in pending increases and in lieu of the 6 percent annual rate approved by the Commission in the last rate settlement; and (5) increased income taxes resulting from the higher return.

The proposed increased rates and charges have not been supported in several respects, including, but not limited to, the method of computing net gas plant, inclusion of minimum bank balances in working capital, offsetting working capital with only one-third of federal income tax accruals, inclusion of a $1,200,000 increase in cost of gas purchased from Dorchester Corporation under rates suspended until November 7, 1959, and other increases in cost of purchased gas not yet incurred, the proposed rate of return, the method of classifying and allocating costs, and the proposal to apply the entire rate increase to demand charges while retaining the presently effective commodity rates.

The proposed changes in rates, charges, classifications, or services provided for in the tariff sheets tendered by Northern on June 26, 1959 have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Northern has requested in respect to the Dorchester increase that if the inclusion of such increased cost of purchased gas data is deemed to be inconsistent with the requirements of § 154.63 (b) (3) (i) (*e*) of the Commission's regulations under the Natural Gas Act, said Section be waived and that Northern be permitted to include the Dorchester increase in its costs support. Northern reasons that since Dorchester's increase has been suspended until November 7, 1959, and since Northern's test period ends on August 31, 1959, the exclusion of the Dorchester increase is inconsistent with the purposes of § 154.63(b) (3) (i) (*e*) of the regulations.

On July 21, 1959, twenty-seven utility customers of Northern filed a Motion requesting that the Commission issue an order rejecting the revised Tariff Sheets, referred to above, or, in the alternative, that the Commission issue an order accepting said revised Tariff Sheets and dismissing the proceedings in Docket Nos. G–12153 and G–15335. The Commission has not had sufficient time to properly consider the Motion.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Northern's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16 and that the above-designated tariff sheets and the rates proposed therein be suspended and the use thereof deferred as hereinafter ordered.

(2) The inclusion of the increased cost of gas purchased from Dorchester is inconsistent with the requirements of § 154.63(b) (3) (i) (*e*) of the Commission's regulations under the Natural Gas Act.

[1] Northern also has a rate increase pending in Docket No. G–12153.

(3) The requirements of § 154.63(b) (3) (i) (e) of the regulations should be waived to permit Northern to include the increased cost of gas purchased from Dorchester.

(4) The effectiveness of this order should be subject to such future action as the Commission may deem necessary in respect to the Motion filed July 21, 1959, by certain utility customers of Northern.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Northern's FPC Gas Tariff, First Revised Volume No. 1 as proposed to be amended by Fourth Revised Sheets Nos. 4, 5, 6, 9, 10, 11, 14, 15 and 16.

(B) Pending such hearing, and decision thereon, the above-designated tariff sheets and the rates proposed therein be suspended and the use thereof deferred until December 27, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) The requirements of § 154.63(b) (3) (i) (e) of the regulations under the Natural Gas Act in respect to the increased cost of gas purchased from Dorchester be waived, and Northern permitted to include such cost support.

(D) The effectiveness of this order is subject to such future action as the Commission may deem necessary in respect to the Motion filed July 21, 1959, by certain utility customers of Northern.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6320; Filed, July 30, 1959; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELSA MODIANO VEZZANI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elsa Modiano Vezzani, Florence, Italy; $467.00 in the Treasury of the United States. Vesting Order No. 17814, Claim No. 61562.

Executed at Washington, D.C., on July 10, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6295; Filed, July 30, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 28, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35581: *Starch and dextrine from Cedar Rapids, Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2074), for interested rail carriers. Rates on starch and dextrine, in carloads from Cedar Rapids, Iowa to Brunswick, Ga., Quinlan and Tampa, Fla., and Wilmington, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 120 to Western Trunk Line Committee tariff I.C.C. A-4171.

FSA No. 35582: *Joint water—Motor rates between central and western points.* Filed by The Detroit Atlantic Navigation Corp., Agent (No. 1), for interested motor carriers. Rates on various articles of freight moving on joint motor-water, water-motor, and motor-water-motor class and commodity rates between points in Kentucky, Michigan, Ohio, and Pennsylvania, on the one hand, and points in Minnesota, North Dakota, and Wisconsin, on the other, via Detroit, Mich., or Cleveland, Ohio, in the East, and Duluth, Minn., in the West.

Grounds for relief: Competition of rail or motor carriers.

Tariff: Detroit Atlantic Navigation Corp. tariff No. 100, I.C.C. No. 7.

FSA No. 35583: *Sand—Standard Pit, Ind., to Goreville, Ill.* Filed by Illinois Freight Association, Agent (No. 70), for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on sand, in open-top cars, carloads, as described in the application from Standard Pit, Ind., to Goreville, Ill.

Grounds for relief: Competition of motor trucks from wayside pit to jobsite.

Tariff: Supplement 119 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 144.

FSA No. 35584: *Caustic soda—Southwest to Western Trunk Line points.* Filed by Southwestern Freight Bureau, Agent (No. B-7595), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Baldwin, Ark., Lake Charles, West Lake Charles, Plaquemine, La., Corpus Christi, Freeport, Houston, and Port Neches, Tex., to specified points in Michigan, Minnesota and Wisconsin.

Grounds for relief: Short-line distance formula and market competition.

Tariffs: Supplement 393 to Southwestern Freight Bureau tariff I.C.C. 4087. Supplement 599 to Southwestern Freight Bureau tariff I.C.C. 4139. Supplement 170 to Southwestern Freight Bureau tariff I.C.C. 4187.

FSA No. 35585: *Grain and related products—Western points to Texas ports.* Filed by The Chicago, Rock Island and Pacific Railroad Company, Agent (No. 884), for interested rail carriers. Rates on corn, oats, sorghum grains, and soybeans, carloads from stations on the Rock Island in Iowa, Minnesota, and Missouri to Corpus Christi and Orange, Tex., for export.

Grounds for relief: Port equalization with other Texas ports and Louisiana Gulf ports.

Tariff: Supplement 5 to Chicago, Rock Island and Pacific Railroad Company tariff I.C.C. C-13604.

FSA No. 35586: *Substituted service—M-K-T Lines for Chief Freight Lines.* Filed by J. D. Hughett, Agent (No. 19), for interested carriers. Rates on property loaded in trailers, and empty highway trailers, transported on railroad flat cars between Muskogee, Okla., on the one hand, and Dallas and Ft. Worth, Tex., on the other, on traffic originating at or destined to points beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Agent J. D. Hughett's tariff MF-I.C.C. 285.

FSA No. 35587: *Substituted service—M-K-T Lines for Consolidated Forwarding Co.* Filed by J. D. Hughett, Agent (No. 20), for interested carriers. Rates on property loaded in trailers and empty highway trailers, transported on railroad flat cars between Muskogee, Okla., on the one hand, and Ft. Worth, Tex., on the other, on traffic destined to or originating at points beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Agent J. D. Hughett's tariff MF-I.C.C. 285.

FSA No. 35588: *Rock salt—Louisiana Mines to Louisville, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-7597), for interested rail carriers. Rates on rock salt, loose, in bulk, carloads from Avery Island, Jefferson Island, Weeks, and Winnfield, La., to Louisville, Ky.

Grounds for relief: Carrier market competition at Louisville with Detroit, Mich.

Tariff: Supplement 24 to Southwestern Freight Bureau tariff I.C.C. 4263.

FSA No. 35589: *Substituted service—M-K-T Lines for Gillette Motor Transport, Inc.* Filed by J. D. Hughett, Agent (No. 15), for interested carriers. Rates on freight loaded in trailers, and empty highway trailers, transported on railroad flat cars between Muskogee, Okla., on the one hand, and Dallas and Ft. Worth, Tex., on the other, on traffic originating at or destined to points beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Agent J. D. Hughett's tariff MF-I.C.C. 285.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6292; Filed, July 30, 1959; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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UNIVERSITY OF MICHIGAN
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PARALLEL TABLES OF STATUTORY AUTHORITIES AND RULES

Following is a list of current additions to the Parallel Tables of Statutory Authorities and Rules appearing in Title 2 of the Code of Federal Regulations. These additions are made as a result of the rules published in the FEDERAL REGISTER during August 1959. In order to determine the FEDERAL REGISTER page numbers of the CFR titles and parts involved, users should consult the Codification Guide.

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Grain Sorghums Loan and Purchase Agreement Program Regulations

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, and 24 F.R. 3031, 4125, and containing the specific requirements for the 1959-Crop Grain Sorghums Price Support Program are hereby amended as follows:

Section 421.4233(a)(2)(ii) is amended to include Sioux City, Iowa, so that the amended subdivision reads as follows:

§ 421.4233 Determination of support rates.

(a) • • •

(2) • • •

(ii) The support rate for grain sorghums received by truck and stored at any designated terminal market, shall be determined by making a deduction from the terminal rate as follows:

Terminal Market:	*Amount of deduction (cents per 100 pounds)*
Omaha, Nebr.; Council Bluffs, Iowa; Sioux City, Iowa; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Saint Joseph, Mo.; Atchison, Kans.; Cairo, Ill.	29
Memphis, Tenn.	31

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 29th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6366; Filed, July 31, 1959; 8:49 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Grain Sorghums Loan and Purchase Agreement Program Regulations

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, and 24 F.R. 3031, 4125, and containing the specific requirements for the 1959-Crop Grain Sorghums Price Support Program are hereby amended as follows:

1. Section 421.4237(a) is amended by adding the following to the list of terminal and basic support rates per hundredweight:

Sioux City, Iowa $1.77

2. Section 421.4237(b) is amended to show the correct basic county support rates as follows:

IOWA

County	Amount per hundredweight	
	From—	To—
Buena Vista	$1.49	$1.50
Cherokee	1.49	1.53
Clay	1.46	1.49
Dickinson	1.46	1.48
Lyon	1.46	1.52
O'Brien	1.49	1.53
Osceola	1.48	1.51
Palo Alto	1.46	1.47
Plymouth	1.49	1.53
Sioux	1.47	1.53
Woodbury	1.51	1.53

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FEDERAL REGISTER

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(As of January 1, 1959)

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NEBRASKA

County	Amount per hundredweight	
	From—	To—
Antelope	$1.51	[1] $1.48
Boyd	1.42	1.44
Ceder	1.50	1.53
Dakota	1.51	1.53
Dixon	1.51	1.53
Knox	1.47	1.50
Pierce	1.49	1.51
Wayne	1.50	1.53

SOUTH DAKOTA

Aurora	$1.44	$1.45
Bon Homme	1.44	1.51
Brookings	1.44	1.45
Charles Mix	1.44	1.47
Clay	1.44	1.53
Davison	1.44	1.46
Douglas	1.44	1.48
Hanson	1.44	1.47
Hutchinson	1.44	1.49
Lake	1.44	1.47
Lincoln	1.44	1.53
McCook	1.44	1.48
Miner	1.44	1.46
Minnehaha	1.44	1.50
Moody	1.44	1.48
Turner	1.44	1.51
Union	1.44	1.53
Yankton	1.44	1.53

[1] Reduced support rate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 29th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6367; Filed, July 31, 1959; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 778—OVERTIME COMPENSATION

Deletion of Outdated Sections

29 CFR Part 778 contains two sections relating to the effective date of the 1949 amendments to the Fair Labor Standards Act of 1938, and to the payment of overtime compensation prior to the passage of those amendments. Since these sections are no longer relevant to the administration of the Act they are herein deleted.

Therefore under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F.R. 3290), 29 CFR Part 778 is hereby amended as follows:

1. The undesignated center head immediately preceeding § 778.26 entitled "Effective Date; Retroactivity" is hereby deleted.

2. Sections 778.26 and 778.27 are hereby deleted.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 28th day of July 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-6338; Filed, July 31, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I — Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Shelled Spanish Type Peanuts [1]

On May 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3763) regarding a proposed revision of United States Standards for Shelled Spanish Type Peanuts (7 CFR 51.2730 to 51.2742).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Spanish Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.2730 U.S. No. 1 Spanish.
51.2731 U.S. Spanish Splits.
51.2732 U.S. No. 2 Spanish.

APPLICATION OF TOLERANCES

51.2733 Application of tolerances.

DEFINITIONS

51.2734 Similar varietal characteristics.
51.2735 Whole.
51.2736 Split.
51.2737 Broken.
51.2738 Foreign material.
51.2739 Unshelled.
51.2740 Minor defects.
51.2741 Damage.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.2730 to 51.2741 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 51.2730 U.S. No. 1 Spanish.

"U.S. No. 1 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $15/64$ x $3/4$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. Spanish Splits.

"U.S. Spanish Splits" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $16/64$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 5 percent for sound whole kernels.

§ 51.2732 U.S. No. 2 Spanish.

"U.S. No. 2 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $16/64$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2734 Similar varietal characteristics.

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Runner type shall not be mixed with Spanish type, and White Spanish shall not be mixed with Red Spanish.

§ 51.2735 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2736 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2737 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2740 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flash discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 Damage.

"Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Spanish Type Peanuts contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Spanish Type Peanuts which have been in effect since July 31, 1956 (7 CFR 51.2730 to 51.2741).

Dated: July 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6343; Filed, July 31, 1959; 8:47 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Shelled Virginia Type Peanuts [1]

On May 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3762) regarding a proposed revision of United States Standards for Shelled Virginia Type Peanuts (7 CFR 51.2750 to 51.2764).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Virginia Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.2750 U.S. Extra Large Virginia.
51.2751 U.S. Medium Virginia.
51.2752 U.S. No. 1 Virginia.
51.2753 U.S. Virginia Splits.
51.2754 U.S. No. 2 Virginia.

APPLICATION OF TOLERANCES

51.2755 Application of tolerances.

DEFINITIONS

51.2756 Similar varietal characteristics.
51.2757 Whole.
51.2758 Split.
51.2759 Broken.
51.2760 Foreign material.
51.2761 Unshelled.
51.2762 Minor defects.
51.2763 Damage.

AUTHORITY: §§ 51.2750 to 51.2763 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 51.2750 U.S. Extra Large Virginia.

"U.S. Extra Large Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{20}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 0.75 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2751 U.S. Medium Virginia.

"U.S. Medium Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{18}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2752 U.S. No. 1 Virginia.

"U.S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{15}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 864 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.2753 U.S. Virginia Splits.

"U.S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{20}/_{64}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 5 percent for sound whole peanuts.

§ 51.2754 U.S. No 2 Virginia.

"U.S. No. 2 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{17}/_{64}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2755 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2756 Similar varietal characteristics.

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Virginia type.

§ 51.2757 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2758 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2759 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2760 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2761 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2762 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but in affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2763 Damage.

"Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Virginia Type Peanuts contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Virginia Type Peanuts which have been in effect since September 15, 1956 (7 CFR 51.2750–51.2763).

Dated: July 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6344; Filed, July 31, 1959; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 176]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.476 Valencia Orange Regulation 176.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 30, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 2, 1959, and ending at 12:01 a.m., P.s.t., August 9, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same

meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6408; Filed, July 31, 1959; 11:29 a.m.]

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Limitation of Shipments

§ 951.323 Tokay Grape Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 24 F.R. 1238), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 3, 1959. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until July 16, 1959; recommendation as to the need for, and the extent of, limitation of shipments was made at the meeting of said committee on July 16, 1959, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 24, 1959; shipments of the current crop of such grapes are expected to begin on or about August 10, 1959, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., August 3, 1959, and ending at 12:01 a.m., P.s.t., January 1, 1960, no shipper shall ship:

(i) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes; or

(ii) Any Tokay grapes, grown in the production area, unless such grapes are mature and, when tested in accordance with the applicable provisions of section 802 of the Agricultural Code of California, the juice thereof contains soluble solids equal to or in excess of twenty-seven (27) parts to one (1) part of acid.

(2) *Definitions.* As used herein, "handler," "shipper," "ship," and "production area," shall have the same meaning as when used in the amended marketing agreement and order, and "U.S. No. 1 Table Grapes" and "mature" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.880–51.911).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6364; Filed, July 31, 1959; 8:49 a.m.]

[Lemon Reg. 803]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.910 Lemon Regulation 803.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 2, 1959, and ending at 12:01 a.m., P.s.t., August 9, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 30, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6395; Filed, July 31, 1959; 9:19 a.m.]

[Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and other available information, it is hereby found that the amendment to the limitation of shipment, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which can not be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. In § 957.318 (24 F.R. 5413) subparagraph (1) of paragraph (a) and subparagraph (3) of paragraph (b) are hereby amended as set forth below.

§ 957.318 Limitation of Shipments.

* * * * *

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round, red varieties.* U.S. No. 1 or better, grade, 2 inches minimum diameter.

* * * * *

(b) *Minimum maturity requirements.* * * *

(3) *All other varieties.* "Slightly skinned".

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: July 29, 1959, to become effective August 3, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division.

[F.R. Doc. 59–6365; Filed, July 31, 1959; 8:49 a.m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

Amended Order Regulating Handling

Sec.
997.0 Findings and determinations.

DEFINITIONS

997.1 Secretary.
997.2 Act.
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997.5 Area of production.
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997.7 To handle.
997.8 Handler.
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FILBERT CONTROL BOARD

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EXPENSES AND ASSESSMENTS

997.60 Expenses.
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RECORDS AND REPORTS

997.65 Carryover reports.
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MISCELLANEOUS PROVISIONS

997.80 Right of the Secretary.
997.81 Personal liability.
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997.84 Duration of immunities.
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997.87 Effect of termination or amendment.
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AUTHORITY: §§ 997.0 to 997.88 issued under secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

§ 997.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and the previously issued amendment thereto; and all of said findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, on February 19, 20, and 21, 1959, upon a proposed amendment of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of filberts (inshell and shelled) grown in Oregon and Washington in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application, to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts (inshell and shelled) in the area of production covered by the order, as amended and as hereby further amended, which make necessary different terms applicable to different parts of such area; and

(5) All handling of filberts (inshell and shelled) grown in the designated area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for not postponing the effective time of this order beyond the time of its publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because: (1) Such order provides for modified operations and procedures thereunder (some requirements, having been relaxed, e.g., ungraded filberts may be withheld in lieu of certified merchantable filberts in satisfaction of handlers' restricted obligation; and the pack requirements in the current § 997.50 (b)(1) have not been carried over into the amendatory order); (2) to be of maximum benefit during the 1959–60 fiscal year, the amendatory order should become operative at the beginning of such year—August 1, 1959—and before extensive handling operations have begun; (3) it is necessary, under said order, for the Filbert Control Board to meet for the purpose of recommending to the Secretary a marketing policy for

such year, prior to the time new crop filberts are available for handling; (4) such recommendations should be made by the Filbert Control Board as reconstituted under said order, and some period of time will be required for the nomination and selection of the Board membership; (5) the provisions of the amendatory order are well known to handlers of filberts since the public hearing in connection with said order was held February 19–21, 1959, and the recommended decision and the final decision were published in the FEDERAL REGISTER on May 23, 1959 (24 F.R. 4169), and June 30, 1959 (24 F.R. 5304), respectively; (6) the text of the amendatory order has been made available to all known interested persons; (7) the specified effective time hereof will provide an early opportunity for the taking of required actions; and (8) filbert handlers will need no further advance notice to prepare for compliance with the provision of this amendatory order.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington", upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping filberts covered by said order) who, during the period August 1, 1958, through June 30, 1959, handled not less than 50 percent of the volume of such filberts covered by said amendatory order; and

(2) The issuance of this amendatory order is favored or approved by at least two-thirds of the producers who participated in a referendum on such approval and who, during the determined representative period (August 1, 1958, through June 30, 1959) were engaged within the area of production specified in said order, in the production of filberts for market, such producers having also produced for market at least two-thirds of the volume of such filberts represented in such referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of filberts (inshell and shelled) grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 997.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 997.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 997.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 997.4 Filberts.

"Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus Corylus.

§ 997.5 Area of production.

"Area of production" means the States of Oregon and Washington.

§ 997.6 Grower.

"Grower" is synonymous with "producer" and means any person engaged, in a proprietary capacity, in the commercial production of filberts.

§ 997.7 To handle.

"To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put filberts, inshell or shelled, into the channels of trade either within the area of production or from such area to points outside thereof: *Provided,* That sales or deliveries by growers to handlers within the area of production or authorized disposition of restricted filberts and substandard filberts shall not be considered as handling.

§ 997.8 Handler.

"Handler" means any person who handles filberts.

§ 997.9 Cooperative handler.

"Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 997.10 Independent handler.

"Independent handler" means a handler who is not a cooperative handler.

§ 997.11 Pack.

"Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition of filberts packed in accordance with any of the pack specifications prescribed pursuant to § 997.45.

§ 997.12 Merchantable filberts.

"Merchantable filberts" means inshell filberts that meet the grade and size regulations in effect pursuant to § 997.45 and are likely to be available for handling as inshell filberts.

§ 977.13 Substandard filberts.

"Substandard filberts" means filberts, inshell or shelled, that do not meet the minimum standards effective pursuant to § 997.45.

§ 997.14 Restricted filberts.

"Restricted filberts" means inshell filberts withheld in satisfaction of a restricted obligation.

§ 997.15 Inshell handler carryover.

"Inshell handler carryover" as of any given date means al linshell filberts (except restricted filberts) wherever located then held by handlers or for their accounts, whether or not sold, including certified merchantable filberts and the estimated merchantable content of those uncertified filberts then held by handlers which are intended for handling as inshell filberts.

§ 997.16 Inshell trade demand.

"Inshell trade demand" means the quantity of inshell filberts acquired by the trade from all handlers during a fiscal year for distribution in the Continental United States.

§ 997.17 Fiscal year.

"Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 997.18 Board.

"Board" means the Filbert Control Board established pursuant to § 997.30.

§ 977.19 Part and subpart.

"Part" means the order, as amended, regulating the handling of filberts grown in Oregon and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order, as amended, regulating the handling of filberts grown in Oregon and Washington shall be a "subpart" of such part.

FILBERT CONTROL BOARD

§ 997.30 Establishment and membership.

There is hereby established a Filbert Control Board consisting of nine members, each of whom shall have an alternate. The nine member positions shall be allocated as follows:

(a) One handler member to represent cooperative handlers;

(b) One handler member to represent independent handlers;

(c) One handler member to represent cooperative handlers or independent handlers, whichever group of such handlers handled more than 50 percent of the filberts handled by all handlers during the fiscal year preceding the fiscal year in which nominations are made;

(d) Two grower members to represent cooperative growers (i.e., growers, whose filberts are handled through cooperative handlers);

(e) Two grower members to represent independent growers (i.e., growers whose filberts are handled through independent handlers);

(f) One grower member to represent growers whose filberts are handled through cooperative handlers or independent handlers whichever group of such handlers handled more than 50 percent of the filberts handled by all handlers during the fiscal year preceding the fiscal year in which nominations are made;

(g) One member who is neither a grower nor a handler.

§ 997.31 Independent grower districts.

(a) Whenever the grower member provided in § 997.30(f) is to represent independent growers, one independent grower member and his alternate shall be nominated and selected from each of the following districts, except as may

be otherwise provided pursuant to paragraph (b) of this section:

(1) District No. 1—The State of Washington, and Multnomah and Washington Counties in Oregon.

(2) District No. 2—Clackamas, Marion and Yamhill Counties in Oregon.

(3) District No. 3—Benton, Lane, Linn, Polk and all other Counties in Oregon except those included in District No. 1 and District No. 2.

(b) Whenever, pursuant to § 997.30(f) the grower member is not to represent independent growers, or the districts as established pursuant to paragraph (a) of this section fail to provide equitable representation to such independent growers, the Secretary, on the basis of a recommendation of the Board or other information, may establish different districts within the production area. In recommending any changes in districts, the Board shall consider shifts in filbert acreage within and among the districts, and other relevant factors.

§ 997.32 Nomination.

(a) Nominees shall be chosen for the respective member and alternate member positions specified in § 997.30 (a) through (g) by such groups.

(b) Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the Board to all handlers in such group.

(c) Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballots cast by each cooperative handler for its grower patrons.

(d) Nominations on behalf of independent growers shall be submitted after balloting by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the Board each fiscal year on petitions signed by not less than 10 independent growers who are of record with the Board; each grower may sign only as many petitions as there are persons to be nominated and whenever such petitions fail to result in submission of two names for each position to be filled, the Board shall request all County Agricultural Agents in filbert producing counties which produced at least 10 percent of the total filbert production during the preceding fiscal year to recommend one or more eligible growers for each position to be included on the ballot. Ballots, accompanied by the names of all such candidates together with instructions, shall be mailed to all independent growers who are of record with the Board; each ballot shall contain appropriate blank spaces for the voter to indicate his choice for each member position and for each alternate member position which is to be filled. The eligible person receiving the highest number of votes for a particular position shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to independent growers because it is too difficult or costly to administer, it does not result in the names of a sufficient number of eligible candidates being submitted with the ballots, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

(e) All votes cast by cooperative handlers, independent handlers or for cooperative growers, shall be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulation are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each such handler or cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or cooperative grower group, the vote shall be weighted as one vote. All votes cast by independent growers shall be given equal weight. Nominations received in the foregoing manner by the Board shall be reported to the Secretary by June 1 of each fiscal year, together with a certificate of all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination.

(f) Nominees for the member and alternate member positions specified in § 997.30(g) shall be chosen by the other eight members who are to serve on the Board during the ensuing fiscal year. If nominations for such member or alternate are not submitted by July 1 of any year, the Secretary may select such member or alternate without nomination.

(g) No independent grower who during the then current fiscal year handled any filberts other than of his own production may vote for or be a nominee to represent independent growers on the Board nor may he be any such nominee if during such fiscal year he was employed by a filbert handler.

§ 997.33 Selection and term of office.

(a) *Selection.* Members and their respective alternates shall be selected by the Secretary from nominees submitted by the Board or from among other qualified persons.

(b) *Term of office.* (1) The term of office of each member and alternate member shall be two years beginning August 1, except that (i) the terms of office of one of the grower members and his alternate member specified in § 997.30(d), one of the grower members and his alternate member specified in § 997.30(e), and the handler members and alternate members specified in § 997.30 (a) and (b) shall expire on July 31 of the first even-numbered year following the year of selection, and the terms of office of all other members and alternate members shall expire on July 31 of the first odd-numbered year following the year of selection; (ii) if the representation on the Board in an ensuing fiscal year will, by reason of change in representation pursuant to § 997.30 (c) and (f), be different from that in the current fiscal year, the terms of office of all grower and handler members and alternate members holding office in the current fiscal year shall expire at the end of the current fiscal year and successor members and alternate members shall be nominated and selected in conformance with §§ 997.30 and 997.33; (iii) if the districts for independent grower representation in an ensuing fiscal year will be different from that in the current fiscal year, the terms of office of all independent grower members and alternate members specified in § 997.30 (e) and (f) shall expire on July 31 of the current fiscal year and persons nominated to succeed them shall be nominated and selected so as to conform with such changed representation.

(2) Members and alternate members shall serve for the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 997.34 Qualification.

Any person selected to serve as a member or an alternate of the Board shall qualify by filing with the Secretary a written acceptance of his appointment. Any member or alternate member who at the time of his selection was a member or employed by a member of the group which nominated him shall, upon ceasing to be such a member or employee, become disqualified to serve further and his position on the Board shall be deemed vacant. In the event any member or alternate member of the Board qualified and selected, in accordance with the provisions of §§ 997.30 and 997.32, to represent independent growers should, during his term of office, handle filberts produced by other growers, or become an employee of a handler, his position on the Board shall thereupon be deemed to be vacant.

§ 997.35 Vacancy.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Board, a successor for his unexpired term shall be nominated and selected in the manner provided in §§ 997.32 and 997.33, so far as applicable, unless selection is deemed unnecessary by the Secretary.

§ 997.36 Alternates.

(a) An alternate for a member of the Board shall act in the place of such member in his absence, and in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) If a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate from the group in § 997.30 represented by such absent member to serve in the member's place. For purposes of this section the cooperative handler group and cooperative grower group shall be considered as one group.

§ 997.37 Procedure.

(a) Seven members of the Board shall constitute a quorum at an assembled meeting of the Board, and any action of the Board shall require the concurring vote of at lease five members. At any as-

sembled meeting all votes shall be cast in person.

(b) The Board may vote by mail, telephone, telegraph, or other means of communication: *Provided*, That any votes (except mail votes) so cast shall be confirmed in writing. When any proposition is submitted for voting by any such method its adoption shall require nine concurring votes.

(c) The members of the Board and their alternates shall serve without compensation, but members and alternates acting as members shall be allowed their necessary expenses: *Provided*, That the Board may request the attendance of one or more alternates not acting as members at any meeting of the Board, and such alternates may be allowed their necessary expenses.

§ 997.38 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 997.39 Duties.

The Board shall have among others the following duties: (a) to select from among its members such officers and adopt rules or bylaws for the conduct of its meetings as it deems advisable;

(b) To act as intermediary between the Secretary and any handler or grower;

(c) To keep minute books and records which will clearly reflect all of its acts and transactions, and such books and records shall be available for examination by the Secretary at any time;

(d) To furnish to the Secretary such available information as he may request;

(e) To appoint such employees as it deems necessary and determine the salaries, define the duties and fix the bonds of such employees;

(f) To cause the books of the Board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of the reports of all audits made;

(g) To investigate the growing, shipping and marketing conditions with respect to filberts, and assemble data in connection therewith;

(h) To give the Secretary the same notice of the meetings of the Board as is given to its members; and

(i) To furnish to the Secretary a verbatim report of the proceedings of each meeting of the Board held for the purpose of making marketing policy recommendations.

MARKETING POLICY

§ 997.40 Board's estimates and recommendations.

(a) Each fiscal year, prior to the time the new crop filberts are available for handling, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall include the following:

(1) *Inshell allocation.* (i) The Board's estimate of the quantity of merchantable filberts to be produced during such year;

(ii) The Board's estimate of the inshell handler carryover of filberts on August 1 of such year, segregated as to the quantity subject to regulation and not subject to regulation;

(iii) The Board's recommendation for inshell handler carryover of filberts on July 31 of such year which may be available for handling as inshell filberts thereafter;

(iv) The Board's estimate of the inshell trade demand for filberts for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled filbert market conditions and other factors affecting inshell trade demand during such year; and

(v) The board's recommendation as to the free and restricted percentages to be established for such year.

(2) *Grade and size regulations.* The Board shall review the grade and size regulations in effect and may recommend modifications thereof.

(b) *Revisions.* At any time prior to February 15 of each fiscal year the Board, or two or more handlers who during the preceding fiscal year handled at least 10 percent of all filberts handled, may recommend to the Secretary revisions in the marketing policy for such year.

§ 997.41 Free and restricted percentages.

Whenever the Secretary finds, on the basis of the Board's recommendation or other information, that limiting the quantity of merchantable filberts which may be handled during a fiscal year would tend to effectuate the declared policy of the act, he shall establish a free percentage to prescribe the portion of such filberts which may be handled as inshell filberts and a restricted percentage to prescribe the portion that must be withheld from such handling. In establishing such percentages the Secretary shall consider the ratio of (a) the sum of estimated inshell trade demand and the inshell handler carryover at the end of the year, less that portion of the inshell handler carryover at the beginning of the year not subject to regulation, to (b) the estimated supply of merchantable filberts subject to regulation and other relevant factors. In the same manner the free percentage may be increased and the restricted percentage may be decreased by the Secretary, and such revised percentages shall remain in effect until superseded. Until free and restricted percentages are established by the Secretary for a fiscal year, the percentages in effect at the end of the previous year shall be applicable.

GRADE AND SIZE REGULATION

§ 997.45 Establishment of grade and size regulations.

(a) *Minimum standards.* No handler shall handle any inshell or shelled filberts unless such inshell filberts meet requirements of Oregon No. 1 grade and medium size (as defined in the Oregon Grades and Standards for Walnuts and Filberts), and such shelled filberts meet such requirements as are established by the Secretary on the basis of a recommendation of the Board, except as may be otherwise provided in § 997.57. These minimum standards may be modified by the Secretary on the basis of a recommendation of the Board or other information whenever he finds that such modification would tend to effectuate the declared policy of the act. Such minimum standards and the provisions of this part relating to the administration thereof shall continue in effect irrespective of whether the season average price of filberts is above the parity level specified in section 2(1) of the act.

(b) *Additional grade and size regulations.* When the season average price of filberts is not determined to be above parity, the Secretary may establish additional grade and size regulations for inshell filberts in the form of a more restrictive minimum standard than that specified in paragraph (a) of this section, or pack specifications as to grades and sizes that may be handled, if he finds, on the basis of a recommendation of the Board or other information, that such regulations would tend to effectuate the declared policy of the act.

§ 997.46 Inspection and certification.

(a) Before or upon handling any filberts, or before any inshell filberts are credited (pursuant to § 997.50 or § 997.51) in satisfaction of a restricted obligation, each handler shall, at his own expense, cause such filberts to be inspected and certified by the Federal-State Inspection Service as meeting the then effective grade and size regulations or, if inshell filberts are withheld pursuant to § 997.51, the requirements specified therein. The handler obtaining such inspection of filberts shall cause a copy of the certificate issued by such inspection service applicable to such filberts to be furnished to the Board.

(b) All filberts so inspected and certified shall be identified by seals, stamps, tags or other identification prescribed by the Board. Such identification shall be affixed to the filbert containers by the handler under direction and supervision of the Board or the Federal-State Inspection Service, and shall not be removed or altered by any person except as directed by the Board.

(c) Whenever the Board determines that the length of time in storage and conditions of storage of any lot of certified merchantable filberts have been or are such as to normally cause deterioration, it may require that such lot of filberts be reinspected at the handler's expense prior to handling.

CONTROL OF DISTRIBUTION

§ 997.50 Restricted obligation.

(a) No handler shall handle inshell filberts unless prior to or upon shipment thereof, he (1) has withheld from handling a quantity, by weight, of certified merchantable filberts determined by dividing the quantity handled or to be handled by the free percentage and multiplying the quotient by the restricted percentage or (2) has withheld from handling an equivalent quantity of creditable ungraded inshell filberts pursuant to § 997.51: *Provided*, That such withholding may be temporarily deferred pursuant to the bonding provisions in § 997.54. The quantity of filberts so required to be withheld shall be the restricted obligation. Certified merchantable filberts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

(b) Inshell filberts withheld by a handler in satisfaction of his restricted obligation shall not be handled and shall be held by him subject to examination by, and accounting control of, the Board until disposed of pursuant to this part.

(c) A handler having certified merchantable filberts which have not been handled at the end of a fiscal year may elect to have such filberts bear the restricted and assessment obligations of such year or of the fiscal year in which handled. The Board shall establish such procedures as are necessary to facilitate the administration of this option among handlers.

(d) Whenever the restricted percentage for a fiscal year is reduced, each handler's restricted obligation shall be reduced to conform with the new restricted percentage. Any handler who, upon such reduction, is withholding restricted filberts in excess of his new restricted obligation may have the excess freed from withholding by complying with such procedures as the Board may require to insure identification of the remaining filberts withheld.

§ 997.51 Restricted credit for ungraded filberts.

A handler may withhold ungraded filberts in lieu of certified merchantable filberts in satisfaction of his restricted obligation, and the weight on which credit may be received shall be the total weight less the cumulative total percentage, by weight, of (a) all internal defects, (b) all external defects in excess of 10 percent and (c) all small-sized filberts in excess of five percent (as defined in the Oregon Grades and Standards for Walnuts and Filberts); *Provided*, That any lot of ungraded filberts having a creditable weight of less than 50 percent of its total weight, or not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All such determination as to defects and small-sized filberts shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 997.50. The provisions of this section may be modified by the Secretary on the basis of a recommendation of the Board or other information.

§ 997.52 Disposition of restricted filberts.

Filberts withheld from handling as inshell filberts pursuant to §§ 997.50 and 997.51 may be disposed of as follows:

(a) *Shelling.* Any handler may dispose of such filberts by shelling them under the direction or supervision of the Board or by delivering them to an authorized sheller. Any person who desires to become an authorized sheller in any fiscal year may submit a written application during such year to the Board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such restricted filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such restricted filberts, as inshell filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to the shelling of filberts; and

(4) To make such reports, certified to the Board and to the Secretary as to their correctness, as the Board may require.

(b) *Export.* Sales of certified merchantable restricted filberts for shipment or export to destinations outside the Continental United States shall be made only by the Board. Any handler desiring to export any part or all of his certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the Continental United States. A handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f.o.b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

(c) *Other outlets.* In addition to the dispositions authorized in paragraphs (a) and (b) of this section, the Board may designate such other outlets into which such filberts may be disposed, which it determines are noncompetitive with normal market outlets for inshell filberts. Such dispositions shall be made under the direction or supervision of the Board.

§ 997.53 Substandard filberts.

The Board shall, with the approval of the Secretary, establish such reporting and disposition procedures as it deems necessary to insure that filberts which do not meet the effective inshell or shelled filbert minimum standards do not enter normal market outlets for certified filberts.

§ 997.54 Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 997.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date desired by the handler, but not later than January 31 of the fiscal year, upon the voluntary execution and delivery by such handler to the Board, before he handles any merchantable filberts of such fiscal year, of a written undertaking, secured by a bond or bonds with a surety or sureties acceptable to the Board, that on or prior to such date he will have fully satisfied his restricted obligation required by § 997.50.

(b) *Bonding requirement.* Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's deferred restricted obligation. The bonding value shall be the deferred restricted obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the handler filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to handler f.o.b. shipping point which shall be computed at the opening price for such pack announced by the handler or handlers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of handlers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more handlers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such handler.

(d) *Filbert purchases.* Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers, as provided in this paragraph, a quantity of certified merchantable filberts on which the restricted obligation has been met, not to exceed the total quantity represented by the sums collected. The Board shall at all times purchase the lowest priced packs offered, and the purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(e) *Unexpended sums.* Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a fiscal year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of filberts as provided in paragraph (d) of this section. Any balance

remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of certified merchantable filberts handled by them during the fiscal year in which the default occurred.

(f) *Transfer of filbert purchases.* Filberts purchased as provided in this section shall be turned over to those handlers who have defaulted on their bonds, for disposal by them as restricted filberts. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various handlers on the basis of the ratio of the quantity of filberts to be delivered to each handler to the total quantity purchased by the Board with bonding funds.

(g) *Collection upon bonds.* Collection upon any defaulted bond shall be deemed a satisfaction of the restricted obligation represented by the collection.

§ 997.55 Exchange of certified merchantable filberts withheld.

Any handler who has withheld from handling certified merchantable filberts pursuant to the requirements of § 997.50 may exchange therefor an equal quantity, by weight, of other certified merchantable filberts. Any such exchange shall be made under the direction or supervision of the Board.

§ 997.56 Interhandler transfers.

Within the area of production, interhandler transfers of filberts may be made as follows:

(a) Uncertified inshell filberts may be sold or delivered by one handler to another for packing or shelling, and the receiving handler shall be responsible for compliance with the regulations effective pursuant to this part with respect to such filberts.

(b) Restricted filberts withheld by a handler may be sold or delivered to another handler for shelling, export, or other authorized outlet subject to the disposition requirements set forth in § 997.52.

(c) Certified filberts other than restricted filberts may be sold or delivered by one handler to another and the transferring handler shall be responsible for compliance with the requirements effective pursuant to this part, unless specified and agreed upon in writing by both handlers that the receiving handler shall be responsible for such compliance and a copy of such agreement is furnished to the Board.

(d) The Board, with the approval of the Secretary, shall establish procedures, including necessary reports, for such transfers.

§ 997.57 Exemptions.

The Board, with the approval of the Secretary, may exempt from any or all requirements pursuant to this part such quantities of filberts or types of shipment as do not interfere with the volume and quality control objectives of this part, and shall require such reports, certifications or other conditions as are necessary to ensure that such filberts are handled or used only as authorized.

EXPENSES AND ASSESSMENTS

§ 997.60 Expenses.

The Board is authorized to incur such expenses including maintenance of an operating reserve fund as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the Board and for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the Board as to the expenses and size of the operating reserve for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary at the beginning of the fiscal year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 997.61.

§ 997.61 Assessments.

For each fiscal year, the Secretary shall fix an assessment rate per pound of filberts handled and withheld, including the creditable weight of ungraded restricted filberts withheld pursuant to § 997.51 and, when subject to regulation pursuant to § 997.45, the inshell equivalent of shelled filberts certified which are produced from other than restricted filberts, that will provide sufficient funds to meet the authorized expenses and reserve requirements of the Board. At any time during or after a fiscal year when he determines, on the basis of a Board recommendation or other information, that a different rate is necessary, the Secretary may modify the assessment rate and the new rate shall be applicable to all such filberts. Each handler shall pay to the Board on demand, assessments on all such assessable filberts at the rate fixed by the Secretary.

§ 997.62 Accounting.

(a) *Operating reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed 50 percent of the average fiscal year Board expenses for the most recent five preceding fiscal years, except that when recomputation of 50 percent of such average fiscal year Board expenses results in a figure lower than the amount then in the reserve, the reserve need not thereupon be reduced to conform with the new average. Funds in such reserve shall be available for use by the Board for expenses authorized pursuant to § 997.60.

(b) *Refunds.* At the end of a fiscal year, funds in excess of the fiscal year's expenses and reserve requirements shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of expenses of the Board. However, excess funds may be used by the Board for a period of 4 months subsequent to the fiscal year; but within 5 months from the beginning of the subsequent fiscal year the Board shall refund to each handler upon request, or credit to his account with the Board, his share of such excess.

(c) *Termination.* Upon termination of this subpart any money remaining unexpended in possession of the Board shall be distributed in such manner as the Secretary may direct; *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

RECORDS AND REPORTS

§ 997.65 Carryover reports.

On or before January 15 and August 5 of each year each handler shall report to the Board his inventory of inshell and shelled filberts as of January 1 and August 1 respectively of such year. Such reports shall be certified to the Board and the Secretary as to their accuracy and completeness and shall show, among other items, the following: (a) Certified merchantable filberts on which the restricted obligation has been met; (b) merchantable filberts on which the restricted obligation has not been met; (c) the merchantable equivalent of any filberts intended for handling as inshell filberts; and (d) restricted filberts withheld.

§ 997.66 Shipment reports.

Each handler shall report to the Board the respective quantities of inshell and shelled filberts handled by him during such periods and in such manner as are prescribed by the Board with the approval of the Secretary.

§ 997.67 Reports of disposition of restricted filberts.

(a) Each handler, before he disposes of any quantity of restricted filberts held by him, shall file with the Board a report of his intention to dispose of such quantity of restricted filberts. This report shall be filed not less than five days prior to the date on which the restricted filberts are disposed of, unless the five-day period is expressly waived by the Board.

(b) Each handler, within 15 days after the disposition of any quantity of restricted filberts, shall file with the Board a report of the actual disposition of such quantity of restricted filberts. Such reports shall be certified to the Board and to the Secretary as to their correctness and accuracy.

(c) All reports required by this section shall show the quantity, pack, and location of the filberts covered by such reports; the applicable handler's storage lot and inspection certificate numbers; and the disposition of the restricted filberts which is intended or which has been accomplished.

§ 997.68 Other reports.

Each handler shall furnish to the Board such other reports as the Board, with the approval of the Secretary, may require to enable it to exercise its powers and to perform its duties.

§ 997.69 Verification of reports.

For the purpose of checking and verifying reports submitted by handlers, the Board, through its duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours, and shall be permitted to inspect any filberts held by such handler and all records of the handler with respect to filberts held or disposed of by such handler. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of any filberts. Each handler shall store filberts in such manner as to facilitate inspection, and shall maintain adequate storage records which will permit accurate identification of all such filberts held.

§ 997.70 Confidential information.

All reports and records furnished or submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received, shall be kept in the custody and under the control of one or more employees of the Board, and shall be disclosed to no person except the Secretary.

§ 997.71 Records.

Each handler shall maintain such records of filberts received, held and disposed of by him as may be prescribed by the Board in order to perform its functions under this part. Such records shall be retained and be available for examination by authorized representatives of the Board or the Secretary for a period of two years after the end of the fiscal year in which the transactions occurred.

MISCELLANEOUS PROVISIONS

§ 997.80 Right of the Secretary.

The members of the Board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 997.81 Personal liability.

No member or alternate member of the Board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.82 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.83 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.84 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 997.85 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 997.86 Effective time, termination or suspension.

(a) *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this section.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the joint trustees pursuant to this subpart.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon said joint trustees.

§ 997.87 Effect of termination or amendment.

(a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regualtion issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any right or remedies of the Secretary or of any other person, with respect to any such violation.

(b) All rules and regulations in this part which are in effect immediately prior to this amendment of this subpart and not inconsistent with such amendment shall continue in effect until otherwise prescribed pursuant to this subpart.

§ 997.88 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the Board.

Dated: July 28, 1959, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-6341; Filed, July 31, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 74; Amdt. 24]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSED, AND APPLIANCES

TSO–C10b, Aircraft Altimeter

A proposed amendment to the Technical Standard Order which establishes minimum performance standards for aircraft altimeters, pressure actuated sensitive type, used on civil aircraft of the United States, was published in 24 F.R. 3699.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and due consideration has been given to all relevant matter presented. Since minor revisions made in the amendment as a result of the comments received are not substantive in nature, republication for further comment is not necessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.20 is amended to read as follows:

§ 514.20 Aircraft altimeter, pressure actuated, sensitive type—TSO–C10b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft altimeters which specifically are required to be approved for use on civil aircraft of the United States. New models of altimeters manufactured for such use on or after September 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS 392C,[1] "Altimeter, Pressure Actuated Sensitive Type," revision date February 1, 1959,[2] with the exceptions listed in subparagraph (2) of this paragraph. Altimeters approved under prior issuances of this section may continue to be manufactured under the earlier provisions.

(2) *Exceptions.* (i) The following specifically numbered paragraphs in AS 392C do not concern minimum performance and therefore are not essential to compliance with this section: 3.1, 3.1.1, 3.1.2, 3.2, 3.2(a) (b) (c) (d) (e) (f).

(ii) In lieu of section 7. in AS 392C, it is a requirement that the altimeters covered by this section be capable of successfully passing the tests in paragraphs 7.1 through 7.5 and an External Case Pressure Test which is as follows:

External Case Pressure Test. The static pressure source of the instrument shall be sealed when an ambient temperature of 25°C and an ambient pressure of 29.92 inches (absolute) of mercury have been achieved. The ambient pressure shall then be increased at a rate of 20 inches of mercury in two seconds to 50 inches (absolute) of mercury and held at that pressure for three minutes. There shall be no adverse effect on the instrument or its accuracy.

(iii) The "Reference Section" under Table II of AS 392C is not applicable.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the range shall be shown.

(c) *Data requirements.* One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C.:

(1) Manufacturer's operating instructions.

(2) Complete set of instrument's drawings of major components and a test report.

(3) Installation procedures with applicable schematic drawings.

(d) *Effective date.* September 1, 1959.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 22, 1959.

BURLEIGH PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6328; Filed, July 31, 1959; 8:45 a.m.]

[Regulatory Docket No. 78; Amdt. 26]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne Radio Equipment

Proposed amendments to Technical Standard Orders which establish minimum performance standards for radio equipment used on civil aircraft of the United States engaged in air carrier operations were published in 24 F.R. 3882 to 3886, inclusive.

Interested persons have been afforded an opportunity to participate in the making of the rules. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows effective on the dates indicated:

1. Section 514.58 is added as follows:

§ 514.58 High frequency (HF) radio communication transmitting equipment operating within the radio frequency range of 1.5–30 megacycles (for air carrier aircraft)—TSO–C31b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne high frequency radio communication transmitting equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne HF radio communication transmitting equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Radio Communication Transmitting Equipment Operating Within the Radio-Frequency Range of 1.5–30 Megacycles," as amended (Paper 14–53/DO–48 dated January 26, 1953, and amendment, Paper 247–58/EC–357, dated November 13, 1958),[1] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[1] which is incorporated by reference in and thus is a part of Paper 14–53/DO–48 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne high frequency radio communication transmitting equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne high frequency radio communication transmitting equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

2. Section 514.59 is added as follows:

§ 514.59 High frequency (HF) radio communication receiving equipment operating within the radio frequency range of 1.5–30 megacycles (for air carrier aircraft)—TSO–C32b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne high frequency radio communication receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne HF radio communication receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Communication Receiving Equipment Operating Within the Radio Frequency Range of 1.5–30 Megacycles," as amended (Paper 15–53/DO–49 dated January 26, 1953, and amendment, Paper 248–58/EC–358 dated November 13, 1958),[2] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[2] which is incorporated by reference in and thus is a part of Paper 15–53/DO–49 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne high frequency radio communication receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne high frequency radio communication receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

3. Section 514.60 is added as follows:

§ 514.60 ILS glide slope receiving equipment (for air carrier aircraft)—TSO–C34a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS glide slope receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS glide slope receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne ILS Glide Slope Receiving Equipment," (Paper 222–58/DO–89 dated October 14, 1958).[3] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[3] which is incorporated by reference in and thus is a part of Paper 222–58/DO–89 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne ILS glide slope receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne ILS glide slope receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

4. Section 514.37 is added as follows:

§ 514.37 Radio marker receiving equipment operating on 75 Mc (for air carrier aircraft)—TSO–C35b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio marker receiving equipment operating on 75 Mc which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio marker receiving equipment operating on 75 Mc manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Marker Receiving Equipment Operating on 75 Mc," as amended (Paper 87–54/DO–57 dated April 13, 1954, retyped February 12, 1958, and amendment, Paper 249–58/EC–359 dated November 13, 1958.)[4] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[4] which is incorporated by reference in and thus is a part of Paper 87–54/DO–57 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radio marker receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be

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[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

[2] In addition to the performance standards herein, altimeters when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Civil Air Regulations.

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 14–53/DO–48, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 15–53/DO–49, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[3] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 222–58/DO–89, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[4] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 87–54/DO–57, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne radio marker receiving equipment operating on 75 Mc approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

5. Section 514.61 is added as follows:

§ 514.61 ILS localizer receiving equipment (for air carrier aircraft)—TSO–C36a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS localizer receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS localizer receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne ILS Localizer Receiving Equipment," as amended, (Paper 89–54/DO–59 dated July 15, 1954, and amendments, Paper 7–55/EC–245 dated January 13, 1955, Paper 250–58/EC–360 dated November 13, 1958)[5] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[6] which is incorporated by reference in and thus is a part of Paper 89–54/DO–59 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne ILS localizer receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne ILS localizer receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

6. Section 514.62 is added as follows:

§ 514.62 Very high frequency (VHF) radio communication transmitting equipment operating within the radio-frequency range of 118–132 megacycles (for air carrier aircraft)—TSO–C37a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne very high frequency radio communication transmitting equipment operating within the radio-frequency range of 118–132 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne very high frequency radio communication transmitting equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Communication Transmitting Equipment Operating Within the Radio-Frequency Range of 118–132 Megacycles," as amended (Paper 88–55/DO–65 dated May 9, 1955, and amendment, Paper 252–58/EC–362 dated November 13, 1958,[5] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[6] which is incorporated by reference in and thus is a part of Paper 88–55/DO–65 has been admended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne very high frequency radio communication transmitting equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if

[5] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 89–54/DO–59, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[6] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 88–55/DO–65, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne VHF communication transmitting equipment operating within the radio-frequency range of 118–132 megacycles approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

7. Section 514.63 is added as follows:

§ 514.63 Very high frequency (VHF) radio communication receiving equipment operating within the radio-frequency range of 118–132 megacycles—TSO–C38a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne very high frequency radio communication receiving equipment operating within the radio-frequency range of 118–132 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne very high frequency radio communication receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Communication Receiving Equipment Operating Within the Radio-Frequency Range of 118–132 Megacycles," as amended (Paper 87–55/DO–64 dated May 9, 1955, and amendment, Paper 251–58/EC–361 dated November 13, 1958),[7] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[6] which is incorporated by reference in and thus is a part of Paper 87–55/DO–64 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne very high frequency radio communication receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne VHF radio communication receiving equipment operating within the radio-frequency range of 118–132 megacycles approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

8. Section 514.38 is amended as follows:

§ 514.38 VOR radio receiving equipment operating within the radio-frequency range of 108–118 megacycles (for air carrier aircraft)—TSO–C40a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VOR radio receiving equipment operating within the radio-frequency range of 108–118 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VOR radio receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne VOR Receiving Equipment Operating Within the Radio Frequency Range of 108–118 Megacycles," as amended (Paper 225–55/DO–69 dated December 13, 1955, and amendment, Paper 253–58/EC–363 dated November 13, 1958),[8] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[6] which is incorporated by reference in and thus is a part of Paper 225–55/DO–69 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne VOR radio receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/

[7] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 87–55/DO–64, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[8] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 225–55/DO–69, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne VOR radio receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

9. Section 514.39 is amended as follows:

§ 514.39 Airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles (for air carrier aircraft)—TSO–C41a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio receiving and direction finding equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Receiving and Direction Finding Equipment Operating Within the Radio-Frequency Range of 200–415 Kilocycles," as amended (Paper 83–56/DO–70 dated April 25, 1956, and amendment, Paper 254–58/EC–364 dated November 13, 1958).[9] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [9] which is incorporated by reference in and thus is a part of Paper 83–56/DO–70 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radio receiving and direction finding equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5–50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letter I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne radio receiving and direction finding equipment operating within the radio-frequency range of 200–415 kilocycles approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

10. Section 514.49 is amended as follows:

§ 514.49 Aircraft audio and interphone amplifiers (for air carrier aircraft)—TSO–C50a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft audio and interphone amplifiers which are to be used on civil aircraft of the United States engaged in air carrier operation. New models of aircraft audio and interphone amplifiers manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Aircraft Audio and Interphone Amplifiers," as amended (Paper 45–57/DO–78 dated March 15, 1957, and amendment, Paper 255–58/EC–365 dated November 13, 1958).[10] Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 [10] which is incorporated in by reference and thus is a part of Paper 45–57/DO–78 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only aircraft audio and interphone amplifiers which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, are eligible under this section.

[9] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 83–56/DO–70, 40 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[10] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 45–57/DO–78, 25 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne audio and interphone amplifiers approved prior to September 1, 1959, may continue to be manufactured under the provisions of their original approval.

(e) *Effective date.* September 1, 1959.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 27, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59–6330; Filed, July 31, 1959; 8:45 a.m.]

[Regulatory Docket No. 77; Amdt. 25]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C61, Portable Aircraft Emergency Communications Equipment

Proposed § 514.66 establishing minimum performance standards for portable aircraft emergency communications equipment for use on civil aircraft of the United States engaged in particular air carrier operations was published in 24 F.R. 4343.

Interested persons have been afforded an opportunity to participate in the making of the rules. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

1. Section 514.66 is added as follows:

§ 514.66 Portable aircraft emergency communications equipment operating within the radio-frequency range of 450 to 8500 kilocycles (for air carrier aircraft)—TSO–C61.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for portable aircraft emergency communications equipment which specifically is required to be carried on civil aircraft of the United States engaged in particular air carrier operations. The radio frequencies to be utilized by such equipment shall be selected from 500 or 8364 kilocycles. A single frequency or a combination of the above frequencies may be used. New models of portable aircraft emergency communications equipment manufactured for use on air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics Paper entitled "Minimum Performance Standards—Portable Aircraft Emergency Communications Equipment Operating Within the Radio-Frequency Range 450 to 8500 Kilocycles" (Paper 49–59/DO–95 [1] dated March 10, 1959). Radio Technical Commission for Aeronautics Paper 100–54/DO–60 [1] which is incorporated by reference in and thus is a part of Paper 49–59/DO–95 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 100–54/DO–60 and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only portable aircraft emergency communications equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions and schematic diagrams shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* September 1, 1959.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 27, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59–6329; Filed, July 31, 1959; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 49–59/DO–95, 30 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7378 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Gladdings, Inc., and Leonard E. Johnson

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Sales below cost. Subpart — *Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gladdings, Inc., et al., Providence, R.I., Docket 7378, July 8, 1959]

In the Matter of Gladdings, Inc., a Corporation, and Leonard E. Johnson, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Providence, R.I., with violating the Fur Products Labeling Act by labeling fur products with fictitious prices represented as regular retail prices; by failing to comply in other respects with labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs or that products contained artificially colored furs, failed to use the term "Dyed Broadtail-processed Lamb" as required, and falsely represented prices of fur products as "below the furrier's original cost".

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents, Gladdings, Inc., a corporation, and its officers, and Leonard E. Johnson, individually, and as president of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "com-

merce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular retail selling prices thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which Respondents have usually and customarily sold such products in the recent regular course of business;

B. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

C. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information;

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in the required sequence;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in abbreviated form;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

B. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required;

C. Represents, directly or by implication, that prices of fur products are "below the furrier's original cost", or words of similar import and meaning, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Gladdings, Inc., a corporation, and Leonard E. Johnson, individually and as president of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-6335; Filed, July 31, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6404]

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

Exemption From Manufacturers Excise Tax for Articles Sold for Use in Further Manufacture

On October 10, 1958, notice of proposed rule making with respect to regulations under section 4220 of the Internal Revenue Code of 1954, as amended, relating to the exemption from the manufacturers excise tax for articles sold for use in further manufacture was published in the FEDERAL REGISTER (23 F.R. 7855). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The last sentence of § 40.4220–1(c) is revised to read as follows: "See section 6416(c) as in effect prior to January 1, 1959, with respect to the credit provided when these articles are sold prior to such date on or in connection with, or with the sale of, an article taxable under section 4061(a) (relating to automobiles, trucks, etc.)."

PAR. 2. Section 40.4220–2(e) is revised by striking "and the regulations thereunder contained in Subpart H".

PAR. 3. Section 40.4220–3 is revised as follows:

(A) By striking "and the regulations under such sections contained in the regulations on procedure and administration (Part 301 of this chapter) and in Subpart N of this chapter, respectively" in the last sentence of paragraph (b).

(B) By striking "and the regulations thereunder contained in Subpart N of this part" in the third sentence of paragraph (c).

PAR. 4. Section 40.4220–4 is revised as follows:

(A) By striking "and the regulations under such sections contained in the regulations on procedure and administration (Part 301 of this chapter) and in Subpart N of this part, respectively" in the last sentence of paragraph (b).

(B) By striking "and the regulations under such sections contained in the regulations on procedure and administration (Part 301 of this chapter) and in Subpart N of this part, respectively" in the last sentence of paragraph (d).

(C) By striking "and the regulations thereunder contained in Subpart N of this part" in the last sentence of paragraph (e).

(D) By striking "and the regulations thereunder contained in Subpart N" in the penultimate sentence of paragraph (f).

PAR. 5. Section 40.4220–8 is revised by striking "and the regulations thereunder contained in this subpart" appearing at the end of the section and inserting in lieu thereof "as in effect prior to January 1, 1959".

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

Approved: July 28, 1959.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 40.0–3 of the manufacturers and retailers excise tax regulations (26 CFR Part 40) is hereby amended by striking paragraph (l) and inserting in lieu thereof the following:

(l) *Subpart M.* Sections 40.4220 to 40.4220–8 of the regulations contained in Subpart M of this part, relating to the exemption from the manufacturers excise tax for sales or resales to manufacturers for further manufacture, apply to sales made by a manufacturer, producer, or importer on or after September 1, 1955.

(68A Stat. 917; 26 U.S.C. 7805)

PAR. 2. The regulations as adopted under section 4220 of the Internal Revenue Code of 1954, are as follows:

Sec.
40.4220 Statutory provisions; exemption for sales or resales to manufacturers.
40.4220–1 Exemption for sales or resales for further manufacture.
40.4220–2 Registration for tax-free sales and resales.
40.4220–3 Evidence of tax-free sales to manufacturers.
40.4220–4 Evidence of tax-free sales for resale to manufacturers.
40.4220–5 Information to be shown on invoices.
40.4220–6 Liability of purchasing manufacturer.
40.4220–7 Duty of vendor to ascertain use of exemption certificate.
40.4220–8 Other tax-free sales.

AUTHORITY: §§ 40.4220 to 40.4220–8, incl., issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 40.4220 Statutory provisions; exemption for sales or resales to manufacturers.

SEC. 4220. *Exemption for sales or resales to manufacturers.* Under regulations prescribed by the Secretary or his delegate, no tax under this chapter shall be imposed with respect to the sale of—

(1) Any article (other than an automobile part or accessory taxable under section 4061(b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171)—

(A) For use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this chapter; or

(B) For resale by the vendee for such use by his vendee, if such article is in due course so resold; or

(2) An automobile part or accessory taxable under section 4061(b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171—

(A) For use by the vendee as material in the manufacture or production of, or as a component part of, any article; or

(B) For resale by the vendee for such use by his vendee, if such article is in due course so resold.

For purposes of this chapter, the manufacturer or producer to whom an article is sold under paragraph (1)(A) or (2)(A) or resold under paragraph (1)(B) or (2)(B) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires, inner tubes, or automobile radio or television receiving sets taxable under section 4141.

[Sec. 4220 as amended by sec. 1 (c), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 689)]

§ 40.4220–1 Exemption for sales or resales for further manufacture.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, no tax attaches under chapter 32 of the Internal Revenue Code to the sale by the manufacturer, producer, or importer of an article—

(1) For use by the vendee as material in the manufacture or production of, or as a component part of, an article taxable under chapter 32 of the Code; or

(2) For resale by the vendee for such use by his vendee if the article is in due course so resold.

(b) *Automobile parts or accessories, refrigerator components, radio or television components, and camera lenses.* No tax attaches under chapter 32 of the Internal Revenue Code to the sale by the manufacturer, producer, or importer of an automobile part or accessory taxable under section 4061(b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171—

(1) For use by the vendee as material in the manufacture or production of, or as a component part of, any article (whether taxable or nontaxable); or

(2) For resale by the vendee for such use by his vendee, if the article is in due course so resold.

(c) *Tires, inner tubes, automobile radio or television receiving sets.* The provisions of section 4220 (1) and (2) and paragraphs (a) and (b) of this section do not apply with respect to tires and inner tubes taxable under section 4071, or automobile radio or automobile television receiving sets taxable under section 4141. Therefore, these articles may not be sold tax free for use in the manufacture or production of, or as component parts of, any article (whether taxable or nontaxable), or for resale for such use. See section 6416(c) as in effect prior to January 1, 1959, with respect to the credit provided when these articles are sold prior to such date on or in connection with, or with the sale of, an article taxable under section 4061(a) (relating to automobiles, trucks, etc.).

(d) *Use in further manufacture.* An article is used as material in the manufacture or production of, or as a component part of, another article, if it is incorporated in, or is a part or accessory of, the other article when such other article is sold by the manufacturer, producer, or importer thereof. However, an article which is consumed in the manufacturing process so that it is not a physical part of the manufactured article when sold by the manufacturer is not used as material in the manufacture or production of, or as a component part of, such other article. Thus, lubricating oil or gasoline consumed in testing automobile engines, or in operating plant machinery, in the manufacture of automobiles, is not used as material in the manufacture or production of, or as a component part of, the automobile, inasmuch as the oil or gasoline is not part of the automobile when sold by the manufacturer but was consumed in the manufacturing process.

§ 40.4220–2 Registration for tax-free sales and resales.

(a) *Registration and exemption certificate required.* No article subject to tax under chapter 32 of the Code may be sold tax free under section 4220 and § 40.4220–1 unless the vendor and the vendee have each registered with the district director for the district in which is located his principal place of business (or if he has no principal place of business in the United States, with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.) and unless an exemption certificate, as prescribed in § 40.4220–3 or § 40.4220–4, as the case may be; showing the registration number of the vendee is obtained by the vendor.

(b) *Registration eligibility and procedure.* (1) Any person may be granted a registration certificate upon application to the district director for his district, or the Director of International Operations, as the case may be, if he qualifies—

(i) As a manufacturer, producer, or importer of articles taxable under chapter 32 of the Code;

(ii) As a manufacturer or producer of articles not taxable under such chapter 32 who purchases automobile parts or accessories, refrigerators components, radio or television components, or camera lenses, for use as material in the manufacture or production of, or as component parts of, such nontaxable articles; or

(iii) As a vendee with an established place of business reselling articles taxable under chapter 32 of the Code for use by his vendee as material in the further manufacture or production of another article under the conditions set forth in paragraph (a) or (b) of § 40.4220–1.

(2) Each person making application for a registration number must attach to his application a statement showing in detail the nature of his business, the articles produced or sold by him, and in the case of a vendee purchasing for resale, the type of business conducted by the manufacturers or producers to whom the articles purchased tax free will be resold.

(3) District directors or the Director of International Operations, as the case may be, shall issue certificates of registry and assign registration numbers to all persons whose applications are approved.

(4) A jobber, dealer, or other vendee purchasing for resale who does not establish that he is in the business of selling articles direct to manufacturers or producers for use in further manufacture under the conditions set forth in paragraph (a) or (b) of § 40.4220–1 may not purchase tax free under section 4220 and will not be granted a registration certificate.

(c) *Cancellation of registration.* The district director or the Director of International Operations, as the case may be, is authorized to cancel a registration certificate and to deny the right to sell or purchase articles tax free in any case when he is satisfied that the registrant is not a bona fide manufacturer, producer, or importer or a vendee reselling direct to manufacturers as provided in paragraph (a) or (b) of § 40.4220–1, or when tax-free sales or purchases are being made for purposes not authorized by the law and the regulations in this part.

(d) *Prior registration.* Any person—

(1) Who has previously been issued a certificate of registry under the regulations promulgated under corresponding provisions of the Internal Revenue Code of 1939 or prior revenue laws authorizing him either to sell or purchase articles tax free for use in further manufacture of other articles, or for resale for such use, and

(2) Whose prior certificate of registry has not been canceled,

need not register again under the provisions of the regulations in this subpart, and shall use the registration number so assigned to him on exemption certificates prescribed by the regulations in this subpart.

(e) *Other registrations.* Registration of producers or importers of gasoline or manufacturers or producers of lubricating oil pursuant to section 4101 constitutes compliance with the registration requirement prescribed in the regulations promulgated under section 4220.

§ 40.4220–3 Evidence of tax-free sales to manufacturers.

(a) *Exemption certificates.* To establish the right to exemption under section 4220 with respect to a taxable article (other than a tire, inner tube, or automobile radio or television set) sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article, the manufacturer, producer, or importer must obtain from his vendee and retain in his possession a properly executed exemption certificate in the form prescribed in paragraph (d) of this section.

(b) *Sales without certificates.* If a sale is otherwise exempt from tax under section 4220 but the exemption certificate is not obtained prior to the time the manufacturer, producer, or importer files a return covering excise taxes for the period during which the sale was made, the manufacturer, producer, or importer must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a claim for refund of the tax paid on such sale may be filed on Form 843, or a credit taken upon a subsequent return, in accordance with the provisions of section 6402 (a) and 6416 (a).

(c) *Frequency of certificates.* Where only occasional sales are made to a purchaser for further manufacture, a separate exemption certificate should be furnished for each order. However, where sales are regularly or frequently made to a purchaser for further manufacture, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001. If the records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax is payable on such sale.

(d) *Form of certificate.* The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(To support tax-free sales of taxable articles by the manufacturer, producer, or importer thereof for use by the purchaser in the manufacture of other articles (section 4220 (1) or (2) of the Internal Revenue Code).)

----------, 19--
(Date)

The undersigned certifies that he himself, or the ----------
(Name of purchaser if other than ---------- of which he is ----------, undersigned) (Title)
is a manufacturer or producer and holds certificate of registry No. ------ issued by the District Director of Internal Revenue at ----------, and that the article or articles specified in the accompanying order or contract will be used by the undersigned as material in the manufacture or production of, or as a component part of, an article or articles taxable under chapter 32 of the Internal Revenue Code to be manufactured or produced by the undersigned, or if the articles specified in the accompanying order or contract are automobile parts or accessories, refrigerator components, radio or television components, or camera lenses, they will be used by him as material in the manufacture or production of, or as component parts of, any article or articles to be manufactured or produced by the undersigned.

It is understood that for all the purposes of chapter 32 of the Internal Revenue Code the undersigned will be considered the manufacturer or producer of the articles to which this certificate relates and (except as otherwise provided by law) must pay tax on the resale or use, otherwise than as specified above, of such articles. The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to revocation of the privilege of purchasing tax free and to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article or articles purchased under this certificate were used.

(Signature)

(Address)

§ 40.4220–4 Evidence of tax-free sales for resale to manufacturers.

(a) *In general.* To establish the right to exemption under section 4220 with respect to a taxable article (other than a tire, inner tube, or automobile radio or television set) sold by the manufacturer, producer, or importer thereof to any person (either a jobber, dealer, or another manufacturer or producer) for resale, without change in form, direct to a manufacturer or producer for use by him as material in the manufacture or production of, or as a component part of, another article, it is necessary that—

(1) The manufacturer, producer, or importer obtain from his vendee (hereinafter referred to as dealer) and retain in his possession a properly executed exemption certificate in the form prescribed in paragraph (g) of this section; and

(2) The manufacturer, producer, or importer obtain from the dealer evidence that the article has been so resold by the dealer.

(b) *Sales without certificate.* If a sale is otherwise exempt from tax under section 4220 but the exemption certificate from the dealer is not obtained prior to the time the manufacturer, producer, or importer files a return covering excise taxes for the period during which the sale was made, the manufacturer, producer, or importer must include the tax on such sale in his return for that period. However, if the certificate is later obtained and the condition prescribed in paragraph (c) of this section is met, a claim for refund of the tax paid on such sale may be filed on Form 843, or a credit taken upon a subsequent return, in accordance with the provisions of sections 6402(a) and 6416(a).

(c) *Additional evidence required.* Evidence that the article has been resold by the dealer as required under paragraph (a) (2) of this section shall be either—

(1) A certificate as prescribed in paragraph (d) of § 40.4220–3 obtained by the dealer from his vendee showing that such vendee purchased the article for further manufacture as authorized in paragraph (a) or (b) of § 40.4220–1 and not for resale, or

(2) A statement by the dealer that he has obtained from his vendee, and has in his possession, such a certificate.

The certificate required by paragraph (a) (1) of this section suspends liability for the payment of the tax by the manufacturer, producer, or importer on the sale of such article for the period specified in paragraph (d) of this section.

(d) *Suspension of liability.* If, prior to the date of filing his excise tax return for the period immediately following the tax-return period in which the tax-free sale was made to the dealer, the manufacturer, producer, or importer has not received the evidence referred to in paragraph (c) of this section, then the temporary suspension of liability for the payment of the tax ceases. The manufacturer, producer, or importer in such case shall include the tax on the sale of such article in his return for the period in which the temporary suspension of tax liability expired. If the evidence referred to in paragraph (c) of this section is later obtained, a claim for refund of the tax paid may be filed on Form 843, or a credit taken upon a subsequent return, in accordance with the provisions of sections 6402(a) and 6416(a).

(e) *Only one intervening sale permitted.* The exemption for resale is permitted only where there is not more than one intervening sale between the manufacturer, producer, or importer of the article and the manufacturer or producer purchasing it for further manufacture. If a manufacturer, producer, or importer sells an article to a dealer for resale for further manufacture and such article is sold by the dealer other than for use by his purchaser in further manufacture, the tax must be paid by the manufacturer, producer, or importer who made the sale to the dealer. However, in such case the manufacturer or producer who used the article for further manufacture may claim credit or refund as provided in section 6416(b)(3).

(f) *Frequency of certificates.* Where only occasional sales are made to a dealer for resale to a purchaser for further manufacture, a separate exemption certificate should be furnished for each order. However, where sales are regularly or frequently made to a dealer for resale to a purchaser for further manufacture, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001. If the records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax is payable on such sale.

(g) *Form of certificate.* The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(To support tax-free sales of taxable articles by the manufacturer, producer, or importer thereof for resale for use in the manufacture of other articles (section 4220 (1) or (2) of the Internal Revenue Code).)

----------, 19--
(Date)

The undersigned certifies that he himself, or the ----------
(Name of purchaser if other than ---------- of which he is ----------, undersigned) (Title)
is in the business of selling direct to manufacturers or producers of articles and holds certificate of registry No. ------, issued by the District Director of Internal Revenue at ----------, and that the article or articles specified in the accompanying order or contract will be resold by the undersigned for use by his vendee as material in the manufacture or production of, or as a component part of, an article or articles taxable under chapter 32 of the Internal Revenue Code to be manufactured or produced by the vendee of the undersigned, or if the articles specified in the accompanying order or contract are automobile parts or accessories, refrigerator components, radio or television components, or camera lenses, they will be resold by the undersigned only for use by the vendee of the undersigned as material in the manufacture or production of, or as component parts of, any article or articles to be manufactured or produced by the vendee of the undersigned.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing exemption will subject him and all guilty parties to revocation of the privilege of purchasing tax free and to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the person or persons to whom and the purpose for which the article or articles purchased under this certificate were resold.

(Signature)

(Address)

§ 40.4220–5 Information to be shown on invoices.

When taxable articles are sold tax free as provided in section 4220, it will be necessary that the invoices with respect to such articles indicate that they were sold tax free under exemption certificates.

§ 40.4220–6 Liability of purchasing manufacturer.

A manufacturer or producer who purchases an article tax free under an exemption certificate for use in the manufacture or production of another article shall be considered the manufacturer or producer of the article so purchased, and is liable for tax on his use or resale of the article unless the exempt character of the use or resale is established.

§ 40.4220–7 Duty of vendor to ascertain use of exemption certificate.

A manufacturer, producer, importer, or dealer making a sale under an exemption certificate must use reasonable diligence to satisfy himself that the use of the certificate is warranted by law. If the original vendor has knowledge at the time of his sale that the article sold by him is not intended for use or resale as specified in the certificate given by the vendee, the original vendor is liable for the tax and is not relieved of liability by the exemption certificate.

§ 40.4220–8 Other tax-free sales.

For provisions relating to other tax-free sales of articles, see—

(a) Section 4222, relating to sales for use as supplies for certain vessels and airplanes;

(b) Section 4224, relating to articles sold for the exclusive use of a State or local government; and

(c) Section 4225, relating to sales for export;

as in effect prior to January 1, 1959.

[F.R. Doc. 59–6350; Filed, July 31, 1959; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 926–A]

PART 95—CAR SERVICE

Weatherford, Mineral Wells and Northwestern Railway Co. Authorization To Operate Over Certain Trackage of Gulf, Colorado and Santa Fe Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 27th day of July A.D. 1959.

Upon further consideration of Service Order No. 926 (24 F.R. 1793) and good cause appearing therefor:

It is ordered, That:

Section 95.926 *The Weatherford, Mineral Wells and Northwestern Railway Company authorized to operate over certain trackage of the Gulf, Colorado and Santa Fe Railway Company,* be and it is hereby vacated and set aside.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15 (4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That this order shall become effective at 4:00 p.m., July 28, 1959; that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6346; Filed, July 31, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 237, 242, 243, 299]

DEPORTATION OF ALIENS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules pertaining to a request by an alien for a stay of deportation or for withholding of deportation under section 243(h) of the Immigration and Nationality Act. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 30 days following the day of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

§ 103.7 [Amendment].

The twelfth and nineteenth items of paragraph (c) of § 103.7 *Records and fees* are amended, and a new item is added, so that when taken with the introductory material they will read as follows:

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed:

* * * * *

For filing appeal from, or motion to reopen or reconsider, any decision under the immigration laws, except a decision in an exclusion or deportation proceeding or one denying a request for withholding of deportation under section 243(h) of the Act. (The minimum fee of $10 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)---------$10.00

* * * * *

For filing application for stay of deportation pursuant to § 243.3(a) of this chapter, except when made concurrently with a motion to reopen or reconsider a decision in a deportation proceeding---------- 25.00

* * * * *

For filing appeal from a denial of a request for withholding of deportation pursuant to § 243.3(b) of this chapter ---------- 25.00

PART 237—DEPORTATION OF EXCLUDED ALIENS

§ 237.4 [Amendment]

Section 237.4 *Notice to transportation line of alien's exclusion* is amended by the deletion of the last sentence thereof.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Section 242.16a is added to read as follows:

§ 242.16a Information as to place of deportation.

At the close of the hearing the special inquiry officer shall request the respondent to designate a country, as provided in section 243(a) of the Act, to which he wishes to be deported if he is finally ordered deported. The special inquiry officer shall request the respondent to state whether he has any reason to claim that he would be subject to physical persecution in the country designated by him or in any other country named by the special inquiry officer to which his deportation is likely to be directed when it cannot be accomplished pursuant to respondent's designation. No evidence or argument shall be presented in the proceedings under this part respecting any affirmative claim of physical persecution made by the respondent; any further action thereon shall be taken only in accordance with the provisions of § 243.3 (b) of this chapter.

PART 243—DEPORTATION OF ALIENS

1. The headnote to Part 243 is amended to read as set out above.

2. Part 243 is amended to read as follows:

Sec.
243.1 Warrant of deportation.
243.2 Expulsion.
243.3 Stay or withholding of deportation.
243.4 Self-deportation.

AUTHORITY: §§ 243.1 to 243.4 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 243, 66 Stat. 212; 8 U.S.C. 1253.

§ 243.1 Warrant of deportation.

A warrant of deportation based upon the final administrative order of deportation in the alien's case shall be issued by a district director. The district director shall exercise the authority contained in section 243 of the Act to designate the port of deportation, the country to which and at whose expense the alien shall be deported, and whether his mental or physical condition requires personal care and attendance en route to his destination. The district director's decision is not appealable.

§ 243.2 Expulsion.

Immediately after the issuance of a warrant of deportation or as promptly as the circumstances permit, the alien, if not in the physical custody of the Service, shall be taken into such custody under the authority of the warrant of deportation and deported.

§ 243.3 Stay or withholding of deportation.

(a) *General.* Except as otherwise provided in paragraph (b) of this section, any request by an alien under a final administrative order of deportation for a stay of deportation shall be made on Form I–246 and shall be filed with the district director having jurisdiction over the alien's place of residence. The district director shall, in the exercise of his discretion, render a final decision based upon the submitted application, any supporting documents, and other evidence or information in his possession. Written notice of the district director's decision shall be served upon the alien, and no appeal may be taken therefrom.

(b) *Claim of physical persecution under section 243(h)*—(1) *Claim made in deportation proceedings.* An alien who has made an affirmative claim of physical persecution under § 242.16a of this chapter shall have a period of 10 days after the special inquiry officer's decision in the deportation proceedings is served upon him, regardless of its nature, within which to request withholding of deportation under section 243(h) of the Act. The request on Form I–252 shall be filed with the district director having jurisdiction over the alien's place of residence and may be supported by such documents or written statements as the alien thinks pertinent. The request shall be considered and determined by the district director pursuant to paragraph (a) of this section; but the decision of the district director, written notice of which shall be served on the alien, shall be appealable to the regional commissioner in accordance with the provisions of Part 103 of this chapter upon payment of a $25 fee. Except as hereinafter provided in this section, the foregoing shall be the sole method for requesting withholding of deportation under section 243(h) of the Act.

(2) *Claim not made in deportation proceedings; changed country.* An alien under a final administrative order of deportation who has not been given an opportunity to assert a claim of physical persecution in accordance with § 242.16a of this chapter, or an alien who is notified by the Service that his deportation has been directed to a country other than the one designated by him and other than a country named by the special inquiry officer pursuant to § 242.16a, shall have 10 days after receipt of the notice on Form I–294 regarding place of deportation within which to request withholding of deportation to the country named therein. In all other respects, the procedure in subparagraph (1) of this paragraph shall be followed.

(c) *Pending requests.* A request for withholding of deportation under section 243(h) of the Act pending on the effective date of this section shall be acted upon by the regional commissioner under the regulations heretofore in effect if the alien has been served with a copy of the special inquiry officer's recommended decision; otherwise, such a request shall be referred to the district director for determination under paragraph (b) of this section, provided, that an alien who has paid the fee heretofore required for filing a request for withholding of deportation under section 243(h) of the Act shall be exempt from payment of further fee if an appeal is taken to the regional commissioner.

§ 243.4 Self-deportation.

A district director may permit an alien ordered deported to depart himself, at his own expense and to a destination of his own choice. Any alien who has left the United States while such an order is outstanding is considered to have been deported in pursuance of law.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

Section 299.1 *Prescribed forms* is amended in the following respects:

1. The following form and reference thereto is deleted:

Form No.	Title and Description
I–287	Alien Requiring Special Care and Attention.

2. The following forms and references thereto are added in numerical sequence:

Form No.	Title and Description
I–246	Application for stay of deportation.
I–252	Application for withholding of deportation under section 243(h) of the Immigration and Nationality Act.
I–294	Notice to alien of country to which his deportation has been directed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: July 29, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59–6349; Filed, July 31, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

United States Standards for Shelled Runner Type Peanuts [1]

On May 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3761) regarding a proposed revision of United States Standards for Shelled Runner Type Peanuts (7 CFR 51.2710 to 51.2721), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

After consideration of all relevant matters presented, it is hereby determined that the proposed revised standards will not be promulgated. Accordingly, the United States Standards for Shelled Runner Type Peanuts (7 CFR 51.2710–51.2721) effective July 31, 1956, remain in full force and effect:

Dated: July 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59–6342; Filed, July 31, 1959; 8:47 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 59–WA–49]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

An ADF Standard Instrument Approach Procedure has been established to provide approaches to the Municipal Airport, Anniston, Ala., based on the Anniston Radio Beacon located on the airport. No control zone is designated at this location. A scheduled air carrier has recently inaugurated service into Anniston, consisting of two flights daily. In order to provide controlled airspace for aircraft conducting instrument approaches to this airport, it is proposed to designate a control zone within a five mile radius of the airport, with an extension to the southwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the Office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to designate a control zone at Anniston, Ala., by amending Part 601 (14 CFR, 1958, Supp., Part 601) by adding the following section:

§ 601.2385 Anniston, Ala., control zone.

Within a 5-mile radius of the Anniston, Ala., Municipal Airport and within 2 miles either side of a line bearing 232° True extending from the Anniston Radio Beacon to a point 10 miles southwest.

Issued in Washington, D.C., on July 28, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–6331; Filed, July 31, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–WA–50]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

VOR instrument approach procedures presently exist for runways two and twenty-seven at Athens, Ga., Municipal Airport. Approximately one hundred instrument approaches were recorded in the calendar year 1958. In order to provide controlled airspace for aircraft conducting such approaches, it is proposed to designate a control zone within a five-mile radius of the airport, with extensions to the east and southwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to establish a control zone at Athens, Ga., by amending Part 601 (14 CFR, 1958 Supp., Part 601), by adding section as follows:

§ 601.2452 Athens, Ga., control zone.

Within a 5-mile radius of Athens, Ga., Airport; within 2 miles either side of the 78° radial of the Athens, Ga., VOR, extending from the VOR to a point 12 miles east; within 2 miles either side of the 194° radial of the Athens, Ga., VOR, extending from the VOR to a point 12 miles southwest.

Issued in Washington, D.C., on July 28, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–6332; Filed, July 31, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–WA–57]

CONTROL ZONE

Designation of a Control Zone

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a control zone at Fullerton, Calif. The Fullerton Airport is in a high density air traffic area and is located in close proximity to the Long Beach Airport, Long Beach, Calif., and the Naval Air Station, Los Alamitos, Calif. In order to

effectively control air traffic in this complex, it is proposed to designate a control zone within a three-mile radius of the Fullerton, Calif., Airport, excluding that portion which would overlie the Long Beach, Calif., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to establish a control zone at Fullerton Airport, Fullerton, Calif., by amending Part 601 (14 CFR, 1958 Supp., Part 601) by adding a section as follows:

§ 601.2458 Fullerton, Calif., control zone.

Within a 3-mile radius of the Fullerton Airport, excluding that portion which overlaps the Long Beach, Calif., control zone.

Issued in Washington, D.C., on July 28, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6333; Filed, July 31, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[445.87]

COLUMBIUM CONCENTRATES

Notice of Proposed Tariff Classification

JULY 27, 1959.

It appears that certain so-called columbium concentrates obtained by subjecting raw ore to crushing, grinding, tabling, flotation, and magnetic separation and treating the resultant product by leaching with nitric acid are properly classifiable under paragraph 214, Tariff Act of 1930, as an earthy or mineral substance, partly manufactured, not specially provided for, not decorated in any manner, and dutiable at the rate of 15 percent ad valorem under that paragraph, as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of classifying this merchandise free of duty under paragraph 1719 as minerals, crude or not advanced in condition or value by grinding, refining, or other process of manufacture, not specially provided for, is under review in the Bureau.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct dutiable status of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-6345; Filed, July 31, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 23, 1959.

The National Park Service of the Department of the Interior has filed an application, Serial Number Colorado 017977, for the withdrawal of the lands described below from all forms of appropriation except grazing permits issued under Section 3 of the Taylor Grazing Act, subject to valid existing rights. The applicant desires the land for development of headquarters facilities, including residential and utility areas and the relocation of the entrance road for Mesa Verde National Park.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 36 N., R. 14 W.,
Sec. 30, All portions of the N½N½ and S½NW¼ lying south of the right-of-way for U.S. Highway 160.

The above area aggregates approximately 98 acres of public land.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-6337; Filed, July 31, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FORT PAYNE LIVESTOCK SALES ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ALABAMA

Fort Payne Livestock Sales, Fort Payne; July 1, 1959.
Monroe County Stockyard, Monroeville; June 18, 1959.

GEORGIA

La Grange Stockyard, Inc., La Grange; June 16, 1959.

IOWA

Mapleton Sale Barn, Mapleton; June 25, 1959.

KANSAS

Belleville Sale Barn, Belleville; May 28, 1959.
Giger Sale Co., Emporia; June 24, 1959.

Harper Live Stock Sale, Harper; June 8, 1959.

MICHIGAN

Adrian Livestock Co., Adrian; June 2, 1959.
Andy Adams Sale Barn, Hillsdale (formerly Hillsdale Sale Barn); April 27, 1959.

NEBRASKA

North Bend Auction Co., North Bend; July 3, 1959.

NORTH CAROLINA

Farmers Livestock Barn, Concord; July 6, 1959.
Norlina Stock Yards, Norlina; July 1, 1959.
Oxford Livestock Market, Oxford; June 29, 1959.
Raleigh Stock Yards, Raleigh; June 1, 1959.

SOUTH DAKOTA

Leola Livestock Sales Co., Leola; June 18, 1959.
Menno Livestock Auction Co., Menno; June 3, 1959.
Parker Dairy Cattle Exchange, Parker; June 11, 1959.
Wessington Springs Livestock Auction Co., Wessington; June 20, 1959.
Willow Lake Sales Co., Willow Lake; June 24, 1959.

TENNESSEE

Covington Sales Co., Covington; June 19, 1959.
Hall's Stockyards, Inc., Crossville; June 30, 1959.
Farmers Auction Co., Fayetteville; June 29, 1959.
Middleton Sales Company, Middleton (formerly Cross Road Sales); June 19, 1959.
Viola Stockyards, Inc., Viola; May 6, 1959.

VIRGINIA

The Culpeper Live Stock Order Buying Yard, Inc., Culpeper; July 7, 1959.
Loudoun County Live Stock Market, Leesburg; July 7, 1959.
Louisa Live Stock Market Company, Louisa; July 7, 1959.

WISCONSIN

Bancroft Livestock Exchange, Bancroft; May 14, 1959.
Farmer's Livestock Exchange, Reeseville; June 30, 1959.

Done at Washington, D.C., this 28th day of July, 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-6363; Filed, July 31, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL; TREATMENT WORKS NEEDS OF STATES, MUNICIPALITIES, INTERSTATE AND INTERMUNICIPAL AGENCIES

Amendment of List of Locations

Notice is hereby given that the list of locations of treatment works needs, included in comprehensive programs prepared or developed pursuant to section 2 of the Federal Water Pollution Control Act (70 Stat. 498, 33 U.S.C. 466a) which was published at 21 F.R. 8670 on November 9, 1956 and thereafter amended (22 F.R. 678, 22 F.R. 2784) is hereby revised as set forth below. This list may be further revised from time to time by the Surgeon General of the Public Health Service. Copies of such comprehensive programs are available for inspection at the regional offices of the Department of Health, Education, and Welfare.

Dated: July 21, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: July 28, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

ALABAMA

Add

Ala. A & M School (Huntsville).
Alabaster.
Albertville.
Alexander City.
Bayou La Batre.
Boaz.
Chickasaw.
Childersburg.
Citronelle.
Cullman.
Faulkville.
Fort Deposit.
Hanceville.
Heflin.
Jasper.
Leeds.
Notasulga.
Oakman.
Oneonta.
Opelika.
Reform.
Sylacauga.
Talladega.
Trussville.
Warrior.

Delete

Bemiston.
Clanton.
Cordova (Mill Village).
Lister Hill.
Troy.
Troy State Teachers College.

ALASKA

Add

Akutan.
Anchorage.
College.
Cordova.
Craig.
Dillingham.
Douglas.
Fairbanks.
Fairbanks Ind. School District.
Fairview PUD (Anchorage).
Fort Yukon.
Haines.
Hamilton Acres PUD.
Hamilton Acres.
Homer.
Hoonah.
Hydaburg.
Island Homes (Fairbanks).
Juneau.
Kake.
Kenai PUD No. 1 (Homer).
Ketchikan.
King Cove.
Klawock.
Kodiak.
Kotzebue.
Metlakahtla.
Naknek.
Nenana.
Nome.
Palmer.
Pelican.
Petersburg.
Port Chilkoot.
Sand Point.
Saxman.
Seldovia.
Seward.
Seward Sanitorium.
Sitka.
Skagway.
Spenard.
Tanana.
Territorial Dept. of Education.
Unalaska.
University of Alaska.
Valdez.
Wrangell.

ARIZONA

Add

Ashfork.
Benson.
Bisbee.
Buckeye.
Clarkdale.
Clifton.
Coolidge.
Douglas.
East Flagstaff.
Eloy.
Flagstaff.
Florence.
Goodyear.
Inspiration.
Iron Springs.
Jerome.
Litchfield Park.
Lowell.
Mammoth.
Mesa.
Prescott.
Ray & Sonora.
Safford.
Sanitary District No. 1 of Pima County.
San Manuel.
Sedona.
Sunnyslope.
Thatcher.
Williams.
Winkelman.

Delete

Avondale-Goodyear.
Casa Grande.
Glendale.
Hilltop.
Phoenix.
Scottsdale.
Sedona Lodge.
Sonora-Ray.
Sunnyside.
Tempe.
Wickenburg.
Winslow.

ARKANSAS

Add

Benton.
Blytheville.
Decatur.
Green Forest.
Malvern.
McRae.
Texarkana.

Delete

Benton State Hospital.
Elaine.
Holly Grove.
Hot Springs (Stokes Creek).
Huttig.
Jacksonville.
Jonesboro.
Lake Village.
Marshall.
McGehee.
Mena.
Monticello A & M College (State).
Morrilton.
Murfreesboro.
Pangburn.
Parkin.
Russellville.
Searcy.

Sparkman.
Springdale.
Warren.
Weiner.
West Helena.

CALIFORNIA

Add

Alisal Sanitary District.
Aptos County Sanitation District.
Avalon.
Camarillo State Hospital.
Contra Costa County Sanitation District No. 7A—Improvement District No. 1.
Del Monte Park County Sanitation District.
Desert Shores Community Services District (Salton Sea).
East Cliff County Sanitation District.
Fillmore.
Gilroy.
Kelseyville County Waterworks District No. 3.
King City Airport.
Lake Arrowhead Sanitation District.
(Under) Los Angeles Sanitation Districts (Bellflower, Bradbury, Downey, Duarte, Industry, Irwindale, Norwalk, Paramount, Rolling Hills, Rolling Hills Estates, Santa Fe Springs).
McFarland County Sanitary District.
Meadow Farms Community Services District.
Monterey.
Monte Sereno.
Pacifica.
Pacific Grove.
Perris.
Richmond Municipal Sewer District No. 1.
Ridgecrest Sanitation District.
San Luis Obispo.
Seaside County Sanitation District.
Solvang Municipal Improvement District.
South Tahoe Public Utility District.
Twenty-second District Agricultural Association.
Woodside.

Delete

Big Bear Lake Sanitation District.
Bonita (San Diego County).
Cardiff Sanitation District.
Danville Community Services District.
East Blythe Sanitary District.
Florin Community Services District.
Fontana.
Isla Vista Sanitary District.
Mount Helix-Grossmont (San Diego County).
Nestor (San Diego County).
North Tahoe Public Utilities District.
Olildale.
San Onofre (San Diego County).
Spring Valley Sanitation District.

Change

Buttonville County Water District to Buttonwillow County Water District.
Crockett to Crockett-Valona Sanitary District.
El Cajon (Fletcher Hills Sanitation District) to El Cajon (Annexed).
Fields Landing to Fields Landing Community Services District.
Freedom Sewer Maintenance District to Freedom County Sanitation District.
Mariposa to Mariposa Public Utility District.
McFarlands Sanitary District to McFarland.
North Ukiah, Millview, Mendocino County Water District to Millview County Water District, North Ukiah.
Parkway Estates Sewer Maintenance District to Florin Road Sewer Assessment District.
Port Hueneme to Port Hueneme Sanitary District.
Poway Valley (San Diego County) to Poway Sanitation District and Pomerado County Water District.
Rohnert Park District to Rohnert Park Community Services District.
Santee (San Diego County) to Santee County Water District (San Diego County).
Shore Acres to Shore Acres Sewer Maintenance District.
Summerland County Water District to Summerland Sanitary District.
Tomales to Tomales Sewer Maintenance District.
Weaverville to Weaverville Sanitary District.

COLORADO

Add

Altura Sanitation District.
Arvada.
Avondale.
Beulah.
Boone.
Brighton.
Bristol.
Byers Water and Sanitation District.
East Lake.
East Mesa Sanitation District.
Hasty.
Littleton.
North Suburban Sanitation District (El Paso County).
Vineland.
West Craig Water and Sanitation District.
Westminster Sanitation District.

Delete

Aspen.
Basalt.
Bayfield.
Boulder.
Brighton Sanitary District No. 24.
Canon City.
Carbondale.
Climax.
Dove Creek.
Eckley.
Fleming.
Frederick.
Haxtun.
Hillrose.
Holyoke.
Keenesburg.
Lakeside (Jefferson County).
Log Lane Village.
Loretta Heights College.
North College Avenue Sanitation District.
Paoli.
Peetz.
Sedgwick.
South Adams County Water and Sanitary District.
Thornton.
Wide Acres.

Change

Baker Metropolitan Sanitary District No. 22 to Baker Metropolitan Water and Sanitary District.
Clear Creek Sanitary District to Clear Creek Valley Sanitary District.
North Washington Street Sanitary District No. 26 to North Washington Street Water and Sanitary District.

CONNECTICUT

Delete

Bridgeport.
Darien.
Fairfield.
East Hartford, Hartford, Rocky Hill (under Hartford Metropolitan District).
New Haven.
New London.
Norwalk.
Norwich.
Portland.
Southington.
Stamford.
Waterbury.
West Haven.
Willimantic (City).
Winsted.

DELAWARE

Add

Milford.
New Castle County.

Delete

Blades.
Georgetown.
Milton.
Seaford.
Selbyville.

FLORIDA

Add

Dunedin (Pinellas County).
Hollywood (Broward County).
Indian Rocks Beach, South Shore (Pinellas County).
Macclenny (Baker County).
Madeira Beach City (Pinellas County).
Pinellas County (South Cross Bayou Sanitary District).

IDAHO

Change

Boise (Urban and Suburban Area) to Bench Sewer District (near Boise).

ILLINOIS

Add

De Sota.
Fairview.
Highland Hills Sanitary District.
Litchfield.
Maquon.
Mascoutah.
Richmond.
Schram City.
Shabbona.

Delete

Addison.
Barrington.
Bloomington and Normal Sanitary District.
Bourbonnais.
Carry.
Charleston.
Chicago Heights.
Danville Sanitary District.
Decatur Sanitary District.
DeKalb Sanitary District.
Downers Grove No. 1.
Edwardsville.
Effingham.
Eureka.
Farmer City.
Flossmoor.
Geneseo.
Geneva.
Glen Ellyn.
Greenville.
Highland Park.
Homewood.
Hutsonville.
Joliet.
Kewanee.
Lake Villa.
Lake Zurich.
Lansing.
Lincoln.
Lombard.
Manteno.
Marine Sanitary District.
Mattoon.
McHenry.
Mokena.
Morton.
Mount Carmel.
Mulberry Grove Sanitary District.
Naperville.
O'Fallon.
Ottawa.
Rantoul.
Roselle.
Salem.
South Beloit.
Springfield.
Springfield Sanitary District.
Steger.
Sterling.
Toledo.
Toluca.
Urbana and Champaign Sanitary District.
Watseka.
Wheaton Sanitary District.
Wheeling.
Winnebago.
Wooddale.
Yorkville-Bristol Sanitary District.

INDIANA

Add

Garrett.
Hagerstown.
Haubstadt.
Markleville.
Nashville.
Richmond.
Schereville.
Southport.

Delete

Alexandria.
Crown Point (Lincoln Park Heights Addition).
Culver (Military Academy).
Decatur.
Evansville.
Fairmount.
Fremont.
Galveston.
Huntingburg.
Jonesboro.
Lagrange.
Lebanon.
Monon.
Morristown.
New Albany.
New Castle.
Osgood.
Paoli.
Petersburg.
Richmond (Smith-Esteb Hospital).
South Bend (County Infirmary).
South Bend (Healthwin Hospital).
Terre Haute (Glen Home).
Terre Haute (Vigo County Home).
Tipton.
Vincennes.
Winchester.

Change

Red Key to Redkey.

IOWA

Add

Albion.
Atkins.
Bondurant.
Breda.
Buffalo.
Center Point.
Churdam.
Clarion.
Clermont.
Elkhart.
Elma.
Fort Atkinson.
Grafton.
Grand Junction.
Granger.
Hiawatha.
Humboldt.
Huxley.
Kensett.
Kirkville.
Latimer.
Lawton.
Lytton.
Macedonia.
Manilla.
Marble Rock.
Massena.
Morning Sun.
Nevada.
Oxford.
Palmer.
Radcliffe.
Rockford.
Scranton.
Stanhope.
Storm Lake.
Waucoma.
Whittemore.

Delete

Bedford.
Birmingham.
Dubuque.
Eagle Grove.
Eldridge.
Fonda.
Garnavillo.
Hopkington.
Ireton.
Ottumwa.
Sibley.
Sioux Rapids.
Springville.
Sumner.
Villisca.
Washington.

KANSAS

Add

Andover.
Countryside.
Cullison.
Derby.
Dwight.
Elwood.
Gardner.
Lenexa.
Milford.
Moscow.
Newton.
Ogden.
Walton.
Woodbine.

Delete

Belle Plaine.
Burrton.
Elk City.
Garfield.
Leawood.
Lenora.
Lewis.
Moundridge.
Mullinville.
Nickerson.
Nortonville.
Onaga.
Pretty Prairie.
Tonganoxie.
Topeka.

Change

Leonardville to Leonardsville.
Mission Township Sewer District No. 2 to Indian Creek Sewer District No. 1.

KENTUCKY

Add

Berea (Madison County).
Highland Heights (town).
Mayfield (Graves County).
Muldraugh.

Delete

Cynthiana.
Hopkinsville.
Jeffersontown.
Madisonville.
Murray.
Owensboro.

LOUISIANA

Add

Caddo Parish Sewerage District No. 2.
East Baton Rouge Parish.
Elton.
Jefferson Parish Sewerage District No. 4.
Lake Arthur.
Leesville.
Saint Charles Parish Sewerage District No. 1.
Saint James Sewerage District No. 1.
Terrebonne Parish Sewerage District No. 12 (Houma).
Welsh.

Delete

Abbeville.
Abita Springs.
Addis.
Alexandria.
Bonita.
Calcasieu Sewerage District No. 2.
Chatham.
Church Point.
Clarks.
Crowley.
Denham Springs (unincorporated Area, Dodge City, etc.).
East Baton Rouge Parish (unincorporated areas adjusted to City).
Eunice.
Fordoche.
Franklin.
Franklinton.
Gilbert.
Hackberry.
Harrisonburg.
Jeanerette.
Junction City.
Kentwood.
Lafayette.
Lake Charles.
Lockport.
Madisonville.
Marion.
Metairie.
Minden.
Morringsport.
Natchitoches.
New Iberia.
New Llano.
Oakdale.
Oak Ridge.
Opelousas.
Palmetto.
Patterson.
Pearl River.
Pineville.
Pollock.
Rayne.
Ruston.
Saint Bernard Parish Sewerage Districts.
Saint Martinville.
Saline.
Sikes.
Tallulah.
Thibodaux.
Tullos.
Urania.
Villa Platte.
Winnfield.

Change

Hodge (Jackson County) to Hodge (Jackson Parish).
LePlace to LaPlace.

MAINE

Delete

Kennebunk.

Change

Saco to Saco (Sanitary District).
Winthrop to Winthrop (Water District).

MARYLAND

Add

Annapolis.
Centerville (Queen Anne's County).
Glenn Dale Sanatoria (Prince Georges County).
Howard County Sanitary District.

Delete

Hagerstown.
Laurel.
Leonardtown.
Middletown.
Rockville.
Salisbury.

MASSACHUSETTS

Add

Avon.
Bedford.
Boston.
Braintree.
Concord.
Fitchburg.
Gill.
Ludlow.
Mansfield.
Medfield.
Medfield State Hospital.
Middlesex County House of Correction (Billerica).
Milford.
Monson State Hospital.
Nantucket (T).
Oxford-Rochdale Sewer District.
Stockbridge.
Westwood.
Weymouth.

Wilmington.
Worcester.

Delete

Barnstable.
Easthampton.
East Longmeadow.
Longmeadow.
Northampton.

MICHIGAN

Add

Bridgeport Township.
East China Township.
Estral Beach.
Gibralter.
Newage.
Oakland County Department of Public Works.

Delete

Albion.
Almont.
Armada.
Benton Township.
Big Rapids.
Blissfield.
Brighton.
Bronson.
Carleton.
Caro.
Chesaning.
Clinton Township.
Corunna.
Croswell.
Decatur.
Dundee.
Elberta.
Essexville.
Evart.
Farmington.
Frankenmuth.
Flushing (under Genesee County Sanitary District).
Grand Rapids.
Harbor Beach.
Holly.
Imlay City.
Ironwood.
L'Anse.
Lapeer.
Leslie.
Manchester.
Marine City.
Marlette.
Mount Pleasant.
Newago.
Olivet.
Ontonagon.
Portland.
Port Sanilac.
Roscommon.
Saint Clair.
Saint Johns.
Sandusky.
Warren Township (under South Macomb Sanitary District).
Stambaugh.
Standish.
Vernon.
Vicksburg.
Warren.
Warren Township.

MINNESOTA

Add

Carlos.
Forest Lake
Hayfield.
Hibbing.
Marietta.
Moose Lake.
Spring Valley.
Victoria.
Waseca.
West St. Paul.
Winton.

Delete

Lake Wilson.
Slayton.

Change

Bryon to Byron.
Hectoe to Hector.
Hordon to Jordon.
Jamesville to Janesville.
La Sueur to Le Sueur.
Northrup to Northrop.
Saulk Centre to Sauk Centre.

MISSISSIPPI

Add

Alcorn A & M.
Belmont.
Booneville.
Cleveland.
Como.
Crenshaw.
Florence.
Mississippi State University (State College).
New Houlka.
Ruleville.
Taylorsville.
Walnut Grove.
Whitfield State Hospital.

Delete

Bay Springs.

Change

Itta Bena State School to Mississippi Vocational College (Itta Bena).

MISSOURI

Add

Cabool.
Ellisville.
Missouri State Prison (Jefferson City).
Monette.
Northdale.
Shelbyville.
State Hospital No. 4 (Farmington).

Delete

Leawood.
Union.

Change

Boonville (State Boys Home) to Boonville (State Training School for Boys).

MONTANA

Add

Metropolitan Sanitary and Storm Sewer District No. 1 (Silver Bow County).
Montana State Orphans Home (Twin Bridges).
Redstone.
Rural Improvement District No. 10, Dawson County (Glendive).

Delete

Butte.
Conrad.
Hingham.
Medicine Lodge.
Melstone.

NEBRASKA

Add

Clatonia.
Clay Center.
David City.
Hallam.
Kimball.
Omaha Sanitary & Improvement District No. 31.
Shelton.

NEVADA

Add

Hawthorne.
North Las Vegas.

Delete

Clark County.
Fallon.
Las Vegas.
McDermitt.
New Ruth.
Tonopah.

Change

Douglas County to Douglas County-Tahoe.

NEW HAMPSHIRE

Add

Amherst.
Andover.
Belknap County Farm (Laconia).
Belmont.
Boscawen.
Carroll County Farm (Ossipee).
Cheshire County Farm (Westmoreland).
Cheshire County Home.
Contoocook.
Coos County Farm (West Stewartstown).
Enfield.
Grafton County Farm (Woodsville).
Hampton.
Hill.
Hillsboro County Farm (Grasmere).
Meredith.
Milton.
Newbury (T).
New Hampton.
North Woodstock.
Rockingham County Farm (Brentwood).
Strafford County Farm (Farmington).
Sullivan County Farm (Newport).

Delete

Goffstown.
Jaffrey.

NEW JERSEY

Add

Asbury Park (City).
Bergen County.
Bergen Pines.
Bridgewater Township.
Camden.
Ewing-Lawrence Sewerage Authority.
Lower Penns Neck Township.
Monroe Township Sewerage Authority.
Mount Ephraim.
Passaic Township.
Pitman.
Somerdale.
Somerset-Raritan Valley Sewerage Authority.
Spring Lake.
Township of North Brunswick.
West Caldwell.

Delete

Avalon.
Beach Haven.
Burlington.
Caldwell.
Florence Township.
Keansburg.
Lyndhurst.
Millville.
North Arlington.
North Wildwood.
Plainfield.
Raritan.
Ridgewood.
Ship Bottom.
Somerville.
Trenton.
Ventnor-Margate.

NEW MEXICO

Add

Abiquiu.
Bluewater.
Chama.
Columbus.
Costilla.
El Rito.
Fairview.
Fruitland.
Glorieta.
Greenfield.
Hot Springs.
Jemez Springs.
Kirtland.
Lincoln.
Logan.
Milan.
Ojo Caliente.
Organ.
Penasco.
Red River.
Santa Cruz.

Talpa.
Watrous.

Delete

Carrizozo.
Fort Sumner.
Las Vegas.

NEW YORK*

Add

Addison (v).
Bedford (t).
Briarcliff Manor (v).
Brighton Sewer Commission No. 2.
Buchanan (v).
Buffalo (c).
Busti (t).
Cayuga Heights (v).
Chemung County.
Churchville (v).
Coeymans (t).
Colonie (v).
DeWitt (t).
Fort Johnson (v).
Freeport (v).
Glen Cove (c).
Hilton (v).
Hobart (v).
Kings Point (v).
Lyons (v).
Manchester (v).
Marlborough (t).
Middletown (c).
Monroe County.
Montrose.
Niagara County.
Nyack (v).
Orchard Park (t).
Painted Post (v).
Pawling.
Penfield (t).
Phelps (v).
Pittsford (t).
Port Ewen.
Schenectady (c).
Southhampton (t).
Stony Point (t).
Tonawanda (c).
Webster (t).
Westfield (v).

Delete

Alfred.
Altamont (v).
Bethlehem (t).
Binghamton (c).
Clyde (v).
East Greenbush.
Geneseo (v).
Geneva (c).
Gowanda (v).
Greenport (t).
Irvington (v).
Lewiston (v).
Massena (v).
Mayville (v).
New Paltz (v).
Poughkeepsie (c).
Poughkeepsie (t).
Richmondville.
Rouses Point (v).
Suffern (v).
Webster (v).

Change

Riverhead (v) to Riverhead (t).

NORTH CAROLINA

Add

Granite Quarry.
Haw River Sanitary District (Alamance County).
North Asheboro Central Falls.
Parkton.
Royal Oakes.
White Lake.
Wingate.

Delete

Ayden.
Caledonia Prison Farm.
Chowan County School.
Durham.
Farmville.
Fayetteville.
Gastonia.
Gibsonville.
Lexington.
Liberty.
Louisburg.
Mocksville.
Mount Olive.
North Wilkesboro.
Rocky Mount.
Wadesboro.

NORTH DAKOTA

Add

Carpio.
Coleharbor.
Crystal.
Emerado.
Fairdale.
Lignite.
Medora.
Mooreton.
Munich.
Neche.
Osnabrock.
Park River.
Petersburg.
Selfridge.
State School for the Feebleminded (Grafton).
Tolna.
Tuttle.
Verona.
Wing.

Delete

Dickinson.
Dodge.
Fort Lincoln.
Granville.
Lansford.
Reeder.

OHIO

Add

Alliance.
Canal Winchester.
Leroy.
Mahoning County, Milton Sewer District No. 11.
Northfield.
Sylvania.

Delete

Amherst.
Ashland.
Bedford Heights.
Brewster.
Campbell.
Canal Fulton.
Cincinnati (Addyston, Amberley, Arlington Heights, Blue Ash, Cheviot, Deer Park, Elmwood Place, Evendale, Fairfax, Golf Manor, Greenhills, Indian Hill, Lincoln Heights, Lockland, Madeira, Mariemont, Mount Healthy, North College Hill, Northwood, Reading, Saint Bernard, Sharonville, Silverton, Woodlawn, Wyoming).
Columbus (Bexley, Grandview Heights, Hanford, Marble Cliff, Riverlea, Upper Arlington, Valley View, Whitehall, Worthington).
Continental.
Delta.
East Liverpool.
Eaton.
Euclid Highland Heights, Richmond Heights, Wickliffe, Willowick.
Flushing.
Gahanna.
Hamilton.
Jefferson.
Leipsic.
Lowellville.
Mansfield.
Maumee.
Middlefield.
Millersburg.
(Under) Montgomery County: Beaver Creek Sewer District.
Montpelier.
New Boston.
Oak Harbor.
Painesville.
Perrysburg.
Piqua.
Reynoldsburg.
Rockford.
Sandusky.
Seamen.
Shiloh.
South Zanesville.
Steubenville.
Swanton.
Tiltonsville.
Vermillion-on-the-Lake.
Waterville.
Waynesburg.
Wellsville.
Willoughby (Eastlake, Timberlake).
Yorkville.

OKLAHOMA

Add

Butler.
Copan.
Elmore City.
Fargo.
Oklahoma County Utility Services Authority.
South Coffeyville.
Taloga.
Tyrone.

Delete

Achille.
Ada.
Adair.
Albany.
Alderson.
Alex.
Alva.
Arkoma.
Avant.
Beaver.
Bennington.
Billings.
Blackwell.
Blair.
Boise City.
Bokchito.
Boley.
Boswell.
Bowlegs.
Boynton.
Braggs.
Bristow.
Bromide.
Buffalo.
Burbank.
Cache.
Caddo.
Calera.
Calvin.
Canadian.
Canton.
Canute.
Cardin.
Carmen.
Carnegie.
Cherokee.
Cheyenne.
Choctaw.
Clayton.
Clinton (Western T.B. Hospital).
Coalgate.
Colony.
Comanche.
Commerce.
Cordell.
Corn.
Cottonwood.
Countyline.
Cromwell.
Crowder.
Custer City.
Cyril.
Davis.
Delaware.
Depew.
Devol.
Dewey.
Dougherty.
Drumright.
Dustin.
Eagletown.
Eakley.

*NOTE: (c)—city; (t)—town; (v)—village.

Eldorado.
Enid.
Fairfax.
Fairland.
Fairview.
Fittstown.
Francis.
Frederick.
Freedom.
Garber.
Geary.
Geronimo.
Gore.
Gowen.
Granite.
Granite (State Reformatory).
Grant.
Guymon.
Hannah.
Harden City.
Hartshorne.
Hastings.
Headrick.
Healdton.
Heavener.
Hennessey.
Hinton.
Hobart.
Hochatown.
Hollis.
Hoyt.
Hugo.
Hulbert.
Hydro.
Idabel.
Indiahoma.
Indianola.
Kaw City.
Keyes.
Kiefer.
Kingfisher.
Kingston.
Kiowa.
Konawa.
Krebs.
Lamont.
Lehigh.
Little City.
Madill.
Manitou.
Mannsville.
Marcetta.
Marshall.
Maysville.
McAlester.
McCurtain.
Midwest City.
Milburn.
Mill Creek.
Minco.
Monroe.
Moore.
Mooreland.
Mountain View.
Muse.
Newcastle.
Nichols Hills.
Nicoma Park.
Noble.
Oakland.
Orlanda.
Paden.
Page.
Paul's Valley (State Hospital).
Pernell.
Pharoah.
Pine Valley.
Pittsburg.
Poteau.
Quapaw.
Ralston.
Ravia.
Red Oak.
Ripley.
Roosevelt.
Ross.
Salina.
Sasakwa.
Savanna.
Shady Point.
Soper.
Southland.
Spencer.
Springer.
Stratford.
Supply.
Taft (Deaf, Blind, and Orphans School).
Talihina.
Terral.
Texhoma.
Texola.
Thackerville.
Tonkawa.
Tupelo.
Tuskahoma.
Vernon.
Vici.
Vinita.
Wakita.
Wapanucka.
Warr Acres.
Washington.
Welch.
Weleetka.
Wellston.
Whitefield.
Williams.
Willow.
Wirt.

Change

Barnsdale to Barnsdall.
Benger to Binger.
Byers to Byars.
Sapula to Sapulpa.
Spavenaw to Spavinaw.
Weturika to Wetumka.

OREGON

Add

Lakeview.
Prineville.
South Suburban Sanitary District.

Delete

Albany.
Berrydale Sanitary District.
Burns.
Clatskanie.
Drain.
Fairview.
Fairview Sewer District.
Government Camp Sanitary District.
Klamath Falls.
Lebanon.
Milton-Freewater.
North Bend.
Prairie City.
Roseburg.
South East Klamath Falls.
St. Helens.
Sunset Valley Sanitary District.
Tigard Sanitary District.
Tillamook.
Weston.

Change

Oak Grove Sanitary District to Oak Lodge Sanitary District.

PENNSYLVANIA

Add

Aldan.
Amity Township.
Annville.
Bessemer.
Birdsboro.
Brighton Township.
Butler Township.
Cambridge Springs.
Centre Township.
Cherry Tree.
Chippewa Township.
Clarendon.
Clarion.
Clymer.
Cochranton.
Colebrook Township (Berks County).
Collingdale.
Colwyn.
Conneautville.
Cranberry Township.
Cranesville.
Cumru.
Darby.
Darby Township.
Darlington.
Dayton.
Derry.
Eastvale.
Folcroft.
Franklin Township.
Girard.
Glade Township.
Glenaldan.
Harborcreek Township.
Haverford Township.
Jenks Township.
Koppel.
Lansdowne.
Lower Alsace.
Lower Paxton Township.
Lyonsville.
Macungie.
Manheim.
Manor.
Manor Township.
Manorville.
Marietta.
McAdoo.
Mead Township.
Mercer.
Middleboro.
Middlesex Township.
Millcreek Township.
Millersville.
Morton.
Neshannock Township.
Nether Providence Township.
Neville Township.
New Holland.
Norward.
Paxtang.
Penbrook.
Pine Grove.
Pleasant Township.
Prospect Park.
Quarryville.
Ridley Park.
Ridley Township.
Roseto.
Rural Valley.
Rutledge.
Saegertown.
Saltsboro.
Sharon Hill.
Shenango Township.
Shoemakersville.
Spring Township.
State College.
Stoneboro.
Sugar Creek Township.
Summerville.
Swatara Township.
Swarthmore
Taylor Township.
Tower City.
Townville.
Union Township.
Upper Darby Township.
Vernon Township.
Wernersville.
West Kittaning.
West Mead Township.
West Middlesex.
West Mifflin.
White Township.
Woodward Township.
Yeadon.

Delete

Allegheny County Sanitary District.
Berwick.
Bethel.
Conway.
Corry.
Edinboro.
Elizabeth (Allegheny County).
Galeton.
Greenville.
Harrisburg.
Hawley.
Hickory Township.
Hopewell Township.
Oil City.
Osborne.

Titusville.
Warren.
White Haven.

Change

Hemfield to Hempfield Township.
Jefferson to Jefferson Township.

PUERTO RICO

Change

Narajito to Naranjito.

RHODE ISLAND

Add

Cranston.
Narragansett Town.

Delete

Exeter State Hospital (Exeter).
Providence (Providence City).

SOUTH CAROLINA

Add

Darlington.
Greenville County Marketing Commission.
Greenwood.
Johnsonville.
Pendleton.
Saint Andrews Public Service District Commission (Charleston).
School District of Aiken County.
Summerton (Clarendon Co.)
Union.
Whitten Village (Clinton).

SOUTH DAKOTA

Add

Chancellor.
Clark.
Custer State Park.
Milbank.
Morristown.
South Dakota State Sanatorium (Senator).

Delete

Bowdle.
Brookings.
Eagle Butte.
Kodaka.
Mission.
Parkston.
Springfield.

Change

Alaska to Akaska.

TENNESSEE

Add

Bradford.
Clinton.
Erin.
Kenton.
Lafayette (Macon County).
Madisonville.
Monterey.
Pikeville (Bledsoe County).
Smithville.
Tullahoma.

Delete

Adamsville.
Davidson County Hospital.
Decherd.
Frayser.
Johnson City.
Jordonia (State Boys Vocational School).
Kingsport.
Kingston.
Knoxville (State East Tennessee T.B. Hospital).
Knoxville (State Eastern St. Hospital).
Maryville.
Selmer.
Smyrna (Rutherford County).
Waynesboro.

Change

Red Bank to Red Bank-White Oak.

TEXAS

Add

Anthony.
Crowley.
Galveston County Water Control & Improvement District No. 1 (Dickinson).
Galveston County Water Control & Improvement District No. 7 (Hitchcock).
Metropolitan Sanitary Sewer District of South Jefferson County.
North Tarrant County Municipal Water District (Keller).
Trinity River Authority of Texas.
Wallis.

Delete

Hallettsville.
Uvalde.

UTAH

Add

Kearns Improvement District (Kearns).

Delete

Central Weber Sewer Improvement District (Ogden).
Davis County Metropolitan Sewer District.
Midvale.
Moab.
North Davis County.
Ogden.
Salt Lake County Cottonwood Sanitary District.
Salt Lake County Sewer Districts.
South Ogden.
South Salt Lake.
Vernal.

VIRGINIA

Add

Boone's Mill.
Cedar Bluff.
Fincastle.
Goshen.
Henrico County.
James City County.
Lorton Reformatory (Lorton).
Lynchburg.
Norfolk.
Prince William County.
Shenandoah.
Tazewell County.
Woodbridge.
York County Sanitary District.

Delete

Buena Vista.
Clifton Forge.
Colonial Beach.
Crewe.
Drakes Branch.
Elkton.
Fairfax.
Glasgow.
Herndon.
Warm Springs Sanitary District.

WASHINGTON

Delete

Asotin.
Bellevue Sewer District.
Black Diamond.
Bothell.
Buckley.
Bucoda.
Camas.
Carbonada.
Carnation.
Centralia.
Clarkston.
Colfax.
College Place.
Colton.
Colville.
Conconully.
Concrete.
Connell.
Cowiche (SD).
Creston.
Darrington.
Dayton.
Duvall.
East Mercer Island (SD).
Edmonds.
Elberton.
Ellensburg.
Elma.
Entiat.
Everson.
Farmington.
Forks.
Gig Harbor.
Goldendale.
Gold Bar.
Hamilton.
Harrah.
Hartline.
Hoquiam.
Ilwaco.
Index.
Kahlotus.
Kalama.
Kennewick.
Kittitas.
Krupp.
La Center.
La Conner.
Lake City (Sanitary District).
Lamont.
Langley.
Latah.
Lind.
Long Beach.
Longview.
Lyman.
Malden.
Mansfield.
Marcus.
McCleary.
Mesa.
Milton.
Montesano.
Morton.
Moxee City.
Mossyrock.
Mount Vernon.
Mukilteo.
Naches.
Napavine.
Nespelem.
Nooksack.
Oakville.
Olympia.
Omak.
Palouse.
Pasco.
Pe Ell.
Poulsbo.
Prescott.
Pullman.
Puyallup.
Ranier.
Ranier Vista (Sanitary District).
Redmond.
Republic.
Riverside.
Rockford.
Rock Island.
Roy.
Ruston.
Sedro Woolley.
Selah.
Sequim.
Silverdale (SD).
South Prairie.
Southwest Suburban (Sanitary District).
Spangle.
Sprague.
Springdale.
Starbuck.
Sumas.
Sumner.
Sunnyside.
Tekoa.
Tieton.
Tonasket.
Toppenish.
Twisp.
Uniontown.
Vancouver.
Vashon (Sanitary District).
Warden.
Washougal.
Washtucna.
Waterville.
Waverly.
Wenatchee.

Wilkeson.
Wilson Creek.
Winlock.
Winslow.
Winthrop.
Wishram.
Woodland.
Yacolt.
Yakima.
Yelm.

Change

Pacific Beach S.D. to Pacific Beach (Sewer Improvement District).
Reardon to Reardan.
Valvue (Sanitary District) to Val Vue.

WEST VIRGINIA

Add

Oakville Public Service District.

Delete

New Martinsville.
Ravenswood.
Williamstown.

Change

Nutter Fork to Nutter Fort.

WISCONSIN

Add

Barron.
Blanchardville.
Cadott.
Cassville (Village).
Cottage Grove.
Darien.
Dickeyville.
Fond du Lac.
Franklin.
Fredonia.
Greenfield.
Ixonia Sanitary District No. 1.
Marathon County (Mount View Sanatorium).
Menasha Sanitary District No. 4.
Mount Hope.
Musioda.
Plain.
Plainfield.
Ridgeland.
Saint Nazianz.
Salem.
Shiocton.
Sullivan.
Thiensville.
Two Rivers.
Unity.
Waterford.
Wautoma.
Wauzeka.
Withee.

Delete

Athens.
Bayfield.
Beloit.
Brodhead.
Cambria.
Casco.
Clinton.
De Pere (Hickory Grove Sanatorium).
Devils Lake State Park.
Dodgeville.
Ellsworth.
Florence (Town).
Fountain City.
Genoa City.
Gillett.
Hales Corner.
Independence.
Jefferson.
Johnson Creek.
Kewaunee.
La Farge.
Lake Delton.
Lake Mills.
Lomira.
Madison Metropolitan Sewer District.
Mayville.
Mazomanie.
Menomonie.
Merrillan.
Milwaukee.
Mishicot.
Mount Horeb.
New Glarus.
Osceola.
Phillips.
Portage.
Port Washington.
Prairie de Chien.
Rib Lake.
Sheboygan.
Stratford.
Sturtevant.
Superior.
Twin Lakes.
Viola.
Washburn.
West Salem.
West Salem (La Crosse County Hospital).
Whitehall.
Whitewater.
Williams Bay.
Woodruff Sanitary District.

Change

Lennon to Lannon.

WYOMING

Add

Buffalo.
Evanston.
Jackson.
Lusk.
Rock Springs.

Delete

Brooks Community (Casper).
Burns.
Bryon.
Cheyenne.
Clearmont.
Cokeville.
Cowley.
Dayton.
Deaver.
Diamondville.
Dixon.
East Thermopolis.
Edgerton.
Elk Mountain.
Elmo.
Evansville.
Frontier.
Gillette.
Granger.
Hanna.
Hulett.
Kaycee.
Kirby.
Lagrange.
Lyman.
Manderson.
Manville.
Medicine Bow.
Meeteetse.
Midwest.
Moorcroft.
Orchard Valley.
Quealy.
Rawlins.
Riverside.
Rock River.
Thayne.
Upton.
Van Tassell.
Yoder.

Change

Ten Sleep to Tensleep.

[F.R. Doc. 59-6351; Filed, July 31, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.

Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued to Allis-Chalmers Manufacturing Company, Amendment No. 1, set forth below, to Construction Permit No. CPCX-14 extending the latest date for completion of construction of the critical experiments facility to be located in Greendale, Milwaukee County, Wisconsin, to November 1, 1959.

Dated at Germantown, Md., this 24th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[Construction Permit No. CPCX-14; Amdt. 1]

Condition 1. of Construction Permit No. CPCX-14, is hereby amended by changing the second sentence thereof to read as follows: The latest date for completion of the facility is November 1, 1959.

Date of issuance: July 24, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6324; Filed, July 31, 1959; 8:45 a.m.]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of Amendment to Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 1, 1959, the Atomic Energy Commission has issued Amendment No. 2 to Construction Permit No. CPPR-1. The amendment approves as technical specifications, subject to conditions described in the amendment, the mechanical design of the containment vessel, the arrangement inside the containment vessel, and the leakage analysis of the containment vessel for the reactor to be located at Indian Point, New York, as described in the applicant's amendment No. 6 to its application for license. Notice of the proposed action was published in the FEDERAL REGISTER on June 2, 1959, 24 F.R. 4498.

Dated at Germantown, Md., this 24th day of July 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6325; Filed, July 31, 1959; 8:45 a.m.]

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Proposed Issuance of Order and Amendment of Utilization Facility License

Please take notice that the Atomic Energy Commission proposes to issue, substantially as set forth below, (1) an order rescinding the Commission's order dated August 13, 1958 which prohibited loading fuel into the Nuclear Test Reactor until certain conditions were satisfied and (2) an amendment to Facility License No. R-33, which will permit the resumption of operations in the facility, unless within 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). The proposed amendment would authorize changes in the reactor design and operating procedures to overcome the difficulties previously encountered in the operation of the Nuclear Test Reactor, and authorize operation of the reactor. Prior to issuance of the order and the license amendment, the facility will be inspected by representatives of the Commission to determine that the reactor has been constructed in compliance with the applicable terms and conditions of the construction permit and application.

For further details see (1) application Nos. 2, 3 and 4 for license amendment dated October 28, 1958, March 10, 1959, and April 10, 1959, respectively, submitted by the General Electric Company and (2) a hazards analysis of the proposed operation of the reactor prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of July 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of, Licensing and Regulation.

ORDER

By an order dated August 13, 1958, in which General Electric Company consented, the Commission ordered that special nuclear material not be loaded into the licensee's Nuclear Test Reactor (NTR) until the licensee submitted to the Commission a comprehensive report describing and evaluating proposed changes in the design of the facility and proposed changes in procedures for its future operation and until the Commission has authorized such loading.

The Commission has found that the licensee has satisfied the requirements of the order. It is hereby ordered that the order dated August 13, 1958 is rescinded and the licensee is authorized to load special nuclear material into the facility.

For the Atomic Energy Commission.

[License No. R-33; Amdt. 1]

Effective as of the date of issuance specified below, License No. R-33 is amended to read as follows:

1. This license applies to the nuclear reactor designated by General Electric Company as the "Nuclear Test Reactor" (hereinafter referred to as "the reactor") which is owned by the Company and located at its Vallecitos Atomic Laboratory in Alameda County, California, and described in applications for license amendment No. 2 dated October 28, 1958, No. 3 dated March 10, 1959, and No. 4 dated April 10, 1959 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor authorized for construction by Construction Permit No. CPRR-19, issued to General Electric Company, has been constructed and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. General Electric Company is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material, to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The issuance of a license to General Electric Company to possess and operate the reactor will not be inimical to the common defense and security or to the health and safety of the public; and

E. General Electric Company has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, The Commission hereby licenses General Electric Company:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use four kilograms of contained uranium 235 as fuel for operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect and to the additional conditions specified below:

A. General Electric Company shall not operate the reactor at power levels in excess of 30 kilowatts (thermal).

B. In addition to those otherwise required under this license and applicable regulations, General Electric Company shall keep the following records:

(1) Reactor operating records, including power levels;

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Electric Company as measured at the point of such release or discharge;

(3) Records of emergency scrams, including reasons for emergency shutdowns; and

(4) Records containing a description of each change, test or experiment authorized by the Manager-Critical Assemblies or Laboratory Safeguards Group and a summary statement of bases for the conclusions reached by the Manager or the Group; and a description of each evaluation required by paragraph 5.B.(2).

C. General Electric Company shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

D. General Electric Company shall submit to the Commission an annual report of operating experience pertinent to safety. This report shall describe, among other things, the changes, tests or experiments authorized by the Manager-Critical Assemblies or the Laboratory Safeguards Group. The first such report shall be filed thirteen months after the date of issuance of this license amendment.

5.A. As used in this license, "Summary Safeguards Report" means "GEAP-3068, Summary Safeguards Report for the Nuclear Test Reactor Vallecitos Atomic Laboratory, Pleasanton, California," dated October 7, 1958, as amended by applications for license amendment Nos. 3 and 4.

B.(1) Unless otherwise authorized by the Commission in writing; the General Electric Company shall:

(a) Observe all limits and requirements specified in paragraphs 4.A. through 4.D., inclusive, of this license;

(b) Observe all limits and requirements specified in section 1 of the Summary Safeguards Report;

(c) Make no change in the basic design concept or use of the reactor;

(d) Make no change with respect to any design value, limit or procedure, and conduct no experiment as to which the application states will not be made or conducted without the prior approval of the Commission.

(2) The General Electric Company may make other changes in the facility design, core design, or in the limits or procedures specified in the application, and may conduct tests or experiments in the reactor only in accordance with the following procedures:

(a) Prior to making any such changes or conducting any such test or experiment the Manager-Critical Experiments shall evaluate the hazards involved in the proposed change, test, or experiment and the effect of such change, test or experiment on each of the accidents analyzed in section 7 of the Summary Safeguards Report.

(b)(i) If the Manager-Critical Experiments determines that the proposed change, test, or experiment involves hazards less than, and not different from, those analyzed in section 7 of the Summary Safeguards Report, or does not involve nuclear safety considerations, no further approval shall be required.

(ii) If the Manager-Critical Experiments does not make the determination described in subparagraph (1) above, the General Electric Company Laboratory Safeguards Group shall evaluate the effect of the proposed change, test, or experiment on each of the accidents analyzed in section 7 of the Summary Safeguards Report. If the Laboratory Safeguards Group determines that the hazards involved in the proposed change, test, or experiment are not greater than, and not different from, those analyzed in section 7 of the Summary Safeguards Report, no further approval shall be required for the proposed change, test, or experiment.

(iii) If the Laboratory Safeguards Group determines that the hazards involved are or may be different from, or greater than, those analyzed in section 7 of the Summary Safeguards Report, the General Electric Company shall provide the Commission with a report describing the proposed change, test, or experiment and including a hazards evaluation of such proposed change, test, or experiment.

(iv) If, within 15 days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission does not issue any notice to the contrary to the General Electric Com-

pany, the Company may make or conduct such change, test, or experiment without further approval.

(v) If, within 15 days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission issues a notice to the General Electric Company that, in the Commission's opinion, the hazards involved may be greater than or materially different from those analyzed in section 7 of the Summary Safeguards Report, the change, test, or experiment shall not be made or conducted until after such change, test, or experiment has been authorized in writing by the Commission. The report submitted by General Electric Company shall constitute an application for a license amendment.

(3) For purposes of paragraph 5.B.(2), a proposed change, test, or experiment shall be deemed to involve "hazards less than, and not different from, those analyzed in section 7" if (1) the probability of the types of accident analyzed in section 7 would be decreased; and (2) the consequences of the types of accidents analyzed in section 7 would be decreased; and (3) such change, test, or experiment would not create a credible probability of an accident of a different type than any analyzed in section 7. A proposed change, test, or experiment shall be deemed to involve hazards "not greater than, and not different from, those analyzed in section 7", if (1) the probability of the types of accidents analyzed in section 7 of the Summary Safeguards Report would not be increased; and (2) the possible consequences of the types of accidents analyzed in section 7 of the report would not be increased; and (3) such change, test, or experiment would not create a credible probability of an accident of a different type than any analyzed in section 7. A proposed change, test, or experiment shall be deemed to involve hazards "greater than or materially different from those analyzed in section 7" if (1) the probability of a type of accident analyzed in section 7 would be increased; or (2) if the consequences of any type of accident analyzed in section 7 would be increased; or (3) if such change, test, or experiment might create a credible probability of an accident of a materially different type than any analyzed in section 7.

6. This license amendment is effective as of the date of issuance and the license shall expire at midnight October 25, 1967.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59-6326; Filed, July 31, 1959; 8:45 a.m.]

[Docket 50-142]

UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Application for Facility License

Please take notice that University of California at Los Angeles, California, under Section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 10 kilowatt (thermal) Argonaut type training and research reactor on the University's campus near Beverly Hills, California. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6327; Filed, July 31, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-14262]

[Docket No. 10747]

DELTA AIR LINES, INC.

Order of Investigation and Suspension of Off-Peak Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of July 1959.

Delta Air Lines, Inc. (Delta), by tariff revision effective July 31, 1959, proposes to establish an "off-peak" coach fare of $26.90 between Dallas/Fort Worth, Texas and New Orleans, Louisiana. The proposed fare is the same as Delta's presently effective day coach fare. The latter fare was recently increased by $1.00 along with Delta's other standard day coach fares and, at the same time, meal service was instituted on day coach flights. No meal service, however, will be offered in the night or "off-peak" coach service.

The Board permitted the recent increases in day coach fares to become effective on the grounds that the additional costs of the furnishing of meals justified the increase in fare. No such justification is present with respect to night coach service in which meals are not offered. Accordingly, we find that Delta's proposed fare may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204a, 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation be and hereby is instituted to determine whether the fares and provisions between Dallas and Ft. Worth, on the one hand, and New Orleans, on the other, appearing on 4th and 5th Revised Pages 122-B of Agent C. C. Squire's C.A.B. No. 44 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Pending such investigation, hearing, and decision by the Board, the fares and provisions between Dallas and Ft. Worth, on the one hand, and New Orleans, on the other, appearing on 4th and 5th Revised Pages 122-B of Agent C. C. Squire's C.A.B. No. 44 be and hereby are suspended and their use deferred to and including October 28, 1959, unless otherwise ordered by the Board, and that no changes whatsoever be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with Agent C. C. Squire's C.A.B. No. 44 and a copy be served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-6352; Filed, July 31, 1959; 8:48 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

NOTICE OF PUBLIC HEARING REGARDING RENEGOTIATION OF TARIFF CONCESSIONS BY CUBA

Submission of Information

Closing date for application to be heard, September 4, 1959.

Closing date for submission of briefs by persons desiring to be heard, September 4, 1959.

Closing date for submission of briefs by persons not desiring to be heard, September 15, 1959.

Public hearings open, September 15, 1959.

Notice is hereby given by the Committee for Reciprocity Information that a public hearing will be held before the Committee in order to obtain the views of interested persons in connection with United States participation in tariff renegotiations by the Government of Cuba looking toward the modification of Schedule IX (Cuba) of the General Agreement on Tariffs and Trade.

The Cuban Government has for the past several years been engaged in studies leading to a revision of its customs tariff. It is availing itself of the opportunity provided in Article XXVIII of the General Agreement whereby a contracting party wishing to modify or withdraw concessions in its schedule might enter into negotiations for that purpose. The Cuban Government in 1957 invoked paragraph 5 of Article XXVIII in order to permit it to take such action after January 1, 1958. Early in 1958 the Cuban Government put into effect the new nomenclature and rates of duty applicable to imports from countries with which it does not have trade agreements or commercial arrangements. It also announced that it would continue in effect the old nomenclature and rates of duty for imports from other countries pending the completion of the proposed tariff negotiations.

Under the provisions of Article XXVIII of the General Agreement, a contracting party proposing to renegotiate a concession by modifying or withdrawing it is required to negotiate regarding compensatory adjustment with the country with which the concession was originally negotiated and with any other country having a principal supplying interest in the concession. It is also required to consult with countries having a substantial trade interest therein. In such negotiations, the country proposing the modification or withdrawal usually offers new concessions by way of compensation. If no settlement is possible on the basis of such new concessions as may be offered, the countries adversely affected are authorized to withdraw or make upward adjustment of concessions initially negotiated with the first country which are of a value substantially equivalent to the concessions which the first country is modifying or withdrawing.

In preparation for the proposed negotiations with Cuba, the Committee for Reciprocity Information would welcome views from interested parties with regard to the possible effect on United States trade of modification or withdrawal of concessions in Schedule IX (Cuba) to the General Agreement. (See list below.) In addition, the Committee invites the submission of views regarding concessions which the United States might seek from Cuba as compensation, as well as views concerning the possible withdrawal or upward adjustment of concessions in Schedule XX (United States) initially negotiated with Cuba.

All applications for oral presentation of views in regard to these matters shall be submitted to the Committee for Reciprocity Information not later than September 4, 1959. The application must indicate the product or products on which the individual or group desires to be heard and an estimate of the time required for oral presentation. Persons who desire to be heard orally shall also submit written statements to the Committee not later than September 4, 1959. Written statements of persons who do not desire to be heard orally shall be submitted not later than September 15, 1959. Such communications shall be addressed to: Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C. Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked: For Official Use Only of Committee for Reciprocity Information.

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a.m., September 15, 1959, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington 25, D.C. Witnesses who make applications to be heard will be advised regarding the time and place of their individual appearances.

Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

All communications regarding this notice, including requests for appearance at hearings before the Committee for Reciprocity Information, should be addressed to the Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C.

Requests for information concerning commodity classifications and applicable rates of duty under the old Cuban customs tariff and also regarding the new Cuban commodity classifications and new tariff nomenclature should be addressed to the American Republics Division, Bureau of Foreign Commerce, United States Department of Commerce, Washington 25, D.C.

Annexed to this notice is a list of the commodity groups or principal commodities in Schedule IX (Cuba) to the General Agreement on Tariffs and Trade which the Cuban Government proposes to renegotiate.

By direction of the Committee for Reciprocity Information this 30th day of July 1959.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

LIST OF COMMODITY GROUPS OR PRINCIPAL COMMODITIES IN SCHEDULE IX TO THE GENERAL AGREEMENT WHICH THE CUBAN GOVERNMENT PROPOSES TO RENEGOTIATE

Cement.
Coal and coke.
Lubricating oils and vaseline.
Glass and glassware, including electric lamps.
Iron and steel manufactures.
Manufactures of copper, except plain wire, and other metals and alloys.
Rosin and turpentine.
Colors, dyes, varnishes and inks.
Chemical and pharmaceutical products.
Soaps and cosmetics.
Starches and adhesives.
Raw cotton and manufactures.
Synthetic fibers and manufactures.
Knitted wool sportswear.
Silk yarn, fabrics and wearing apparel.
Paper, cardboard and manufactures.
Certain lumber and manufactures.
Leather and manufactures.
Certain musical instruments, phonographs, radio and television sets, motion picture projection apparatus, accessories and parts of the foregoing.
Clocks.
Agricultural and industrial machinery and instruments and parts and accessories.
Office and household machines and appliances.
Automotive vehicles, parts and accessories.
Wagons, carts, and parts and accessories for railway cars.
Airplanes and parts.
Plastics and manufactures.
Rubber manufactures.
Transmission belting.
Oilcloth and linoleum.
Games and toys.
Tires and tubes.
Photograph film.
Miscellaneous manufactured articles.
Meats.
Lard.
Prepared milk.
Cereals, including rice, wheat and wheat flour.
Fruits and vegetables, fresh, dried, and prepared.
Edible and inedible oils.
Canned fish.
Other preserved foods.
Beverages.
Miscellaneous food products, including confectionery.
Cigarettes and smoking tobacco.

[F.R. Doc. 59-6389; Filed, July 31, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12854, 12855; FCC 59M-956]

GOLETA BROADCASTING ASSOCIATES ET AL.

Order Continuing Hearing Conference

In re applications of Thomas J. Davis, Jr. and Robert Sherman d/b as Goleta Broadcasting Associates, Goleta, California, Docket No. 12854, File No. BP-12044; Bert Williamson and Lester W. Spillane, a co-partnership, Santa Barbara, California, Docket No. 12855, File No. BP-12154; for construction permits.

The Hearing Examiner having under consideration a petition filed on July 28, 1959, by Bert Williamson and Lester W. Spillane, a co-partnership, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for this date be continued to September 9, 1959;

It appearing that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition;

It is ordered, This 28th day of July 1959, that the petition be and it is hereby granted; and the prehearing conference in the above-entitled proceeding be and it is hereby continued to September 9, 1959, at 10 a.m., in Washington, D.C.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6353; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12954; FCC 59M-962]

DAWKINS ESPY

Order Scheduling Hearing

In re application of Dawkins Espy, Glendale, California, Docket No. 12954, File No. BPH-2365; for construction permit for new FM broadcast station.

It is ordered, This 28th day of July 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on October 5, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6354; Filed, July 31, 1959; 8:48 a.m.]

[Docket Nos. 12985, 12986; FCC 59-760]

EASTERN IDAHO BROADCASTING AND TELEVISION CO. AND SAM H. BENNION

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; Sam H. Bennion, Idaho Falls, Idaho, Docket No. 12986, File No. BPCT-2597; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8, assigned to Idaho Falls, Idaho; and

It appearing that the applications of Eastern Idaho Broadcasting and Television Company and Sam H. Bennion are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that Eastern Idaho Broadcasting and Television Company has requested a waiver of § 3.613(a) of the rules to locate its main studio outside of Idaho Falls, and has shown good cause for the requested waiver; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Eastern Idaho Broadcasting and Television Company and Sam H. Bennion, were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Sam H. Bennion is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Eastern Idaho Broadcasting and Television Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Eastern Idaho Broadcasting and Television Company and Sam H. Bennion, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the antenna system and site proposed by Eastern Idaho Broadcasting and Television Company would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast station.

c. The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Eastern Idaho Broadcasting and Television Company and Sam H. Bennion, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6355; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12414, etc.; FCC 59M-961]

ALKIMA BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Marshall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Delaware, Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pennsylvania, Docket No. 12712, File No. BP-12208; for construction permits.

Because of a likelihood of conflict in hearing schedules: *It is ordered,* By the Hearing Examiner, on his own motion, this 28th day of July 1959, that the hearing in the above-entitled matter, now scheduled to commence on September 15, 1959, is hereby rescheduled to commence at 10:00 a.m., September 21, 1959, in the Commission's offices in Washington, D.C.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6356; Filed, July 31, 1959; 8:48 a.m.]

[Docket Nos. 12950, 12951; FCC 59M-964]

ISLAND TELERADIO SERVICE, INC. AND WPRA, INC. (WPRA)

Order Scheduling Hearing

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 12950, File No. BP-11801; WPRA, Inc. (WPRA), Guaynabo, Puerto Rico, Docket No. 12951, File No. BP-12551; for construction permits.

It is ordered, This 28th day of July 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6357; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12824; FCC 59M-955]

INTER-CITIES BROADCASTING CO.

Order Scheduling Hearing

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa, and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP-10991; for construction permit for a new standard broadcast station.

It is ordered, This 27th day of July 1959, that the "Petition of Inter-Cities Broadcasting Company for Change of Certain Dates," filed July 21, 1959 is, without objection from any other party, granted; and the following changes in dates governing future steps in this proceeding are herewith effected:

From; To; For
July 27, 1959; August 3, 1959; Inter-Cities Broadcasting Company's non-engineering (Issue 3) direct written presentation to be furnished other parties and the Examiner;
August 3, 1959; August 5, 1959; Informal Engineering Conference;
August 14, 1959; August 21, 1959; In the event Station WGAR proposes to make rebuttal showing, that showing will be reduced to writing and copies furnished to other parties and to the Examiner.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6358; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12949; FCC 59M-965]

SOUTH MINNEAPOLIS BROADCASTERS

Order Scheduling Hearing

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-11632; for construction permit for a new standard broadcast station.

It is ordered, This 28th day of July 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc 59-6359; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12615, etc.; FCC 59-758]

COOKEVILLE BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issue

In re applications of—

Hamilton Parks tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, Docket No. 12615, File No. BP-11518, Requests: 1550 kc, 250 w, Day;

Springhill Broadcasting Co., Inc., Mobile, Alabama, Docket No. 12960, File No. BP-11528, Requests: 1550 kc, 50 kw, DA, Day;

Ernest Hillard Reynolds, Jr., D. T. Pethel, Jr., and Bob Phillip Gordon d/b as Hall County Broadcasting Company (WLBA), Gainesville, Georgia, Docket No. 12961, File No. BP-11642, Has: 1580 kc, 1 kw, 5 kw (C.R.), Day, Requests: 1550 kc, 10 kw, Day;

Alpha B. Martin, tr/as Dixieland Broadcasters, Tampa, Florida, Docket No. 12962, File No. BP-12285, Requests: 1550 kc, 10 kw, Day;

Henry G. Bartol, Jr., and Gertrude S. Taylor, Executrix of the Estate of Graves Taylor, Deceased, d/b as Polk County Broadcasters, Tryon, North Carolina, Docket No. 12963, File No. BP-12302, Has: 1580 kc, 250 w, Day, Requests: 1550 kc, 1 kw, Day;

Southeastern Enterprises, Inc. (WCLE), Cleveland, Tennessee, Docket No. 12964, File No. BP-12334, Has: 1570 kc, 1 kw, Day, Requests: 1550 kc, 10 kw, DA-D;

Mitchell Melof, Smyrna, Georgia, Docket No. 12965, File No. BP-12367, Requests: 1550 kc, 10 kw, Day;

Robin H. Mathis, Marvin L. Mathis, Ralph C. Mathis and John B. Skelton, Jr., d/b as Northwest Mississippi Broadcasting Company, Senatobia, Mississippi, Docket No. 12966, File No. BP-12431, Requests: 1550 kc, 10 kw, Day;

E. O. Roden, W. I. Dove, James E. Reese, Bruce H. Gresham, Zane D. Roden, T. L. Estess, and Uler J. Gilbert, d/b as Star Group Broadcasting Company, Jackson, Mississippi, Docket No. 12967, File No. BP-12448, Requests: 1550 kc, 10 kw, Day;

KGMO Radio-Television, Incorporated (KGMO), Cape Girardeau, Missouri, Docket No. 12968, File No. BP-12483, Has: 1220 kc, 250 w, Day, Requests: 1550 kc, 10 kw, DA, Day;

South C. Bevins, tr/as Irvenna Broadcasting Company, Irvine, Kentucky, Docket No. 12969, File No. BP-12523, Requests: 1550 kc, 1 kw, Day;

R. L. Turner, W. B. Kelly and J. B. Crawley, d/b as Union County Broadcasting Company, Morganfield, Kentucky, Docket No. 12970, File No. BP-12562, Requests: 1550 kc, 250 w, day;

James E. Connolly, tr/as Connolly Broadcasting Company, Bessemer, Alabama, Docket No. 12971, File No. BP-12582, Requests: 1550 kc, 1 kw, Day;

Philip B. Rosenthal, tr/as Cosmopolitan Broadcasting Co., New Orleans, Louisiana, Docket No. 12972, File No. BP-12614, Requests: 1550 kc, 10 kw, Day.

Philip B. Rosenthal, tr/as Cosmopolitan Broadcasting Co., Memphis, Tennessee, Docket No. 12973, File No. BP-12666, Requests: 1550 kc, 10 kw, Day;

James A. Noe, Baton Rouge, Louisiana, Docket No. 12974, File No. BP-12859, Requests: 1550 kc, 5 kw, Day;

Central State Broadcasters, Inc., Flora, Illinois, Docket No. 12975, File No. BP-12893, Requests: 1550 kc, 250 w, Day;

John K. Rogers, Bristol, Tennessee, Docket No. 12976, File No. BP-12915, Requests: 1550 kc, 1 kw, Day;

Gertrude Baker, Poplar Bluff, Missouri, Docket No. 12977, File No. BP-12988, Requests: 1550 kc, 10 kw, Day;

John M. McLendon, tr/as Radio Mississippi, Jackson, Mississippi, Docket No. 12978, File No. BP-13020, Requests: 1550 kc, 10 kw, 50 kw-LS, DA-2, U;

College Park Broadcasting Company, Inc. (WCPK), College Park, Georgia, Docket No. 12979, File No. BP-13069, Has: 1570 kc, 1 kw, Day, Requests: 1550 kc, 5 kw, Day;

Kingsport Broadcasting Company, Inc. (WKPT), Kingsport, Tennessee, Docket No. 12980, File No. BP-13070, Has: 1400 kc, 250 w, U, Requests: 1550 kc, 10 kw, Day;

Sioux Broadcasting Corporation, Coral Gables, Florida, Docket No. 12981, File No. BP-13071, Requests: 1550 kc, 10 kw, DA-Day;

Farley W. Warner, Charles R. Rudolph, Mary Cobb, and Richard S. Cobb d/b as Birmingham Broadcasting Company, Birmingham, Alabama, Docket No. 12982, File No. BP-13076, Requests: 1550 kc, 50 kw, DA-Day;

James R. Stockton, Richard C. Fellows, Ernest R. Currie and Robert R. Feagin, d/b as Broadcasting Associates, Dunedin, Florida, Docket No. 12983, File No. BP-13128, Requests: 1550 kc, 5 kw, DA-Day;

Mary Cobb, Richard S. Cobb, Farley W. Warner and Charles R. Rudolph d/b as Port Allen Broadcasting Company, Port Allen-Baton Rouge, Louisiana, Docket No. 12984, File No. BP-13144, Requests: 1550 kc, 10 kw, DA-Day;

For Construction Permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal with the exceptions that Union County Broadcasting Company (File No. BP-12562) and College Park Broadcasting Co., Inc. (File No. BP-13069) may not be financially qualified; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 26, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and

It further appearing that, in an amendment filed on July 16, 1959, Radio Mississippi (BP-13020) claims that its proposal would not cause objectionable daytime interference to Station KENT, Shreveport, Louisiana; but that we are of the opinion that the distance to the KENT 0.5 mv/m contour in the direction of N. 135° E., on the basis of the KENT proof of performance measured conductivity in this direction, in conjunction with figure M-3 conductivities, is approximately 63 miles rather than 57 miles shown by the applicant; and that a substantial question of objectionable interference to KENT still obtains; and that the applicant has submitted information to the effect that the proposed antenna

system will be capable of adjustment and maintenance in the manner proposed in the said application; that the applicant appears to be aware of the problems which may be encountered in the adjustment of the proposed antenna system; and that, therefore, in the event of a grant of the instant application, the construction permit should contain a condition that a satisfactory proof of performance be submitted prior to the issuance of any authority for program tests, and that properly designed monitors capable of continuously and correctly indicating the amplitude and phase of current in the several elements of the directional antenna system shall be installed; and

It further appearing, that, in its reply of July 16, 1959, Central States Broadcasters, Incorporated (BP-12893) claims that the Commission "acted with undue haste" in designating for hearing (on March 4, 1959) those applications on 1550 kilocycles including Sullivan, Indiana (BP-12370), "with which the instant proposal involves mutual interference"; that the applicant should be able to expect "consistent and uniform treatment" in order to file a "timely application"; and that the applicant requests additional time to petition against "this ruling" that its application was not timely filed for consolidation with the above-referenced application of Central States Broadcasters, Incorporated, and requests a "status" in the said hearing; but that we see no foundation to the claim that the said applications were designated with undue haste, inasmuch as the section 309(b) letter to the applicants therein was dated January 26, 1959 and stated that, after the 30 day reply period, the applications would be designated for hearing on the issues then obtaining, and the applications were designated on March 4, 1959; that the applicant's complaint about insufficient time to file a competing application is without merit because the application of Sullivan County Broadcasters, Inc. had been on file since September 16, 1958; that the instant application was not filed until March 9, 1959, five days late for consolidation in the said hearing pursuant to the provisions of § 1.106 of the Commission rules; and that, accordingly, the said requests for additional time and consolidation in the above-referenced hearing should be denied; and

It further appearing that, in its above-referenced letter of June 26, 1959, the Commission indicated that Sioux Broadcasting Corporation may not be financially qualified; but that, in an amendment filed on July 20, 1959, the said applicant showed stock subscription agreements totalling $150,000, which we find sufficient to meet the $125,000 necessary for construction of the proposed station and working capital; and that the said applicant, therefore, is found to be financially qualified; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below; and

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station, and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations involved in the mutual interference of the instant proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposals of Radio Mississippi (BP-13020) and Central State Broadcasters, Inc. (BP-12893) would involve objectionable interference with, respectively, KENT, Shreveport, Louisiana and the proposal of Sullivan County Broadcasters, Inc. for a new standard broadcast station at Sullivan, Indiana, File No. BP-12370, Docket No. 12799, or any other standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether a grant of the instant proposal of College Park Broadcasting Company, Inc. (BP-13069) would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

7. To determine whether Union County Broadcasting Company, Inc. (BP-12562) and College Park Broadcasting Company, Inc. (BP-13069) are financially qualified to construct and operate their respective stations as proposed.

8. To determine whether the antenna system proposed by each of the following applicants would constitute a hazard to air navigation:

Mitchell Melof (BP-12367).
Gertrude Baker (BP-12988).
Radio Mississippi (BP-13020).
Kingsport Broadcasting Company, Inc. (BP-13070).
Birmingham Broadcasting Company (BP-13076).
Broadcasting Associates (BP-13128).
Port Allen Broadcasting Company (BP-13144).

9. To determine whether the instant proposals of Cosmopolitan Broadcasting Co. for New Orleans, Louisiana (BP-12614) and Memphis, Tennessee (BP-12666) would provide the coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission rules.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine on a comparative basis, in the event that Jackson, Mississippi, and/or Baton Rouge, Louisiana is selected as having the greater need pursuant to section 307(b), which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

12. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Radio Shreveport, Inc., licensee of Station KENT (Shreveport, Louisiana), and Sullivan County Broadcasters, Inc., applicant for a new standard broadcast station at Sullivan, Indiana, File No. BP-12370, Docket No. 12799, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Radio Mississippi, the construction permit shall contain a condition that program tests will not be authorized until the permittee has shown that John M. McLendon has divested all interest in, and severed all connection with, Station WOKJ, Jackson, Mississippi.

It is further ordered, That, in the event of a grant of the instant proposal of James A. Noe (BP-12859), it shall be without prejudice to whatever action the Commission may deem necessary as a result of the final determination on his presently pending applications for renewal of licenses of Stations KNOE-TV, KNOE, and WNOE.

It is further ordered, That, in the event of a grant of the application of Broadcasting Associates (BP-13128), the construction permit shall contain a condition that, prior to the issuance of any transmission authority, satisfactory data, pursuant to §§ 3.48 and 2.524 of the Commission rules be submitted for the RCA-BTA-5R transmitter.

It is further ordered, That the above referenced requests of Central States Broadcasters, Incorporated (BP-12893) for (a) additional time to object to its instant application's not being consolidated in the hearing on the application of Sullivan County Broadcasters, Inc. and for (b) consolidation in the said hearing are denied.

It is further ordered, That, in the event of a grant of the application of Radio Mississippi (BP-13020) the construction permit shall contain a condition that the permittee shall submit a satisfactory proof-of-performance before program tests are authorized, and that properly designed monitors capable of continuously and correctly indicating the amplitude and phase of the current in the several elements of the directional antenna system be installed.

It is further ordered, That, in the event of a grant of the application of Sioux Broadcasting Corp. (BP-13071), the construction permit shall contain a condition that the permittee submit a satisfactory proof of performance before program tests are authorized.

It is further ordered, That the "Petition for Waiver of § 1.106(b) of the Commission Rules And For Other Relief," filed on September 10, 1958 by Mitchell Melof (BP-12367), is dismissed as moot, since he amended his instant proposal to eliminate the question of 2 mv/m and 25 mv/m overlap with the 1 kw operation of Station WCPK.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS [1] COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6360; Filed, July 31, 1959; 8:48 a.m.]

[1] Statement of Commissioner Bartley filed as part of the original document.

[Docket Nos. 12955, 12956; FCC 59M-966]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Scheduling Hearing

In re applications of W. K. Ulerich, Milton J. Bergstein and John A. Dame, d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corp., State College, Pennsylvania, Docket No. 12956, File No. BP-12007; for construction permits.

It is ordered, This 28th day of July 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6362; Filed, July 31, 1959; 8:48 a.m.]

[Docket Nos. 12952, 12953; FCC 59M-963]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Scheduling Hearing

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

It is ordered, This 28th day of July 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6362; Filed, July 31, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6892]

ARKANSAS POWER & LIGHT CO.

Notice of Application

JULY 28, 1959.

Take notice that on July 21, 1959, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Arkansas Power & Light Company ("Applicant"), seeking an order authorizing the acquisition of the electric distribution facilities of Marshall Ice and Electric Company ("Marshall") of the State of Arkansas. Applicant, having its principal business office at Little Rock, Arkansas, is a corporation organized under the laws of the State of Arkansas. Applicant's operations are almost wholly in the State of Arkansas, but it does business in the States of Tennessee, Missouri, and Louisiana. Applicant is engaged in the generation, transmission, purchase, distribution and sale of electricity. Marshall is a corporation organized under the laws of the State of Arkansas and has leased to Applicant since 1948 an electric distribution system in the Towns of Marshall and Leslie, in Searcy County, Arkansas, and in suburban or rural areas immediately adjacent to said towns. The distribution system, which includes a distribution line approximately seven miles in length, serving 74 customers adjacent to the line, comprises all of the electric facilities of Marshall. Applicant has entered into a contract with Marshall to acquire this system, which is now leased, for a total cash consideration of $130,000. Following the acquisition of Marshall's property, Applicant proposes to operate the system in the same manner as it has heretofore been operated under the aforesaid lease. Applicant further states that consummation of the proposed transactions will not affect any of the contract for the purchase, sale or interchange of electric energy.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of August 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6300; Filed, July 31, 1959; 8:45 a.m.]

[Docket No. G-18732]

COLORADO-WYOMING GAS CO.

Notice of Application and Date of Hearing

JULY 27, 1959.

Take notice that on June 8, 1959, Colorado-Wyoming Gas Company (Applicant) filed in Docket No. G-18732 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3 miles of 4- and 6-inch lateral pipeline to extend from Applicant's main pipeline near Longmont, Colorado, to a sugar beet processing plant of the Great Western Sugar Company (Great Western), and a meter station, for the delivery and sale of natural gas on an interruptible basis to Great Western; and for permission and approval to abandon the Elofson-Kaltenberger tap on Applicant's existing 3-inch lateral pipeline serving Longmont, all as more full set forth in the application, which is on file with the Commission and open to public inspection.

The proposed facilities to serve Great Western are estimated to cost $59,710, which will be defrayed from cash on hand.

The estimated maximum day requirement of the Great Western sugar plant is 3,650 Mcf. The gas will be used for processing purposes and for incidental fuel.

The facilities to be abandoned are stated to be unnecessary because Public

Service Company of Colorado (Public Service), which has been purchasing gas from Applicant at the subject tap for resale in the Longmont area, has constructed new distribution facilities from which customers in this area may be more easily served.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 9:30 a.m., e.d.s.t, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6334; Filed, July 31, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1208]

INVESTORS DIVERSIFIED SERVICES, INC., ET AL.

Notice of Filing of Request for Modification of Order Exempting Sale by Open-End Companies of Their Shares to Associations on Basis of Reduced Sales Load

JULY 27, 1959.

In the matter of Investors Diversified Services, Inc., Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., Investors Group Canadian Fund, Ltd., File No. 812-1208.

Notice is hereby given that Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., and Investors Group Canadian Fund Ltd., open-end investment companies registered under the Investment Company Act of 1940 ("Act") and Investors Diversified Services, Inc., a registered face-amount certificate investment company and principal underwriter and distributor for the named open-end companies (all collectively referred to herein as "Applicants") have filed an amendment to the application heretofore filed in this matter seeking a modification of the order heretofore issued.

On March 26, 1959 the Commission granted an order exempting the Applicants from the operations of Rule 22d-1 in respect of sales of shares of the applicant open-end investment companies to Los Angeles Physicians Retirement Association, Los Angeles Dentists Retirement Association and University Retirement-Investment Association, for a temporary period to and including August 20, 1959.

Subsequently, the Applicants filed a further application (File No. 812-1231), requesting that this temporary exemption be made permanent. A public hearing on this application was held on July 9, 1959. Participants at this hearing have until July 30, 1959 to file briefs following which the matter will be submitted to the Commission for determination.

It has now been requested of the Applicants that modification of the time limit specified in the present temporary exemption order be sought in order to facilitate the operations of the associations pending final disposition of the request for permanent exemption, to prevent an unnecessary hiatus in operations should a permanent exemption be granted subsequent to August 20, 1959, and to permit an orderly termination of the acceptance of investments by the custodians, on the present basis, should the request for permanent exemption be denied. While the custodian for each association makes the investment for all members only once each month, funds come in to the custodian from the members on various dates during the month. What is here involved is the desire on the part of the associations to avoid the confusion that could result among the more than 1800 members of the three associations should the Commission deny the request on a date just prior to August 20 or be unable to arrive at a final determination of this matter until after August 20, 1959; further, to avoid unnecessary effort and expense on the part of the associations in trying to keep their numerous members exactly informed from day to day on the status of this situation so that funds will not be in transit for investment which will have to be returned to members. Accordingly, it is desired that the temporary exemption order under which the associations are now operating be modified to continue such exemption not to a fixed date (presently August 20, 1959) but for a period through and including thirty-one (31) days after the date on which the Commission issues its order in respect of the application for permanent exemption (File No. 812-1231). This would permit the associations to give timely notification to their members of the status of their programs after such status has been determined.

In the light of the foregoing, Applicants have requested that the order of the Commission dated March 26, 1959 be modified so as to delete therefrom the following paragraph:

It is ordered, Effective forthwith, that the sale of shares by the respective open-end funds and by their principal underwriter and distributor to the named Associations, as described in the application, be, and the same hereby is, exempted from the provisions of section 22(d) of the Act and Rule 22d-1 up to and including August 20, 1959,

and to insert in lieu thereof:

It is ordered, Effective forthwith, that the sale of shares by the respective open-end funds and by their principal underwriter and distributor to the named Associations, as described in the application, be, and same hereby is, exempted from the provisions of section 22(d) of the Act and Rule 22d-1 for a period ending at the close of business thirty-one (31) days after the date of issuance of an order by the Commission granting or denying the exemption requested by Application File No. 812-1231.

Notice is further given that any interested person may, not later than August 14, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N.W., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6339; Filed, July 31, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 160]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62188. By order of July 23, 1959, the Transfer Board approved the transfer to Ritzenthaler Bus Lines, Inc., Route 1, Box 145, Prairie View, Ill., of Certificate in No. MC 116623, issued April 30, 1958 to Richard Byrne and Bruce Ritzenthaler, a partnership, doing business as Ritzenthaler Bus Service, Route 1, Box 145, Prairie View, Ill., authorizing the transportation of: Passengers and their baggage, in charter operations, beginning and ending at Prairie View, Ill., and points in Illinois within ten miles thereof, and extending to points in Wisconsin.

No. MC-FC 62261. By order of July 23, 1959, the Transfer Board approved the transfer to Main Line Bus Company, Inc., Springfield, Mo., of a portion of Certificate No. MC 52882 and the entire of Certificate No. MC 52882 Sub 6, issued February 11, 1958 and May 29, 1958, respectively, acquired by Smitty's Bus Line, Inc., Springfield, Mo., pursuant to MC-FC 61561, authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Fort Scott, Kans., and Springfield, Mo., between junction Arkansas Highway 5 and Arkansas Highway 178, and the site of the Flippin Material Company, between Sedalia, Mo., and Springfield, Mo., between Sedalia, Mo., and South Lineville, Mo., between South Lineville, Mo., and Des Moines, Iowa, and between Monett, Mo., and Neosho, Mo.; passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Joplin, Mo., and Neosho, Mo., between junction U.S. Highway 60 and Missouri Highway 97, and Forest Park, Mo., and between Springfield, Mo., and the Missouri-Arkansas State line; passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between junction U.S. Highways 60 and 66, and Seneca, Mo., between Fairland, Okla., and junction U.S. Highways 60 and 66, between Seneca, Mo., and Springfield, Mo., between junction U.S. Highways 60 and 71, and Camp Crowder, Mo., between Springfield, Mo., and Lebanon, Mo., and between Springfield, Mo., and Republic, Mo., as an alternate route for operating convenience only. Rolland V. Cox, 824 Landers Building, Sprinfield, Mo., for applicants.

No. MC-FC 62276. By order of July 23, 1959, the Transfer Board approved the transfer to J. T. Robinson of Brush, Colorado, Certificate No. MC 114589 issued January 19, 1956 to Art Keseling of Sterling, Colorado, authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipelines; machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing, and picking up thereof, except the stringing or picking up of pipe in connection with main or trunklines, between points in Colorado within 75 miles of Sterling, Colo., including Sterling. Barry, Dawkins and Boyle, 738 Majestic Building, Denver 2, Colorado.

No. MC-FC 62298. By order of July 23, 1959, the Transfer Board approved the transfer to Bestway Van Lines, Inc., Lawton, Oklahoma, of certificates in Nos. MC 59393, MC 59393 Sub 4, and MC 59393 Sub 5, issued April 30, 1956, July 2, 1952 and July 18, 1955, respectively, to John M. Hunter, doing business as Bestway Freight Lines, Lawton, Oklahoma, authorizing the transportation of: Household goods and emigrant movables between Hobart, Okla., and points within 20 miles thereof, and points in Oklahoma, Kansas and Texas, and household goods between Tillman County, Okla., within a 50-mile radius of said county on the one hand, and, on the other, points in Texas; household goods between points in Kiowa County, Okla., and points within 50 miles of Kiowa County on the one hand, and, on the other, points in Arkansas, Colorado and New Mexico, between points in Kiowa County, Okla., and points within 50 miles thereof, on the one hand, and, on the other, points in Kansas and Texas; emigrant movables between Kiowa County, Okla., and points within 50 miles of Kiowa County on the one hand, and, on the other, points in Arkansas, Colorado, and New Mexico; between points in Kiowa County, Okla., and points within 50 miles thereof, with exceptions, and points in Kansas and Texas, and household goods between points in Lamar, Red River, Delta and Fannin Counties, Texas on the one hand, and, on the other, points in Arkansas and Louisiana. W. T. Brunson, Attorney for joint parties, 508 Leonhardt Building, Oklahoma City, Okla.

No. MC-FC 62316. By order of July 23, 1959, the Transfer Board approved the transfer to Merrimack River Navigation Co., Inc., Haverhill, Mass., of the operating rights in Certificate No. MC 5159, issued February 15, 1941, to Cashman Brothers Company, a Corporation, Newburyport, Mass., authorizing the transportation of road building and grading materials, machinery, and alcoholic beverages, over irregular routes, between Newburyport, Mass., on the one hand, and, on the other, points in Massachusetts and those in a described portion of New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., for applicants.

No. MC-FC 62321. By order of July 23, 1959, the Transfer Board approved the transfer to John Himmer Transfer, Inc., of Certificate in No. MC 76663, issued October 19, 1949, to Peter Himmer and Edward Himmer, a partnership, doing business as John Himmer Transfer, Pittsburgh, Pennsylvania, authorizing the transportation of: Iron and steel, cement products, building contractors' equipment and such commodities as require specialized handling or rigging because of size or weight between points in Allegheny and Beaver Counties, Pa., on the one hand, and, on the other, points in West Virginia and Ohio. Arthur J. Diskin, Attorney, 302 Frick Building, Pittsburgh 19, Pa.

No. MC-FC 62383. By order of July 23, 1959, the Transfer Board approved the transfer to Seifert Trucking Co., Inc., East Paterson, New Jersey, of the operating rights in Certificate No. MC 9268 Sub 9, issued March 15, 1957, to Albert Fillmore, doing business as Fillmore Transportation, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Bergen, Passaic, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in a specified portion of New York, hand mirrors, from Paterson, N.J., to Schwenksville and Pennsburg, Pa., and Middletown, N.Y., and paper napkins, sanitary napkins, and toilet tissues, from Glens Falls and South Glens Falls, N.Y., to points in Middlesex County, N.J. David W. Dowd, 10 Plaza Place, Livingston, N.J., for applicants.

No. MC-FC 62409. By order of July 23, 1959, the Transfer Board approved the transfer to James W. Rugh, Howard G. Wallace, and Dean W. Matchett, a Partnership, doing business as Witt Trucking Co., Jeannette, Pennsylvania, of the operating rights in Certificate No. MC 111382, issued March 23, 1950, to W. A. Henderson, Raymond C. Henderson, and Joseph W. Henderson, a partnership, doing business as W. A. Henderson and Sons, Jeannette, Pa., authorizing the transportation, over irregular routes, of clay products, from Waynesburg, Ohio, and points within 10 miles thereof, to points in a described portion of New York and West Virginia, wooden pallets, from the portion of New York and West Virginia referred to above to Waynesburg and points within 10 miles thereof, clay products and materials, equipment, and supplies used in or in connection with the manufacture and distribution of clay products, between points in Stark, Carroll, and Tuscarawas Counties, Ohio, on the one hand, and, on the other, points in Marshall, Ohio, Brooks, and Hancock Counties, W. Va., and in a described portion of Pennsylvania, and common brick, face brick, and tile, from Winchester, Va., to points in Pennsylvania. Paul R. Butler, 620 Bakewell Building, Pittsburgh 19, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6347; Filed, July 31, 1959; 8:47 a.m.]

TARIFF COMMISSION

[Investigation 21]

ALMONDS

Investigation Instituted and Hearing Set

Investigation instituted. By direction of the President, in a letter dated July

28, 1959, the United States Tariff Commission, on the 29th day of July 1959, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, (7 U.S.C. 624) and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether shelled almonds and blanched, roasted or otherwise prepared or preserved almonds are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the United States Department of Agriculture's marketing order program under Federal Marketing Order No. 9, or to reduce substantially the amount of products processed in the United States from domestically produced almonds with respect to which such program is being undertaken.

Hearing. A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t. on August 25, 1959. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at such hearing.

Request to appear at hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least three days in advance of the date set for the hearing.

Issued: July 29, 1959.

By order of the Commission:

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59-6368; Filed, July 31, 1959; 8:49 a.m.]

UNIVERSITY OF MICHIGAN
AUG 6 - 1959
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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 24 NUMBER 151

Washington, Tuesday, August 4, 1959

Title 3—THE PRESIDENT

Proclamation 3305

NATIONAL DAY OF PRAYER, 1959

By the President of the United States of America

A Proclamation

WHEREAS this continent was chosen by men and women of profound religious conviction, seeking a free land where they and their children might worship God and follow His commandments as they understood them; and

WHEREAS our Nation was conceived in the same faith and dedicated to the same purpose; and

WHEREAS in this tradition, by a joint resolution approved April 17, 1952 (66 Stat. 64), the Congress has provided that "the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals.":

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby set aside Wednesday, the seventh day of October, as a National Day of Prayer; and I call upon my fellow Americans to join in prayer on that day.

Let us give thanks for the bounty of Providence which has made possible the growth and promise of our land.

Let us give thanks for the heritage of free inquiry, sound industry, and boundless vision which have enabled us to advance the general welfare of our people to unprecedented heights.

Let us remember that our God is the God of all men, that only as all men are free can liberty be secure for any, and that only as all prosper can any be content in their good fortune.

Let us join in vigorous concern for those who now endure suffering of body, mind or spirit, and let us seek to relieve their distress and to assist them in their way toward health, well-being, and enlightenment.

Finally, let us rededicate ourselves and our Nation to the highest loyalties which we know; and let us breathe deeply of the clean air of courage, preparing ourselves to meet the obligations of our day in trust, in gratitude, and in the supreme confidence of men who have accomplished much united under God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of July in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-6430; Filed, July 31, 1959; 1:37 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to § 6.114(d) as set out below.

§ 6.114 **Department of Health, Education, and Welfare.**

* * * * *

(d) *Social Security Administration.*

* * *

(2) One position of claims examiner or social insurance representative in the Phoenix, Arizona, district office of the Bureau of Old-Age and Survivors Insurance when filled by the appointment of a person of one fourth or more Indian blood.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6375; Filed, Aug. 3, 1959; 8:45 a.m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of § 6.342(b) is amended as set out below.

§ 6.342 Housing and Home Finance Agency.

* * * * *

(b) *Federal Housing Administration.*

* * *

(5) Two Assistants to the Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6406; Filed, Aug. 3, 1959; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—BULK MAILINGS
PART 24—THIRD CLASS
PART 34—PERMIT IMPRINTS

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

1. Part 16, Bulk Mailings, is amended to read as follows:

Sec.
16.1 Folding.
16.2 Wrapping.
16.3 Mailing.
16.4 Newspaper treatment.
16.5 Statement and copy filed with mailings.
16.6 Weighing and collection of postage.
16.7 Key rate.
16.8 Controlled circulation publications.

AUTHORITY: §§ 16.1 to 16.8 issued under R.S. 161, as amended, 396, as amended, secs. 5, 6, 18 Stat. 232, 233, as amended, sec. 203, 62 Stat. 1262, as amended, sec. 3, 65 Stat. 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 283, 285, 290a-1, 291b.

§ 16.1 Folding.

(a) Fold publications to a size not larger than 9 x 12 inches when practicable.

(b) Newspapers and light magazines should be folded to the size of an eighth of a newspaper page, or about 5 x 12 inches.

§ 16.2 Wrapping.

(a) Single copies not tied in bundles or wrapped in packages as specified in § 16.3(d) must be enclosed in wrappers or envelopes.

(b) All single copies addressed to Army-Air Force post offices must be enclosed in wrappers or envelopes.

(c) Heavy magazines should be wrapped singly, and publications of small size or of a flimsy nature should be placed in envelopes.

(d) Use white or other light-colored paper for wrapping. Do not use old newspapers.

(e) Second-class mail must be prepared so that it can be easily examined. Mailing of publications in sealed envelopes, wrappers, or other covers at the second-class rates of postage is deemed to be the consent of the sender to postal inspection of the contents. To assure that these articles will not be opened for postal inspection, patrons should, in addition to paying the first-class rate of postage, plainly mark "First Class" or similar endorsement on the envelope, wrapper, or cover.

(f) Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper right corner a notice of entry and in the upper left corner the name of the publication and the mailing address to which undeliverable copies or change of address notices are to be sent. See § 22.2(e)(6) of this chapter.

§ 16.3 Mailing.

(a) *Place of mailing.* Publications must be brought for mailing to the post office, or such other place as may be designated by the postmaster, except that when the publisher delivers the copies at his own expense and risk to other post offices or elsewhere, the copies need not be presented for mailing if deposits to cover the postage are maintained.

(b) *How presented.* The copies must be enclosed in mail sacks, or other suitable containers, and shall be separated to routes, States, and cities or distribution points (see § 24.4(b)(7) of this chapter), in such manner as may be prescribed by the Department.

(c) *Copies of previous and current issues combined.* When a reasonable number of copies of previous issues are included in a mailing of a current issue, they may be accepted and charged with postage on the basis of the percentages of advertisements and nonadvertisements contained in the current issue, the issue forming the bulk of the mailing presented being regarded as the current issue.

(d) *Copies for same post office or State*—(1) *Direct packages.* When there are more than five individually addressed copies of a publication for subscribers at the same post office, they must be securely wrapped in packages or tied in bundles and labeled for the post office. The twine and paper used must be strong enough for the weight and size of the package or bundle.

(2) *State packages.* After all post office directs have been made if there are more than five copies remaining for any one State, they must be wrapped in packages or tied in bundles and labeled for the State.

(3) *Direct sacks.* When there are sufficient packages and bundles for one post office to fill a sack approximately one-third full, they must be placed in a direct sack, or sacks, for that post office. Direct sacks should be labeled in the following form:

PHILADELPHIA PA
Fr Progress Boston Mass

(4) *State sacks.* When the quantity is insufficient for direct sacks and there are enough bundles or packages for one State to fill a sack approximately one-third full, they must be placed in a State sack and labeled to the proper distribution point for that State. See § 24.4(b)(7) of this chapter. State sacks should be labeled in the following form:

CINCINNATI OHIO TERMINAL
Virginia
Fr The Sketch St Louis Mo

(5) *Mixed sacks.* Publications for which there are insufficient copies to justify direct city and State sacks should be made up in sacks labeled to the local post office. Example:

CHICAGO ILL DIS
Mixed States
Fr Fair Chicago Ill

(6) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 80 pounds.

(7) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(8) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(e) *Copies for military post offices overseas*—(1) *Direct packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (see § 13.8 of this chapter), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

(2) *Mixed packages.* After all direct packages have been made, if there are

more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

(3) *Direct sacks.* When there are a sufficient number of packages and bundles for one unit, APO, or Navy or Marine Corps address to fill approximately one-half of a sack, a direct sack must be made. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following form:

(Show appropriate postal concentration center.) (Show military address.)

PCC SAN FRANCISCO CALIF
APO 165
Fr The Recorder New York NY

(4) *Mixed sacks.* When the quantity is insufficient for a direct sack and there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a sack, make up a sack for that center and label in the following form:

(Show appropriate postal concentration center.) (Show FPO when applicable.)

PCC NEW YORK N Y
APO Mail
Fr The Recorder New York N Y

(f) *Exceptional dispatch*—(1) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3 (c) (4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate regional transportation manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(2) *Delivery by PTS clerks.* Postal transportation service clerks, when authorized by the distribution and traffic manager, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(3) *Delivery by baggageman.* Baggagemen when authorized by an appropriate distribution and traffic manager may receive packages of second-class publications directly from publishers and news agents on trains to which no postal transportation clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(4) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(5) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U.S. Mail for Outside Delivery at Publisher's Risk."

§ 16.4 Newspaper treatment.

(a) *Definition.* Newspapers must be published once each week or more frequently and feature principally news of interest to the general public to be given expeditious distribution, dispatch, transit handling, and delivery, usually referred to as newspaper treatment. If the postmaster at the office of entry is in doubt as to whether any particular publication is a newspaper, he will submit all the facts to the Bureau of Operations, Postal Services Division.

(b) *Preparation for mailing.* Newspapers must be made up in sacks plainly labeled "Newspapers." Direct city and State sacks will be made in accordance with § 16.3(d). Label in the following manner.

(1) *Direct sacks.*

CINCINNATI OHIO
Newspapers Via Pitts & St Lou Tr 79
Fr The Register Columbus Ohio

(2) *State sacks.*

WHEEL & CIN TR 238
Ohio Newspapers
Fr The Register Columbus Ohio

(c) *Dispatching.* Newspapers will be dispatched in pouches with first-class mail when the quantity is not sufficient to make up separate sacks. Newspapers for dispatch to a railway post office, a highway post office, a terminal, or a first-class office will not be mixed in sacks with any class of mail other than first class. Sacks labeled "Newspapers" will be dispatched with first-class mail.

(d) *Handling at delivery office.* Sacks containing newspapers will be promptly segregated and the contents distributed for the earliest possible delivery.

(e) *Notification to publishers of delays.* Publishers will be notified whenever their mailings of newspapers are not delivered to the post office or train in sufficient time to connect with the intended dispatch.

§ 16.5 Statement and copy filed with mailings.

(a) *Copy marked to show advertising.* The publisher must file with the postmaster a copy of each issue. The advertisements in the copy must be marked by the publisher in such manner that they may be verified when necessary.

(b) *Definition of advertisements.* The term "advertisements" includes display, classified, and all other forms of advertisements, and all editorials or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised. When the publisher is not compensated for the publication of editorial or other reading matter, such matter will take the rate of postage for other than advertising. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that a "reader" is to be given the advertiser or his products in the publication in which the display advertisement appears are advertising. When a newspaper or periodical advertises its own services or issues, or any other business of the publisher, in the form of either display advertisements, or editorial or reading matter, this is advertising and will be charged the advertising mailing rate.

(c) *Statement showing number of copies mailed.* When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the publisher must file with the first mailing of each issue a statement on Form 3542 (statement showing number of copies of second-class publication mailed) showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by § 16.6(b). When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 16.6(c), the statement must be filed with the first mailing of the last issue mailed each month and must show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue as determined in the manner prescribed by § 16.6(d). The publisher must determine the average number of copies by dividing the total number of copies mailed during the month by the total number of issues mailed. The dates of issue and the dates of mailing must be indicated by entering in the spaces provided on Form 3542 only the first and last dates.

(d) *Endorsements on marked copy and Form 3542 (Statement showing number of copies of second-class publication mailed).* The total advertising and nonadvertising portions must be determined by column inches, square inches, pages, or by any other recognized units of measure. The publisher must show by endorsement on the first page of the copy the total units of the advertising space and the total units of nonadvertising space and the percentage of each. When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the percentage of advertising endorsed on the marked copy must be entered on Form 3542. When postage is to be computed at the end of each calandar month on the total bulk weight of all issues mailed during the month as provided for by § 16.6(c), the percentage of advertising to be entered on Form 3542 must be obtained as follows:

(1) Keep a record of the number of units of advertising space and the number of units of nonadvertising space in each issue.

(2) Add the advertising units in each issue to determine the total advertising units in all of the issues.

(3) Add the nonadvertising units in each issue to determine the total nonadvertising units in all of the issues.

(4) Add the advertising and nonadvertising units to determine the total units in all of the issues.

(5) Divide the total advertising units by the total units.

(e) *Payment of advertising rates on reading portion.* A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and nonadvertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed must have endorsed on the first page by the publisher the words "Advertising over 75 percent." When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words "Advertising not over 75 percent." The entire weight must be entered on Form 3541 in the column provided for the advertising portion. The words "Over 75 percent" or "Not over 75 percent" according to whether the copies do or do not contain over 75 percent advertising must be entered on Form 3541 (Computation of second-class postage) and on Form 3542 (Statement showing number of copies of second-class publication mailed). The word "Waived" must be written in the space provided for the weight of the reading portion on Form 3541.

(f) *Statement of news agent.* When a news agent presents for mailing second-class matter subject to the zone rates of postage, he must submit to the postmaster a statement showing the percent of the space in such matter devoted to advertisements and the percent devoted to other than advertisements. Publishers should furnish this information to news agents purchasing copies of their publications, in order that such agents may be able to prepare the statements required.

§ 16.6 Weighing and collection of postage.

(a) *Procedure for determining bulk weight of one issue.* When postage is to be computed on the bulk weight of one issue, the postmaster will obtain such weight by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed will be obtained from the statement on Form 3542 required by § 16.5(c). The average weight of one copy will also be obtained from the statement on Form 3542 and must be determined by the publisher as prescribed in paragraph (b) of this section.

(b) *How to determine average weight per copy of one issue.* The average weight per copy must include the wrapping and binding materials and must be obtained by the publisher as follows:

(1) Count a reasonable number of copies selected in such a manner for test purposes that when wrapped and bundled they will bear a proper ratio to the total number of copies to be mailed individually wrapped and wrapped bundled for mailing.

(2) Weigh in bulk the copies which have been counted, after they are wrapped and bundled for mailing.

(3) Divide the bulk weight of the test copies by the number of test copies to obtain the average weight per copy in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(c) *How to determine bulk weight.* When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. The postmaster will obtain the total bulk weight by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during the month will be obtained from the statement on Form 3542 and must be determined by the publisher in the manner prescribed by § 16.5(c). The combined weight of one copy from each issue will also be obtained from the statement on Form 3542 and must be determined by the publisher in the manner prescribed by paragraph (d) of this section.

(d) *How to determine combined weight during a calendar month.* The combined weight of one copy from each issue mailed during a calendar month must include the wrapping and binding materials and must be obtained by the publisher as follows:

(1) Determine by the method prescribed in paragraph (b) of this section the average weight of one copy of any one issue selected by the postmaster for testing and verifying during the month.

(2) Divide the average weight of one copy by the number of sheets in the copy to determine the weight of one sheet in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(3) Select one copy of each of the issues mailed during the month and count the sheets in all of the selected copies to determine the total number of sheets in the selected copies.

(4) Multiply the total number of sheets in the selected copies by the weight of one sheet.

(e) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (b) of this section for use either in computing postage on the bulk weight of a single issue or in determining the weight of one sheet as provided for by paragraph (d) of this section, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of § 16.5(a) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542 (Statement showing number of copies of second-class publication mailed). If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings must be made to resolve the doubt.

(f) *Payment of postage at time of mailing or by advance deposits.* You must pay in money before your mailings are dispatched all postage charged at the second-class rates shown in § 22.1 of this chapter. Exception: The transient rate (see § 22.1(c) of this chapter) must be paid by adhesive or meter stamps or by permit imprints. (See §§ 34.3(b) and 34.5(a)(2) of this chapter.) Your postmaster will accept deposits of money to pay for as many mailings as desired and will give you a receipt on Form 3544 (Post Office receipt for money) for the deposits.

(g) *Record of mailings.* Postage on the bulk mailings will be computed on Form 3541 from the weights obtained on Form 3542 (Statement showing number of copies of second-class publication mailed). The publisher will be furnished a duplicate of Form 3541 (Computation of second-class postage) if he requests one. When postage is computed on the bulk weight of one issue, the mailings and postage will be recorded in Form 3543 (Mailing record of second-class matter, postage and advance deposits). When postage is computed at the end of each calendar month on the total weight of all issues mailed during the month, the total mailings and postage for the month will be computed on one Form 3541, and only the totals will be recorded in Form 3543.

(h) *How to show dates of issue and mailing.* When a number of consecutive issues are covered by one Form 3541 or Form 3542, or by one entry in Form 3543, the dates of issue and the dates of mailing must be indicated by entering the first and last dates in the appropriate spaces and columns.

§ 16.7 Key rate.

(a) *Authority to use.* Postmasters will use the key rate method of computing pound-rate postage on publications subject to the advertising zone rates when large mailings justify its use.

(b) *Statement showing mailings to each zone.* The publisher must submit once each calendar year, at 12-month intervals, a statement on Form 3542 showing the number of copies of an issue mailed to each zone. During these 12-month intervals, the publisher does not need to complete the lines for zones 1 to 8 on Form 3542. He enters only total zone mailings on "Total to all zones" line.

(c) *New zone statement.* Postmasters will require a new report on Form 3542 showing the mailings to each zone at any time during the 12-month intervals when the volume of mailings to the zones varies or when there is an increase in the total number of copies.

(d) *Computation.* (1) Compute the key rate on Form 3541 (Computation of

second-class postage) once each calendar year at 12-month intervals. If a new report on Form 3542 (Statement showing number of copies of second-class publication mailed) is filed at any time during the 12-month intervals showing mailings to each zone, a new key rate must be computed and used.

(2) Enter on the corresponding lines in column B of Form 3541 the number of copies for each zone shown on Form 3542. Apply the applicable pound rates shown in column F to the number of copies for each zone and enter the postage for each zone in column C of Form 3541. Divide the total postage in item 2, column c, by the total number of copies in item 2, column B, to obtain the key rate, which should be carried to six decimal places. Apply the key rate only to the total weight of the advertising portion. Apply the regular reading portion rate to the total weight of the reading portion. Computation of the key rate must be verified by an employee or supervisor other than the person who originally computed it. See exhibit A, Computation of new key rate (Forms 3542 and 3541), following paragraph (d)(3) of this section.

(3) Prepare Form 3541 for subsequent mailings as shown in exhibit B, Computation of postage based on mailings of one issue only (Forms 3542 and 3541), and exhibit C, Computation of postage based on mailings of all issues for calendar month (Forms 3542 and 3541), as shown below, until a new report on Form 3542 showing mailings to each zone is filed under paragraphs (b) and (c) of this section.

EXHIBIT A—COMPUTATION OF NEW KEY RATE

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY	STATE	DATE
Mayville	Maryland	May 1, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES	DATE OF MAILING
May 1, 1959	

CHECK WHETHER SUBSCRIBERS OR SAMPLE COPIES (Do not report both on one form.) [X] SUBSCRIBERS' COPIES [ ] SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THIS ISSUE .137500 LBS.

PERCENTAGE OF ADVERTISING IN THE ISSUE

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve months intervals

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2	2621	
	3	1971	
	4	1052	
	5	170	
	6	124	
	7	38	
	8	21	
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND			
COPIES WITHIN COUNTY FREE OF POSTAGE			
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH			
CONTROLLED PUBLICATIONS—PART 133 POSTAL MANUAL			
FREE MATTER FOR BLIND—133.32 POSTAL MANUAL			

Joe Mayo
SIGNATURE

POD Form 3542
Nov. 1958

POD, WASH., D. C.

POST OFFICE AND STATE	NAME OF PUBLICATION OR NEWS AGENT	
Mayville, Maryland	MAYVILLE PRESS—Daily ex Sunday	
DATE OF MAILING	DATE OF ISSUE PRINTED IN COPIES	
	May 1, 1959	

OUTSIDE COUNTY

	A ZONE	B ~~SAMPLE COPIES, POUNDS~~ COPIES	C ~~SUBSCRIBER'S COPIES POUNDS~~ POSTAGE	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	1-1-60	1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	1-1-60	1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
1. Advertising portion Percentage:	1 AND 2	2621 x 2.2¢	$57.662			2.2¢	2.6¢	3.0¢				$	
	3	1971 x 3¢	59.130			3.0	3.5	4.0					
	4	1052 x 4.5¢	47.340			4.5	5.2	6.0					
	5	170 x 6¢	10.200			6.0	7.0	8.0					
	6	124 x 7.7¢	9.548			7.7	8.7	10.0					
	7	38 x 9.2¢	3.496			9.2	11.0	12.0					
	8	21 x 11¢	2.310			11.0	12.5	14.0					
2. Total pounds all zones		5997	$189.686			KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE:	
3. Total advertising portion (Column E, item 2)		$189.686 / 5997 = .031630											
4. Nonadvertising portion (Column D, item 2 minus item 3)						2.1	2.3	2.5					
5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G													
6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.				NO. OF COPIES OR PIECES (From Form 3543)					1/4¢	3/8¢	1/2¢		

INSIDE COUNTY AND SPECIAL RATE

7. Copies outside county at special nonprofit rate						1½							
8. Copies within county at rate of 1 cent per pound						1¢							
9. Weight of copies free of postage to subscribers in county of publication													
10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ¼ cent minimum													
11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.				NO. OF COPIES OR PIECES (From Form 3543)					1/6¢				
12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each				NO. OF COPIES:					1 or 2¢				
13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)				NO. OF COPIES:		12¢			1¢				

COMPUTED BY William Preston — Verified by James Boone

TOTAL POSTAGE CHARGED $

POD Form 3541
Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

EXHIBIT B—COMPUTATION OF POSTAGE BASED ON MAILINGS OF ONE ISSUE ONLY

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY	STATE	DATE
Mayville	Maryland	June 1, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES	DATE OF MAILING
June 1, 1959	June 1, 1959

CHECK WHETHER SUBSCRIBERS OR SAMPLE COPIES (Do not report both on one form.) [X] SUBSCRIBERS' COPIES [ ] SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THIS ISSUE .137500 LBS.

PERCENTAGE OF ADVERTISING IN THE ISSUE 65

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2		
	3		
	4		
	5		
	6		
	7		
	8		
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND		1176	
COPIES WITHIN COUNTY FREE OF POSTAGE		1148	
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH		50	
CONTROLLED PUBLICATIONS—PART 133 POSTAL MANUAL			
FREE MATTER FOR BLIND—133.32 POSTAL MANUAL			

Joe Mayo
SIGNATURE

POD Form 3542
Rev. 1958

POD, WASH., D. C.

POST OFFICE AND STATE	NAME OF PUBLICATION OR NEWS AGENT	
Mayville, Maryland	MAYVILLE PRESS—Daily ex Sunday	
DATE OF MAILING	DATE OF ISSUE PRINTED IN COPIES	
	June 1, 1959	

OUTSIDE COUNTY

	A ZONE	B SAMPLE COPIES, POUNDS	C SUBSCRIBER'S COPIES	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	1-1-60	1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	1-1-60	1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
1. Advertising portion Percentage: 65	1 AND 2					2.2¢	2.6¢	3.0¢				$	
	3					3.0	3.5	4.0					
	4					4.5	5.2	6.0					
	5					6.0	7.0	8.0					
	6					7.7	8.7	10.0					
	7					9.2	11.0	12.0					
	8					11.0	12.5	14.0					
2. Total pounds all zones			825	825	537	KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE: 16.99	
3. Total advertising portion (Column E, item 2)				537									
4. Nonadvertising portion (Column D, item 2 minus item 3)				288		2.1	2.3	2.5				6.05	
5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G												23.04	
6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3543) 5997				1/4¢	3/8¢	1/2¢	15.00	23.04

INSIDE COUNTY AND SPECIAL RATE

7. Copies outside county at special nonprofit rate						1½							
8. Copies within county at rate of 1 cent per pound			162			1¢						1.62	
9. Weight of copies free of postage to subscribers in county of publication		158											
10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ¼ cent minimum												1.62	
11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3543) 1176				1/6¢			1.47	1.62
12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES: 50				1 or 2¢				.50
13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				

COMPUTED BY William Preston

TOTAL POSTAGE CHARGED $ 25.26

POD Form 3541
Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

EXHIBIT C—COMPUTATION OF POSTAGE BASED ON MAILINGS OF ALL ISSUES FOR CALENDAR MONTH

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

Mayville	Maryland	May 31, 1959
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS		
DATE OF ISSUE PRINTED IN COPIES: May 1 to 31, 1959, Inclusive	DATE OF MAILING: May 1 to 31, 1959, Inclusive (26 Issues)	

(Do not report both on one form.) ☒ SUBSCRIBERS' COPIES ☐ SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THE ISSUE _____ LBS.

PERCENTAGE OF ADVERTISING IN THE ISSUE _____

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET .045833 LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE 3.574974 LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES 65

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2		
	3		
	4		
	5		
	6		
	7		
	8		
	TOTAL TO ALL ZONES	5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND		1176	
COPIES WITHIN COUNTY FREE OF POSTAGE		1148	
NEWS OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH		1300	
SWITCHED PUBLICATIONS—PART 139 POSTAL MANUAL			
FREE MATTER FOR BLIND—139.32 POSTAL MANUAL			

Jas Mayo
SIGNATURE

PO Form 3542
Rev. 1958

POD, WASH., D. C.

POST OFFICE AND STATE: Mayville, Maryland					NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday										
DATE OF MAILING: May 1 to 31, 1959, Inclusive (26 Issues)					DATE OF ISSUE PRINTED IN COPIES: May 1 to 31, 1959, Inclusive (26 Issues)										
		A ZONE	B SAMPLE COPIES, POUNDS	C SUBSCRIBER'S COPIES POUNDS	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION			G MINIMUM RATE PER COPY OR PIECE			H COMPUTED POSTAGE	I POSTAGE CHARGED
							1-1-59	1-1-60	1-1-61	1-1-59	1-1-60	1-1-61		
OUTSIDE COUNTY	1. Advertising portion — Percentage: 65	1 AND 2					2.2¢	2.6¢	3.0¢				$	
		3					3.0	3.5	4.0					
		4					4.5	5.2	6.0					
		5					6.0	7.0	8.0					
		6					7.7	8.7	10.0					
		7					9.2	11.0	12.0					
		8					11.0	12.5	14.0					
	2. Total pounds all zones			21440	21440	13936	KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE: 440.80	
	3. Total advertising portion (Column E, item 2)				13936									
	4. Nonadvertising portion (Column D, item 2 minus item 3)				7504		2.1	2.3	2.5				157.59	
	5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G												598.39	
	6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3542): 155,922				¼¢	⅓¢	½¢	389.81	598.39
INSIDE COUNTY AND SPECIAL RATE	7. Copies outside county at special nonprofit rate						1½							
	8. Copies within county at rate of 1 cent per pound				4205		1¢						42.05	
	9. Weight of copies free of postage to subscribers in county of publication			4105										
	10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ½ cent minimum												42.05	
	11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3542): 30,576				⅓¢			38.22	42.05
	12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES: 1,300				1 or 2¢				13.00
	13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				
COMPUTED BY: William Preston													TOTAL POSTAGE CHARGED	$ 653.44

POD Form 3541
Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

§ 16.8 Controlled circulation publications.

The weight of mailings of controlled circulation publications (Part 23 of this chapter) is obtained in the manner prescribed for obtaining the weight of mailings of second-class publications. Controlled circulation postage is collected and accounted for in the same manner as second-class postage. Each mailing must be prepared and made up for dispatch in the manner prescribed for second-class mail. (Sections 16.1(a) through 16.1(c).)

NOTE: The corresponding Postal Manual sections are 126.1–126.8.

II. Section 24.4, *Payment of postage and markings required,* is amended to read as follows:

§ 24.4 Preparation; payment of postage.

(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may use any method of paying postage, and may mail any number of pieces at one time, except when permit imprints are used. See § 34.5 of this chapter.

(b) *Bulk mailings*—(1) *Annual fee.* A fee of $20 must be paid each calendar year. Lettershops must pay the $20 fee for each customer for whom mailings are made, unless each customer pays it. This fee is separate from the $10 fee that must be paid for a permit to mail under the permit imprint system. See § 34.1(a) of this chapter.

(2) *Postage permits required.* Postage must be prepaid by:

(i) Meter stamps. See Part 33 of this chapter.

(ii) Precanceled stamps or precanceled stamped envelopes. See Part 32 of this chapter.

(iii) Permit imprints (cash). See Part 34 of this chapter.

(3) *Markings required.* Identifying words as follows must be printed either in or immediately adjacent to permit imprints, meter stamps, or precanceled stamps:

(i) "Bulk Rate" or the abbreviation "Blk. Rt." by mailers other than nonprofit organizations.

(ii) "Nonprofit Organization" or the abbreviation "Nonprofit Org." by authorized nonprofit organizations which mail at the 50 percent reduction in the minimum per piece charge.

(4) *Mailing statement and verification.* A designated employee in the weighing section or other place where bulk mailings are accepted shall verify the mailer's statement which must be completed and submitted by the mailer with each mailing as follows:

(i) Mailing statement, Form 3602 (Statement of mailing of matter with permit imprints) for mail with permit imprints (see § 34.5(e) of this chapter) or

(ii) Mailing statement, Form 3602–PC (Mailing statement Third-Class Mail) for mail bearing precanceled stamps or meter stamps.

(5) *Preparation of mailing.* Sort, face, and tie bulk mail into packages both lengthwise and crosswise with twine strong enough to withstand handling in the mail (a breakingpoint of 10 pounds or more will qualify). Labels should be large enough to cover the address on the exposed piece of mail and to keep the label from sliding out from under the twine. Prepare packages as follows:

(i) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), face all addresses one way except the last which must be reversed to expose its address on the outside of the package. Do not label direct packages.

(ii) *State package.* After direct-package pieces are removed, if there are 10 or more pieces remaining for any one State, face all addresses one way and tie the pieces into a package. Cover the top address with a label bearing the name of the State.

(iii) *Mixed packages.* If there are less than 10 pieces per State (for instance, 6 for Delaware, 8 for Maryland, 5 for Virginia), face all addresses one way and tie the pieces into a package. Cover the top address with a label bearing the words "Mixed States."

(iv) *Simplified addressed mail.* Follow the instructions in § 13.4(c) of this chapter.

(6) *Preparation for dispatch*—(i) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full, they must be placed in a sack or sacks which should be labeled in the following manner:

PHILADELPHIA, PA.
CIRCS.
From Jay Mailing Co., Cincinnati, Ohio

(ii) *State sacks*—(a) *Direct packages.* After all possible city direct sacks have been made, if there are enough direct packages remaining for post offices within the same State to fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. See subparagraph (7) of this paragraph. State sacks should be labeled in the following manner:

OGDEN, UTAH TERMINAL
Calif. Directs CIRCS.
From D. C. Mailers, Washington, D. C.

(b) *State packages.* When State packages of circulars for one State will fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. (See subparagraph (7) of this paragraph.) Label in the following form:

OGDEN, UTAH TERMINAL
CALIF. CIRCS.
From D.C. Mailers, Washington, D.C.

(iii) *Mixed sacks.* (a) Mixed State packages of circulars may be included in sacks labeled "Mixed States—Circulars." (b) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars."

(iv) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(v) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(7) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the distribution and traffic manager of the region. Copies of this list along with any special instructions relating to specific locations may be obtained through your local postmaster.

(8) *Special services.* The registry, insurance, certified, and COD services may not be used for third-class matter mailed at the bulk rates.

NOTE: The corresponding Postal Manual section is 134.4.

(R.S. 161, as amended, 396, as amended, sec. 1, 25 Stat. 1, as amended, sec. 5, 41 Stat. 583, as amended, secs. 2, 3, 65 Stat. 672, 673, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 249, 289a, 290a–1, 291a)

§ 24.5 [Amendment]

III. In § 24.5, *Nonprofit organizations,* paragraph (a) is amended to read as follows:

(a) *Types.* Religious, educational, scientific, philanthropic, agricultural, labor, veterans', and fraternal organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may mail pieces subject to the minimum bulk third-class per piece charge at a reduction of 50 per cent. The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; municipal, county, or State governmental bodies; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; and trade associations.

NOTE: The corresponding Postal Manual section is 134.51.

(R.S. 161, as amended, 396, as amended, sec. 2, 3, 65 Stat. 672, as amended, 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 289a, 290a–1.)

§ 34.5 [Amendment]

IV. In § 34.5 *Mailings with permit imprints,* make the following changes:

A. Immediately following the last sentence of paragraph (c) strike out "(See Part 16 of this chapter for mailing of third-class bulk mail)" and insert in lieu thereof "(See § 24.4(b) (4) of this chapter for mailing of third-class bulk mail)."

NOTE: The corresponding Postal Manual section is 144.53.

B. Add a new paragraph (g) to read as follows:

(g) *Post office computation of postage*—(1) *Random samples.* Enough pieces will be selected at random from the entire lot to determine whether the whole mailing consists of identical pieces.

(2) *Weight of single piece.* Determine the exact weight of a single piece and the amount of postage required. When

scales do not show exact weight of a single piece, weigh enough pieces to balance beam and divide total weight by number weighed.

Example:
20 pieces weigh exactly 3½ ounces.
3.5÷20=0.175 ounce.

(3) *Total number of pieces.* Ascertain the total number of pieces by one of the following methods.

(i) Find the total weight in pounds, exclusive of tare. (For definition of tare see subparagraph (5) of this paragraph.) Reduce the pounds to ounces and divide the total number of ounces by the weight of a single piece.

Example: Mailer's statement shows 1,240 pieces in mailing which weigh 13 pounds, 9 ounces. A single piece weighs 0.175 ounce. Convert weight to ounces:

13×16+9=217 ounces.
217÷0.175=1,240 pieces.

(ii) Find the total weight, exclusive of tare, and the total weight exactly of 100 pieces in ounces and fractions of an ounce. Divide the total weight by the weight of 100 pieces. This will give the total number of hundreds and fractions of a hundred in the entire lot.

Example: Mailer's statement shows 124,400 pieces in mailing which weigh 1,360 pounds, 10 ounces. A single piece weighs 0.175 ounce. Convert weight to ounces:

1,360×16+10=21,770.
Weight of 100 pieces: 0.175×100=17.5.
21,770÷17.5=1,244.
1,244×100=124,400 pieces.

(4) *Agreement with mailing statement.* The result of either of these methods of computation should agree with the number of pieces shown on the statement of mailing. If they do not agree the matter will be taken up with the mailer and, if necessary, further examination and verification will be made.

(5) *Tare.* Tare includes sacks, cartons or other containers, hand trucks, skids, or similar pieces of equipment upon which the mail may be placed during the weighing operation.

NOTE: The corresponding Postal Manual section is 144.57.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended, 47 Stat. 647; 5 U.S.C. 22, 369; 39 U.S.C. 273, 273a)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-6288; Filed, Aug 3, 1959; 8:45 a.m.]

Title 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART I—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

Miscellaneous Amendments

Section 1.10(g) of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented (now codified as Title 23, United States Code), is hereby amended by adding thereto the following sentence, effective upon publication in the FEDERAL REGISTER: "Upon the request of a State, the requirements of this paragraph may be modified by the Administrator for a project prior to or after the award of a contract, heretofore or hereafter made, to such extent as he may determine to be in the public interest."

Section 1.12 of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented (now codified as Title 23, United States Code), is hereby amended by adding thereto the following paragraph effective upon publication in the FEDERAL REGISTER:

(f) In those cases where construction work on Federal-aid highways is being performed by any Federal agency under its procedures and by Federal contract, the labor standards relating to direct Federal contracts shall be applicable.

Dated: July 30, 1959.

(23 U.S.C. 315)

Recommended:

D. D. TALLAMY,
Federal Highway Administrator.

Issued:

[SEAL] F. H. MUELLER,
Acting Secretary of Commerce.

[F.R. Doc. 59-6394; Filed, Aug. 3, 1959; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

The C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1959 and subsequent crop years was supplemented by C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 1, Wheat and amendment thereto (24 F.R. 1633 and 3151), containing specific requirements applicable to price support operations on the 1959 wheat crop. These regulations are further supplemented as follows:

§ 421.4047 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel	
	Wheat produced in commercial area	Wheat produced in noncommercial area
Astoria, Oreg.	$2.03	$1.92
Portland, Oreg.	2.03	1.92
Longview, Wash.	2.03	1.92
Seattle, Wash.	2.03	1.92
Tacoma, Wash.	2.03	1.92
Vancouver, Wash.	2.03	1.92
Los Angeles, Calif.	2.11	1.98
Oakland, Calif.	2.11	1.98
San Francisco, Calif.	2.11	1.98
Stockton, Calif.	2.11	1.98
Atchison, Kans.	2.12	1.99
Council Bluffs, Iowa	2.12	1.99
Kansas City, Kans.	2.12	1.99
Kansas City, Mo.	2.12	1.99
Louisville, Ky.	2.12	1.99
Saint Joseph, Mo.	2.12	1.99
Omaha, Nebr.	2.12	1.99
Sioux City, Iowa	2.12	1.99
Cairo, Ill.	2.12	1.99
Chicago, Ill.	2.12	1.99
East St. Louis, Ill.	2.12	1.99
Memphis, Tenn.	2.12	1.99
Milwaukee, Wis.	2.12	1.99
St. Louis, Mo.	2.12	1.99
Duluth, Minn.	2.19	1.64
Minneapolis, Minn.	2.19	1.64
St. Paul, Minn.	2.19	1.64
Superior, Wis.	2.19	1.64
Albany, N.Y.	2.25	1.69
Baltimore, Md.	2.25	1.69
Norfolk, Va.	2.25	1.69
Philadelphia, Pa.	2.25	1.69
New York, N.Y.	2.25	1.69
Corpus Christi, Tex.	2.32	1.74
Galveston, Tex.	2.32	1.74
Houston, Tex.	2.32	1.74
Port Arthur, Tex.	2.32	1.74
New Orleans, La.	2.32	1.74
Baton Rouge, La.	2.32	1.74

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for grade No. 1 wheat. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of § 421.4043 will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat is produced in the commercial wheat-producing area and stored outside the commercial wheat-producing area or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the rates shall be the applicable rate where stored adjusted to the percentage level applicable to where the wheat was produced.

(2) If two or more approved warehouses are located at the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.95

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.11	Mohave	$1.19
Cochise	1.34	Navajo	1.11
Coconino	1.13	Pima	1.40
Gila	1.18	Pinal	1.42
Graham	1.31	Santa Cruz	1.36
Greenlee	1.18	Yavapai	1.22
Maricopa	1.42	Yuma	1.43

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.86	Lee	$1.93
Ashley	1.91	Lincoln	1.88
Baxter	1.81	Little River	1.91
Benton	1.77	Logan	1.78
Boone	1.79	Lonoke	1.87
Bradley	1.90	Madison	1.78
Calhoun	1.90	Marion	1.80
Carroll	1.77	Miller	1.92
Chicot	1.91	Mississippi	1.93
Clark	1.88	Monroe	1.89
Clay	1.90	Montgomery	1.81
Cleburne	1.88	Nevada	1.90
Cleveland	1.87	Newton	1.79
Columbia	1.92	Ouachita	1.90
Conway	1.82	Perry	1.83
Craighead	1.91	Phillips	1.90
Crawford	1.78	Pike	1.82
Crittenden	1.97	Poinsett	1.94
Cross	1.94	Polk	1.81
Dallas	1.88	Pope	1.81
Desha	1.90	Prairie	1.88
Drew	1.90	Pulaski	1.86
Faulkner	1.84	Randolph	1.90
Franklin	1.78	St. Francis	1.93
Fulton	1.86	Saline	1.86
Garland	1.85	Scott	1.81
Grant	1.87	Searcy	1.79
Greene	1.90	Sebastian	1.80
Hempstead	1.91	Sevier	1.84
Hot Spring	1.86	Sharp	1.86
Howard	1.84	Stone	1.84
Independence	1.88	Union	1.92
Izard	1.84	Van Buren	1.82
Jackson	1.90	Washington	1.78
Jefferson	1.86	White	1.89
Johnson	1.80	Woodruff	1.91
Lafayette	1.92	Yell	1.81
Lawrence	1.90		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.98	Placer	$1.95
Alpine	1.81	Plumas	1.78
Amador	1.98	Riverside	1.92
Butte	1.92	Sacramento	1.97
Calaveras	1.98	San Benito	1.93
Colusa	1.93	San Bernardino	1.95
Contra Costa	1.98	San Diego	1.90
El Dorado	1.94	San Joaquin	1.99
Fresno	1.93	San Luis Obispo	1.89
Glenn	1.91	San Mateo	1.98
Humboldt	1.81	Santa Barbara	1.90
Imperial	1.94	Santa Clara	1.97
Inyo	1.78	Santa Cruz	1.94
Kern	1.90	Shasta	1.85
Kings	1.93	Sierra	1.78
Lake	1.91	Siskiyou	1.85
Lassen	1.75	Solano	1.96
Los Angeles	1.96	Sonoma	1.96
Madera	1.94	Stanislaus	1.98
Marin	1.98	Sutter	1.94
Mariposa	1.95	Tehama	1.88
Mendocino	1.88	Tulare	1.92
Merced	1.96	Tuolumne	1.98
Modoc	1.78	Ventura	1.96
Mono	1.75	Yolo	1.95
Monterey	1.92	Yuba	1.94
Napa	1.97		
Orange	1.95		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.73	Eagle	$1.55
Alamosa	1.62	Elbert	1.73
Arapahoe	1.73	El Paso	1.73
Archuleta	1.54	Fremont	1.69
Baca	1.74	Garfield	1.54
Bent	1.74	Grand	1.58
Boulder	1.73	Huerfano	1.70
Chaffee	1.59	Jackson	1.61
Cheyenne	1.75	Jefferson	1.73
Conejos	1.62	Kiowa	1.75
Costilla	1.62	Kit Carson	1.75
Crowley	1.73	La Plata	1.54
Custer	1.67	Larimer	1.73
Delta	1.54	Las Animas	1.72
Denver	1.73	Lincoln	1.73
Dolores	1.48	Logan	1.73
Douglas	1.73	Mesa	1.54

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Moffat	$1.54	Rio Blanco	$1.54
Montezuma	1.48	Rio Grande	1.62
Montrose	1.54	Routt	1.54
Morgan	1.73	Saguache	1.62
Otero	1.73	San Miguel	1.51
Ouray	1.54	Sedgwick	1.76
Phillips	1.75	Summit	1.58
Pitkin	1.54	Washington	1.73
Prowers	1.75	Weld	1.73
Pueblo	1.73	Yuma	1.75

CONNECTICUT

All counties	$1.52

DELAWARE

Kent	$2.06
New Castle	2.06
Sussex	2.05

FLORIDA

All counties	$1.48

GEORGIA

All counties	$1.98

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.66	Gem	$1.67
Adams	1.64	Gooding	1.63
Bannock	1.63	Idaho	1.71
Bear Lake	1.60	Jefferson	1.60
Benewah	1.73	Jerome	1.63
Bingham	1.61	Kootenai	1.71
Blaine	1.60	Latah	1.73
Boise	1.65	Lemhi	1.60
Bonner	1.65	Lewis	1.71
Bonneville	1.60	Lincoln	1.62
Boundary	1.62	Madison	1.60
Butte	1.60	Minidoka	1.63
Camas	1.60	Nez Perce	1.74
Canyon	1.66	Oneida	1.63
Caribou	1.61	Owyhee	1.66
Cassia	1.64	Payette	1.67
Clark	1.59	Power	1.63
Clearwater	1.72	Shoshone	1.63
Custer	1.60	Teton	1.60
Elmore	1.64	Twin Falls	1.66
Franklin	1.63	Valley	1.65
Fremont	1.60	Washington	1.68

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.86	Iroquois	$1.90
Alexander	1.89	Jackson	1.89
Bond	1.92	Jasper	1.88
Boone	1.91	Jefferson	1.89
Brown	1.87	Jersey	1.92
Bureau	1.89	Jo Daviess	1.88
Calhoun	1.91	Johnson	1.83
Carroll	1.88	Kane	1.93
Cass	1.89	Kankakee	1.93
Champaign	1.89	Kendall	1.93
Christian	1.89	Knox	1.88
Clark	1.89	Lake	1.94
Clay	1.89	LaSalle	1.91
Clinton	1.92	Lawrence	1.88
Coles	1.89	Lee	1.90
Cook	1.94	Livingston	1.90
Crawford	1.87	Logan	1.90
Cumberland	1.89	McDonough	1.87
De Kalb	1.93	McHenry	1.92
DeWitt	1.89	McLean	1.89
Douglas	1.89	Macon	1.89
DuPage	1.94	Macoupin	1.92
Edgar	1.89	Madison	1.93
Edwards	1.88	Marion	1.89
Effingham	1.89	Marshall	1.89
Fayette	1.89	Mason	1.89
Ford	1.89	Massac	1.88
Franklin	1.89	Menard	1.89
Fulton	1.89	Mercer	1.67
Gallatin	1.85	Monroe	1.91
Greene	1.92	Montgomery	1.91
Grundy	1.92	Morgan	1.89
Hamilton	1.88	Moultrie	1.89
Hancock	1.86	Ogle	1.90
Hardin	1.81	Peoria	1.89
Henderson	1.86	Perry	1.89
Henry	1.88	Piatt	1.89

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Pike	$1.88	Stephenson	$1.88
Pope	1.84	Tazewell	1.89
Pulaski	1.89	Union	1.89
Putnam	1.89	Vermilion	1.89
Randolph	1.89	Wabash	1.86
Richland	1.88	Warren	1.88
Rock Island	1.88	Washington	1.90
Saint Clair	1.92	Wayne	1.88
Saline	1.85	White	1.85
Sangamon	1.89	Whiteside	1.89
Schuyler	1.88	Will	1.94
Scott	1.89	Williamson	1.89
Shelby	1.89	Winnebago	1.89
Stark	1.89	Woodford	1.89

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.84	Lawrence	$1.91
Allen	1.84	Madison	1.86
Bartholomew	1.90	Marion	1.87
Benton	1.87	Marshall	1.87
Blackford	1.86	Martin	1.85
Boone	1.88	Miami	1.87
Brown	1.87	Monroe	1.93
Carroll	1.87	Montgomery	1.86
Cass	1.87	Morgan	1.85
Clark	1.95	Newton	1.89
Clay	1.85	Noble	1.85
Clinton	1.86	Ohio	1.88
Crawford	1.91	Orange	1.93
Daviess	1.84	Owen	1.85
Dearborn	1.88	Parke	1.85
Decatur	1.89	Perry	1.87
De Kalb	1.84	Pike	1.85
Delaware	1.85	Porter	1.91
Dubois	1.88	Posey	1.83
Elkhart	1.87	Pulaski	1.89
Fayette	1.87	Putnam	1.86
Floyd	2.00	Randolph	1.85
Fountain	1.85	Ripley	1.88
Franklin	1.87	Rush	1.87
Fulton	1.87	Saint Joseph	1.87
Gibson	1.84	Scott	1.91
Grant	1.86	Shelby	1.87
Greene	1.85	Spencer	1.88
Hamilton	1.86	Starke	1.88
Hancock	1.87	Steuben	1.84
Harrison	1.87	Sullivan	1.83
Hendricks	1.87	Switzerland	1.88
Henry	1.87	Tippecanoe	1.87
Howard	1.87	Tipton	1.85
Huntington	1.84	Union	1.87
Jackson	1.91	Vanderburgh	1.88
Jasper	1.91	Vermillion	1.85
Jay	1.84	Vigo	1.88
Jefferson	1.88	Wabash	1.87
Jennings	1.89	Warren	1.87
Johnson	1.87	Warrick	1.87
Knox	1.84	Washington	1.93
Kosciusko	1.86	Wayne	1.86
Lagrange	1.85	Wells	1.84
Lake	1.92	White	1.90
La Porte	1.89	Whitley	1.86

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.89	Crawford	$1.92
Adams	1.91	Dallas	1.88
Allamakee	1.93	Davis	1.84
Appanoose	1.85	Decatur	1.87
Audubon	1.92	Delaware	1.91
Benton	1.91	Des Moines	1.85
Black Hawk	1.92	Dickinson	1.93
Boone	1.90	Dubuque	1.90
Bremer	1.92	Emmet	1.94
Buchanan	1.91	Fayette	1.92
Buena Vista	1.91	Floyd	1.94
Butler	1.92	Franklin	1.92
Calhoun	1.91	Fremont	1.93
Carroll	1.91	Greene	1.90
Cass	1.91	Grundy	1.92
Cedar	1.86	Guthrie	1.90
Cerro Gordo	1.94	Hamilton	1.92
Cherokee	1.90	Hancock	1.93
Chickasaw	1.93	Hardin	1.92
Clarke	1.88	Harrison	1.93
Clay	1.92	Henry	1.84
Clayton	1.91	Howard	1.94
Clinton	1.87	Humboldt	1.92

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Ida	$1.89	Palo Alto	$1.93
Iowa	1.89	Plymouth	1.89
Jackson	1.86	Pocahontas	1.92
Jasper	1.90	Polk	1.90
Jefferson	1.83	Pottawattamie	1.93
Johnson	1.90	Poweshiek	1.89
Jones	1.90	Ringgold	1.88
Keokuk	1.87	Sac	1.90
Kossuth	1.93	Scott	1.87
Lee	1.86	Shelby	1.93
Linn	1.91	Sioux	1.90
Louisa	1.85	Story	1.91
Lucas	1.87	Tama	1.91
Lyon	1.91	Taylor	1.90
Madison	1.88	Union	1.89
Mahaska	1.88	Van Buren	1.84
Marion	1.87	Wapello	1.84
Marshall	1.91	Warren	1.88
Mills	1.93	Washington	1.87
Mitchell	1.95	Wayne	1.86
Monona	1.92	Webster	1.92
Monroe	1.85	Winnebago	1.95
Montgomery	1.93	Winneshiek	1.93
Muscatine	1.86	Woodbury	1.90
O'Brien	1.92	Worth	1.95
Osceola	1.92	Wright	1.92
Page	1.92		

KANSAS

Allen	$1.89	Linn	$1.91
Anderson	1.91	Logan	1.79
Atchison	1.93	Lyon	1.89
Barber	1.82	McPherson	1.84
Barton	1.82	Marion	1.85
Bourbon	1.91	Marshall	1.89
Brown	1.92	Meade	1.79
Butler	1.85	Miami	1.93
Chase	1.87	Mitchell	1.84
Chautauqua	1.87	Montgomery	1.89
Cherokee	1.89	Morris	1.87
Cheyenne	1.78	Morton	1.75
Clark	1.79	Nemaha	1.90
Clay	1.86	Neosho	1.89
Cloud	1.85	Ness	1.82
Coffey	1.90	Norton	1.82
Comanche	1.81	Osage	1.90
Cowley	1.85	Osborne	1.84
Crawford	1.90	Ottawa	1.85
Decatur	1.80	Pawnee	1.82
Dickinson	1.85	Phillips	1.82
Doniphan	1.93	Pottawatomie	1.89
Douglas	1.93	Pratt	1.82
Edwards	1.82	Rawlins	1.79
Elk	1.87	Reno	1.84
Ellis	1.82	Republic	1.86
Ellsworth	1.84	Rice	1.84
Finney	1.79	Riley	1.89
Ford	1.81	Rooks	1.83
Franklin	1.93	Rush	1.82
Geary	1.87	Russell	1.83
Gove	1.80	Saline	1.85
Graham	1.82	Scott	1.79
Grant	1.78	Sedgwick	1.85
Gray	1.80	Seward	1.77
Greeley	1.78	Shawnee	1.91
Greenwood	1.88	Sheridan	1.80
Hamilton	1.78	Sherman	1.78
Harper	1.84	Smith	1.84
Harvey	1.85	Stafford	1.82
Haskell	1.79	Stanton	1.76
Hodgeman	1.82	Stevens	1.77
Jackson	1.91	Sumner	1.85
Jefferson	1.93	Thomas	1.79
Jewell	1.85	Trego	1.82
Johnson	1.93	Wabaunsee	1.89
Kearny	1.78	Wallace	1.78
Kingman	1.84	Washington	1.86
Kiowa	1.82	Wichita	1.78
Labette	1.89	Wilson	1.89
Lane	1.80	Woodson	1.89
Leavenworth	1.93	Wyandotte	1.93
Lincoln	1.84		

KENTUCKY

Adair	$1.93	Ballard	$1.90
Allen	1.92	Barren	1.92
Anderson	1.94	Bath	1.94

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Bell	$1.93	Laurel	$1.94
Boone	1.93	Lawrence	1.94
Bourbon	1.95	Lee	1.94
Boyd	1.95	Lewis	1.95
Boyle	1.95	Lincoln	1.95
Bracken	1.94	Livingston	1.90
Breathitt	1.93	Logan	1.91
Breckenridge	1.91	Lyon	1.91
Bullitt	1.93	McCracken	1.90
Butler	1.91	McCreary	1.93
Caldwell	1.91	McLean	1.90
Calloway	1.90	Madison	1.95
Campbell	1.93	Magoffin	1.93
Carlisle	1.90	Marion	1.94
Carroll	1.93	Marshall	1.90
Carter	1.94	Mason	1.94
Casey	1.94	Meade	1.91
Christian	1.91	Menifee	1.93
Clark	1.95	Mercer	1.95
Clay	1.93	Metcalfe	1.92
Clinton	1.94	Monroe	1.93
Crittenden	1.90	Montgomery	1.94
Cumberland	1.93	Morgan	1.93
Daviess	1.90	Muhlenberg	1.91
Edmonson	1.91	Nelson	1.94
Elliott	1.94	Nicholas	1.94
Estill	1.94	Ohio	1.91
Fayette	1.95	Oldham	1.93
Fleming	1.94	Owen	1.94
Franklin	1.94	Owsley	1.93
Fulton	1.90	Pendleton	1.94
Gallatin	1.93	Powell	1.94
Garrard	1.95	Pulaski	1.95
Grant	1.94	Robertson	1.94
Graves	1.90	Rockcastle	1.95
Grayson	1.92	Rowan	1.95
Green	1.94	Russell	1.93
Greenup	1.95	Scott	1.94
Hancock	1.91	Shelby	1.93
Hardin	1.92	Simpson	1.92
Harrison	1.94	Spencer	1.93
Hart	1.92	Taylor	1.94
Henderson	1.90	Todd	1.91
Henry	1.93	Trigg	1.91
Hickman	1.90	Trimble	1.93
Hopkins	1.91	Union	1.90
Jackson	1.93	Warren	1.91
Jefferson	1.93	Washington	1.95
Jessamine	1.95	Wayne	1.94
Johnson	1.93	Webster	1.90
Kenton	1.93	Whitley	1.93
Knox	1.93	Wolfe	1.93
Larue	1.93	Woodford	1.95

LOUISIANA

All counties $1.42

MAINE

All counties $1.48

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$1.96	Howard	$2.08
Anne Arundel	2.03	Kent	2.06
Baltimore	2.04	Montgomery	2.04
Calvert	2.01	Prince Georges	2.02
Caroline	2.06	Queen Annes	2.06
Carroll	2.04	St. Marys	2.02
Cecil	2.04	Somerset	2.03
Charles	2.01	Talbot	2.06
Dorchester	2.05	Washington	2.00
Frederick	2.03	Wicomico	2.05
Garrett	1.90	Worcester	2.04
Harford	2.04		

MASSACHUSETTS

All counties $1.51

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.71	Arenac	$1.75
Alger	1.82	Baraga	1.89
Allegan	1.83	Barry	1.83
Alpena	1.71	Bay	1.80
Antrim	1.70	Benzie	1.80

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Berrien	$1.87	Livingston	$1.83
Branch	1.84	Luce	1.70
Calhoun	1.84	Mackinac	1.70
Cass	1.87	Macomb	1.85
Charlevoix	1.70	Manistee	1.76
Cheboygan	1.70	Marquette	1.85
Chippewa	1.70	Mason	1.76
Clare	1.80	Mecosta	1.76
Clinton	1.82	Menominee	1.82
Crawford	1.72	Midland	1.80
Delta	1.82	Missaukee	1.76
Dickinson	1.82	Monroe	1.85
Eaton	1.83	Montcalm	1.79
Emmet	1.69	Montmorency	1.70
Genesee	1.82	Muskegon	1.80
Gladwin	1.78	Newaygo	1.79
Gogebic	1.91	Oakland	1.83
Grand Traverse	1.74	Oceana	1.76
Gratiot	1.82	Ogemaw	1.78
Hillsdale	1.83	Ontonagon	1.83
Houghton	1.84	Osceola	1.77
Huron	1.78	Oscoda	1.78
Ingham	1.83	Otsego	1.70
Ionia	1.82	Ottawa	1.83
Iosco	1.72	Presque Isle	1.70
Iron	1.83	Roscommon	1.72
Isabella	1.79	Saginaw	1.82
Jackson	1.83	Saint Clair	1.84
Kalamazoo	1.86	Saint Joseph	1.86
Kalkaska	1.71	Sanilac	1.81
Kent	1.82	Schoolcraft	1.82
Keweenaw	1.84	Shiawassee	1.82
Lake	1.76	Tuscola	1.81
Lapeer	1.82	Van Buren	1.85
Leelanau	1.71	Washtenaw	1.83
Lenawee	1.84	Wayne	1.84
		Wexford	1.77

MINNESOTA

Aitkin	$1.99	Martin	$1.95
Anoka	1.99	Meeker	1.99
Becker	1.93	Mille Lacs	1.99
Beltrami	1.93	Morrison	1.97
Benton	1.99	Mower	1.96
Big Stone	1.93	Murray	1.94
Blue Earth	1.98	Nicollet	1.98
Brown	1.98	Nobles	1.93
Carlton	2.01	Norman	1.91
Carver	1.99	Olmsted	1.97
Cass	1.96	Otter Tail	1.95
Chippewa	1.96	Pennington	1.90
Chisago	1.99	Pine	1.99
Clay	1.92	Pipestone	1.93
Clearwater	1.93	Polk	1.91
Cottonwood	1.95	Pope	1.96
Crow Wing	1.97	Ramsey	1.99
Dakota	1.99	Red Lake	1.91
Dodge	1.97	Redwood	1.97
Douglas	1.96	Renville	1.97
Faribault	1.95	Rice	1.99
Fillmore	1.94	Rock	1.92
Freeborn	1.97	Roseau	1.89
Goodhue	1.99	Saint Louis	1.98
Grant	1.95	Scott	1.99
Hennepin	1.99	Sherburne	1.99
Houston	1.94	Sibley	1.99
Hubbard	1.94	Stearns	1.98
Isanti	1.99	Steele	1.98
Itasca	1.97	Stevens	1.95
Jackson	1.94	Swift	1.96
Kanabec	1.98	Todd	1.97
Kandiyohi	1.99	Traverse	1.93
Kittson	1.87	Wabasha	1.99
Koochiching	1.89	Wadena	1.96
Lac Qui Parle	1.94	Waseca	1.98
Lake of the Woods	1.90	Washington	1.99
Le Sueur	1.99	Watonwan	1.96
Lincoln	1.94	Wilkin	1.93
Lyon	1.95	Winona	1.97
McLeod	1.99	Wright	1.99
Mahnomen	1.91	Yellow Medicine	1.96
Marshall	1.90		

MISSISSIPPI

All counties $1.89

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.85	Linn	$1.89
Andrew	1.93	Livingston	1.91
Atchison	1.92	McDonald	1.87
Audrain	1.88	Macon	1.86
Barry	1.87	Madison	1.89
Barton	1.89	Maries	1.89
Bates	1.92	Marion	1.88
Benton	1.90	Mercer	1.88
Bollinger	1.88	Miller	1.86
Boone	1.88	Mississippi	1.90
Buchanan	1.93	Moniteau	1.88
Benton	1.90	Monroe	1.87
Caldwell	1.92	Montgomery	1.90
Callaway	1.88	Morgan	1.88
Camden	1.85	New Madrid	1.90
Cape Girardeau	1.90	Newton	1.87
Carroll	1.92	Nodaway	1.92
Carter	1.88	Oregon	1.84
Cass	1.93	Osage	1.88
Cedar	1.91	Ozark	1.81
Charlton	1.90	Pemiscot	1.90
Christian	1.87	Perry	1.89
Clark	1.87	Pettis	1.90
Clay	1.93	Phelps	1.88
Clinton	1.93	Pike	1.89
Cole	1.86	Platte	1.93
Cooper	1.89	Polk	1.89
Crawford	1.90	Pulaski	1.86
Dade	1.89	Putnam	1.88
Dallas	1.86	Ralls	1.88
Daviess	1.92	Randolph	1.87
De Kalb	1.93	Ray	1.92
Dent	1.87	Reynolds	1.85
Douglas	1.84	Ripley	1.90
Dunklin	1.90	St. Charles	1.94
Franklin	1.93	St. Clair	1.91
Gasconade	1.90	Ste. Genevieve	1.91
Gentry	1.92	St. Francois	1.90
Greene	1.87	St. Louis	1.94
Grundy	1.90	Saline	1.91
Harrison	1.90	Schuyler	1.85
Henry	1.92	Scotland	1.86
Hickory	1.89	Scott	1.90
Holt	1.93	Shannon	1.85
Howard	1.88	Shelby	1.87
Howell	1.82	Stoddard	1.90
Iron	1.89	Stone	1.86
Jackson	1.93	Sullivan	1.88
Jasper	1.89	Taney	1.85
Jefferson	1.94	Texas	1.84
Johnson	1.92	Vernon	1.91
Knox	1.86	Warren	1.93
Laclede	1.84	Washington	1.91
Lafayette	1.92	Wayne	1.88
Lawrence	1.87	Webster	1.85
Lewis	1.87	Worth	1.91
Lincoln	1.93	Wright	1.84

MONTANA

Beaverhead	$1.52	Madison	$1.59
Big Horn	1.57	Meagher	1.61
Blaine	1.63	Mineral	1.54
Broadwater	1.61	Missoula	1.54
Carbon	1.61	Musselshell	1.64
Carter	1.73	Park	1.61
Cascade	1.61	Petroleum	1.61
Chouteau	1.61	Phillips	1.66
Custer	1.72	Pondera	1.61
Daniels	1.70	Powder River	1.70
Dawson	1.73	Powell	1.56
Deer Lodge	1.56	Prairie	1.72
Fallon	1.73	Ravalli	1.50
Fergus	1.61	Richland	1.73
Flathead	1.53	Roosevelt	1.73
Gallatin	1.61	Rosebud	1.67
Garfield	1.71	Sanders	1.54
Glacier	1.61	Sheridan	1.73
Golden Valley	1.61	Silver Bow	1.57
Granite	1.53	Stillwater	1.61
Hill	1.61	Sweet Grass	1.61
Jefferson	1.57	Teton	1.61
Judity Basin	1.61	Toole	1.61
Lake	1.53	Treasure	1.66
Lewis and Clark	1.61	Valley	1.69
Liberty	1.61	Wheatland	1.61
Lincoln	1.56	Wibaux	1.74
McCone	1.72	Yellowstone	1.61

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.87	Jefferson	$1.90
Antelope	1.88	Johnson	1.91
Arthur	1.78	Kearney	1.85
Banner	1.73	Keith	1.78
Blaine	1.82	Keya Paha	1.82
Boone	1.89	Kimball	1.73
Box Butte	1.77	Knox	1.86
Boyd	1.85	Lancaster	1.93
Brown	1.82	Lincoln	1.81
Buffalo	1.87	Logan	1.82
Burt	1.93	Loup	1.85
Butler	1.93	McPherson	1.82
Cass	1.93	Madison	1.89
Cedar	1.87	Merrick	1.89
Chase	1.78	Morrill	1.76
Cherry	1.80	Nance	1.90
Cheyenne	1.74	Nemaha	1.91
Clay	1.87	Nuckolls	1.87
Colfax	1.93	Otoe	1.93
Cuming	1.92	Pawnee	1.90
Custer	1.84	Perkins	1.78
Dakota	1.90	Phelps	1.85
Dawes	1.75	Pierce	1.89
Dawson	1.85	Platte	1.91
Deuel	1.76	Polk	1.91
Dixon	1.89	Red Willow	1.82
Dodge	1.93	Richardson	1.90
Douglas	1.93	Rock	1.83
Dundy	1.78	Saline	1.91
Fillmore	1.89	Sarpy	1.93
Franklin	1.85	Saunders	1.93
Frontier	1.82	Scotts Bluff	1.74
Furnas	1.83	Seward	1.92
Gage	1.91	Sheridan	1.76
Garden	1.77	Sherman	1.87
Garfield	1.86	Sioux	1.73
Gosper	1.84	Stanton	1.90
Grant	1.78	Thayer	1.89
Greeley	1.88	Thomas	1.82
Hall	1.88	Thurston	1.92
Hamilton	1.89	Valley	1.86
Harlan	1.84	Washington	1.93
Hayes	1.79	Wayne	1.88
Hitchcock	1.80	Webster	1.86
Holt	1.86	Wheeler	1.89
Hooker	1.80	York	1.90
Howard	1.88		

NEVADA

Churchill	$1.27	Lyon	$1.27
Clark	1.16	Mineral	1.16
Douglas	1.36	Nye	1.00
Elko	1.15	Ormsby	1.36
Esmeralda	1.12	Pershing	1.36
Eureka	1.15	Storey	1.36
Humboldt	1.25	Washoe	1.36
Lander	1.15	White Pine	.85
Lincoln	1.16		

NEW HAMPSHIRE

All counties $1.50

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Bergen	$2.01	Middlesex	$2.01
Burlington	2.02	Monmouth	2.00
Camden	2.05	Morris	1.99
Cape May	1.97	Ocean	1.99
Cumberland	2.04	Passaic	2.00
Essex	2.01	Salem	2.03
Gloucester	2.06	Somerset	2.00
Hunterdon	1.99	Sussex	1.97
Mercer	2.04	Warren	1.99

NEW MEXICO

Bernalillo	$1.71	Lea	$1.79
Catron	1.61	Lincoln	1.73
Chaves	1.77	Luna	1.68
Colfax	1.69	McKinley	1.55
Curry	1.80	Mora	1.71
De Baca	1.75	Otero	1.73
Dona Ana	1.71	Quay	1.78
Eddy	1.75	Rio Arriba	1.53
Grant	1.55	Roosevelt	1.78
Guadalupe	1.75	Sandoval	1.71
Harding	1.73	San Juan	1.32
Hidalgo	1.68	San Miguel	1.71

NEW MEXICO—Continued

County	Rate per bushel	County	Rate per bushel
Santa Fe	$1.68	Torrance	$1.73
Sierra	1.71	Union	1.75
Socorro	1.71	Valencia	1.66
Taos	1.62		

NEW YORK

Albany	$2.07	Oneida	$2.00
Allegany	1.99	Onondaga	2.01
Broome	2.00	Ontario	2.01
Cattaraugus	1.96	Orange	1.98
Cayuga	2.01	Orleans	2.00
Chautauqua	1.92	Oswego	2.01
Chemung	2.01	Otsego	1.97
Chenango	2.01	Putnam	1.99
Clinton	1.90	Rensselaer	2.04
Columbia	2.02	Rockland	2.00
Cortland	2.01	Saratoga	2.03
Delaware	1.96	Schenectady	2.08
Dutchess	1.99	Schoharie	2.04
Erie	1.97	Schuyler	2.01
Essex	1.93	Seneca	2.01
Franklin	1.87	Steuben	2.01
Fulton	1.95	St. Lawrence	1.93
Genesee	2.01	Suffolk	1.93
Greene	2.01	Sullivan	1.95
Herkimer	2.01	Tioga	2.01
Jefferson	1.97	Tompkins	2.01
Lewis	1.97	Ulster	2.00
Livingston	2.00	Warren	1.98
Madison	2.01	Washington	1.99
Monroe	2.00	Wayne	2.01
Montgomery	2.06	Westchester	2.00
Nassau	1.95	Wyoming	2.00
Niagara	2.00	Yates	2.01

NORTH CAROLINA

All counties $2.00

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.79	McLean	$1.82
Barnes	1.89	Mercer	1.81
Benson	1.85	Morton	1.82
Billings	1.79	Mountrail	1.80
Bottineau	1.81	Nelson	1.87
Bowman	1.78	Oliver	1.81
Burke	1.80	Pembina	1.86
Burleigh	1.84	Pierce	1.84
Cass	1.91	Ramsey	1.86
Cavalier	1.85	Ransom	1.90
Dickey	1.89	Renville	1.80
Divide	1.78	Richland	1.92
Dunn	1.79	Rolette	1.83
Eddy	1.86	Sargent	1.91
Emmons	1.83	Sheridan	1.84
Foster	1.87	Sioux	1.81
Golden Valley	1.75	Slope	1.76
Grand Forks	1.89	Stark	1.80
Grant	1.80	Steele	1.90
Griggs	1.89	Stutsman	1.88
Hettinger	1.80	Towner	1.84
Kidder	1.85	Traill	1.90
La Moure	1.87	Walsh	1.87
Logan	1.86	Ward	1.81
McHenry	1.83	Wells	1.86
McIntosh	1.85	Williams	1.78
McKenzie	1.76		

OHIO

Adams	$1.84	Cuyahoga	$1.87
Allen	1.85	Darke	1.86
Ashland	1.87	Defiance	1.84
Ashtabula	1.90	Delaware	1.86
Athens	1.86	Erie	1.86
Auglaize	1.84	Fairfield	1.86
Belmont	1.87	Fayette	1.84
Brown	1.84	Franklin	1.86
Butler	1.84	Fulton	1.84
Carroll	1.87	Gallia	1.84
Champaign	1.84	Geauga	1.90
Clark	1.84	Greene	1.84
Clermont	1.84	Guernsey	1.87
Clinton	1.84	Hamilton	1.84
Columbiana	1.88	Hancock	1.86
Coshocton	1.87	Hardin	1.86
Crawford	1.86	Harrison	1.87

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Henry	$1.84	Ottawa	$1.86
Highland	1.84	Paulding	1.84
Hocking	1.86	Perry	1.86
Holmes	1.87	Pickaway	1.85
Huron	1.86	Pike	1.84
Jackson	1.84	Portage	1.87
Jefferson	1.89	Preble	1.84
Knox	1.86	Putnam	1.84
Lake	1.89	Richland	1.87
Lawrence	1.84	Ross	1.85
Licking	1.86	Sandusky	1.86
Logan	1.84	Scioto	1.84
Lorain	1.87	Seneca	1.86
Lucas	1.85	Shelby	1.84
Madison	1.85	Stark	1.87
Mahoning	1.89	Summit	1.87
Marion	1.86	Trumbull	1.90
Medina	1.87	Tuscarawas	1.87
Meigs	1.84	Union	1.86
Mercer	1.84	Van Wert	1.84
Miami	1.84	Vinton	1.86
Monroe	1.87	Warren	1.84
Montgomery	1.84	Washington	1.87
Morgan	1.87	Wayne	1.87
Morrow	1.86	Williams	1.84
Muskingum	1.87	Wood	1.86
Noble	1.87	Wyandot	1.86

OKLAHOMA

Adair	$1.82	Le Flore	$1.82
Alfalfa	1.81	Lincoln	1.82
Atoka	1.82	Logan	1.82
Beaver	1.78	Love	1.82
Beckham	1.82	McClain	1.82
Blaine	1.82	McCurtain	1.82
Bryan	1.82	McIntosh	1.82
Caddo	1.82	Major	1.82
Canadian	1.82	Marshall	1.82
Carter	1.82	Mayes	1.85
Cherokee	1.83	Murray	1.82
Choctaw	1.82	Muskogee	1.82
Cimarron	1.74	Noble	1.82
Cleveland	1.82	Nowata	1.87
Coal	1.82	Okfuskee	1.82
Comanche	1.82	Oklahoma	1.82
Cotton	1.82	Okmulgee	1.82
Craig	1.87	Osage	1.83
Creek	1.82	Ottawa	1.87
Custer	1.82	Pawnee	1.82
Delaware	1.86	Payne	1.82
Dewey	1.82	Pittsburg	1.82
Ellis	1.80	Pontotoc	1.82
Garfield	1.82	Pottawatomie	1.82
Garvin	1.82	Pushmataha	1.82
Grady	1.82	Roger Mills	1.81
Grant	1.81	Rogers	1.85
Greer	1.82	Seminole	1.82
Harmon	1.82	Sequoyah	1.82
Harper	1.79	Stephens	1.82
Haskell	1.82	Texas	1.74
Hughes	1.82	Tillman	1.82
Jackson	1.82	Tulsa	1.84
Jefferson	1.82	Wagoner	1.84
Johnston	1.82	Washington	1.87
Kay	1.82	Washita	1.82
Kingfisher	1.82	Woods	1.80
Kiowa	1.82	Woodward	1.80
Latimer	1.82		

OREGON

Baker	$1.74	Lake	$1.64
Benton	1.83	Lane	1.80
Clackamas	1.86	Lincoln	1.76
Clatsop	1.82	Linn	1.83
Columbia	1.85	Malheur	1.67
Coos	1.73	Marion	1.86
Crook	1.84	Morrow	1.83
Curry	1.71	Multnomah	1.89
Deschutes	1.84	Polk	1.85
Douglas	1.75	Sherman	1.86
Gilliam	1.85	Tillamook	1.88
Grant	1.83	Umatilla	1.81
Harney	1.62	Union	1.76
Hood River	1.88	Wallowa	1.74
Jackson	1.71	Wasco	1.90
Jefferson	1.87	Washington	1.88
Josephine	1.68	Wheeler	1.83
Klamath	1.84	Yamhill	1.87

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$2.01	Lackawanna	$1.97
Allegheny	1.90	Lancaster	2.02
Armstrong	1.92	Lawrence	1.90
Beaver	1.90	Lebanon	2.01
Bedford	1.95	Lehigh	2.00
Berks	2.02	Luzerne	1.98
Blair	1.95	Lycoming	1.96
Bradford	1.99	McKean	1.95
Bucks	2.04	Mercer	1.90
Butler	1.92	Mifflin	1.96
Cambria	1.90	Monroe	1.97
Carbon	1.96	Montgomery	2.04
Centre	1.95	Montour	1.96
Chester	2.04	Northampton	2.00
Clarion	1.92	Northumberland	1.96
Clearfield	1.93	Perry	1.96
Clinton	1.96	Pike	1.96
Columbia	2.01	Potter	1.91
Crawford	1.90	Schuylkill	1.98
Cumberland	2.00	Snyder	1.96
Dauphin	1.97	Somerset	1.91
Delaware	2.05	Sullivan	2.01
Elk	1.95	Susquehanna	1.98
Erie	1.90	Tioga	1.99
Fayette	1.91	Union	1.95
Forest	1.91	Venango	1.90
Franklin	2.00	Warren	1.89
Fulton	1.97	Washington	1.90
Greene	1.90	Wayne	1.94
Huntingdon	1.95	Westmoreland	1.90
Indiana	1.91	Wyoming	2.01
Jefferson	1.92	York	2.01
Juniata	1.96		

RHODE ISLAND

All counties	$1.52

SOUTH CAROLINA

All counties	$1.98

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.85	Jackson	$1.78
Beadle	1.90	Jerauld	1.89
Bennett	1.78	Jones	1.79
Bon Homme	1.87	Kingsbury	1.92
Brookings	1.93	Lake	1.91
Brown	1.90	Lawrence	1.73
Brule	1.83	Lincoln	1.91
Buffalo	1.83	Lyman	1.81
Butte	1.73	McCook	1.91
Campbell	1.85	McPherson	1.87
Charles Mix	1.84	Marshall	1.90
Clark	1.91	Meade	1.76
Clay	1.90	Mellette	1.80
Codington	1.92	Miner	1.91
Corson	1.82	Minnehaha	1.92
Custer	1.73	Moody	1.92
Davison	1.89	Pennington	1.77
Day	1.91	Perkins	1.79
Deuel	1.93	Potter	1.85
Dewey	1.81	Roberts	1.92
Douglas	1.85	Sanborn	1.89
Edmunds	1.88	Shannon	1.76
Fall River	1.72	Spink	1.90
Faulk	1.88	Stanley	1.84
Grant	1.93	Sully	1.84
Gregory	1.84	Todd	1.80
Haakon	1.80	Tripp	1.82
Hamlin	1.92	Turner	1.91
Hand	1.89	Union	1.90
Hanson	1.90	Walworth	1.85
Harding	1.79	Washabaugh	1.78
Hughes	1.86	Yankton	1.89
Hutchinson	1.87	Ziebach	1.79
Hyde	1.87		

TENNESSEE

Anderson	$1.98	Cheatham	$1.93
Bedford	1.95	Chester	1.91
Benton	1.92	Claiborne	2.00
Bledsoe	1.96	Clay	1.94
Blount	1.99	Cocke	1.99
Bradley	1.98	Coffey	1.95
Campbell	1.98	Crockett	1.90
Cannon	1.94	Cumberland	1.96
Carroll	1.91	Davidson	1.93
Carter	2.01	Decatur	1.92

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
DeKalb	$1.94	Marshall	$1.95
Dickson	1.93	Maury	1.94
Dyer	1.90	Meigs	1.97
Fayette	1.90	Monroe	1.99
Fentress	1.96	Montgomery	1.92
Franklin	1.96	Moore	1.95
Gibson	1.90	Morgan	1.97
Giles	1.95	Obion	1.90
Grainger	1.99	Overton	1.96
Greene	2.00	Perry	1.93
Grundy	1.95	Pickett	1.95
Hamblen	2.00	Polk	1.99
Hamilton	1.97	Putnam	1.95
Hancock	2.01	Rhea	1.97
Hardeman	1.91	Roane	1.97
Hardin	1.92	Robertson	1.92
Hawkins	2.02	Rutherford	1.94
Haywood	1.90	Scott	1.97
Henderson	1.92	Sequatchie	1.96
Henry	1.91	Sevier	1.99
Hickman	1.93	Shelby	1.90
Houston	1.92	Smith	1.94
Humphreys	1.92	Stewart	1.92
Jackson	1.94	Sullivan	2.02
Jefferson	1.99	Sumner	1.92
Johnson	2.01	Tipton	1.90
Knox	1.99	Trousdale	1.93
Lake	1.90	Unicoi	2.00
Lauderdale	1.90	Union	1.99
Lawrence	1.94	Van Buren	1.95
Lewis	1.94	Warren	1.95
Lincoln	1.96	Washington	2.01
Loudon	1.98	Wayne	1.93
McMinn	1.98	Weakley	1.90
McNairy	1.91	White	1.95
Macon	1.93	Williamson	1.94
Madison	1.90	Wilson	1.93
Marion	1.96		

TEXAS

Andrews	$1.82	Dimmit	$1.85
Archer	1.82	Donley	1.83
Armstrong	1.82	Eastland	1.83
Atascosa	1.93	Edwards	1.83
Bailey	1.82	Ellis	1.93
Bandera	1.91	El Paso	1.72
Bastrop	1.96	Erath	1.87
Baylor	1.82	Falls	1.96
Bee	1.91	Fannin	1.86
Bell	1.95	Fisher	1.82
Bexar	1.94	Floyd	1.82
Blanco	1.94	Foard	1.82
Borden	1.82	Gaines	1.82
Bosque	1.93	Galveston	2.12
Bowie	1.86	Garza	1.82
Briscoe	1.82	Gillespie	1.90
Brown	1.91	Glasscock	1.82
Burleson	1.98	Goliad	1.94
Burnet	1.91	Gray	1.82
Caldwell	1.96	Grayson	1.86
Calhoun	1.96	Guadalupe	1.96
Callahan	1.82	Hale	1.82
Carson	1.82	Hall	1.82
Castro	1.82	Hamilton	1.87
Chambers	2.01	Hansford	1.79
Childress	1.82	Hardeman	1.82
Clay	1.84	Harris	2.11
Cochran	1.82	Hartley	1.80
Coke	1.82	Haskell	1.82
Coleman	1.88	Hays	1.96
Collin	1.91	Hemphill	1.80
Collingsworth	1.82	Hill	1.94
Comal	1.96	Hockley	1.82
Comanche	1.85	Hood	1.90
Concho	1.88	Howard	1.82
Cooke	1.86	Hudspeth	1.74
Coryell	1.91	Hunt	1.91
Cottle	1.82	Hutchinson	1.80
Crosby	1.82	Irion	1.80
Culberson	1.74	Jack	1.86
Dallam	1.77	Jackson	1.98
Dallas	1.91	Jeff Davis	1.74
Dawson	1.82	Johnson	1.93
Deaf Smith	1.82	Jones	1.82
Delta	1.89	Karnes	1.91
Denton	1.91	Kaufman	1.92
DeWitt	1.94	Kendall	1.91
Dickens	1.82	Kent	1.82

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Kerr	$1.90	Real	$1.88
Kimble	1.89	Reeves	1.75
King	1.82	Refugio	1.94
Kinney	1.83	Roberts	1.80
Knox	1.82	Robertson	1.96
Lamar	1.86	Rockwall	1.91
Lamb	1.82	Runnels	1.86
Lampasas	1.91	San Saba	1.91
Limestone	1.96	Schleicher	1.80
Lipscomb	1.80	Scurry	1.82
Live Oak	1.91	Shackelford	1.82
Llano	1.91	Sherman	1.77
Loving	1.75	Somervell	1.91
Lubbock	1.82	Stephens	1.82
Lynn	1.82	Sterling	1.80
McCulloch	1.90	Stonewall	1.82
McLennan	1.96	Sutton	1.79
Martin	1.82	Swisher	1.82
Mason	1.91	Tarrant	1.92
Maverick	1.80	Taylor	1.84
Medina	1.93	Terry	1.82
Menard	1.88	Throckmorton	1.83
Midland	1.80	Tom Green	1.82
Milam	1.97	Travis	1.96
Mills	1.91	Uvalde	1.88
Mitchell	1.82	Van Zandt	1.91
Montague	1.86	Victoria	1.96
Moore	1.80	Waller	2.09
Motley	1.82	Ward	1.77
Navarro	1.94	Wharton	2.06
Nolan	1.82	Wheeler	1.82
Ochiltree	1.80	Wichita	1.82
Oldham	1.82	Wilbarger	1.82
Palo Pinto	1.86	Williamson	1.96
Parker	1.89	Wilson	1.91
Parmer	1.82	Wise	1.88
Pecos	1.75	Yoakum	1.82
Potter	1.82	Young	1.86
Presidio	1.73	Zavala	1.84
Randall	1.82		

UTAH

Beaver	$1.69	Plute	$1.49
Box Elder	1.63	Rich	1.54
Cache	1.63	Salt Lake	1.64
Carbon	1.54	San Juan	1.49
Daggett	1.54	San Pete	1.51
Davis	1.64	Sevier	1.49
Duchesne	1.54	Summit	1.63
Emery	1.54	Tooele	1.64
Garfield	1.49	Uintah	1.54
Grand	1.54	Utah	1.64
Iron	1.69	Wasatch	1.54
Juab	1.63	Washington	1.69
Kane	1.49	Wayne	1.49
Millard	1.65	Weber	1.64
Morgan	1.63		

VERMONT

All counties	$1.50

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$2.01	Cumberland	$2.01
Albermarle	2.00	Dickenson	1.98
Alleghany	1.98	Dinwiddie	2.01
Amelia	2.01	Elizabeth City	2.01
Amherst	2.00	Essex	2.01
Appomattox	2.01	Fairfax	2.00
Arlington	2.00	Fauquier	2.00
Augusta	2.00	Floyd	1.99
Bath	1.98	Fluvanna	2.00
Bedford	2.00	Franklin	1.99
Bland	1.98	Frederick	2.00
Botetourt	1.99	Giles	1.98
Brunswick	2.00	Gloucester	2.01
Buchanan	1.98	Goochland	2.01
Buckingham	2.01	Grayson	1.99
Campbell	2.00	Greene	2.00
Caroline	2.01	Greensville	2.00
Carroll	1.99	Halifax	2.00
Charles City	2.01	Hanover	2.01
Charlotte	2.01	Henrico	2.01
Chesterfield	2.01	Henry	1.99
Clarke	2.00	Highland	1.98
Craig	1.98	Isle of Wight	2.00
Culpeper	2.00	James City	2.01

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
King and Queen	$2.01	Prince George	$2.01
King George	2.01	Prince William	2.00
King William	2.01	Princess Anne	2.00
Lancaster	2.01	Anne	2.00
Lee	1.99	Pulaski	1.99
Loudoun	2.00	Rappahannock	2.00
Louisa	2.00	Richmond	2.01
Lunenburg	2.01	Roanoke	1.99
Madison	2.00	Rockbridge	2.00
Mathews	2.01	Rockingham	2.00
Mecklenburg	2.00	Russell	1.99
Middlesex	2.01	Scott	1.99
Montgomery	1.98	Shenandoah	2.00
Nansemond	2.00	Smyth	1.99
Nelson	2.00	Southampton	2.00
New Kent	2.01	Spotsylvania	2.01
Norfolk	2.00	Stafford	2.01
Northampton	2.01	Surry	2.00
Northumberland	2.01	Sussex	2.00
Nottaway	2.01	Tazewell	1.98
Orange	2.00	Warren	2.00
Page	2.00	Warwick	2.01
Patrick	1.99	Washington	1.99
Pittsylvania	2.00	Westmoreland	2.01
Powhatan	2.01	Wise	1.99
Prince Edward	2.01	Wythe	1.99
		York	2.01

WASHINGTON

Adams	$1.79	Lewis	$1.82
Asotin	1.74	Lincoln	1.77
Benton	1.85	Mason	1.76
Chelan	1.82	Okanogan	1.79
Clallam	1.64	Pacific	1.76
Clark	1.88	Pend Oreille	1.64
Columbia	1.79	Pierce	1.88
Cowlitz	1.86	San Juan	1.84
Douglas	1.79	Skagit	1.84
Ferry	1.58	Skamania	1.88
Franklin	1.81	Snohomish	1.85
Garfield	1.78	Spokane	1.74
Grant	1.80	Stevens	1.68
Grays Harbor	1.79	Thurston	1.83
Island	1.84	Wahkiakum	1.86
Jefferson	1.75	Walla Walla	1.81
King	1.88	Whatcom	1.81
Kitsap	1.75	Whitman	1.75
Kittitas	1.87	Yakima	1.83
Klickitat	1.87		

WEST VIRGINIA

Barbour	$1.95	Mineral	$1.97
Berkeley	1.99	Mingo	1.94
Boone	1.94	Monongalia	1.93
Braxton	1.94	Monroe	1.97
Brooke	1.92	Morgan	1.98
Cabell	1.92	Nicholas	1.96
Calhoun	1.93	Ohio	1.92
Clay	1.94	Pendleton	1.98
Doddridge	1.92	Pleasants	1.91
Fayette	1.96	Pocahontas	1.98
Gilmer	1.93	Preston	1.95
Grant	1.97	Putnam	1.92
Greenbrier	1.98	Raleigh	1.95
Hampshire	1.98	Randolph	1.97
Hancock	1.92	Ritchie	1.92
Hardy	1.98	Roane	1.92
Harrison	1.94	Summers	1.98
Jackson	1.91	Taylor	1.95
Jefferson	2.00	Tucker	1.97
Kanawha	1.93	Tyler	1.91
Lewis	1.94	Upshur	1.95
Lincoln	1.93	Wayne	1.93
Logan	1.94	Webster	1.96
McDowell	1.96	Wetzel	1.92
Marion	1.93	Wirt	1.92
Marshall	1.92	Wood	1.91
Mason	1.92	Wyoming	1.95
Mercer	1.97		

WISCONSIN

Adams	$1.90	Brown	$1.85
Ashland	1.95	Buffalo	1.96
Barron	1.96	Burnett	1.99
Bayfield	1.96	Calumet	1.86

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Chippewa	$1.95	Monroe	$1.92
Clark	1.92	Oconto	1.83
Columbia	1.88	Oneida	1.87
Crawford	1.92	Outagamie	1.85
Dane	1.88	Ozaukee	1.88
Dodge	1.87	Pepin	1.98
Door	1.81	Pierce	1.99
Douglas	2.00	Polk	1.99
Dunn	1.97	Portage	1.90
Eau Claire	1.96	Price	1.93
Florence	1.86	Racine	1.94
Fond du Lac	1.87	Richland	1.87
Forest	1.90	Rock	1.89
Grant	1.86	Rusk	1.95
Green	1.88	Saint Croix	1.99
Green Lake	1.85	Sauk	1.88
Iowa	1.84	Sawyer	1.96
Iron	1.93	Shawano	1.87
Jackson	1.94	Sheboygan	1.87
Jefferson	1.89	Taylor	1.93
Juneau	1.91	Trempealeau	1.95
Kenosha	1.94	Vernon	1.92
Kewaunee	1.82	Vilas	1.87
La Crosse	1.93	Walworth	1.90
Lafayette	1.85	Washburn	1.97
Langlade	1.87	Washington	1.88
Lincoln	1.87	Waukesha	1.89
Manitowoc	1.86	Waupaca	1.88
Marathon	1.92	Waushara	1.88
Marinette	1.84	Winnebago	1.86
Marquette	1.89	Wood	1.92
Milwaukee	1.94		

WYOMING

Albany	$1.67	Natrona	$1.59
Big Horn	1.56	Niobrara	1.69
Campbell	1.64	Park	1.56
Carbon	1.61	Platte	1.73
Converse	1.65	Sheridan	1.62
Crook	1.66	Sublette	1.54
Fremont	1.56	Sweetwater	1.54
Goshen	1.73	Teton	1.60
Hot Springs	1.56	Uinta	1.54
Johnson	1.62	Washakie	1.56
Laramie	1.73	Weston	1.68
Lincoln	1.54		

(c) *Premiums and discounts for classification, grade, variety and protein content.* (1) Classification premiums and discounts:

	Cents per bushel
(I) Premiums:	
Hard Amber Durum [1]	+10
Amber Durum [1]	+5
(II) Discounts:	
Yellow Hard Winter	−2
Red Durum	−20
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheat of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

(2) Grade premium and discount:

	Cents per bushel
(I) Premium:	
No. 1 Heavy (Hard Red Spring)	+1

	Cents per bushel
(11) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum [2 3]	−6

[2] These discounts are in addition to any other applicable numerical grade discount.

[3] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see (1)(ii) of this paragraph.

	Cents per bushel
(11) Discounts—Continued	
Smut—Degree Basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage Basis:	
One-half of 1 percent	−1
1 percent or over	−3
Garlic—Degree Basis:	
Light Garlicky	−6
Garlicky	−15
(3) Variety discount	−20

The following varieties listed by class will be subject to discount. This discount is in addition to any other applicable discount:

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Blue Jacket.	Gasser.	Golden-Ball.	Fifty-Fold.	Kanqueen.
Chiefkan.	Henry.[1]	Pelliss.	Florence.	Kawvale.
Cimarron.	Kinney.	Pentad.	Greeson.	Nured.
Early Blackhull.	Premier.		Rex.	Seabreeze.
Kanking.	Progress.		Sonora.	
Kharkof MC 22.	Russell.[2]			
New Chief.	Spinkcota.			
Pawnee Sel. 33.	Sturgeon.			
Purkof.				
Red Chief.				
Red Hull.				
Red Jacket.				
Stafford.				

[1] Except in Wisconsin and Washington.
[2] Except in Wisconsin.

NOTE: CCC Grain Form 32, "Wheat Varieties Certification" must be signed by the producer to determine whether or not a variety discount is applicable.

(4) Protein premiums.[1]

Protein content (percent)	Hard Red Winter	Hard Red Spring	Hard White Wheat of the varieties Baart and Bluestem
	Cents per bushel	Cents per bushel	Cents per bushel
10.0–10.9	0	0	1
11.0–11.9	0	1	2
12.0–12.9	1	2	3
13.0–13.9	2	3	4
14.0–14.4	3	4	5
14.5–14.9	4	5	6
15.0–15.4	5	6	7
15.5–15.9	6	7	8
16.0–16.4	7	8	9
16.5–16.9	8	10	11
17.0–17.4	9	12	13
Over 17.4	(*)	(*)	(*)

*2 cents for each ½ percent of protein over 17.4 percent.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 29th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6398; Filed, Aug. 3, 1959; 8:48 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Soybean Loan and Purchase Agreement Program

Correction

In F.R. Doc. 59-6107, appearing at page 5959 of the issue for Saturday, July 25, 1959, the following changes should be made:

Under Minnesota, the rate per bushel for Mille Lacs County should read "$1.76" and the rate for Morrison County should read "$1.75."

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Cauliflower for Processing [1]

On May 28, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 4306) regarding a proposed issuance of United States Standards for Cauliflower for Processing.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Cauliflower for Processing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADE

Sec.
51.3220 U.S. No. 1.

CULLS

51.3221 Culls.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

BASIS OF GRADING CAULIFLOWER

Sec.
51.3222 Basis of grading cauliflower.

APPLICATION OF STANDARDS

51.3223 Application of standards.

DEFINITIONS

51.3224 Fresh.
51.3225 Compact.
51.3226 Characteristic color.
51.3227 Cull material.
51.3228 Damage.
51.3229 Diameter.
51.3230 Segment.

AUTHORITY: §§ 51.3220 to 51.3230 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADE

§ 51.3220 U.S. No. 1.

"U.S. No. 1" consists of cauliflower which is fresh, compact, which has good characteristic color and is free from jacket leaves, stalks and other cull material, soft or wet decay, and free from damage caused by discoloration, bruising, riciness, fuzziness, enlarged bracts, dirt or other foreign material, mildew or other disease, insects, freezing, hail or mechanical or other means.

(a) Unless otherwise specified, each head shall be not less than 4 inches in diameter.

CULLS

§ 51.3221 Culls.

"Culls" consist of cauliflower which fails to meet the requirements of the foregoing grade, other than for size.

BASIS OF GRADING CAULIFLOWER

§ 51.3222 Basis of grading cauliflower.

In grading cauliflower the head is cored and quartered. The defective segments are then removed from the head and classed as culls. (See § 51.3230.)

APPLICATION OF STANDARDS

§ 51.3223 Application of standards.

In the application of this grade to determine the percentage of the lot which meets the requirements of U.S. No. 1 grade, tolerances shall not apply. When a lot is required to meet U.S. No. 1 grade, the following tolerances, by weight, shall apply:

(a) *Tolerances for defects.* 10 percent for cauliflower which fails to meet the requirements of the grade, other than for size: *Provided,* That not more than one-fifth of this amount, or 2 percent, shall be allowed for cauliflower affected by soft or wet decay; and,

(b) *Tolerance for size.* Not more than 5 percent of any lot shall be allowed for heads failing to meet the specified minimum size.

DEFINITIONS

§ 51.3224 Fresh.

"Fresh" means that the head is not more than slightly wilted.

§ 51.3225 Compact.

"Compact" means that the flower clusters of the head or segments of the head are tightly united.

§ 51.3226 Characteristic color.

"Characteristic color" means that the head or segments of the head are white or creamy white.

§ 51.3227 Cull material.

"Cull material" means jacket leaves and stems removed in the proper trimming of the heads and any loose leaves or foreign material.

§ 51.3228 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the processing quality of the cauliflower. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when the cauliflower is of some abnormal color which will not change to a white or light cream color in the ordinary process of blanching;

(b) Riciness when individual bud branches have become slightly elongated and flower clusters have lost compactness to the extent that a granular or abnormally rough surface is apparent;

(c) Enlarged leaf bracts (modified ingrown leaves) when a segment has:

(1) More than 3 light green leaf bracts extending over the shoulder of the segment;

(2) One light green leaf bract extending more than half way across the segment; or,

(3) Any leaf bract darker in color than light green; and,

(d) Insects when there is more than slight infestation or when the cauliflower is blemished by feeding or other means to the extent that the appearance or processing quality is materially affected.

§ 51.3229 Diameter.

"Diameter" means the greatest dimension of the head measured at right angles to a line running from the crown to the base of the head, exclusive of the jacket leaves.

§ 51.3230 Segment.

"Segment" means one of the principal divisions of the head, consisting of a primary branch of the stem, including secondary branches and flower buds.

The United States Standards for Cauliflower for Processing contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 30, 1959.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-6371; Filed, Aug. 3, 1959; 8:45 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Concentrate for Lemonade [1]

AMENDMENT

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627) the United States Standards for Grades of Concentrate for Lemonade (§§ 52.1421–52.1432) are hereby amended as follows:

Delete all of § 52.1421, Product description, and substitute therefor the following:

§ 52.1421 Product description.

Frozen concentrate for lemonade is the product prepared from lemon juice and one or more nutritive sweetening ingredients. It may contain added lemon oil or concentrated lemon oil (or their extracts or emulsions) and may or may not contain water in sufficient quantities to standardize the product. The product contains not less than 48.0 percent by weight of soluble solids taken as the sucrose value determined by refractometer and corrected for acidity as given in "Refractometric Determination of Soluble Solids in Citrus Juices," by Stevens and Baier, Industrial and Engineering Chemistry, Analytical Edition, Volume 11, page 447 (1939). The lemon juice is produced from fresh, sound, ripe, and thoroughly cleansed fruit of one or more of the high acid varieties of the species Citrus limon (limonia). Such juice may be fresh or frozen or fresh concentrated or frozen concentrated. The concentrate for lemonade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product. If properly labeled any color materials permissible under the provisions of the Federal Food, Drug, and Cosmetic Act may be added.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of this amendment for 30 days, or any lesser period, after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) are unnecessary and contrary to the public interest in that: (1) The amendment will operate to bring the grade standards for concentrate for lemonade into conformity with current manufacturing practices; (2) changes made were based on data developed in cooperation with the producing industry and on industry comments, and found to be in the best interest of the industry as well as the consumer; (3) the industry has been apprised of the change and compliance therewith will not require any special preparation.

Dated: July 30, 1959, to become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-6397; Filed, Aug. 3, 1959; 8:48 a.m.]

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially lemon juice sweetened for lemonade but is marketed under the name "Frozen Concentrate for Lemonade."

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1960–61 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1960 CROP

Correction

In F.R. Doc. 59-5574, appearing at page 5437 of the issue for Tuesday, July 7, 1959, the following change should be made:

On page 5445, the "County reserve for appeals and corrections" figure for Bartholomew County, Indiana, should read "212".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 802, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.909 (Lemon Regulation 802, 24 F.R. 5964) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 30, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6396; Filed, Aug. 3, 1959; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

Paragraph (a) of § 212.1 *Documentary requirements for nonimmigrants* is amended to read as follows:

(a) *Canadian nationals and British subjects.* A visa is not required of a Canadian national or British subject who has his residence in Canada or Bermuda, and a passport is not required of such a national or subject after a visit solely in the Western Hemisphere. A visa and a passport are required of a British subject who has his residence in the Bahamas except that a visa is not required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A visa is not required of a British subject who has his residence in, and arrives directly from, the Cayman Islands, and who presents a certificate from the clerk of court of the Cayman Islands stating what, if anything, its records show with respect to his political associations or affiliations.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on August 1, 1959. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making is unnecessary in this instance because the rule prescribed by the order confers benefits upon persons affected thereby.

Dated: July 31, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-6462; Filed, Aug. 3, 1959; 10:33 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 80; Amdt. 40-17]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Extension of Compliance Date for Oxygen System Requirements for Turbine-Powered Airplanes

Currently effective §§ 40.202–T(a), 40.203–T(a), and 40.204(b) provide that on and after July 31, 1959, turbine-powered airplanes shall comply with requirements therein with respect to supplemental oxygen for sustenance, supplemental oxygen for emergency descent and first aid, and oxygen equipment standards.

These regulations, which were adopted on August 27, 1958, were not made mandatory until July 31, 1959, in recognition of the fact that currently operating turbine-powered airplanes were not type certificated in accordance with these provisions and operators would need reasonable time to arrange for appropriate design changes and procurement and installation of the required equipment.

The Administrator has been advised that, despite diligent efforts by air carriers operators and the manufacturer involved, compliance by July 31, 1959, is not possible, due primarily to the time required for system evaluation and late delivery of necessary parts. It now appears that an additional four months will be required to show full compliance with the requirements.

The selection of the July 31, 1959, date for compliance was predicated on the belief that this afforded sufficient time to make the necessary changes. It is recognized, however, that difficulties have been encountered by the air carriers in accomplishing an orderly procurement and installation program without serious disruption of scheduled service and that a period of relief may be granted without affecting safety adversely in air carrier operations by extending the compliance date to November 30, 1959. As before the currently effective oxygen system requirements will apply, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use; or, alternatively, with the provisions of this section except that effective November 30, 1959, all such turbine-powered airplanes shall comply with the provisions of this section."

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on July 29, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-6412; Filed, Aug. 3, 1959; 8:50 a.m.]

[Regulatory Docket No. 81; Amdt. 41-25]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Extension of Compliance Date for Oxygen System Requirements for Turbine-Powered Airplanes

Currently effective §§ 41.24–T(a), 41.24 a–T(a), and 41.24b(b) provide that on and after July 31, 1959, turbine-powered airplanes shall comply with requirements therein with respect to supplemental oxygen for sustenance, supplemental oxygen for emergency descent and first aid, and oxygen equipment standards.

These regulations, which were adopted on August 27, 1958, were not made mandatory until July 31, 1959, in recognition of the fact that currently operating turbine-powered airplanes were not type certificated in accordance with these provisions and operators would need reasonable time to arrange for appropriate design changes and procurement and installation of the required equipment.

The Administrator has been advised that, despite diligent efforts by air carrier operators and the manufacturer involved, compliance by July 31, 1959, is not possible, due primarily to the time required for system evaluation and late delivery of necessary parts. It now appears that an additional four months will be required to show full compliance with the requirements.

The selection of the July 31, 1959, date for compliance was predicated on the belief that this afforded sufficient time to make the necessary changes. It is recognized, however, that difficulties have been encountered by the air carriers in accomplishing an orderly procurement and installation program without serious disruption of scheduled service and that a period of relief may be granted without affecting safety adversely in air carrier operations by extending the compliance date to November 30, 1959. As before, the currently effective oxygen system requirements will apply, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use.

Since this amendment grants relief by extending the date for compliance with a requirement of the Civil Air Regulations, and delay in extending such relief would impose an undue hardship, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted and that this amendment may be made effective immediately.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is amended as follows, effective July 29, 1959.

1. By amending §§ 41.24–T(a) and 41.24b(b) by deleting the date "July 31, 1959," wherever it appears in these sections and inserting in lieu thereof the date "November 30, 1959".

2. By amending § 41.24a–T(a) by deleting the first sentence and inserting in lieu thereof the following: "Prior to November 30, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of § 41.24a, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use; or, alternatively, with the provisions of this section except that effective November 30, 1959, all such turbine-powered airplanes shall comply with the provisions of this section."

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on July 29, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-6413; Filed, Aug. 3, 1959; 8:50 a.m.]

[Regulatory Docket No. 82; Amdt. 4219]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Extension of Compliance Date for Oxygen System Requirements for Turbine-Powered Airplanes

Currently effective §§ 42.26–T(a), 42.27–T(a), and 42.28(b) provide that on and after July 31, 1959, turbine-powered airplanes shall comply with requirements therein with respect to supplemental oxygen for sustenance, supplemental oxygen for emergency descent and first aid, and oxygen equipment standards.

These regulations, which were adopted on August 27, 1958, were not made mandatory until July 31, 1959, in recognition of the fact that currently operating turbine-powered airplanes were not type certificated in accordance with these provisions and operators would need reasonable time to arrange for appropriate design changes and procurement and installation of the required equipment.

The Administrator has been advised that, despite diligent efforts by air carrier operators and the manufacturer involved, compliance by July 31, 1959, is not possible, due primarily to the time required for system evaluation and late delivery of necessary parts. It now appears that an additional four months will be required to show compliance with the requirements.

The selection of the July 31, 1959, date for compliance was predicated on the belief that this afforded sufficient time to make the necessary changes. It is recognized, however, that difficulties have been encountered by the air carriers in accomplishing an orderly procurement and installation program without serious disruption of scheduled service and that a period of relief may be granted without affecting safety adversely in air carrier operations by extending the compliance date to November 30, 1959. As before, the currently effective oxygen system requirements will apply, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use.

Since this amendment grants relief by extending the date for compliance with a requirement of the Civil Air Regulations, and delay in extending such relief would impose an undue hardship, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted and that this amendment may be made effective immediately.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is amended as follows, effective July 29, 1959.

1. By amending §§ 42.26–T(a) and 42.28(b) by deleting the date "July 31, 1959" wherever it appears in these sections and inserting in lieu thereof the date "November 30, 1959".

2. By amending § 41.27–T(a) by deleting the first sentence and inserting in lieu thereof the following: "Prior to November 30, 1959, turbine-powered airplanes with pressurized cabins shall comply with the provisions of § 42.27, with the additional requirement that, when operating at flight altitudes above 25,000 feet, all flight crew members on flight deck shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be immediately available for use; or, alternatively, with the provisions of this section except that effective November 30, 1959, all such turbine-powered airplanes shall comply with the provisions of this section."

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on July 29, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-6414; Filed, Aug. 3, 1959; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7405 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Continental Sales & Sewing Machine Co. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Exaggerated as regular and customary; Fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6. 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sam Schneider et al. trading as Continental Sales & Sewing Machine Company, Brooklyn, N.Y., Docket 7405, July 9, 1959]

In the Matter of Sam Schneider and Dorothy Schneider, Individually and as Co-Partners, Trading and Doing Business as Continental Sales & Sewing Machine Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Brooklyn, N.Y.,

distributors of vacuum cleaners and sewing machines with representing fictitious and excessive amounts as regular retail prices in advertising and in instruction booklets, and with advertising their products falsely as covered by "Lifetime Service Insurance Policy", "Twenty-Five Year Guarantee Bond", etc.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Sam Schneider and Dorothy Schneider, individually and as co-partners, trading and doing business as Continental Sales & Sewing Machine Company, or trading and doing business under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connetcion with the offering for sale, sale or distribution of vacuum cleaners, sewing machines or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any price is the usual and regular retail price of merchandise when it is in excess of the price at which said merchandise is usually and regularly sold at retail in the normal course of business;

(b) That any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

(c) That any product is guaranteed when a service charge is made in connection therewith unless such fact and the amount of such charge is clearly set forth;

(d) That any merchandise sold or offered for sale is covered by any kind of a service insurance policy or bond.

2. Placing in the hands of others, means or instrumentalities which may be used to misrepresent the regular and usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-6376; Filed, Aug. 3, 1959; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 102—INSTRUCTIONS RELATING TO REPORTS OF CURRENCY TRANSACTIONS

Part 102, Chapter I, Subtitle B, Title 31, of the Code of Federal Regulations of the United States, is hereby revised to read as follows:

Sec.
102.1 Reports of currency transactions required.
102.2 Filing of reports.
102.3 Identification required.
102.4 Definitions.

AUTHORITY: §§ 102.1 to 102.4 issued under R.S. 251, sec. 5(b), 40 Stat. 415, as amended; 31 U.S.C. 427, 12 U.S.C. 95a and note, E.O. 8389, as amended by E.O.s 8405, 8446, 8484, 8493, 8565, 8701, 8711, 8721, 8746, 8785, 8832, 8963, 8998, 9760, 3 CFR, 1943 Cum. Supp., 3 CFR 1943-1948 Comp., E.O. 9193, as amended by E.O.s 9567, 9788, 3 CFR, 1943 Cum. Supp., 3 CFR, 1943-1948 Comp.

§ 102.1 Reports of currency transactions required.

Commencing with transactions occurring in the month of August 1959, every financial institution in the United States shall file monthly reports on Form TCR-1 concerning each deposit or withdrawal, or other payment or transfer, effected by, through, or to such financial institution, which involves transactions in United States currency as follows:

(a) Transactions involving $2,500 or more of United States currency in denominations of $100 or higher;

(b) Transactions involving $10,000 or more of United States currency in any denominations, and

(c) Transactions involving any amount in any denominations, which in the judgment of the financial institution exceed those commensurate with the customary conduct of the business, industry or profession of the person or organization concerned.

§ 102.2 Filing of reports.

Reports on Form TCR-1 shall be filed on or before the 15th day of the month following that in which the reported transactions occur, with the Federal Reserve Bank of the district in which the reporting financial institution is located. All information called for in such form shall be furnished. A supply of Form TCR-1 may be obtained upon request directed to any Federal Reserve Bank.

§ 102.3 Identification required.

No financial institution shall effect any transaction with respect to which a report is required unless the person or organizations with whom such transaction is to be effected has been satisfactorily identified.

§ 102.4 Definitions.

As used in this part "payment or transfer" shall include exchange of currency; and "financial institutions" shall mean banks, trust companies, savings banks, private bankers, investment bankers, building and loan associations, securities and commodities brokers, and currency exchanges and other persons or organizations engaged primarily in cashing checks and exchanging currency.

Dated: August 3, 1959.

[SEAL] ROBERT B. ANDERSON, *Secretary of the Treasury.*

[F.R. Doc. 59-6392; Filed, Aug. 3, 1959; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PAR 20—SPECIAL REGULATIONS

Mount Rainier National Park

By notice of proposed rule making published in the FEDERAL REGISTER on May 29, 1959 (24 F.R. 4342), interested persons were invited by the Superintendent of Mount Rainier National Park, Washington, to submit written comments, suggestions, or objections on the proposed amendment to special regulations for said Park. Such written comments, suggestions, or objections were required to be filed with the Superintendent of Mount Rainier National Park, Longmire, Washington, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following amendment to become effective upon publication in the FEDERAL REGISTER, is adopted:

Paragraph (b) of § 20.5 *Mount Rainier National Park,* is amended to read as follows:

(b) *Fishing.* (1) The fishing season in streams shall conform to that of the State of Washington, and in lakes shall be from July 4 to September 30, inclusive, with the following exceptions and restrictions:

(i) Fishing is permitted only between the hours of 4 a.m. and 9 p.m.

(2) The following waters are closed to fishing:

(i) Tipsoo Lake.

(ii) Shadow Lake.

(iii) Klickitat Creek above the White River Entrance water supply intake.

(iv) Laughing Water Creek above the Ohanapecosh water supply intake.

(v) Panther Creek above the East Side Road.

(vi) Frozen Lake.

(vii) Ipsut Creek above the Ipsut Creek campground water supply intake.

(3) (i) The limit of catch per person per day in streams and lakes shall be 10 pounds and 1 fish, with a maximum of 10 fish.

(ii) Possession of more than 1 day's catch by any person at any time is prohibited.

(4) (i) The Ohanapecosh River and its tributaries are closed to all fishing except fly fishing. The use of bait and other lures is prohibited.

(ii) The cleaning of fish in lakes or streams is prohibited.

(iii) The placing or depositing of fish eggs, fish roe, food, or other substances in any waters for the purpose of attracting, collecting, or feeding fish is prohibited.

(iv) Fishing with any line, gear, or tackle having more than two spinners, spoons, blades, flashers, or like attractions, and with more than one transparent or black rudder and more than three hooks attached to such line, gear, or tackle is prohibited.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

Issued this 20th day of June 1959.

PRESTON P. MACY, *Superintendent, Mount Rainier National Park.*

[F.R. Doc. 59-6381; Filed, Aug. 3, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1929]

[Oregon 06495]

OREGON

Revoking the Executive Order of December 30, 1895, Which Reserved Lands for the Coquille River Light Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of October 30, 1895, which withdrew the following-described lands for lighthouse purposes in connection with the Coquille River light station is hereby revoked:

WILLAMETTE MERIDIAN

T. 28 S., R. 15 W.,
Sec. 24, lots 3 and 4.

The areas total 39.90 acres.

2. Beginning at 10:00 a.m. on September 3, 1959, the lands shall be open to application, petition, location, and selection under applicable nonmineral public land laws, subject to valid existing rights, the requirements of applicable law, the six-months' preference right of application for selection granted to the State of Oregon by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the 91-day preference right filing period for veterans of World War II, the Korean conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended.

3. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on December 3, 1959.

4. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 29, 1959.

[F.R. Doc. 59-6377; Filed, Aug. 3, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12747]

PART 10—PUBLIC SAFETY RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Part 10 of the Commission's rules so as to remove certain restrictions relating to the authorization of mobile relay stations and related matters; Docket No. 12747.

The Commission's Report and Order (FCC 59-717), in the above-entitled proceeding, adopted July 15, 1959, and published in the FEDERAL REGISTER of July 22, 1959 (24 F.R. 5837) is corrected by changing instructions 9 and 10 of the Appendix to read as follows:

1. Section 10.554 is amended to read as follows:

§ 10.554 Station limitations.

(a) Mobile relay stations in the Local Government Radio Service will be authorized only on frequencies above 150 Mc which are, pursuant to the provisions of § 10.555(f), available for base or mobile stations. Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall be so designed and installed that:

(1) Normally it will be activated only by means of the coded signal or signals or such other means as will effectively prevent its activation by undesired signals;

(2) It will be deactivated automatically when its associated receivers are not receiving the signal on the frequency or frequencies which normally activate it; and

(3) It will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time delay or clock device which will deactivate the station not more than three minutes after its activation.

(b) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such control station is subject to the condition that harmful interference not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

2. Section 10.555(e) is amended to read as follows:

§ 10.555 Frequencies available to the local government radio service.

* * * * * *

(e) Control and repeater stations, except as provided for by § 10.554(b), in the Local Government Radio Service will be authorized only on frequencies allocated to operational fixed stations.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6400; Filed, Aug. 3, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 198—TRANSPORTATION OF MIGRANT WORKERS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of July A.D. 1959.

The matter of inspection and maintenance of motor vehicles used in the transportation of migrant workers under Part 198 of the Motor Carrier Safety Regulations prescribed by order dated June 17, 1957, being under consideration; and

It appearing, that a Notice of Proposed Rule Making was issued March 10, 1959, (24 F.R. 1911); in accordance with section 4(a) of the Administrative Procedure Act in which interested persons were invited to present written statements containing data, views, or arguments on the proposal therein to amend Part 198, entitled Transportation of Migrant Workers, of the Motor Carrier Safety Regulations adopted June 17, 1957 (49 CFR Part 198), and that certain representations have been received in response thereto; and

It further appearing, that after full investigation of the matters and things, within the scope of our Notice of March 10, 1959, and after full consideration of all the data, views, and arguments received from interested persons with respect thereto, that the said regulations should be amended as proposed;

It is ordered, That Part 198 of the said safety regulations be, and it is hereby, amended by adding thereto the following section:

§ 198.8 Motor vehicles declared "out of service".

No motor carrier shall permit or require a driver to drive nor shall any

driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown and which motor vehicle, because of such condition, has been declared and marked "out of service" with the prescribed sticker by a specifically authorized employee of this Commission. Such motor vehicle shall not be operated until the repairs required by the "out of service notice" on Form BMC 63[1] have been satisfactorily completed and the "out of service" sticker removed. No person shall remove the "out of service" sticker from such motor vehicle prior to the completion of the required repairs. When the repairs have been made, the carrier shall so certify to the Commission on Form BMC 63, in accordance with the terms prescribed thereon.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That § 198.8 shall be effective September 1, 1959;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6384; Filed, Aug. 3, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 105—ALASKA PENINSULA AREA

Curtailment of Fishing

JULY 31, 1959.

Basis and purpose. The red salmon escapement through the Bear River weir in the Alaska Peninsula area continues to be extremely light, necessitating further curtailment in fishing time by one week in the Bear River section, in order to secure additional escapement.

Therefore § 105.5, as amended in (b), (3), (i) July 22, 1959, 24 F.R. 5933, is further amended by deleting "and from 6 a.m. August 3 to 12 noon September 30, 1959." and substituting in lieu thereof "and from 6 a.m. August 10 to 12 noon September 30, 1959."

Since immediate action is necessary in order to implement the above change, notice and public procedure on this amendment are not in the public interest and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

A. W. ANDERSON, *Acting Director, Bureau of Commercial Fisheries.*

[F.R. Doc. 59-6461; Filed, July 31, 1959; 4:53 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 194]

POTASSIUM PERMITS AND LEASES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 1 to 7 of the Act of February 7, 1927, as amended (30 U.S.C. 281–287), it is proposed to amend 43 CFR 194.3, 194.8, 194.10, and 194.17(a)(2) as hereinafter set forth.

The principal purpose of amending the regulations is to liberalize the potassium acreage limitation applicable to Federal lands and provide for an annual rental of 25 cents an acre or fraction thereof for lands under prospecting permits.

The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments and suggestions with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

ELMER F. BENNETT, *Acting Secretary of the Interior.*

JULY 29, 1959.

[1] Filed as part of the original document.

1. Section 194.3 is amended to read as follows:

§ 194.3 Area and limitation on holdings.

(a) Except where the rule of approximation applies, a lease or permit may not include over 2,560 acres in reasonably compact form entirely within an area of six miles square or an area of six surveyed sections in length or width. No person, association, or corporation may hold, either directly or indirectly, permits for an area that exceeds in the aggregate 51,200 acres; and, except as hereinafter provided, leases for an area that exceeds in the aggregate 25,600 acres in one or more mining units.

(b) Any person, association, or corporation holding acreage approximating 25,600 acres of Federal land, upon a showing that the leased deposits extend into adjoining or adjacent Federal lands and that the lands containing such reserves are a necessary and normal part of a mining unit may file an application with the Manager to have such adjoining or adjacent Federal land (including lands under lease, permit lands subject to lease, or unleased lands) designated a fringe-acreage that will not be chargeable under paragraph (a) of this section to leasehold acreage holdings of the applicant. Such an application must be accompanied by a filing fee of $10 which is not returnable. If the Manager shall determine, after consultation with the Mining Supervisor, that the application meets the above requirements and that such designation will result in conservation of natural resources and will provide for economical and efficient recovery as a part of the mining unit, he may designate specific tracts by legal subdivisions not to exceed 2,560 acres in all as nonchargeable to the applicant under paragraph (a) of this section. The intent of this provision is that fringe area deposits not to exceed 2,560 acres may be held without acreage charge upon acquisition of mining rights therein by the applicant. A designation of fringe-acreage under this section shall not constitute a determination that the deposits therein shall be mined only by the applicant.

Paragraph (c) is revoked.

2. Section 194.8 is amended to read as follows:

§ 194.8 Application for permit.

(a) An application for a permit must be filed in duplicate in the appropriate land office. The application must be accompanied by a filing fee of $10 which is not returnable, and by full payment of the first year's rental in the amount specified in paragraph (b) of this section. No specific form of application is required, but the application should include the information and evidence called for in §§ 194.4 and 194.17(a) (1) and (2).

(b) *Permit rental.* A permittee shall pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payments of rental shall be made on or before the anniversary date of the permit.

3. Section 194.10 is amended to read as follows:

§ 194.10 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000, with approved corporate surety (Form 4–1130), or his personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond.

4. Paragraph (a)(2) of § 194.17 is amended to read as follows:

§ 194.17 Application for lease.

* * * * * * *

(a) * * *

(2) A complete and accurate description of the lands for which the lease is desired. If the lands have been surveyed under the public land rectangular system, each application must describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the U.S. Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys.

[F.R. Doc. 59-6378; Filed, Aug. 3, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses of the Prune Administrative Committee for the 1959–60 Crop Year and a Rate of Assessment for Such Crop Year

Notice is hereby given that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), there are under consideration proposed expenses of the Prune Administrative Committee, established under the order, for the 1959–60 crop year and a rate of assessment for that year, as unanimously recommended by the committee and hereinafter set forth.

Consideration will be given to any data, views, or arguments pertaining to the proposals which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the seventh day after publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 993.310 Expenses of the Prune Administrative Committee and rate of assessment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $86,800 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1959, and ending July 31, 1960, for its maintenance and functioning.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50(e) of Marketing Agreement No. 110, as amended, and Order No. 93, as amended, as such handler's pro rata share of the aforesaid expenses an assessment of 56 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1959, and ending July 31, 1960; and such rate of assessment is hereby fixed for such crop year.

Dated: July 29, 1959.

S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F.R. Doc. 59-6372, Filed, Aug. 3, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket Nos. 855, 856]

FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS; CONSULAR FEE DISCRIMINATION BY REPUBLIC OF ECUADOR; EQUALIZATION FEE

Extension of Time in Which To File Comments and Request Hearings

Notices of proposed rule making with respect to the above matters appeared in the FEDERAL REGISTER issue of July 3, 1959 (24 F.R. 5422), as to which interested persons were given thirty (30) days for filing comments and for requesting hearings.

Notice is hereby given that the time in which interested persons may file comments and request hearings is hereby extended to August 21, 1959.

Dated: August 3, 1959.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-6436; Filed, Aug. 3, 1959; 10:01 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BONNERS FERRY SALES YARD ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Bonners Ferry Sales Yard, Bonners Ferry, Idaho.
Coeur d' Alene Livestock Commission Yards, Coeur d' Alene, Idaho.
Sandpoint Livestock Auction Co., Sandpoint, Idaho.
Baker Livestock Exchange, Baker, Oreg.
Brahs Auction Market, Corvallis, Oreg.
Coos Curry Livestock Auction, Bandon, Oreg.
Forest Grove Auction Yard, Forest Grove, Oreg.
Hermiston Livestock Commission Co., Hermiston, Oreg.
Klamath Cattle Sales, Inc., Klamath Falls, Oreg.
Klamath Stockmen's Commission Co., Inc., Klamath Falls, Oreg.
Lynn Walters Auction City, Clackamas, Oreg.
Madras Livestock Auction Market, Madras, Oreg.
Midway Auction Co., Medford, Oreg.
Redmond Auction Yard, Inc., Redmond, Oreg.
Schricker & Son Livestock Auction, Sutherlin, Oreg.
Union Livestock Commission Co., Nyssa, Oreg.
Columbia Sales Barn, Vancouver, Wash.
Colville Auction, Colville, Wash.
Davenport Livestock Auction Co., Davenport, Wash.
Deer Park Livestock Auction Co., Deer Park, Wash.
Grange Commission & Livestock Co., Auburn, Wash.
Grange Interstate Livestock Association, Moses Lake, Wash.
Northwest Auction Sales, Inc., Burlington, Wash.
Okanogan Livestock Market, Inc., Okanogan, Wash.
Pasco Central Stockyards, Inc., Pasco, Wash.
Prosser Sales Yard Corp., Prosser, Wash.
Snohomish Auction Market, Snohomish, Wash.
Sunnyside Market Sale, Sunnyside, Wash.
Toppenish Sales Yard, Inc., Toppenish, Wash.
Twin City Sale, Centralia, Wash.
Wards Community Sale Yard, Wapato, Wash.
Wink-Goldendale Sale Yard, Inc., Goldendale, Wash.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C.

181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of July 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-6373; Filed, Aug. 3, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

JULY 28, 1959.

1. Notice is given that the plat of original survey of the following described land, accepted January 21, 1959, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a.m. on August 17, 1959:

SEWARD MERIDIAN

Township 16 North, Range 1 East, Section 15, Section 16, Section 21, Section 22.
Containing 1,992.34 acres.

2. The lands involved are included in the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, made by Secretarial Order dated October 30, 1936, pursuant to the Act of May 1, 1936 (48 U.S.C. 358a) for the use and benefit of natives for Industrial School purposes.

3. Anyone having a settlement claim or other right to any of these lands, initiated prior to the date of withdrawal, should assert the same within three months from the date on which the plat is officially filed by filing an application under the appropriate public land law, setting forth all facts relative thereto.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 59-6379; Filed, Aug. 3, 1959; 8:46 a.m.]

[Classification 34]

[B-26344]

COLORADO

Small Tract Classification

1. Pursuant to authority delegated to me by the State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), I hereby classify the following described public lands, totalling 732.54 acres in Boulder County, Colorado, as suitable for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 71 W.,
Sec. 17, Lots 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 87, 88, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106.
Containing 117.82 acres.
Sec. 18, Lots 1, 7, 13, 14, 15, 21, 22, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 47, 49, 52, 54, 56, 59, 61, 62, 65, 66, 68, 69, 70, 71, 72, 77, 78, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 98, 100, 102, 103, 104, 106, 108, 110, 111, 112, 116.
Containing 211.26 acres.
Sec. 19, Lots 2, 5, 8, 9, 10, 13, 16, 17, 18, 22, 24, 25, 26, 28, 29, 30, 33, 60, 65, 66, 67, 68, 69, 70, 71, 73, 82, 84, 85.
Containing 173.15 acres.
Sec. 20, Lots 1, 3, 4, 8, 9, 11, 12, 13, 15, 17, 41, 43, 46, 49.
Containing 230.31 acres.

Total acreage of areas listed above 732.54 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279-284), as amended.

4. All valid applications filed prior to February 21, 1958 will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

J. ELLIOTT HALL,
Lands and Minerals Officer.

JULY 27, 1959.

[F.R. Doc. 59-6380; Filed, Aug. 3, 1959; 8:46 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Notice Concerning Oil and Gas Lease Offer

JULY 31, 1959.

The following listed tract described in the Notice of Lease Offer published in the FEDERAL REGISTER July 8, 1959, is withdrawn from the sale set for August 11, 1959, and no bids will be accepted therefor:

LOUISIANA OFFICIAL LEASING MAP NO. 2

EAST CAMERON AREA

Tract No.: La.-529; Block: 9; Description: That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956; Acreage: 2,050.

CHARLES P. MEAD,
Acting Director.

[F.R. Doc. 59-6434; Filed, July 31, 1959; 3:25 p.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD.

Notice of Agreements Filed With the Board for Approval

Notice is hereby given that the following described agreements have been filed with the board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8061-5, between American President Lines, Ltd., Lykes Bros. Steamship Co., Inc., Isthmian Lines, Inc., Mitsui Steamship Company, Ltd., Prince Line, Ltd., N.V. Stoomvaart Maatschappij "Nederland", Koninklyke Rotterdamsche Lloyd, N.V., N.V. Nederlanrsch-Amerikansche Stoomvaart Maatschappij "Holland-Amerika Lijn", Kawasaki Kisen Kaisha, Ltd., Compagnie de Transports Oceaniques, and the carriers comprising the following joint services, Barber Fern-Ville Lines, Blue Funnel Line, Heogh Line, and A. P. Moller-Maersk Line, modifies approved Agreement No. 8061, as amended, which covers an arrangement for the apportionment of the carriage of all rubber originating in Siam (except Bangkok local rubber) destined to United States Atlantic and Gulf ports, whether loaded direct at Siam ports or transshipped by road, rail or otherwise, to vessels of the carriers at ports in Malaya, Kohsichang or Bangkok. The purpose of this modification is to provide for (1) the admission of Kawasaki Kisen Kaisha, Ltd., and Compagnie de Transports Oceaniques as parties to Agreement No. 8061, as amended, and (2) the revision of percentage participation of the parties to said agreement as a result of the two additional parties.

(2) Agreement No. 8520, between Grace Line, Inc., Compagnie Generale Transatlantique, Sartori & Berger and Transamerican Steamship Corporation, provides for the creation of a conference to be known as the U.S. Great Lakes/Caribbean Freight Conference, for the establishment of uniform rates, rules, regulations and practices for the transportation of cargo in the trade between Great Lakes and St. Lawrence River ports of the United States and ports in Cuba, Haiti, the Dominican Republic, Jamaica, Trinidad, Venezuela, Colombia, and the Netherland Antilles.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 30, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6390; Filed, Aug. 3, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-129]

WEST VIRGINIA UNIVERSITY

Issuance of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 3, 1959, the Atomic Energy Commission has issued License No. R-58 authorizing West Virginia University to possess and operate a plastic core, swimming pool-type, 75 watt (thermal) nuclear reactor, designated as Model AGN-211, Serial No. 103, on its campus in Morgantown, West Virginia. Notice of the proposed action was published in the FEDERAL REGISTER on June 4, 1959, 24 F.R. 4569.

Dated at Germantown, Md., this 28th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6374; Filed, Aug. 3, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10665]

FORT LAUDERDALE SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on August 25, 1959, at 10 a.m. (local time), at the Galt Ocean Mile Hotel, Fort Lauderdale, Fla., before Examiner Ralph L. Wiser. The issues will be those related to a determination of whether the Board should effect the respective amendments of certificates of public convenience and necessity tentatively found required in Board orders Nos. E-14155, dated July 1, 1959, and E-14284, dated July 29, 1959.

Dated at Washington, D.C., July 30, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6393; Filed, Aug. 3, 1959; 8:48 a.m.]

CIVIL SERVICE COMMISSION

SKILLS CRITICAL TO THE NATIONAL SECURITY EFFORT

Notice of Positions for Which There Is Determined to be a Manpower Shortage

Under the provisions of Public Law 85-749, the Civil Service Commission has determined that for the positions of Industrial Hygienist, GS-690-0, and Health Physicist, GS-1306-0, there is a manpower shortage in skills critical to the national security effort. While the positions are identified by series' codes under the Classification Act of 1949, comparable positions not subject to the Classification Act are also included.

Geographic coverage is the continental United States and Alaska.

For appointees to these positions, the employing agencies may pay travel and transportation costs in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6407; Filed, Aug. 3, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12990]

MASSACHUSETTS STEEL TREATING CORP.

Order Designating Matter for Hearing

In the matter of cease and desist order to be directed to Massachusetts Steel Treating Corporation, 118 Harding Street, Worcester, Massachusetts, Docket No. 12990.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. § 312), and § 0.41(f) of the rules of the Federal Communications Commission to Massachusetts Steel Treating Corporation, 118 Harding Street, Worcester, Massachusetts (1) to cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission; and (2) irrespective of whether such equipment is certified to cease and desist from operating said industrial heating equipment so as to cause harmful interference to authorized television broadcast and radio services; and

It appearing, that Massachusetts Steel Treating Corporation operates in its plant at 118 Harding Street, Worcester, Massachusetts, certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies authorized for use by television broadcast stations and other radio services; and

It further appearing, that said industrial heating equipment is subject to the provisions of Part 18 of the Commission's rules (47 CFR Part 18); and

It further appearing, that the aforementioned industrial heating equipment causes interference to authorized television broadcast reception in the Worcester, Massachusetts area and is potentially a source of interference to air navigation radio aids of the Federal Aviation Agency and other safety radio services; and

It further appearing, that the aforementioned industrial heating equipment has not been certified by a duly qualified engineer as required by § 18.103 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.3 and Subpart D of Part 18 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of Massachusetts Steel Treating Corporation by the Commission both orally and in writing, and the Massachusetts Steel Treating Corporation has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 28th day of July 1959, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. § 312), and § 0.41(f) of the Rules of the Federal Communications Commission that Massachusetts Steel Treating Corporation show cause why there should not be issued an order commanding Massachusetts Steel Treating Corporation to cease and desist from operating industrial heating equipment in violation of the provisions of Part 18 of the Commission's rules. That is, the said Massachusetts Steel Treating Corporation, its officers, agents, employees, privies, assigns, successors in interest, or other parties acting in concert with the Massachusetts Steel Treating Corporation: (1) Shall cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of the Commission; and (2) irrespective of whether such equipment is certified, shall cease and desist from operating said industrial heating equipment so as to cause harmful interference to authorized radio communications; and

It is further ordered, That a hearing in this matter be held in Worcester, Massachusetts, on October 2, 1959, before a Commission hearing examiner to be designated by subsequent order to determine whether said cease and desist order should be issued, and that Massachusetts Steel Treating Corporation is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.62 of the rules, that Massachusetts Steel Treating Corporation is directed to file with the Commission within 30 days of receipt of this Order a written appearance in triplicate, stating that Massachusetts Steel Treating Corporation will appear and present evidence on the matters specified in this Order. If Massachusetts Steel Treating Corporation does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matter specified herein, it shall, within 30 days of receipt of this Order, file with the Commission, in triplicate a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Massachusetts Steel Treating Corporation believes that a cease and desist order should not issue; and

It is further ordered, That failure of said Massachusetts Steel Treating Corporation, timely to respond to this Order or its failure to appear at the hearing

designated herein will be deemed a waiver of hearing.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6401; Filed, Aug. 3, 1959; 8:49 a.m.]

[Docket Nos. 12957-12959; FCC 59M-970]

PIONEER BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Pioneer Broadcasting Company, Spanish Fork, Utah, Docket No. 12957, File No. BP-11678; Jack E. Falvey and Harry Saxe, d/b as Fortune Broadcasting, Salt Lake City, Utah, Docket No. 12958, File No. BP-12239; United Broadcasting Company (KVOG), Ogden, Utah, Docket No. 12959, File No. BP-12260; for construction permits.

It is ordered, This 28th day of July 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6402; Filed, Aug. 3, 1959; 8:49 a.m.]

[Docket No. 12777; FCC 59M-974]

SEASIDE BROADCASTING CO.

Order Continuing Hearing

In re application of Ronald L. Rule, James L. Dennon and Seldon Mason, d/b as Seaside Broadcasting Company, Seaside, Oregon, Docket No. 12777, File No. BP-11200; for construction permit.

It is ordered, This 29th day of July 1959 on the Hearing Examiner's own motion that the hearing presently scheduled in the above-entitled proceeding to commence on July 30, 1959, is continued without date pending disposition of the request of Seaside Broadcasting Company for dismissal of its application.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6403; Filed, Aug. 3, 1959; 8:49 a.m.]

[Docket No. 12989]

STYLEMASTER LEATHERCRAFT CORP.

Order Designating Matter for Hearing

In the matter of cease and desist order to be directed to Stylemaster Leathercraft Corp., 520 West Broadway, New York 12, N.Y., Docket No. 12989.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. § 312), and § 0.41(f) of the rules of the Federal Communications Commission, to Stylemaster Leathercraft Corp., 520 West Broadway, New York 12, N.Y., (1) to cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission; and (2), irrespective of whether such equipment is certified, to cease and desist from operating said industrial heating equipment so as to cause harmful interference to authorized radio communications; and

It appearing, that Stylemaster Leathercraft Corp. operates in its plant at 520 West Broadway, New York 12, N.Y. certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies authorized for use by the New York City Police Department, the United States Army and by television broadcast stations; and

It further appearing, that said industrial heating equipment is subject to the provisions of Part 18 of the Commission's rules (47 CFR Part 18); and

It further appearing, that the aforementioned industrial heating equipment causes interference to radio communications of the New York City Police Department, the United States Army and to authorized television broadcast reception in the New York City area, and is potentially a source of interference to air navigation radio aids of the Federal Aviation Agency; and

It further appearing, that the aforementioned industrial heating equipment has not been certified by a duly qualified engineer as required by § 18.103 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.3 and Subpart D of Part 18 of the Commission's rules; and

It further appearing, that the above facts have been called to the attention of Stylemaster Leathercraft Corp. by the Commission both orally and in writing, and that Stylemaster Leathercraft Corp. has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

It is ordered, This 28th day of July 1959, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. § 312), and § 0.41(f) of the rules of the Federal Communications Commission that Stylemaster Leathercraft Corp. show cause why there should not be issued an order commanding Stylemaster Leathercraft Corp. to cease and desist from operating industrial heating equipment in violation of the provisions of Part 18 of the Commission's rules. That is, the said Stylemaster Leathercraft Corp., its officers, agents, employees, privies, assigns, successors in interest, or other parties acting in concert with the Stylemaster Leathercraft Corp.: (1) Shall cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission; and (2), irrespective of whether such equipment is certified, shall cease and desist from operating said industrial equipment so as to cause harmful interference to authorized radio communications; and

It is further ordered, That a hearing in this matter be held in New York, N.Y., on September 30, 1959, at 2:00 p.m., before a Commission hearing examiner to be designated by subsequent order to determine whether said cease and desist order should be issued, and that Stylemaster Leathercraft Corp., is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.62 of the rules, that Stylemaster Leathercraft Corp. is directed to file with the Commission within 30 days of receipt of this Order a written appearance in triplicate, stating that Stylemaster Leathercraft Corp. will appear and present evidence on the matters specified in this Order. If Stylemaster Leathercraft Corp. does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this Order, file with the Commission, in triplicate a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Stylemaster Leathercraft Corp. believes that a cease and desist order should not issue; and

It is further ordered, That failure of said Stylemaster Leathercraft Corp., timely to respond to this Order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6404; Filed, Aug. 3, 1959; 8:49 a.m.]

[FCC 59-810]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

JULY 30, 1959.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on September 5, 1959, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b)(1) and § 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than the close of business on September 4, 1959, or, if action is taken by the Commission on any listed application prior to September 4, 1959, no later than the close of business on the day preceding the day on which such action is taken. An application amended so as to require a new file number as provided in § 1.354(h) of the rules will be treated for the purpose of this Notice as an application newly filed on the date of such amendment.

Adopted: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

APPLICATIONS FROM TOP OF PROCESSING LINE

BP-5827 NEW, Wyandotte, Mich., Woodward Broadcasting Co. Req: 850 kc, 5 kw, DA-2, U.

BP-10737 KSIL, Silver City, N.Mex., James H. Duncan. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-11553 NEW, Kenmore, N.Y., Voice of Dixie, Inc. Req: 1470 kc, 500 w, D.

BP-11676 NEW, San Antonio, Tex., Alamo Broadcasters. Req: 1150 kc, 1 kw, DA, D.

BP-11817 NEW, Hobbs, N.Mex., Clarence E. Wilson. Req: 1280 kc, 1 kw, D.

BP-11808 NEW, Philadelphia, Pa., Continental Telecasting Corp. Req: 1410 kc, 500 w, DA, D.

BP-11907 NEW, Price, Utah, Inland Empire Broadcasting Co. Req: 1050 kc, 1 kw, D.

BP-11916 WNSL, Laurel, Miss., Voice of the New South. Has: 1260 kc, 1 kw, D. Req: 1260 kc, 5 kw, D.

BP-12107 WNHC, New Haven, Conn., Triangle Publications, Inc. Has: 1340 kc, 250 w, U. Rep: 1340 kc, 250 w, 1 kw-LS, U.

BP-12142 KGDN, Edmonds, Wash., King's Garden, Inc. Has: 630 kc, 1 kw, D. Req: 630 kc, 5 kw, D.

BMP-8209 KGY, Olympia, Wash., Tom Olsen. Has Lic: 1240 kc, 250 w, U. Has: CP: Change antenna-transmitter location, etc. Req: MP: 1240 kc, 250 w, 1 kw-LS, U.

BP-12145 WOL, Wash., D.C., Washington Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12146 KQTY, Everett, Wash., Walter N. Nelskog. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12148 WDNE, Elkins, W. Va., Marja Broadcasting Corp. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12151 KUDI, Great Falls, Mont., Community Broadcasters. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12158 KTTS, Springfield, Mo., Independent Broadcasting Co. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12160 WMVA, Martinsville, Va., Martinsville Broadcasting Co., Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12161 WJMA, Orange, Va., Charlottesville Broadcasting Corp. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12162 WINA, Charlottesville, Va., Charlottesville Broadcasting Corp. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12168 WMIS, Natchez, Miss., Natchez Broadcasting Co. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12169 WHSC, Hartsville, S.C., Hartsville Broadcasting Co., Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12170 WHSY, Hattiesburg, Miss., Hub City Broadcasting Co., Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12177 WHAT, Philadelphia, Pa., Independence Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12178 WRHI, Rock Hill, S.C., York County Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12179 KNUZ, Houston, Tex., Veterans Broadcasting Co. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12185 KORE, Eugene, Oreg., Lane Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12186 WGAU, Athens, Ga., Clarke Broadcasting Corp. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12202 WTYS, Marianna, Fla., Jack Howard Mann. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12206 WCOS, Columbia, S.C., WCOS, Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12217 WOOW, Greenville, N.C., WOOW, Inc. Has: 1340 kc, 250 w, U (Washington, N.C.). Req: 1340 kc, 250 w, 1 kw-LS, U (Greenville, N.C.).

BP-12219 WDSR, Lake City, Fla., Deep South Radioways. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12225 WKEY, Covington, Va., Earl M. Key. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12230 WSOO, Sault Ste. Marie, Mich., Hiawathaland Broadcasting Co. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12231 WKRZ, Oil City, Pa., WKRZ, Inc. Has: 1340 kc, 250 w, L-WSAJ. Req: 1340 kc, 250 w, 1 kw-LS, L-WSAJ.

APPLICATIONS PRESENTLY UNDER STUDY

BP-11432 NEW, Fort Myers, Fla. C. H. Packham. Req: 1580 kc, 1 kw, DA-Day.

APPLICATIONS ON WHICH SECTION 309(b) LETTERS HAVE BEEN ISSUED

BP-10504 WFYI, Mineola, N.Y., WKIT, Inc. Has: 1520 kc, 250 w, D. Req: 1520 kc, 10 kw, DA-D.

BP-11550 WFVA, Fredericksburg, Va., Fredericksburg Broadcasting Co. Has: 1230 kc, 250 w, U. Req: 1250 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-11554 WBRB, Mount Clemens, Mich., WBRB, Inc. Has: 1430 kc, 500 w, DA-D. Req: 1430 kc, 500 w, DA-D (change in DA).

BP-11845 NEW, Oklahoma City, Okla., Sooner State Broadcasting Co. Req: 1210 kc, 10 kw, DA-D.

BP-11933 NEW, Mount Vernon, Wash., Columbia River Broadcasters, Inc. Req: 1470 kc, 500 w, DA-D.

BP-12150 WOWL, Florence, Ala., Radio Muscle Shoals, Inc. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12176 WBIR, Knoxville, Tenn., WBIR, Inc. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12188 WJET, Erie, Pa., The "Jet" Broadcasting Co., Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12192 WHTC, Holland, Mich., Holland Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12200 WOLF, Syracuse, N. Y., Civic Broadcasting Corp. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12204 WINN, Louisville, Ky., Kentucky Broadcasting Corp., Inc. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12215 WKBO, Harrisburg, Pa., Keystone Broadcasting Corp. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12216 WMRF, Lewistown, Pa., Lewistown Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, D.

BP-12218 WENK, Union City, Tenn., Union City Broadcasting Co., Inc. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12224 WEST, Easton, Pa., Associated Broadcasters, Inc. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

[F.R. Doc. 59-6405; Filed, Aug. 3, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 30, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35590: *Substituted service—C.G.W. Ry. for Navajo Freight Lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 177), for interested carriers. Rates on property loaded in highway trailers or empty trailers, transported on flat cars between Chicago, Ill., and Council Bluffs, Iowa or Kansas City, Mo., on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 106 to Middlewest Motor Freight Bureau tariff I.C.C. MF-I.C.C. 223.

FSA No. 35591: *Substituted service—I.C.R.R. for Prucka Transportation, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 178), for interested carriers. Rates on property loaded in highway trailers, and empty trailers, loaded on railroad flat cars between Chicago, Ill., and Council Bluffs or Sioux City, Iowa, on traffic originating at or destined to points beyond the named points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 106 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35592: *TOFC service—buildings—Galesburg, Ill., to Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7604), for interested rail carriers. Rates on metal buildings, grain bins, and silos, complete, knocked down or in sections loaded in trailers and transported on railroad flat cars from Galesburg, Ill., to specified points in Arkansas, Louisiana, Oklahoma, and Texas.

Grounds for relief: Motor truck competition.

Tariff: Supplement 36 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 35593: *Scrap tin plate—Texas ports to Chicago, Ill., Groups.* Filed by Southwestern Freight Bureau, Agent (No. B-7600), for interested rail carriers. Rates on scrap tin plate, having value for remelting purposes only, carloads from Bellair, Houston, Port Arthur, and West Port Arthur, Tex., to Chicago, Ill., and East Chicago, Ind., and other points in the Chicago switching district.

Grounds for relief: Competition of carriers by barge.

Tariff: Supplement 603 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 35594: *Asphalt and related articles in the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7591), for interested rail carriers. Rates on asphalt petroleum road oil, and petroleum wax tailings, tank-car loads between points in southwestern territory including Kansas.

Grounds for relief: Short-line distance formulas.

Tariffs: Supplement 239 to Southwestern Freight Bureau tariff I.C.C. 4086, and other named schedules of this bureau, also supplement 27 to Western Trunk Line Committee tariff I.C.C. A–4208.

FSA No. 35595 *TOFC service—Class rates between Paducah, Ky., and the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7592), for interested rail carriers, Rates on property moving on class rates loaded in or on trailers and transported on railroad flat cars between Paducah, Ky., on the one hand, and specified points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 35 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 35596: *Sand—Southwestern points to eastern points.* Filed by Southwestern Freight Bureau, Agent (No. B–7596), for interested rail carriers. Rates on sand, carloads, as described in the application from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Schenectady, N.Y., Ironton, Ohio, Blairville and Corry, Pa., and Alloy, W. Va.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 15 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–6382; Filed, Aug. 3, 1959; 8:46 a.m.]

[Notice 161]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 30, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62124. By order of July 28, 1959, the Transfer Board approved the transfer to A. G. Motor Freight, Inc., New York, N.Y., of certificate in No. MC 80731, issued November 9, 1942 to Albert Giuffra, Emanuel Giuffra, Administrator, doing business as A. G. Trucking, New York, N.Y., authorizing the transportation of: Commodities generally (including household goods), excluding commodities in bulk and certain other exceptions, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 35 miles of City Hall, New York, N.Y. Arthur J. Piken, attorney at law, 160–16 Jamaica Avenue, Jamaica 32, N.Y.

No. MC–FC 62164. By order of July 28, 1959, the Transfer Board approved the transfer to Garner Livestock Sales, Inc., Garner, Iowa, of Certificate No. MC 103054, issued August 5, 1942, to E. C. Buntenbach, Garner, Iowa, authorizing the transportation of: Livestock, from Garner, Iowa, to Austin, Minn., with service to the intermediate point of Albert Lea, Minn., restricted to delivery; and from off-route points within 30 miles of Garner restricted to pick-up; and livestock, tankage, bone meal, and meat scraps, from Austin, Minn., to Garner, Iowa, with service from the intermediate point of Albert Lea, Minn., restricted to pick-up; and off-route points within 30 miles of Garner restricted to delivery. R. J. Edwards, 410 South Monroe, Mason City, Iowa, for applicants.

No. MC–FC 62184. By order of July 28, 1959, the Transfer Board approved the transfer to Trailway Van Line, Inc., Elmont, New York, of Certificate No. MC 117464, issued September 18, 1958, to Meteor Movers, Inc., Elmont, N.Y., authorizing the transportation of: Household goods, between points in that part of Pennsylvania east of the Susquehanna River, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Missouri, Kansas, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, and the District of Columbia. Edward M. Alfano, 36 West 44th Street, N.Y., for applicants.

No. MC–FC 62334. By order of July 28, 1959, the Transfer Board approved the transfer to Carl J. Stein and Mahlon D. Stein, a partnership, doing business as L. F. Stein & Sons Trucking Co., Black River Falls, Wis., of Certificate in No. MC 90824 issued November 23, 1949, to L. F. Stein, Sophia Stein, administratrix, Carl J. Stein, and Mahlon D. Stein, a partnership, doing business as L. F. Stein & Sons, Black River Falls, Wis., authorizing the transportation of: Livestock between Taylor, Wis., and Winona, Minn.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Winona, Minn., to Taylor, Wis., agricultural products from points in towns of Curran, Springfield, Albion, Hixton, and Franklin, Jackson County, Wis., to Winona and South St. Paul, Minn.; feed and salt from Winona, Minn., to points in above-specified Wisconsin towns; livestock from points in Wisconsin towns to Winona, Minn., between South St. Paul, Minn., on the one hand, and, on the other, points in Wisconsin towns; emigrant movables between points in Wisconsin towns and points in Minn.; eggs from points in towns of Melrose, North Bend, and Curran, in Jackson County, Wis., and towns of Ettrick, Arcadia, and Gale in Trempealeau County, Wis., to Taylor, Blair, and Whitehall, Wis.; and empty egg cases from above-specified destination points to above-specified origin points. Ralph S. Lund, attorney, Black River Falls, Wis.

No. MC–FC 62390. By order of July 28, 1959, the Transfer Board approved the transfer to Mildred Allen, doing business as Allen's Transfer of Vancouver, Wash., of Certificate No. MC 95163 Sub. 1, issued January 30, 1959, to M. G. Bower and Gladys I. Bower, a partnership, doing business as Winchell Transfer, of Vancouver, Wash., authorizing the transportation of household goods between Portland, Oreg., and points in Oregon within 25 miles of Portland, on the one hand, and, on the other, points in Washington west of the summit of the Cascade Mountains. William B. Adams, 331 Pacific Building, Portland 4, Oreg., for applicants.

No. MC–FC 62401. By order of July 28, 1959, the Transfer Board approved the transfer to Pioga Corporation, East Meadow, New York, of the operating rights in Certificate No. MC 92086, issued February 24, 1956, to Ralph Curatola, Peter Curatola, and Vincent Curatola, a partnership, doing business as Curatola Bros., Ozone Park, New York, authorizing the transportation, over irregular routes, of new furniture, new furniture crated or uncrated, pads and paper linings for rugs and carpets, and rugs and carpets, from and to specified points in Pennsylvania, New York, New Jersey, and Connecticut. Edward M. Alfano, 36 West 44th Street, New York 36, N.Y.

No. MC–FC 62415. By order of July 28, 1959, the Transfer Board approved the transfer to Albert DeVito, doing business as DeVito Motors, Brooklyn, N.Y., of the operating rights in Certificate No. MC 59553, issued August 6, 1957, to James J. Martin and Morris Tarnofsky, a partnership, doing business as New Yorker Crating Co., New York, N.Y., authorizing the transportation, over irregular routes, of lift vans, loaded and unloaded, machinery crated and uncrated, between points in New York, N.Y., on the one hand, and, on the other, specified points in Pennsylvania, Connecticut, New Jersey, and New York, N.Y., and boxwood hedges, during the season extending from the 1st day of March to the 31st day of May, between New York, on the one hand, and, on the other, points in that part of Connecticut, and New Jersey within 40 miles of Columbus Circle, N.Y. Morris Honig, 150 Broadway, New York 38, N.Y.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–6383; Filed, Aug. 3, 1959; 8:46 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published. (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552) during the six months' period ended July 29, 1959.

No changes.

Dated: July 29, 1959.

F. A. MECHLING.

[F.R. Doc. 59–6385; Filed, Aug. 3, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2007]

CORN PRODUCTS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

JULY 29, 1959.

In the matter of application by the Cincinnati Stock Exchange for unlisted trading privileges in Corn Products Company (Delaware), common stock; File No. 7–2007.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 7, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59–6386; Filed, Aug. 3, 1959; 8:47 a.m.]

[File No. 24B–995]

JOHN F. CONNELLY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 29, 1959.

I. John F. Connelly, Inc. (issuer), 159 County Street, Somerset, Massachusetts, filed with the Commission on September 3, 1957 a notification on Form 1–A and a statement pursuant to Rule 257, and filed amendments thereto, relating to an offering of 379 shares of its no par common stock at a price of $100 per share for an aggregate offering of $37,900, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the issuer has failed to file a current report of sales on Form 2–A, as required by Rule 260.

B. The notification on Form 1–A and the Rule 257 statement filed as an exhibit thereto contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, with respect to the statement that "there is to be no remuneration for the directors and officers."

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59–6387; Filed, Aug. 3, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

BRANCH MANAGER, BIRMINGHAM, ALABAMA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

[Delegation of Authority No. 30–V–5 (Revision 1)]

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435, 24 F.R. 5321), there is hereby delegated to the Branch Manager, Birmingham Branch Office, Small Business Administration, the authority:

A. *Specific—Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve but not decline the following types of loans:

a. Direct Business Loans not in excess of $20,000;

b. Participation business loans in an amount not in excess of $100,000;

2. To approve or decline disaster loans not in excess of $50,000;

3. To approve or decline Limited Loan Participation Loans;

4. To enter into Disaster Participation Agreements with banks;

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.
By ----------
Branch Manager.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and to certify to the participating bank

that such documents are in compliance with the participation authorization.

12. To take the following actions to effect the servicing, administration and collection of business or disaster loans, either in the name of the Reconstruction Finance Corporation or the Small Business Administration, except those loans classified as "problem loans or in liquidation":

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of all collateral when loan is paid in full.

c. Execute all releases and satisfactions, full or partial, of collateral, upon approval and/or authorization by Atlanta Regional Office or the Washington Office.

d. Release, or consent to the release of insurance settlement funds covering loss or damage to property securing a loan in aggregate amount not exceeding $1,000.00 for any one specific loss or damage occurrence, and execute the endorsement of SBA on checks and drafts representing such funds.

e. Release, or approve the release of real or personal property securing a loan for the purpose of sale, provided the sale proceeds are applied as a principal payment on the loan in inverse order of maturity.

f. Release, or approve the release of machinery and equipment, furniture and fixtures, securing a loan for the purpose of allowing borrower to trade the property for other machinery or equipment, furniture and fixtures, useful in the operation of borrower's business, provided the newly acquired property is hypothecated to secure the loan subject only to purchase money lien, if any exists.

g. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

h. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

i. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

13. To take the following actions in the administration of fisheries loans:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of $50,000 or less for a period of not to exceed four months.

c. Amend the hull insurance provisions of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

d. Cancel loan authorizations prior to disbursement upon the written request of the applicant.

e. Administer fisheries' loans within the same authority exercised with respect to SBA loans.

Procurement and technical assistance. To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual, and SBA–600, Procurement and Technical Assistance Manual:

14. To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

Administrative. 15. To administer oaths of office.

16. To approve annual and sick leave for employees under his supervision.

17. To make emergency purchases not in excess of $10.00 in any object class in any one instance but not more than $25.00 in any one month for total purchases in all object classes.

18. In connection with the establishment of Disaster Loan Offices, to:

a. Obligate SBA to reimburse General Services Administration for the rental of office space,

b. Rent office equipment,

c. Procure (without dollar limitation) emergency supplies and materials.

B. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the Branch Office, except communications involving policy matters.

II. The specific authority delegated herein may not be redelegated, with the exception of IB, such redelgation being limited to routine correspondence only.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Birmingham, Alabama, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 6, 1959.

JAMES F. HOLLINGSWORTH,
Regional Director.

[F.R. Doc. 59–6388; Filed, Aug. 3, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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UNIVERSITY
OF MICHIGAN

AUG 6 - 1959

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 152

Washington, Wednesday, August 5, 1959

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 175, Amdt. 1]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.475 (Valencia Orange Regulation 175, 24 F.R. 5963) are hereby amended to read as follows:

(ii) District 2: 877,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6409; Filed, Aug. 4, 1959; 8:45 a.m.]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (a) Marketing Agreement No. 135, and Order No. 38 (7 CFR Part 938), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 938.1 through 938.86 inclusive of the said order. The Red River Valley Potato Committee, pursuant to § 938.51 of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop potatoes, as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became avail-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

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able and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 938.301 Limitation of shipments.

During the period of August 16, 1959, through June 30, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f) and (g) of this section. The requirements of paragraph (b) shall terminate on November 1, 1959.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade, and packed separately.

(b) *Minimum maturity requirements—All varieties.* "Moderately skinned."

(c) *Special purpose shipments—Chipping.* U.S. No. 2, or better, grade, 2 inches minimum diameter. Prior to September 15, 1959, shipments failing to meet the maturity requirements of paragraph (b) may be handled without regard to such requirements: *Provided,* The handler complies with the safeguard requirements of paragraph (e). On and after September 15, 1959, shipments shall meet the maturity requirements of paragraph (b).

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, if a copy of the applicable certified seed inspection certificate is furnished the committee.

(2) Canning or freezing.

(e) *Safeguards.* (1) Each handler making shipments of potatoes for chipping prior to September 15, 1959 that fail to meet the maturity requirements of paragraph (b), and each handler making shipments at any time for canning or freezing shall, prior to shipment, (i) apply for and obtain an approved Certificate of Privilege from the Committee pursuant to the provisions of § 938.120; (ii) obtain inspection of, and pay assessments on such shipments, except shipments for canning or freezing; (iii) furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and (iv) bill each shipment directly to the applicable processor or receiver.

(2) Compliance with the requirements of this paragraph shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

(f) *Minimum quantities.* Pursuant to § 938.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements, effective pursuant to § 938.42 (assessments) and § 938.60 (inspection). This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (d) of § 938.60, to be valid for a period not to exceed 5 days following completion of inspection as shown in the certificate. (2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned", "U.S. No. 1", "U.S. No. 2", and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 135 and Order No. 38.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1959, to become effective August 16, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–6457; Filed, Aug. 4, 1959; 8:50 a.m.]

PART 940—PEACHES GROWN IN MESA COUNTY, COLO.

Determination Relative to Expenses and Fixing of Rate of Assessment for 1959–60 Fiscal Year

Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, as amended), it is hereby found and determined that:

§ 940.211 Expenses and rate of assessment for the 1959–60 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1959, and ending February 29, 1960, will amount to $11,800.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at one and two-tenths cents ($0.012) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of peaches from Mesa County, Colorado, are now being made; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all fresh peaches shipped during the 1959–60 fiscal year; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated July 31, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6456; Filed, Aug. 4, 1959; 8:50 a.m.]

PART 989 — RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Modified Minimum Grade Standards for Packed Raisins; Extension of Time

Notice was published in the July 10, 1959, issue of the FEDERAL REGISTER (24 F.R. 5577) that consideration was being given to a proposal to extend through October 5, 1959, the modified minimum grade standards for certain packed raisins (24 F.R. 1408), which are to expire on August 31, 1959. The current modification, effective for the period from February 26, 1959, through August 31, 1959, and the proposed extension thereof, are in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed extension was recommended by the Raisin Administrative Committee, established under the marketing agreement and order.

The notice published on July 10, 1959, afforded interested persons an opportunity to file written data, views or arguments pertaining to the extension; and some were filed within the period specified.

As set forth in the notice, the proposal was to extend the current modification of the minimum grade standards (providing less severe restrictions for mechanical injury) from August 31, 1959, through October 5, 1959, a total extension of five weeks. One of the purposes of the proposed extension was to enable handlers to continue the reconditioning and shipment of rain damaged raisins of the 1958 production until 1959 crop raisins become available in substantial volume for shipment. When the notice was issued, 1959 crop raisins were not expected to be available in substantial volume until approximately October 5, 1959. Since issuance of the notice, development of the 1959 raisin variety grape crop indicates that production of raisins this season will be as much as two weeks earlier than previously anticipated. In view of this development, 1959 crop raisins may be available in substantial volume for shipment on and after September 22, 1959, and a total extension of three weeks (through September 21, 1959), rather than the proposed five-week extension, of the current modification of the minimum grade standards would appear adequate for such purpose.

After consideration of all relevant matters presented pertaining to the proposal, including the recommendation of the Raisin Administrative Committee, other available information, and the data, views, and arguments which were filed in connection with the aforesaid notice, it is hereby found that to extend from August 31, 1959, through September 21, 1959, the current modification (24 F.R. 1408) of the minimum grade standards for certain packed raisins will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That the order (24 F.R. 1408) further modifying until September 1, 1959, the minimum grade standards prescribed in § 989.59(a)(2), as modified (23 F.R. 6374), is, pursuant to the authority contained in § 989.59(b), amended by deleting therefrom the words "continuing in effect until September 1, 1959" and inserting in lieu thereof the words "continuing in effect until September 22, 1959".

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that: (1) This amendment extends beyond August 31, 1959, until September 22, 1959, the less restrictive current minimum grade standards for certain packed raisins in order to facilitate the recovery and shipment of raisins suitable for human consumption; (2) it has no regulatory effect on the handling of raisins in any event until September 1, 1959, when the more restrictive modified minimum grade standards in effect prior to February 26, 1959, otherwise would become effective; (3) it relieves restrictions on the handling of raisins; and (4) in these circumstances, this amendment should be made effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 31, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6458; Filed, Aug. 4, 1959; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Interest Rates on Loans Made Through Associations

The interest rate on loans made through national farm loan associations has been increased from 5½ percent to 6 percent per annum by the Federal Land Bank of Baltimore on applications accepted on and after September 1, 1959, and closed after December 31, 1959; and by the Federal Land Bank of Spokane on applications taken on or after August 1, 1959. The interest rate on loans made through national farm loan associations has been increased from 5 percent to 5½ percent per annum by the Federal Land of Berkeley on applications taken on and after August 1, 1959. In order to reflect such changes, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (23 F.R. 2137, 3029, 6976, 8651; 24 F.R. 845, 2267, 3181, 3559, 4296, 5329), is amended by substituting "6" for "5½" in the lines with "Baltimore" and "Spokane", and "5½" for "5" in the line with "Berkeley".

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665. Interprets or applies secs. 12 "Second", 17(b), 39 Stat. 370, 375, as amended; 12 U.S.C. 771 "Second", 831(b))

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 59-6432; Filed, Aug. 4, 1959; 8:47 a.m.]

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[Administration Letter 648 (444)]

PART 383—FARM HOUSING LOANS

Definition of Farm Eligible for Farm Housing Loan

Section 383.3(b), Title 6, Code of Federal Regulations (23 F.R. 2549), is amended to redefine a farm eligible for the purposes of Title V of the Housing Act of 1949, and to read as follows:

§ 383.3 Qualifications for Farm Housing loan.

* * * * *

(b) *Farm.* For the purposes of this part, a farm as defined in Title V of the Housing Act of 1949 includes the total acreage of one or more tracts of land owned by the applicant and operated as an individual farm or ranch. In addition, as to applications received on or after July 15, 1959, the applicant's farm must be in agricultural production and be of such size and productive capacity that it (1) will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, and (2) is recognized in the community as a farm rather than a rural residence.

(Secs. 501, 510, 63 Stat. 432, 437; 42 U.S.C. 1471, 1480; Order of Acting Sec. of Agric., 19 F.R. 74, 77, 22 F.R. 8188)

Dated: July 30, 1959.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 59-6459; Filed, Aug. 4, 1959; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Determination Relative to Budget of Expenses and Fixing Rates of Assessment for 1959

On July 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5615) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1959, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 15 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.159 is added to read as follows:

§ 131.159 Budget of expenses and rates of assessment for the calendar year 1959.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1959, will amount to $44,615.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $11,847.02 on hand with said Control Agency on January 1, 1959, from assessments collected during the calendar year 1958, leaving a balance of $32,767.98 to be collected during the calendar year 1959.

(b) *Rates of assessment.* Of the amount of $32,767.98 to be collected during the calendar year 1959, the sum of $25,001.97 shall be assessed against handlers who are manufacturers, and $7,766.01 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1959 by each handler who is a manufacturer shall be $14.54 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1958 and the pro rata share of such expenses to be paid for the calendar year 1959 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $4.70 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1959 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1959, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1958 and prepayments of a portion of their 1959 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER. (Sec. 60, 49 Stat. 782; 7 U.S.C. 855.)

Done at Washington, D.C., this 30th day of July 1959, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-6410; Filed, Aug. 4, 1959; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 20]

PART 382—DENIAL OF EXPORT PRIVILEGES

Table of Denial and Probation Orders

In § 382.51 *Supplement 1; Table of denial and probation orders currently in effect,* paragraph (b) *Table of denial and probation orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Abou Hadid Freres, Rue Hamidie—Souk Nasrie—No. 49, Damascus, Syria.	7-21-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 5946, 7-24-59
Bertling, F. H., Moneckebergstrasse 11, Hamburg 1, Federal Republic of Germany.	7-16-59	Duration	do	24 F.R. 5810, 7-21-59
Hadid, Rizgallah Abou, Rue Hamidie—Souk Nasrie—No. 49, Damascus, Syria.	7-21-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Abou Hadid Freres, which see.)	24 F.R. 5946, 7-24-59
Toyo Koeki, Room 603-4 Fukoku Bldg., Uchisaiwai-cho, 2 Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and Company, which see.)	21 F.R. 775–777, 2-3-56
Schwarzinger & Co., Internationale Speditions G.m.b.H., Vienna I, Stallburggasse 4.	5-29-59	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 5480, 7-7-59
Wilson, James Besil, 2 Doughty St., London, W.C. 2, England.	9-23-58	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Corporation Ltd., which see.)	23 F.R. 7556, 9-27-58

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-6423; Filed, Aug. 4, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Miscellaneous Amendments

1. The Commission has under consideration the desirability of making certain editorial changes in Part 3 of its rules and regulations.

2. Upon review of the provisions of Part 3, the Commission believes that the editorial changes set forth below should be adopted. In general, these editorial changes eliminate provisions covered by Subpart D of Part 1 of the rules "Broadcast Applications and Proceedings"; add new provisions cross-referencing each Subpart of Part 3 to Subpart D of Part 1; correct typographical errors; delete obsolete notes and provisions; and bring other provisions up to date.

3. The amendments adopted herein are editorial in nature and, therefore, prior publication of notice of proposed rule making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the

amendments may become effective immediately.

4. The amendments adopted herein are issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

5. In view of the foregoing: *It is ordered*, This 30th day of June 1959, that effective August 6, 1959, Part 3 "Radio Broadcast Services" of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The principal editorial changes set forth below consist of the following:

1. Four notes in Part 3, which appear in Title 47 of The Code of Federal Regulations, are based on public notices released by the Commission and published in the FEDERAL REGISTER. a. The note preceding Subpart A, appearing on page 137 of the Code of Federal Regulations, which concerns the issuance of tax certificates, has been deleted since the section of the Internal Revenue Code to which it relates has been amended. b. Note 3 following § 3.25(d), appearing on page 142 of the Code of Federal Regulations, which concerns applications for construction permits for standard broadcast stations requesting power of 5 kw during daytime hours on Mexican Clear Channels pending ratification of the U.S./Mexican Agreement, has not been changed. c. The note following § 3.626, appearing on page 287 of the Code of Federal Regulations, which concerns the August 1, 1956, policy statement of the Commission with respect to petitions for extension of time to construct UHF stations, has been deleted, since § 3.626, to which it relates, has been deleted. d. The note following § 3.682(b)(6) and beginning on page 303 of the Code of Federal Regulations, concerns the use of TV test signals. This note has been revised to conform to the Commission's latest public notice in the matter.

2. New provisions have been added cross-referencing each Subpart of Part 3 governing a particular broadcast service to Subpart D of Part 1, which is applicable to all broadcast services listed in Part 3. Sections of Part 3 which are covered by provisions in Subpart D of Part 1 have been deleted. They are the following:

§ 3.24(a) (covered by §§ 1.322, 1.325, and 1.328).
§ 3.34(b) (covered by § 1.315).
§ 3.94 (covered by § 1.314).
§ 3.211(a) (covered by §§ 1.322, 1.325, and 1.328).
§ 3.212 (covered by § 1.304).
§ 3.213 (covered by § 1.322(b)).
§ 3.214 (covered by § 1.314).
§ 3.215 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).
§ 3.219 (covered by § 1.315).
§ 3.220 (covered by § 1.328).
§ 3.222 (covered by § 1.309).
§ 3.223 (covered by §§ 1.329 and 1.330).
§ 3.511(a) (covered by §§ 1.322 and 1.325).
§ 3.512 (covered by § 1.304).
§ 3.513 (covered by § 1.322(b)).
§ 3.514 (covered by § 1.314).
§ 3.515 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).
§ 3.519 (covered by § 1.315).
§ 3.520 (covered by § 1.328).
§ 3.522 (covered by § 1.309).
§ 3.523 (covered by §§ 1.329 and 1.330).
§ 3.622(a) (first sentence) (covered by §§ 1.322, 1.325, and 1.328).
§ 3.623 (covered by § 1.304).
§ 3.624 (covered by § 1.309).
§ 3.625 (covered by § 1.322(b)).
§ 3.626 (covered by § 1.314).
§ 3.627 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).
§ 3.631 (covered by § 1.328).
§ 3.633 (covered by § 1.315).
§ 3.634 (covered by §§ 1.329 and 1.330).
§ 3.712 (covered by § 1.304).
§ 3.713 (covered by § 1.322(b)).
§ 3.714 (covered by § 1.314).
§ 3.715 (paragraph (a) covered by § 1.313; paragraphs (b) and (c) by § 1.323).
§ 3.719 (covered by § 1.315).
§ 3.720 (covered by § 1.328).
§ 3.722 (covered by § 1.309).
§ 3.723 (covered by §§ 1.329 and 1.330).

3. Certain provisions of Part 3 have been revised to bring them up-to-date principally to correct references to Part 1, to Alaska, and other references. The following obsolete provisions have been deleted:

§ 3.139(b)
§ 3.241(b)
§ 3.659(b)
§ 3.752(a)

4. Other provisions have been redesignated or added as new sections:

Subpart A			*Subpart E*		
Old		*New*	*Old*		*New*
----------	---	§ 3.17	----------	--	§ 3.620
§ 3.24(c)	---	§ 3.18	§ 3.622(b)	--	§ 3.623
Subpart B			*Subpart F*		
----------	--	§ 3.214	----------	--	§ 3.710
§ 3.211(b)	--	§ 3.215	§ 3.711(d)	--	§ 3.712
Subpart C					
----------	--	§ 3.514			
§ 3.511(b)	--	§ 3.515			

Part 3—Radio Broadcast Services is amended as follows:

1. The Note appearing in the Code of Federal Regulations preceding Subpart A is deleted. This note, based on a public notice (FCC 56–919) released September 27, 1956, by the Commission and published in the FEDERAL REGISTER on October 13, 1956 (21 F.R. 7831), related to the Commission's policy on issuance of tax certificates pursuant to section 1071 of the Internal Revenue Code (26 U.S.C. 1071) prior to its amendment (Pub. Law 85–866, sec. 48, 72 Stat. 1606).

Subpart A is amended as follows:

2. Section 3.4 is amended to add a comma after the reference to § 3.22, as follows:

§ 3.4 Dominant station.

The term "dominant station" means a Class I station, as defined in § 3.22, operating on a clear channel.

3. A new center headnote and a new § 3.17 are added to read as follows:

ADMINISTRATIVE PROCEDURE

§ 3.17 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

4. A new § 3.18 (derived from § 3.24(c)) is added to read as follows:

§ 3.18 Notification of filing of applications.

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new standard broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 1, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

5. Section 3.22(a) is amended by changing, in the second sentence, "except from stations on the adjacent channel," to "except from stations on adjacent channels,", as follows:

§ 3.22 Classes and power of standard broadcast stations.

(a) *Class I station.* A Class I station is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference except from stations on adjacent channels, and from stations on the same channel in accordance with the channel designation in § 3.25 or § 3.182. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see § 3.25(a) for further power limitation.)

6. Section 3.24 is revised by deleting paragraph (a), revising paragraph (b), and redesignating paragraph (c) as § 3.18; as revised, § 3.24 reads as follows:

§ 3.24 Broadcast facilities; showing required.

An authorization for a new standard broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to effect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service out-weighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see §§ 3.182 and 3.186.)

(c) That the applicant is financially qualified to construct and operate the proposed station.

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a staisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations of this subpart and § 3.188.)

(f) That the facilities sought are subject to assignments as requested under existing international agreements and the rules and regulations of the Commission.

(g) That the population within the 1 v/m contour does not exceed 1.0 percent of the population within the 25 mv/m contour: *Provided, however*, That where the number of persons within the 1 v/m contour is 300 or less the provisions of this subparagraph are not applicable.

(h) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

7. Section 3.25 is amended to add the text of paragraph (e) as a note to paragraph (a) and to delete paragraph (e), as follows:

§ 3.25 Clear channels; Classes I and II stations.

* * * * * *

(a) To each of the channels below, except as provided in the note to this paragraph, there will be assigned one Class I station and there may be assigned one or more Class II stations, within the continental limits of the United States operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kc. There also may be assigned to these frequencies Class II stations operating unlimited time in Alaska, Hawaii, Virgin Islands, and Puerto Rico which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States, excluding Alaska. The power of the Class I stations on these channels shall not be less than 50 kw.

NOTE: On the frequency 770 kilocycles, two Class I stations may be assigned.

* * * * * *

(e) [Deleted].

8. Section 3.34(b) is deleted, as follows:

§ 3.34 Normal license period.

* * * * * *

(b) [Deleted].

9. Section 3.35 preceding paragraph (a) is amended to delete the period in the parenthetical expression, as follows:

§ 3.35 Multiple ownership.

No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

10. Section 3.40 is amended to delete subdivision designator "(i)" in paragraph (a)(10); paragraph (b) preceding subparagraph (1) is amended to insert "(section 8192(a), (b), and (c))" after "National Electrical Code" and to delete Note 2; paragraph (e) is amended to change "are" to "is" in the second sentence; and paragraph (f)(1)(ii) is amended by changing the reference "Section 8191" to "Section 8192"; as follows:

§ 3.40 Transmitter; design, construction, and safety of life requirements.

(a) *Design.* * * *

(10) Means are provided for connection and continuous operation of approved modulation monitor and approved frequency monitor. The radio frequency energy for operation of the approved frequency monitor shall be obtained from a radio-frequency stage prior to the modulated stage unless the monitor is of such design as to permit satisfactory operation when otherwise connected and the monitor circuits shall be such that the carrier is not heterodyned thereby.

* * * * * *

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code (section 8192 (a), (b), and (c)), and as set forth in this paragraph and paragraph (c) of this section.

NOTE: The final stages of high power transmitters may be assembled in open frames provided the equipment is enclosed by a protective fence.

* * * * * *

(e) *Spare tubes.* A spare tube of every type employed in the transmitter and frequency and modulation monitors shall be kept on hand. When more than one tube of any type is employed, the following table determines the number of spares of that type required:

Number of each type employed:	*Spares required*
1 or 2	1
3 to 5	2
6 to 8	3
9 or more	4

(f) *Studio equipment.* (1) * * *

(ii) Section 8192 of article 810 of the National Electrical Code shall apply for voltages only when in excess of 500 volts.

11. Section 3.45(d) is amended to insert a comma in the title of Part 17, as follows:

§ 3.45 Radiating system.

* * * * * *

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303(q) of the Communications Act of 1934 as amended. (See Part 17 of this chapter; rules concerning the Construction, Marking, and Lighting of Antenna Structures.)

12. Paragraph (a) (1) and (2) of § 3.48 are amended to read as follows:

§ 3.48 Acceptability of broadcast transmitters for licensing.

(a) * * *

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicate that the transmitter meets the requirements of § 3.40. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power

supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

13. Section 3.56(c) is amended to insert "in accordance with § 1.337 of this chapter" following "informal request" as follows:

§ 3.56 Modulation monitors.

• • • • •

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the above allowed period, informal request in accordance with § 1.337 of this chapter may be filed with the Engineer in Charge of the radio district in which the station is operating for such additional time as may be required to complete repairs of the defective instrument.

14. Paragraph (b)(3) and paragraph (d) of § 3.58 are amended to read as follows:

§ 3.58 Indicating instruments.

• • • • •

(b) • • •

(3) If the defective instrument is the antenna current meter of a nondirectional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna, and does not employ a remote common point meter, the operating power shall be determined by the indirect method in accordance with § 3.52 during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote antenna ammeter or a remote common point meter is employed and the antenna current meter or common point meter becomes defective, the remote meter may be used in determining operating power by the direct method pending the return to service of the regular meter, provided other meters are maintained at same value previously employed.

• • • • •

(d) Remote antenna ammeters and remote common point meters are not required; therefore, authority to operate without them is not necessary. However, if a remote antenna ammeter or common point meter is employed and becomes defective, the antenna base currents may be read and logged once daily for each mode of operation, pending the return to service of the regular remote meter.

15. Subparagraphs (3) and (4) of § 3.66(c) are amended to read as follows:

§ 3.66 Remote control authorization.

• • • • •

(c) • • •

(3) The transmitter, if the power rating is in excess of 10 kw, is reliable and capable of being operated by remote control.

(4) The station, if authorized to operate with a directional antenna and/or with power in excess of 10 kw, will be equipped so that it can be satisfactorily operated in accordance with Subpart G of this part, on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power, whichever is the lesser, and that the necessary switching from the licensed frequency to the CONELRAD frequency can be accomplished from the remote control position: *Provided, however,* That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such a power will provide satisfactory service under CONELRAD.

16. Paragraph (a)(5) of § 3.67 is amended to read as follows:

§ 3.67 Remote control operation.

(a) • • •

(5) The indications at the remote control point of the antenna current meter or, for directional antennas, the common point current meter and remote base current meters, shall be read and entered in the operating log each half hour.

17. Subparagraphs (2) and (3) of § 3.87(a) are amended to read as follows:

§ 3.87 Program transmissions prior to local sunrise.

(a) • • •

(2) Any Class II station causing interference, as determined by the standard broadcast Technical Standards of this subpart, by use of its daytime facilities within the 0.5 mv/m 50 percent skywave contour of any Class I station of the United States, Mexico, or of any country party to the North American Regional Broadcasting Agreement, except (i) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station; (ii) where an agreement has been reached with the Class I station to begin operation prior to local sunrise.

(3) Operation by use of its daytime facilities of any Class II station on any Class I–A channel not assigned to the United States under the North American Regional Broadcasting Agreement or under the U.S./Mexican Agreement.

18. Section 3.93(b) is amended to read as follows:

§ 3.93 Operator requirements.

• • • • •

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radio-telephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) through (4) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. (A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a CONELRAD Radio Alert is called, make adjustments necessary to effect operation on a CONELRAD authorization: *Provided,* That the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish CONELRAD operation.) Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radio-telephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

(4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

Should the transmitting appartus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator shall be required to terminate the station's emissions.

19. Delete § 3.94 and insert the following:

§ 3.94 [Reserved]

§ 3.121 [Amendment]

20. Section 3.121(f) is amended to change the reference "§ 1.327" in the parenthetical matter at the end of the paragraph to "§ 1.334".

§ 3.139 [Amendment]

21. Section 3.139 is amended by deleting paragraph (b) and paragraph designator "(a)".

§ 3.181 [Amendment]

22. Section 3.181(b) is amended by changing "for operation in public interest" in the first sentence to "for operation in the public interest".

§ 3.182 [Amendment]

23. Section 3.182 is amended as follows:

a. Paragraph (a)(1)(i) is amended to read as follows:

(i) The Class I stations in Group I-A are those assigned to the channels allocated by § 3.25(a), on which, except to the extent therein provided, duplicate nighttime operation is not permitted; that is, no other station is permitted to operate on a channel with a Class I station of this group within the limits of the continental United States, excluding Alaska (the Class II stations assigned the channels operate limited time or daytime only), and during daytime the Class I station is protected to the 100 uv/m groundwave contour. Protection is given this class of station to the 500 uv/m groundwave contour from adjacent channel stations for both day and nighttime operations. The power of each such Class I station shall not be less than 50 kw.

b. Paragraph (v) is amended to add footnote designator 7 after "Not duplicated" in the first line of the fifth column of the table, to delete the note following the table, and to add the following footnote 7 to the table:

⁷ On the frequency 770 kc, two Class I stations may be assigned.

c. The text of paragraph (w), except for the table, is amended to read as follows:

(w) The following table is to be used for determining the minimum ratio of the field intensity of a desired to an undesired signal for interference free service. In the case of a desired groundwave signal interfered with by two or more skywave signals on the same frequency, the RSS value of the latter is used. From the table, it is apparent that in many cases stations operating on channels 10 and 20 kilocycles apart may be operated with antenna systems side by side or otherwise in proximity without any indications of interference if the interference is defined only in terms of permissable ratios listed in this paragraph. As a practical matter, serious interference problems may arise when two or more stations with the same general service area are operated on channels 10, 20, and 30 kilocycles apart.

24. Section 3.184 is amended by the addition of the following new paragraph:

§ 3.184 Groundwave field intensity charts.

• • • • •

(f) This paragraph consists of the following Graphs 1–19, 19A, and 20, and a "slider for use with graphs."

25. Section 3.188(a)(4) is amended to read as follows:

§ 3.188 Location of transmitters.

(a) • • •

(4) To fulfill certain other requirements given in the following paragraphs of this section.

26. Section 3.190 is amended by adding the following text:

§ 3.190 Engineering charts.

This section consists of the following Figures 1, 2, R3, 5, 6, 6a, 7, and 8.

Subpart B is amended as follows:

27. Section 3.203 is amended by deleting "the Territory of" in two places in paragraphs (c) and (d), as follows:

§ 3.203 Class A stations.

• • • • •

(c) In Hawaii, the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300, inclusive) will not be assigned in Hawaii for use by FM broadcast stations.

(d) In Alaska, the frequency band 88–100 Mc is allocated to Government radio services and the non-Government fixed service only. The frequencies 88.1 Mc through 99.9 Mc (Channels 201 through 260, inclusive) will not be assigned in Alaska for use by FM broadcast stations.

28. Section 3.204 is amended by deleting "the Territory of" in two places in paragraphs (c) and (d), as follows:

§ 3.204 Class B stations.

• • • • •

(c) In Hawaii, the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300, inclusive) will not be assigned in Hawaii for use by FM broadcast stations.

(d) In Alaska, the frequency band 88–100 Mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 Mc through 99.9 Mc (Channels 201 through 260, inclusive) will not be assigned in Alaska for use by FM broadcast stations.

§§ 3.211–3.213 [Deletion]

29. Sections 3.211, 3.212, and 3.213 are deleted.

30. The present text of § 3.214 is deleted and the following substituted:

§ 3.214 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

31. The present text of § 3.215 is deleted and new § 3.215 is inserted (derived from former § 3.211(b)) to read as follows:

§ 3.215 Notification of filing of applications.

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new FM broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south, and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

§§ 3.219–3.223 [Deletion]

32. Sections 3.219 to 3.223, inclusive, are deleted.

§ 3.241 [Amendment]

33. Section 3.241 is amended to delete paragraph (b) and paragraph designator "(a)".

§ 3.255 [Amendment]

34. Section 3.255(c)(2) is amended to change the reference "§ 1.324" in the last sentence of the parenthetical matter to read "§ 1.331".

35. Section 3.257(c) is amended to read as follows:

§ 3.257 Changes in equipment and antenna system.

• • • • •

(c) Other changes, except as above provided for in this section or in the Technical Standards of this subpart, may be made at any time without the authority of the Commission: *Provided,* That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

36. In § 3.317, paragraph (b) preceding subparagraph (1) is amended to insert "(section 8192(a), (b), and (c))" after "National Electrical Code", to add "as" preceding "set forth below", and to delete the Note; and subdivision (g)(1)(ii) is amended by changing the reference "Section 8191" to "Section 8192"; as follows:

§ 3.317 Transmitters and associated equipment.

• • • • •

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code (section 8192(a), (b), and (c)), and as set forth below:

• • • • •

(g) *Studio equipment.* (1) • • •

(ii) Section 8192 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

37. Section 3.333 is amended by adding the following text:

§ 3.333 Engineering charts.

This section consists of the following Figures 1 and 2.

Subpart C is amended as follows:

38. In § 3.501, the footnote to the table in paragraph (a), and paragraph (b) are amended to read as follows:

§ 3.501 Channels available for assignment.

(a) * * *

[1] The frequency 89.1 Mc, Channel No. 206 in the New York City metropolitan area, is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw, and the Commission will make no assignments which would cause objectionable interference with such use.

(b) In Alaska, the frequency band 88–100 Mc is allocated exclusively to Government radio services and the non-Government fixed service. The frequencies 88.1 Mc through 91.9 Mc (Channels 201 through 220, inclusive) will not be assigned in Alaska for use by noncommercial educational FM broadcast stations; however, the frequencies 100.1–107.9 Mc (Channels 261 through 300, inclusive) are available for such use.

§§ 3.511–3.513 [Deletion]

39. Sections 3.511, 3.512, and 3.513 are deleted.

40. The present text of § 3.514 is deleted and the following text substituted:

§ 3.514 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

41. The present text of § 3.515 is deleted and new § 3.515 (derived from former § 3.211(b)) is added, as follows:

§ 3.515 Notification of filing of applications.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new noncommercial educational FM broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

§ 3.518 [Amendment]

42. Section 3.518 is amended by deleting the note following paragraph (a)(18).

§§ 3.519–3.523 [Deletion]

43. Sections 3.519 to 3.523 are deleted.

§ 3.557 [Amendment]

44. Section 3.557 is amended by changing the first word of the text from "Licenses" to "Licensees".

Subpart E is amended as follows:

45. Section 3.602 is amended to read as follows:

§ 3.602 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the television broadcast service are included in the following parts of this chapter:

Part 1—Practice and Procedure.
Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.
Part 4—Experimental, Auxiliary, and Special Broadcast Services.
Part 17—Construction, Marking, and Lighting of Antenna Structures.

46. Section 3.603(b) is amended by deleting "the Territories of" in two places, as follows:

§ 3.603 Numerical designation of television channels.

* * * * *

(b) In Alaska and Hawaii, the frequency bands 76–82 Mc and 82–88 Mc are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be assigned in Alaska or Hawaii for use by television broadcast stations.

§ 3.606 [Amendment]

47. Section 3.606(b) is amended by transferring the entries for Alaska from "U.S. Territories" to the alphabetical listing by States, and by changing the entries for High Point, N.C. and Winston-Salem, N.C. to read as follows:

High Point (*also see* Greensboro-High Point-Winston-Salem)	15+
Winston-Salem (*also see* Greensboro-High Point-Winston-Salem)	12, 26+, *32—

48. In § 3.611, the note following paragraph (d)(3) is amended to read as follows:

§ 3.611 Reference points and distance computations.

* * * * *

(d) * * *
(3) * * *

NOTE: In determining necessary distance computations for Alaska and the Territories, the appropriate mileage per degree may be obtained by linear interpolation of the data given on pages 1246 and 1247 of the tables in publication H.O. No. 9 (Bowditch-American Practical Navigator—1958 Edition) of the U.S. Navy Department, Hydrographic Office. This publication may be purchased from the Government Printing Office, Washington 25, D.C.

49. The following new section is added preceding § 3.621:

§ 3.620 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

50. Section 3.622 is revised to read as follows:

§ 3.622 Applications for sharing of television channels.

Separate applications shall be filed by each applicant for the voluntary sharing of television channels. Such applications shall be accompanied by copies of the time-sharing agreements under which the applicants propose to operate.

51. The present text of § 3.623 is deleted and new § 3.623 (derived from former § 3.622(b)) is added, as follows:

§ 3.623 Notification of filing of applications.

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new television broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south, and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

52. Sections 3.624 to 3.627 are deleted and the following is inserted:

§§ 3.624–3.627 [Reserved]

§ 3.630 [Amendment]

53. Section 3.630 is amended by the deletion of the note following paragraph (a)(18).

54. Section 3.631 is deleted and the following is inserted:

§ 3.631 [Reserved]

55. Section 3.632 is amended to read as follows:

§ 3.632 Emergency weather warnings.

Upon receipt of notification of an Emergency Weather Warning of a condition of immediate danger to life and property from the United States Weather Bureau, all television broadcast stations may, at their option, broadcast CONELRAD Attention Signals (two five-second carrier breaks and fifteen seconds of 1,000 CPS tone sound carrier only) followed by the emergency Weather Warning as outlined in CONELRAD Manual BC–3 (Revised), Appendix A.

56. Sections 3.633 and 3.634 are deleted and the following is inserted:

§§ 3.633–3.634 [Reserved]

§ 3.638 [Amendment]

57. Section 3.638(c)(2) is amended by changing the reference "§ 1.324" in the note to "§ 1.331".

§ 3.651 [Amendment]

58. Section 3.651(a) is amended by changing "special temporary authority" in the third sentence to "temporary authorization".

§ 3.655 [Amendment]

59. Section 3.655(a) is amended by changing "as used below" to "as used in this section".

§ 3.659 [Amendment]

60. Section 3.659 is amended by the deletion of paragraph (b) and the deletion of paragraph designator "(a)".

61. Section 3.682(b) is amended to delete the text following the first sentence of subparagraph (6) and to insert as a note following subparagraph (4), and by revising the note appearing in the Code of Federal Regulations following the section, as follows:

§ 3.682 Transmission standards and changes.

* * * * *

(b) *Changes in transmission standards.* * * *

(4) The effect of the proposed change or modification in the adopted standards upon operation and obsolescence of receivers;

NOTE: Should a change or modification in the transmission standards be adopted by the Commission, the effective date thereof will be determined in the light of the considerations mentioned in this subparagraph.

* * * * *

(6) The facts and reasons upon which the petitioner bases his conclusion that the proposed change or modification would be in the public interest, convenience, and necessity.

NOTE: *Use of Television Test Signals.* Under consideration in an outstanding rule making proceeding (Docket 11986) is the adoption of a standard test signal to be transmitted by television broadcast stations. When the Commission instituted rule making in Docket No. 11986, it issued a Public Notice (FCC 57–342, 22 F.R. 2507) on April 4, 1957, pointing out that it would be helpful if, during the course of the proceeding, television stations were authorized, without further specific authority to transmit test signals during programing. Such test transmissions could be employed for the purpose of developing and testing the feasibility of the method used and would be helpful in the preparation of comments and data in the rule making proceeding. Station licensees were cautioned, however, that the specifications of any test signal which may be adopted would be determined after rule making, and that equipment employed under the test authorization may become obsolete as a result of the final specifications adopted. The Commission also stated that the transmission of test signals during program transmissions shall not interfere with synchronization nor significantly degrade the picture reception.

Pending a final decision in Docket No. 11986, television broadcast stations are authorized to continue to conduct test transmissions in accordance with the foregoing for the period ending October 3, 1959. Stations originating test signals pursuant to this authorization are requested to notify the Commission.

§ 3.685 [Amendment]

62. Section 3.685(c) is amended by changing, in the third sentence, "hereafter described" to "in § 3.686,".

§ 3.686 [Amendment]

63. Section 3.686 is amended by changing the last word of paragraph (a) from "below" to "in the following paragraphs of this section".

64. In § 3.687, paragraph (d) preceding subparagraph (1) is amended to insert "(section 8192 (a), (b), and (c))" after "National Electrical Code" and to delete the Note; and paragraph (j)(2) is amended to change the reference "Section 8191" to "Section 8192", as follows:

§ 3.687 Transmitters and associated equipment.

* * * * *

(d) *Construction.* In general, the transmitters shall be mounted either on racks and panels or in totally enclosed frames protected as required by article 810 of the National Electrical Code (section 8192(a), (b), and (c)), and as set forth below:

* * * * *

(j) *Studio equipment.* * * *

(2) Section 8192 of article 810 of the National Electrical Code shall apply for voltages only in excess of 500 volts.

65. Section 3.694(b)(2) is amended to read as follows:

§ 3.694 Requirements for type approval of aural modulation monitors.

* * * * *

(b) * * *

(2) A modulation peak indicating device shall be provided that can be set at any pre-determined value from 50 to 120 percent modulation (±25 kc swing is defined as 100 percent modulation) and for either positive or negative swings (i.e., either above or below transmitter center frequency).

66. Section 3.699 is amended by the addition of the following text:

§ 3.699 Engineering charts.

This section consists of the following Figures 1–12 and "slider for use with Figures 9 and 10".

Subpart F is amended as follows:

§ 3.704 [Amendment]

67. Section 3.704 is amended by deleting from the first column "15 * * *" opposite "June * * *" in the second column.

68. New § 3.710 is added preceding § 3.711, as follows:

§ 3.710 Cross reference.

See §§ 1.300 to 1.364, Subpart D of Part 1 of this chapter, for general requirements as to applications, filing of applications and description of application forms, other forms and information to be filed with the Commission, the manner in which applications are processed, and provisions applying to action on applications.

§ 3.711 [Amendment]

69. Section 3.711 is amended by the deletion of paragraph (d) which is redesignated as § 3.712.

70. The present text of § 3.712 is deleted and new § 3.712 (derived from former § 3.711(d)) is added, as follows:

§ 3.712 Notification of filing of applications.

In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, an applicant for authority to construct a new international broadcast station or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south, and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box #2, Green Bank, West Virginia, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

71. Sections 3.713 to 3.715 are deleted and the following is inserted:

§§ 3.713–3.715 [Reserved]

§§ 3.719–3.723 [Deletion]

72. Sections 3.719 to 3.723 are deleted.

73. Section 3.752 is revised to read as follows:

§ 3.752 Frequency control.

The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within 0.003 percent of the assigned frequency.

§ 3.757 [Amendment]

74. Section 3.757(c) (2) is amended by changing the reference to "§ 1.324" to "§ 1.331".

Subpart G is amended as follows:

§ 3.970 [Amendment]

75. Section 3.970 is amended by changing "the Office of Defense Mobilization," to "the Office of Civil and Defense Mobilization,".

Subpart H is amended as follows:

§ 3.1003 [Amendment]

76. Section 3.1003 is amended by changing "Office of Defense Mobilization," to "Office of Civil and Defense Mobilization,".

[F.R. Doc. 59–6399; Filed, Aug. 4, 1959; 8:45 a.m.]

[FCC 59–850]

PART 3—RADIO BROADCAST SERVICES

Remote Control Operation

In the matter of amendment of § 3.66 (Broadcast Service) of the Commission's rules and regulations.

1. The Commission has before it for consideration its order in the above-entitled proceeding, released on April 25, 1958, and a petition for reconsideration thereof filed on May 26, 1958, by the International Brotherhood of Electrical Workers.

2. The April 25th order amended § 3.66(c) (4) of the rules relating to the remote control operation of Broadcast stations with directional antennae and/or power in excess of 10 kw to permit lower power than that required by the rule on certification by a CONELRAD Field Supervisor that the lower power is satisfactory for CONELRAD service.

3. Petitioner contends that insofar as the order provided for the lowering of the minimum power requirement, it is substantive in nature, and is therefore defective in that it does not meet the requirements of section 4 of the Administrative Procedure Act because it neither was preceded by a rule making proceeding, nor included a finding that notice and public procedure thereon were impracticable, unnecessary or contrary to the public interest. Petitioner requests that upon reconsideration the Commission vacate the order complained of and conduct such further proceedings, in accordance with law, as the Commission deems just and appropriate.

4. A review of this petition and the order to which it is directed indicates that the amendment to § 3.66(c) (4) of the rules is in fact substantive in nature, and that the requirements of section 4 of the Administrative Procedure Act have not been fully met. We have, accordingly, decided to vacate the order, and to issue, concurrently with this decision, a Notice of Proposed Rule Making looking toward the same substantive amendment to this rule, but affording interested parties an opportunity to comment on this proposed amendment. In view of the fact that petitioner has not attacked the substance of this amendment; and in view of the fact that a number of authorizations for remote control operation have been issued to stations participating in the CONELRAD program which would not meet the minimum power requirements of § 3.66(c) (4) but for the amendment; and in view of the importance of the CONELRAD program to the defense of this nation, we are of the opinion that the public interest would be served by our staying the effective date of this vacating order until the Commission has had an opportunity to evalute such comments as may be filed in response to the Notice of Proposed Rule Making.

5. In view of the foregoing: *It is ordered*, That the petition filed on May 26, 1958, by the International Brotherhood of Electrical Workers for reconsideration of the Commission's Memorandum Opinion and Order of April 25, 1958, is hereby granted and that order is hereby vacated. *And it is further ordered*, That the effective date of the vacating of this order is hereby stayed, on the Commission's own motion, pending its action on a Notice of Proposed Rule Making issued on July 29, 1959, in the matter of amendment of § 3.66 (Broadcast Service) of the Commission's Rules Relating to Remote Control Authorizations.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6437; Filed Aug. 4, 1959; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7477 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Forbes & Wallace, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Forbes & Wallace, Inc., et al., Springfield, Mass.; Docket 7477, July 9, 1959]

In the matter of Forbes & Wallace, Inc., a Corporation, Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators of a department store in Springfield, Mass., with making fictitious pricing and savings claims in advertising, by such practices as designating excessive amounts as "list" and "regularly" and representing the offering price as a reduction therefrom.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Forbes & Wallace, Inc., a corporation, and its officers, and Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is the price of merchandise in respondents' trade area when it is in excess of the price at which said merchandise is usually and customarily sold in said trade area;

2. That any amount is respondents' usual and regular price of merchandise when it is in excess of the price at which said merchandise has been usually and regularly sold by respondents in the recent regular course of their business;

3. That any saving is afforded in the purchase of merchandise from the price in respondents' trade area unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold in said trade area;

4. That any saving is afforded in the purchase of merchandise from respondents' price unless the price at which it is offered constitutes a reduction from the price at which the merchandise is usually and customarily sold by respondents in the recent regular course of their business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Forbes & Wallace, Inc., a corporation, and Norman Wallace, Louis B. Howland, Laurence R. Wallace, Ralph Little, and Samuel R. Page, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6417; Filed, Aug. 4, 1959; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bayou Chico, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat 362; 33 U.S.C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended prescribing a new paragraph (i) (15–a) to govern the operation of the Escambia County bridge across Bayou Chico in Pensacola, Florida, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Cheaspeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(15-a) Bayou Chico, Florida. Escambia County bridge in Pensacola. Between 7:30 a.m. and 8:30 a.m., 3:30 p.m. and 4:30 p.m., and 5:00 p.m. and 5:30 p.m., except Saturdays, Sundays and national holidays, the draw need not be opened for the passage of vessels: *Provided*, That the draw shall be opened at any time for the passage of a tow: *And provided further*, That the draw shall be opened at any time for the passage of a vessel in an emergency involving danger to life or property which shall be indicated by four blasts of the signalling device.

[Regs., July 20, 1959, 285/91 (Bayou Chico, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–6411; Filed, Aug. 4, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICES IN POST OFFICES

Closing of Post Office Boxes Used for Unlawful or Improper Purposes

In Federal Register Document 59–903, appearing at page 732 of the issue for Tuesday, February 3, 1959, the introductory sentence amending § 41.3 *Post office boxes*, which reads "In § 41.3 *Post office boxes*, amend paragraph (g) by adding thereto a subparagraph (4) to read as follows" is corrected to read "In § 41.3 *Post office boxes*, amend paragraph (h) by adding thereto a subparagraph (4) to read as follows:".

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59–6420; Filed, Aug. 4, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13081; FCC 59–837]

COMPENSATION PAID TO INDIVIDUAL EMPLOYEES

Change of Form for Reporting Requirements

In the matter of amendment of Annual Reports Form O, for Wire-telegraph and Ocean-cable Carriers; Form R, for Radiotelegraph Carriers; and Form M, for Class A and Class B Telephone Companies, to change the reporting requirements for compensation paid to individual employees; Docket No. 13081.

1. The Western Union Telegraph Company (Western Union), by letter dated July 2, 1959 requested the Commission to amend the reporting requirements of Annual Report Form O for Wire-telegraph and Ocean-cable Carriers, by revising the instructions of Schedule 3, "General Officers and Executives," to require the reporting of all employees, other than officers, who receive $20,000 or more a year in lieu of the present requirement of those receiving $15,000 or more annually. The change suggested by the carrier would revise Instruction 1 of Schedule 3, Annual Report Form O, to read as follows:

1. Include all elected officers, irrespective of their compensation, and all other persons having an annual salary rate of $20,000 or more at any time during the year or to whom the respondent paid $20,000 or more during the year as compensation for services.

The only change from present wording is that $20,000 is substituted for $15,000.

2. Prior to 1948, Annual Report Form O (as well as similar schedules in Form R for radiotelegraph companies and Form M for telephone companies) required the carriers to list under Schedule 3, compensation paid to all elected officers, irrespective of their compensation, and to other employees with an annual salary rate of $10,000 or more. Since 1948 the salary dividing line in this requirement has been fixed at $15,000 per year.

3. Western Union in support of its proposal contends that in 1948 there were only 22 listings by it required under Schedule 3, "General Officers and Executives." However, as a result of the steeply rising wage trend during the last decade the number of listings has increased to 79 for the year 958. The carrier believes the 1958 annual report includes many supervisory titles below the top-management level contemplated by Schedule 3 of Annual Report Form O.

4. The Commission has made inquiries of the reporting requirements of other Federal regulatory authorities and determined that (a) Interstate Commerce Commission requires the disclosure by the larger railroads and motor carriers of salaries paid in excess of $20,000 per year, (b) Federal Power Commission in its annual reports for large electric and gas utilities requires the reporting of salaries paid in excess of $25,000 per year, and (c) Civil Aeronautics Board requires its reporting companies to list in the annual reports salaries paid in excess of $10,000 per year.

5. An indication, beyond the Western Union example, of how increasing salary scales have required the reporting of many more names and salaries than we had in mind when the presently effective requirements were adopted in 1948 is found in a comparison of representative annual reports for 1948 and 1958. In 1948 American Telephone and Telegraph Company, New York Telephone Company and The Pacific Telephone and Telegraph Company listed 128, 59 and 43 names, respectively. Comparable figures for 1958 are 409, 268 and 254.

6. We believe the salary reporting requirements for all reporting common carriers should be kept uniform. Consequently, it is proposed that any dollar amount changes ordered in Annual Report Form O as a result of this proceeding will also be made in the appropriate schedules of Annual Report Form M and R.

7. Whether or not a change is made in the annual salary amount below which names and salaries of non-officer employees need not be reported, there is another change the Commission proposes to make in the Compensation schedules in Forms O and R. It proposes to strike the word "elected" from Instruction 1 in Schedule 3, "General Officers and Executives," in each of these Forms. The present wording of Instruction 1 of this Schedule 3 will be found in paragraph 1 above. The purpose of this proposed change is to make it clear beyond all doubt that all officers are to be listed,

whether or not they are elected by the stockholders or board of directors or whether they are appointed to office by some other officer.

8. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 219 of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before September 14, 1959, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within twenty days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6438; Filed, Aug. 4, 1959; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13084; FCC 59-851]

REMOTE CONTROL AUTHORIZATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration its Memorandum Opinion and Order of July 29, 1959, which grants a petition filed on May 26, 1958, by the International Brotherhood of Electrical Workers, requesting the Commission to reconsider and vacate its Order of April 25, 1958, pertaining to the remote control operation of broadcast stations, and conduct such further proceedings, in accordance with law, as the Commission deems just and appropriate.

3. For the procedural reasons set forth in the Memorandum Opinion and Order of July 29, 1959, the order complained of has been vacated, and the effective date of the vacating order stayed pending the conclusion of a rule making proceeding proposing the same substantive amendment. It is now therefore proposed that § 3.66(c) of the rules, which provides that:

An authorization for remote control will be issued only after satisfactory showing has been made in regard to the following, among others:

* * * * *

(4) The station, if authorized to operate with a directional antenna and/or with a power in excess of 10 kw, will be equipped so that it can be satisfactorily operated * * * on a CONELRAD frequency with a power of 5 kw or not less than 50 percent of the maximum licensed power whichever is the lesser and that the necessary switching from the licensed frequency to the CONELRAD frequency can be accomplished from the remote control position.

be amended by adding to subparagraph (4) thereof, the following: *"Provided, however,* That the power may be less than 50 percent upon certification by the CONELRAD Field Supervisor that such a power will provide satisfactory service under CONELRAD."

4. The Commission is of the view that rule making should be instituted in order that interested parties may submit views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 8, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commision or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6439; Filed, Aug. 4, 1959; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13078; FCC 59-834]

TELEVISION BROADCAST STATIONS; FORT WORTH AND DENTON, TEXAS

Table of Assignments

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the proposal of Texas State Network, Inc., set forth in a petition for rule making filed December 23, 1958, to amend the television Table of Assignments, § 3.606 of the rules, so as to interchange Channel 11 at Fort Worth, Texas, with Channel *2, the educational reservation at Denton, Texas, as follows:

City	Channel No.	
	Present	Proposed
Fort Worth, Tex.	5+, 11-, 20-, *26-, *2, 17	2, 5+, 20-, *26-, *11, 17
Denton, Tex.		

Texas State Network also requests that its license for Station KFJZ-TV be modified to specify operation on Channel 2 at Fort Worth in lieu of Channel 11.

3. For the reasons set forth in our Memorandum Opinion and Order which is being adopted and released simultaneously with this Notice, the Commission has set aside its previous action (Memorandum Opinion and Order, FCC 59-291, adopted April 8 and released April 14, 1959, RM-82) denying Texas State Network's petition for rule making on the subject proposal.

4. The Commission is of the view that a rule making proceeding should be instituted in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4(i), 301, 303(c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before September 8, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Since the proposed amendments, if adopted, would affect the outstanding authorization of Texas State Network, Inc., for Station KFJZ-TV at Fort Worth, pursuant to the provisions of sections 303(f) and 316 of the Communications Act of 1934, as amended, Texas State Network is ordered to show cause in this proceeding why its authorization for Station KFJZ-TV should not be modified to specify operation on Channel 2 in lieu of Channel 11 at Fort Worth. A response to the Order to Show Cause should be filed on or before September 8, 1959.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, comments or responses shall be furnished the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6440; Filed, Aug. 4, 1959; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13079; FCC 59-835]

TELEVISION BROADCAST STATIONS; MUNICE, INDIANA

Table of Assignments

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on July 1, 1959, by Ball State Teachers College at Muncie, Indiana, requesting the institution of rule making to amend § 3.606 of the Table of Assignments, Television Broadcast Stations, by making the following changes in assignments to Muncie, Indiana:

City	Channel No.	
	Present	Proposed
Muncie, Ind.	49, 55, *71	49, *55, 71

3. In support of its request, petitioner alleges that Station WLBC-TV, Muncie, has been in operation on Channel 49 since 1953; that no applications are pending for either Channel 55 or *71; that an educational reservation on the lower UHF channel would make possible a more extensive and dependable service than on the higher UHF channel; that the college is currently completing its third year of experience in producing some television programs over the local commercial station and has specific plans and funds for the construction of a new building which will include a closed-circuit system as well as space for a television broadcast transmitter; that it is expected that funds for the college to construct an educational television station will become available through a bill now before the state legislature or from other sources now being investigated, and that the college intends to file an application for a construction permit for an educational station in the near future.

4. The Commission is of the view that rule making should be instituted in order that interested parties may submit views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(i), 301, 303(c), (d), (f) and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 8, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6441; Filed, Aug. 4, 1959; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 12778; FCC 59-831]

TELEVISION BROADCAST STATIONS; PANAMA CITY, FLORIDA

Table of Assignments

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (FCC 59-134) released in this proceeding on February 20, 1959, to amend the television Table of Assignments so as to change the educational reservation at Panama City, Florida, from Channel 30 to Channel 13, in response to requests of the Florida Educational Television Commission and the Joint Council on Educational Television.

2. Formal comments supporting the proposal were filed by JCET. The petitioner, Florida Educational Television Commission, filed no comments. Attached to the JCET comments, and also to its reply comments, were letters supporting the reservation of Channel 13 at Panama City from the Mayor of Panama City,[1] the Superintendent of the Board of Public Instruction for Bay County, Florida, the President and also the Chairman of the College Advisory Committee of Rosenwald Community Junior College at Panama City, the President of the Rosenwald High School Parent-Teacher Association, the Librarian of Bay County Public Library, the Chairman of the Bay County Unit of the American Cancer Society, District 2 of the Florida Congress of Parents and Teachers, Inc., the Chairman of Bay County Council for P.T.A., the Panama City Garden Club, the Drummond Park Parent Teachers Association, the Chairman of the Bay County Unit of the American Cancer Society and several other individuals in the Panama City area. Letters supporting the proposal were also received from Dixie Radio, Inc., which operates Radio Station WDLP (AM) and WDLP-FM at Panama City, the Unitarian Fellowship at Panama City and several residents of the area.

3. Formal comments opposing the reservation of Channel 13 for education at Panama City were filed by TBC, Inc., and Bay Video, Inc., applicants for a commercial station on Channel 13, and by WKRG-TV, Inc., licensee of Station WKRG-TV at Mobile, Alabama. Numerous letters and several resolutions opposing the proposal were also received from individuals and groups in Panama City and nearby communities. Among the parties expressing opposition to the proposal were the Mayors of Panama City, Springfield, and Long Beach, the Panama City Junior Chamber of Commerce, the Woman's Club of Panama City, the principals of Cherry Street and Millville Elementary Schools at Panama City, the Business and Professional Women's Club of Panama City, the Panama City Junior Service League, St. Andrew's Men's Club, the Cherry Street Parent Teachers Associations at Panama City, the Lynn Haven Chamber of Commerce, and the Executive Board of the Bay County Council of Girl Scouts. A copy of the Minutes of a special meeting of the Advisory Committee of Gulf Coast Community College at Panama City, held on March 20, 1959, was also filed. These minutes inform that the Committee is opposed to the proposal to reserve Channel 13 for education and is of the view that the Panama City area will be better served by two VHF commercial stations than one VHF commercial and one VHF educational outlet. The minutes also inform that the Committee rescinded a prior resolution which it had passed endorsing the proposal at a time when it understood that no commercial groups planned to apply for the channel and that it hopes that at the appropriate time Channel 30 will be activated for educational purposes. Reply comments were filed by JCET, Bay Video, Inc., and TBC, Inc.

4. VFH channels 7 and 13 and UHF Channels *30 and 36 are assigned to Panama City, with Channel *30 reserved for noncommercial educational use. Station WJDM operates on Channel 7 but none of the other assigned channels are being utilized at the present time. There are no applications pending for the UHF assignments. At the time rule making was instituted on the subject proposal to reserve Channel 13 for education, there were no applications pending for that frequency. Two applications are now pending; one filed by TBC, Inc., on March 26, 1959, and the other by Bay Video, Inc., on May 18, 1959. WKRG-TV, Inc., also indicates

[1] This letter is dated March 9, 1959. In a subsequent letter, dated March 23, 1959, and filed on March 24, 1959, the Honorable Frank M. Nelson, Jr., Mayor of Panama City, advises that he was hasty in endorsing the proposal for the reservation of Channel 13 at Panama City in his prior letter and that, after due consideration, he is of the view that the utilization of the channel for a commercial station would be of greater value to the area.

in its comments that it plans to apply for commercial use of Channel 13 in the near future.

5. Channel 13 was assigned to Panama City by our Report and Order of February 26, 1958, in Docket No. 12251 in response to a request of WKRG-TV. The assignment was made upon our determination that a second VHF commercial assignment in this community would serve the public interest and would permit the early establishment of an additional television service in the Panama City area. No comments opposing the assignment of Channel 13 to Panama City for commercial use or proposing its reservation for educational purposes were filed in that proceeding. Upon review of the subsequently filed petition of the Florida Educational Television Commission, and also that part of a petition filed on November 3, 1958, by the Joint Council on Educational Television, which requested rule making looking toward reservation of Channel 13 at Panama City for education, we were of the view that there was sufficient merit to the proposal to warrant rule making on it so that the Commission would have the benefit of all the comments filed by interested parties in deciding whether its adoption would serve the public interest.

6. We have examined the comments and letters filed. Those which support the reservation of Channel 13 for education are replete with statements that the area needs an educational station. JCET also stresses the importance of reserving channels to afford educational interests sufficient time to bring their plans for establishment of an educational station to fruition, free from competing commercial demands. We do not minimize the value and importance of an educational station to this area or the merits of our policy of reserving channels for educational use. Nor do we question that an educational station in this area would be in the public interest. The question involved in this proceeding, however, is whether the public interest would be served by reserving the VHF assignment requested for an educational outlet at the expense of depriving Panama City of the opportunity for a second VHF commercial service. In light of the evidence in the record, we believe not.

7. It is clear from the record that a demand and need exists for a second local commercial service at Panama City and that the opportunity for such a service would be eliminated if Channel 13 were to be reserved for educational use. There are no other VHF channels assigned, and while two UHF assignments would be available for commercial utilization under the subject proposal, none of the comments indicate that there is or would be any interest in their use for commercial purposes in light of the fact that one VHF station is already operating in Panama City and no UHF stations have been established in the area. The two applications now pending for a commercial station on Channel 13 at Panama City, the indication in the record that another party will shortly file an application for the frequency also, and the statements submitted by the Mayor of Panama City and other civic, business and educational leaders and groups in the area demonstrate, we believe, the present demand and need for a second local commercial service in this area and the lack of merit to JCET's unsubstantiated contention that there is no real need or possibility of economic support for a second commercial station at Panama City.

8. The showing made by JCET and others in support of the reservation of Channel 13 for education is devoid of any facts or reasons from which we could conclude that the reservation of the channel would be warranted. There is no indication in the record that there is more than an interest in establishing an educational station in the locality or that there is more than a possibility that Channel 13 would be activated for an educational station at some unforeseeable time in the future. To reserve Channel 13 for education under such circumstances in the face of evidence which indicates that its retention as an unreserved channel will lead to the establishment of a station at an early date which will meet the amply demonstrated present need for a second commercial service in this locality and also provide local educational groups and institutions with an outlet for their educational programs would, we believe, be a waste of valuable and scarce frequency space and not in the public interest. Moreover, at such time as the educators in the area are ready to establish an educational station in the Panama City area to interconnect with the state-wide educational television network for the instruction of students planned by the Florida Educational Television Commission, there is no reason why the present educational reservation, albeit a UHF channel, cannot be used just as effectively as a VHF channel for this purpose, even though the lack of UHF receivers in the area would admittedly make it difficult initially to acquire an audience among the general public.

9. In view of the foregoing: *It is ordered*, That the petition filed by the Florida Educational Television Commission on July 3, 1958, and the petition filed by the Joint Council on Educational Television on November 3, 1958, insofar as it requests that the educational reservation in Panama City, Florida, be changed from Channel 30 to Channel 13, are denied, and this proceeding is terminated.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6442; Filed, Aug. 4, 1959; 8:48 a.m.]

[47 CFR Parts 7, 8]

[Docket No. 13082; FCC 59-841]

TRANSMISSION OF RADIOTELEPHONE ALARM SIGNAL

Notice of Proposed Rule Making

In the matter of amendment of Parts 7 and 8 of the Commission's rules to provide for the transmission of the radiotelephone alarm signal preceding transmission of the distress call or distress message by radiotelephony; Docket No. 13082.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be adopted are set forth below.

2. This proposal is being issued on the Commission's own motion to provide for the voluntary use in distress situations of the internationally recommended radiotelephone alarm signal by stations of the United States operating in the maritime radiotelephone service. Foreign ship stations in the maritime radiotelephone service would be permitted also to use this special signal in accordance with the proposed rules when within the territorial waters of the United States.

3. The purpose of the proposed radiotelephone alarm signal, when transmitted on the international distress frequency 2182 kc, would be to attract the immediate attention of mobile and coast stations of the United States (and possibly those of other countries) listening thereon, and to alert such stations to the distress call, distress message, or cyclone warning that would follow immediately. The distinctive combination of tones comprising the alarm signal should be distinguishable through voice communications and atmospheric noise and should facilitate aural recognition, when received on a loudspeaker or head receiver, beyond the range at which speech transmission is capable of satisfactorily attracting initial attention. The alarm signal, as recommended by the International Radio Consultative Committee (C.C.I.R.)[1] consists of two audio-frequency tones transmitted alternately. One tone would have a frequency of 2,200 cycles per second and the other a frequency of 1,300 cycles per second. These tone frequencies may be generated by automatic or other means, and are used to modulate the radio-frequency carrier by amplitude modulation. Reception of the alarm signal may be by an aural method or by an automatic device which responds to the alarm signal.

4. The essential characteristics of the radiotelephone alarm signal specified in the proposed rules conform to the standards recommended by the C.C.I.R.,[1] and subsequently proposed by the United States for establishing an alarm signal for use internationally on the maritime radiotelephone distress frequency 2182 kc. This C.C.I.R. recommendation and the related United States proposals for modification of Article 37 of the International Radio Regulations to include recognition of this signal and procedures concerning its use in the maritime mobile service will be considered at the Ordinary Administrative Radio Conference scheduled to convene at Geneva, Switzerland, on August 17, 1959. The rules herein proposed, if adopted by the Commission, would, among other things, provide opportunity within the period of the Geneva Conference for possible experimental or regular use of this signal with consequent results that would be of interest to the United States Delegation at that conference.

5. These proposed amendments are issued pursuant to the authority contained in sections 4(o), and 303 (g) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 26, 1959, written data, views, or briefs setting forth his comment. Comments in support of the proposed amendments may be filed also on or before the same date. Rebuttal comments may be filed within 7 days from the last day for filing said original data, views, or briefs. The Commission will consider all such comments prior to taking final action in this matter.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is proposed to be amended as follows:

1. Section 7.7(e) is amended to read as follows:

§ 7.7 Operational.

* * * * * *

(e) *Alarm signals*—(1) *Radiotelegraph alarm signal.* The international radio signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or distress message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(2) *Radiotelephone alarm signal.* The radio signal, consisting of two substantially sinusoidal audio-frequency tones transmitted alternately for a minimum period of 6 seconds, the frequency of one tone being 2200 cycles per second and the frequency of the other being 1300 cycles per second. Each tone has a duration of 250 milliseconds. The tolerance of the frequency of each tone shall be plus or minus 1.5 percent; the tolseconds; any interval between successive tones shall not exceed 50 milliseconds; the ratio of the amplitude of the stronger tone to that of the weaker shall be within the range of 1 to 1.2. These tone frequencies are used to modulate the radiofrequency carrier (by means of amplitude modulation on any frequency within the band 1605–2850 kc) at a modulation percentage of not less than 70 nor more than 100 on both positive and negative modulation peaks. This special signal has for its purpose the actuation of automatic devices giving the alarm, and through its distinctive combination of tones to permit ready aural recognition of the presence of the alarm signal. It may be used solely either to announce that a distress call or distress message is about to follow or to announce the transmission of an urgent cyclone warning by a coast station authorized by the Commission to do so.

NOTE: "Automatic devices," as this term is used in § 7.7(e)(2), means such devices as may be voluntarily provided for this purpose in mobile or coast stations.

2. Section 7.104 is amended by adding a new paragraph (c)(4) as follows:

§ 7.104 Facilities required for coast stations.

(c) * * *

(4) Except for experimental or trial operation under developmental station authorization, any apparatus for generating the radiotelephone alarm signal by automatic means which is used or operated by a coast station for transmission of that signal shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and any other relevant characteristics applicable to generating the radiotelephone alarm signal as defined in § 7.7(e)(2).

3. Section 7.181 is amended by revising paragraphs (a)(1) and (b)(1), by revising footnote 1, and by deleting footnote 2, as follows:

§ 7.181 Order of priority of communications.

(a) * * *

(1) Distress calls (including the international distress signal for radiotelegraphy, the international radiotelegraph alarm signal, and the radiotelephone alarm signal)[1], distress messages, and distress traffic.

* * * * *

(b) * * *

(1) Distress calls (including the international distress signal for radiotelephony, and the radiotelephone alarm signal)[1], distress messages, and distress traffic.

[1] See § 7.7 for definitions of these signals.

4. Section 7.187 is amended as follows: paragraph (d) (1), (2) and (3) are revised; new subparagraph (4) is added; new footnote 2 is added; footnote 3 is amended; and footnote 4 is deleted.

§ 7.187 Procedure relative to distress communication.

* * * * *

(d) *Supplemental transmissions.* (1) When a distress call has been transmitted which was not preceded by the appropriate alarm signal, or when the appropriate alarm signal as transmitted appears upon audible reception to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive frequency deviation, a coast station located in the general vicinity of the vessel, aircraft, or other unit in distress may, if possible and when considered necessary by the licensed operator on duty at that station, transmit:

(i) The radiotelegraph alarm signal[2] on the frequency 500 kc, using the maximum available power and class A2 emission, or

(ii) The radiotelephone alarm signal[3] on the frequency 2182 kc, and on such other frequencies authorized for telephony as may be considered necessary or helpful, using the maximum available power.

(2) When a coast station has heard a distress call or distress message which has not been acknowledged promptly, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call or distress message may be repeated. In telegraphy, such repetition shall be made, if possible, on the frequency 500 kc using the maximum available power and, if possible, class A2 emission, and/or such other frequencies and with such other class of emission as may be deemed necessary or helpful. In telephony, such repetition shall be made, if possible, on the frequency 2182 kc using the maximum available power and class A3 emission, and/or on such other frequencies as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it with the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign (or other identification if telephony is used) repeated three times. The repetition of a distress call or distress message on 500 kc or 2182 kc should, whenever practicable, be preceded by transmission of the appropriate alarm signal. An interval of not more than two minutes shall, if circumstances permit, be allowed between transmission of

[1] Recommendation No. 219 of the International Radio Consultative Committee, (C.C.I.R.), an organ of the International Telecommunication Union.

[2] This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The international distress signal for radiotelegraphy should be transmitted 3 times immediately after this alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the international distress signal on 500 kc.

[3] See § 7.7 for definition of this signal.

an alarm signal and the repetition of a distress call or distress message.

(4) Transmission of the radiotelephone alarm signal as prescribed in subparagraph (1) of this paragraph shall conform to the following procedure. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be sent as continuously as practicable over a minimum period of approximately one minute.

B. Part 8 is proposed to be amended as follows:

1. Section 8.6(e) is amended to read as follows:

§ 8.6 Operational.

* * * * *

(e) *Alarm signals*—(1) *Radiotelegraph alarm signal.* The international radio signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or distress message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(2) *Radiotelephone alarm signal.* The radio signal, consisting of two substantially sinusoidal audio-frequency tones transmitted alternately for a minimum period of 6 seconds, the frequency of one tone being 2200 cycles per second and the frequency of the other being 1300 cycles per second. Each tone has a duration of 250 milliseconds. The tolerance of the frequency of each tone shall be plus or minus 1.5 per cent; the tolerance on the uninterrupted duration of each tone shall be plus or minus 50 milliseconds; any interval between successive tones shall not exceed 50 milliseconds; the ratio of the amplitude of the stronger tone to that of the weaker shall be within the range of 1 to 1.2. These tone frequencies are used to modulate the radio-frequency carrier (by means of amplitude modulation on any frequency within the band 1605–2850 kc) at a modulation percentage of not less than 70 nor more than 100 on both positive and negative modulation peaks. This special signal has for its purpose the actuation of automatic devices giving the alarm, and through its distinctive combination of tones to permit ready aural recognition of the presence of the alarm signal. It may be used solely either to announce that a distress call or distress message is about to follow or to announce the transmission of an urgent cyclone warning by a coast station authorized by the Commission to do so.

NOTE: "Automatic devices", as this term is used in § 8.6(e)(2), means such devices as may be voluntarily provided for this purpose in mobile or coast stations.

2. A new § 8.116 is added as follows:

§ 8.116 Apparatus for generating automatically the radiotelephone alarm signal.

Except for experimental or trial operation under developmental station authorization, any apparatus for generating the radiotelephone alarm signal by automatic means, which is used or operated by a mobile station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and any other relevant characteristics applicable to generating the radiotelephone alarm signal as defined in § 8.6(e)(2).

3. Section 8.177 is amended by revising paragraph (a)(1) and by deleting the Note following that subparagraph, by revising paragraph (b)(1), and by adding footnote 1, as follows:

§ 8.177 Order of priority of communications.

(a) * * *

(1) Distress calls (including the international distress signal for radiotelegraphy, the international radiotelegraph alarm signal, and the radiotelephone alarm signal),[1] distress messages, and distress traffic.

* * * * *

(b) * * *

(1) Distress calls (including the international distress signals for radiotelephony, and the radiotelephone alarm signal),[1] distress messages, and distress traffic.

[1] See § 8.6 for definition of these signals.

4. Section 8.233(b) is amended to read as follows:

§ 8.233 Form of distress call.

* * * * *

(b) * * *

(1) The distress call, when trasmitted by radiotelephony, is generally preceded by the distress signal for radiotelegraphy as designated in paragraph (a)(1) of this section. Such signal may be produced by a whistle or any other suitable means. Additionally or alternatively, the distress call may be preceded by the radiotelephone alarm signal as provided by § 8.234.

(2) The distress call transmitted by radiotelephony comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This is", followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

5. Section 8.234 is amended to read as follows:

§ 8.234 Alarm signals.

(a) The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the radiotelegraph alarm signal[1] transmitted by means of class A2 emission on 500 kc. The distress signal for radiotelegraphy as designated in § 8.233(a)(1) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by such distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress call on 500 kc, to allow time for operators alerted by these signals to go on watch.

(b) The distress call, when transmitted by radiotelephony on the frequency 2182 kc, should, if possible, be preceded by the radiotelephone alarm signal[1] transmitted on 2182 kc.

[1] See § 8.6 for definition of these signals.

6. Section 8.241 is amended to read as follows:

§ 8.241 Supplemental transmissions.

(a) When a distress call has been transmitted which was not preceded by the appropriate alarm signal, or when the appropriate alarm signal as transmitted appears upon audible reception to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive frequency deviation, a mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress may, if possible and when considered necessary, upon authorization of the master or person responsible for the station, transmit:

(1) The radiotelegraph alarm signal on the frequency 500 kc, using the maximum available power and class A2 emission, or

(2) The radiotelephone alarm signal on the frequency 2182 kc, and on such other frequencies authorized for telephony as may be considered necessary or helpful, using the maximum available power.

(b) When a mobile station has heard a distress call or distress message which has not been promptly acknowledged, and when such mobile station is not itself in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and the distress message may be repeated. In telegraphy, such repetition shall be made, if possible, on the frequency 500 kc using the maximum available power and, if possible, class A2 emission, and/or such other frequency and with such other class of emission as may be deemed necessary or helpful. In telephony, such repetition shall be made, if possible, on the frequency 2182 kc using the maximum available power and class A3 emission, and/or on such other frequency as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it with the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign repeated three times. The repetition of a distress call or distress message on 500 kc or 2182 kc should, whenever practicable, be preceded by transmission of the appropriate alarm signal. An interval of not more than two minutes shall, if circumstances permit, be allowed between transmission of an alarm signal and the repetition of a distress call or distress message.

(d) Transmission of the radiotelephone alarm signal as prescribed in this subpart shall conform to the following procedure. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be sent as continuously as practicable over a minimum period of approximately one minute.

[F.R. Doc. 59-6443; Filed, Aug. 4, 1959; 8:49 a.m.]

[47 CFR Parts 45, 46]

[Docket No. 13080; FCC 59-836]

PRESERVATION OF CERTAIN RECORDS

Notice of Proposed Rule Making

In the matter of amendment of Parts 45, Preservation of Records of Telephone Carriers, and 46, Preservation of Records of Wire-Telegraph, Ocean-Cable and Radiotelegraph Carriers, of the Commission's rules and regulations to reduce the retention periods for payroll, employee service, mortality, and related records, and to combine into one part the present two parts; Docket No. 13080.

1. The American Telephone and Telegraph Company (AT&T), on behalf of itself and the Bell System companies, by a letter dated September 16, 1958, has requested that the Commission make certain changes in Part 45 (Preservation of Records of Telephone Carriers) of its rules and regulations pertaining to payroll and employee records covered by item 21 of § 45.8.

2. A summary of the proposed changes follows:

In item No. 21a, change the retention period from 10 years (M) to 6 years (M).

In item No. 21b, add the words "and pension or other pay-rolls" at the end of the text under description of records. (These records are now covered by Item 21-l.) The effect of the change proposed is to reduce the required period of retention for pension or other pay-rolls from permanently to three years.

In item No. 21d–1, 2, 3 and 4, delete the present text and the "permanent" retention period for these items and substitute the following two new items:

21d. Service records of individual employees consisting of names, sex, salary and wage rates, occupational classifications, and similar data together with changes therein. (See item 22-b.) Period to be retained—6 years after termination of employment (M).

22j. Annual employee census summaries, and supplemental summaries in connection therewith, not used in the computation of annual pension accrual rates. (See item 19j.) Period to be retained—10 years (M).

In items 21j and k delete the parenthetical cross-reference to item 21d and in each item, under the "Period to be retained," delete the word "Permanently (M)" and substitute the following:

Item No.	*Period to be retained*
21 j(1)	6 years after termination of employment (M).
21 j(2)	6 years (M).
21 k	6 years (M).

In item 21–l, delete the words "reports of changes therein and related authorizations (see item 21–d)" and change the retention period from "Permanently (M)" to "6 years (M)."

3. The above changes would make the items affected read as follows:

Item No.	Description of records	Period to be retained
21a	Payroll sheets, registers, lists, ledgers, and other basic records of salaries and wages earned by and payments to individual employees for each payroll period.	6 years (M).
21b	Payroll change reports or other approved applications or authorities for establishing and changing salary and wage rates of individual employees and for making other changes in employees' service records and pension or other payrolls.	3 years (M).
21d	Service records of individual employees consisting of names, sex, salary and wage rates, occupational classifications, and similar data together with changes therein. (See item 22b.)	6 years after termination of employment (M).
21j	Cards, lists, or other records of earnings for individual employees: (1) Used in computing pensions or annuities	6 years after termination of employment (M).
	(2) Used for current payroll record purposes	6 years (M).
21k	Authorizations, case records, special payrolls, or other records of sickness and accident disability and other benefits to employees and their beneficiaries. (See items 13a and 22i.)	Do.
21l	Pension or annuity payrolls	Do.
22j	Annual employee census summaries, and supplemental summaries in connection therewith, not used in the computation of annual pension accrual rates. (See item 19j.)	10 years (M).

4. In connection with its proposal to reduce the retention period for item 21–a from 10 years to 6 years, AT&T feels that the establishment of a 6 year period of retention for payroll sheets, registers, lists, ledgers, etc., would leave a sufficient margin of precaution for records that are seldom referred to after 2 or 3 years and generally never referred to after 4 or 5 years. Any significant data shown on these records which are useful as source data for studies, etc., are also shown on other records which are retained for various periods of time sufficient to reasonably insure that the data will be available as long as needed or useful.

5. AT&T believes that the permanent retention period prescribed for reports of changes in pension or annuity payrolls and related authorizations in item 21–l is inconsistent with the provisions of items 19–g and 21–b which have a 3 year retention period for the same and similar records. It proposes that the words "reports of changes therein and related authorizations" be deleted from item 21–l and the words "and pension or other payrolls" be added to item 21–b. However, it appears that if this proposal is adopted that it would clarify the intent if the words added in 21–b read "and in pension or other payrolls." It is also believed that the intent of item 21–d would be clarified if a comma were to be inserted before the phrase "together with changes therein." These clarifications are proposed to be made.

6. In support of the proposals in connection with items 21–d, j, k and l, AT&T states that the permanent retention of the records covered by these items appears unnecessary since the retention of pension accrual data is covered by item 19–j. Also, the last sentence of paragraph (b) of § 31.672, "Relief and pensions;" of Part 31 (Uniform System of Accounts for Class A and Class B. Telephone Companies) states that "The company shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established." It is pointed out by AT&T that any important data covered by item 21–k which might possibly be useful beyond 6 years may be obtained from the minutes of meetings of the Employees' Benefit Committee which are retained permanently in accordance with item 3–c. AT&T points out further that the retention periods proposed for records used in connection with calculating pension accrual rates or charges are in every case as long or longer than the corresponding periods required under the former regulations of Part 42, which was the forerunner of Part 45. Under Part 42, the system of personnel records and retention practices followed by the Bell System companies had proven adequate and satisfactory for actuarial and accounting purposes. AT&T also feels that the proposed changes will make § 45.8 more comparable with the provisions in this regard contained in § 46.9 of Part 46, "Preservation of Records of Wire-Telegraph, Ocean-Cable, and Radiotelegraph Carriers, which provide for various retention periods not exceeding 10 years and have proven fully adequate and satisfactory. In this connection AT&T states that no requests for the pension data retained under these items have been made since Part 45 was adopted and that the permanent retention of these records is unnecessary, uneconomic, burdensome and re-

sults in voluminous files of records which are seldom, if ever, referred to and which are retained at a substantial expense.

7. In 1950, at the time of adoption of the above-referred-to provisions of § 45.8, the Commission stated in its Memorandum Opinion (15 F.R. 5734) as follows:

> The Commission desires to give this matter further consideration as it is believed that the inadequacies pointed out by the Public Counsellor of the State of Indiana apply primarily to current pension determinations which, when settled, may remove the need for permanent retention of all these data * * *. At such time hereafter as it may appear that permanent retention of these records is no longer necessary, we will entertain a proposal to shorten such retention period accordingly.

It now appears that there may be no longer justification for requiring the permanent retention of these records and that the requirement of such permanent retention should be removed from Part 45 of our rules and regulations.

8. It is proposed generally that any amendments adopted for Part 45 as a result of this proceeding will also be adopted for Part 46. Specifically, it is proposed to make sub-items b, d and l of item 21 in Part 46 read exactly as proposed for Part 45, including a reduction in the retention period for sub-item l from 10 to 6 years, and with the option to substitute microfilm at any time rather than after 3 years, but not including an increase in the retention period for sub-item d from 3 to 6 years after termination of employment. The retention period for sub-item a of item 21 in Part 46 would be reduced from 10 years to 6 years with no change in the option to substitute microfilm at any time. A new sub-item j is proposed to be inserted under item 22 in Part 46 reading exactly the same as the new sub-item j proposed under item 22 of Part 45.

9. Parts 45 and 46 of our rules and regulations are substantially identical in their treatment of records common to telephone, wire and radio telegraph and ocean-cable carriers. Further, most of the records kept are common to all these carriers. Identity of treatment will be more complete if the admendments proposed hereinabove are made effective. As a consequence of this situation, the Commission proposes to consolidate Parts 45 and 46 into a single Part of its rules and regulations without change in any substantive requirement. In its Public Notice of August 18, 1950 (54024), announcing the adoption of Parts 45 and 46 to replace Part 42 of the rules, the Commission in effect stated that it was separating the rules for telephone and telegraph company records because the records maintained by telephone and telegraph carriers preclude uniform descriptions and retention periods. It is believed these reasons will no longer be valid, assuming adoption of the amendments proposed herein. It is planned that the consolidation will be accomplished physically in the course of the reissuance of all the Commission's rules and regulations in a limited number of volumes, each containing several Parts, in loose leaf form so that amendments can be incorporated by page substitution, which is now in progress. The proposed consolidation, being merely one of form, is not required by the Administrative Procedure Act to be made the subject of proposed rule making proceedings. The Commission, however, will appreciate comments and suggestions on the proposal.

10. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before September 14, 1959, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6444; Filed, Aug. 4, 1959; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 12673]

DEFINITIONS; OPERATIONS

Loans and Participations in Loans

JULY 30, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is proposed that Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) be amended by amendments the substance of which is as follows:

1. Part 541 aforesaid is hereby amended by adding thereto, immediately after § 541.16, the following new section:

§ 541.17 Without recourse.

As used in §§ 545.6–4a and 545.11, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

§ 545.6–4a [Amendment]

2. Section 545.6–4a of said Part 545 is hereby amended by adding thereto at the end thereof the following new sentence: "Any sale by a Federal association of a participating interest in any loan shall be without recourse."

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington 25, D.C., not later than September 8, 1959, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-6455; Filed, Aug. 4, 1959; 8:50 a.m.]

[12 CFR Parts 561, 563]

[No. FSLIC-682]

DEFINITIONS; OPERATIONS

Loans and Participations in Loans

JULY 30, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is proposed that Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563) be amended by amendments the substance of which is as follows:

1. Part 561 aforesaid is hereby amended by adding thereto, immediately after § 561.7, the following new section:

§ 561.8 Without recourse.

As used in §§ 563.9–1 and 563.23, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

§ 563.9–1 [Amendment]

2. a. Paragraph (b) of § 563.9–1 of said Part 563 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "An insured institution which is another lender within the meaning of the first sentence of this paragraph or a seller within the meaning of the second sentence thereof shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan."

b. Paragraph (d) of said § 563.9–1 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "Any purchase by an insured institution of a participation in any loan pursuant to the approval granted by this section shall be upon a sale without recourse."

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendments should be adopted as proposed; (2) whether said proposed amendments should be modified and adopted as modified; (3) whether said proposed amendments should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than September 8, 1959, to be entitled to be considered but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-6453; Filed, Aug. 4, 1959; 8:50 a.m.]

[12 CFR Part 563]

[No. FSLIC-683]

OPERATIONS

Charges and Credits for Fees, Commissions, Premiums, Discounts, Profit on Real Estate Sold, and Related Items

JULY 31, 1959.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by an amendment the substance of which is as follows:

After § 563.23, insert a new section to be numbered § 563.23–1 and to read as follows:

§ 563.23–1 Charges and credits for premiums, discounts, profit on real estate sold, and related items.

(a) *Charges.* All finder's fees, commissions and other similar costs to an insured institution of mortgage loans made or acquired by it shall be charged to such institution's expense for the accounting period in which such costs are incurred and shall not be deferred beyond the end of such accounting period. A premium paid by an insured institution for an installment mortgage loan purchased shall be amortized at a level rate semiannually over the life of the individual loan or over the average period of repayment of installment mortgage loans of the institution. A premium paid by an insured institution for a non-installment mortgage loan purchased shall be amortized at a level rate over the life of the individual loan.

(b) *Credits.* Any fee, commission, discount, or other similar consideration, other than interest as provided by the loan contract, charged or received by an insured institution for or in connection with the making or acquisition of any mortgage loan or the making of a commitment to make or acquire any mortgage loan shall be deferred and shall be credited to such institution's income semiannually at a level rate over a period of not less than 7 years from the date of making or acquisition of such loan: *Provided*, That of the aggregate amount of fees, commissions, discounts, or other similar consideration so charged or received in connection with any loan, including any commitment with respect to such loan, an amount equal to not more than 2 percent of the amount of the loan if the loan is made by such institution for the purpose of construction, and an amount equal to not more than 1 percent of the amount of the loan if the loan is made by such institution for any other purpose, may be credited to such institution's income for the period in which such loan is made: *And provided further*, That if a mortgage loan is repaid in full with funds derived from sources other than a loan made by such insured institution, or if a mortgage loan is sold in full without loss to such institution, the balance of the fee, commission, discount, or other similar consideration, if any, remaining deferred in respect to such loan at the time of such repayment or sale may be credited to such institution's income: *And provided further*, That, if an insured institution makes a mortgage loan for the purpose of construction and if such loan is repaid or refinanced in whole or in part by a mortgage loan made by such institution on the security of property which was security for the construction loan, the deferred portion of any fee, commission, discount, or other similar consideration charged or received for or in connection with that part of the construction loan so repaid or refinanced shall continue as a credit to deferred income on such institution's books, and shall continue to be credited to such institution's income semiannually at a level rate over a period of not less than 7 years from the date of the construction loan. When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such price is in excess of such book value, such part of the excess as is not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; at the end of each accounting period thereafter, until the excess applicable to the transaction has been eliminated, such account may be charged an amount not greater than the reduction in the unpaid balance of the contract or purchase money mortgage loan during such period and an amount equal to such charge may concurrently be credited to such institution's income or to its reserves for losses.

(c) *Loss or discount on mortgage loans sold.* The loss or discount on mortgage loans sold by an insured institution shall be charged to the balance of the fees, commissions, discounts, and similar consideration, if any, which were charged or received when such loans were made or acquired and which remains deferred at the time of the sale. Any loss in excess of such balance shall be charged to such institution's net income for such period, to undivided profits, or to reserves.

(d) *Definition of terms.* For the purposes of this section the term "mortgage loans" means any loan on the security of real estate; the term "installment mortgage loan" means any mortgage loan that is repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period; and the term "non-installment mortgage loan" means any mortgage loan that is not an installment mortgage loan.

(e) *Effective date.* This section shall become effective January 1, 1960.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity

to submit written data, views, or arguments as to whether said proposed amendment should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., not later than the close of business on September 8, 1959, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 59-6454; Filed, Aug. 4, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

Available Certifications by Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Tiger Balm.

[SEAL] ELTING ARNOLD, *Acting Director, Foreign Assets Control.*

[F.R. Doc. 59-6391; Filed, Aug. 4, 1959; 8:45 a.m.]

Office of the Secretary

[AA 643.3]

ALUMINUM FOIL FROM UNITED KINGDOM

Determination of No Sales at Less Than Fair Value

JULY 29, 1959.

A complaint was received that aluminum foil from the United Kingdom was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that aluminum foil from the United Kingdom is not being, nor is likely to be, sold at less than fair value within the meaning of section 210(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons: Aluminum foil identical or similar to that exported to the United States is sold in the home market. Accordingly, for the purpose of fair value comparison, purchase price was compared with home market price. In calculating home market price, appropriate adjustments were made for cost differences due to quality, quantity discount, and for circumstances of sale peculiar in the home market but not involved in export sales to the United States. Allowance was also made for the difference in the amount of commission paid on sales for export to the United States and on sales in the home market.

It was found that purchase price was not less than home market price, except as to certain narrower widths of capacitor foil and as to certain sales of converter foil. However, the quantities involved in those sales and the margin of difference between the purchase price and home market price are not more than insignificant. The manufacturer has since adjusted his prices to the United States upward to eliminate any margin of difference. There have been no sales since the price revision in which the purchase price was less than the home market price.

This determination and the statement of reasons therefore are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-6433; Filed, Aug. 4, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1959.

The Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service has filed an application, Serial No. Washington-03380, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing claims in accordance with authority vested in the Secretary of the Interior by Executive Order 10355 of May 26, 1952. The applicant desires the land for the Department of Game of the State of Washington, for the protection, development and management of the wildlife resources. The grazing and forestry resources will continue to be managed by the Bureau of Land Management.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 15 N., R. 19 E.,
Sec. 4: E½SE¼.
T. 16 N., R. 19 E.,
Sec. 6: Lots 6, 7, E½SW¼, SW¼SE¼;
Sec. 8: S½SW¼, SW¼SE¼;
Sec. 18: SE¼NE¼, NE¼SE¼;
Sec. 20: W½, S½SE¼.

The area described contains 850.75 acres.

FRED J. WEILER, *State Supervisor.*

[F.R. Doc. 59-6418; Filed, Aug. 4, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-655]

ORIENTAL TRADING CO., LTD., ET AL.

Order Temporarily Denying Export Privileges

In the matter of Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Company, 15 Akasaka Tameike-cho, Minato-ku, Toyko, Japan and Koji Kitahara, Kazushige Masatsugo, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan, Respondents; File 23-655.

The Director, Investigation Staff, Bureau of Foreign Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15 Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying to Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Company, and Koji Kitahara and Kazushige Masatsugo, the respondents herein, all United States export privileges pending completion of an investigation for the purpose of bringing an administrative proceeding against the respondents and thereafter until the determination of that proceeding, with the ultimate purpose of obtaining a finding of violation and consequent order revoking all export privileges.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has reported the facts upon which the application is based and has recommended that the application be granted to the extent hereinafter provided. After careful consideration of the report and the evidence submitted together therewith, it is found that the evidence reasonably supports the conclusion that, with knowledge that an export permit for the shipment to Soviet Russia of an electron microscope might not be issued, the respondents led their American supplier to believe that their intention was to import the said microscope into Japan and thereafter, despite formal warning against transshipment and respondents' promise to the American Consul not to transship (made in order to obtain possession of the microscope), they did transship it to Soviet Russia. This conduct on the part of the respondents leads to the belief that, unless an order is entered and published denying temporarily to them all privileges of receiving goods exported from the United States, they may attempt, through middlemen or intermediaries, to obtain such commodities for the purpose of transshipping them in violation of the regulations controlling their exportation. Now, having concluded that the protection of the public interest requires and that it is necessary to achieve effective enforcement of the law that the respondents be denied all export privileges, at least for the period hereinafter provided, during which they may have an opportunity to contest the findings herein: *It is ordered,* As follows:

(1) The respondents, Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Company, and Koji Kitahara and Kazushige Masatsugo, their officers, agents, servants, and employees, and all persons and firms associated with them, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondents' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(2) Such denial of export privileges shall apply not only to the said respondents, but also to any other person, firm, corporation, or business organization with which the respondents may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(3) This order shall take effect forthwith and shall remain in effect for a period of forty-five days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations;

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(5) A certified copy of this order shall be served upon the respondents.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: July 31, 1959.

JOHN C. BORTON, *Director, Office of Export Supply.*

[F.R. Doc. 59-6424; Filed, Aug. 4, 1959; 8:46 a.m.]

Federal Maritime Board

[Docket No. S-89]

AMERICAN MAIL LINE LTD. ET AL.

Amended Notice of Hearing

The notice published in the FEDERAL REGISTER on May 1, 1959, concerning a public hearing to be held in San Francisco, California, on October 19, 1959, at 10:00 a.m. (location of hearing room to be announced later) under section 605(c) of the Merchant Marine Act of 1936 (46 U.S.C. 1175), upon applications of American Mail Line Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., for modification of subsidized service now provided by each operator is hereby amended in so far as the following Company is concerned:

American Mail Line requests the privilege of making 11 to 23 calls a year at California ports to load and discharge cargo, without limitation as to type or commodity for and from ports in the Far East, Indonesia-Malaya and the Bay of Bengal Area (including Burma, East Coast India, East Pakistan and Ceylon).

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding are required to notify the Secretary of the Federal Maritime Board, Washington 25, D.C., by close of business on August 17, 1959, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: July 31, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-6435; Filed, Aug. 4, 1959; 8:48 a.m.]

Office of the Secretary

JOHN S. VANDER HEIDE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 23, 1959.

JOHN S. VANDER HEIDE.

JULY 28, 1959.

[F.R. Doc. 59-6460; Filed, Aug. 4, 1959; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 59-852]

BOARD OF COMMISSIONERS

Delegation of Authority To Institute Investigations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration its announcement of April 29, 1959, regarding its plans for one meeting and no hearings or oral arguments in August 1959; planned summer absences of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in § 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing that a quorum of the Commission may not be present at times

during the period from August 3, 1959, to September 9, 1959, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-described period;

It is ordered, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, during the period from August 3, 1959, to September 9, 1959, inclusive, there is delegated to a Board to be composed of the Commissioner or Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6445; Filed, Aug. 4, 1959; 8:49 a.m.]

[Docket No. 12988]

HARRY EUGENE ALTLAND

Order To Show Cause

In the matter of Harry Eugene Altland, York, Pennsylvania, Docket No. 12988; order to show cause why the license for citizens radio station 3AO896 should not be revoked.

There being under consideration the matter of an alleged violation of the Communications Act of 1934, as amended, by Harry Eugene Altland, 247 West Philadelphia Street, York, Pennsylvania; and

It appearing that at various times between September 13, 1958, and October 4, 1958, and particularly on September 13, 14, 15, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 30, 1958, October 2, 3, and 4, 1958, the above-named licensee operated a radio transmitter in the 144 to 148 megacycle amateur band without a license therefor issued by this Commission, in violation of section 301 of the Communications Act of 1934, as amended; and

It further appearing that while engaged in the above-mentioned unlicensed operation, the licensee named herein identified the station being operated as W 3 BRK and falsely identified himself as Harold G. Wacker, the licensee of Amateur Radio Station W 3 BRK; and

It further appearing that in view of the foregoing, the above-named licensee wilfully and repeatedly violated section 301 of the Communications Act of 1934, as amended;

It is ordered, This 31st day of July 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6446; Filed, Aug. 4, 1959; 8:49 a.m.]

[Docket No. 12615 etc.; FCC 59M-976]

COOKEVILLE BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, Docket No. 12615, File No. BP-11518; et al., Docket Nos. 12960, 12961, 12962, 12963, 12964, 12965, 12966, 12967, 12968, 12969, 12970, 12971, 12972, 12973, 12974, 12975, 12976, 12977, 12978, 12979, 12980, 12981, 12982, 12983, 12984; for construction permits.

It is ordered, This 29th day of July 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1959, in Washington, D.C.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6447, Filed, Aug. 4, 1959; 8:49 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 12985, 12986; FCC 59M-963]

EASTERN IDAHO BROADCASTING AND TELEVISION CO. AND SAM H. BENNION

Notice of Conference

In re applications of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; Sam H. Bennion, Idaho Falls, Idaho, Docket No. 12986, File No. BPCT-2597; for construction permits for new television broadcast stations (Channel 8).

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a.m. on Tuesday, September 22, 1959, in Washington, D.C.

Dated: July 31, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6449; Filed, Aug. 4, 1959; 8:49 a.m.]

[Docket Nos. 12985, 12986; FCC 59M-975]

EASTERN IDAHO BROADCASTING AND TELEVISION CO. AND SAM H. BENNION

Order Scheduling Hearing

In re applications of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; Sam H. Bennion, Idaho Falls, Idaho, Docket No. 12986, File No. BPCT-2597; for construction permits for new television broadcast stations (Channel 8).

It is ordered, This 29th day of July 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6448; Filed, Aug. 4, 1959; 8:49 a.m.]

[Docket No. 12894; FCC 59M-981]

HIGH FIDELITY STATIONS, INC. (KPAP)

Order Continuing Hearing and Scheduling Prehearing Conference

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, Docket No. 12894, File No. BMP-8115, for construction permit for standard broadcast station.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on September 9, 1959; now therefore,

It is ordered, This 30th day of July 1959, pursuant to § 1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D.C., at 10:00 a.m. on Wednesday, September 9, 1959, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding; and

It is further ordered, That the hearing now scheduled to be commenced on September 9, 1959, is continued to a date to be fixed by subsequent order.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6450; Filed, Aug. 4, 1959; 8:49 a.m.]

[Docket No. 12990; FCC 59M-978]

MASSACHUSETTS STEEL TREATING CORP.

Order Scheduling Hearing

In the matter of cease and desist order to be directed to Massachusetts Steel Treating Corporation, 118 Harding Street, Worcester, Massachusetts, Docket No. 12990.

It is ordered, This 30th day of July 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is scheduled to commence on October 2, 1959, in Worcester, Massachusetts.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6451; Filed, Aug. 4, 1959; 8:49 a.m.]

[Docket No. 12989; FCC 59M-979]

STYLEMASTER LEATHERCRAFT CORP.

Order Scheduling Hearing

In the matter of cease and desist order to be directed to Stylemaster Leathercraft Corp., 520 West Broadway, New York 12, New York, Docket No. 12989.

It is ordered, This 30th day of July 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is scheduled to commence at 2:00 p.m., on September 30, 1959, in New York, New York.

Released: July 30, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6452; Filed, Aug. 4, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13238]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 29, 1959.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, with principal office at El Paso, Texas, filed on September 9, 1957, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity to construct and operate certain facilities. On December 20, 1957, and again on May 15, 1959, supplements amending said application were filed. The application as amended proposes construction of approximately 6.2 miles of 4½-inch pipeline extending from a gas well in the Mescalero Field in Lea County, New Mexico, owned and operated by Sunray Mid-Continent Oil Company, to a point of connection with Applicant's 30-inch main Permian-San Juan transmission pipeline, together with metering and dehydration facilities necessary for the purpose of taking an average of 900 Mcf of natural gas daily from the said gas well into the natural gas transmission system of Applicant now in operation.

Sunray Mid-Continent Oil Company was authorized in Docket No. G-12900 to sell the subject gas to Applicant.

The estimated cost of the proposed facilities, which will become an integral part of Applicant's natural gas transmission system when constructed is $106,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 31, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6415; Filed, Aug. 4, 1959; 8:45 a.m.]

[Docket No. G-18633]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 29, 1959.

Take notice that on May 26, 1959, Northern Natural Gas Company (Applicant) filed in Docket No. G-18633 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 2.6 miles of 8-inch lateral pipeline, and necessary appended metering facilities, extending from a point on Applicant's 16-inch main line "B" north of Paulina, Iowa, to a new electric generating plant being built by Corn Belt Power Cooperative (Corn Belt) near Spencer, Clay County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to serve natural gas to Corn Belt's power plant through Applicant's distributing Peoples Division, under a contract dated January 20, 1959. Maximum day deliveries to the power plant are estimated at 12,000 Mcf on an interruptible basis, plus 50 Mcf on a firm basis.

The total estimated cost of the facilities for which authorization is sought herein is $93,100, including interest and overheads, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnec-

essary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6416; Filed, Aug. 4, 1959; 8:45 a.m.]

[Docket No. E-6890]

NIAGARA MOHAWK POWER CORP.

Order To Show Cause

JULY 30, 1959.

The Niagara Mohawk Power Corporation (Niagara), a New York corporation, on May 1, 1959, filed its annual report for the year ended December 31, 1958, on F.P.C. Form No. 1, prescribed by the Commission for that purpose. Niagara is a public utility and licensee under the Federal Power Act, and subject to the Commission's jurisdiction.

Pursuant to authorization under Certificates of Necessity prescribed under present section 168 of the Internal Revenue Code, Niagara was permitted for Federal income tax purposes to accelerate the amortization of approximately $49,000,000 of construction costs over various five year periods in lieu of depreciation over longer periods. Under Niagara's system of accounting, the temporary tax reduction is charged to income, apparently as a tax deferral, and credited to unrestricted earned surplus. The income account is indicated on page 16 of Niagara's 1958 annual report to be "Account 502.1—Special Charge" which account is not prescribed under the Commission's Uniform System of Accounts. For the year ended December 31, 1958, the income charge was $2,900,000, and the accumulated deferrals resulting from the accelerated amortization was $18,840,000 or approximately 22 percent of Niagara's reported surplus. The effect of crediting the accumulated deferrals to unrestricted earned surplus was to substantially increase the amount for the equity of the common stockholders as stated in Niagara's annual report over the amount which should be stated under the Commission's accounting requirements.

Under the Uniform System of Accounts for Public Utilities and Licensees promulgated by the Commission, the income charge of $2,900,000 should have been included in Account 507-A, Provision for Deferred Taxes on Income, and the accumulated deferrals of $18,840,000 should have been classified in Account 266.1. By Order No. 204 the Commission held such deferrals not to be includible in earned surplus account.

In addition to failing to file its 1958 Annual Report in the manner and form prescribed by the Commission, it appears that Niagara is not presently maintaining its accounts in such manner and form as the Commission has prescribed. By letter dated May 18, 1959, Niagara advised the Commission that it intends to charge Account 538, Miscellaneous Income Deductions, with future annual accruals of deferred taxes and to credit Account 271, Earned Surplus—Restricted, with the accumulated deferrals. The Commission has prescribed that Account 507-A must be charged with annual accruals of deferred taxes, and Account 266.1 must be credited with the accumulated deferrals.

Further, in the letter dated May 18, 1959, Niagara advised that it "does not contemplate any ultimate reverse accruals." The Commission has prescribed Account 507-B, Taxes on Income Deferred in Prior Years—Credit, to reflect a credit to income for the period after Niagara obtains the tax benefits of accelerated amortization. Such a system equalizes net income by debiting income with an amount equal to the temporary tax reduction during the initial five-year period of accelerated amortization and by crediting income in the subsequent period, with an amount equal to the increase in taxes attributable to the reduced depreciation deduction allowable for tax purposes. It appears that Niagara has failed to maintain its accounts in the manner and form prescribed by the Commission.

Niagara has failed to remedy the above deficiencies which were brought to its attention by Commission staff.

The Commission orders: Niagara shall show cause in writing, under oath, if any there be, within sixty (60) days from the date of issuance of this order, why the Commission should not:

(1) Find and determine that F.P.C. Form No. 1 as submitted by Niagara on May 1, 1959, for the year ended December 31, 1958, does not comply with the requirements of such form as prescribed by the Commission;

(2) Find and determine that Niagara in submitting F.P.C. Form No. 1 for the year ended December 31, 1958, in manner other than that prescribed for such form and in continuing to decline to submit it in the prescribed manner has willfully and knowingly violated the Federal Power Act;

(3) Order Niagara to file such substitute pages of F.P.C. Form No. 1 for the year ended December 31, 1958, to make its report comply with the requirements of such form as prescribed by the Commission;

(4) Find and determine that Niagara is not making, keeping, and preserving its accounts in the manner prescribed by the Commission in the Uniform System of Accounts for Public Utilities and Licensees;

(5) Find and determine that Niagara, in failing to make, keep, and preserve its accounts in the manner prescribed by the Commission in the Uniform System of Accounts for Public Utilities and Licensees, has willfully and knowingly violated the Federal Power Act; and

(6) Order Niagara to make, keep, and preserve its accounts in the manner prescribed by the Commission in the Uniform System of Accounts for Public Utilities and Licensees.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6431; Filed, Aug. 4, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2275]

TEN PIN BOWL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 30, 1959.

I. Ten Pin Bowl, Incorporated (issuer), a Virginia corporation, 823 South Oakland Street, Arlington, Virginia, filed with the Commission on July 7, 1959, a notification on Form 1-A and an offering circular relating to an offering of 20,000 shares of its $10 par value common stock, at $10 per share, for an aggregate amount of $200,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer offered securities prior to the expiration of the 10-day waiting period without authorization, contrary to Rule 255(a);

2. A written advertisement was published before the commencement of the public offering, contrary to Rule 256(c).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that "Ten Pin Bowl Incorporated (the company) has filed with the Securities and Exchange Commission, Washington, D.C., a Registration Statement under the Securities Act of 1933, * * *";

2. The failure to set forth a reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used;

3. The failure to disclose all material transactions of directors, officers, and controlling persons with the issuer, its predecessor, or affiliate;

4. The failure to disclose the terms of a construction contract entered into by Tenpins, Inc., the issuer's predecessor and affiliate, to have a building erected to house the issuer's bowling facilities;

5. The failure to disclose litigation currently pending against the issuer's affiliate involving the property to be used to house the issuer's bowling facilities;

6. The inclusion of appraisal values;

7. The projection of future income, future expenses, and future operating profits;

8. The failure to furnish any financial statements for the issuer and its predecessor, as required by Item 11 of Schedule I.

C. The offering is being and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6421; Filed, Aug. 4, 1959; 8:46 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

JULY 30, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with Section 13 of the Act and the rules and regulations thereunder.

On July 20, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending July 30, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 31, 1959, to August 9, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6422; Filed, Aug. 4, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 15]

APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT COVERING OPERATIONS COMMENCED DURING "INTERIM" PERIOD

JULY 31, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 114019 (Sub No. 24), (REPUBLICATION), filed December 10, 1958, published issue of FEDERAL REGISTER June 24, 1959. Applicant: EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, tea, cocoa beans, coffee beans, bananas* and *hemp*, in straight and in mixed loads with *certain exempt commodities*, between points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Applicant states that *crude rubber* and *liquid latex* were transported.

NOTE: The purpose of this republication is to add "tea" to the commodities proposed to be transported as substantiated in the representative list of shipments attached to the application, and to include the transportation of "certain exempt commodities" in straight and mixed shipments.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6426; Filed, Aug. 4, 1959; 8:47 a.m.]

[Notice 28]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JULY 31, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative

(or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 114019 (Sub No. 23), (REPUBLICATION), filed December 10, 1958, published issue of FEDERAL REGISTER June 25, 1959. Applicant: EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas*, and *hemp*, in straight and in mixed loads with *certain exempt commodities*, between points in Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusets, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Applicant states that *crude rubber* and *liquid latex* were transported.

NOTE: The purpose of this republication is to add "tea" to the commodities proposed to be transported as substantiated in the representative list of shipments attached to the application, and to include the transportation of "certain exempt commodities" in straight and mixed shipments.

No. MC 119107, filed November 25, 1958. Applicant: CENTRAL BANANA COMPANY, INC., 1302 Revere Street, Flint, Mich. Applicant's representative: C. L. Athanson, 2262 National Bank Building, Detroit 26, Mich. Grandfather authority sought under Section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, bananas*, and *certain exempt commodities* in straight or mixed shipments, between New York, N.Y., Baltimore, Md., Norfolk and Richmond, Va., New Orleans, La., Lake Wales, Tampa, Miami, and Hastings, Fla., Birmingham, Loxley, and Mobile, Ala., Flint, Detroit, Cadillac, and Parma, Mich., Philadelphia, Pa., Charleston, S.C., Toledo, Ohio, Indianapolis, Ind., and Atlanta, Ga. Applicant states that it transported *wheat germ* in mixed shipments with the above commodities.

By the Commission.

[SEAL] HAROLD D. MCCOY.

[F. R. Doc. 59-6427; Filed, Aug. 4, 1959; 8:47 a. m.]

[Notice 95]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 31, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 40858 (Deviation No. 2), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio, filed July 22, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from Morristown, Tenn., over U.S. Highway 11E to junction Tennessee Highway 70, thence over Tennessee Highway 70 to the Tennessee-North Carolina State line, thence over North Carolina Highway 208 to junction U.S. Highways 25 and 70, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route, as follows: from junction U.S. Highways 25E and 11W at or near Bean Station, Tenn., over U.S. Highway 25E to junction U.S. Highways 25 and 70 at or near Newport, Tenn., and thence over U.S. Highways 25 and 70 to Asheville, N.C., and return over the same route.

No. MC 71478 (Deviation No. 6), THE CHIEF FREIGHT LINES COMPANY, 1229½ Union Avenue, P.O. Box 4049, Station A, Kansas City, Mo., filed July 22, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, as follows: from Tulsa, Okla., over U.S. Highway 64 to junction Oklahoma Highway 72, thence over Oklahoma Highway 72 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route between Tulsa and Dallas, Tex., over U.S. Highway 75.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-6428; Filed, Aug. 4, 1959; 8:47 a.m.]

[Notice 231]

MOTOR CARRIER APPLICATIONS

JULY 31, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1184 (Sub No. 16), filed July 13, 1959. Applicant: GEORGE F. BURNETT COMPANY, INC., West Ireland Road, P.O. Box 2538, South Bend, Ind. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, and *parts thereof* when accompanying the boats, (2) *trailers* designed to transport boats, from points in Indiana to points in the United States. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: September 25, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 7155 (Sub No. 7), filed January 12, 1959. Applicant: GEORGE WILLIAMS, ROY WILLIAMS, WARREN LITTLEJOHN AND WARREN HIGGENBOTHAM, doing business as WILLIAMS TRUCKING SERVICE, 1060½ McLoughlin Boulevard, Gladstone, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, dry, from Garfield and Salt Lake City, Utah, and points within ten (10) miles of each, and Pocatello and Bannock (Powers County), Idaho, and points within ten (10) miles of each, to points in Oregon and Washington; and (3) *Salt* and *salt products*, from points in Davis, Salt Lake, and Tooele Counties, Utah, to points in Oregon and Washington. Applicant is authorized to conduct operations in Idaho, Oregon, Utah, and Washington.

NOTE: Applicants state they seek no duplicating authority.

HEARING: September 30, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Ave., Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 17094 (Sub No. 2), filed July 1, 1959. Applicant: NEBRASKA ILLINOIS COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., and NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Robert H. Shertz, 811-819 Lewis Tower Building, 225 S. Fifteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, equipment* and *supplies*, between Denver, Colo., on the one hand, and, on the other, Detroit, Mich., Cincinnati, Cleveland, Toledo, and Youngstown, Ohio, Indianapolis, Ind., and Pittsburgh, Pa. Applicant is authorized to conduct operations in Illinois, Colorado, Nebraska, and Iowa.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 17094 (Sub No. 1).

HEARING: September 25, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 28769 (Sub No. 2), filed June 1, 1959. Applicant: MAGIC EMPIRE EXPRESS, an Oklahoma corporation, 5 South Boulder, Tulsa, Okla. Applicant's attorney: George F. Short, 1366 First National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including those of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, moving in express service, between the following specified points, serving all intermediate points:

(1) From Coffeyville, Kans., over U.S. Highway 169 to Nowata, Okla., thence over U.S. Highway 60 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Dewey, thence over U.S. Highway 75B to Bartlesville, thence over unmarked route through Ochelata to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Tulsa, and return over the same route;

(2) From Tulsa over U.S. Highway 66 to Sapulpa, thence over U.S. Highway 75 to Henryetta, thence over U.S. Highway 62 to Okemah, thence over Oklahoma Highway 56 to Wewoka, thence over U.S. Highway 270 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Kiefer, thence over Oklahoma Highway 67 and unmarked route through Jenks to Tulsa;

(3) From Tulsa over U.S. Highway 66 to Stroud, thence over Oklahoma Highway 99 to Seminole, thence over U.S. Highway 270 and Oklahoma Highway 3 to Shawnee, thence over Oklahoma Highway 18 to Chandler, thence over U.S. Highway 66 to Tulsa;

(4) From Tulsa over U.S. Highway 66 to Claremore, thence over Oklahoma Highway 20 to Pryor, thence over Oklahoma Highway 20 to Salina, thence over Oklahoma Highway 82 to Locust Grove, thence over Oklahoma Highway 33 to Chouteau, thence over Oklahoma Highway 33 to its junction with Oklahoma Highway 88, thence over Oklahoma Highway 88 to Inola, thence over Oklahoma Highway 88 to its junction with Oklahoma Highway 33, thence over Oklahoma Highway 33 to Tulsa;

(5) From Pryor over Oklahoma Highway 30 to Salina, thence over Oklahoma Highway 82 to Langley, thence over Oklahoma Highway 82 to its junction with Oklahoma Highway 85, thence over Oklahoma Highway 85 to Ketchum, thence over Oklahoma Highway 85 to its junction with Oklahoma Highway 82, thence over Oklahoma Highway 82 to its junction with Oklahoma Highway 28, thence over Oklahoma Highway 28 to its junction with Oklahoma Highway 20, thence over Oklahoma Highway 20 to Jay, thence over U.S. Highway 59 to Grove, thence over U.S. Highway 59 to Jay, thence over Oklahoma Highway 20 to its junction with Oklahoma Highway 82, thence over Oklahoma Highway 82 to its junction with Oklahoma Highway 28, thence over Oklahoma Highway 28 to Adair, (also from the junction of Oklahoma Highway 20 and Oklahoma Highway 82 over unmarked route through Strang to Oklahoma Highway 28, serving Strang, thence over Oklahoma Highway 28 to Pensacola, thence over Oklahoma Highway 28 to Adair), thence over U.S. Highway 69 to Pryor;

(6) From Tulsa over Oklahoma Highway 11 to Pawhuska, thence over Oklahoma Highway 11 and U.S. Highway 60 to Ponca City, thence over Oklahoma Highway 11 and U.S. Highway 77 to junction with Oklahoma Highway 119, thence over Oklahoma Highway 119 to Kaw City, thence over unmarked route through Webb City and Lep to Shidler, thence over Oklahoma Highway 18 to its junction with Oklahoma Highway 11, thence over Oklahoma Highway 11 to Pawhuska, thence over Oklahoma Highway 99 to Hominy, thence over Oklahoma Highway 20 to Skiatook, thence over Oklahoma Highway 11 to Tulsa;

(7) From Tulsa over U.S. Highway 66 to its northern junction with U.S. Highway 60, thence over U.S. Highway 60 to Fairland, thence over U.S. Highway 60 to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Miami, thence over U.S. Highway 59 to Welch, thence over Oklahoma Highway 2 to Vinita, thence over U.S. Highway 60 and Oklahoma Highway 2 to Pryor, thence over Oklahoma Highway 20 to Claremore, thence over U.S. Highway 66 to Tulsa;

(8) From Miami over U.S. Highway 66 to Quapaw, thence over U.S. Highway 66 to Commerce, thence over U.S. Highway 69 to Picher, and return over the same route;

(9) From Tulsa over Oklahoma Highway 51 to Oilton, thence over Oklahoma Highway 99 to Drumright, thence over Oklahoma Highway 33 to its junction with Oklahoma Highway 108, thence over Oklahoma Highway 108 to Ripley, thence over Oklahoma Highway 108 to its junction with Oklahoma Highway 33, thence over Oklahoma Highway 33 to its junction with Oklahoma Highway 40, thence over Oklahoma Highway 40 to Perkins, thence over Oklahoma Highway 40 to Stillwater, thence over Oklahoma Highway 51 to Oilton, thence over Oklahoma Highway 99 to its junction with U.S. Highway 64; thence over U.S. Highway 64 to Tulsa;

(10) From Keystone over U.S. Highway 64 to Cleveland, thence over unmarked route to Osage, thence over unmarked route to Cleveland, thence over Oklahoma Highway 99 to Hominy, thence over Oklahoma Highway 20 to its junction with Oklahoma Highway 18, thence over Oklahoma Highway 18 to Fairfax, thence over Oklahoma Highway 18 to Pawnee, thence over U.S. Highway 64 to Cleveland, and return over the same route;

(11) From Tulsa over U.S. Highway 75 to Collinsville, thence over U.S. Highway 169 to Nowata, thence over U.S. Highway 169 to Coffeyville, Kans.;

(12) From Tulsa over Oklahoma Highway 11 to Skiatook, thence over Oklahoma Highway 20 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Bartlesville, thence over U.S. Highway 60 to Pawhuska, thence over Oklahoma Highway 11 to Tulsa;

(13) From Nowata over U.S. Highway 60 to Bartlesville, thence return over U.S. Highway 60 to Nowata;

(14) From Tulsa over U.S. Highway 64 to Muskogee, thence over U.S. Highway 62 to Tahlequah, thence over Oklahoma Highway 51 to Tulsa;

(15) From Muskogee over U.S. Highway 64 to Sallisaw, thence over U.S. Highway 59 to its junction with Oklahoma Highway 9, thence over Oklahoma Highway 9 to Whitefield, thence over Oklahoma Highway 2 to Muskogee, thence over U.S. Highway 62 to its junction with Oklahoma Highway 10, thence over Oklahoma Highway 10 to Braggs, thence over Oklahoma Highway 10 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to Muskogee;

(16) From Tahlequah over U.S. Highway 62 to Westville, thence over U.S. Highway 59 to Stilwell, thence over Oklahoma Highway 51 to Tahlequah;

(17) From Heavener over U.S. Highway 59 to its northern junction with Oklahoma Highway 9, thence over Oklahoma Highway 9 to Spiro; thence over U.S. Highway 271 to Wister, thence over U.S. Highway 270 to Heavener;

(18) From McAlester over U.S. Highway 69A to its junction with U.S. Highway 69, thence over U.S. Highway 69 to Muskogee, thence over U.S. Highway 69 to its junction with U.S. Highway 69A, thence over U.S. Highway 69A to McAlester;

(19) From Tulsa over Oklahoma Highway 51 to Wagoner, thence over U.S. Highway 69 to Muskogee, thence over U.S. Highway 62 to Tahlequah, thence over Oklahoma Highway 51 to Wagoner, thence over unmarked route to Ikay, thence over Oklahoma Highway 16 to Tulsa;

(20) From Tulsa over U.S. Highway 66 to Turner Turnpike, thence over the Turner Turnpike to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Oklahoma City, and return over the same route;

(21) From Oklahoma City over U.S. Highway 66 to the Turner Turnpike, thence over the Turner Turnpike to its junction with U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, thence over U.S. Highway 66 to Oklahoma City. Applicant is authorized to conduct operations in Oklahoma under the second proviso of section 206(a)(1) in No. MC 28769 (Sub No. 1).

NOTE: Applicant states that if and when the above operations are granted, the operations under the second proviso will be cancelled.

HEARING: September 8, 1959, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 37203 (Sub No. 8), filed October 10, 1958. Applicant: STELLA LOUIS MILLSTEAD & HARRY LEE MILLSTEAD, doing business as MILLSTEAD TRANSFER & STORAGE, 122 West Park Avenue, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points on the international boundary line between the United States and Canada located in Montana and North Dakota; (3) between points in Alaska, on the one hand, and, on the other, points in Oklahoma, Kansas, Colorado, Texas, and New Mexico. Applicant is authorized to conduct operations in Oklahoma, Arkansas, Kansas, Texas, Colorado, Illinois, Indiana, Iowa, Kentucky, Nebraska, New Mexico, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, Montana, and Wyoming.

HEARING: September 14, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 55581 (Sub No. 10), filed June 1, 1959. Applicant: UTAH PACIFIC LUMBER TRANSPORT CO., an Oregon corporation, 5609 Northeast 77th Avenue, Portland, Oreg. Applicant's attorney: Wm. G. Southwell, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Oregon to points in New Mexico; (2) from points in Washington to points in Colorado and New Mexico. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Utah, Montana, Wyoming, Colorado, and Arizona.

HEARING: October 1, 1959, at the Interstate Commerce Commission Hearing Room, 410 SW. 10th Avenue, Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 59117 (Sub No. 12), filed April 6, 1959. Applicant: ELLIOTT TRUCK LINE, INC., P.O. Box 1, Vinita, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, feed,* and *feed ingredients, including urea compounds*, in bulk and in bags, from the plant site of the Grand River Chemical Division of Deere & Company, near Pryor, Okla., to points in Missouri, Arkansas, Texas and Louisiana, and *Dry fertilizer*, in bulk and in bags, from Tulsa, Okla., to points in Missouri, Arkansas, Texas and Louisiana. Applicant is authorized to conduct operations in Missouri, Oklahoma, Kansas, Arkansas, Texas, Louisiana, and Mississippi.

HEARING: September 22, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 64932 (Sub No. 259), filed June 15, 1959. Applicant: ROGERS CARTAGE Co., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Elwood, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: September 22, 1959, at the U.S. Custom House, 610 South Canal Street, Room 852, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 66990 (Sub No. 7), filed May 14, 1959. Applicant: DON EATON TRANSFER & STORAGE, INCORPORATED, 119 South Frisco, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in Ex Parte No. MC 19, 176.1 as amended, between points in Oklahoma, Texas, New Mexico, Colorado, Nebraska, Kansas, Missouri, Akansas, Louisiana, Iowa, Minnesota, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, Pennsylvania, New York, New Jersey, and points in Alaska. Applicant is authorized to conduct operations in the above-named States except Alaska.

HEARING: September 15, 1959 at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 68100 (Sub No. 9), filed April 30, 1959. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Well-pumping units*, and *materials, equipment*, and supplies used in the installation, operation, and maintenance of such units, (1) between Bartlesville, Okla., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and (2) between Bartlesville, Okla., on the one hand, and, on the other, points in Alaska, Alabama, Arizona, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Kansas, Michigan, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: September 18, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 69365 (Sub No. 9), filed May 22, 1959. Applicant: CONTRACT CARRIER SERVICE, INC., P.O. Box 3083, Eugene, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated wood products, prefabricated wooden timbers and trusses*, from Longview, Wash., to points in Montana and Wyoming, and to points in Nebraska in and west of Sheridan, Garden, and Deuel Counties; and (2) *Lumber*, from Livingston, Mont., to Portland, Oreg., Seattle, Wash., and Phoenix, Ariz., and to points in California. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

HEARING: October 2, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 69365 (Sub No. 10), filed June 1, 1959. Applicant: CONTRACT CARRIER SERVICE, INC., P.O. Box 3083, Eugene, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt cake, soda ash, lime, potash*, and *fertilizer*, from Trona, Calif., and points within 20 miles thereof, to points in Oregon, Washington and Idaho. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

HEARING: October 2, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 72227 (Sub No. 4), filed May 11, 1959. Applicant: D. M. LAYMAN, 100 East Court Street, Goldendale, Wash. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Klickitat and Yakima Counties, Wash., to points in Oregon, Idaho, Montana, Utah, Arizona, and Colorado, and *exempt commodities* on return. Applicant is authorized to conduct operations in California, Idaho, Montana, Oregon, and Washington.

HEARING: September 30, 1959, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Lucian A. Jackson.

No. MC 75320 (Sub No. 91), filed June 18, 1959. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 390, 2333 East Mill Street, Springfield, Mo. Applicant's attorney: John C. Bradley, 618 Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and Tuscaloosa, Ala., from Chicago over Illinois Highway 1–A to junction Illinois Highway 1, thence over Illinois Highway 1 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41–A to Nashville, Tenn., thence over U.S. Highway 31 to Cullman, Ala., thence over Alabama Highway 69 to Tuscaloosa, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Tuscaloosa, Ala. Applicant is authorized to transport general commodities in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: September 23, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 82861 (Sub No. 8), filed June 17, 1959. Applicant: BROOKS TRUCK LINE, INC., 609 Southeast 14th Street, Puyallup, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Clay brick, clay tile, clay pipe* and *clay flue lining*, (1) between Newcastle, Wash., on the one hand, and, on the other, points in Oregon, (2) from Newcastle, Wash., to Eatonville and Seattle, Wash., and (3) from Newcastle, Wash., to points in Idaho and Montana. (B) *High temperature bonding mortar, fire clay*, in packages, *dampers, brick tiles* and *other materials and supplies* incidental to the manufacture and use of these commodities, between points on the International Boundary line between the United States and Canada at or near Blaine, Wash., and points in Washington (restricted to traffic moving to or from points in British Columbia, Canada). (C) *Empty pallets, corner boards* and *containers* used in transporting the clay products enumerated in (A) and (B) above, in the reverse direction. Applicant is authorized to conduct operations in Montana, Oregon, and Washington.

HEARING: September 24, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 92983 (Sub No. 361), filed June 25, 1959. Applicant ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid and chemicals*, in bulk, from Elwood, Ill., and points within 10 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: September 22, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 96812 (Sub No. 1), filed May 11, 1959. Applicant: FRANK HALL TRUCKING COMPANY, INC., P.O. Box 1234, Seminole, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies*, used in, or in connection with, the discovery, development, production, refining, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, between points in Kansas, Oklahoma, and Texas.

NOTE: Applicant is authorized to conduct similar operations in Oklahoma under the Second Proviso of section 206(a)(1), No. MC 96812. Applicant states that if the authority sought herein is granted, it will request cancellation of the second proviso filing.

HEARING: September 10, 1959, at the Mayo Hotel, Tulsa, Okla., before Joint Board No. 170, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 100662 (Sub No. 12), filed July 2, 1959. Applicant: KENNETH K. ZECHMAN AND HARRY E. ZECHMAN, a partnership, doing business as BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer materials, insecticides, herbicides, fungicides, sprayers, applicators or distributors or parts thereof* for applying fertilizers, insecticides, herbicides and fungicides, and *advertising paraphernalia or displays* used in promoting the sales of these commodities, limited to the above commodities when shipped with fertilizers and fertilizer materials, (1) from Baltimore, Md., to points in Delaware, except Wilmington, Del., points in Pennsylvania beyond 200 miles of Baltimore, points in New Jersey, points in New York east of New York Highway 14, and points in Ohio on and east of U.S. Highway 21; and (2) from Whiteford, Md., to points in Delaware; and *rejected and damaged shipments* of the above-described commodities, on return. Applicant is authorized to conduct contract carrier operations in Maryland, Delaware, the District of Columbia, Pennsylvania, Virginia, New York, New Jersey, Ohio, and West Virginia.

NOTE: Applicant is also authorized to conduct common carrier operations in Certificate No. MC 113106 Sub No. 2; therefore dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c), No. MC 100662 Sub 8, to determine whether applicant's status is that of a contract or common carrier.

HEARING: September 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 102616 (Sub No. 681), filed June 29, 1959. Applicant: COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk, in tank and hopper-type vehicles, bags, packages, or other container, palletized and unpalletized, from points in Berks, Bucks, Delaware, Lehigh, Montgomery, Northampton, Philadelphia and York Counties, Pa., Carroll, Frederick, Prince Georges, and Washington Counties, Md., and points in the Baltimore, Md., Commercial Zone, and points in the District of Columbia north of the Potomac River, to points in Maryland and Pennsylvania and the District of Columbia north of the Potomac River. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 200.

No. MC 104128 (Sub No. 80), filed May 22, 1959. Applicant: CAMPBELL'S SERVICE, a corporation, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat molds, boat trailers, marine equipment*, and *parts* and *accessories* thereto, in truckaway service, from points in Washington, to points in California, Idaho, Montana, Nevada, Oregon, and Arizona. Applicant is authorized to conduct operations in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Okla-

homa, South Dakota, Texas, Wisconsin, and Wyoming.

HEARING: September 10, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 105813 (Sub No. 39), filed June 11, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products* and *articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to *Ex Parte MC–45, Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272), from Danville, Ill., to points in Florida. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin.

HEARING: September 23, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 107227 (Sub No. 75), filed May 13, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in secondary movements, in truckaway service, between points in Washington, on the one hand, and, on the other, points in Idaho, Montana, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 17, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 107227 (Sub No. 76), filed June 29, 1959. Applicant: INSUREI TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in initial movements, in driveaway service, from Seattle and Renton, Wash., to points in the United States, including Alaska, except points in Montana, Washington, that part of Idaho in and north of Idaho County, Idaho, and that part of Oregon, in and north of Lane, Deschutes, Crook, Grant, and Baker Counties, Oreg. Applicant is authorized to conduct operations throughout the United States, except Alaska.

HEARING: September 9, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107227 (Sub No. 77), filed July 24, 1959. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveaway and truckaway service, between points in California and Alaska. Applicant is authorized to conduct operations throughout the United States, except points in Alaska.

HEARING: October 15, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 108121 (Sub No. 4), filed May 14, 1959. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 74 Jackson Street, Seattle 4, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in secondary movements in truckaway service, from Seattle, Tacoma, Olympia, Vancouver, Everett and Bellingham, Wash., to points in Idaho, Montana, Oregon, and Washington. Applicant is authorized to conduct operations in Washington, Oregon, and Idaho.

NOTE: Applicant states the proposed operations be restricted to the transportation of vehicles having had a prior movement by water.

HEARING: September 15, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 108302 (Sub No. 2), filed June 30, 1959. Applicant: G. & S. CITY TRUCKING CO., INC., 345 West 38th Street, New York 18, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments, piece goods*, cut or in the original piece, *trimming, buttons, notions, fasteners*, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Cleveland, Ohio. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy.

No. MC 108448 (Sub No. 5), filed June 23, 1959. Applicant: JAMES LACASSE, doing business as NITEHAWK EXPRESS, 343 Eighth Avenue NW., New Brighton, Minn. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *materials, equipment and supplies* incidental and necessary to the proper conduct of the business of the dairy industry, other products normally distributed at retail by the dairy industry (as more fully set forth in the application), and *empty containers or other such incidental facilities* used in transporting the above-described commodities, between Cedar Rapids, Clinton, Waterloo, Iowa City, Maquoketa, and Dubuque, Iowa, St. Paul, and Minneapolis, Minn., and Chicago, Rock Falls, Moline, and Streator, Ill. Applicant is authorized to conduct operations in Minnesota, Nebraska, Wisconsin, and Iowa.

NOTE: Applicant states the proposed operations shall be between any and all of said cities in both directions, for Sanitary Farm Dairies, Inc., at St. Paul, Minn., Cedar Rapids and Clinton, Iowa. Applicant further states it owns one-third of the common stock of Hines Transfer, Inc., Certificate MC 36165 and sub numbers thereunder, and 29⅓ percent interest in Interstate Express, Inc. (MC–FC 61485); therefore, common control may be involved.

HEARING: September 18, 1959, at the Metropolitan Building, Room 926, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 109030 (Sub No. 8), filed July 10, 1959. Applicant: SECURITY TRUCK LINE, 1600 South First Street, San Jose, Calif. Applicant's attorney: Marvin Hahdler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value and Class A and B explosives, when loaded in sea vans, restricted to shipments having a prior or subsequent haul by water, and *empty sea vans*, between points in California on, and north and west of a line beginning at the Pacific Ocean at Gaviota and extending along U.S. Highway 101 to California Highway 178 at Santa Margarita, thence along California Highway 178 to U.S. Highway 6 at Freeman Junction, thence along U.S. Highway 6 to the California-Nevada State line, including the cities of St. Luis Obispo and Bakersfield, Calif., and points within seven miles of said cities. Applicant is authorized to conduct operations in California.

HEARING: September 16, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109211 (Sub No. 5), filed June 3, 1959. Applicant: SMITH'S INC., Cottonwood, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank-trailers and tank vehicles, from Marshall, Minn., to points in Iowa, North Dakota, South Dakota, and Minnesota. Applicant is authorized to conduct common carrier operations in Minnesota and South Dakota.

NOTE: Applicant has a contract carrier application pending before the Commission in Docket No. MC 115805 Sub No. 1. section 210, dual operations, may be involved.

HEARING: September 11, 1959, at the Metropolitan Building, Room 926, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 109385 (Sub No. 24), filed June 29, 1959. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Boston, Mass., to (a) points in Ohio, (b) points in West Virginia, and (c) points in Michigan on and south of a line beginning at Muskegon, Mich., and extending along Michigan Highway 20 to Bay City, Mich., and thence along Michigan Highway 25 to Port Huron, Mich. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 109462 (Sub No. 8), filed May 7, 1959. Applicant: LUMBER TRANSPORT, INC., P.O. Box 414, Shawnee, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber* and *lumber mill products*, (1) from Vicksburg, Miss., to points in Colorado and New Mexico; (2) from points in Arizona and Colorado to points in Texas, Oklahoma, New Mexico, and Kansas; (3) from points in New Mexico to points in Colorado and Arizona; (4) from points in New Mexico to points in Texas and Kansas; (5) from points in Louisiana on and north of U.S. Highway 84 to points in New Mexico; (6) from points within 5 miles of Alexandria, La., to points in New Mexico. Applicant is authorized to conduct operations in Arkansas, Oklahoma, New Mexico, Texas, Missouri, Kansas, Tennessee, and Louisiana.

NOTE: Applicant states that the purpose of this application is to eliminate any gateway problems. Duplication of authority is not sought and appropriate restrictions may be imposed if necessary to prevent same.

HEARING: September 24, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Jair S. Kaplan.

No. MC 109584 (Sub No. 68), filed July 1, 1959. Applicant: ARIZONA–PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin and varnish*, in bulk, in tank vehicles, from Anaheim, Calif., to Tulsa and Oklahoma City, Okla., and Dallas and Houston, Tex., and points within 25 miles of each, and *rejected and contaminated shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Utah, California, Colorado, Idaho, Oregon, Washington, Nevada, Arizona, Texas, and New Mexico.

HEARING: September 21, 1959, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109689 (Sub No. 90), filed May 18, 1959. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from points in McKinley and Valencia Counties, N. Mex., to Moab, Utah, and points within 5 miles thereof and *rejected* and *contaminated* shipments of Sulphuric acid on return. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, Oregon, and Utah.

HEARING: September 16, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 212, or, if the Joint Board waives its right to participate, before Examiner Mack Myers.

No. MC 110212 (Sub No. 11), filed July 2, 1959. Applicant: MICHAEL KALNASH, 526 Arlington Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from Scranton, Lackawanna County, Pa., and points within 15 miles thereof in Lackawanna County, and Wilkes-Barre, Luzerne County, Pa., and points within 15 miles thereof in Luzerne County, to points in Fairfield, New Haven, Middlesex, Litchfield, and Hartford Counties, Conn., except Lakeville, Washington Depot, Norfolk, Bantam, Litchfield, Woodbury, and Roxbury, located in Litchfield County, and except Southbury, located in New Haven County; (2) from Hazleton, Luzerne County, Pa., and Mahanoy City, Schuylkill County, Pa., and points within 10 miles of each to points in Middlesex County, Conn. Applicant is authorized to conduct operations in Connecticut, New York, and Pennsylvania.

HEARING: September 9, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Alton R. Smith.

No. MC 110525 (Sub No. 393), filed June 30, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: V. Baker Smith, Munsey Building, Washington 4, D.C., and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bridgeville, Pa., to points in Florida and Vermont and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110525 (Sub No. 394), filed July 9, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C., and Chester A. Zyblut, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals:* (1) from Bainbridge, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia and (2) from Leominster, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: October 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110698 (Sub No. 124), filed July 8, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue* and *synthetic resins*, in bulk, in tank vehicles, from Thomasville, N.C., to points in Indiana and Kentucky. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: September 4, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 111717 (Sub No. 17), filed June 22, 1959. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th

Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *farm machinery*, and *attachments* and *parts* for both, from Milwaukee, Wis., to points in Washington, Oregon, California, Arizona, Nevada, Idaho, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Louisiana, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, and the District of Columbia, and *returned, damaged*, and *rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

HEARING: September 24, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 112020 (Sub No. 71), filed June 9, 1959. Applicant: COMMERCIAL OIL TRANSPORT, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* and *fats, vegetable oils* and *fats, blends* and *products thereof*, in bulk, in specialized equipment, between points in Nebraska, Kansas, Oklahoma, Texas, Colorado, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 28, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 112713 (Sub No. 86), filed July 6, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Guthrie, Okla., and Kingfisher, Okla., over Oklahoma Highway 33, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

HEARING: September 23, 1959, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Jair S. Kaplan.

No. MC 113255 (Sub No. 15), filed June 29, 1959. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Clay R. Moore, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice*, in bulk, in insulated tank vehicles with mechanical refrigeration, from points in Florida to points in Illinois, Wisconsin, Minnesota, and Iowa, and *rejected shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas.

HEARING: September 21, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 113533 (Sub No. 23), filed June 4, 1959. Applicant: WARREN F. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 3445 Paterson Plank Road, North Bergen, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, from St. Cloud, Minn., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, Pennsylvania, Ohio, Indiana, Illinois, Michigan, and the District of Columbia, and *rejected* and *damaged shipments* of the above commodities on return. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

HEARING: September 16, 1959, at the Metropolitan Building, Room 926, Second Avenue South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 113678 (Sub No. 7), filed June 26, 1959. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses*, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, between Greeley, Colo., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations in Colorado, the District of Columbia, New York, and Massachusetts.

HEARING: September 24, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 114015 (Sub No. 11) (REPUBLICATION), filed June 16, 1959, published issue of Federal Register July 22, 1959. Applicant: HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shooks, pallets* and *pallet material*, from Chase City and Keysville, Va., to Charleston, S.C., Detroit, Mich., Wheeling, W. Va., and points in New York, and *refused and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Indiana, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to correct the spelling of applicant's name to HUSS, INCORPORATED, instead of RUSS, INCORPORATED.

HEARING: Remains as assigned September 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 115512 (Sub No. 2), filed June 24, 1959. Applicant: ARMIN BUEHLER, 721 North Second Street, Medford, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slat cribbing*, wood and wire combined, from Medford, Wis., to points in Illinois, Iowa, and Minnesota.

HEARING: September 17, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 115601 (Sub No. 10), filed June 29, 1959. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Delaware Trust Building, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Negotiable and non-negotiable securities* and *other negotiable and non-negotiable instruments, coin and currency*, in armored vehicles, and cash letters (checks for collection) in armored or unarmored vehicles, to and from banks and stock brokerage houses, between Baltimore, Md., points in Delaware, Philadelphia, Pa., and New York City, N.Y. Applicant is authorized to conduct operations in Delaware, New York, and Pennsylvania.

NOTE: Applicant states, it already has authority to transport negotiable and non-negotiable securities and cash letters (checks for collection) between points in Delaware and Philadelphia, Pa., and between Wilmington, Del., and New York City, N.Y., it proposes to transport same commodities between Baltimore, Md., and Wilmington, Del., and at Wilmington, Del., to tie in the transportation to and from Philadelphia, Pa., with it presently authorized transportation between Philadelphia, Pa., and points in Delaware. Applicant proposes to tie in the transportation to and from New York City, N.Y., with its present proposed transportation to and from Philadelphia, Pa.

HEARING: September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 115724 (Sub No. 5), filed April 6, 1959. Applicant: J. W. PHILLIPS, Box 201, Harrah, Okla. Applicant's attorney: C. F. Hanely, 2860 Northwest 20, Oklahoma City, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats* and *parts* thereof, which because of size or weight require special handling, from points in Virginia, New Jersey, New York, Indiana, Louisiana, Wisconsin, and Arkansas, to Harrah, Okla., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations throughout the United States, except points in Idaho, Iowa, Kansas, Maine, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Oregon, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states the above operation will be transported as a return movement in connection with his authority in MC 115724 Subs 2 and 3.

HEARING: September 23, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Jair S. Kaplan.

No. MC 115824 (Sub No. 5), filed June 5, 1959. Applicant: LESTER PETERSEN, 410 Malin Street, Mankato, Minn. Applicant's representative: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *ingredients thereof, including soybean meal*, in sacks and in bulk, from Mankato, Minn., to points in Iowa, North Dakota, South Dakota, Wisconsin, Montana, Wyoming, and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, and *exempt commodities* on return. Applicant is authorized to conduct operations in Minnesota, South Dakota, Iowa, North Dakota, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 115824 (Sub No. 3).

HEARING: September 14, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 115841 (Sub No. 60), filed June 29, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *fresh or frozen meats*, from points in New Jersey on and south of New Jersey Highway 33, points in Pennsylvania on and east of U.S. Highway 202, and points in Maryland, to points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations to all points in the United States except to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 118621 (Sub No. 3), filed June 18, 1959. Applicant: BLACK DIAMOND TRANSPORT COMPANY, a corporation, 112 Poinier Street, Newark, N.J. Applicant's attorney: Richard D. Lalanne, Lehigh Valley Railroad Company, Law Department, 143 Liberty Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods as defined by the Commission* and *those requiring special equipment*, but excluding articles of unusual value, Class A and B explosives, and commodities in bulk, between Wilkes-Barre, Pa., on the one hand, and, on the other, Ashley, Avoca, Beaver Meadows, Courtdale, Coxton, Crestwood, Dallas, Dallas Township, Dunmore, Dupont, Duryea, Edwardsville, Exeter, Exeter Township, Forty Fort, Foster Township, Freeland, Green Ridge, Harding, Hanover Township, Hazleton, Hazle Township, Hudson, Hughestown, Jackson Township, Jeddo, Jenkins Township, Kingston, Kingston Township, Laflin, Larksville, Lattimer Mines, Laurel Run, Luzerne, McAdoo, Minooka, Moosic, Mountaintop, Nanticoke, Noxen, Old Forge, Olivers Mills, Pittston, Pittston Township, Plains, Plains Township, Plymouth, Providence, Pringle, Ransom, Scranton, Shavertown, Stanton, Swoyersville, Sugar Notch, Taylor, Trucksville, Virginia, Warrier Run, West Hazleton, West Nanticoke, West Pittston, Weatherly, Wilkes-Barre, Wilkes-Barre Township, West Wyoming, White Haven, Wright Township, Wyoming, and Yatesville, Pa.

NOTE: Applicant states the proposed service is to be conducted in conjunction with trailer-on-flat-car service of Lehigh Valley Railroad Company to be limited to that which is auxiliary to, or supplemental of, rail service of the Lehigh Valley Railroad Company.

HEARING: September 3, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 118782 (Sub No. 2), filed July 10, 1959. Applicant: KERN L. SMITH, P.O. Box 1101, York, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, edible; *icing powder; corn sugar mix*, prepared; and *sugar*, from Ellicott City, Md., to Jacksonville and Miami, Fla., Birmingham, Ala., Memphis, Tenn., and New Orleans, La.

NOTE: Common control may be involved.

HEARING: September 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 118863 (Sub No. 2), filed June 4, 1959. Applicant: VERL HARVEY, INC., 241 West 56th Avenue, Denver, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Portland and Bottcher, Colo., to points in Laramie, Goshen, Platte, Niobrara, Converse, Weston, Albany, Natrona, Carbon, Fremont, and Hot Springs Counties, Wyo., and *rejected shipments* and *empty containers or other such incidental facilities* used in transporting cement, on return, and (2) *crushed limestone* and *all limestone products* and *by-products* and *rejected shipments* and *empty containers or other such incidental facilities*, used in transporting the above-mentioned commodities, between points in Colorado, Wyoming, Nebraska, and Kansas.

HEARING: September 23, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 118904, filed April 27, 1959. Applicant: LONNIE WOOD, 1707 Irwin Street, Lawton, Okla. Applicant's attorney: John F. Butler, 2320 First National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used mobile homes* or *house trailers* and *furnishings* thereof, in secondary movements, in towaway service, between points in Oklahoma, on the one hand, and, on the other, points in the United States, including the new State of Alaska and the District of Columbia.

NOTE: Applicant states that the proposed service will originate from other than places of manufacture or original storage.

HEARING: September 23, 1959, at the Federal Building, Oklahoma City, Okla., before Examiner Jair S. Kaplan.

No. MC 118966, filed June 1, 1959. Applicant: PARKINSON TRANSPORT COMPANY, a Minnesota corporation, East 1006 First National Bank Building, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as more fully described in the application, between St. Paul, Minn., and points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Wisconsin, Illinois, Iowa, Kansas, Nebraska, and Michigan.

HEARING: September 15, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 118978, filed June 5, 1959. Applicant: MERCURY PRODUCE EXPRESS, LTD., 2256 Kingsway, Vancouver, British Columbia, Canada. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, shingles, shakes*, and *natural wood products*, from the ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho and Blaine, Wash., to points in California; (2) *Canned goods* and *frozen foods*, from points in California to ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho and Blaine, Wash.

HEARING: September 21, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 119041, filed July 6, 1959. Applicant: RUSSELL A. KARCHNER, Box 20, Sybertsville, Pa. Applicant's attorney: Charles L. Casper, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel articles*, from Danville, Pa., to Elizabeth and Newark, N.J., Bridgeport, Conn., Wilmington, Del., Medina and New York, N.Y., and Baltimore, Salisbury, and Chestertown, Md.; (2) *groceries* and *canned goods*, from Camden and Swedesboro, N.J., points in that part of New York bounded by a line beginning at Rochester, N.Y., and extending along New York Highway 35 to Mumford, N.Y., thence along New York Highway 36 to Canisteo, N.Y., thence along New York Highway 248 to Whitesville, N.Y., thence along unnumbered highway to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to New York Highway 26, thence along New York Highway 26 to Whitney Point, N.Y., thence along U.S. Highway 11 to Pulaski, N.Y., thence along the Salmon River to the confluence of Lake Ontario, and thence along the shore of Lake Ontario to point of beginning, and points in that part of Maryland beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 81 to junction U.S. Highway 15, thence along U.S. Highway 15 to Frederick, Md., thence along U.S. Highway 40 to Baltimore, Md., thence along the west shore of the Chesapeake Bay to the confluence of the Susquehanna River, thence along the west bank of the Susquehanna River to the Maryland-Pennsylvania State line, and thence along the Maryland-Pennsylvania State line to point of beginning, including points on the indicated portions of the highways specified, to Danville and Hazleton, Pa.

HEARING: September 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

MOTOR CARRIER OF PASSENGERS

No. MC 116755 (Sub No. 11), filed July 2, 1959. Applicant: D.C. TRANSIT SYSTEM, INC., 3600 M Street NW., Washington 7, D.C. Applicant's attorney: John R. Sims, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the U.S. Naval Receiving Station, Anacostia, Washington, D.C., and the U.S. Naval Radio Receiving Station, Cheltenham, Md. Applicant is authorized to conduct common carrier operations in Maryland, Virginia, and the District of Columbia.

HEARING: September 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12706 (REPUBLICATION), filed April 20, 1959, published FEDERAL REGISTER issue of July 22, 1959. Applicant: ANTHONY A. COSTA, doing business as WORLDWIDE TRAVEL BUREAU, 1094 Flatbush Avenue, Brooklyn 26, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle with passengers, in round-trip, special and charter, all-expense tours, beginning and ending at New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, foreign countries and possessions and territories of the United States.

HEARING: Remains as assigned September 24, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1942 (Sub No. 5), filed July 13, 1959. Applicant: MARVIN STROBEL AND MERRITT McDONALD, doing business as RICHMOND TRUCK LINE, Richmond, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities in bulk*, (1) between Richmond, Kans., and Kansas City, Mo., from Richmond over U.S. Highway 59 to Lawrence, Kans., thence over Kansas Highway 10 to Kansas City, Kans., thence over city streets to Kansas City, Mo., and return over the same route, serving the intermediate and off-route points to North Kansas City, Mo., Kansas City, Kans., and those within 20 miles of Richmond, Kans.; (2) between junction U.S. Highways 50 and 59, four miles west of Baldwin City, Kans., and junction U.S. Highway 50 and Kansas Highway 10, near Merriam, Kans., over U.S. Highway 50, serving no intermediate points, as an alternate route for operating convenience only, serving the termini for purpose of joinder only.

NOTE: Applicant is authorized to transport General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, over the above-specified routes. The purpose of this application is to remove the restriction against the transportation of commodities in bulk.

No. MC 29555 (Sub No. 32), filed July 10, 1959. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (except those requiring temperature control), (1) Between Eau Claire, Wis., and Cornell, Wis., (a) from Eau Claire over U.S. Highway 53 to Chippewa Falls, Wis., thence over Wisconsin Highway 178 to Jim Falls, Wis., thence continue over Wisconsin Highway 178 to Cornell, and return over the same route, serving no intermediate points; and (b) from Eau Claire over U.S. Highway 53 to Chippewa Falls, thence over Wisconsin Highway 29 to Cadott, Wis., thence over Wisconsin Highway 27 to Cornell, and return over the same route, serving no intermediate points; and (2) Between Cornell, Wis., and Eau Claire, Wis., from Cornell over Wisconsin Highway 64 to junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to Holcombe, Wis., thence continue over Wisconsin Highway 27 to junction Chippewa County Highway M, thence over Chippewa County Highway M to junction Chippewa County Highway G to Arnold, Wis., thence over Chippewa County Highway G to junction Rusk County Highway G, thence over Rusk County Highway G to junction Rusk County Highway D, thence over Rusk County Highway D to Sheldon, Wis., thence over Rusk County Highway D back to junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to Ladysmith, Wis., thence over U.S. Highway 8 to Bruce, Wis., thence over Wisconsin Highway 40 to junction Wisconsin Highway 64, thence over Wisconsin Highway 64 to Bloomer, Wis., thence over U.S. Highway 53 to Eagleton, Wis., thence over U.S. Highway 53 to Eagle Point, Wis., thence over U.S. Highway 53 to Eau Claire, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Minnesota, and Wisconsin.

NOTE: Applicant states that the purpose of the instant application is to obtain authority to serve the above-specified towns in a manner that will permit the most efficient and economical routing, which will reduce mileage, cost of operations, and increase the safety aspect of such operations, by virtue of the reduced mileage and the fact that the contemplated routes are less heavily traveled. Applicant further states that no new points will be served, that only those points presently included in Certificate No. MC 29555, dated July 1, 1953, will be served, and if the above extensions are approved, it will permit more economical efficient service than at present. Duplication with present authority to be eliminated.

No. MC 52917 (Sub No. 29), filed July 22, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products*, as defined in Appendix I subheadings A and B, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and *perishable foods*, in vehicles equipped with temperature control devices, between New York, N.Y., and Newark, N.J., and Lorton, Va. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New York, Pennsylvania, New Jersey, and the District of Columbia.

No. MC 52917 (Sub No. 33), filed July 27, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* as defined in Appendix 1, subheadings A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with temperature control devices, and *meat rails*, between Clarksburg, W. Va., and Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

No. MC 52917 (Sub No. 34), filed July 27, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* as defined in Appendix 1, subheading A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with temperature control devices, and *meat rails*, between Cumberland, Md., and Baltimore, Md. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

No. MC 66562 (Sub No. 1533), filed July 22, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Hoboken, N.J., and Hackensack, N.J., from Hoboken over unnumbered highway to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highways 1–9, thence over U.S. Highways 1–9 to junction New Jersey Highway 93, thence over New Jersey Highway 93 to junction U.S. Highway 46, thence over U.S. Highway 46 to Ridgefield Park, N.J., thence over unnumbered highway to Bogota, thence over unnumbered highway to Hackensack, and return over the same route, serving the intermediate points of Bogota. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1534), filed July 23, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Portland, Maine, and Sanford, Maine, from Portland over U.S. Highway 1 to junction Maine Highway 109, thence over Maine Highway 109 to Sanford (also from Portland over U.S. Highway 1 to junction Maine Highway 98, thence over Maine Highway 98 to junction Maine Highway 5, thence over Maine Highway 5 to junction U.S. Highway 1, thence over U.S. Highway 1 to Wells, Maine, thence over Maine Highway 109 to Sanford); thence over Maine Highway 4–A to junction U.S. Highway 202, thence over U.S. Highway 202 to Maine Highway 22, thence over Maine Highway 22 to Portland. Return trip over the same route. Serving the intermediate points of Springvale, Wells, Kennebunk, Biddeford, Old Orchard, Old Orchard Beach, Scarboro and Oak Hill, Maine. Applicant indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior to or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1535), filed July 23, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service between Metropolis, Ill., and Paducah, Ky., from Metropolis over U.S. Highway 45 to Paducah, and return over the same route, serving the intermediate point of Brookport, Ill. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 76266 (Sub No. 101), filed July 23, 1959. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small arms ammunition, livestock, household goods as defined by the Commission and liquids in bulk, in tank vehicles, between Fremont, Ohio and Hobart, Ind., over U.S. Highway 6, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Michigan, Nebraska, Ohio, and Wisconsin.

No. MC 78786 (Sub No. 219), filed July 27, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a California corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: Wm. Meinhold, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, and automobiles and trucks, (1) between Sacramento, Calif., and Antioch, Calif., over California Highway 24; (2) between Lodi, Calif., and Suisun, Calif., over California Highway 12, serving all intermediate and off-route points within five miles of the above-specified routes, which are stations on the rail lines of the Southern Pacific Company. RESTRICTIONS: The service to be performed by the said carrier shall be limited to that which is auxiliary to, or supplemental of, railroad or railway express service. The said carrier shall not serve any point not a station on the rail lines of Southern Pacific Company, except as otherwise authorized. Said carrier shall not transport shipments between Isleton, Calif., on the one hand, and, on the other, Davis, Lincoln, Rocklin, or Woodland, Calif., or through, or to, or from more than one of such points. All contractual arrangements between the said carrier and any railroad or railway express carrier to whose services its service is auxiliary or supplementary, shall be reported to this Commission and shall be subject to revision if and as this Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties; and such further conditions as the Commission in the future, may find it necessary to impose in order to restrict the said carrier's operation to service which is auxiliary to or supplemental of, railroad or railway express company service. Applicant is authorized to conduct operations in Oregon, California, Arizona, and Nevada.

NOTE: Dual operations under section 210 may be involved.

No. MC 104340 (Sub No. 136), filed July 23, 1959. Applicant: LEAMAN TRANSPORTATION COMPANY, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: V. Baker Smith and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bridgeport, Conn., to Carmel, N.Y., and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, West Virginia, New York, Massachusetts, Virginia, Connecticut, New Hampshire, and Vermont.

No. MC 108678 (Sub No. 37), filed July 24, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils* and *greases*, in bulk, in tank vehicles, from Owensboro, Ky., to Albertville, Ala. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 108678 (Sub No. 21).

No. MC 109637 (Sub No. 131), filed July 24, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rum*, in bulk, in tank vehicles, from Boston, Mass., to points in Kentucky. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Missouri, Texas, Ohio, Minnesota, Michigan, Iowa, Indiana, Illinois, New York, Virginia, West Virginia, and Wisconsin.

No. MC 110525 (Sub No. 397), filed July 22, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gluconic acid*, in bulk, in tank vehicles, from Newaygo, Mich., to Cincinnati, Ohio, and *rejected shipments* thereof, on return. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, the District of Columbia, Vermont, Texas, South Carolina, Oklahoma, New Hampshire, Nebraska, Maine, Louisiana, Iowa, Florida, California, Arkansas, and Alabama.

No. MC 113024 (Sub No. 6), filed July 23, 1959. Applicant: ARLINGTON JOHN WILLIAMS, doing business as A. J. WILLIAMS, 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing, dry goods, diaper liners, display stands*, and *liquid latex*, in drums or other containers, all when consigned for movement by water, between Dover, Del., and points within 5 miles thereof, and Philadelphia, Pa., and (2) *liquid latex*, between Dover, Del., and points within 5 miles thereof, and Quakertown, Pa., and (3) *empty drums or other containers*, from Philadelphia and Quakertown, Pa., to Dover, Del., and points within 5 miles thereof. Applicant is authorized to conduct operations in Delaware and Pennsylvania.

No. MC 115904 (Sub No. 3), filed July 23, 1959. Applicant: LOUIS GROVER, Idaho Falls, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk or containers, from the Simplot Processing Plant, near Pocatello, Idaho, to points in Montana, and from the Anaconda Company plant, near Anaconda, Mont., to points in Lemhi, Custer, Blaine, Camas, Gooding, Twin Falls, Cassia, Jerome, Minidoka, Lincoln, Butte, Clark, Fremont, Jefferson, Madison, Teton, Boneville, Bingham, Power, Bannock, Caribou, Oneida, Franklin, and Bear Lake Counties, Idaho, and *empty containers or other such incidental facilities* used in transporting fertilizer, on return. Applicant is authorized to conduct operations in Montana, Idaho, Utah, and Wyoming.

No. MC 116317 (Sub No. 8), filed July 16, 1959. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, except floor tile, (1) from Great Bend and Kanopolis, Kans., to points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line near Union, Nebr., and extending along U.S. Highway 34 to junction U.S. Highway 281 at or near Grand Island, Nebr., thence along U.S. Highway 281 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line; and (2) from Great Bend and Kanopolis, Kans., to points in that part of Missouri lying on and east of a line beginning at the Missouri-Arkansas State line near Seligman, Mo., and extending northward along Missouri Highway 37 to junction U.S. Highway 60 at or near Monett, Mo., thence along U.S. Highway 60 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 69 at or near Bethany, Mo., and thence along U.S. Highway 69 to the Missouri-Iowa State line. Applicant is authorized to conduct operations in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas.

NOTE: Applicant has a pending common carrier application under MC 117651 (Sub. No. 2). Dual authority under section 210 may be involved. Any duplication with present authority to be eliminated.

No. MC 116639 (Sub No. 2), filed July 23, 1959. Applicant: JAMES BAIMA, doing business as KING KONG TRUCK LINE, 303 Hard Road, Benld, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria Heights, Ill., to points in Missouri (except St. Louis and Kansas City, Mo.), and *empty containers or other such incidental facilities* used in transporting malt beverages, on return. Applicant is authorized to transport malt beverages from Milwaukee, Wis. to specified points in Illinois and empty malt beverage containers on return.

No. MC 116859 (Sub No. 3), filed July 24, 1959. Applicant: CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia 30, Pa. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Films and articles* associated with the exhibition of motion pictures, as described in the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766, between points in that part of Virginia bounded by a line beginning at Richmond and extending along U.S. Highway 60 to the Atlantic Ocean, thence along the Atlantic Ocean to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to U.S. Highway 301, thence along U.S. Highway 301 to Richmond, including points on the boundary specified. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.

No. MC 119092, filed July 27, 1959. Applicant: ROBERT S. LAMKEY, Centre Napan, New Brunswick, Canada. Applicant's attorney: Joseph D. Ward, 20 Pemberton Square, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruit and bananas*, from Boston, Mass., to Ports of entry on the International Boundary line between the United States and Canada, located on the boundary line between Maine and the Province of New Brunswick.

NOTE: Applicant states that fish will be transported on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 50026 (Sub No. 9), filed July 27, 1959. Applicant: ARKANSAS MOTOR COACHES LIMITED, INC., 433 West Washington Avenue, North Little Rock, Ark. Applicant's attorney: Bruce T. Bullion, Union Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Benton, Ark., and Hot Springs, Ark., from Benton over U.S. Highway 67 to the junction of Arkansas Highway 88 (designation to be changed to new U.S. Highway 70), thence over Arkansas Highway 88 to Hot Springs, and return over the same route, serving all intermediate points including Slokum, Williams Store, Ruraldale School, County Line, Lonsdale Junction, McClendon Springs Road, Cedar Creek, C & M School, and Mill Creek Road. Applicant is authorized to conduct operations in Arkansas, Tennessee, and Texas.

No. MC 116236 (Sub No. 2), filed July 22, 1959. Applicant: MALONEY AND O'CONNOR TRANSPORTATION CO., INC., 18 West Falls Street, Niagara Falls, N.Y. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof, and not including children under ten (10) years of age who do not occupy a seat or seats, between points in Niagara County, N.Y., on the one hand, and, on the other, Ports of Entry on the boundary between the United States and Canada at Buffalo, Niagara Falls, and Lewiston, N.Y.

NOTE: Applicant is authorized to conduct the same operations in its Certificate No. MC 116236, but limited to the transportation of not more than seven (7) passengers in any one vehicle, etc.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 7236 (correction) (COMMODORE STONE AND R. W. BEATTY—CONTROL; THE SQUAW TRANSIT CO. (OKLA. CORP.)—PURCHASE—THE SQUAW TRANSIT CO. (KANS. CORP.) AND PORTION—GULF SOUTHWESTERN TRANSPORTATION CO.), published in the July 8, 1959, issue of the FEDERAL REGISTER on page 5521. The operating rights of THE SQUAW TRANSIT CO. (KANS. CORP.) being transferred should have read as follows: *Oilfield commodities*, as a *common carrier* over irregular routes, between points in Oklahoma, between points in Oklahoma, on the one hand, and, on the other, points in Colorado, Kansas, and Nebraska, between Coffeyville, Kans., and Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Ohio, and Texas, and between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Texas.

No. MC–F 7246, YALE TRANSPORT CORP.—PURCHASE (PORTION)—CHELSEA CONTRACTING & TRUCKING CO., published in the July 15, 1959, issue of the FEDERAL REGISTER on page 5701. The description of the commodities being transferred is changed to read: "*General commodities*, excepting, among others, commodities in bulk but not excepting household goods."

No. MC–F 7262. Authority sought for purchase by AXMINSTER MOTOR LINES, INC., Federal and Knowles Streets, Yonkers 5, N.Y., of the operating rights of DUSOR MOTOR LINES, INC. (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 161 Washington Street, Albany, N.Y., and for acquisition by FEUER TRANSPORTATION, INC., Federal and Knowles Streets, Yonkers, N.Y., and, in turn, JORDAN LIPPNER, GRACE LIPPNER and DAVID LIPPNER, all of 28 Fanshaw Avenue, Yonkers, N.Y., of control of such rights through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y., and Henry C. Clark, 90 Church Street, New York 7, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and between Newburgh, N.Y., on the one hand, and, on the other, points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster Counties, N.Y. Vendee holds no authority from this Commission. However, its majority stockholder, FEUER TRANSPORTATION, INC., is authorized to operate as a *common carrier* in New York, New Jersey and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7268. Authority sought for control by PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine, of CHASE TRANSFER CORPORATION, 25 Commercial Street, Portland, Maine. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Operating rights sought to be controlled: *General commodities*, except dangerous explosives, those of unusual value, and commodities injurious or contaminating to other lading, as a *common carrier* over irregular routes, between certain points in Maine; *contractor's equipment, building and construction equipment, building and construction materials, steel, tanks, factory equipment, machinery and machine parts*, and *related articles*, and *commodities* requiring specialized handling or rigging because of size and weight, between points in Maine; *salt, wallboard, packing-house products, petroleum products*, and *advertising material*, from Portland, Me., to points in Maine other than Portland; *contractors' equipment, building and construction equipment and materials, steel, tanks, factory equipment, machinery and machine parts*, and *boats* which because of size or weight require special equipment or specialized handling, and *supplies and materials* as are necessary to the installation of the described commodities, between points in Maine and New Hampshire, and between points in Maine and New Hampshire, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and Vermont. PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7264. Authority sought for control and merger by M & M TRUCKING CO., 1240 Emmett Road, Akron, Ohio, of the operating rights and property of GATEWAY EXPRESS, INC., 11 Plum Street, Cincinnati, Ohio, and for acquisition by A. H. WHITE, also of Akron, of control of such rights and property through the transaction. Applicants' attorney: James M. Burtch, Jr., 44 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering transportation of *property*, as a *common carrier* over irregular routes, from and to Cincinnati, Ohio, also from and to any point in Hamilton County, Ohio, for the transportation of *household goods, office furniture and fixtures*, restricted against service from or to points where certificated van service is available other than Cincinnati, Ohio. M & M TRUCKING CO. is authorized to operate under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act as a *common carrier* in the State of Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7266. Authority sought for control and merger by GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, Tenn., of the operating rights and property of ENGLAND BROS. TRUCK LINE, INC., 300 North Second Street, Fort Smith, Ark., and for acquisition by A. W. GORDON, SR., 185 West McLemore, Memphis, Tenn., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled and merged: *General commodities*, as a *common carrier* over regular routes, between Alma, Ark., and Fort Smith, Ark., serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Conway, Ark., and Alma, Ark., between Fort Smith, Ark., and Kansas City, Mo., between Fort Smith, Ark., and Memphis, Tenn., between Fort Smith, Ark., and St. Louis, Mo., between Levy, Ark., and Camp Joseph T. Robinson, Ark., between Palarm, Ark., and Camp Joseph T. Robinson, Ark., between Fort Smith, Ark., and Hugo, Okla., and between Texarkana, Tex., and Idabel, Okla., serving certain intermediate and off-route points; alternate route for operating convenience only between junction U.S. Highway 71 and Missouri Highway 7 (formerly Missouri Highway 35) near Harrisonville, Mo., and Memphis, Tenn., serving no intermediate points,

and serving said junction for purpose of joinder only; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Dallas, Tex., and Broken Bow, Okla., between Durant, Okla., and Ardmore, Okla., between Madill, Okla., and Nida, Okla., and between Arthur City, Tex., and Hugo, Okla., serving certain intermediate and off-route points, and all points in the Dallas, Tex., Commercial Zone, as defined by the Commission, except Grand Prairie, Tex.; (RESTRICTION: The above-described authority is restricted against service between Texarkana, Tex.-Ark., on the one hand, and, on the other, Sherman and Dallas, Tex.); *general commodities*, except loose bulk commodities, currency, bullion, articles of virtu, commodities exceeding ordinary equipment and loading facilities, and those contaminating or injurious to other lading, over irregular routes, between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla. Vendee is authorized to operate as a *common carrier* in Illinois, Tennessee, Missouri, Indiana, Mississippi, Louisiana, Alabama, Kentucky, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7265. Authority sought for purchase by TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street NW., Washington 5, D.C., of the operating rights of INTERSTATE PASSENGER SERVICE, INC., doing business as INTERSTATE LINES, 261 North Main Street, Rochester, N.H., and for acquisition by SAFEWAY TRAILS, INC., WILLIAM A. ROBERTS and CHARLES B. McINNIS, all of Washington, D.C., VIRGINIA STAGE LINES, INC., CLAUDE A. JESSUP, SAMUEL A. JESSUP, VIRGINIA PEPSI-COLA BOTTLING CO., JAMES L. JESSUP, BETTY SUE JESSUP, and MARY IRVA JESSUP, all of Charlottesville, Va., and MARVIN E. WALSH, Silver Spring, Md., of control of such rights through the purchase. Applicants' attorney: William A. Roberts, 1012 14th Street NW., Washington 5, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes, between Boston, Mass., and Wolfeboro, N.H., serving certain intermediate points, with service at Plaistow, N.H., and Haverhill, Mass., and intermediate points between Plaistow and Haverhill restricted to traffic moving to or from points north of Plaistow or south of Haverhill; between Manchester, N.H., and Portsmouth, N.H., serving the intermediate points of Epping, Raymond, Candia, Exeter and Portsmouth, N.H., however express shall not be transported over that portion of the route between Manchester and Exeter, N.H., including authorized points of service; between Berlin, N.H., and Sanbornville, N.H., serving all intermediate points; between Conway, N.H., and Chocorua, N.H., serving all intermediate points; between junction New Hampshire Highway 16 and New Hampshire Highway 28, and junction New Hampshire Highway 154 and New Hampshire Highway 16 (near North Wakefield, N.H.), serving all intermediate points; between Chocorua, N.H., and Laconia, N.H., serving all intermediate points; between junction New Hampshire Highway 113 and New Hampshire Highway 25 (near South Tamworth, N.H.), and Moultonboro, N.H., serving all intermediate points; between Alton Bay, N.H., and Laconia, N.H., serving all intermediate points; between Dover, N.H., and the Portsmouth Navy Yard, Kittery, Maine, serving all intermediate points; between Manchester, N.H., and Portland, Maine, serving all intermediate points; between Derry, N.H., and Chester, N.H., serving all intermediate points; *passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, between South Berwick, Maine, and Dover, N.H., serving certain intermediate points; *passengers and their baggage*, between Dover, N.H., and Kittery, Maine, serving the intermediate points of Jewett, Gould Corner, and Eliot, Maine, with the restriction that no passengers shall be accepted for transportation in either direction between Dover, N.H., on the one hand, and, on the other, points between Kennard Corner and Kittery, Maine; *passengers and their baggage*, and *express*, *newspapers* and *mail*, in the same vehicle with passengers, during the period from April 1 to November 30, inclusive, of each year, between Rochester, N.H., and the Lincoln Downs Race Track, Lincoln, R.I., between Rochester, N.H., and the Narragansett Race Track, Pawtucket, R.I., between Rochester, N.H., and the Suffolk Downs Race Track, East Boston, Mass., and between Rochester, N.H., and Scarboro Downs Race Track, at or near Scarboro, Maine, serving certain intermediate points; *passengers and their baggage*, in seasonal operations during the season extending from the 15th of June to the 15th of September, both inclusive, of each year, between Manchester, N.H., and Hampton Beach, N.H., and between Manchester, N.H., and Bedford Grove (Bedford), N.H., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, New Hampshire, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6429; Filed, Aug. 4, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 31, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35597: *TOFC service—Rates between southwestern and Missouri points.* Filed by Southwestern Freight Bureau, Agent (No. B-7605), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in trailers and transported on railroad flat cars between points in Missouri and points in southwestern territory, also between points in southwestern territory.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 32 to Southwestern Freight Bureau tariff I.C.C. 4315. Supplement 67 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35598: *Lime—Eastern points to points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3830), for interested rail carriers. Rates on lime, carloads, as described in the application from specified points in Maryland, Pennsylvania, Virginia and West Virginia and points grouped therewith to base points in southern territory and points grouped therewith.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 116 to Southern Freight Association tariff I.C.C. 1345.

FSA No. 35599: *Anhydrous ammonia—West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss.* Filed by Southwestern Freight Bureau, Agent (No. B-7602), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss.

Grounds for relief: Competition of unregulated carriers by water and highway.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4290.

AGGREGATE OF INTERMEDIATES

FSA No. 35600: *Anhydrous ammonia—West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss.* Filed by Southwestern Freight Bureau, Agent (No. B-7603), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from West Lake Charles, La., to Memphis, Tenn., and Rexburg, Miss.

Grounds for relief: Maintenance of through one-factor rates from or to points beyond the named points not depressed by same competitive condition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4290.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6425; Filed, Aug. 4, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bestform Foundations of Pa., Inc., Cherry and Baumer Streets, Johnstown, Pa.; effective 8-3-59 to 8-2-60 (foundation garments).

Carbon Hill Manufacturing Corp., Carbon Hill, Ala.; effective 7-28-59 to 7-27-60 (boys' dress slacks).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-59 to 8-4-60 (men's sport shirts).

Frackville Pajamas, Inc., Broad Mt. Avenue, Frackville, Pa.; effective 7-21-59 to 7-20-60 (men's and boys' pajamas, nightshirts).

Gary Co., Inc., Gallatin, Tenn.; effective 7-23-59 to 7-22-60 (men's dress shirts).

Edward Hyman Co., Prentiss, Miss.; effective 7-24-59 to 7-23-60 (doctors' and technicians' coats and smocks; men's dress, semi-dress and work shirts).

Laurens Shirt Co., Hillcrest Drive, Laurens, S.C.; effective 7-23-59 to 7-22-60 (men's dress and sport shirts).

Samuel Meltzer d/b/a The Liberty Company, East Front Street, Dyer, Tenn.; effective 7-23-59 to 7-22-60 (men's and boys' pajamas and robes).

Top-Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex.; effective 7-24-59 to 7-23-60 (denim overalls).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Helena Garment Co., Lepanto Division, Lepanto, Ark.; effective 7-23-59 to 7-22-60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (junior dresses).

Locust Dale Manufacturing Co., Locust Dale, Pa.; effective 7-27-59 to 7-26-60; 5 learners (misses' and juniors' dresses).

Perfect Brassiere Co., Inc., 521 East Fourth Street, Bethlehem, Pa.; effective 7-23-59 to 7-22-60; 7 learners (brassieres).

Pickenbrock Co., Dyersville, Iowa; effective 8-4-59 to 8-3-60; 7 learners (women's cotton pajamas, uniforms).

Texas Infants Dress Co., 410 South Main Avenue, San Antonio, Tex.; effective 7-23-59 to 7-22-60; 5 learners (infants' and children's apparel).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 7-27-59 to 1-26-60; 15 learners (ladies' lingerie).

Samuel Meltzer d/b/a The Liberty Company, East Front Street, Dyer, Tenn.; effective 7-23-59 to 1-22-60; 10 learners (men's and boys' pajamas and robes).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Coshocton, Ohio; effective 8-3-59 to 8-2-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Bear Brand Hosiery Co., Henderson, Ky.; effective 7-20-59 to 1-19-60; 75 high school students only for part time employment in the occupation of looping only for a learning period of 816 hours at the rates of 85¢ an hour for the first 432 hours of employment, and not less than 92½¢ an hour for the remaining 384 hours of the 816 hour learning period (seamless).

Clayson Knitting Co., Star, N.C.; effective 7-22-59 to 7-21-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 7-27-59 to 7-26-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Se-Ling Mills, A Division of Prestige, Inc., 505 North Third Street, Quincy, Ill.; effective 7-23-59 to 1-22-60; 15 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Chatham Knitting Mills, Inc., Chatham, Va.; effective 7-28-59 to 7-27-60; 3 learners for normal labor turnover purposes (sweater, jackets).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 7-23-59 to 1-22-60; 30 learners for plant expansion purposes (men's and boys' knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Alco Canning Co., Inc., Water Street, Lubec, Maine; effective 7-23-59 to 1-22-60; 10 learners for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

Haspel, Inc., Tylertown, Miss.; effective 7-23-59 to 1-22-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's summer clothing).

Oglebay Glass Co., 414 Bond Street, Cumberland, Md.; effective 7-27-59 to 1-26-60; 3 learners for normal labor turnover purposes in the occupation of glass cutter for a learning period of 240 hours at the rate of 85 cents an hour (glass cutting).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

The Carib Co., Inc., Aibonito, P.R.; effective 7-13-59 to 1-12-60; 30 learners for plant expansion purposes in the occupations of machine sewing and laying off each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (women's gloves).

Caribe General Electric, Inc., Palmer, P.R.; effective 7-6-59 to 12-9-59; 66 learners for plant expansion purposes in the occupations of: (1) welders, power press operators, calibrators, and molders each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours; (2) assemblers, inspectors, plastic finishers, platers, stampers, and drillers each for a learning period of 240 hours at the rate of 80 cents an hour; (3) grinders for a learning period of 160 hours at the rate of 80 cents an hour (replacement certificate) (electrical products).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 7-13-59 to 7-12-60; 15 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 7-13-59 to 10-7-59; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 29th day of July 1959.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 59-6419; Filed, Aug. 4, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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VOLUME 24 NUMBER 153

Washington, Thursday, August 6, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 39—TRAINING REGULATIONS

Prohibition of Training Through Non-Government Facilities Advocating Overthrow of Government by Force or Violence

Effective September 5, 1959, in order to implement section 14 of the Government Employees Training Act, § 39.308 is added to Part 39. The new section reads as follows:

§ 39.308 Prohibition of training through non-Government facilities advocating overthrow of the Government by force or violence.

(a) With respect to training by, in, or through an organization, the requirements of section 14 of the Act are met if it is ascertained that the organization is not included in the list of organizations designated by the Attorney General pursuant to section 12 of Executive Order 10450.

(b) With respect to training conducted by an individual with whom contractual or other arrangements are made directly, the requirements of section 14 of the Act are met if both of the following conditions are met:

(1) It is ascertained that the investigative files of the Commission contain no record that a determination has been made that a reasonable doubt exists concerning the individual's loyalty to the Government of the United States. Search of the investigative files of the Commission shall be made prior to contracting with or otherwise arranging for the services of individuals for training, except in emergency situations, under which circumstances such search shall be made as soon as possible.

(2) Subject to the exceptions stated hereinafter, the individual executes an affidavit, certificate, or express contractual warranty that he does not teach or advocate the overthrow of the Government of the United States by force or violence. This condition shall not apply (i) to individuals who perform training under oral or other informal arrangements for periods of sixteen hours or less within a single program; or (ii) to individuals who perform training without compensation by the Government (whether or not the Government provides payment or reimbursement for their travel and subsistence incident to such training).

(c) This section shall apply to all contractual or other arrangements for training made after the effective date of this section.

(Sec. 6, 72 Stat. 329)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6492; Filed, Aug. 5, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1959–60 Season

Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 24 F.R. 1238), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.214 Expenses and rate of assessment for the 1959–60 season.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to per-

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FEDERAL REGISTER

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(As of January 1, 1959)

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CODIFICATION GUIDE

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form its functions, in accordance with the provisions thereof, during the season beginning April 1, 1959, and ending on March 31, 1960, both dates inclusive, will amount to $36,675.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at nine mills ($0.009) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin County, California, are expected to begin on or about August 10, 1959; (2) the rate of assessment is, in accordance with the amended marketing agreement and order, applicable to all Tokay grapes shipped during the 1959–60 season; and (3) it is essential that the specification of the assessment be issued immediately so that the aforesaid assessments may be collected, and thereby enable the Industry Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order. (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated, July 31, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6475; Filed, Aug. 5, 1959; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

PART 1008—TERMINATION OF CONTRACTS

Subpart B—Definition of Terms

§ 1008.262 [Deletion]

1. Section 1008.262 is deleted.

2. In § 1008.304, paragraphs (b) through (g) are deleted and new paragraphs (b) through (g) are substituted therefor. Paragraph (l) is deleted.

§ 1008.304 Notice of termination.

* * * * *

(b) *Initiation of AFPI Form 49, "Termination authority."* (1) Part 1, AFPI Form 49 entitled "Termination Request", will be issued by the activity (except Hq USAF and MIPR actions) which initiated or subsequently assumes responsibility for the original request for procurement (includes "call" and "open" type contracts).

(2) Part 1, AFPI Form 49, "Termination Request," will set forth the following information with respect to the termination:

(i) *Item 1.* Enter the full designation of the procuring contracting office, including organizational code and any other appropriate identifying information, such as particular contracting officer or buyer.

NOTE: In activities, such as base procurement, where the multiple functions of: (*a*) Originating requests for procurement, (*b*) procuring, and (*c*) administering the contract are consolidated, subdivisions (1) and (ii) of this subparagraph will be completed to the extent necessary to reflect the multiple functions.

(ii) *Item 2.* Enter the full designation of the activity originating the request for procurement, including: (*a*) Initiator, (*b*) organizational code, and (*c*) telephone extension.

(iii) *Item 3.* Enter the name of contractor.

(iv) *Item 4.* Enter the contractor's address, including: (*a*) Street and number, (*b*) city, (*c*) postal zone, and (*d*) state, as appropriate.

(v) *Item 5.* Enter the contract or purchase order number.

(vi) *Item 6.* Enter the property class when specified.

(vii) *Item 7.* Indicate whether termination is to be effective: (*a*) Immediately, (*b*) on an exact future date to be specified, or (*c*) for other reasons to be fully explained under Part III, "Remarks."

(viii) *Item 8A.* For convenience of the Government termination, indicate either (*a*) partial or (*b*) complete. Unexcusable contractual delinquency is normally a basis for default investigation.

NOTE: The originator of a recommendation of a termination for convenience of the Government must thoroughly assure himself no actionable basis exists for an investigation for default termination under the provisions of Subpart T of this part, Default.

(ix) *Item 8B.* For Default of contractor termination see Subpart T of this part, Default.

(x) *Item 9.* Furnish brief factual résumé of justification for termination. Justification based on "no further requirements by the Government" will require an explanation for the lack of requirement indicating why termination is more economically feasible than acceptance of the item(s). When used by AMC supply activities, only, a statement of justification indicating the program against which the computation was accomplished will be sufficient justification, e.g., "Reduction in Requirements as a result of (specific program or authority). (See paragraph (a) of this section.)

(xi) *Item 10.* List items to be terminated. (Note: If contract is classified prepare according to paragraph (j) of this section.) For unclassified contracts list: (*a*) contract items number, with only one item to a line, (*b*) quantity to be terminated, (c) unit of measure, such as each, pair, or assemblies, (*d*) adequate description of nomenclature as should appear in the termination notice, and (*e*) total estimated value of items to be terminated, listing each item separately (exact amount, or careful estimate if exact cannot be ascertained) with a Grand Total of all items terminated.

(xii) *Item 11.* Item 11A, 11B, 11C, and 11D are self-explanatory. Accurate and complete information assists the contracting officer effecting settlement of the termination and reduces or eliminates the necessity for post termination inquiry to the originating activity regarding disposition of inventory and tooling.

(xiii) *Item 12.* Coordination and approval are to be held to absolute minimum to insure expeditious processing of the Termination Request. Obtain only the necessary coordination prior to forwarding AFPI Form 49 to procuring contracting office. Informational routing will be accomplished after approval and dispatch.

(3) Preparation to the maximum extent possible and dispatch of Part I, AFPI Form 49, "Termination Request," will be handled on a most expedited basis. No hard and fast rules are hereby formulated due to varying conditions. Major air command implementation of this provision will apply. However, it is expected that AFPI Form 49 will be hand carried to the procuring contracting office wherever possible. When the initiator of the procurement is located some distance from the procuring contracting office air mail will be used; under conditions involving substantial production costs for each day the items to be terminated remain on contract, the use of long distance telephone (confirming AFPI Form 49 required), or electrically transmitted message containing all information required by Part I, AFPI Form 49 (confirming AFPI Form 49 not required) are authorized. Each copy of the AFPI Form 49 will have a time and date stamp affixed to denote its time of dispatch to the procuring contracting office.

(4) An original and five copies of AFPI Form 49 will be prepared. The original and four copies will be forwarded, as set forth in subparagraph (3) of this paragraph, with the activity originating the request retaining one copy for file purposes.

(5) Termination requests may also be issued by MIPR action or Hq USAF directive in a format not identical to Part I, AFPI Form 49 (see paragraph (c)(2) of this section).

(6) Special procedures for handling deletions or reductions of spare parts from AF contracts containing provisioning documents are set forth in paragraph (k) of this section.

(c) *Responsibilities of the procuring contracting office regarding termination.* (1) Receive and immediately date stamp (hour and date) all copies of AFPI Form 49 (Part I completed by the activity initiating the original request for procurement) or electrically transmitted message in lieu of Part I, AFPI Form 49 (see subparagraph (7) of this paragraph) and conduct a review to ascertain completeness and accuracy.

NOTE: Insofar as possible resolve any minor problems on Part I, AFPI Form 49, without returning to originator.

(2) Process instructions to terminate under a MIPR, MCP Form 190, or (in the case of aircraft termination) Hq USAF directive (see paragraph (b)(5) of this section). In any of the aforementioned events, if termination is warranted, the procuring contracting officer (or buyer) will prepare Part I, AFPI Form 49, as applicable, and will attach one copy of the instructions (date and hour of receipt indicated on all copies) to each copy of the AFPI Form 49.

(3) Select the source or sources to be terminated when the termination request does not specify the source and more than one source is producing or developing the end items.

(4) Request the appropriate supply activity to furnish instructions relating to termination of spares, spare parts, tools, and ground handling equipment pertaining to the particular end item terminated, when spares, etc., are called for under the contract. However, preparation and processing of an AFPI Form 49 will not be withheld pending receipt of instructions pertaining to spare parts. The AFPI Form 49 may later be amended to provide instructions regarding spare parts by use of electrically transmitted message or DD Form 96, "Disposition Form".

(5) At Hq AMC and WADC, notify the appropriate laboratory of WADC of all terminations which may directly or indirectly affect engineering projects or contracts either contemplated or in progress. WADC will, upon receipt of such notice, examine applicable contracts or projects and initiate action to effect termination or curtailment when considered necessary or desirable.

(6) Part II, AFPI Form 49, "Termination Authorization," prepared by the procuring contracting office, will set forth

the following information with respect to the termination:

(i) *Item 13.* Enter the name of the local readjustment activity, citing code, as appropriate.

(ii) *Item 14.* Enter full designation of procuring contracting office, including: (*a*) Name of initiator, (*b*) organizational code, and (*c*) telephone extension

(iii) *Item 15.* Self-explanatory.

(iv) *Item 16A.* See paragraph (b) (2) (viii) of this section.

(v) *Item 16B.* See Subpart T of this Part. (Default).

(vi) *Item 17.* See paragraph (b) (2) (x) of this section. Comment upon justification given under Item 9, Part I, AFPI Form 49 and supplement as warranted.

(vii) *Item 18.* See paragraph (b) (2) (vii) of this section.

(viii) *Items 19 through 26.* Self-explanatory.

(ix) *Item 27.* Only essential coordination and approval will be effected prior to dispatch of the AFPI Form 49 to the local readjustment activity. Informational routing may be accomplished concurrently, or later, but will not delay the action required hereunder.

(7) Complete Parts I, II, and III, AFPI Form 49, as applicable, and hand carry, if possible, an original and three copies (time and date stamp on all copies to denote time of dispatch) to the local readjustment activity, or to offices or individuals assigned the readjustment function. Retain one copy of AFPI Form 49 for procuring contracting office files. If AFPI Form 49 cannot be hand carried to the readjustment activity for valid reasons, such as excessive distances, the next most expeditious means of dispatch of the form will be utilized.

(8) Procuring contracting offices, within AMC, will complete all termination action within 8 working hours. Any delay in excess of 8 working hours will be explained under Part III, AFPI Form 49.

(9) At Hq AMC, only, send a copy of the AFPI Form 49 to Support Division (MCPS) when the contract involves GFAE.

(d) *Responsibilities of readjustment divisions or offices or individuals assigned the readjustment function.* (1) Receive and immediately date stamp (hour and date) all copies of the Termination Authority, AFPI Form 49. Assign Termination Authority Docket number pursuant to paragraph (f) of this section.

(2) Review and analyze the AFPI Form 49, the contract (including "call" or "open" type contracts) and related documents to ascertain whether the termination should be for (i) the convenience of the Government or (ii) for the default of the contractor. In all termination matters the Government's interest must be fully protected, and the responsibility rests with the termination contracting officer to insure, through his own personal and diligent efforts, that his independent decision actually results in a convenience to the Government. If it is determined that any actionable basis for default exists, including contractor delinquencies under the delivery schedule, the termination contracting officer will, regardless of the recommendations under Items 8 and 16 of AFPI Form 49, follow the procedures for default investigation as set forth in Subpart T of this Part.

(3) Issue a Notice of Termination for convenience of the Government to the contractor (including "calls" and "open" type contracts—Definitions: §§ 1003.405–5 and 1003.405–50 of this chapter) as soon as the termination contracting officer personally ascertains such action is justified. The termination notice will normally be issued to the contractor within eight working hours after receipt of the AFPI Form 49; however, the quality of the review and analysis of the termination will be the paramount consideration. Any delay in excess of 8 hours will be explained and justified under Part III, AFPI Form 49.

(4) Maintain a permanent type docket ledger to include, but not limited to, the following:

NOTE: No locally designed forms will be established for this purpose.

(i) Termination Authority Docket Number.

(ii) Contract or Purchase Order Number.

(iii) Name of contractor.

(iv) Termination Authority:

(*a*) Part I dated _____.

(*b*) Part II dated _____.

(c) Date and hour received by readjustment activity.

(v) Code or identification of procuring contracting office submitting AFPI Form 49.

(vi) Contract price items terminated.

(vii) Date Termination Notice issued.

(viii) Date termination assigned for settlement.

(5) Assign the termination case for settlement by completing Part IV, AFPI Form 49.

(i) Termination Staff Branch (MCPPJT), Hq AMC, will:

(*a*) Assign the termination case for settlement directly to an APD or AFPR, or to a termination contracting officer in Readjustment Staff Division (MCPPJ), Hq AMC.

(*b*) Prepare and maintain a permanent type docket file.

(ii) AMA and AF depot readjustment activities will assign termination cases for settlement as follows:

(*a*) AMA readjustment branch will assign the termination case for settlement to one of its APD's or AFPR's or to a termination contracting officer in its readjustment branch. Where a contract has been issued by one AMA and administered by another AMA or subordinate facility, the readjustment branch of the AMA which issued the contract will terminate the contract and refer the termination case for settlement directly to the APD, AFPR, or other activity administering the contract (see paragraph (e) of this section). Concurrently with the direct assignment the issuing AMA readjustment branch will forward three copies AFPI Form 50, one copy of AFPI Form 49, and one copy of the Termination Notice to Commander, AMC, attn: MCPPJS; the AMA exercising supervision over the aforementioned administering activity will receive one copy of AFPI Form 49, AFPI Form 50, and the Termination Notice.

(*b*) AF depot readjustment offices pursuant to § 1008.302–53 will terminate their contracts for convenience of the Government and may enter into settlement agreements (except construction contracts) where the settlement amount does not exceed $1,000. AF depot issued and administered contracts, when terminated, will be assigned directly to the APD or other designated activity, geographically nearest to the terminated contractor for settlement of all construction contract terminations involving costs and all other terminations wherein the settlement amount exceeds $1,000. Concurrently with the direct assignment, the issuing AF depot readjustment office will forward three copies of AFPI Form 50, one copy AFPI Form 49, and one copy of Termination Notice to Commander, AMC, attn: MCPPJS; the AMA exercising supervision over the settling activity will receive one copy of AFPI Form 49, AFPI Form 50, and the Termination Notice. Where an AF depot issued contract has been administered by a facility other than the issuing AF depot, the settlement of its termination (partial or complete) involving settlement costs of less than $1,000 will be handled by the administering facility unless retained by the AF depot for settlement. If the AF depot retains settlement responsibility the administering facility will be notified accordingly.

(iii) AMA and AF depot readjustment activity may assign the termination case for settlement to their base procurement contracting officer provided that:

(*a*) *Other than construction contracts.* The termination will result in no cost to the Government or the contractor's termination claim does not exceed $1,000.

(*b*) *Construction contracts.* The termination will result in no cost to the Government. In the matter of construction contracts involving any costs the readjustment activity will, after issuing the Notice of Termination refer the case to the readjustment office of AMA in whose geographical jurisdiction the terminated contractor is located. The readjustment activity will consider the following factors in determining the assignment of the settlement:

(*1*) If the contract is of a "lump sum" type, the case will be referred to the appropriate APD or AFPR. The term "lump sum" as used herein refers to those construction contracts wherein a total amount is set forth as the contract price without designating specific amounts for separate items of work under the contract.

(*2*) If separate unit prices have been established under the contract for the separate items of work or if it is clearly severable and no payments have been made with respect to the terminated portion of the contract so that the termination can be accomplished at "no cost" to the Government or for an amount not exceeding $1,000, the AMA readjustment office may, at its discretion, assign the settlement to a base procurement activity.

(iv) ARDC termination cases will be sent to the Commander, AMC, attn: MCPPJT, for assignment and settlement when the contractor's termination claim exceeds $1,000, except: (*a*) RADC and AFCRC will settle their own termination cases, and (*b*) European Office, ARDC, cases will be assigned to AMFEA for settlement.

(v) Base procurement activities at major air commands (other than AMC and ARDC) within the continental United States will assign the termination case (other than construction contracts) for settlement to contracting officers appointed to perform the readjustment function when it is known the settlement will be at no cost to the Government or not in excess of $1,000.

(*a*) *Other than construction contracts.* Contracting officers who issue the Notice of Termination will include in the notice to the contractor a request for information as to whether or not the contractor intends to submit a termination claim. If on the basis of the contractor's information it appears that the settlement will not be in excess of $1,000 or if it is known that the termination will result in "no cost" to the Government, the base procurement office may process and consummate the settlement of the case regardless of the contract price of items terminated. If the settlement costs will exceed $1,000 the base procurement activity will refer the matter to the readjustment office of the AMA in whose geographical jurisdiction the terminated contractor is located.

(*b*) *Construction contracts.* When the termination will result in no cost to the Government, the base procurement activity will retain the case and accomplish the necessary supplemental agreement. If the termination involves any costs the base procurement activity will refer the matter to the readjustment office of the AMA in whose geographical jurisdiction the terminated contractor is located.

(vi) Oversea commands, air materiel forces, air attaches, and AF foreign missions will assign termination cases for settlement to the office authorized by the oversea commander (except PACAF, Commander, AMFEA, air attache, or chief foreign mission to handle the readjustment function. In the case of PACAF and AMFPA, the Commander, AMFPA, will authorize an office to perform the readjustment function.

(6) When necessary, return termination cases to the initiator(s) of the AFPI Form 49 for cancellation, correction, or any other reasons.

(7) Maintain staff surveillance over termination settlement and plant clearance of all termination cases.

(8) Maintain proper records reflecting the status of settlement of termination cases.

NOTE: The above procedures will be used only within the scope of authority set forth in §§ 1008.302–51 and 1008.302–56. All cases beyond this scope will be referred to MCPPJ for issuance of Notice of Termination and/or assignment and settlement.

(e) *Referral of cases.* Whenever in this section a termination case is required to be referred to an APD or AFPR for settlement, the office referring the case will transmit the following information and documents:

(1) Copy of the contract to be terminated and all change orders, supplements, and amendments thereto, unless the office to which the case is being referred possesses such documents.

(2) A copy of the AFPI Form 49.

(3) Information as to the existence of assignees, creditors, or sureties having an interest in the contract, if any, with names and addresses of such persons.

(4) Total contract price as of the last effective amendment.

(5) Two executed copies of AFPI Form 50.

(6) Whether any claim against the contractor in favor of the Government is known to exist and what inquiries have been made to discover the existence of such a claim.

(7) Four Copies of the Termination Notice with proof of service.

(8) Any other information which may be helpful in negotiating the settlement.

(f) *Assignment of termination authority docket number by termination activity.* All Termination Notices relating to convenience type cost terminations issued by an activity of AMC, will be identified by a Termination Authority Docket Number. In AMA terminations the readjustment office at the terminating AMA will be responsible for the assignment of a termination docket number; in AF depot terminations the individual(s) assigned responsibility for readjustment matters at the terminating depot will be responsible for assignment of a termination docket number. The first and second digits of the termination docket number will identify the origin of the Notice of Termination and the AMA responsible for settlement, respectively. The third and subsequent digits will identify the numerical sequence of the termination action. For purposes of identifying Hq AMC, AMA's, AF depots, Department of the Navy, and no cost terminations the following codes are assigned:

(1) Hq AMC and the AMA's will be identified by code numbers:

1—MAAMA	4—OCAMA	7—WRAMA
2—MOAMA	5—SMAMA	8—Hq AMC
3—OOAMA	6—SAAMA	9—SBAMA

(2) AF depots will be identified by code letters:

C—Maywood	M—Memphis
G—Gadsden	R—Rome
D—Dayton	T—Topeka
S—Shelby	

(3) All cases assigned to the Department of the Navy for settlement, the second digit will be identified by code letter: N—Navy.

(4) No cost terminations. The second digit code number in all cases will be: O—No Cost.

(g) *Preparation of notice of termination.* A priority Telegraphic Notice of Termination as set forth in § 8.707–1 of this title will be used to notify the contractor of a convenience termination except when factors such as amount of contract, distance involved, effective date of termination, and status of contract indicate that the use of a Letter Notice of Termination as set forth in § 8.707–2 of this title will not result in additional termination costs. Subsequent to transmittal of a Telegraphic Notice of Termination, a confirming Letter Notice of Termination as set forth in § 8.707–2 of this title will be sent (Registered Mail—Return Receipt) to the contractor. A Letter Notice of Termination, original or confirming, will contain in duplicate an acknowledgment of notice. When executed and returned by the contractor, the two acknowledged copies will be proof of service, or personal service may be made upon a responsible representative and a proof of service indicating the date of service will be executed. The Notice of Termination should inform the contractor of the office to which any inquiries relative to the termination should be addressed. Where a termination case is referred for settlement at the time the contract is terminated, the office to which the case is referred should be listed in the Notice of Termination. Where the termination case is referred to another office subsequent to the issuance of the Notice of Termination the contractor should be so informed. The termination contracting officer in the office which issued the Notice of Termination will be responsible for sending a copy of the convenience termination notice to each of the following:

(1) Any assignee of record who has filed a proper Notice of Assignment with respect to the terminated contract.

(2) Any guarantor or surety of the contractor whose obligation relates to the terminated contract.

(3) The finance officer designated to make payments under the contract.

(4) The accounting activity recording transactions affecting the funds applicable to the contract.

(5) Within AMC activities only:

(i) Two copies of the confirming or letter termination notice, immediately upon reproduction, to the initiator of Part I, (Item 2) AFPI Form 49, and citing RIR Log Number.

(ii) Subsequently, and upon return of the executed copies of the acknowledgment by the contractor to the readjustment activity, the initiator of Part I, (Item 2) AFPI Form 49 will be furnished one copy thereof for record purposes, and citing RIR Log Number.

(6) Other activities according to the distribution directives applicable to the particular procuring activity that issued the Notice of Termination.

Subpart E—Settlement of Contracts Terminated for Convenience—General

1. Section 1008.518–7 is added as follows:

§ 1008.518–7 Approval or ratification of subcontract settlements.

(a) Except where settlement of subcontractors' claims in the amount of $10,000 or less has been authorized, all settlement proposals submitted from any prime contractor or subcontractor must be reviewed and approved or ratified by the termination contracting officer.

(b) The termination contracting officer may delegate the authority to settle any subcontract termination claims relating to a terminated prime contract being handled by him, irrespective of the amount thereof, to a contracting officer having jurisdiction over, or located at, the subcontractor's facilities. In such event, the subcontract settlements effected by the designated contracting officer will be accepted as final and conclusive by the termination contracting officer delegating the authority.

2. In § 1008.518–11, paragraph (c) is revised as follows:

§ 1008.518–11 Government assistance in settlement of subcontracts.

* * * * *

(c) *Inter-AMA referral for negotiation.* The termination contracting officer will obtain the prime contractor's consent and prepare in triplicate a letter of transmittal of the subcontract case for negotiation. The letter of transmittal will be sent to the appropriate referral APD or AFPRO with information copies of the transmittal letter to the AMA's having jurisdiction of both the prime and subcontractors and to the Commander, AMC, attn: MCPPJS. The letter of transmittal will contain (or inclose in triplicate) the following:

Subpart F—Termination Inventory

1. Sections 1008.611, 1008.611–50, 1008.611–51, 1008.611–52 and 1008.611–53 are added as follows:

§ 1008.611 Special machinery tooling and equipment.

Excess special tooling will be screened in the following cases.

(a) *Termination.*

(b) *Contract completion.* Screening will be accomplished according to § 1008.611–53 if possible.

(c) *Engineering changes.* Screening is required unless:

(1) The part produced by the new tooling is interchangeable with the part produced by the old tooling.

(2) The old part can be produced with the new tooling.

(3) The old tooling was never used in the manufacture of an end item.

(d) *Production method changes.* Screening is required unless:

(1) Interchangeability of the items produced is not affected.

(2) The contractor has sufficient tooling to meet foreseeable production needs.

(3) The design contractor, if one exists, has no foreseeable need for the tooling.

(e) *Exceptions.* Special tooling need not be screened if:

(1) The acquisition cost of the total amount of tooling provided under the contract is less than $1000.

(2) The tooling is in R–3, R–4 or X conditions.

(3) The tooling is scrap or salvage as defined in §§ 8.101–16 and 8.101–17 of this title.

§ 1008.611–50 Duties of the local plant clearance officer.

When screening is required, the local plant clearance officer will insure that:

(a) The contractor properly lists on inventory schedules (§ 8.802–7 of this title, DD Form 545, BOB No. 22–RO 77) by AF part number the parts produced by the tooling, or in the absence of part numbers furnish a description of the tooling. Program screening (§ 1008.611–53) will not require schedules.

(b) A letter of transmittal is prepared by the plant clearance officer stating the following information.

(1) Name of contractor to which tooling is excess.

(2) Design contractor if other than subparagraph (1) of this paragraph.

(3) Contract number.

(4) Type of contract (i.e. supply or R&D).

(5) Plant clearance officer's case number.

(6) Docket number if applicable.

(7) Acquisition cost of the tooling (estimate will suffice).

(8) Description of the end item produced by the tooling (AF part number if assigned).

(9) Designation of the weapons system for which subparagraph (8) of this paragraph is a component (if applicable).

(10) Condition of the tooling.

(11) Name and location of responsible AF buyer.

(12) Indicate contract clause which controls contractor's obligations with respect to special tooling.

(13) Why the tooling is excess to contractor's requirements.

(14) Whether the tooling has been screened by the prime contractor and found excess to his needs for possible utilization as indicated in this subparagraph:

(i) Current or future use in the manufacture of spare parts under the provisioning program.

(ii) Current or future use on other Government contracts.

(iii) Current or future use by subcontractors on Government contracts.

(15) The professional recommendation of the plant clearance officer concerning the disposal of the tooling based on discussions with contractor personnel and other information.

(c) The inventory schedules and letters of transmittal are sent to the appropriate screening agencies.

§ 1008.611–51 Screening agencies.

(a) *AMA or depot.* Ten copies of inventory schedules and letters of transmittal will be sent to the office with plant clearance responsibility at the AMA or depot prime for the item produced by the tooling. Screening procedures will be established within the AMA or depot according to AMCR 68–1 to determine if interested activities (supply, maintenance, modification, IRAN, MAP, off-shore procurement, weapons phasing, and program groups) have potential requirements, and to develop disposal recommendations. Screening results will be summarized, and a disposal recommendation sent to AMC (MCPRP) within 35 days.

(b) *Hq AMC (MCPRP).* (1) Five copies of inventory schedules and transmittal letters will be sent to MCPRP if the tooling is generated under an R & D contract. In all other instances three copies will be sent to MCPRP concurrently with submission of schedules to the prime AMA or depot.

(2) Final disposal instructions will be issued by MCPRP to the local plant clearance officer with an information copy to the prime AMA or depot.

§ 1008.611–52 Disposal.

(a) All disposals of special tooling will be executed according to the provisions of Subpart F of this part.

(b) Instructions to dispose of tooling used in the fabrication of a specific end item under a prime contract will, unless otherwise stated, be sufficient authority to dispose of tooling required for the same end item at a subcontractor's plant.

(c) All agreements for the storage of special tooling will be executed according to § 1008.612, upon written authority from MCPRP.

§ 1008.611–53 Program screening.

The term "program screening" means the process of screening special tooling related to a complete airframe or major component before the tooling becomes excess due to production phase out. This program will be used whenever possible. The general procedures are as follows:

(a) The local plant clearance officer will determine through the contractor when phase outs are contemplated, and advise the plant clearance officer at the prime AMA or AF depot by letter concurrently with MCPRP. The letter will state the end item produced, acquisition cost, condition of the tooling and the approximate date of complete phase out.

(b) Screening procedures will be established within the AMA or depot to determine whether interested activities (supply, maintenance, MAP, weapons phasing, and program groups) have possible requirements. Upon completion of AMA or depot screening the results will be summarized and a recommendation for disposal will be sent to AMC (MCPRP).

(c) Upon approval by Hq AMC, the AMA plant clearance officer will issue disposal instructions to the local plant clearance officer.

Subpart G—Forms

1. In § 1008.761, paragraph (c) is deleted and the following is substituted therefor:

§ 1008.761 Default letters.

* * * * *

(c) The Show Cause Notice referred to in § 1008.2006(e) should be in substantially the following format:

The Government hereby gives a notice of its intention to terminate your Contract No. ------, under the provisions of Clause ------ (Default) thereof.

Pending a final decision in this matter, it will be necessary to determine whether your failure to perform arose out of causes beyond your control and without fault or negligence on your part. Accordingly, you are hereby afforded the opportunity to present, in writing, any facts bearing on this question to Commander, (insert complete address of activity to whom default investigation is being referred) with copy thereof to the undersigned for information, on or before ---------- (at least 10 days after date of this (date) notice). Failure of the contractor to present any excuses within this time may be considered as an admission that none exist. (Optional paragraph. Pending decision you are instructed to stop work and to make no further commitments under subject contract and to advise all subcontractors and suppliers to do likewise.)

NOTE: Use stop work sentences only in the event there are no further requirements for the items contained in construction contracts.

Subpart T—Cancellation for Default

1. Sections 1008.2000 and 1008.2001 are added as follows:

§ 1008.2000 Scope of subpart.

This subpart sets forth (a) circumstances under which AF contracts are terminated for default, (b) authority to terminate for default, and (c) responsibilities and procedures in connection with default actions. In addition, guidance is furnished as to the procedure to follow when a contract does not contain a Default clause and the contract should be terminated for "Breach of Contract" on the part of the contractor.

§ 1008.2001 Applicability of subpart.

This subpart applies to all AF contracts on which termination for default or "Breach of Contract" is contemplated or effected. As pertains to service or construction contracts, references made herein to "contract delivery schedule" will have application to "contract delivery or performance schedules."

2. Sections 1008.2002, 1008.2003 and 1008.2004 are deleted and the following substituted therefor:

§ 1008.2002 General.

(a) *Air Force policy on use of default termination.* It is AF policy to use default termination procedure when a contractor without excusable cause fails to comply with the terms and conditions of the contract and, as a result of such failure, cannot deliver to the Air Force the supplies and services called for under the contract in the manner and within the time which the Air Force has need for such supplies and services. It is not AF policy to use default termination as a punitive measure but to use it as a method to insure the contractor's adherence to his contractual obligations and to protect the Government from losses which the Government may sustain as a result of the contractor's failure to comply with its contract obligations.

(b) *Estimated administrative expense of default termination.* It is estimated that the cost to the Government (exclusive of costs involved in any appeal by the contractor) for processing a termination for default involves a minimum administrative expense of $200. Therefore, in cases where the procuring contracting officer is of the opinion that default action is warranted, but determines by contacting other potential suppliers that the excess costs of reprocurement will not exceed $200, a "no cost" convenience supplemental agreement may be entered into with the contractor if the procuring contracting officer deems such action to be in the best interests of the Government, subject to the following:

(1) Prepare a "statement of findings" for the contract file stating, along with the reasons therefor, the estimated excess costs of reprocurement and the sources that were contacted to obtain such estimate.

(2) In lieu of the preparation of AFPI Form 49, "Termination Authority," obtain coordination on the aforementioned "statement of findings" from a termination contracting officer authorized to perform the default termination function as set forth in § 1008.2003.

(3) Obtain or assign a Termination Authority Docket Number for the "no cost" termination.

(4) Enter into a "no cost" termination supplemental agreement as set forth in §§ 8.712–6 or 8.712–7 of this title.

(5) Provide the readjustment activity (§ 1008.2003) with one copy of the "statement of findings" and a copy of the termination supplemental agreement for incorporation in the docket file.

(c) *Elections by the Government concerning inventory.* Under a fixed-price type contract terminated for the default of a contractor, the Government may elect to take the inventory or any part thereof and pay the contractor according to the provisions of the Default clause; or the Government may elect not to take any of the inventory and pay the contractor only for supplies or services previously delivered or furnished. In either event, the contractor may be held liable to the Government for any excess costs the Government may incur in reprocuring the items terminated. In the case of cost-reimbursement type contracts terminated for default, the contractor is normally reimbursed his allowable costs and the fee reduced where appropriate. When a time-and-material contract is terminated for default, the contractor is normally reimbursed his allowable costs less the profit factor. In defaults involving cost-reimbursement and time-and-material contracts, the Government does not generally hold the contractor liable for excess costs of reprocurement.

(d) *Determination of adverse effects that may result from default termination.* In some few instances it may be determined by a procuring contracting officer, or higher authority, that a default termination of a particular contract would not be in the best interests of the Government because such a termination would have adverse effects upon production under other Government contracts. In such instances the matter should be referred to the Readjustment Staff Division (MCPPJ), Hq AMC for advice and guidance as to whether the Government may elect not to exercise its rights under the default provisions of the contract on the premise that such action would not be in the best interests of the Government.

(e) *Breach of contract on the part of the contractor.* Where a contract does not contain a clause providing for termination by default and the contractor fails or refuses to contractually adhere to the terms of the contract, the Government is not without a remedy. The Government may put the contractor on notice that the contract has been "breached" and the Government will not thereafter accept or pay for the goods or services that are the subject of the "Breach of Contract" (see paragraph (f) (1) of this section). A "Breach of Contract" case will be processed to a termination contracting officer without the prior issuance of "show cause" or "cure" type notices as prescribed by § 1008.761. Only termination contracting officers authorized to terminate contracts for default of the contractor according to § 1008.2003 are authorized to issue "Breach of Contract" notices. (See § 1008.2011.)

(f) *Causes of default.* There are normally three general causes for terminating a contract for default of the contractor:

(1) *Failure to deliver.* If the contractor fails to deliver the supplies or perform the services within the time specified in the contract the right (in the absence of excusable or Government caused delays) has accrued to the Government to terminate for default. In addition, if the contractor does make timely delivery, but delivers defective supplies or improperly performs services, and the contractor is unable to take corrective action within the unexpired delivery schedule period, the Government also has the right to terminate for default.

(2) *Failure to make progress.* If it is ascertained during the period of the contract delivery schedule that the contractor is failing to make satisfactory progress so as to endanger performance according to the terms of the contract, the contractor should immediately be put on written notice (Registered Mail—Return Receipt) by the administrative contracting officer under the appropriate provisions of the Default clause contained in the contract. The contracting officer must notify the contractor that a period of 10 days after receipt of notice (or such longer period as the contracting officer may authorize in writing) will be allowed to cure such failures (see §§ 1008.2004(a) and 1008.2005). The "cure" notice (see § 1008.761(a)(2)) from the administrative contracting officer must set forth the nature and extent of the defects the contractor is notified to "cure," and, as deemed appropriate, the administrative contracting officer may call the contractor's attention to that portion of a specification which is applicable to a defective item(s). The period of time allowed by the contracting officer to cure contractor defects must be realistic, and based upon sound judgment. Where the allowed cure period is, through necessity, rather lengthy, the contracting officer may call upon the contractor within 10 days after issuance of the cure notice to show evidence of his actions to insure subsequent compliance with the "cure" notice. Upon the failure of the contractor to cure his defects, or show proper evidence of his actions to insure subsequent compliance within the cure period allowed, the Government should, subject to the limitations as set forth in the Default clause,

invoke termination for default of the contractor.

(3) *Failure to perform any of the other provisions of the contract.* If the contractor fails to perform any of the other provisions of the contract according to its terms and does not cure such defect within a period of 10 days after receipt of notice (or such longer period as the contracting officer may authorize in writing, see § 1008.761(a)(2)), the Government should, subject to the limitations as set forth in the Default clause, terminate the contract in whole or in part for default of the contractor. Special procedures are set forth in § 30.4 of this title in connection with violations of gratuities clauses.

(g) *Reprocurement as a result of default termination.* The standard Default clause usually contained in fixed-price contracts provides that the Government may procure, upon such terms and in such manner as the contracting officer may deem appropriate, supplies or services similar to those so terminated for default and the contractor will be liable to the Government for any excess costs for such similar supplies or services (see § 1008.2006(h)). Subsequent to default termination, timely reprocurement action must be taken with the view toward avoiding unnecessary and unjustified excess reprocurement costs. The contracting officer has no authority to waive any or all of the assessment of excess costs. Additional transportation charges incurred are considered a proper part of excess costs. If reprocurement of a like number of items of equal or better quality is accomplished at a cost below the price of the defaulted contract, the Government and not the defaulted contractor is entitled to the savings. However, the contractor will be liable for any excess costs incurred by the Government as a result of reprocurement of supplies or services similar to those terminated for default. Where there is default of two or more items under a contract, with some of those items being reprocured with resultant excess costs and the remainder being reprocured at a savings to the Government, the contractor is liable only for the net excess costs. For example, if the overall savings are greater than the overall excess costs for items reprocured, the Government sustains no loss, and excess costs cannot be assessed.

(h) *Appeal by the defaulted contractor.* The Disputes clause in most AF contracts permits the defaulted contractor to file appeals for one or both of the following reasons: (1) Default termination and (2) assessment of excess costs, if any. The appeal(s) are made by the defaulted contractor and addressed to the Secretary of the Air Force through the termination contracting officer (§ 1008.2003). Appeals are heard, usually at Washington, D.C., by the Armed Services Board of Contract Appeals as the duly appointed representative of the Secretary. The written appeal, or appeals, to the Secretary of the Air Force need not follow any particular form or format, however, the appellant must perfect the appeal(s) within the period of time allowed under the Disputes clause contained in the contract, and must set forth in the appeal notice the contract number, the nature of the appeal (either (i) default termination of the contract or (ii) assessment of excess costs), the name of the termination contracting officer, and the complete address of the appellant. The appellant need not furnish support or justification for his action to perfect an initial appeal notice. Upon receipt of the appeal the Armed Services Board of Contract Appeals will docket the case for hearing and advise the appellant in ample time as to necessary procedures to be followed (see § 1008.2010(e)).

(i) *Waiver or abandonment of delivery schedules.* In the event the contractor becomes delinquent under the terms of the delivery schedule, or any extensions thereof covered by supplemental agreements, and the Government affirmatively acquiesces in the delinquency by subsequent action such as (1) inspection or acceptance of delinquent items or (2) encouragement of the contractor's efforts to effect delivery, the Government is usually considered to have abandoned or waived the delivery schedule contained in the contract. Also, the failure of the Government to take appropriate action at time of or subsequent to contractor delinquency may be construed as a waiver of delivery schedule (see § 1008.2004(e)). If the termination contracting officer ascertains during his investigation (see § 1008.2010(d)(2)) that a waiver of the contractual delivery schedule is probable or an enforceable delivery schedule is nonexistent, he may terminate the contract for other good and valid reason, or in the alternative may proceed to re-establish a new and enforceable delivery schedule and hold his default termination decision in abeyance pending contractor performance thereunder. To the maximum extent possible there should be mutual agreement between the contractor and the Government that any re-established delivery schedule is realistic and possible of performance. The contractor should be afforded ample opportunity to set forth his reasons for prior nonperformance and should thereafter be requested to submit his written proposal to the Government, as his free act and voluntary deed, which will contain his firm and unqualified commitment to adhere to his proposed re-established delivery schedule. The termination contracting officer will give careful consideration to all aspects of the contractor's proposal and, if consistent with the Government's best interest, will immediately render a written acceptance to the contractor on behalf of the Government. In the event the Government and the contractor cannot reach mutual agreement as to a re-established delivery schedule the termination contracting officer may, as a unilateral action, establish a new delivery schedule. When such action becomes necessary the termination contracting officer will also incorporate in his brief relating to the case all facts and circumstances that have necessitated his unilateral action. Thereafter, the termination contracting officer will retain cognizance over any contract during the period of the re-established delivery schedule and will consider default termination at any time the contractor fails to adhere to any of the contractual provisions including the re-established delivery schedule. The administrative contracting officer will continue his administration of a contract concurrently with the termination contracting officer according to § 1008.2004(f).

(j) *Failure to deliver caused by the Government, actual or alleged.* At the expiration of the delivery schedule, as contained in the contract, the Government is not in a position to terminate for default upon nondelivery or nonconformance with the terms of the contract if:

(1) The Government has delayed in furnishing certain necessary equipment or material to the contractor, which it has obligated itself to do by the terms of the contract.

(2) Contractor is unduly delayed awaiting test results to be furnished by the Government under terms of the contract.

(3) The Government demands more than the contract actually required and thus makes delivery impossible.

(4) The Government furnishes technical specifications with which the contractor complies fully, but completed supplies do not pass the performance tests the Government desires.

Where it is clearly obvious that the contractor's nondelivery and/or nonconformance with contractual requirements are a direct result of Government delay or failure, an equitable adjustment in delivery schedule and/or other contract provisions may be necessary. Normally such adjustment(s) will be made by supplemental agreement to the contract. Where there is an area of controversy between the contractor and the Government as to causes for delay, such as illegible or incomplete printed specifications which were not detected until delivery of the first articles or completed supplies, the termination contracting officer (see § 1008.2003) will carefully investigate the allegations of the contractor to ascertain if the Government is completely or partially responsible for contractor delay or failures. If the termination contracting officer finds in favor of the contractor, adjustments and/or negotiations are authorized. Where it is not possible to assess fault or negligence solely to the contractor or the Government, the termination contracting officer may negotiate to resolve the controversy and permit performance to continue under the contract, as adjusted. Or in the alternative, if termination of the contract is desired by the Government the termination contracting officer may, in lieu of termination for default of the contractor, negotiate a pre-termination agreement provided such action is actually for the convenience and in the best interest of the Government.

§ 1008.2003 Authority to terminate for default.

(a) Within the United States, the authority to terminate contracts for default of the contractor will be exercised only by termination contracting officers within a readjustment activity specifically designated to terminate contracts for default by:

(1) Chief, Readjustment Staff Division, Hq AMC.

(2) Director of Procurement, Hq ARDC, and equivalent staff officers at subordinate ARDC activities except Hq WADC contracts for default will be exercised by termination contracting officers assigned to Hq AMC.

(3) Director of procurement and production, each AMA.

(4) Director of procurement and production, each AF Depot.

(b) Outside the United States, the authority to terminate contracts for default of the contractor will be exercised only by a termination contracting officer specifically designated to terminate contracts for default by:

(1) Oversea commanders.

(2) Air Attaches.

(3) Chiefs, AF Foreign Missions.

(4) Respective Commanders, MATS and SAC, in areas not within the jurisdiction of any other major commander.

(5) Commander, AMFPA.

(6) Commander, AMFEA.

Whenever this Subpart T prescribes action to be taken by readjustment activities as set forth in paragraph (a) of this section, such actions will be taken by the offices and/or individuals designated and authorized by the commanders set forth in this paragraph.

§ 1008.2004 Responsibility of administrative contracting officer.

Administrative contracting officers have primary responsibility for initiating prompt action pertaining to possible termination of contracts. Base procurement activities (see § 1008.2007).

(a) Pursuant to the Default clause contained in most AF contracts, the administrative contracting officer is empowered to furnish a "cure" notice (see § 1008.2002(f)(2)) to a contractor endangering performance of his contract. The procuring contracting officer and the office having production administrative responsibilities will receive an information copy of the aforementioned "cure" notice, however the administrative contracting officer may dispatch the "cure" notice on his own initiative and without prior procuring contracting officer coordination or approval. If the contractor fails or refuses to reply to the "cure" notice or does not cure the condition(s) endangering contractual performance, the administering activity, through the administrative contracting officer will immediately furnish full information to the procuring contracting officer by means of DD Form 375 plainly stamped or marked "Action Document" and recommend that the contractor be notified by a "show cause" letter of the possibility of the contract being terminated for default. (See §§ 1008.2006(b) and 1008.761.) A copy of the DD Form 375 from the administering activity to the procuring contracting officer will be furnished to (1) MCPRTT, Hq AMC, and (2) the readjustment activity located at the same installation as the procuring contracting officer.

(b) If the procuring contracting officer (see § 1008.2006(b)) concurs in the advisability of so notifying the contractor, the administrative contracting officer will within 5 days after receipt of the procuring contracting officer's concurrence notify the contractor by letter (Registered Mail—Return Receipt Requested) that the Government is considering termination for default by reason of the contractor's failure to comply with the delivery schedule, failure to make progress so as to endanger performance, or failure to comply with other contractual provisions (whichever is applicable).

(c) The contractor should be requested to submit within 10 days (or such longer time as the administrative contracting officer deems reasonable under the circumstances) its reasons why the contract should not be terminated for default. The letter by the administrative contracting officer (paragraph (b) of this section) should call the contractor's attention to the penalties that may be invoked if the contract is terminated for default. Suggested forms for this letter are set forth in § 1008.761(a). Before release, the letter (paragraph (b) of this section) should be coordinated with cognizant production and quality control personnel; after release no further action under the contract will be taken by production or quality control personnel without prior approval of the administrative contracting officer. One copy of the administrative contracting officer's letter to the contractor will be furnished to each of the following:

(1) The office having primary production responsibility.

(2) The office having primary quality control responsibility.

(3) The responsible procuring contracting officer.

(4) Contractor's sureties, assignees, or guarantors, if any.

(5) The appropriate finance officer where the contractor has a guaranteed loan, progress payment, or advance payment.

(6) Readjustment activity delegated authority to terminate for default of contractor (see § 1008.2003).

(7) Termination Branch (MCPRTT), Hq AMC.

(d) Upon receipt of the contractor's reply, or if no reply is received at the expiration of the period for contractor's reply to the letter notifying him of the possible default action, the administrative contracting officer will immediately send the following information in writing to the procuring contracting officer with information copies to activities shown in paragraph (c) (6) and (7) of this section.

(1) Contractor's excuses, if any, for his failure to perform, along with a copy of contractor's reply.

(2) Contractor's promised efforts, if any, to cure the delinquency.

(3) Administrative contracting officer's evaluation of the contractor's promises and excuses (if any have been submitted) and an estimate of the time deemed reasonable for the contractor to complete the contract.

(4) The current status of production.

(5) Administrative contracting officer's recommendations as to whether or not the contract should be terminated for default (see § 1008.2006(e)(1)).

(e) It is recognized that despite the most diligent efforts on the part of administrative contracting officers, some contractors will fail or refuse to adhere to contractual obligations. When such failure or refusal is detected it is incumbent upon the administrative contracting officer to recommend affirmative action adequate to remedy the unsatisfactory aspects of the contract being administered. While it is not contemplated that default termination will be recommended for each and every contract as soon as it becomes delinquent as to any substantive provision, nevertheless administrative contracting officers will be responsible for recognizing at an early date the existence of any unsatisfactory conditions that may result in the contractor's failure to meet the contract delivery schedule or deliver supplies in conformance with contract specifications. (See § 1053.102–6(c)(4).) Inasmuch as the Government is usually adjudged to have abandoned or waived the delivery schedule (§ 1008.2002(i)) unless action is taken incident to default termination promptly upon expiration of the delivery schedule, it is of paramount importance that administrative contracting officers, insofar as possible, anticipate contractor failures and be prepared to initiate timely action that properly protects the Government's interest. It is highly desirable to initiate the written "cure" notices (see §§ 1008.2002(f)(2) and 1008.2002(f)(3)) at the earliest point during the contract delivery schedule when it becomes apparent the contract is endangering performance (see § 1008.761(a)(2) for "cure" letter format). While oral admonitions may attain desired results in many instances, such actions are of no avail to the Government if it is subsequently ascertained that the contract should be terminated for default of the contractor and may prejudice the Government's position by indicating acquiescence in the contractor's failure. Therefore, the administrative contracting officer should assure proper and timely written notices to the contractor plus timely recommendation for default termination, as warranted, so as to avoid the aforementioned waiver or abandonment of the delivery schedule and the resultant necessity for establishing a new delivery schedule. Under such circumstances the Government may be unduly delayed in reprocuring necessary or urgent supplies or services from another source if the initial contract must be terminated for default after contractor failure to adhere to the provisions of his reestablished delivery schedule.

(f) *Responsibilities subsequent to request for default investigation.* The administrative contracting officer while continuing his administrative duties in connection with a contract will maintain close liaison with the termination contracting officer (§ 1008.2003) and the pro-

curing contracting officer subsequent to the request for default investigation and will:

(1) Coordinate in advance with the termination contracting officer any contemplated action in connection with the contract under investigation.

(2) Obtain prior approval of the termination contracting officer before allowing production or quality control personnel to visit contractor's facility in connection with contract being investigated or accepting quantities of items thereunder.

NOTE: This provision does not pertain to other contracts with same contractor that are not under investigation, however all Government personnel should refrain from discussing any aspects of contract being investigated unless specifically requested to do so by the termination contracting officer.

(3) Comply with § 1008.2008 when applicable.

(4) *Release unexpended funds under contracts terminated for default.* The contracting officer responsible for the administration of the terminated contract will determine the exact amount of funds unexpended under the contract as of the effective date of default termination. Upon receipt of information from the termination contracting officer that notice of default termination has been released to the contractor, the administrative contracting officer will prepare and issue an appropriate administrative notice to release the unexpended funds. The administrative notice will (i) reference the termination action taken and set forth the exact amount of funds to be released and (ii) will specify that released funds are to be retained for use by the procuring activity in effecting reprocurement of goods or services terminated. (See § 1008.2006 (h).) If the termination action under the Default clause is subsequently reversed by the Armed Services Board of Contract Appeals, or the notice of default termination is converted to a termination for the convenience of the Government, and either of these actions results in a cost settlement with the terminated contractor, funds in the amount necessary to accomplish settlement of the contractor's claim will be reobligated to the terminated contract by the appropriate procuring agency.

3. Section 1008.2006 is deleted and the following substituted therefor:

§ 1008.2006 Responsibility of procuring contracting officer.

Procuring contracting officers are charged with the responsibility of deciding whether or not a contract should be submitted to a termination contracting officer (§ 1008.2003) for investigation incident to default termination. Procuring contracting officers may submit their recommendation for default termination based upon information obtained from an administrative contracting officer, their own initiative, or unified efforts of all Government personnel concerned (Base procurement activities see § 1008.2007).

(a) It is not possible to establish specific and steadfast guidelines as to when the procuring contracting officer should or will request default investigation, inasmuch as each individual contract must be considered on its respective merits. However, the following general guidelines are furnished for application as the procuring contracting officer deems appropriate.

(1) It is not necessary nor always desirable for the procuring contracting officer to endeavor to establish a prima facie case before requesting investigation for default termination.

(2) If the procuring contracting officer is in doubt as to whether or not a request should be made for default investigation, such doubt should always be resolved in favor of requesting the default investigation. Failure of the procuring contracting officer to adhere to this procedure is equivalent to an improper exercise of authority which is specifically reserved to termination contracting officers as set forth in § 1008.2003.

(3) In arriving at his decision for or against requesting default investigation, the procuring contracting officer must give careful consideration to the current status of the contract in question, and what effect a delay in or postponement of action will have upon the rights of the Government. Waiver or abandonment of a delivery schedule (§ 1008.2002(i)) must be avoided. In the event it is decided that extension of the delivery schedule is mandatory as a result of excusable contractor delay or it will be mutually advantageous to the Government and the contractor, such extension should be promptly covered by supplemental agreement to the contract. While the procuring contracting officer must normally obtain consideration for any extension of delivery schedule, as a result of nonexcusable contractor delay, such consideration is not necessarily limited to monetary recoupment and if justified, may be nominal. In any event, the procuring contracting officer is very seldom justified in permitting a contract to become delinquent and remain delinquent without taking affirmative action incident to (i) default termination or (ii) extension of the delivery schedule.

(b) Within 5 days after receiving a recommendation from the administrative contracting officer (§ 1008.2004(a)) that the contractor should be notified by a "show cause" letter (see § 1008.761(c)) of possible default termination, the procuring contracting officer will notify the administrative contracting officer of his concurrence or nonconcurrence. If the procuring contracting officer is unable to make a decision within 5 days, he will notify the administrative contracting officer of the date when a decision may be expected. Under any circumstances, an informational copy of the procuring contracting officer's reply to the administrative contracting officer will be concurrently forwarded to his local readjustment activity and the Commander, AMC, attn: MCPPJT. In turn, the local readjustment activity or MCPPJT, Hq AMC, will monitor developments and furnish advice and guidance as deemed appropriate with the view toward protecting the Government's interest and avoiding "waiver" or "abandonment" situations where default termination appears warranted.

(c) After receiving the administrative contracting officer's report and recommendations following the contractor's reply to the Government's letter informing him of possible default termination (see § 1008.2004 (b), (c) and (d)), the procuring contracting officer will make his decision as to the necessity and advisability of pursuing further default action. In making the decision, the procuring contracting officer will consider among other factors:

(1) The urgency of the requirement and the length of time involved in effecting a substitute procurement from other sources as compared with a realistic reappraisal of what might be accomplished under the contract being considered.

(2) Any changes or variations in the supplies or services under the contract, or other action on the part of the Government which might have contributed to the cause or failure to perform.

(3) The extent of contractor's failure to perform and the effect termination would have on other Government contracts being performed by the contractor.

(4) The possibility of collection of liquidated damages (if provided in the contract).

(5) Whether it appears that the contractor submitted an unrealistic delivery schedule to obtain an advantage over competitors.

(d) If the procuring contracting officer, after careful evaluation of all factors involved, decides not to pursue further action incident to requesting default investigation he will:

(1) Prepare a detailed statement of findings in at least four copies and obtain concurrence with such findings on all copies from the local readjustment and staff judge advocate activities.

NOTE: In the event the local readjustment activity and the staff judge advocate do not concur in the aforementioned findings the procuring contracting officer will hold further action in abeyance and refer the matter to a termination contracting officer for appropriate decision.

(2) Prepare the necessary supplemental agreement extending the delivery schedule if the present schedule is about to expire or has already expired.

(3) If the contractual delivery schedule has not expired and the delinquent contractor has made a satisfactory reply to the administrative contracting officer's "cure" notice (see § 1008.2004(e)), the contractor may be advised substantially as set forth in § 1008.761(b).

(e) The procuring contracting officer upon reaching the decision to request default investigation will immediately prepare and forward AFPI Form 49, "Termination Authority," in four copies to the local readjustment activity. The Termination Authority will recommend investigation for default termination (see § 1008.2010(d)(1)). The procuring contracting officer will concurrently instruct the administrative contracting officer to issue a Show Cause Notice in substantially the form set forth in § 1008.761 (c). (Note: "Stop work" provision to be used only under certain circumstances. See footnote with § 1008.761(c).

Inasmuch as the termination contracting officer (see § 1008.2009) must rely on the information submitted by the procuring contracting officer, and other Government representatives, it is especially important that every effort be made to anticipate and provide the data that will be required to successfully accomplish the investigation. Incomplete or inaccurate information furnished by the procuring contracting officer frequently results in a delayed investigation and unnecessary communication expense:

(1) The procuring contracting officer in addition to AFPI Form 49 will furnish the local readjustment activity with a statement which will include, but is not necessarily limited to, the following facts:

(i) Contractor's name and address, the contract number, the articles or services called for, and contract prices.

(ii) Method of selection of source used at the time of placing the contract and why the contractor was selected.

(iii) Deliveries and payments that have been made under the contract prior to the date of Show Cause Notice, the contract provisions relative to time and place of performance, the facts and surrounding circumstances constituting contractor's failures, and the contracting officer's endeavors to discover and evaluate contractor's excuses, if any.

(iv) Excuses, if any, relied upon and alleged by contractor and the contracting officer's opinion as to veracity, weight, adequacy, and merit of such excuses; current need for the supplies or services called for, and the sources which will be considered to furnish the supplies or services for which present contractor has defaulted with statement of reliability of such source or sources.

(v) Presence or lack of sureties, guarantors, or others secondarily liable, giving their names and addresses.

(vi) Explanatory and confirmatory exhibits such as correspondence, reports, and other related papers will be attached to the statement.

(vii) The exact dates deliveries are due under the contract.

(f) In addition to the requirements of paragraph (e) of this section, the following will be submitted to the local readjustment activity:

(1) Three legible and complete copies of the contract, change orders, and supplemental agreements thereto.

(2) Three copies of all pertinent correspondence.

(3) Three copies of all notices sent to the contractor with proof of service. (To be sent Registered Mail—Return Receipt or "Report Delivery" Telegram.)

NOTE: Normally the aforementioned copies cannot be returned to originator inasmuch as they become a part of permanent records or are used in defending an appeal, if taken by the contractor.

(g) The procuring contracting officer will notify the administrative contracting officer promptly of any action taken in relation to default termination. Thereafter, the procuring contracting officer will assist the termination contracting officer to the maximum extent possible (see § 1008.2010(d)(1)).

(h) Procuring contracting officers will, if requirements still exist, cause new procurements to be initiated within 30 days after receipt of notice from the termination contracting officer that the contract has been terminated for default. Such officers are responsible to see that the activity which initiated the original request also initiates a replacement purchase request for any portion of the terminated contract items still required. Such reprocurement may, however, be effected prior to the issuance of the notice of default termination when the reprocurement meets the criteria for a public exigency contained in § 3.202 of this title. If there is to be a reprocurement, a purchase request will be issued promptly and transmitted to the procuring contracting officer by the organization responsible for requesting the supplies and/or services. Upon receipt of the purchase request, the procuring contracting officer will take prompt action concerning the reprocurement. Unreasonable delay in consummating a reprocurement contract in substitute of a defaulted contract, and/or procurement on the basis of a specification which is materially changed may release a fixed-price contractor from liability for excess costs of reprocurement. Therefore, before reprocurement is made on the basis of a materially changed specification, consideration will be given to determining whether such change and consequent release of the contractor from any excess costs which may result from such reprocurement is in the best interest of the Government. New contracts replacing terminated contracts will be placed according to all applicable procurement directives. Unexpended funds remaining on the terminated contract are normally available to initiate the new procurement. (See § 1008.2004(f)(4).)

(i) If the requirements for the supplies or services under a delinquent contract no longer exist and the contractor is agreeable to the acceptance of a no-cost termination, the procuring contracting officer may enter into a no-cost settlement agreement referred to in §§ 8.712–6 and 8.712–7 of this title if the contracting officer deems such action to be in the best interest of the Government. The procedure as set forth in § 1008.2002(b) (1), (2), (3), and (4) will be followed. As an additional requirement, the "Memorandum for File" will spell out: (1) when it was first ascertained that the supplies or services were no longer required, and if at that time the contract was delinquent as to substantive provisions, and (2) the specific reasons, in detail, why the supplies or services are no longer required. If the contractor is not agreeable to accepting a no-cost termination and the elements of actionable default are present, the procuring contracting officer will send the file, properly prepared according to paragraph (e) of this section, to the local readjustment activity for default investigation.

4. Sections 1008.2007, 1008.2008, 1008.2009, 1008.2010 and 1008.2011 are added as follows:

§ 1008.2007 Contracts administered by contracting officers authorized to act in dual capacity as procuring contracting officers and as administrative contracting officers.

This category includes contracts executed by organizations such as base procurement activities where the contracts are also administered by the contracting officer effecting the procurement rather than referring them to an AMA for administration. Insofar as is applicable to contracting officers in base procurement activities the provisions of §§ 1008.2004 and 1008.2006 will be complied with to the maximum extent possible.

(a) Subsequent to issuing any necessary "cure" notices (see § 1008.2004(e)) and when the facts and circumstances require the initiation of a request for default investigation, the cognizant base procurement contracting officer will issue a "Show Cause" Notice to the contractor in substantially the form set forth in § 1008.761(c). Concurrently with the preparation of the "Show Cause" Notice the base procurement contracting officer will immediately prepare and forward AFPI 49, "Termination Authority," as set forth in paragraph (b) of this section. The Termination Authority without a local docket number thereon will recommend investigation for default termination and will be supported by a signed detailed memorandum, and exhibits thereto, stating the pertinent and relevant reasons, and will incorporate the requirements of § 1008.2006 (e) and (f).

(b) The Termination Authority and supporting data will be forwarded by the base procurement contracting officer as follows:

(1) *Within the United States by.* (i) Base procurement activities within AMC only: Local readjustment office.

(ii) Base procurement or other procurement activity within ARDC only. As directed by Commander, ARDC.

(iii) Base procurement activities of major commands, other than AMC and ARDC. Directly to the headquarters of the AMA in whose geographical area they are located with informational copies, if any, distributed according to instructions from the commanders of the respective major commands.

(2) *Outside the United States.* Termination contracting officers specifically designated to terminate contracts for default of the contractor as set forth in § 1008.2003(b).

§ 1008.2008 Default of facilities lease agreements.

Whenever a lessee has violated any provision of the lease (such as failure to pay rent, failure to preserve and maintain leased property) or any other provision of the Lease Agreement, the administrative contracting officer will serve the lessee with a "Notice to Cure" by Registered Mail—Return Receipt Requested (copy to the AMA or depot headquarters authorized to terminate lease for default). The "Notice to Cure" will grant the lessee a reasonable period of time of not less than 10 days to cure the delinquency. The suggested format for "Notice to Cure" letter, below, may be used.

1. As a result of your failure to ---------- as required by Clause ------ of subject Facilities Lease Agreement, the Government is considering terminating subject agreement under the provisions of Clause ------ (default).

2. You are hereby granted ------ days within which to cure your delinquency. Failure to do so may result in default termination without further notice.

3. Your attention is invited to the rights of the Government in event the lease agreement is terminated for default.

§ 1008.2009 Responsibilities of Hq AMC, Hq ARDC, AMA, and depot readjustment activities incident to default.

(a) When a request for default investigation is received from a procuring contracting officer or a base procurement contracting officer, the readjustment activity will ascertain that the initiating contracting officer has complied with all requirements of this Subpart T. In the event additional requirements are to be met in order to assure the completeness and accuracy of the case, endeavor to avoid excessive delay in completing the default investigation. Consistent with good management practices, use the most expeditious means of communication available to avoid long or unreasonable delays in reaching a decision incident to terminating a contract for default of the contractor.

(b) All requests for default investigation submitted by procuring contracting officers or base procurement contracting officers will be forwarded to a termination contracting officer empowered to terminate contracts pursuant to § 1008.2003. This decision (default) is reserved solely to termination contracting officers empowered under the provisions of § 1008.2003 and personnel other than termination contracting officers in Hq AMC, ARDC, AMA, and depot readjustment activities are not empowered to act favorably on requests from procuring contracting officers on terminations for convenience of the Government, including no-cost, when it is clearly evident that actionable default is involved and the provisions of §§ 1008.2002(b) and 1008.2006(i) are not applicable or in the Government's best interest. Under such circumstances, the case will be processed according to this Subpart T and referred to a termination contracting officer for appropriate action.

(c) All termination notices relating to default of the contractor issued by an activity of AMC or ARDC will be identified by a Termination Authority Docket Number.

(1) In AMA terminations the readjustment office at the terminating AMA will be responsible for the assignment of a termination docket number.

(2) In AF depot terminations the individual(s) assigned responsibility for readjustment matters at the terminating depot will be responsible for assignment of a termination docket number.

(3) The first symbol of the default docket number for AMC activities will be according to procedure set forth in § 1008.304 for AMA's and depots. The second symbol will always be "D" for default. A five symbol code will be used. Beginning with the third symbol the numbering of dockets will commence with 001 and will continue uninterrupted from year to year. A new numbering series will not be initiated at any particular time, such as the beginning of the fiscal or calendar year. Identification code numbers are:

AMA's and HQ AMC

1D—MAAMA	6D—SAAMA
2D—MOAMA	7D—WRAMA
3D—OOAMA	8D—Hq AMC
4D—OCAMA	9D—SBAMA
5D—SMAMA	

DEPOTS

CD—Maywood	MD—Memphis
DD—Dayton	RD—Rome
SD—Shelby	TD—Topeka

EXAMPLES: The first default docket number for SBAMA would be 9D001, the second 9D002, the third 9D003, etc. The first default docket number for Rome AF Depot would be RD001, the second RD002, the third RD003, etc.

(4) For ARDC activities the Termination Authority Docket Number will be developed as follows:

(i) First prefix. ARDC (for all ARDC activities).

(ii) Second prefix. Hq ARDC or subordinate ARDC activity issuing default termination notice.

(iii) Follow first prefix and second prefix by the letter "D" for default and begin with a two digit number sequence to commence with 01 at each ARDC activity which will continue uninterrupted from year to year. A new numbering series will not be initiated at any particular time such as the beginning of a fiscal or calendar year.

EXAMPLES: The first default docket number for Hq ARDC would be ARDC–HQ–D01, the second ARDC–HQ–D02, the third ARDC–HQ–D03, etc. The first default number for Cambridge Air Research Center would be ARDC–Cambridge–D01, the second ARDC–Cambridge–D02, the third ARDC–Cambridge–D03, etc.

(d) After a default investigation if it is determined to terminate a contract for the convenience of the Government, the investigation will be closed out under the default docket number (paragraph (c) of this section) and reopened under a convenience docket number according to § 1008.304. The same procedure will apply when the Armed Services Board of Contract Appeals sustains a contractor's appeal from a default termination and as a result thereof the termination is deemed to be for the convenience of the Government.

§ 1008.2010 Responsibility of termination contracting officers authorized to terminate contracts for default.

When a duly designated termination contracting officer is assigned to conduct an investigation as to whether or not there is a basis for default termination, he will proceed to make his determination in the manner set forth as follows:

(a) Expeditiously conduct a thorough review of AFPI Form 49, "Termination Authority," and its attachments, the contract, the facts and circumstances surrounding the contract, all correspondence and related documents, the specific failure of the contractor, the contractor's excuses, if any, for such failures, applicable administrative and contract laws. As deemed appropriate, the termination contracting officer should invite the contractor to discuss the matter orally at a conference and will insure that the contractor is afforded an ample opportunity to set forth his reasons why his contract should not be terminated for default.

(b) Some of the factors, in addition to excusable delay, which should be considered in making such determination are: (1) The availability of the supplies or services from other sources, (2) the period of time required to obtain supplies or services from other sources as compared with the time in which delivery could be obtained from the delinquent contractor, (3) the urgency of the need for the supplies or services, (4) the degree of essentiality of the contractor in the Government procurement program, and (5) the effect of a default termination upon the contractor's capability as a supplier under other contracts. If the records do not reveal sufficient facts to determine whether the contractor's failure is excusable under the terms of the contract, and a "Show Cause" Notice has not been issued, then such notice may be issued by the termination contracting officer. The notice will fix a date for reply, advise the contractor that failure to present an excuse will be considered an admission that none exists, and if appropriate, inform the contractor that, pending receipt of the contractor's reply, the work is to be suspended under the contract. If the default action is predicated upon any failure of the contractor other than failure to make timely delivery, the contractor will be given written notice specifying the failure, and a period of at least 10 days will be granted within which to cure such failure. If the contractor fails to cure such failure within the specified time, or if termination action is predicated upon the contractor's failure to make timely deliveries, the contract may be terminated for default immediately. In those cases involving failure to make timely delivery, the termination notice will normally be dispatched by telegram to the contractor (Written Report of Delivery Requested) with telegraphic information copies to the administrative and procuring contracting officer(s). In all other instances (except where time is of the essence) the termination notice (Registered Mail—Return Receipt) will usually follow a letter format, setting forth the pertinent data, including complete and adequate findings. Supplemental distribution will be according to paragraph (d)(4) of this section.

(c) If it is determined that the facts are insufficient to support an immediate default termination and it is nevertheless desired by the initiator of the AFPI Form 49 to terminate for good and cogent reasons the termination contracting officer may pursue pretermination negotiation action pursuant to paragraph (g)(3), of this section. If pretermination negotiation is not warranted or fails to provide a satisfactory solution, the termination contracting officer will terminate for default of the contractor or for convenience of the Government, as deemed appropriate, or in the alternative may upon coordination with the procuring contracting officer continue the contract if ascertained to be in the Government's best interest. The initiator of the AFPI Form 49 will be advised of contemplated action by the termination contracting officer.

(d) Authority and responsibility of the termination contracting officer are set forth below:

(1) Assume full cognizance of the contract upon receipt of AFPI Form 49, "Termination Authority." After referral to the readjustment activity the initiator of the AFPI Form 49 will not take independent action on any matters pertaining to the contract under investigation without prior approval or concurrence of the termination contracting officer.

(2) Incident to the default investigation the termination contracting officer, may, by unilateral or bilateral action, reestablish a reasonable and realistic delivery schedule for the contract in question if it is ascertained that the delivery schedule in the contract, or amendments thereto, has probably been waived by the Government. As deemed appropriate by the termination contracting officer, the delivery schedule may be re-established by use of (i) letter, (ii) telegram, or (iii) formal supplemental agreement to the contract. The action will be coordinated in advance between the termination contracting officer and the initiator of the AFPI Form 49, with notification to the administrative contracting officer.

(3) Prior to issuing any default termination to a contractor, the termination contracting officer will coordinate with the local staff judge advocate as to the existence of an actionable default and the advisability of terminating the contract for default. However, the final decision as to the action to be taken and the determination of the facts to be included in the findings must be made by the termination contracting officer according to his independent judgment.

(4) Distribution of notices of default termination and assessment or nonassessment of excess costs (also applicable to Breach of Contract). The termination contracting officer will be responsible for accomplishing distribution of copies of the foregoing notices to the following activities:

(i) Two copies to contractor by certified or registered mail—return receipt requested.

(ii) One copy to buyer.

(iii) One copy to initiator of the procurement.

(iv) One copy to finance office.

(v) One copy to surety and/or assignee.

(vi) One copy to APD, AFPRO, or other office responsible for administration of the contract.

(vii) Contract distribution office. Sufficient copies to service all other distributees under the contract.

(e) If an appeal is taken by the defaulted contractor, the termination contracting officer will comply with § 1054.504 of this chapter.

(f) If after conducting a review as set forth in this section, the termination contracting officer finds and determines that the facts substantiate a default termination (or "breach"), and such action is taken, the termination contracting officer will request the initiator of the AFPI Form 49 to furnish detailed information as to reprocurement of similar supplies or services and the total amount of excess costs, if any, incurred by the Government as a result of the contractor's default (for Breach of Contract see § 1008.2011(c)). Upon receipt of the requested information, the termination contracting officer will prepare findings in which demand will be made upon the defaulted (or "breached") contractor, its sureties and guarantors for payment of the amount of excess costs as computed in the findings, and the contractor will be directed to forward a certified check for such amount (payable to the Treasurer of the United States) to the comptroller, financial division, at the headquarters to which termination contracting officer issuing notice of assessment is assigned (see § 1008.2003). If the information submitted by the initiator of the AFPI Form 49 indicates that there is to be no reprocurement of similar supplies or services or that reprocurement of similar supplies or services was accomplished without the Government's incurring any excess cost, a finding as to nonassessment of excess cost (not applicable to Breach of Contract) will be issued to the contractor by the termination contracting officer.

(g) In lieu of terminating the contract for default, the following courses of action may be taken by the termination contracting officer when such action is determined to be in the best interest of the Government:

(1) Permit the contractor, its surety, or guarantor to continue performance under the contract provided the Government's rights are adequately reserved.

(2) Withhold default action and recommend a formal assignment of the contract to another contractor pursuant to a request from the delinquent contractor and provided the vested rights of the Government are adequately reserved.

(3) Terminate the contract on a convenience basis pursuant to a negotiated pretermination agreement with the contractor. Termination notices issued upon this basis will specifically set forth the limitations upon the respective liabilities of the parties resulting from the termination according to the previously agreed upon conditions. In the event the contract is terminated upon this basis, the termination contracting officer may, if deemed necessary, obtain prior coordination of the initiator of AFPI Form 49 and will prepare a written statement in the termination docket file.

§ 1008.2011 Procedure for handling termination for breach of contract where contractor has failed to perform and contract does not contain a default clause.

(See § 1008.2002(e)).

(a) Where a contractor has failed to perform according to the terms of a contract and the procuring contracting officer is of the opinion that the contract should therefore be terminated, he will forward to the appropriate readjustment activity (see §§ 1008.2006 and 1008.2007(b)) the same documents and information as are required in connection with contracts containing a Default clause. However, only one copy of the contract and other pertinent documents need be transmitted. In these cases the contracting officer shall not send to the contractor a "Show Cause" and/or "Stop Work Order."

(b) Upon receipt of the necessary documents, the termination contracting officer will review the file to determine whether or not the Government may refuse to accept further deliveries from the contractor and subsequently procure the supplies or services from another source. Should such review indicate that the Government may not presently refuse to accept deliveries, the appropriate procuring activity will be so notified along with recommendations as to necessary future action. However, if the review indicates that the Government is not obligated to accept future deliveries and may purchase the supplies or services from another source, the termination contracting officer will so notify the contractor by telegram (Written Report of Delivery) or registered mail (Return Receipt) in substantially the format shown below:

You are hereby notified that your failure to perform (Contract or Purchase Order No. ------) in the time required by the terms thereof constitutes a Breach of Contract. The Government will no longer accept delivery thereunder and at its option may procure the undelivered supplies from another source. The Government will hold you liable for any and all damages resulting from your Breach of Contract.

Concurrently with the release of the foregoing Breach of Contract Notice the termination contracting officer will notify the appropriate procuring activity (information copy to Administrative Contracting Officer) of the action taken and a procuring contracting officer assigned thereto may then procure the supplies or services from another source if the requirement still exists.

(c) Upon execution of a reprocurement contract, following receipt of notice from the termination contracting officer that the items may be procured from another source, or in the event it is determined that requirements no longer exist and no reprocurement will be made, the procuring contracting officer will notify the termination contracting officer the exact amount of damages sustained by the Government and, if made, furnish one copy of the reprocurement contract. The termination contracting officer will make demand upon the "breached" contractor for all valid damages according to § 1008.2010(f). Copies of the demand by the termination contracting officer (see § 1008.2010(d)(4)) will be furnished the procuring contracting officer who, in turn, will report the extent to which the Government was damaged by reason of contractor's failure to perform to the appropriate accounting component as cited in the

"breached" contract. This report will set forth the extent of the damage as ascertained by the procuring contracting officer and will include, but need not be limited to, excess costs of reprocurement (where reprocurement has been effected), losses due to discount differentials, and excess transportation costs. In the event the procuring contracting officer determines that the Government was not damaged, this fact should be reported to the termination contracting officer and the aforementioned accounting component with the reasons therefor. Examples of such reasons would be no reprocurement because of no further requirements or reprocurement at less cost to the Government. Two copies of both the original and reprocurement contracts, together with all pertinent correspondence will be transmitted as inclosures to the report. An informational copy of this report less inclosures will be forwarded to the appropriate termination contracting officer.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1010—BONDS AND INSURANCE

Subpart A—Contract Bonds

1. The title of Subpart A is changed from "Bonds" to "Contract Bonds."

§§ 1010.101–52—1010.101–55 [Deletion]

2. Sections 1010.101–52 through 1010.101–55 are deleted.

3. Sections 1010.101–52 and 1010.101–53 are added as follows:

§ 1010.101–52 Penal sum or amount.

Penal sum or amount means the dollar amount shown in a bond and represents the maximum payment for which the surety is obligated.

§ 1010.101–53 Consent of surety.

A consent of surety is an acknowledgement by a surety that its bond given in connection with a contract continues to apply to the contract as modified or amended.

4. Section 1010.102 is deleted and the following substituted therefor:

§ 1010.102 Bid bonds.

5. Sections 1010.102–50 and 1010.102–51 are added as follows:

§ 1010.102–50 Bid bonds for supply contracts.

(a) If a bid bond is required on a supply contract the penal sum should be not less than the amount of the required performance or payment bond. Standard Form 24, "Bid Bond," will be used.

(b) If an annual bid bond is furnished by a contractor it will be prepared on Standard Form 34, "Annual Bid Bond," and submitted in duplicate to the Commander, AMC, attn: MCJCR, for review and filing of the original with the General Accounting Office. When approved, such annual bid bond may be used throughout the Air Force. If a contractor indicates in his bid that he has an annual bid bond on file, verification may be obtained from the Commander, AMC, attn: MCJCR.

§ 1010.102–51 Bid bonds for construction contracts.

Only individual bid bonds (Standard Form 24) will be used for construction contracts. Whenever a bid bond is required, the penal amount therein should be not less than the penal amount of the required payment bond. Annual bid bonds will not be used in connection with construction contracts.

6. Sections 1010.103–1, 1010.103–2 and 1010.103–3 are revised as follows:

§ 1010.103–1 Performance bonds in connection with other than construction contracts.

Generally, performance bonds will not be required for contracts other than those involving construction. A procuring contracting officer may, however, require such a bond in special circumstances involved in a particular contract for supplies or services. Justification for the requirement must be fully documented by the contracting officer. In no case will a performance bond be required unless prior approval has been obtained from the Chief or Deputy Chief of the respective buying divisions at Hq AMC, AMC field procurement activities, and Hq ARDC and ARDC centers with respect to procurements made at those activities, and by the chief or deputy chief of the purchasing office with respect to procurements made at other than the above activities. Where such bonds are authorized, the penal sum will usually be no less than 20 percent and only rarely will it exceed 40 percent of the total amount of the contract.

§ 1010.103–2 Performance bonds in connection with contracts involving construction.

(a) The penal amount of a performance bond should normally be not less than the penal amount for payment bonds indicated in § 10.104–2 of this title.

(b) The Secretary has waived the requirement of performance and payment bonds with respect to all cost-reimbursement type contracts involving construction. However, in unusual circumstances, such bonds may be required if the requirement is authorized in advance by the Commander, AMC. This authority has been delegated by the Commander, AMC to:

(1) Director and Deputy Director of Procurement and Production, Hq AMC.

(2) Deputy Director/Procurement and Assistant Deputy Director/Procurement, Hq AMC.

(3) Chief and Deputy Chief, Industrial Resources Division, Hq AMC.

Any request for such authorization will be submitted to the Commander, AMC, attn: MCPB, with a statement of the facts justifying the requirement of performance bonds.

(c) Performance and payment bonds are not required on a construction contract not exceeding $2,000. However, if the amount of such contract is increased beyond $2,000, a performance bond and a payment bond will be required and will be based upon the total contract price, which means the original price plus the increases thereto.

§ 1010.103–3 Annual performance bonds.

(a) All annual performance bonds must be submitted to the Commander, AMC, attn: MCJCR, in duplicate for review and approval and filing of the original with the General Acounting Office. Such bonds will be written on Standard Form 35 (Annual Performance Bond).

(b) An annual performance bond will be used only with the prior approval of the Procurement Law Division (MCJC), Hq AMC. The total individual obligations under an annual performance bond must not exceed the penal amount of such bond.

7. Section 1010.103–50 is added as follows:

§ 1010.103–50 Additional performance bonds.

(a) If a contract not involving construction, for which a performance bond has been required, is increased in price to cover new or additional work, the contracting officer will determine whether an additional performance bond to cover the added work will be required. The policy stated in § 1010.103–1 will govern in making such determinations. In lieu of an additional performance bond, if required, a consent of surety in the form set forth in § 1010.203(a) of this part may be furnished.

(b) Where a performance bond has been required in support of a contract involving construction and there is executed (1) a change or changes authorized by the basic contract which collectively effect an increase in price in an amount greater than the original contract price or $25,000, whichever sum is lesser, or (2) an amendment not authorized by the basic contract involving any increase in the contract price, an additional performance bond to cover such increase or a consent of surety by which the surety recognizes its increased liability will be required. (See § 1010.203(a)). The penal amount of any additional bond required hereunder will be in the same proportion to the increase in contract price as the penal sum of the original bond bears to the contract price of the original contract. The penalty of the payment bond will not be increased beyond $2,500,000.

8. Sections 1010.104–1 and 1010.104–2 are revised as follows:

§ 1010.104–1 Payment bonds in connection with contracts other than construction contracts.

Such bonds are not authorized unless prior approval has been secured from Pricing Staff Division (MCPPB), Hq AMC.

§ 1010.104–2 Payment bonds in connection with contracts involving construction.

See § 1010.103–2(b) regarding waiver of payment bonds for cost-reimbursement type contracts involving construction. See § 1010.103–2(c) for requirement for payment bonds for contracts initially less than $2,000 which are increased over that amount.

9. Section 1010.104–50 is added as follows:

§ 1010.104–50 Additional payment bonds.

The policy stated in §1010.103–50 for performance bonds will apply.

10. Sections 1010.105 and 1010.106 are revised as follows:

§ 1010.105 Advance payment bonds.

Generally the security provisions of an advance payment agreement should make it unnecessary to require a bond to protect the interests of the Government. Where the contracting officer considers that such a bond should be required, he will submit his recommendation and the supporting facts to Financial Branch (MCPZF), Hq AMC, for transmission with appropriate recommendation to Hq USAF, AFMPP–PR–2, for prior approval of the Secretary of the Air Force.

§ 1010.106 Patent infringement bonds.

Even where authorized under § 10.106 of this title, a patent infringement bond will not be required unless approved by the Review Branch (MCJCR), Hq AMC.

§ 1010.107 [Deletion]

11. Section 1010.107 is deleted.

12. Section 1010.108 is deleted and the following substituted therefor:

§ 1010.108 Execution and administration of bonds.

13. Sections 1010.108–50, 1010.108–51, 1010.108–52, 1010.108–53 and 1010.108–54 are added as follows:

§ 1010.108–50 Execution.

All bonds will be executed in duplicate.

§ 1010.108–51 Administration of bonds.

All performance and payment bonds (except annual bonds, see §§ 1010.102–50 (b) and 1010.103–3 of this chapter) and all consents of surety will be reviewed by the contracting officer using AFPI Form 11. When doubt of legal sufficiency exists, the advice of the staff judge advocate serving the facility should be obtained. The contract file of numbered contracts retained by the contracting officer will include a copy of all bonds and consents of surety applicable thereto.

§ 1010.108–52 Distribution of bonded contracts.

See § 1053.603(d) of this chapter.

§ 1010.108–53 Bond forms.

Standard bond forms are described in § 16.805 of this title, and will be used according to the instructions therein.

§ 1010.108–54 Authority to substitute surety bonds.

The Commander, AMC, is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequent to the date of approval of the new bond. The Commander, AMC, is authorized to delegate this function with power of redelegation. Requests for approval will be referred to the Commander, AMC, attn: MCJCR, for appropriate action.

Subpart B—Sureties of Bonds

1. The title of Subpart B is corrected to read: "Sureties of Bonds."

2. Section 1010.201 is deleted and the following substituted therefor:

§ 1010.201 General requirements of sureties.

3. Sections 1010.201–50, 1010.201–51, 1010.201–52, 1010.201–53 and 1010.201–54 are added as follows:

§ 1010.201–50 Corporate sureties.

Acceptability. A list of the sureties approved by the Secretary of the Treasury is published annually by the Treasury Department (TD Form 356). This list indicates the maximum penal sum for which any corporate surety may underwrite any one obligation. Each major command will consolidate its requirements for TD Form 356 and submit them to the AF Publications Distribution Center, Washington 25, D.C., on or before April 1 of each year and that office will make distribution of TD Form 356 to the commands submitting requirements. Only sureties appearing on the Treasury List and not in excess of the underwriting limits stated therein, will be accepted in the United States, its Territories and Possessions. Foreign procurement activities may use sureties not appearing on TD Form 356 when determined by the contracting officer to be in the best interest of the Government.

§ 1010.201–51 Corporate cosureties.

More than one corporate surety may be accepted as surety in connection with either supply or construction contracts, provided, that in no case will the liability of any such cosurety exceed the maximum penal sum in which it is qualified to underwrite any one obligation. It is not necessary that corporate cosureties obligate themselves for the full amount of the bond. Each corporate surety may limit its liability in the bond to a specified sum. When the bond is to be executed by two or more corporate sureties, Standard Form 27, "Performance Bond—Corporate Co-Surety Form," will be used in the case of a performance bond and Standard Form 27A, "Payment Bond—Corporate Co-Surety Form," will be used in the case of a payment bond.

§ 1010.201–52 Individual sureties.

Individual sureties are acceptable as sureties for all types of bonds except annual bid bonds provided, the prior written coordination of the staff judge advocate of the procuring activity is secured.

§ 1010.201–53 Partnerships and unincorporated associations.

These organizations will not be accepted as sureties unless the prior written coordination of the staff judge advocate of the procuring activity is secured.

§ 1010.201–54 Substitution or replacement of surety.

See § 1010.108–54.

4. Section 1010.203 is deleted and the following substituted therefor:

§ 1010.203 Consent of surety.

The following forms of consent of surety are authorized for use:

(a) Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.

CONSENT OF SURETY

Date _____
Supplemental Agreement No. ____ Contract No. ____ Change Order No. ____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by ____ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by ____[1]

[SEAL]

_____ (Individual principal) [2]
_____ (Address)
_____ (Business address)

_____ (Corporate principal) [2]
_____ (Business address)

Attest:
_____ By _____ (Affix corporate seal)
_____ (Corporate surety)
_____ (Business address)
_____ By _____ (Affix corporate seal)

[1] The penal amounts shall be increased as determined by the contracting officer. See §§ 1010.103–50 and 1010.104–50. The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

[2] This consent shall be executed concurrently with the execution of the contract modification by the same person who executed the modification.

(b) Consent of surety where the penal sums of bonds previously given are not increased.

CONSENT OF SURETY

Date _____
Supplemental Agreement No. ____
Contract No. ____
Change Order No. ____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

Attest:
_____ _____ (Corporate surety)
_____ (Business address)
By _____ (Affix corporate seal)

Subpart C—Insurance—General

A new Subpart C is added as follows:

Sec.
1010.301 General.
1010.303 Responsibility for loss of or damage to Government property.
1010.305 Procedures to be followed in the event of loss of or damage to Government property.
1010.305–50 Unusually hazardous risks.

§§ 1010.301 to 1010.305–50 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1010.301 General.

Requests for guidance or technical assistance on insurance matters not specifically covered by this subpart should be directed to Commander, AMC, attn: MCPPB.

§ 1010.303 Responsibility for loss of or damage to Government property.

For additional clauses covering these responsibilities see § 1007.3103–6 of this chapter (Government Furnished Property, Construction Contracts) and § 1007.2703–2 of this chapter (Liability for Government Owned Property, Facilities Contracts).

§ 1010.305 Procedures to be followed in the event of loss of or damage to Government property.

See § 10.305 of this title.

§ 1010.305–50 Unusually hazardous risks.

Where contract performance involves unusually hazardous risk making customary insurance protection either unobtainable or unreasonable in cost, the Government may elect to indemnify the contractor against loss or other damage to property of the contractor and liabilities to third persons to the extent that statutory authority exists for such indemnification. Such indemnity provisions will not be included in contracts unless specifically authorized in advance by the Secretary of the Air Force or his designee. Requests for information, or authorization to use such indemnity provisions, will be directed to Commander, AMC, attn: MCPPB, for further processing to Hq USAF after coordination with the office of the Procurement Committee (MCPC), Hq AMC, and Staff Judge Advocate (MCJ), Hq AMC.

Subpart D—Insurance Under Fixed-Price Contracts

Subpart D is deleted.

Subpart E—Insurance Under Cost-Reimbursement Type Contracts

1. Section 1010.501 is deleted and the following substituted therefor:

§ 1010.501 Policy.

The allowance of a contractor's insurance costs will be determined by the administrative contracting officer according to Part 15 of this title, "Contract Cost Principles."

2. Section 1010.501–1 is added as follows:

§ 1010.501–1 Workmen's compensation and employers' liability insurance.

(a) Workmen's compensation is an obligation imposed upon an employer by the workmen's compensation law of a State or Territory of the United States or by the United States Longshoremen's and Harbor Workers' Compensation Act, to pay such benefits as are prescribed by the law.

(b) An employer subject to a workmen's compensation law can provide for his obligation by insuring either with a commercial insurance company or a State fund, or by self-insuring. In a few States, commercial insurance is not permitted and the State fund is the exclusive carrier. If the employer desires to self-insure, he must qualify himself as a self-insurer with the appropriate State authority. However, such approval is not the sole consideration in the Air Force's approval of a self-insurance plan. The Air Force may require information as to the procedures followed in operating the self-insurance plan and the means employed to accrue the operating costs thereof, as a condition to granting Air Force approval of the self-insurance plan.

(c) Related to workmen's compensation, and included in the same insurance policy when insured, are: (1) Employers' liability, (2) workmen's compensation for occupational disease, and (3) employers' liability for occupational disease. Employers' liability is the liability imposed upon the employer (contractor) by law for damages on account of personal injuries, including death at any time resulting therefrom, sustained by his employees by reason of accidents.

(d) The insurance coverage with respect to employers' liability and occupational disease will be required in connection with cost-reimbursement type contracts, with a minimum limit of $100,000 per incident.

3. Sections 1010.501–2, 1010.501–3, 1010.501–4, 1010.501–50, and 1010.501–51 are deleted and the following substituted therefor:

§ 1010.501–2 General liability insurance.

(a) Liability insurance, commonly referred to as third-party insurance, protects the insured against his liability to members of the public for bodily injury or death or for damage to or destruction of the property of others. An insurance policy may be obtained to insure the several general liability hazards separately or in various combinations. The advantage of a comprehensive general liability policy is that the insurance afforded protects the insured from loss arising from any cause other than those causes specifically excluded. This contrasts with the ordinary policy, which names the hazards insured against. In this manner the danger of "uninsured gaps" in the insured's insurance program is minimized.

(b) Comprehensive general (bodily injury) liability insurance will be required with minimum limits of $50,000 per person, $100,000 per accident. The Government will normally assume the risk of the contractor's uninsured third party liabilities to the extent provided by the Insurance-Liability to Third Persons clause prescribed by § 7.203–22 of this title.

§ 1010.501–3 Automobile liability insurance.

(a) A contractor using automobiles or other vehicles away from his premises in connection with contract operations has need for automobile insurance. Such insurance serves to protect the contractor for its legal liability to members of the public because of bodily injury and property damage arising out of the operations, maintenance, or use of the insured vehicles, and to protect it from financial loss resulting from damage to and loss of or destruction of the insured vehicles.

(b) An insurance policy for automobiles can be written to apply to specific vehicles, classes of vehicles, or to all vehicles in which the insured may have an insurable interest. The comprehensive automobile liability policy is generally chosen by a contractor, since it can minimize the possibility of an uninsured loss. A comprehensive automobile liability insurance policy may or may not include coverage (comprehensive physical damage and collision) for damage to and loss or destruction of insured vehicles.

(c) Automobile bodily injury liability and property damage liability insurance will be required with minimum limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, nonowned, hired, and Government-furnished motor vehicles which will be used in the contract operations where use will not be limited exclusively to the premises on which the work under such contract is performed. The Government will normally assume the risk of the contractor's uninsured third party liabilities to the extent provided by the Insurance-Liability To Third Persons clause prescribed by § 7.203–22 of this title.

§ 1010.501–4 Aircraft public and passenger liability insurance.

(a) The more common forms of aviation insurance are:

(1) *Aircraft liability.* This type of insurance covers the liability imposed by law upon the insured aircraft owner and operator. The basic coverages are bodily injury liability, property damage liability, and passenger liability.

(2) *Airport liability.* This type of insurance covers the legal liability of the insured arising out of the usual hazards of premises, elevators, alterations, products, and contractual liability. The coverage is similar to that of comprehensive general liability insurance.

(3) *Hangar keeper's liability.* This type of insurance protects the insured against legal liability claims for loss of or damage to aircraft in the insured's care or custody; this insurance is written on an aircraft hull policy.

(4) *Aircraft hull insurance.* This type of insurance covers the insured for damage to or loss of the insured aircraft when loss or damage results from an insured peril.

(b) Where aircrafts are used in connection with the performance of the contract, aircraft liability insurance will be carried by the contractor, providing bodily injury coverage including passenger liability, if the exposure exists, and property damage coverage. The minimum limits of liability will be $50,000 per person and $100,000 per accident for bodily injury, and $50,000 per accident for property damage. The Government will normally assume the risk of the contractor's uninsured third party liabilities to the extent provided by the Insurance-Liability to Third Persons clause prescribed by § 7.203–22 of this title.

(c) Airport liability insurance: If the operation of an airport is necessary for or incident to performance of a contract, such insurance will be carried by the contractor for bodily injury at minimum limits of $50,000 per person and $100,000 per accident. Property damage coverage will not be carried. The Government will normally assume the risk of the contractor's uninsured third party liabilities to the extent provided by the Insurance-Liability to Third Persons clause prescribed by § 7.203–22 of this title.

(d) Hangar Keeper's Liability Insurance is a form of insurance which usually is not necessary in performance of a cost type contract. The Government will normally assume the risk of the contractor's uninsured hangar keeper's liability to the extent provided by the Government property clause prescribed by § 13.503 of this title.

(e) Aircraft hull insurance will not be purchased at Government expense to cover aircraft manufactured, modified, or serviced under a Government cost type contract against risks which are assumed by the Government under the Government property or other clauses in the contract. Such insurance is appropriate, however, for aircraft not owned by the Government and used in connection with operations under a cost type contract.

§ 1010.501–50 Group insurance.

(a) *General.* (1) Group insurance plans provide various types of benefits for employees and their dependents. Usually, these benefits are provided under one or more group insurance policies with life or casualty insurance companies. Also, these benefits may be provided through individual insurance policies or through hospital association plans.

(2) The benefits and the costs for benefits under these group insurance plans vary for different contractors. Since hospital benefits for non-occupational sickness or accidents are generally designed to provide semi-private accommodations for employees while hospitalized, the hospital daily benefit will vary according to the charge for such accommodations in each geographical locality of the operations of the contractor. Other considerations influence the amount of this and other group insurance benefits, for example, union negotiations, amount of other fringe benefits, wage levels, benefits available under applicable workmen's compensation laws, costs of the group insurance benefits, and effects of such costs in competitive prices.

(3) Group insurance plans are either contributory, where the employees and the contractor jointly pay the costs of the benefits, or noncontributory, where the total costs of the benefits are paid by the contractor. Usually employees are eligible for most group insurance benefits after 1 to 3 months of service.

(4) Some group insurance plans provide for hospital and surgical benefits for the dependents of employees. The entire cost of dependents' benefits is sometimes borne by the employees.

(b) *Responsibility of the administrative contracting officer.* The administrative contracting officer will determine whether the group insurance benefits are reasonable in amounts and necessary in connection with the performance of AF contracts. This determination will be made only after considering the wages and other fringe benefits to which the employees of a contractor are entitled. Consideration must be given to the general level of total wages and benefits for employees in similar jobs in the immediate geographical vicinity. If the contractor is engaged principally in commercial operations, there is little likelihood that the group insurance benefits will be unreasonable because of competitive reasons. However, where a contractor is primarily working on Government contracts, the restraints imposed by competition may be lacking and a careful review by the administrative contracting officer may be indicated.

§ 1010.501–51 Use and occupancy insurance.

(a) Use and Occupancy or Business Interruption Insurance is a form of insurance which indemnifies the contractor for certain losses incurred during a period of interruption or suspension of business operations resulting from physical damage to property essential to the conduct of business. The contractor is indemnified for loss on account of fixed charges and other expenses which accrue during such period and for loss of net profit which the contractor is prevented from earning. The amount of indemnity purchased under this form of insurance is based on the probable loss the contractor would sustain during the period of interruption or suspension of business operations. The premium charge is based on the aggregate indemnity under the policy.

(b) (1) When costs in connection with Use and Occupancy Insurance are presented for allowance, the aggregate indemnity available will be analyzed. Only that percentage of total insurance cost which is identifiable with indemnity benefits determined to be acceptable within the intent of subparagraph (2) of this paragraph will be allowed.

(2) Costs of insuring those items of fixed charges and other expenses, which are allowable items of costs in AF contracts, will be considered allowable. Such fixed charges and other expenses include, but are not limited to, salaries of employees under contract and other key employees, rents, most insurance premiums, and charges for non-cancellable contracts for light, heat, or power.

(3) Costs of insuring the net profit a contractor is prevented from earning during a period of business interruption or suspension are unallowable. Similarly, the costs of insuring certain items of fixed charges such as interest, Federal income taxes, donations, and certain advertising expenses are unallowable.

§§ 1010.501–54, 1010.501–55 and 1010.503 [Deletion]

4. Sections 1010.501–54, 1010.501–55 and 1010.503 are deleted.

5. A Subpart F is added as follows:

Subpart F—Insurance of Industrial Facilities Under Leases or Facilities Contracts

§ 1010.602 Responsibility for loss or damage to facilities.

The notice required to be given pursuant to § 10.602–2(a)(3) of this title will be directed to: Commander, AMC Aeronautical Systems Center, attn: LMBI or Commander, AMC Ballistic Missiles Center, for leases issued by such centers, or the issuing air materiel area for leases issued by the AMA's. Upon receipt of such notice and ascertainment of relevant facts pertaining to probable future use of the facilities, the centers or the AMA will make the determination whether it is in the best interests of the Government that the risk of loss or damage to the facilities be thereafter assumed by the Government or that the lessee be required to assume the risk of such loss or damage and maintain appropriate insurance coverage of the facilities. If such determination effects a modification of the relative responsibilities of lessee and Government, the centers or the AMA will likewise be responsible to initiate required contractual changes in the lease agreement consistent with § 10.602–2(b) of this title.

6. A Subpart G is added as follows:

Subpart G—Special Casualty Insurance Rating Plans

§ 1010.703 Use and eligibility for plans.

Rating plans may not be applied to AF defense projects without prior approval of Hq AMC. Requests for determination of eligibility will be addressed to Commander, AMC, attn: MCPF.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1011—FEDERAL, STATE AND LOCAL TAXES

Subpart B—Exemptions From Federal Excise Taxes

1. In § 1011.205, paragraph (b) (1) (ii), (iii) and (3) is revised, and a Note is added following (b) (4) as follows:

§ 1011.205 Other exemptions.

* * * * *

(b) (1) • • •

(ii) Director and deputy directors of procurement and production, Hq AMC.

(iii) Director of Procurement and Production, Middletown Air Materiel Area.

• • • • •

(3) All procuring contracting officers except those located at Hq AMC, will submit applications and letters of transmittal to Commander, Middletown AMA, for signature by the Director of Procurement and Production and for forwarding to the Treasury Department. Hq AMC activities will submit applications and letters of transmittal to a deputy director of the Directorate of Procurement and Production, Hq AMC, for signature.

(4) • • •

NOTE: TD Form 1444 (Sep 51) and TD Form 1486 (Sep 54) have been replaced by revised (April 1959) forms: TD Form 1444, "Tax-Free Spirits for Use of United States," and TD Form 1486, "Specially Denatured Spirits for Use of United States." Using activities must submit new applications, using the revised forms, to replace existing permits on TD Form 1444 for taxfree alcohol or on TD Form 1486 for specially denatured alcohol prior to July 1, 1959. Use of existing permits after July 1, 1959 is authorized, provided new applications have been submitted according to subparagraph (3) of this paragraph, to arrive at the Treasury Department by July 1, 1959. The revised forms must also be used for any new requirements.

Subpart C—State and Local Taxes

1. Section 1011.351–3 is revised as follows:

§ 1011.351–3 General.

No requirement now exists requiring contractors to pay under protest Indiana Gross Income taxes where the State imposes such tax upon receipts from deliveries by contractors to the Government on Government bills of lading where inspection and acceptance takes place in contractor's plant in Indiana. Such taxes are valid and therefore may be included in price where the contract contains the tax clause in §§ 11.401–1 or 11.401–2 of this title, or reimbursed under cost-type contracts.

2. Section 1011.351–4 is revised as follows:

§ 1011.351–4 Procedures.

(a) No clause should be included in Government contracts requiring contractors to pay under protest Indiana Gross Income taxes either under fixed-price contracts or cost-reimbursement contracts. Existing contracts containing such clauses need not be modified to delete such clause, but contractors should not be required, in making payment of such taxes, to make payment under protest in accordance with the provisions of the clause.

(b) The foregoing will not be interpreted as to require the contractor to pay Indiana Gross Income taxes where such taxes are not applicable. The State of Indiana does not impose the tax on deliveries without the State where acceptance takes place at destination, e.g., shipments on commercial bills of lading with inspection and acceptance at destination.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1012—LABOR

Subpart A—Basic Labor Policies

1. Section 1012.102–5 is added as follows:

§ 1012.102–5 Exceptions.

See § 12.102–5 of this title.

(a) To preclude possible problems as to the allowance of overtime and shift premium costs incurred by the contractor for work performed under § 12.102–5 of this title, "Exceptions", the AFPR or chief of the APD will maintain surveillance of the contractors' overtime extra-pay and multi-shift operations.

§ 1012.102–50 [Deletion]

2. Section 1012.102–50 is deleted.

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

1. Section 1012.404–2 is deleted and the following is substituted therefor:

§ 1012.404–2 Wage determinations.

(a) The wage determination, issued by the Department of Labor pursuant to the Davis-Bacon Act, is a schedule of the minimum hourly rates of wages to be paid laborers and mechanics employed by the contractor and his subcontractors performing work called for by the contract. It normally includes all the classifications of laborers and mechanics expected to be employed on the work. There are three types of determinations: area determinations, limited area determinations, and individual determinations.

(1) Area (54A) determinations provide wage rates for all contracts which may be awarded for work at an installation or within a given geographical area (usually a county) during the 90-day life of the determination. This type of determination contains all the classifications of laborers and mechanics usually needed for construction work and is issued only for installations where continuing construction activity is anticipated. Area determinations must be renewed on a continuous basis by submission of Department of Labor Form DB–11 to the Department of Labor approximately 30 days prior to the expiration of each current area determination.

(2) Limited area (54A) determinations: In some states, the Department of Labor does not include in the area type determination wage rates applicable to heavy or highway construction. In these states, the wage rates issued are for all classifications for "Building Construction" only. This type of determination is known as a limited area determination, and in the cases where the Department of Labor issues this type of determination, the requesting office must submit requests for heavy and highway construction projects as described in subparagraph (3) of this paragraph. The Department of Labor will disseminate to field activities a list of those states which do not include "heavy" or "highway" construction classifications in area type determinations.

(3) Individual determinations are determinations which are provided by the Department of Labor for a single contract. Such a determination must be obtained for each contract subject to the Davis-Bacon Act unless an area (54A) determination is applicable. The classifications of laborers and mechanics in these determinations are limited to those classes employed in the type of work required by the contract, as indicated in the request.

(b) *Processing requests.* (1) Requests for area (54A) determinations, limited area (54A) determinations, and individual determinations will be submitted directly to Davis-Bacon Section, Department of Labor, Washington 25, D.C. The wage determinations will be transmitted by the Department of Labor direct to the requesting office. This provision does not apply to requests for wage determinations to be used for family housing projects to be constructed under Title VIII of the National Housing Act. All such requests and inquiries pertaining thereto will be made directly to the Chief, Family Housing Division, Directorate of Installations, Hq USAF.

(2) Requests will be initiated by the air installations officer where he is responsible for preparing construction specifications or by the contracting officer administering the contract in cases of subcontracts and facilities contracts.

(3) Requests for determinations will be made on Department of Labor Form DB–11. No requests by wire or telephone will be made by field personnel to the Department of Labor.

(4) The Department of Labor requires a minimum of 15 days for processing a request. The requesting office should allow additionally for sufficient transmittal time in forwarding the request and receiving the wage determination.

(5) If problems regarding wage rates arise after requests have been submitted to or after determinations have been received from the Department of Labor, followup inquiries or other communications relating thereto will be sent to Hq USAF, attn: AFMPP–PR except as provided in § 1012.404–3. This establishes the liaison between the Air Force and the Department of Labor.

(c) *Use of wage rate determinations.* (1) The specifications of every contract subject to the Davis-Bacon Act will include a copy of a current wage rate determination. Contracting officers will not accept purchase requests covering projects subject to the Act until the required determination has been incorporated in the specifications. Contracts may be advertised up to the expiration date of the determination; however, bids will not be opened after expiration until a new determination has been received and all bidders have been advised of the new determination and given a reasonable opportunity to resubmit their bids on the basis of the contract specifications as revised by the new determination.

(2) Wage rates properly included in the contract at the time of award are applicable to the contract for its duration, except as specified in subdivision

(b) of this subparagraph. These same rates may be used for additional or new work not included in the specifications if an area determination was used in the IFB or RFP and that determination is still in effect at the time of change. If the area determination has expired or if an individual determination was used, a new wage determination must be used for such new or additional work unless it is clear that the new or additional work is so much a part of the work originally contracted for that it is reasonably impossible of performance by other than the original contractor. (An apparent probability that the new work may be done more conveniently or even at less expense by the original contractor does not in itself justify use of the original determination for such work; the original determination should be used for the new work only if the new work (i) does not reflect a change or modification which materially alters the scope or character of the original contract requirements, and (ii) is so closely related to the original work both in nature and in timing that it cannot reasonably be regarded as a separate and distinct undertaking.)

(a) *Fixed-price contracts (formally advertised or negotiated).* Once a contract is awarded, the wage rates contained in the specifications are the minimum rates that can be paid by the contractor or his subcontractors during the life of the contract.

(b) *Cost-reimbursement type, time and material, and labor-hour contracts and subcontracts.* The wage rates established for and included in cost-reimbursement type prime or subcontracts (including time and materials contracts and labor-hour contracts) according to the Davis-Bacon Act are the minimum rates that can be paid during the life of the contract. Reimbursement to contractors and subcontractors holding the foregoing types of contracts for wages paid to laborers and mechanics are based on this wage schedule; all applications of prime and subcontractors to use higher wage rates require specific approval by the contracting officer. The contracting officer's approval will be based upon substantiating data in support of the contractor's request, such as: Proposed wage rates were established as a result of bona fide collective bargaining in which the contractor participated or to which he adheres as a general practice or as a result of membership in contractors' organizations; proposed wage rates have approval of any existing wage stabilizing body established pursuant to Federal law; or payment of wages at higher rates is required to man the job. Subcontracts awarded pursuant to a cost-reimbursement type, time and material, or labor-hour contract will include wage rates prevailing at the time of the subcontract award, except where the subcontracted work is included in the specifications of the prime contract and is a part of the particular work for which the wage rate determination attached to the prime contract was obtained.

(d) *Modification and superseding determinations.* During the 90-day life of a determination, the Department of Labor may issue a modification thereto, changing the wage rate for one or more classifications or adding or deleting a classification; or the Department of Labor may issue a new determination which entirely supersedes the original determination for the duration of the 90-day period. Neither modifications nor superseding determinations change the expiration date of the original determination. The date that modifications, superseding determinations, or new determinations are received in the Air Force from the Department of Labor will be the date used in determining whether the rates therein are effective. Therefore, all copies of modifications and determinations will be time-date stamped to show when they were first received by the Air Force.

(1) If the date stamped is 5 days or more before bid opening, the new rates are effective and must be included in the contract. Accordingly, bidders should be advised of the new rates by an amendment to the Invitation for Bids.

(2) If an effective modification or determination is not received by the pertinent procuring activity until after the opening of bids, the modification or determination will be given effect as follows:

(i) If there are no changes to applicable wage rates, or if there are increases which the low responsible bidder will accept without change in its bid price, award will be made to the low responsible bidder, provided that written acceptance of the new rates is obtained from the low responsible bidder and attached to the bid and that the new rates are included in the contract.

(ii) If any applicable wage rate is decreased, or if there is any increase which the low responsible bidder will not accept without change in its bid price, award will not be made until the procurement has been readvertised using the new or modified determination.

(e) *Posting.* (1) The contracting officer will require the contractor to display the Wage Rate Information Poster (SOL–155), together with the applicable wage determination.

(2) The contracting officer will insure that construction contractors will be furnished a Wage Rate Information Poster (Department of Labor Poster No. SOL–155) promptly upon the making of the award. These posters will be requisitioned through normal distribution channels from Wright-Patterson AFB, attn: EWBFS.

(3) The contracting officer will insure that there is inserted in the blank box in the middle of the poster, in a prominent manner, the name and address of the AF office responsible for the administration of the contract, so that workers may know where to file any complaints they may have as to violations of applicable labor law standards.

2. Section 1012.404–5 is revised as follows:

§ 1012.404–5 Subcontracts.

The prime contractor will submit to the contracting officer a list of all subcontracts and subcontractors to be engaged on work at the site, indicating names and addresses, and nature of work involved. This list will be kept up to date during performance of the contract and will include all subcontractors, not merely first tier subcontractors.

Subpart F—Walsh-Healey Public Contracts Act

1. Section 1012.602 is deleted and the following substituted therefor:

§ 1012.602 Applicability.

2. Sections 1012.602–1 and 1012.602–2 are added as follows:

§ 1012.602–1 General.

The contracting officer is responsible for making the determination as to the applicability of the Walsh-Healey Act to a contemplated procurement. In case of doubt, the matter will be referred to the Staff Judge Advocate, Hq AMC, for advice.

§ 1012.602–2 Department of Labor regulations and interpretations.

To aid in determining applicability, the Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations No. 3, October 1, 1945." This publication contains a compilation of the text of the Act, the regulations, as amended, of the Secretary of Labor relating thereto; and pertinent rulings and interpretations. Amendments to this document are published from time to time.

(a) *Exemptions.* Pursuant to Section 6 of the Act, the Secretary of Labor has made certain class exemptions from the requirement that the representations and stipulations of Section 1 of the Act be included in AF proposals or contracts which are subject to the Act. Information regarding these exemptions may be obtained from the Regional Directors of the Wage and Hour and Public Contracts Division of the U.S. Department of Labor.

(b) *Exceptions.* Section 6 of the Act (49 Stat. 2038; 41 U.S.C. 40) permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the Act be included in department proposals or contracts which are subject to the Act in individual cases.

(1) All requests of present or prospective contractors for exceptions under section 6 of the Act will be addressed to the Commander, AMC. Such requests will be in writing, will be transmitted through the appropriate contracting officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the contractor to avoid the necessity for the exception.

(2) If the Commander, AMC, concurs in the recommendation of the contracting officer, after review of the request and consideration as to whether the need for an exception can be avoided by using alternative facilities, he will send the request to Director of Procurement and Production, Hq USAF, together with:

(i) A statement of all pertinent data.

(ii) His recommendation.

(iii) A letter stating the need for the exception, addressed to the Secretary of Labor and prepared for the signature of the Secretary of the Air Force.

(iv) Findings of fact as required by section 6 of the Act, prepared for the signature of the Secretary of the Air Force.

Subpart H—Nondiscrimination In Employment

1. Section 1012.804 is deleted and the following substituted therefor:

§ 1012.804 Special requirements or emergencies.

The Nondiscrimination clause requirement represents Government policy, therefore every effort should be made to encourage acceptance of the clause. No request for a deviation will be submitted unless regarded as necessary or clearly in the best interests of the Government, all factors considered.

(a) When, in negotiated procurement, an offeror who would otherwise be qualified for award refuses to accept the clause or requests a modification, and an award omitting the clause or granting such modification is considered necessary or clearly in the best interests of the Government, a request for such deviation will be forwarded to the commander of the air materiel area in which the firm is located. The commander of the air materiel area will personally discuss with the President of the company concerned the inclusion of the clause in the pending contract and if, after such discussion, the firm still refuses to accept the clause, the request for deviation will be forwarded through The Office of the Procurement Committee (MCPC), Hq AMC, to Hq USAF (AFMPP–PR–1) according to § 1001.109–51 of this chapter. In addition to the information required by § 1001.109–51 of this chapter, the contracting officer will include in the request for deviation the following:

(1) Name and location of the offeror requesting the deviation.

(2) Name and title of the official contacted at the offeror's plant or office.

(3) The RFP number and the contract number if one is assigned.

(4) Supplies or services to be furnished.

(5) Estimated or actual delivery schedule.

(6) Type of contract involved and location where it will be performed.

(7) Circumstances surrounding the impracticability of including the Nondiscrimination clause.

(8) Availability of the supplies or services.

(9) Urgency of the requirement.

(10) Any other pertinent information available.

(b) In cases processed under paragraph (a) of this section, which involve purchase of utilities services falling within § 1016.501–2 of this chapter, payment may be made without a written contract pending a final determination thereon, provided that:

(1) The matter has been placed in processing channels according to paragraph (a) of this section.

(2) Services currently are being received.

(3) No connection charge is involved.

(4) The utility's rates are fixed or adjusted by a Federal, State, or other regulatory body.

(5) Invoices are certified as to reasonableness of rates and services performed.

(6) The utility does not require execution of a contract.

(7) A contract is not deemed necessary to serve the best interests of the Government.

In those cases involving a connection charge or otherwise requiring a contract before payment may be made, payment must be withheld pending the action of the President's Committee on Government Contracts.

(c) Report of Bidder's Refusal to Accept the "Nondiscrimination in Employment" Clause (RCS: AF–XOA–N4). In the instance set forth in paragraph (b) of this section, a report containing the following information will be forwarded as soon as possible through the Commander, AMC, attn: MCPC, to the Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–1:

(1) Name and location of bidder refusing to accept the clause.

(2) RFP number and date.

(3) Bidder to whom award was made.

(4) Supplies or services to be furnished.

(5) Dollar difference between bid of bidder refusing to accept the Nondiscrimination clause and bid of next lowest bidder to whom contract was awarded.

(d) In advertised procurement, where the lowest otherwise responsible bidder refuses to accept the clause, his bid will be rejected.

2. Section 1012.805 is added as follows:

§ 1012.805 Interpretations.

See § 12.805 of this title.

3. Section 1012.806–1 is redesignated § 1012.806–2 and a new § 1012.806–1 is inserted as follows:

§ 1012.806–1 General.

The manual entitled "Equal Job Opportunity Program" should be available in all AF contracting offices. This manual can be obtained through normal publications requisitioning channels from World Wide Publications (EWBFW), Wright-Patterson Air Force Base, Ohio.

4. The present § 1012.806–2 is redesignated as § 1012.806–3 and a new paragraph (a)(5) is added as follows:

§ 1012.806–3 Posting of notices.

(a) * * *

(5) The notices, titled "Equal Economic Opportunity," President's Committee on Government Contracts, will be requisitioned through normal distribution channels from USAF Publications and Forms Distribution Branch, Wright-Patterson Air Force Base, Ohio, attn: EWBFW.

§§ 1012.806–3, 1012.806–4, and 1012.806–5 [Redesignation]

5. The present §§ 1012.806–3, 1012.806–4 and 1012.806–5 are redesignated §§ 1012.806–4, 1012.806–5 and 1012.806–6 respectively.

§ 1012.806–7 [Deletion]

6. Section 1012.806–7 is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59–6481; Filed, Aug. 5, 1959; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R. 1633 and 24 F.R. 3151, containing the specific requirements of the 1959-crop wheat price support program, are hereby amended to also provide discounts for wheat grading "Sample" on the factor of test weight only but having a test weight of not less than 40 pounds per bushel.

Section 421.4047(c)(2) is amended by the addition of a new subdivision (iii) as follows:

(iii) Special discounts for wheat grading "Sample" on the factor of test weight only: [1]

Test weight (pounds)	Discount for Hard Red Spring wheat	Discount for wheat of all other classes
	Cents per bushel	*Cents per bushel*
50	0	4
49	4	8
48	8	12
47	12	16
46	16	20
45	20	24
44	26	30
43	32	36
42	38	42
41	44	48
40	50	54

[1] These discounts are in addition to the discount of 9 cents per bushel for wheat grading No. 5 on the basis of test weight only and in addition to any other applicable discounts.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 31st day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–6493; Filed, Aug. 5, 1959; 8:48 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R. 1633 and 24 F.R. 3151, containing the specific requirements of the 1959-crop wheat price support program, are hereby amended as follows:

1. Section 421.4038(c)(1) is amended to also make wheat grading "Sample" because of test weight only but not less than 40 pounds per bushel eligible for price support if it otherwise grades No. 3 or better so that the amended subparagraph reads as follows:

§ 421.4038 Eligible wheat.

* * * * * * *

(c) * * *

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4, 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements stated in subdivision (i) or (ii) of this subparagraph and having a test weight of not less than 40 pounds per bushel; or (iv) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii) or (iii) of this paragraph provided such mixtures are the natural products of the field.

2. Section 421.4040(c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.4040 Determination of quantity.

* * * * * * *

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83
49 pounds or over, but less than 50 pounds	82
48 pounds or over, but less than 49 pounds	80
47 pounds or over, but less than 48 pounds	78
46 pounds or over, but less than 47 pounds	77
45 pounds or over, but less than 46 pounds	75
44 pounds or over, but less than 45 pounds	73
43 pounds or over, but less than 44 pounds	72
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	67

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 31st day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–6494; Filed, Aug. 5, 1959; 8:49 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 7

Runoff Election

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendment to its Rules and Regulations, Series 7, as amended, which it finds necessary to carry out the provisions of said Act, such amendment to be effective August 7, 1959.

National Labor Relations Board Rules and Regulations, Series 7, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., July 31, 1959.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

In § 102.70 *Runoff election,* delete the second sentence of paragraph (d) in its entirety and substitute therefor the following sentence: "In the event two or more choices receive the same number of ballots and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and a certification of results of election shall be issued."

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

The above amendment shall be effective August 7, 1959.

[F.R. Doc. 59–6473; Filed, Aug. 5, 1959; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Release of Security

Section 36.4324(f) is amended to read as follows:

§ 36.4324 Release of security.

* * * * * *

(f) The release of the personal liability of any obligor on a guaranteed or insured obligation resultant from the act or omission of any holder without the prior approval of the Administrator shall release the obligation of the Administrator as guarantor or insurer, except when such act or omission consists of (1) failure to establish the debt as a valid claim against the assets of the estate of any deceased obligor, provided no lien for the guaranteed or insured debt is thereby impaired or destroyed; or (2) an election and appropriate prosecution of legally available effective remedies with respect to the repossession or the liquidation of the security in any case, irrespective of the identity or the survival of the original or of any subsequent debtor, if holder shall have given such notice as required by § 36.4317 and if, after receiving such notice, the Administrator shall have failed to notify the holder within 15 days to proceed in such manner as to effectively preserve the personal liability of the parties liable, or such of them as the Administrator indicates in such notice to the holder; or (3) the release of an obligor, or obligors, from liability on an obligation secured by a lien on property, which release is an incident of and contemporaneous with the sale of such property to an eligible veteran who assumed such obligation, which assumed obligation is guaranteed on his account pursuant to 38 U.S.C.,

ch. 37; or (4) the release of an obligor or obligors as provided in § 36.4314(d).

This regulation is effective August 6, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59-6476; Filed, Aug. 5, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1930]

MONTANA

Withdrawing Lands for Use of the Bureau of Land Management as an Administrative Site. Partially Revoking the Executive Order of June 5, 1919 Which Established Public Water Reserve No. 64

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Montana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws or disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Bureau of Land Management, Department of the Interior, for a radio relay station:

[Montana 030861]

PRINCIPAL MERIDIAN

T. 17 N., R. 20 E.,
Tract 38 (in section 19).
Totaling 3.79 acres.

2. The Executive order of June 5, 1919, which established Public Water Reserve No. 64, is hereby revoked so far as it affects the following-described lands:

[Montana 025424]

PRINCIPAL MERIDIAN

T. 12 N., R. 20 E.,
Sec. 17, NW¼SE¼.
Totaling 40 acres.

3. The State of Montana has waived the preference right of application granted to it by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands described in paragraph 2 are located in the mountains southeast of Lewistown, Montana. Topography is rolling to rough with a rocky spur projecting into the southeast corner. Vegetation consists of slender, and Western wheat grass, blue grass, sage brush and weeds.

5. No application for the lands described in paragraph 2 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284, as amended), presented prior to 10:00 a.m. on September 4, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on December 4, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land has been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. It will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on December 4, 1959.

7. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 30, 1959.

[F.R. Doc. 59-6468; Filed, Aug. 5, 1959; 8:45 a.m.]

[Public Land Order 1932]

[Fairbanks 019125]

ALASKA

Withdrawing Public Lands for Use of the Department of the Air Force for Military Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Department of the Air Force, for military purposes:

POINT BARROW AIR FORCE STATION

Tract A

A parcel of land situated 4.5 miles northeast of Barrow in the Second Judicial Division, State of Alaska, more specifically described as follows:

Beginning at USC&GS Station "Point Barrow—South Base," thence
West, 4,632.88 feet;
North, 146.00 feet, to a point on the mean high water line of the fresh water lake (unnamed);
Northerly, 3,550.00 feet, along said m.h.w. line;
N. 50° E., 700.00 feet;
North, 750.00 feet;
East, 600.00 feet, to a point on the mean high tide line of a salt water lagoon;
Southerly and Easterly, 6,265.00 feet, along said m.h.t. line;
East, 500.00 feet;
South, 2,036.30 feet;
West, 867.12 feet to the point of beginning.

The tract described contains 267.87 acres.

2. The reservation made by this order shall be subject to the withdrawal made by Executive Order No. 3797–A of February 27, 1923, for oil and gas as Navy Petroleum Reserve No. 4 and to the jurisdiction granted to the Department of the Navy over Naval Petroleum Reserves by the act of August 10, 1956 (70A Stat. 457–462; 10 U.S.C. 7421–7438), and shall take precedence over but not otherwise affect the withdrawal made by Public Land Order No. 82 in connection with the prosecution of the war, and Public Land Order No. 324 of August 14, 1946, reserving this and other lands for classification and designation as a native reserve.

3. Scientific Personnel of the Arctic Research Laboratory shall have access to the area for research purposes, at such times and under such conditions as shall not unduly interfere with use of the lands for Air Force purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

[F.R. Doc. 59-6470; Filed, Aug. 5, 1959; 8:46 a.m.]

[Public Land Order 1933]

[Oregon 05952]

OREGON

Withdrawing Lands for Use of the Department of the Air Force for Air Navigation Facilities (Klamath Falls Air Force Station)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and Section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public and revested Oregon and California Railroad grant lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved under jurisdiction of the Secretary of the Interior for use of the Department of the Air Force in the maintenance of air navigation facilities connected with the Klamath Falls Air Force Station, under such conditions as may be prescribed by the Secretary of the Interior or his delegate:

WILLAMETTE MERIDIAN

T. 40 S., R. 7 E.,
Sec. 22, lot 1;
Sec. 23, SW¼SW¼ and W½SE¼SW¼;
Sec. 27, NE¼NE¼.

The areas described aggregate 139.81 acres.

2. The timber on the lands shall remain under the administration of the Bureau of Land Management. That on the revested Oregon and California Railroad grant lands (secs. 23 and 27), shall be managed, sold, cut, and removed in conformity with the principles of sustained-yield as provided by the Act of August 28, 1937 (50 Stat. 874), and consistent with the concurrent use of the lands for the air navigation purposes provided by this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 31, 1959.

[F.R. Doc. 59-6471; Filed, Aug. 5, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Notice of Proposed Rule Making

The following proposed amendment is designed to establish a periodic reporting requirement for holders of special nuclear material licenses issued pursuant to the regulations in Part 70, Chapter 1, Title 10, Code of Federal Regulations.

The proposed reporting requirement would provide information semiannually as to the location of special nuclear material, and information needed in computing use, loss of material and related charges for special nuclear material.

Notice is hereby given that adoption of the following amendment to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of Form AEC–578 referred to in the proposed amendment will be furnished upon request.

§§ 70.53, 70.54 [Redesignations]

1. Redesignate §§ 70.53 and 70.54 as §§ 70.54 and 70.55, respectively.

2. Add the following new § 70.53:

§ 70.53 Material status reports.

Each licensee shall submit to the Commission on Form AEC–578 [1] reports concerning special nuclear material distributed by the Commission pursuant to section 53 of the Act and received, transferred or possessed by the licensee or for which the licensee is financially responsible. Such reports shall be made as of December 31 and June 30 of each year and shall be filed with the Commission within 30 days after the end of the period covered by the report. The Commission may permit the licensee to submit such reports at other times when good cause is shown.

Dated at Germantown, Md., this 28th day of July 1959.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 59-6463; Filed, Aug. 5, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54908]

SHELL OIL CO.

Notice of Qualification as a Citizen of the U.S.

JULY 31, 1959.

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), the Shell Oil Company of 50 West 50th Street, New York 20, New York, incorporated under the laws of the State of Delaware, did on July 15, 1959, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with

[1] Form and instructions filed as part of the original document.

the law and regulations, on July 15, 1959, issued to the Shell Oil Company a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F.R. Doc. 59-6489; Filed, Aug. 5, 1959; 8:48 a.m.]

[342.5]

PINK BEADS SIMILAR IN COLOR AND TEXTURE TO TYPE OF PINK CORAL KNOWN AS "ANGEL SKIN"

Notice of Change of Tariff Classification

JULY 31, 1959.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated May 27, 1959, that there was under review the practice of classifying certain pink beads similar in color and texture to a type of pink coral known as "angel skin" as beads, not specially provided for, under paragraph 1503, Tariff Act of 1930, dutiable at the rate of 15 percent ad valorem under that paragraph, as modified. Evidence presented to the Bureau shows that these beads are in imitation of a type of pink coral. Accordingly, the Bureau by its letter to the collector of customs at New York, New York, dated July 31, 1959, ruled that these articles are properly classifiable under paragraph 1503 as beads in imitation of precious or semi-precious stones, dutiable at the rate of 19 percent ad valorem under that paragraph, as modified.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under a uniform and established practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

C. A. EMERICK,
Acting Commissioner of Customs.

[F.R. Doc. 59-6490; Filed, Aug. 5, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah (I-26)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JULY 28, 1959.

The Bureau of Reclamation has filed an application, Serial No. U-035987, for the withdrawal of the land described below, under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388). The applicant desires the land for reservoir and material sites in connection with the Emery County Project, Utah.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, P.O. Box No. 777, Salt Lake City 10, Utah.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands requested for withdrawal are as follows:

SALT LAKE MERIDIAN, UTAH

T. 17 S., R. 6 E.,
Sec. 29: SW¼SW¼;
Sec. 32: W½.
T. 18 S., R. 6 E.,
Sec. 5: W½SE¼;
Sec. 6: NE¼SW¼.

The above area aggregates 480 acres.

VAL B. RICHMAN,
State Supervisor.

[F.R. Doc. 59-6472; Filed, Aug. 5, 1959; 8:46 a.m.]

Geological Survey

[Survey Order 214]

CERTAIN OFFICIALS AND EMPLOYEES OF THE GEOLOGICAL SURVEY

Redelegation of Authority To Enter Into Contracts

JULY 30, 1959.

Under authority delegated to heads of bureaus by the Secretary of the Interior in section 50, Order 2509, as amended (17 F.R. 6793, 19 F.R. 433, and F.R. 7417), redelegation of authority to officials and employees of the Geological Survey is hereby made, to become effective August 17, 1959, in accordance with the terms and conditions set forth in the following paragraphs. Existing authorizations to act as contracting officers will continue in full force and effect through August 16, 1959.

The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

(1) Irrespective of the amount involved, to:

Executive Officer.

(2) Irrespective of the amount involved, for contracts for construction required to carry out the functions of the Engineering Exploration Unit; Geologic Division, to:

Chief, Engineering Exploration Unit.

Any contract exceeding $5,000, however, shall be made subject to the written approval of the Executive Officer and the contract shall not be binding until so approved.

(3) With respect to contracts not exceeding $25,000 in amount, to:

Chief, Branch of Service and Supply; Procurement Officer.

(4) With respect to contracts not exceeding $5,000 in amount, to:

Assistant Procurement Officer; Management Officers, Denver, Colorado; Menlo Park, California; and Fairbanks, Alaska.

(5) With respect to contracts for construction, including drilling, not exceeding $2,000, to:

Branch Chiefs, Water Resources Division; Branch Area Chiefs, Water Resources Division; Chief, Instrumentation Unit, Research Section Surface Water Branch, Water Resources Division, Columbus, Ohio.

This order supersedes Survey Order 214 (21 F.R. 8513) and Amendment No. 1 thereto (21 F.R. 10432).

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 59-6467; Filed, Aug. 5, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50-143]

INTERNATIONAL GENERAL ELECTRIC CO.

Notice of Filing of Application for Utilization Facility Export License

Please take notice that General Electric Company through its agent International General Electric Company, 150 East 42d Street, New York 17, New York, has submitted an application dated July 2, 1959, for a license to export a 1,000-kilowatt open pool-type research reactor to the Philippine Atomic Energy Commission, Manila, the Republic of the Philippines.

Pursuant to section 104 of the Atomic Energy Act of 1954, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Republic of the Philippines, the Commission may issue a facility export license authorizing the export of the reactor to the Philippines.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 30th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6464; Filed, Aug. 5, 1959; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 231]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of July, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Brazoria, Galveston and Harris (hurricane occurring on or about July 25, 1959).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Veterans Administration Building, 1424 Hadley Street, Houston 2, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1960.

Dated: July 27, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-6474; Filed, Aug. 5, 1959; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 366]

ATTORNEY GENERAL

Delegation of Authority To Lease Real Property Near Anchorage, Alaska

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Attorney General of the United States to procure by lease, necessary real property near Anchorage, Alaska, with improvements for radio transmitting and receiving purposes, to be constructed thereon by the lessor, for a term not in excess of five years, in accordance with section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, as amended (72 Stat. 294, 40 U.S.C. 490(h)(1)).

2. This authority shall be exercised in accordance with applicable limitations and requirements of the Act.

3. Any such lease shall be executed by December 31, 1959 and may be renewed for two successive terms of five years each.

4. The rental under any such lease shall not exceed that permitted by the terms of the Economy Act (40 U.S.C. 278a), and in no event shall such rental exceed the sum of ten thousand dollars ($10,000) per annum.

5. The Attorney General of the United States may re-delegate this authority to any officer or employee of the Department of Justice.

6. This Delegation of Authority shall be effective as of the date hereof.

Dated: July 30, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-6491; Filed, Aug. 5, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. 19024-19029]

BRITISH AMERICAN OIL PRODUCING CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

JULY 30, 1959.

In the matters of The British American Oil Producing Company, Docket No. G-19024; Edwin L. Cox, Docket No. G-19025; North Central Oil Corporation et al., Docket No. G-19026; Continental Oil Company, Docket No. G-19027; Landa Oil Company, Docket No. G-19028; Kirby Production Company (Operator) et al., Docket No. G-19029.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated—	Date tendered	Effective date [2] unless suspended	Date suspended until —[3]
G-19024	The British American Oil Producing Co.	9	7	Kansas-Nebraska Natural Gas Co., Inc.	7-1-59	7-1-59	8-1-59	1-1-60
G-19025	Edwin L. Cox	[4] 22	4	Natural Gas Pipeline Co. of America.	6-22-59	6-29-59	7-30-59	12-30-59
G-19026	North American Oil Corp., et al.	2	[5] 7	United Gas Pipe Line Co.	4-21-59	7-6-59	8-6-59	1-6-60
		2	8		5-29-59	7-6-59	8-6-59	1-6-60
G-19027	Continental Oil Co.	169	[6] 3	Texas Eastern Transmission Corp.	7-24-59	7-6-59	8-6-59	1-6-60
		169	4		7-2-59	7-6-59	8-6-59	1-6-60
G-19028	Landa Oil Co	1	10	Texas Eastern Transmission Corp.	7-2-59	7-6-59	8-6-59	1-6-60
G-19029	Kirby Production Co. (operator), et al.	5	5	Lone Star Gas Co.	Undated	7-8-59	8-8-59	1-8-60

[2] The stated effective dates are those requested by Respondents or the first day after the expiration of statutory notice, whichever is later.
[3] And until such further time as each is made effective in the manner prescribed by the Natural Gas Act.
[4] Rate currently in effect subject to refund in Docket No. G-17149.
[5] Supplementary Agreement.
[6] Letter dated July 24, 1957.

In support of the proposed rate changes, British American, Cox, Kirby and North Central cite their contractual covenants and state that the pricing provisions were either negotiated at arms length, that such taken in their entirety represent the negotiated contract price, or that the proposed rates are integral parts of the contracts and therefore constitute initial rate filings, or such constitute installment pricing arrangements.

Cox also avers that the periodic increase type of pricing arrangement is common in long term contracts and is beneficial to the buyer, seller and the public. Kirby contends that the same reasoning applies to the favored-nations type of increase and submits a favored-nation notification letter dated May 12, 1959, wherein Lone Star agrees to the increased price. North Central states that the parties agreed to substitute fixed periodic increases in lieu of a pricing formula subject to monthly changes and revisions and that the proposed increased

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

rate is necessary to offset rising costs, the trend to deeper drilling and the trend toward smaller discoveries.

British American further avers that pursuant to the agreement, it, free of charge, delivered in excess of 8 million mcf of casinghead gas to Kansas-Nebraska during the period from August 1, 1953 to May 31, 1959. Although by its contract British American agrees to deliver the casinghead gas to Kansas-Nebraska free of charge because, as stated therein, "British American considers the cost of gathering and compressing said gas to be uneconomical • • •", British American contends that if that volume of casinghead gas is considered with the 5,357,792 mcf of well head gas delivered during the same period, the unit price of gas delivered under its FPC Gas Rate Schedule No. 9 would be substantially reduced. The company, however, has supplied no cost data as to such operations and, in view of the contractual provisions, it would appear that any monetary value assigned to such gas may be conjectural.

Continental Oil and Landa Oil each propose a two-part rate increase based upon (1) a favored-nations contract provision and (2) the expiration of a one-cent per mcf deduction for gas produced in the Carthage Field as such is provided in the contracts on file as rate schedules. Each, in support of the proposed increased rate, tenders a favored-nations notification letter from the buyer of its gas.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 7 to British American's FPC Gas Rate Schedule No. 9 is hereby suspended and the use thereof deferred until January 1, 1960; Supplement No. 4 to Cox's FPC Gas Rate Schedule No. 22 is hereby suspended and the use thereof deferred until December 30, 1959; Supplements Nos. 7 and 8 to North Central's FPC Gas Rate Schedule No. 2, Supplements Nos. 3 and 4 to Continental Oil's FPC Gas Rate Schedule No. 169, and Supplement No. 10 to Landa Oil's FPC Gas Rate Schedule No. 1 are each hereby suspended and the use thereof deferred until January 6, 1960; and Supplement No. 5 to Kirby's FPC Gas Rate Schedule No. 5 is hereby suspended and the use thereof deferred until January 8, 1960; and such suspension and deferred use as to each of the foregoing shall continue until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until the respective proceeding has been disposed of or until the related period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Kline and Hussey dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6465; Filed, Aug. 5, 1959; 8:45 a.m.]

[Docket No. G-19023]

PENN-JERSEY PIPE LINE CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheet

JULY 29, 1959.

Penn-Jersey Pipe Line Company (Penn-Jersey), on June 29, 1959, tendered for filing First Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, proposing a change in the treatment of Federal income tax accruals under its cost formula type Rate Schedule T-1. An effective date of July 29, 1959, for the filing is requested.

Penn-Jersey's present tariff contains a single rate schedule for the transportation of gas under a cost formula rate including depreciation at 3½ percent, return at 6 percent, actual operation, maintenance and tax expenses, credits for other income and a proportionate part of the total administrative and general expenses of both Penn-Jersey and City Gas Company of Phillipsburg, New Jersey. Under such tariff, income and other taxes are accrued monthly and adjusted annually to actual amounts paid.

The proposed tariff sheet adds the following provision to the rate: "When Penn-Jersey elects to be treated as a 'small business corporation' for income tax purposes as permitted under subchapter S, sections 1371 and 1377 of the Internal Revenue Code • • • and fulfills the eligibility requirements thereof for any taxable year, the amount of accrual determined as of the end of such taxable year shall be the amount of the normal corporate income tax which would have been payable had such election not have been made. The amount of accrual shall be transferred to the earned surplus account."

Penn-Jersey advises that it proposes to be treated as such a small business corporation; that the effect of such election is to have the corporation treated as a partnership. Thus no income tax will actually be paid by Penn-Jersey directly. The company states that it plans to distribute to the shareholders (partners), in the form of dividends, the same amount as it would have paid for income taxes. Such distribution would be in addition to the dividends declared from net income after taxes.

Penn-Jersey states that the proposed change would have no effect on the present level of charges for the transportation service which it renders. The proposed charge would (1) include in the cost formula an amount of money for Federal income taxes different from that which Penn-Jersey would actually incurr; (2) is indefinite since Penn-Jersey may make an election each year as to whether or not it shall be treated as a small business corporation, and (3) may be inconsistent with the Commission's Uniform System of Accounts.

The proposed tariff change has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classification, and services contained in Penn-Jersey's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheet No. 5, and that such proposed tariff sheet and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Penn-Jersey's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheet No. 5.

(B) Pending such hearing and decision thereon, Penn-Jersey's proposed First Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, be and it is hereby suspended and the use thereof deferred until December 29, 1959, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6466; Filed, Aug. 5, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 3, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35601: *Substituted service—Pa. R.R. for Motor Cargo, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 113), for interested carriers. Rates on property loaded in trailers, and empty trailers transported on railroad flat cars between (a) Indianapolis, Ind., and Kearny, N.J., Harrisburg or Philadelphia, Pa., and (b) Chicago, East St. Louis, Ill., or Cleveland, Ohio, and Harrisburg, Pa., on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to The Eastern Central Motor Carriers Association tariff MF-I.C.C. No. A-158.

FSA No. 35602: *Substituted service—Pennsylvania Railroad for motor carriers.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 114), for interested carriers. Rates on property loaded in trailers, also empty trailers, transported on railroad flat cars between (a) Chicago, Ill., and Kearny, N.J., or Harrisburg or Philadelphia, Pa., and (b) Detroit, Mich., Ft. Wayne, Ind., or Toledo, Ohio, and Kearny, N.J., or Harrisburg or Philadelphia, Pa., on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. No. A-158

FSA No. 35603: *Substituted service—Pennsylvania Railroad for motor carriers.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 115), for interested carriers. Rates on property loaded in trailers, also empty trailers transported on railroad flat cars between Cincinnati, Cleveland or Toledo, Ohio, on the one hand, and Baltimore, Md., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. No. A-158.

FSA No. 35604: *Phosphate rock—Florida Mines to southwestern points.* Filed by O. W. South, Jr., Agent (SFA No. A3829), for interested rail carriers. Rates on phosphate rock, carloads, as described in the application from Bartow, Fla., and other mines in Florida to Texarkana, Ark-Tex., Lecox, Muskogee, Tulsa, Okla., and Nacogdouches, Tex.

Grounds for relief: Competition of carriers by rail-barge-rail routes.

Tariff: Supplement 135 to Southern Freight Association tariff I.C.C. 1514.

FSA No. 35605: *Gravel—Riverton, Ind., to Helm Siding, Ill.* Filed by Illinois Freight Association, Agent (No. 72), for interested rail carriers. Rates on screened road-surfacing gravel, carloads from Riverton, Ind., to Helm Siding, Ill.

Grounds for relief: Motor truck competition from gravel pit to jobsite.

Tariff: Supplement 69 to Illinois Central Railroad Company tariff I.C.C. A-11687.

FSA No. 35606: *Lime to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7601), for interested rail carriers. Rates on lime, common, hydrated, quick or slacked, carloads, as described in the application from specified points in Arkansas, Louisiana, Missouri, Oklahoma and Texas to points in southern territory including Florida, Mississippi River crossings, Memphis, Tenn., and south.

Grounds for relief: Short-line distance formula and market competition with southern producing points.

Tariff: Supplement 43 to Southwestern Freight Bureau tariff I.C.C. 4155.

FSA No. 35607: *TOFC service—Rates between southwest and south.* Filed by Southwestern Freight Bureau, Agent (No. B-7598), for interested rail carriers. Rates on property moving on class and commodity rates loaded on trailers and transported on railroad flat cars between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, on the one hand, and points in Alabama, Florida, Kentucky, Mississippi and Tennessee on the other.

Grounds for relief: Motor truck competition.

Tariff: Southwestern Freight Bureau tariff I.C.C. 4329 Southern Freight Association tariff I.C.C. S-77.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6477; Filed, Aug. 5, 1959; 8:47 a.m.]

[Notice 162]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62214. By order of July 30, 1959, the Transfer Board approved the transfer to C. S. Walsh Transportation, Inc., Boston, Mass., of Certificate No. MC 26744, issued January 31, 1941, to C. S. Walsh, doing business as C. S. Walsh Transportation, Dorchester, Mass., authorizing the transportation of: Household goods, between Boston, Mass., and points in Massachusets within ten miles of Boston, on the one hand, and, on the other, points in Massachusetts, New Hampshire, New York, Connecticut, Maine, Vermont, New Jersey, and Rhode Island; and incinerators and refrigerator equipment, from Boston, Mass., to points in Massachusetts, Vermont, Connecticut, Maine, New Jersey, and New York. Milton Cook, 209 Washington Street, Boston, Mass., for applicants.

No. MC-FC 62318. By order of July 29, 1959, the Transfer Board approved the transfer to Karl E. Momsen, doing business as Momsen Trucking Co., Highway 71 and 18 North, Spencer, Iowa, of the operating rights in Certificate No. MC 41453, issued November 10, 1949, to F. L. Adams, Gravity, Iowa, authorizing the transportation of livestock and agricultural commodities, over regular routes, between Gravity, Iowa, and St. Joseph, Mo., and Omaha, Nebr., and general commodities, excluding household goods, and other specified commodities, over regular routes, between Sharpsburg, Iowa, and St. Joseph, Mo., and between Sharpsburg, Iowa, and Omaha, Nebr.

No. MC-FC 62344. By order of July 29, 1959, the Transfer Board approved the transfer to Valley Cab Company, Incorporated, Main St., Moodus, Conn., of Certificate in No. MC 108136, issued July 9, 1958, to Jack Axelrod, doing business as Valley Cab Co., Main Street, Moodus, Conn., authorizing the transportation of: Passengers and their baggage, in special operations, between points in the Town of East Haddam, Conn., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, between points in the Towns of Colchester, Lebanon and Norwich, Conn., on the one hand, and, on the other, points in New York, N.Y.; between points in the Town of East Hampton, Conn., on the one hand, and, on the other, points in New York, N.Y.; between points in the Towns of Westbrook and Groton, Conn., on the one hand, and, on the other, points in New York, N.Y.

No. MC-FC 62345. By order of July 30, 1959, the Transfer Board approved the transfer to Robert W. Walkup, doing business as Spirit Lake Bus Lines, Box 658, Spirit Lake, Idaho, of Certificate in No. MC 111855 Sub 1, issued April 16, 1952, to Donald J. Rishling, Box 295, Spirit Lake, Idaho, authorizing the transportation of: Passengers and their baggage, over a regular route between Spirit Lake, Idaho, and Trentwood, Wash.

No. MC-FC 62371. By order of July 29, 1959, the Transfer Board approved the transfer to Evert Leinum of Ulen, Minn., of Certificate No. MC 101136, issued October 25, 1949, in the name of Lowell Cary, of Ulen, Minn., authorizing the transportation over irregular routes of farm machinery and parts (including

tractors) furniture and feeds, from Fargo, West Fargo, and Union Stock Yards, N. Dak., to points except municipalities, within 15 miles of Ulen, Minn.; general commodities, including household goods and bulk commodities, from Fargo, West Fargo, and Union Stock Yards, N. Dak., to Ulen, Minn.; and livestock and unprocessed agricultural commodities, between Ulen, Minn., and points within 15 miles of Ulen, except municipalities, on the one hand, and, Fargo, West Fargo, and Union Stock Yards, N. Dak., on the other. Evert Leinum, Ulen, Minn., for transferee and Lowell Cary, Ulen, Minn., for transferor.

No. MC–FC 62406. By order of July 30, 1959, the Transfer Board approved the transfer to R. L. Hoggs, Inc., West Point, Virginia, of the operating rights in Permits Nos. MC 2855 and MC 2855 Sub 3, issued February 5, 1953, and July 9, 1958, respectively, to Raymond Lee Hoggs, doing business as R. L. Hoggs, West Point, Virginia, authorizing the transportation, over irregular routes, of *lumber* and *cedar posts*, in truckload lots, from Pendleton, Trevilian, and Dumbarton, Va., to Baltimore, Ellicott City, and Sparrows Point, Md., points in Maryland within 25 miles of the District of Columbia, and those in the District of Columbia, lumber, from West Point, Va., to points in the District of Columbia and Maryland, *cross ties* and bridge timbers, from points within 20 miles of West Point, Va., not including West Point, to points in Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, except from points in Mathews and Gloucester Counties, Va., to Washington, D.C., and Baltimore, Md., and wooden pallets, from Shacklefords and Toano, Va., to points in the last described destination territory. The Transfer Board also approved the substitution of R. L. Hoggs, Inc., as applicant in Dockets Nos. MC 2855 Sub 4TA and MC 2855 Sub 5. Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C., for applicants.

No. MC–FC 62418. By order of July 29, 1959, the Transfer Board approved substitution of M & G Produce Carriers, Inc. of East Rutherford, N.J., as purchaser of the rights sought in No. MC 117195 in lieu of Joseph A. Maillet doing business as M & G Fruit & Produce Carriers, of East Rutherford, N.J., for the right to transport bananas from points in the New York, N.Y., Commercial Zone, as defined by the Commission, Baltimore, Md., and Philadelphia, Pa., to points in New York, Massachusetts, Ohio, Michigan, Illinois, and Pennsylvania; and from points in the New York, N.Y., Commercial Zone, as defined by the Commission, Baltimore, Md., and Philadelphia, Pa., to ports of entry on the International Boundary line between the United States and Canada, at or near Rouses Point, Alexandria Bay, Champlain, and Niagara Falls, N.Y., Derby Line, Vt., and Jackman and Calais, Maine, destined to points in Canada, moving in foreign commerce, under the "grandfather clause" of Section 7 of the Transportation Act of 1958. Edward M. Alfano, 36 West 44th Street, New York, N.Y., for applicants.

No. MC–FC 62430. By order of July 30, 1959, the Transfer Board approved the transfer to Roy R. Olson of New Richmond, Wis., of Certificate No. MC 111579 Sub 1, issued March 29, 1956, in the name of Ralph C. Knutson of New Richmond, Wis., authorizing the transportation over irregular routes, of livestock and agricultural commodities, between points in the Towns of Stanton, Cylon, Erin, Somerset and Star Prairie, St. Croix County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn.; and feed, agricultural machinery, and fertilizer, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to points in the Towns of Stanton, Cylon, Erin, Somerset, and Star Prairie, St. Croix County, Wis., with no transportation for compensation on return. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 62443. By order of July 30, 1959, the Transfer Board approved the transfer to Floyd Christenson and D. N. Christenson, a partnership, doing business as Big Foot Transportation Co., 278 N. Main Street, Walworth, Wisconsin, of a certificate in No. MC 109123 issued May 17, 1949 to Floyd Christenson, 278 N. Main Street, Walworth, Wisconsin, authorizing the transportation of passengers and their baggage in the same vehicle with passengers, in round trip charter service, over irregular routes, beginning and ending at Walworth, Wisconsin, and extending to points in Illinois.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6478; Filed, Aug. 5, 1959; 8:47 a.m.]

[No. 33147]

ERIE AND N.J. & N.Y. R.R.

Increased Suburban Fares

In the matter of assigning the time and place of hearing and prescribing special rules of practice.

It appearing that by petitions filed July 27, 1959, the Erie Railroad Company and The New Jersey and New York Railroad Company, Horace Banta, Trustee, seek authority from this Commission to increase their interstate passenger fares between points in Pennsylvania, New Jersey, New York and New York, N.Y., as follows:

To increase petitioners' regular one-way and round-trip interstate coach fares for distances up to 88 miles by adding 8 cents to the present minimum one-way fare and 10 cents to all other one-way fares, and to increase proportionately the round-trip fares up to 88 miles.

To increase the Erie's interstate unrestricted 10-trip ticket fares to reflect the proposed increase in regular one-way coach fares so that such fares will continue to bear the same relationship to regular one-way coach fares as now exists.

To cancel the Erie's present one-day interstate round-trip coach fares, and to increase present 30-day round-trip coach fares to the basis of 190 percent of the regular one-way coach fare, increased to 0 or 5 where necessary.

To increase monthly unrestricted or 54-trip, monthly restricted or 46-trip, monthly 27-trip, and weekly interstate commutation ticket fares between points on petitioners' lines in New York and in New Jersey, on the one hand, and Hoboken, New Jersey, and New York, N.Y., on the other, by adding $3.00 to monthly unrestricted commutation ticket fares, and by constructing the monthly restricted or 46-trip commutation ticket fares, monthly 27-trip ticket fares and the weekly commutation ticket fares on the basis of 90 percent, 50 percent, and 25 percent, respectively, of the unrestricted monthly commutation ticket fares, increased to 0 or 5 where necessary; and to increase intermediate interstate unrestricted and restricted monthly commutation fares by adding $3.00 to the unrestricted fare and applying 90 percent thereof for the restricted fare, increased to 0 or 5 where necessary.

It further appearing that in said petitions petitioners ask that all outstanding orders affecting such fares be modified so as to permit the proposed increased fares to be established and maintained;

And it further appearing that these petitions have been docketed under the above number and title:

It is ordered, That this proceeding shall be subject to special rules of practice as follows:

(1) Petitioners shall file their evidence in chief in the form of verified statements and supporting exhibits on or before August 10, 1959, with three copies to this Commission, one copy to the Board of Public Utility Commissioners of the State of New Jersey, and one copy to each of the parties listed in the appendix hereto, and to any other interested party upon request in writing addressed to J. T. Clark, General Attorney, 1336 Midland Building, Cleveland 15, Ohio, for the Erie, and R. S. Buell, Counsel, 40 Wall St., New York 5, N.Y., for the New Jersey & New York.

(2) Protests against the proposed increases in fares may be filed on or before August 20, 1959. Such protests should make reference to this proceeding by docket number and title, should state the grounds in support of the protest, and indicate in what respect the proposed increases are considered to be unlawful. The protests may be in letter form and an original only need be filed with this Commission, with copies to Messrs. Clark and Buell, representing petitioners. Unless orally objected to on the record at the hearing provided in paragraph 5, these protests will be received in evidence.

(3) Evidence in behalf of groups or associations either in support of or against the proposed increased rates, including evidence dealing with the cost of service or other technical matters, must be submitted in the form of verified statements (affidavits), with or without exhibits attached, on or before August 20, 1959, with three (3) copies to this Commission, one copy to the Board of Public Utility Commissioners, two copies to Messrs. Clark and Buell, together with a copy to any other interested party requesting it.

(4) The Commission will take official notice of, and consider as part of the record in this proceeding, the annual, quarterly and monthly reports of the petitioners to this Commission for the period from 1946 to the date of this hearing.

Parties desiring to enter objection to the consideration of such documents, or any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 5 hereof. The objection should specify the matter objected to and the reasons therefor.

(5) A hearing for the purpose of cross-examining witnesses who have filed verified statements and for the presentation of rebuttal evidence, if any, by petitioners, will be held in the Court Room, Village Hall, 131 North Maple Avenue, Ridgewood, N.J., beginning at 10 o'clock a.m., U.S. Standard Time (or 10:00 o'clock a.m. Daylight Saving Time, if that time is observed), on August 31, 1959, before Examiner Burton Fuller. Opportunity will also be given for the presentation of oral testimony in support of or in opposition to the proposed increased fares, by persons having an interest therein.

And it is further ordered, That a copy of this order shall be served upon petitioners and the parties listed below, and filed with the Board of Public Utility Commissioners, 100 Raymond Boulevard, Newark, N.J., and the Division of Federal Register, Washington, D.C.

Dated at Washington, D.C., this 31st day of July A.D. 1959.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

Felix G. Forlenza, Deputy Attorney General, 1100 Raymond Boulevard, Newark, N.J.
Nicholas Albano, City Hall, Newark, N.J.
W. B. Brown, Standard & Poor's Corp., Glen Ridge, N.J.
Augustus S. Dreier, 203 Park Avenue, Plainfield, N.J.
Lee L. Glezen, 110 Sagamore Road, Maplewood, N.J.
Joseph P. Hanrahan, City Hall, Hoboken, N.J.
Joseph Harrison, 17 Academy Street, Newark, N.J.
Charles W. Herr, 111 Maple Terrace, Stanhope, N.J.
G. Wallace Jarmon, Separation Engineering Corp., 110 East 42d Street, New York 17, N.Y.
Nicholas W. Kaiser, 786 Broad Street, Newark 2, N.J.
August W. Knauber, R.F.D. No. 1, White House Sta., N.J.
F. J. Sandri, City Hall, Clifton, N.J.
Clifford Mecouch, 357 Highland Avenue, Elberon, N.J.
Forrest K. Van Horn, 175 Prospect Street, Leonia, N.J.
George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J.

[F.R. Doc. 59–6479; Filed, Aug. 5, 1959; 8:47 a.m.]

[No. 33148]

PENNSYLVANIA (N.Y. & L.B.) R.R.

Increased Commutation Fares

In the matter of assigning the time and place of hearing and prescribing special rules of practice.

It appearing that on July 30, 1959, The Pennsylvania Railroad Company filed a petition requesting this Commission to authorize it to increase its commutation fares between points in New Jersey on The New York and Long Branch Railroad Company, on the one hand, and New York, N.Y., on the other, by $3.00 in connection with its unrestricted monthly ticket, $2.70 in connection with its restricted monthly ticket, and 75 cents in connection with its weekly ticket;

And it further appearing that this proceeding has been docketed under the above number and title:

It is ordered, That this proceeding shall be subject to special rules of practice as follows:

(1) Petitioner shall file its evidence in chief in the form of verified statements and supporting exhibits on or before August 11, 1959, with three copies to this Commission and one copy to the Board of Public Utility Commissioners of the State of New Jersey, one copy to each of the parties listed in the appendix hereto, and one copy to any other interested party on request in writing addressed to Mr. R. R. Bongartz, General Attorney, The Pennsylvania Railroad Company, Transportation Center, 6 Penn Center Plaza, Philadelphia 4, Pa.

(2) Protests against the proposed increases may be filed on or before August 21, 1959. Such protests should make reference to this proceeding by docket number and title, should state the grounds in support of the protests, and indicate in what respect the proposed increases are considered to be unlawful. Protests may be in letter form and an original only need be filed with this Commission, with copy to Mr. Bongartz, representing the petitioner. Unless orally objected to on the record at the hearing provided in paragraph 5, these protests will be received in evidence.

(3) Evidence in behalf of groups or associations either in support of or against the proposed fares, including evidence dealing with the cost of service or other technical matters, must be submitted in the form of verified statements (affidavits), with or without exhibits attached, on or before August 21, 1959, with three (3) copies to this Commission, one copy to the New Jersey Board, two copies to Mr. Bongartz, together with a copy to any other interested party requesting it.

(4) The Commission will take official notice of, and consider as part of the record in this proceeding, the annual, quarterly and monthly reports of the petitioner to this Commission for the period from 1946 to the date of the hearing.

Parties desiring to enter objection to the consideration of such documents, or any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 5 hereof. The objection should specify the matter objected to and the reasons therefor.

(5) A hearing for the purpose of cross examining witnesses who have filed verified statements and for the presentation of rebuttal evidence, if any, by petitioner, will be held at the Shrewsbury School, Broad St., Shrewsbury, N.J., beginning at 10:00 o'clock a.m., U.S. Standard Time (or 10:00 o'clock a.m., local Daylight Saving Time, if that time is observed), on September 2, 1959, before Examiner Burton Fuller. Opportunity will also be given at this session for the presentation of oral testimony in support of or in opposition to the proposed increased fares, by persons having an interest therein.

And it is further ordered, That a copy of this order shall be served upon petitioner, the parties listed below, and a copy filed with the Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, N.J., and with the Director, Division of the Federal Register, Washington, D.C.

Dated at Washington, D.C., this 31st day of July A.D. 1959.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

Felix G. Forlenza, Deputy Attorney General, 1100 Raymond Boulevard, Newark 2, N.J.
James R. Minogue, 95 First Avenue, Atlantic Highlands, N.J.
Alfred Cerceo, 237 Alberson Avenue, Allenhurst, N.J.
Warren DeBrown, President, Jersey Shore Commuters Club, c/o Sunrise Place, Red Bank, N.J.
Julius J. Golden, 190 Broadway, Long Branch, N.J.
John A. Murray, 100 Williams Street, New York 38, N.Y.
Nicholas W. Kaiser, 786 Broad Street, Newark 2, N.J.
Milton A. Mausner, 34 Broad Street, Red Bank, N.J.
J. Crawford Compton, Belford, Middletown Township, N.J.
John W. Van Brunt, Councilman, Borough of Shrewsbury, Shrewsbury, N.J.
William J. O'Hagan, Jr., Allenhurst National Bank Building, Allenhurst, N.J.
Samuel Carotenuto, 34 Broad Street, Red Bank, N.J.

[F.R. Doc. 59–6480; Filed, Aug. 5, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HEINZ BAEHREN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Heinz Baehren, Montero Dept., Sta. Cruz, Bolivia; $58.92 in the Treasury of the United States.

Johanna Grossmann, 68 Neersenerstrasse, Willich/Krefeld, Germany; $58.92 in the Treasury of the United States.

Claim No. 57107.

Mrs. Karoline Baehren, Senne I/Kreis Bielefeld, am Sennefriedhof 989, Germany; $14.73 in the Treasury of the United States.

Christel Kamp, Senne I/Kreis Bielefeld, Friedhofstr. 754, Germany; $22.09 in the Treasury of the United States.

Mrs. Karoline Baehren as natural guardian for the minor, Willi Baehren, Senne I/Kreis Bielefeld am Sennefriedhof 989, Germany; $22.10 in the Treasury of the United States.

Vesting Order Nos. 10530 and 17063; Claim No. 57455.

Executed at Washington, D.C., on July 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6482; Filed, Aug. 5, 1959; 8:48 a.m.]

ALIDA DOOSEMAN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alida Dooseman, Brussels, Belgium; $1,117.43 in the Treasury of the United States.

Betsy Piller, nee Dooseman, Antwerp, Belgium, and Alfred Julius Wolfferts, Amsterdam, Holland; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 Fed. Reg. 10097, October 3, 1951) in and to: Central Pacific Railway Company 4/49, Bond No. 77282; Cities Service Company 5/58, Debentures Nos. 7675, 7676 and 7678; and Western Pacific Railroad Company 5/46, Bond Nos. 19037 and 19038, all in the principal amount of $1,000.00.

Vesting Order No. 18521; L.S. Claim No. 881.

Executed at Washington, D.C., on July 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6483; Filed, Aug. 5, 1959; 8:48 a.m.]

FEDERICO KILIAN GLOSSNER AND ANA TERESA KILIAN DE PELAEZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Federico Kilian Glossner, $9,275.65 in the Treasury of the United States.

Ana Teresa Kilian De Pelaez, Emiliano Zapata 311, Leon, Gto., Mexico; $9,275.66 in the Treasury of the United States.

Vesting Order No. 11608; Claim No. 64320.

Executed at Washington, D.C., on July 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6484; Filed, Aug. 5, 1959; 8:48 a.m.]

WILHELMINA RAHDER HOECK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelmina Rahder Hoeck, Leiden, The Netherlands; $99,895.65 in the Treasury of the United States.

Vesting Order Nos. 6270 and 16722; Claim No. 11311.

Executed at Washington, D.C., on July 29, 1959.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 59-6485; Filed, Aug. 5, 1959; 8:48 a.m.]

LASZLO KISBERI (RISZDORFER)

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Laszlo Kisberi (Riszdorfer), 25, Marvany Street, Budapest XII, Hungary; Property described in Vesting Order No. 94 (7 F.R. 6693, August 25, 1942) relating to United States Patent Application Serial No. 357,992 (now Patent No. 2,378,433) and Divisional Patent Application Serial No. 591,105 (now Patent No. 2,503,768). Property described in Vesting Order No. 112 (7 F.R. 7785, October 1, 1942) relating to United States Letters Patent No. 2,286,833. Property described in Vesting Order No. 201 (8 F.R. 625, January 16, 1943) relating to United States Letters Patent Nos. 1,974,433; 2,000,037; 2,013,362; 2,013,363; 2,024,661; 2,059,032; 2,076,481; 2,076,482; 2,100,672; 2,167,053; 2,169,927; 2,188,820; 2,193,325; 2,194,152 and 2,213,942. Property described in Vesting Order No. 1184 (8 F.R. 7035, May 27, 1943) relating to United States Letters Patent Nos. 2,032,633 and 2,091,881 and Reissues 20,486 and 21,210.

Vesting Order Nos. 94, 112, 201 and 1184; Claim No. 46780.

Executed at Washington, D.C., on July 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6486; Filed, Aug. 5, 1959; 8:48 a.m.]

GAEL ANTOINE MARIE SEBRAN DE ROHAN-CHABOT ET AL.

Amended Notice of Intention To Return Vested Property

The Notice of Intention To Return Vested Property insofar as it refers to Mme. Marguerite Marie Madeleine Evelina Comtesse de Rohan-Chabot, which was published in the FEDERAL REGISTER on March 7, 1958 (23 F.R. 1650), pursuant to section 32(f) of the Trading With the Enemy Act, as amended (50 U.S.C. App. 32(f)), is hereby amended to delete therefrom the name of Mme. Marguerite Marie Madeleine Evelina Comtesse de Rohan-Chabot, and substituting the following names in her stead:

Gaël Antoine Marie Sebran de Rohan-Chabot; Sebran Louis Marie Pierre de Rohan-Chabot; Mme. Marthe Marie Louise Catherine Jeanne de la Rochefoucauld; Gaël Antoine Marie Sebran de Rohan-Chabot, as legal guardian for the minors, Louis Pierre Marie Bernard de Rohan-Chabot and Jean Louis Marie Pierre de Rohan-Chabot—all of Paris, France.

Executed at Washington, D.C., July 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6488; Filed, Aug. 5, 1959; 8:48 a.m.]

ITSUO OKIDA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Itsuo Okida, also known as Harry Itsuo Okida and as Itsuo Harry Okida, Hiroshima, Japan; $1,161.90 in the Treasury of the United States.

Vesting Order No. 8145; Claim No. 7831.

Executed at Washington, D.C., on July 30, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6487; Filed, Aug. 5, 1959; 8:48 a.m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 154

Washington, Friday, August 7, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Foreign Operations Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (g) of § 6.149 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6528; Filed, Aug. 6, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments, Area No. 3

Findings. (a) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the area committee for Area No. 3, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, (4) this amendment relieves restrictions on the handling of potatoes in Area No. 3, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. Paragraph (b) of § 958.330 (24 F.R. 5711) is hereby amended to read as follows:

(b) *Minimum maturity requirements*—(1) *Round white varieties.* "Moderately skinned".

(2) *All other varieties.* "Slightly skinned".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6535; Filed, Aug. 6, 1959; 8:51 a.m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Approval of Expenses of Date Administrative Committee for 1959–60 Crop Year and Fixing Rate of Assessment for Such Crop Year

Notice was published in the July 21, 1959, issue of the FEDERAL REGISTER (24 F.R. 5809), that consideration was being given to the approval of expenses of the

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

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Date Administrative Committee for the 1959–60 crop year and the fixing of a rate of assessment for that year, in accordance with the recommendations of the committee. Such actions would be pursuant to the provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). In said notice, interested persons were afforded the opportunity to file written data, views or arguments with respect to the proposals. No such comment was received within the prescribed time.

After consideration of all relevant matters presented (including the aforesaid notice, the information and recommendation submitted by the committee, and other available information) it is hereby found and determined and, therefore, ordered, that the expenses of the Date Administrative Committee and the rate of assessment for the crop year beginning August 1, 1959, shall be as follows:

§ 1003.304 Expenses of the Date Administrative Committee and rate of assessment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $39,735 are reasonable and likely to be incurred by the Date Administrative Committee for its maintenance and functioning during the crop year beginning August 1, 1959.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundredweight of dates which he handles or has certified for handling or for further processing during the crop year beginning August 1, 1959, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The handling or certification of dates occurs from the beginning of a crop year; (2) under the amended marketing agreement and order the assessment applies to all dates handled or certified for handling or for further processing during a crop year, and the 1959–60 crop year begins August 1, 1959; (3) the rate of assessment fixed hereby should be effective as soon as possible after July 31, 1959, to enable the Date Administrative Committee to bill handlers for, and for the handlers to pay, their assessments currently as the dates are so handled or certified and thus minimize the quantity of dates on which the assessments would accumulate for payment in the future; (4) the aforesaid notice was issued as soon as crop forecasts and other information were available on which reasonable estimates of the committee's expenses and a rate of assessment could be determined and fixed; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) in these circumstances, postponing the effective date hereof beyond the date of publication in the FEDERAL REGISTER would serve no useful purpose.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 4, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6511; Filed, Aug. 6, 1959; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

Miscellaneous Amendments

Part 502 of this chapter sets forth the rules of procedure of the Office of Alien Property applicable to claims under sections 9(a), 32 and 34 of the Trading With the Enemy Act, as amended (50 U.S.C. App. 1 et seq.) and under sections 207 and 208 of the International Claims Settlement Act of 1949, as amended (22 U.S.C. 1631). Incident to reorganizational changes in the functions of the Office of Alien Property made as of July 1, 1959, Part 502 was republished with amendments (24 F.R. 5525, July 9, 1959). Through inadvertence the following errors appear in this republication of the rules:

(1) Section 502.1(a) should refer to §§ 502.1 through 502.31 rather than to §§ 502.2 through 502.32,

(2) Section 502.2(e) should read in form published April 17, 1957 (22 F.R. 2656) rather than as republished,

(3) Section 502.21 should refer to the Chief of the Trial Section rather than to the Chief of the Claims Administration Section, and

(4) Section 502.202(c) should state that the Chief of the Claims Administration Section may refer claims described therein to the Chief of the Trial Section rather than that he shall do so.

Since necessary corrective amendments are procedural, neither notice nor hearing thereon is required by statute. Accordingly, these sections are hereby amended to read as set forth below:

§ 502.1 [Amendment]

1. Section 502.1(a) is hereby amended to read as follows:

(a) Sections 502.1 to 502.31 shall be applicable solely to title and debt claims.

§ 502.2 [Amendment]

2. Section 502.2(e) is hereby amended to read as follows:

(e) The term "title claim" means a claim under section 9(a) of the Trading With the Enemy Act, as amended, filed more than two years after the date of vesting in or transfer to the Alien Property Custodian or Attorney General of the property or interest in respect of which the claim is made, or a claim under section 32 of that Act, as amended, or under section 207(b) of the International Claims Settlement Act of 1949, as amended.

3. Section 502.21 is hereby amended to read as follows:

§ 502.21 Proposed findings and conclusions.

At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time to be fixed by him. As far as practicable the procedure shall be followed of having claimant's brief filed first followed by the brief of the Chief of the Trial Section with any reply briefs filed in the same order.

§ 502.202 [Amendment]

4. Section 502.202(c) is hereby amended to read as follows:

(c) Where the Chief of the Claims Administration Section concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, he may refer the claim to the Chief of the Trial Section and the latter shall docket it for hearing. At such hearing any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the pro-

visions of § 502.5. The recommended decision of a Hearing Examiner with respect to the claim is subject to review in accordance with the provisions of § 502.23.

(40 Stat. 411, as amended, 69 Stat. 562; 50 U.S.C. App. 1–40; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, Oct. 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp; E.O. 10644, Nov. 7, 1955, 20 F.R. 8363, 3 CFR, 1955 Supp.)

Executed at Washington, D.C., on July 29, 1959.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F.R. Doc. 59–6518; Filed, Aug. 6, 1959; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER F—REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

Supervision of Mortgagor; Revocation

Section 261.10 is revoked as follows:

§ 261.10 Supervision of mortgagor. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., August 4, 1959.

C. B. SWEET,
Acting Federal Housing Commissioner.

[F.R. Doc. 59–6521; Filed, Aug. 6, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—MILITARY PERSONNEL

PART 56—MEDICIAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

Miscellaneous Amendments

The following miscellaneous amendments to this Part 56 have been authorized by the Secretary of Defense and the Secretary of Health, Education, and Welfare:

§ 56.3–2 [Amendment].

1. Section 56.3–2(e) has been revised to implement properly DD Form 1251, "Medicare Permit", by changing the word "certificate" to "permit". Paragraph (e), as amended, now reads as follows:

(e) In lieu of the restrictions described in paragraphs (c) and (d) of this section, the Secretary of Defense may specify a date as of which the restrictions described below will be effective. On and after the specified date, a restriction on freedom of choice shall be effective as to dependents in continental United States, Puerto Rico, Hawaii, and Alaska, who are eligible for civilian medical care, who reside with their sponsors, or in an area to which their sponsor is assigned, who require care authorized under this part from civilian sources but have not commenced receiving such care from civilian sources on the aforesaid specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), and who reside in an area where adequate medical facilities of a uniformed service are available for such dependents. No restriction on freedom of choice will be imposed on such dependents residing in areas where adequate medical facilities of a uniformed service are not available. However, in order that the restriction may be appropriately administered, each dependent who resides with the sponsor, or in an area to which the sponsor is assigned, and who requires care authorized under this part from civilian sources but has not commenced receiving such care from civilian sources on the specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), will be required to contact a uniformed services installation. For those residing in areas where an adequate medical facility of a uniformed service is not available, DD Form 1251, "Medicare Permit", authorizing care from civilian sources at Government expense will be issued. Such a permit may also be issued to a dependent residing with the sponsor, or residing in an area to which the sponsor is assigned, where adequate medical facilities of a uniformed service are normally available if it is found that the uniformed services medical facility involved temporarily lacks capacity to care for that dependent. The permit, issued in the manner described above, shall be evidence of entitlement of the dependent to care authorized under this Directive from civilian sources at Government expense. In determining whether a dependent covered under this paragraph is residing in an area where adequate medical facilities of a uniformed service are available, the criteria outlined in paragraphs (c) and (d) of this section shall apply. Detailed procedures concerning the format of the permit and the manner in which it is to be issued may be set forth in the Joint Regulations. Spouses and children are considered to be residing with their sponsor if they reside in the area to which the sponsor is assigned, in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the area to which he is assigned, the permanent duty station or his home port or home yard respectively or by reason of the sponsor's absence on individual temporary duty or temporary additional duty order.

2. Section 56.3–3 also has been revised to implement properly DD Form 1251, "Medicare Permit". Section 56.3–3, as amended, now reads as follows:

§ 56.3–3 Exceptions; emergency care and other circumstances.

(a) Any restrictions on freedom of choice and the requirement for the permit described in § 56.3–2(e) shall be waived:

(1) When circumstances indicate that it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e.g. serious injury following an accident or illness or sudden onset requiring immediate treatment authorized to be obtained from civilian sources at the nearest available medical facility to preserve life, health, or to prevent undue suffering; or

(2) During the period of absence on a trip of the eligible dependent from the area to which the sponsor is assigned. This exception is not to be used to circumvent the restrictions imposed on freedom of choice.

(b) Additionally, the restrictions initially imposed by the Secretary of Defense on a specified date pursuant to § 56.3–2(e) and the requirement for a permit described therein shall be waived with regard to any eligible dependent who has commenced receiving care authorized under this Directive from civilian sources prior to that specified date (except that, for maternity patients, care in the second trimester by her civilian physician on that date must have commenced prior thereto). The dependent involved will be entitled to complete any care which was authorized under this part prior to the date specified by the Secretary of Defense and which has been commenced in accordance with the preceding sentence.

§ 56.5–5 [Amendment]

3. Section 56.5–5(e) has been revised to provide Medicare benefits for a maternity patient whose husband dies while on active duty. Paragraph (e), as amended, now reads as follows:

(e) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or the same episode which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits. If such a transfer is made, it will be accomplished at Government expense. The cost of medical and hospital care authorized from civilian sources (See § 56.5–2) which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 56.5–6, but not after the date on which feasible arrangements for transfer have been made. Additionally, a dependent wife who is eligible for civilian medical care (See § 56.1–3(e)), whose husband dies while on active duty, and who is pregnant at the time of his death, may receive at Government expense from civilian sources obstetrical and maternity care authorized under this Directive to include, where applicable, antepartum care, delivery, and postpartum care. Postpartum care authorized elsewhere in this Directive is authorized for a child born under these circumstances. Restrictions on freedom of choice described in § 56.3–2 shall not apply to dependents covered by the two preceding sentences in this paragraph.

MAURICE W. ROCHE,
Administrative Secretary.

JULY 28, 1959.

Approved: July 14, 1959.

FRANK B. BERRY,
Assistant Secretary of Defense (Health and Medical).

Approved: July 13, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 59–6537; Filed, Aug. 6, 1959; 8:51 a.m.]

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

Disposition of Certain Effects of Deceased or Missing Personnel

In § 511.4, revise paragraph (h) and add paragraph (m)(6), as follows:

§ 511.4 Disposition of personal effects outside combat areas.

* * * * *

(h) *Currency, commercial papers, stocks, bonds, etc.* (1) If surviving spouse or legal representative is present, all currencies, commercial papers, stocks, bonds, checks, etc. (except funds belonging to the Government, Government checks payable to the deceased which are drawn on the Treasurer of the United States or on foreign depositories, and military payment orders payable to the deceased) will be delivered with other effects to the surviving spouse or legal representative. Government funds will be handled as indicated in subparagraph (2)(iii) of this paragraph. Government checks will be transmitted to the issuing finance and accounting officer and military payment orders will be turned over to the nearest finance and accounting officer for action as indicated in subparagraph (3) of this paragraph.

(2) If the surviving spouse or legal representative is not present, the summary court will take the following action in disposing of currencies found among the effects:

(i) *United States currency.* All United States currency (if total amount exceeds $5) will be turned in to the nearest disbursing officer for issuance of a United States Treasury check or foreign currency check, as appropriate. Check will be forwarded to the person entitled to receive the effects or to a consular representative acting as agent for such person (paragraph (j) of this section). Such transaction will be recorded in item 9 of DA Form 54, and this record will include the date and number of the check and the disbursing officer's symbol number. If United States currency found is less than $5, such money may be included with other effects transmitted.

(ii) *Foreign currency.* Foreign currencies found in the effects will be disposed of as follows:

(*a*) Foreign currencies having monetary value in amounts not in excess of one month's basic pay and allowances will be turned in to the nearest disbursing officer for issuance of a United States Treasury check for the dollar equivalent of the foreign currency, computed at the current rate of exchange.

(*b*) Foreign currencies having monetary value in amounts in excess of one month's basic pay and allowances will be forwarded to Chief of Finance, Field Division, Indianapolis 49, Ind., for a decision regarding the conversion of such currency.

(c) Foreign currencies having no monetary value will be considered souvenir money and will be transmitted with the effects to the designated consignee.

(*d*) Disposition of all foreign currencies will be recorded in item 9, DA Form 54.

(iii) *Government funds.* Government funds entrusted to personnel as agents or finance officers are not effects. If it appears that funds found on the deceased may be Government funds, all funds found on deceased will be turned over to the disbursing officer on appropriate finance forms to be held in special deposits until determination can be made as to the amounts belonging to the Government and to the individual.

(iv) *Military payment certificates.* (*a*) Valid military payment certificates will be converted to a United States Treasury check or foreign currency check, as appropriate, and forwarded to the next of kin or legal representative.

(*b*) Invalidated series of military payment certificates in amounts not in excess of $500 will be converted into a treasury check provided the date of death of the deceased was prior to the date the series of military payment certificates was withdrawn from circulation. Amounts in excess of $500 will be forwarded by the summary court officer to Office, Chief of Finance, Field Division, for decision regarding exchange of such certificates.

(*c*) Disposition of all military payment certificates will be recorded in item 9, DA Form 54.

(3) If the surviving spouse or legal representative is not present, the summary court will take the following action to dispose of commercial papers and checks found among the effects:

(i) Bank deposit books, stocks, bonds, or negotiable instruments which include traveler's checks, money orders, etc., except checks drawn on the Treasury of the United States or on foreign depositories and military payment orders, will be transmitted to the next of kin or legal representative with other effects. However, negotiable instruments made payable to the deceased in settlement of a debt due by a local debtor may be indorsed by the summary court for collection and the proceeds will be disposed of in the same manner as currency found among the effects.

(ii) Negotiable instruments found among the effects which, for valid reasons, cannot be transmitted to the next of kin or legal representative will be forwarded to the Quartermaster General, Department of the Army, Washington 25, D.C., Attn: Memorial Division.

(iii) Government checks (payable to the deceased) drawn on the treasurer of the United States or on foreign depositories will be transmitted to the issuing disbursing officer or his successor in office for appropriate action. Proper notation will be made in item 9, DA Form 54, concerning these checks and the next of kin or legal representative will be advised of their deposit so that claim may be made for them.

(iv) Military payment orders (payable to the deceased) found among the effects of deceased personnel will be turned over to the nearest finance and accounting officer for appropriate action. Proper notation will be entered in item 9, DA Form 54 and the next of kin or legal representative will be advised so that claim may be made for the proceeds of such military payment orders.

* * * * * *

(m) *Effects of missing persons.* * * *

(6) *Currency, commercial papers, stocks, bonds, etc.* All currencies, commercial papers, stocks, bonds, checks, etc., found among the effects of personnel in a missing status will be disposed of in accordance with procedures set forth in paragraph (h) of this section.

[C1, AR 643–50, July 21, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59–6495; Filed, Aug. 6, 1959; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

PART 1004—COORDINATED PROCUREMENT

Subpart B—Policies and General Principles

§ 1004.250–1 [Amendment]

1. In § 1004.250–1 (23 F.R. 1335, March 1, 1958), the entire entry "Quartz Crystals, Raw" is deleted.

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Subpart A—Procurement Under Federal Supply Schedule Contracts

1. In § 1005.103–2, paragraph (d) (3) is deleted and the following substituted therefor:

§ 1005.103–2 Exceptions to mandatory use.

* * * * * * *

(d) *Purchase procedures.* * * *

(3) It is mandatory that all Con US requirements for household and quarters furniture and equipment covered in the Federal Supply Schedules or GSA Stores Stock Catalogs be satisfied through GSA sources according to established procuring and requisitioning procedures. This includes requirements for household and quarters furniture and equipment exceeding the maximum order limitation in the Federal Supply Schedules. It is also mandatory that unscheduled or Military specification household and quarters furniture and equipment (Table of Allowance 1–1Q items) requirements in the Con US be procured by GSA when the total amount of the requirement is in excess of $1,000. The mandatory actions of this paragraph apply to all Table of Allowance 1–1Q items except mattresses FSC 7105, bedclothing FSC 7210, and prison and blind made products mandatory through other channels. These mandatory actions apply to major appliances such as household washers, dryers, refrigerators and ranges, and are also applicable to procurements made by Logistic Control Groups to fulfill oversea requirements. Requirements exceeding the maximum order limitations of Federal Supply Schedules and requirements for other than scheduled items will be requisitioned directly from GSA, Federal Supply Service, National Buying Division, 7th and D Streets, SW., Washington 25, D.C. Such requisitions will be prepared and submitted to GSA's National Buying Division by supply activities with the exception that procurement activities at Logistic Control Groups will prepare and submit such requisitions to satisfy oversea requirements.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

Subpart B—Procurement From General Services Administration Stores Depots

1. Section 1005.201 is deleted and the following substituted therefor:

§ 1005.201 General.

The decision whether items and material (except Commodities under DOD–GSA interagency purchase assignment) will be procured from General Services Administration (GSA) stores depots or from commercial sources pursuant to § 5.201 of this title will be made by administrative determination arrived at jointly by the procurement and supply activities at each AF installation authorized to effect base procurements within the continental limits of the United States. This administrative determination will be arrived at in the following manner:

(a) *Delivered price—(1) Items stocked at base activities.* At regular intervals not to exceed once a quarter but at least semiannually, GSA and commercial prices will be informally reviewed and compared taking into consideration the overall delivered cost, including price of the item, transportation costs, and administrative cost in effecting payment. Records will be retained as necessary by procurement and supply activities to evidence that the reviews were in fact made. Formal solicitation of bids or requests for quotations from GSA Stores Depots in competition with commercial sources will not be employed to accomplish this review. The supply activity will appropriately code stock record cards, traveling purchase request cards, or other document as appropriate to reflect the determinations, and will satisfy requirements for these items by issuing purchase requests to base procurement or requisitions to GSA Stores Depots as indicated by the stock codes.

(2) *Non-stock items.* Prior to initiating a requisition to GSA or a purchase request for the item to base procurement, a special determination on the specific item will be made according to paragraph (a) (1) of this section, if the item has not previously been reviewed and coded. After this determination, a requisition or purchase request as appropriate will be issued. If this item is to fill a "one-time" requirement, this determination is applicable only, to the purchase of that requirement. If, however, the item is to be added to base stocks the determination will be effective until the next joint review of stocked items.

(b) *Quality of services.* Determination with respect to the quality of service rendered by GSA stores depots in comparison with the services obtainable from commercial sources will normally be based on past experience, and should be a matter of continuing review to insure: (1) Timely delivery of required items and (2) elimination of the need for repeated back ordering which tends to increase the administrative costs in the acquisition of required supplies.

(c) Items and classes of material stocked by GSA stores depots which are under DOD–GSA interagency purchase assignment will be procured according to the implementing procedures relating to such assignments.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1006—FOREIGN PURCHASES

1. The present Subpart A is deleted and a new Subpart A is substituted therefor:

Subpart A—Buy American Act; Supply and Service Contracts

Sec.

1006.103 Exceptions.
1006.103–2 Nonavailability in the United States.
1006.103–50 Other exceptions based on inconsistency with the public interest.
1006.103–51 Purchases in Canada during national emergency.
1006.104 Procedures.
1006.104–1 Applicability.
1006.104–3 Certificate.
1006.104–4 Evaluation of bids and proposals.
1006.105 List of excepted articles, materials, and supplies.

§ 1006.103 Exceptions.

§ 1006.103–2 Nonavailability in the United States.

(a) *Authority.* Secretary of the Air Force Order No. 657.1, December 15, 1958, subject: "Determination Under the Buy American Act" from the Assistant Secretary of the Air Force, reads:

1. The authority and duty to make determinations under the Buy American Act (41 U.S. Code Sections 10a–d) where the basis for such determinations is that the articles, materials, or supplies of the class or kind to be purchased or the articles, materials or supplies from which they are manufactured, are not mined, produced or manufactured, as the case may be, in the United States in sufficient and in reasonably available commercial quantities and of a satisfactory quality, is hereby assigned to: Commander, Air Materiel Command; Director and Deputy Directors of Procurement and Production, Headquarters, Air Materiel Command; Commander and Deputy Commander, AMC Ballistic Missiles Center; Commander and Deputy Commander, AMC Aeronautical Systems Center; Director and Deputy Director of Procurement and Production, Headquarters, Air Research and Development Command; Director of Procurement and Production, Air Materiel Areas and Air Force Depots; Chiefs of Divisions, Directorate of Procurement and Production, Headquarters, Air Materiel Command, AMC Ballistic Missiles Center, and AMC Aeronautical Systems Center. The authority assigned to the aforementioned individuals may not be redelegated.

2. Secretary of the Air Force Order No. 657.1, dated April 23, 1957, is hereby superseded.

3. This Order is issued in accordance with Air Force Regulation 11–18, July 16, 1954, subject: "Instruments of Delegation or Assignment of Statutory Authority."

(S) DUDLEY C. SHARP,
Assistant Secretary of the Air Force.

(b) *Findings and determinations.* The provisions of § 6.103–2 of this title will be applied and used only after a determination, in writing, has been made by one of the above designated officials.

(c) It will be the responsibility of Purchase Policy Division, Hq. AMC, to review and transmit the proposed finding and determination, to one of the authorized certifying officers mentioned in paragraph (a) of this section.

(d) If the purchase which is proposed is excepted from the requirements of the Buy American Act both under this section and because it consists of articles, materials, or supplies excepted under § 1006.105, no finding and determination is required under paragraph (a) of this section, but only a finding by the buyer (according to § 1006.105(a)) stating that the supplies being purchased do fall within the category excepted under § 1006.105.

(e) Except as stated herein, exemption from the Buy American Act can be granted only by the Secretary of the Air Force.

(f) When a determination under paragraph (b) of this section is made that the Buy American Act does not apply, a copy of such determination will be attached to each contract for such articles, materials, or supplies except in the case of determinations made pursuant to an existing contract such copies may be distributed by letter or other convenient means.

(g) Purchase of foreign publications: Notwithstanding the exception contained in § 6.105 of this title, the following procedures are applicable to purchase for foreign periodicals and publications:

(1) Foreign periodicals and publications available through vendors located in the United States may be procured unless there is a question of security involved. If there is a question of security involved, requests will be forwarded to the Director of Intelligence, Hq USAF, for forwarding to the appropriate air attaché for procurement.

(2) Requests for foreign periodicals and publications which must be procured outside the United States will be sent to the Director of Intelligence, Hq USAF, for forwarding to the appropriate air attaché for procurement. Such requests will contain complete information, including description of the item, estimated cost, name and address of vendor, citation of applicable appropriation, and shipping instructions.

§ 1006.103–50 Other exceptions based on inconsistency with the public interest.

(a) *Articles purchased for purpose of evaluation and comparison.* (1) The Under Secretary of the Air Force, on March 3, 1949, determined as follows:

DETERMINATION UNDER THE BUY AMERICAN ACT

Pursuant to the authority contained in the Buy American Act (Act of March 3, 1933, 41 U.S.C. 10a–c) and pursuant to the authority vested in me, I hereby determine that it would be inconsistent with the public interest to apply the Buy American Act to the purchase of unmanufactured articles, materials, or supplies not mined or produced in the United States, and manufactured articles, materials and supplies not manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, where the intended use of any such articles, materials, or supplies is evaluation and comparison with other similar articles, materials, or supplies produced or mined in the United States, and I hereby grant an exemption from the application of said act to all such purchases. A copy of this determination shall be attached to each such contract for supplies which is otherwise subject to the provisions of said act.

(S) A. S. BARROWS,
Under Secretary of the Air Force.

(2) The effect of the above determination is to grant an exception from the application of said act only to such purchases where the intended use of any such articles, materials, or supplies is evaluation and comparison with other similar articles. Consequently, where the intended use is other than evaluation and comparison with other similar articles, the above determination does not apply.

(3) When articles are purchased for evaluation and comparison, a copy of the determination (paragraph (a) (1) of this section) will be attached to each of the following copies of the contract: (i) General Accounting Office, (ii) contract file, and (iii) contractor's file.

(b) *Purchase of petroleum products.* According to Executive Order 10761 and Department of Defense Directive 4105.50, April 26, 1958, the following provisions will apply to the purchase of petroleum products, other provisions notwithstanding.

(1) *Definitions.* (i) "Domestic petroleum product" means any product refined in the United States entirely from crude petroleum of wholly domestic origin.

(ii) "Complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be imported by a firm which, during the period of contract performance and for the 3 months preceding the month in which a bid is submitted to the Department of Defense, has imported crude petroleum in compliance with the Voluntary Oil Import Program or which is certified by the Administrator, Voluntary Oil Import Program, as being in compliance under that Program.

(iii) "Non-complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, other than "complying petroleum product."

(iv) "Foreign refined petroleum product" means any petroleum product refined outside the United States.

(v) "United States" means the United States and any place subject to the jurisdiction of the United States (see § 6.101 (c) of this title.)

(2) *Procedures.* Every contract entered into by the Department of the Air Force for the purchase in the United States of petrbleum products shall contain the following clause in lieu of the clause prescribed in § 6.104–5 of this title:

BUY AMERICAN ACT AND EXECUTIVE ORDER NO. 10761

a. For the purpose of this clause:

(i) "Domestic petroleum product" means any product refined in the United States from crude petroleum of wholly domestic origin;

(ii) "Complying petroleum product" means any product refined in the United States in whole or in part from crude petroleum of foreign origin, all of which has been, or will be imported by a firm which, during the period of contract performance and for the three months preceding the month in which the bid or offer which resulted in this contract is submitted, has imported crude petroleum in compliance with the Voluntary Oil Import Program, or which is certified by the Administrator, Voluntary Oil Import Program, as being in compliance under that Program.

(iii) "United States" means the United States and any place subject to the jurisdiction thereof.

b. Contractor agrees that there will be delivered under this contract only refined petroleum products of one of the types set forth above, except:

(i) When the petroleum products are for use outside the United States;

(ii) When the Government determines that neither domestic petroleum product nor complying petroleum product is produced or refined in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(iii) When the Secretary determines it would be inconsistent with the public interest to apply the preference to domestic petroleum product or complying petroleum product; or

(iv) When the Secretary determines the cost to the Government of domestic petroleum product or complying petroleum product to be unreasonable.

c. If the supplies to be delivered hereunder are refined in the United States in whole or in part from imported crude, the Contractor agrees that during the contract period he will comply in all respects with the Voluntary Oil Import Program.

(3) In evaluating bids or offers, no price differential will be applied between bids or offers of domestic petroleum product and those offering complying petroleum product.

(4) Otherwise acceptable bids or offers of foreign refined petroleum products will be accepted if such bid or offer is the lowest available bid or offer and (1) no bid or offer of domestic petroleum products or complying petroleum product is available for consideration, or (2) the lowest available bid or offer of a domestic petroleum product or complying petroleum product is 6 percent or more in excess of the sum of such bid or offer of foreign refined petroleum product including all costs of delivery to the place specified in the solicitation and the import tax or duty (whether or not an import tax or duty-free entry certificate may be issued).

(5) Bids or offers of non-complying petroleum products will not be accepted.

(6) In determining whether a product is a complying petroleum product, a certificate issued by the Administrator, Voluntary Oil Import Program, will be accepted as conclusive evidence of such compliance. In the absence of such a certificate, a certification or representation of compliance made by the supplier may be considered presumptive evidence of compliance.

§ 1006.103–51 Purchases in Canada during national emergency.

(a) The Assistant Secretary of the Air Force, on December 30, 1950, determined as follows:

DETERMINATION UNDER BUY AMERICAN ACT

The President of the United States having, on December 16, 1950, proclaimed a national

emergency which requires that the defense of this country be strengthened as speedily as possible, and the United States and the Dominion of Canada having entered into certain reciprocal arrangements contemplating the acquisition of defense supplies by each nation from sources in the other nation, and it being necessary that certain procurement restrictions which would otherwise impede the accomplishment of these purposes be suspended to the extent authorized by law, I hereby determine, pursuant to the authority vested in me by the Buy American Act (41 U.S.C. 10a–d) that it is inconsistent with the public interest, during the period of said national emergency, to apply the restrictions of said act to the acquisition by the Department of the Air Force of manufactured and unmanufactured articles, materials and supplies in the Dominion of Canada.

Accordingly, purchases and contracts of the Department of the Air Force in the Dominion of Canada will not be subject to the provisions of the Buy American Act during the period of the national emergency. This determination does not, however, apply to appropriation act restrictions pertaining to the purchase of food and clothing.

(S) EUGENE M. ZUCKERT,
Assistant Secretary of the Air Force.

(b) As a consequence of the above determination, exemption from the Buy American Act is not required if for supplies manufactured in Canada whether purchased directly by the Air Force or for the Air Force by a prime contractor or subcontractor.

(c) While no dollar limitation was placed in the determination above, the policy of the Air Force is that the Assistant Secretary of the Air Force (Materiel) is to be consulted prior to committing the Air Force to any programs in Canada involving airframes or major components such as engines, propellers, fire control, or similar items. To implement this policy, buyers will forward pertinent information to the Assistant Secretary of the Air Force (Materiel) through the Purchase Policy Staff Division (MCPPP), Hq AMC, which will forward the information to the Director of Procurement and Production, Hq USAF, Washington 25, D.C., so that the required consultation with the Assistant Secretary of the Air Force (Materiel) may be had prior to placing such contracts.

(d) A copy of the determination (paragraph (a) of this section) will be attached as prescribed in this paragraph to each contract which otherwise would have required an exemption from the Buy American Act. The buyer will attach a copy of the determination to each of the following copies of the contract: (1) General Accounting Office, (2) contract files, and (3) contractor's file.

§ 1006.104 Procedures.

§ 1006.104–1 Applicability.

It is emphasized that the Buy American Act only applies to purchases "for public use." Exemption should be requested only if the Air Force will acquire title to the property by direct purchase, or through a contractor's purchase. If a contractor desires to purchase foreign articles for his own use under such circumstances that the Government will not become the owner of such articles, request for exemption from the Buy American Act will not be submitted even though the contractor may intend to use the foreign articles (e.g., production machinery) to aid him in performance of an Air Force contract as well as for his private business. If the purchase is being made by an Air Force contractor, the importation of the foreign material may be dutiable unless the method set forth in § 1006.602–1 is complied with.

§ 1006.104–3 Certificate.

All IFB's and RFP's incorporating the use of this certificate will contain a definition of the United States as set forth in § 6.101(c) of this title.

§ 1006.104–4 Evaluation of bids and proposals.

(a)–(b) See § 6.104–4 (a) and (b) of this title.

(c) Procurements within § 6.104–4(c) of this title will be forwarded through channels (including Commander, AMC, attn: MCPP) to the Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–1 Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) See § 6.104–4(d) of this title.

(e) When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date of issuance.

(2) Date(s) of bid expiration, and any extensions obtained.

(3) Complete description of the item or items.

(4) Price or estimated cost of items, indicating separately amount of duty and transportation costs to destination.

(5) Name and address of proposed contractors or individuals.

(6) Designation of agency to effect purchase.

(7) Complete detailed facts justifying the proposed award and covering the factor or factors leading to submission for Secretarial consideration.

(8) Copy of the IFB or RFP and in advertised procurements copy of the abstract of bids and work sheet.

(f) Proposed procurements submitted for Secretarial consideration under the provisions of § 6.104–4(c) of this title will be forwarded to reach Hq USAF not later than 10 days prior to the date of acceptance of bids. Provision will be made for extending the date of acceptance of bids to permit sufficient time for orderly transmission and Secretarial consideration, with immediate notification to Hq USAF and Hq AMC of such extension.

§ 1006.105 List of excepted articles, materials, and supplies.

See § 6.105 of this title.

(a) *Finding and determination.* If the purchase which is proposed consists of articles, materials, or supplies coming within the category of § 6.105 of this title, no finding is required other than a finding by the buyer stating that the supplies being purchased do fall within the above category. This finding will be incorporated into the contractual instrument accomplishing the purchase or, if more convenient, it may be made by separate finding signed by a contracting officer.

Subpart B—Buy American Act; Construction Contracts

1. A new Subpart B is added, as follows:

Sec.
1006.203 Exceptions.
1006.203–1 Nonavailability in the United States.
1006.204 Procedures.
1006.204–3 Evaluation of bids and proposals.

§ 1006.203 Exceptions.

§ 1006.203–1 Nonavailability in the United States.

This section will be used according to procedures prescribed in § 1006.103–2.

§ 1006.204 Procedures.

§ 1006.204–3 Evaluation of bids and proposals.

(a)–(b) See § 6.204–3(a)–(b) of this title.

(c) *Impracticability.* Proposed procurements within § 6.204–3(c) of this title will be forwarded through channels (including Commander, AMC, attn: MCPP) to the Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–1, Washington 25, D.C., for submission to the Secretary of the Air Force for consideration.

(d) *Procedure.* When proposed procurements are submitted for Secretarial consideration under the provisions of paragraph (c) of this section, the request will include the following:

(1) IFB or RFP number and date of issuance.

(2) Date(s) of bid expiration and any extensions obtained.

(3) Complete description of each designated item of non-domestic construction material proposed for use, including total quantity and price.

(4) Name and address of proposed tractors or individuals.

(5) Designation of agency to effect purchase.

(6) Complete detailed facts justifying the proposed award and demonstrating that, as to each designated item of non-domestic construction material proposed for use, the use of any corresponding domestic construction material would be impracticable.

(e) *Provision for extension of bid expiration.* Procedures set forth in § 1006.104–4(f) will be followed.

Subpart C—Duty and Customs

1. Subpart C (23 F.R. 10127, December 24, 1958) is deleted and redesignated Subpart F.

Subpart D—Purchase From Soviet-Controlled Areas

1. Section 1006.402 is deleted and the following substituted therefor:

§ 1006.402 Exceptions.

(a) See § 6.402(a) of this title.

(b) (1) See § 1006.103–2 of this Part.

(2) Purchases in excess of $2,500 may be made only after specific approval of the Secretary of the Air Force. The buyer will prepare three copies of an appropriately worded finding and determination together with complete justification and forward them through channels (including Commander, AMC, attn: MCPP) to the Director of Procurement and Production, Hq USAF, attn: AFMPP–PR–1, Washington 25, D.C., for submission to the Secretary.

Subpart E—Canadian Purchases

1. The present Subpart E (23 F.R. 8484, Nov. 1, 1958) is deleted and a new Subpart E is added, as follows:

Sec.
1006.501 Purchases from Canadian suppliers.
1006.550 Solicitation of Canadian firms.
1006.554 Research contracts placed in Canada.
1006.555 Solicitation of Canadian sources for research and development procurements.

§ 1006.501 Purchases from Canadian suppliers.

Awards, resulting in the placement of a prime contract in the Dominion of Canada, will be made to the Canadian Commercial Corporation, 2450 Massachusetts Avenue NW., Washington, D.C. This subpart is not applicable to base procurement activities. Such activities will enter into contracts directly with Canadian firms.

§ 1006.550 Solicitation of Canadian firms.

Canadian firms will be included on bidders' mailing lists and comparable source lists only upon request by the Canadian Commercial Corporation. Such requests should be directed to the activity having procurement responsibility for the supplies or services involved. IFB's and RFP's will be sent directly to Canadian firms appearing on the appropriate bidders' mailing list, with a copy of the IFB/RFP and a listing of all Canadian firms solicited sent to the Canadian Commercial Corporation, 56 Lyon Street, Ottawa, Ontario, Canada. IFB's and RFP's will also be furnished to the Canadian Commercial Corporation, even though not furnished Canadian firms, if requested by the Corporation for its own account.

§ 1006.554 Research contracts placed in Canada.

The Canadian Government through the Permanent Board of Defence has has requested that all research contracts with agencies in the Dominion of Canada be cleared through a central point to eliminate competition for research projects and to prevent further subsidies from the various agencies of the United States for research in universities already supported by various Canadian federal agencies. Accordingly, the following procedure will govern in the placement of research contracts with Canadian institutions and agencies:

(a) The Director of Procurement, Hq ARDC, will clear each purchase request directly with the Defence Research Member, Canadian Joint Staff, 2450 Massachusetts Avenue NW., Washington, D.C., prior to negotiations for a research contract in Canada.

(b) In all cases, when the provision of paragraph (a) of this section is applicable and a Secretarial determination is required to authorize negotiation pursuant to 10 U.S.C. 2304 (formerly Public Law 413, 80th Congress), such authority will be obtained subsequent to clearance of the purchase request by the Defence Research Member, Canadian Joint Staff.

§ 1006.555 Solicitation of Canadian sources for research and development procurements.

(a) To carry out the President's mandate that full advantage be taken of the scientific talents of friendly countries through a mutual sharing of scientific and technical information, a program for closer collaboration with Canada in research and development has been adopted. This program together with the provisions of certain bilateral agreements between Canada and the United States, has made it desirable to state more specifically certain AF procurement policies and procedures in the area of research and development as they relate to Canada.

(b) It is AF policy to consider for solicitation qualified Canadian sources on an equal basis with qualified American sources for the placement of Research and Development contracts. Such solicitation will include areas that may be agreed upon from time to time where it is evident that mutual benefit will accrue.

(c) Solicitation for the placement of such contracts should be made at a point in the research and development cycle at which the Air Force has an approved technical requirement necessitating the establishment of a Research and Development project which is normally assigned to and monitored by an Air Research and Development Command Center.

Subpart F—Duty and Customs

1. A new Subpart F is added as follows:

Sec.
1006.601 Customs duties on foreign purchases.
1006.602 Emergency purchases of war material abroad.
1006.602–1 General.
1006.602–2 War materials.
1006.602–3 Emergency purchases.
1006.602–4 Use of duty-free entry certificates.
1006.602–5 Limitations.
1006.602–6 Duty-free entry certificate.
1006.603 Supplies for vessels or aircraft operated by the United States.
1006.604 Customs duties and drawbacks.
1006.650 Import shipments.
1006.651 Water shipments of USAF material procured in Europe and Japan.
1006.652 Shipment of materiel procured in Canada.
1006.653 Export shipments to Canada.

§ 1006.601 Customs duties on foreign purchases.

See § 6.601 of this title.

§ 1006.602 Emergency purchases of war material abroad.

§ 1006.602–1 General.

Reference in this Subpart F to articles, supplies, and materials which are to be imported into the United States means "emergency purchases of war material," as defined in §§ 6.602–2 and 6.602–3 of this title.

(a) For exemptions from customs duties in foreign countries where agreements have been signed, see Subpart T, Part 1011 of this chapter.

(b) Instructions in this subpart are applicable to contracting officers responsible for administration.

§ 1006.602–2 War materials.

See § 6.602–2 of this title.

§ 1006.602–3 Emergency purchases.

See § 6.602–3 of this title.

§ 1006.602–4 Use of duty-free entry certificates.

See § 6.602–4 of this title.

§ 1006.602–5 Limitations.

See § 6.602–5 of this title.

§ 1006.602–6 Duty-free entry certificate.

The Director of Transportation Hq AMC (MCT) has been delegated by the Commander, AMC authority to execute duty-free entry certificates in the form set forth in § 6.602–6 of this title for emergency purchases of war materials, as defined in §§ 6.602–2 and 6.602–3 of this title, with power of redelegation to officers and civilian officials of the AF.

(a) Pursuant to the foregoing, AF commanders concerned will submit requests for such authority on AFPI Form 8, "Application for Delegation of Authority to Execute Customs Documents," to the Commander AMC, attn: MCTM. A delegation of such authority to an ACO will be requested from MCTM through Contract Administration Branch (MCPKC) Hq AMC.

(b) Execution of duty-free entry certificates is contingent upon the ACO furnishing the following information to the appropriate transportation officer:

(1) Contract or purchase order number.

(2) Contractor and address (prime and foreign).

(3) Articles and the value thereof.

(4) FOB terms of contracts.

(5) Destination and approximate shipping date schedule.

(6) A statement in writing that materials, parts, or components being shipped are entitled to entry free of duty pursuant to 10 U.S.C. 2383, Subpart F, Part 6 of this title, and any applicable regulations of the Bureau of Customs. If materials, parts, or components entitled to entry free of duty are to be incorporated into an end item to be delivered to the Government under a specific prime contract, this statement of the administrative contracting officer will be made contingent upon: (i) Consignment of these materials, parts, or components to the responsible AF plant representative or chief, air procurement district, in charge of the prime contract, and (ii) upon the ability of the Government under the terms of the prime contract to obtain benefit of savings of such duty-free entry.

(c) Duty-free entry certificates and the following Bureau of Customs forms

will be prepared in the manner prescribed.

(1) Customs Form 7501, "Consumption Entry" in quintuplicate.

(2) Customs Form 7501A, "Consumption Entry Permit" in triplicate.

(3) Customs Form 6417, "Summary of Entered Values" in triplicate.

§ 1006.603 Supplies for vessels or aircraft operated by the United States.

"Entry of 'certain supplies,' as referenced in § 6.603 of this title, will be made according to the instructions in AFR 76–29."

§ 1006.604 Customs duties and drawbacks.

See § 6.604 of this title.

§ 1006.650 Import shipments.

(a) Ordinarily, materials purchased f.o.b. destination are not entitled to free entry under 10 U.S.C. 2383. However, there may be provisions in contracts reading otherwise. (See § 6.602–5(a) of this title.) Contracting officers and transportation personnel will maintain close liaison. (See § 1006.602–6(b).)

(b) Materials purchased aboard f.o.b. carriers' equipment, origin (except oversea shipments), will be cleared by agents of the United States Government authorized by redelegation. When information requested in § 1006.602–6(b) is made available to such AF agent, the agent will immediately contact the contractor informing him that the shipper must:

(1) Prepare and mail to the United States Collector of Customs at the port of entry through which shipment will move, memorandum copy of the bill of lading showing contract number, car initials and number, or motor vehicle identification, in addition to other normal information or consular invoice.

(2) Annotate papers: "Military, Free Entry, to be claimed under 10 U.S.C. 2383."

(c) Transportation officers and administrative contracting officers authorized by MCTM to execute certificates will extract one copy of the above completed forms for their permanent record, and send the balance of original and duplicate copies to the collector of customs at the port of entry (place where shipment enters country). One copy of the completed forms prepared by the contracting officer will be sent to the transportation officer, to be filed with the applicable bill of lading. Customs Form 7501 will bear the certificate set forth in § 6.602–6 of this title.

(d) If commanders are operating flights between foreign countries, pilots must execute Customs Form 6417, in quintuplicate, leaving one copy at base from which executed and depositing the remaining four copies with the collector of customs at the port of entry.

(e) Articles of United States manufacture which have not been purchased abroad but are being returned to the United States either for repairs or because of material surplus, or which are being returned to United States custody after their purpose has been served, must be covered by the appropriate customs entry and will be certified on Customs Form 7501 as follows:

I certify that the articles covered by this entry for which free entry is claimed under 19 U.S.C. 1201 as amended, are the growth, produce, or manufacture of the United States, and have been returned to the United States without having been advanced in value or improved in condition by any process of manufacture or other means, and that no drawback has been or will be claimed on such articles.

(Name)

(Title)

who has been designated to execute free entry certificates for the above named Department.

(Grade) (Organization)

(f) Personnel authorizing the return of materials procured from foreign countries will furnish destination transportation officers with sufficient information and/or documents, to support the issuance of the certificate set forth in paragraph (a) of this section, so that they may be promptly cleared through customs.

§ 1006.651 Water shipments of USAF material procured in Europe and Japan.

(a) All contracting officers in AMC centers, AMC field procurement activities (including base procurement contracting officers who may have to purchase abroad), AMFPA, AMFEA, and USAFE are to specify delivery to the transportation officer f.o.b. at the appropriate port listed below (if possible) when water shipment is to be made.

Country	*F.o.b. port*
Japan	Yokohama.
Switzerland	Bremerhaven.
Germany	Do.
France	Do.
Belgium	Do.
Netherlands	Do.
Italy	Leghorn.
England	U.K. Port.

By purchasing f.o.b. these ports, material will be transported aboard Government-owned or leased/chartered equipment without brokerage or customs fees. In taking this action caution will be observed to determine that the benefits accrue solely to the Department of the Air Force. (See § 1006.602–1(a).) Such shipments will be consigned to the Department of the Air Force, or to the appropriate military or civilian official of the Department of the Air Force, in his official capacity, in the continental United States (i.e., "USAF representative, Lockheed Aircraft Corporation, Burbank, California.") Such consignments are in conformity with Customs Regulations, § 1010.104 of this chapter (see Treasury Decision 53780, April 13, 1955) and qualify the shipments for immediate delivery pursuant to 19 U.S.C. 1448(b) without awaiting formal entry proceedings. Such shipments may be released upon filing Customs Form 3461, "Application for Special Permit for Delivery of Perishable and Other Articles, Immediate Delivery of Which is Necessary."

(b) Information required in § 1006.602–6(b) will be furnished Commercial Traffic Office, New York Air Procurement District.

§ 1006.652 Shipment of materiel procured in Canada.

Information required in § 1006.602–6(b) will be furnished Commercial Traffic Office, Detroit Air Procurement District.

§ 1006.653 Export shipments to Canada.

(a) AF material shipped to Canada normally falls into two categories:

(1) Shipments of United States military supplies or United States procured items for the use of United States Armed Forces in Canada, or for Canadian contractors performing work under AF contracts. Such shipments normally move on Government bills of lading or commercial bills of lading to be converted to Government bills of lading, consigned to USAF c/o consignee and carry notation, "Free Entry under Tariff Item 708." No export documentation is required other than one additional copy of the bill of lading for Canadian Customs purposes.

(2) Shipments of materials furnished to the Canadian Armed Services under the Mutual Defense Assistance Act on a cost-reimbursable basis. Such material normally moves on a collect commercial bill of lading with transportation charges and duty paid by the Canadian Government. Department of Commerce Form 7525–V, "Shippers' Export Declaration," will be prepared.

(b) *Certification and distribution of Department of Commerce Form 7525–V.* (1) Enter the following certification under Items 11 through 15:

I hereby certify that the items on the shipping documents attached to this export declaration are the items being sold by the Government of the United States to the Government of Canada under the cost-reimbursement provisions of the Mutual Defense Assistance Act of 1949, as amended.

(Signature and title of base supply officer or contracting officer or his authorized representatives)

(2) In addition to "Marks and Nos. and Number and Kind of Packages * * *," enter the following statement under items 9 and 10: "Department of State Certification of Registration #3276, July 30, 1951 authorizes unlimited license. U.A.C."

(3) Five copies of Department of Commerce Form 7525–V will be prepared. Completed forms, with a priced copy of DD Form 1149 or DD Form 250 attached to each copy, will be distributed as follows:

(i) One set will be retained by the contractor or transportation officer.

(ii) Three sets will be given to originating carrier when shipment is tendered for transportation. (Carrier will assure that one set accompanies shipment to destination, and two sets are made available to the Collector of Customs at the United States Customs Port of Exit.)

(iii) One set will be forwarded within 24 hours after completion by the most expeditious means to the Canadian Office, attn: MCLDDP, Department of Defense Production, Wright Patterson Air Force Base, Ohio.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1007—CONTRACT CLAUSES

Subpart A—Clauses for Bilateral Fixed-Price Supply Contracts

1. Section 1007.105–5 is revised as follows:

§ 1007.105–5 Liquidated damages.

According to § 1.313 of this title, insert the provision prescribed by § 7.105–5 of this title.

Subpart C—Clauses for Fixed-Price Research and Development Contracts

1. Section 1007.303–13 is added, as follows:

§ 1007.303–13 Notice to Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

2. Sections 1007.303–25 and 1007.304–3 are revised to read as follows:

§ 1007.303–25 Basic data.

Insert the clause set forth in § 9.203–1 of this title and add the paragraph set forth in § 9.203–4 of this title.

§ 1007.304–3 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

3. Section 1007.304–8 is added as follows:

§ 1007.304–8 Limitation on withholding of payments.

According to the requirements of § 7.104–21 of this title, insert the clause set forth therein:

4. Section 1007.304–10 is revised as follows:

§ 1007.304–10 Examination of records.

According to the requirements of § 7.104–15 of this title, insert the clause set forth therein.

5. Section 1007.304–16 is added as follows:

§ 1007.304–16 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.305–2 [Deletion]

6. Section 1007.305–2 is deleted.

Subpart D—Clauses for Cost-Reimbursement-Type Research and Development Contracts

1. Section 1007.403–11 is revised as follows:

§ 1007.403–11 Excusable delays.

Insert the clause set forth in § 8.708 of this title which will be designated "(a)" and add paragraph (f) of the clause set forth in § 1007.303–10 of this Part which will be designated "(b)."

2. Section 1007.403–25 is deleted and the following substituted therefor:

§ 1007.403–25 Basic data.

Insert the clause set forth in § 9.203–1 of this title and add the paragraph set forth in § 9.203–4 of this title.

3. Sections 1007.403–28 and 1007.404–2 are added as follows:

§ 1007.403–28 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

§ 1007.404–2 Limitation on withholding of payments.

According to the requirements of § 7.104–21 of this title, insert the clause set forth therein.

4. Section 1007.404–4 is revised as follows:

§ 1007.404–4 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

5. Section 1007.404–5 is added as follows:

§ 1007.404–5 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.405–1 [Deletion]

6. Section 1007.405–1 is deleted.

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

1. Section 1007.2103–7 is revised as follows:

§ 1007.2103–7 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.2103–10 [Deletion]

2. Section 1007.2103–10 is deleted.

3. In § 1007.2103–16, paragraph (c) of the clause is deleted and a new paragraph (c) is substituted therefor:

§ 1007.2103–16 Termination for convenience of the Government.

* * * * *

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form and with the certification prescribed by the Contracting Officer. Such claims shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one year period or any extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

4. Section 1007.2104–10 is added as follows:

§ 1007.2104–10 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth therein.

Subpart V—Clauses for Technical Services Contracts

1. Section 1007.2201 is added as follows:

§ 1007.2201 Limitation on use.

Fixed-price contracts for technical services will be issued only by AMC Aeronautical Systems Center.

2. Sections 1007.2203–7 and 100.2203–17 are revised as follows:

§ 1007.2203–7 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.2203–17 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

Subpart W—Clauses for Time and Materials Contracts

1. Section 1007.2303–9 is added as follows:

§ 1007.2303–9 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

2. Section 1007.2303–22 is revised as follows:

§ 1007.2303–22 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

3. Section 1007.2304–1 is added as follows:

§ 1007.2304–1 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.2304–4 [Amendment]

4. The title of § 1007.2304–4 is changed as follows: *"Rights in data."*

5. Section 1007.2304–5 is deleted and the following substituted therefor:

§ 1007.2304–5 Buy American Act.

According to the requirements of § 6.104–5 of this title, insert the clause set forth therein.

6. Section 1007.2304–8 is revised as follows:

§ 1007.2304–8 Patent indemnity.

According to the requirements of § 9.103 of this title, insert the clause set forth in § 9.103–2 of this title.

7. Section 1007.2304–12 is added as follows:

§ 1007.2304–12 Soviet-controlled areas.

According to the requirements of § 6.403 of this title, insert the clause set forth therein.

8. Section 1007.2304–13 is added as follows:

§ 1907.2304–13 Limitation on withholding of payments.

According to the requirements of § 7.104–21 of this title, insert the clause set forth therein.

§ 1007.2305–1 [Deletion]

9. Section 1007.2305–1 is deleted.

Subpart X—Clauses, Schedule Provisions, and Exhibits for Instruction of Military Personnel at Civilian Schools, Colleges, and Universities

1. Paragraphs (a), (b) and (c) of the clause in § 1007.2406–1 are revised as follows:

§ 1007.2406–1 Part I—Services to be furnished.

(a) The Contractor shall enroll and provide instruction during the period ---------- to ---------- for not more than ---------- students, who shall be military personnel of the United States Air Force selected by the Government and acceptable to and approved by the Contractor, in the course and for the respective periods of time determined as hereinafter provided.

(b) Requests by the Government for instruction shall be by delivery to the Contractor of an exhibit to this contract as hereinafter provided.

(c) The total number of students specified in paragraph (a) above will be divided into groups or classes. Classes will be consecutive unless otherwise mutually agreed upon. Each exhibit will be numbered and presented in quintuplicate by the Government to the Contractor to show the approved curriculum to be pursued by each student, the cost thereof and the total cost of all students in the particular class involved. The exhibit shall be then forwarded in quadruplicate to the Contracting Officer for approval. Upon approval by the Contracting Officer, a copy thereof, executed by the Contracting Officer, shall be returned to the Contractor.

• • • • •

2. In § 1007.2406–2, paragraph (b)(1)d of the clause is amended as follows:

§ 1007.2406–2 Part II—Consideration, payment and vouchers.

• • • • •

(b) • • •
(1) • • •

d. Designation of voucher as "Final Billing for this semester (term)" or "Partial billing for this semester (term)" as appropriate.

• • • • •

3. Section 1007.2407–1 is deleted and the following substituted therefor:

§ 1007.2407 Exhibits.

§ 1007.2407–1 Exhibit for enrollment or continuation.

The following exhibit will be used for the enrollment or continuation of personnel:

HEADQUARTERS, AIR FORCE INSTITUTE OF TECHNOLOGY WRIGHT-PATTERSON AIR FORCE BASE, OHIO

---------- Exhibit No. ------ to
(Date) Contract No. --------

PART I OF EXHIBIT

To:

1. A group of Air Force students is scheduled to enroll or be continued in a class at your institution in accordance with the terms of the contract cited above. As set forth in greater detail in Part II hereof, this group consists of ------ students for a course of instruction in ---------- beginning ------ and ending ----------.

2. Request that Part II of this Exhibit be executed in quadruplicate and returned as soon as practicable to the Contracting Officer, Hq, Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio. The copy marked "Advance Copy" may be retained by the Contractor for information purposes. The date of execution of this Exhibit must be provided immediately following the signature.

(Contracting Officer)

(Date)

PART II OF EXHIBIT

(Date)

To: Contracting Officer
Air Force Institute of Technology
Wright-Patterson Air Force Base, Ohio

1. The referenced group of Air Force students is to be or has been enrolled or continued in this institution to pursue the curriculum at the cost and for the time period as detailed.

2. It is certified that these charges are not greater than that charged for other students pursuing the same or similar curriculum.

3. The names of the students and the itemized charges due or to become due on account of such enrollment or continuation are as follows:

(Contractor)
By ---

(Title)
Date ---

(Address)

Subpart Y—Clauses and Arrangements for Letter Contracts

1. In § 1007.2504–3(a), the material following "9.104 (Notice and Assistance Regarding Patent Infringement) is deleted and the following substituted therefor:

§ 1007.2504–3 Contract clauses for incorporation by reference.

(a) • • •

• • • 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.107–1 (Patent Rights); 9.203–1, 9.203–2, 9.203–3, and 9.203–4 (Data); 13.502 (Government-Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Defaults); 7.104–4 (Notice to the Government of Labor Disputes); 7.104–20 (Utilization of Concerns in Labor Surplus Areas); and 7.104–21 (Limitation on Withholding of Payments).

2. In § 1007.2504–6, paragraphs (d), (e) and (f) of the clause are deleted and the following substituted therefor:

§ 1007.2504–6 Termination.

• • • • •

(d) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly, but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit a termination claim within the time allowed, the Contracting Officer may, subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due the Contractor by reason of the termination, and shall thereupon pay to the Contractor the amount so determined.

(e) Subject to the provision of paragraph (d) hereof, and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. In the event of any termination pursuant to paragraph (a) hereof, such amount or amounts shall not include any allowance for profit or fee. In the event of any termination pursuant to paragraph (b) hereof, such amount or amounts may include a reasonable allowance for profit or fee, but only on work actually done in connection with the terminated portion of this order. Any such amount shall not exceed the amount set forth in the clause hereof entitled "Authority to Obligate Funds." Any such agreement shall be embodied in an amendment to this order and the Contractor shall be paid the agreed amount.

(f) If the Contractor and the Contracting Officer are not able to agree in whole or in part, as provided in Paragraph (e) hereof, as to the amount or amounts to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer without duplication of any amounts agreed upon in accordance with the above-cited paragraph (e), shall subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract pay to the Contractor an amount determined in accordance with the applicable cost principles of the Armed Services Procurement Regulation. In the event of the termination of this order pursuant to paragraph (a) hereof, no allowance for fee or profit shall be included in the amount to be paid the Contractor.

3. In § 1007.2505–3(a), the material following "9.106 (Filing of Patent Applications)" is deleted and the following substituted therefor:

§ 1007.2505–3 Contract clauses incorporated by reference.

• • • • •

• • • 9.102–1 (Authorization and Consent); 9.107–1 (Patent Rights); 9.203–1, 9.203–2, 9.203–3 and 9.203–4 (Data); 6.403 (Soviet Controlled Areas); 7.104–4 (Notice to the Government of Labor Disputes); 7.104–20 (Utilization of Concerns in Labor Surplus Areas); 7.104–21 (Limitation on Withholding of Payments); and 7.203–11 (Excusable Delays).

4. In § 1007.2506–3(a), the material following "9.104 (Notice and Assistance Regarding Patent Infringement) is deleted and the following substituted therefor:

§ 1007.2506–3 Contract clauses incorporated by reference.

• • • • •

• • • 9.102–1 (Authorization and Consent); 7.104–4 (Notice to the Government of Labor Disputes); 6.403 (Soviet Controlled Areas); 7.104–20 (Utilization of Concerns in Labor Surplus Areas); and 7.104–21 (Limitation on Withholding of Payments).

Subpart Z—Clauses for Open Contracts for Equipment

1. Section 1007.2601 is added as follows:

§ 1007.2601 Limitation on use.

The type of contract set forth in this subpart will be issued only by Hq AMC, AMC centers, and AMC field procurement activities and is only for use with major missile, aircraft, engine, and equipment contractors where firm requirements for emergency procurements or stock replenishment cannot be computed sufficiently in advance of required delivery so that a definite-quantity contract can be entered into.

2. Section 1007.2603–21 is revised as follows:

§ 1007.2603–21 Examination of records.

Insert the clause set forth in § 7.104–15 of this title.

3. Section 1007.2603–43 is added as follows:

§ 1007.2603–43 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

4. Section 1007.2604–6 is revised as follows:

§ 1007.2604–6 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clauses set forth in § 9.110(b) of this title.

5. Section 1007.2604–9 is deleted and the following substituted therefor:

§ 1007.2604–9 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.2605–4 [Deletion]

6. Section 1007.2605–4 is deleted.

7. Section 1007.2703–28 is revised as follows:

§ 1007.2703–28 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

Subpart AA—Clauses for Facilities Contracts

§ 1007.2704–8 [Amendment]

1. The title of § 1007.2704–8 is changed as follows: *"Data and copyrights."*

Subpart BB—Clauses for Short-Form Facilities Contracts

§ 1007.2804–4 [Amendment]

1. The title of § 1007.2804–4 is changed as follows: *"Data and copyrights."*

Subpart EE—Clauses for Construction Contracts

1. Section 1007.3103–5 is revised as follows:

§ 1007.3103–5 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

2. Sections 1007.3103–7 and 1007.3103–8 are deleted and the following substituted therefor:

§ 1007.3103–7 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

§ 1007.3103–8 Safety and accident prevention.

Insert the clause set forth in § 1007.4047 of this Part.

3. In § 1007.3103–9, paragraph (b) of the clause is revised as follows:

§ 1007.3103–9 Bonds.

• • • • •

(b) *Performance bond.* If the contract price exceeds $2,000, the Contractor further agrees to furnish a performance bond with good and sufficient surety or sureties acceptable to the Government in connection with the performance of work under this contract on Standard Form 25 or Standard Form 27. Unless otherwise stated in the Schedule the penal sum of such performance bond shall be 100 percent of the contract price.

4. Section 1007.3103–11 is added as follows:

§ 1007.3103–11 Title to Government buildings and appurtenances.

If any work required by this contract involves the repair, alteration, or renovation of any building or other structure, such building or structure, and any property removed therefrom, shall be subject to the provisions of paragraphs (c), (f), and (h), of the clause of this contract entitled "Government-furnished Property," and paragraph (e) as revised by this clause but shall not be considered Government-furnished property within the meaning and for the purposes of any other provisions of that clause. For the purposes of this clause, the following shall be substituted for paragraph (e) of the clause entitled "Government-furnished Property": "The Contractor shall maintain and protect the building or structure required to be repaired, altered, or renovated under this contract, and any property removed therefrom, in accordance with sound industrial practice."

Subpart FF—Clauses for Bakery Products Contracts

1. Sections 1007.3203–6 and 1007.3203–16 are revised as follows:

§ 1007.3203–6 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3203–16 Termination for convenience of the Government.

Insert the clause set forth in §§ 8.701 or 8.705 of this title, as appropriate.

Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

1. Sections 1007.3303–4 and 1007.3303–11 are revised as follows:

§ 1007.3303–4 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3303–11 Termination for the convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

§ 1007.3303–12 [Deletion]

2. Section 1007.3303–12 is deleted.

Subpart HH—Clauses for Dairy Products Contracts

1. Section 1007.3403–6 is revised as follows:

§ 1007.3403–6 Default.

Insert the clause set forth in § 8.707 of this title.

2. In § 1007.3404–3, the introductory paragraph is now paragraph (a), and a paragraph (b) is added, as follows:

§ 1007.3404–3 Milk bottles.

• • • • •

(b) If the purpose of the procurement is to procure milk for commissary resale, insert the following clause:

MILK BOTTLES

The unit price of the glass containers furnished by the contractor for the delivery of milk hereunder shall be set forth separately in the schedule. The contractor shall bill the Government for the price of the products delivered plus the price of the glass containers. The contractor shall pick up the reusable glass containers at the Commissary Store periodically at the request of the Commissary Officer, and shall refund to the Government in cash, or check payable to the Commissary Officer, the aggregate value of the picked up reusable containers. This value shall be computed at the respective unit container prices specified in the schedule.

Subpart II—Clauses for Packing and Crating Contracts

1. Sections 1007.3503–6 and 1007.3503–16 are revised as follows:

§ 1007.3503–6 Default.

Insert the clause set forth in § 8.707 of this title.

§ 1007.3503–16 Termination for convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

Subpart JJ—Clauses, Special Provisions, and Specifications for Contracts for Care of Remains

1. Sections 1007.3604–7 and 1007.3604–8 are revised as follows:

§ 1007.3604–7 Termination for convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

§ 1007.3604–8 Default.

Insert the clause set forth in § 8.707 of this title.

2. In § 1007.3606–1, paragraph (a)(4) of Specification F is revised as follows:

§ 1007.3606–1 Reprocessing remains at zone of interior.

• • • • •

SPECIFICATION F—CARE OF REMAINS

(a) • • •

(4) Cleansing of reusable metal transfer case shall be accomplished when contractor removes the remains therefrom. Contractor shall return such cases to a location on the base as directed by the contracting officer.

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

1. Section 1007.3706 is revised as follows:

§ 1007.3706 Required clauses and arrangements; contracts for more than $2,400.

The following clauses and provisions will be inserted in all negotiated utility service contracts which involve a connection charge, or are for an estimated annual cost of more than $2,400, or both. In addition to the requirements for approval in § 1001.457 of this chapter, utility service contracts for a period of more than 1 year will be submitted for approval as specified in § 1001.461 of this chapter, and any desired deviations from the clauses set forth in this Part should be submitted in advance or concurrently according to § 1001.109 of this chapter. Any utility service contract involving a connection charge of $5,000 or more, including the agreed salvage value (see § 1007.3709–2) or a termination charge of $5,000 or more, will be submitted for review and approval to the Commander, AMC, attn: MCPC.

Subpart NN—Special Clauses

1. In § 1007.4051, paragraph (c) of the clause in paragraph (a) is deleted; paragraph (b) is revised, as follows:

§ 1007.4051 Special provisions relating to Air Force equipment upon which work is to be performed.

• • • • •

(b) *Definite quantity contracts.* The clause set forth in paragraph (a) of this section, with the addition of a paragraph (c) set forth in this paragraph, will be inserted in all definite quantity contracts in which items are furnished by the Government for repair or modification to such items. The Schedule will identify the "Air Force equipment upon which work is to be performed" as distinct from Government-furnished property to be used in the performance of such work.

(c) In the event the Air Force equipment furnished for repair or modification is not delivered to the Contractor by the time or times specified in the schedule, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price,** or both and any other contractual provision affected by such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

**Change "contract price" to "estimated cost, fixed fee" if the contract is of a cost-reimbursement type.

Subpart PP—Clauses for Contracts Issued by Foreign Procurement Activities

1. In § 1007.4205–9, paragraph (a) is revised as follows:

§ 1007.4205–9 Patent clauses.

(a) *Reporting of royalties.* According to the requirements of § 9.110 of this title, insert the clause set forth therein.

§ 1007.4205–10 [Amendment]

2. In § 1007.4205–10, the reference § 7.103–14 is changed to read "§ 6.104–5 of this title".

3. Section 1007.4207–10 is revised as follows:

§ 1007.4207–10 Disputes.

Insert the applicable clause according to § 1007.4205–8.

4. Section 1007.4207–14 is revised as follows:

§ 1007.4207–14 Notice to the United States Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

5. Sections 1007.4207–21 and 1007.4208–3 are deleted and the following substituted therefor:

§ 1007.4207–21 Safety and accident prevention.

Insert the clause set forth in § 1007.4047 of this chapter.

§ 1007.4208–3 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth in § 9.110(b) of this title.

Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul and Modification Contracts

1. Section 1007.4503–7 is revised as follows:

§ 1007.4503–7 Default.

Insert the clause set forth in § 8.707 of this title.

1a. Section 1007.4503–10 is added as follows:

§ 1007.4503–10 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

2. Section 1007.4503–15 is deleted and the following substituted therefor:

§ 1007.4503–15 Termination for convenience of the Government.

Insert the clause set forth in § 1007.2103–16. If the contract provides for separate reimbursement of parts or materials the following paragraph (d) will be substituted for paragraph (d) of § 1007.2103–16:

(d) Subject to the provisions of paragraph (c), and subject to any Settlement Review Board approvals required by Section VIII of the Armed Services Procurement Regulation in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which may be agreed upon to be paid to the Contractor pursuant to profit on work done, provided the contract terms do not otherwise prohibit the allowance of profit on any items thereunder. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

§ 1007.4503–23 [Deletion]

3. Section 1007.4503–23 is deleted.

4. Section 1007.4504–2 is deleted and the following substituted therefor:

§ 1007.4504–2 Data and copyrights.

According to the requirements of Subpart B, Part 9 of this title, and Subpart B, Part 1009 of this chapter, insert the appropriate clause set forth therein.

5. Section 1007.4504–3 is added as follows:

§ 1007.4504–3 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

6. Section 1007.4504–7 is revised as follows:

§ 1007.4504–7 Reporting of royalties.

According to the requirements of § 9.110, of this title insert the clause set forth in § 9.110(b) of this title.

7. Section 1007.4504–10 is revised as follows:

§ 1007.4504–10 Examination of records.

When the contract results from negotiation, insert the clauses set forth in § 7.104–15 of this title. Contracts resulting from advertising will not contain this clause. See also § 1007.4504–8.

§ 1007.4505–1 [Deletion]

8. Section 1007.4505–1 is deleted.

Subpart TT—Clauses for Cost-Reimbursement Type Maintenance, Overhaul and Modification Contracts

1. Section 1007.4603–11 is revised as follows:

§ 1007.4603–11 Excusable delays.

Insert the clause set forth in § 8.708 of this title.

2. Section 1007.4604–2 is revised as follows:

§ 1007.4604–2 Reporting of royalties.

According to the requirements of § 9.110 of this title, insert the clause set forth therein.

Subpart UU—Clauses for Time and Materials Type Maintenance, Overhaul and Modification Contracts

1. Section 1007.4703–6 is revised as follows:

§ 1007.4703–6 Excusable delays.

Insert the clause set forth in § 8.708 of this title.

2. Section 1007.4703–9 is added as follows:

§ 1007.4703–9 Notice to the Government of labor disputes.

Insert the clause set forth in § 7.104–4 of this title.

3. Section 1007.4704–4 is revised as follows:

§ 1007.4704–4 Data and copyrights.

According to the requirements of Subpart B, Part 9 of this title and Subpart B, Part 1009 of this chapter, insert the appropriate clause set forth therein.

4. Section 1007.4704–5 is added as follows:

§ 1007.4704–5 Limitations on withholding payments.

According to the requirements of § 7.104–21 of this title, insert the clause set forth therein.

5. Section 1007.4704–21 is added as follows:

§ 1007.4704–21 Utilization of concerns in labor surplus areas.

According to the requirements of § 7.104–20 of this title, insert the clause set forth therein.

§ 1007.4705–1 [Deletion]

6. Section 1007.4705–1 is deleted.

Subpart VV—Clauses and Schedule Provisions for Flight Instruction of AFROTC Personnel at Civilian Colleges and Universities

1. Section 1007.4803–11 is revised as follows:

§ 1007.4803–11 Termination for the convenience of the Government.

Insert the clause set forth in § 8.705 of this title.

Subpart XX—Clauses for Food Service Contracts

1. In § 1007.5003–7, paragraph (c) of the clause is revised as follows:

§ 1007.5003–7 Record and charge for meals served.

• • • • •

(c) The Contractor will maintain a separate meal attendance record, AF Form 1251, for Contractor personnel. The Contractor shall not invoice or be paid for meals served Contractor personnel. The Contractor will credit to the Government the amount charged for all meals served to Contractor personnel. The rate of charge for such meals shall not exceed the rate established for the same meals pursuant to (b) above.

2. Sections 1007.5005, 1007.5005–1 and 1007.5006 are added as follows:

§ 1007.5005 Schedule clauses (not mandatory outside United States).

§ 1007.5005–1 Changes in price based on variation from estimate.

The following clause shall be used in Contractual Feeding Contracts as prescribed in § 1053.1806(c) of this chapter.

CHANGE IN PRICE BASED ON VARIATION FROM ESTIMATE

(a) If the actual number of meals served under this contract, to other than contractor personnel, varies from the number of meals estimated (in accordance with (b) below) to be served during any calendar month, the price paid the contractor for meals served in that month shall be adjusted in accordance with the following formula:

If actual meals served during month is following percent of estimated meals for month—	Price for meals served will be the following percent of basic contract price subject to the limitations in Column 3	Total payment shall not—
70–84	112	Exceed 84% est reqmts×108% basic price.
84–92	108	Exceed 92% est reqmts×104% basic price.
92–100	104	Exceed est reqmts ×basic price.
100–110	94	Be less than est reqmts×basic price.
110–120	93	Be less than 110% est reqmts×94% basic price.
120–130	92	Be less than 120% est reqmts×93% basic price.

(b) Adjustments in price by reason of this clause will be made at the end of each calendar month for the meals served during that month. The basis for determining the estimated number of meals to be served in a given month will be obtained by dividing the total estimated number of meals for the entire contract period by the total number of days in that period and multiplying the results by the number of days in the month involved.

(c) If the number of meals served in any calendar month (to other than contractor personnel) varies from the estimated requirements for that month by more than 30 percent of such requirements, the Contractor and the Contracting Officer will negotiate an equitable adjustment in the contract price for that month in the manner provided in the Changes clause of this contract.

§ 1007.5006 Specifications.

The following specifications shall be used in Food Service Contracts.

(a) *Facilities.* All kitchens, dining halls and food processing facilities, and all property used by the contractor in the performance of this contract shall be kept in a clean and sanitary condition in accordance with AFR 160–91 and Chapter 3 of AFM 146–6.

(b) *Personnel.* Food handlers, dining hall and food processing facility attendants, and other personnel coming in contact with materials, subsistence, or facilities used by the contractor in the performance of this contract will comply with provisions of AFR 160–91 in maintaining the required standard of cleanliness.

(c) *Waste disposal.* Sanitary and waste disposal will be handled in accordance with AFR 160–91.

(d) *Requisition of food.* (1) Based on the number of rations required, the Contractor will requisition food on AF Form 1548, "Ration Request," in accordance with paragraph 8d of AFR 146–6. Under normal conditions, food is requisitioned five (5) days prior to usage. AF Form 1548 will be prepared and issued in triplicate. The original and one copy will be submitted to the Food Service Officer who will process this form in accordance with AFR 146–6. The Food Service Officer will assist the Contractor in estimating daily ration requirements. Emergency request for rations will also be made on AF Form 1548.

(2) The Contractor will receive food issued as listed on AF Form 287, "Field Ration Issue Slip," which will be transmitted to the Contractor with the delivery of food. He will sign this form and retain one copy for his file, returning the original copy to the Food Service Officer. Emergency rations issued will be issued in accordance with the same procedure.

(3) The Government will only be responsible for furnishing the vehicle and driver for transportation of subsistence from point to point. The Contractor will be responsible for loading, security in transit, unloading, and placing subsistence in proper storage.

(4) Surplus subsistence in storage will be disposed of as directed by the Food Service Officer. The Contractor will execute DD Form 1150, "Request for Issue or Turn-In," upon disposal, retaining one copy for his record and delivering the original copy with the surplus food.

(5) The Food Service Officer will consolidate pastry bakery requirements on AF Form 1548 and issue these requirements to the pastry kitchen on AF Form 287. Items of pastry furnished dining halls will be accounted for on DD Form 1150. This form will be issued in triplicate; one copy will be retained by the pastry kitchen, one receipted copy retained in the dining hall, and the original receipted copy will be forwarded to the Food Staff Officer. The copies retained in the pastry kitchen and dining hall may be disposed of on receipt of audit certificate. The pastry kitchen will be required to furnish pastry items for the contractor-operated dining halls. Government transportation will be furnished for delivery of pastry items.

(e) *Preparation and serving of food.* (1) Serving of prepared foods will be conducted in accordance with paragraph 4(d), AFR 146–3 and AFR 160–91.

(2) Unused and remaining food will be handled in accordance with paragraph 4(d), AFR 146–3 and AFR 160–91.

(3) Personnel operating the meat processing plant and pastry bakery will comply with AFM 146–6 and paragraph 5, T.O. 41B1–1–121.

(4) Records and accounts for the pastry kitchen, meat plant and field ration dining halls will be maintained by the Contractor in accordance with AFR's 146–6, 146–14 and 146–15. Pastry storage and issue will be in accordance with Section III and IV of T.O. 41B1–1–121.

(5) The Food Staff Officer will consolidate meat requirements from AF Form 1548 and issue those requirements to the central meat processing plant on AF Form 287. After meat items have been processed, they will be issued to kitchens and dining halls concerned on AF Form 1150. This form will be made up in triplicate in the central meat processing plant. It will include the name of the item, the weight in pounds and number of containers. This will include the rendered fat within the authorized allowance, which will be delivered direct to the kitchen from the meat processing plant. Transportation will be furnished by the Government for the delivery of processed items. The original and duplicate of DD Form 1150 accompanying the delivery are both receipted in the kitchen. The triplicate is retained at the central meat processing plant. The duplicate receipted copy will be retained in the kitchen and the

original forwarded to the Food Staff Officer. The duplicate and triplicate copies (retained by the Contractor in the kitchen and meat processing plant) may be disposed of upon receipt of audit certificate. The meat processing plant will be required to process meat requirements for the contractor-operated dining halls.

(f) *Menus and special lunches.* (1) The Contractor will adhere to the Master Menu (AFP 146–1) for the current month, as modified by the Base Menu Board. A Contractor's representative will be present at Base Menu Board meetings.

(2) Using Government-furnished packing materials, the Contractor will prepare and pack box lunches using issued field subsistence as directed by the Food Service Officer, who will certify to their preparation and issuance. Such lunches will be added to the head count of meals served the day such lunches are issued and be listed on AF Form 1251, "Daily Attendance Record," as "meals served."

(3) The same procedure set forth in paragraph (b) above will be used in authorizing, preparing, and counting hot meals prepared for consumption away from the site of work.

(4) Using Government-furnished packing materials, the Contractor will prepare and pack flight meals as described in AFR 146–16. The menu guide for flight meals in AFR 146-16 will be followed. Flight meals will be prepared and packed on the basis of written instructions received from the Food Service Officer or his authorized representative. The Food Service Officer will specify the menu to be used, and the Contractor will be paid for the total number of flight meals prepared and packed. A separate account will be maintained for flight meals prepared and packed. The same sanitary standards of preparation and food handling will apply to flight meals as other types of food handling.

NOTE: Government contract pre-packaged in-flight lunches (1–F7 or equivalent) will not be construed as Contractor-prepared or served, and no reimbursement will be made to the Contractor for their issue as in-flight meals prepared and/or served.

(g) *Conservation procedure.* The Contractor shall follow the procedures for conservation of food, waste disposal and sanitation as set forth in paragraph 4(d), AFR 146–3. Should the Contractor desire to follow different procedures, he shall obtain the written approval of the Contracting Officer prior to placing such procedures in effect.

(h) *The forms and directives*

(Legend)

AF Form—Air Force Form.
DD Form—Department of Defense Form.
T.O.—Technical Order.
AFR—Air Force Regulation.
AFM—Air Force Manual.
AFP—Air Force Pamphlet.

(1) The following forms are authorized and directed for use in the performance of this contract for the purpose indicated.

Form No. and Title

(1) AF Form 147, Field Ration Dining Hall Stock Record.
(2) AF Form 1548, Ration Request.
(3) AF Form 287, Field Ration Issue Slip.
(4) AF Form 679, Cook's Work Sheet.
(5) AF Form 1251, Daily Attendance Record.
(6) DD Form 1150, Request for Issue or Turn-in.
(7) AF Form 1054, Daily Control Sheet—Meat Processing Plant Record.
(8) DD Form 157, Production Record and Summary of Stores.
(9) AF Form 1255, Meal and Ration Record.
(10) AF Form 148, Senior Cook's Requisition.

(2) If, during the time of performance of this contract, any of the above-listed forms are amended or superseded by a substitute form, such amended or superseded form shall be used in lieu of the above-listed form when directed by the Contracting Officer.

(3) Unless otherwise directed by the Contracting Officer, any form used, the original of which has been transferred to the Government, may be disposed of after audit of the Contractor's account.

(i) *Preventive maintenance of equipment*—(a) *Maintenance of equipment*—(1) First echelon preventive maintenance for kitchen, food processing facilities, and dining hall equipment will be accomplished by the Contractor as required by AFM 146–8.

(2) Second echelon preventive maintenance for dining hall and food processing equipment will be performed by the Government.

(3) The Contractor will follow AFM 85–5 in carrying out its responsibilities regarding inspection, lubrication, and maintenance of tools, equipment, and facilities used by it.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59–6512; Filed, Aug. 6, 1959; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER P—MINING

PART 173—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA, FOR MINING

Payments, Annual Rentals and Expenditures for Development on Mining Leases Other Than Oil and Gas

On page 948 of the FEDERAL REGISTER of February 7, 1959, a notice to amend §§ 173.13 and 173.16 of 25 CFR was published. The purpose of the amendments is to change a reference in § 173.13 to its new number and in § 173.16 to get uniformity in the regulations fixing the annual rental and expenditures for development in tribal mining leases other than oil and gas.

Interested persons were given 30 days from the date of publication of the notice in the FEDERAL REGISTER as an opportunity to submit their views, data, and arguments concerning the proposed amendments to the Commissioner of Indian Affairs. No objections were received within the specified period.

The proposed amendments to 25 CFR, §§ 173.13 and 173.16, are adopted, without change, and are set forth below. These amendments are effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 3, 1959.

1. Section 173.13(a) is amended to delete "§ 195.4" and insert in lieu thereof "§ 173.4".

2. The headnote and the present text of § 173.16 are amended to read as follows:

§ 173.16 Annual rentals and expenditures for development on mining leases other than oil and gas.

The provisions of § 171.14 of this subchapter, or as hereafter amended, are applicable to leases under this part.

(Sec. 6, 41 Stat. 753, sec. 6, 44 Stat. 659)

[F.R. Doc. 59–6501; Filed, Aug. 6, 1959; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Domestic Relations Questions, Restoration to Rolls and Conflict of Laws

In § 13.402, paragraphs (a), (b) (2) and (3), and (d) are revised to read as follows:

§ 13.402 Domestic relations questions, restoration to rolls, and conflict of laws.

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the Chief Attorney is authorized to prepare and release legal opinions on all questions submitted relating to the validity and legal effect of marriages (ceremonial or otherwise), divorces, annulments, ostensible marriages (void or voidable), adoptions, and legitimacy.

(b) In the following instances the Chief Attorney may refer the request to the General Counsel, through channels, or may prepare a tentative opinion, forwarding same for consideration of the General Counsel as provided in § 14.501 (b) of this chapter:

* * * * *

(2) Where there is doubt as to whether the remarriage of the widow was void or voidable;

(3) Cases involving domestic relations in which there are contesting claims;

* * * * *

(d) The Chief Attorney will forward to the General Counsel without opinion questions relating to the resumption of benefits in the following types of cases:

(1) Where the remarriage of a widow was voidable and a decree of annulment was received by the Veterans Administration on or before December 31, 1957.

(2) Where the marriage of a child was void or voidable.

(Sec. 210, 72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 7, 1959.

[SEAL] SUMNER G. WHITTIER,
Administrator of Veterans Affairs.

[F.R. Doc. 59–6538; Filed, Aug. 6, 1959; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 412—PROCEDURES FOR DETERMINING ELIGIBILITY TO RECEIVE WATER, COLUMBIA BASIN PROJECT, WASHINGTON

A notice of intention to issue regulations prescribing the procedures for determining eligibility of lands of the Columbia Basin Project, Washington, to receive water was published in the FEDERAL REGISTER of April 30, 1959 (24 F.R. 3375). Interested persons were invited to submit, within 30 days of that date, comments, suggestions or objections with respect to the proposed regulations, the text of which appeared with the notice. No comments, suggestions or objections have been received. However, § 412.7 has been administratively revised to provide hearings on actions taken to cancel water rights. This was considered by representatives of the water users on the Columbia Basin Project and they endorsed this revision.

The proposed regulations as revised and set forth below are hereby adopted and will become effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 3, 1959.

Sec.
412.1 Purpose.
412.2 Definitions; addresses.
412.3 Review of water applications by Project Manager.
412.4 Favorable action on application.
412.5 Unfavorable action on application.
412.6 Request for hearing.
412.7 Cessation or suspension of delivery of water or cancellation of right to receive water; order to show cause; answer.
412.8 Notice of hearing.
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412.10 Postponements.
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412.13 Transcripts and fees.
412.14 Findings and conclusions; decision by examiner; submission to Secretary for decision.
412.15 Appeal to Secretary.
412.16 Service.
412.17 Basis for decision; record.
412.18 Official notice.
412.19 Extensions of time.
412.20 Computation of time.
412.21 Regulations governing practice before the Department.
412.22 Power of the Secretary.
412.23 Effect of decision pending appeal.

AUTHORITY: §§ 412.1 to 412.23 issued under sec. 8, 57 Stat. 20; 16 U.S.C. 835c–4.

§ 412.1 Purpose.

The regulations in this part prescribe the procedures for determining eligibility to receive water on the Columbia Basin Project, Washington, and supplement the regulations in Part 404 of this chapter.

§ 412.2 Definitions; addresses.

(a) As used in this part the term "Project Manager" means the Project Manager, Columbia Basin Project, Bureau of Reclamation. Communications should be addressed to Project Manager, Bureau of Reclamation, Post Office Box 368, Ephrata, Washington.

(b) As used in this part the term "Secretary" means the Secretary of the Interior or his authorized representative. Comunications should be addressed to Secretary of the Interior, Washington 25, D.C.

§ 412.3 Review of water applications by Project Manager.

(a) The Project Manager shall review each application for water filed with him pursuant to Part 404 of this chapter. On the basis of the application and such other information as may be available, he shall initially determine whether the farm unit or units covered by the application are eligible to receive water for that irrigation season.

§ 412.4 Favorable action on application.

If the Project Manager determines that the farm unit or units covered by an application are eligible to receive water, he shall place the unit or units on the project's eligibility list so that the applicant may be informed thereof.

§ 412.5 Unfavorable action on application.

If the Project Manager determines that the farm unit or units covered by an application are not eligible to receive water, he shall notify the applicant by letter sent registered or certified mail, return receipt requested. In the letter to the applicant, the Project Manager shall set forth the reasons for his determination and shall inform the applicant of his right to answer and to request a hearing before an examiner if the request is made within the period prescribed in § 412.6. Also, any lessees or mortgage holders who are listed on the application or who have notified the Project Manager of their interest should be notified of such action.

§ 412.6 Request for hearing.

(a) If the Project Manager has determined that the farm unit or units covered by an application are not eligible to receive water, the applicant may request in writing that there be a hearing on the application before an examiner. The applicant shall not be entitled to a hearing unless such a written request is filed with or mailed to the Project Manager within 30 days after receipt of the letter informing the applicant of the determination of the Project Manager. The applicant shall accompany his request with a statement of the reasons why he believes that the farm unit or units are eligible to receive water.

(b) If, after receipt within the appropriate period of time prescribed in paragraph (a) of this section of a written request for a hearing on an application before an examiner and upon consideration of the statement of reasons made by the applicant, the Project Manager concludes that the farm unit or units are eligible to receive water, he shall notify the applicant, lessees and mortgage holders by letter, otherwise, the Project Manager shall transmit the application, his letter to the applicant, and the applicant's request and reply to an examiner for hearing, and so notify the applicant.

§ 412.7 Cessation or suspension of delivery of water or cancellation of right to receive water; order to show cause; answer.

(a) In addition to the determinations to be made pursuant to §§ 412.4 and 412.5 and at any time if the Project Manager determines that, under the Columbia Basin Project Act or the regulations issued thereunder, or the recordable contracts executed pursuant to that act, it is improper to deliver water to a farm unit or units, or that the right of the lands to receive water should be cancelled, as provided in the project act and recordable contracts, he shall issue an order to show cause why delivery of water should not be withheld, stopped or suspended or the right of the lands to receive water cancelled. The order shall be sent certified mail, return receipt requested, to the owner of the farm unit or units or to the contract purchaser if there is one.

(b) The order to show cause shall state the facts and the specific provisions of the Columbia Basin Project Act, the regulations, or the recordable contracts which constitute the reasons for the conclusion that it is improper to deliver water, or that the right of the lands to receive water should be cancelled. The order shall also inform the person to whom it is issued of the provisions of paragraph (c) of this section.

(c) Within 30 days after receipt of the order to show cause, the person to whom it was sent must file with or mail to the Project Manager an answer, in duplicate, to the order. Failure to answer as required will be taken as an admission that it would be improper, for the reasons stated in the order to show cause, to deliver water to the farm unit or units covered by the order, or an admission that for those reasons, the right of the lands to receive water should be cancelled, as the case may be. If, after receipt of the answer, the Project Manager is satisfied that no reason exists to withhold, stop or suspend the delivery of water or to cancel the right of the lands to receive water, he shall withdraw the order to show cause and notify the person of the withdrawal. Otherwise, the Project Manager shall forward a copy of the order to show cause and the answer to an examiner for hearing, and shall so notify the owner or contract purchaser. Lessees and mortgage holders should also be furnished a copy of the order to show cause for their information.

§ 412.8 Notice of hearing.

The examiner to whom a matter is referred by the Project Manager pursuant to § 412.6 or § 412.7 shall fix a place and date for the hearing and notify the applicant or the person to whom the order to show cause was issued and the Project Manager at least 30 days in advance of the date set. The private party and the

Project Manager may request or consent to an earlier date. The notice shall include (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted.

§ 412.9 Prehearing conferences.

(a) The examiner may in his discretion, on his own motion or on motion of the private party or of the Project Manager, direct the parties or their representatives to appear at a specified time and place for a prehearing conference to consider: (1) The simplification of the issues, (2) the necessity of amendments to the pleadings, (3) the possibility of obtaining stipulations, admissions of facts and agreements to the introduction of documents, (4) the limitation of the number of expert witnesses, and (5) such other matters as may aid in the disposition of the proceedings.

(b) The examiner shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admission or agreements. Such order shall control the subsequent course of the proceedings before the examiner unless modified for good cause by subsequent order.

§ 412.10 Postponements.

(a) Postponements of hearings will not be allowed upon the request of the private party or of the Project Manager except upon a showing of good cause and proper diligence. A request for a postponement must be served upon all parties to the proceeding and filed in the office of the examiner at least 10 days prior to the date of the hearing. In no case will a request for postponement served or filed less than 10 days in advance of the hearing or made at the hearing be granted unless the party requesting it demonstrates that an extreme emergency occurred which could not have been anticipated and which justifies beyond question the granting of a postponement. In any such emergency, if time does not permit the filing of such request prior to the hearing, the request may be made orally at the hearing.

(b) The request for a postponement must state in detail the reasons why a postponement is necessary. If a request is based upon the absence of witnesses, it must state what the substance of the testimony of the absent witnesses would be. No postponement will be granted if the adverse party or parties file with the examiner within 5 days after the service of the request a statement admitting that the witnesses on account of whose absence the postponement is desired would, if present, testify as stated in the request. If time does not permit the filing of such statement prior to the hearing, the statement may be made orally at the hearing.

(c) Only one postponement will be allowed to a party on account of the absence of witnesses unless the party requesting a further postponement shall at the time apply for an order to take the testimony of the alleged absent witnesses by deposition.

§ 412.11 Authority of examiner.

The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, to administer oaths, to call and question witnesses, to take and cause depositions and interrogatories to be taken, and to make a decision. So far as is not inconsistent with a prehearing order, the examiner may seek to obtain stipulations as to material facts and the issues involved and may state any other issues on which he may wish to have evidence presented. He may exclude irrelevant issues.

§ 412.12 Evidence.

(a) All oral testimony shall be under oath and witnesses shall be subject to cross examination. The examiner may question any witness. Documentary evidence may be received if pertinent to any issue. The examiner will summarily stop examination and exclude testimony which is obviously irrevelant and immaterial.

(b) Objections to evidence will be ruled upon by the examiner. Such will be considered, but need not be separately ruled upon in a decision on appeal. Where a ruling of an examiner sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded testimony, and the objecting party may then make an offer of proof in rebuttal.

§ 412.13 Transcripts and fees.

(a) Each private party and the Government, acting through the Project Manager will be required to pay the reporter's fees for the respective testimony of their witnesses, except that:

(1) If the decision is adverse to the private party he must pay all of the reporter's fees and the examiner will notify him of the amount assessed at the time he announces his decision.

(2) If the decision is adverse to the Government, the private party will be relieved of payment of any reporter's fees.

(3) If the private party files with the examiner 15 days before a hearing an affidavit supporting a request that the private party is financially unable to pay for reporter's fees, the examiner may, in his discretion, approve such request and relieve the private party from payment of any reporter's fees.

(b) Each party must pay for any copies of the transcript obtained by him.

§ 412.14 Findings and conclusions; decision by examiner; submission to Secretary for decision.

(a) At the conclusion of the testimony the parties at the hearing shall be given a reasonable time by the examiner, considering the number and complexity of the issues and the amount of testimony, to submit to the examiner proposed findings of fact and conclusions of law and reasons in support thereof or to stipulate to a waiver of such findings and conclusions.

(b) As promptly as possible after the time allowed for presenting proposed findings and conclusions, the examiner shall make findings of fact and conclusions of law (unless waiver has been stipulated), giving the reasons therefor, upon all the material issues of fact, law, or discretion presented on the record. The examiner may adopt the findings of fact and conclusions of law proposed by one or more of the parties if they are correct. He must rule upon each proposed finding and conclusion submitted by the parties and such ruling shall be shown in the record. The examiner will render a written decision in the case which shall become a part of the record and shall include a statement of his findings and conclusions, as well as the reasons or basis therefor, and his rulings upon the findings and conclusions proposed by the parties if such rulings do not appear elsewhere in the record. A copy of the decision will be served upon all parties to the case.

(c) The Secretary may require, in any designated case, that the examiner make only a recommended decision and that the decision and the record be submitted for consideration. The recommended decision shall meet all the requirements for a decision set forth in paragraph (b) of this section. The decision by the Secretary shall be the final decision and shall include such additional findings and conclusions as do not appear in the recommended decision and the record shall include such rulings on proposed findings and conclusions submitted by the parties as have not been made by the examiner.

§ 412.15 Appeal to Secretary.

(a) Any party, including the Project Manager, may appeal from the decision of the examiner to the Secretary as provided in this section.

(b) A person other than the Project Manager who wishes to appeal to the Secretary must file with or mail to the Project Manager a notice that he wishes to appeal. The notice of appeal must identify the case and must be filed with or mailed to the Project Manager within 30 days after the person taking the appeal received the decision he is appealing from. No extension of time will be granted for filing this notice. A notice of appeal which is filed late will not be considered and the case will be closed. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make. An appeal by the Project Manager shall be effective only if the Project Manager advises the other party within 30 days from the date of decision of such appeal.

(c) If the notice of appeal did not include a statement of the reasons for the appeal, such a statement must be filed with or mailed to the Secretary within 30 days after the notice of appeal is filed or mailed. An appeal may be summarily dismissed for failure to mail or file the statement of reasons within the time required. In any case the appellant will be permitted to file with the Secretary additional statements of reasons and written arguments or briefs within the 30-day period after he mailed or filed the notice of appeal.

(d) The appellant must serve a copy of the notice of appeal and any statements of reasons, written arguments or briefs on each opposite party not later than 15 days after filing the document. An appeal may be summarily dismissed for failure to serve within the time required.

(e) If any party served with notice of appeal wishes to reply, he must file an answer within 30 days after receipt of the notice of appeal or statement of reasons where such statement was not included in the notice of appeal. If new or additional reasons are filed by the appellant the adverse party shall have 30 days after receipt thereof within which to answer them. The answer must state the reasons why the answerer thinks the appeal should not be sustained. Answers must be filed with or mailed to the Secretary, and must be served upon appellant not later than 15 days thereafter. Failure to answer will not result in default. If an answer is not filed and served within the time required, it may be disregarded in deciding the appeal.

(f) The decision by the Secretary shall be final and copies of the decision will be mailed to the interested parties. The Secretary may, before rendering a decision, remand any case for further hearing if he considers such action necessary to develop the facts.

§ 412.16 Service.

(a) Wherever the regulations in this part require that a copy of a document be served upon a person, service may be made by delivering the copy personally to him or by sending the document by registered or certified mail, return receipt requested, to his address of record in the Bureau.

(b) In any case service may be proved by an acknowledgment of service signed by the person to be served. Personal service may be proved by a written statement of the person who made such service. Service by registered or certified mail may be proved by a post office return receipt showing that the document was delivered at the person's record address or showing that the document could not be delivered to such person at his record address because he had moved therefrom without leaving a forwarding address or because delivery was refused at that address or because no such address exists. Proof of service of a copy of a document should be filed in the same office in which the document is filed except that proof of service of a notice of appeal should be filed in the office of the Secretary if the proof of service is filed later than the notice of appeal.

(c) A document will be considered to have been served at the time of personal service, of delivery of a registered or certified letter, or of the return by the post office of an undelivered registered or certified letter.

(d) In all cases where a party is represented by an attorney, service of any document relating to the proceeding may be made upon such attorney and will be deemed to be service on the party he represents. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

§ 412.17 Basis for decision; record.

The record of a hearing shall consist of the transcript of testimony, the exhibits, together with all papers and requests filed in the hearing. The record made shall be the sole basis for decision, except to the extent that official notice may be taken as provided in § 412.18.

§ 412.18 Official notice.

Official notice may be taken of the contents of the approved plats of survey and other public records of the Department of the Interior and of any matter of which the courts may take judicial notice. Where a decision in a case in which a hearing has been held rests upon official notice of a material fact relating to an issue upon which the hearing was held, the decision will so state and will allow any party upon request to have an opportunity to show to the contrary. Such request must be filed and served within the time and in the manner prescribed in the decision. Where a decision or recommendation has rested upon such official notice and has afforded the parties an opportunity to show to the contrary, no further opportunity to show to the contrary will be allowed.

§ 412.19 Extensions of time.

(a) With the exception of the time fixed for filing a notice of appeal, a Project Manager, or an examiner, respectively, may extend the time for filing or serving any document that is to be filed with him.

(b) A request for an extension of time must be filed within the time allowed for the filing or serving of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

§ 412.20 Computation of time.

In computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed from or answered was received or the day of any other event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, Federal legal holiday, or other non-business day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other non-business day. When the time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, Federal legal holidays, and other non-business days shall be excluded in the computation.

§ 412.21 Regulations governing practice before the Department.

Every individual who wishes to practice before the Department of the Interior, must comply with the requirements of Part 1 of this title.

§ 412.22 Power of the Secretary.

Nothing in this part shall be construed to deprive the Secretary of any power conferred upon him by law.

§ 412.23 Effect of decision pending appeal.

A decision pursuant to § 412.7 will not be effective during the time in which a person adversely affected may file a notice of appeal, and the timely filing of such notice of appeal will suspend the effect of the decision appealed from pending the decision on appeal. However, when the public interest requires, the person to whom an appeal may be or is taken may provide that a decision or any part of it shall be in full force and effect immediately. The Project Manager shall recommend to the examiner when submitting an order to show cause pursuant to § 412.7(c) whether the decision shall be suspended pending the examiner's decision. The Secretary may so order an appeal from the examiner.

[F.R. Doc. 59–6506; Filed, Aug. 6, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59–797]

PART 3—RADIO BROADCAST SERVICES

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the provisions of section 315 of the Communications Act of 1934, as amended, the provisions of the above-captioned rules, and its Public Notice of October 1, 1958 (FCC 58–936) containing, in question and answer form, interpretations and interpretive opinions with respect to said section 315 and Commission rules; and

It appearing that paragraph (d) of the above-captioned rules provides as follows:

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of two years;

And

It further appearing that said interpretations and interpretive opinions require clarification and supplementation in order that candidates for public office and broadcast licensees may be more fully informed as to their rights and obligations under section 315 and the rules and in order to insure the orderly and expeditious disposition of requests submitted to such licensees and to the Commission for "equal opportunities" under said section of the Act and under said rules; and

It further appearing that the rules proposed to be adopted herein are interpretive and clarifying in nature; that they deal with agency procedure and

practice; that, pursuant to section 4(a) of the Administrative Procedure Act, proposed rule making is not required; and that, pursuant to section 4(c) of the Administrative Procedure Act, said rules may be made effective immediately; and

It further appearing that the Commission's authority to adopt the proposed amendments to its rules is contained in sections 4(i), 303(r) and 315(c) of the Communications Act of 1934, as amended;

It is ordered, That §§ 3.120, 3.290, 3.590 and 3.657 are amended so that the following paragraphs are added to each of said sections:

(e) *Time of request.* A request for equal opportunities must be submitted to the licensee within one week of the day on which the prior use occurred.

(f) *Burden of proof.* A candidate requesting such equal opportunities of the licensee, or complaining of non-compliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

(Sec. 4, 48 Stat. 1066, as amended. Interprets or applies sec. 303, 315; 48 Stat. 1082, 1088; 47 U.S.C. 303, 315)

It is further ordered, That the above amendments shall be effective August 10, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6513; Filed, Aug. 6, 1959; 8:48 a.m.]

[FCC 59-838]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Radiotelephony for Navigational Communication

1. This proceeding is in consequence of a formal petition dated April 29, 1958, for reconsideration of the Commission's Report and Order of April 2, 1958, filed by the Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area (hereinafter called J.E.C.) supported by the Pacific American Tankship Association (letter of May 28, 1958) and by the American Merchant Marine Institute, Inc. (letter of June 10, 1958), and in consideration of related developments which have occurred since that time, including promulgation by the Radio Technical Commission for Marine Services (RTCM) of its Special Committee No. 39 Report (SC-39), adoption by the United States Government of its Proposals for revision of Articles 28 and 34 and Appendix 12 of the International Radio Regulations of Atlantic City, 1947, and recent deliberations of the Safety of Navigation Committee of the United States Preparatory Committees for the Safety of Life at Sea Conference, 1960.

2. The Commission's Report and Order of April 2, 1958 (FCC 58-320), relative to radiotelephony for navigational communication, was in response to both the comments received by the Commission as a result of its Notice of July 30, 1957 (FCC 57-832), and to the first petition filed in this matter by the J.E.C. under date of November 27, 1957. The stated objective of the Commission's Notice of July 30, 1957, was to elicit information as to rule amendments that would encourage the early voluntary use of "bridge radiotelephone" (radiotelephone communication between ships) in the interest of increasing safety of navigation. Accordingly, J.E.C.'s petition of November 27, 1957, requested assignment of a frequency and certain rule amendments to facilitate the installation of a bridge-to-bridge VHF radiotelephone system in the Delaware River and Bay area.

3. In its petition of April 29, 1958, J.E.C. "noted with satisfaction" that the Commission's Report and Order of April 2, 1958, "did adopt Petitioner's request (contained in J.E.C.'s first petition) that the proposed Delaware River system be operated without requirements for operator permits and without the use of official call signs". However, other requests contained in its first petition, according to Petitioner's latest filing, "have been completely denied" or "have been adopted in a form incompatible with the safety objective". Petitioner states also that the Commission's Report and Order "appears to be contrary to the general sense" of the comments filed in response to the Commission's Notice of July 30, 1957, and to J.E.C.'s initial petition "in the most important areas", and that the Commission's action would "almost certainly have an effect directly opposite from that sought".

4. Further, "J.E.C. confirms that the program it is sponsoring has merit and should be more thoroughly reviewed by the Commission". J.E.C. is "certain that there has been a misunderstanding" and in its petition for reconsideration attempts "to explain more clearly what it believes to be sound and basic reasons behind the requests that were made in its original Petition". On the other hand J.E.C. believes that "perhaps the Commission's Report and Order is not sufficiently clear to the petitioner".

5. Considering first the various misunderstandings reported by Petitioner, it is observed from the instant petition that:

> The Commission's total denial of the shipping industry's almost unanimous recommendation that any bridge-to-bridge navigational aid be accomplished by using single channel equipment (is) most difficult to understand.

Petitioner further states that "it is aware of the Commission's long standing policy of discouraging the use of single channel equipment in the 156 Mc to 162 Mc maritime mobile band (except in the case of low powered equipment) and takes no exception to this policy as it is applied to the concept of a VHF (Very High Frequency) communications system". It should be noted, however, that the Commission's policy does not discourage or prevent the use of single channel "equipment". The correct term in this concept is "station" instead of "equipment". The distinction is basic and significant. It is common knowledge among radio engineers that an individual single-channel radio transmitter, or an individual single-channel radio receiver, or any individual unit containing such a transmitter and receiver, may be described briefly as "equipment" or "apparatus". On the other hand, a "station" is defined by § 8.2(f) of the Commission's rules as "A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a definite radiocommunication service". The Commission's policy, apparently misunderstood by petitioner, is reflected in paragraph (c) of § 8.106 of the Commission's rules. The final and pertinent sentence of that paragraph is as follows:

> The requirement of this paragraph (multi-channel ship station capability) in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

In consequence, it is clear that the Commission's policy in this respect, while prohibiting the use of single channel ship stations in this VHF band, has not prevented or discouraged the use of single channel equipment as part of a multi-channel ship station. Nothing in the Rules of the Commission prohibits or has prohibited compliance by a VHF ship station with § 8.106(c) by use, for example, of a dual-channel transmitter-receiver unit operable on 156.8 Mc and 156.3 Mc at one location on the ship, and (at a different location on the same ship, if desired) an entirely separate single-channel transmitter-receiver unit operable on 156.6 Mc or, under the present developmental § 8.805(a), 156.65 Mc for developmental bridge-to-bridge communication (in lieu of 156.6 Mc for ship-shore communication). This procedure clearly permitted the installation and use of the single-channel equipment considered necessary for the developmental program which would meet all technical and operational features enumerated by petitioner. Hence, the Commission did not reject the shipping industry's recommendation that a bridge-to-bridge "navigational aid" be provided by using single channel "equipment". Instead, the Commission's rules, as amended in response to J.E.C.'s first petition, simply provided that the multi-channel VHF system be continued in force for all VHF licensed ship stations until the single channel VHF system had been proven, under developmental licenses, effective in actual practice for the contemplated purpose. In this connection, present § 8.805(b) provides:

> In the case of ship stations, if desired, the regular minimum VHF channel requirements pursuant to Rule § 8.106(c), including a ship-shore channel in this band, may be authorized under regular ship station license (either existing or new installation) with a supplemental developmental license for the same ship issued to cover trial operation on 156.65 Mc.

As provided by § 8.805(a), the frequency 156.65 Mc could be substituted under developmental license for the otherwise required ship-shore channel. An additional element of advantage in the trial operation of a bridge-to-bridge communication system on 156.65 Mc under developmental ship station licenses, not mentioned by Petitioner, is the fact that use of the VHF calling frequency 156.8 Mc is not required as an adjunct to intership communication on 156.65 Mc, and both calling and working can be carried out on the latter channel. (Commission § 8.366(b)(3)). Hence, it appears that J.E.C. may have failed to understand fully the reason for the Commission's requirement that shipboard developmental station installations for trial use of a single VHF channel in the maritime VHF multi-channel frequency band would, in each case, have to be complemented by the additional minimum number of VHF channels necessary for that station to become a part of the only maritime multi-channel system in the VHF portion of the spectrum. In prescribing this requirement, the Commission, in the absence of an acceptable showing of a need to act otherwise, merely continued to uphold its long-sustained and well publicized policy of not authorizing or recognizing any basic deviation from effective safety radio systems within its jurisdiction, unless experimental or developmental operation has successfully demonstrated that such deviation would be a sound course of action. Consequently, in furtherance of this policy the Commission has, to date, firmly sustained its multi-channel system requirement for all ship stations (including developmental stations) licensed in the 156-157 Mc marine frequency band. Moreover, it is noted that J.E.C. "takes no exception to this policy as it is applied to the concept of a VHF communication system—" and understands that "the reason for the present VHF multi-channel requirement is to insure that those gaining a general usage benefit from the use of marine radio share safety responsibility with others".

6. The following statement of petitioner, because it concerns fundamental concepts of radio station and service classification relative to section 303 (a), (b), (c), and (r) of the Communications Act, is of special interest in this proceeding:

> It is believed that confusion has arisen because the proposed navigational aid is being thought of as a communication system. The proposed system is primarily a navigational aid and the use of radiotelephone is only incidental to its method of operation. It could conceivably operate visually, or by some other method; for the present, however, radiotelephone appears to offer the only practical solution.

J.E.C.'s conclusion that the proposed system is primarily a navigational aid, in advance of operational experience under the conditions stipulated, appears to be somewhat premature. In any event, telephony is the sole method of radiocommunication immediately proposed for use and this is defined by Commission § 8.7(g) as "A system of telecommunication set up for the transmission of speech, or in some cases, other sounds". On the other hand, examination of possible classification of this facility as a "navigational aid" reveals the following aspects: The most nearly related existing station classification under Commission rules would seem to be "radionavigation mobile station" which is defined by § 8.4(k) to mean "A station in the radionavigation service intended to be used while in motion or during halts at unspecified points". Proceeding further, a progressive analysis of this concept, with reference successively to paragraphs (k), (h), (b), (a), and (g) of § 8.4, reveals that "radionavigation service" means "A service involving the use of determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves intended solely for the determination of position or direction or for obstruction warning, in navigation". Admittedly, the most appropriate description and classification of various radio navigational aids is a matter for further study as exemplified by the attention being given this subject by the U.S. Preparatory Committees for the 1959 Administrative Radio Conference. Petitioner has not yet established to the satisfaction of the Commission that "bridge-to-bridge telephony" is in fact a "navigational aid" as distinguished from "telephony" used as a medium for the exchange of information relative to navigation. Petitioner has requested authorization for use of a frequency in the band 156-157 Mc. In accordance with the International Radio Regulations, this band is allocated by the Commission for use by ship stations in the maritime mobile service. The fact that Petitioner proposes that the purported "navigational aid" operate in this band because in its opinion, this band was "an unavoidable choice" is not in itself sufficient justfication for reallocation at this time of any frequency in this band to the maritime radionavigation service in order to accommodate Petitioner's designation of the desired facility as a "navigational aid".

7. Considering Petitioner's apparent further misunderstanding, that "it is difficult indeed to see how the Commission can justify" its "discriminatory policy * * * against the use of portables on the bridge-to-bridge channel", it is observed that the pertinent rules (not specifically identified by J.E.C.) adopted in response to the first petition would, as interpreted by J.E.C., (1) permit the use of portable stations on board ship primarily by authorized pilots only, (2) require dual channel capability for such stations if the plate input power exceeded 3 watts, and (3) prohibit the use of portables as permanent stations on this channel (156.65 Mc) even when the plate input power did not exceed 3 watts. Petitioner's interpretation of the Commission's rules applicable to these matters does not agree with the Commission's interpretation. With reference to preceding interpretation (1), pursuant to present § 8.805, paragraph (d)(3)—

> —operation of developmental stations on the particular frequency 156.65 Mc on board ship shall, without exception, be by and under the control of the master or duly authorized navigating personnel of the ship, including authorized pilots, as designated by the master.

The term "stations" as used therein did not exclude stations of a portable nature. Since the master or duly authorized navigating personnel of the ship are not necessarily "authorized pilots", this rule provision did not require operation of such stations "primarily only by authorized pilots". No other rule provision is apparent which would have restricted such operation (solely because of the portable nature of the station) primarily to authorized pilots and no element of discrimination is perceived. With reference to preceding interpretation (2), present § 8.805(a) provides that—

> licenses for limited ship stations (developmental) will authorize operation, as a minimum (except for low-power portable stations pursuant to rule § 8.106(c)) on 156.8 Mc, 156.3 Mc, and 156.65 Mc in lieu of the normally required ship-shore channel. In the case of VHF portable ship stations for use primarily by authorized pilots (plate input power in excess of 3 watts), these may be authorized under developmental licenses authorizing, as a minimum, only two channels, 156.8 Mc and 156.65 Mc * * *

In essence, this rule provision prescribes that any VHF portable ship station having a plate input power in excess of 3 watts must be capable of operation on at least the three specified channels except that only two-channel (dual-channel) capability is required if the station is used primarily by authorized pilots. Hence, the effect of any "discrimination" that may be reflected by this provision merely serves to facilitate use of the equipment by authorized pilots. With reference to preceding interpretation (3), there is no discrimination apparent in the purported prohibition against the use of portable stations as "permanent" stations on board ships irrespective of frequency or power. This regulatory provision applies to all stations of a portable nature used aboard ship as is evident from reference to long-established § 8.71 of the Commission's rules.

8. Considering Petitioner's obvious misunderstanding regarding the alleged "subordination of navigational communications to all other communications", as evidenced by Petitioner's statement that "* * * it is difficult to understand why the navigational communications proposed by J.E.C. should be assigned 'no priority' and made subordinate to all other communications regardless of the nature of such communications", it is observed that J.E.C. has reference to § 8.805(a) adopted April 2, 1958, which, among other things, provides that—

> In all instances, transmission on 156.65 Mc is subject to the condition, with reference to rule §§ 7.504(c) and 8.434(c), that harmful interference is not caused to the operation of stations regularly licensed in an established service * * *

This rule provision is not directed to the matter of priority of types of communication; it simply distinguishes between

established uses of radio and developmental or experimental uses, and assigns priority, solely from the point of view of harmful interference, to established radio services. This represents a firm regulatory policy which has been enforced for many years to protect specific radio functions, already recognized as serving the public interest, from possible interference caused by developmental or experimental operation. Although experimental or developmental stations serve the public interest by way of providing technical data or operational information of value concerning establishment of a possible new function or service, or improvement of an existing service, it is generally conceded that they must not cause harmful interference to established services. This policy is in accordance with section 303 (f), (g), and (r) of the Communications Act and International Radio Regulations 55, 380, 1009, and 1015 of Atlantic City, 1947. Petitioner seems unaware of the fact that the stations proposed to be licensed for single-channel trial bridge-to-bridge communication would, at the outset, be solely in the experimental or developmental category, and that the order of priority of communications prescribed by Commission §§ 7.181(b) and 8.177(b) would apply equally and without discrimination to all such stations as a class licensed to operate on the developmental channel involved.

9. Petitioner advises that proposed use of the "split-channel" frequency 156.65 Mc poses difficult problems in the use of portable equipment. The problems in this respect would seem to be insufficient receiver selectivity and consequent interference from an adjacent channel whose carrier frequency would be 50 kc higher or lower than that of the proposed bridge-to-bridge radiotelephone channel. The question of interference in this type of operation is related to radiated power from transmitting stations, carrier frequency stability, frequency deviation in modulation, audio-frequency band width, and geographic separation of stations, as well as receiver selectivity mentioned by Petitioner. J.E.C. is of the opinion that the receiver selectivity of "presently available" (April, 1958) portable equipment is inadequate for use in split-channel service (50 kc carrier separation of adjacent channels). In assigning the frequency 156.65 Mc for developmental bridge-to-bridge communication, however, the Commission gave due consideration to all related technical factors based upon adopted international standards as well as the result of comparable VHF operation in the several domestic land mobile services utilizing channel separations of the order of 50 kc or less. Attention is invited to the fact that the technical operating conditions prescribed by the Commission's rules for bridge-to-bridge communication were generally comparable to those specified by Recommendation No. 223 of the Eighth C.C.I.R. (International Radio Consultative Committee), Warsaw, 1956, and by the International Maritime VHF Radiotelephone Conference of the Hague, 1957. Accordingly, the Commission does not agree with J.E.C. that "It would therefore, be unwise to attempt the use of presently available portable equipment on the 156.65 Mc channel", especially when one of the objectives of the developmental program would, as seen from the Commission's point of view, be a determination of the operational feasibility of providing the desired exclusive channel in the future, possibly by allocation of 156.65 Mc or some other currently unassigned 50 kc "mid-channel" in this band if such allocation would not then be at variance with applicable International Radio Regulations.

10. Finally, Petitioner refers to the time required for the proposed developmental program and reports that it does not believe its members or the industry in general would "react favorably to the establishment of this or any other service on a developmental basis with an unrealistic cut-off date (June 30, 1959) such as adopted in the Commission's Report and Order". Petitioner's concept of a "cut-off" date is reflected by its further reference to a "technically sound program whose demise is spelled out to the exact date". An examination of the Commission's Report and Order of April 2, 1958, and associated Rules fails to disclose any reference to June 30, 1959 as a "cut-off" date or as a date of "demise" of the Petitioner's proposed developmental program. J.E.C. presumably had in mind the statement appearing in paragraph 10 of that Order, as well as the text of associated §§ 7.602(a) and 8.805(a), which reads in part:

> Developmental stations • • • may be authorized to operate for a continuous period, from the date of license grant to and including June 30, 1959, without the necessity of license renewal during this period.

Since Commission rules (§§ 7.65(c) and 8.63(d)) provide that developmental licenses for coast and ship stations are issued normally on a temporary basis for a period not exceeding one year, the quoted rule provision, in effect, waived the normal license period in favor of an extended period for such developmental licenses as might be issued before June 30, 1958 in behalf of the bridge-to-bridge communication program and established a common expiration date for all such licensees in order to facilitiate Commission action concerning possible renewal of those licenses. This distinction is the only apparent difference between administration of this developmental program and other developmental programs in other fields.

11. As set forth in the first paragraph of this Report and Order, certain pertinent developments which merit attention have occurred since the instant petition was filed with the Commission. The event believed most significant concerning the general subject of bridge (VHF intership) radiotelephone communication was the adoption and promulgation by RTCM of its report on "Installation Of Bridge-to-Bridge Direct Radiotelephone Communication" (SC–39) under date of November 18, 1958, concluding a special study by that body which had been in progress since July 1957. RTCM is an established organization well known to the maritime radio interests of the United States. Briefly, it is a cooperative association of U.S. Government and non-government marine telecommunication agencies. Its constitution, bylaws, proceedings, and numerous technical reports have been given wide publicity and distribution among maritime and government interests. Its findings are in the nature of coordinated recommendations to all United States organizations concerned and are open to public inspection as desired. It is not an official agency of the Government, however, and its recommendations may not be regarded as statements of official government policy unless so enunciated by the respective government agency having statutory jurisdiction of the matters to which RTCM recommendations relate.

12. RTCM Special Committee 39 (SC–39), which conducted the necessary studies and prepared the text of this most recent RTCM report on bridge radiotelephony, was composed of 46 members including its chairman, a member of the Federal Maritime Board. Of these members, 20 were associated with commercial shipping interests of the United States, including Pacific American Steamship Association, National Fisheries Institute, Inc., American Pilots' Association, Lake Carriers' Association, J.E.C., American Merchant Marine Institute, Inc., and Pacific American Tankship Association. It is observed that the two last-named have, as previously mentioned herein, supported the instant petition of J.E.C. Of the remaining 26 members, 8 were associated with commercial radio interests, 3 were associated with maritime labor organizations, one was a member of U.S. Power Squadrons (non-commercial), one was a retired shipmaster, and 13 were members of various U.S. Government agencies, including the Coast Guard (Treasury Dept.), the Maritime Administration, and this Commission. During the course of its studies, SC–39 solicited and received written opinions relative to its problem from 723 masters of United States vessels. Among other things, the RTCM through formal adoption [1] by its Executive Committee of the SC–39 Report, recommends that—

> If early voluntary evaluation and implementation of bridge-to-bridge radiotelephone by vessels of the United States is desired, the FCC Regulations should
>
> (a) Designate a specific VHF frequency which may be used for navigational exchanges in open waters, inland waters, and in port areas; [2]
>
> (b) Authorize exemption from multi-channel requirement for equipment operating only on a single frequency if the equipment is authorized solely for navigation and scene-of-action purposes, and provided the ship station is fitted with and authorized for other maritime mobile service frequencies or equipment to meet the general and safety communication needs of the vessel.

[1] An action from which the representative of the Federal Communications Commission, because of the instant petition, abstained.

[2] The carrier frequency 156.3 Mc has been available under the Commission's rules for such use between ships, among other usage, for several years.

13. As already explained in paragraph 5 of this Report and Order, it has been permissible under the Commission's rules to install and use single-channel (156.65 Mc) VHF equipment as desired by J.E.C. provided additional VHF equipment for operation in the same frequency band is installed on the same ship as part of the multi-channel VHF communication system. We observe, however, that the owners of U.S. flag ocean-going vessels subject to compulsory radio installations (other than VHF) have not felt the "economic need" to install a VHF radiotelephone (multi-channel) system to supplement the present compulsory installations (SC–39, pages 5 and 14). The position of the ocean shipowners appears to be that the installation of VHF multi-channel equipment is a matter related to economics of vessel operations. The introduction of multipurpose VHF harbor systems in European ports (SC–39, Attachment III, No. 2) is a move which should "help to encourage" the fitting of multi-channel equipment. However, the U.S. owners of ocean-going ships "have not shown much interest in the European systems to date and there are none planned for U.S. ports." (SC–39, page 6). Although multi-channel VHF equipment has been available for several years, the "economic and operational return to ocean shipowners" apparently has not yet been found sufficient to result in any significant number of installations on ocean vessels (SC–39, page 16). Although the cost of maintenance and repair for contemplated inter-bridge communications, single or multiple channel, should not be excessive if the devices conform to the simple, relatively rugged construction and design considerations normally utilized in marine engineering (SC–39, page 11), the first cost of a multi-channel VHF ship station is of course somewhat higher than that of a single-channel station. Further, the use of a multi-channel ship station on an ocean-going merchant vessel, other than the particular bridge-to-bridge channel, appears to involve certain inviolable operating conditions not present in the use of a single-channel VHF station limited in use to navigational communication (SC–39, pages 10 and 11). Thus, there is no real assurance that any progress could be expected if we are to wait for VHF shipboard installations to be made for purposes other than single-channel bridge-to-bridge communication (SC–39, page 16). Consequently, in order to accomplish this single function, it is not believed necessary by ocean shipowners to fit their vessels with a secondary multi-purpose, multi-channel radiotelephone system (SC–39, page 6). Hence, we can conclude only that the industry desires, before proceeding to install developmental single-channel VHF ship stations, relief from the requirement for conformance to the VHF multi-channel standard by the installation on shipboard of additional equipment (at least two channels) either on the bridge, in the radio room, or elsewhere on the ship. This situation, and not any regulatory prohibition against single-channel "equipment", seems to be the primary reason why Petitioner's bridge radio-telephone evaluation project has been subjected to delay.

14. The maritime mobile radio service is recognized generally as a means primarily for promoting safety at sea. The multi-channel system, wherein a calling frequency and separate working frequencies common to all ship stations of the system are used, has been established and continuously used in this service almost since its inception. World-wide experience over the years has shown the effectiveness of this system, especially during emergencies. In respect to telephony, the system is perhaps best illustrated by its successful use (on both 2 Mc and VHF) during the last several years on the Great Lakes for intership navigational and safety communication. The multi-channel system for VHF operation, although not yet required by the International Radio Regulations, has been endorsed by the principal maritime nations of Europe (International Maritime VHF Radiotelephone Conference, the Hague, 1957). Further, the Commission has received a formal resolution adopted by the Dominion Marine Association and the Lake Carriers Association at Ottawa, Canada, under date of January 19, 1959, urging the governments of Canada and the United States "to continue in force all rules and regulations requiring that vessels licensed for operation in the maritime mobile radiotelephone service be equipped with multi-channel shipboard equipment." Accordingly, the Commission is reluctant to recognize what might be a premature deviation, even on a developmental basis, from this proven system, and to justify such recognition we believe that a compelling need in reference to the statutory standard of public interest should be evident. Petitioner probably has evolved such a need, in a sense, in view of its firm stand that if the early adoption of bridge-to-bridge communication "is to be encouraged" it is "necessary" that the Commission "authorize use of single-channel equipment of adequate power (including portables) on the navigational channel without attempting to tie it into the 156–162 Mc communication system with its multi-channel concept • • •". Preferably a compelling need based on other factors should be discernible.

15. More than two and one-half years have passed since the House Committee on Merchant Marine and Fisheries, in its January 3, 1957, report on the safety aspects of the collision between the vessels "Andrea Doria" and "Stockholm," invited attention to the safety value of bridge-to-bridge radiotelephone communication and advised that this was a subject appropriate for study "as a prelude to carrying the subject to the international level for consideration and action". World-wide adoption of frequencies and regulations for international maritime VHF usage is expected to be on the agenda of the International Radio Conference to revise the 1947 Radio Regulations beginning in August of this year. Discussion of the possible value or use of bridge radiotelephony is anticipated during the Safety of Life at Sea Conference in the late spring of 1960. While much attention has been given this subject by RTCM and by United States Preparatory Committees, it appears that to date the United States has obtained very little, if any, related practical experience in seaboard and ocean areas. Hence, the element of time and the importance of the matter impels the Commission to take whatever related action may be reasonable and proper at the earliest possible moment.

16. Evaluation of VHF bridge-to-bridge radiotelephony as used on the Great Lakes reveals a considerable degree of effectiveness. Nonetheless, such evaluation has not as yet developed certain information deemed essential to the resolution of problems concerning ship identification in conjunction with the use of radar, and the foreign language problem. The latter may become more prominent on the Great Lakes as more foreign ships utilize the St. Lawrence Seaway. Accurate radar vessel identification is a problem clearly recognized in technical studies made by RTCM, electronic devices looking toward a solution are described in its associated reports, and the electronic industry is seeking a solution to this identification problem (SC–39, pages 3 and 4). There is no reason apparent to the Commission why all of the industry efforts to solve these difficult problems should, in this country, be made in the Great Lakes area only. Despite the demonstrated navigational value of multi-channel VHF bridge telephone installations on the larger Great Lakes ships, a large number of ships in that area are not yet so equipped. Possibly the element of cost acts as a deterrent. As stated in the House Committee Report of January 3, 1957, more voluntary installations of bridge radiotelephones on ocean-going U.S. ships will provide needed experience, and should encourage foreign ships to make such installations and thereby facilitate evaluation of the language problem. As a consequence of RTCM activity, a need has been expressed by many shipmasters and navigators for the ability to exchange navigational information by voice with nearby ships, especially in pilot waters.

17. A fundamental question exists as to whether trial operation of bridge-to-bridge telephony on an international basis will demonstrate that radiotelephony (as a means of exchanging navigational intelligence by speech) will be practicable in view of possible language barriers and national differences in nautical parlance. If it proves unworkable, then some other radio technique for exchanging this navigational information may be developed. Hence, it cannot be predicted at this time whether the proposed facility should in fact be accommodated on one of the radiotelephone channels in an established maritime mobile service frequency band, or on a channel in some other band available for radio aids to marine navigation. In the event telephony should fail to prove effective for navigational purposes, then the question of the calling and working system of communication would of course become irrelevant. Accordingly, the Commission is of the opinion that the latter question may well be held

in abeyance pending the outcome of early international conferences and anticipated trial operation of the single-channel facility over an extended period, and that a continued requirement for multi-channel ship stations for this developmental project would, at this time, not contribute directly to the kind of information desired. Moreover, the multi-channel requirement is now generally conceded to be a distinct economic deterrent in reference to achieving early installations on a large number of ocean-going vessels. Therefore, the Commission concludes that in the interest of encouraging the larger and more effective use of radio pursuant to section 303(g) of the Communications Act, its rules should be amended so as to permit, under certain stipulated conditions, the authorization and use of developmental ship stations capable of operation on a single VHF channel only. In line with this amendment, the rules should be amended also to permit a maximum authorized transmitter power of 15 watts as initially suggested by J.E.C.

18. Cognizance is taken of Petitioner's misunderstandings, discussed previously herein, regarding interpretations of Commission rules relative to (a) use of portable stations and (b) priority of operation of stations regularly licensed in an established service on other channels over developmental operation on 156.65 Mc, as well as Petitioner's concern over (c) the possible technical problems of split-channel assignments and (d) the purported "unrealistic cut-off date of June 30, 1959" adopted in the Commission's Report and Order of April 2, 1958. It is not possible to determine from Petitioner's filing whether these particular matters would have delayed or prevented progress to date in the described project, if at the same time the multi-channel station requirement had not been imposed. Additional information concerning these matters is not found in the RTCM SC-39 Report or the proceedings of the U.S. Preparatory Committees for the international conferences, except that the committees dealing with telecommunication apparently did not regard "split-channel" operation (50 kc carrier separation in the 156 Mc band) as a problem of serious magnitude.

19. Petitioner requests also that a more realistic period be allowed for authorization, purchase, installation, trial, and evaluation of the "proposed navigational aid", with assurance that if the program does prove successful it could be continued and carried forward on a regularized basis. On the latter point, the administrative policy long established by the Commission requires that any new kind of radio facility or service proposed for recognition and regulation by the Commission, if not based upon an existing and established technique that can be evaluated in reference to the statutory standard of public interest, must undergo the necessary developmental process to establish pertinent facts before it can be considered for recognition on a regular basis. The limitations of sections 303(r), 307 (d), (e), and 309(d) of the Communications Act do not permit the Commission to give unqualified "assurance" to any radio service or group of licensees that they will be "carried forward" upon expiration of licenses "on a regularized basis". The normal expiration date of April 1, 1961 for initial developmental licenses which would authorize the use of 156.65 Mc as provided in the attached rules is based upon time factors relative to the scheduled Safety at Sea Convention, 1960, and the effective date of the International Radio Regulations to be revised the latter part of this year by the Geneva Radio Conference.

20. Petitioner invites the Commission's attention to the necessity of preserving, on an international basis at the 1959 International Radio Conference, a channel which can be assigned in the manner it has suggested. Subsequent to petitioner's instant filing, the U.S. Preparatory Committees for this Conference have, in response to RTCM and industry recommendations, considered this subject and appropriate proposals for revision of Articles 28 and Appendix 12 of the International Radio Regulations of Atlantic City, 1947, have been adopted by the United States Government for presentation at the Conference.

21. Other matters not specifically requested by Petitioner but believed desirable or necessary by the Commission are covered in the attached rules. These are listed herewith:

(a) To facilitate and expedite progress in this developmental project, the special requirement, contained in the rules as adopted April 2, 1958, that type-accepted equipment only would be acceptable for developmental licensing, has been deleted. This restores developmental licenses in respect to the frequency 156.65 Mc to the same category that exists normally under the Commission's rules for all developmental station licenses granted under Parts 7 and 8 of these rules.

(b) For developmental ship stations, communication on the 156.65 Mc channel specifically includes authority for ship-to-ship communication for receiving or rendering assistance "at the scene of any maritime emergency". (§ 8.434(d)(1)(i).) This is in accordance with Petitioner's discussion of the subject and explanation of the objectives sought to be attained.

(c) Applicants otherwise eligible for limited coast station licenses (developmental) for operation on 156.65 Mc will not be eligible to hold such licenses if their eligibility is based solely upon the provision of subparagraph (4), paragraph (a) of § 7.351 inasmuch as the frequency 156.65 Mc is not authorized for obtaining information "essential to furnishing a ship arrival and departure service". (§ 7.501(b).)

(d) Required station records of operation on the 156.65 Mc channel must be retained by each licensee for a minimum period of three years from date of entry unless otherwise directed by the Commission. Previously, the rules prescribed a concluding date for this requirement which coincided with the initial license expiration date. Extension of the retention period is believed desirable to provide opportunity for more complete evaluation of the results of such operation on 156.65 Mc as may occur pursuant to the amended rules.

(e) The limiting date of December 31, 1960 for acceptance of applications for developmental operation on 156.65 Mc is prescribed in the attached rules. In consideration of the developmental or trial nature of the bridge radio-telephone program, the Commission believes that the number of U.S. stations to be authorized for this program should be sufficient by that date to achieve the desired evaluation. In the event conditions at that time should require an extension of this date, the Commission will duly consider the matter at that time.

22. In view of the fact that the data to be accumulated under the developmental station operation for which provision is herein made is necessary for use at the Administrative Radio Conference of the International Telecommunication Union beginning August 17th of this year and at the 1960 Conference to revise the International Convention for Safety of Life at Sea, and the fact that the Commission has heretofore had the benefits, as described herein, of extensive public comment concerning radiotelephony for navigational communication, and the further fact that the rule amendments herein ordered are temporary in nature, it is considered to be impracticable and unnecessary to comply with the rule making procedures set forth in section 4 (a) and (b) of the Administrative Procedures Act. For the same reasons and because the rule amendments herein ordered relieve a restriction, compliance with section 4(c) of the Administrative Procedure Act is not required. *Therefore, it is ordered,* That effective August 7, 1959, and pursuant to sections 303 (g) and (r) of the Communications Act, as amended, Parts 7 and 8 of the Commission's rules are amended as set forth below. *It is further ordered,* That, insofar as the rule amendments herein adopted are in accord with the rule amendment suggestions and requests for additional Commission actions contained in J.E.C.'s petition for reconsideration of April 29, 1958, the petition for reconsideration is hereby granted, and in all other respects the petition for reconsideration is hereby denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 29, 1959.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.501 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 7.501 Supplemental eligibility.

(a) An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

(b) The provisions of § 7.351(a)(4), in respect to use of a limited coast station or a marine-utility station for obtaining information essential to furnishing a ship arrival and departure service, shall not apply in determining eligibility for a limited coast station license (developmental) to operate on the radio channel of which the authorized carrier frequency is 156.65 Mc.

2. Section 7.503 is amended by adding a new paragraph (d) as follows:

§ 7.503 Assignable frequencies.

* * * * *

(d) In addition to the authorized carrier frequencies designated in § 7.356 for use by limited coast stations, the frequency 156.65 Mc may be licensed as an authorized carrier frequency for use exclusively by developmental land stations for operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information with developmental ship stations. Each such station is classified on a temporary basis, pursuant to paragraph (g) of § 7.3 and paragraphs (a) and (d) of § 7.6, as a "limited coast station (developmental)", employing telephony by means of frequency modulation for transmission and reception on the same radio channel, subject to and in accordance with the provisions of Subpart E of this part except that, unless the station authorization provides otherwise, the maximum authorized transmitter power shall be 15 watts (for both installed and portable stations, and frequency deviation at 100 per cent modulation shall not exceed 15 kc.

3. Section 7.504 is amended by revising the existing texts of paragraphs (a), (b) and (c) and by adding a new paragraph (d) as follows:

§ 7.504 Use of developmental stations.

(a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization, in paragraph (d) of this section, or in other sections of this subpart.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization, by paragraph (d) of this section, or by other sections of this subpart.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations regularly licensed in an established service under any part of the Commission's rules, nor to the service of any United States Government station or any foreign station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(d) The following provisions apply to each limited coast station (developmental) licensed specifically to use the radio channel of which the authorized carrier frequency is 156.65 Mc when such station is operating on this radio channel:

(1) Communication is authorized with ship stations operating on this radio channel, including foreign ship stations, for transmitting or receiving information concerning maritime radiolocation or for communication essential for the current passage of a ship or ships through locks, bridge areas, and government controlled waterways.

(2) Communication is authorized for brief tests with ship stations, if requested by such stations, solely to determine whether the developmental ship station equipment is in effective operating condition.

4. Section 7.506 is amended by designating the first full paragraph following the title of the section as paragraph (a), by designating existing paragraphs (a) through (f) as subparagraphs (1) through (6), and by adding a new paragraph (b) as follows:

§ 7.506 Report of operation required.

(a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commision's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(1) The final objective of the developmental operation.

(2) Pertinent results of operations to date.

(3) Analysis of the results obtained.

(4) Copies of any published reports.

(5) Need for continuation of the program if such need exists.

(6) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

(b) The following supplementary provisions apply to the operation of each limited coast station (developmental) on the radio channel of which the authorized carrier frequency is 156.65 Mc:

(1) Station records shall be maintained as required by §§ 7.115, 7.192, and 7.370 except that all such records shall, unless otherwise directed by the Commission, be retained by the licensee for a period of not less than three years from date of entry.

(2) A report on the results of the developmental program shall be filed by each licensee, or by one or more such licensees acting jointly as a coordinated group, within 60 days of the expiration of each developmental station license. Additionally, such reports shall be filed within 30 days of January 1, 1960, in respect to licensees whose first developmental coast station for this purpose shall have been authorized not less than 3 months before January 1, 1960; and within 30 days of April 1, 1960 in respect to licensees whose first developmental coast station for this purpose shall have been authorized not less than 3 months before April 1, 1960; and within 30 days of September 1, 1960, in respect to licensees whose first developmental coast station for this purpose shall have been authorized not less than 3 months before September 1, 1960.

§ 7.508 [Deletion]

5. The text of § 7.508 is deleted in its entirety.

6. Subpart M of Part 7 is amended by adding new §§ 7.508 and 7.509 as follows:

§ 7.508 Initial period of license for operation on 156.65 Mc.

Irrespective of paragraph (c) of § 7.65, each initial license for a limited coast station (developmental), which authorizes operation on the radio channel of which the authorized carrier frequency is 156.65 Mc, shall be issued on a temporary basis for a period normally beginning when granted by the Commission and normally ending at 3:00 a.m., e.s.t. on April 1, 1961. This provision, however, shall not preclude the granting of applications under this subpart for special temporary station authorizations in accordance with § 7.41 to expire prior to April 1, 1961.

§ 7.509 Time limit on filing of initial applications for operation on 156.65 Mc.

Applications for developmental limited coast station licenses to authorize, initially, operation on the radio channel of which 156.65 Mc is the authorized carrier frequency may not be filed after December 31, 1960. Any such application received by the Commission after that date will be returned to the applicant as provided by § 7.27.

NOTE: If, in the discretion of the Commission, a need develops for extension of this time limit on filing this category of application, the Commission will take such action in the matter as it then deems appropriate.

§ 7.602 [Deletion]

7. The text of § 7.602 is deleted in its entirety.

B. Part 8 is amended as follows:

1. Section 8.431 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 8.431 Supplemental eligibility.

(a) An authorization for developmental operation of a station on board ship in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

(b) Eligibility for limited ship station license (developmental) to operate on the radio channel of which the authorized carrier frequency is 156.65 Mc, in respect to the classes of ships on which such stations may be used, is limited to commercial transport vessels (including

pilot boats) and vessels of municipal or state governments, and, provided a sufficient showing of need therefor is made, other vessels; and further provided, that each such vessel shall be deemed eligible to use this class of station (either installed or portable) only when there is installed on board the same vessel an operable ship radio station licensed for telegraphy in the band 415 to 515 kc (including operation on 500 kc), or for telephony in the band 1600 to 3500 kc (including operation on 2182 kc) or in the band 156.25 to 157.45 Mc (including operation on 156.8 Mc, on 156.3 Mc, and on at least one ship-shore channel in this band or developmentally on 156.65 Mc).

2. Section 8.433 is amended by adding a new paragraph (d) as follows:

§ 8.433 Assignable frequencies.

* * * * *

(d) In addition to the authorized carrier frequencies designated in §§ 8.351 and 8.359 for use by ship stations, the frequency 156.65 Mc may be licensed as an authorized carrier frequency for use exclusively by developmental mobile stations for operational evaluation of a VHF single-channel radiotelephone facility for the exchange of marine navigational information. Each such station is classified on a temporary basis, pursuant to paragraph (f) of § 8.3 and paragraphs (a) and (c) of § 8.5, as a "limited ship station (developmental)", employing telephony by means of frequency modulation for transmission and reception on the same radio channel, subject to and in accordance with the provisions of Subpart E of this part except that the maximum authorized transmitter power shall be 15 watts (for both installed and portable stations), and frequency deviation at 100 percent modulation shall not exceed 15 kc.

3. Section 8.434 is amended by revising the existing texts of paragraphs (a), (b) and (c) and by adding a new paragraph (d) as follows:

§ 8.434 Use of developmental stations.

(a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization, in paragraph (d) of this section, or in other sections of this subpart.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, and assignments of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization, by paragraph (d) of this section, or by other sections of this subpart.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations regularly licensed in an established service under any part of the Commission's rules, nor to the service of any United States Government station or any foreign station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(d) (1) The following provisions apply to each limited ship station (developmental) licensed specifically to use the radio channel of which the authorized carrier frequency is 156.65 Mc when such station is operating on this radio channel:

(i) Communication is authorized primarily with other ship stations operating on this radio channel, including foreign ship stations, for transmitting or receiving marine navigational information (including radar information) concerning the current passage of a ship or ships, or for receiving or rendering assistance at the scene of any maritime emergency.

(ii) Communication is authorized secondarily with land stations used in connection with the passage of ships through locks, bridge areas, and government controlled waterways, and with land stations as necessary to transmit or receive marine navigational information to or from shore radiolocation stations.

(iii) Communication is authorized for brief tests with ship or coast stations solely to determine whether the developmental ship station equipment is in effective operating condition.

(2) Subject to the provisions of § 8.155(a), and provided the conditions set forth in § 8.137(b) (1) through (4) are complied with, the licensed radio transmitting apparatus may be operated on this radio channel by a person not holding a radio operator license issued by the Commission. This provision is not construed to require type acceptance of the transmitting equipment for use under the provisions of this subpart.

(3) Operation of the station, except adjustments and tests by a duly licensed radio operator in accordance with § 8.155(a)(5), shall be by and under the control of the master of the ship or any member of the ship's navigating personnel, including local pilots, as designated by the master.

4. Section 8.436 is amended by adding a new paragraph (b) as follows:

§ 8.436 Report of operation required.

* * * * *

(b) The following supplementary provisions apply to the operation of each limited ship station (developmental) on the radio channel of which the authorized carrier frequency is 166.65 Mc:

(1) Station records shall be maintained as required by §§ 8.115, 8.184, and 8.368 except that all such records shall, unless otherwise directed by the Commission, be retained by the licensee for a period of not less than three years from date of entry.

(2) With reference to § 8.368(a)(5), the same entries concerning each watch maintained on the frequency 156.65 Mc shall be made as required in that subparagraph in respect to a watch on 2182 kc.

(3) A report on the results of the developmental program shall be filed by each licensee, or by one or more such licensees acting jointly as a coordinated group, within 60 days of the expiration of each developmental station license. Additionally, such reports shall be filed within 30 days of January 1, 1960, in respect to licensees whose first developmental ship station for this purpose shall have been authorized not less than 3 months before January 1, 1960; within 30 days of April 1, 1960 in respect to licensees whose first developmental ship station for this purpose shall have been authorized not less than 3 months before April 1, 1960; and within 30 days of September 1, 1960 in respect to licensees whose first developmental ship station for this purpose shall have been authorized not less than 3 months before September 1, 1960.

5. The text of § 8.437(a) is amended to read as follows:

§ 8.437 Identification of station.

(a) (1) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(2) Exceptionally, a limited ship station (developmental), when using telephony on the radio-channel of which 156.65 Mc is the authorized carrier frequency, may be identified by name of the ship in lieu of announcing the official ship station call sign.

§ 8.438 [Deletion]

6. The text of § 8.438 is deleted in its entirety.

7. Subpart Q of Part 8 is amended by adding new §§ 8.438 and 8.439 as follows:

§ 8.438 Initial period of license for operation on 156.65 Mc.

Irrespective of paragraph (d) of § 8.63, each initial license for a limited ship station (developmental), which authorizes operation on the radio channel of which the authorized carrier frequency is 156.65 Mc, shall be issued on a temporary basis for a period normally beginning when granted by the Commission and normally ending at 3:00 a.m., e.s.t., on April 1, 1961. This provision, however, shall not preclude the granting of applications under this subpart for special temporary station authorizations in accordance with § 8.41 and paragraphs (d) and (e) of § 8.63, to expire prior to April 1, 1961.

§ 8.439 Time limit on filing of initial applications for operation on 156.65 Mc.

Applications for developmental ship station licenses to authorize, initially, operation on the radio channel of which 156.65 Mc is the authorized carrier frequency may not be filed after December 31, 1960. Any such application received by the Commission after that date will be returned to the applicant as provided by § 8.27.

NOTE: If, in the discretion of the Commission, a need develops for extension of this time limit on filing this category of application, the Commission will take such action in the matter as it then deems appropriate.

§ 8.805 [Deletion]

8. The text of § 8.805 is deleted in its entirety.

[F.R. Doc. 59-6514; Filed, Aug. 6, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 34]

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE, FLORIDA

Hunting of Migratory Game Birds

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 34.46 of Subpart—Chassahowitzka National Wildlife Refuge, Florida, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to extend the regulation which will permit annual hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 3, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

§ 34.46 Hunting of migratory game birds permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Chassahowitzka National Wildlife Refuge, Florida, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Starting at the southwest corner of Section 30, Township 20 South, Range 17 East, Tallahassee meridian, thence north 34 chains to a point, thence west 22 chains to the place of beginning; thence in Township 20 South, Range 16 East, west 320 chains to a point, thence north 80 chains to a point, thence east 320 chains to a point, thence south 80 chains to the place of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* Subject to the provisions of Part 6 of this chapter, the use of boats for the purpose of hunting is permitted: *Provided*, That any person who enters the public hunting area for the purpose of hunting may operate an airboat on the lands and waters of the United States only as may be authorized by a valid special permit issued by the officer in charge, which permit may limit the period during which such permit is valid and the area in which such airboats may operate: *And provided further*, That the use of speedboats and racing craft is prohibited except for official purposes.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are promulgated, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

[F.R. Doc. 59-6500; Filed, Aug. 6, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11759; FCC 59-857]

TELEVISION BROADCAST STATIONS

Table of Assignments: Fresno, Bakersfield, Salinas, and Santa Barbara, Calif.; Goldfield and Tonopah, Nev.

1. The Commission has before it for consideration:

(1) The Memorandum Opinion and Order, Notice of Further Proposed Rule Making, and Orders To Show Cause (FCC 59-723), adopted in this proceeding on July 15, 1959 (issued July 17, 1959); and

(2) "Petition for Extension of Time" filed July 21, 1959, by Triangle Publications, Inc. (Radio and Television Division), licensee of KFRE-TV (Fresno Channel 12), asking that the time for filing comments in response to the further notice of rule making, and the time for KFRE-TV to file its response to the Order To Show Cause looking toward changing its channel assignment from Channel 12 to Channel 9, be extended from August 24, 1959 (the date specified in the Notice and the Show Cause Order) to October 23, 1959, with a corresponding extension of time for filing reply comments in the rule making proceeding;

(3) Similar requests for extension of time to file comments and replies in response to the Notice—all seeking the date of October 23, 1959, for comments—filed by Marietta Broadcasting, Inc. (KERO-TV, Bakersfield, Channel 10), Great Western Broadcasting Corporation (KXTV, Sacramento, Channel 10), and Golden Empire Broadcasting Company (KHSL-TV, Chico, Channel 12); oppositions to the requests for extension filed by O'Neill Broadcasting Company (KJEO, Fresno, Channel 47) and Bakersfield Broadcasting Company (KBAK-TV, Bakersfield, Channel 29); and replies urging an extension filed by Triangle, Kern County Broadcasting Company (permittee of KICU, Bakersfield, Channel 17), and Marietta.

2. The arguments advanced in support of the requested extension of 60 days may be summarized as follows: (1) the proceedings involved are complex and involved, so that more time is needed for the preparation of comments which will be adequate and helpful; (2) this matter has been pending for a considerable time already, and there is no need for emergency expedition because there are now three operating stations in Fresno, with three networks; (3) in reliance on the Commission's earlier general statement announcing the usual "August recess," legal and engineering counsel have made plans for vacations during August, and unless the time is extended vacations during the usual period will not be possible. O'Neill's opposition is based largely on the argument that an expeditious decision is required if there is to be any chance of getting service to Fresno under the new VHF assignments before the winter season makes construction impossible. O'Neill also asserts that Triangle and other parties now seeking extensions have filed numerous comments in the past and are therefore familiar with the subject matter.

3. Upon consideration of these pleadings, we are of the view that the requests for extension of time must be denied. There is merit in the argument that Triangle and many of the other interested parties are familiar with the subject matter involved in this case, as shown by the numerous pleadings which they have filed urging and opposing the various proposals involved. Therefore it does not appear that meeting the August 24 date will either impose an undue burden upon the parties or their legal and engineering counsel, or result in shortcomings or inadequacies in the presentations made. The expeditious solution of the problem of providing fully competitive services in these major markets is an objective of great importance, and the requested extension is inconsistent with that objective. The fact that there have been unavoidable delays in this matter up to now is no reason why further delays should be permitted where, as here, it is possible to avoid them. Likewise, the fact that UHF stations are actually in operation in Fresno and Bakersfield does not remove the need for expedition in reaching a solution which will provide fully competitive services. With respect to the contention concerning the "August recess", it is true that by Public Notice of April 29, 1959, we announced that there would be no hearings or oral arguments during August, and no meetings in that month after August 1; we stated that "This summer recess is a convenience to vacationing and other planning by those who do business with

the Commission." We did not thereby mean to indicate that the Commission's processes would come to a complete halt; such a result would clearly be inconsistent with the public interest.

4. One other matter remains in connection with our recent action herein. In the Memorandum Opinion and Order and Notice of Further Proposed Rule Making referred to, we proposed to assign Channel 8 to Bakersfield, and did not mention the matter of what offset should be used in connection with this assignment. It appears that any operation on Channel 8 in that city will involve some change in offset on the part of one or more stations now operating on Channel 8 in Western cities. At the time of the issuance of the Further Notice we had not yet determined what solution in this respect would involve the fewest changes in existing Channel 8 assignments. It now appears that the preferable approach would be to assign Channel 8 plus to Bakersfield, and change the assignment of Channel 8 at Salinas-Monterey, California (on which Station KSBW-TV is in operation) from plus to minus. It appears that no other changes would be required. Accordingly, we are issuing the present Supplemental Notice to give interested parties an opportunity to comment. Since the matter involved is a simple one, the August 24 date previously set for comments will afford a reasonable time for comments upon this additional aspect of the problem, and we are not, therefore, providing any additional time for comments or replies relating thereto, beyond the dates of August 24 for comments and September 8 for replies which now obtain.

5. In view of the foregoing: *It is ordered*, That the "Petition for Extension of Time" filed herein on July 21, 1959 by Triangle Publications, Inc. (Radio & Television Division), and the other aforementioned petitions and statements requesting extensions of time herein, are denied.

6. *It is further ordered*, That the proposal for changes in the Table of Assignments § 3.606 of the rules), as set forth in Paragraph 29 of the Memorandum Opinion and Order, Notice of Further Proposed Rule Making, and Orders to Show Cause (FCC 59-723, released July 17, 1959), is modified to read as follows:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif.	10-, 17, 29, 39+	8+, 10-, 12+, 17, 29, 39+,
Fresno, Calif.	12+, *18-, 24, 47, 53	2-, 5-, *7+, 9-, 53
Salinas-Monterey, Calif.	8+, 35	8-, 35
Tonopah, Nev.	9-	
Goldfield, Nev.	5-	

Adopted: July 30, 1959.

Released: August 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6531; Filed Aug. 6, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property (21 F.R. 1241), as amended, are hereby amended to read as follows:

1. *Establishment and functions.* The Office of Alien Property, Department of Justice, was established by the Attorney General to administer functions vested in him relating to the control or vesting of foreign owned property, the administration of property vested under the Trading with the Enemy Act, as amended, including allowance and payment of claims asserted with respect thereto, and litigation connnected with any of the foregoing functions. The Attorney General has also designated the Office of Alien Property to carry out the administration of Title II of the International Claims Settlement Act of 1949, including the vesting, administration and liquidation of blocked property of Bulgaria, Hungary, Rumania and certain nationals of these countries, the allowance and payment of claims asserted with respect to such vested property and the conduct of litigation connected therewith. The Administration of the aforesaid Title II by the Office of Alien Property also includes the divesting of property of certain nationals of Bulgaria, Hungary and Rumania vested under the Trading with the Enemy Act, as amended.

2. *Direction.* The Office of Alien Property is under the supervision and direction of an Assistant Attorney General, who is Director of the Office of Alien Property and is responsible to the Attorney General. The Director acts for and on behalf of the Attorney General. All of the authority, rights, privileges, powers, duties, and functions of the Office of Alien Property may be exercised by the Director or by any agencies, instrumentalities, agents, delegates, or other personnel appointed or designated by him.

3. *Authority under the Trading With the Enemy Act, as amended.* (a) Authority under the Trading With the Enemy Act, as amended, was delegated to the Alien Property Custodian by the President pursuant to the following Executive Orders:

(1) Executive Order 9095 of March 11, 1942, 7 F.R. 1971, as amended by Executive Order 9193 of July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; and Executive Order 9567 of June 8, 1945, 10 F.R. 6917, 3 CFR, 1945 Supp.; and modified by Executive Order 9760 of July 23, 1946, 11 F.R. 7999, 3 CFR, 1946 Supp.

(2) Executive Order 9142 of April 21, 1942, 7 F.R. 2985, 3 CFR, 1943 Cum. Supp.

(3) Executive Order 9325 of April 7, 1943, 8 F.R. 1682, 3 CFR, 1943 Cum. Supp.

(4) Executive Order 9725 of May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.

(b) The Office of Alien Property Custodian was terminated, and all powers and authority vested in or transferred to the Alien Property Custodian or the Office of Alien Property Custodian were transferred to or vested in the Attorney General by Executive Order 9788 of October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.

(c) Jurisdiction formerly exercised by the Secretary of the Treasury under the Trading With the Enemy Act, as amended, over certain assets which were blocked by Executive Order 8389 of April 10, 1940, 5 F.R. 1400, as amended, 3 CFR, 1943 Cum. Supp., was transferred to the Attorney General by Executive Order 9989 of August 20, 1948, 13 F.R. 4891, 3 CFR, 1948 Supp. By Executive Order 10348 of April 26, 1952, 17 F.R. 3769, 3 CFR, 1952 Supp., the aforesaid Executive Orders and all delegations, regulations, rulings, instructions and licenses under said Orders were continued in force according to their terms for the duration of the national emergency proclaimed by Proclamation 2914 of December 16, 1950, 15 F.R. 9029, 3 CFR, 1950 Supp.

(d) By Executive Order 10244 of May 17, 1951, 16 F.R. 4689, 3 CFR, 1951 Supp., the President designated the Attorney General to exercise functions relating to the settlement of intercustodial disputes regarding enemy property conferred by the Act of September 28, 1950 (64 Stat. 1079; 50 U.S.C. App. Sup. 40).

(e) Certain functions under the Trading With the Enemy Act, as amended, relating to the Philippines, which were conferred on the President by the Philippine Property Act of 1946, as amended (60 Stat. 418, 64 Stat. 1116, 22 U.S.C. and Sup. 1382), were delegated to the Philippine Alien Property Administration by the following orders:

(1) Executive Order 9789 of October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.

(2) Executive Order 9818 of January 7, 1947, 12 F.R. 133, 3 CFR, 1947 Supp.

(3) Executive Order 9921 of January 10, 1948, 13 F.R. 171, 3 CFR, 1948 Supp.

(f) The Philippine Alien Property Administration was terminated by Executive Order 10254 of June 15, 1951, 16 F.R. 5289, 3 CFR, 1951 Supp., and all powers and authority vested in or transferred to the Philippine Alien Property Administration or the Philippine Alien Property Administrator were transferred to or vested in the Attorney General.

(g) By section 2 of Executive Order 10587 of January 13, 1955, 20 F.R. 361, the President delegated to the Attorney General all functions under section 32(h) of the Trading With the Enemy Act other than that of designating successors in interest thereunder. By section 3 of that Order the Attorney General was authorized to designate any officer or agency of the Department of Justice to carry out the functions delegated to him.

(h) Section 6 of Attorney General's Order No. 175-59, effective April 1, 1959, confers the foregoing powers and authority upon the Assistant Attorney General, Director, Office of Alien Property, subject however to the provisions of sections 9(a)(2) and 23 of said Order No. 175-59.

4. *Authority under Title II of the International Claims Settlement Act of 1949.* (a) By section 1 of Executive Order 10644 of November 7, 1955, 20 F.R. 8363, the President designated and empowered the Attorney General, and any Assistant Attorney General designated by the Attorney General, to perform the functions conferred on the President and any designee of the President by Title II of the International Claims Settlement Act of 1949, added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562). By section 2 of this Executive Order the President also designated the Attorney General as the officer in whom property shall vest under the said Title II.

(b) Pursuant to section 1 of the said Executive Order 10644, Attorney General's Order No. 175-59 confers upon the Assistant Attorney General, Director, Office of Alien Property, the functions conferred upon the President and any designee of the President by the said Title II of the International Claims Settlement Act of 1949, subject however to the provision of sections 9(a)(2) and 23 of said Order No. 175-59.

5. *Organization.* The Office of Alien Property is composed of the following principal subdivisions, with functions and authority as indicated:

(a) *Office of the Director.* This Office consists of the Director, the Deputy Director, the Legal and Legislative Counsel, the Intercustodial and Foreign Funds Officer and the Hearing Examiners.

(1) The Director exercises the functions and authority noted in paragraphs 3 and 4 of this Notice.

(2) The Deputy Director is first assistant to the Director. He may exercise any of the authority, rights, privileges, powers, duties, and functions of the Director in the absence of the Director or in the event of his inability to act, or at any other time, to the exent delegated to him. In performing the aforesaid duties the Deputy Director will act for and on behalf of the Attorney General.

(3) The Legal and Legislative Counsel advises on all legal and legislative matters generally affecting the operations of the Office of Alien Property. He also is responsible for all matters relating to the liquidation of banking and insurance institutions under the control of the Office and all matters relating to the administration of patents, and rights or interests therein or related thereto vested under the Trading with the Enemy Act, as amended, or controlled thereunder by 8 CFR, Part 507.

(i) The Legal and Legislative Counsel is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(ii) The Legal and Legislative Counsel is authorized:

(*a*) To issue licenses with respect to vested patents, applications for patents, and rights or interests therein or related thereto; and to fix royalty schedules pertaining thereto;

(*b*) To make demand for and accept payment of royalties and other moneys due the Attorney General with respect to vested patents, applications for patents, licenses and rights or interests therein or relating thereto; and to execute receipts, surrenders, releases or other instruments to evidence such action;

(*c*) To execute powers of attorney and sign all papers for the necessary conduct of the business of the Office of Alien Property before the United States Patent Office.

(4) The Intercustodial and Foreign Funds Officer is responsible for the administration of controls with respect to property over which jurisdiction is exercised by virtue of Executive Order 9989 and transactions relating to such property; and for the conduct of negotiations with respect to intercustodial conflicts and the implementation of agreements with respect to such conflicts. The Intercustodial and Foreign Funds Officer is also responsible for the investigation, processing and preparation of vesting recommendations and orders under Title II of the International Claims Settlement Act of 1949 and the processing and preparation of divesting recommendations and orders under section 202(a) of that Title; for obtaining compliance with vesting orders issued under that Title; for the authorization of covering vested funds into the Treasury Department under that Title and for the authorization of transfers of divested funds to the Treasury Department under section 202(a) of that Title.

(i) The Intercustodial and Foreign Funds Officer is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(ii) The Intercustodial and Foreign Funds Officer is authorized to take final action with respect to specific licensing matters, by granting or denying applications for specific licenses, and by amending, modifying, renewing, or revoking existing specific licenses with respect to the property over which jurisdiction is exercised by virtue of Executive Order 9989. In the exercise of the foregoing authority, such official will act for and on behalf of the Director or the Deputy Director, and will sign in the following form:

Issued by direction and on behalf of the (Deputy) Director, Office of Alien Property.

By ----------
(Title)

(iii) The Intercustodial and Foreign Funds Officer is authorized to issue any demand, direction or instruction directed to any person, firm, or corporation or to take any other action necessary to effectuate a vesting order issued under Title II of the International Claims Settlement Act of 1949;

(iv) The Intercustodial and Foreign Funds Officer is authorized to take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under Title II of the International Claims Settlement Act of 1949; to accept payment, conveyance, transfer, assignment or delivery made to or for the account of the Attorney General pursuant to said Title II; and to execute receipts, surrenders, releases or other instruments to evidence such action;

(v) The Intercustodial and Foreign Funds Officer is authorized to waive compliance with any vesting order issued under Title II of the International Claims Settlement Act of 1949 which vests a debt in a specific amount to the extent of normal service charges not to exceed $250.00 asserted by a claimant who would be entitled to a return of the amount of such charges if the vesting order were enforced according to its terms;

(VI) The Intercustodial and Foreign Funds Officer is authorized to direct the execution and delivery of transfers of property vested under Title II of the International Claims Settlement Act of 1949.

(5) The Hearing Examiners, consisting of a Chief Hearing Examiner and such other hearing examiners as may from time to time be qualified and appointed pursuant to the requirements of section 11 of the Administrative Procedure Act, hear contested claims and issue recommended decisions with respect thereto under sections 9(a), 32, and 34 of the Trading With the Enemy Act, as amended, and sections 207(b) and 208 of Title II of the International Claims Settlement Act of 1949. The Hearing Examiners handle such other matters not inconsistent with their duties as hearing examiners as may be assigned by the Director or the Deputy Director. The Hearing Examiners are hereby severally delegated authority to exercise the powers conferred upon hearing examiners by the Rules of Procedure for Claims of the Office of Alien Property (8 CFR).

(b) *Claims Administration Section.* Under the Supervision of the Chief, Claims Administration Section, this Section processes all claims under the Trading With the Enemy Act, as amended, or Title II of the International Claims Settlement Act of 1949 for the return of vested property or payment of debts of former owners of vested property which have not been docketed for hearing under the Rules of Procedure for Claims of this Office (8 CFR Part 502). This Section is also responsible for the investigation, processing and preparation of divesting recommendations and orders under section 202(b) of Title II of the International Claims Settlement Act of 1949 and for the authorization of trans-

fers of divested funds to the Treasury Department under said section 202(b).

(1) The Chief, Claims Administration Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions, including the powers conferred upon by him by the Rules of Procedure for Claims.

(2) In the exercise of such authority, insofar as it relates to a position taken by the Claims Administration Section prior to allowance or final disallowance of a claim, the Chief, Claims Administration Section, shall sign in his own name and title.

(c) *Trial Section.* Under the supervision of the Chief, Trial Section, this Section conducts all litigation (except the case of Societe Internationale Pour Participations Industrielles et Commerciales v. Rogers and other cases specially assigned by the Director or Deputy Director elsewhere) in the United States District Courts under sections 9 and 17 of the Trading With the Enemy Act, as amended, and section 207(a) of Title II of the International Claims Settlement Act of 1949, all litigation in the State and Territorial Courts and cases specially assigned by the Director or Deputy Director. The Trial Section also conducts all proceedings before the Hearing Examiners of this Office under the Rules of Procedure for Claims (8 CFR Part 502) in connection with claims under the Trading With the Enemy Act, as amended (except claims related to the case of Societe Internationale Pour Participations Industrielles et Commerciales v. Rogers), or under Title II of the International Claims Settlement Act of 1949.

(1) The Chief, Trial Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his duties, including the power conferred upon him by the Rules of Procedure for Claims of this Office.

(2) The Chief, Trial Section, is authorized to execute receipts, surrenders, releases or other instruments to evidence action which may be consummated in litigation handled by the Section.

(3) In the exercise of his authority under the Rules of Procedure for Claims, insofar as it relates to a position taken by the Trial Section prior to allowance or final disallowance of a claim, the Chief, Trial Section, shall sign in his own name and title.

(d) *Appellate and Special Litigation Section.* Under the supervision of the Chief, Appellate and Special Litigation Section, this Section conducts the case of Societe Internationale Pour Participations Industrielles et Commerciales v. Rogers, cases specially assigned by the Director or Deputy Director and all other litigation not conducted by the Trial Section. This Section also conducts all docketed claims proceedings under the Rules of Procedure for Claims not conducted by the Chief of the Trial Section.

(1) The Chief, Appellate and Special Litigation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his duties, including the powers conferred upon him by the Rules of Procedure for Claims of this Office.

(2) The Chief, Appellate and Special Litigation Section, is authorized to execute receipts, surrenders, releases or other instruments to evidence action which may be consummated in litigation handled by the Section.

(3) In the exercise of his authority under the Rules of Procedure for Claims, insofar as it relates to a position taken by the Appellate and Special Litigation Section prior to allowance or final disallowance of a claim, the Chief, Appellate and Special Litigation Section, shall sign in his own name and title.

(e) *Liquidation Section.* Under the supervision of the Chief, Liquidation Section, this section is responsible for matters relating to the operation or liquidation of business enterprises which have been supervised or vested, for the management and liquidation of vested real and personal property, for collection, custody and administration with respect to vested interests in estates and trusts and vested rights under contracts of life insurance and annuity and for all matters relating to the administration of trade-marks and copyrights and rights or interests therein or related thereto vested under the Trading With the Enemy Act, as amended, or controlled thereunder by 8 CFR Part 507. This section also performs certain functions in connection with effectuating returns of vested property.

(1) The Chief, Liquidation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Chief, Liquidation Section, is authorized:

(i) To issue licenses with respect to vested copyrights and rights or interests therein or related thereto; and to fix royalty schedules pertaining thereto;

(ii) To approve requests for loans of vested motion picture films and to enter into agreements concerning the use thereof;

(iii) To make demand for and accept payment of royalties and other moneys due the Attorney General with respect to vested copyrights, trademarks, films, licenses and rights or interests therein or relating thereto; and to execute receipts, surrenders, releases or other instruments to evidence such action.

(3) The Chief, Liquidation Section, is authorized:

(i) To issue any demand, direction or instruction directed to any person, firm or corporation or to take any other action necessary to effectuate a vesting order.

(ii) To take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under the Trading With the Enemy Act, as amended, or Title II of the International Claims Settlement Act of 1949; to accept payment, conveyance, transfer, assignment or delivery made to or for the account of the Attorney General pursuant to said Act or Title; to exercise any right of election to surrender or release any vested insurance policy contract rights or interests therein against payment of cash surrender value; and to execute receipts, surrenders, releases or other instruments to evidence such action;

(iii) To waive compliance with any vesting order which vests a debt in a specific amount to the extent of normal service charges not to exceed $250.00 asserted by a claimant who would be entitled to a return of the amount of such charges if the vesting order were enforced according to its terms;

(iv) To direct the execution and delivery of transfers of vested property.

(f) *Comptroller's Section.* Under the supervision of the Comptroller, this section maintains accounting records regarding vested property; prepares financial reports of the Office of Alien Property; deposits for collection with the Treasurer of the United States currency, checks, and drafts paid to or received by the Office of Alien Property; transfers the proceeds to the account of the Attorney General with the Treasurer of the United States; covers the net proceeds of vested property into the Treasury under sections 202(a) and 202(b) of Title II of the International Claims Settlement Act of 1949, transfers divested funds into blocked accounts in the Treasury under said sections 202(a) and 202(b) and makes disbursements by the issuance of checks in payment of taxes, expenses of and claims allowed by the Office of Alien Property. This Section also performs certain other functions in connection with effectuating returns of vested property.

(1) The Comptroller is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Disbursing Officer, within the Comptroller's Section, is authorized to collect moneys for the Office of Alien Property; to deposit for collection with the Treasurer of the United States currency, checks, and drafts paid to or received by the Office of Alien Property; to transfer the proceeds to the account of the Attorney General with the Treasurer of the United States; to cover the net proceeds of vested property into the Treasury under sections 202(a) and 202(b) of Title II of the International Claims Settlement Act of 1949; to transfer divested funds into blocked accounts in the Treasury under said sections 202(a) and 202(b); and to make disbursements by issuance of checks in payment of taxes, necessary and proper expenses of the Office of Alien Property and duly allowed claims. In the exercise of such authority, he is authorized to act in his own name and title.

(g) *Administrative Section.* Under the supervision of the Chief, Administrative Section, this Section is responsible for internal administrative functions, maintains statistical records of the Office of Alien Property and prepares official reports.

(1) The Chief, Administrative Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) Within this Section, the Records Officer and the Assistant to the Records Officer are severally authorized to authenticate, certify and attest copies of books, records, papers, and documents in the official custody of the Office of Alien Property; to subscribe the name of the Director or the Deputy Director to such certificates, and to affix the seal of the Office of Alien Property.

(h) *Overseas Office.* This Office, under the Chief, Overseas Office, administers all functions of the Office of Alien Property in Europe.

(i) *Tokyo Office.* This Office, under the Chief, Tokyo Office, administers all functions of the Office of Alien Property in Japan.

6. *Form of signature.* Except for the Director, Deputy Director, and as otherwise indicated in paragraph 5 of this Notice, the designated officials of the Office of Alien Property, in exercising authority conferred on them, will sign in the following form:

(Name)
Assistant Attorney General,
Director, Office of Alien Property.
By ----------
(Title)

7. *Location of offices.* The Office of Alien Property maintains offices as follows:

(a) *Washington, D.C.* Federal Home Loan Bank Building, 101 Indiana Avenue N.W., Washington 25, D.C.

(b) *Overseas Office.* Munich, Germany.

(c) *Tokyo Office.* American Embassy, Tokyo, Japan.

8. *Information*—(a) *General.* Requests for general information should be addressed to the Office of Alien Property, Department of Justice, Washington 25, D.C., unless the Overseas or Tokyo Office is nearer, in which event requests may be addressed to such Office.

(b) *Sales.* Notices of public offerings of vested property are given by publication in appropriate newspapers and trade journals and by mail to persons on the mailing lists of the Office of Alien Property. The mailing lists are maintained by the Comptroller's Section and names may be placed on such lists on request.

(c) *Patents and Copyrights Program.* Vested interests in certain properties of these types have been made available for use by the American public. Requests for information with respect to patents should be addressed to the Legal and Legislative Counsel, Office of Alien Property, Washington 25, D.C. Requests for information with respect to copyrights should be addressed to the Liquidation Section, Office of Alien Property, Department of Justice, Washington 25, D.C.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U.S.C. App. and Sup. 1–40; 60 Stat. 418, 64 Stat. 1116, 22 U.S.C. and Sup. 1382; 69 Stat. 562; E.O. 8389, April 10, 1940, 5 F.R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E.O. 9142, April 21, 1942, 7 F.R. 2985, 3 CFR, 1943 Cum. Supp.; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9567, June 8, 1945, 10 F.R. 6917, 3 CFR, 1945 Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 9818, January 1, 1947, 12 F.R. 133, 3 CFR, 1947 Supp.; E.O. 9921, January 10, 1948, 13 F.R. 171, 3 CFR, 1948 Supp.; E.O. 9989, August 20, 1948, 13 F.R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F.R. 9029, 3 CFR, 1950 Supp.; E.O. 10244, May 17, 1951, 16 F.R. 4639, 3 CFR, 1951 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp.; E.O. 10348, April 26, 1952, 17 F.R. 3769, 3 CFR, 1952 Supp.; E.O. 10587, January 13, 1955, 20 F.R. 361; E.O. 10644, November 7, 1955, 20 F.R. 8363)

Executed at Washington, D.C., July 29, 1959.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 59–6517; Filed, Aug. 6, 1959; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Department of the Air Force

R. E. CROSS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.
B. Additions: National Life and Accident Insurance Co. capital stock.

This statement is made of June 30, 1959.

Dated: July 27, 1959.

R. E. CROSS.

[F.R. Doc. 59–6525; Filed, Aug. 6, 1959; 8:50 a.m.]

ROBERT M. TRUEBLOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.
B. Additions: None.

This statement is made of Robert M. Trueblood.

Dated: July 23, 1959.

ROBERT M. TRUEBLOOD.

[F.R. Doc. 59–6526; Filed, Aug. 6, 1959; 8:50 a.m.]

Office of the Secretary

[DoD Directive 5510.1]

COMMANDING OFFICER, FIELD COMMAND, DEFENSE ATOMIC SUPPORT AGENCY

Delegation of Authority to Appoint General Courts-Martial

The Secretary of Defense approved the following effective May 1, 1959:

By virtue of the authority delegated to me by the President in Executive Order 10428 of January 17, 1953, and pursuant to the Uniform Code of Military Justice, Article 22(a)(7), I empower the Commanding Officer, Field Command, Defense Atomic Support Agency, to convene general courts-martial, and further, pursuant to the Uniform Code of Military Justice, Article 17(a), and the Manual for Courts-Martial, United States, 1951, paragraph 13, I empower such officer to refer for trial by courts-martial the cases of members of any of the armed forces assigned or attached to or on duty with such command. In accordance with the Manual for Courts-Martial, United States, 1951, paragraph 5a(2) and appendix 4, this Directive will be cited in orders appointing courts-martial under this authority.

Delegation of authority published at 18 F.R. 4390, July 25, 1953, is hereby cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 59–6520; Filed, Aug. 6, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

CERTAIN DIRECTORS AND OTHER EMPLOYEES

Delegations of Authority With Respect to Certain Commodity Credit Corporation Activities

The delegations of authority published in 23 F.R. 5216, with respect to the signing or countersigning of certain Commodity Credit Corporation documents are hereby amended by deleting the last paragraph and substituting in lieu thereof the following:

The Directors or Acting Directors of the Commodity Stabilization Service Commodity Offices at Dallas, Texas, Evanston, Illinois, and Kansas City, Missouri, and other employees of such offices after written designation by the Director or Acting Director of the office may sign or countersign Commodity Credit Corporation certificates of interest issued to financial institutions participating in the financing of pools of price support commodity loans. Designations made by Directors or Acting Directors of employees in their respective offices shall remain in full force and effect until revoked by the Director or Acting Director or until the delegate is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Issued this 4th day of August 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–6536; Filed, Aug. 6, 1959; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of April 15, 1959, for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

LICENSED ESTABLISHMENTS

License No. 1—Parke, Davis & Co., Detroit, Mich.

1. Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Dysentery Antitoxin, Shiga.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Blood and Blood Derivatives

Histamine Azoprotein.
Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

3. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Phosphate Adsorbed.
Typhoid and Paratyphoid Vaccine.
Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency."

4. Bacterial Antigens

Six polyvalcnt bacterial antigens with "No U.S. Standard of Potency."

5. Modified Bacterial Antigens

Two polyvalent modified bacterial antigens with "No U.S. Standard of Potency."

6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

8. Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.

9. Diagnostic Substances for Dermal Tests

Blastomycin.
Diphtheria Toxin for Schick Test.
Histoplasmin.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.

10. Diagnostic Substances for Laboratory Tests

Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.
Influenza Virus Hemagglutinating Antigen.

11. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.

12. Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride.

License No. 2—Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point and Philadelphia, Pa.

1. Antitoxins

Tetanus Antitoxin.

2. Therapeutic Immune Serums

Antibrucella Serum.
Anti-Rocky Mountain Spotted Fever Serum.
Antitularemic Serum.

3. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Fibrinogen (Human).
Human Blood Cells.
Immune Serum Globulin (Human).
Normal Bovine Serum.
Normal Horse Serum.
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U.S. Standard of Potency".

5. Sensitized Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Six polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency".

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic.
Three polyvalent bacterial antigens with "No U. S. Standard of Potency".

7. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Protamine Precipitated.
Staphylococcus Toxoid.
Tetanus Toxoid.

8. Multiple Antigen Preparations

Diptheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

9. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

10. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Purified Protein Derivative.

11. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

12. Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.

13. Miscellaneous

Antivenin (*Latrodectus mactans*).
Bee Venom.
Blood Group Specific Substances A and B.

License No. 8—Cutter Laboratories, Berkeley, Calif.

1. Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.

Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

3. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Hydroxide Adsorbed.
Plague Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U. S. Standard of Potency."

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined.
Tetanus Toxoid and Pertussis Vaccine Combined.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

6. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern).
Equine Encephalomyelitis Vaccine (Western).
Poliomyelitis Vaccine.
Smallpox Vaccine.

7. Diagnostic Substances for Dermal Tests

Coccidioidin.
Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

8. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

9. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

License No. 11—Institut Pasteur, Paris, France

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.

3. Toxoids and Toxins for Immunization

Staphylococcus Toxoid.

License No. 14—New York City Department of Health, Bureau of Laboratories, New York, N.Y.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Normal Horse Serum.

3. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.

5. Viral and Rickettsial Vaccines

Smallpox Vaccine.

6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

7. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_0$ (Anti-D).
Anti-Rh$_0$' (Anti-CD).
Anti-Human Serum.

License No. 17—Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.

1. Antitoxins

B. histolyticus Antitoxin.
B. oedematiens Antitoxin.
B. sordellii Antitoxin.
Botulism Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Therapeutic Immune Serums

Antirabies Serum.

3. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid and Paratyphoid Vaccine.
Four polyvalent bacterial vaccines with "No U.S. Standard of Potency."

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.

7. Viral and Rickettsial Vaccines

Encephalitis Vaccine, Herpes "F" Strain.
Influenza Virus Vaccine.
Mumps Vaccine.
Q Fever Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).

8. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.
Scarlet Fever Streptococcus Toxin for Dick Test.
Tuberculin, Old.
Tuberculin, Patch Test.

9. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_0$ (Anti-D).
Anti-Rh$_0$' (Anti-CD).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

10. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Trichinella Extract.

11. Miscellaneous

Streptokinase—Streptodornase.

License No. 30—Sherman Laboratories, Detroit, Mich.

1. Bacterial Vaccines

Pertussis Vaccine.
Eighteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

3. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

License No. 43—Abbott Laboratories, North Chicago, Ill.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 51—The Upjohn Company, Kalamazoo, Mich.

1. Blood and Blood Derivatives

Thrombin.

License No. 52—E. R. Squibb & Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories, New Brunswick, N.J.

1. Blood and Blood Derivatives

Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

2. Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

3. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

License No. 56—Eli Lilly and Company, Indianapolis, Ind.

1. Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Bacterial Vaccine made from Partially Autolyzed Pneumococci.
Seven polyvalent bacterial vaccines with "No U.S. Standard of Potency".

3. Bacterial Antigens

Thirteen polyvalent bacterial antigens with "No U.S. Standard of Potency".

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

6. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Mumps Skin Test Antigen.
Schick Test Control.
Tuberculin, Old.

8. Allergenic Extracts

Allergenic Extracts.
Fungus Antigens.

License No. 64—Massachusetts Public Health Biologic Laboratories, Boston, Mass.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

3. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.

6. Viral and Rickettsial Vaccines

Smallpox Vaccine.

7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 73—Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada

1. Antitoxins

Diphtheria Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Normal Serum Albumin.

3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

License No. 84—Terrell's Laboratories, Fort Worth, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 91—Hollister-Stier Laboratories, Spokane, Wash.; Chicago, Ill.; Philadelphia, Pa.; and Los Angeles, Calif.

1. Bacterial Vaccines

Two polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

License No. 99—Division of Laboratories, Michigan Department of Health, Lansing, Mich.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.
Antipneumococcic Serum.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Citrated Whole Blood (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Horse Serum.
Normal Human Plasma.
Normal Rabbit Serum.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

4. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

7. Viral and Rickettsial Vaccines

Rabies Vaccine.
Smallpox Vaccine.

8. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.

Schick Test Control.
Tuberculin, Old.

9. Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

License No. 101—The National Drug Company, Philadelphia, Pa.

1. Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Fourteen polyvalent vaccines with "No U.S. Standard of Potency".

3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Streptococcus Erythrogenic Toxin.
Tetanus Toxoid.

4. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Staphylococcus Toxoid—Bacterial Vaccine made from Staphylococcus (Aureus).
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

5. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).
Yellow Fever Vaccine.

6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.

7. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 102—Mulford Colloid Laboratories, Philadelphia, Pa.

1. Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.
Tincture Poison Ivy.

License No. 103—Allergy Laboratories, Oklahoma City, Okla.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 105—C. F. Kirk Co., New York, N.Y.

1. Bacterial Vaccines

Typhoid Vaccine.
Fourteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts.
Poison Ivy Extract Alum Precipitated.

License No. 107—Porro Biological Laboratories, Tacoma, Wash.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 108—Laboratoire du Bacteriophage, Paris, France

1. Bacterial Antigens

Fifteen bacterial antigens with "No U.S. Standard of Potency".

License No. 110—Pitman-Moore Company, Division Allied Laboratories, Inc., Zionsville, Ind.

1. Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Therapeutic Immune Serums

Antierysipeloid Serum.

3. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

4. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Thirteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

5. Bacterial Antigens

Five bacterial antigens with "No U.S. Standard of Potency".

6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

8. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern)
Equine Encephalomyelitis Vaccine (Western).
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Typhus Vaccine.

9. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

10. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Poison Oak Extract.
Poison Oak Extract.

License No. 111—William S. Merrell Co., Cincinnati, Ohio

1. Bacterial Vaccines

One polyvalent bacterial vaccine with "No U.S. Standard of Potency".

License No. 113—Michael Reese Research Foundation, Chicago, Ill.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum
Anti-Rh Typing Serums:
Anti Rh_0 (Anti-D).
Anti-Rh_0' (Anti-CD).
Anti-Rh_0'' (Anti-DE).
Anti-Rh_0 rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 119—Barry Laboratories, Inc., Detroit, Mich.

1. Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Oak-Sumac Extracts Combined.
Poison Sumac Extract.

License No. 120—Bureau of Biologic Products, Illinois Department of Public Health, Division of Laboratories, Chicago, Ill.

1. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

2. Toxoids and Toxins for Immunization

Diphtheria Toxoid.

3. Multiple Antigen Preparations

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

4. Viral and Rickettsial Vaccines

Rabies Vaccine.

5. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.

License No. 121—Texas State Department of Health, Austin, Tex.

1. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.

2. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Precipitated.

3. Multiple Antigen Preparations

Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.

4. Viral and Rickettsial Vaccines

Rabies Vaccine.

5. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 125—Hynson, Westcott & Dunning, Baltimore, Md.

1. Miscellaneous

Cobra Venom Solution.
Cobra Venom with Silicic and Formic Acids.

License No. 129—Wellcome Research Laboratories, Beckenham, Kent, England

1. Miscellaneous

Streptokinase-Streptodornase.
Russell Viper Venom.

License No. 135—Myers Laboratories, Inc., Warren, Pa.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency."

License No. 139—Philadelphia Serum Exchange, Philadelphia, Pa.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Serum.
Single Donor Plasma (Human).

3. Diagnostic Substances for Dermal Tests

Mumps Skin Test Antigen.

4. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.
Haemophilus influenzae Typing Serum.

License No. 144—Wyeth Laboratories, Inc., Marietta, Pa.

1. Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

2. Therapeutic Immune Serums

Antipertussis Serum.

3. Blood and Blood Derivatives

Normal Horse Serum.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (for Adult Use).
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

7. Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Poliomyelitis Vaccine.
Smallpox Vaccine.

8. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Old.

9. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Oak-Sumac Extracts Combined.

10. Miscellaneous

Antivenin (Crotalidae) Polyvalent.

License No. 147—Endo Laboratories, Inc., Richmond Hill, N.Y.

1. Allergenic Extracts

Allergenic Extracts (including miscellaneous substances).

License No. 149—Armour Pharmaceutical Company, Division of Armour and Company of Chicago, Illinois, Kankakee, Ill.

1. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 152—Gotham Pharmaceutical Co., Brooklyn, N.Y.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 154—John Elliott Blood Bank of Dade County, Inc., Miami, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 155—Wiener Serum Laboratory, Brooklyn, N.Y.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell)).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 156—Ortho Pharmaceutical Corporation, Raritan, N.J.:

1. Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin (Human).
Profibrinolysin (Human).
Thrombin.

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-S Serum.
Anti-Human Serum.

License No. 157—Certified Blood Donor Service, Inc., Jamaica, N.Y.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 158—Washington Blood Laboratory, Washington, D.C.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Human Serum.

License No. 159—Blood Grouping Laboratory of Boston, Inc., Boston, Mass.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Rh$_o$+$\mathfrak{Rh}_o$ (Anti-D+D^u)
Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-Human Serum.

License No. 161—Blood Transfusion Association, New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-Human Serum.

License No. 162—Blood and Plasma Bank, New York University, Bellevue Medical Center, New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No.163—High Titer Serum Laboratory, New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-hr^v (Anti-V).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Jk^a Serum (Anti-Kidd).
Anti-Jk^b Serum.
Anti-K Serum (Anti-Kell).
Anti-k Serum (Anti-Cellano).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.

3. Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.

License No. 165—Blood Bank Foundation, Nashville, Tenn.

1. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

Blood Bank Foundation, Atlanta Branch, Atlanta, Ga.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 166—Belle Bonfils Memorial Blood Bank, Denver, Colo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).

License No. 167—J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 168—Mount Sinai Medical Research Foundation, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 169—Chicago Blood Donor Service, Inc., Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 170—Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 171—Courtland Laboratories, Los Angeles, Calif.

1. Therapeutic Immune Serums

Chickenpox Immune Serum (Human).
Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Normal Human Plasma.
Poliomyelitis Immune Globulin (Human).

License No. 173—Interstate Blood Bank, Inc., Memphis, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 174—Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio

1. Allergenic Extracts

Tincture Poison Ivy.

License No. 175—Inter-County Blood Bank, Inc., Jamaica, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 176—Laboratorios Myn, Mexico D.F., Mexico

1. Miscellaneous

Antivenin, Scorpion.

License No. 177—Rogatol Pharmaceutical Co., Hato Rey, P.R.

1. Allergenic Extracts

Allergenic Extract—*Schistosoma mansoni.*

License No. 178—California Transfusion Service, Los Angeles, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 179—Dade Reagents, Inc., Miami, Fla.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 181—Jacksonville Blood Bank, Inc., Jacksonville, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 182—Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 183—Southwest Blood Banks, Inc., Phoenix, Ariz.

This establishment license includes the following locations:

Southwest Blood Bank of Albuquerque, Albuquerque, N. Mex.
Southwest Blood Bank of Alexandria, Alexandria, La.
Southwest Blood Bank of Cheyenne, Cheyenne, Wyo.
Southwest Blood Bank of El Paso, El Paso, Tex.
Southwest Blood Bank of Harlingen, Harlingen, Tex.
Southwest Blood Bank of Houston, Houston, Tex.
Southwest Blood Bank of Little Rock, Little Rock, Ark.
Southwest Blood Bank of Lubbock, Lubbock, Tex.
Southwest Blood Bank of Meridian, Meridian, Miss.
Southwest Blood Bank of Minot, Minot, N. Dak.
Southwest Blood Bank of Phoenix, Phoenix, Ariz.
Southwest Blood Bank of Reno, Reno, Nev.
Southwest Blood Bank of San Antonio, San Antonio, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 184—Travenol Laboratories, Inc., Morton Grove, Ill., and Los Angeles, Calif.

1. Therapeutic Immune Serums

Antimumps Serum (Human).
Antipertussis Serum (Human).

2. Bacterial Antigens

Pseudomonas Polysaccharide.

3. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

4. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 185—Minneapolis War Memorial Blood Bank, Inc., Minneapolis, Minn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

Anti-Rh Typing Serums:
Anti Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).

License No. 187—Milwaukee Blood Center, Inc., Milwaukee, Wis.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Single Donor Plasma (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-Human Serum.

License No. 188—Research Foundation and University of Illinois, Chicago, Ill.

1. Bacterial Vaccines

BCG Vaccine.

License No. 190—The American National Red Cross, Washington, D.C.

This establishment license includes the following locations:

Appalachian Regional Blood Center, Roanoke, Va.
Asheville Regional Blood Center, Asheville, N.C.
Atlanta Regional Blood Center, Atlanta, Ga.
Badger Regional Blood Center, Madison, Wis.
Baltimore Regional Blood Center, Baltimore, Md.
Beaver County Regional Blood Center, New Brighton, Pa.
Birmingham Regional Blood Center, Birmingham, Ala.
Black Hawk County Regional Blood Center, Waterloo, Iowa.
Boise Regional Blood Center, Boise, Idaho.
Buffalo Regional Blood Center, Buffalo, N.Y.
Central Texas Regional Blood Center, Waco, Tex.
Charlotte Regional Blood Center, Charlotte, N.C.
Cleveland Regional Blood Center, Cleveland, Ohio.
Columbia River Regional Blood Center, Yakima, Wash.
Columbus Regional Blood Center, Columbus, Ohio.
Connecticut Regional Blood Center, Hartford, Conn.
Detroit Regional Blood Center, Detroit, Mich.
Fort Wayne Regional Blood Center, Fort Wayne, Ind.
Four County Regional Blood Center, San Jose, Calif.
Greater Toledo Regional Blood Center, Toledo, Ohio.
Huntington Regional Blood Center, Huntington, W. Va.
Intermountain Regional Blood Center, Salt Lake City, Utah.
Johnstown Regional Blood Center, Johnstown, Pa.
Knox County Regional Blood Center, Galesburg, Ill.
Lansing Regional Blood Center, Lansing, Mich.
Los Angeles-Orange Counties Regional Blood Center, Los Angeles, Calif.
Louisville Regional Blood Center, Louisville, Ky.
Massachusetts Regional Blood Center, Boston, Mass.
Mobile Regional Center, Mobile, Ala.
Montana Regional Blood Center, Great Falls, Mont.
Muskegon County Regional Blood Center, Muskegon, Mich.
Nashville Regional Blood Center, Nashville, Tenn.
Nebraska-Iowa Regional Blood Center, Omaha, Nebr.
New York Regional Blood Center, New York, N.Y.
Northeastern Pennsylvania Regional Blood Center, Wilkes-Barre, Pa.
Pacific Northwest Regional Blood Center, Portland, Oreg.
Peoria Regional Blood Center, Peoria, Ill.
Philadelphia Regional Blood Center, Philadelphia, Pa.
Rochester Regional Blood Center, Rochester, N.Y.
South Atlantic Regional Blood Center, Savannah, Ga.
South Carolina Regional Blood Center, Columbia, S.C.
Southern Arizona Regional Blood Center, Tucson, Ariz.
Springfield Regional Blood Center, Springfield, Mo.
St. Louis Regional Blood Center, St. Louis, Mo.
St. Paul Regional Blood Center, St. Paul, Minn.
Syracuse Regional Blood Center, Syracuse, N.Y.
Tidewater Regional Blood Center, Norfolk, Va.
Tulsa County Regional Blood Center, Tulsa, Okla.
Vermont-New Hampshire Regional Blood Center, Burlington, Vt.
Volusia Flagler Regional Blood Center, Daytona Beach, Fla.
Washington, D.C. Regional Blood Center, Washington, D.C.
Wichita County Regional Blood Center, Wichita Falls, Tex.
Wichita Regional Blood Center, Wichita, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 191—Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

License No. 192—King County Central Blood Bank, Seattle, Wash.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 193—Center Laboratories, Port Washington, N.Y.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 194—Sacramento Medical Foundation Blood Bank, Sacramento, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 195—Peninsula Memorial Blood Bank, Burlingame, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 197—Sonoma County Community Blood Bank, Santa Rosa, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 198—Tri-Counties Blood Bank, Santa Barbara, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 199—Blood Bank of Hawaii, Honolulu, Hawaii

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 201—San Diego Blood Bank, San Diego, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 202—Tacoma-Pierce County Blood Bank, Tacoma, Wash.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 203—Spokane & Inland Empire Blood Bank, Spokane, Wash.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 204—Virginia Blood Bank, Inc., Richmond, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-B Blood Grouping Serum.

License No. 209—Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 212—District of Columbia General Hospital, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 213—Blood Bank of the Washington Hospital Center, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 214—Doctors Hospital Blood Bank, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 215—Blood Grouping Laboratory, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 217—Freedmen's Hospital, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 218—Providence Hospital Blood Bank, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 219—Fargo Clinic Blood Bank, Fargo, N. Dak.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 220—Broome County Blood Center, Binghamton, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 221—Essex County Blood Bank, Inc., Newark, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 222—Aurora Blood Bank and Donors Society, Aurora, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 224—Community Blood and Plasma Service, Inc., Birmingham, Ala.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 226—Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 227—Central Florida Blood Bank, Incorporated, Orlando, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 228—Southwest Florida Blood Bank, Inc., Tampa, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 229—Bender Laboratory Blood Bank, Albany, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 231—Dubuque Blood Bank Association, Dubuque, Iowa

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 232—Holy Cross Hospital Research Foundation, Salt Lake City, Utah

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 233—Ochsner Foundation Hospital Blood Bank, New Orleans, La.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 234—Central Blood Bank of Pittsburgh, Pittsburgh, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 235—University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 236—Medical Center-State Health Department Blood Bank, Grand Forks, N. Dak.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 237—Shreveport Emergency Blood Bank, Inc., Shreveport, La.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 238—Instituto Sieroterapico Toscano, Siena, Italy

1. Therapeutic Immune Serums

Antirabies Serum.

License No. 239—Houchin Community Blood Bank, Bakersfield, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 240—Memphis Blood Center, Inc., Memphis, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 241—Community Blood and Plasma Service, Inc. of Texas, Houston, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 243—Blood Plasma Corporation of Japan, Osaka, Japan

1. Blood and Blood Derivatives

Normal Human Plasma.

License No. 244—Travis County Medical Society Blood Bank, Austin, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 245—Nihon Seiyaku Co., Ltd., Tokyo, Japan

1. Blood and Blood Derivatives

Normal Human Plasma.

License No. 246—Potter County Memorial Blood Center, Inc., Amarillo, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 248—Central Blood Bank, Inc., South Bend, Ind.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 249—Northern Illinois Blood Bank, Inc., Rockford, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 250—St. Luke's Hospital Blood Bank, Aberdeen, S. Dak.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 251—Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 252—Detroit Blood Service, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 254—Knoxville Blood Center, Inc., Knoxville, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 257—Chek-Lab. Inc., Chicago, Ill.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

License No. 258—Osterreichisches Institut fur Haemoderivate, Vienna, Austria

1. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 259—Holston Valley Community Hospital Blood Bank, Kingsport, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 260—St. Francis Hospital Blood Bank, Trenton, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 261—Hospital Blood Service, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 262—Service League Community Blood Bank, Inc., Pueblo Colo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 263—The Community Blood Bank, Norton, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 264—Mid-West Blood Bank and Plasma Service Kansas City, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 265—W. E. Stewart Blood Bank, Inc., Tyler, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 266—Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 267—Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 268—Community Blood Service, Inc., St. Louis, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 269—Beverly Blood Center, Inc., Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 270—Marietta Memorial Hospital, Marietta, Ohio

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 271—St. Luke's Memorial Hospital Blood Bank, Racine, Wis.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 272—Southern Michigan Blood Center, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 273—Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 274—Bergen Community Blood Bank, Paramus, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 275—U.S. Pharmaceutical, Inc., Burbank, Calif.

1. Blood and Blood Derivatives

Normal Human Plasma.

2. Diagnostic Substances for Laboratory Tests

Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).

License No. 276—Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 277—Community Memorial General Hospital, La Grange, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 278—Brooklyn Donor Center, Inc., Brooklyn, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 279—Menolasino Laboratories, Melrose Park, Ill.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 280—Ward Laboratories, Durham, N.C.

1. Diagnostic Substances for Laboratory Tests

Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 281—Nuclear Consultants Corporation, St. Louis, Mo.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 283—Hoffmann Laboratories, Inc., Paterson, N.J.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 284—Rhode Island Hospital Blood Bank, Providence, R.I.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 285—Marathon County Blood Bank, Inc., Wausau, Wis.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 286—Edgewater Hospital Blood Bank, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 287—Cleveland Donor Service, Inc., Cleveland, Ohio

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 288—Delta Blood Bank, Stockton, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 289—Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 290—Pineview General Hospital Blood Bank, Valdosta, Ga.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 291—Sci Lab, Derby, Colo.

1. Diagnostic Substances for Dermal Tests

Blastomycin, Pin Test.
Coccidioidin, Pin Test.
Histoplasmin, Pin Test.
Tuberculin, Pin Test.

License No. 292—Graham Laboratories, Inc., Dallas, Tex.

1. Allergenic Extracts

Allergenic Extracts.

License No. 293—Passaic Blood Bank, Inc., Passaic, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 295—St. Mary Community Blood Bank, Hoboken, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 296—Midwest Blood Service, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 297—Pfizer Laboratories, Div. Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind.

1. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.

License No. 298—Lewiston-Clarkston Blood Bank, Lewiston, Idaho

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 299—The Lincoln Foundation, Swarthmore, Pa.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 300—Massachusetts General Hospital Blood Bank, Boston, Mass.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 301—Cleveland Biologicals, Inc., Cleveland, Ohio

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 302—Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 303—Delta Biochemicals, Inc., San Antonio, Tex.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 304—Lane County Blood Bank, Eugene, Oreg.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 305—Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 306—Purex Laboratories, Inc., Staten Island, N.Y.

1. Allergenic Extracts

Allergenic Extracts.

License No. 307—Cappel Laboratories, Inc., West Chester, Pa.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 308—Greer Drug & Chemical Corporation, Lenoir, N.C.

1. Allergenic Extracts

Allergenic Extracts.

License No. 309—Suburban Hospital Blood Bank, Bethesda, Md.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 310—Arlington Hospital Blood Bank, Arlington, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 311—Syntex Chemical Co., Inc., New York, N.Y.

1. Allergenic Extracts

Poison Ivy Extract Alum Precipitated.

License No. 312—World Blood Bank, Inc., Kansas City, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 313—Robeson County Memorial Hospital Blood Bank, Lumberton, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 314—Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 315—Central California Blood Bank, Fresno, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

Part II. List of Biologic Products With License Numbers of Establishments Licensed for Each Product

1. Antitoxins

B. *histolyticus* Antitoxin—17.
B. *oedematiens* Antitoxin—1, 8, 17.
B. *sordellii* Antitoxin—17.
Botulism Antitoxin—17.
Diphtheria Antitoxin—1, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144.
Dysentery Antitoxin, Shiga—1.
Gas Gangrene Polyvalent Antitoxin—8, 17, 101, 144.
Perfringens Antitoxin—1, 8, 17, 56, 110.
Staphylococcus Antitoxin—73.
Tetanus Antitoxin—1, 2, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144.
Tetanus and Gas Gangrene Polyvalent Antitoxin—1, 8, 17, 56, 101, 110, 144.
V. septique Antitoxin—1, 8, 17, 56, 110.

2. Therapeutic Immune Serums

Antibrucella Serum—2.
Antierysipeloid Serum—110.
Anti-Hemophilus Influenzae Type b Serum—99.
Antimumps Serum—140, 184.
Antipertussis Serum—140, 144, 184.
Antipneumococcic Serum—99.
Antirabies Serum—17, 238.
Anti-Rocky Mountain Spotted Fever Serum—2.
Antitularemic Serum—2.
Chicken Pox Immune Serum (Human)—171.
Measles Immune Serum (Human)—113, 139, 171, 187.
Mumps Immune Serum (Human)—113, 139, 171, 187.
Pertussis Immune Serum (Human)—139, 171, 187.
Poliomyelitis Immune Serum (Human)—113, 187.
Scarlet Fever Immune Serum (Human)—113, 139 171, 187.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human)—8, 99.
Antihemophilic Plasma (Human)—113, 140, 165, 184.
Citrated Whole Blood (Human)—2, 84, 99, 113, 139, 140, 154, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 175, 178, 181, 182, 183, 185, 187, 190, 191, 192, 194, 195, 197, 198, 199, 201, 202, 203, 204, 209, 212, 213, 214, 215, 217, 218, 219, 220, 221, 222, 224, 226, 227, 228, 229, 231, 233, 234, 235, 236, 237, 239, 240, 241, 244, 246, 248, 249, 250, 251, 252, 254, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 284, 285, 286, 287, 288, 289, 290, 293, 295, 296, 298, 300, 301, 302, 304, 305, 309, 310, 312, 313, 314, 315.
Fibrinogen—2, 8, 52, 99, 156.
Fibrinolysin—156.
Histamine Azoprotein—1.
Human Blood Cells—2.
Immune Serum Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 171, 184, 258.
Mumps Immune Globulin (Human)—8, 140.
Normal Bovine Serum—2.
Normal Horse Serum—2, 14, 99, 144.
Normal Human Plasma—2, 8, 99, 113, 140, 149, 162, 165, 171, 182, 184, 185, 187, 190, 192, 199, 215, 231, 243, 245, 275.
Normal Human Serum—113, 139, 187.
Normal Rabbit Serum—99.
Normal Serum Albumin (Human)—2, 8, 52, 64, 73, 99, 140, 149, 171, 184.
Packed Red Blood Cells (Human)—113, 140, 161, 165, 166, 169, 175, 181, 182, 185, 190, 191, 194, 202, 215, 222, 235, 252, 302.
Pertussis Immune Globulin (Human)—8, 140.
Plasma Protein Fraction (Human)—8.
Poliomyelitis Immune Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 171, 184, 258.
Profibrinolysin (Human)—156.
Radio-Iodinated (I^{131}) Serum Albumin (Human)—43, 52, 281.
Resuspended Red Blood Cells (Human)—99, 113, 140, 165, 166, 182, 185, 191, 215, 235.
Single Donor Plasma (Human)—139, 161, 169, 181, 187, 190, 191, 194, 202, 203, 252, 302.
Tetanus Immune Globulin (Human)—8.
Thrombin—1, 2, 8, 51, 156.

4. Bacterial Vaccines

BCG Vaccine—188.
Cholera Vaccine—1, 2, 8, 11, 17, 56, 101, 144.
Bacterial Vaccine made from Partially Autolyzed Pneumococci—56.
Pertussis Vaccine—1, 2, 8, 14, 17, 30, 56, 64, 99, 101, 110, 120, 121, 144.
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.
Plague Vaccine—8.
Typhoid Vaccine—2, 8, 11, 14, 56, 64, 99, 101, 105, 110, 120, 121, 144.
Typhoid and Paratyphoid Vaccine—1, 2, 8, 14, 17, 56, 64, 99, 101, 110, 120, 144.
Polyvalent bacterial vaccines with "No U.S. Standard of Potency"—1, 2, 8, 17, 30, 56, 91, 101, 105, 110, 111, 119.

5. Sensitized Bacterial Vaccines

Cholera Vaccine—2.
Pertussis Vaccine—2.
Typhoid Vaccine—2.
Typhoid and Paratyphoid Vaccine—2.
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency"—2.

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic—2.
Pseudomonas Polysaccharide—184.
Polyvalent bacterial antigens with "No U.S. Standard of Potency"—1, 2, 30, 56, 108, 110, 135, 283, 299.

7. Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U.S. Standard of Potency"—1.

8. Toxoids and Toxins for Immunization

Diphtheria Toxoid—1, 2, 8, 14, 17, 56, 64, 73, 99, 101, 110, 120, 121, 144.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8.
Diphtheria Toxoid Aluminum Hydroxide Precipitated—121.

Diphtheria Toxoid Aluminum Phosphate Adsorbed—1, 14, 17, 99, 144.
Diphtheria Toxoid Protamine Precipitated—2.
Scarlet Fever Streptococcus Toxin for Immunization—17, 101.
Staphylococcus Toxoid—1, 2, 11, 17, 73, 101, 110.
Streptococcus Erythrogenic Toxin—101.
Tetanus Toxoid—1, 2, 8, 14, 17, 56, 64, 73, 99, 101, 110, 144.
Tetanus Toxoid Aluminum Hydroxide Adsorbed—8.
Tetanus Toxoid Aluminum Phosphate Adsorbed—1, 17, 99, 144.

9. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed—1.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine—2.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1, 2, 8, 56, 101.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—2, 8, 56, 99.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—17, 101, 110, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.
Diphtheria and Tetanus Toxoids Combined—1, 8, 17, 56.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated—2, 56, 99, 101, 110, 144.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated—2, 121.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined—101, 110, 120, 144.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined—144.
Staphylococcus Toxoid-B. Vaccine made from Staphylococcus (Aureus)—101.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)—1, 52.
Staphylococcus Toxoid-Streptococcus Toxin-B. Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), *D. pneumonia* and *H. influenzae*—101.
Tetanus Toxoid and Pertussis Vaccine Combined—8.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use)—2, 56, 101, 144.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use)—8.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use)—144.

10. Viral and Rickettsial Vaccines

Adenovirus Vaccine—1, 144.
Encephalitis Vaccine, Herpes "F" Strain—17.
Equine Encephalomyelitis Vaccine (Eastern)—8, 110.
Equine Encephalomyelitis Vaccine (Western)—8, 110.
Influenza Virus Vaccine—1, 2, 17, 56, 101, 110, 297.
Mumps Vaccine—17, 56.
Poliomyelitis Vaccine—1, 2, 8, 56, 110, 144.
Q Fever Vaccine—17.
Rabies Vaccine—1, 2, 17, 56, 99, 101, 110, 120, 121.
Rocky Mountain Spotted Fever Vaccine—2, 17.
Smallpox Vaccine—1, 2, 8, 14, 17, 56, 64, 99, 101, 144.
Typhus Vaccine—2, 56, 110.
Typhus Vaccine (Epidemic)—17, 101.
Yellow Fever Vaccine—101.

11. Diagnostic Substances for Dermal Tests

Blastomycin—1.
Blastomycin, Pin Test—291.
Coccidioidin—8.
Coccidioidin, Pin Test—291.
Diphtheria Toxin for Schick Test—1, 2, 8, 14, 56, 64, 99, 101, 110, 120, 121, 144.
Histoplasmin—1, 56, 99.
Histoplasmin, Pin Test—291.
Lymphogranuloma Venereum Antigen—17, 52.
Mumps Skin Test Antigen—56, 139.
Scarlet Fever Streptococcus Toxin for Dick Test—2, 17, 101, 144.
Schick Test Control—2, 8, 14, 56, 64, 99, 101, 110, 121, 144.
Tuberculin, Old—1, 8, 14, 17, 56, 64, 99, 110, 121, 144.
Tuberculin, Patch Test—17.
Tuberculin, Pin Test—291.
Tuberculin, Purified Protein Derivatives—1, 2.

12. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum—2, 8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 168, 179, 181, 184, 185, 187, 191, 232, 257, 289.
Anti-B Blood Grouping Serum—2, 8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 168, 179, 181, 184, 185, 187, 191, 204, 232, 257, 289.
Anti-A,B Blood Grouping Serum—113, 139, 140, 156, 157, 158, 164, 179, 181, 184, 289.
Absorbed Anti-A Serum—113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 179, 184.
Group AB Serum (Human)—140, 184.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 232, 275, 289.
Anti-Rh$_o$' (Anti-CD)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185, 187, 232, 257.
Anti-Rh$_o$'' (Anti-DE)—113, 139, 140, 155, 156, 157, 158, 163, 164, 165, 179, 184.
Anti-Rh$_o$ rh' rh'' (Anti-CDE)—113, 139, 140, 156, 157, 158, 164, 165, 179, 184, 187.
Anti-rh' (Anti-C)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 167, 179, 184, 185.
Anti-rh'' (Anti-E)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185.
Anti-hr' (Anti-c)—113, 139, 140, 155, 156, 157, 158, 159, 164, 165, 166, 167, 179, 184, 185, 232.
Anti-hr'' (Anti-e)—139, 140, 155, 156, 157, 159, 164, 165, 166, 179.
Anti-hr^v (Anti-V)—164.
Anti-rh^w (Anti-C^w)—140, 156, 157, 159, 164.
Anti-Rh$_o$+Rh$_o$ (Anti-D+D^u)—159.
Anti-Fy^a Serum (Anti-Duffy)—155, 156, 157, 159, 164, 280.
Anti-Jk^a Serum (Anti-Kidd)—164.
Anti-Jk^b Serum—164.
Anti-k Serum (Anti-Cellano)—155, 156, 157, 164.
Anti-K Serum (Anti-Kell)—113, 139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 280.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell))—155.
Anti-Le^a Serum (Anti-Lewis)—159, 164.
Anti-Le^b Serum—159.
Anti-M Serum—17, 140, 155, 156, 157, 159, 164, 168, 179, 184.
Anti-N Serum—17, 140, 155, 156, 157, 168, 179, 184.
Anti-P Serum—157, 164.
Anti-S Serum—156, 164.
Anti-s Serum—164.
Anti-Human Serum—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 164, 165, 167, 168, 179, 181, 184, 187, 232, 257, 279, 280, 289, 303, 307.
Anti-Human Precipitin Serum—140, 155, 157, 184.
Haemophilus influenzae Typing Serum—140.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test—1.
Influenza Virus Hemagglutinating Antigen—1.
Pneumococcus Typing Serum—99.

13. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances)—1, 8, 17, 30, 43, 56, 84, 91, 101, 103, 105, 107, 110, 119, 144, 147, 152, 193, 292, 306, 308.
Allergenic Extract-*Schistosoma mansoni*—177.
Fungus Antigens—56.
Poison Ivy Extract—1, 2, 8, 30, 91, 102, 110, 119, 144.

Poison Ivy Extract Alum Precipitated—105, 311.
Poison Ivy-Poison Oak Extracts Combined—30, 110.
Poison Ivy-Oak-Sumac Extracts Combined—119, 144.
Poison Oak Extract—2, 8, 30, 91, 102, 110, 144.
Poison Sumac Extract—119.
Tincture Poison Ivy—102, 174.
Trichinella Extract—17.

14. Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride—1.

15. Miscellaneous

Antivenins:
Antivenin (*Latrodectus mactans*)—2.
Antivenin (Crotalidae) Polyvalent—144.
Antivenin, Scorpion—176.
Blood Group Specific Substances:
Blood Group Specific Substance A—164.
Blood Group Specific Substance B—164.
Blood Group Specific Substances A and B—2.
Enzymes:
Streptokinase - Streptodornase — 17, 129.
Venoms:
Bee Venom—2.
Cobra Venom Solution—125.
Cobra Venom with Silicic and Formic Acids—125.
Russell Viper Venom—129.

Part III. Licensed Establishments Arranged Alphabetically

A. Domestic Establishments

	United States license No.
Abbott Laboratories, North Chicago, Ill	43
Allergy Laboratories, Oklahoma City, Okla	103
American National Red Cross, Washington, D.C	190
Arlington Hospital Blood Bank, Arlington, Va	310
Armour Pharmaceutical Co., Division of Armour and Co. of Chicago, Ill., Kankakee, Ill	149
Aurora Blood Bank and Donors Society, Aurora, Ill	222
Barry Laboratories, Inc., Detroit, Mich	119
Belle Bonfils Memorial Blood Bank, Denver, Colo	166
Bender Laboratory Blood Bank, Albany, N.Y	229
Bergen Community Blood Bank, Paramus, N.J	274
Beverly Blood Center, Inc., Chicago, Ill	269
Blood and Plasma Bank, New York University-Bellevue Medical Center, New York, N.Y	162
Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa	266
Blood Bank Foundation, Nashville, Tenn	165
Blood Bank of Hawaii, Honolulu, Hawaii	199
Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C	314
Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif	191
Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn	267
Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif	226
Blood Bank of the Washington Hospital Center, Washington, D.C	213
Blood Grouping Laboratory, Washington, D.C	215
Blood Grouping Laboratory of Boston, Inc., Boston, Mass	159
Blood Transfusion Association, New York, N.Y	161
Broome County Blood Center, Binghamton, N.Y	220
Brooklyn Donor Center, Inc., Brooklyn, N.Y	278
Cappel Laboratories, Inc., West Chester, Pa	307
C. F. Kirk Company, New York, N.Y	105
California Transfusion Service, Los Angeles, Calif	178
Center Laboratories, Port Washington, N.Y	193
Central Blood Bank, Inc., South Bend, Ind	248
Central Blood Bank of Pittsburgh, Pittsburgh, Pa	234
Central California Blood Bank, Fresno, Calif	315
Central Florida Blood Bank, Incorporated, Orlando, Fla	227
Certified Blood Donor Service, Inc., Jamaica, N.Y	157
Chek-Lab, Inc., Chicago, Ill	257
Chicago Blood Donor Service, Inc., Chicago, Ill	169
Cleveland Biologicals, Inc., Cleveland, Ohio	301
Cleveland Donor Service, Inc., Cleveland, Ohio	287
Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo	302
Community Blood Bank, Norton, Va	263
Community Blood and Plasma Service, Inc., Birmingham, Ala	224
Community Memorial General Hospital, La Grange, Ill	277
Community Blood and Plasma Service, Inc., of Texas, Houston, Tex	241
Community Blood Service, Inc., St. Louis, Mo	268
Courtland Laboratories, Los Angeles, Calif	171
Cutter Laboratories, Berkeley, Calif	8
Dade Reagents, Inc., Miami, Fla	179
Delta Blood Bank, Stockton, Calif	288
Detroit Blood Service, Inc., Detroit, Mich	252
District of Columbia General Hospital, Washington, D.C	212
Doctors Hospital Blood Bank, Washington, D.C	214
Dubuque Blood Bank Association, Dubuque, Iowa	231
Edgewater Hospital Blood Bank, Chicago, Ill	286
Eli Lilly and Company, Indianapolis, Ind	56
Endo Laboratories, Inc., Richmond Hill, N.Y	147
E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation Biological Laboratories, New Brunswick, N.J	52
Essex County Blood Bank, Inc., Newark, N.J	220
Fargo Clinic Blood Bank, Fargo, N. Dak	256
Freedmen's Hospital, Washington, D.C	217
Gotham Pharmaceutical Company, Brooklyn, N.Y	139
Graham Laboratories, Inc., Dallas, Tex	309
Greer Drug & Chemical Corporation, Lenoir, N.C	309
High Titer Serum Laboratory, New York, N.Y	140
Hoffmann Laboratories, Inc., Paterson, N.J	293
Hollister-Stier Laboratories, Chicago, Ill.; Philadelphia, Pa.; Spokane, Wash.; Los Angeles, Calif	91
Holston Valley Community Hospital Blood Bank, Kingsport, Tenn	209
Holy Cross Hospital Research Foundation, Salt Lake City, Utah	262
Hospital Blood Service, Inc., Detroit, Mich	261
Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa	209
Houchin Community Blood Bank, Bakersfield, Calif	230
Hyland Laboratories, Los Angeles, Calif	140
Hynson, Westcott and Dunning, Baltimore, Md	136
Illinois Department of Public Health, Bureau of Biologic Products, Division of Laboratories, Chicago, Ill	139
Inter-County Blood Bank, Inc., Jamaica, N.Y	175
Interstate Blood Bank, Inc., Memphis, Tenn	172
Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill	306
Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif	142
J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex	169
Jackson Medical Laboratory and Blood Bank, Jackson, Tenn	170
Jacksonville Blood Bank, Inc., Jacksonville, Fla	103
Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill	251
John Elliott Blood Bank of Dade County, Inc., Miami, Fla	154
King County Central Blood Bank, Seattle, Wash	168
Knickerbocker Blood Bank, New York, N.Y	164
Knoxville Blood Center, Inc., Knoxville, Tenn	284
Lane County Blood Bank, Eugene, Oreg	306

	United States license No.
Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y	17
Lewiston-Clarkston Blood Bank, Lewiston, Idaho	298
Lincoln Foundation, Swarthmore, Pa	299
Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio	174
Marathon County Blood Bank, Inc., Wausau, Wis	285
Marietta Memorial Hospital, Marietta, Ohio	270
Massachusetts General Hospital Blood Bank, Boston, Mass	300
Massachusetts Public Health Biologic Laboratories, Boston, Mass	64
Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill	209
Medical Center, State Health Department Blood Bank, Grand Forks, N. Dak	236
Memphis Blood Center, Inc., Memphis, Tenn	240
Menolasino Laboratories, Melrose Park, Ill	279
Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point and Philadelphia, Pa	2
Michael Reese Research Foundation, Chicago, Ill	113
Michigan Department of Health, Division of Laboratories, Lansing, Mich	99
Mid-West Blood Bank and Plasma Center, Kansas City, Mo	264
Midwest Blood Service, Inc., Detroit, Mich	296
Milwaukee Blood Center, Inc., Milwaukee, Wis	187
Minneapolis War Memorial Blood Bank, Inc., Minneapolis, Minn	185
Mount Sinai Medical Research Foundation, Chicago, Ill	168
Mulford Colloid Laboratories, Philadelphia, Pa	102
Myers Laboratories, Inc., Warren, Pa	135
National Drug Company, Swiftwater, Pa	101
New York City Department of Health, Bureau of Laboratories, New York, N.Y	14
Northern Illinois Blood Bank, Inc., Rockford, Ill	249
Nuclear Consultants Corporation, St. Louis, Mo	281
Ochsner Foundation Hospital Blood Bank, New Orleans, La	233
Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla	273
Ortho Pharmaceutical Corporation, Raritan, N.J	156
Parke, Davis & Company, Detroit, Mich	1
Passaic Blood Bank, Inc., Passaic, N.J	293
Peninsula Memorial Blood Bank, Burlingame, Calif	195
Pfizer Laboratories, Div. Chas. Pfizer & Co., Inc., Terre Haute, Ind	297
Philadelphia Serum Exchange, Philadelphia, Pa	139
Pineview General Hospital Blood Bank, Valdosta, Ga	290
Pitman-Moore Company, Division Allied Laboratories, Inc., Zionsville, Ind	110
Porro Biological Laboratories, Tacoma, Wash	107
Potter County Memorial Blood Center, Inc., Amarillo, Tex	246
Providence Hospital Blood Bank, Washington, D.C	218
Purex Laboratories, Inc., Staten Island, N.Y	306
Research Foundation and University of Illinois, Chicago, Ill	188
Robeson County Memorial Hospital Blood Bank, Lumberton, N.C	313
Rogatol Pharmaceutical Co., Hato Rey, P.R	177
Rhode Island Hospital Blood Bank, Providence, R.I	284
Sacramento Medical Foundation Blood Bank, Sacramento, Calif	194
San Diego Blood Bank, San Diego, Calif	201
Sci Lab, Derby, Colo	291
Service League Community Blood Bank, Inc., Pueblo, Colo	262
Sherman Laboratories, Detroit, Mich	30
Shreveport Emergency Blood Bank, Inc., Shreveport, La	237
Sonoma County Community Blood Bank, Santa Rosa, Calif	197
Southern Michigan Blood Center, Inc., Detroit, Mich	272
Southwest Blood Banks, Inc., Phoenix, Ariz	183
Southwest Florida Blood Bank, Inc., Tampa, Fla	228
Spokane & Inland Empire Blood Bank, Spokane, Wash	203
St. Francis Hospital Blood Bank, Trenton, N.J	260
St. Luke's Hospital Blood Bank, Aberdeen, S. Dak	250
St. Luke's Memorial Hospital Blood Bank, Racine, Wis	271
St. Mary Community Blood Bank, Hoboken, N.J	295
Suburban Hospital Blood Bank, Bethesda, Md	309
Syntex Chemical Co., Inc., New York, N.Y	311
Tacoma-Pierce County Blood Bank, Tacoma, Wash	202
Terrell's Laboratories, Fort Worth, Tex	84
Texas State Department of Health, Austin, Tex	121
Travenol Laboratories, Inc., Morton Grove, Ill	184
Travis County Medical Society Blood Bank, Austin, Tex	244
Tri Counties Blood Bank, Santa Barbara, Calif	198
U. S. Pharmaceutical Inc., Burbank, Calif	275
University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio	235
Upjohn Company, Kalamazoo, Mich	51
Virginia Blood Bank, Inc., Richmond, Va	204
Ward Laboratories, Durham, N.C	280
Washington Blood Laboratory, Washington, D.C	158
W. E. Stewart Blood Bank, Inc., Tyler, Tex	265
Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa	276
Wiener Serum Laboratory, Brooklyn, N.Y	155
William S. Merrell Co., Cincinnati, Ohio	111
World Blood Bank, Inc., Kansas City, Kans	312
Wyeth Laboratories, Inc., Marietta, Pa	144

B. Foreign Establishments

	United States license No.
Blood Plasma Corp. of Japan, Osaka, Japan	243
Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada	73
Institut Pasteur, Paris, France	11
Istituto Sieroterapico Toscano, Siena, Italy	238
Laboratoire du Bacteriophage, Paris, France	108
Laboratorios Myn, Mexico D.F., Mexico	176
Nihon Seiyaku Co., Ltd., Tokyo, Japan	245
Osterreichisches Institut fur Haemoderivate, Vienna, Austria	258
Wellcome Research Laboratories, Beckenham, Kent, England	129

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 2, Amdt. 7]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

Redelegation of Authority With Respect to Credit Functions

APRIL 29, 1959.

Order No. 2 (19 F.R. 8756) as amended, is further amended by the following:

FUNCTIONS RELATING TO CREDIT MATTERS

SECTION 2.120 *Loan agreements.* The approval of applications of individuals for loans pursuant to 25 CFR, Part 91 (subject to availability of funds), where the total indebtedness of the applicant to the lender does not exceed $1,500, except for loans for educational purposes.

SEC. 2.127 *Modifications of loan agreements.* The approval of modifications of loan agreements of individuals

pursuant to 25 CFR, Part 91, except loans for educational purposes, where the total indebtedness of the borrower to the lender does not exceed $1,500.

BEN REIFEL,
Area Director.

Approved: July 30, 1959.

GLENN L. EMMONS,
Commissioner.

[F.R. Doc. 59-6502; Filed, Aug. 6, 1959; 8:46 a.m.]

[Billings Area Office Redelegation Order 1, Amdt. 6]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

Redelegation of Authority With Respect to Certain Functions

Order No. 1 (20 F.R. 277) is amended as hereinafter indicated.

1. Section 2.120 is amended to read as follows:

SECTION 2.120 *Loan agreements and modifications.*

* * * * *

(b) The approval of applications of individuals for loans (subject to availability of funds) where the total indebtedness of the applicant to the lender does not exceed $1,500, except loans for educational purposes.

2. A new part and section are added to read as follows:

PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 3.120 *Loan agreements and modifications*—(a) *Blackfeet Tribe.* The Superintendent, Blackfeet Agency, may approve applications for and modifications of loans to individuals by the Blackfeet Tribe (subject to the availability of funds) where the total indebtedness to the tribe does not exceed $3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(b) *Northern Arapahoe Tribe.* The Superintendent, Wind River Agency, may approve applications for and modifications of loans to individuals by the Northern Arapahoe Tribe (subject to the availability of funds) where the total indebtedness to the tribe does not exceed $3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(c) *The Fort Peck Tribes.* The Superintendent, Fort Peck Agency, may approve applications for and modifications of loans to individuals by the Fort Peck Tribes (subject to availability of funds) where the total indebtedness to the tribes does not exceed $5,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(d) *Fort Belknap Indian Community.* The Superintendent, Fort Belknap Consolidated Agency, may approve applications for and modifications of loans to individuals by the Fort Belknap Indian Community (subject to availability of funds) where the total indebtedness to the community does not exceed $3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

GLENN L. EMMONS,
Commissioner.

JULY 30, 1959.

[F.R. Doc. 59-6503; Filed, Aug. 6, 1959; 8:46 a.m.]

[Minneapolis Area Office Redelegation Order 1, Amdt. 3]

AUTHORITY OF SUPERINTENDENTS

Functions Relating to Credit Matters

1. Section 2.120 is amended to read as follows:

SEC. 2.120 *Loan agreements and modifications.* The approval of applications of individuals for loans (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed $1,500, except loans for educational purposes.

R. D. HOLTZ,
Area Director.

Approved: July 30, 1959.

GLENN L. EMMONS,
Commissioner.

[F.R. Doc. 59-6504; Filed, Aug. 6, 1959; 8:46 a.m.]

[Portland Area Office Redelegation Order 1, Amdt. 9]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

Redelegation of Authority With Respect to Certain Functions

Order 1 (20 F.R. 234) is amended as hereinafter indicated.

1. Section 2.120 is amended to read as follows:

SECTION 2.120 *Loan agreements and modifications.*

* * * * *

(b) The approval of applications of individuals for loans (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed $1,500, except loans for educational purposes.

2. Section 3.120 is amended to read as follows:

SEC. 3.120 *Loan agreements and modifications*—(a) *Klamath Tribe.* The Superintendent, Klamath Agency, may approve applications for loans and modifications of loans (subject to the availability of funds) by the United States to withdrawing members of the Klamath Tribe, pursuant to 25 CFR 91.20, where the total indebtedness to the United States does not exceed $10,000, except loans for educational purposes.

(b) *Colville Tribes.* The Superintendent, Colville Agency, may approve applications for and modifications of loans to individuals by the Confederated Tribes of the Colville Reservation (subject to the availability of funds), where the total indebtedness to the tribes does not exceed $5,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(c) *Warm Springs Tribes.* The Superintendent, Warm Springs Agency, may approve applications for loans to individuals by the Confederated Tribes of the Warm Springs Reservation (subject to the availability of funds), where the total indebtedness to the tribes does not exceed $3,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(d) *Yakima Tribe.* The Superintendent, Yakima Agency, may approve applications for and modifications of loans to individuals by the Yakima Tribe (subject to the availability of funds), where the total indebtedness to the tribe does not exceed $5,000, except loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

GLENN L. EMMONS,
Commissioner.

JULY 30, 1959.

[F.R. Doc. 59-6505; Filed, Aug. 6, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-14307; Agreement CAB No. 12325]

PACIFIC AIR LINES, INC., AND BARRETT TERMINALS, INC.

Order To Show Cause

Order No. E-11104, adopted March 11, 1957, approved Agreement CAB No. 10500. Agreement CAB No. 10500 consists of an agreement (hereinafter called the joint airline agreement) between United Air Lines, Inc. (United), American Airlines, Inc. (American), Pan American World Airways, Inc. (PAA), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western), and individual lease agreements appended thereto between the aforementioned airlines (the initial airlines) and Barrett Terminals, Inc. (Barrett), relating to the operation of the downtown air-bus terminal in San Francisco.

On July 30, 1957, Pacific Air Lines, Inc. (Pacific), then known as Southwest Airways Company (Southwest), entered into a lease agreement with Barrett for space in the aforementioned terminal. Pacific filed this lease with the Board on August 5, 1958, under section 412, requesting approval thereunder to the extent that such section is applicable thereto. At the suggestion of the staff, Pacific, on January 6, 1959, filed with the Board under section 412 a memorandum of understanding between Pacific, on the one hand, and initial airlines, on the other, effectuating the lease between Barrett and Pacific. The lease between Barrett and Pacific, and the memorandum of understanding, have been designated Agreement CAB No. 12325. The requirement of § 261.1 of the Board's Economic Regulations in respect of concurrences by other air carrier parties has not been met.

After considering all the circumstances surrounding the execution of the lease between Barrett and Pacific, the Board has tentatively found that the documents identified as Agreement CAB No. 12325 constitute an agreement within the purview of section 412 and that such agreement is not adverse to the public interest or in violation of the Act.[1] Consequently, the Board proposes to approve the agreement. In approving Agreement CAB No. 10500, the Board noted that there were pending proposed leases between Barrett and, inter alia, Southwest, which were "for the same duration, with the same rentals, and certain of the same obligations as are in the individual lease agreements." The approval of Agreement CAB No. 10500 was predicated, in part, upon a finding that Southwest, among other authorized air carriers, had been given an opportunity to secure ticket counter space in the proposed terminal building. There can be little doubt that had the lease agreement between Barrett and Southwest been filed with the Board simultaneously with Agreement CAB No. 10500, it would have been approved under section 412 subject to the same conditions as were attached to the approval of Agreement CAB No. 10500 by Order No. E-11104. The mere fact that the Barrett lease with Pacific (Agreement CAB No. 12325) was executed and filed with the Board at a later date does not present any basis for arriving at a different result. For these reasons the Board proposes to approve Agreement CAB No. 12325 under section 412 of the Act and to waive the provisions of § 261.1 of the Economic Regulations as to the filing of concurrences. However, before issuing a final order of approval herein, the Board will give all interested persons an opportunity to show cause why the agreement should not be approved under section 412 of the Act subject to the conditions specified in Order No. E-11104.

Accordingly, it is ordered:

1. That a copy of this order shall be served upon Pacific Air Lines, Inc., United Air Lines, Inc., American Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., and be published in the FEDERAL REGISTER.

2. That the aforementioned carriers and other interested persons show cause why the Board should not approve Agreement CAB No. 12325 under section 412 of the Act, subject to the conditions specified in Order No. E-11104, according to the procedure set forth herein;

3. That if there is any objection to the tentative findings herein, notice thereof must be filed within ten days of the date hereof, and, if notice is filed, written answer and supporting documents must be filed within twenty days of the date of this order;

4. That if no notice of objection is filed within ten days, or if notice is filed and answer is not filed within twenty days of the date of this order, all parties shall be deemed to have waived all further procedural steps before final decision, and the Board may enter an order making final the tentative findings herein and approving Agreement CAB No. 12325 under section 412 of the Act.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[1] In arriving at this tentative finding, the Board has considered the informal comments filed by the initial airlines.

[F.R. Doc. 59-6529; Filed, Aug. 6, 1959; 8:50 a.m.]

[Docket No. 9090]

SHULMAN, INC.

Notice of Oral Argument on Enforcement Proceeding

In the matter of the enforcement proceeding instituted by complaint filed by the Office of Compliance against Shulman, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on September 9, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 4, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6530; Filed, Aug. 6, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12566, 12774; FCC 59-786]

SANFORD L. HIRSCHBERG ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Sanford L. Hirschberg and Gerald R. McGuire, Cohoes-Watervliet, New York, Docket No. 12566, File No. BP-11261; W. Frank Short and H. Clay Esbenshade d/b as Fairview Broadcasters, Rensselaer, New York, Docket No. 12774, File No. BP-12209; for construction permits for new standard broadcast stations.

1. There are before the Commission (1) the matters of record in the above entitled proceeding; (2) a petition filed on May 22, 1959 by W. Frank Short and H. Clay Esbenshade d/b as Fairview Broadcasters (Fairview), to enlarge the issues to determine the financial qualifications of Sanford L. Hirschberg and Gerald R. McGuire to construct and operate the station proposed in File No. BP-12566; (3) an opposition to the petition, filed on June 4, 1959, by Sanford L. Hirschberg and Gerald R. McGuire (Hirschberg-McGuire); (4) a reply to the opposition, filed on June 11, 1959, by Fairview.

2. Sanford L. Hirschberg and Gerald R. McGuire entered into a general partnership agreement on May 17, 1958, for the purpose of constructing and operating a standard broadcast station to serve Cohoes-Watervliet, New York. The total estimated cost of construction was $20,881.23. They proposed to meet this cost and initial operating expenses with a deferred payment plan for equipment in the amount of $9,285 and $25,000 in capital. Each partner agreed to contribute $12,500 as capital for the venture. On May 23, 1958, Hirschberg-McGuire modified their agreement to provide for Hirschberg to contribute 51 percent of the proposed $25,000, and for McGuire to contribute 49 percent. In an Order released August 4, 1958 (FCC 58-768), the Commission found the applicant to be legally, technically, financially and otherwise qualified except as indicated by the issues specified therein. Fairview in an application filed July 22, 1958, proposed an operation which involved mutually destructive interference with that of Hirschberg-McGuire, and by Commission Order released February 24, 1959 (FCC 59-123), the two applications were designated for hearing in a consolidated proceeding. Hirschberg-McGuire, on March 25, 1959, petitioned for leave to amend their application to reflect an agreement entered into between Sanford L. Hirschberg, Gerald R. McGuire and Harry L. Goldman, whereby Goldman would acquire the 49 percent interest previously held by McGuire and an additional 1 percent interest. The Examiner in a Memorandum Opinion and Order released June 19, 1959 (FCC 59M-788) denied the petition.

3. In an affidavit filed with the Commission on May 19, 1959, in conjunction with other pleadings submitted in this proceeding, McGuire stated that "* * * circumstances will not permit me to contribute either time or money to the direction and operation of a broadcasting station". A substantial question is thus raised as to whether McGuire is able to meet his financial commitment to the partnership. Even assuming, as is alleged, that Hirschberg is financially able to individually contribute all the funds necessary to complete the costs of construction and initial operation, the application does not reflect any such commitment on Hirschberg's part. Therefore, an issue as to the financial qualifications of Hirschberg-McGuire will be added. See Loyola University, 12 RR 1017 (1957); Deep South Broadcasting Company (WSLA), released June 11, 1959 (FCC 59-538).

Accordingly, it is ordered, This 29th day of July 1959 that the petition of W. Frank Short and H. Clay Esbenshade, d/b as Fairview Broadcasters, filed May 22, 1959, is granted; and that the issues in this proceeding are amended to renumber Issue 8 as Issue 9 and to include as Issue 8 the following:

8. To determine whether Sanford L. Hirschberg and Gerald R. McGuire are

financially qualified to construct and operate their proposed station.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6515; Filed, Aug. 6, 1959; 8:48 a.m.]

[Docket No. 11908; FCC 59-785]

NORTHSIDE BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re application of Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana, Docket No. 11908, File No. BP-10824; for construction permit.

1. At the oral argument, held June 8, 1959, before the Commission en banc on the exceptions taken to the Initial Decision in the above-captioned proceeding, two matters came to the Commission's attention which indicate that further hearing herein is appropriate and desirable. Accordingly, the proceeding will be remanded to the Hearing Examiner for further hearing in the respects noted in the discussion which follows.

2. As to the first matter, the Commission is of the opinion that the record evidence with respect to certain field intensity measurements must be supplemented and clarified. As the record now stands, field intensity measurements submitted by a now dismissed competing applicant are used to show the service area of Station WTCO, Campbellsville, Kentucky, a respondent herein, and the interference the proposed Northside station would cause to said station. However, there is a difference of opinion between the Hearing Examiner and the Broadcast Bureau as to the acceptability of this showing. The Examiner rejected the measurements as lacking in probative value because he could not understand the Bureau's reasoning that, while the measurements were adequate to show WTCO's 0.5 mv/m contour, the measurements between 0.3 and 2.0 miles were not sufficient to establish the inverse distance field (the latter being necessary to a determination of a conductivity at the extremity of the measured path from which projection of the signal beyond the measurements could be made for the determination of the interference to the proposed station). Since the measurements show that the 0.5 mv/m contour of Station WTCO is located a greater distance than shown by a theoretical method but that the measurements are improperly made, it is the Commission's view that the applicant should be required to make measurements and show the correct service area of Station WTCO. Thus, the applicant, at the further hearing to be ordered hereinafter, shall submit field intensity measurements which are to be made on Station WTCO in accordance with the Commission's Standards.

3. The second matter has reference to a question which was raised at the oral argument for the first time in this proceeding (R. 1128-29). On the basis of Star of the Plains Broadcasting Co. v. Federal Communications Commission (Case No. 14516)— U.S. App. D.C. —, — F. 2d —, 18 RR 2072, decided by the United States Courts of Appeals for the District of Columbia Circuit on March 9, 1959, counsel for respondent Station WTCO urged that the proceeding herein must be remanded to the Hearing Examiner for further hearing with respect to the programming offered by WTCO in the area which will lose service from WTCO as a result of interference caused by the proposed operation of Northside. As the findings of the Initial Decision presently show, the Northside proposed operation would cause objectionable cochannel interference to Station WTCO affecting 3.65 percent to 4.15 percent of the population within that station's normally protected contour. While Station WMOH, another respondent in the proceeding, would suffer a small amount of interference from the proposed Northside operation, counsel for WMOH stated at the oral argument that the interference received was very minor. Counsel did not, therefore, make a request similar to that made by counsel for WTCO.

4. In view of the foregoing, evidence will, therefore, be admitted at the further hearing ordered herein as to the need for the WTCO service in the interference area, as well as to the manner in which other existing stations satisfy the needs of the interference area, and appropriate conclusions will be made. Compare, Star of the Plains, supra.

5. *Accordingly, it is ordered*, That the record of this proceeding be reopened, that the proceeding be remanded to the Hearing Examiner who originally presided at the hearing herein for the purpose of taking further evidence with respect to field intensity measurements as noted in paragraph 2 hereof, and to take evidence upon a new Issue No. 5 set out below, and, thereafter, that a Supplemental Initial Decision be issued by the Hearing Examiner.

6. *It is further ordered*, That the present Issue No. 5 is renumbered as Issue No. 6, and that a new Issue No. 5 be added to read as follows:

To determine the type and character of program service rendered by Station WTCO and whether it meets the requirements of the population and area proposed to lose service, and the manner in which the programming of other existing stations may satisfy the needs of the interference area.

Adopted: July 29, 1959.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6516; Filed, Aug. 6, 1959; 8:48 a.m.]

[Docket Nos. 12049, 12050; FCC 59-784]

JEFFERSON RADIO CO. AND BESSEMER BROADCASTING CO., INC. (WENN)

Memorandum Opinion and Order Amending Issues

In re applications of W. D. Frink, tr/as Jefferson Radio Company, Irondale, Alabama, Docket No. 12049, File No. BP-10672; The Bessemer Broadcasting Company, Incorporated (WENN), Bessemer, Alabama, Docket No. 12050, File No. BP-10886; for construction permits.

1. Oral argument in the above-captioned proceeding was held before the Commission en banc on June 22, 1959. The argument was divided into two parts: (a) on the exceptions taken by the parties to the Initial Decision of Hearing Examiner Thomas H. Donahue proposing a grant of the Jefferson Radio Company application; and (b) on the question of a motion for leave to amend application and to reopen record filed on August 14, 1958 by The Bessemer Broadcasting Company, Incorporated.

2. Consideration of the entire record in this proceeding, the exceptions, and the matters advanced at oral argument dictates further hearing in this proceeding as will be outlined hereinafter. This course must be followed for otherwise we would not have available a suitable record upon which to make an ultimate determination.

3. Coming to the crux of the matter, it is our opinion that the Examiner ruled erroneously in his order following a prehearing conference that the showings to be made under the section 307(b) issue (Issue 6) would be limited to "technical showings on populations and area now served by existing stations or that would be served by proposed operations." Bessemer preserved an exception to this ruling. In the circumstances of this proceeding, it would be of particular benefit to resolution of the issues presented to have in the record evidence as to the character and needs of the communities to be served by the respective applicants as evidenced by, inter alia, the industrial or agricultural character of the communities involved, the educational, cultural and other institutions and organizations in such communities, and the program services of existing stations rendering primary service to such communities. The proceeding will, therefore, be remanded to the Examiner for the purpose of further hearing consonant with the views here expressed.

4. Should it be decided that 307(b), for one reason or another, is not determinative in the case, it would be necessary to evaluate the applicant in terms of the standard comparative issue. Therefore, it is appropriate to add the standard comparative issue. It is expected, of course, that the Examiner will take evidence on this issue and make findings thereon even though he may ultimately conclude in his Supplemental Initial Decision that section 307(b) is determinative.

5. Bessemer's motion for leave to amend and to reopen the record for the purpose of receiving the amendment is to be considered against this background. On July 2, 1958, subsequent to the close of the record in the proceeding herein and prior to the release of the Initial Decision, the Commission granted the application of Bessemer for consent to transfer all of its stock to John M. McLendon and Associates. One week before the issuance of the Initial Decision Bessemer filed the above-described motion. Its purpose is to reflect changes in the ownership of Bessemer's stock and to show that "funds for the improvement of the facilities to permit operation with power of 5 kw and change of frequency to 1480 kc, as requested in the pending application, would be forthcoming from the present stockholder of the applicant corporation in the event that its application is granted." Bessemer points out that in the transfer application as well as in the amendment submitted with the instant petition it is indicated that no changes are proposed with respect to the program proposal for operation on the requested facilities. An exhibit in the transfer application is incorporated by reference in the amendment submitted with the present petition which Bessemer asserts indicates Bessemer, under the control of the new stockholder, would continue to support the pending application; that the new stockholder assured the Commission that he would continue to rely upon the representations for 5 kw operation in the event that the application is granted; and that the new stockholder would take whatever action was necessary to implement and carry into effect the program proposals for 5 kw operation if the application is granted. For these reasons, Bessemer submits that the amendment in question is for administrative purposes only; that it does not affect or change any of the hearing issues or any of the matters pending before the Commission; that the competing applicant cannot possibly be prejudiced by the amendment; and that the amendment will not delay or affect the outcome of the proceeding.

6. Jefferson opposes acceptance of the Bessemer amendment and requests (1) that Bessemer's motion to accept the amendment showing a 100 percent change in ownership and a redetermination of financial and other qualifications of the Bessemer applicant in light of the changed ownership be denied; and (2) that the Commission, upon the basis of its own records and the contents of the motion herein, recognize the Bessemer application as that of a new applicant not entitled to consideration in this proceeding, and pursuant to § 1.106(b)(3)[1] of the Commission's rules that the Bessemer application be dismissed because of the basic and complete change in the composition of the applicant. Jefferson asserts that the rights of Bessemer in this proceeding do not include a right on the part of the original applicant to substitute a totally new party at "his own discretion when his place in the hearing can be sold profitably." It is submitted that § 1.354(h)[2] of the Commission's rules removes any doubt that the Bessemer applicant is not a new applicant. In connection with the foregoing, it is Jefferson's position that acceptance of the Bessemer amendment would require further consideration by the Commission of the applicant's qualifications to make findings with respect to the financial qualifications of the new owners, and that further review of the qualifications of the new owners would be required to determine whether other questions might also arise. Jefferson submits that although the Commission in the transfer proceeding has approved the newcomers as stockholders of Bessemer for the present Bessemer operation, it has not made a determination of the financial or other qualifications of the new Bessemer principals in terms of the pending application to modify its facilities substantially and to extend its area of coverage. In support of its position, Jefferson cites Huntington Broadcasting Co., 13 FCC 1032 (1949) and Don Lee Broadcasting System, 7 RR 1093 (1952).

7. Bessemer in reply to Jefferson's opposition states that support for acceptance of its amendment may be found in the following cases: Independent Broadcasting Company, 6 RR 1390; Enterprise Broadcasting Company, 15 RR 401; and Albuquerque Broadcasting Company, 16 RR 755. Bessemer submits that acceptance of the amendment would require no new findings to be made by the Commission regarding the qualifications of the Bessemer applicant, for the following reasons: it was found legally qualified in the designation order herein, and the new stockholder was required to satisfy the Commission as to its legal qualifications in the transfer proceeding; no change has been made in the technical proposal, and in the transfer proceeding the new stockholder indicated that it would continue to support the application; Bessemer was found financially qualified in the designation order, and in the transfer proceeding it was shown that funds existed for the continued operation of the station together with the continued availability of funds for improvement of facilities of the Bessemer station as proposed in the pending application. Bessemer also submits that Jefferson has made no showing that any new issues will be necessary in connection with the amendment or that any further hearings will be required.

8. We are unable to conclude that a denial of the Bessemer motion for leave to amend and a dismissal of its application is required. § 1.354(h) of the Commission's rules lends no support to the Jefferson position. This rule is one of generally limited applicability to pre-hearing matters. Independent Broadcasting Co., 6 RR 1390. This holding obviates any need of discussion of § 1.106(b)(4) of the rules, since the said rule, requiring dismissal, would become applicable to the instant proceeding only if Bessemer were first found to be a new applicant within the meaning of § 1.354(h) of the rules. Turning to the cases cited by Jefferson, Huntington, supra, is to be distinguished from the instant factual situation in that there a major amendment was involved which would have affected the showing already made under the hearing issues. In our opinion, Don Lee, supra, is inapposite to the instant proceeding. Underlying Don Lee was the adoption of the Commission's Sixth Report and Order (having reference to television assignments and rules), the terms of which obviously contemplated radical amendments to applications. Consequently, the 100 percent change in stock ownership there proposed must be considered as a major amendment in view of the widespread changes resulting from adoption of said Report and Order. A 100 percent change in stock ownership in Enterprise on the other hand, was not considered a major amendment where section 307(b) considerations were involved and where the new owner would adopt technical proposals already advanced. See also Independent Broadcasting Company, 6 RR 1390, and Albuquerque Broadcasting Company, 16 RR 755, wherein it was held that a change of parties after hearing where only engineering issues are involved does not constitute a major amendment.

9. Independent, Enterprise and Albuquerque point to the course which the Commission may follow in this proceeding. Important to permitting the Bessemer application to be amended in the manner here requested is the question of what prejudice might result to Jefferson. We can find none. Hearing has already been held on those issues specified in the designation order. No further hearing is required with respect to those issues because of the 100 percent change in stock ownership. Thus, Jefferson would not be put to any additional burden to make fresh preparation as to matters which had previously been considered in the hearing process. Nor would allowance of the amendment create any competitive advantage for Bessemer.

10. It is unnecessary to consider at length Jefferson's contention that acceptance of the Bessemer amendment would require further consideration by the Commission of Bessemer's qualifications to make findings with respect to the financial qualifications of the new owners, and that further review of the qualifications of the new owners would be required to determine whether other questions might also arise. At the time the Bessemer application was designated for hearing, the Commission found it to be legally, technically, financially and otherwise qualified. While these findings do not pass to the new owner of Bessemer as a matter of course in connection with the transfer proceeding, the Commission did at the time it granted its consent to the transfer of

[1] Presumably, Jefferson intended to cite 1.106(b)(4) of the Rules which read as follows: "Any mutually exclusive application filed after the date prescribed in subparagraphs (1), (2), or (3) of this paragraph will be dismissed without prejudice * * *"

[2] The pertinent portion of the rule states: "A new file number will also be assigned to an application for a new station when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application."

control pass upon these questions.

Necessarily, the new owner's legal qualifications were established at the time the Commission granted the transfer application. Since Bessemer was found technically qualified in the designation order, and since the transfer application before the Commission disclosed that Bessemer under the control of the new owner would support the pending application including the representations in connection with the proposed 5 kw operation the Commission found the new owner to be also technically qualified. No issue relevant to financial qualifications is necessary as we find Bessemer financially qualified on the basis of information submitted with its motion for leave to amend and exhibits incorporated by reference from the transfer proceedings, as set out below.

11. The Bessemer Broadcasting Company, Incorporated (WENN) by its application as amended showed its Estimated Cost of Construction to be $12,958.00. By an agreement dated October 22, 1956 Gates Radio Company agreed to furnish applicant sufficient equipment for $13,077 less trade-in equipment valued at $1,100, and a deposit of $700, received October 19, 1956. The balance of $11,277 is to be paid in 36 equal monthly payments including a 3 percent per annum finance charge. In addition, the four stockholders agreed to furnish an aggregate of $12,630 to the applicant corporation to be used to finance the purposes of its application. Each of the stockholders submitted a balance sheet or financial statement indicating his ability to fulfill his respective financial commitment to the applicant. On the basis of the above, the Commission in its Order of designation released June 10, 1957, found Bessemer Broadcasting Company, Incorporated financially qualified.

12. The Application for Transfer of Control, BTC-2810, granted by the Commission on July 2, 1958, contained an agreement by John M. McLendon to furnish The Bessemer Broadcasting Company, Incorporated the sum of $12,958 for the construction of the new facilities. Mr. McLendon's financial statement as of June 2, 1958 shows total assets of $565,850, including current assets in the amount of $63,350, and total liabilities of $86,140, including current liabilities of $36,000, leaving a net worth of $479,710. The amendment filed August 14, 1958 states that there is no change in the Gates Radio Company agreement relative to the deferred payment plan for the purchase of equipment, or in Mr. McLendon's agreement to furnish the applicant $12,958, which will come from his cash and quick assets on hand.

13. We consider, finally, Jefferson's assertion that the circumstances herein do not warrant a finding of good cause under § 1.311(b) of the Commission's rules "for the substitution of a totally new applicant in this proceeding at this late date." As has been demonstrated hereinabove the question is not as broad as Jefferson states it. In the circumstances of this proceeding, we are of the opinion that good cause has been shown by Bessemer for leave to amend its application. Considering the principal purposes of § 1.311(b)— to prevent undue disruption of the orderly processes of the Commission's administrative functions—it is clear that the Bessemer motion for leave to amend is not inconsistent therewith. From what has been stated in preceding paragraphs, it is clear that the proposed amendment would not necessitate the addition of new parties or of new issues; that it would not unduly delay the hearing herein; and that it would not result in the taking of new testimony to supplant testimony already taken. And, of equal importance, it is obvious from what has been discussed herein that no unfair prejudice would be caused to Jefferson in view of the fact that Bessemer's competitive position would not be enhanced, no additional burden would be placed on Jefferson since the further hearing ordered herein will not require the introduction of evidence which would be repetitive of that introduced in the earlier hearing, and no undue delay would be caused in the hearing herein.

14. In view of the foregoing: *it is ordered*, That the record of this proceeding be reopened, that the motion of Bessemer Broadcasting Company, Incorporated for leave to amend is granted and the amendment is accepted, that the proceeding is remanded to the Hearing Examiner who originally presided at the hearing herein for the purpose of taking further evidence in respect to Issue No. 6 in the respects noted hereinabove, and upon a new Issue No. 7, and thereafter that a Supplemental Initial Decision be issued by the Hearing Examiner: *And it is further ordered*, That the presently numbered Issue No. 7 become Issue No. 8 and that a new Issue No. 7 be added to read as follows:

7. To determine, on a comparative basis, in the event it is found that section 307(b) is found not to be determinative which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations:

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

Adopted: July 29, 1959.

Released: August 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6532; Filed, Aug. 6, 1959; 8:51 a.m.]

[Docket No. 12309; FCC 59-863]

VIDEO INDEPENDENT THEATRES, INC. (KVIT)

Memorandum Opinion and Order Amending Issues

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

1. The Commission has before it for consideration (1) a renewed request to enlarge issues, filed October 23, 1958, by Alvarado Television Company, Inc.; (2) an opposition to this request, filed November 5, 1958, by Video Independent Theatres, Inc.; (3) the Broadcast Bureau's reply to the renewed request, filed November 5, 1958; (4) reply of Alvarado Television Company, Inc., filed November 13, 1958, to items (2) and (3); (5) the Broadcast Bureau's reply, filed November 13, 1958, to item (2); (6) response of New Mexico Broadcasting Company, Inc., filed November 14, 1958, to item (2); and (7) an opposition, filed November 17, 1958, by KSTP, Inc. to item (2).

2. In a Memorandum Opinion and Order adopted February 12, 1958 (FCC 58-121), the Commission granted in part the protest of Alvarado Television Company, Inc. (licensee of Television Station KOAT-TV, Channel 7, Albuquerque, New Mexico), directed against the Commission's action of December 18, 1957, granting without hearing the above-captioned application of Video Independent Theatres, Inc. for modification of the construction permit of television Station KVIT, Channel 2, Santa Fe, New Mexico, to move studio and transmitter from approximately three miles northwest of the center of Santa Fe to a studio location in Santa Fe and a transmitter site at Sandia Crest approximately 43 miles southwest of Santa Fe and 14 miles northeast of Albuquerque. In accordance with this Order, an oral argument, in which the protestant, the applicant and the Broadcast Bureau participated, was heard by the Commission on April 7, 1958, to determine whether the matters raised by the protestant's requested issue, assuming the facts in support of said issue to be true, are grounds for setting aside the grant in question.

To determine whether the Albuquerque market is capable of supporting a fourth television service as proposed.

3. In its Memorandum Opinion and Order adopted May 7, 1958, the Commission, in denying that portion of the protest which was founded upon the requested issue set forth in paragraph 2 hereof, stated that the question presented is not whether an additional TV channel will be assigned to Albuquerque, but rather whether Albuquerque has the advertising potential to divide the advertising revenue between the stations assigned to Albuquerque and a station assigned to and serving principally another city, but which also serves Albuquerque with a city grade signal.

Citing a number of decisions[1] to the effect that as a matter of policy the possible effects of competition will be disregarded in passing upon applications for new broadcast stations except perhaps in cases involving the operation of section 307(b) of the Act, the Commission concluded that it may not inquire into the question of the economic injury which may be suffered by stations operating in different cities but serving common areas.

4. In its petition filed October 23, 1958, Alvarado renews its request for an enlargement of the issues with respect to whether the Albuquerque market is capable of supporting a fourth television station as proposed in the Video application. It notes that subsequent to the Commission's denial on May 7, 1958, of its original request, the Court of Appeals for the District of Columbia Circuit rendered its decision in Carroll Broadcasting Company v. FCC, 258 F 2d 440 (1958), 17 RR 2066, and this decision, it asserts, serves to set aside the policy underlying the Commission's denial of its original request to enlarge the issues to include the economic injury issue.

5. Video, in an opposition filed November 5, 1958, urges denial of Alvarado's petition for failure of timely filing. In defense of its failure, Alvarado states that at the time of oral argument it had not only noted the pendency of the Carroll case, but that it also requested the inclusion of the economic injury issue in the hearing in the event the decision in the Carroll case required a hearing on such issue; not until the time for filing a writ of certiorari had expired could it be unequivocally stated that the Carroll decision represents the applicable law, and for that reason it did not file its petition at an earlier date. In the Commission's view, these considerations advanced by Alvarado constitute good cause, within the meaning of § 1.141 of the rules, for the late filing of its petition.

6. An additional basis for Video's opposition to the Alvarado petition is that it proceeds from the premise that the Video station will be an Albuquerque station and hence should be denied, since the Commission, in its Order of May 7, 1958, had stated that the Video application will be denied should it be determined at the evidentiary hearing that its station would be an Albuquerque station. Alvarado denies that its petition presupposes that Video's station would be an Albuquerque station. Should it be determined that it would be a Santa Fe station, Alvarado argues that there would still remain the question of whether its establishment would have economic consequences adversely affecting the public interest; that stations which are technically located in different communities may serve the same economic market and be in direct competition with each other, and if the public interest is affected by a new station, it is immaterial whether the stations are located in different communities under the Commission's allocation rules. The Commission's Broadcast Bureau is in essential agreement with the views thus advanced by Alvarado. The Commission notes that the two stations involved in the Carroll case, supra, were located in different communities, but that a hearing on the economic injury issue was nevertheless ordered. It is the Commission's view that a finding in the evidentiary hearing that Video's station would be a Santa Fe station would not render moot the economic injury issue requested by Alvarado.

7. Petitioner Alvarado alleges that the economic effects of the addition of a fourth television service in the Albuquerque market would be a deterioration in programming adversely affecting the public interest. In the Carroll decision, supra, the court in effect held that where an existing licensee offers to prove that the economic effect of another station would be detrimental to the public interest, it should be afforded an opportunity for presentation of such proof. In view of the decision in Carroll and the allegations made by Alvarado as to the effects of a fourth television service in the Albuquerque market, an economic injury issue, in the form set forth below, will be adopted.

8. In the course of the pleadings identified in paragraph 1 herein, contentions were advanced, and opposed, that (a) if an economic injury issue is added, Alvarado should be required, on the basis of our action in Herbert P. Michels 17 RR 557, to file an early application for renewal of its license so that it may be consolidated with the Video modification application for a comparative hearing to determine, should it become necessary, whether Alvarado or Video would better serve the public interest; and (b) that not only Alvarado, but also the licensees of the other two existing television stations in Albuquerque, be required to file early renewal applications, so that the three renewal applications may be consolidated with the Video modification application to determine, should it appear that the Albuquerque market can support only three television services, which three of the four would best serve the public interest. Subsequent to the filing of the instant pleadings, routine license renewal applications have been tendered for filing by Alvarado and by the licensees of the other two stations in Albuquerque; hence, the requests that one or more of them be directed to file early renewal applications are now moot. The requests that one or more of these license renewal applications be consolidated for a comparative hearing with the Video modification application will be given further consideration at the time action is taken on the renewal applications.

Accordingly, it is ordered, This 3d day of August 1959, that the renewed request to enlarge issues, filed October 23, 1958, by Alvarado Television Company, Inc., is granted to the extent indicated herein and is in all other respects denied; and that the issues in this proceeding are amended to renumber Issue No. 8 as Issue No. 9, and to include as Issue No. 8 the following:

8. To determine what economic effect the grant of the instant application would have upon the operation by Alvarado Television Company, Inc., of Television Station KOAT-TV, Albuquerque, New Mexico, and whether, in the light thereof, the grant of the instant application would be in the public interest.

Released: August 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6533; Filed, Aug. 6, 1959; 8:51 a.m.]

[1] In re Application of Southeastern Enterprises, 22 FCC 605; In re Application of West Georgia Broadcasting Co., 23 FCC 255; In re Application of Kaiser Hawaiian Village Radio, Inc., 22 FCC 941; Voice of Cullman, 6 RR 164.

[Docket Nos. 11081, 11083; FCC 59-781]

WORZ, INC., AND MID-FLORIDA TELEVISION CORP.

Order Reopening Record for Further Hearing on Stated Issues

In re applications of WORZ, Inc., Orlando, Florida, Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corporation, Orlando, Florida, Docket No. 11083, File No. BPCT-1801; For construction permits for new television stations (Channel 9).

At a session of the Federal Communications Commisison held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the Decision and Order of the United States Court of Appeals for the District of Columbia Circuit in the above-entitled proceeding dated May 21, 1959 (Case No. 13996);

It appearing, that by said order the Commission's decision awarding a grant to Mid-Florida Television Corporation was vacated and the proceeding remanded to the Commission with instructions to hold, with the aid of a specially appointed hearing examiner, an evidential hearing to determine the nature and source of all ex parte pleas and other approaches that were made to Commissioners while the former proceeding was pending, and any other factors that might be thought to require either disqualification of some Commissioners from participating in the reopened proceeding or disqualification of some parties from receiving any award that may ultimately result;

It is ordered, That the record in this proceeding is reopened and further hearing shall be held at a date, time and place subsequently to be announced and before a presiding officer to be designated by the Commission on the following issues:

1. To determine whether any of the members of the Commission who participated in the proceedings before the Commission which resulted in the award of a construction permit for a television station on Channel 9 in Orlando, Florida, should be disqualified from participating in the reopened proceedings.

2. To determine whether any person or persons influenced or attempted to influence any member of the Commission with respect to the proceedings resulting in the award of the construction permit for Channel 9, Orlando, in any manner whatsoever except by the recognized and public processes of adjudication.

3. To determine whether any party to the proceedings before the Commission which resulted in the award of the construction permit for Channel 9 in Orlando directly or indirectly secured, aided, confirmed, ratified, or knew of any misconduct or improprieties in connection with the proceedings.

4. To determine, in the light of the facts adduced upon the foregoing issues, whether any of the applicants in this proceeding should be disqualified from receiving a grant of its application; and whether the conduct of any applicant, if not of a disqualifying character, has been such as to reflect adversely upon such applicant from a comparative standpoint; and

It is further ordered, That all parties to this proceeding or to the proceeding before the Court shall be permitted to participate as parties if they so request, such requests to be submitted on or before August 10, 1959, and that any person or persons concerning whom evidence may be received in the said hearing shall be permitted to cross-examine and to submit rebuttal testimony if he or they request the opportunity to do so.

Released: August 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6534; Filed Aug. 6, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19087]

NEW YORK STATE NATURAL GAS CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 31, 1959.

On July 2, 1959, New York State Natural Gas Corporation (New York Natural) tendered for filing Second Revised Sheet No. 17A; Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14 and 16; and Fourth Revised Sheet No. 18 to its FPC Gas Tariff, Third Revised Volume No. 1, proposed to become effective August 2, 1959.[1]

In support of the proposed rate increase New York Natural states that the increase is filed solely to compensate it for the increased cost of gas to be purchased for its general system customers from Texas Eastern Transmission Corporation.[2] The company has presented actual costs for the year ended March 31, 1959, including adjustments reflecting the increased cost of gas purchases, normalization of sales to average conditions, higher wages and taxes, and decreases in non-productive well-drilling expense and certain maintenance costs.

Questionable items in the present rate increase filing include inter alia (1) purchased gas cost (2) working capital (3) return (4) income taxes (5) non-productive well-drilling expense and (6) the cost allocation method used by the company.

The customer companies of New York Natural were invited to submit comments on the proposed increased rates. Comments have been received from several customers requesting suspension or assuming the filing will be suspended. New York State Electric & Gas Corporation (New York State) reiterates the position it has previously taken with respect to the filing of New York Natural which is subject to proceedings in Docket No. G-17296. New York State contends that the increase is a nullity insofar as it applies to purchases under a pre-existing contract between these parties. We do not by this order pass upon the question raised by New York State, but will reserve it for future consideration.

The increased rates and charges provided for in Second Revised Sheet No. 17A; Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14 and 16, and Fourth Revised Sheet No. 18 to New York Natural's FPC Gas Tariff Third Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in New York Natural's FPC Gas Tariff, Third Revised Volume No. 1 as proposed to be amended by Second Revised Sheet No. 17A, Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14, and 16 and Fourth Revised Sheet No. 18, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing to be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in New York Natural's FPC Gas Tariff Third Revised Volume No. 1 as proposed to be amended by Second Revised Sheet No. 17A, Third Revised Sheets Nos. 4, 5, 6, 8, 10, 14 and 16 and Fourth Revised Sheet No. 18.

(B) Pending such hearing and decision thereon, New York Natural's proposed Second Revised Sheet No. 17A; Third Revised Sheets Nos. 4, 5, 6, 8, 10, 12, 14 and 16; and Fourth Revised Sheet No. 18 to its FPC Gas Tariff, Third Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until November 30, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6497; Filed, Aug. 6, 1959; 8:45 a.m.]

[Docket No. G-18214]

MISSISSIPPI RIVER FUEL CORP.

Notice of Application and Date of Hearing

JULY 31, 1959.

Take notice that on April 1, 1959, Mississippi River Fuel Corporation (Applicant) filed in Docket No. G-18214 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a field sale of natural gas from the Cherryvale Pool Field, Grant County, Oklahoma, to Cities Service Gas Company (Cities Service) pursuant to a gas sales contract dated October 18, 1957, by and between Cities Service, as buyer, and National Services, Inc. (predecessor in interest to Applicant), et al.,[1] as seller, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's working interest in the four wells currently being produced on the subject acreage is stated to be as follows: 12.5 percent in Seneca No. 1 Early; 5.3173 percent in Worley & Harrell No. 1 Gurley; 12.5 percent in Seneca No. 1 Gurley-Aetna; and 8.3333 percent in Seneca Early B-1.

Applicant's facilities consist of customary lease equipment and proposed deliveries are to be made at the wellhead.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on

[1] The proposed increase which amounts to $1,080,761 is in addition to the $5,726,509 increase in rates now in effect subject to refund in Docket No. G-17296.

[2] The company requests that in the event the proposed rates are suspended the suspension period be limited to November 30, 1959, the date of expiration of the suspension in Texas Eastern's rate increase application in Docket No. G-18841.

[1] The other signatories to the contract are: Seneca Oil Company, Operator; Aberdeen Petroleum Corporation; Worley & Harrell, Inc.; Ted Weiner; and Jones, Shelburne & Pellow Oil Company. Seneca Oil Company, as operator, for itself and all working interest owners in the involved acreage, exclusive of Applicant's interest, has filed certificate applications in Docket Nos. G-14138, G-15817, and G-16762.

September 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6496; Filed, Aug. 6, 1959; 8:45 a.m.]

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC CO.

Notice of Application

AUGUST 3, 1959.

Take notice that on July 24, 1959, San Diego Gas & Electric Company (Applicant) incorporated under the laws of the State of California, with its principal place of business at San Diego, California, filed an application for an order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of electric energy which Applicant may transmit from the United States to Mexico.

By order issued April 2, 1956, in the above docket, Applicant was authorized to transmit electric energy from the United States to Mexico in an amount not to exceed 100,000,000 kilowatt-hours per year at a rate not in excess of 25,000 kilowatts over 69 kilovolt facilities covered by a Presidential Permit signed by the President of the United States on January 31, 1952, and accepted by Applicant on February 25, 1952, Docket No. E-6374. Applicant now seeks to transmit electric energy in an amount not to exceed 160,000,000 kilowatt-hours per year at a rate not in excess of 40,000 kilowatts over the above-mentioned facilities from Applicant's Otay Substation in California to the international border adjacent to Tijuana, Mexico, where the energy will be delivered and sold, as at present, to Cia. Electrica Fronteriza, S.A., a Mexican corporation, for distribution and resale in the Towns of Tijuana and Ensenada, Mexico, and vicinity.

The application represents that the proposed increase in the amount and rate of electric energy to be exported will not interfere with Applicant's ability to serve its territory in the United States.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 20, 1959, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6498; Filed, Aug. 6, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

AGENCIA COMERCIAL "PROGRESSO" (ACP) AND STANLEY HO

Order Revoking Export Licenses and Denying Export Privileges

In the matter of Agencia Comercial "Progresso" (ACP) and Stanley HO, 443/445 Alexandra House, P.O. Box 2173, Hong Kong, Respondents; Case No. 262.

Agencia Comercial "Progresso" (ACP) and Stanley Ho, of Hong Kong, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they caused to be shipped to Communist China three lots of Gilsonite, originally exported from the United States. They answered the charging letter, admitting the transshipments but claiming several defenses in avoidance.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports the charges and that the respondents should be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answer and attachments in opposition thereto, and the report and recommendation of the Compliance Commissioner, I hereby make the following

Findings of fact. 1. At all times hereinafter mentioned, the respondents were engaged in the export and import business in Hong Kong, and well knew that the laws and regulations of the United States Government prohibited the shipment or transshipment to Communist China of any goods which had been or were being exported from the United States.

2. Respondents well knew that the Gilsonite, to which reference will be made hereafter, had been exported from the United States, and it was their intention and purpose, in performing all the acts hereinafter mentioned, to cause the diversion and transshipment of the said Gilsonite to Communist China.

3. As a result of negotiations theretofore conducted, the respondents, on or about the 5th day of April 1956, entered into a contract with Peter Meyns & Co. of Hamburg, Germany, for the purchase by them, either on their own behalf or on behalf of an associate firm represented by them, and the sale by Peter Meyns & Co. of 30 metric tons of United States origin Gilsonite for approximately $4,000.

4. In accordance with the terms of said contract and on the instructions of respondents, Peter Meyns & Co., on or about the 7th day of June 1956, shipped the said 30 tons of Gilsonite to Shanghai, China, without authorization of any United States export license. (Peter Meyns & Co. has been denied all United States export privileges so long as export controls shall be in effect, pursuant to orders issued by the Bureau of Foreign Commerce, 21 F.R. 2415, Apr. 13, 1956, and 24 F.R. 742, Feb. 3, 1959.)

5. As a result of negotiations theretofore conducted, the respondents, on or about the 30th day of July 1956, entered into a contract with Peter Meyns & Co. of Hamburg, Germany, for the purchase by them, either on their own behalf or on behalf of an associate firm represented by them, and the sale by Peter Meyns & Co. of 34 metric tons of United States origin Gilsonite for approximately $4,200.

6. In accordance with the terms of said contract and on the instructions of respondents, Peter Meyns & Co., on or about the 29th day of September 1956, shipped the said 34 tons of Gilsonite to Shanghai, China, without authorization of any United States export license.

7. As a result of negotiations theretofore conducted, the respondents, on or about the 28th day of November 1956, entered into a contract with Peter Meyns & Co. of Hamburg, Germany, for the purchase by them, either on their own behalf or on behalf of an associate firm represented by them, and the sale by Peter Meyns & Co. of 20 metric tons of United States origin Gilsonite for approximately $2,500.

8. In accordance with the terms of said contract and on the instructions of respondents, Peter Meyns & Co., on or about the 23d day of January 1957, shipped the said 20 tons of Gilsonite to Shanghai, China, without authorization of any United States export license.

And, from the foregoing, I have concluded that, in violation of § 381.2 of the Export Regulations, the respondents caused, induced, and procured the transshipment and diversion (in violation of § 381.6 of said regulations) of commodities to Communist China, contrary to the terms of the export documents, regulations, and licenses under which they had been exported from the United States.

In his report, the Compliance Commissioner said:

The respondents, in their answer, admit that the goods described in the charging letter were purchased from Peter Meyns & Co. of Hamburg, Germany, that they knew that the laws of the United States prohibited the delivery of goods exported from the United States to Communist China unless specifically authorized, and that the goods described in the charging letter actually were shipped to Communist China. They deny that they were the actual purchasers of the goods and assert that they had acted as com-

mission agent for a firm, Gibson Hong, which was the actual purchaser and which caused the goods to be shipped to Communist China. They assert further that, inasmuch as the goods had been exported from Germany (after delivery there from the United States) pursuant to a ZAK license issued by the Government of Germany, which, in turn, was part of COCOM, that such official permission rendered the shipment to China legal. Further, they allege that, inasmuch as the destination control clause, with which they were familiar, always contained the words, "unless otherwise authorized by the United States," the exportation by Peter Meyns pursuant to "a special ZAK licence" must have been "otherwise authorized" by the United States or by an agency representing the United States. Finally, they claim that Gilsonite has no strategic value and, at the time of shipment, was not included "in the embargo list." Such goods, they say, have been shipped from Macao to China from time to time under special permits granted by the Macao Government "and with the probable approval of the U.S. Consulate-General." They protest that, if such be the case, their participation in the Gilsonite transactions should not be singled out as an offense.

• • •

• • • [T]he respondents, when they arranged the sales and shipments, did so with the express intention that these goods, known to them to be United States origin goods, be shipped directly to Communist China. The evidence shows also that Gibson Hong is an associate firm of the respondent Agencia Comercial "Progresso". [The] evidence persuades me to believe, without the slightest doubt, that the respondents engaged with Peter Meyns & Co. in devious plans and schemes to further and accomplish shipments to Communist China of goods exported from the United States, for the express purpose of evading and violating the United States prohibitions against the shipment of such goods to Communist China. • • •

• • • Considering the intimate knowledge which respondents had of United States export controls and the devices to which they resorted to evade those controls, I cannot believe that they were ever under the impression that a ZAK license was equivalent to United States authorization for exportation to Communist China. Nor can I believe, either, that any reasonable person, with the experience and background which the respondents had, could have the sincere impression that a re-export under a special ZAK license was the alternative authorization theoretically possible under the proviso in the conventional destination control clause. If, in fact, the respondents saw, as they say they did, that United States commodities were re-exported or shipped from time to time from Macao to China under special permits granted by the Macao Government, that would be no reason for them to conclude that such transshipments had been approved by the United States Government. Respondents, however, are not so naive as to claim that such alleged transshipments had been approved by the United States Government, and so they say only that the alleged transshipments were "with the probable approval of the U.S. Consulate-General." • • •

[This was denied by the Consulate General.]

For completeness, I mention three additional points made in the answer. The first is that COCOM is an international body under the strict supervision and control of United States personnel. This utter nonsense requires no comment from me. The second is that respondents are more interested in United States trade than they are in China trade. That is why they submitted their answer, even though the submission thereof could jeopardize their position in trading with China. Superficially, a statement like this has some persuasive value but, in the light of Government Exhibit 1, I would be inclined to conclude that the interest which respondents have in trade with the United States is stimulated by their desire to divert to Communist China the commodities so obtained. Finally, the respondents claim that their role in the purchases and transshipments was merely that of agents. The law is and always has been "that an 'agent, because he is agent, does not cease to be answerable for his acts.'" (Quoted by the United States Supreme Court, in Herd v. Krawill Machinery Corp., 359 U.S. 297, 304, Apr. 20, 1959, from Sloan Shipyards Corp. v. Emergency Fleet Corp., 258 U.S. 549, 567). • • •

• • • Respondents' activities in matters concerned with and involving trade with the Communist Chinese have been such as to require that they be denied export privileges so long as export controls shall be in effect. That is my recommendation, and I submit herewith for your consideration an order to that effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents, Agencia Comercial "Progresso" (ACP) or Stanley Ho, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and so long as export controls shall be in effect, the said respondents, their officers, agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall, on behalf of or in any association with either respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which either respondent may have any interest of any kind or nature, direct or indirect.

Dated: August 4, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-6519; Filed, Aug. 6, 1959; 8:49 a.m.]

Federal Maritime Board

FARRELL SHIPPING CO., INC., AND T. A. PROVENCE AND CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8394, between Farrell Shipping Co., Inc., New Orleans, La. and T. A. Provence and Company, Mobile, Ala., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 4, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6509; Filed, Aug. 6, 1959; 8:47 a.m.]

MISSISSIPPI SHIPPING CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7644-3, between Mississippi Shipping Company, Inc., and Waterman Steamship Corporation of Puerto Rico, modifies, as indicated below, approved Agreement No. 7644, as amended, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transhipment at New Orleans or Mobile;

(2) Agreement No. 7651-2, between Mississippi Shipping Company, Inc., and Lykes Bros. Steamship Co., Inc., modifies, as indicated below, approved Agreement No. 7651, as amended, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transhipment at Houston or Galveston; and

(3) Agreement No. 7824-1, between Mississippi Shipping Company, Inc., and Alcoa Steamship Company, Inc., modifies, as indicated below, approved Agreement No. 7824, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transhipment at New Orleans or Mobile.

These modifications provide (1) that the through rates and expenses of transhipment shall be apportioned 60 per cent to the initial carrier and 40 per cent to the West Indies carrier, and (2) for a net minimum proportion of the through rates to the West Indies carrier of $18.00 per ton to the West Indies carrier, under the respective agreements. Each agreement presently provides that the through rates and expenses of transhipment shall be apportioned on the basis of 50 per cent to each party thereto, and for a net minimum of the through rate to the West Indies carrier of $14.00 per ton.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval or modification, together with request for hearing should such hearing be desired.

Dated: August 4, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-6510; Filed, Aug. 6, 1959; 8:47 a.m.]

Office of Secretary

HOWARD C. HOLMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1959.

HOWARD C. HOLMES.

JULY 29, 1959.

[F.R. Doc. 59-6523; Filed, Aug. 6, 1959; 8:49 a.m.]

LUTHER L. SMITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: General Telephone.
B. Additions: None.

This statement is made as of July 27, 1959.

LUTHER L. SMITH.

JULY 28, 1959.

[F.R. Doc. 59-6524; Filed, Aug. 6, 1959; 8:49 a.m.]

TARIFF COMMISSION

IMPORTS OF LEAD AND ZINC

Notice of Study

AUGUST 4, 1959.

Since October 1, 1958, absolute import quotas on "unmanufactured" lead and zinc have been in effect. The quotas were imposed by Presidential proclamation following an "escape clause" investigation by the United States Tariff Commission.

There have been reports from various sources that since the quotas on unmanufactured lead and zinc were put into effect rapidly rising imports of lead and zinc products, said to be attributable primarily to the existence of the quotas on unmanufactured lead and zinc, are rendering the quotas on unmanufactured lead and zinc ineffective.

With a view to ascertaining the facts, the Tariff Commission has, on its own motion, initiated a study, under the authority of section 332 of the Tariff Act of 1930, of the trend of imports of various lead and zinc products not subject to the quota restrictions, and will issue a report on the results of this study as soon as the study is completed.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59-6527; Filed, Aug. 6, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 163]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61863. By order of July 31, 1959, the Transfer Board approved the transfer to Jacobsen Bros., Inc., Silverton, Oregon, of the operating rights in Permits Nos. MC 115641, MC 115641 Sub 1, MC 115641 Sub 2, and MC 115641 Sub 3, issued July 19, 1959, November 13, 1957, June 25, 1959, and October 27, 1958 to Roy Jacobsen and W. C. Jacobsen, a partnership, doing business as Jacobsen Bros., Silverton, Oregon, authorizing the transportation of lumber, over irregular routes, from and to specified points in Oregon, Idaho, Utah, Colorado, Wyoming, Arizona, Nevada, Washington and New Mexico. The Transfer Board also approved the substitution of Jacobsen Bros., Inc. as respondent in Docket No. MC 115641 Sub 4. John M. Hickson, Failing Building, Portland, Oreg., for applicants.

No. MC-FC 62225. By order of July 31, 1959, the Transfer Board approved the transfer to John Oscar Shuford, doing business as Jack Shuford Trucking, 218 East Congress St., Lincolnton, N.C. of Certificates Nos. MC 74118 and MC 74118 Sub 1, issued May 12, 1942 and September 1, 1939, respectively, to Mrs. J. O. Shuford, doing business as Jack Shuford's Trucking, 202 East Congress Street, Lincolnton, N.C., authorizing the transportation of: New oil stoves, new beds, new bed springs, new linoleum rugs, and new floor covering, from New York, N.Y., to Goldsboro and Charlotte, N.C.; new furniture, from Lincolnton, N.C., to Philadelphia, Pa., New York, N.Y., and Paterson and Newark, N.J., from Lenoir, N.C., to New York, N.Y., from New York, N.Y., to Phildelphia, Pa., Baltimore, Md., and Washington, D.C.; linoleum rugs and floor coverings, from Marcus Hook, Pa., to Goldsboro and Charlotte, N.C.; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Lincolnton, N.C., on the one hand, and, on the other, New York, N.Y.; and antique furniture, and used household, office and store furniture and fixtures, from New York, N.Y., Newark and Montclair, N.J., and Philadelphia, Pa., to points in Virginia, North Carolina, and South Carolina.

No. MC-FC 62281. By order of July 31, 1959, the Transfer Board approved the transfer to Herbert E. Brooks, doing business as Planet Trucking, Wexford, Pa., of Certificates in Nos. MC 13026, MC 13026 Sub 1, and MC 13026 Sub 6, issued March 5, 1956, October 1, 1956, and May 17, 1957, respectively, to Arthur A. Freda, doing business as Freda's Trucking Company, Braddock, Pa., authorizing

the transportation of: *Brick, tile, damaged shipments, building supplies* and *construction materials, scrap metals, burlay, rope,* and *stone,* from, to, or between specified points in Pennsylvania, Ohio, West Virginia, and Maryland.

No. MC–FC 62296. By order of July 31, 1959, the Transfer Board approved the transfer to Willamette Valley Transfer Co., a corporation, Portland, Oreg.; of Certificate in No. MC 44914, issued November 16, 1940, to R. R. Bailey, doing business as Willamette Valley Transfer Co., Portland, Oreg.; authorizing the transportation of: *General commodities,* excepting household goods, commodities in bulk, and the other usual exceptions, between Portland, Oreg.; and Dallas, Oreg. Norman E. Sutherland, 1100 Jackson Tower, Portland, Oreg., for applicants.

No. MC–FC 62304. By order of July 31, 1959, the Transfer Board approved the transfer to Johnston Truck Line, Inc., Lonejack, Mo., of Certificate in No. MC 1265, issued November 22, 1957, to Luther Johnston, doing business as Johnston Truck Line, Lonejack, Mo., authorizing the transportation of: *Livestock* from Lonejack, Mo., to Kansas City, Kans., and *general commodities,* with the usual exceptions including household goods and commodities in bulk, from Kansas City, Kans., to Lonejack, Mo. Sol M. Yarowsky, 504 Commerce Building, Kansas City, Mo., for applicants.

No. MC–FC 62426. By order of July 31, 1959, the Transfer Board approved the transfer to George F. Meyer, doing business as Rabe Brothers, Richmond Hill, New York, of a Certificate in No. MC 75488, issued May 7, 1958, to Walter Rabe, Walter Charles Rabe, executor, doing business as Rabe Brothers, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia. Irving Abrams, Brodsky and Lieberman, 1776 Broadway, New York 19, New York, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6508; Filed, Aug. 6, 1959; 8:47 a.m.]

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UNIV. OF MICHIGAN
AUG 10 1959
MAIN READING ROOM

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 177]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.477 Valencia Orange Regulation 177.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 6, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 9, 1959, and ending at 12:01 a.m., P.s.t., August 16, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6627; Filed, Aug. 7, 1959; 11:26 a.m.]

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

General Index ($0.75)

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[Lemon Reg. 804]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.911 Lemon Regulation 804.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 5, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 9, 1959, and ending at 12:01 a.m., P.s.t., August 16, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6613; Filed, Aug. 7, 1959; 9:12 a.m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

Expenses of Dried Fig Administrative Committee for 1959–60 Crop Year and a Rate of Assessment for Such Crop Year

Notice was published in the July 28, 1959, issue of the FEDERAL REGISTER (24 F.R. 6005) that, pursuant to Marketing Agreement No. 123, as amended, and Order No. 64, as amended (7 CFR Part 964), hereinafter referred to collectively as the "order", regulating the handling of dried figs produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), there were under consideration proposed expenses of the Dried Fig Administrative Committee, established under the order, for the 1959–60 crop year and a rate of assessment for that year, as unanimously recommended by the committee and hereinafter set forth. In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, other available information, and said notice, it is hereby found and determined and, therefore, ordered, that the expenses of the committee and the rate of assessment for the crop year beginning August 1, 1959, shall be as follows:

§ 964.304 Expenses of the Dried Fig Administrative Committee and rate of assessment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $26,700 are reasonable and likely to be incurred by the Dried Fig Administrative Committee during the crop year beginning August 1, 1959, and ending July 31, 1960, for its maintenance and functioning.

(b) *Rate of assessment.* Each handler shall pay to the Dried Fig Administrative Committee, in accordance with the provisions of Marketing Agreement No. 123, as amended, and Order No. 64, as amended, as such handler's pro rata share of the aforesaid expenses, an assessment of $1.50 for each ton of salable tonnage dried figs handled by him as the first handler thereof during the crop year beginning August 1, 1959, and ending July 31, 1960; and such rate of assessment is hereby fixed for such crop year.

(c) *Salable tonnage dried figs.* The term "salable tonnage dried figs", as used in § 964.304(b), means and includes all natural condition dried figs acquired by a handler during the crop year beginning August 1, 1959, pursuant to the applicable provisions of the aforesaid marketing agreement, as amended, and order, as amended.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Pursuant to the order, the rate of assessment applies to all salable tonnage dried figs handled by handlers as the first handlers thereof during a crop year; (2) the current crop year—1959–60 crop year—extends from August 1, 1959, through July 31, 1960, and handlers are already acquiring, as first handlers thereof, salable tonnage dried figs; (3) the committee should be enabled to obtain promptly sufficient funds from the 1959–60 crop year assessments in order to defray expenses of administering the program during such crop year; (4) while the committee has on hand and may use, as authorized by §§ 964.71 and 964.72, the assessment funds from the 1958–59 crop year that were not expended in connection with program operations during such crop year, such funds are not sufficient to pay the expenses incurred by the committee during the early months of the current crop year; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 5, 1959, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 59–6569; Filed, Aug. 7, 1959; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—RULES AND REGULATION, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Adoption of Rules and Regulations Relating to Assessable Stock

The Securities and Exchange Commission announced today that it has adopted certain rule changes relative to assessable stock. These rule changes make it clear that the levying of assessments on assessable stock involves the offering and sale of securities within the meaning of the Securities Act of 1933. A draft of the proposed rule changes was published on March 5, 1958 and revised proposals, which included a proposed exemption from registration, were published on March 4, 1959. The Commission has given careful consideration to

all of the views and comments submitted in regard to these proposals.

The new Rule 136 (§ 230.136) defines the term "offer", "offer to sell", "offer for sale", and "sale" to include specifically the levying of assessments on assessable stock. The rule also provides that the offer or sale of assessable stock at public auction or otherwise to realize the amount of an unpaid assessment thereon is not exempt from the Act as a transaction by a person other than an issuer, underwriter or dealer. However, any person who acts solely as an auctioneer at such an auction sale is not deemed to be an underwriter. The rule further provides that any person who acquires assessable stock at such a sale with a view to its distribution is to be deemed an underwriter of the stock. An amendment to Rule 140 (§ 230.140) has been adopted to make it clear that it applies to the levying of assessments, as well as to other types of offers and sales.

The new exemption regulation (designated Regulation F) provides a conditional exemption from registration for assessments and for securities sold at delinquent assessment sales. A condition to the availability of an exemption under the regulation is the filing of a comparatively simple notification giving brief information as to the issuer, its management and its recent and proposed assessments. Any notice or advertisement of the assessment or any delinquent assessment sales must include or be accompanied by a reasonably detailed statement of the purposes for which the proceeds from the assessment or assessment sales are to be used. Any literature used in connection with the levying of the assessment or the delinquent assessment sales must be filed with the Commission. The exemption may be suspended under certain circumstances, such as a finding by the Commission that fraud is involved.

The text of the new Rule 136 (§ 230.136) and of the amended Rule 140 (§ 230.140) and new Regulation F are set forth below.

§ 230.136 Definition of certain terms in relation to assessable stock.

(a) An "offer", "offer to sell", or "offer for sale" of securities shall be deemed to be made to the holders of assessable stock of a corporation when such corporation shall give notice of an assessment to the holders of such assessable stock. A "sale" shall be deemed to occur when a stockholder shall pay or agree to pay all or any part of such an assessment.

(b) The term "transactions by any person other than an issuer, underwriter or dealer" in section 4(1) of the Act shall not be deemed to include the offering or sale of assessable stock, at public auction or otherwise, upon the failure of the holder of such stock to pay an assessment levied thereon by the issuer, where the offer or sale is made for the purpose of realizing the amount of the assessment and any of the proceeds of such sale are to be received by the issuer. However, any person whose functions are limited to acting as auctioneer at such an auction sale shall not be deemed to be an underwriter of the securities offered or sold at the auction sale. Any person who acquires assessable stock at any such public auction or other sale with a view to the distribution thereof shall be deemed to be an underwriter of such assessable stock.

(c) The term "assessable stock" means stock which is subject to resale by the issuer pursuant to statute or otherwise in the event of a failure of the holder of such stock to pay any assessment levied thereon.

§ 230.140 Definition of "Distribution" in section 2(11) for certain transactions.

A person, the chief part of whose business consists of the purchase of the securities of one issuer, or of two or more affiliated issuers, and the sale of its own securities, including the levying of assessments on its assessable stock and the resale of such stock upon the failure of the holder thereof to pay any assessment levied thereon, to furnish the proceeds with which to acquire the securities of such issuer or affiliated issuers, is to be regarded as engaged in the distribution of the securities of such issuer or affiliated issuers, is to be regarded as engaged in the distribution of the securities of such issuer or affiliated issuers within the meaning of section 2(11) of the Act.

REGULATION F: EXEMPTION FOR ASSESSMENTS ON ASSESSABLE STOCK AND FOR ASSESSABLE STOCK OFFERED OR SOLD TO REALIZE AMOUNT OF ASSESSMENT THEREON

§ 230.651 Scope of exemption.

(a) The following shall be exempt from registration under the Act, subject to the terms and conditions of §§ 230.651 to 230.656:

(1) Assessments on assessable stock of any corporation incorporated under the laws of, and having its principal business operations in, any State or Territory of the United States, or the District of Columbia;

(2) Assessable stock of any such corporation offered or sold at public auction or otherwise for the purpose of realizing the amount of an assessment levied thereon, or reoffered to the public by an underwriter or dealer.

(b) The amount of the following shall not exceed $300,000 in any period of one year commencing on or after July 1, 1959.

(1) The aggregate amount of all assessments levied on assessable stock of the issuer;

(2) The aggregate offering price of all securities of the issuer offered under §§ 230.651 to 230.656 or any other rule or regulation adopted pursuant to section 3(b) of the Act; and

(3) The aggregate sale price of all securities of the issuer sold in violation of section 5(a) of the Act.

(c) Notwithstanding the foregoing, no exemption under §§ 230.651 to 230.656 shall be available to an issuer so long as the issuer is subject to a suspension order issued pursuant to § 230.656, or any similar order issued pursuant to any other rule or regulation under the Act, unless the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

§ 230.652 Filing of notification.

At least 10 days (Saturdays, Sundays, and holidays excluded) prior to the date on which the initial offering of any securities is to be made under § 230.651 to 230.656, there shall be filed with the Regional Office of the Commission for the region in which the issuer conducts its principal business operations four copies of a notification on Form 1–F containing the information specified in that form. The Commission may, in its discretion, authorize the commencement of the offering prior to the expiration of such ten-day period upon a written request for such authorization.

§ 230.653 Information to be given stockholders and others.

Every notice or advertisement of the assessment or of any delinquent assessment sale which is sent to holders of the issuer's assessable stock or otherwise published shall include or be accompanied by a reasonably detailed statement of the purposes for which the proceeds from the assessment and from any delinquent assessment sales are to be used.

§ 230.654 Sales material to be filed.

Four copies of each of the following communications prepared or authorized by the issuer or anyone associated with the issuer or any of its affiliates or by any underwriter, for use in connection with the offering of any securities under §§ 230.651 to 230.656 shall be filed, with the Office of the Commission with which the notification is filed, at least ten days (exclusive of Saturdays, Sundays and holidays) prior to any use thereof, or such shorter period as the Commission, in its discretion, may authorize:

(1) Every notice or advertisement proposed to be published in any newspaper, magazine or other periodical;

(2) The script of every radio or television broadcast; and

(3) Every letter, circular or other written communication proposed to be sent, given or otherwise communicated to more than ten persons.

§ 230.655 Prohibition of certain statements.

No written or oral communication used in connection with any offering under §§ 230.651 to 230.656 shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, any securities of the issuer, has determined that the assessment or proposed assessment is necessary or desirable or that the offering is exempt from registration, or has made any finding that the statements contained in such communication are accurate or complete.

§ 230.656 Suspension of exemption.

(a) The Commission may, at any time after the filing of a notification, issue an order temporarily suspending the exemption if it has reason to believe that:

(1) No exemption is available under §§ 230.651 to 230.656 for the securities proposed or purported to be offered hereunder, or any of the terms or conditions of §§ 230.651 to 230.656 have not been complied with;

(2) Any written communication or radio or television broadcast used or proposed to be used in connection with the offering contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) The offering is being made or would be made in violation of section 17 of the Act;

(4) The issuer or any promoter, director or officer thereof has failed to cooperate, or has obstructed or refused to permit the making of any investigation by the Commission in connection with any offering made or proposed to be made hereunder.

(b) Upon the issuance of an order under paragraph (a) of this section, the Commission will promptly give notice to the issuer (1) that such order has been issued, together with a brief statement of the reasons for the issuance of the order, and (2) that the Commission, upon receipt of a written request within 30 days after the issuance of such order, will within 20 days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its issuance and shall remain in effect unless or until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of an opportunity for such hearing, either vacate the order or issue an order permanently suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, issue an order permanently suspending the exemption for any reason upon which it could have issued a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(d) All notices required by this section shall be given to the issuer by personal service, registered mail or confirmed telegraphic notice at the address of the issuer given in the notification.

§ 239.300 Form 1–F, notification under Regulation F.[1]

Item 1. The issuer. Furnish the following information as to the issuer of the securities upon which the proposed assessment is to be levied:

(a) Exact name of issuer;

(b) Date of incorporation or organization and name of State or other jurisdiction under the laws of which it was incorporated or organized;

(c) Name of State or other jurisdiction in which issuer's principal business operations are conducted.

Item 2. Principal security holders of issuer. List the full name and complete residence address of each person who owns of record, or is known to own beneficially, ten percent or more of the outstanding securities of any class of the issuer, stating the title and amount owned by each such person.

Item 3. Directors and officers. List the full name and complete residence address of each director and each officer of the issuer, indicating all positions and offices with the issuer held by each such person.

Item 4. Prior assessments within one year. Furnish the following information as to each assessment levied by the issuer on its assessable stock within the last year prior to the filing of this notification:

(a) Date of assessment and number of assessable shares outstanding on such date;

(b) Amount of assessment per share and total amount of assessment for all shares then outstanding;

(c) Number of shares sold because of failure of shareholders to pay the assessment, and amount realized from such sales;

(d) Total amount realized from the assessment and sales and a reasonably itemized statement as to the purposes for which such amount was used.

Item 5. Unregistered securities issued or sold within one year. As to any unregistered securities issued by the issuer within one year prior to the filing of this notification, state—

(a) The title and amount of securities issued;

(b) The aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof;

(c) The names of the persons or the identity of the class of persons to whom the securities were issued; and

(d) The secton of the Act or rule or regulation of the Commission under which exemption from registration was claimed with respect to such securities and a brief statement of the facts relied upon for the exemption.

Item 6. Proposed assessment. Furnish the following information as to the proposed assessment with respect to which this notification is filed:

(a) Approximate date notice of the assessment will be given to the shareholders and the period of time thereafter within which the assessment may be made without forfeiture;

(b) Number of assessable shares now outstanding, the amount of the assessment per share and the total amount of the assessment;

(c) Give a reasonably detailed statement of the purposes for which the proceeds from the assessment and from any forfeiture sales are to be used.

SIGNATURE[2]

This notification has been signed in the City of ----------, State of ----------, on ----------, 19---.

(Issuer)

By ----------
(Name and title)

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 2(3), 2(11), 3(b), 4(1), and 19(a) thereof and shall become effective September 1, 1959.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 30, 1959.

[F.R. Doc. 59–6558; Filed, Aug. 7, 1959; 8:49 a.m.]

[1] The notification shall contain the item numbers and captions of all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

[2] At least one copy shall be signed manually by or on behalf of the issuer. Any copies not manually signed shall bear typed or printed signatures.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Forms Pertaining to Exemptions

§ 239.200 Form 1–E, Notification under Regulation E.[1]

Item 1. The issuer. State the exact name of the issuer and the address (street, city and State) of its principal business office.

Item 2. Affiliates and principal security holders of issuer. List the full name and complete address of each of the following persons:

(a) Each affiliate of the issuer, indicating the nature of the affiliation.

(b) Each person who owns of record, or is known to own beneficially, ten percent or more of the outstanding securities of any class of the issuer, stating the title and amount owned by each such person.

Item 3. Directors and officers. List the full name and complete residence address of each of the following persons:

(a) Each director of the issuer;

(b) Each officer of the issuer, indicating all positions and offices held with the issuer;

(c) Each investment adviser.

Item 4. Counsel for issuer and underwriters. Give the name and address of counsel for the issuer in connection with the proposed offering. Furnish similar information as to any counsel for the underwriters.

Item 5. Events making exemption unavailable. State whether or not any event specified in Rule 602 (b), (c), or (d) has occurred which would make an exemption under this regulation unavailable for securities of the issuer in the absence of a waiver by the Commission pursuant to Rule 602(e).

Item 6. Jurisdictions in which securities are to be offered. (a) List the names of the States and other jurisdictions in which the securities covered by this notification are proposed to be offered through underwriters, dealers or salesmen in such jurisdictions.

(b) If the offering is to be made by advertisements, mail, telephone or otherwise in States or other jurisdictions other than those listed under (a) above, describe the methods proposed to be employed in making the offering therein and list such States or other jurisdictions to the extent that they are known.

NOTE: No securities shall be offered or sold in any other State or jurisdiction until an amendment to the notification has been filed listing the names of the additional jurisdictions.

Item 7. Unregistered securities issued or sold within one year. (a) As to any unregistered securities issued by the issuer within one year prior to the filing of this notification, state (i) the title and amount of securities issued; (ii) the aggregate offering price

[1] The notification shall contain the item numbers and captions of all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

or other consideration for which they were issued and the basis for computing the amount thereof; and (iii) the names of the persons or the identity of the class of persons to whom the securities were issued.

(b) As to any unregistered securities of the issuer which were sold within one year prior to the filing of this notification by or for the account of any person who at the time was a director, officer, or principal security holder of the issuer, or was an underwriter of any securities of such issuer, furnish the information specified in (i) through (iii) of paragraph (a).

(c) Indicate the section of the Act or rule or regulation of the Commission under which exemption from registration was claimed with respect to such securities and state briefly the facts relied upon for the exemption.

Item 8. Other present or proposed offerings. State whether or not the issuer is presently offering or presently contemplates the offering of any securities, in addition to those covered by this notification. If so, describe fully the present or proposed offering.

Item 9 Exhibits. Four copies of each of the documents specified below shall be filed as exhibits to the notification. List under this item all such documents filed.

(a) Any indenture or other instruments defining the rights of holders of debt securities to be offered hereunder. If equity securities are to be offered, furnish copies of the provisions of the governing instruments defining the rights of holders of such securities.

(b) All underwriting contracts relating to the securities to be offered hereunder.

(c) If any of the securities proposed to be offered hereunder are to be offered for the account of any person other than the issuer, a written statement signed by the issuer representing that the proposed offering will not interfere with any needed financing by the issuer under this regulation.

(d) The offering circular or if the offering is to be made pursuant to Rule 606, the statement required by paragraph (a) of that rule and any offering circular to be used in connection with such offering.

(e) A written consent and certification, signed by each underwriter of the securities proposed to be offered hereunder. All underwriters may, with appropriate modifications, sign the same consent and certification or separate consents and certifications may be signed by any underwriter or group of underwriters. At least one copy of each consent and certification shall be signed manually.

1. The undersigned hereby consents to being named as underwriter in a notification and offering circular filed with the Securities and Exchange Commission by __(name of issuer)__ pursuant to Regulation E in connection with a proposed offering of __(title of securities)__ to the public.

2. The undersigned hereby certifies that it furnished the statements and information set forth in such notification and offering circular with respect to the undersigned, its directors and officers or partners, that such statements and information are accurate, complete and fully responsive to the requirements of Form 1–E and Schedule A and do not omit any information required to be stated therein with respect of any of such persons, or necessary to make the statements and information therein with respect to any of them not misleading.

(f) If the issuer has not yet obtained a license from the Small Business Administration, copies of any contract or arrangement made to assure that the funds paid in by investors for the securities to be offered will be returned to them in the event such license is not obtained.

SIGNATURE*

This notification has been signed in the City of _____, State of _____, on _____, 19__.

_____
(Issuer)

By _____
(Name and title)

_____
(Selling security holder)

§ 239.201 Form 2–E, Report pursuant to Rule 609 of Regulation E.

1. Name of issuer _____
2. Name of underwriter _____
3. Date of this report _____
4. (a) Date offering commenced _____
   (b) Date offering completed, if completed _____
   (c) If offering has not commenced, state reasons briefly _____
5. (a) Total number of shares or other units offered hereunder _____
   (b) Number of such shares or other units sold from commencement of offering to date _____
   (c) Number of such shares or other units still being offered _____
6. (a) Total amount received from commencement of offering to date _____ $_____
   (b) Underwriting discount allowed____ $_____
   (c) Expenses paid to or for the account of the underwriters__ $_____
   (d) Other expenses paid to date by or for the account of the issuer:
      (1) Legal (including organization) _____ $_____
      (2) Accounting ____ $_____
      (3) Printing and advertising _____ $_____
      (4) Other _____ $_____
   (e) Total costs and expenses ((b), (c) and (d)) _____ $_____
   (f) Proceeds to issuer after above deductions ((a) minus (e)) _____ $_____
7. State briefly the nature and extent of each type of the issuer's principal activities to date.
8. State whether the offering has been discontinued, and if so, state the date and describe briefly the reasons for such discontinuance.
9. List the names and addresses of all brokers and dealers who have, to the knowledge of the issuer or underwriters, participated in the distribution of the securities offered during the period covered by this report.

Instruction. In reports made subsequent to the initial report, the information need be given only with respect to persons not previously reported.

_____
(Issuer) *

Date _____

By _____
(Name and title) *

_____
(Selling security holder) *

Date _____

*At least one copy of the report shall be signed manually by each person whose signature is required. Any copies not manually signed shall bear typed or printed signatures.

[1] The notification shall be signed in accordance with Rule 604. At least one copy shall be signed manually by or on behalf of the issuer and each selling security holder. Any copies not manually signed shall bear typed or printed signatures.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 16, 1958.

[F.R. Doc. 59–6559; Filed, Aug. 7, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 84; Supp. 16]

PART 60—AIR TRAFFIC RULES

Military Jet Aircraft Two-Way Radio Failure Procedures

Sections 60.49–1(b)(3)(ii) and 60.49–1(c)(3)(ii) currently require that when unable to maintain two-way radio communications, military jet aircraft inbound to an airport at which approved military jet penetration procedures have been established will execute a holding pattern along the left side of the initial penetration course or on the side on which the procedure turn has been prescribed. Actual operating experience has demonstrated that these provisions do not permit an operationally efficient transition from the holding pattern to the penetration phase of flight. Accordingly, the Department of the Air Force has requested the Federal Aviation Agency to amend these provisions by specifying that the pilot of such military jet aircraft will utilize the holding procedures which will be depicted on the jet approach and landing chart for the particular airport of destination. Evaluation of this proposal indicates that it will promote air safety and it does not appear that there will be any adverse effects upon other airspace users.

Since this amendment relates only to statements of policy, notice and public procedure hereon are unnecessary and it may be made effective upon less than thirty days notice.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Chapter I) is hereby amended as follows:

1. By amending § 60.49–1(b)(3)(ii) to read as follows:

§ 60.49–1 Two-way radio failure procedures (FAA policies which apply to § 60.49(b)).

* * * * * * *

(b) *En route procedure.* * * *

(3) * * *

(ii) Where approved military jet penetration procedures have been published for the airport of destination, holding by military jet aircraft will be accomplished at the last assigned altitude or flight level in accordance with the holding procedure depicted on the jet approach and landing chart for that airport.

NOTE: Detailed approach and landing procedures, approved for military jet aircraft, are published in the U.S. Air Force-U.S. Navy "Flight Information Publication—Terminal—High Altitude" by the Aeronautical Chart and Information Center, St. Louis, Missouri.

2. By amending § 60.49–1(c)(3)(ii) to read as follows:

§ 60.49–1 Two-Way radio failure procedures (FAA policies which apply to § 60.49(b)).

* * * * * * *

(c) *Instrument letdown.* * * *

(3) *Shuttle.* * * *

(ii) Where approved military jet penetration procedures have been published for the airport of destination, military jet aircraft will descend to initial penetration altitude or flight level while executing the holding procedure depicted on the jet approach and landing chart for that airport.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on August 3, 1959.

(Sec. 313(a) and 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

E. R. QUESADA, *Administrator.*

[F.R. Doc. 59–6547; Filed, Aug. 7, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T.D. 6405]

[Regulations 118]

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

Amounts Received by Certain Motor Carriers in Settlement of Claims Against the United States

On February 27, 1959, notice of proposed rule making with respect to proposed regulations under section 99 of the Technical Amendments Act of 1958 (72 Stat. 1673), relating to amounts received by certain motor carriers in settlement of claims against the United States, was published in the FEDERAL REGISTER (24 F.R. 1465). After consideration of all such relevant matter as was submitted by interested persons regarding the rules proposed, the regulations as so proposed are hereby adopted subject to the following change: Paragraph (a) of § 39.42–8 is amended.

This Treasury decision is issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 32; 26 U.S.C. 62, 3791).

[SEAL] CHARLES I. FOX, *Acting Commissioner of Internal Revenue.*

Approved: August 6, 1959.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 39.42 (26 CFR (1939), 39.42) is amended by adding at the end thereof the following statutory provision:

§ 39.42 Statutory provisions; accounting periods and methods of accounting; period in which items of gross income included.

* * * * * * *

SEC. 99. *Amounts received by certain motor carriers in settlement of claims against the United States [Technical Amendments Act of 1958 (72 Stat. 1673)].* Notwithstanding the provisions of section 42 of the Internal Revenue Code of 1939, an amount received in settlement of any claim against the United States arising out of the taking by the United States (pursuant to Executive Order Numbered 9462, dated August 11, 1944 (3 CFR, 1943–1948, p. 322)) of possession or control of any motor carrier transportation system owned or operated by the taxpayer shall, at the election of the taxpayer, under regulations prescribed by the Secretary of the Treasury or his delegate, be deemed to be income which was received or accrued in the taxable years during which such motor carrier transportation system was in the possession or control of the United States. The election referred to in the preceding sentence shall be made, under regulations prescribed by the Secretary of the Treasury or his delegate, within one year after the date of the enactment of this Act, and, if made, shall be irrevocable. The period for assessment of any deficiency attributable to the inclusion of income in any taxable year of the taxpayer by reason of the application of this section shall not expire prior to one year after the date on which the taxpayer makes the election referred to in the first sentence, notwithstanding the provisions of section 275 of the Internal Revenue Code of 1939 or any other provision of law or rule of law which would otherwise prevent such assessment. Nothwithstanding section 292 of the Internal Revenue Code of 1939, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the application of this section.

PAR. 2. There is inserted immediately after § 39.42–7 the following section:

§ 39.42–8 Amounts received by certain motor carriers in settlement of claims against the United States.

(a) *In general.* (1) Notwithstanding the provisions of section 42(a) or of paragraph (a) of § 39.42–1, an amount received in settlement of any claim against the United States arising out of the taking by the United States (pursuant to Executive Order 9462, dated August 11, 1944 (3 CFR 1943–48, p. 322)) of possession or control of any motor carrier transportation system owned or operated by the taxpayer shall, at the election of the taxpayer made in accordance with paragraph (c) of this section, be deemed to be income which was received or accrued in the taxable years during which such motor carrier transportation system was in the possession or control of the United States. An amount referred to in the preceding sentence means the gross amount of the award, including interest, and before reduction on account of advances previously made to the taxpayer unless the amount of the advances was previously included in the income of the taxpayer for Federal income tax purposes. Except as provided in subparagraph (2) of this paragraph, no part of such income shall be treated as income from the sale or exchange of a capital asset. In the event the period during which the taxpayer's property was in the possession or control of the United States covers more than one taxable year, the amount of the settlement shall be allocated ratably over the period during which the carrier's system was in such possession or control.

(2) If a part of the amount received in settlement of a claim against the United States represents payment for an item of property lost or destroyed during the time it was in the possession or control of the United States, and the taxpayer can clearly establish that such loss or destruction was of a character to which the provisions of section 1231 apply, then such taxpayer may treat any resulting gain as gain from the involuntary conversion of property used in its trade or business subject to the rules of section 1231.

(b) *Effect of election.* (1) If, pursuant to election, an amount described in paragraph (a) of this section is included in the gross income (and excess profits net income) of a taxable year with respect to which the assessment of a deficiency is prevented by section 275 or any other provision of law or rule of law, the tax for such year shall be redetermined solely by including such amount in gross income (and excess profits net income) and by recomputing any item which depends upon gross income, adjusted gross income, net income, excess profits net income, or adjusted excess profits net income (for example, charitable contributions).

(2) If, as the result of a redetermination of the tax for a taxable year, the amount of any deduction (such as the net operating loss deduction or capital loss carryover) or credit (such as the unused excess profits credit) for any other taxable year is affected, the tax for such other taxable year shall also be redetermined to reflect the effect of the change in the deduction or credit for such other taxable year.

(3) Section 99 of the Technical Amendments Act of 1958 does not provide for the allowance of a credit or refund or for the assessment of a deficiency (except as otherwise provided in this paragraph and in paragraph (r) of § 39.275–1) with respect to the tax attributable to an amount described in this section if such credit or refund or the assessment of such deficiency is barred by the applicable statute of limitations. Thus, if an award was properly includible in income for the taxable year 1952, nothing in this section shall permit refund or credit or assessment of a deficiency in tax with respect to the award for that year or any other year if such refund, credit or assessment is otherwise prevented for 1952. Accordingly, the election provided under paragraph (a) of this section may not be made with respect to such award.

(c) *Manner of election.* An election under paragraph (a) of this section to treat the amounts awarded as having been received or accrued in prior years shall be made by filing a statement with the district director for the district in which the returns were filed. The statement, accompanied by amended returns, shall be filed for any taxable years in

respect of which the tax is to be redetermined in accordance with the provisions of paragraph (b) of this section. Such statement shall indicate that the taxpayer has elected under the provisions of section 99 of the Technical Amendments Act of 1958 to report amounts received in settlement of claims against the United States in accordance with such provisions and shall also show:

(1) The total amount of settlement received,

(2) The taxable year or years (and the period in each such year or years) during which the United States was in possession or control, and

(3) The amount of such settlement applicable to each such taxable year.

The election must be made on or before September 2, 1959, and if made, shall be irrevocable.

(d) *Cross references.* For provisions relating to the period of limitation on the assessment and collection of a deficiency for any taxable year attributable to the inclusion in income by motor carriers of amounts received in settlement of claims against the United States, see paragraph (r) of § 39.275–1. For provisions relating to the interest on any such deficiency, see § 39.292–1.

PAR. 3. In § 39.275–277 there is inserted immediately preceding section 276 the following:

§ 39.275–277 Statutory provisions; assessment and collection of deficiencies; period of limitations; exceptions; suspension of running of period of limitation.

* * * * *

SEC. 99. *Amounts received by certain motor carriers in settlement of claims against the United States [Technical Amendments Act of 1958 (72 Stat. 1673)].* * * * The period for assessment of any deficiency attributable to the inclusion of income in any taxable year of the taxpayer by reason of the application of this section shall not expire prior to one year after the date on which the taxpayer makes the election referred to in the first sentence, notwithstanding the provisions of section 275 of the Internal Revenue Code of 1939 or any other provision of law or rule of law which would otherwise prevent such assessment. * * *

PAR. 4. Section 39.275–1 is amended by adding thereto a new paragraph (r) as follows:

§ 39.275–1 Period of limitation upon assessment of tax.

* * * * *

(r) A deficiency for any taxable year which is attributable to the inclusion in gross income (or excess profits net income) of an amount described in § 39.42–8, relating to amounts received by certain motor carriers in settlement of claims against the United States, may be assessed at any time prior to one year after the date on which the taxpayer makes an election in accordance with section 99 of the Technical Amendments Act of 1958, notwithstanding the provisions of section 275 or any other provision of law which would otherwise prevent such assessment.

PAR. 5. In § 39.292–294 there is inserted immediately preceding section 293 the following:

§ 39.292–294 Statutory provisions; interest and additions to the tax; interest on deficiencies; additions to tax in case of deficiency; additions to tax in case of nonpayment.

* * * * *

SEC. 99. *Amounts received by certain motor carriers in settlement of claims against the United States [Technical Amendments Act of 1958 (72 Stat. 1673)].* * * * Notwithstanding section 292 of the Internal Revenue Code of 1939, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the application of this section.

PAR. 6. There is inserted immediately after § 39.292–294 the following section:

§ 39.292–1 Interest on deficiency in case of motor carriers.

Notwithstanding the provisions of section 292, no interest shall be assessed or collected for any period prior to March 15, 1953, with respect to that part of any deficiency which is attributable to the inclusion of income in any taxable year by reason of the taxpayer's having made an election in accordance with the provisions of section 99 of the Technical Amendments Act of 1958.

PAR. 7. The amendments to Regulations 118 (26 CFR (1939) Part 39), covering taxable years beginning after December 31, 1951, set forth in this Treasury decision, are hereby made applicable to taxable years beginning after December 31, 1941, and before January 1, 1952 (such years being covered by Regulations 111 (26 CFR (1939) Part 29).

This Treasury decision is issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 32; 26 U.S.C. 62, 3791).

[F.R. Doc. 59–6602; Filed, Aug. 7, 1959; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 102—INSTRUCTIONS RELATING TO REPORTS OF CURRENCY TRANSACTIONS

Correction

In F.R. Doc. 59–6392, appearing at page 6242 of the issue for Tuesday, August 4, 1959, § 102.1 should read as follows:

§ 102.1 Reports of currency transactions required.

Commencing with transactions occurring in the month of August 1959, every financial institution in the United States shall file monthly reports on Form TCR–1 concerning each deposit or withdrawal, or other payment or transfer, effected by, through, or to such financial institution, which involves transactions in United States currency as follows:

(a) Transactions involving $2,500 or more of United States currency in denominations of $100 or higher;

(b) Transactions involving $10,000 or more of United States currency in any denominations, and

(c) Transactions involving any amount in any denominations,

which in the judgment of the financial institution exceed those commensurate with the customary conduct of the business, industry or profession of the person or organization concerned.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATION

[Corrected Amdt. 42]

PART 16—PROCUREMENT FORMS

Subpart B—Forms for Negotiated Procurement

Section 16.202–2, published at 24 F.R. 3591, was incomplete and should have read as follows:

§ 16.202 Negotiated contract forms.

§ 16.202–2 DD Forms 351, 351–1, and 351–2.

(a) Notwithstanding § 16.202–1 until July 1, 1959 (the mandatory date for the use of DD Forms 1261 and 1270), DD Forms 351 (Negotiated Contracts) (Cover Sheet), 351–1 (Schedule) and 351–2 (Certificate) (Signature Page) are authorized for use in entering into negotiated cost reimbursement type and fixed-price type contracts except:

(1) Those contracts for which DD Forms 746, 746–1, and 746–2 are prescribed by § 16.203;

(2) Those procurements for which purchase order forms are prescribed by Subpart C of this part;

(3) Contracts for the construction, alteration or repair of buildings, bridges, roads or other kinds of real property; and

(4) Those procurements for which special forms are prescribed by Subpart E of this part.

Standard Form 36 (Continuation Sheet) may be used in lieu of DD Form 351–1 (Schedule). These forms may be used regardless of dollar amount, but will not be used generally in procurements amounting to less than $5,000.

(b) These forms will be used with appropriate General Provisions as prescribed by this subchapter or Departmental procedures (see §§ 16.204 and 16.205).

G. C. BANNERMAN,
Director of Procurement Policy.

[F.R. Doc. 59–6570; File, Aug. 7, 1959; 8:51 a.m.]

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

Good Conduct Medal

Section 578.27 is revised to read as follows:

§ 578.27 Good Conduct Medal.

The Good Conduct Medal, established by Executive Order 8809 (3 CFR, Cum. Supp., p. 961) and amended by Executive Order 9323 (3 CFR, Cum. Supp., p. 1263) and by Executive Order 10444 (3 CFR, 1949–1953 Comp., p. 934), is awarded for exemplary behavior, efficiency, and fidelity during enlisted status in active Federal military service. It is awarded on a selective basis to each soldier who distinguished himself from among his fellow soldiers by his exemplary conduct, efficiency, and fidelity. There is no right or entitlement to the medal until the immediate commander has made positive recommendation for its award, and until the awarding authority has announced the award in General Orders. The qualifications for an award of the Good Conduct Medal are contained in paragraphs (a) through (c) of this section.

(a) *Period of service.* Enlisted personnel to be separated from active duty and who qualify for the award of the Good Conduct Medal will receive the award at their last duty station. Therefore, advance announcement of the award is authorized up to 30 days prior to return from overseas for separation, or prior to assignment to a separation processing installation in the continental United States or overseas. Entry into service as a cadet in the United States Military Academy or other service academy or discharge from enlisted status for immediate entry on active duty in an officer status is considered termination of service for the purpose of awarding the Good Conduct Medal. Periods of prescribed service must be continuous, an interval in excess of 24 hours between enlistments will be considered a break in continuous service. An award made for any authorized period of less than 3 years must be for the total period of obligated service. One of the following periods of qualified service is prescribed:

(1) A period of 3 years.

(2) Upon termination of service for a period of less than 3 years but more than 1 year when no previous award of the Good Conduct Medal has been made.

(3) Upon termination of service of less than 1 year when final separation was by reason of physical disability incurred in line of duty and no previous award of the Good Conduct Medal has been made.

(b) *Character of service.* All character and efficiency ratings during the period must be recorded as "Excellent", except that:

(1) Ratings of "Unknown" for portions of the period under consideration will not be disqualifying.

(2) Service school efficiency ratings, based upon academic proficiency, of at least "Good" which have been rendered subsequent to November 22, 1955, will not be disqualifying.

(3) There must have been no conviction by court-martial.

(4) The individual must not be serving in, nor have been serving at the time of separation in an assignment of the type designated as "specially controlled duties."

(c) *Basis for recommendation.* Recommendation by the individual's immediate unit commander is required for award of the Good Conduct Medal by the approving authority. Such commander's recommendation will be based on his personal knowledge and on the individual's official records for periods of service under prior commanders during the period for which the award is to be made. The lack of official disqualifying comment by such previous commanders qualifies the use of such periods toward the award by current commander. However, authority delegated in § 578.26(f) for awarding the Good Conduct Medal is limited to service during the 36 calendar months immediately preceding the date of current consideration.

(d) *Orders.* The award of the Good Conduct Medal when made in the field will be announced in General Orders not later than 30 days following terminal date of qualifying period. They will specify the award (e.g., Second Award, or Third Award, etc.) and the inclusive dates for which the award is made.

[C3, AR 672–15–1, July 15, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–6541; Filed, Aug. 7, 1959; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Boats and Floating Facilities

The rules and regulations governing the public use of certain reservoir areas pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266) are amended as follows:

Revoke §§ 311.3 and 311.4 and substitute the following therefor:

§ 311.3 Boats and other vessels, private.

(a) The operation of boats, houseboats, cabin cruisers and other vessels on the reservoir for fishing and recreational use is permitted except in prohibited areas designated by the District Engineer in charge of the reservoir area and subject to the regulations contained in this part.

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating a boat or other vessel on the reservoir for any one period longer than three days. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

(c) Unsafe boats or other vessels will not be permitted on the reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the reservoir. All boats permitted on the reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Boathouses, houseboats, cabin cruisers and other vessels may be placed and operated on the reservoirs, except that such facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galleys shall not be placed on reservoirs with small permanent pools. Such vessels may be barred from other reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

§ 311.4 Mooring, care and sanitation of boats and floating facilities.

(a) All boats or other vessels when not in actual use must be either removed from the reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis, or placed in the care of a marina concessionaire, State or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with plans and a permit approved by the District Engineer or his designated representative. He shall have authority to revoke such permit and require removal of the facility for failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

(c) The discharge of sewage, garbage or other pollutant in the waters of the reservoir from any boat, barge or other vessel on the reservoir is prohibited except in accordance with regulations of the State and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited

ashore at places designated for such deposit and disposal.

[Regs., July 16, 1959, ENGWO] (Sec. 209, 68 Stat 1266; 16 U.S.C. 460d)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6542; Filed, Aug. 7, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 109—COOK INLET AREA

Seasonal Restrictions

Basis and purpose. There have been numerous requests for permission to take coho salmon in the waters of Knik Arm for personal use. It has been determined that such fishing can be permitted subject to certain restrictions as to times, means, and methods designed to assure adequate escapement.

Therefore, § 109.90 is amended by changing the period at the end of the proviso to a semicolon, and adding the following: "*And provided further,* That set nets, (1) not more than 30 yards in length, (2) set not less than 100 yards from any other set net, (3) set not less than 500 yards outside the terminus of any tributary stream, (4) identified with the name and address of the owner may be used in the tidal waters of Knik Arm, between a line from Point Woronzof to Point MacKenzie and the Knik River highway bridge, after August 9."

Since the desired effective date of this relaxation is imminent, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: August 4, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-6556; Filed, Aug. 7, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

Pheasant Hunting Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.101 to Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit annual hunting of pheasants on certain lands of the Deer Flat National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 5, 1959.

D. H. JANZEN,
Director, Bureau of Sport
Fisheries and Wildlife.

HUNTING

§ 31.101 Pheasant hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, pheasant hunting is permitted on the hereinafter described lands of the Deer Flat National Wildlife Refuge, Idaho, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Areas open to hunting.* The following areas designated by suitable posting by the refuge officer in charge shall be open to hunting.

(1) *Area A.* Lands in that portion of the refuge already open to hunting of migratory waterfowl as described in § 31.94.

(2) *Area B.* Refuge lands south of the shoreline of Lake Lowell, lying between the New York Canal and the Lower Embankment.

(e) *Seasons.* Hunting of pheasants will be permitted on Area A during the season prescribed by the Idaho Fish and Game Department.

Pheasant hunting will be permitted on Area B during the last two days only of the season as prescribed by the Idaho Fish and Game Department.

[F.R. Doc. 59-6553; Filed, Aug. 7, 1959; 8:48 a.m.]

[50 CFR Part 31]

WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

Hunting of Deer, Bear, Raccoon, and Bobcats

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.362 to Subpart—Willapa National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit the annual hunting of deer, bear, raccoon, and bobcats on certain lands of the Willapa National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 5, 1959.

D. H. JANZEN,
Director, Bureau of Sport
Fisheries and Wildlife.

HUNTING

§ 31.362 Hunting of deer, bear, raccoon, and bobcats.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer, bear, raccoon, and bobcat hunting is permitted on the hereinafter described lands of the Willapa National Wildlife Refuge, Washington, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Area.* Hunting is permitted only on that portion of the Willapa National Wildlife Refuge, Washington, designated as Long Island.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for hunting.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, will be required to report at such checking stations as may be established for this purpose.

(e) *Season.* Hunting of deer, bear, raccoon, and bobcat will be permitted only during the archery season for deer as prescribed by the State of Washington Fish and Game Commission.

[F.R. Doc. 59-6554; Filed, Aug. 7, 1959; 8:48 a.m.]

[50 CFR Part 35]

MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

Bow and Arrow Deer Hunting Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 35.21 to Subpart—Montezuma National Wildlife Refuge, New York, Chapter I, Title 50, Code of Federal Regulations, as set forth in tentative form below. The purpose of the proposed regulation is to permit the hunting of deer during a part of the 1959 State season on certain lands of the Montezuma National Wildlife Refuge, New York, under certain limitations and subject to compliance with the laws and regulations of the State of New York.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 4, 1959.

D. H. JANZEN,
Director, Bureau of Sport
Fisheries and Wildlife.

HUNTING

§ 35.21 Bow and arrow deer hunting permitted.

Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 7, 8, and 15, 1959, only on the hereinafter described lands of the Montezuma National Wildlife Refuge, New York, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Hunting is permitted on all of the lands of the refuge except on posted lands in the immediate vicinity of the headquarters and subheadquarters of the refuge.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required. Daily hunting hours are from 7:00 a.m. to 5:00 p.m., e.s.t.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for the hunting of deer.

(d) *Checking stations.* Hunting will be by permit only and hunters, upon entering or leaving the hunting area, will be required to report at such checking stations as may be established for this purpose.

[F.R. Doc. 59-6555; Filed, Aug. 7, 1959; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for 2,3-p-Dioxanedithiol S,S-Bis (O,O-Diethyl Phosphorodithioate)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Hercules Powder Company, Wilmington, Delaware, proposing the issuance of a regulation to establish a tolerance of 25 parts per million (0.0025 percent) of 2,3-*p*-dioxanedithiol S,S-bis (O,O-diethyl phosphorodithioate) in or on dried citrus fruit pulp intended for use as cattle feed as a result of the use of 2,3-*p*-dioxanedithiol S,S-bis (O,O-diethyl phosphorodithioate) as a pesticide chemical on the citrus fruit.

Dated: July 31, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6552; Filed, Aug. 7, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 3, 4b, 5, 6, 7, 13, 14, 18, 24, 43, 52]

[Regulatory Docket No. 83; Draft Release 59-11]

DESIGN CHANGES, SUPPLEMENTAL TYPE CERTIFICATES, AND ALTERATIONS TO AIRCRAFT

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 1, 3, 4b, 5, 6, 7, 13, 14, 18, 24, 43, and 52 of the Civil Air Regulations insofar as they relate to design changes, supplemental type certificates, and alterations to aircraft in the manner hereinafter set forth.

Under the present provisions of the Civil Air Regulations, alterations to aircraft are classified as "major" and "minor." Any person performing a "major alteration" to an aircraft is required to obtain the approval of the Administrator for the change in the type design or to accomplish the alteration in accordance with a design change previously approved by the Administrator. Approval of a design change is issued in the form of a supplemental type certificate, or, in the case of a manufacturer, as an amendment to his type certificate. The definition of the term "major alteration" results in classifying a large proportion of aircraft alterations as major design changes requiring supplemental type certificates.

Difficulties in administering the supplemental type certificate procedures have resulted in widespread complaints by the industry. The complaints stem mainly from the time delay in obtaining approval of design changes and the resulting loss of service of the aircraft. An applicant for a supplemental type certificate is required to demonstrate compliance with the applicable airworthiness requirements in the same manner as the applicant for the original type certificate. This normally involves the submittal of drawings and technical data and frequently requires flight testing to enable the Federal Aviation Agency to make a finding that the modified aircraft complies with the applicable airworthiness requirements. Such procedures are expensive and time consuming. Practical difficulties in distinguishing between major and minor alterations have also resulted in nonuniformity in the application of these requirements.

In order to alleviate these difficulties the proposed amendments would:

(a) Delete the definitions of major and minor design changes and major and minor alterations, and define an alteration as any change to an aircraft which is covered by the applicable airworthiness requirements.

(b) Provide two alternative procedures for returning a certificated aircraft to service after alteration. Under one procedure, an applicant other than the holder of the type certificate would obtain a supplemental type certificate for the design change as in the past, and a person authorized to return the altered aircraft to service would determine that it conforms to the technical data approved under the supplemental type certificate. For design changes to new production aircraft, the manufacturer would obtain an amendment to his type certificate. Under the second alternative, a person authorized to return the altered aircraft to service would make his own determination that it complies with the applicable airworthiness requirements and would return it to service without obtaining or referring to a supplemental type certificate. Under the latter alternative, the person returning the aircraft to service would be responsible for the airworthiness of the alteration.

(c) Authorize the following persons to return aircraft to service after alteration:

(1) An appropriately rated certificated repair station.

(2) A manufacturer holding the type certificate for the aircraft upon which the alteration is made. Under the second alternative of paragraph (b), the manufacturer would be permitted to return an aircraft to service without obtaining an amendment to his type certificate if such aircraft already has an airworthiness certificate.

(3) An appropriately certificated air carrier or commercial operator.

(4) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of Part 24. At present, other mechanics may return aircraft to service after minor alteration, but under the proposal this privilege would be eliminated.

(d) Require a report on any alteration to an aircraft to be submitted to the Administrator. Such report would include identification of descriptive and substantiating data for the work performed.

(e) Prohibit any person from operating an altered aircraft unless the alteration has been accomplished in accordance with the provisions of Part 18.

Under existing regulations, FAA approval of design data is required for "major" alterations, but not for "minor" alterations. Under the proposed regulations, authorized persons would have the option of obtaining FAA approval of design data for any alteration, or of making their own determination of compliance with the applicable airworthiness requirements.

It is realized that expert knowledge of engineering or flight testing may be required to determine compliance for extensive and complex design modifications. It is expected that a large majority of the persons authorized to release altered aircraft would recognize their limitations in this respect. However, as a safeguard against errors in complying with the airworthiness requirements, the FAA would monitor the reports of aircraft alterations as received, and would make spot check inspections of aircraft in service.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

These amendments are proposed under the authority of sections 313(a), 601, 602, 603, and 605 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 777, 778; 49 U.S.C. 1354, 1421, 1422, 1423, 1425).

In consideration of the foregoing, it is proposed to amend Parts 1, 3, 4b, 5, 6, 7, 13, 14, 18, 24, 43, and 52 as follows:

1. By amending §§ 1.20 and 1.21 to read as follows:

§ 1.20 Changes by the holder of the type certificate.

The holder of a type certificate for a product may obtain an amendment to the type certificate for a change in the type design for such product if the change is not so extensive as to require a new type certificate, and meets the applicable airworthiness requirements of this subchapter.

NOTE: Sections 3.11(e), 4b.11(e), 5.11(e), 6.11(e), 7.11(e), 13.11(e), and 14.11(e) of this subchapter list those changes for which a new type certificate is required. The applicable airworthiness requirements for such changes are set forth in §§ 3.11, 4b.11, 5.11, 6.11, 7.11, 14.11, and applicable Special Civil Air Regulations of this subchapter.

(a) *Notice of change.* Notice of a change in the type design shall be submitted to the Administrator. Such notice shall be accompanied by the descriptive data for the change. Submission of substantiating data for the change and demonstration of compliance with the applicable airworthiness requirements may also be required by the Administrator.

(b) *Amendment of type certificates.* Upon receipt of the notice and data specified in paragraph (a) of this section and after finding that the product incorporating the change in the type design complies with the applicable airworthiness requirements of this subchapter, the Administrator will approve and make such data a part of the type design for the product involved. The type certificate will be appropriately amended to include the approved change in type design.

§ 1.21 Changes by a person other than the holder of the type certificate.

A person other than the holder of a type certificate for a product may obtain a supplemental type certificate for a change in the type design of such product if the change is not so extensive as to require a new type certificate, and meets the applicable airworthiness requirements of this subchapter.

NOTE: Part 18 also provides for the performance of alterations of aircraft without obtaining a supplemental type certificate. See § 18.30(b). Also see note under § 1.20.

(a) *Application for supplemental type certificate.* Application for a supplemental type certificate shall be made on a form and in a manner prescribed by the Administrator and shall include the data which constitutes and supports the change in type design. (See § 1.2.)

(b) *Issuance of certificate.* Upon receipt of the application and satisfactory demonstration of compliance with the applicable airworthiness requirements of this subchapter, the Administrator will issue to the applicant a supplemental type certificate for the approved change in the type design.

(c) *Privileges.* Aircraft which conform to a type design approved under a supplemental type certificate shall be eligible for airworthiness certificates in accordance with the provisions of §§ 1.60 through 1.72 of this part. Engines, propellers, or other products which conform to a type design approved under a supplemental type certificate shall be eligible for installation on aircraft having an airworthiness certificate issued by the Administrator. The holder or licensee of a supplemental type certificate may obtain a production certificate (see §§ 1.30 through 1.46) with respect to the changes in type design for which approval was obtained in accordance with this section.

NOTE: The provisions of this section are not intended to affect in any way the proprietary rights of the holder of a type certificate or a supplemental type certificate.

§§ 1.22, 1.23, 1.25, 1.26, 1.27, 1.28 [Deletion]

2. By deleting §§ 1.22, 1.23, 1.25, 1.26, 1.27, and 1.28 and the heading preceding § 1.25 entitled "Supplemental Type Certificates".

§§ 3.11, 4b.11, 5.11, 6.11, 7.11, 13.11, 14.11 [Amendment]

3. By deleting the words "holder of the type certificate" appearing in the first sentence of §§ 3.11(d), 4b.11(d), 5.11(d), 6.11(d), 7.11(d), 13.11(d), and 14.11(d) and inserting in lieu thereof the words: "applicant for approval of the change".

§ 18.1 [Amendment]

4. By amending § 18.1 by deleting the definitions of major and minor alterations and amending the definition of alteration to read as follows:

Alteration. Alteration means any change to an aircraft or its operating limitations which is covered by the applicable airworthiness requirements.

NOTE: The applicable airworthiness requirements for such changes are set forth in §§ 3.11, 4b.11, 5.11, 6.11, 7.11, 13.11, 14.11, and applicable Special Civil Air Regulations of this subchapter. The applicable requirements for each type of aircraft are identified on the corresponding FAA Type Certificate Data Sheet or Aircraft Specification, under the heading "Certification Basis."

§ 18.10 [Amendment]

5. By amending § 18.10(a) by inserting the word "all" before "alterations to propellers".

§ 18.11 [Amendment]

6a. By amending the introductory paragraph of § 18.11(a) to read as follows:

(a) *Maintenance or minor repairs.* Except for preventive maintenance performed as authorized in § 18.10(c), which shall not require approval, no airframe, powerplant, propeller, or appliance which has undergone maintenance or minor repair shall be approved and returned to service except by:

b. By amending the title of § 18.11(b) to read *"Major repairs"*.

c. By amending § 18.11(b) by deleting the words "or major alteration" and "or alteration".

d. By deleting the note to § 18.11(b).

e. By amending § 18.11 by adding a new paragraph (c) to read as follows:

(c) *Alterations.* No aircraft which has undergone an alteration shall be returned to service until such alteration has been examined, inspected, and found to meet the requirements prescribed in § 18.30 by one of the following:

(1) An appropriately rated certificated repair station; or

(2) A manufacturer holding the type certificate for the aircraft upon which the alteration is made; or

(3) An appropriately certificated air carrier or commercial operator; or

(4) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of § 24.43 of this subchapter.

7. By amending § 18.13 to read as follows:

§ 18.13 Aircraft operating limitations.

When an alteration results in a change in the aircraft operating limitations, or in the approved airplane flight manual, the person performing the alteration shall make appropriate amendments to the operating limitations or the airplane flight manual in accordance with the applicable airworthiness requirements of this subchapter (see § 18.30(b)), prior to the return of the aircraft to service. A copy of the change shall be attached to the alteration and repair report submitted to the Administrator.

§ 18.21 [Amendment]

8. By amending § 18.21(a) to read as follows:

(a) An adequate description of the work performed including identification of descriptive and substantiating data.

9. By amending the title and first sentence of § 18.22 to read as follows:

§ 18.22 Form and disposition of alteration or major repair reports.

A report of any alteration or major repair to an airframe, powerplant, propeller, or appliance shall be entered on a form acceptable to the Administrator.

§ 18.30 [Amendment]

10. By amending § 18.30(b) and the note thereto to read as follows:

(b) *Alterations.* All alterations to an aircraft shall be designed and accomplished in such manner that the aircraft as altered is in condition for safe operation. No person shall return an altered aircraft to service unless it complies with the applicable airworthiness requirements.

NOTE: Under the provisions of this section, the person authorized in § 18.11(c) of this part to return the aircraft to service must determine that the altered aircraft meets the applicable airworthiness requirements, or, as an alternate method, he may determine that the altered aircraft conforms to a type design approved under a type or supplemental type certificate as provided for in Part 1 of this subchapter. In such case conformity with the approved type design will be considered compliance with the applicable airworthiness requirements. To identify the applicable airworthiness requirements, see note under the definition of "alteration" in § 18.1.

§ 24.1 [Amendment]

11. By amending § 24.1 by deleting the definitions of "Major alteration" and "Minor alteration" and by amending the definition of "Alteration" to read as follows:

Alteration. Alteration means any change to an aircraft or its operating limitations which is covered by the applicable airworthiness requirements.

§§ 24.41, 24.42 [Amendments]

12. By amending §§ 24.41 and 24.42 by deleting the words "or minor alteration" and "or minor alterations" and inserting the word "or" before "minor repair" and before "minor repairs".

§ 24.43 [Amendment]

13. By amending § 24.43(a)(1), by deleting the words "major repairs and major alterations" and inserting in lieu thereof "alterations and major repairs".

14. By amending § 43.20 to read as follows:

§ 43.20 General.

No person shall operate an aircraft unless it is in an airworthy condition and all maintenance and alterations have been performed in accordance with Part 18 of this subchapter.

§ 52.1 [Amendment]

15a. By amending § 52.1(a)(6) to read as follows:

(6) *Alteration.* Alteration means any change to an aircraft or its operating limitations which is covered by the applicable airworthiness requirements.

b. By amending § 52.1(a) by deleting subparagraphs (18) and (20).

§ 52.41 [Amendment]

16a. By amending § 52.41(b) to read as follows:

(b) To approve and return to service such airframe, powerplant, propeller, instrument, radio, or accessory after it has undergone maintenance or minor repair; and

b. By amending § 52.41(c) by deleting the words "or major alteration".

c. By amending § 52.41 by redesignating paragraph (d) as (e), and inserting a new paragraph (d) to read as follows:

(d) To approve and return to service such aircraft after it has undergone an alteration when such alteration has been examined, inspected, and found to meet the requirements perscribed in § 18.30 of this subchapter.

Issued in Washington, D.C., on July 31, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6546; Filed, Aug. 7, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-91]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Compulsory Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 34 presently extends from Terre Haute, Ind., to Peoria, Ill. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements on this airway as three and one respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4634, relating to the associated compulsory reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 14 CFR 1958 Supp. Parts 600, 601) as follows:

1. Section 600.634 *Blue Federal airway No. 34 (Terre Haute, Ind., to Peoria, Ill.)* is revoked.

2. Section 601.634 *Blue Federal airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.)* is revoked.

3. Section 601.4634 *Blue Federal airway No. 34 (Terre Haute, Ind., to Peoria, Ill.)* is revoked.

Issued in Washington, D.C., on August 3, 1959.

G. S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-6544; Filed, Aug. 7, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59–WA–84]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6054 and 601.6054 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 54 presently extends from Quitman, Tex., to Charlotte, N.C. The Federal Aviation Agency has under consideration the extension of Victor airway No. 54 from Charlotte, N.C., to Pinehurst, N.C., in order to provide an airway system for aircraft operating between these terminals. This airway would also serve aircraft operating over Charlotte to or from airports in the Fayetteville/Pope AFB, N.C., areas. If such action is taken, Victor 54, and its associated control areas will extend from Quitman, Tex., to Pinehurst, N.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue, Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to extend VOR Federal airway No. 54 and its associated control areas by amending §§ 600.6054 and 601.6054 (14 CFR, 1958 Supp. 600.6054, 601.6054) as follows:

1. In § 600.6054 *VOR Federal airway No. 54 (Quitman, Tex., to Charlotte, N.C.)*.

(a) Delete "*(Quitman, Tex., to Charlotte, N.C.)*" and substitute therefor "*(Quitman, Tex., to Pinehurst, N.C.)*"

(b) Delete "to the Charlotte, N.C., omnirange station." and substitute therefor "Charlotte, N.C., VOR; via the INT of the Charlotte, N.C. 068° and the Pinehurst 281° radials to the Pinehurst, N.C., VOR."

2. In § 601.6054 *VOR Federal airway No. 54 control areas (Quitman, Tex., to Charlotte, N.C.)*, delete "*(Quitman, Tex., to Charlotte, N.C.)*" and substitute therefor "*(Quitman, Tex., to Pinehurst, N.C.)*".

Issued in Washington, D.C., on August 3, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–6543; Filed, Aug. 7, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–NY–4]

CONTROL ZONES

Modification of a Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2292 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration modification of the Oceana, Va., control zone. The present Oceana, Va., control zone is a circular area within a five mile radius of the airport, excluding that portion which overlies the Pendleton, Va., Restricted Area (R–74). An instrument approach procedure has been designated to provide instrument approaches to the Oceana, Va., Naval Air Station using the southwest course of the Oceana, Va., radio range. In order to provide controlled airspace for aircraft using this approach procedure, it is proposed to modify the present control zone by designating an extension from the five mile radius zone to a point ten miles southwest of the Oceana, Va., radio range station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to modify the Oceana, Va., control zone by amending § 601.2292 (14 CFR 1958 SUPP. 601.2292) to read as follows:

§ 601.2292 (Oceana, Va., control zone.)

Within a 5-mile radius of the Oceana, Va., Naval Air Station and within 2 miles either side of the southwest course of the Oceana, Va., RR extending to a point 10 miles southwest of the RR, excluding the portion overlapping restricted areas.

Issued in Washington, D.C., on August 3, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R.. Doc. 59–6545; Filed, Aug. 7, 1959; 8:46 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50–138]

CURTISS-WRIGHT CORP.

Notice of Filing of Application for Utilization Facility Export License

Please take notice that Curtiss–Wright Corporation, 50 Rockefeller Plaza, New York 20, New York, has submitted an application dated June 10, 1959 for a license authorizing export of a 1000 kilowatt light water moderated nuclear reactor to the Thai Atomic Energy Commission for Peace, Bangkok, Thailand.

Pursuant to section 104 of the Atomic Energy Act of 1954, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Government of the Kingdom of Thailand, the Commission may issue a facility export license authorizing the export of the reactor to Thailand.

In its review of applications solely to authorize the export of production or utilization facilites, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 3d day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59–6539; Filed, Aug. 7, 1959; 8:45 a.m.]

[Docket No. 50–125]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of notice of proposed action with the Federal Register Division the Atomic Energy Commission has issued license No. XR–28 to General Dynamics Corporation authorizing export of a research reactor to Escola de Engenharia da Universidade de Minas Gerais, Belo Horizonte, Brazil. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on March 28, 1959 (24 F.R. 2566) and described the reactor as a 30-kilowatt Triga research reactor.

Dated at Germantown, Md., this 3d of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59–6540; Filed, Aug. 7, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JAMES A. BRANDT

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. James A. Brandt.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: ----------
4. Title of position: Consultant (Advisor to the Director).
5. Name of private employer: Manager, Renewal Parts Department, Reliance Electric & Engineering Co., Cleveland 17, Ohio.

CARLTON HAYWARD,
Director of Personnel.

JULY 6, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Dividend Shares, Inc.
General Motors Corp.
Olin-Mathiesen Chemical Corp.
National Tool Co.
Pan American Airways.
Pickle Crow Mines, Limited.
Reliance Electric & Engineering Co.
Bank Deposits.

JAMES A. BRANDT.

JULY 27, 1959.

[F.R. Doc. 59–6522; Filed, Aug. 6, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10764; Order No. E–14811]

NATIONAL AIRLINES, INC., ET AL.

Order of Invesitgation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1959.

In the matter of fares proposed by National Airlines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc.; Docket No. 10764.

National Airlines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc., have filed tariffs[1] providing for a New York-Miami fare of $45 one-way applicable in a new class of service. This service will be offered without restriction as to the hour of the day or day of the week. Meal service will not be provided. All three carriers will continue to offer regular day coach service (with meals) as well as night coach service in addition to the new class of service. National's tariff provides that this service will be operated with high density Constellation 1049–H aircraft. Eastern will use 1049, 1049C, DC–7B and DC–6B aircraft, and Northeast will use DC–6B aircraft, with specified minimum seating capacities. Eastern's aircraft will continue to be used in other classes of service as well as in this new service. These tariffs are marked to expire on December 10, 1959.

National has filed complaints (Docket Nos. 10688, and 10719) and has requested the suspension and investigation of the tariff proposals of Eastern and Northeast. National contends that the proposed fares of Eastern and Northeast are unjust and unreasonable since they reflect a substantial reduction from regular coach fares without a corresponding decrease in unit costs; that Eastern, in using the same aircraft in both regular coach service and the proposed new class of service, is offering substantially the same service at different fares; that Eastern's proposal thereby is unjustly discriminatory, unduly preferential and unduly prejudicial; and that the proposals of Northeast and Eastern violate established Board policy respecting the establishment of lower fare services on an economical basis.

The Board has consistently encouraged the development of lower fare services designed to attract new traffic to air transportation. The instant fare proposals of the three certificated carriers in the New York-Miami market represent a substantial reduction below existing daycoach fares which may, if successful, mark the beginning of a new low fare class of service in the United States. The Board believes that such a development may well have a significant beneficial effect in attracting new traffic to air transportation in the future and, accordingly, the instant proposals warrant our support and encouragement.

It is clear, and Board policy provides, that fares for each basic class of service be established on an economic basis. This principle is fundamental to the Board's domestic coach policy and policy statements regarding the pricing of the various classes of service in the international area. Moreover, this principle is basic to the sound development of the industry.

In view of the fact that Eastern and Northeast propose to provide this new service with aircraft with seating densities no greater than the minimum applicable to the higher-fare regular coach service,[2] serious question is raised regarding the reasonableness of the proposed fares. On the other hand, the 107 seat L–1049–H aircraft to be used by National appears to have sufficient seating density to afford an economical basis for the proposed fare. While the Board has not reached a final conclusion with respect to the minimum seating density which should generally apply for services bearing fares at the four cents per mile level, it is clear that some increase in seating density over that prevailing in standard coach service is required. Moreover, Eastern's use of the same aircraft at different fares depending on the designation of the flight raises questions of undue preference and prejudice.

In view of these questions of the lawfulness of the fares proposed by Eastern and Northeast we find that an investigation is required. We will include in such investigation the proposal of National in view of its close relationship to those of the other carriers and the necessity for uniform treatment thereof.

We have concluded, however, not to suspend any of the instant tariff pro-

[1] Agent Squire's C.A.B. No. 44.

[2] The only exception is Eastern's DC–6B with 102 seats.

posals pending investigation. While the problems raised by the filings of Northeast and Eastern are substantial and fundamental, the answers thereto are by no means clear. We believe that the public interest will be better served by permitting the tariffs of Eastern and Northeast to become effective to enable all three carriers to test the attractiveness of the $45 fare for a limited period without the necessity for extensive aircraft modification. We do not perceive any injury to the industry, nor are we persuaded that the opportunity for success of the low fare experiment will be impaired by the use of existing aircraft. Moreover, to require that limited experiments with new fares cannot be conducted with existing aircraft may inhibit the very experimentation we have always sought to encourage.

As indicated previously these tariffs expire on December 10, 1959. As the carriers begin to accumulate experience at these experimental fares, we expect they will, in a short period, firm up plans as to extension of these fares beyond December 10, 1959. Should they so intend we anticipate that immediate steps will be taken to establish adequate seating configurations. We place the carriers on notice at this time that it is our intention, should extension of these fares be sought, to require minimum seating capacities and other conditions which will assure the economic soundness of such fares and provide an adequate distinction from other classes of service.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation be and hereby is instituted to determine whether the fares and provisions on 14th Revised Page 159, 2nd Revised Page 192–D and 11th Revised Page 211 of Agent C. C. Squire's C.A.B. No. 44, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. The complaints in Docket Nos. 10688 and 10719 be and hereby are dismissed insofar as suspension is requested.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are hereby made parties to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,[1]
Acting Secretary.

[F.R. Doc. 59–6573; Filed, Aug. 7, 1959; 8:51 a.m.]

[1] The joint concurrence and dissent of Gurney, Vice Chairman, and Minetti, Member, are filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G–14232, etc.]

CITIES SERVICE OIL CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 4, 1959.

In the matters of Cities Service Oil Company, Docket No. G–14232; Continental Oil Company,[1] Docket No. G–14237; John L. Welsh, Jr., Operator, et al.,[2] Docket No. G–14238; Sohio Petroleum Company, Docket No. G–14247; Vesta Fuel Company, Well No. 5,[3] Docket No. G–14272; J. M. L. Smith, et al.,[4] Docket No. G–14273; Alice M. Vandergrift, et al., d/b/a Spudnik Oil and Gas,[5] Docket No. G–14274; Anna A. Brost, et al., By Ralph A. Keller, Agent,[6] Docket No. G–14275; William Graham Oil Company,[7] Docket No. G–14278; H. C. Bennet, et al.,[8] Docket No. G–14282; C. L. Roberts,[8] Docket No. G–14283; D. C. Latimer,[9] Docket No. G–14284; Victor Hale and Anna Lowe,[10] Docket No. G–14286; NAFCO Oil and Gas, Inc., Successor to Oil and Gas Property Management, Inc., et al.,[11] Docket No. G–14287; Magnolia Petroleum Company, Docket No. G–14324.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

Docket No., Field and Location, Purchaser

G–14232; South Lewisburg Field, Acadia Parish, La.; United Gas Pipe Line Co.

G–14237; Wemac Field, Andrews County, Tex.; El Paso Natural Gas Co.

G–14238; Key (Powell Ranch Area) Field, Goliad County, Tex.; Texas Eastern Transmission Corp.

G–14247; South Lewisburg Field, Acadia Parish, La.; United Gas Pipe Line Co.

G–14272; Union District, Ritchie County, W. Va.; Hope Natural Gas Co.

G–14273; Grant District, Doddridge County, W. Va.; Hope Natural Gas Co.

G–14274; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.

G–14275; Meade District, Tyler County, W. Va.; Hope Natural Gas Co.

G–14278; Hugoton Field, Seward County, Kans.; Panhandle Eastern Pipe Line Co.

G–14282; Hugoton Field, Haskell County, Kans.; Northern Natural Gas Co.

G–14283; Hugoton Field, Haskell County, Kans.; Northern Natural Gas Co.

G–14284; Maxie-Pistol Ridge Field, Pearl River County, Miss.; United Gas Pipe Line Co.

G–14286; Middle Creek Field, Floyd County, Ky.; Kentucky West Virginia Gas Co.

G–14287; Block 45, Hansford County, Tex.; Panhandle Eastern Pipe Line Co.

G–14324; North Healdton Field, Carter County, Okla.; Lone Star Gas Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

See footnotes at end of document.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington D.C., concerning the matters involved in the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commisison's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25 D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Application covers an amendatory agreement dated November 4, 1957, which adds additional acreage to a basic gas sales contract dated January 27, 1957.

[2] John L. Welsh, Jr., Operator, is filing for himself and on behalf of the following nonoperators: Rhodes & Hicks Drilling Corporation, Paul Hardeman, Lucille Burley Brion, Jack Chrysler, James Helland, Roy B. Loftin and Alex W. Head. All are signatory seller parties to the subject gas sales contract.

[3] Vesta Fuel Company, Well No. 5, Applicant, is a partnership consisting of unnamed partners and is filing through Walter C. Crane, Partner and Agent.

[4] J. M. L. Smith et al., Applicant, is a partnership consisting of J. M. L. Smith, Ralph McIntyre, William Simpson, Samuel Simpson, Joseph J. Lobello, Joseph Owens and A. E. Shoma. All are signatory seller parties to the subject gas sales contract.

[5] Spudnik Oil and Gas, Applicant, is an association composed of Alice M. Vandergrift, Phyllis L. Thomas, Byron Vaughan, E. S. Vaughan, W. J Sayre, Winfred G. Dodson, Theodore P. Mantz, W. E. Hovey, W. T. Slicer, Jr., Walter Baker, G. A. Campbell, Earl Hardman, George Rauch, Theresa Rauch, David Rauch, E. W. Potter, Harry P. Bell, M. G. Hresan, Ralph D. Gerber and Christie Vandergrift. All are signatory seller parties to the subject gas sales contract through the signatures of Alice M. Vandergrift, who has signed the contract individually and as Attorney-in-Fact for remaining co-owners.

[6] Anna A. Brost is filing for herself and on behalf of Ralph A. Keller, et ux. Anna A. Brost assigned 50 percent in interest in the subject acreage to Ralph A. Keller, et ux., by instrument dated May 1, 1958. Amendment to application filed July 23, 1958, requests incorporation of provisions of the aforesaid assignment.

[7] William Graham Oil Company, a partnership composed of William L. Graham and Marjorie Louise Graham, proposes to sell its share of production from certain acreage pursuant to a ratification agreement dated August 9, 1957 of a basic gas sales contract dated November 19, 1953, as amended, between United Producing Company, Inc., United Carbon Company, Inc. (Maryland), and Columbian Fuel Corporation, sellers, and Panhandle Eastern, buyer. The above-named partners and Panhandle Eastern are signatory parties to the subject ratification agreement.

[8] In Docket No. G–14283, C. L. Roberts (nonoperator) proposes to sell his 50 percent share of production from the Boatright Unit No. 1 pursuant to a gas sales contract dated April 29, 1957, to which contract he is the only signatory seller party. In Docket No. G–14282, H. C. Bennett (nonoperator) is filing for himself and on behalf of the nonoperators, Sylvester Johnson, Jr. and Mace Evans, for their combined 50 percent working interest in the Boatright Unit No. 1 and proposes to sell production from said unit pursuant to a ratification agreement dated July 2, 1957 of the above-mentioned basic gas sales contract. Said nonoperators, along with Northern Natural Gas Company, have signed the ratification agreement.

[9] Application covers an amendatory agreement dated December 4, 1957, which dedicates additional depths (all producing horizons) to units previously dedicated under a basic gas sales contract dated August 17, 1954.

[10] Victor Hale and Ann Lowe are filing jointly for their interests in certain acreage and both are signatory seller parties to the subject gas sales contract.

[11] Oil and Gas Property Management, Inc., Beacon Building Corporation and Joseph H. King are filing jointly for their working interests in certain acreage and all are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59–6571; Filed, Aug. 7, 1959; 8:51 a.m.]

[Docket Nos. G–14947, G–15327]

HARPER OIL CO. AND STEPHENS PETROLEUM CO.

Notice of Applications and Date of Hearing

AUGUST 4, 1959.

Take notice that on April 21, 1958, Harper Oil Company (Harper Oil), an Oklahoma corporation with a principal office in Oklahoma City, Oklahoma, as operator for F. E. Harper (Harper) and Cornell Oil Company (Cornell), in Docket No. G–14947 and on June 20, 1958, Stephens Petroleum Company (Stephens) in Docket No. G–15327 filed applications, pursuant to section 7 of the Natural Gas Act, for:

(1) Stephens, in Docket No. G–15327, to abandon service to Consolidated Gas Utilities Corporation (Consolidated) from the Aetna Life Insurance Company Lease (Aetna Lease) in the Chickasha Gas Field, Grady County, Oklahoma, covered by a contract dated February 20, 1953, previously accepted for filing as Stephens Petroleum Company FPC Gas Rate Schedule No. 2, now superseded by F. E. Harper (Operator), et al. FPC Gas Rate Schedule No. 1.

(2) Harper Oil, Operator, in Docket No. G–14947 to continue service to Consolidated from the Aetna Life Lease with respect to natural gas production down to a depth of 6,600 feet thereunder. The foregoing requests are more fully described in the applications on file with the Commission and open to public inspection.

The applications recite (1) that by instrument of assignment dated February 16, 1955, effective February 1, 1955, Stephens assigned in equal shares its interest in the Aetna Life Lease and the Aetna Life Nos. 1 and 2 Wells thereon, in addition to two other leases in the Chickasha Field, to Harper and Cornell retaining, among other things, a production payment relative to a three-fourths interest in said leases (but not in equipment appurtenant thereto), which payment will expire when Stephens shall have received a sum of $1,000,000.00 from the sale of natural gas produced from said leases, and (2) that on June 20, 1958, Harper Oil filed copies of the contract of February 20, 1953, and the instrument of assignment dated February 16, 1955.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6572; Filed, Aug. 7, 1959; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

BANK SHARES, INC.

Request for Determinations

In the matter of the requests of Bank Shares, Incorporated, for determinations under section 4(c)(6) of the Bank Holding Company Act of 1956 (Docket Nos. BHC–38, BHC–39, BHC–40, BHC–41).

Bank Shares, Incorporated, Minneapolis, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, has filed requests for determinations by the Board of Governors of the Federal Reserve System that the Corporations hereinafter named and their activities are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The corporations with respect to which the requests were filed, with the hearing docket number of each, are:

Chicago-Lake Agency, Inc.	BHC–38
Columbia Heights Agency, Inc.	BHC–39
Marquette Insurance Agency, Inc.	BHC–40
University National Agency, Inc.	BHC–41

A hearing having been held pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); the Hearing Examiner having filed his Report and Recommended Decision wherein he recommended that the above requests be denied; Applicant having filed Exceptions and Brief with respect to each request; oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date and on the basis of the record made at the hearing in this matter, that the activities of the four above-named corporations are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's requests with respect to the said four corporations shall be, and hereby are, granted.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59–6548; Filed, Aug. 7, 1959; 8:46 a.m.]

FIRST BANK STOCK CORP.

Request for Determinations

In the matter of the requests of First Bank Stock Corporation for determinations under section 4(c)(6) of the Bank

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

Holding Company Act of 1956 (Docket Nos. BHC–36, BHC–37).

First Bank Stock Corporation, having its principal office and place of business in Minneapolis, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, has filed requests for determinations by the Board of Governors of the Federal Reserve System that First Bancredit Corporation and First Service Agencies, Inc., and their activities are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

A hearing having been held pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); the Hearing Examiner having filed his report and Recommended Decision wherein he recommended that both of the above requests be denied; Applicant having filed Exceptions and Brief with respect thereto; oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date and on the basis of the record made at the hearing in this matter, that:

1. The activities of First Bancredit Corporation are determined not to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to First Bancredit Corporation shall be, and hereby is, denied; and

2. The activities of First Service Agencies, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to First Service Agencies, Inc., shall be, and hereby is, granted.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 59–6549; Filed, Aug. 7, 1959; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

NORTHWEST BANCORPORATION

Request for Determinations

In the matter of the requests of Northwest Bancorporation for determinations under section 4(c)(6) of the Bank Holding Company Act of 1956 (Docket Nos. BHC–42, BHC–43, BHC–44).

Northwest Bancorporation, Minneapolis, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843), has filed requests for determinations by the Board of Governors of the Federal Reserve System that the corporations hereinafter named and their activities are of the kind described in section 4(c)(6) of the Act and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The corporations with respect to which the requests were filed, with the hearing docket number of each, are:

Northwestern Mortgage Co	BHC–42
South Side Insurance Agency, Inc	BHC–43
Union Investment Co	BHC–44

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); the Hearing Examiner having filed his Report and Recommended Decision wherein he recommended that all three of the above requests be denied; Applicant having filed Exceptions and Brief with respect to all of the said requests; oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date and on the basis of the record made at the hearing in this matter, that:

1. The activities of Northwestern Mortgage Company are determined not to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Northwestern Mortgage Company shall be, and hereby is, denied; and

2. The activities of South Side Insurance Agency, Inc., and of Union Investment Company are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's requests with respect to South Side Insurance Agency, Inc., and Union Investment Company shall be, and hereby are, granted.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 59–6550; Filed, Aug. 7, 1959; 8:47 a.m.]

OTTO BREMER CO.

Requests for Determinations

In the matter of the requests of Otto Bremer Company for determinations under section 4(c)(6) of the Bank Holding Company Act of 1956 (Docket Nos. BHC–29, BHC–31, BHC–32, BHC–33, BHC–35).

Otto Bremer Company, St. Paul, Minnesota, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, has filed requests for determinations by the Board of Governors of the Federal Reserve System that the corporations hereinafter named and their activities are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The corporations with respect to which the requests were filed with the hearing Docket Nos. of each are:

Citizens Agency, Inc	BHC–29
Western State Agency, Inc	BHC–31
New England Insurance Agency	BHC–32
Drovers Exchange Agency & Realty, Inc	BHC–33
Willmar Investment Co	BHC–35

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)), the Hearing Examiner filed his Report and Recommended Decision wherein he recommended that Applicant's requests designated BHC Nos. 29, 31, 33, and 35 be approved, and that Applicant's request designated BHC No. 32 be denied unless Applicant, with the written consent of that subsidiary to which the request is related, gives proper assurance, as a condition of exemption, that the said subsidiary will cease to engage in the business of buying and selling real estate, and that, the foregoing assurance being given, such request be approved. Oral argument having been heard before the Board; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263):

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date and on the basis of the record made at the hearing in this matter, that:

1. The activities of Western State Agency, Inc., with the exception of its lending activities, are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Western State Agency, Inc., shall be, and hereby is, granted on the condition that Western State Agency, Inc., takes appropriate action to discontinue its lending activities within a reasonable period of time; and

2. The activities of Citizens Agency, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that act, and, therefore, Applicant's request with respect to Citizens Agency, Inc., shall be, and hereby is, granted; and

3. The insurance activities of Willmar Investment Company are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; the remaining activities of Willmar Investment Company, with the exception of its real estate business activities, do not bar that company from exemption under section 4(c)(6); and, therefore, Applicant's request with respect to Willmar Investment Company shall be, and hereby is, granted on the condition that within a reasonable period of time the real estate business activities of that company be discontinued; and

4. The insurance activities of Drovers Exchange Agency & Realty, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; the remaining activities of Drovers Exchange Agency & Realty, Inc., do not bar that company from exemption under section 4(c)(6); and, therefore, Applicant's request with respect to Drovers Exchange Agency & Realty, Inc., shall be, and hereby is, granted; and

5. The activities of New England Insurance Agency, with the exception of its real estate business activities, are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; and, therefore Applicant's request with respect to New England Insurance Agency, shall be, and hereby is, granted on the condition that within a reasonable period of time, New England Insurance Agency ceases to engage in its real estate business activities.

Dated at Washington, D.C., this 21st day of July 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 59–6551; Filed, Aug. 7, 1959; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2010]

AUTOMATIC CANTEEN COMPANY OF AMERICA

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Automatic Canteen Company of America, common stock, File No. 7–2010.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–6560; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7–1998]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., common stock, File No. 7–1998.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–6561; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7–2001]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., Common Stock, File No. 7–2001.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he

proposed to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6562; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 812-1233]

COMBINED METALS, INC.

Notice of Filing of Application Requesting Exemption

AUGUST 3, 1959.

Combined Metals, Inc., a registered closed-end, nondiversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting it, upon stipulated conditions, from the reporting requirements of section 30 of the Act and from the necessity of filing a registration statement as required by section 8(b) of the Act.

Applicant filed a notification of registration as an investment company on December 23, 1942 (File No. 811-476). Its only assets then and thereafter have consisted of 2,000 shares (the total outstanding) of Preference Stock of Combined Metals Reduction Company ("Reduction") whose principal business is the development, milling and treatment of mineralized ores. Such preferred stock is entitled to 10 percent of Reduction's earnings in excess of $50,000 per year after depreciation, depletion and taxes. Applicant states that since 1952 Reduction has had no profitable years and that it has received no dividends on Reduction Preference Stock since that time. In view of its substantially complete inactivity, Applicant states that compliance with the requirements of sections 8 and 30 of the Act would be an unnecessary burden and would not be of benefit to its investors or in the public interest.

In support of the requested relief Applicant has agreed that it will send an anual reports to its stockholders and will file with the Commission annual reports as required by the Securities Exchange Act of 1934 and that the exemption herein, if granted, shall terminate thirty days after such time, if any, as Applicant shall engage in any significant transaction.

Section 6(c) of the Act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 19, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6567; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2002]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., Common Stock, File No. 7-2002.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6563; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2006]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 3, 1959.

In the matter of application by the Detroit Stock Exchange for unlisted trading privileges in Loew's Theatres, Inc., Common Stock, File No. 7-2006.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 19, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6564; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2008]

THIOKOL CHEMICAL CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Thiokol Chemical Corporation, Common Stock, File No. 7-2008.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6565; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 7-2009]

CHOCK FULL O'NUTS CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Chock Full O'Nuts Corporation, Common Stock, File No. 7-2009.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6566; Filed, Aug. 7, 1959; 8:50 a.m.]

[File No. 24B-963]

SECURITY FINANCE PLAN, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 3, 1959.

I. Security Finance Plan, Inc. (issuer), 73 North Street, Pittsfield, Massachusetts, filed with the Commission on January 23, 1957 a notification on Form 1-A and an offering circular, and filed amendments thereto, relating to an offering of its 7 percent subordinate capital debentures, to be issued in denominations of $100 and multiples thereof, for an aggregate offering of $75,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has failed to file an amended offering circular, as required by Rule 256(e);

2. The issuer has failed to file a current report of sales on Form 2-A, as required by Rule 260.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The use of financial statements examined by a public accountant not independent from the management of the issuer;

2. The failure to disclose the current financial status of the issuer.

C. The offering would be made in violation of section 17 of the Securities Act, as amended.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6568; Filed, Aug. 7, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 164]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62369. By order of July 29, 1959, Division 4, approved the transfer to Capital Transit, a New Jersey corporation, Trenton, N.J., of Certificates Nos. MC 8504, MC 8504 Sub 2, MC 8504 Sub 5, and MC 8504 Sub 7, issued June 2, 1942, June 16, 1941, December 19, 1946, and September 30, 1952, respectively, to Trenton Transit, a New Jersey corporation, Trenton, N.J., authorizing the transportation of: Passengers and their baggage, with certain restrictions, from points in Mercer County, N.J., to District of Columbia, and points in Connecticut, Delaware, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island, and Virginia, and return; from Bordentown, N.J., to New York, N.Y., and points in Pennsylvania, and return; from New Hope, Pa., and points in Pennsylvania to New York, N.Y., and New Jersey, and return; passengers and their baggage, and mail and newspapers between Trenton, N.J., and Fort Dix, N.J.; passengers and their baggage over an alternate route between junction U.S. Highway 206 and Georgetown Road and the Military Reservation at Fort Dix, N.J.; and passengers and their baggage between specified points in New Jersey and the Fairless Works, United States Steel Co., Falls Township, Pa., and all intermediate points in New Jersey. Walter S. Anderson, attorney, 130 North Broadway, Camden 2, N.J.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6557; Filed, Aug. 7, 1959; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 4, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35608: *Iron and steel articles—Birmingham, Ala., group to Corpus Christi, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7606), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application from Bessemer, Birmingham, Ensley, Fairfield, and North Birmingham, Ala., to Corpus Christi, Tex.

Grounds for relief: Competition of carriers by barge.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 35609: *Scrap iron or steel—Chicago, Ill., to Calvert, Ky.* Filed by Illinois Freight Association, Agent (No. 69), for and on behalf of the Illinois Central Railroad Company. Rates on iron or steel scrap, namely grindings, in carloads, from Chicago, Ill., to Calvert, Ky.

Grounds for relief: Competition of carriers by barge.

Tariff: Supplement 99 to Illinois Freight Association tariff I.C.C. 855.

FSA No. 35610: *Grains-Western Trunk Line territory to Gulf ports.* Filed by Western Trunk Line Committee, Agent (No. A-2077), for interested rail carriers. Rates on barley, corn, oats, rye, soybeans, and wheat, in bulk, in carloads, from points in Iowa, Minnesota, and Wisconsin, to New Orleans, La., and other named Gulf ports, for export and coastwise movement.

Grounds for relief: Port equalization with Baltimore, Md.

Tariffs: Supplement 28 to the Chicago and North Western Railway Company's tariff I.C.C. 11298 and other schedules of individual lines listed in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-6507; Filed, Aug. 6, 1959; 8:47 a.m.]

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UNIVERSITY OF MICHIGAN
AUG 13 1959
AUG 13 1959
PERIODICAL READING ROOM
MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

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AUG 13 1959
MAIN READING ROOM

Title 3—THE PRESIDENT

Proclamation 3306

IMPOSING QUOTAS ON IMPORTS OF RYE, RYE FLOUR, AND RYE MEAL

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the Secretary of Agriculture advised me that there was reason to believe that rye, rye flour, and rye meal are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to rye pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on June 23, 1959, I caused the United States Tariff Commission to make an investigation under section 22 with respect to this matter; and

WHEREAS the Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the investigation and report of the Tariff Commission, I find that rye, rye flour, and rye meal, in the aggregate, are practically certain to be imported into the United States under such conditions and in such quantities as to interfere materially with, and to tend to render ineffective, the price-support program with respect to rye, and to reduce substantially the amount of products processed in the United States from domestic rye with respect to which the price-support program is being undertaken; and

WHEREAS I find and declare that the imposition of the quantitative limitations hereinafter proclaimed is shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption, of rye, rye flour, and rye meal will not render ineffective, or materially interfere with, such price-support program; and

WHEREAS I find that the quantitative limitations hereinafter proclaimed will not reduce the permissible total quantity of rye, rye flour, and rye meal entered to proportionately less than 50 per centum of the average annual quantity of rye, rye flour, and rye meal entered during the representative period July 1, 1950, to June 30, 1953, inclusive; and

WHEREAS the allocation of the quotas among foreign supplying countries as hereinafter prescribed will assure an equitable distribution of the imports of rye, rye flour, and rye meal entered hereunder, based upon the proportion of imports for consumption that such foreign countries supplied during the representative period:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim—

1. That for the period commencing August 5, 1959, and ending August 31, 1959, the total aggregate quantity of rye, rye flour, and rye meal entered shall not exceed 6,741,268 pounds, of which not more than 518 pounds may be in the form of rye flour or rye meal;

2. That for the ten-month period commencing September 1, 1959, and ending June 30, 1960, the total aggregate quantity of rye, rye flour, and rye meal entered shall not exceed 77,399,736 pounds, of which not more than 5,939 pounds may be in the form of rye flour or rye meal;

3. That for the twelve-month period commencing July 1, 1960, and ending June 30, 1961, the total aggregate quantity of rye, rye flour, and rye meal entered shall not exceed an amount determined by the Secretary of the Treasury as soon as practicable after June 30, 1960, to be

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

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Titles 1–3 ($1.00)

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the equivalent of 186,000,000 pounds less the amount, if any, by which entries during the period July 1, 1959, to June 30, 1960, exceeded 186,000,000 pounds: *Provided*, That the amount so determined shall not be less than 92,879,683 pounds, and that of the amount so determined by the Secretary of the Treasury, not more than 0.00806 per centum may be in the form of rye flour or rye meal;

4. That of the 6,741,268 pounds specified in paragraph 1, not more than 6,606,443 shall be the product of Canada and not more than 134,825 shall be the product of other foreign countries; that of the 77,399,736 pounds specified in paragraph 2, not more than 75,851,741 shall be the product of Canada and not more than 1,547,995 shall be the product of other foreign countries; that of the amount to be determined under paragraph 3, not more than 98 per centum shall be the product of Canada and not more than 2 per centum shall be the product of other foreign countries.

The provisions of this proclamation shall not apply to certified or registered seed rye for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, if—

(a) the individual shipment amounts to 100 bushels (of 56 pounds each) or less, or

(b) the individual shipment amounts to more than 100 bushels (of 56 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry.

As used in this proclamation, the term "entered" means "entered, or withdrawn from warehouse, for consumption."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of August in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59–6639; Filed, Aug. 7, 1959; 1:44 p.m.]

RULES AND REGULATIONS

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

[Regulation Policy Statement 8]

PART 399—STATEMENTS OF GENERAL POLICY

Rescission of Policy Respecting Promulgation of Airworthiness Regulations and of 1958 Transatlantic Charter Policy

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of August 1959.

I. Sections 399.10 and 399.11 of Part 399, adopted May 25, 1955, provided for an annual review and revision of Civil Air Regulations dealing with airworthiness requirements for aircraft and components (§ 399.10) and set forth certain principles that the Board would follow in promulgating such requirements (§ 399.11). The Federal Aviation Act of 1958 has transferred the air safety rulemaking function from the Board to the Administrator of the Federal Aviation Agency. Therefore, the above policy statements relating to promulgation of air safety rules are no longer pertinent and should be rescinded.

II. Section 399.29 of Part 399, adopted January 7, 1958, prescribed the general standards used in processing and deciding applications for exemptions under section 416(b) permitting otherwise unauthorized air carriers to engage in transatlantic passenger charter operations. On May 26, 1959, the Board adopted a new Part 295 which, with certain modifications, converted the Transatlantic Charter Policy into regulatory form. The policy statement set forth in § 399.29 thus has been superseded by the adoption of Part 295 and should be repealed.

Since this rule-making action relates to statements of policy, notice and public procedure hereon are unnecessary, and these rescissions may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart B of Part 399 of its Regulations, effective August 5, 1959 by repealing §§ 399.10, 399.11 and 399.29.

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Administrative Procedure Act, sec. 3, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL]

MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–6601; Filed, Aug. 10, 1959; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket 76; Amdt. 129]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. The Administrator finds that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ft. Riley Int*	FRI "H"	Direct	2800	T-dn	300-1	300-1	200-½
				C-dn#	600-1	600-1	600-1½
				S-dn-04	600-1	600-1	600-1
				A-dn	1500-2	1500-2	1500-2

Procedure turn East side of crs, 207° Outbound, 027° Inbound, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 031°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing FRI "H", climb to 2800′ on a crs of 050° from the "H" within 20 mi.
CAUTION: Restricted area R-197 adjacent to airport northwest. Small arms firing range 2.4 miles North.
NOTE: Prior approval must be obtained from the Commanding Officer for use of this facility.
*Int V-4 & R-320 EMP VOR.
#All circling approaches will be made to the East of the airport. See caution note.

City, Fort Riley; State, Kans.; Airport Name, Marshall AAF; Elev., 1062′; Fac. Class, H; Ident., FRI; Procedure No. 1, Amdt. 1; Eff. Date, 29 Aug. 59; Sup. Amdt. No. Orig.; Dated, 1 Aug. 59

				T-d	1000-2	1000-2	
				T-n	2000-2	2000-2	
				C-d	1500-2	1500-2	
				C-n	2000-2	2000-2	
				A-dn	2500-2	2500-2	

Procedure turn W side of crs, 004° Outbnd, 184° Inbnd, 4000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 184—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.8 mi, climb to 5000′ on crs of 184 within 10 mi of Lebanon H facility.
AIR CARRIER NOTES: Operations on Runway 7 not authorized at night. Runway 25 authorized at night for take-off only. Sliding scale N.A. No reduction in landing visibility minimums authorized for local conditions. No reduction in take-off minimums authorized.

City, Lebanon; State, N.H.; Airport Name, Lebanon Municipal; Elev., 580′; Fac. Class, BH; Ident., LEB; Procedure No. 1, Amdt. 3; Eff. Date, 29 Aug. 59; Sup. Amdt. No. 2; Dated, 1 Apr. 54

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albany LFR	ABY-VOR	Direct	1600	T-dn	300-1	300-1	*300-1
				C-dn	500-1	500-1	500-1½
				S-dn-16	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transition altitude, 000° thru 360°, 1600′ within 25 miles. All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000′ vertical separation; or 3 to 5 miles and 500′ vertical separation from the following towers: 719′ MSL 22 miles WNW, 1362′ MSL 20 miles SSE.
Procedure turn W side crs, 333° Outbnd, 153° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 153—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi, climb to 1500′ on R-172 within 20 mi of ABY-VOR.
*200-½ authorized for takeoff Runway 3-21 only.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196′; Fac. Class, BVOR; Ident., ABY; Procedure No. 1, Amdt. 8; Eff. Date, 15 Aug. 59; Sup. Amdt. No. 7; Dated, 15 Aug. 59

Austin RBn	AUS-VOR	Direct	2000	T-dn	300-1	300-1	*300-1
3 mi DME fix R-355	AUS-VOR (Final)	Direct	1600	C-dn	400-1	500-1	500-1½
				S-dn-16R	400-1	400-1	400-1
				A-du	800-2	800-2	800-2

Radar terminal area maneuvering altitude within 20 mi and clockwise around AUS radar antenna site: 345° to 215°—2000′; 215° to 345°—2500′.
Radar control must provide 3 mi or 1000′ vertical separation; *or* 3 to 5 mi and 500′ vertical separation from radio towers 1680′ msl 23 mi WNW, 2049′ msl 9 mi NW and 1054′ msl 14 mi N.
Procedure turn W side crs, 355° Outbnd, 175° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, VOR 1600′; AUS FM or DME fix 2.4 on R-175 AUS VOR 1300′**.
Crs and distance, facility to airport, 175—4.9 VOR to airport; 175—2.5 from 2.4 DME fix to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 mi, turn right, climb to 3000′ on R-189 within 15 mi or, when directed by ATC, turn left, climb to 3000′ on R-125 within 20 mi.
CAUTION: Tank 855′ MSL 1.2 mi W final approach crs 2.3 mi NW of airport.
*200-½ authorized on Runways 16R, 34L, 12R, and 30L only.
**Descent below 1300 authorized only after passing AUS FM, DME fix 2.4 on R-175.

City, Austin; State, Tex.; Airport Name, Mueller; Elev., 631′; Fac. Class, BVOR; Ident., AUS; Procedure No. 1, Amdt. 9; Eff. Date, 29 Aug. 59; Sup. Amdt. No. 8; Dated, 18 Jan. 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Blythe LFR	BLH VOR	Direct	3100	T-d	500-1	500-1	500-1
				T-n	800-2	800-2	800-2
				C-dn	1100-2	1100-2	1100-2
				A-dn	1100-2	1100-2	1100-2

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 3100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 032°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, make right climbing turn to 5000′ on R-156 within 20 mi of VOR.
CAUTION: 1160′ MSL terrain 2 mi WNW of airport and rising rapidly to 3100′.
NOTE: Provisions for reductions in visibility minimums NA.

City, Blythe; State, Calif.; Airport Name, Municipal; Elev., 397′; Fac. Class, VOR; Ident., BLH; Procedure No. 1, Amdt. Orig.; Eff. Date, 29 Aug. 59

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Morton Int	Fairview Int*	Via RADAR Vector	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd approach crs, inbnd to Fairview Int. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired. Arrival radar at O'Hare and departure radar at Midway must be operative.
Procedure turn NA. All maneuvering to VOR final approach crs, R-131 ORD, must be under ORD ASR control.
Minimum altitude over *Fairview Int on final approach crs, 2000′.
Crs and distance, *Fairview Int to Rny 32R, 311°—4.0 mi.
Crs and distance, breakoff point to Rny 32R, 318°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate right turn, climb to 2500′ and proceed to OBK VOR via OBK R-170 or, when directed by ATC, (1) climb to 3500′, proceed to Spring Lake Int via ORD R-300; (2) climb to 2500′, proceed to ORD LOM.
*Fairview Int: Int R-051 API VOR and R-131 ORD VOR.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666′; Fac. Class, VOR; Ident, ORD; Procedure No. TerVOR-32R, Amdt. Orig.; Eff. Date, 29 Aug. 59

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 1500′ within 10 miles.
Minimum altitude on final approach crs until passing OZR R-106, 900′*.
Crs and distance, OZR R-106 to Rny 5, 050°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1500′ on R-050 within 20 miles.
*If OZR R-106 is not received, descent below 900′ NA.

City, Dothan; State, Ala.; Airport Name, Municipal; Elev., 330′; Fac. Class, BTVOR; Ident., DHN; Procedure No. TerVOR-5, Amdt. 1; Eff. Date, 29 Aug. 59; Sup. Amdt. No. Orig.; Dated, 11 Feb. 56

Abram* Int or 4 mi radar fix	VOR	012—4.0	**1000	T-dn	300-1	300-1	200-½
				C-dn**	400-1	500-1	500-1½
				S-dn-35**	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition altitude within 20 mi radius of radar site 2000′ MSL. Radar control must provide 3 mi or 1000′ vertical separation; or 3 to 5 mi and 500′ vertical separation from radio towers: 2349′ MSL 15 mi SSE. 1743′ MSL 12 mi WSW, 1221′ MSL 6 mi N.
Procedure turn #W side of crs, 192° Outbnd, 012° Inbnd, 2000′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, **1000′.
Crs and distance, breakoff point to approach end of Rnwy 35, 350°—.092 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing VOR, turn left, climbing to 2000′ on ACF R-310 within 20 mi or, when directed by ATC, turn left, climb to 2000′ to Hurst Int via ADS R-230.
*Int ACF VOR R-192 and DAL VOR R-226.
**If Abram Int of 4 mile radar fix not received, descent below 1200′ NA and ceiling minimum is 600′.
#Procedure turn nonstandard due obstruction.

City, Fort Worth; State, Tex.; Airport Name, Amon Carter; Elev., 568′; Fac. Class, VORTAC; Ident., ACF; Procedure No. TerVOR-35, Amdt. 2; Eff. Date, 29 Aug. 59; Sup. Amdt. No. 1; Dated, 20 June 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Transition							
LaGuardia LFR	IDL-VOR	Direct	1500	T-dn	300-1	300-1	200-½
Elmont FM	IDL-VOR (Final)	Direct	1000	C-dn	600-1	600-1	600-1½
Mitchel LFR	IDL-VOR	Direct	1500	S-dn-22R	600-1	600-1	600-1
Glen Cove MHW	IDL-VOR	Direct	1500	A-dn	800-2	800-2	800-2
Scotland MHW	IDL-VOR	Direct	1500				

Terminal Area Radar Transition Altitudes: All directions 2500′ within 25 miles; E of the NE-SW crs of the LaGuardia LFR, 1500′ within 15 miles.
Procedure turn # E side of crs, 034° Outbnd, 214° Inbnd, 1500′ within 10 miles.
Minimum altitude over Elmont FM on final approach crs, 1000′; over VOR, 600′.
Crs and distance, Elmont FM to VOR, 214°—5.9 mi.
Crs and distance, breakoff point to app end rny 22, 223—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, climb to 1500′ on R-223 and proceed to Scotland Int. Contact Idlewild Approach Control.
#Procedure turn conducted E to avoid LaGuardia traffic.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class, VOR; Ident., IDL; Procedure No. TerVOR-22, Amdt. 5; Eff. Date, 29 Aug. 59; Sup. Amdt. No. 4; Dated, 11 May 57

Decoto Int	Fremont FM HW	Direct	4000	T-dn	300-1	300-1	#300-½
SFO Gap RBn	Fremont FM HW	Direct	4000	C-dn	500-1	600-1	600-1½
Bay Point FM	Fremont FM HW	Direct	6000	A-dn	800-2	800-2	800-2
Richmond Int	Fremont FM HW	Direct	4000				
OAK LFR	Fremont FM HW	Direct	4000				
Fremont FM HW	Mt. Eden Int (Final)	300°—6.0	1900				
Mt. Eden Int*	OAK VORTAC	300°—7.0	500				
OAK VORTAC	Fremont FM HW	Direct	4000				

Standard procedure turn NA. All maneuvering and descent shall be accomplished in the Fremont** FM-HW LFR holding pattern. Minimum altitude 4000′. Descend to 3500′ authorized to cross Fremont FM-HW on final approach crs Inbnd.
Minimum altitude over facility on final approach crs, 500′%. Descent to airport minimums authorized after passing Mt. Eden Int.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, climb to 2000′ in a one-minute right turn holding pattern on R-300 (120° Inbnd, 300° Outbnd). All turns West side of crs.
NOTES: Missed or discontinued approach must not cross OAK VORTAC above 1500′. ADF and VOR, or dual VOR equipment required for this procedure.
#300-1 required for takeoff on Rnwy 33.
*Int OAK VORTAC R-120 and 047° brng to Hayward RBn, or Int o OAK VORTAC R-120 and SFO TVOR R-066.
**Fremont FM/HW or Int of OAK VORTAC R-120 and SFO TVOR R-083.
%600′ required for aircraft with stall speed more than 65 knots.

City, Oakland; State, Calif.; Airport Name, Met. Oakland Int'l; Elev. 5′; Fac. Class, H-BVORTAC; Ident, OAK; Procedure No. TerVOR (R-120), Amdt. 2; Eff. Date, 29 Aug. 59; Sup. Amdt. No. 1; Dated, 25 July 59

PROCEDURE CANCELLED, EFFECTIVE 8 AUGUST 1959. SUPERSEDED BY VOR-ARD PROC. NO. 1, ORIG., EFFEC. 8 AUGUST 1959.

City, Trenton; State, N.J.; Airport Name, Mercer County; Elev., 213′; Fac. Class, VOR; Ident., TTN Procedure No. TevVOR-6, Amdt. 1; Eff. Date, 11 May 57; Sup. Amdt. No. Orig.; Dated, 17 Dec. 55

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Transition							
Norris Int	VOR	Direct	3000	T-dn	500-1	500-1	400-1
Rutledge Int	VOR	Direct	3500	C-dn	600-1	600-1	600-1½
Piedmont Int	VOR	Direct	3000	S-dn-22R	600-1	600-1	600-1
Rasar Int	VOR	Direct	5000	A-dn	800-2	800-2	800-2
Tal assee Int	VOR	Direct	4500				
Loudon Int	VOR	Direct	3000				
Clinton Int	VOR	Direct	4000				

Radar Terminal Area Transition Altitudes: 0-360° within 5 mi, 2500′; 091°-179° within 10 mi, 4000′; 180°-090° within 10 mi, 2500′; 158°-205° within 17 mi, 5000′; 355°-070° within 17 mi, 3000′; 205°-270° within 24 mi, 2500′, 355°-070° within 25 mi, 3100′.
All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise.
Procedure turn East side of crs, 045° Outbnd, 225° Inbnd, 3000′ within 10 mi.
Minimum altitude on final approach crs until passing TYS-VOR R-135, 3000′.
Crs and distance, TYS R-135 to Rny 22R, 225°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 4000′ on SW crs ILS to LOM or, when directed by ATC, turn right, climb to 3000′ on TYS VOR R-248 to Loudon Int.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class, ILS; Ident., TYS; Procedure No. ILS-22R, Amdt. Orig.; Eff. Date, 29 Aug. 59

PROCEDURE CANCELLED, EFFECTIVE 1 AUGUST 1959, DUE TO REMOVAL OF ILS FOR RELOCATION.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class, ILS; Ident, IWY; Procedure No. 2, Amdt. 2; Eff. Date, 11 May 57; Sup. Amdt. No. 1; Dated, 2 Mar. 57

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 24, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6248; Filed, Aug. 10, 1959; 9:29 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on July 3, 1959 (24 F.R. 5421). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendment requires as a condition to performing inspection service on egg products which are produced in nonofficial plants that laboratory analyses are to be made in addition to the organoleptic examination. Minor changes are made in the processing requirements for certain blends of egg products; recording thermometers are not required on egg driers; and the official identification and rejection of application provisions are modified. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective thirty (30) days after publication in the FEDERAL REGISTER.

The amendment is as follows:

§ 55.2 [Amendment]

1. Add a new paragraph (dd) to § 55.2 to read:

(dd) "Stabilization" means the subjection of any egg product to a desugaring process.

2. Change § 55.24 to read:

§ 55.24 When application may be rejected.

Any application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 55.23(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

3. Change § 55.36 to read:

§ 55.36 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purposes of § 55.2a.

(b) The inspection mark which is permitted to be used on egg products, other than those prepared in accordance with §§ 55.39 and 55.40, shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except that the lot number may be applied to the container other than within the inspection mark, and in such instances the inspection mark shall be in the form and design as indicated in Figure 3 of this section. The plant number may be applied to the container other than within the inspection mark.

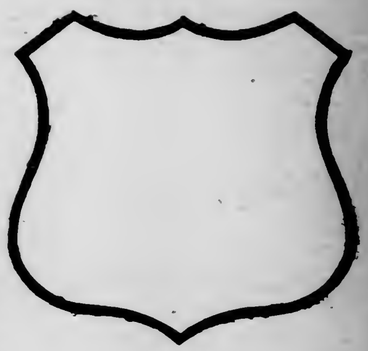


FIGURE 1.



FIGURE 2.



FIGURE 3.

4. Change § 55.41 to read:

§ 55.41 Products not eligible for official identification.

Egg products which are prepared in nonofficial plants shall not be officially identified. However, such products may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of

the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Frozen whole eggs will be drilled and examined organoleptically and if the product appears to be satisfactory, samples will be taken for laboratory analyses. The samples will be examined for direct microscopic count and the presence of acetic acid. Frozen whole eggs shall be considered unsatisfactory if they have a direct microscopic bacteria count of 5 million or more per gram of frozen whole egg; or contain acetic acid in any measurable quantity.

§ 55.79 [Amendment]

5. Add a new subdivision (vii) to paragraph (g) (4) of § 55.79 to read:

(vii) Any eggs that are adulterated as such term is defined pursuant to the Federal Food. Drug and Cosmetic Act.

§ 55.85 [Amendment]

6. Change paragraph (d) of § 55.85 to read:

(d) Egg products containing 32 percent or more egg solids, to which 10 percent salt has been added, may be accumulated up to 3 hours at a temperature not exceeding 60° F., for the purpose of equalizing salt, fat and color, provided that immediately thereafter, the product is packaged and placed in a freezer. All other liquid egg held for shipment in liquid form for drying, stablization or pasteurization, or which is not moved directly into a freezer shall be cooled to 45° F. within 1½ hours from the time of breaking and maintained at temperatures not exceeding 45° F. until loaded for shipment, or until stabilizing or pasteurizing operations are begun, or until frozen or dried, or delivered to the consumer. Such liquid eggs, if to be held for more than 8 hours, shall be reduced to a temperature of less than 40° F. within 1½ hours from time of breaking and held at that temperature or less until stabilizing or pasteurizing operations are begun, or until dried, or frozen, or delivered to the consumer.

§ 55.91 [Amendment]

7. Change paragraph (c) of § 55.91 to read:

(c) Driers shall be equipped with approved air intake filters.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74)

Issued at Washington, D.C. this 6th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-6594; Filed, Aug. 10, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Establishment of Free, Restricted, and Withholding Percentages for 1959–60 Crop Year

Notice was published in the July 25, 1959, issue of the FEDERAL REGISTER (24 F.R. 5968) that consideration was being given to a proposal to establish for the 1959–60 crop year beginning August 1, 1959, free, restricted, and withholding percentages for marketable dates of the Deglet Noor, Zahidi, and Khadrawy varieties. The establishment of such percentages is in accordance with the applicable provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California. The said marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The percentages proposed in the notice were recommended by the Date Administrative Committee, established under the marketing agreement and order.

In said notice, interested persons were afforded the opportunity to file with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, written data, views, or arguments with respect to the proposal. No such comment was received within the prescribed time.

After consideration of all relevant matters presented pertaining to the proposal, including the information and recommendation of the Date Administrative Committee, the aforesaid notice and other available information, it is hereby found that to establish as the free percentages, restricted percentages, and withholding percentages those proposed in the aforesaid notice will tend to effectuate the declared policy of the aforesaid act.

Therefore, it is ordered, That the free, restricted, and withholding percentages of marketable dates for the 1959–60 crop year are hereby established as follows:

§ 1003.207 Free, restricted, and withholding percentages.

The free percentage, restricted percentage, and withholding percentage of marketable dates for each variety shall be, for the crop year beginning August 1, 1959, and ending July 31, 1960, as follows: (a) Deglet Noor variety dates: Free percentage, 73 percent; restricted percentage, 27 percent; and withholding percentage, 37 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The 1959–60 crop year began on August 1, 1959, and the aforesaid percentages are applicable, as required by the amended marketing agreement and order, to all dates subject to volume regulation on and after that date; (2) since the free, restricted, and withholding percentages established for the 1958–59 crop year for the Deglet Noor variety of dates continue to apply in the 1959–60 crop year until the percentages for such crop year, which are hereby established at different levels, become effective, it is necessary that the percentages for the 1959–60 crop year become effective as soon as possible so as to minimize adjustments; and (3) handlers are aware that the percentages hereby established were proposed for the 1959–60 crop year and they need no additional advance notice for compliance under this regulation. In these circumstances, this regulation should be made effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1959, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6614; Filed, Aug. 10, 1959; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

National Board for Promotion of Rifle Practice and Office of Director of Civilian Marksmanship

Section 543.4 is revised to read as follows:

§ 543.4 National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship.

(a) *General.* Title 10, United States Code, sections 4307 through 4313, imposes an obligation upon the Secretary of the Army to promote marksmanship training with military-type individual small arms among able-bodied citizens of the United States and within the limits of available funds to provide citizens outside the active services of the Armed Forces of the United States with means whereby they may become proficient in the use of such arms. This obligation is fulfilled on behalf of the Secretary of the Army by the National Board for the Promotion of Rifle Practice (NBPRP) and its implementing agency, the Office of the Director of Civilian Marksmanship. The Assistant Secretary of the Army (Financial Management) is presently required by the Secretary of the Army to be president of the Board and in that capacity acts for the Secretary of the Army concerning the activities relating to the program of the Board, including approval of expenditures by the Board.

(b) *Mission.* Under the authority set forth in paragraph (a) of this section, the principal mission of the National Board for the Promotion of Rifle Practice is to promote among able-bodied citizens not reached through training programs of the active components of the Armed Forces of the United States, practice in the use of military-type individual small arms; to promote matches and competitions in the use of such arms; and to issue in connection therewith necessary arms, ammunition, targets, and other necessary supplies and appliances; and to procure and award to winning competitors trophies, medals, badges, and other insignia. In the execution of this mission the Board is charged with encouraging and supporting small arms target practice throughout the United States and the Commonwealth of Puerto Rico, for the purpose of training the citizenry in the use of military-type individual small arms, particularly to the end that those individuals who may be called upon to serve in time of war will be qualified as finished instructors and marksmen, and to create a public sentiment which emphasizes the necessity of marksmanship training with military-type individual small arms as a means of national defense.

(c) *Composition.* The National Board for the Promotion of Rifle Practice will consist of not less than 21 members or more than 25 members, to be appointed by the Secretary of the Army from time to time, from the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Reserve components of the Armed Forces of the United States, the National Rifle Association of America, the Selective Service System, and the country at large.

(d) *Members to serve without compensation.* Members will serve without compensation as such, other than reimbursement of necessary authorized expenses.

(e) *Executive committee.* (1) An executive committee consisting of not less than three members of the Board will be appointed by the president at the first meeting of the Board each year. This committee will serve for 1 year. The representative of the Deputy Chief of Staff for Military Operations, Department of the Army, on the board, normally will be chairman of the committee.

(2) The committee will, during such times as the Board is not in session, act for the Board on all matters referred to it and its action, when approved by the president, will become binding on the Board.

(f) *Budget committee.* (1) A budget committee consisting of not less than three members of the Board will be appointed by the president at the first meeting each year.

(2) The committee will advise the executive officer in the preparation and defense of budget requests for "National Board for the Promotion of Rifle Practice, Army", and as otherwise required concerning budgetry matters pertaining to activities of the National Board for the Promotion of Rifle Practice.

(g) *Expenditure projects.* Expenditures of funds will be made only in accordance with expenditure projects prepared by the executive officer with the advice of the budget committee in accordance with law and regulations and approved by the president.

(h) *Executive officer.* (1) The executive officer normally will be a commissioned officer of the Army selected by the president.

(2) He will be recorder of the Board and, under the direction of the president, will:

(i) Conduct its detailed business;

(ii) Make all contracts and agreements covering the expenditure of public funds, in accordance with law and regulations;

(iii) With advice of the budget committee of the Board, prepare and defend the annual requests of the Board for appropriations which are necessary to accomplish the duties charged to the Board; appear before Budget Advisory Committee of the Army; Comptroller, Department of Defense; Bureau of the Budget, and Congressional Committees on Appropriations:

(iv) Make recommendations to the president of the Board relative to policies of the Board;

(v) Act as Chairman of the National Match Fund Council;

(vi) Arrange for award of trophies and medals in marksmanship competitions sponsored by the Board; and

(vii) Coordinate National Match planning.

(i) *Logistical support.* The Active Army will provide, within the limits of available funds, logistical support for this program through supply and service activities and Department of the Army stocks in accordance with availability and the established supply and pricing policy. This program is funded for through separate appropriations, the budget estimates for which are prepared by the National Board for the Promotion of Rifle Practice.

(j) *Meetings.* The Board will hold two meetings annually for the transaction of such business as may properly come before it. These meetings will be held at such times and places as may be directed by the president of the Board.

(k) *Government of the Board.* (1) Robert's Rules of Order will be authority for the governing and regulating of all meetings of the NBPRP.

(2) Proxies will not be allowed in either meetings of the Board or meetings of regularly appointed committees of the Board.

(3) The president of the Board and the Executive Officer will be ex-officio members of all committees of the Board.

(4) In the absence of the president of the Board from a meeting, a chairman pro tem will be elected from those members present to serve for that session only.

(l) *Director of Civilian Marksmanship.* (1) Title 10, United States Code, section 4307, authorizes the President to detail an officer of the Army or Marine Corps as Director of Civilian Marksmanship (DCM). The Office of the Director of Civilian Marksmanship is the implementing agency for the National Board for the Promotion of Rifle Practice. The DCM is responsible for implementing the policies established by the Board as approved by the president for the Secretary of the Army. The executive officer of the NBPRP may also be the Director of Civilian Marksmanship.

(2) Under the direction of the NBPRP, and as provided in pertinent Department of the Army regulations, the Director of Civilian Marksmanship is responsible for:

(i) Initiating, developing, coordinating, and recommending appropriate actions on matters pertaining to:

(*a*) Organization of civilian rifle clubs;

(*b*) Procedure and policy governing the enrollment of civilian clubs and schools in the civilian marksmanship program fostered by the NBPRP and implemented by the DCM.

(*c*) Policies and procedures governing the issue or sale to civilians of rifles, ammunition, targets, and other supplies and materials required in the conduct of small arms marksmanship training;

(*d*) Bonding of clubs and schools to which Government property is issued on a loan basis;

(*e*) Proper accountability of property issued to civilian rifle clubs and schools;

(*f*) Policies and procedures governing award of marksmanship qualification badges, medals, trophies, provided by the NBPRP in execution of the programs of marksmanship training and competitions fostered by the Board; and

(*g*) Requests of schools and authorized civilian organizations to use Government-owned rifle ranges at military installations throughout the United States.

(ii) Conducting a continuing review of major policies of the NBPRP as related to those of the National Rifle Association (NRA), to insure proper corelation between the two organizations on matters pertaining to nationwide civilian marksmanship training program fostered by the NBPRP and executed in collaboration with the NRA.

[AR 920–15, July 16, 1959] (Sec. 4308, 70A Stat. 236, 10 U.S.C. 4308)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6577; Filed, Aug. 10, 1959; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Revision of Part

Scope and purpose. Part 725 is revised to substitute the pertinent contents of the Disability Separation Manual as recently promulgated by the Secretary of the Navy for the old text of the part which was based on Chapter IX of the 1955 Naval Supplement to the Manual for Courts-Martial. Chapter IX was canceled with the promulgation of the new Disability Separation Manual.

1. Part 725 is revised to read as follows:

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Sec.

Sec.
725.101 Background.
725.102 Purpose.
725.103 Policy.

Subpart B—Definitions and Interpretations

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725.202 Secretary.
725.203 Member.
725.204 Officer.
725.205 Commissioned officer.
725.206 Warrant officer.
725.207 Enlisted member.
725.208 Grade.
725.209 Rank.
725.210 Rating.
725.211 Reserve component.
725.212 Party.
725.213 Physical disability.
725.214 Accepted medical principles.
725.215 Unfit because of physical disability.
725.216 Incurred while entitled to receive basic pay.
725.217 Intentional misconduct or willful neglect.
725.218 Unauthorized absence.
725.219 Line of duty.
725.220 Aggravation by service.
725.221 Proximate result of performance of active duty.
725.222 Permanent nature of disability.
725.223 Reasonable doubt.
725.224 Active duty.
725.225 Active duty for a period of more than 30 days.
725.226 Inactive duty training.
725.227 Recommendations not considered substantially detrimental.
725.228 Presumptions.
725.229 Areas of responsibility.

Subpart C—Medical Boards

725.301 Purpose.
725.302 Convening authority.
725.303 Composition.
725.304 Procedure.
725.305 Report.
725.306 Indicated disposition.
725.307 Disposition of report.
725.308 Action by convening authority.
725.309 Cases involving discipline.
725.310 Requests for medical records.

Subpart D—Physical Evaluation Boards

725.401 Function.
725.402 Convening authorities.
725.403 Appointment of boards.
725.404 Jurisdiction of boards.
725.405 Composition.
725.406 Limitations on medical members.
725.407 Limitations on nonmedical members.
725.408 Counsel for the physical evaluation board.
725.409 Counsel for the party.
725.410 Orders for appearance.
725.411 Senior member, duties and responsibilities.
725.412 Members in general, duties and responsibilities.
725.413 Counsel for the board, duties and responsibilities.
725.414 Counsel for the party, duties and responsibilities.
725.415 Board reporter, interpreter, and orderly.
725.416 Proceedings.
725.417 Personal appearance.
725.418 Modified procedure.
725.419 Prima facie findings and statement of acceptance.
725.420 Challenges.
725.421 Full and fair hearing.
725.422 Mentally incompetent party.
725.423 Evidence.
725.424 Recommended findings
725.425 Recommended findings, members on active duty for more than 30 days other than for training under 10 U.S. Code 270(b).
725.426 Recommended findings, members on active duty for 30 days or less or on training duty under 10 U.S. Code 270(b).
725.427 Recommended findings, inactive duty training cases.
725.428 Recommended findings, cases arising under 10 U.S. Code 1004.
725.429 Recommended findings, cases arising under 10 U.S. Code 6331.
725.430 Recommended findings, reevaluation of members on temporary disability retired list.
725.431 Recommended findings, retired member on active duty.
725.432 Miscellaneous cases.
725.433 Minority report.
725.434 Action prior to final adjournment.
725.435 Rebuttal.
725.436 Preparation and authentication of proceedings.
725.437 Forwarding of record of proceedings.
725.438 Proceedings in revision and new hearings.
725.439 Action subsequent to forwarding the record.
725.440 Processing time.

Subpart E—The Physical Review Council

725.501 Convening authority.
725.502 Composition.
725.503 Jurisdiction.
725.504 Function.
725.505 Duties of chairman.
725.506 General instructions.
725.507 Rebuttals.
725.508 Preparation and authentication of records.
725.509 Procedure in Servicemen's Readjustment Act cases.
725.510 Action on reports of periodic physical examination of parties on the temporary disability retired list.
725.511 Action when party fails to report for final scheduled periodic physical examination.

Subpart F—Naval Physical Disability Review Board

725.601 Convening authority.
725.602 Function and jurisdiction.
725.603 Composition.
725.604 Qualifications.
725.605 President.
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725.607 Seniority.
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725.616 Continuances.
725.617 Findings or opinion and decision or recommendation.
725.618 Review of Naval Retiring Board action.
725.619 Disability which existed at the time of appointment.
725.620 Review of board of medical survey action.
725.621 Review of naval physical evaluation board action.
725.622 Minority opinions, findings, recommendations or decisons.
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Subpart G—Final Action and Relief From Final Action

725.701 Action by the Judge Advocate General.
725.702 Action by the Secretary of the Navy.
725.703 Effective date of retirement.
725.704 Retirement for other reasons.
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Subpart H—Physically Restricted Personnel

725.801 General considerations.
725.802 Primary objective.
725.803 Procedures.
725.804 Disposition of physically restricted members.

Subpart I—Disposition of Members Whose Names Are Carried on the Temporary Disability Retired List

725.901 Periodic physical examination.
725.902 Termination of temporary disability retirement.
725.903 Appointment, reappointment, enlistment, or reenlistment.
725.904 Regular officer.
725.905 Regular enlisted member.
725.906 Reserve officer or enlisted member.
725.907 Disposition when member does not consent to reappointment or reenlistment.

AUTHORITY: §§ 725.101 to 725.907 issued under sec. 6011, 70A Stat. 375; 10 U.S.C. 6011. Interpret or apply sec. 15, 56 Stat. 367, as amended, sec. 104, 68A Stat. 30, secs. 266, 270, 1004, 1163, 1201–1221, 1372, 1373, 1554, 6148, 6331, 6485, 70A Stat. 11, 79, 89, 91–100, 103, 383, 397, 417 as amended; 37 U.S.C. 115, 26 U.S.C. 104, 10 U.S.C. 266, 270, 1004, 1163, 1201–1221, 1372, 1373, 1554, 6148, 6331, 6485.

Subpart A—Background, Purpose and Policy

§ 725.101 Background.

Disability retirement pay and severance pay provided by 10 U.S.C. Chapter 61 are benefits provided for members who, if otherwise qualified, become unfit to perform duty because of physical disability while on active duty, or inactive duty training. Such benefits are not provided for members or former members of the military services who after discharge or release from active duty or inactive duty training may become unfit to perform their duties because of physical disability even though the origin of the disability may be related to a period of active duty or inactive duty training. Individuals who, during active service, incur disabilities which impair their earning capacity for civil occupations but do not preclude performance of full military duties may be eligible for compensation under laws administered by the Veterans Administration even though they do not qualify for disability retirement or severance pay.

§ 725.102 Purpose.

The purpose of these regulations is to prescribe the administrative procedures and policies to be followed in implementing laws pertaining to discharge or retirement of members from the naval service by reason of physical disability.

§ 725.103 Policy.

(a) It is the policy of the Navy Department that laws pertaining to physical disability retirement or separation be administered fairly, equitably, and with due regard for the interest of both the individual and the Government. Although these laws should be so administered as to protect the U.S. Government from assuming unwarranted responsibility for payment of disability and retirement benefits, reasonable doubt as to the entitlement of a member to such benefits will be resolved in favor of the individual.

(b) The fact that a member is determined to be unfit for duty while on active duty is not sufficient to entitle him to disability retirement or severance pay. There must be a medical conclusion that this unfitness is due to a disability incurred while entitled to receive basic pay. The fact that such member was accepted physically for active duty is not conclusive that the disability was incurred after such acceptance. It is one piece of evidence to be considered with all of the medical evidence. In addition to and in conjunction with all pertinent medical evidence, due consideration and weight must be given to accepted medical principles authenticated by medical authorities in arriving at a final determination of this medical conclusion. It is not proper to exclude such accepted medical principles in making the aforesaid determinations even in cases where there is no other evidence that the disability existed prior to entrance upon active duty.

(c) The foregoing does not apply to policies with respect to aggravation of a disability, when such disability was incurred prior to entry on active duty. In applying the policies with respect to aggravation, however, due consideration will be given to the length of service particularly where the period is in excess of eight years of active duty.

Subpart B—Definitions and Interpretations

§ 725.201 Definitions.

For the purpose of this part the definitions and interpretations set forth in this subpart will apply.

§ 725.202 Secretary.

"Secretary," unless otherwise qualified, refers to the Secretary of the Navy.

§ 725.203 Member.

"Member," unless otherwise qualified, means a commissioned officer, commissioned warrant officer, warrant officer and enlisted person including a retired person of the naval service. The words "retired person" include members of the Fleet Reserve and Fleet Marine Corps Reserve who are in receipt of retainer pay. Midshipmen of the Navy are not members.

§ 725.204 Officer.

"Officer" means a commissioned or warrant officer.

§ 725.205 Commissioned officer.

"Commissioned officer" is a member of the naval service having the grade of commissioned warrant officer or above.

§ 725.206 Warrant officer.

"Warrant officer" is a member who holds a commission or a warrant in a warrant officer grade.

§ 725.207 Enlisted member.

"Enlisted member" is a person in an enlisted grade.

§ 725.208 Grade.

"Grade" is a step or degree in a graduated scale of office or military rank that is established and designated as a grade by law or regulation.

§ 725.209 Rank.

"Rank" is the order of precedence among members of the armed forces.

§ 725.210 Rating.

"Rating" is the name (such as Boatswain's Mate) prescribed for enlisted members of the naval service in an occupational field.

§ 725.211 Reserve component.

"Reserve component" means either the U.S. Naval Reserve or the U.S. Marine Corps Reserve.

§ 725.212 Party.

"Party" means the individual whose case is being considered.

§ 725.213 Physical disability.

(a) "Physical disability" is any manifest or latent impairment of function due to disease or injury regardless of the degree of impairment. The term physical disability does not include such inherent defects as behavior disorders, personality disorders, primary mental deficiency, congenital or developmental defects, or developmental refractive errors of the eye.

(b) Impairment of function is any lessening or weakening of the capacity of the body or any of its parts to perform that which is considered by accepted medical principles to be the normal activity in the bodily economy.

(c) Manifest impairment is that which is accompanied by signs and/or symptoms.

(d) Latent impairment is that which is not accompanied by signs and/or symptoms but which is of such a nature that there is reasonable and moral certainty according to accepted medical principles that signs and/or symptoms will appear within a reasonable period of time.

§ 725.214 Accepted medical principles.

"Accepted medical principles" are fundamental deductions consistent with medical facts and based upon the observation of a large number of cases. To constitute an accepted medical principle the deduction must be so reasonable and logical as to create a moral certainty that it is correct.

§ 725.215 Unfit because of physical disability.

(a) A member is unfit because of physical disability when he is unable, because of physical disability, to perform the duties of his office, rank, grade or rating in such a manner as to reasonably fulfill the purpose of his employment on the active list.

(b) A party before a physical evaluation board is presumed fit and physically qualified to perform the duties of his office, rank, grade, or rating. However, a party who has either a manifest or latent impairment which is likely to render him unfit because of physical disability in the near future is unfit even though he may be physically capable of performing all of his duties at the moment. Conversely, a member convalescing from an illness or injury and who is likely to recover to a degree which would permit him to perform all of his duties in the near future is to be considered fit for duty.

(c) The mere presence of physical disability or of a disability ratable in terms of the Veterans Administration Schedule for Rating Disabilities, or the fact that the party concerned is currently on the sick list or hospitalized, does not require a finding of unfitness for duty.

(d) In determining whether a party who has a physical disability is fit for duty or unfit because of physical disability, it is necessary to correlate the nature and degree of functional impairment with the requirements of the duties to which the member may be assigned in the rank, grade or rating in which serving.

(e) Among the factors which shall not be considered and which have no bearing upon this determination are the member's ability or inability to meet physical standards for enlistment or appointment; the fact that the party's service is being terminated because of expiration of enlistment, discharge for other reasons, voluntary or involuntary retirement, or release to inactive duty; the needs of the service for his special skills; physical fitness for specialized duty such as duty involving flying or duty aboard submarines; or physical fitness for transfer to a different component or category within the naval service.

§ 725.216 Incurred while entitled to receive basic pay.

(a) "Incurred" refers to the date or time when a disease or injury is contracted or suffered as distinguished from a later date when it is determined that, by reason of such disease or injury, a member has become unfit to perform his duties. Physical disability due to the natural progress of disease or injury is "incurred" when the disease or injury causing the disability is contracted. Increase in physical disability during service in excess of that due to natural progress of the disease or injury is considered due to aggravation by service and as such is "incurred" when the disease or injury is aggravated. "While entitled to receive basic pay" encompasses all types of duty which entitle the party concerned to

receive active duty pay, and any duty without pay which, by law, may be counted the same as like duty with pay. This definition shall not be construed to entitle any party not on active duty, who at the time of his separation from active duty was considered physically fit for duty, to benefits under Chapter 61, 10 U.S. Code by reason of an increase in disability occurring while the party is not entitled to receive basic pay.

(b) Every person employed in active service shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to physical disabilities noted at time of the examination, acceptance, and enrollment, or where clear and convincing evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such service. Only those physical disabilities recorded at the time of the examination are to be considered as noted. A mere history of preservice existence of a physical disability recorded at the time of examination for acceptance does not constitute a notation but will be considered together with all other material evidence in determinations as to the incurrence of such physical disabilities.

(c) "Clear and convincing" means obvious or manifest. Accordingly, evidence which makes it obvious or manifest that the injury or disease under consideration existed prior to acceptance and enrollment for service will satisfy this requirement.

(d) Determinations concerning the inception of injury or disease not noted should not be based on medical judgment alone as distinguished from accepted medical principles or on history alone, without regard to clinical factors pertinent to the basic character, origin and development of such injury or disease. This determination should be based on a thorough analysis of the entire evidentiary showing in the individual case and a careful correlation of all material facts with due regard to accepted medical principles pertaining to the history, manifestations, clinical course, and character of such injury or disease. History conforming to accepted medical principles pertaining to such injury or disease should be given due consideration, in conjunction with basic clinical data concerning the manifestation, development, and nature of such injury or disease, and accorded probative value consistent with accepted medical and evidentiary principles in relation to other competent evidence in each case. All material evidence relating to the incurrence, symptoms, and course of the injury or disease, including official and other records made prior to and during service, together with all other lay and medical evidence concerning the inception, development, and manifestations of such injury or disease, should be taken into full account.

(e) There are certain medical principles so well and universally recognized as definitely to constitute fact, and when in accordance with these principles, existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, fibrosis of the lungs, atrophy following disease of the central or peripheral nervous system, healed fractures, absent, displaced, or resected parts of organs, supernumerary parts, congenital malformations, with no evidence of the pertinent antecedent active injury or disease during service, the established facts are so convincing as to impel the conclusion that the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and convincing proof that the disease existed prior to entrance into active service. Conditions of infectious origin are to be considered with regard to the circumstances of infection and the incubation period. Manifestation of disease within less than the minimum incubation period after enlistment will be accepted as showing inception prior to service. In neuropsychiatric conditions, situational reactions, characteristic of a life pattern indicating psychopathic personality, chronic psychoneurosis of long standing, or other neuropsychiatric symptoms shown to have existed prior to service with manifestations during service, which are the basis of the diagnosis in service, may be considered in determining whether preexisting neuropsychiatric conditions exist. When the conclusion that the mental disorder of a psychotic party existed prior to service is based upon a past history of aberrant behavior related by the party, it is essential that the record show that the party had the capacity to recollect and narrate in a trustworthy manner and that the past history is reliable rather than a manifestation of his illness. When the ability of the party to recollect and narrate in a trustworthy manner is in doubt, there must be corroborative evidence.

§ 725.217 Intentional misconduct or willful neglect.

(a) Intentional misconduct and willful neglect are terms descriptive of misconduct. Misconduct is wrongful conduct. Simple or ordinary negligence or carelessness standing alone does not constitute misconduct. As a general rule, the fact that an act violates a law, regulation or order does not, of itself, constitute a basis for a determination of misconduct. In making these determinations physical evaluation boards should be apprised of the action taken by the Judge Advocate General whose decision as to misconduct is advisory but not necessarily binding on the board.

(b) Physical evaluation boards shall apply the following rules in making recommended findings concerning misconduct:

(1) In the absence of sufficient evidence to the contrary, it is presumed that injury or disease suffered by a person in the naval service was not the result of his misconduct. In order to overcome this presumption, there must be clear and convincing evidence that the injury or disease was either the proximate result of the person's misconduct or that it was incurred in the circumstances noted in subparagraph (6) of this paragraph.

(2) In order to support an opinion of misconduct, it must be found that the injury or disease:

(i) Was intentionally incurred, or resulted from such gross negligence as to demonstrate a reckless disregard of the consequences, and

(ii) Was either immediately caused by the act under consideration or set other events in motion, all constituting a natural and continuous chain of events, which caused the injury or disease, and

(iii) Was the reasonably foreseeable or the likely result of such act.

(3) If the disability is directly caused by an intervening event which was not reasonably foreseeable at the time the act of misconduct in question occurred, then the misconduct cannot be considered to be the cause of the disability.

(4) Simple or ordinary negligence or carelessness standing alone does not constitute misconduct.

(5) The fact that an act violates a law, regulation, or order does not, of itself, constitute a basis for a determination of misconduct.

(6) A finding of misconduct will normally be required independently of the above rules when injury occurs while the individual is engaged in the commission of a felony. For the purpose of this subparagraph a felony is defined as any offense punishable by death or imprisonment for a term exceeding one year.

(7) A presumption exists that all persons are mentally competent. If clear and convincing evidence exists that a person is mentally incompetent with respect to a given act, then he should not be held responsible for the results of that act. Any injury resulting from such an act is not considered to be the result of misconduct, unless the incompetency is shown to have resulted from his prior misconduct and was the proximate cause of the injury.

(8) Intentional self-inflicted injury, unaccompanied by a bona fide suicidal intent in the absence of a showing of mental irresponsibility, is deemed to be the result of the victim's own misconduct. However, in view of the strong human instinct of self-preservation, a bona fide suicide attempt is considered to be evidence of mental irresponsibility. Before the rules pertaining to suicide are applied, however, it must be established that the injury was the result of a suicidal act with the suicidal intent, and in cases of doubt, any other reasonable explanation of the injury should be adopted. When it is determined that the injury was the result of a bona fide suicide attempt, and when no reasonable and adequate motive therefor is supplied by the evidence, the suicidal act itself rebuts the presumption of sanity and a conclusion of mental irresponsibility is in order. When the evidence indicates that the suicidal act was motivated by a reason that might prompt a rational person to take his own life, the question of sanity will depend upon all of the evidence pertaining to the mental competence of the person at the time of the suicidal act.

(9) Miscellaneous cases:

(i) *Venereal disease.* Venereal disease of itself is not to be deemed due to misconduct if the person has complied with pertinent regulations requiring him to report and receive treatment for such disease.

(ii) *Surgical and medical treatment.* Disability shall be held to have been incurred as the result of misconduct if it resulted from an unreasonable refusal to submit to surgical or medical treatment.

(iii) *Intoxication.* Injury incurred as the proximate result of intoxication is considered to have occurred as the result of misconduct. In order for intoxication alone to be considered the basis for a determination of misconduct, there must be a clear showing that the person was intoxicated at the time of the injury and that the intoxication was a proximate cause thereof.

(iv) *Alcoholism and drugs.* Disability, either sickness or disease, which is directly attributable to the intemperate use of alcoholic liquor or habit forming drugs is the result of misconduct.

§ 725.218 Unauthorized absence.

"Unauthorized absence" is any absence from duty without authority, such as contemplated under the disciplinary laws applicable to the uniformed service concerned at the time of its commission.

§ 725.219 Line of duty.

(a) Disability proximately resulting from injury or disease suffered while in active service shall be considered to have been in line of duty unless the injury or disease is found to have been incurred:

(1) As the result of the person's misconduct, or

(2) While avoiding duty by deserting the service, or

(3) During a period of unauthorized absence, or

(4) While confined under sentence of court-martial which involved an unremitted dishonorable discharge, or

(5) While confined under sentence of civil court following conviction of a felony as defined by the laws of the jurisdiction where convicted.

(b) The presumptions and guides set forth in § 725.216(b) through (e) apply to the determinations of line of duty.

§ 725.220 Aggravation by service.

(a) Injury or disease noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its inception prior to service, will be conceded to have been aggravated when such disability underwent an increase in severity during the service unless such increase in severity is shown by clear and convincing evidence, including medical facts and principles, to have been due to the natural progress of the disease.

(b) Aggravation of a disability noted prior to service or shown by clear and convincing evidence, including accepted medical principles, to have had its origin prior to service may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to and during service.

(c) Sudden pathological developments involving preexisting diseases, such as hemoptysis, spontaneous pneumothorax, perforation of a duodenal ulcer, coronary occlusion or thrombosis, cardiac decompensation, cerebral hemorrhage, and active recurrent rheumatic fever occurring in service, establish aggravation unless it is shown by clear and convincing evidence that there was no increase in residual disability.

(d) Recurrences, acute episodes, symptomatic fluctuations, descriptive variations and diagnostic evaluations of a preservice injury or disease during service are not to be construed as establishing increase of disability in the absence of sudden pathological development or advancement of the basic chronic pathology during active service such as to establish increase of disability during service.

(e) The usual effects of medical and surgical treatment in service having the effect of ameliorating disease or other conditions incurred before entry into service, including postoperative scars, absent or poorly functioning parts or organs do not constitute aggravation unless the treatment was required to relieve disability which had been aggravated by service.

§ 725.221 Proximate result of performance of active duty.

(a) A disability is the proximate result of the performance of active duty when the performance of active duty, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the disability, and without which the result would not have occurred.

(b) In determining the question of proximate result, reasonable doubt shall be resolved in favor of the member. However, a mere possibility that a disability might have resulted from the performance of active duty is not sufficient to create a reasonable doubt and if no causal relation is shown to exist between the performance of active duty and the disability (considering the obligations and duties peculiar to the nature of military or naval service), the disability shall not be considered to be the proximate result of the performance of active duty. The mere fact that a disability is incurred coincident in time with the performance of active duty is not sufficient to warrant a determination that the disability is the proximate result of the performance of active duty.

(c) For a party who is on active duty for a period of more than 30 days (other than for training under 10 U.S. Code 270(b)), any disability incurred in line of duty while so serving in time of war or national emergency shall be considered to be the proximate result of the performance of active duty.

§ 725.222 Permanent nature of disability.

(a) Disability "may be of a permanent nature" when, based on medical experience in like cases, it is considered likely that the party concerned will recover to an extent which will permit him to perform duty commensurate with his rank, grade or rating within a five-year period from the date of retirement or separation for physical disability; or that within the five-year period the disability, if currently ratable at less than seventy-five percent in accordance with the Standard Schedule for Rating Disabilities in current use by the Veterans Administration, will change in degree; or that within the five-year period the disability, if currently ratable at seventy-five percent or more in accordance with such schedule, may fall below such percentage. Where none of the above contingencies is likely to occur, the disability is considered as disability which "is of a permanent nature."

(b) When the party has a disability which neither is nor may be permanent the board shall so state.

§ 725.223 Reasonable doubt.

By reasonable doubt is meant one which exists by reason of the fact that the evidence does not satisfactorily prove or disprove the claim, yet a substantial doubt, and one within the range of probability as distinguished from pure speculation or remote possibility. It is not a means of reconciling actual conflict or a contradiction in the evidence, and mere suspicion or doubt as to the truth of statements submitted as distinguished from impeachment or contradiction by evidence or known facts is not a justifiable basis for denying the applicaton of the reasonable doubt doctrine if the entire record otherwise warrants evoking this doctrine. When there is reasonable doubt whether a member is fit or unfit or as to the nature of the condition causing unfitness, these matters should be resolved on the basis of further clinical investigation and observation and such other evidence as may be adduced.

§ 725.224 Active duty.

"Active duty" is full time duty in the active military service of the United States. It includes duty on the active list, full time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

§ 725.225 Active duty for a period of more than 30 days.

"Active duty for a period of more than 30 days" is active duty under a call or order that does not specify a period of 30 days or less.

§ 725.226 Inactive duty training.

(a) "Inactive duty training" is:

(1) Duty prescribed for Reserves by the Secretary under 37 U.S. Code 301 or any other provision of law, or

(2) Special additional duties authorized for Reserves by an authority designated by the Secretary and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

(b) Inactive duty training does not include work or study performed in connection with correspondence courses.

§ 725.227 Recommendations not considered substantially detrimental.

Recommendations, final approval of which would defer action on a case for a stated or an indefinite period, or retire the party temporarily for physical disability in lieu of permanent retirement for physical disability or separation, or retire the party permanently for physical disability in lieu of separation, or separate him for physical disability with severance pay in lieu of separation without severance pay, shall not be considered as substantially or materially detrimental to the interests of the party.

§ 725.228 Presumptions.

(a) A presumption is an inference of the truth of any proposition or fact drawn by a process of probable reasoning in the absence of actual certainty of its truth, or until such certainty is established. Facts which are the subject of presumptions are assumed to be true without proof. Therefore, they are substitutes for evidence. A presumption will establish a fact unless there is clear and convincing evidence to the contrary. Evidence may be received which convinces the board that the presumed fact is not true in that case. Contrariwise, evidence may be received, the weight of which is not deemed sufficient to overcome the weight of the presumed facts. It is, therefore, the responsibility of the board to give due and careful consideration to both the presumptions and the evidence adduced in determining the true facts in each case.

(b) The following presumptions are applicable to cases before physical evaluation boards:

(1) It is presumed that every person employed in the active naval service was in sound condition when he entered the service except as noted to the contrary at the time of examination for such service. (See § 725.216(b).)

(2) Any increase during active service in the degree of a preservice disability is presumed to be due to aggravation as opposed to the natural progress of the disease or injury. (See § 725.220.)

(3) Injury or disease is presumed to be incurred in the line of duty. (See § 725.219.)

(4) Injury or disease suffered by a person in the naval service is presumed to be not the result of misconduct. (See § 725.217.)

(5) All persons are presumed to be mentally competent. (See § 725.217.)

(6) A person on active duty is presumed to be fit to perform the duties of his office, grade, rank, or rating.

§ 725.229 Areas of responsibility.

As used in Subpart E of this part, the terms, "Areas of responsibility," "technical specialty" and "Secretary's Advisor" shall be construed to refer to the duties and responsibilities and technical control aspects of the Commandant of the Marine Corps or the cognizant Bureau or Office as set forth in chapters 3 and 4, sections 3, 5, and 9, U.S. Navy Regulations.

Subpart C—Medical Boards

§ 725.301 Purpose.

Medical boards are constituted to report upon the present state of health of any member of the naval service who may be referred to the board by competent authority.

§ 725.302 Convening authority.

Medical boards may be convened by commanding officers of naval hospitals, by the Chief of Naval Personnel, the Commandant of the Marine Corps and the Surgeon General of the Navy. Referral of cases to a medical board shall be effected in such manner as a convening authority directs; however, no member shall be referred to a medical board until he has been admitted to the sick list.

§ 725.303 Composition.

Medical boards, whenever practicable, shall consist of three medical officers of the Navy. When three medical officers of the Navy are not available, the board may consist in whole, or in part, of medical officers of the Army, Navy, Air Force, or of the Public Health Service. In exceptional cases, as determined by the convening authority, medical boards may consist of a lesser number of medical officers. When the board is reporting upon conditions which normally fall within the professional jurisdiction of the Dental Department, the membership of the board shall include a dental officer if available.

§ 725.304 Procedure.

The board shall meet to consider and report upon the case of any member who is referred to it by competent authority for consideration. It shall require and examine such records in the case as are necessary to formulate a considered conclusion regarding the individual's present state of health. It shall conduct such examination of the member whose case is under consideration as is considered necessary, and shall afford him the opportunity to appear in person before the board, provided he is physically and mentally able to appear, and provided it is considered by competent medical authority that such appearance will not adversely affect his health. Except in those cases in which the information would adversely affect the member's health, the member concerned shall be advised of the board's decision as to indicated disposition and shall be afforded the opportunity to submit a rebuttal in writing.

§ 725.305 Report.

(a) The report of the medical board shall be submitted in letter form to the convening authority. The subject of the letter shall include the member's full name, rank, grade, or rate, and file or service number. The body of the report shall present a summary, in longitudinal form, of all pertinent data concerning each complaint, symptom, disease, injury, or disability presented by the member which causes or is alleged to cause impairment of health.

(b) Where no impairment exists the report shall so indicate.

(c) Wherever possible, impairment of function should be reported in terms of objective tests or findings rather than as opinion, conjecture, or speculation.

(d) The report must contain sufficient data to permit a reviewer to conclude whether the member suffers impairment of health, and if so to determine its nature and the degree of impairment. The discussion of each impairment should be presented in such manner as to show the limitation of activity imposed by the disability and the significance of subjective symptoms alleged to cause impairment. Such evidence is intended for use in rating disability in the event the member is later determined to be unfit for the duties of his grade, rank, or rate.

(e) The disability rating, which will be based in part on the data presented, is governed by the ability of the body as a whole, or of the psyche, or of a system or organ of the body, according to the general or localized effects of disease or injury, to function under the circumstances of ordinary activity in daily life including employment. The Manual for Medical Examiners of the Veterans Administration contains provisions indicating the scope of the report which is required for rating purposes.

(f) While the report must set forth an expert clinical appraisal of functional status, it shall not contain opinions as to existence or permanency of unfitness to perform the duties of the member's grade, rank, or rate, nor shall the report contain any opinion as to conduct or line-of-duty status of any impairment which the member presents; but all evidence bearing upon these questions shall be set forth completely.

§ 725.306 Indicated disposition.

(a) The indicated disposition in any case is either (1) appearance before a physical evaluation board or (2) return to duty. Appearance before a physical evaluation board is indicated when it appears possible the member may be unfit to perform his duties because of physical disability. Return to duty is indicated in all other cases.

(b) Whenever, in accordance with this instruction a naval aviator (Class I aviation personnel) appears before a medical board and the indicated disposition is return to duty, he shall be examined by a flight surgeon and a report of the flight physical examination shall be transmitted to the Bureau of Medicine and Surgery. Under these circumstances, the individual examined shall be retained on the sick list until the required flight examination is completed. If retaining such an individual on the sick list under the diagnosis which prompted the medical board to be held is statistically unjustified, the individual concerned will be retained on the sick list under the diagnosis "Examination, physical." When it is more practicable, such an individual may be transferred under the diagnosis "Examination, physical" to the nearest medical activity to which a flight surgeon is attached for the purpose of obtaining the required flight physical examination.

(c) Members who are physically fit, but militarily unfit to continue in service because of conditions which do not constitute physical disability should be reported upon by a board of medical survey in accordance with Chapter 18, Manual of the Medical Department, U.S. Navy.

(d) When appearance before a physical evaluation board is indicated by the board it shall express its opinion as to whether personal appearance of the member before such board would or would not be deleterious to the member's physical or mental health and whether disclosure to the member of information relative to the member's physical or mental condition would or would not adversely affect the member's physical or mental health.

§ 725.307 Disposition of report.

The report of the medical board shall be signed by all the members of the board and transmitted to the convening authority. The member should be advised of the indicated disposition except where such advice might be deleterious to his physical or mental health. When the member is informed as to the indicated disposition, the report should be accompanied by a statement signed by the member that he has been advised of the indicated disposition and that he either concurs or does not concur therein and his rebuttal, if any.

§ 725.308 Action by convening authority.

(a) If the indicated disposition is appearance before a physical evaluation board, and the convening authority concurs, he shall forward the report of the medical board, together with a photostatic or typed copy of the complete clinical record, to the nearest physical evaluation board. Orders shall not be issued for personal appearance before a physical evaluation board until, and unless, the physical evaluation board advises the convening authority that the member has requested personal appearance before the board. Also, orders for personal appearance shall not be issued in the case of mentally incompetent members. Mentally incompetent members shall be represented by qualified counsel before physical evaluation boards and shall not be processed under the modified procedure prescribed in subpart D.

(b) If and when the physical evaluation board advises the convening authority that the member has requested personal appearance before the physical evaluation board, he shall issue orders without delay directing the member to appear before the board. When such orders involve entitlement to travel and transportation allowance, they shall be issued in accordance with the current instructions relating thereto.

(c) If the indicated disposition is appearance before a physical evaluation board and the convening authority does not concur, he shall forward the report together with a full statement setting forth his reasons for nonconcurrence to the Chief of Naval Personnel or Commandant of the Marine Corps via the Chief, Bureau of Medicine and Surgery for determination as to disposition to be effected.

(d) When the indicated disposition is "return to duty" the report shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, by way of the Chief, Bureau of Medicine and Surgery, except in case the individual submits a statement in rebuttal in which he requests that his case be considered by a physical evaluation board, in which event the convening authority shall follow the procedure prescribed in paragraph (a) of this section.

(e) Members whose cases have been referred to a physical evaluation board pursuant to paragraph (a) of this section shall not be retained in naval hospitals solely for the purpose of awaiting action by or for appearance before a physical evaluation board. In the event further hospitalization is not indicated the member shall be discharged from the sick list and transferred to an appropriate administrative command in accordance with applicable departmental instructions. Whenever a member has been released from the hospital following appearance before a medical board which has indicated appearance before a physical evaluation board and subsequently information is received from the physical evaluation board that the member has requested personal appearance before the board, the convening authority of the medical board shall inform the administrative command that the member has requested personal appearance before the physical evaluation board. The administrative command shall issue the necessary orders for appearance before the physical evaluation board.

§ 725.309 Cases involving discipline.

When court-martial proceedings or investigative proceedings which might lead to court-martial are pending, indicated, or have been completed, and in cases of uncompleted sentences of courts-martial involving confinement, the report of the medical board, together with all pertinent facts relative to the disciplinary aspects of the case, shall be forwarded by the convening authority to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, via the Chief, Bureau of Medicine and Surgery, for such administrative action as is deemed warranted and no orders directing or authorizing the appearance of the individual before a physical evaluation board shall be issued by the convening authority.

§ 725.310 Requests for medical records.

As soon as it appears likely that a member will be considered for separation from the service by reason of physical disability, the commanding officer of the hospital concerned shall advise the Bureau of Medicine and Surgery (Code 3351) and request that the member's medical records be forwarded to the cognizant physical evaluation board. The Chief of Naval Personnel or the Commandant of the Marine Corps shall also be requested to forward a statement of service to the physical evaluation board.

Subpart D—Physical Evaluation Boards

§ 725.401 Function.

Physical evaluation boards are constituted to afford a full and fair hearing incident to evaluation of the physical fitness of certain members and former members of the naval service to perform the duties of their office, rank, grade or rating; to investigate the nature, cause, degree and probable permanency of disabilities presented by such parties and to make recommended findings appropriate thereto. No member of the naval service shall be separated or retired by reason of physical disability from an active duty status without a hearing before a physical evaluation board unless such hearing is waived by the member concerned. No member of the naval service shall be separated or retired by reason of physical disability from an inactive duty status without a hearing before a physical evaluation board if such member shall demand it.

§ 725.402 Convening authorities.

(a) The Secretary of the Navy and such officers as he may designate may convene physical evaluation boards. The following officers are hereby designated as empowered to convene such boards:

Chief of Naval Personnel.
Commandant of the Marine Corps.
Commandants of the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Eleventh, Twelfth and Thirteenth Naval Districts.
Commandant, Potomac River Naval Command.
Commandant, Marine Corps Schools, Quantico, Virginia.
Commanding Generals of Marine Base, Camp Lejeune, North Carolina, and Camp Pendleton, Oceanside, California.
Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina.
Commanding General, Department of the Pacific.

(b) No officer may appear as the party whose case is to be evaluated before a physical evaluation board which has been convened by him or any one temporarily succeeding to his office or by any one under him in the chain of command.

§ 725.403 Appointment of boards.

(a) Orders appointing physical evaluation boards shall:

(1) Cite the authority therefor;

(2) Designate the time and place of meeting; and

(3) List by name the regular members, counsel for the board, and counsel for the party;

(4) List by name the alternate members.

(b) Certified copies of such orders and amendatory orders shall be forwarded to the Judge Advocate General by the convening authority. The original orders appointing physical evaluation boards and originals of all amendatory orders shall be retained by the boards until cancelled. When cancelled they shall be forwarded to the Judge Advocate General by way of the convening authority.

(c) The medical member of the board shall be selected from medical officers specified for such duty either permanent

or alternate by the Surgeon General of the Navy.

(d) Counsel for the party shall be selected by the convening authority from officers of his command or those made available to him from other commands for this duty.

§ 725.404 Jurisdiction of boards.

A physical evaluation board shall have jurisdiction to act in any proper case referred to it by the Secretary of the Navy, the Chief of Naval Personnel, the Commandant of the Marine Corps, the Surgeon General of the Navy, the Physical Review Council, the Physical Disability Review Board, or any officer empowered to convene a medical board.

§ 725.405 Composition.

(a) A physical evaluation board will be composed of competent and mature officers of sound judgment who are familiar with board procedures and, in particular, with the regulations and instructions pertaining to physical evaluation boards. The board shall consist of three commissioned officers as members, one of whom shall be a medical officer and two of whom shall be nonmedical officers. There shall also be appointed a counsel for the board and a counsel for the party. The members of the board shall be of substantially comparable rank and experience. Under no circumstances will differences in rank or experience be permitted to inhibit or influence junior members in the expression of their opinions. Whenever practicable, at least a majority of the members of the board who act on a case shall be senior in rank to the party. In the absence of objection by the party, the seniority of the members of the board shall be considered as waived. When the party is a member of a Reserve component, a majority of the members of the board who act on the case shall be Reserve officers, if available. In any instance where a majority of Reserve members is not available, the board will include not less than one Reserve officer among its members, and the record shall contain a certificate by the convening authority as to the unavailability of Reserve officers to constitute a majority of the board.

(b) Appointment to membership on a physical evaluation board shall constitute the primary duty of the officers so assigned. Although alternate members may and should be appointed, the number thereof should be kept to a minimum consistent with the expeditious processing of physical evaluation board cases and with the maintenance of continuity in members. The use of alternate members should be reserved for cases where the regular members are unavoidably absent.

§ 725.406 Limitation on medical members.

No medical officer shall act as a medical member of a physical evaluation board who has had direct charge of the case of the party concerned immediately preceding appearance before the board or who was a member of a board of medical officers which reported on the party concerned.

§ 725.407 Limitation on nonmedical members.

Officers of the Dental Corps, Medical Service Corps, and the Nurse Corps are considered to be nonmedical officers as used in this chapter, but none shall act as nonmedical members of a physical evaluation board unless the party concerned is a member of the same corps. When the party concerned is a male member of the Navy the nonmedical members shall be male officers of the Navy. When the party concerned is a male member of the Marine Corps, the nonmedical members shall be male officers of the Marine Corps. When the party concerned is a female, a female officer shall be substituted for a male nonmedical member.

§ 725.408 Counsel for the physical evaluation board.

The counsel for the physical evaluation board shall be a competent, mature officer or sound judgment, who is familiar with procedures, regulations and instructions relating to such board.

§ 725.409 Counsel for the party.

Designated counsel for the party shall be a competent, mature officer of sound judgment, who is familiar with procedures, regulations and instructions relating to such board. In all cases to which § 725.422 is applicable, and in all others when reasonably available, an officer who is a member of the bar of a Federal Court or the highest court of a State, shall be designated as counsel for the party. The designated counsel shall represent the party in every case, unless the party obtains civilian counsel, at his own expense, or other military counsel, if available, or unless the party, after having been given the opportunity of consulting with counsel, expressly waives counsel. In the case of mentally incompetent parties, the next of kin, person to be notified in case of an emergency or legal guardian may obtain civilian counsel, at their own expense, or other military counsel, if available. In the event such counsel is not provided, the designated counsel will represent the mentally incompetent party in every case. A waiver of the right to counsel will not be accepted.

§ 725.410 Orders for appearance.

(a) Commanding Officers of naval hospitals, Continental U.S. (subject to the limitations set forth in Subpart C), commanding officers of activities other than naval hospitals to which a member has been ordered to await action on disability separation proceedings, the Chief of Naval Personnel, and the Commandant of the Marine Corps are authorized to issue orders directing or authorizing members to report to a physical evaluation board.

(b) The Chief of Naval Personnel or the Commandant of the Marine Corps may specifically delegate authority to order or authorize members to appear before a physical evaluation board.

(c) Orders involving entitlement to travel allowance shall be issued in accordance with current instructions relating thereto.

(d) When appearance before a physical evaluation board is indicated in the case of a member who is at a station outside the Continental U.S., and the member waives his right to appear in person before the board, the medical report shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, by way of the Chief, Bureau of Medicine and Surgery for appropriate action. When such a member does not waive his right to appear in person before the board, he shall be transferred in a patient status to the nearest hospital in the Continental U.S. at which a physical evaluation board is convened.

§ 725.411 Senior member, duties and responsibilities.

The officer senior in precedence among the members of the physical evaluation board considering any one case shall act as the presiding officer of the board. He shall take appropriate action to preserve order in open sessions of the board and to insure that the proceedings are conducted in a dignified and judicial manner. He will rule upon all interlocutory questions except challenges. His rulings in interlocutory questions may be objected to by any other member of the board in which case the matter will be decided by a majority vote of the board members in closed session. For good reason he may recess or adjourn the board or grant a continuance in the case. He shall preside over closed sessions of the board and speak for the board in announcing its recommended findings and the result of any vote upon challenge or other interlocutory question. He and the counsel for the board shall authenticate the record of proceedings except that in the absence of the senior member the record may be authenticated by any other member who acted in the case.

§ 725.412 Members in general, duties and responsibilities.

It is the responsibility of each member of the board to weigh and to impartially examine the evidence presented in a case and to make recommended findings, each according to his conscience, and in conformity with applicable laws and regulations and established policy. Each member has an equal voice and vote with other members in deliberating upon and deciding all questions submitted to vote. Each member may question witnesses in an order prescribed by the senior member. Members of the board may discuss the case freely in closed session, but except as authorized to be set forth in the record of proceedings pursuant to this subpart, the opinions expressed by any member in closed sessions shall not be disclosed.

§ 725.413 Counsel for the board, duties and responsibilities.

The officer designated as counsel for the physical evaluation board shall, in every case before the board, assemble, prepare, and present all available evidence which is relevant to the issues to be decided by the board. This shall include, but not be limited to, the medical records, investigation reports and courts

of inquiry, and the current disciplinary status of the party concerned. He shall examine witnesses who appear before the board. In accordance with procedures prescribed by competent authority, he shall secure or request witnesses to appear before the board and shall obtain depositions, affidavits, or statements which may aid the board in its decision of the issues before it. He shall notify the board members, witnesses, counsel for the party, and reporter of the time and place fixed for the hearing and make necessary arrangements to permit a proper hearing to be held. He shall insure that the records of the party concerned are furnished to the medical witnesses for examination prior to the hearing and shall perform such other duties as may be required by the senior member of the board. It is his specific responsibility to insure that the board has before it sufficient information to ascertain as accurately as practicable the circumstances in which the party concerned incurred his disability, the extent of the disability, and where it appears that the disability existed prior to the party's entrance into active service, its extent at the time of entrance into active service and all other pertinent circumstances relating to the party's disability. He shall, under the direction of the board, be responsible for preparation of the record of proceedings and shall, prior to the senior member, sign the record of proceedings as an authentication of its correctness. The standards of conduct for the counsel for the board shall be the same as prescribed for counsel before naval courts-martial (§ 719.3 of this chapter).

§ 725.414 Counsel for the party, duties and responsibilities.

When the party is physically located in an area in which a physical evaluation board is convened, and prima facie findings are referred to the party under the provisions of § 725.418, designated counsel for the party shall confer with the party in order to advise him of his rights and the effect of accepting the board's prima facie findings. If the party accepts the prima facie findings, designated counsel for the party shall indicate on the statement of acceptance (see § 725.419) that he has advised party of his rights. When the party demands a full and fair hearing, designated counsel for the party shall represent the party before the physical evaluation board and shall prepare his case in accordance with the law and regulations and the best interest of the party. He will request the counsel for the board to arrange for the attendance of necessary witnesses and other specifically desired evidence and will assist in the procurement and presentation of any available evidence which will support the position of the party concerned. He shall perform such other duties as usually devolve upon counsel for an interested party before a formal fact-finding body and will guard the interest of the party by all honorable and legitimate means. Where counsel other than the designated counsel has been obtained to represent the party, designated counsel may act as associate counsel if desired as such by the party. The standards of conduct of counsel for the party shall be the same as prescribed for counsel before naval courts-martial (§ 719.3 of this chapter). When the party is not in the same area as the physical evaluation board, and in order to avoid travel by designated counsel the function of counsel for the party to confer with and advise party of his rights pursuant to this section shall be accomplished by an officer designated for that purpose by the commandant of the district in which the party is located. In the event party demands a full and fair hearing, counsel shall be designated by the convening authority of the physical evaluation board to represent the party before the board.

§ 725.415 Board reporter, interpreter and orderly.

The convening authority shall provide qualified reporters, and where necessary or requested by the counsel for the board, an interpreter or an orderly or both in the same manner as provided for courts of inquiry. Such individuals shall act in the same capacity as in the proceedings of a court of inquiry.

§ 725.416 Proceedings.

The proceedings of physical evaluation boards shall be conducted in accordance with instructions set out in this part and in accordance with Chapter III of the Naval Supplement to the Manual for Courts-Martial insofar as practicable except that an oath of affirmation need not be administered to the members of the board or the counsel.

§ 725.417 Personal appearance.

When the party concerned demands a full and fair hearing he shall appear personally before the board unless there is an opinion by a medical board or a determination by the physical evaluation board that to do so would be detrimental to his health. In addition to the fact that it may constitute a military offense, failure to appear when so directed or authorized shall be considered as a waiver of the right of the party concerned to appear before the board unless it is reasonably shown that such failure was through no fault of the party. The board may at its discretion, however, waive the appearance of the party if so requested in writing by the party concerned. Such request shall be appended to the record of proceedings of the board.

§ 725.418 Modified procedure.

(a) The modified procedure outlined in the following paragraphs is intended to permit expeditious disposition of those cases in which prima facie recommended findings, based upon the records alone, are acceptable to the party. The modified procedure, however, shall not be used in cases of mentally incompetent members.

(b) In all cases except those wherein the party is considered to be mentally incompetent or is on the temporary disability retired list, the physical evaluation board shall review all pertinent documentary evidence and make prima facie recommended findings which shall be referred to the party whose case is being evaluated. Prima facie findings shall be referred to the party as provided in § 725.419. The party shall be allowed two working days to advise the physical evaluation board, in writing, whether the prima facie findings are acceptable to him. If the party accepts the prima facie findings and states in writing that he does not demand a full and fair hearing, the board, without conducting further proceedings, shall forward all records, together with the party's statement of acceptance and the prima facie findings, to the Physical Review Council. In the event that the prima facie findings are not acceptable to the party, and he so demands, he shall be afforded a full and fair hearing before the board.

(c) The convening authority of the medical board or other cognizant authority shall be advised by the physical evaluation board when party demands a full and fair hearing and desires to appear before the board in person, so that appropriate orders may be issued. In any case in which the Physical Review Council does not concur with the prima facie findings submitted by the board and proposes substitute findings substantially detrimental to the party, the Physical Review Council shall return the records to the physical evaluation board, and the party shall, if he so requests, be afforded a full and fair hearing.

§ 725.419 Prima facie findings and statement of acceptance.

Prima facie findings pursuant to § 725.418 shall be prepared and delivered to the party in the following form:

From: Physical Evaluation Board.
To: (Party.)
Via: Designated counsel for the party.
Subj: Prima facie recommended findings of a Physical Evaluation Board.

1. A Physical Evaluation Board met on (date) to consider your case, and solely on the basis of a review of the records, the Board intends to recommend approval of the following prima facie finding(s):

(Findings in accordance with §§ 725.425 to 725.431, as appropriate.)

2. Please advise the Physical Evaluation Board, in writing, within two working days after receipt of this letter whether or not the prima facie findings are acceptable to you. If you accept these findings and do not exercise your right to a full and fair hearing, the findings will be forwarded to the Physical Review Council without further proceedings before the Board. If you do not accept the prima facie findings, you will be afforded a full and fair hearing before the Physical Evaluation Board.

3. You are advised that the prima facie findings noted above are recommended findings only and are subject to review as provided in Chapter 5 of the Disability Separation Manual (Subpart E of this part). Final disposition will be in accordance with the direction of the Secretary of the Navy.

4. If you accept the prima facie findings, please sign attached Statement "A." If you do not accept the prima facie findings, complete and sign Statement "B." Return your signed statement to the Physical Evaluation Board without delay.

Senior Member, PEB

(Date)

STATEMENT "A"

(Sign only if you accept the prima facie findings.)

The prima facie findings of the Physical Evaluation Board and my right to a full and fair hearing before the Physical Evaluation Board have been explained to me by counsel. I accept the prima facie findings and do not demand a full and fair hearing before the Physical Evaluation Board.

(Signature of Party)

STATEMENT "B"

(Sign only if you do not accept prima facie findings.)

I have been informed of the prima facie findings of the Physical Evaluation Board. I do not accept these findings and demand a full and fair hearing before the Physical Evaluation Board. I (do, do not) desire to appear before the Physical Evaluation Board in person. I understand that if I do not appear in person, I will be represented by counsel before the Physical Evaluation Board.

(Signature of Party)

STATEMENT OF COUNSEL

I certify that I have advised party of his rights in the foregoing matter.

(Counsel for the Party)

§ 725.420 Challenges.

Members of a physical evaluation board may be challenged through the same procedure and for the same reasons as prescribed for members of a court of inquiry.

§ 725.421 Full and fair hearing.

Every party whose case is being considered by a physical evaluation board shall be deemed to have demanded a full and fair hearing and shall be granted such unless he states in writing that he does not demand a full and fair hearing. (See §§ 725.418 and 725.419.) When a party who has been directed to appear before a board fails to do so through his own fault and his absence has not been authorized by the board, the absence will not be excused and he will be deemed to have relinquished his demand for a full and fair hearing. The requirements for a full and fair hearing shall include, but shall not be limited to, the right of the party concerned: To be present in person unless to do so would be detrimental to his health; to be represented by qualified counsel during all stages of the proceedings until final action on the case is effected; to challenge members for cause; to present evidence in his own behalf; to secure witnesses, depositions, affidavits and statements on relevant issues insofar as practicable; to cross-examine witnesses; to present or have presented arguments in his behalf; to have the issues in his case decided only on evidence adduced and presented in the hearing; to file a rebuttal to the recommended findings of the physical evaluation board, and in certain circumstances to file a rebuttal to the recommended substitute findings of the Physical Review Council. The party may testify in his own behalf or may be called as a witness by the board. Not less than three days prior to the day set for the hearing, all relevant rules and regulations, including the standard schedule of rating disabilities in current use by the Veterans Administration, and all records and papers pertaining to the case shall be made available to the party concerned or his counsel, as appropriate, who shall have the right to inspect such rules, records and papers and to make notes therefrom as may be necessary in the preparation of the case. The party concerned or his counsel may, in writing, waive the right to the three-day inspection period and, upon the filing of such waiver, the board may proceed to hear the case. Failure of the party concerned to utilize one or more of the aspects of a full and fair hearing shall not be considered as a waiver of other such aspects.

§ 725.422 Mentally incompetent party.

Upon receipt of a case in which previously it has been found that the party concerned is mentally incompetent, in that he is mentally incapable of managing his own affairs, or in which the physical evaluation board is of the opinion that the party is so mentally incompetent, further proceedings will be held in abeyance until the next of kin, the person to be notified in case of emergency, or the guardian (where appointed) has been notified that he or she may appear and provide counsel in behalf of the party or will be provided with designated counsel if desired. Such person shall be notified, by registered mail, certified mail or by registered air mail, if it will facilitate delivery, with return receipt requested, of: The place, date and hour scheduled for the hearing and that request may be submitted for an extension of time or for a more convenient date; the name, rank, and official address of the officer designated to represent the party; the right of the addressee, at no expense to the Government, to be present at the hearing and to be represented by civilian or naval counsel of his or her own selection or the designated counsel; and the right of the addressee to procure and introduce witnesses, to obtain documentary evidence, and to take such other action as may be deemed necessary in the interests of the party. The hearing will be held at the time scheduled when no reply is received from the person so notified provided that the registered mail receipt indicates that the addressee has received notification. The date for the hearing generally will be two weeks from the date of mailing the notification but may be extended by the senior member upon written request. All correspondence, including the notification, the reply, if any, and the registered mail receipt will be appended as exhibits to the record of proceedings.

§ 725.423 Evidence.

A physical evaluation board shall consider all documentary evidence transmitted to it by proper authority. The board may, in addition, require and examine such records as may be in the files of the Navy Department that relate to the issues before the board. All evidence having a probative value as to the determination of issues before the board may be considered. All testimony shall be taken under oath or affirmation. The oath or affirmation shall be administered by the counsel for the board in a form as follows:

You swear (or affirm) that the evidence you shall give in the matter now before this board shall be the truth, the whole truth and nothing but the truth. So help you God.

In the administration of an affirmation, the closing sentence of adjuration will be omitted. The board may take official notice of any generally accepted medical fact or principle and of any fact which may be judicially noticed by courts-martial. In consideration of the weight or probative value to be accorded evidence, the members of the board are expected to utilize their background and experience, their common sense and their knowledge of human nature and behavior. The fact that a witness is the party whose case is before the board does not condemn him as unworthy of belief, but does create in him an interest greater than that in any other witness, and to that extent affects the question of credibility. It is a general rule that the relations of a witness to the matter to be decided are legitimate subjects of consideration in respect to the weight to be given to his testimony. In every case the testimony of the party concerned should be considered in connection with all the evidence adduced and given such weight as the board may believe it merits. When the testimony presented at the hearing indicates that the party claims to have disabilities not disclosed by the official medical records or presents evidence sharply in conflict with official medical records, and the issue thus drawn is not one that can be readily resolved by the observation of the board, there should be further development of the case by requesting further physical examination, special studies, or further investigation by appropriate agencies; and the hearings should be continued until such development has been accomplished. Recommended findings of the board should be based upon evidence consistent with a reasonable probability of truth.

§ 725.424 Recommended findings.

(a) After having considered and deliberated upon all the evidence before it, the physical evaluation board shall announce, through the senior member, the board's recommended findings. The recommended findings shall be made as prescribed in §§ 725.425 to 725.432, as appropriate. The senior member of the physical evaluation board shall advise the member concerned or his counsel that the recommended findings of the board are advisory only and, therefore, not final or conclusive until disposition of the case has been effected pursuant to the direction of the Secretary.

(b) In any case in which the member has more than one disability, the board shall submit recommended findings with respect to each disability unless: (1) The member concerned is considered to be unfit solely by reason of a condition not a disability; or (2) the member concerned is considered unfit solely by reason of disability which was incurred while not entitled to receive basic pay; or is due to intentional misconduct or willful neglect; or was incurred during a period of unauthorized absence; or is not the proximate result of performance of active duty in which event recommended findings shall be made only with respect to the condition or disability which the board considers to render the member unfit to perform his duties.

§ 725.425 Recommended findings, members on active duty for more than 30 days.

(Other than for training under 10 U.S. Code 270(b).) (a) If it is considered that the member concerned is fit for duty, the physical evaluation board shall make the following recommended finding only:

It is recommended that (name of member) be found fit for duty.

(b) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank, or rating solely by reason of a condition or defect not a physical disability, the physical evaluation board shall make the following recommended finding only:

It is recommended that (name of member) be found unfit to perform the duties of his office, grade, rank or rating by reason of (specify condition or defect).

(c) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank or rating by reason of physical disability, the physical evaluation board shall make the following recommended findings:

It is recommended that (name of member) be found:

(1) Unfit to perform the duties of his office, grade, rank or rating because of physical disability (diagnosis and diagnostic nomenclature number of each disability contributing to the member's unfitness).

(2) That such disability (was) (was not) incurred while entitled to receive basic pay.

(3) That such disability (is) (is not) due to intentional misconduct or willful neglect and (was) (was not) incurred during a period of unauthorized absence.

(4) a. That such disability (is) (is not) the proximate result of active duty; or

b. That such disability (was) (was not) incurred in line of duty in time of war or National emergency.

(If member has more than 8 years active service, the statement "Has over eight years active service" shall be used in recommended finding 4 in lieu of 4 a or b.)

(5) That such disability is ratable at (total combined percentage) in accordance with the standard Schedule for Rating Disabilities in current use by the Veterans Administration. (The Board shall set forth under this finding the percentage and VA code numbers of each disability and the combined total thereof existing at the time of evaluation. In cases involving aggravation, the board shall determine the final combined total rating by subtracting the combined total percentage of disability existing at the time of entry into active service or incurred during a period of unauthorized absence or otherwise not incurred in line of duty, from the combined total percentage existing at the time of evaluation provided the percentage of disability existing at time of entry is ascertainable in terms of the Schedule. No actual deduction will be made from a total (100%) rating; however, the percentage of disability upon entry will be set forth in the record. In the event the disability was neither incurred nor aggravated while entitled to receive basic pay; or was incurred due to intentional misconduct or willful neglect; or was incurred during a period of unauthorized absence; or is not the proximate result of the performance of active duty, the board shall insert "not ratable" in lieu of "ratable at (combined total percentage).")

(6) That accepted medical principles indicate that such disability (is) (may be) permanent.

§ 725.426 Recommended findings, members on active duty for 30 days or less.

(Or on training duty under 10 U.S. Code 270(b).) (a) If it is considered that the member concerned is fit for duty, the physical evaluation board shall make the following recommended finding only:

It is recommended that (name of member) be found fit for duty.

(b) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank, or rating solely by reason of a condition or defect not a physical disability, the physical evaluation board shall make the following recommended finding only:

It is recommended that (name of member) be found unfit to perform the duties of his office, grade, rank or rating by reason of (specify condition or defect).

(c) If it is considered that the member concerned is unfit to perform the duties of his office, grade, rank or rating by reason of physical disability, the physical evaluation board shall make the following recommended findings:

It is recommended that (name of member) be found:

(1) Unfit to perform the duties of his office, grade, rank or rating because of physical disability (diagnosis and diagnostic nomenclature number of each disability contributing to member's unfitness).

(2) That such disability (is) (is not) the result of an injury. (If not the result of an injury, no additional findings required.)

(3) That such disability (is) (is not) due to intentional misconduct or willful neglect and (was) (was not) incurred during a period of unauthorized absence.

(4) That such disability (is) (is not) the proximate result of the performance of active duty.

(5) That such disability is ratable at (total combined percentage) in accordance with the standard Schedule for Rating Disabilities in current use by the Veterans Administration. (The Board shall set forth under this finding the percentage and VA code numbers of each disability and the combined total thereof existing at the time of evaluation. In cases involving aggravation, the board shall determine the final combined total rating by subtracting the combined total percentage of disability existing at the time of entry into active service or incurred during a period of unauthorized absence or otherwise not incurred in line of duty from the combined total percentage existing at the time of evaluation provided the percentage of disability existing at time of entry is ascertainable in terms of the Schedule. No actual deduction will be made from a total (100 percent) rating; however, the percentage of disability upon entry will be set forth in the record. In the event the disability was incurred due to intentional misconduct or willful neglect; or was incurred during a period of unauthorized absence; or is not the proximate result of the performance of active duty (as defined in § 725.221(a)) the board shall insert "not ratable" in lieu of "ratable at (combined total percentage)".")

(6) That accepted medical principles indicate that such disability (is) (may be) permanent.

§ 725.427 Recommended findings, inactive duty training cases.

The board shall use the same phraseology in its recommended findings as prescribed in § 725.426 except the words "inactive duty training" shall be substituted for the words "active duty" in recommended finding set forth in § 725.426 (c)(4).

§ 725.428 Recommended findings, cases arising under 10 U.S.C. 1004.

Physical evaluation boards acting in cases arising under 10 U.S.C. 1004 shall make the following recommended findings only:

It is recommended that ---------- (Name) be found (physically qualified) (not physically qualified) for active duty in the (U.S. Naval Reserve) (U.S. Marine Corps Reserve).

If it is recommended that the party be found not physically qualified, the board shall set forth the disqualifying defect or disability and the diagnostic nomenclature number therefor. In determining physical qualifications for active duty, due consideration shall be given to the character of duty to which the party may be assigned in the event he should be ordered to active duty pursuant to law.

§ 725.429 Recommended findings, cases arising under 10 U.S.C. 6331.

Physical evaluation boards acting in cases arising under 10 U.S.C. 6331 shall make the following recommended findings only:

It is recommended that ---------- (Name) be found (physically qualified) (not physically qualified) for active duty in the (Fleet Reserve) (Fleet Marine Corps Reserve).

If it is recommended that the party be found not physically qualified, the board shall set forth the disqualifying defect or disability and the diagnostic nomenclature number therefor.

§ 725.430 Recommended findings, re-evaluation of members on Temporary Disability Retired List.

Physical evaluation boards acting in cases of members of the naval service on the Temporary Disability Retired List shall make findings as prescribed in § 725.425, § 725.426, or § 725.427, as appropriate.

§ 725.431 Recommended findings, retired member on active duty.

In the case of any party serving on active duty in a retired status, the board shall submit a recommended finding as to the percentage of disability incurred while the party was so serving in addition to the findings required in § 725.425 or § 725.426, as appropriate.

§ 725.432 Miscellaneous cases.

Physical evaluation boards considering cases not covered in §§ 725.425 to 725.431 shall make recommended findings only with respect to issues designated by competent authority.

§ 725.433 Minority report.

Each recommended finding made pursuant to this subpart concurred in by a majority of the board shall constitute

the action of the board. Any dissenting member of the board shall make a minority report concerning those particulars in which he does not agree with the action of the board. In case the board is unable to arrive at a conclusion, it shall adjourn and notify the convening authority of such circumstances. In such event, the convening authority may refer the case for consideration to a board composed of different members or he may return it to the original board for further consideration.

§ 725.434 Action prior to final adjournment.

The board may, upon its own motion at any time prior to forwarding the record of proceedings, set aside its previous recommended findings, consider further evidence and make new recommended findings.

§ 725.435 Rebuttal.

The party or his counsel shall be advised of the board's recommended findings and shall be afforded five days, exclusive of Sundays and holidays, after receipt of a copy of the record of proceedings of the board, in which to file a rebuttal. A rebuttal will set forth specifically the recommended findings of the board with which the party or his counsel does not concur together with proposed alternate recommended findings which are acceptable to the party. It is not mandatory, but desirable, that a brief, setting forth the legal and factual basis for such nonconcurrence or any other request for relief, be included in the rebuttal. In any case where a physical evaluation board is directed to conduct a new hearing or proceedings in revision and the party or his counsel files a rebuttal to the recommended findings arrived at in such proceedings, the rebuttal shall operate to afford the party an automatic appeal to the Physical Disability Review Board provided: (a) The recommended findings of such physical evaluation board differ in a material respect, detrimental to the party, from any prior recommended findings made in the case by a physical evaluation board; and (b) the proposed substitute findings of the Physical Review Council differ in a material respect, detrimental to the party, from the relief sought in his rebuttal.

§ 725.436 Preparation and authentication of proceedings.

The record of proceedings of a physical evaluation board shall be prepared in accordance with Chapter III, Naval Supplement to the Manual for Courts-Martial, insofar as practical and shall be authenticated as provided in § 725.411.

§ 725.437 Forwarding of record of proceedings.

The record of proceedings of the physical evaluation board, together with all documents which were before the board including a statement in rebuttal, if one was filed, shall be submitted to the Physical Review Council. A copy of the record of the proceedings shall be furnished the party or his counsel. The recipient of such copy of the record of proceedings shall give a dated receipt therefor.

§ 725.438 Proceedings in revision and new hearings.

In the event that a physical evaluation board is directed to conduct a new hearing, such hearing shall be conducted and the record prepared in the same manner as if the board were meeting in the first instance. The record of proceedings in such case shall be prefixed to the original record. A board directed to convene for a hearing in revision shall, where practicable, consist of the same members who previously acted upon the case and shall proceed as instructed by the referring authority. A board conducting a hearing de novo (a new hearing) shall consist of different members than those who previously acted upon the case.

§ 725.439 Action subsequent to forwarding the record.

In the event any cognizant authority shall receive information subsequent to the forwarding of a record of proceedings of a physical evaluation board and prior to final action thereon, that the party concerned has, following his hearing before such board, committed an offense or offenses such as are believed by the cognizant authority to have a possible bearing on the case and should therefore be brought to the attention of the Physical Review Council; incurred disability in addition to that presented at the time of his hearing; or suffered an increase in the disability that was evaluated; or that his status has changed in any respect which might affect final action on the record of proceedings, such authority shall immediately forward such information to the Physical Review Council by message, with information copies to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, the Judge Advocate General and to the Chief of the Bureau of Medicine and Surgery. Such message shall be followed as soon as practicable by a complete report of the matter, together with recommendations concerning the action to be taken. Upon a change in his status occurring subsequent to his hearing before a physical evaluation board and prior to final action thereon, which, in his opinion, might affect final action, the party concerned may forward information of such change in the manner provided above.

§ 725.440 Processing times.

In order to provide information concerning the processing time at the various stages of disability separation proceedings the senior member of the physical evaluation board shall cause to be appended to each record of proceedings a chronology in duplicate of the proceedings containing the following information: (a) Date medical board convened; (b) date of action by convening authority of medical board; (c) date medical board report received by the physical evaluation board; (d) date statement of service received, if any; (e) date medical records if any received from Bureau of Medicine and Surgery; (f) date case considered under modified procedure; (g) date prima facie findings forwarded to party; (h) date party's statement of acceptance or demand for full and fair hearing received; (i) date case heard by physical evaluation board, when hearing is held; (j) date record of proceedings or prima facie findings forwarded to Physical Review Council.

Subpart E—The Physical Review Council

§ 725.501 Convening authority.

The Secretary of the Navy shall convene the Physical Review Council.

§ 725.502 Composition.

The Physical Review Council shall consist of the Chief of Naval Personnel or his designated representative acting for him, or, when acting in cases involving personnel of the Marine Corps, the Commandant of the Marine Corps or his designated representative acting for him, the Chief of the Bureau of Medicine and Surgery or his designated representative acting for him, and the Judge Advocate General, or his designated representative acting for him, as members, and a recorder. The designated representative of the Chief of Naval Personnel shall be Chairman and the designated representative of the Commandant of the Marine Corps shall be Vice-Chairman of the Physical Review Council.

§ 725.503 Jurisdiction.

The Physical Review Council shall have jurisdiction to act in any particular relating to or implementing its function.

§ 725.504 Function.

(a) It is the function of the Physical Review Council to review the proceedings and recommended findings of physical evaluation boards.

(b) The Physical Review Council is also responsible for acting upon reports of periodic physical examinations referred to it; for advising the Secretary concerning any aspect of any case upon request; and for performing such other duties as the Secretary may from time to time direct.

(c) It is the duty of each member of the Physical Review Council, or his designated representative acting for him to advise the other members of the Physical Review Council or their designated representatives concerning those aspects of the proceedings and recommended findings of a physical evaluation board which fall within his area of responsibility or technical specialty and to perform any other functions in connection therewith which he may be required to perform by law or regulation.

(d) It is not the function of the Council to act as a board, or to vote as to the correctness of recommended findings or action to be taken, or to conduct hearings. Applications for personal appearance by parties concerned will not be entertained.

§ 725.505 Duties of chairman.

The Chairman of the Physical Review Council shall act as administrative head of the Council. He shall be responsible for developing standard processing times for cases and shall advise the Secretary monthly of the cases (by name) which

have been pending before the Council for sixty days or longer. He shall also develop such internal procedures as will promote expeditious handling of cases and agreement within the Council to the greatest practicable degree. The position of Chairman carries no authority over the technical functions of the Chief of the Bureau of Medicine and Surgery or his representative and the Judge Advocate General or his representative.

§ 725.506 General instructions.

(a) If, after consideration of all the evidence in a case before it, the members of the Physical Review Council are in agreement that the recommended findings of a physical evaluation board are correct and in accord with established medical and legal principles and personnel policies, the record of proceedings of the physical evaluation board shall be forwarded to the Secretary for final action.

(b) In the event the members of the Physical Review Council are in agreement that the recommended findings of the physical evaluation board are not correct or not in accord with established medical and legal principles or personnel policies, but that substitute findings, not substantially detrimental to the party, are correct, they shall make such substitute findings and forward the record of proceedings to the Secretary for final action.

(c) In any case considered under the modified procedure prescribed in § 725.418 wherein the party has accepted the prima facie findings and one or more members of the Physical Review Council do not agree with the findings and propose substitute findings substantially detrimental to the party, the record of proceedings shall be returned to the physical evaluation board setting forth the proposed substitute findings and the reasons for disagreement with the prima facie findings of the physical evaluation board. The physical evaluation board shall notify the party of the proposed substitute findings and the party shall, if he demands it, be afforded a full and fair hearing. If the proposed substitute findings of the Physical Review Council are acceptable to the party and he does not demand a full and fair hearing, the record of proceedings, with party's signed statement of acceptance attached, shall be returned to the Physical Review Council for forwarding to the Secretary for final action.

(d) If the members of the Physical Review Council are in agreement that the recommended findings of the physical evaluation board arrived at after the party has had a full and fair hearing are not correct, or are not in accordance with established medical and legal principles or personnel policies, and substitute findings are proposed that would be substantially detrimental to the party, the party concerned shall be notified of such substitute findings. If the party submits a statement in rebuttal to the proposed findings of the Physical Review Council and after considering the statement in rebuttal the members of the Physical Review Council adhere to the proposed findings, the case shall be referred to the Physical Disability Review Board. If the party advises the Physical Review Council that the proposed findings of the Physical Review Council are acceptable, or if, after considering the statement in rebuttal, the members of the Physical Review Council are in agreement that the recommended findings of the physical evaluation board are correct, the Physical Review Council shall forward the record of proceedings to the Secretary for final action.

(e) In any case of a party who has had a full and fair hearing and, as a result of proceedings in revision or a new hearing by a physical evaluation board, recommended findings are made, final approval of which in lieu of prior recommended findings made in the case would change final disposition in a manner substantially detrimental to the party, and a rebuttal has been filed to the last physical evaluation board action, the Council shall refer the case to the Physical Disability Review Board for further consideration unless the Council's final findings do not differ in a material respect, detrimental to the party, from the relief sought in the rebuttal.

(f) In the event the members of the Council agree, the Council may, on its own initiative, take no action on the recommended findings of the physical evaluation board and return the case to a medical board for further study, to the physical evaluation board for a hearing in revision for correction of errors, for further development of the case, for reconsideration of its recommended findings, or to a different physical evaluation board for another hearing, or to a physical evaluation board in a different area for another hearing.

(g) In the event one or more, but not all, members of the Physical Review Council are of the opinion that a case should be returned to a medical board or a physical evaluation board for any reason, a brief of the facts shall be submitted directly to the Secretary with a request for instructions as to disposition of the case.

(h) The Physical Review Council or any member thereof may at its, or his, discretion, forward any case to the Physical Disability Review Board for further consideration. The Physical Review Council shall give the party or his counsel notice of such referral with a brief statement of reasons therefor. However, a minority of the Physical Review Council may exercise the right to refer a case to the Physical Disability Review Board only when he questions a matter within the area with respect to which he is the Secretary's advisor.

§ 725.507 Rebuttals.

When the party concerned has been informed of proposed substitute findings by the Physical Review Council in accordance with § 725.506(d), he or his counsel, shall be allowed five working days to file a rebuttal after receipt of notification. The notification shall be transmitted to the party, together with a brief statment of the reasons for such proposed findings. The statement in rebuttal shall indicate whether the party does or does not concur with the proposed substitute findings of the Physical Review Council. In cases wherein the members of the Physical Review Council are not in agreement on proposed substitute findings the statement in rebuttal shall specify which findings he is rebutting, if any. Failure to submit a statement in rebuttal within the time allowed shall be construed to mean that the substitute findings of the Council or the majority of the Council are acceptable to the party. For good cause shown and upon request, the time for filing a rebuttal may be extended in the discretion of the Council.

§ 725.508 Preparation and authentication of records.

Action by the Physical Review Council on the record of proceedings of physical evaluation boards shall be prepared in appropriate form and shall be signed by all members and the recorder.

§ 725.509 Procedure in Servicemen's Readjustment Act cases.

The Physical Review Council shall act in cases arising under section 302 of the Servicemen's Readjustment Act of 1944, as amended (10 U.S. Code 1554), in advisory capacity only and shall, in such capacity, recommend to the Secretary of the Navy that the findings of such board be approved or disapproved, or that orders be issued in the case. In the event that other than approval is recommended, the reasons therefor shall be stated. The action of the Council shall otherwise be prepared in appropriate form and shall be signed by each member acting on the case and by the recorder. It shall be transmitted to the Judge Advocate General.

§ 725.510 Action on reports of periodic physical examination of parties on the temporary disability retired list.

Upon receipt of a report of a periodic physical examination of a party on the temporary disability retired list, the Physical Review Council shall evaluate such report. If less than five years have elapsed since the date of the placement of the name of the party on the temporary disability retired list and the Council considers that no change in the status of the party is indicated, the party will be so informed by the Chief of Naval Personnel or the Commandant of the Marine Corps. If the Council considers that a change in the status is indicated, or if the period of five years from the date of the placement of the name of the party on the temporary disability retired list will soon terminate, the Council shall refer the case to a physical evaluation board for reevaluation. In the event, however, the members of the Council are in agreement that the party concerned is physically fit to perform the duties of his rank, grade or rating and the party concerned has indicated a desire to be found physically fit for the performance of his duties, the Physical Review Council shall forward the case directly to the Secretary for action without further consideration by a physical evaluation board. In addition, upon agreement by the members of the Council that the report of a periodic physical examination together with other records in the files of the Navy Department

forms sufficient basis for findings on a case, the party may be notified and if the party agrees with the findings proposed by the Physical Review Council, such findings shall be forwarded to the Secretary for action without further consideration by a physical evaluation board. This latter action, however, shall not be taken by the Council unless the party concerned or his representative states in writing that the party does not demand a hearing before a physical evaluation board. If the Council's proposed findings would result in the party's permanent retirement for physical disability ratable at seventy-five percent or more, and the party fails to demand a hearing within five days, exclusive of Sundays and holidays, after receipt of the notification, the Physical Review Council shall forward the proposed findings to the Secretary for final action without further consideration by a physical evaluation board.

§ 725.511 Action when party fails to report for final scheduled periodic physical examination.

If five years will soon elapse since the date of the placement of the name of the party on the temporary disability retired list and the party has failed to report for his last periodic physical examination scheduled pursuant to Subpart I of this part, the Physical Review Council shall consider available records pertaining to the physical condition of the party concerned and, on the basis thereof, advise the Secretary whether in accordance with accepted medical principles it may be found beyond any reasonable doubt that the party concerned remains unfit to perform the duties of his rank, grade, or rating by reason of the physical disability for which he was temporarily retired and if so, the percentage which may be assigned for the disability for which the party was temporarily retired in accordance with the standard schedule of rating disabilities in current use by the Veterans Administration, assuming such physical disability to have improved to the greatest extent consonant with accepted medical principles. In lieu of the foregoing action, however, the Council may in any case arising under this section where it is reasonable to conclude that the party concerned has willfully abandoned benefits under Chapter 61, Title 10 U.S. Code, by repeated failures to report for his periodic physical examinations after receipt of proper notification or by other conduct which clearly manifests an intent to abandon such benefits, so advise the Secretary, on the basis of such evidence, that the party concerned has abandoned his rights to disability benefits pursuant to Chapter 61, Title 10 U.S. Code. Action under this section shall be prepared by the Council in such form as it may desire and shall be signed by each member acting in the case and by the recorder. It shall be transmitted to the Secretary prior to the end of the five-year period during which the name of the party concerned may be carried on the temporary disability retired list.

Subpart F—Naval Physical Disability Review Board

§ 725.601 Convening authority.

The Secretary of the Navy shall convene the Naval Physical Disability Review Board.

§ 725.602 Function and jurisdiction.

The Naval Physical Disability Review Board is constituted to review and report upon cases referred to it pursuant to § 725.506 and cases arising under the provisions of section 302(a) of the Servicemen's Readjustment Act of 1944 (10 U.S.C. 1554). The Board shall have the same powers as exercised by, or vested in, the board whose action is being reviewed. The Board shall consider the issues before it in conformity with accepted medical principles, pertinent law and regulation and established personnel policies.

§ 725.603 Composition.

The Physical Disability Review Board shall consist of five commissioned officers as members, three of whom shall be non-medical officers and two of whom shall be medical officers, and a recorder. In addition, except in cases arising under section 302(a) of the Servicemen's Readjustment Act of 1944, as amended, there shall be designated a counsel for the Board and appellate counsel for the party who will be required to act, however, only in cases where their services are requested by the President, or by the party whose case is being considered.

§ 725.604 Qualifications.

Each member of the Physical Disability Review Board shall be carefully selected for his competence, maturity, experience and soundness of judgment. The Recorder may be either a commissioned officer or a civilian in the employ of the Government. When the party whose case is being considered is a member or former member of the Navy, the non-medical members shall be officers of the Navy. When the party is a member or former member of the Marine Corps, the non-medical members shall be officers of the Marine Corps. When the party is a member or former member of a reserve component, at least a majority of the members of the Board present and acting in the case shall be Reserve officers, unless otherwise authorized by the Secretary of the Navy. The appointing order convening the Physical Disability Review Board may list more than five members, in which case the following provision shall be included in the order: "Only five members of this Board, three of whom shall be non-medical members and two of whom shall be medical members, are empowered to act in any one case." The senior officer shall act as Chairman.

§ 725.605 President.

The President of the Physical Disability Review Board shall, for the Secretary, monitor the entire physical disability system to insure that from an administrative standpoint it operates expeditiously and efficiently. The President shall maintain personal liaison with the Secretary and keep him advised regarding the operation of the system.

§ 725.606 Rank of members.

While any commissioned officer is eligible for appointment to the Physical Disability Review Board, care should be taken to avoid great disparity in rank and experience. In no event may rank be permitted either to inhibit or influence junior members in expressing their opinions or in voting.

§ 725.607 Seniority.

Whenever practical, at least a majority of the board who act on a case shall be senior to the party. In the absence of objection by the party, the seniority of the members of the board shall be considered as waived.

§ 725.608 Limitation on members.

(a) No medical officer shall act as a member of the Physical Disability Review Board who has had direct charge of the case of the party or who was a member of the medical board which reported on the party. No member of a physical evaluation board, the Physical Review Council, Naval Retiring Board or Board of Medical Survey which acted in the case of the party shall act as a member of the Physical Disability Review Board in the same case.

(b) Officers of the Dental Corps, Medical Service Corps or Nurse Corps are not eligible for membership as medical members of the Physical Disability Review Board. They may be appointed and sit as non-medical members only when the party before the Board is a member of the same corps.

§ 725.609 Counsel for the Board.

When counsel for the Board is required as provided in § 725.603, he shall be a competent, mature commissioned officer of sound judgment. He shall be a member of the bar of a Federal Court or the highest court of a state. He must be familiar with Board procedures and with the laws, regulations and instructions governing physical disability retirement and separation and physical standards. He shall be designated by the Judge Advocate General.

§ 725.610 Appellate counsel for the party.

(a) Appellate counsel for the party shall be a member of the bar of a Federal Court or the highest court of a state and shall be designated by the Judge Advocate General on the basis of his competence, maturity, experience and soundness of judgment, as well as his knowledge of the laws, regulations and instructions governing retirement or separation for physical disability.

(b) In proceedings before the Physical Disability Review Board the party concerned may be represented by civilian counsel if provided by himself or his representative at no expense to the Government or by military counsel of his own choice if personally available. In such case, the designated appellate counsel for the party, unless assistance is requested by the party or by his chosen counsel, shall not act in the case.

§ 725.611 Procedure.

(a) In cases arising under 10 U.S.C. 1554, the Physical Disability Review Board will review and report upon the findings and decisions or recommendations of any naval retiring board, naval physical evaluation board or naval medical survey board by reason of which any person who, while serving as an officer of the naval service, has been retired or released from active service without pay for disability. The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will report to the Board the cases of personnel requesting and entitled to review in accordance with § 725.612. Upon receipt of authorization for review, the recorder of the Board shall assemble all records available in the case and notify party and counsel, if any, by registered mail with return receipt requested, of the time and place of hearing. Such notice shall be placed in the mails at least thirty days in advance of the scheduled time of hearing. The proceedings of the Board under this paragraph will be conducted in accordance with the instructions and regulations which governed the proceedings of the board whose action is being reviewed, except that (1) physical examination of the individual is not mandatory, (2) the board will not make a preliminary report, (3) the medical members will not be subject to examination, and (4) the medical members will not submit a report. The Board will meet in open session for the hearing of a case and at the conclusion thereof shall meet in closed session for its deliberations and determinations. Party shall be entitled to appear in person before the Board during open sessions of the Board. He shall be entitled to be represented by counsel of his own choosing except that no expense incident thereto will be borne by the Government. A party who, after due notification of the time and place of hearing, fails to appear at the appointed time, is deemed to have waived his right to appear. Party or counsel for the party may waive in writing his right of appearance.

(b) In cases referred to the Physical Disability Review Board pursuant to § 725.506, the Board will initially review each case on the record submitted to it. Thereafter a notification will be sent by the Board to the party informing him of his rights. With that notification the Board may, in its discretion, apprise the party of the prima facie findings which the Board proposes to make based on its initial review of the record. Where the party requests to be present, either personally at no expense to the Government or through counsel, a hearing will be held. At such hearing the Board will receive such evidence, either verbal or written, as the party desires to offer. In the event that the party does not desire a hearing, he may submit such additional evidence, arguments or briefs as he may desire, which shall then be considered by the board along with all the other evidence. Upon concurrence of the majority of the membership, the Board may cause a record to be returned to a medical board or a physical evaluation board for the same reasons that it may be returned by the Physical Review Council.

§ 725.612 Petition for review.

Any officer or former officer retired or released from active service for physical disability without pay pursuant to the recommendation of a retiring board, board of medical survey, or physical evaluation board desiring a review of his case may petition for such review. Petition for review shall be in writing and shall be submitted to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, Navy Department, Washington 25, D.C. No petition for review will be granted under these regulations unless received in the Navy Department within fifteen years after the date of release from active service or within fifteen years after June 22, 1944, whichever is later. Upon receipt of a petition for review, the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall note thereon the time of receipt and will, where it appears that the Disability Review Board had jurisdiction to review the case, transmit the petition for review and any supporting documents to the President of the Board with the authorization for review.

§ 725.613 Oath.

Members of the Physical Disability Review Board convened to act in any case under § 725.612 shall be sworn as follows:

You, and each of you, do solemnly swear (or affirm) that you will honestly and impartially examine and report upon the case of ---------- about to be examined by the Board.

The oath shall be administered to the members of the Board by the Recorder.

§ 725.614 Challenges.

No challenge to the members of the Physical Disability Review Board, other than a challenge for cause, will be entertained by the Board. Procedure for challenging shall be the same as for members of a court of inquiry.

§ 725.615 Evidence.

The Physical Disability Review Board shall consider all documentary evidence transmitted to it by proper authority. The Board may, in addition, require and examine such records as may be in the files of the Navy Department that relate to the issues before the Board. All evidence having a probative value as to the determination of issues before the Board may be considered, without limitation by the restriction of the technical rules of evidence. The Board shall receive any additional evidence party may present. Witnesses shall be permitted to present evidence either in person or by affidavit. All witnesses before the Board shall be subject to cross-examination by party, his counsel, the recorder in cases considered under § 725.611(a), or counsel for the board in cases considered under § 725.611(b). Members of the Board may question witnesses. Party may submit a statement, either oral or in writing, to the Board or take the stand as a witness, or may be called as a witness by the Board. All oral testimony shall be taken under oath or affirmation administered by the recorder in the manner set forth in § 725.424. Not less than three days prior to the date set for hearing, all records and papers pertaining to the case shall be made available to party or his counsel, as appropriate, who shall have the right to inspect such records and papers and to make notes therefrom. Party or his counsel may, in writing, waive the right to such three-day inspection period. Party, if available, may be examined physically by the medical members of the Board or by a medical officer detailed by the Surgeon General. The report of such examination, either oral or in writing, may be placed before the Board in the same manner as other evidence.

§ 725.616 Continuances.

The Physical Disability Review Board may continue a hearing on its own motion or at the request of party or his counsel if a continuance appears necessary to insure a full and fair hearing.

§ 725.617 Findings or opinions and decision or recommendation.

The findings or opinions of the Physical Disability Review Board in cases arising under 10 U.S.C. 1554 shall relate to the time petitioner was retired or released from active service and shall contain a statement showing whether the decision or recommendation or the board being reviewed is affirmed or reversed. The findings or opinions and decision or recommendation of the Board shall be made in closed session in each case. Findings, opinions, recommendations or decisions, as appropriate, shall be made in accordance with the phraseology set forth in §§ 725.618 to 725.621.

§ 725.618 Review of Naval Retiring Board action.

(a) *Permanent Regular Officer.* In the case of a petitioner who at the time of his discharge without pay for physical disability was a permanent Regular officer, the following phraseology shall be employed:

Ex-Ensign John (n) Doe, U.S. Navy, (was or was not) incapacitated for active service at the time of his release from active service [If not so incapacitated, no further finding is required; if so incapacitated, continue as follows.] by reason of (state the cause of incapacity), his incapacity (was or was not) permanent and (was or was not) the result of an incident of the service.

(b) *Permanent Reserve Officer.* In the case of a petitioner who at the time of his release or retirement without pay for physical disability was an officer of a Reserve component serving under a permanent appointment, the following phraseology shall be employed:

Ex-Ensign John (n) Doe, U.S. Naval Reserve, (did or did not) suffer disability in line of duty while employed during a period of service contemplated by Section 4 of the Act of 27 August 1940, as amended (34 U.S. Code 855c–1). [If he did not so suffer disability, no further finding is required; if he did so suffer disability, continue as follows.] He (was or was not) incapacitated for active service at the time of his release from active service [If not so incapacitated, no further finding is required; if so incapacitated, continue as follows.] by reason of (state the cause of incapacity), his incapacity (was or

was not) permanent and (was or was not) the result of an incident of the service.

(c) *Temporary Regular or Reserve Officer.* In the case of a petitioner who at the time of his release or retirement without pay for physical disability was a Regular or Reserve officer serving under a temporary appointment, the following phraseology shall be employed:

Ex-Warrant Officer John (n) Doe, U.S. Marine Corps, while on the active list of the Marine Corps, (did or did not) incur physical disability while serving under a temporary appointment in the rank of warrant officer subsequent to ----------, the date of (Date)
his temporary appointment and prior to ----------, the date such temporary appoint- (Date)
ment was revoked [If he did not so incur disability, no further finding is required; if he did so incur disability, continue as follows.]; he (was or was not) incapacitated for active service at the time of his release from active service [If not so incapacitated, no further finding is required; if so incapacitated, continue as follows.] by reason of (state the cause of incapacity), his incapacity (was or was not) permanent and (was or was not) the result of an incident of the service. His physical disability (was or was not) incurred in line of duty in time of war or national emergency during a period of service contemplated by Section 8 of the Act of 24 July 1941, as amended (34 U.S. Code 350g).

§ 725.619 Disability which existed at the time of appointment.

In addition to the applicable finding in § 725.618, when the Board reviews a case in which the evidence indicates that the disability which incapacitates petitioner existed at the time of his appointment, an additional finding in two parts shall be made and the following phraseology shall be employed:

The disability suffered by him had its origin while he was serving as an (state whether enlisted man, midshipman or officer).

He became patently incapacitated for active service (prior or subsequent) to his permanent appointment as an officer.

§ 725.620 Review of board of medical survey action.

(a) Considerations: As in the case of a board of medical survey, the Physical Disability Review Board in its review and report concerning the action thereon is limited to an expression of opinions and a recommendation. However, such opinions and recommendations will necessarily involve considerations such as those required to be set forth as "findings" in § 725.618; i.e., the petitioner's status at the time of his separation from active service as a permanent or temporary Regular or Reserve Officer; and further, his physical condition at such time as respects his fitness for duty, and if unfit, the nature and origin of his disability.

(b) The following phraseology shall be employed:

Ex-Ensign John (n) Doe, U.S. Naval Reserve, was (fit or unfit) for active service at the time of his release from active service [If fit for active service, continue as follows.] and should not have been ordered before a retiring board or physical evaluation board prior to his release from active service [If unfit for active service, continue as follows.] by reason of (state disability causing unfitness) which (was or was not) incurred within the contemplation of the applicable retirement law then in effect and (should or should not) have been ordered to appear before a retiring board or physical evaluation board prior to his release from active service.

(c) Recommendation: The following phraseology shall be employed:

The Board recommends, therefore, that the petitioner [If opinion is that he should have been ordered to appear before a retiring board or physical evaluation board, continue as follows.] be authorized to appear before a physical evaluation board [If opinion is that he should not have been ordered to appear before a retiring board or physical evaluation board, continue as follows.] be not authorized to appear before a physical evaluation board.

§ 725.621 Review of naval physical evaluation board action.

(a) In physical evaluation board cases arising under 10 U.S.C. 1554, phraseology as required under §§ 725.425 to 725.431, as appropriate, shall be used; however, the recommended findings shall relate to the date of release or retirement from active service and the record shall so state.

(b) In cases referred to the Physical Disability Review Board pursuant to § 725.506, the Board shall render an advisory opinion for the Secretary of the Navy as to the appropriate recommended findings upon which it considers that final disposition should rest.

§ 725.622 Minority opinions, findings, recommendations or decisions.

Any dissenting member of the Physical Disability Review Board shall make a minority report on those particulars in which he dissents. Such report shall be included in the record of proceedings of the Board.

§ 725.623 Preparation of record of proceedings.

The record of proceedings of the Physical Disability Review Board shall be prepared in accordance with Chapter III, Naval Supplement to the Manual for Courts-Martial, insofar as practicable. The record shall include a verbatim transcript of the testimony of all witnesses and shall contain a copy of all documentary evidence before the Board. The registered mail receipt and notification shall be appended to the record. The record of proceedings shall be signed by the President of the Physical Disability Review Board and the recorder.

§ 725.624 Forwarding of record of proceedings.

The record of proceedings of the Physical Disability Review Board in cases arising under 10 U.S.C. 1554 shall be forwarded to the Judge Advocate General for transmission to the Secretary. In cases considered pursuant to § 725.506, the record of proceedings shall be forwarded to the Secretary of the Navy.

Subpart G—Final Action and Relief From Final Action

§ 725.701 Action by the Judge Advocate General.

(a) The Judge Advocate General shall for the Secretary approve the recommended findings of Physical Evaluation Boards without further review of any kind when:

(1) The Physical Review Council concurs unanimously in the recommended findings of the Physical Evaluation Board.

(2) The majority of the Physical Disability Review Board agrees with the majority of the Physical Review Council.

(b) In those cases in which the majority of the Physical Disability Review Board disagrees with the majority of the Physical Review Council, the Judge Advocate General shall review the record and make specific recommendations as to the legality of the various findings and then forward the record to the Secretary of the Navy for final decision. The Judge Advocate General's comments are to be limited exclusively to opinions as to legality and to policy matters of importance.

(c) In cases arising under Section 302 of the Servicemen's Readjustment Act of 1944 as amended (10 U.S.C. 1554), the Judge Advocate General shall review the case and, limiting comment to the legality of the proceedings and recommended findings of the Board, forward the record with his comments to the Secretary for decision.

§ 725.702 Action by the Secretary of the Navy.

(a) After considering the record of proceedings and recommended findings of a physical evaluation board, forwarded in accordance with § 725.701, the Secretary of the Navy will make determinations in conformity with the applicable law and will direct the disposition of the party whose case has been considered.

(b) The Secretary of the Navy, after considering the record of proceedings and findings of a board convened in a case arising under Section 302 of the Servicemen's Readjustment Act of 1944, as amended (10 U.S.C. 1554), will approve or disapprove or issue orders in such case.

§ 725.703 Effective date of retirement.

(a) The effective date of retirement for physical disability following approval of the recommended findings of a physical evaluation board shall be specified by the Chief of Naval Personnel or the Commandant of the Marine Corps. The date to be specified shall be the date upon which all administrative procedures incident to retirement are completed, but no later than the first day of the month following the month during which retirement is approved.

(b) *Poor prognosis cases.* When an individual is to be retired for a disability which will almost certainly result in his death in the near future, a special situation is encountered. The survivors of such a member may benefit if retirement antedates death. Benefits under the Uniform Services Contingency Option Act as amended (10 U.S.C. 1431–1444) can not accrue until retirement. In addition when death occurs within a period of 120 days following release from active duty, the death gratuity may be paid. In order to insure that the beneficiaries of members having a poor prognosis may be eligible for maximum benefits under the law, it is the responsibility of the Counsel of the physical evaluation board, The Physical Review Council, or the Counsel of the Physical Disability Review Board, as appropriate, to insure that the case is handled in the most expeditious manner and that the reviewing authorities are informed at the earliest date practicable that the prognosis is poor in the case and whether the member concerned has made an election under the Uniform Services Contingency Option Act.

(c) *Early retirement or discharge at the election of the member.* Whenever a member, for personal reasons, desires that his retirement or discharge be effected at the earliest possible date, he may submit a request in writing to the Physical Review Council that his retirement or discharge be effected without delay upon completion of review and final action on the record of proceedings of the Physical Evaluation Board.

§ 725.704 Retirement for other reasons.

Any member who meets all qualifications for physical disability retirement but who is also qualified for retirement for other reasons may prior to the effective date of retirement request that the Secretary take no action on the record of proceedings of the physical evaluation board in his case in order that the member may request and be retired for reasons other than physical disability.

§ 725.705 Relief from final action.

Upon execution of the direction of the Secretary of the Navy as to disposition of a case which has been considered pursuant to this subpart, such action becomes final and may not be changed, modified, set aside or reopened except upon one or more of the grounds, and in the manner, hereinafter set forth.

(a) *Clerical mistakes.* Clerical mistakes or mathematical miscalculations in the orders affecting disposition or other parts of the record of proceedings may be corrected by the Secretary at any time on his own initiative or upon the petition of the individual whose case has been considered or any cognizant authority of the Naval Establishment after such notice, if any, as the Secretary may direct.

(b) *Other grounds for relief.* Upon notice to the individual concerned and opportunity for hearing thereon or upon petition of the individual concerned, the Secretary may, in his discretion, change or modify or may set aside his action directing the disposition of the individual and direct new proceedings in his case for the following reasons:

(1) *Newly discovered evidence.* Upon the presentation of newly discovered evidence which by due diligence could not have been presented prior to the effective date of disposition of the individual concerned, which relates to a fact in existence at the time of such disposition, which is not merely cumulative or corroborative and not such as merely to affect the weight of the evidence or the credibility of the witnesses, and which would have warranted a different action had it been presented;

(2) *Fraud, misrepresentation, or other misconduct.* Upon a showing that the directed disposition of an individual was based upon the fraud, misrepresentation of material fact, or other misconduct of a party of such nature that in the absence thereof a different action would have been taken; and

(3) *Mistake of law.* When it appears that the directed disposition of an individual was based upon a mistake of law which resulted in either an assumption of jurisdiction beyond the authority granted by law or a refusal to assume jurisdiction within the authority granted by law.

§ 725.706 Procedure for obtaining relief.

(a) *Clerical mistakes.* A clerical mistake or mathematical miscalculation which does not affect the disposition of the individual or change the computation of his disability retirement pay on the basis of percentage of disability may be corrected by the Secretary without notice. If the correction of the error would affect the disposition or so change the computation of disability retirement pay, the individual shall be given reasonable notice and afforded an opportunity to be heard, if he shall request it, before such correction is made. Relief sought by an individual under this paragraph shall be by petition addressed to the Secretary setting forth the error complained of and the relief desired.

(b) *Relief on other grounds.* When relief is sought on the grounds set forth in § 725.705(b) the individual concerned, his legal representative or the cognizant authority of the Naval Establishment shall address a petition to the Physical Review Council. The petition must be filed within five years from the effective date of the individual's disposition and shall set forth the relief desired and the grounds for such relief. When the petition is based upon evidence not of record in the Navy Department, such evidence shall be filed with the petition. The Physical Review Council, upon consideration of such petition, shall make recommendations to the Secretary of the Navy relative to granting such relief.

(c) *Hearings upon petition for relief.* If the Physical Review Council, upon the consideration of a petition for relief, shall deem it necessary that hearings be held upon any such petition, it may direct any physical evaluation board to hold such hearings, the record of which, without recommendations, shall be forwarded to the Physical Review Council.

(d) *Effect of filing petition for relief and action thereon.* The filing of any petition for relief shall not affect the directed disposition of an individual or suspend its operation until and unless the Secretary of the Navy shall so direct. Neither the action of the Secretary of the Navy upon a petition for relief nor any action taken by him pursuant to the proceedings on the reopening of a case shall operate to extend the time for application for review of the original disposition by a statutory board.

Subpart H—Physically Restricted Personnel

§ 725.801 General considerations.

Members of the naval service who are unable to perform full duty because of physical disability may be retained on the active list provided the following requirements are satisfied:

(a) The member requests retention in writing.

(b) His disability would not jeopardize the health of his associates.

(c) The health of the member will not be jeopardized by performing limited duty.

(d) The evaluee possesses a useable skill or potential skill which can be successfully applied in spite of his physical handicap.

(e) The retention of such a member can be expected to contribute to the effectiveness and the efficiency of the naval service.

§ 725.802 Primary objective.

The prime objective of this policy is to conserve manpower by salvaging needed experiences and skills. This policy is not designed to provide employment for the physically handicapped. Its successful application will depend on a realistic appraisal of the medical and personnel factors involved in each case.

§ 725.803 Procedures.

(a) When a member has been admitted to the sick list and is considered physically qualified to perform limited duty but temporarily not physically qualified to perform unrestricted duty, he shall generally be reported upon by a board of medical survey in accordance with Chapter 18 of the Manual of the Medical Department.

(b) If the disability is of such a nature that recovery is not anticipated and if it is not expected that the member will qualify physically for full duty after a reasonable period of convalescence or limited duty, the commanding officer shall determine whether the member desires to be retained on active duty for the performance of limited duty.

(c) If the member requests retention on active duty for performance of limited duty, he should be reported upon by a board of medical survey; otherwise, he should appear before a medical board in accordance with Subpart C.

(d) In each instance when a member requests retention for limited duty he shall be advised that his retention is contingent upon meeting the requirements outlined in § 725.801, and that the final determination as to whether he will be retained for the performance of limited duty or ordered to appear before a physical evaluation board rests with the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

§ 725.804 Disposition of physically restricted members.

(a) When physically restricted members who have been retained on active service under the provisions of this subpart become unable to perform their duties properly because of physical disability, they shall be admitted to a naval hospital for observation, treatment, and appropriate disposition.

(b) Physically restricted members will not be separated without processing by a physical evaluation board unless the member recovers from the disability for

which he was placed in a limited duty status.

Subpart I—Disposition of Members Whose Names Are Carried on the Temporary Disability Retired List

§ 725.901 Periodic physical examination.

(a) 10 U.S. Code 1210 requires that members whose names have been placed on the Temporary Disability Retired List shall be given physical examinations at least once every 18 months. The Chief of Naval Personnel or Commandant of the Marine Corps shall issue appropriate orders for such examinations.

(b) Failure of a member to report for any periodic physical examination after receipt of proper notification may result in the termination of his disability retirement pay. However, if the member shows good cause for the failure to report, the payments may be reinstated and may be made retroactive for a period of not over 1 year.

(c) Members who have waived retirement pay in order to receive compensation from the Veterans Administration are still members of the naval service and are required to undergo periodic physical examinations when ordered by the Chief of Naval Personnel or Commandant of the Marine Corps. Failure to report for physical examinations as ordered may result in the suspension of their retirement pay account. The retirement pay account, so suspended, may not be reopened when the member later wishes to reelect to receive retired pay by reason of a decrease in, or termination of, his Veterans Administration compensation.

(d) Members who are ordered to submit to a physical examination will be reimbursed for travel performed upon submission of a claim and presentation of their orders, properly endorsed.

(e) The periodic physical examination should be conducted with the same scrupulous care and thoroughness as the examinations done preliminary to appearance before a medical board. This examination should include an evaluation of any disabilities which have been incurred since temporary retirement, as well as those disabilities present at the time of retirement.

(f) Whenever inpatient observation is desirable or necessary for a proper evaluation, admission and retention as an inpatient for a period of 10 days is authorized. This length of inpatient observation may be extended upon the authorization of the Chief of Naval Personnel or the Commandant of the Marine Corps. It is particularly important that admission as an inpatient be effected for proper evaluation of neuropsychiatric cases.

(g) The report of periodic physical examination shall be prepared in letter form as prescribed in § 725.305. It should contain an accurate interval history and a report of all clinical evaluations and laboratory studies done.

(h) Reports of periodic physical examination shall not contain any opinions as to the member's fitness or unfitness for duty; as to whether the disability for which retired has changed in any way or remains the same; nor shall such reports contain any recommendation as to whether the member should be continued on the Temporary Disability Retired List, ordered to appear before a Physical Evaluation Board, discharged, or returned to duty.

(i) The report of periodic physical examination should contain a statement as to whether personal appearance of the member before a physical evaluation board would be deleterious to his physical or mental health, and whether disclosure of information to the member relative to his physical or mental condition would adversely affect his physical or mental health.

(j) The report of periodic physical examination should be signed by the medical officer designated to conduct the examination and, unless the orders for the examination otherwise direct, should be transmitted to the Physical Review Council by way of the Commanding Officer.

§ 725.902 Termination of temporary disability retirement.

(a) If, as a result of any periodic physical examination, it is determined by the Physical Review Council that the disability of the member concerned has become stabilized, that is, that no further improvement or deterioration of the disability may normally be expected within the period the member can be carried on the Temporary Disability Retired List, the member will then be reevaluated by a physical evaluation board, except as provided in § 725.510. After reevaluation, one of the following types of disposition of his case will be made:

(1) Retention on the Temporary Disability Retired List

(2) Permanent retirement

(3) Discharge with or without severance pay

(4) Fit for return to duty.

(b) In the event the member is to be retained on the Temporary Disability Retired List, he will continue to be examined at intervals of 18 months. However, he must be finally reevaluated before the end of the 5-year period when final disposition must be made of his status.

(c) If his disability is ratable at less than 30 per centum but continues to render him unfit for return to duty, and if the member has served less than 20 years active duty, he will be discharged with severance pay.

(d) If the member has recovered from his disability to a degree that he is fit to perform his duties, the following may apply:

(1) An enlisted member of a Regular component shall, subject to his consent, be reenlisted in his Regular component; if an officer in a Regular component, he shall, subject to his consent, be recalled to active duty and, as soon as practicable, be reappointed to the active list of his Regular component, even if this means that there will be a temporary increase in the number of officers authorized for his grade.

(2) A member of a Reserve component shall, subject to his consent, be reappointed or reenlisted, as the case may be, in his Reserve component.

§ 725.903 Appointment, reappointment, enlistment, or reenlistment.

Any such appointment, reappointment, enlistment, or reenlistment shall be in a rank, grade, or rating not lower than the rank, grade, or rating permanently held by the member at the time his name was placed on the Temporary Disability Retired List, and may be in the rank, grade, or rating immediately above the rank, grade, or rating permanently held. For the purpose of being placed on a lineal list, promotion list, etc., the member will be given such seniority in rank, grade, or rating, or will be credited with such years of service as the Secretary of the Navy may authorize. In this connection, consideration will be given to the probable opportunities for advancement and promotion to which the member might reasonably have been entitled had it not been for his placement on the Temporary Disability Retired List.

§ 725.904 Regular officer.

An officer in a Regular component shall have his disability retirement pay terminated on the date of his recall to active duty, and his status on the Temporary Disability Retired List terminated on the date of his reappointment on the active list.

§ 725.905 Regular enlisted member.

An enlisted person of a Regular component shall have both his status on the Temporary Disability Retired List and his disability retirement pay terminated on the date of his reenlistment in the Regular component of which he was a member before being placed on the Temporary Disability Retired List.

§ 725.906 Reserve officer or enlisted member.

A member of a Reserve component, whether officer or enlisted person, shall have his status on the Temporary Disability Retired List and his disability retirement pay terminated on the date of his reappointment or reenlistment in a Reserve component, as the case may be.

§ 725.907 Disposition when member does not consent to reappointment or reenlistment.

If a member does not consent to his reappointment or reenlistment, his status on the Temporary Disability Retired List and his disability retirement pay shall be terminated as soon as is practicable.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

AUGUST 4, 1959.

[F. R. Doc. 59-6579; Filed, Aug. 10, 1959; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis-free areas is amended in the following respects:

1. The paragraph headed "Arizona" is amended to read:

Arizona: The entire State;

2. The paragraph headed "Arkansas" is amended to read:

Arkansas: Baxter, Benton, Boone, Carroll, Calhoun, Clark, Cleburne, Columbia, Dallas, Faulkner, Fulton, Garland, Grant, Hempstead, Hot Spring, Independence, Izard, Johnson, Lafayette, Madison, Marion, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Polk, Pope, Saline, Scott, Searcy, Sharp, Stone, Van Buren, Washington, and Yell Counties;

3. The paragraph headed "California" is amended to read:

California: Alpine, Colusa, Del Norte, Humboldt, Inyo, Lassen, Marin, Modoc, Mono, Shasta, Sierra, Siskiyou, Tehoma, Trinity, and Yolo Counties;

4. The paragraph headed "Colorado" is amended to read:

Colorado: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, La Plata, Logan, Mesa, Montezuma, Montrose, Ouray, Phillips, Pitkin, Rio Grande, Saguache, San Juan, San Miguel, and Sedgwick counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

5. The paragraph headed "Georgia" is amended to read:

Georgia: Appling, Atkinson, Bacon, Baldwin, Baker, Banks, Barrow, Ben Hill, Berrien, Brantley, Brooks, Bryan, Bullock, Burke, Butts, Candler, Carroll, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Cobb, Coffee, Colquitt, Columbia, Cook, Crawford, Dade, Dawson, De Kalb, Dodge, Douglas, Early, Echols, Effingham, Elbert, Evans, Fannin, Forsyth, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Irwin, Jackson, Jefferson, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Liberty, Lincoln, Lowndes, Long, Lumpkin, Madison, Marion, Meriwether, Miller, Monroe, Montgomery, Oconee, Oglethorpe, Pualding, Peach, Pickens, Pierce, Pike, Polk, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Screven, Spalding, Stephens, Talbot, Tattnall, Taylor, Telfair, Tift, Toombs, Towns, Truetlen, Troup, Turner, Twiggs, Union, Upson, Walker, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkinson, and Worth Counties;

6. The paragraph headed "Idaho" is amended to read:

Idaho: Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, and Washington Counties; and Fort Hill Indian Reservation;

7. The paragraph headed "Illinois" is amended to read:

Illinois: Boone, Bond, Bureau, Champaign, Clay, Clinton, Coles, Cook, Cumberland, DeKalb, DuPage, Edgar, Effingham, Ford, Greene, Grundy, Kane, Kankakee, Kendall, Lake LaSalle, Lawrence, Lee Livingston, McHenry, McLean, Macon, Monroe, Moultrie, Ogle, Perry, Stephenson, Vermillion, Wabash, Will, Woodford, and Winnebago Counties;

8. The paragraph headed "Indiana" is amended to read:

Indiana: Adams, Allen, Benton, Blackford, Brown, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, DeKalb, Delaware, Dubois, Elkhart, Floyd, Fulton, Grant, Hancock, Harrison, Howard, Huntington, Jay, Lagrange, Lake, LaPorte, Madison, Marion, Marshall, Martin, Noble, Orange, Parke, Perry, Pike, Porter, Posey, Pulaski, Randolph, Rush, Shelby, St. Joseph, Spencer, Starke, Steuben, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Wells, and Whitley Counties;

9. The paragraph headed "Kentucky" is amended to read:

Kentucky: Anderson, Bracken, Calloway, Campbell, Elliott, Graves, Greenup, Hopkins, Jackson, Johnson, Lawrence, Metcalfe, Morgan, Rockcastle, Rowan, Simpson, Todd, Trigg, Trimble, Warren, and Wolfe Counties;

10. The paragraph headed "Mississippi" is amended to read:

Mississippi: Alcorn, Attala, Benton, Choctaw, Clay, Forrest, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lee, Monroe, Newton, Neshoba, Oktibbeha, Perry, Pike Pontotoc, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Winston, and Yalobusha Counties;

11. The paragraph headed "Missouri" is amended to read:

Missouri: Andrew, Barry, Bollinger, Boone, Butler, Cape Girardeau, Carroll, Chariton, Christian, Dade, Dent, Douglas, Franklin, Greene, Jackson, Jasper, Jefferson, Lawrence, Monroe, Montgomery, Oregon, Osage, Perry, Pettis, Putnam, Ralls, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, Shelby, Texas, Washington, Webster, Worth, and Wright Counties;

12. The paragraph headed "Montana" is amended to read:

Montana: Beaverhead, Blaine, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lincoln, McConc, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Rivalli, Richland, Roosevelt, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

13. The paragraph headed "New York" is amended to read:

New York: Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chenango, Chemung, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Nassau, Niagara, Madison, Montgomery, Onondsga, Orange, Oswego, Otsego, Putnam, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington, Wayne, and Westchester Counties;

14. The paragraph headed "Ohio" is amended to read:

Ohio: Athens, Belmont, Carroll, Columbiana, Cuyahoga, Fulton, Guernsey, Hancock, Henry, Hardin, Hocking, Jackson, Mahoning, Meigs, Monroe, Morrow, Morgan, Noble, Ottawa, Paulding, Putnam, Scioto, Seneca, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wood, and Wyandot Counties;

15. The paragraph headed "Oregon" is amended to read:

Oregon: The entire State;

16. The paragraph headed "Tennessee" is amended to read:

Tennessee: Anderson, Bedford, Benton, Bledsoe, Bradley, Campbell, Carroll, Carter, Cheatham, Chester, Claiborne, Clay, Cocke, Coffee, Davidson, Decatur, DeKalb, Dickson, Dyer, Fentress, Franklin, Gibson, Giles, Greene, Grundy, Hamilton, Hancock, Hardeman, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, Marion, McNairy, Macon, Madison, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Sequatchie, Scott, Shelby, Smith, Stewart, Sullivan, Sumner, Tipton, Trousdale, Unicoi, Union, Van Buren, Washington, Wayne, Weakley, Williamson, and Wilson Counties;

17. The paragraph headed "Virginia" is amended to read:

Virginia: Accomack, Alleghany, Arlington, Bath, Bedford, Bland, Brunswick, Buchanan, Buckingham, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Essex, Fairfax, Giles, Gloucester, Hanover, Henrico, Highland, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Lee, Loudoun, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Orange, Page, Prince William, Princess Anne, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, Wise, Wythe, and York Counties, and City of Hampton;

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds certain areas to those designated as modified certified brucellosis-free areas, which additional areas have been determined to come within the definition of § 78.1(i).

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and should be

made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of August 1959.

F. J. MULHERN,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 59-6615; Filed, Aug. 10, 1959; 8:50 a.m.]

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

PART 180—DESIGNATION OF METHODS

Additional Designation of Humane Method of Slaughter and Handling

Pursuant to the authority conferred by the Humane Slaughter Act of 1958 (7 U.S.C. 1901 et seq.), the introductory paragraph of § 180.5 of the regulations relating to humane slaughter of livestock (9 CFR 180.5; 24 F.R. 1549) is hereby amended to read as follows:

§ 180.5 Chemical; carbon dioxide.

The slaughtering of sheep, calves and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the act.

(Sec. 4, 72 Stat. 863; 7 U.S.C. 1904; 19 F.R. 74, as amended)

This amendment designates as a humane method of slaughtering and handling calves under the Humane Slaughter Act, the method of slaughtering with use of carbon dioxide gas and handling previously designated under the act as humane with respect to sheep and swine. Designations of methods under the act become mandatory for purposes of section 3 of the act on June 30, 1960, with respect to United States Government contracts for procurement of meat and meat food products, but prior to said date such designations are advisory and may be adopted by the livestock slaughtering industry on a voluntary basis.

The designation of the carbon dioxide method for calves was recommended to the Department by the Advisory Committee established under the act. The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rulemaking procedure. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are unnecessary.

Done at Washington, D.C., this 6th day of August 1959.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59-6616; Filed, Aug. 10, 1959; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

[9th Gen. Revision of Export Regs.; Amdt. 21 [1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 377—TIME LIMIT (TL) LICENSES

Miscellaneous Amendments

§ 371.9 [Amendment]

1. Section 371.9 *General License GIT; in-transit shipments*, paragraphs (a) and (b) are amended to read as follows:

(a) *General provisions.* (1) A general license designated GIT is hereby established, authorizing, subject to the other provisions of this section, the exportation from the United States of commodities which originate in and are destined to any foreign country; provided that such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I.E.) customs entry made at a United States customhouse.

(2) Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(3) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A country, under the provisions of a general license, may be exported to Hong Kong, Macao, Poland (including Danzig), or a Subgroup A country, respectively, under General License GIT.

NOTE: 1. A commodity is not considered as "moving in transit" within the meaning of General License GIT if it is covered by a warehouse entry and withdrawn from warehouse under a withdrawal-for-exportation customs entry or if its transit is broken by a warehousing or processing operation under another type of customs entry.

2. General License GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Department of Commerce.

3. See § 370.6 of this chapter regarding shipments moving in transit via the United States without unloading from the carrier.

(b) *Special provisions for shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments from Canada, regardless of origin of the commodities included in the shipment, moving in transit through the United States to any foreign destination, including Hong Kong, Macao, and Subgroup A destinations. The United States Collector at the United States port of exit shall require, and the shipper shall submit to him, a copy of Canadian Customs Entry, Form B13, certified or stamped by the Canadian customs authorities, for each such shipment. Positive List commodities may be exported from the United States under General License GIT only as authorized in the certified or stamped Canadian Customs Entry, Form B13. Where the ultimate destination or any other pertinent detail of such shipment is not the same on the U.S. Shipper's Export Declaration as that shown on the Canadian Customs Entry, Form B13, a validated U.S. export license or a new Form B13 authorizing the shipment is required. However, non-Positive List commodities may be exported under any general license applicable to the exportation of the same commodities of domestic origin whether or not there is a change of ultimate destination while the shipment is in transit. Non-Positive List commodities authorized by the Canadian Customs Entry, Form B13, for export to Hong Kong, Macao, or Subgroup A destinations may proceed in transit through the United States under General License GIT according to that authorization. Other shipments of non-Positive List commodities to Hong Kong, Macao, or Subgroup A destinations, not authorized to such a destination by the accompanying Canadian Customs Entry, Form B13, require a validated U.S. export license of a new Form B13 authorizing such an exportation.

(2) Any parties to the exportation shall submit any further proof which the Collector at the United States port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. An exportation shall not be cleared for shipment by the Collector at the United States port of exit under General License GIT unless all provisions of this general license have been complied with.

§ 371.18 [Amendment]

2. Section 371.18 *General License GLR; return of certain commodities imported into the United States*, paragraphs (a) *Commodities sent to the United States for repair* and (e) *Civil aircraft and aircraft equipment sent from the United States for repair or overhaul* are amended to read as follows:

(a) *Commodities sent to the United States for inspection, testing, calibration or repair.* (1) Any commodity which has been sent to the United States for inspection, testing, calibration or repair may be exported under this general license to the country from which it was sent, except as indicated in subparagraph (2) of this paragraph. The commodity returned may include replacement or rebuilt parts which are necessary to repair the commodity.

(2) The provisions of this paragraph do not apply to:

(i) Exportations to Kong Kong, Macao, and Subgroup A destinations.

(ii) Commodities disposed of by United State government agencies under foreign excess property disposal programs.

• • • • •

(e) *Civil aircraft and aircraft equipment sent from the United States for inspection, testing, calibration, repair or overhaul.* (1) Civil aircraft, or civil aircraft equipment, parts, accessories or components which were manufactured in a foreign country may be exported under this general license to the country from which originally imported into the United States or to the country in which manufactured for the purpose of being inspected, tested, calibrated, repaired or overhauled and returned to the United States, except that no exportation may be made under this paragraph to Hong Kong, Macao, or a Subgroup A destination. Any commodity exported under this general license shall be returned to the United States as soon as the repair or overhaul is completed.

(2) Where civil aircraft or civil aircraft equipment, parts, accessories or components are returned to the country of manufacture and this is not the same country as the one from which imported into the United States the name and address of the manufacturer shall be shown on the Shipper's Export Declaration in addition to the other information required by this section.

§ 371.25 [Amendment]

3. Section 371.25. *General License GATS; aircraft on temporary sojourn* is amended by heading and numbering the present Note following paragraph (b) as 1. *Non-return to the United States* and adding another note to read as follows:

2. *Aircraft licensed by the Department of State.* The provisions of General License GATS do not apply to aircraft under licensing authority of the Department of State. These aircraft are described on the United States Munitions List. The departure of such aircraft must in all cases comply with the export regulations of the Department of State.

§ 372.12 [Amendment]

4. Section 372.12 *Reexportation from country of destination* is amended in the following respects:

a. Paragraph (a)(2) is amended by adding the words "or Liechtenstein" after the word "Switzerland" wherever it appears in that subparagraph.

b. Paragraph (a)(4) is amended to read as follows:

(4) *Special provisions for requests to reexport to or from specified destinations.* In addition to the requirements set forth in subparagraphs (2) and (3) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) covered is to be reexported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexportation will be made, the quantity and value of the commodities to be reexported to each person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexportation is to be made to any one of the following countries (regardless of the country to which the commodities were originally shipped from the United States), additional information shall be furnished as set forth in (*a*) and (*b*) of this subdivision.

Cambodia.	Singapore, Colony of.
Hong Kong.	
Indonesia	Subgroup A countries.
Laos.	
Lebanon.	Switzerland.
Liechtenstein.	Thailand.
Macao.	Viet-Nam, Republic of.
Malaya, Federation of.	Yugoslavia.
Poland (including Danzig).	

(*a*) The name and address of each person or firm to whom reexportation will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm, and

(*b*) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 of this chapter if the reexportation were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexportation will be made, the Bureau of Foreign Commerce will accept a reproduced copy of the document being furnished to the country of reexportation.

(iii) Where the request for reexportation authorization described in subdivisions (i) or (ii) of this subparagraph is approved by the Bureau of Foreign Commerce, the U.S. exporter shall advise his foreign consignee of the amount of reexportation and name of person or firm to whom the reexportation has been approved.

c. Paragraph (b) *Permissive reexportations* is amended to read as follows:

(b) *Permissive reexportations.* The following reexportations of United States origin commodities may be made without the need for obtaining prior authorization from the Bureau of Foreign Commerce (for reexportation of technical data see § 385.6 of this chapter):

(1) Reexportations between the United Arab Republic (Egypt Region) and United Arab Republic (Syria Region).

(2) Reexportations between the Colony of Signapore and the Federation of Malaya.

(3) Reexportations between Switzerland and Liechtenstein.

(4) Reexportations between ultimate consignees covered by the terms of a project license (see § 374.10 of this chapter).

(5) For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexportation authorization issued by the Bureau of Foreign Commerce which permits reexportation to Italy automatically includes the area of Trieste under Italian civil administration, and similarly and authorization issued by the Bureau of Foreign Commerce which permits reexportation to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

(6) Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either (i) under General License GO, GRO, G-PUB, GHK, or GISA, or (ii) where the value of the reexportation does not exceed the GLV dollar-value limit shown on the Positive List with reference to the country of destination.

5. Section 373.49 *Machinery and parts* is amended to read as follows:

§ 373.49 Machinery and parts.[1]

Applications for licenses to export machinery, equipment and apparatus, with the processing codes CONS, ELME, FINP, GIEQ, RARA, SATE, TOOL, and TRAN must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter.

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or apparatus, if production and exportation can not be completed within six months, the Bureau of Foreign Commerce will consider the issuance of a license with a

[1] This amendment was published in Current Export Bulleting 818, dated August 6, 1959.

[1] Parts, accessories, and equipment, which are to be scrapped are classified as scrap (e.g., Schedule B Nos. 60030–60095, 63005, 64130, and 64400). See § 399.2 of this chapter, Int. 10.

validity period of one year. In these instances, the exporter shall enter this request in the space entitled "Additional Information" on the Form FC–419, or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

(d) An application for a license to export ball or roller bearings, or balls for bearings (Schedule B Nos. 76910, 76920 and 76933) to a Subgroup A destination or Poland (including Danzig) shall include the following information in addition to the other information required by the provisions of this section:

(1) For exportations of ball or roller bearings

(i) The name of the manufacturer

(ii) The bearing number as listed in the manufacturer's catalog

(iii) The inner bore diameter of the bearing;

(2) For exportations of balls for bearings

(i) The type of metal

(ii) The grade of the ball (in accordance with standards adopted by the Anti-Friction Bearing Manufacturers' Association)

(iii) The basic size of the ball.

§ 373.65 [Amendment]

6. Section 373.65 *Ultimate consignee and purchaser statements*, paragraph (c) *Information required in consignee statements* is amended by substituting the word "two" for the word "four" where it appears in the next to the last sentence of subdivision (i) of subparagraph (1).

7. Section 373.67 *Switzerland* is amended in the following particulars:

a. The title of the section and paragraph (a) (1) *Submission of certificate* and (5) *Certificate as a factor in licensing* are amended to read as follows:

§ 373.67 Switzerland and Liechtenstein.

(a) *Import certificate requirement*—(1) *Submission of certificate.* A license application for export of commodities to Switzerland or Liechtenstein must be accompanied by the original Swiss Blue Import Certificate issued to the importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States. Where the Import Certificate covers commodities for which more than one license application is submitted, the original of the Swiss Blue Import Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information," or on an attachment thereto:

I (We) certify that the quantities of commodities shown on all export licenses based on the Swiss Blue Import Certificate No. ------, when added to the quantities shown on all additional applications pending in the Bureau of Foreign Commerce based on the same Certificate, including the present application, do not total more than the quantities shown on that Certificate. This Swiss Blue Import Certificate was submitted in support of application No. ----------

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(BFC case No. or if BFC case No. is unknown, the applicant's reference No., date of submission of application to which the Swiss Blue Import Certificate was attached, and Schedule B Nos. and processing codes shown on that application)

* * * * *

(5) *Certificate as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Swiss Government has issued an Import Certificate. Generally commodities licensed by the Bureau of Foreign Commerce on the basis of dollar value will not be licensed in excess of the dollar value shown on the Swiss Blue Import Certificate and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on the Certificate. The Department of Commerce will not seek or undertake to give consideration to recommendations from the Government of Switzerland or Liechtenstein as to the United States exporter whose license application should be approved. A Swiss Blue Import Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

b. Paragraph (b) (2) *Shipments to the Swiss Government* is amended to read as follows:

(2) *Shipments to government agencies.* Applications for licenses to export commodities to Swiss or Liechtenstein Government agencies are exempted from the requirement to submit a Swiss Blue Import Certificate where the government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Switzerland or Liechtenstein.

NOTE: For definition of "government agency", see § 373.65(a) (2) (iv).

c. The first two sentences of paragraph (c) *Return of Blue Import Certificate* are amended to read as follows: "The Swiss Blue Import Certificate provides that the importer has pledged himself directly to import the commodities into the Swiss customs territory and that any reexportation of these goods is prohibited. If the importer is unable to obtain the commodities covered by a Swiss Blue Import Certificate, he is required by the Swiss Government to produce evidence of such inability."

8. Section 374.2 *Commodities subject to project license* is amended to read as follows:

§ 374.2 Commodities subject to project license.

The project licensing procedure is applicable to all Positive List commodities for which a validated license is required, except complete aircraft, either assembled or knocked down.[1]

[1] Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a project license may be used, where applicable, to export related parts, accessories, or components for the aircraft.

9. Section 377.2 *Commodities subject to TL license* is amended to read as follows:

§ 377.2 Commodities subject to TL license.

The commodities which may be exported under the Time Limit (TL) license procedure are all RO commodities on the Positive List of Commodities, except complete aircraft either assembled or knocked down.[1]

[1] Applicants who propose to expose a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a TL license may be used, where applicable, to export related parts, accessories, or components for the aircraft.

This amendment shall become effective as of August 6, 1959 except that Parts 5, 8 and 9 shall become effective August 13, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59–6599; Filed, Aug. 10, 1959; 8:48 a.m.]

[9th Gen. Revision of Export Regs.; Amdt. P.L. 14[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Product Division Jurisdiction Over Processing Codes

Section 399.4 *Appendix D—Groups of commodity processing codes* is amended to read as follows:

§ 399.4 Appendix D—Product Division jurisdiction over processing codes.

For purposes of submission of multiple transactions consignee and purchaser statements (§ 373.65 of this subchapter) by applicants for export licenses, the Commodity Processing Code symbols, as shown on the Positive List (§ 399.1) have been arranged in two groups, corresponding to the two Bureau of Foreign Commerce product divisions that license the commodities:

Aircraft, Agriculture, Chemicals, and Fuels Division

AGRI	DRUG	ORGN	SALT
AGSU	ELME	PETR	TEXT
COAL	FINP	RESN	TRAN
COTA	GFTS	RUBR	

Industrial, Scientific, and Technical Division

CONS	NONF	SATE	TNPL
GIEQ	RARA	STEE	TOOL
MINL			

This amendment shall become effective as of August 6, 1959.

[1] This amendment was published in Current Export Bulletin 818, dated August 6, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59–6600; Filed, Aug. 10, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1934]

[Oregon 04617]

OREGON

Partly Revoking Public Land Order No. 1546 of November 7, 1957

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1546 of November 7, 1957, reserving lands for use of the Forest Service as administrative sites, is hereby revoked so far as it affects the following-described lands in the Rogue River National Forest.

WILLAMETTE MERIDIAN

DIAMOND LAKE ADMINISTRATIVE SITE

T. 28 S., R. 5 E., unsurveyed
Sec. 32, N½NE¼, N½S½NE¼
Totaling 120 acres.

At 10:00 a.m. on September 9, 1959, the lands shall be open to such forms of appropriation as may by law be made of national forest lands.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 4, 1959.

[F.R. Doc. 59–6589; Filed, Aug. 10, 1959; 8:47 a.m.]

[Public Land Order 1935]

[82675]

OREGON

Modifying Boundaries of Umatilla National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described lands are hereby excluded from the area now within the Umatilla National Forest, Oregon, and the boundaries of the said forest are modified accordingly:

WILLAMETTE MERIDIAN

T. 4 N., R. 37 E.,
Sec. 12, S½;
Sec. 13, N½NE¼, NW¼;
Sec. 24, NW¼NW¼.
T. 5 N., R. 37 E.,
Sec. 25, NE¼, W½;
Sec. 26, NW¼NE¼, N½NW¼, NE¼SE¼;
Sec. 35, SE¼SE¼.
T. 4 N., R. 38 E.,
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, NW¼NE¼, E½NW¼, NE¼SW¼.
T. 5 N., R. 38 E.,
Secs. 30 and 31.

The areas described aggregate approximately 3,295 acres of patented lands.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 4, 1959.

[F.R. Doc. 59–6590; Filed, Aug. 10, 1959; 8:47 a.m.]

[Public Land Order 1936]

[Colorado 028726]

COLORADO

Partially Revoking Reclamation Withdrawal of September 14, 1937 (Colorado-Big Thompson Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The Departmental order of September 14, 1937, which withdrew lands in Colorado for reclamation purposes in the first form in connection with the Colorado-Big Thompson Project, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 2 S., R. 80 W.
Sec. 12, S½NE¼, SE¼NW¼ and NE¼SE¼.

The areas described aggregate 160 acres.

The lands are patented, with minerals reserved to the United States (Act of December 29, 1916; 39 Stat. 862; 43 U.S.C. 291–301), as amended. Any leasable minerals have been open to applications and offers. The locatable minerals, if any, shall be subject to location under the United States mineral laws and the regulations in 43 CFR 168.6, at 10:00 a.m. on September 9, 1959.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 4, 1959.

[F.R. Doc. 59–6591; Filed, Aug. 10, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12858; FCC 59–832]

PART 3—RADIO BROADCAST SERVICES

Television Broadcast Stations; Milwaukee-Whitefish Bay, Wis.

1. The Commission has before it for consideration its Notice of Proposed Rule Making, released in this proceeding on April 23, 1959 (FCC 59–386), inviting comments on the proposal of Independent Television, Inc., licensee of Station WITI–TV on Channel 6 at Whitefish Bay, Wisconsin, for the shift of Channel 6 from Whitefish Bay to Milwaukee, Wisconsin.

2. Petitioner, Independent Television, Inc., filed comments in support of the proposal. No comments opposing the proposal were filed.

3. Whitefish Bay is a small community—its population totalled 14,655 persons in 1950—located about five miles to the north of Milwaukee on the western shore of Lake Michigan. It is a part of the Milwaukee Urbanized Area and in Milwaukee County, which has been designated by the Bureau of the Census as the Milwaukee Metropolitan District. A part of the City of Milwaukee, to the west of Whitefish Bay, extends approximately as far north as Whitefish Bay. Channel 6, the only television channel assigned to Whitefish Bay, was assigned in December of 1953 after rule making in Docket No. 10713. The then-existing rules governing minimum assignment spacing requirements precluded the assignment of the channel to Milwaukee. The amendment, adopted in July of 1956 to § 3.611 of the rules, which permits the assignment of channels in communities which do not meet the required spacings where transmitter sites are available which meet the spacing and other requirements of the rules, now makes it technically feasible to assign Channel 6 directly to Milwaukee.

4. Petitioner has demonstrated in its comments that all technical allocation requirements of the rules could also be fully met if Station WITI were to operate as a Milwaukee station instead of a Whitefish Bay station on Channel 6 from the station's present transmitter site, which is 6.7 miles north of Whitefish Bay near Mequon, Wisconsin, and about 12 miles from downtown Milwaukee. Station WITI–TV's antenna site is the same as that authorized for the Milwaukee Channel 10 educational station, WMVS–TV. The two stations share a common tower, and their transmitters are in adjacent buildings. From this location, Station WITI–TV now puts the required minimum field intensity signal over all of Milwaukee. Petitioner urges that a station operating on Channel 6 in the small community of Whitefish Bay must necessarily depend in large part upon Milwaukee and adjacent suburban areas for audience and revenue and compete with the two commercial VHF stations in Milwaukee for this audience and revenue.

5. The Commission has authorized similar shifts of television channels from small communities to nearby large communities in several allocation proceedings[1] upon determining that the existing minimum separation requirements made possible the assignment of the channel

[1] Notably, in Docket No. 12255, where Channel 4 was shifted from Irwin to Pittsburgh, Pennsylvania; in Docket No. 11839, where Channel 5 was shifted from Old Hickory to Nashville, Tennessee, and in Docket No. 11840, where Channel 13 was moved from Warner Robins to Macon, Georgia.

to the larger city and that the requested channel shift would make for a more effective utilization of the available facility and would serve the public interest. We reach the same determination on the subject proposal to shift Channel 6 from Whitefish Bay to Milwaukee.

6. Authority for the adoption of the amendment is contained in sections 4(i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered,* That, effective September 8, 1959, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned as follows:

(a) Amend the entry under the State of Wisconsin to read as follows:

City	Channel No.
Milwaukee	4−, 6, *10+, 12, 18+, 24+, 30

(b) Delete the following entry under the State of Wisconsin:

City	Channel No.
Whitefish Bay	6

8. *It is further ordered,* That, effective September 8, 1959, pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Independent Television, Inc., for Station WITI–TV, is modified to specify operation on Channel 6 at Milwaukee instead of Whitefish Bay, Wisconsin, subject to the following conditions:

(a) Independent Television, Inc., should advise the Commission by writing by September 8, 1959, whether it accepts the modification of its license for operation of Station WITI–TV at Milwaukee; and

(b) Independent Television, Inc., should submit to the Commission by September 8, 1959, all necessary information for the preparation of a modified authorization specifying Milwaukee, Wisconsin, as the station location.

Adopted: July 29, 1959.

Released: July 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6606; Filed, Aug. 10, 1959; 8:50 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 108—KODIAK AREA

PART 115—SOUTHEASTERN ALASKA AREA

Miscellaneous Amendments

Basis and purpose. Announcement was made at the public hearings on proposed regulations for 1959 that unless pink salmon were more abundant than anticipated in the Kodiak area, it would be necessary to curtail the season. It is now apparent that the season must be shortened immediately to secure needed escapement.

Herring continue to be abundant in certain areas in Southeastern Alaska. In addition the population is composed primarily of 6 year old fish, which will be removed from the fishery by natural mortality unless harvested now.

For the above reasons, the following actions are taken:

1. Section 108.5 is amended by deleting "August 13" wherever it appears and substituting in lieu thereof "August 7".

2. Section 115.54 is amended in paragraph (b) by adding a third proviso reading as follows: "*Provided further,* That after August 9, 10,000 short tons may be taken in the area between the latitudes of Swain Point and Point Gardner west of a line from Point Cornwallis to Point Gardner, in Chatham Strait".

Since immediate action is necessary notice and public procedure on these amendments are impracticable and they shall become effective immediately upon being filed at the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: August 7, 1959.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59–6651; Filed, Aug. 7, 1959; 4:37 p.m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13149; FCC 59–866]

CERTAIN ANNUAL REPORTS FORMS

Investment of Pension and Benefit Funds

In the matter of amendment of Annual Reports Form M for Class A and Class B Telephone Companies, Form O for Wire-Telegraph and Ocean-Cable Carriers, and Form R for Radiotelegraph Carriers, to revise the schedules showing information regarding the investment of pension and benefit funds; Docket No. 13149.

1. Column (c) of Schedule 60D, Investment of Pension and Benefit Funds, in Annual Report Form M for Class A and Class B Telephone Companies calls for the face or par value of investments of the pension and benefit funds. American Telephone and Telegraph Company (AT&T) and the Bell System companies did not furnish the par value of capital stocks in their pension funds in their 1958 annual reports. In lieu thereof they reported the total number of shares of stock owned which has been verbally referred to as the only meaningful data which were readily available. Prior to 1958, the trustee of the pension funds of the Bell System companies, with the exception of The Cincinnati and Suburban Bell Telephone Company and The Southern New England Telephone Company, did not invest in stocks. Many stocks do not have par value and for those stocks having par value the par value has relatively little significance. It seems probable that when Schedule 60D was designed it was not expected that there would be much investment of pension funds in stocks. The total number of shares of stock is also not significant information with respect to a group of stocks of various types having a wide spread in cost and value per share.

2. The Commission is now faced with the question of what information should be required to be furnished in column (c) of Schedule 60D in the telephone company reports for 1959 and subsequent years. Inasmuch as neither the par value of capital stock nor the number of shares thereof appear to furnish data useful from a regulatory or public information standpoint, it is proposed to amend this Schedule. It appears that face value of debt securities is significant information and should be retained. However, it is believed that more useful information would be obtained if data were required to be reported with respect to the market value of all investments. Inasmuch as exact market values as of a given date might not be readily available with respect to all investments, it is proposed to specify approximate market value.

3. In view of the foregoing, it is proposed to amend Schedule 60D in Annual Report Form M by (1) redesignating column (c) as column (d) and revising the caption to read "Face Value of Bonds and Notes," (2) redesignating columns (d), (e), and (f) as columns (e), (f), and (g), and (3) inserting a new column (c) with a caption reading "Approximate market value." Columns (c), (d), (e), and (f), as redesignated, will appear under the present main caption reading "Fund at End of the Year." In instruction 4 to Schedule 60D the reference to column (f) would be changed to column (g).

4. Inasmuch as Schedule 338d in Annual Report Form O for Wire-Telegraph and Ocean-Cable Carriers and Schedule 338d in Annual Report Form R for Radiotelegraph Carriers likewise require showing the face or par value of investments of the pension and benefit funds, it is also proposed to amend these Schedules, effective for 1959 and subsequent years, in the same manner as hereinbefore indicated with respect to Schedule 60D of Annual Report Form M.

5. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 219 of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before September 15, 1959, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: August 5, 1959.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6607; Filed, Aug. 10, 1959; 8:50 a.m.]

[47 CFR Parts 7, 8, 9, 10, 11, 16, 19]

[Docket No. 13083; FCC 59–844]

TECHNICAL STANDARDS GOVERNING GRANT OF APPLICATIONS FOR USE OF MICROWAVE FREQUENCIES FOR PRIVATE COMMUNICATIONS SYSTEMS, EXCLUDING BROADCASTERS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making covering technical standards to govern the granting of applications for the use of microwave frequencies above 952 Mc. for private communications systems, excluding broadcasters.

2. The current rules governing the several Safety and Special Radio Services, except for the Aviation Service, provide for the granting of authorizations for such private microwave systems on a developmental basis. The Commission, this date, has adopted a Report and Order [1] in the proceeding in Docket No. 11866, In the Matter of the Allocation of Frequencies in the Bands above 890 Mc., among other things, looking toward the issuance of authorizations for such systems on a regular basis. The proposed standards will, upon finalization, govern the grant of authorizations for such private microwave systems until such time as rules and standards are promulgated for the use of microwave frequencies on a regular basis in each of the respective Safety and Special Radio Services.

3. The proposed standards, which are set forth in the Appendix hereto, are issued under the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

4. Any person who is of the opinion that the proposed standards should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before August 24, 1959, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and, if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 29 1959.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Frequency band mc.	Power [1] (watts)	Tolerance percent	Bandwidth [2]	Beamwidth [3]
952–960	3	.0005	100 kc [4]	20°
1850–1990	18	.0005	8 mc	10°
2110–2290	15	.0005	4 mc	10°
2450–2500 [5]	12	(6)	(6)	(4)
2500–2700	12	.0005	4 mc	10°
6525–6575 [7]	7	.005	25 mc	7°
6575–6875	7	.005	10 mc	5°
10550–10700 [7]	5	.05	25 mc	3.5°
12200–12700	5	.05	20 mc	2°
Above 16000	5	.05	50 mc	(6)

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances, based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum occupied bandwidth of emission which will be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Additional adjacent channels may be authorized upon a factual showing of need therefor; however, bandwidths in excess of 500 kc will not be authorized.

[5] Subject to no protection from ISM equipment on 2450 Mc.

[6] To be specified in authorization.

[7] Limited to mobile operations and temporary service between fixed points.

[F.R. Doc. 59–6603; Filed, Aug. 10, 1959; 8:49 a.m.]

[1] See F.R. Doc. 59–6605 in Notices section, infra.

[47 CFR Parts 7, 8, 9, 10, 11, 16, 19]

[Docket No. 13083; FCC 59–864]

TECHNICAL STANDARDS GOVERNING GRANT OF APPLICATIONS FOR USE OF MICROWAVE FREQUENCIES FOR PRIVATE COMMUNICATIONS SYSTEMS, EXCLUDING BROADCASTERS

Supplemental Notice of Proposed Rule Making

The above-captioned rule making proposal, adopted July 29, 1959, is hereby supplemented for purpose of clarification expressly to provide that comments are desired concerning the proposed interim rules governing technical standards to be applied in the issuance of authorizations for private microwave systems in the Aviation Services, as well as the other Safety and Special Radio Services. Accordingly, any person who desires to submit comments as to the applicability of such standards to the issuance of authorizations for private microwave systems in the Aviation Services (as well as in each of the other Safety and Special Radio Services) should file comments within the time and with the number of copies specified in such rule making proposal.

Adopted: August 4, 1959.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6604; Filed, Aug. 10, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

KENNETH B. COATES

Notice of Appointment and Statement of Personnel Business Interests

Employment without compensation under section 710(b) of the Defense Production Act.

Pursuant to section 101(a) of Executive Order 10647 (section 710(b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Kenneth B. Coates on July 1, 1959 in the Department of the Army. Mr. Coates is serving as Chief of the Detroit Ordnance District, Detroit, Michigan.

Mr. Coates is presently retired.

Mr. Coates' statement of his personal business interests is attached.

Dated: August 5, 1959.

JOHN W. MARTYN,
Administrative Assistant.

STATEMENT OF PERSONAL BUSINESS INTERESTS

(a) The names of any corporation of which I am, or within 60 days preceding my appointment, have been an officer or director

Edgar Corp., 1341 Wanda Avenue, Ferndale 20, Mich., Executive Vice President, Secretary, and Director.

B/W Controller Corp., East Maple Road, Birmingham, Mich., Secretary and Director.

Gulf & Western Corp., Grand Rapids, Mich., Director and Stockholder.

Buell Die and Machine Co., 3545 Scotten, Detroit, Mich., Director and Stockholder.

(b) The names of any corporation in which I own, or within 60 days preceding my appointment, have owned, any stocks, bonds, or other financial interests

Edgar Corp., 1341 Wanda Avenue, Ferndale, Mich., Stockholder.

B/W Controller Corp., East Maple Road, Birmingham, Mich., Stockholder.

National Steel Corp., Grant Building, Pittsburgh, Pa., Stockholder.

Gulf & Western Corp., Grand Rapids, Mich., Director and Stockholder.

Shamrock Oil & Gas Co., Amarillo, Tex., Stockholder.

Pubco Petroleum Corp., Albuquerque, N. Mex., Stockholder.

Detroit Edison Co., Detroit, Mich., Stockholder.

J. C. Penney Co., Stockholder.

Buell Die & Machine Co., 3545 Scotten, Detroit, Mich., Stockholder.

(c) The names of any partnerships in which I am, or within 60 days preceding my appointment, have been a partner

None.

(d) The names of any other businesses in which I own, or within 60 days preceding my appointment have owned, any similar interest

Real Estate: Livingston County, Brighton, Mich.

Insurance: Northwestern Mutual, Equitable, Travellers.

KENNETH B. COATES.

JAN. 4, 1959.

[F.R. Doc. 59-6578; Filed, Aug. 10, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CONECUH COOPERATIVE STOCKYARD ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Conecuh Cooperative Stockyard, Evergreen, Ala.
Atwater Livestock Auction Co., Atwater, Calif.
Fresno County Farm Bureau Sales Yard, Fresno, Calif.
Kings County Farm Bureau Sales Yard, Hanford, Calif.
Maclin-Caldwell Auction Co., Colton, Calif.
Madera County Farm Bureau Sales Yard, Madera, Calif.
Modesto Livestock Commission Co., Modesto, Calif.
Orland Livestock Commission Yard, Orland, Calif.
Petaluma Livestock Commission Co., Petaluma, Calif.
Roseville Livestock Auction Yard, Roseville, Calif.
San Jacinto Livestock Auction Co., San Jacinto, Calif.
Santa Ynez Valley Sales Yard, Buellton, Calif.
Templeton Sales Yard, Templeton, Calif.
Trev. Moore Sale Yard, Corona, Calif.
Tulare County Farm Bureau Sales Yard, Visalia, Calif.
Tulare Sales Yard, Inc., Tulare, Calif.
Turlock Sales Yard, Turlock, Calif.
Valley Livestock Marketing Association, Dixon, Calif.
Valley Livestock Marketing Association, Red Bluff, Calif.
Willows Livestock Commission Co., Willows, Calif.
Kite Stockyard, Kite, Ga.
Middle Georgia Livestock Sales Co., Jackson, Ga.
South Georgia Livestock Co., Inc., Tifton, Ga.
Central Iowa Livestock, Inc., Rippey, Iowa.
Sauk Centre Sale Barn, Sauk Centre, Minn.
Slayton Livestock Sales Pavilion, Slayton, Minn.
Willmar Sheep & Cattle Auction Sales, Willmar, Minn.
Worthington Livestock Sale Co., Worthington, Minn.
Taney County Live Stock Auction, Forsyth, Mo.
Elko Livestock Sales, Elko, Nev.
Midwest Livestock Commission Co., Cattle Road, Fallon, Nev.
Nevada Livestock Commission Co., Sparks, Nev.
Jasper-Brookeland Livestock Auction, Jasper, Tex.
Lampasas Auction, Inc., Lampasas, Tex.
Nacogdoches Livestock Commission Co., Nacogdoches, Tex.
North Texas Livestock Commission Co., Bonham, Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of August 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-6595; Filed, Aug. 10, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS A. SCHLUETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1959.

LOUIS A. SCHLUETER.

AUGUST 1, 1959.

[F.R. Doc. 59-6596; Filed, Aug. 10, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-19]

DEPARTMENT OF THE NAVY, MILITARY SEA TRANSPORTATION SERVICE

Notice of Proposed Issuance of Byproduct, Source and Special Nuclear Material License To Dispose of Radioactive Waste in the Oceans

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct, Source and Special Nuclear Material License to the Department of the Navy, Military Sea Transportation Service, Washington 25, D.C., substantially in the following form, authorizing the disposal of waste byproduct, source and special nuclear material in the Pacific and Atlantic Oceans at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a motion of intervention and a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice". There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license. The license application is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 31st day of July 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Licensing and Regulation.

[License No. 8-5301-1 (F61)]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material", 10 CFR Part 40, "Control of Source Material", and 10 CFR Part 70, "Special Nuclear Material", and in reliance upon the statements and representations contained in the application dated April 3, 1959, including documents incorporated by reference, hereinafter referred to as "the application", a license is hereby issued to the Department of the Navy, Military Sea Transportation Service, Washington 25, D.C., to receive, possess, and dispose of prepackaged byproduct, source and special nuclear material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. No Military Sea Transportation Service vessel engaged in waste disposal operations shall contain more than 100 curies of byproduct material, 500 pounds of source material and 5 grams of special nuclear material at any one time.

2. Byproduct, source, and special nuclear material shall be received and disposed of by, or under the direct supervision of, designated officers as specified in the application.

3. The licensee shall receive only prepackaged material which is prepackaged for sea disposal by properly authorized AEC licensees or contractors.

4. The licensee shall receive, possess and dispose of the byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

5. A copy of the licensee's operating procedures designated as "Radioactive Waste Disposal Bill" and "MSTSLANT Notice 3540" shall be supplied to each employee of the licensee involved in the receipt and disposal of byproduct, source and special nuclear material.

6. The licensee shall not accept disposal containers which do not meet the following requirements:

A. The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

B. At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

C. Each container shall be durably and visibly labeled with the following information:

(1) The name and address of the AEC licensee or contractor.
(2) Date packaged.
(3) Amount of radioactivity in millicuries.
(4) Most hazardous radioisotope.

D. Each container shall be labeled with the following information:

(1) Radiation caution sign as required by §§ 20.203(f) (1) and (2) of 10 CFR Part 20.
(2) Radiation level at the surface of the container and at one meter from the source.

7. The licensee shall dispose of byproduct, source and special nuclear material at a minimum depth of 1,000 fathoms in the Atlantic Ocean within 5 miles of

(1) Parallel of 41°33' north latitude, meridian of 65°30' west longitude,
(2) Parallel of 36°30' north latitude, meridian of 74°18' west longitude, or
(3) Parallel of 38°30' north latitude, meridian of 72°06' west longitude,

And at a minimum depth of 1,000 fathoms in the Pacific Ocean within 5 miles of

(1) Parallel of 32°00' north latitude, meridian of 121°30' west longitude,
(2) Parallel of 37°40' north latitude, meridian of 124°50' west longitude, or
(3) Other locations in the Pacific Ocean when approved by the Commission.

8. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, the amount of special nuclear material in grams, and the most hazardous radioisotope contained in each container.

This license shall be effective on the date issued and shall expire on June 30, 1961.

Date of issuance:

For the Atomic Energy Commission.

MEMORANDUM

By application dated April 3, 1959, and amendments thereto, the Military Sea Transportation Service, Washington 25, D.C., requested a license to receive, possess and dispose of pre-packaged low-level byproduct, source and special nuclear material wastes in the Pacific and Atlantic Oceans.

Based on the consideration set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger of life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct, source and special nuclear material in such a manner as to protect health and minimize danger of life or property;

(c) The issuance of a byproduct, source and special nuclear material license to the Military Sea Transportation Service will not be inimical to the health and safety of the public.

Experience of personnel. The licensed material will be under the control of the Commander, Military Sea Transportation Service, who has designated certain officers to be responsible for carrying out the waste disposal operations. The designated officers have received training in radiation monitoring, decontamination, and the principles and practices of radiation protection commensurate with the proposed operation. Therefore, it appears the applicant has personnel with adequate training in radiation safety to assure the waste disposal operations will be conducted in such a manner as to protect health and minimize danger to life and property.

Equipment and procedures. The Military Sea Transportation Service will act as a carrier for the waste material from the dock to the sea disposal location. The waste will be packaged for sea disposal by AEC contractors and by government agencies and delivered to an MSTS vessel at a port. Radiation safety procedures have been established by MSTS covering each phase of the waste disposal operation. Adequate instrumentation will be available for measuring radiation levels from the containers and checking for radioactive contamination. The equipment and procedures appear adequate to assure the disposal operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Containers and disposal sites. The sea disposal containers to be used, and the disposal sites meet the recommendations of the National Committee on Radiation Protection contained in National Bureau of Standards Handbook 58, "Disposal of Radioactive Waste in the Ocean". MSTS will accept packaged waste only from AEC contractors and AEC licensees who are authorized by the Commission in their license to package waste for sea disposal. The waste will be disposed of at the locations specified in Condition 7 of the proposed license. The minimum ocean depth at these locations is 1,000 fathoms and they are beyond the continental shelf. MSTS will maintain the necessary records to verify disposal at these sites.

At least 20 days prior to each disposal the Commission will be notified of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, total amount of source material in pounds, total amount of special nuclear material in grams and the most hazardous radioisotope in each container.

The disposal of low-level radioactive waste at sea where the depth is 1,000 fathoms when packaged in accordance with the terms and conditions of the proposed license is considered a safe method of radioactive waste disposal. The small amounts of radioactive waste licensed for sea disposal, even if released in sea water at the specified locations would be greatly diluted and dispersed by the ocean and would not result in concentrations of radioactivity of public health significance.

[F.R. Doc. 59-6574; Filed, Aug. 10, 1959; 8:45 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Saxton Nuclear Experimental Corporation, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania, under section 104.b. of the Atomic Energy Act of 1954 has submitted an application for license authorizing construction and operation of a 20 megawatt (thermal) light water, pressurized, developmental nuclear reactor at a site near the Borough of Saxton, Pennsylvania. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 4th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6575; Filed, Aug. 10, 1959; 8:45 a.m.]

[Docket No. 50-128]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on July 16, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-38 authorizing The Texas Agricultural and Mechanical

College System to construct a 100 kilowatt open-pool type nuclear reactor on its site near College Station, Texas. Notice of the proposed action was published in the FEDERAL REGISTER on July 17, 1959, 24 F.R. 5744.

Dated at Germantown, Md., this 4th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6576; Filed, Aug. 10, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11866; FCC 59-843]

ALLOCATION OF FREQUENCIES IN BANDS ABOVE 890 MC.

Report and Order

PRELIMINARY STATEMENT

1. The proceeding in this matter was instituted by the Commission's Preliminary Notice of Hearing released November 9, 1956. In such notice, the Commission pointed out, inter alia, That twelve years had elapsed since it had reviewed in detail the service allocations above 890 Mc., that the existing table of allocations for such frequencies was based primarily on a consideration of wartime developments in electronics, and that it was obvious that changes and developments had brought about a need to re-examine such service allocations. The notice provided that interested persons would be afforded an opportunity to participate in furnishing data with respect to 19 specified issues, as shown more fully hereinafter. Written comments were filed by a substantial number of parties and, subsequently, upon designating such matter for the presentation of oral testimony before the Commission en banc, a large number of witnesses appeared and presented oral testimony pursuant to several Notices of Hearing which scheduled the appearance of such witnesses on specified dates.

2. The oral hearings were held May 20, 21, 22, 27, 28; June 3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26; July 1, 8, 9, 15, 16, 17, 22, 23, 29, 30, 31; September 30, and October 1, 1957. The record was held open until November 15, 1957, for the submission of several exhibits and the parties were given until December 15, 1957, to file briefs. In all, there were 30 days of oral hearing, over 200 persons and organizations filed comments, and over 160 persons appeared at the hearing and presented oral testimony. Five thousand and thirty pages of hearing record were accumulated, in addition to 166 exhibits. Briefs were also filed by several parties. Statements were filed by the United States Department of Justice and the Office of Defense Mobilization, now the Office of Civil and Defense Mobilization (OCDM).

3. In most cases, parties or organizations who filed statements also appeared and presented oral testimony. A large number of letters or statements were filed by persons or organizations in support of the testimony or statement filed by a regional or national organization of which they were a member (for example, police organizations). Virtually every segment of the public which is now licensed to operate radio and television stations was represented in such proceeding. All the statements, testimony and briefs filed in this proceeding have been reviewed and carefully analyzed by the Commission. The statements and testimony are discussed and analyzed below under each of the 19 issues herein. In some cases, the data furnished by statements or testimony provided only generalized information. In particular, it is observed that, in many cases, specific data were not adduced as to the precise frequencies and spectrum space required for the proposed operation. Where specific data were adduced, it is so indicated.

4. At the time of the hearing in this matter, frequencies allocated for Operational Fixed operations in the bands 952–960, 1850–1990, 2110–2200, 2500–2700, 6575–6875, and 12,200–12,700 megacycles were available for assignment in the Safety and Special Radio Services on a developmental basis for a period of one year subject to renewal, except in the Aviation Services where authorizations were granted on a regular basis. Also, the band 890–940 Mc. was available for fixed operations and the bands 2450–2500, 10,550–10,700, 13,200–13,225, 16,000–18,000 and 26,000–30,000 megacycles were available for fixed and mobile operations.[1] The bands 3500–3700, 6425–6575, 11,700–12,200 megacycles were available for mobile operation. In two services, viz., the Special Industrial Radio Service and the Motor Carrier Radio Service, the rules provided for limited usage. Thus, § 16.253(a), governing the Motor Carrier Radio Service (which is essentially the same as § 11.503(b) governing the Special Industrial Radio Service) reads in part as follows:

> Frequencies listed in this Section are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point sytems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, request for such point-to-point facilities should clearly establish either (1) that a number of Fixed Stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located Base Station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a Base Station had been justified.

Authorizations were and still are being made for point-to-point systems and for control and repeater stations in the several Safety and Special Radio Services.

5. Microwave frequencies allocated exclusively for common carrier fixed operations were in the bands 3700–4200, 5925–6425 and 10,700–11,700 megacycles. Additionally, the carriers were authorized to use, on a shared basis with non-common carrier services, frequencies in the 890–940 Mc. band for fixed point-to-point operations. Also, on a shared basis with other services frequencies in the bands 2450–2500, 16,000–18,000, and 26,000–30,000 megacycles were available for fixed and mobile operations, and the bands 3500–3700, 6425–6575, and 11,700–12,200 megacycles were available for mobile use.[1] The carriers also had access, jointly with operational fixed stations, to the bands 952–960, 1850–1990, 2110–2200, 2500–2700, 6575–6875 and 12,000–12,700 megacycles for international control stations. Virtually all common carrier operations using the above frequencies were authorized on a regular basis.

6. Microwave frequencies were allocated on a regular basis for Auxiliary Broadcast Services. Thus, the band 940–952 Mc. was allocated for STL (studio transmitter link) operations, audio only, and the bands 1990–2110, 6875–7050, and 12,700–13,200 megacycles were available to the broadcasters for TV pickup, STL, and intercity relay. In addition, the band 7050–7125 Mc. was available to common carriers to provide TV pickup and television STL service to television broadcasters. Also, frequencies in the bands 2450–2500,[1] 16,000–18,000,[2] and 26,000–30,000 megacycles were available on a case-by-case basis for TV pickup, STL, and intercity relay purposes.

7. The following changes in frequency allocations above 890 Mc. have been finalized by the Commission since the closing of the record in Docket 11,866 in November, 1957:

a. In its Memorandum Opinion and Order, In the Matter of Amendment of Parts 2, 4, 7, 8, 9, 10, 11, 12, 16, and 21 of the Commission's Rules and Regulations to reallocate certain frequency bands above 25 Mc., etc., adopted April 16, 1958 (Mimeo FCC 57–379), the following actions were taken:

(1) Reallocated the band 890–942 Mc. from non-Government to Government use in order to satisfy radiopositioning requirements. Under that Order, it was provided that no new fixed stations, including tropospheric scatter stations in the international fixed service, would be authorized in the band 890–942 Mc.; and that all stations authorized to operate on frequencies in the band 890–942 Mc. may continue to operate pursuant to the provisions of their existing authorizations.

[1] Use of the frequencies in the bands 890–940, 2450–2500, 17,850–18,000 megacycles was subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies.

[2] Subject to no protection from interference from ISM operations on such frequencies.

It was further provided that renewal of authorizations for such stations would be issued only on the condition that they accept any harmful interference that may be experienced from either ISM equipment in the band 890–940 megacycles or from the radiopositioning service in the band 890–942 megacycles, and that they do not cause harmful interference to the radiopositioning service.

(2) Reallocated the band 1215–1300 megacycles from Amateur to Government and non-Government. Amateurs are permitted to operate in this band, however, subject to the condition that they shall not cause interference to the radiopositioning service.

(3) Reallocated the frequency bands 1350–1400, 3100–3500, 5100–5250, 8500–9000, 9500–9800 megacycles from their present shared status between Government and non-Government use to exclusive Government use. It was provided that no new land or mobile radiopositioning stations would be authorized in the bands 3100–3246, 3266–3300, and 9200–9300 megacycles and that no new radionavigation stations would be authorized to operate shipborne radars in the band 3100–3246 megacycles. It was further provided that all such stations now authorized to operate on frequencies in those bands may continue to operate pursuant to the provisions of their existing authorizations until the termination of such authorizations; and that renewal of authorizations for such stations would be issued only on the condition that they cause no harmful interference to Government services in these bands.

(4) Reallocated the bands 2300–2450 and 5650–5925 megacycles from Amateur to Government and non-Government. The only non-Government service permitted is the Amateur service, subject to the condition that it shall not cause harmful interference to the radiopositioning service.

(5) Permitted Government radiopositioning service in the band 2450–2500 megacycles on the condition that harmful interference is not caused to non-Government services.

(6) Reallocated the frequency band 3500–3700 Mc. from non-Government to Government and Amateur use. The Government use is primarily for radiopositioning, and the non-Government use is Amateur exclusively. Persons presently authorized to operate on frequencies in the band 3500–3700 Mc may continue to operate until the expiration of their present authorizations, and if existing authorizations expire prior to February 1, 1961, applications for renewal may be granted for authority to operate until that date.

(7) Reallocated the band 8400–8500 Mc. from Government to non-Government, fixed and mobile.

(8) Reallocated the band 10,000–10,500 Mc. from Amateur to Government/non-Government. This band is limited to CW systems. The Amateur service, which shall not cause harmful interference to the radiopositioning service, is the only non-Government service permitted in this band.

(9) Reallocated the band 13,225–13,250 Mc. from Government to non-Government, fixed and mobile.

b. In its First Report and Order in Docket No. 12404, released July 31, 1958 (Mimeo FCC 58–750), effective September 2, 1958, the Commission reallocated the band 13,250–13,400 Mc. from Government to Government/non-Government for the aeronautical radionavigation service for airborne doppler radar use.

c. In its Third Report and Order in Dockets Nos. 12404 and 11866, released September 11, 1958 (Mimeo FCC 58–869) effective October 15, 1958, the Commission reallocated the band 1435–1535 Mc. from the Aeronautical Radionavigation (G & NG shared) to Aeronautical Mobile for Flight Test Telemetering (G & NG shared).

d. In its Report and Order in Docket No. 12671, released February 4, 1959 (Mimeo FCC 59–77), the Commission amended its rules to permit stations in the International Fixed Public Radiocommunication Service to use the frequencies 2110–2200 Mc. in the State of Florida south of 25 degrees 30 minutes north latitude.

e. In its Fourth Report and Order in Docket 12404, released November 14, 1958 (Mimeo FCC 58–1079), effective December 29, 1958, the Commission amended its rules to permit educational institutions to use frequencies in the bands 2900–3100, 5250–5440, 5460–5650, 9000–9200, and 9320–9500 megacycles for radiopositioning operations, subject to the condition that harmful interference will not be caused to the radionavigation service.

f. In its Fifth Report and Order in Docket 12404, released February 20, 1959, effective March 31, 1959 (Mimeo FCC 59–141), the Commission amended its rules to permit sharing between common carriers and private users under certain circumstances in the frequency bands 942–952 and 2110–2200 megacycles.

g. By Report and Order in Docket 12852, released June 12, 1959, effective July 10, 1959 (Mimeo FCC 59–559), the Commission amended Part 2 of its Rules and Regulations to provide for the assignment of frequencies in the 952–960 Mc. band to stations in the International Fixed Public Radiocommunication Service in Puerto Rico and the Virgin Islands.

8. While not involving specific frequency assignments, the Commission, in a Report and Order in Docket No. 11745, released November 24, 1958 (Mimeo FCC 58–1111), amended its rules to provide that any applicant seeking a new or modified radio station authorization, where such station is located within a specified proximity of Greenbank, West Virginia, shall simultaneously notify, in writing, the Director, National Radio Astronomy Laboratory, of the technical particulars of the proposed station. Such notification is necessary in order to minimize harmful interference at the National Radio Astronomy Observatory site at Greenbank, Pocahontas County, West Virginia and the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia. The amended rules also provided that, after receipt of such applications, the Commission will allow a period of twenty days for comment or objections in response to the notifications indicated. The following classes of stations have been excluded from such coordination procedures: Amateur, Citizens, Mobile, Civil Air Partol, Temporary base, Temporary Fixed.

9. Simultaneously with the release of the Memorandum Opinion and Order noted above in paragraph 7(a), the Commission released a Notice of Proposed Rule Making in Docket No. 12404 (Mimeo FCC 58–378). As previously indicated, this notice formed the basis for the finalization of several of the rule changes shown above. In addition, however, there are still pending under that Notice several other proposed changes in the allocation of frequencies above 890 Mc. Because of the extent of such proposed changes, they will not be reported here.

EVIDENCE PRESENTED

10. The statements and testimony presented by the various persons and organizations are summarized below under the particular Issue involved. In view of the substantial number of persons and organizations who testified and the voluminous testimony presented, it is not practicable to detail the testimony of every party who filed a statement or presented oral testimony. The summaries herein cover the major aspects of the evidence presented. However, as indicated above, all the statements filed and oral evidence adduced have been carefully analyzed and considered.

Issue No. 1. "What are the present and future demands for frequencies above 890 Mc. for point-to-point radio communication systems, both common carrier and private?

(a) How were these demands satisfied previously, i.e., private wire, use of private radio other than microwave, common carrier wire or radio facilities?

(b) What benefits accrue to the user and the general public from the use of microwave frequencies for private point-to-point radio systems as compared with other means of communications and the specific nature, extent and magnitude of such benefits?"

11. Under this issue, in particular, the record shows that there was much generalization by many of the parties as to frequencies and spectrum space needed for future operations. Similarly, many of those who testified or filed statements did not indicate whether and to what extent microwave is now being utilized for point-to-point operations, or whether communication service is now obtained from common carriers by means of wireline, cable or radio, or a combination thereof, or whether the organization has its own wireline communications system. In some cases microwave is being proposed for new purposes where communications facilities previously have not been utilized.

PRESENT AND FUTURE DEMANDS FOR FREQUENCIES

12. The first part of Issue No. 1 relates to the present and future demands for frequencies above 890 Mc. Turning first to the common carriers, the record shows that, at the time of the hearing, the Bell System telephone companies had, in the Point-to-Point Microwave Radio Service, about 10.5 million miles (22 percent) long distance telephone circuit mileage on microwave and about 60,000 miles (78 percent) of its intercity television circuit mileage on microwave.[3] It was estimated that, by 1967, the Bell System intercity telephone circuit miles on Microwave would amount to about 70 million circuit miles, or about 55 percent of its total intercity telephone circuit miles. Bell System microwave systems using frequencies above 890 Mc. span the continent and extend into every state. Virtually all such operations are authorized on a regular basis. Nearly all microwave bands allocated for common carrier operations are now being used by the Bell System to some extent, except that little or no use has been made of the bands above 13,000 Mc., which are available on a shared basis with other radio services. The 3700–4200 Mc. band is used by the Bell System for long-haul, heavy traffic routes—the backbone of its telephone and television routes. It was claimed that this band is virtually saturated in five major cities (New York, Chicago, Los Angeles, Washington and Atlanta). However, it was admitted that there were no cities at that time where additional use of these frequencies could not be made. Some operations are being conducted in the 890–940 Mc. band, in some cases for over-water hops. Substantial use is being made of the 5925–6425 Mc. band for long-haul, heavy traffic routes and it was claimed that such band would be used to capacity in 10 or 15 years. A Bell System witness stated, however, that he believed that the maximum number of radio channels which could be operated along a given route could be increased by improvements in antennas, and that, when the time comes that the spectrum really becomes crowded, they will likely look toward further improving the antennas. Bell System has recently developed what is called a TH microwave system for operation in the 5925–6425 Mc. band. Quantity production of such system was expected to be underway in 1959, and it was believed that the development of such system would constitute a major step forward in securing greater frequency utilization. A little use is being made of the 11,000 Mc. band by the Bell System which has recently developed a system suitable for short-haul systems in this band. Such system is well adapted for dropping and adding channels at intermediate radio relay stations in the microwave system. It was conceded that frequencies in the 11,000 Mc. band could be used to provide terminations in congested areas. In difficult cases, such as long over-water hops (i.e., Florida to Cuba) Bell uses tropospheric scatter but otherwise has no plans for its use between points in the continental United States. It was claimed that there would be greatly expanded use of radio in the future due to growing practicability of radio for shorter systems and widespread increase in the use of visual communication. It is expected that there will be a large use of radio for both long-haul and short-haul purposes for both heavy and light traffic routes. Moreover, it was expected that there would develop a substantial use of frequencies above 30,000 Mc. for very short hops using very highly directive antennas and possibly involving very small repeater stations which are very easy to move. The American Telephone and Telegraph Company had in use about 6,000 units of Western Electric Equipment in its fixed microwave operations and a total of 1,020 units (transmitter-receiver combination) of other manufacturers. The Bell System advocated allocating the band 6425–6575 Mc. to common carrier fixed and mobile service so as to permit transfer thereto of many short-haul television fixed services from the 3700–4200 Mc. and 5925–6425 Mc. bands, thereby freeing the latter bands for long-haul intercity service. Under mobile station authorizations for more than 250 units operating in the 6425–6575 Mc. band in the Local Television Transmission Service, Bell has provided closed loop television service to theatres and hospitals as well as for other special local non-broadcast television requirements. Although this band allocation is shared between common carriers and private users, the Commission's records show that, other than telephone companies, there are few licensees authorized therein. It was claimed that the demand for common carrier closed loop television service is increasing. Bell recommended that the band 6425–6575 Mc., which is now allocated to "Mobile except TV-Pickup," be reallocated to common carrier fixed and mobile services for all types of local television service provided by the common carriers. It was stated that the demand for local television facilities from the broadcast industry has been so great that the telephone companies have found it necessary to make considerable use of the common carrier fixed bands, 3700–4200 Mc. and 5925–6425 Mc., to supplement the three common carrier TV-Pickup channels available in the 7000 Mc. range. Further, they stated that this need is most predominant in the large metropolitan areas where there is an extensive and growing use of common carrier fixed bands for long-haul service. At the time of the hearing the Bell System had nearly 600 short-haul television systems in use, of which 425 were portable equipments. In order to provide for the large expansion of short-haul intercity facilities which they claimed was developing, and to help in meeting the requirements for local non-broadcast and local broadcast TV facilities, the Bell System recommended expansion of the 10,700–11,700 Mc. common carrier fixed band to 10,550–12,200 Mc. common carrier fixed and mobile services. Bell expects ultimately to develop this band for long-haul service (4000 miles or more) which then may require transfer of some short-haul operations to higher bands. Aside from 7050–7125 Mc. band, wherein telephone companies render broadcast TV-Pickup and STL service extensively, they also are using the 12,700–13,200 Mc. band, which is available for common carrier use only with the concurrence of the broadcasters. Because they claim that this arrangement did not provide adequate flexibility, Bell urged the Commission to restore to common carrier use, exclusively, for TV-Pickup and TV-STL, the band 12,700–12,875 Mc., which was thus allocated prior to the Commission's Report and Order in Docket No. 10345 of August 4, 1954.

13. The independent telephone companies use frequencies in the 900, 4,000 and 6,000 Mc. bands for their operations in the Point-to-Point Microwave Radio Service. It was estimated that such bands would be saturated by 1972 and that additional frequencies would be required. They strongly urged that the band 890–940 Mc. be allocated exclusively to the common carriers and were in agreement with the Bell System companies for the allocation of other frequency bands to common carriers, as described more fully below, in order to meet increasing demands. It was claimed that the band 890–940 Mc. is best suited for short-haul, light route use, and particularly for over-water hops; the band 3,700–4,200 Mc. now used extensively for long-haul, heavy industry traffic routes is overcrowded and should be expanded to encompass 3,500–4,200 Mc.; the frequencies now allocated in the 6,000 Mc. band used for short-haul, low capacity circuits appear to be inadequate for future demands; and that it is difficult to evaluate the utility of the 11,000 Mc. band, but that the most probable use will be for large groups of short-haul circuits. A study made by Peninsular Telephone Company, represented as one of the independent telephone companies exhibiting a faster than average growth, showed that, in 1956, cable circuits used by such company provided about 70 percent of its total requirements with microwave radio accounting for about 18 percent. It was estimated that, by 1972, open wire facilities would be negligible and about 62 percent of the total message and special service circuit requirements for such company will be provided by radio facilities. An estimate was not given as to the average requirements for microwave by independent telephone companies as a group. Nor were specific data obtained as to how much spectrum space would be required in the various bands for the independent telephone companies as a group.

14. Western Union uses microwave for its telegraph operations in the Point-to-Point Microwave Radio Service. At the time of the hearing, it was licensed to operate a microwave radio system, using frequencies in the 4000 Mc. band, between New York City, Pittsburgh, and Washington, D.C. Such system used 974 channels, of which 625 (64 percent) were in leased line service and 250 (26 percent) were in public message service. At that time, there was under construction a link extending its system westward from Pittsburgh to Chicago, via Columbus, Cincinnati, Indianapolis, and Enos, Indiana. According to the Company, this link has now been completed and is in operation providing a total of 882 channels. The construction of extensions from Indianapolis to Kansas City, via St. Louis and from Enos to Toledo, Detroit, and Cleveland were characterized as being "imminent." Further, Western Union indicated that it has plans to construct a comprehensive nationwide microwave system connecting nearly all the major cities in the United States.

15. RCA Communications, Inc. (RCAC) filed a statement indicating that it now makes use of microwave frequencies for the operation of a microwave relay for international control circuits between its central radio office in New York City and its Long Island station, utilizing frequencies in the 1800–1900 Mc. band. It was urged that these frequencies should be retained for such service.

16. Press Wireless, Inc. also filed a statement in which it stated that since 1953 it has utilized a microwave circuit from time to time experimentally between its receiving stations at Baldwin and its transmitting stations at Hicksville, Long Island, New York, when wirelines are disrupted or overloaded. The company claims it needs "adequate" frequency assignments in the microwave band to meet its specialized function of serving the needs of the press and other media of public information dissemination.

17. The National Mobile Radio System (NMRS), an association of licensees (the so-called Miscellaneous Common Carriers) in the Domestic Public Radio Services, claimed that they need microwave frequencies in the 890–940 Mc. band for control-repeater operations because they must vacate the 450–460 Mc. band which they are now using for such operations. Further, they claimed that wirelines are too costly and often not available and that use of the 72–76 Mc. band is not practicable because of possible interference to television operations.

18. The Common Carriers (excluding NMRS) were in substantial agreement in reference to proposed frequency allocations. Their requests may be summarized as follows:

a. The entire band 890–940 Mc. should be allocated to common carrier fixed service.

b. Combine the 3500–3700 Mc. band with the 3700–4200 Mc. band and allocate the entire new band 3500–4200 Mc. to common carrier fixed operations. Western Union advocates using the 3500–3700 Mc. band for forward scatter systems within continental United States but retaining 3700–4200 Mc. for common carrier fixed operations.

c. Combine 6425–6575 Mc. band with 5925–6425 Mc. band and allocate the entire new band 5925–6575 Mc. to common carrier fixed with that portion 6425–6575 allocated to fixed and mobile so as to accommodate local television service provided by the common carriers. RCAC recommended the use of all operational fixed and common carrier fixed bands between 952 Mc. and 6575 Mc. for tropospheric scatter systems on a shared basis.

d. Retain the present allocation 7050–7125 Mc. for common carrier TV pickup and STL.

e. Retain the band 10,700–11,700 Mc. for common carried fixed but add to it the bands 10,550–10,700 Mc. and 11,700–12,200 Mc. and allocate the entire new band 10,550–12,200 Mc. to common carrier fixed and mobile.

f. Allocate the band 12,700–12,875 Mc. exclusively for common carrier broadcast and non-broadcast TV pickup and STL which would provide a new band 12,700–13,200 Mc. for this purpose. The band 12,875–13,200 Mc. was previously set aside exclusively for common carrier broadcast TV Pickup and TV–STL.

g. Allocate the bands 16,000–17,850 Mc. and 26,000–30,000 Mc. for common carrier fixed exclusively.

h. No restrictions on use of frequencies above 30,000 Mc.

19. With respect to private microwave systems, authorizations are being granted for point-to-point systems using microwave frequencies in the Public Safety (includes Police, Fire, Forestry Conservation, and Highway Maintenance Radio Services), Power, Forest Products, Petroleum, Railroad, and Special Industrial Radio Services. Microwave links for control and repeater stations are authorized, in addition to the above, in the Special Emergency, Motor Carrier, Aeronautical and Marine Radio Services.

20. The testimony of the various proposed users of private microwave systems concerning the present and future demands for frequencies are summarized below by user group or organization.

21. *Operational Fixed Microwave Council.* This organization, which is comprised of persons, other than common carriers and broadcasters, eligible to use operational fixed radio stations, serves, in part, as an unofficial coordinating agency in the use of microwave frequencies for operational fixed operations. It provides only an advisory service and, as such, made no specific request for frequencies. The Council assembles data on microwave systems and furnishes prospective users of such facilities with information on existing or proposed installations in any given area. Frequency assignments are plotted on maps by the Council and after a member thereof has made his initial determination as to frequency requirements it is submitted voluntarily to the Council. Such data are plotted in pencil on a map of "Proposed" stations. Subsequently, after licensing by this Commission, the data are transferred to a "Permanent" station map. Thus, theoretically, the two sets of maps will show all the present and proposed use of frequencies for operational fixed microwave systems. According to its records, there were a total of 253 users and proposed users in the 960, 2000 and 6000 Mc. bands with an aggregate of 3,012 transmitter beams. The normal mileage of a beam was estimated to be 35 miles.

22. *National Committee for Utilities Radio (NCUR).* The NCUR appeared as spokesman for the nation's electric, gas, water and steam utilities. It was stated that such utilities are authoried to operate 513 microwave stations and have nearly 14,000 system route miles or a total of about 69,000 channel miles in use. These systems are used for voice, telemetering, supervisory control, facsimile, teletype, etc. Based upon a survey, it was estimated that there would be over 150 future NCUR applicants for microwave frequencies utilizing, by 1970, 1,160 stations comprising about 26,000 system route miles. The principal usage of such facilities would be for voice telephone, teletype, telemetering, relaying, closed circuit TV, facsimile, data processing, alarm signalling and remote production control. All available types of communication media are now being used by this group of licensees. It was testified that future operations would require a combination of common carrier and private operations, wire and radio, mobile and point-to-point. It was claimed that the 1850–1990 Mc. band is not sufficient for expected future operations.

23. *Special Industrial Radio Services.* Testimony for this group was presented by the Special Industrial Radio Service Association (SIRSA), a national nonprofit organization of licensees who use mobile radio in connection with their industrial or business activities, including agriculture, heavy construction, building construction, manufacturing, mining, specialized industrial and trade services, engineering services, and miscellaneous public services. Of this group, only Freeport Sulphur Company, which is located in an area where wireline communication facilities are not available, uses microwave for point-to-point operations. It connects its isolated mining operations and its offices in New Orleans, Louisiana. Specific data were not presented as to the extent of future needs and demands for microwave for the group as a whole, but the general position was taken that eligibility should be expanded to provide for the use of microwave to persons eligible in the Special Industrial Radio Service for such functions as integrated data processing, telemetering, facsimile, closed circuit television transmission, plant protection and security, agricultural commodity quality and production control, automation, etc. Specific evidence was presented by Minute Maid Corporation as to their proposed use of microwave for an integrated point-to-point and mobile system for use in connection with its business operations in Central Florida. Halliburton Oil Well Cementing Company also presented evidence as to its needs for microwave radio for point-to-point communications in connection with its operations.

24. *Petroleum Radio Service.* The bulk of evidence adduced for the petroleum group was presented by the Central Committee on Radio Facilities of the American Petroleum Institute. Comments in support thereof were received from more than 50 organizations in this field. It was reported that microwave users in this service have over 17,000 "beam miles" and over 152,000 channel miles in operation. These operations are principally along their pipelines and

[3] As of March 31, 1958, Bell System had about 11.8 million miles long distance telephone circuit mileage on microwave, and, at the end of May 1958, had about 64,400 miles of its intercity television circuit mileage on microwave.

generally cover areas where wireline facilities are not available. It was predicted that, within ten years, the total "beam miles" will be from 4.5 to 6.5 times as great as at present; that voice channel miles will increase at the same rate; and that telemetry and remote control operations will expand even more rapidly. In the case of offshore oil drilling operations, it was pointed out that radio is the only means available to meet their communications requirements.

25. *Railroads.* Five railroads were using microwave along their rights-of-way for point-to-point communications in connection with their railroad operations. Two of these railroads proposed to expand their microwave radio systems in the near future, thirteen expected to have microwave systems in operation within the next few years, and seventeen other railroads indicated that they foresee the need for microwave as a part of the expansion or modernization of their communications systems. A witness stated that approximately 16 systems would terminate in Chicago within an area of about a mile square. The railroads argued that it is essential that it furnish its own communications for the most part rather than depend entirely upon communications common carriers because common carriers are not able to provide the specialized kinds of communications which railroad operations require. Microwave will be used by railroads in the future for data processing; control of safety, reliability and economy of operation, coordination of traffic movements; freight car distribution, accounting procedures, including a system-wide data gathering process, etc. It was estimated that a maximum of 36 channels (assignable frequencies) will be required for the railroads' needs. They urge the allocation of frequencies below 10,000 Mc. for long-haul operations and above 10,000 Mc. for terminal operations in congested areas.

26. *American Trucking Associations.* The testimony presented by this organization centered primarily around the operations of Central Freight Lines, Inc. whose applications for a private point-to-point microwave system for operation between Dallas and Fort Worth, Texas, were then pending in the Commission.[4] No authorizations for private point-to-point microwave systems have been granted to motor carriers to date. Communications facilities employed by such motor carriers for point-to-point services are now obtained from communications common carriers. It was testified that there would probably not be more than 20 to 24 carriers between any two points in Texas that would want point-to-point communications on microwave. The Association claimed that its lack of microwave operational experience made it impossible to predict with any degree of certainty the extent of utilization and demand of microwave by the trucking industry. However, it was indicated that a 24-channel system would be required, and that cooperative-sharing arrangements within the industry would be feasible and desirable. Further, the Association indicated that the following microwave networks might be placed in operation by the motor carrier industry during the next five to ten years:

a. A transcontinental microwave system from Boston, Massachusetts, to San Francisco, California.

b. A system from Boston running south along the Atlantic coast States and west into Texas.

c. A system running south from Chicago, Illinois, to New Orleans, Louisiana.

27. *National Association of Manufacturers.* The testimony presented related to the country's heavy industries, such as the automobile, air frame manufacturers, the chemical industry, the steel industry and certain others. It was testified that manufacturers are not now using frequencies above 890 Mc. for point-to-point communications. Such companies expect to use microwave for point-to-point communications systems, for operational and administrative needs between a series of manufacturing units located within relatively short distances. However, intercity systems might be required in some cases. No specific frequency need or demand was shown, but it was proposed that the Commission allocate specific frequency bands to the group with the proviso that allocations be made out of the first 50 percent of such allocated band and the remaining 50 percent be held in reserve for a period of, say, five years. The frequencies so reserved would be assigned only upon a showing of need therefor. This proposal, it was claimed, would obviate spectrum waste because, if such frequencies were not used by the end of such specified period, other groups could request them for other purposes.

28. *American Association of State Highway Officials.* Thirteen different frequencies above 890 Mc. have been used by highway departments, predominately for control and repeater operations. Twelve exclusive frequencies (probably 24 channels each) in the 890–960 Mc. band were requested. In addition, it was requested that a frequency for operating traffic speed meters be allocated on a regular basis.

29. *American Bridge, Tunnel and Turnpike Association.* Microwave was being used by the Pennsylvania, New Jersey, Ohio, Indiana, Florida, Maine and Massachusetts turnpikes. It was indicated that six channels of 10 Mc. bandwidth each would be required for turnpike usage alone and that the 41,000 miles of proposed interstate and defense highways would develop a need for microwave radio systems. Microwave would be used mostly for highway patrol and maintenance work, but it was expected that there may be some need for television purposes.

30. *Aeronautical Radio, Inc. and Air Transport Association of America.* Frequencies above 890 Mc. are used to some extent by these parties, but their needs are now met mostly by the telephone and telegraph facilities of common carriers. They were principally concerned with the needs of radionavigation and communications useful or necessary for aircraft operations. They are using microwave frequencies for control-relay type of operations, but expected that future operations will also include centralized reservations and operational functions and data processing. Two coast-to-coast microwave networks connecting New York and San Francisco were envisioned, one via Chicago and the other a southerly route via Chattanooga, Albuquerque, and Los Angeles. Branches from these systems would connect with other important cities. It is not clear from the record, however, as to whether these systems would be provided by the carriers or by the aviation interests. One witness stated that the aviation people must have a choice as to whether they will provide the service. It was indicated that their need for communication facilities in 1966 will be almost double the 1960 requirements. A need for additional channels in the 960–1215 Mc. band for Tactical Air Navigational (TACAN) operations was indicated. It was stated that about 200 Mc. would be needed and could be taken from the lower end of the 1365–1660 Mc. band. Also, clarification of the Commission's Rules was requested to make this latter band available to civil aviation equally with the military for altimetry purposes. A possible future need was indicated for 100 Mc. in the 3266–3300 Mc. band for Proximity Warning Indicator and Collision Avoidance System (PWI/CAS). It was recommended that civil aviation should continue to have access to the 4200–4400 Mc. band for use of special purpose altimeters, if and when required. Another possible requirement was expressed for 150 Mc. in the vicinity of 4500 Mc. for PWI/CAS, but this spectrum space might be taken from the 5000–5250 Mc. band. It was recommended that 200 Mc. be made available in the vicinity of 8800 Mc. for self-contained navigational aids. Doppler Radar may require exclusive frequencies if accepted for general use in civil aviation. Also, 300 Mc. space in the 8800 Mc. band for PWI/CAS may be required. The allocation of two bands of frequencies each 250 Mc. wide in the range 12,500–14,500 Mc. and another band also 250 Mc. wide between 15,000–16,000 Mc. was recommended for Aeronautical Radionavigation. The allocation of spectrum space between 23,500–24,500 Mc. was recommended for Radionavigation to accommodate such devices as Airport Surface Detection Equipment. This allocation should be coordinated with FAA and the band designated Government/non-Government. The Air Transport Industry recommends retention of all frequency bands now allocated to the Operational Fixed Service.

31. *Aeronautical Flight Test Radio Coordinating Council.* This organization urged that there be allocated 200 Mc. spectrum space for telemetry for flight testing of aircraft, 100 Mc. of which should be in the 1365–1660 Mc. band. They also urged that the band 2200–2300 Mc. should be made available for non-Government, as well as Government flight telemetry. It was claimed that these frequencies are essential for air-ground operations in connection with flight testing. In addition, it was testified that frequencies are needed for a system which would be used for relaying information from the test site to the data processing center for analysis and sending the results back to the observers at the test site.

32. *International Municipal Signal Association, International Association of Fire Chiefs and American Municipal Association.* Witnesses from these organizations testified on behalf of the municipal organizations in this country. Generally, such testimony did not relate to police usage although one witness suggested that it might be advisable to have an integrated municipal communications system for all municipal operations. It was estimated, on the basis of a survey in fifteen cities that, for each one million population, municipal governments will require 15 microwave networks, 39 microwave spans (repeater locations), 62 two-way voice circuits, 55 microwave telegraph circuits, and 22 one-way TV circuits. The total path mileage would be 297. Twelve megacycles bandwidth would be required for such operations using frequencies below 10,000 Mc., but 20 Mc. bandwidth would be required for operation above 10,000 Mc. Opposition was voiced to limiting intracity and intracounty systems to frequencies above 10,000 Mc.

33. One witness urged that provision should be made for omnidirectional transmission in connection with Fire Service operations. The proposed communication system would be composed of a 100-watt omnidirectional transmitter located at a central station and emitting a continuous carrier on a frequency in the 960 Mc. band. It was claimed that 90 multiplexed tones could be transmitted in a bandwidth of 100 kc. These tones would be received by outlying fire stations and would be used for sounding alarms and dispatching fire fighting equipment. In addition, two frequencies in the 1900 Mc. band, each 300 kc. wide, would be required for voice communication from the central station to the outlying stations. These two frequencies would use 30° beam width. Another omnidirectional system in the 1900 Mc. band would be used for television, facsimile and teletype and would require 4 Mc. band width. Four additional frequencies in the 2700 Mc. band, each requiring 300 kc. bandwidth, would be required to relay communications from the outlying stations back to the central station. In this connection, the City of Los Angeles, California, is now authorized on a developmental basis in the Fire Service to operate an omnidirectional system in Los Angeles using the frequency 959.88 Mc. Also, the District of Columbia is authorized to use the frequency 952.5 Mc. for its omnidirectional antenna system for traffic light control purposes.

34. *Forestry Group.* Only one private microwave system for point-to-point communications, covering about 100 miles, has been licensed (viz., A. J. Hodges Industries, Inc. in the State of Louisiana), although microwave is used by the forestry group for control-repeater links for VHF base station control and telemetering. Apart from these, communications facilities for point-to-point operations have been obtained from common carriers, although it was alleged that, in the forestry areas, such facilities are generally inadequate since most of the operations are conducted in areas remote from existing communications systems. It was stated there is a need for microwave for surveillance TV, for use in connection with pest control and other protection activities, for data processing, production control and other operational and administrative purposes.

35. *American Waterways Operators, Inc.* No microwave systems are in operation by this organization, but a statement was filed requesting frequencies above 890 Mc. to take care of any future needs that may develop. Beyond this, no specific data were furnished.

36. *National Retail Dry Goods Association.* At the present time these organizations obtain their communications facilities from the communications common carriers. They stated that they desired microwave systems which would be used to connect their stores and warehouses for checking credit authorizations, maintaining inventory control and other business and operational purposes.

37. *Police.* Evidence was presented for this group by the International Associations of Chiefs of Police and the Associated Police Communications Officers, Inc. Statements in support thereof were filed by a substantial number of State and municipal police organizations. The witnesses pointed out that many public safety communications systems operated by states, counties, and cities are now using microwave equipment, and claimed that the amount of equipment in use and the emphasis placed on these systems will continue to be increasingly important. They took the position that frequencies above 890 Mc. were plentiful for the foreseeable future. They claimed that a bandwidth of 50 kc. is adequate for their operations in the 952–960 Mc. band; 4 Mc. is adequate for operations in the bands 1800, 2500 and 3500 megacycles and that 6 Mc. is adequate for operations in the 6575–6875 Mc. band.

38. *American Newspaper Publishers' Association.* A survey of the newspaper industry indicated that 221 out of 794 members of this association were interested in the use of microwave. Other than such survey, virtually nothing was presented to support the claimed need for microwave frequencies and no data were furnished as to frequency space required.

39. *Associated Universities, Inc. (AUI) and National Science Foundation.* Evidence was presented as to the need for the frequency 1420 Mc. for radio astronomy operations. In order that electrical interference may be kept at an absolute minimum for such operations, the following measures were requested:

a. That the frequency range 1400–1427 Mc. cleared from all transmission. It was claimed that this step protects the observation of the hydrogen line in emismison and absorption for sources within our own galaxy.

b. That all applications for radio station operations (except mobile operations) within 50 miles of Greenbank, West Virginia (where an observatory is being constructed) be flagged, and that applicants be required to consult with scientists designated by AUI on interference problems which would be worked out on a case-by-case basis.

c. That, when possible, TV channels 14, 53, and 54 be exchanged with other UHF TV channels so that, as far as possible, no TV transmitter would operate on channels 14, 53, and 54 within 150 miles of Greenbank.

d. That any TV stations on channels 14, 53, and 54 which remain within 150 miles of Greenbank be required to attenuate their harmonics to 80 db below carrier level.

40. *Collins Radio Company.* This company presented evidence on systems utilizing tropospheric scatter propagation. It was claimed that such systems of 200 miles or more are practical at the present time and that such systems in the foreseeable future will become competitive with the cost of conventional line-of-sight systems. It was claimed that frequencies in the range 600 to 1000 megacycles appear to be well-suited for such use, although usable tropospheric scatter circuits can be obtained at 2000 Mc. and higher. It was further claimed that scatter systems and conventional line-of-sight systems can occupy the same frequency band to advantage. This was contrary to the testimony given by virtually all the other parties herein who testified that generally such joint occupancy was not feasible or desirable.

41. *Industrial, Scientific and Medical Services.* Evidence as to the need and demand for microwave frequencies for ISM operations was presented by General Electric Company, Society of the Plastics Industry, Inc., American Motors Corporation, Tappan Stove Company, American Medical Association, Raytheon Manufacturing Company, Mississippi Products, Inc. and the American Institute of Electrical Engineers (AIEE). In general, all claimed that there was a need for continuation of the existing allocations for ISM operations even though certain allocated frequencies were not then being used for such operations. The testimony of these parties is discussed more fully under Issue No. 12 herein.

42. *Westinghouse Electric Company.* Evidence was presented by this organization as a manufacturer and a potential user of microwave. Communications service is now obtained from common carriers. It claimed that its teletype requirements increased tenfold between 1940 and 1956 and that the need for communication with its 2500 dealers is expanding rapidly. Further, it was indicated that microwave is needed for data processing, high speed facsimile and broad band television.

43. *National Community Television Association, Inc.* This organization, representing a substantial number of community antenna television operators, urged the allocation of microwave frequencies for such operations in order to bring television into areas where TV

[4] These applications were subsequently designated for hearing in Docket No. 12570.

service is not now being provided. In most cases such service is now being provided by cable or open wire transmission lines. It contended that frequencies in the bands 1990–2110 and 6875–7125 megacycles are suited for this purpose and are unused in the areas in which community antennas would be installed. In most cases there is need only for one hop to relay the signals from the antenna to the distribution system, but occasionally two or more hops would be required.

44. *Radio and Television Broadcasters.* In addition to the National Association of Broadcasters, evidence was presented by several television station licensees. In general, it was urged that microwave should be made available to television licensees to bring television into areas not now being served. These organizations recommended the allocation of an exclusive band from 940 to 952 megacycles for aural STL transmissions for AM, FM and TV stations. It was stated the 2000 Mc. band offers advantages which make it particularly desirable for intercity and STL use; and that transmission on frequencies above 6000 Mc. is susceptible to absorption and scattering due to rain particles. It was urged that three channels in the 7050–7125 Mc. band which have been allocated to common carriers to serve certain broadcast purposes should be available for use by individual broadcasters, and the bands 1990–2110, 6875–7050 and 12,700–13,200 megacycles should be maintained as exclusive broadcast allocations. It was stated that they would be willing to forego sharing privileges in the 2450–2500 and 12,700–13,200 megacycle bands.

45. *Educational Television.* Oral testimony was given by the Joint Council on Educational Television and the Southern Regional Education Board. These parties stated that there is a need for continued allocation of frequencies for studio-transmitter links and TV pickup stations for educational television stations and that such stations should be permitted to establish their own intercity microwave links connecting their stations. Several plans looking toward state-wide educational television networks have been considered. A statewide educational television broadcasting network is now in operation in Alabama and an educational television network now serves the Hagerstown, Maryland area. Plans are being made to extend such television network system substantially. The State of Florida has appropriated $500,000 for the establishment of an educational television network in that State. A number of universities and institutions of learning throughout the country now have educational television facilities in operation. To date, common carrier facilities are used for such networks. It was indicated that three or four channels would be sufficient for such network operations where not many programs were duplicated. Frequencies in the range 10,000 to 13,000 megacycles would be satisfactory for short-haul circuits, but frequencies in the 2000 and 7000 megacycle bands would be preferable because they can be used for mobile pick-ups at greater distances as well as for intra-campus operations. The Southern Regional Education Board, which is composed of members from each of 16 specified States, mostly in the South, stated that consideration has been given to the possibility of installing a multi-channel microwave facilities system which would extend through the 16 States which are members of the compact. Six video circuits would be established along each route. In the 16-State area, there are 309 schools which possibly would be served with television facilities having 32 origination points and 228 distribution points therein and a total of 10,446 route miles in such system. A study of the spectrum space required to establish such microwave systems, they claimed, indicated a band 500 Mc. wide in the spectrum between 3000 and 6500 megacycles. On the basis of such study, it was suggested that additional microwave spectrum above 7000 Mc. (above 10,000 Mc. in most cases) be allocated for intracity systems in congested areas.

46. *The Central Station Electrical Protection Association.* This is a national association of companies engaged in furnishing fire and other protective services to industrial and business establishments throughout the United States. Microwave frequencies in the 890–960 megacycles band were requested to provide fixed circuit links between the protected premises and the association's central office.

47. *Dage Television.* This company contended there was need for non-broadcast television for private uses in fields of medicine, public safety, industry and education.

48. *American District Telegraph Company.* ADT requested that a portion of the spectrum space above 890 Mc. be allocated for a "protective alarm communication service."

49. *Motorola, Inc.* Motorola proposed that a liberalized licensing policy be adopted by the Commission for private point-to-point operations. It proposed that the microwave frequencies be allocated as follows:

Band (Mc.)	*Proposed use*
890–940	890–895 and 935–940 Mc.—Common Carrier.
	895–900 and 930–935 Mc.—Citizens.
	900–930 Mc.—Shared between ISM and Citizens with "better stabilized" ISM centered on 915 Mc.
1300–1700	1300–1320 Mc. for mobile service if public demand warrants reassignment.
6425–6875	6425–6575 Mc. to be added to adjacent Operational Fixed band and provide new band 6425 to 6875 Mc.
11,700–12,700	11,700–12,200 Mc. to be added to adjacent Operational Fixed band.
16,000–18,000	16,000–16,700 Mc. to Operational Fixed.
	16,700–17,300 Mc. to hold for future development.
	17,300–18,000 Mc. to Common Carrier.
26,000–30,000	26,000–27,400 Mc.—Common Carrier.
	27,400–28,600 Mc.—Hold for future development.
	28,600–30,000 Mc.—Operational Fixed.

50. *Electronics Industries Association (EIA).* EIA, while not itself a user or proposed user of microwave, presented testimony as to the present and future demands for microwave frequencies. It was stated that most stations now use microwave frequencies below 13,000 Mc. and that, generally, equipments for operation on frequencies above 13,000 Mc. are not readily available at reasonable cost. A survey made by EIA of its member companies indicated that by 1966, on the basis of present eligibility, the number of microwave stations would range from a high of 9,800 to a low of 3,600, or an average of 7,600 stations, and that by 1976 the range would be from a high of 15,000 to a low of 6,000, or an average of 12,000 stations. On the basis of expanded eligibility to include uses expected for banks, newspapers, retail stores, brokerage and insurance companies, etc., the station estimates ranged from a high of 12,000 to a low of 6,000, or an average of 10,000 stations in 1966, and from a high of 21,000 to a low of 11,000, or an average of 18,000 stations by 1976.

51. According to EIA, as of January 1, 1957, about nine-tenths of the private microwave systems were located in open country areas and about one-tenth were located in urban areas. Thus, it is claimed that, if the percentage remains the same, there would be a maximum of 2,100 stations in terminal areas by 1976. If one out of five stations is located in terminal areas in the future, there will be a maximum of 4,200 private microwave stations in terminal areas by 1976. In this connection, it claimed that as of January 1, 1957, a study of the 82 largest cities in the country showed that there were 38 private microwave stations in the Los Angeles area; that the San Francisco-Oakland area had 13 such stations; that the New York City-NE New Jersey area had only three such stations; and that Chicago had only two stations. The balance of the private microwave stations located in the 82 cities ranged from nine stations in Phoenix, Arizona, to no stations in many cities. It was claimed that if future trends should continue in those cities there would be adequate frequencies, even in Los Angeles which had the largest number of such stations.

52. EIA stated that microwave is now used mostly for voice communication, teletype, remote VHF, facsimile, and that it expected that most of the probable future needs will develop for such purposes, plus remote industrial TV and data processing purposes. It was expected that potential users of private microwave systems would develop among the following:

a. Users having a type of business that requires communication along a "right-of-way"—quite often across open country not always paralleled by existing communications facilities.

b. Remote area operations which are not of the right-of-way type.

c. Public safety agencies where reliability is of primary concern, particularly during times of emergency.

d. Operations which require a large quantity and/or variety of communications functions between separated operational centers.

e. Operations which require highly specialized communications circuits which are not readily or economically obtainable over wire communications systems, such as for TV, and to provide for protective relaying purposes in connection with the transmission of electrical power.

f. The user has a high degree of responsibility to the public and must therefore exercise control over his own communications. (Not otherwise explained.)

g. Combinations of the above.

53. EIA proposed that the frequencies above 890 Mc. should be allocated as follows:

Band (Mc.)	*Proposed use*
890–940	ISM (primary).
890–895	Citizens Fixed and Mobile (NG13) secondary.
935–940	Citizens Fixed and Mobile (NG15) secondary.
895–935	No sharing with possible exception of amateur.
2300–2350	Fixed and Mobile.
2350–2370	Amateur.
2370–2500	ISM (primary) and Amateur (secondary).
3500–3700	New developments such as: Domestic Public Aeronautical Mobile, Transportable Operational Fixed, Radar for Traffic Guidance Control, or Anti-collision Devices.
5650–5925	ISM (primary) Amateur (secondary).
6425–6575	Operational Fixed, Broadcast Fixed and International Control.
6575–6875	No change.
6875–7125	TV pickup and STL.
11,700–12,200	Operational Fixed, Broadcast Fixed, and International Control.
12,200–12,700	No change.
12,700–13,225	TV pickup and STL.
16,000–16,600	New Developments.
16,600–17,300	Operational Fixed and International Control.
17,300–18,000	Common Carrier Fixed.
18,000–21,000	Government.
21,635–22,835	ISM (primary).
21,000–22,000	Amateur.
22,000–26,000	Government.
26,000–27,300	New Developments.
27,300–28,600	Operational Fixed and International Control.
28,600–30,000	Common Carrier Fixed.

BENEFITS WHICH ACCRUE TO THE USER AND THE GENERAL PUBLIC FROM USE OF MICROWAVE FREQUENCIES FOR PRIVATE POINT-TO-POINT SYSTEMS

54. There was a direct conflict of views between the private users and the common carriers as to the benefits which accrue to users and the general public from the use of microwave frequencies for private systems. The common carriers claimed that the users and the general public would be better served by obtaining services from the common carriers and that unrestricted licensing of private systems would adversely affect the public interest. Conversely, they claimed that the following benefits would accrue to the public from the use of common carrier microwave service:

a. Closely regulated operation of common carrier systems would result in lower cost to the public.

b. Common carrier usage would result in greater efficiency in frequency utilization.

c. Common carrier microwave systems would be integrated into wireline operations to provide the backbone for a communications system in this country which is essential to national defense. It was claimed that only common carriers are in a position to provide necessary alternate routes and switching facilities which are essential to national defense.

55. On the other hand, the private users claimed that the following benefits would accrue to users and the general public by the allocation of microwave frequencies for private point-to-point systems:

a. Private microwave systems would provide increased efficiency in operations and the resultant increased productivity would benefit the user directly and the public indirectly through lower costs of goods, services, and commodities.

b. Control by the user is necessary in order that a user may establish his own order of priority as to repairs, maintenance, etc. Otherwise, he would have to depend upon the common carrier for its order of priority for such work. Such private systems would provide for greater flexibility in providing communications service.

c. Private systems would provide for a fall-back system in case of the destruction or disablement of common carrier systems in time of emergency.

Issue No. 2. "Are frequencies for point-to-point use available in sufficient number so that there is no necessity for the Commission to make determinations as to (a) the relative needs of potential users; (b) which of such potential users should be allocated spectrum space; or (c) the permissible use of such frequencies? If because of shortages of frequencies or facilities common carriers would be unable to satisfy the needs of all potential users of leased circuits, should there be established a system of priorities to insure availability of facilities to meet the most essential requirements?"

56. The Electronics Industries Association (EIA) formerly Radio Electronicts Television Manufacturers Association (RETMA), took the position that, while there were not unlimited microwave frequencies available, there are sufficient frequencies to accommodate all possible users of private microwave systems in the foreseeable future, thereby making it unnecessary for the Commission to establish priorities or restrict eligibility. These conclusions were based upon a study of the present allocations of frequencies to the Operational Fixed Service above 890 Mc., i.e., for private microwave systems. According to EIA, over 6,000 man-hours were expended in such study. Based upon technical standards set forth in its Exhibits Nos. 20, 21, and 22, covering such aspects as assignable frequency pairs, frequency stability and power of the transmitters, modulation requirements, types of emission and emission limitations, and antenna characteristics, EIA evolved a Step 1 procedure which would indicate the number of private microwave stations that could be installed in a given area of 100 miles square (10,000 square miles). Such study assumed that:

a. All systems run in straight lines.

b. All systems operate on a 2-frequency basis.

c. All stations of any one system are repeater stations and are separated by 25 miles.

d. All stations are operating with maximum permissible effective radiated power.

It was the opinion of EIA that the designs of existing equipment largely adhere to the proposed standards and that its study considered antenna pattern characteristics currently practical today. The EIA proposal contemplates the assignment of frequencies in the Operational Fixed or Fixed and Mobile bands as follows:

Frequency band (Mc.)	Number of channels	Bandwidth
952–960	16	500 kc.
1850–1990	14	10 Mc.
2110–2290	9	10 Mc.
2450–2500	5	10 Mc.
2500–2700	20	10 Mc.
6575–6875	15	20 Mc.

In addition, it proposed that the band 12,200–12,700 Mc. be allocated for developmental purposes with a bandwidth not to exceed 50 Mc.

57. Under its Step 1 procedure, explained hereinafter, and using the above criteria, it was estimated that 1,880 stations could be accommodated in an area 100 miles square in open country (3,580 if the 12 Kmc. band were included) and 882 stations could be accommodated in terminal areas (1,452 if the 12 Kmc. band were included). According to EIA, the figure of 882 stations in terminal areas was based upon the use of antennas of "Maximum" size. However, based upon antennas of "Practical" size, the number of stations in terminal areas would be reduced to 742. The number of stations which could be accommodated in terminal areas under the various conditions were shown as follows:

Frequency band (Mc.)	"Maximum" antenna size			"Practical" antenna size		
	Antenna aperture (feet)	Diameter of circular area (miles)	Number of stations	Antenna aperture (feet)	Diameter of circular area (miles)	Number of stations
890–960	36.1	11.1	290	10.0	33.5	232
1850–1990	17.4	.41	84	10.0	24.8	70
2110–2200	15.5	.31	48	9.0	23.2	40
2450–2700	13.0	.56	180	8.0	18.7	120
6575–6875	7.0	.90	280			40
Total			882			742

It was emphasized, however, that this was not a saturation point but only the point at which additional system engineering efforts (EIA's Step 2 procedure) would be necessary to install other stations. Further, EIA stated that developments such as increased frequency stabilities, improved antenna systems and multiplexing systems held out promise of increased spectrum usage.

58. The Step 1 procedure indicated above was based on the fact that the highly directive antennas used at the microwave stations concentrate nearly all the energy in one direction not unlike a "pencil beam", but that, in addition to the radiation in the major lobe, there are also side and back lobes which result in energy being transmitted in unwanted directions. Each antenna and each installation would produce different characteristics so that it is not possible to predict in advance the actual interference areas around each antenna. In order to overcome this difficulty EIA proposed that an area, large enough to contain all possible combinations, be kept free from other stations operating on the same frequency. The shape of this area was described as being similar to a large keyhole with each transmitter location in the center of the round portion and the main lobe in the elongated portion. Other stations, even though they might be operating on the same frequency as the first, may be located anywhere outside the keyhole area without creating any interference to the first station.

59. Step 2 is similar to Step 1 but more detailed engineering study is required in reference to side and back lobes and it is assumed that in many cases the area of protection around each station may be reduced so that more stations may be accommodated in a given area. It is claimed to be possible to increase the number of stations in any area by resorting to the Step 2 procedure because of the large differential between the assumed "keyhole area" and the actual antenna coverage.

60. EIA took the position that their calculations were conservative for the following reasons:

a. They assumed a liberal antenna envelope pattern which gives a much broader main beam angle than is found in practical systems.

b. They assumed that the receiver would be equipped with a ten foot antenna which is much larger than the antennas generally used.

c. They assumed that all transmitters are using a maximum allowable power of 7 watts whereas the stations now operating in the 6000 Mc band are using power from one-tenth to one watt. Thus, if a station uses one-tenth watt power, the actual distance to the interfering station for line-of-sight systems could be decreased eight times from the assumed distance.

d. In many cases the minimum separation between stations was arbitrarily increased from the calculated values to take into account the fact that in some cases an interfering transmitter might be located on a high mountain. The calculations have been based upon a 45-mile line-of-sight path between antennas which assumes rather smooth terrain. In practice, intervening hills will provide considerable shielding of signals, thus permitting closer station separation.

e. The analysis does not assume any benefit from cross polarization between stations as a method of reducing potential interference.

61. AT&T took the position that the plan of EIA was idealistic and impractical for the following reasons:

a. EIA assumed that interference will occur when the interfering signal level exceeds the thermal noise level of reasonably typical receivers in systems with typical radiation characteristics.

b. EIA's proposal does not take into account the effects of the so-called "Rayleigh" fading or abnormal super-refraction conditions.

c. EIA proposed systems would run in straight lines instead of a zig-zag fashion.

d. The EIA plan contemplates a 2-frequency system.

e. The EIA plan assumes that all stations would be located in a geometric pattern which does not take into account site and zoning problems.

f. The EIA study is based upon an area 100 miles square or 10,000 square miles which is larger than the State of New Jersey (7,800 sq. mi.). A typical terminal area would not be greater than 100 square miles. Therefore, if the 1,800 possible stations in the 10,000 square mile area is reduced to the number that can be accommodated in 100 square miles there would be only 18 stations which could be established in the latter area.

g. The EIA report did not consider the bandwidth required for each system. A broad band would tend to reduce the number of systems that can be accommodated in a given area.

h. Stations cannot be located in any idealistic geometric pattern because drop-offs must be located at or near cities along the route.

i. It does not make provision for intracity systems.

62. With respect to the alleged interference, AT&T reported that, in the development of their TD–2 equipment, they were faced with the problem of interference—not from interfering systems but from interfering tones within their own system (so-called "birdies")—and they underestimated the effects of an interfering carrier several megacycles removed from the desired signal by 40 or 50 db. In reply, EIA stated that this problem had been considered and that it was agreed that it was possible to obtain "birdies." However, they claimed that protection in the order of 40 to 50 db is somewhat exaggerated because in order to obtain "birdies" the interfered with and the interfering carrier should both be very stable and furthermore the interfering carrier should be unmodulated or only very slightly modulated in order that its full energy will fall into one voice channel. In EIA's opinion, these conditions are highly improbable because in practice almost all microwave carriers are continuously modulated and even if the full energy of the interfering carrier would fall into a single voice channel, at the most only about 30 db decrease in its power would be sufficient to make it equal to background noise. They further contended that while this standard of interference may not be good enough for systems transmitting high quality broad-band signals, such as TV, over long distances, it is quite adequate for most privately owned systems.

63. AT&T did not elaborate on its objection that the EIA study did not consider the effects of "Rayleigh" fading or super-refraction conditions. EIA, however, noted that super-refraction conditions do exist and on rare occasions have been observed to result in beyond-the-horizon attenuation approaching free space values. They stated, however, that the available data are extremely limited and are probably unreliable and, therefore, unduly pessimistic. It was the opinion of EIA that these effects would not significantly increase the length of time during which interference between systems might be experienced when considered over a long period of time.

64. AT&T claimed that, in its experience with microwave systems, it was necessary that the stations be located in a zig-zag pattern because it had been found that the signals from the first station will be received by the second station as intended but sometimes will also be received by the fourth station in the system and thereby cause interference at that station. The failure to establish stations in a zig-zag pattern, according to AT&T, would make it impossible to have as many stations in an area as EIA predicted. In reply, EIA admitted that practical systems can profit by zig-zagging and avoid interference at the third hop receiver. However, it was claimed that zig-zagging sufficiently to avoid interference would affect its frequency utilization numbers in open areas by the factor of 2 at most. Further, EIA added that their study was based upon the assumption that all systems would use a relatively small antenna, while in practice usually much larger antennas are used having much smaller main beams and thus not only the necessary zig-zagging is much smaller but also the spacing between parallel systems would be considerably reduced.

65. With respect to the question of EIA's proposed 2-frequency system operations, the AT&T spokesman stated that, insofar as the 6000 Mc. band is concerned, current practice generally is to use a 4-frequency plan for private systems. Also, it was claimed that in order to obtain good reliability in the 6000 Mc. band, frequency diversity should be used but the EIA plan did not provide for it. On the first point, EIA contended that, while it might seem at first blush that the use of a 4-frequency system would cut frequency utilization in half, in actual operation the frequencies are used less often and the geographical area covered by each frequency is approximately half of what it would be if only two frequencies were used. Thus, EIA claims, the use of four frequencies by each system will not change the spectrum capacity. No comment was made by EIA as to the use of frequency diversity.

66. Turning to the matter of suitable antenna sites and zoning problems, AT&T stated that selection of suitable sites has been a major problem since it is often necessary to try several sites before one is found to be satisfactory. They stated that if one site is relocated, it frequently requires relocation of other sites. In particular, they stated that problems are encountered in over-water paths and that even in open country problems are encountered such as reflections from corn fields. Moreover, due to zoning regulations, restrictions on tower heights, cost of real estate in built up areas, etc., and that it is not always possible to locate stations at the most desirable spot as the EIA plan supposes. EIA replied that the Committee's assumptions are not as idealistic as they may appear from superficial review of the study, but that actually the assumptions are conservative for the reasons set forth in paragraph 60 above. Further, as to the geometric pattern of their plan, EIA admitted that such an orderly arrangement of stations is unlikely in practice, but it was their opinion that in practice the application of special detailed engineering analysis would substantially compensate for this lack of orderly arrangement.

67. Finally, AT&T argued that any study of frequency usage should include cross-polarization as one of the tools to get greater efficiency. They noted that they had been unable to find any reference to it in the EIA report. In reply, EIA admitted that they had not assumed any benefit from cross-polarization between systems as a method of reducing potential interference. They stated that this valuable technique is considered difficult to apply for all systems where planning cannot be completely coordinated between the parties involved. It is a safety factor which can be reserved for those cases where it is needed. In sum, they took the position that this would be an added benefit for their proposed frequency utilization plan.

68. In general, the private users concurred in the conclusions of EIA that there were adequate frequencies available for private systems. Accordingly, they took the position that it would not be necessary to set up any system of priorities based upon the relative needs of users. It was the consensus, however, that, if there were a shortage of frequencies, a system of priorities would be desirable. It was generally agreed that the public safety services should receive top priority but each of the private users argued that his needs were next in order of priority to such public safety users.

69. Using the EIA proposal, Motorola made a study of the microwave systems which could be accommodated in the Los Angeles, California, area. It was stated that Los Angeles was chosen because of demonstrated growth potential complicated by a certain degree of limited convenient access by microwave systems (i.e., the area is bound on the south and southwest by the Pacific Ocean and on the north, east and west by mountain ranges). It was argued, therefore, that access to the Los Angeles area is such as to provide a very pessimistic picture. Although there are many peaks in the area, only six microwave relay points were used in the study, apparently to show how microwave communications could be brought into an area even under unfavorable conditions. It suggested that the same level of performance could be expected in any other area provided there are at least six "points of entry." The systems under consideration would come into the area from one of the six peaks and terminate within, or on the periphery of, a circle 11.1 miles in diameter which includes the Los Angeles business district. The 11.1 mile circle is also significant in that it is the smallest circle on which radially directed systems of the 925 Mc. band may terminate. Systems operating on the higher frequency bands would require less space. For example, in the 6725 Mc. band, systems could be installed on the periphery of a circle one mile in diameter. The study concluded that, using those frequency bands not allocated for use by private microwave systems, a total of 807 systems may work into the 11.1 mile circular area from the six mountain peaks selected. The breakdown by frequency bands is as follows:

Band Mc.[1]	925	1920	2155	2575	6725	12,450
Number of systems	232	42	24	120	133	256

[1] Frequencies shown are the center frequencies of the band involved.

70. NCUR also submitted an exhibit (No. 12) showing the present microwave installations in the Los Angeles area and plotted the anticipated future needs of the electric, gas and water utilities in that area.

Issue No. 3. "Where (geographically and spectrumwise) would assignment of frequencies for private point-to-point systems without limitations create problems of harmful interference either from (a) limited availability of suitable sites for transmitters and receivers; (b) terminal congestion resulting from the desire to terminate multiple systems at a common geographical location; or (c) other pertinent conditions."

71. As indicated above, the testimony of EIA related principally to the establishment of private microwave systems although they claimed that their standards could be applied by the common carriers. Most of the private users stated they concurred in EIA's testimony on this issue, as well as other issues. It was EIA's position that there would be no frequency congestion in the foreseeable future provided there is proper coordination in selecting frequencies. In the event that congestion were to occur it would probably be at terminals in the larger cities and in frequency bands below 10,000 Mc. in which case frequencies above 10,000 Mc. could be used at the terminals of long-haul systems or service brought into the congested area by means of wirelines or cables operated by common carriers. EIA admitted that terminal congestion is a potential problem to be recognized, but stated it can be solved by the use of the proposed congestion area rules, sharing, use of higher frequencies, etc. Moreover, it was generally conceded that the extent of usage of frequencies is controlled to a material extent by the availability of transmitter and receiver sites. This again is a problem which apparently is localized mostly in the larger metropolitan areas, and although there may appear to be limitations on the availability of suitable sites, it was claimed by EIA that there are no known areas that present problems which cannot be solved.

72. EIA stated that it recognizes that the very nature of microwave systems is such as to concentrate equipment locations in areas which are advantageous either by reason of their geographical characteristics or population density, accessibility to commercial power, or nearness to established communication routes. Therefore, it was testified, assignment of frequencies without technical limitations for either private or common carrier point-to-point systems would produce harmful conditions to the service involved. But careful selection of frequencies, and taking advantage of directivity characteristics involved, will result in utilization of the spectrum in a manner to accommodate a substantial number of microwave systems. It observed that intracity microwave systems which use frequencies above 10,000 Mc. will be characterized by even lower power, shorter hops, narrower antenna beams, and larger channel capabilities. It averred that maximum terminal concentration can best be obtained by enforcing more strict criteria for such systems than is required for open country systems. Two basic controls are (1) limitation of field intensity of the incoming signal at the receiving antenna, and (2) grouping of outgoing transmit and incoming receive frequencies. Finally, it stated that the enforcement of restricted criteria requires that the area be defined so that there may be orderly system planning and undue economic hardship

avoided. Such a plan may take into account:

a. Population density.

b. User type and concentration.

c. Geographical sector of entry into the area.

d. Number of channels in use versus total number of channels available.

e. Factors affecting rate of growth.

73. The position of the common carriers was in contrast to that of EIA and the private users. As indicated previously, American Telephone & Telegraph claimed that there were not adequate frequencies available, particularly in certain congested terminal areas and that the frequency band 3700–4200 Mc. is virtually saturated in five of the larger cities in the United States. Also, it expected that the higher frequency bands (generally at or below 10,000 Mc.) would be fully utilized by common carriers within a relatively short time. However, it was admitted that there was no city at the present time where additional use could not be made.

74. It was generally conceded by all parties that there is very little use of frequencies above 10,000 Mc. at the present time, and the use of frequencies above 30,000 Mc. is virtually nonexistent.

Issue No. 4. "If limitations are warranted for private point-to-point use, what standards of eligibility should be adopted? Should they be established on a geographical basis?"

75. The common carriers are opposed to licensing any private systems except public safety organizations and the so-called right-of-way companies. The latter group is normally considered to include the railroads, petroleum and gas pipe line companies, and power companies. The rationalization given for excepting this latter group is primarily that these organizations have needs for communications facilities in areas which generally do not parallel common carrier systems.

76. The private users, in contrast, generally argued that limitations on private use are not warranted at present. They recommended that liberal rules of eligibility be adopted and that they be given freedom of choice in determining whether they would establish their own systems or whether they would obtain service from the common carriers. This group generally were opposed to the establishment of limitations on a geographical basis. In any case, however, if such limitations are warranted, top priority as to eligibility should be given to public safety organizations involving the protection of life and property. The American Trucking Association believes that preference should be given to the right-of-way companies, but that motor carriers should be included in such concept because they operate over specifically prescribed routes.

Issue No. 5. "To what extent, if any, should the Commission permit or require the sharing of private point-to-point microwave systems."

77. The private users were virtually unanimous in their recommendations that the Commission should provide for the voluntary sharing of private microwave systems. Several groups suggested that the operation of such systems on a non-profit, cost-sharing basis would not only be feasible but also desirable. However, the common carriers took the position that the Commission should not permit the sharing of private microwave systems because it would result in an aggravated form of "cream skimming", and, if permitted, would "snowball" to unreasonable proportions. It was claimed that the net effect of such unrestricted use would be that the common carriers would find it increasingly more difficult to meet the service requirements of the remaining communications users in the area.

Issue No. 6. "Apart from other considerations, should the Commission consider the availability of common carrier facilities as a condition of eligibility?"

78. The private users uniformly took the position that the Commission should not consider the availability of common carrier facilities as a condition of eligibility for a private point-to-point microwave system. It was their position that they should have the right to use such frequencies without regard to the availability of common carrier facilities and that they should be allowed either to establish their own systems or obtain service from common carriers. Some private users argued that to so condition grants would permit the common carriers to control the granting of such authorizations. ARINC stated that the granting of new assignments should be based upon the merits of the particular case and not on the question of eligibility, and that microwave systems should be authorized on a first-come, first-served basis, with the present bands now allocated to operational fixed service being retained.

79. The common carriers (except the National Mobile Radio System) generally took the position that the Commission should consider the availability of common carrier facilities and should not grant private systems if common carrier facilities are available within a reasonable length of time. In remote areas, common carriers should be given the opportunity to provide service. If unable to do so, the private system could go in provided that it is amortized when common carrier service becomes available.

Issue No. 7. "What effect would the authorization of private point-to-point systems where common carrier facilities are available have on the ability of the common carriers to serve the general public and, if such effect is detrimental, the specific nature, extent and magnitude of such detriment?"

80. The common carriers argued that if the Commission adopts a policy of permitting private systems to compete with the common carriers in the areas where common carrier facilities are available or could be made available, it would have a serious and detrimental effect upon such carriers and the general public. They claimed that such a policy would hamper the improvement and expansion of an efficient nationwide communications service. They further claimed that regulatory bodies would be reluctant to require or urge telephone companies to install facilities when their economic well-being might be impaired by competition from private systems; that licensing of private systems to compete with the common carriers would unnecessarily increase the demands for and use of radio frequencies, contrary to the need for conservation in the public interest of the limited amount of spectrum space available. The Bell System witnesses contended that to permit the licensing of private systems where common carrier facilities are available would cause irreparable harm to the telephone company's ability to provide a basic nationwide communication service, which is vital in times of peace but indispensable in times of national emergency. Also, they claimed that widespread licensing of private systems would not only increase the cost of communications to the nation's economy as a whole, but would cast an added burden upon the individual and the small businessman who would continue to rely on common carriers. This would cause either (1) a drastic revision of rate schedules, or (2) great financial harm to the carriers, or (3) a combination of both.

81. Except for USITA, the common carriers generally do not object to the continued licensing of public safety agencies and the right-of-way companies. The USITA does not object to the use of private microwave systems by public safety organizations or right-of-way companies for operational communications, but would object if such organizations diverted administrative traffic to the system. It was admitted, however, that establishing a breakdown between operational and administrative traffic would be very difficult, but confidence was expressed that the Commission would be "able to meet all of those problems as it has other problems of the same nature."

82. The private users, on the other hand, claimed that little or no detrimental effect would occur to common carriers and the public if private systems were authorized even though common carrier facilities are available. Many of them argued that the telephone common carriers should devote their attention to filling back orders for telephone service, which would offset some revenue loss. Very little specific information was adduced as to the extent and magnitude of any such detriment, perhaps, in part at least, because of the many variables and uncertainties as to the extent and nature of the private systems that would be established. However, one of the private users (McLean Trucking Company) stated that the establishment of a private system by it would reduce by over 50 percent the number of teletype circuits it is obtaining from the common carriers. Similarly, in the case of Central Freight Lines, it was indicated that the establishment of a private microwave system between Dallas and Ft. Worth, Texas, would result in a 100 percent loss of business to Western Union for the communications facilities it now furnishes Central Freight between those points. Nevertheless, most of the private users argued that the establishment of private systems would not adversely affect the carriers, because such private communications systems would generate more communications for the common carriers to offset the revenue

which might be lost to them as a result of the establishment of such private systems. In particular, it was claimed that additional revenue would accrue to the telephone carriers because private users would lease more wireline connections to tie in smaller terminals with the principal microwave systems.

83. In an effort to show the magnitude and effect of the establishment of private systems on the telephone company, Motorola made a study entitled "Effect of Private Microwave Installations on 1966 Bell Telephone Potential Gross Revenue." The study was based upon an EIA marketing report released April 4, 1957, which showed the number of private microwave stations which were expected to be installed over the ten-year period ending 1966. It assumed that there would be expanded eligibility and it included all classes of private microwave stations. It was assumed that there would be 10,000 private microwave systems by 1966. It was further assumed that the RF path mileage between the stations would average 25 miles; that 40 percent of the stations will be repeaters and will have 25 miles of path associated with them and the remaining 60 percent will be terminals which would have 12.5 miles associated with them; that there would be an average loading of 25 channels; and that 60 percent of such channels would be used for voice and the remaining 40 percent would be used for teletype, telemetering, control and data transmission circuits, etc. On the basis of these assumptions, it was estimated that the annual loss to the Bell System in gross private line revenue would be $315 million. The projected Bell System gross revenue was based on an analysis of Bell System gross revenue over the past 10 years which had been expanding at an average rate of about 12.4 percent compounded annually. A projection of that revenue trend indicated that Bell System revenues might be $18.6 billion by 1966. However, the projection actually used by Motorola was based upon the assumption that the Bell System annual gross revenue would almost double in 10 years and, therefore, the figure of $11 billion was used in Motorola's calculations. Percentagewise, Motorola claimed that such loss would only amount to 2.87 percent. In this connection, Dage television claimed, in a statement it filed, that by excluding the right-of-way companies this would be reduced to 1.5 percent. No estimate was made as to the percentage of revenues which would be lost if both the public safety group and the right-of-way companies were excluded. Nor is there any evidence in the record to show what percentage of the revenues would come from systems located in areas where facilities of common carriers are available.

84. AT&T argued that the Motorola study is wholly unconvincing since it relates a bare minimum of diversion (only private line) to the greatest possible mass (total gross revenues). Thus, AT&T argued that not attempt was made to relate the expected diversion to private line business alone. Additionally, AT&T pointed out that there was no attempt made to measure the large amounts of message toll traffic which would be diverted to the private microwave facilities which would be able to be used "without charge."

85. No studies or data were shown as to the effect the licensing of private systems would have upon Western Union, the independent telephone companies, or other common carriers. However, Western Union pointed out that more than 75 percent of its gross revenues come from 125 cities and that 75 percent of that volume comes from business firms. It claims that because of the above, and in view of its marginal operations, the diversions from such revenues by private users would seriously impair its ability to provide a nationwide telegraph system.

Issue No. 8. "Is there any obligation on the part of the Commission under the provisions of the Communications Act to protect the users of common carrier service from any adverse economic effects that the carriers might suffer from the operation of private point-to-point systems? If there is no statutory obligation, is it desirable in the public interest for the Commission to establish this as a matter of policy?"

86. Virtually all the parties who commented on this issue did so by briefs. There was a sharp cleavage between the positions taken by the common carriers and the private users on this point. The common carriers argued that the Commission is obligated to act in the public interest under the terms of the Communications Act and that this imposes upon it the duty of protecting them from the loss of business which they would suffer in the event of increased eligibility for microwave facilities. In any case, they contended that the Commission should, as a matter of policy, protect them from adverse economic effects which they claim would result from the establishment of private microwave systems. The private users, on the other hand, took the position that the Commission is not under any statutory obligation to protect the carriers against the adverse effects of competition from private microwave users and that it would not be desirable as a matter of policy for the Commission to deny individuals their freedom of choice as to the means of communication which they would employ. The positions of the parties are set forth more fully hereinafter.

87. Turning first to the common carriers, it was their position that the Commission is under a statutory duty to protect and foster a nationwide communication system. This was based upon the word "system" in section 1 of the Act which was interpreted by them to mean a common carrier system. They stated that their duty to maintain such a system could not be discharged unless they were protected from the type of competition envisaged here. In addition to section 1 of the Act, it was urged that section 214 of the Act gives the Commission complementary regulatory powers over common carrier operations which impose a duty upon it to assure that the sound economic existence of the common carriers is preserved in order that they can provide the nationwide communications network required by section 1. They argued that, where there is a conflict of public and private interests, it is for the Commission to protect the public interest as set forth in sections 303 and 307 of the Act in order that the greatest good may be accomplished for the greatest number of persons. They further argued that if the Commission were to extend microwave eligibility to all those who seek it, the common carriers would stand to lose so much revenue that they would have to compensate for it by increasing their rates to the general public. It was claimed that such action would not be in the public interest since all the people would suffer to compensate for microwave systems utilized by only a few individuals. Moreover, it was claimed that a duplication of facilities would be wasteful and that such waste is not in the public interest. The carriers argued strenuously that there is no national policy in favor of competition,[5] and, anticipating the arguments of the private users, stated that section 314 of the Act is limited to competition between cable and radio in international communications. In this connection, Western Union claimed that, since the telegraph companies compete with telephone, private lines, and air mail, the addition of another competitive possibility, namely a private point-to-point communications system, would be, in fact, a perversion of the concept of competition and might well destroy the ability of the telegraph company to operate at all.

88. Apart from its alleged statutory obligation under the Communications Act, they urged that the Commission, as a matter of policy, should make certain that the common carriers are protected in their activities. The reasons given by the common carriers to support their position were as follows:

a. Open eligibility of private users would adversely affect the national defense.

b. Open eligibility would result in the general public paying more money for less adequate service.

c. There would be conditions of chaos prevalent if eligibility were extended because the microwave spectrum has finite limits within which there would be conflicts as to licensees.

89. The positions of the private users under this issue are summarized as follows:

a. The "public convenience, interest, or necessity" provision of section 307(a) of the Communications Act precludes preferential treatment of the carriers at the expense of private users. The legislative history of the Radio Act of 1927 and the Communications Act of 1934 evidences an intention to avoid restricting competition between private individuals and common carriers. It was claimed that the phrase "public interest, convenience, or necessity" was included in section 9 of the 1927 Act and later incorporated into section 307(a) of the Communications Act. The phrase "any

[5] Citing F.C.C. v. RCA Communications, Inc., 346 U.C. 86, 91 (1953).

applicant" of section 307(a) is interpreted to mean that all potential users of radio must be licensed provided they can meet the test of public convenience, interest, or necessity. While it was admitted that the availability of common carrier facilities might be a factor in determining what was in furtherance of this public convenience, interest, or necessity, it was argued that the availability factor alone could not be the determinative point on which private licenses could be denied, and that to deny arbitrarily the use of a portion of the radio spectrum to private users would flaunt the policy of the Communications Act which is to make the limited natural resources of the usable spectrum available to any applicant who can meet the public interest test. In this connection, reference was made to the mobile communications field wherein private users are licensed to use mobile communications facilities even though they are in direct competition with the common carriers in providing similar mobile radio communications services.

b. Title II of the Act is designed to protect common carriers from competition from other common carriers, but it does not contemplate protecting common carriers from competition from private users. It was noted that the carriers regulated under Title II are only those engaged in interstate or foreign commerce and it was claimed that if the Commission were to restrict eligibility to common carriers, it would in many cases be acting for the benefit of *intrastate* common carriers whose operations were beyond the Commission's jurisdiction to regulate.

c. Sections 311, 313, and 314 of the Communications Act evidence a clearly defined national policy in favor of free competition.

d. Section 307(b) of the Communications Act contemplates an equitable distribution of licenses and frequencies between common carriers and private users.

e. Section 303(g) of the Act requires the Commission to study new uses for radio and to encourage its development. Failure to provide for individual and private usages in the microwave field would be contrary to the purposes and intent of this section.

f. The Commission is charged with upholding the Anti-trust Laws which further the national policy in favor of competition enunciated in section 311, 313, and 314 of the Communications Act.

g. To protect the common carriers at the expense of the private users and to establish such a policy at this time would not only be contrary to the public interest but inconsistent with prior Commission decisions and the national policy against monopoly. It was claimed that fostering competition provides the means whereby advances and great improvements in industry may be achieved and that private systems would provide an important facility in time of war and emergency.

Issue No. 9. "Would a policy of restricting or denying a private point-to-point system because common carrier facilities are available be inconsistent with any of the provisions of the Communications Act? Would such restrictions result in a lessening of competition or a fostering of monopoly in the manufacture, sale, use, or provision of communications facilities contrary to the public interest?"

90. As is Issue No. 8, virtually all the parties who commented on this issue did so by briefs. In addition, the Department of Justice and the Office of Civil and Defense Mobilization (OCDM) filed statements. Also, as in Issue No. 8, there was a sharp cleavage on this point between the common carriers and the private users. The common carriers argued that the restriction or denial of private systems when common carrier facilities are available would not be inconsistent with any provisions of the Communications Act and that there would not result therefrom any lessening of competition or a fostering of a monopoly in the manufacture, sale, use, or provision of communications facilities contrary to the public interest. On the other hand, the private users argued that any such limitation or restriction would violate the Act, and that such restriction will lesson competition and foster monopoly in the manufacture, sale, use or provision of communications facilities in violation of the Anti-trust Laws.

91. The Department of Justice, in its letter dated March 28, 1957, pointed out, among other things, that it was their duty to enforce the Federal Anti-trust Laws. It was their opinion that, by preferring common carrier operation of microwave systems, competition would be distinctly lessened and monopoly encouraged in the manufacture, sale, and use of communications facilities adapted to this area of service. The Department of Justice further stated:

> We believe that section 314 of the Communications Act indicates a Congressional intent to rely upon competition to regulate and develop the communications field to the greatest possible extent. Those provisions of the Act regulating common carrier activities proceed upon the principle that direct regulation must be substituted for competition. This principle is inconsistent with the principle of competition, and is applicable in those areas where the common carriers already had monopolies when the Communications Act of 1934 was enacted. There is nothing in the Communications Act to indicate that any particular portion of the radio spectrum, such as the microwave region, should be turned over to the common carriers. We believe that reconciliation of the two methods of regulation requires that the common carrier concept be given as limited application as the terms of the Communications Act will permit.

92. By letter of January 6, 1958, OCDM stated that in time of war or national emergency even one channel of communication remaining after enemy action may assure ultimate success. It urged, therefore, that provision be made for an integrated nationwide communications network because the performance of such a system is a vital necessity to survival after attack. Thus, it suggested that it is reasonable to expect that priorities should be given to common carriers if there were any shortage of frequencies. OCDM further stated that, from a national defense planning standpoint, private systems used for public safety, or for a public utility, any form of transportation, or of other vital industry would contribute, to a limited extent, to the national defense. They took the position, however, that from a national defense planning standpoint, the only prudent assumptions possible are that "such special systems, if vital, could be permitted to continue to operate for the purposes originally intended and that any additional service obtainable from them might assist on a limited localized scale, but would not make a comparable contribution to the national system so vital to adequate defense." OCDM did not suggest allocating the entire microwave spectrum to the common carriers, but stressed that the need of a national system of communications in times of defense emergency be given full weight among other pertinent considerations when frequency allocations are made. OCDM referred to the above-mentioned letter of the Department of Justice and stated that the interests of national defense do not call for a different interpretation.

93. In reply to the OCDM letter, EIA filed a letter dated March 31, 1958, in which it admitted that there was no question as to the essential nature of a nationwide coordinated communication service provided by communications common carriers. However, it argued that during wartime crises, the facilities of common carriers have been and will continue to be overburdened by an almost infinite demand for communications circuits, and that, in such times, communications demands which do not have to be provided by and transmitted over communication common carrier circuits should be met by alternative methods. They claimed that private systems developed during peacetime will be available during wartime to satisfy that part of the nation's communications needs which do not depend upon interconnection. Accordingly, they urged that the Commission recognize and provide for private communications systems.

94. The common carriers argued that the Commission not only has the power but the duty to license radio stations when this will serve the public interest. They contended that unrestricted licensing of private point-to-point microwave systems would result in economic waste and, therefore, would not be in the public interest. Insofar as Western Union is concerned, it claimed that duplication of facilities would result in economic loss to it and make it impossible to discharge its general obligation to serve the public because it would force drastic curtailment of its operations to the detriment of the general public. That the Commission has the power to adopt an availability criterion, the carriers claim, has been demonstrated by past actions of the Commission. In particular, reference was made to the Commission's Report in Docket No. 6651, dated February 20, 1948, where the Commission laid down a rule of restricting certain private systems where common carrier services were available, and to the proceeding in Docket No. 8963, wherein such policy was reaffirmed (Report of the Commission, adopted December 21, 1949, Mimeo F.C.C. 49–1680). Reference was also made to the Commission's decisions in its Memorandum Opinion, F.C.C. 54–152, released February 5, 1954, in which the Commission denied a petition for the establishment of a new manufacturers radio service, and also to In the Matter of J. E. Belknap and Associates (10 Pike & Fischer R.R. 517) where the Commission granted temporary authorizations for private stations pending the time when common carriers would be able to provide the desired service.

95. With respect to the question of monopoly and lessening of competition, the common carriers contend that there is a distinction to be drawn between furnishing common carrier service and the manufacture and sale of equipment. They claim that common carrier service is to be regulated by the Commission under the provisions of the Communications Act, while the equipment manufacturing business is controlled through the framework of the Antitrust Laws. They deny that a monopolistic manufacturing situation might ensue if the common carriers were given preference in microwave allocations. The independent telephone companies claimed that, insofar as they were concerned, there are no manufacturing subsidiaries for such companies and that they purchase equipment from microwave manufacturers on the open market. It is further claimed that the advantages of competition will be retained if telephone company affiliates are permitted to devote their energies toward developing and improving equipment for microwave systems. It was their position that there is no microwave industry, per se, but rather, the whole electronics industry which must be developed. They contend that such companies which have entered the field of microwave equipment manufacture under the present restricted eligibility conditions can look forward to increased markets under existing rules. They claimed that Western Electric does not have a majority of the business at the present time, and, therefore, since no monopoly now exists, to expand eligibility because of the vague and unsupported assertions concerning future effects of competition would be contrary to the Commission's duty under the Act. Insofar as Western Union is concerned, it states that it is not engaged in the manufacture and sale of communications equipment, but, instead, buys its facilities on the open market. Therefore, it urges that antitrust questions should not be considered as far as Western Union is concerned and should not be allowed to react to its detriment.

96. As indicated above, the private users contend that the Commission may not impose, as a condition precedent to the issuance of authorizations for radio station licenses, any condition that they show that common carrier facilities are available. While it was admitted that availability might be one of the factors to be considered in determining whether it would be in the public interest for the Commission to license a private microwave system, the private users contended that it could never constitute the sole ground for any such denial or restriction in view of the language of section 307(a) of the Act. Further, they claimed that such restriction would violate section 303(g) of the Act which requires the Commission to encourage the larger and more effective use of radio in the public interest. Also, it was claimed that such a policy would be contrary to the fair, efficient, equitable distribution of radio service required by section 307(b) of the Act.

97. Turning to the second part of Issue No. 9, the private users uniformly took the position that, if the Commission were to restrict private microwave where there is available common carrier service, there would be a lessening of competition and a fostering of a monopoly in the manufacture, sale and use of communications facilities contrary to the public interest. They claimed that such a policy would thwart the improvement and experimentation that accompany competition among manufacturers for the private users' market, and would kill the very incentive for common carriers to improve their service. The private users argued that to expand the eligibility would provide an incentive for private microwave manufacturers to develop equipment and thereby provide for larger and more effective competition in the microwave industry. This, in turn, would preclude or largely forestall the natural tendency to monopoly or lessening of competition on the part of the telephone company, which was claimed to be in a position of dominance in this field. In this connection, it was noted that AT&T owns 50 percent of the stock of Western Electric. Thus, it was claimed, it is only natural that AT&T would purchase most of its equipment from Western Electric and this would be to the detriment and injury of other competing radio manufacturers and would be an instrument for AT&T monopolization at least restraint contrary to section 313 of the Act. Thus, it was argued, in following a policy of denying private point-to-point systems where common carrier services are available, the diversity and competition involved in all phases of the communications service would be lost. Moreover, it was claimed that a common carrier monopoly in this area would result in a complete monopoly in all associated manufacture, sale, lease, maintenance and related auxiliary services. The Department of Justice's letter referred to above was cited in support of their position.

98. It was also urged that, since the allocation of microwave facilities is covered by Title III of the Act and competition rather than regulation is the "prevailing theme" of Title III, it would be contrary to the specific policies set forth in the Act for the Commission to refuse to grant private microwave authorizations because of the availability of common carrier facilities. For the Commission to follow such an "availability" doctrine would mean the grant of an exclusive franchise to the carriers and the Act does not give the Commission the power to grant such exclusive rights. Referring to sections 311, 313, and 314 of the Act, several of the private users took the position that there was a Congressional policy favoring competition and that any limitation such as suggested in Issue No. 9 would be contrary to the intent and purposes of those sections of the Communications Act. Apart from the alleged illegality, it was argued that to adopt an availability policy would place an onerous burden on private users because such policy would give the common carriers standing to intervene and protest every application which was filed by private users. This they claim, would permit the common carriers to force the private users to take the common carrier service or go into a time-consuming hearing. It was also suggested that the term "availability" is not an abstract proposition, but would involve matters such as costs and the time in which a common carrier would be permitted to construct facilities. Thus, it was claimed that to restrict or deny private systems would encourage "cream-skimming" by the common carriers in that the common carriers would supply service in areas where service can be supplied at a profit while failing to provide service in less lucrative areas. It was argued, therefore, that the public interest would not be served by adopting such a policy and thus it would be contrary to the provisions of Title III of the Act.

Issue No. 10. "To what extent will the contemplated private point-to-point communications systems depend upon interconnection with common carrier facilities?"

99. As a background to an understanding of this issue, it should be pointed out that there are two types of interconnections with telephone common carriers facilities involved:

a. With private line channels to bring the microwave system into a business headquarters, or some similar central location.

b. With general exchange and toll service facilities of the common carriers.

The Bell System Companies have a general policy of interconnecting their facilities with PBX facilities (switchboard and associated facilities furnished by the telephone companies which normally tie-in with their public communications system) but of not interconnecting with PAX facilities (switchboard and associated facilities furnished by private users). Bell states that they have limited the interconnections of their facilities with the facilities of others to situations where (1) service is required in remote, hazardous or inaccessible locations, or where it is otherwise impractible for the telephone company to provide the service or facilities, or (2) connection with a customer's own facilities is essential to national defense or to the general public safety and welfare. Under these two broad criteria, the Bell System companies state that they have made tariff offerings of private line channels to connect "right-of-way" and public safety microwave systems with telephone company PBX's from which they could be operated more effectively for the purpose

for which they were licensed. It was also indicated that Bell will connect its facilities with STL links and TV pickup facilities, and that they are considering extending their policy to provide interconnections with highway and turnpike systems.

100. In contrast to the Bell System, the independent telephone companies do and will provide circuits to connect private communications systems. They see no reason for such a policy as the Bell System follows. Similarly, Western Union has no objection to interconnection with private systems if such interconnection is an extension of a circuit from a private system over to some other point. It is clear from the record that, from a technical standpoint, interconnection of private systems with the common carrier systems is feasible where compatible and adequate transmission standards are maintained.

101. The private users are not united in their position as to whether their systems will depend upon interconnection with common carrier facilities. Generally, the right-of-way and safety organizations appeared to be interested only in continuing, as indicated above, the same type of interconnection they now have with the telephone companies. However, in the case of railroads, Bell System companies have permitted, for limited operational needs, interconnections of the railroads' wireline communications systems with the public landline telephone system for years. Recently, a conflict has developed and these telephone companies will not permit such interconnection if any portion of the railroad communications system is microwave. The railroads are desirous of having such interconnection but Bell claims that conditions have changed. In its brief, AT&T states that this matter is now under negotiation between the parties.

Issue No. 11. "What are the requirements for mobile operations of spectrum space above 890 Mc.? Should the band 890–940 be reserved for land mobile use?"

102. The majority of the private users who testified on this Issue were of the view that frequencies above 890 Mc. are usable for mobile operations although frequencies substantially below 890 Mc. are most suitable for such operations. Some of the parties urged the allocation of frequencies in the 890–940 Mc. band for such mobile operations. In this connection, Motorola presented evidence (including tape recordings) as to the feasibility of using microwave frequencies for such land mobile operations. Specifically, it suggested that mobile use be permitted in the 940–952 Mc. band and that the 1300–1320 Mc. band be also allocated for mobile operations. Tests were conducted using the frequencies 900 and 930 megacycles in the Chicago, Illinois, area. Part of this test operation was conducted using land mobile stations, and part was conducted using aircraft stations. Motorola claimed that such tests showed that mobile operation in the microwave spectrum was feasible and that there was a need therefor.

103. The common carriers took the position that frequencies above 890 Mc. were not well-suited for land mobile use but that they are acceptable for air-to-ground circuits. It was the position of the Bell companies that these frequencies are so valuable for point-to-point operations that they should not be diverted to mobile service. The police group also took the position that frequencies above 890 Mc. were not well-suited for mobile operations. Collins Radio felt it would be illogical to remove point-to-point operations from the 890–960 Mc. band to accommodate the few geographical locations in which this band may be technically feasible for land mobile operations. ARINC, on the other hand, claimed that the frequencies above 890 Mc. were not suitable for air-to-ground operations because the airplanes move out of range too fast.

104. In addition to the land mobile operations, there was indicated in the hearing a need for continued allocation of frequencies in the bands above 890 Mc. for portable TV pickup operations.

Issue No. 12. "What are the requirements for ISM operations for spectrum space above 890 Mc.? May other uses of radio share the bands that might be used by such operations?"

105. The ISM group urged the retention of existing bands allocated for ISM uses, except that Raytheon and AIEE urged that such bands be broadened to provide for a bandwidth of plus or minus 2.65 percent of the center frequency, and that the band now centered on 18,000 Mc. be changed to center on 22,235 Mc., because of water absorption attenuation is much higher at this frequency and possibility of interference is greatly reduced. However, a witness for Lenkurt Electric Company urged that the band 890–940 Mc. be reallocated for common carrier fixed operations. He claimed that the needs of the ISM groups in this frequency range could be adequately provided for in the frequency band 890–900 Mc., or at most 890–920 Mc. General Electric argued that the allocation of adequate frequencies for ISM services is today more important to the growth of the economy and the general welfare than would be the allocation of the same space to any of the other services who have requested space now allocated to ISM. Particular stress was made for the continuation of allocations in the 890–940 Mc. band. Among the reasons given for this recommendation are:

a. The removal of any one of the remaining ISM allocations would create a serious gap in the distribution of these allocations.

b. As far as tube technology is concerned, there is every evidence that the limit of power capability of 1000 Mc. is at least 15 times higher than at 2500 Mc., or at least 125 times higher than at 5000 Mc.

c. The optimum frequencies for the heating of food and biological tissue lie in the vicinity of 1000 Mc.

106. The Society of the Plastics Industry stated that, although the 915 Mc. band is not now being used in the plastics industry, new equipment capable of in-band operation will soon be available. It claimed that substitution of the 2450 Mc. band for the 915 Mc. band is not feasible because depth of penetration of heating at 2450 Mc. is insufficient for many plastics. Further, it claimed that spectacular improvement in dielectric heating rate resulting from the use of 915 Mc. results in the opening of a number of new fields of great potential value to the plastics industry.

107. American Motors Corporation and Tappan Stove Company urged that the frequency band 2450 Mc. be retained for use for electronic ranges. They claimed that this latter band is better suited for such functions than the 915 Mc. band would be.

108. The American Medical Association urged the retention of the 2450 and 915 megacycle bands. They testified that many physicians today use microwave diathermy apparatus which operates on the frequency 2450 Mc. and that substantial therapeutic benefits would be denied patients if allocation of this band for such use is not continued. With respect to the 915 Mc. band, they claimed that there is theoretical evidence to indicate that this frequency may be beneficial and useful when utilized in medical diathermy equipment.

109. On the other hand, AT&T argued that the 915 Mc. band may be only slightly preferable to the 2450 Mc. band where considerable depth of penetration is required, but that it is not of sufficient magnitude to warrant allocating such band for those purposes as compared to the use of such frequencies which are necessary to render to the public better service on over-water and other difficult point-to-point routes.

110. With respect to sharing between ISM and other users, the ISM group has no objection because other uses would not cause them any operational difficulties. However, all the others who testified, with the exception of the Petroleum group who believed that their operations could be accommodated on a secondary basis, emphasized that the interference from ISM operations would be intolerable.

Issue No. 13. "What are the requirements for the radio navigation service for spectrum space above 890 Mc.?"

111. The principal testimony on this issue came from Raytheon which strongly urged that adequate frequency space above 890 Mc. was required for radionavigation services. In particular, they urged that a positive means of identification of vessels within radar ranges is required for safety purposes. They stated that a common radio calling frequency is a necessary adjunct of this requirement and that the present method of determining the relative position of another vessel is by shipboard radar but there is no way of completely identifying a particular ship on the radar display. They urged that, in addition to the developmental bands for maritime radionavigation, allocations be retained or made in the following ranges for such purposes:

Mc. Radar	*Mc. Beacon*
3000–3246	3256 ± 10
5460–5650	5450 ± 10
9320–9500	9310 ± 10
16,000–16,300	16,320 ± 20
33,000–33,300	33,330 ± 30

112. It was claimed that a large element of cost of radar equipment is in the magnetron tube but that that cost could be reduced if the tubes were made on a volume basis, and, in order to increase the volume, the Commission should permit, where feasible, different services that could use the same or similar tubes in the same or adjacent bands. It was suggested that the bands adjacent to the 5460–5650 Mc. radionavigation band should be allocated for air navigation use; thus, tubes of similar design could be used for two large volume purposes and the cost of each type of equipment reduced accordingly.

113. The petroleum group stated it has an important interest in the requirements of radionavigation above 890 Mc. Similiarly, the American Waterways Operators, Inc. and the police group also urged the allocation of frequencies for radionavigation purposes.

Issue No. 14. "What are the requirements for any potential users of spectrum space above 890 Mc. not otherwise encompassed in other issues herein set forth?"

114. No evidence was presented as to requirements for spectrum space above 890 Mc. which is not covered under other issues herein.

Issue No. 15. "Under what circumstances, if any, should private or common carrier fixed systems be authorized to operate on frequencies below 10,000 Mc. in terminal or metropolitan areas?"

115. The private users were in general agreement that there should be no limitations or restrictions on the use of frequencies below 10,000 Mc. in terminal or metropolitan areas. The railroad group suggested that the assignment of frequencies below 10,000 Mc. should be subject to an engineering showing that the new system will not cause harmful interference to an existing station. Many of the private users obviously predicated their testimony on the basis of the EIA study which concluded that there were adequate microwave frequencies available for private point-to-point systems for the foreseeable future. Of course, as indicated previously they stated that if congestion were to develop in terminal or metropolitan areas, then frequencies above 10,000 Mc. should be used in such areas. Some of the private users took the position that frequencies below 10,000 Mc. should be used only when terminating long-haul (intercity) systems in such areas and that intracity operations should be limited to operation on frequencies above 10,000 Mc. The National Retail Dry Goods Association stated that its requirements could be met by the assignment of frequencies above 10,000 Mc. Requiring intracity operations in frequencies above 10,000 Mc. was specifically opposed by the fire service group. The police group stated that they should be allowed to operate on frequencies below 10,000 Mc. if no interference is caused to any other user.

116. The common carriers prefer to use the frequencies below 10,000 Mc. now allocated for their intercity circuits in terminal and metropolitan areas. However, it was testified that frequencies above 10,000 Mc. could be used for terminal operations of their intercity systems in those areas where congestion develops, but that it would cost considerably more and suitable equipment would have to be developed.

Issue No. 16. "Should the Commission authorize the use of a system which occupies a broad band of frequencies in those cases in which a licensee has requirements for only a portion of the number of channels which can be accommodated in the same amount of space? Is there a requirement for narrow band equipment?"

117. The terms "broad band" and "narrow band" were not defined in the issue herein. Consequently, it is not always clear in the record as to the meaning thereof in the context of given testimony. While the finite limits of broad versus narrow band have not been determined, it is generally considered that any microwave system which operates within a bandwidth of 500 kc. or less is a narrow band system. Broad band systems, on the other hand, require a minimum bandwidth of 3 Mc. In the 6,000 Mc. band, American Telephone & Telegraph's TH microwave system now uses channels 32 Mc. wide. However, EIA states that there is not a direct relationship between the number of voice channels and the RF bandwidth required. Other factors which must be considered are signal-to-noise ratio, the method of modulation or multiplexing, and the transmitter power.

118. Most of the so-called narrow band microwave operation, as defined above, is in the 952–960 Mc. band, with a small amount in the 890–940 Mc. band.

119. At the present time, low capacity microwave equipment may be obtained which will handle on the average 2–6 voice channels; medium capacity microwave equipment will handle up to a hundred voice channels; and high capacity microwave equipment will handle hundreds of voice channels or a video signal. Such low capacity equipment is used for operation in the 890–960 Mc. band, and the medium and high capacity equipments operate in the higher microwave bands.

120. In general, it was the consensus that there is a need for both broad and narrow band operation. The common carriers contended that it would not be desirable to restrict the bandwidth licensed to a common carrier nor require that the authorized bandwidth be used to maximum capacity at time of installation. The National Mobile Radio System urged that broadband assignments be made on a case-by-case basis upon a showing of need therefor. Substantially the same point was made by the railroad, police, petroleum, and the utilities groups. ARINC urged that microwave systems should be grouped into three categories, viz., (1) very broad (television); (2) broad band (telephone); and (3) narrow band (telegraph). They felt that if a user has a limited requirement his application should be for a narrow band system, whereas if the channel capacity is very high it should be for a broadband system, so that the spectrum space would be economically allocated to each. The record does not elaborate, however, as to the practical application of such an allocation theory where an applicant proposes a system which will utilize combinations of television, telephone and telegraph channels.

Issue No. 17. "Should common engineering standards be established for all point-to-point microwave equipment and, if so, what should they be?"

121. The Bell System witnesses took the position that standards might be helpful but were not essential. They stated that they have satisfactorily shared the same frequency bands with Western Union on the basis of coordinated case-by-case planning of systems. They claimed that no efforts have been made to make all the equipment alike and that standardizing of equipment would result in undesirable inflexibility. They urged that there would be a more efficient frequency spectrum usage by cooperative arrangements than by adopting standards. They admitted that their experience was limited to cooperative arrangements with other common carriers and had no experience in coordinating where extensive licensing of private systems were involved. It was admitted that frequency pairing would be essential in any given area where saturation occurs.

122. The private users were not uniform as to their views on this issue. Westinghouse desired standard engineering procedures for all private systems but felt that different standards should apply to common carriers unless there was interconnection between carriers and the private users. Common engineering standards for all equipment were favored by the forestry group, the National Mobile Radio System, and the Association of American Railroads. The latter suggested that they be kept to the minimum. The police group wanted engineering standards that are common for the use to be made of the microwave system, and the NCUR wanted uniform standards for frequency stability, beam width, propagation, etc. for all point-to-point microwave equipment. The API contended that common engineering standards are not needed, but that standards could be developed so as to provide for best operation for both types of systems.

123. EIA took the position that it would be impractical to have across-the-board common engineering standards which would cover common carrier as well as private microwave communications systems; however, certain minimum common engineering standards for private systems directed to prevention of interference would be desirable. The Association included, in its Exhibit 20, certain technical standards for private systems. The standards cover such criteria as separation in miles between stations, orientation and size of antenna, power necessary for good signal-to-noise ratio, allowable co-channel and adjacent channel and distant channel interference levels, receiver bandwidth, frequency tolerance, etc., for each band 890 Mc. through 12,700 Mc.

Issue No. 18. 124. It was the general consensus that there should be little or

no limitations or restrictions placed upon the use of frequencies above 30,000 Mc. The forestry group, however, urged that some restriction should be placed on those frequencies to protect national defense agencies. While there was indicated no present use of that spectrum space, some laboratory experimentation is being conducted. It was recommended by some that authorizations in such bands be made on a developmental basis. Raytheon, however, urged that frequency bands above 33,000 Mc. should be reserved for high resolution radar, primarily for marine and anti-collision purposes. Specifically, it recommended that frequencies in the bands 33,000–33,300 Mc. be made available for marine radar operations and 33,300 Mc., plus or minus 30 Mc., be made available for marine beacon operations.

Issue No. 19. "To what extent, if any, should the bands of frequencies for fixed operations above 890 Mc. be shared by common carriers and private users?"

125. With minor exceptions, both the common carriers and the private users urged that there should be no sharing of microwave frequencies by common carriers and private users. AT&T took the position that such sharing would result in a wasteful, partial use of such frequencies in many cases; that it would block the development of broad band common carrier system designed to handle a much greater volume of communications. In particular, it was emphasized by AT&T that sharing with ISM would be virtually impossible.

CONCLUSIONS

1. As indicated previously, this investigatory proceeding was designed to obtain information which would help the Commission to establish policies and formulate rules and regulations covering the use of frequencies in the bands above 890 Mc. As shown above, specific and complete factual data were not obtained with respect to the needs and demands for frequencies in all cases. However, such proceeding nevertheless did accomplish its purpose to a considerable extent in obtaining useful and helpful data, principally with respect to the frequency bands below 10,000 Mc. Limited operational data concerning the use of frequencies in the bands above 10,000 Mc. are available.

2. This proceeding contemplated that rule change proposals would be forthcoming as a result of the data obtained herein. Subsequent to the close of the record herein, several rule-making proposals involving frequencies above 890 Mc. have been promulgated, some of which have been based in whole or in part on the data obtained in this proceeding. Some have been finalized, certain others remain pending (see Dockets 12404 and 12263), and other rule changes may be proposed in the future. The finalized rule changes are set forth in paragraphs 7–9 above, and, to the extent indicated therein, are dispositive of the requests made herein for such frequencies.

3. It should be reiterated that, because of the investigatory nature of this proceeding, definitive findings and conclusions as to each issue are neither contemplated nor required in this Report and Order. Thus, to the extent that policy determinations made herein require implementation, rule-making procedures will be forthcoming as soon as practicable. In some cases however, it appears that such rule-making action should be withheld until after the conclusion of the forthcoming International Radio Conference to be held this summer.

4. It appears to us that there are two broad over-all policy questions to be determined herein. The first such question relates to the adequacy of the supply of microwave frequencies and the terms and the extent to which radio station authorizations may be made to private users. Related thereto, of course, are such questions as sharing by private users or between common carriers and private users, needs for interconnection with common carrier facilities, benefits which may accrue to the public, etc. The second question, and certainly not secondary in importance, relates, in broad terms, to the responsibility and obligation of this Commission under the Communications Act of 1934, as amended, to consider the economic effects the licensing of private point-to-point communications systems would have on the common carriers, the users of common carrier service, and the general public.

5. We turn first to the question of adequacy of frequencies. The studies of EIA as to available frequency space, while admittedly somewhat theoretical and subject to some possible limitation in the implementation thereof because of site and zoning problems, demonstrate that there is considerable use potential for private point-to-point systems in the now-allocated operational fixed and other microwave frequency bands. This appears to be true even under EIA's Step 1 procedure, arbitrarily setting an area protection for each station, which area undoubtedly will be much smaller when systems are engineered in. It is apparent that, while there may now be adequate frequencies for assignment in open country areas, and, while site availability may be a limiting factor, the evidence does not indicate that this limitation now has substantial significance. Insofar as the terminal metropolitan areas are concerned, it appears that very little use is now being made of frequencies above 890 Mc. for private point-to-point operations. In fact, as indicated above, Los Angeles, with 38 private microwave stations at or about the time of the oral hearing herein, has the greatest number, with the New York-Northeastern New Jersey area having only three such stations and the Chicago, Ill., area having only two such systems. By and large, the principal use now made of microwave by the private users, exclusive of television broadcasters, is for point-to-point operations in the open country areas by the so-called right-of-way companies; state and local governmental agencies in connection with police, fire, and highway maintenance activities; and for control and repeater operations generally in or near urban areas. The latter operations essentially involve only one voice channel and very narrow bandwidth. While the above-described limited use may be due primarily to the restrictions in the existing rules, the studies made by the EIA as to future expansion, referred to above, indicate that it is not probable that there will be a frequency shortage in the reasonable future in such areas. One practical deterrent to private users will be the economic factor as reflected in the cost of establishing such systems. On the basis of the record in this proceeding, we are of the view that there are now available adequate frequencies above 890 Mc. to take care of the present and reasonably foreseeable future needs of both the common carriers and private users for point-to-point communications systems, provided that orderly and systematic procedures and technical criteria are applied in the issuance of such authorizations, and that implementation is consistently achieved with respect to all available and future improvements in the art. This is not to say, however, that there are unlimited frequencies available or that future conditions may not require that limitations and restrictions be placed upon such authorizations and operations if frequency congestion does develop. We propose, therefore, to watch this matter carefully and, if future conditions so indicate, to take whatever corrective action may be deemed appropriate at that time.

6. The record demonstrates that frequencies above 10,000 Mc. are suitable for intracity or local area operations. For the most part, such operations involve relatively short distances, for which these frequencies are eminently suitable. Thus, as a general principle, it will be expected that all intracity or local area operations should be conducted on frequencies above 10,000 Mc. So far as the private services (excluding broadcasters) are concerned, therefore, we are of the view that, except for public safety organizations and control-repeater operations, consistency with this general premise requires that authorizations for future private point-to-point systems for intracity or local area operations be granted on frequencies above 10,000 Mc. It appears that the largest demand for such intracity or local area operations may occur in the Business and Citizens Radio Services. For this reason, and in view of the open-ended provisions for eligibility in the latter services, authorizations for point-to-point operations in the Business Radio Service will be made using frequencies above 10,000 Mc. only, and in the Citizens Radio Service in the bands 16,000 Mc. and above. The Commission's records show that there is available and now in use equipment which will operate in the bands 10,000–13,000 Mc. While it appears that some improvements may be required in such equipments, it is expected that this should not prevent the utilization of such frequencies in the reasonably immediate future. As to the availability of equipment for operation in the higher frequency bands, it appears that there has been some experimentation in the development of such equipment, and the record herein indicates that it is not unreasonable to expect that such equipment may be available within the reasonable future. Thus, it appears that equipment considerations should not be considered as sufficient basis for departing from our determination to require such private operations to use frequencies above 10,000 Mc.

7. In view of the foregoing, we are of the opinion that the frequencies now allocated for operational fixed operations should be made assignable on a regular basis to private users on the same eligibility basis as is now provided for mobile operations in the several Safety and Special Radio Services. However, the issuance of a license for point-to-point operations will not be contingent upon such person being also licensed for mobile operations. In view of our determination as to availability of frequency space and because of the impracticability of enforcement, we believe that the public interest would not be served by restricting such use to operational traffic to the exclusion of administrative traffic.

8. With respect to common carriers, the record shows extensive use at the present time in the 3700–4200 Mc. band by the common carriers and Bell System witnesses testified that in five major cities they are approaching saturation on such frequencies. The Bell System is also using frequencies in the 5925–6425 Mc. band, and it expects that such band will be saturated within 10 to 15 years. However, a Bell System witness admitted that there was no city at the present time where additional usage could not be obtained by certain technical modifications or improvements, such as improvements in antennas. It should be noted, in this connection, that authorizations on a regular basis have been issued to common carriers for the use of these frequencies for the past several years. While continued growth may be anticipated, it is expected that technical improvements which can and will be effected will provide for improved and additional usage.* Very little usage of the band 10,700–11,700 Mc. is now being made by the common carriers, and, although the bands 16,000–18,000 and 26,000–30,000 megacycles are now available to common carriers on a regular basis, there have been no authorizations issued in the latter bands inasmuch as equipment has not yet been developed. It is clear from the record that there is no immediate problem of frequency congestion in the open country areas and if substantial and serious frequency congestion were to occur in terminal areas in the frequency bands 3700–4200 and 5925–6425 megacycles, the carriers could utilize frequencies in the bands above 10,000 Mc. when suitable equipment is developed and becomes available. In view of the Commission's reallocation of the frequency band 3500–3700 Mc. to Government and Amateur services (See Paragraph 7a(6) of Preliminary Statement above), it is not possible to enlarge the limits of the present common carrier band at 3700–4200 Mc. On the basis of the record herein, we are of the opinion that enlargement of the frequency bands 5925–6425 Mc. and 10,700–11,700 Mc. for common carrier fixed point-to-point operations, as requested, is not warranted at this time.

9. With respect to technical standards, it should be noted that authorizations to common carriers are now being granted pursuant to the provisions of Part 21 of the Commission's rules and regulations and the technical criteria set forth therein. Similarly, Part 4 contains the terms and conditions under which microwave frequencies may be utilized for intercity TV and STL links. No changes in such criteria are being proposed herein. As to the private users (excluding broadcasters), we are of the view that common engineering standards should not now be established for all point-to-point microwave equipment. Nevertheless, it is evident that some basic minimum standards and criteria should be established for private point-to-point operations (exclusive of broadcasters) as soon as possible in order to provide for the most effective operations consistent with administrative processes. This, however, is a matter for rule-making proceedings.

10. We are of the view that frequencies in the bands above 890 Mc. should not, as a general rule, be shared by common carriers and private users. Apart from the administrative problems involved, the record is clear that there are basic differences in standards and quality of service between the common carriers and private users. In general, the common carriers indicated that they must have a uniformly high quality service so that they can furnish the several different kinds of service which they are required to provide. The private users, in turn, stated that their operational requirements can be met with service of lesser quality. Also, the common carriers generally utilize a wide band operation as contrasted to narrow band operation used by most private users. It should be noted, however, that all the Operational Fixed bands are now shared by International Control, but that there is very limited use by the latter. Further, as indicated above, the Commission, in Docket No. 12671, amended its rules to permit operation in the frequency band 2110–2200 Mc. by stations in the International Fixed Public Radiocommunication Service in the State of Florida south of 25 degrees 30 minutes north latitude. Also, in its Fifth Report and Order in Docket 12404, the Commission amended its rules to permit sharing in the bands 942–952 and 2110–2200 megacycles. Further, some sharing has been permitted in Puerto Rico and the Virgin Islands (see paragraph 7(g), page 6). However, apart from these situations, it does not seem advisable to permit sharing between common carriers and private users.

11. Issue 16 relates to the merits of the assignment of a wide band of frequencies under circumstances where usage of only a portion of the band may be anticipated. As indicated above, the common carriers generally use and require a wide band of frequencies for their operations in order to meet the needs for different types of service which they provide. Insofar as private users are concerned, a considerable variation of need may occur. It seems self-evident that the public interest would not be served by the grant of a broad band of frequencies where the applicant obviously has need only for a narrow band of frequencies. On the other hand, it is recognized that provision should be made to permit reasonable future expansions. Therefore, each application for private point-to-point systems must furnish complete and specific facts showing the use proposed to be made and the frequency space required for the proposed operations. A broad band of frequencies will not be granted where it appears that only one or two voice channels are required. Thus, in the case of control-repeater operations, it appears that frequencies in the band 952–960 Mc. are more suitable than other higher microwave bands for such control-repeater operations where narrow band operation is involved. It will be expected, therefore, that the band 952–960 Mc. will be utilized for such purposes.

12. We have carefully considered the requests by some of the private users for authority to share frequencies on a cooperative, non-profit, cost-sharing basis with similar users in the same service. While it is recognized that such use may, in some cases, result in a better and more effective utilization of frequencies, this argument is, at least, equally persuasive in support of a conclusion that service should be afforded by communication common carriers. Further, although such an arrangement may make it economically feasible for smaller firms and organizations to utilize microwave for their operations, it must be observed that such shared usage is inconsistent with one of the principal justifications urged by private users for their own systems, viz., exclusive control of their own facilities because of special communications problems. Finally, we have some concern with the fact that creation of extensive point-to-point cooperative facilities may lead to undesirable situations where the cooperatives have many of the attributes of communication common carriers without assuming the responsibilities of service and the burdens of regulation which apply to common carriers. Accordingly, on the basis of the record herein, it does not appear, at this time, that the public interest would be served by generally authorizing such cooperative arrangements for private point-to-point microwave

*It is quite probable that future technological developments may make it possible to double the use of frequencies in this band. See testimony of Harvey J. McMains, employed by Southwestern Bell Telephone Co. as Chief Engineer for the State of Oklahoma, Docket No. 12570, In re applications of Central Freight Lines, Inc. for Authorizations in the Motor Carrier Radio Service at Dallas and Fort Worth, Texas, page 8, wherein he stated: "The TD–2 system [between Dallas, Texas and Fort Worth, Texas] is presently capable of providing six broadband channels in each direction. Newly developed techniques presently under trial are expected to enable the expansion of the capacity of these TD–2 facilities to 12 broadband channels as needs develop."

systems. Consequently, except for (1) persons eligible for authorizations in the Police, Fire, Highway Maintenance, Forestry Conservation, and Local Government Radio Services, (2) the so-called right-of-way companies, like pipelines and railroads, and (3) other organizations whose rates and charges are regulated by a governmental entity, authorizations will not be issued for the cooperative use of private microwave systems. The justification for these exceptions is two-fold. First, the number of cases involved in this limitation appears to be sufficiently reasonable to afford us a good basis upon which to make meaningful observations as to the desirability and impact of such arrangements. Second, it is evident that any economic benefits flowing out of such arrangements will assuredly flow directly back to the public, either as taxpayers or rate-payers.

13. With respect to the use of frequencies above 30,000 Mc., the record shows that there has been, to date, only very limited study or experimentation in those frequency bands, and very little data are now available concerning these frequencies. Under the circumstances, it does not seem that there is a basis for any generalized restrictions on the use of such frequencies at this time. Accordingly, any grants for such authorizations will be made on a developmental basis.

14. As previously indicated, the testimony concerning the extent to which private systems will depend upon interconnection with common carrier facilities ranged from the position of the trucking organizations that interconnection was absolutely essential for their operations to those parties who stated that their proposed operations would require no interconnection. The record is not clear in all cases as to the type of interconnection desired, or required, i.e., whether the private user desires interconnection with the public landline telephone system or whether such connection is with private line channels to bring the microwave system into a business headquarters, or some central location. As previously noted, unrestricted interconnection is generally permitted by the independent telephone companies. The Bell System companies, on the other hand, permit interconnection of the general exchange facilities with private systems in only limited instances where, according to Bell System witnesses, considerations of safety of life and property are involved, and, under certain circumstances, with right-of-way companies. It is not possible or appropriate, within the framework of the issues in this proceeding, to establish standards or criteria applicable to all situations where interconnection of private systems with common carrier facilities may be desired. Generally speaking, these are matters which are governed by tariff regulations and practices which are required to meet the statutory tests of justness and reasonableness.[7] Such tests can only be applied on the basis of facts involved in a particular case and in accordance with specific procedures established for the regulatory administration and review of tariffs. Moreover, resolution of the interconnection question may involve different regulatory jurisdictions, i.e., local, State or Federal depending upon the nature of the particular case involved.

15. As a general principle, it is not considered feasible for the fixed and mobile services to share frequencies. The reasons are readily apparent. Fixed installations require engineering as to locations, directivities, and frequency sharing, while mobile installations move about and cannot be engineered to fit a particular area. Thus, it appears appropriate to consider the reallocation of the bands 6425–6575, 10,550–10,700 and 11,700–12,200 megacycles as indicated below. These bands are now allocated jointly to private and common carrier operations. They have been available on a limited developmental basis for the former operations and on a regular basis for the latter operations. Little use has been made of the 6425–6575 Mc. band by private radio systems, whereas the common carriers have used the band extensively for several years providing a variety of such public services for which the demand is increasing. Therefore, we are of the view that it would be in the public interest to propose for allocation the above-mentioned bands as follows:

a. 6425–6525 and 11,700–12,200 megacycle bands to common carrier mobile. This would include any type of mobile service to be rendered by the common carriers, including video pickup for broadcasters, closed loop TV, aeronautical or maritime public correspondence, etc.

b. 6525–6575 and 10,550–10,700 megacycle bands for non-common carrier mobile such as police "stake outs", etc. These would not be available to broadcast licensees for auxiliary broadcast uses.

It should be noted that the common carriers would be permitted, among other things, to render broadcast TV-Pickup service in the common carrier mobile bands thereby enhancing their ability to serve all members of the public and easing the operational difficulties they have heretofore encountered because of limitations as to their access to frequencies allocated for TV Pickup service for broadcasters. Frequency allocations actions, as described above, will maintain the desired segregation of private and common carrier operations. However, such allocations proceedings will not be taken until after the International Radio Conference to be held this summer. We do not consider it practicable to establish microwave frequency allocations above 890 Mc. for the more commonplace type of vehicular radiotelephone land mobile operations since it is considered more practical to place such operations in the lower parts of the spectrum.

16. Also, it would seem that the use of omnidirectional antenna systems would substantially curtail the use which may be made of microwave frequencies because a frequency used in such a system could not be used in the same area by any other licensee. This is in contrast to the basic philosophy herein that a substantial number of frequency assignments can be made in each area because of the fact that microwave systems with very narrow beamwidth are feasible and practicable, thereby making it possible to assign the same frequency to several parties in the same area. However, it appears that there may be some need for omnidirectional antenna systems by public safety organizations such as police and fire departments. Since it appears that such usage would be confined principally to intracity areas, we believe that frequencies above 16,000 Mc. could be utilized for such operations. Accordingly, authorizations for such systems will be made using frequencies in the bands above 16,000 Mc. only. Applications for such systems will be considered on a case-by-case basis, and authorizations therefor will be issued only upon a complete and specific factual showing by applicants of exceptional and unique circumstances requiring the use of such systems.

17. There is also the question as to whether provision should be made for tropospheric forward scatter in the bands above 890 Mc. While one witness claimed that forward scatter systems could occupy the same frequency bands as conventional line-of-sight microwave systems, virtually all the other witnesses who testified on this point claimed that both systems generally could not occupy the same bands. We are persuaded that such joint occupancy generally would not be practicable. Accordingly, as a general principle, we will not issue authorizations for forward scatter systems between points within the continental limits of the United States, excluding Alaska, using frequencies above 890 Mc. In those cases where it can be shown by the applicant that there is no reasonable likelihood of harmful interference to conventional line-of-sight systems or to other operations which are in accordance with the rules and regulations of the Commission, scatter communications systems may be authorized for communication with points outside of the continental limits of the United States with which it is not feasible to communicate via conventional line-of-sight microwave systems.

18. In view of the Commission's determination that there should not be sharing between common carriers and private users of point-to-point systems, there remains the question of the allocation of the bands 16,000 to 18,000 Mc. and 26,000 to 30,000 Mc. which are now allocated for fixed and mobile operations. This is a matter now being considered in Docket No. 12404 and need not be resolved herein.

19. There are certain requests for frequencies which require international coordination and allocation, and, therefore, action on such requests will be deferred until the completion of the forthcoming International Radio Conference this summer. Except for (e) below, the Commission has proposed such allocations, both nationally and internationally, in Dockets 12404 and 12283, respectively. These requests are as follows:

a. The requests of the National Science Foundation, Associated Universities, Inc. and EIA for frequencies at 1400 to 1427 Mc. for radio-astronomy.

b. The request of Aeronautical Radio, Inc. for 40 Mc. near 1600 Mc.; 100 Mc. near 3000 Mc.; 150 Mc. near 4500 Mc.; 300 Mc. near 9000 Mc.; and for 400 Mc. between 13,000 and 26,000 Mc. for Aeronautical Proximity Warning Indicators and Collision Avoidance Systems.

c. The request of Raytheon for radionavigation bands as follows: (1) 16,000–16,340 megacycles with Racon band at 16,300 to 16,340, and (2) 33,000–33,360 megacycles with Racon band at 33,300 to 33,360 megacycles.

d. The request of ARINC for frequencies in the Aeronautical Radionavigation bands near 13,000 Mc. wherein two 300 Mc. bands are requested, another band of 250 Mc. between 15,000 and 16,000 Mc. and the 24,000 Mc. band wherein an unspecified bandwidth of frequencies is requested.

e. The requests of EIA and Raytheon for the widening of the ISM bands at 2450 Mc. and 5850 Mc. and also changing the 18,000 Mc. ISM band to 22,235 Mc. and widening the band. However, the Commission has proposed in Docket 12404 to move the 18,000 Mc. band to 22,235 Mc. plus or minus 25 Mc.

20. We turn then to the second broad question in this proceeding, namely, whether the Commission as a matter of law is required to, or otherwise as a matter of policy should, protect the users of common carrier service from any adverse economic effects that such carriers might suffer from the operation of private point-to-point systems. Generally, this question encompasses the matters raised in Issues Nos. 6 through 9 of this proceeding. It is abundantly clear that there is no express obligation on the part of the Commission under the Communications Act of 1934, as amended, to protect the users of common carrier service from any adverse economic effects that the carriers might suffer in that connection. There is no basis in the record of the instant proceeding upon which the Commission could generally conclude that substantially adverse economic effects would flow from the licensing of private point-to-point systems as proposed herein. While the common carriers have claimed that there will be an adverse economic effect, they did not disclose the detailed basis and extent of such effect so as to enable appropriate evaluation of their claim. Thus, the record is inconclusive on the question as to the specific nature, extent and magnitude of any detriment which the licensing of private point-to-point systems would have on the ability of common carriers to serve the general public. The only specific data which were furnished in this proceeding responsive to this issue was the study made by Motorola which indicated that, considering what they termed the maximum possible usage by private users by 1976, the total revenues of the Bell System Companies would be reduced by less than 3 percent. This figure, of course, included the revenue loss which is attributed to right-of-way companies, which was estimated by one of the private users to be about one-half of the 3 percent. It is to be noted that no studies were made by the private users as to the effect of unrestricted licensing upon Western Union or the independent telephone companies. It must also be observed that none of the common carriers made any specific showing as to what effect unrestricted licensing would have upon their ability to serve the general public. Such showings as were made were generalized statements to the effect that such licensing would seriously and adversely affect their ability to serve the general public.

21. In view of the absence of a showing of a reasonable likelihood that adverse economic effects would result from the licensing of private point-to-point communications systems, as proposed, it is unnecessary to consider whether such licensing is contrary to the public interest. A finding on adverse economic effects cannot be based upon a speculative possibility of future adverse effects. Of course, this matter requires continued surveillance, and, if future conditions warrant, appropriate consideration will then be given to the problem. It is our responsibility under the Act to encourage the larger and more effective use of radio in the public interest. As was indicated by the Supreme Court of the United States in the so-called "Three Circuits" case, F.C.C. v. RCA Communications, Inc., 346 U.S. 86 (1953), the touchstone of the Communications Act is not the fostering of competition per se, but rather that course which will best serve the public interest, convenience and necessity. In the application of these criteria, certainly, competition would be one, but not the sole, factor to be considered.

22. It may be noted in passing that the Commission, in the past, has licensed television broadcasters to operate their own microwave relay facilities for temporary periods until common carrier facilities became available (See the Commission's Report in Docket No. 6651, adopted February 20, 1948, Mimeo FCC 48–481).[8] Such a policy determination that the broadcasters look to common carriers for intercity relay of television programs was predicated upon public interest considerations arising from the Commission's belief at that time that there was not sufficient frequency space between 1000 and 13,000 Mc. in the non-Government fixed and mobile bands to accommodate private relay systems. However, as indicated previously, on the basis of the record herein, we are of the opinion that the public interest would not be served by a policy of restricting or denying the licensing of private point-to-point systems solely because common carrier facilities are available or may become available in the reasonable future. It follows that the Commission should not consider the availability of common carrier facilities as a condition of eligibility for private users.

23. Having determined that we will not restrict the licensing of private point-to-point communications systems, except as noted above, it is, therefore, unnecessary to consider the question as to whether such restrictions would result in a lessening of competition or a fostering of monopoly in the manufacture, sale, use or provision of communications facilities contrary to the public interest.

24. In summary, we reiterate that, in arriving at the policy determinations herein, we have carefully considered the evidence adduced in this proceeding under each of the 19 specific issues. While it is obviously impossible to predict with absolute certainty that there will not be some frequency congestion problems in the future, as indicated previously, the record supports the conclusion that there are adequate frequencies to take care of the needs of the common carriers and the private users at this time and in the reasonably foreseeable future provided that orderly and systematic procedures and technical criteria are applied in the issuance of authorizations. It appears that any limitations on the use of such frequencies may stem primarily from site and zoning considerations in metropolitan areas, but on the basis of the record herein we are unable to determine that such considerations will have any substantial or material effect. Absent a shortage of frequencies, and in the absence of any showing of reasonable likelihood that expanded eligibility for private point-to-point microwave systems would adversely affect the ability of the common carriers to provide a nationwide communications service or to serve the general public, it does not appear that the Commission would be warranted in refusing to authorize private users to use microwave frequencies for point-to-point operations. Such a conclusion is consistent with the action of the Commission in the General Mobile Hearing in Dockets Nos. 8658, et al., wherein provision was made for authorizations for private mobile systems even though they were in direct competition with the common carriers. Of course, the frequency allocations in that proceeding were predicated upon the fact that there was a shortage of frequencies, a situation quite unlike that prevailing here.

25. The record supports the determination that there is a need for private point-to-point systems. In many cases, the operation of the private users is such that it is not convenient or practicable for common carriers to provide such service (e.g., remote or isolated business operations). In this connection, it may be observed that certain of the private users now licensed endeavored to get the common carriers to provide such service initially and constructed their private systems only when the carriers refused to do so. Even in areas where common carrier facilities and personnel are readily available, there appears to be a need for

[7] Cf. Docket No. 8963, In the Matter of American Telephone and Telegraph Company, et al., Charges and regulations for television transmission services and facilities, 5 Pike & Fischer RR 639, 672a–672d (1949).

[8] Such policy was incorporated in Part 4 of the Commission's rules. In a recent Report in Docket No. 11164, in the Matter of Amendment of Part 4 of The Commission's Rules and Regulations Governing Television Auxiliary Broadcast Stations (Mimeo FCC 58–781), the Commission modified such rules to give television broadcast station licensees the option of operating their own intercity relay facilities or obtaining such service from common carriers regardless of availability of common carrier service.

private systems. In the first place, the private users do not require, in all cases, the high quality of service provided by the carriers to meet the varied needs of the public. Also, such private systems would provide for better control and flexibility for meeting their own hour-by-hour operational and administrative needs.

26. At the present time, under current policies, only a limited use is being made of microwave frequencies. It is our view that provision for expanded eligibility will provide for more effective frequency utilization. On the other hand, we believe that there are certain factors or conditions which will operate as practical deterrents to private users in establishing their own systems. The first, and perhaps primary deterrent, is the cost involved in establishing such systems. Another control is that the tariff regulations of certain common carriers will operate as a limiting factor, particularly in cases where a private system is established and efforts are made to obtain interconnection with a carrier where common carrier facilities are available and the carrier would be compelled to "short-haul" itself.

27. There is yet another consideration which impels us to our determination. We feel that the expanded eligibility will afford a competitive spur in the manufacturing of equipment and in the development of the communications art.

28. Although the present microwave fixed bands will permit a large degree of increased occupancy and congestion in the foreseeable future appears unlikely, the long range future of these bands should be considered. Past history has shown that, as higher and higher frequencies in the radio spectrum become usable for communications, the fixed service is gradually forced upward to make way on the lower frequencies for the mobile service which is continuously expanding. It is possible that insatiable mobile needs, including those for space communications and possible unknown requirements, may force the fixed services to move higher in the spectrum as the state of the art permits. Eventually, many fixed users may find it more convenient and/or economical to convert to non-radio communications methods such as coaxial cable or other wire line techniques, or may be forced to vacate frequencies required for important services which cannot, as a matter of fact, use non-radio communications facilities.

29. As we have indicated above, this investigatory proceeding was initiated for the purpose of obtaining data concerning the specific issues enumerated herein and it was expected that specific rule-making proposals would follow therefrom. This has been done in some cases, and it may be expected that other rule-making proposals[9] implementing the policies and determinations made herein will follow as soon as practicable.

Accordingly, it is ordered, This 29th day of July 1959, that the investigation in this proceeding is concluded, and the proceeding itself is terminated.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6605; Filed, Aug. 10, 1959; 8:49 a.m.]

[9] See F.R. Docs. 59-6603, 59-6604 in Proposed Rule Making section, *supra.*

[Docket No. 12940; FCC 59M-1007]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of telephone company facilities with certain facilities of customers.

It is ordered, This 5th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:00 o'clock a.m., September 24, 1959, in the Commission's offices, Washington, D.C.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6608; Filed, Aug. 10, 1959; 8:50 a.m.]

[Docket No. 13148; FCC 59-865]

BLOOM RADIO (WHLM)

Order Designating Application for Hearing on Stated Issues

In re application of Harry L. Magee, tr/as Bloom Radio (WHLM), Bloomsburg, Pennsylvania, Docket No. 13148, File No. BP-12002, has 550kc, 500w, DA-2, U, requests 550kc, 1kw, DA-2, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of August 1959;

The Commission having under consideration the above captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 9, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring a hearing on the particular issues hereinafter specified; and in which the applicant stated that he would appear at a hearing on the instant application; and

It further appearing, that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WHLM and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WHLM would involve objectionable interference with Stations WFIL, Philadelphia, Pennsylvania and WSVA, Harrisonburg, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from WFIL or any other existing standard broadcast stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of WHLM, in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Triangle Publications, Inc., and Shenandoah Valley Broadcasting, Inc., licensees of Stations WFIL and WSVA, respectively, are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-6609; Filed Aug. 10, 1959; 8:50 a.m.]

[Docket Nos. 12865, 12866; FCC 59M-1003]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Memorandum Opinion and Order Continuing Hearing

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna height.

At a prehearing conference in this proceeding held in Washington, D.C., on July 29, 1959, counsel entered appearances for Chronicle Publishing Company (KRON-TV); American Broadcasting-Paramount Theatres, Inc. (KGO-TV); Westinghouse Broadcasting Company, Inc. (KPIX); Department of Defense; Federal Aviation Agency; and the Broadcast Bureau, Federal Communications Commission. Because of the possibility that certain information involved in this proceeding may be classified, all counsel agreed that the hearing in this proceeding now scheduled for September 28, 1959, should be continued indefinitely (Tr. 59). It was also further understood and agreed that the motion for extension granted in a Memorandum Opinion and Order dated July 20, 1959, which was to be in effect until the prehearing conference on July 29, 1959, should remain in effect indefinitely (Tr. 62).

Accordingly it is ordered, This 5th day of August 1959, that the hearing in this proceeding now scheduled for September 28, 1959 be, and the same is hereby, continued without date.

It is further ordered, That the "Motion for Extension" granted by Memorandum Opinion and Order dated July 20, 1959, effective until July 29, 1959, shall remain in effect until further order in respect thereto of the Hearing Examiner.

Released: August 5, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6610; Filed, Aug. 10, 1959; 8:50 a.m.]

[Docket No. 12309; FCC 59M-1002]

VIDEO INDEPENDENT THEATRES, INC. (KVIT)

Notice of Prehearing Conference

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

To discuss proceedings following the Commission's Memorandum Opinion and Order released today, a prehearing conference will be held on Wednesday, September 9, 1959, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 4, 1959.

Released: August 5, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6611; Filed, Aug. 10, 1959; 8:50 a.m.]

[Docket No. 12939; FCC 59M-1006]

WPGC, INC. (WPGC)

Order Scheduling Prehearing Conference

In re application of WPGC, Inc. (WPGC), Morningside, Maryland, Docket No. 12939, File No. BML-1790, for modification of license.

It is ordered, This 5th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:00 o'clock a.m., September 25, 1959, in the Commission's offices, Washington, D.C.

Released: August 6, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6612; Filed, Aug. 10, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2225]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON AND SULLIVAN CREEK POWER PROJECT

Notice of Land Withdrawal; Washington

AUGUST 5, 1959.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2225 for which completed application for license was filed May 31, 1957. Under said section 24 all lands of the United States lying within the boundaries of the project, as delimited upon the maps filed in support thereof, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

T. 38 N., R. 43 E.,
Sec. 12: Lots 1 and 2.
T. 39 N., R. 43 E.,
Sec. 24: SE¼SE¼;
Sec. 25: N½NE¼, NE¼SE¼NE¼, N½NW¼, SW¼NW¼, N½N½SE¼NW¼;
Sec. 26: NE¼NE¼, S½NW¼NE¼.
T. 38 N., R. 44 E.,
Sec. 5: Lot 4;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9;
Sec. 7: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 18: Lots 1, 2, 3, 4, 5, 6, 7, 9, S½SE¼.
T. 39 N., R. 44 E.,
Sec. 30: Lots 3, 4, 5, 6, 7, E½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 31: Lots 3, 4, 5, 6, 9, NW¼NE¼;
Sec. 32: Lots 1, 2 NE¼NW¼, W½NW¼.

The area reserved, pursuant to the filing of this application, is approximately 519.33 acres all within the boundaries of the Colville National Forest.

Copies of map "Exhibits K" sheets 1, 2, and 3 (F.P.C. Nos. 2225-1, 2 and 3, respectively), originally filed May 31, 1957, as amended and refiled April 29, 1959, are being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6581; Filed, Aug. 10, 1959; 8:46 a.m.]

[Docket No. G-12977]

M. ASCHER AND JOSEPH G. SELLWOOD

Notice of Application and Date of Hearing

AUGUST 4, 1959.

Take notice that on July 29, 1957, M. Ascher, Individually and as Trustee (Ascher) and Joseph G. Sellwood (Sellwood), filed a joint application in Docket No. G-12977, pursuant to section 7 of the Natural Gas Act, for:

(1) Ascher to abandon service to Arkansas Louisiana Gas Company (Arkla) from certain acreage in the Rodessa Field, Caddo Parish, Louisiana, covered by a sales contract dated April 9, 1954, previously accepted for filing as M. Ascher, et al., FPC Gas Rate Schedule No. 3.

(2) Sellwood to continue the service proposed to be abandoned herein.

The foregoing requests are more fully described in the application on file with the Commission, and open to public inspection.

The application recites that by instrument of assignment, effective as of July 26, 1957, Sellwood acquired all of the interest of Ascher in the leases, together with all of the interest of Ascher in the wells and other facilities utilized in the production and delivery of natural gas subject to the terms and provisions of the April 9, 1954 sales contract. Ascher was authorized on November 30, 1955, in Docket No. G–8344 to render the service now proposed to be abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6582; Filed, Aug. 10, 1959; 8:46 a.m.]

[Docket No. G–16198]

SHARPLES OIL CORP.

Notice of Application and Date of Hearing

AUGUST 4, 1959.

Take notice that on September 2, 1958, The Sharples Oil Corporation (Applicant), a Delaware corporation with a principal office in Denver, Colorado, filed an application in Docket No. G–16198, pursuant to section 7(b) of the Natural Gas Act, for authorization to abandon its sale of casinghead gas to Barnhart Hydrocarbon Corporation (Barnhart), from Applicant's 151.05 acre University of Texas Lease in the Barnhart Field, Reagan County, Texas, covered by a contract dated May 1, 1950, as supplemented, between Applicant and Barnhart, amending an earlier contract dated November 13, 1947, between Applicant and W. F. McDonald, all as more fully described in the application on file with the Commission and open to public inspection.

The application recites that Barnhart purchases natural gas from producers in the field, processes the gas in its gasoline plant in Reagan County, Texas, and sells the residue gas therefrom to El Paso Natural Gas Company. Applicant states that the reserves underlying the aforementioned lease are now depleted.

The applicant was authorized on September 24, 1956, in Docket No. G–6079 to render the service to Barnhart now proposed to be abandoned.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6583; Filed, Aug. 10, 1959; 8:46 a.m.]

[Docket Nos. G–16164, G–16165]

SOUTHWEST NATURAL PRODUCTION CO.

Notice of Applications and Date of Hearing

AUGUST 4, 1959.

Take notice that on August 28, 1958, Southwest Natural Production Company (Applicant), a Delaware corporation with a principal office in Shreveport, Louisiana, filed applications in Docket Nos. G–16164 and G–16165, pursuant to section 7 of the Natural Gas Act, for:

(1) In Docket No. G–16164, to abandon service to Mississippi River Fuel Corporation (Mississippi) from the L. M. Martin No. 1 James Lime Unit in the Ruston Field, Lincoln Parish, Louisiana, covered by a sales contract dated April 24, 1950, as amended, on file as Southwest Natural Production Company FPC Gas Rate Schedule No. 3.

(2) In Docket No. G–16165, to render service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from the L. M. Martin No. 1 James Lime Unit, Lincoln Parish, Louisiana, covered by a sales contract dated July 23, 1958, between Applicant and Arkansas Louisiana.

The foregoing requests are more fully described in the applications on file with the Commission, and open to public inspection.

Applicant states (1) in Docket No. G–16164, that the unit well is no longer capable of delivering into Mississippi's line because of declining well pressure and that, therefore, Applicant negotiated its contract of July 23, 1958 with Arkansas Louisiana whose line operates at a lower pressure and is thus able to take Applicant's 11.987 percent in production from the unit, and (2) by letter dated July 15, 1958, Mississippi released the five leases comprising the subject unit insofar as they cover production from the James Lime Formation.

Applicant further states it was authorized in Docket No. G–7229 to render, among other services, the sale of natural gas to Mississippi from the aforementioned five leases, in addition to other acreage dedicated to said purchaser under Applicant's contract of April 24, 1950, as amended.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6584; Filed, Aug. 10, 1959; 8:46 a.m.]

[Docket No. G–8288 etc.]

SUN OIL CO. ET AL.

Notice of Hearing

JULY 30, 1959.

In the matters of Sun Oil Company, Docket Nos. G–8288, G–12841, G–12880, G–13316, G–13444, G–13585, G–13617, G–13618, G–13664, G–13937, G–15010, G–15016, G–15450, G–15633, G–15743, G–16257, G–16396, G–16410, G–16621, G–16624, G–16684, G–16686, G–16700, G–16810, G–17274, G–17346, G–17717, G–18094, G–18353; Sun Oil Company (Operator) et al., Docket Nos. G–13425, G–13619, G–15011, G–15632, G–15768, G–16258, G–16622, G–16685, G–16699, G–17354, G–17923; Sun Oil Company et al., Docket No. G–13426.

Notice is hereby given that the hearing in the above-designated matters, postponed by notice issued June 17, 1959, will be convened to be held at 10:00 a.m., e.d.t., September 15, 1959, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6585; Filed, Aug. 10, 1959; 8:46 a.m.]

[Docket No. G–17244]

TEXAS CO.

Notice of Application and Date of Hearing

AUGUST 4, 1959.

In the matter of the Texas Company, now Texaco Inc.; Docket No. G–17244.

Take notice that on December 12, 1958, The Texas Company[1] (Applicant), a Delaware corporation with a principal office in Houston, Texas, filed an application in Docket No. G–17244, pursuant to section 7 of the Natural Gas Act, for authorization to abandon service to Tennessee Gas Transmission Company (Tennessee) from the West Ace Field, Polk County, Texas, covered by a contract dated November 3, 1953, on file as The Texas Company FPC Gas Rate Schedule No. 95, all as more fully described in the application on file with the Commission and open to public inspection.

In support of the proposed abandonment of service, Applicant states (1) that its one well in the West Ace Field, Polk County, Texas, was last produced in February 1956 and that the well was subsequently worked over and the gas reservoir sealed off because the gas reserves were exhausted, and (2) it was authorized on December 5, 1955, in Docket No. G–4820 to render the subject service in addition to other sales of natural gas to Tennessee and other purchasers from other fields.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6586; Filed, Aug. 10, 1959; 8:46 a.m.]

[1] Now Texaco Inc.

FEDERAL RESERVE SYSTEM

BANK STOCK CORPORATION OF MILWAUKEE

Notice of Tentative Decision for Prior Approval of Formation of Bank Holding Company

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956 ("the Act"), Bank Stock Corporation of Milwaukee, Milwaukee, Wisconsin, has applied for the Board's prior approval of action whereby Bank Stock Corporation of Milwaukee would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of Marshall and Ilsley Bank, Milwaukee, Wisconsin and of Northern Bank, Milwaukee, Wisconsin. Information contained in the application and other information relied upon by the Board in making its tentative decision on the application are summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof,[2] and is on file with the Federal Register Division and available for inspection at the office of the Board's Secretary and at the Federal Reserve Banks.

The record in this proceeding to date consists of the application, the Board's letter to the Commissioner of Banks of the State of Wisconsin inviting his views and recommendations on the application, the reply of the Commissioner, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments on or objections to the Board's proposed action, stating the nature of his interest, the reasons for such comments or objections, and the issues of fact or law, if any, presented by said application which he desires to controvert. Such statement should be addressed: Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board and is so ordered.

Dated at Washington, D.C., this 4th day of August 1959.

By the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59–6587; Filed, Aug. 10, 1959; 8:47 a.m.]

[2] Filed as part of the original document.

MARINE CORP.

Notice of Tentative Decision on Application by Bank Holding Company for Prior Approval of Acquisition of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, The Marine Corporation, Milwaukee, Wisconsin, a bank holding company has applied for the Board's prior approval of action whereby said bank holding company would acquire 80 percent or more of the outstanding voting shares of Pewaukee State Bank, Pewaukee, Wisconsin. Information contained in the application and other information relied upon by the Board in making its tentative decision are summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof[2] and is on file with the Federal Register Division and available for inspection at the Office of the Board's Secretary and at all Federal Reserve Banks.

The record in this proceeding to date consists of the application, the Board's letter to the Commissioner of Banks of the State of Wisconsin inviting his views and recommendations on this application, the reply of the Commissioner, this Notice of Tentative Decision and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any com-

ments on or objections to the Board's proposed action, stating the nature of his interest, the reasons for such comments or objections, and the issues of fact or law, if any, presented by said application which he desires to controvert. Such statement should be addressed: Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board and is so ordered.

Dated at Washington, D.C., this 4th day of August 1959.

By the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 59–6588; Filed, Aug. 10, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

STATE OF THE NETHERLANDS ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: Seigniory Stockum and Hericke Markelo, Province of Overijssel, The Netherlands; L.S. Claim No. 1036; $2,560.00 in the Treasury of the United States. Vesting Order No. 18761.

Executed at Washington, D.C., on August 4, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 59–6597; Filed, Aug. 10, 1959; 8:48 a.m.]

VEREINIGTE CHEMISCHE FABRIKEN KREIDL, RUTTER & CO.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Vereinigte Chemische Fabriken Kreidl, Rutter & Co., Vienna, Austria; Claim No. 598; All right, title and interest in and to United States Trademark Registration Nos. 295,052 for "GTM-Kreidl" and 295,053 for "Gasopak" together with: (1) the respective good will of the business in the United States and all its possessions to which said trade-marks are appurtenant; (2) any and all indicia of such good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment); (3) any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and all registrations thereof; and (4) all accrued royalties payable or held with respect to such trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof. Vesting Order No. 1135.

Executed at Washington, D.C. on August 4, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 59–6598; Filed, Aug. 10, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 165]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 6, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62272. By order of July 31, 1959, the Transfer Board approved the transfer to Helen Colonnelli and Raymond Collonnelli, doing business as John Santini Vans Co., New York, N.Y., of Certificate No. MC 21479, issued February 2, 1956, to Benjamin Edelstein, doing business as Alabama Moving & Storage Co., Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Ohio, Virginia, and the District of Columbia. Edward M. Alfano, 36 West 44th Street, New York 36, N.Y., for applicants.

No. MC–FC 62330. By order of July 31, 1959, the Transfer Board approved the transfer to Electric City Movers, Inc., Plattsburg, N.Y., of Certificate in No. MC 85100, issued July 12, 1957, to Homer Moving and Storage Co., Inc., Plattsburgh, N.Y., authorizing the transportation of: Household goods, between specified points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. John J. Brady, Jr., 75 State Street, Albany, N.Y., for applicants.

No. MC–FC 62351. By order of July 31, 1959, the Transfer Board approved the transfer to Daniel A. Stoud, doing business as Stoud Coal Sales, Shamokin, Pa., of a portion of certificate in No. MC 82009, issued June 16, 1949, to Homer G. Keister, Selinsgrove, Pa., authorizing the transportation of: Coal from Shamokin, Pa., to Baltimore, Md. Pierce Allen Coryell, Attorney, 119–121 North Market Street, Selinsgrove, Pa.

No. MC–FC 62414. By order of July 31, 1959, the Transfer Board approved the transfer to Norman H. Clemmer, Souderton, Pennsylvania, of a portion of Certificate in No. MC 82074, issued April 18, 1955, to Robert C. Kulp, doing business as Robert C. Kulp Motor Freight, Souderton, Pennsylvania, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Souderton, Pa., and points in Pennsylvania within 10 miles of Souderton, on the one hand, and, on the other, points in New Jersey and New York. John W. Frame, 603 North Front Street, Harrisburg, Pa.

No. MC–FC 62420. By order of July 31, 1959, the Transfer Board approved the transfer to Soo Security Motorways Limited of Winnipeg, Manitoba, Canada, of Certificate No. MC 110948 issued May 20, 1958, in the name of Soo Security Freight Lines Limited, of Regina, Saskatchewan, Canada, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Portal, N. Dak., and the boundary of the United States and Canada at Portal. Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C.

No. MC–FC 62421. By order of July 31, 1959, the Transfer Board approved the transfer to Motorways (Ontario) Limited, of Toronto, Ontario, Canada, of Certificate No. MC 109948, issued November 16, 1949, and acquired by Motorways Limited of Toronto, Ontario, Canada, pursuant to proceeding approved August 18, 1958, in MC–F 6700, for authority to transport over irregular routes, fresh or green grapes, from the boundary of the United States and Canada at Niagara Falls, and Buffalo, N.Y., to North East, Pa., and Westfield, Brockton, and Silver Creek, N.Y.; and grape juice in containers, from North East, Pa., Westfield, Brockton, and Silver Creek, N.Y., to the boundary of the United States and Canada at Niagara Falls and Buffalo. Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C.

No. MC–FC 62432. By order of July 31, 1959, the Transfer Board approved the transfer to Savin Hill Movers, Inc., Quincy, Massachusetts, of the operating rights in Certificate No. MC 3844, issued August 27, 1958, to Bartholomew P. Caggiano, doing business as Savin Hill Movers, Quincy, Massachusetts, authorizing the transportation, over irregular routes, of household goods, between Boston, Mass., and points in Massachusetts within 20 miles of Boston, on the one hand, and, on the other, points in Connecticut, New Hampshire, New York, Rhode Island, and Vermont. Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. for applicants.

No. MC–FC 62433. By order of July 31, 1959, the Transfer Board approved the transfer to Savin Hill Movers, Inc., Quincy, Massachusetts, of the operating rights in Certificate No. MC 41068, issued March 30, 1956, to Kay Moving Service, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, and between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and the District of Columbia, and potted flowers and plants, from Norwood, Pa., to Wilmington, Del., and New York, N.Y. Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass., for applicants.

No. MC–FC 62434. By order of July 31, 1959, the transfer Board approved the transfer to Charles W. Young, Jr., George A. Young, Meredith Diana Young (Burton C. Willis, Jr. and Frank K. Dutcher, Jr., Trustees), Gilbert W. Young, Charles W. Young, and Elsie Y. Focht, a partnership, doing business as George Young Company, of Philadelphia, Pa., of Certificate No. MC 3091 issued September 16, 1949 in the name of Gilbert W. Young, Charles Young, and Charles N. Cooper, a partnership, doing business as George Young Company, of Philadelphia, Pa., authorizing the transportation over irregular routes of uncrated machinery and articles requiring specialized handling or rigging because of size or weight, between points in a specified part of Pennsylvania, on the one hand, and, on the other, Franklin and Boston, Mass., and points within 10 miles of Boston; those in that part of Connecticut on and south of U.S. Highway 1; those in Delaware, Maryland, New Jersey, and the New York, N.Y. Commercial Zone, points in New York within 50 miles of the New York, N.Y. Commercial Zone, and those in the District of Columbia; and uncrated machinery, between Mt. Vernon, N.Y., and Kenilworth and Elizabeth, N.J., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, and the District of Columbia. Peter P. Zion, 225 South 15th Street, Philadelphia 2, Pa., for applicants.

No. MC–FC 62439. By order of July 31, 1959, the Transfer Board approved the transfer to Transportation Insurance Agency, Inc., Harrisburg, Pennsylvania, of a portion of Certificate in No. MC 82074, issued April 18, 1955, to Robert C. Kulp, doing business as Robert C. Kulp Motor Freight, Souderton, Pennsylvania, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, and commodities in bulk, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Montgomery and Bucks Counties, Pa. John W. Frame, 603 North Front Street, Harrisburg, Pa.

No. MC–FC 62436. By order of August 6, 1959, the Transfer Board approved the transfer to W. T. Robinson & Son Trucking Contractors, Inc., 1725 West Golden, Tulsa, Okla., of Certificate No. MC 64846, issued December 23, 1941, to Stanley W. Henson, 309 West Tenth Street., Bristow, Okla., authorizing the transportation of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma, Kansas, and that part of Texas on and north of U.S. Highway 66.

No. MC–FC 62447. By order of July 31, 1959, the Transfer Board approved the transfer to Norman C. Mesler of Bolivar, N.Y., of Certificate No. MC 109097 issued December 9, 1948, in the name of R. B. Moore Supply Co., Inc., of Bolivar, N.Y., authorizing the transportation of machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, over irregular routes, between points in Allegany, Cattaraugus and Steuben Counties, N.Y.; and between points in Allegany, Cattaraugus and Steuben Counties, N.Y., on the one hand, and, on the other, points in Crasford, Erie, Lehigh, McKean, Potter, Warren, and Vanango Counties, Pa., and those in Medina County, Ohio. Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–6593; Filed, Aug. 10, 1959; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 6, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35611: *Vegetable meal I.F.A. points to St. Louis, Mo., group.* Filed by Illinois Freight Association, Agent (No. 71), for interested rail carriers. Rates on vegetable meal and related articles, carloads from points in Illinois territory to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 4 to Western Trunk Line Committee, Agent, tariff I.C.C. A–4276.

FSA No. 35612: *Substituted service—Rails for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc., Agent (No. 15), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between New Haven, Conn., on the one hand, and Chicago, or East St. Louis, Ill., on the other, on traffic to or from points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 43 to Midwest Haulers, Inc., tariff MF–I.C.C. 21.

FSA No. 35613: *Fertilizer—Idaho and Utah points to Colorado and Wyoming.* Filed by Colorado-Utah Committee, Agent (No. 2), for interested rail carriers. Rates on fertilizer, dry, and fertilizer materials, in carloads from specified points in Idaho and Utah to points in Colorado and Wyoming.

Grounds for relief: Market competition short-line distance formula, and grouping.

Tariff: Supplement 114 to Colorado-Utah Committee tariff I.C.C. 26 and other schedules named in the application.

FSA No. 35614: *Cast iron pressure pipe—Utah to Colorado and Wyoming.* Filed by Colorado-Utah Committee, Agent (No. 3), for interested rail car-

riers. Rates on cast iron pressure pipe and fittings in carloads from Utah common points to points in Colorado and Wyoming.

Grounds for relief: Market and motor-truck competition.

Tariffs: Supplement 114 to Colorado-Utah Committee tariff I.C.C. 26 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6592; Filed, Aug. 10, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 1 (Revision 4), Amdt. 5]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority Relating to Administration

Delegation of Authority No. 1 (Revision 4), as amended (22 F.R. 6540, 23 F.R. 2801, 8435, 10574, 24 F.R. 1730), is hereby further amended by deleting subsection I.B.19. in its entirety and substituting the following in lieu thereof:

I.B.19. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096) from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 17, 1959.

WENDELL B. BARNES, *Administrator.*

[F.R. Doc. 59-6469; Filed, Aug. 10, 1959; 8:45 a.m.]

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THE NATIONAL ARCHIVES

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VOLUME 24 NUMBER 157

Washington, Wednesday, August 12, 1959

Title 3—THE PRESIDENT

Proclamation 3307

EXCLUDING CERTAIN LANDS FROM AND ADDING CERTAIN LANDS TO THE COLORADO NATIONAL MONUMENT

By the President of the United States of America

A Proclamation

WHEREAS it appears that it would be in the public interest to exclude from the Colorado National Monument, in Colorado, certain lands which are not necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands within the monument; and

WHEREAS it appears that it would also be in the public interest to add to such monument certain adjoining public lands and lands donated to the United States which are needed for administrative purposes and for the proper care, management, and protection of the objects of scientific interest situated on lands now within the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim as follows:

The following-described lands in the State of Colorado are hereby excluded from the Colorado National Monument:

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 101 W.,
sec. 27, E½SE¼.

UTE MERIDIAN

T. 1 N., R. 2 W.,
sec. 33, SW¼NW¼, NW¼SE¼ and that portion of the N½SW¼ lying north and east of a diagonal line extending from the northwest corner of said N½SW¼, S. 53°49' E., 2,240 feet to a point on the south line of said N½SW¼.

The areas described aggregate approximately 211 acres.

The lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws or disposal under other laws until further order of an authorized officer of the Department of the Interior.

Subject to valid existing rights, the following-described lands in the State of Colorado are hereby added to and reserved as parts of the Colorado National Monument and shall be subject to all laws, rules, and regulations applicable to that monument:

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 102 W.,
sec. 36, SE¼SE¼NW¼, NE¼NE¼SW¼.

UTE MERIDIAN

T. 1 N., R. 2 W.,
sec. 32, N½NW¼NE¼, N½S½NW¼NE¼, N½NE¼NW¼, N½S½NE¼NW¼.
T. 1 S., R. 1 W.,
sec. 30, S½S½SE¼ (unsurveyed).

The areas described aggregate approximately 120 acres.

The Executive order of January 27, 1913, creating Power Site Reserve No. 335, is hereby revoked to the extent that it affects any of the above-described lands added to the monument.

As affected by the exclusions and additions made by this proclamation, the boundaries of the Colorado National Monument are as follows:

Beginning at the southwest corner of sec. 31, T. 11 S., R. 101 W. of the sixth principal meridian;

thence westerly one-half mile to the south ¼ corner of sec. 36, T. 11 S., R. 102 W., sixth principal meridian;

thence northerly three-eighths mile to the southeast corner of the NE¼NE¼SW¼ of the said sec. 36;

thence westerly one-eighth mile to the southwest corner of the said NE¼NE¼SW¼;

thence northerly one-fourth mile to the northwest corner of the SE¼SE¼NW¼ of the said sec. 36;

thence easterly one-eighth mile to the northeast corner of the said SE¼SE¼NW¼;

thence northerly approximately three and three-eighths miles to the north ¼ corner of sec. 13, T. 11 S., R. 102 W., sixth principal meridian (on the south boundary of sec. 31, T. 1 N., R. 2 W., Ute meridian);

thence westerly approximately three-fourths mile to the southwest corner of sec. 31, T. 1 N., R. 2 W., Ute meridian;

thence northerly 1 mile to the northwest corner of the said sec. 31;

thence easterly one and three-fourths miles to the northeast corner of the NW¼NE¼ sec. 32;

thence southerly one-fourth mile to the southeast corner of the said NW¼NE¼;

thence easterly one-fourth mile to the northeast corner of the SE¼NE¼ of the said sec. 32;

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FEDERAL REGISTER

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(As of January 1, 1959)

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thence southerly one-fourth mile to the southeast corner of the said SE¼NE¼;
thence S. 53°49' E. 2, 240 feet to a point on the north line of the S½SW¼ of sec. 33;
thence easterly approximately 3,472 feet to the northeast corner of the SE¼SE¼ of the said sec. 33;
thence southerly one-fourth mile to the southeast corner of the said sec. 33 (on the north boundary of sec. 17, T. 11 S., R. 101 W., sixth principal meridian);
thence westerly 455 feet to a point;
thence S. 23°04' W., 791 feet to a point;
thence S. 38°16' E., 1,250 feet, more or less, to a point on the east boundary of the SW¼NE¼ sec. 17, T. 11 S., R. 101 W., sixth principal meridian;
thence S. 32°17' E. 887.6 feet to a point 495 feet easterly from the northwest corner of the NE¼SE¼ of the said sec. 17;
thence S. 31°52' E., 1,556.2 feet to the southeast corner of the said NE¼SE¼;
thence S. 44°55' E., 1,853 feet to the southeast corner of the SW¼SW¼ sec. 16;
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thence S. 26°27' E., 2,864.8 feet to the southeast corner of the said sec. 21;
thence S. 44°06' E., 1,922.5 feet to the southeast corner of the NW¼NW¼ sec. 27;
thence S. 44°47' E., 1,912.6 feet to the center of said sec. 27;
thence easterly one-fourth mile to the northeast corner of the NW¼SE¼ of the said sec. 27;
thence southerly one-half mile to the southeast corner of the SW¼SE¼ of the said sec. 27;
thence easterly one-quarter mile to the northeast corner of sec. 34;
thence southerly one-half mile to the west ¼ corner of sec. 35;
thence easterly one-fourth mile to the northeast corner of the NW¼SW¼ of said sec. 35;
thence southerly approximately one-half mile to a point on the township line dividing Tps. 11 and 12 S., R. 101 W., sixth principal meridian, said point being the northwest corner of lot 7 in sec. 2, T. 12 S., R. 101 W., sixth principal meridian;
thence easterly approximately one-fourth mile to the northeast corner of said lot 7 in said sec. 2;
thence southerly approximately 2,650 feet to the southeast corner of lot 9 in said sec. 2;
thence easterly approximately one-fourth mile to the northeast corner of lot 10 in said sec. 2 (on the west boundary of sec. 30, T. 1 S., R. 1 W., Ute meridian);
thence southerly approximately 2,422 feet to the southwest corner of sec. 30, T. 1 S., R. 1 W., Ute meridian;
thence easterly one-half mile to the southwest corner of the SE¼ of the said sec. 30;
thence northerly one-eighth mile to the northwest corner of the S½S½SE¼ of the said sec. 30;
thence easterly one-half mile to the northeast corner of the said S½S½SE¼;
thence southerly five-eighths mile to the east ¼ corner of sec. 31;
thence easterly one-fourth mile to the northeast corner of the NW¼SW¼ sec. 32;
thence southerly one-half mile to the southeast corner of the SW¼SW¼ of the said sec. 32 (on the north boundary of sec. 18, T. 12 S., R. 100 W., sixth principal meridian);
thence westerly approximately 760 feet, more or less, to the northeast corner of sec. 13, T. 12 S., R. 101 W., sixth principal meridian;
thence southerly approximately 1 mile to the southeast corner of the said sec. 13;
thence westerly approximately one and three-fourths miles to the southwest corner of sec. 14;
thence northerly 1 mile to the northwest corner of the said sec. 14;
thence westerly 3 miles to the southwest corner of sec. 8;
thence northerly 1 mile to the northwest corner of the said sec. 8;
thence westerly 1 mile to the southwest corner of sec. 6;
thence northerly 1 mile to the point of beginning.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Proclamation No. 1126 of May 24, 1911, establishing the Colorado National Monument, as revised by Proclamation No. 2037 of March 3, 1933, is amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of August in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59–6690; Filed, Aug. 10, 1959; 2:34 p.m.]

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Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Quota Deficits, 1959

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of determining and prorating deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1959.

Section 204(a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a)(2) of the act shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 811 is hereby amended by adding § 811.4 as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1959, Hawaii, Puerto Rico and the Virgin Islands will be unable by 100,000, 196,500, and 3,500 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202(a)(2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202(a)(2) of the act, which amounts to 153,354 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	117,269	2,115,986
Mainland cane sugar	36,085	651,109
Hawaii	0	1,115,479
Puerto Rico	0	1,166,375
Virgin Islands	0	15,905

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 146,646 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas included prorations herein and in para. (b) of this section
Domestic beet sugar	53,247	2,169,233
Mainland cane sugar	16,385	667,494
Hawaii	0	1,115,479
Puerto Rico	0	1,166,375
Virgin Islands	0	15,905
Cuba	77,014	3,137,489

Quotas for foreign countries other than Cuba remain as established in § 811.3.

STATEMENT OF BASES AND CONSIDERATIONS

The deficits in quotas for Hawaii, Puerto Rico and the Virgin Islands, of 100,000, 196,500, and 3,500 short tons, raw value, respectively, herein determined are based on estimates of the quantity of sugar each such area is expected to deliver to the continental United States during the calendar year 1959.

Such estimates are based on completed 1959 sugar production for Puerto Rico and the Virgin Islands and on a recent industry estimate of 1959 production for Hawaii.

Pursuant to section 204(a) of the act, the deficits herein determined totaling 300,000 tons, are prorated as follows: (1) 153,354 tons to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in S.R. 811 (24 F.R. 1), and (2) 146,646 tons to such domestic areas and Cuba on the basis of quotas in effect after the proration of the 153,354 tons.

The act reserves to each area the right to enter its full quota even though a deficit may have been declared and reallotted to other areas.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U.S.C. 1112, 1114)

Done at Washington, D.C., this 31st day of July 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-6630; Filed, Aug. 11, 1959; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 803, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.910 (Lemon Regulation 803, 24 F.R. 6184) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6628; Filed, Aug. 11, 1959; 8:46 a.m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 11, 1959 (24 F.R. 5614). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 957.212 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and this part, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, as amended, during the fiscal period beginning June 1, 1959 and ending May 31, 1960, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and this part, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and this part.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated, August 7, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6652; Filed, Aug. 11, 1959; 8:49 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of onions grown in the area defined therein through the issuance of regulations authorized in §§ 1017.1 through 1017.88, inclusive, of the said marketing agreement and order. The Idaho-Eastern Oregon Onion Committee, pursuant to § 1017.51, of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop onions as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) since substantial quantities of onions may be handled as early as the effective time hereof, this section should be operative not later than such time so as to maximize the benefits derivable from such regulation.

§ 1017.304 **Limitation of shipments.**

During the period from August 17, 1959, through June 30, 1960, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

(a) *Minimum size requirements*—(1) *Yellow varieties.* 2-inch minimum diameter, including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size.

(2) *All other varieties.* (i) 1½ inch minimum diameter, including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size.

(ii) Onions 1 to 2 inches in diameter, when packed separately.

(iii) Onions not more than 1 inch in diameter, when packed separately.

(b) *Special purpose shipments.* The minimum size requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting.
(2) Livestock feed.
(3) Charity.
(4) Export.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over one ton of onions.

(d) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provision of this section, no handler shall handle onions of any variety unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, pursuant to § 1017.60.

(e) *Definitions.* The term "diameter," as used in this section, shall have the same meaning and the tolerances for size shall be the same as in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title). The terms "medium" and "jumbo" or "large" shall have the following meaning:

(1) "Medium" means and relates to onions that are within a diameter range of 1½ inches to 3⅛ inches, provided that in the case of onions of the yellow variety, "medium" means and relates to onions that are within a diameter range of 2 inches to 3⅛ inches; and

(2) "Jumbo" or "large" each means and relates to onions that are 3 inches or larger in diameter.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, August 6, 1959, to become effective August 17, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 59-6629; Filed, Aug. 11, 1959; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Park Naturalist

Section 24.144 is added as set out below:

§ 24.144 **Park Naturalist, GS-452-0 (all grades).**

(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in (*a*) botany, zoology, geology, natural history, or closely related subject-matter fields of natural history, such as ecology and wildlife management, or in (*b*) forestry, conservation, or science education, where the training has included at least 24 semester hours in botany, zoology, or geology.

(ii) Course-work in an accredited college or university with major study in botany, zoology, geology, natural history, forestry, conservation, science education, or closely related subject-matter fields of natural history such as ecology and wildlife management, where the training has included at least 24 semester hours of botany, zoology, or geology and has been supplemented by enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 24 semester hours in zoology, botany, or geology as enumerated above, it gives the applicant a technical and professional knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(b) *Duties.* Park Naturalists perform scientific and professional work in connection with the study and interpretation of the faunal, floral, geological, and other natural history features of national parks or similar areas. Most of this work is directly concerned with some phase of research or with the study, management, protection, and the interpretation of these natural history features. This involves the application of a specific and detailed knowledge of the scientific implications of these features, especially in setting up interpretative natural history programs and in the carrying out of these programs. Some of the work involves an intensive scientific study of various natural history features, a technical interpretation of the facts observed, and the preparation and publication of scientific reports or articles showing the results of the study.

(c) *Knowledges and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of the natural sciences, and of the scientific principles, concepts, and facts which underlie these sciences, and scientific training in one or more of the fields of natural history, such as zoology, botany, and geology. The knowledges and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories, adequate facilities for scientific field study and thoroughly trained instructors, where the school is equipped to give expert guidance and can evaluate the student's progress competently.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6640; Filed, Aug. 11, 1959; 8:48 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.410]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following September 5, 1959:

1. Paragraph (a) is amended by the deletion of the following:

Budapest, Hungary.
Moscow, U.S.S.R.
Prague, Czechoslovakia.

2. Paragraph (b) is amended by the deletion of the following:

Warsaw, Poland.

3. Paragraph (b) is amended by the addition of the following:

Budapest, Hungary.
Moscow, U.S.S.R.

4. Paragraph (c) is amended by the addition of the following:

Prague, Czechoslovakia.
Warsaw, Poland.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

JULY 29, 1959.

[F.R. Doc. 59-6626; Filed, Aug. 11, 1959; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

§ 101.1 [Amendment]

Subparagraph (3) *Travel restrictions* of paragraph (f) *Citizens of the Philippine Islands* of § 101.1 *Presumption of lawful admission* is revoked.

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Section 206.1 is amended to read as follows:

§ 206.1 Automatic revocation.

The approval of a petition made under sections 204, 205, or 214 (c) of the Act and in accordance with Parts 204, 205, or 214 of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) *Sections 204 and 214(c).* As to a petition approved under section 204 or 214(c) of the Act:

(1) The beneficiary is an alien seeking classification under section 101(a)(27)(F)(i) of the Act and is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203(a)(1)(A) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(3) The beneficiary is an alien seeking classification as a nonimmigrant under section 101(a)(15)(H) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(4) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(b) *Section 205.* As to a petition approved under section 205 of the Act:

(1) The beneficiary is an alien seeking classification under section 101(a)(27)(A) of the Act and is not issued a visa under the classification approved within two years of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203(a)(2), (3), or (4) of the Act and is not issued a visa under the classification approved within three years of the date on which the petition was approved or during the quota year in which such three-year period expired.

(3) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary's journey to the United States commences.

(4) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce, or annulment before the beneficiary's journey to the United States commences.

(5) As to a child beneficiary, the beneficiary marries or reaches the 21st anniversary of his birth before the beneficiary's journey to the United States commences. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purpose of section 203(a)(4) of the Act until the expiration of three years from the date of its approval or during the quota year in which such three-year period expired.

(6) The petitioner files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(c) *Revalidation.* Any petition approved under section 204 or 205 of the Act, which was automatically revoked by failure to obtain a visa within the prescribed period of time, may be revalidated by a district director, in his discretion, retroactively as of the date of the initial approval.

(d) *Notice.* When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.2 is amended to read as follows:

§ 211.2 Passports.

A passport valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa shall be presented by each immigrant except an immigrant who (a) is the parent, spouse or unmarried son or daughter of a United States citizen or of an alien lawful permanent resident of the United States, or (b) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (c) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality or is the accompanying spouse or unmarried son or daughter of such immigrant, or (d) is a first-preference quota immigrant, or (e) is a member of the Armed Forces of the United States, or (f) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I-193.

PART 223—REENTRY PERMITS

1. Section 223.2 is amended to read as follows:

§ 223.2 Form.

Reentry permits shall be issued on Form I-132 and shall indicate whether they are issued under section 223(a)(1) or (2) of the Act and the period of their validity.

§ 223.3 [Amendment]

2. The first sentence of § 223.3 *Extensions* is amended to read as follows: "An application for extension of a reentry permit shall be submitted to the office having jurisdiction over the applicant's place of residence in the United States or to the immigration officer stationed abroad having jurisdiction over the place where the applicant is temporarily sojourning prior to the expiration of the period of validity of the reentry permit."

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

§ 235.1 [Amendment]

1. The second sentence of § 235.1 *General qualifications* is amended by deleting the word "Hawaii,".

2. Section 235.6 is amended to read as follows:

§ 235.6 Referral to special inquiry officer.

(a) *Notice.* If, in accordance with the provisions of section 235(b) of the Act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice to Alien Detained for Hearing by Special Inquiry Officer (Form I-122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

(b) *Certification for mental condition; medical appeal.* An alien certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act shall be advised by the examining immigration officer that he may appeal to a board of medical officers of the United States Public Health Service pursuant to section 234 of the Act. If such an appeal is taken, the district director shall arrange for the convening of the medical board.

3. Section 235.7 is amended to read as follows:

§ 235.7 Referral of certain cases to district director.

If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with section 213 of the Act, or by the exercise of section 211, section 212(d)(3) or (4), or section 212(c) of the Act, he may in lieu of detaining the alien for hearing in accordance with section 235(b) and section 236 of the Act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the district director's decision. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 211, section 212(d)(3) or (4), or section 212(c) of the Act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Part 235a is revoked.

PART 236—EXCLUSION OF ALIENS

§ 236.2 [Amendment]

Paragraph (d) *Certification for mental condition; medical appeal* of § 236.2 *Hearing* is revoked and paragraph (e) *Record* of that section is redesignated as paragraph (d).

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.8 [Amendment]

1. The first sentence of paragraph (a) *Authority* of § 242.8 *Special Inquiry Officers* is amended by deleting the words "to authorize preexamination as provided by Part 235a of this chapter,".

§ 242.21 [Amendment]

2. The first sentence of paragraph (a) *Non-appealable cases* of § 242.21 *Appeals* is amended by deleting the words "or preexamination" and "or eligible for preexamination pursuant to Part 235a of this chapter,".

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amendment]

The third sentence of § 245.1 *Application* is revoked.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

§ 251.1 [Amendment]

1. The first and last sentences of paragraph (a) of § 251.1 *Arrival manifests and lists* are amended to read as follows:

(a) *Presentation.* The master or agent of every vessel arriving in the United States from a foreign port, from an outlying possession of the United States, or from Guam, Puerto Rico, or the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I-418 in accordance with the instructions contained thereon. * * * The master or agent of every aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest on Customs Form 7507 of all crewmen on board, except that a manifest shall not be required of an aircraft arriving in a State of the United States directly from Canada on a flight originating in that country.

2. Paragraph (b) *Additional documents* of § 251.1 is amended by deleting the word "Hawaii,".

PART 252—LANDING OF ALIEN CREWMEN

§ 252.1 [Amendment]

Paragraph (b) of § 252.1 *Examination of crewmen* is amended to read as follows:

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I-151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British crewmen serving on vessels plying solely between Canada and the United States; or (3) Canadian or British citizen crewmen of aircraft arriving in a State of the United States directly from Canada on flights originating in that country.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

Section 299.1 is amended by deleting the following forms and references thereto:

Form No.	*Title and description*
FS-256a	Immigrant Visa and Alien Registration.
I-63	Application for Preexamination.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions, relate to agency procedure and management.

Dated: August 6, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-6637; Filed, Aug. 11, 1959; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Republication of Part

Part 19 of Title 21 is republished for convenient reference as set forth below. This republication is made solely for editorial and codification purposes, and no change is made in the text of the regulations.

Sec.

19.500 Cheddar cheese, cheese; identity; label statement of optional ingredients.
19.502 Cheddar cheese for manufacturing; identity.
19.505 Washed curd cheese, soaked curd cheese; identity; label statement of optional ingredients.
19.507 Washed curd cheese for manufacturing; identity.
19.510 Colby cheese; identity; label statement of optional ingredients.
19.512 Colby cheese for manufacturing; identity.
19.515 Cream cheese; identity; label statement of optional ingredients.
19.520 Neufchatel cheese; identity; label statement of optional ingredients.
19.525 Cottage cheese; identity.
19.530 Creamed cottage cheese; identity.
19.532 Ricotta cheese; identity. [Stayed]
19.533 Part-skim ricotta cheese; identity. [Stayed]
19.535 Granular cheese, stirred curd cheese; identity; label statement of optional ingredients.
19.537 Granular cheese for manufacturing; identity.
19.540 Swiss cheese, emmentaler cheese; identity; label statement of optional ingredients.
19.542 Swiss cheese for manufacturing; identity.
19.543 Gruyere cheese; identity; label statement of optional ingredients.
19.544 Samsoe cheese; identity.
19.545 Brick cheese; identity; label statement of optional ingredients.
19.547 Brick cheese for manufacturing; identity.
19.550 Muenster cheese, munster cheese; identity; label statement of optional ingredients.
19.555 Edam cheese; identity.
19.560 Gouda cheese; identity.
19.565 Blue cheese; identity.
19.567 Gorgonzola cheese; identity.
19.569 Nuworld cheese; identity.
19.570 Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.
19.575 Limburger cheese; identity.
19.580 Monterey cheese, monterey jack cheese; identity; label statement of optional ingredients.
19.585 High-moisture jack cheese; identity; label statement of optional ingredients.
19.590 Provolone cheese, pasta filata cheese; identity; label statement of optional ingredients.
19.591 Caciocavallo siciliano cheese; identity; label statement of optional ingredients.
19.595 Parmesan cheese, reggiano cheese; identity.
19.610 Romano cheese; identity.
19.615 Asiago fresh cheese, asiago soft cheese; identity; label statement of optional ingredients.
19.620 Asiago medium cheese; identity.
19.625 Asiago old cheese; identity.
19.635 Cook cheese, koch kaese; identity.
19.637 Sap sago cheese; identity.
19.639 Gammelost cheese; identity.
19.650 Hard cheeses; identity.
19.655 Semisoft cheeses; identity; label statement of optional ingredients.
19.660 Semisoft part-skim cheeses; identity; label statement of optional ingredients.
19.665 Soft ripened cheeses; identity; label statement of optional ingredients.
19.670 Spiced cheeses; identity; label statement of optional ingredients.
19.675 Part-skim spiced cheeses; identity; label statement of optional ingredients.
19.680 Hard grating cheeses; identity; label statement of optional ingredients.
19.685 Skim-milk cheese for manufacturing; identity.
19.750 Pasteurized process cheese; identity; label statement of optional ingredients.
19.751 Pasteurized blended cheese; identity; label statement of optional ingredients.
19.755 Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.760 Pasteurized process pimento cheese; identity; label statement of optional ingredients.
19.763 Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.
19.770 Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.
19.776 Pasteurized cheese spread; identity; label statement of optional ingredients.
19.780 Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.781 Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.782 Cream cheese with other foods; identity; label statement of optional ingredients.
19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.
19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.
19.787 Cold-pack cheese food; identity; label statement of optional ingredients.
19.788 Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.790 Grated American cheese food; identity; label statement of optional ingredients.

AUTHORITY: §§ 19.500 to 19.790 issued under sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341.

§ 19.500 Cheddar cheese, cheese; identity; label statement of optional ingredients.

(a) Cheddar cheese, cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of cheddar cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) Determine moisture by the method prescribed on page 262 (15.124) [Ed. note, 8th edition, 1955, p. 278, sec. 15.129], under "Moisture—Official," and milk fat by the method prescribed on page 263 (15.131) [Ed. note, 8th edition, 1955, p. 279, sec. 15.136], under "Fat—Official," of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950. Subtract the percent of moisture found from 100; divide the remainder into the percent milk fat found. The quotient, multiplied by 100, shall be considered to be the percent of milk fat contained in the solids.

(d) Cheddar cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) For the purposes of this section: (1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in paragraph (f) of this section.

(f) The method referred to in paragraph (e)(2) of this section is as follows:

I. *Reagents*—1. *Buffers*—a. *Barium borate-hydroxide buffer.* Dissolve 25.0 gm. of c. p. barium hydroxide ($Ba(OH)_2 \cdot 8H_2O$, fresh, not deteriorated) in distilled water and dilute to 500 ml. Dissolve, in another flask or cylinder, 11.0 gm. of c. p., boric acid (H_3BO_3) and dilute to 500 ml. Warm each to 50° C. (122° F.), mix the two together, stir, cool to approximately 20° C. (68° F.), filter, and stopper the filtrate tightly (pH approximately 10.6). The buffer prepared thus is designated as the 25–11 buffer, the figures indicating the grams per liter of each of the respective reagents.

b. *Color-development buffer.* Dissolve 6.0 gm. of sodium metaborate ($NaBO_2$) and 20 gm. of sodium chloride in water and dilute to a liter with water (pH 9.8).

c. *Color-dilution buffer.* Dilute 100 ml. of color-development buffer 1–b to a liter with water.

d. *Standard borax buffer, 0.01-molar, for checking pH meter, pH 9.18 at 25° C.*[1] Dissolve 0.9544 gm. of pure borax (Bureau of Standards Sample 187) in distilled water (distilled recently or freshly boiled and cooled) and dilute to 250 ml. Keep stoppered tightly.

2. *Buffer substrates.* Specify phenol-free crystalline disodium phenyl phosphate.

a. *For evaluating pasteurization.* Dissolve 0.10 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

b. *For quantitative results with raw-milk cheese.* Dissolve 0.20 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1–a.

3. *Protein precipitants*—a. *Zinc-copper precipitant for unripened cheese.* Dissolve 6.0 gm. of zinc sulfate ($ZnSO_4 \cdot 7H_2O$) and 0.1 gm. of copper sulfate ($CuSO_4 \cdot 5H_2O$) in water and dilute to 100 ml. with water. The precipitant prepared thus is designated as the 6.0–0.1 precipitant.

b. *Zinc precipitant for ripened cheese.* Dissolve 6.0 gm. of zinc sulfate in water and dilute to 100 ml. with water. This precipitant is designated as the 6.0 precipitant.

4. *BQC (2,6-dibromoquinone-chloroimine solution) (Gibbs' reagent):* Dissolve 40 mg. of BQC powder in 10 ml. of absolute methyl alcohol and transfer to a dark-colored dropper bottle. This reagent remains stable for at least a month if kept in the ice tray of a refrigerator. Do not use it after it begins to turn brown.

[1] All pH values reported herein were determined at 25° C. or corrected to that temperature.

5. *Other reagents*—a. *Copper sulfate, 0.05 percent, for standards.* Dissolve 0.05 gm. of copper sulfate in water and dilute to 100 ml.

b. *Butyl alcohol.* Specify *n*-butyl alcohol, boiling point 116°–118° C. To adjust the pH, mix 50 ml. of the color-development buffer 1–b with a liter of the butyl alcohol.

6. *Phenol standards*—a. *Stock solution.* Weigh accurately 1.0 gm. of pure phenol, transfer to a liter volumetric flask, dilute to a liter with water, and mix. One ml. contains 1 mg. (0.001 gm.) of phenol. Use this stock solution to prepare standard solutions. It is stable for several months in the refrigerator.

b. *Preparation of standards.* Dilute 10.0 ml. of the stock solution 6–a to a liter with water, and mix. One ml. contains 10 micrograms (0.00001 gm., 10 gammas, or 10 units) of phenol. Use this standard solution to prepare more dilute standard solutions; e. g., dilute 5, 10, 30, and 50 ml. to 100 ml. with water to prepare standard solutions containing 0.5, 1.0, 3.0, and 5.0 gammas or units of phenol per milliliter, respectively. Keep standard solutions in the refrigerator.

In a similar manner, prepare from the stock solution such more concentrated standard solutions as may be needed, containing, for example, 20, 30, and 40 units per milliliter.

Measure appropriate quantities of the phenol standard solution into a series of tubes (preferably graduated at 5.0 and 10.0 ml.) to provide a suitable range of standards as needed, containing 0 (control blank), 0.5, 1.0, 3.0, 5.0, 10.0, etc., to 30 or 40 units. To increase the brightness of the blue color and improve the stability of the standards, add 1.0 ml. of 0.05 percent copper sulfate solution 5–a to each.

Add 5.0 ml. of color dilution buffer 1–c and add water to bring the volume to 10.0 ml. Add 4 drops (0.08 ml.) of BQC 4, mix, and allow to develop for 30 minutes at room temperature. If the butyl alcohol extraction method is to be used in the test, extract the standards as described under III Conducting the Test.

Read the color intensities with a photometer, subtract the value of the blank from the value of each phenol standard, and prepare a standard curve (straight line). When the standards are to be used for visual comparisons they should be stored in a refrigerator.

II. *Sampling*—1. *Hard cheese.* Take a sample from the interior with a *clean* Roquefort trier, place in a small tube, stopper the tube, and keep it in a refrigerator.

2. *Soft and semisoft ripened cheese.* Harden the cheese by chilling it in the freezing chamber of a refrigerator. Taking special precaution to avoid contaminating the sample with phosphatase that may be present on the surface, use either of the following methods for sampling:

a. Cut a portion from the end of the loaf or from the side of the cheese, extending in at least 2 inches if possible or to a point somewhat beyond the center in the case of a small cheese. Cut a slit ¼ to ½ inch deep at least halfway around the portion and midway between the top and bottom. Break the portion into two parts, pulling it apart so that it breaks on a line with the slit, being careful not to contaminate the freshly exposed, broken surface. Remove the sample from the freshly exposed surface at or near the center of the cheese.

b. Remove the surface of the area to be sampled—e. g., the end and the adjacent sides—with a clean knife or spatula, to a depth of ¼ inch. Clean the instrument and hands with hot water and phenol-free soap and wipe them dry. Remove the freshly exposed surface to a similar or greater depth and repeat the cleaning. Then take the sample from the center of the freshly exposed area, preferably at or near the center of the cheese in the case of a small cheese.

3. *Process cheese, spreads, etc.* Take the sample from beneath the surface with a clean knife or spatula.

Avoid the use of samples contaminated with mold.

4. *Preservation.* If a preservative is necessary, put 1 to 3 ml. of chloroform in the container, cover with a plug of cotton, insert sample and stopper container tightly. Label preserved samples, "*Poison*—Preservative added."

III. *Conducting the test.* 1. Weigh, on a clean balance pan or watch glass, a 0.50-gm. sample (preferably two samples in duplicate) and place in a culture tube 16 or 18 x 150 mm. Similarly, weigh another sample and place in a tube as a control or blank. If the cheese is sticky, weigh the sample on a piece of wax paper about 1 x 1 inch and insert the paper with the sample into the tube. Macerate the blank and the test with a glass rod about 8 x 180 mm.

2. Add to the blank 1.0 ml. of the appropriate (Table 1) barium buffer 1–a (without substrate added), macerate with the rod, leave the rod in the tube, heat for about a minute to at least 85° C. (185° F.) in a beaker of boiling water with the beaker covered so that the entire tube becomes heated to approximately 85° C., cool to room temperature, and macerate again with the rod.

3. Add to the test 1.0 ml. of the appropriate (Table 1) barium buffer substrate 2–a or 2–b, and macerate.

From this point, treat the blank and the test in a similar manner.

Add 9.0 ml. of the appropriate barium buffer substrate 2–a or 2–b (total, 10.0 ml. added), and mix. The rod may be left in the tube during incubation; or, if removing it at this point, cut a piece of filter paper approximately 1 x 1 inch, wrap and hold it tightly around the rod, rotate the rod while withdrawing it from within the tube so as to wipe the rod clean, insert the paper with the adhering fat into the tube, and stopper the tube.

4. Incubate in a water bath at 37°–38° C. (99°–100° F.) for 1 hour, mixing or shaking the contents occasionally.

5. Place in a beaker of boiling water for nearly a minute, heating to 85° C. (185° F.), and cool to room temperature.

6. Pipet in 1.0 ml. of the zinc precipitant 3–b for ripened cheese or the zinc-copper precipitant 3–a for unripened cheese, and mix thoroughly (pH of mixture, 9.0–9.1).

7. Filter (5-cm. funnel, 9-cm. Whatman No. 42 or No. 2 paper recommended), and collect 5.0 ml. of filtrate in a tube, preferably graduated at 5.0 and 10.0 ml.

8. Add 5.0 ml. of color-development buffer 1–b (pH of mixture, 9.3–9.4).

9. Add four drops[1] of BQC 4, mix, and allow the color to develop for 30 minutes at room temperature.

10. Determine the amount of blue color by either of two methods:

a. *With a photometer.* Read the color intensity of the blank and that of the test, subtract the reading of the blank from that of the test, and convert the result into phenol equivalents by reference to the standard curve described under "Phenol standards." The butyl alcohol extraction method is ordinarily unnecessary when using a photometer.

b. *With visual standards.* For quantitative results in borderline instances, e. g., tests yielding 0.5 to 5 units of color, extract with butyl alcohol 5–b. Add 5.0 ml. of the alcohol and invert the tube slowly several times. Centrifuge if necessary to increase the clearness of the alcohol layer. Compare the blue color with the colors of standards in the alcohol.

[1] For merely detecting underpasteurization, in testing unripened cheese, two drops is sufficient, provided the visual standards are prepared likewise with two drops.

With samples yielding more than 5 units, compare the colors in aqueous tests with those of aqueous standards.

11. *Dilution method for quantitative results.* In tests that are observed during color development to be strongly positive, e. g., 20 units or more, in which four drops of BQC may be much less than sufficient to combine with all of the phenol, pipet an appropriate proportion of the contents into another tube, make up to 10.0 ml. with color-dilution buffer 1–c, and add two drops more of BQC in the case of unripened cheese or four drops in the case of ripened cheese. With each test, dilute and treat the blank in the corresponding manner. Dilute each strongly positive test thus until the final color is within the range of the standards or photometer. Allow 30 minutes for color development after the last addition of BQC, and make the reading at the end of the 30-minute period. Multiply, for example, by 2 for a 5+5 dilution, 10 for a 1+9 dilution, and 50 for a 1+9 followed by a 2+8 dilution.

Alternatively, to reduce the amount of yellow off color, add two instead of four drops of BQC after each dilution, and allow the color to develop. Then test the completeness of color development by adding a third drop; repeat the dilution procedure until the addition of an extra drop does not cause any further increase in the amount of blue color.

12. *Calculation and evaluation of results.* When using 0.5 gm. of sample and adding a total of 11.0 ml. of liquid, multiply the value of the reading by 1.1 to convert it to units of color or phenol equivalents per 0.25 gm. of cheese. The result may, if desired, be converted to phenol equivalents per 1 gm. by multiplying by 4.4.

IV. *Photometric determination.* To read the color in aqueous solution, use a filter with maximum light transmission in the region of 610 $m\mu$ wave length.

To read the color in butyl alcohol, extract the color as described above. If necessary, centrifuge the sample for 5 minutes to break the emulsion and to remove the moisture suspended in the alcohol layer. A Babcock centrifuge can be adapted for this purpose by making special tube holders as follows: Slice a section ¼ inch thick from a rubber stopper of suitable diameter to fit in the bottom of the centrifuge cup. Glue together two cork stoppers of appropriate diameter, bore through the center a hole of proper size to hold the tube snugly, and insert the double-cork section into the cup. After centrifuging, remove nearly all of the butyl alcohol by means of a pipet with a rubber bulb on the top end. Filter the alcohol into the photometer cell and read with a filter with maximum light transmission in the region of 650 $m\mu$ wave length.

If more than approximately 4 ml. of butyl alcohol is required for the photometer used, conduct the test in a larger tube and extract the color, in both the test and the standards, with the necessary quantity of butyl alcohol rather than with 5 ml. specified above.

V. *Precautions.* The length of time that the crystalline disodium phenyl phosphate and the BQC powder will remain stable can be increased greatly by keeping them in the freezing chamber of a refrigerator, and by keeping them dry.

The glassware, stoppers, and sampling tools should be scrupulously clean, and it is desirable to soak them in hot, running water after cleaning.

The solid barium hydroxide and the barium buffer must be kept stoppered tightly to prevent absorption of carbon dioxide. Phenolic contamination from plastic closures on reagent bottles has been encountered, and therefore the use of plastic closures should be avoided. Rubber stoppers should not be used in flasks in which butyl alcohol is stored. Glass or cork stoppers should be used.

VI. *Modifications for different cheeses.* Different kinds of cheese and cheeses of different ages have different buffering capacities, and therefore some of them require modification of concentrations of the reagents. The modifications of the barium buffer needed to produce optimal pH conditions during incubation (9.85–10.20), and of the precipitant to yield uniformly clear filtrates and to minimize interference during color development under optimal pH conditions (9.3–9.4), are specified in Table I.

With some samples, especially those of unknown history, slight deviations from the optimal pH range may occur, but such deviations do not very materially affect the results. For example, pH values as low as 9.6 or as high as 10.35 during incubation have been found to result in an average decrease of not more than 20 percent below the maximum in the quantity of phenol liberated. The use of the 25–11 buffer substrate with samples for which the 27–11 buffer substrate is specified yields pH values not lower than 9.8.

In testing cheese of unknown history or age, information as to the percentage of solids, especially the nonfat solids, is useful as an indication of the correct buffer to use; cheese with a relatively high percentage of nonfat solids generally requires the use of a relatively concentrated buffer to adjust the pH of the mixture correctly.

For precise quantitative results on unknown samples, adjust the pH to 10.0–10.05 for the incubation.

Cottage cheese curd is heated in the presence of considerable acid during manufacture, and therefore its phosphatase values are comparatively low. Alternatively, to increase the sensitivity of the test on cottage cheese, apply the following modifications: Use a 1.0-gm. sample, 27–11 buffer substrate, 2-hour incubation, and 6.0–0.1 precipitant.

Table I—PHOSPHATASE TEST MODIFICATIONS FOR DIFFERENT KINDS OF CHEESE AND CHEESE OF DIFFERENT AGES

Kind of cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85–10.20)	Precipitant
Cheddar, granular, stirred curd, hard cheese	1 week	[1] 25–11	[2] 6.0–0.1
	1 week–1½ months	25–11	[2] 6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.1
Washed curd, soaked curd, colby	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
Swiss, gruyere	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.1
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Brick, muenster	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.1
	1–2 months	25–11	6.0
	2 months	26–11	6.0
Edam, gouda	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0–0.1
	2–4 months	26–11	6.0
	4 months	27–11	6.0
Blue mold, blue	1 week	25–11	6.0–0.1
	1 week–1 month	26–11	6.0
	1–4½ months	27–11	6.0
	4½ months	28–11	6.0
Camembert, limburger	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–2 months	26–11	6.0
	2 months	27–11	6.0
Monterey	1 week	25–11	6.0–0.1
	1 week–2 months	25–11	6.0
	2 months	26–11	6.0
High-moisture jack	1 week	25–11	6.0–0.1
	1 week–2½ months	25–11	6.0
	2½ months	26–11	6.0
Provolone, pasta filata	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Parmesan, reggiano, monte, modena, romano, asiago old.	1 week	25–11	6.0–0.1
	1 week–2 months	26–11	6.0
	2–6 months	27–11	6.0
	6 months–1 year	28–11	6.0
	1 year	29–11	6.0
Asiago fresh	Same as cheddar		
Asiago medium	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1–3 months	26–11	6.0
	3 months	27–11	6.0
Gorgonzola	Same as blue		
Cottage, cook cheese, koch kaese	Dry	25–11	6.0–0.1
	Moist	[4] 25–11 (8+2)	4.5–0.1
Cream cheese		25–11 (7+3)	6.0–0.1
Semisoft cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Soft ripened cheese	1 week	25–11	6.0–0.1
	1 week–1 month	25–11	6.0
	1 month	26–11	6.0
Nokkelost, kuminost, sage cheese	1 week	25–11	6.0–0.1
	1 week–1½ months	25–11	6.0
	1½–4 months	26–11	6.0
	4 months	27–11	6.0
Pasteurized process, pasteurized process pimento, pasteurized process with fruits, meats, etc.	Soft, mild	25–11	6.0
	Medium, firm	26–11	6.0
	Firm, sharp (including swiss, gruyere)	27–11	6.0
Pasteurized process cheese foods; pasteurized process cheese foods with fruits, meats, etc.	Same as pasteurized process		
Pasteurized process cheese spreads; pasteurized process cheese spreads with fruits, meats, etc.	Soft, high moisture, including cream spreads.	25–11	6.0
	Less soft, including blue	26–11	6.0
Cold-pack, club; cold-pack cheese foods; cold-pack cheese foods with fruits, meats, etc.	Mild to medium flavored, soft	26–11	6.0
	Sharp, firm	27–11	6.0

[1] Grams $Ba(OH)_2.8H_2O$ and H_3BO_3 per liter, respectively.
[2] Grams $ZnSO_4.7H_2O$ and $CuSO_4.5H_2O$ per 100 ml., respectively.
[3] Grams $ZnSO_4.7H_2O$ per 100 ml.
[4] 8 parts of 25–11 buffer plus 2 parts of water.

(g) (1) If cheddar cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.502 Cheddar cheese for manufacturing; identity.

Cheddar cheese for manufacturing conforms to the definition and standard of identity prescribed for cheddar cheese by § 19.500, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.505 Washed curd cheese, soaked curd cheese; identity; label statement of optional ingredients.

(a) Washed curd cheese, soaked curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of washed curd cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Washed curd cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Washed curd cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If washed curd cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.507 Washed curd cheese for manufacturing; identity.

Washed curd cheese for manufacturing conforms to the definition and standard of identity prescribed for washed curd cheese by § 19.505, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.510 Colby cheese; identity; label statement of optional ingredients.

(a) Colby cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off, and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of colby cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water, in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Colby cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Colby cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If colby cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.512 Colby cheese for manufacturing; identity.

Colby cheese for manufacturing conforms to the definition and standard of identity prescribed for colby cheese by § 19.510, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

(a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Of-

ficial Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Eighth Edition, 1955, at pages 279 and 278.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "---------- Added" or "With Added ----------," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 Neufchatel cheese; identity; label statement of optional ingredients.

(a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Eighth Edition, 1955, at pages 279 and 278.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagrph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "---------- Added" or "With Added ----------," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 Cottage cheese; identity.

(a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Eighth Edition, 1955, at page 278.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk. If concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

§ 19.530 Creamed cottage cheese; identity.

(a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 [Ed. note, 8th edition, 1955, p. 278] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) For the purposes of this section "milk" means sweet milk of cows and "skim milk" means milk from which the milk fat has been separated.

§ 19.532 Ricotta cheese; identity. [Stayed]

(a) Ricotta cheese is the food prepared from heated milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent of moisture and not less than 11 percent of milk fat, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which may be warmed or pasteurized or both, and which may be clarified or homogenized or both, is mixed with an acidifying agent prescribed by paragraph (d) of this section. Salt may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity of not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) may be added to set the milk. The mixture is heated until a temperature of about 180° F. is reached, and it is held near that temperature until the curd separates. The curd is removed by skimming, or the whey is drained or siphoned off. The curd is placed in perforated containers to permit further drainage. The containers may be placed in cold water for cooling, and they are then removed from the water for further drainage. Additional curd may be obtained from the whey by the further addition of an acidifying agent prescribed by paragraph (d) of this section, or by further heating or both. The curd may be whipped or beaten to obtain a finer texture.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a sufficient quantity to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Ricotta cheese shall be deemed to have been prepared from heated milk if during its preparation the milk or the mixture of milk and other ingredients specified in this section have been held at a temperature of not less than 143° F. for a period of not less than 30 minutes of for a time and at a temperature equivalent thereto in phosphatase destruction. Ricotta cheese shall be deemed not to have been prepared from properly heated milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (f), moist cottage cheese modification.

(d) The acidifying agents prescribed in paragraph (b) of this section are one or a mixture of two or more of the following: Culture of harmless lactic-acid-producing bacteria, a vinegar, fermented whey, lactic acid, and citric acid.

NOTE: § 19.532 was stayed in entirety at 21 F.R. 8492, Nov. 6, 1956.

§ 19.533 Part-skim ricotta cheese; identity. [Stayed]

Part-skim ricotta cheese conforms to the definition and standard of identity prescribed by § 19.532 for ricotta cheese, except that it contains less than 11 percent of milk fat, but not less than 6 percent.

NOTE: § 19.533 was stayed in its entirety at 21 F.R. 8492, Nov. 6, 1956.

§ 19.535 Granular cheese, stirred curd cheese; identity; label statement of optional ingredients.

(a) Granular cheese, stirred curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of granular cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Granular cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Granular cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If granular cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.537 Granular cheese for manufacturing; identity.

Granular cheese for manufacturing conforms to the definition and standard of identity prescribed for granular cheese by § 19.535, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.540 Swiss cheese, emmentaler cheese; identity; label statement of optional ingredients.

(a) Swiss cheese, emmentaler cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has holes, or eyes, developed throughout the cheese. It contains not more than 41 percent of moisture, and its solids contain not less than 43 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The acidity of the whey at this point, calculated as lactic acid, does not exceed 0.13 percent. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The cheese is then salted by immersing it in a saturated salt solution for about 3 days. It is then held at a temperature of about 50° F. to 60° F. for a period of 5 to 10 days, after which it is held at a temperature of about 75° F. until it is approximately 30 days old, or until the so-called eyes form. Salt, or a solution of salt in water, is added to the surface of the cheese at some time during the curing process. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of swiss cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

(d) Swiss cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If swiss cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.542 Swiss cheese for manufacturing; identity.

Swiss cheese for manufacturing conforms to the definition and standard of identity prescribed for swiss cheese by § 19.540, except that the holes, or eyes, have not developed throughout the entire cheese, and the provisions of paragraph (d) of that section do not apply.

§ 19.543 Gruyere cheese; identity; label statement of optional ingredients.

(a) Gruyere cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It contains small holes, or eyes. It has a mild flavor, due in part to the growth of surface-curing agents. It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms, and pressed until the desired shape and firmness are obtained. The cheese is surface-salted while held at a temperature of 48° F. to 54° F. for a few days. It is soaked for 1 day in a saturated salt solution. It is then held for 3 weeks in a salting cellar and wiped every 2 days with brine cloth to insure growth of biological curing agents on the rind. It is then removed to a heating room and held at progressively higher temperatures, finally reaching 65° F., with a relative humidity of 85 to 90 percent, for several weeks, during which time small holes, or so-called eyes, form. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gruyere cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

(d) Gruyere cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If gruyere cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.544 Samsoe cheese; identity.

(a) Samsoe cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. The shape of the cheese is flat cylindrical. Its weight is approximately 30 pounds (14 kilograms); its diameter is approximately 17 inches (44 centimeters); and its height is approximately 4 inches (10 centimeters). It has a small amount of eye formation of approximately uniform size of about 5/16-inch (8 millimeters). It contains not more than 41 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). The cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days. The surface may be covered with plain or colored paraffin or other tightly adhering coating.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately 3/8-inch (1 centimeter). The mass is stirred and heated to about 102° F., and so handled by further stirring, heating, dilution with water, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage, the curd is pressed. After drainage, the curd is removed from the forms and is further salted by immersing in a concentrated salt solution for about 3 days. The curd is then cured at a temperature of from 60° to 70° F. for 3 to 5 weeks to obtain the desired eye formation. Further curing is conducted at a lower temperature.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

§ 19.545 Brick cheese; identity; label statement of optional ingredients.

(a) Brick cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 88° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately 3/8-inch long, and stirred and heated so that the temperature rises slowly to about 96° F. The stirring is continued until the curd is sufficiently firm. Part of the whey is then removed, and the mixture diluted with water or salt brine to control the acidity. The curd is transferred to forms, and drained. During drainage it is pressed and turned. After drainage the curd is salted, and the biological curing agents characteristic of brick cheese are applied to the surface. The cheese is then cured to develop the characteristics of brick cheese. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of brick cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Brick cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500(f).

(d) Brick cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If brick cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.547 Brick cheese for manufacturing; identity.

Brick cheese for manufacturing conforms to the definition and standard of identity for brick cheese prescribed by § 19.545, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.550 Muenster cheese, munster cheese; identity; label statement of optional ingredients.

(a) Muenster cheese, munster cheese, is the food prepared from pasteurized milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which is pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is divided into small portions, stirred, and heated, with or without dilution with water or salt brine, so as to promote and regulate the separation of whey and curd. The curd is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is salted. The surface of the cheese may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of muenster cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Muenster cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Muenster cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If muenster cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.555 Edam cheese; identity.

(a) Edam cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 40 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days. Edam cheese is made in ball or loaf shapes, and the surface is covered with a red-colored paraffin or other tightly adhering coating, colored red.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately 3/8-inch long. The mass is stirred and heated to about 90° F., and so handled by further stirring, heating, dilution with water or salt brine, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage the curd is pressed and turned. After drainage the curd is removed from the forms and is salted and cured. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of edam cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Edam cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

§ 19.560 Gouda cheese; identity.

Gouda cheese conforms to the definition and standard of identity prescribed for edam cheese by § 19.555, except that the fat content of its solids is not less than 46 percent. It is made in the shape of a compressed sphere, in which the compressed sides are parallel and flat. The surface may or may not be covered with red-colored paraffin or similar tightly adhering coating.

§ 19.565 Blue cheese; identity.

(a) Blue cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 46 percent moisture, and its solids contain

not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of blue cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: Cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk, water sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.567 Gorgonzola cheese; identity.

(a) Gorgonzola cheese is the food prepared from cow's milk or goat's milk or mixtures of these, and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It is made in loaves weighing between 14 and 17 pounds. It contains not more than 42 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed into forms permitting further drainage. While being placed in forms, spores of the mold Penicillium glaucum are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gorgonzola cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or mixtures of these.

(2) Such milk may be bleached by the use of benzoyl peroxide or mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate, but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: (In the case of cow's milk) cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products obtained from goat's milk; water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.569 Nuworld cheese; identity.

(a) Nuworld cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of creamy-white mold throughout the cheese. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring, in a quantity which neutralizes any natural yellow coloring in the curd, may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of a white mutant of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the form and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 percent to 95 percent relative humidity, until the characteristic mold growth has developed. During storage, the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of nuworld cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.570 Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.

(a) Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk, is the food prepared from sheep's milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 45 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage of whey. Spores of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., with relative humidity of 90 to 95 percent, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necesary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of roquefort cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means sheep's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto sheep's milk cream or skimmed sheep's milk.

§ 19.575 Limburger cheese; identity.

(a) Limburger cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, limburger cheese is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 92° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ½-inch long. After a few minutes the mass is stirred and heated, gradually raising the temperature to 96° F. to 98° F. The curd is then allowed to settle, most of the whey is drained off, and the remaining curd and whey dipped into molds. During drainage the curd may be pressed. It is turned at regular intervals. After drainage the curd is cut into pieces of desired size and dry-salted at intervals for 24 to 48 hours. The cheese is then cured with frequent applications of a weak brine solution to the surface, until the proper growth of surface-curing organisms is obtained. It is then wrapped and held in storage for development of as much additional flavor as is desired. When made from pasteurized milk, the milk is brought to a temperature of 89° F. to 90° F. after pasteurization. A culture of harmless lactic-acid-producing bacteria is added. Calcium chloride may be added, as to raw milk. The procedure then is the same as with raw milk, except that heating is to 94° F. After most of the whey is drained off, salt brine at a temperature of 66° F. to 70° F. is added, so that the pH of the curd is about 4.8. The mixed curd, whey, and brine is dipped into molds and the same procedure followed as when raw milk is used. Whether pasteurized or unpasteurized milk is used, a harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of limburger cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

§ 19.580 Monterey cheese, monterey jack cheese; identity; label statement of optional ingredients.

(a) Monterey cheese, monterey jack cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which is pasteurized, and which may be clarified, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. Part of the whey is drained off, and water or salt brine may be added. The curd is drained and placed in a muslin or sheeting cloth, formed into a ball, and pressed; or the curd is placed in a cheese hoop and pressed. Later, the cloth bandage is removed, and the cheese may be covered with paraffin or dipped in vegetable oil, and may have rice flour sprinkled on the surface. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of monterey cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Monterey cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Monterey cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If monterey cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.585 High-moisture jack cheese; identity; label statement of optional ingredients.

High-moisture jack cheese conforms to the definition and standard of identity, and is subject to the requirement for label statement of optional ingredients, prescribed for monterey cheese by § 19.580, except that its moisture con-

tent is not less than 44 percent, but less than 50 percent.

§ 19.590 Provolone cheese, pasta filata cheese; identity; label statement of optional ingredients.

(a) Provolone cheese, pasta filata cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and may be made in several shapes. It contains not more than 45 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is matted and cut, immersed in hot water, and kneaded and stretched until it is smooth and free from lumps. Then it is cut and molded. During the molding the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is then firmed by immersion in cold water, salted in brine, and dried. Some shapes may be encased in rope or twine before drying. Provolone cheese may be smoked. It is given some additional curing and covered with paraffin or similar wax. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of provolone cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Provolone cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Provolone cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) The name "Provolone cheese" ("Pasta filata cheese") may include the common name of the shape of the cheese, such as "Salami provolone." If provolone cheese is not smoked, the name includes the words "Not smoked."

(2) If provolone cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

§ 19.591 Caciocavallo siciliano cheese; identity; label statement of optional ingredients.

(a) Caciocavallo siciliano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and is made in oblong shapes. It contains not more than 40 percent of moisture, and its solids contain not less than 42 percent milk fat, as determined by the methods prescribed in § 19.500(c). It is cured for not less than 90 days at a temperature of not less than 35° F.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is removed to another vat containing hot whey, in which it is soaked for several hours. This whey is withdrawn, the curd is allowed to mat, and is cut into blocks. These are washed in hot whey until the desired elasticity is obtained. The curd is removed from the vat, drained, pressed into oblong forms, dried, and salted in brine, and cured. It may be paraffined. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of caciocavallo siciliano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) Caciocavallo siciliano cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese." When made from sheep's milk or goat's milk or mixtures of these, or one or both of these with cow's milk, the name is followed by the words "made from ------," the blank being filled in with the name or names of the milks used, in order of predominance by weight.

(2) If caciocavallo siciliano cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.595 Parmesan cheese, reggiano cheese; identity.

(a) Parmesan cheese, reggiano cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 percent of moisture, and its solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is cured for not less than 14 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into pieces no larger than wheat kernels, heated, and stirred until the temperature reaches between 115° F. and 125° F. The curd is allowed to settle and is then removed from the kettle or vat, drained for a short time, placed in hoops, and pressed. The pressed curd is removed and salted in brine, or dry-salted. The cheese is cured in a cool, ventilated room. The rind of the cheese may be coated or colored. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of parmesan cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.610 Romano cheese; identity.

(a) Romano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It grates readily, and has a granular texture and a hard and brittle rind. It contains not more than 34 percent of moisture, and its solids contain not less than 38 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 5 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles no larger than corn kernels, stirred, and heated to a temperature of about 120° F. The curd is allowed to settle to the bottom of the kettle or vat, and is then removed and drained for a short time, packed in forms or hoops, and pressed. The pressed curd is salted by immersing in brine for about 24 hours and is then removed from the brine and the surface allowed to dry. It is then alternately rubbed with salt and washed at intervals. It may be perforated with needles. It is finally dry-cured. During curing it is turned and scraped. The surface may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of romano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) When romano cheese is made solely from cow's milk the name of such cheese is "Romano cheese made from cow's milk" and may be preceded by the word "Vaccino" (or "Vacchino"); when made solely from sheep's milk, the name is "Romano cheese made from sheep's milk," and may be preceded by the word "Pecorina"; when made solely from goat's milk, the name is "Romano cheese made from goat's milk," and may be preceded by the word "Caprino"; and when a mixture of two or all of the milks specified in this section is used, the name of the cheese is "Romano cheese made from ------," the blank being filled in with the names of the milks used, in order of predominance by weight.

§ 19.615 Asiago fresh cheese, asiago soft cheese; identity; label statement of optional ingredients.

(a) Asiago fresh cheese, asiago soft cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is cured for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid producting bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated to promote and regulate separation of the whey from the curd. The whey is drained off. When the curd is sufficiently firm, it is removed from the kettle or vat, further drained for a short time, packed into hoops, and pressed. The pressed curd is salted in brine and cured in a well-ventilated room. During curing the surface of the cheese is occasionally rubbed with a vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of asiago fresh cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) Asiago fresh cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If asiago fresh cheese is sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.620 Asiago medium cheese; identity.

Asiago medium cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 35 percent moisture, its solids contain not less than 45 percent of milk fat, it is cured for not less than 6 months, and the provisions of paragraph (d) of that section do not apply.

§ 19.625 Asiago old cheese; identity.

Asiago old cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 32 percent moisture, its solids contain not less than 42 percent of milk fat, it is cured for not less than 1 year, and the provisions of paragraph (d) of that section do not apply.

§ 19.635 Cook cheese, koch kaese; identity.

(a) Cook cheese, koch kaese, is the food prepared from skim milk and other ingredients specified in this section by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent moisture as determined by the method

therefor prescribed in § 19.500 (c). When tested for phosphatase by the method prescribed in § 19.500(f), 0.25 gm. of cook cheese shows a phenol equivalent of not more than 3 micrograms.

(b) Skim milk, or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such dairy ingredients or added thereto. A culture of a harmless white mold may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of milk) may be added to aid in setting the mix to a semisolid mass. The mass is cut, stirred, and heated, with continued stirring, so as to separate the curd and whey. The whey is drained from the curd, and the curd is cured for 2 or 3 days. It is then heated to a temperature of not less than 180° F. until the hot curd will drop from a ladle with a consistency like that of honey. The hot cheese is filled into packages and cooled. Pasteurized cream, salt, or caraway seed, or any mixture of two or more of these may be added.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.637 Sap sago cheese; identity.

(a) Sap sago cheese is the food prepared from the skim milk of cows and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It has a pale-green color, and is made in the shape of a truncated cone. It contains not more than 38 percent of moisture, as determined by the method prescribed in § 19.500(c).

(b) Skim milk is allowed to become sour, and is heated to boiling temperature, with stirring. Cold buttermilk may be added. Sufficient sour whey is added to precipitate the casein. The curd is removed, spread out in boxes, and pressed, and while under pressure is allowed to drain and ferment. It is ripened for not less than 5 weeks. The ripened curd is dried and ground, salt and dried clover of the species Melilotus coerulea are added. The mixture is shaped into truncated cones. It is then cured for not less than 5 months.

§ 19.639 Gammelost cheese; identity.

(a) Gammelost cheese is the food prepared from the skim milk of cows and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It contains not more than 52 percent of moisture, as determined by the method prescribed in § 19.500 (c).

(b) Skim milk, which may be pasteurized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such skim milk or added thereto. The development of acidity is continued until the skim milk coagulates to a semisolid mass. The mass is stirred and heated until a temperature of about 145° F. is reached, and is held at that temperature for not less than ½ hour. The whey is drained off and the curd removed and placed in forms and pressed. The shaped curd is placed in whey and heated for 3 or 4 hours. It is then removed from the whey and may again be pressed. It is then stored under conditions suitable for curing.

§ 19.650 Hard cheeses; identity.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are hard cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 39 percent of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, with or without other harmless flavor-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, and shaped into forms, and may be pressed. The curd is salted at some stage of the manufacturing process. The shaped curd may be cured. The rind may be coated with paraffin or rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A hard cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500(f).

(d) The name of each hard cheese for which a definition and standard of identity is prescribed by this section is "Hard cheese," preceded or followed by:

(1) The specific common or usual name of such hard cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.655 Semisoft cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain more than 39 percent, but not more than 50 percent, of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft cheese may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500(f).

(d) Semisoft cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) The name of each semisoft cheese for which a definition and standard of identity is prescribed by this section is "Semisoft cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f)(1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If a semisoft cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.660 Semisoft part-skim cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft part-skim cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from partly skimmed milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 50 percent of moisture, and their solids contain not less than 45 percent, but less than 50 percent, of milk fat, as determined by the methods set forth in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F., for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride, in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and it may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft part-skim cheese may be added in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft part-skim cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500(f).

(d) Semisoft part-skim cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) The name of each semisoft part-skim cheese for which a definition and standard of identity is prescribed by this section is "Semisoft part-skim cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f)(1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If a semisoft part-skim cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.665 Soft ripened cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are soft ripened cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat, as determined by the method prescribed therefor in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be

placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It is cured under conditions suitable for development of biological curing agents on the surface of the cheese, and the curing is conducted so that the cheese cures from the surface toward the center. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of soft ripened cheeses may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

(d) The name of each soft ripened cheese for which a definition and standard of identity is prescribed by this section is "Soft ripened cheese," preceded or followed by:

(1) The specific common or usual name of such soft ripened cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.670 Spiced cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are spiced cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat as determined by the method therefor prescribed in § 19.500 (c). They contain one or a mixture of two or more spices, except any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety, in an amount not less than 0.015 ounce per pound of cheese, and may contain spice oils. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste, or extract of rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is divided into smaller portions, and so handled by stirring, heating, and diluting with water or salt brine as to promote and regulate the separation of whey and curd. The whey is drained off. The curd is removed, and may be further drained. The curd is then shaped into forms, and may be pressed. At some time during the procedure, spices are added so as to be evenly distributed through the finished cheese. Spice oils may be added. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of spiced cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Spiced cheeses shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500(f).

(d) The name of each spiced cheese for which a definition and standard of identity is prescribed by this section is "Spiced cheese," preceded or followed by:

(1) The specific common or usual name of such spiced cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.675 Part-skim spiced cheeses; identity; label statement of optional ingredients.

Part-skim spiced cheeses conform to the definition and standard of identity, and are subject to the requirements for label statement of optional ingredients, prescribed for spiced cheeses by § 19.670, except that their solids contain less than 50 percent, but not less than 20 percent, of milk fat.

§ 19.680 Hard grating cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are hard grating cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 34 percent of moisture, and their solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). Hard grating cheeses are cured for not less than 6 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, shaped into forms, pressed, salted, and cured. The rind may be colored or rubbed with vegetable oil or both. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard grating cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) The name of each hard grating cheese for which a definition and standard of identity is prescribed by this section is "Hard grating cheese," preceded or followed by:

(1) The specific common or usual name of such hard grating cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.685 Skim-milk cheese for manufacturing; identity.

(a) Skim-milk cheese for manufacturing is the food prepared from skim milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, as determined by the method therefor prescribed in § 19.500(c). It is coated with blue-colored paraffin or other tightly adhering coating, colored blue.

(b) Skim milk or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. Proteins from the whey may be incorporated. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by pouring or sprinkling water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of skim-milk cheese for manufacturing may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

(a)(1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, with an emulsifying agent prescribed by paragraph (c) of this section, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) (1), (2), (3), (4), (5), (6), and (7) of this section may be used.

(2) During its preparation, pasteurized process cheese is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f), the phenol equivalent of 0.25 gm. of pasteurized process cheese is not more than 3 micrograms.

(3) (i) The moisture content of a pasteurized process cheese made from a single variety of cheese is not more than 1 percent greater than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used; but in no case is more than 43 percent, except that the moisture content of pasteurized process washed curd cheese or pasteurized process colby cheese is not more than 40 percent; the moisture content of pasteurized process swiss cheese or pasteurized process gruyere cheese is not more than 44 percent; and the moisture content of pasteurized process limburger cheese is not more than 51 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent; except that the fat content of the solids of pasteurized process swiss cheese is not less than 43 percent, and the fat content of the solids of pasteurized process gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a pasteurized process cheese made from two or more varieties of cheese is not more than 1 percent greater than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used; but in no case is the moisture content more than 43 percent, except that the moisture content of a pasteurized process cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 40 percent, and the moisture content of a mixture of swiss cheese and gruyere cheese is not more than 44 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum fat contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a pasteurized process gruyere cheese made from a mixture of swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a pasteurized process cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (e) (2) (ii) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The emulsifying agent referred to in paragraph (a) of this section is one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium

tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agents is not more than 3 percent of the weight of the pasteurized process cheese.

(d) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese is not below 5.3.

(2) Cream, in such quantity that the weight of the fat derived therefrom is less than 5 percent of the weight of the pasteurized process cheese.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(7) Pasteurized process cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(e) The name of a pasteurized process cheese for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case it is made from a single variety of cheese, its name is "Pasteurized process _____ cheese," the blank being filled in with the name of the variety of cheese used.

(2) In case it is made from two or more varieties of cheese, its name is "Pasteurized process _____ and _____ cheese," or "Pasteurized process _____ blended with _____ cheese," or "Pasteurized process blend of _____ and _____ cheese," the blanks being filled in with the names of the varieties of cheeses used, in order of predominance by weight; except that:

(i) In case it is made from gruyere cheese and swiss cheese, and the weight of gruyere cheese is not less than 25 percent of the weight of both, it may be designated "Pasteurized process gruyere cheese"; and

(ii) In case it is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Pasteurized process American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(f) (1) If the pasteurized process cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the term "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the term "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice.

(4) If it contains added flavoring, the label shall bear the term "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the term "flavored with _____."

(5) If pasteurized process cheese in sliced or cut form contains added sorbic acid, sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the name or names of the substance or substances used.

(6) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.751 Pasteurized blended cheese; identity; label statement of optional ingredients.

Pasteurized blended cheese conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(a) In mixtures of two or more cheeses, cream cheese or neufchatel cheese may be used.

(b) None of the ingredients prescribed or permitted for pasteurized process cheese by § 19.750 (c) and (d) (1) is used.

(c) In case of mixtures of two or more cheeses containing cream cheese or neufchatel cheese, the moisture content is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity for the varieties of cheeses blended, for which such limits have been prescribed.

(d) The word "process" is replaced by the word "blended" in the name prescribed by § 19.750 (e).

§ 19.755 Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Unless a definition and standard of identity specifically applicable is established by another section of this part, a pasteurized process cheese with fruits, vegetables, or meats or mixture of these is a food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.750 for moisture and fat in the corresponding pasteurized process cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese with fruits, vegetables, or meats is the name prescribed by § 19.750 for the applicable pasteurized process cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.760 Pasteurized process pimento cheese; identity; label statement of optional ingredients.

Pasteurized process pimento cheese is the food which conforms to the definition and standard of identity for pasteurized process cheese with fruits, vegetables, or meats, and is subject to the requirement for label statement of optional ingredients, except that:

(a) Its moisture content is not more than 41 percent, and the fat content of its solids is not less than 49 percent.

(b) The cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these in any proportion.

(c) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, and granular cheese for manufacturing shall be considered as cheddar cheese, washed curd cheese, colby cheese, and granular cheese, respectively.

(d) The only fruit, vegetable, or meat ingredient is pimentos in such quantity that the weight of the solids thereof is not less than 0.2 percent of the weight of the finished pasteurized process pimento cheese.

(e) The optional ingredients designated in § 19.750 (b) and (d) (6) are not used.

§ 19.763 Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized blended cheese with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized blended cheese by § 19.751, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.751 for moisture and milk fat in the corresponding pasteurized blended cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized blended cheese with fruits, vegetables, or meats is the name prescribed by § 19.751 for the applicable pasteurized blended cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

(a) (1) A pasteurized process cheese food is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) During its preparation, a pasteurized process cheese food is heated for not less than 30 seconds, at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f), the phenol equivalent of 0.25 gm. of pasteurized process cheese food is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished pasteurized process cheese food.

(6) The weight of each variety of cheese in a pasteurized process cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing, and except that hard grating cheese, semisoft part skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey and skim-milk cheese for manufacturing.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese food is not below 5.0.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(7) A pasteurized process cheese food in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(f) The label of a pasteurized process cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (4) of this section, and:

(1) If the pasteurized process cheese food is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If a pasteurized process cheese food in sliced or cut form contains sorbic acid or sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the name or names of the substance or substances used.

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.770 Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized process cheese food with fruits, vegetables, or meats, or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese food by § 19.765, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked,

canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese food with fruits, vegetables, or meats is "Pasteurized process cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

(c) If the only vegetable ingredient is pimento, and no meat or fruit ingredient is used, the weight of the solids of such pimentos is not less than 0.2 percent of the weight of the finished food. The name of this food is "Pimento pasteurized process cheese food" or "Pasteurized process pimento cheese food."

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

(a) (1) Pasteurized process cheese spread is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with or without one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, with one or more of the emulsifying agents prescribed in paragraph (e) of this section, and with or without one or more of the optional ingredients prescribed by paragraph (f) of this section, into a homogeneous plastic mass, which is spreadable at 70° F.

(2) During its preparation, a pasteurized process cheese spread is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f) the phenol equivalent of 0.25 gm. of pasteurized process cheese spread is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese spread is more than 44 percent but not more than 60 percent, and the milk fat content is not less than 20 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours under the conditions prescribed in such method, is taken as the weight of the moisture.

(5) The weight of the cheese ingredient referred to in subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the pasteurized process cheese spread.

(6) The weight of each variety of cheese in a pasteurized process cheese spread made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese spread made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (g) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese spread may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except that skim-milk cheese for manufacturing may not be used, and except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey, and skim-milk cheese for manufacturing.

(e) The emulsifying agents prescribed in paragraph (a) of this section are one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese spread.

(f) The other optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxy-methylcellulose, carrageen, oatgum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese spread is not below 4.0.

(3) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(4) Water.

(5) Salt.

(6) Harmless artificial coloring.

(7) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(g) The label of a pasteurized process cheese spread shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e), and (f) (1), (2), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum may be designated as "vegetable gum," and:

(1) If the pasteurized process cheese spread is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese spread or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____" the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; and if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____"

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.776 Pasteurized cheese spread; identity; label statement of optional ingredients.

Pasteurized cheese spread is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that no emulsifying agent as prescribed by § 19.775(e) is used.

§ 19.780 Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized process cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese spread with fruits, vegetables, or meats is "Pasteurized process cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.781 Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized cheese spread by § 19.776, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized cheese spread with fruits, vegetables, or meats is "Pasteurized cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

(a) Cream cheese with other foods is the class of foods each of which is prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The amount of the added food or foods must be sufficient to so differentiate the mixture that it does not simulate cream cheese. The mixture may also contain:

(1) One or any mixture of two or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(b) No water other than that contained in the added food ingredients is used, but the moisture content of the mixture in no case is more than 60 percent. The milk fat is not less than 33 percent of the percent by weight of the cream cheese used, but in no case is it less than 27 percent of the finished food. Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that when the added food contains fat the method prescribed for the determination of fat is not applicable.

(c) The name of the food is "Cream cheese with _____" or "cream cheese and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the name of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum, or mixture of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the cream cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the food so colored.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

(a) (1) Pasteurized neufchatel cheese spread with other foods is the class of foods each of which is prepared by mixing, with the aid of heat, neufchatel cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with neufchatel cheese. It may contain one or any mixture of two or more of the optional ingredients named in paragraph (b) of this section. The amount of the added food or foods must be sufficient to so differentiate the blend that it does not simulate neufchatel cheese. It is spreadable at 70° F.

(2) During its preparation the mixture is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f), the phenol equivalent of 0.25 gram of such food is not more than 3 micrograms.

(3) (i) No water other than that contained in the ingredients used is added to this food, but the moisture content in no case is more than 65 percent.

(ii) The milk fat is not less than 20 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum, carboxymethylcellulose, carrageen, oat gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(3) An acidifying agent consisting of one or a mixture of two or more of the following: A vinegar, acetic acid, lactic acid, citric acid, phosphoric acid.

(4) A sweetening agent consisting of one or a mixture of two or more of the following: Sugar, dextrose, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, hydrolyzed lactose.

(5) Cream, milk, skim milk, cheese whey or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(c) The name of the food is "Pasteurized neufchatel cheese spread with _____" or "Pasteurized neufchatel cheese spread and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients used designated in paragraph (b) (1), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum or mixtures of

these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) (1) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the neufchatel cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the foods so colored.

(2) If an optional acidifying agent is used so that the pH of the finished food is less than 4.2, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 4.2. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 4.2, only the name or names of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.

(a) (1) Cold-pack cheese, club cheese, comminuted cheese, is the food prepared by comminuting, without the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (c) of this section may be used.

(2) All cheeses used in a cold-pack cheese are made from pasteurized milk or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) (i) The moisture content of a cold-pack cheese made from a single variety of cheese is not more than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used. If there is no applicable definition and standard of identity, or if such standard contains no provision as to maximum moisture content, no water is used in the preparation of the cold-pack cheese.

(ii) The fat content of the solids of a cold-pack cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of cold-pack swiss cheese is not less than 43 percent, and the fat content of the solids of cold-pack gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a cold-pack cheese made from two or more varieties of cheese is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is the moisture content more than 42 percent, except that the moisture content of a cold-pack cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 39 percent.

(ii) The fat content of the solids of a cold-pack cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum percent of fat prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a cold-pack cheese made from swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a cold-pack cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a cold-pack cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quality of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (d) (2) of this section. Such mixtures are considered as one variety of cheese for the purpose of this subparagraph.

(b) Cold-pack cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese is not below 4.5. For the purposes of this section vinegar is considered to be acetic acid.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(d) (1) The name of a cold-pack cheese for which a definition and standard of identity is prescribed by this section is "Cold-pack _____ cheese" or "_____ club cheese" or "Comminuted _____ cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight.

(2) If the cold-pack cheese is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Cold-pack American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(e) (1) If cold-pack cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice or spices used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added" or "with added flavoring" or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains an added acidifying agent as prescribed in paragraph (c) (1) of this section, the label shall bear the statement "_____ added as a chemical preservative," the blank being filled in with the name or names of the acidifying agents used.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

(a) (1) Cold-pack cheese food is the food prepared by comminuting and mixing, without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) All cheeses used in a cold-pack cheese food are made from pasteurized milk, or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) The moisture content of a cold-pack cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished cold-pack cheese food.

(6) The weight of each variety of cheese in the cold-pack cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in the cold-pack cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(b) Cold-pack cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are: One or more cheeses of the same or two or more varieties, except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing are not used, and except that semisoft part-skim cheese, part-skim spiced cheese, and hard grating cheese may not be used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, milk, skim milk, cheese whey, or any mixture of two or more of these or any of the foregoing from which part of the water has been removed, skim-milk cheese for manufacturing, and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese food is not below 4.5.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(6) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(f) The label of a cold-pack cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (6) of this section, and:

(1) If it is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced," or "spice added," or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used. If the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the word "flavored," or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.788 Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Cold-pack cheese food with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for cold-pack cheese food by § 19.787, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: Any properly prepared fresh, cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a cold-pack cheese food with fruits, vegetables or meats is "Cold-pack cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.790 Grated American cheese food; identity; label statement of optional ingredients.

(a) (1) Grated American cheese food is the food prepared by mixing, with or without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this section, with one or more of the optional ingredients prescribed in paragraph (c) of this section, into a uniformly blended, partially dehydrated, powdered or granular mixture.

(2) The solids of grated American cheese food contain not less than 28 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) The optional cheese ingredients referred to in paragraph (a) of this section are cheddar cheese, washed-curd cheese, colby cheese, and granular cheese.

(c) The other optional ingredients referred to in paragraph (a) of this section are:

(1) Nonfat dry milk.

(2) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent by weight of the cheese ingredients of the grated American cheese food.

(3) Salt.

(4) Harmless artificial coloring.

(d) (1) The label of grated American cheese food shall bear the common or usual name of the optional ingredients

used as prescribed in paragraphs (b) and (c) (1), (2), and (3) of this section, except that the cheese ingredient may be designated as "American cheese."

(2) If artificial coloring is used, the label shall bear the statement "artificially colored" or "contains artificial color."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Dated: August 5, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6643; Filed, Aug. 11, 1959; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

Family Relationships

Regulations No. 4, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.1101 is amended to read as follows:

§ 404.1101 Determination of relationship of applicant to individual.

Whether an applicant for benefits or a lump sum bears the legal relationship of wife, husband, widow, widower, child, or parent of the individual upon whose wages and self-employment income the application is based, or has the status of such relative of such individual for the purpose of sharing in the latter's intestate personal property, is determined by the following tests:

(a) If the application is for benefits for months before September 1957, or for a lump sum, such legal relationship or status is determined by "applicable State law." By this is meant the law the courts of the State of the domicile of such individual would apply in deciding who is a wife, husband, widow, widower, child, or parent of such individual, when determining the devolution of such individual's intestate personal property. The domicile of such individual, if deceased, is determined as of the date of his death. The domicile of such individual, if living, is determined as of the date the applicant files application for benefits. If such individual was not domiciled in any State at the appropriate date, "applicable State law" is the law the courts of the District of Columbia would apply when determining the devolution of such property.

(b) If the application is for benefits for months after August 1957:

(1) The legal relationship or status of child or parent is determined in accordance with paragraph (a) of this section.

(2) The applicant bears the legal relationship of wife, husband, widow, or widower of such individual if the courts of the State in which such individual is domiciled, as determined in accordance with paragraph (a) of this section (or, if not domiciled in any State at the appropriate date, the courts of the District of Columbia), would find that the applicant and such individual were validly married at the time of filing such application or, if such individual is dead, at the time he died. If such courts would not find the applicant and such individual validly married at such time, the applicant nevertheless is deemed to bear the legal relationship of wife, husband, widow, or widower, as the case may be, of such individual, if the applicant has the status of such relative as determined in accordance with paragraph (a) of this section.

2. Section 404.1102 is amended to read as follows:

§ 404.1102 Status under applicable State law.

An applicant who does not bear the legal relationship of wife, husband, widow, widower, child, or parent of the individual upon whose wages and self-employment income his or her application is based, but is treated under applicable State law as such, has the status of such relative.

3. Section 404.1103 is amended to read as follows:

§ 404.1103 Definition of wife.

The term "wife" means an applicant who bears the legal relationship of, or has the status of, wife of the individual upon whose wages and self-employment income her application is based, and either:

(a) Is the mother of such individual's son or daughter; or

(b) Was married to such individual for a period of not less than three years immediately preceding the day on which her application is filed; or

(c) In the month prior to the month of her marriage to such individual, either:

(1) Was entitled to widow's insurance benefits (see §§ 404.319 and 404.320 of this part) or parent's insurance benefits (see §§ 404.328 and 404.329 of this part) or on application therefor and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age 18 and was entitled to child's insurance benefits (see §§ 404.312 and 404.313 of this part) or on application therefor would have been entitled to such benefits.

4. Section 404.1104 is amended to read as follows:

§ 404.1104 Definition of widow.

The term "widow" means an applicant who bears the legal relationship of, or has the status of, widow of the individual upon whose wages and self-employment income her application is based (except for the purpose of entitlement to lump-sum death payments) either:

(a) Is the mother of such individual's son or daughter; or

(b) Legally adopted such individual's son or daughter while she was married to such individual and such son or daughter was under age eighteen; or

(c) Was married to such individual when such individual legally adopted her son or daughter and such son or daughter was under age eighteen; or

(d) Was married to such individual at the time both of them legally adopted a child under age eighteen; or

(e) Was married to such individual for a period of not less than one year immediately prior to the day on which such individual died; or

(f) In the month prior to the month of her marriage to such individual either:

(1) Was entitled to widow's insurance benefits (see §§ 404.319 and 404.320) or parent's insurance benefits (see §§ 404.328 and 404.329) or on application therefor and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age eighteen and was entitled to child's insurance benefits (see §§ 404.312 and 404.313) or on application therefor would have been entitled to such benefits.

5. Section 404.1105 is amended to read as follows:

§ 404.1105 Definition of former wife divorced.

The term "former wife divorced" means a woman applicant whose marriage to the individual upon whose wages and self-employment income her application is based has been absolutely and finally terminated by divorce and who either:

(a) Is the mother of such individual's son or daughter; or

(b) Legally adopted such individual's son or daughter while she was married to such individual and such son or daughter was under age eighteen; or

(c) Was married to such individual when such individual legally adopted her son or daughter and such son or daughter was under age eighteen; or

(d) Was married to such individual at the time both of them legally adopted a child under age eighteen.

6. Section 404.1106 is amended to read as follows:

§ 404.1106 Definition of husband.

The term "husband" means an applicant who bears the legal relationship of, or has the status of, husband of the individual upon whose wages and self-employment income his application is based and either:

(a) Is the father of such individual's son or daughter; or

(b) Was married to such individual for a period of not less than three years immediately preceding the day on which his application is filed; or

(c) In the month prior to the month of his marriage to such individual either:

(1) Was entitled to widower's insurance benefits (see §§ 404.322 and 404.323) or parent's insurance benefits (see §§ 404.328 and 404.329) or on application for such benefits and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age eighteen and was entitled to child's insurance benefits (see §§ 404.312 and 404.313) or on application therefor, would have been entitled to such benefits.

7. Section 404.1107 is amended to read as follows:

§ 404.1107 Definition of widower.

The term "widower" means an applicant who bears the legal relationship of, or has the status of, widower of the individual upon whose wages and self-employment income his application is based and (except for the purpose of entitlement to lump-sum death payments) either:

(a) Is the father of such individual's son or daughter; or

(b) Legally adopted such individual's son or daughter while he was married to such individual and such son or daughter was under age eighteen; or

(c) Was married to such individual when such individual legally adopted his son or daughter and such son or daughter was under age eighteen; or

(d) Was married to such individual at the time both of them legally adopted a child under age eighteen; or

(e) Was married to such individual for a period of not less than one year immediately prior to the day on which such individual died; or

(f) In the month prior to the month of his marriage to such individual either:

(1) Was entitled to widower's insurance benefits (see §§ 404.322 and 404.323) or parent's insurance benefits (see §§ 404.328 and 404.329) or on application for such benefits and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age eighteen and was entitled to child's insurance benefits (see §§ 404.312 and 404.313) or on application therefor would have been entitled to such benefits.

8. Section 404.1109 is amended to read as follows:

§ 404.1109 Definition of child.

The term "child" means an applicant who:

(a) Is the legally adopted child of the individual upon whose wages and self-employment income his application is based. For purposes of this paragraph a child shall be deemed to be the legally adopted child of such individual as of the date of such individual's death if such child was living in such individual's household at the time of such death and was legally adopted by such individual's surviving spouse after such death, but before the end of two years after the date of such death or before August 28, 1960, whichever is later. However, a child thus adopted after such individual's death shall not be deemed the legally adopted child of such individual if at the time of such individual's death such child was receiving regular contributions toward his support from someone other than such individual or his spouse, or from any public or private welfare organization which furnishes services or assistance for children; or

(b) Is the stepchild of such individual by reason of a valid marriage of his parent (as defined in § 404.1110(c)) or adopting parent with such individual and has been such:

(1) In the case of such a living individual, for a period of not less than three years prior to the date of filing application for child's benefits,

(2) In the case of such a deceased individual, for a period of not less than one year prior to the date of such individual's death; or

(c) Is neither the stepchild nor legally adopted child of such individual, but has the status of a child of such individual under applicable State law.

(Sec. 205(a), 53 Stat. 1368 as amended, sec. 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Interprets sec. 216(h) as amended, 71 Stat. 519, 520, 72 Stat. 1030 ff; 42 U.S.C. 416(h).)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

JULY 28, 1959.

Approved: August 6, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-6631; Filed, Aug. 11, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Short Sales

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to short sales to the Act of August 12, 1955 (Public Law 385, 84th Cong., 69 Stat. 717), and to section 52 of the Technical Amendments Act of 1958 (72 Stat. 1643), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1233 is amended—

(A) By striking ", other than a hedging transaction in commodity futures," in the first sentence of section 1233(a).

(B) By inserting the following new paragraph immediately after paragraph (3) of section 1233(e):

(4)(A) In the case of a taxpayer who is a dealer in securities (within the meaning of section 1236)—

(i) If, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than 6 months, and

(ii) If such short sale is closed more than 20 days after the date on which it was made,

subsection (b)(2) shall apply in respect of the holding period of such substantially identical property.

(B) For purposes of subparagraph (A)—

(i) The last sentence of subsection (b) applies; and

(ii) The term "stock" means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

(C) By inserting the following new subsection immediately after subsection (f) of section 1233:

(g) *Hedging transactions.* This section shall not apply in the case of a hedging transaction in commodity futures.

(D) By amending the historical note following section 1233 to read as follows:

[Sec. 1233 as amended by sec. 1, Act of Aug. 12, 1955 (Pub. Law 385, 84th Cong., 69 Stat. 717); sec. 52, Technical Amendments Act 1958 (72 Stat. 1643)]

PAR. 2. Section 1.1233–1 is amended—

(A) By striking the first sentence of paragraph (b) and inserting the following in lieu thereof: "Under section 1233(g), the provisions of section 1233 and this section shall not apply to any bona fide hedging transaction in commodity futures entered into by flour millers, producers of cloth, operators of grain elevators, etc., for the purpose of their business."

(B) By inserting at the end of paragraph (c)(1) the following: "See paragraph (f) of this section for detailed rules relating to arbitrage operations in stocks and securities."

(C) By striking "section 1233" in rule (2) as set out in paragraph (c)(2) and inserting in lieu thereof "section 1223".

(D) By inserting the following immediately after the end of paragraph (d)(3):

(e) *Special rule for short sales by dealers in securities under certain circumstances.* In the case of a short sale of stock after December 31, 1957, by a dealer in securities, section 1233(e)(4)(A) provides that the holding period of substantially identical stock which he has held as an investment for not more than 6 months shall be determined in accordance with section 1233(b)(2) unless such short sale is closed within 20 days of the date on which it was made. See rule (2) as set out in paragraph (c)(2) of this section for the purpose of determining the holding period of such substantially identical stock. In addition, section 1233(e)(4)(B) provides that for the purpose of the special rule of section 1233(e)(4)(A), the acquisition of an option to sell property at a fixed price shall be considered a short sale, and the exercise or failure to exercise such option shall be considered a closing of such short sale. For purposes of this paragraph—

(1) Whether or not a taxpayer is a "dealer in securities" shall be determined in accordance with the meaning of the term for purposes of section 1236;

(2) Whether or not stock is "substantially identical" with other property shall be determined in accordance with the provisions of paragraph (d)(1) of this section; and

(3) The term "stock" means—

(i) Any share or certificate of stock,

(ii) Any bond or other evidence of indebtedness which is convertible into a share or certificate of stock, and

(iii) Any evidence of an interest in, or right to subscribe to or purchase, any of the items described in subdivision (i) or (ii) of this subparagraph.

(f) *Arbitrage operations in stocks and securities and holding periods*—(1) *General rule.* (i) In the case of a short sale entered into as part of an arbitrage operation, rule (2) of paragraph (c) of this section shall apply first to substantially identical property acquired for arbitrage operations and held by the taxpayer at the close of business on the day of the short sale. The holding period of substantially identical property not acquired for arbitrage operations shall be affected only to the extent that the amount of property sold short exceeds the amount of substantially identical property acquired for arbitrage operations and held by the taxpayer at the close of business on the day of the short sale.

(ii) If the substantially identical property acquired for arbitrage operations is disposed of without closing the short sale so that a net short position in assets acquired for arbitrage operations is created, a short sale in the amount of such net short position will be deemed to have been made on the day such net short position is created. Rule (2) of paragraph (c) of this section will then apply to substantially identical property not acquired for arbitrage operations to the same extent as if the taxpayer, on the day such net short position is created, sold short an amount equal to the amount of the net short position in a transaction not entered into as part of an arbitrage operation.

(iii) The following examples illustrate the application of rule (2) of paragraph (c) of this section to arbitrage operations:

Example (1). On August 13, 1957, A buys 100 bonds of X Corporation for purposes other than arbitrage operations. The bonds are convertible at the option of the bondholders into common stock of X Corporation on the basis of one bond for one share of stock. On November 1, 1957, A sells short 100 shares of common stock of X Corporation in a transaction identified and intended to be part of an arbitrage operation and on the same day buys another 100 bonds of X Corporation in a transaction identified and intended to be part of the same arbitrage operation. On December 1, 1957, A closes the short sale with 100 shares of common stock of X Corporation acquired on that day. The holding period of the bonds acquired on November 1, by application of rule (2), will be deemed to begin on December 1 and the holding period of the bonds acquired on August 13 will be unaffected. If A converts the bonds acquired on November 1 into common stock and uses the stock so acquired to close the short sale on December 1, rule (2) has no effect on the holding period of the bonds acquired on August 13.

Example (2). Assume the same facts as in example (1) except that A, on December 1, sells the bonds acquired on November 1 (or converts such bonds into common stock and sells the stock), but does not close the short sale. The sale of the bonds (or stock) creates a net short position in assets acquired for arbitrage operations which is deemed to be a short sale made on December 1. Accordingly, the holding period of the bonds acquired on August 13 will, by application of rule (2), begin on the date such short sale is closed or on the date of sale, gift, or other disposition of such bonds, whichever date occurs first.

(2) *Right to receive or acquire property.* (i) For purposes of section 1233(f)(1) and (2) and subparagraph (1) of this paragraph, a taxpayer will be deemed to hold property acquired for arbitrage operations at the close of any business day if, by virtue of the ownership of other property acquired for arbitrage operations or because of any contract entered into by the taxpayer in an arbitrage operation, he then has the right to receive or acquire such property.

(ii) The application of section 1233(f)(3) and subdivision (i) of this subparagraph may be illustrated by the following example:

Example. A acquires on August 13, 1957, 100 shares of preferred stock of X Corporation which he may, at his option, convert into common stock of X on the basis of one share of preferred stock for one share of common stock. On November 1, A sells short, in a transaction identified and intended to be part of an arbitrage operation, 100 shares of X common stock. On the same day, in a transaction also identified and intended to be part of the same arbitrage operation, A contracts to purchase 100 shares of preferred stock of X. The preferred stock is delivered to A on November 3. Since A had contracted, as part of an arbitrage operation, to purchase substantially identical property to that sold short and, therefore, had the right to receive such property at the close of business on the date of the short sale, he will be deemed, for purposes of section 1233(f)(1) and (2), to hold such property at the close of business on such day. Accordingly, because of the operation of rule (2), the holding period of the preferred stock acquired as the result of A's contract to purchase it as part of an arbitrage operation (or the common stock which A acquires by conversion of such preferred stock into common stock) will not begin until the short sale entered into in the arbitrage operation is closed.

(3) *Definition of arbitrage operations.* For the purpose of section 1233(f), arbitrage operations are transactions involving the purchase and sale of property entered into for the purpose of profiting from a current difference between the price of the property purchased and the price of the property sold. Assets acquired for arbitrage operations include only stocks and securities and rights to acquire stocks and securities. The property purchased may be either identical to the property sold or, if not so identical, such that its acquisition will entitle the taxpayer to acquire property which is so identical. Thus, the purchase of bonds or preferred stock convertible, at the holder's option, into common stock and the short sale of the common stock which may be acquired therefor, or the purchase of stock rights and the short sale of the stock to be acquired on the exercise of such rights, may qualify as arbitrage operations. A transaction will qualify as an arbitrage operation under section 1233(f) only if the taxpayer properly identifies the transaction as an arbitrage operation on his records as soon as he is able to do so. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. Property acquired in a transaction properly identified as part of an arbitrage operation is the only property which will be deemed acquired for an arbitrage operation. The provisions of section 1233(f) and this paragraph shall continue to apply to property acquired in a transaction properly identified as an arbitrage operation although, because of subsequent events, e.g., a change in the value of bonds so acquired or of stock into which such bonds may be converted, the taxpayer sells such property outright rather than using it to complete the arbitrage operation in the ordinary manner.

(4) *Effective date of section 1233(f).* Section 1233(f), relating to arbitrage operations involving short sales of property, is effective only with respect to taxable years ending after August 12, 1955, and only with respect to short sales made after such date.

[F.R. Doc. 59–6632; Filed, Aug. 11, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

Deer Hunting Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.102 to Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit annual deer hunting on certain lands of the Deer Flat National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 6, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.102 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Deer Flat National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Area.* All lands on the Deer Flat National Wildlife Refuge, Idaho, are open to deer hunting except in areas which may be posted for the protection of personnel and property.

(c) *Season.* Deer may be taken only during the open archery season as prescribed therefore by the laws and regulations of the State of Idaho provided that no deer may be taken during the waterfowl hunting season.

(d) *Hunting methods.* Deer may be taken solely by means of bow and arrow; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for hunting.

(e) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of checking stations or the public hunting area, and the State may promulgate such special regulations as may be necessary for these purposes.

[F.R. Doc. 59–6618; Filed, Aug. 11, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Parts 602, 604]

UNITED STATES EMPLOYMENT SERVICE

Interstate Recruitment of Agricultural Workers and Placement Policy

Under the authority of section 12, 48 Stat. 117, as amended; 29 U.S.C. 49k, notice is hereby given that I propose to amend 20 CFR 602.9 and 604.1(g) to read as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that:

(a) The State agency has established that such workers are not available locally or within the State.

(b) The State agency has compiled and examined data on the estimated crop acreage, yield, and other production factors in accordance with procedures established by the Bureau of Employment Security (United States Employment Service) to assure the validity of need and the minimum number of workers required.

(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment for local workers similarly employed and not less than those prevailing in the area of employment among employers employing domestic workers recruited outside the State.

(d) The State agency has ascertained that housing and facilities (1) are available; (2) are hygenic and adequate to the climatic conditions of the area of employment; (3) are reasonably calculated to accommodate available domestic agricultural workers and (4) conform to the requirements of the applicable State, county or local housing and sanitary codes, or, in the absence of such applicable codes, have been determined by the State agency to be such as will not endanger the lives, health or safety of the workers. In making such determination the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities.

(e) The State agency has ascertained that the employer has offered to provide transportation arrangements for workers (1) not less favorable to the workers than those arrangements prevailing among employers in the area of employment who recruit workers from the area from which the workers are to be obtained; or (2) in the absence of such prevailing practice in the area of employment, not less favorable to the workers than the transportation arrangements which prevail among out-of-State employers who recruit domestic workers from the area of supply, as determined by the State agency in the State requested to supply the workers.

(f) The State agency has ascertained that other terms and conditions of employment offered are not less favorable than those prevailing in the area of employment for domestic workers for similar work.

(Sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k)

§ 604.1 The placement process.

* * * * *

(g) To ensure insofar as practicable that applicants referred to employers are suitably qualified for job openings and that available information as to the worker's reliability and his past fulfillment of his work contract commitments is taken into account before he is referred.

(Sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k)

In order that interested persons may have the opportunity to participate in the rule making process, notice is also given that a Hearing Examiner will be appointed to receive data, views and arguments of interested persons which are pertinent to the issue at 10:00 a.m., September 10, 1959, in Conference Room B, in the Inter-Departmental Auditorium, 14th Street and Constitution Avenue, Washington 25, D.C.

Any interested person desiring to participate in the rule making process may appear personally, or by representative or counsel, for an oral presentation at the appointed time and place, or may submit such data, views or arguments in writing (four copies) to the Chief Hearing Examiner, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than September 10, 1959.

Oral presentations shall be reported, and transcripts will be made available upon request to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of such presentation, dispose of procedural requests, objections, and comparable matter, and confine any presentation to the matters proposed. He shall have discretion to keep the record open for a reasonable stated time, upon completion of oral presentations, to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

The transcript of oral testimony including incidental proposals and supporting reasons, and written submissions of data, views or arguments shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented, together with such other information that may be available to him, and will thereafter make such amendment to 20 CFR 602.9 as he may determine to be appropriate.

Signed at Washington, D.C., this 10th day of August 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59–6695; Filed, Aug. 11, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

REVISION OF DEFINITION OF BOUNDARY OF RAVENSWOOD, W. VA., COMMERCIAL ZONE

Notice of Proposed Rule Making

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Ravenswood, W. Va., within the meaning of section 203(b)(8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Ravenswood, W. Va., heretofore determined by the application of the population-mileage formula prescribed in Commercial Zones and Terminal Areas, 46 M.C.C. 665, 49 CFR 170.16, and to revise description of such zone limits to read as follows:

(a) The municipality of Ravenswood, W. Va., itself.

(b) All points within a line drawn three miles beyond the corporate limits of Ravenswood, W. Va.

(c) All points in that area south and southwest of those described in (b) above, bounded by a line as follows: Beginning at the point where the Ohio River meets the line described in (b) above southwest of Ravenswood, thence southerly along the east bank of the Ohio River to the point where the mouth of the Lick Run River empties into the Ohio River; thence in a northeasterly direction along the banks of the Lick Run River to the point where such river crosses W. Va. Highway 2 (south of Ripley Landing); thence in a northerly direction along W. Va. Highway 2 to the junction of the line described in (b) above west of Pleasant View.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Ravenswood, W. Va., commercial zone may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before September 21, 1959.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6633; Filed, Aug. 11, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1012]

[Docket No. AO-278-A3]

MILK IN BLUEFIELD MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the West Virginian Hotel, Bluefield, West Virginia, beginning at 10:00 a.m., e.s.t., on August 20, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Bluefield marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Tri-State Milk Producers Association, Inc.:

Proposal No. 1. Review the Class I price in view of the expiration thereof on October 31, 1959.

Proposal No. 2. Review the Class II price.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 617½ Shelby Street, Bristol, Tenn., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 7th day of August 1959.

F. R. BURKE, *Acting Deputy Administrator.*

[F.R. Doc. 59-6653; Filed, Aug. 11, 1959; 8:49 a.m.]

[7 CFR Part 1024]

[Docket No. AO-308]

MILK IN OHIO VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Evansville, Indiana on October 14–22, 1958, pursuant to notice thereof which was issued September 17, 1958 (23 F.R. 7401).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—(1) *Character of commerce.* The handling of all milk to be regulated by the proposed marketing agreement and order for the Ohio Valley marketing area, as defined hereinafter, is in the current of interstate commerce or directly burdens, obstructs, and affects interstate commerce in milk and its products.

The Ohio Valley Milk Producers Association, Evansville, Indiana, regularly furnishes the entire fluid milk requirements of seven milk plants located in Evansville, Indiana and Owensboro, Kentucky. Fluid milk products processed in these plants are distributed throughout the recommended marketing area in Indiana and Kentucky. Milk is regularly received at these plants directly from association members' farms located in Indiana and Kentucky and from the association's receiving station located in Russellville, Kentucky. Of the association's 756 members in August 1958, 465 supplied milk from farms located in Indiana and 291 from farms located in Kentucky. The association directs the deliveries of milk of its members so as to balance receipts in individual plants in relation to their need for milk. There is a continuous intermingling of milk, therefore, originating from the Indiana and Kentucky portions of the supply area. In addition, supplementary supplies of milk have been received at Evansville and Owensboro plants from plants located in Ordfordville, Brooklyn and Oregon, Wisconsin; Chicago, Illinois and Fort Wayne, Indiana. Milk is received in the Fort Wayne market from farms in the States of Indiana and Ohio.

A company operating one of the plants in Evansville also operates a plant in Owensboro. Bulk milk and packaged fluid milk products are moved between these two plants. Milk processed and packaged in Evansville is delivered to and distributed from the Owensboro plant throughout the Kentucky counties included in the recommended marketing area. Approximately two percent of the fluid sales from this plant also is disposed of in Montgomery County, Tennessee. Likewise, milk processed and packaged in the Owensboro plant is moved to the Evansville plant and distributed to consumers in Indiana. In addition, more than 10 percent of the total fluid milk distributed from this plant is disposed of in 11 counties in Illinois. Ten percent of the total fluid milk distributed from another Evansville, Indiana, plant is distributed in Kentucky.

Cottage cheese is regularly received in bulk from a plant in Carbondale, Illinois, at plants in Evansville and Owensboro where it is packaged and distributed in Indiana, Kentucky, Tennessee and Illinois.

Part of the milk supply for a plant located in Holland, Indiana, is procured from dairy farmers in competition with Evansville handlers and in eastern Indiana in competition with Louisville, Kentucky handlers. Approximately 85 percent of the total fluid milk distributed on retail and wholesale routes from this plant is distributed in Indiana and the remaining 15 percent is distributed in Kentucky.

Fluid milk is regularly received at a plant located in Madisonville, Hopkins County, Kentucky, from farms located in Kentucky and Tennessee. During August 1958, 29,963 pounds of milk was received from the latter source.

Fluid milk in consumer packages is supplied from a plant in Indianapolis, Indiana, to chain stores in Evansville, Owensboro and other municipalities in the marketing area in Indiana and Kentucky.

Plants located in Vincennes, Indiana, and Robinson, Illinois, distribute fluid milk products in the recommended marketing area and in other areas in Indiana and Illinois. Milk from a plant located in Louisville (regulated under the Louisville order) is distributed on wholesale and retail routes in Indiana and Kentucky counties in the recommended marketing area.

Milk in excess of fluid requirements of the seven plants located in Evansville and Owensboro, is normally disposed of by the producers' association through their Russellville receiving station to a manufacturing plant located in Columbia, Tennessee. On occasions, the association has disposed of reserve milk to a manufacturing plant in Orleans, Indiana. At times the association has disposed of reserve supplies to plants located outside Kentucky and Indiana for fluid disposition by such plants. During 1957, such sales were made to plants in Alabama.

Reserve supplies of milk of other handlers who would be regulated under the recommended order are either made into manufactured products in their plants or disposed of to manufacturing plants in Indiana, Kentucky, Illinois and Tennessee. Manufactured products made from such milk are moved in interstate commerce or are sold in competition with similar products entering into interstate commerce.

(2) *Need for regulation.* Marketing conditions in the Ohio Valley marketing area warrant the issuance of a marketing agreement and order to regulate the handling of milk in such area.

The Ohio Valley Milk Producers Association, the proponent of the order for the Ohio Valley marketing area surrounding Evansville, Indiana and Owensboro, Kentucky, represents more than 750 dairy farmers and about 99 percent of the dairy farmers supplying milk to six distributing plants located in these cities. The Southern Kentucky Milk Producers Association representing 65 of the 85 dairy farmers supplying a distributing plant at Madisonville, Kentucky also supported regulation for a number of counties comprising the sales area for their milk.

The Ohio Valley Milk Producers Association has had a formal marketing contract with individual handlers in Evansville and Owensboro since 1952. The association supplies the full milk requirements of all the plants located in these cities. These plants are the primary outlets for the association members' milk. In recent years the association has also supplied a bottling plant located at Russellville, Kentucky, outside the proposed marketing area. Occasionally, shipments of supplemental milk are made to other relatively small bottling plants located in the proposed marketing area. The fluid milk supplied consumers by the six plants in Evansville and Owensboro and the plant in Madisonville is a substantial portion of the total fluid milk consumed in the hereinafter recommended 20-county marketing area.

Under the Ohio Valley Association's marketing contract with handlers milk, including the milk of a small number of nonmember-producers, is subject to classified pricing and marketwide pooling. The association's plan for pricing and pooling milk is similar to, and for the most part based on, that applied under nearby Federal orders regulating the handling of milk in Louisville and Paducah, Kentucky and Nashville, Tennessee. The association's arrangement with handlers provides for supplying their full fluid milk requirements and for assuming responsibility for handling any reserve supplies of milk. Reserve milk is disposed of primarily to manufacturing outlets. When available, occasional shipments are made to other markets for fluid disposition. Any supplies needed by the plants to fulfill their fluid requirements in addition to receipts from association members are procured by the cooperative association.

Under the association's pooling plan, all producers supplying milk to contracting handlers share equally in the benefits accruing from the fluid sales of such handlers and in the cost of carrying the necessary reserve supplies associated with such sales. During the 12-month period ending in August 1958 a total of 103.2 million pounds of milk was priced and pooled by the association for its members.

The association maintains a staff of employees to assemble and furnish monthly reports on prices, receipts and utilization of milk to its membership and contracting handlers. A continuous educational and milk quality program also is conducted among the membership. The association has a program for the reporting of receipts and utilization by handlers receiving member milk and for verifying such reports by auditing handlers' records. The auditing program, however, has been somewhat limited in scope and its operation has not been entirely satisfactory.

The marketing program of the Ohio Valley Milk Producers Association has conformed for the most part with sound marketing practices, contributed to market stability and has tended to promote orderly marketing conditions. During the past three or four years, however, changes in the procurement and distribution of milk have resulted in conditions which have gradually eroded the effectiveness of the association's program. Extensive competition has developed in the sale of fluid milk in this area between the handlers being supplied milk by the association and milk distributors whose supply of milk is not purchased on a classified basis. Keen competition has been experienced from plants located in Holland, Vincennes, Huntingburg and Indianapolis, Indiana and with plants located in Princeton, Henderson and Louisville, Kentucky. The milk supply for these plants is obtained from dairy farmers on the basis of a variety of different pricing plans. A number of them purchase their milk supply from dairy farmers at prices which are approximately the same as the average price resulting from the cooperative association's marketwide pool. Dairy farmers delivering milk to most of these plants do not have effective marketing programs and are uninformed as to the basis on which their milk is priced. Those han-

dlers not under a classified pricing plan are able to expand their fluid sales in the area with milk purchased at prices which approximate the average association pool price. Evansville-Owensboro handlers, on the other hand, are required to pay a higher price (Class I) for milk for fluid use. As the number of distributors has increased in the metropolitan Evansville-Owensboro area the struggle on the part of new suppliers to gain a larger portion of the market, on the one hand, and the desire of local handlers to maintain their sales, on the other, has resulted in wholesale and retail price cutting. The most drastic price reductions have prevailed on weekends at grocery stores. Some local distributors have met the wholesale price reductions of their competitors. Heavier than usual weekend purchases by consumers were stimulated. These sporadic increases in purchases of milk made it necessary for the producer association to import milk to provide dealers supplied by them with an adequate supply of milk for their customers at the reduced wholesale prices. Following such weekends, consumer purchases of milk invariably fell below normal and the association found it necessary to dispose of excess milk to manufacturing outlets. Consequently, association members had to bear the cost of carrying a temporary surplus and received lower uniform prices than otherwise would have been received had it not been necessary to make temporary and sporadic importations of milk.

During the fall of 1958 the association was informed by handlers participating in the marketing plan that they must obtain a milk supply at prices commensurate with those paid by nonparticipating distributors or they could not successfully compete in the fluid market and provide a Class I outlet for the association members' milk. The association was unable to continue a negotiated price level commensurate with local supply-demand conditions. Furthermore, this occurred immediately preceding the period of seasonally low production and even more important, at a time when producer receipts showed a general downward trend. The Western Kentucky Milk Producers Association which also sells the milk of its members on a classified plan experienced a similar situation.

In an effort to promote market stability and more orderly marketing for all dairy farmers supplying milk to the area, the Ohio Valley Milk Producers Association communicated with some of the distributors who do not procure milk from association members to obtain their approval and acceptance of its marketing agreement and classified pricing and pooling plan. The association agreed to furnish such handlers a supply of milk necessary to fulfill their Class I and Class II requirements and to handle any additional reserve supply associated with such requirements. These efforts by the association to prevent disruption of its classified pricing and pooling plan and to maintain orderly marketing in the Ohio Valley area have not been successful. Such handlers failed or refused to accept the association's offer with the result that marketing conditions have continued to deteriorate and at times have become chaotic.

The issuance of an order to regulate the handling of milk in the Ohio Valley marketing area would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937 by restoring and maintaining orderly marketing conditions for all milk produced for sale within the designated area and assure an adequate and dependable supply of pure and wholesome milk to consumers.

Basically, an order will provide for:

(a) A predetermined and dependable method for establishing prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform pricing to all handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(c) An impartial audit made of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for assuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of the necessary reserve supply; and

(f) Marketwide information for producers, handlers and consumers on receipts, sales and other data relating to milk marketing in the area.

(3) (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The Ohio Valley marketing area should include all the territory within Crawford, Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick Counties, all in the State of Indiana; and Breckinridge, Daviess, Grayson, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Union, and Webster Counties, all in the State of Kentucky. This definition is intended to include all municipal corporations and Federal and State institutions, facilities or installations lying wholly or partly within the described area.

The Ohio Valley Milk Producers Association proposed a marketing area consisting of the counties of Posey, Vanderburgh, Warrick and Spencer in Indiana and Henderson, Daviess and Hancock in Kentucky. These seven counties are relatively densely populated and encompass the major population centers along this segment of the Ohio River, including Evansville, Indiana (population 137,000) and Henderson (population 20,000) and Owensboro (population 50,000), Kentucky. Certain handlers with plants located outside the seven-county area supported a marketing area restricted to these three cities. Other proposals considered at the hearing would include Butler and Edmonson Counties, Kentucky and Orange County, Indiana in addition to the 20 counties recommended herein.

More than 75 percent of the fluid milk requirements for the seven-county area proposed by the association is supplied from six milk distributing plants located in Evansville and Owensboro. These plants are furnished a full supply of milk by the association and they represent the principal outlet for milk of the more than 750 producers who are members of the association. The association also supplies the requirements of a bottling plant located in Russellville, Kentucky. This plant furnishes its entire output of fluid milk to an army installation located near the Kentucky-Tennessee border outside the recommended 20-county marketing area.

It would not be administratively feasible to segregate deliveries of fluid milk products made within the marketing area in the case of municipalities or institutions and installations which are partly within and partly outside the designated marketing area. Therefore, any such municipalities, institutions or installations located partly outside the marketing area are included, in their entirety, within the marketing area as herein defined.

All six of the Evansville-Owensboro distributing plants and a plant located at Henderson, Kentucky, dispose of fluid milk outside of the seven-county area. These outside sales range from 3 to 16 percent of the total sales at five plants and are 24 and 65 percent, respectively, at the other two plants. The outside sales of the first of these latter two plants, located in Evansville, are confined primarily to Gibson County and the other plant, located in Owensboro, distributes milk in most of the Kentucky counties included in the 20-county marketing area and in additional Kentucky and Tennessee counties. Another Evansville plant with 16 percent of its sales outside the seven-county area serves a number of Indiana and Illinois counties.

Substantial competition in the sale of fluid milk products by Evansville-Owensboro handlers is encountered from sales by a plant located in Holland (Dubois County), Indiana. Approximately 17 percent of the sales from this plant is made in Vanderburg County in which Evansville is located and more than 31 percent in the seven-county area. This plant disposes of milk in 18 of the 20 counties in the recommended marketing area and in 20 additional counties in Indiana and Kentucky.

A distributing plant located in Vincennes (Knox County), Indiana, sells about six percent of its total sales in the seven-county area. This plant receives milk from 124 producers and distributes fluid milk products in 36 Indiana and Illinois counties. Nine of these counties in Indiana are included in the recommended marketing area because of substantial sales by plants located at Evansville, Huntingburg and Holland which would be subject to full regulation. Sales in these nine counties represent slightly less than 25 percent of the distribution from the Vincennes plant. Sales in Illinois represent more than 30 percent of the total fluid sales of this plant and the remaining 45 percent is sold in areas outside the 20-county area in Indiana.

A distributing plant located in Huntingburg (Dubois County), Indiana, disposes of approximately 30 percent of its total fluid sales in the seven-county area and approximately 95 percent of such sales in the recommended 20-county marketing area. Outside the seven-county area such sales are made primarily in competition with sales from the Holland and Vincennes plants.

The Western Kentucky Cooperative Milk Producers Association, representing 65 of the 85 milk producers who supply a distributing plant located at Madisonville, Kentucky, proposed that Hopkins County, Kentucky be added to the seven counties proposed by the Ohio Valley Milk Producers Association. They also supported the inclusion of Muhlenburg County, Kentucky in the marketing area. Hopkins County is a relatively densely populated area (approximately 41,000) and there is a community of competition for Class I sales among the local distributing plants supplied by these producers, the plants located in Henderson, Owensboro, Evansville and Holland and a plant located in Princeton, Caldwell County, Kentucky. The sales area of the Madisonville plant is primarily the counties of Hopkins, Muhlenburg, Webster, Union and Ohio in Kentucky. The plant at Princeton competes for sales throughout this same area and has substantial sales in six additional Kentucky counties located outside the proposed marketing area. Although these sales represent between 65 and 70 percent of the fluid distribution from the Princeton plant, such sales are made primarily in competition with handlers who would be subject to full regulation under the proposed order or handlers who are subject to regulation under the nearby Paducah, Kentucky order. The Princeton plant disposes of approximately 10 percent of its total sales in the Paducah marketing area and presently is subject to partial regulation under that order.

Butler and Edmonson Counties, Kentucky should be omitted from the marketing area. They are located on the southern edge of the sales area of two handlers who would be regulated by the order. Only a small proportion of the total sales of such handlers is made in these counties. Butler and Edmonson Counties are in the primary sales areas of two milk distributors whose plants are located to the south in Bowling Green, Kentucky. The exclusion of these two counties from the marketing area will not disrupt the orderly marketing of milk in the proposed marketing area and will afford a practical basis for separating the Ohio Valley marketing area from markets to the south of it. Likewise, the omission of Orange County, Indiana from the marketing area affords a practical basis for differentiating the Ohio Valley area from the area served by distributors primarily associated with other Indiana markets to the north.

The defined marketing area comprises the territory in which between 80 and 90 percent of the fluid milk handled by all distributors who would be subject to full regulation is marketed. Two handlers, one of which operates two plants, dispose of milk in 18 of the 20 counties included in the marketing area.

The recommended marketing area, in conjunction with other definitions provided herein, would result in full regulation of 18 handlers whose plants are located in the marketing area. Nine handlers whose plants are located outside the marketing area would be partially regulated as a result of distribution of fluid milk products in the marketing area. Two handlers regulated by another Federal order and two producer-handlers also distribute fluid milk products in the area.

The health regulations applicable to the production and handling of fluid milk are similar throughout the 20-county area. In both the States of Indiana and Kentucky, State health regulations have been established adopting the standards of the Milk Ordinance and Code of 1953 of the U.S. Public Health Service, Publication No. 229. These State regulations provide a minimum standard which may be, but seldom is, modified by more rigid requirements of local health authorities. The two States, as well as local health authorities, work in close cooperation with respect to the inspection of dairy farms and the approval of plants for distribution of fluid milk in the proposed marketing area. The degree of similarity of minimum health standards and the reciprocity of approval practiced throughout the proposed marketing area justifies the uniform application of the order to all producer milk.

Several additional counties in Indiana, Kentucky, Tennessee and Illinois included in the original proposals of milk distributors were denied for inclusion in the notice of hearing. It is neither administratively feasible nor necessary to include within the marketing area all the territory in which handlers may be distributing any portion of their sales of fluid milk products. In fact, it would be impractical, if not impossible, to define a territory in which there would not be some competition with unregulated distributors. The 20-county area prescribed herein together with other definitions reduce to a minimum the out-of-area sales of fully regulated handlers without subjecting plants to full regulation which are not primarily associated with the Ohio Valley area and which sell the major volume of their fluid sales in other markets. An order for the 20-county marketing area is feasible and reasonable. Experience and data on sales in and outside of the recommended marketing area assembled under an order will assist in evaluating any new developments or changes in conditions which may indicate a need for expanding the marketing area. If such a need exists, a hearing may be held and the order changed by usual amendment procedure.

Plants. The minimum class prices of the order and the pooling of the proceeds for milk should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants with significant sales of fluid milk products to consumers on retail and wholesale routes in the marketing area. Accordingly, such plants should be defined as "pool plants", the dairy farmers supplying such milk as "producers", and such milk should be defined as "producer milk".

A "pool plant" should be any milk plant from which the total fluid milk products disposed of on routes (inside or outside the marketing area) are not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants during the month and from which 25 percent or more of such receipts is disposed of as fluid milk products in the marketing area on retail or wholesale routes. The definition of a pool plant also should include any milk plant which receives Grade A milk from dairy farmers and from which fluid milk products equal to not less than 50 percent of such receipts during the month are moved to a distributing-type plant (described above). If such shipments are not less than 50 percent of such receipts at such plant during the months of September through December, provision should be made to continue the pool plant status of such plant during the following months of January through August, unless the operator of such plant makes prior written application for nonpool status to the market administrator.

As recommended hereinafter, the marketwide pooling of the proceeds for Grade A milk received from dairy farmers at pool plants is considered essential to promote efficient and orderly marketing of milk in this area. The establishment of reasonable performance standards for pool plants is essential to the proper functioning of the marketwide pool.

Milk is disposed of for fluid consumption in the marketing area from plants having various degrees of relationship to the market ranging from exclusive to temporary, or incidental, service to the market. Pool status should not be accorded to plants not meeting a reasonable standard of substantial and regular service to the market.

Performance standards should be such that any plant which has a substantial function in supplying milk for fluid consumption to this market may pool its sales and the dairy farmers supplying such milk may share in the marketwide equilization. Plants only temporarily or incidentally associated with the market, on the other hand, should not be permitted or required to equalize their sales with other plants in the market and should not be subject to full regulation. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market then the differential paid by users of the Class I milk could be dissipated without accomplishing its intended purpose. If a plant were to be pooled and fully-regulated merely by making a token shipment of milk or cream for sale as Class I milk then any milk plant selling a smaller share of its milk in Class I than the average for all pool plants might make such sales in order to receive equalization payments from the pool. The only other qualification such a plant would be required to meet would be approval by a recognized health authority as a supplier of Grade A milk.

Reserve milk is an essential part of any fluid milk operation. There always will be some excess milk at plants engaged primarily in supplying other markets and this will be particularly true in the months of flush production. Such plants and other plants engaged in substantial manufacturing operations might make token sales, or supply milk on an opportunity basis, to regulated plants when supplies may be short primarily to participate in the marketwide pool. Such plants do not represent dependable sources of milk for consumers in the marketing area. A distributing-type plant from which less than 50 percent of its Grade A milk receipts is distributed on wholesale and retail routes as Class I milk is not considered as being primarily in the business of fluid milk distribution and the pooling of milk of such plant would dissipate the marketwide proceeds from the sale of Class I milk.

A distributing plant from which 75 percent or more of its Grade A receipts is distributed in the form of fluid milk products outside the marketing area is not substantially and sufficiently associated with the Ohio Valley market to be subject to full regulation and participate in the marketwide pool. The major portion of the fluid milk business at such a plant is in areas where the competition for fluid sales is primarily from other unregulated plants or from plants regulated under other orders. The full regulation of such plants could place them at a competitive disadvantage in supplying other areas with which they are more closely associated.

To reduce the territory from that recommended for inclusion in the marketing area and to provide full regulation of plants with less than 25 percent of their receipts distributed in the marketing area would not be feasible in this market. As previously shown, a reduction in the size of the marketing area would expose an unreasonable portion of the total fluid milk sales from regulated plants to competition from unregulated milk. The adoption of a standard of less than 25 percent under the present relatively wide distribution patterns of most distributing plants in this general area would unduly and unnecessarily extend the scope of the regulation. To increase the minimum fluid sales requirements within the marketing area as a means of reducing the scope of regulation would excuse from the regulation plants which have substantial sales in the market and thus an important influence on the returns to all dairy farmers who serve as the regular source of supply for this market.

Distributing plants serving the Ohio Valley marketing area in large measure are supplied milk directly from dairy farms. However, at times certain plants are supplemented with milk from receiving stations or supply plants. A supply plant moving 50 percent or more of the monthly receipts of milk from dairy farmers to distributing-type pool plants will identify any plant which is substantially associated with and whose primary function is to supply this market. The greatest need for milk from supply plant sources is during the period September through December—the months of lowest production. The months of September through December, therefore, should constitute the qualifying months for supply-type plants to be eligible for continuous pooling throughout the year.

During the months of January through August supplies of milk received at distributing plants directly from producers may be sufficient to supply most of the requirements for Class I milk in this market. It would be more economical to leave the more distant reserve milk at country supply plants for manufacturing or for movement directly to manufacturing outlets. Performance standards should not force milk to be transported to distributing plants in the months of seasonally high production for the purpose of maintaining eligibility for pooling. Any supply plant which meets the pooling requirements during September through December, therefore, should be a pool plant in each of the succeeding months of January through August unless the handler files a written request for nonpool status with the market administrator by the date on which the handler is required to file his monthly report in January.

The proposed pool plant definition in conjunction with the marketing area, hereinbefore defined, will regulate those plants and the milk of those dairy farmers who have an essential and substantial role in supplying consumers of this area with an adequate and dependable supply of fluid milk.

Any plant, regardless of its location, will have equal opportunity to comply with the standards and have its producers share proportionately in the total Class I sales for the market through the marketwide pool. Whether or not plants and dairy farmers become associated with the pool will depend on the economic considerations with which they are confronted such as prices, transportation costs and alternative outlets.

Some fluid milk products are disposed of in the marketing area from plants which are fully subject to the classification, pricing and pooling provisions of other Federal orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. Provision should be made, therefore, to exempt such plants from regulation under this order. Such plants, however, should be required to file reports of their receipts and utilization of milk to the market administrator in such manner as the market administrator may require and allow verification of the reports by him.

To distinguish different categories of plants and to facilitate formulating other order provisions, definitions of "fluid milk plant" and "nonpool plant" should be provided. A "fluid milk plant" should be defined so as to include pool plants as well as other plants that are not pool plants but from which fluid milk products are disposed of in the marketing area. A "nonpool plant" should be defined to refer to any milk plant engaged in receiving, processing, bottling or manufacturing milk, other than a pool plant.

The term "route" should be defined to distinguish between the various methods of disposition of fluid milk products. This definition is necessary to facilitate the application of other order provisions. The term route should refer to the method by which fluid milk products are distributed to wholesale and retail customers. It should not apply to the disposition of fluid milk products from a fluid milk plant to plants in which fluid milk products are processed; to a milk manufacturing plant; to distribution points; or to food processing plants, except for consumption on the premises.

Handler. The term "handler" should be defined to include the operator of a fluid milk plant and a qualified cooperative association with respect to milk of producer-members which it causes to be diverted from a pool plant to a nonpool plant for the account of the association.

The term "handler" is used essentially to identify those persons who are responsible for reporting their receipts and utilization of milk and on whom financial obligations are imposed by the order. Reports from the operator of all fluid milk plants are necessary to determine their status as pool or nonpool plants and to compute their obligations either as fully regulated pool plants or as partially regulated fluid milk plants. Efficient marketing of milk will be promoted in this market by providing a means for cooperative associations to divert milk not needed by pool plants to nonpool plants and assume the responsibility for the accounting and pooling of such milk.

Producer-handler. The term "producer-handler" should include a person who operates a dairy farm and a fluid milk plant and who during the month receives no fluid milk products from other dairy farmers or a nonpool plant.

There are relatively few producer-handlers in the Ohio Valley area. Their enterprises are relatively small and they engage in family-type operations. Their sales of milk represent a minute proportion of the fluid milk sales in the area. The sales of milk by producer-handlers have not had a disrupting effect on the orderly marketing of milk in this area. Accordingly, it is not necessary to subject their milk to full regulation to achieve the declared purpose of the Act.

The exemption from pricing and pooling of the family-type of operation should be safeguarded, however, to prevent other operations from masquerading as producer-handlers and abusing the exemption to the detriment of the market and the effectiveness of the order. It is necessary, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale. There is no practical distinction in function between a plant where milk may be "custom bottled" for a dairy farmer and the plants of handlers who buy milk from producers. The activities of the dairy farmer in distributing milk "custom bottled" compares to that of the "vendor" or "sub-dealer" who buys fluid milk products in packaged form from a regulated handler for distribution to consumers.

The producer-handler should be required to make reports of his receipts and utilization as the market administrator deems necessary to verify the continuing status of such person and to facilitate accounting and vertification of transactions which may involve other handlers.

Producer. The term "producer" should be defined to include those dairy farmers who produce milk on farms approved by the responsible health authorities for the production of milk for disposition as Grade A milk to consumers and which is received at a pool plant (including milk diverted as provided herein).

The intent of the order is to price and pool that milk of dairy farmers which is eligible for fluid disposition and which is received by fluid milk plants which qualify as pool plants.

Plants distributing milk labeled as Grade A milk are required by the various health authorities having jurisdiction in the marketing area to obtain such milk from dairy farmers holding farm permits or who have been certified by such health authorities as sources of milk for Grade A distribution. Reciprocal approval is recognized by the various health authorities throughout the marketing area. Health department acceptability and delivery of milk at a pool plant are reasonable criteria for distinguishing the producers of milk which is to be priced and pooled under the order from other dairy farmers. For reasons stated later in this decision, producer-handlers should not be considered as producers under the order. In order to preclude duplicate regulation of milk, provision should be made also for excluding as producers persons whose milk is received at a pool plant if such milk is diverted under another order and is subject to the pricing and payment provisions of such other order.

Producer milk. The term "producer milk" should be defined to include the skim milk and butterfat which is contained in approved milk produced by persons qualifying as producers and which is received at a pool plant directly from such producers' farms (including milk diverted to other plants under certain specified conditions). The term is intended to include that milk approved for fluid disposition which is to be priced and pooled under the order. A definition of such milk provides a convenient reference for use in construction of other order provisions.

Milk which is diverted at the producers' farm from the pool plant where previously received to another pool plant or to a nonpool plant should be considered as producer milk and retained in the pool even though it is not received at a pool plant. Diversion of milk will promote efficiency in the marketing of milk temporarily not needed in the pool plant since it is frequently possible for such reserve milk to be hauled directly from the farm to another pool plant or to a nonpool plant for disposition. Most commonly these movements occur during the months of flush production.

The marketing program of the Ohio Valley Milk Producers Association, as previously discussed, provides for the allocation of milk to handlers in accordance with their needs and the supplying of such needs to the extent available from the closest sources of direct shipped milk. Production of producers located in the southern portion of the milkshed is used as a "balance wheel" for fulfilling the full supply requirements when needed. Therefore, during the months of seasonally high production the most efficient means of supplying the market requirements may be achieved by continuously diverting the milk of such producers.

Diversions of milk may be necessary also during the months of low production to accommodate temporary milk excesses during holiday periods or on weekends. Producer associations which are responsible for marketing the milk of its members, therefore, must be in a position to divert the members' milk throughout the year.

The diversion provisions should not encourage an excessive amount of milk to be associated with the pool. Accordingly, the operator of a pool plant should not be permitted to divert milk to a nonpool plant for more than one-half of the days of delivery during any month and a cooperative association should be subject to the same limitations except during the months of highest production (April through July). More liberal diversion provisions to cooperative associations are needed to expedite the orderly disposition of the seasonal reserve supply.

Other source milk. The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operations during the month, except fluid milk products received from pool plants, inventory of fluid milk products at the beginning of the month and current receipts of producer milk. The term thus defined includes all skim milk and butterfat in products other than fluid milk products from any source, including those produced at the handler's plant which are reprocessed, repackaged, or converted to other products during the month. Defining other source milk in this manner will: (1) Provide a general category of milk at pool plants which is not subject to pricing and pooling during the current month, (2) insure uniformity of treatment of all handlers under the allocation and pricing provisions of the order regardless of the source of the milk, and (3) be useful in the construction of the accounting and allocation provisions of the order.

Fluid milk product. The term "fluid milk product" is a useful reference in order construction, particularly in the reporting, transfer and allocation provisions. It includes essentially the same milk and milk products as Class I milk.

Definitions of standard terms common to most orders such as "Act", "Secretary", "person", "Department", "cooperative association", "Chicago butter price", "nonfat dry milk solids price" and "base" and "excess" milk (hereinafter discussed) should be included in the order for brevity in constructing other order provisions.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is disposed of in the market in a wide variety of forms containing different proportions of skim milk and butterfat, which may vary greatly from that contained in milk as it is first received from dairy farmers. There is a substantial difference between the market value of a pound of fluid skim milk and a pound of butterfat for use in a given class of utilization. Different handlers use different proportions of skim milk and butterfat within a given class and as between classes. A system of accounting for skim milk and butterfat separately, therefore, is desirable to provide uniform pricing of milk to handlers in accordance with the use of its component parts of skim milk and butterfat and for returning to producers a price in accordance with their use.

Milk and milk products are received at pool plants not only from producers but also from other handlers and nonpool sources. Milk from all such sources are commingled in the handler's plant. It is necessary to classify the skim milk and butterfat in all receipts of milk and milk products as a basis for determining the classification of producer milk to apply the classified pricing plan.

The extra cost incurred by producers in producing quality milk and delivering it to the market necessitates a price for milk for fluid consumption higher than the price of milk used in manufactured products. Milk for fluid distribution should be classified separately and priced at this higher level to provide the necessary incentive to producers through the uniform price to encourage the production and delivery of milk needed for such use plus the necessary reserve to cover daily, weekly and even monthly fluctuations in sales by handlers.

Class I milk should be defined to include all butterfat and skim milk (including the skim milk used to produce concentrated milk, reconstituted or fortified milk, skim milk and milk products) disposed of in the form of a fluid milk product for human consumption and any other skim milk and butterfat not specifically accounted for by the handler as Class II milk.

The term "fluid milk product" should be defined to include the fluid form of milk, skim milk, buttermilk, milk drinks (plain or flavored, including prepared milk shake mixes and eggnog), cream (including sterilized cream), and any mixture of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products

packaged in hermetically-sealed metal containers). The products included in Class I milk are disposed of to consumers in fluid form and for the most part are required by the health authorities in the marketing area to be made from milk or milk products from approved sources for Grade A milk.

Fluid milk products such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in hermetically sealed cans would not be considered as concentrated milk.

Milk which is in excess of Class I uses at any time must be manufactured by the handler or disposed of to other plants for processing into manufactured products. These products are less perishable than fluid milk products and they must compete in the market place with similar products made from unapproved milk. Milk so used should be classified as Class II milk and priced according to its value for use in such products.

Class II milk should be defined to include all skim milk and butterfat used to produce manufactured dairy products, in inventory of fluid milk products, disposed of for livestock feed and shrinkage and skim milk which is dumped. Class II would include the skim milk and butterfat used to produce such products as butter, cheese, (including cottage cheese), dried milk and skim milk, aerated cream products, ice cream, ice cream mix, other frozen desserts and mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed metal containers. Cream placed in storage and frozen should be Class II milk because such cream is used primarily for ice cream and other manufactured products. Frozen cream removed from storage and other Class II products from any source, including those produced at the plant, which are repackaged, reprocessed and converted to another product in the plant during the month, would be considered as a receipt of other source milk during such month and assigned first to Class II milk under the allocation procedures hereinafter recommended.

Limited quantities of excess skim milk and certain fluid milk products, such as route returns, may need to be disposed of by handlers as livestock feed. Disposition for livestock feed as Class II milk affords a means of disposal of such products which may not be profitably utilized or disposed of for any other purpose. It is sometimes necessary, also, to dispose of small volumes of skim milk by dumping. Such skim milk should be classified as Class II milk if the handler notifies the market administrator, in advance, as prescribed by him, of the amount to be dumped, to afford him reasonable time to check such amount prior to dumping. No provision should be made for classifying as Class II milk, butterfat which may be dumped. Butterfat in the form of cream can be accumulated and stored to make possible efficient manufacture or movement to manufacturing outlets.

Because plant loss represents a disappearance of milk for which the handler must account but for which no direct return is realized by the handler, shrinkage should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

A maximum shrinkage allowance of one-half percent of the total volume of milk physically received from producers at each pool plant should be provided with an additional allowance of one-and-one-half percent to the pool plant which processes such milk. Experience in this market and other markets shows that plants which are operated in a reasonably efficient manner and for which accurate records are maintained will not have total plant loss in excess of the maximums provided. Any shrinkage shown by plants in excess of these respective maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of producer milk.

In order to determine the amount of shrinkage associated with the handling of producer milk and recognize the different functions performed by pool plants, a scheme for the proration of shrinkage is necessary. Provision should be made, therefore, to prorate gross shrinkage at pool plants among milk physically received from producers, net receipts from other pool plants and other source milk.

Relatively limited shrinkage is normally associated in handling other source milk which is not received in the form of fluid milk products in bulk. To prorate shrinkage on the basis of total other source milk which would include all manufactured products that are reprocessed in the plant during the month would associate an unreasonable proportion of the shrinkage with other source milk, particularly when the skim equivalent basis of accounting is followed. Skim milk and butterfat in manufactured products are accounted for on a used-to-produce basis and any processing loss involved is included in the amount of skim milk and butterfat reported as used. The proration of shrinkage to other source milk, therefore, should be on the basis of such milk received in the form of fluid milk products in bulk.

To prevent duplication in shrinkage allocated to interpool plant movements of milk, the proration of shrinkage must be based on the amount received in excess of the amount transferred to other pool plants. The allowance on milk diverted between pool plants should accrue to the pool plant to which the milk is diverted and physically received. Similarly, no shrinkage should be allowed on producer milk diverted to nonpool plants. On milk received at a pool plant and transferred in bulk to another plant the transferring plant should be permitted up to the one-half percent maximum receiving allowance on such milk.

The accounting for skim milk in manufactured products should be based on the pounds of fluid skim milk required to produce such products. The skim milk and butterfat content in most products received and disposed of by handlers can be determined through recognized testing procedures. Some products received in the form of condensed and other more concentrated products represent a more difficult problem in that some of the water contained in the milk has been removed. In products manufactured in a pool plant the respective amounts of skim milk and butterfat represented by these products can be ascertained through appropriate plant records. In the absence of adequate records, and for products received from other plants, the amount of skim milk and butterfat represented therein should be determined by the use of standard conversion factors.

Condensed solids or nonfat dry milk may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I products. There is no sound reason why one portion of the nonfat solids contained in Class I products should be classified differently from another portion in this market. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product, therefore, should be accounted for as an amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk. To promote uniformity in the cost of milk among handlers and to effectuate the allocation of current receipts of producer milk to Class I utilization to the fullest extent, the skim milk in all other source milk, therefore, must be accounted for on the fluid skim equivalent basis.

Butterfat and skim milk used to produce manufactured products should be considered to be disposed of when so used and the sale of such products, therefore, need not be included on monthly reports of receipt and utilization. Handlers will need to maintain stock records on such products, however, to permit audit of their monthly utilization records by the market administrator. Class II products from any source used in the plant during the month must be reported as a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for such limited quantities of shrinkage, which under certain conditions (as already described) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Except for certain specified Class II uses, skim milk and butterfat in the form of a fluid milk product should be classified as Class I milk when so disposed of from the pool plant. Some fluid milk products, however, may be disposed of to other plants for Class II use. Under certain circumstances, therefore, classification may and should be determined according to the utilization in the plant to which transferred.

Fluid milk products transferred or diverted by a handler from a pool plant to another pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the handler reports submitted for the month to the market administrator. Sufficient Class II utilization must be available at the transferee-plant, however, for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at the transferring plant during the month, the skim milk and butterfat should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted from a pool plant to producer-handlers should be Class I because the milk is presumed, by the nature of their operations, to be needed for fluid disposition. Provision should be made for any milk received at a pool plant from a farm or plant of a producer-handler to be considered as other source milk at the pool plant. Without these provisions, producer-handlers could depend, unjustly, on producers under the order to carry the necessary reserve supply associated with their Class I sales without sharing such disposition with producers.

Milk, skim milk or cream transferred or diverted from a pool plant to a nonpool plant located less than 250 airline miles from the Courthouse in Evansville or Owensboro should be classified as Class I milk unless the following conditions are met:

(1) The handler reports such milk as Class II, (2) The operator of the nonpool plant maintains and makes available, as requested by the market administrator, his books and records for verification of Class II utilization, and (3) the Class I milk (as defined in the order) disposed of from the receiving nonpool plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved to supply Grade A milk and who are regularly associated with such plant.

If Class I milk disposed of from the nonpool plant exceeds the receipts of skim milk and butterfat from the dairy farmers regularly supplying such plant, provision should be made to classify as Class I an amount of the transferred or diverted milk equivalent to such difference. Such Class I sales, however, should not be used as a basis for duplicating the Class I classification of milk transferred to a nonpool plant from other plants regulated by this and other Federal orders. It is reasonable, therefore, that the amount of milk transferred to such plant and classified as Class I milk from any regulated market be not less than the market's pro rata share of the remaining Class I sales in such nonpool plant. The proposed method of classification and pro ration of Class I sales provide equality of treatment among handlers under the Ohio Valley order and also other orders in case of transfers to a common nonpool plant.

Fluid milk products transferred to nonpool plants located more than 250 airline miles from Evansville or Owensboro should be Class I milk. Fluid milk products moving such distances are normally for Class I uses. Adequate manufacturing facilities are available and the Ohio Valley handlers normally dispose of reserve milk to manufacturing plants located within a 250 miles radius. The market administrator should be able to make the necessary verification of milk disposed of to nonpool plants within the area without incurring undue expense. It would not be administratively feasible or economically justifiable, however, for the market administrator to be required to verify shipments to nonpool plants beyond this area. The automatic classification as Class I milk will preclude the necessity for such verification.

The recommended method of classifying transfers and diversions of milk to nonpool plants would safeguard the primary function of such provisions in promoting an orderly disposal of reserve supplies, and at the same time assure that milk transferred to nonpool plants is classified in accordance with its utilization. This would provide a degree of protection to the market during periods of short supply which might be caused by withdrawal of milk. Any price incentive would be removed for pool plants to supply milk at less than order Class I prices to nonpool plants for fluid disposition in other markets.

Allocation. The order class prices apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received from producers, to determine the amount in each class to be assigned to producer milk.

Producer milk is the primary and regularly available supply for fluid consumption in the marketing area. Current receipts of producer milk should be given priority over unpriced milk from other sources in the assignment of Class I utilization at regulated plants. This is necessary to insure stability of the market and for effective application of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized as Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

In general the allocation procedure, set forth in the order to carry out this objective, requires that skim milk and butterfat, respectively, remaining in each pool plant during each month be assigned to producer milk by making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Fluid milk products in consumer packages subject to Class I pricing under another order (from Class I);

(3) Other source milk not subject to Class I pricing provisions of another order;

(4) Other source milk in bulk subject to Class I pricing provisions of another order;

(5) Receipts from other handlers (according to classification);

(6) Beginning inventory;

(7) Add shrinkage deducted in (1); and

(8) Overage.

Other source milk which is not subject to the Class I pricing provisions of another order is allocated separately to facilitate the application of the compensatory payment provisions of the order. Provision is made to allocate from Class I milk, fluid milk products received in consumer packages if such milk were subject to the Class I pricing provisions of another order. This will have the effect of giving equal consideration to the packaged milk moved from a plant under another order whether such milk is distributed directly to consumers in the marketing area from such plant, as is the case in this market, or is delivered through a pool plant.

For accounting purposes ending inventory of fluid milk products is classified as Class II milk. Beginning inventory of such products is considered as a receipt and therefore must be subtracted in the allocation procedure. This is done following the subtraction of transfers from other pool plants so as not to interfere with the mechanics of classifying such transfers and to facilitate the reclassification of inventory which may be assigned to Class I milk during the month.

(c) *Class prices—Class I price.* The price for Class I milk in the Ohio Valley marketing area should be computed by adding a differential of $1.30 per hundredweight to a basic formula price for milk containing four percent butterfat for the first 18 months following the effective date of the pricing provisions of the order and thereafter by adding a differential of $1.25.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the national economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the Ohio Valley marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes. Since the market for most manufactured products is nationwide, the prices of these products reflect general economic conditions affecting the supply and demand for milk. For these reasons, differentials over basic, or manufacturing, prices should be used to establish fluid milk prices in this market. The basic

price formula recommended herein, which is similar to that contained in Louisville, Paducah and other midwestern orders, will result in prices which appropriately reflect general changes in the value of manufacturing milk throughout this area.

Differentials over manufacturing prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but no excessive, supply of quality milk to meet the requirements of consumers in the marketing area, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

Although comparable data in the record pertain only to receipts and sales of Evansville-Owensboro handlers, such receipts and sales make up a substantial portion of the total and reflect trends in the full marketing area. The supply-demand relationships in the Ohio Valley area during the latter part of 1957 and the nine month period in 1958 preceding the hearing are similar to those which have prevailed in most of the fluid milk markets in the region. In general, since August 1957, receipts of milk from dairy farmers have tended to decline and Class I sales to increase. The number of dairy farmers supplying fluid milk has declined and the daily average production per farm has remained about the same.

Receipts from dairy farmers averaged 137 percent of Class I sales during the twelve month period September 1956 through August 1957 and were 119 percent of Class I sales during October, the month of shortest supply. Receipts from dairy farmers in relation to Class I sales declined to an average of 123 percent during the September 1957–August 1958 period and averaged 113 percent during November, the month of shortest supply.

Daily average production per dairy farmer remained at an average of 360 pounds during these same two periods. Total receipts from dairy farmers were 110.5 million pounds in the September–August 1956–57 period compared with 103.2 million pounds in the same months of 1957–58. Total Class I sales during September–August, 1956–57 were 80.8 million pounds and increased to 83.5 million pounds during the September–August period 1957–58.

Producers proposed that the Class I price be determined by adding a differential of $1.50 per hundredweight to the basic formula price for 4.0 percent milk. Some handlers proposed a uniform monthly differential of $1.25 while others proposed seasonal differentials with an annual level of $1.25 per hundredweight.

A differential of $1.50 would result in a level of prices relatively higher than has prevailed in the past. It would not result in prices in line with the level of prices established under nearby Federal orders or in line with the cost of milk available from alternative sources.

Under the Ohio Valley Milk Producers Association's marketing agreement with the Evansville-Owensboro handlers the price for Class I milk of 4.0 percent butterfat content has been computed by adding a differential of $1.25 per hundredweight to a basic formula price similar to that proposed herein. The agreement price has been adjusted from time to time by negotiation between producers and handlers. The prices actually paid by Evansville-Owensboro handlers for Class I milk during 1957 and the first nine months of 1958 averaged $4.84 and $4.83, respectively. These prices are equivalent to a differential over the recommended basic formula price of $1.25 in 1957; $1.37 for the first nine months of 1958; and $1.30 for the full twenty-one month period.

The annual average Class I differential under the nearby Paducah, Kentucky order is $1.30, and in Louisville and Nashville the differential is $1.25. These differentials are for 3.5 percent butterfat content milk in Paducah, for 3.8 milk in Louisville, and for 4.0 percent milk in Nashville. The differential in Nashville is adjusted by a supply-demand adjuster based on receipts and sales in that market. No provision is made for automatic supply-demand adjustments in the Louisville and Paducah orders.

The Chicago milkshed represents a dependable source for reserve supplies of milk and historically has served as a supply source to this as well as to other fluid milk markets throughout the country. Shawano, Wisconsin is representative point in the Chicago milkshed from which comparative prices may be computed.

The Ohio Valley Class I price as proposed herein for 4.0 percent milk (excluding any handling charges), adjusted to Shawano at the rate of location adjustment hereinafter determined to be appropriate for this market, is computed to be in close alignment with the Chicago Class I price for 4.0 percent milk (excluding supply-demand adjustment), also adjusted to Shawano, during the 21-month period, January 1957 to October 1958.

From the above stated facts it is concluded that a differential of $1.30 over basic formula prices for the 18 months immediately following the effective date of the Class I price section, and $1.25 thereafter, would reflect a level of Class I prices contemplated by the Act as necessary to insure this market with an adequate supply of producer milk. The immediately effective differential would reflect current supply-demand conditions in this market, and the automatic reduction in the Class I differential at the end of the 18 month period will recognize the need, over the longer term, for a close alignment of Class I prices in this market with those in the Louisville market. In addition, the application of the $1.30 differential for the first 18 months will provide experience and the opportunity to accumulate marketwide information necessary for the appraisal of the Class I price in light of local supply-demand conditions and to make any changes that might be necessary in light of such experience. Class I prices as proposed herein would result in a level of Class I prices in reasonable alignment with Class I prices in neighboring Federal order markets from which competition is experienced at the retail level. These differentials will result in Class I prices in line with the cost of obtaining a dependable supply of milk from alternative sources of supply.

Seasonal pricing of Class I milk should not be adopted in this market. Although seasonal pricing is used in the Nashville and Paducah markets and handlers from these markets compete with handlers under the proposed order for sales outside the proposed marketing area, the primary competition with regulated milk in the Ohio Valley marketing area is from the Louisville market where the Class I differential is the same each month. The Ohio Valley Milk Producers Association has not used seasonal pricing of Class I milk in conjunction with its base-rating plan which has been in effect for several years. The association has maintained an extensive educational program to promote producer acceptance and effective operation of the base-rating plan. In light of these facts the use of seasonal pricing along with a base-rating plan, as recommended hereinafter, is not appropriate at this time.

Class II price. The price per hundredweight for Class II milk of four percent butterfat content should be the basic formula price during the months of September through February and the average of prices paid at five local Kentucky and Indiana manufacturing plants plus 20 cents during each of the months of March through August.

The Ohio Valley Milk Producers Association proposed that the price for Class II milk be the average of prices paid the previous month for milk for manufacturing purposes f.o.b. plants in the United States, as reported by the Department, adjusted to a four percent butterfat content basis, plus 10 cents per hundredweight and that such price be reduced 20 cents per hundredweight for milk used to produce butter, skim milk powder and cheddar cheese during the months of March through August. Another producer group supported this proposal but also proposed that the Class II price be not less than the average of prices paid at local manufacturing plants plus 20 cents per hundredweight. Evansville-Owensboro handlers proposed that the price for Class II milk be the average of prices paid per hundredweight at local Kentucky, Indiana and Tennessee manufacturing plants plus 20 cents per hundredweight. This proposal is identical with the Class II pricing formula used in this market for several years under the Ohio Valley Milk Producers Association's marketing agreement. Other handlers did not oppose the proposals made by producers.

Some milk in excess of Class I requirements is necessary to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for excess milk should be maintained at the highest level consistent with facilitating its use in manufactured products by pool plants or its movement to manufacturing outlets when not needed in the market. The Class II price should be at such a level that handlers, including cooperative associations, will accept and market whatever quantities of milk in excess of Class I needs as may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

The historical pattern of the supply of milk from producers in relation to Class I sales shows that it will be necessary for handlers, and for the most part cooperatives, to dispose of reserve milk for manufacturing purposes to nonpool plants only during the season of highest production. Such season has normally included the months of April through July but sometimes includes the months of March and August.

During the months of September through February the supply of milk from producers in excess of the market's Class I needs has approximated, and at times has been less than, the minimum requirements of a necessary reserve. Handlers will be able to use, as they have in the past, most if not all the reserve milk during these months primarily in the manufacture of ice cream and cottage cheese for which they have historically used and preferred Grade A milk. There will be little, if any, need for handlers to dispose of reserve milk to local manufacturing outlets during such months. Thus, the Class II price during September through February should be at the highest possible level consistent with competitive conditions and marketwide pooling, and at the same time provide producers with proper incentive through the uniform price to supply the necessary market reserve. The basic formula price which has been found herein to properly reflect the national value of milk used to produce manufactured dairy products, will most appropriately reflect the value of Class II milk in this market during the September through February period. Had the basic formula price been the effective Class II price during such months in 1956, 1957 and in January and February 1958, it would have averaged $3.59, $3.61 and $3.60 per hundredweight, respectively, for 4.0 percent milk. The basic formula price will provide appropriate alignment with prices for reserve milk in similar uses in the Louisville market with which this market is closely related. The Class II (principally cottage cheese and ice cream) price under the Louisville order during these same periods averaged $3.53, $3.67 and $3.64, respectively, for 4.0 percent milk.

Handlers operating pool plants are not equipped to make dried or evaporated milk, cheese and other manufactured products which are the principal outlets for milk in excess of the necessary reserve supply. During the flush production season (March through August) it is necessary, therefore, for handlers to dispose of excess reserve milk to local manufacturing outlets. During such periods the Class II price should be equivalent to the prices paid by such manufacturing outlets. All local manufacturing plants have paid, for the past several years, "cooler premiums" of 15 cents per hundredweight over their announced prices for milk received from dairy farmers. In addition, most of such plants have paid other premiums for volume and other purposes in varying amounts. Consequently, a differential of 20 cents per hundredweight above the announced prices (not including premiums) at local manufacturing outlets will more nearly reflect the competitive value of manufacturing milk at this season of the year.

If the Class II price had been effective during March through August 1956, 1957 and 1958 such price would have averaged $3.26, $3.24 and $3.20, respectively. The proposal of producers to price milk used in butter, powder and cheese during the flush period would have averaged $3.23, $3.30 and $3.20 during the same periods.

Under the association's marketing agreement the average of prices paid at manufacturing plants in Kentucky, Indiana and Tennessee have been used as a basis for pricing Class II milk. Such prices have been identical with those paid at the five local manufacturing plants during the past few years. It is not necessary, therefore, to use prices paid at Tennessee plants in determining the Class II price. Furthermore, if differences develop between the prices paid by such plants in the future, the selected plants will be more reflective of local competitive prices in this market than a combination of plants from all three states.

Butterfat differentials. Butterfat and skim milk are,to be accounted for separately for classification purposes. Class I and Class II prices are to be announced for 4.0 butterfat content milk. It will be necessary, therefore, to adjust class prices by a butterfat differential in accordance with the average test of milk in each class to reflect differences in value due to variations in butterfat content from 4.0 percent.

The values resulting from multiplying the average price of 92-score butter at Chicago by 0.125 for Class I milk and by 0.120 for Class II milk will provide an appropriate basis for adjusting such prices in this market for each one-tenth variation in butterfat content. Butter prices should be used to reflect changes in the central market prices of butterfat in the differential and to conform with the practice followed in most fluid milk markets for adjusting prices for butterfat variations.

The Ohio Valley Milk Producers Association's contract with handlers provides for identical Class I and Class II differentials at 0.12 times the butter price. A differential factor of 0.125 for Class I, however, will establish a more realistic relationship between class prices for butterfat and a value for milk used for cream and other higher fat content products more in line with competitive values. It will be identical with the differentials in the nearby Louisville and Paducah orders and will promote close Class I price alignment for skim milk and butterfat between Federal order markets in this region.

In order that the Class I butterfat differential may be announced at the same time the Class I price is announced, it should be based on the price of butter for the preceding month. Class II prices and butterfat differentials should be based on current paying prices and announced after the end of each month. Handlers will know, however, that the cost of Class II milk will tend to follow daily or weekly product prices during the month and that their cost of milk will be the same as their competitors and in line with prices paid by purchasers of milk in manufacturing outlets.

The butterfat differentials used in making payments to producers should be calculated at the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class each month to reflect changes in the actual usage of such butterfat in each class.

Location differentials. A schedule of location differentials should be provided to adjust Class I prices to the location of the plant from which milk is moved to the marketing area.

Milk at farms or at plants has a progressively lower value with respect to the Ohio Valley market as such farms or plants are located farther away from the market. This difference in value is related to the cost of transporting the milk from the respective locations to the market. The order should contain appropriate provisions to recognize such differences in value according to the location of the plant where the milk is received. Such a provision is necessary to provide a cost of milk among plants and returns for milk among producers in accordance with its economic value to the market. This should be accomplished by a schedule of location adjustments applying at plants in accordance with their location in relation to the two principal centers of consumption in the marketing area—Evansville or Owensboro, whichever is nearer.

To be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. To the extent that milk is received at distant plants from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward at such plants to reflect the cost of hauling milk to the marketing area.

It is economically more feasible to supply the fluid milk needs of the market from those farms or plants nearest the market before bringing in milk from more distant plants. Location adjustments at supply plants should apply, therefore, to that milk moved to a pool plant in the form of a fluid milk product which is assignable to Class I milk after first assigning to the available Class I

in the plant to which the milk is moved, direct receipts from producers and receipts of fluid milk products from other pool plants at which no adjustment applies. The location adjustment provisions should apply also to milk disposed of as Class I milk from distant distributing plants. Such application of location adjustments would recognize the functional relationship of supply plants to the market and price Class I milk at all plants in relation to its value for consumption in the marketing area.

No location adjustments should apply at plants located less than 80 miles from the basing points. This area will encompass all the territory within the proposed marketing area. It will provide uniform Class I prices at all plants which would be subject to full regulation. Milk can be moved most efficiently directly from the farm to distributing plants within this area. Under the conditions existing in this market, there is no need to provide a location adjustment at plants at different locations within the confines of this area.

A location differential rate of 1.5 cents for each 10 miles should be used for adjusting Class I prices. This rate approximates the cost of moving milk to the marketing area from distant points by efficient means and conforms closely to the rates applied under other Federal orders. Provision should be made, therefore, for plants located 80 but less than 90 miles from the nearest of the basing points to receive a differential of 13 cents per hundredweight and for each additional 10 miles that the plant is located from the nearest basing point, the amount should be increased 1.5 cents per hundredweight.

No location adjustments should be allowed to plants on Class II milk. Because of the low cost per hundredweight of milk involved in transporting concentrated finished products, there is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk.

Payments on unpriced milk. The order should provide for payments to the producer-settlement fund with respect to unpriced milk which is allocated to Class I at a pool plant and for similar payments by partially regulated nonpool plants on Class I sales in the marketing area.

The rate of payment on such milk should be equal to the difference between the Class I and Class II price during the months of April through July and the difference between the Class I price and the uniform price during the months of August through March.

Basically, all other source milk which might be utilized for Class I milk in the marketing area would be produced as part of a supply intended primarily to meet the demand for milk for fluid consumption in some area other than the Ohio Valley marketing area or produced for manufacturing outlets but not used for such purposes in the area for which it was produced. If part of the regular supply of another fluid market, it could be only milk in excess of the amount needed for fluid disposition in such market.

If unregulated plant operators were allowed to dispose of surplus milk in the regulated marketing area, either through pool plants or directly to consumers, without some compensating or neutralizing provision in the order, the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning a reasonable level of prices to the producers of milk for the regulated marketing area would be defeated. Inefficiency in the marketing of milk would be encouraged because there would be incentive for the regulated handlers to obtain milk for Class I uses not from the regular and normal sources of supply but from sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk is therefore a necessary provision of this order.

There may be other situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and yet it would be neither necessary nor desirable in terms of effective regulation to bring the plants fully under regulation. This may be true with respect to shipments of milk to pool plants for the purpose of converting it into manufactured products. Also, milk may be disposed of in the regulated marketing area as Class I milk from plants which are not primarily or even regularly engaged in supplying the marketing area. If relatively small, incidental or accidental shipments of milk into the marketing area would bring under total regulation all the milk at the plant from which such shipments are made, undue hardship might result to the operator of such plant and for the farmers delivering the milk involved. Compensatory payments are necessary to provide a means by which full regulation of the handling of milk at such plants may be avoided and, at the same time, maintain the integrity of classified pricing and marketwide equalization which are necessary to insure orderly marketing in this area.

When milk is available in substantial volumes from nonpool sources, pool plants could obtain such milk at prices reflecting its value as surplus milk which would approximate the Class II price under the order. During the seasonally high production months of April through July, therefore, the rate of payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price adjusted (by the same rate as is applied at pool plants) to the location of the plant from which such other source milk was received from farmers. This rate of payment will reflect generally the difference in value between unregulated and regulated milk for Class I use at this time of the year. During the months of August through March, the milk supplies in this region tend to be shorter than other months. It is not likely that other source fluid milk products will be available to the market at surplus prices. It reasonably may be expected that during such months such milk would be available from unregulated sources at prices not less than the level of the uniform price under the order. Compensation payments during these months, therefore, should be the difference between the uniform price to producers and the Class I price, adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply and demand for milk in the market in the August through March period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the relationship of Class I milk to the total milk pooled. This will tend to reflect conditions in the area from which unpriced milk may be obtained. The rates herein proposed are those which will best effectuate the Act under current marketing conditions in this area.

Other source milk used in the form of concentrated milk products should be considered to be from a source at the location of the plant where it is used. In some cases there will be no, and in all cases insignificant, transportation charges in terms of their equivalent in fluid milk. By following this procedure, the compensation payment on other source milk derived from concentrated products, such as, condensed milk or nonfat dry milk, would be comparable to that on any other source milk which is allocated to Class I milk.

The integrity of the regulation can be maintained by providing an alternative method of determining compensatory payments at a distributing plant which has sales of fluid milk products in the marketing area but which fails to qualify as a pool plant. Subject to proper reporting and the maintenance of adequate records, the operator of such plant should be given an opportunity to choose between payment into the producer-settlement fund of: (1) An amount equal to the volume of Class I milk disposed of in the marketing area at the same rates as apply to unpriced milk allocated to Class I at pool plants, or (2) the amount by which total payments to dairy farmers for such plant are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area. His total minimum obligation for milk will be determined in exactly the same manner as if he were a fully regulated handler.

Affording this last option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. None of the operators to which this option may apply regularly obtain milk for such plants from dairy farmers located in a supply area that overlaps to any significant extent the supply area of plants to be fully regulated under the order. The option to pay directly to dairy farmers who regularly supply such nonpool plants with milk at the full utilization value of such milk in accordance with the order, therefore, will not place the operators of pool plants at a competitive disadvantage in the procurement of their milk supply. Also, under the present organization of the market there will be no significant diversion of the revenue derived from the Class I sales in the marketing area to farmers only incidentally associated with the market at the expense of pool producers of milk for which minimum class prices are established and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices, adjusted for location and butterfat content, in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular supply of milk for the nonpool plant as verified from the producer payroll. Only such payments would be allowed as had been made to such farmers by the 18th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between the class prices on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts allocated to Class I milk the same as is required of pool plants. Obviously, the second option necessitates as much verification of the receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and products sold as well as a complete audit of the books and records for such plant.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Ohio Valley order handlers might obtain supplemental supplies approximate or exceed the Ohio Valley Class I price when allowance is made for location of the supplying plants. Because handlers operating plants under other Federal orders must pay for producer milk on a utilization basis at prices determined in accordance with the same statutory standards of pricing as are employed here, they would not be in a position to dispose of their surplus producer milk in the Ohio Valley marketing area for Class I use to the disadvantage of local producers.

Handlers proposed that no compensatory payments be required on other source milk received at a pool plant during any month when receipts of producer milk are below 115 percent of Class I sales. Such a provision would not be to the best interest of the market because the way would be open for handlers to limit their purchases of producer milk and thereby bring about, over the longer term, an uneconomical procurement pattern for the market at the expense of local dairy farmers. Furthermore, the provision for applying the difference between the Class I price and the uniform price during the months of the year when supplemental supplies might be needed provides an adjustment in the compensatory payment rate in relation to the producer milk receipts and Class I sales ratio of the market. Thus, with producer milk receipts at a ratio of less than 115 percent of Class I sales, the compensation rate would be relatively small, or completely eliminated.

(d) *Distribution of proceeds to producers.* A marketwide equalization pool should be provided for distributing to producers the proceeds from the sale of their milk.

A marketwide pool should be adopted to assure each producer that he will receive prices for his milk based on his pro rata share of the Class I and Class II sales of the entire market. The "uniform", "base", and "excess" prices, as the case may be, that a producer is to be paid will depend on the overall utilization of all producer milk at all pool plants during each month.

The marketwide pool permits a handler to either maintain a manufacturing operation in his plant to handle the reserve supplies of milk or limit his operations primarily to the handling of milk for Class I purposes without affecting the uniform prices payable to his producers as compared with other producers. The facilities in the plants of Ohio Valley handlers for handling reserve supplies of producer milk vary considerably. Some of the handlers are equipped to handle their seasonal reserve supplies while others have extremely limited manufacturing facilities. Some pool plants are equipped to make cottage cheese, butter, bulk condensed skim and ice cream. None of the plants is equipped to make dried or evaporated milk, cheese or other manufactured products which are the principal outlets for seasonal reserve supplies.

The Ohio Valley Milk Producers Association supplies Evansville-Owensboro handlers with their full requirements of fluid milk and handles any reserve supplies associated therewith not wanted by handlers. Such reserves are normally moved to manufacturing outlets through the association's Russellville, Kentucky receiving station. A marketwide pool will make it possible for the producers' associations to assist in handling or diverting seasonal reserve milk and retaining producers on the market who are needed to fulfill the year around market requirements. It assists in spreading the cost of carrying the necessary reserves for the market among all producers rather than by those producers associated with certain plants or certain producer associations which assume the responsibility of handling reserve supplies. The marketwide pool will contribute to efficient marketing of reserve supplies, promote market stability and assist in maintaining an adequate and dependable supply of producer milk.

Base and excess plan. The "base and excess plan" for distributing the returns for milk among producers should be employed in connection with the marketwide pool.

The base and excess method of distributing milk returns during the months of heaviest production has support among most of both producers and handlers in the Ohio Valley area. Base and excess plans have been used for a number of years by the Ohio Valley Milk Producers Association and the Western Kentucky Milk Producers Association, as well as by a number of handlers who do not purchase their milk from these associations.

Because of the seasonal variation in milk production, there is need for an incentive to maintain production in the fall and winter months relative to the spring and summer levels. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged. Interruption in the use of a base plan at this time might result in increased seasonality of production to the detriment of the market.

The order should provide for each producer to establish a base dependent upon his deliveries of milk to pool plants during the months of September through February, the months during which producer receipts are relatively low in relation to Class I sales. During these months, as well as in all other months in the period of August through March, producers should receive the marketwide uniform price for all milk which they deliver to pool plants.

For each of the months of April through July, the months during which producer receipts are relatively high in relation to Class I sales, separate uniform prices for base and excess milk should be computed so that Class I sales

would be first assigned to base milk. "Base milk" should be defined as milk received at a pool plant from a producer during any of the months of April through July which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Producer milk classified in Class II should be assigned first to excess milk. If Class I disposition is more than the base milk received from producers in any month, such additional value of Class I milk should be allocated to excess milk and the excess blend price increased accordingly.

The daily base of each producer should be calculated by the market administrator by dividing the total pounds of milk received at all pool plants from such producer during the months of September through February by the number of days from the first day such milk was received during these months to the last day of February, inclusive, but not less than 120 days. A minimum of 120 days is reasonable to establish bases for new producers who may enter the market during the base-forming period. To provide a shorter period could weaken unduly the effectiveness of the plan. On or before March 15 of each year the market administrator should be required to notify each producer and the handler receiving milk from him of the daily base established by such producer.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline specifically the method for calculating the base for each producer and set forth clearly and unequivocally the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of base rules be kept at a minimum.

A producer who adjusts his production under the base and excess plan to even out seasonal variations may suffer undue financial loss if for some reason he is unable to avail himself of the benefit of the base earned by him. The producer associations proposed, therefore, that a base of a producer discontinuing production be transferable to a person to whom the herd is sold. In addition, because tenant-landlord arrangements in Kentucky usually are effective on January 1 of each year, during the base-forming period, proponents suggested that provision be made for tenants to either retain their proportionate share of a base or be able to transfer such base to another person who assumes ownership of the tenant's share of the cows. The assignment of bases in accordance with the ownership of the cows would create a number of administrative difficulties and would be impractical. The transfer of partial bases without restriction would unduly weaken the base plan and would be administratively burdensome. Producers did not favor a base-forming period terminating prior to January 1 as a means of accomodating the tenant-landlord problem because of precedent in this market and the substantial influence, under a relatively short base-forming period, of disruption in deliveries caused by accidental or unusual circumstances.

Provision should be made, therefore, for a producer to transfer his entire base to another person if such person assumes the ownership or operation of the farm on which the base is established. In the case of jointly held bases provision should be made for the transfer of the entire base to one of the joint holders or the transfer of a proportionate share of a jointly held base to another person if such latter person assumes the ownership or operation of the farm on which the base to be transferred was established. Under these proposed rules a tenant will be in a positon to transfer his portion of a jointly held base to a new tenant who may assume the operation of a farm on which the jointly held base was established. Likewise, if the base is formed in the name of the tenant, such base may be taken with him to another farm. The tieing of bases to the farm for the purpose of transfer is administratively feasible in this market and will provide a reasonable basis for accommodating persons retiring, entering military service, or dissolving partnerships and landlord-tenant arrangements.

The base plan should be safeguarded by precluding the duplication of the base credit that could result from the provisions for the transfer of bases and the establishment of a full base on a minimum of 120 of the 180 days in the base-forming period. When a base is transferred and is to be combined with a base held by the transferee, the total producer milk deliveries during the base-forming period of all persons in whose name such bases were earned, therefore, should be combined and the total milk deliveries of such persons to be divided by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of the base-forming period.

Similarly, if a producer ceases to deliver milk in his name during the base-forming period but milk is delivered to a pool plant from the same dairy production facilities during the remainder of such period, the base earned by both producers should be combined as set forth above.

The transfer of a base should be effective only on the first day of the month during which a request is received on forms approved by the market administrator and signed by the person transferring the base and the person to whom it is to be transferred.

The order may become effective after the start of the base-forming period. At some later time, plants may become associated with this market and qualify as pool plants after the start of the base-forming period. In order that the base plan will be effective for producers at all pool plants during the base-operating period, provision should be made for the assignment of a base to each producer at such plants entering the market in accordance with the rules applying to producers supplying plants which are pool plants during the entire base-forming period. The operator of such a plant, of course, must provide the market administrator with adequate records of deliveries of individual dairy farmers during the base-forming period for the calculation of bases.

In view of the almost universal use of the base plan in this area and the issuance of this recommended decision prior to the start of 1959 base-forming period, it is reasonable to expect that all plants that would be subject to full regulation will have satisfactory records of receipts from individual dairy farmers for the determination of bases to take effect with the effective date of the price provisions of the order.

The uniform prices, including base and excess prices, should be computed for milk of 4.0 percent butterfat. This is in accordance with current marketing practice in this area.

In distributing the proceeds to producers a differential should be applied, as previously discussed herein, to recognize different values of milk in accordance with its butterfat content.

Location differentials, heretofore discussed, should be applied to the price paid producers for base milk during the months of April through July and to the uniform price during other months. Since excess milk will represent producer milk classified principally in Class II milk, to which no location differential is applicable and which will be a price in line with the competitive price for manufacturing milk, the excess price should not be subject to a location differential.

Handler's obligation for producer milk and producer-settlement fund. Because producers will receive payment at the rate of the marketwide uniform price(s) each month and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to producers or cooperative associations, a producer-settlement fund should be established to equalize this difference.

The handler's total obligation to producers is determined by applying the class prices to producer milk at his pool plant(s) and adding the obligation, if any, of compensatory payments on other source milk and from the reclassification of beginning inventory (tentatively classified as Class II milk at the end of the preceding month) which is allocated to Class I milk for the month. The order should provide a method for the determination and reclassification of inventory from producer milk to result in a cost of such milk identical with the cost of current receipts of producer milk and a determination and reclassification cost of inventory from unpriced other source milk identical with the compensatory payments on current receipts of unpriced other source milk. The allocation of inventory to producer and other source milk in the attached order follows the same allocation procedure as is used to determine the classification of producer milk. No reclassification charge will result on inventory from milk which originates from a plant under another Federal order which is priced as Class I milk under such order.

Each handler whose obligation for producer milk is greater than the amount he is required to pay producers at the applicable uniform prices should pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price value should receive payment of the difference from this fund. For administrative convenience, payments due any handler should be offset by payments due from such handler.

Experience has shown that it is necessary for efficient functioning of the producer-settlement fund to set aside a reasonable reserve in such fund at the end of each month to cover minor audit adjustments, delayed payments or other contingencies. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four or more than five cents per hundredweight of producer milk in the pool for the month.

As indicated elsewhere in this decision, compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Such deposits would be included in the uniform price computation and thereby distributed to all producers.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due from such fund to all handlers, payments to such handlers should be reduced uniformly per hundredweight of milk. Such handlers then should be permitted to reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made the required payments into the fund should be omitted in the computation of the uniform prices in subsequent months until such handler has completed all delinquent payments.

Payment to producers. Each handler should be required to pay each producer for milk received from such producer and for which payment is not made to a cooperative association at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II price for the preceding month rounded to the next lowest dollar or half-dollar without adjustment for butterfat content, hauling and other deductions.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds from the sale of such milk, as is provided by the Act, will tend to promote the orderly marketing of milk. Cooperative associations will be assisted in discharging their responsibility to their members and to the market. Such function can be accomplished more expediently if an association is collecting payments for the sale of its member's milk. Each handler, therefore, should be required, if requested in writing by a cooperative association which the market administrator determines is authorized to collect payment for its member milk and has furnished a written promise to reimburse the handler for any improper claims on the part of the cooperative, to pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 25th day of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

Provision should be made for the handler, if authorized by the producer, to make bona fide deductions for goods or services furnished to, or for payments made on behalf of, the producer. At the time of final settlement for producer milk, the handler should be required to furnish to each producer a supporting statement showing the pounds and butterfat test of milk received from him, the rate(s) of payment for such milk and a description of any deductions claimed by the handler.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning throughout the order.

(2) *Market administrator.* Provision is made for the appointment by the Secretary of a market administrator to administer the order and to describe the powers and duties essential to the proper functioning of his office.

(3) *Records and reports.* Provisions are included in the order which notify handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producer milk and payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

Handlers should maintain and make available to the market administrator (a) all records and accounts of their operations, including financial records, and such facilities he may deem necessary to determine the accuracy of the information submitted by the handler, and (b) any other information upon which the classification of producer milk depends. The market administrator likewise must be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

There may be instances in which a handler, wittingly or unwittingly, fails to report all receipts and/or sales of milk. In such cases, it is necessary for the market administrator to have access to the financial as well as other pertinent records as a means of discovering omissions or inaccuracies in accounting for milk under the order. Assuring proper accounting for milk is an important feature of an order; thus, it is essential that the market administrator have access to any and all records necessary for him to properly perform his duty and broad authority is granted, in this respect, under the Agricultural Marketing Agreement Act of 1937, as amended.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time. The order should provide, however, for specific limitations of the time that handlers shall be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitations of claims, is equally applicable in this situation and is adopted as a part of this decision.

Without a provision for termination of obligations after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an under-payment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c(15)(A) of the Act, claiming such money. Handlers need also the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. Except under certain extraordinary conditions, such as litigation, the obligation of any handler to pay money should terminate two years after the day of the month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that, in general, a period of two years is a

reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included herewith, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

If a handler fails to make the required reports or payments, his name should be publicly announced at the discretion of the market administrator. Such announcement is provided for by the Act, and it is concluded that its adoption will facilitate enforcement of the terms of the order.

(4) *Marketing services.* A provision should be made in the order for performance of marketing services for producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers receiving the service. If a cooperative association is performing such services for its member producers, the market administrator will accept this in lieu of his own service.

Orderly marketing will be promoted through a marketing service program by assuring individual producers that payments received by them for their milk are in accordance with the pricing provisions of this order and accurately reflect the weights and tests of milk delivered. Complete verification requires that butterfat tests and weights of individual producers deliveries as reported by the handler are proved to be accurate.

Dissemination of current market information to all producers will promote efficiency in the production, utilization and marketing of milk and should be included in the order as an additional phase of the marketing service program.

A maximum deduction of 6 cents per hundredweight should enable the market administrator to perform the various marketing services for producers. This deduction will apply only to receipts of milk from producers for whom he renders marketing services. If experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Any cooperative association of producers performing marketing services for its producer-members shall receive such deductions as the membership agreement authorizes in lieu of the six-cent maximum rate deducted from payments made to nonmember producers.

(5) *Expense of administration.* Each handler operating a pool plant should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe, on (1) producer milk, and (2) other source milk which is classified as Class I, except other source milk subject to an expense of administration assessment under another Federal order. Handlers operating nonpool plants should be assessed, depending on the option chosen pursuant to § 1024.75, on quantities of other source milk disposed of as Class I milk in the marketing area on routes or on the total receipts of Grade A milk from dairy farmers at the plant (not subject to administrative expense under another order) and other source milk which would be classified as Class I if such plant were a pool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that cost of administration shall be financed through assessments on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers, including nonpool handlers, will be achieved by applying the administrative assessment in the above-described manner.

In view of the distances involved between plants and the cost of administering orders in comparable markets, an assessment rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provisions should be made to enable the Secretary to reduce the rate of assessment below the 4-cent maximum rate without necessitating an amendment to the order. This should be done at such time that experience reveals that a lesser rate will provide adequate revenue to administer the order properly.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

Definitions

§ 1024.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1024.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1024.3 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1024.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1024.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1024.6 Ohio Valley marketing area.

"Ohio Valley marketing area" hereinafter referred to as the "marketing area" means all territory geographically located within the perimeter boundaries of the counties of Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike, Dubois, and Crawford, all within the State of Indiana and the counties of Henderson, Daviess, Hancock, Breckinridge, Grayson, Ohio, McLean, Webster, Union, Hopkins and Muhlenburg, all within the State of Kentucky, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such areas.

§ 1024.7 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, milk concentrates, milk drinks (plain or flavored, including prepared milk shake mixes and eggnog), cream (including sterilized cream), or any mixture of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed metal containers).

§ 1024.8 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a:

(a) Milk plant(s);

(b) Distribution point(s); or

(c) Food processing plant(s) for use other than for fluid consumption.

§ 1024.9 Fluid milk plant.

"Fluid milk plant" means the land, buildings, surroundings, facilities and equipment which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk, and:

(a) All or a portion of such milk is (1) disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s), or (2) moved to a plant described in subparagraph (1) of this paragraph in the form of a fluid milk product(s).

§ 1024.10 Pool plant.

"Pool plant" means a fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler:

(a) Any such plant from which the fluid milk products disposed of on a route(s) are equal to not less than 50 percent of the Grade A milk (described in § 1024.12(a)) received at such plant from dairy farmers and from other plants during the month, and 25 percent or more of such receipts is disposed of as fluid milk products in the marketing area on a route, or

(b) Any such plant which receives Grade A milk (described in § 1024.12(a)) from dairy farmers and from which fluid milk products equal to not less than 50 percent of such receipts during the month are moved to a plant(s) described in paragraph (a) of this section: *Provided,* That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the period of September through December, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before January 9 of any year, be designated as a pool plant during the months of January through August of such year.

§ 1024.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

§ 1024.12 Producer.

"Producer" means any person, except a producer-handler or a person with respect to milk produced by him which is fully subject to the pricing and payment provisions of another order issued pursuant to the act, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant (including milk diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 1024.13).

§ 1024.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from producers;

(b) Diverted for the account of the operator of a pool plant to another pool plant or a nonpool plant; or

(c) Diverted for the account of a cooperative association to a nonpool plant: *Provided,* That this definition shall not include the milk of any person during any month in which such milk is diverted for the account of (1) the operator of a pool plant for more than one-half of the days of delivery during the month; or (2) a cooperative association for more than one-half of the days of delivery during the months of August through March: *And provided further,* That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant at which the milk was last received immediately prior to diversion.

§ 1024.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of a fluid milk product, except (1) fluid milk products received from pool plants, (2) producer milk, and (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant or for which other utilization or disposition is not established pursuant to § 1024.32.

§ 1024.15 Base milk.

"Base milk" means that producer milk received from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1024.60 multiplied by the number of days in the month.

§ 1024.16 Excess milk.

"Excess milk" means that producer milk received from a producer during any of the months of April through July which is in excess of such producer's base milk.

§ 1024.17 Handler.

"Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13.

§ 1024.18 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk in the marketing area on a route and who receives no fluid milk products from other dairy farmers or nonpool plants: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1024.19 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1024.20 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

Market Administrator

§ 1024.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1024.26 Powers.

The market administrator shall have the powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1024.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to

enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1024.86, (1) the cost of his bond and of the bond of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1024.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose, at his discretion, to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1024.30 and 1024.31 or (2) payments pursuant to §§ 1024.75, 1024.80, 1024.82, 1024.84, 1024.86 and 1024.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for producers, consumers, and handlers such statistics and information as are necessary and essential to the proper functioning of this part and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, as necessary, of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat depends;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following: (1) The 6th day of each month, the Class I price and butterfat differential for the month, the Class II price and butterfat differential for the preceding month; and (2) the 12th day of each month, the uniform price(s), and the producer butterfat differential for the preceding month; and

(k) On or before the 15th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1024.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month, or not later than the 9th day after the end of the month if the report required by this paragraph is delivered in person to the office of the market administrator, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator the following:

(1) The total pounds of skim milk and butterfat contained in or represented by:

(i) Producer milk, including for the months of April through July the aggregate amount of base milk;

(ii) Fluid milk products received from other pool plants;

(iii) Other source milk; and

(iv) Inventories of fluid milk products at the beginning and end of the month.

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if required by the market administrator, of the disposition of Class I milk outside the marketing area.

(b) Each handler operating a fluid milk plant pursuant to § 1024.9(a)(1) which is a nonpool plant shall report on or before the applicable date specified in paragraph (a) of this section his receipts of milk from dairy farmers and all other sources and the utilization of such receipts in accordance with § 1024.40 as prescribed by the market administrator.

§ 1024.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants and for each fluid milk plant subject to § 1024.75(b) his producer payroll which shall show: (i) The total pounds of milk received from each producer or dairy farmer, as the case may be, including for the months of April through July the total pounds of base and excess milk for each producer; (ii) the average butterfat content of such milk; (iii) the days for which milk was received from each producer during September through December if less than a full month; and (iv) the amount of such handler's payment to each dairy farmer, producer or cooperative association, as the case may be, together with the price paid per hundredweight and the amount and nature of any advance payments and deductions authorized in writing by such person; and

(2) Such other information as the market administrator may determine to be necessary to administer this part.

§ 1024.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1024.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c 15(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1024.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1024.30 shall be classified each month pursuant to the provisions of §§ 1024.41 to 1024.45.

§ 1024.41 Classes of utilization.

Subject to the conditions set forth in §§ 1024.42 to 1024.45, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b)(2) of this section, and (2) not specifically accounted for as Class II milk, and

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) disposed of for livestock feed and skim milk (only) dumped, upon prior notice as prescribed by the market administrator, (3) in cream stored and frozen, (4) in inventory of fluid milk products on hand at the end of the month, (5) in shrinkage not to exceed one-half of one percent of the skim milk and butterfat, respectively, in producer milk physically received at the plant, plus one and one-half percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, less such products disposed of by such plant in bulk to another plant, and (6) in shrinkage of other source milk.

§ 1024.42 Shrinkage.

In computing shrinkage for the purposes of § 1024.41(b) (5) and (6) the market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in the following manner:

(a) Compute total shrinkage at each pool plant by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1024.41(a)(1) and as Class II milk pursuant to § 1024.41 (b)(1), (2), (3), and (4) (subject to the provisions of § 1024.43 to § 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1024.30;

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, physically received at such plant, other source milk received in the form of fluid milk products in bulk, and fluid milk products in bulk received from other pool plants in excess of transfers of such products in bulk to other plants.

§ 1024.43 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II milk.

§ 1024.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product, to another pool plant, unless: (1) utilization in another class is claimed by the operator of both plants in their reports submitted pursuant to § 1024.30; and

(2) The transferee plant has utilization in Class II milk of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 1024.46(a) (1) to (4) and the corresponding steps of § 1024.46(b) and any remaining quantities shall be classified as Class I milk: *Provided*, That if the transferring plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from either the Courthouse in Owensboro, Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1024.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers (including transfers from fluid milk plants subject to § 1024.75(b)) to such a nonpool plant and reported as Class I milk is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower price classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from either the Courthouse in Owensboro, Kentucky, or Evansville, Indiana.

§ 1024.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant of each handler pursuant to § 1024.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by the handler, the hundredweight of skim milk used to produce and disposed of in such products shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 1024.46 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to each pool plant of each handler, shall be the pounds of skim milk in such class allocated to the producer milk for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II pursuant to § 1024.41(b)(5);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk in fluid milk products received in consumer packages, not larger than a gallon, and so disposed of, if such skim milk is subject to the Class I pricing provisions of another order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which is not subject to the Class I pricing provisions of an order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be substracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk received in the form of a fluid milk product in bulk and which was subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract the pounds of skim milk in fluid milk products received from other pool plants from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1024.44(a);

(6) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1024.50 Basic formula price.

The basic formula price shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) Add an amount, computed by multiplying the butterfat differential computed pursuant to § 1024.52(b) by five, to the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8; and

(2) From the nonfat dry milk price, subtract 5.5 cents and multiply the difference by 8.2.

§ 1024.51 Class prices.

Subject to the provisions of §§ 1024.52 and 1024.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.30 during the 18 months immediately following the effective date of this section and plus $1.25 thereafter.

(b) *Class II milk.* The price for Class II milk shall be:

(1) For the months of September through February, the basic formula price for the month; and

(2) For the months of March through August, the arithmetical average of the basic (or field) prices paid or to be paid per hundredweight for milk of 4.0 percent butterfat content for manufacturing purposes and received from farmers during the month at the following places for which prices are reported to the market administrator or the Department by the companies listed below plus 20 cents:

Company and Location
Producers' Dairy Marketing Association, Orleans, Ind.
Kraft Cheese Co., Dale, Ind.
Swift and Co., Russellville, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Mayfield, Ky.

§ 1024.52 Butterfat differentials to handlers.

For each one-tenth of 1 percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 4.0 percent there shall be added to or subtracted from, as the case may be, the price for such class, a butterfat differential determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the month by .120.

§ 1024.53 Location differentials to handlers.

For producer milk which is received at a pool plant located 80 miles or more from the County Courthouse in Evansville, Ind., or Owensboro, Ky., whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from County Courthouse (miles)	*Rate per hundredweight (cents)*
80 but less than 90	13.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II in the transferee plant after making the calculations prescribed in § 1024.46(a)(4), and the comparable steps in § 1024.46(b) for such plant, such assignment to transferer-plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1024.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1024.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of April through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through March, subtract the uniform price to producers from the Class I price adjusted by the Class I location differential at the location of the plant from which such milk is supplied.

DETERMINATION OF BASE

§ 1024.60 Daily average base.

Subject to the rules set forth in § 1024.61 the daily average base for each producer shall be calculated by dividing the total pounds of milk received from such producer at a pool plant(s) during the months of September through February immediately preceding, by the number of days from the first day for which milk is received from such producers during such months to the last day of December inclusive, but not less than 120 days: *Provided,* That in the case of a producer whose milk is received at a plant which becomes a pool plant during or after the end of the base-forming period, and which has records of milk receipts satisfactory to the market administrator for the determination of a base, the producer's base shall be that which would have been calculated for such producer (exclusive of transfers) for the entire base-forming period if such plant had been a pool plant during such period.

§ 1024.61 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1024.60 to each person for whose account producer milk was delivered during the months of September through February;

(b) If a producer ceases to deliver milk in his name between September 1 and the last day of February, but milk is delivered to a pool plant from the same dairy production facility in the name of another producer during the remainder of the base-forming period, the base earned by both producers shall be combined in the manner set forth in paragraph (c)(3) of this section if milk is delivered in the names of both producers during any of the immediately following months of April through July; and

(c) A base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders;

(2) An entire base or the proportionate share of a jointly held base may be transferred to another person if such person assumes the ownership or operation of the farm on which the base to be transferred was established; and

(3) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose name such bases were earned and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of February, both inclusive, but not less than 120 days.

DETERMINATION OF UNIFORM PRICES

§ 1024.70 Net obligation of each handler.

The net obligation of each handler for producer milk received during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any average deducted from each class pursuant to § 1024.46(a)(8) by the applicable class price(s);

(c) Add an amount computed by multiplying the hundredweight of other source milk subtracted from Class I milk pursuant to § 1024.46(a)(3) and the corresponding step in § 1024.46(b) by the rate of payment determined pursuant to § 1024.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received: *Provided,* That if the source of any such fluid milk product is not clearly established or if such skim milk and butterfat is used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1024.46(a)(6) and the corresponding step of § 1024.46(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1024.46(a)(6) and the corresponding step of § 1024.46(b) for the month, whichever is less; and

(2) If the pounds on which payment is applicable pursuant to subparagraph (1) of this paragraph are less than the pounds subtracted from Class I milk pursuant to § 1024.46(a)(6) for the month, add an additional amount computed by multiplying the rate of payment pursuant to § 1024.55 by such difference to the extent that the pounds of skim milk and butterfat in other source milk assigned to Class II milk pursuant to § 1024.46(a)(3) and the corresponding step of § 1024.46(b) for the preceding month exceeds the total pounds of skim milk and butterfat classified as Class II milk pursuant to § 1024.41(b) (1), (2), (3), and (5) (subject to the provisions of § 1024.44) for such preceding month.

§ 1024.71 Computation of aggregate value used to determine uniform price(s).

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1024.70 for the pool plants of all handlers who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 1024.85(b);

(c) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1024.85 and multiplying the resulting figure by the total hundredweight of such milk.

§ 1024.72 Computation of uniform price.

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Divide the aggregate value computed pursuant to § 1024.71 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1024.73 Computation of uniform prices for base milk and excess milk.

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 1024.71 by multiplying the hundredweight of such milk not in excess of the total pounds of Class II milk included in such computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content;

(c) Subtract the value of excess milk at the uniform price determined in paragraph (b) of this section from the aggregate value of milk computed pursuant to § 1024.71;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in the computations pursuant to § 1024.71; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content.

§ 1024.74 Notification of handlers.

The market administrator shall:

(a) On or before the 12th day after the end of each month, notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 1024.70;

(2) The amount due the producer-settlement fund pursuant to § 1024.82; and

(3) The amount to be paid by such handler pursuant to § 1024.86.

(b) On or before the 20th day after the end of each month, notify each handler who operates a fluid milk plant, not a pool plant the amount due the producer-settlement fund and the amount due for administrative assessment pursuant to § 1024.75.

§ 1024.75 Obligation of handlers operating a fluid milk plant which is a nonpool plant.

On or before the 25th day after the end of each month, each handler, except a producer handler, operating a fluid milk plant which is a nonpool plant, shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 1024.30 to pay the amounts computed pursuant to paragraph (b) of this section.

(a) An amount (1) for deposit in the producer-settlement fund, equal to the rate of payment on unpriced milk pursuant to § 1024.55 multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1024.45) in the marketing area on routes during such month; and (2) for administrative assessment, equal to the rate specified in § 1024.86 applied to such Class I milk disposed of from such plant during such month; and

(b) An amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1024.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 1024.10(b)) which

serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 18th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 1024.12(a), and (ii) any obligations incurred in accordance with provisions similar to those contained in this subparagraph or paragraph (a)(1) of this section applicable to such plant as a partially regulated plant under another order issued pursuant to the Act: *Provided*, That in the application of § 1024.44 for the purpose of this subparagraph, transfers or diversions of milk from such milk plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 1024.46(a)(3) and the corresponding step of (b): *And provided further*, In the application of § 1024.46(a)(5) and the corresponding step of § 1024.46(b), receipts of fluid milk products at such fluid milk plant(s) from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 1042.44 (c) or (d); and (2) for administrative assessment, equal to the amount which would have been computed pursuant to § 1024.86 if such fluid milk plant were a pool plant during the month except that, if such plant is also a partially regulated plant under another order, issued pursuant to the Act and the Class I sales in such other marketing area exceeded those made in the Ohio Valley marketing area during the month and each of the three months immediately preceding, the payments due under this subparagraph shall be reduced by the amount of any payments for administrative assessment under such other order.

§ 1024.76 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1024.10 and a greater total volume of fluid milk products is disposed of from such plant to pool plants and in the Ohio Valley marketing area on routes than in the marketing area regulated pursuant to such other order during the month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 1024.80 Time and method of payments for producer milk.

(a) Except as provided in paragraph (c) of this section, each handler shall pay on or before the last day of each month each producer for producer milk received from him during the first 15 days of such month at not less than the Class II price for the preceding month rounded to the next lower dollar or half dollar as the case may be and without adjustment for butterfat content, hauling or other deductions;

(b) Except as provided in paragraph (c) of this section, each handler shall (1) on or before the 15th day after the end of the month pay each producer for milk received from him during the month not less than the applicable uniform price(s) for such month computed pursuant to §§ 1024.72 and 1024.73, adjusted by the butterfat differential computed pursuant to § 1024.85(a), the location differential pursuant to § 1024.85(b) and less the amount of the payment made pursuant to paragraph (a) of this section and bona fide deductions authorized by the producer: *Provided*, That, with respect to each deduction made from such payment, the burden shall rest upon the handler making the deduction, to prove that each deduction is authorized by, and properly chargeable to, the producer: *And provided further*, That if by such date such handler has not received full payment pursuant to § 1024.83, he may reduce his total payments to all producers uniformly per hundredweight by the amount of the reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator; (2) furnish each producer with a supporting statement in such form that it may be retained by the producer which shall show:

(i) The month and identity of the handler and of the producer;

(ii) The total pounds and the average butterfat content of milk delivered by the producer, including for the months of April through July, the pounds of base milk and excess milk;

(iii) The nature and amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1024.87;

(iv) The minimum rate or rates at which payment is required;

(v) The rate which is used in making the payment if such rate is more than the applicable minimum; and

(vi) The net amount of payment to the producer.

(c) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:

(1) Pay to the cooperative association on or before the 25th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount not less than the total due such producer-members as determined pursuant to paragraphs (a) and (b), respectively, of this section.

(2) Submit to the cooperative association on or before the 25th day of each month, written information which shows for each member-producer the total pounds of milk received during the first 15 days of the month;

(3) Submit to the cooperative association in writing on or before the 10th day of each month the information for each member-producer required pursuant to subdivisions (i) to (iii) of subparagraph (b)(2) of this section.

(d) The payments and submission of information pursuant to paragraph (c) of this section shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(e) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto.

(f) Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1024.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1024.75, 1024.82 and 1024.84 and from which he shall make all payments pursuant to §§ 1024.83 and 1024.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1024.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator any amount by which the total value of milk at his pool plant(s) computed pursuant to § 1024.70 for such month is greater than the value of producer milk received by such handler during the month, computed at the applicable uniform prices as specified in §§ 1024.72 and 1024.73 adjusted for the differentials provided for in § 1024.85.

§ 1024.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler, any amount by which the total value of milk at his pool plant(s) computed pursuant to § 1024.70 for such handler for such month is less than the value of producer milk received by such handler during the month, computed at the applicable uniform prices as specified in §§ 1024.72 and 1024.73 adjusted for the differentials provided for in § 1024.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 1024.84 Adjustment of errors in payment.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to §§ 1024.75 and 1024.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 15 days make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 1024.83, the market administrator shall within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1024.80, the handler shall pay such balance, due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosures.

§ 1024.85 Butterfat and location differentials to producers.

(a) *Butterfat differential.* In making payment for producer milk pursuant to § 1024.80, there shall be added to or subtracted from, respectively, the uniform price(s) per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 4.0 percent, respectively, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to § 1024.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

(b) *Location differentials.* In making payments to producers pursuant to §1024.80 for milk received at a pool plant located 80 miles or more from the nearest of the courthouse in Evansville, Indiana, or the courthouse in Owensboro, Kentucky, by the shortest hard-surfaced highway distance, as determined by the market administrator, the uniform price for August through March and the uniform price for base milk for April through July shall be reduced at the same rate as is applicable to Class I milk at such plant pursuant to § 1024.53.

§ 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts at his pool plant(s) during the month of producer milk and other source milk allocated to Class I milk pursuant to § 1024.46(a)(3) and the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

§ 1024.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1024.80(b), shall deduct 6 cents per hundreweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1024.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1024.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to §1024.91.

§ 1024.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1024.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1024.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any

funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1024.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1024.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 7th day of August, 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-6654; Filed, Aug. 11, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Districts Nos. 20 and 26 of Paragraph (b) *District Offices* of sec. 1.51 *Field Service* are amended to read as follows:

20. *Dallas, Texas.* The district office in Dallas, Texas, has jurisdiction over the State of Oklahoma and the following counties in Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Austin, Bailey, Baylor, Borden, Bosque, Bowie, Brazoria, Briscoe, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Colorado, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Gaines, Galveston, Garza, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Jasper, Jefferson, Johnson, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Liberty, Limestone, Lipscomb, Lubbock, Lynn, Madison, Marion, Martin, Matagorda, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Roberts, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington, Wharton, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, and Young.

* * * * * *

26. *Atlanta, Georgia.* The district office in Atlanta, Georgia, has jurisdiction over the States of Georgia, South Carolina, Alabama, Tennessee, and Arkansas.

2. Subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended in the following respects:

a. The list of Class A ports of entry of District No. 7—Buffalo, N.Y., is amended by adding "*Massena, N.Y." in alphabetical sequence and by deleting "*Rooseveltown, N.Y."

b. The list of Class A ports of entry of District No. 8—Detroit, Mich., is amended by adding the following port of entry in alphabetical sequence:

Jefferson Beach Marina, Jefferson Beach, St. Clair Shores, Mich. (May 15–Oct. 15)

Dated: August 6, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-6638; Filed, Aug. 11, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18869]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

AUGUST 6, 1959.

Take notice that on June 29, 1959, Cities Service Gas Company (Applicant) filed in Docket No. G-18869 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1959 of minor, routine facilities for making direct industrial sales along Applicant's pipeline system traversing Texas, Oklahoma, Kansas, Nebraska, and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed under this "budget-type" application consists of miscellaneous meter and regulator equipment and branch lines to enable Applicant to make miscellaneous temporary and permanent direct sales from its pipeline system during the calendar year 1959, at a total cost not to exceed $75,000, with no single project to exceed a cost of $6,000.

The anticipated temporary customers will be mostly road building contractors of which not more than 15 such projects, using an average of approximately 35,000 Mcf each, are expected to be attached during 1959.

Not more than 25 new permanent direct industrial customers, using an average of approximately 52,000 Mcf each per year, for processing in factories, for power for irrigation, or for space heating, are expected to be attached during 1959.

The estimated total amount of gas involved under this application, all of which, with minor exceptions, is stated to be interruptible, is 2,180,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., p.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., p.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6641; Filed, Aug. 11, 1959; 8:48 a.m.]

[Docket No. G-18866]

PERMIAN BASIN PIPELINE CO.

Notice of Application and Date of Hearing

AUGUST 6, 1959.

Take notice that on June 26, 1959, Permian Basin Pipeline Company (Applicant) filed in Docket No. G-18866 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station on Applicant's existing 6-inch pipeline in Yoakum County, Texas, for the purpose of delivering residue gas from the Prentice Gasoline Plant to W. D. McBee, Jr., for use as fuel for the operation of irrigation pumps, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of the proposed measuring station is $4,530, including interest and overheads, which Applicant will finance from funds on hand.

The estimated annual requirements of W. D. McBee, Jr., are 15,000 Mcf for the first year and up to 39,600 Mcf for the third year of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6642; Filed, Aug. 11, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-132]

AMF ATOMICS

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of notice of proposed action with the Federal Register Division the Atomic Energy Commission has issued license No. XR-29 to AMF Atomics, A Division of American Machine & Foundry Company, authorizing export of a research reactor to the University of Teheran, Teheran, Iran. The notice of the proposed issuance of this license was published in the FEDERAL REGISTER on May 8, 1959 (24 F.R. 3726) and described the reactor as a 5 megawatt pool-type research reactor.

Dated at Germantown, Md., this 5th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6617; Filed, Aug. 11, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2011]

KENDALL CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in The Kendall Company common stock; File No. 7-2011.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6619; Filed, Aug. 11, 1959; 8:45 a.m.]

[File No. 7-2012]

LITTON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Litton Industries, Inc., common stock; File No. 7-2012.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6620; Filed, Aug. 11, 1959; 8:45 a.m.]

[File No. 7-2013]

SMITH-CORONA MARCHANT, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Smith-Corona Marchant Incorporated common stock; File No. 7-2013.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6621; Filed, Aug. 11, 1959; 8:45 a.m.]

[File No. 7-2014]

ZENITH RADIO CORP. (DELAWARE)

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Zenith Radio Corporation (Delaware) common stock; File No. 7-2014.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Midwest Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6622; Filed, Aug. 11, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12997-12999; FCC 59-803]

GARDEN CITY BROADCASTING CO. (WAUG) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Chester H. Jones and George C. Nicholson d/b as Garden City Broadcasting Company (WAUG), Augusta, Georgia, has 1050 kc, 1 kw, Day, requests 1050 kc, 5 kw, Day, Docket No. 12997, File No. BP-11590; Ben Akerman and Thomas H. Maxwell, d/b as Radio Albany, Albany, Georgia, requests 1050 kc, 1 kw, Day, Docket No. 12998, File No. BP-12249; William E. Blizzard, Jr., and Lewis H. McKenzie, d/b as Macon County Broadcasting Company, Montezuma, Georgia, requests 1050 kc, 250 w, Day, Docket No. 12999, File No. BP-12522; for standard broadcast construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that, by amendment filed April 28, 1959, Macon County Broadcasting Company reduced power eliminating interference to the proposal of WAUG and Stations WBIE, Marietta, Georgia and WRFS, Alexander City, Alabama; and

It further appearing, That by letter received March 23, 1959, Station WFSC, Franklin, North Carolina agreed to accept the resulting interference in the event that the proposal of WAUG is granted; and

It further appearing, that, after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Radio Albany and Macon County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WAUG and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station WAUG would involve objectionable interference with Stations WBIE, Marietta, Georgia and WLON, Lincolnton, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from WRFS, Alexander City, Alabama would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Radio Albany, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the antenna system proposed by Macon County Broadcasting Company would constitute a hazard to air navigation.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, Marietta Broadcasting Co., Inc., and Lincoln County Broadcasting Co., licensees of Stations WBIE and WLON, respectively, are made parties to the proceeding.

It is further ordered, That if the proposal of WAUG is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957, (Public Notice 46545, June 18, 1957) and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6645; Filed, Aug. 11, 1959; 8:48 a.m.]

[Docket Nos. 13006-13009; FCC 59-812]

NEWHALL BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Manuel Martinez, tr/as Newhall Broadcasting Company, Newhall, California, req. 95.1 Mc, No. 236; 1 kw; 2128 ft., Docket No. 13006, File No. BPH-2550; American Broadcasting-Paramount Theatres, Inc. (KABC-FM), Los Angeles, California, has 95.5 Mc, No. 238; 4.3 kw; 2800 ft., req. 95.5 Mc, No. 238; 74.7 kw; 2915 ft., Docket No. 13007, File No. BPH-2628; Tri-Counties Public Service, Inc. (KUDU-FM), Ventura-Oxnard, California, has 95.1 Mc, No. 236; 24 kw; -16 ft., req. 95.1 Mc, No. 236; 28 kw; -27 ft., Docket No. 13008, File No. BMPH-5438; William E. Clark (KDOG), La Habra, California, has 95.9 Mc, No. 240; 480 w; 360 ft., req. 95.9 Mc, No. 240; 670 w; 8 ft. (Anaheim, Calif.), Docket. No. 13009, File No. BMPH-5502; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to operate and construct the instant proposals; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 12, 1959, and incorporated herein by reference, notified the applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and

It further appearing, that Tri-Counties Public Service, Inc., licensee of Station KUDU, Ventura-Oxnard, California, proposes to mount the FM antenna on the southwest tower of the directional antenna system of KUDU; and

It further appearing, that William E. Clark, permittee of Station KDOG, La Habra, California, proposes to mount the FM antenna on the No. 4 tower of the directional antenna system of Station KEZY, Radio Orange County, Inc., licensee, Anaheim, California; and

It further appearing, that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed Newhall Broadcasting Company operation and the availability of other such FM broadcast service to the said areas and populations.

2. To determine the areas and populations within the 50 uv/m and 1 mv/m contours which may be expected to gain or lose service from the proposed operations of Station KABC-FM, KUDU-FM, and KDOG and the availability of other such FM broadcast service to such areas and populations.

3. To determine whether the instant proposal of Newhall Broadcasting Company would involve objectionable interference with Station KRHM, Los Angeles, California, and the operation proposed in BPH-2188, San Bernardino, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

4. To determine whether the instant proposal of KABC-FM would involve objectionable interference with the operation proposed in BPH-2188, San Bernardino, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

5. To determine whether the instant proposal of KDOG would involve objectionable interference with Station KRKD-FM, Los Angeles, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

6. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the KRHM Broadcasting Company, licensee of Station KRHM, Los Angeles, California; Telemusic Co., applicant (BPH-2188) for facilities in San Bernardino, California; and the Continental Telecasting Corporation, licensee of Station KRKD-FM, Los Angeles, California; are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the application of Tri-Counties Public Service, Inc., licensee of Station KUDU, Ventura-Oxnard, California, as a result of the hearing proceeding, such grant shall contain a condition requiring that Station KUDU request permission from the Commission to determine power of KUDU by the indirect method; that during the installation period of the FM antenna KUDU shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KUDU shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KUDU shall submit Forms 302 to report the change.

Is is further ordered, That in the event of a grant of the application of William E. Clark, Anaheim, California, as a result of the hearing proceeding, such grant shall contain a condition requiring that Radio Orange County, Inc., licensee of Station KEZY, Anaheim, California, request permission from the Commission to determine power of KEZY by the indirect method, that during the installation period of the FM antenna KEZY shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KEZY shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KEZY shall submit Forms 302 to report the change.

It is further ordered, That, the issues in the above-captioned proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6646; Filed, Aug. 11, 1959; 8:49 a.m.]

[Docket Nos. 12993-12996; FCC 59-801]

S & W ENTERPRISES, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, requests 900 kc, 1 kw, DA-Day, Docket No. 12993, File No. BP-11438; Interurban Broadcasting Corporation, Laurel, Maryland, requests 900 kc, 1 kw, DA-Day, Docket No. 12994, File No. BP-12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, has 900 kc, 1 kw, Day, requests 900 kc, 5 kw, DA-Day, Docket No. 12995, File No. BP-12229; Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company, Laurel, Maryland, requests 900 kc, 1 kw, DA-Day, Docket No. 12996, File No. BP-12841; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, S & W Enterprises, Inc., Interurban Broadcasting Corporation and Rollins Broadcasting of Delaware, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing, that Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company is legally, technically, and otherwise qualified but is not financially qualified to construct and operate its instant proposal since the amendment filed May 15, 1959 failed to disclose a firm commitment for deferred credit in purchasing necessary equipment and did not satisfactorily establish that the valuation given the listed securities is the real market value or that such stock is readily marketable; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 8, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants except BP-12229, filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that in the event either Laurel proposal is favored in the hearing ordered below, the construction permit should contain a condition that the permittee take appropriate steps to minimize the radiation of radio frequency harmonics and other spurious radiations to very low levels, particularly those radiations occurring above 1605 kilocycles; and furthermore, upon being advised by the engineer in charge of the Laurel monitoring station that such emissions are causing interference to monitoring operations, the permittee shall take immediate action to further reduce the strength of these extraneous emissions to the point where they are no longer objectionable; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from S & W Enterprises, Inc., Interurban Broadcasting Corporation and Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WJWL and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of S & W Enterprises, Inc. would involve objectionable interference with Station WRNL, Richmond, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of WJWL would involve objectionable interference with Station WIAM, Williamston, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company is financially qualified to construct and operate its proposed station.

8. To determine whether the antenna system proposed by Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company would constitute a hazard to air navigation.

9. To determine whether the instant proposal of S & W Enterprises, Inc. would provide the coverage of the city sought to be served, as required by § 3.188(b) (1) and (2) of the Commission rules.

10. To determine whether the transmitter site proposed by WJWL is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Woodbridge, Virginia; Laurel, Maryland or Georgetown, Delaware would better provide a fair, efficient and equitable distribution of radio service.

12. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Laurel, Maryland should be favored, which of the proposals of Interurban Broadcasting Corporation or Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

13. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Richmond Newspapers, Inc., and East Carolina Broadcasting Co., licensees of Stations WRNL and WIAM, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Interurban Broadcasting Corporation or Laurel Broadcasting Company, the construction permit shall contain a condition that the permittee take appropriate steps to minimize the radiation of radio frequency harmonics and other spurious radiations to very low levels, particularly those radiations occurring above 1605 kilocycles. Furthermore, upon being advised by the engineer in charge of the Laurel monitoring station that such emissions are causing interference to monitoring operations, the permittee shall take immediate action to further reduce the strength of these extraneous emissions to the point where they are no longer objectionable.

It is further ordered, That, if the proposal of WJWL is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957 (Public Notice 46545, June 18, 1957), and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6647; Filed, Aug. 11, 1959; 8:49 a.m.]

[Docket Nos. 13004, 13005; FCC 59-807]

SOUTHEAST MISSISSIPPI BROADCASTING CO. (WSJC) AND JEFF DAVIS BROADCASTING SERVICE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B. Skelton, Jr., d/b as Southeast Mississippi Broadcasting Company (WSJC); Magee, Mississippi, has 1280 kc, 500 w, Day, requests 790 kc, 1 kw, Da-Day, Docket No. 13004, File No. BP-11869; Jesse R. Williams, tr/as Jeff Davis Broadcasting Service, Prentiss, Mississippi, requests 790 kc, 500 w, Day, Docket No. 13005, File No. BP-12753; for construction permits.

At a session of the Federal Communications commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that in the Commission's said letter it was pointed out that Jeff Davis Broadcasting Service had submitted insufficient information from which to determine that it was financially qualified; but that, in a timely reply, the applicant showed total funds available of $18,685, and equipment manufacturer's credit of $9,750; and that we have determined from the showing that the applicant has sufficient funds to meet the $14,287 necessary for the construction and early operation of the proposed station; and that the applicant is, therefore, financially qualified; and by amendment filed July 14, 1959, WSJC requested a waiver of § 3.30(a) of the Commission rules, but it cannot be determined on the basis of the information submitted whether circumstances exist which would warrant a waiver of said section; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Jeff Davis Broadcasting Service and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSJC and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received from Station WMC, Memphis, Tennessee would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Jeff Davis Broadcasting Service, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of WSJC is in compliance with § 3.30(a) of the Commission rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of the said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days

of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6648; Filed, Aug. 11, 1959; 8:49 a.m.]

[Docket Nos. 12991, 12992; FCC 59-799]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, req. 105.7 Mc, No. 289; 8.3 kw; 612 ft., Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis tr/as Camden Broadcasting Co., Newark, New Jersey, req. 105.9 Mc, No. 290; 3.219 kw; 388 ft., Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications:

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to operate its instant proposal; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 7, 1959, and incorporated herein by reference, notified the instant applicants, and any known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of either application and requiring a hearing on the particular issues hereinafter specified; and

It further appearing, that the service area of Suburban Broadcasting Company, Inc., would substantially overlap the service area of Station WVOX-FM, in contravention of § 3.240 of the Commission's rules; but that, in a letter dated March 6, 1959, Suburban Broadcasting Company, Inc., stated that it was willing to accept a grant of its application conditioned upon not commencing program tests or other regular operation until WVOX-FM ceases operation; and

It further appearing, that, in a letter dated June 8, 1959, Concert Network, Inc., licensee of Station WHCN, Hartford, Connecticut, claims that it would receive interference beyond its normally protected primary service area from the instant proposals; that it would be injured by a grant of either proposal because its existence depends on advertising revenues derived from service to areas achieved by an off-the-air network arrangement between Concert Network's four stations (WBCN, Boston, Massachusetts; WXCN, Providence, Rhode Island; WHCN, Hartford, Connecticut; and WNCN, New York City); and that "the fact that it can claim and substantiate such coverage accounts for the use of the 'network' by so many advertisers even though it is solely an FM operation unsupported by AM stations", Metropolitan Television Co. v. United States, et at., 12 Pike & Fischer RR 2001; and

It further appearing, that, § 3.204(a) of the Commission rules provides that the service area of a Class B station will not be protected beyond its 1 mv/m contour; that the allegations set forth by Concert Network, Inc., have raised no substantial questions as to its being entitled to protection beyond the normally protected 1 mv/m contour since no engineering data has been submitted showing that it maintains a minimum signal capable of providing primary service beyond the 1 mv/m contour; that Concert Network, Inc., has made no showing that the public interest would be served by our extending to Station WHCN protection beyond that provided for in § 3.204(a); and the requested issue would serve no useful purpose in the hearing ordered below; and that the request therefor should be denied.

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of either application would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by Suburban Broadcasting Company, Inc., and Camden Broadcasting Co., and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the proposal of Suburban Broadcasting Company, Inc., would involve objectionable interference with Station WHCN, Hartford, Connecticut, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations involved, and the availability of other service to such areas and populations.

3. To determine whether the proposal of Suburban Broadcasting Company, Inc., is in accordance with § 3.313(c) of the Commission's rules with respect to the frequency separation between Class B stations in the same metropolitan district, and if not, to determine whether a waiver of § 3.313(c) should be granted.

4. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That Concert Network, Inc., licensee of Station WHCN, Hartford, Connecticut, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of Suburban Broadcasting Company, Inc., as a result of the hearing proceeding, the construction permit shall contain a condition that it not commence program tests until WVOX-FM ceases operation.

It is further ordered, That, the above-referenced request of Concert Network, Inc., for the inclusion of an issue as to the effect of either instant proposal on the network operations of Concert Network, Inc., is denied.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6649; Filed, Aug. 11, 1959; 8:49 a.m.]

[Docket Nos. 13000-13003; FCC 59-805]

WJIV, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WJIV, Inc. (WJIV), Savannah, Georgia, has 900kc, 1kw, Day, requests 900kc, 5kw, Day, Docket No. 13000, File No. BP-11364, Louis M. Neale, Jr., North Charleston, South Carolina, requests 910 kc, 500 w, Day, Docket No. 13001, File No. BP-11886; WORD, Inc. (WORD), Spartanburg, South Carolina, has 910kc, 1kw, DA-2, U, requests 910kc, 1kw, 5kw-LS, DA-2, U, Docket No. 13002, File No. BP-12537; Richard F. Kamradt and Robert S. Tamblyn, d/b as KTM Broadcasting Company, North Charleston, South Carolina, requests 910kc, 500w, Day, Docket No. 13003, File No. BP-12579; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants, except WJIV, Inc., filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants, except WORD, Inc., stated that they would appear at a hearing on the instant applications; and

It further appearing, that legal counsel for WORD, Inc., in a letter filed on May 12, 1959, states that counsel for Louis M. Neale, Jr. and the KTM Broadcasting Company, have each agreed to accept the resulting interference from the WORD proposal, providing such interference would not cause either proposal to be in contravention of § 3.28(c) of the Commission rules; but that there has been filed no such agreements by the said applicants themselves; and

It further appearing, that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Louis M. Neale, Jr. and KTM Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WJIV and WORD and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of WJIV, Inc., would involve objectionable interference with Stations WMOP, Ocala, Florida and WSWN, Belle Glade, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposals of Louis M. Neale, Jr. and KTM Broadcasting Company would involve objectionable interference with Station WJIV, Savannah, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for North Charleston, South Carolina should be favored, which of the proposals of Louis M. Neale, Jr., and KTM Broadcasting Company, would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Andrew B. Letson, and Seminole Broadcasting Company, licensees of Station WMOP and WSWN, respectively, are made parties to the proceeding, and WJIV, Inc., is made a party to the proceeding with respect to the existing operation of Station WJIV.

It is further ordered, That, if the proposal of WJIV is favored it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957, (Public Notice 46545, June 18, 1957) and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6650; Filed, Aug. 11, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August 1959 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on credit sales made in August under the Export Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4½ percent per annum.

For periods over 6 months up to and including 18 months, 5 percent per annum.

For periods over 18 months up to and including 36 months, 5½ percent per annum.

NOTICE TO BUYERS

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct.

If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements which amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Office and therefore generally they do not appear in the Monthly Sales List.

NOTICE TO EXPORT BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service or judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales Price or Method of Sale
Dairy products	All sales except butter for restricted domestic use under LD-31 are under LD-29 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic prices: For unrestricted use price is "in store" [1] at storage locations of products. For restricted use price is on the basis of delivery f.o.b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-29. Export prices are on the basis of delivery f.a.s. vessel or at buyers option f.o.b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. During August, Commodity Credit Corporation's sales price for butter and nonfat dry milk for export shall be 8.0 cents per pound for nonfat dry milk and 40.0 cents per pound for butter; *Provided, however*, that Commodity Credit Corporation's prices for these commodities if used to fulfill contractual commitments with foreign buyers entered into prior to February 1, 1959, shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959, unless an amendment to such contractual commitment is made providing for a decrease in the respective prices to the foreign buyers equal to the difference between Commodity Credit Corporation's January and August 1959 prices; *Provided also* that Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitments entered into with foreign buyers during the period February 1, 1959, and ended June 30, 1959, shall be the export sales price in effect for export sales of these products by CCC during such period; *Provided, further*, that Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitments entered into prior to February 1, 1959, with U.S. Government Agencies which execute the certificates required by paragraph 11(c) of LD-29 shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959. Offers to purchase from CCC butter and nonfat dry milk for export shall state (1) that offer is pursuant to Announcement LD-29 and the price and other conditions in the August 1959 Monthly Sales List, (2) that offer is to fulfill Public Law 480 commitments (if so) and (3) either (a) date of contract of sale to foreign buyer of U.S. Government Agency (if any) and, if such date is prior to February 1, 1959, whether the sales prices to the foreign buyers have been reduced as required or (b) that the required exportation of dairy products will not be pursuant to any contract of sale made before August 1959. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic, unrestricted use: 66.25 cents per pound, New York, Pennsylvania, New Jersey, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.5 cents per pound, Washington, Oregon, and California. All other States 65.25 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 40 cents per pound. Export, unrestricted use: 40 cents per pound.
Nonfat dry milk, spray, roller, as available.	Domestic, unrestricted use: Spray process, U.S. extra grade; in barrels and drums, 16.0 cents per pound; in bags, 15.15 cents per pound. Roller process, U.S. extra grade: in barrels and drums, 14.00 cents per pound; in bags, 13.11 cents per pound. Domestic, restricted use (animal and poultry feed); in barrels, drums, or bags 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U.S. extra grade, in barrels, drums, or bags, 8.0 cents per pound,
Cheddar Cheese, cheddars, flats, twins, rindless blocks (standard moisture basis).	Domestic, unrestricted use: 38.0 cents per pound for New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound. Export, unrestricted use: 35 cents per pound. Cheese prices are subject to usual adjustment for moisture content.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (Sales by Local Sales Agencies of Choice (A) Cotton for Unrestricted Use), Announcement NO-C-12 (Sale of 1958 and Prior Crop Cotton for Unrestricted Use), and Announcement NO-C-13 (Sale of 1959-Crop Choice (A) Cotton for Unrestricted Use). Under CN-A, cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable Choice (B) support rate. Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable Choice (B) support price.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland cotton (except cotton offered under CN-A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A may be obtained from local sales agencies.
Wheat, bulk	Domestic, unrestricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus 17 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW ..... $2.24 Minneapolis, No. 1 DNS ..... 2.31 Kansas City, No. 1 HW ..... 2.26 Portland, No. 1 SW 2.15

See footnotes at end of table.

Commodity	Sales Price or Method of Sale			
Grain sorghums—Continued	Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR-261 revised, amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.			
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 5 percent, adjusted for milling, plus 11 cents per hundredweight basis in store. Price and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Example of prices of milled per hundredweight, at mills: (Based on preliminary support rate but subject to change).			
		U.S. No. 3	U.S. No. 4	
	Blue Bonnet	$9.15	$8.44	
	Century Patna	8.40	7.77	
Rice, rough	Export: Under GR-379 for application to approved barter order commitments and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Special export: Competitive bid for very limited quantities California Rice under GR-PPD-99 (Revised).			
	Domestic, unrestricted use: Market price but not less than the 1959 loan rate plus 5 percent, plus 11 cents per hundredweight, f.o.b. mill. Export: As milled or brown under Announcement GR-379 Rice Export Program Payment-in-Kind, and under Announcement GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas CSS Commodity Offices.			
Dry edible beans (bagged) (as available).	Domestic, unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1958 price support differential.			
	Class	Price per hundredweight	Area of production	CSS Commodity office
	Large limas	$10.30	California	Portland.
	Small red	7.26	Washington	Portland.
	Pinto	6.53	New Mexico	Dallas.
	Other classes offered as available.			
Soybeans, bulk (as available) 1957 and 1958 crop.	Export: Competitive bids under Announcement GR-376 as announced by the Portland CSS Commodity Office. Domestic for crushing or export: Market price basis in store but not less than the 1958 basic loan rate for No. 2 grade, basis points of production plus 9½ cents per bushel. Market discounts and premiums will be applied to the basic price to determine applicable market price basis. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Sales of 1957 crop soybeans for application to barter contracts will be made under GR-212, revised, amended. Available Evanston, Kansas City, and Minneapolis CSS Commodity Offices.			
Flaxseed, bulk (as available)	Domestic for crushing or export: Minneapolis CSS Commodity Office: Market price basis in store but not less than 1958 crop support rate for grade No. 1 with 10.0-11.0 moisture. Portland CSS Commodity Office: Market price but not less than $3.06 per net bushel basis in store Los Angeles, for grade No. 1 with 10.6-11.0 moisture. Premiums and discounts provided in loan bulletin to apply to other qualities. Domestic, unrestricted use: 1958 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges, but not less than market price.			
Peanuts, shelled (as available)	Examples of the foregoing minimum price per pound:			Cents per lb.
	Virginias			24.75
	Extra large			22.69
	Medium			20.57
	No. 1			20.57
	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.			

Commodity	Sales Price or Method of Sale
Wheat, bulk—Continued	Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Commercial corn-producing area: Market price, basis in store,[2] but not less than the 1958 applicable loan rate for corn produced in compliance with 1958 acreage allotments plus: (1) a markup of 20 cents per bushel for corn in storage at point of production, (2) a markup of 22 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including storage paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago ..... $1.73 Minneapolis 1.61¼
	Noncommercial corn-producing area: Market price, basis in store[2], but not less than 133 percent of the applicable 1958 loan rate plus markups as above. Non-storable corn, unrestricted use, (as available): At other than bin sites, through the offices indicated below. At bin sites, through ASC County Offices. Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted use: Market price, basis in store,[3] but not less than the 1959 applicable loan rate, plus (1) a markup of 7 cents per bushel for oats in storage at point of production, (2) a markup of 9 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats ..... $0.67¾ Minneapolis, No. 3 oats ..... .58¾
	Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 10 cents per bushel if received by truck or (2) 7 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge):
	Minneapolis, No. 2 or better $1.07
	Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program. Available Minneapolis, Evanston, Kansas City, Portland and Dallas CSS Commodity offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 13 cents per bushel if received by truck or 1958 applicable loan rates plus (1) 13 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge):
	Minneapolis, No. 2 or better $1.21
	Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program. Available: Domestic: Evanston, Minneapolis, Kansas City, and Portland CSS Commodity offices. Export: Minneapolis, Evanston, Portland, Dallas and Kansas City CSS Commodity offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 22 cents per hundredweight if received by truck or (2) 13 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge):
	Kansas City, No. 2 or better $2.03

See footnotes at end of table.

Commodity	Sales Price or Method of Sale
Peanuts, farmers stock (as available).	Domestic for crushing or export: Competitive bid under Announcement 1, as amended. Available Dallas CSS Commodity Office.
Tung oil	Export: Competitive bid under Announcement CT-OP-10 by Cincinnati CSS Commodity Office.
Burley tobacco	Domestic (unrestricted use) or export: Competitive bid under the terms and conditions of announcements issued and to be issued. These announcements cover various lots totaling about 6 million pounds. Copies of announcements issued may be obtained from the Tobacco Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. or Burley Tobacco Growers Coop. Association, 620 South Broadway, Lexington, Kentucky.
Gum rosin	Domestic, unrestricted use: Offer and acceptance basis, in galvanized metal drums (approximating 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued periodically during the month. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Georgia. Export: Competitive bids for rosin in storage subject to Announcement TB-21-59 and weekly supplements thereto.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes necessary arrangements with the warehouse.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued August 6, 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-6655; Filed, Aug. 11, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 96]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 7, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 67646 (Sub No. 2) (Deviation No. 6) Correction, HALL'S MOTOR TRANSIT COMPANY, P. O. Box 738, Sunbury, Pa., filed July 14, 1959.

Previous publication on page 6064 of the issue of the FEDERAL REGISTER July 29, 1959, showed the docket number assigned to the subject filing as No. MC 67642 (Sub No. 2), in error, the correct docket number assigned is as shown above, No. MC 67646 (Sub No. 2).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6634; Filed, Aug. 11, 1959; 8:47 a.m.]

[Notice 166]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62175. By order of July 31, 1959, the Transfer Board approved the transfer to Geo. W. Smith, Jr., Cortez, Colo., of Certificate in No. MC 112500 Sub 1, issued July 22, 1952, to Earl E. Stuller, Grand Junction, Colo., authorizing the transportation of: Uranium and vanadium ores, in bulk, from points in Grand and San Juan Counties, Utah, to Rifle and Grand Junction, Colo. O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex., for applicants.

No. MC-FC 62266. By order of July 31, 1959, the Transfer Board approved the transfer to North East Van Lines, Inc., 155 Cabot Street, Milton, Mass., of Certificate No. MC 16892, issued March 17, 1941, to Nally Movers, Inc., 50 Waltham Street, Watertown, Mass., authorizing the transportation of: Household goods, between Watertown, Mass., and points within ten miles of Watertown, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

No. MC-FC 62289. By order of July 31, 1959, the Transfer Board approved the transfer to Roe Movers, Inc., Poughkeepsie, N.Y., of Certificate No. MC 13712, issued July 11, 1955, to Leslie C. Roe and Irene G. Roe, a partnership, doing business as Roe Movers, Poughkeepsie, N.Y., authorizing the transportation of: Household goods, between Poughkeepsie, N.Y., and points within 30 miles of Poughkeepsie, on the one hand, and, on the other, points in New York, New Hampshire, Vermont, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Virginia, Georgia, Florida, and the District of Columbia, and between Poughkeepsie, N.Y., and points in New York within 30 miles of Poughkeepsie, one the one hand, and, on the other, points in Maine, North Carolina, South Carolina, and West Virginia. William F. Leahey, 4 Liberty Street, Poughkeepsie, N.Y., for applicants.

No. MC-FC 62309. By order of July 31, 1959, the Transfer Board approved the transfer to Victoria M. Mancuso, Anthony A. Mancuso, Harold W. Mancuso, and Francis D. Mancuso, a partnership, doing business as Empire State Motor Express, East Main Road, LeRoy, New York, of certificates in Nos. MC 38809 and MC 38809 Sub 1, issued May 28, 1941, and November 16, 1939, respectively, to James N. Mancuso, doing business as Empire State Motor Express, LeRoy, New York, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over a regular route, between LeRoy, N.Y., and Rochester, N.Y., serving all intermediate points, and between LeRoy, N.Y., and Buffalo, N.Y., serving all intermediate points.

No. MC-FC 62323. By order of July 31, 1959, the Transfer Board approved the transfer to Orville L. Hicks, Dunlap, Iowa, of certificate in No. MC 7135, issued August 18, 1954, to Walter Murphy, Dunlap, Iowa, authorizing the transportation of: *General commodities*, except commodities in bulk and the other usual exceptions, from Omaha, Nebr., to Dunlap, Iowa, and points within 15 miles thereof.

No. MC-FC 62372. By order of July 31, 1959, the Transfer Board approved the transfer to Lee E. Champ, Junction City, Kansas, of Certificates in Nos. MC 16089 and MC 16089 Sub 1, issued May 20, 1941, and November 5, 1942, respectively, in the name of J. L. Wood, Dwight, Kansas, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over a regular route, between Junction City, Kans., and Kansas City, Mo., and the intermediate point of Kansas City, Kansas and off-route point of North Kansas City, Mo.; livestock, over irregular routes, between Junction City, Kans., and points within 20 miles of Junction City, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. John E. Jandera, Townsend, Jandera, Hope & Honeyman, 641 Harrison Street, Topeka, Kansas, for applicants.

No. MC-FC 62402. By order of July 31, 1959, the Transfer Board approved the transfer to Smith Bus Service, Inc., Manchester, Md., of Certificate No. MC 94942 Sub 2, issued February 7, 1957, to Edgar F. Benson, Upperco, Md., authorizing the transportation of: Passengers and their baggage in round-trip charter operations, beginning and ending at Westminster, Md., and at points in Carroll County, Md., on and south of a line beginning at the Frederick-Carroll county line, and extending along Maryland Highway 97 to Westminster and thence along U.S. Highway 140 to the Carroll-Baltimore County line, and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, Delaware, West Virginia, and the District of Columbia. Madison B. Morgan, 1111 Frankfurst Avenue, Baltimore 25, Md., for applicants.

No. MC-FC 62408. By order of July 31, 1959, the Transfer Board approved the transfer to Highway Transportation Corporation, Woodville, Ohio, of Permits in Nos. MC 2787 and MC 2787 Sub 5, issued July 5, 1941, and December 2, 1952, respectively, to George E. Whittaker, doing business as Whittaker Trucking Company, Toledo, Ohio, authorizing the transportation of specified commodities, from and to specified points in Michigan, and Ohio. Earl J. Thomas, Thomas Buildings, 5844-5850 North High Street, Worthington, Ohio, for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6635; Filed, Aug. 11, 1959; 8:47 a.m.]

[Notice 282]

MOTOR CARRIER APPLICATIONS

AUGUST 7, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 6), filed June 26, 1959. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: over alternate routes, for operating convenience only, in connection with applicant's authorized regular route operations, *General commodities*, except those of unusual value, Class A and B explosives, inflammables household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1)(a) Between Kentland, Ind., and junction U.S. Highway 24 and Illinois Highway 1, over U.S. Highway 24, serving no intermediate points; (b) between junction Illinois Highways 1 and 119 and junction Indiana Highway 28 and U.S. Highway 41, from junction Illinois Highways 1 and 119 over Illinois Highway 119 to the Indiana-Illinois State line, thence over Indiana Highway 28 to junction U.S. Highway 41, and return over the same route, serving no intermediate points; (2) between Vincennes, Ind., and Prospect, Ind., over U.S. Highway 150, serving no intermediate points; (3) between Vincennes, Ind., and Indianapolis, Ind., over Indiana Highway 67, serving no intermediate points; and (4) between junction U.S. Highway 41 and Indiana Highway 57 and Indianapolis, Ind., from junction U.S. Highway 41 and Indiana Highway 57 over Indiana Highway 57 to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

HEARING: September 24, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 623 (Sub No. 23), filed June 18, 1959. Applicant: H. MESSICK, INC., P.O. Box 214, Duquesne and Newman Road, Joplin, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, blasting agents, supplies* and *materials*, from the plant site of Hercules Powder Co., near Carthage, Mo., to points in Jefferson and Shelby Counties, Ky. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: September 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 298.

No. MC 1124 (Sub No. 159), filed April 23, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston 3, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Beaumont, Tex., and junction Texas Highways 124 and 73, over Texas Highway 124, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Houston, Tex., and Beaumont, Tex., and (2) between Houston, Tex., and Port Arthur, Tex. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 1124 (Sub No. 160), filed April 23, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston 3, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the site of the Gulf States Utilities Company Plant, located approximately seven (7) miles southwest of Orange, Tex., near junction Texas Highway 87 and Texas Farm-to-Market Road 105, as an off-route point in connection with applicant's authorized regular route operations between Houston, Tex., and New Orleans, La., over U.S. Highway 90. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: October 21, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 1124 (Sub No. 161), filed June 2, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, lacquers*, and *varnishes*, in bulk, from Houston, Tex., to points in Louisiana and Mississippi, (2) *Liquid plastics*, in bulk from Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: October 12, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 1494 (Sub No. 16), filed July 28, 1959. Applicant: GROSS COMMON CARRIER, INC., West Grand, Wisconsin Rapids, Wis. Applicant's attorney: Claude J. Jasper, Suite 616–617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Milwaukee, Wis., and Fond du Lac, Wis., over U.S. Highway 41, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

HEARING: September 16, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 2202 (Sub No. 175), filed June 16, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Applicant's attorney: James M. Verner, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Line Materials Industries, located 5 miles west of Sherman, Tex., as an off-route point in connection with applicant's presently authorized regular-route operations between junction U.S. Highway 66 and 69 and Houston, Tex. Applicant is authorized to conduct operations in Alabama, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 2229 (Sub No. 95), filed April 7, 1959. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sherman, Tex., and the Line Material Industries Plant Site located approximately 4.47 miles from the city limits of Sherman, over U.S. Highway 82, serving no intermediate points. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, New Mexico, and Oklahoma.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 2309 (Sub No. 43), filed April 27, 1959. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives (other than ammunition), household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving the plant site of Line Material Industries, near Sherman, Tex., as an off-route point in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Texas, Missouri, Oklahoma, and Kansas.

NOTE: Applicant states it has served the above plant by virtue of its being located within the Sherman commercial zone; that because of a recent change therein, placing the plant outside such zone, applicant seeks the specific authority needed to continue to serve this plant.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 2754 (Sub No. 10), filed July 13, 1959. Applicant: NEUENDORF TRANSPORTATION CO., 3244 Atwood Avenue, Madison, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete silo staves*, and related accessories, namely concrete door frames, wooden silo doors, steel bands and rods, bolts, and nuts, from Madison, Wis., to points in Indiana located north of Vigo, Clay, Owen, Morgen, Johnson, Shelby, Rush, Fayette, and Union Counties, and points in Illinois located north of Calhoun, Greene, Macojpin, Montgomery, Christian, Shelby, Moultrie, Coles, and Clark Counties, Ill. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: September 18, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 4409 (Sub No. 16), filed July 20, 1959. Applicant: R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in Virginia and West Virginia, and *pallets*, and *rejected or damaged shipments* of plastic containers, on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, New York, Maryland, West Virginia, Ohio, Delaware, Virginia, the District of Columbia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, Indiana, Michigan, and Tennessee.

NOTE: Applicant states this extension is to permit the transportation of plastic containers for Brockway Glass Company, Inc. within the territory for which it now has authority to distribute glass containers or glass bottles for said company from Brockway, Pa. A proceeding has been instituted under section 212(c) in No. MC 4409 Sub No. 11, to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 8768 (Sub No. 19), filed July 20, 1959. Applicant: SECURITY STORAGE & VAN COMPANY, INC., 533 City Park Avenue, New Orleans 19, La. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California. Applicant is authorized to conduct operations in Louisiana, Texas, Mississippi, Alabama, Florida, Arkansas, Missouri, Illinois, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, the District of Columbia, New Jersey, New York, New Mexico, Oklahoma, Arizona, California, Oregon, and Washington.

HEARING: October 13, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 10343 (Sub No. 8), filed July 23, 1959. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Quincy, Ill., and junction U.S. Highways 36 and 61 at Hannibal, Mo., from Quincy over Illinois Highway 57 to junction F.A. Route 80 Spur (Fall Creek to Hannibal Road), thence over F.A. Route 80 Spur to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 61, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, and Missouri.

HEARING: September 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 15945 (Sub No. 7), filed June 19, 1959. Applicant: BRINGWALD TRANSFER, INC., 1419 Hart Street, Vincennes, Ind. Applicant's representative: W. L. Jordan, 201 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Terre Haute, Ind., to St. Marys and Napoleon, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: September 23, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 29886 (Sub No. 154), filed June 15, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveaway service, from Toledo, Ohio, to points in Texas. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 23, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 29955 (Sub No. 15), filed July 27, 1959. Applicant: ENGLAND BROS. TRUCK LINE, INC., 300 North Second Street, Fort Smith, Ark. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Sherman, Tex., and the site of the Line Material Industries, located approximately five (5) miles from Sherman: from Sherman over U.S. Highway 82 to site of Line Material Industries, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Arkansas, Missouri, Tennessee, Oklahoma, and Texas.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 30605 (Sub No. 110), filed May 1, 1959. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Kansas corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Lubbock, Tex., and Morton, Tex., over Texas Highway 116; (2) between Whiteface, Tex., and Bledsoe, Tex., over Texas Highway 125; (3) between Lehman, Tex., and Muleshoe, Tex., over Texas Highway 214, serving all intermediate points on the above specified routes, including the intermediate or off-route points of Hurlwood, Smyer, Levelland, Coble, Whiteface, Lehman, Bledsoe, Morton, Enochs and Needmore, Tex. Applicant is authorized to conduct operations in Nebraska, Oklahoma, Kansas, Missouri, New Mexico, Colorado, and Texas.

HEARING: October 5, 1959, at the Caprock Hotel, Lubbock, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 31024 (Sub No. 28), filed July 22, 1959. Applicant: NEPTUNE STORAGE, INC., 55 Weyman Avenue, New Rochelle, N.Y. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 13, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 32474 (Sub No. 23), filed May 7, 1959. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Elk Grove, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, New York, Ohio, and Wisconsin.

HEARING: September 25, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 39414 (Sub No. 10), filed June 9, 1959. Applicant: TYLER TRUCK LINES, INC., Oakfield, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plaster accelerator, plaster and stucco aggregate, steel plastering arches, steel bead, iron and steel channels, cement, basement coal doors, building and roofing felt, plastering fibre, gypsum, insulating materials, wallboard joint system, kalsomine, gypsum lath, steel lathing and steel ribbing and incidental accessorial clips and fastenings therefor, lime, iron and steel nails, paint, building paper, plaster, plaster grounds, land plaster, plasterboard, cold water putty, steel, expanded metal and incidental accessorial clips and fastenings therefor, plaster retarder, roofing materials, common and silica sand, steel sash, window screens, casein sizing, acoustical ceiling and wall tile, blocks and slabs, fibreboard and pulpboard, wallboard, plaster wallboard, mineral wool, iron and steel wire, and gypsum tile*, from Oakfield, N.Y., to points in Forest, Clarion, Elk, Jefferson, Cameron, Clearfield, Clinton, Centre, Lycoming, Union, Montour, Northumberland, Wyoming, Susquehanna, Wayne, Lackawanna, Luzerne, Pike, Monroe, and Carbon Counties, Pa., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *rejected and damaged shipments thereof*, on return. Applicant is authorized to conduct operations in Pennsylvania and New York.

NOTE: Applicant states the above transportation shall be under continuing contract or contracts with United States Gypsum Co.

HEARING: September 15, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 41432 (Sub No. 81), filed May 25, 1959. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 7667, Dallas 10, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities*, except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between St. Louis, Mo., and Dallas, Tex.: from St. Louis over U.S. Highway 66 to Springfield, Mo., thence over U.S. Highway 166 to junction with Will Rogers Turnpike near the Missouri-Oklahoma State line, thence over Will Rogers Turnpike to Big Cabin, Okla., thence over U.S. Highway 69 to Denison, Tex., and thence over U.S. Highway 75 to Dallas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular routes between St. Louis, Mo., and Dallas, Tex., via Little Rock, Ark., and Texarkana, Ark.-Tex., in its Certificate No. MC 41432. Applicant is authorized to conduct operations in Texas, Illinois, Missouri, Arkansas, and Tennessee.

HEARING: October 28, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 41432 (Sub No. 83), filed July 28, 1959. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 7667, 623 North Washington Avenue, Dallas 10, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *Ammunition* (explosive, incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities*, except those of unusual value, Class A and B explosives (other than ammunition as specified), livestock,

rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Beaumont, Tex., and junction of Texas Highway 124 with Texas Highway 73, approximately two (2) miles east of Winnie, Tex., from Beaumont over Texas Highway 124 to junction with Texas Highway 73 approximately two (2) miles east of Winnie, and return over the same route, serving no intermediate points, and serving said junction for the purpose of joinder only, in connection with applicant's regular route operations between Houston, and Beaumont, Tex., and between Houston and Port Arthur, Tex. Applicant is authorized to conduct operations in Arkansas, Illinois, Missouri, Tennessee, and Texas.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 43038 (Sub No. 413), filed June 15, 1959. Applicant: COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich. Applicant's attorney: Richard M. Freeman, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, by driveaway and truckaway, from Toledo, Ohio to points in Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: October 23, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 52552 (Sub No. 17), filed July 20, 1959. Applicant: DARL D. WOMELDORF, doing business as W. I. WOMELDORF & SONS, P.O. Box 232, Lewistown, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in Delaware, Maryland, New York, New Jersey, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *damaged and rejected shipments* of plastic containers, and *pallets*, on return. Applicant is authorized to conduct regular route operations in New Jersey, New York and Pennsylvania, and irregular route operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states this proposed service is to permit the transportation of plastic containers for Brockway Glass Company, Inc., at Brockway, Pa., within the territorial authority for which applicant now has the rights to distribute for that company from Brockway, Pa., glass containers or glass bottles. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier assigned Docket No. MC 52552 (Sub No. 14).

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 52917 (Sub No. 28), filed July 15, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products*, as listed in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with meat rails and temperature control devices, between Philadelphia, Pa., and Mt. Kisco, Albany, Waterford, and Schenectady, N.Y. Applicant is authorized to conduct operations in Maryland, Virginia, New York, New Jersey, Delaware, Pennsylvania, and the District of Columbia.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 55811 (Sub No. 53), filed June 19, 1959. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Albany, Ind., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: September 21, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 56082 (Sub No. 30), filed June 8, 1959. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, P.O. Box 390, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *advertising material*, from Newark, N.J., to points in West Virginia, and *empty containers or other such incidental facilities* and *empty bottles, cases* and *kegs* on return. Applicant is authorized to conduct operations in Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: September 16, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 64932 (Sub No. 257), filed May 21, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins* and *synthetic resin compounds*, in bulk, in tank vehicles, from Illiopolis, Ill., to Browntown, Wis. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: September 30, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 64932 (Sub No. 258), filed June 15, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Elk Grove Township, Ill., and points within ten (10) miles thereof, except points located in the Chicago Commercial Zone, to points in Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: October 1, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 66562 (Sub No. 1493), filed May 4, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Main Office: 219 East 42d Street, New York 17, N.Y., Local Office: Room 10, Union Station, Indianapolis 25, Ind. Applicant's attorney: Elmer F. Slovacek, Railway Express Agency, Inc., Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives, livestock* and *dogs*, moving in express service, between Effingham, Ill., and Herrick, Ill., from Effingham over Illinois Highway 33 to junction Illinois Highway 128, thence over Illinois Highway 128 to junction unnumbered County Highway near Cowden, Ill., thence over said unnumbered County Highway to Herrick, and return over the same route, serving no intermediate points. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; and (2) Shipments transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the livestock and dogs which are proposed to be included in the commodity description, will sometimes be "other than ordinary," but will not be accompanied by trainers or mascots.

HEARING: October 5, 1959, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 66562 (Sub No. 1508), filed June 16, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Des Moines, Iowa, and Story City, Iowa: From Des Moines north over U.S. Highway 69 to Ankeny, thence south over U.S. Highway 69 to junction Iowa Highway 160, thence southwest over Iowa Highway 160 to junction Iowa Highway 60, thence northwest over Iowa Highway 60 to Madrid, thence north over Iowa Highway 60 to junction U.S. Highway 30, thence west over U.S. Highway 30 to Boone, thence east over U.S. Highway 30 to Ames, thence north over U.S. Highway 69 to junction Iowa Highway 115, and thence east over Iowa Highway 115 to Story City, and return from Story City west over Iowa Highway 115 to junction U.S. Highway 69, thence south over U.S. Highway 69 to junction U.S. Highway 30, thence west over U.S. Highway 30 to junction Iowa Highway 60, thence south over Iowa Highway 60 to junction Iowa Highway 89, thence west over Iowa Highway 89 to Woodward, thence south over Iowa Highway 89 to junction Iowa Highway 141, thence west over Iowa Highway 141 to Perry, thence east over Iowa Highway 141 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Minburn, thence south over U.S. Highway 169 to junction Iowa Highway 64, thence east over Iowa Highway 64 to Dallas Center, thence west over Iowa Highway 64 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Adel, thence east over Iowa Highway 90 to Waukee, and thence east over Iowa Highway 90 to Des Moines, serving the intermediate and off-route points of Ankeny, Madrid, Boone, Ames, Story City, Woodward, Perry, Minburn, Dallas Center, Adel, and Waukee, Iowa. RESTRICTION: Shipments transported by said carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 21, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 69224 (Sub No. 27), filed May 22, 1959. Applicant: URBAN J. HAAS AND CYRIL H. WISSEL, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products, dairy products* and *articles distributed by meat packinghouses*, as described in Appendix I, in 61 M.C.C. 209, from St. Paul, Minn., to Rockford, Ill.: from St. Paul, over U.S. Highway 12 to Madison, Wis., thence over U.S. Highway 14 to Janesville, Wis., and thence over U.S. Highway 51 to Rockford, Ill., serving the intermediate point of Janesville, Wis., for partial unloading in connection with shipments destined to Rockford, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, and Minnesota.

HEARING: September 29, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 141.

No. MC 69536 (Sub No. 1), filed May 5, 1959. Applicant: ABBOTT CONSTRUCTION COMPANY, a corporation, 3 Spring Street, Box 927, Charleston, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities*, used only in the construction, improvement and maintenance of highways, as are transported in dump trucks or tank vehicles, between points in Gallia, Meigs, Athens, Washington, and Lawrence Counties, Ohio, on the one hand, and, on the other, points in Wood, Pleasants, Ritchie, Wirt, Jackson, Kanawha, Roane, Putnam, Cabell, Mason, Lincoln, and Wayne Counties, W. Va. Applicant is authorized to conduct operations in Kentucky, Maryland, Virgina, and West Virginia.

HEARING: October 5, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 61.

No. MC 71478 (Sub No. 23), filed June 18, 1959. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 1229½ Union Avene, P.O. Box 4049, Station A, Kansas City, Mo. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Line Material Industries, located on U.S. Highway 82, approximately 4.1 miles west of Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, and Texas.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 74857 (Sub No. 4), filed June 19, 1959. Applicant: HARRY FULLER, JR., doing business as FULLER MOTOR DELIVERY, 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks, from points in Hamilton County, Ohio to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jefferson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., those in Anderson, Bath, Boone, Bourbon, Bracken, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Kenton, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rockcastle, Rowan, Scott, Shelby, Trimble, and Woodford Counties, Ky., and those in Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Rockaway, Pike, Ross, Scioto, and Warren Counties, Ohio, and *refused* and *rejected shipments* of salt on return. Applicant is authorized to conduct operations in Indiana, Kentucky and Ohio.

NOTE: Applicant states that the above transportation will be performed for the accounts of International Salt Company, Incorporated, Diamond Crystal Salt Co., and Morton Salt Company.

HEARING: September 15, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 76032 (Sub No. 129), filed February 9, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Class A, B, and C explosives, ammunition* not included in Class A, B, and C explosives, and *component parts* of explosives and ammunition, and excepting commodities in bulk, commodities requiring refrigeration, uncrated household goods, and commodities requiring special equipment, (1) Between Clines Corners, N. Mex., and Roswell, N. Mex., over U.S. Highway 285; (2) Between Santa Rosa, N. Mex. and Vaughn, N. Mex., over U.S. Highway 54; and (3) Between Roswell, N. Mex., and Amarillo, Tex.: From Roswell over U.S. Highway 285 to junction U.S. Highway 70 approximately four miles north of Roswell, thence over U.S. Highway 70 to junction U.S. Highway 60 at or near Clovis, N. Mex., thence over U.S. Highway 60 to junction U.S. Highway 87 at or near Canyon, Tex. and thence over U.S. Highway 87 to Amarillo, and return over each of the above-described routes, serving all intermediate points on each of the above-described routes. Applicant is conducting operations in Arizona, California, Colorado, Illinois, Irdiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Texas, and Utah.

HEARING: September 15, 1959, at the U.S. Court Rooms, Roswell, N. Mex., before Joint Board No. 33.

No. MC 76266 (Sub. No. 99), filed May 25, 1959. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small arms ammunitions, household goods as defined by the Commission, and *liquids*, in bulk tank trucks, between Cleveland, Ohio, and Holmesville, Ohio: from Cleveland over U.S. Highway 42 to Medina, thence over Ohio Highway 3 to Wooster, and thence over Ohio Highway 76 to Holmesville, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: September 18, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 76266 (Sub No. 100), filed June 15, 1959. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Valley Park, Mo., as an intermediate or off-route point in connection with applicant's authorized irregular route service from and to St. Louis, Mo., and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Nebraska, Missouri, Colorado, Wisconsin, Indiana, Ohio, and Michigan.

HEARING: October 1, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 83539 (Sub No. 49), filed May 11, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis*, other than those designed to be drawn by passenger automobile, in initial movements, by truckaway and driveaway methods, between Lufkin, Tex., on the one hand, and, on the other, points in the United States, including the new State of Alaska, but excluding points in Arkansas, Louisiana, Oklahoma, and Texas; (2) *Tractors*, in secondary movements, by the driveaway method, *only* when drawing trailers moving in initial movements, by the driveaway method, between Lufkin, Tex., on the one hand, and, on the other, points in Arizona, Nevada, Oregon, and Vermont; (3) *Trucks*, in secondary movements, by the driveaway method, between Lufkin, Tex., on the one hand, and, on the other, points in Arizona, Nevada, Oregon, and Vermont; and (4) *Truck and trailer bodies*, between Lufkin, Tex., on the one hand, and, on the other, points in the United States, including the new State of Alaska, but excluding points in Arkansas, Louisiana, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: October 26, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 86761 (Sub No. 26), filed May 14, 1959. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, Ala. Applicant's attorney: John W. Adams, Jr., Gulf Transport Company, Legal Department, P.O. Drawer 881, Mobile, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A, B, and C explosives*, from, to, and between all points which applicant is presently authorized to serve under Certificates No. MC 86761 and No. MC 86761 (Sub No. 23), issued November 1, 1949 and July 13, 1950, respectively. RESTRICTION: The service to be performed by said applicant shall be limited to that which is auxiliary to or supplemented of rail service. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

HEARING: September 18, 1959, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 95627 (Sub No. 21), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers*, from Baltimore, Md., Philadelphia, Pa., Chicago, Ill., Atlanta, Ga., and Muffin Junction, Pa., to Smithfield, Va., Courtland, Va., and points within 10 miles of each and (2) *Articles distributed by meat-packing houses, dairy products, meats, meat products and meat by-products*, between Smithfield, Norfolk, and Suffolk, Va., and points in New Jersey, Delaware, Maryland, Pittsburgh, and Harrisburg, Pa., and Washington, D.C. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub No. 22), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, articles distributed by meat-packing houses, packing house products*, and *dairy products*, (1) between Suffolk, Norfolk, and Smithfield, Va., and points in Virginia, (2) from Smithfield, Norfolk, and Suffolk, Va., to points in North Carolina, South Carolina, Alabama, Georgia, Florida, West Virginia, and Pittsburgh, Pa., (3) from Gaffney, S.C., to Suffolk, Va., (4) from Wilson, N.C., to Smithfield, Va., and (5) from Kinston and Clinton, N.C., to Smithfield, Norfolk, and Suffolk, Va. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub No. 23), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, from Smithfield, Va., to points in the Washington, D.C., Commercial Zone, as defined by the Commission, and to the following points in Maryland: Aberdeen Proving Ground Depot (5 miles southeast of Aberdeen), Andrews Air Force Base at Camp Springs, Md. (11 miles southeast of Washington, D.C.), Army Chemical Center (22 miles northeast of Baltimore, Md.), Baltimore Signal Depot and Curtis Bay Sub-Depot of Letterkenny Ordnance Depot, Baltimore, Fort George Meade (2 miles west of Odenton), Fort Holabird, Baltimore, Fort Ritchie (7 miles northwest of Thurmont, Waynesboro, Pa.), Naval Air Station (14 miles east of Leonardtown, at Cedar Point), Naval Medical Center (1 mile northwest of Bethesda, on U.S. Highway 240), Naval Ordnance Laboratory, White Oak (5 miles northeast of Silver Spring, on Maryland Highway 320), Naval Powder Factory, Indian Head (26 miles south of Washington, D.C.), Naval Training Station (13 miles northeast of Aberdeen on U.S. Highway 222), Naval Hydrographic Office, Suitland, U.S. Naval Academy, Annapolis, and the following points in Delaware: Dover Air Force Base (5 miles southeast of Dover), a point 2 miles east of Lewes on Delaware Highway 18, and New Castle County Airport (5 miles south of Wilmington, west of U.S. Highways 13–40). Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub No. 24), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products* and *salt mixtures*, from Cleveland, Akron, Rittman, Fairport (Lake County), Fairport Harbor (Lake County), and Mentor (Lake County), Ohio, and Watkins Glen, Silver Springs, Ludlowville, and Retsof, N.Y., to points in Virginia south of U.S. Highway 60 to the Virginia State line to Richmond, Va., and south of U.S. Highway 360 extended from Richmond, Va., to the State border, and *pallets* and *empty containers* on return. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub No. 25), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Tower, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tankage, cracklings* and *blood*, from Smithfield, Va., to points in North Carolina, South Carolina, Georgia, Florida, and Harrison, N.J. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 96466 (Sub No. 1), filed June 4, 1959. Applicant: ROBERT CHILSON, doing business as HARVARD TRANSFER COMPANY, 302 East Park Street, Harvard, Ill. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Harvard, Ill., on the one hand, and, on the other, points in Wisconsin. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: September 30, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 98088 (Sub No. 8), filed June 8, 1959. Applicant: LINDLEY TRUCKING SERVICE, INC., 3618 Vandalia Road, Des Moines, Iowa. Applicant's representative: John M. Ropes, State Commerce Commission, State House, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, from Des Moines, Iowa to points in Missouri east of U.S. Highway 63, except Arbella, Baring, Brashear, Downing, Durham, Edina, Ewing, Granger, Greentop, Greensburg, Gorin, Hannibal, Hurdland, Kirksville, Knox City, La Belle, Lancaster, Lewistown, Maywood, Memphis, Monticello, Queen City, St. Louis, and Sublette, and points in Clark County, and *rejected shipments* and *dealers surplus machinery and parts* on return. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

HEARING: September 18, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 98749 (Sub No. 9), filed April 20, 1959. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (but not limited to liquids) in bulk, in specialized motor vehicle equipment, including but not limited to tank vehicles, from the site of the Texas Eastman Company Plant near Longview, Tex., to points in Connecticut, Delaware, Florida, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin.

HEARING: October 29, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 101126 (Sub No. 123), filed June 4, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products* and *blends thereof*, in insulated, stainless steel or aluminum tank vehicles, between points in Montgomery County, Ohio, and points in Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

HEARING: September 18, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 209.

No. MC 101458 (Sub No. 27), filed June 29, 1959. Applicant: NATIONAL CARTAGE CO., a corporation, 2850 Sheffield Avenue, Hammond, Ind. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in bulk, in tank vehicles, from Institute, W.Va., to Hammond, Ind., and *empty shipper-owned tank trailers* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: September 24, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 356.

No. MC 102616 (Sub No. 677), filed June 22, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wheeling, W. Va., to points in Fayette, Greene, and Washington Counties, Pa. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, the District of Columbia, Illinois, Maryland, New Jersey, Ohio, South Carolina, and West Virginia.

HEARING: October 6, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Joint Board No. 59.

No. MC 103248 (Sub. No. 28), filed July 27, 1959. Applicant: PETROLEUM TRANSPORT, INC., P.O. Box 289, Madison, Wis. Applicant's attorney: John Falk Murphy, P.O. Box 289, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Madison, Wis., and points within fifteen (15) miles thereof, and Milwaukee, Wis., to points in Illinois on and north of U.S. Highway 30. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa and Wisconsin.

HEARING: October 1, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 106053 (Sub No. 12), filed July 1, 1959. Applicant: CORDLE CARTAGE CO., 909 North Jackson, Charles City, Iowa. Applicant's attorney: Erwin Larson, Ellis Block, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, dangerous explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Iowa Falls, Iowa, and Waterloo, Iowa, over U.S. Highway 20; (2) between Davis Corners, Iowa, and junction U.S. Highway 63 and Iowa Highway 3, east of Waverly, Iowa, over U.S. Highway 63; (3) between Dumont, Iowa, and Waverly, Iowa, over Iowa Highway 3, serving no intermediate points on the above routes, as alternate routes for operating convenience only. Applicant is authorized to conduct operations in Iowa, Minnesota, and Wisconsin.

HEARING: September 21, 1959, at the Federal Office Building, Fifth and

Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 106977 (Sub No. 21), filed July 16, 1959. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P.O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and Port Arthur, Tex., over Texas Highway 73 (Interstate Highway 10), as follows: (1) From Houston over Texas Highway 73 (Interstate Highway 10) to its intersection with Texas Highway 61, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and (2) from the junction of Texas Highway 73 (Interstate Highway 10) with Texas Highway 61 over Texas Highway 73 (Interstate Highway 10) to Port Arthur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

NOTE: Applicant states the purpose of this application in specifying a division of the through route between Houston and Port Arthur over Texas Highway 73 at the junction of Texas Highway 73 and 61 is to provide service at such junction with applicant's existing routes.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 107403 (Sub No. 289), filed July 17, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site of the E. I. DuPont de Nemours & Company, Niagara Falls, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107496 (Sub No. 142), filed July 6, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticides and fungicides*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Kansas. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

NOTE: Common control may be involved.

HEARING: September 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 139.

No. MC 107515 (Sub No. 323), filed May 27, 1959. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, from Paris, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.). Applicant is authorized to conduct operations in Arizona, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, California, New Mexico, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: October 30, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 107825 (Sub No. 2), filed July 22, 1959. Applicant: WOODROW KNOLLINGER, doing business as MIDDLE CREEK GARAGE, National Road, Triadelphia, W. Va. Applicant's attorney: Ronald W. Kasserman, 905 Riley Law Building, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled automobiles, buses, trucks, tractors, trailers, semi-trailers and commercial vehicles of all type and description*, between points in Ohio County, W. Va., on the one hand, and, on the other, points in Ohio and Pennsylvania within 50 miles of Triadelphia, Ohio County, W. Va. Applicant is authorized to transport wrecked and disabled automobiles in the above-specified territory.

HEARING: October 7, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 59.

No. MC 108248 (Sub No. 6), filed July 20, 1959. Applicant: SHAW TRUCKING, INCORPORATED, 235 Williams Street, Dubois, Pa. Applicant's attorney: Harold S. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Binghampton, thence along New York Highway 12 to Utica, thence south of a line extending along New York Highway 49 to Rome, thence along New York Highway 69 to Mexico, and thence along U.S. Highway 104 to Oswego, points in that part of Ohio bounded by a line beginning at Cleveland and extending along U.S. Highway 322 to the Ohio-Pennsylvania State line, thence along the Ohio-Pennsylvania State line to the Ohio-West Virginia State line, thence along the Ohio-West Virginia State line to junction U.S. Highway 40, thence along U.S. Highway 40 to Columbus, thence along U.S. Highway 23 to Delaware, and thence along U.S. Highway 42 to Cleveland, including points on the indicated portions of the highways specified, and to Washington, D.C., Baltimore and St. Denis, Md., and Bloomfield and Trenton, N.J., and *pallets*, and *damaged and rejected shipments* of plastic containers, on return. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, the District of Columbia, Maryland, New Jersey, Illinois, West Virginia, and Indiana.

NOTE: Applicant states this extension is to permit the transportation of plastic containers for Brockway Glass Company, Inc., within the territory for which it now has authority to distribute glass containers or glass bottles for said company from Brockway, Pa.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 108449 (Sub No. 88), filed June 1, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *fertilizer solutions*, in bulk, in tank vehicles, from Dakota City, Iowa, to points in Nebraska and South Dakota, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: September 15, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185.

No. MC 108456 (Sub No. 11), filed July 20, 1959. Applicant: BROWN BROTHERS EXPRESS, INC., Meadow Street, P.O. Box 59, Curwensville, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in Illinois, Indiana, Michigan, Wisconsin, points in Kentucky north of a line beginning at Catlettsburg, Ky., and extending along U.S. Highway 60 to Versailles, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 93 (formerly U.S. Highway 62) near Kuttawa, Ky., thence along Kentucky Highway 93 to junction U.S. Highway 60 (formerly U.S. Highway 62) near Smithland, Ky., and thence along U.S. Highway 60 to Paducah, Ky., points in that part of Minnesota bounded by a line beginning at Winona, Minn., and extending along U.S. Highway 14 to Mankato, Minn., thence along U.S. Highway 169 to St. Peter, Minn., thence along Minnesota Highway 22 to Eden Valley, Minn., thence along Minnesota Highway 55 to Kimball, Minn., thence along Minnesota Highway 15 to St. Cloud, Minn., thence along Minnesota Highway 23 to Milaca, Minn., thence along U.S. Highway 169 to Princeton, Minn., thence along Minnesota Highway 95 to Taylors Falls, Minn., and thence along the Minnesota-Wisconsin State line to point of beginning, points in that part of Ohio bounded by a line beginning at Bridgeport, Ohio, and extending along U.S. Highway 40 to Columbus, Ohio, thence along U.S. Highway 23 to Delaware, Ohio, thence along U.S. Highway 42 to junction unnumbered highway (formerly U.S. Highway 42), thence along unnumbered highway via Ashland, Ohio, to junction U.S. Highway 42, thence along U.S. Highway 42, to Cleveland, Ohio, thence west along the shore of Lake Erie and the Ohio-Michigan State line to the Ohio-Indiana State line, thence south along the Ohio-Indiana State line to the Ohio River, and thence along the shore of the Ohio River to point of beginning, *rejected* or *damaged shipments* and *pallets* from points in the above-described destination territory to Brockway, Pa. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108456 Sub 10.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 108905 (Sub No. 18), filed May 29, 1959. Applicant: JASPER & CHICAGO MOTOR EXPRESS, INC., Jasper, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between points in Illinois within fifty (50) miles of Chicago, Ill., and points on applicant's authorized routes: From points in Illinois within 50 miles of Chicago, over all Federal, State and County Highways within said 50 miles, to U.S. Highway 41, and thence over U.S. Highway 41 to points on applicant's authorized routes, and return, serving no points not presently authorized in applicant's Certificate No. MC 108905 and sub numbers thereunder, for operating convenience only. Applicant is authorized to conduct operations in Indiana, Illinois, and Kentucky.

NOTE: Applicant states it is authorized to serves all points in Illinois within 50 miles of Chicago in Certificate MC 108905; and that this application is filed in order to eliminate the necessity of using the Chicago Gateway in order to perform service from and to points located on applicant's authorized routes.

HEARING: September 29, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 1.

No. MC 109637 (Sub No. 124), filed May 7, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt materials*, and *asphalt products*, in bulk, in tank vehicles, from Columbia Park (Miami Township), Ohio to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant is under common control with Alabama Tank Lines, Inc., Docket No. MC 116387. Dual authority under section 210 may be involved.

HEARING: September 23, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 109994 (Sub No. 18), filed June 22, 1959. Applicant: OREN M. SIZER, doing business as SIZER GRAIN SERVICE, P.O. Box 97, Highway 14 East, Rochester, Minn. Applicant's attorney: Claude J. Jasper, 616–617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime, hydrated lime*, and *ground limestone*, from the Town of Kossuth, Manitowoc County, Wis., to points in Minnesota. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 16, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 111231 (Sub No. 39), filed July 21, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: Rollo E. Kidwell, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Line Material Industries plant located approximately 4½ miles west of Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Sherman. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Illinois, and Texas.

NOTE: Applicant states this plant was formerly within the Commercial Zone of Sherman, Tex., and served by it as a part of its terminal area at Sherman. Because of recent change in city limits of Sherman, placing the plant outside the Commercial Zone, applicant files this application to continue to serve said plant.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 111708 (Sub No. 2), filed July 20, 1959. Applicant: ROY F. STEFFY, R.D. No. 3, Lititz, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk from Cecil County, Md., to points in Lancaster and Chester Counties, Pa.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 111812 (Sub No. 81), filed July 27, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Waseca, Minn., to points in Montana, Idaho, Oregon, and Washington. Applicant is authorized to conduct operations in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: September 22, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 111957 (Sub No. 3), filed June 15, 1959. Applicant: DANIEL B. GABERDIEL, DANIEL GABERDIEL, JR., AND PAUL G. GABERDIEL, doing business as DANIEL GABERDIEL & SONS, 313 North Broadway, Spencerville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted wood products*, from Bath Township, Allen County, Ohio, to points in Indiana and the southern peninsula of Michigan. Applicant is authorized to conduct operations in Ohio and West Virginia.

HEARING: September 17, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 112020 (Sub No. 70), filed May 28, 1959. Applicant: COMMERCIAL

OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and fats, vegetable oils and fats,* and *blends* and *products* thereof, in bulk, in tank vehicles, from points in Texas to points in Alabama, Louisiana, and Mississippi. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

HEARING: October 27, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 112520 (Sub No. 33), filed July 6, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *Sizing, emulsified petroleum* (Commodity is a mixture of petroleum wax of petrolatum and water, rosin or emulsifying agent, the petroleum wax or petrolatum not to exceed 52 percent and the rosin or emulsifying agent, singular or combined, not to exceed 15 percent of the total weight), in bulk, in tank vehicles, from Mobile, Ala., to Moss Point, Miss. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: September 18, 1959, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 112713 (Sub No. 85), filed July 6, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, serving the plant site of Line Material Industries located near Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Sherman, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 112750 (Sub No. 45), filed June 15, 1959. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the above, between Omaha, Nebr., on the one hand, and, on the other, points in Iowa, other than those in Woodbury County, Iowa. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant proposes to transport Empty containers or other such incidental facilities (not specified) used in transporting the above on return movements.

HEARING: September 14, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 113325 (Sub No. 5), filed July 6, 1959. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, paints, varnishes, resins, lacquers, liquid*, in bulk, from St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: September 17, 1959 at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 113514 (Sub No. 50), filed May 5, 1959. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in specialized equipment, between points in Kansas and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: October 28, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113514 (Sub No. 52), filed June 19, 1959. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in Harris and Galveston Counties, Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: October 15, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 93), filed April 16, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorneys: Dale Woodall (same address as applicant) *and* Warren Woods, 111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Texas and Louisiana, on the one hand, and, on the other, points in Connecticut and New York. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 14, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 97), filed June 22, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in Harris and Galveston Counties, Tex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 15, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 99), filed June 29, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oil well drilling mud*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 19, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 114019 (Sub No. 27) (REPUBLICATION), filed June 4, 1959, published issue of FEDERAL REGISTER, July 29, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Austin, Indianapolis, Mt. Summit and Converse, Ind., and Collinsville, Ill., to points in Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue and Covington). On return trips applicant proposed to transport other authorized and exempt commodities.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89520; therefore, Numbers thereunder. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 9685 (Sub No. 58).

HEARING: Remains as assigned September 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 114021 (Sub No. 7), filed June 26, 1959. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, in straight lengths, in bundles, and in coils, and *accessories* and *fittings* therefor, in mixed shipments with other building materials which applicant is now authorized to transport, the weight of the plastic pipe, accessories and fittings therefor, in any single shipment, not to exceed 15 percent of the total weight of such shipment, from St. Louis, Mo., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Texas, Wisconsin, West Virginia, Wyoming, those in New York on and west of New York Highway 14, and those in Pennsylvania on and west of U.S. Highway 219. (2) *Used pallets and skids*, from the destination points described in paragraph (1) above to St. Louis, Mo.

NOTE: Applicant is authorized to conduct operations as a contract carrier, in Permit No. MC 107640 and sub numbers thereunder in most of the territory sought by this application. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 16, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 115856 (Sub No. 5), filed May 18, 1959. Applicant: TRANSPORT DELIVERY COMPANY, a corporation, Thompson Building, Tulsa, Okla. Applicant's attorney: John H. Hendren, Central Trust Building, Jefferson City. Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, from points in Harrison County, Mo., to points in Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

HEARING: September 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 137.

No. MC 116027 (Sub No. 1), filed June 10, 1959. Applicant: NICHOLAS KIRCHNER, JOHN NICK KIRCHNER, AND WILLIAM J. KIRCHNER, doing business as N. KIRCHNER & SONS, St. Patrick, Mo. Applicant's attorney: J. Patrick Wheeler, 501½ Clark Street, Canton, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk fertilizer* and *bulk feed*, from East St. Louis, Ill., to points in Clark, Scotland, Schyler, Adair, Knox, Lewis, Marion, Shelby, Macon, Audrain, Monroe, Ralls, and Pike Counties, Mo.

NOTE: Attorney states the bulk fertilizer is in powder form and will be transported in box trailers. The bulk feed is feed for farm animals.

HEARING: September 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116077 (Sub. No. 64), filed May 29, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum* products (except acids and chemicals), in bulk, from points in Harris County, Tex., to points in Arizona. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Ohio, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Kentucky, Mississippi, Kansas, Missouri, New Jersey, Connecticut, Georgia, Illinois, Tennessee, Arizona, California, Indiana, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, and Wisconsin.

HEARING: October 9, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 116077 (Sub No. 65), filed May 29, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, lacquers, varnishes* and *liquid plastics*, in bulk, from Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee. Applicant is authorized to conduct options in Texas, Louisiana, Ohio, Arkansas, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Kentucky, Mississippi, Kansas, Missouri, New Jersey, Connecticut, Georgia, Illinois, Tennessee, Arizona, California, Indiana, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, and Wisconsin.

HEARING: October 12, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 116273 (Sub No. 2), filed June 15, 1959. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney. Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, in bulk, in tank vehicles, between Chicago, Ill., and Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: September 29, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 116369 (Sub No. 3), filed June 29, 1959. Applicant: WILLIAM ROY CALHOUN, Petersburg, W. Va. Applicant's attorney: James Paul Geary, 5 Main Street, Petersburg, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Timber* and *sawed products*, from the sawmill and lumber yard site of Hartzell Industries, Inc., located approximately ½ mile southeast of Petersburg, Grant County, W. Va., to Piqua, Ohio. Applicant is authorized to conduct operations in Virginia and West Virginia.

HEARING: October 7, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 341.

No. MC 116702 (Sub No. 7), filed July 27, 1959. Applicant: THADDEUS A. GORSKI, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate* in bags and in bulk, *phosphatic fertilizer solution* in bulk, *washing compound*, dry in bags and *sodium phosphate* in bags, from Trenton, Mich., to the International Boundary line between the United States and Canada at the ports of entry at Detroit and Port Huron, Mich. Applicant is authorized to conduct operations in Michigan, New York, and Ohio.

HEARING: September 14, 1959, at the Wolverine Hotel, Elizabeth-Block, East Woodward, Detroit, Mich., before Joint Board No. 163, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116806 (Sub No. 2), filed May 21, 1959. Applicant: HUTTON TRANSPORT LIMITED, R.R. 1, Lakeside, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat by-products*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 from the Port of entry on the boundary of the United States and Canada at or near Buffalo, N.Y., to Buffalo, N.Y., restricted to traffic originating at Stratford, Ontario, Canada.

HEARING: September 14, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 116806 (Sub No. 3), filed May 21, 1959. Applicant: HUTTON TRANSPORT LIMITED, R.R. 1, Lakeside, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the ports of entry on the boundary of the United States and Canada at or near Buffalo, and Niagara Falls, N.Y., to points in New York, restricted to traffic originating in the Province of Ontario, Dominion of Canada.

HEARING: September 14, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 117149 (Sub No. 2), filed June 5, 1959. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, as defined by the Commission, and *ingredients* and *additives* as used in the preparation of such feeds, in bulk, in bags and in containers, and *exempt commodities*, as defined by the Commission, between points in that portion of Texas on and north of U.S. Highway 180 and on and west of U.S. Highway 281, on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89520; therefore, dual operations under section 210 may be involved.

HEARING: October 1, 1959, at the Caprock Hotel, Lubbock, Tex., before Examiner James C. Cheseldine.

No. MC 117473 (Sub No. 4), filed May 25, 1959. Applicant: C. E. ARNDT, 1905 Shelby, Higginsville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jeffersonville, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, dry, in bulk and in bags, from Lawrence and Military, Kans., to points in Missouri, and *damaged, rejected* or *returned shipments*, on return.

HEARING: September 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 117632 (Sub No. 1) (REPUBLICATION), filed April 23, 1959, published at Page 5869, issue of July 22, 1959. Applicant: TREMBLAY TRANSPORT, INC., New Montgomery Road, Chicopee (Willimansett), Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used or reconditioned drums or containers*, (1) between Chicopee and Springfield, Mass., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, New York and Rhode Island; (2) between New York, N.Y., Philadelphia, Pa., and points in New Jersey, exclusive of Newark and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (3) between Newark, and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., points in New York, exclusive of Albany County, and points in Rhode Island; *new drums or containers*, (1) from New York, N.Y., Philadelphia and Lancaster, Pa., and points in New Jersey, exclusive of Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (2) from Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in New York and Rhode Island. Applicant is authorized to transport new steel drums or containers from Linden, N.J., to points in Connecticut and Massachusetts, and used or reconditioned steel drums or containers between Ridgefield and Newark, N.J., on the one hand, and, on the other, points in Albany County, N.Y., Connecticut and Massachusetts.

NOTE: The purpose of this republication is to add Lancaster, Pa., as a proposed point of origin for the transportation of new drums or containers.

HEARING: Remains as assigned, September 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 117665 (Sub No. 3), filed June 15, 1959. Applicant: CARL BUCHANAN, Box 454, Bloomfield, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags, and *fertilizer*, in bags and in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Butler, Wayne, Bollinger, Cape Girardeau, Scott, Mississippi, New Madrid, and Stoddard Counties, Mo. On return movements applicant states he proposes to transport commodities exempt under the provisions of section 203(b)(6) of the Act.

HEARING: September 28, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 117968 (Sub No. 2), filed July 14, 1959. Applicant: VINCENT MONTONE TRANSPORTATION, INC., 24th and Church Streets, Hazleton, Pa. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Van bodies* and *cargo containers*, steel and/or aluminum, from the plant site of Highway Trailer Company in Hazle Township, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 118807, filed March 23, 1959. Applicant: WILLIE H. COLE, General Delivery, Bluefield, W. Va. Applicant's attorney: A. J. Lubliner, 209–12 Law & Commerce Building, Bluefield, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by chain retail stores and mail order department stores, and *damaged, defective, repossessed and traded-in shipments* of the above-described commodities, between Bluefield, W. Va., and points in Buchanan, Giles, Bland, and Tazewell Counties, Va.

HEARING: October 5, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 245.

No. MC 118873 (Sub No. 1), filed June 15, 1959. Applicant: RICHARD DAVIS, doing business as CINCINNATI-INDIANAPOLIS FILM SERVICE, 18 Fayard Drive, R.R. 6, Batavia, Ohio. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Motion picture films* and *theater advertising, including but not restricted to lobby displays, posting paper, and newspaper advertising mats*, between Cincinnati, Ohio and Indianapolis, Ind., from Cincinnati over U.S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U.S. Highway 421, thence over U.S. Highway 421 to Indianapolis, and return over the same route, serving no intermediate points.

HEARING: September 16, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 118881 (Sub No. 1), filed May 18, 1959. Applicant: R. D. EMERICK AND W. L. EMERICK, doing business as EMERICK BROS. GARAGE, 512 East Street, Parkersburg, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen or repossessed vehicles and motor vehicles*, to be used as substitutes for wrecked or disabled vehicles, including

but not limited to trucks, truck tractors, semi-trailers and trailers, between Parkersburg, W. Va., on the one hand, and, on the other, points in Ohio and Pennsylvania.

HEARING: October 6, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 59.

No. MC 118927 (Sub No. 1), filed May 29, 1959. Applicant: LEWIS VAN HOOSEAR, doing business as VAN HOOSEAR'S TRUCK LINE, 521 Watrous Street, Des Moines, Iowa. Applicant's representative: John M. Ropes, Chairman, State Commerce Commission, State House, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds*, and *ingredients* required in the manufacture of animal feeds, in bags and in bulk, (1) from Des Moines, Iowa, to points in Kansas on and east of U.S. Highway 81, and to points in Missouri on and north of U.S. Highway 40; and (2) from Kansas City, Mo., to Des Moines, Iowa; and *feed ingredients* (basic ingredients necessary to manufacture animal feeds), on return.

HEARING: September 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 118928, filed May 8, 1959. Applicant: STANLEY S. DOBSON, Alsey, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, brick* and *tile*, between points in Audrain, Callaway, Montgomery, Warren, Osage, and Gasconade Counties, Mo., on the one hand, and, on the other, points in Greene and Scott Counties, Ill.

HEARING: October 5, 1959, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 118933, filed May 8, 1959. Applicant: THE PORT CARLING BOAT WORKS LIMITED, Port Carlin, Ontario, Canada. Applicant's attorney: John Wanless McMaster, 133 Richmond Street West, Southwest corner York and Richmond Streets, Toronto, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats with marine equipment*, attached thereto or installed therein, (1) from Tonawanda, N.Y., to points on the International Boundary line between the United States and Canada, and (2) between points on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in New York, Ohio, and Michigan.

HEARING: September 16, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 118949, filed May 18, 1959. Applicant: THOMAS C. HODGES, 1010 College Street, Junction, Tex. Applicant's attorney: Maynard Robinson, Frost National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and, in the same vehicle with such horses, *stable supplies* and *equipment* used in the care and exhibition of such horses, *mascots*, and the *personal effects of their attendants, trainers and exhibitors*, (1) from points in Texas to points in New Mexico and Colorado, and return; and (2) from points in Texas, to the Port of Entry on the boundary between the United States and Mexico, at El Paso, Tex., and return.

HEARING: October 2, 1959, at the Caprock Hotel, Lubbock, Tex., before Examiner James C. Cheseldine.

No. MC 118962, filed May 29, 1959. Applicant: E. G. MENELAUS, doing business as BLOCKTON OIL CO., Blockton, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Paola, Kans., to points in Missouri located on and west of U.S. Highway 63 and on and north of U.S. Highway 40, and to points in Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, and *rejected shipments* of liquefied petroleum gas on return movements.

HEARING: September 18, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 118967, filed June 1, 1959. Applicant: L. T. KISSINGER, 1141 West Sixth, West Plains, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant food* (commercial fertilizer), in bags and in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Howell, Oregon, Shannon, Wright, Texas, Ozark, and Douglas Counties, Mo., and those in Fulton, Baxter, Izard, Sharp, and Randolph Counties, Ark., and from West Plains, Mo., to points in the above-specified Counties in Arkansas.

NOTE: Applicant proposes to transport commodities exempt under Commission regulations on return trips.

HEARING: September 30, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 243.

No. MC 118982, filed June 8, 1959. Applicant: B. & H. INC., Arkansas City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green cattle hides* and *dried meat scraps*, from Arkansas City, Kans., to points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, as defined by the Commission, and *exempt commodities* on return.

HEARING: September 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 119000, filed June 15, 1959. Applicant: VIRGIL HERMAN LOHMANN, doing business as VIRGIL H. LOHMANN, 952 West Adams, Jackson, Mo. Applicant's attorney: Paul A. Mueller, Jr., Jackson, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Feed, fertilizer*, and *livestock*, between Jackson, Mo., and East St. Louis, Ill., from Jackson over U.S. Highway 61 to Perryville, Mo., thence over Missouri Highway 51 to the Missouri-Illinois State line, thence over Illinois Highway 3 or Illinois Highway 150 to Chester, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Swansea, Ill., thence over Illinois Highway 161 to junction U.S. Highway 50, thence over U.S. Highway 50 to East St. Louis, and return over the same route, serving no intermediate points.

HEARING: September 28, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119009, filed June 18, 1959. Applicant: STEVEN E. SUVADA AND JOHN KONECNIK, doing business as F & K MILK SERVICE, 7323 West Wilson Avenue, Chicago, Ill. Applicant's attorneys: Harold E. Marks, 208 South La Salle Street, Chicago 4, Ill., and Louis E. Smith, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk*, in cans, dispenser cans, bottles, cartons, and in all forms of containers, *dairy products*, including butter, cheese, sour cream, yogurt, and chocolate milk; *orange juice*, and *bottles of all kinds, cans, dispensary types of cans and cartons for milk*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Kansasville, Wis., and points in Illinois.

NOTE: Applicants indicate they propose to transport empty containers or other such incidental facilities on return movements.

HEARING: October 2, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 119012, filed June 19, 1959. Applicant: RIVER TERMINALS TRANSPORT, INC., Box 445, Madison, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *nonferrous metals*, from river terminals located at Madison and Aurora, Ind., to (1) points in Indiana on and south of U.S. Highway 24; (2) points in Butler and Hamilton Counties, Ohio; and (3) points in Kentucky bounded on the east by Kentucky Highway 11 commencing at a point on the Ohio River near Maysville, Ky., to its intersection with U.S. Highway 60 near Mt. Sterling, Ky., bounded on the south by U.S. Highway 60 from Mt. Sterling to Louisville, Ky., and the Ohio River at Louisville, including points on the highways indicated, and including points in the Louisville, Ky., Commercial Zone, limited to commodities having had a prior movement by water carrier; and *scrap metals*, from points in the above-described destination

territory, to river terminals at Madison and Aurora, Ind., restricted to shipments that will have a subsequent movement by water carrier.

NOTE: Applicant states it is also filing a Form BMC 76 application for the purpose of substituting it in lieu of James D. Shake and J. Brinton Thomas, a Partnership, doing business as Central Coal and Supply Co., No. MC 117768, in which a recommended report and order has recommended issuance of a certificate therein covering the transportation of dry bulk commodities, not including cement, in bulk in dump trucks, limited to commodities having had a prior movement by water carrier, from the above-described Indiana river terminals to specified points in Indiana, Ohio, and Kentucky.

HEARING: September 22, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 119014, filed June 19, 1959. Applicant: HERMAN O. JOHNSON, Armour, S. Dak. Applicant's attorney: Don A. Bierle, 308 Walnut Street, Yankton, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from the site of the Crystal Chemical Company, Incorporated plant located near South Sioux City, Nebr., on U.S. Highway 77, to Armour, S. Dak., and points in South Dakota within a radius of 10 miles thereof, excepting therefrom any other municipality; (2) *feed, tankage, seed, farm machinery and farm machinery repair parts, oyster shells, mineral salts, livestock bedding disinfectant, hog feeders, chicken feeders, automatic livestock and poultry waterers, heavy hardware*, more particularly specified as *wagon boxes, hydraulic hoists and bolts, light hardware, building materials*, more particularly specified as *plywood, millwork, wall board, bulk lumber, hardware requisite* in building construction such as *hinges, door-knobs, nails, tacks, spikes, staples, steel fencing wire, peg-board, asphalt shingles, wood shingles, post, paint, glass, building paper and corrugated roofing, paper egg cases, pete moss, portable chicken coops, paper chick boxes, buttermilk, bone meal, molasses* in bulk tank, from Sioux City, Iowa to Armour, S. Dak., and points in South Dakota within a radius of 10 miles thereof, excepting therefrom any other municipality; (3) *farm machinery*, and *farm machinery repair parts*, from Omaha, Nebr., to Armour, S. Dak., and points in South Dakota within a radius of 10 miles thereof, excepting therefrom any other municipality; (4) *farm machinery* and *farm machinery repair parts*, from Fort Dodge, Iowa to Armour, S. Dak., and points within a radius of 10 miles thereof, excepting therefrom any other municipality.

HEARING: September 16, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185.

No. MC 119016, filed June 29, 1959. Applicant: ANTON KOBE, doing business as SPEEDEE MOVERS, 3834 Roosevelt Street, Gary, Ind. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold in retail chain or department stores, between points in Lake County, Ind., on the one hand, and, on the other, points in Cook, Du Page, Will, Kankakee, and Iroquois Counties, Ill., and points in Berrien, Cass, Van Buren, and St. Joseph Counties, Mich.

HEARING: September 28, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 119019, filed June 22, 1959. Applicant: HAMNER TRUCK LINES, INC., 1119 Silber Road, Houston, Tex. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bags, in truck loads, from Texas City, Tex., and points in Harris County, Tex., to points in Louisiana, and *rejected shipments* of the above-specified commodity on return.

HEARING: October 20, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 119040, filed July 6, 1959. Applicant: CAPE SUPPLY COMPANY, a corporation, 24 Sheridan Drive, Cape Girardeau, Mo. Applicant's attorney: Stephen E. Strom, First Federal Savings Building, Cape Girardeau, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *contractors' and builders' supplies, equipment, and materials*, (a) between points in Cape Girardeau County, Mo., including the City of Cape Girardeau, and points in the following counties and cities in Illinois and Kentucky: (1) Franklin County, Ill., including the cities of Benton and West Frankfort, (2) Williamson County, Ill., including the cities of Herrin, Marion, and Johnston City, (3) Jackson County, Ill., including the cities of Murphysboro and Carbondale, (4) Alexander County, Ill., including the city of McClure, (5) Massac County, Ill., including the city of Metropolis, (6) Ballard County, Ky., including the cities of Barlow and Wickliffe, (7) Carlisle County, Ky., including the city of Bardwell, (8) Hickman County, Ky., including the city of Clinton, (9) Graves County, Ky., including the city of Mayfield, (10) McCracken County, Ky., including the city of Paducah, (11) Marshall County, Ky., including the city of Benton, and (12) Calloway County, Ky., including the city of Murray. (b) Between points in Alexander County, Ill., including the city of McClure, and points in the following counties and cities in Missouri and Kentucky: (1) St. Francois County, Mo., including the cities of Flat River and Farmington, (2) Madison County, Mo., including the city of Fredericktown, (3) Perry County, Mo., including the city of Altenburg, (4) Cape Girardeau County, Mo., including the cities of Cape Girardeau and Pocahontas, (5) Bollinger County, Mo., including the cities of Marble Hill and Lutesville, (6) Scott County, Mo., including the cities of Chaffee and Oran, (7) Wayne County, Mo., including the city of Williamsville, (8) Stoddard County, Mo., including the city of Dexter, (9) Dunklin County, Mo., including the cities of Campbell and Hornersville, and (10) those counties and cities in Kentucky listed in paragraphs (a)(6) through (a)(12), above. (c) From points in the city and County of St. Louis, Mo., to points in Alexander County, Ill., including the city of McClure. (d) From points in Madison County, Ill., including the city of Alton, and the city of Granite City, and points in St. Clair County, Ill., including the city of East St. Louis, to points in Cape Girardeau County, Mo., including the city of Cape Girardeau.

HEARING: September 30, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 298.

No. MC 119066, filed July 15, 1959. Applicant: CLARENCE De KAM, Rock Valley, Iowa. Applicant's attorney: Ray B. Johansen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: All types of *processed protein feeds* and *minerals* and *all other products* used for feeding livestock and poultry manufactured or processed by the E. M. Peet Manufacturing Company of Council Bluffs, Iowa, and all types of *livestock* and *grains*, between Sheldon, Iowa, and points in O'Brien, Plymouth, Cherokee, Buena Vista, Sioux, Clay, Osceola, Dickinson, Emmet, Palo Alto, Pocahontas, and Lyon Counties, Iowa, and Rock, Nobles, Jackson, Martin, Cottonwood, Murray, Pipestone, Watonwan, Redwood, and Lincoln Counties, Minn., and Moody, Minnehaha, Lincoln, Union, McCook, Turner, and Clay Counties, S. Dak.

HEARING: September 15, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 147.

No. MC 119072, filed July 16, 1959. Applicant: THRIFT TRANSFER, INC., 3040 Colvin Street, Alexandria, Va. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and mortar cement*, from Riverton, Va., and points within 5 miles thereof, to points in the District of Columbia and points in Montgomery, Prince Georges, Anne Arundel, and Howard Counties, Md., and (2) *fertilizer*, from Alexandria, Va., to points in the District of Columbia, and points in Montgomery, Prince Georges, Anne Arundel, and Howard Counties, Md., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119073, filed July 17, 1959. Applicant: EASTERN TRANSIT, INC., 1022 Granby Street, Norfolk 10, Va. Applicant's attorney: Jno. G. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, from Norfolk, Va., to points in North Carolina, South Carolina, Virginia, and West Virginia, and *damaged, refused or rejected shipments*, on return.

NOTE: Applicant states that it is under a continuing contract with Eastern Auto Distributors, Inc., also the automobiles to be transported are Renault and Peugeot automobiles.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 119086, filed July 23, 1959. Applicant: WILBUR F. MILLER, JR., 80 York Street, Taneytown, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bread* and *bakery products*, from Ladiesburg, Md., to Alexandria, Va., and Washington, D.C. and *empty containers or other such incidental facilities* used in transporting bread and bakery products, on return.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119089, filed July 24, 1959. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 344 East Florida Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, 616–617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *empty containers or other such incidental facilities* used in transporting frozen foods, between Milwaukee, Wauwatosa, and Marshfield, Wis., on the one hand, and, on the other, points in Wisconsin and the Upper Peninsula of Michigan.

HEARING: September 17, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 120048 (Sub No. 1), filed June 11, 1959. Applicant: ILLINI REEFER TRANSIT, INC., 906 West Bradley Street, Champaign, Ill. Applicant's attorney: Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, commodities of unusual value, those requiring special equipment, and commodities in bulk in tank vehicles, (1) between points in the so-called "Champaign area", the area in Illinois bounded by a line beginning at the intersection of U.S. Highways 66 and 24, thence east over U.S. Highway 24 to junction Illinois Highway 1, thence south over Illinois Highway 1 to junction Illinois Highway 16, thence west over Illinois Highway 16 to junction Illinois Highway 121, thence northwest over Illinois Highway 121 to junction U.S. Highway 51, thence northeast over U.S. Highway 51 to junction U.S. Highway 66, and thence over U.S. Highway 66 to point of beginning, including all points on the described portions of named highways, and the off-route point of Hoopeston, Ill., on the one hand, and, on the other, points in the so-called "Chicago area", the area in Illinois bounded by a line beginning at the intersection of Lake Michigan and the eastern end of the Illinois-Wisconsin State line, thence west along the Illinois-Wisconsin State line to intersection Illinois Highway 47, thence south over Illinois Highway 47 to junction Illinois Highway 17, thence east over Illinois Highway 17 to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to Lake Michigan, and thence north along the shore line to point of beginning, including all points on the described portions of the named highways, all Illinois points on the described State borders, and the off-route points of Danforth, Ashkum, Clifton, and Chebanese, Ill.; and (2) between Gary, Hammond, Whiting, and East Chicago, Ind., on the one hand, and, on the other, points in the so-called "Champaign area" as described above.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1), in No. MC 120048 covering substantially those operations set forth in (1) above. It seeks by this application a Certificate of Public Convenience and Necessity in lieu of the Second Proviso authority; it also seeks to extend its operation, as set forth in (2) above. Applicant states it does not seek to serve the said Indiana points on the one hand, and, on the other, points within the described "Chicago area".

HEARING: October 6, 1959, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

MOTOR CARRIERS OF PASSENGERS

No. MC 68167 (Sub No. 34), WASHINGTON, VIRGINIA AND MARYLAND COACH COMPANY, INC.—EXTENSION—WASHINGTON INTERNATIONAL AIRPORT; No. MC 75289 (Sub No. 16), D.C. TRANSIT SYSTEM, INC., EXTENSION—WASHINGTON INTERNATIONAL AIRPORT; and No. MC 103113 (Sub No. 1), AIRPORT TRANSPORT, INCORPORATED—EXTENSION—WASHINGTON INTERNATIONAL AIRPORT (Amendments and Clarification). The above-entitled applications, among others, were published in the FEDERAL REGISTER under date of May 6, 1959, and assigned for a prehearing conference. The application in No. MC 68167 (Sub No. 34) has been amended by letter dated July 23, 1959, so as to include service at all intermediate points on the routes applied for. Application No. MC 75289 (Sub No. 16) has been amended by letter dated July 31, 1959, by the addition of a Route D to Part II of Exhibit 1, as follows: "From Washington, D.C., via city streets to Trans Potomac Bridges, thence across such bridges to their intersection with the Mount Vernon Memorial Boulevard, thence via the Mount Vernon Memorial Boulevard to its intersection with the existing roads within the Washington National Airport, thence via existing roads within the Washington National Airport to the Administration Building, Washington National Airport, thence via the routes described in Part I to the Washington International Airport, Chantilly, Fairfax-Loudoun Counties, Virginia. Return over the same route. No intermediate points will be served." Application No. MC 103113 (Sub No. 1) has been amended by letter dated August 5, 1959, by the addition, as follows: Between the Washington National Airport, Gravely Point, Arlington, Va., and Washington, D.C., from the Washington National Airport via existing roads within the Washington National Airport to the Mt. Vernon Memorial Highway, thence via the Mt. Vernon Memorial Highway and access roads leading to: (a) 14th Street Trans-Potomac Bridge, (b) Memorial Bridge and (c) Key Bridge, and thence via the said bridges to Washington, D.C., and return over the same route serving no intermediate points.

No. MC 119098, filed July 28, 1959. Applicant: SMITH BUS SERVICE, INC., Manchester, Md. Applicant's attorney: Madison B. Morgan, 1111 Frankfurst Avenue, Baltimore 25, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at Bachman Mills, Butler, Carrollton, Cranberry, Dover, Fowblesburg, Glyndon, Greenmount, Hampstead, Lineboro, Manchester, Melrose, Mexico, Reisterstown, White House, and Woodensburg (all located in Carroll and Baltimore Counties), Md., and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, Delaware, West Virginia, and the District of Columbia.

HEARING: September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12710, filed May 29, 1959. Applicant: TOM C. SWOPE, doing business as, HERITAGE TOURS, Gaylynn Center, P.O. Box 5145, Beaumont, Tex. Applicant's attorney: John H. Benckenstein, 915 Goodhue Building (P.O. Box 551), Beaumont, Tex. Authority sought to operate as a *broker* (*BMC 5*), at Beaumont, Tex., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, beginning and ending at Beaumont and Houston, Tex., and Shreveport, La., and extending to points in the United States, including Ports of Entry on the boundary between the United States and Mexico and between the United States and Canada.

NOTE: Applicant states it contracts for, purchases, arranges, furnishes, provides and sells passenger transportation and tours, including hotel and motel accommodations and guides.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 12711, filed June 4, 1959. Applicant: LEO KONKOLEWSKI AND FRANCES KONKOLEWSKI, 2977 South 11th Street, Milwaukee 15, Wis. Applicant's attorney: William C. Dineen, 341 Empire Building, 710 North Plankinton

Avenue, Milwaukee 3, Wis. For a license (BMC 5) authorizing operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between Milwaukee, Wis., and Chicago, Ill.

HEARING: September 17, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub No. 92), filed August 3, 1959. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Greenville, S.C. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

No. MC 42487 (Sub No. 410), filed August 3, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics* and *resins*, liquid, in bulk in tank vehicles, from Chemolite Siding, Minn., to Gardena, Calif. Applicant is authorized to conduct operations in Nevada, Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, New Mexico, South Dakota, Arizona, Wisconsin, Wyoming, Oregon, Washington, Idaho, California, North Dakota, Minnesota, Montana, and Utah.

No. MC 60178 (Sub No. 4), filed July 27, 1959. Applicant: CLIFFORD W. BLACK, doing business as TONGANOXIE MOTOR FREIGHT, Tonganoxie, Kans. Applicant's representative: Henry B. Vess, Jr., Western Traffic Services, Inc., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Linwood, Kans., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Tonganoxie, Kans. Applicant is authorized to conduct operations between Tonganoxie, Kans., and Kansas City, Mo.

No. MC 66562 (Sub No. 1541), filed July 31, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) Between Greensboro, N.C., and Winston-Salem, N.C., from Greensboro over U.S. Highway 421 through Guilford College and Kernersville, N.C., to Winston-Salem, and return over the same route, serving the intermediate points of Guilford College and Kernersville, N.C. (2) Between Greensboro, N.C., and junction Interstate Highway 40 and U.S. Highway 421 over Interstate Highway 40, serving no intermediate points. (3) Between junction North Carolina Highway 66 and Interstate Highway 40 and junction North Carolina Highway 66 and U.S. Highway 52 over North Carolina Highway 66, serving no intermediate points. (4) Between Greensboro, N.C., and junction U.S. Highway 158 and North Carolina Highway 66, from Greensboro over U.S. Highway 220 to junction U.S. Highway 158, thence over U.S. Highway 158 through Stokesdale, N.C., to junction North Carolina Highway 66, and return over the same route, serving the intermediate point of Stokesdale, N.C. Applicant states the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail express service of applicant. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1542), filed July 30, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between junction North Carolina Highway 99 and North Carolina Highway 32 (five (5) miles south of Plymouth, N.C.) and junction U.S. Highway 264 and North Carolina Highway 32 (six (6) miles east of Washington, N.C.), from junction North Carolina Highways 99 and 32 over North Carolina Highway 99 to junction U.S. Highway 264 at Pantego, N.C., thence over U.S. Highway 264 to Belhaven, N.C., thence return over U.S. Highway 264 through Pantego to junction North Carolina Highway 32, and return over the same route, serving the intermediate point of Belhaven, N.C. Applicant states the following restrictions: 1. The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of air or railway express service. 2. Shipments transported by carrier (except so-called local shipments moving solely between Norfolk, Va., and Belhaven, N.C., which will be provided in connection with applicant's present motor carrier service between Norfolk, Va., and Raleigh, N.C., under MC 66562 (Sub No. 1119), shall be limited to those moving on a through bill of lading or express receipt covering in addition to the motor-carrier movement by carrier, an immediately prior or an immediately subsequent movement by air or rail. 3. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to or supplemental of air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 104683 (Sub No. 24), filed July 24, 1959. Applicant: L. L. MAJURE TRANSPORT CO., 1600 B Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Meridian, Miss., to Pensacola, Fla. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

No. MC 109637 (Sub No. 132), filed July 27, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrups*, in bulk, in tank vehicles, from Louisville, Ky., to points in North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting flavoring syrups on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

No. MC 110525 (Sub No. 399), filed August 4, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Chester A. Zyblut and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Cleveland, Ohio, to Erie, Pa., and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia,

Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

No. MC 114194 (Sub No. 22), filed August 3, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigating systems and accessories*, and *mechanized and power sprayers and accessories*, except commodities which because of size or weight require special equipment, from points in Missouri, Illinois, Michigan, and Indiana, to points in Missouri and Illinois, and *refused or rejected shipments* on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Missouri, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

No. MC 115716 (Sub No. 6), filed August 5, 1959. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 1420 18th Street, Denver, Colo. Applicant's attorney: Edw. C. Hastings, First National Bank Building, Eads, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Kansas-Colorado State line near Cokan, Kans., and Tribune, Kans., from the Kansas-Colorado State line near Cokan over Kansas Highway 96 to Tribune, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Colorado.

No. MC 119085, filed July 23, 1959. Applicant: JOHN J. FRANTA, Gilbertville, Iowa. Applicant's attorney: Keith S. Joah, Charles City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks*, from Chicago, Ill., to points in Iowa east of U.S. Highway 169.

No. MC 119116, filed August 3, 1959. Applicant: PATRICK E. CURRAN, doing business as LAKE CITY AUTO PARTS COMPANY, 376 South First Avenue East, Duluth, Minn. Applicant's attorney: James J. Courtney, Jr., 1505 Alworth Building, Duluth 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged or disabled motor vehicles*, and *tractors* for replacement of wrecked, damaged or disabled tractors, in truckaway service, between Duluth, Minn., and points in the Upper Peninsula of Michigan, and those in Wisconsin on, west and north of a line commencing at the Wisconsin-Michigan State line at Marinette, Wis., thence along Wisconsin Highway 64 to junction U.S. Highway 45, about two miles north of Antigo, Wis., thence along U.S. Highway 45 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to Wausau, Wis., thence along Wisconsin Highway 29 to Chippewa Falls, Wis., thence along U.S. Highway 53 to Eau Claire, Wis., thence along U.S. Highway 12 to the Wisconsin-Minnesota State line at Hudson, Wis.

PETITION

Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within thirty days after the date of this publication in the FEDERAL REGISTER.

No. MC 8484 (Petition for waiver of Rule 101(e) of the Commission's General Rules of Practice and for leave to file for reopening, reconsideration, revision and/or correction of a certificate of public convenience and necessity). Petitioner: FINTON DELIVERY, INC., Salamanca, N.Y. Petitioner's attorneys: Roy Simmons and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. By authority issued under Docket No. MC 8484, petitioner is authorized to transport general commodities, with exceptions, over regular routes, between Buffalo, N.Y., and Lewis Run, Pa., serving all intermediate points between Salamanca and Lewis Run, including Salamanca, and the off-route points of Derrick City and Rew City, Pa. Petitioner's Certificate embraces the operating rights in Certificate No. MC 8484 issued November 14, 1940, as amended December 5, 1945, to reflect a name change of one of their partners. The Certificate was thereafter reissued to Finton Delivery, Inc., pursuant to Commission approval in MC-FC-50629. The subject petition seeks modification of Certificate No. MC 8484 so as to authorize the transportation of: *General commodities*, with exceptions, (1) between Salamanca, N.Y., and Rochester, N.Y., (2) between Buffalo, N.Y., and Bradford, Pa., (3) between Salamanca, N.Y., and Lewis Run, Pa., (4) between Salamanca, N.Y., and Jamestown, N.Y., (5) between Salamanca, N.Y., and Olean, N.Y., via Route 17, (6) between Salamanca, N.Y., and Olean, N.Y., (7) between Salamanca, N.Y., and Buffalo, N.Y., over certain described routes, and (8) between Salamanca, N.Y., and Buffalo, N.Y., over certain other routes than those described in (7) above. The proposed modification as to the specific routes to be utilized and cities and towns to be served are set forth in detail on pages 18, 19, and 20 of the petition.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 65876 (Sub. No. 9), filed July 31, 1959. Applicant: BISON FREIGHT LINE, INC., 2173 Kasota Street, St. Paul, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Paul, Minn., and Fargo, N. Dak.: From St. Paul over U.S. Highways 10 and 52, to Fargo, and return over the same route, serving the intermediate points of Minneapolis and Anoka, Minn., and the off-route points of Hopkins, Newport, and South St. Paul, Minn. and all points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission in 48 M.C.C. 95 as intermediate and off-route points. Applicant is authorized to conduct operations in Minnesota and North Dakota.

NOTE: Applicant states there has been filed simultaneously with this application, an application by Twin City-Fargo Freight, Inc. to purchase a portion of applicant's authority, assigned No. MC-F 7270; therefore, proceedings in MC 65876 Sub 9, are directly related.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7166, LAW & INGHAM TRANSPORTATION CO., INC.—PURCHASE (PORTION)—GEORGE F. DOCKHAM, published in the April 22, 1959, issue of the FEDERAL REGISTER on page 3143. Petitions filed August 3, 1959, and July 24, 1959, respectively, to amend the section 5 application by substituting LAW MOTOR FREIGHT, INC., Airport Road, Nashua, N.H., as the vendee, and to modify the order of July 6, 1959, under section 210a(b) by substituting it as the lessee, contingent upon grant of temporary authority in MC-F 7259 (LAW MOTOR FREIGHT, INC.— CONSOLIDATION—LAW & INGHAM TRANSPORTATION CO., INC., AND SOUTHWESTERN NEW HAMPSHIRE TRANSPORTATION CO., INC. Application in No. MC-F 7166 assigned for hearing September 18, 1959.

No. MC-F 7267. Authority sought for purchase by LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., Manheim Pike, Lancaster, Pa., of a portion of the operating rights of HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y., and for acquisition by V. R. KAHLEY, 401 South President Avenue, Lancaster Pa., RUTH BARNETT, 1016 Grandview Boulevard, Lancaster, Pa., and SADIE ALBOUM, 2601 Parkway, Philadelphia, Pa., of control of such rights through the purchase. Applicants' attorneys: S. S. Eisen, 140 Cedar Street, New York 6, N.Y., and William D. Traub, 10 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: *Chocolate, chocolate coating, cocoa*, and *confectionery*, as a *contract carrier* over irregular routes, from Hershey, Pa., to Philadelphia, Pa. Ven-

dee is authorized to operate as a *contract carrier* in Pennsylvania, New York and New Jersey. Application has not been filed for temporary authority under section 210a(b). A proceeding has been instituted under section 212(c) in Docket No. MC 42317 Sub 2 to determine whether vendee's status is that of a common or contract carrier.

No. MC–F 7268. Authority sought for purchase by HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y., of the operating rights of LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., Manheim Pike, Lancaster, Pa., and for acquisition by HARRY A. BLADES, also of New York, of control of such rights through the purchase. Applicants' attorneys: William D. Traub, 10 East 40th Street, New York 16, N.Y., and S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Scrap aluminum and tin foil*, as a *contract carrier* over regular routes, from Hershey, Pa., to New York, N.Y., serving no intermediate points; *empty cans and canisters and tin plates*, from Lancaster, Pa., to New York, N.Y., serving no intermediate points; *coffee beans*, from New York, N.Y., and Hoboken, N.J., to Lancaster, Pa., serving no intermediate points; *chocolate and chocolate products*, and *commodities* used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., and New York, N.Y., serving certain intermediate and off-route points; *tin plates*, over irregular routes, from Lancaster, Pa., to certain points in New Jersey and Mamaroneck, N.Y. A proceeding has been instituted under section 212(c) in Docket No. MC 42317 Sub 2 to determine whether vendor's status is that of a common or contract carrier. Vendee is authorized to operate as a *contract carrier* in New York, New Jersey, Maryland, Delaware, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7269. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., of the operating rights of RAPID MOTOR LINES, INC. (IRVING GROOB, TRUSTEE), 25 Kendall Street, New Haven, Conn., and for acquisition by WILSON M. HOUSE, also of Terre Haute, of control of such rights through the purchase. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N.Y., and New Haven, Conn., and between Boston, Mass., and Norwalk, Conn., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points within 40 miles of New York, N.Y., in Bergen, Passaic, Essex, Union, and Hudson Counties, N.J., and Rockland County, N.Y.; *cotton piece goods*, from Fall River, Mass., to Bridgeport, Conn.; *mayonnaise* and *condiments*, from Westerly, R.I., to Brockton and Taunton, Mass. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Missouri, New Jersey, Indiana, Maryland, Ohio, Illinois, New York, West Virginia, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7270. Authority sought for purchase by TWIN CITY-FARGO FREIGHT, INC., 122 8th Street SE., Minneapolis 14, Minn., of a portion of the operating rights of BISON FREIGHT LINE, INC., 2173 Kasota Street, St. Paul, Minn., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, of control of such rights through the purchase. Applicants' attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between St. Paul, Minn., and Fargo, N. Dak., serving the intermediate point of St. Cloud, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC 65876 Sub 9 is a matter directly related.

No. MC–F 7271. Authority sought for purchase by MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City 1, N.Y., of the operating rights of SYRACUSE FURNITURE FORWARDING COMPANY, INC., 259 West Fayette Street, Syracuse 2, N.Y., and for acquisition by ALEXANDER SHAPIRO, also of Long Island City, of control of such rights through the purchase. Applicants' attorney and representative, respectively: S. S. Eisen, 140 Cedar Street, New York 6, N.Y., and Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier* over irregular routes, from Syracuse and Fayetteville, N.Y., to points in California and Florida, from Fayetteville, N.Y., to points in Virginia and Georgia, from Syracuse and Fayetteville, N.Y., to Memphis and Nashville, Tenn., New Haven, Conn., St. Louis, Mo., and Milwaukee, Wis., and from Fayetteville and Syracuse, N.Y., to Houston, Tex., and Oklahoma City, Okla.; *new furniture*, between Syracuse, Fayetteville, and Oneida, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Illinois, Maryland, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania, and between Grand Rapids, Mich., on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7272. Authority sought for control by FRANK BABBITT, 623 17th Avenue, Bloomer, Wis., of BABBITT BROS., INC., 623 17th Avenue, Bloomer, Wis., and CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Avenue, Eau Claire, Wis. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis, Minn. Operating rights sought to be controlled: (BABBITT) *Milk* and *milk products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof to certain points in Texas, Lincoln, and Omaha, Nebr., Tulsa, Okla., Hershey and Philadelphia, Denver, Colo., Wichita and Kansas City, Kans., Council Bluffs, Iowa, Minneapolis and St. Paul, Minn., Chicago and East St. Louis, Ill., Kansas City, Springfield and St. Louis, Mo., and points within the commercial zones of each, as defined by the Commission; operating rights applied for covering the transportation of (1) *milk* and *milk products*, from Bloomer, Wis., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and West Virginia, (2) *liquid cleaning compounds* from Philadelphia, Pa., to points in Michigan; Illinois, Wisconsin, Minnesota, Iowa, and Nebraska, and (3) *wine*, from Canandaigua and Yonkers, N.Y., to Minneapolis, Minn.; (CHIPPEWA) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *comon carrier* over regular routes, between Minneapolis, Minn., and Chicago, Ill., between Eau Claire and Cameron, Wis., between Chippewa Falls and Owen, Wis., between Fairchild and Withee, Wis., between Augusta and Cornell, Wis., between Sand Creek and Cornell, Wis., and between Bloomer, Wis., and junction U.S. Highway 12 and Wisconsin Highway 40, serving certain intermediate and off-route points; five alternate routes for operating convenience only; *sweet cream, concentrated skim milk*, and *whole milk*, from Ridgeland, Wis., to junction Wisconsin Highway 64 and Dunn County (Wis.) Highway M, serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Cameron, Wis., on the one hand, and, on the other, points in Wisconsin within 60 miles of Cameron, and between Eau Claire, Wis., on the one hand, and, on the other, certain points in Wisconsin; *household goods*, as defined by the Commission, between Eau Claire, Wis., and points within 75 miles of Eau Claire, on the one hand, and, on the other, points in Minnesota, Michigan, Illinois, Iowa, North Dakota, South Dakota, Indiana, Kentucky, and Ohio; *emigrant movables*, between Cameron, Wis., on the one hand, and, on the other, points in Wisconsin within 60 miles of Cameron. FRANK BABBITT holds no authority from this Commission. However, he controls BABBITT BROS., INC., and CHIPPEWA MOTOR FREIGHT, INC., by ownership of the majority of the outstanding stock of each. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7273. Authority sought for purchase by LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky., of a portion of the operating rights and certain property of A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville 7, Ind., and for acquisition by CHARLES E. CRANMER, P.O. Box 5135, Cherokee Station, Louisville 5, Ky., and JOSEPH J. LEARY, McClure Building, Frankfort, Ky., of control of such rights and property through the purchase. Applicants' representative: Charles E. Cranmer, President, Liquid Transporters, Inc., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Operating rights sought to be transferred: *Paints, varnishes*, and *lacquers*, in liquid or paste, from synthetic resin solutions, oils compounded, thinning compounds, and lacquer and varnish solvents, in bulk, in tank trucks or trailers, as a *common carrier* over irregular routes, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, Wisconsin, Iowa, and Pennsylvania; *paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds*, and *lacquer and varnish solvents*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, New York, North Carolina, Oklahoma, South Carolina, Texas, and Virginia; *empty shipper-owned tank trailers* (used in connection with the transportation of paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds, and lacquer and varnish solvents), from points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin to Louisville, Ky. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Michigan, Illinois, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Florida, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7275. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL, AND W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland, Ohio, of ALABAMA TRANSPORT, INC., CARROLL TRANSPORT, INC., IOLA TRANSPORT, INC., IOWA TRANSPORT, INC., OGLESBY TRANSPORT, INC., TOP TRANSPORT, INC., and TROPICAL TRANSPORT, INC., all of 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. ALABAMA TRANSPORT, INC., filed, on June 17, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 119008) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Birmingham, Ala., to points in Alabama and certain points in Mississippi, Tennessee, Florida and Georgia. CARROLL TRANSPORT, INC., filed, on February 20, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118715) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company at Union Bridge, Md., to points in Delaware, Maryland and the District of Columbia, and certain points in Pennsylvania and Virginia. IOLA TRANSPORT, INC., filed, on June 5, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118979) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Iola, Kans., to points in Kansas and certain points in Arkansas, Missouri and Oklahoma. IOWA TRANSPORT, INC., filed, on January 23, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118580) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Mason City, Iowa, to points in Iowa, Wisconsin, North Dakota, South Dakota and Minnesota. OGLESBY TRANSPORT, INC., filed, on December 19, 1958, an application on Form BMC 78 (Revised) (Docket No. MC 118467) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Oglesby, Ill., to points in Illinois and certain points in Iowa, Wisconsin and Indiana. TOP TRANSPORT, INC., filed, on March 2, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118753) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant sites of the Lehigh Portland Cement Company in Fogelsville, Ormrod and Sandts Eddy, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and the District of Columbia and certain points in Pennsylvania, New York, and Virginia. TROPICAL TRANSPORT, INC., filed, on May 20, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118952) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Bunnell, Fla., to certain points in Georgia. H. M. O'NEILL, F. J. O'NEILL, AND W. J. O'NEILL hold no authority from this Commission, but are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT (N.Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., MARKET HAULAGE, INC., GREEN BAG TRANSPORT, INC., and POOL TRUCK, INC., which are authorized to operate as *contract carriers*. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7276. Authority sought for purchase by MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio, of the operating rights and property of MARTIN BROS. TRUCKING, INC., P.O. Box 156, 317 Chamber of Commerce Building, Mitchell, Ind., and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of Cleveland, of control of such rights and property through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio, and R. W. Loser, 317 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Cement*, as a *contract carrier* over irregular routes, from points in Lawrence County, Ind., to points in Ohio, Kentucky, and Illinois within 200 miles of Lawrence County. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT (N.Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., MARKET HAULAGE, INC., GREEN BAG TRANSPORT, INC., and POOL TRUCK, INC., which are authorized to operate as *contract carriers*. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7277. Authority sought for purchase by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of the operating rights of CONVERSE TRUCKING SERVICE, 1026 Murray Street, Berkeley, Calif., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort, Flint, Mich., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Military ordnance* other than live ammunition and Class A and B explosives, in shipments of not less than 10,000 pounds, and *such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, except petroleum products in tank vehicles, in shipments of not less than 10,000 pounds, as a *common carrier* over irregular routes, between points in California and Nevada, except that no service is authorized between points in California south of a line extending from the Pacific Ocean easterly through Monterey, Salinas, Fresno, Dunlap, and Independence, Calif., to the California-

Nevada State line. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7278. Authority sought for purchase by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of a portion of the operating rights of HAMILTON TRUCKING SERVICE, INC., 5916 Corson Avenue, Seattle, Wash., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort Avenue, Flint, Mich., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Airplanes and airplane parts*, the transportation of which, because of size or weight, requires the use of special equipment, and of *related parts* moving in connection therewith, as a *common carrier* over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Oregon and Idaho and certain points in California and Montana. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7279. Authority sought for purchase by BOYD E. RICHNER, INC., 404 Third Avenue, P.O. Box 1488, Durango, Colo., of the operating rights of GLEN D. RUST AND WAYNE RUST, 623 North Elm Street, Cortez, Colo., and for acquisition by DON WARD, 1055 South Niagara, Denver, Colo., and BOYD E. RICHNER, P.O. Box 1488, Durango, Colo., of control of such rights through the purchase. Applicants' attorney: Charles H. Haines, Jr., 730 Equitable Building, Denver 2, Colo. Operating rights sought to be transferred: *Uranium and vanadium ores*, in bulk, as a *common carrier* over irregular routes, from points in San Juan County, Utah, to Naturita, Durango, and Uravan, Colo., and Thompsons, Utah, and from points in Utah, Arizona, and New Mexico within 150 miles of Monticello, Utah, to points in La Plata, Montrose, Mesa, and Garfield Counties, Colo. Vendee is authorized to operate as a *common carrier* in Wyoming, Colorado, New Mexico, and Utah. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7274. Authority sought for control by CARL EDWIN KELTON, doing business as C. E. KELTON MOTOR TRANSPORTATION, 17 Taft Avenue, White River Junction, Vt., of WHITE RIVER COACH LINES, INC., P.O. Box 483, White River Junction, Vt. Applicant's representative: Carl Edwin Kelton, 17 Taft Avenue, White River Junction, Vt. Operating rights sought to be controlled: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, as a *common carrier* over regular routes between Rutland, Vt., and Portland, Maine, serving all intermediate points, and between Bristol, N.H., and Portland, Maine, serving all intermediate points during the season extending from June 1 to September 15, both dates inclusive, of each year, said route being authorized as an alternate route for operating convenience only, with no service at intermediate points, during the balance of each year; *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between White River Junction, Vt., and Hanover, N.H., and between Hanover, N.H., and Lebanon, N.H., serving certain intermediate points; *passengers and their baggage*, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Lisbon and Hanover, N.H., and points within 25 miles of Hanover, except New London, N.H., to points in New York, New Hampshire, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine, and return. CARL EDWIN KELTON, doing business as C. E. KELTON MOTOR TRANSPORTATION, is authorized to operate as a *common carrier* in Vermont, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6636; Filed, Aug. 11, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2 (Revision 3), Amdt. 2]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation of Authority Relating to Organization and Management

Delegation of Authority No. 2 (Revision 3), as amended, (23 F.R. 556, 10575) is hereby amended by deleting subsection I.B.7. in its entirety and substituting in lieu thereof the following:

I.B.7. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096) from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 17, 1959.

ROBERT H. MONTGOMERY, *Deputy Administrator.*

[F.R. Doc. 59–6623; Filed, Aug. 11, 1959; 8:46 a.m.]

[Delegation of Authority 30–1–10]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation No. 30–I–9 (24 F.R. 4896), there is hereby redelegated to the Chief, Financial Assistance Division the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.

b. Participation business loans in an amount not exceeding $100,000.

c. Disaster loans in an amount not in excess of $20,000.

2. To decline disaster loans;

3. To approve or decline Limited Loan Participation loans;

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By _____
Chief, Financial Assistance Division.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

9. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments hertofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

12. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

13. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

14. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument, or instruments issued pursuant thereto and secured thereby.

15. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

17. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

19. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

20. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

21. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

22. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

23. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

24. To approve annual and sick leave for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 27, 1959.

DANIEL TYLER, JR., *Deputy Regional Director, Boston Regional Office.*

[F.R. Doc. 59–6624; Filed, Aug. 11, 1959; 8:46 a.m.]

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VOLUME 24 NUMBER 158

Washington, Thursday, August 13, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to § 6.302(p) as set out below.

§ 6.302 Department of State.

* * * * * * *

(p) *Office of the Assistant Secretary for Administration.* * * *

(5) One Private Secretary to the Assistant Secretary for Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6714; Filed, Aug. 12, 1959; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) of § 6.342(a) is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6713; Filed, Aug. 12, 1959; 8:52 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL AND PROFESSIONAL POSITIONS

Farm Management Loan Positions

The headnote of § 24.137 is amended to read as follows:

§ 24.137 Farm Management Supervisor, Farm Management Officer, and Farm Management Representative, GS–475–5–15.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6687; Filed, Aug. 12, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATION

[Amdt. 45]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments have been made to this subchapter:

PART 1—GENERAL PROVISIONS

Subpart C—General Policies

In §§ 1.302–3(c) and 1.302–4 (b) and (d), the terms "Director of Defense Mobilization and ODM" have been revised to read "Director of Civil and Defense Mobilization and OCDM". A new cross reference has been added in § 1.302–3(e).

Section 1.305 has been revised to broaden and clarify coverage on the use of purchase descriptions. Existing material has been rearranged. The policy relative to the availability of specifications, plans, and drawings has been set forth in § 1.305–3.

New § 1.305–6 includes examples of when the words "or equal" may not be used with the minimum "brand name" description.

Also a subparagraph providing for alternate articles or qualities in both invitations for bids and requests for proposals, has been added, as § 1.305–7.

Section 1.307 has been replaced in its entirety by a new Part 1, Subpart H. The expanded coverage includes minimum standards for responsible prospective contractors, procedures with respect to determinations of responsibility, and policies on pre-award surveys and subcontractor responsibility.

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FEDERAL REGISTER

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Appropriate corrections have been made to cross-references in Parts 1, 2, 3 and 12; they appear in their proper sequence.

A new § 1.314, has been added to provide for the interchange of procurement information between Departments and between procuring activities, where the same item or class of items is being purchased. In negotiated procurements, provision has been made for acquiring the necessary basic information from the prospective supplier. This procedure is responsive, in part, to Finding No. 5 of House Report No. 2660, dated August 18, 1958, entitled "Rocket Launcher Procurement".

A new § 1.315, has been added covering delivery terms in both formal advertising and negotiation. Delivery schedules may be expressed in terms of calendar dates, specified periods from date of contract, and specified periods from date of receipt by contractor of notice of award. Appropriate provisions for inclusion in IFB's and RFP's are furnished. This action was based on consideration of Comptroller General Decision No. B–136303, dated August 4, 1958. The amendments of Subpart C, are as follows:

§ 1.300 [Deletion]

Section 1.300 is deleted.

§ 1.302–3 Production and research and development pools.

* * * * *

(c) *Ascertainment of status.* The contracting officer is responsible for ascertaining whether a group of firms seeking to do business with the Government is a pool. In ascertaining the status of a group representing that it is a pool, contracting officers may rely on a copy of the SBA or OCDM notification of approval of the pool. Each Department will expeditiously disseminate to contracting officers information received from SBA or OCDM concerning the approval of pools.

* * * * *

(e) *Responsibility of pool members.* Where a member of a production pool has submitted a bid or proposal in its own name, the pool agreement shall be considered in determining its responsibility pursuant to Subpart H of this part.

§ 1.302–4 [Amendment]

In § 1.302–4, wherever the Director of Defense Mobilization and the ODM are used, they should be changed to Director of Civil and Defense Mobilization and the OCDM, respectively.

§ 1.305 Specifications, plans, and drawings.

§ 1.305–1 General.

(a) Plans, drawings, specifications or purchase descriptions for procurements shall state only the actual minimum needs of the Government and describe the supplies and services in a manner which will encourage maximum competition and eliminate, insofar as is possible, any restrictive features which might limit acceptable offers to one supplier's product, or the products of a relatively few suppliers. Items to be procured shall be described by reference to the applicable specifications or by a description containing the necessary requirements.

(b) Many specifications cover several grades or types, and provide for several options in methods of inspection, etc. When such specifications are used, the invitation for bids or request for proposals shall state specifically the grade, type, or method of inspection, etc., on which bids or offers are to be based.

§ 1.305–2 Mandatory specifications.

(a) Except as provided in paragraph (b) of this section the following specifications are mandatory for use by the Department of Defense in the procurement of supplies and services covered by such specifications:

(1) Federal specifications, unless determined by the Department of Defense to be inapplicable for its use; and

(2) Coordinated Military specifications, approved by the Department of Defense for its use.

(b) Federal and Military specifications need not be used for the following unless required by Departmental instructions:

(1) Purchase incident to research and development;

(2) Purchase of items for test or evaluation;

(3) Purchase of laboratory test equipment for use by Government laboratories.

(4) Purchase of items for authorized resale except military clothing;

(5) Purchase of items in an amount not to exceed $2,500 (multiple small purchases of less than $2,500 of the same item shall not be made for the purpose of avoiding the use of Federal or Military specifications);

(6) Purchase of one-time procurement items; or

(7) Purchase of items for which it is impracticable or uneconomical to prepare a specification (repetitive use of a purchase description containing the essential characteristics of a specification will be construed as evidence of improper use of this exception).

(c) If it is determined, in accordance with the procedures established under the Defense Standardization Program by the Assistant Secretary of Defense (Supply and Logistics), that the specifications listed in (a) above do not meet the particular or essential needs of a bureau, service, or command, then (except as provided in paragraph (b) of this section) applicable interim Federal specifications or limited coordinated Military specifications should be used.

(d) Whenever a specification is found to be inadequate, immediate action shall be taken to effect the issuance of an amendment or a revision in accordance with established procedures to obviate the necessity for repeated departures from the specification.

§ 1.305–3 Availability of specifications, plans, and drawings.

Invitations for bids and requests for proposals will:

(a) So far as practicable, be accompanied by all applicable specifications, plans, and drawings, and shall so state that fact;

(b) State the exact locations where all applicable specifications, plans, and drawings may be obtained by prospective contractors and that such specifications, plans, and drawings were not furnished with the invitation for bids or request for proposals; or

(c) If distribution of applicable specifications, plans, or drawings is impracticable, state a reasonable number of locations at which they may be examined.

§ 1.305–7 Alternate articles or qualities.

Invitations for bids and requests for proposals may provide for alternate bids or proposals on different articles or qualities of material, e.g., where two or more articles will be equally acceptable to the Government depending upon relative price. However, the alternate articles or qualities must be precisely described to assure that the same degree of competition is obtainable on the alternate bids or offers as is obtainable on the basic articles described.

§ 1.307 [Reserved]

§ 1.314 Exchange of purchase information.

(a) Where the same item or class of items is being purchased by more than one Military Department, or by more

than one procuring activity within a Department, the exchange and coordination of pertinent information between these Departments or procuring activities is desirable to promote uniformity of treatment of major issues and the resolution of particularly difficult or controversial issues. Generally, for a substantial purchase of a major item, the purchasing activity should request appropriate information from other purchasing activities responsible for buying similar items. Each activity receiving such requests shall furnish the information requested, if available. Such exchange and coordination of information is particularly beneficial during the procurement planning or pre-solicitation period.

(b) In negotiated procurement where available information from Government sources is inadequate, and in order to obtain basic information for the development of further data, the contracting officer, early in the negotiation with a prospective supplier, should inquire into previous contracts between that supplier and the Government for the same or similar items. In appropriate cases the request for proposals may contain a requirement that the offeror furnish information as to whether or not it has previously furnished the same item to any Government agency, and if so, identify recent contracts under which such items were furnished by contract numbers, dates, and purchasing activities.

§ 1.315 Delivery schedules.

§ 1.315–1 General.

(a) The time of delivery or performance is an essential element for inclusion in a contract and must be clearly set forth in invitations for bids and requests for proposals. Delivery and performance schedules shall be designed to meet the requirements of the particular procurement, with due regard to applicable transportation factors as stated in § 1.306, and must be realistic. Delivery and performance schedules which are unreasonably tight or difficult of attainment are inimical to full competition, inconsistent with small business policies (see § 1.702(b)(3)), and may result in higher contract prices. Therefore, prior to issuing an invitation for bids or request for proposals, the contracting officer shall question any delivery requirement which appears unrealistic, and, if necessary, initiate action to make appropriate adjustments.

(b) Where timely delivery or performance is unusually important to the Government, liquidated damages provisions may be used as provided in § 1.313.

(c) Invitations for bids and requests for proposals shall inform bidders or offerors of the basis on which their bids or proposals will be evaluated with respect to time of delivery.

§ 1.315–2 Terms.

(a) Delivery schedules may be expressed in terms of—

(1) Specific calendar dates (e.g., on or before July 1, 1960);

(2) Specified periods from date of contract (i.e., date of award or acceptance by the Government, or date shown on contract document as effective date of contract); or

(3) Specified periods from date of receipt by contractor of notice of award or acceptance by the Government (including notice by receipt of contract document executed by the Government).

The full period which the Government holds out as being available for contract performance should not be curtailed to the prejudice of the contractor by delay in giving notice of award. Accordingly, one of the provisions in (b) or (c) below shall be used in advertised procurements and may be suitably modified and used in appropriate negotiated procurements (other than small purchases).

(b) Where the delivery schedule is in terms of specific calendar dates, invitations for bids will include one of the following provisions:

(1) "The foregoing delivery requirements are based on the assumption that the Government will make award by [purchasing activity insert calendar date]. Each delivery date in the delivery schedule set forth herein will be extended by the number of calendar days after the above date that the contract is in fact awarded. Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Therefore, in computing the available time for performance, the bidder should take into consideration the time required for notice of award to arrive through the ordinary mails."

(2) "The foregoing delivery requirements are based on the assumption that the successful bidder will receive the notice of award by [purchasing activity insert calendar date]. The Government will extend each delivery date in the delivery schedule set forth herein by the number of calendar days after the above date that the contractor receives notice of award: *Provided*, That the contractor promptly acknowledges such receipt."

(c) Where the delivery schedule is based on the date of contract (see paragraph (a)(2) of this section, the invitations for bids will include the following provision:

> Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Therefore, in computing the time available for performance, the bidder should take into consideration the time required for the notice of award to arrive through the ordinary mails.

(d) Where the delivery schedule is based on the date of the contract (see paragraphs (a)(2) and (c) of this section), the contract, notice of award, acceptance of proposal, or other contract document executed by the Government shall be mailed or otherwise furnished the contractor on the day it is dated.

(e) Where the delivery schedule is based on date of receipt by the contractor of notice of award (see paragraph (a)(3) of this section), or where it is expressed in terms of specific calendar dates on the assumption that notice of award will be received by a specified date (see paragraph (b)(2) of this section), the notice of award, acceptance of proposal, or other contract document executed by the Government shall be sent by certified mail, return receipt requested, or shall be accompanied by a date of receipt acknowledgment card in accordance with Departmental procedures.

Subpart G—Small Business Concerns

Sections 1.701–1(a) and 1.706–5(c) have been revised to incorporate the new definition of small business concerns in the construction industry as furnished by the Small Business Administration. Inasmuch as the definition was previously distributed by the Assistant Secretary of Defense (Supply and Logistics) for implementation by 2 March 1959, the revised paragraphs are effective upon receipt. These revised paragraphs now read as follows:

§ 1.701 Definitions.

As used throughout this subpart, the following terms shall have the meanings set forth below.

§ 1.701–1 Small business concern.

(a) *General definition.* A small business concern is a concern that (1) is not dominant in its field of operations and, with its affiliates, employs fewer than 500 employees, or (2) is certified as a small business concern by SBA, except that a small business concern in the construction industry is a concern that (i) is independently owned and operated, (ii) is not dominant in its field of operation, and (iii) the average annual receipts of the concern and its affiliates for the preceding three years are $5,000,000 or less.

§ 1.705–6 Certificates of competency.

(a) SBA has the statutory authority to certify the competence of any small business concern as to capacity (see § 1.903–1(c)) and credit (see § 1.903–1(b)). Contracting officers shall accept SBA certificates of competency as to capacity and credit as conclusive: *Provided*, If the contracting officer has substantial doubts as to the firm's ability to perform, he shall prior to award refer the matter to higher authority in accordance with Departmental procedures.

§ 1.706–5 Total set-asides.

* * * * *

(c) In procurements involving total set-asides for small business, each Invitation for Bids or Request for Proposals shall contain substantially the following notice:

> NOTICE OF SMALL BUSINESS SET-ASIDE
>
> Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the contracting officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of government procurement is placed with small business concerns. A small business concern is a concern that—
>
> (i) Is not dominant in its field of operation and, with its affiliates, employs fewer than 500 employees, or
>
> (ii) Is certified as a small business concern by the Small Business Administration.
>
> In addition to meeting these criteria, a dealer submitting bids or proposals in its own name must be a regular dealer (non-manufacturer) and agree to furnish the product of a small business manufacturer or producer in the performance of the contract: *Provided*, That this requirement as to dealers does not apply to construction or service contractors. The right is reserved to reject any or all bids or proposals when it is in the interest of the Government to do so. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive.
>
> For construction contracts, (i) and (ii) of the foregoing notice and the first sentence following (ii) of the notice should be deleted and the following substituted therefor:
>
> (i) Is independently owned and operated;
>
> (ii) Is not dominant in its field of operation; and
>
> (iii) The average annual receipts of the concern and its affiliates for the preceding three years are $5,000,000 or less.

Subpart H—Labor Surplus Area Concerns [Reserved]

Subpart I—Responsible Prospective Contractors

§ 1.900 Scope of subpart.

This subpart sets forth (a) general policy with respect to responsibility of prospective contractors, (b) minimum standards for responsible prospective contractors, (c) requirements and procedures for determination of responsibility, and (d) policy with regard to determination of subcontractor responsibility.

§ 1.901 Applicability.

This subpart applies to procurements from contractors located in the United States, its Territories, its possessions, or Puerto Rico; and will be applied in other places except where inconsistent with the laws and customs of the place where the prospective contractor is located. It is not applicable to procurements from (a) other governments, including state and local governments; (b) Canadian Commercial Corporation; (c) other United States Government departments and agencies, or their instrumentalities (such as Federal Prison Industries, Inc.); or (d) National Industries for the Blind.

§ 1.902 General policy.

Purchases shall be made from, and contracts shall be awarded only to, responsible prospective contractors. A responsible prospective contractor is one which meets the minimum standards set forth in § 1.903, and such additional standards as may be prescribed by overseas commanders and for specific procurements by purchasing activities.

§ 1.903 Minimum standards for responsible prospective contractors.

§ 1.903–1 General standards.

Except as otherwise provided in this § 1.903, a prospective contractor must—

(a) Be a manufacturer, construction contractor, or regular dealer, as defined in § 1.201–9 (this standard is not applicable to procurements of personal or professional services, or nonpersonal services in which the primary purpose is the rendering of the service rather than the manufacture or supply of material or equipment, or the construction of public works, facilities, or vessels);

(b) Have adequate financial resources, or the ability to obtain such resources as required during performance of the contract (see Defense Contract Financing Regulations, Part II, AR 715–6, NPD 31–001, and AFR 173–133, December 17, 1956, and any amendments thereto. See also §§ 1.903–3 and 1.905–2, and, for SBA certificates of competency, § 1.705–6);

(c) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments, commercial as well as governmental (for SBA certificates of competency, see § 1.705–6);

(d) Have a satisfactory record of performance (Contractors who are seriously delinquent in current contract performance, when the number of contracts and the extent of delinquencies of each are considered, shall, in the absence of evidence to the contrary or circumstances properly beyond the control of the contractor, be presumed to be unable to fulfill this requirement (d). See §§ 1.905–2 and 1.905–4(d);

(e) Have a satisfactory record of integrity;

(f) Appear to be able to conform to the requirements of the standard nondiscrimination clause (see § 12.802); and

(g) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

§ 1.903–2 Additional standards for production, construction, and research and development contracts.

In addition to the standards in § 1.903–1, in procurements involving production, construction, and research and development work (and in other procurements as appropriate), a prospective contractor must—

(a) Have the necessary organization, experience, operational controls, and technical skills, or the ability to obtain them (this standard includes, where appropriate, such elements as adequacy of production control procedures; quality assurance measures, including materials produced by subcontractors; etc. See § 1.903–3); and

(b) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them (where a prospective contractor proposes to use the facilities or equipment of another concern (not a subcontractor) or an affiliate of the prospective contractor (see § 2.201(c)(17)), all existing business arrangements, firm or contingent, for the use of such facilities or equipment shall be considered in determining the ability of the prospective contractor to perform the contract. See § 1.903–3).

§ 1.903–3 Ability to meet certain minimum standards.

Except to the extent that a prospective contractor proposes to perform the contract by subcontracting (see § 1.906), acceptable evidence of his "ability to obtain" resources, equipment, facilities, personnel, etc., (see §§ 1.903–1(b) and 1.903–2) shall generally be a commitment or explicit arrangement, which will be in existence at the time the contract is to be awarded, for the rental, purchase or other acquisition of such resources, equipment, facilities, or personnel.

§ 1.903–4 Affiliated concerns.

Affiliated concerns (see § 2.201(c)(17)) shall be considered as separate entities in determining whether the one of them which is to perform the contract meets the applicable standards for a responsible prospective contractor (but see § 1.701–1 with respect to status as a small business concern).

§ 1.904 Determinations of responsibility and nonresponsibility.

§ 1.904–1 Requirement.

Except as otherwise provided in § 1.904–2, no purchase shall be made from, and no contract shall be awarded to, any person or firm unless the contracting officer first makes, signs, and places in the contract file, an affirmative determination that the prospective contractor is responsible within the meaning of §§ 1.902 and 1.903. Where a bid or offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a determination of nonresponsibility shall be made, signed, and placed in the file. The determination of responsibility or nonresponsibility shall contain a statement justifying the determination. Any supporting documents or reports, including any preaward survey reports (see § 1.905–4) and SBA certificates of competency (see § 1.705–6), shall be attached to the determination.

§ 1.904–2 Exceptions.

Written determinations of responsibility need not be made in the case of—

(a) Purchases and contracts estimated to amount to less than $10,000; or

(b) Orders under existing Government contracts.

However, contracting officers shall not knowingly make any purchases from, or award contracts to, persons or firms other than responsible prospective contractors, notwithstanding the exceptions in this section.

§ 1.905 Procedures for determining responsibility of prospective contractors.

§ 1.905–1 General.

(a) Before making determinations of responsibility (see § 1.904), the contracting officer shall have in his possession or obtain information sufficient to satisfy himself that a prospective contractor currently meets the minimum standards set forth in § 1.903, to the extent that such standards are applicable to a specific procurement.

(b) Maximum practicable use will be made of information on file or within the

knowledge of personnel in the Department of Defense to the extent that such information is currently valid. Each Department shall maintain such records and experience data as may be useful for the guidance of contracting officers in the placement of new procurements in the manner and at such level as the Department deems appropriate, and shall inform its contracting officers and the other Departments of the means of access to such records and data. Upon request of any contracting officer in the Department of Defense, information in such records and data shall be expeditiously furnished in the form developed by the providing Department (see § 1.314).

(c) Each purchasing activity shall provide for the maintenance of appropriate records to insure the availability of contractor performance history. Special attention shall be paid to, and more detailed records maintained on, contractors whose past performance is questionable and new contractors whose reliability is yet unestablished

(d) Generally, information necessary to make determinations of responsibility shall be obtained only concerning prospective contractors within range for an award, except where prequalification procedures are authorized by this Subchapter or by Departmental procedures.

§ 1.905–2 When information will be obtained.

Generally, information regarding the responsibility of a prospective contractor (including Pre-Award Surveys (see § 1.905–4) when deemed necessary) shall be obtained promptly after bid opening or receipt of proposals. However, in negotiated procurements, especially those involving research and development, such information may be obtained before the issuance of requests for proposals. Notwithstanding the foregoing, information regarding financial resources (see § 1.903–1(b)) and performance capability (see § 1.903–1(c)) shall be obtained on as current a basis as feasible with relation to the date of contract award.

§ 1.905–3 Sources of information.

Information regarding the responsibility of prospective contractors shall be sought among the following sources before considering performance of a Pre-Award Survey (see § 1.905–4):

(a) *From the prospective contractor.* Including representations and other information contained in or attached to bids and proposals; replies to questionnaires; financial data, such as balance sheets, profit and loss statements, cash forecasts, financial history of the contractor and affiliated concerns; current and past production records; personnel records; and lists of tools, equipment, and facilities; written statements or commitments concerning financial assistance and subcontracting arrangements; and analyses of operational control procedures. Where it is considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition or for other reasons, prospective contractors may be required to submit affidavits concerning their ability to meet any of the minimum standards set forth in § 1.903, and company ownership and control (but see § 2.201(c)(17)).

(b) *Existing information within the Department of Defense.* Including records on file and personal knowledge of personnel (including the contracting officer) within the purchasing activity making the procurement and other purchasing and related activities; military audit agencies; offices concerned with contract financing; the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors (see § 1.601); and, records and experience data (see § 1.905–1).

(c) *Publications.* Including credit ratings; trade and financial journals; business directories and registers; and Synopses of U.S. Government Proposed Procurements, Sales and Contract Awards (see § 2.206).

(d) *Other sources.* Including suppliers, subcontractors, and customers of the prospective contractor; banks and financial companies; commercial credit agencies; Government departments and agencies; purchasing and trade associations; better business bureaus and chambers of commerce.

§ 1.905–4 Pre-award surveys.

(a) *General.* A pre-award survey consists of an inspection of the plants and facilities with which the prospective contractor proposes to perform a contract, including personal interviews with contractor personnel.

(b) *Circumstances under which performed.* Generally, pre-award surveys will be performed when the sources mentioned in § 1.905–3 do not yield sufficient information to enable a contracting officer to make a determination regarding the responsibility of a prospective contractor. (But see paragraph (d) of this section). Pre-award surveys shall not be performed for procurements listed in § 1.904–2 except (1) where the procurement involves the handling of classified matter or research and development work, (2) for the purpose of checking information tending to indicate that a prospective contractor is not responsible, or (3) as may be deemed essential by the contracting officer to obtain information which cannot be otherwise acquired.

(c) *Matters to be covered.* Pre-award surveys shall cover matters upon which—

(1) Current information is not available from the sources listed in § 1.905–3;

(2) Information available from such sources is insufficient, in the opinion of the contracting officer, to support a determination of responsibility; or

(3) Circumstances indicate the desirability of verification of information received from such sources.

(d) *Workload and financial capacity.* Regardless of the apparent sufficiency of information obtained from sources listed in § 1.905–3 indicating responsibility with respect to the standards set forth in § 1.903–1 (b) and (c), and in procurements which are significant either in dollar value or in the critical nature of the requirement, consideration shall be given to verification of information regarding workload and financial capacity by means of a pre-award survey with regard to such standards.

(e) *Interdepartmental coordination.* Pre-award surveys by one Department for another, or by any procuring or finance activity for another within a Department, may be made on a non-reimbursable basis. Such surveys shall be authorized to the extent practicable whenever such interchange will result in economy or increased efficiency, or will eliminate duplication of effort.

§ 1.906 Subcontractor responsibility.

To the extent that a prospective contractor proposes to perform the contract by subcontracting, determinations of prospective subcontractors' responsibility may be necessary in order to determine the responsibility of the prospective prime contractor. Determinations concerning prospective subcontractors' responsibility shall generally be a function performed by prospective prime contractors. (But see §§ 1.603–1(d) and 1.605–3(b) relating to approval of subcontractors listed on the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors.) Prospective prime contractors may be required to (a) indicate the responsibility of proposed subcontractors in writing, or (b) show evidence of an acceptable and effective purchasing and subcontracting system encompassing a method for determining subcontractor capability.

§ 1.907 Disclosure of pre-award data.

Data, including information obtained from a pre-award survey, leading to a determination of the responsibility of prospective contractors shall not be released outside the Government and shall not be made available for inspection by individuals, firms or trade organizations: *Provided*, That such data may be disclosed to, or summarized for other elements within the Government on their request. Such information shall be made available to Department of Defense procurement personnel upon request in accordance with § 1.905–1. In making a determination of responsibility, information disclosed by such data may be discussed with the prospective contractor as necessary.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

Subpart A—Use of Formal Advertising

A new cross-reference has been added to § 2.103(e), as follows:

§ 2.103 General requirements for formal advertising.

• • • • •

(e) Award has been made to that responsible bidder (see § 1.902) whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered, as prescribed in Subpart D, of this Part 2.

Sections 2.201(c) (13) and (17); and § 2.403 have been revised to state affirmatively that "failure to submit the bond on time is cause for a rejection of the bid." These changes were made in response to Decision No. B–137319, issued by the Comptroller General on February 5, 1959. Inasmuch as this decision established a rule which is to apply to invitations for bids issued after April 5, 1959, the above changes have been furnished to the Departments for implementation, and are therefore, currently in effect. Section 2.404–1 has been deleted to remove "failure to furnish bid bond" from the classification "Minor Informalities or Irregularities in Bids".

Subpart B—Solicitation of Bids

§ 2.201 Preparation of forms.

• • • • •

(c) *Schedule.* • • •

(13) Bond and surety requirements, if any. (If a bid bond is required, the invitation shall state that failure to submit the bond on time is cause for a rejection of the bid. See § 2.403.)

• • • • •

(17) When considered necessary by the contracting officer to prevent practices prejudicial to fair and open competition (see § 2.403) a requirement that each bidder submit with its bid an affidavit concerning its affiliation with other concerns. To accomplish the foregoing, a paragraph substantially as follows may be included in the Schedule or other appropriate place in the Invitation for Bids:

Subpart D—Opening of Bids and Award of Contracts

§ 2.403 Rejection of bids.

Where is it determined after opening but prior to award that the requirements of § 2.201(d) have not been met, the invitation for bids shall be cancelled. Any bid which does not, when considered with the invitation for bids, sufficiently describe the item being offered, or which does not otherwise conform to the essential requirements of the Invitation for Bids, shall be rejected (but see § 2.404). Where a bid bond is required and a bidder fails to furnish the bond in accordance with the requirements of the invitation, the bid shall be rejected unless failure of the bid bond to arrive on time was due solely to a delay in the mails for which the bidder was not responsible. Where a bidder conditions or qualifies its bid by stipulations which modify the requirements of the invitation, such bid shall be rejected as being nonresponsive. However see § 2.410 with respect to public disclosure of descriptive literature or material submitted by a bidder on a restrictive basis. An example of such a nonresponsive bid is one in which the bidder stipulates that its bid is to be considered only if prior to the date of award the bidder receives (or does not receive) award under a separate procurement being conducted. All bids may be rejected by the contracting officer (a) when rejection is in the interest of the Government, or (b) when he finds in writing that the bids are not reasonable or were not independently arrived at in open competition or are collusive, or were submitted in bad faith: *Provided*, That, if negotiation is to be used after any such rejection of all bids, the requirements of § 3.215 must be satisfied. The originals of all rejected bids, and any written findings with respect to rejection shall be preserved with the papers relating to the proposed purchase.

Sections 2.405–3 and 2.406–1 have been amended as follows:

§ 2.405 Mistakes in bids.

§ 2.405–3 Disclosure of mistakes after award.

When an alleged mistake in bid is disclosed after award has been made, and where other authority available to the military department concerned is lacking or inadequate the case shall be processed in accordance with Part 17 of this subchapter, or, where that part is inadequate, in accordance with Departmental procedures.

§ 2.406 Award.

§ 2.406–1 Responsible bidder.

A "responsible bidder" is a bidder who satisfies the requirements of Part 1, Subpart I of this subchapter (See also Defense Contract Financing Regulations, Part II, AR 715–6 NAVEXOS P–1006 (See NPD 31–001), AFR 173–133, December 17, 1956.)

PART 3—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

In § 3.101(b), the cross reference has been changed from § 1.307 to § 1.903. Section 3.101(b) as revised reads as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

• • • • •

(b) Comparison of the business reputations, capabilities, and responsibilities of the respective persons or firms who submit quotations. (See § 1.903);

In § 3.102(d) the cross reference has been changed as follows:

§ 3.102 General requirements for negotiation.

• • • • •

(d) The prospective contractor has been determined to be responsible in accordance with Part 1, Subpart I of this subchapter.

Subpart D—Types of Contracts

Section 3.404–3(d) has been revised to exempt contracts for services in connection with R&D activities and maintenance contracts incident to Government-owned property which are to be performed within a very short span of time. Section 3.404–3(d), as revised, reads as follows:

§ 3.404 Cost-reimbursement type contracts.

§ 3.404–3 Cost-Plus-a-Fixed-Fee Contract.

• • • • •

(d) *Contractors' investment in work-in-process.* (1) It is the policy of the Department of Defense that contractors having cost-reimbursement type contracts should maintain a reasonable investment in the supplies and facilities acquired and in the services rendered in the performance of such contracts. This investment provides a strong incentive for the contractor to strive for greater efficiency and economy and better management, with resultant lower costs to the Government.

(2) In keeping with this policy, cost-reimbursement type contracts other than those set forth below shall provide for interim payment of not to exceed 80 percent of the costs incurred by the contractor in the performance of the contract:

(i) Contracts under which the contractors receive no fee or profit;

(ii) Contracts with educational institutions or nonprofit organizations;

(iii) Contracts solely for the operation of Government-owned plants or vessels;

(iv) Contracts with small business concerns;

(v) Contracts for research and development which do not provide for quantity production;

(vi) Contracts for performance outside the United States, its Territories, its possessions, and Puerto Rico;

(vii) Contracts having an estimated cost not in excess of $250,000;

(viii) Contracts for construction and architect-engineer services;

(ix) Contracts for scientific, technical, or engineering services (including systems design and testing and evaluation services);

(x) Contracts calling for maintenance, repair, and overhaul services in which the normal or anticipated time between the furnishing of items by the Government to the contractors for performance of the services and the delivery of the items to the Government after performance is less than three months; or

(xi) As determined by the Secretary concerned, contracts in which the application of the policy set forth in (1) above would impose undue hardship on the contractor or adversely affect the interests of the Government.

The appropriate one of the clauses set forth in § 7.203–4 shall be inserted in all cost-reimbursement type supply contracts. In all other cost-reimbursement type contracts to which the policy set forth in this § 3.404–3(d) applies, insert the clause set forth in § 7.203–4 (a) or (b), appropriately modified.

A new section § 3.406 has been added describing performance incentive and value engineering contracts. Both types are experimental in nature, and it should be noted that approval for their use must come from higher authority. Section 3.406 reads as follows:

§ 3.406 Additional incentives.

§ 3.406–1 General.

In addition to the incentive features inherent in many of the contract types, and combinations thereof, described in §§ 3.403 through 3.405, there are other means of increasing incentives to contractors, which are described below.

§ 3.406–2 Performance-incentive contracts.

(a) *Description.* A performance-incentive contract is a contract which incorporates an incentive to the contractor

to surpass stated targets by providing for increases in the fee or profit to the extent that such targets are surpassed and for decreases to the extent that such targets are not met. Salient features and considerations in the use of this type of contract are as follows:

(1) "Performance," as used in this § 3.406–2, refers not only to the performance of the article being procured, but to the performance of the contractor as well. It includes timeliness of delivery, capability and serviceability of the product, ease and simplicity of operation, economy of maintenance, etc. Performance which is the minimum which the Government will accept shall be mandatory under the terms of the contract and shall receive the minimum profit or fee. Performance which meets the stated targets will warrant the "target" profit or fee. Performance which surpasses these targets will be rewarded by additional profit or fee. The incentive feature (providing for increases or decreases, as appropriate) is applied to performance targets rather than performance requirements.

(2) The incentive feature (when applied to the product) should relate to specific performance characteristics, such as, speed of an aircraft or ship, thrust of an engine, maneuverability of a vehicle, fuel economy, etc. However, higher overall performance of the end item is the primary objective of such contracts. Accordingly, the incentive feature should reflect a balancing of the various characteristics which together account for overall performance, so that no one characteristic will be exaggerated to the detriment of the end item as a whole.

(3) Since performance tests are essential in order to determine the degree of attainment of performance targets, the contract must be as specific as possible in establishing test criteria; such as, conditions of testing, precision of instrumentation, and interpretation of test data.

(4) It is essential that there be explicit agreement between the Government and the contractor as to the effect on performance of contract changes (e.g., pursuant to the Changes clause).

(5) Care must be exercised, in establishing performance criteria, to give recognition to the fact that the contractor should not be rewarded or penalized for attainments of Government-furnished components.

(6) In establishing incentives in connection with delivery schedules, it is important to determine the Government's primary objectives in a given contract. In some instances, earliest possible delivery is of paramount importance. In others, early quantity production is essential. On the other hand, it may be that maintaining an established delivery schedule is all that is desired, and that a bettering of such schedule may disrupt continuity of production or run counter to funding limitations.

(b) *Applicability.* The performance-incentive contract is suitable for use in procurements where it is desired to provide the contractor with an incentive in the form of financial reward for surpassing stated performance targets, counterbalanced by a penalty in the form of decreased profit or fee for failure to achieve such targets. Such targets may be established as delivery schedules, performance of the end item, or, in the case of research and development contracts, as milestones of accomplishment. This type of contract is perhaps most suitable for use in procurements of major weapon systems wherein there are either substantial development goals or potentialities for improved performance which are of great importance to the Government. This type of contract poses complex problems in contract administration and should be used only after thorough evaluation of all the factors involved in each case by the contracting officer in conjunction with personnel fully qualified in contract pricing.

(c) *Limitations.* (1) Since the performance-incentive feature may result in increased costs, this feature should generally be used with fixed-price incentive (§ 3.403–4) or cost-plus-incentive-fee provisions (§ 3.404–4).

(2) In the case of contracts involving a fee, the maximum fee shall be subject to the administrative limitations stated in § 3.404–3(c).

(3) The performance-incentive contract shall be used only upon the written approval of (i) Office of the Deputy Chief of Staff for Logistics, for the Army; (ii) Office of Naval Material, for the Navy; and (iii) Headquarters, Air Materiel Command, for the Air Force. Submission of requests for approval shall be in accordance with Departmental procedures.

§ 3.406–3 Contracts with value engineering incentives.

(a) *Description.* Value engineering incentive provisions may either require or encourage the contractor to maintain a staff devoting time and effort to "value engineering studies" to reduce costs under the contract in return for which the contractor receives a stated percentage of the resulting savings. A "value engineering study" is an intensive appraisal of all the elements of the design, manufacture or construction, procurement, inspection, installation, and maintenance of an item and its components, including the applicable specifications and operational requirements, in order to achieve the necessary performance, maintainability, and reliability of the item at minimum cost. The purpose of value engineering is to make certain that every element of cost (e.g., labor, material, supplies, styling, and services) contributes proportionately to the function of the item. The Government shall make reasonable efforts to expedite the analysis of each study submitted by the contractor. Where a change recommended by a study is adopted, a change order is issued under the Changes clause, together with a reduction in the contract price corresponding to the agreed percentage of the cost reduction. The Government does not have to adopt any study and failure to do so is not subject to the Disputes clause of the contract.

(b) *Applicability.* Value engineering incentive provisions are suitable primarily where the items being procured are covered by firm Government specifications.

(c) *Limitations.* Value engineering incentive provisions shall be used only upon the written approval of the Head of a Procuring Activity.

Subpart H—Price Negotiation Policies and Techniques

Additional cross-references have been added to § 3.802–2 and reference to § 1.307 has been deleted from § 3.802–2. § 3.802–2, as revised, reads as follows:

§ 3.802 Preparation for negotiation.

§ 3.802–2 Selection of prospective sources.

Selection of qualified sources for solicitation of proposals is basic to sound pricing. Proposals should be invited from a sufficient number of competent potential sources to insure adequate competition. (See also §§ 1.302, 1.902, 3.101, 3.104, 3.105, and 12.102 of this subchapter.)

PART 6—FOREIGN PURCHASES

Section 6.104–4 has been revised to provide a mandatory uniform system under which contracting offices will automatically combine the differential percentages to be added to foreign bids or proposals for evaluation when domestic Small Business or Labor Surplus Areas bids or proposals are involved in Buy American Act procurements.

Subpart A of Part 6 has been revised to provide that with respect to supplies of mutual interest to the United States and Canada as set forth on lists promulgated by each Military Department, neither price differentials nor duty shall be added in evaluating Canadian bids and proposals. In addition, Canadian components for such supplies shall be considered to be of domestic origin for the purpose of determining whether a domestic source end product is being offered. With respect to supplies not on the lists referred to above, duty alone shall be added. Canadian components for these supplies, if on the lists referred to above, shall be considered to be of domestic origin for the purpose of determining whether a domestic source end product is being offered. With respect to the changes in the Buy American Act clause, existing Standard or Department of Defense Forms containing the superseded clause are not to be physically changed, but the revised clause is to be set forth, by means of an alternate contract provision. An appropriate revision has also been made to Subpart E of Part 6. These new procedures do not apply to construction contracts. The mandatory effective date will be July 1, 1959 or such earlier date as the Military Department concerned may direct.

In consonance with Presidential Proclamation No. 3279 of March 10, 1959, it has been determined that petroleum shall be excepted from the Buy American Act and § 6.105 has been amended accordingly. This change was effective April 1, 1959.

The revised portions of Part 6 now read as follows:

Subpart A—Buy American Act—Supply and Service Contracts

§ 6.101 Definitions.

* * * * *

(e) "Canadian end product" means an unmanufactured end product mined or produced in Canada, or an end product manufactured in Canada if the cost of its components which are mined, produced, or manufactured in Canada or the United States exceeds 50 percent of the cost of all its components.

(f) "Foreign end product" means an end product other than a domestic source end product.

(g) "Domestic bid" means a bid or offered price for a domestic source end product, including transportation to destination.

(h) "Foreign bid" means a bid or offered price for a foreign end product, including transportation to destination and duty (whether or not a duty-free entry certificate may be issued).

§ 6.103 Exceptions.

§ 6.103–5 Canadian supplies.

(a) The Secretaries of the Departments have determined that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of supplies mined, produced, or manufactured in Canada, where such supplies are of a military character or are involved in programs of mutual interest to the United States and Canada, and are included in a list approved by the Secretary concerned. Each Department shall maintain a list of such supplies.

(b) The Secretaries of the Departments have also determined that, as to the acquisition of Canadian end products other than those included in the lists described in (a) above, it would be inconsistent with the public interest to apply the restrictions of the Buy American Act: *Provided*, That applicable duty (whether or not a duty-free entry certificate may be issued) shall be included in evaluating bids offering such Canadian supplies.

(c) (1) In accordance with paragraph (a) of this section the contracting officer shall—

(i) Where listed supplies are being procured as end items, treat the listed supplies as domestic source end products (if they are Canadian end products as defined in § 6.101(e)) and treat all components thereof which are mined, produced, or manufactured in Canada as though they were mined, produced, or manufactured in the United States; and

(ii) Where listed supplies are not being procured as end items but are incorporated in the end items being procured (whether or not the end items are listed), treat such components (if they are mined, produced, or manufactured in Canada) as having been mined, produced, or manufactured in the United States.

(2) Except as provided in subparagraph (1) of this paragraph, or unless they are of a class or kind described in § 6.103–2, components of Canadian origin shall be considered to be components of foreign origin.

(d) The above exceptions from the "Buy American Act" applicable to Canadian supplies and the special procedures relating thereto which are set forth in this part are not intended to apply to or affect determinations made with respect to, items contained in the list set forth in § 6.105.

§ 6.104 Procedures.

§ 6.104–1 Applicability.

The following procedures apply to all contracts involving the procurement of supplies except contracts exclusively for articles, materials, or supplies, for use outside the United States (but see § 6.103–5(a)).

§ 6.104–4 Evaluation of bids and proposals.

(a) In accordance with the Buy American Act, the Secretaries of the Departments have determined that where the following procedures result in the acquisition of foreign end products, the acquisition of domestic source end products would be (1) unreasonable in cost or (2) inconsistent with the public interest (see §§ 6.103–3 and 6.103–5).

(b) Except as provided in paragraph (d) of this section, bids and proposals shall be evaluated so as to give preference to domestic bids. For the purpose of evaluation, a factor of 6 percent of each foreign bid (which does not offer a Canadian end product) shall be added to that foreign bid, except that where the firm submitting the low acceptable domestic bid is a small business concern, or a labor surplus area concern, or both—

(1) The proposed award shall be submitted to the Secretary if required pursuant to paragraph (c) of this section, or

(2) If not required to be submitted under paragraph (c) of this section then a factor of 12 percent (in lieu of the 6 percent factor) of each such foreign bid shall be added to that foreign bid, except that where small purchase procedures (see Part 3, Subpart F of this Subchapter) are used the 6 percent factor shall apply.

Except for those cases forwarded to the Secretary pursuant to paragraph (c) of this section, award shall be made to the low acceptable bidder. When more than one line item is offered in response to an invitation for bids or request for proposals, the appropriate factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items as to which the invitation for bids or request for proposals specifically provides that award may be made on a particular group of items.

(c) (1) Notwithstanding that the low acceptable bid or proposal as to any item or group of items under paragraph (b) of this section may be a foreign bid, proposed awards shall be submitted, in accordance with Departmental procedures, to the Secretary concerned for decision where all acceptable domestic bids exceed the low acceptable foreign bid plus 6 percent (determined in accordance with paragraph (b) of this section) and the sum of any low acceptable domestic bid from any single (i) small business concern or (ii) labor surplus area concerned, exceeds $100,000: *Provided*, That this subparagraph shall not apply where the low foreign bid offers a Canadian end product.

(2) Proposed awards shall be submitted, in accordance with Departmental procedures, to the Secretary concerned for decision where:

(i) Rejection of an acceptable low foreign bid is considered necessary to protect essential national security interests, such as maintenance of a mobilization base; or

(ii) Rejection of any bid or proposal for other reasons of the national interest is considered necessary.

Prior to final action, cases within this subparagraph (2) shall be referred by the Secretary concerned to the Assistant Secretary of Defense (Supply and Logistics).

(d) (1) Bids offering Canadian end products on the lists described in § 6.103–5(a) shall be evaluated on a parity with domestic bids, i.e., neither a price differential nor duty shall be added.

(2) Bids offering Canadian end products of the type described in § 6.103–5(b) shall be evaluated on a parity with domestic bids (whether or not a duty-free entry certificate may be issued) except that any applicable duty shall be added.

§ 6.104–5 Contract clause.

The clause set forth below shall be inserted in all contracts for supplies and, when applicable, in contracts for services; except that it need not be inserted in contracts exclusively for articles, materials or supplies for use outside the United States.

BUY AMERICAN ACT

(a) In acquiring end products, the Buy American Act (41 U.S. Code 10–a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b) (ii) or (iii) of this clause shall, except as provided in (c) of this clause, be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and rea-

sonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(c) Any component mined, produced, or manufactured in Canada, but not set forth in the list of Canadian supplies excepted by the Secretary and maintained pursuant to § 6.103–5(a) of this subchapter shall be treated as a component mined, produced, or manufactured outside the United States, for the purpose of (a) (iii) (B) above, unless such component is to be incorporated in an end product to be delivered under this contract which is on such list, or is an item on the list set forth in § 6.105 of this subchapter or is otherwise determined to be nonavailable as set forth in (b) (ii) above.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

§ 6.104–6 Contract administration.

In appropriate cases, the contracting officer should advise the contractor of the effect of exceptions to the Buy American Act on the contractor's obligations under the clause required by § 6.104–5. For example, where a contract calls for an end product which will include components that are excepted from the Buy American Act as products in § 6.103–5(a), the contracting officer should advise the contractor that such components of Canadian manufacture shall be treated as manufactured in the United States for purposes of the Buy American Act clause.

Subpart B—Buy American Act; Construction Contracts

In § 6.201–4, "Alaska," has been deleted. Section 6.201–4, as revised, reads as follows:

§ 6.201 Definitions.

§ 6.201–4 United States.

"United States" means the States, the District of Columbia, Hawaii, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, Guam, and any other areas subject to the complete sovereignty of the United States.

Subpart E—Canadian Purchases

Section 6.501, as revised reads as follows:

§ 6.501 Purchases from Canadian suppliers.

Any contract with a supplier or contractor located in the Dominion of Canada may be made with and administered through the Canadian Commercial Corporation (a corporation owned and controlled by the Government of Canada), which has offices at 2450 Massachusetts Avenue NW., Washington, D.C. and 56 Lyon Street, Ottawa, Canada. Under any such contract made with the Canadian Commercial Corporation, direct communication with the Canadian supplier or contractor is authorized only in connection with problems of inspection and technical matters: *Provided*, That, if any such problem would affect the contract price, approval of the Canadian Commercial Corporation shall be obtained. All payments under any such contract made with the Canadian Commercial Corporation shall be made to that Corporation at its Washington office.

Section 6.504, as revised, reads as follows:

§ 6.504 Mutual Canadian-American interests.

Because of the close geographical proximity of the United States and Canada and of the mutual interest of both nations in the defense of North America, various steps have been taken during and since World War II to coordinate their economic efforts in the common defense, so as to achieve—

(a) Greater integration of military production,

(b) Greater standardization of military equipment,

(c) Wider dispersal of production facilities,

(d) Establishment of supplemental sources of supply, and

(e) Greater flow of defense supplies and equipment between the two countries.

Accordingly, it is Department of Defense policy to seek the best possible coordination of the materiel programs of Canada and the United States and to assure Canada a fair opportunity to share in the production of military equipment and materiel involving programs of mutual interest to Canada and the United States and in the research and development connected therewith. Accomplishment of these purposes required the alleviation of the restrictions of the Buy American Act with respect to procurements for public use of supplies mined, produced, or manufactured in Canada in the manner prescribed in Subpart A of this Part 6.

PART 7—CONTRACT CLAUSES

Subpart A—Clauses for Fixed-Price Supply Contracts

Section 7.109 has been added to set forth Priced Redetermination clauses, Types A through E. These clauses are to be used with the appropriate types of fixed-price contracts providing for redetermination of price, as described in § 3.403–3.

Section 7.109 reads as follows:

§ 7.109 Price redetermination clauses.

§ 7.109–1 General.

When it is determined, in accordance with § 3.402, to use a fixed-price contract providing for redetermination of price as described in § 3.403–3, the applicable clause of those set forth below shall be used.

§ 7.109–2 Prospective periodic price redetermination at stated intervals.

(a) *Description; applicability, and limitations.* See § 3.403–3(b) (1).

(b) *Clause.*

PRICE REDETERMINATION (TYPE A)

(a) *General.* The unit prices and the total price set forth in this contract shall be periodically redetermined in accordance with the provisions of this clause.[1] The prices for supplies delivered and services performed prior to the first effective date of price redetermination shall remain fixed.

(b) *Price redetermination periods.* For the purpose of price redetermination the performance of this contract is divided into successive periods. The first period shall extend from the date of this contract to _____,[2] and the second and each succeeding period shall extend for _____ (_____) months from the end of the last preceding period, except that the final period may be varied by agreement of the parties. The first day of the second and each succeeding period shall be the effective date of price redetermination for the period.

(c) *Price redetermination.* Not more than _____[3] days nor less than _____[3] days before the end of each redetermination period, except the last, and as otherwise provided in (iii) below, the Contractor shall submit:

(i) Proposed prices for supplies which may be delivered or services which may be performed in the next succeeding period under this contract, together with—

(A) An estimate and breakdown of the costs of such supplies or services on DD Form 784 or in any other form on which the parties may agree;

(B) Sufficient data to support the accuracy and reliability of such estimate; and

(C) An explanation of the differences between such estimate and the original (or last preceding) estimate for the same supplies or services;

(ii) A statement of all costs incurred in the performance of this contract through the end of the _____[4] month prior to the date of the submission of proposed prices, on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(iii) Supplemental statements of costs incurred subsequent to the date set forth in (ii) above for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(iv) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon receipt of the data required by this subparagraph (c), the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies which may be delivered and services which may be performed in the period following the effective date of price redetermination. Where the Contractor fails to submit the data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(d) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. However, no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the cost data required to be furnished under (c) above are readily ascertainable therefrom. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times until the expiration of three years after final payment under this contract make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract, for any period.

(e) *Certification.* An authorized responsible official of the Contractor shall certify on each statement of costs submitted to the Contracting Officer pursuant to (c) above that the incurred costs are based upon the records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the best of his knowledge and belief, and that the accompanying estimate of costs is considered reasonable.

(f) *Subcontracts.* (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may at all reasonable times until the expiration of three years after final payment under such subcontract make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-price basis to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(g) *Contract modifications.* Each negotiated redetermination of prices shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices for supplies delivered and services performed hereunder during the applicable price redetermination period.

(h) *Adjustment of payments.* Pending execution of the contract modification referred to in paragraph (g) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided*, That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (1) (3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (g) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(i) *Limitation on payments.* (1) This paragraph (i) shall apply only during a period for which firm prices have not been established.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer[5] a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (1). Limitation on Payments), which is in direct proporton to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments);

Provided, That such statement need not be submitted for any quarter for which either no costs are to be reported under (ii) above or revised billing prices have been established in accordance with paragraph (h) above and do not exceed the existing contract price, the Contractor's price-redetermination offer, or a price based on the most recent quarterly statement, whichever is least.

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2) (iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(j) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices for any price redetermination period within sixty (60)[6] days after the date on which the data required by (c) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of (g), (h), and (i) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification. Pending such final settlement, price redetermination for subsequent periods, if any, shall continue to be negotiated as hereinbefore provided.

(k) *Termination.* If this contract is terminated, prices shall continue to be established pursuant to this clause (i) for completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, for supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

§ 7.109–3 Prospective price redeterminations on request.

(a) *Description applicability, and limitations.* See § 3.404–3(b) (2).

(b) *Clause.*

PRICE REDETERMINATION (TYPE B)

(a) *General.* The unit prices and the total price set forth in this contract may be periodically redetermined in accordance with the provisions of this clause: *Provided*, That in no event shall the total amount paid under this contract exceed _____ dollars ($_____).[1] The prices for supplies delivered and services performed prior to the first effective date of price redetermination shall remain fixed.

(b) *Price redetermination.* Upon delivery of a written request by the Government to the Contractor or by the Contractor to the Government, and upon receipt of proposed prices and the supporting data required by (c) (2) below, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for the supplies to be delivered and services to be performed by the Contractor after the effective date of price redetermination. The written request shall specify the effective date of price redetermination, which shall be the first date of a month and which in no event shall be prior to delivery of the request or later than _____ (_____) days after the delivery of the request. No such

[1] Where a ceiling is applicable, the following proviso shall be added: "*Provided*, That in no event shall the total amount paid under this contract exceed _____ Dollars ($_____)." Alternatively, the contract may provide ceiling amounts for each or any of the price redeterminations under the contract.

[2] This point may be expressed in terms of units delivered, or as a calendar date, but in either case the period shall generally end on the last day of a month.

[3] Insert in the blanks numbers of days so that the Contractor's submission will be late enough to reflect recent cost experience (having in mind the Contractor's accounting system), but early enough to permit review, audit if necessary, and negotiation prior to the start of the prospective period.

[4] Insert the word "first," except the word "second" may be inserted if necessary to achieve compatibility with the contractor's accounting system.

[5] Insert, in contracts of the Department of the Navy, the words "with a copy thereof to the office or officer designated in this contract to make payments thereunder.

[1] This proviso shall be deleted where ceilings are not applicable.

[6] This period may be varied by the parties at the time of negotiating the contract.

request shall be made before ----------[3] Neither party shall request another price redetermination having an effective date within ------ (------) days of the effective date of the last preceding price redetermination. The period of each price redetermination shall be from the effective date of that redetermination until the effective date of the next redetermination.

(c) *Submission of data.* (1) Within ------ (------)[3] days after the date of this contract or within such further time as may be specified or approved by the Contracting Officer and periodically thereafter every ------ (------) months, the Contractor shall submit a statement of all costs incurred in the performance of this contract through the end of the ------[4] month prior to the date of the submission, on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for:

(i) Supplies delivered and services performed; and

(ii) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary).

(2) Upon any written request by the Contractor for price redetermination, or within ------ (------) days after receipt by the Contractor of any written request by the Government for price redetermination, the Contractor shall submit:

(i) Proposed prices for supplies which may be delivered or services which may be performed in the next succeeding period under this contract, together with—

(A) An estimate and breakdown of the costs of such supplies or services on DD Form 784 or in any other form on which the parties may agree;

(B) Sufficient data to support the accuracy and reliability of such estimate; and

(C) An explanation of the differences between such estimate and the original (or last preceding) estimate for the same supplies or services;

(ii) Supplemental statements of costs incurred subsequent to the closing date of the last preceding statement of incurred costs provided under (1) above, for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(iii) Any other relevant data which may reasonably be required by the Contracting Officer.

(3) Where the Contractor fails to submit the data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(d) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. However, no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the cost data required to be furnished under (c) above are readily ascertainable therefrom. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times until the expiration of three years after final payment under this contract make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract, for any period.

(e) *Certification.* An authorized responsible official of the Contractor, shall certify on each statement of costs submitted to the Contracting Officer pursuant to (c) above that the incurred costs are based upon the records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the best of his knowledge and belief, and that the accompanying estimate of costs is considered reasonable.

(f) *Subcontracts.* (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may, at all reasonable times until the expiration of three years after final payments under such subcontract make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-price basis to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(g) *Contract modifications.* Each negotiated redetermination of prices shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices for supplies delivered and services performed hereunder during the applicable price redetermination period.

(h) *Adjustment of payments.* Pending execution of the contract modification referred to in paragraph (g) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided* That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (1) (3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (g) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(i) *Limitation on payments.*

(1) This paragraph (i) shall apply only during a period for which firm prices have not been established.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer[5] a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (i), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments);

Provided, That such statement need not be submitted for any quarter for which either no costs are to be reported under (ii) above or revised billing prices have been established in accordance with paragraph (h) above and do not exceed the existing contract price, the Contractor's price-redetermination offer, or a price based on the most recent quarterly statement, whichever is least.

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2) (iv) above exceeds the sum of (2) (i), (ii), and (iii) above the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(j) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices for any price redetermination period within sixty (60)[6] days after the date on which the data required by (c) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of (g), (h), and (i) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification. Pending such final settlement, price redetermination for subsequent periods, if any, shall continue to be negotiated as hereinbefore provided.

(k) *Termination.* If this contract is terminated, prices shall continue to be established pursuant to this clause (i) for completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, for supplies and services which are not terminated. All other elements of this termination shall be resolved pursuant to other applicable provisions of this contract.

§ 7.109–4 Retroactive and prospective price redetermination at a stated time prior to completion.

(a) *Description, applicability and limitations.* See § 3.403–3(b) (3).

(b) *Clause.*

PRICE REDETERMINATION (TYPE C)

(a) *General.* The unit prices and the total price set forth in this contract shall be redetermined in accordance with the provisions of this clause; *provided* that in no event shall the total amount paid under this contract exceed ------ dollars ($------).

(b) *Price redetermination.* Within ------ (------) days after the end of the month in which there is completion of ----------,[1] the Contractor shall submit:

(i) Proposed prices for supplies delivered and to be delivered and services performed and to be performed under this contract;

(ii) A statement of all costs incurred in the performance of this contract through the end of the month specified above, on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(iii) An estimate of costs of all supplies delivered and to be delivered and all services performed and to be performed under this contract, using the statement of costs incurred plus an estimate of costs to complete performance, on DD Form 784 or in any other form on which the parties may agree, together with—

(A) Sufficient data to support the accuracy and reliability of such estimate; and

(B) An explanation of the differences between such estimate and the original estimate used in establishing the unit prices set forth in this contract for the same supplies or services;

(iv) Supplemental statements of costs incurred subsequent to the end of the month specified in (ii) above for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(v) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon receipt of data required by this subparagraph (b), the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies delivered and to be delivered and services performed and to be performed under this contract. Where the Contractor fails to submit the data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(c) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. However, no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the cost data required to be furnished under (b) above are readily ascertainable therefrom. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times until the expiration of three years after final payment under this contract make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract, for any period.

(d) *Certification.* An authorized responsible official of the Contractor shall certify on each statement of costs submitted to the Contracting Officer pursuant to (b) above that the incurred costs are based upon the records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the best of his knowledge and belief, and that the accompanying estimate of costs is considered reasonable.

(e) *Subcontracts.* (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may at all reasonable times until the expiration of three years after final payment under such subcontract make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-price basis to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(f) *Contract modification.* The negotiated redetermination of price shall be evidenced by a modification to this contract signed by the Contractor and the Contracting Officer, setting forth the redetermined prices for supplies delivered and to be delivered and services performed and to be performed hereunder.

(g) *Adjustment of payments.* Pending execution of the contract modification referred to in paragraph (f) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided,* That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (h) (3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (f) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(h) *Limitation on payments.* (1) This paragraph (h) shall apply only during a period for which firm prices have not been established.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer[2] a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (h), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments);

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[3] The end of the first period may be expressed in terms of units delivered, or as a calendar date, but in either case the period shall end on the last day of a month.

[4] The specified number of days should be such that the end of the period for which the Contractor submits data shall coincide with the end of a month and should accommodate the objective that the periods for which the Contractor submits data should end at dates which are compatible with the contractor's accounting system.

[4] Insert the word "first," except the word "second" may be inserted if necessary to achieve compatibility with the contractor's accounting system.

[5] Insert, in contracts of the Department of the Navy, the words: "with a copy thereof to the office or offices designated in this contract to make payments thereunder."

[1] The degree of completion may be based on units delivered to the Government, percentage of contract performance, or any other reasonable basis.

[6] This period may be varied by the parties at the time of negotiating the contract.

[2] Insert, in contracts of the Department of the Navy, the words: "with a copy thereof to the office or officer designated in the contract to make payments thereunder."

Provided, That such statement need not be submitted for any quarter for which either no costs are to be reported under (ii) above or revised billing prices have been established in accordance with paragraph (h) above and do not exceed the existing contract price, the Contractor's price-redetermination offer, or a price based on the most recent quarterly statement, whichever is least.

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(i) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices within sixty (60) [3] days after the date on which the data required by (b) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of paragraphs (f), (g), and (h) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification.

(j) *Termination.* If this contract is terminated prior to price redetermination, prices shall be established pursuant to this clause (i) for completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, for supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

§ 7.109–5 Retroactive and prospective price redetermination including further prospective redetermination on request.

(a) *Description, applicability and limitation.* See § 3.403–3(b)(4).

(b) *Clause.*

PRICE REDETERMINATION (TYPE D)

(a) *General.* The unit prices and the total price set forth in this contract shall be redetermined in accordance with the provisions of this clause: *Provided*, That in no event shall the total amount paid under this contract exceed ------ dollars ($ ------).

(b) *Price redetermination.* (1) *Mandatory.* Within ------ (------) days after the end of the month in which there is completion of ----------,[1] the Contractor shall submit:

[1] The degree of completion may be based on units delivered to the Government, percentage of contract performance, or any other reasonable basis.

[2] This period may be varied by the parties at the time of negotiating the contract.

(i) Proposed prices for supplies delivered and to be delivered and services performed and to be performed under this contract;

(ii) A statement of all costs incurred in the performance of this contract through the end of the month specified above on DD Form 784 or in any other form on which the parties may agree, together with sufficient supporting data to disclose unit costs and cost trends for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(iii) An estimate of costs of all supplies delivered and to be delivered and all services performed and to be performed under this contract, using the statement of costs incurred plus an estimate of costs to complete performance, on DD Form 784 or in any other form on which the parties may agree, together with—

(A) Sufficient data to support the accuracy and reliability of such estimate; and

(B) An explanation of the differences between such estimate and the original estimate used in establishing the unit prices set forth in this contract for the same supplies or services;

(iv) Supplemental statements of costs incurred subsequent to the end of the month specified in (ii) above for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary); as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(v) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon receipt of data required by this subparagraph (b)(1), the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies delivered and to be delivered and services performed and to be performed under this contract. Where the Contractor fails to submit the data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(2) *Optional. a.* Upon delivery of a written request by the Government to the Contractor or by the Contractor to the Government, and upon receipt of proposed prices and the supporting data required by *b.2.* below, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for the supplies to be delivered and services to be performed by the Contractor after the effective date of price redetermination. The written request shall specify the effective date of the requested price redetermination, which shall be the first day of a month and which in no event shall be prior to delivery of the request or later than ---------- (----) days after the delivery of the request. No such request shall be made before ---------- (----) days after the price redetermination required by subparagraph (1) above has been effected either by agreement or by decision of the Contracting Officer under paragraph (1) below. Neither party shall request another price redetermination having an effective date within ------ (----) days of the effective date of the last preceding price redetermination. The period of each price redetermination shall be from the effective date of that redetermination until the effective date of the next redetermination.

b.1. Within ------ (------)[2] days after the price redetermination required by subparagraph (1) above has been effected either by agreement or by decision of the Contracting Officer under paragraph (i) below, or within such further time as may be specified or approved by the Contracting Officer and periodically thereafter every ------ (------) months, the Contractor shall submit a statement of all costs incurred in the performance of this contract through the end of the month prior to the date of the submission, on DD Form 784 or in any other form on which the parties may agree, together with sufficient data to disclose unit costs and cost trends for:

(i) Supplies delivered and services performed; and

(ii) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary).

2. Upon any written request by the Contractor for price redetermination or within ------ (------) days after receipt by the Contractor of any written request by the Government for price redetermination, the Contractor shall submit:

(i) Proposed prices for supplies which may be delivered or services which may be performed in the next succeeding period under this contract, together with—

(A) An estimate and breakdown of the costs of such supplies or services, on DD Form 784 or in any other form on which the parties may agree;

(B) Sufficient data to support the accuracy and reliability of such estimate; and

(C) An explanation of the differences between such estimate and the original (or last preceding estimate) for the same supplies or services;

(ii) Supplemental statements of costs incurred subsequent to the closing date of the last preceding statement of incurred costs provided under *b.1.* above, for—

(A) Supplies delivered and services performed; and

(B) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(iii) Any other relevant data which may reasonably be required by the Contracting Officer.

3. Where the Contractor fails to submit the required data within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

(c) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. However, no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the cost data required to be furnished under (b) above are readily ascertainable therefrom. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of such subcontract and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times until the expiration of three years after final payment under this contract make such examination of audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence pertinent to the performance of this contract, for any period.

(d) *Certification.* An authorized responsible official of the Contractor shall certify on each statement of costs submitted to the Contracting Officer pursuant to (c) above that the incurred costs are based upon the records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the best of his knowledge and belief, and that the accompanying estimate of costs is considered reasonable.

(e) *Subcontracts.* (1) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may at all reasonable times until the expiration of three years after final payment under such subcontract make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-price basis to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(f) *Contract modifications.* Each negotiated redetermination of prices shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices for supplies delivered and services performed hereunder during the applicable price redetermination period.

(g) *Adjustment of payments.* Pending execution of the contract modification referred to in paragraph (f) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided*, That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (h)(3) below, the parties may agree to revised billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (f) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(h) *Limitation on payments.* (1) This paragraph (h) shall apply only during a period for which firm prices have not been established.

[2] The specified number of days should be such that the end of the period for which the contractor submits data shall coincide with the end of the month.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract and as of the end of each quarter, the Contractor shall submit to the Contracting Officer [3] a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (h), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments);

Provided, That such statement need not be submitted for any quarter for which either no costs are to be reported under (ii) above or revised billing prices have been established in accordance with paragraph (h) above and do not exceed the existing contract price, the Contractor's price-redetermination offer, or a price based on the most recent quarterly statement, whichever is least.

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2)(iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(i) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices for any price redetermination period within sixty (60) [4] days after the date on which the data required by (b) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of paragraphs (f), (g), and (h) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification. Pending such final settlement, price redetermination for subsequent periods, if any, shall continue to be negotiated as hereinbefore provided.

(j) *Termination.* If this contract is terminated, prices shall continue to be established pursuant to this clause (i) for completed supplies accepted by the Government and services performed and accepted by the Government, and (ii) in the event of a partial termination, for supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

§ 7.109–6 Retroactive price redetermination after completion.

(a) *Description, applicability, and limitations.* See § 3.403–3(b)(5).

(b) *Clause.*

PRICE REDETERMINATION (TYPE E)

(a) *General.* The unit prices and the total price set forth in this contract shall be redetermined in accordance with the provisions of this clause: *Provided*, That in no event shall the total amount paid under this contract exceed ------ dollars ($------).

(b) *Price redetermination.* Within ------ (------) days after delivery of all supplies to be delivered and completion of all services to be performed under this contract, the Contractor shall submit (i) proposed prices, (ii) a statement of all costs incurred in the performance of this contract, on DD Form 784 or any other form on which the parties may agree, and (iii) any other relevant data which may reasonably be required by the Contracting Officer. Upon receipt of the required data, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable contract prices for supplies delivered and services performed by the Contractor under this contract. Where the Contractor fails to submit the required data within the time specified, payment of all invoices may be suspended by the Contracting Officer until the data are furnished.

(c) *Records.* (1) The Contractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of this contract. However, no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the cost data required to be furnished under (b) above are readily ascertainable therefrom. Each subcontract placed by the Contractor hereunder on other than a firm fixed-price basis (i) shall provide that the subcontractor shall maintain books, records, documents, and other evidence, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred in the performance of such subcontract and (ii) shall require each such subcontractor to insert the entire substance of this subparagraph, including this (ii), in all its subcontracts which are on other than a firm fixed-price basis.

(2) The Government may at all reasonable times until the expiration of three years after final payment under this contract make such examination or audit as the Contracting Officer may require of the Contractor's books, records, documents, and other evidence, pertinent to the performance of this contract.

(d) *Certification.* An authorized responsible official of the Contractor shall certify on each statement of costs submitted to the Contracting Officer pursuant to (c) above that the incurred costs are based upon the records of the Contractor, that such records reflect generally accepted accounting principles and practices normally followed by the Contractor, that such costs are correct to the

[3] Insert, in contracts of the Department of the Navy, the words: "with a copy thereof to the office or officer designated in this contract to make payments thereunder."

[4] This period may be varied by the parties at the time of negotiating the contract.

best of his knowledge and belief, and that the accompanying estimate of costs is considered reasonable.

(e) *Subcontracts.* (1) No subcontract under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis; and the Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which is on a cost-plus-a-fee basis and which would involve an estimated amount in excess of $10,000, including the fee. The Contracting Officer may, in his discretion, ratify in writing any such cost-plus-a-fee subcontract and such action shall constitute the consent of the Contracting Officer as required by this subparagraph (1).

(2) Each subcontract placed by the Contractor hereunder (i) shall provide that the Government may at all reasonable times until the expiration of three years after final payment under such subcontract make such examination or audit as the Contracting Officer may require of the subcontractor's books, records, documents, and other evidence, pertinent to the performance of the subcontract, and (ii) shall require each such subcontractor whose subcontract is on other than a firm fixed-price basis to insert the entire substance of this subparagraph, including this (ii) in all its subcontracts. The term "subcontract," as used in this subparagraph (2) only, excludes firm fixed-price subcontracts not in excess of $2,500 and subcontracts for utility services at rates established for uniform application to the general public.

(f) *Contract modification.* The negotiated redetermination of price shall be evidenced by a modification to this contract, signed by the Contractor and the Contracting Officer, setting forth the redetermined prices which shall apply to supplies delivered and to services performed by the Contractor hereunder.

(g) *Adjustment of payments.* Pending execution of the contract modification referred to in paragraph (f) above, the Contractor shall submit invoices or vouchers in accordance with billing prices as provided in this paragraph. The billing prices shall be the prices set forth in this contract: *Provided,* That if at any time it appears that the then current billing prices do not provide for payments consistent with the provisions of subparagraph (h)(3) below, the parties may agree to greater or lesser billing prices, which shall be reflected in an amendment or supplemental agreement to this contract. Billing prices are for the sole purpose of providing for interim payments and shall not affect the redetermination of prices under this clause. After execution of the contract modification referred to in paragraph (f) above, the total amount paid or to be paid on all invoices or vouchers shall be adjusted to reflect the agreed prices, and any additional payments, refunds, or credits, resulting therefrom shall be promptly made.

(h) *Limitation on payments.* (1) This paragraph (h) shall apply until final price redetermination to the full extent permitted by this contract.

(2) Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed) and accepted by the Government under this contract, and as of the end of each quarter, the Contractor shall submit to the Contracting Officer [1] a statement cumulative from the inception of the contract, setting forth:

(i) The total contract price of all supplies delivered (or services performed) and accepted by the Government for which final prices have been established;

(ii) The total costs (estimated to the extent necessary) reasonably incurred for and properly allocable solely to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established;

(iii) That portion of the total interim profit (used in establishing the initial contract price or agreed to for the purpose of this paragraph (h), Limitation on Payments), which is in direct proportion to the supplies delivered (or services performed) and accepted by the Government for which final prices have not been established; and

(iv) The total amount of all invoices or vouchers for supplies delivered (or services performed) and accepted by the Government (including amounts applied or to be applied to liquidate progress payments).

(3) Notwithstanding any provision of this contract authorizing greater payments, if on any quarterly statement the amount of (2) (iv) above exceeds the sum of (2) (i), (ii), and (iii) above, the Contractor shall immediately refund or credit to the Government against existing unpaid invoices or vouchers covered by such statement the amount of such excess less (i) the cumulative total of any previous refunds or credits under this clause (exclusive of any applicable tax credits under Section 1481 of the Internal Revenue Code of 1954) and (ii) any applicable tax credits under Section 1481 of the Internal Revnue Code of 1954. If any portion of such excess has been applied to the liquidation of progress payments, such amount (less all tax credits under the Internal Revenue Code) may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payments clause of this contract, instead of direct refund thereof.

(i) *Disagreements.* If the Contractor and the Contracting Officer fail to agree upon redetermined prices within sixty (60) [2] days after the date on which the data required by (b) above is to be filed, or within such further time as may be agreed upon by the parties, the failure to agree upon redetermined prices shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the Contracting Officer shall promptly issue a decision thereunder. For the purpose of paragraphs (f), (g), and (h) above, and pending final settlement of the disagreement on appeal, or by failure to appeal, or by agreement, such a decision shall be treated as an executed contract modification.

(j) *Termination.* If this contract is terminated prior to price redetermination, prices shall be established pursuant to this clause (i) for completed supplies and services which are not terminated. All other elements of the termination shall be resolved pursuant to other applicable provisions of this contract.

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

The Allowable Cost, Fee, and Payment Clauses in § 7.203–4 have been revised to clarify the disposition of withheld amounts in events of termination. Section 7.203–4, as revised, now reads as follows:

§ 7.203–4 Allowable Cost, Fee, and Payment.

(a) Except as provided in paragraphs (b) and (c)(5) of this section, the following clause shall be inserted in all cost-reimbursement type supply contracts.

Additional instructions for use are in paragraph (c) of this section.

ALLOWABLE COST, FIXED FEE, AND PAYMENT

(a) For the performance of this contract, the Government shall pay to the Contractor:

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by ----------* to be allowable in accordance with—

(A) Subpart B as in effect on the date of this contract; and of Part 15 of this Subchapter.

(B) The terms of this contract; and

(ii) Such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each month (or at more frequent intervals, if approved by ----------*) the Contractor may submit to an authorized representative of ----------*, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c)(1) As promptly as may be practicable after the receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, and subject to the provisions of paragraph (d) below, make payment thereon, as approved by ----------,* to the extent of:

(i) 100 percent of such approved costs representing progress payments to subcontractors under fixed price type subcontracts: *Provided,* That such payments by the Government to the Contractor shall not exceed 70 percent of the costs incurred by such subcontractors,

(ii) 100 percent of such approved costs representing cost reimbursement to subcontractors under cost reimbursement type subcontracts: *Provided,* That for cost reimbursement type subcontracts not covered by the exceptions listed in § 3.404–3(d)(2) of this subchapter, as in effect on the date of this contract, such payments by the Government shall not exceed 80 percent of the costs incurred by such subcontractors, and

(iii) 80 percent of all other such approved costs.

The cumulative amount of such invoices or vouchers from time to time approved but not paid pursuant to the foregoing provisions (regardless of whether they are paid under the next sentence hereof) shall constitute a gross withheld payments amount. Upon acceptance and delivery of articles called for by item ------** of this contract, the Government shall pay to the Contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the cumulative number of articles accepted and delivered under item ------** of this contract is of the total number of articles called for by such item.

(2) Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(3) The total of the amounts which may be withheld at any one time under both (c)(1) and (c)(2) above shall not exceed the greatest amount which may then be withheld under either (c)(1) or (c)(2), whichever permits the greater withholding at that time.

(4) In the event of complete termination of the work remaining to be performed under this contract or in the event of cessation of performance pursuant to the clause of this contract entitled "Limitation of Cost," the Government shall, subject to the provisions of paragraph (d) below, pay the balance of the gross withheld payments amount to the Contractor within sixty (60) days from the effective date of termination or date of written notice to the Government that performance has been discontinued pursuant to the clause entitled "Limitation of Cost," as the case may be.

(d) At any time or times prior to final payment under this contract ----------* may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by ----------* on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the release: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at its expense or without cost to the Government.

(b) When, pursuant to § 3.404–4 of this subchapter, incentive revision of the fee in a cost-reimbursement type supply contract is to be provided, the clause set forth below shall, except as provided in paragraph (c)(5) of this section, be included in the contract. Additional instructions for use of the clause are in paragraph (c) of this section.

ALLOWABLE COST, INCENTIVE FEE, AND PAYMENT

(a)(1) For the performance of this contract, the Government shall pay to the Contractor:

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by ----------* to be allowable in accordance with—

(A) Subpart B of Part 15 of this subchapter as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) A fee determined as provided in this contract.

(2) The target cost and target fee of this contract are set forth in the Schedule and shall be subject to adjustment in accordance with (h) and (i) below. As used throughout this contract the term:

(i) "Target cost" means the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below; and

(ii) "Target fee" means the fee which was initially negotiated on the assumption that this contract would be performed for a cost equal to the estimated cost of this contract initially negotiated, adjusted in accordance with (h) below.

(b) Once each month (or at more frequent intervals, if approved by ----------*) the Contractor may submit to an authorized representative of ----------* in such form and reasonable detail as such representative may require an invoice or voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(c)(1) As promptly as may be practicable after the receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, and subject to the provisions of paragraph (d) below, make payment thereon, as approved by ----------* to the extent of:

(i) 100 percent of such approved costs representing progress payments to subcontractors under fixed price type subcontracts: *Provided,* That such payments by the Government to the Contractor shall not exceed 70 percent of the costs incurred by such subcontractors,

(ii) 100 percent of such approval costs representing cost reimbursement to subcontractors under cost reimbursement type subcontracts: *Provided,* That for cost reimbursement type subcontracts not covered by the exceptions listed in § 3.404–3(d)(2) of this subchapter, as in effect on the date of this contract, such payments by the Government shall not exceed 80 percent of the costs incurred by such subcontractors, and

(iii) 80 percent of all other such approved costs.

The cumulative amount of such invoices or vouchers from time to time approved but not paid pursuant to the foregoing provisions (regardless of whether they are paid under the next sentence hereof) shall constitute a gross withheld payments amount. Upon acceptance and delivery of articles called for by item ------** of this contract, the Government shall pay to the Contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the cumulative number of articles accepted and delivered under item ------** of this contract is of the total number of articles called for by such item.

(2) Payment of fee shall be made to the Contractor as specified in the Schedule: *Provided, however,* That after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment, on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(3) The total of the amounts which may be withheld at any one time under both (c)(1) and (c)(2) above shall not exceed the greatest amount which may then be withheld under either (c)(1) or (c)(2), whichever permits the greater withholding at that time.

(4) In the event of complete termination of the work remaining to be performed under this contract or in the event of cessation of performance pursuant to the clause of this contract entitled "Limitation of Cost," the Government shall, subject to the provisions of paragraph (d) below, pay the balance of the gross withheld payments amount to the Contractor within sixty (60) days from the effective date of termination or date of written notice to the Government that performance has been discontinued pursuant to the clause entitled "Limitation of Cost," as the case may be.

(d) At any time or times prior to final payment under this contract, ----------* may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by ----------*, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f) below), the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to

[1] Insert, in contracts of the Department of the Navy, the words: "With a copy thereof to the office or offices designated in the contract to make payments thereunder."

[2] This period may be varied by the parties at the time of negotiating the contract.

costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the Contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

Payments under the assignment and the claims excepted from the release shall be subject to adjustment by reason of the adjustment of fee in accordance with (i) below.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at its expense or without cost to the Government.

(h) When the work under this contract (including any supplies or services which are ordered separately under, or otherwise added to, this contract) is increased or decreased by contract modification, appropriate adjustments in the target cost and target fee shall be set forth in an amendment or supplemental agreement to this contract.

(i) The fee payable hereunder shall be the target fee increased by (insert contractor's participation) cents for every dollar by which the total allowable cost is less than the target cost or decreased by (insert contractor's participation) cents for every dollar by which the total allowable cost exceeds the target cost. In no event shall the fee be greater than ------%, nor less than ------%, of the target cost; and within these limits such fee shall be subject to adjustment, by reason of increase or decrease of total allowable cost, on account of payments under the assignment required by (f)(i) above, and claims excepted from the release required by (f)(ii) above.

In the event the contracts call for spare parts or other supplies and services which are to be ordered under a provisioning document or Government option, the following provision (j) shall be included:

(j) Compensation for supplies (including spare parts) and services which are to be furnished under this contract pursuant to a provisioning document or Government option shall be determined in accordance with the provisions of this clause notwithstanding any inconsistent provision in such provisioning document or Government option.

(c)(1) In the foregoing clauses, insert, in contracts of the Department of the Army and the Department of the Air Force, the words, "the Contracting Officer." and insert, in contracts of the Department of the Navy the words "the Comptroller of the Navy (Contract Audit Division)" in the spaces designated by an asterisk (----------*). For approvals with regard to fixed-price type subcontracts, pursuant to paragraph (c)(1)(i) of the foregoing clauses, the standards shall be the same as those governing progress payments on fixed-price type prime contracts. For approvals with regard to cost-reimbursement type subcontracts, pursuant to paragraph (c)(1)(ii) of the foregoing clauses, the standards shall be the same as those contained in § 3.404–3(d) of this subchapter for prime contracts.

(2) In subparagraph (c)(1) of the foregoing clauses, insert the item number of the principal end item being procured under the contract in the space designated by a double asterisk (------**).

(3) In accordance with Departmental procedures, the following sentence may be substituted for the third sentence of subparagraph (c)(1) of the foregoing clauses: "Upon the completion of increments of work as specified in the Schedule, the Government shall pay to the Contractor an amount which, when added to any amounts previously paid under this sentence, shall be the same percentage of the gross withheld payments amount as the total of the completed increments is of the total increments of the work called for by this contract." Increments of work specified in the Schedule pursuant to the above provision may be stated in units, percentages of completion, stages of work, or in any other appropriate manner.

(4) In paragraph (f)(ii)(B) of the foregoing clauses, the period of years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the contractor: *Provided*, That a corresponding increase is made in the period for retention of records required in paragraph (a)(4) of the clause set forth in § 7.203–7.

(5) In all cost-reimbursement type supply contracts covered by any one of the exceptions listed in § 3.404–3(d)(2) of this subchapter, insert the appropriate one of the foregoing clauses modified as follows:

(i) If the clause set forth in paragraph (a) of this section is used, delete paragraph (c) thereof and substitute the following:

(c) Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (d) below, make payment thereon as approved by ----------*. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule: *Provided, however*, That after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(ii) If the clause set forth in paragraph (b) of this section is used, delete paragraph (c) thereof and substitute the following:

(c) Promptly after receipt of each invoice or voucher, the Government shall, subject to the provisions of (d) below, make payment thereon as approved by ----------*. Payment of fee shall be made to the Contractor as specified in the Schedule: *Provided, however*, That after payment of ninety-five percent (95%) of the minimum fee provided for in (i) below, further payment on account of the fee shall be withheld until a reserve of either fifteen percent (15%) of the target fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(6) In subparagraph (c)(2) of the clauses set forth in paragraphs (a) and (b) of this section and in the (c) paragraphs set forth in subparagraph (5) of this paragraph, the percentages and amounts set forth therein may be varied in accordance with Departmental procedures, except that the percentage of minimum fee in the incentive fee clause shall not exceed 95 percent.

(7) The measure of the increase and the decrease in the fee, representing "the contractor's participation" as set forth in paragraph (i) of the incentive fee clause, shall normally be the same. Under some circumstances the use of a sliding scale may be appropriate (for example, $0.01 for the first $100, $0.02 for the next $100, etc.) in which case necessary changes in the wording of paragraph (i) of the incentive fee clause are authorized. The maximum and minimum fee shall normally be equidistant from the target fee.

(8) In the case of cost-reimbursement type supply contracts without fee:

(i) Insert the following sentence in lieu of the second sentence of paragraph (c) of the clause set forth in subparagraph (5)(i) of this paragraph: "After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside"; and

(ii) Delete the words "and any part of the fixed fee" from paragraph (e) of the clause set forth in paragraph (a) of this section.

PART 9—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

Section 9.110 has been revised to achieve a uniformity of approach in the reporting of detailed royalty information

for the Military Departments in advance of letting contracts.

§ 9.110 Reporting of royalties.

(a)(1) The Government has acquired license and other rights under a large number of inventions as the result of Government-sponsored research and development and in other ways. In order that the Government may determine whether the charging of royalties to the Government is inconsistent with the rights which the Government has acquired or is otherwise improper, and in order that negotiation for the reduction of excessive royalties may be undertaken, the Departments should be informed of royalties charged or to be charged in connection with the performance of Government contracts. DD Form 633, Cost and Price Analysis (see § 16.206), and DD Form 784, Cost Analysis for Contract Price Redetermination (see § 16.207), provide for reporting royalty information as required in (2) below. Royalty information generally should not be required in formally advertised procurements.

(2) (i) Where it is expected that the work may be performed in the United States, its Territories, its possessions, or Puerto Rico, any solicitation which may result in a negotiated contract estimated to exceed $10,000 shall contain a special provision substantially as follows:

ROYALTY INFORMATION

When the response to this solicitation contains costs or charges for royalties totaling more than $250, the following information shall be furnished with the offer, proposal, or quotation on each separate item of royalty or license fee:

(i) Name and address of licensor;
(ii) Date of license agreement;
(iii) Patent numbers, patent application serial numbers or other basis on which the royalty is payable;
(iv) Brief description, including any part or model numbers of each contract item or component on which the royalty is payable;
(v) Percentage or dollar rate of royalty per unit;
(vi) Unit price of contract item;
(vii) Number of units; and
(viii) Total dollar amount of royalties.

In addition, if specifically requested by the contracting officer prior to execution of the contract, a copy of the current license agreement and identification of applicable claims of specific patents shall be furnished.

(ii) Where the work is to be performed in the United States, its Territories, its possessions, or Puerto Rico, the contracting officer, upon receipt of an offer, proposal, or quotation, which includes a charge for royalties, shall, prior to award of the contract, forward the information called for by subdivision (i) of this subparagraph to the office having cognizance of patent matters for the procuring activity concerned. The cognizant office shall promptly advise the contracting officer as to appropriate action. The contracting officer shall then take action in respect to such royalties, having due regard to all pertinent factors relating to the proposed procurement.

(iii) Where subcontract work is to be performed in the United States, its Territories, its possessions, or Puerto Rico, the contracting officer, when considering approval of a subcontract, shall require the same information and take the same action with respect to such subcontracts in relation to royalties as required for prime contracts under subdivision (ii) of this subparagraph.

(b) A reporting of royalties clause is not required in contracts where the work is to be performed in the United States, its Territories, its possessions, or Puerto Rico. In negotiated contracts to be performed outside the United States, its Territories, its possessions or Puerto Rico, regardless of the place of delivery, the clause set forth below shall be included. See § 16.806 for an approved form for optional use by contractors in submitting the required report.

REPORTING OF ROYALTIES (FOREIGN)

If this contract is in an amount which exceeds $50,000, the Contractor shall report in writing to the Contracting Officer during the performance of this contract the amount of royalties paid or to be paid by the Contractor directly to others in the performance of this contract. The Contractor shall also (i) furnish in writing any additional information relating to such royalties as may be requested by the Contracting Officer and (ii) insert a provision similar to this clause in any subcontract hereunder which involves an amount in excess of the equivalent of fifty thousand United States dollars.

PART 10—BONDS AND INSURANCE

Subpart A—Bonds

Section 10.103–1, has been revised to provide specific criteria as to the conditions under which performance bonds will be required. Section 10.103–1, as revised reads as follows:

§ 10.103 Performance bonds.

§ 10.103–1 Performance bonds for contracts other than construction contracts.

(a) Generally performance bonds will not be required in connection with contracts other than construction contracts. Performance bonds will not be used as a substitute for determinations of contractor responsibility as required by Part 1, Subpart I of this subchapter.

(b) Subject to the general policy stated in paragraph (a) of this section, performance bonds may be required in individual procurements when, consistent with the following criteria, the contracting officer determines the need therefor. Justification for any such requirement must be fully documented.

(1) Where the terms of the contract provide for the contractor to have the use of Government material, property or funds and further provide for the handling thereof by the contractor in a specified manner so as to protect the Government's interests therein, a performance bond may be required.

(2) Where the circumstances applicable to a particular procurement are such that, for financial reasons, a performance bond is necessary to protect the interests of the Government. See for example, § 16.505–2(b)(3) of this chapter.

(c) Subject to the general policy stated in paragraph (a) of this section, determinations that performance bonds will be required in specified classes of cases (e.g., for particular types of supplies or services), may be made (1) for the Army, by the Deputy Chief of Staff for Logistics, (2) for the Navy, by the Chief of Naval Material, and (3) for the Air Force, by the Deputy Chief of Staff, Materiel. A copy of each such determination covering a class of cases shall be forwarded to the Office of Assistant Secretary of Defense (Supply and Logistics) for information.

(d) Performance bonds shall not be required unless the invitation for bids or request for proposals requires such a bond, or the requirement of such a bond is in the interest of the Government, and not prejudicial to other bidders. The requirement for a performance bond shall not be waived when the invitation for bids requires such bond.

(e) When the requirement for a performance bond is made by the terms of a contract, but the bond is not furnished by the contractor within the time specified, the contracting officer shall notify the contractor that the contract will be terminated for default if the bond is not furnished within the time specified in the contract clause providing for such termination (e.g., § 8.707(a)(2) of this chapter).

(f) Where a performance bond is required as a condition precedent to the formation of the contract, but is not furnished within the time specified, if the making of the award can be delayed without prejudice to other bidders and to the public interest, the contracting officer shall notify the bidder that if the bond is not furnished within 10 days (or such other period as the contracting officer may specify) after receipt of the notice, his bid will not be considered for award.

Subpart D—Insurance Under Fixed Price Contracts

Section 10.404 has been revised to incorporate a new Ground and Flight Risk clause to replace the current aircraft in the Open Clause. The clause has been revised to include more comprehensive coverage, as well as to include uniform policies for assuming the risk of loss by the Government, prior to inspection and acceptance, of aircraft in flight. Section 10.404, as revised, reads as follows:

§ 10.404 Aircraft—Ground and Flight Risk.

(a) Negotiated fixed-price type contracts for production, modification, maintenance, or overhaul of aircraft shall, except as provided in paragraph (b) of this section include the clause set forth below.

GROUND AND FLIGHT RISK

(a) Notwithstanding any other provisions of this contract, except as may be specifically provided in the Schedule as an exception to this clause, the Government, subject to the definitions and limitations of this clause, assumes the risk of damage to, or loss or destruction of, aircraft "in the open," during "operation," and in "flight," as these terms are defined below, and agrees that the Contractor shall not be liable to the Government for any such damage, loss,

or destruction, the risk of which is so assumed by the Government.

(b) For the purposes of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means—

(A) Aircraft (including (I) complete aircraft, and (II) aircraft in the course of being manufactured, disassembled, or reassembled: *Provided,* That an engine or a portion of a wing or a wing is attached to a fuselage of such aircraft) to be furnished to the Government under this contract (whether before or after acceptance by the Government); and

(B) Aircraft (regardless of whether in a state of disassembly or reassembly) furnished by the Government to the Contractor under this contract;

including all property installed therein, or in the process of installation, or temporarily removed from such aircraft: *Provided, however,* That such aircraft and property are not covered by a separate bailment agreement.

(ii) The term "in the open" means located wholly outside of buildings on the Contractor's premises or at such other places as may be described in the Schedule as being in the open for the purposes of this clause, except that aircraft furnished by the Government shall be deemed to be in the open at all times while in Contractor's possession, care, custody, or control.

(iii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the ----------[1] With respect to land based aircraft, "flight" shall commence with the taxi roll from a flight line on the Contractor's premises, and continue until the aircraft has completed the taxi roll in returning to a flight line on the Contractor's premises; with respect to seaplanes, "flight" shall commence with the launching from a ramp on the Contractor's premises and continue until the aircraft has completed its landing run upon return and is beached at a ramp on the Contractor's premises; with respect to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off from the Contractor's premises and continue until the aircraft has returned to the ground on the Contractor's premises and the rotors are disengaged; and with respect to vertical take-off aircraft, "flight" shall commence upon disengagement from any launching platform or device on the Contractor's premises and continue until the aircraft has been re-engaged to any launching platform or device on the Contractor's premises: *Provided, however,* That aircraft off the Contractor's premises shall be deemed to be in flight when on the ground or water only during periods of reasonable duration following emergency landings, other landings made in the performance of this contract, or landings approved by ----------[1] in writing.

(iv) The term "Contractor's premises" means those premises designated as such in the Schedule or in writing by the ----------[1] and any other place to which aircraft are moved for the purpose of safeguarding the aircraft.

(v) The term "operation" means operations and tests, other than on any production line, of aircraft, when not in flight, whether or not the aircraft is in the open or in motion during the making of any such operations or tests, and includes operations and tests of equipment, accessories, and power plants, only when installed in aircraft.

[1] In the foregoing clause, insert, in contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the activity designated in accordance with Departmental procedures.

(c) (1) The Government's assumption of risk under this clause, as to aircraft in the open, shall continue in effect unless terminated pursuant to subparagraph (3) below. Where the ------[1] finds that any of such aircraft is in the open under unreasonable conditions, he shall notify the Contractor in writing of the conditions he finds to be unreasonable and require the Contractor to correct such conditions within a reasonable time.

(2) Upon receipt of such notice, the Contractor shall act promptly to correct such conditions, regardless of whether it agrees that such conditions are in fact unreasonable. To the extent that the Contracting Officer may later determine that such conditions were not in fact unreasonable, an equitable adjustment shall be made in the contract price to compensate the Contractor for any additional costs it incurred in correcting such conditions and the contract shall be modified in writing accordingly. Any dispute as to the unreasonableness of such conditions or the equitable adjustment shall be deemed to be a dispute concerning a question of the fact within the meaning of the clause of this contract entitled "Disputes."

(3) If the ----------[1] finds that the Contractor has failed to act promptly to correct such conditions or has failed to correct such conditions within a reasonable time, he may terminate the Government's assumption of risk under this clause, as to any of the aircraft which is in the open under such conditions, such termination to be effective at 12:01 a.m. on the fifteenth day following the day of receipt by the Contractor of written notice thereof. If the Contracting Officer later determines that the Contractor acted promptly to correct such conditions or that the time taken by the Contractor was not in fact unreasonable, an equitable adjustment shall, notwithstanding paragraph (f) of this clause, be made in the contract price to compensate the Contractor for any additional costs it incurred as a result of termination of the Government's assumption of risk under this clause and the contract shall be modified in writing accordingly. Any dispute as to whether the Contractor failed to act promptly to correct such conditions, or as to the reasonableness of the time for correction of such conditions, or as to such equitable adjustment, shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(4) In the event the Government's assumption of risk under this clause is terminated in accordance with (3) above, the risk of loss with respect to Government-furnished property shall be determined in accordance with the clause of this contract, if any, entitled "Government-Furnished Property" until the Government's assumption of risk is reinstated in accordance with (5) below.

(5) When unreasonable conditions have been corrected, the Contractor shall promptly notify the Government thereof. The Government may elect to again assume the risks and relieve the Contractor of liabilities as provided in this clause, or not, and the ----------[1] shall notify the Contractor of the Government's election. If, after correction of the unreasonable conditions, the Government elects to again assume such risks and relieve the Contractor of such liabilities, the Contractor shall be entitled to an equitable adjustment in the contract price for costs of insurance, if any, extending from the end of the third working day after the Contractor notifies the Government of such correction until the Government notifies the Contractor of such election. If the Government elects not to again assume such risks, and such conditions have in fact been corrected, the Contractor shall be entitled to an equitable adjustment for costs of insurance, if any, extending after such third working day.

(d) The Government's assumption of risk shall not extend to damage to, or loss or destruction of, such aircraft:

(i) Resulting from failure of the Contractor, due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel, to maintain and administer a program for the protection and preservation of aircraft in the open, and during operation, in accordance with sound industrial practice (the term "Contractor's managerial personnel" means the Contractor's directors, officers, and any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant or separate location at which this contract is performed, or a separate and complete major industrial operation in connection with the performance of this contract);

(ii) Sustained during flight if the pilot conducting such flight has not been approved in writing by the ----------[1];

(iii) While in the course of transportation by rail, or by conveyance on public streets, highways, or waterways, except for Government-furnished property;

(iv) To the extent that such damage, loss or destruction is in fact covered by insurance;

(v) Consisting of wear and tear, deterioration (including rust and corrosion), freezing, or mechanical, structural, or electrical breakdown or failure, unless such damage is the result of other loss, damage, or destruction covered by this clause; *provided,* however, in the case of Government-furnished property, if such damage consists of reasonable wear and tear or deterioration, or results from inherent vice in such property, this exclusion shall not apply;

(vi) Sustained while the aircraft is being worked upon and directly resulting therefrom, including but not limited to any repairing, adjusting, servicing or maintenance operation, unless such damage, loss, or destruction is of a type which would be covered by insurance which would customarily have been maintained by the Contractor at the time of such damage, loss, or destruction, but for the Government's assumption of risk under this clause; or

(vii) Under this clause, where the total loss resulting from each event separately occurring is less than $500.

(e) A subcontractor shall not be relieved from liability for damage to, or loss or destruction of, aircraft while in its possession or control, except to the extent that the subcontract, with the prior written approval of the Contracting Officer, provides for relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of such aircraft in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract. Where a subcontractor has not been relieved from liability for any damage, loss, or destruction of aircraft and any damage, loss, or destruction occurs, the Contractor shall enforce the liability of the subcontractor for such damage to, or loss or destruction of, the aircraft for the benefit of the Government.

(f) The Contractor warrants that the contract price does not and will not include, except as may be otherwise authorized in this clause, any charge or contingency reserve for insurance (including self-insurance funds or reserves) covering any damage to, or loss or destruction of, aircraft while in the open, during operation, or in flight, the risk of which has been assumed by the Government under the provisions of this clause, whether or not such assumption may be terminated as to aircraft in the open.

(g) In the event of damage to, or loss of destruction of, aircraft in the open, during operation, or in flight, the Contractor shall take all reasonable steps to protect such aircraft from further damage, separate damaged and undamaged aircraft, put all aircraft in the best possible order and, further, except in cases covered by (d) (vii) above, the Contractor should furnish to the ----------[1] a statement of:

(i) The damaged, lost, or destroyed aircraft;

(ii) The time and origin of the damage, loss, or destruction;

(iii) All known interests in commingled property of which aircraft are a part; and

(iv) The insurance, if any, covering any part of the interest in such commingled property.

Except in cases covered by (d) (vii) above, an equitable adjustment shall be made in the amount due under this contract for expenditures made by the Contractor in performing its obligations under this paragraph (g) and this contract shall be modified in writing accordingly.

(h) If prior to delivery and acceptance by the Government any aircraft is damaged, lost, or destroyed and the Government has under this clause assumed the risk of such damage, loss, or destruction, the Government shall either (1) require that such aircraft be replaced or restored by the Contractor to the condition in which it was immediately prior to such damage, or (2) shall terminate this contract with respect to such aircraft. In the event that the Government requires that the aircraft be replaced or restored, an equitable adjustment shall be made in the amount due under this contract and in the time required for its performance, and this contract shall be modified in writing accordingly. If, in the alternative, this contract is terminated under this paragraph with respect to such aircraft and under this clause the Government has assumed the risk of such damage, loss, or destruction, the Contractor shall be paid the contract price for said aircraft (or, if applicable, any work to be performed on said aircraft) less such amounts as the Contracting Officer determines (1) that it would have cost the contractor to complete the aircraft (or any work to be performed on said aircraft) together with anticipated profit, if any, on any such uncompleted work, and (2) to be the value, if any, of the damaged aircraft or any remaining portion thereof retained by the Contractor. The Contracting Officer shall have the right to prescribe the manner of disposition of the damaged, lost, or destroyed aircraft, or any remaining parts thereof; and, if any additional costs of such disposition are incurred by the Contractor, a further equitable adjustment will be made in the amount due to the Contractor. Failure of the parties to agree upon an equitable adjustment or upon the amount to be paid in the event of termination of the contract with respect to any aircraft, shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

(i) In the event the Contractor is at any time reimbursed or compensated by any third person for any damage, loss, or destruction of any aircraft, the risk of which has been assumed by the Government under the provisions of this clause and for which the Contractor has been compensated by the Government, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such damage, loss, or destruction and, upon the request of the ----------,[1] shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

(b) (1) In paragraph (b) of the foregoing clause, certain of the defined terms may be modified by insertion of appropriate additional definitions in the Schedule in accordance with the following. The purpose of the clause is to have the Government assume risks which generally entail unusually high insurance premiums and which are not covered by the contractor's "contents," "work-in-process," or other similar insurance. It is recognized that all of the definitions prescribed in the foregoing clause may not cover all situations which should be covered if the above purpose is to be accomplished. Therefore, changes may be effected in the Schedule as set forth below.

(i) Since the standard definition of "aircraft" contemplates conventional types of winged aircraft, a modified definition is necessary if the contract covers helicopters, vertical take-off aircraft, lighter-than-air airships or other non-conventional types of aircraft. The modified definition should take into consideration that the aircraft has reached a point of manufacture comparable to that required in the standard definition;

(ii) The definition of "in the open" may be modified to include "hush houses," test hangars, and comparable structures, and other designated areas;

(iii) "Contractor's premises" shall be expressly defined in the Schedule and shall be limited to those locations where aircraft, as defined in the above clause, may be located during and for the performance of the contract. "Contractor's premises" may include, but are not limited to, premises owned or leased by the contractor or premises as to which the contractor has a permit, license, or other right of use either exclusively or jointly with others, including Government airfields.

(2) The Government need not assume the risk of damage to, or loss or destruction of, aircraft, as provided by the foregoing clause, if the best estimate of premium costs to be included in the contract price for insurance coverage for such damage, loss, or destruction at any plant or facility is less than $500. If it is determined not to assume such risks, the foregoing clause shall not be made a part of the contract.

(3) Subparagraph (d) (iii) of the above clause may be varied to provide for Government assumption of risk of transportation by conveyance on streets or highways where the contracting officer determines that such transportation is limited to the vicinity of the contractor's premises and is merely an incident to work being performed under the contract.

[1] In the foregoing clause, insert in contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the activity designated in accordance with Departmental procedures.

PART 12—LABOR

Subpart H—Nondiscrimination in Employment

§ 12.801 [Amendment]

1. The cross reference in § 12.801 at the end of the paragraph has been changed to read: "(See §§ 1.903–1(f) and 1.604–2)."

2. Section 12.807 has been added to authorize Department of Defense field personnel to utilize the Regional Offices of the President's Committee on Government Contracts as a source of information. Section 12.807 reads as follows:

§ 12.807 Contact with the President's Committee.

After receiving a complaint of discriminatory employment practices against a contractor it may be appropriate for investigative personnel to contact the Regional Office of the President's Committee on Government Contracts, if there is one in the area, to ascertain if that office has additional information concerning the complaint or contractor. The Regional Office may be used as a point of information. However, contact concerning the conduct of or any other matters pertaining to the investigation shall not be made except after coordination with Departmental headquarters.

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATION

In § 30.3, 103.5 has been revised as follows:

§ 30.3 Appendix C—Manual for Control of Government Property in Possession of Nonprofit Research and Development Contractors.

* * * * *

PART 1—INTRODUCTION

103 *Definitions.* * * *

103.5 Property Administrator means the Government representative responsible to the contract administrator for reviewing the contractor's property control procedures, for examining the records maintained by the contractor of Government property, for making usage analyses of Government property, and for the maintenance of such Government property records as are required by this subchapter.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

(Sec. 201, 55 Stat. 839, as amended, sec. 2202, 70A Stat. 120; 50 U.S.C. App. 611, 10 U.S.C. 2202)

G. C. BANNERMAN,
Director for Procurement Policy, Office of Assistant Secretary of Defense, (Supply and Logistics).

[F.R. Doc. 59–6676; Filed, Aug. 12, 1959; 8:46 a.m.]

SUBCHAPTER C—MILITARY PERSONNEL

PART 64—TRANSFER OF PERSONS BETWEEN RESERVE COMPONENTS OF THE ARMED FORCES

The Deputy Secretary of Defense approved the following policy on June 25, 1959:

Sec.
64.1 Purpose.
64.2 Applicability.
64.3 Policy.

AUTHORITY: §§ 64.1 to 64.3 issued under sec. 512, 70A Stat. 18; 10 U.S.C. 512 and sec. 595, 70A Stat. 25; 10 U.S.C. 595.

§ 64.1 Purpose.

The purpose of this part is to establish a uniform policy governing interservice transfers of persons not on active duty who have an obligation for service under the provisions of the Universal Military Training and Service Act, as amended or the Armed Forces Reserve Act of 1952, as amended, between reserve components of the Armed Forces.

§ 64.2 Applicability.

This part is applicable to all military departments in the implementation of sections 512 and 595 of Title 10, U.S. Code.

§ 64.3 Policy.

(a) Interservice transfers of persons not on active duty who have an obligation for service under the provisions of the Universal Military Training and Service Act, as amended or the Armed Forces Reserve Act of 1952, as amended between reserve components of the Armed Forces may be accomplished only in cases wherein the reservist requests or consents to such transfer and wherein it is mutually agreed by the two Secretaries concerned that such transfers are in the best interest of the Armed Forces, except as provided in paragraph (b) of this section. An Armed Force may request the transfer of a particular reservist from a reserve component of another Armed Force. Such request will normally be made only when the initiating Armed Force has a specific vacancy for the individual concerned in an organized unit within a reasonable distance of the individual's domicile or place of business. It may be approved only when:

(1) The losing Armed Force has no organized unit within a reasonable distance of the domicile or place of business of the individual to which the reservist may be usefully assigned, or

(2) The reservist has special experience or professional, educational or technical background which is clearly of greater use to the gaining Armed Force and which use outweighs the value of his previous training in the losing Armed Force.

(b) At the time of enrollment in an officer candidate program of another service, an enlisted reservist will be transferred to the reserve component of the service conducting such program, provided that it is mutually agreed by the Secretaries concerned that such transfer is in the best interest of the Armed Forces.

(c) Interservice transfers between reserve components of the Armed Forces will be accomplished by discharge from the reserve component in which serving for the purpose of immediate enlistment or appointment in the reserve component of the Armed Force concerned. Where membership in the officer training program does not confer military status, discharge will be for the purpose of immediate enlistment in the reserve component of the gaining Armed Force. Discharge for this purpose shall not constitute a fulfillment of the military obligation. Additional service performed after such discharge will be counted toward fulfillment of such obligation.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

AUGUST 10, 1959.

[F.R. Doc. 59–6693; Filed, Aug. 12, 1959; 8:49 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

Stock Item Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

a. Paragraph (b) is amended by deleting from the caption "July, 1, 1959" and inserting in lieu thereof "July 1, 1962".

b. Paragraph (b) is further amended by deleting "July 1, 1959" and inserting in lieu thereof "July 1, 1962".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: August 10, 1959.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 59–6711; Filed, Aug. 12, 1959; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 88; Amdt. 40–18]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Deletion of Certain Definitions

Part 40 of the Civil Air Regulations contains definitions of four terms which are also defined in Part 60, and which pertain primarily to the air traffic rules. The Part 40 definitions of these terms are written differently from those in Part 60, even though the terms are intended to have the same meaning in both parts.

Inasmuch as § 40.2 states that the provisions of Part 60 shall be applicable to all air carrier operations conducted under the provisions of Part 40, unless otherwise specified, the repetition of the definitions in Part 40 is unnecessarily duplicative. To avoid this, and the obvious disadvantage of revising Part 40 each time that the definitions in Part 60 may be modified, those terms which have the same meaning in both parts but which pertain primarily to Part 60 and are defined therein should not be defined in Part 40 also. This amendment therefore eliminates the four definitions in Part 40.

Since this amendment is technical in nature, makes no substantive change, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective without prior notice.

In consideration of the foregoing, § 40.5 of the Civil Air Regulations is hereby amended by deleting the definitions of "air traffic clearance," "air traffic control," "control area" and "control zone."

(Sections 313(a), 307, 604; 72 Stat. 752, 749, 778; 49 U.S.C. 1354, 1348, 1424)

Issued in Washington, D.C., on August 7, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–6696; Filed, Aug. 12, 1959; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 88; Amdt. 34]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to remove a low spot in the fuel system on Aero Commander aircraft, and to determine if fatigue cracks have developed in the horizontal stabilizer spars of Lockheed 18, PV–1, and PV–2 aircraft, inspection and/or rework are required.

As a result of fuselage fabric failures at the windshield on certain Piper aircraft models, inspection for possible reinforcement is necessary.

Fretting and fatiguing of the damper trunnion bolt in the damper trunnion assembly on Sikorsky S–58 helicopters has not been entirely eliminated, necessitating inspection for condition.

Revisions are necessary for airworthiness directives 59–10–7 on Lycoming engines and 58–10–2 for Piper aircraft.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 507.10(a) is amended as follows:

1. 59–10–7 Lycoming engines as it appeared in 24 F.R. 5178 is revised by deleting series VO–435 and GO–435 from the applicability statement.

2. 58–10–2 Piper as it appeared in 23 F.R. 4725 is revised by substituting the following for the applicability statement: "Applies to all Model PA–22, PA–20, PA–19, PA–18, PA–16, PA–14, PA–12, J4, J5, AE–1, and HE–1 Series aircraft." Also, add the following statement to the first sentence of the first and second paragraphs: "and P/N 11431 (J4 aircraft only)."

This supersedes the Piper revision in 24 F.R. 5177.

3. The following new airworthiness directives are added:

59–16–1 AERO DESIGN. Applies to all Models of Aero Commander aircraft, Serial Numbers 231 through 690.

Compliance required not later than September 15, 1959.

To improve fuel line routing and to eliminate the possibility of a sump being formed between the fuel shut-off valve and the booster pump, the following inspection and/or rework is necessary.

(a) If inspection reveals excessive line lengths are creating water traps or low spots in the fuel line between the fuel shut-off valve and the fuel booster pumps, clamp the lines up to existing structure until a uniform slope is obtained.

(b) If a uniform slope cannot be obtained by clamping up the line, remove the existing 45° elbow at the shut-off valve and replace it with an AN822–8D 90° elbow.

(c) If a uniform slope cannot be obtained after completing items (a) and (b), shorten fuel line until no low spots will exist upon reassembling and installation.

(d) If existing hoses cannot be shortened, new hoses may be obtained from the manufacturer or Aero Commander distributor.

See Aero Design Service Bulletin Number 54 for hose assembly part numbers and hose lengths.

59–16–2 LOCKHEED. Applies to all Lockheed Model 18, PV–1, and PV–2 Series aircraft.

Compliance required as indicated.

Numerous reports have been received wherein fatigue cracks have been found in the horizontal stabilizer spars in the area of the vertical fin attachments. In order to determine if this condition has developed, the following inspection is required.

Within the next 50 hours of flight and at 300-hour intervals thereafter inspect the horizontal stabilizer front and rear spar flanges and webs for cracks in the region of the vertical fin attaching angles. If cracks are found, stop-drill, install spar flange and web doublers and flange filler blocks extending beyond the fin attaching angles. Add doubler plates on the forward face of rear spar in region of rudder hinge bracket attachment holes. One approved method of accomplishing the above spar reinforcement is contained in Lockheed Aircraft Service Bulletin 18/SB–112 dated September 18, 1944, pertaining to this same subject.

59–16–3 PIPER. Applies to all Models J4, J5, PA–12, PA–14, PA–15, PA–16, PA–17, PA–20 and PA–22 aircraft.

Compliance required within next 25 hours and at every 100 hours of operation thereafter.

Fabric failures have been experienced where it attaches to the fuselage under the windshield top and/or directly over the rear edge of the windshield top attachment channel. This area shall be inspected and if there is any sign of deterioration of the fabric a strip of 2½ inch pinked reinforcement tape shall be added over the existing fabric. This reinforcement should extend from the aft side of the channel forward and around the slot for the windshield, and extend as near to the fuselage tube as the tape width permits.

(Piper Service Bulletin Number 174 covers this subject.)

59–16–4 SIKORSKY. Applies to all Model S–58 helicopters.

Compliance required as indicated.

Due to the present design of the damper trunnion assembly, torque cannot be maintained on the bolt, thereby leading to fretting and fatiguing of the bolt. Although this problem has been partially corrected by replacing the AN 177–34 bolt with S1610–23198 bolt (NAS 627–48 bolt with cotter pin hole), working of the bolt in the assembly has not been completely eliminated. Accordingly, it is considered essential that close surveillance be maintained and the following inspection be carried out pending the development and installation of a redesigned trunnion assembly to correct this difficulty.

During the 50-hour periodic inspection of the damper trunnion for freedom per item No. 20(c) of the Periodic Inspection Check Sheet, Airframe System, S–58 Maintenance Manual, remove the damper trunnion bolt P/N S1610–23198 and inspect for condition. If indications of wearing, scouring or fretting are found the bolt must be replaced prior to further flight.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 10, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–6697; Filed, Aug. 12, 1959; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19 — CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Spiced Cheeses, Cold-Pack Cheese, and Cold-Pack Cheese Food; Standards of Identity

In the matter of amending the standards of identity for spiced cheeses, cold-pack cheese, and cold-pack cheese food:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 13, 1959 (24 F.R. 3826), setting forth proposals by Kraft Foods Division of National Dairy Products Corporation, 110 North Franklin Street, Chicago, Illinois, to amend the definitions and standards of identity for spiced cheeses, cold-pack cheese, and cold-pack cheese food to provide for the optional use of not more than 0.2 percent of sorbic acid to retard mold growth in such foods in consumer-sized packages.

On the basis of the relevant information available, taking into consideration that submitted in comments, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the standards of identity for spiced cheeses, cold-pack cheese, and cold-pack cheese food (21 CFR and 21 CFR, 1958 Supp., 19.670, 19.785, 19.787) be amended as set forth below:

1. Section 19.670 *Spiced cheeses; identity; label statement of optional ingredients*, is amended so that paragraph (d) and the subsequent paragraphs in the section will read as follows:

§ 19.670 Spiced cheeses; identity; label statement of optional ingredients.

* * * * * *

(d) Spiced cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) The name of each spiced cheese for which a definition and standard of identity is prescribed by this section is "Spiced cheese," preceded or followed by:

(1) The specific common or usual name of such spiced cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name that is not false or misleading in any particular.

(f) (1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from ----------," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If a spiced cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

2. Section 19.785 *Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients*, is amended by adding a new subparagraph (6) to paragraphs (c) and (e), as follows:

§ 19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.

* * * * * *

(c) * * *

(6) Cold-pack cheese in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

* * * * * *

(e) * * *

(6) If cold-pack cheese in consumer-sized packages contains sorbic acid, the label shall bear the statement "Sorbic

acid added to retard mold growth" or "Sorbic acid added as a preservative."

3. Section 19.787 *Cold-pack cheese food; identity; label statement of optional ingredients* is amended by adding a new subparagraph (7) to paragraph (e), and a new subparagraph (8) to paragraph (f), as follows:

§ 19.787 Cold-packed cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(7) Cold-pack cheese food in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(f) * * *

(8) If cold-pack cheese food in consumer-sized packages contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days after its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of objections. Notice of the filing of objections, or the lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: July 31, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6644; Filed, Aug. 12, 1959; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Bear Creek, Maryland; Jamaica Bay, Long Island, N.Y.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended prescribing paragraph (f) (2–b) to govern the operation of the Baltimore County Revenue Authority bridges across Bear Creek between Dundalk and Sparrows Point, Baltimore County, Maryland, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(2–b) Bear Creek, Md.; The Baltimore County Revenue Authority highway toll bridges between Dundalk and Sparrows Point, Miles 1.3 and 1.8. Between the hours of 12 midnight and 8:00 a.m., inclusive (except Saturdays, Sundays, and the national and State legal holidays between April 16 and November 15 inclusive), at least one-half hour advance notice required.

[Regs., July 29, 1959, 285/91 (Bear Creek, Md.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.37(a) is hereby amended redesignating a seaplane restricted area in Jamaica Bay, Long Island, New York, to conform to existing buoys, as follows:

§ 207.37 Jamaica Bay, Long Island, New York; seaplane restricted area.

(a) *The restricted area.* An area in Jamaica Bay bounded as follows: Beginning at Island Channel Range Front Light; thence 157°00′ True, 1,125 yards to Island Channel Lighted Buoy 4; thence 113°00′ True, 3,000 yards through Big Fishkill Channel Lighted Buoy 3, and Runway Channel Lighted Buoy 2 to Runway Channel Lighted Buoy A; thence 194°00′ True, 250 yards to a point on a line ranging with Church Spire, Rockaway Beach; thence 238°00′ True, 3,275 yards to a point on a line ranging with the Cupola, Rockaway Point Coast Guard Station No. 92; thence 326°00′ True, 465 yards to a point on a line ranging between the West Tower of the Twin Towers, Jacob Riis Park and the Westerly side of seaplane runway at south side of Naval Air Station, Floyd Bennett Field; thence 30°00′ True, 875 yards to Fourteen Foot Spot Lighted Buoy on a line ranging with the Cupola, Rockaway Point Coast Guard Station No. 92; thence 344°00′ True, 3,000 yards through Island Channel Lighted Buoy 5 to Island Channel Buoy 7; thence 60°00′ True, 325 yards to the point of beginning; excluding therefrom Nova Scotia Bar defined by lines connecting the following buoys: Nova Scotia Bar Lighted Buoy, Island Channel Lighted Buoy 2, Runway Channel Lighted Buoy 5, Runway Lighted Buoy 3, and Beach Channel Lighted Buoy 1A.

[Regs., July 29, 1959, 285/91 (Jamaica Bay, Long Island, N.Y.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6675; Filed, Aug. 12, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1931]

[Los Angeles 0106793]

CALIFORNIA

Revoking Executive Order No. 8921 of October 23, 1941, Public Land Order No. 41 of September 18, 1942 and No. 138 of June 10, 1943

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8921 of October 23, 1941, which withdrew the following-described public lands for use of the United States Coast Guard, Treasury Department, in connection with an emergency landing area for seaplanes, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 S., R. 11 E.,
Sec. 28, E½, NW¼ and E½SW¼.

Totaling 560 acres.

2. Public Land Order No. 41 of September 18, 1942, which withdrew the following-described public lands for use of the Navy Department for aviation purposes, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 S., R. 11 E.,
Sec. 28, W½SW¼.

Totaling 80 acres.

3. Public Land Order No. 138 of June 10, 1943, which withdrew the following-described public lands for use of the Navy Department as a seaplane operational training base, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 S., R. 11 E.,
Sec. 20.

Totaling 640 acres.

The total area described in this order is 1,280 acres.

The lands are withdrawn in Public Land Order No. 649 of June 12, 1950, for use of the Atomic Energy Commission.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 7, 1959.

[F.R. Doc. 59-6681; Filed, Aug. 12, 1959; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Ch. 31

MAXIMUM DURATION OF COURSE

Section 21.204(c)(1)(iv) is amended to read as follows:

§ 21.204 Maximum duration of the course.

* * * * *

(c) *Conditions governing the providing of vocational rehabilitation training beyond the basic termination date.* * * *

(1) *Prevented from timely entering training.* * * *

(iv) The veteran subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date, has established the existence of an increase in the degree of the disabling effect of his service-connected disability or an additional service-connected disability which warrants a current finding that need for vocational rehabilitation exists and is attributable to the change.

(72 Stat. 1114; 38 U.S.C. 210. Interpret or apply 72 Stat. 1171; 38 U.S.C. ch. 31)

This regulation is effective August 13, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-6715; Filed, Aug. 12, 1959; 8:52 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Sodium 2,2-Dichloropropionate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on raw agricultural commodities as follows:

35 parts per million in or on peaches and plums.

25 parts per million in or on alfalfa.

10 parts per million in or on cranberries, grapefruit, lemons, limes, oranges, and tangerines.

2 parts per million in or on coffee.

The analytical method proposed in the petition for determining residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, is that described in the notice published in the FEDERAL REGISTER of November 29, 1956 (21 F.R. 9329), and in the Journal of Agricultural and Food Chemistry, Volume 5, pages 675–678 (1957), with minor modifications.

Dated: August 6, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-6691; Filed, Aug. 12, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SECRETARIES OF NAVY AND AIR FORCE

Delegation of Priorities Authority

The Assistant Secretary of Defense (Supply and Logistics) approved the following on July 1, 1959:

I. *Delegations of priorities and allocations authority.* Pursuant to DoD Directive 4405.6, 20 August 1954 (19 F.R. 5446), and in accordance with Defense Production Act of 1950, as amended, BDSA Delegation 1, and Supplement 1, there is hereby delegated to the Secretary of the Navy and the Secretary of the Air Force:

A. *Rating and allotment authority for A1 (Aircraft) Program.* 1. To make allotments of controlled materials for the A1 (Aircraft) production program, including all military procurement and civil transport aircraft programs.

2. To issue rating and allotment number DO–A1 to manufacturers and contractors to whom allotments of controlled materials are issued.

B. *Scheduling authority.* 1. To reschedule deliveries of materials which are required in support of the Department of Defense Aircraft Program (A1); *Provided, however,* (a) That such authority shall be applicable only to reschedule deliveries on orders bearing the program identification A1 issued by or under the authority of the Department of Defense except as provided in paragraph 3 below; and (b) that such rescheduling of deliveries requires no change in production schedules of the person making the deliveries.

2. To reschedule deliveries of materials which are required in support of the Department of Defense Missiles Systems Program (A2): *Provided, however,* (a) That such authority shall be applicable only to reschedule deliveries on orders issued by or under the authority of the Department of the Air Force and/or Bureau of Aeronautics, Department of the Navy, bearing the program identification A2, except as provided in paragraph 3 below; and (b) that such scheduling of deliveries requires no change in production schedules of the person making the deliveries.

3. To divert deliveries of materials between the Aircraft Program (A1) orders issued by or for any military department and the Missiles Systems Program (A2) orders issued by or for the Department of the Air Force and/or Bureau of Aeronautics, Department of the Navy: *Provided, however,* (a) That such authority shall be applicable only to reschedule delivery on orders bearing the program identification A1 or A2; and (b) that such scheduling of deliveries requires no change in the production schedules of the person making the deliveries.

4. To require a copy of an order board or in lieu thereof, the necessary scheduling data, covering only Selected Aircraft Class B products, as shown under Product Class Code No. 95000 in the BDSA Official Class B Product List of July 1, 1957, from a manufacturer of any such products which are in critically short supply and the lack of which products is seriously interfering with the accomplishment of other aircraft component or aircraft end-item schedules.

5. To schedule or reschedule the production and delivery of Selected Aircraft Class B products: *Provided, however,* (a) That the consent of the manufacturer or producer of any such Class B product proposed to be scheduled or rescheduled is first obtained; (b) that in providing for such scheduling or rescheduling, the manufacturer or producer is not required or authorized to displace the production of, or delay the delivery of, any product other than a Selected Aircraft Class B product; (c) that the manufacturer or producer whose production or delivery has been so rescheduled shall be required to notify immediately in writing all customers whose deliveries have been changed as a result of such rescheduling; and (d) that this authority does not extend to the rescheduling of the production or delivery of materials or products furnished by suppliers to manufacturers of Selected Aircraft Class B products.

C. *Compliance authority.* 1. To administer the DMS Audit Program of Selected Airframe and Aircraft Component Plants assigned to DOD under the Department of Defense-Department of Commerce Interagency Compliance Agreement.

D. *Related support activities.* 1. To assist in expediting deliveries of materials and equipment, and perform other functions directly related to provision of priorities and allocations support for the A1 (Aircraft) Program.

II. *Conditions and limitations on exercise of delegated authority.* A. This authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established for the Aircraft Program, and in accordance with such instructions, conditions, record-keeping and reporting requirements, and policy directives as may be issued from time to time by the Assistant Secretary of Defense (Supply and Logistics).

B. The exercise of this authority shall conform to the terms of the regulations and orders of the Business and Defense Services Administration and to such priorities and allocations policy directives and procedures as may be issued by the Assistant Secretary of Defense (Supply and Logistics) in the Priorities and Allocations Manual to implement policies and procedures issued by the Business and Defense Services Administration.

C. This authority may be redelegated and will be exercised jointly by Navy and Air Force in such manner as to assure consistent action. Conflicts will be referred through channels to the Assistant Secretary of Defense (Supply and Logistics) for resolution.

This delegation shall take effect July 1, 1959.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

AUGUST 10, 1959.

[F.R. Doc. 59-6694; Filed, Aug. 12, 1959; 8:49 a.m.]

POST OFFICE DEPARTMENT

REMISSION OF FINES, PENALTIES, FORFEITURES, AND CLAIMS

Delegation of Authority

The following is the text of Order No. 56925 of the Postmaster General, dated July 27, 1959:

1. Pursuant to authority of section 1(b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066) authority is delegated to the Assistant Postmaster General, Bureau of Finance, to take final action, in his own name, with respect to all matters covered by 5 U.S. Code 383, 384, and 31 U.S. Code 82a-1, 82a-2, 82c.

2. The Assistant Postmaster General, Bureau of Finance, is hereby authorized to redelegate all or such part of the authority vested in him by paragraph 1 of this Order to the Deputy Assistant Postmaster General and Controller, and to the Finance Officer, Bureau of Finance. In making such redelegation, the Assistant Postmaster General, Bureau of Finance, may authorize either or both such officers to take final action in his own name or in the name of the Assistant Postmaster General, Bureau of Finance.

3. Order No. 55239 of the Postmaster General, dated June 26, 1953, and Order No. 56654 of the Postmaster General, dated July 25, 1958, are rescinded.

The following is the text of the Order of the Assistant Postmaster General, Bureau of Finance, dated July 31, 1959:

Pursuant to authority of Postmaster General Order No. 56925, dated July 27, 1959, authority is hereby redelegated to the Deputy Assistant Postmaster General and Controller, Bureau of Finance, to take final action in his own name with respect to all matters covered by 5 U.S. Code, 383, 384, and 31 U.S. Code 82a-1, 82a-2, 82c.

(R.S. 161, as amended, sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-6732; Filed, Aug. 12, 1959; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN AND JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 150-17, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies, as indicated below, the basic agreement of that conference (No. 150, as amended), which covers the trade from Japan, Korea and Okinawa to Hawaii and Pacific Coast ports of the United States and Canada; and

(2) Agreement No. 3103-14, between the member lines of the Japan-Atlantic & Gulf Freight Conference, modifies, as indicated below, the basic agreement of that conference (No. 3103, as amended), which covers the trade from Japan, Korea and Okinawa to U.S. Gulf ports and Atlantic Coast ports of North America.

These modifications provide for the deletion from the respective conference agreements of the provision (1) that assurances for the faithful performance of the terms and conditions of the conference agreement by the agents, subagents, subsidiaries and affiliates of each member line shall be filed within the 30-day period set forth in said agreements; and (2) requiring the deposit of $25,000, or the equivalent thereof, as a guarantee of such faithful performance.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 7, 1959.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6692; Filed, Aug. 12, 1959; 8:49 a.m.]

Maritime Administration

[Docket No. S-99]

FARRELL LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Farrell Lines Incorporated, for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS African Pilot", which is under time charter to States Marine Lines, Inc., to engage in one eastbound intercoastal voyage commencing at United States Pacific ports on or about August 25, 1959, either carrying a full cargo of lumber or lumber products to United States North Atlantic ports or general cargo to United States Gulf ports. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Deputy Maritime Administrator for August 19, 1959, at 9:30 a.m., e.d.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on August 18, 1959, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on August 18, 1959, will not be granted in this proceeding.

Dated: August 11, 1959.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6747; Filed, Aug. 12, 1959; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

WHITE HOUSE CONFERENCE ON AGING

Delegation of Authority

Subject to the general reservation of authority described in section 2.50 of the Statement of Organization and Delegation of Authority (22 F.R. 1046, February 20, 1957), as it may be amended from time to time, the authority to exercise the functions vested in the Secretary of Health, Education, and Welfare by the White House Conference on Aging Act (Pub. Law 85-908; 72 Stat. 1746) is delegated to the Under Secretary of Health, Education, and Welfare, and in the absence of the Under Secretary, to the Director, Special Staff on Aging.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 59-6735; Filed, Aug. 12, 1959; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 4, 1959.

The Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service, has filed an application, Serial No. Los Angeles 0163998, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except the mining laws, mineral leasing laws, and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185), and to reserve the lands, subject to valid existing rights, under the jurisdiction of the Department of the Interior under the Act of August 12, 1958 (72 Stat. 563).

The applicant desires the land for use by the Department of Fish and Game of the State of California for the production, development and management of the wildlife resources in the area, to be known as the Monache-Walker Pass Wildlife Management Area. The Bureau of Land Management shall continue to administer the grazing and forestry resources in accordance with applicable laws and regulations.

For a period of 30 days from the date of publication of the notice, persons having cause may present their objections or suggestions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Bartlett Building, 215 West Seventh Street, Los Angeles 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be announced in the FEDERAL REGISTER. A separate notice will be sent each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 33 E.,
Sec. 33.
T. 27 S., R. 33 E.,
Sec. 1, lots 1-3, incl., S½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 2, SE¼SE¼;
Sec. 4;
Sec. 9, S½S½;
Secs. 10-13, incl.;
Sec. 14, N½, E½SW¼, SE¼;
Sec. 15, N½N½, S½SW¼;
Sec. 16;
Sec. 17, N½NE¼, SE¼NE¼, SE¼SW¼, SW¼SE¼;
Sec. 19, lots 1, 2, 7-11, incl., 13-16, incl.;
Sec. 20, E½, E½W½, SW¼SW¼;
Secs. 21 and 22;
Sec. 23, lots 1, 2, N½NE¼, W½.
T. 26 S., R. 34 E.,
Sec. 26, E½NE¼, S½SW¼, SE¼;
Sec. 27, SE¼SW¼, S½SE¼;
Sec. 33, NE¼NE¼, S½N½, S½;
Secs. 34-36, incl.
T. 23 S., R. 35 E.,
Sec. 25;
Sec. 36, N½, N½S½, SE¼SW¼, S½SE¼.
T. 24 S., R. 35 E.,
Secs. 1, 12, 13, 24, 25;
Sec. 36, NW¼NW¼.
T. 25 S., R. 35 E.,
Sec. 34, N½, N½SE¼;
Sec. 35, NW¼, NW¼SW¼.
T. 26 S., R. 35 E.,
Sec. 1, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 2, S½S½;
Sec. 3, SW¼, S½SE¼;
Sec. 4, lots 2-4, incl., S½NW¼;
Sec. 5, N½;
Sec. 6, lot 2, N½;
Sec. 10, NE¼NE¼, SW¼SW¼;
Sec. 11;
Sec. 14, N½, E½SE¼, SW¼SW¼SW¼;
Sec. 15, NW¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 16, SE¼NE¼, W½, W½E½, E½SE¼;
Sec. 17, E½, S½NW¼, SW¼;
Sec. 20, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 23, E½NE¼, E½NW¼NE¼, NE¼SW¼NE¼, E½E½SE¼, SW¼SE¼SE¼;
Sec. 26, W½E½, W½;
Sec. 27, E½, N½NW¼;
Sec. 32, E½NE¼;
Secs. 33-35, incl.
T. 27 S., R. 35 E.,
Secs. 2, 3;
Sec. 4, lots 1-3, incl., S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1-4, incl., W½E½, E½W½, SE¼SE¼;
Sec. 9, N½NE¼, SE¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Secs. 10, 11, 14, 15;
Sec. 16, NE¼, N½NW¼, S½;
Sec. 17, SE¼;
Sec. 18, lots 1, 2, NE¼, E½NW¼, NE¼SE¼;
Sec. 20, NE¼;
Sec. 21, N½N½, S½NW¼, N½N½SW¼, N½NW¼SE¼;
Sec. 22, N½N½, SE¼NE¼, NE¼SE¼;
Secs. 23-25, incl.;
Sec. 26, N½, SE¼;
Sec. 30, lots 2-4, incl., SE¼NW¼, E½SW¼, W½SE¼;
Sec. 31;
Sec. 35, NE¼, S½.
T. 28 S., R. 35 E.,
Sec. 1;
Sec. 2, lots 5-12, incl., S½N½, S½;
Sec. 3, lots 5, 6, 11, 12, 14, 16, 17, 18, S½NE¼, NE¼SE¼;
Sec. 4, lots 6-11, incl., 13-23, incl., S½NW¼, N½SW¼, NW¼SE¼;
Sec. 5, lots 5-7, incl., 12-15, incl., 19, 21-23, incl., S½NE¼, S½SW¼, N½SE¼, SW¼SE¼;
T. 28 S., R. 35 E.,
Sec. 6, lots 11-16, incl., 23-28, incl., 31, 33-35, incl., SE¼SW¼, S½SE¼;
Secs. 7, 8;
Sec. 9, lots 1-20, incl.;
Sec. 10, lots 1, 4-8, incl., SE¼;
Sec. 11;
Sec. 12, lots 1-4, incl., N½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Secs. 13, 14;
Sec. 15, E½, E½NW¼, SE¼SW¼;
Secs. 16-19, incl.;
Sec. 20, E½E½, W½;
Sec. 21, NW¼NE¼, W½;
Secs. 22-27, incl.;
Sec. 28, SW¼NE¼, S½NW¼, S½;
Sec. 29, S½NE¼, W½, SE¼;
Secs. 30-35, incl.;
Sec. 36, lots 1, 2.
T. 22 S., R. 36 E.,
Sec. 1;
Sec. 2, lots, 1, 2, S½NE¼, SE¼;
Secs. 3, 4;
Sec. 5, lots 1, 2, S½NE¼, S½;
Sec. 8, NE¼NE¼;
Sec. 9, N½N½, SE¼NE¼, SE¼SE¼;
Sec. 10, N½NE¼, SW¼NE¼, NW¼, W½SW¼;
Sec. 11, E½E½, SW¼SE¼;
Secs. 12, 13;
Sec. 14, E½;
Sec. 15, W½;
Sec. 19, SE¼;
Sec. 20, SW¼, E½SE¼;
Sec. 22, E½NE¼, NE¼NW¼;
Sec. 23, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 24;
Sec. 25, lots 1-9, incl., NE¼NE¼;
Sec. 26, N½NE¼, S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 28, W½NW¼, N½SW¼, SW¼SE¼;
Sec. 29;
Sec. 30, lots 1, 2, 4, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 31, lots 1-4, incl., SE¼NW¼, E½SW¼, NE¼SE¼, S½SE¼;
Sec. 32, SW¼NW¼, SW¼, S½SE¼;
Sec. 33, E½, S½SW¼;
Sec. 34, E½NE¼, W½;
Sec. 35, E½NE¼, W½, SE¼;
Sec. 36, W½, SE¼.
T. 23 S., R. 36 E.,
Sec. 1;
Sec. 2, lots 1, 4, SW¼, SW¼SE¼;
Secs. 3-9, incl.;
Sec. 10, NE¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 11, NE¼, N½NW¼, SW¼SW¼, N½SE¼;
Sec. 12;
Sec. 13, NE¼, E½NW¼, N½S½, SW¼SW¼;
Sec. 14, W½E½, W½, E½SE¼;
Secs. 15, 16;
Sec. 17, N½, SW¼, NE¼SE¼;
Secs. 18, 19;
Sec. 20, W½, S½NE¼, SE¼;
Sec. 21, NE¼NE¼, W½E½, W½;
Sec. 22, N½N½, S½NE¼, SE¼NW¼;
Sec. 23;
Sec. 24, W½, SW¼SE¼;
Secs. 25-35, incl.;
Sec. 36, N½.
T. 24 S., R. 36 E.,
Sec. 1, S½;
Secs. 2-23, incl.;
Sec. 24, N½, N½S½, S½SW¼;
Sec. 25, N½NW¼, S½SW¼;
Sec. 26;
Sec. 27, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 28, NE¼NE¼, W½E½, W½, SE¼SE¼;
Secs. 29-35, incl.;
Sec. 36, NW¼NE¼, S½NE¼, NE¼NW¼, W½W½, SE¼.
T. 25 S., R. 36 E.,
Secs. 1-7, incl.;
Sec. 8, N½, SW¼, N½SE¼;

Sec. 9, N½, E½SW¼, SE¼;
Secs. 10, 11;
Sec. 13, E½, E½W½, SW¼NW¼;
Sec. 14, N½, NE¼SW¼;
Sec. 15, N½;
Sec. 16, NE¼, E½NW¼, SW¼NW¼, N½SW¼, NE¼SE¼;
Sec. 18;
Sec. 24, E½, E½W½, SW¼NW¼;
Sec. 25;
Sec. 26, W½E½, SE¼NE¼, W½, E½SE¼;
Sec. 27, SE¼NE¼, NE¼SE¼;
Sec. 30, lot 4, E½SW¼;
Sec. 31, lots 1, 2, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32, S½NE¼, W½, SE¼;
Sec. 33, SW¼NW¼, W½SW¼, SE¼SW¼, E½SE¼;
Sec. 34, S½;
Sec. 35;
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼.

T. 26 S., R. 36 E.,
Sec. 6, lots 1, 2.

T. 27 S., R. 36 E.,
Sec. 12, NE¼, E½NW¼, NW¼NW¼, NW¼SE¼, SW¼SW¼;
Sec. 13, N½NW¼, S½N½, S½;
Secs. 19, 22, 23;
Sec. 24, NE¼, E½NW¼, N½SE¼;
Secs. 25–36, incl.

T. 28 S., R. 36 E.,
Secs. 1–15, incl.;
Sec. 14, N½NE¼, SE¼NE¼, NW¼, W½SW¼, E½SE¼, SW¼SE¼;
Secs. 15–26, incl.;
Sec. 27, N½, N½S½, SE¼SW¼, S½SE¼;
Secs. 28–35, incl.;
Sec. 36, NE¼, S½.

T. 22 S., R. 37 E., Partially unsurveyed.
Sec. 3, W½ lot 2 of NE¼, lot 2 of NW¼, SW¼NE¼, S½NW¼, E½SW¼, W½SE¼;
Sec. 4, lot 2 of NE¼, S½NE¼, W½, SE¼;
Secs. 5–9, incl.;
Sec. 10, W½NE¼, E½NW¼, S½;
Sec. 11, SW¼SW¼;
Sec. 14, W½NW¼, SE¼NW¼, SW¼;
Secs. 15–22, incl.;
Sec. 23, W½;
Sec. 26, W½W½;
Secs. 27–34, incl.;
Sec. 35, SW¼NE¼, W½, W½SE¼.

T. 23 S., R. 37 E.,
Secs 2–11, incl.;
Sec. 12, lots 7, 8, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, W½SE¼;
Secs. 13–15, incl.;
Sec. 16, lots 1–4, incl., 6, W½;
Sec. 17, N½, SW¼, N½SE¼;
Sec. 18;
Sec. 19, lots 1, 3, 6, E½;
Sec. 20, W½, SW¼NE¼;
Sec. 21, E½, E½W½, NW¼NW¼;
Secs. 22–27, incl.;
Sec. 28, E½, E½W½;
Sec. 29, N½NW¼;
Sec. 30, lots 1, 8, 11, E½ lot 5, N½NE¼;
Sec. 31, lots 1–12, incl., NE¼, W½SW¼;
Sec. 32, NW¼NE¼, N½NW¼;
Sec. 33, E½, E½W½, SW¼NW¼, W½SW¼;
Secs. 34–36, incl.

T. 24 S., R. 37 E.,
Secs. 1–3, incl.;
Sec. 4, lots 1–3, incl., S½;
Sec. 5, S½SW¼, N½SE¼;
Sec. 6, lots 1–6, incl., E½SW¼, S½SE¼;
Sec. 7;
Sec. 8, W½, NE¼NE¼, SE¼SE¼;
Secs. 9–29, incl.;
Sec. 30, lots 1, 2, E½, E½NW¼;
Sec. 31, lots 2–4, incl., SE¼NW¼, E½SW¼, E½;
Secs. 32, 33;
Sec. 34, SW¼, S½SE¼;
Sec. 35, E½, N½NW¼;
Sec. 36, E½, E½NW¼, NW¼NW¼.

T. 25 S., R. 37 E.,
Sec. 1, lots 1–4, incl., S½N½, N½S½, S½SE¼;
Sec. 2, lots 1–4, incl.;
Sec. 3, lots 1, 2, S½NE¼, W½, W½SE¼;
Secs. 4–6, incl.;
Sec. 7, E½;
Secs. 8–10, incl.;
Sec. 11, S½, S½N½;
Sec. 12;
Sec. 13, N½, N½S½, SW¼SW¼;
Secs. 14–22, incl.;
Sec. 23, W½, W½E½, SE¼NE¼, E½SE¼;
Sec. 24, SE¼SW¼, S½SE¼;
Sec. 25, E½, E½W½, SW¼NW¼, W½SW¼;
Secs. 26–31, incl.;
Sec. 32, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 33, NE¼NE¼, W½NE¼, NW¼, NW¼SE¼;
Secs. 34, 35;
Sec. 36, N½S½.

T. 26 S., R. 37 E.,
Secs. 1–3, incl.;
Sec. 4, S½N½, S½;
Sec. 5, lots 2–4, incl., S½N½, S½;
Sec. 6, lots 1–3, incl., E½ lot 4, E½SE¼NW¼, S½NE¼, SE¼;
Sec. 7, NE¼;
Sec. 8, N½, SE¼;
Secs. 9–15, incl.;
Sec. 16, E½E½, NW¼NE¼, W½;
Sec. 17, NE¼, S½;
Sec. 18, lots 1–4, incl., S½NE¼, E½W½, SE¼;
Sec. 21, E½NE¼, W½, SE¼;
Secs. 22–25, incl.;
Sec. 26, E½;
Secs. 27, 28, 33;
Sec. 34, W½, SW¼NE¼, SE¼;
Sec. 35, NE¼, NE¼NW¼, W½SW¼, SE¼SW¼, E½SE¼, SW¼SE¼;
Sec. 36.

T. 27 S., R. 37 E.,
Sec. 1, lot 2 of NE¼, lot 2 of NW¼, S½N½, SE¼;
Secs. 2–4, incl.;
Sec. 7, lots 1–3, incl., E½, E½W½;
Secs. 8–15, incl.;
Sec. 16, N½, SW¼;
Sec. 17;
Sec. 18, lots 3, 4, N½NE¼, SE¼NE¼, E½SW¼, E½SE¼;
Sec. 19, lots 1–3, incl., SE¼NE¼, E½NW¼, NE¼SW¼, E½SE¼;
Secs. 20–23, incl.;
Sec. 24, N½N½, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 26, N½NE¼, NW¼;
Sec. 27, N½, N½S½;
Secs. 28–32, incl.;
Sec. 33, W½NE¼, NW¼, N½SW¼, SW¼SW¼.

T. 28 S., R. 37 E.,
Sec. 5, W½ lot 2 of NE¼, lot 2 of NW¼, S½NW¼, W½SW¼;
Secs. 6, 7;
Sec. 8, W½SW¼;
Sec. 17, W½NW¼, SW¼;
Secs. 18, 19;
Sec. 20, W½NE¼, W½;
Sec. 28, SW¼SW¼;
Secs. 29–32, incl.;
Sec. 33, W½.

T. 23 S., R. 38 E.,
Sec. 19, lots 1–4, incl., E½SW¼;
Sec. 30, lots 1–4, incl., NE¼NW¼;
Sec. 31, lots 1–4, incl., SE¼NW¼.

T. 24 S., R. 38 E.,
Sec. 19, SW¼;
Sec. 30, W½;
Sec. 31, W½E½, W½.

T. 25 S., R. 38 E.,
Sec. 5, lots 2–4, incl., SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 6, lots 1–7, incl.;
Sec. 7;
Sec. 8, N½NW¼, SW¼SW¼;
Sec. 17, W½W½, SE¼SW¼;
Sec. 18;
Sec. 19, lots 1–5, incl., NE¼, E½NW¼, SE¼SW¼, S½SE¼;
Sec. 20, W½NW¼, SW¼;
Sec. 29, N½NW¼, SE¼NW¼, SW¼;
Sec. 30, lots 7, 8, NE¼NE¼, SE¼SW¼, SE¼;
Sec. 31;
Sec. 32, W½.

T. 26 S., R. 38 E.,
Sec. 5, lots 3, 4, 6, 7, S½NW¼, SW¼, W½SE¼;
Secs. 6, 7;
Sec. 8, W½NE¼, W½, NW¼SE¼;
Sec. 17, W½, W½SE¼, SE¼SE¼;
Secs. 18–20, incl.;
Sec. 21, W½, SW¼NE¼, NW¼SE¼;
Sec. 28, lot 2, W½NW¼;
Secs. 29–31, incl.;
Sec. 32, lots 1–10, incl., W½NW¼, W½SE¼.

T. 27 S., R. 38 E.,
Sec. 5, W½ lot 2 of NE¼, lot 2 of NW¼, S½NW¼, NW¼SW¼;
Sec. 6;
Sec. 7, lot 2 of NW¼, and E½NW¼ less 20 acre mining claim, lot 2 of SW¼, NE¼, SE¼SW¼, SW¼SE¼;
Sec. 8, NW¼NW¼;
Sec. 18, lot 2 of NW¼, lot 2 of SW¼, E½NW¼.

The area described aggregates 289,356.57 acres, more or less, of which approximately 1,553 acres are in non-Federal ownership. The lands are located near the southern end of the Sierra Navada Range in Inyo, Kern, and Tulare Counties, California.

GEORGE H. WHEATLEY,
Acting Manager.

[F.R. Doc. 59-6682; Filed, Aug. 12, 1959; 8:47 a.m.]

[L:LA-0157654 (23.1)]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 6, 1959.

Notice of Application Serial No. LA-0157654, for withdrawal and reservation of lands was published as Federal Register Document No. 58-6978 on page 6690 of the issue for August 28, 1958. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands were relieved of the segregative effect of the above mentioned application at 2:50 p.m. on July 21, 1959.

The lands involved in this notice of termination are:

MOUNT DIABLO MERIDIAN

T. 5 S., R. 35 E.,
Sec. 21;
Sec. 28;
Sec. 33.

T. 6 S., R. 35 E.,
Sec. 3, W½;
Sec. 4;
Sec. 9, N½;
Sec. 10;
Sec. 15;
Sec. 22;
Sec. 27;
Sec. 31, S½SW¼;
Sec. 33, E½, SW¼.

T. 7 S., R. 35 E.,
Sec. 6, W½, SE¼.

The total area deleted is approximately 6,800 acres.

GEORGE H. WHEATLEY,
Acting Manager.

[F.R. Doc. 59-6683; Filed, Aug. 12, 1959; 8:47 a.m.]

Office of the Secretary

OTTAWA TRIBE OF OKLAHOMA

Notice of Final Membership Roll

Pursuant to section 15(a) of the Act of August 3, 1956 (70 Stat. 963), there is listed below the final roll of members of the Ottawa Tribe of Oklahoma who were living on August 3, 1956.

Disposition has been made of all appeals filed with the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll of the Tribe as published in the FEDERAL REGISTER on March 21, 1958 (23 F.R. 1901).

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 28, 1959.

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA

Prepared pursuant to the Act of August 3, 1956 (70 Stat. 963)

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
	-	Abram, Kathleen I. Price	F	2-18-23	----------	1/16	88 Las Cereta, Vallejo, Calif.	
1	1	Abram, Sandra Kay	F	4-24-44	----------	1/32	do	
2	-----	Abram, Linda Joy	F	5-17-47	----------	1/32	do	
3	-----	Abram, Stephen Don	M	6-24-53	----------	1/32	do	
4	-----	Adams, Teddy, Jr	M	2-20-21	----------	1/128	428 F St. NE., Miami, Okla	
5	2	Adams, Barbara Ann	F	7-22-49	----------	1/256	do	
6	-----	Adams, Tom Lynn	M	8- 2-51	----------	1/256	do	
7	-----	Adams, Freddi Lea	F	9-28-54	----------	1/256	do	
8	3	Alley, Patricia Ann Utter	F	10-27-31	----------	3/16	5943 Buelow, Houston, Tex	
9	4	Alley, Patrick D	M	12-20-48	----------	3/32	do	
10	5	Anderson, Barbara	F	4-12-50	----------	7/64	902 East 165th St., Seattle, Wash	
11	6	Anderson, Cheri	F	5- 6-54	----------	7/64	do	
12	7	Anderson, Eileen Elizabeth Hurr	F	4- 3-25	----------	7/32	do	
13	8	Anderson, Gail	F	3-25-49	----------	7/64	do	
14	9	Anderson, Ronald James	M	1-23-42	----------	7/64	do	
15	10	Anderson, Terrance	M	4- 9-53	----------	7/64	do	
16	11	Angelo, Alvin Lee	M	1-10-51	----------	3/8	Miami, Okla	
17	12	Angelo, Garry K	M	10-10-48	----------	3/8	do	
18	13	Angelo, Harry Eugene	M	6-28-44	----------	3/8	do	
19	14	Angelo, Larry C	M	10-10-48	----------	3/8	Route 1, Miami, Okla	
20	15	Angelo, Lucien Edward	M	9- 1-46	----------	3/8	do	
21	16	Angelo, Mary L. King	F	2- 9-21	----------	3/4	do	
22	17	Archer, Gwendolyn Miskokomon	F	6- 8-24	----------	1/2	18474 Edinborough, Detroit 19, Mich	
23	19	Arias, Anna King	F	7- 1-26	----------	1/16	Globe, Ariz	
24	-----	Arias, Diane Viola	F	3-15-47	----------	1/32	do	
25	-----	Arias, Martin Allen	M	4-30-50	----------	1/32	do	
26	-----	Arrowood, Sara Jane Pooler	F	2-25-40	----------	1/32	c/o Elva Eva Pooler, Route 1, Miami, Okla	
27	20	Ayers, Opal Emaleno Wyrick	F	10- 6-24	----------	7/64	Oklahoma City, Okla	
28	21	Bailey, Galena E. Ferris	F	1- 3-31	----------	1/8	Joplin, Mo	
29	22	Bailey, Glenna Sue	F	11-12-54	----------	1/16	do	
30	24	Baldwin, Cleo Ferd	M	3-24-07	----------	1/32	Belleville, Ill	
31	25	Baldwin, Cleo Virgil	M	1- 3-28	----------	1/64	do	
32	26	Baldwin, Doris Mae	F	7-11-30	----------	1/64	do	
33	27	Baldwin, Everette M	M	12-16-21	----------	1/32	206 13th NW., Miami, Okla	Ottawa and Cherokee.
34	28	Baldwin, Everette Miles, Jr	M	10- 7-49	----------	5/32	do	Do.
35	33	Baldwin, James Leon	M	8-10-51	----------	5/32	do	
36	30	Baldwin, Fred	M	3-28-84	----------	1/16	Miami, Okla	
37	31	Baldwin, George W	M	10-10-89	137	1/16	421 South Nettleton, Springfield, Mo	
38	32	Baldwin, Homer	M	9- 3-23	----------	1/32		
39	34	Baldwin, John S	M	8- 1-24	----------	1/32		
40	35	Baldwin, Kennith	M	5-26-25	----------	1/32		
41	36	Baldwin, Mary Louise	F	12-14-35	----------	1/64		
42	37	Baldwin, Richard	M	5- 1-28	----------	1/32		
43	38	Baldwin, William H	M	11- 4-09	----------	1/32		
44	39	Ballard, James Randolph	M	2- 5-54	----------	3/16	Dulce, N. Mex	
45	40	Ballard, John Robert	M	8-12-55	----------	3/16	do	
46	41	Ballard, Oleta Dean Dawes	F	7-31-27	----------	3/8	do	
47	42	Barlow, Amos F	M	8-27-09	----------	1/16	Boise, Idaho	
48	43	Barlow, Edith King	F	7- 7-85	25	1/8	Route 1, Miami, Okla	
49	44	Barlow, Joe D	M	1- 4-40	----------	1/32		
50	45	Barlow, Joseph F	M	3-18-07	----------	1/16	Petersburg, Tex	
51	46	Barlow, Leonard B	M	2- 9-11	----------	1/16	2932 Palomas, Albuquerque, N. Mex	
52	47	Barlow, Lewis H	M	3- 9-05	----------	1/4	Miami, Okla	
53	48	Barlow, William Joseph	M	12-27-37	----------	1/8	do	
54	49	Bickers, Bertha May Baldwin	F	10-13-01	----------	1/32	Lyons, Kans	
55	50	Biddle, Faye Jean	F	5-14-38	----------	3/32	Tulsa, Okla	
56	51	Biddle, James Larry	M	8- 7-41	----------	3/32	do	
57	52	Biddle, Judith Susan	F	4-23-38	----------	3/32	1101 Chestnut, Muskogee, Okla	
58	53	Biddle, Karen	F	4- 5-48	----------	3/32	1709 East 16th, Tulsa, Okla	
59	54	Biddle, Leonard O	M	7-13-51	----------	3/32	do	
60	55	Biddle, Leonard Owen	M	7-12-24	----------	3/16	do	
61	56	Biddle, Richard Cecil	M	11-27-12	----------	3/16	1101 Chestnut, Muskogee, Okla	
62	57	Biddle, Robert Allen	M	12- 7-40	----------	3/32	do	
63	58	Biddle, Walter J	M	4-29-04	----------	3/16	Tulsa, Okla	
64	59	Bird, Effie Hutchinson Cervantes	F	3- 9-02	----------	1/4	Corona, Calif	
65	60	Bogard, Freda Illine Wyrick	F	11- 9-29	----------	7/64	Pleasanton, Calif	
66	-----	Boldt, Irene C. Burr	F	8-22-01	----------	7/16		
67	61	Boldt, Benjamin	M	11-26-28	----------	7/32		
68	-----	Boldt, Walter Ira	M	11-11-23	----------	7/32		
69	62	Boldt, Charles Ernest	M	5-26-23	----------	7/32		
70	63	Boldt, Ella Ann	F	12-22-32	----------	7/32		
71	64	Boldt, Eugene	M	6- 8-34	----------	7/32	Boy River, Minn	
72	65	Boldt, Freddie E	M	2-23-32	----------	7/32	Topeka, Kans	
73	66	Bowman, Nora Baldwin	F	10- 7-99	----------	1/16	Advance, Mo	
74	-----	Bowman, Shirley Mae Dixon	F	1- 9-39	----------	3/16	c/o Willie G. Dixon, Quapaw, Okla	
75	67	Boyle, Vergie Mae Baldwin	F	6 27-24	----------	1/32	680 Shoemaker Lane, Bridgeport, Pa	
76	68	Brady, Sallie Richardson Wyrick Wright	F	12-31-05	----------	7/32		
77	69	Brennan, Charles	M	12-18-84	142	1/2	9 C Street NE., Miami, Okla	
78	70	Brumley, Ann	F	4-28-41	----------	3/32	Miami, Okla	
79	71	Brumley, Bonnie Jean Jennison	F	4-19-16	----------	3/16	do	
80	-----	Brumley, Guy Alfred	M	9-11-37	----------	3/32	do	
81	72	Brumley, Dan	M	5-14-44	----------	3/32	do	
82	73	Brumley, Kay	F	1-30-39	----------	3/32	do	
83								

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA—Continued

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
84	74	Brumbley, Wynn	F	8-18-45		3/32	Miami, Okla.	
85	75	Buckmaster, Edna Lee	F	7-23-40		1/16	Kellogg, Idaho	
86	76	Buckmaster, Gerald	M	6-26-39		1/16	do	
87	77	Burgan, Patricia Clark	F	3-30-29		1/8		
88	78	Burgin, Clarence O	M	12-17-04		1/32	1626 East Admiral Pl., Tulsa, Okla., Miami, Okla.	
89	79	Burgin, Morgan	M	6- 9-15		1/32	Miami, Okla.	
90		Burgin, Morgan Earl, Jr.	M	6-30-42		1/64	do	
91	80	Burgin, Virgie A	M	1- 5-11		1/32	do	
92	81	Burgin, Wanda Louise	F	12-23-33		1/64	do	
93	82	Burkeybile, Billy Edward	M	10-24-43		3/16	Baxter Springs, Kans.	
94	83	Burkeybile, Cecil Layvette Bill	F	2- 3-16		3/8	do	
95	84	Burkeybile, Charles Joseph	M	7-22-34		3/16	do	
96	85	Burkeybile, Joe Lee	M	6-29-48		2/16	do	
97	86	Burkeybile, Layvette Sue	F	10-31-37		3/16	do	
98	87	Burkeybile, Phil Dean	M	2-16-40		3/16	do	
99	88	Burkeybile, Robert Lee	M	9-10-35		3/16	do	
100	89	Burkeybile, Sherri Jolene	F	12- 5-55		3/32	do	
101	90	Burkeybile, Tommie Gene	M	6-10-51		3/16	Baxter Springs, Kan.	
102		Burris, Robert (Bobby) Jo Stevens	F	6-20-36		1/16	3811 Orangedale Ave., Montrose, Calif.	
103	91	Byron, Charles	M	11- 1-67	138	1/2		
104	92	Byron, William	M	1876	140	1/2		
105	93	Cantwell, Julia Maxine Richardson	F	5- 5-25		7/64	Brockway, Oreg.	
106	94	Carpenter, Virginia Lee Dagenette	F	6-25-24		1/16	1001 Hazen St. SE., Grand Rapids, Mich.	
107	95	Caswell, Marcella June Adams	F	4- 3-24		1/128	Westwood, Calif.	
108		Caswell, Sharon June	F	4- 7-42		1/256	do	
109		Caswell, Linda Sue	F	3-31-45		1/256	do	
110	96	Cervantes, Phillip	M	5-24-29		1/8		
111	97	Christmas, Martha Jones	F	2- 7-89	22	1/4	609 D St. SE., Miami, Okla.	
112	98	Clark, Clyde	M	11- 7-06		1/4	Kansas City, Mo.	
113	99	Clark, Effie M. Jones Lorance	F	1-14-04		1/4	do	
114	100	Clogston, Virginia Bladwin	F	11-13-19		1/32		
115		Clemings, Elsie M. Lykins	F	12- 8-93		1/16		
116	101	Cook, Nannie Wilson	F	6- 9-64	52	1/4	West Los Angeles, Calif.	
117	102	Cooke, Clifford C	M	2-20-97		3/16	do	
118	103	Cooke, Shirley Leona	F	7- 7-23		3/32	do	
119	104	Crawford, Christina Jones	F	3- 7-91	30	1/4	Route 3, Box 28, Miami, Okla.	
120	105	Crutcher, Budda Lea Wyrick	F	4- 7-32		7/64	18313 Benlow, Covina, Calif.	
121	106	Cunningham, Cleta Fay King	F	2-15-31		1/16	General Delivery, Commerce, Okla.	
122		Cunningham, Judith Ann	F	4-11-49		1/32	do	
123		Cunningham, Delinda Kay	F	9-11-50		1/32	do	
124		Cunningham, Eulene	F	8-29-54		1/32	do	
125	107	Dagenette, Lucien Kenneth	M	3-21-29		1/16	2225 Patton St., Delano, Calif.	
126	108	Dagenette, Lucien Noal	M	2-14-02		1/8	Welmer Sanitorium, Welmer, Calif.	
127	109	Dagenette, Vincint Quana	M	4-10-41		1/8		
128	110	Dalton, Lucy Irene Hart	F	11- 1-87	126	1/8	Brooklyn, N.Y.	
129	123	Dalton (Delton), Francis C	M	8-28-22		1/16	do	
130	111	Damron, Nellie Mae Baldwin	F	4-15-11		1/32	Route 3, Box 155, Hot Springs, Ark.	
131	112	Damron, Richard L	M	10- 6-25		1/64	Tulsa, Okla.	
132	113	Darnell, C. Ernest	M	4-19-18		1/32	Route 3, Miami, Okla.	
133	114	Darnell, Harold M	M	10-16-09		1/32	Route 2, Fairland, Okla.	
134	115	Daugherty, Ruth Marie Herron	F	8-12-11		1/16		
135	116	Davis, Ruth Ann	F	1-31-37		3/32		
136	117	Dawes, Charlalena	F	7- 8-52		3/16		
137	118	Dawes, Charles Edward	M	2- 7-23		3/8		
138	119	Dawes, Lottie N. B. Nonkesis	F	10-10-94		3/4	1714 Main St., Galena, Kans.	
139	120	Dawes, Lula Belle	F	10-17-36		3/8		
140	121	Dehanas, Jeb	M	2-26-55		1/16	Route 1, Miami, Okla.	
141	122	Dehanas, Jesse Lee	M	7-28-20		1/8	do	
142	124	Dill, Bonnie Jeen Jones	F	6- 2-25		1/8	505 I St. SE., Miami, Okla.	
143	125	Dill, Johnetta	F	9-20-42		1/16	do	
144	126	Dinwiddie, Della Baldwin Wright	F	5-29-91		1/16	P.O. Box 92, Forest City, Mo.	
145	127	Dixon, Anthony Eugene	M	3- 1-52		3/32		
146	128	Dixon, Willard Engene	M	6-18-44		3/16		
147	129	Dixon, William Ara	M	3-29-32		3/16		
148	130	Dixon, Willie Graham	M	1-26-14		3/8	Quapaw, Okla.	
149		Dixon, Kenneth Earl (Carl)	M	7-28-37		3/16	do	
150	131	Dixon, Willis, Jr	M	7- 6-46		3/16		
151	132	Dress, Wenonah L. Stultz	F	5-15-17		1/8	216 Fern Dr., Yuma, Ariz.	
152	133	Dry, Betty Irene Houseman	F	9- 8-29		1/8	Jonesville, La.	
153	134	Draeger, Audra Jean Fields	F	12-27-37		25/128	Miami, Okla.	Ottawa, Pottawatomie, and Cherokee.
154	135	Duecummen, Jeffry C. (Wistar)	M	12-13-47		1/16		
155	136	Earnest, Elsie Baldwin Price	F	7- 2-13		1/32	No. 2, Carol Pl., Lexington Park, Md.	
156	137	Edwards, Karen Luana	F	12-26-42		1/16	Miami, Okla.	
157	138	Edwards, Larry Duane	M	12-22-39		1/16	do	
158	139	Edwards, Neva Jean	F	4-10-44		1/16	do	
159	140	Edwards, Wilbur Bronson	M	5-22-10		1/8	110 J NE., Miami, Okla.	
160	141	Epperson, Claudine King	F	4-27-23		1/16	Miami, Okla.	
161		Epperson, Beryl Eugene	M	6-27-56		1/32	do	
162	142	Epps, Ida L. Stephens	F	12- 1-79	69	1/2	do	
163	143	Erwin, Freddie Lee Carlson	F	12- 9-33		3/32	do	
164	144	Erwin, James Allen	M	1- 3-38		3/32	Houston, Tex.	
165	145	Erwin, Virginia Ruth Utter Carlson	F	1-20-12		3/16		
166	146	Evans, Marta Louise Hubbard	F	5-10-21		7/64	855 Jerrow, Pennit, Calif.	
167	147	Ferris, James Ray	M	12-14-49		1/16	Webb City, Mo.	
168	148	Ferris, Pauline May	F	1-27-29		1/8	do	
169	149	Ferris, Ray Edward	M	1-20-26		1/8	do	
170	150	Ferris, Thomas Edward	M	3-28-52		1/16	do	
171	151	Fields, Barbara Ann	F	3- 8-52		1/16	Miami, Okla.	
172	152	Fields, Douglas Robert	M	11- 7-39		3/16	do	
173	153	Fields, Imogene Holmes	F	9- 4-14		3/8	do	
174	154	Fields, Marjorie L	F	2- 1-44		3/16	do	
175	155	Fields, Minnie C. Offutt	F	12-12-12		1/8	do	
176	246	Finnegan, James Donald	M	5-20-34		1/8	do	
177	156	Foree, Janice	F	12-20-44		1/16	Platt City, Mo.	
178		Foree, Virginia Clemmings	F	8-29-19		1/32		
179	157	Gaffrey, Alberta Mae Hume Williams	F	8- 9-11		1/8	1503 East 5th, Hutchinson, Kans.	
180	158	George, Clifford	M	1901		1/4		
181	159	George, Danny Wayne	M	8-21-57		7/32	1146 South Wright, Tacoma, Wash.	
182	160	George Edward A	M	5-21-27		7/16	9416 315th South, Auburn, Wash.	
183	161	Geroge, Kathleen L	F	6-19-57		7/32	do	
184	162	Geroge, Margaret Sue	F	9-17-52		7/32	do	
185	163	George, Phillip E	M	11-27-49	104	7/32	do	
186	164	George, Scott D	M	2-27-54		7/32	do	

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA—Continued

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
187	165	George, Wayne Sampson	M	7-14-32		7/16	1146 South Wright St., Tacoma, Wash.	
188	166	Gilbert, Majel I. Jones	F	9-16-20		1/32	2757 Rialto Ave., Rialto, Calif.	
189	167	Gilbert, Pauline Jones B	F	7-20-22		1/32		
190	168	Gill, Ramona May Jennison	F	4-15-15		3/16	5564 East Clarita, Long Beach, Calif.	
191	169	Gill, Sharon L	F	9-29-44		3/32	do	
192	170	Gill, Shirley F	F	3-17-49		3/32	do	
193	171	Golden, Ada Bernice Wyrick	F	11- 8-03		7/32	Fairland, Okla.	
194	172	Griffin, Darrell Ray	M	6-21-52		1/16	Rocka, Calif.	
195	173	Griffin, Sheila Ann	F	1- 5-54		1/16	do	Died Oct. 18, 1956.
196	174	Griffin, Shirley Ann Moxley	F	9-13-35		1/8	do	
197		Griffin, Sharon Anita	F	1-29-55		1/16	do	
198	179	Hall, Edith Pooler	F	11-13-09		1/32	Wellington, Kans.	
199	180	Hallas, Dale C	M	8- 6-52		7/64	1879 LaCross St., St. Paul, Minn.	
200	181	Hallas, Debra Ann	F	11- 1-55		7/64	do	
201	182	Hallas, Patricia Ann	F	3-14-27		7/32	12035 32d St., NE., Seattle, Wash.	
202	183	Hampton, Inez Stultz	F	9-20-03		1/8	Box 83, Miami, Okla.	
203	184	Hansen, Aurella Hurr	F	6-30-23		7/32	1879 LaCross St., St. Paul, Minn.	
204	185	Hansen, Daniel James	M	11- 1-50		7/64	do	
205	186	Hansen, Kenneth Bernard	M	11-17-46		7/64	do	
206	187	Harlow, Fred	M	9-24-87	145	1/8		
207	188	Harlow, Frederick	M	2- 6-18		1/16	Bartlesville, Okla.	
208	189	Harlow, John Bryon	M	9-27-19		1/16	do	
209	190	Harlow, Harriet Ann	F	12-20-27		1/16	do	
210	191	Hart, Esther King	F	1- 2-08		1/4	Miami, Okla.	
211	192	Hart, Ruth Frances	F	8-27-93		1/8	Brooklyn, N.Y.	
212	193	Hatch, Donald	M	5- 1-32		1/64	Cordell, Okla.	
213	194	Hatch, Helen	F	1-22-30		1/64	do	
214	195	Hatch, Jay Frank	M	1-15-34		1/64	do	
215	196	Hawkins, Isabelle Edwards	F	2- 2-06		1/8	Miami, Okla.	
216		Hawkins, Teddy	M	11- 4-41		1/16	do	
217	197	Hawkins, Joe Darrell	M	9-10-33		1/16	do	
218	198	Hawkins, Patricia June	F	10- 1-30		1/16	do	
219	199	Helms, Virginia Pearl Jones	F	2-12-10		1/8	124 C NE., Miami, Okla.	
220	200	Henry, Wilberta G. Jones	F	8- 9-21		1/8	Kellogg, Idaho	
221	201	Henry, Orin Ray	M	6-28-47		1/16	do	
222	202	Herring, Wynona Belle Dawes	F	4-12-20		7/16	Route 4, Box 543, Salem, Oreg.	
223	203	Herron, Jessie	F	1898		1/4	Chicago, Ill.	
224	204	Herron, Perry	M	12-22-97		1/4	Route 2, Box 258, Port Arthur, Tex.	
225	205	Hill, Mara Lou Utter	F	1-17-30		3/32	1811 Dismuck, Houston, Tex.	
226	206	Hoater, Andreau Fay Hubbard	F	1- 7-30		7/64	4902 Bogart, Baldwin Park, Calif.	
227	207	Holden, Ann Cheryl	F	4- 6-54		1/16	1849 West Chipman, Phoenix, Ariz.	
228	208	Holden, Floyd	M	5-15-23		1/8	do	
229	209	Holden, Kim Edward	M	5-15-52		1/16	do	
230	210	Holden, Truman	M	12- 4-26		1/8	Box 73, Golconde, Nev.	
231		Holden, Dennis	M	5-30-53		1/16	do	
232		Holden, Jean	F	5-18-54		1/16	do	
233		Holden, Tina Marie	F	9-30-55		1/16	do	
234	211	Holland, Christopher Lewis	M	1-31-53		1/16	518 South 76th Ave., Tulsoa, Okla.	
235	213	Holland, Jack William	M	9-22-49		1/16	do	
236	212	Holland, Elizabeth S. Utter	F	3-19-16		3/16	9335 Ave. North, Houston, Tex.	
237	214	Holland, Michael	M	8-15-46		3/32	do	
238	215	Holland, Patsy Geneva Barlow	F	2-12-29		1/8	518 South 76th Ave., Tulsa, Okla.	
239	216	Hollis, Carl M	M	4- 6-12		1/32	Los Angeles, Calif.	
240	217	Hollis, Charmarie	F	3- 7-28		1/64		
241	218	Hollis, Curtis Elsa	M	3- 1-07		1/32	Route 6, Box 472, Visalia, Calif.	
242	219	Hollis, Manford M	M	5-10-15		1/32	Los Angeles, Calif.	
243	220	Hollis, Max Duane	M	3-14-30		1/64		
244	221	Hollis, Rolla John	M	4-19-05		1/32	King, Calif.	
245	222	Holmes, Ephraim A	M	12-30-91	64	3/4		
246	223	Holmes, Norman Glen	M	10-11-10		3/8	Anadarko, Okla.	
247	224	Holmes, Robert E	M	11- 6-11		3/8		
248	225	Horton, Floretta Rodman	F	7-31-31		1/8	140A North Broadwav, Pittsburg, Calif.	
249	226	Horton, Mary Etta	F	9-26-50		1/16	do	
250	227	Horton, Norman Eugene	M	6- 1-52		1/16	do	
251	228	Houseman, Donald J	M	9- 2-28		1/64		
252	229	Houseman, Gale D	M	10-26-26		1/64		
253	230	Houseman, Gerald	M	12-19-26		1/8		
254	231	Houseman, Jahugh	M	6-20-22		1/8	Miami, Okla.	
255	232	Huard, Alan Ray	M	2-19-39		3/32	Houston, Tex.	
256	233	Huard, Frank Joseph	M	1- 9-38		3/32	do	
257	234	Huard, Laura Maxine Utter	F	7- 6-18		3/16	5965 Buelow, Houston, Tex.	
258	235	Hubbard, Joyce Balinda	F	2-11-38		7/64	14647 Rockenback, Baldwin Park, Calif.	
259	236	Hubbard, Lenox	M	8-15-07		7/32	do	
260	237	Hubbard, Lenox, Jr	M	4- 3-20		7/64	1947 Federal, Costa Mema, Calif.	
261	238	Hubbard, Robert Henry	M	3-20-26		7/64	227 Yalton, Covina, Calif.	
262	239	Huffaker, Arrahwanna Burgin	F	6-12-26		1/64	10704 Bristol Ave., Hickman Mills, Mo.	
263	240	Hughes, Marjie Overly	F	1- 7-24		1/64		
264	241	Hume, Alberta May Williams	F	8- 9-11		1/8		
265	242	Hurr, Jorgen Norris	M	11-26-12		7/16		
266	243	Hurr, Leo Bruce	M	1-29-00		7/16	2305 35th NE., Seattle, Wash.	
267	244	Hurr, Leo Bruce, Jr	M	6-13-29		7/32		
268	245	Hurr, Ray William	M	4- 1-03		7/16		
269	247	Hutchinson, Ruby	F	6-21-04		1/4		
270	248	Jamison, Alene Ray Greenback	F	5- 1-30		5/8	Tulsa, Okla.	
271	249	Jennison, Charles Randolph	M	2- 1-20		3/16	13116 Woodridge Ave., Norwalk, Calif.	
272	250	Jennison, Edward	M	9-12-04		3/16	209 C St. NE., Miami, Okla.	
273	251	Jennison, Ernest Walter	M	3-30-22		3/16	Route 1, Box 894, Antioch, Calif.	
274	252	Jennison, Glenna	F	12- 9-47		3/32	Antioch, Calif.	
275	253	Jennison, Glen O., Jr	M	10-27-28		3/16	do	
276	254	Jennison, Guy	M	3-20-86	77	3/8	Route 1, Miami, Okla.	
277	255	Jennison, Guy, Jr	M	10-24-13		3/16	do	
278	256	Jennison, Jerry Bob	M	6-26-38		3/32	Long Beach, Calif.	
279	257	Jennison, Jill Nadine	F	6-27-50		3/32	Downey, Calif.	
280	258	Jennison, Kenneth Ray	M	1-28-11		3/16	Long Beach, Calif.	
281	259	Jennison, Mark James	M	11-20-46		3/32	Downey, Calif.	
282	260	Jennison, Ralph Jay	M	1-28-84	76	3/8	Long Beach, Calif.	
283	261	Jennison, Robert	M	1-29-51		3/32	Antioch, Calif.	
284	262	Jennison, Walter Clifton	M	7-10-48		3/32	Downey, Calif.	
285	263	Jennison, Walter Doan	M	1897		3/8	1063 Elm Ave., Long Beach, Calif.	
286	264	Jennison, Walter Gene	M	1-14-12		3/16	410 South Main, Miami, Okla.	
287	265	Jones, Billy Frank	M	11-19-37		1/16	Brown Apts., 128D NE., Miami, Okla.	
288	266	Jones, Billie Wayne	M	3-11-54		1/32	Laramie, Wyo.	
289	267	Jones, Davetta	M	6-28-39		1/16	Route 2, Fairland, Okla.	
290	268	Jones, David	M	12-21-18		1/8	do	
291	269	Jones, David Lee	M	10-14-45		1/16	do	
292	270	Jones, Ethel May	F	8- 7-33		1/16	Los Angeles, Calif.	

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA—Continued

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
293	271	Jones, Ida Claudette	F	3-15-50		1/16	Route 2, Fairland, Okla.	
294	272	Jones, Ira M.	M	11-10-79	6	1/4	1008 East Locust, Springfield, Mo.	
295	------	Jones, Vincent Young	M	2-11-21		1/8	----do----	
296	------	Jones, Ira M., Jr.	M	11-10-22		1/8	----do----	
297	274	Jones, Julian B.	M	3-22-32		1/16	Kansas City, Kans.	
298	276	Jones, Lyman	M	1-10-06		1/8	Los Angeles, Calif.	
299	277	Jones, Malvin Kirk	M	1-21-27		1/16	----do----	
300	278	Jones, Virginia Pearl	F	6- 1-48		1/16	Miami, Okla.	
301	279	Jones, Wilbert Dale	M	3- 6-41		1/16	----do----	
302	280	Jones, Zora Baldwin	F	10- 7-00		1/16	Advance, Mo.	
303	282	Kalebaugh, Darryl Lee	M	8- 7-54		1/16	Route 1, Box 93, Oakley, Calif.	
304	283	Kalebaugh, Eldora J.	F	7- 2-26		1/8	----do----	
305	284	Kalebaugh, Linda Jeane	F	2-27-50		1/16	----do----	
306	------	Kalousek, Margie Climmings	F	8-13-22		1/32		
307	------	Kalousek, Roberto Jean	F	2-12-43		1/64		
308	------	Kalousek, Danny Curtis	M	9-13-46		1/64		
309	285	Keah, Edward	M	10-29-11		1/2	911 K St. NW., Miami, Okla.	
310	286	Keah, Edward J., Jr.	M	10- 2-45		1/4	----do----	
311	287	Keah, Evelyn Joan	F	5-21-38		1/4	----do----	
312	288	Keah, Kathryn Elizabeth	F	4- 1-47		1/4	----do----	
313	289	Keah, Mary Jane	M	10- 2-49		1/4	----do----	
314	290	Keah, Millard Joseph	M	7-12-12		1/2	c/o Feeble Mind Home, Enid, Okla.	
315	291	Keath, Raymond K.	M	5-19-46		1/16	Carydon, Iowa	
316	293	Kelly, David Earl	M	6-28-56		1/16	----do----	
317	294	Kelly, Mark	M	1-31-18		1/8	----do----	
318	295	Kelly, Ramona June Cavener	F	9- 8-54		1/16	----do----	
319	296	Kelly, William Neil	M	9- 4-08		1/4	Box 903, Lancaster, Calif.	
320	297	Keltner, Gertrude Marley Murray	F	4- 5-34		1/8	----do----	
321	367	Keltner, George William	M	1-28-53		1/16	----do----	
322	368	Keltner, Thomas Wray	M	1-23-08		1/32		
323	298	Kenny, Eva Marie Baldwin	F	9-12-33		1/64		
324	299	Kenny, Michael Ann	F	7-17-30		1/64		
325	300	Kenny, Patricia Jo	M	7-18-27		1/16	610 D St. SE., Miami, Okla.	
326	301	Ketcher, Donald Lee	M	7- 5-96		1/8	Route 1, Miami, Okla.	
327	302	King, Bert Henry	M	1- 1-09		3/4	----do----	
328	303	King, Clarence	M	3- 3-47		5/8	----do----	
329	304	King, Clarence Edison, Jr.	M	7- 2-19		1/16	Ottawa County, Okla.	
330	305	King, Claude	F	10- 7-43		1/32	----do----	
331	------	King, Maria Elena	M	12-14-48		1/32	----do----	
332	------	King, Thomas Claude	F	8- 9-51		1/32	----do----	
333	------	King, Ethel Ellen	M	4-27-23		1/16	Quapaw, Okla.	
334	306	King, Clyde H.	F	8-11-47		1/32	----do----	
335	------	King, Rose Anna	F	9-11-48		1/32	----do----	
336	------	King, Mary Lou	M	4- 5-51		1/32	----do----	
337	------	King, Gary Lee	F	2-18-53		1/32	----do----	
338	------	King, Fielda Lucille	M	11-20-18		3/4	Miami, Okla.	
339	307	King, Curtis D.	M	8-20-24		3/4	Route 1, Miami, Okla.	
340	308	King, Don W.	M	4-24-53	24	1/8	----do----	
341	309	King, Fred S.	M	10-12-41		1/16	----do----	
342	310	King, Gary J.	M	7-15-29		1/16	----do----	
343	311	King, Jacob	M	2-15-51		1/32	----do----	
344	------	King, Fred Andrew	M	12- 6-41		5/8	San Carlos, Ariz.	
345	313	King, James Michel	M	7-16-26		1/16	527A, NW., Miami, Okla.	
346	314	King, Jewell	M	6-16-50		1/32	----do----	
347	------	King, Francis Ray	M	7-13-53		1/32	----do----	
348	------	King, Theodore H.	M	11-25-55		1/32	----do----	
349	------	King, Richard Dale	M	6-17-45		1/16	----do----	
350	315	King, Joseph M.	M	8-28-14		3/4	Miami, Okla.	
351	316	King, Kenneth J.	M	10-12-41		1/16	----do----	
352	317	King, Larry W.	F	7-11-88	63	3/4	Route 1, Miami, Okla.	
353	318	King, Louise H. Holmes	M	9- 5-21		1/16	----do----	
354	319	King, Ray William	M	4-14-48		1/32	----do----	
355	------	King, Charles Ray	M	9- 3-93		1/8	----do----	
356	320	King, Robert	M	5- 5-81	57	3/4	Box 462, Quapaw, Okla.	
357	321	King, Walter H.	M	3-29-07		3/4	Miami, Okla.	
358	322	King, Walter H., Jr.	F	7- 7-01		17/32	Los Angeles, Calif.	
359	323	Kirk, Onida Elouise Cook	M	9-30-18		17/64	----do----	
360	324	Kirk, Thomas Lester	F	11- 7-24		1/16	Route 1, Fairland, Okla.	
361	325	Kleidon, Rosa Lea	M	9-26-43		1/32	----do----	
362	------	Kleidon, Bert Henry	F	11-14-46		1/32	----do----	
363	------	Kleidon, Patricia Rose	F	3-26-55		1/32	----do----	
364	------	Kleidon, Joyce Kay	F	1-26-51		1/16	Commerce, Okla.	
365	326	Ladd, Paulette May	F	10-31-45		1/16	----do----	
366	327	Ladd, Peggy Jean	F	10- 9-99		1/4	Miami, Okla.	
367	328	Lair, Eunice M. Jones	F	3- 1-08		1/32		
368	330	Landers, Naomi Spinks	F	5- 9-24		3/16	5003 Yellowstone, Houston, Tex.	
369	331	Landrum, Gloria Lee Utter	F	6-27-03		1/8	Houston, Tex.	
370	332	Layton, Ida Walker	M	6-23-48		1/16	Route 2, Caldwell, Tex.	
371	333	Loehr, Blifford	M	2-11-55		1/16	----do----	
372	334	Loehr, Dannie Wayne	F	1-28-53		1/32		
373	335	Loehr, Wanda Lee Houseman	F	2-25-24		1/8	----do----	
374	336	Long, Lida King	F	3-23-02		1/16	Ronte 1, Miami, Okla.	
375	338	Looney, Bessie Oma Dixon	F	7-14-35		3/16	Quapaw, Okla.	
376	339	Looney, Sammie Jay	M	12-23-54		3/32	----do----	
377	340	Lykins, James R.	M	5-12-25		1/32	Commerce, Okla.	
378	341	Lykins, Robert W.	M	1-22-22		1/32	2511 Talbert Ave., Louisville, Ky.	
379	------	Lykins, Melanie D.	F	11- 2-48		1/64	----do----	
380	------	Lykins, David A.	M	11-12-50		1/64	----do----	
381	------	Lykins, Andria B.	F	5-17-55		1/64	----do----	
382	342	Lykins, Willis Ed	M	2-19-96		1/16	Commerce, Okla.	
383	------	Lykins, Robert D., Jr.	M	7-14-40		1/64		
384	------	Lykins, Patricia	F	10-26-44		1/64		
385	------	Lykins, Vickie Lynn	F	11-15-54		1/64		
386	------	Lykins, Rebecca Jean	F	4- 8-56		1/64		
387	344	Mahan, Mary Helen Biddie	F	12- 6-18		3/16	1613 North Central, El Monte, Calif.	
388	345	Mahan, Mary Lou	F	12-27-41		3/32	----do----	
389	343	Mahan, Jerry Wayne	M	5-21-44		3/32	----do----	
390	346	Menn, Ethel Walker Vandarian	F	6-29-92		1/8	Quapaw, Okla.	
391	347	Martin, Joyce Williams	F	7-22-18		3/32	Rivira, Calif.	
392	------	Martin, Michael Louis	M	11-17-53		3/64	----do----	
393	------	McBee, Norma Jean	F	6-20-26		1/32		
394	------	McBee, Carole J.	F	7- 3-45		1/64		
395	------	McBee, Suzanne M.	F	4-24-47		1/64		
396	348	McBrien, Elsie	F	11- 8-08		1/32	Commerce, Okla.	
397	349	McBrien, Harliegh Gene	M	4-22-30		1/64		
398	350	McBrien, Harliegh W.	M	7-16-04		1/32	Miami, Okla.	

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA—Continued

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
399	351	McBrien, Richard Farmer	M	11-15-15		1/32	Commerce, Okla.	
400	------	McCain, Claudia Viola	F	11-11-45		1/32	1101 D St. NW., Miami, Okla.	
401	------	McDonald, Shirley L. Ferris	F	8-12-34		1/8		
402	------	McDonald, Patsy Jean	F	9-23-50		1/16		
403	------	McDonald, Jerry Lee	M	12- 5-51		1/16		
404	------	McDonald, Kenneth Ray	M	7-14-53		1/16		
405	------	Megee, Lolita King	F	7-31-31		1/16		
406	------	Megee, Leonard E.	M	8- 2-52		1/32		
407	------	Megee, Michael Wayne	M	8-29-54		1/32		
408	------	Megee, Ricky Lee	M	11-15-55		1/32		
409	352	Miller, Chauncey L.	M	6-11-21		1/32	234 28th, Longview, Wash.	
410	354	Montgomery, Johnny	M	5-10-52		11/32	Midwest City, Okla.	
411	355	Montgomery, Lorene J. King	F	8- 1-16		3/4	----do----	
412	356	Montgomery, Richard Marion	M	4-30-32		11/16	Miami, Okla.	
413	357	Mooneyhan, Ruby E. Burgin	F	3-14-08		1/32	Route 1, Miami, Okla.	
414	358	Morris, Christine Beth	F	5-31-41		1/8	----do----	
415	359	Morris, Eileen Belle Cavener	F	5- 8-21		1/8	733 D St. SE., Miami, Okla.	
416	360	Morris, Roy Wayne	M	2- 2-39		1/8		
417	361	Morton, Ella Baldwin Darnell	F	5-29-91		1/16	Miami, Okla.	
418	------	Moxley, Harvey	M	6-20-12		1/4	Rodeo, Calif.	
419	362	Moxley, Bobby Joe	M	8-26-44		1/8	----do----	
420	363	Moxley, Patsy Jean	F	8-11-40		1/8	----do----	
421	364	Mueller, Christina Wyrick Thomas	F	5-19-13		7/32	8432 SE. 82d, Portland, Oreg.	
422	365	Mueller, Sallye Medora	F	6-27-51		7/64	----do----	
423	366	Martha, Joseph H.	M	8-16-15		1/16	Brooklyn, N.Y.	
424	369	Neff, Nadine Ketcher Christmas	F	11-14-11		1/8	610 D St. SE., Miami, Okla.	
425	370	Newport, Opal Burgin	F	9- 8-06		1/32	222½ West Main, Pawhuska, Okla.	
426	371	Newton, Lorene Lykins	F	1- 4-04		1/16	Carl Junction, Mo.	
427	------	Newton, I. D. Jack, Jr.	M	11-19-29		1/32	----do----	
428	------	Newton, James Edward	M	5-24-36		1/32	----do----	
429	372	Nixon, Lorene A. Pooler	F	3-23-22		1/32	Baxter Springs, Kans.	
430	373	Nutter, Frank George	M	1892		1/2		
431	374	Offutt, Thomas W.	M	7-11-07		1/8	604 I St. SE., Miami, Okla.	
432	375	Overley, Billy Kenneth	M	1-27-25		1/64		
433	376	Overley, Byrl Gladys Hollis	F	9- 7-03		1/32	1860 5th, Orinville, Calif.	
434	377	Overley, Dana Lee	F	11-28-26		1/64	----do----	
435	378	Overley, Eileen	F	7-28-22		1/64	----do----	
436	379	Overley, Jack	M	6-28-21		1/64	----do----	
437	380	Overley, James Randall	M	12-12-29		1/64	----do----	
438	381	Overley, Max Perry	M	8-27-28		1/64	----do----	
439	382	Parker, Audria Alice Hatch	F	12-12-28		1/64		
440	383	Pendergraft, Lloyd	M	7-21-27		1/64	3328 East Reading, Tulsa, Okla.	
441	384	Percy, Katherine Ladina Dagenette	F	8-11-31		1/16	2329 Thomas Way, Delano, Calif.	
442	385	Phelps, Catherine Wyrick	F	2- 3-10		7/32	Portland, Oreg.	
443	386	Pinion, Marjorie Ethel Wright	F	4-17-29		1/32	627 North West Ave., Springfield, Mo.	
444	387	Place, Opal Fay Baldwin	F	5- 1-10		1/32	Texas City, Tex.	
445	388	Place, Billy Dean	M	9- 2-27		1/64	----do----	
446	389	Pooler, Bobbie Arlo	M	5- 8-27		1/32	Miami, Okla.	
447	390	Pooler, Gene Harley	M	9-30-34		1/32	----do----	
448	391	Pooler, John Albert	M	8-13-94		1/16	----do----	
449	392	Pooler, Lee Otis	M	10-22-11		1/32	----do----	
450	393	Pooler, Mary Ann	F	1-28-37		1/32	----do----	
451	394	Pooler, Mose Arthur	M	3-20-29		1/32	----do----	
452	395	Pooler, Otis Tobe	M	2-14-87	98	1/16	Route 3, Miami, Okla.	
453	397	Price, Effie M. Offutt	F	2- 3-04		1/8	621 H St. SE., Miami, Okla.	
454	398	Price, Ray	M	6-23-30		1/64		
455	399	Price, Robert Eugene	M	4-20-48		1/16	621 H St. SE., Miami, Okla.	
456	400	Price, William Wayne	M	2-16-24		1/16	Miami, Okla.	
457	------	Price, Sally Ann	F	5- 7-44		1/32	----do----	
458	------	Price, William Wayne, Jr.	M	11- 1-49		1/32	----do----	
459	401	Reeder, Elmer Lee	F	4-29-27		1/32	Drumright, Okla.	
460	402	Reeder, Marilla Baldwin	F	12-30-93		1/16	----do----	
461	403	Rhodes, Geneva King Todd	F	12-11-15		1/16	Miami, Okla.	
462	404	Richardson, Arthur Calvin	M	10-27-27		7/64	Box 103A, Clakamas, Oreg.	
463	405	Roberts, Carol Jean Dagenette	F	12-11-35		1/16	1223 Main St., Delano, Calif.	
464	406	Roberts, Gene Richard	M	1-19-51		3/32	Whittier, Calif.	
465	407	Roberts, Gordon Donald	M	11- 8-49		3/32	----do----	
466	408	Roberts, Steven Dale	M	2- 6-47		3/32	----do----	
467	409	Roberts, Wanda Nadine Jennison	F	3-17-19		3/16	----do----	
468	410	Robinson, Catherine Jennison	F	2-15-99		3/8	Route 1, Miami, Okla.	
469	411	Robinson, Jack Bert	M	2-27-28		3/16	Miami, Okla.	
470	412	Robinson, Jackie B.	M	9- 8-49		3/32	----do----	
471	413	Robinson, Nanelle Lee	F	7-19-50		3/32	----do----	
472	414	Robinson, William Walter	M	10-11-35		3/16	----do----	
473	415	Rodman, Bert A.	M	12-15-19		1/8	Route 1, Sonora, Calif.	
474	416	Rodman, Curtis L.	M	3-10-29		1/8	----do----	
475	417	Rodman, Franklin Darrell	M	1-31-37		1/16	----do----	
476	418	Rodman, Leonard F.	M	6-16-22		1/8	----do----	
477	419	Rodman, Lesley K.	M	1-16-39		1/8	----do----	
478	420	Rodman, Mary Wistar	F	8-21-99		1/4	----do----	
479	421	Roper, Cecil Ohm	M	10-23-02		1/32	San Diego, Calif.	
480	422	Roper, Cecil Ohm, Jr.	M	6- 1-28		1/64	----do----	
481	423	Roper, Dewitt Abner	M	4- 8-07		1/32		
482	424	Roper, Kenneth L.	M	2-23-09		1/32	57 Seminary Ave., Yonkers, N.Y.	
483	425	Roper, Paul Lloyd	M	8-13-21		1/32	224 SE. 6th St., Danin, Fla.	
484	292	Savoie, Ada May King Kelly	F	8- 7-12		3/4	Route 1, Miami, Okla.	
485	426	Sayee, Juanita Hubbard	F	8- 8-07		1/32	Long Beach, Calif.	
486	427	Scheck, Winona G. Hubbard	F	12-20-03		1/32	Los Angeles, Calif.	
487	428	Schrader, Elizabeth May Nonkesis Ferris	F	12-12-08		1/4		
488	429	Scrivner, Irene Barlow Gordon	F	10- 4-14		1/16	Bell, Calif.	
489	------	Scrivner, Kenneth Farrell	M	11-19-41		1/32	----do----	
490	430	Scott, Dennis Jack	M	9- 8-54		3/16	Galena, Kans.	
491	431	Scott, Donald Eugene	M	6- 4-52		3/16	----do----	
492	432	Scott, Mendota Irene Dawes	F	2-11-31		3/8	----do----	
493	433	Sexton, Leona Reece, Jr.	M	6-19-52		1/16	Sperry, Okla.	
494	434	Sexton, Velma Mae Wistar Duccomon	F	7-31-21		1/8	Route 1, Sperry, Okla.	
495	435	Setzor, Catherine Mosley	F	11-27-05		1/4	P.O. Box 903, Lancaster, Calif.	
496	436	Shearer, Lena William Lykins	F	8-22-78	41	1/8	Wichita Falls, Tex.	
497	437	Shelton, Alice Hatch Wright	F	5- 2-09		1/32	310 North Market, Cordell, Okla.	
498	438	Shelton, Mary Harlow	F	3- 9-60	144	3/16		
499	439	Shelton, Ruby Fay	F	5-21-36		1/64		
500	440	Smith, Amelia Billie King	F	10- 2-06		1/4	Miami, Okla.	
501	441	Smith, Dixie Dean Burgin	F	1- 3-29		1/64		
502	442	Sparkman, Gladys L. Edwards Adams	F	11-27-00		1/64	Miami, Okla.	
503	443	Spinks, Amos	M	3- 5-03		1/32		
504	444	Spinks, Donald Gene	M	12 19 32		1/64		

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA—Continued

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
505	445	Spinks, Theodore	M	4-10-12		1/32		
506	446	Spriggs, Erma Houseman Barlow	F	5-15-03		1/4	Miami, Okla.	
507	447	Spriggs, Mary Lou	F	11-20-41		1/8	do	
508	448	Springfield, Betty Lou Fields	F	12-12-32		1/16	1025 J St. NW, Miami, Okla.	
509	------	Springfield, Ronnie Ted	M	7-11-51		1/32	do	
510	449	Stevens, Stanley	M	12-25-25		1/8		
511	450	Stevens, Robert G	M	12-18-08		1/8	3811 Orangedale Ave., Montrose, Calif.	
512	451	Stultz, Esther Jean	F	6- 9-39		1/16	2621 Farm Dr., Yuma, Ariz.	
513	452	Stultz, Gary Layne	M	3-14-37		1/16	do	
514	453	Stultz, John Lee	M	6- 9-38		1/16	do	
515	454	Stultz, Lester G	M	1-14-12		1/8	do	
516	455	Stultz, Lester G., Jr	M	5-30-42		1/16	do	
517	456	Stultz, Lolmay	F	10-11-40		1/16	do	
518	457	Stultz, Matilda Jones	F	11- 6-84	27	1/4	do	
519	458	Taylor, Abner L	M	4- 8-30		1/16	609 D St. SE, Miami, Okla.	
520	------	Taylor, Steven Lee	M	5- 9-53		1/32	do	
521	------	Taylor, William Lee	M	1-21-56		1/32	do	
522	459	Taylor, Goldie M. Christmas	F	6-29-07		1/8	Route 3, Box 28, Miami, Okla.	
523	460	Taylor, Helen Frances McCorkle	F	7-18-20		3/16	Miami, Okla.	
524	------	Taylor, James Scott	M	6-13-51		3/32	do	
525	461	Taylor, Joyce Janelle	F	10-25-39		1/16	609 D St. SE., Miami, Okla.	
526	462	Taylor, Ramona Darlingene	F	9- 7-37		1/16	do	
527	463	Thomas, George Varl	M	6-13-39		7/64	Portland, Oreg.	
528	464	Thomas, Louella E. Taylor	F	9- 3-27		1/16	Miami, Okla.	
529	------	Thomas, Linda Elaine	F	4-29-49		1/32	do	
530	------	Thomas, Larry	M	5-23-51		1/32	do	
531	------	Thomas, Terry	M	5- 9-55		1/32	do	
532	465	Tobbytite, Eona May Greenback	F	12-14-25		5/8	Los Angeles, Calif.	
533	------	Todd, William Fred	M	5-12-37		1/32	Miami, Okla.	
534	------	Todd, Johnnie Wayne	M	8-26-39		1/32	do	
535	466	Todd, Allen Lee	M	1-28-35		1/32	do	
536	467	Todd, Roger James	M	4- 1-46		1/32	do	
537	468	Trawick, Mildred Marie Wright	F	9-12-25		1/32	1872A Dolmet Rd., Ft. Sam Houston, San Antonio, Tex.	
538	469	Ulrey, Coweta Charlene Dawes	F	5-31-26		3/8	1714 Main St., Galena, Kans.	
539	470	Ulrey, Debra Jane	F	10- 2-52		3/16	do	
540	471	Ulrey, Johnnie Gayle	F	5- 6-55		3/16	do	
541	472	Ulrey, Winston Charles	M	8-18-46		3/16	do	
542	473	Utter, Betty Jo Gates	F	4-10-38		3/32	Baytown, Tex.	
543	474	Utter, Elna Jennison	F	6- 7-90	79	3/8	Harrisburg, Tex.	
544	475	Utter, Glen Edwin	M	11-13-13		3/16	Baytown, Tex.	
545	476	Utter, Robert Joseph	M	5-27-29		3/16	7221 Brownsville, Houston, Tex.	
546	477	Utter, Robert Wayne	M	5-25-54		3/32	Houston, Tex.	
547	478	Utter, Shelia K. Gates	F	1954		3/32	Baytown, Tex.	
548	479	Utter, Walter Randolph	M	10-25-26		3/16	5945 Bualow, Houston 23, Tex.	
549	480	Walker, Donna Mae	F	12- 5-35		1/8	Chetopa, Kans.	
550	481	Walker, Dorothy Loretta	F	2-17-38		1/8	Miami, Okla.	
551	482	Walker, Jacob V	M	1890	90	1/8	do	
552	483	Walker, Mary Sue	F	12-28-34		1/8	do	
553	484	Walker, Richard Lee	M	8-11-33		1/8	Chetopa, Kans.	
554	485	Walker, Samuel	M	5-29-02		1/4	Columbus, Kans.	
555	486	Walker, Theodore Elbert	M	10- 2-04		1/4	Chetopa, Kans.	
556	487	Warrilow, Bernice Stevens Cook Ward	F	2-20-97		3/16	2271 Charmwood, Los Angeles, Calif.	
557	488	Waterhouse, Jan Montague	M	1- 6-41		7/64		
558	489	Waterhouse, Lorraine Stevens	F	7-14-18		7/32		
559	490	Watson, Charles William	M	1-27-28		3/32	Phoenix, Ariz.	
560	------	Watson, Faye Ann	F	8- 8-48		3/64	do	
561	------	Watson, Charles Chris	M	11- 8-54		3/64	do	
562	491	Watson, Mildred Jennison	F	10-28-07		3/16	do	
563	------	Watson, Robert Walter	M	12- 1-42		3/32	do	
564	492	Webb, Pauline Emma Pooler	F	10- 5-23		1/32		
565	495	Weston, Myrtle Klinz	F	9-17-10		3/4	1819 G St. NW., Washington, D.C.	
566	------	Weston, Samuel Hugo	M	4-19-34		7/8	do	
567	494	Weston, Gail Kaye	F	9- 9-36		7/8	do	
568	493	Weston, Donald David	M	1-20-38		7/8	do	
569	496	Whitmore, Dotty Lou Offutt	F	8-24-27		1/16	Miami, Okla.	
570	------	Whitmore, Paula Sue	F	7-17-48		1/32	do	
571	281	Whitwell, Maggie Keah George Rodman Kahl.	F	11-20-10		1/2	do	
572	497	Whitwell, Gary	M	6-18-45		1/4	do	
573	498	Whitwell, Herb Anderson	M	10- 8-41		1/4	do	
574	499	Whitwell, Ronald	M	12-22-42		1/4	do	
575	500	Williams, Eudora Doris Cook	F	11-20-89	53	3/16	Los Angeles, Calif.	
576	501	Williams, Forrest	M	3- 5-12		3/32	Box 1133, Hawthorne, Nev.	
577	------	Williams, Bruce Farnsworth	M	7-21-43		3/64	do	
578	------	Williams, Kateri	F	5-30-49		3/64	do	
579	502	Williams, Jesse	M	4- 2-88	40	1/2	Hutchinson, Kans.	
580	------	Williams, Abraham G	M	6-14-83		1/4		Died 10-27-56.
581	503	Wilson, Alta McBrien	F	7-26-11		1/32	Commerce, Okla.	
582	504	Wilson, Elzora May Hollis	F	5- 4-09		1/32		
583	505	Wilson, Erma M. Biddle	F	1- 5-03		3/16	Kansas City, Mo.	
584	506	Wilson, Florence Williams	F	10-22-24		3/32	Reno, Nev.	
585	------	Wilson, Cherri Lee	F	3-21-44		3/64	do	
586	507	Wilson, Gladys Irene Boldt	F	6-19-21		7/32	Windsor, Calif.	
587	508	Wilson, Holly Wayne	M	4-24-30		1/64		
588	509	Wilson, Mary Amaryllis	F	5-12-28		1/64		
589	510	Wilson, Rose Marie	F	10-16-26		1/64		
590	511	Wind, Edgar	M	10-25-78	35	1/2	Commerce, Okla.	
591	512	Wind, Thomas	M	1877	34	1/4	Sacramento, Calif.	
592	513	Wistar, Agnes	F	1-18-19		1/8	Ft. Scott, Kans.	
593	514	Wistar, Cheri Lyn	F	11- 4-46		1/16	Hominy, Okla.	
594	515	Wistar, Edwin Lee	M	1- 2-45		1/16	do	
595	516	Wistar, Edwin W	M	10-28-17		1/8	do	
596	517	Wistar, Frances Kay	F	11- 9-41		3/8	do	
597	518	Wistar, Gary Leigh	M	9- 2-50		1/16	Tulsa, Okla.	
598	519	Wistar, Herbert O	M	11-25-15		1/8	Hominy, Okla.	
599	------	Wistar, Mary Belle	F	12-21-34		1/16	do	
600	------	Wistar, Beatrice	F	12-22-36		1/16	do	
601	520	Wistar, Leo W., Sr	M	11-14-92		1/4	1324 Military, Ft. Scott, Kans.	
602	521	Wistar, Lloyd W	M	7- 8-23		1/8	Tulsa, Okla.	
603	------	Wistar, Leo W., Jr	M	4-27-37		1/8	1324 Military, Ft. Scott, Kans.	
604	522	Wistar, Lorene	F	5-14-17		1/8	Ft. Scott, Kans.	
605	523	Wistar, Loy Aileen	F	9-29-48		1/16	Tulsa, Okla.	
606	524	Wistar, Terry Michall	M	10- 6-53		1/16	do	
607	525	Wistar, Thomas C., Jr	M	10- 8-96		1/4	931 East 11th St., Kansas City, Mo.	
608	526	Wistar, Willis A	M	1-14-94		1/4	Tulsa, Okla.	

FINAL ROLL—OTTAWA TRIBE OF OKLAHOMA—Continued

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Residence	Remarks
609	527	Wood, Ethel Pooler Hollis	F	3- 1-83		1/16	Los Angeles, Calif.	
610	528	Works, Cheryl Ruth	F	12- 1-44		1/16	Route 1, Miami, Okla.	
611	529	Works, Mary Lou Dehanas Gardner	F	3-23-26		1/8	do	
612	530	Wright, Claude Thomas	M	8- 6-48		1/8	Miami, Okla.	
613	531	Wright, Claudian	F	8-21-40		1/8	do	
614	532	Wright, Delmar Gayle	M	1- 1-41		3/16	East Side, Oreg.	
615	533	Wright, George William	M	4-11-11		1/32	1138 West Division, Springfield, Mo.	
616	534	Wright, Lawrence A	M	9-29-20		1/32	1916 Hancock, Springfield, Mo.	
617	536	Wright, Martha Lou	F	7-24-44		1/8	Miami, Okla.	
618	537	Wright, Sara Nonkesis Cochran	F	11-21-04		1/4	Jay, Okla.	
619	538	Wright, Thomas Floyd	M	4-27-45		3/16	East Side, Oreg.	
620	539	Wyrick, Daniel Greg	M	4- 1-49		1/16	1356 North Olney, Indianapolis, Ind.	
621	540	Wyrick, Donna Kay	F	9-11-51		1/16	do	
622	542	Wyrick, Leonard G	M	1- 3-22		1/8	do	
623	541	Wyrick, Jack Dempsy	M	7- 3-21		7/64	Commerce, Okla.	
624	543	Wyrick, Lorenzo A	M	10-26-24		1/8	11 Williams Dr., Brownburg, Ind.	
625	544	Wyrick, O. Frederick	M	8- 7-01		7/32	Welch, Okla.	
626	545	Wyrick, Robert Wolford	M	10-10-09		7/32		
627	546	Wyrick, Shirley Sue	F	10-24-28		7/64		
628	547	Wyrick, Wolford Duane	M	8- 6-34		7/64		
629	548	Yinger, Erni Jene Burgin	F	7-14-21		1/32	Box 153, Seneca, Mo.	
630	549	Young, Anna Belle Hollis	F	5- 3-19		1/32	3089 Magnolia Ave., Long Beach, Calif.	

[F.R. Doc. 59-6296; Filed, Aug. 12, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-144]

CAROLINAS VIRGINIA NUCLEAR POWER ASSOCIATES, INC.

Notice of Application for Utilization Facility License

Please take notice that Carolinas Virginia Nuclear Power Associates, Inc., Charlotte, North Carolina, under section 104b of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 60,500 kilowatt (thermal) vertical pressure tube nuclear power reactor moderated and cooled with heavy water at a site at Parr, in Fairfield County, South Carolina. The reactor will be used as a nuclear steam generating plant. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 6th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6656; Filed, Aug. 12, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13055; FCC 59-818]

CHARLOTTE RADIO & TELEVISION CORP. (WGIV)

Order Designating Application for Hearing on Stated Issues

In re application of Charlotte Radio & Television Corporation (WGIV) Charlotte, North Carolina, Has: 1600 kc, 1 kw, Day, Requests: 1600 kc, 500 w, 1 kw-LS, DA-N, U, Docket No. 13055, File No. BP-11898; for construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WGIV and the availability of other primary service to such areas and populations.

2. To determine whether the nighttime limitation contour of the proposed operation of Station WGIV would encompass the entire city of Charlotte, North Carolina, as required by § 3.188(b) (2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6699; Filed, Aug. 12, 1959; 8:50 a.m.]

[Docket Nos. 13062, 13063; FCC 59-824]

CHE BROADCASTING CO. (NSL) AND B & M BROADCASTERS, INC. (KLOS)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of CHE Broadcasting Company (NSL) Albuquerque, New Mexico, Req: 1240 kc, 250 w, U, Docket No. 13062, File No. BP-11842; B & M Broadcasters, Inc. (KLOS) Albuquerque, New Mexico, Has: 1450 kc, 250 w, U, Req: 1240 kc, 250 w, U, Docket No. 13063, File No. BP-12878; for construction permits.

At a session of the Federal Communications Commission held at its offices in

Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that, the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the issues hereinafter specified; and

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of CHE Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KLOS and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of CHE Broadcasting Company and B & M Broadcasters, Inc., would provide the coverage of the city sought to be served, as required by § 3.188 of the Commission rules.

5. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6700; Filed, Aug. 12, 1959; 8:50 a.m.]

[Docket No. 13064 etc.; FCC 59-853]

COUNTY BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issue

In re applications of County Broadcasting Corporation, Gloucester, Massachusetts, Requests: 1550 kc, 500 w, Day, Docket No. 13064, File No. BP-11602; Consolidated Broadcasting Industries, Inc. Natick, Massachusetts, Requests: 1550 kc, 5 kw, Day, Docket No. 13065, File No. BP-11677; WKOX, Inc., Beverly, Massachusetts, Requests: 1550 kc, 1 kw, Day, Docket No. 13066, File No. BP-12423; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusets, Requests: 1550 kc, 10 kw, Day, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Requests: 1550 kc, 5 kw, Day, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Requests: 1550 kc, 500 w, Day, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Requests: 1570 kc, 500 w, DA-Day, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Requests: 1550 kc, 1 kw, Day, Docket No. 13071, File No. BP-13141; For construction permits for new standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that, except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals, with the exception that County Broadcasting Corporation, and Consolidated Broadcasting Industries, Inc., may not be financially qualified; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 2, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications, and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in the Commission's above-referenced letter it was stated that United Broadcasting Co., Inc., and Newton Broadcasting Company could not be found financially qualified; but that in an amendment filed on July 22, 1959, United Broadcasting Co., Inc., showed a definite commitment by Gates Equipment Co. to give deferred credit to said applicant and also showed, in amended financial statements submitted by the four subscribers to the stock of said company, that the current and liquid assets of the said subscribers would be sufficient to meet their obligations to purchase the stock of said company; and that, in an amendment filed on July 29, 1959, Newton Broadcasting Company amended its partnership agreement, removing James A. Collins and adding Edward Bleier as a partner, increasing the overall contributions to partnership capital from $35,000 to $49,000, and thereby demonstrating the new partnership's ability to finance the first year payments on construction and initial operation of the proposed station at an estimated cost of $48,491; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and

place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations as are involved in interference among the proposals.

3. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service areas of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant proposals of Grossco, Inc. and United Broadcasting Co., Inc. would involve objectionable interference with Stations WBAZ, Kingston, New York and WPEP, Taunton, Massachusetts, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of WKOX, Inc. would provide the coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules.

6. To determine whether the instant proposal of Berkshire Broadcasting Corporation would provide the coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission rules.

7. To determine whether the transmitter site proposed by Newton Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine whether the antenna system proposed by Berkshire Broadcasting Corporation, United Broadcasting Co., Inc. and by Grossco, Inc. would constitute a hazard to air navigation.

9. To determine whether the instant proposal of United Broadcasting Co., Inc. would provide the coverage of the city sought to be served, as required by § 3.188 (b)(2) of the Commission rules.

10. To determine whether County Broadcasting Corporation, and Consolidated Broadcasting Industries, Inc. are financially qualified to construct and operate their proposed stations.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

12. To determine, in the event it is concluded pursuant to the foregoing issue that Beverly, Massachusetts has the greatest need for a new facility, which of the proposals of WKOX, Inc. and United Broadcasting Co., Inc. would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the said applications.

13. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any of the instant applications should be granted.

It is further ordered, That Silver City Broadcasting Corp., licensee of Station WPEP, Taunton, Massachusetts and Big River Broadcasters, permittee of Station WBAZ, Kingston, N.Y., are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Transcript Press, Inc., the construction permit shall contain a condition that the permittee shall submit, before the issuance of any transmission authorization, the data required by §§ 3.48 and 2.524 of the Commission rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6701; Filed, Aug. 12, 1959; 8:50 a.m.]

[Docket Nos. 12943, 12944; FCC 59M-1011]

W. H. HANSEN AND GRABET, INC., RADIO ENTERPRISES

Order for Prehearing Conference

In re applications of W. H. Hansen, Tucson, Arizona, Docket No. 12943, File No. BP-11126; Grabet, Inc., Radio Enterprises, Tucson, Arizona, Docket No. 12944, File No. BP-12539; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Monday, September 14, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 7th day of August 1959.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6703; Filed, Aug. 12, 1959; 8:50 a.m.]

[Docket No. 13151]

MICHAEL J. DESAUTELS

Order To Show Cause

In the matter of Michael J. Desautels, 200 Grove Street, Burlington, Vermont, Docket No. 13151; order to show cause why there should not be revoked the license for Citizens Radio Station 1W0584.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated May 6, 1959, calling attention to the violation (observed April 19, 1959) of § 19.31 of the Commission's rules in that the station was operating on the frequencies 27201.49 kc. and 27201.53 kc. instead of the assigned frequency of 27205 kc.

It further appearing that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 2, 1959, and sent by Certified Mail—Return Receipt Requested (No. 212621), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. Norena Desautels, on June 8, 1959 to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 7th day of August 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6702; Filed, Aug. 12, 1959; 8:50 a.m.]

[Docket No. 12264 etc.; FCC 59-823]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Hirsch Broadcasting Company (KFVS) Cape Girardeau, Missouri, Has: 960 kc, 500 w, 1 kw-LS, DA-N, U, Req: 960 kc, 500 w, 5 kw-LS, DA-N, U, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie d/b as the Firman Company Vincennes, Indiana, Req: 960 kc, 500 w, DA-D, Docket No. 12266, File No. BP-11621; Pierce E. Lackey and F. E. Lackey, d/b as Chester Broadcasting Company Chester, Illinois, Req: 1450 kc, 100 w, U, Docket No. 13058, File No. BP-11417; Donze Enterprises, Incorporated (KSGM) Chester, Illinois, Has: 980 kc, 500 w, U (St. Genevieve, Mo.), Req: Change location to Chester, Illinois, Docket No. 13059, File No. BP-11456; Robert F. Neathery, Fredericktown, Missouri, Req: 1450 kc, 250 w, U, Docket No. 13060, File No. BP-12320; Paducah Broadcasting Company, Incorporated (WPAD) Paducah, Kentucky, Has: 1450 kc, 250 w, U, Req: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13061, File No. BP-12662; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications of the Hirsch Broadcasting Company and The Firman Company are consolidated for hearing in the above said proceeding with the following added issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new broadcast station and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the instant proposal of Paducah Broadcasting Company, Incorporated, would involve objectionable intereference with Stations WAOV, Vincennes, Indiana; WDSG, Dyersburg, Tennessee, and WRAJ, Anna, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the antenna system proposed by Chester Broadcasting Company (BP-11417) would constitute a hazard to air navigation.

7. To determine whether the transmitter site proposed by Paducah Broadcasting Company, Incorporated (BP-12662), is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine the part played by Donze Enterprises, Incorporated, in the instigation, preparation and filing of the application of Alex P. Schwent, the predecessor application to Robert F. Neathery, for a new standard broadcast station at Fredericktown, Missouri, which was mutually exclusive with the instant application of Chester Broadcasting Company.

9. To determine whether BP-12662, taken in conjunction with BP-11417, herein, are inconsistent applications, in controvention of § 1.308 of the Commission rules and, if so, whether they should be dismissed.

10. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine on a comparative basis, in the event that Chester, Illinois is selected as having the greater need pursuant to section 307(b), which of the competing applications for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposal of each of the applicants, with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

12. To determine in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding:

Vincennes Sun Co. (WAOV), Vincennes, Ind.

State Gazette Broadcasting Co. (WDSG), Dyersburg, Tenn.

Anna Broadcasting Co. (WRAJ), Anna, Ill.

It is further ordered, That, to avail themselves of the opportunity to be heard, Chester Broadcasting Company, Donze Enterprises, Incorporated, Robert F. Neathery, and Paducah Broadcasting Company, Incorporated, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6704; Filed, Aug. 12, 1959; 8:51 a.m.]

[Docket No. 12837 etc.; FCC 59-822]

BIRNEY IMES, JR., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Birney Imes, Jr., West Memphis, Arkansas (Req: 730 kc, 250 w, Day), Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, (Has: 730 kc, 250 w, Day, Req: 730 kc, 500 w, Day), Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas (Req: 730 kc, 250 w, Day), Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas (Req: 730 kc, 250 w, Day), Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas (Req: 730 kc, 5 kw, DA-D), Docket No. 13057, File No. BP-12987; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that by Order adopted April 15, 1959, and released on April 20, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Birney Imes, Jr., Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company, Newport Broadcasting Company and Crittenden County Broadcasting Company, that the application of Garrett Broadcasting Corporation was tendered for filing on April 8, 1959 and is, therefore, entitled to be consolidated in said hearing, pursuant to § 1.106 of the Commission rules; and

It further appearing that except as indicated by the issues specified below, Birney Imes, Jr., Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company, Newport Broadcasting Company, Crittenden Broadcasting Company, and Garrett Broadcasting Corporation are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 16, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Garrett Broadcasting Corporation filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application of Garrett Broadcasting Corporation, is consolidated for hearing in the proceeding in Docket Nos. 12837, 12838, 12839, and 12840 at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Birney Imes, Jr., Newport Broadcasting Company, Crittenden County Broadcasting Company, and Garrett Broadcasting Corporation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTRY as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company would cause objectionable interference to the existing operation of Station KTRY, Bastrop, Louisiana, or any other existing standard broadcast station, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of Station KTRY would cause objectionable interference to Station WARB, Covington, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

6. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposed operation of KTRY, Bastrop, Louisiana, or one of the proposals for West Memphis, Arkansas, would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that it is concluded pursuant to the foregoing issue that one of the proposals for West Memphis, Arkansas, should be favored, which of the proposals of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company, would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the three as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

8. To determine which, if any, of the instant applications should be granted.

It is further ordered, That the above issues shall supersede the issues in the Commission's Order of April 15, 1959, designating for hearing the first four above-captioned applications.

It is further ordered, That, to avail itself of the opportunity to be heard, the Garrett Broadcasting Corporation herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order; and

It is further ordered, That if the proposal of Garrett Broadcasting Corporation is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957 (Public Notice 46545, June 18, 1957) and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6705; Filed, Aug. 12, 1959; 8:51 a.m.]

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[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person, or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 12950, 12951; FCC 59M–1012]

ISLAND TELERADIO SERVICE, INC. AND WPRA, INC. (WPRA)

Order for Prehearing Conference

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 12950, File No. BP–11801; WPRA, Inc. (WPRA), Guaynabo, Puerto Rico, Docket No. 12951, File No. BP–12551; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Tuesday, September 15, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 7th day of August, 1959.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6706; Filed, Aug. 12, 1959; 8:51 a.m.]

[Docket No. 13056; FCC 59–821]

NATIONAL BROADCASTING CO., INC. (WRCA)

Order Designating Application for Hearing on Stated Issues

In re application of National Broadcasting Company, Inc. (WRCA) New York, New York Has: 660 kc, 50 kw, Da–1, U Requests: 660 kc, 50 kw, U, Docket No. 13056, File No. BP–11796; For construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 27, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and

It further appearing that instant proposal to operate on a nondirectional antenna system would not meet the minimum efficiency requirements under § 3.189 of the Commission rules, and, that such proposed change in operation would result in reduced radiation within the arc from 166 to 346 degrees, with loss of primary service to 171,201 people residing in an area of 2610 square miles, and considerable loss of secondary nighttime service; and

It further appearing that in the event the instant proposal is granted, the construction permit should contain a condition that the grant herein is without prejudice to such action as the Commission may deem warranted as the result of final determinations in pending proceedings involving RCA and NBC before the Department of Justice and the Commission; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary and secondary service from the proposed operation of Station WRCA and the availability of other primary and secondary service to such areas and populations.

2. To determine whether the antenna system proposed by WRCA can be expected to achieve the minimum radiation efficiency for this class of station as required by § 3.189 of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event the instant proposal is granted, the construction permit shall contain the following condition:

"The grant herein is without prejudice to such actions as the Commission may deem warranted as the result of its final determinations (1) with respect to the conclusions and recommendations set forth in the Report of the Network Study Staff (2) with respect to related studies and inquiries now being considered or conducted by the Commission; and (3) with respect to pending anti-trust matters relating to NBC and RCA."

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6707; Filed, Aug. 12, 1959; 8:51 a.m.]

[Docket No. 13150]

PATTERSON SHRIMP CO., INC.

Order To Show Cause

In the matter of Patterson Shrimp Company, Inc., P.O. Box 98, Patterson, Louisiana, Docket No. 13150; order to show cause why there should not be revoked the license for Radio Station WC–3826 aboard the vessel "Howard Rochel."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation, dated February 12, 1959, alleging that on January 28, 1959, at 3:00 p.m., the subject station was observed in violation of § 8.136(e) of the Commission's rules, which requires suppression of an emission outside the authorized emission bandwidth when such emission creates harmful interference to other authorized services. (The radiotelephone installation on board the vessel was observed to be creating serious interference on a frequency of 5660 kc. due to inadequate suppression of the 2nd harmonic of 2830 kc.)

It further appearing that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated March 30, 1959, and sent by Certified Mail—Return Receipt Requested (No. 34728), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, W. B. Kruegay, on March 31, 1959, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 7th day of August 1959, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6708; Filed, Aug. 12, 1959; 8:51 a.m.]

[Docket Nos. 12315, 12316; FCC 59M–1013]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Order Rescheduling Hearing

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP–11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP–11559; for construction permits.

Upon verbal request by counsel for both applicants in the above-entitled proceeding: *It is ordered,* This 7th day of August 1959, that hearing herein will be held at 10:00 o'clock a.m., September 2, 1959, in the Commission's offices, Washington, D.C.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6709; Filed, Aug. 12, 1959; 8:51 a.m.]

[Docket No. 13054; FCC 59–817]

SUBURBAN BROADCASTING CO., INC. (WVIP)

Order Designating Application for Hearing on Stated Issues

In re application of Suburban Broadcasting Company, Inc. (WVIP) Mount Kisco, New York, Has: 1310 kc, 1 kw, DA–D, Req: 1310 kc, 5 kw, DA–D, Docket No. 13054, File No. BP–12258; For construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, and financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 11, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WVIP and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Suburban Broadcasting Company, Inc. would involve objectionable interference to Station WICH, Norwich, Connecticut, Station WAVZ, New Haven, Connecticut, Station WEVD, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations WJLK, Asbury Park, New Jersey and WAVZ, New Haven, Connecticut, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Suburban Broadcasting Company, Inc., in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

4. To determine whether the instant proposal of Suburban Broadcasting Company, Inc. is in compliance with § 3.24(b) (7) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the transmitter site proposed by Suburban Broadcasting Company, Inc. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Eastern Connecticut Broadcasting Company, The WAVZ Broadcasting Corporation, and Debs Memorial Radio Fund, Incorporated, licensees of Stations WICH, WAVZ, and WEVD, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and respondents herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6710; Filed, Aug. 12, 1959; 8:51 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

CIVIL AERONAUTICS BOARD

[Docket No. 10744]

LINEA EXPRESA BOLIVAR, C. A.

Notice of Prehearing Conference

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled matter is assigned to be held on August 18, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenes NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., August 10, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6712; Filed, Aug. 12, 1959; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7009]

COLUMBIAN FUEL CORP.

Notice of Application and Date of Hearing

AUGUST 7, 1959.

Take notice that Columbian Fuel Corporation (Columbian) (Applicant), an independent producer with its principal place of business in New York, New York filed, on November 30, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to United Fuel Gas Company (United) from acreage located in Pike, Floyd, Knott, Perry, Letcher, Breathitt, Morgan, Lawrence, and Johnson Counties, Kentucky pursuant to contract, as amended, between Columbian as seller, and United as buyer dated November 18, 1931.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6677; Filed, Aug. 12, 1959; 8:47 a.m.]

[Docket Nos. G-4709-G-4711]

MURPHY CORP. ET AL.

Notice of Applications and Date of Hearing

AUGUST 7, 1959.

In the matters of Murphy Corporation, and Theodosia M. Nolan,[1] Docket Nos. G-4709, G-4711; Murphy Corporation, Theodosia M. Nolan, Bertie M. Deming, and Caroline M. Keller,[1] Docket No. G-4710.

Take notice that the above designated applicants, independent producers, with their principal place of business in care of Mr. J. A. O'Connor, Jr., 303 Murphy Building, El Dorado, Texas, have filed on March 19, 1956, amendments to the original applications filed on November 5, 1954 by C. H. Murphy, Jr., and Bertie W. Murphy, Co-Executors of the Estate of C. H. Murphy, deceased, for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the applicants to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

The amended applications in Docket Nos. G-4709 through G-4711, inclusive, were heard on March 29, 1956 in consolidation with Docket Nos. G-4695, et al. The order issued therein did not issue certificates of public convenience and necessity in the above dockets pending settlement of the Estate of C. H. Murphy.

Docket No., Field and Location, and Purchaser

G-4709; Bear Creek-Bryceland Field, Bienville Parish, La.; Southern Natural Gas Co.
G-4710; Bryceland Field, Bienville Parish, La.; Texas Eastern Transmission Corp.
G-4711; Ruston Field, Lincoln Parish, La.; Mississippi River Fuel Corp.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6678; Filed, Aug. 12, 1959; 8:47 a.m.]

[Docket No. G-18860]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

AUGUST 7, 1959.

Take notice that on June 26, 1959, Natural Gas Pipeline Company of America (Applicant) filed in Docket No. G-18860 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to receive natural gas withdrawals made by Northern Illinois Gas Company (Northern Illinois) from the latter's Troy Grove Storage Reservoir and to redeliver like quantities to Northern Illinois by displacement at Applicant's meter station near Joliet, Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the proposed receiving, transporting and redelivering of gas by Applicant is to permit Northern Illinois to make test withdrawals from the said Troy Grove Reservoir at intermittent periods from December 1, 1959, to April 30, 1960, inclusive, in a total amount of approximately 500,000 Mcf. The withdrawal periods are proposed to be of four to six days in duration, with daily withdrawals of approximately 20,000 Mcf but with an occasional increase to 40,000 Mcf daily.

The foregoing operations will be made pursuant to a letter agreement dated June 12, 1959, between Applicant and Northern Illinois, which further states that receipt and redelivery of gas shall be made only at such times as Applicant can accomodate the same without interfering with deliveries to its other customers and that Applicant will make no charge for such receipt and redelivery of gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6679; Filed, Aug. 12, 1959; 8:47 a.m.]

[Docket No. G-16283]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

AUGUST 7, 1959.

Take notice that Tennessee Gas Transmission Company (Tennessee), with its principal place of business in the Commerce Building, Houston, Texas filed, on September 10, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Tennessee to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to sell natural gas to Boswell-Frates Company (Boswell) from the Caddo Dome Field, Carter County, Oklahoma. The proposed sale is covered by contract dated May 28, 1958, between Tennessee as seller and Boswell as buyer, which is on file with the Commission as Tennessee's Gas Rate Schedule F-39.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6680; Filed, Aug. 12, 1959; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

GEOFFREY BAKER

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since previous report, published April 2, 1959 (24 F.R. 2579).

Dated: August 1, 1959.

GEOFFREY BAKER.

[F.R. Doc. 59-6657; Filed, Aug. 12, 1959; 8:45 a.m.]

HAROLD S. BLACKMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published April 2, 1959 (24 F.R. 2579).

Dated: August 1, 1959.

HAROLD S. BLACKMAN.

[F.R. Doc. 59-6658; Filed, Aug. 12, 1959; 8:45 a.m.]

GORDON B. CARSON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 12, 1959 (24 F.R. 1118).

Dated: August 1, 1959.

GORDON B. CARSON.

[F.R. Doc. 59-6659; Filed, Aug. 12, 1959; 8:45 a.m.]

CHARLES J. HEDLUND

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I am a director of the following corporations:

Esso Export Corporation.
Esso Tankers, Inc.

I am a stockholder of the following corporations:

Standard Oil Company (N.J.).
Columbia Gas System.
Phillips Lamp.
G-L Electronics.
American Cyanamid.

This amends statement published February 12, 1959 (24 F.R. 1118).

Dated: July 30, 1959.

CHARLES J. HEDLUND.

[F.R. Doc. 59-6660; Filed, Aug. 12, 1959; 8:45 a.m.]

PETER HENLE

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 12, 1958 (24 F.R. 1118).

Dated: August 1, 1959.

PETER HENLE.

[F.R. Doc. 59-6661; Filed, Aug. 12, 1959; 8:45 a.m.]

[1] Substituted for the Estate of C. H. Murphy, by amendent, filed March 19, 1956.

DAVID C. HOLUB

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since statement, published April 16, 1959, (24 F.R. 2920).

Dated: August 1, 1959.

DAVID C. HOLUB.

[F.R. Doc. 59-6662; Filed, Aug. 12, 1959; 8:45 a.m.]

MINOR S. JAMESON, JR.

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Savanna Creek Gas and Oil, Limited.

This amends statement published February 10, 1959 (24 F.R. 993).

Dated: July 12, 1959.

MINOR S. JAMESON, JR.

[F.R. Doc. 59-6663; Filed, Aug. 12, 1959; 8:45 a.m.]

JOSEPH D. KEENAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Bought:
National Bank of Bethesda, Chevy Chase, Md.
Standard Oil of California.
Standard Oil of New Jersey.
Northern States Power.

This amends statement published April 25, 1959 (24 F.R. 3261).

Dated: August 1, 1959.

JOSEPH D. KEENAN.

[F.R. Doc. 59-6664; Filed, Aug. 12, 1959; 8:45 a.m.]

GEORGE ROSS LeSAUVAGE

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last report, published April 14, 1959 (24 F.R. 2839).

Dated: August 1, 1959.

GEORGE ROSS LESAUVAGE.

[F.R. Doc. 59-6665; Filed, Aug. 12, 1959; 8:45 a.m.]

RUSSELL C. McCARTHY

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Addition: Riley Stoker Corporation.

This amends statement published February 12, 1959 (24 F.R. 1118).

Dated: August 1, 1959.

RUSSELL C. MCCARTHY.

[F.R. Doc. 59-6666; Filed, Aug. 12, 1959; 8:45 a.m.]

PHILIP N. POWERS

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Sabre Pinon (deletion).
Firth Sterling Co. (deletion).
Internuclear Company.
Midwest Piping.
Trans World Airlines.

This amends statement published February 27, 1959 (24 F.R. 1490).

Dated: August 1, 1959.

PHILIP N. POWERS.

[F.R. Doc. 59-6667; Filed, Aug. 12, 1959; 8:46 a.m.]

E. D. REEVES

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 21, 1959 (24 F.R. 1351).

Dated: August 1, 1959.

E. D. REEVES.

[F.R. Doc. 59-6668; Filed, Aug. 12, 1959; 8:46 a.m.]

THOMAS R. REID

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Deletion: American Natural Gas Company.

This amends statement published February 21, 1959 (24 F.R. 1351).

Dated: August 1, 1959.

THOMAS R. REID.

[F.R. Doc. 59-6669; Filed, Aug. 12, 1959; 8:46 a.m.]

STANLEY RUTTENBERG

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 27, 1959 (24 F.R. 1490).

Dated: August 1, 1959.

STANLEY RUTTENBERG.

[F.R. Doc. 59-6670; Filed, Aug. 12, 1959; 8:46 a.m.]

ERNEST A. TUPPER

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

American Can Company.

This amends statement published March 24, 1959 (23 F.R. 2285).

Dated: August 13, 1959.

ERNEST A. TUPPER.

[F.R. Doc. 59-6671; Filed, Aug. 12, 1959; 8:46 a.m.]

J. E. WARREN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Additions: None.
Deletions:
Burroughs Corp.
Sperry Rand Corp.

This amends statement published February 12, 1959 (24 F.R. 1118).

Dated: August 1, 1959.

J. E. WARREN.

[F.R. Doc. 59-6672; Filed, Aug. 12, 1959; 8:46 a.m.]

R. CARTER WELLFORD

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 12, 1959 (24 F.R. 1118).

Dated: August 1, 1959.

R. CARTER WELLFORD.

[F.R. Doc. 59-6674; Filed, Aug. 12, 1959; 8:46 a.m.]

WILLIAM WEBSTER

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Add:
The Corporation of Mass. Institute of Technology, Member.
New England Electric System, President (change in title) & Director.
Atomic Industrial Forum, Vice President & Director.
The MITRE Corporation, Trustee.
Edison Electric Institute, Director.
Investments: Alco Oil & Chemical Co.
Delete: Atomic Power Development Associates, Inc., Director.

This amends statement published February 12, 1959 (24 F.R. 1118).

Dated: August 1, 1959.

WILLIAM WEBSTER.

[F.R. Doc. 59-6673; Filed, Aug. 12, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

AUGUST 7, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959, issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On July 30, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending August 9, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 10, 1959, to August 19, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6685; Filed, Aug. 12, 1959; 8:48 a.m.]

[File No. 2-10322]

SUNRISE SUPERMARKETS CORP.

Notice of Application for Exemption

AUGUST 7, 1959.

Notice is hereby given that Sunrise Supermarkets Corporation, a New York corporation, ("applicant"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that Section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of the outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows:

(1) All the outstanding securities of the applicant are owned of record and the number of holders thereof does not exceed 50 persons.

(2) That the Grand Union Company has acquired 99.4 percent of the outstanding common shares pursuant to an exchange offer.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after August 24, 1959 unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than August 21, 1959, submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed Secretary, Securities and Exchange Commission, Washington 25, D.C. and should state briefly the nature of the interest of the person submitting such information or requesting such a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to contravene.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-6686; Filed, Aug. 12, 1959; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VIII-13]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation of Authority Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation No. 30-VIII-1 (Revision 1), as amended (22 F.R. 6390, 24 F.R. 1673, 5516), there is hereby delegated to the Chief, Loan Administration Section, the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SEA-500 Financial Assistance Manual:

1. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

2. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

(a) Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

(b) Carry loans which are delinquent or past due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

(c) Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

(d) Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

(e) Waive amounts due under net earnings clause.

(f) Approve requests to exceed fixed assets limitations and waive violations of this limitation.

(g) Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the bonuses and/or salary to be paid are reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

(h) Approve changes in use of loan proceeds in connection with partially disbursed loans.

(i) Waive violations of agreements to maintain working capital of a specified amount.

3. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions, and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

4. To take the following actions in the administration, collection and liquidation of business or disaster loans:

(a) Approve or reject substitutions of accounts receivable and inventories.

(b) Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

(c) Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

(d) Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

(e) Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

5. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necesary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for these expenditures as may be required to accomplish these purposes.

6. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

7. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

8. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

B. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Effective date: June 22, 1959.

GLENN A. SWANSON,
Chief, Financial Assistance Division, Minneapolis Regional Office.

[F.R. Doc. 59-6625; Filed, Aug. 11, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 10, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35615: *Sugar from Montana and Washington to interstate points.* Filed by Trans-Continental Freight Bureau, Agent (No. 362), for interested rail carriers. Rates on sugar, beet or cane, in carloads from specified points in Montana and Washington to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wisconsin.

Grounds for relief: Market competition and restore origin relationships.

Tariffs: Supplement 24 to Trans-Continental Freight Bureau tariff I.C.C. 1612. Supplement 45 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 35616: *Iron and steel articles—Illinois points to Corpus Christi, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7587), for interested rail carriers. Rates on iron and steel articles, in carloads from Federal, Rock Falls, and Sterling, Ill., to Corpus Christi, Tex.

Grounds for relief: Barge competition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 35617: *Iron and steel articles—Almeda, Tex., to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7607), for interested rail carriers. Rates on iron and steel articles, carloads from Almeda, Tex., to points in southern territory, including Mississippi River crossings, Memphis, Tenn., and South.

Grounds for relief: Market competition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 35618: *Fertilizer from the south to I.F.A., W.T.L., and southwestern territories.* Filed by O. W. South, Jr., Agent (No. A-3831), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads from points in Kentucky, Louisiana, Mississippi, and Tennessee, also Helena, Ark., to points in Illinois Freight Association, Western Trunk Line, and southwestern territories.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariff: Supplements Nos. 46, 13, and 71 to Southern Freight Association tariffs I.C.C. 1568, 1637, and 1522, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6688; Filed, Aug. 12, 1959; 8:48 a.m.]

[Notice 167]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62263. By order of August 5, 1959 The Transfer Board approved the transfer to Rizzo Trucking, Inc., Brooklyn, New York, of the operating rights in Certificate No. MC 42286, issued May 5, 1954, to Michael Antonelli, doing business as M. Antonelli Trucking, Brooklyn, New York, authorizing the transportation, over irregular routes, of packing house products, bulbs, nursery stock, fertilizer, and bees wax, from and to specified points in New York, New Jersey, and Connecticut. Morris Honig, 150 Broadway, New York 38, New York.

No. MC-FC 62273. By order of August 6, 1959, the Transfer Board approved the transfer to Thomas J. Brady, doing business as B. & P. Transportation, Wyckoff, New Jersey, of the operating rights in Permit No. MC 112748, issued February 1, 1955, to Abe Green, doing business as Abe Green Silk Transportation, and acquired by Louis D. Duva, doing business as Abe Green Silk Transportation, Totowa, New Jersey, pursuant to MC-FC 61594, authorizing the transportation, over irregular routes, of cloth piece goods, between Paterson, N.J., and New York, N.Y. John M. Zachara, P.O. Box 2860, Paterson, N.J., for applicants.

No. MC-FC 62376. By order of August 5, 1959, the Transfer Board approved the transfer to Terminal Transfer Company, Corporation, Kansas City, Mo., of Certificate in No. MC 71035, issued May 24, 1950, to J. T. Trantum and Frances L. Trantum, a partnership, doing business as Wyandotte Transfer Company, Kansas City, Kans., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, between points in Kansas City and North Kansas City, Mo., Kansas City, Kans., and those within 10 miles of each; structural steel, steel, plate, articles of steel plate and erection machinery, tools and supplies, between points in Kansas and Missouri. Henry B. Vess, Jr., 216 East 10th Street, Kansas City 6, Mo.

No. MC-FC 62440. By order of August 5, 1959, the Transfer Board approved the transfer to Lynn Cox of Woodruff, Utah, of Certificates Nos. MC 96170 and MC 96170 Sub 1, issued May 6, 1941 and August 14, 1943, in the name of Alden N. Hodges, of Smithfield, Utah, authorizing the transportation of flour and mill feeds, over irregular routes, from Smithfield and Logan, Utah, and Malad City, Idaho, to Evanston, Fort Bridger, Urie, Mountainview, Lyman, Granger, Opal, Diamondville, La Barge, Big Piney, Daniel, Pinedale, Boulder, Farson, Eden, Rock Springs, Green River, Fossil, Sage, Cokeville, Smoot, Afton, Grover, Fairview, Bedford, Thayne, Freedom, and Egna, Wyo.; from Malad City, Idaho, to Randolph and Woodruff, Utah.; coal, from Kemmerer, Wyo., and points within 8 miles of Kemmerer, to Laketown, Garden City, and Smithfield, Utah, and points within 2 miles of Laketown, Garden City, and Smithfield; and coal, from points in Sweetwater, Lincoln and Uinta Counties, Wyo., to Laketown and Garden City, Utah, and points in Cache County, Utah, and return with no transportation for compensation.

Lynn Cox, Woodruff, Utah, for transferee. Alden N. Hodges, 155 East First South, Smithfield, Utah, for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6689; Filed, Aug. 12, 1959; 8:48 a.m.]

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OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 159

Washington, Friday, August 14, 1959

Title 3—THE PRESIDENT

Proclamation 3308

ESTABLISHING THE HORSESHOE BEND NATIONAL MILITARY PARK

By the President of the United States of America

A Proclamation

WHEREAS the battle of Horseshoe Bend, fought on March 27, 1814, on the Tallapoosa River in Alabama, resulted in a decisive victory for the forces of General Andrew Jackson over a strong body of Creek Indians and broke the power of the Creek Confederacy; and

WHEREAS this significant historic event on the Indian border opened the way for settlement in Alabama and other parts of the old Southwest; and

WHEREAS section 1 of an act approved July 25, 1956 (70 Stat. 651), provides that when not less than five hundred acres of non-Federal lands (together with improvements thereon), known as the Horseshoe Bend Battle Ground, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such area shall be dedicated and set apart as the Horseshoe Bend National Military Park; and

WHEREAS section 2 of that act authorizes and directs the Secretary of the Interior to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park; and

WHEREAS the Secretary of the Interior on June 11, 1957, approved a map showing an area of 2,040 acres on the Horseshoe Bend Battle Ground as being desirable for inclusion in the Horseshoe Bend National Military Park, and such land was donated to, and accepted on behalf of, the United States of America on April 24, 1959; and

WHEREAS the requirements of sections 1 and 2 of the act of July 25, 1956 (70 Stat. 651), have been fully complied with:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 4 of the above-mentioned act of July 25, 1956, do hereby dedicate and set aside the following-described lands in Tallapoosa County, Alabama, as the Horseshoe Bend National Military Park:

Northeast quarter (NE¼), northeast quarter of northwest quarter (NE¼ of NW¼), northeast quarter of southeast quarter (NE¼ of SE¼), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in said section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of the said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

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All other Supplements and revised books have been issued and are now available.

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County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links thence north 6 chains to the point of beginning.

The above described lands contain 560.66 acres, more or less.

Section 14, township 23 north, range 23 east; west half of northwest quarter and northeast quarter of northwest quarter of section 23, township 23 north, range 23 east; section 15 and section 22, township 23 north, range 23 east, less and except the following described parts of said sections 15 and 22, township 23 north, range 23 east, known as Alabama Power Company lands, described as follows: Northeast quarter (NE¼), northeast quarter of northwest quarter (NE¼ of NW¼), northeast quarter of southeast quarter (NE¼ of SE¼), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning. Said 5.1-acre exception in said section 15 has heretofore been conveyed to the United States of America by patent from the State of Alabama.

The above-described lands contain 1,474.24 acres, more or less.

Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14 which is 69 chains south of the northwest corner of section 14, thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning, the said land lying and being in section 15, township 23 north, range 23 east.

The above-described lands contain 5.1 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of August in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59–6771; Filed, Aug. 12, 1959; 1:26 p.m.]

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Civil Defense Administration; Office of Civil and Defense Mobilization

§ 6.323 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (d), (g), (j), (o) and (p) of § 6.323 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.363 is amended, and paragraphs (m), (n), (o) and (p) are added as set out below.

§ 6.363 Office of Civil and Defense Mobilization.

(a) One Confidential Administrative Assistant to each of the following: Assistant Director for Training, Education, and Public Affairs; Assistant Director for Plans and Operations; and Assistant Director for Resources and Production.

• • • • •

(m) Two Administrative Assistants to the Director.

(n) One Courier, Office of the Director.

(o) One Receptionist, Office of the Director.

(p) One Private Secretary to the Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–6717; Filed, Aug. 13, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 33—EXPORT APPLES AND PEARS

Notice is hereby given of the revision of the regulations (7 CFR Part 33) issued pursuant to the provisions of the Export Apple and Pear Act (48 Stat. 123; 7 U.S.C. 581–589) and to the authority set forth in section 7, 48 Stat. 124; 7 U.S.C. 587, for carrying out the provisions of said act. Notice with respect to the proposed revision was given in the FEDERAL REGISTER issue of March 24, 1959 (24 F.R. 2277).

After consideration of all relevant matters presented, including the proposal set forth in such notice, it is hereby found that the revision of the said rules and regulations, as hereinafter set forth, is in accordance with the provisions of and will tend to effectuate the declared purposes of the Export Apple and Pear Act:

DEFINITIONS

Sec.
33.1 Act.
33.2 Person.
33.3 Secretary.
33.4 Carrier.
33.5 Apples.
33.6 Pears.
33.7 Package.
33.8 Shipment.

REGULATIONS

33.10 Minimum requirements.
33.11 Inspection and certification.

EXEMPTIONS

33.12 Apples and pears not subject to regulations.

WITHHOLDING CERTIFICATES

Sec.
33.13 Notice.
33.14 Opportunity for hearing.
33.15 Suspension of inspection.
33.16 Service of notice or order.

AUTHORITY: §§ 33.1 to 33.16 issued under sec. 7, 48 Stat. 124; 7 U.S.C. 587.

DEFINITIONS

§ 33.1 Act.

"Act" and "Export Apple and Pear Act" are synomous and mean "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 581 et seq.).

§ 33.2 Person.

"Person" means an individual, partnership, association, corporation, or any other business unit.

§ 33.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 33.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, railroads, airplanes, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

§ 33.5 Apples.

"Apples" means fresh whole apples in packages whether or not they have been in storage.

§ 33.6 Pears.

"Pears" means fresh whole pears in packages whether or not they have been in storage.

§ 33.7 Package.

"Package" means any container of apples or pears.

§ 33.8 Shipment.

"Shipment" means one or more lots of apples or pears shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

REGULATIONS

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No, 1 Cooker grade or U.S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300 to 51.327 of this chapter), do not contain apple maggot and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 grade, as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260 to 51.1280 of this chapter), or in the United States Standards for Winter Pears, such as Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300 to 51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

(c) Each package of apples or pears is packed so that the apples or pears in the top layer shall be reasonably representative in size, color, and quality of the contents of the package; and

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety of the apples or pears; (3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section; and (4) the numerical count or the minimum size.

§ 33.11 Inspection and certification.

(a) Each person shipping, or offering for shipment, apples or pears to any foreign destination shall cause them to be inspected by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this chapter) and certified as meeting the requirements of the act and this part. No carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless they have been so inspected and certified. Inspection and certification may be obtained at any time prior to exportation of the apples or pears. Such a Federal or Federal-State certificate shall be designated as an "Export Form Certificate" and shall include the following statement: "Meets requirements of Export Apple and Pear Act." The shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the export carrier. Whenever apples or pears are inspected and certified at any point other than the port of exportation, the shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the agent of the first carrier that thereafter transports such apples or pears and such agent shall deliver such copy to the proper official of the carrier on which the apples or pears, covered by such certificate or memorandum, are to be exported. A copy of the Export Form Certificate or Memorandum of Inspection shall be filed by the export carrier for a period of not less than three (3) years after date of export.

(b) If the inspector has reason to believe that samples of a lot of apples or pears have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

EXEMPTIONS

§ 33.12 Apples and pears not subject to regulations.

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A shipment of a quantity of apples or pears not exceeding a total of 1,250 pounds gross weight, or 25 boxes of apples packed in a standard Northwestern apple box, standard Eastern apple box or container equivalent thereto, or 25 boxes of pears packed in a standard pear box or container equivalent thereto; and shipments of pears to Venezuela and Cuba, not exceeding 20,000 pounds gross weight or 400 standard pear boxes or containers equivalent thereto.

(b) Apples or pears to Pacific ports west of the International Date Line which do not meet maturity standards of the grade specified in § 33.10, if the packages are conspicuously marked or printed with the words "Immature Fruit;" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(c) Apples for processing which do not meet the grade standards specified in § 33.10, if such apples grade at least U.S. No. 1 as specified in U.S. Standards for Apples for Processing (§§ 51.340 to 51.344 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(d) Pears for processing which do not meet the grade standards specified in § 33.10, if such pears grade at least U.S. No. 1 as specified in U.S. Standards for Pears for Canning (§§ 51.1345 to 51.1358 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting other requirements of §§ 33.10 and 33.11.

WITHHOLDING CERTIFICATES

§ 33.13 Notice.

If the Secretary is considering withholding the issuance of certificates under the act for a period of not exceeding 90 days to any person who ships, or offers for shipment, apples or pears to any foreign destination in violation of any provisions of the act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the act or the regulations in this part is charged.

§ 33.14 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later than 10 days after service of such notice upon him. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 33.15 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the act, will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Export Form Certificate or Memorandum of Inspection to such person.

§ 33.16 Service of notice or order.

Service of any notice or order required by the act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

Dated: August 11, 1959, to become effective October 1, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6751; Filed, Aug. 13, 1959; 8:49 a.m.]

[Amdt. 2]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

United States Standards for Rough Rice, Brown Rice, and Milled Rice

On April 28, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3281) regarding proposed amendments to the United States Standards for Rough Rice (7 CFR 68.201–68.203), for Brown Rice (7 CFR 68.251–68.253), and for Milled Rice (7 CFR 68.301–68.303). On May 28, 1959, a supplemental notice was published in the FEDERAL REGISTER (24 F.R. 4307) regarding alternative proposals to said proposed amendments to the United States Standards for Milled Rice (7 CFR 68.301–68.303).

Consideration has been given to all relevant information presented and to all information available in the United States Department of Agriculture regarding the proposed amendments. Based upon this information and pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the United States Standards for Rough Rice, Brown Rice and Milled Rice are amended as follows:

Subpart C—United States Standards for Rough Rice

1a. In § 68.201 *Terms defined*, under paragraph (b) *Classes*, change subparagraph (3) to read as follows:

(3) Mixed rough rice shall be any mixture of rough rice which contains more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of non-contrasting classes.

b. Redesignate paragraphs (e) to (n) inclusive as paragraphs (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), respectively, and add a new paragraph (e) to read as follows:

(e) *Non-contrasting classes.* Non-contrasting classes shall be other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels of the class designated.

2. In § 68.202 *Principles governing application of standards*, change paragraph (d) and add a new paragraph (e) to read as follows:

(d) *Determination of milling yield.* The determination of milling yield of rough rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(e) *Method of determining head rice and total milled rice.* Head rice and total milled rice shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

3a. In § 68.203 *Grades, grade requirements, and grade designations*, change that portion of paragraph (a) preceding the table to read as follows:

(a) *Grades and grade requirements for all clases of rough rice.*[1] (See paragraph (c) of this section).

b. Redesignate the footnotes 1, 2, 3, and 4 as 2, 3, 4, and 5, respectively, and add a new footnote 1 to read as follows:

[1] The rice of any class of rough rice, except Mixed rough rice, may contain not more than 5.0 percent of rice of non-contrasting classes in grades U.S. No. 1, U.S. No. 2, U.S. No. 3, and U.S. No. 4 and not more than 10.0 percent in grades U.S. No. 5 and U.S. No. 6.

Subpart D—United States Standards for Brown Rice

4a. In § 68.251 *Terms defined*, under paragraph (b) *Classes*, change subparagraph (3) to read as follows:

(3) Mixed brown rice shall be any mixture of brown rice which contains more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of non-contrasting classes.

b. Redesignate paragraphs (e) to (o), inclusive, as (f), (g), (h), (i), (j), (k), (l), (m), (n), (p), and (q), respectively, and add new paragraphs (e) and (o) to read as follows:

(e) *Non-contrasting classes.* Non-contrasting classes shall be other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels of the class designated.

* * * * * *

(o) *No. 6 sizing plate.* A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0937 ($\frac{3}{32}$) inch in diameter which are $\frac{5}{32}$ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent row.

5. In § 68.252 *Principles governing application of standards*, change paragraph (d) and add a new paragraph (e) to read as follows:

(d) *Determination of milling yield.* The determination of milling yield of brown rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(e) *Method of determining head rice and total milled rice.* Head rice and total milled rice shall be determined by the use of sizing plates or sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

6a. In § 68.253 *Grades, grade requirements, and grade designations*, redesignate paragraphs (a) and (b) as para-

graphs (b) and (c) respectively and change the heading of redesignated paragraph (b) to read as follows:

(b) *Grades and grade requirements for Calrose brown rice and Pearl brown rice grown in California.*

b. Add new paragraph (a) to read as follows:

(a) *Grades and grade requirements for all classes of brown rice except Calrose brown rice and Pearl brown rice grown in California.*[1]

Grade [2]	Maximum limits of—								
	Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels		Rice of contrasting classes [1] [3]
	Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Removed by No. 6 sizing plate	
	Number in 500 grams	*Number in 500 grams*	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	25	1	2	1.0	1.0	5.0	1.0	1.0
U.S. No. 2	50	2	10	2.0	3.0	10.0	2.0	2.0
U.S. No. 3	75	4	20	4.0	5.0	15.0	3.0	5.0
U.S. No. 4	100	8	35	8.0	8.0	25.0	4.0	10.0
U.S. Sample grade	U.S. Sample grade shall be brown rice which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 4, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.							

[1] The rice of any class of brown rice except Mixed brown rice and Calrose brown rice and Pearl brown rice grown in California may contain not more than 5.0 percent of rice of non-contrasting classes in grades U.S. No. 1, U.S. No. 2, and U.S. No. 3 and not more than 10.0 percent in grade U.S. No. 4.

[2] Brown rice in grade U.S. No. 1 may contain not more than 1.0 percent, in grade U.S. No. 2 not more than 3.0 percent, and in grades U.S. No. 3 and U.S. No. 4 not more than 10.0 percent of milled rice.

[3] These limits do not apply to the class Mixed brown rice.

Subpart E—United States Standards for Milled Rice

7a. In § 68.301 *Terms defined,* under paragraph (b) Classes, change subparagraphs (3), (4), (5), and (6) to read as follows:

(3) Mixed milled rice shall be any mixture of milled rice which contains more than 25.0 percent of whole kernels of milled rice and more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of non-contrasting classes.

(4) Second Head milled rice shall be (i) milled rice, except Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 10.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.2 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.02 percent that will pass readily through a 4/64 sieve; and (ii) Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a $6\frac{1}{2}/64$ sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 sieve.

(5) Screenings milled rice shall be (i) milled rice, except Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole or broken kernels which are too large to be removed with a No. 7 sizing plate, not more than 10.0 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.2 percent that will pass readily through a 4/64 sieve; and (ii) Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, which does not meet the kernel-size requirements for the class Second Head milled rice, and which contains not more than 15.0 percent of broken kernels that will pass readily through a $5\frac{1}{2}/64$ sieve.

(6) Brewers milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels and which does not meet the kernel-size requirements for the class Second Head milled rice or Screenings milled rice.

b. Redesignate paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o), inclusive, as (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p), respectively, and add new paragraphs (e), (q), (r), (s), (t), and (u) to read as follows:

(e) *Non-contrasting classes.*[5] Non-contrasting classes shall be other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels designated.

* * * * * * *

(q) *4/64 sieve.* A 4/64 sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0625 ($\frac{1}{16}$) inch in diameter which are $\frac{1}{8}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(r) *$2\frac{1}{2}/64$ sieve.* A $2\frac{1}{2}/64$ sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0390 ($2\frac{1}{2}/64$) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(s) *No. 5 sizing plate.* A No. 5 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.0781 ($\frac{5}{64}$) inch in diameter which are $\frac{5}{32}$ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

(t) *No. 6 sizing plate.* A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0937 ($\frac{6}{64}$) inch in diameter which are $\frac{5}{32}$ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

(u) *No. 7 sizing plate.* A No. 7 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.1094 ($\frac{7}{64}$) inch in diameter which are $\frac{5}{32}$ inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

8. In § 68.302 *Principles governing application of standards,* add a new paragraph (d) to read as follows:

(d) *Method of determining broken kernels.* Broken kernels of various sizes shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

9a. In § 68.303 *Grades, grade requirements, and grade designations,* delete paragraphs (b) and (c), redesignate paragraphs (a), (d), (e), and (f), as paragraphs (b), (e), (f), and (g), respectively, and change that portion of redesignated paragraph (b) preceding the table to read as follows:

(b) *Grades and grade requirements for Calrose milled rice and Pearl milled rice grown in California.* (See also paragraph (g) of this section.)

b. Add new paragraphs (a), (c), and (d) to read as follows:

(a) *Grade and grade requirements for all classes of milled rice, except calrose milled rice and Pearl milled rice grown in California, second head milled rice, screenings milled rice, and Brewers milled rice.*[1] (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—								
	Seeds and heat-damaged kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels [2]	Broken kernels			Rice of contrasting classes [1] [4]
	Total	Heat-damaged kernels and objectionable seeds (singly or combined)			Total	Removed by No. 6 sizing plate	Removed by No. 5 sizing plate	
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	2	1	0.5	1.0	4.0	0.1	0.02	1.0
U.S. No. 2	4	2	1.5	2.0	7.0	0.2	0.04	2.0
U.S. No. 3	7	5	2.0	4.0	15.0	0.8	0.08	3.0
U.S. No. 4	15	10	3.0	6.0	25.0	2.0	0.10	5.0
U.S. No. 5	30	30	[5] 6.0	10.0	35.0	3.0	0.15	10.0
U.S. No. 6	75	75	[5] 15.0	15.0	50.0	4.0	1.0	10.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.							

[1] The rice of any class of milled rice, except Mixed milled rice, Calrose milled rice and Pearl milled rice grown in California, Second Head milled rice, Screenings milled rice and Brewers milled rice may contain not more than 5.0 percent of rice of non-contrasting classes in grades U.S. No. 1, U.S. No. 2, U.S. No. 3, and U.S. No. 4 and not more than 10.0 percent in grades U.S. No. 5 and U.S. No. 6.

[2] Color and general appearance, minimum requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or rosy, and shall be reasonably well milled. U.S. No. 6 may be dark gray or rosy, and shall be reasonably well milled.

[3] Milled rice in grade U.S. No. 1 of the class Pearl milled rice may contain not more than 2.0 percent, in grade U.S. No. 2 not more than 4.0 percent, in grade U.S. No. 3 not more than 6.0 percent, and in grade U.S. No. 4 not more than 8.0 percent of chalky kernels.

[4] These limits do not apply to the class Mixed milled rice.

[5] Milled rice in grade U.S. No. 5 of the special grade Unpolished milled rice may contain not more than 10 percent of Red rice and damaged kernels, either singly or combined, but in any case not more than 6 percent of damaged kernels.

[6] Milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

* * * * * * * *

(c) *Grades and grade requirements for the class second head milled rice.* (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—			
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)		
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*
U.S. No. 1	15	5	1.0	3.0
U.S. No. 2	20	10	2.0	5.0
U.S. No. 3	35	15	3.0	10.0
U.S. No. 4	50	25	5.0	15.0
U.S. No. 5	75	40	10.0	20.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.			

[1] Color and general appearance, minimum requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or very rosy, and shall be reasonably well milled.

(d) *Grades and grade requirements for the class screenings milled rice.* (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—		
	Seeds		Chalky kernels
	Total	Objectionable seeds	
	Number in 500 grams	*Number in 500 grams*	*Percent*
U.S. No. 1	30	20	5.0
U.S. No. 2	75	50	8.0
U.S. No. 3	125	90	12.0
U.S. No. 4	175	140	20.0
U.S. No. 5	250	200	30.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

[1] Color and general appearance, minimum requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, or slightly rosy, and shall be reasonably well milled. U.S. No. 4 may be gray or rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or very rosy, and shall be reasonably well milled.

c. Change that portion in redesignated paragraph (e) preceding the table to read as follows:

(e) *Grades and grade requirements for the class Brewers milled rice.* (See paragraph (g) of this section.)

The revisions incorporate certain changes in the Standards for Rough Rice, Brown Rice, and Milled Rice which were made subsequent to the publication of notices of rule-making in the FEDERAL REGISTER of April 28 and May 28, 1959. These changes were based on comments received pursuant to the notices, and it does not appear that further notice and public participation in rule-making procedure would make additional information available to the Department. The amendments to the standards should be made effective for the 1959 crop which will start to move to market about August 15, 1959. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the

amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments to the United States Standards for Rough Rice, Brown Rice, and Milled Rice shall become effective August 15, 1959.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Issued in Washington, D.C., this 11th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6752; Filed, Aug. 13, 1959; 8:49 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

[S.R. 817, Rev. 2, Amdt. 1]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Specific Authorization for Release

Basis and purpose. The purpose of the following amendment and interpretation is to clarify the regulations contained in Part 817 (23 F.R. 671) relating to bringing or importing sugar or liquid sugar into the continental United States.

Section 817.4 requires that an application on a form prescribed by the Secretary entitled "Sugar Quota Clearance Record" must be submitted no more than 10 days prior to the departure date stated thereon for each quantity of sugar to be delivered to a refinery or importer from each cargo.

Section 817.5 specifies the circumstances under which specific authorization by the Secretary is required for release of sugar by Collectors of Customs and provides that specific authorization by the Secretary is required after August 31 of any year before sugar from any area may be released by a Collector of Customs.

Paragraph (c) of § 817.4 provides that when, pursuant to § 817.5, specific authorization by the Secretary for release of sugar is not required, the application is to be submitted to the Collector of Customs at the port of entry and when specific authorization by the Secretary is required the application must be submitted to the Sugar Division.

Paragraph (b) of § 817.6 specifies how the order of eligibility for authorization shall be determined on applications submitted to the Sugar Division.

Section 817.4 does not preclude the submission of applications to the Sugar Division under circumstances in which the vessel or carrier is scheduled to depart prior to August 31 and arrive after August 31 of any year.

The following interpretation is added to clarify that under such circumstances applications may be submitted prior to August 31 of any year and further clarify the manner of determining the order of eligibility of such applications received by the Sugar Division.

Questions concerning the matters covered by this amendment and interpretation have been received and shipments of sugar are now being made from the Republic of the Philippines which will not arrive until after August 31, 1959. Thus, it is imperative that this matter be clarified as soon as possible. It is, therefore, found that notice and public procedure are impracticable, unnecessary and contrary to the public interest and that the following amendment and interpretation should become effective immediately upon publication in the FEDERAL REGISTER.

1. Section 817.6 is amended by adding to paragraph (b) the following: "Applications, required by § 817.4 for release pursuant to § 817.5(a), received by the Sugar Division on or before August 31 of any year which cover shipments of sugar for entry into the continental United States after August 31 of that same year shall become eligible for authorization in the order of the departure dates shown on the applications and the order of eligibility shall be determined on the first business day following August 31."

2. And by adding a new paragraph (g) as follows:

(g) *Interpretations.* With respect to any shipment of sugar expected to be subject to prior authorization by the Secretary due to its entry into the continental United States after August 31, the application required by § 817.4 for release pursuant to § 817.5(a), may be submitted to the Sugar Division in accordance therewith even though the requirement for such prior authorization is not in effect at the time of such application.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply sec. 209; 61 Stat. 928; 7 U.S.C. 1119)

Issued this 10th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6730; Filed, Aug. 13, 1959; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER F—POULTRY IMPROVEMENT

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

Miscellaneous Amendments

Pursuant to § 147.22 of Auxiliary Provisions on National Poultry and Turkey Improvement Plans and under section 101(b) of The Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), §§ 145.23 and 145.24 of Part 145, and §§ 146.30 and 146.31 of Part 146, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (e)(2) of § 145.23 is amended to read as follows:

§ 145.23 U.S. Performance Tested Parent Stock; entry.

* * * * *

(e) * * *

(2) The sample shall be taken from each sampled flock in the proportion the number of birds in each such flock are to the total number of birds in the flocks to be sampled. When the sample is taken from one flock, it shall be taken from each sampled house or pen in the proportion the number of birds in each such house or pen are to the number of birds in the flock.

2. Paragraph (a) (1) and (2) of § 145.24 are amended to read as follows:

§ 145.24 U.S. Performance Tested Parent Stock; flock qualification.

(a) * * *

(1) Performance Tested Parent Stock for egg production when such stock represented in one or more officially recognized central or multiple unit random sample egg production tests ranked in the upper one-fourth of the entries, after adjusting for location effects and number of tests entered, or was not significantly different from the lowest ranking entry of the upper one-fourth of the entries, in income above feed and chick costs per pullet housed.[1]

(2) Performance Tested Parent Stock for meat production when such stock represented in one or more officially recognized random sample meat production tests ranked in the upper one-fourth of the entries, after adjusting for location effects and number of tests entered, or was not significantly different from the lowest ranking entry of the upper one-fourth of the entries, in rate of egg production on a hen-housed basis and in rate of growth.[1]

3. Paragraph (i)(8) of § 146.30 is deleted and a new paragraph (i)(8) is added, to read as follows:

§ 146.30 Central turkey meat production test.

* * * * *

(i) * * *

(8) The percentage of birds with the following defects: Pendulous crop, roach back, leg weakness, and breast blisters.

4. Paragraph (f)(8) of § 146.31 is deleted and a new paragraph (f)(8) is added, to read as follows:

§ 146.31 On-the-farm turkey meat production test.

* * * * *

(f) * * *

(8) The percentage of birds with the following defects: Pendulous crop, roach back, leg weakness, and breast blisters.

(Sec. 101, 58 Stat. 734, as amended; 7 U.S.C. 429; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

These amendments are based on recommendations of the General Conference Committee. Some of the amendments relieve certain restrictions presently imposed under the National Poultry Improvement Plan and the National Turkey Improvement Plan, and should be made effective promptly in order to be of maximum benefit to affected persons. Other amendments imposing new requirements under the National Turkey Improvement Plan are consistent with a unanimous recommendation made to the Committee by the Supervisors of the presently operating central turkey meat production tests and should be made effective without delay in order better to effectuate the purposes of the Plan. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 10th day of August 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-6753; Filed, Aug. 13, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1201—PATENTS

Subpart A—Patent Provisions for Contracts

CONTRACT CLAUSES

The following miscellaneous amendments have been made to Clause IX-A of § 1201.190 *Appendix A—Contract clauses prescribed by this subpart:*

1. A new subparagraph (iv) is added to paragraph (a) of this clause as follows:

(a) * * *

(iv) "Subcontract" and "subcontractor" means any subcontract or subcontractor of the Contractor, and any lower-tier subcontract or subcontractor under this contract.

2. Paragraph (h)(i) of this clause is amended to make clear that all the provisions of the clause, except paragraphs (j) and (k) are to be included in appropriate subcontracts, regardless of the tier of such subcontracts. The first sentence of paragraph (h)(i) as amended, now reads as follows:

(h)(i) In each subcontract hereunder which, pursuant to specifications or special requirements, has as one of its purposes the performance of technical, scientific, or engineering work of the kind described below, the Contractor shall include, at no increase in the cost or price of the subcontract or of this contract by reason of such inclusion, all the provisions of this Property Rights in Inventions clause except provisions (j) and (k) below:

3. Paragraph (l) of this clause is amended to delete the word "only" occurring in line 2 of the first sentence of such paragraph so that the sentence now reads as follows:

(l) The provisions of this paragraph (l) shall be applicable if the technical, scientific, or engineering work to be performed hereunder relates to atomic energy.

(Sec. 203, Pub. 85-568)

The clause with the foregoing changes may be used beginning August 14, 1959, and is mandatory one month thereafter.

HUGH L. DRYDEN,
Deputy Administrator.

[F.R. Doc. 59-6726; Filed, Aug. 13, 1959; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950—)

State and Local Coverage and Reports

Regulations No. 4, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.1201(a) is amended to read as follows:

§ 404.1201 General effect of section 218 of the Act.

(a) *States.* Under the provisions of section 218 of the act a State may request the Secretary of Health, Education, and Welfare to enter into an agreement with the State for the purpose of extending to certain employees of the State and its political subdivisions protection accorded other employees by the old-age, survivors, and disability insurance system embodied in the Social Security Act. Each State may signify its intention to extend the benefits of the system to certain groups of its employees and to certain groups of employees of its political subdivisions by requesting the Secretary of Health, Education, and Welfare to enter into an agreement with the State to provide for coverage under the old-age, survivors, and disability insurance system of any one or more groups of such employees.

2. Section 404.1221(b) is amended to read as follows:

§ 404.1221 Rate and computation of contributions.

* * * * *

(b) *Contributions for calendar years after 1954.* (1) The rates of taxes imposed on employees by section 3101 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

	Percent
For the calendar years 1955 and 1956	2
For the calendar years 1957 and 1958	2¼
For the calendar year 1959	2½
For the calendar years 1960 to 1962, both inclusive	3
For the calendar years 1963 to 1965, both inclusive	3½
For the calendar years 1966 to 1968, both inclusive	4
For the calendar year 1969 and subsequent years	4½

(2) The rates of taxes imposed on employers by section 3111 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

	Percent
For the calendar years 1955 and 1956	2
For the calendar years 1957 and 1958	2¼
For the calendar year 1959	2½
For the calendar years 1960 to 1962, both inclusive	3
For the calendar years 1963 to 1965, both inclusive	3½
For the calendar years 1966 to 1968, both inclusive	4
For the calendar year 1969 and subsequent years	4½

3. Section 404.1227 is amended to read as follows:

§ 404.1227 Failure to make payments.

If any State which has entered into an agreement with the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act, as amended, does not pay the contributions at the time or times such contributions are due, the Secretary of Health, Education, and Welfare may deduct the amounts of such unpaid contributions plus interest from any amounts certified by him to the Secretary of the Treasury for payments to such State under title I, title IV, title V, title VI or title X of the Social Security Act, as amended. The Secretary of Health, Education, and Welfare will notify the Secretary of the Treasury of the amounts so deducted and request him to credit such amounts to the Trust Funds. Amounts so deducted shall be deemed to have been paid to the State under such other provision of the Social Security Act, as amended. (See § 404.1223 relating to time of payment; see § 404.1225 relating to rate of interest.)

4. Section 404.1240 (c) and (d) is amended to read as follows:

§ 404.1240 Identification numbers.

* * * * *

(c) *Unit numbers for payroll record units.* If a State or any political subdivision thereof maintains more than one payroll record unit with respect to the employees in any one or more coverage groups included under the agreement, the lists referred to in paragraphs (a) and (b) of this section shall also indicate the agencies, departments, or other branches of the State and of such political subdivisions, the records for which are maintained in each such payroll unit, the title of the official in charge of such payroll unit and the business address of such official. A unit number will be assigned to each separate payroll record unit within a State or within any political subdivision thereof.

(d) *Use.* The identification number (including coverage group numbers assigned to coverage groups and unit numbers assigned to payroll record units) shall be shown on the State's records, reports, returns, and claims to the extent required by §§ 404.1254, 404.1255(a), 404.1256, and 404.1263 and by the instructions relating to Forms OAR–S1, OAR–S2, OAR–S3, OAR–S4, and OAR–S11 to be used by States for reporting wages, adjustments, and contributions.

5. Section 404.1242(b) is amended to read as follows:

§ 404.1242 Duties of employee with respect to his account number.

* * * * *

(b) *Duties if employee does not have an account number card in his possession—(1) Where employee has no receipt for application for account number.* If when an individual first performs services in employment for wages as an employee in a coverage group included in an agreement, such individual does not have an account number card or a receipt issued to him by an office of the Social Security Administration acknowledging that application for an account number has been received, he shall furnish to the State or political subdivision by which he is employed, as the case may be, an application on Form SS–5 completely filled in and signed by him. If a copy of Form SS–5 is not available, the individual shall in lieu thereof furnish the State or political subdivision by which he is employed, as the case may be, a statement in writing, signed by him setting forth the date of the statement, his full name, present address, date and place of birth, father's full name, mother's full name before marriage, and the individual's sex and color, including a statement as to whether he has previously filed application on Form SS–5, and if so the date and place of such filing. The furnishing of an executed Form SS–5, or statement in lieu thereof, by the individual to the State or political subdivision, as the case may be, does not relieve such individual of his obligation to make application on Form SS–5 and file it with a district office of the Social Security Administration as required by § 404.1241; and when the individual has done so, and has received therefor a receipt acknowledging that application for an account number has been received, he shall promptly show such receipt to the State or political subdivision thereof by which he is employed. (For provisions related to the disposition to be made by the State of an executed Form SS–5 or a statement in lieu thereof furnished by the individual under this subparagraph, see § 404.1243(b)(2).)

(2) *Where employee has receipt.* If the individual for any reason does not have an account number card in his possession, he shall, in every case, show his account number card in accordance with paragraph (a) of this section as soon as he receives it, whether or not at that time he is still performing services in employment for wages as an employee in a coverage group included in an agreement. However, if such individual has available a receipt issued to him by an office of the Social Security Administration, acknowledging that application for account number has been received, the individual shall show such receipt and thereafter shall show his account number card promptly upon its receipt by him. (For provisions related to the duties of the State when an individual shows such a receipt see § 404.1243(a).)

6. Section 404.1243(b) is amended to read as follows:

§ 404.1243 Duties of State with respect to employees' account numbers.

* * * * *

(b) *Where employee has no account number.* In any case in which the individual has not shown his account number card to the State or political subdivision, as the case may be, prior to the time the State's report on Form OAR–S3 is filed for any quarter during which the employee receives wages from such State or political subdivision:

(1) If the individual has shown, as provided in § 404.1242(b) (1) or (2), a receipt of the Social Security Administration acknowledging that application for account number has been received from him, the State shall enter or cause to be entered on the report with the entry with respect to such individual the words "Temporary Receipt" together with the name and address of the individual exactly as shown in the receipt, the date of issue of the receipt, address of the issuing office; or

(2) If the individual has furnished, as provided in § 404.1242(b)(1), an executed Form SS–5, or statement in lieu thereof, the State shall attach or cause to be atached a copy of such form or statement to the report. The State shall retain or cause to be retained the copy executed by the individual until he shows his account number card; or

(3) If the individual has not shown his account number card or an executed Form SS–5, and does not submit a statement to the State or political subdivision by which he is employed, as provided in § 404.1242(b)(1), the State or political subdivision shall file a statement in writing with a district office of the Social Security Administration, setting forth the date of the statement, full name of the employee, his present address, date and place of birth, father's full name, mother's full name before marriage, and the individual's sex and color, and, in lieu of the employee's signature, a notation that the employee refused to file application for account number. An account number will be assigned to the employee and communicated to the State or political subdivision furnishing such statement, and such account number will be entered on the wage reports filed with respect to the wages of such employee. When the individual shows his account number card or receipt the State shall return or cause to be returned to the individual any executed Form SS–5 or statement in lieu thereof together with copies thereof, furnished by such individual to the State or political subdivision in accordance with § 404.1242(b)(1).

7. In § 404.1250, paragraphs (a)(1) and (3), (b), and (d)(3) are amended to read as follows:

§ 404.1250 Wage reports and contribution returns.

(a) *In general—(1) Wage reports.* Every State which enters into an agreement shall make or cause to be made, with respect to individuals performing services in employment as employees in a coverage group included in an agreement, a wage report on Form OAR–S3 for each calendar quarter (whether or not wages are paid therein), beginning with the first calendar quarter with respect to which the agreement is effective, until it files a final report as required by the provisions of § 404.1252. Every State shall make such wage report on Form OAR–S3 with respect to employees of the State in each coverage group included in an agreement and shall obtain, with respect to employees in every other coverage group included in the agreement a complete and correct wage report on Form OAR–S3 for the employees in each such coverage group. The State shall prepare a recapitulation report, Form OAR–S2, identifying each political subdivision by the identification number assigned to each political subdivision and, where appropriate, identifying each political subdivision and each coverage group by the coverage group number and the payroll record unit number assigned to it, in accordance with instructions relating to Form OAR–S2, and shall file the original of the recapitulation report, along with the original of each wage report (Form OAR–S3), with the Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland.

* * * * *

(3) *Contribution returns.* The State shall also file with the Federal Reserve Bank, or any branch thereof, serving the district in which the State is located, a quarterly contribution return (Form OAR–S1), and shall accompany such return with payment of the amount of contributions due and payable. A Certificate of Deposit (Form OAR–S11) shall be filed in quintuplicate. It is not necessary that any of the copies of Form OAR–S11 be signed by the depositing officer of the State. Form OAR–S1 shall be securely stapled to the back of the triplicate copy of Form OAR–S11. Checks for such contributions shall be made payable to the Treasurer of the United States. A copy of the contribution return (Form OAR–S1) shall be attached to the recapitulation report (Form OAR–S2) filed by the State with the Department of Health, Education, and Welfare. For the purposes of reports and returns under the act, the quarters shall each be three calendar months as follows: (i) January 1 to March 31, both dates inclusive; (ii) from April 1 to June 30, both dates inclusive; (iii) from July 1 to September 30, both dates inclusive; and (iv) from October 1 to December 31, both dates inclusive.

(b) *Employees performing services in more than one coverage group—(1) Employee of State in more than one coverage group.* Where an individual performs services in employment as an employee of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the State, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(2) *Employee of political subdivision in more than one coverage group.* Where an individual performs services in employment as an employee of a political subdivision of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the political subdivision, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(3) *Employee of State and of one or more political subdivisions.* Where an individual performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of a State in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by the State, shall be reported by the State in accordance with subparagraph (1) of this paragraph, and the aggregate wages paid to such employee by each political subdivision of the State, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each such political subdivision in accordance with subparagraph (2) of this paragraph.

(4) *Employee of more than one political subdivision.* Where an individual performs services in employment as an employee of one political subdivision in one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by each such political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955, not in excess of $4,200 paid in any calendar year after 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958 by each such political subdivision, shall be reported by each such political subdivision in accordance with subparagraph (2) of this paragraph.

* * * * *

(d) *Filing of single wage report where individual is jointly employed by more than one employer.* * * *

(3) There is filed by such agent one wage report for each calendar quarter on Form OAR–S3, which includes the aggregate of the wages paid to such individuals as employees of the State and as employees of any of its political subdivisions, or as employees of any two or more political subdivisions, as the case may be. In computing the aggregate wages to be reported, there shall be included in the wage report the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by the State and the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State, or, if the individual is not employed by the State, the wages (not in excess of $4,200 paid in any calendar year subsequent to 1954 and prior to 1959, and not in excess of $4,800 paid in any calendar year after 1958) paid or caused to be paid by each political subdivision of the State by which such individual is employed (for provisions relating to the furnishing of wage statements to employees, see § 404.1230).

8. Section 404.1252 (a) and (b) is amended to read as follows:

§ 404.1252 Final reports.

(a) *Termination of agreement.* A final report can be filed only by a State whose agreement with the Secretary has been terminated. The last report on Form OAR–S3 for each coverage group included in an agreement of any State whose agreement has been terminated shall be marked "final report." Such report shall be filed by the State in accordance with § 404.1250(a) at or before the time specified in § 404.1255(a) for the calendar quarter during which the final payment of wages subject to the agreement is made for services in employment performed by an individual as an employee in a coverage group, and shall plainly show the period covered and also the date of the last payment of wages. There shall be executed as a part of each final report a statement giving the title and business address of the official of the State responsible for keeping the records of the State and the title and business address of each official of the State and each official of its political subdivisions responsible for keeping the records of any political subdivision included in an agreement for the periods covered by the agreement in the event that it is necessary to communicate with the State or any of its political subdivisions regarding such records.

(b) *Partial termination of agreement.* If an agreement is not terminated in its entirety, but is terminated only with respect to one or more coverage groups, the last wage report on Form OAR–S3 for each such coverage group shall be marked "final report" and there shall be attached to each such report a statement setting forth the title and business address of the official responsible for keeping the records with respect to such coverage group or groups for the periods covered by the agreement. Such report shall be filed in the manner, at the time, and for the period as set forth in paragraph (a) of this section.

9. Section 404.1254 is amended to read as follows:

§ 404.1254 Use of prescribed forms.

(a) *Procurement of forms.* Copies of prescribed return and report forms will, as far as possible, be regularly furnished the State by the Department of Health, Education, and Welfare without application therefor. A State will not be excused from making a return, or report, however, by the fact that no return or report form has been furnished to it. States not supplied with the proper forms should make application therefor to the Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland, in ample time to have returns and reports prepared and verified, compiled and filed with the Department of Health, Education, and Welfare and Federal Reserve Banks on or before the due date (see § 404.1255 relating to the place and time for filing returns and reports, see also § 404.1252 relating to final reports).

(b) *Compliance with instructions.* Each contribution return and wage report, together with a copy thereof and any supporting data, shall be filled in and disposed of in accordance with the instructions and regulations applicable thereto. (See § 404.1255 relating to the place and time for filing returns and reports and § 404.1256 (c) and (e) relating to copies of returns, reports, schedules and statements, and to the place and period for keeping records.) The returns and reports should set forth fully and accurately the data therein called for. Returns and reports which have not been so prepared will not be accepted as meeting the requirements of the act nor the terms of the agreement under which the State is reporting. Only one wage report for a reporting period with regard to services covered under an agreement shall be filed by or for a State. Any supplemental, adjustment, or correctional wage report filed for such period in accordance with § 404.1261, § 404.1262, § 404.1263, or § 404.1264 shall constitute a part of such wage report. Individual wage reports of political subdivisions may not be filed directly with the Department of Health, Education, and Welfare by political subdivisions, but must be filed by the State as a part of the State's consolidated report.

(c) *Correction of errors.* If in a wage report or in any other manner the State fails to report or incorrectly reports to the Department of Health, Education, and Welfare the wages of an employee, the State shall fully advise the Department of Health, Education, and Welfare of the omission or error on a report of adjustments (Form (OAR–S4). The State shall include in such report the identification number of the political

subdivision involved, each calendar quarter for which the data were omitted or for which the incorrect data were furnished, the data incorrectly reported for each period, and the data which should have been reported. The State shall retain or cause to be retained a copy of each such Form OAR–S4 as a part of its records.

10. Section 404.1255(a) is amended to read as follows:

§ 404.1255 Place and time for filing contribution returns and wage reports.

(a) *In general.* Each wage report on Form OAR–S3, together with a recapitulation report (Form OAR–S2) shall be filed with the Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland. Contribution returns shall be filed in the manner prescribed in § 404.1250(a)(2), together with the contribution payment, with the Federal Reserve Bank, or branch thereof, serving the district in which the State is located. Such returns shall be filed with respect to contributions for any wage payment or any supplemental wage payment reported on Form OAR–S3. Such returns shall also be filed if contributions are payable with respect to any adjustment of wages reported on Form OAR–S4 or Form OAR–S19. Except as provided in the next sentence and in paragraph (b) of this section, the contribution return and wage report for any calendar quarter any part of which is in the first 12-month period following the date of acceptance of an agreement by the Secretary (but not including the date of acceptance of any modification thereof) shall be filed on or before the last day of the second month following the calendar quarter for which it is made; the contribution return and wage report for any subsequent calendar quarter shall be filed on or before the fifteenth day of the second month following the calendar quarter for which it is made. Except as provided in paragraph (b) of this section, contribution returns and wage reports filed by or on behalf of an instrumentality of two or more States for any calendar quarter no part of which is in the first 12-month period following the date of acceptance of an agreement (but not including the date of acceptance of any modification thereof) shall be filed on or before the last day of the first month following the calendar quarter for which it is made. *Provided, however,* That the Secretary, for good cause shown, may, upon application by a State, allow such further time as he may deem proper for the filing of contribution returns and wage reports for the periods for which they are made. The official responsible for preparing wage reports on Form OAR–S3 for the State and the official responsible for preparing wage reports on Form OAR–S3 for each political subdivision (or, if the State or political subdivision shall designate its coverage groups or payroll units, the wage reports on Form OAR–S3 for such coverage groups or payrolls units) shall file the Form OAR–S3 with the State agency on or before the last day of the first month following the calendar quarter for which it is made. If wage reports on Form OAR–S3 for the State or for all the political subdivisions included in the agreement have not been received by the State in time to permit the State to file a completed consolidated wage report and the completed contribution return on or before the due date, the State shall indicate on the recapitulation report (Form OAR–S2) each political subdivision or coverage group with respect to which no report on Form OAR–S3 has been received for the calendar quarter for which the consolidated report is being submitted. The State, promptly upon receipt of the wage report for the delinquent political subdivision, shall file such report, with the Department of Health, Education, and Welfare and shall file with the Federal Reserve Bank, or branch thereof, a contribution return with respect to wages reported in such report and shall pay the contributions thereon plus interest. If the last day for filing any contribution return or wage report falls on Sunday or a legal holiday, the return or wage report may be filed on the next following business day. If placed in the mails, the contribution return or wage report shall be posted in ample time to reach the Federal Reserve Bank, or branch thereof, or the Department of Health, Education, and Welfare under ordinary handling of the mails on or before the due date. (As to interest assessable for failure to file a contribution return within the prescribed time see § 404.1226.)

11. Section 404.1262 (a) and (b) is amended to read as follows:

§ 404.1262 Adjustment of overpayment of contributions.

(a) *In general.* If a State pays more than the correct amount of contributions, the State shall cause the adjustment of the overpayment by reporting such amount either as an adjustment of total contributions due with the first quarterly wage report filed after notification of the overpayment by the Social Security Administration or as a single adjustment of total contributions due with any contribution return filed prior to the filing of such quarterly wage report. Such report or return shall include, or be accompanied by, a statement of the reason for the overpayment and of the reason why adjustment is in order.

(b) *Overpayment due to overreporting of wages.* If the overpayment is due to an overreporting of the amount of wages paid to one or more employees during one or more calendar quarters, and such overpayment is not adjusted in accordance with paragraph (a) of this section, a report on Form OAR–S4 showing the amount or amounts of wages previously reported for the quarter or quarters and the correct amount or amounts of wages, if any, paid to such employee in such calendar quarter or quarters, shall be filed upon ascertainment of the error by the State, together with a copy of the Form OAR–S1 prepared in accordance with the instructions contained thereon. Such report shall include, or be accompanied by, a statement of the reason why the original reporting of wages was incorrect.

12. The titles of paragraphs (a) and (b) of § 404.1263 are amended to read as follows:

§ 404.1263 Refund or recomputation of overpayments which are not adjustable.

(a) *When payment has been made.* * * *

(b) *When payment has not been made.* * * *

(Sec. 205(a), 53 Stat. 1368 as amended, section 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; section 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Interprets and applies sec. 218 (e) and (l), 64 Stat. 514, 42 U.S.C. 418 (e) and (l))

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: July 31, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

AUGUST 10, 1959.

[F.R. Doc. 59–6734; Filed, Aug. 13, 1959; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

SUPPLEMENTAL NEW-DRUG APPLICATIONS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500; 21 CFR, 1958 Supp., 130.4), the procedural and interpretative regulations pertaining to new drugs (21 CFR, 1958 Supp., 130.9) are amended as follows:

1. Section 130.9 is amended by designating the present text of the section as paragraph (a); by changing the fifth sentence to read: "A supplemental application is not required when the article is no longer a new drug, under the labeling submitted in the new-drug application, unless the proposed change itself causes it to become a new drug"; and by designating this sentence as paragraph (c).

2. Section 130.9 is further amended by adding thereto a new paragraph designated as (b).

As amended, § 130.9 reads as follows:

§ 130.9 Supplemental applications.

(a) After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.

(b) The submission of a supplemental new-drug application is not required for changes made in the new drug, or in its labeling, or in the manufacturing facilities, or controls under which it is produced, that are not significant from the standpoint of the safety of the new drug as established by the original new-drug application. The holder of an effective new-drug application should submit to the New Drug Branch, in writing, full details of any proposed change or changes, and he will be notified in writing whether, in the Food and Drug Administration's opinion, a supplemental application is required for such change or changes.

(c) A supplemental application is not required when the article is no longer a new drug, under the labeling submitted in the new-drug application, unless the proposed change itself causes it to become a new drug.

Compliance with the notice of proposed rule-making, public procedure, and delayed effective date contemplated by section 4 of the Administrative Procedure Act is not necessary in connection with the promulgation of this order and would be contrary to the public interest, and I so find, since the amendment effected relieves the affected industry of certain restrictions heretofore applied and since the public and the affected industry will benefit by the earliest effective date.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 505, 52 Stat. 1052, 1053; 21 U.S.C. 355)

Dated: August 7, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 59–6731; Filed, Aug. 13, 1959; 8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER B—RESPIRATORY PROTECTIVE APPARATUS; TESTS FOR PERMISSIBILITY; FEES

[Bureau of Mines Schedule 23B]

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS, INCLUDING PAINT SPRAY RESPIRATORS)

There was published in the FEDERAL REGISTER of May 12, 1959 (24 F.R. 3795), a notice and text of proposed revision of the regulations of Subchapter B of Title 30, Code of Federal Regulations, prescribing procedures for testing and approving nonemergency Gas Respirators (Chemical Cartridge Respirators, Including Paint Spray Respirators).

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections concerning the proposed revision. Two suggestions for modification were received but after careful consideration it was decided to make no change. The proposed revision of the regulations, therefore, is adopted without change and is set forth below.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: August 8, 1959.

FRED A. SEATON,
Secretary of the Interior.

Part 14a of Title 30 reads as follows:

Subpart A—General Provisions

Sec.
14a.1 Purpose.
14a.2 Definitions.
14a.3 Consultation.
14a.4 Types of respirators for which certificates of approval may be granted.
14a.5 Fees for investigation.
14a.6 Applications.
14a.7 Date for conducting tests.
14a.8 Conduct of investigations, tests, and demonstrations.
14a.9 Certificates of approval.
14a.10 Approval labels and markings.
14a.11 Material required for record.
14a.12 Changes after certification.
14a.13 Withdrawal of certification.

Subpart B—Respirator Requirements

14a.20 Design and construction.
14a.21 Component parts.
14a.22 Cartridges and containers—color and markings.
14a.23 Facepiece.
14a.24 Breathing tube.
14a.25 Harness.
14a.26 Cartridges in parallel.
14a.27 Materials of construction.

Subpart C—Test Requirements

14a.30 Facepiece tests.
14a.31 Cartridge tests.
14a.32 Mechanical filter tests.
14a.33 Tests of complete nonemergency gas respirator.

AUTHORITY: §§ 14a.1 to 14a.33 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7, 482. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 68 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 14a.1 Purpose.

The regulations in this part set forth the requirements for nonemergency gas respirators to procure their certification as approved for use in atmospheres containing limited concentrations of organic vapors with or without particulate contaminants, including such atmospheres in coal mines; procedures for applying for such certification; and fees.

§ 14a.2 Definitions.

As used in this part—

(a) "Permissible," as applied to nonemergency gas respirators (chemical cartridge respirators, including paint spray respirators) means that the respirator conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the respirator has met the requirements of this part for nonemergency gas respirators and authorizing the use and attachment of an official approval label or marking so indicating.

(d) "Nonemergency gas respirator" means a completely assembled device (chemical cartridge respirator, including paint spray respirator) designed to provide respiratory protection against atmospheres which contain not more than 0.1 percent by volume [1] (1,000 parts per million (p.p.m.)) of organic vapors; and which are not immediately dangerous to life but which may produce discomfort, or a chronic type of poisoning or affection after repeated exposure, or mild or acute adverse physiological symptoms after prolonged exposure.

(e) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs and manufactures, or assembles, a nonemergency gas respirator and seeks a certificate of approval thereof.

§ 14a.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, and discuss with qualified Bureau personnel proposed designs of respirators to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 14a.4 Types of respirators for which certificates of approval may be granted.

(a) Certificates of approval will be granted for completely assembled nonemergency gas respirators only and not for individual parts or subassemblies.

[1] All concentrations given in this part have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

(b) Two types of nonemergency gas respirators may be certified for protection against atmospheres containing not more than 0.1 percent by volume (1,000 parts per million (p.p.m.)) of organic vapors as follows:

(1) *Type B.* For protection against organic vapors, such as acetone, alcohol, benzene, carbon tetrachloride, ether, formaldehyde, gasoline and petroleum distillates, and toluene.

(2) *Type BE.* For protection against organic vapors in combination with dusts, fumes, and mists, including dispersoids from paint-spraying operations.

NOTE: The type letter E indicates protection against particulate contaminants.

§ 14a.5 Fees for investigation.

(a) The full fee must accompany an application for testing a respirator or for retesting equipment that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(b) The fee for tests covering only part of a complete investigation will be charged according to the work involved and will be in proportion to that charged for a complete investigation. The fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(c) The fee for an extension of certification will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(d) The following fees are charged for testing types B and BE nonemergency gas respirators:

(1) Type B—Organic vapors, complete respirator	$510
(2) Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee for filter tests in addition to that required for Type B:	
(i) Pneumoconiosis - producing and nuisance dusts	130
(ii) Toxic dusts	160
(iii) Dusts—combination of (i) and (ii)	190
(iv) Fumes	190
(v) Silica mist	160
(vi) Chromic acid mist	220
(vii) Mists of paints, lacquers, and enamels	670
(3) Facepiece alone	60
(4) Cartridge(s) alone	450
(5) Additional examination and tests of respirator in connection with other tests, per man-day required	40
(6) Fees for testing unusually complicated equipment or for unusual tests or other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly in writing and the fee shall be paid before the tests are begun.	

§ 14a.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related materials. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

(b) The application shall state that the respirator has been subjected to inspections and tests described in Subparts B and C, and that the device has met these requirements when tested by the applicant or his testing agency. Two copies of the results of all the applicant's inspections and tests shall accompany the application.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the respirator and to disclose its materials and detailed dimensions of all parts. Specifications must be given for materials, components, and subassemblies.

(d) The application shall state the purpose of the respirator, giving the types and specific kinds of atmospheric contaminants against which it is designed to furnish respiratory protection.

(e) The application shall state that the respirator is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(f) The application shall state the nature, adequacy, and continuity of control of the absorbents for gases or vapors, and characteristics of the filter material. The statement shall describe how each lot of absorbent and filter material will be sampled and tested to maintain its protective qualities before it is used in the applicant's nonemergency gas respirator. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment and control-test records, and to interview the personnel who conduct the control tests to satisfy the Bureau that the proper procedure is being followed to insure the safety of the wearer of the nonemergency gas respirator for the intended service.

(g) When the Bureau notifies the applicant that the application will be accepted, it will also notify him as to the number of completely assembled respirators that will be required for testing together with the number of cartridges, filters, and other parts. All materials required for testing must be delivered (charges prepaid) to the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania.

§ 14a.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 14a.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose the results of chemical analyses of materials, or any details of the applicant's drawings, specifications, and related material. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 14a.9 Certificates of approval.

(a) Upon completion of investigation of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the respirator upon which the certificate of approval is based. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to the respirator which has received a certificate of approval, and these are to be adhered to exactly in production of the certified respirator for commercial purposes, in addition to the applicant's control of absorbents and filter materials.

§ 14a.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by photographs of designs for approval labels—one for the complete nonemergency gas respirator, one for the cartridge, and one for the filter unit if separate from the cartridge. The labels shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE NONEMERGENCY GAS RESPIRATOR, OR PERMISSIBLE CARTRIDGE FOR ORGANIC VAPORS OR ORGANIC VAPORS AND _____
_____
(Applicable type of dispersoid)

U.S. BUREAU OF MINES APPROVAL NO. ------
ISSUED TO _____
(Name of applicant)
Approved for respiratory protection in atmospheres not immediately dangerous to life and containing not more than 0.1 percent by volume of organic vapors (and also approved for protection against the inhalation of _____).
(Applicable type of dispersoid)
The approved assembly consists of BM ------ facepiece, BM ------ cartridge, and BM ------ filter (if Type BE).

(b) Appropriate instructions and caution statements on the use and limitations of the respirator shall be included on the approval label(s).

(c) One label shall be reproduced legibly on the outside of the container of the nonemergency gas respirator. The label for the cartridge shall be reproduced legibly on the outside of the cartridge. If a separate filter is used, a label, similar to that for filters covered by Part 14 of this subchapter, shall be reproduced on the outside of the container of extra filters.

(d) The facepiece shall be marked in a legible and permanent manner with the appropriate approval number. If a separate filter is used, each filter shall be marked with the appropriate approval number and with the type or types of dispersoid covered by the approval.

(e) Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Bureau's Central Experiment Station for approval before final adoption.

(f) Use of the Bureau's approval label obligates the applicant to whom the certificate of approval was granted to maintain the quality of the complete respirator and guarantees that the complete respirator is manufactured and assembled according to the drawings and specifications upon which the certificate of approval was based. Use of the approval label or marking is not authorized except on respirators that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 14a.11 Material required for record.

(a) The Bureau reserves the right to retain a complete respirator or any component thereof that has been tested and certified as part of the permanent record of the investigation. Material not required for record will be returned to the applicant upon his request and at his expense on written shipping instructions to the Bureau's Central Experiment Station.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver a complete unit free of charge to the Bureau's Central Experiment Station.

§ 14a.12 Changes after certification.

If an applicant desires to change any feature of a certified nonemergency gas respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material(s) as in the case of an original application.

(b) The application and accompanying material(s) will be examined by the Bureau to determine whether testing of the modified respirator or component will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the respirator. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 14a.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certificate of approval granted under this part.

Subpart B—Respirator Requirements

§ 14a.20 Design and construction.

The Bureau will not test or investigate any nonemergency gas respirator that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed on sound scientific principles. Adequacy of design and construction will be determined with reference to the following factors: Kind and durability of materials; durability of construction; practicality of operation for the wearer, such as freedom of movement, field of vision, fit of facepiece, and lack of discomfort; and performance characteristics during the investigation, including physiological effects on the wearer of the respirator. Since all possible designs, arrangements, or combinations of materials and components cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on a respirator or part thereof not specifically covered herein to safeguard the wearer of such equipment.

§ 14a.21 Component parts.

All component parts of a respirator shall be designed, constructed and fitted in such manner that they will not create a hazard to the wearer of the equipment. Cartridges and other parts of necessarily short life or period of use shall be easily replaceable and after replacement the tightness of the whole respirator shall be such as to protect the wearer against leaks of contaminated air.

§ 14a.22 Cartridges and containers; color and markings.

(a) The color and marking of a type B or BE cartridge shall conform with the latest revision of the "American Standard Safety Code for Identification of Gas-Mask Canisters."

(b) Cartridges shall be sealed to protect them against moisture during storage. Mechanical filter units shall be protected by containers such as envelopes, boxes, or bags.

(c) A substantial, durable container shall be provided for each nonemergency gas respirator to protect it when not in use. The respirator and its container shall be marked distinctly with the name of the applicant, and the type, letter, or number by which the respirator is commonly known.

§ 14a.23 Facepiece.

(a) Only the half-mask type facepiece will be accepted for testing. It shall be so constructed as to assure a quick gas-tight fit on persons of various facial shapes and sizes.

(b) The half-mask facepiece shall not interfere with the wearer's use of goggles.

(c) Each facepiece shall be equipped with double head bands, which shall be elastic, adjustable, and replaceable.

(d) Cloth covering shall not be used for the face-contacting portion of the facepiece.

(e) An inhalation check valve(s) shall be provided to prevent exhaled air from coming in contact with the absorbent or the mechanical filter. An exhalation valve(s) also shall be provided, which shall be protected against damage or malfunctioning.

§ 14a.24 Breathing tube.

When a flexible breathing tube is part of the respirator construction, it shall permit free head movement and shall not shut off the breathing of the wearer because of kinking, chin or arm pressure, or otherwise interfere with the wearer.

§ 14a.25 Harness.

When a respirator is equipped with a harness, it shall be so constructed that it will hold the cartridge(s) and filter(s) securely in position against the wearer's body. The harness shall permit convenient replacement of cartridge(s) and filter(s) and shall provide for holding the facepiece in the "ready" position when the facepiece is not in use.

§ 14a.26 Cartridges in parallel.

When two cartridges are used in parallel on a respirator, their resistances to air flow shall be essentially equal.

§ 14a.27 Materials of construction.

(a) All parts of the respirator, especially rubber or plastic, that are in direct contact with portions of the wearer's body shall be of non-irritating composition.

(b) All materials that are used in the construction of facepieces shall withstand repeated disinfection by methods recommended by the applicant and acceptable to the Bureau.

NOTE: The accepted method for disinfection shall be described in the instructions for use of the respirator supplied by the applicant.

Subpart C—Test Requirements

§ 14a.30 Facepiece tests.

(a) The complete nonemergency gas respirator shall be fitted to the faces of 15 to 20 persons having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these subjects, the exhalation valve shall be held closed, without disturbing the fit of the respirator, and each subject shall

exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and each wearer's face shall indicate satisfactory fit of the facepiece.

(b) Eight of the persons who participated in the test described in paragraph (a) of this section, each wearing the complete nonemergency gas respirator for protection against organic vapors, shall enter an atmosphere containing 0.01 percent by volume (100 p.p.m.) of isoamyl acetate vapor. Ten minutes shall be spent in work designed to provide observation on freedom from leaks, freedom of movement, and freedom from discomfort to the wearers. The time shall be divided as follows:

5 minutes---- Walking, moving head from side to side, nodding, and bending the body at the waist.
5 minutes---- Pumping air with a hand-operated tire pump into a 1-cubic foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.

To meet the requirements of this test no isoamyl acetate shall be detected by odor in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the respirator.

§ 14a.31 Cartridge tests.

(a) *General.* Cartridges shall meet the requirements of the machine tests as set forth below. These tests are made on an apparatus that is constructed to allow the test atmosphere to enter the cartridges continuously at pre-determined concentrations and rates of flow, and that has means for determining the life of the cartridges. When two cartridges are used in parallel on a respirator, the tests will be performed with the cartridges arranged in parallel and the test requirements will apply to the combination rather than to the individual cartridges.

(b) *Low-rate-of-flow and high-rate-of-flow tests.* The test conditions and requirements for these tests are listed in Table 1.

TABLE 1—REQUIREMENTS FOR MACHINE TESTS

[Relative humidity of test atmosphere: 50±5 percent. Temperature: Room temperature (approximately 25° C.). Test atmosphere: Carbon tetrachloride vapor, 0.1 percent by volume (1,000 p.p.m.)]

	Number of cartridges [1]	Rate of air flow, liters per minute	Maximum allowable leakage, p.p.m.	Minimum life, minutes [2]
Low-rate-of-flow	3	32	5	100
High-rate-of-flow	2	64	5	50
Chemical stability	4	32	5	45

[1] This number refers to pairs of cartridges if 2 are used in parallel on the respirator.
[2] The values given for minimum life apply to each cartridge or to each pair of cartridges. Tests shall be continued until the maximum allowable leakage occurs.

(c) *Chemical stability.* The chemical stability of the cartridges under dry and humid conditions shall be determined as follows:

(1) Two cartridges or two pairs of cartridges shall be treated at room temperature [3] by passing carbon dioxide-free air of 25 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(2) Two cartridges or two pairs of cartridges shall be treated at room temperature by passing carbon dioxide-free air of 85 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(3) After this treatment, these cartridges shall be resealed as received, kept in an upright position at room temperature, and tested within 18 hours under the conditions given in Table 1 for chemical stability.

§ 14a.32 Mechanical filter tests.

(a) *Tests for protection against dusts, fumes, and mists, excepting mists of paints, lacquers, and enamels.* Cartridges containing, or having attached to them, filters for protection against dusts, fumes, and mists, excepting mists of paints, lacquers, and enamels, will be tested to determine their ability to protect against the inhalation of organic vapors according to the requirements of § 14a.31 and, in addition, will be tested according to the requirements of Part 14 of this subchapter. However, the maximum allowable inhalation resistance of complete Type BE respirators, at a rate of air flow of 85 liters per minute, shall be 76 millimeters (3 inches) of water rather than 50 millimeters (2 inches) of water allowed for dust, fume, and mist respirators by Part 14 of this subchapter.

(b) *Tests for protection against mists of paints, lacquers, and enamels.* Cartridges containing, or having attached to them, filters for protection against mists of paints, lacquers, and enamels will be tested to determine their ability to protect against the inhalation of organic vapors according to the requirements of § 14a.31 and, in addition, will be tested under the following conditions: Number of respirators to be tested against each mist aerosol—3; temperature—room temperature, approximately 25° C; type of flow—continuous; rate of flow of aerosol to respirator—32 liters per minute; rate of flow of air through test chamber—20 to 25 air changes per minute; atomizer—Spraying Systems Company 1/4J Pneumatic Atomizing Nozzle with Set-up 1A, or equivalent, operating at an air pressure of 10 p.s.i. gage; test aerosol—lead paint mist, lacquer mist, and enamel mist.

(1) *Lead paint mist.* (i) The test aerosol shall be prepared by atomizing a mixture of eight volumes of red lead paint and one volume of mineral spirits. The red lead paint shall conform essentially to Federal Specifications TT–P–86a, Type I, May 4, 1949, and Amendment 1, April 27, 1951, and any later amendments and revisions of this specification. The concentration of lead (Pb) in the test aerosol shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 312 minutes (equivalent to drawing 10 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams for any one of the three respirators.

(2) *Lacquer mist.* (i) The test aerosol shall be prepared by atomizing a mixture of one volume of clear cellulose nitrate lacquer and one volume of lacquer thinner. The lacquer used shall conform essentially to Federal Specification TT–L–31, October 7, 1953, and any later amendments and revisions of this specification. The concentration of cellulose nitrate in the test aerosol shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 156 minutes (equivalent to drawing 5 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, weighed as cellulose nitrate, shall not exceed 5 milligrams for any one of the three respirators.

(3) *Enamel mist.* (i) The test aerosol shall be prepared by atomizing a mixture of one volume of white enamel and one volume of turpentine. The enamel used shall conform essentially to Federal Specification TT–E–489b, May 12, 1953 (an enamel having a phthalic alkyd resin vehicle and a titanium dioxide pigment) and any later amendments and revisions of this specification. The concentration of pigment in the test aerosol, weighed as ash, shall be 95–125 milligrams per cubic meter.

(ii) The test aerosol shall be drawn to each respirator for a total of 312 minutes (equivalent to drawing 10 cubic meters of the test aerosol to each respirator).

(iii) Under these test conditions, the total amount of unretained mist, weighed as ash, shall not exceed 2 milligrams for any one of the three respirators.

§ 14a.33 Tests of complete nonemergency gas respirator.

(a) *Resistance to air flow.* There are no specific requirements for the resistance of the cartridges or mechanical filters to air flow; only the resistance of the complete respirator to air flow will be considered. The maximum allowable resistance of the complete respirator to a continuous flow of air at a rate of 85 liters per minute is as follows:

(1) Respirators for protection against organic vapors only: Inhalation, 50 millimeters (2 inches) of water; exhalation, 25 millimeters (1 inch) of water.

(2) Respirators for protection against (i) organic vapors and dusts, fumes, and mists, or (ii) organic vapors and mists of paints, lacquers, and enamels: Inhalation, 76 millimeters (3 inches) of water; exhalation, 25 millimeters (1 inch) of water.

(b) *Man tests.* (1) Complete nonemergency gas respirators will be worn by two persons in an atmosphere containing 0.5 percent by volume (5,000 p.p.m.) of carbon tetrachloride vapor.[4]

(2) During this test they will perform the following schedule of exercise:

5 minutes ---- Walking vigorously.
5 minutes ---- Sitting at rest.
10 minutes --- Stationary running and calisthenic arm movements.
5 minutes ---- Sitting at rest.
5 minutes ---- Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.
5 minutes ---- Sitting at rest.

(3) The test will be continued until the odor of carbon tetrachloride is detected by the wearers, repeating the schedule if necessary.

(4) To meet the requirements of this test the respirators shall give complete respiratory protection to the wearers for 30 minutes. Undue discomfort must not be experienced because of fit or other physical or mechanical features of the respirator.

[F.R. Doc. 59–6720; Filed, Aug. 13, 1959; 8:45 a.m.]

[3] For uniformity of test conditions, this temperature shall be between 23° and 27° C.

[4] A concentration of 5,000 p.p.m. was chosen to shorten the man-test time to about one-fifth of that required for 1,000 p.p.m. The use of this high concentration under carefully controlled laboratory conditions by experienced personnel does not in any way alter the maximum concentration for which approval will be granted, namely, 0.1 percent (1,000 p.p.m.) of organic vapors.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 95 — TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Increases in Compensation for Sea Transportation of Surface Mail and Formal Declaration of Service Elements Included in Compensation

The following amendments are made by the Department to § 95.4 *Compensation for transportation of surface mail:*

1. In general the rates are increased by fifteen per cent for the sea transportation of United States mail by American registry vessels.

2. The provisions made obsolete because of the reservation the United States took to the "free transit" provisions of the Convention of the Postal Union of the Americas and Spain (Bogota, 1955) are deleted; and,

3. The amendment expressly sets forth the Department's long-held, consistent, and well-known position that payment on a net weight basis is intended as full compensation for the weight of the covering mail bags, the return of empty equipment, the cartage from post offices to the piers, and for the sea transit.

The regulations relate to a proprietary function of the Government and confer a benefit upon the steamship companies affected. The regulations are, therefore, exempt from the rulemaking requirements of section 1003 of Title 5, United States Code. The Department has determined a general voluntary notice of proposed rulemaking is unnecessary and also has found good cause exists to make the amendment effective August 16, 1959.

The amendment is as follows:

I. Section 95.4 *Compensation for transportation of surface mail,* is amended, effective August 16, 1959, to read as follows:

§ 95.4 Compensation for transportation of surface mail.

(a) Definite rates: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of United States and foreign registry at the rates specified in the schedule below. The word "mails" includes parcel post.

Distance conveyed (nautical miles)	(1) Rates for: United States Mails (except U.S. Mails transhipped from the Canal Zone), on steamships of United States registry (cents per pound, net weight)	(2) Rates for: 1. All mails on steamships of foreign registry; and 2. United States Mails transhipped from Canal Zone and foreign closed transit mails on steamships of United States registry (cents per pound, net weight)
Up to 300 miles	3.6	1.8
Over 300 up to 600 miles	3.6	2.5
Over 600 up to 1,000 miles	3.6	3.1
Over 1,000 up to 1,500 miles	4.1	3.6
Over 1,500 up to 2,000 miles	5.4	4.0
Over 2,000 up to 2,500 miles	5.4	4.4
Over 2,500 up to 3,000 miles	5.4	4.7
Over 3,000 up to 3,500 miles	5.8	5.0
Over 3,500 up to 4,000 miles	6.1	5.3
Over 4,000 up to 5,000 miles	6.4	5.6
Over 5,000 up to 6,000 miles	7.0	6.1
Over 6,000 up to 7,000 miles	7.5	6.5
Over 7,000 up to 8,000 miles	7.8	6.8
Over 8,000 miles	8.0	7.1

(b) Mails dispatched from more than one port in the United States: When mail is dispatched from more than one port in the United States this section shall not prevent a carrier from accepting the lowest rate applicable from the United States to port of destination.

(c) The rates prescribed in paragraph (a) of this section, while measured by the net weight of the mails alone, are intended to include payment for the transportation, at the companies' expense and without additional payment by the Post Office Department, of the covering mail bags, the return of the empty mail bags, and the truck transportation from the post offices to the piers. Acceptance by steamship companies of mails for transportation constitutes an acceptance of this method of computing payment.

(R.S. 161, as amended, 396, as amended, 4009, as amended, sec. 1, 62 Stat. 777, 784, as amended; 5 U.S.C. 22, 369, 18 U.S.C. 1698, 1724, 39 U.S.C. 654)

HERBERT B. WARBURTON,
General Counsel.

The foregoing regulations, as amended, are adopted as the regulations of the Department.

ARTHUR E. SUMMERFIELD,
Postmaster General.

[F.R. Doc. 59–6806; Filed, Aug. 13, 1959; 11:13 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published on April 29, 1959 (24 F.R. 3326), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., on or before June 1, 1959, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose, among others, of specifying open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Fish and Wildlife Service, State game departments, and from other sources, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1959–60 seasons on rails, gallinules, woodcock, mourning and white-winged doves, and band-tailed pigeons. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on applicable members of these species; such hunting seasons to conform to the season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Accordingly, each State game department has had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open

seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that §§ 6.41, 6.46, and 6.51 should be amended as indicated below and that a new § 6.52 shall be added.

1. Section 6.41 is amended to read as follows:

§ 6.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1959, and January 15, 1960, as follows:

(a) *Mourning doves.*

Daily bag limit	10
Daily possession limit	20
Seasons in:	
Alabama [1] [2]	Oct. 1–Oct. 31. Nov. 29–Jan. 1.
Arizona [3]	Sept. 1–Sept. 27 Dec. 12–Jan. 3.
Arkansas [1]	Sept. 1–Oct. 5. Dec. 17–Jan. 15.
California [3]	Sept. 1–Sept. 30.
Colorado	Sept. 1–Oct. 20.
Connecticut	Closed season.
Delaware [1]	Sept. 18–Oct. 22. Nov. 20–Dec. 19.
District of Columbia	Closed season.
Florida [1]	See footnote 3.
Georgia [1]	Sept. 16–Oct. 5. Dec. 2–Jan. 15.
Idaho	Sept. 1–Sept. 15.
Illinois [1]	Sept. 1–Nov. 4.
Indiana	Closed season.
Iowa	Do.
Kansas	Sept. 1–Oct. 20.
Kentucky [1]	Sept. 1–Nov. 4.
Louisiana [1]	Sept. 5–Sept. 20. Nov. 26–Jan. 13.
Maine	Closed season.
Maryland [1]	Sept. 16–Oct. 30. Dec. 17–Jan. 5.
Massachusetts	Closed season.
Michigan	Do.
Minnesota	Do.
Mississippi [1]	Sept. 9–Sept. 28. Dec. 2–Jan. 15.
Missouri	Sept. 1–Oct. 10. Nov. 10–Nov. 19.
Montana	Closed season.
Nebraska	Do.
Nevada	Sept. 1–Oct. 20.
New Hampshire	Closed season.
New Jersey	Do.
New Mexico [2]	Sept. 1–Oct. 20.
New York	Closed season.
North Carolina [1]	Sept. 12–Oct. 10. Dec. 11–Jan. 15.
North Dakota	Closed season.
Ohio	Do.
Oklahoma	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 27.
Pennsylvania [1]	Sept. 1–Nov. 4.
Rhode Island [1]	Nov. 1–Dec. 31.
South Carolina [1]	Sept. 14–Oct. 10. Dec. 3–Jan. 9.
South Dakota	Closed season.
Tennessee [1]	Sept. 1–Oct. 21. Dec. 19–Jan. 1.
Seasons in:	
Texas [1] [2]	See footnote 4.
Utah	Sept. 1–Sept. 27.
Vermont	Closed season.
Virginia [1]	Sept. 15–Nov. 18.
Washington	Sept. 1–Sept. 30.
West Virginia [1]	Oct. 3–Dec. 5.
Wisconsin	Closed season.
Wyoming	Do.

[1] Shooting hours in States indicated, 12 o'clock noon until sunset except on Sept. 11, 13, and 15; in Texas the shooting hours are from 2:00 p.m. until sunset.

[2] In Alabama and Arizona the daily bag and possession limit is 10 mourning doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 10 singly or in the aggregate of both kinds and the possession limit is 20 singly or in the aggregate of both kinds. In Texas the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20 of which not more than 10 may be white-winged doves.

[3] *Florida.* Mourning doves in Hardee, De Soto, Highlands, Glades, Charlotte, Lee, Hendry, Collier, Okeechobee, Brevard, Volusia, St. Johns, Flagler, and that portion of Putnam county east of the St. John's River—November 26 to January 6; in the rest of the State October 10–November 1 and November 26–January 6.

[4] *Texas.* Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 20; in the rest of the State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 1–Nov. 19; in these latter counties Sept. 11, 13, and 15 and from Oct. 1–Nov. 16.

(b) *White-winged doves.*

Daily bag and possession limit	(1)
Seasons in:	
Arizona	Sept. 1–Sept. 27. Dec. 12–Jan. 3.
California, Counties of:	
Imperial	Sept. 1–Sept. 30.
Riverside	Do.
San Bernardino	Do.
Remainder of State	Closed season.
New Mexico	Sept. 1–Oct. 20.
Texas: [1]	
Counties of:	
Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, Zapata	Sept. 11, 13, and 15.
Remainder of State	Closed season.

[1] In Arizona the daily bag and possession limit is 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 10 singly or in the aggregate of both kinds, and the possession limit is 20 singly or in the aggregate of both kinds. In Texas the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20 of which not more than 10 may be white-winged doves.

(c) *Band-tailed pigeons.*

Daily bag and possession limit	6
Seasons in:	
California:	
Counties of:	
Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama, Trinity	Oct. 1–Oct. 31.
Remainder of State	Dec. 11–Jan. 10.
Oregon	Sept. 1–Sept. 27.
Washington	Sept. 1–Sept. 30.

2. Section 6.46 is amended to read as follows:

§ 6.46 Seasons and limits on rails, gallinules, and woodcock.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1959, and January 15, 1960, as follows:

(a) *Atlantic Flyway States.*

	Rails and gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits	15	4
Possession limits	30	8
Seasons in:		
Connecticut	Sept. 1–Oct. 20	Oct. 24–Nov. 28.
Delaware	Sept. 1–Nov. 9	Nov. 20–Dec. 29.
District of Columbia	Closed season	Closed season.
Florida	Sept. 5–Nov. 8	Dec. 12–Jan. 10.
Georgia	Sept. 4–Nov. 12	Dec. 7–Jan. 15.
Maine	Sept. 21–Nov 28	Oct. 1–Nov. 9.
Maryland	Sept. 1–Oct. 20	Nov. 15–Dec. 24.
Massachusetts	Oct. 20–Dec. 28	Oct. 20–Nov. 28.
New Hampshire	Sept. 1–Nov. 9	Oct. 1–Nov. 9.
New Jersey	Sept. 1–Nov. 7	Oct. 17–Nov. 25.
New York: [1]		
Counties of:		
Nassau	Sept. 1–Nov. 9	Nov. 1–Nov. 13.
Suffolk	do	Do.
Remainder of State	do	Oct. 5–Nov. 13.
North Carolina	Sept. 5–Nov. 13	Nov. 26–Jan. 4.
Pennsylvania	Sept. 1–Nov. 9	Oct. 15–Nov. 23.
Rhode Island	Oct. 1–Dec. 9	Nov. 1–Dec. 10.
South Carolina	do	Dec. 7–Jan. 14.
Vermont	Sept. 1–Nov. 9	Oct. 1–Nov. 9.
Virginia	Sept. 12–Oct. 31	Nov. 16–Dec. 25.
West Virginia	Oct. 3–Dec. 11	Oct. 3–Nov. 11.

[1] *New York:* The shooting hours during which woodcock may be taken shall be 9 a.m. to 5 p.m. on the first day of the respective seasons and from 7 a.m. to 5 p.m. on each day thereafter.

(b) *Mississippi Flyway States.*

	Rails and gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits	15	4
Possession limits	15	8
Seasons in:		
Alabama	See footnote 1	Dec. 7–Jan. 15.
Arkansas	Nov. 2–Dec. 21	Dec. 1–Jan. 9.
Illinois	Closed season	Nov. 15–Dec. 24.
Indiana	Sept 1–Oct. 20	Oct. 26–Dec. 4.
Iowa	Closed season	Closed season.
Kentucky	Nov. 20–Jan. 8	Nov. 20–Dec. 29.
Louisiana	Oct. 3–Nov. 21	Dec. 7–Jan. 15.
Michigan: [2]		
Zone 1 and 2	See footnote 1	Oct. 1–Nov. 9.
Zone 3	do	Oct. 20–Nov. 28.
Minnesota	Sept. 1–Oct. 20	Oct. 1–Nov. 9.
Mississippi	Oct. 1–Nov. 19	Dec. 7–Jan. 15.
Missouri	Sept. 1–Oct. 20	Nov. 10–Dec. 19.
Ohio	do	Oct. 1–Nov. 9.
Tennessee	Nov. 22–Jan. 10	Nov. 26–Jan. 4.
Wisconsin	See footnote 1	Oct. 1–Nov. 9.

[1] The seasons for hunting rails and gallinules in Alabama, Michigan, and Wisconsin will be prescribed at a later date.

[2] *Michigan:* Zones for hunting woodcock are as defined by State law, order, or regulations of the Michigan Department of Conservation.

(c) *Central Flyway States.*

	Rails and gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits	15	4
Possession limits	15	8
Seasons in:		
Colorado	Sept. 1–Oct. 20	Closed season.
Kansas	do	Do.
Montana	Closed season	Do.
Nebraska	Oct. 3–Nov. 21	Do.
New Mexico	Nov. 22–Jan. 10	Do.
North Dakota	Closed season	Do.
Oklahoma	Oct. 1–Nov. 19	Nov. 23–Jan. 1.
South Dakota	Closed season	Closed season.
Texas	Sept. 1–Oct. 20	Dec. 7–Jan. 15.
Wyoming	Closed season	Closed season.

3. The introductory text and paragraph (a) of § 6.51 are amended to read as follows:

§ 6.51 *Seasons and limits on waterfowl, coots, and Wilson's snipe.* Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1959, and January 15, 1960, as follows:

(a) *Alaska.*

	Ducks [1]	Geese [2]	Coots	Brant	Wilson's snipe
Daily bag limits	7	5	15	2	8
Possession limits	14	10	15	2	8
Seasons throughout Alaska	Sept. 1–Dec. 3				Sept. 1–Oct. 15.

[1] *Ducks.* In Wildlife Management Units 8, 9, 10, and 16 through 26, as described in 50 CFR 46.2, the daily bag limit for old-squaw, harlequin, scoter, and elder ducks and American and red-breasted merganser ducks is 10 singly or in the aggregate, and the possession limit is 20 singly or in the aggregate of all kinds of such ducks. These limits may be taken and possessed in addition to the limits prescribed in the above table for other ducks. In Units 1 to 7 and 11 to 15, both inclusive, the bag limits on American and red-breasted merganser ducks are 5 daily and 10 in possession, singly or in the aggregate of both kinds, which limits may be in addition to the limits prescribed in the above table for other ducks.

[2] *Geese.* The daily bag limit may not include more than 3 geese of the dark species and the possession limit may not include more than 6 geese of the dark species.

4. Paragraphs (b), (c), (d), (e), and (f) of § 6.51 are deleted.

5. Section 6.52 is added to read as follows:

§ 6.52 Migratory game bird hunting seasons for Puerto Rico.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the daily bag and possession limits on the species designated in this section, are prescribed between the dates of October 1, 1959, and February 12, 1960, as follows:

	Mourning Doves	Rails and gallinules (except coots) (singly or in the aggregate)
Daily bag limit		15
Possession limit		30
Seasons	Closed season	Dec. 15–Feb. 12

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interprets or applies E.O. 10250, 16 F.R. 5385, 3 CFR, 1951 Supp.)

The taking of migratory game birds is presently prohibited. The foregoing amendments will serve to permit the the taking of designated species of such birds within specified periods of time beginning as early as September 1, as has been the case in prescribing hunting seasons in past years. The hunting public has over the years become accustomed to a September 1 opening date in many areas on certain species of migratory game birds and many hunters make hunting reservations well in advance of such date. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), if hunting is to be permitted on September 1 and the public to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication and since these amendments serve to relieve existing restrictions, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act of June 11, 1946, are hereby invoked and the amendments shall become effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59–6718; Filed, Aug. 13, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHERRY AUCTION ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Cherry Auction, Fresno, Calif.
Humboldt Livestock Auction, Inc., Fortuna, Calif.
L & M Sales Yard, Fresno, Calif.
Lancaster Sales Yard, Lancaster, Calif.
Los Banos Livestock Commission Co., Los Banos, Calif.
Maclin-Caldwell Auction Co., Ontario, Calif.
Williams Auction Yard, Williams, Calif.
Yuba City Auction Yard, Yuba City, Calif.
Zinn Bros. Livestock Commission Co., El Centro, Calif.
Arnold Livestock Co., Gibson City, Ill.
Bristol Livestock Sale, Bristol Station, Ill.
Brookville Consignment Sale, Brookville, Ill.
Colchester Sales Association, Colchester, Ill.
DeWane's Livestock Exchange, Belvidere, Ill.
Forrest Livestock Sales, Forrest, Ill.
Freiler's Livestock Sales, Cissna Park, Ill.
Harry Schrader Consignment Sale, Dakota, Ill.
Jennings Sales Co., Macomb, Ill.
Kankakee Livestock Sales Co., Bourbonnais, Ill.
Knoxville Community Sale Co., Inc., Knoxville, Ill.
LaSalle County Livestock Marketing Center, Ottawa, Ill.
Milford Sales & Commission Co., Milford, Ill.
Pearl City Sale Barn, Pearl City, Ill.
Pecatonica Livestock Exchange, Pecatonica, Ill.
Pontiac Livestock Sales, Pontiac, Ill.
Princeton Sale Barn, Princeton, Ill.
Roe's Consignment Sale, Chana, Ill.
Savanna Livestock Sales, Savanna, Ill.
Vade Wehmeyer's Mendota Livestock Auction, Mendota, Ill.
Walnut Sales Co., Walnut, Ill.
West Kankakee Livestock Sales, Kankakee, Ill.
Winslow Sale Barn, Winslow, Ill.
Woodford County Livestock Sales, Inc., El Paso, Ill.
Woodstock Commission Sales, Woodstock, Ill.
Hugoton Livestock Commission Co., Hugoton, Kans.
Vernon County Sales Co., Nevada, Mo.
Maxson Sales Co., Inc., South Coffeyville, Okla.
McMinnville Auction Yard, McMinnville, Oreg.
Northwestern Livestock Commission Co., Hermiston, Oreg.
Vale Livestock Commission Co., Vale, Oreg.
Chehalis Livestock Market, Chehalis, Wash.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of August 1959.

D. L. BOWMAN,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59–6729; Filed, Aug. 13, 1959; 8:46 a.m.]

Office of the Secretary

OHIO

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in Ohio, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO	
Hancock.	Sandusky.
Hardin.	Seneca.
Huron.	Wyandot.
Logan.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6754; Filed, Aug. 13, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FARRELL SHIPPING CO., INC. AND F. J. HERBELIN-BAY TRANSFER CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8397, between Farrell Shipping Co., Inc., New Orleans, La., and F. J. Herbelin-Bay Transfer Co., Houston, Tex., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 11, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6746; Filed, Aug. 13, 1959; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1959, Rev. Supp. 2]

UNITED PUBLIC INSURANCE CO.

Surety Company Acceptable on Federal Bonds

AUGUST 11, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., sec. 6–13, as an acceptable surety on Federal bonds. As underwriting limitation of $106,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

Indiana, United Public Insurance Co., Indianapolis, Ind.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-6750; Filed, Aug. 13, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order No. 551, Amdt. 54]

REDELEGATION OF AUTHORITY

Section 364 of Order 551, as amended, is further amended to read as follows:

SECTION 364. *Authority under Act of August 27, 1954 (68 Stat. 868).* The taking of action with respect to those matters contained in the following sections of said act: Sec. 9, sec. 12, sec. 13(5), sec. 16 (Except the execution of patents), sec. 22, sec. 26 (Except the execution of patents).

GLENN L. EMMONS,
Commissioner.

AUGUST 10, 1959.

[F.R. Doc. 59-6719; Filed, Aug. 13, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Notice of Receipt of Amendment to Application for Construction Permit and Utilization Facility License

Please take notice that Pacific Gas & Electric Company, 245 Market Street, San Francisco, California, has submitted an amendment to change its application for a license under section 103 of the Atomic Energy Act of 1954 authorizing construction and operation of a 50 megawatt (electrical) nuclear reactor at the Company's Humboldt Bay Power Plant located near Eureka, California, to an application for a license under section 104.b. of the Act. A copy of the amended application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 6th day of August 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6716; Filed, Aug. 13, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12988; FCC 59M-1021]

HARRY EUGENE ALTLAND

Order Scheduling Hearing

In the matter of Harry Eugene Altland, York, Pennsylvania, Docket No. 12988; order to show cause why the license for Citizens Radio Station 3A0896 should not be revoked.

It is ordered, This 10th day of August 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 1, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6736; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket No. 13148; FCC 59M-1024]

BLOOM RADIO (WHLM)

Order Scheduling Hearing

In re application of Harry L. Magee, tr/as Bloom Radio (WHLM), Bloomsburg, Pennsylvania, Docket No. 13148, File No. BP-12002; for construction permit.

It is ordered, This 10th day of August 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 9, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6737; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 12997-12999; FCC 59M-1018]

GARDEN CITY BROADCASTING CO. (WAUG) ET AL.

Order Scheduling Hearing

In re applications of Chester H. Jones and George C. Nicholson d/b as Garden City Broadcasting Company (WAUG), Augusta, Georgia, Docket No. 12997, File No. BP-11590; Ben Akerman and Thomas H. Maxwell d/b as Radio Albany, Albany, Georgia, Docket No. 12998, File No. BP-12249; William E. Blizzard, Jr., and Lewis H. McKenzie, d/b as Macon County Broadcasting Company, Montezuma, Georgia, Docket No. 12999, File No. BP-12522; for construction permits.

It is ordered, This 10th day of August 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6738; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 13072-13075; FCC 59-826]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8, assigned to Greensboro-High Point-Winston-Salem, North Carolina; Jefferson Standard Broadcasting Company and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company specifying Greensboro as station locations and High Point Television Company and Southern Broadcasters, Inc. specifying High Point as station locations; and

It appearing, that the applications of Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. W. Lamroch, Robert Hamilton Nutt and Robert C. Price, d/b as TriCities Broadcasting Company are mutually exclusive in that operation by all four applicants as proposed would result in mutually destructive interference; and

It further appearing, that Ralph C. Price, a partner in TriCities Broadcasting Company, and members of his immediate family hold the largest single block of voting stock (approximately 14 percent) in Jefferson Standard Life Insurance Company, which in turn holds 100 percent of the outstanding voting stock of Jefferson Standard Broadcasting Company; and

It further appearing, that Jefferson Life Insurance Company owns a 17 percent interest in Greensboro News Company, licensee of Television Broadcast Station WFMY-TV, Channel 2, Greensboro and has undertaken to dispose of such interest in the event of a grant of its application; and

It further appearing, that Southern Broadcasters, Inc., Winston-Salem Broadcasting Company, Inc., permittee of Television Station WTOB-TV, Channel 26, Winston-Salem, North Carolina, and Sir Walter Television Company, permittee of Television Station WNAO-TV, Channel 28, Raleigh, North Carolina, are corporations under common control within the meaning of § 3.636 of the Commission's rules, and that Southern Broadcasters has undertaken to dispose of its interest in the latter companies in the event of a grant of its application; and

It further appearing, that Jefferson Standard Broadcasting Company has requested a waiver of § 3.613(a) of the rules to locate its main studios outside of Greensboro, and has shown good cause for the requested waiver; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, were advised by letters that their applications were mutually exclusive, of a necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Jefferson Standard Broadcasting Company and Southern Broadcasters, Inc. are legally, financially, technically qualified to construct, own and operate the proposed television broadcast station; that Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price d/b as TriCities Broadcasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "4" below; and that High Point Television Company is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price d/b as TriCities Broadcasting Company are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the stock holdings of Ralph C. Price, a partner in TriCities Broadcasting Company, and members of his immediate family in Jefferson Standard Life Insurance Company, the sole owner of Jefferson Standard Broadcasting Co., are, in view of the wide public holding of stock in Jefferson Standard Life Insurance Company, sufficient to give Ralph C. Price and his family actual working control of Jefferson Standard Life Insurance Company, and, if so, whether Jefferson Standard Broadcasting Company and TriCities Broadcasting Company, are "the same applicant," within the meaning of § 1.308 and/or § 1.310 of the rules and, therefore, whether the latter application should be dismissed pursuant to the provisions of such sections.

2. To determine whether interests of Ralph C. Price and his immediate family in Jefferson Standard Life Insurance Company, sole owner of Jefferson Standard Broadcasting Company, are such as to give them a sufficient financial interest, irrespective of control, in the application of Jefferson Standard Broadcasting Company (BPCT-2549) to justify dismissal of the application of TriCities Broadcasting Company as an inconsistent or conflicting application in view of the policy implicit in the provisions of § 1.308 and/or § 1.310 of the rules.

3. To determine whether a grant of TriCities Broadcasting Company's application would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules, since its proposed station would serve substantially the same area as Television Station WFMY-TV, Channel 2, Greensboro, North Carolina.

4. To determine whether the antenna system and site proposed by TriCities Broadcasting Company would constitute a hazard to air navigation.

5. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience, and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

6. To determine, in the light of the evidence adduced pursuant to the fore-

going issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of Jefferson Standard Broadcasting Company, the construction permit shall contain a condition that operating authority will not be issued until the permittee has shown that it has divested all interest in, and severed all connection with, TV Broadcast Station WFMY-TV, Channel 2, Greensboro.

It is further ordered, That, in the event of a grant of the application of Southern Broadcasters, Inc., the construction permit shall contain a condition that operating authority will not be issued until the permittee and its stockholders have shown that they have divested all interest in, and severed all connection with Television Broadcast Stations WTOB-TV, Channel 26, Raleigh, North Carolina, and WNAO-TV, Channel 28, Raleigh, North Carolina.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Jefferson Standard Broadcasting Company, High Point Television Company, Southern Broadcasters, Inc., and Hargrove Bowles, Jr., James G. M. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as TriCities Broadcasting Company, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6739; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket No. 13085; FCC 59-859]

NATIONAL BROADCASTING CO., INC.

Order Designating Application for Oral Argument

In re applications of National Broadcasting Company, Inc., Philadelphia, Pennsylvania, Docket No. 13085, File Nos. BR-562, BRCT-4, BRTP-22, BRTP-133, BRTP-204, BRTS-21; for renewal of licenses of Stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 31st day of July, 1959;

The Commission having before it for consideration (a) a "Protest" filed on August 14, 1957, by Philco Corporation (Philco), Philadelphia, Pennsylvania, pursuant to section 309(c) of the Communications Act of 1934, as amended, directed against the Commission's action of July 18, 1957, granting without hearing the above-entitled application;[1] (b) the "Opposition" to said protest filed on August 26, 1957 by the National Broadcasting Company, Inc. (NBC); (c) the "Brief in Reply" filed by Philco on September 4, 1957; (d) the "Answer to Brief" filed by NBC on September 9, 1957; (e) the Commission's Memorandum Opinion and Order adopted September 11, 1957 (FCC 57-994) dismissing said protest on the grounds that the protestant had not shown itself to be a "party in interest" and had not shown that the Commission's action of July 18, 1957 was improperly made or was otherwise not in the public interest;[2] (f) the decision in the case of Philco Corporation v. Federal Communications Commission, No. 14166, issued on June 19, 1958, by the United States Court of Appeals for the District of Columbia Circuit reversing the Commission's action of September 11, 1957 dismissing the above protest and remanding the case to the Commission; (g) the action of the Supreme Court of the United States on January 26, 1959, in the case of National Broadcasting Company v. Philco Corporation, No. 371, denying the petition of NBC for a writ of certiorari; (h) the "Motion to Expedite" filed by Philco on May 29, 1959, requesting "that the issue raised in Philco's protest be set promptly for hearing"; and (i) the "Reply To Motion To Expedite" filed by NBC on June 8, 1959, requesting that the Commission either dismiss said protest or set it for oral argument; and

It appearing, that the factual allegations involved in the instant protest and the arguments of the parties are set out in full in the Commission's Memorandum Opinion and Order of September 11, 1957; that to avoid repetition, they are incorporated herein by reference as if fully set forth at length; and

It further appearing, that in its decision, the Court of Appeals stated that "As already indicated, we do not pass upon the sufficiency of the protest, which must first be considered by the Commission"; and

It further appearing, that our grant herein of July 18, 1957 provided that said "action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending anti-trust actions involving Radio Corporation of America and the National Broadcasting Company, Inc., may be terminated";

It is ordered, That pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for oral argument at the offices of the Commission in Washington, D.C., on the questions whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the conditional grant of said application; and if an evidentiary hearing is required, the scope thereof;

It is further ordered, That the protestant is hereby made a party to the proceedings herein and that:

(a) The oral argument shall commence at 10 a.m. on the 1st day of October, 1959, and shall be held before the Commission en banc;

(b) The parties intending to participate in said oral argument shall file their appearance not later than August 17th, 1959;

(c) The parties have until the date of the oral argument to file and exchange briefs and memoranda of law.

Adopted: July 31, 1959.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6740; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 13006-13009; FCC 59M-1019]

NEWHALL BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Manuel Martinez, tr/as Newhall Broadcasting Company, Newhall, California, Docket No. 13006, File No. BPH-2550; American Broadcasting-Paramount Theatres, Inc. (KABC-FM), Los Angeles, California, Docket No. 13007, File No. BPH-2628; Tri-Counties Public Service, Inc. (KUDU-FM), Ventura-Oxnard, California, Docket No. 13008, File No. BMPH-5438; William E. Clark (KDOG), La Habra, California, Docket No. 13009, File No. BMPH-5502; for construction permits (FM).

It is ordered, This 10th day of August 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6741; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 12993-12996; FCC 59M-1023]

S & W ENTERPRISES, INC., ET AL.

Order Scheduling Hearing

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, Docket No. 12993, File No. BP-11438; Interurban Broadcasting Corporation, Laurel, Maryland, Docket No. 12994, File No. BP-12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, Docket No. 12995, File No. BP-12229; Milton Grant and James R. Bonfils, d/b as Laurel Broadcasting Company, Laurel, Maryland, Docket No. 12996, File No. BP-12841; for construction permits.

It is ordered, This 10th day of August 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6742; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 13004, 13005; FCC 59M-1022]

SOUTHEAST MISSISSIPPI BROADCASTING CO. (WSJC) AND JEFF DAVIS BROADCASTING SERVICE

Order Scheduling Hearing

In re applications of Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B. Skelton, Jr., d/b as Southeast Mississippi Broadcasting Company (WSJC), Magee, Mississippi, Docket No. 13044, File No. BP-11869; Jesse R. Williams, tr/as Jeff Davis Broadcasting Service, Prentiss, Mississippi, Docket No. 13005, File No. BP-12753; for construction permits.

It is ordered, This 10th day of August 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 29, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6743; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 12991, 12992; FCC 59M-1020]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Scheduling Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York; Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey; Docket No. 12992, File No. BPH-2624; for contruction permits for new FM broadcast stations.

It is ordered, This 10th day of August 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6744; Filed, Aug. 13, 1959; 8:48 a.m.]

[Docket Nos. 13000-13003; FCC 59M-1017]

WJIV, INC., ET AL.

Order Scheduling Hearing

In re applications of WJIV, INC. (WJIV), Savannah, Georgia, Docket No. 13000, File No. BP-11364; Louis M. Neale, Jr., North Charleston, South Carolina, Docket No. 13001, File No. BP-11886; Word, Inc. (WORD), Spartanburg, South Carolina, Docket No. 13002, File No. BP-12537; Richard F. Kamradt and Robert S. Tamblyn d/b as KTM Broadcasting Company, North Charleston, South Carolina, Docket No. 13003, File No. BP-12579; for construction permits.

It is ordered, This 10th day of August 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 26, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-6745; Filed, Aug. 13, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9999 et al.]

FRONTIER AIRLINES, INC.; RENEWAL OF TEMPORARY INTERMEDIATE POINTS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on September 16, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 11, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-6748; Filed, Aug. 13, 1959; 8:49 a.m.]

[Docket No. 10697]

TRANS-CANADA AIR LINES

Notice of Prehearing Conference

In the matter of the application of Trans-Canada Air Lines for amendment of its foreign air carrier permit to include New York, New York as a co-terminal point on its route between the terminal point Halifax, Nova Scotia, Canada, the intermediate points Saint John, New Brunswick, Canada, Yarmouth, Nova Scotia, Canada, and the terminal point Boston, Mass.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled matter is assigned to be held on September 23, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., August 11, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-6749; Filed, Aug. 13, 1959; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

CHROMITE HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 2,050 long tons of low grade chromite now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this chromite. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that such chromite is obsolescent for use in time of war.

General Services Administration proposes to offer said chromite for sale on a competitive basis. Since the quantity to be disposed of is small in relation to the current consumption of chromite, the entire tonnage will be offered for sale at one time.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

It is proposed to make the chromite covered by this notice available for sale beginning six months after date of publication of this notice in the FEDERAL REGISTER.

Dated: August 6, 1959.

FRANKLIN FLOETE, *Administrator of General Services.*

[F.R. Doc. 59-6733; Filed, Aug. 13, 1959; 8:47 a.m.]

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[1] Statement of Commissioner Bartley filed as part of original document.

[1] This grant contained the following condition: "This action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending anti-trust actions involving Radio Corporation of America and the National Broadcasting Company, Inc., may be terminated."

[2] 15 Pike and Fischer RR 965; FCC 57-994, Mimeo No. 49068.

INTERNATIONAL COOPERATION ADMINISTRATION

DEPUTY DIRECTOR FOR OPERATIONS

Delegation of Functions

Pursuant to section 2 of Executive Order 10560, Executive Order 10610, and State Department Delegation of Authority No. 85, I hereby delegate to the Deputy Director for Operations of the International Cooperation Administration the functions conferred upon the President by title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, except for the functions relating to the implementation of that title delegated to the Controller of the International Cooperation Administration by the delegation of authority to sign budget and fiscal documents and for other purposes dated November 26, 1954 (19 F.R. 8049), as amended.

JAMES W. RIDDLEBERGER,
Director, International Cooperation Administration.

AUGUST 7, 1959.

[F.R. Doc. 59-6721; Filed, Aug. 13, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-490]

DAVENPORT HOSIERY MILLS, INC.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 10, 1959.

American Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 18,310 of the 171,200 outstanding shares have been acquired by J. Chadbourn Bolles of Charlotte, North Carolina. The remaining 18,310 shares have only 77 shareholders of record. The stock has been suspended from dealings on the Exchange since July 1, 1959.

Upon receipt of a request, on or before August 25, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6727; Filed, Aug. 13, 1959; 8:46 a.m.]

[File No. 1-2954]

KENNEDY'S, INC.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 10, 1959.

American Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 8,584 of the 118,425 outstanding shares have been acquired by Phillips-Van Heusen Corporation. The remaining 8,584 shares have only 114 shareholders of record. The stock has been suspended from dealings on the Exchange since July 29, 1959.

Upon receipt of a request, on or before August 25, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6728; Filed, Aug. 13, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35619: *Roofing and building materials—Official to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7608), for interested rail carriers. Rates on roofing and building materials, and related articles, in carloads from points in official territory to points in southwestern territory.

Grounds for relief: Motor truck competition and short-line distance formulas.

Tariffs: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4332. Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 35620: *Chemicals from North Seadrift, Tex., to the south.* Filed by Southwestern Freight Bureau, Agent (No. B-7609), for interested rail carriers. Rates on carbon tetrachloride, perchloroethylene, trichlorocthylene, and sodium perborate, in carloads from North Seadrift, Tex.,, to points in southern territory.

Grounds for relief: Market competition and short-line distance formulas.

Tariffs: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4331. Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 35621: *Liquid caustic soda from Port Neches, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7611), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Port Neches, Tex., to points in southern territory.

Grounds for relief: Market competition and rates constructed on a short-line distance formula.

Tariff: Supplement 1 to Southwestern Freight Tariff I.C.C. 4333.

FSA No. 35623: *Grain and grain products—Northern Illinois points to the East.* Filed by The New York Central Railroad Company (No. 2), for interested rail carriers. Rates on corn, oats, and soybeans, and their products, in carloads from specified points in northern Illinois territory to Chicago, Ill., on traffic destined to points in Central, Trunkline and New England territories.

Grounds for relief: Across country competition with like traffic from other nearby origins in northern Illinois from which depressed barge-truck competitive rates are maintained.

Tariff: Supplement 188 to The New York Central Railroad Company's tariff I.C.C. 1169.

FSA No. 35624: *TOFC service from southwestern points to points in central territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7613), for interested rail carriers. Rates on paper and paper articles, also pulpboard or fibreboard loaded in or on trailers and transported on railroad flat cars from mill points in Arkansas, Louisiana, and Texas, to specified points in Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania.

Grounds for relief: Motor truck and rail carrier competition.

Tariff: Supplement 13 to Southwestern Freight Bureau tariff I.C.C. 4318.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35622: *Lumber from Rison, Ark., to Memphis, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B-7615), for interested rail carriers. Rates on lumber, rough or dressed, in carloads from Rison, Ark., to Memphis, Tenn.

Grounds for relief: Leased or contract truck competition, and maintenance of depressed rates not applicable in constructing combinations from and to points beyond named points.

Tariff: Supplement 94 to Southwestern Freight Bureau tariff I.C.C. 3806.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6722; Filed, Aug. 13, 1959; 8:45 a.m.]

[Notice 168]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62238. By order of August 28, 1959, the Transfer Board approved the transfer to Asphalt Products Transport Co., Inc., 558 West Simpson Street, Tucson, Ariz., of Permit No. MC 113594 Sub 1, issued August 27, 1954, to Louis O. Fiscel, doing business as Asphalt Products Transport Co., 558 West Simpson Street, Tucson, Ariz., authorizing the transportation of: Liquid asphalt, road oil, and fuel oil, in bulk, in tank vehicles, between points in Arizona restricted to traffic having an immediately prior movement by railroad from points in California.

No. MC-FC 62239. By order of August 7, 1959, the Transfer Board approved the transfer to Dakota Enterprises, Inc., Sioux Falls, South Dakota, of a Certificate in No. MC 18713, issued April 23, 1948, to George A. Tobin Company, Incorporated, Mitchell, South Dakota, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over irregular routes, from points in Iowa and Minnesota, to Mitchell, S. Dak., binder twine, in truckloads only, from Milwaukee, Wis., and Chicago, Ill., to Mitchell, S. Dak., and box materials, in truckloads only, from Omaha, Nebr., to Mitchell, S. Dak. Dick Kelly, Dick Kelly Agency, Paulton Building, Sioux Falls, S. Dak.

No. MC-FC 62286. By order of August 7, 1959, the Transfer Board approved the transfer to Wheeler Trucking Company, a Corporation, Soperton, Georgia, of the operating rights in Certificate No. MC 115692, issued October 4, 1956, to S. A. Wheeler, Sr., Soperton, Georgia, authorizing the transportation, over irregular routes, of lumber, from Soperton, Ga., to points in Florida, and in described portions of Alabama and Tennessee. J. Carlton Warnock, Soperton, Georgia, for applicants.

No. MC-FC 62381. By order of August 10, 1959, the Transfer Board approved the transfer to Prizito & Priore Trucking Co., Inc., Westerly, Rhode Island, of Certificate in No. MC 24148, issued February 26, 1954, to Minnie Priore Prizito, doing business as Prizito & Priore Trucking Co., Westerly, Rhode Island, authorizing the transportation of: Solid fuel, crushed stone, sand and gravel, between Westerly, R.I., on the one hand, and, on the other, points in Connecticut within 15 miles of Westerly. Peter Palombo, Jr., Attorney at Law, 57 Eddy Street, Providence, R.I.

No. MC-FC 62471. By order of August 7, 1959, the Transfer Board approved the transfer to New York Central Transport Company, a corporation of New York, N.Y., of Certificates Nos. MC 67916 Subs 3, 5, 10, 13, 14, issued August 18, 1958, November 1, 1949, May 26, 1955, March 31, 1954, and December 19, 1956, to The New York Central Railroad Company, a corporation, of New York, N.Y., authorizing the transportation of general commodities, with no exceptions, over regular routes, between specified points in the States of Ohio, Illinois, Indiana, New Jersey, New York, and Pennsylvania; general commodities, excluding household goods, commodities in bulk, and various other commodities, between the States of Illinois and Indiana; and general commodities except household goods, commodities in bulk in tank vehicles and motor vehicles when transported in special equipment, over regular routes, between specified points in the States of New York, Massachusetts, Pennsylvania, New Jersey, Indiana, Michigan, Illinois, and Ohio, and also temporary authority as set out in MC 67916 Subs 16TA and 18TA. Edward K. Wheeler, 704 Southern Building, Washington 5, D.C., and Herbert Burstein, 135 Broadway, New York 6, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6723; Filed, Aug. 13, 1959; 8:45 a.m.]

[No. 23455]

PUGET SOUND-PORTLAND JOINT PASSENGER-TRAIN SERVICE

AUGUST 11, 1959.

Application filed June 8, 1959, for authority to eliminate one passenger train in each direction, viz., No. 402, leaving Seattle, Washington, 11:45 p.m., and arriving Portland, Oregon, 6:45 a.m., and No. 459, leaving Portland, 5:00 p.m., and arriving Seattle, 9:15 p.m.

This application is assigned for hearing at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Street, Portland, Oregon, beginning at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time if that time is observed) on September 14, 1959, before Examiner Richard S. Ries.

Copy of this notice is being served on applicants, the Governors and regulatory authorities of the States of Washington and Oregon, the Chambers of Commerce of Seattle and Tacoma, Washington, and Portland, Oregon, deposited in the office of the Secretary of the Commission, for public inspection, and filed with the Director, Division of the Federal Register.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6724; Filed, Aug. 13, 1959; 8:46 a.m.]

[No. 33051]

MINNESOTA INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of July A.D. 1959.

Upon petition, dated May 21, 1959, filed on behalf of common carriers by railroad operating to, from, and between points in the State of Minnesota, the Commission, by Division 2, on June 19, 1959, entered an order instituting an investigation, entitled as above, under section 13 of the Interstate Commerce Act with respect to intrastate rates in Minnesota for the transportation by railroad of specified commodities, as set forth in said petition.

By letter dated July 2, 1959, copy of which was sent to the Railroad and Warehouse Commission of the State of Minnesota, the petitioning railroad respondents request amendment of their petition of May 21, 1959, by inserting on page 11, immediately preceding the first line at the top of the page before "Sugar Beets", the words "Rough quarried granite and sawed slabs—3 percent maximum, 12 cents per net ton", which commodities, petitioners aver, were inadvertently omitted from the list of excepted commodities, and amendment of the Commission's order of June 19, 1959, to include rough quarried granite and sawed slabs in the list of excepted commodities under Ex Parte No. 212 in Appendix A attached there—and made a part of the order;

And for good cause appearing:

It is ordered, That the said petition be, and it is hereby, amended as requested in said letter of July 2, 1959, and that the order of June 19, 1959, be, and it is hereby amended to include in the exceptions listed under Ex Parte No. 212, Increased Freight Rates, 1958, in Appendix A to the order, the following:

Rough quarried granite and sawed slabs—3 percent maximum, 12 cents per net ton.

And it is further ordered, That a copy of this order be served upon each of the respondents to this proceeding; that copies of the order be sent by registered mail to the Governor of the State of Minnesota and the Railroad and Warehouse Commission of the State of Minnesota, at St. Paul, Minn.; that a copy of the order be deposited in the office of the Secretary of the Commission, Washington, D.C., for public inspection; and that a copy of the order be filed with the Director, Division of the Federal Register, Washington, D.C.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6725; Filed, Aug. 13, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street, and Carter, Ashland, Ky.; effective 7-19-59 to 7-18-60 (children's dresses).

Dickson Manufacturing Co., Dickson, Tenn.; effective 8-8-59 to 8-7-60 (men's work shirts).

Dormar Manufacturing Co., Div. of Gordon Peters Co., Inc., Gratz, Pa.; effective 7-29-59 to 7-28-60 (men's shirts).

Jeansco, Inc., Petersburg, Va.; effective 7-29-59 to 7-28-60 (boys' dungarees).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; effective 8-10-59 to 8-9-60 (wash dresses).

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N.C.; effective 7-31-59 to 7-30-60 (ladies' pajamas).

Phoenix Apparel, Inc., 1019 Market Street, Wilmington, N.C.; effective 8-3-59 to 8-2-60; learners may not be employed in the production of separate skirts (women's bathrobes, slacks, shorts).

Plains Manufacturing Co., Inc., 61 Hudson Rd., Plains, Pa.; effective 8-3-59 to 8-2-60 (brassieres).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8-8-59 to 8-7-60 (men's and boys' outerwear, trousers and shorts).

Scranton Garment Manufacturing Co., Inc., 1100 Clay Avenue, Scranton, Pa.; effective 7-31-59 to 7-30-60 (men's and boys' outerwear).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 8-1-59 to 7-31-60 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-3-59 to 8-2-60 (work pants).

Wilburton Manufacturing Co., Inc., Wilburton, Pa.; effective 7-30-59 to 7-29-60 (women's dresses, housecoats).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Badger Outwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis.; five learners (men's jackets).

Bay Shore Togs, Locust Street, Keyport, N.J.; effective 7-27-59 to 7-26-60; five learners (men's and boys' bathrobes; children's outerwear; infants' sleepwear).

Mize Manufacturing Co., Inc., Mize, Miss.; effective 7-31-59 to 7-30-60; 10 learners (women's raincoats).

Mount Carmel Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa.; effective 7-30-59 to 7-29-60; 10 learners (ladies' blouses).

Newport Manufacturing Co., Inc., Newport, Vt.; effective 7-29-59 to 7-28-60; 10 learners (women's dresses).

Rosemont Corp., 601 Lincoln Street, Oxford, Pa.; effective 8-3-59 to 8-2-60; 10 learners (ladies' dresses).

Temple Apparel, Inc., 4432 Kutztown Road, Temple, Pa.; effective 7-31-59 to 7-30-60; 10 learners (ladies' blouses).

Wendell Garment Co., Inc., 91 North Pine Street, Wendell, N.C.; effective 8-3-59 to 8-2-60; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barad Lingerie Company of Salem, Salem, Mo.; effective 7-28-59 to 1-27-60; 15 learners (ladies' sleepwear).

Bay Slacks, Inc., Bay Minette, Ala.; effective 7-31-59 to 1-30-60; 50 learners (men's dress slacks).

Cowden Manufacturing Co., Standford, Ky.; effective 7-29-59 to 1-28-60; 30 learners (ladies' and girls' dungarees).

Gary Company, Gallatin, Tenn.; effective 8-3-59 to 2-2-60; 20 learners (men's dress shirts).

Granby Manufacturing Co., Inc., Granby, Mo.; effective 8-3-59 to 2-2-60; 35 learners (men's and boys' cotton trousers).

Helena Garment Co., Lepanto Division, Lepanto, Ark.; effective 7-29-59 to 1-28-60; 50 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (junior dresses).

Lanier Manufacturing Co., Easley, S.C.; effective 8-3-59 to 2-2-60; 15 learners (men's and boys' sport shirts).

Rosebud Manufacturing Co., 119-27 West Railroad Avenue, Vidalia, Ga.; effective 8-1-59 to 1-31-60; 35 learners (women's lingerie).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars Inc., 209 North Beaver Street, York, Pa.; effective 7-27-59 to 1-26-60; 50 learners for plant expansion purposes.

Bayuk Cigars Inc., 209 North Beaver Street, York, Pa.; effective 7-27-59 to 7-26-60; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-59 to 8-5-60; 10 learners for normal labor turnover purposes (work gloves canton flannel).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Webb Manufacturing Co., Inc., Dandridge, Tenn.; effective 8-6-59 to 8-5-60; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Alabama Textile Products Corp., Crestview, Fla.; effective 7-13-59 to 7-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of men's shorts.

Opportunity Inc., Harllee Street, Marion, S.C.; effective 7-27-59 to 1-26-60; 50 learners for plant expansion purposes (under and outerwear garments from knitted goods).

Pembroke Manufacturing Co., Inc., Pembroke, Ga.; effective 8-1-59 to 1-31-60; 25 learners for plant expansion purposes (children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Central Products Co., Buenos Aires Street, Mayaguez, P.R.; effective 7-20-59 to 1-19-60; 20 learners for plant expansion purposes in the occupations of inspection, assembly work, stamping, punch press each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (measuring tape).

Columbia Manufacturing Co., San Lorenzo, P.R.; effective 7-21-59 to 7-20-60; five learners for normal labor turnover purposes in the occupations of straightening, inspection, sandblast, washing, degrease and color, induction brazing, slot milling, thread rolling each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (metal cutting tools).

Fairfield Manufacturing Co., Inc., Santurce, P.R.; effective 7-15-59 to 7-14-60; 10 learners for normal labor turnover purposes in the occupations of wire forming operators, nip forming operators, hook assemblers, welders, nip closing machine operators, barrel platers, box making and inspectors each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (drapery pleater hooks).

Guayama Children's Wear Co., Inc., Guayama, P.R.; effective 7-14-59 to 7-13-60; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours (children's dresses).

Newport Brassiere Co., Inc., Caparra Heights, P.R.; effective 7-14-59 to 7-13-60; 17 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 60 cents an hour (brassieres).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R.; effective 7-23-59 to 2-6-60; 10 learners for normal labor turnover purposes in the occupations of sewing machine operators, final pressers each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (replacement certificate) (men's work pants and shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 5th day of August 1959.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 59-6684; Filed, Aug. 12, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraphs (c)(5), (d)(6) and, (10), (e)(3), (f)(4), (h)(3), and (8), (i)(3), (j)(3), (j)(5), (k)(3), (l)(3), (m)(3), (o)(8), and (p)(3) of § 6.302 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6780; Filed, Aug. 14, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I — Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the Regulations Governing the Grading and Inspection of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs was published in the FEDERAL REGISTER of June 19, 1959 (24 F.R. 4997). The regulations hereinafter promulgated are issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendments establish an objective measurement which may be used in evaluating interior egg quality. The Haugh unit measurement is established as a standard in determining the quality of albumen of broken-out eggs. This measurement is to be used in the new program for the certification of eggs packed with a new grade label designation, "Fresh Fancy Quality". Provisions are made for the use of the measurement for the AA Grade mark but it is not a requirement.

The amendments also establish a program for the certification of A grade eggs with an alternate grade label designation that may be used on eggs packed under the program; requires that all licensed graders must be a Federal or State employee; makes minor changes in the tolerances of Procurement Grades; and establishes new Export Grades that are similar to the Procurement Grades with the exception of the packaging requirements.

After consideration of all relevant material presented, the amendments hereinafter set forth are promulgated to become effective thirty (30) days after publication in the FEDERAL REGISTER.

The amendments are as follows:

§ 56.10 [Amendment]

1. Change paragraph (a) of § 56.10 to read:

(a) Except as otherwise provided in paragraph (c) of this section, any person, who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service, may be licensed by the Secretary as a grader.

2. Change § 56.24 to read:

§ 56.24 When application may be rejected.

An application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or

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in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant fails to bring the plant facilities, and operating procedures into compliance with the regulations within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

3. Change § 56.37 to read:

§ 56.37 Information required on grade mark.

Except as otherwise authorized, each grade mark which is to be used shall conspicuously indicate the letters "USDA," the U.S. grade of the product it identifies and if not shown prominently elsewhere on the labeling material, the appropriate weight class of the eggs. The plant number of the official plant where the eggs were graded and packed shall be set forth if it does not appear elsewhere on the packaging material. In addition, one of the following terms shall be included: "Graded Under Federal-State Supervision," or "Graded Under U.S. and (State) Supervision," or an appropriate term of similar import. Such grade marks shall be contained within the outline of a shield of such design as may be approved by the Administrator. When eggs have been graded pursuant to this part and are packaged, the grade mark affixed to each such package shall have stamped thereon either the date of grading or an expiration date not to exceed 10 days from the date of grading, including the day of grading unless such label is printed on the carton, in which case the date of grading shall be legibly applied to the carton in a manner satisfactory to the Administrator.

4. Change § 56.38 to read:

§ 56.38 Form of official identification symbol and grade mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with shell eggs shall be deemed to constitute a representation that the product has been officially graded or inspected for the purposes of § 56.2a.

(b) Except as otherwise authorized, the grade mark permitted to be used to officially identify cartons containing one dozen shell eggs, which are graded pursuant to the regulations in this part, shall be contained in a shield and in the form and design indicated in examples in Figures 2 and 3 of this section. The information (including the form and arrangement of its wording) which is to be included in such marks shall be: (1) The letters "U.S.D.A."; (2) the U.S. grade, such as, "U.S. A Grade"; (3) one of the following phrases: "Graded Under Federal-State Supervision", "Graded Under U.S. and State Supervision", or a term of similar import, and (4) the size or weight class of the product, such as, "Large": *Provided*, That the size may be omitted from the grade mark if it appears prominently on the main panel of the carton. The grade mark shall be printed on the carton or on a label used to seal the carton. When the size or weight class is included as a part of the grade mark the form of such mark shall be as indicated in Figure 2 of this section and when the size or weight class designation is not included in the grade mark the form of the grade mark shall be as indicated in Figure 3 of this section. The grade mark shall also include the plant number of the official plant where the product was packed if the appropriate plant number does not appear elsewhere on the packaging material. In addition, either the date the eggs were graded or an expiration date not to exceed 10 days from the date of grading, including the day of grading, shall be stamped either on the grade mark used to seal the carton or applied in a legible manner elsewhere on the carton. If the date of grading is used, it shall be expressed as the month and day or as the consecutive day of the year. If the expiration date is used, it shall be stated as the month and day or the number of the month and day, preceded by the letters "Exp." or a statement such as "Not to be Sold After". The grade mark shall be not less than 1⅛ inches in height and should not exceed 1¾ inches in height. The size of the letters designating the grade shall be not less than ¼ inch in height. The size of the print and the arrangement of the other information within the shield shall be in approximately the same proportion as shown in the examples in Figures 2 and 3 of this section.

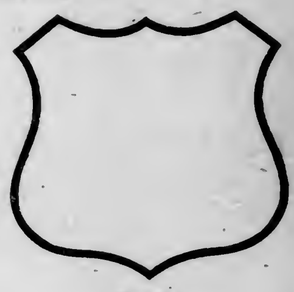


FIGURE 1.



FIGURE 2.



FIGURE 3.

5. Add a new § 56.38a

§ 56.38a Fresh Fancy Quality or AA grade mark.

Eggs which are packaged pursuant to § 56.44 and are to be grade marked shall be labeled with one of the following grade marks:



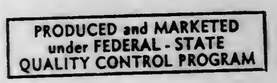


FIGURE 4.



FIGURE 5.



FIGURE 6.

6. Add a new § 56.38b.

§ 56.38b Alternate Grade A mark.

Eggs which are packaged pursuant to § 56.44a and are to be grade marked shall be labeled with the grade mark shown in Figures 2 or 3 of § 56.38, or with the following grade mark:



FIGURE 7.

7. Change § 56.40 to read:

§ 56.40 Supervisor of packaging required.

The official identification of any graded or inspected product as provided in §§ 56.36 to 56.44a, inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The grader, inspector, or supervisor of packaging shall have supervision over the use and handling of all material bearing any official identification.

8. Change § 56.41 to read:

§ 56.41 Candling and grading requirements of shell eggs for packaging with grade identification labels.

Shell eggs shall not be packaged with any grade identification label unless such eggs are first candled and graded (a) by a grader, or (b) by a limited licensee, pursuant to § 56.11 and thereafter check-graded by a grader. Notwithstanding the foregoing, eggs may be cartoned or bulk packaged and officially identified under the provisions of §§ 56.44 and 56.44a.

9. Add a new § 56.44:

§ 56.44 Requirements for eggs packaged under Fresh Fancy Quality grade mark or AA grade mark as shown in Figures 4, 5, and 6 of § 56.38a.

(a) *Minimum requirements of procurement and distribution program.* Each packing station or plant must have a satisfactory procurement and distribution program including, but not being limited to, the following requirements at the farm and retail store level as applicable:

(1) Eggs from each flock shall be packed separately and the shipping cases marked so as to facilitate segregation at the packing station. A flock consists of birds not varying in age by more than 60 days. In operations with a continuous replacement procedure, such as in cage operations, birds shall be grouped together in accordance with the above requirement.

(2) Eggs should be gathered from the nest at least twice, and preferably, three times a day.

(3) Eggs which require cleaning should be cleaned in accordance with the applicable provisions of § 56.76. Eggs may be treated by oil dipping, oil spraying, or oil-emulsion spraying: *Provided,* That methods used are such as will not cause objectionable cloudiness in the whites. Oil treating and cleaning operations must be in compliance with the sanitary requirements as provided in § 56.76.

(4) Eggs shall be cooled immediately after gathering to 60° F. or below and held at a reasonable constant temperature not to exceed 60° F., and a relative humidity of approximately 70 percent.

(5) Eggs shall be transported and handled under such conditions as will prevent sweating and so as to reach the packing plant or store with an internal temperature of 60° F. or below.

(6) The temperature at which the eggs are held and displayed at the retail store shall not exceed 60° F.

(7) Periodic checks to determine the adequacy of the production and distribution programs shall be made by governmentally employed graders.

(b) *Minimum requirements at time of packaging.* (1) Quality of eggs shall be determined by the broken-out score, measured in Haugh units, and the condition of the yolk. The break-out test shall be accomplished at the assembly plant or at the farm in the event the eggs go directly from the farm to the store. Eggs that do not meet the requirements of AA quality with respect to shell texture or shape shall not be selected as part of any sample that is to be broken-out and scored.

(2) The internal temperature of the eggs shall not exceed 60° F. at the beginning of the packaging operations.

(3) A flock may be eligible for entry under the program when a sample of 25 eggs drawn at random averages 76 Haugh units or higher; or when two samples of 25 eggs each drawn at random (one sample per week for two consecutive weeks) each averages 73 Haugh units or higher. Notwithstanding the foregoing, a flock shall not be eligible if any sample contains more than one egg measuring less than 55 Haugh units, and the yolk of all eggs in the sample shall have a well-rounded appearance with a reasonably uniform color.

(4) A flock may remain on the program: *Provided,* That (i) a moving average of 72 Haugh units or higher is maintained; (ii) that no individual weekly average is below 68 Haugh units; (iii) that not more than one of any two consecutive weekly averages falls below 70 Haugh units; (iv) that the yolks of all eggs have a well-rounded appearance with a reasonably uniform color; and (v) that not more than one egg in any sample of 10 eggs or more measures less than 55 Haugh units.

(5) The weekly average shall be computed by averaging the results obtained when testing eggs in accordance with either subparagraph (i) or (ii) of this paragraph. Samples shall be drawn at random once a week per flock from a single shipment, and the yolk of all eggs in the sample shall have a well-rounded appearance with a reasonably uniform color.

(i) A sample of 10 eggs shall be tested when the moving average is below 78 Haugh units and not more than one egg in the sample shall measure less than 55 Haugh units.

(ii) A sample of 5 eggs shall be tested when the moving average is 78 Haugh units or above and the sample shall contain no eggs which measure less than 55 Haugh units. If only one egg measures less than 55 Haugh units, an additional 5 eggs shall be tested. If this second 5-egg sample contains no eggs below 55 Haugh units, the average of the 10 eggs shall be used in determining the weekly average.

(6) The moving average shall be computed by averaging the results of the latest four weekly Haugh unit entries of a flock, except that during the second and third weeks after admission to the program, the average shall be computed by averaging the latest entry with the previous weekly entries.

(7) Any flock which has been on the program and is excluded for failure to meet the requirements may be reinstated by the same procedures used to originally enter a flock on the program.

(8) Eggs from flock that meet the provisions of this section may be packaged and officially labeled after the blood spots, meat spots, checks, loss, and eggs with shell failing to meet the requirements for AA quality have been removed. The packaged product shall be identified with the proper size and packed in accordance with the regulations.

(9) Packages or sealing tapes shall bear in distinctly legible form a date, stated as the month and day or the number of the month and day, preceded by the letters "Exp.", or a statement such as "Not to be sold after". The date shall not exceed 10 days from date of Haugh unit test, including the day of testing. Upon expiration of the 10 days, the eggs shall be removed from the labeled packages or the official grade mark shall be completely obliterated.

(10) Sampling, break-out testing, and maintenance of records of break-out tests shall be done by or under the immediate supervision of a governmentally employed grader. Such graders shall make examinations of all packaged product to observe compliance with U.S. Grade AA standards for shell conditions, loss and foreign material, such as blood and meat spots. The size of the samples shall be on the basis of the requirements of § 56.4.

10. Add a new § 56.44a to read:

§ 56.44a Requirements for eggs packaged under the U.S. Grade A mark, as shown in Figure 7 of § 56.38b.

Eggs packaged with the grade label designation specified in § 56.38b shall meet all of the provisions of § 56.44, except for the following:

(a) A flock shall consist of birds located on the same farm and managed under identical supervision.

(b) A flock may be eligible for entry under the program when a sample of 25 eggs drawn at random averages 64 Haugh units or higher; or when two samples of 25 eggs each drawn at random (one sample per week for two consecutive weeks) each averages 61 Haugh units or higher. Notwithstanding the foregoing, a flock shall not be eligible if any sample contains more than four eggs measuring less than 55 Haugh units, and the yolk of all eggs in the sample shall have a well-rounded appearance with a reasonably uniform color.

(c) A flock may remain on the program: *Provided,* That (1) a moving average of 60 Haugh units or higher is maintained; (2) no individual weekly average is below 55 Haugh units; (3) the yolks of all eggs have a well-rounded appearance with a reasonably uniform color; (4) not more than two eggs in any sample of 10 eggs measure less than 55 Haugh units.

(d) The weekly average shall be computed by averaging the results obtained by testing 10 eggs per flock per week. Samples shall be drawn at random once a week.

§ 56.200 [Amendment]

11. Change paragraph (b) of § 56.200 to read:

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light, except as otherwise provided in § 56.44 or § 56.44a. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determination of the interior quality of shell eggs. It is desirable to break out an occasional egg and by determining the Haugh unit value of the broken-out egg, compare the broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

§ 56.210 [Amendment]

12. Change paragraphs (b), (c), (d) and (e) of § 56.210 to read:

(b) *Firm.* A white that is sufficiently thick or viscous to permit but limited movement of the yolk from the center of the egg, thus preventing the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled. With respect to a broken-out egg, a firm white has a Haugh unit value of 72 or higher.

(c) *Reasonably firm.* A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to move somewhat more freely from its normal position in the center of the egg and approach the shell more closely. This would result in a fairly well defined yolk outline when the egg is twirled. With respect to a broken-out egg, a reasonably firm white has a Haugh unit value of 55 to 72.

(d) *Slightly weak.* A white that is lacking in thickness or viscosity to an extent that permits the yolk to move quite freely from its normal position in the center of the egg. A slightly weak white will cause the yolk outline to appear well defined when the egg is twirled. With respect to a broken-out egg, a slightly weak white has a Haugh unit value of 31 to 55.

(e) *Weak and watery.* A white that is thin and generally lacking in viscosity. A weak and watery white permits the yolk to move freely from the center of the egg and to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to a broken-out egg, a weak and watery white has a Haugh unit value lower than 31.

13. Change § 56.221 to read:

§ 56.221 Grades.

(a) "U.S. Procurement Grade I" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B. Said maximum tolerance of 5 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss other than meat spots and blood clots and spots shall not exceed 0.15 percent at origin and 0.20 percent at destination.

(b) "U.S. Procurement Grade II shall consist of eggs of which at least 60 percent are A Quality or better. Within the maximum of 40 percent which may be below A Quality, not more than 10 percent may be of the qualities below B. Said maximum tolerance of 10 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss other than meat spots and blood clots and spots shall not exceed 0.15 percent at origin and 0.20 percent at destination.

(c) "U.S. Procurement Grade III" shall consist of eggs of which at least 40 percent are A Quality or better. Within the maximum of 60 percent which may be below A Quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C Quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss other than meat spots and blood clots and spots shall not exceed 0.15 percent at origin and 0.20 percent at destination.

(d) "U.S. Procurement Grade IV" shall consist of eggs of which at least 20 percent are A quality or better. Within the maximum of 80 percent which may be below A quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss other than meat spots and blood clots and spots shall not exceed 0.15 percent at origin and 0.20 percent at destination.

(e) Individual case tolerance within a lot applying to each of the procurement grades: (1) Individual cases may contain not over 10 percent less A quality eggs than specified for any procurement grade provided the average percentage of A quality eggs for the lot is not less than the percentage specified. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than the minimum percentage specified for the grade.

(2) Individual cases of Procurement Grades I, II, III, and IV may contain not over 10 percent, 15 percent, 18 percent and 18 percent respectively, of qualities below Grade B provided the average for the lot does not exceed the tolerance permitted in the grade.

14. Change § 56.222 to read:

§ 56.222 Summary of grades.

The summary of the U.S. Procurement Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U.S. PROCUREMENT GRADES FOR SHELL EGGS

U.S. Procurement Grade	A quality or better (lot average) at least [1]	Maximum tolerance permitted [2] (lot average)	
	Percent	Percent	Quality
I	80	(15 to 20 (Not over 5	B, C, Check, Dirty, Leaker, and Loss.
II	60	(30 to 40 (Not over 10	B, C, Check, Dirty, Leaker, and Loss.
III	40	(48.3 to 60 (Not over 11.7	B, C, Check, Dirty, Leaker, and Loss.
IV	20	(68.3 to 80 (Not over 11.7	B, C, Check, Dirty, Leaker, and Loss

[1] Individual cases may contain not over 10 percent less A quality eggs than permitted for the lot: *Provided,* That the average for the lot is not more than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than is permitted in any grade.

[2] Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over 3/10 percent Dirties, Leakers and Loss. Loss other than meat spots and blood clots and spots shall not exceed 0.15 percent at origin and 0.20 percent at destination. Individual cases of Procurement Grades I, II, III, and IV may contain not over 10 percent, 15 percent, 18 percent and 18 percent respectively, of qualities below Grade B provided the average for the lot does not exceed the tolerance permitted in the grade.

15. Add a new title "United States Export Grades and Weight Classes for Shell Eggs", followed immediately by new §§ 56.230 through 56.234 to read:

UNITED STATES EXPORT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.230 General.

(a) These export grades are applicable only to shell eggs in lot quantities packaged in accordance with the requirements set forth in § 56.234. A lot may contain any quanitity of one or more cases. Reference to the term "case" means a 30-dozen egg case as used in commercial practices in the United States.

(b) All terms in the United States Standards for Quality of Individual Shell Eggs (§ 56.200 et seq.) shall, when used in this part have the same meaning as is given to them in such standards.

(c) Substitution of higher qualities for the lower qualities specified is permitted.

§ 56.231 Grades.

(a) "U.S. Export Grade I" or "U.S. Export Grade A" shall consist of eggs of which at least 80 percent are A quality or better. Within the maximum of 20 percent which may be below A quality, not more than 5 percent may be of the qualities below B. Said maximum tolerance of 5 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212(b).

(b) "U.S. Export Grade II" shall consist of eggs of which at least 60 percent are A quality or better. Within the maximum or 40 percent which may be below A quality, not more than 10 percent may be of the qualities below B. Said maximum tolerance of 10 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212(b).

(c) "U.S. Export Grade III" shall consist of eggs of which at least 40 percent are A quality or better. Within the maximum of 60 percent which may be below A quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C quality, not more than 3 percent Checks, not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212(b).

(d) "U.S. Export Grade IV" shall consist of eggs of which at least 20 percent are A quality or better. Within the maximum of 80 percent which may be below A quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C quality, not more than 3 percent Checks, and not more than 3/10 percent Dirties, Leakers, and Loss combined. Loss shall not include inedible eggs as defined in § 56.212(b).

(e) Individual case tolerance within a lot applying to each of the export grades: (1) Individual cases may contain not over 10 percent less A quality eggs than specified for any export grade: *Provided*, That the average percentage of A quality eggs for the lot is not less than the percentage specified. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than the minimum percentage specified for the grade.

(2) Individual cases of U.S. Export Grades I or A, II, III, and IV may contain not over 10 percent, 15 percent, 18 percent and 18 percent respectively, of qualities below B provided the average for the lot does not exceed the tolerance permitted in the grade.

§ 56.232 Summary of grades.

The summary of the U.S. Export Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U.S. EXPORT GRADES FOR SHELL EGGS

U.S. export grade	A quality or better (lot average) at least [1]	Maximum tolerance permitted [2] (lot average)	
	Percent	Percent	Quality
I or A	80	(15 to 20 / Not over 5	B. / Edible eggs below B quality.
II	60	(30 to 40 / Not over 10	B. / Edible eggs below B quality.
III	40	(48.3 to 60 / Not over 11.7	B. / Edible eggs below B quality.
IV	20	(68.3 to 80 / Not over 11.7	B. / Edible eggs below B quality.

[1] Individual cases may contain not over 10 percent less A quality eggs than permitted for the lot: *Provided*, That the average for the lot is not more than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A quality eggs than is permitted in any grade.

[2] Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over 3/10 percent Dirties, Leakers, and Loss. Loss shall not include inedible eggs as defined in § 56.212(b). Individual cases of U.S. Export Grades I or A, II, III, and IV may contain not over 10 percent, 15 percent, 18 percent and 18 percent respectively, of qualities below B provided the average for the lot does not exceed the tolerance permitted in the grade.

§ 56.233 Weight classes.

(a) The weight classes for United States Export Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all export grades:

TABLE I—WEIGHT CLASSES FOR UNITED STATES EXPORT GRADES

Weight classes	Average net weight on lot basis 30-dozen case	Minimum net weight individual 30-dozen case	Minimum weight of individual eggs, at net rate per dozen	Maximum average percent of individual eggs below minimum weight lot average [1]
	Pounds	*Pounds*	*Ounces*	*Percent*
Extra large	50.5	50	26	3.33
Large	45	44.5	23	3.33
Medium	39.5	39	20	3.33
Small	34	33.5	17	3.33

[1] Individual cases may contain not over 10 percent of individual eggs below minimum weight specified in any weight class, but such eggs shall weigh not less than the minimum specified for the next lower weight class.

§ 56.234 Packaging material.

(a) Eggs graded and labeled as an export grade shall be packed in new standard cases and new standard packing material. New standard wood cases shall comply with the requirements of paragraph 5.2.1.2 of Interim Federal Specification C–E–00271c "Eggs Shell", dated November 12, 1958. New standard fiber cases shall be of one of the following types:

Type C Case

(1) Solid or double-faced corrugated fiber.
(2) 65-pound box with 220 pounds per square inch bursting strength.
(3) The fiberboard of which the box is made must be scored and folded so as to provide double thickness over entire area of ends and sides. Also, the bottoms and center partitions must consist of at least 2 thicknesses of such fiberboard.
(4) The center partitions must be held firmly in position in center of case.

Type D Case

(1) Cases made of double-faced corrugated fiberboard with not less than 200 pounds bursting strength *and* must have, in addition, an asphalted corrugating sheet not less than 0.013 inches thick.
(2) The fiberboard of which the box is made must be scored and folded so as to provide double thickness over entire area of bottom and ends. Center partition must consist of at least 2 thicknesses of such fiberboard and must be held firmly in position in center of case.

Type E Case

(1) Double-faced corrugated fiberboard of at least 4-ply solid fiberboard.
(2) 90-pound box.
(3) The fiberboard of which the box is made must be scored and folded so as to provide double thickness over entire areas of at least 2 of the 4 following parts: bottoms, ends, sides and center partition.
(4) Center partition must be held in position in center of case.

Type F Case

(1) Double-faced corrugated fiberboard.
(2) 65-pound box with 220 pounds per square inch of bursting strength.
(3) Center partition must be of double thickness and not less than 200 pounds per square inch bursting strength. Also, a flange on each side not less than 7/8 of an inch wide which must be fastened to sidewalls with at least 5 staples equally spaced between top and bottom.
(4) The two thicknesses forming center partition must be stapled together.
(5) Fiberboard forming center partition must extend over entire area of bottom providing double thickness.
(6) Ends must be double wall corrugated fiberboard, testing not less than 350 pounds with flanges not less than 7/8 of an inch forming recessed ends. Ends must be stapled to sidewalls and bottom with not less than 6 staples.

(b) Each case must bear the certificate of the box maker that the box conforms to all construction requirements of the Uniform or Consolidated Freight Classification; also, this mark should show the bursting test (200 to 220 pounds per square inch) and the gross weight (65 or 90 pounds) of box.

(c) Sealing: The tops of all cases must be closed securely so they will not open during transportation, by applying a 3-inch gummed tape over all seams (made by the closing of the case). The tape shall extend down the sides and ends of the cases not less than 3 inches.

(d) Marking. Each case shall be plainly marked in English and in the language of the importing country to show the name of the product, the quantity, and the size. When the importing country requires marking on the individual egg, such marking shall be legible.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74)

Issued at Washington, D.C. this 12th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59–6786; Filed, Aug. 14, 1959; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 178]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.478 Valencia Orange Regulation 178.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 13, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 16, 1959, and ending at 12:01 a.m., P.s.t., August 23, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6875; Filed, Aug. 14, 1959; 11:45 a.m.]

PART 939 — BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment for 1959–60 Fiscal Period

On July 29, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 6055) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1959–60 fiscal period under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.212 Expenses and rate of assessment for the 1959–60 fiscal period.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1959, and ending June 30, 1960, both dates inclusive, will amount to $37,535.40.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eight and one-half mills ($0.0085) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) in accordance with the provisions of said amended marketing agreement and order, the rate of assessment is applicable to all pears shipped during the 1959–60 fiscal period; (2) shipments of such pears are now being made; and (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Control Committee to perform its duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–6767; Filed, Aug. 14, 1959; 8:47 a.m.]

[Lemon Reg. 805]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.912 Lemon Regulation 805.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 12, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 16, 1959, and ending at 12:01 a.m., P.s.t., August 23, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 13, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6833; Filed, Aug. 14, 1959; 9:19 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; South Carolina

On July 31, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties indentified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said countics.

SOUTH CAROLINA	*Average value*
County	
Abbeville	$35,000
Aiken	40,000
Allendale	35,000
Anderson	40,000
Banberg	40,000
Barnwell	35,000
Beaufort	40,000
Berkeley	35,000
Calhoun	40,000
Charleston	40,000
Cherokee	40,000
Chester	40,000
Chesterfield	40,000
Clarendon	40,000
Colleton	40,000
Darlington	40,000
Dillon	40,000
Dorchester	40,000
Edgefield	40,000
Fairfield	35,000
Florence	40,000
Georgetown	35,000
Greenville	40,000
Greenwood	40,000
Hampton	35,000
Horry	35,000
Jasper	35,000
Kershaw	35,000
Lancaster	35,000
Laurens	40,000
Lee	40,000
Lexington	35,000
McCormick	35,000
Marion	40,000
Marlboro	40,000
Newberry	40,000
Oconee	$40,000
Orangeburg	40,000
Pickens	40,000
Richland	40,000
Saluda	40,000
Spartanburg	40,000
Sumter	40,000
Union	35,000
Williamsburg	35,000
York	40,000

(Sec. 41, 50 Stat., as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric. 19 F.R. 74, 77, 22 F.R. 8188)

Dated: August 7, 1959.

H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F.R. Doc. 59-6789; Filed, Aug. 14, 1959; 8:50 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

Correction

In F.R. Doc. 59-6398, appearing at page 6232 of the issue for Tuesday, August 4, 1959, the following changes should be made in § 421.4047(b):

1. Under the counties for Missouri, "Benton" should read "Butler."

2. Under Virginia, the entry for "Anne" following "Princess Anne" should be deleted.

[1959 CCC Cotton Bulletin 1, Amdt. 2]

PART 427—COTTON

Subpart—1959 Cotton Loan Program Regulations

CUSTODIAL OFFICES

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 24 F.R. 3475 as 1959 CCC Cotton Bulletin 1 and containing the terms and conditions with respect to the 1959 Cotton Loan Program, are hereby amended to make certain changes in custodial offices and the districts served by each such custodial office.

Section 427.1028 is hereby amended to read as follows:

§ 427.1028 Custodial offices.

The custodial offices referred to in this subpart and the district served by each are shown below:

Federal Reserve Bank, Atlanta, Ga.: Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia.

Federal Reserve Bank, Dallas, Tex.: Arizona, California, Kansas, Nevada, New Mexico, Oklahoma, Texas.

Federal Reserve Bank, Memphis, Tenn.: Arkansas, Illinois, Kentucky, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans CSS Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1443, 1421)

Issued this 11th day of August 1959.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6788; Filed, Aug. 14, 1959; 8:50 a.m.]

[1959 CCC Cotton Bulletin 2, Amdt. 2]

PART 427—COTTON

Subpart—1959 Cotton Purchase Program Regulations

PREPARATION OF DOCUMENTS

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 24 F.R. 3482 as 1959 CCC Cotton Bulletin 2 and containing the terms and conditions with respect to the 1959 Cotton Purchase Program, are hereby amended to make minor language changes and to provide for the use of Marketing Certificate for Penalty Free Upland Cotton, Form MQ-91—Cotton (Upland), in the 1959 Cotton Purchase Program.

Section 427.1062 (a) and (b) are hereby amended to read as follows:

§ 427.1062 Preparation of documents.

(a) A producer desiring to sell eligible warehouse-stored or bill of lading cotton may obtain the necessary forms from county offices, approved purchasing agencies, and approved warehouses. The purchasing agency will assist the producer in the preparation and execution of the Form SA, except as provided below. All applicable blanks on the purchase forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. All copies should be clearly legible. The spaces provided on Form SA for the producer to request and direct payment of the sales proceeds must be completed in every instance. All disbursements made from the proceeds of a sale must be shown, and the total must agree with the amount of the sale. No deduction may be made from the sales proceeds by the purchasing agency as a charge for preparing (or handling) the documents. Care should be exercised by the purchasing agency to determine that the producer and the cotton are eligible and that the warehouse receipts or bills of lading are genuine. Before a purchasing agency prepares documents for a producer, it must require the producer to present his marketing card so the purchasing agency can determine whether the producer is eligible to sell his cotton to CCC. The marketing card for Choice (A) cotton (Form MQ-76-A—Upland Cotton) will be a green card. The county committee, in preparation of the producer's marketing card, will indicate the producer's eligibility. If neither of the boxes following the words "Eligible Only if Sales Agreement Approved by ASC County Committee" and "Ineligible for Price Support" contains an "X," the purchasing agency will use this as evidence that the producer is eligible to sell his cotton to CCC. If the box following the words "Eligible Only if Sales Agreement Approved by ASC County Committee" contains an "X," or if the marketing card shows evidence of any alteration or erasure, the purchasing agency shall inform the producer that in order for him to sell his cotton to CCC he must have the Certificate of Agricultural Stabilization and Conservation County Committee on Form SA executed by the county office manager (or a county office employee designated by him). If the box following the words "Ineligible for Price Support" contains an "X," the cotton produced on the farm for which the marketing card was issued is not eligible for price support under any condition, and the producer should be so informed by the purchasing agency. In any case where a Marketing Certificate for Penalty Free Upland Cotton, Form MQ-91—Cotton (Upland), is presented to a purchasing agency in lieu of a 1959 Choice (A) upland cotton marketing card, the purchasing agency shall inform the producer that in order for him to sell his cotton to CCC he must have the Certificate of Agricultural Stabilization and Conservation County Committee on the Form SA executed by the county office manager (or a county office employee designated by him). If it is determined that the cotton is eligible to be sold to CCC, the Certificate of Agricultural Stabilization and Conservation County Committee shall be executed as prescribed in the preceding sentence, and the serial number of the Marketing Certificate for Penalty Free Upland Cotton shall be inserted by the county office in the space provided for the Marketing Card Serial Number on the Form SA. Purchasing agencies which are also eligible producers must sell cotton produced by them direct to the New Orleans office or to another approved purchasing agency. If a purchasing agency, or any officer, employee, or agent of such purchasing agency, holds a power of attorney from an eligible producer who desires to sell his cotton to CCC, the cotton must be sold direct to the New Orleans office or to another purchasing agency.

(b) The Purchasing Agency's Certificate on each Form SA tendered for purchase by CCC must be executed by the purchasing agency making the purchase from the producer. The original of Form SA must be signed by the producer, and the copy marked "Producer's Copy" is to be retained by the producer. Purchase forms must not be signed in blank. All applicable entries must be completed prior to the time the form is signed by the producer and the purchasing agency. The proper status of the producer (i.e., whether landowner, landlord, tenant, or sharecropper) must be shown in the space provided therefor on Form SA and all landowners and landlords must sign the Lienholders Waiver on such forms whether or not they claim liens unless the landowners and landlords, as eligible producers, are selling their cotton jointly. Cotton of various grades and staple lengths may be included on one Form SA. All of the cotton on a Sales Agreement must have been ginned at the same gin, must be stored in the same warehouse, and the gin bale number of each bale must be entered in the applicable column of the Schedule of Cotton Sold on the Form SA. Not more than 999 bales shall be included on any one Sales Agreement. When a producer has two or more Choice (A) farms, the cotton produced on different farms shall not be entered on the same Form SA.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1443, 1421)

Issued this 11th day of August 1959.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-6787; Filed, Aug. 14, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Reg. Docket No. 87; Amdt. 2]

PART 617—AIR TRAFFIC CONTROL RULES

Landing and Taxiing Clearances

As presently written, § 617.26 refers to "the airport boundary" as the common reference point at which separation between successive landing aircraft is determined. However, the airport boundary does not always coincide with the approach end of the landing runway. In some cases, the distance between the airport boundary and the approach end of the runway is several thousand feet. In order to utilize a realistic geographic point upon which to predicate the separation of successive landing aircraft, such references have been changed to specify "the approach end of the runway." In addition, § 617.26(b) has been rewritten to clarify the standards to be utilized by air traffic controllers in determining the time when a landing clearance may be issued to a succeeding aircraft landing

on the same runway. Finally, § 617.46(g) has been amended to eliminate any misunderstanding by pilots of the phrases "Hold Your Position" and "Taxi Into Position" because of their phonetic similarity. This amendment does not impose any additional burden upon any person.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety so that notice and public procedure hereon are unnecessary and impracticable and good cause exists for making this amendment effective upon the date of its publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 617 is hereby amended as follows:

1. In § 617.26, paragraphs (b), (d)(1), (e)(1), and (e)(3)(i), are amended as follows:

§ 617.26 Control of traffic in the traffic pattern.

* * * * *

(b) Sufficient separation shall be effected between arriving aircraft so that the succeeding landing aircraft on the same runway will not cross the approach end of the runway in its final glide until the preceding aircraft has cleared the runway-in-use. (See Fig. 4.) Normally, a landing clearance is issued to a succeeding aircraft when the preceding aircraft has actually cleared the runway-in-use. However, an air traffic controller may, in the exercise of his judgment, issue a landing clearance to a succeeding aircraft before the preceding aircraft has actually cleared the runway-in-use when it appears that such succeeding aircraft landing on the same runway will not cross the approach end of the runway in its final glide until the preceding aircraft has cleared the runway-in-use.

* * * * *

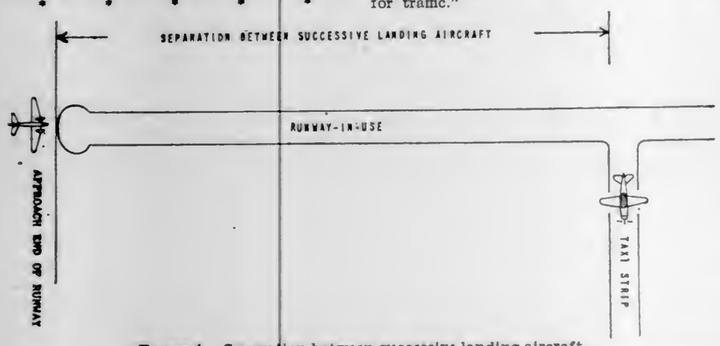


FIGURE 4. Separation between successive landing aircraft.

(d) * * *

(1) A landing aircraft will not cross the approach end of the runway in its final glide until the preceding departing aircraft on the same runway has crossed the far end of the runway.

* * * * *

(e) * * *

(1) Landing: Sufficient separation shall be effected between arriving aircraft to ensure that succeeding landing aircraft on the same runway will not cross the approach end of the runway until the preceding landing aircraft has landed and is clear of the runway, or if the preceding landing aircraft is making a touch-and-go landing, is airborne, or taking off (as defined in subparagraph (3)(i) of this paragraph).

* * * * *

(3) * * *

(i) That a landing aircraft will not cross the approach end of the runway until the preceding aircraft taking off is definitely airborne or has traversed at least the first 3,000 feet of runway. The determining factor in each case should be whether the following aircraft has sufficient area available to land or take off safely in the event the preceding aircraft, through unforeseen circumstances, blocks a portion of the usable runway.

2. By amending § 617.46(g)(2)(vi) to read as set forth below and by deleting subdivision (viii) of § 617.46(g)(2) and renumbering subdivisions (ix) through (xix) to (viii) through (xviii) respectively:

§ 617.46 Standard phraseologies for for traffic clearances.

* * * * *

(g) * * *

(2) * * *

(vi) Whenever it is desired that a taxiing aircraft hold at a specific point or when an aircraft adjacent to the active runway requests a take-off clearance and cannot be cleared onto the runway-in-use or whenever it is otherwise desired that the aircraft not move, the following phraseology shall be used:

"Hold; hold short of (position)"; or "Hold on (taxi strip; run-up pad, etc.)"; or "Hold for traffic."

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on August 10, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-6698; Filed, Aug. 14, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl) Phosphorothioate

In F.R. Doc. 59-6299, published in the FEDERAL REGISTER of July 31, 1959 (24 F.R. 6159), in the amendment to § 120.153(b), the word "watercress" is corrected to read "watermelons".

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 10, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6781; Filed, Aug. 14, 1959; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS

Capsules Tetracycline Hydrochloride and Novobiocin; Capsules Tetracycline Phosphate Complex and Novobiocin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR and 21 CFR, 1958 Supp., 146c.234) are amended as set forth below:

In § 146c.234, paragraph (a) is amended by changing the number "125" to read "62.5". As amended, paragraph (a) will read as follows:

§ 146c.234 Capsules tetracycline hydrochloride and novobiocin; capsules tetracycline phosphate complex and novobiocin.

* * * * *

(a) Unless it is intended solely for veterinary use and is conspicuously so labeled, each capsule contains not less than 62.5 milligrams of novobiocin as the monosodium salt. The crystalline novobiocin used conforms to the requirements for novobiocin prescribed by § 146a.53(a) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with an interested member of the industry, and since it would be against public interest to delay providing for the amendment included in this order.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 10. 1959.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6769; Filed, Aug. 14, 1959; 8:47 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tablets Tetracycline Hydrochloride and Novobiocin

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR and 21 CFR, 1958 Supp., 146c.238) are amended as set forth below:

In § 146c.238, paragraph (c) is amended by changing the number "18" to read "36". As amended, paragraph (c) will read as follows:

§ 146c.238 Tablets tetracycline hydrochloride and novobiocin.

* * * * *

(c) In addition to the labeling prescribed for tetracycline hydrochloride capsules, each package shall bear on its label and labeling the number of milligrams of monosodium novobiocin or calcium novobiocin in each tablet of the batch. The expiration date of the drug shall be 36 months.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the amendment included in this order.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 10, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6770; Filed, Aug. 14, 1959; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

MISCELLANEOUS AMENDMENTS TO CHAPTER

In order to conform Chapter III of Title 20 of the Code of Federal Regulations to changes in the Office of the Commissioner in the Social Security Administration approved by the Secretary of Health, Education, and Welfare on April 16, 1959, and which appear in an appropriate revision of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), to be published simultaneously herewith,[1] Chapter III of Title 20 of the Code of Federal Regulations, as amended, is further amended as follows:

1. Wherever the words "office of Appeals Council" or "office of the Appeals Council" appear in Chapter III of Title 20 of the Code of Federal Regulations, the words "the Appeals Council in the Office of Hearings and Appeals" shall be substituted therefor. Where the words "Office of Appeals Council" appear in § 403.709(b) of Part 403 and § 404.1001(s) of Part 404 of the said Chapter III, the words "Appeals Council in the Office of Hearings and Appeals" shall be substituted therefor.

2. Wherever the words "Chairman of the Appeals Council" or the word "Chairman," where it refers to the Chairman of the Appeals Council, appear in Chapter III of Title 20 of the Code of Federal Regulations, the words "Director of the Office of Hearings and Appeals" or the word "Director," respectively, shall be substituted therefor.

3. Wherever the word "referee" appears in Chapter III of Title 20 of the Code of Federal Regulations, the words "hearing examiner" shall be substituted therefor.

4. Valid use may be made of existing forms of the Office of Appeals Council without change in nomenclature until December 31, 1959. Wherever the words "Office of Appeals Council" or "referee" appear on any executed forms or documents in the files of the Social Security Administration, they shall be deemed to refer, wherever appropriate, to "the Appeals Council in the Office of Hearings and Appeals," or to "hearing examiner," respectively.

[1] See F.R. Doc. 59-6782 in Notices section, *infra*.

(Sec. 205(a), 53 Stat. 1368 as amended, sec. 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18. Applies sec. 1102, 49 Stat. 647 as amended; 42 U.S.C. 1302)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

JULY 31, 1959.

Approved: August 12, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-6783; Filed, Aug. 14, 1959; 8:49 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6407]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Corporate Normal Tax

In order to conform the Income Tax Regulations (26 CFR Part 1) to those amendments made to the Internal Revenue Code of 1954 by the Tax Rate Extension Act of 1959 (73 Stat. 157) which relate to the extension of the corporation normal-tax rate under section 11(b), such regulations are amended as follows:

§ 1.11 [Amendment]

PARAGRAPH 1. Section 1.11, as amended by Treasury Decision 6350, approved December 31, 1958, is further amended by revising section 11(b)(1) and (2) and the historical note to read as follows:

§ 1.11 Statutory provisions; tax on corporations.

SEC. 11. *Tax imposed.* * * *

(b) *Normal tax*—(1) *Taxable years beginning before July 1, 1960.* In the case of a taxable year beginning before July 1, 1960, the normal tax is equal to 30 percent of the taxable income.

(2) *Taxable years beginning after June 30, 1960.* In the case of a taxable year beginning after June 30, 1960, the normal tax is equal to 25 percent of the taxable income.

* * * * *

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 14); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157)]

§ 1.11–1 [Amendment]

PAR. 2. Paragraph (c) of § 1.11–1, as amended by Treasury Decision 6350, is further amended by striking out "1959" each time it occurs and inserting in lieu thereof "1960".

PAR. 3. Section 1.21–1, as amended by Treasury Decision 6350, is further amended by revising paragraph (a) and Example (2) in paragraph (n) thereof to read as follows:

§ 1.21–1 Changes in rate during a taxable year.

(a) Section 21 applies to all taxpayers, including individuals and corporations. It provides a general rule applicable in any case where (1) any rate of tax imposed by chapter 1 upon the taxpayer is increased or decreased, or any such tax is repealed, and (2) the taxable year includes the effective date of the change, except where that date is the first day of the taxable year. Thus, for example, the normal tax on corporations might, under section 11(b), be decreased from 30 percent to 25 percent in the case of a taxable year beginning after June 30. Accordingly, the tax for a taxable year of a corporation beginning on July 1 would be computed under section 11(b) at the new rate without regard to section 21. However, for any taxable year beginning before July 1, and ending on or after that date, the tax would be computed under section 21. For additional circumstances under which section 21 is not applicable, see paragraph (k) of this section.

* * * * *

(n) The application of section 21 may be illustrated by the following examples:

* * * * *

Example (2). For purposes of this example, the following facts are assumed: The taxpayer is a corporation, its taxable year is a calendar year of 365 days (that is, it is not a leap year), its taxable income for both normal tax and surtax purposes is $100,000, and it is subject to a change in the rate of the normal tax from 30 percent of taxable income to 25 percent of taxable income effective on July 1 of the taxable year. The change in the normal tax rate applicable to the corporation does not affect the amount of any other tax applicable to the corporation under chapter 1. In such case, the tentative tax at the 30 percent rate would be $30,000, and the tentative tax at the 25 percent rate would be $25,000. The proportionate part of the tentative tax at the 30 percent rate is $14,876.71, that is, an amount which is the same proportion of $30,000 as 181 (the number of days from January 1 to June 30 of the taxable year, both dates inclusive) is to 365 (the total number of days in the taxable year). The proportionate part of the tentative tax at the 25 percent rate is $12,602.74, that is, an amount which is the same proportion of $25,000 as 184 (the number of days from July 1 to December 31 of the taxable year, both dates inclusive) is to 365.

Because this Treasury decision merely provides for the extension of the corporate normal-tax rate under the Tax Rate Extension Act of 1959 (73 Stat. 157), it is found unnecessary to issue the Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 11, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 59–6764; Filed, Aug. 14, 1959; 8:46 a.m.]

[T.D. 6406]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On June 2, 1959, notice of proposed rule making regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by section 6 of the Technical Amendments Act of 1958 (72 Stat. 1608) was published in the FEDERAL REGISTER (24 F.R. 4495). No objection to the rules proposed was received during the 30-day period prescribed in the notice, and the amendment as so published is hereby adopted.

In order to conform the Income Tax Regulations (26 CFR (1954) Part 1) to section 6 of the Technical Amendments Act of 1958 (72 Stat. 1608), such regulations have been amended as follows:

§ 1.164 [Amendment]

PARAGRAPH 1. Section 1.164 is amended—

(A) By redesignating section 164(f) as section 164(g), and by inserting after section 164(e) the following new subsection:

(f) *Payments for municipal services in atomic energy communities.* For purposes of this section, amounts paid or accrued, to compensate the Atomic Energy Commission for municipal-type services, by any owner of real property within any community (within the meaning of section 21b of the Atomic Energy Community Act of 1955) shall be treated as real property taxes paid or accrued. For purposes of this subsection, the term "owner" includes a person who holds the real property under a leasehold of 40 or more years and a person who has entered into a contract to purchase under section 61 of the Atomic Energy Community Act of 1955. Subsection (d) of this section shall not apply to a sale by the United States of property with respect to which this subsection applies.

(B) By adding the following historical note after section 164(g) as redesignated:

[Sec. 164(f) as added by sec. 6, Technical Amendments Act, 1958 (72 Stat. 1608)]

§ 1.164–1 [Amendment]

PAR. 2. Section 1.164–1 is amended by deleting "1.164–7" in the first sentence and inserting in lieu thereof "1.164–8".

§ 1.164–6 [Amendment]

PAR. 3. Paragraph (a) of § 1.164–6 is amended by deleting "When" in the first sentence and inserting in lieu thereof the following: "Except as provided otherwise in section 164(f) and § 1.164–8, when"

PAR. 4. The following section is inserted immediately after § 1.164–7:

§ 1.164–8 Payments for municipal services in atomic energy communities.

(a) *General.* For taxable years beginning after December 31, 1957, amounts paid or accrued by any owner of real property within any community (as defined in section 21b of the Atomic Energy Community Act of 1955 (69 Stat. 473; 42 U.S.C. 2304)) to compensate the Atomic Energy Commission for municipal-type services (or any agent or contractor authorized by the Atomic Energy Commission to charge for such services) shall be treated as real property taxes paid or accrued for purposes of section 164. Such amounts shall be deductible as taxes to the extent provided in section 164, §§ 1.164–1 through 1.164–7, and this section. See paragraph (b) of this section for definition of the term "Atomic Energy Commission"; paragraph (c) of this section for the definition of the term "municipal-type services"; and paragraph (d) of this section for the definition of the term "owner".

(b) *Atomic Energy Commission.* For purposes of paragraph (a) of this section, the term "Atomic Energy Commission" shall mean—

(1) The Atomic Energy Commission, and

(2) Any other agency of the United States Government to which the duties and responsibilities of providing municipal-type services are delegated under the authority of section 101 of the Atomic Energy Community Act of 1955 (69 Stat. 482; 42 U.S.C. 2313).

(c) *Municipal-type services.* For purposes of paragraph (a) of this section, the term "municipal-type services" includes services usually rendered by a municipality and usually paid for by taxes. Examples of municipal-type services are police protection, fire protection, public recreational facilities, public libraries, public schools, public health, public welfare, and the maintenance of roads and streets. The term shall include sewage and refuse disposal which are maintained out of revenues derived from a general charge for municipal-type services; however, the term shall not include sewage and refuse disposal if a separate charge for such services is made. Charges assessed against local benefits of a kind tending to increase the value of the property assessed are not charges for municipal-type services. See section 164(b)(5) and § 1.164–4.

(d) *Owner.* For purposes of paragraph (a) of this section, the term "owner" includes a person who holds the real property under a leasehold of 40 or more years from the Atomic Energy Commission (or any agency of the United States Government to which the duties and responsibilities of leasing real property are delegated under section 101 of the Atomic Energy Community Act of 1955), and a person who has entered into a contract to purchase under section 61 of the Atomic Energy Community Act of 1955 (69 Stat. 478; 42 U.S.C. 2361). An assignee (either immediate or more remote) of a lessee referred to in the preceding sentence will also qualify as an owner for purposes of paragraph (a) of this section.

(e) *Nonapplication of section 164(d).* Section 164(d) and § 1.164–6, relating to apportionment of taxes on real property between seller and purchaser, do not apply to a sale by the United States or any of its agencies of real property to which section 164(f) and this section apply. Thus, amounts paid or accrued which qualify under paragraph (a) of this section will continue to be deductible as taxes to the extent provided in this section, even in the taxable year in which the owner actually purchases the real property from the United States or any of its agencies. However, the provisions of section 164(d) and § 1.164–6 shall apply to a sale of real property to which section 164(f) and this section apply, if the seller is other than the United States or any of its agencies.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 11, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 59–6763; Filed, Aug. 14, 1959; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA, MINIMUM WAGE ORDER

Pursuant to sections 5 and 6 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205 and 206), the Secretary of Labor, by Administrative Order No. 519 (24 F.R. 4219), appointed, convened, and gave notice of the hearing of Special Industry Committee No. 3 for American Samoa to recommend the minimum wage rate or rates to be paid under section 6(a)(3) of that Act (70 Stat. 1118, 29 U.S.C., Supp. V, 206(a)(3)) to employees in American Samoa, who are engaged in commerce or in the production of goods for commerce.

After investigation and a hearing held pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–1953 Comp. p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the Committee are published in this order, amending Part 697 of Title 29 of the Code of Federal Regulations, effective August 31, 1959, to read as follows:

Sec.
697.1 Definitions of industries in American Samoa.
697.2 Wage rates.
697.3 Notices.

AUTHORITY: §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended, 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended, 29 U.S.C. 205; sec. 6(a)(3), 70 Stat. 1118, 29 U.S.C., Supp. V, 206(a)(3).

§ 697.1 Definitions of the industries in American Samoa.

The industries in American Samoa to which this part shall apply are hereby defined as follows:

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel and ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined herein.

§ 697.2 Wage rates.

(a) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce.

§ 697.3 Notices.

Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this Part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 12th day of August 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59–6785; Filed, Aug. 14, 1959; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—REGULATIONS PERTAINING TO MILITARY JUSTICE

PART 66—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

Assignment of Errors; Briefs

Pursuant to the Uniform Code of Military Justice, Article 66(f) (10 U.S.C. 866(f)), §§ 66.7 and 66.8(c) are amended by the Judge Advocates General of the Armed Forces, effective upon publication in the FEDERAL REGISTER, as follows:

§ 66.7 Assignment of errors.

Within fifteen days after appellate defense counsel for the accused has been notified of the receipt of the record in the Office of the Judge Advocate General, appellate counsel for the accused shall file an assignment of errors setting forth separately and particularly each error asserted and intended to be urged (§ 66.21). An original and five clear copies, prepared in accordance with the provisions of § 66.8(a), will be submitted. It will contain the information prescribed in § 66.8(d)(1). A reply to this assignment may be filed within fifteen days. For good cause shown the Judge Advocate General may extend these times.

§ 66.8 Briefs.

* * * * *

(c) *Time for filing.* Any brief for an accused will be filed within fifteen days after his appellate counsel has been notified of the receipt of the record in the Office of the Judge Advocate General. If the Judge Advocate General has directed appellate Government counsel to represent the United States, such counsel may file a brief on behalf of the Government within fifteen days after any brief or an assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused, a brief on behalf of the Government may be filed within fifteen days after expiration of the time allowed for the filing of a brief on behalf of the accused. For good cause shown the Judge Advocate General may extend the times prescribed herein, giving due notice of such extension to the opposing party.

(Sec. 866, 70A Stat. 59; 10 U.S.C. 866)

MAURICE W. ROCHE,
Administrative Secretary.

AUGUST 11, 1959.

[F.R. Doc. 59–6788; Filed, Aug. 14, 1959; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Personnel Claims

§ 836.91 [Amendment]

1. In § 836.91(b)(1)(ii), (b)(7)(i) and (b)(7)(iii), the word "continental" is deleted.

2. Section 836.92(f) is revised as follows:

§ 836.92 Claims not payable.

* * * * *

(f) *Losses at private quarters.* Claims are not payable for losses, including thefts, occurring at quarters occupied by the claimant within the United States, if such quarters are not assigned to him, or otherwise provided in kind by the Government.

3. Section 836.96(a)(2) is revised as follows:

§ 836.96 Demand on carrier or insurer.

(a) *Carrier.* * * *

(2) *Action on claim while demand pending.* As soon as the base claims officer is notified that the claimant desires to file a claim under §§ 836.90 to 836.101 for property lost or received in a damaged or otherwise unsatisfactory condition, he will help the claimant make his demand on the carrier. This demand will be made on Air Force Form 1157, "Demand on Carrier." The base claims officer will require that for official purposes, AF Form 1157 be executed in triplicate. A copy indorsed to the Treasurer of the United States, together with any pertinent documents received from the carrier.

4. The introductory portion of § 836.98 (a) is revised as follows:

§ 836.98 Action by claimant.

(a) *Claimants.* A claim may be presented only by a military member or civilian employee of the Department of the Air Force, or in his name by his authorized agent or legal representative. A member of another Armed Force is not a proper claimant within the meaning of §§ 836.90 to 836.101 and, except when called or ordered into active Federal service, neither is a member of the Air Force Reserve, Reserve Officer Training Corps, or the Air National Guard. Only Air Force civil service personnel are considered to be civilian employees within the meaning of §§ 836.90 to 836.101. Accordingly, claims by contract employees, volunteer workers (Red Cross, Civil Air Patrol, etc.), civilian employees of the Air National Guard, or nonappropriated fund activities, will not be processed under §§ 836.90 to 836.101. If the military or civilian person is deceased, the claim may be presented by his survivor, regardless of whether the claim arose before or after the decedent's death. Survivors' claims will be presented in the following order of precedence:

* * * * *

5. Section 836.100(a) (2) and (3) is revised as follows:

§ 836.100 Approval and payment or disapproval.

(a) *Approving authorities.* * * *

(2) *Settlement authority.* Claims presented for not more than $1,000 may be settled and paid by the approving authorities in the field, in accordance with the delegation of such authority by the Secretary of the Air Force. Claims presented for more than $1,000 will be forwarded by the commander responsible for the investigation through claims channels to the Chief of the Claims Division, Office of The Judge Advocate General of the Air Force, for appropriate action. However, Headquarters Command, USAF, will forward these claims direct to that office.

(3) *Disapproval.* Regardless of the amount claimed, when the circumstances of the loss warrant total disapproval under §§ 836.90 to 836.101, the claim file will be forwarded by field approving authorities through claims channels to The Judge Advocate General of the Air Force for appropriate action. However, Headquarters Command, USAF, will forward these claims direct to that office.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70 Stat. 255; 10 U.S.C. 2732) [AFR 112-7A, July 13, 1959]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-6773; Filed, Aug. 14, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1937]

[Colorado 028948]

COLORADO

Partially Revoking Reclamation Withdrawal of March 7, 1935 (Colorado-Big Thompson Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of March 7, 1935, which withdrew lands in Colorado for reclamation purposes in the first form, in connection with the Grand Lake-Big Thompson Transmountain Diversion (now Colorado-Big Thompson Project), is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 75 W.
sec. 26, NE¼SE¼ and E½NE¼.

The areas described aggregate 120 acres.

2. The lands are in the Arapaho National Forest.

3. Commencing at 10:00 a.m. on September 15, 1959, the lands shall be open, subject to valid existing rights, and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands. They have been open to applications and offers under the mineral leasing laws.

4. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 10, 1959.

[F.R. Doc. 59-6759; Filed, Aug. 14, 1959; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-33]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected Vessels)

U.S. MERCHANT MARINE ACADEMY COURSE AS "RADAR OBSERVER"; NOTICE OF APPROVAL

The course of instruction in the proper operation and utilization of marine radar equipment at the U.S. Merchant Marine Academy, Kings Point, New York, was reviewed after receipt of Maritime Administration letter dated February 3, 1959, requesting acceptance of certificates attesting to successful completion of such courses of instruction at the U.S. Merchant Marine Academy as evidence of the holders' qualifications as a "radar observer" so that such holders need not take a further examination. This inspection has been concluded with favorable results.

The new regulation, designated 46 CFR 10.05-46(d)(2), is added by this document in order to inform all persons concerned that the course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the U.S. Merchant Marine Academy, Kings Point, New York. The holders of certificates of successful completion of such course of instruction, attesting to such successful completion on or after July 17, 1959, may present such certificates as evidence of qualification as "radar observer" and be exempt from taking the examination specified in 46 CFR 10.05-46(b).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-20 dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment designated § 10.05-46(d)(2) is prescribed and shall become effective upon the date set forth therein:

§ 10.05-46 Radar observer.

* * * * *

(d) * * *

(2) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the U.S. Merchant Marine Academy, Kings Point, New York. This approval shall be effective for all certificates issued to the deck cadets of the U.S. Merchant Marine Academy and attesting to the successful completion of the course in the proper operation and utilization of marine radar equipment on or after July 17, 1959, and will continue in effect until this approval is suspended, canceled, or modified by proper authority.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4438, as amended, 4439, as amended, 4440, as amended, 4442, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 68 Stat. 484, sec. 3, 68 Stat. 676, sec. 3, 70 Stat. 152; 46 U.S.C. 391a, 404, 224, 226, 228, 214, 367, 1333, 239b, 390b, 50 U.S.C. 198)

Dated: August 10, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59-6784; Filed, Aug. 14, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 19]

TEMPORARY RULES RELATING TO ACCOUNTING METHODS OF LIFE INSURANCE COMPANIES, CHARITABLE DEDUCTIONS, ETC.

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the rules set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such rules, consideration will be given to any comments or suggestions pertaining thereto which are submited in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed rules should submit his request, in writing, to the Commissioner within the 15-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed rules are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Although 30 days are ordinarily provided for furnishing any comments or suggestions pertaining to a notice of proposed rule making, a period of 15 days is provided with respect to these rules in order to make possible more expeditious promulgation of final rules so that life insurance companies may have such rules as soon as possible to assist them in the preparation and filing of their 1958 income tax returns by September 15, 1959, and to preclude the necessity of their obtaining extensions of time in which to file these returns.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

The following rules are hereby prescribed under certain provisions of the Life Insurance Company Income Tax Act of 1959, 73 Stat. 112, and relate to the accounting methods of life insurance companies, charitable deductions, etc. Except as otherwise specifically provided therein, these rules are effective for taxable years beginning after December 31, 1957.

§ 19.1-1 Certain changes in reserves and assets.

(a) *In general.* Section 806(a) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 120), provides that if there is a change in life insurance reserves (as defined in section 801(b)), during the taxable year, which is attributable to the transfer between the taxpayer and another person of liabilities under contracts taken into account in computing such life insurance reserves, then the means of such reserves, and the mean of the assets, shall be appropriately adjusted to reflect the amounts involved in such transfer. The adjustments required under section 806(a) are applicable only to transfers in which one life insurance company purchases or acquires a part or all of the business of another life insurance company under an arrangement whereby the purchaser or transferee becomes solely liable on the contracts transferred. Thus, this provision will apply in the case of assumption reinsurance but not in the case of indemnity reinsurance or reinsurance ceded. For example, no adjustments will be required under section 806(a) when, in the ordinary course of business, an indemnity reinsurance contract is entered into with another company (on a yearly renewable term basis, on a coinsurance basis, or otherwise) whereby there is a sharing of risks under one or more individual contracts. It will be necessary for each life insurance company participating in a transfer described in section 806(a) to make the adjustments required by such section.

(b) *Manner in which adjustments shall be made.* (1) The means of the life insurance reserves, and the mean of the assets, shall be appropriately adjusted, on a daily basis, to reflect the amounts involved in a transfer described in section 806(a) and paragraph (a) of this section. The transferor and transferee shall be treated as having held such reserves and assets for a fraction of the year in which the transfer occurs.

(2) In determining the fraction which represents the fractional year that such reserves and assets were held, the numerator shall be the number of days during the taxable year which such reserves and assets were actually held, and the denominator shall be the number of days in the calendar year of the transfer. In computing the period held for purposes of the numerator, the day on which such reserves and assets are transferred is included by the transferor and excluded by the transferee.

(3) All life insurance reserves and assets transferred during the taxable year, within the meaning of section 806(a), shall be excluded from the beginning and end of the taxable year balances of the transferor and transferee, respectively. The means of the life insurance reserves and assets not so transferred shall be determined in the ordinary manner, that is, the arithmetic means. There shall be added to these means an amount to appropriately adjust them, on a daily basis, for the life insurance reserves and assets that were transferred during the taxable year. This adjustment shall be determined by multiplying (i) the mean of the transferred life insurance reserves (or assets as the case may be) at the beginning of the taxable year (or, if acquired later, at the beginning of the period held, as defined in subparagraph (2) of this paragraph) and the end of the period held, as defined in subparagraph (2) of this paragraph (or at the end of the taxable year, if held at such time), times (ii) the fraction determined under subparagraph (2) of this paragraph.

(4) The application of this paragraph may be illustrated by the following examples:

Example (1). On March 14, 1958, the M Company, a life insurance company, transferred to the N Company, a life insurance company, pursuant to an assumption reinsurance agreement, all of its life insurance reserves, and related assets, on one block of policies. The reserves (and assets) for this block were held by the M Company on January 1, 1958, and totaled $60,000; on March 14, the reserves (and assets) totaled $64,000. The M Company had life insurance reserves of $1,000,000 at the beginning of 1958 (in-

cluding those subsequently transferred) and $1,040,000 at the end of 1958. The M Company had assets of $1,300,000 at the beginning of 1958 (including those subsequently transferred) and $1,380,000 at the end of 1958. The mean of M's life insurance reserves for the taxable year 1958 is computed as follows:

Reserves at 1–1–58	$1,000,000	
Exclude reserves (at beginning of year) on contracts transferred to N	60,000	
Recomputed amount at 1–1–58		$940,000
Reserves at 12–31–58		1,040,000
Sum		1,980,000
Mean		990,000
Adjustment for reserves transferred on 3–14–58:		
Reserves at 1–1–58 on contracts transferred to N	$60,000	
Reserves at 3–14–58 on such contracts	64,000	
Sum	124,000	
Mean	62,000	
Fraction taken into account	73/365	
Adjustment (73/365 × $62,000)		12,400
Mean of M's life insurance reserves after section 806 (a) adjustment		1,002,400

Example (2). Assuming the facts to be the same as in example (1), the mean of M's assets for the taxable year 1958 is computed as follows:

Assets at 1–1–58	$1,300,000	
Exclude assets (at beginning of year) on contracts transferred to N	60,000	
Recomputed amount at 1–1–58		$1,240,000
Assets at 12–31–58		1,380,000
Sum		2,620,000
Mean		1,310,000
Adjustments for assets transferred on 3–14–58:		
Assets at 1–1–58 on contracts transferred to N	$60,000	
Assets at 3–14–58 on such contracts	64,000	
Sum	124,000	
Mean	62,000	
Fraction taken into account	73/365	
Adjustment (73/365 × $62,000)		12,400
Mean of M's assets after section 806(a) adjustment		1,322,400

Example (3). Assume the facts are the same as in example (1). At the end of 1958, N Company had life insurance reserves (and assets) of $80,000 on the contracts transferred on March 14, 1958. The N Company had life insurance reserves of $6,000,000 at the beginning of 1958 and $6,400,000 at the end of 1958 (including those transferred). The N Company had assets of $6,800,000 at the beginning of 1958 and $7,300,000 at the end of 1958 (including those on the contracts transferred). The mean of N's life insurance reserves for the taxable year 1958 is computed as follows:

Reserves at 1–1–58		$6,000,000
Reserves at 12–31–58	$6,400,000	
Exclude reserves (at end of year) on contracts transferred from M	80,000	
Recomputed amount at 12–31–58		6,320,000
Sum		12,320,000
Mean		6,160,000
Adjustment for reserves transferred on 3–14–58:		
Reserves at 3–14–58 on contracts transferred from M	$64,000	
Reserves at 12–31–58 on such contracts	80,000	
Sum	144,000	
Mean	72,000	
Fraction taken into account	292/365	
Adjustment (292/365 × $72,000)		57,600
Mean of N's life insurance reserves after section 806(a) adjustment		6,217,600

Example (4). Assuming the facts to be the same as in example (3), the mean of N's assets for the taxable year 1958 is computed as follows:

Assets at 1–1–58		$6,800,000
Assets at 12–31–58	$7,300,000	
Exclude assets (at end of year) on contracts transferred from M	80,000	
Recomputed amount at 12–31–58		7,220,000
Sum		14,020,000
Mean		7,010,000
Adjustments for assets transferred on 3–14–58:		
Assets at 3–14–58 on contracts transferred from M	$64,000	
Assets at 12–31–58 on such contracts	80,000	
Sum	144,000	
Mean	72,000	
Fraction taken into account	292/365	
Adjustment (292/365 × $72,000)		57,600
Mean of N's assets after section 806(a) adjustment		7,067,600

Example (5). The facts are the same as in example (1), except that on October 19, 1958, company N transfers to company P, a life insurance company, all of the life insurance reserves, and related assets, on the block of policies it had received from company M on March 14, 1958. The reserves (and assets) for this block totaled $76,000 on October 19, 1958. The means of company M's life insurance reserves and assets, as computed in examples (1) and (2), respectively, would be unchanged by the transfer of October 19, 1958. Since company N did not own this block of policies at either the beginning or end of the taxable year, it would not have to recompute its beginning or end of the taxable year reserves or assets. Company N will, however, have to adjust (or increase) the mean of its life insurance reserves and assets on account of the policies it received from company M. This adjustment will be $42,000, which is determined by multiplying the means of the life insurance reserves (or assets) on these policies as of March 15, 1958, and October 19, 1958, $70,000 ($64,000+$76,000=$140,000÷2) by the fraction 219/365 (the numerator of 219 is determined by excluding the day of the transfer to N, March 14, 1958, and including the day of the transfer from N to P, October 19, 1958). Company P will have to recompute its end of the year life insurance reserves and assets (in the same manner as illustrated in examples (3) and (4)). Assuming the end of the year reserves (and assets) on this block of policies is $80,000, company P will have an adjustment under section 806(a) of $15,600, which is determined by multiplying the means of the reserves on these policies as of October 20, 1958, and December 31, 1958, $78,000 ($76,000+$80,000=$156,000÷2) by the fraction 73/365.

§ 19.1–2 Charitable, etc., contributions and gifts.

(a) *General rule.* Section 809(e)(3) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 124), provides certain modifications in the application of the deduction provided under section 170 (relating to charitable, etc., contributions and gifts). Except as modified by paragraphs (b) and (c) of this section, the rules contained in section 170 and the regulations thereunder shall apply to life insurance companies in the same manner and to the same extent as they apply to corporations generally.

(b) *Limitation.* The deduction by a life insurance company in a taxable year for a charitable contribution, as defined in section 170(c), is limited to 5 percent of the gain from operations as computed under section 809(b)(1), but without regard to any deductions for:

(1) Charitable contributions under section 170,

(2) Dividends to policyholders under section 811(b),

(3) Certain nonparticipating contracts under section 809(d)(5),

(4) Group life, accident, and health insurance under section 809(d)(6),

(5) Tax-exempt interest, dividends, etc., under section 809(d)(8), and

(6) Any operations loss carryback under section 812.

(c) *Special rule for life insurance companies having operations loss carryovers.* (1) In applying the second sentence of section 170(b)(2) (relating to charitable contributions carryovers), any excess of the charitable contributions of a life insurance company for a taxable year over the amount deductible in such year under the limitation contained in paragraph (b) of this section, shall be reduced to the extent that such excess:

(i) Reduces life insurance company taxable income (computed without regard to section 802(b)(3) and for the purpose of determining the offsets referred to in section 812(b)(2)), and

(ii) Increases an operations loss carryover under section 812 to a succeeding taxable year.

(2) The application of the limitation contained in this paragraph may be illustrated by the following example:

Example. Assume that life insurance company A is organized on January 1, 1958, and has a loss from operations for that year in the amount of $100,000 which is an operations loss carryover to 1959. In 1959, company A has a gain from operations and tax base (computed without regard to section 802(b)(3)) of $100,000 before the allowance of a $5,000 charitable contribution and before the application of the operations loss carryover from 1958. Under section 170(b)(2), the operations loss carryover from 1958 is first applied to eliminate the $100,000 gain from operations and tax base in 1959 and the $5,000 charitable contribution would (except for the limitation contained in this paragraph) become a charitable contribution carryover to 1960. However, for the purpose of computing the offsets referred to in section 812(b)(2), the $5,000 charitable contribution is applied to reduce the gain from operations and tax base for 1959 to $95,000 before the application of the operations loss carryover from 1958. Since only $95,000 of the $100,000 loss from operations in 1958 is an offset for 1959, the remaining $5,000 becomes an operations loss carryover to 1960. Accordingly, under the limitation contained in this paragraph, the charitable contributions carryover provided under the second sentence of section 170(b)(2) is eliminated.

§ 19.1–3 Accounting provisions.

(a) Section 818(a)(1) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133), provides the general rule that all computations entering into the determination of taxes imposed by part 1 of subchapter L shall be made under an accrual method of accounting. Thus, the over-all method of accounting for life insurance companies will be the accrual method. Except as otherwise provided in part 1 of subchapter L, the term "accrual method" will have the same meaning and application in section 818 as it does under section 446 (relating to general rule for methods of accounting) and the regulations thereunder.

(b) Section 818(a)(2) further provides that, to the extent permitted under regulations, a life insurance company's method of accounting may be a combination of the accrual method with any other method of accounting permitted by chapter 1 of the Internal Revenue Code of 1954 (other than the cash receipts and disbursements method). Section 818(a)(2) specifically prohibits the use by a life insurance company of the cash receipts and disbursements method. The term "method of accounting" includes not only the over-all method of accounting of the taxpayer but also the accounting treatment of any item. For purposes of section 818(a)(2), a life insurance company may elect to compute its taxable income under an over-all method of accounting consisting of the accrual method combined with the special methods of accounting for particular items of income and expense provided under other sections of chapter 1 of the Internal Revenue Code of 1954, other than the cash receipts and disbursements method. These methods of accounting for special items include the accounting treatment provided for depreciation (section 167), research and experimental expenditures (section 174), soil and water conservation expenditures (section 175), organizational expenditures (section 248), etc. In addition, a life insurance company may, where applicable, use the crop method of accounting (as provided in the regulations under sections 61 and 62), and the installment method of accounting for sales of realty and casual sales of personalty (as provided in section 453(b)). To the extent not inconsistent with the provisions of the Internal Revenue Code of 1954 and the method of accounting adopted by the taxpayer, all computations entering into the determination of taxes imposed by part 1 of subchapter L shall be made in a manner consistent with the manner required for purposes of the annual statement approved by the National Association of Insurance Commissioners.

(c) (1) An election to use any of the special methods of accounting referred to in paragraph (b) of this section which was made pursuant to any provisions of the Internal Revenue Code of 1954 or prior Internal Revenue laws for the purpose of determining a company's tax liabilities for prior years, shall have the same force and effect in determining the items of gross investment income under section 804(b) and the items of deduction under section 804(c) of the Life Insurance Company Income Tax Act of 1959 as if such Act had not been enacted.

(2) For purposes of determining gain or loss from operations under section 809(b), in computing the life insurance company's share of investment yield under sections 809(b)(1)(A) and 809(b)(2)(A), an election with respect to any of the methods of accounting referred to in paragraph (b) of this section which was made pursuant to any provision of the Internal Revenue Code of 1954 or prior internal revenue laws, shall not be affected in any way by the enactment of the Life Insurance Company Income Tax Act of 1959.

(3) For purposes of determining gain or loss from operations under section 809(b), in computing the items of gross amount under section 809(c) and the deduction items under section 809(d), an election to use any of the special methods of accounting referred to in paragraph (b) of this section must be made in accordance with the specific statutory provisions of the sections containing such elections and the regulations thereunder. However, where a particular election may be made only with the consent of the Commissioner (either because the time for making the election without the consent of the Commissioner has expired or because the particular section contained no provision for making an election without consent), and the time prescribed by the applicable regulations for submitting a request for permission to make such an election for the taxable year 1958 has expired, a life insurance company may make such an election for the year 1958 at the time of filing its return for that year (including extensions thereof). For example, this subparagraph permits a life insurance company to elect any of the methods of depreciation prescribed in section 167 (to the extent permitted under that section and the regulations thereunder) with respect to those assets for which no depreciation was allowable under prior laws, e.g., furniture and fixtures used in the underwriting department. Similarly, a life insurance company will be permitted to make an election under section 461(c) (relating to the accrual of real property taxes) with respect to real property for which no deduction was allowable under prior laws. An election under this subparagraph shall be made in the manner and form prescribed in the applicable regulations.

(4) For purposes of subparagraph (2) of this paragraph, the method used under section 1016(a)(3)(C) in determining the amount of exhaustion, wear and tear, obsolescence, and amortization actually sustained will not preclude a taxpayer from electing any of the methods prescribed in section 167 in accordance with the provisions of that section and the regulations thereunder for determining the amount of such exhaustion, wear and tear, obsolescence, and amortization for the year 1958. For example, if the amount of depreciation actually sustained, under section 1016(a)(3)(C), on a life insurance company's home office building is determined on the straight line method, the life insurance company may elect for the year 1958 to use any of the methods prescribed in section 167 for determining its depreciation allowance for 1958.

(d) The items of gross amount taken into account under section 809(c) and the items of deductions allowed under section 809(d) for the taxable year 1958 shall be determined as though the taxpayer had been on the accrual method prescribed in paragraph (a) of this section for all prior years. In other words, life insurance companies not on the accrual method for the year 1957 shall accrue, as of December 31, 1957, those items of gross amount which would have been properly taken into account for the year 1957 if the company had been on the accrual method described in section 818(a). Likewise, life insurance companies not on the accrual method for the year 1957 shall accrue, as of December 31, 1957, those items of deductions which would have been properly allowed for the year 1957 if the company had been on the accrual method described in section 818(a). Thus, for example, if certain premium amounts were received during the year 1958 but such amounts would have been properly taken into account for the year 1957 if the taxpayer had been on the accrual method for the year 1957, then the taxpayer will not be required to take such premium amounts into account for the year 1958. If, for example, certain claims, benefits, and losses were paid during the year 1958 but such items would have been properly taken into account for the year 1957 if the taxpayer had been on the accrual method for the year 1957, then the taxpayer will not be permitted to deduct such expense items for the year 1958.

(e) (1) For purposes of section 805 (b) (3) (B) (i) (relating to the determination of the current earnings rate for any taxable year beginning before January 1, 1958), the determination for any year of the investment yield and the assets shall be made as though the taxpayer had been on the accrual method prescribed in paragraph (a) of this section for such year, or the accrual method in combination with the other methods of accounting prescribed in paragraph (b) of this section, if these other methods of accounting are used by the taxpayer in determining the investment yield and assets for 1958. However, where the method used for determining the deduction under section 167 for the year 1958 differs from the method used in prior years, the amount of the deduction allowed or allowable for those years under section 1016(a) (2) shall be the amount taken into account for the purposes of section 805(b) (3) (B) (i).

(2) For purposes of section 812(b) (1) (C) (relating to operations loss carrybacks and carryovers for years prior to 1958), the determination for those years of the gain or loss from operations shall be made as though the taxpayer had been on the accrual method prescribed in paragraph (a) of this section for such year, or the accrual method in combination with the other methods of accounting prescribed in paragraph (b) of this section if these other methods of accounting are used by the taxpayer in the determination of gain or loss from operations for the taxable year 1958. However, where any adjustment to basis is required under section 1016(a) (3) (C) on account of exhaustion, wear and tear, obsolescence, amortization, and depletion, sustained, the amount actually sustained as determined under section 1016(a) (3) (C) for each of the years involved will be the amount allowed in the determination of gain or loss from operations for purposes of section 812(b) (1) (C).

§ 19.1–4 Amortization of premium and accrual of discount.

(a) *In general.* Section 818(b) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133), provides that the appropriate items of income, deductions, and adjustments under part 1 of subchapter L shall be adjusted to reflect the appropriate amortization of premium and the appropriate accrual of discount on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such adjustments are limited to the amount of appropriate amortization or accrual attributable to the taxable year with respect to such securities which are not in default as to principal or interest and which are amply secured. The question of ample security will be resolved according to the rules laid down from time to time by the National Association of Insurance Commissioners. The adjustment for amortization of premium decreases, and for accrual of discount increases, (1) the gross investment income, (2) the exclusion and deduction for wholly tax-exempt interest, (3) the exclusion and deduction for partially tax-exempt interest, and (4) the basis or adjusted basis of such securities.

(b) *Acquisitions before January 1, 1958.* (1) In the case of any such security acquired before January 1, 1958, the premium is the excess of its acquisition value over its maturity value and the discount is the excess of its maturity value over its acquisition value. The acquisition value of any such security is its cost (including buying commissions or brokerage but excluding any amounts paid for accrued interest) if purchased for cash, or if not purchased for cash, its then fair market value. The maturity value of any such security is the amount payable thereunder either at the maturity date or an earlier call date. The earlier call date of any such security may be the earliest interest payment date if it is callable or payable at such date, the earliest date at which it is callable at par, or such other call or payment date, prior to maturity, specified in the security as may be selected by the life insurance company. A life insurance company which adjusts amortization of premium or accrual of discount with reference to a particular call or payment date must make the adjustments with reference to the value on such date and may not, after selecting such date, use a different call or payment date, or value, in the calculation of such amortization or discount with respect to such security unless the security was not in fact called or paid on such selected date.

(2) The adjustments for amortization of premium and accrual of discount will be determined:

(i) According to the method regularly employed by the company, if such method is reasonable, or

(ii) According to the method prescribed by this section.

A method of amortization of premium or accrual of discount will be deemed "regularly employed" by a life insurance company if the method was consistently followed in prior taxable years, or if, in the case of a company which has never before made such adjustments, the company initiates in the first taxable year for which the adjustments are made a reasonable method of amortization of premium or accrual of discount and consistently follows such method thereafter. Ordinarily, a company regularly employs a method in accordance with the statute of some State, Territory, or the District of Columbia, in which it operates.

(3) The method of amortization and accrual prescribed by this section is as follows:

(i) The premium (or discount) shall be determined in accordance with this section; and

(ii) The appropriate amortization of premium (or accrual of discount) attributable to the taxable year shall be an amount which bears the same ratio to the premium (or discount) as the number of months in the taxable year during which the security was owned by the life insurance company bears to the number of months between the date of acquisition of the security and its maturity or earlier call date, determined in accordance with this section. For the purposes of this section, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered a month.

(c) *Acquisitions after December 31, 1957.* (1) In the case of:

(i) Any bond, as defined in section 171(d), acquired after December 31, 1957; and

(ii) Any bond, note, debenture, or other evidence of indebtedness not described in subdivision (i) of this subparagraph and acquired after December 31, 1957;

the amount of the premium and the amortizable premium for the taxable year, shall be determined under section 171(b) and the regulations thereunder, as if the election set forth in section 171(c) had been made.

(2) In the case of any bond, note, debenture, or other evidence of indebtedness described in section 818(b) and acquired after December 31, 1957, the amount of the discount on any such security is the excess of the amount payable at maturity or, in the case of a callable bond, the earlier call date over the amount of the basis (for determining loss on sale or exchange under section 1011) of the security (for determination of applicable call date, see paragraph (b) of § 1.171–2 of this chapter). The accruable discount on any such security is that part of the discount on the security which is attributable to the taxable year. The methods for accrual of discount of such securities shall be the same as prescribed in paragraph (f) of § 1.171–2 of this chapter (relating to methods of amortization of bond premium) and the manner of treating capitalized expenses shall be the same as prescribed in paragraph (d) of § 1.171–2 of this chapter (relating to capitalized expenses).

(d) *Convertible evidences of indebtedness.* Section 818(b) (2) (B) provides that in no case shall the amount of premium on a convertible evidence of indebtedness (including any bond, note, or debenture) include any amount attributable to the conversion features of the evidence of indebtedness. This provision is the same as the one contained in section 171(b), and the rules prescribed in paragraph (c) of § 1.171–2 of this chapter shall be applicable for purposes of section 818(b) (2) (B). This provision is to be applied without regard to the date that the evidence of indebtedness was acquired. Thus, where a convertible evidence of indebtedness was acquired before January 1, 1958, and a portion or all of the premium attributable to the conversion features of the evidence of indebtedness has been amortized for taxable years beginning before January 1, 1958, no adjustment for such amortization will be required by reason of section 818(b) (2) (B). Such amortization will, however, require an adjustment to the basis of the evidence of indebtedness under section 1016(a) (17). For taxable years beginning after December 31, 1957, no further amortization of the premium attributable to the conversion features of such an evidence of indebtedness will be taken into account.

(e) *Adjustments to basis.* Section 1016(a) (17) of the Internal Revenue Code of 1954, as amended by section 3(d) (2) of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 139), provides that in the case of any evidence of indebtedness referred to in section 818(b) (relating to amortization of premium and accrual of discount in the case of life insurance companies), basis shall be adjusted to the extent of the adjustments required under section 818(b) (or the corresponding provisions of prior income tax laws) for the taxable year and all prior taxable years. The basis of any evidence of indebtedness shall be reduced by the amount of the adjustment required under section 818(b) (or the corresponding provision of prior income tax laws) on account of amortizable premium and shall be increased by the amount of the adjustment required under section 818(b) on account of accruable discounts.

§ 19.1–5 Adjustments to basis.

(a) Section 1016(a) (3) of the Internal Revenue Code of 1954, as amended by section 3(d) (1) of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 139), provides that adjustments to basis must be made for exhaustion, wear and tear, obsolescence, amortization, and depletion to the extent actually sustained in respect of:

(1) Any period before March 1, 1913,

(2) Any period since February 28, 1913, during which the property was held by a person or organization not subject to income taxation under chapter 1 of the Internal Revenue Code of 1954 or prior income tax laws, and

(3) Any period since February 28, 1913, and before January 1, 1958, during which such property was held by a person subject to tax under part 1 of subchapter L of chapter 1 of the Internal Revenue Code of 1954 (or corresponding provisions of prior income tax laws), to the extent that section 1016(a) (2) does not apply.

(b) The amount of the adjustments described in paragraph (a) of this section actually sustained is that amount charged off on the books of the taxpayer where such amount is considered by the Commissioner to be reasonable. Otherwise, the amount actually sustained will be the amount that would have been allowable as a deduction:

(1) During the periods described in paragraph (a) (1) or (2) of this section, had the taxpayer been subject to income tax during those periods, or

(2) During the period described in paragraph (a) (3) of this section, with respect to property held by a taxpayer described in that paragraph, to the extent that section 1016(a) (2) was inapplicable to such property during that period. In the case of depreciation, such adjustment will be determined by using the straight line method.

[F.R. Doc. 59-6796; Filed, Aug. 13, 1959; 12:35 p.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 154, 157, 250]

[Docket No. R–177]

PROCEEDINGS AND RECORDS

Notice of Proposed Rule Making

AUGUST 11, 1959.

1. Notice is hereby given that the Commission has under consideration certain amendments to its rules of practice and procedure and regulations under the Natural Gas Act in the above-entitled matter.

2. The amendments (set out in the attachment hereto) together with comments thereon were submitted for the Commission's consideration by the Federal Power Bar Association, 1700 K Street, N.W., Washington 6, D.C., as the suggestions of members of the Bar practicing before the Commission for the improvement of hearing procedures and the expedition of proceedings before the Commission.

3. In July 1958, a symposium was held under the auspices of the Federal Power Bar Association on practice and procedure before the Federal Power Commission. The principal aim of the symposium was to seek means of shortening hearing records and expediting hearings. Prehearing conferences as a means of achieving these objectives received considerable attention at the symposium. During the symposium a suggestion was made that the Association appoint a committee to study prehearing conference techniques and to develop concrete proposals for effective use of prehearing conferences in Commission proceedings. As a result, a Special Working Committee was created and made a report consisting, inter alia, of the amendments under consideration herein.

4. The Commission has given no detailed consideration, as yet, to the various proposed amendments but, being cognizant of need for improvement and being also of the opinion that the proposals may, in some degree at least, provide the basis for such improvement, is anxious to cooperate in any endeavors to that end.

5. The report of the committee mentioned in paragraph 3, above, contains suggested rules-changes primarily on the subject of conference techniques for use prior to and during hearings, the Committee's principal responsibility. Additionally, however, the report includes suggested rules-changes for improvement of the Commission's practices and procedures with respect to matters concerning interventions and hearings as they relate to a more effective use of conference techniques, and also with regard to expediting action on motions and questions referred by examiners to the Commission.

6. Moreover, the symposium disclosed that the Commission's notices of applications for certificates of public convenience and necessity and of gas rate suspensions have left something to be desired in terms of advising the public more fully and more promptly of precisely what is proposed by an applicant or a company making a rate filing. The committee considered these problems and reported that the regulations under the Natural Gas Act might well be amended to that end.

7. The committee also reported that, in view of the Commission's heavy and ever-increasing workload, it would be highly desirable for the regulated companies to prepare a summary of the information required as part of their applications or rate filings and thereby relieve the Commission's staff of the time-consuming and essentially mechanical chore of drafting notices. Provision for this too has been made.

8. The amendments herein described and set forth are proposed to be issued under the authority granted the Federal Power Commission, by the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 (15 U.S.C. 717c, 717d, 717f, 717n, and 717o), and the Federal Power Act, particularly sections 308 and 309 (16 U.S.C. 825g, 825h).

9. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before September 30, 1959, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

JOSEPH H. GUTRIDE,
Secretary.

1. Section 1.8 *Intervention,* is amended by amending paragraph (d) to read:

(d) *Filing and Service of Petitions.* Petitions to intervene and notices of intervention may be filed at any time following the filing of a notice of rate or tariff change, or of an application, petition, complaint, or other document seeking Commission action, but in no event later than the date fixed for the filing of petitions to intervene in any order or notice with respect to the proceedings issued by the Commission or its Secretary, unless, for good cause shown, the Commission authorizes a late filing. Service shall be made as provided in § 1.17. Where a person has been permitted to intervene notwithstanding his failure to file his petition within the time prescribed in this paragraph, the Commission or officer designated to preside may, where the circumstances warrant, permit the waiver of the requirements of § 1.26(c) (5) with respect to copies of exhibits for such intervener.

2. Section 1.12 *Motions,* is amended by adding a new paragraph (e) as follows:

(e) *Commission action.* With respect to motions filed after a hearing has commenced, unless the Commission acts upon any motion referred to it by a pre-

siding officer or filed directly with it within thirty days after it is referred or filed, such motion shall be deemed to have been denied.

3. Section 1.14 *Filings, docket, hearing calendar,* is amended by amending subparagraph (2) of paragraph (c) *Hearing calendar,* to read:

(2) In the absence of cause requiring otherwise, and as time, the nature of the proceedings, and the proper execution of the Commission's functions permit, matters required to be determined upon the record after hearing or opportunity for hearing will be placed upon the hearing calendar. Proceedings pending upon this calendar will in their order of assignment, so far as practicable, be heard at the times and places fixed by the Commission or the officer designated to preside, giving due regard to the convenience and necessity of the parties or their attorneys; however, in its discretion with or without motion, the Commission for cause may at any time with due notice to the parties advance or postpone any proceeding on the hearing calendar.

4. Section 1.18 *Prehearing conferences; offers of settlement,* is amended as follows:

a. Delete the word "Prehearing" from the caption.

b. Amend paragraph (a), the introductory portion of paragraph (b), and paragraphs (c) and (d) to read:

(a) *To adjust or settle proceedings.* In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited, conferences between the parties to the proceeding and staff for such purposes may be held at any time prior to or during such hearings before the Commission or the officer designated to preside thereat as time, the nature of the proceeding, and the public interest may permit.

(b) *To expedite hearings.* At such hearing conferences as may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

• • • • •

(c) *Initiation of conferences.* The Commission or officer designated to preside, with or without motion, and after consideration of the probability of beneficial results to be derived therefrom, may direct that a conference be held, and direct the parties to the proceeding, their attorneys, the Commission's staff and staff counsel to appear thereat to consider any or all of the matters enumerated in § 1.18(b). Due notice of the time and place of such conference will be given to all parties to the proceeding, their attorneys, the Commission's staff and staff counsel.

(d) *Specification of conference results.* Following such conference or a reconvened session thereof, the Commission or officer designated to preside shall make an order or ruling, as may be appropriate, which recites the agreements reached, if any, with respect thereto, including agreements which limit the issues for hearing to those not disposed of by admissions or agreements. Such order or ruling shall control the subsequent course of the hearing unless modified for good cause shown. Prior to the issuance of the order or ruling, however, it shall be submitted to the conference participants for comment and approval. The order or ruling shall be spread upon the record at the session of the hearing next following the issuance of the order or ruling.

5. In view of the sharp divergence of opinion among the members of the Committee with respect to the authority of the presiding examiner at conferences, an alternative amendment to § 1.18(d) is also under consideration:

(d) *Specification of conference results.* Following such conference or a reconvened session thereof, the Commission or officer designated to preside shall make an order or ruling, as may be appropriate, which recites the agreements reached, if any, with respect thereto, including agreements which limit the issues for hearing to those not disposed of by admissions or agreements. Such order or ruling shall control the subsequent course of the hearing unless modified for good cause shown. The order may also, irrespective of consent by the parties, dispose of any procedural matters which the presiding examiner is authorized to rule upon during the course of the proceeding, and which it appears may be appropriately and usefully disposed of in such order. In addition, where it appears that a substantial contribution would be made to expedition of the proceeding through the technique of advance distribution of proposed exhibits and written prepared testimony reasonably in advance of the hearing session, the order may also, subject to the discretion of the presiding examiner and with due regard for the convenience and necessity of the parties or their attorneys, include a direction for such advance distribution by a date fixed by the presiding examiner. Prior to the issuance of the order or ruling, however, it shall be submitted to the conference participants for comment. An appeal may be taken to the Commission immediately from any ruling included in the presiding examiner's order over the objection of any party. The order or ruling shall be spread upon the record at the session of the hearing next following the issuance of the order or ruling.

6. Section 1.19 *Notice,* is amended to read:

(a) *Rulemaking proceedings.* Before the adoption of any rule of general applicability, or the commencement of any hearing on any such proposed rule making, the Commission will cause general notice to be given by publication in the FEEDRAL REGISTER, such notice to be published therein not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rule making, except where a shorter period is reasonable and good cause exists therefore: *Provided, however,* That:

(1) Where the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefor;

(2) Except where notice or hearing is required by statute, the Commission may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(3) This section is not to be construed as applicable to the extent that there may be involved any military, naval or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

(b) *Other proceedings.* (1) In proceedings other than those referred to in paragraph (a) of this section all notices and orders initiating hearings described in § 1.20(a) shall be published in the FEDERAL REGISTER. In the case of a notice or order initiating a hearing without specifying the time and place thereof, such notice or order shall be published in the FEDERAL REGISTER not less than fifteen (15) days prior to the date fixed therein for the filing of protests, petitions to intervene and notices of intervention. In the case of a notice or order fixing the time and place for the initial convening of a hearing, the notice or order shall be published in the FEDERAL REGISTER not less than fifteen (15) days prior to the date fixed in said notice or order for the convening of the hearing, unless the Commission finds that a shorter period of notice is reasonable and consistent with the public interest. In addition to such publication in the FEDERAL REGISTER, copies of the notice or order will be mailed to the parties and their attorneys of record and to States or other governmental authorities which have asked to be notified.

(2) Similar notice shall be published and served of the time when and place where a hearing will be reconvened unless announcement was made thereof by the presiding officer at the adjournment of the earlier session of the hearing.

(3) In fixing the time and place of hearing, due regard will be given to the convenience and necessity of the parties or their attorneys so far as time and the proper execution of the Commission's functions permit.

7. Section 1.20 *Hearings,* is amended as follows:

a. Amend paragraph (a) to read:

(a) *How initiated.* Hearings for the purpose of taking evidence shall be initiated by the Commission by issuance of an order or by notice of the Secretary, issued under authority of the Commission, announcing the initiation of a hearing.

b. Insert new paragraph (b) to read:

(b) *Contents of orders and notices initiating hearings.* (1) Rulemaking proceedings: The order or notice shall state the time and place of hearing, and nature of the proceeding, recite the authority under which the rule is proposed to be adopted and promulgated, and include either the terms or substance of the proposed rule or a description of the subjects and issues involved to inform interested persons of the nature of the proceeding, so as to permit any interested person to submit views, data, or proposals relative thereto; and such notice will set forth a time period in which interested persons may submit written data, views, or arguments concerning the proposed rule, indicating also, whether opportunity for oral presentation or public hearing is contemplated.

(2) Other proceedings: The order or notice initiating a hearing shall set forth the authority and jurisdiction under which the hearing is to be held, shall state the nature of the proceeding, shall indicate briefly the matters of fact and of law involved, so as to inform all who may be concerned with the proceeding and the public of the subject matter and the issues involved, and shall name the officer designated to preside at the hearing, except as hereinafter provided. The order or notice initiating the hearing shall also specify the final date for the filing of protests to the authorization sought and for the filing of petitions and notices to intervene. No date for filing protests or petitions or notices to intervene shall be less than ten (10) days prior to the date specified for hearing.

(3) The order or notice initiating the hearing shall not specify the date of hearing unless the Commission deems it appropriate that it do so: *Provided, however,* That where the subject of the notice or order is an application for a certificate of public convenience and necessity under the Natural Gas Act, and the notice or order provides that the Commission may dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) or § 1.32 (a) or (b), as may be appropriate, in the event that no protests, petitions to intervene, and notices of intervention are filed within the time specified, the notice or order shall also fix a date for hearing as soon after the expiration of the time for filing protests, petitions to intervene and notices of intervention as may be practicable. In such instance, the notice or order need not designate the presiding examiner but shall state that the filing of a protest, of a petition to intervene, or of a notice of intervention shall have the effect of vacating the hearing date and in such event a new date for hearing will thereafter be fixed.

c. Re-letter present paragraphs (b), (c), (d), (e), and (f) as paragraphs (c), (d), (e), (f), and (g).

d. Delete paragraph (h),[1] re-letter present paragraph (g) as paragraph (h) and amend subparagraph (1) thereof to read:

(h) *Presentation by the Parties.* (1) Parties and staff counsel shall have the right of presentation of evidence, cross-examination, objection, motion, argument and appeal. The taking of evidence and subsequent proceedings shall proceed with all reasonable diligence and with the least practicable delay.

[1] See § 1.26(c), *infra.*

e. Amend paragraph (j) by deleting the words "or after the close of testimony," in the first sentence.

8. Section 1.22 *Witnesses,* is amended by amending paragraph (a) to read:

(a) *Oral examination.* Witnesses shall be examined orally unless the testimony is taken by deposition as provided in § 1.24, or the facts are stipulated in the manner provided in §§ 1.18 and 1.25, or the testimony is submitted in prepared written form as provided in § 1.26 (c). Witnesses whose testimony is to be taken shall be sworn, or shall affirm, before any questions are put to them or any testimony given.

9. Section 1.25 *Stipulations,* is amended by amending paragraph (a) to read:

(a) *Presentation and effect.* Independently of the orders or rulings issued as provided by § 1.18, the parties and staff counsel may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing, and when so received shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

10. Section 1.26 *Evidence,* is amended as follows:

a. Revise present paragraph (h) of § 1.20, hereinabove deleted, and insert here as paragraph (c) to read:

(c) *Prepared testimony.* Direct testimony of any witness may be presented in written question and answer form and upon adoption by the witness of the prepared testimony as his sworn testimony, said prepared testimony may be copied into the record in lieu of the oral reading thereof. Copies of the prepared testimony shall have been served upon all parties to the proceeding and their attorneys of record, including the Commission's staff and staff counsel, at least five days in advance of the session of the hearing at which the prepared testimony is offered unless all parties in attendance at the hearing at the time the testimony is presented and staff counsel agree to waive all or any part of the five-day requirement. Testimony presented in prepared written form shall meet all of the requirements of oral presentation, including the requirements of materiality, relevance and competence.

b. Re-letter present paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f).

11. Section 1.27 *Presiding officers,* is amended by amending subparagraph (1) of paragraph (b) *Authority delegated,* to read:

(1) To regulate the course of hearings, including the scheduling thereof, subject to the approval of the Chief Hearing Examiner, and the recessing, reconvening, and adjournment thereof, unless otherwise provided by the Commission;

12. Section 1.28 *Appeals to Commission from rulings of presiding officers,* is amended by re-lettering paragraph (b) as paragraph (c) and inserting a new paragraph (b) to read:

(b) *Commission action.* Unless the Commission acts upon questions referred by presiding officers to the Commission for determination or upon appeals taken to the Commission from rulings of presiding officers within thirty days after referral or filing of the appeal, such referrals or appeals shall be deemed to have been denied.

13. Section 1.33 *Reopening proceedings,* paragraphs (a), (b) and (c) are amended to read:

(a) *By parties.* (1) Petition to reopen. At any time after the conclusion of a hearing in a proceeding or adjournment thereof sine die, but before issuance by the presiding officer of an initial decision, any party to the proceeding or staff counsel may file with the presiding officer a petition to reopen the proceeding for the purpose of taking additional evidence. Copies of such petition shall be served upon all participants, or their attorneys of record, and shall set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing, and shall in all other respects conform to the applicable requirements of § 1.7 and §§ 1.15 to 1.17, inclusive.

(2) *Responses.* Within 10 days following the service of such petition, any other party to the proceeding or staff counsel may file with the presiding officer his answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.

(3) *Action by Presiding Officer.* As soon as practicable after the filing of responses to such petitions or default thereof, as the case may be, the presiding officer will grant or deny such petition.

(b) *By Presiding Officer on his own initiative.* At any time prior to the filing of his initial decision, after notice to the parties and opportunity to be heard, a presiding officer may reopen the proceeding for the reception of further evidence on his own motion, if he has reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding.

(c) *By Commission action.* The above provisions shall apply equally to the issuance by the Commission of an order reopening the proceeding, where an initial decision has been issued by the presiding officer but no Commission decision has yet been issued, or where the initial decision by a presiding officer has been omitted and no Commission decision has yet been issued.

14. Section 154.94 *Changes in rate schedules,* is amended by amending paragraph (e) to read:

(e) With each change in rate schedule there shall be submitted reasons, nature, and basis for the proposed change, and the following information and data (listed separately for each purchaser and delivery point when more than one is involved. Actual data shall be used wherever possible and estimates shall be so designated and explained):

(1) The date on which the change is proposed to be made effective;

(2) The name of the purchaser or purchasers;

(3) Description of the contract provision authorizing the change;

(4) The geographical location (field or area, county, and state) where delivery is made;

(5) The present total price in cents per Mcf with base rate, tax reimbursement, gathering charge, dehydration charge, etc., components thereof shown and the measurement pressure base (psia);

(6) Any deductions from the present total price in cents per Mcf by the purchaser for amortization, dehydration, gathering, treating, etc. Note if subject to Btu adjustment;

(7) The proposed total price in cents per Mcf with the base rate, tax reimbursement, gathering charge, dehydration charge, etc., components thereof shown and the measurement pressure base (psia);

(8) Any deductions from proposed total price in cents per Mcf by the purchaser for amortization, dehydration, gathering, treating, etc. Note if subject to Btu adjustment;

(9) A comparative statement of the total sales made and total revenues therefrom under the then effective rate schedule and under the proposed changed rate schedule, or rate, charge, classification or service contained in the filing for the 12 months immediately preceding and the 12 months immediately succeeding the proposed effective date of the rate schedule tendered for filing, and the difference in the total revenues for each of the 12-month periods.

15. Section 157.6 *Applications; number of copies; general requirements,* is amended by adding a new subparagraph (7) to paragraph (b) *General content of application,* as follows:

(7) A form of notice suitable for publication in the FEDERAL REGISTER, as contemplated by § 157.9, which will briefly summarize the facts contained in the application in such way as to acquaint the public with its scope and purpose.

16. Section 157.24 *Contents of applications,* is amended by adding a new subparagraph (5) to paragraph (a) to read:

(5) A summary, on the form indicated in § 250.5 of this chapter of each contract for sale or transportation of gas for which a certificate is requested.

17. Part 250, Forms, is amended by adding a new § 250.5 to read as follows:

§ 250.5 Form of Contract Summary.

(See § 157.24(a)(5) of this chapter.)

1. Name of Seller: _____
2. Name of Purchaser: _____
3. Location of Sale: _____
   _____
   (Field or area, county, and state)
4. Date of Contract: _____
5. Initial Price per Mcf (including tax reimbursement): _____
6. Measurement Pressure Base (psia): _____
7. Types of Escalation Provisions: _____
8. Liquids Included (yes or no): _____
9. Other Price Adjustments: _____
10. Estimated Initial Volumes (Mcf per day): _____
11. Delivery Pressure (psig): _____
12. Delivery Point: _____
    (Wellhead, plant, etc.)

[F.R. Doc. 59-6765; Filed, Aug. 14, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in South Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Brown.	Hyde.
Clark.	Marshall.
Day.	Spink.
Faulk.	Sully.
Hand.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6790; Filed, Aug. 14, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 031764]

ALASKA

Order Providing for Opening Public Lands

AUGUST 14, 1959.

1. Pursuant to the authority delegated to me by Order No. 541 of the Director, Bureau of Land Management, dated April 21, 1954 (19 F.R. 2473), as amended, the following-described lands included in the revocation made by Public Land Order No. 1404 of April 3, 1957, are hereby restored to disposition as hereinafter indicated:

U.S. Survey No. 3471: all,
U.S. Survey No. 3472: all,
U.S. Survey No. 3473: Lots 1-6, inclusive, and 10-12, inclusive.

Aggregating approximately 134.96 acres.

2. The lands are located from 28 to 33 miles southeasterly of Kodiak, Alaska, on Kodiak Island. They are situated on Cape Chiniak which is the most easterly portion of the island. The lands are mostly located on bluff's rising 100 feet or more above Chiniak Bay and the Gulf of Alaska. All tracts are accessible and have frontage on the Cape Chiniak road. The terrain is mostly rolling and grass-covered hills.

3. Pursuant to section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and to section 202(b) of the act of July 28, 1956 (70 Stat. 709, 711; 48 U.S.C. 46-3(b)), and subject to the requirements of said acts and applicable regulations in 43 CFR Part 76, the State of Alaska shall be entitled until 10:00 a.m. on November 14, 1959, to a preferred right of selection of the lands except as against prior existing rights, or as against equitable claims subject to allowance and confirmation.

4. In the absence of an exercise by the State of Alaska of its preference rights of selection, the status of the lands described in paragraph 1 of this order shall not be changed until it is so provided by a further order issued by an authorized officer of the Bureau of Land Management opening such lands to disposal under the appropriate public land laws.

5. Inquiries concerning the lands shall be addressed to the Manager, Anchorage Land Office, 334 East 5th Ave., Anchorage, Alaska.

HAROLD M. WHEATLEY,
Acting Operations Supervisor, Anchorage.

[F.R. Doc. 59-6760; Filed, Aug. 14, 1959; 8:45 a.m.]

Office of the Secretary

TULALIP INDIAN RESERVATION

Ordinance Relating to Liquor Laws

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Tulalip Indian Reservation was duly adopted on March 14, 1959, by the Tulalip General Council which has jurisdiction over the area of Indian country included in the ordinance:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that Sections 1154, 1156, 3113, 3488, and 3618, of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of The Tulalip Tribes, provided, that such introduction, sale or possession is in conformity with the laws of the State of Washington.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 10, 1959.

[F.R. Doc. 59-6761; Filed, Aug. 14, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of July 30, 1959.

WALLACE H. ADAMSON.

JULY 30, 1959.

[F.R. Doc. 59-6774; Filed, Aug. 14, 1959; 8:48 a.m.]

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1959.

FRANK R. BAILEY.

AUGUST 1, 1959.

[F.R. Doc. 59-6775; Filed, Aug. 14, 1959; 8:48 a.m.]

JOHN G. KAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: None.
B. Additions:
H. W. Lay & Co., Inc.
Southern Airways.

This statement is made as of July 25, 1959.

JOHN G. KAIN.

JULY 31, 1959.

[F. R. Doc. 59-6776; Filed, Aug. 14, 1959; 8:48 a.m.]

MICHAEL SUISMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: Atlantic Coast Line RR.

This statement is made as of August 1, 1959.

MICHAEL SUISMAN.

AUGUST 5, 1959.

[F.R. Doc. 59-6777; Filed, Aug. 14, 1959; 8:48 a.m.]

JAMES P. WHITLOCK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1959.

JAMES P. WHITLOCK.

JULY 30, 1959.

[F.R. Doc. 59-6778; Filed, Aug. 14, 1959; 8:48 a.m.]

ARTHUR W. WINSTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletion: No change.
B. Additions: No change.

This statement is made as of July 29, 1959.

ARTHUR W. WINSTON.

AUGUST 3, 1959.

[F.R. Doc. 59-6779; Filed, Aug. 14, 1959; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050) is amended as follows:

1. Section 8.10, insofar as it relates to the Office of the Commissioner, is amended to read as follows:

Office of the Commissioner:
  Division of Program Research.
  Office of Hearings and Appeals.
    Appeals Council.
    Program Division.
    Field Division.
    Administrative Services Division.
  Office of the Actuary.

2. Section 8.20(b) is amended to read as follows:

(b) All duties, powers, and functions relating to the holding of hearings, the rendition of decisions, and the review of decisions in connection with administrative appeals from determinations made under Title II of the Social Security Act, as amended, and affecting benefits, lump sums, wage records or disability determinations, including the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, and the receipt of evidence, and all duties, powers, and functions relating to judicial review of decisions made upon appeal are assigned to, and shall be exercised by, the Appeals Council, its members and hearing examiners, in the Office of Hearings and

Appeals in the Social Security Administration, in accordance with applicable rules and regulations.

Dated: August 12, 1959.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 59-6782; Filed, Aug. 14, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10755]

EAGLE AIRWAYS (BAHAMAS) LTD.

Notice of Prehearing Conference

In the matter of the application of Eagle Airways (Bahamas) Ltd. for a foreign air permit for service between points in the Bahamas, the intermediate point Havana, Cuba and the co-terminal points Miami, Palm Beach, Fort Lauderdale and Tampa, Florida.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled matter is assigned to be held on August 19, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 11, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6755; Filed, Aug. 14, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13086-13088; FCC 59-860]

BEACON BROADCASTING SYSTEM, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, requests 540 kc, 250 w, DA-Day, Docket No. 13086, File No. BP-10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, has 540 kc, 1 kw, DA-Day, requests 540 kc, 5 kw, DA-Day, Docket No. 13087, File No. BP-12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, requests 540 kc, 250 w, DA-Day, Docket No. 13088, File No. BP-12802; for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that, except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing, that, by Petition filed on March 25, 1959, with engineering statement attached, Northwest Broadcasting Company, licensee of Station KVFD, Fort Dodge, Iowa, requested that the application of American Broadcasting Stations, Inc., be designated for hearing and that KVFD be made a party to the proceeding stating that it will be economically injured and adversely affected by a grant of BP-12201 (KWMT) because the increase in power would greatly expand the extensive overlap of both the 2 and 0.5 mv/m contours of Stations KWMT and WMT, Cedar Rapids, Iowa, thereby enabling American Broadcasting Stations, Inc., licensee of both stations, to blanket 42.6 percent of the State of Iowa with the combined 2 mv/m contours and 97.4 percent with the combined 0.5 mv/m contours of Stations KWMT and WMT in contravention of § 3.35 (a) and (b) of the Commission rules on duopoly and concentration of control; that in an Opposition filed on April 24, 1959, American Broadcasting Stations, Inc. stated that in light of the Commission's recent interpretation of § 3.35 of the rules in Knorr Broadcasting Corp. 14 RR. 925, its proposed operation would not be in contravention of § 3.35 because the 2 mv/m contour of neither KWMT nor WMT serves the city of the other; that in Reply to Opposition filed on May 4, 1959, Northwest Broadcasting Company reaffirmed its earlier opposition; and that, accordingly, in view of the undisputed facts relative to the extensive overlap of the proposed 2 and 0.5 mv/m contours of Station KWMT with the existing contours of Station WMT, it appears necessary to include in the hearing ordered below, an issue as to whether, in light of the facts of the instant case, a grant of the proposal of American Broadcasting Stations, Inc. to increase the power of Station KWMT would be in contravention of § 3.35 (a) and (b) of the Commission rules; but that the Commission is of the opinion that it is not necessary to make the Northwest Broadcasting Company a party to the hearing ordered below; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 20, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KWMT and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from Beacon Broadcasting System, Inc. and Suburban Broadcasting Co., Inc., and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposals of Beacon Broadcasting System, Inc., and Suburban Broadcasting Co., Inc. would involve objectionable interference with the existing operation of Stations KWMT, Fort Dodge, Iowa, and WIND, Chicago, Illinois, and whether the instant proposal of American Broadcasting Stations, Inc. would involve objectionable interference with Stations KSD, St. Louis, Missouri; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the antenna system proposed by Beacon Broadcasting System, Inc., would constitute a hazard to air navigation.

6. To determine whether the instant proposal of Beacon Broadcasting System, Inc. is consistent with § 3.30(b) of the Commission rules, to warrant an authorization for dual city operation.

7. To determine whether the maximum expected operating values specified for the directional antenna pattern of Beacon Broadcasting System, Inc. are those which can reasonably be expected to be achieved for the directional antenna array and power proposed.

8. To determine whether a grant of the instant proposal of American Broadcasting Stations, Inc. would be in contravention of the provisions of § 3.35 (a) and (b) of the Commission rules with respect to multiple ownership of standard broadcast stations.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Westinghouse Broadcasting Company, Inc. and Pulitzer Publishing Company, licensees of Stations WIND, and KSD, respectively, are made parties to the proceeding, and American Broadcasting Stations, Inc., is made a party as to the existing operation of Station KWMT.

It is further ordered, That the above-mentioned requests of the Northwest Broadcasting Company are granted to the extent of including Issue Number 8 hereinabove and are denied in all other respects.

It is further ordered, That, in the event of a grant of any of the instant proposals that the construction permit shall contain, a condition that no harmful interference shall be caused to the services operating on 500 kc, and in the band 510-535 kc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6791; Filed, Aug. 14, 1959; 8:51 a.m.]

[Docket No. 12264 etc.; FCC 59M-1035]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

Notice of Prehearing Conference

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; Pierce E. Lackey and F. E. Lackey, d/b as Chester Broadcasting Company, Chester, Illinois, Docket No. 13058, File No. BP-11417; Donze Enterprises, Incorporated (KSGM), Chester, Illinois, Docket No. 13059, File No. BP-11456; Robert F. Neathery, Fredericktown, Missouri, Docket No. 13060, File No. BP-12320; Paducah Broadcasting Company, Incorporated (WPAD), Paducah, Kentucky, Docket No. 13061, File No. BP-12662; for construction permits.

To discuss proceedings following the Commission's order released August 10, 1959, there will be a prehearing conference on Wednesday, September 16, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 11, 1959.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6792; Filed, Aug. 14, 1959; 8:51 a.m.]

[Docket No. 13010 etc.; FCC 59-816]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, requests 1430 kc, 1 kw, DA-D, Docket No. 13010, File No. BP-11689; North Central Broadcasting, Incorporated, Phillipsburg, Kansas, requests 1490 kc, 250 w, Specified Hours, Docket No. 13011, File No. BP-11747; Seaway Broadcasting Co., Inc., Chicago Heights, Illinois, requests 1470 kc, 1 kw, DA-D, Docket No. 13012, File No. BP-11872; Mainline Broadcasting Co., Portage, Pennsylvania, requests 1470 kc, 500 w, Day, Docket No. 13013, File No. BP-11883; Russell Armentrout and Mildred Armentrout, d/b as Bureau Broadcasting Company, Princeton, Illinois, requests 1490 kc, 100 w, U, Docket No. 13014, File No. BP-12135; Holland Broadcasting Company (WHTC), Holland, Michigan, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13015, File No. BP-12192; Civic Broadcasting Corporation (WOLF), Syracuse, New York, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13016, File No. BP-12200;

Lewistown Broadcasting Company (WMRF), Lewistown, Pennsylvania, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13017, File No. BP-12216; Central Broadcasting Company, Inc. (WARD), Johnstown, Pennsylvania, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13018, File No. BP-12232; Batavia Broadcasting Corporation (WBTA), Batavia, New York, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 500 w-LS, U, Docket No. 13019, File No. BP-12235; Chief Pontiac Broadcasting Co. (WPON), Pontiac, Michigan, has 1460 kc, 500 w, DA-N, U, requests 1460 kc, 500 w, 1 kw-LS, DA-N, U, Docket No. 13020, File No. BP-12236; Michiana Telecasting Corporation (WNDU), South Bend, Indiana, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13021, File No. BP-12282; James R. Roberts and Barbara J. Roberts d/b as The James R. and Barbara J. Roberts Company, Indianola, Iowa, requests 1490 kc, 100 w, U, Docket No. 13022, File No. BP-12283; Richard Goodman, Mason Loundy, Egmont Sonderling and WOPA, Inc., d/b as Village Broadcasting Company (WOPA), Oak Park, Illinois, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13023, File No. BP-12303;

North Suburban Radio, Inc., Highland Park, Illinois, requests 1430 kc, 1 kw, DA, Day, Docket No. 13024, File No. BP-12318; WGAL, Inc. (WGAL), Lancaster, Pennsylvania, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13025, File No. BP-12344; Booth Broadcasting Company (WIBM), Jackson, Michigan, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13026, File No. BP-12349; Culpeper Broadcasting Corporation (WCVA), Culpeper, Virginia, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13027, File No. BP-12357; Harmon Leroy Stevens and John F. Wismer d/b as Stevens-Wismer Broadcasting Company (WHLS), Port Huron, Michigan, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw-LS, DA-D, U, Docket No. 13028, File No. BP-12368; United Broadcasting Co. of Western Maryland, Inc. (WARK), Hagerstown, Maryland, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13029, File No. BP-12395; Farm and Home Broadcasting Company, (WNBT), Wellsboro, Pennsylvania, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13030, File No. BP-12442;

Goldenrod Broadcasters, Inc. (KBON), Omaha, Nebraska, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13031, File No. BP-12470; Hazleton Broadcasting Company, Inc. (WAZL), Hazleton, Pennsylvania, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13032, File No. BP-12494; Thomas R. Bromeley, Mary Ann Satterwhite, Charlotte E. Anderson and Joyce L. Edwards, d/b as Radio Station W E S B (WESB), Bradford, Pennsylvania, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13033, File No. BP-12504; Marion Broadcasting Company (WMRN), Marion, Ohio, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13034, File No. BP-12591; Burlington Broadcasting Co. (KBUR), Burlington, Iowa, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13035, File No. BP-12644; West Bend Broadcasting Co. (WBKV), West Bend, Wisconsin, has 1470 kc, 500 w, DAY, requests 1470 kc, 1 kw, DAY, Docket No. 13036, File No. BP-12649; WHFC, Incorporated (WHFC), Cicero, Illinois, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13037, File No. BP-12655;

East Liverpool Broadcasting Company (WOHI), East Liverpool, Ohio, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 500 w-LS, DA-D, U, Docket No. 13038, File No. BP-12678; O'Keefe Broadcasting Company, Inc. (WBCB), Levittown-Fairless Hills, Pa., has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13039, File No. BP-12706; Rich Publishing House, Inc. (WMDN), Midland, Michigan, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U, Docket No. 13040, File No. BP-12718; Central Broadcasting Corporation (WKBV), Richmond, Indiana, has 1490 kc, 250 w, U,

requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13041, File No. BP–12725; Charles B. Axton (KTOP), Topeka, Kansas, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13042, File No. BP–12763; J. Richard Sutter, Joseph E. McNaughton, William D. McNaughton, General Partners and John T. McNaughton, Limited Partner, d/b as Elgin Broadcasting Company (WRMN), Elgin, Illinois, has 1410 kc, 500 w, D, requests 1400 kc, 1 kw, D, Docket No. 13043, File No. BP–12778; Northwestern Publishing Company (WDAN), Danville, Illinois, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13044, File No. BP–12794;

Shawnee Broadcasting Company (WBEX), Chillicothe, Ohio, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13045, File No. BP–12867; Waynesboro Broadcasting Corporation (WAYB), Waynesboro, Virginia, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13046, File No. BP–13062; Gerity Broadcasting Company (WABJ), Adrian, Michigan, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13047, File No. BP–13068; Midwestern Broadcasting Company (WATZ), Alpena, Michigan, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw–LS, U, Docket No. 13048, File No. BP–13081; Town and Country Broadcasting Co., Inc., (WREM), Remsen, New York, has 1480 kc, 1 kw, Day, requests 1480 kc, 5 kw, Day, Docket No. 13049, File No. BP–13104; WSTV, Inc. (WPAR), Parkersburg, West Virginia, has 1450 kc, 250 w, U, request 1450 kc, 250 w, 1 kw–LS, U, Docket No. 13050, File No. BP–13113; Dover Broadcasting Company, Inc. (WJER), Dover, Ohio, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw–LS, U, Docket No. 13051, File No. BP–13127; Lake Erie Broadcasting Co. (WLEC), Sandusky, Ohio, has 1450 kc, 250 w, U, requests 1450 kc, 250 w, 1 kw–LS, U, Docket No. 13052, File No. BP–13142; Friendly Broadcasting Company (WJMO), Cleveland Heights, Ohio, has 1490 kc, 250 w, U (C.P.), requests 1490 kc, 250 w, 1 kw–LS, DA–D, U, Docket No. 13053, File No. BMP–8502; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal with the exceptions of Charles B. Axton (BP–12763) and Town and Country Broadcasting Co., Inc. (BP–13104), which are not found to be financially qualified; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 2, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants' replies to the aforementioned letter have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and

It further appearing, that the showing by Seaway Broadcasting Co., Inc. (BP–11872) is not adequate to establish that no 2 and 25 mv/m contour overlap with Station WHFC, Cicero, Illinois, would obtain since Figure M–3 conductivities are not sufficiently accurate for short distances; and that, therefore, pertinent test transmitter measurements must be submitted; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new standard broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in facilities of an existing standard broadcast station, and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the following proposals would involve objectionable interference with the existing standard broadcast stations indicated, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposal	*Existing Stations*
BP–11689	WRMN, Elgin, Ill.
BP–11872	WHFC, Cicero, Ill.
BP–12135	WMBD, Peoria, Ill.
BP–12200	WBTA, Batavia, N.Y. WNBT, Wellsboro, Pa. WCSS, Amsterdam, N.Y. CFRC, Kingston, Ontario, Canada.
BP–12216	WARD, Johnstown, Pa. WARK, Hagerstown, Md. WGAL, Lancaster, Pa. WNBT, Wellsboro, N.Y.
BP–12232	WARK, Hagerstown, Md. WMRF, Lewistown, Pa. WOHI, East Liverpool, Ohio. WTCS, Fairmont, W. Va.
BP–12235	CKCR, Kitchener, Ontario, Canada. WESB, Bradford, Pa. WNBT, Wellsboro, Pa.
BP–12236	WHLS, Port Huron, Mich. WKMF, Flint, Mich.
BP–12282	WRSW, Warsaw, Ind. WOPA, Oak Park, Ill.
BP–12283	KRIB, Mason City, Iowa.
BP–12303	WDAN, Danville, Ill. WGEZ, Beloit, Wis. WNDU, South Bend, Ind. NEW, BP–11038 (D–12329), Geneva, Ill. NEW, BP–11405 (D–12331), Aurora-Batavia, Ill.
BP–12318	WMRN, Elgin, Ill. WHFC, Cicero, Ill.
BP–12344	WMRF, Lewistown, Pa. WARK, Hagerstown, Md. WBCB, Levittown-Fairless Hills, Pa. WAZL, Hazleton, Pa.
BP–12349	WANE, Ft. Wayne, Ind. WHLS, Port Huron, Mich. WLEC, Sandusky, Ohio. NEW, BP–11361 (D–12533), Gladwin, Mich.
BP–12357	WAYB, Waynesboro, Va. WTOP, Washington, D.C.
BP–12368	WATZ, Alpena, Mich. WIBM, Jackson, Mich. WPON, Pontiac, Mich. NEW, BP–11361 (D–12533), Gladwin, Mich.
BP–12395	WARD, Johnstown, Pa. WMRF, Lewistown, Pa. WGAL, Lancaster, Pa. WCVA, Culpeper, Va. WTOP, Washington, D.C.
BP–12442	WMRF, Lewistown, Pa. WAZL, Hazleton, Pa. WBTA, Batavia, N.Y.
BP–12470	KLMS, Lincoln, Nebr. KTOP, Topeka, Kans.
BP–12494	WISL, Shamokin, Pa. WGAL, Lancaster, Pa. WNBT, Wellsboro, Pa. WDLC, Port Jervis, N.Y. WBCB, Levittown-Fairless Hills, Pa.
BP–12504	WBTA, Batavia, N.Y. WMGW, Meadville, Pa. WNBT, Wellsboro, Pa.
BP–12591	WABJ, Adrian, Mich. WBEX, Chillicothe, Ohio. WJMO, Cleveland Heights, Ohio. WKBV, Richmond, Ind. WMOA, Marietta, Ohio.
BP–12644	WDBQ, Dubuque, Iowa. WAMV, East St. Louis, Ill. KDRO, Sedalia, Mo. KLEE, Ottumwa, Iowa.
NEW, BP–12193 (D–12695), East St. Louis, Ill.	

Proposal	*Existing Stations*
BP–12649	WRAC, Racine, Wis. WISC, Madison, Wis. KFIZ, Fond du Lac, Wis. NEW, BP–11946 (D–12653), Racine, Wis.
BP–12655	WASK, Lafayette, Ind. WCVS, Springfield, Ill. WKEI, Kewanee, Ill. WHTC, Holland, Mich. KFIZ, Fond du Lac, Wis.
BP–12678	WMGW, Meadville, Pa. WTCS, Fairmont, W. Va.
BP–12706	WARD, Johnstown, Pa. WGAL, Lancaster, Pa. WAZL, Hazleton, Pa. WDLC, Port Jervis, N.Y. WLDB, Atlantic City, N.J. NEW, BP–6315 (D–8716), Greenwich, Conn.
BP–12718	WKMF, Flint, Mich. WABJ, Adrian, Mich.
BP–12725	WABJ, Adrian, Mich. WBEX, Chillicothe, Ohio. WDAN, Danville, Ill. WFKY, Frankfort, Ky. WNDU, South Bend, Ind. WMRN, Marion, Ohio. NEW, BP–11539 (D–12601), Cincinnati, Ohio.
BP–12763	KLEO, Wichita, Kans. KBON, Omaha, Nebr. KBKC, Mission, Kans. KDMO, Carthage, Mo. KDRO, Sedalia, Mo.
BP–12778	WRJN, Racine, Wis. WGES, Chicago, Ill. NEW, BP–10253 (D–11763), Lafayette, Ind.
BP–12794	WOPA, Oak Park, Ill. WNDU, South Bend, Ind. WKBV, Richmond, Ind. WTHI, Terre Haute, Ind.
BP–12867	WKBV, Richmond, Ind. WMRN, Marion, Ohio.
BP–13062	WCVA, Culpeper, Va.
BP–13068	WMDN, Midland, Mich. WOHO, Toledo, Ohio. WMRN, Marion, Ohio. WJBK, Detroit, Mich.
BP–13081	WHLS, Port Huron, Mich. NEW, BP–11361 (D–12533), Gladwin, Mich.
BP–13113	WJER, Dover, Ohio. WJPA, Washington, Pa.
BP–13127	WLEC, Sandusky, Ohio. WJPA, Washington, Pa. WHHH, Warren, Ohio. WPAR, Parkersburg, W. Va.
BP–13142	WFOB, Fostoria, Ohio. WIBM, Jackson, Mich. WHLS, Port Huron, Mich. WANE, Ft. Wayne, Ind. WJER, Dover, Ohio.
BMP–8502	WHBC, Canton, Ohio. WABJ, Adrian, Mich. WMRN, Marion, Ohio. WOHI, East Liverpool, Ohio. CKOR, Kitchener, Ontario, Canada. WMGW, Meadville, Pa.

6. To determine whether the antenna system proposed by Mid-America Broadcasting System, Inc. (BP–11689), by Stevens-Wismer Broadcasting Company (BP–12368) and Friendly Broadcasting Company (BMP–8502) would constitute a hazard to air navigation.

7. To determine whether Mid-America Broadcasting System, Inc. (BP–11689) has a reasonable expectation of securing the transmitter site specified in its instant proposal and, if not, whether said proposal is on a site-to-be-determined basis in contravention of § 3.33 of the Commission rules and, therefore, should be dismissed.

8. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Seaway Broadcasting Co., Inc. (BP–11872) and the existing and proposed operations of WHFC, Cicero, Illinois, and between the proposals BP–12318, BP–11689 and BP–12778.

9. To determine whether the transmitter specified by Batavia Broadcasting Corporation (BP–12235) is acceptable for 250 watts power.

10. To determine whether the antennas specified by Village Broadcasting Company (BP–12303) and WGAL, Inc. (BP–12344) are in contravention of the provisions of § 3.188(d) of the Commission rules concerning roof-top installations and, if so, whether circumstances exist which would warrant a waiver of said section.

11. To determine whether a grant of the instant proposal of Booth Broadcasting Company (BP–12349) would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

12. To determine whether the instant proposal of Charles B. Axton (BP–12763) is in compliance with § 3.24(b) (7) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether Charles B. Axton (BP–12763) and Town and Country Broadcasting Co., Inc. (BP–13104) are financially qualified to construct and operate their stations as proposed.

14. To determine the type and character of program service which would be broadcast by Town and Country Broadcasting Co., Inc. (BP–13104) and whether the program service would be in the public interest.

15. To determine whether the site coordinates specified by Civic Broadcasting Corporation (BP–12200) properly reflect the transmitter location.

16. To determine whether the transmitter site proposed by each of the following proposals is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern, and, if so, to determine what means will be used to insure satisfactory operation in the manner proposed:

Batavia Broadcasting Corp. (BP–12235).
WGAL, Inc. (BP–12344).
United Broadcasting Co. of Western Maryland, Inc. (BP–12395).

East Liverpool Broadcasting Co. (BP–12678).
O'Keefe Broadcasting Co., Inc. (BP–12706).
Shawnee Broadcasting Co. (BP–12867).
Charles B. Axton (BP–12763).

17. To determine whether the instant application of Friendly Broadcasting Company (BMP–8502) and its application for increase in antenna height, BMP–8457 are multiple applications within the meaning of § 1.300 of the Commission rules, and, if so, whether the instant application (BMP–8502) should be dismissed.

18. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

19. To determine on a comparative basis which of the competing applicants, if any, for the community or communities selected as having the greatest need pursuant to section 307(b), would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a hearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

20. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Wabash Valley Broadcasting Corporation (WTHI), Terre Haute, Ind.
WMBD, Inc. (WMBD), Peoria, Ill.
Fairmont Broadcasting Company (WTCS), Fairmont, W. Va.
KNORR Broadcasting Corporation (WKMF), Flint, Mich.
Reub Williams & Sons, Inc. (WRSW), Warsaw, Ind.
Western Broadcasting Co., Inc. (KRIB), Mason City, Iowa.
Community Service Broadcasting Corp. of Amsterdam (WCSS) Amsterdam, N.Y.
Beloit Broadcasting Co. (WGEZ), Beloit, Wis.
Fox Valley Broadcasting Company (BP–11038), Geneva, Ill.
Logansport Broadcasting Company (BP–11405), Aurora-Batavia, Ill.
Indiana Broadcasting Company (WANE), Ft. Wayne, Ind.
Paul A. Brandt (BP–11361), Gladwin, Mich.
Washington Post Company (WTOP), Washington, D.C.
Lincoln Broadcasting Corp. (KLMS), Lincoln, Nebr.
Radio Anthracite, Inc. (WISL), Shamokin, Pa.
Port Jervis Broadcasting Company, Inc. (WDLC), Port Jervis, N.Y.
Regional Broadcasters, Inc. (WMGW), Meadville, Pa.
Marietta Broadcasting Company (WMOA), Marietta, Ohio.
WDBQ Broadcasting Company (WDBQ), Dubuque, Iowa.
Radio Missouri Corp. (WAMV), East St. Louis, Ill.
Sedalia Broadcasting Corp. (KDRO), Sedalia, Mo.
Radio, Inc. (KLEE), Ottuma, Iowa.
Radio Missouri Corp., (BP–12193), East St. Louis, Ill.
WRAC, Inc. (WRAC), Racine, Wis.
Radio Wisconsin, Inc., (WISC), Madison, Wis.
KFIZ Broadcasting Company (KFIZ), Fond du Lac, Wis.
WRAC, Inc. (BP–11946), Racine, Wis.
Lafayette Broadcasting, Inc. (WASK), Lafayette, Ind.
WPFA Radio, Inc. (WCVS), Springfield, Ill.
WKEI Broadcasting Company (WKEI), Kewanee, Ill.
Atlantic City Broadcasting Co. (WLDB), Atlantic City, N.J.
The Greenwich Broadcasting Corp. (BP–6315), Greenwich, Conn.

Frankfort Broadcasting Company (WFKY), Frankfort, Ky.
Rounsaville of Cincinnati, Inc. (BP-11539), Cincinnati, Ohio.
Radio Active, Inc. (KLEO), Wichita, Kans.
Mission Broadcasters, Inc. (KBKC), Mission, Kans.
Carthage Broadcasting Co. (KDMO), Carthage, Mo.
Racine Broadcasting Corp. (WRJN), Racine, Wis.
Radio Station WGES (WGES), Chicago, Ill.
J. E. Willis (BP-10253), Lafayette, Ind.
The Ohio Broadcasting Co. (WHBC), Canton, Ohio.
Midwestern Broadcasting Co. (WOHO), Toledo, Ohio.
Storer Broadcasting Co. (WJBK), Detroit, Mich.
Washington Broadcasting Company (WJPA), Washington, Pa.
The Warren Tribune Radio Station, Inc. (WHHH), Warren, Ohio.
Seneca Radio Corporation (WFOB), Fostoria, Ohio.

It is further ordered, That the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Holland Broadcasting Co. (WHTC).
Civic Broadcasting Corp. (WOLF).
Lewistown Broadcasting Co. (WMRF).
Central Broadcasting Co., Inc. (WARD).
Batavia Broadcasting Corp. (WBTA).
Chief Pontiac Broadcasting Co. (WPON).
Michiana Telecasting Corp. (WNDU).
Richard Goodman, Mason Loundy, Egmont Sonderling and WOPA, Inc., d/b as Village Broadcasting Co. (WOPA).
WGAL, Inc. (WGAL).
Booth Broadcasting Co. (WIBM).
Culpeper Broadcasting Corp. (WCVA).
Harmon L. Stevens and John F. Wismer d/b as Stevens-Wismer Broadcasting Co. (WHLS).
United Broadcasting Company of Western Maryland, Inc. (WARK).
Farm and Home Broadcasting Co., Inc. (WNBT).
Goldenrod Broadcasters, Inc. (KBON).
Hazleton Broadcasting Co., Inc. (WAZL).
Thomas R. Bromeley, Mary Ann Satterwhite, Charlotte E. Anderson and Joyce L. Edwards d/b as Radio Station WESB (WESB).
Marion Broadcasting Co. (WMRN).
Burlington Broadcasting Co. (KBUR).
West Bend Broadcasting Co. (WBKV).
WHFC, Incorporated (WHFC).
East Liverpool Broadcasting Co. (WOHI).
O'Keefe Broadcasting Co., Inc. (WBCB).
Rich Publishing House, Inc. (WMDN).
Central Broadcasting Corp. (WKBV).
Charles B. Axton (KTOP).
J. Richard Sutter, Joseph E. McNaughton, William D. McNaughton, General Partners, and John T. McNaughton, Limited Partner, d/b as Elgin Broadcasting Co. (WRMN).
Northwestern Publishing Co. (WDAN).
Shawnee Broadcasting Co. (WBEX).
Waynesboro Broadcasting Corp. (WAYB).
Gerity Broadcasting Co. (WABJ).
Midwestern Broadcasting Co. (WATZ).
Town and County Broadcasting Co., Inc. (WREM).
WSTV, Inc. (WPAR).
Dover Broadcasting Co., Inc. (WJER).
Lake Erie Broadcasting Co. (WLEC).
Friendly Broadcasting Co. (WJMO).

It is further ordered, That, in the event of a grant of the application of Civic Broadcasting Corporation (BP-12200), the construction permit shall contain a condition that the permittee submit, before program tests are authorized, measurement data for the proposed transmitter pursuant to §§ 3.48 and 2.524 of the Commission rules.

It is further ordered, That, in the event of a grant of the application of Lake Erie Broadcasting Co. (BP-13142) or Holland Broadcasting Company (BP-12192), the construction permit shall contain a condition that, before program tests are authorized, the permittee must submit a complete nondirectional proof of performance to establish that the radiation has been limited to substantially 150 mv/m/kw for the daytime operation as proposed.

It is further ordered, That, in the event of a grant of the instant application of Seaway Broadcasting Co., Inc. (BP-11872), the construction permit shall contain a condition that the permittee submit, before program tests are authorized, a satisfactory proof-of-performance on the directional antenna.

It is further ordered, That, if the proposal of Civic Broadcasting Corporation, (BP-12200), Batavia Broadcasting Corporation (BP-12235), or Friendly Heights Broadcasting Company (BMP-8502) is found to be in contravention of the provisions of the North American Regional Broadcasting Agreement, but is favored in the hearing, it will be held without final action pursuant to the provisions of § 1.352 of the Commission rules.

It is further ordered, That, in the event of a grant of the application of WSTV, Inc., the construction permit shall contain a condition that program tests will not be authorized until Station WHAW, Weston, West Virginia, is authorized program tests on a frequency other than 1450 kilocycles; and a license to cover construction permit will not be issued until Station WHAW is licensed on a frequency other than 1450 kilocycles.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6793; Filed, Aug. 14, 1959; 8:51 a.m.]

[Docket No. 13085; FCC 59-859]

NATIONAL BROADCASTING CO., INC.

Order Designating Applications for Oral Argument on Stated Issues

In re applications of National Broadcasting Company, Inc., Philadelphia, Pennsylvania, Docket No. 13085, File Nos. BR-562, BRCT-4, BRTP-22, BRTP-133, BRTP-204, BRTS-21; for renewal of licenses of Stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 31st day of July 1959;

The Commission having before it for consideration (a) a "Protest" filed on August 14, 1957, by Philco Corporation (Philco), Philadelphia, Pennsylvania, pursuant to section 309(c) of the Communications Act of 1934, as amended, directed against the Commission's action of July 18, 1957, granting without hearing the above-entitled applications;[1] (b) the "Opposition" to said protest filed on August 26, 1957 by the National Broadcasting Company, Inc., (NBC); (c) the "Brief in Reply" filed by Philco on September 4, 1957; (d) the "Answer to Brief" filed by NBC on September 9, 1957; (e) the Commission's Memorandum Opinion and Order adopted September 11, 1957 (FCC 57-994) dismissing said protest on the grounds that the protestant had not shown itself to be a "party in interest" and had not shown that the Commission's action of July 18, 1957 was improperly made or was otherwise not in the public interest;[2] (f) the decision in the case of Philco Corporation v. Federal Communications Commission, No. 14166, issued on June 19, 1958, by the United States Court of Appeals for the District of Columbia Circuit reversing the Commission's action of September 11, 1957 dismissing the above protest and remanding the case to the Commission; (g) the action of the Supreme Court of the United States on January 26, 1959, in the case of National Broadcasting Company v. Philco Corporation, No. 371, denying the petition of NBC for a writ of certiorari; (h) the "Motion to Expedite" filed by Philco on May 29, 1959, requesting "that the issue raised in Philco's protest be set promptly for hearing"; and (i) the "Reply To Motion To Expedite" filed by NBC on June 8, 1959, requesting that the Commission either dismiss said protest or set it for oral argument; and

It appearing, that the factual allegations involved in the instant protest and the arguments of the parties are set out in full in the Commission's Memorandum opinion and Order of September 11, 1957; that to avoid repetition, they are incorporated herein by reference as if fully set forth at length; and

It further appearing, that in its decision, the Court of Appeals stated that "As already indicated, we do not pass upon the sufficiency of the protest, which must first be considered by the Commission"; and

It further appearing, that our grant herein of July 18, 1957 provided that said "action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending anti-trust actions involving Radio Corporation of America and the National Broadcasting Company, Inc., may be terminated";

It is ordered, That pursuant to section 309(c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for oral argument at the offices of the Commission in Washington, D.C., on the questions whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the conditional grant of said application; and if an evidentiary hearing is required, the scope thereof;

It is further ordered, That the protestant is hereby made a party to the proceedings herein and that:

(a) The oral argument shall commense at 10 a.m. on the 1st day of October, 1959, and shall be held before the Commission en banc;

(b) The parties intending to participate in said oral argument shall file their appearance not later than August 17th, 1959;

(c) The parties have until the date of the oral argument to file and exchange briefs and memoranda of law.

Adopted: July 31, 1959.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 69-6794; Filed, Aug. 14, 1959; 8:51 a.m.]

[1] This grant contained the following conditions: "This action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending anti-trust actions involving Radio Corporation of America and the National Broadcasting Company, Inc., may be terminated."

[2] 15 Pike and Fischer RR 965; FCC 57-994, Mimeo No. 49068.

[Docket Nos. 13076, 13077; FCC 59-827]

SUPREME BROADCASTING COMPANY, INC., OF PUERTO RICO, AND RADIO AMERICAN WEST INDIES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8, assigned to Christiansted, St. Croix, Virgin Islands; and

It appearing, that the applications of Supreme Broadcasting Company, Inc., of Puerto Rico and Radio American West Indies, Inc., are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing, that Radio American West Indies, Inc., has requested a waiver of § 3.613(a) of the rules to locate its main studios outside of Christiansted, and has shown good cause for the requested waiver; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, Supreme Broadcasting Company, Inc., of Puerto Rico and Radio American West Indies, Inc., were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing, that Supreme Broadcasting Company, Inc., of Puerto Rico planned to finance the construction and initial operation of the proposed station by means of existing capital and by deferred credit payments for equipment, and that it was indicated in the above-mentioned letter to Supreme Broadcasting Company, Inc., of Puerto Rico that the Commission could not, on the basis of this proposal, determine without a hearing that Supreme Broadcasting Company, Inc., of Puerto Rico was financially qualified to construct and operate the proposed station; and

It further appearing, that Supreme Broadcasting Company, Inc., of Puerto Rico amended its application by submitting a corrected balance sheet and by showing that, in addition to the financial sources previously indicated, it has obtained a firm commitment for a bank loan of $50,000; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Supreme Broadcasting Company, Inc., of Puerto Rico is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issues "2" and "3" below; and that Radio American West Indies, Inc., is legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issues "4" and "5" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Supreme Broadcasting Company, Inc., of Puerto Rico and Radio American West Indies, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether Radio American West Indies, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

(2) To determine the correct radials for the antenna site proposed by Supreme Broadcasting Company, Inc., of Puerto Rico, as required by § 3.684(d) of the Commission's rules.

(3) To determine the correct antenna site elevation above mean sea level, antenna height above average terrain, overall antenna height above mean sea level, height of radiation center above mean sea level and height of average terrain above mean sea level for the proposal of Supreme Broadcasting Company, Inc., of Puerto Rico.

(4) To determine the specific rated power of the transmitter proposed by Radio American West Indies, Inc.

(5) To determine the accuracy of the method employed by Radio American West Indies, Inc., to calculate the height above sea level and the contour levels specified in Figure 1 of its application and thereby to determine the location and height above sea level of Radio American West Indies, Inc.'s proposed antenna site.

(6) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Supreme Broadcasting Company, Inc., of Puerto Rico and Radio American West Indies, Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing

and present evidence on the issues specified in this order.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6795; Filed, Aug. 14, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14787 etc.]

BBM DRILLING CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 10, 1959.

In the matters of BBM Drilling Company, Operator, et al.,[1] Docket No. G-14787; Amerada Petroleum Corporation, Docket No. G-16300; Frank Zickefoose,[2] Docket No. G-16347; Coline Oil Corporation,[3] Docket No. G-16384; Lario Oil & Gas Company, Docket No. G-16385; Charles A. Daubert, Operator, et al.,[4] Docket No. G-16581; J & M Well Service Company, Docket No. G-16769; C. W. Alexander et al.,[5] Docket No. G-16845; Charles E. Osgood, Jr.,[6] Docket No. G-17111; Paul Case,[7] Docket No. G-17114; Phillips Petroleum Company,[8] Docket No. G-17223.

Take notice that each of the above Applicants has field an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Docket No., Field and Location, Purchaser, and Related FPC Gas Rate Schedule

G-14787, Spraberry Trend, Midland County, Texas; El Paso Natural Gas Company; 4 and Supplements 1-10 thereto.

G-16300; Bagley Field, Lea County, New Mexico; El Paso Natural Gas Company; 72.

G-16347; Union District, Ritchie County, West Virginia; Equitable Gas Company; 6 and 7.

G-16384; Hansford (Morrow) Field, Hansford County, Texas; Northern Natural Gas Company; 5 and Supplement No. 1 thereto.

G-16385; Whelan Field, Barber County, Kansas; Starkan Gas Company (for resale to Cities Service Gas Company); 5.

G-16581; Alfred Field (Adams Ranch Area), Jim Wells County, Texas; Alfred Production Company, Inc. (for resale to Trunkline Gas Company); 8.

G-16769; Los Torritos Field, Hidalgo County, Texas; Tennessee Gas Transmission Company; 1.

G-16845; Pistol Ridge Field, Pearl River County, Mississippi; United Gas Pipe Line Company; 2.

G-17111; Blanco Field (Mesaverde), San Juan County, New Mexico; El Paso Natural Gas Company; 1.

G-17114; Blanco Field (Pictured Cliffs), San Juan County, New Mexico; El Paso Natural Gas Company; 1 and Supplement No. 1 thereto.

G-17223; Acreage in Lea County, New Mexico; El Paso Natural Gas Company; 338.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] B B M Drilling Company, Operator, is filing for itself and on behalf of the nonoperator, Joseph S. Gruss. The Standard Oil Company (Ohio), predecessor in interest to Sohio Petroleum Company, assigned to B B M and Joseph S. Gruss a portion of subject acreage by instruments dated January 3, 1957, February 5, 1957 and April 6, 1957; the remaining portion of the subject acreage was assigned by Standard to B B M in instruments dated June 5, 1957, August 14, 1957 and November 22, 1957. Subsequently, B B M reassigned a partial working interest in latter acreage to Joseph S. Gruss in instruments dated July 24, 1957, October 1, 1957 and December 2, 1957, respectively. Standard was previously authorized in Docket No. G-4418 to sell gas from the assigned acreage under a basic contract dated October 3, 1952, between Standard, Seller, and El Paso, Buyer. Applicant states that subject acreage was unproductive at time of assignment. Standard (now Sohio) has supplemented its rate schedule filing to reflect aforesaid assignments.

[2] Frank Zickefoose is filing for himself and as Attorney-in-Fact for unnamed co-owners. Frank Zickefoose is the only signatory seller party to each of the two gas sales contracts involved.

[3] Coline Oil Corporation, non-operator, proposes to sell its share of production from the subject Lyon Unit under a ratification agreement dated August 21, 1958 of a basic gas sales contract dated January 16, 1957, between Stanolind Oil & Gas Company (now Pan American Petroleum Corporation), Seller, and Northern Natural Gas Company, Buyer. Both Coline and Northern are signatory parties to the subject ratification agreement.

[4] Charles A. Daubert, Operator, is filing for himself and on behalf of the following nonoperators: Roy Smith, J. K. Stark, Elmer H. Dolch, Walter J. Achning, Leonard R. Sayers, Harry O'Shea, David N. Sosland, Trustee, Louise Hays (Individually, and as Independent Executrix of the Estate of R. S. Hays, Deceased), Louis Hays and Paul Johnson (Trustees for Robert Simpson Hays, Jr.) and Ada Sue Hays Blume. All are signatory seller parties to the gas sales contract.

[5] C. W. Alexander, M. E. Norman, Sr., and J. T. McGlothlin, Jr., are filing jointly, and all are signatory seller parties to the subject gas sales contract.

[6] The contract covering this sale limits production to the Mesa Verde Formation.

[7] Application covers the sale of gas under a basic gas sales contract dated December 2, 1957, which contract limits production to horizons down to and including the Pictured Cliffs Formation, and an amendatory agreement adding additional acreage thereto dated September 15, 1958.

[8] Phillips Petroleum Company, non-operator, proposes to continue to sell its interest in production from the subject unit under a gas sales contract dated November 5, 1958 to which it is the only signatory seller party. Application states that Humble Oil & Refining Company, Operator, commenced deliveries of Applicant's share of gas on October 1, 1958 pursuant to the terms of an operating agreement.

[F.R. Doc. 59-6756; Filed, Aug. 14, 1959; 8:45 a.m.]

[Docket No. G-12711 etc.]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 10, 1959.

In the matters of Graham-Michaelis Drilling Company, Operator,[1] Docket No. G-12711; Texaco Inc.,[2] Docket No. G-13552; Lyons & Logan, et al.,[3] Docket No. G-13557; W. E. Bakke, Operator, et al.,[4] Docket No. G-13791; Delhi-Taylor Oil Corporation, Operator,[5] Docket No. G-15324; United Oil and Gas Company, Inc., et al.,[6] Docket No. G-15337; Skelly Oil Company,[7] Docket No. G-15340; Gulf Oil Corporation,[8] Docket No. G-15344; Union Oil Company of California, Docket No. G-15361; Humble Oil and Refining Company,[9] Docket No. G-15365; Hudson Gas & Oil Corporation, et al.,[10] Docket No. G-15377; William Gruenerwald, Operator, et al.,[11] Docket No. G-15381.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-12711; Hugoton Field, Haskell and Kearny Counties, Kansas; Cities Service Gas Company.

G-13552; Hidalgo Field, Hidalgo County, Texas; Texas Eastern Transmission Corporation.

G-13557; Greenwood-Waskom Field, Caddo Parish, Louisian; Arkansas Louisiana Gas Company.

G-13791; Nena Lucia Field, Nolan County, Texas; West Lake Natural Gasoline Company, et al.

G-15324; South Andrews Field, Andrews County, Texas; El Paso Natural Gas Company.

G-15337; San Juan Basin, La Plata County, Colorado, Pacific Northwest Pipeline Corporation.

G-15340; Cotton Valley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

G-15344; N. W. Dower Field, Beaver County, Oklahoma; Northern Natural Gas Company.

G-15361; North Arneckeville Field, De Witt County, Texas; Texas Eastern Transmission Corporation.

G-15365; Chenière Perdue Field, Cameron Parish, Louisiana; American Louisiana Pipe Line Company.

G-15377; Northwest Branch Field, Acadia Parish, Louisiana; United Gas Pipe Line Company.

G-15381; Hibbard Pool, Harper County, Kansas; Cities Service Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Graham-Michaelis Drilling Company, Operator is a partnership composed of William L. Graham, Marjorie Lois Graham and W. A. Michaelis. Operator is filing for itself and on behalf of the following nonoperators listed in the application together with the percentages of working interests. Osage Oil & Gas Company, William Graham Oil Company, M. F. Powers, Howard Gillespie and Clyde Beymer. Operator has acquired by five instruments of assignment (two dated November 9, 1956, two dated January 2, 1957 and one dated December 21, 1956) from Stanolind Oil and Gas Company (now Pan American Petroleum Corporation) the subject acreage, which covers the Dennis #1, Wheatley #1, Weber "A", Weber "B" and Steen #1 Units, and has become a signatory seller party to the extent of such assignments to a basic gas sales contract dated June 23, 1950, between Stanolind Oil and Gas Company, Seller, and Cities Service Gas Company (Buyer).

[2] Texaco Inc. (formerly The Texas Company), is filing for its interest in the following gas units: J. L. Bell, El Texano, Hidalgo Pate, Roy Lepovitz, Pate, Texano-Pate, Theser and El Texano Land Co., H. F. Anderson, Elkins, El Texano No. 2, Hackney Lake No. 1, Kawahata, La Claire H. Savage No. 1, Savage "A" and Theser No. 1. As Operator of the Hidalgo Townsite Unit, Texaco Inc. is filing for itself and on behalf of Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., nonoperators. The Texas Company is the only signatory seller party to the subject gas sales contract. On November 19, 1957, Operator filed Exhibit "D" to the subject application, which consists of authorizations by Delhi-Taylor and Mayfair Minerals requesting Operator to file on their behalf. Amendment filed is notification of change in name and request that the certificate be issued in the name of Texaco Inc.

[3] Lyons & Logan, a partnership consisting of C. H. Lyons, Sr., C. H. Lyons, Jr., Hall M. Lyons, G. L. Logan, E. L. Hilliard, G. F. Abendroth and J. T. Palmer, nonoperator, is filing for itself and on behalf of the following additional nonoperators: William Hurwitz, Morris Anisman, and Red River Oil Company, a partnership consisting of A. A. Gilbert, Lazar M. Murov and Neal H. Nierman. All nonoperators are signatory seller parties to the subject gas sales contract.

[4] W. E. Bakke, Operator, is filing for himself and on behalf of the following nonoperators: Frank B. Waters, Gail Stoddard, K. L. Fouch, Clifford L. Brown, Jr., Theron Graves, individually, and as Attorney-in-Fact for Thomas Graves. All are signatory seller parties to the subject gas sales contract.

[5] Delhi-Taylor Oil Corporation, Operator, is filing for itself and lists in the application together with the percentages of working interests the following nonoperators: Signal Oil and Gas Company, Hancock Oil and Gas Company and Statex Petroleum. Operator is the sole signatory seller party to the gas sales contract dated December 3, 1957 and amendatory agreement dated January 23, 1958 adding additional acreage thereto.

[6] United Oil and Gas Company, Inc., and Everett M. Grantham, Robert C. Jackson and Clemente E. Marcus, Trustees, are filing jointly and all are signatory seller parties to the subject gas sales contract.

[7] Amendment filed is statement acknowledging Applicant's willingness to accept a conditioned certificate requiring refund to Purchaser should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated. The related rate schedule filing indicates that deliveries commenced in August 1958.

[8] Gulf Oil Corporation, Applicant, is a signatory seller party to the subject gas sales contract through the signature of its agent, Warren Petroleum Company.

[9] Amendment filed is letter acknowledging Applicant's willingness to accept a conditioned certificate requiring refund to Purchaser should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated. Deliveries commenced September 1, 1958.

[10] Hudson Gas & Oil Corporation, nonoperator, is filing for itself and on behalf of sixty-one additional nonoperators listed in the application together with the percentage of interest of each. Nonoperators own a combined interest of 100% in the Mark R. Fruge No. 1 Well, which is operated by F. A. Callery, Inc. Operator owns no working interest in the subject well and is not a signatory party to the subject gas sales contract. In addition, Hudson is filing for authorization to sell gas attributable to its interest in twelve additional wells. Hudson is a signatory seller party to the subject gas sales contract and the remaining nonoperators are also signatory parties through the signature of Callery Properties, Inc., a legal title representing the interests of such parties but owning no working interest in its own name. Amendment filed is statement acknowledging Applicants' willingness to accept a conditioned certificate requiring refund to Purchaser should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated. Deliveries commenced August 27, 1958.

[11] William Gruenerwald, Operator, is filing for himself and on behalf of the following nonoperators: Mabel Greene Myers, Jerry Chambers and Clipper Carloading Company. All are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-6757; Filed, Aug. 14, 1959; 8:45 a.m.]

[Docket No. G-13380 etc.]

MAGNOLIA PETROLEUM CO. ET AL.

Notice of Application and Date of Hearing

AUGUST 10, 1959.

In the matters of Magnolia Petroleum Company, Docket No. G-13380; Crescent Drilling Company, Inc.,[1] Docket No. G-13448; John Faubion *et al.*,[2] Docket No. G-13534; Anderson-Prichard Oil Corporation, Docket No. G-13719; Harrell Drilling Company,[3] Docket No. G-13720; E. M. Carpenter, Operator, *et al.*,[4] Docket No. G-13723; Lamar Hunt Trust Estate,[5] Docket No. G-13747; Sun Oil Company,[6] Docket No. G-13748; Godfrey L. Cabot, Inc., Docket No. G-13763; O. D. Damron, d/b/a Lana Sharon Gas Company, Docket No. G-13784; H. S. Moss, Operator, et al.,[7] Docket No. G-13787; Domestic Oil Corporation, Docket No. G-13790; Floyd E. Holbert, Docket No. G-13802.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos., Field and Location, and Purchaser

G-13380; Jalmat Field, Lea County, New Mexico; El Paso Natural Gas Company.

G-13448; Colquitt Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G-13534; Bloomington Field, Victoria County, Texas; United Gas Pipe Line Company.

See footnotes at end of document.

G–13719; Florence Field, Grant and Alfalfa Counties, Oklahoma; Cities Services Gas Company.

G–13720; Hidalgo Field, Hidalgo County, Texas; Texas Eastern Transmission Corporation.

G–13723; West Lamar Field, Franklin Parish, Louisiana; United Fuel Gas Company.

G–13747; Palo Blanco Field, Brooks County, Texas; Unit Gas Company, Inc.

G–13748; Hidalgo Field, Hidalgo County, Texas; Texas Eastern Transmission Corporation.

G–13763; Luthersburg Field, Clearfield County, Pennsylvania; New York State Natural Gas Corp.

G–13784; Triadelphia District, Logan County, West Virginia; Hope Natural Gas Company.

G–13787; Davis Field, Grayson County, Texas; Lone Star Gas Company.

G–13790; East Gurtie Lake Field, Logan County, Oklahoma; Cities Service Gas Company.

G–13802; Bloomington Field, Victoria County, Texas; United Gas Pipe Line Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Application covers a ratification agreement dated October 1, 1957 of a basic gas sales contract dated August 7, 1937 between Republic Natural Gas Company, seller, and Arkansas Louisiana, buyer. Both Applicant and Arkansas are signatory parties to the subject ratification agreement.

[2] John Faubion, A. M. Moncrief, Sam Wilcox, Jake McCallister, Lee S. Carter and Evelyn H. Carter are filing jointly for their working interest in certain acreage and all are signatory seller parties to the subject gas sales contract.

[3] Harrell Drilling Company, nonoperator, a partnership composed of H. M. Harrell, Jr., Clayton M. Harrell, John K. Harrell and James E. Harrell, proposes to sell its share of production from certain units under a ratification agreement dated October 29, 1957 of a basic gas sales contract dated October 7, 1957, between The Texas Company, seller, and Texas Eastern Transmission Corporation, buyer. All partners and Texas Eastern are signatory parties to said ratification agreement.

[4] E. M. Carpenter, Operator, is filing for himself and on behalf of the following nonoperators: Willard M. Johnson and Mud Supply Company, Inc. All are signatory seller parties to the subject gas sales contract.

[5] Applicant is the only signatory seller party to the subject gas sales contract through the signature of A. G. Hill, Trustee.

[6] Sun Oil Company, nonoperator, proposes to sell its share of production from certain units under a ratification agreement dated November 5, 1957 of a basic contract dated October 7, 1957, between The Texas Company, seller, and Texas Eastern Transmission Corporation, buyer. Both Sun and Texas Eastern are signatory parties to the subject ratification agreement.

[7] H. S. Moss, Operator, is filing for himself and on behalf of the following nonoperators: L. R. Whitson, Dorothy Manziel (Administratrix of the Estate of Bobby Manziel), C. L. DuPuy, George K. DuPuy and J. C. Umphress. All are listed in the subject gas sales contract as seller parties, however, J. C. Umphress has not executed said contract.

[F.R. Doc. 59–6758; Filed, Aug. 14, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 169]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 12, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62284. By order of August 11, 1959, the Transfer Board approved the transfer to Ferd Brensel, Denison, Iowa, of Certificate No. MC 96377, issued May 19, 1941, to Herman Schiernbeck, Kiron, Iowa, authorizing the transportation of: Livestock, between Kiron, Iowa, and points within ten miles of Kiron, on the one hand, and, on the other, Omaha, Nebr.; and feed, agricultural implements and parts thereof, seed, hay, straw, coal, lumber, building materials, grain, and petroleum products in containers, from Omaha Nebr., to Kiron, Iowa, and points within ten miles of Kiron. Robert C. Reimer, Crawford County Bank Building, Denison, Iowa, for applicants.

No. MC–FC 62392. By order of August 11, 1959, the Transfer Board approved the transfer to M. B. Schiegel, Onaga, Kansas, of Certificates in Nos. MC 49503 and MC 49503 Sub 3, issued June 3, 1954, and June 4, 1954, respectively, to Roger Force, doing business as Force Truck Line, Wheaton, Kansas, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities; livestock; feed; and agricultural implements and parts, twine and building materials, between specified points in Missouri and Kansas. Erle W. Francis, 214 West Sixth, Topeka, Kansas.

No. MC–FC 62451. By order of August 11, 1959, the Transfer Board approved the transfer to Film Transport Co., A Corporation, 1112 Capitol Avenue, Omaha, Nebraska, of a Certificate in No. MC 25469, issued February 17, 1956, to Paul Mueller, doing business as Paul Mueller Truck Service, Yorktown, Iowa, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, from Omaha, Nebr., to Clarinda, Iowa, and intermediate points and off-route points in Iowa within 25 miles of Clarinda, restricted to delivery only, and specified commodities, from and to specified points in Missouri, Nebraska, and Iowa.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–6766; Filed, Aug. 14, 1959; 8:47 a.m.]

NATIONAL LABOR RELATIONS BOARD

GENERAL COUNSEL

Amendment to Board Memorandum Describing Authority and Assigned Responsibilities

Pursuant to the provisions of section 3(a) of the Administrative Procedure Act (Pub. Law 404), 79th Cong., 2nd Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following further amendment to Board Memorandum Describing the Authority and Assigned Responsibilities of the general counsel of the National Labor Relations Board, (effective August 3, 1959). This amends memorandum which appeared at 20 F.R. 2175, as amended at 23 F.R. 6966.

Dated, Washington, D.C., August 12, 1959.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

The Board Memorandum Describing the Authority and Assigned Responsibilities of the General Counsel of the National Labor Relations Board effective April 1, 1955, as amended August 25, 1958, is hereby further amended by striking the text of Section VII and substituting the following:

1. In order more fully to release the Board to the expeditious performance of its primary function and responsibility of deciding cases, the full authority and responsibility for all administrative functions of the Agency shall be vested in the General Counsel. This authority shall be exercised subject to the limitations contained in paragraph 2 with respect to the personnel of, or directly related to, Board Members, and shall be exercised in conformity with the requirements for joint determination as described in paragraph 4.

2. The General Counsel shall exercise full and final authority on behalf of the Agency over the selection, retention, transfer, promotion, demotion, discipline, discharge and in all other respects, of all personnel engaged in the field and in the Washington Office (other than personnel in the Board Members' offices, the Division of Trial Examiners, the Division of Information, the Security Office, the Office of the Solicitor, and the Office of the Executive Secretary); provided, however, that the establishment, transfer or elimination of any Regional or Sub-Regional Office shall require the approval of the Board.

3. The General Counsel will provide such administrative services and housekeeping services as may be requested by the Board in connection with the conduct of its necessary business, and will submit to the Board a quarterly report on the performance of these administrative functions.

4. In connection with and in order to effectuate the foregoing, the General Counsel is authorized to formulate and execute such necessary requests, certifications, and other related documents on behalf of the Agency, as may be needed from time to time to meet the requirements of Civil Service Commission, the Bureau of the Budget, or any other Governmental Agency; provided, however, that the total amount of any annual budget requests submitted by the Agency, the apportionment and allocation of funds and/or the establishment of personnel ceilings within the Agency shall be determined jointly by the Board and the General Counsel.

[F.R. Doc. 59–6772; Filed, Aug. 14, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–1731]

CURTIS LIGHTING, INC.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 11, 1959.

Midwest Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Pursuant to an offer of the Company, dated March 31, 1959, to its stockholders to purchase their Common Stock, the number of stockholders was reduced to 85, which are too few to maintain a reasonable Exchange market.

Upon receipt of a request, on or before August 28, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–6762; Filed, Aug. 14, 1959; 8:46 a.m.]

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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 161

Washington, Tuesday, August 18, 1959

Title 3—THE PRESIDENT

Executive Order 10831

ESTABLISHING THE FEDERAL RADIATION COUNCIL

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the Federal Radiation Council (hereinafter referred to as the "Council").

(b) The Council shall be composed of the Secretary of Defense, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, and the Chairman of the Atomic Energy Commission.

(c) The Chairman of the Council shall be designated by the President, from time to time, from among the members of the Council.

SEC. 2. The Council shall advise the President with respect to radiation matters directly or indirectly affecting health, including matters pertinent to the general guidance of executive agencies by the President with respect to the development by such agencies of criteria for the protection of humans against ionizing radiation applicable to the affairs of the respective agencies. The Council shall take steps designed to further the interagency coordination of measures for protecting humans against ionizing radiation.

SEC. 3. The Special Assistant to the President for Science and Technology, or his representative, is authorized to attend meetings of, to participate in the deliberations of, and to advise with, the Council.

SEC. 4. For the purpose of effectuating this order, each executive agency represented on the Council shall furnish necessary assistance to the Council, in consonance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include detailing employees to the Council to perform such duties consistent with the purposes of this order as the Chairman of the Council may assign to them. Upon the request of the Chairman of the Council, the heads of executive agencies shall so far as practicable provide the Council information and reports relating to matters within the cognizance of the Council.

SEC. 5. The Council may seek technical advice, in respect of its functions, from any source it deems appropriate.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 14, 1959.

[F.R. Doc. 59-6895; Filed, Aug. 17, 1959; 9:42 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Shelled Virginia Type Peanuts

MISCELLANEOUS AMENDMENTS

Revised United States Standards for Shelled Virginia Type Peanuts and revised United States Standards for Shelled Spanish Type Peanuts, each promulgated July 29, 1959, were published in the FEDERAL REGISTER on August 1, 1959 (24 F.R. 6181-6182), to become effective August 31, 1959.

Inadvertently, the respective standards as published in the FEDERAL REGISTER included, as hereinafter explained, certain provisions which although set forth in the prior notices of proposed rule making (24 F.R. 3762-3764) were thereafter determined not to be incorporated into the revised standards. In addition, other incorrect items were included.

§ 51.2731 [Amendment]

1. With respect to § 51.2731 *U.S. Spanish Splits*, paragraph (a)(5) thereof fixes 5 percent as the tolerance for sound whole kernels. The applicable tolerance set forth in the current § 51.2731(a)(5) is "4 percent", which percentage had

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FEDERAL REGISTER

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been decided upon for continuation in the revision rather than adoption, in lieu thereof, of the "5 percent" tolerance contained in the notice of rule making.

Therefore, § 51.2731(a)(5) of the revised United States Standards for Shelled Spanish Type Peanuts (Subpart—United States Standards for Shelled Spanish Type Peanuts, 7 CFR 51.2730–51.2741; 24 F.R. 6181) is hereby corrected to read as follows:

(5) 4 percent for sound whole kernels.

2. With respect to § 51.2752(a) (3) and (4), the figures "1.5" and "0.5" should have read "1.25" and "0.75", respectively; and although the provisions of § 51.2753 were set forth (as § 51.2754) in the applicable prior notice of proposed rule making, it was thereafter determined not to incorporate such provisions in the revised standards but rather to carry over into the revision the provisions of the current § 51.2753.

Therefore, §§ 51.2752 and 51.2753 of the revised United States Standards for Shelled Virginia Type Peanuts (Subpart—United States Standards for Shelled Virginia Type Peanuts, 7 CFR 51.2750–51.2763; 24 F.R. 6182) are hereby corrected to read as follows:

§ 51.2752 U.S. No. 1 Virginia.

"U.S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $15/64$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 864 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2753 U.S. Virginia Splits.

"U.S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having 20/64 inch round openings. Not less than 90 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign materials; and,

(4) 3 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1624)

Dated: August 13, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59–6809; Filed, Aug. 17, 1959; 8:47 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Shelled Spanish Type Peanuts

Correction

1. In F.R. Doc. 59–6343, appearing at page 6181 of the issue for Saturday, August 1, 1959, the word "Flash" in § 51.2740(b) should read "Flesh".

2. In F.R. Doc. 59–6344, appearing at page 6182 of the issue for Saturday, August 1, 1959, the word "in" in the introductory paragraph of § 51.2762 should read "is".

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas [1]

MISCELLANEOUS AMENDMENTS

On July 2, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5372) regarding a proposed revision of the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas are hereby promulgated pursuant to the authority contained in the Agriculture Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

1. Delete § 52.1661 and substitute therefor the following:

§ 52.1661 Product description.

(a) "Frozen field peas" is the product prepared from the clean and sound immature seed of the field pea plant (Vigna sinensis), other than the black-eye pea plant, by shelling, sorting, washing, and blanching, and the product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish, and is frozen and maintained at temperatures necessary for the preservation of the product.

(b) "Frozen black-eye peas" is the product prepared from the clean and sound immature seed of the black-eye pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and the product may contain succulent immature unshelled pods (snaps) of the pea plant as an optional ingredient as a garnish, and is frozen and maintained at temperatures necessary for the preservation of the product.

2. Delete § 52.1662 and substitute therefor the following:

§ 52.1662 Definitions.

(a) "Frozen peas" means frozen field peas or frozen black-eye peas.

(b) "Snap" or "snaps" means a piece or pieces of immature unshelled pods of the field pea plant or of the black-eye pea plant.

(c) "Unit" means an individual field pea or black-eye pea or a piece of immature unshelled pod of either.

§ 52.1667 [Amendment]

3. In § 52.1667(a), delete subparagraph (1) and substitute therefor the following:

(1) "Extraneous vegetable matter" means hulls or pieces of hulls; unshelled pods or pieces of unshelled pods (except in peas frozen with snaps as a garnish), leaves, stems, and other similar vegetable matter.

Dated: August 13, 1959, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59–6808; Filed, Aug. 17, 1959; 8:47 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee for 1959–60 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the August 4, 1959, issue of the FEDERAL REGISTER (24 F.R. 6245) that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), there were under consideration proposed expenses of the Prune Administrative Committee, established under the order, for the 1959–60 crop year and a rate of assessment of that year, as unanimously recommended by the committee and hereinafter set forth. In said notice, interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals. No such comment was filed within the prescribed time.

After consideration of all relevant matters presented, including the information and recommendations submitted by the committee, other available information, and said notice, it is hereby found and determined and, therefore, ordered, that the expenses of the committee and rate of assessment for the crop year beginning August 1, 1959, shall be as follows:

§ 993.310 Expenses of the Prune Administrative Committee and rate of assesment for the 1959–60 crop year.

(a) *Expenses.* Expenses in the amount of $86,800 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1959, and ending July 31, 1960, for its maintenance and functioning.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.50(e) of Marketing Agreement No. 110, as amended, and Order No. 93, as amended, as such handler's pro rata share of the aforesaid expenses an assessment of 56 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1959, and ending July 31, 1960; and such rate of assessment is hereby fixed for such crop year.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Pursuant to § 993.50(e) of the order, the rate of assessment applies to all prunes received by handlers as the first handlers thereof during a crop year; (2) the current crop year—1959–60 crop year—extends from August 1, 1959, through July 31, 1960, and handlers will receive prunes, as the first handlers thereof, in the immediate future; (3) the committee should be enabled to obtain promptly sufficient funds from the 1959–60 crop year assessments in order to defray expenses of administering the program during such crop year; (4) while the committee has on hand and may use, as authorized by §§ 993.81 and 993.82, the assessment funds from the 1958–59 crop year that were not expended in connection with program operations during such crop year, such funds are not sufficient to pay the expenses incurred by the committee during the early months of the current crop year; (5) compliance with this action will require no advance preparation on the part of handlers; and (6) it is imperative that this action be made effective as soon as possible and not later than the date on which this order is published in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–6834; Filed, Aug. 17, 1959; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 752—ADMIRALTY CLAIMS

Revision of Part

Scope and purpose. Part 752 is brought up to date to indicate current delegation of authority and current statutory citations.

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752.1 Delegation of final authority.
752.2 Limitation of settlement.
752.3 Public information.

AUTHORITY: §§ 752.1 to 752.3 issued under sec. 5031, 70A Stat. 278; 10 U.S.C. 5031. Interpret or apply secs. 7621 to 7623, 70A Stat. 472; 10 U.S.C. 7621 to 7623.

§ 752.1 Delegation of final authority.

(a) Final authority for the settlement, where the amount paid does not exceed $1,000,000 and where the matter is not in litigation, and direct payment of claims for damage caused by naval vessels and for towage or salvage services rendered to naval vessels are vested in the Secretary of the Navy (sec. 7622, 70A Stat. 472; 10 U.S.C. 7622).

(b) Final authority for settlement is vested in the Secretary of the Navy, where the matter is not in litigation and where the amount collected does not exceed $1,000,000 of claims of an Admiralty nature or for damage caused by a vessel or floating object to property of the United States, which is under the jurisdiction of the Department of the Navy or to property for which the Department of the Navy by contract or otherwise may have assumed responsibility (sec. 7623, 70A Stat. 472; 10 U.S.C. 7623).

(c) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims, not exceeding payment or collection of one thousand dollars under the aforesaid statutory provisions (secs. 7622(c), 7623(c), 70A Stat. 472; 10 U.S.C. 7622(c), 7623(c)).

(d) The final authority to settle said claims, not exceeding payment or collections of one thousand dollars, under the above statutory provisions, has been delegated by the Secretary of the Navy to the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Admiralty Division, and the Director, Office of the Judge Advocate General, West Coast. In addition, the final authority to settle and pay claims up to one thousand dollars, under sec. 7622, 70A Stat. 472 (10 U.S.C. 7622) has been delegated by the Secretary of the Navy to the Commander in Chief, U.S. Naval Forces, Eastern Atlantic and Mediterranean and to the Commander Sixth Fleet.

§ 752.2 Limitation of settlement.

(a) The authority of the Secretary of the Navy to effect settlement of claims under Title 10, U.S. Code, Section 7622 is subject to the same limitation as the Public Vessels Act (act of March 3, 1925, c. 428, 43 Stat. 1112; 46 U.S.C. 781 et seq.), that is, a 2-year period from the date of origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such 2-year period; otherwise, thereafter the cause of action ceases to exist and the Secretary has no authority to effect settlement administratively. The "filing" of a claim, or its consideration by the Navy Department or correspondence or negotiation does not waive or extend the 2-year limitation. Where damages have not been liquidated, settlements on the issue of liability can be effected during the 2-year period, leaving the question of the extent of damage for later determination. A settlement within the 2-year period in effect constitutes a contract upon which suit could be maintained in the Court of Claims, subject to its 6-year limitation. Payment does not need be accomplished within the 2-year period.

(b) The requisite is an agreement between the Navy Department and the claimant prior to the expiration of the period when a suit under the Public Vessels Act would be barred, that, is, the 2-year period.

(c) This limitation applies to all claims, both of an admiralty nature and of a non-admiralty nature, the settlement of which is authorized until Title 10, U.S. Code, § 7622.

§ 752.3 Public information.

Information as to the status of admiralty claims may be obtained upon application to the Director, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington 25, D.C., or upon application to the Admiralty Officer or Legal Officer in the naval district where the matter may have arisen.

Dated: August 8, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59–6798; Filed, Aug. 17, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1938]

[Arizona 78590]

ARIZONA

Order Opening Lands in Power Site Classification No. 438 of November 16, 1956 (DA–133–Arizona)

Beginning at 10:00 a.m. on September 16, 1959, the following-described public lands, withdrawn in Power Site Classification No. 438 of November 16, 1956, shall be open to application, petition, location, and selection under applicable nonmineral public land laws subject to valid existing rights, the requirements of applicable law, the provisions of existing withdrawals, the six-months preference right to apply to select the lands granted to certain States by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852); the right of the State of Arizona to apply for the reservation to it or to any of its political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of 1920, as amended; and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and other persons entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 16 E.,
Sec. 26, N½NE¼, SE¼NE¼ and NE¼SE¼.

The areas described aggregate 160 acres.

The lands are situated approximately five miles northwest of Mammoth, and 16 miles south of Winkelman, Arizona.

The allowance of any application shall be in accordance with and subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

The lands have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59–6800; Filed, Aug. 17, 1959; 8:45 a.m.]

[Public Land Order 1939]

[Idaho 09359]

IDAHO

Opening Lands in Power Site Classification No. 420

Pursuant to DA–521, Idaho, of the Federal Power Commission issued November 21, 1958, it is ordered as follows:

1. Beginning at 10 a.m. on September 16, 1959, the following-described lands withdrawn in Power Site Classification No. 420 of October 17, 1951, shall be open to application, petition, location, and selection under applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the six-months' preference right to apply to select the lands granted to certain States by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 8510852), the right of the State of Idaho to apply under any statute or regulation applicable thereto for reservation to the State, or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway, or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of 1920, as amended, and the 91-day preference right filing period for veterans of World War II, the Korean Conflict and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 746; 43 U.S.C. 279–284), as amended:

BOISE MERIDIAN

T. 1 N., R. 44 E.,
Sec. 35, lot 8.

The tract described contains 14.60 acres.

2. The lands are located on the right bank of the South Fork of the Snake River, approximately four miles from Irwin, Idaho.

3. The allowance of any application shall be in accordance with and subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621, et seq.).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59–6801; Filed, Aug. 17, 1959; 8:45 a.m.]

[Public Land Order 1940]

[1376381]

NEVADA

Partially Revoking Executive Order No. 5339 of April 25, 1930 (Lake Mead Area)

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5339 of April 25, 1930, which withdrew lands in Arizona and Nevada for classification and pending determination as to their suitability for inclusion in a national monument, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 65 E.,
Secs. 2 to 11, incl.;
Secs. 14 to 18, incl.
T. 18 S., R. 67 E.,
Secs. 1 to 11, incl.;
Secs. 16 to 21, incl.;
Secs. 28 to 33, incl.

The areas described aggregate 24,320 acres.

Beginning at 10:00 a.m. on September 16, 1959, the lands shall be open to application, petition, location, and selection under applicable nonmineral public-land laws, subject to valid existing rights, the provisions of existing withdrawals for reclamation and other purposes, the requirements of applicable law, and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended.

The lands have been open to application and offers under the mineral leasing laws and to location of metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on December 16, 1959.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 11, 1959.

[F.R. Doc. 59–6802; Filed, Aug. 17, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 85; Amdt. 130]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Amarillo VOR	AMA-LFR	Direct	4800	T-dn	300-1	300-1	200-½
TDW RBn	AMA-LFR	Direct	5000	C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn East side of North crs, 359° Outbnd, 179° Inbnd, 4900' within 10 mi.
Minimum altitude over LFR on final approach crs, 4400'.
Crs and distance, LFR to airport, 124°—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 mi. turn left, climb to 4700' on the East crs of AMA-LFR within 30 mi.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Mun.; Elev., 3604'; Fac. Class, SBRAZ; Ident, AMA; Procedure No. 1, Amdt 10; Eff. date, 5 Sept. 59; Sup. amdt No. 9; Dated, 2 Mar. 57

Famoso FM (Final)	BFL-LFR	Direct	1600	T-dn	300-1	300-1	200-½
Bakersfield VOR	BFL-LFR	Direct	2000	C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 321° Outbnd, 141° Inbnd, 2000' within 10 mi.
Crs and distance, facility to airport, 141—1.7.
Minimum altitude over facility on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, turn right (W) and climb to 2500' on NW crs within 20 mi, or when directed by ATC, climb to 2000' on the SW crs within 15 mi.
NOTE: Take-offs and landings runway 7–25 NA. Night take-offs runway 16 NA. Night landings runway 34 NA.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25–30–34.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515'; Fac. Class, SBMRAZ, Ident., BFL; Procedure No. 1, Amdt. 7; Eff. date, 5 Sept. 59; Sup. amdt. No. 6; Dated, 24 May 58

Goodsprings HW	LAS-LFR	Direct	7000	T-dn	800-2	800-2	800-2
Las Vegas VOR	LAS-LFR	Direct	5100	C-dn	1500-2	1500-2	1500-2
Kids Intersection	LAS-LFR	Direct	5100	A-dn	1500-2	1500-2	1500-2
Int SW crs LAS-LFR and LAS-VOR R-270.	LAS-LFR	Direct	5100				
Boulder City Int	LAS-LFR	Direct	6100				

Procedure turn E side SW crs, 203° Outbnd, 023° Inbnd, 5000' within 10 mi.
Minimum altitude over facility on final approach crs, 3700'.
Crs and distance, facility to airport, 195—8.5.
SHUTTLE: to 6500' on NE and or SW crs within 20 miles of LFR. Turns on E side of crs.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 6500' on NE crs within 20 miles of LFR.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev. 2171'; Fac. class, SBMRAZ; Ident., LAS; Procedure No. 1, Amdt. 8; Eff. date, 5 Sept 59; Sup. amdt. No. 7; Dated, 5 Jan. 57

Goodsprings HW	LAS-LFR	Direct	7000	T-dn	800-2	800-2	800-2
Int SW crs LAS-LFR and LAS-VOR R-270.	LAS-LFR	Direct	5100	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2
Las Vegas VOR	LAS-LFR	Direct	5100				
Kids Intersection	LAS-LFR	Direct	5100				
Boulder City Int	LAS-LFR	Direct	6100				

Procedure turn E side NE crs, 028° Outbnd, 208° Inbnd, 5100' within 10 miles.
Minimum altitude over LAS–LFR on final approach crs, 4600'.
Minimum altitude over LAS–VOR on final approach crs, 3200'.
Crs and distance, facility to airport.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi. after passing Las Vegas VOR turn left, climb to 6000' on R–065 within 15 mi of VOR or, when directed by ATC, climb to 6100' on R–210 within 10 miles of VOR. All turns South of crs.
CAUTION: 4100' terrain 4 miles SE of LFR.
*After passing LAS–LFR, turn right to 225°, intercept and fly course of 180° at LAS–VOR.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev., 2171'; Fac. Class, SBMRAZ BVOR; Ident., LAS; Procedure No. 2, Amdt. 6; Eff. Date, 5 Sept 59; Sup. Amdt. No. 5; Dated, 5 Jan 57

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Wadsworth FM	RNO-LFR	Direct	9000	T-dn	1000-2	1000-2	1000-2
Reno VOR	RNO-LFR	Direct	9000	C-d	2000-2	2000-2	2000-2
Int W crs RNO-LFR and 353° brng to Stead AFB "H" (Faro Int).	RNO-LFR	Direct	9000	C-n	2000-3	2000-3	2000-3
				A-dn	2500-3	2500-3	2500-3

Procedure turn E side N crs, 342° Outbnd, 162° Inbnd, 8000' within 9 mi. NA beyond 9 mi. (Nonstd. due to terrain.)
Minimum altitude over facility on final approach crs, 6800'.
Crs and distance, facility to airport, 162—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9000' on N crs within 15 miles.
SHUTTLE: N crs to 10,000' within 20 miles.
AIR CARRIER NOTE: No reductions in visibility minimums authorized.

City, Reno; State, Nev.; Airport name, Municipal; Elev., 4411'; Fac Class, SBRAZ; Ident., RNO; Procedure No. 1, Amdt. 7; Eff. date, 5 Sept. 59; Sup. amdt. No. 6; Dated, 8 Aug. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MIA VOR	FLL RBn	Direct	1300	T-dn	300-1	300-1	200-½
MIA RBn	FLL RBn	Direct	2000	C-dn	600-1	600-1	600-1½
Wagner Int	FLL RBn (Final)	Direct	700	S-dn-13	500-1	500-1	500-1
Radar Terminal Area Transition Altitude	Radar Site	Within 25 mi	*1500	A-dn#	800-2	800-2	800-2

Procedure turn East side of crs, 314° Outbnd, 134° Inbnd, 1100' within 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 134°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi, climb to 1200' on crs 134° from FLL "H" within 15 miles or, when directed by ATC, turn left, climb to 1500' on the South crs of PBI LFR within 15 mi.
NOTE: Limited weather information available to public.
AIR CARRIER NOTE: Procedure may be authorized only for air carriers having approval of their arrangements for weather service at this airport.
MAJOR CHANGES: Deletes transitions from Ft. Lauderdale Int and Golden Beach Int.
#Alternate usage authorized for Air Carriers only.
*Radar terminal transition altitude 1500' within 25 miles except 2000' required when within 3.0 miles of TV towers 999' and 997' 5.0 miles and 6.5 miles SSW of airport.

City, Fort Lauderdale; State, Fla.; Airport Name, International; Elev., 10'; Fac. Class, MHW; Ident, FLL; Procedure No. 1, Amdt. 1; Eff. Date, 5 Sept. 59; Sup. Amdt. No. Orig.; Dated, 23 May 59

Wichita Falls, VOR	SPS RBn	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2300' within 10 mi. Nonstandard due obstruction West.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 321°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi, climb to 3000' m.s.l. on crs of 323° within 20 mi.
NOTE: Single transmitter. Aural signal must be received at all times during approach.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014'; Fac. Class, HW; Ident., SPS; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Sept. 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Famoso FM	BFL-VOR (Final)	Direct	1600	T-dn	300-1	300-1	200-½
Bakersfield LFR	BFL-VOR	Direct	2000	C-dn	700-1	700-1	700-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 130—3.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi, turn right W and climb to 2000' on R–322 within 20 mi, or when directed by ATC, climb to 2000' on R–227 within 15 mi.
NOTE: Take-offs or landings runway 7–25 NA. Night take-offs Runway 16 NA. Night landings Runway 34 NA.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to Runways 25–30–34.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515'; Fac. Class, BVOR; Ident., BFL; Procedure No. 1, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 4; Dated, 24 May 58

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Goodsprings HW	LAS-VOR	Direct	7000	T-dn	800-2	800-2	800-2
Las Vegas LFR	LAS-VOR	Direct	5100	C-dn*	1000-1	1000-1	1000-1½
Las Vegas LFR	LAS-VOR (Final)	Direct	*3200	A-dn*	1000-2	1000-2	1000-2
Kids Int	LAS-VOR	Direct	5100				
Erie Int	LAS-VOR	Direct	6100				
Boulder City Int	LAS-VOR	Direct	6100				

Procedure turn East side crs, 013° Outbnd, 193° Inbnd, 5100′ within 15 miles (within 5 miles LAS-LFR). Beyond 15 miles NA.
Minimum altitude over facility on final approach crs, 3200°.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left, climb to 6000′ on R-065 within 15 miles or, when directed by ATC, climb to 6100′ on R-210 within 10 miles. All turns South of crs.
CAUTION: 4100′ terrain 4 miles SE of LFR.
*Descent below 4600′ to 3200′ MSL and 1000′ ceiling minimums authorized only if position over LFR or Z marker positively determined inbound on final approach.

City, Las Vegas; State, Nev.; Airport Name, McCarran; Elev., 2171′; Fac. Class, BVOR; Ident., LAS; Procedure No. 1, Amdt. 8; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 7; Dated, 5 Jan. 57

PROCEDURE CANCELLED, EFFECTIVE 5 SEPT. 1959.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class, BVOR; Ident., LAX; Procedure No. 1; Amdt. 4; Eff. Date, 22 Nov. 58; Sup. Amdt. No. 3; Dated, 25 Jan 58

Downey FM/HW	LAX OM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Los Angeles RBn	LAX-VOR	Direct	1500	C-dn	500-1	600-1	600-1½
Hollywood FM	LAX-VOR	Direct	3000	S-dn-25L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach course authorized.
Procedure turn S side of crs, 069° Outbnd, 249° Inbnd, 2000′ within 15 miles. E. of Downey FM/RBn NA. (Nonstandard due to terrain.)
Minimum altitude over LAX OM on final approach crs, 1500′*.
Crs and distance, LAX OM to Runway 25L, 249—5.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles of LAX OM, climb to 2000′ on LAX R-249 within 20 miles.
*Descend to landing minimums after passing LAX OM.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126′; Fac. Class, BVOR; Ident., LAX; Procedure No. 1, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Proc. 2, Amdt 2, Dated 16 Nov. 57 and Proc. 1, Amdt. 4, Dated 22 Nov. 58

Prescott LFR	PRC VOR	Direct	7000	T-dn*	600-2	600-2	600-2
Drake VOR	Int DRK R-228 and PRC R-288	228°—13	8000	C-dn	800-2	800-2	800-1
Int DRK R-228 and PRC R-288	PRC VOR (Final)	Direct	6300	A-dn	1000-2	1000-2	1500-2

Procednre turn North side of crs, 288° Outbnd, 108° Inbnd, 7000′ within 10 mi. All turns North side of crs.
High terrain South.
Minimum altitude over facility on final approach crs, 6300′.
Crs and distance, facility to airport, 112°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, make immediate left climbing turn and return to PRC VOR; continue climb to 8000′ on R-228 within 20 miles or, when directed by ATC, make immediate left turn and climb to 9000′ on R-080 within 15 miles of PRC VOR.
Beyond 15 miles NA.
NOTE: Final approach course is to NE side of airport.
*800-2 required for Rnwys 12 and 30.

City, Prescott; State, Ariz.; Airport Name, Municipal; Elev., 5042′; Fac. Class, VORTAC; Ident., PRC; Procedure No. 1, Amdt. 4; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 3; Dated, 12 Jan. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeside Int	Lake Int#	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	NA	NA	NA

Radar transition altitude 2000′ within 20 mi of Radar Site (Love Field).
Radar control must provide 1000′ clearance within 3 mi or 500′ clearance within 3–5 miles of radio towers 1108′ m.s.l. 14 mi north; 1221′ m.s.l. 10 mi WSW; 2349′ m.s.l. 23 mi SSW of airport.
No procedure turn.
Minimum altitude over Lake Int#, 1500′.
Crs and distance, Lake Int# to airport, 151°—5.0 mi.
Crs and distance, breakoff point to end of Rnwy, 153°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the TVOR, turn left, proceed direct to DAL VOR, climbing to 2000′.
NOTE: Air carrier use NA. No weather service on airport.
MAJOR CHANGE: Deletes Note regarding requirement for VOR and ADF.
#Int ADS-VOR R-331 and DAL R-270.

City, Dallas; State, Tex.; Airport Name, Addison Airport; Elev., 644′; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. TerVOR-15, Amdt. 2; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 1; Dated, 30 May 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
Lakeside Int	ADS TVOR	Direct	1800	T-dn	300-1	300-1	200-½
DAL VOR	ADS TVOR	Direct	1900	C-dn	400-1	500-1	500-1½
Trinity Fork Int	ADS TVOR	Direct	2000	S-dn-18	400-1	400-1	400-1
DeSoto Int	ADS TVOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transition altitude 2000′ within 20 mi. Radar control must provide 1000′ clearance within 3 mi or 500′ clearance between 3–5 miles of radio towers 1108′ m.s.l. 20 mi North; 1221′ m.s.l. 10 mi WSW; and 2349′ m.s.l. 17 mi SSW of airport.
Procedure turn E side crs, 355° Outbnd, 178° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1200′*.
Minimum altitude over Highline Int# on final approach crs, 1100′.
Crs and distance, Highline Int# to airport, 178°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles, turn left, proceed direct to DAL VOR, climbing to 2000′.
*Descent to 1100′ authorized after passing ADS TVOR.
#Int ADS VOR R-178 and DAL VOR R-227.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485′; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. Ter VOR-18, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 4; Dated, 9 May 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BFL LFR	LMM	Direct	2000	T-dn	300-1	300-1	200-½
BFL VOR	LMM	Direct	2000	C-dn	700-1	700-1	700-1½
Whitman Int	LMM	Direct	5000	S-dn-30#	400-¾	400-¾	400-¾
Maricopa Int	LMM	Direct	3000	A-dn	700-2	700-2	700-2
Wheeler Ridge Int	LMM	Direct	6000				
Grapevine Int	LMM	Direct	5000				

#400-1 required with glide slope inoperative.
Procedure turn *S side SE crs, 119° Outbnd, 299° Inbnd, 1900′ within 10 mi of OM. Beyond 10 mi NA.
*Procedure turn S side for more favorable terrain.
Minimum altitude at G.S. int inbnd, 1900.
Altitude of G.S. and distance to appr end rny at OM 1820—4.1, at MM 690—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on R-322 BFL within 20 miles or, when directed by ATC, (1) climb to 2000′ on R-227 BFL within 15 mi; (2) climb to 2000′ on SW crs BFL LFR within 15 mi; (3) climb to 2500′ on NW crs BFL LFR within 20 mi.
NOTE: Take-offs and landings runway 7–25 NA. Night take-offs runway 16 NA. Night landing rny 34 NA.
AIR CARRIER NOTE: Sliding scale not applicable, except 2-engine take-off minimums of 400-¾ authorized.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runways 25–30–34.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class, ILS; Ident., BFL; Procedure No. ILS-30, Amdt. 8; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 7; Dated, 24 May 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) directed by radar controller; (C) visual approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
230	343	Within 20 mi	1600	Precision Approach			
				S-dn*-6	200-½	200-½	200-½
				Surveillance Approach			
				T-dn*	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				S-dn*-6	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished on Runway 6, turn left and climb to 1600′ on R-282 of OZR TVOR or proceed to Enterprise RBn or, when directed by ATC, climb to 2000′ on R-330 of OZR TVOR within 20 miles.
NOTE: Prior arrangements for landing required for civil aircraft not on official business.
*Night operation only on Runway 6–24.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class, Cairns AAF; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 1; Dated, 23 Nov. 57

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 4, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6580; Filed, Aug. 17, 1959; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Principal Attorney

Section 13.290(a) is amended to read as follows:

§ 13.290 Principal attorney.

* * * * *

(a) If the guardianship appointment has been, or is to be, made in a foreign country—other than the Republic of the Philippines—or in one of the possessions of the United States—other than Puerto Rico—or if the appointment is in this country but the ward or his dependents reside in any foreign country or other possession, cooperation will be with Manager, Veterans Benefits Office or his designee.

(Sec. 210, 72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 18, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59-6829; Filed, Aug. 17, 1959; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

MISCELLANEOUS AMENDMENTS TO CHAPTER

Test Fee Schedules; Standard Samples

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these shedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from August 1, 1959.

SUBCHAPTER A—TEST FEE SCHEDULES

PART 203—HEAT

1. Schedule 203.102—*Thermocouples, thermocouple materials and pyrometer indicators* is amended by the revision of items (c) and (d) to read as follows:

Item	Description	Fee
203.102c	Standard platinum vs. platinum-rhodium thermocouples. The thermocouple shall be at least 36 inches long and made of wire not less than 0.014 inch in diameter. Certification of the emf of a thermocouple at any of the following thermometric fixed points, per point. Freezing points of zinc, antimony, silver, and gold. Accuracy of certification 2 microvolts (about 0.2° C.).	$57
203.102d	Standard platinum vs. platinum-rhodium thermocouples. The thermocouple shall be at least 36 inches long and made of wire not less than 0.014 inch in diameter. Primary calibration at all of the fixed points listed in item 203.102c plus certification of not more than 15 corresponding values of emf and temperature in the range, 0° to 1,450° C. The certified accuracy of calibration is 0.3° from 0° to 1,100° C. and ranges from 0.3° at 1,100° to 2° at 1,450° C. Accuracy of certification at the fixed points is 2 microvolts. If the submitted thermocouple meets the International Temperature Scale requirements for standard thermocouples (see the International Temperature Scale of 1948 by H. F. Stimson, J. Research NBS, 42, 209, 1949), a quadratic equation fitted at the freezing points of antimony, silver, and gold will also be furnished.	200

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

1. In § 230.11 *Descriptive list,* paragraph (d) *Nonferrous alloys* is amended by the addition of a new sample (349) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
349	High temperature alloy—Waspaloy.	150	$9.50

2. Paragraph (p) *Standard rubbers and rubber compounding materials* is amended by the revision of sample no. 370a to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
370a	Zinc oxide	2,000	$2.75

3. A new paragraph (bb) *Calibrated glass spheres* is added to read as follows:

Sample No.	Description	Price per sample
1017	Glass spheres for calibrating testing sieves Nos. 70 through 270.	$9.50
1018	Glass spheres for calibrating testing sieves Nos. 20 through 70.	9.50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

[SEAL] R. D. HUNTOON,
Deputy Director,
National Bureau of Standards.

Approved: August 11, 1959.

F. H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 59-6815; Filed, Aug. 17, 1959; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.411]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Revision of Nonimmigrant Visa Regulations

Part 40, Chapter I, Title 22 of the Code of Federal Regulations is hereby deleted. Part 41, Chapter I, Title 22 of the Code of Federal Regulations is revised, including the incorporation of the pertinent provisions of former Part 40, and prescribed as follows:

Sec.
41.1 Definitions.

DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS, AND FORMER NATIONALS

41.3 Nationals, claimant nationals and former nationals of the United States.

PASSPORTS AND VISAS NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

41.5 Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border-crossing identification cards.
41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.
41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

CLASSIFICATION OF NONIMMIGRANTS

41.10 Presumption of immigrant status and burden of proof.
41.12 Classification symbols.
41.14 Significance of visa in A or G cases.

FOREIGN GOVERNMENT OFFICIALS

41.20 Officials of foreign governments.
41.21 Officials or representatives of foreign governments not recognized by the United States.
41.22 Couriers and acting couriers on official business.

TEMPORARY VISITORS

41.25 Temporary visitors for business or pleasure.

TRANSIT ALIENS

41.30 Transit aliens.
41.31 Certain aliens in transit to United Nations.
41.32 Accredited officials in transit through the United States.

CREWMEN

Sec.
41.35 Crewmen.
41.36 Foreign government official crewmen.

TREATY TRADERS AND INVESTORS

41.40 Treaty traders.
41.41 Treaty investors.

STUDENTS

41.45 Students.

INTERNATIONAL ORGANIZATION ALIENS

41.50 Aliens coming to international organizations.

TEMPORARY WORKERS AND TRAINEES

41.55 Temporary workers and industrial trainees.

INFORMATION MEDIA REPRESENTATIVES

41.60 Representatives of foreign press, radio, film, or other information media.

EXCHANGE VISITORS

41.65 Exchange visitors.

NATO ALIENS

41.70 NATO aliens.

INELIGIBLE CLASSES OF NONIMMIGRANTS

41.90 Basis for refusal.
41.91 Aliens ineligible to receive visas.

TEMPORARY ADMISSION OF INELIGIBLE ALIENS

41.95 Procedure in recommending temporary admission of ineligible aliens.

TYPES OF NONIMMIGRANT VISAS

41.100 Regular, diplomatic and official visas.
41.102 Classes of aliens eligible to receive diplomatic visas.
41.104 Classes of aliens eligible to receive official visas.

APPLICATION FOR NONIMMIGRANT VISAS

41.110 Place of application.
41.111 Supporting documents.
41.112 Passports.
41.113 Medical examination.
41.114 Personal appearance.
41.115 Application forms.
41.116 Registration and fingerprinting.
41.117 Signature and seal.

ISSUANCE OF NONIMMIGRANT VISAS

41.120 Authority to issue visas.
41.121 Visa fees.
41.122 Validity of visas.
41.123 More than one alien included in visa.
41.124 Procedure in issuing visas.
41.125 Revalidation of visas.
41.126 Transfer of visas.
41.127 Crew-list visas.

REFUSAL AND REVOCATION OF NONIMMIGRANT VISAS

41.130 Procedure in refusing individual visa.
41.132 Exclusion from and refusal of crew-list visas.
41.134 Revocation and invalidation of visas.

BORDER-CROSSING IDENTIFICATION CARDS

41.140 Nonresident aliens' border-crossing identification cards.

ENTRY INTO AREAS UNDER UNITED STATES ADMINISTRATION

41.145 Aliens entering areas under United States administration not included in section 101(a)(38) of the Act.

AUTHORITY: §§ 41.1 to 41.145 issued under sec. 104, 66 Stat. 174; 8 U.S.C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 41.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

Accredited. "Accredited", as used in sections 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Act, refers to an alien who holds an official position, other than an honorary official position, with the government he represents, and who is in possession of a travel document or evidence showing that he seeks to enter, or pass in transit through, the United States for the purpose of transacting official business for that government.

Act. "Act" means the Immigration and Nationality Act, as amended.

Attendants. "Attendants", as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v) and 212(d)(8) of the Act, shall include an alien who is paid from the public funds of the foreign government which he is serving or from the funds of the international organization employing him, and who is accompanying or following to join the principal alien to whom he owes a duty or service. The term includes an attendant who is a member of the armed forces of the foreign government to which the principal alien, as well as the attendant, owes allegiance.

Competent officer. "Competent officer", as used in section 101(a)(26) of the Act, shall refer to a "consular officer" as defined in section 101(a)(9) of the Act and this section.

Consular officer. "Consular officer", as defined in section 101(a)(9) of the Act, shall include commissioned consular officers, the District Administrators of the Trust Territory of the Pacific Islands, the Naval Administrator, United States Naval Administration Unit Saipan District, the Director of the Visa Office of the Department and such other officers of the Department as he shall designate for the purpose of issuing nonimmigrant visas, but shall not include a consular agent, an attaché or assistant attaché.

Department. "Department" means the Department of State of the United States of America.

Diplomatic passport. "Diplomatic passport" means a national passport bearing that title and issued by a competent authority of the foreign government to which the bearer owes allegiance. "Equivalent of a diplomatic passport" means a national passport, other than a specifically described diplomatic passport, which is issued by a foreign government to which the bearer owes allegiance and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic and consular officers.

Diplomatic visa. "Diplomatic visa" means a nonimmigrant visa of any classification bearing that title and issued to an alien in accordance with the regulations contained in this Part.

Government vessel or aircraft. "Government vessel or aircraft" means a vessel or aircraft operated directly by the Government of the United States with government personnel in connection with public business of a non-commercial and non-profit character, or a foreign-flag vessel or aircraft operated directly by a foreign government recognized de jure by the United States, with foreign government personnel in connection with public business of a non-commercial and non-profit character. The term "government vessel or aircraft" shall not include a vessel or aircraft which is merely controlled or subsidized by a government, or one which is engaged in what would ordinarily be regarded as commercial shipping or commercial transportation.

Immediate family. "Immediate family", as used in sections 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Act and with reference to classification under the symbols NATO-1, NATO-2, NATO-3, and NATO-4, means close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien.

International organization. "International organization" means any public international organization which has been designated by the President by Executive Order as being entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act.

Official visa. "Official visa" means a nonimmigrant visa of any classification bearing that title and issued to an alien in accordance with the regulations contained in this Part.

Passport. "Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided,* That permission to enter a foreign country must be issued by a competent authority, must be unconditional, and clearly valid for such purposes in order to meet the requirements of section 101(a)(30). An alien unable to obtain a document issued by a competent authority which indicates his origin, identity, and nationality if any, may furnish the missing information to the best of his knowledge and belief, by presenting an affidavit which, when combined with the documentary evidence of admissibility into a foreign country, will suffice to meet the requirements of section 101(a)(30) of the Act.

Port of entry. "Port of entry" means a port or place designated by the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

Principal alien. "Principal alien" means a person from whom another alien under the law or regulations derives a subsidiary or subordinate status as a member of the former's staff, or immediate family, or as his attendant, servant, or personal employee.

Regular visa. "Regular visa" means a nonimmigrant visa of any classification issued in accordance with the regulations contained in this Part, which does not bear the title "Diplomatic" or "Official."

Regulation. "Regulation" means a rule established pursuant to the provisions of section 104(a) of the Act which has been duly published in the FEDERAL REGISTER.

Servants and personal employees. "Servants" and "personal employees," as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v) and 212(d)(8) of the Act, include an alien who is employed in a domestic or personal capacity by a principal alien, who is paid from the private funds of such principal alien, and who seeks to enter the United States solely for the purpose of such employment.

Western Hemisphere. "Western Hemisphere" means North America (including Central America), South America and the islands immediately adjacent thereto including the places named in section 101(b)(5) of the Act.

DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS, AND FORMER NATIONALS

§ 41.3 Nationals, claimant nationals and former nationals of the United States.

(a) A national of the United States shall not be issued a visa or other documentation as an alien for entry into the United States.

(b) A person whose case fulfills the conditions of section 360(b) of the Act and who continues to claim that he is a national of the United States may apply for a certificate of identity as provided in section 360(b) of the Act.

(c) A former national of the United States who seeks to enter the United States shall be required to comply with the documentary requirements applicable to aliens under the Act.

PASSPORTS AND VISAS NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

§ 41.5 Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border-crossing identification cards.

The provisions of section 212(a)(26) of the Act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants do not apply in the cases of aliens who fall within any of the following described categories:

(a) *Alien members of United States Armed Forces.* An alien member of the armed forces of the United States who (1) is in the uniform of, or who bears documents identifying him as a member of, such armed forces, (2) has not been lawfully admitted for permanent residence, and (3) is making application for admission to the United States under official orders or permit of such armed forces. (Sec. 284, 66 Stat. 232; 8 U.S.C. 1354.)

(b) *American Indians born in Canada.* An American Indian born in Canada, having at least fifty per centum of blood of the American Indian race. (Sec. 289, 66 Stat. 234; 8 U.S.C. 1359.)

(c) *Aliens entering from Guam, Puerto Rico, or Virgin Islands.* An alien who shall leave Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. (Sec. 212, 66 Stat. 188; 8 U.S.C. 1182.)

(d) *Armed Services personnel entering under NATO Status of Forces Agreement.* Personnel belonging to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty and which has ratified the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on June 19, 1951, and entering the United States in connection with their official duties under the provisions of Article III of such Agreement. (TIAS 2846; 4 U.S.T. 1792.)

(e) *Armed Services personnel attached to NATO Allied Headquarters in the United States.* Personnel attached to an Allied Headquarters in the United States set up pursuant to the North Atlantic Treaty signed in Washington, D.C., on April 4, 1949, who belong to the land, sea or air armed services of a government which is a Party to the North Atlantic Treaty, and who are entering the United States in connection with their official duties under the provisions of the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty. (TIAS 2978; 5 U.S.T. 877.)

(f) *Aliens entering pursuant to International Boundary and Water Commission Treaty.* All personnel employed either directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico regarding the functions of the International Boundary and Water Commission, and entering the United States temporarily in connection with such employment. (59 Stat. 1252; TS 994.)

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

The provisions of section 212(a)(26) of the Act relating to the requirements of valid passports and visas for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212(d)(4) of the Act under the conditions specified for the following classes:

(a) *Canadian nationals and British subjects.* A visa shall not in any case be required of a Canadian national or British subject who has his residence in Canada or Bermuda, and a passport shall not be required of such a national or subject except after a visit outside of the Western Hemisphere. A British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A visa shall not be required of a British subject who has his residence in and arrives directly from the Cayman Islands and who presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Administrator of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

(b) *British, French and Netherlands nationals.* A visa shall not be required of a British, French or Netherlands national who has his residence in British, French or Netherlands territory, respectively, in the adjacent islands of the Caribbean area and who is proceeding to Puerto Rico or the Virgin Islands of the United States or who is proceeding to the United States as an agricultural worker.

(c) *Mexican nationals.* A visa and a passport shall not be required of a Mexican national who is a military or civilian official or employee of the Mexican national, state, or municipal government, or of a member of the family of any such official or employee; or is in possession of a border-crossing card on Form I-186 and is applying for admission in accordance with the terms thereon and the provisions of § 41.140 and 8 CFR 212.6. A visa shall not be required of a Mexican national who is a crewman employed on an aircraft belonging to a Mexican company authorized to engage in commercial transportation into the United States; or is proceeding to the United States as an agricultural worker pursuant to Title V of the Agricultural Act of 1949, as amended.

(d) *Cuban nationals.* A visa and a passport shall not be required of a Cuban national who is an official of the Cuban immigration service; or is a crewman serving on board a Cuban military or naval aircraft. A visa shall not be required of a Cuban national who is a crewman employed on an aircraft belonging to a Cuban company authorized to engage in commercial transportation into the United States.

(e) *Aliens in immediate transit.*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Peoples Republic of China"), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Peoples Democratic Republic of Korea"), North Vietnam (Viet Minh), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as may be approved by the Attorney General.

(2) *Foreign government officials in transit.* If an alien is of the class described in section 212(d)(8) of the Act only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least thirty days from the date of his application for admission into the United States shall be required.

(f) *Individual cases of unforeseen emergencies.* A visa and a passport shall not be required of a nonimmigrant who, either prior to his embarkation at a foreign port or place or at the time of arrival at a port of entry in the United States, satisfies the district director of the Immigration and Naturalization Service in charge of the port of entry, after consultation with and concurrence by the Director of the Visa Office of the Department, that, because of an unforeseen emergency, he was unable to obtain the required documents.

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

The provisions of section 212(a)(26) of the Act prescribing the documentary requirements for nonimmigrants may be waived by joint action of consular officers abroad and immigration officers pursuant to the authority contained in section 212(d)(4)(A) of the Act in individual cases of aliens who satisfy the consular officer serving the port or place of embarkation, after consultation with and concurrence by the appropriate immigration officer, that their cases come within any of the following situations which are hereby declared to be emergencies within the meaning of section 212(d)(4)(A) of the Act:

(a) *Visa and passport waiver; residents of contiguous territory.* An alien having his residence in foreign contiguous territory who does not qualify for the benefits of any waiver provided in § 41.6, and who is a member of a visiting group or excursion proceeding to the United States under circumstances which make the timely procurement of a passport and visa impracticable.

(b) *Passport waiver; aliens for whom passport extension facilities are unavailable.* An alien applying for a visa, whose passport is valid for less than the minimum period prescribed in section 212(a)(26) of the Act, but will be valid upon his arrival in the United States, and who is embarking for the United States at a port or place remote from any foreign diplomatic or consular establishment at which the passport could be revalidated.

(c) *Passport waiver; aliens precluded from obtaining passport extensions by foreign government restrictions.* An alien applying for a visa, whose passport is valid for less than the minimum period prescribed in section 212(a)(26) of the Act, but will be valid upon his arrival in the United States, and whose government as a matter of policy does not revalidate passports more than six months in advance of their expiration or until they actually expire.

(d) *Visa waiver; certain aliens proceeding to the United States under emergent circumstances.* An alien who is well and favorably known at the consular office, who has previously been issued a nonimmigrant visa which has since expired, and who is embarking on a direct flight to the United States under emergent circumstances which preclude the timely issuance of a visa.

CLASSIFICATION OF NONIMMIGRANTS

§ 41.10 Presumption of immigrant status and burden of proof.

An applicant for a nonimmigrant visa shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer that he is entitled to a nonimmigrant status described in section 101(a)(15) of the Act or otherwise established by law or treaty. The burden of proof is upon the applicant to establish that he is entitled to the nonimmigrant classification and type of nonimmigrant visa for which he is an applicant, and that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the Act, or any other provision of law and § 41.91.

(Secs. 214, 291, 66 Stat. 189, 234; 8 U.S.C. 1184, 1361)

§ 41.12 Classification symbols.

A visa issued to a nonimmigrant alien within one of the classes described in this section shall bear an appropriate symbol to be inserted by the consular officer in the space provided in the visa stamp to show the classification of the alien. The following symbol shall be used:

Class	Citation	Symbol to be inserted in visa
Ambassador, public minister, career diplomatic or consular officer, and members of immediate family.	101(a)(15)(A)(i), 66 Stat. 167.	A-1
Other foreign-government official or employee, and members of immediate family.	101(a)(15)(A)(ii), 66 Stat. 167.	A-2
Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family.	101(a)(15)(A)(iii), 66 Stat. 167.	A-3
Temporary visitor for business	101(a)(15)(B), 66 Stat. 167.	B-1
Temporary visitor for pleasure	101(a)(15)(B), 66 Stat. 167.	B-2
Alien in transit	101(a)(15)(C), 66 Stat. 167.	C-1
Alien in transit to United Nations Headquarters District under § 11(3), (4), or (5) of the Headquarters Agreement.	101(a)(15)(C), 66 Stat. 167.	C-2
Foreign-government official, members of immediate family, attendant, servant, or personal employee, in transit.	212(d)(8), 66 Stat. 188.	C-3
Crewman (seaman or airman)	101(a)(15)(D), 66 Stat. 167.	D
Treaty merchant spouse and children	101(a)(15)(E)(i), 66 Stat. 168.	E-1
Treaty investor, spouse and children	101(a)(15)(E)(ii), 66 Stat. 168.	E-2
Student	101(a)(15)(F), 66 Stat. 168.	F
Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family.	101(a)(15)(G)(i), 66 Stat. 168.	G-1
Other representative of recognized foreign member government to international organization, and members of immediate family.	101(a)(15)(G)(ii), 66 Stat. 168.	G-2
Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family.	101(a)(15)(G)(iii), 66 Stat. 168.	G-3
International organization officer or employee, and members of immediate family.	101(a)(15)(G)(iv), 66 Stat. 168.	G-4
Attendant, servant, or personal employee of G-1, G-2, G-3 and G-4 classes, and members of immediate family.	101(a)(15)(G)(v), 66 Stat. 168.	G-5
Temporary worker of distinguished merit and ability	101(a)(15)(H)(i), 66 Stat. 168.	H-1
Temporary worker performing services unavailable in the United States	101(a)(15)(H)(ii), 66 Stat. 168.	H-2
Industrial trainee	101(a)(15)(H)(iii), 66 Stat. 168.	H-3
Representative of foreign information media, spouse and children	101(a)(15)(I), 66 Stat. 168.	I
Exchange visitor	402(f) and 101(a)(15), 66 Stat. 276, 167.	J
Principal permanent representative of Member State to NATO (including any of its subsidiary bodies) resident in the United States and resident members of his official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General and Executive Secretary of NATO; other permanent NATO officials of similar rank; and members of immediate family.	Art. 12, 5 UST 1094. Art. 20, 5 UST 1098.	NATO-1
Other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisers and technical experts of delegations, and members of immediate family.	Art. 13, 5 UST 1094.	NATO-2
Official clerical staff accompanying a representative of Member State to NATO (including any of its subsidiary bodies) and members of immediate family.	Art. 14, 5 UST 1096.	NATO-3
Officials of NATO (other than those classifiable under NATO-1) and members of immediate family.	Art. 18, 5 UST 1098.	NATO-4
Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO.	Art. 21, 5 UST 1100.	NATO-5
Members of a civilian component attached to or employed by an Allied Headquarte under the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, and their dependents.	Art. 3, 5 UST 877.	NATO-6
Attendant, servant, or personal employee of NATO-1, NATO-2, NATO-3, and NATO-4 classes, and members of immediate families.	Arts. 12, 13, 5 UST 1094. Art. 14, 5 UST 1096. Art. 18, 5 UST 1098.	NATO-7

§ 41.14 Significance of visa in A or G cases.

A visa issued pursuant to the provisions of section 101(a)(15)(A) or 101(a)(15)(G) of the Act shall be conclusive evidence of the proper classification of the alien when presented to the immigration authorities at a port of entry.

FOREIGN GOVERNMENT OFFICIALS

§ 41.20 Officials of foreign governments.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(A)(i) or (ii) of the Act if he establishes to the satisfaction of the consular officer that he is within one of the classes described in that section.

(b) An alien admitted into the United States under the provisions of section 101(a)(15)(A)(i) or (ii) of the Act shall be notified to the Secretary of State by the Mission of the country whose government he is serving as an official or employee unless he is a member of a class or group which has been specifically exempted from this requirement.

(c) A foreign government official or employee who seeks to enter the United States temporarily other than as a representative or employee of a foreign government shall not be classified under the provisions of section 101(a)(15)(A) of the Act.

(d) An alien shall be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(A)(iii) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section of the Act.

(e) If an alien is entitled to classification under section 101(a)(15)(A) of the Act he shall be classified under this section although he may also be eligible for another nonimmigrant classification.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.21 Officials or representatives of foreign governments not recognized by the United States.

An official of a foreign government, which is not recognized de jure by the United States, who is proceeding to or through the United States on an official mission for his government or to an international organization shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(B), (C), or (G)(iii) of the Act.

§ 41.22 Couriers and acting couriers on official business.

(a) *Couriers of career.* An alien who is regularly and professionally employed as a courier by the government of the country to which he owes allegiance shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(A)(i) of the Act if he is proceeding to the United States on official business for his government.

(b) *Officials acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier by the government of the country to which he owes allegiance shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(A)(ii) of the Act if he holds an official position with that government and is proceeding to the United States as a courier on official business for his government.

(c) *Nonofficials serving in capacity of courier.* An alien who is serving in the capacity of courier but who is not regularly and professionally employed as such and who holds no official position with, or is not a national of, the country whose government he is so serving, shall be classified as a nonimmigrant under the provisions of section 101(a)(15)(B) of the Act.

TEMPORARY VISITORS

§ 41.25 Temporary visitors for business or pleasure.

(a) An alien shall be classifiable as a nonimmigrant visitor for business or pleasure if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(B) of the Act and that: (1) He intends to depart from the United States at the expiration of a temporary stay; (2) he has permission to enter some foreign country upon the termination of his temporary stay; and (3) adequate financial provisions have been made to enable him to carry out the purpose of his visit and to travel to, sojourn in, and depart from the United States.

(b) The term "business", as used in section 101(a)(15)(B) of the Act, refers to legitimate activities of a commercial or professional character. An alien seeking to enter as a nonimmigrant for employment or labor pursuant to a contract or other prearrangement shall be required to qualify under the provisions of § 41.55. An alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature, requiring such merit and ability, but having no contract or other prearranged employment, may be classified as a nonimmigrant temporary visitor for business.

(c) The term "pleasure", as used in section 101(a)(15)(B) of the Act, refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives and rest; medical treatment; or educational activities which would not require classification as a student, trainee, temporary worker, or exchange visitor.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

TRANSIT ALIENS

§ 41.30 Transit aliens.

An alien shall be classifiable as a nonimmigrant transit alien under the provisions of section 101(a)(15)(C) of the Act if he establishes to the satisfaction of the consular officer that: (a) He is passing in immediate and continuous transit through the United States; (b) he is in possession of a ticket or other assurance of transportation to his destination; (c) he is in possession of sufficient funds to enable him to carry out the purpose of his transit journey, or has sufficient funds otherwise available for that purpose; and (d) he has permission to enter some country other than the United States following his transit journey through the United States unless the alien submits evidence that such advance permission is not required.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.31 Certain aliens in transit to United Nations.

An alien within the provisions of paragraph (3), (4), or (5) of section 11 of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District, may at his own request or at the direction of the Secretary of State be issued a nonimmigrant visa bearing the symbol C-2. If such a visa is issued, the recipient will be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General.

§ 41.32 Accredited officials in transit through the United States.

An accredited official of a foreign government who intends to proceed in immediate and continuous transit through the United States on official business for his government shall be entitled to the benefits of section 212(d)(8) of the Act if his government grants similar privileges to officials of the United States, and shall be classified under the provisions of section 101(a)(15)(C) of the Act. Members of the immediate family, attendants, servants, or personal employees of such an official shall be accorded the same classification as the principal alien.

(Sec. 212(d)(8), 66 Stat. 188; 8 U.S.C. 1182)

CREWMEN

§ 41.35 Crewmen.

(a) An alien shall be classifiable as a nonimmigrant crewman if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(D) of the Act and that he has permission to enter some foreign country after a temporary landing in the United States.

(b) An alien employed on board a vessel or aircraft in a capacity not required for normal operation and service on the particular vessel or aircraft, or an alien employed or listed as a regular member of the crew in excess of the number normally required shall not be classified as a crewman.

CROSS REFERENCE: For documentary requirements for crewmen see § 41.91(a)(26) and for instructions regarding the procedure to be followed in issuing crew-list visas see § 41.127.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.36 Foreign government official crewmen.

Alien crewmen serving on board a foreign warship or other vessel of war, or military, naval or other aircraft of the armed forces of a foreign country, when making a friendly call at a United States port under advance arrangements made with the military authorities of the United States, or any other government vessel or aircraft shall not be subject to the provisions of § 41.91(a)(26) if advance arrangements have been made with the Secretary of State and the Attorney General regarding their documentation and admission.

TREATY TRADERS AND INVESTORS

§ 41.40 Treaty traders.

(a) An alien shall be classifiable as a nonimmigrant treaty trader if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(E)(i) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) if he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a)(15)(E)(i), he will be engaged in duties of a supervisory or executive character, or, if he is or will be employed in a minor capacity, he has special qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in a manual capacity.

(b) The term "trade", as used in this section, means trade of a substantial nature which is international in scope, carried on by the alien in his own behalf or as an agent of a foreign person or organization engaged in trade, and is principally between the United States and the foreign state of which such alien is a national. Consideration shall be given to any conditions in the country of which the alien is a national which may affect the alien's ability to carry on substantial trade principally between the United States and such country.

(c) The nationality of a spouse or child of a treaty trader shall not be material to the classification of such spouse or child under the provisions of section 101(a)(15)(E)(i) of the Act.

(d) Representatives of foreign information media shall first be considered for possible classification as nonimmigrants under the provisions of section 101(a)(15)(I) of the Act and § 41.60, before consideration is given to their possible classification as nonimmigrants under the provisions of section 101(a)(15)(E) of the Act and of this section.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

§ 41.41 Treaty investors.

(a) An alien shall be classifiable as a nonimmigrant treaty investor if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(E)(ii) of the Act and that: (1) He intends to depart from the United States upon the termination of his status; and (2) he is an alien who has invested or is investing capital in a bona fide enterprise and is not seeking to proceed to the United States in connection with the investment of a small amount of capital in a marginal enterprise solely for the purpose of earning a living; or that (3) he is employed by a treaty investor: *Provided,* That the employer is a foreign person or organization of the same nationality as the applicant and that the applicant is employed in a responsible capacity.

(b) The nationality of a spouse or child of a treaty investor shall not be material to the classification of such spouse or child under the provisions of section 101(a)(15)(E)(ii) of the Act.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

STUDENTS

§ 41.45 Students.

(a) An alien shall be classifiable as a nonimmigrant student if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(F) of the Act and that: (1) He will attend, and has been accepted for attendance by, an established institution of learning or other recognized place of study in the United States which has been approved by the Attorney General for the purposes of section 101(a)(15)(F) of the Act, as evidenced by the presentation of Form I-20 (Certificate of Eligibility) properly executed by the accepting school and signed by the alien (the Form I-20, when properly executed and presented by an alien in support of an application for a student visa, shall be accepted by the consular officer as prima facie evidence that the designated institution of learning or other place of study has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution or place of study); (2) he is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (3) he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or if his knowledge of the English language is inadequate to enable him to pursue a full course of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full course of study in a language with which he is sufficiently familiar, or special arrangements have been made by the accepting institution or other place of study for tutoring the applicant in the English language and the consular officer is satisfied that the applicant will be able, with the assistance of such tutoring, to undertake a full course of study in the United States; and (4) he intends in good faith and will be able to depart from the United States upon the termination of his status.

(b) An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101(a)(15)(F) of the Act even though no credits are given by the institution for such study, if he is otherwise qualified for classification as a nonimmigrant student. The approved school must be equipped to offer a full course of study in the English language and must have accepted the applicant expressly for that course.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

INTERNATIONAL ORGANIZATION ALIENS

§ 41.50 Aliens coming to international organizations.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(G) of the Act if he establishes to the satisfaction of the consular officer that he is within one of the classes described in that section and that he seeks to enter, or pass in transit through, the United States in pursuance of his official duties. Such alien who seeks to enter, or pass in transit through, the United States other than in pursuance of his official duties shall not be classified under section 101(a)(15)(G) of the Act.

(b) An alien who applies for a visa as a nonimmigrant under the provisions of section 101(a)(15)(G) of the Act shall not be refused such visa solely on the grounds that he is not a national of the country whose government he represents.

(c) An alien who seeks to enter the United States as a foreign government representative to an international organization and who, at the same time, is proceeding to the United States on official business as a foreign government official within the meaning of section 101(a)(15)(A) of the Act, shall, if otherwise qualified, be issued a visa as a nonimmigrant under the provisions of section 101(a)(15)(A) of the Act.

(d) An alien not classifiable under section 101(a)(15)(A) of the Act who is entitled to classification under section 101(a)(15)(G) of the Act shall be classified under this section although he may also be eligible for another nonimmigrant classification.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

TEMPORARY WORKERS AND TRAINEES

§ 41.55 Temporary workers and industrial trainees.

(a) An alien shall be classifiable as a nonimmigrant temporary worker or industrial trainee if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(N) of the Act and if the consular officer shall have received from the Immigration and Naturalization Service a petition filed by the alien's prospective employer and approved in accordance with the provisions of section 214(c) of the Act. Upon receipt of, and within the validity period of, such a petition, the consular officer shall grant the nonimmigrant status indicated in the petition. The approval of a petition shall not, of itself, establish that the alien is a bona fide nonimmigrant or that he is otherwise eligible to receive a nonimmigrant visa.

(b) If a consular officer knows or has reason to believe that an alien applying for a visa under section 101(a)(15)(G) of the Act is not qualified to perform the services, or to undertake the training, specified in the employer's petition approved by the Attorney General he shall suspend action on the alien's application and submit a report to the Department in order that the matter may be brought to the attention of the Immigration and Naturalization Service for whatever action appears to be warranted.

(c) The term "industrial trainee", as used in section 101(a)(15)(N)(iii) of the Act, means a nonimmigrant alien who seeks to enter the United States at the invitation of an individual, organization, firm, or other trainer for the purpose of receiving instruction in any field of endeavor, including agriculture, commerce, communication, finance, government, transportation, and the professions as well as in a purely industrial establishment.

Cross Reference: For provisions relating to the ineligibility of former exchange visitors to receive visas under section 101(a)(15)(H) of the Act see § 41.91(d).

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

INFORMATION MEDIA REPRESENTATIVES

§ 41.60 Representatives of foreign press, radio, film, or other information media.

(a) An alien shall be classifiable as a nonimmigrant information media representative if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(I) of the Act and that he is a bona fide representative of a foreign press, radio, film, or other information medium having its home office in a foreign country, the government of which grants upon a basis of reciprocity similar privileges to representatives of such a medium having home offices in the United States.

(b) An alien who will be engaged in the United States in newsgathering activities between the United States and the country of which he is a national shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101(a)(15)(I) of the Act, notwithstanding the fact that such alien may also be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(E) of the Act.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

EXCHANGE VISITORS

§ 41.65 Exchange visitors.

(a) An alien shall be classifiable as an exchange visitor if he qualifies under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and establishes to the satisfaction of the consular officer that: (1) He has a residence in a foreign country which he has no intention of abandoning and seeks to enter the United States for a temporary period; (2) he has been accepted to participate, and intends to participate, in an exchange-visitor program designated by the Department as evidenced by the presentation of a properly executed Form DSP-66 (Certificate of Eligibility for Exchange Visitor Status); (3) he has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; and (4) he has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected or the organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency.

(b) Before an exchange-visitor visa may be issued the consular officer must have received from the Department a notification containing the official description of the exchange-visitor program in which the alien has been selected to participate.

NATO ALIENS

§ 41.70 NATO aliens.

(a) An alien shall be classifiable under the symbol NATO–1, NATO–2, NATO–3, NATO–4, or NATO–5 if he establishes to the satisfaction of the consular officer that he is seeking admission to the United States under the applicable provision of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, or that he is a member of the immediate family of an alien classified under the symbol NATO–1, NATO–2, NATO–3, or NATO–4.

(b) An alien member of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, and his dependents, shall be classifiable under the symbol NATO–6.

(c) An alien attendant, servant, or personal employee of an alien classified under the symbol NATO–1, NATO–2, NATO–3, or NATO–4, and the members of the immediate family of such attendant, servant, or personal employee, shall be classifiable under the symbol NATO–7. (5 U.S.T. 877, 1094.)

INELIGIBLE CLASSES OF NONIMMIGRANTS

§ 41.90 Basis for refusal.

A visa shall be refused only upon a ground specifically set out in the law or regulations issued thereunder. Consideration shall be given to any evidence submitted indicating that the ground for a prior refusal of a nonimmigrant visa may no longer exist.

(Sec. 221(g), 66 Stat. 192; 8 U.S.C. 1201(g))

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* Determinations relating to the ineligibility of aliens to receive nonimmigrant visas under section 212(a) of the Act shall be governed by the following provisions:

(1–6) *Medical grounds of ineligibility.* A determination of ineligibility to receive a nonimmigrant visa under the provisions of section 212(a)(1) through (6) of the Act shall be based upon the finding of a competent medical examiner as referred to in § 41.113: *Provided*, That in the case of an alien who applies for a nonimmigrant visa at a consular office where no medical officer of the United States Public Health Service has been assigned or detailed, and the consular officer knows or has reason to believe that such alien is a drug addict, a chronic alcoholic, or is afflicted with psychopathic personality by reason of sexual deviation, a finding of ineligibility to receive a nonimmigrant visa under the provisions of section 212(a)(4) or (5) of the Act may be based on facts or circumstances other than the finding of an examining physician.

(7) *Physical defect affecting alien's ability to earn a living.* An alien within the purview of section 212(a)(7) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt, by the consular officer, of notice from the Immigration and Naturalization Service of the giving of a bond or undertaking as provided in section 221(g) of the Act.

(8) *Paupers, professional beggars, or vagrants.* [Reserved.]

(9) *Crime involving moral turpitude.* (i) Before a finding of ineligibility under section 212(a)(9) of the Act may be made, it must first be established that a crime has been committed under the criminal law of the jurisdiction where the act occurred. The determination whether the crime involves moral turpitude shall be based upon the moral standards generally prevailing in the United States.

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen.

(iii) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act if his case falls within the provisions of section 4 of the Act of September 3, 1954. (Sec. 4, 68 Stat. 1145; 8 U.S.C. 1182a).

(iv) An alien shall not be ineligible to receive a visa under section 212(a)(9) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of an offense involving moral turpitude since such proceedings are not regarded as criminal in nature. A juvenile convicted as an adult of a crime involving moral turpitude shall be subject to the provisions of section 212(a)(9) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction.

(v) A conviction in absentia of a crime involving moral turpitude shall not constitute a conviction within the meaning of section 212(a)(9) of the Act.

(vi) An alien shall not be considered ineligible to receive a visa under section 212(a)(9) of the Act by reason of a conviction of a crime involving moral turpitude for which a full and unconditional pardon has been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon or amnesty granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(9) of the Act.

(vii) The term "purely political offense" as used in section 212(a)(9) of the Act shall include offenses which resulted in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities.

(10) *Conviction of two or more offenses.* (i) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence since such proceedings are not regarded as criminal in nature. A juvenile convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction.

(ii) A conviction or convictions in absentia of two or more offenses for which the aggregate sentences to confinement imposed were five years or more shall not constitute a conviction within the meaning of section 212(a)(10) of the Act.

(iii) An alien shall not be considered ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more if a full and unconditional pardon or pardons for the offenses have been granted by the President of the United States, by the Governor of a State of the United States, by the former High Commissioner for Germany acting pursuant to Executive Order 10062, or by the United States Ambassador to the Federal Republic of Germany acting pursuant to Executive Order 10608. A legislative pardon or a pardon or amnesty granted by a foreign state shall not serve to remove a ground of ineligibility under section 212(a)(10) of the Act.

(iv) The term "purely political offense" as used in section 212(a)(10) of the Act shall include offenses which resulted in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious or political minorities.

(v) A sentence to confinement which has been suspended by a court of competent jurisdiction is not one which has been "actually imposed" within the meaning of section 212(a)(10) of the Act.

(11) *Polygamy.* (Section 212(a)(11) of the Act inapplicable; Section 212(d)(1)).

(12) *Prostitution, procuring and related activities.* (i) A finding that an alien has "engaged" in prostitution must be based on elements of continuity and regularity which would indicate a pattern of behavior or deliberate course of conduct entered into primarily for financial gain or for other considerations of material value as distinguished from the commission of casual or isolated acts.

(ii) The fact that an alien may have ceased to engage in prostitution shall not serve to remove the existing ground of ineligibility to receive a visa under the provisions of section 212(a)(12) of the Act.

(iii) A prostitute or a person who has engaged in prostitution shall be ineligible to receive a visa under section 212(a)(12) of the Act notwithstanding the fact that prostitution may not be prohibited under the laws of the foreign country where the acts occurred.

(13) *Immoral sexual act.* [Reserved]

(14) *Aliens entering to perform skilled or unskilled labor.* (Section 212(a)(14) of the Act inapplicable).

(15) *Public charge.* (i) Any conclusion that an alien is ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(15) of the Act shall be predicated upon circumstances which indicate that the alien will probably become a charge upon the public after entry into the United States.

(ii) An alien within the purview of section 212(a)(15) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act.

(16) *Aliens excluded and deported.* [Reserved]

(17) *Aliens arrested and deported or removed from the United States.* [Reserved]

(18) *Stowaways.* (Section 212(a)(18) of the Act inapplicable at time of visa application.)

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation by fraud or by willfully misrepresenting a material fact for the purpose of gaining admission into the United States, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided* That the provisions of this subdivision shall not be applicable in the case of a bona fide refugee if such fraud or misrepresentation was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of obtaining travel documents or of misrepresenting his place of birth, and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case: *Provided further*, That such fraud or misrepresentation was not committed for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any ineligible class.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or a willful misrepresentation of a material fact in seeking to enter the United States at a port of entry shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(20) *Immigrant documentary requirements.* (Section 212(a)(20) of the Act inapplicable.)

(21) *Non-compliance with section 203 of the Act.* (Section 212(a)(21) of the Act inapplicable.)

(22) *Aliens ineligible to citizenship or who departed to avoid service in the Armed Forces.* An alien shall be refused a nonimmigrant visa under the provisions of section 212(a)(22) of the Act if, having permanent resident status, he departed to avoid or evade training or service in the United States Armed Forces.

(23) *Narcotics traffickers and addicts.* An alien shall be ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(23) of the Act, as amended by section 301(a) of the Act of July 18, 1956, irrespective of whether the conviction for illegal possession of narcotic drugs or for conspiracy to violate any law or regulation relating to narcotic drugs within the contemplation of the Narcotics Control Act, occurred before or after July 18, 1956. (Sec. 301(a), 70 Stat. 575; 8 U.S.C. 1182.)

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory transportation lines.* The provisions of section 212(a)(24) of the Act shall not render an alien ineligible to receive a nonimmigrant visa inasmuch as the Attorney General upon the recommendation of the Secretary of State has waived this ground of ineligibility for nonimmigrants under the authority contained in section 212(d)(3)(A) of the Act.

(25) *Illiterates.* (Section 212(a)(25) of the Act inapplicable: section 212(d)(1).)

(26) *Nonimmigrant documentary requirements.* (i) A passport which is valid indefinitely for the return of the bearer to the country whose government issued such passport shall be deemed to have the required minimum period of validity as specified in section 212(a)(26) of the Act.

(ii) A crew-list visa issued in accordance with § 41.127 is considered to constitute a valid nonimmigrant visa within the meaning of section 212(a)(26)(B) of the Act.

CROSS REFERENCE: For waivers of and exemptions from documentary requirements see §§ 41.5, 41.6, and 41.91(f).

(27) *Prejudicial activities.* [Reserved]

(28) *Members of affiliates of proscribed organizations.* (i) The term "affiliate", as used in section 212(a)(28) of the Act with reference to an organiza-

tion, means an organization substantially directed, dominated, or controlled by one of the parties within the statutory proscription, which is or was used or operated by such party to help maintain its control over the country, or to help disseminate its economic, international, and governmental doctrines or ideology.

(ii) Service, whether voluntary or not, in the armed forces of any country shall not be regarded, of itself, as constituting or establishing an alien's membership in, or affiliation with, any proscribed party or organization, and shall not, of itself, constitute a ground of ineligibilty to receive a visa.

(iii) Voluntary service in a political capacity shall constitute affiliation with the political party or organization in power at the time of such service.

(iv) If an alien continues or continued his membership or affiliation on or after his sixteenth birthday, only his activities after reaching sixteen years of age shall be pertinent to a determination whether the continuation of his membership or affiliation is or was voluntary.

(v) The term "operation of law", as used in section 212(a)(28)(I) of the Act, shall include any case wherein the alien without his acquiescence automatically becomes or became a member or affiliate of a proscribed party or organization by official act, proclamation, order, edict, or decree.

(vi) In accordance with the definition of "totalitarian party" contained in section 101(a)(37) of the Act, a former or present voluntary member of, or an alien who was, or is, voluntarily affiliated with a noncommunist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarien dictatorship, shall not be considered ineligible under the provisions of section 212(a)(28)(C) of the Act to receive a visa, unless the alien is known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitatian dictatorship or totalitarianism, as defined in the Act (section 212(a)(28)(D)).

(vii) The words "actively opposed", as used in section 212(a)(28)(I)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities, during a period of at least five years prior to the application for a visa, in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a voluntary member or affiliate.

(29) *Espionage, sabotage, or other subversive activities.* [Reserved]

(30) *Alien accompanying excludable alien.* (Section 212(a)(30) of the Act inapplicable.)

(31) *Alien aiding illegal entrant.* [Reserved]

(b) *Aliens unable to establish nonimmigrant status.* A nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by section 214(b) of the Act. An alien shall be considered to have established bona fide nonimmigrant status only if the consular officer is satisfied that his case falls within one of the nonimmigrant categories described in section 101(a)(15) of the Act or otherwise established by law or treaty.

(c) *Failure of application to comply with Act.* (1) An alien's visa application shall be considered as failing to comply with the provisions of the act or the regulations issued thereunder if: (i) The applicant fails to furnish the information to be included in such application as required by the Act or the regulations contained in this part; (ii) The application contains a false or incorrect statement which does not constitute a ground of ineligibility under section 212(a)(9) or (19) of the Act; (iii) The application is not supported by the documents required under the provisions of the Act or the regulations contained in this part; (iv) The applicant refuses to be fingerprinted if required by the Act or the regulations contained in this part; or (v) The application otherwise fails to meet the specific requirements of the Act for reasons for which the applicant is responsible.

(2) The grounds of refusal described in subparagraph (1) of this paragraph shall not constitute a bar to the reconsideration of the application upon compliance with statutory or regulatory requirements, or to the consideration of a subsequent application submitted by the same applicant.

(d) *Former exchange visitors.* An alien who was admitted into the United States subsequent to June 4, 1956, as an exchange visitor, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including any alien granted an extension of the period of his temporary admission subsequent to September 20, 1956, shall not be eligible to apply for and receive a visa under the provisions of section 101(a)(15)(H) of the Act notwithstanding the approval of a petition as provided in section 214(c) of the Act unless (1) the consular officer is satisfied that for an aggregate of at least two years following the termination of his exchange visitor status such alien has resided and been physically present abroad in a country or countries cooperating in the exchange-visitor program, or (2) the requirements of this paragraph have been waived as provided in section 201(b) of the United States Information and Educational Exchange Act of 1948, as amended. (See §§ 63.6 and 63.7 of this chapter.)

(e) *Grounds for refusal of visas applicable to certain nonimmigrant classes.* (1) No visa may be issued in the A–1 or A–2 category to an alien who is considered by the Department to be persona non grata.

(2) Only those provisions of section 212(a) of the Act which are stated specifically with reference to each class apply to the following classes of nonimmigrants: (i) Class A–1: Section 212(a)(27) upon the direction of the President and the issuance of appropriate rules and regulations; (ii) Class A–2: Section 212(a)(27) and (29); (iii) Class C–2: Section 212(a)(26)(A), (27), (28) and (29); (iv) Class C–3: Section 212(a)(26)(A), (27) and (29); (v) Class C–1: Section 212(a)(27); (vi) Classes G–2, G–3, and G–4: Section 212(a)(27) and (29); (vii) Class NATO–1: Section 212(a)(27); (viii) Classes NATO–2, NATO–3, and NATO–4: Section 212(a)(27) and (29).

(3) An alien within class A–3 or G–5 shall be subject to all grounds of refusal specified in section 212 of the Act which are applicable to nonimmigrants in general except paragraph (28) of subsection (a) of that section.

(f) *Exception from passport validity requirement for certain nonimmigrants.* A nonimmigrant alien in whose case the passport requirement of section 212(a)(26) has not been waived and (1) who is within one of the classes of nonimmigrants described in section 101(a)(15)(A)(i) and (ii) of the Act, or (2) who is within one of the classes of nonimmigrants described in section 101(a)(15)(G)(i), (ii), (iii), and (iv) of the Act, or (3) who is within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, or NATO–4, shall present a passport which is valid by its own terms on the date such alien is issued a nonimmigrant visa.

TEMPORARY ADMISSION OF INELIGIBLE ALIENS

§ 41.95 Procedure in recommending temporary admission of ineligible aliens.

(a) Except as provided in paragraph (b) of this section, a consular officer may, upon his own initiative, and shall, upon the request of the Secretary of State or upon the request of the alien submit a report to the Department for transmission to the Attorney General pursuant to the provisions of section 212(d)(3)(A) of the Act in the case of an alien who is classifiable as a nonimmigrant but who is known or believed by the consular officer to be ineligible to receive a nonimmigrant visa under the provisions of section 212(a) of the Act, other than paragraph (27) or (29).

(b) A consular officer may, in certain categories defined by the Secretary of State, recommend directly to designated immigration officers that an alien's temporary admission be authorized under the provisions of section 212(d)(3)(A) of the Act.

(c) In the case of an alien who is seeking to enter the United States for the purpose of proceeding in transit to the Headquarters District of the United Nations in the United States under the provisions of paragraph (3), (4) or (5) of section 11 of the Headquarters Agreement with the United Nations, and who is known or believed to be ineligible to receive a visa under the provisions of section 12(a)(28) of the Act, but not ineligible under the provisions of section 212(a)(27) or (29) of the Act, the consular officer shall submit promptly to the Secretary of State a full report with a request for an advisory opinion concerning the action to be taken in the case. The consular officer may include in such report a recommendation for transmission to the Attorney General concerning the alien's temporary admission into the United States under the provisions of section 212(d)(3)(A) of the Act.

(d) When the Attorney General authorizes the temporary admission of an ineligible alien as a nonimmigrant and the consular officer is so informed, the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions imposed by the Attorney General.

(Sec. 212, 66 Stat. 182; 8 U.S.C. 1182)

TYPES OF NONIMMIGRANT VISAS

§ 41.100 Regular, diplomatic and official visas.

A nonimmigrant visa of any classification shall be issued as a regular nonimmigrant visa unless the alien falls within one of the classes entitled to a diplomatic or official visa as described in §§ 41.102 and 41.104.

§ 41.102 Classes of aliens eligible to receive diplomatic visas.

A nonimmigrant within one of the following categories shall, if otherwise qualified, be eligible to receive a diplomatic visa irrespective of his classification under § 41.12:

(a) An alien who is in possession of a diplomatic passport or its equivalent and who is within any of the following classes: (1) Heads of states and their alternates; (2) members of a reigning royal family; (3) governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates; (4) cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates; (5) presiding officers of chambers of national legislative bodies; (6) justices of the highest national judicial tribunal of a foreign country; (7) ambassadors, public ministers, other officers of the diplomatic service and consular officers of career; (8) military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and Naval officers holding a rank not inferior to that of a rear admiral in the United States Navy; (9) military, naval, air and other attachés and assistant attachés assigned to a foreign diplomatic mission; (10) officers of foreign-government delegations to international organizations so designated by Executive Order; (11) officers of foreign-government delegations to, and officers of, international bodies of an official nature, other than international organizations so designated by Executive Order; (12) officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties; (13) officers of foreign-government delegations proceeding to or from a specific international conference of an official nature; (14) members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph; (15) members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (12) and (13) of this paragraph; (16) diplomatic couriers proceding to or through the United States in the performance of their official duties;

(b) Any other alien in whose case the Department specifically authorizes the consular officer to accept an application for a diplomatic visa.

§ 41.104 Classes of aliens eligible to receive official visas.

A nonimmigrant within one of the following classes who is not eligible to receive a diplomatic visa: (1) Aliens within a class described in § 41.102(a) who are ineligible to receive a diplomatic visa because they are not in possession of a diplomatic passport or its equivalent; (2) aliens classifiable under section 101(a)(15)(A) of the Act; (3) aliens classifiable under section 101(a)(15)(C) of the Act, except those classifiable under section 101(a)(15)(C)(iii) of the Act unless the government of which the alien is an accredited representative is recognized de jure by the United States but is not a member of the international organization to which the alien is destined; (4) aliens classifiable under section 101(a)(15)(C) of the Act as nonimmigrants described in section 212(d)(8) of the Act; (5) members and members-elect of national legislative bodies; (6) justices of the federal and the highest State tribunals of a foreign country; (7) officers and employees of national legislative bodies proceeding to or through the United States in the performance of their official duties; (8) clerical and custodial employees attached to foreign-government delegations to, and employees of, international bodies of an official nature, other than international organizations so designated by Executive Order, proceeding to or through the United States in the performance of their official duties; (9) clerical and custodial employees attached to a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties; (10) clerical and custodial employees attached to foreign-government delegations proceeding to or from a specific international conference of an official nature; (11) members of the immediate family, attendants, servants and personal employees of, when accompanying or following to join, a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (10) inclusive of this paragraph; (12) attendants, servants and personal employes of, when accompanying or following to join, a principal alien who is within one of the classes referred to or described in subparagraphs (1) to (13) inclusive of § 41.102(a);

(b) Any other alien in whose case the Department specifically authorizes the consular officer to accept an application for an official visa.

APPLICATION FOR NONIMMIGRANT VISAS

§ 41.110 Place of application.

(a) *Applications for regular and official visas.* With the exception of certain aliens who are in the United States who may be issued nonimmigrant visas under the provisions of § 41.120, every alien applying for a regular or official visa shall make application in the consular district in which he has his residence except that a consular officer shall at the direction of the Department, or may in his discretion, accept an application for a nonimmigrant visa from an alien having no residence in the consular district if the alien is physically present therein.

(b) *Applications for diplomatic visas.* Application for a diplomatic visa shall be made at a diplomatic mission or at a consular office authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

CROSS REFERENCE: For applications for crew-list visas see § 41.127(b).

§ 41.111 Supporting documents.

(a) *Authority to require documents and consideration accorded.* The consular officer shall have authority to require such documents as he may consider necessary to establish the alien's eligibility to receive a nonimmigrant visa. All such documents submitted and any other evidence adduced by the alien shall be given consideration by the consular officer, including briefs submitted by attorneys or other representatives.

(b) *Unobtainable documents.* In the event an alien establishes to the satisfaction of the consular officer that any document or record required under the authority of this section is unobtainable, the consular officer may accept in lieu of such document or record, other satisfactory evidence of the fact to which the document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

(c) *Photographs.* Except as otherwise provided in this paragraph, every alien shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be 1½ by 1½ inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. Each copy of the photograph shall be signed by the person making the application with the full name of the alien in such manner as not to obscure the alien's features. The photograph requirements may be waived in the discretion of the consular officer in the case of any alien who is (1) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(G) or 212(d)(8) of the Act, (2) within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3 or NATO–4, (3) an applicant for a diplomatic visa, (4) an applicant for an of-

ficial visa, or (5) under sixteen years of age. A notation of any such waiver shall be made in the space provided in the application form for the alien's photograph.

(d) *Police certificates.* (1) An alien shall be required to present a police certificate if the consular officer has reason to believe that he may have a police or criminal record, except that no police certificate shall be required in the case of an alien who is (i) within a class of nonimmigrants described in section 101(a)(15)(A)(i) or (ii), or section 101(a)(15)(O)(i), (ii), (iii), or (iv), or section 212(d)(8), of the Act, or (ii) within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3 or NATO–4.

(2) A police certificate is a certification by the police or other appropriate authorities stating what, if anything, their records show concerning the alien.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

§ 41.112 Passports.

(a) *Passport requirement.* Except for certain persons in the A, O and NATO categories, every applicant for a nonimmigrant visa shall present a passport as defined in section 101(a)(30) of the Act and § 41.1 which is valid for the period required by section 212(a)(26) of the Act.

(b) *Aliens included in a single passport.* The passport requirement referred to under paragraph (a) of this section may be met by the presentation of a passport including more than one person if such inclusion is authorized under the laws and regulations of the issuing authority and if a photograph of each person sixteen years of age or over to whom a visa is to be issued shall have been attached to the passport by the issuing authority.

(c) *Applicants for diplomatic visas.* Every applicant for a diplomatic visa shall be required to present a diplomatic passport, or the equivalent thereof, having the period of validity indicated in paragraph (a), and issued by a competent authority of a foreign government recognized de jure by the United States, unless such requirement has been waived pursuant to the authority contained in section 212(d)(4) of the Act or unless the case falls within the provisions of § 41.91(f).

CROSS REFERENCE: For provisions relating to passport of foreign government not recognized de jure by the United States see § 41.124(a).

§ 41.113 Medical examination.

(a) An alien shall be required to be medically examined if (1) he is an applicant for an exchange visitor visa who does not qualify as a leader in a field of specialized knowledge or skill and who intends to remain in the United States for more than a brief period of time, (2) he is an applicant for a student visa who intends to remain in the United States for more than a brief period of time, (3) he is coming from an area or is in a nonimmigrant status which indicates that a medical examination is advisable, or (4) the consular officer has reason to believe that a medical examination would disclose that the alien is ineligible to receive a visa.

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required examination shall be conducted by a physician selected by the alien from a panel of physicians approved by the consular officer.

(c) The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, including laboratory tests, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

§ 41.114 Personal appearance.

Except as otherwise provided in this section, every alien who makes application for a nonimmigrant visa shall be required to appear in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is (a) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(C) or 212(d)(8) of the Act, (b) within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3 or NATO–4, (c) an applicant for a diplomatic visa, (d) an applicant for an official visa, or (e) a child under ten years of age.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS–257 (Application for Nonimmigrant Visa and Alien Registration) and where required Form FS–257AF (Affidavit in Support of Nonimmigrant Visa Application) unless personal appearance is waived under § 41.114. If personal appearance is waived, the application form shall be completed by the consular officer from available information. In the case of an alien under sixteen years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, and if the alien has no parent or guardian, by any person having legal custody of or a legitimate interest in the alien.

(b) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form FS–257 is inadequate to determine the alien's eligibility to receive a nonimmigrant visa he may in his discretion require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 41.111(a) shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(c) *Statements regarding race and ethnic classification.* The provisions of section 222(c) of the Act which require every alien applying for a nonimmigrant visa and alien registration to state his race and ethnic classification in the application shall not be construed as pertaining to the alien's religion.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

§ 41.116 Registration and fingerprinting.

(a) *Registration.* Form FS–257, when duly executed, shall constitute the alien's registration record for the purposes of section 221(b) of the Act.

(b) *Fingerprinting.* (1) The provisions of section 221(b) of the Act which require the fingerprinting of aliens in connection with their applications for visas are waived in pursuance of the authority contained therein for the nonimmigrant classes specified in subdivision (i) of this subparagraph, and in pursuance of the authority contained in section 8 of the Act of September 11, 1957 (71 Stat. 641; 8 U.S.C. 1201(a)) for the nonimmigrant classes specified in subdivision (ii) of this subparagraph: (i) An alien who is within a class of nonimmigrants enumerated in section 101(a)(15)(A) and section 101(a)(15)(C) of the Act, or an alien who is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof (see § 41.1); (ii) An alien who is a national of a country whose government does not require fingerprinting in connection with an application for, or the issuance of, a visa to a national of the United States who intends to proceed to such country for a similar purpose, and who is classifiable as a nonimmigrant under the provisions of section 101(a)(15)(B), (C), (D), (E), (F), (H) or (I) of the Act, including a nonimmigrant alien who is classifiable under the visa symbol J, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6 or NATO–7.

(2) In the case of any nonimmigrant alien who is not exempted from the fingerprinting requirement under the provisions of this section, the fingerprints of such alien shall be taken in connection with his application for a nonimmigrant visa on Form AR–4 (Alien Registration Fingerprint Card) or in such other manner as may be authorized by the Department.

(3) An alien may be required by the consular officer, when he makes preliminary or informal application for a visa, to have a set of his fingerprints taken on Form AR–4 in the event such procedure is considered necessary for the purpose of identification, or investigation, Consular officers may, where necessary, use the fingerprint card in order to ascertain from the appropriate local or any other authorities whether they have any pertinent information concerning the applicant's eligibility to receive a visa.

§ 41.117 Signature and seal.

Form FS–257 shall be signed by or on behalf of the applicant in the space provided therefor in the presence of the consular officer. The application shall be verified by the applicant before the consular officer who shall then sign and stamp Form FS–257 with the seal of his office. If personal appearance has been waived under § 41.114, the Form FS–257 need not be signed by the applicant.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

ISSUANCE OF NONIMMIGRANT VISAS

§ 41.120 Authority to issue visas.

(a) *Issuance in the United States.* The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, or to revalidate nonimmigrant visas previously issued, to qualified aliens in the United States (1) who are within a class of nonimmigrants described in section 101(a)(15)(A), section 101(a)(15)(G), or section 101(a)(15)(I) of the Act, or within a class of nonimmigrants classifiable under the visa symbol NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, or NATO–7, (2) who have been duly notified to the Secretary of State in such nonimmigrant status, or who, in cases of aliens classifiable under section 101(a)(15)(I), are bearers of passports containing an I, or an A or G visa, and who have been duly accredited by a foreign information medium, and (3) who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in the visa.

(b) *Issuance outside the United States.* Any consular officer is authorized to issue regular and official visas. Diplomatic visas may be issued only by (1) a consular officer attached to a diplomatic mission of the United States if he is authorized to do so by the chief of the mission, or (2) a consular officer assigned to a consular office if so authorized by the Department or by the chief of the United States diplomatic mission to the foreign country in which such consular office is located.

§ 41.121 Visa fees.

(a) *Fees based on reciprocity.* Unless on a basis of reciprocity no fee is chargeable, the fees for the issuance of visas, including official visas, to nonimmigrant nationals or stateless residents of each foreign country shall be collected in the amounts prescribed by the Secretary of State and shall correspond, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes or charges assessed or levied against nationals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents.

(b) *Aliens exempted from fees.* Upon a basis of reciprocity, or as provided in section 13(a) of the Headquarters Agreement with the United Nations (61 Stat. 716; 22 U.S.C. 287, Note), no fee shall be collected for the issuance of a nonimmigrant visa to an alien of any of the following classes: (1) Nonimmigrants described in section 101(a)(15)(A) of the Act; (2) nonimmigrants described in section 101(a)(15)(C) of the Act; (3) nonimmigrants described in section 212(d)(S) of the Act; (4) persons entitled to pass in transit to the United Nations Headquarters District under the provisions of paragraphs (3), (4) or (5) of section 11 of the Headquarters Agreement and who are issued C–2 visas as nonmimigrants under the provisions of section 101(a)(15)(C) of the Act; (5) nonimmigrants who are classifiable under the visa symbol NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, NATO–6, and NATO–7; and (6) nonimmigrants who are issued diplomatic visas.

(c) *Refund of fees.* A fee collected for the issuance or revalidation of a nonimmigrant visa, shall not be refunded without specific authorization from the Department.

CROSS REFERENCE: 1. For fee to be collected when more than one alien included in single visa see § 41.123.

2. For fee for revalidated or transferred visa see §§ 41.125(d) and 41.126(d).

3. For fee for crew-list visa see § 41.127(c).

(Sec. 281, 66 Stat. 230; 8 U.S.C. 1351)

§ 41.122 Validity of visas.

(a) *Validity of visa not related to period of stay in the United States.* The period of validity of a nonimmigrant visa shall have no relation to the period of time the alien may be authorized by the immigration authorities to stay in the United States if, upon his arrival at a port of entry, he is admitted by those authorities.

(b) *Validity of visa pertains to period within which alien may apply for admission.* The period of validity of a nonimmigrant visa shall date from the time of issuance and shall relate only to the period during which the alien to whom the visa was issued may use it in making application for admission into the United States.

(c) *Period of validity of visa and number of applications.* Except as provided in paragraph (d) of this section a nonimmigrant visa shall be valid for a period prescribed by the Secretary of State, not exceeding forty-eight months, which shall correspond, as nearly as practicable, to the period of validity of visas issued by the government of the country of which the alien is a national or stateless resident to United States nationals of a similar class entering that country. The number of applications for admission for which the visa shall be valid shall also be governed by the reciprocal treatment accorded United States nationals by that government. If the government of the country of which the alien is a national or a stateless resident does not require visas of United States nationals of a similar class proceeding to that country the visa shall be valid for the entire forty-eight month period and for an unlimited number of applications for admission.

(d) *Limitations on validity.* If warranted in an individual case, a consular officer may issue a nonimmigrant visa for (1) a period of validity which is less than that prescribed on a basis of reciprocity, (2) a number of applications for admission within the period of the validity of the visa which is less than that prescribed on a basis of reciprocity, or (3) application for admission at a specified port or specified ports of entry in the United States.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

§ 41.123 More than one alien included in visa.

If the spouse and unmarried minor children of a principal alien are included in one passport (see § 41.112(b)) a single nonimmigrant visa may be issued to include all eligible family members. Each alien must execute a separate application. The name of each family member shall be written in the space provided in the visa stamp. The visa fee to be collected shall be equal to the total of the fees prescribed by the Secretary of State, in accordance with the provisions of section 281 of the Act, for each alien included in the visa unless upon a basis of reciprocity a lesser fee is chargeable in such a case.

§ 41.124 Procedure in issuing visas.

(a) *Visa evidenced by stamp in passport.* Except as hereinafter provided, the issuance of a nonimmigrant visa shall be evidenced by a stamp placed in the alien's passport and properly executed by the consular officer. The appropriate symbol, as prescribed in § 41.12, showing the classification of the nonimmigrant shall be inserted in the visa stamp. No seal, stamp, signature or other notation shall be placed in a passport issued by a foreign government not recognized *de jure* by the United States.

(b) *Visa evidenced by stamp on official stationery.* In the following cases the visa stamp shall be placed on a sheet of the issuing office's official stationery to which a photograph of the alien shall be attached under seal: (1) The alien's passport was issued by a government not recognized *de jure* by the United States; (2) the alien's passport does not provide sufficient space for the visa stamp; or (3) the passport requirement has been waived. In issuing a visa on official stationery a notation shall be made on the visa specifying the pertinent subparagraph of this paragraph under which the action is taken.

(c) *Form of visa stamp.* (1) The nonimmigrant visa stamp shall be in the following form or in such other form as may be prescribed by the Department:

```
                                        No. ----------
                                        [Title of office]
[SEAL]                                  [Location]

NONIMMIGRANT VISA

Classification: ----------
Date: ----------

Valid if presented before ----------
for ---------- applications for admission into the United States.
Issued to: ----------
-----------------------------------
-----------------------------------
-----------------------------------
-----------------------------------


-----------------------------------
(Name and title of consular officer)
```

(2) The form of a diplomatic visa shall be the same as the regular nonimmigrant visa, except that it shall bear the title "Diplomatic".

(3) The form of an official visa shall be the same as the regular nonimmigrant visa, except that it shall bear the title "Official".

(d) *Insertion of name; petition and derivative status notations.* The name or names of the alien or aliens to whom a nonimmigrant visa is issued shall be inserted in the visa stamp after the word "to". If the visa is being issued upon the basis of a petition approved by the Attorney General, in the case of a nonimmigrant who is classifiable under the provisions of section 101(a)(15)(N) of the Act, the number of the petition shall be noted in the visa stamp, and the period for which the alien's admission has been authorized shall be noted immediately below the visa stamp. In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be written below the lower margin of the visa stamp.

(e) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the word "Unlimited" shall be inserted in the space provided in the visa stamp. Otherwise the appropriate number in word form shall be inserted. The date of issuance and the date of expiration of the visa shall be inserted at the proper places in the visa stamp and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952".

(f) *Restriction to specified port of entry.* If a nonimmigrant visa is to be valid for admission only at a specified port or ports of entry the name or names of such port or ports shall be entered immediately below the expiration date of the visa and shall be preceded by the word "at".

(g) *Fee notation.* The receipt of the prescribed fee, if any, for the issuance of a nonimmigrant visa shall be evidenced by a notation in the following form, or as may be otherwise prescribed:

Service No. ----------
Tariff Item No. ----------
Fee Paid: U.S. $----------
Local Cy. Equiv. ----------

If no fee is prescribed for the issuance of the nonimmigrant visa, the word "Gratis" shall be stamped or written in the lower left corner of the visa stamp in lieu of the fee receipt notation.

(h) *Signature and seal.* The consular officer who issues a nonimmigrant visa shall affix his signature, indicate his title in the visa stamp and impress the seal of his office in the lower left corner of the stamp.

(i) *Delivery of visa and disposition of Form FS–257.* In issuing a nonimmigrant visa the consular officer shall deliver the visaed passport, or where applicable, the visaed sheet of official stationery to the alien, or to his authorized representative in any case in which personal appearance has been waived, together with any other documents required in connection with the alien's examination at a port of entry in the United States. The executed Form FS–257 and any additional statements furnished by the alien in accordance with § 41.115(b) shall be retained in the consular files.

(j) *Disposition of supporting documents.* When issuing a nonimmigrant visa to an alien, the consular officer shall give to the alien for presentation to the immigration authorities at the port of entry the original of all supporting documents furnished or obtained by the alien. A duplicate copy of each such document may be retained at the consular office in the discretion of the consular officer or returned to the alien. If the duplicate is returned to the visa recipient an appropriate notation to that effect shall be made on the reverse of Form FS–257.

(k) *Replacement of erroneously issued visas.* A nonimmigrant visa, once issued and signed may not be amended or altered except as provided in § 41.126(c). A visa erroneously issued in relation to any item appearing in the visa stamp shall be cancelled and replaced by a corrected visa. No fee shall be charged for a visa so replaced unless an incorrect fee was originally charged. The procedure prescribed by § 41.126(b) shall be followed except that the word "Corrected" shall be inserted on the upper margin of the visa stamp in place of the word "Transferred". The procedure described in this paragraph may not be used to include additional persons in the visa. (For regulations regarding the revocation or invalidation of a visa see § 41.134.)

§ 41.125 Revalidation of visas.

(a) *Conditions for revalidation.* A nonimmigrant visa may be revalidated in the same classification at the original visa-issuing office or other consular office if (1) the alien's nationality is the same, (2) the visa was originally issued for less than the maximum period of validity of forty-eight months or for less than unlimited applications for admission or both, (3) the visa is about to expire, or has expired, or has become invalid by reason of having been used for the number of applications for admission specified therein, and (4) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive a nonimmigrant visa, including the possession of a valid passport, if required. A nonimmigrant visa may be revalidated any number of times for the period and number of applications for admission prescribed by the Secretary of State but not to exceed a total of forty-eight months from the date of its original issuance.

(b) *Waiver of personal appearance.* The consular officer may, in his discretion, waive the personal appearance of an alien who is an applicant for a revalidation of his visa.

(c) *Procedure for revalidation.* In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.124, except that a new Form FS–257 shall not be required. The visa stamp shall be placed in the alien's passport and all pertinent data contained in the original visa shall be transferred to the revalidated visa. The word "Revalidated" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the revalidation shall be made on the reverse of Form FS–257 on file at the original visa-issuing office. If the visa is revalidated at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

(d) *Fee for revalidation.* The fee for the revalidation of a nonimmigrant visa shall be that prescribed for the issuance of such a visa, if any, except that when the visa was issued valid for a lesser number of applications for admission or for a period of validity less than the maximum permitted by reciprocity it may be revalidated for the remaining number of applications for admission and validity permitted without the payment of an additional fee.

§ 41.126 Transfer of visas.

(a) *Conditions for transfer.* Upon the request of the bearer a valid nonimmigrant visa may be transferred from one travel document to a different travel document which is valid for the required period if he is found eligible to receive such a visa, except in a case in which the travel document containing the original visa has been lost or stolen. A visa may be transferred only if the new passport indicates that the alien has the same nationality he had when the visa was issued.

(b) *Procedure for transfer.* A formal application for the transfer of a nonimmigrant visa from one passport to another shall not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall, except as provided in § 41.124(a), be evidenced by placing the visa stamp with all of the original data in the alien's passport. The transferred visa shall be valid for the same period as the original visa and for the number of applications for admission remaining as of the date of the transfer. The word "Transferred" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the transfer shall be made on the reverse of Form FS–257 on file at the original visa-issuing office. If the visa is transferred at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

(c) *Cancellation of visa in old passport.* Upon transfer of a visa to a new travel document the visa issued in the original passport shall be canceled, unless the passport has been surrendered to the issuing authority, except that where the visa is being transferred for only one of several persons included in it, only the name of that person shall be stricken from the visa originally issued.

(d) *Fee for transfer.* No fee shall be charged for the transfer of a valid nonimmigrant visa.

§ 41.127 Crew-list visas.

(a) *Definition.* A crew-list visa is a nonimmigrant visa issued on a manifest of crewmembers of a vessel or aircraft which includes all aliens listed in the manifest unless otherwise stated.

(b) *Application.* (1) A list of all alien crewmen who are serving on board a vessel or aircraft which is proceeding to the United States and who are not in possession of valid individual entry documents shall be submitted, in duplicate, to a consular officer on Immigration and Naturalization Service Form I–418 (Crew-list Manifest) or such other forms as may be prescribed. In lieu of a manifest on Form I–418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization (ICAO) manifest, or on Customs Form 7507 (General Declaration) whenever the number of crewmen does not exceed the number which can be listed on the form.

(2) The submission of the crew list together with such other information as the consular officer may deem necessary to determine the eligibility of an individual crewman to be included in the crew-list visa shall be considered the formal application for a crew-list visa. No other application form shall be required.

(3) The manifest should list separately, in alphabetical order, those alien crewmen who are to be considered for inclusion in a crew-list visa. If not so separately listed, the consular officer may require a separate alphabetical listing if such action can be taken without unduly delaying the departure of the vessel or aircraft.

(4) If a vessel or aircraft destined to the United States cannot call at a port or place at which a consular officer is stationed, the crew list shall be submitted for visaing by mail or by other means to a consular officer stationed at a port or place nearest to the vessel's port of call.

(c) *Fee.* A fee of two dollars shall be charged for the visaing of any crew list (Tariff of Fees, Foreign Service of the United States of America), except that no fee shall be charged for a crew-list visa issued in the case of an American vessel (§ 22.1 of this chapter) or for the issuance of a supplemental crew-list visa in the case of any vessel or aircraft. The receipt of the prescribed fee for the issuance of a crew-list visa shall be evidenced by a notation placed in the lower left corner of the visa stamp.

CROSS REFERENCE: For regulations regarding fee notation see § 41.124(g).

(d) *Validity.* A crew-list visa shall be valid for a period of six-months from the date of issuance and for a single application for admission into the United States.

(e) *Procedure in issuing.* (1) In issuing a crew-list visa the regular nonimmigrant visa stamp as prescribed in § 41.124(c) shall be placed on the last page of the manifest immediately following the last name listed.

(2) The symbol "D" shall be inserted in the space provided in the visa stamp.

(3) The name of the vessel or identifying data regarding the aircraft shall be entered in the space provided for the name of the visa recipient.

(4) The consular officer shall sign the visa, indicate his title, and impress the seal of his office on the visa stamp. The impression seal shall also be placed in the lower right corner of all pages of the crew list other than the page on which the visa stamp appears.

(5) In issuing a crew-list visa, the consular officer shall deliver the original of the crew list to the master of the vessel or commanding officer of the aircraft or to the authorized agent of such master or officer for presentation to the immigration officer at the first port of arrival in the United States. The duplicate copy of the crew list shall be retained for the consular files and shall show the date of issuance of the crew-list visa, the service number, the tariff item number, and the fee paid in United States dollars and local currency equivalent.

CROSS REFERENCE: For regulations regarding exclusion from and refusal of crew-list visas see § 41.132(a).

(f) *Supplemental crew-list visa.* (1) A supplemental crew-list visa shall be obtained at the consular office at which the crew-list visa was issued or at the consular office nearest the vessel's subsequent place of call to cover any additional crewman signed on after the issuance of the crew-list visa unless such crewman is in possession of a valid individual entry document.

(2) If an additional crewman takes the place of another crewman whose name was previously included in the crew-list visa the substitution shall be indicated in the supplemental crew list presented for visaing.

REFUSAL AND REVOCATION OF NONIMMIGRANT VISAS

§ 41.130 Procedure in refusing individual visas.

(a) *Refusal procedure.* If a consular officer refuses a nonimmigrant visa before Form FS–257 is executed by the alien the pertinent data shall be inserted on the form with the reasons for the refusal and the form shall be filed in the consular office. An applicant's decision not to execute a formal visa application after being informed of a ground of ineligibility to receive a nonimmigrant visa shall be considered a refusal. An appropriate record shall be made in such a case as well as in a case in which refusal occurs after the formal application has been executed.

(b) *Review of refusals at consular offices.* The principal consular officer at a post or an alternate whom he may specifically designate may, on his own initiative, or shall, upon the request of the Department, review the case of an applicant who has been refused a visa. If the principal consular officer, or his alternate, does not concur in the refusal, he shall (1) refer the case to the Department for an advisory opinion, or (2) assume responsibility for the case himself.

(c) *Review of refusals by Department.* The Department may request a consular officer in an individual case or in specified classes of cases to submit a report if a nonimmigrant visa has been refused. The Department will review such reports and may furnish an advisory opinion to the consular officer for his assistance in giving further consideration to such cases. If upon the receipt of the Department's advisory opinion the consular officer contemplates taking action contrary to the advisory opinion, the case should be resubmitted to the Department with an explanation of the proposed action. Rulings of the Department concerning an interpretation of law, as distinguished from an application of the law to the facts, shall be binding upon consular officers.

(d) *Disposition of documents.* When refusing a nonimmigrant visa to an alien, the consular officer may return the original of all supporting documents furnished by the alien with his application. The duplicate of each document upon which the visa refusal is based and the duplicate of each document which indicated a possible ground of ineligibility to receive a visa whether or not related to the ground of refusal shall be retained at the consular office and filed with Form FS–290. Duplicates of other documents may be returned to the alien in the consular officer's discretion.

§ 41.132 Exclusion from and refusal of crew-list visas.

(a) *Exclusion from crew-list visa.* A consular officer who knows or has reason to believe that a crew list submitted for a visa contains the name of a person who is not a bona fide crewman, or who is otherwise ineligible to receive an individual visa as a crewman, shall issue the crew-list visa, excluding therefrom the name of any such crew member. In excluding a crewman's name from a crew-list visa, the consular officer shall place a notation below the visa stamp indicating the name of each crewman so excluded. A consular officer shall not strike a crewman's name from a crew list.

(b) *Refusal of crew-list visa.* When a crew-list visa is refused in any case, a full report shall be forwarded by the consular officer to the Department in sufficient time to be received before the arrival of the vessel or aircraft at a port of entry. In such a case the original of the crew list shall be returned to the master, commanding officer or authorized agent and the duplicate shall be filed in the consular office.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

§ 41.134 Revocation and invalidation of visas.

(a) *Revocation.* A consular officer is authorized to revoke ab initio a nonimmigrant visa under the following circumstances: (1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or (2) the consular officer obtaining information establishing that the alien was otherwise ineligible to receive the visa at the time of issuance.

(b) *Invalidation.* A consular officer is authorized to invalidate at any time a nonimmigrant visa in any case in which he finds that the alien has become ineligible for such visa. The invalidation shall terminate the validity of the visa on the date of such invalidation.

(c) *Procedure in revoking or invalidating visa.* (1) The bearer of a non-

immigrant visa which is being considered for revocation or invalidation shall, if practicable, be notified of the proposed action and given an opportunity to show cause why his visa should not be revoked or invalidated and shall be requested to present his travel document containing the visa. A nonimmigrant visa which is revoked or invalidated shall be cancelled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa. A visa may be revoked or invalidated regardless of the fact that the alien may be in the United States at the time such action is taken.

(2) Notice of revocation or invalidation shall be given to the master, commanding officer, agent, owner, charterer, or consignee, of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the visa has been cancelled as provided in subparagraph (1) of this paragraph.

(3) Notice of revocation or invalidation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Immigration and Naturalization Service. No such notice and report shall be required in the case of an invalidation if the visa has been cancelled prior to the alien's departure for the United States except in cases involving A, G, C–2, C–3, diplomatic or official visas. The consular office which issued the visa shall be notified of the revocation or invalidation thereof if such action was effected by any other consular office or by the Department.

(4) Upon the revocation or invalidation of a nonimmigrant visa, appropriate notation of the action taken, including a statement of the reason therefor, shall be made, and if the revocation or invalidation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

(Sec., 221, 66 Stat. 191; 8 U.S.C. 1201)

BORDER CROSSING IDENTIFICATION CARDS

§ 41.140 Nonresident aliens' border-crossing identification cards.

(a) *Aliens eligible to apply.* Under the conditions prescribed in this section, a consular officer may issue a border-crossing identification card, as that term is defined in section 101(a)(6) of the Act, to a nonimmigrant alien who satisfactorily establishes that (1) he is a citizen and resident of Canada or a British subject having his residence in Canada, or (2) he is a citizen and resident of Mexico; and (3) he is a bona fide nonimmigrant, and, if applying for a nonimmigrant visa, he would be eligible to receive such visa; (4) he cannot reasonably be expected to make application to the Immigration and Naturalization Service for such card because of his remote residence from the border or some other exceptional reason; and (5) he desires to enter the continental United States for a period or periods of not more than seventy-two hours each.

(b) *Nonresident aliens' Mexican border-crossing identification cards.* A Mexican citizen who is eligible to apply for a nonresident alien's border-crossing identification card under the provisions of paragraph (a) of this section shall make application on Form I–190 (Application for Nonresident Alien Mexican Border-Crossing Card) at a consular office in Mexico. The applicant shall appear in person, execute the application form in triplicate before a consular officer, and shall, except in the cases of children under the age of fourteen years, be fingerprinted on Form FD–258 (Applicant Card). Four identical photographs of the alien one and one-half inches square shall be submitted with the application. If the applicant is found to be a bona fide nonimmigrant and to be eligible in other respects to receive a boarder-crossing identification card, the consular officer shall prepare Form I–186 (Nonresident Alien Mexican Border Crossing Card). Except in the cases of students, a child under the age of fourteen years who is named in his parent's or guardian's passport or other document issued in lieu thereof, may, in the discretion of the consular officer, be exempted from filing a separate application for a nonresident alien's border-crossing identification card and from furnishing photographs if the name of such child is included in the Form I–186 which is issued to his parent or guardian. The original and duplicate of the executed Form I–190, together with Form I–186 and Form FD–258, shall be enclosed with three unattached photographs in a sealed envelope of appropriate size so as to eliminate folding of any of the forms, and handed to the applicant for delivery to an immigration officer at one of the following immigration offices: Nogales, Arizona; Calexico or San Yaidro, California; El Paso, Eagle Pass, Laredo, Hidalgo, or Brownsville, Texas. The Immigration and Naturalization Service will subsequently laminate the border-crossing identification card and deliver it to the applicant. The laminated card will have an indefinite period of validity.

(c) *Nonresident aliens' Canadian border-crossing identification cards.* A Canadian citizen or British subject having his residence in Canada who is eligible to apply for a nonresident alien's border-crossing identification card under the provisions of paragraph (a) of this section may make application at a consular office in Canada on Form I–175 (Application for Nonresident Alien Canadian Border Crossing Card) or on such other form as may be authorized by the Department. Four identical photographs of the alien one and one-half inches square shall be submitted with the application. The photograph requirement may, in the discretion of the consular officer be waived in the case of an alien under fourteen years of age at the time of issuance of the card. One photograph shall be attached to each copy of the application form and to the identification card if issued to the applicant. If the applicant is found to be a bona fide nonimmigrant and to be eligible in other respects to receive a border-crossing identification card, the consular officer shall issue such card to the applicant on Form I–185 (Nonresident Alien Canadian Border Crossing Card), or on such other form as may be authorized by the Department, attaching thereto the original of the application form, duly executed, for delivery to an immigration officer at the time of the alien's application for admission into the United States.

(d) *Supporting documents.* Every alien applying for a border-crossing identification card shall furnish to the consular officer, with his application, certified copies of such documents as may be required under the provisions of § 41.111.

(e) *Withdrawal of nonresident aliens' border-crossing identification cards.* (1) A nonresident alien's border-crossing identification card shall be withdrawn if (i) it was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or by other unlawful means, (ii) it is found in the possession of an alien other than the rightful holder, (iii) improper use is being made of the card, (iv) a ground of ineligibility to receive a nonresident alien's border-crossing card is established, or (v) an immigrant visa is issued to the bearer of such a card.

(2) When a Mexican border-crossing identification card is withdrawn, the consular officer shall transmit a Form I–190 showing the reasons for his action to the immigration office at which the alien originally received his laminated border-crossing identification card, except where invalidation of the card is due to issuance of an immigrant visa to the holder of the card. In the case of a Canadian border-crossing identification card, the consular officer shall submit a report of the reasons for withdrawal to the Department.

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101).

ENTRY INTO AREAS UNDER UNITED STATES ADMINISTRATION

§ 41.145 Aliens entering areas under United States administration not included in section 101(a)(38) of the Act.

An alien seeking to enter an area which is under United States administration but which is not within the "United States", as defined in section 101(a)(38) of the Act, is not required to be documented by a consular officer unless the authority contained in section 215 of the Act has been invoked. The requirements for entry into such area are prescribed by the United States governmental authority having jurisdiction over the area.

Effective date. The regulations contained in this order shall become effective January 1, 1960.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 283; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: August 12, 1959.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 59–6805; Filed, Aug. 17, 1959; 8:46 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 105—ALASKA PENINSULA AREA

Discontinuance of Weekly Closed Fishing Period

Basis and purpose. Ample red salmon escapement into Bear River is now assured and the red salmon run is virtually over. With the presently reduced amount of fishing gear in use it has been determined that the extension to the weekly closed period presently in effect at Bear River is no longer needed.

Therefore § 105.9 is amended by deleting paragraph (a) effective August 17, 1959.

Since immediate action is necessary in order to realize the full benefits of this relaxation in existing regulations, notice and public procedure on this amendment are not in the public interest and it shall become effective on the date set forth above, after filing at the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: August 14, 1959.

DONALD L. MCKERNAN,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59–6889; Filed, Aug. 14, 1959; 4:57 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED FRUITS FOR SALAD [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Fruits for Salad pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than November 1, 1959.

The proposed revision is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.3831 Product description.
52.3832 Grades of canned fruits for salad.

PROPORTIONS AND FORMS OF FRUIT

52.3833 Proportions and forms of fruit.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

Sec.
52.3834 Liquid media and Brix measurements for canned fruits for salad.
52.3835 Recommended fill of container for canned fruits for salad.
52.3836 Recommended minimum drained weights for canned fruits for salad.
52.3837 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.3838 Ascertaining the grade.
52.3839 Ascertaining the rating for the factors which are scored.
52.3840 Color.
52.3841 Uniformity of count and size.
52.3842 Absence of defects.
52.3843 Character.

LOT INSPECTION AND CERTIFICATION

52.3844 Ascertaining the grade of a lot.

SCORE SHEET

52.3845 Score sheet for canned fruits for salad.

AUTHORITY: §§ 52.3831 to 52.3845 issued under secs. 202–208 60 Stat. 1037, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.3831 Product description.

"Canned fruits for salad" (or "canned salad fruits" or "canned fruit salad") is the product consisting of units of properly prepared apricots, yellow clingstone peaches, pears, pineapple, cherries and/or grapes in the forms (or styles), proportions, and minimum counts specified in Table I of this subpart. The product is packed in a suitable liquid medium with or without the addition of nutritive sweetening ingredients, artificial sweetening ingredients, or other ingredients permissible under the Federal Food, Drug, and Cosmetic Act, and is processed by heat to assure preservation of the product in hermetically-sealed containers.

§ 52.3832 Grades of canned fruits for salad.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned fruits for salad in which each fruit ingredient possesses similar varietal characteristics; in which the fruit ingredients possess a good color, are practically uniform in count and size, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned fruits for salad in which each fruit ingredient possesses similar varietal characteristics; in which the fruit ingredients possess a reasonably good color, may be irregular in count but are fairly uniform in size, are reasonably free from defects, possess a reasonably good character, possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned fruits for salad that fail to meet the requirements of U.S. Grade B.

PROPORTIONS AND FORMS OF FRUIT

§ 52.3833 Proportion and forms of fruits.

Canned fruits for salad shall consist of the kinds of fruits in the forms (styles) and proportions as specified in Table I of this subpart.

TABLE I

Fruit and forms (or styles)	Proportion [1]	
Apricots: Unpeeled quarters; or unpeeled halves; or peeled quarters; or peeled halves.	Not less than 15%.	Not more than 30%.
Yellow clingstone peaches: Peeled quarters; or peeled slices.	Not less than 23%.	Not more than 46%.
Pears: Peeled quarters; or peeled slices.	Not less than 19%.	Not more than 38%.
Pineapple, wedge-shaped segments from slices.	Not less than 8%.	Not more than 16%.
Cherries, whole: Artificially colored red; or artificially colored red and artificially flavored.	Not less than 3%.	Not more than 8%.
Grapes, whole: natural, seedless.	Not less than 6%.	Not more than 12%.

[1] Percentages of each fruit based on the average drained weight from the containers examined: *Provided*, That the variability is within the range of good commercial practice.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.3834 Liquid media and Brix measurements for canned fruits for salad.

"Cut-out" requirements for liquid media in canned fruits for salad are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as

applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy fruit juice sirup".	22° or more but less than 35°.
"Heavy sirup" or "Heavy fruit juice sirup".	18° or more but less than 22°.
"Light sirup" or "Light fruit juice sirup".	14° or more but less than 18°.
"In water"	No requirement.
"In fruit juice"	No requirement.

§ 52.3835 Recommended fill of container for canned fruits for salad.

The recommended fill of container for canned fruits for salad is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of the fruit ingredients as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.3836 Recommended minimum drained weights for canned fruits for salad.

(a) *General.* The minimum drained weight recommendations in Table II of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned fruits for salad is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and fruits less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.3837 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned fruits for salad is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED FRUITS FOR SALAD

Container designations (metal, unless otherwise stated)	Container size-over-all dimensions		In any liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z Tall	2 1/16	3 4/16	5.2
8 oz. glass			5.2
No. 300	3	4 7/16	9.0
No. 1 tall	3 1/16	4 1 1/16	10.0
No. 303	3 3/16	4 1/16	10.0
No. 303 glass			10.0
No. 2	3 7/16	4 6/16	12.5
No. 2½	4 1/16	4 1 1/16	18.0
No. 2½ glass			18.0
No. 10	6 3/16	7	64.5

FACTORS OF QUALITY

§ 52.3838 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Varietal characteristics; (ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of count and size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(b) *Definition of flavor and odor*—(1) *Good flavor and odor.* "Good flavor and odor" means a distinctive flavor for each individual fruit ingredient and characteristic of canned fruits for salad that have been properly prepared and processed and that the product is free from objectionable flavors and objectionable odors of any kind.

(2) *Normal flavor and odor.* "Normal flavor and odor" means that the individual fruits or the product may lack slightly in good flavor and odor but that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3839 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means "17, 18, 19, or 20 points").

§ 52.3840 Color.

(a) (*A*) *classification.* Canned fruits for salad that possess a good color may be given a score of 17 to 20 points. "Good color" means that each fruit ingredient possesses a reasonably uniform typical color that is bright and characteristic of at least reasonably well-matured (or ripened) fruit that has been properly prepared and processed; that not more than 10 percent, by count, of all the units may possess a fairly good color; that the fruit ingredients may be no more than slightly affected by pink staining; and that none of the fruit ingredients are dull or off color for reasons other than being slightly affected by pink staining.

(b) (*B*) *classification.* If the canned fruits for salad possess a reasonably good color, a score of 14 to 16 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that each fruit ingredient possesses a fairly uniform typical color that is characteristic of at least fairly well-matured (or ripened) fruit that has been properly prepared and processed; that not more than 10 percent, by count, of all the units may fail such reasonably good color or may be dull in color; and that the fruit ingredients may be more than slightly affected by pink staining but not to the extent that the appearance is materially affected by this cause but none of the fruit ingredients may be off color for reasons other than staining or dullness within these limits.

(c) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3841 Uniformity of count and size.

(a) (*A*) *classification.* Canned fruits for salad that are practically uniform in count and size may be given a score of 17 to 20 points.

(1) "Practically uniform in count" means:

(i) When quarters of peaches and/or quarters of pears are present; and excluding the count of grapes if present:

8 oz. cans or glass.	No less than 2 units of each fruit, including apricots in halved style.
No. 1 Tall, No. 300 cans, No. 303 cans or glass.	No less than 4 units of each fruit, including apricots in halved style.
No. 2½ cans or glass.	No less than 6 units of each fruit, including apricots in halved style.
No. 10 cans.	No less than 20 units each of 3 or more fruits, including apricots in halved style.

(ii) When quarters of apricots, slices of peaches, and/or slices of pears are present; and excluding the count of grapes if present; and excluding the count of such quarters of apricots or slices of peaches or pears, as the case may be:

8 oz. cans or glass.	No less than 2 units each of the fruits other than the quartered apricots or sliced peaches or pears.
No. 1 Tall, No. 300 cans, No. 303 cans or glass.	No less than 4 units each of the fruits other than the quartered apricots or sliced peaches or pears.
No. 2½ cans or glass.	No less than 5 units each of the fruits other than the quartered apricots or sliced peaches or pears.
No. 10 cans.	No less than 20 units each of 3 or more fruits other than the quartered apricots or sliced peaches or pears.

(2) "Practically uniform in size" means with respect to the individual fruits within each container; and excluding cherries or grapes that may be present:

(i) *Apricots.* Halves or quarters are very symmetrical; and the weight of the largest full-size half does not exceed the weight of the smallest full-size half by more than 75 percent.

(ii) *Pears or peaches (quarters).* Quarters are very symmetrical; the weight of the largest full-size quarter does not exceed the weight of the smallest full-size quarter by more than 60 percent.

(iii) *Peaches (slices).* Not more than 5 percent, by count, of the units may be partial slices, slivers, and slabs; and any variation in the size and symmetry of normal slices does not affect more than slightly the appearance of the product.

(iv) *Pears (slices).* Not more than 10 percent, by count, of the units may vary noticeably from the uniform shape of slices.

(v) *Pineapple (wedges).* Not more than a total of 10 percent, by count, of the units may vary noticeably in measurement of the outside arc of the wedges, may be less than 5/16 inch or more than ½ inch in thickness, and may be less than 1 1/16 inch or more than 1¼ inches in length.

(b) (*B*) *classification.* If the canned fruits for salad are irregular in count and fairly uniform in size, a score of 14 to 16 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(1) "Irregular in count" means that the canned fruits for salad (within the container) fail to meet the applicable count requirements of the (A) classification (paragraph (a) of this section).

(2) "Fairly uniform in size" means with respect to the individual fruits within each container; and excluding cherries or grapes that may be present:

(i) *Apricots.* Units may vary in size and thickness; the weight of the largest full-size half may be not more than twice the weight of the smallest full-size half.

(ii) *Pears or peaches (quarters).* Quarters may vary in size and thickness; the weight of the largest full-size quarter may be not more than twice the weight of the smallest full-size quarter.

(iii) *Peaches (slices).* Not more than 20 percent, by count, of the units may be partial slices, slivers, and slabs; and the balance of normal slices may vary noticeably in size and thickness.

(iv) *Pears (slices).* Not more than 20 percent, by count, of the units may vary noticeably from the uniform shape of slices.

(v) *Pineapple (wedges).* Not more than a total of 15 percent, by count, of the units may vary noticeably in measurement of the outside arc of the wedges, may be less than 5/16 inch or more than ½ inch in thickness, and may be less than 1 1/16 inch or more than 1¼ inches in length.

(c) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (b) of this section with respect to uniformity of size may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3842 Absence of defects.

(a) *General.* The factor of defects refers to loose or attached peel from peaches or pears or when peeled apricots are present; blemishes typical for each fruit ingredient; and other defects not specifically mentioned (such as, but not limited to, harmless extraneous material, main stems or portions thereof, capstems from or on grapes, pit or core material, broken or severed units, excessive trimming) that affect the appearance or edibility of the product.

(b) *Definition of blemishes.* For the purposes of the standards in this subpart, blemishes (or blemished or blemished unit) for the respective fruit ingredient are as follows:

(1) *Apricot*—(i) *Minor blemishes.* "Minor blemishes" in unpeeled style include "freckles" and also mean:

(*a*) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle ⅛ inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter; or

(*b*) Single dark brown surface areas that do not exceed the area of a circle ⅛ inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle ⅛ inch in diameter and which do not affect materially the appearance of the unit are not considered "blemished."

(ii) *Serious blemishes.* "Serious blemishes" include units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(*a*) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle ¼ inch in diameter;

(*b*) Blemishes that extend into the fruit tissue regardless of area of depth;

(*c*) Single dark brown surface areas in unpeeled styles that exceed the area of a circle ⅛ inch in diameter, whether or not the unit is affected by minor blemishes; or

(*d*) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(2) *Peach*—(i) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality which affects materially the appearance or edibility of the unit.

(ii) *Seriously blemished.* "Seriously blemished" or "seriously blemished units" means units that are blemished to the extent that the appearance or edibility of the unit is seriously affected.

(3) *Pear*—(i) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality covering an aggregate area exceeding the area of a circle ¼ inch in diameter. Units with black or very dark spots or any other damage which materially affect the appearance or edibility of the product are considered as "blemished," regardless of the area of the injury.

(ii) *Seriously blemished.* "Seriously blemished" or "seriously blemished units" means units that are blemished to the extent that the appearance or edibility of the unit is seriously affected.

(4) *Pineapple*—(i) *Blemished.* (*a*) "Blemishes" include:

(*1*) Any of the following, if in excess of 1/16 inch in the longest dimension on the exposed surface of the unit; eyes, pieces of shell, brown spots.

(*2*) Deep fruit eyes.

(*3*) Bruised portions.

(*4*) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(*b*) Serious blemishes: "Serious blemishes" means that the blemish seriously affects the appearance or edibility of the unit.

(c) (*A*) *classification.* Canned fruits for salad that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" in canned fruits for salad means:

(1) Not more than ¼ square inch of peel, on an average, per pound of total contents may be present;

(2) Not more than a total of 10 percent, by count, of all the fruit units may be blemished and seriously blemished: *Provided*, That not more than 5 percent, by count, may be seriously blemished; and

(3) The presence of blemished and seriously blemished units, peel, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) (*B*) *classification.* If the canned fruits for salad are reasonably free from defects, a score of 21 to 25 points may be given. Canned fruits for salad that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" in canned fruits for salad means:

(1) Not more than ½ square inch of peel, on an average, per pound of total contents may be present;

(2) Not more than a total of 20 percent, by count, of all the fruit units may be blemished and seriously blemished: *Provided*, That not more than 10 percent, by count, may be seriously blemished; and

(3) The presence of blemished and seriously blemished units, peel, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3843 Character.

(a) *General.* The factor of character, as may be applicable to the respective

fruit ingredient, refers to the degree of ripeness, the texture and condition of the flesh, the firmness, the tenderness, and the tendency of the units to retain their apparent original conformation and size without material disintegration.

(b) (*A*) *classification.* Canned fruits for salad that posses a good character may be given a score of 25 to 30 points. "Good character" means that not more than 10 percent, by count, of the total number of apricot, peach, pear, and pineapple ingredients may fail to comply with the following requirements for the individual fruit ingredient, and that the cherries, or grapes if present, are reasonably firm and retain their apparent original conformation:

(1) *Apricot.* The units possess a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; and the units may be soft to slightly firm or slightly ragged but are not mushy.

(2) *Peach.* The units possess a texture typical of mature, properly ripened, properly prepared, and properly processed canned clingstone peaches; the texture is reasonably fleshy, and the units are reasonably tender or the tenderness may be variable within the unit; and the units are reasonably intact with not more than slightly frayed edges and may be slightly firm or slightly soft but are not mushy.

(3) *Pear.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; and the units may be slightly firm or slightly ragged with slightly frayed edges or slightly soft but are not mushy.

(4) *Pineapple.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, and the units are reasonably free from porosity.

(c) (*B*) *classification.* If the canned fruits for salad possess a reasonably good character, a score of 21 to 24 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not more than 10 percent, by count, of the total number of apricot, peach, pear, and pineapple ingredients may fail to comply with the following requirements for the individual fruit ingredient, and that the cherries, or grapes if present, may be only fairly firm: *Provided,* That the appearance or edibility of the product is not affected materially by such units:

(1) *Apricot.* The units possess a texture of properly processed apricots which may be variable but the texture is fairly fleshy and the units are intact; the units may be lacking uniformity of tenderness but are not so firm as to be "not tender"; and the units may be markedly ragged with frayed edges or may be very soft but are not mushy.

(2) *Peach.* The units possess a texture typical of mature, properly prepared, and properly processed canned clingstone peaches which may be variable but the texture is fairly fleshy; the units may be lacking uniformity of tenderness but are not so firm as to be "not tender"; and the units may be frayed but not excessively frayed or may be soft but are not mushy.

(3) *Pear.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; and the units may be lacking uniformity of tenderness and may be markedly firm but are not so firm as to be "not tender";

(4) *Pineapple.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, and the units are fairly free from porosity.

(d) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3844 Ascertaining the grade of a lot.

The grade of a lot of canned fruits for salad covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§ 52.1 through § 52.87 of this title).

SCORE SHEET

§ 52.3845 Score sheet for canned fruits for salad.

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Brix measurement	
Sirup designation (extra heavy, heavy, etc.)	

Proportions of fruit ingredients:

	Average		Count ranges	Styles
Apricot	...ozs.	...%	... to ...	
Peach	...ozs.	...%	... to ...	
Pear	...ozs.	...%	... to ...	
Pineapple	...ozs.	...%	... to ...	
Cherry	...ozs.	...%	... to ...	
Grape	...ozs.	...%	... to ...	
Total	...ozs.	100%	... to ...	

Factors		Score points		
Color		20	(A)	17–20
			(B)	[1] 14–16
			(SStd)	[1] 0–13
Uniformity of count and size.	C	20	(A)	17–20
	C		(B)	[1] 14–16
			(SStd)	[1] 0–13
Absence of defects		30	(A)	26–30
			(B)	[1] 21–25
			(SStd)	[1] 0–20
Character		30	(A)	25–30
			(B)	[1] 21–24
			(SStd)	[1] 0–20
Total score		100		

Flavor and odor ( ) Good; ( ) Normal; ( ) Off.	
Grade	

[1] Indicates limiting rule.

Dated: August 13, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6807; Filed, Aug. 17, 1959; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 19]

TEMPORARY RULES RELATING TO ACCOUNTING METHODS OF LIFE INSURANCE COMPANIES, CHARITABLE DEDUCTIONS, ETC.

Notice of Hearing on Proposed Regulations

Proposed temporary rules under subchapter L of chapter 1 of the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959, relating to accounting methods, charitable deductions etc., were published in the FEDERAL REGISTER for Saturday, August 15, 1959.

A public hearing on the proposed regulations will be held on Thursday, September 3, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by August 31, 1959.

MAURICE LEWIS,
Director, Technical Planning
Division, Internal Revenue Service.

[F.R. Doc. 59-6832; Filed, Aug. 17, 1959; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Ethion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 1 part per million for residues of ethion (O,O,O',O'-tetraethyl S,S'-methylene bisphosphorodithioate) in or on beans, grapes, melons, onions, pears, strawberries, and tomatoes.

The analytical methods proposed in the petition for determining residues of ethion are as follows:

A. *Colorimetric method.* Ethion is extracted from plant tissues with hexane. To determine ethion in the presence of other cholinesterase-inhibiting compounds the extracted residue is treated with mercuric chloride, then with dilute sodium hydroxide, followed by a second more concentrated and extended sodium hydroxide treatment. The extract is then concentrated by evaporation and hydrolyzed in ethanolic sodium hydroxide. The diethyl phosphorodithioic acid so formed is determined spectrophotometrically as its complex copper salt, absorbing at 418 mμ. The method is based on the Norris-Vail-Averall method for malathion.

1. Norris, M. V., Vail, W. A., and Averell, P. R., Journal of Agricultural and Food Chemistry, Volume II, page 570 (1954).
2. Dunn, C. L., ibid., Volume VI, page 203 (1958).

B. *Enzymatic method.* Ethion is extracted from plant surfaces or mocerated plant tissues with hexane. An aliquot of the extract is evaporated to dryness. The residue is suspended in water and oxidized by treatment with dilute bromine water. The oxidized derivative so formed is a highly active inhibitor (in vitro) of cholinesterase. Measurement of the degree of inhibition of enzyme is accomplished by colorimetric determination of acetylcholine, according to the methods of Cook (1) and Fallscheer and Cook (2).

1. Cook, J. W., Journal of the Association of Official Agricultural Chemists, Volume 37, pages 561–564 (1954).
2. Fallscheer, H.O., and Cook, J. W., ibid, Volume 39, pages 691–697 (1956).

Dated August 11, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological
And Physical Sciences.

[F.R. Doc. 59-6811; Filed, Aug. 17, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 5, Rev.]

EMERGENCY ORDER OF SUCCESSION AND DELEGATION AUTHORITY

1. By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below and on a document filed at the Internal Revenue Service emergency relocation site are hereby authorized, in the event of an enemy attack on the continental United States, and the disability of the Commissioner, his absence from the emergency relocation site, or if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner.
Assistant Commissioner (Operations).
Assistant Commissioner (Technical).
Assistant Commissioner (Inspection).
Assistant Commissioner (Planning and Research).
Administrative Assistant to the Commissioner.

If none of these officials are available, the first available Regional Commissioner, in the order listed in the document on file at the emergency relocation site, will become Acting Commissioner.

Immediately in the event of an attack on the United States, each Regional Commissioner shall communicate as quickly as possible with the emergency National Office at the relocation site and advise the official in charge of his availability to assume the position of Acting Commissioner. After the lapse of a reasonable time for receipt of communications from the Regional Commissioners, the official in charge of the emergency National Office will advise the available Regional Commissioner highest in the order of succession to report to the emergency National Office at the relocation site to become Acting Commissioner.

If no Regional Commissioner is available, a District Director will become Acting Commissioner in the order indicated in the above-mentioned document on file at the emergency relocation site. District Directors need not contact the emergency National Office.

2. There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, upon the event of an enemy attack on the continental United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasury as is necessary to insure the continuous performance of Internal Revenue Service functions by those officials in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received that it has been terminated.

Order No. 5 published at 20 F.R. 4227 is superseded.

Date of issue: July 27, 1959.

Effective date: July 27, 1959.

[SEAL] DANA LATHAM,
Commissioner.

[F.R. Doc. 59-6831; Filed, Aug. 17, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 212; Classification 68]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 440.62 acres in Yavapai County, Arizona, as suitable for lease and/or sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 2 W.,
Sec. 11:
Lots 1 to 10, inclusive;
Lots 15 and 16;
containing 440.62 acres, of which 165 acres are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279–284), as amended.

4. All valid applications filed prior to March 5, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

Dated: August 10, 1959.

E. I. ROWLAND,
State Supervisor.

[F.R. Doc. 59-6803; Filed, Aug. 17, 1959; 8:46 a.m.]

Office of the Secretary.

WALTER BRENTON

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Walter Brenton.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 15.

The name of the appointee's private employer or employers. Portland General Electric Company, Portland, Oregon.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 15, Office of the Assistant Secretary for Water and Power Development, Department of the Interior, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

I am a paid employe of the Portland General Electric Company, 621 S.W. Alder Street, Portland 5, Oregon; own stock in same and have a financial interest in its retirement plan.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WALTER BRENTON.

JULY 21, 1959.

[F.R. Doc. 59-6816; Filed, Aug. 17, 1959; 8:48 a.m.]

RALPH W. FACKLER

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Ralph W. Fackler.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 7.

The name of the appointee's private employer or employers. Indiana & Michigan Electric Company, Fort Wayne, Indiana.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 7, Office of Assistant Secretary—Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Electric Power Co.
Explorers Investment Club holding following:
Midwestern United Life Insurance.
Georgia Power Corp.
National Homes "A".
Monsanto Chemical.
Presidential Life Insurance Co.
Pubco Petroleum.
Sperry Rand Corp.
Monogram Precision Industries.
Studebaker Corp.
The First National Bank of Fremont.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

RALPH N. FACKLER.

JULY 20, 1959.

[F.R. Doc. 59-6817; Filed, Aug. 17, 1959; 8:48 a.m.]

LESTER R. GAMBLE

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Lester R. Gamble.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointees' position. Alternate Deputy Director, Defense Electric Power Area 15.

The name of the appointee's private employer or employers. Self-employed—Consulting Electric Engineer, Economic studies involving transmission of electric energy, Spokane, Washington.

The statement of "financial interests" for the above appointee is set forth below:

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 15, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

The Washington Water Power Co.
The Montana Power Co.
Composite Fund.
Dividend Shares.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

LESTER R. GAMBLE.

JULY 29, 1959.

[F.R. Doc. 59-6818; Filed, Aug. 17, 1959; 8:48 a.m.]

FRANK W. GRIFFITH

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Frank W. Griffith.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Director, Defense Electric Power Area 15.

The name of the appointee's private employer or employers. City of Tacoma, Department of Public Utilities, Tacoma, Washington.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Director, Defense Electric Power, Area 15, Department of the Interior, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Centennial Investors, Inc.—Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Iowa Public Service Co.
Massachusetts Investors Trust.
Boston Fund.
Television Electronics Fund.
Sundance Petroleum and Uranium Corp.
Sears, Roebuck and Co.
General Motors Corp.
Northern Natural Gas Co.
Massachusetts Growth Fund.

General Electric Co.
Sioux City Dressed Beef Inc.
Babcock and Wilcox Co.
Iowa-Illinois Gas and Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

FRANK W. GRIFFITH.

JULY 27, 1959.

[F.R. Doc. 59-6819; Filed, Aug. 17, 1959; 8:49 a.m.]

VIVAN B. JONES

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Vivan B. Jones.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Director, Defense Electric Power Area 16.

The name of the appointee's private employer or employers. Arizona Public Service Company, Phoenix, Arizona.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 16, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Arizona Public Service Co.
Dividend Shares.
One Williams Street.
Arden Farms.
Ducommen Metal.
U.S. Savings Bonds Series E.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

VIVAN B. JONES.

JULY 21, 1959.

[F.R. Doc. 59-6820; Filed, Aug. 17, 1959; 8:49 a.m.]

MAX R. LLEWELLYN

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Max R. Llewellyn.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 16.

The name of the appointee's private employer or employers. Arizona Public Service Company, Phoenix, Arizona.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 16, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Arizona Public Service Co.
Dividend Shares.
One Williams Street.
Arden Farms.
Ducommen Metal.
U.S. Savings Bonds Series E.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

MAX R. LLEWELLYN.

JULY 28, 1959.

[F.R. Doc. 59-6821; Filed, Aug. 17, 1959; 8:49 a.m.]

JOHN P. MADGETT

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. John P. Madgett.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 11.

The name of the appointee's private employer or employers. Dairyland Power Cooperative, La Crosse, Wisconsin.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 11, Office of the Assistant Secretary for Water and Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Marietta.
Columbia Gas.
Foremost Dairies.
General Merchandise.
Helene Curtis.
One William Street.
Peabody Coal Co.
Texas Gas Transmission.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JOHN P. MADGETT.

AUGUST 4, 1959.

[F.R. Doc. 59-6822; Filed, Aug. 17, 1959; 8:49 a.m.]

GORDON S. MEYRICK

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Gordon S. Meyrick.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 9.

The name of the appointee's private employer or employers. Wisconsin Public Service Corporation, Green Bay, Wisconsin.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment on July 17, 1959, as Alternate Deputy Director, Department of the Interior, Office of the Assistant Secretary for Water and Power Development, an officer or director:

Wisconsin Public Service Corp.
Wisconsin River Power Co.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Wisconsin Public Service Corp.
H. M. Byllesby Co.
International Educational Pub. Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

G. S. MEYRICK.

AUGUST 10, 1959.

[F.R. Doc. 59-6823; Filed, Aug. 17, 1959; 8:49 a.m.]

STANLEY J. SICKEL

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Stanley J. Sickel.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 12.

The name of the appointee's private employer or employers: Kansas Gas and Electric Company, Wichita 1, Kansas.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Alternate Deputy Director, Defense Electric Power Area 4, an officer or director:

Kansas Gas and Electric Co.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Kansas Gas and Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

S. J. SICKEL.

JULY 20, 1959.

[F.R. Doc. 59-6824; Filed, Aug. 17, 1959; 8:49 a.m.]

WILLARD B. SIMONDS

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Willard B. Simonds.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Alternate Deputy Director, Defense Electric Power Area 4.

The name of the appointee's private employer or employers. Florida Power Corporation, St. Petersburg, Florida.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, DEPA 16, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Bank of America.
San Diego Gas & Electric Co.
Massachusetts Investors Trust.
Pacific Gas & Electric Co.
Glen Alden Corp.
Carnation Company.
Carnaco Equipment Co.
Eastern Texas Transmission Co.
As a partner in the "Big Bayou Investment Club" I own a 1/15 interest in small lots of:
American Molasses.
Equity Corp.
The Houston Corp.
Montgomery-Ward.
New England Electric System.
Winn-Dixie Stores, Inc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

Big Bayou Investment Club.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WILLARD B. SIMONDS.

AUGUST 11, 1959.

[F.R. Doc. 59-6825; Filed, Aug. 17, 1959; 8:49 a.m.]

JOSEPH F. SINNOTT

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Joseph F. Sinnott.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 16.

The name of the appointee's private employer or employers. San Diego Gas & Electric Company, San Diego, California.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, DEPA 16, Office of the Assistant Secretary for Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Bank of America.
San Diego Gas & Electric Co.
Massachusetts Investors Trust.
Pacific Gas & Electric Co.
Glen Alden Corp.
Carnation Company.
Carnaco Equipment Co.
Eastern Texas Transmission Co.
Miscellaneous Real Estate.
Corn Products Refining Co.
Standard Factors Inc.
Colgate Palmolive Peet Co.
Straus Duparquet Co.
Pasadena Municipal Bond.
American Sugar Refining Co.
Toledo Edison Co.
El Paso Natural Gas Co.
Bank Deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

JOSEPH F. SINNOTT.

AUGUST 5, 1959.

[F.R. Doc. 59-6826; Filed, Aug. 17, 1959; 8:49 a.m.]

STANLEY C. TOWNSEND

Appointee's Statement of Financial Interests

JULY, 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Stanley C. Townsend.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 3.

The name of the appointee's private employer or employers. Pennsylvania Power & Light Company, Allentown, Pennsylvania.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power, Area 3, Office of Assistant Secretary—Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Can Co.
Botany Industries, Inc.
California Packing Co.
Franklin National Bank of Long Island.
Garrett Corp.
W. R. Grace & Co.

Grand Union Co.
Lone Star Steel Co.
Minute Maid Corp.
Missouri Pacific R.R. Co.
Pennsylvania Power & Light Co.
R. J. Reynolds Tobacco Co.
Standard Oil Co. of N.J.
Sun-ray Mid Continent Oil Co.
Ventures, Ltd.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

STANLEY C. TOWNSEND.

JULY 20, 1959.

[F.R. Doc. 59-6827; Filed, Aug. 17, 1959; 8:49 a.m.]

WILFORD D. WILDER

Appointee's Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Wilford D. Wilder.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 2.

The name of the appointee's private employer or employers. Niagara Mohawk Power Corporation, Syracuse, New York.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 17, 1959, as Deputy Director, Defense Electric Power Area 2, Office of Assistant Secretary—Water and Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

W. D. WILDER.

AUGUST 3, 1959.

[F.R. Doc. 59-6828; Filed, Aug. 17, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CERTAIN OCEAN FREIGHT FORWARDERS

Proposed Cancellation of Registration

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 6th day of August 1959, the Board entered the following order:

Whereas, the following persons, firms, and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

Name and Address, Reg. No. and Date Issued

App Shipping Company (William S. App, dba), 206 International Trade Mart, New Orleans 12, La.; 2123; March 15, 1957.

Ben Bowdish, 4131½ Piedmont Avenue, Oakland 11, Calif.; 2074; November 21, 1956.

Herbert Milgrim, 2037 East 36th Street, Brooklyn 34, N.Y.; 1994; March 15, 1956.

Carl O. Otterberg, 149 California Street, San Francisco, Calif.; 1827; January 28, 1955.

Sebastian Rodriguez, 8–10 Bridge Street, New York 4, N.Y.; 1891; July 8, 1955.

Tidewater Grain Co., 301 The Bourse, Philadelphia, Pa.; 1316; May 22, 1951.

Transair Forwarding Corporation, 26 Broadway, New York, N.Y.; 2093; January 16, 1957.

Venezuela Freight Expediters, 110 Biscayne Boulevard, Miami, 32, Fla.; 1925; September 27, 1955.

Whereas, the Regulation Office of the Federal Maritime Board has, by registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72; and

Whereas, each of these registrants has failed to respond to such requests for information, now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their registrations should not be canceled for the reasons above stated, and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify the registrant by letter to be sent by registered mail to the last known address of the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: August 13, 1959.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-6830; Filed, Aug. 17, 1959; 8:50 a.m.]

Office of the Secretary

CARL O. FRIEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1959.

CARL O. FRIEND.

AUGUST 1, 1959.

[F.R. Doc. 59-6810; Filed, Aug. 17, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-21]

ELECTRO CHEMICAL LABORATORIES CORP.

Notice of Hearing on Application for Waste Disposal License

By application dated December 29, 1958 the Electro Chemical Laboratories Corporation, hereinafter referred to as the "respondent," applied to the Commission for a license authorizing it to receive, possess and package waste by-product material without limitation as to total quantity and to dispose of such byproduct material by burial in the soil at sites located in Osage and Tulsa Counties, Oklahoma, and at a site in Kansas. Pursuant to the Commission's rules of practice (10 CFR Part 2) a notice of proposed denial of the application was issued on July 7, 1959 which provided that a hearing in the matter would be held upon the request by the respondent within 15 days following the receipt of the notice. By a letter dated July 20, 1959 the respondent requested a formal hearing in the matter.

Pursuant to the Atomic Energy Act of 1954, as amended, and to the regulations in Part 2 and 10 CFR Part 30, notice is hereby given that a hearing will be held on September 15, 1959 at 10:00 o'clock a.m. at the Commission's headquarters in Germantown, Maryland.

Samuel W. Jensch, Esq. will be the presiding officer.

SPECIFICATION OF ISSUES

The matters to be considered at the hearing are:

(A) Whether the applicant has demonstrated that it can guarantee the maintenance and control of the proposed burial sites in Oklahoma and Kansas for the sufficiently long period of time essential to protect health and minimize danger to life and property because of the types and levels of radioactivity of the materials and the long half-life of certain waste materials proposed to be buried.

(B) Whether the applicant's application is sufficient to permit the Commission to determine that the proposed disposal operations would not result in an undue hazard to life or property, including but not limited to considerations of the following factors:

1. Geohydrological characteristics including but not limited to:

(a) Ground and surface waters and the utilization thereof;

(b) Underground strata of the three sites, including type and thickness, and the possible occurrence of solution cavities.

2. Description of proposed burial vaults, including size, construction details, and the resistance of such vaults to environment and to the materials contained therein.

3. Burial procedures, including depths, amount of radioactivity to be contained in each vault, chemical and physical form of such material and means for securing the vaults from unauthorized opening or removal.

4. Procedures to be followed for processing the material received for burial, including the procedures for transporting, receiving and handling.

5. Surveying for radioactivity.

6. Maintaining records of all radioactive material processed and buried at each proposed site.

7. Complete description of each site, including ownership, specific burial areas in each, and the industrial, commercial, agricultural, or other utilization of the surrounding areas.

(C) Whether the issuance of a by-product material license to the applicant would be inimical to the health and safety of the public.

Answer to this notice shall be served and filed by the respondent pursuant to § 2.736, Part 2, on or before August 31, 1959.

Any person whose interest may be affected by this proceeding may file and serve a petition to intervene pursuant to § 2.705 of the rules of practice, Part 2, on or before August 31, 1959, or at such other time as may be established by the Presiding Officer.

Papers required to be filed with the Commission in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated August 11, 1959, Germantown, Md.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6797; Filed, Aug. 17, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13062, 13063; FCC 59M-1039]

CHE BROADCASTING CO. (NSL) AND B & M BROADCASTERS, INC. (KLOS)

Notice of Prehearing Conference

In re applications of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; B & M Broadcasters, Inc., (KLOS), Albuquerque, New Mexico, Docket No. 13063, File No. BP-12878; for construction permits.

A prehearing conference will be held Tuesday, September 8, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 12, 1959.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6836; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket Nos. 13062, 13063; FCC 59M-1026]

CHE BROADCASTING CO. (NSL) AND B & M BROADCASTERS, INC. (KLOS)

Order Scheduling Hearing

In re applications of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; B & M Broadcasters, Inc. (KLOS), Albuquerque, New Mexico, Docket No. 13063, File No. BP-12878; for construction permits.

It is ordered, This 10th day of August 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 13, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6837; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13055; FCC 59M-1030]

CHARLOTTE RADIO & TELEVISION CORP. (WGIV)

Order Scheduling Hearing

In re application of Charlotte Radio & Television Corporation (WGIV), Charlotte, North Carolina, Docket No. 13055, File No. BP-11898; for construction permit.

It is ordered, This 10th day of August 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 19, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6838; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket Nos. 13064-13071; FCC 59M-1032]

COUNTY BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of County Broadcasting Corporation, Gloucester, Massachusetts, Docket No. 13064, File No. BP-11602; Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; WKOX, Inc., Beverly, Massachusetts, Docket No. 13066, File No. BP-12423; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

It is ordered, This 10th day of August 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 28, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6839; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket Nos. 13072-13074; FCC 59M-1036]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price d/b as Tricities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations (Channel 8).

It is ordered, This 10th day of August 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1959, in Washington, D.C.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6840; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13151; FCC 59M-1029]

MICHAEL J. DESAUTELS

Order Scheduling Hearing

In the matter of Michael J. Desautels, 200 Grove Street, Burlington, Vermont, Docket No. 13151; Order to Show Cause why there should not be revoked the License for Citizens Radio Station 1W0584.

It is ordered, This 10th day of August 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 23, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6841; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13056; FCC 59M-1027]

NATIONAL BROADCASTING CO., INC. (WRCA)

Order Scheduling Hearing

In re application of National Broadcasting Company, Inc. (WRCA), New York, New York, Docket No. 13056, File No. BP-11796; for construction permit.

It is ordered, This 10th day of August 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6842; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 12831, etc.; FCC 59-867]

NORTH SHORE BROADCASTING CO., INC., ET AL.

Order Amending Issues

In re applications of North Shore Broadcasting Co., Inc., Wauwatosa, Wisconsin, Docket No. 12831, File No. BP-11768; Requests: 1590 kc, 1 kw, DA-Day. Suburbanaire, Inc., West Allis, Wisconsin, Docket No. 12832, File No. BP-12511; Requests: 1590 kc, 1 kw, DA-Day. Watertown Radio, Inc. (WTTN), Watertown, Wisconsin, Docket No. 12948, File No. BP-12920; Has: 1580 kc, 250 w, Day; Requests: 1580 kc, 250 w, 1 kw (CR), Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 11th day of August 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, by Order (FCC 59-747) adopted on July 22, 1959, the Commission consolidated the instant applications for hearing, but that one issue (Issue 3, below) which should have been specified in the said Order was inadvertently omitted; and that said Order should be amended to read as follows:

It appearing, that by Order adopted April 8, 1959, and released on April 14, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of North Shore Broadcasting Co., Inc., and Suburbanaire, Inc.; that the application of Watertown Radio, Inc. (WTTN) was tendered for filing on March 12, 1959 and is, therefore, entitled to be consolidated in said hearing, pursuant to § 1.106 of the Commission rules; and

It further appearing, that, except as indicated by the issues specified below, North Shore Broadcasting Co., Inc., Suburbanaire, Inc., and Watertown Radio, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that Watertown Radio, Inc., filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing, that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would

serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application of Watertown Radio, Inc., is consolidated for hearing in the proceeding in docket Nos. 12831 and 12832, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of North Shore Broadcasting Co., Inc., and Suburbanaire, Inc.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTTN and the availability of other primary service to such areas and populations.

3. To determine whether the 5 mv/m contour of the proposed operation of North Shore Broadcasting Co., Inc., would encompass the most distant residential areas within Wauwatosa, Wisconsin, as required by § 3.188(b)(2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant proposal of Watertown Radio, Inc., to increase the power of Station WTTN would involve objectionable interference with the proposal of Russell G. Salter for Aurora, Illinois (File No. BP–11380, Docket No. 12617), or any existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, which of the proposals herein would best provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded pursuant to the foregoing issue that a choice cannot be made between the proposals for Wauwatosa and West Allis, Wisconsin, on considerations relating to section 307(b), which of the said two proposals would better serve the public interest in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

7. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the above issues shall supersede the issues in the Commission's Order of April 8, 1959, designating for hearing the first two above-captioned applications.

It is further ordered, That Russell G. Salter, applicant for a new standard broadcast station at Aurora, Illinois, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Watertown Radio, Inc., and Russell G. Salter, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the Commission's above-mentioned Order (FCC 59–747) of July 22, 1959, is amended as set forth above.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6843; Filed, Aug. 17, 1959; 8:51 a.m.]

[Canadian List 137]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214–3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

JULY 31, 1959.

Call letters	Location	Power kw	Operation	Time	Class	Expected date of commencement of operation
		590 kilocycles				
New	Fort St. John, B.C.	1 kw	DA-N	U	III	EIO 7-15-60.
		630 kilocycles				
CHLT (PO: 630 kc 5 kw DA-1).	Sherbrooke, P.Q.	10 kw D/5 kw N	DA-2	U	III	Do.
		908 kilocycles				
CKGM	Montreal, P.Q.	10 kw	DA-1	U	III	Assignment of call letters.
		1150 kilocycles				
CKTR	Three Rivers, P.Q.	5 kw D/1 kw N	DA-2	U	III	Now in operation.
		1230 kilocycles				
New	Kamloops, B.C.	1 kw D/0.25 kw N	ND	U	IV	EIO 7-15-60.
		1250 kilocycles				
New	Dartmouth, N.S.	5 kw	DA-1	U	III	Do.
		1280 kilocycles				
New	Estevan, Saskatchewan.	1 kw	DA-1	U	III	Do.
		1290 kilocycles				
CFAM (PO: 1290 kc 5 kw DA-1).	Altona, Manitoba	10 kw D/5 kw N	DA-1	U	III	Do.
		1350 kilocycles				
CKTR	Three Rivers, P.Q.	1 kw	DA-1	U	III	Delete assignment.
New	Joliette, P.Q.	1 kw	DA-1	U	III	EIO 7-15-60.
		1500 kilocycles				
New	Duncan, B.C.	1 kw	DA-1	U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6835; Filed, Aug. 17, 1958; 8:50 a.m.]

[Docket Nos. 13076, 13077; FCC 59M–1038]

SUPREME BROADCASTING CO., INC., OF PUERTO RICO AND RADIO AMERICAN WEST INDIES, INC.

Order Scheduling Hearing

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT–2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT–2581; for construction permits for new television broadcast station (Channel 8).

It is ordered, This 10th day of August 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 21, 1959, in Washington, D.C.

Released: August 12, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6846; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13150; FCC 59M–1028]

PATTERSON SHRIMP CO., INC.

Order Scheduling Hearing

In the matter of Patterson Shrimp Company, Inc., P.O. Box 98, Patterson, Louisiana, Docket No. 13150; Order to Show Cause why there should not be revoked the License for Radio Station WC–3826 aboard the vessel "Howard Rochel".

It is ordered, This 10th day of August 1959, that Forest L. McGlenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 23, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6844; Filed, Aug. 17, 1959; 8:51 a.m.]

[Docket No. 13054; FCC 59M–1031]

SUBURBAN BROADCASTING CO., INC. (WVIP)

Order Scheduling Hearing

In re application of Suburban Broadcasting Company, Inc. (WVIP), Mount Kisco, New York, Docket No. 13054, File No. BP–12258; for construction permit.

It is ordered, This 10th day of August 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1959, in Washington, D.C.

Released: August 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6845; Filed, Aug. 17, 1959; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A–1276]

STELLING DEVELOPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 12, 1959.

I. Stelling Development Corporation (issuer), a Delaware corporation, 305 Morgan Street, Tampa 2, Florida, filed with the Commission on June 8, 1959 a notification on Form 1–A and an offering circular, and filed amendments thereto, relating to an issue of 300,000 shares of its $.01 par value common stock to be offered at $1 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that: A. An exemption under Regulation A is unavailable in that:

1. Earl Pelletier, also known as Joseph E. H. Pelletier and Joseph Earl Pelletier, a promoter and principal stockholder of the issuer, was permanently enjoined on June 18, 1953 in the Supreme Court, New York County, New York, from engaging in the sale of securities within New York State, which injunction is within the purview of Rule 252(d)(2);

2. The Stanford Corporation, the named underwriter for the issuer, was underwriter for the Regulation A offering of Macinar, Incorporated, which offering was suspended by the Commission and is a bar by reason of Rule 252(e)(2) to any Regulation A offering in which said underwriter is or is named as underwriter;

3. The amount of securities proposed to be offered plus the securities subject to the escrow provisions of Rule 253(c) exceed the $300,000 ceiling limitation imposed by Rule 254(a).

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1–A fails to disclose in response to Item 6(b) that Earl Pelletier, one of the issuer's promoters, is subject to a permanent injunction of the type specified in Rule 252(d)(2);

2. The notification on Form 1–A fails to disclose in response to Item 9 the total number of unregistered securities sold by the issuer's two promoters within one year prior to filing of this notification, the aggregate offering price or other consideration received, and the names of all persons to whom such sales were made;

3. The issuer has failed to sign the amendment to the notification on Form 1–A filed July 6, 1959;

4. The issuer's escrow agreement, filed as an exhibit to the notification on Form 1–A, fails to comply with the escrow requirements of Rule 253(c).

III. *It is ordered,* Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–6804; Filed, Aug. 17, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 170]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61697. By order of August 7, 1959, the Transfer Board approved the transfer to Ralph McLaughlin, doing business as Consolidated Film Delivery Service, Chicago, Ill., of Permit in No. MC 105, issued June 11, 1959, to LeRoy Fowler, Elkhart, Indiana, and acquired by Minnette Bell Fowler pursuant to approval and consummation in Docket No. MC–FC 61006. The permit authorizes the transportation of: *Candy, towels, motion picture film,* and *materials, supplies and equipment* used in connection of such film between Goshen, Indiana, and Chicago, Illinois, over a regular route and serving certain specified intermediate and off-route points. Richard H. Sproull, 201 Monger Building, Elkhart, Indiana, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6813; Filed, Aug. 17, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 13, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35625: *Peanut hulls between points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3832), for interested rail carriers. Rates on peanut hulls, not crushed or ground, compressed, in boxes, in carloads between points in southern territory, and between points in southern territory, on the one hand, and Ohio and Mississippi River crossings, Washington, D.C., and points in Virginia and West Virginia, on the other.

Grounds for relief: Short-line distance formula, grouping and relief line arbitraries.

Tariff: Supplement 34 to Southern Freight Association tariff I.C.C. No. S-34.

FSA No. 35626: *Caustic soda to Johnsville, Miss.* Filed by Southwestern Freight Bureau, Agent (No. B–7612), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Baldwin, Ark., Lake Charles and West Lake Charles, La., Corpus Christi, Houston, Port Neches, and Freeport, Tex., to Johnsville, Miss.

Grounds for relief: Market competition.

Tariffs: Supplement 606 to Southwestern Freight Bureau tariff I.C.C. 4138. Supplement 172 to Southwestern Freight Bureau tariff I.C.C. 4187. Supplement 397 to Southwestern Freight Bureau.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6812; Filed, Aug. 17, 1959; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 162

Washington, Wednesday, August 19, 1959

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Blueberries [1]

Minimum Drained Weights

On June 24, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5152) regarding a proposed amendment to the United States Standards for Grades of Canned Blueberries.

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Canned Blueberries is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

1. In § 52.586, change Table I as set forth below:

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED BLUEBERRIES

Container designation	Container size (over-all dimensions)		Recommended minimum drained weights
	Width	Height	
	Inches	*Inches*	*Ounces*
300 x 407	3	4 21/16	7.5
No. 2	3 5/16	4 9/16	10.0
No. 10	6 3/16	7	55.0

It is hereby found that good cause exists for not postponing the effective date of this revision beyond that therein specified (5 U.S.C. 1001–1011) in that:

(1) The canning season for blueberries is starting in many areas and it is necessary for purposes of inspection and marketing that this amendment be made effective at the beginning of the processing season; and (2) the industry has been apprised of the changes contemplated and compliance therewith will not require any special preparation that cannot be completed by the effective time hereof.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: August 14, 1959, to become effective upon publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6877; Filed, Aug. 18, 1959; 8:49 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 804, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because

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FEDERAL REGISTER

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(As of January 1, 1959)

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the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.911 (Lemon Regulation 804, 24 F.R. 6384) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 13, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6876; Filed, Aug. 18, 1959; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOODS

French Dressings and Salad Dressing; Standards of Identity

In the matter of amending the standards of identity for french dressing and salad dressing:

A notice of proposed rule making was published in the FEDERAL REGISTER of February 17, 1959 (24 F.R. 1216), setting forth the proposal of the Dow Chemical Company, Midland, Michigan, to amend the standards of identity for french dressing and salad dressing. The notice invited all interested persons to submit views and comments on the proposal. Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for french dressing and salad dressing as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500): *It is ordered*, That the above-referenced standards of identity (21 CFR 25.2, 25.3) be amended as set forth below.

1. In § 25.2 *French dressing; identity; label statement of optional ingredients*, paragraph (c)(1) is amended by inserting the words "methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis)" immediately after the name sodium carboxymethylcellulose in the list of optional emulsifying ingredients. As amended, paragraph (c)(1) reads as follows:

(1) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), or any mixture of two or more of these.

2. In § 25.3 *Salad dressing; identity; label statement of optional ingredients*, paragraph (d) is amended by inserting the words "methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis)" immediately after the name sodium carboxymethylcellulose in the list of optional emulsifying ingredients. As amended, paragraph (d) reads as follows:

(d) The optional emulsifying ingredients referred to in paragraph (a) of this section are: Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75 percent by weight of the finished salad dressing.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: August 12, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6879; Filed, Aug. 18, 1959; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Waterways in New Jersey

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 372; 33 U.S.C. 499), § 203.225 governing the operation of bridges across navigable waters in the State of New Jersey where constant attendance of draw tenders is not required is amended to govern the operation of certain bridges across Manantico Creek, Cohansey River, Woodbury Creek and Rancocas River, as follows:

§ 203.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * * *

(9) Manantico Creek; New Jersey State Highway Department bridge near Millville. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(10) Cohansey River; New Jersey State Highway Department bridge at Broad Street, Bridgeton. The draw need not be opened for the passage of vessels, and paragraphs (b) and (e), inclusive, of this section shall not apply to this bridge.

* * * * * *

(12–a) Woodbury Creek; Gloucester County highway bridge at National Park. At least 24 hours' advance notice required during December, January and February of each year.

* * * * * *

(14) Rancocas River; Burlington County highway bridge and Pennsylvania Railroad Company bridge between Riverside and Delanco, New Jersey State Highway Department bridge at Bridgeboro, and Burlington County highway bridge at Centerton. Between 11:00 p.m. and 7:00 a.m. each day of the year the draws of these bridges need not be opened for the passage of vessels. At least 24 hours' advance notice required for opening these bridges between 7:00 a.m. and 11:00 p.m. during January, February, March and December.

[Regs., Aug. 6, 1959, 275/91 (Manantico Creek, Cohansey River, Woodbury Creek, and Rancocas River, N.J.)—ENGWO] (Sec. 5, 28 Stat. 372; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 59-6847; Filed, Aug. 18, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

I. In § 111.2 *Specific categories* subparagraph (8) of paragraph (g), as amended by Federal Register Document 59–5752 (24 F.R. 5610), is further amended by inserting the new country "Nepal." in proper alphabetical order therein. Small packets are not accepted in Nepal.

NOTE: The corresponding Postal Manual section is 221.278.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372).

II. In § 168.5 *Individual country regulations*, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2119–2195 as Federal Register Document 59–2388, make the following changes:

A. Amend the country heading of "India (including the Andaman Islands, Bhutan, and Nepal)" to read as follows: "India (including the Andaman Islands and Bhutan)".

B. Insert a new country "Kuwait" and the pertinent regulations in proper alphabetical order therein to read as follows:

KUWAIT

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1 of this chapter.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters. 25 cents per half ounce.

Single post cards. 10 cents each.

Air letters (aerogrammes). 10 cents each.

Other articles. 60 cents first 2 ounces; 40 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 111.2(a) (5) of this chapter.

Registration. Fee, 50 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. No service.

PARCEL POST

SURFACE PARCEL RATES, INCLUDING SURCHARGES

(Rates: $0.46 first pound; $0.23 each additional pound)

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
1	$0.46	9	$2.30	16	$3.91
2	.69	10	2.53	17	4.14
3	.92	11	2.76	18	4.37
4	1.15	12	2.99	19	4.60
5	1.38	13	3.22	20	4.83
6	1.61	14	3.45	21	5.06
7	1.84	15	3.68	22	5.29
8	2.07				

PARCEL POST—Continued

AIR PARCEL RATES, INCLUDING SURCHARGES

(Rates: $1.35 first 4 ounces; $0.75 each additional 4 ounces)

Lbs. Oz.	Rate	Lbs. Oz.	Rate	Lbs. Oz.	Rate
0 4	$1.35	4 0	$12.60	7 12	$23.85
0 8	2.10	4 4	13.35	8 0	24.60
0 12	2.85	4 8	14.10	8 4	25.35
1 0	3.60	4 12	14.85	8 8	26.10
1 4	4.35	5 0	15.60	8 12	26.85
1 8	5.10	5 4	16.35	9 0	27.60
1 12	5.85	5 8	17.10	9 4	28.35
2 0	6.60	5 12	17.85	9 8	29.10
2 4	7.35	6 0	18.60	9 12	29.85
2 8	8.10	6 4	19.35	10 0	30.60
2 12	8.85	6 8	20.10	10 4	31.35
3 0	9.60	6 12	20.85	10 8	32.10
3 4	10.35	7 0	21.60	10 12	32.85
3 8	11.10	7 4	22.35	11 0	33.60
3 12	11.85	7 8	23.10		

For weights over 11 pounds add $0.75 for each 4-ounce unit or fraction.

Weight limit. 22 pounds.
Sealing. Optional.
Group shipments. No.
Registration. No.
Insurance. No.
Dimensions. Length, 3½ feet; length and girth combined, 6 feet.
Special handling. Available. See § 168.4 of this chapter.
Indemnity. No provision.
Postal forms required:
1 Form 2922. (Parcel post sticker.)
2 Form 2966. (Customs declaration.)
1 Form 2972. (Dispatch Note.)

C. Insert a new country "Nepal" and the pertinent regulations in proper alphabetical order therein to read as follows:

NEPAL

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1 of this chapter.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters. 25 cents per half ounce.

Single post cards. 10 cents each.

Air letters (aerogrammes). 10 cents each.

Other articles. 64 cents first 2 ounces; 44 cents each additional 2 ounces.

Small packets. Not accepted.

Letter packages containing dutiable merchandise. Accepted if registered. See § 111.2(a) (5) of this chapter.

Registration. Fee, 50 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. No service.

PARCEL POST

SURFACE PARCEL RATES, INCLUDING SURCHARGES

(Rates: $0.70 first pound; $0.21 each additional pound)

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
1	$0.70	9	$2.62	16	$4.30
2	.94	10	2.86	17	4.54
3	1.18	11	3.10	18	4.78
4	1.42	12	3.34	19	5.02
5	1.66	13	3.58	20	5.26
6	1.90	14	3.82	21	5.50
7	2.14	15	4.06	22	5.74
8	2.38				

PARCEL POST—Continued

AIR PARCEL RATES, INCLUDING SURCHARGES

(Rates: $1.70 first 4 oz.; $0.96 each additional 4 oz.)

Lbs. Oz.	Rate	Lbs. Oz.	Rate	Lbs. Oz.	Rate
0 4	$1.70	4 0	$16.10	7 12	$30.50
0 8	2.66	4 4	17.06	8 0	31.46
0 12	3.62	4 8	18.02	8 4	32.42
1 0	4.58	4 12	18.98	8 8	33.38
1 4	5.54	5 0	19.94	8 12	34.34
1 8	6.50	5 4	20.90	9 0	35.30
1 12	7.46	5 8	21.86	9 4	36.26
2 0	8.42	5 12	22.82	9 8	37.22
2 4	9.38	6 0	23.78	9 12	38.18
2 8	10.34	6 4	24.74	10 0	39.14
2 12	11.30	6 8	25.70	10 4	40.10
3 0	12.26	6 12	26.66	10 8	41.06
3 4	13.22	7 0	27.62	10 12	42.02
3 8	14.18	7 4	28.58	11 0	42.98
3 12	15.14	7 8	29.54		

For weights over 11 pounds, add $0.96 for each 4-ounce unit or fraction.

Weight limit. 22 pounds.
Sealing. Optional.
Group shipments. No.
Registration. No.
Insurance. No.
Postal forms required:
1 Form 2922. (Parcel post sticker.)
2 Form 2966. (Customs declaration.)

Dimensions. Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

Special handling. Available. See § 168.4 of this chapter.

D. In country "Netherlands" make the following changes as a result of the Netherlands postal administration giving notice that German and Belgian coins, Netherland coins and bank notes are no longer prohibited to that country, but are admitted subject to license which the addressee must obtain from the Netherlands bank.

1. Amend the item *Observations*, under Postal Union Mail, to read as follows:

Observations. See "Import restrictions" under "Parcel Post," concerning authorization required to be obtained by the addressee for the importation of currency; precious metals or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not; paper values; and public credit documents and securities.

2. In item *Prohibitions*, under Parcel Post, strike out "German or Belgian coins, except up to the amount of 40 marks or 50 francs in silver and 10 marks or 12½ francs in nonprecious metal" where it appears as the third paragraph therein.

3. Amend the item *Import Restrictions*, under Parcel Post, to read as follows:

Import Restrictions. Commercial shipments of merchandise are admitted only if an import permit has been obtained by the addressee from the Netherlands authorities.

Authorization from the "Nederlandsche Bank" is required to be obtained by the addressee for the importation of coins and paper money; precious metals or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not (including checks); paper values; and public credit documents and securities. Prospective senders should be advised that, unless the addressee possesses the necessary authorization, which should be secured before the articles are mailed, the articles may be confiscated by the Netherlands customs authorities.

E. Amend the country heading of "Persian Gulf Ports (British Postal Agencies at Bahrein, Kuwait, Doha (Qatar), Dubai (including Sharja), Muscat and Umm Said)" to read as follows: "Persian Gulf Ports (British Postal Agencies at Bahrein, Doha (Qatar), Dubai (including Sharja), Muscat and Umm Said)".

F. In country "Salvador (El)", as amended by Federal Register Document 59–4137 (24 F.R. 3991), make the following changes:

1. In the item *Observations* under Parcel Post strike out "Larchmont, N.Y., and Worcester, Mass." in the list of Salvadoran Consulates and insert two new consulates, "Detroit, Mich.", and "Boston, Mass." in proper alphabetical order therein.

2. Amend the item Prohibitions to read as follows:

Prohibitions. Flour in used sacks; coffee seeds and plants; cigarette paper; containers for foreign pharmaceutical products; labels for Salvadoran wines; imitation money; sugarmaking equipment; silver coins less than 0.900 fine, except collectors' coins and coins of El Salvador or the United States.

Cigarettes, unless the words "Importacion a El Salvador" are printed or stamped on each package.

G. "Places Not Included In Alphabetical List of Countries", as amended by Federal Register Document 59–4137 (24 F.R. 3992) and by Federal Register Document 59–4844 (24 F.R. 4278), is further amended by striking out "Kuwai. (Persian Gulf Ports)" and "Nepal (India)", where they appear in alphabetical order therein.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59–6886; Filed, Aug. 18, 1959; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1932]

[Fairbanks 019125]

ALASKA

Withdrawing Public Lands for Use of the Department of the Air Force for Military Purposes

Correction

In F.R. Doc. 59–6470, appearing at page 6316 of the issue for Thursday, August 6, 1959, the following date should be inserted after the signature: "July 31, 1959."

[Public Land Order 1941]

[Arizona 020018]

ARIZONA

Withdrawing Public Lands for Use of Bureau of Sport Fisheries and Wildlife as Willow Beach Fish Cultural Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 631; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, as the Willow Beach Fish Cultural Station:

GILA AND SALT RIVER MERIDIAN

T. 29 N., R. 22 W.
In unsurveyed sections 20 and 29 those parts which are included within the metes and bounds described as follows:
Beginning at Corner 4A which bears N. 17°36′ W., 2,097.33 feet distant from U.S. National Park Service Monument No. 6 which Monument bears N. 13°48′ W., 2,025.97 feet distant from U.S. Mining Monument No. 2948B and from which N.P.S. Monument No. 6 also bears N. 09°51′ W., 7,469.18 feet distant from the southeast corner of Section 32; thence with three courses lying all or partly within the high water shoreline of Lake Mohave;
S. 40°48′ W., 497.92 feet to Corner 11A;
N. 82°56′ W., 950.00 feet to Corner 12A;
N. 43°38′ W., 676.41 feet to Corner 1A;
N. 09°55′ E., 1,289.91 feet to Corner 2A;
N. 85°09′ E., 900.00 feet to Corner 3;
S. 03°11′ W., 977.16 feet to Corner 4;
S. 48°08′ E., 900.00 feet to the point of beginning.

The tract described contains 47.81 acres (approximately 5 acres lie within the shoreline of Lake Mohave at high water).

This order shall be subject to existing withdrawals for power and reclamation purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 12, 1959.

[F.R. Doc. 59–6860; Filed, Aug. 18, 1959; 8:47 a.m.]

[Public Land Order 1942]

[Utah 028949]

UTAH

Withdrawing Lands for Use of United States Fish and Wildlife Service for Fish Springs National Wildlife Refuge

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws, and reserved for use of the United States Fish and Wildlife Service for the Fish Springs National Wildlife Refuge:

SALT LAKE MERIDIAN

T. 11 S., R. 14 W.,
Sec. 1, All, except Lots 11, 12 and 13;
Sec. 3, Lots 9, 10, and 15, and W½SE¼;
Sec. 11, N½, N½SW¼, N½SE¼ and SE¼SE¼;
Sec. 12, N½, SW¼ and N½SE¼;
Sec. 13, W½NW¼ and NW¼SW¼;
Sec. 14, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 23, E½NW¼, and W½SE¼;
Sec. 25, NE¼, NE¼NW¼, NE¼SW¼, S½SW¼ and SE¼;
Sec. 26, W½NE¼ and SE¼;
Sec. 35, E½.
T. 11 S., R. 13 W.,
Unsurveyed.
Secs. 5 to 8 incl.,
Secs. 17 to 20, incl.,
Secs. 29 to 32 incl.

The areas described aggregate 14,097.42 acres.

2. The withdrawal made by this order shall not interfere with the continued use of the lands for stock driveway purposes, including livestock use of the lands along the road which crosses sections 29, 30 and 31, T. 11 S., R. 13 W., and section 36, T. 11 S., R. 14 W., for trailing purposes while being moved from range to range, nor stock use of accustomed resting and watering places, including the W½SE¼, section 3, T. 11 S., R. 14 W., and no improvements shall be constructed on the

lands as will interfere with such continued use.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 12, 1959.

[F.R. Doc. 59-6861; Filed, Aug. 18, 1959; 8:47 a.m.]

[Public Land Order 1943]

OREGON AND COLORADO

Withdrawing Lands in National Forests for Use of Forest Service as Recreation Areas

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests in Oregon and Colorado hereafter designated, are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, for recreation areas, as indicated:

[Oregon 06580]

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Sunshine Bar Recreation Area

T. 33 S., R. 14 W.,
Sec. 13, W½SE¼SW¼, NE¼SE¼SW¼, S½SW¼NW¼SE¼, S½S½NE¼SW¼ and NW¼SW¼SE¼.
The areas described aggregate approximately 55 acres.

[Colorado 024417]

NEW MEXICO PRINCIPAL MERIDIAN

SAN JUAN NATIONAL FOREST

Bridge Campground Site

T. 37 N., R. 3 W.,
Sec. 4, S½NW¼ and SW¼;
Sec. 9, N½NW¼.

Mancos Hill Campground Site

T. 36 N., R. 12 W.,
Sec. 32, S½NW¼SW¼ and N½SW¼SW¼.

Bear Campground Site

T. 38 N., R. 13 W.,
Sec. 4, NW¼SW¼, S½SW¼ and SW¼SE¼;
Sec. 9, NE¼NW¼.

Deer Campground Site

T. 40 N., R. 13 W.,
Sec. 24, N½SW¼ and E½SW¼SW¼.
The areas described aggregate 660 acres.

SIXTH PRINCIPAL MERIDIAN

GRAND MESA NATIONAL FOREST

Buzzard Campground

T. 9 S., R. 92 W.,
Sec. 20, SW¼SW¼.

Island Lake Campground

T. 12 S., R. 95 W.,
Sec. 3, SW¼SW¼ and W½SE¼SW¼;
Sec. 4, S½SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½NW¼NW¼.
The areas described aggregate 180 acres.

ARAPAHO NATIONAL FOREST

Maxwell Falls Picnic Area

T. 6 S., R. 71 W.,
Sec. 6, lot 2.

Cold Springs Campground (Extension)

T. 2 S., R. 73, W.,
Sec. 30, S½ of lot 3, lot 5, N½SE¼SW¼ and NE¼SW¼.
T. 2 S., R. 73, W.,
Sec. 25, S½SE¼, E½NE¼SE¼, SW¼NE¼SE¼, E½NW¼NE¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, W½NE¼NW¼SE¼, S½SW¼SE¼NE¼, S½SE¼SW¼NE¼ and E½SW¼.

Crater Lake Campground

T. 1 N., R. 74 W.,
Sec. 3, S½SW¼NE¼, NW¼SE¼, E½NE¼SW¼, NE¼SE¼SW¼ and N½SW¼SE¼.

Silvertip Campground

T. 4 S., R. 76 W., Suspended,
Sec. 13, NE¼SW¼, NW¼SE¼, E½NW¼SW¼ and W½NE¼SE¼.
The areas described aggregate 631.50 acres.

The total area withdrawn by this order is 1,526.50 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 12, 1959.

[F.R. Doc. 59-6862; Filed, Aug. 18, 1959; 8:47 a.m.]

[Public Land Order 1944]

[Colorado 012368]

COLORADO

San Isabel National Forest; Partly Revoking Public Land Order No. 1481 of September 5, 1957

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered that Public Land Order No. 1481 of September 5, 1957, be and it is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MEREDIAN

SHIRLEY ADMINISTRATIVE SITE

T. 48 N., R. 8 E.,
Sec. 18, SW¼NW¼SW¼NE¼, W½SW¼SW¼NE¼, SE¼NE¼SE¼NW¼, E½SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, and NW¼NW¼NW¼SE¼.

Containing 20 acres.

At 10:00 a.m. on September 19, 1959, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 13, 1959.

[F.R. Doc. 59-6863; Filed, Aug. 18, 1959; 8:47 a.m.]

[Public Land Order 1945]

[79699]

CALIFORNIA

Order Providing for Opening of Public Lands (Power Site Classification No. 426-DA-949-California)

1. In an order of August 1, 1958, published in the FEDERAL REGISTER of August 7, 1958, at page 6002, as Power Site Cancellation No. 130, the Geological Survey cancelled Power Site Classification No. 426 of July 25, 1952, so far as that order affects the following-described lands, pursuant to the determination of the Federal Power Commission in DA-949-California, issued June 30, 1958:

MOUNT DIABLO MERIDIAN

T. 2 S., R. 15 E.,
Sec. 32, lots 1, 2 and 4, and that part of Mineral Lot 38-a situated in the NW¼NW¼ (All of which comprise the NW¼NW¼).

The area described contains 40 acres.

2. The land consists of a moderately sloping shoulder of a minor ridge of the Sierran foothills, and is located in extreme southwestern Tuolumne County, California. Soils are thin and vegetation sparse.

3. The State of California has waived the preference rights of application granted to certain States by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and section 24 of the Federal Power Act of 1920, as amended.

4. Commencing at 10:00 a.m. on September 19, 1959, the lands shall be open to application, petition, location, and selection, subject to valid existing rights, the requirements of applicable laws, and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, California Fruit Building, Sacramento, California.

AUGUST 13, 1959.

ROGER ERNST,
Assistant Secretary of the Interior.

[F.R. Doc. 59-6864; Filed, Aug. 18, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—MANAGEMENT OF WILDLIFE CONSERVATION AREAS

PART 17—LIST OF AREAS

Fish-Cultural Stations

CROSS REFERENCE: For order reserving certain lands as the Willow Beach Fish Cultural Station (§ 17.1) see Public Land Order 1941 in the Appendix to Title 43, Chapter I, *supra*.

PART 17—LIST OF AREAS

National Wildlife Refuges

CROSS REFERENCE: For order reserving certain lands for the Fish Springs National Wildlife Refuge (§ 17.3) see Public Land Order 1942 in the Appendix to Title 43, Chapter I, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1017]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017) regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1017.203 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending June 30, 1960, will amount to $4,646.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 13, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6878; Filed, Aug. 18, 1959; 8:49 a.m.]

[7 CFR Part 1023]

[Docket No. AO-295-A1]

MILK IN DES MOINES, IOWA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Des Moines, Iowa, on May 27, 1959, pursuant to notice thereof issued on May 19, 1959 (24 F.R. 4150).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 21, 1959 (24 F.R. 5943) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the level of the Class I price.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The method of determining the Class I price should be amended to limit temporarily the effect of the Chicago supply-demand ratio on the Class I price in this market.

The Des Moines Class I price is fixed at 35 cents above that in the Chicago order and reflects the minus 24-cent supply-demand adjustment included in the Chicago Class I price. The minus 24-cent supply-demand adjustment, which is the maximum provided under the Chicago order, has been effective continuously since November 1958 and it may reasonably be expected to be applicable beyond the approaching months of seasonally low production.

The availability of supplies in relation to the demand for milk for fluid use for the Des Moines market is significantly different than that for Chicago and producers proposed discontinuance of the Chicago order supply-demand ratio as a factor in determining the Des Moines order Class I price. For the first 7 months of the Des Moines order, September 1958 through March 1959, the Class I sales as a percentage of producer receipts averaged 88 percent. The Chicago order supply-demand utilization percentage during the same period averaged 61 percent.

Approximately 80 percent of the producers under the order are members of the Des Moines Cooperative Dairy. During the first 3 months of 1959 they delivered to Des Moines order pool plants 55.8 million pounds of Grade A milk compared with 59.9 and 55.7 million pounds, respectively, delivered to these same plants during the corresponding periods of 1957 and 1958. Purchases by its buying handlers during each of these 3-month periods were 44.2, 45.0 and 47.6 million pounds, respectively, in 1957, 1958, and 1959. These purchases as a percentage of the receipts from dairy farmers were 73.8, 80.7 and 85.3 percent, respectively, during the first 3 months of 1957, 1958 and 1959.

The Des Moines Cooperative Dairy obtains supplemental supplies of milk from distant plants in Minnesota and Wisconsin during those months of the year when local production is not adequate to meet the needs of the market. The present rate of production in relation to the market's Class I requirements portends a heavy upsurge in the quantities of milk that will have to be imported during the remaining months of this year. Approximately 2 million pounds of milk were imported by producer associations from August through December 1958 to supplement the needs of handlers now regulated by the order and it is estimated that at least twice as much milk will need to be imported during the remainder of this year by the Des Moines Cooperative to meet handlers' Class I requirements. On a seasonally adjusted basis, producer milk for the Des Moines market is in shorter supply in relation to demand than that experienced by the market over a number of years.

Steps are being taken by the Des Moines Cooperative Dairy toward increasing the regular supply of milk for the market. The goal of the cooperative is to obtain a sufficient number of producers so that the market's needs will be fully supplied on a year-round basis. Current efforts by the producer association in this regard include newspaper advertising, working through truckers on their now established hauling routes to solicit new producers, and contacting ungraded dairy farmers in the milkshed to attempt to get them to convert to Grade A operations.

Although producers and potential producers in the production area for the Des Moines market may now be assured of a Grade A market whether they are can or bulk tank shippers, the time is rapidly approaching when all major distributors on the market will receive milk from bulk tank shippers only. In recognition of this, the Des Moines Cooperative Dairy has embarked on a program of converting its producer members from can to bulk tank shippers within an 18-month period, and it may be reasonably expected that any ungraded dairy farmer who contemplates shifting to a Grade A operation in order to qualify to ship to the Des Moines market will install a bulk

tank operation. The cost of such an installation will vary depending upon its size and the facilities for handling milk that the ungraded producer already has. Under any circumstance, however, his capital outlay to fix up for Grade A as a bulk tank shipper would be significantly greater than as a can shipper. Another deterrent to ungraded farms shifting to Grade A production for the Des Moines market is the relatively good level of prices for beef cattle. The present level of Des Moines order prices is not adequate to encourage such farmers to establish facilities for Grade A production on their farms.

Milk is shipped regularly from plants regulated by the North Central Iowa and Cedar Rapids-Iowa City orders to markets at great distances from these plants. It was suggested that the Des Moines Cooperative Dairy obtain its supplemental needs from the plants under these nearby orders or procure some of the producers now supplying North Central Iowa and Cedar Rapids-Iowa City handlers as direct delivery shippers to Des Moines. In this regard it was pointed out that the milk shipped from the North Central Iowa and Cedar Rapids-Iowa City order plants to outside markets is sold generally on a year-round basis to these buyers and the price received from these outside markets is better than the Des Moines Cooperative Dairy could afford to pay for such milk on a yearly contract.

There is relatively little overlapping of the Des Moines production area with those in which are located the producers supplying North Central Iowa and Cedar Rapids-Iowa City pool plants. The Des Moines Cooperative Dairy's hauling routes extend as much as 120 miles from Des Moines and would have to be extended much farther if they were to take on Grade A producers now supplying these other nearby Federal order markets. The increased transportation that these producers would have to pay for their milk moving into the Des Moines market would be enough greater so as to nullify any gain that they might have in shifting markets.

Better net prices for their milk from St. Louis and Kansas City order handlers have resulted in the transferring of some Des Moines order producers to the St. Louis market with the loss of others to both markets in prospect. A number of producers supplying handlers in Ottumwa have left the Des Moines order market to ship to handlers under the St. Louis order and other producers selling to Des Moines order regulated handlers in that vicinity contemplate shifting to St. Louis. Des Moines order producers, some of whose farms are within 10 miles of Des Moines, have shown an interest in shipping to the Kansas City market and have been meeting with buyers on that market in this regard.

The prices under these other orders are enough better than Des Moines to stand the extra transportation costs and enable the producers to be ahead pricewise. In fact, a load of milk produced on a farm in Meservey, Iowa, which is in the vicinity of Mason City, is moved regularly to the Kansas City plant of a handler with whose representative Des Moines order producers have discussed selling their milk. The tank truck from Meservey passes through Des Moines on its way to Kansas City.

The Des Moines market is at a disadvantage pricewise with the markets for which it must compete for supply. The monthly prices computed pursuant to the Des Moines order Class I price formula averaged $4.07 for 1958. During the same period the Class I price under the St. Louis, Kansas City and Omaha-Lincoln-Council Bluffs orders for 3.5 percent milk averaged 23, 37, and 35 cents, respectively, above this; and for the first 4 months of 1959 the Class I price for these markets averaged 25, 50, and 53 cents above that for De Moines. Of the other nearby regulated markets, North Central Iowa and Cedar Rapids-Iowa City, the Class I price is directly related to the Chicago Class I price, as is Des Moines. In each month the Class I price under these orders is 20 cents less than that for Des Moines for milk delivered in the base zone (Polk County) and 10 cents less than that for milk delivered to Des Moines order plants outside the base zone.

The pricing provisions of the Des Moines order became effective October 1, 1958. The Des Moines uniform price for the period October 1958 to April 1959 averaged $3.88 for milk received at plants in the base zone and $3.78 for milk received at other Des Moines order plants. The comparable uniform prices under the nearby Federal orders for the same period for 3.5 percent milk averaged $4.25 for St. Louis, $4.19 for Kansas City, $4.35 for Omaha-Lincoln-Council Bluffs, $3.80 for North Central Iowa and $3.74 for Cedar Rapids-Iowa City. These prices are for milk delivered at plants in the specified maketing area at which no location adjustment is applicable.

Because the Des Moines order has been in operation less than a year there are not yet available sufficient statistical data on which to establish a separate supply-demand formula to replace the effect of the Chicago supply-demand factor in the Des Moines Class I price. In view of this, it would not be practicable to make any permanent changes in the Des Moines order Class I pricing provisions at this time. Consideration may more appropriately be given to this matter at such time as statistical data for at least a full year of operation of the Des Moines order are available.

A number of producers on the market must currently decide whether to convert to a bulk tank operation on their farms or go out of the Grade A milk business. Ungraded shippers need to have greater incentive than is currently available to fix up for Grade A production for the Des Moines market. With respect to those Grade A producers supplying nearby markets, a price incentive which warrants the additional transportation costs to ship the greater distance to Des Moines handlers is needed to attract them to the Des Moines market.

To give appropriate consideration to the various factors that are causing a continuous decline in the supply for the Des Moines market and to provide some encouragement to obtaining the additional supply needed on the market, the effect of the Chicago order supply-demand adjuster on the Des Moines Class I price through April 30, 1960 should be limited to 10 cents. This would result in an average monthly increase of approximately 11 cents in the uniform price. Based on the level of such prices since the inception of the Des Moines order, the comparable uniform prices under the St. Louis, Kansas City, and Omaha-Lincoln-Council Bluffs orders, would average 26, 20, and 36 cents above and those under the North Central Iowa and Cedar Rapids-Iowa City orders 19 and 25 cents below that for Des Moines after giving consideration to the change herein recommended. This price level should provide some incentive to assure the Des Moines market of an adequate supply of milk during the approaching period of seasonally low production.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Des Moines, Iowa, marketing area", and "Order amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of June 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Des Moines, Iowa, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 14th day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Des Moines, Iowa, Marketing Area

§ 1023.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Des Moines, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended, as follows:

§ 1023.50 [Amendment]

Delete § 1023.50(a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk pursuant to Part 941 (Chicago) of this chapter, plus 35 cents: *Provided,* That through April 30, 1960, the effect on the price pursuant to this paragraph of the supply and demand ratio as contained in § 941.52(a)(1) of this chapter shall be limited to 10 cents: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

[F.R. Doc. 59-6890; Filed, Aug. 18, 1959; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Withdrawal of Petition for Establishment of Tolerances for Residues of 1,1-Dichloro-2,2-Bis-(p-Ethylphenyl)-Ethane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended; 52 Stat. 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice,* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.8), Rohm and Haas Company, Washington Square, Philadelphia 5, Pennsylvania, has withdrawn its petition for establishment of tolerances of 15 parts per million for residues of 1,1-dichloro-2,2-bis (*p*-ethylphenyl)-ethane in or on the following raw agricultural commodities: Beet tops, celery, collards, dandelion, fennel, kale, mustard greens, parsley, Swiss chard, turnip tops, and watercress, notice of which was published in the FEDERAL REGISTER of June 3, 1959 (24 F.R. 4518).

The withdrawal with respect to this petition is without prejudice to a future filing.

Dated: August 13, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6880; Filed, Aug. 18, 1959; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 90]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive providing improved fire protection in the wheel well area of Lockheed 1049 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 1049C, D, E, G, and H airplanes. Compliance required by January 1, 1960.

Two incidents have occured in which fires originating in the engine section burned underneath the nacelle and entered the wheel well area damaging flammable fluid lines and causing extensive damage. To provide improved fire protection in the wheel well area, the following modifications are required.

(a) Replace the aluminum skin on the forward landing gear doors with fireproof skin or cover the present aluminum skin with fireproof material.

(b) Install fire sleeves over all flammable fluid-carrying flexible hose lines in zone 3 and 3A in the inboard nacelles.

Issued in Washington, D.C., on August 13, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59-6848; Filed, Aug. 18, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket 59-WA-93]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6222 and 601.6222 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 222 presently extends from El Paso, Tex., to McComb, Miss., and from Norcross, Ga., to Gordonsville, Va. The Federal Aviation Agency has under consideration a modification of the segment of Victor 222 from El Paso, Tex., to McComb, Miss., by extending the airway from the McComb, Miss., VOR via a new VOR facility located near Hattiesburg, Miss., at latitude 31°25'05'', longitude 89°20'24'', to the Evergreen, Ala., VOR. The airway will provide a bypass routing for east and west bound aircraft that presently utilize airways within the New Orleans terminal area complex. If such action is taken, Victor 222 will be designated from El Paso, Tex., to Evergreen, Ala., and from Norcross, Ga., to Gordonsville, Va. The control areas associated with Victor 222 are designated so that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary except in the caption to § 601.6222.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6222 (24 F.R. 1284, 24 F.R. 2646, 24 F.R. 3871) and § 601.6222 (24 F.R. 1286) as follows:

1. In § 600.6222 *VOR Federal airway No. 222 (El Paso, Tex., to Gordonsville, Va.)*:

a. Delete "*(El Paso, Tex., to Gordonsville, Va.)*" and substitute therefor "*(El Paso, Tex., to Evergreen, Ala., and Norcross, Ga., to Gordonsville, Va.)*".

b. Delete "to the McComb, Miss., VOR.", and substitute therefor "McComb, Miss., VOR; Hattiesburg, Miss., VOR; to the Evergreen, Ala., VOR."

2. In § 601.6222 *VOR Federal airway No. 222 control areas (El Paso, Tex. to Gordonsville, Va.)*, delete "*(El Paso, Tex. to Gordonsville, Va.)*" and substitute therefor "*(El Paso, Tex. to Evergreen, Ala. and Norcross, Ga. to Gordonsville, Va.)*".

Issued in Washington, D.C., on August 12, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-6849; Filed, Aug. 18, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket 59-WA-101]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6454 and 601.6454 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 454 presently extends from Evergreen, Ala., to Charlotte, N.C. The Federal Aviation Agency has under consideration extending Victor airway No. 454 from Charlotte, N.C., to Lawrenceville, Va., via the proposed Liberty N.C., VOR to be installed at latitude 35°48'18'', longitude 79°37'21'' and scheduled for commissioning on January 1, 1960. Victor 454 will provide a dual airway system from Evergreen, Ala., to Lawrenceville, Va., paralleling VOR Federal airway No. 20 and would relieve the traffic congestion presently existing on Victor 20. If such action is taken VOR Federal airway No. 454 and its associated control areas would extend from Evergreen, Ala., to Lawrenceville, Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to extend VOR Federal airway No. 454 by amending §§ 600.6454 (24 F.R. 2646) and 601.6454 (24 F.R. 2649) as follows:

1. In § 600.6454 *VOR Federal airway No. 454 (Evergreen, Ala., to Charlotte, N.C.)*:

a. Delete "*(Evergreen, Ala., to Charlotte, N.C.)*" and substitute therefor "*(Evergreen, Ala., to Lawrenceville, Va.)*".

b. Delete "to the Charlotte, N.C., VOR" and substitute therefor "Charlotte, N.C., VOR; Liberty, N.C., VOR; to the Lawrenceville, Va., VOR."

2. In § 601.6454 *VOR Federal airway No. 454 control areas (Evergreen, Ala., to Charlotte, N.C.)*, delete "*(Evergreen, Ala., to Charlotte, N.C.)*" and substitute therefor "*(Evergreen, Ala., to Lawrenceville, Va.)*".

Issued in Washington, D.C., on August 12, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-6850; Filed, Aug. 18, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

FORMS FOR CURRENT REPORTS

Notice of Proposed Rule Making

The Securities and Exchange Commission today announced a further extension of time, from August 17, 1959 to September 17, 1959, within which comments may be submitted with respect to the proposed amendments to Form 8-K (§ 249.308), the form prescribed for current reports filed pursuant to sections 13 and 15(d) of the Securities Exchange Act of 1934.

The Commission previously extended the time for submitting such comments from July 15, 1959 to August 17, 1959. The further extension was granted at the request of persons who stated that they would not be able to complete their study of the proposed amendments and submit their comments thereon by August 17, 1959.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 11, 1959.

[F.R. Doc. 59-6873; Filed, Aug. 18, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 55]

CHIEF, BRANCH OF RELOCATION SERVICES

Redelegation of Authority

Section 2 of Bureau Order 551, as amended, is further amended by addition of a new paragraph (c), to read as follows:

SEC. 2. *Authority of Central Office Personnel.* * * *

(c) The Chief, Branch of Relocation Services, and any person designated to act in his place during his absence, may exercise any and all authority of the Commissioner in the supervision, direction and operation of Field Relocation Offices, but in no instance should the redelegation involve major policy matters.

GLENN L. EMMONS,
Commissioner.

AUGUST 13, 1959.

[F.R. Doc. 59-6859; Filed, Aug. 18, 1959; 8:47 a.m.]

Bureau of Land Management

[Document 210]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Army, Corps of Engineers, has filed an application, Serial No. AR-020385, for the withdrawal of lands as described below from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the lands for military purposes in connection with the Williams Bombing and Gunnery Range.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

ARIZONA

T. 9 S., R. 18 W.,
Sec. 28: NE¼NW¼.
T. 9 S., R. 19 W.,
Sec. 27: W½SW¼.

Area: 120 Acres

MARTIN W. BUZAN,
Acting State Supervisor.

JULY 28, 1959.

[F.R. Doc. 59-6865; Filed, Aug. 18, 1959; 8:48 a.m.]

[Document 211; Classification 67]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totaling 646.80 acres in Navajo County, Arizona, as suitable for lease and/or sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 21 E.,
Sec. 30: Lots 1 through 13 and NE¼NE¼, E½SW¼.

Containing 646.80 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279-284), as amended.

4. There are no preference right applications filed under the provisions of 43 CFR 257.5(a).

E. I. ROWLAND,
State Supervisor.

AUGUST 10, 1959.

[F.R. Doc. 59-6866; Filed, Aug. 18, 1959; 8:48 a.m.]

Bureau of Mines

[Supplement-Release 16]

DIVISION OF ADMINISTRATION; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Paragraph 205.2.4, *Property Management-General*, Subparagraph A, *Redelegations of authority to execute contracts.* (1) In accordance with the provisions of subparagraph 205.2.4A(3) of Region III, Release No. 16, Bureau of Mines Manual, the following officials of the Office of Administration, Region III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Regional Director, Region III, or the Director, Bureau of Mines:

(a) Any for more than $10,000.

(b) Purchase of land.

(c) Printing and binding in excess of $500.

(d) Automobiles and trucks.

(e) Microfilming equipment and services over $100.

(f) Construction.

(g) Alterations and repairs to buildings in excess of $2,500.

(h) Drilling.

(i) Working fund and reimbursable agreements with other Government agencies.

(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Procurement and Supply Officer, Region III, Denver, Colorado

T. A. CHRISTENSEN,
Chief, Division of Administration, Region III.

Approved: August 7, 1959.

J. H. EAST, Jr.,
Regional Director, Region III.

[F.R. Doc. 59-6867; Filed, Aug. 18, 1959; 8:48 a.m.]

[Supplement—Release 3]

GRAND FORKS LIGNITE RESEARCH LABORATORY; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Paragraph 205.2.4, *Property Management-General*, Subparagraph A, *Redelegation of authority to execute contracts.* (1) In accordance with the provisions of subparagraph M205.2.4A (4) of the Bureau of Mines Manual, the following officials of Region III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Regional Director, Region III, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Alterations and repairs to buildings in excess of $500.
(h) Drilling.
(i) Working fund and reimbursable agreements with other Government agencies.
(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Administrative Assistant, Grand Forks Lignite Research Laboratory

(2) Change orders and extra work orders: With respect to any contract (including a contract approved by the Director or the Regional Director, Region III) the officials mentioned above may, up to $500, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

JAMES L. ELDER,
Superintendent, Grand Forks Lignite Research Laboratory, Region III.

Approved: August 7, 1959.

J. H. EAST, Jr.,
Regional Director, Region III.

[F.R. Doc. 59-6868; Filed, Aug. 18, 1959; 8:48 a.m.]

[Supplement—Release 3]

DIVISION OF MINERAL RESOURCES; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Paragraph 205.2.4, *Property Management-General*, Subparagraph A, *Redelegations of Authority to Execute Contracts.* (1) In accordance with the provisions of subparagraph M205.2.4A (4) of the Bureau of Mines Manual, the following officials of Regfon III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Chief, Division of Mineral Resources, or the Regional Director, Region III, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $500.
(b) Purchase of land
(c) Printing and binding
(d) Automobiles and trucks
(e) Microfilm equipment and services
(f) Construction
(g) Alterations and repairs to buildings
(h) Drilling
(i) Working fund and reimbursable agreements with other Government agencies
(j) Cooperative agreements on research programs
(k) Office furniture and machines

Projects Coordinator, Tucson Field Office

Projects Coordinator, Salt Lake City Field Office

Designated engineers in charge of field projects; provided that under this subparagraph the fiscal limitation of item (a) shall be $100 restricted to Field Purchase Orders or cash purchases.

ROBERT W. GEEHAN,
Chief, Division of Mineral Resources, Region III.

Approved: August 7, 1959.

J. H. EAST, Jr.,
Regional Director, Region III.

[F.R. Doc. 59-6869; Filed, Aug. 18, 1959; 8:48 a.m.]

[Supplement—Release 3]

LARAMIE PETROLEUM RESEARCH CENTER; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Paragraph 205.2.4, *Property Management-General*, Subparagraph A, *Redelegation of authority to execute contracts.* (1) In accordance with the provisions of subparagraph M205.2.4A(4) of the Bureau of Mines Manual, the following officials of Region III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Research Director, Denver Mining Research Center, or the Regional Director, Region III, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services.
(f) Construction.
(g) Alterations and repairs to buildings.
(h) Drilling.
(i) Working fund and reimbursable agreements with other Government agencies.
(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Projects Coordinator, Tucson Field Office

Designated engineers in charge of field projects; provided that under this subparagraph the fiscal limitation of item (a) shall be $100 restricted to Field Purchase Orders or cash purchases.

JOHN F. SHAW,
Research Director, Denver Mining Research Center, Region III.

Approved: August 7, 1959.

J. H. EAST, Jr.,
Regional Director, Region III.

[F.R. Doc. 59-6870; Filed, Aug. 18, 1959; 8:48 a.m.]

[Supplement—Release 3]

DENVER MINING RESEARCH CENTER; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Paragraph 205.2.4, *Property Management-General*, Subparagraph A, *Redelegation of Authority to execute contracts.* (1) In accordance with the provisions of subparagraph M205.2.4A(4) of the Bureau of Mines Manual, the following officials of Region III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Research Director, Denver Mining Research Center, or the Regional Director, Region III, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Alterations and repairs to buildings in excess of $500.
(h) Drilling.
(i) Working fund and reimbursable agreements with other Government agencies.
(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Superintendent, Salt Lake City Metallurgy Research Center

Administrative Officer, Salt Lake City Metallurgy Research Center

Project Coordinator, Rapid City Research Laboratory

Project Coordinator, Rapid City Metallurgy Research Laboratory

(2) Change orders and extra work orders: With respect to any contract (including a contract approved by the Director or the Regional Director, Region III) the officials mentioned above may, up to $500, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

J. BRUCE CLEMMER,
Research Director, Salt Lake City Metallurgy Research Center, Region III.

Approved: August 7, 1959.

J. H. EAST, Jr.,
Regional Director, Region III.

[F.R. Doc. 59-6871; Filed, Aug. 18, 1959; 8:48 a.m.]

[Supplement—Release 3]

SALT LAKE CITY METALLURGY RESEARCH CENTER; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Paragraph 205.2.4, *Property Management-General*, Subparagraph A, Redelegation of authority to execute contracts. (1) In accordance with the provisions of subparagraph M205.2.4A(4) of the Bureau of Mines Manual, the following officials of Region III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Regional Director, Region III, or the Director, Bureau of Mines (see subparagraph M205.2.4A(1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Alterations and repairs to buildings in excess of $500.
(h) Drilling.
(i) Working fund and reimbursable agreements with other Government agencies.
(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Superintendent, Salt Lake City Metallurgy Research Center

Administrative Officer, Salt Lake City Metallurgy Research Center

Project Coordinator, Rapid City Research Laboratory

Project Coordinator, Rapid City Metallurgy Research Laboratory

(2) Change orders and extra work orders: With respect to any contract (including a contract approved by the Director or the Regional Director, Region III) the officials mentioned above may, up to $500, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

J. BRUCE CLEMMER,
Research Director, Salt Lake City Metallurgy Research Center, Region III.

Approved: August 7, 1959.

J. H. EAST, Jr.,
Regional Director, Region III.

[F.R. Doc. 59-6872; Filed, Aug. 18, 1959; 8:48 a.m.]

Geological Survey

CALIFORNIA, MISSISSIPPI, MONTANA, NEW MEXICO, UTAH, WYOMING

Definition of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulation (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of field, Effective date, Acreage

(1) CALIFORNIA

Buena Vista Hills (Revision), June 24, 1959	26,287
Metson, May 25, 1959	320
Russell Ranch (Revision), March 30, 1959	2,748
Santiago (Revision), March 30, 1959	670

(4a) MISSISSIPPI

Diamond, April 8, 1959	1,258

(4) MONTANA

Blackfoot, May 20, 1959	995
Bradley, May 20, 1959	600
Cobb, July 23, 1959	2,400
Cut Bank (Revision), April 29, 1959	120,941
Darling (Revision), July 23, 1959	3,801
Red Creek, May 20, 1959	2,431

(5) NEW MEXICO

Bisti (Revision), May 4, 1959	64,414
Gallegos (Revision), April 20, 1959	20,801
Horseshoe Canyon, May 7, 1959	10,888
Milnesand, May 25, 1959	2,111
San Jaun, June 11, 1959	1,715,907

(8) UTAH

Red Wash, May 25, 1959	32,275

(9) WYOMING

Coyote Creek, May 14, 1959	1,965
Donkey Creek (Revision), April 9, 1959	3,714
Fiddler Creek (Revision), April 3, 1959	12,440
Kara, May 14, 1959	1,200
Mush Creek-Skull Creek (Rev.), April 2, 1959	20,228
North Skull Creek (Revision), March 30, 1959	1,760
Robinson Ranch, May 14, 1959	960

ARTHUR A. BAKER,
Acting Director.

AUGUST 13, 1959.

[F.R. Doc. 59-6888; Filed, Aug. 18, 1959; 8:51 a.m.]

DEPARTMENT OF STATE

[Delegation of Authority 85-7; Public Notice 164]

ADMINISTRATION OF MUTUAL SECURITY ACT OF 1954 AND DELEGATION OF CERTAIN RELATED FUNCTIONS

By virtue of the authority vested in me by Executive Order No. 10575, as amended, the Mutual Security Act of 1954 (68 Stat. 832), as amended, Public Law 86-117 (73 Stat. 265), section 4 of the Act of May 26, 1949 (63 Stat. 111, 5 U.S.C. 151c), as amended, and as Secretary of State, Delegation of Authority No. 85 of June 30, 1955 (20 F.R. 4825), as heretofore amended, is amended as follows:

1. Section 2a is amended by substituting a semicolon for the period at the end of subparagraph (8) and by adding the following new subparagraph (9):

(9) The function of directing and supervising the Development Loan Fund.

2. Sections 2b and 2c are redesignated sections 2c and 2d respectively, and the following new section 2b is inserted:

b. The Under Secretary of State, or, in his absence, disability, or if he is on leave, such person as he shall designate, is designated Chairman and Member of the Board of Directors of the Development Loan Fund, and shall carry out the functions related thereto.

Dated: July 30, 1959.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-6874; Filed, Aug. 18, 1959; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order 66, Amdt. 1; Chief Counsel's Order No. 1958–11, Amdt. 1]

AUTHORITIES OF REGIONAL APPELLATE DIVISION AND OF REGIONAL COUNSEL IN PROTESTED CASES AND IN TAX COURT CASES

Delegation Order

AUGUST 4, 1959.

Paragraph 3(a) of Delegation Order No. 66, Chief Counsel's Order No. 1958–11, dated August 6, 1958, published at 23 F.R. 6531, is amended by inserting "income, profits, estate, or gift tax" immediately after the word "any."

Effective date: August 4, 1959.

[SEAL] CHARLES I. FOX,
Acting Commissioner.
ARCH M. CANTRALL,
Chief Counsel.

[F.R. Doc. 59–6887; Filed, Aug. 18, 1959; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13086–13088; FCC 59M–1041]

BEACON BROADCASTING SYSTEM, INC., ET AL.

Order Scheduling Hearing

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP–10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, Docket No. 13087, File No. BP–12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP–12802; for construction permits.

It is ordered, This 10th day of August 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1959, in Washington, D.C.

Released: August 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6891; Filed, Aug. 18, 1959; 8:51 a.m.]

[Docket No. 13010 etc.; FCC 59M–1040]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Scheduling Hearing

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, Docket No. 13010, File No. BP–11689; et al., Docket Nos. 13011, 13012, 13013, 13014, 13015, 13016, 13017, 13018, 13019, 13020, 13021, 13022, 13023, 13024, 13025, 13026, 13027, 13028, 13029, 13030, 13031, 13032, 13033, 13034, 13035, 13036, 13037, 13038, 13039, 13040, 13041, 13042, 13043, 13044, 13045, 13046, 13047, 13048, 13049, 13050, 13051, 13052, 13053; for construction permits.

It is ordered, This 10th day of August 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 23, 1959, in Washington, D.C.

Released: August 13, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6892; Filed, Aug. 18, 1959; 8:51 a.m.]

[Docket No. 13089 etc.; FCC 59M–1042]

TIFFIN BROADCASTING CO.

Order Scheduling Hearing

In re applications of William E. Benns, Jr., & Barbara Benns d/b as Tiffin Broadcasting Company, Tiffin, Ohio, et al., Docket No. 13089, File No. BP–11392; Docket Nos. 13090, 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13128, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147; for construction permits.

It is ordered, This 10th day of August 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 23, 1959, in Washington, D.C.

Released: August 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6893; Filed, Aug. 18, 1959; 8:52 a.m.]

[Docket Nos. 13089–13147; FCC 59–861]

TIFFIN BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William E. Benns, Jr. & Barbara Benns d/b as Tiffin Broadcasting Company, Tiffin, Ohio, requests 1240 kc, 100 w, U, Docket No. 13089, File No. BP–11392; Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13090, File No. BP–11550; Herman E. Sayger, tr/as Sayger Broadcasting Company, Tiffin, Ohio, requests 1250 kc, 500 w, 1 kw–LS, DA–2, U, Docket No. 13091, File No. BP–11673; WPFC, Inc., Toms River, New Jersey, requests 1230 kc, 100 w, U, Docket No. 13092, File No. BP–11740; Easton Publishing Company (WEEX), Easton, Pennsylvania, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, DA–D, U, Docket No. 13093, File No. BP–11779; Lamar A. Newcomb (WFAX), Falls Church, Virginia, has 1220 kc, 1 kw, Day, requests 1220 kc, 5 kw, Day, Docket No. 13094, File No. BP–11956; Francis J. Matrangola (WCMC), Wildwood, New Jersey, has 1230 kc, 100 w, U, requests 1230 kc, 250 w, U, Docket No. 13095, File No. BP–11982; Erwin C. Pond, Raymond Belcher, John M. Litty, Dale A. Engel, Warren R. Ferris and Claire Flanders, d/b as Voice of Dowagiac, Dowagiac, Michigan, requests 1240 kc, 250 w, U, Docket No. 13096, File No. BP–11994;

WBIR, Inc. (WBIR), Knoxville, Tennessee, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13097, File No. BP–12176; WBC, Incorporated, Louisville, Kentucky, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13098, File No. BP–12204; Keystone Broadcasting Corporation (WKBO), Harrisburg, Pennsylvania, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13099, File No. BP–12215; Hagerstown Broadcasting Company (WJEJ), Hagerstown, Maryland, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13100, File No. BP–12280; Milton Maltz and Robert G. Wright, d/b as Malrite Broadcasting Company, Norwalk, Ohio, requests 1240 kc, 100 w, U, Docket No. 13101, File No. BP–12316; Iowa Great Lakes Broadcasting Company (KICD), Spencer, Iowa, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13102, File No. BP–12386; Westchester Broadcasting Corporation (WFAS), White Plains, New York, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13103, File No. BP–12387; Leroy Bremmer, Dorothy Bremmer and John F. Moore, d/b as Ocean County Broadcasters, Toms River, New Jersey, requests 1230 kc, 100 w, U, Docket No. 13104, File No. BP–12390;

E. Anthony & Sons, Inc. (WCOB), West Yarmouth, Massachusetts, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13105, File No. BP–12432; WBVP, Inc. (WBVP), Beaver Falls, Pennsylvania, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13106, File No. BP–12443; The Maryland Broadcasting Company (WITH), Baltimore, Maryland, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13107, File No. BP–12451; Harlan Murrelle and Associates, Harlan G. Murrelle, President, Lakewood, New Jersey, requests 1230 kc, 100 w, U, Docket No. 13108, File No. BP–12466; Mahoning Valley Broadcasting Corporation (WBBW), Youngstown, Ohio, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13109, File No. BP–12474; Scripps-Howard Radio, Inc. (WCPO), Cincinnati, Ohio, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13110, File No. BP–12490; Norfolk Broadcasting Corporation (WNOR), Norfolk, Virginia, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13111, File No. BP–12491; Twin City Broadcasting Company, Inc. (WCOU), Lewiston, Maine, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13112, File No. BP–12495; Petersburg Broadcasting Company, Inc. (WSSV), Petersburg, Virginia, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13113, File No. BP–12497;

WSBC Broadcasting Co. (WSBC), Chicago, Illinois, has 1240 kc, 250 w, S.H., requests 1240 kc, 250 w, 1 kw–LS, S.H., Docket No. 13114, File No. BP–12503; The Shore Broadcasting Company (WCEM), Cambridge, Maryland, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13115, File No. BP–12525; North Shore Broadcasting Corporation (WESX), Salem, Massachusetts, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13116, File No. BP–12553; The Oneida Broadcasting Company (WOBT), Rhinelander, Wisconsin, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13117, File No. BP–12606; Century Broadcasting Corporation (WCRO), Johnstown, Pennsylvania, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13118, File No. BP–12608; Ishpeming Broadcasting Company (WJPD), Ishpeming, Michigan, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13119, File No. BP–12621; Cornbelt Broadcasting Corporation (KFOR), Lincoln, Nebraska, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13120, File No. BP–12697; Eastern Radio Corporation (WHUM), Reading, Pennsylvania, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13121, File No. BP–12707;

James Broadcasting Company, Incorporated (WJTN), Jamestown, New York, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13122, File No. BP–12719; Elmira Star-Gazette, Inc. (WENY), Elmira, New York, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13123, File No. BP–12734; Norwalk Broadcasting, Inc., Norwalk, Ohio, requests 1240 kc, 100 w, U, Docket No. 13124, File No. BP–12741; Gordon P. Brown tr/as Niagara Broadcasting System (WNIA), Cheektowaga, New York, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13125, File No. BP–12751; Woonsocket Broadcasting Company (WWON), Woonsocket, Rhode Island, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13126, File No. BP–12761; Southeastern Broadcasting Co. Inc. (WSFC), Somerset, Kentucky, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13127, File No. BP–12772; Capital Broadcasting Company (KWOS), Jefferson City, Missouri, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13128, File No. BP–12786; Long Island's First Station, Inc. (WGBB), Freeport, New York, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13129, File No. BP–12815; WTAX, Incorporated (WTAX), Springfield, Illinois, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13130, File No. BP–12819;

WJMC, Incorporated (WJMC), Rice Lake, Wisconsin, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13131, File No. BP–12831; Bloomington Broadcasting Corporation (WJBC), Bloomington, Illinois) has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13132, File No. BP–12835; Eastern States Broadcasting Corporation (WSNJ), Bridgeton, New Jersey, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13133, File No. BP–12908; Granite City Broadcasting Company (WJON), St. Cloud, Minnesota, has 1240 kc, 250 w U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13134, File No. BP–12935; Altoona Trans-Audio Corporation, Inc. (WRTA), Altoona, Pennsylvania, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13135, File No. BP–12973; Standard Tobacco Company (WFTM), Maysville, Kentucky, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13136, File No. BP–12986; Southeastern Ohio Broadcasting System, Incorporated (WHIZ), Zanesville, Ohio, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13137, File No. BP–13029; Southern Wisconsin Radio, Inc. (WCLO), Janesville, Wisconsin, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13138, File No. BP–13048; Marshall Electric Company (KFJB), Marshalltown, Iowa, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13139, File No. BP–13086;

Anderson Broadcasting Corporation (WHBU), Anderson, Indiana, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13140, File No. BP–13089; Morristown Brodcasting Corporation (WMTR), Morristown, New Jersey, has 1250 kc, 1 kw, Day, requests 1250 kc, 5 kw, DA–Day, Docket No. 13141, File No. BP–13090; Nicholas J. Zaccagnino, tr/as Radio Toms River, Toms River, New Jersey, request 1230 kc, 100 w, U, Docket No. 13142, File No. BP–13138; New England Broadcasting Company (WNEB) Worcester, Massachusetts, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13143, File No. BP–13143; WQUA, Inc. (WQUA), Moline, Illinois, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13144, File No. BP–13151; KODY, Inc. (KODY), North Platte, Nebraska, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13145, File No. BP–13152; Wapello County Broadcasting Company (KBIZ), Ottumwa, Iowa, has 1240 kc, 250 w, U, requests 1240 kc, 250 w, 1 kw–LS, U, Docket No. 13146, File No. BP–13154; Air Trails, Inc. (WCOL), Columbus, Ohio, has 1230 kc, 250 w, U, requests 1230 kc, 250 w, 1 kw–LS, U, Docket No. 13147, File No. BP–13155; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of August 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate its instant proposal, with the exceptions that Ocean County Broadcasters (BP–12390), Harlan Murrelle and Associates, (BP–12466), and KODY, Inc. (BP–13152) may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 8, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of any one of the applications herein and requiring an evidentiary hearing on the issues hereinafter specified; and

It further appearing that, in an amendment filed on July 28, 1959, WBIR, Inc. (BP–12176) submitted photographs which indicate the existence of a stand-pipe of unspecified type and proximity near the WBIR antenna; and that no information has been submitted regarding the possible adverse affect of the said pipe on the operation of the WBIR proposed antenna; and

It further appearing that the showing made by Eastern States Broadcasting Corporation (BP–12908) is not adequate to establish that 25 mv/m contour overlap does not obtain with Station WDVL, Vineland, New Jersey; that the showing made by Woonsocket Broadcasting Company is not adequate to establish that 2 and 25 mv/m contour overlap does not obtain with Station WRIB, Providence, Rhode Island; that Figure M–3 conductivities, used by each of the said applicants, are not sufficiently accurate for the short distances involved to establish the lack of such overlap; and that, therefore, pertinent field intensity measurements must be submitted by both applicants to establish that such overlap, as precluded by § 3.37 of the Commission rules, would not occur; and

It further appearing that Westchester Broadcasting Corporation (BP–12387), in its reply to the Commission's above-referenced letter, requested that there be included in the hearing a comparative issue on the programming of each instant proposal, but that we believe such an issue would serve no useful purpose in view of the interlinking status of the proposals herein, with the result that many proposals involve no direct conflict with others; and that the issue, therefore, should not be included; and

It further appearing that Ocean County Broadcasters (BP–12390) requests an extension of 30 days in which to reply to the Commission's above-referenced letter; but that the orderly dispatch of the Commission's business and the equities of the other applicants herein require that the instant applications be designated without delay; and that, therefore, the request should be denied; and

It further appearing that WWCO, Incorporated, The Tower Realty Company, and Hibbing Broadcasting Company request that their applications for increases in power, which have been or will be filed, be consolidated in a hearing ordered on the above-captioned applications; but that the requests should be denied because none of the said applications is timely filed, pursuant to the provisions of § 1.106 of the Commission rules, for consolidation in the hearing ordered below; and

It further appearing that in a letter filed on July 14, 1959, Rossmoyne Corporation, licensee of Station WCMB, Harrisburg, Pennsylvania, submitted measurements, which, while not in accordance with the Commission rules, tend to indicate that the antennas of the existing operations of WHGB, Harrisburg, Pa. (1400 kc, 250 w, U) and WKBO, Harrisburg, Pa. (1230 kc, 250 w, U) interact in such a manner as to produce serious distortion of the nominally omnidirectional radiation characteristics of each and contended that each station, if permitted to increase power to 1 kilowatt with rooftop antennas, would further aggravate an already serious condition with respect to causing interference to WCMB by virtue of cross-modulation effects; that WCMB contends WKBO and WHGB "attempt to sell the idea that they are 'louder' than WCMB * * *" because the "blanket area" is in downtown Harrisburg; that WCMB would be economically injured and aggrieved by a grant of the WKBO application; and that WCMB should be made a party to a hearing on the WKBO application to show that the public interest would not be served by waivers of §§ 3.188(d) and 3.28(c) of the Commission rules; but that we believe the matter here complained of by WCMB would be properly disposed of by a condition that, in the event of a grant of the WKBO application, the permittee shall be responsible for the installation and adjustment of necessary equipment to prevent adverse effects on WCMB due to cross-modulation or signal reradiation; and that WCMB's request that it be made a party to the hearing ordered below should, therefore, be denied; and further, that WKBO will cooperate with WHGB in eliminating the aforementioned interference problems; and

It further appearing that a substantial question obtains as to whether the WKBO radiation pattern is distorted to the extent that the interference to other facilities may be greater than would otherwise be expected from the proposed omnidirectional operation; and that, therefore, it is necessary that WKBO submit field intensity measurement data made in accordance with Commission rules to establish the correct existing and proposed radiation; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive new primary service from each of the instant proposals for a broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations involved in the interference between the proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposal	*Existing Stations*
BP–11392	WHIZ, Zanesville, Ohio.
BP–11550	WFAX, Falls Church, Va.
	WITH, Baltimore, Md.
BP–11740	WCAU, Philadelphia, Pa.
	WEEX, Easton, Pa.
	WFAS, White Plains, N.Y.
	WERI, Westerly, R.I.
	WCMC, Wildwood, N.J.
BP–11779	WENY, Elmira, N.Y.
	WKBO, Harrisburg, Pa.
	WFAS, White Plains, N.Y.
	WCAU, Philadelphia, Pa.
	WCMC, Wildwood, N.J.
BP–11956	WFVA, Fredericksburg, Va.
	WITH, Baltimore, Md.
BP–11982	WCAU, Philadelphia, Pa.
	WITH, Baltimore, Md.
	WSNJ, Bridgeton, N.J.
BP–12176	WSFC, Somerset, Ky.
	WBEJ, Elizabethton, Tenn.
	WPNF, Brevard, N.C.
BP–12204	WFTM, Maysville, Ky.
	WHBU, Anderson, Ind.
	WSLM, Salem, Ind.
	WSFC, Somerset, Ky.
BP–12215	WBPZ, Lock Haven, Pa.
	WEEX, Easton, Pa.
	WITH, Baltimore, Md.
	WJUN, Mexico, Pa.
	WNOW, York, Pa.
BP–12289	WRTA, Altoona, Pa.
	WCEM, Cambridge, Md.
BP–12316	WTOL, Toledo, Ohio.
	WBBW, Youngstown, Ohio.
	WHIZ, Zanesville, Ohio.
BP–12386	KWLC–KDEC, Decorah, Iowa.
	KBIZ, Ottumwa, Iowa.
	WJON, St. Cloud, Minn.
	KYSM, Mankato, Minn.
	KISD, Sioux Falls, S. Dak.
	KFOR, Lincoln, Nebr.
BP–12387	WEEX, Easton, Pa.
	WERI, Westerly, R.I.
	WGBB, Freeport, N.Y.
	WGNY, Newburgh, N.Y.
	WHUC, Hudson, N.Y.
	WINF, Manchester, Conn.
	BP–11607, D–12412, Hamden, Conn.
	BP–11365, D–12411, WGNY, Newburgh, N.Y.
BP–12390	WCAU, Philadelphia, Pa.
	WEEX, Easton, Pa.
	WFAS, White Plains, N.Y.
	WCMC, Wildwood, N.J.
	WERI, Westerly, R.I.
BP–12432	WCOU, Lewiston, Maine.
	WESX, Salem, Mass.
	WKBR, Manchester, N.H.
	WSNJ, Bridgeton, N.J.
	WWON, Woonsocket, R.I.
BP–12443	WCRO, Johnstown, Pa.
	WCAE, Pittsburgh, Pa.
	WBBW, Youngstown, Ohio.
	WGAR, Cleveland, Ohio.
	WCOL, Columbus, Ohio.
BP–12451	WNOR, Norfolk, Va.
	WFAX, Falls Church, Va.
	WFYA, Fredericksburg, Va.
	WKBO, Harrisburg, Pa.
	WCMC, Wildwood, N.J.
	WCEM, Cambridge, Md.
BP–12466	WCAU, Philadelphia, Pa.
	WCMC, Wildwood, N.J.
	WEEX, Easton, Pa.
	WFAS, White Plains, N.Y.
	WGBB, Freeport, N.Y.
BP–12474	WJTN, Jamestown, N.Y.
	WHIZ, Zanesville, Ohio.
	WBVP, Beaver Falls, Pa.
	WCAE, Pittsburgh, Pa.
	WGAR, Cleveland, Ohio.
	CJCS, Stratford, Ontario, Canada
BP–12490	WFTM, Maysville, Ky.
	WCOL, Columbus, Ohio.
	WHIR, Danville, Ky.
	WTCJ, Tell City, Ind.
	WSAL, Logansport, Ind.
BP–12491	WCNC, Elizabeth City, N.C.
	WITH, Baltimore, Md.
	WCBT, Roanoke Rapids, N.C.
BP–12495	WOCB, West Yarmouth, Mass.
BP–12497	WCNC, Elizabeth City, N.C.
BP–12503	WJOB, Hammond, Ind.
	WIBU, Poynette, Wis.
	WSDR, Sterling, Ill.
	WTAX, Springfield, Ill.
	WIZZ, Streator, Ill.
BP–12525	WITH, Baltimore, Md.
	WSNJ, Bridgeton, N.J.
	WJEJ, Hagerstown, Md.
	WCNC, Elizabeth City, N.C.
BP–12553	WERI, Westerly, R.I.
	WNEB, Worcester, Mass.
	WOCB, West Yarmouth, Mass.
BP–12606	WJMC, Rice Lake, Wis.

Proposal	*Existing Stations*
BP–12608	WBVP, Beaver Falls, Pa.
	WCUM, Cumberland, Pa.
	WBPZ, Lock Haven, Pa.
	WRTA, Altoona, Pa.
BP–12621	WOBT, Rhinelander, Wis.
BP–12697	KAKE, Wichita, Kans.
	KBIZ, Ottumwa, Iowa.
	KFKU, Lawrence, Kans.
	KHAS, Hastings, Nebr.
	KICD, Spencer, Iowa.
	KODY, North Platte, Nebr.
	KTNC, Falls City, Nebr.
	WREN, Topeka, Kans.
BP–12707	WBAX, Wilkes Barre, Pa.
	WKOK, Sunbury, Pa.
	WNOW, York, Pa.
	WSNJ, Bridgeton, N.J.
	WJEJ, Hagerstown, Md.
BP–12719	CJCS, Stratford, Ontario, Canada.
	WBBW, Youngstown, Ohio.
BP–12734	WNIA, Checktowaga, N.Y.
	WBPZ, Lock Haven, Pa.
	WLFH, Little Falls, N.Y.
BP–12741	WBBW, Youngstown, Ohio.
	WHIZ, Zanesville, Ohio.
	WTOL, Toledo, Ohio.
BP–12751	WENY, Elmira, N.Y.
	CKMP, Midland, Ontario, Canada.
BP–12761	WRIB, Providence, R.I.
	WOCB, West Yarmouth, Mass.
	WHAI, Greenfield, Mass.
	WNEB, Worcester, Mass.
	WKBR, Manchester, N.H.
	WWCO, Waterbury, Conn.
	WEZE, Boston, Mass.
BP–12772	WBIR, Knoxville, Tenn.
	WFTM, Maysville, Ky.
	WHIR, Danville, Ky.
	WINN, Louisville, Ky.
BP–12786	KBIZ, Ottumwa, Iowa.
	KFMO, Flat River, Mo.
	KNCM, Moberly, Mo.
	KNEM, Nevada, Mo.
	WTAX, Springfield, Ill.
BP–12815	WVOS, Liberty, N.Y.
	WWCO, Waterbury, Conn.
	WSNJ, Bridgeton, N.J.
	WFAS, White Plains, N.Y.
	WCMC, Wildwood, N.J.
	WCNC, Elizabeth City, N.C.
BP–12819	WJBC, Bloomington, Ill.
	WSBC, Chicago, Ill.
	KWOS, Jefferson City, Mo.
	WEBQ, Harrisburg, Ill.
	KFMO, Flat River, Mo.
	KBIZ, Ottumwa, Iowa.
	WSDR, Sterling, Ill.
	WIZZ, Streator, Ill.
	WEDC, Chicago, Ill.
	WCRW, Chicago, Ill.
BP–12831	WMFG, Hibbing, Minn.
	WOBT, Rhinelander, Wis.
	KDEC(S-KWLC), Decorah, Iowa.
	KWLC(S-KDEC), Decorah, Iowa
	WJON, St. Cloud, Minn.
BP–12835	WIZZ, Streator, Ill.
	WTAX, Springfield, Ill.
	WQUA, Moline, Ill.
	WJOB, Hammond, Ind.
	WBOW, Terre Haute, Ind.
	KNCM, Moberly, Mo.
	WLPO, La Salle, Ill.
	WCLO, Janesville, Wis.
BP–12908	WCEM, Cambridge, Md.
	WCMC, Wildwood, N.J.
	WHUM, Reading, Pa.
	WGBB, Freeport, N.Y.
BP–12935	WJMC, Rice Lake, Wis.
	KICD, Spencer, Iowa.
BP–12973	WJEJ, Hagerstown, Md.
	WCRO, Johnstown, Pa.
	WKOK, Sunbury, Pa.
BP–12986	WCPO, Cincinnati, Ohio.
	WCHO, Washington Court House, Ohio.
	WINN, Louisville, Ky.
	WSFC, Somerset, Ky.
	WHBU, Anderson, Ind.
BP–13029	WBBW, Youngstown, Ohio.
	WCOL, Columbus, Ohio.
	WFTM, Maysville, Ky.
BP–13048	WHBY, Appleton, Wis.
	WIBU, Poynette, Wis.
	WJOB, Hammond, Ind.
	WKRS, Waukegan, Ill.
	WQUA, Moline, Ill.
	WJBC, Bloomington, Ill.
BP–13086	KBIZ, Ottumwa, Iowa.
	KCFI, Cedar Falls, Iowa.
	KNCM, Moberly, Mo.
	KTNC, Fall City, Nebr.
	KYSM, Mankato, Minn.
	WQUA, Moline, Ill.
	KWNO, Winona, Minn.
	BP–12033, Docket No. 12812, Independence, Iowa.
BP–13089	WINN, Louisville, Ky.
	WSAL, Logansport, Ind.
	WGL, Fort Wayne, Ind.
	WFBM, Indianapolis, Ind.
	WFTM, Maysville, Ky.
BP–13090	WGBB, Freeport, N.Y.
	WMMM, Westport, Conn.
BP–13138	WCAU, Philadelphia, Pa.
	WCMC, Wildwood, N.J.
	WEEX, Easton, Pa.
	WERI, Westerly, R.I.
	WFAS, White Plains, N.Y.
BP–13143	WERI, Westerly, R.I.
	WESX, Salem, Mass.
	WWON, Woonsocket, R.I.
BP–13151	WJBC, Bloomington, Ill.
	KFJB, Marshalltown, Iowa.
	KNCM, Moberly, Mo.
	WCLO, Janesville, Wis.
	WLPO, La Salle, Ill.
	WSDR, Sterling, Ill.
BP–13152	KFOR, Lincoln, Nebr.
	KIUL, Garden City, Kans.
	KHAS, Hastings, Nebr.
BP–13154	WTAX, Springfield, Ill.
	WSDR, Sterling, Ill.
	KWOS, Jefferson City, Mo.
	KWLC, Decorah, Iowa.
	KICD, Spencer, Iowa.
	KFOR, Lincoln, Nebr.
	KFJB, Marshalltown, Iowa.
	KDEC, Decorah, Iowa.
	KCFI, Cedar Falls, Iowa.
BP–13155	WBVP, Beaver Falls, Pa.
	WCHO, Parkersburg, W. Va.
	WCOM, Parkersburg, W. Va.
	WCPO, Cincinnati, Ohio.
	WHIZ, Zanesville, Ohio.
	WIRO, Ironton, Ohio.
	WSAL, Logansport, Ind.
	WTOL, Toledo, Ohio.

6. To determine whether the transmitter site proposed by the following applicants is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern:

Fredericksburg Broadcasting Corporation (BP–11550).
Easton Publishing Company (BP–11779).
Lamar A. Newcomb (BP–11956).
WBIR, Inc. (BP–12176).
Norfolk Broadcasting Corporation, (BP–12491).
Petersburg Broadcasting Company, Inc. (BP–12497).
WSBC Broadcasting Co. (BP–12503).
Century Broadcasting Corporation (BP–12608).
Elmira Star-Gazette, Inc. (BP–12734).
Long Island's First Station, Inc. (BP–12815).
WJMC, Incorporated (BP–12831).
Altoona Trans-Audio Corporation, Inc. (BP–12973).
KODY, Inc. (BP–13152).

7. To determine whether each of the following proposals would involve overlap of the field intensity contours with the station indicated below, as prohibited by § 3.37 of Commission rules:

Proposal	*Existing Station*
BP–11740	WCAU, Philadelphia, Pa.
BP–12390	WCAU, Philadelphia, Pa.
BP–12466	WCAU, Philadelphia, Pa.
BP–12553	WEZE, Boston, Mass.
BP–12761	WRIB, Providence, R.I.
BP–12908	WDVL, Vineland, N.J.
BP–13089	WFBM, Indianapolis, Ind.
BP–13138	WCAU, Philadelphia, Pa.

8. To determine whether the antenna system proposed by each of the following applicants would constitute a hazard to air navigation:

The Maryland Broadcasting Company (BP–12451).
Easton Publishing Company (BP–11779).
Morristown Broadcasting Corporation (BP–13090).
Radio Toms River (BP–13138).

9. To determine whether the roof-top antenna system proposed by the following applicants is in compliance with § 3.188(d) of the rules, and, if not, whether circumstances exist which would warrant a waiver of said section:

Keystone Broadcasting Corporation (BP–12215).
Scripps-Howard Radio, Inc. (BP–12490).
WSBC Broadcasting Co. (BP–12503).
Anderson Broadcasting Corporation (BP–13089).
New England Broadcasting Company (BP–13143).

10. To determine whether the instant proposal of Harlan Murrelle and Associates (BP–12466) would provide the coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission rules.

11. To determine whether each of the following proposals is in compliance with § 3.35(a) of the Commission rules concerning multiple ownership of standard broadcast stations:

Malrite Broadcasting Company (BP–12316).
North Shore Broadcasting Corporation (BP–12553).
Norwalk Broadcasting, Inc. (BP–12741).
Anderson Broadcasting Corporation (BP–13089).

12. To determine whether the instant proposal of Anderson Broadcasting Corporation (BP–13089) is in compliance with § 3.24(b)(7) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether transmitter site proposed by each of the following applicants is satisfactory with particular respect to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern:

Malrite Broadcasting Company (BP–12316).
Woonsocket Broadcasting Company (BP–12761).
Standard Tobacco Company (BP–12986).

14. To determine whether Ocean County Broadcasters (BP–12390), Harlan Murrelle and Associates (BP–12466), and KODY, Inc. (BP–13152) are financially qualified to construct and operate their stations as proposed.

16. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

17. To determine on a comparative basis, in the event that Tiffin, Ohio; Toms River, New Jersey; or Norwalk, Ohio is, or are, selected as having the greatest need pursuant to section 307(b) which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

18. To determine in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

KAKE Broadcasting Company, Inc. (KAKE, Wichita, Kans.).
Jane A. Roberts (KCFI, Cedar Falls, Iowa).
Scenic Broadcasting Co., Inc. (KDEC, Decorah, Iowa).
The University of Kansas (KFKU, Lawrence, Kans.).
Lead Belt Broadcasting Company (KFMO, Flat River, Mo.).
The Nebraska Broadcasting Company (KHAS, Hastings, Nebr.).
KISD, Inc. (KISD, Sioux Falls, S. Dak.).
KIUL, Inc. (Garden City, Kans.).
Moberly Broadcasting Company (KNCM, Moberly, Mo.).
Radio KNEM, A Corporation (KNEM, Nevada, Mo.).
Craig Siegfried (KTNC, Falls City, Nebr.).
Luther College (KWLC, Decorah, Iowa).
Southern Minnesota Supply Co. (KYSM, Mankato, Minn.).
Anna Stenger (WBAX, Wilkes-Barre, Pa.).
WBOW, Incorporated (WBOW, Terre Haute, Ind.).
Lock Haven Broadcasting Corporation (WBPZ, Lock Haven, Pa.).
WCAE, Incorporated (WCAE, Pittsburgh, Pa.).
Columbia Broadcasting System, Inc. (WCAU, Philadelphia, Pa.).
WCBT, Incorporated (WCBT, Roanoke Rapids, N.C.).
The Court House Broadcasting Co. (WCHO, Washington Court House, Ohio).
Albemarle Broadcasting Company (WCNC, Elizabeth City, N.C.).
Valley Broadcasters, Incorporated (WCOM, Parkersburg, W. Va.).
WBEJ, Inc. (WBEJ, Elizabethton, Tenn.).
Vincent DeLaurentis (BP–11607, Hamden, Conn.).
Plains Broadcasting Corporation (BP–12033, Docket 12812), Independence, Iowa.
Clinton R. White and Josephine A. White, d/b as WCRW, Chicago, Ill.
Allegany County Broadcasting Corporation (WCUM, Cumberland, Md.).
Delsea Broadcasters (WDVL, Vineland, N.J.).
First Trust Association (WEBQ, Harrisburg, Ill.).
Emil Denemark, Incorporated (WEDC, Chicago, Ill.).
Rhode Island-Connecticut Radio Corporation (WERI, Westerly, R.I.).
Air Trails Broadcasting, Inc. (WEZE, Boston, Mass.).
Twin State Broadcasting, Inc. (WFBM, Indianapolis, Ind.).
Peoples Broadcasting Corporation (WGAR, Cleveland, Ohio).
News Sentinel Broadcasting Co., Inc. (WGL, Fort Wayne, Ind.).
Orange County Broadcasting Corporation (WGNY, Newburgh, N.Y.).
Haigis Broadcasting Corporation (WHAI, Greenfield, Mass.).
Nobertine Fathers (WHBY, Appleton, Wis.).
Commonwealth Broadcasting Corporation (WHIR, Danville, Ky.).
Colgreene Broadcasting Co., Inc. (WHUC, Hudson, N.Y.).
Wm. C. Forrest (WIBU, Poynette, Wis.).
John Deme, tr/as Manchester Broadcasting Company (WINF, Manchester, Conn.).
Iron City Broadcasting Co., Incorporated (WIRO, Ironton, Ohio).
Broadcasting Co. (WIZZ, Streator, Ill.).
South Shore Broadcasting Corporation (WJOB, Hammond, Ind.).
Lewistown Broadcasting Company tr/as Juaniata-Perry Broadcasting Company (WJUN, Mexico, Pa.).
Granite State Broadcasting Company, Inc. (WKBR, Manchester, N.H.).
Sunbury Broadcasting Corporation (WKOK, Sunbury, Pa.).
News-Sun Broadcasting Co. (WKRS, Waukegan, Ill.).
Walter T. Gaines (WLFH, Little Falls, N.Y.).
La Salle County Broadcasting Corp. (WLPO, La Salle, Ill.).
Hibbing Broadcasting Company (WMFG, Hibbing, Minn.).
The Westport Broadcasting Company (WMMM, Westport, Conn.).
WNOW, Inc. (WNOW, York, Pa.).
Pisgah Broadcasting Company, Inc. (WPNF, Brevard, N.C.).
WREN Broadcasting Company (WREN, Topeka, Kans.).
Logansport Broadcasting Corp. (WSAL, Logansport, Ind.).
Blackhawk Broadcasting Company (WSDR, Sterling, Ill.).
Don H. Martin (WSLM, Salem, Ind.).
James Roland Brewer tr/as Tell City Broadcasting Co. (WTCJ, Tell City, Ind.).
The Community Broadcasting Company (WTOL, Toledo, Ohio).
Sullivan County Broadcasting Corp. (WVOS, Liberty, N.Y.).
WWCO, Inc. (WWCO, Waterbury, Conn.).

It is further ordered, That the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Fredericksburg Broadcasting Corporation (WFVA, Fredericksburg, Va.).
Easton Publishing Company (WEEX, Easton, Pa.).
Lamar A. Newcomb (WFAX, Falls Church, Va.).
Francis J. Matrangola (WCMC, Wildwood, N.J.).
WBIR, Inc. (WBIR, Knoxville, Tenn.).
Kentucky Broadcasting Corp., Inc. (WINN, Louisville, Ky.).
Keystone Broadcasting Corporation (WKBO, Harrisburg, Pa.).
Hagerstown Broadcasting Company (WJEJ, Hagerstown, Md.).
Iowa Great Lakes Broadcasting Company (KICD, Spencer, Iowa).
Westchester Broadcasting Corporation (WFAS, White Plains, N.Y.).
E. Anthony & Sons, Inc. (WOCB, West Yarmouth, Mass.).
WBVP, Inc. (WBVP, Beaver Falls, Pa.).
The Maryland Broadcasting Company (WITH, Baltimore, Md.).
Mahoning Valley Broadcasting Corporation (WBBW, Youngstown, Ohio).
Scripps-Howard Radio, Inc. (WCPO, Cincinnati, Ohio).
Norfolk Broadcasting Corporation (WNOR, Norfolk, Va.).
Twin City Broadcasting Company, Inc. (WCOU, Lewiston, Maine).
Petersburg Broadcasting Company, Inc. (WSSV, Petersburg, Va.).
WSBC Broadcasting Co. (WSBC, Chicago, Ill.).
The Shore Broadcasting Company (WCEM, Cambridge, Md.).
North Shore Broadcasting Corporation (WESX, Salem, Mass.).
The Oneida Broadcasting Company (WOBT, Rhinelander, Wis.).
Century Broadcasting Corporation (WCRO, Johnstown, Pa.).
Ishpeming Broadcasting Company (WJPD, Ishpeming, Mich.).
Cornbelt Broadcasting Corporation (KPOR, Lincoln, Nebr.).
Eastern Radio Corporation (WHUM, Reading, Pa.).
James Broadcasting Company, Incorporated (WJTN, Jamestown, N.Y.).
Elmira Star-Gazette, Inc. (WENY, Elmira, N.Y.).
Niagara Broadcasting System (WNIA, Cheektowaga, N.Y.).
Woonsocket Broadcasting Company (WWON, Woonsocket, R.I.).
Southeastern Broadcasting Co., Inc. (WSFC, Somerset, Ky.).
Capital Broadcasting Company (KWOS, Jefferson City, Mo.).
Long Island's First Station, Inc. (WGBB, Freeport, N.Y.).
WTAX, Inc. (WTAX, Springfield, Ill.).
WJMC, Incorporated (WJMC, Rice Lake, Wisc.).
Bloomington Broadcasting Corporation (WJBC, Bloomington, Ill.).
Eastern States Broadcasting Corporation (WSNJ, Bridgeton, N.J.).
Granite City Broadcasting Company (WJON, St. Cloud, Minn.).
Altoona Trans-Audio Corporation, Inc. (WRTA, Altoona, Pa.).
Standard Tobacco Company (WFTM, Maysville, Ky.).
Southeastern Ohio Broadcasting System Incorporated (WHIZ, Zanesville, Ohio).
Southern Wisconsin Radio, Inc. (WCLO, Janesville, Wis.).
Marshall Electric Company (KFJB, Marshalltown, Iowa).
Anderson Broadcasting Corporation (WHBU, Anderson, Ind.).
Morristown Broadcasting Corporation (WMTR, Morristown, N.J.)
New England Broadcasting Company (WNEB, Worcester, Mass.).
WQUA, Inc. (WQUA, Moline, Ill.).
KODY, Inc. (KODY, North Platte, Nebr.).
Wapello County Broadcasting Company (KBIZ, Ottumwa, Iowa).
Air Trails, Inc. (WCOL, Columbus, Ohio).

It is further ordered, That, in the event the following proposal is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957 (Public Notice 46545, June 18, 1957) and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

Lamar A. Newcomb (BP–11956).

It is further ordered, That, in the event of a grant of any one of the following applications, the construction permit shall contain a condition that there shall be installed in the operation authorized a frequency monitor of a type approved by the Commission:

WJMC, Incorporated (BP–12831).
Altoona Trans-Audio Corporation, Inc. (BP–12973).

It is further ordered, That, in the event of a grant of the following application, the construction permit shall contain a condition that a complete non-directional proof of performance be submitted before the issuance of program test authorization to prove that the effective radiation at one mile is essentially 206 mv/m/1kw as proposed.

Southeastern Ohio Broadcasting System (BP–13029).

It is further ordered, That, if each following proposal is found to be in contravention of the provisions of the North American Regional Broadcasting Agreement, but is favored in the hearing, it will be held without final action pursuant to the provisions of § 1.352 of the Commission rules:

Niagara Broadcasting System (BP–12751).
Mahoning Valley Broadcasting Corporation (BP–12474).
James Broadcasting Company, Incorporated (BP–12719).

It is further ordered, That, the above-described requests by Westchester Broadcasting Corporation (BP–12387) for inclusion of a program issue with respect to all of the instant proposals; by Ocean County Broadcasters (BP–12390) for a 30 day extension of time in which to reply to the Commission's above-referenced letter; by WWCO, Incorporated, The Tower Realty Company and the Hibbing Broadcasting Company for consolidation of their respective applications in the hearing on the instant applications; and by Rossmooyne Corporation that it be made a party to the said hearing, are denied.

It is further ordered, That, in the event of a grant of the application of Keystone Broadcasting Corporation (BP–12215), the construction permit shall contain a condition that the permittee assume the responsibility for installation and adjustment of necessary equipment in its antenna system to prevent adverse affects on Station WCMB, Harrisburg, Pennsylvania due to cross-modulation or signal re-radiation and will cooperate with the licensee of Station WHGB, Harrisburg, Pennsylvania, in eliminating any such cross-modulation or signal re-radiation; that the permittee shall submit, before the issuance of program test authority, sufficient field intensity measurement data, made before and after the installation of such equipment, to prove that its authorized operation has no adverse affect on the technical operation of Station WCMB.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties respondent, pursuant to §1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6894; Filed, Aug. 18, 1959; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–12399 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications, Consolidation for Hearing, and Fixing Date of Hearing

AUGUST 11, 1959.

In the matters of Natural Gas Pipeline Company of America, Docket No. G–12399; Champlin Oil & Refining Company, Docket No. G–14830; Amerada Petroleum Corporation, Docket No. G–16029; Cities Service Gas Company, Docket No. G–16217; Phillips Petroleum Company, Docket Nos. G–16280, G–16439; Carter-Jones Drilling Company, Inc., Docket No. G–16288; Magnolia Petroleum Company, Docket Nos. G–16295, G–16296, G–16393, G–16266; Johnton Oil Company, Inc., Docket No. G–16375; McCommons Oil Company, Docket No. G–16376; Anson L. Clark, Docket No. G–16382; Cornell Oil Company, Docket No. G–16383; Bond Oil Corporation, et al., Docket No. G–16392; Hudson Oil & Metals Company, Docket No. G–16436; The Pure Oil Company, Docket No. G–17493; Gulf Oil Corporation, Docket No. G–16761; Riddell Petroleum Corporation, Docket No. G–17828; Fain-Porter Drilling Corporation, Docket No. G–17831.

Take notice that Magnolia Petroleum Company (Magnolia), a Texas corporation, with its principal place of business in Dallas, Texas, filed in Docket No. G–16266 on September 8, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Magnolia proposes to sell natural gas to Cities Service Gas Company to be produced in the Bradley Area of Garvin County, Oklahoma, and delivered at the outlet of Magnolia's gasoline plant, at a price of 11 cents per Mcf. The application is on file with the Commission.

On July 28, 1959, Magnolia filed a motion to consolidate for the purpose of hearing its application in Docket No. G–16266 with the above-entitled dockets which heretofore on June 17, 1959, were consolidated for hearing to commence on September 21, 1959. Magnolia alleges that the natural gas to be transported and sold by Cities Service Gas Company to Natural Gas Pipeline Company of America referred to in Docket No. G–16217 is dependent upon Cities Service Gas Company's contracts for gas with it in Docket No. G–16266 and with Phillips Petroleum Company in Docket No. G–16280.

Take notice that The Pure Oil Company (Pure), an Ohio corporation, with its principal place of business at 35 East Wacker Drive, Chicago, Illinois, filed in Docket No. G–17493 on January 12, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Pure proposes to sell natural gas to Natural Gas Pipeline Company of America to be produced in the West Cement Field, Caddo County, Oklahoma, at the outlet of Pure's separator, at a price of 16 cents per Mcf. This application is on file with the Commission.

The above applications in Docket Nos. G–16266 and G–17493 being related to the matters involved in the other above-entitled Docket Nos. G–12399, et al., should be heard at the same time.

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, the aforesaid applications of Magnolia Petroleum Company and The Pure Oil Company are consolidated for hearing with the other above-entitled applications in Docket Nos. G–12399, et al., to commence on September 21, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G St. NW., Washington, D.C.

Protests and petitions to intervene in Docket Nos. G–16266 and G–17493 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6853; Filed, Aug. 18, 1959; 8:46 a.m.]

[Docket No. G–18313 etc.]

MIDWESTERN GAS TRANSMISSION CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Order Postponing Hearing

AUGUST 12, 1959.

In the matters of Midwestern Gas Transmission Company, Docket Nos. G–18313, G–18314 and G–18315; Michigan Wisconsin Pipe Line Company, Docket No. G–18316.

The Commission on its own motion hereby orders that the hearing in the above-entitled proceeding, now scheduled to reconvene on September 1, 1959, be postponed to reconvene on Tuesday, September 8, 1959.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6852; Filed, Aug. 18, 1959; 8:46 a.m.]

[Project No. 2266]

NEVADA IRRIGATION DISTRICT

Notice of Application for Preliminary Permit

AUGUST 11, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Nevada Irrigation District, of Grass Valley, California, for preliminary permit for a project, designated as Project No. 2266, to be situated in Sierra, Nevada and Placer Counties, in the State of California, near Sierra City, Emigrant Gap, Dutch Flat and Colfax. Lands of the United States within the Tahoe National Forest and other lands of the United States will be affected.

The project, as proposed and described in the application, will be an expansion and addition to the project under Minor-Part License held by the Applicant for Project No. 338. Certain of the existing works will be replaced, repaired, relocated or enlarged under the proposed project. Proposed works consist of: Jackson-Meadows reservoir, with approximately 45,000 acre-feet of storage, and English Meadows reservoir, with approximately 10,000 acre-feet of storage, both located on Middle Yuba River; a diversion structure on South Fork of North Yuba River and gravity conduit to Jackson Meadows; the existing Milton-Bowman conduit to be rebuilt and the tunnel repaired; a low dam to raise Faucherie Lake to provide approximately 3,000 acre-feet of storage; a diversion on East Fork of Middle Yuba River and closed conduit to existing Weaver Lake; a low dam to raise Weaver Lake to provide approximately 4,000 acre-feet of storage and a tunnel from Weaver Lake to Bowman Reservoir; the existing Bowman-Spaulding conduit to be enlarged, improved and replaced, in part, by a tunnel; a canal from the Drum afterbay dam to a proposed powerhouse, Dutch Flat No. 2, with an installation of 22,000 kilowatts on Bear River; a canal from Dutch Flat to a proposed powerhouse, Chicago Park, with an installation of 33,500 kilowatts on Bear River; Rollins re-regulating and storage reservoir on Bear River with a capacity of approximately 30,000 acre-feet of storage; and numerous diversions from small creeks, conduits, and access roads.

Applicant states that the energy from the proposed plants will be sold to Pacific Gas and Electric Company, and distributed and sold for public utility purposes.

No construction is authorized under a preliminary permit. A permit, if issued, gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is September 27, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6854; Filed, Aug. 18, 1959; 8:46 a.m.]

[Docket No. G-18757]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 11, 1959.

Take notice that on June 9, 1959, Northern Natural Gas Company (Applicant) filed in Docket No. G-18757 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a measuring and regulating station to be located near Ames, Iowa, for the sale and delivery of natural gas to Iowa Electric Light and Power Company (Iowa Electric) under existing rate schedules of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Deliveries of gas through the proposed facilities are to be made on an interruptible basis for service to the Ames, Iowa, Animal Research Laboratory of the U.S. Department of Agriculture. A portion of the gas so delivered will be resold by Iowa Electric to the Laboratory and the other portion will be used as a fuel in the Iowa Electric generating station which is located at the Laboratory and provides electricity solely for the Laboratory. Applicant states that the total estimated daily gas requirement for both purposes is 1,280 Mcf. Annual sales are estimated at 174,670 Mcf.

The total estimated cost of the facilities for which authorization is sought herein is $22,450, including interest and overheads, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 21, 1959, at 9:30 a.m., (e.d.s.t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6855; Filed, Aug. 18, 1959; 8:46 a.m.]

[Docket No. G-17350 etc.]

PACIFIC GAS TRANSMISSION CO. ET AL.

Notice of Applications, Consolidating Proceedings, and Fixing Date of Hearing

AUGUST 11, 1959.

In the matters of Pacific Gas Transmission Company, Docket Nos. G-17350, G-17351, G-17352; Pacific Northwest Pipeline Corporation, Docket Nos. G-17902, G-18033; The Montana Power Company, Docket Nos. G-17370, G-17371.

Take notice that on December 29, 1958, Pacific Gas Transmission Company (Pacific), a California corporation with its principal place of business at San Francisco, California, filed the following applications:

1. An application in Docket No. G-17350 for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of approximately 614 miles of 36-inch transmission pipeline, three mainline compressor stations with a total of 27,500 horsepower, a measuring and regulating station at the Oregon-California border, and other appurtenant facilities. The pipeline will extend from the International Boundary between Canada and the United States near Kingsgate, British Columbia, crossing the panhandle of the State of Idaho southwesterly across the States of Washington and Oregon to a point on the Oregon-California boundary in the vicinity of Klamath Falls, where Pacific proposes to sell and deliver up to 456,000 Mcf of natural gas per day in interstate commerce to Pacific Gas and Electric Company (PG&E) for resale subject to the jurisdiction of the Commission. Pacific seeks authorization to make the aforesaid sale to PG&E.

Pacific also proposes to transport in interstate commerce through the aforementioned pipeline for Pacific Northwest Pipeline Corporation (Pacific Northwest) daily volumes up to 151,731 Mcf of natural gas which Pacific Northwest proposes to purchase from Westcoast Transmission Company (Westcoast) at the International Boundary.

The estimated cost of the facilities which Pacific proposes to construct is estimated to be $129,588,000.

The application is on file with the Commission and open to inspection.

2. An application in Docket No. G-17351 pursuant to section 3 of the Natural Gas Act authorizing the importation of natural gas by Pacific from Canada. The gas proposed to be imported will be purchased from fields located in the Province of Alberta, Canada.

Pacific is one of several companies associated in a project under the principal sponsorship of Pacific Gas and Electric Company. The principal purpose of the project is to purchase natural gas in the Province of Alberta, Canada, and transport it to the market area of PG&E in northern and central California, particularly the San Francisco area.

The gas is to be purchased for the project in the fields by Alberta and Southern Gas Co. Ltd., and will be transported from the fields in Alberta by The Alberta Gas Trunk Line Company Limited, which will deliver the gas at a point in Alberta near the Alberta-British Columbia boundary to Alberta Natural Gas Company (Alberta Natural). Alberta Natural will transport the gas to the International Boundary where Pacific will purchase the gas from Alberta and Southern and transport it through Idaho, Washington and Oregon to the Oregon-California boundary. At that point the gas will be sold and delivered to PG&E for distribution through its integrated system in northern and central California.

The application is on file with the Commission and open to public inspection.

3. An application in Docket No. G-17352 for a Presidential Permit authorizing the construction of the facilities necessary at the International Boundary for the importation by Pacific of natural gas from Canada.

The application is on file with the Commission and open to public inspection.

Take further notice that on February 24, 1959, Pacific Northwest filed an application in Docket No. G-17902 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of certain facilities required to enable Applicant to receive near Spokane, Washington, natural gas which will be purchased by Pacific Northwest from Westcoast Transmission Company at a point near Kingsgate, British Columbia, and transported for and delivered to Applicant by Pacific. Pacific Northwest also seeks authorization for the construction and operation of facilities required to enable it to effect sale and delivery by displacement of a substantially equivalent volume of natural gas to El Paso Natural Gas Company. The proposed sales and deliveries to El Paso will be made at a point of interconnection between the facilities of Pacific Northwest and those of El Paso located at the outlet of Pacific Northwest's Compressor Station No. 1 near Ignacio, Colorado.

The natural gas to be purchased by Pacific Northwest from Westcoast will be delivered at Kingsgate, British Columbia, to Pacific at that point for the account of Pacific Northwest into the pipeline facilities to be constructed by Pacific and transported by that company through its facilities and delivered to Pacific Northwest at the point where the facilities of Pacific connect with the proposed facilities of Pacific Northwest.

Pacific Northwest proposes to sell and deliver in interstate commerce to El Paso up to 150,000 Mcf daily.

Pacific Northwest also seeks authority to construct and operate 17 miles of lateral pipeline and the metering and regulating station to enable it to receive gas from Pacific near Spokane and approximately 2,000 feet of 12¾-inch pipeline together with other necessary facilities to enable Pacific Northwest to sell the displacement volumes of gas to El Paso at Ignacio, Colorado.

The estimated total cost of construction of the proposed facilities of Pacific Northwest is $2,314,000, including overheads and contingencies. Pacific Northwest proposes to finance the above cost out of funds currently available.

Pacific Northwest does not propose to own or operate any facilities at the International Boundary. The gas which Pacific Northwest proposes to import (i.e., 151,730 Mcf per day) will be transported for and delivered to Pacific Northwest by Pacific.

The application is on file with the Commission and open to public inspection.

Take further notice that in Docket No. G-18033, Pacific Northwest filed an application on March 11, 1959, for an order pursuant to section 3 of the Natural Gas Act authorizing importation by Applicant of natural gas from Canada. Pacific Northwest seeks authority to import natural gas by purchase at the point of delivery along the Canadian border near Kingsgate, British Columbia. All natural gas proposed for importation will be purchased from Westcoast pursuant to provisions of an agreement dated May 25, 1957, between Pacific Northwest and Westcoast. Pacific Gas will transport the natural gas to be purchased by Pacific Northwest from the point of purchase by Pacific Northwest at the International Boundary to a point of delivery in the vicinity of Spokane, Washington, where proposed facilities of Pacific Gas will interconnect with proposed facilities of Pacific Northwest.

The application is on file with the Commission and open for public inspection.

Take further notice that in Docket No. G-17371, Montana Power Company (Montana Power), a New Jersey corporation with its principal office at Butte, Montana, filed on December 30, 1958, an application seeking authorization pursuant to Section 3 of the Natural Gas Act to import natural gas from Alberta, Canada, into the State of Montana.

Montana Power proposes to import gas which it will purchase at the United States-Canadian border from the Canadian Montana Pipeline Company (Canadian Montana). The proposed importation of gas will require construction of the following facilities by Applicant:

A 16-inch natural gas transmission line extending from a point on the United States-Canadian border in Township 37 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana, approximately 51 miles to Applicant's Compressor Station at Cut Bank, Montana.

The gas which Montana Power receives from Canadian Montana will be used solely in the State of Montana by Montana Power Company's domestic, industrial and commercial customers.

Applicant proposes to import natural gas in accordance with the provisions of an agreement with Canadian Montana at an average daily rate of 30,000 Mcf per day or such higher amount as may from time to time be agreed upon by the parties. Canadian Montana will purchase such gas from Alberta and Southern and such gas will be transported by Alberta Gas Trunk Line from the fields to Canadian Montana's proposed line which extends to the Canadian border.

The application is on file with the Commission and open to public inspection.

Take notice that in Docket No. G-17370 Montana Power Company filed an application on December 30, 1958, pursuant to Executive Order No. 10485 for a Presidential Permit authorizing it to construct and operate interconnecting facilities at the International Boundary for the importation of natural gas from the Province of Alberta, Canada, into the State of Montana.

The application is on file with the Commission and open for public inspection.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6856; Filed, Aug. 18, 1959; 8:46 a.m.]

[Docket No. G–19088–19090]

AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

Order for Hearing and Suspending Proposed Changes in Rates [1]

AUGUST 11, 1959.

In the matters of American Petrofina Company of Texas (Operator), et al., Docket No. G–19088; Frank W. Michaux, et al., Docket No. G–19089; Sunray Mid-Continent Oil Company, Docket No. G–19090.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated—	Date tendered	Effective date unless suspended	Rate suspended until—
G–19088	American Petrofina Co. of Texas (operator), et al.	15	1	Coastal States Gas Producing Co.	Undated	7–13–59	9–1–59	9–2–59
G–19089	Frank W. Michaux, et al.	3	8	Texas Eastern Transmission Corp.	7–10–59	7–13–59	8–13–59	1–13–60
G–19090	Sunray Mid-Continent Oil Co.	64	5	El Paso Natural Gas Co.	7–13–59	7–15–59	8–15–59	1–15–60
		101	2	....do....	7–13–59	7–15–59	8–15–59	1–15–60
		103	6	....do....	7–13–59	7–15–59	8–15–59	1–15–60
		142	12	....do....	7–13–59	7–15–59	8–15–59	1–15–60

[1] Rate in effect subject to refund in Docket No. G–13996.

In support of the proposed revenue-sharing type rate increase for sales of natural gas to Coastal States Gas Producing Company (Coastal), American Petrofina Company of Texas (American) states that the increase is based upon a redetermined rate [2] paid to Coastal by Texas Illinois Natural Gas Pipeline Company. Under its contract with Coastal, American is entitled to 85 percent of any rate increase received by Coastal from Texas Illinois. American also states that its contract with Coastal was the result of arm's length negotiations and that the price provisions of said contract are necessary to protect it against inflation and the increased costs of operation, exploration and development.

In support of the proposed redetermined rate increase, Frank W. Michaux, et al. (Michaux) states that his contract was negotiated at arm's length, the costs of exploring for and producing natural gas have substantially increased during the period after the contract was executed, and the increased rate is not in excess of the prices paid for other gas produced in the same area.

In support of its proposed four favored-nation rate increases for sales of natural gas to El Paso Natural Gas Company (El Paso), Sunray Mid-Continent Oil Company (Sunray) cites the triggering rate [3] paid by El Paso to Pan American Petroleum Corporation. Sunray states that its contracts with El Paso were negotiated at arm's length, the consideration for it executing said contracts was the whole schedule of prices contained therein, price adjustment clauses are necessary to assure the producer of a price equal to the market value of the gas during the long term of the contract, the proposed rates are in line with the field prices of other gas produced in the same general area, and considering only heating value, the gas delivered under said contracts would have a current value substantially in excess of the proposed rate increases.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 1 to American Petrofina Company of Texas' FPC Gas Rate Schedule No. 15 is hereby suspended and use thereof deferred until September 2, 1959; Supplement No. 8 to Frank W. Michaux's et al. FPC Gas Rate Schedule No. 3 is hereby suspended and use thereof deferred until January 13, 1960; Supplements No. 5, No. 2, No. 6, and No. 2 to Sunray Mid-Continent Oil Company's FPC Gas Rate Schedules No. 64, No. 101, No. 103, and No. 142, respectively, are hereby suspended and use thereof deferred until January 15, 1960; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by § 1.8 or 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6851; Filed, Aug. 18, 1959; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[2] Rate in effect subject to refund in Docket No. G–17733.

[3] Rate in effect subject to refund in Docket No. G–16532.

[Docket No. G–1148 etc.]

PHILLIPS PETROLEUM CO.

Order Fixing Date for Oral Argument

AUGUST 12, 1959.

In the matters of Phillips Petroleum Company, Docket No. G–1148; Phillips Petroleum Company, Docket Nos. G–3175, G–4333, G–6621, G–7773, G–8623, G–8695, G–8883, G–10359, G–10793, G–10883, G–11125 and G–11217.

Numerous exceptions have been filed to the initial decision issued April 6, 1959 by the Presiding Examiner in the above-entitled proceedings, and requests for oral argument thereon have been submitted in connection with the exceptions.

The Commission finds: It is appropriate in the public interest that oral argument be held on the exceptions filed to the Examiner's decision as hereinafter ordered.

The Commission orders:

(A) Oral argument be had before the Commission on October 1, 1959 at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

(B) Parties to these proceedings desiring to participate in the oral argument shall notify the Secretary of the Commission in writing on or before September 9, 1959 of such intention and of the length of time requested for presentation of their arguments.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6857; Filed, Aug. 18, 1959; 8:46 a.m.]

[Docket No. G–18296]

WISCONSIN SOUTHERN GAS CO. INC., ET AL.

Order Instituting Investigation and Providing for Hearing

AUGUST 12, 1959.

In the matters of Wisconsin Southern Gas Company, Inc. v. Natural Gas Pipeline Company of America and Texas Illinois Gas Pipeline Company; Docket No. G–18296.

On April 13, 1959, Wisconsin Southern Gas Company Inc. (Wisconsin Southern) filed a petition asking that the Commission investigate and reallocate the supply of gas by Natural Gas Pipeline Company of America (Natural) and Texas Illinois Gas Pipeline Company (Texas Illinois) [1] to their customers so as to avoid undue preference prohibited under section 4(b) of the Natural Gas Act, or institute an investigation under section 5(a) for the purpose of reallocating the gas supplied by the two pipeline companies.

The petition of Wisconsin Southern alleges among other things that (1) Petitioner and some 20 other small distributors who purchase gas from Natural and Texas Illinois have had critical shortages of gas whereas the three largest purchasers [2] have been able to contract with Northern Natural Gas Company and Midwestern Gas Transmission Company for an additional 410,000 Mcf per day. (2) As a result of the larger companies obtaining such gas supply the small customers of Natural and Texas Illinois will be in a disadvantageous position as compared to the large customers who will be in preferential positions. (3) Natural refused to transport to Wisconsin Southern gas which Midwestern Gas Transmission Company was willing to sell to Wisconsin Southern.

The joint answer of Texas Illinois and Natural alleges inter alia that if Wisconsin Southern will be in short supply during the coming winter it will be by reason of the distributor's failure to comply with the orders of the Wisconsin Public Service Commission restricting the connection of additional space heating customers and not to any fault of the pipeline suppliers.[3] They also contend that none of the other 20 smaller distributors referred to by Wisconsin Southern is in short supply.

The respondents admit that Natural refused to transport gas Midwestern had offered to sell to Wisconsin Southern and state as their reason that they are a supplying company, not engaged in transportation.

Based upon the investigation and after hearing the Commission will determine if the limitations embodied in Natural's or Texas Illinois' existing FPC Gas Tariff are unjust, unreasonable, unduly discriminatory, or preferential and if such be determined, will, by appropriate order or orders, prescribe just and reasonable limitations, terms and conditions of service, classifications, rules, regulations, practices, or contracts to be observed and in force, and will fix the same by order.

The Commission finds: On the basis of the data presently available to the Commission, and the contentions related in the complaint and answer referred to above it is appropriate that the Commission institute an investigation into the stated demand limitations embodied in Natural's or Texas Illinois' existing practice, or contracts affecting such limitations, and specifically concerning the issues raised by the complaint and answer referred to above.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Commission by sections 5, 14, 15, and 16, of the Natural Gas Act, and the Commission's rules of practice and procedure, an investigation is hereby instituted upon the complaint filed April 13, 1959 by Wisconsin Southern Gas Company against Natural Gas Pipeline Company of America and Texas Illinois Natural Gas Pipeline Company concerning the issues raised by said complaint and answer.

(B) A hearing will be held at a time and date to be announced in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by these consolidated proceedings.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before a date to be announced.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37f).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–6858; Filed, Aug. 18, 1959; 8:46 a.m.]

[1] Natural and Texas Illinois are engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, and, therefore they are natural gas companies within the meaning of the Natural Gas Act subject to the jurisdiction of the Commission.

[2] The Peoples Gas Light and Coke Co., Northern Indiana Public Service Co., and Northern Illinois Gas Co.

[3] Wisconsin Southern attached a tabulation to its petition computing its peak day requirements which it alleges are allowed by the Wisconsin Public Service Commission. This computation indicates it is entitled to 2000 Mcf more which is the amount it is willing to contract for use during the 1959 heating season.

INTERSTATE COMMERCE COMMISSION

[Notice 29]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

AUGUST 14, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 118069, (REPUBLICATION), filed December 8, 1958, published issue FEDERAL REGISTER June 11, 1959. Applicant: NORTH PLATTE RENDERING CO., a Corporation Doing Business as, CENTRAL NEBRASKA PACKING North Platte, Nebr. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*, and *certain exempt commodities* in mixed loads and straight shipments, from points in Washington and Oregon, to Pueblo, Colo.

NOTE: The purpose of this republication is to correct applicant's trade name to Central Nebraska Packing as shown above.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–6881; Filed, Aug. 18, 1959; 8:50 a.m.]

[Notice 171]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62245. By order of August 12, 1959, the Transfer Board approved the transfer to W. W. Roark, Temple, Texas, of the operating rights in Certificate No. MC 107586, issued July 9, 1956, to Continental Bus System, Inc., Dallas, Texas, authorizing the transportation, of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over a regular route, between Temple, Tex., and Taylor, Tex. Alfred Crager, 315 Continental Avenue, Dallas 7, Texas, for applicants.

No. MC–FC 62269. By order of August 12, 1959, the Transfer Board approved the transfer to Paul A. Ameen and Paul G. Ameen, a partnership, doing business as Ameen Transfer Line, Cloverdale Tract Box 316, Ishpeming, Michigan, of certificate in No. MC 18127, issued August 8, 1942, to Paul Ameen, doing business as Ameen Transfer Line, Cloverdale Tract Box 316, Ishpeming, Mich., authorizing the transportation of: *General commodities*, excepting household goods and commodities in bulk and the other usual exceptions, between certain specified points in Michigan.

No. MC–FC 62293. By order of August 12, 1959, the Transfer Board approved the transfer to Ferriss Warehouse & Storage Co., Inc., 128 East Chase Street, Pensacola, Fla., of Certificate No. MC 1252, issued January 7, 1943, to Harry P. Ferriss, doing business as Ferriss Warehouse and Storage Co., 128 East Chase St., Pensacola, Fla., authorizing the transportation of: Household goods, as defined, between points in Escambia County, Florida, on the one hand, and, on the other, points in Alabama, Louisiana, Georgia, and Mississippi; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points within five miles of Pensacola, Fla., including Pensacola.

No. MC–FC 62320. By order of August 12, 1959, the Tranfer Board approved the transfer to Northwest Drayage Company, A Corporation, St. Louis, Missouri, of Certificates in Nos. MC 96344 and MC 96344 Sub 1, issued January 8, 1944, and November 23, 1949, respectively, to Frank L. Holmes, doing business as Northwest Drayage Company, St. Louis, Missouri, authorizing the transportation of general commodities, with specified exceptions, over irregular routes, between points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission; and between points in the St. Louis-East St. Louis Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., not within the commercial zone. Mr. Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo., for applicants.

No. MC–FC 62326. By order of August 12, 1959, the Transfer Board approved the transfer to Mayer Pollock Steel Corporation, Pottstown, Pa. of Certificate No. MC 18573, issued May 12, 1959, to Sidney Pollock, William Pollock, Harold B. Federman, Donald E. Orr and Sanders M. Orr, a partnership, doing business as Mayer Pollock, Pottstown, Pa., authorizing the transportation of: Such commodities requiring specialized handling or rigging because of size or weight, between Pottstown, Pa., and points within 25 miles of Pottstown, on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland, within 100 miles of Pottstown, Pa. Franklin B. Blocksom, 133 Warrior Road, Drexel Hill, Pa., for applicants.

No. MC–FC 62462. By order of August 12, 1959, the Transfer Board approved the transfer to F. A. Wiggins, doing business as White Transfer Company, Rockmart, Ga., of Permits Nos. MC 109604 and MC 109604 Sub 3, issued December 29, 1949 and January 19, 1950, respectively, in the name of Frank O. Crawford, doing business as White Transfer Company, Rockmart, Ga., authorizing the transportation of packinghouse products, over irregular routes, from Rome, Ga., to Lindale, Cave Springs, Cedartown, Rockmart, and Aragon, Ga.; commodities classified as (1) meats, meat products and meat byproducts; (2) dairy products and (3) Articles distributed by meat packinghouses, over irregular routes, from Rockmart, Ga., to points in Floyd and Polk Counties, Ga.; and from Rockmart, Ga., to Cartersville, Adairsville, Calhoun, Dalton, LaFayette, Trion, Summerville and Rocky Face, Ga.; and rejected shipments of the above-described commodities from the above-specified destination points to Rockmart, Ga. Cecil D. Franklin, Rockmart, Ga., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6882; Filed, Aug. 18, 1959; 8:50 a.m.]

[Notice 283]

MOTOR CARRIER APPLICATIONS

AUGUST 14, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub No. 31), filed May 8, 1959. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, P.O. Box 781, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *frozen grape products*, in mixed loads transported in trailers equipped to provide refrigeration in transit, from Brocton and Westfield, N.Y., and Erie and North East, Pa., to points in North Carolina, South Carolina, and Georgia. Applicant is authorized to conduct regular route operations in Georgia, North Carolina, and South Carolina, and irregular route operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it now holds authority to transport canned goods from and to these points, and that the purpose of this application is to permit the additional transportation of frozen grape products in mixed loads with canned goods.

HEARING: September 22, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 1051 (Sub No. 4), filed May 26, 1959. Applicant: SAM BASS TRUCKING CO., INC., P.O. Box 391, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, such as powder, granules, pellets, flakes, lumps, or solid mass, in containers, from Flemington, N.J., to points in Pennsylvania and New York on and east of U.S. Highway 15, and *returned shipments* of plastic materials and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movements. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania. RESTRICTION: The operations to be authorized are to be limited to a transportation service to be performed, under a continuing contract, or contracts, with Cary Chemicals Inc.

HEARING: September 30, 1959, at 346 Broadway, New York, N.Y., before Examiner Walter R. Lee.

No. MC 1051 (Sub No. 5), filed June 8, 1959. Applicant: SAM BASS TRUCKING CO., INC., P.O. Box 391, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, such as powder, granules, pellets, flakes, lumps or solid mass, in containers, from Flemington, N.J., to points in Connecticut, Massachusetts, and Rhode Island, and *returned shipments* of plastic materials and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movements. RESTRICTION: The operations to be authorized are to be limited to a transportation service to be performed, under a continuing contract, or contracts, with Cary Chemicals Inc. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania.

HEARING: September 30, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 1641 (Sub No. 43), filed July 1, 1959. Applicant: RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, agricultural insecticides, fungicides, herbicides* and *rodenticides, fertilizer, fertilizer solutions and compounds, urea, urea nitrate and other nitrogen solutions and compounds, acids*, and *chemicals*, in bulk, in tank vehicles, (1) between points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming; (2) from points in Texas to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, and *empty containers or other such incidental facilities* and *damaged* and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Kansas, Nebraska, Iowa, and South Dakota.

NOTE: Applicant states that no shipments will be transported between points in Colorado, and Wyoming.

HEARING: September 21, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 1641 (Sub No. 44), filed July 6, 1959. Applicant: RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products*, and *petroleum by-products*, in bulk, in tank vehicles, from Columbus and Norfolk, Nebr., and Yankton, S. Dak., and points within 15 miles of each, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *rejected shipments* thereof, on return. Applicant is authorized to conduct operations in Kansas, Nebraska, Iowa, and South Dakota.

HEARING: September 24, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 2002 (Sub No. 6), filed May 21, 1959. Applicant: PHILIPP TRANSIT LINES, INC., Highway 100 East, P.O. Box 441, Washington, Mo. Applicant's attorney: A. Michael Sullivan, 111 South Meramec Avenue, Clayton 5, Mo. Authority sought to operate as a *common carrier* by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Beaufort, Mo., and Drake, Mo., over U.S. Highway 50, serving no intermediate points. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: October 5, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 2307 (Sub No. 4), filed February 24, 1959. Applicant: MAINE FREIGHTWAYS, INC., 183 Washington Avenue, Portland, Maine. Applicant's attorney: Milton E. Diehl, Room 1383, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Class A and B explosives* (for the armed forces), between Lincoln, Maine and Limestone, Maine, from Lincoln over U.S. Highway 2 to Houlton, thence over U.S. Highway 1 to Presque Isle, thence over U.S. Highway 1 to Caribou, thence over Maine Highway 89 to Limestone, and return over the same route, serving the intermediate points of Houlton and Presque Isle. Applicant is authorized to conduct operations in Rhode Island, Massachusetts, New Hampshire, and Maine.

HEARING: September 21, 1959, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 70.

No. MC 2392 (Sub No. 18), filed July 1, 1959. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, agricultural insecticides, fungicides, herbicides and rodenticides, fertilizer, fertilizer solutions and compounds, urea, urea nitrate and other nitrogen solutions and compounds, acids*, and *chemicals*, in bulk, in tank vehicles, (1) between points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, and (2) from points in Texas to points in the above-named states., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *damaged or rejected shipments* thereof, on return. Applicant is authorized to conduct operations in Kansas, Nebraska, and Iowa.

NOTE: Applicant indicates the following restriction—no movements between Colorado and Wyoming.

HEARING: September 21, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 2392 (Sub No. 19), filed July 6, 1959. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products*, and *petroleum by-products*, in bulk, in tank vehicles, from Columbus and Norfolk, Nebr., and Yankton, S. Dak., and points within 15 miles of each, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *rejected shipments* thereof, on return. Applicant is authorized to conduct operations in Kansas, Nebraska, and Iowa.

HEARING: September 24, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 2900 (Sub No. 95), filed June 16, 1959. Applicant: GREAT SOUTHERN TRUCKING COMPANY, a Corporation, P.O. Box 2408, 2050 Kings Road, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Summerville, Ga., and Lyerly, Ga., over Georgia Highway 114, serving no intermediate points. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: October 2, 1959, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 4405 (Sub No. 334), filed July 17, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis*, and *semi-trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movement by truckaway service, from West Plains, Mo., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 13, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 4405 (Sub No. 336), filed August 4, 1959. Applicant: DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water, oil, blast hole or quarry and mining drills*, self propelled or trailer mounted, and *accessories* or *parts* thereof when moving with such drills, from points in Wayne County, Ind., to points in the United States. (2) *Road construction machinery and equipment* as described by the Interstate Commerce Commission in Appendix VIII to Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, from Evansville, Ind., and Erie, Pa., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it seeks no authority which would duplicate any authority which may be certificated in applicant's pending MC 4405 Sub No. 305.

HEARING: September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 4409 (Sub No. 17), filed August 5, 1959. Applicant: R. & H. CORPORATION, a Corporation, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Au-

thority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps, covers, disks, and tops therefor*, and *fibre-board boxes*, from Huntington and Charleston, W. Va., to points in New York (except New York City and points in Putnam, Westchester, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties), and *returned glass containers, cullet* and *returned empty containers, pallets* and *shipping devices* used in the transportation of the above-specified commodities on return. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, New York, Ohio, Delaware, Virginia, Maryland, the District of Columbia, West Virginia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, and Indiana.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 4409 (Sub No. 11). Dual operations may be involved.

HEARING: September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 4409 (Sub No. 18), filed August 5, 1959. Applicant: R. & H. CORPORATION, a Corporation, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps, covers, disks, and tops therefor*, and *fibre-board boxes*, from Charleston, Huntington, and Fairmount, W. Va., to points in the Lower Peninsula of Michigan, and *returned glass containers, cullet*, and *returned empty containers, pallets* and *shipping devices* used in the transportation of the above-specified commodities on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, New York, Ohio, Delaware, Virginia, Maryland, the District of Columbia, West Virginia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, and Indiana.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 4409 (Sub No. 11). Dual operations may be involved.

HEARING: September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 7555 (Sub No. 34), filed May 8, 1959. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 7, Ellerbe, N.C. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *frozen grape products*, in mixed loads transported in trailers equipped to provide refrigeration in transit, from Brocton and Westfield, N.Y., to points in Florida and North Carolina; and from North East, Pa., to points in Florida. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: Applicant states it now holds authority to transport canned goods from and to these points, and that the purpose of this application is to permit the additional transportation of frozen grape products in mixed loads with canned goods.

HEARING: September 22, 1959, at 680 West Peachtree Street N.W., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 16346 (Sub No. 7) (REPUBLICATION), published FEDERAL REGISTER issue of February 4, 1959. Applicant: STORY'S EXPRESS COMPANY, INC., East Fourth Street and Melrose Avenue, Chester, Pa. Applicant's attorney: Ralph C. Busser, Jr., 1609 Morris Building, 1421 Chestnut Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chester, Delaware County, Pa., and points in Pennsylvania within ten (10) miles of Chester, and Philadelphia, Pa. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. By application (Form BMC 78), filed December 2, 1958, authority as above-described was sought. Predicated on the evidence adduced at the hearing held March 18, 1959, and prior decisions of the Commission, Examiner Leo A. Riegel in a report and order served July 14, 1959 stated: "In view of the Commission's opinions in the *St. Johnsbury* and *Rowe Cases* supra the examiner concludes that transportation of commodities to freight forwarder's docks at Philadelphia requiring the use of winch equipment in loading over-the-road vehicles is not within the scope of the present application as published in the FEDERAL REGISTER in view of the request for authority to transport general commodities, except 'those requiring special equipment.' However, the examiner is of the opinion that the application should not be denied solely for the reason that the application did not set forth adequately the scope of the service proposed. Because of the possibility that parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually sought herein, the recommended findings will require republication of a corrected notice of the authority actually granted and that the issuance of a certificate herein be withheld for a period of 30 days from the date of this republication, during which period any interested proper party may file protest or other pleading." The examiner found also "that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of general commodities, except those of unusual value, and except dangerous explosives, livestock, dairy products, films, new automobiles, household goods as defined by the Commission, and commodities injurious or contaminating to other lading, limited to assembly and distribution services for freight forwarders, between Chester, Pa., and points in Pennsylvania within 10 miles of Chester, on the one hand, and, on the other, Philadelphia, Pa., subject to prior republication of a correct notice in the FEDERAL REGISTER as hereinbefore described."

No. MC 19778 (Sub No. 31), filed June 24, 1959. Applicant: CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, a Wisconsin Corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell, 888 Union Station, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Minneapolis and St. Paul, Minn., and Lakeland, Minn., from Minneapolis and St. Paul over U.S. Highway 12 to its junction with Minnesota Highway 95, thence over Minnesota Highway 95 to Lakeland, and return over the same route; (2) between Lakeland, Minn., and Stillwater, Minn., over Minnesota Highway 95; (3) between Stillwater, Minn., and St. Paul and Minneapolis, Minn., over Minnesota Highway 212, serving all intermediate points on the above-specified routes. Applicant is authorized to conduct operations in Illinois and Iowa.

HEARING: September 28, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 145.

No. MC 20783 (Sub No. 47), filed May 28, 1959. Applicant: TOMPKINS MOTOR LINES, INC., 611 Mulberry Street, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus fruit juice* and *pineapple juice concentrate mix; chilled citrus juice; citrus puree; chilled fresh citrus fruit juices; chilled fresh fruit salads; frozen citrus juice concentrates; frozen citrus fruit juices; frozen pineapple juice concentrates; frozen citrus fruit sections; frozen limeade concentrate, frozen lemonade concentrate* or *frozen lemonade and limeade concentrates*, mixed, with or without sugar added; *frozen fruit salad; frozen fruit juice*, artificial or natural; *frozen vegetable juice; frozen malt* or *milk and chocolate* or *cocoa beverage preparations;* and *frozen citrus fruit pulp*, from points in Florida, to points in North Dakota and South Dakota. Applicant is authorized to conduct operations in Tennessee, Georgia, North Carolina, Alabama, Florida, South Carolina, and Nebraska.

HEARING: October 6, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner James O'D. Moran.

No. MC 25798 (Sub No. 28), filed May 7, 1959. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street, NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products*, and *citrus products*, not canned and not frozen, from points in Florida, to points in South Carolina and those in that part of North Carolina east of U.S. Highway 52, and *exempt commodities* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 5, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner James O'D. Moran.

No. MC 31600 (Sub No. 465), filed June 10, 1959. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* in bulk, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, and Florida; (2) *Liquid chocolate, liquid chocolate products* and *liquid cocoa butter*, in bulk, in tank vehicles, from points in New Jersey and Philadelphia, Pa., to points in Tennessee, and *refused* and *rejected shipments* of the commodities specified in (2) above on return. Applicant is authorized to conduct operations in Rhode Island, Massachusetts, New York, Connecticut, Pennsylvania, New Hampshire, Maine, Delaware, New Jersey, Kentucky, Maryland, Virginia, Ohio, Illinois, Indiana, North Carolina, Michigan, West Virginia, Vermont, South Carolina, and Georgia.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 33641 (Sub No. 38), filed May 22, 1959. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third Street South, Salt Lake City, Utah. Applicant's attorney: Bertram Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: over alternate routes, for operating convenience only, in connection with applicant's authorized regular route operations: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Preston, Idaho, and Pocatello, and return over the same route, serving no intermediate points; (2) between Brigham City, Utah, and Pocatello, Idaho, from Preston over U.S. Highway 91 to Pocatello, and return over the same route, serving no intermediate points; (2) between Brigham City, Utah, and Pocatello, Idaho, from Brigham City over U.S. Highway 30S to junction U.S. Highway 191, thence over U.S. Highway 191 to Pocatello, and return over the same route; (3) between Logan, Utah, and Brigham City, Utah, from Logan over Utah Highway 69 to Collinston, Utah, thence over unnumbered county road via Deweyville and Honeyville, Utah, to Brigham City, and return over the same route, serving no intermediate points and serving Deweyville, Utah, as a point of joinder; (4) between Deweyville, Utah, and a point on U.S. Highway 191 at or near Tremonton, Utah, from Deweyville over unnumbered county road to junction U.S. Highway 191 at or near Tremonton, and return over the same route, serving no intermediate points, and serving Deweyville as a point of joinder.

NOTE: Applicant states in connection with routes (1) and (2) above, that present regular route authority over a portion of the highways above specified is restricted to use only when Idaho Highway 34 is impassable due to weather conditions. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Oregon, Utah, and Wyoming, and irregular route operations in California, Colorado, Idaho, Kansas, Missouri, Nebraska, Nevada, Oregon, Washington, and Wyoming.

HEARING: September 24, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 258.

No. MC 34767 (Sub No. 39), filed July 28, 1959. Applicant: GOOD'S TRANSFER, INCORPORATED, 234 Charles Street, Harrisonburg, Va. Applicant's attorney: Glenn F. Morgan, 1006–1008 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products* and *articles distributed by meat packing houses*, from Broadway, Va., and points within 5 miles thereof, and (2) *frozen foods* and *frozen food articles* and *dressed poultry* and *poultry plant*, and *packing house waste products*, from Alma, Edinburg, Glen Allen, Luray, New Market, Richmond, Staunton, Stephens City, Strasburg, Stuarts Draft, Winchester, and Woodstock, Va., and Brandywine and Moorefield, W. Va., and points in Rockingham County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Pennsylvania, Virginia, New York, the District of Columbia, Maryland, New Jersey, Ohio, North Carolina, West Virginia, Nebraska, Alabama, Louisiana, Georgia, Connecticut, Delaware, Kentucky, Massachusetts, Florida, Illinois, Indiana, Michigan, Rhode Island, South Carolina, Tennessee, Iowa, Minnesota, and Wisconsin.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 34930 (Sub No. 19), filed July 24, 1959. Applicant: PRUE MOTOR TRANSPORTATION, INC., Mapelwood Avenue, Portsmouth, N.H. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, ever irregular routes, transporting: *Cement*, Portland, masonry, and hydraulic, in bulk and in bags on pallets, from Thomaston, Maine, to points in New Hampshire and Massachusetts, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, and *returned, rejected, or refused shipments*, and *return of pallets*, on return movements. Applicant is authorized to conduct operations in Maine, Massachusetts, and New Hampshire.

HEARING: September 24, 1959, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 36473 (Sub No. 67), filed June 29, 1959. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, P.O. Box 1411, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Bainbridge, Ga., and junction Florida Highway 269–A and U.S. Highway 90 (approximately three (3) miles east of Chattahoochee, Fla.), from Bainbridge over Georgia Highway 97 to the Georgia-Florida State line, thence over Florida Highway 269–A to junction U.S. Highway 90, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: October 7, 1959, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 41915 (Sub No. 20), filed May 8, 1959. Applicant: MILLER'S MOTOR FREIGHT, INC., Zinn's Quarry Road, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, from points in Venango County, Pa., to points in Delaware, Maryland, West Virginia,

Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is authorized to transport Lubricating oils and greases from Reno (Venango County), Pa., to points in the states involved in the instant application. Applicant states, however, that the limitation of lubricating oils and greases does not permit it to transport certain petroleum derivatives presently manufactured by the shippers. Applicant further states that to the extent the instant application duplicates its present authority, it will surrender its present authority upon the grant of the instant application so that there shall be no duplication of rights.

HEARING: September 25, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Herbert L. Hanback.

No. MC 42343 (Sub No. 9), filed June 4, 1959. Applicant: MACHISE EXPRESS COMPANY, INC., 500 North Egg Harbor Road, Hammonton, N.J. Applicant's attorney: Harry F. Gillis, Suite 226, 919 18th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, and in bags or other containers, from points in Maryland and Pennsylvania, to points in New Jersey, and *empty containers or other such incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey and Delaware.

HEARING: October 12, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

No. MC 50132 (Sub No. 66), filed June 29, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Diary products*, from Nashville, Ill., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 50132 (Sub No. 38).

HEARING: October 12, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 50132 (Sub No. 68), filed July 16, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier;* by motor vehicle, over irregular routes, transporting: *Dairy products*, from Nashville, Ill., to points in Iowa, Kansas, and Nebraska, and *empty cans and closures*, from Weirton, W. Va., to Nashville, Ill. Applicant is authorized to conduct operations in Illinois, Louisiana, Arkansas, Missouri, Tennessee, Kentucky, North Carolina, South Carolina, Nebraska, Mississippi, Kansas, Alabama, Georgia, Virginia, Indiana, Ohio, West Virginia, California, Florida, Colorado, Connecticut, Massachusetts, Michigan, Minnesota, New Mexico, Maryland, Texas, Oklahoma, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c), No. MC 50132 (Sub No. 38), to determine whether applicant's status is that of a contract or common carrier.

HEARING: October 12, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 52917 (Sub No. 35), filed August 3, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable foods* requiring refrigeration, in vehicles equipped with temperature control devices, (1) between Baltimore, Md., and points in Maryland, Virginia, West Virginia, and Pennsylvania within the territory bounded by a line beginning at Fort Armistead Park, Md., and extending southeasterly along the Patapsco River to the Chesapeake Bay, thence in a southerly direction along the western shore of the Chesapeake Bay to Annapolis, Md., thence westerly along U.S. Highway 50 to the junction of Virginia Highway 237, thence southwesterly along Virginia Highway 237 to Fairfax, Va., thence westerly along Virginia Highway 236 to junction with U.S. Highway 50, thence westerly along U.S. Highway 50 to Winchester, Va., thence northeasterly along U.S. Highway 11 to Wormleysburg, Pa., thence across bridge to Harrisburg, Pa., thence easterly along U.S. Highway 22 to the Delaware River, thence along the Delaware River to the Pennsylvania-Delaware State line, thence along the Delaware-Pennsylvania State line to the Maryland-Pennsylvania State line to U.S. Highway 1, thence southwesterly along U.S. Highway 1 to Baltimore, Md., and to point of beginning, except that service authorized in Certificate No. MC 52917 between Baltimore, Md., and Alexandria, Va., and from Baltimore, Md., to Philadelphia, Chester and Marcus Hook, Pa.; (2) between Baltimore, Md., and Lorton, Va.; (3) from points in Maryland east of U.S. Highway 1 and north of Baltimore, Md., to Baltimore, Md., except that service authorized in Certificate No. MC 52917 between Baltimore, Md., and Alexandria, Va. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New Jersey, and New York.

HEARING: September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 52917 (Sub No. 36), filed August 3, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products* as defined in Appendix 1, sub headings A and B in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with meat rails and temperature control devices, (1) between Baltimore, Md., and points in Maryland, Virginia, West Virginia, and Pennsylvania within the territory bounded by a line beginning at Fort Armistead Park, Md., and extending southeasterly along the Patapsco River to the Chesapeake Bay, thence in a southerly direction along the western shore of the Chesapeake Bay to Annapolis, Md., thence westerly along U.S. Highway 50 to the junction of Virginia Highway 237, thence southwesterly along Virginia Highway 237 to Fairfax, Va., thence westerly along Virginia Highway 236 to junction of U.S. Highway 50, thence westerly along U.S. Highway 50 to Winchester, Va., thence northeasterly along U.S. Highway 11 to Wormleysburg, Pa., thence across bridge to Harrisburg, Pa., thence easterly along U.S. Highway 22 to Allentown, Pa., thence southwesterly along U.S. Highway 222 to junction with U.S. Highway 1 near Conowingo, Md., thence southwesterly along U.S. Highway 1 to Fort Armistead Park, Md., including points on the above-specified routes, excepting Allentown, Chambersburg, Gettysburg, Hanover, Harrisburg, Lancaster, Reading, Shippensburg, and Waynesboro, Pa., and that service authorized in Certificate No. MC 52917 between Baltimore, Md., and Alexandria, Va.; (2) between Baltimore, Md., and Lorton, Va. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New Jersey, and New York.

HEARING: September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 60272 (Sub No. 6), filed May 11, 1959. Applicant: HANSON TRANSFER, INC., Mayville, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except sugar, and except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Larimore, N. Dak., as an intermediate point, and Emerado and Arvilla, N. Dak., as off-route points, in connection with applicant's authorized regular route operation between Northwood and Grand Forks, N. Dak., over North Dakota Highway 18 and U.S. Highway 2. Applicant is authorized to conduct operations in North Dakota and Minnesota.

HEARING: October 9, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 300.

No. MC 60787 (Sub No. 3), filed June 29, 1959. Applicant: O. J. GARRISON, JR., doing business as HOOD-GARRISON VAN & STORAGE COMPANY, 5529 First Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama and Florida, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Michigan, Texas, Oklahoma, Arkansas, New York, New Jersey, South Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, and Ohio.

HEARING: September 28, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala.; before Examiner Robert A. Joyner.

No. MC 62835 (Sub No. 12), filed April 27, 1959. Applicant: C. E. S. TRUCK LINES, INC., Highway 61–67, Crystal City, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatman's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glass products* and other *commodities used or useful in the manufacture, preparation for shipment and transportation of glass, including, but not limited to items such as cartons, separators, and packaging material*, between Crystal City, Mo., on the one hand, and, on the other, Decatur, Ill., and the plant site of Pittsburgh Plate Glass Co., at or near Decatur and Mount Zion, Ill. Applicant is authorized to conduct regular route operations in Illinois and Missouri, and irregular route operations in Arkansas, Illinois, Indiana, and Missouri.

HEARINGS: October 5, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 68502 (Sub No. 4), filed July 2, 1959. Applicant: CLIFFORD L. OBERST, Main Street, Conyngham, Pa. Applicant's attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, ingredients of bakery products*, and *empty containers* used in the transportation of such commodities, between West Hazelton, Pa., and Middletown, N.Y. Applicant is authorized to conduct operations in Pennsylvania and New York.

NOTE: Applicant states that the above transportation will be performed for the account of the Spaulding Bakeries, Inc.

HEARING: September 24, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Herbert L. Hanback.

No. MC 76888 (Sub No. 1), filed June 17, 1959. Applicant: EQUITY EXPRESS, INC., D.L.W. R.R., Pier 68 North River, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, from New York, N.Y., to points in Nassau, Suffolk and Westchester Counties, N.Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: October 1, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 78042 (Sub No. 2), filed April 15, 1959. Applicant: BEAROFF BROTHERS, INC., Swedeland Road, P.O. Box 21, Bridgeport, Pa. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron* and *ingots*, in dump vehicles, from Philadelphia, Pa., to points in Pennsylvania; *pig iron, brickettes, ingots, coke*, and *sulphate of ammonia*, in dump vehicles, from Swedeland, Pa., to points in New York, Virginia, and West Virginia; *dry bulk commodities*, in dump vehicles, from points in New York, Virginia, and West Virginia, to Swedeland, Pa.; and *returned or rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia.

HEARING: September 30, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

No. MC 85374 (Sub No. 4), filed June 25, 1959. Applicant: FERRO TRUCKING, INC., 112 Hudson Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, pharmaceuticals*, and *food ingredients*, and *materials* and *supplies* used in the sale and distribution of such commodities, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Passaic, Bergen, and Middlesex Counties, N.J. Applicant is authorized to conduct operations in New York and New Jersey.

NOTE: Applicant states that the above transportation will be conducted under a continuing contract or contracts with The Borden Company, New York, N.Y.

HEARING: October 7, 1959, at the New York Public Service Commission, 199 Church Street, New York, N.Y., before Examiner Walter R. Lee.

No. MC 95540 (Sub No. 305), filed June 15, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, including cheese foods*, from New York, N.Y., to Lakeland, Fla., and (2) *prepared fish and fish products, condiments, spreads, salads and prepared horseradish* when in mixed shipments *with dairy products, as defined by the Commission*, from New York, N.Y., and Chestertown, Md., to Miami, Orlando, Tampa, Lakeland, and Jacksonville, Fla. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 2, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 99989 (Sub No. 1), Filed May 25, 1959. Applicant: JACK'S FAST FREIGHT, INC., 1035 Bankhead Avenue NW., P.O. Box 233, Station D, Atlanta 18, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Atlanta, Ga., and Copperhill, Tenn., from Atlanta over Georgia Highway 3–E to junction Georgia Highway 5, thence over Georgia Highway 5 to the Georgia-Tennessee State line, thence over Tennessee Highway 68 to Copperhill, and return over the same route, serving all intermediate points north of Marietta, Ga., including Canton, Tate, Ellijay, Blue Ridge, and McCaysville, Ga., but excluding intermediate points between Atlanta, Ga., and Marietta, Ga., and without the right to serve Marietta, Ga., and serving the off-route points of Whitestone and Marblehill, Ga.

NOTE: Applicant conducts operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act and states that the purpose of the instant application is to convert its registered operating authority into regularly certificated rights because of the proposed extension of operations across the State line into Tennessee. Applicant further states it proposes to serve the off-route points of Whitestone, Ga., over unnumbered County Road and Marblehill, Ga., over Georgia Highway 53.

HEARING: September 25, 1959, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 102616 (Sub 684), filed July 16, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washing-

ton 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, and Florida; and *refused and rejected shipments thereof*, on return movements. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, Illinois, Maryland, New Jersey, Ohio, South Carolina, West Virginia, and the District of Columbia.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 102799 (Sub No. 3), filed May 12, 1959. Applicant: PACKAGE MESSENGERS, INC., 2939 West Page Street, Philadelphia 21, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed and unprocessed film*, between points in Philadelphia, Delaware, Chester, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Lebanon, and Dauphin Counties, Pa. Applicant states the proposed service is to be performed under a continuing contract or contracts with Eastman Kodak Company and Kodak Processing Laboratory, Inc. Applicant is authorized to conduct operations in Delaware, New Jersey, and Pennsylvania.

HEARING: September 7, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

No. MC 103051 (Sub No. 75), filed June 8, 1959. Applicant: WALKER HAULING CO., INC., 624 Penn. Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1403, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Bay County, Fla. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Tennessee, Texas, and Virginia.

HEARING: October 1, 1959, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 103378 (Sub No. 127), filed May 18, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Panama City, Fla., to points in Alabama lying in and south of Choctaw, Marengo, Perry, Chilton, Coosa, Tallapoosa, and Chambers Counties. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: September 24, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 103378 (Sub No. 129), filed May 29, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil*, in bulk, in tank vehicles, from points in Wayne County, Ga., to Port St. Joe, Fla. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: September 24, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 103378 (Sub No. 132), filed June 10, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic Nat'l Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gum rosin*, in bulk, in tank trucks, from Lake City, Fla., to Valdosta, Ga. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, South Carolina, Tennessee, and Alabama.

HEARING: September 24, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 103378 (Sub No. 134), filed June 11, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic Nat'l Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentachlorophenol*, in bulk, in tank vehicles, from Conyers, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Georgia, Florida, South Carolina, Alabama, North Carolina, Tennessee, and West Virginia.

HEARING: September 30, 1959, at 680 West Peachtree Street, Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 105006 (Sub. No. 1), filed July 21, 1959. Applicant: LEWIS L. SMITH, doing business as L. L. SMITH TRUCKING COMPANY, South Fair, Powell, Wyo. Applicant's attorney: John T. Dixon, Box 735, Powell, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies*, and *equipment* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *empty containers or other such incidental facilities* used in transporting the above commodities, between points in Montana, Colorado, and Wyoming located within 100 miles of Lovell, Wyo., including Lovell. Applicant is authorized to conduct operations in Montana and Wyoming.

HEARING: October 2, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 265.

No. MC 106748 (Sub. No. 7), filed May 11, 1959. Applicant: REGINALD GODDARD, doing business as GODDARD'S TRANSPORTATION, Main Street, Hydeville, Vt. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slate* (roofing slate and flagstone slate), loose and uncrated, from Fair Haven, Vt., to points in Rhode Island, Connecticut, and New Hampshire, points in Massachusetts west of Massachusetts Highway 12, and points in Maine on and south of a line beginning at the Maine-New Hampshire State line at U.S. Highway 302, along U.S. Highway 302 to junction Maine Highway 11 at Naples, Maine, thence over Maine Highway 11, through Auburn, to Lewiston, Maine, thence southeasterly over Maine Highway 196 to junction U.S. Highway 201 at Topsham, Maine, and thence over U.S. Highway 201 to Brunswick, Maine, including Brunswick; and *wooden pallets* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Vermont, Massachusetts, Maryland, the District of Columbia, Pennsylvania, New York, Rhode Island, New Jersey, New Hampshire, and Connecticut.

NOTE: Applicant states it does not seek any duplicating authority.

HEARING: September 28, 1959, at the Federal Building, Albany, N.Y., before Examiner Walter R. Lee.

No. MC 106965 (Sub No. 134), filed July 16, 1959. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, in bulk, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, Georgia, Alabama, and Florida, and (2) *Liquid chocolate, liquid chocolate products* and *liquid cocoa butter*, in bulk, in tank vehicles, from points in New Jersey and Philadelphia, Pa., to points in Tennessee. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Illinois, Indiana, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. Dual operations may be involved.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 107403 (Sub No. 290), filed July 29, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117636 Sub 1. Section 210, dual operations, may be involved.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 107475 (Sub No. 37), filed May 28, 1959. Applicant: DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky. Applicant's attorney: Allen Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Charlotte, N.C., and Hickory, N.C., from Charlotte, over North Carolina Highway 16 to Conover, N.C., thence over U.S. Highway 64 or 70 to Hickory, and return over the same route serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Georiga, Illinois, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

HEARING: September 22, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 107515 (Sub No. 327), filed June 22, 1959. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, from Miami, Fla., to Danville, Roanoke, Richmond, and Norfolk, Va. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

NOTE: Section 210, dual operations, may be involved.

HEARING: October 7, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner James O'D. Moran.

No. MC 107757 (Sub. No. 18), filed May 18, 1959. Applicant: M. C. Slater, Inc., 1129 Bremen Avenue, St. Louis 7, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A explosives*, from East Alton, Ill., to West Lake Quarry, near St. Charles, Mo., and *empty containers or other such incidental facilities* used in transporting Class A explosives, on return. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: October 5, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 109689 (Sub No. 93), filed June 15, 1959. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, and *rejected* or *contaminated shipments* of the above-described commodities, between points in San Juan and Kane Counties, Utah to points in Arizona. Applicant is authorized to conduct operations in Utah, Nevada, Idaho, Oregon, Colorado, Montana, Wyoming, Arizona, California, New Mexico, and Washington.

HEARING: September 21, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 109761 (Sub No. 21), filed May 4, 1959. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and Benjamin J. Brooks, Washington Loan and Trust Building, Washington 4, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and fruit juices, vegetable and vegetable juices, fruit and vegetable drink, fruit and vegetable drink base, prune drink base, fruit and vegetable juice concentrates*, and *citrus products*, with or without additives, in bulk, from points in Florida to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota, Indiana, Ohio, Georgia, Maine, New Hampshire, and Vermont.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 109761 (Sub. No. 12).

HEARING: October 1, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner James O'D. Moran.

No. MC 110525 (Sub No. 395), filed July 21, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Chester A. Zyblut, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama and Florida. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin, Georgia, the District of Columbia, Vermont, Texas, South Carolina, Oklahoma, New Hampshire, Nebraska, Maine, Louisiana, Iowa, Florida, California, Arkansas, and Alabama.

NOTE: Applicant has contract carrier applications pending in MC 117507 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 110525 (Sub No. 396), filed July 21, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Chester A. Zyblut, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnishes* and *resins*, in bulk, in tank vehicles, from Schenectady and Rotterdam Junction, N.Y., to points in Connecticut and Massachusetts, and *rejected shipments* of varnishes and resins, on return. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Virginia, North Carolina, Tennessee, Kansas, Michigan, Illinois, Connecticut, Massachusetts, Indiana, Rhode Island, Minnesota, Missouri, Wisconsin,

Georgia, Alabama, Arkansas, California, Florida, Iowa, Louisiana, Maine, Nebraska, New Hampshire, Oklahoma, South Carolina, Texas, Vermont, and the District of Columbia.

NOTE: Applicant has contract carrier applications pending in MC 117507 and sub numbers thereunder; therefore, dual operations under section 210 may be involved.

HEARING: September 29, 1959, at the Federal Building, Albany, N.Y., before Examiner Walter R. Lee.

No. MC 110698 (Sub No. 123), filed June 19, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities in bulk*, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, and Florida; and (2) *liquid chocolate* and *liquid chocolate products*, and *liquid cocoa butter*, in bulk, in tank vehicles, from points in New Jersey, and Philadelphia, Pa., to points in Tennessee. Applicant is authorized to conduct operations in Massachusetts, Rhode Island, New York, Connecticut, Maine, New Hampshire, Pennsylvania, Vermont, Indiana, Michigan, Delaware, Ohio, Illinois, South Carolina, North Carolina, Maryland, West Virginia, New Jersey, Virginia, and Kentucky.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 111015 (Sub No. 5), filed June 4, 1959. Applicant: L. P. M. CORPORATION, 52 West Way, Chappaque, N.Y., Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by manufacturers and refiners of, and dealers in, precious metals and precious metal alloys*, and in connection therewith, *materials, supplies* and *equipment* used in the conduct of such business, between Fairfield, Conn., Providence, R.I., Chicago, Ill., and New York, N.Y., and points in New Jersey and New York within 20 miles of New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Ohio, Indiana, Michigan and Illinois. Applicant states the following restriction: The operation herein proposed is to be performed under a contract, or contracts, with Handy & Harman. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island.

HEARING: October 2, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 111470 (Sub No. 3), filed June 22, 1959. Applicant: GLOUCESTER TRUCKING, INC., 805 Cherry Street, Gloucester, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies and equipment* as are used by telephone companies in the construction, maintenance and repair of their equipment, between Baltimore, Md., on the one hand, and, on the other, points in New Jersey. Applicant is authorized to conduct similar operations in New Jersey, New York, and Pennsylvania.

HEARING: October 7, 1959, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Herbert L. Hanback.

No. MC 111545 (Sub No. 33), filed April 21, 1959. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Allan Watkins, 214–216 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except veneer and plywood, from points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee to points in Iowa. Applicant is authorized to conduct operations in Alabama, Tennessee, North Carolina, South Carolina, Michigan, Georgia, Kentucky, Illinois, Indiana, Iowa, Kansas, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Wisconsin, Delaware, Missouri, Nebraska, Massachusetts, Mississippi, Texas, Virginia, West Virginia, Minnesota, and the District of Columbia.

HEARING: September 21, 1959, at 680 West Peachtree Street, Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 111940 (Sub No. 25), filed June 26, 1959. Applicant: SMITH'S TRUCK LINES, a Corporation, R.D. No. 1, P.O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum lubricating oils and greases* and *petroleum wax and petrolatums*, in containers, (a) from Buffalo, N.Y., with stop-off for partial loading at Formers Valley, Pa., to Baltimore, Md., Washington, D.C., Philadelphia, Pa., Wilmington, Del., and Norfolk and Richmond, Va., and (b) from Farmers Valley and Emlenton, Pa., to points in Rhode Island, and *used empty containers*, on return; (2) *flagstone, building stone*, and *returned used pallets*, between points in Pennsylvania located on and east of U.S. Highway 219, and points in Ohio and Vermont; and (3) *lumber*, between Muncy, Pa., and points within 35 miles thereof, and points in New York, New Jersey, Maryland, Delaware, Ohio, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, the District of Columbia, Maryland, New Jersey, New York, Delaware, Virginia, Ohio, West Virginia, Connecticut, Indiana, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont.

HEARING: September 23, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Herbert L. Hanback.

No. MC 112223 (Sub No. 47), filed July 20, 1959. Applicant: QUICKIE TRANSPORT COMPANY, a Minnesota Corporation, 1121 South Seventh Street, Minneapolis 4, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Light weight aggregate materials*, in bulk, from points in Hennepin, Ramsey, Dakota, Scott, Carver, and Washington Counties, Minn., to points in Iowa and Wisconsin; (2) *trap rock, silica sand* and *lime stone*, in bulk, from the above-specified destination points to the above-specified origin points. Applicant is authorized to conduct operations in Minnesota, Wisconsin, Iowa, Michigan, and North Dakota.

HEARING: September 23, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 181.

No. MC 112442 (Sub No. 11), filed June 4, 1959. Applicant: H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, 223 Wisconsin, Neodesha, Kans. Applicant's attorney: John E Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk and in bags and containers, from Lawrence, Kans., to points in Colorado, Missouri, and Iowa, and *exempt commodities*, on return. Applicant is authorized to conduct operations in Colorado, Kansas, Louisiana, Missouri, Nebraska, and Texas.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 112442 (Sub No. 9) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 30, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 112497 (Sub No. 147), filed August 4, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic potash*, in bulk, in tank vehicles, from Anniston, Ala., to St. Louis, Mo., and *lube oil*, in bulk, in tank vehicles, from St. Rose, La., to Charleston, S.C. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, New Mexico, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia.

HEARING: September 21, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 112520 (Sub No. 30), filed May 20, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from Jesup, Ga., to Port St. Joe, Fla. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: September 25, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 112520 (Sub No. 31), filed May 21, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rosin*, in bulk, in tank vehicles, from Hoboken, Ga., to points in Florida, (2) *Pine oil* and *turpentine*, in bulk, in tank vehicles, from Jacksonville, Fla., to Valdosta, Ga. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Ohio and Tennessee.

HEARING: September 25, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 112520 (Sub No. 32), filed May 22, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil heads, tall oil, refined tall oil, tall oil crude*, and *tall oil pitch*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to Port St. Joe, Fla.; and *Pulp mill liquid*, in bulk, in tank vehicles, from Tuscaloosa and Demopolis, Ala., to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: September 25, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 112696 (Sub No. 12) (CORRECTION), filed June 12, 1959, published FEDERAL REGISTER issue of July 22, 1959. Applicant: HARTMANS, INCORPORATED, P.O. Box 468, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, rubber heels and soles*, and *supplies* and *equipment* used in a shoe factory, (1) between Harrisonburg and Winchester, Va., Hagerstown, Md., Gettysburg, Lancaster, York, Dillsburg, East Berlin, and Littlestown, Pa., and Boston, Mass.; and (2) from Harrisonburg and Winchester, Va., Hagerstown, Md., Gettysburg, Lancaster, York, Dillsburg, East Berlin, and Littlestown, Pa., and Boston, Mass., to Worcester, Malden, and Athol, Mass., New York, N.Y., Baltimore, Md., and Lynchburg, Va. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: This publication corrects the point of service designated as Berlin, Pa., to East Berlin, Pa.

HEARING: Remains as assigned September 2, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 113336 (Sub No. 17), filed June 11, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Greensboro, N.C., to points in Virginia. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: September 22, 1959, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 113336 (Sub No. 18), filed June 11, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921 East Second Street, Lumberton, N.C. Applicant's attorney, James E. Wilson, 1111 E Street NW, Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Pinellas County, Fla. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: October 1, 1959, at the Georgia Public Service Commission, 244 Washington Street SW, Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 113336 (Sub No. 19), filed June 18, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, from points in Mecklenburg County, N.C., to points in Georgia and South Carolina. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: September 23, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 113336 (Sub No. 23), filed June 29, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., East Second Street, P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentachlorophenol*, in bulk, in tank vehicles, from Conyers, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: September 30, 1959, at 680 West Peachtree Street, Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 113336 (Sub No. 25), filed July 22, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solution, ammoniating solution, anhydrogeous ammonia* and *urea ammonia*, from Port Wentworth and Savannah, Ga., and points in Tennessee on and East of U.S. Highway 27 to points in North Carolina, South Carolina, and Florida. Applicant is authorized to conduct operations in North Carolina, South Carolina, Georgia, and Florida.

HEARING: September 16, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Commissioner Laurence K. Walrath.

No. MC 113533 (Sub No. 25), filed June 29, 1959. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 3445 Paterson Plank Road, North Bergen, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in Michigan, Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Missouri, and Colorado; and from Frankfort, Mich., to Chambersburg, Pa., and points in Wisconsin, Minnesota, Iowa, Kansas, Nebraska, and Colorado; and *rejected and damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: October 6, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 113832 (Sub No. 11), filed June 25, 1959. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the plant site of the Dewey Portland Cement Company, located in or near Davenport, Iowa, to points in Minnesota, Wisconsin, Mis-

souri, Illinois, and Iowa, and *empty containers or other such incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: September 28, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 113832 (Sub No. 12), filed June 25, 1959. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 629 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, (1) from the plant site of the Dewey Portland Cement Company located in or near Dewey, Okla., to points in Nebraska, Kansas, Missouri, Arkansas, and Texas; and (2) from the plant site of the Lone Star Cement Corporation located in or near Bonner Springs, Kans., to points in Nebraska, Iowa, Missouri, Oklahoma, and Arkansas; and *empty containers or other such incidental facilities* used in transporting cement, on return. Applicant is authorized to conduct operations in Indiana, Illinois, and Wisconsin.

HEARING: September 28, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 113832 (Sub No. 13), filed July 20, 1959. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, (1) from the plant site of Marquette Cement Manufacturing Company, located in or near St. Louis, Mo., to points in Kentucky west of Cumberland, Adair, Green, Larue, Nelson, Bullitt, and Jefferson Counties, Ky., points in Arkansas north of Polk, Montgomery, Garland, Hot Spring, Dallas, Cleveland, Drew, and Chicot Counties, Ark., and points in Missouri, Illinois, and Indiana; and (2) from the plant site of Marquette Cement Manufacturing Company, located in or near Cape Girardeau, Mo., to points in Illinois south of Mercer, Henry, Bureau, Putnam, LaSalle, Grundy, and Joliet Counties, Ill., points in Arkansas north of Polk, Montgomery, Clark, Dallas, Cleveland, Drew, and Chicot Counties, Ark., and points in Missouri, Indiana, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

NOTE: Applicant indicates the above operations are to be performed under a continuing contract with the Marquette Cement Manufacturing Company, Chicago, Ill.

HEARING: October 14, 1959, at the U.S. Court and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 113843 (Sub No. 36), filed June 5, 1959. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Dundee, N.Y., to points in Illinois (except Chicago), Iowa, Kentucky, Maine, Missouri, New Hampshire, North Dakota, South Dakota, Tennessee, Vermont, Texas, Virginia (except Hampton and Richmond), Wisconsin (except Green Bay and Milwaukee). Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 18, 1959, at the Federal Building, Syracuse, N.Y., before Examiner Walter R. Lee.

No. MC 113843 (Sub No. 37), filed June 8, 1959. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, Marion, North Rose, and Wolcott, N.Y., to points in Alabama, Florida, Georgia, Maine, New Hampshire, North Carolina, South Carolina, Vermont, and Virginia (except Hampton and Richmond). Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 18, 1959, at the Federal Building, Syracuse, N.Y., before Examiner Walter R. Lee.

No. MC 114106 (Sub No. 15), filed June 3, 1959. Applicant: MAYBELLE TRANSPORT COMPANY, a North Carolina Corporation, Box 461, 1820 South Main Street, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Mecklenburg County, N.C., to points in Georgia except Macon and South Carolina and *returned shipments* of vegetable oils on return. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Tennessee, and Georgia.

HEARING: September 23, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 114606 (Sub No. 5), filed May 13, 1959. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 2330 West County Road C, St. Paul 13, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in packages and in bulk, *liquid sugar*, *corn syrup*, and *mixtures of liquid sugar* and *corn syrup*, from Chaska, Crookston, East Grand Forks, and Moorhead, Minn., to points in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: September 22, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Street, Minneapolis, Minn., before Joint Board No. 282.

No. MC 115036 (Sub No. 10), filed June 29, 1959. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Urea fertilizer or fertilizer compounds*, dry, in bulk or in paper bags, *feed grade urea*, in bulk or in paper bags, and *technical grade urea*, in bulk or in paper bags, from the plant site of Grand River Chemical Division of Deere and Company, near Pryor, Okla., to points in Texas, Louisiana, Arkansas, Missouri, Illinois, Iowa, Minnesota, North Dakota, and South Dakota, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Oklahoma, Arkansas, New Mexico, Texas, Colorado, and South Dakota.

NOTE: Applicant states the proposed operations will be under a continuing contract with Grand River Chemical Division of Deere and Company, Pryor, Okla.

HEARING: September 30, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 115946 (Sub No. 8), filed July 6, 1959. Applicant: CHARLES C. GAY, doing business as GAY TRUCKING COMPANY, Port Wentworth, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Bulding, Macon, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solution, ammoniating solution, anhydrogeous ammonia*, and *urea*, bulk, in tank vehicles, from Port Wentworth and Savannah, Ga., to points in North Carolina, South Carolina, Florida, and that part of Tennessee on and east of U.S. Highway 27, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

HEARING: September 16, 1959, at 680 West Peachtree Street, NW., Atlanta, Ga., before Commissioner Laurence K. Walrath.

No. MC 116597 (Sub No. 3) (REPUBLICATION), CHANCEY TRUCK LINE, INC. EXTENSION—TENNESSEE, DECATUR, GA. (Decatur, Ga.) (PETITION FOR RECONSIDERATION, FOR FURTHER HEARING, FOR CONSIDERATION AND RECONSIDERATION BY THE COMMISSION AS A WHOLE, AND FOR ORAL ARGUMENT). Petitioner's attorney: Allen Post, 1220 First National Bank Building, Atlanta 3, Ga. By application Form BMC 78 filed October 10, 1957, applicant sought authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Tennessee on and east of U.S. Highway 27, and those in Alabama, Georgia, North Carolina, South Carolina, and Florida, on the one hand, and, on the other, points in Tennessee west of U.S. Highway 27, and those in Kentucky, Ohio, Illinois, Michigan, Indiana, Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, Delaware, New York, and the District of Columbia. Under date of December 30, 1958, division 1 denied the application in its entirety. The subject petition, filed February 6, 1959, prays: "that the matter be reconsidered and determined differently; that a further hearing should be had; that if division 1 does not grant this relief, then the Commission as a whole should do so, and that oral argument should be had."

FURTHER HEARING: September 21, 1959, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 116698 (Sub No. 4), filed May 28, 1959. Applicant: BABOCK & LEE FREIGHT LINES, INC., 1002 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities requiring special equipment*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, (1) between Roundup, Mont., and Glasgow, Mont., from Roundup over U.S. Highway 87 to junction unnumbered highway near Grassrange, Mont., thence over unnumbered highway to junction Montana Highway 19 near Roy, Mont., thence over Montana Highway 19 to junction U.S. Highway 2 at Malta, Mont., thence over U.S. Highway 2 to Glasgow, and return over the same route, serving all intermediate points, and (2) between Grassrange, Mont., and junction Montana Highway 19 and unnumbered highway near Roy, Mont., from Grassrange over U.S. Highway 87 to Lewistown, Mont., and thence over Montana Highway 19 to junction unnumbered highway near Roy, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with route (1) above. Applicant is authorized to conduct operations in Montana.

HEARING: October 5, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 116975 (Sub No. 1), filed June 29, 1959. Applicant: CANADIAN FREIGHTWAYS, LTD., 410 Riverside Boulevard, Calgary, Alberta, Canada. Applicant's representative: B. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Duluth, Minn., and ports of entry on the International Boundary line between the United States and Canada at or near Noyes, Minn., and Pembina, N. Dak., as follows: from Duluth over U.S. Highway 61 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 59 near Erskine, Minn., thence continue over U.S. Highway 2 to Crookston, Minn., thence over U.S. Highway 75 to Warren, Minn., (also from junction U.S. Highways 2 and 59 over U.S. Highway 59 to Thief River Falls, Minn., thence over Minnesota Highway 1 to Warren), thence over U.S. Highway 75 to junction unnumbered highway south of Noyes, Minn., thence continue over U.S. Highway 75 to the International Boundary line between the United States and Canada, (also from junction U.S. Highway 75 and unnumbered highway south of Noyes, Minn., over said unnumbered highway to Pembina, N. Dak., thence over U.S. Highway 81 to the International Boundary line between the United States and Canada, and return over the same routes, serving no intermediate points, restricted to traffic originating at, destined to or interchanged at points in Canada west of the Manitoba-Ontario border or in the State of Alaska.

HEARING: September 24, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 24.

No. MC 117036 (Sub No. 1), filed June 30, 1959. Applicant: HAROLD M. KELLY, R.D. No. 6, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed fluorspar*, in bulk (not in containers), from Wilmington, Del., and Philadelphia, Pa., to Aspers, Adams County, Pa.; (2) *Processed fluorspar* (not in containers and in varying forms, such as brick-size blocks and smaller), from Aspers, Adams County, Pa., to points in Maryland, Virginia, West Virginia, Ohio, New York, New Jersey, Delaware, Illinois, Indiana, and Michigan; and (3) *Empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 24, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Herbert L. Hanback.

No. MC 117574 (Sub No. 44), filed July 27, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, sawmill* and *lumbering machinery* and *equipment, pipe* and *conduit, attachments, fittings* and *parts* for the above commodities, between points in North Dakota, South Dakota, Kansas, Illinois, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Indiana, Pennsylvania, Kentucky, Ohio, Michigan, West Virginia, on the one hand, and, on the other, points in New York east of U.S. Highway 11 and north of U.S. Highway 20, and those in New Hampshire, Vermont, and Maine. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 117934 (Sub No. 2), filed June 8, 1959. Applicant: HOWARD L. JORGENSEN, doing business as B & T TRUCK LINE, 337 East First South, Brigham City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, between Brigham City, Utah, and the site of the Thiokol Chemical Corporation plant, located approximately 17 miles northwesterly of Corrine, Utah, as follows: From Brigham City over U.S. Highway 191 to Corrine, Utah, thence over Utah Highway 83 to a point approximately three (3) miles south of the site of the Thiokol Chemical Corporation plant, thence over unnumbered highway to the site of the Thiokol Chemical Corporation plant, and return over the same route, serving all intermediate points on the unnumbered highway between its junction with Utah Highway 83 and the site of the Thiokol Chemical Corporation plant.

NOTE: Applicant conducts operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: September 25, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 118682, filed March 30, 1959. Applicant: AUTO DRIVEAWAY CO., a Corporation, 1636 West Hunting Park Avenue, Philadelphia, Pa. Applicant's attorney: Percy C. Madeira, III, 2717 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* for the individual owners thereof, by individual drivers who are approved by said owners and who are not employees of applicant, between points in the United States, including the District of Columbia, but excluding points in Alaska.

HEARING: September 28, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

No. MC 118806 (Sub No. 1), filed April 13, 1959. Applicant: ARNOLD BROS. TRANSPORT LTD., Oakbank, Manitoba, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya bean meal*, in bags or in bulk, from Grand Forks, N. Dak., to ports of entry on the International Boundary line between the United States and Canada at or near Pembina, N. Dak., and Noyes, Minn., and *seed grain* and *grass seed* on return, destined to points in Canada.

NOTE: In the application the territory requested is bounded on the west by U.S. Highway 81, on the south by U.S. Highway 2, and on the east by U.S. Highway 75.

HEARING: October 8, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 118838, filed March 31, 1959. Applicant: GARRETT-GABOR CO., 807 Main Avenue, Moorhead, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from points in Minnesota to ports of entry on the United States-Canadian International boundary line in Minnesota, and *exempt commodities* on return.

HEARING: October 8, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 248.

No. MC 118897, filed April 24, 1959. Applicant: SAMUEL SORENDINO, 6812 State Road, Philadelphia, Pa. Applicant's attorney: Robert B. Einhorn, 1540–47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, from points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., to points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties, N.J.; and *Sand*, in bulk, from points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties, N.J., to points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., together with *Motion to Dismiss* for lack of jurisdiction.

HEARING: October 2, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

No. MC 118905, filed April 27, 1959. Applicant: DAN L. WILLIAMS AND F. L. WESTMORELAND, doing business as GREENSBORO AUTO TRANSPORT COMPANY, P.O. Box 9216, Greensboro, N.C. Applicant's attorney: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used and wrecked automobiles and trucks*, in driveaway, towaway, and haulaway service, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 21, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James O'D. Moran.

No. MC 118917, filed May 4, 1959. Applicant: AGRICULTURAL DELIVERY SERVICE, INC., New Tampa Highway, P.O. Box 950, Lakeland, Fla. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, in bulk and in bags, from Bonnie, Fla., (approximately two miles west of Bartow, Fla.), to points in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas; and *exempt commodities*, on return.

HEARING: September 29, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner James O'D. Moran.

No. MC 118930, filed May 11, 1959. Applicant: THOMAS E. RYNONE AND MARY L. RYNONE, doing business as, RYNONE TRANSFER, North Chemung Street, Waverly, N.Y. Applicant's attorney: H. Bradley Smith, 315 Broad Street, Waverly, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, enclosed in trailers owned by or consigned to Lehigh Valley Railroad, in substituted motor carrier service for rail service, between Sayre, South Waverly, Athens, Milan, Ulster, Towanda, Wysox, Monroeton and New Albany, Pa., and Waverly, Elmira, Elmira Heights, Horseheads, Van Etten, Spencer, Cayuta, Barton, Tioga Center, Owego, Newark Valley, and Berkshire, N.Y.

HEARING: September 29, 1959, at the Federal Building, Albany, N.Y., before Examiner Walter R. Lee.

No. MC 118952, filed May 20, 1959. Applicant: TROPICAL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: E. E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags and packages, from the plant site of the Lehigh Portland Cement Co., in Bunnell, Fla., to points in Charlton, Camden, Glynn, Brantley, Ware, Clinch, Echols, Pierce, Wayne, Long, McIntosh, and Liberty Counties, Ga., and *rejected* or *returned* shipments of cement on return.

NOTE: Applicant states that the above transportation will be under a continuing contract with Lehigh Portland Cement Co., of Allentown, Pa.

HEARING: September 28, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 118971, filed June 4, 1959. Applicant: EKLUND BROTHERS TRANSPORT, INC., Watford City, N. Dak. Applicant's attorney: R. W. Wheeler, Suite 33 Woolworth Building, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Stark, Billings, Golden Valley, Slope, Bowman, and Hettinger Counties, N. Dak., to points in Dawson County, Mont.

HEARING: October 9, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 118987, filed June 11, 1959. Applicant: RAPID DISTRIBUTING CORPORATION, 41–40 38th Street, Long Island City 1, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper, brass and aluminum tubing and rod, wire and sheet, and fittings*, from Long Island City, N.Y., to points in Connecticut, New Jersey, points in New York on and east of U.S. Highway 11 and those in Pennsylvania on and east of U.S. Highway 15, and *damaged, returned or exchanged shipments* of the above-specified commodities, and *copper, brass and aluminum scrap*, on return. Applicant states the proposed transportation will be under contract with Lewin-Mathes Company Division of Cerro De Pasco Corporation.

HEARING: October 1, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 118992, filed June 11, 1959. Applicant: D. U. STONE, doing business as D. U. STONE TRUCKING COMPANY, 324 East 127th Avenue, Tampa 4, Fla. Applicant's attorney: M. Craig Massey, 208 South Tennessee Avenue, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured or processed materials and products* (all types, kinds and classifications) used in floors, sub-floors, and floor coverings, except lumber, from Boston, Mass., points in the Boston Commercial Zone, Lawrence, Franklin and Walpole, Mass., Shelton, Conn., New York, N.Y., and points in the New York Commercial Zone, Kearny, Newark, Trenton, and Salem, N.J., Philadelphia, Pa., points in the Philadelphia Commercial Zone, and Media, Pa., Norfolk, Va., Chicago, Ill., points in the Chicago Commercial Zone, and Herrin, Ill., and Houston, Tex., to points in Florida; and *empty containers or other such facilities* used in transporting the above-described commodities, on return.

HEARING: September 30, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner James O'D. Moran.

No. MC 119002, filed June 16, 1959. Applicant: W. S. BUGG, L. C. DAVIS & R. R. DAVIS, doing business as BUGG & DAVIS TRUCK LINES, Warrenton, N.C. Applicant's attorneys: Stanley Winborne and Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Warren County, N.C., to points in Virginia, West Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting Lumber on return movements.

HEARING: September 21, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James O'D. Moran.

No. MC 119004, filed June 16, 1959. Applicant: KAVANAGH TRUCKING CO., INC., 78 Lake Street, Tupper Lake, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in St. Lawrence and Franklin Counties, N.Y., to points in Maine, Maryland, Massachusetts, New York, New Jersey, Rhode Island, Vermont, New Hampshire, Ohio, Pennsylvania, West Virginia, Connecticut, Delaware, and the District of Columbia, and *rejected or damaged shipments* of the above commodity on return.

HEARING: September 28, 1959, at the Federal Building, Albany, N.Y., before Examiner Walter R. Lee.

No. MC 119007, filed June 17, 1959. Applicant: JULIAN A. MORGAN, SR., doing business as J. A. MORGAN PRODUCT COMPANY, 858 Avon Street SW., Atlanta Ga. Applicant's representative: Robert J. Fehskens, 4142 Shawnee Lane NE., Atlanta 19, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen concentrate* and *chilled citrus juices*, from points in Florida to Atlanta, Ga., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. This application is accompanied by a Motion to Dismiss on the ground that applicant operates as a private carrier.

HEARING: October 2, 1959, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 119008, filed June 17, 1959. Applicant: ALABAMA TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorneys: E. E. Kundtz and Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags and packages, from the plant site of the Lehigh Portland Cement Co., in Birmingham, Ala., to points in Alabama; to points in Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Itawamba, Kemper, Lafayette, Lauderdale, Leake, Lee, Lowndes, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Panola, Pontotoc, Prentiss, Quitman, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Webster, Winston and Yalobusha Counties, Miss., points in Bedford, Benton, Carroll, Chester, Coffee, Crockett, Decatur, Dyer, Fayette, Franklin, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Madison, Marshall, Maury, Moore, Perry, Shelby, Tipton and Wayne Counties, Tenn., points in Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties, Fla., and points in Baker, Banks, Barrow, Bartow, Butts, Calhoun, Carroll, Catoosa, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Cobb, Coweta, Crawford, Dade, Dawson, Decatur, DeKalb, Dougherty, Douglas, Early, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Haralson, Harris, Heard, Henry Jackson, Jasper, Lamar, Lee, Lumpkin, Macon, Madison, Marion, Meriwether, Miller, Mitchell, Monroe, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Quitman, Rabun, Randolph, Rockdale, Schley, Seminole, Spalding, Stephens, Stewart, Sumter, Talbot, Taylor, Terrell, Towns, Troup, Union, Upson, Walker, Walton, Webster, White, and Whitfield Counties, Ga., and *rejected and returned shipments* of the commodities specified in this application on return. Applicant states the proposed service is to be under a continuing contract with Lehigh Portland Cement Co. of Allentown, Pa.

NOTE: Joint control may be involved.

HEARING: September 29, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Robert A. Joyner.

No. MC 119020, filed June 15, 1959. Applicant: DONALD E. ELLIOTT, doing business as DON ELLIOTT, R. No. 1, Minnesota City, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Rock aggregate*, (1) from Winona, Minn., to Alma, Wis., from Winona over Minnesota Highway 43 to the Minnesota-Wisconsin State line, thence over Wisconsin Highway 35 to Alma, serving no intermediate points. (2) From Winona, Minn., to Arcadia, Wis., from Winona over Minnesota Highway 43 to the Minnesota-Wisconsin State line, thence over Wisconsin Highway 93 to junction Wisconsin Highway 95, thence over Wisconsin Highway 95 to Arcadia, serving no intermediate points.

HEARING: September 21, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 119025, filed June 24, 1959. Applicant: THOMAS REINDAHL, Clayton, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, from points in Pole County, Wis., to points in Pine and Kanabec Counties, Minn.

HEARING: September 21, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 119034, filed June 29, 1959. Applicant: RAY BALL, doing business as BALL TRUCK LINE, 1208 North Emory, North Platte, Nebr. Applicant's attorney: J. Max Harding, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bulk and in bags, (a) from Garfield, Utah, Pocatello and Montpelier, Idaho, and Pueblo, Colo., and points within 10 miles of each of said points to points in Nebraska, and (b) from Garfield, Utah, Pocatello and Montpelier, Idaho and points within 10 miles of each of said points, to points in Colorado.

NOTE: Applicant states that exempt commodities will be transported on return.

HEARING: September 25, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 119059, filed July 13, 1959. Applicant: MOBERG OIL COMPANY, INCORPORATED, Marshall, Minn. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Marshall, Minn., and points within two (2) miles of Marshall, to points in South Dakota.

HEARING: September 22, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 26.

No. MC 119062, filed July 15, 1959. Applicant: DONALD PATNODE, Milaca, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barn* and *livestock equipment*, from Horicon and Kaukawna, Wis., to points in Anoka, Benton, Isanti, Kanabec, Mille Lacs, Morrison, Sherburne, Stearns, and Wright Counties, Minn.

HEARING: September 21, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 142.

No. MC 119064, filed July 16, 1959. Applicant: LYLE H. HILLIARD, doing business as HILLIARD TRUCK LINE, Fosston, Minn. Applicant's attorney: Allan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Osage, Minn., and points within ten miles thereof, to points in North Dakota.

HEARING: September 25, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 24.

No. MC 119079, filed July 20, 1959. Applicant: DARYL D. SWANSON AND LUDWIG O. SWANSON, doing business as D. L. M. COMPANY, 4301 West 70th

Street, Minneapolis, Minn. Applicant's attorney: Earl Hacking, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Light weight aggregate materials*, in bulk, from points in Hennepin, Ramsey, Dakota, Scott, Carver, and Washington Counties, Minn., to points in Iowa and Wisconsin; (2) *trap rock, silica sand* and *lime stone*, in bulk, from the above-specified destination points to the above-specified origin points.

HEARING: September 23, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 181.

No. MC 119093, filed July 24, 1959. Applicant: SEAFOOD EXPRESS, LIMITED, a corporation, Point de Bute, Sackville, New Brunswick, Canada. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in mixed shipments with *fresh fruit, berries, and vegetables*, from Boston, Mass., to ports of entry in New Hampshire and Maine on the International Boundary line between the United States and Canada, and *exempt commodities* on return.

NOTE: Applicant indicates the above commodities will be destined to points in Canada.

HEARING: September 25, 1959, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69.

No. MC 119108, filed July 30, 1959. Applicant: ARMORED CAR SERVICE, INC., 3555 Lee Highway, Arlington, Va. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency* and *coins*, in armored cars or trucks, between Washington, D.C., on the one hand, and, on the other, points in Fairfax, and Prince William Counties, Va.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 116802 and subs numbers thereunder; therefore, dual operations may be involved.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 120233, CONSOLIDATED CARRIERS CORP., 224 West 35th Street, New York, N.Y. Attorney for applicant, Samuel Schaeffer, 450 Seventh Avenue, New York 1, N.Y. Assigned for hearing to determine whether the motor vehicle operations of Consolidated Carriers Corp. are and will be managed and operated in a common interest, management and control with those of Interstate Dress Carriers, Inc., a multiple-State operator holding Certificates under No. MC 50307, and the eligibility of the said Consolidated Carriers Corp. to engage in operations in interstate or foreign commerce within the State of New York under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: October 5, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

MOTOR CARRIERS OF PASSENGERS

No. MC 453 (Sub No. 15), filed July 22, 1959. Applicant: THE GREY LINE, INC., 1010 Eye Street NW., Washington, D.C. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, between Washington, D.C., and Charles Town, W. Va., Route 1: from Washington, D.C., to District of Columbia-Commonwealth of Virginia boundary line via city streets and Lincoln Memorial and/or 14th Street Trans-Potomac bridges; from District of Columbia-Commonwealth of Virginia boundary line to the intersection of U.S. Highway 50 and Virginia Highway 7, via U.S. Highway 50; from the intersection of Virginia Highway 7 and U.S. Highway 50 to the intersection of Virginia Highway 7 and Virginia Highway 9 at Leesburg, Va., via Virginia Highway 7; from the intersection of Virginia Highway 7 with Virginia Highway 9 at Leesburg, Va., to Charles Town, W. Va., via Virginia Highway 9; and return over the same route. Service at the intermediate point, Falls Church, Va., restricted to traffic moving to and from Charles Town, W. Va. Route 2 from Washington, D.C., to Frederick, Md., via U.S. Highway 240; from Frederick, Md., to Charles Town, W. Va., via U.S. Highway 340; return over the same route. Service at the intermediate points of Bethesda, Md., and Rockville, Md., restricted to traffic moving to and from Charles Town, W. Va. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, and Virginia.

NOTE: Applicant states that the transportation of passengers and their baggage herein is restricted to traffic moving to and from the site of the Charles Town Race Course, Charles Town, W. Va.

HEARING: October 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 110306 (Sub No. 2), filed March 27, 1959. Applicant: BLUE BUS LINES, a corporation, 50 North Johnson Avenue, Trenton, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between New Hope, Pa., and Philadelphia, Pa., from New Hope over U.S. Highway 202 to junction of Pennsylvania Highway 263 at Buckingham, thence over Pennsylvania Highway 263 through Furlong, Jameson and Hatboro to junction U.S. Highway 611, at Willow Grove, thence over U.S. Highway 611 through Jenkintown to Philadelphia, Pa., and return over the same route, serving all intermediate points, except service is restricted to traffic originating at, or destined to, points in New Jersey between Washington Crossing and Lambertville, N.J., on Blue Bus Lines' existing route between Trenton, N.J., and New Hope, Pa. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: October 14, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 114271 (Sub No. 5), filed July 16, 1959. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Grove Stafford, 628 Murray Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express, mail* and *newspapers*, in the same vehicle with passengers, between Opelika, Ala., and Columbus, Ga., from Opelika, over U.S. Highway 280 to Phenix City, Ala., thence over U.S. Highway 80 to Columbus, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia and Tennessee.

NOTE: Applicant states that it operates over the above route in the transportation of passengers and their baggage.

HEARING: September 29, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 157, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 118958, filed May 26, 1959. Applicant: DARRELL G. HAFEN, Washington and Utah and 1233 First Security Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Washington County, Utah except Zion National Park and extending to points in Washington, Iron, Kane, Garfield, and San Juan Counties, Utah and Mojave, Coconion, Apache, and Navajo Counties, Ariz.

HEARING: September 21, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 119035, filed June 29, 1959. Applicant: HARRY T. GOULDING, doing business as GOULDING'S TRADING POST AND LODGE, Goulding's Trading Post, Utah, Mail: P.O. Box 98, Kayenta, Ariz. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing, pleasure and photographic tours, beginning and ending at Kayenta, Ariz., and Goulding's Trading Post, Moab, Green River, and Monticello, Utah, and extending to points in Utah, and those in Apache and Navajo Counties, Ariz.

HEARING: September 22, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 119083, filed July 20, 1959. Applicant: MISSOURI VALLEY TRAILS, INC., Box 55, Havre, Mont. Applicant's attorney: Gordon Hoven, Box 55, Havre, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, (1) between Havre, Mont., and the boundary line between Montana and North Dakota, from Havre to the boundary line between Montana and North Dakota over U.S. Highway 2, and return over the same route, serving all intermediate points. (2) Between Havre, Mont., and the Glasgow U.S. Air Force Base, from Havre over U.S. Highway 2 to its junction with Montana Highway 24 at Glasgow, Mont., thence over Montana Highway 24 to the Glasgow U.S. Air Force Base, and return over the same route, serving all intermediate points.

HEARING: October 1, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12707, filed May 14, 1959. Applicant: WILLIAM GRAY, doing business as JACKSON & GRAY BUSS TRAVEL SERVICE, 722 South Broad Street, Philadelphia 46, Pa. For a license (BMC 5) authorizing operations as a *broker* at Philadelphia, Pa., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in charter operations, beginning and ending at Philadelphia, Pa., and extending to points in the United States, including ports of entry on the International Boundary line between the United States and Canada.

HEARING: October 6, 1959, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 12712, filed June 22, 1959. Applicant: ARNOLD DEE WHITE AND ERMA M. WHITE, doing business as LaFIESTA TOURS, 2890 South Melbourne, Salt Lake City, Utah. For a license (BMC 5) authorizing operations as a *broker* at Salt Lake City, Utah in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Salt Lake City, Utah and extending to points in the United States, including ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico.

HEARING: September 23, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 12713, filed June 24, 1959. Applicant: SKIBEE, INC., 209 East Post Road, White Plains, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip, special and charter, all-expense ski tours, beginning and ending at points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, New York, and Pennsylvania, destined to points in Canada.

HEARING: October 5, 1959, at 346 Broadway, New York City, N.Y., before Examiner Walter R. Lee.

No. MC 12714, filed July 13, 1959. Applicant: LAKE SHORE MOTOR COACH LINES, INC., doing business as LAKE SHORE TOURS, 549 West Fifth South Street, Salt Lake City 1, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. For a license (BMC–5) to engage in operations as a *broker* at Salt Lake City, Utah, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip charter all-expense conducted tours and sightseeing trips, and in all types of passenger operations, beginning and ending at points in Davis, Weber, Box Alder, and Cache Counties, Utah, and Franklin County, Idaho, and extending to points in the United States, including ports of entry located on the International Boundary line between the United States and Canada.

NOTE: Applicant states it presently operates as a common motor carrier of passengers and their baggage, and express, in regular-route operations between Salt Lake City and Ogden, Utah, and that in addition, it is performing interstate charter service to various points within the United States.

HEARING: September 23, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 48213 (Sub No. 19), filed August 5, 1959. Applicant: C. E. LIZZA, INC., First National Bank Building, Latrobe, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburg 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting supplies, ammonium nitrate* and *nitro-carbo-nitrate*, from the plant sites or magazines of American Cyanamid Company at or near Latrobe, Pa., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, North Carolina, South Carolina, and Wisconsin, points in that part of Ohio west of U.S. Highway 23, and points in that part of New Jersey south of U.S. Highway 1. *Returned or damaged shipments* of the above-described commodities, and *empty containers or other articles* used in the transportation of such commodities, from points in the above-named destination states and destination territories, to the plant sites or magazines of American Cyanamid Company at or near Latrobe, Pa. Applicant is authorized to conduct operations in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 66562 (Sub No. 1519) (CLARIFICATION), filed July 6, 1959, published in the July 22, 1959 issue of the FEDERAL REGISTER. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Morristown, N.J., and Hackettstown, N.J., from Morristown over New Jersey Highway 511 to junction New Jersey Highway 10, thence over New Jersey Highway 10 to junction New Jersey Highway 53, thence over New Jersey Highway 53 to Denville, N.J., thence continuing over New Jersey Highway 53 to junction U.S. Highway 46, thence over U.S. Highway 46 to Dover, N.J., thence continuing over U.S. Highway 46 to junction U.S. Highway 206 at Netcong, N.J., thence over U.S. Highway 206 to Newton, N.J., thence continuing over U.S. Highway 206 to junction New Jersey Highway 519, thence over New Jersey Highway 519 to Branchville, N.J., thence return over New Jersey Highway 519 to junction U.S. Highway 206, thence over U.S. Highway 206 to junction New Jersey Highway 517, thence over New Jersey Highway 517 to junction U.S. Highway 46, thence over U.S. Highway 46 to Hackettstown, returning over U.S. Highway 46 via Netcong, N.J., to Dover, N.J., thence over unnumbered streets in Dover to junction New Jersey Highway 10, thence over New Jersey Highway 10 to junction New Jersey Highway 511, thence over New Jersey Highway 511 to Morristown. Applicant states the proposed service to be performed over above route in both directions. Serving the intermediate and off-route points of Denville, Netcong, Dover, Wharton, Newton, and Branchville, N.J. Applicant indicates the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or

air. Applicant is authorized to conduct operations throughout the United States.

No. MC 74721 (Sub No. 70), filed August 7, 1959. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Louis, Mo.; and Indianapolis, Ind., over U.S. Highway 40, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Minnesota, Wisconsin, Iowa, Illinois, Indiana, New York, New Jersey, Maryland, West Virginia, and the District of Columbia.

NOTE: Applicant states that the above route is subject to the restriction presently contained in applicant's existing authority that no shipments shall be transported between any two points both of which are west of the Illinois-Indiana State line.

No. MC 78705 (Sub No. 14), filed August 6, 1959. Applicant: McLAIN TRUCKING, INC., 1242 North Jefferson Street, Muncie, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transmissions* and *control parts*, from Muncie, Ind., to Wixom, Mich. *Steering wheels*, from Portland, Ind., to Wixom, Mich. *Rejected shipments* of the commodities specified in this application and *empty containers* or *other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: Applicant states it is presently certificated to transport the commodities requested in the instant application from Muncie, Ind., and Portland, Ind., to Detroit, Mich., and by virtue of this application is seeking authority to transport said commodities to the destination point of the Ford Motor Company's plant site at Wixom, Mich., located approximately 14 miles northwest of the city limits of Detroit, Mich., via U.S. Highway 16. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned MC 78705 (Sub No. 12). Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and New York.

No. MC 107496 (Sub No. 143), filed August 6, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol, Glycol*, and *Anti-freeze*, in bulk, in tank vehicles, from the site of the Olin Mathieson Chemical Corp. plant at Mapleton, Ill., to points in Nebraska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

NOTE: Common control may be involved.

No. MC 109451 (Sub No. 103), filed August 7, 1959. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl ether*, in bulk, in tank vehicles, from Ficklin, Ill., to New Castle, Del. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted in Docket No. MC 109451 (Sub No. 82) to determine whether applicant's status is that of a common or contract carrier.

No. MC 111159 (Sub No. 89), filed June 24, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Formaldehyde*, in bulk, in tank vehicles, from Sterlington, La., to McIntosh, Ala., and points within 10 miles thereof, and (2) *tris hydroxymethyl nitromethane*, in bulk, in tank vehicles, from Sterlington, La., to Terre Haute, Ind. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Louisiana, Missouri, Ohio, Oklahoma, and Tennessee.

No. MC 116564 (Sub No. 9), filed August 7, 1959. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to Washington, D.C., and Jamestown, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages on return. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 116564 (Sub No. 7). Dual operations may be involved.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 96870 (Sub No. 2), filed July 24, 1959. Applicant: MARIANELLI MOTOR LINES, INC., 301 East Locust Street, Scranton, Pa. Applicant's attorney: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods in use, commodities in bulk, and those requiring special equipment, between Pittsburgh, Pa., and points in Pennsylvania within thirty-five miles thereof, and Scranton, Pa., and points within thirty-five miles thereof. Applicant is authorized to conduct the above operations under the Second Proviso of section 206(a)(1), of the Act.

NOTE: This matter is directly related to MC-F 7288.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7131, (STRICKLAND MOTOR FREIGHT LINES, INC.—CONTROL—PORTO TRANSPORT, INC.), published in the March 25, 1959, issue of the FEDERAL REGISTER on page 2338. Petition filed August 10, 1959, for substitution of STRICKLAND TRANSPORTATION CO., INC., Box 5689, Dallas, Tex., as applicant in lieu of STRICKLAND MOTOR FREIGHT LINES, INC. Application assigned for hearing September 21, 1959, at Hartford, Conn.

No. MC-F 7280. Authority sought for purchase by WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga., of the operating rights and certain property of FEDERAL TRUCKING COMPANY, Denton Road, Federalsburg, Md., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights and property through the purchase. Applicants' attorney and representatives: Joseph H. Blackshear, Attorney at Law, 205 Jackson Building, Gainesville, Ga., Bill Watkins, President, Watkins Motor Lines, Inc., Cassidy Road, Thomasville, Ga., and Paul Croll, President, Federal Trucking Co., Denton Road, Federalsburg, Md. Operating rights sought to be transferred: Those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *tea* and *frozen fruits, berries and vegetables*, as a *common carrier* over irregular routes, (1) between points on and east of a line consisting of the western boundaries of Minnesota, Iowa, Missouri, Arkansas and Louisiana, including points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; (2) between points in the above specified States, on the one hand, and, on the other, points in California, Kansas, Nebraska, Oklahoma, Oregon, Texas and Washington; (3) from points in the States specified in (1) above to points in Arizona, Colorado and New Mexico, and ports of entry on the International Boundary between the United States and Canada; (4) from points in Oklahoma to points in Kansas; and (5) from points in Washington to points in Nebraska. Vendor states that it has been transporting exempt commodities in mixed shipments with the above-specified commodities. Vendee is authorized to operate as a *common carrier* in Maine, Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Florida, Alabama, Connecticut, Iowa, Massachusetts, Rhode Island, Louisiana, South Carolina, Arkansas, Kansas, Mississippi, Nebraska, Oklahoma, Texas, South Dakota, Arizona, California, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7281. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, Ohio, of a portion of the operating rights and certain property of PRINGLE TRANSFER & STORAGE, INC., Bowman Street and Pringle Road, Mansfield, Ohio, and for acquisition by TIRA M. DUFF and L. EUGENE DUFF, both of Lima, of control of such rights and property through the purchase. Applicants' attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering the transportation, in the State of Ohio, of *property*, as a *common carrier* over irregular routes, from and to Mansfield, and also to transport *household goods, office furniture and fixtures* to and from any point in Richland County, limited, however, to the delivery of shipments of household goods, office furniture and fixtures in Shiloh and Shelby which originate at Mansfield, and to the handling of such shipments originating at Shiloh and Shelby which are destined to Mansfield. Vendee is authorized to operate as a *common carrier* in Ohio. Application has not been field for temporary authority under section 210a(b).

No. MC-F 7282. Authority sought for MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati 14, Ohio, of the operating rights of RICHARD STROTHMAN, doing business as STROTHMAN EXPRESS, Second and Smith Streets, Cincinnati 2, Ohio, and for acquisition by CLEM H. SCOVANNER and LIVEO C. SCOVANNER, both of Cincinnati, of control of such rights through the purchase. Applicants' attorneys: Vernon L. Stouffer and Herbert Baker, both of 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio and those in Kentucky within 25 miles of Cincinnati; *general commodities*, excepting, among others, commodities in bulk but not excepting household goods, between Feesburg, Ohio, and points within five miles thereof, on the one hand, and, on the other, Maysville, Ky.; *tobacco*, between Feesburg, Ohio, and points within five miles thereof, on the one hand, and, on the other, Maysville, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio, Indiana, West Virginia, North Carolina, Virginia, Pennsylvania, Illinois, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7283. Authority sought for purchase by HOUCK TRANSPORT COMPANY, Box 559, Glendive, Mont., of the operating rights of HARLAN IRION AND ROBERT IRION, doing business as IRION TRUCKING COMPANY, Broadus, Mont., and for acquisition by ALBERT C. HOUCK, HAROLD P. ZIMMERMAN, and ELLA A. HOUCK, all of Glendive, of control of such rights through the purchase. Applicants' attorneys: James P. Lucas, Strong Block, Miles City, Mont., and Franklin S. Longan, 319 Securities Building, Billings, Mont. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Broadus, Mont., and Billings, Mont., Gillette, Wyo., and Sheridan, Wyo., serving all intermediate and certain off-route points; (RESTRICTION: Carrier shall not transport traffic in interstate or foreign commerce between Billings, Hardin, and Crow Agency, Mont., Gillette, Osage, Sheridan, Ucross, and Clearmont, Wyo.); *petroleum products*, in bulk or in packages, from Osage, Wyo., to Broadus, Mont., serving the intermediate point of Biddle, Mont., for delivery only; *coal*, over irregular routes, from mines within 20 miles of Broadus, Mont., to points within 65 miles of Belle Fourche, S. Dak.; *ordinary livestock, building materials, and fence posts*, between points in Carter, Custer, and Powder River Counties, Mont., and Belle Fourche, S. Dak., and points within 30 miles of Belle Fourche; *wool, livestock, feed, groceries, petroleum products, building materials*, and *machinery*, over regular and irregular routes, between Belle Fourche, S. Dak., and points in Montana, serving no intermediate points on U.S. Highway 212 between Belle Fourche and the Wyoming-Montana State line; *wool, ordinary livestock, livestock feed, groceries, building materials*, and *agricultural implements and machinery*, between Belle Fourche, S. Dak., and points in Montana, serving no intermediate points on U.S. Highway 212 between Belle Fourche and the Wyoming-Montana State line. Vendee is authorized to operate as a *common carrier* in Montana, North Dakota, South Dakota and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7284. Authority sought for purchase by TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif., of the operating rights of BENJAMIN CAIN, BENJAMIN CAIN, GUARDIAN OF MARK DAVID CAIN, RICHARD A. JACOBSON, MARTIN S. JACOBSON, ANN JACOBSON, A. B. HARDY, R. J. REED, AND SYLVIA DAVIS, EXECUTRIX OF THE ESTATE OF LENA NEWMAN, a partnership, doing business as CAIN'S TRUCK LINES, 725 Southwest 23d Street, P.O. Box 4852, Oklahoma City, Okla., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, of control of such rights through the purchase. Applicants' attorneys: Lee Reeder or Wentworth E. Griffin, both of 1012 Baltimore Avenue, Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Kansas City, Mo., and Oklahoma City, Okla., between Olathe, Kans., and the junction of U.S. Highways 169 and 59 (near Garnett, Kans.), and between Oklahoma City, Okla., and Los Angeles, Calif., serving certain intermediate and off-route points; *general commodities*, except dangerous explosives and except household goods as defined by the Commission, between Oklahoma City, Okla., and Las Cruces, N. Mex., restricted to service at Oklahoma City and intermediate and off-route points within 30 miles of Oklahoma City; *oil-well equipment and supplies*, between Oklahoma City, Okla., and Los Angeles, Calif., serving certain intermediate and off-route points; *soap and soap products*, over irregular routes, from Kansas City, Kans., and Kansas City, Mo., to points in Oklahoma. Vendee is authorized to operate as a *common carrier* in California, Illinois, Oklahoma, Kansas, Missouri, Georgia, Tennessee, Alabama, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7285. Authority sought for purchase by TERMINAL FREIGHT TRANSPORT, INC., Paterson Plank Road and Route 3, East Rutherford, N.J., of the operating rights and property of UNITED FREIGHT LINES, INC., 70 South Park Street, Elizabeth, N.J., and for acquisition by MICHAEL HARMATUCK, also of East Rutherford, of control of such rights and property through the purchase. Applicants' attorneys: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., Bert Collins and Morton E. Kiel, both of 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over regular routes between Manahawkin, N.J., and New York, N.Y., between Toms River, N.J., and New York, N.Y., between Asbury Park, N.J., and New York, N.Y., between Somerville, N.J., and New York, N.Y., between Morristown, N.J., and New York, N.Y., and between Mahwah, N.J., and New York, N.Y., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over ir-

regular routes, between Harrison, Kearny, and Newark, N.J., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Carlstadt, N.J., on the one hand, and, on the other, certain points in Connecticut, New York, New Jersey, and Pennsylvania; *general commodities*, except household goods as defined by the Commission, between the Naval Supply Depot at or near Mechanicsburg, Pa., on the one hand, and, on the other, certain points in New York; *materials and equipment* consigned to, or intended for, the United States Army or United States Navy, and *metal forms and fittings* for construction purposes, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, except Philadelphia, Rhode Island, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in New Jersey, Connecticut, New York, Delaware, Maryland, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7286. Authority sought for purchase by JACK CARLTON HATFIELD, doing business at HATFIELD TRUCKING SERVICE, 4850 Stockton Boulevard, Sacramento, Calif., of the operating rights of JOSEPH L. DUARTIE, doing business as DUARTIE TRUCKING SERVICE, 4049 43d Street, Sacramento, Calif. Applicants' representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, petroleum products in bulk, in tank vehicles, heavy machinery and construction equipment, and commodities requiring special equipment, as a *common carrier* over irregular routes, from the site of the Stockton General Depot at or near Lathrop and Lyoth, Calif., to Alameda, Oakland, Berkeley, Richmond, and San Francisco, Calif.; *general commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, machinery, equipment, and supplies used in logging, mining, road-building and construction work, and commodities requiring special equipment, between McClellan Air Force Base at Planehaven, Calif., and Sacramento Signal Depot at Polk, Calif., on the one hand, and, on the other, Alameda, Oakland, Berkeley, Richmond, and San Francisco, Calif.; *canned goods*, from Manteca and Hershel, Calif., to Alameda and Oakland, Calif.; *lumber, lath, shingles, iron and steel casing, drill pipe*, and *oil well tools and machinery*, between Stockton, Calif., on the one hand, and, on the other, points in California within 175 miles of Stockton, except those in San Joaquin and Sacramento Counties. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7287. Authority sought for purchase by DEALERS TRANSIT, INC., 498 West 138 Street, Chicago 27, Ill., of the operating rights of COMMERCIAL CONTRACTING CORPORATION, 12180 Cloverdale Avenue, Detroit 4, Mich., and for acquisition by WALTER F. CAREY AND BERT B. BEVERIDGE, both of Chicago, of control of such rights through the purchase. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be transferred: *Such commodities* as require special handling or rigging because of size or weight, not including pipe and pipe-laying machinery, as a *common carrier* over irregular routes, between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, and Ohio. Vendee is authorized to operate as a *common carrier* in all states in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7288. Authority sought by PRIMO MARIANELLI, 301 East Locust Street, Scranton 5, Pa., to continue in control of MARIANELLI MOTOR LINES, INC., 301 East Locust Street, Scranton 5, Pa. Applicant's attorney: Richard V. Zug, 1418 Packard Building, Philadelphia 2, Pa. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering the transportation of *property*, as a *common carrier* in the State of Pennsylvania, as more specifically described in Docket No. MC 96870, filed December 9, 1957. PRIMO MARIANELLI has applied for authority under section 7 of the Transportation Act of 1958 to operate as a *common carrier* in New Jersey, Pennsylvania, and Maryland. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC 96870 Sub 2 is a matter directly related.

No. MC–F 7289. Authority sought for control and merger by RUPP-SOUTHERN TIER FREIGHT LINES, INC., Route 84, P.O. Box 344, Middletown, N.Y., of the operating rights and property of WESTON TRANSFER COMPANY, INC., Union Avenue, P.O. Box 529, Newburgh, N.Y., and for acquisition by ABE NOVIG, HAROLD ROVNER and HARRY B. MILLER, all of Middletown, of control of such rights and property through the transaction. Applicant's attorney: John R. Mahoney, 26 Broadway, New York 4, N.Y. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Albany, N.Y., and New York, N.Y.; service is authorized (1) to and from all intermediate points in New York, and off-route points in Rockland, Orange, Ulster, Sullivan, and Dutchess Counties, N.Y., unrestricted, (2) at intermediate points in New Jersey and off-route points in Hudson, Essex, and Bergen Counties, N.J., for delivery only of traffic moving from authorized points in the State of New York, other than New York, N.Y., (3) from Newark, Edgewater, and North Arlington, N.J., and points in Hudson County, N.J., to hereinbefore authorized intermediate and off-route points in New York, located south of Kingston, N.Y., except New York, N.Y., for delivery. RUPP-SOUTHERN TIER FREIGHT LINES, INC., is authorized to operate as a common carrier in New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, and Delaware. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6883; Filed, Aug. 18, 1959; 8:50 a.m.]

[Ex Parte MC–2]

MOTOR CARRIER EMPLOYEES

Maximum Hours of Service

AUGUST 14, 1959.

Petition to Commission to find that refrigeration mechanics of Alterman Transport Lines, Inc., Miami, Fla., are exempt from section 13(b)(1) of the Fair Labor Standards Act in view of provisions of section 204(a) of Interstate Commerce Act.

Petition filed June 24, 1959, requests the Commission to find after hearing that the refrigeration mechanics of Alterman Transport Lines, Inc., of Miami, Fla., a common carrier of property by motor vehicle, are exempt from the provisions of section 13(b)(1) of the Fair Labor Standards Act and are covered by the provisions of section 204(a) of the Interstate Commerce Act. Petitioner specializes in the transportation of commodities requiring refrigeration, in interstate or foreign commerce, pursuant to Certificate No. MC 107107 and related subs. It employs several refrigeration mechanics who devote a substantial part of their time to activities directly affecting the safety of operation of about 200 of its vehicles. The duties of such mechanics include:

1. Maintain and install refrigerating unit either in the nose of the trailer or underneath the trailer on the chassis;

2. Maintain and install the gasoline, butane or diesel fuel tanks on the chassis of the trailer frame;

3. Maintain and install the battery boxes and batteries which provide current for the units, such batteries and battery boxes being located on the trailer frame chassis;

4. Maintain and install all fuel lines and electric wiring as well as refrigerating lines between the refrigerating units, the tanks, and the inner part of the trailer where the refrigeration is defused;

5. Change butane tanks to gasoline tanks when trailers are to move into areas where butane is not permitted (such as on the east coast where there are tunnels to be used where butane tanks are not permitted); The mechanics are also required to remove the fusees from the trailer and and substitute electric flash lights as a trailer with a butane tank cannot have fusees aboard;

6. These mechanics are responsible for the installation and maintenance of the lights, of which there are three showing on the front of the refrigerating unit when it is hanging on the nose of the trailer to indicate whether the unit is running, cranking or off and which may not interfere with the trailer lights required on the front of the trailer by safety regulations and must show red.

In 28 M.C.C. 125, decided March 4, 1941, it was found, in substance, that mechanics working on refrigerating units were not exempt from the Fair Labor Standards Act. Petitioner seeks a contrary finding because it believes the facts, during the intervening period, have changed to such an extent so as to justify such action respecting its mechanics.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–6884; Filed, Aug. 18, 1959; 8:50 a.m.]

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OF MICHIGAN
AUG 21 1959
MAIN
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Title 3—THE PRESIDENT

Executive Order 10832

REVOCATION OF EXECUTIVE ORDER NO. 9887,[1] DESIGNATING CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

WHEREAS Executive Order No. 9887 of August 22, 1947, designated the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act, approved December 29, 1945 (22 U.S.C. 288); and

WHEREAS those organizations have ceased to exist:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, it is ordered that Executive Order No. 9887 of August 22, 1947, be, and it is hereby, revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 18, 1959.

[F.R. Doc. 59-6972; Filed, Aug. 19, 1959; 9:15 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 119]

PART 1019—MILK IN CONNECTICUT MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Connecticut marketing area (7 CFR Part 1019), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

(1) The provision "period between the 15th day of the month for which the price is computed and the 16th day of the preceding" and including the word "inclusive" as it appears in § 1019.40(b)(1) of the order.

The Class II price under the Connecticut order was intended to be established on the same basis as that used in the pricing of Class II milk under the Boston, Massachusetts, order as stated in the final decision on the Connecticut Class II price (24 F.R. 1049, Part II) dated February 11, 1959. The decision specifically point out that "The formula herein adopted would base the butterfat value of Class II milk on the Boston market quotations per 40-quart can of 40 percent bottling quality cream, as reported for the month by the United States Department of Agriculture".

The aforesaid provision proposed for termination was inadvertently included in the order language through error and should be terminated to conform to the intent of the decision.

During the period from the inception of the order, effective March 1, 1959 to the present time an alternative Class II price formula provided in the order which is based on the price of milk for manufacturing purposes has been used in the absence of a cream price to establish the Class II price. Recently, supplies of cream from producer receipts have declined to the extent that substantial quantities of outside cream have been received on the market. It appears likely that sufficient cream has been received to establish a weighted average cream price for the first month since the order became effective. Therefore, to prevent an inappropriate Class II price under the Connecticut order in relation to the Class II price in the other New England orders due to use of a different base period for quotations, the aforesaid provision should be terminated.

(Continued on p. 6755)

[1] 12 F.R. 5723, 3 CFR, 1943–1948 Comp., p. 664.

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(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order is necessary to prevent variation in the Class II price as between this market and other New England markets. Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 17th day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–6927; Filed, Aug. 19, 1959; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Rice Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (24 F.R. 2821) with respect to rice produced in 1959 which contain specific requirements for the 1959-Crop Rice Price Support Program are hereby amended as follows:

Section 421.4344(a) is amended to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

§ 421.4344 **Support rates.**

* * * * *

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	0.0889	0.0352
II	Blue Bonnet, Nira, and Rexark.	.0814	.0352
III	Century Patna, Toro, Fortuna, R.N., and Edith.	.0734	.0352
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Magnolia, Zenith, Prelude, Lady Wright, and Nato.	.0734	.0352
V	Pearl, Calrose, Early Prolific, Calady, and other varieties.	.0644	.0352

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued at Washington, D.C., this 17th day of August 1959.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–6928; Filed, Aug. 19, 1959; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Blue Cheese and Gorgonzola Cheese; Order Amending Standards of Identity

In the matter of amending the standards of identity for blue cheese and for gorgonzola cheese:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 8, 1959 (24 F.R. 3735), setting forth proposals by the National Cheese Institute, 110 North Franklin Street, Chicago, Illinois, to amend the identity standards for blue cheese and gorgonzola cheese to permit the use of certain vegetable food fats as optional ingredients for coating the rinds of these cheeses. This notice invited all interested persons to submit comments on the proposals.

On the basis of the relevant information available, including that submitted in comments, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the standards of identity for blue cheese and for gorgonzola cheese (21 CFR and 21 CFR, 1958 Supp., 19.565, 19.567) be amended as follows:

1. In § 19.565 *Blue cheese; identity*, paragraph (b) is amended by inserting, immediately preceding the last sentence, a new sentence reading as follows: "The rind of the cheese may be coated with a vegetable food fat or oil (which may be hydrogenated), or any combination of two or more such articles."

2. In § 19.567 *Gorgonzola cheese; identity*, paragraph (b) is amended by inserting, immediately preceding the last sentence, a new sentence reading as follows: "The rind of the cheese may be coated with a vegetable food fat or oil (which may be hydrogenated), or any combination of two or more such articles."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person

filing will be adversely affected by the order, shall specify the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days after its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of objections. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: August 14, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-6922; Filed, Aug. 19, 1959; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,3-p-Dioxanedithiol S,S-Bis(O,O-Diethyl Phosphorodithioate)

A petition was filed, over objections of the Food and Drug Administration, by Hercules Powder Company, Inc., Wilmington 99, Delaware, requesting the establishment of tolerances for residues of 2,3-p-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate), containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds in or on citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, and tangerines. The objections of the Food and Drug Administration were based on deficiencies in the petition. These deficiencies have been eliminated by amendment to the petition. The request for tolerances on citrus citron and kumquats was later withdrawn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., Part 120 (24 F.R. 499, 1982)) are amended as indicated below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(5) is amended by inserting as the fourth item in the list of cholinesterase-inhibiting compounds the item "2,3-*p*-Dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds."

2. Part 120 is further amended by adding thereto the following new section:

§ 120.171 Tolerances for residues of 2,3-*p*-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate).

Tolerances for residues of 2,3-*p*-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate) in or on raw agricultural commodities incurred from the use of a pesticide chemical composed of a mixture of the *cis* and *trans* isomers of 2,3-*p*-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate) approximately 70 percent, and of related compounds, approximately 30 percent, are established as follows: 2.8 parts per million in or on grapefruit, lemons, limes, oranges, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 14, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-6923; Filed, Aug. 19, 1959; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption of Copper Oleate and Copper Sulfate Monohydrate From Requirement of Tolerances

No objection having been filed to the proposal published in the FEDERAL REGISTER of July 3, 1959 (24 F.R. 5423), with reference to exempting copper oleate and copper sulfate monohydrate from the requirement of tolerances for residues in or on raw agricultural commodities from preharvest application, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for residues of pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.6) be amended as follows:

In § 120.6, paragraph (b)(1) is amended by inserting therein the items "copper oleate" and "copper sulfate monohydrate". As amended, § 120.6(b)(1) reads as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * * *

(b) * * *

(1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copper-lime mixtures, copper oleate, copper oxychloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper-zinc chromate, cuprous oxide, tetra copper calcium oxychloride.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a (c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.29(a)).

Any person who will be adversely affected by this order, may at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511 et seq.; 21 U.S.C. 346a)

Dated: August 13, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6924; Filed, Aug. 19, 1959; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

There were published in the FEDERAL REGISTER of December 23, 1958 (23 F.R. 9918) regulations, as corrected in the FEDERAL REGISTERS of January 3, 10, 17 and February 3, 1959 (24 F.R. 55, 269, 423, 731), to be codified in Chapter III of Title 30, Code of Federal Regulations, prescribing the manner for obtaining and conditions governing Federal assistance in financing explorations for mineral reserves.

The regulations are now republished in order to consolidate in one document the previous publications, to effect changes in the designation of regional offices and to make minor editorial changes in language to render it more certain and free from ambiguity. No changes of substance are involved, and delay in effecting the changes in the designation of regional offices would increase administrative costs. It is found, therefore, that notice and public procedure thereon are impracticable and unnecessary, and accordingly these regulations shall become effective immediately upon publication.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 14, 1959.

GENERAL PROVISIONS

Sec.
301.1 Purpose.
301.2 Definitions.
301.3 Eligible minerals or mineral products.
301.4 Operator's property rights.

APPLICATIONS

301.5 Form and filing.
301.6 Information required.
301.7 Criteria.
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EXPLORATION CONTRACTS

301.9 Government participation.
301.10 Allowance costs.
301.11 Repayment by operator.
301.12 Interest on amount of Government participation.
301.13 Limitation on amount of Government participation.
301.14 Government not obligated to buy.
301.15 Title to and disposition of property.

AUTHORITY: §§ 301.1 to 301.15, issued under sec. 2(e), 72 Stat. 700; 30 U.S.C. 642(e).

GENERAL PROVISIONS

§ 301.1 Purpose.

These regulations govern the obtaining of Federal financial assistance in conducting exploration for mineral reserves, excluding organic fuels, in the United States, its territories or possessions.

§ 301.2 Definitions.

As used in this part:

(a) "Exploration" means the search, including related development work, for new or unexplored mineral deposits within a specified area or parcel of ground where geologic conditions favor their occurrence. Exploration using recognized and sound procedures, including standard geophysical and geochemical methods, may be conducted from the surface or underground to obtain pertinent geological and mineralogical information. The work shall not go beyond a reasonable delineation and sampling of a mineral deposit, and shall not be conducted primarily for mining or preparation for mining.

(b) "Operator" means an individual, partnership, corporation, or other legal entity that is party to an exploration contract with the Government.

(c) "Secretary" means the Secretary of the Interior, or his authorized representative.

(d) "Government" and "Federal" mean the United States of America.

(e) "Commercial Sources" means banking institutions or other private sources of credit.

§ 301.3 Eligible minerals or mineral products.

The following are eligible for financial assistance:

Antimony.
Asbestos (strategic).
Bauxite.
Beryl.
Cadmium.
Chromite.
Cobalt.
Columbium.
Copper.
Corundum.
Diamond (industrial).
Fluorspar.
Graphite (crucible flake).
Kyanite (strategic).
Lead.
Manganese.
Mercury.
Mica (strategic).
Molybdenum.
Monazite.
Nickel.
Platinum group metals.
Quartz Crystal (piezoelectric).
Rare Earths.
Rutile—Brookite.
Selenium.
Talc (block steatite).
Tantalum.
Thorium.
Tin.
Uranium.
Zinc.

§ 301.4 Operator's property rights.

The operator must have and preserve the right to possession of the land (as owner, lessee, or otherwise) for a term at least sufficient to complete the exploration work. (See § 301.11(f) regarding repayment.) The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances necessary to the purposes of the exploration.

APPLICATIONS

§ 301.5 Form and filing.

An application for Federal financial assistance must be submitted in quadruplicate on forms which may be obtained from and filed with either:

The Office of Minerals Exploration,
Department of the Interior,
Washington 25, D.C.

or the Office of Minerals Exploration Executive Officers. The regions which they serve and their Post Office addresses are as follows:

Region I: Alaska, Idaho, Montana, Oregon, and Washington—OME, South 157 Howard Street, Spokane 4, Washington. Applicants for Alaska projects may file applications with the United States Bureau of Mines, P.O. Box 2688, Juneau, Alaska, for forwarding to the OME Executive Officer, Region I.

Region II: California and Nevada—OME, Room 420 Customhouse, 555 Battery Street, San Francisco 11, California.

Region III: Arizona, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming—OME, Federal Center, Denver 25, Colorado.

Region V: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—OME, Room 2B, Post Office Building, Knoxville 2, Tennessee.

§ 301.6 Information required.

(a) Each application shall fully describe the proposed exploration, and shall include all detailed data called for by the application form. The Secretary may require the filing of additional information, including financial statements, reports, maps or charts, and exhibits and such physical on-site examination as he deems necessary.

(b) The application must include evidence that funds for the exploration work are unavailable on reasonable terms from commercial sources. The evidence shall include information as to the names of banks (including applicant's bank of account) or other private sources of credit to which applications were made for loans, the amounts and terms requested, and the reasons why loans were not obtained.

§ 301.7 Criteria.

The following factors wil be considered and weighed in passing upon applications:

(a) The geologic probability of a significant discovery being made.

(b) The estimated cost of the exploration in relation to the size and grade of the potential deposit.

(c) The plan and method of conducting the exploration.

(d) The accessibility of the project area.

(e) The background and operating experience of the applicant.

(f) The applicant's title or right to possession of the property.

(g) The unavailability of funds from commercial sources on reasonable terms.

(h) Whether the applicant would normally undertake the exploration at his sole expense under current conditions or circumstances.

§ 301.8 Approval.

If the application is approved, the Government may enter into an exploration contract with the applicant upon terms and conditions which the Secretary deems necessary and appropriate as set forth in the contract form furnished by the Government.

EXPLORATION CONTRACTS

§ 301.9 Government participation.

The Government will contribute not more than fifty (50) percent of the total allowable costs of the exploration specified by the terms of the contract.

§ 301.10 Allowable costs.

(a) The Government, to the extent provided in the exploration contract, will contribute to:

(1) The necessary, reasonable, and direct actual costs of performing the exploration, including the costs of: Labor, supervision, and consultants; operating materials, supplies, and equipment; initial rehabilitation or repair of existing buildings, installations, fixtures, and operating equipment; construction of buildings, fixed improvements, and installations; repairs and maintenance of operating equipment; analytical work, accounting, payroll and sales taxes, and employers' liability or employees' compensation insurance; payments by the operator to independent contractors; and such other necessary, reasonable, and direct actual costs as may be approved by the Government in the course of work; and

(2) The fixed unit costs agreed upon by the operator and the Government in terms of units of work to be performed (per foot of drifting, per foot of drilling, etc.) in lieu of actual costs.

(b) The Government will not contribute to costs incurred before the date of the contract, or to costs of or incident to:

(1) Acquiring, owning or possessing land with any existing improvements, facilities, buildings, installations, and appurtenances, or the depreciation and depletion thereof;

(2) General overhead, corporate management, interest and taxes (other than payroll and sales taxes);

(3) Insurance (other than employers' liability or employees' compensation insurance); and

(4) Damages to persons or property (other than authorized repair to or replacement of equipment or other property used in the work).

§ 301.11 Repayment by the operator.

(a) If the Secretary considers that as a result of the exploration, mineral or metal production from the area covered by the contract may be possible, he shall so certify in writing to the operator within the time specified in the contract.

(b) When the Secretary determines not to certify, he shall promptly so notify the operator provided the operator has completed all obligations under the contract.

(c) The operator shall pay the Government a royalty on all minerals or metals produced from the land described in the contract:

(1) Irrespective of any certification of possible production—from the date of the contract to the date of notice that certification will not be made, or until the total amount contributed by the Government with interest is fully repaid, whichever occurs first; or

(2) Irrespective of any certification of possible production—if the Secretary, deeming it necessary and in the public interest, enters into an agreement to provide for royalty payments.

(3) If a certification of possible production is issued—for a period of ten years (or other period fixed by the contract not exceeding 25 years) from the date of the contract, or until the total amount contributed by the Government, with interest, is fully repaid, whichever occurs first.

(d) The Government's royalty shall be 5 percent of the "gross proceeds" (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrate, metal, or equivalent) at the point of delivery (the f.o.b. point) except, that charges of the buyer (not the operator or producer) arising in the regular course of his business, and shown on the buyer's settlement sheets as deductions (such as treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight payable by the buyer to a carrier (not the operator or producer) shall be allowed as deductions in arriving at the "gross proceeds" as that term is used in this section. No costs of the operator or producer are deductible in arriving at the "gross proceeds" as that term is used in this section. The term "treatment processes", as used in this paragraph means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the crude ore or other production after it is extracted from the ground to put it into a commercially marketable form, excluding fabricating or manufacturing.

(e) If any production (ore, concentrate, metal, or equivalent) remains unsold or is not used by the operator or producer in integrated manufacturing or fabricating operations (for instance, if it is stockpiled) after the lapse of six months from the date it is extracted from the ground, the Government, at its option, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrate, metal, or equivalent) it is in at the time the Government elects to exercise its option. If any production is used by the operator or producer in integrated manufacturing or fabricating operations, the Government's royalty on such production shall be computed on the "value" thereof in the form in which and at the time when it is used. "Value" as used in this section means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination, or the market value, whichever is greater.

(f) (1) To secure the payment of the Government's royalty, the contract shall provide for a lien upon the operator's interest in the land, upon any production from the land, and upon any interests in the land other than the operator's interest. However, the Secretary may accept the undertaking of a surety company or third person in lieu of a lien upon interests in the land other than the operator's interest. In circumstances where the Secretary deems it to be in the public interest, the requirement for a lien or other undertaking concerning interests in land, other than the lien upon the operator's interest, may be omitted from the Contract.

(2) If the operator is not the producer (for example, if the operator transfers or does not retain his interest in production or in the land), the operator shall remain liable for the payment of the Government's royalty.

(g) If, in any particular case, the Secretary finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value", as these terms are used in this section, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration contract or by an amendment thereof, upon some other basis of computation.

(h) Nothing in this part shall be construed as imposing any obligation on the operator to engage in any mining or production operations.

(i) The Secretary may modify and adjust the terms and conditions of any contract to reduce the amount and terms of any royalty payment when he shall determine that such action is necessary and in the public interest.

§ 301.12 Interest on amount of Government participation.

(a) Simple interest is calculated from the date Federal funds are made available until the period specified for royalty payments expires or until the amount of Federal funds contributed, including interest, is fully repaid by royalty on production, whichever occurs first.

(b) The rate of interest shall be fixed by the Secretary at not less than the rate the Department of the Interior would be required to pay if it borrowed from the Treasury, plus a two percent interest charge in lieu of the actual cost to the Government of administering the contract.

(c) Paragraphs (a) and (b) of this section shall not be construed to increase the rate of royalty or to extend the period for which the royalty is payable as set forth in § 301.11.

§ 301.13 Limitation on the amount of Government participation.

No single contract shall authorize Government participation in excess of $250,000.

§ 301.14 Government not obligated to buy.

Nothing in this part or in any contract entered into pursuant to this part shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the land which is the subject of such contract.

§ 301.15 Title to and disposition of property.

All facilities, buildings, fixtures, equipment, or other items or groups of items (such as pipe, rail, steel, etc.), costing more than $50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contributions, and the exploration contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

[F.R. Doc. 59-6906; Filed, Aug. 19, 1959; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

Grand Teton National Park; Speed; Fishing; Camping; House Trailers

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Two, Order No. 3 (21 F.R. 1494), amend 36 CFR 20.22 as set forth below. The purpose of this amendment is to establish a maximum speed limit for the heavily traveled Jackson Hole Highway in Grand Teton National Park, Wyoming, for which no legal speed limit now exists.

Due to the heavy traffic now on this highway, an emergency exists and it is essential that this amendment be made effective immediately. Therefore, notice and public procedure on this amendment are impracticable and contrary to the public interest and this amendment shall become effective upon publication in the FEDERAL REGISTER.

FRANK R. OBERHANSLEY,
Superintendent,
Grand Teton National Park.

JUNE 24, 1959.

1. A new subparagraph (4) is added to paragraph (a) of § 20.22 Grand Teton National Park as follows:

(4) Jackson Hole Highway between the south and east part boundary, 60 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

[F.R. Doc. 59-6908; Filed, Aug. 19, 1959; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

Miscellaneous Revisions and Revocation

§§ 878.76 to 878.84 [Revocation]

1. In Part 878, §§ 878.76 to 878.84, Badges, are revoked. (23 F.R. 4317, July 14, 1954)

1. In Part 862, §§ 862.3 and 862.4(t) are revised to read as follows:

§ 862.3 Purpose and objectives.

The purpose and specific objectives of this program are:

(a) To select and motivate cadets to serve as career Air Force officers in fields as specifically required by the United States Air Force.

(b) To develop in cadets by precept, example, and participation the attributes of character, personality, and attitudes essential for leadership.

(c) To develop in cadets an interest in, and understanding of, the Air Force mission, organization, operations, problems, and techniques.

(d) To provide that military education and training which will give cadets a general background and sound foundation on which to build an officer career.

§ 862.4 Definitions.

* * * * *

(t) *Friendly foreign nations.* Those nations outside of Communist domination or influence or which are known to have military or political pacts with the United States. (Individual cases, when there is doubt as to the status of the nation concerned, should be forwarded to Hq USAF for final determination.)

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381–9387, 70A Stat. 527, 568–571; 10 U.S.C. 9381–9387) [AFR 45-48A, August 6, 1959]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-6920; Filed, Aug. 19, 1959; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Reg. 1, Rev. 1, Amdt. 1]

OIL IMPORT REGULATION

Definitions

In § 22 *Definitions*, paragraph (i) "refinery inputs" is amended to read as follows:

(i) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but do not include:

(1) Unfinished oils which have not been imported, and

(2) Crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured.

The purpose of this amendment is to bring the definition of "refinery inputs" into conformity with the revisions made in paragraph (c) of section 1 of Presidential Proclamation 3290 (24 F.R. 3527). Therefore, neither notice of proposed rule making nor a delayed effective date would serve any useful purpose and this amendment shall become effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 14, 1959.

[F.R. Doc. 59-6907; Filed, Aug. 19, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO-238-A10]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Windsor Hotel, Abilene, Texas, beginning at 10:00 a.m., c.s.t., on August 25, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central West Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central West Texas Producers Association:

Proposal No. 1. Amend § 982.51(c) by deleting the words "for the months of February through July".

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 35225, Airlawn Station, Dallas, Texas, or 2842 So. Seventh, Abilene, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department

of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 17th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59–6913; Filed, Aug. 19, 1959; 8:47 a.m.]

[7 CFR Part 1008]

[Docket No. AO–275–A5]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Washington, on May 13, 1959, pursuant to notice thereof issued on April 23, 1959 (24 F.R. 3298).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 22, 1959 (24 F.R. 5969) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

(1) Provision for the diversion of milk between pool plants by a cooperative association as a handler.

(2) Revision of location differentials.

(3) Revision of the schedule of monthly delivery percentages used in computing "new producer" bases.

(4) Modification of the supply-demand adjuster in the Class I price formula.

(5) An increase in the administrative expense assessment.

(6) Revision of the provision governing the classification of transfers and diversions of milk to other pool plants and to nonpool plants.

(7) Minor changes for order clarification.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The definition of "handler" should be modified.

The present definition of handler includes a non-operating or bargaining-type, cooperative association with respect to milk diverted for the account of an association from a pool plant to a nonpool plant. One such association proposed that the definition be revised to include this type of association with respect to milk which it causes to be diverted from one pool plant to another pool plant.

Historically, and at present, the Inland Empire market primarily is a market for Class I milk. There are few facilities in the regulated plants for handling appreciable amounts of reserve milk over and above the quantities actually disposed of as Class I items.

The proponent bargaining-type cooperative, representing a substantial proportion of the producers, is obligated, under its membership contract, to find a market outlet for the milk of each member producer. In many instances the volume of milk requiring a different outlet is not sufficient to warrant the movement of the milk to a nonpool plant for disposal because the nearest of such plants is located at some distance from the Inland Empire market. A more economical means of disposition would be to divert the milk from its former pool plant outlet to another pool plant. At times, however, a pool plant may be reluctant to receive such milk since, under present order terms, the milk automatically becomes a part of the producer receipts of the plant when accepted there, and consequently increases the quantity of milk (in relation to receipts) which must be utilized in Class I to maintain the plant's status as a pool plant. This difficulty would be avoided if, as the proposal provides, the diverting association could accept responsibility for the milk as a handler and the milk could be omitted from the category of "producer milk" at the receiving pool plant.

It is concluded that a provision which will permit a nonoperating association the opportunity to divert milk from one pool plant to another for a period of 90 days in any instance will tend to promote orderly marketing and encourage more efficient use of the market supply. Since there is no apparent reason for a different method for classifying such diverted milk, it should be classified on the same basis as other producer milk at the plant where received.

(2) Price adjustments for location of plants should be revised.

Technological changes and efficiencies in the handling and transportation of milk, which have reduced the cost of moving milk from farms to the principal consuming center of the marketing area have taken place in the period since the present location differentials were established. This has resulted primarily from the growth of the bulk tank system of delivery from farm to plant.

Milk delivered directly to a plant located at Spokane, the principal consuming center of this marketing area, which must draw its supplies from relatively long distances is worth more, at least by the cost of transportation, than is other milk to be utilized within the marketing area but delivered to a plant located at a considerable distance from Spokane where a lesser cost is involved in moving milk from farms to the plant. Location differentials represent reasonable allowances per hundredweight for moving milk from outlying supply plants at varying distances to plants in the major consuming center where the milk is processed for Class I uses. They reflect also the values of Class I milk at different locations in the milkshed in relation to its value at the principal center of consumption.

While transportation costs vary depending upon many factors, including the size of load, the schedule of location differentials proposed by the producer organizations are reasonably representative of present costs experienced in the movement of milk by over-the-road tank trucks in this area. Such proposed rates are in line also with the rates recently adopted for the Puget Sound marketing area where similar hauling services are available. In this connection official notice is taken of the June 26, 1959 decision of the Assistant Secretary on amendments to the Puget Sound order.

The schedule of rates proposed by producers should be modified, however, to fit the present rate schedule in the Inland Empire order, which sets forth rates by 10-mile zones for plant locations beyond 50 miles from the City Hall in Spokane, Washington. Thus, it is concluded that the rate of location differential for any plant located in a zone beyond such distance from Spokane should be computed at 2.0 cents per hundredweight of milk for each 10-mile zone (or major fraction thereof) for plants that are located beyond 50 miles but within a distance of 200 miles from Spokane, and an additional 1.0 cent per hundredweight for each 10 miles beyond a radius of 200 miles from Spokane.

(3) The provisions governing new producer bases should be revised.

The provisions relating to the establishment of bases for producers entering the market on their own volition for the first time, and providing an alternative method for establishing base for any producer who desires to cancel his base and be treated as a new producer under the limitations prescribed, should be revised.

The conditions under which a new producer might receive a base, or a regular producer might cancel base and be treated as a new producer in respect of his base, were set out in the original Inland Empire order and the reasons therefor were described in the initial decision issued by the Assistant Secretary on January 4, 1956, supporting the introduction of the order. Official notice is taken of the reasons set forth in such decision for the new producer base provision.

Since the percentage of delivery schedule on which new producer bases are computed was first established, the pattern of production has changed seasonally, and under present conditions producers are provided encouragement, under the provision, to cancel base in favor of treatment as new producers. The privilege of relinquishing base was included to relieve possible cases of hardship, but was not intended to offer the individual producer the means of general avoidance of the regular method of base computation, in order to gain an increased return at the expense of other producers. Unless revised, the present new producer base provisions would make the base plan increasingly ineffective.

The producers associations' proposal to reduce the schedule of delivery percentages 5 points during the months of December through March will reflect the change in the market-wide relationship between base milk to total receipts of producer milk in these months and will be in the interest of maintaining the effectiveness of the base plan. The proposal should be adopted to be effective for March 1960. This will provide reasonable advance notice to producers of the effective date.

(4) The supply-demand adjustment formula should be revised.

The present order contains a formula for the automatic adjustment of Class I prices as supply and demand conditions change in relation to a "norm". Under this formula a "current supply-demand ratio", indicating the relationship of producer supplies to Class I milk requirements during the second and third months preceding the month of application, is computed. This ratio then is compared with a predetermined ratio considered as normal (representing a balanced supply) for the corresponding months of the year, and for each percentage point of difference in the ratios, the Class I price is adjusted 5 cents per hundredweight up or down, as the case may be. Such formula was suspended effective February 1, 1959, for an indefinite period, pending review in this hearing, on a determination that the formula was resulting in erratic price movements not reflecting the longer-term trend in supply-demand relationships in the Inland Empire market, and if allowed to operate, would seriously threaten the market supply.

The difficulties which led to the suspension of the formula are reflected in the statistical material presented for the record. On an annual basis producer receipts were reasonably well equated with fluid sales in 1958, with 72.9 percent of producer milk utilized in Class I milk. Likewise, in 1957 the market was not unduly short of milk with 74.8 percent of producer milk in Class I milk. Even though in these two years the annual difference in the supply-demand relationship was not marked, the monthly and seasonal differences were quite significant when viewed in terms of an appropriate supply-demand formula which is expected at any given time to predict with reasonable accuracy the future trend in the supply-demand situation. For example, in 1957 the percentages of producer milk utilized in Class I in January and February were 84.3 and 82.1 percent, respectively. In the same months of 1958, these percentages were 73.9 and 73.6, respectively. Conversely, in 1957 when the larger proportions of producer milk were used in Class I in January and February, relatively smaller percentages were so used in September and October. September and October 1957 percentages were 77.1 and 78.3, respectively, while the percentages for the corresponding months of 1958 were 80.5 and 84.5, respectively. In both years the November Class I utilization was 79.6 percent of producer milk, but while in 1957 the December percentage dropped 6 points from November, the December percentage in 1958 decreased only 2 points from the preceding month.

During the three months of lowest production relative to sales in 1958 (September, October, and November), the Class I percentage increased 4 points from September to October and decreased 5 points from October to November. In 1957 there was an increase of 1.3 points from September to October and another increase of 1.3 points from October to November. The flush season percentages likewise show little consistency. From April to May in 1957 the ratio decreased 12 points, whereas in 1958 a decrease of only 7 points took place. Although May and June percentages were at the same level for each year, respectively, the July percentage exceeded that of June by 4.8 points in 1957 and was higher by 10 points in 1958.

Because of limited manufacturing facilities and the uncertainty of future requirements for Class I milk, it is appropriate to continue to employ a price mover in the order to reflect the basic trends in the supply-sales relationship, and thereby to tend to equate as nearly as possible the producer receipts with the needs for inspected milk. A Class I utilization of 73 percent annually (with appropriate seasonal adjustments) may be considered to reflect an adequate but not burdensome producer milk supply in this market. Modification of the formula which was operative prior to February this year is necessary, however, to eliminate the erratic price adjustments which have resulted from time-to-time without significant changes in the longer-term relationship of supply to Class I sales. This may be accomplished by (a) revising the "standard utilization percentages", or norm, by providing a range (3 percentage points) within which the supply-sales relationship may fluctuate without any adjustment in price, and (b) reducing the initial rate of adjustment per percentage point of change in the supply-sales relationship from 5 cents to 1 cent per hundredweight, but providing an increase in the adjustment rate as sales continue to change in the same direction in relation to supplies. The establishment of the norm as "percentage ranges" will overcome the temporary aberrations in the supply-sales relationship which have resulted in undue price adjustments under the prior formula. This may be achieved without changing the general character of the formula as a "two-month mover", i.e., an indicator based upon comparative changes in the supply-sales relationship of a recent two-month period with the normal range for the corresponding months.

To safeguard further against erratic price adjustments but to reflect promptly significant changes in the trend of sales to receipts, it is concluded that the rate of adjustment for variations from the standards adopted should be nominal when such variations first appear, but should be increased progressively as a variation of like direction and amount persists through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial price increases or decreases based on short-term non-recurring deviations from the established norm. Substantial price adjustments would occur, however, whenever undersupply or oversupply representing a significant variation from the established norm persists for any period of time.

This is accomplished by providing that for each percentage point of deviation from the norm the price shall be adjusted one cent, plus one cent for each percentage point for which there was a deviation of like extent and character computed for the preceding month, plus an additional cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the second preceding month.

For the year 1958 it is estimated that the revised formula would have provided an average annual adjustment per hundredweight of Class I milk of less than minus one-cent per hundredweight as compared with the actual annual average adjustment of minus 20 cents per hundredweight pursuant to the formula then in effect. For the first five months of 1959, the revised formula would have resulted in zero adjustments each month. The prior formula resulted in a minus 10-cent adjustment in January this year but was suspended February 1 because of erratic results.

It is concluded that the supply-demand adjuster adopted herein will provide for appropriate adjustment of the Class I price under the conditions prevailing in the market. The maximum amount of price adjustment will continue to be 50 cents per hundredweight increase or decrease. There was no testimony to revise this limitation.

The making effective of § 1008.51(d) of the order in its amended form, in the manner provided in the attached amendatory order, shall be deemed to constitute also the lifting of the suspension order which became effective February 1, 1959, relative to such provision.

(5) The maximum expense of administration assessment should be increased from 4 to 5 cents per hundredweight of milk.

It was proposed that the maximum assessment on handlers to cover the expenses of administering the order be increased from 4 cents to 5 cents per hundredweight of milk.

Salaries and most other costs of operating an office and an auditing staff have increased since the order first became fully effective on April 1, 1956. Typical increases in expense items are salaries, 10 percent; postage, 33⅓ percent; and travel, 10 percent. Additional expense obligations such as contributions to the employees' retirement system and costs involved in regulating more distant supply plants which have entered the market since the inception of the order also have been assumed. The reserve funds available to operate the market administrator's office until all order obligations are satisfied in the event of order liquidation have been nearly depleted.

The maintenance of the necessary functions and services financed by the

administrative fund require additional monies. It is concluded, therefore, that the maximum administrative expense assessment should be increased from 4 to 5 cents per hundredweight. The hearing developed no opposition testimony to the proposal.

(6) The provisions governing interplant movements of milk should be revised.

It is customary for the larger handlers to service some of the smaller distributing plants under the order with milk from time to time when the latter are short of supply. When milk was received mostly in cans, it was impractical to divert milk to other pool plants without the milk being received first in the plant of the diverting handler. With the rapid change to bulk tank pick-up at the farms, the diversion of the milk to the second plant is more economical and convenient for the plant operators involved. To permit the diversion at this time will simplify the supply problem for plants having temporary shortages and will tend to promote more efficient utilization of the total market supply. The rules governing interplant movements of milk therefore are revised to accomplish this result.

The inadequacy of manufacturing facilities at pool plants sometimes requires the disposition of producer milk supplies to nonpool plants. The present order provides for such disposition, but requires an accounting as Class I milk of all transfers or diversions made to any nonpool plant engaged in the distribution of milk in fluid form. At times, however, the relatively few manufacturing-type plants available to which milk may be moved are supplied fully with milk from their own regular sources and are reluctant to accept milk from this market. This is particularly true in the season of flush production. Producers contend that it is desirable to provide that under certain conditions unneeded milk may be shipped in bulk to nonpool plants having Class I utilization, when it is necessary to do so, without such milk being classified as Class I milk. To achieve this it is *Provided* That if the nonpool plant, which distributes milk in fluid form, can show that it was adequately furnished with milk of the quality required for such use by the dairy farmers who constitute its regular source of supply or by supplies of milk classified as Class I milk under another Federal order, the transferred or diverted quantity should be permitted a Class II classification. In this connection it is noted that pursuant to the order for the Puget Sound marketing area, milk under such order moved to a nonpool plant outside such marketing area must be classified as Class I milk. Thus, the two orders in this region will be coordinated if disposition from both markets to the same nonpool plant occurs.

It is concluded that such a provision will tend to promote orderly marketing conditions for Inland Empire producers. Accordingly, appropriate language is included in the order.

(7) Clarification of language.

The phrase "receipts of milk qualified as described in § 1008.11" is employed in the definition of pool plant, as is the phrase "receipts of milk from producers". The inadvertent use of the two phrases in connection with the same definition has necessitated an administrative interpretation of their application. It is concluded that the definition should be clarified to remove any doubt as to the sources of milk to which specific reference is made in such provision.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party in the market. This brief, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by such interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Inland Empire marketing area", and "Order amending the order regulating the handling of milk in the Inland Empire marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. The order has been redrafted in its entirety to incorporate various prior amendments, as well as the current amendments resulting from the May 13, 1959, hearing. This has been done for the convenience of interested parties.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1959 is hereby determined to be the representative period for the conduct of such referendum.

Alexander Swants is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 14th day of August.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Inland Empire Marketing Area

Sec.

1008.0 Findings and determinations.

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MISCELLANEOUS PROVISIONS

1008.100 Agents.
1008.101 Separability of provisions.

AUTHORITY: §§ 1008.0 to 1008.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (i) other source milk (except other order milk) classified as Class I milk, and (ii) milk received from producers, including such handler's own production.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the terms and conditions of the amended order are as follows:

DEFINITIONS

§ 1008.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1008.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1008.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1008.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 Inland Empire marketing area.

"Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above-described area.

§ 1008.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products: *Provided,* That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 Pool plant.

"Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pur-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

suant to the Act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2), and (3) in an amount not less than 20 percent of receipts thereat of milk from producers and from plants qualified under paragraph (b) of this section is distributed within the marketing area on routes (for the purpose of this section "route" shall mean a delivery to retail or wholesale outlets, including a delivery by a vendor or sale from a plant or plant store of milk or milk products classified as Class I milk pursuant to § 1008.41(a) (1), (2), and (3) other than a delivery to another pool plant): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month, either inside or outside the marketing area on routes is not less than 40 percent of such plant's receipts of milk from producers and from plants qualified under paragraph (b) of this section in any of the months of February through August, inclusive, and not less than 50 percent of such receipts in any of the months of September through January, inclusive.

(b) Milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no plant forwarding milk in such manner shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded is of the amount thereof contained in milk (qualified as described in § 1008.11) received from dairy farmers at such plant is less than 50 percent in the current month during the period October through December, and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph but is not a plant qualified as a pool plant under paragraph (a) of this section may withdraw from pool plant status for any month in the January–September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

(c) For the purpose of computing the percentages specified in this section plant receipts of milk from dairy farmers or producers, as the case may be, shall not include, at either plant involved, milk diverted in the manner described in § 1008.15(b)(2).

§ 1008.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1008.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 1008.12 Producer milk.

"Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer (or from a producer who previously held such producer's base) was received at a pool plant during some portion of the period September through January immediately preceding: *And provided further*, That for all purposes under this order such diverted milk shall be deemed to have been received at the pool plant from which diverted.

§ 1008.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts of milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) (including other order milk), except (1) such milk and milk products received from a pool plant(s) and (2) producer milk; and

(b) Products other than those specified in § 1008.41(a) (1), (2) and (3) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 Other order milk.

"Other order milk" means all skim milk and butterfat in any of the forms specified in § 1008.41(a) (1), (2) or (3), received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the Act for any other milk marketing area.

§ 1008.15 Handler.

"Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in § 1008.41(a) (1), (2), and (3) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

(b) Any cooperative association which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for its account (1) from a pool plant to a nonpool plant during any of the months of February through August, and (2) from one pool plant to another pool plant, but not exceeding a period of 90 consecutive days for any producer.

§ 1008.16 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1008.60 (a) and (b), respectively.

§ 1008.18 Base milk.

"Base milk" means milk received from a producer at a pool plant during the month in an amount which is not in excess of:

(a) Such producer's daily base computed pursuant to § 1008.60 (a) multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the intervening days of nondelivery shall be considered as days of delivery for the purposes of this section and § 1008.60; or

(b) His base computed pursuant to § 1008.60(b).

§ 1008.19 Excess milk.

"Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70-(a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70(a)(5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80(a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70-(b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51(a) and the Class I butterfat differential pursuant to § 1008.52(a), both for the current month; and the respective minimum prices for Class II–A milk and Class II milk pursuant to § 1008.51 (b) and (c) and the Class II butterfat differential pursuant to § 1008.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 Monthly reports of receipts and utilization.

On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70(b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured milk products of the types covered by Class II–A milk and Class II milk in § 1008.41 disposed of in the form in which received without further processing by the handler);

(d) Inventories of items included in Class I milk on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the end of each month as items included in Class I milk; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area;

(f) The aggregate quantities of base milk and excess milk received; and

(g) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 Other reports.

(a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1956.

(d) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1008.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1008.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the

market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 Handler report to producers.

(a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s); (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80(b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 Classes of utilization.

Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), but not including any of the above items if sterilized and packaged in metal containers hermetically sealed; (2) used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk; (ii) flavored milk or flavored milk drink sterilized and packaged in metal containers hermetically sealed; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b)(3) of this section); (3) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt); (4) shrinkage of producer milk in excess of that pursuant to paragraph (b)(6) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42(b); and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce any product other than those included under paragraphs (a) (1), (2), (3) and (c) of this section; (2) disposed of (skim milk only) for livestock feed or dumped (skim milk only) in any month: *Provided*, That in the case of skim milk dumped the conditions of § 1008.32(d) are met by the handler; (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2) and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) to nonpool plants subject to the conditions of § 1008.44(b)(2); (4) disposed of in any of the forms specified in paragraph (a) (1), (2) and (3) of this section if sterilized and packaged in metal containers hermetically sealed; (5) contained in inventories of items included in paragraph (a) (1), (2) and (3) of this section on hand at the end of the month; (6) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (7) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II–A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (and shall be included in Class II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers.

§ 1008.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44(b)(1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 Interplant movements.

Skim milk and butterfat moved in bulk form as any item specified in § 1008.41(a) (1), (2), or (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: (1) As Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which the transfer (or diversion) was made: *Provided*, That if either or both plants received any other source milk, the quantity moved shall be classified at both plants so as to allocate the highest possible utilization to producer milk; *And provided further*, That (i) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (ii) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having at least location adjustment.

(2) On a pro rata basis to each class according to the total use of producer milk in each class at the plant where physically received, in the case of milk diverted by a cooperative association in the manner described in § 1008.15(b)(2).

(b) Except as provided in paragraph (c) of this section, from a pool plant to a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification, the entire transfer shall be classified as Class I milk.

(1) As Class I milk if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph), to the extent that milk is disposed of as any of the items specified in § 1008.41(a) (1), (2), and (3) from the receiving plant in amounts greater than could be supplied from such plant's regular dairy farm receipts of Grade A milk (or the equivalent thereof) and from receipts of milk classified as Class I milk under another Federal order as determined by audit of the market administrator, otherwise as Class II milk.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption which is sterilized and packaged in metal containers hermetically sealed: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41(a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That with respect to the milk to which the preceding proviso does not apply, the remaining transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II–A milk products to the extent that such products were produced at such nonpool plant.

(c) From a pool plant to a nonpool plant in which milk subject to the classification and class price provisions of another marketing agreement or order issued pursuant to the Act is received: Such transfer(s) (also diverted milk) shall be classified as provided below:

(1) As Class II milk if the transfer is made in bulk form (other than in consumer packages customarily used for route distribution) and is allocated in the transferee-plant, pursuant to the terms of the marketing agreement or order to which such plant is subject, to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

(2) As Class I milk if the transfer is made in consumer-type packages, or is made in bulk form and allocated to Class I milk as defined in the marketing agreement or order to which the transferee-plant is subject.

§ 1008.45 Computation of the quantity of producer milk in each class.

For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids;

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41(b)(6);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk (§ 1008.70(a)(4)): *Provided*, That if more than one source of other source milk is involved, the skim milk shall be subtracted in sequence beginning with the source at greatest distance from the City Hall, Spokane, Washington: *And provided further*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II–A milk and in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of items included in §1008.41(a), (1), (2) and (3) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk remaining in Class II–A milk and in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

(5) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section; and

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 1008.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported from Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 Class prices.

Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II–A, and Class II milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

(b) *Class II–A milk.* The price for Class II–A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage";

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero.

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	82
February	November–December	76	79
March	December–January	73	76
April	January–February	73	76
May	February–March	72	75
June	March–April	70	73
July	April–May	68	71
August	May–June	63	66
September	June–July	65	68
October	July–August	69	72
November	August–September	73	76
December	September–October	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding; or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1008.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class II–A milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 Location adjustment credits to handlers.

The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51(a), less a location adjustment per hundredweight of milk computed as follows: 2.0 cents for each 10 miles, or major fraction thereof, up to 200 miles and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington.

§ 1008.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Determination of Base

§ 1008.60 Computation of producer bases.

Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) The daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided,* That the daily base of any producer who delivered milk on not less than 120 days during such September-January period to a plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September-January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(b) The base of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to this section because of lack of available information concerning such producer's deliveries in the applicable September-January period) shall be a quantity, to be effective for the current month only, computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	75
February	70
March	65
April	60
May	60
June	60
July	65
August	70
September	75
October	80
November	80
December	75

Provided, That the percentages to be used for December 1959, January 1960, and February 1960 shall be 80, 80 and 75, respectively.

§ 1008.61 Base rules.

The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60(a) may be transferred in its entirety to another producer upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to the same producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part: *Provided,* That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until March 1 next following such transfer.

(b) A producer who ceases deliveries to a pool plant for more than 45 consecutive days shall lose his base if computed pursuant to § 1008.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60(b), until he can establish a new base under § 1008.60(a), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60(a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60(b).

(d) As soon as bases computed by the market administrator under § 1008.60 (a) and (b) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60 (a) or (b) and only one base shall be allotted with respect to milk produced by two or more persons where the land, buildings, or equipment used are jointly owned or operated.

Determination of Uniform Price

§ 1008.70 Computation of value of milk.

(a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided,* That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor-handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity;

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II–A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided,* That if the plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall, Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed $1.90 per hundredweight;

(6) Add the amount computed by multiplying the difference between the Class II price (§ 1008.51(c)) for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1008.45(b)(4) and (c) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1008.45(b)(3) and (c) for the current month, whichever is less;

(7) Subtract the monetary value of any payment claimed by the handler to be applicable under any other marketing agreement or order issued pursuant to the Act to transfers of skim milk or butterfat in bulk form by the handler under the conditions of § 1008.44(c)(2) as "other source milk" under such other marketing agreement or order: *Provided,* That the applicability of such payment at the transferee-plant is confirmed by the market administrator of such other marketing agreement or order.

(b) The value of milk (except other order milk) of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of in the marketing area as any item included in Class I milk pursuant to § 1008.41(a) (1), (2) or (3) shall be a sum of money computed by the market administrator by multiplying the hundredweight of other source milk so disposed of by the difference between the Class I and Class II milk (other than Class II–A) prices, adjusted by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk), and by the same rate of location differential, if any, provided in paragraph (a)(5) of this section: *Provided,* That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of base and excess milk varies from 4 percent by the appropriate butterfat differentials computed pursuant to § 1008.82, and multiply the resulting figures by the respective hundredweights of base and excess milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II–A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further,* That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which is a handler for skim milk and butterfat received, including any milk received by diversion pursuant to § 1008.15(b)(2), from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

§ 1008.81 Location adjustments to producers.

In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 Payments to the producer-settlement fund.

(a) On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, whose obligation is computed pursuant to § 1008.70(a) shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80(a).

(b) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 1008.70(b) shall pay the amount computed for him pursuant to such paragraph.

§ 1008.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in §1008.80(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided,* That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk (except other order milk) classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1008.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 59–6912; Filed, Aug. 19, 1959; 8:47 a.m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation With Respect to 1960 National Marketing Quota and Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricul-

tural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393 and Sups.) to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the Act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the Act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the Act provides that the national acreage allotment for any year, less the acreage to be alloted to new farms under section 358(f) of the Act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1960 crop of peanuts will be apportioned to States on the basis of their share of the 1959 national acreage allotment.

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States and determining the percentage of the national acreage allotment to be reserved for new farms, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C. this 17th day of August 1959.

WALTER C. BERGER,
Administrator, Commodity Stabilization Service.

[F.R. Doc. 59–6929; Filed, Aug. 19, 1959; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for Polyoxyethylene (20) Sorbitan Monostearate in Cake Icings and Cake Fillings That Contain Shortening

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation providing that polyoxyethylene (20) sorbitan monostearate (also known as polysorbate 60) may be used as an emulsifier in cake icings and cake fillings containing shortening, the total weight of said emulsifier not to exceed 0.45 percent of the weight of the finished icing or filling. The petitioner further proposes that the emulsifier may be introduced as such or in admixture with the shortening used in the icing or filling.

Dated: August 13, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59–6925; Filed, Aug. 19, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Reg. Docket No. 92; Draft Release No. 59–12]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Emergency Coverage for the Flight Engineer Functions in the Event of Illness or Incapacity

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

Section 42.41(e) describes the circumstances under which a certificated flight engineer is a required flight crew member. However, Part 42 does not contain provisions which would require at least one other flight crew member to be sufficiently qualified so that, in the event of illness or other incapacity, emergency coverage could be provided for the flight engineer functions. Such a requirement is contained in both §§ 40.261(d) and 41.77 and we believe such a rule should be included in Part 42 since an increasing number of 4-engine aircraft exceeding 80,000 pounds maximum takeoff weight are being used in irregular air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by Oct. 20, 1959, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

In consideration of the foregoing, it is proposed to amend Part 42 of the Civil Air Regulations as follows:

By amending § 42.41 by adding a new paragraph (g) to read:

§ 42.41 Composition of flight crew.

* * * * *

(g) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified so that, in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

Issued in Washington, D.C., on August 14, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59–6897; Filed, Aug. 19, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–74, 77, 78]

[Docket No. 3666; Notice 40]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

AUGUST 5, 1959.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the Appendix set forth below.

Application for the proposed amendments have been the subject of extensive changes and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before September 2, 1959. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.13 cancel paragraph (a)(3) (18 F.R. 3133, June 2, 1953) as follows:

§ 71.13 Emergency regulations.

(a) * * *

(3) [Canceled.]

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8266, 8269, 8270, 8273, Dec. 2, 1950) (17 F.R. 9833, Nov. 1, 1952) (21 F.R. 3008, May 5, 1956) (21 F.R. 7597, Oct. 4, 1956) (23 F.R. 2322, April 10, 1958) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Aluminum triethyl	F. L.	No exemption, 73.134	Red	2 ounces.
Aluminum trimethyl	do	No exemption, 73.134	do	Do.
Charged oil well jet perforating guns *(total explosive contents in guns exceeding 20 pounds per motor vehicle)*.	Expl. A	No exemption, 73.53 (u), 73.80.		Not accepted.
Do	Expl. C	No exemption, 73.53 (u), 73.110.		Do.
Pyroforic fuel	F. L.	No exemption, 73.134	Red	2 ounces.
Pyroforic solutions	do	No exemption, 73.134	do	Do.
Zinc ethyl	do	No exemption, 73.134	do	Do.
(Add)				
Di iso octyl acid phosphate	Cor. L	73.244, 73.296	White	1 quart.
Methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.	Pois. B	No exemption, 73.353	Poison	300 pounds.
Organic phosphates, n.o.s. mixed with compressed gas.	Pois. A	No exemption, 73.334	Poison gas	Not accepted.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

1. In § 73.31 paragraph (g)(9), amend table 1 (22 F.R. 4789, July 9, 1957) (21 F.R. 4563, June 26, 1956) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

* * * * *

(g) * * *

(9) * * *

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests [1]				Safety valve retest years	Interior heater systems retest				Tank test psi.	Safety valve psi.*	Safety valve vapor tight psi. minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	10–22 years	Over 10 years	Over 22 years		Up to 10 years	10–22 years	Over 10 years	Over 22 years					
(Change)															
ICC–103A	d	5	3	----	1	2	5	3	----	1	60	*35	28	10	20
ICC–103A–W	d	5	3	----	1	2	5	3	----	1	60	*35	28	10	20
ICC–103A–N–W	e,d	5	3	----	1	2	5	3	----	1	60	*35	28	10	20
ICC–111A100–W–2		5	3	----	1	2	5	3	----	1	100	*75	60	10	20

TABLE 3—(AAR CLASSIFICATIONS) RETEST PERIODS AND PRESSURES

* * * * *

* Tanks and safety valves in chlorine service must be retested every two years at any time during the calendar month the retest falls due. See § 73.314(a) Note 18.

Subpart B—Explosives; Definition and Preparation

2. In § 73.53 amend paragraph (u) (17 F.R. 9835, Nov. 1, 1952) to read as follows:

§ 73.53 Definition of class A explosives.

* * * * *

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type described in paragraph (h)(1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 4 ounces of high explosive. Charged oil well jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

3. In § 73.65 amend the introductory text of paragraphs (a), (b), and (f) (15 F.R. 8289, Dec. 2, 1950) (21 F.R. 670, Jan. 31, 1956) (23 F.R. 7646, Oct. 3, 1958) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) High explosives containing no liquid explosive ingredient nor any chlorate if their sensitiveness to percussion is not greater than that measured by the blow delivered by an 8-pound weight dropping from a distance of 7 inches on a compressed pellet of the explosive three-hundredths of an inch thick and two-tenths of an inch in diameter, confined rigidly between hard steel surfaces as in the standard Impact Testing Apparatus of the Bureau of Explosives, must be packed in cartridges, or in bags or metal containers in outside boxes. They must be packed in cartridges when their sensitiveness is greater than the limit prescribed in this section. Such explosives when dry may be packed in strong sift-proof bags securely closed so as to prevent leakage therefrom or metal containers of capacity not exceeding 60 pounds. These explosives must be packed in outside containers complying with the following specifications:

* * * * *

(b) Amatol consisting of 80 percent ammonium nitrate and 20 percent trinitrotoleune, ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite, cyclotrimethylenetrinitramine (desensitized), and soda amatol, in dry condition, in addition to containers prescribed in paragraphs (a)(1) to (5) and (7) of this section, may be shipped in containers complying with the following specifications:

* * * * *

(f) Amatol when cast or pressed in a block or column, in addition to the containers prescribed in paragraphs (a) (1) to (5) and (7) of this section, may be shipped in specification containers as follows:

4. In § 73.80 amend paragraphs (a), (b), (c), (d), (e), and (f) (17 F.R. 9836, Nov. 1, 1952) to read as follows:

§ 73.80 Charged oil well jet perforating guns.

(a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle, are classed as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in oil well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the steel tubes must be of the type described in § 73.53(h) (1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(c) Charged oil well jet perforating guns of the metallic strip or tubular framework type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in oil well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the metallic strips or tubular framework must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(d) The charged oil well jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must not extend beyond the body of the vehicle and must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with nonsparking material. No more than two blasting caps, electric blasting caps, or other firing devices per gun shall be transported on the same motor vehicle transporting oil well jet perforating guns.

(f) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

5. In § 73.110 amend paragraphs (a) and (b) (17 F.R. 9836, Nov. 1, 1952) to read as follows:

§ 73.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.

(a) Charged oil well jet perforating guns transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle must be packed as prescribed in § 73.80 (b), (c), (d) and (e).

(b) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

6. In § 73.113 amend paragraph (a) (23 F.R. 7647, Oct. 3, 1958) to read as follows:

§ 73.113 Detonating fuzes, class C explosives.

(a) Detonating fuzes, class C explosives, must be packed in specification containers as follows:

(1) Spec. 12H (§ 78.209 of this chapter). Fiberboard boxes without liners, with well secured inside pasteboard cartons.

(2) In addition to specification containers prescribed in this section, detonating fuzes, class C explosive, may be packed in well secured strong, tight outside wooden or metal boxes. The gross weight of the outside wooden or metal box must not exceed 190 pounds.

Subpart C—Flammable Liquids; Definition and Preparation

7. In § 73.122 add paragraph (a) (4) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.122 Acrolein, inhibited.

(a) • • •

(4) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with chime reinforcement for bottom head chime seam and having fixed heads, not over 55 gallons capacity. The openings shall be located in one head and shall not exceed 2.3" in diameter.

8. In § 73.134 amend paragraph (b) (24 F.R. 904, Feb. 6, 1959) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl.

• • • • • •

(b) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl when offered for transportation by rail express must be packed in glass ampules not over 2 ounces capacity each, securely cushioned with absorbent material in sufficient quantity to completely absorb contents in event of breakage, within an inside metal container, spec. 2R (§ 78.34 of this chapter), enclosed in a strong wooden box.

9. In § 73.141 amend paragraph (a) (7) (21 F.R. 7600, Oct. 4, 1956) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) • • •

(7) Spec. 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–1 (§ 78.286, § 78.287, § 78.288, § 78.289, or § 78.303 of this chapter). Tank cars. Spec. 111A100–W–1 (§ 78.303 of this chapter) tank cars equipped with bottom outlets must have bottom outlets effectively sealed.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

10. In § 73.176 amend paragraph (c) (2) (24 F.R. 3597, May 5, 1959) to read as follows:

§ 73.176 Matches.

• • • • •

(c) • • •

(2) Individual containers must be wrapped in paper with not more than 12 boxes or individual containers in each paper-wrapped package, except that paper wrapping is not required for boxes that have a center holding or protecting strip of cardboard of the size and type detailed in subparagraph (3) of this paragraph placed over the matches in the manner specified or as otherwise provided herein. Paper-wrapped packages must be secured on the ends and on the lapping side with glue, or similar satisfactory adhesive, making each 12 boxes or less of matches a serviceably wrapped and well secured package. Chipboard or fiberboard boxes constructed of material not less than 0.018 inch thick, having flaps secured by adhesive or closed by specially designed flaps or tabs formed to secure tight closures, are not required to be wrapped in paper.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

11. In § 73.247 amend paragraph (a) (14) (23 F.R. 2325, April 10, 1958) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous) and titanium tetrachloride.

(a) • • •

(14) Spec. 103A, 103A–W, or 111A100–W–2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Authorized for titanium tetrachloride, anhydrous only. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading.

12. In § 73.257 amend paragraphs (a) (6) and (b) (1) (24 F.R. 3597, May 5, 1959) (19 F.R. 3260, June 3, 1954) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) • • •

(6) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multiwall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401(c) shall not be required. Inside containers shall be packed to prevent movement within the box (see §§ 78.205–34 and 78.206–19 of this chapter). Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205–33 of this chapter); gross weight of completed package shall not exceed 65 pounds, except when acid is packed in individual inside containers the gross weight shall be not over 75 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

• • • • •

(b) • • •

(1) In one inside glass bottle of not over 1 gallon capacity, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage. Outside container must be so blocked, braced or stayed within or on the vehicle that it cannot change position during transit.

13. In § 73.263 add paragraph (a) (21) and (22) (15 F.R. 8317, Dec. 2, 1950) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) • • •

(21) Spec. 12C (§ 78.206 of this chapter). Fiberboard boxes with inside 5-gallon nominal capacity polyethylene bottles having minimum wall thickness of 0.015 inch and constructed with screw-type closures. Authorized gross weight not over 65 pounds. (See § 78.206–19 of this chapter.)

(22) Spec. 21B (§ 78.223 of this chapter). Fiber drums constructed for a gross weight of at least 150 pounds, with inside polyethylene carboys, spec. 2T (§ 78.21 of this chapter). Authorized only for acid not over 30 percent strength.

14. In § 73.271 amend paragraph (a) (9) and add paragraph (a) (15) (24 F.R. 3598, May 5, 1959) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) • • •

(9) Spec. 103A, 103A–W, or 111A100–W–2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Spec. 103A (§ 78.266 of this chapter) tanks must be lead lined steel or made of steel at least 10 percent nickel clad. Spec. 103A–W or 111A100–W–2 (§ 78.281 or § 78.304 of this chapter) tanks must be lead lined steel or made of steel with a minimum thickness of nickel cladding of 1/16 inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

• • • • •

(15) Spec. MC 311 (§ 78.331 of this chapter). Tank motor vehicle. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Authorized for phosphorus oxychloride and phosphorus trichloride only.

15. In § 73.272 add paragraph (f) (5) and (6) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 Sulfuric acid.

• • • • •

(f) • • •

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums constructed for a gross weight of at least 150 pounds, with inside polyethylene carboys, spec. 2T (§ 78.21 of this chapter).

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip) with inside polyethylene containers, spec. 2T (§ 78.21 of this chapter). Removable heads of steel drums may have holes of suitable size to provide for protruding neck and closure of inner container.

16. In § 73.273 amend paragraph (a) (4) (22 F.R. 4791, July 9, 1957) to read as follows:

§ 73.273 Sulfur trioxide, stabilized.

(a) • • •

(4) Spec. 103A, 103A–W, or 111A100–W–2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Authorized only for stabilized sulfur trioxide. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading. Cars equipped with interior heater coils not permitted.

17. In § 73.287 amend paragraph (a) (5) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

§ 73.287 Chromic acid solution.

(a) • • •

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205–34 of this chapter).

18. Add § 73.296 (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.296 Di iso octyl acid phosphate.

(a) Di iso octyl acid phosphate must be packed in specification containers as follows:

(1) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

(2) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles.

(3) Spec. 103A–W, 103C–W, or 103E–W (§ 78.281, § 78.283, or § 78.298, of this chapter). Tank cars.

Subpart F—Compressed Gases; Definition and Preparation

19. In § 73.308 amend paragraph (a) Table (19 F.R. 8527, Dec. 14, 1954) as follows:

§ 73.308 Compressed gases in cylinders.

(a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(Change)		
Carbon monoxide	Note 13	ICC–3A1800; ICC–3AA1800; ICC–3.
Monochlorodifluoromethane	105	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4B240ET; ICC–41.

20. In § 73.314 amend paragraph (a) Table (22 F.R. 4791, July 9, 1957) as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)		
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 3	ICC–105A200–W, 105A200AL–W, Note 9.

Subpart G—Poisonous Articles; Definition and Preparation

21. In § 73.334 amend the heading and introductory text of paragraph (a) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.

(a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s. must be packed in specification containers as follows:

22. In § 73.346 add paragraph (a) (21) and (22) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(21) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with not more than one inside glass bottle not over 1-gallon capacity. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

(22) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with polyethylene bottles not over 2 quarts capacity each.

23. In § 73.348 cancel paragraph (a) (3) (23 F.R. 2328, April 10, 1958) as follows:

§ 73.348 Arsenic acid.

(a) • • •

(3) [Canceled.]

24. In § 73.353 amend the heading and introductory text of paragraph (a) and add paragraph (e) (23 F.R. 2328, April 10, 1958) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid, must be packed in specification containers as follows:

• • • • •

(e) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a design pressure not less than 250 pounds per square inch equipped with an approved spring-relief safety valve. Outage must be sufficient to prevent tank from becoming entirely filled with liquid at 130° F. Authorized for methyl bromide-ethylene dibromide mixture only.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

25. In § 73.406 amend paragraph (b) (21 F.R. 323, Jan. 17, 1956) to read as follows:

§ 73.406 Flammable solids and oxidizing materials label.

• • • • •

(b) Yellow label for flammable solids and oxidizing materials for shipment by air.

[No change in label.]

26. In § 73.412 amend paragraph (b) (21 F.R. 674, Jan. 31, 1956) to read as follows:

§ 73.412 Explosives, class B, label for express shipment.

• • • • •

(b) Explosives label for shipment of class B explosives by air.

[No change in label.]

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

1. In § 74.526 amend paragraph (b) (24 F.R. 3599, May 5, 1959) to read as follows:

§ 74.526 Loading explosives into cars.

• • • • •

(b) Shipments of explosive bombs, unfuzed explosive projectiles, rocket ammunition, and jet thrust units when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs, rocket ammunition, or jet thrust units which, due to size, cannot be loaded in closed cars may be loaded in open-top cars or on flat cars but must be protected against accidental ignition.

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

2. In § 74.538 paragraph (a) Chart amend footnote e (22 F.R. 7839, Oct. 3, 1957) to read as follows:

§ 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) • • •

• Does not include nitrocarbonitrate, ammonium nitrate or ammonium nitrate fertilizer grade (without organic coating) which may be loaded, transported, or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

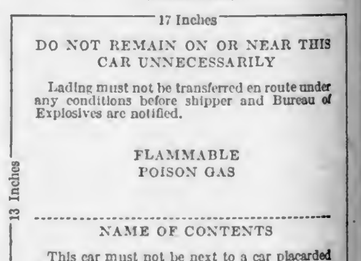
Subpart C—Placards on Cars

3. In § 74.556 amend the placard in paragraph (a) (24 F.R. 5641, July 14, 1959) to read as follows:

§ 74.556 Flammable poison gas placard.

(a) • • •

FLAMMABLE POISON GAS PLACARD
(Reduced size)



§ 78.60–22 Marking.

(a) • • •

(2) A serial number and an identifying symbol (letters) grouped[1] above or below the ICC mark. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes

3. In § 78.131–2 amend paragraph (a) (20 F.R. 4419, June 23, 1955) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–2 Rated capacity.

(a) Rated capacity as marked, see § 78.131–9(a) (2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent for containers not over 12 gallons capacity. Maximum actual capacity of containers not over 12 gallons capacity shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater; for others, minimum actual capacity shall be not less than rated (marked) capacity plus 2 percent and maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

4. In § 78.132–2 amend paragraph (a) (20 F.R. 4419, 4420, June 23, 1955) to read as follows:

§ 78.132 Specification 37B; steel drums.

§ 78.132–2 Rated capacity.

(a) Rated capacity as marked, see § 78.132–9 (a) (2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent for containers not over 12 gallons capacity. Maximum actual capacity of containers not over 12 gallons capacity shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater; for others, minimum actual capacity shall be not less than rated (marked) capacity plus 2 percent and maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

5. In § 78.133–5 paragraph (a) table, amend footnote 2 (23 F.R. 2330, April 10, 1958) to read as follows:

§ 78.133 Specification 37P; steel drums with polyethylene liner.

§ 78.133–5 Parts and dimensions.

(a) • • •

[1] One hole not over 5/16 inch in diameter permitted in body or a head.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

6. In § 78.205–34 amend the heading and paragraph (a) (23 F.R. 7651, Oct. 3, 1958) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–34 Special box; authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Complete package, closed as for shipment, with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds. (See §§ 73.257(a) (6), and 73.287(a) (5) of this chapter.)

7. Add § 78.206–19 (15 F.R. 8478, Dec. 2, 1950) to read as follows:

§ 78.206 Specification 12C; fiberboard boxes.

§ 78.206–19 Special box; authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be "GLX–50–W[1][2][3]", (22 F.R. 3927, June 5, 1957) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51–20 Authorized steel.

(a) • • •

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent
	GLX–50–W[1][2][3]
Carbon	0.10/0.20.
Manganese	0.50/1.00.
Phosphorus	0.04 maximum.
Sulfur	0.05 maximum.
Silicon	0.10 maximum.
Chromium	
Molybdenum	
Zirconium	
Nickel	
Copper	
Aluminum	0.010/0.040.
Heat treatment authorized	(3).
Maximum stress	35,000.

[No change in notes.]

2. In § 78.60–4 paragraph (a) table, amend the column headed "Designation" and add the column headed "GLX–50–W[1][2][3]", in § 78.60–22 amend paragraph (a) (2) (21 F.R. 3014, May 5, 1956) (15 F.R. 8424, Dec. 2, 1950) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–4 Authorized steel.

(a) • • •

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent
	GLX–50–W[1][2][3]
Carbon	0.10/0.20.
Manganese	0.50/1.00.
Phosphorus	0.04 maximum.
Sulfur	0.05 maximum.
Silicon	0.10 maximum.
Chromium	
Molybdenum	
Zirconium	
Nickel	
Copper	
Aluminum	0.010/0.040.
Heat treatment authorized	(3).
Maximum stress	35,000.

[No change in notes.]

Subpart E—Handling by Carriers by Rail Freight

4. In § 74.589 amend paragraph (c) (20 F.R. 953, Feb. 15, 1955) to read as follows:

§ 74.589 Handling cars.

• • • • •

(c) Switching cars containing explosives or poison gas or placarded trailers on flat cars. A car placarded "Explosives" or placarded "Poison Gas" or any flat cars carrying a trailer placarded "Explosives," "Poison Gas," "Dangerous," "Dangerous-Radioactive Material," or "Dangerous-Radioactive Material" shall not be cut off while in motion. No car moving under its own momentum shall be allowed to strike any car placarded "Explosives" or placarded "Poison Gas" or any flat car carrying a trailer placarded "Explosives," "Poison Gas," "Dangerous," or "Dangerous-Radioactive Material," nor shall any such car be coupled into with more force than is necessary to complete the coupling.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 77.848 paragraph (a) Chart, amend footnote e (22 F.R. 7339, Oct. 3, 1957) to read as follows:

§ 77.848 Loading and storage chart of explosives and other dangerous articles.

(a) • • •

• Does not include nitrocarbonitrate, ammonium nitrate or ammonium nitrate fertilizer grade (without organic coating) which may be loaded, transported, or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

1. In § 78.51–20 paragraph (a) table, amend the first column headed "Designation" and add the column headed

closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Top may have die-cut area of suitable size to provide for easy opening. Complete package, closed as for shipment, with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds. (See § 73.257(a)(6) of this chapter.)

8. In § 78.223–2 add paragraph (b)(1) (15 F.R. 8481, Dec. 2, 1950) to read as follows:

§ 78.223 Specification 21B; fiber drums.

§ 78.223–2 Sidewalls and ends.

* * * * *

(b) * * *

(1) When fiber drum is authorized as an overpack for inside polyethylene carboy as prescribed in Part 73 of this chapter, one end may have a hole of suitable size to provide for projecting closure and neck of inside carboy. Representative drum samples without holes in ends must be capable of withstanding tests required by § 78.223–4.

9. In § 78.226–3 amend paragraph (a) (15 F.R. 8481, Dec. 2, 1950) to read as follows:

§ 78.226 Specification 29; mailing tubes.

§ 78.226–3 Construction.

(a) Of fiber at least ⅛" thick; metal bottom and metal screw-cap top, or telescope type with fixed metal ends.

Subpart I—Specifications for Tank Cars

10. In § 78.266–14 amend the heading and paragraphs (a) and (b) and add paragraphs (d) and (e); in § 78.266–19 redesignate paragraph (a) (5), (6) and (7) to (a) (6), (7) and (8), respectively, and add paragraph (a)(5) (21 F.R. 4571, June 26, 1956) (23 F.R. 7655, 7656, Oct. 3, 1958) to read as follows:

§ 78.266 Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.

§ 78.266–14 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on top of the expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 45 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent; or with a safety valve if the specific detailed characteristics of the lading are such as to require a safety valve. The safety vent must be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.266–12(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

* * * * *

(d) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch.

(e) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in paragraph (d) of this section with a tolerance of plus or minus 3 pounds.

§ 78.266–19 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "____(naming material)____ clad tank". Lined tanks must be stenciled on the tank, or jacket if lagged, "____(naming material)____ lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

11. In § 78.281–16 amend the heading and paragraphs (a) and (b) and add paragraphs (e) and (f); in § 78.281–21 redesignate paragraph (a) (5), (6), and (7) to (a) (6), (7), and (8) respectively, and add paragraph (a)(5) (21 F.R. 4590, June 26, 1956) (23 F.R. 7657, Oct. 3, 1958) to read as follows:

§ 78.281 Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.281–16 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 45 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent; or with a safety valve if the specific detailed characteristics of the lading are such as to require a safety valve. The safety vent must be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.281–14(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

* * * * *

(e) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch.

(f) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in paragraph (e) of this section with a tolerance of plus or minus 3 pounds.

§ 78.281–21 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "____(naming material)____ clad tank." Lined tanks must be stenciled on the tank, or jacket if lagged, "____(naming material)____ lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

12. In § 78.291–4 amend paragraph (a) (24 F.R. 3601, May 5, 1959) to read as follows:

§ 78.291 Specification ICC–103AL–W; fushion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291–4 Thickness of plates.

(a) The plate thickness shall not be less than that obtained by calculation using the following formula, and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.
ASTM B–209 Alloy GM31A—5454 = 31,000 psi.
ASTM B–209 Alloy GR20B—5652 = 25,000 psi.
ASTM B–209 Alloy GR40B—5254 = 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

13. In § 78.292–4 amend paragraph (a) (24 F.R. 3602, May 5, 1959) to read as follows:

§ 78.292 Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292–4 Thickness of plates.

(a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.
ASTM B–209 Alloy GM31A—5454 = 31,000 psi.
ASTM B–209 Alloy GR20B—5652 = 25,000 psi.
ASTM B–209 Alloy GR40B—5254 = 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

14. In § 78.294–4 amend paragraph (a) (24 F.R. 3602, May 5, 1959) to read as follows:

§ 78.294 Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.294–4 Thickness of plates.

(a) The wall thickness of the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.
ASTM B–209 Alloy GM31A—5454 = 31,000 psi.
ASTM B–209 Alloy GR20B—5652 = 25,000 psi.
ASTM B–209 Alloy GR40B—5254 = 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

15. In § 78.299–15 amend the heading and paragraphs (a) and (b) and add paragraphs (e) and (f); in § 78.299–20 redesignate paragraph (a) (5) and (6) to (a) (6) and (7) respectively, and add paragraph (a)(5) (21 F.R. 4624, June 26, 1956) (23 F.R. 7661, Oct. 3, 1958) to read as follows:

§ 78.299 Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.

§ 78.299–15 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of an approved design, made of metal not subject to rapid deterioration by the lading, and mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 45 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent, or with a safety valve if the specific detailed characteristics of the lading are such as to require a safety valve. The safety vent must be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.299–13(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

* * * * *

(e) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch.

(f) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in paragraph (e) of this section, with a tolerance of plus or minus 3 pounds.

§ 78.299–20 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

16. In § 78.300–4 amend paragraph (a) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.
ASTM B–209 Alloy GM31A—5454 = 31,000 psi.
ASTM B–209 Alloy GR20B—5652 = 25,000 psi.
ASTM B–209 Alloy GR40B—5254 = 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

17. In § 78.302–4 amend paragraph (a) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.302 Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 = 9,500 psi.
ASTM B–209 Alloy 990A—1100 = 11,000 psi.
ASTM B–209 Alloy M1A—3003 = 14,000 psi.
ASTM B–209 Alloy GR20A—5052 = 25,000 psi.
ASTM B–209 Alloy GS11A—6061 = 24,000 psi.
ASTM B–209 Alloy GR40A—5154 = 30,000 psi.
ASTM B–209 Alloy GM40A—5086 = 35,000 psi.
ASTM B–209 Alloy GM31A—5454 = 31,000 psi.
ASTM B–209 Alloy GR20B—5652 = 25,000 psi.
ASTM B–209 Alloy GR40B—5254 = 30,000 psi.

E=efficiency of longitudinal welded joint =90 percent.

18. In § 78.304–11 amend paragraph (a) (5); in § 78.304–20 amend the heading and paragraphs (a) and (b) and add paragraphs (e) and (f) (22 F.R. 4803, July 9, 1957) (23 F.R. 7662, Oct. 3, 1958) to read as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304–11 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

§ 78.304–20 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of approved design, made of metal not subject to rapid deterioration by the lading and mounted on a suitable nozzle securely attached to the tank. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 85 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent, or with a safety valve if the specific detailed characteristics of the commodity are such as to require a safety valve. The safety vent must be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading and be closed with a frangible disc of lead, or other approved material, of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.304–17(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

* * * * *

(e) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch.

(f) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closures or other combination. The valve must start to discharge at the pressure prescribed in paragraph (e) of this section, with a tolerance of plus or minus 3 pounds.

19. In § 78.308–4 amend paragraph (a) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t= thickness in inches of thinnest plate;
P= calculated bursting pressure, pounds per square inch;
d= inside diameter in inches;
S= minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052 =25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154 =30,000 psi.
ASTM B–209 Alloy GM40A—5086 =35,000 psi.
ASTM B–209 Alloy GM31A—5454 =31,000 psi.
ASTM B–209 Alloy GR20B—5652 =25,000 psi.
ASTM B–209 Alloy GR40B—5254 =30,000 psi.

E=efficiency of longitudinal welded joint =90 percent.

20. In § 78.309 amend the heading; in § 78.309–3 amend paragraph (c); in § 78.309–5 amend paragraph (d); in § 78.309–10 amend paragraph (a); in § 78.309–11 amend paragraph (a)(4); in § 78.309–12 amend paragraph (b); in § 78.309–15 amend paragraphs (a) and (c); in § 78.309–17 amend paragraphs (a) and (b); in § 78.309–18 amend paragraph (a); in § 78.309–20 amend paragraph (b) and paragraph (d) (23 F.R. 7662; 7663, 7664, Oct. 3, 1958) (24 F.R. 3603, May 5, 1959) (15 F.R. 8523, Dec. 2, 1950) to read as follows:

§ 78.309 Specification ICC–111A100–W–5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.

* * * * *

§ 78.309–3 Thickness of plates.

* * * * *

(c) Tank must be lined with approved acid resistant material at least 5/32 inch thick. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. An acid resistant reinforcing pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

§ 78.309–5 Material.

* * * * *

(d) Each tank or compartment thereof must be lined with approved acid-resisting material vulcanized or bonded directly or otherwise attached to the metal tank to provide a nonporous laminated lining.

§ 78.309–10 Tests of tanks.

(a) Each tank must be tested before acid resistant lining is applied by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures except safety vents, must be in place while test is made. After tank is lined with approved acid resistant material, no further tests are required.

* * * * *

§ 78.309–11 Marking.

(a) * * *

(4) "Acid Resistant Lined Tank–Pressure Test Not Required", stenciled on tank, or jacket if lagged, instead of record of test of tank.

§ 78.309–12 Reports.

* * * * *

(b) Before a tank car tank not originally built under this specification is lined with an approved acid resistant material, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of specification ICC–111A100–W–5 must be furnished by car owner to the party who is to apply the acid resistant lining. A copy of this report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining the tank to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads.

§ 78.309–15 Manway and closures.

(a) The opening for manway, before lining, must be at least 18 inches in diameter. All surfaces exposed to the lading must be covered with an approved acid resistant material.

* * * * *

(c) Manway cover must be made of a suitable metal. The top, bottom and edge of manway cover must be covered with an approved acid resistant material as prescribed in §§ 78.309–3(c) and 78.309–5(d). Through bolt holes must be lined with acid resistant material at least ⅛ inch in thickness. Cover made of metal not affected by the lading, need not be covered with acid resistant material. All acid resistant covered surfaces on outside of tank or fitting must be protected with approved acid resisting material. Manway nozzle must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

§ 78.309–17 Venting, loading, and unloading devices.

(a) Not specification requirements. When installed, these devices must be of an approved design and made of material not subject to rapid deterioration by the lading and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When loading and unloading devices and their closures are made of material affected by the lading, they must have all surfaces protected with an approved acid resistant material at least ⅛ inch in thickness.

§ 78.309–18 Gauging device.

(a) Outage for these tanks must be provided in the tank shell; therefore, an outage scale visible from manway when cover is open must be provided. All surfaces of attachments exposed to the lading must be covered with an approved acid resistant material as prescribed in §§ 78.309–3(c) and 78.309–5(d). Attachments made of metal not affected by the lading need not be covered.

§ 78.309–20 Safety vents.

* * * * *

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1¾ inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.309–17(a), made of material not subject to rapid deterioration by the lading. If made of metal, must be lined with an approved acid resistant material at least ⅛ inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

* * * * *

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with fixtures prescribed in § 78.309–17(a), made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. If these devices and their valves are made of metal, they must be lined with an approved acid resistant material at least ⅛ inch in thickness. Provision must be made for closing pipe connections of valves.

21. In § 78.310–3 amend paragraph (a) (24 F.R. 3604, May 5, 1959) to read as follows:

§ 78.310 Specification ICC–111A60–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where
t= thickness in inches of thinnest plate;
P= calculated bursting pressure, pounds per square inch;
d= inside diameter in inches;
S= minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052 =25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154 =30,000 psi.
ASTM B–209 Alloy GM40A—5086 =35,000 psi.
ASTM B–209 Alloy GM31A—5454 =31,000 psi.
ASTM B–209 Alloy GR20B—5652 =25,000 psi.
ASTM B–209 Alloy GR40B—5254 =30,000 psi.

E=efficiency of longitudinal welded joint =90 percent.

22. In § 78.313–4 amend paragraph (a) (24 F.R. 3608, May 5, 1959) to read as follows:

§ 78.313 Specification ICC–109A200–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.313–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t= thickness in inches of thinnest plate;
P= calculated bursting pressure, pounds per square inch;
d= inside diameter in inches;
S= minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052 =25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154 =30,000 psi.
ASTM B–209 Alloy GM40A—5086 =35,000 psi.
ASTM B–209 Alloy GM31A—5454 =31,000 psi.
ASTM B–209 Alloy GR20B—5652 =25,000 psi.
ASTM B–209 Alloy GR40B—5254 =30,000 psi.

E=efficiency of longitudinal welded joint =90 percent.

23. In § 78.314–4 amend paragraph (a) (24 F.R. 3608, May 5, 1959) to read as follows:

§ 78.314 Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.314–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t= thickness in inches of thinnest plate;
P= calculated bursting pressure, pounds per square inch;
d= inside diameter in inches;
S= minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy GR20A—5052 =25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154 =30,000 psi.
ASTM B–209 Alloy GM40A—5086 =35,000 psi.
ASTM B–209 Alloy GM31A—5454 =31,000 psi.
ASTM B–209 Alloy GR20B—5652 =25,000 psi.
ASTM B–209 Alloy GR40B—5254 =30,000 psi.

E=efficiency of longitudinal welded joint =90 percent.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

24. In § 78.325–6 amend paragraph (b); in § 78.325–14 amend paragraphs (a) and (b) (20 F.R. 8113, Oct. 28, 1955) (22 F.R. 11035, Dec. 31, 1957) to read as follows:

§ 78.325 Specification MC 304; for cargo tanks for the transportation of flammable liquids and poisonous liquids, class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.

§ 78.325–6 Requirements for design and workmanship.

* * * * *

(b) All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1952 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

§ 78.325–14 Safety devices.

(a) *Safety relief devices required.* Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type, or fusible type.

(b) *Relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig.), and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 pounds per square inch gauge (40 psig.) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 pounds per square inch gauge (30 psig.) have a total discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area of the tank or compartment to which they are connected, if in addition thereto each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of nine square inches (9 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area. The bursting pressure of the frangible type devices shall be not less than 30 pounds per square inch gauge (30 psig.) nor more than 40 pounds per square inch gauge

(40 psig.). Fusible elements, if used, shall have a fusing temperature no higher than 200° F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its accessories so exposed.

25. In § 78.330–8 amend paragraph (a) (24 F.R. 5644, July 14, 1959) to read as follows:

§ 78.330 Specification MC 310; cargo tanks.

§ 78.330–8 Must comply with A.S.M.E. Code.

(a) Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, (4) 1956 edition, or (5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."

26. In § 78.331–8 amend paragraph (a); in § 78.331–9 amend paragraph (a) (22 F.R. 11038, Dec. 31, 1957) to read as follows:

§ 78.331 Specification MC 311; cargo tanks.

§ 78.331–8 Design requirements.

(a) *A.S.M.E. Code construction.* Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, or (4) the 1959 edition of Section VIII of the Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in paragraphs (c) and (d) of this section, nor shall the spacing of bulkheads, baffles, or shell stiffeners exceed that specified in those paragraphs.

• • • • •

§ 78.331–9 Materials.

(a) *A.S.M.E. Code materials.* Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than 3/16 inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

27. In § 78.336–1 amend paragraph (a) (23 F.R. 2335, April 10, 1958) to read as follows:

§ 78.336 Specification MC 330; steel cargo tanks.

§ 78.336–1 Requirements for design and construction.

(a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions (any or all of which hereinafter referred to as "the Code").

EXCEPTION: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed

APPENDIX

Section and Reason for Amendment

71.13(a)(3): The emergency provisions of this paragraph, to ship certain explosives in stock cars and on open top cars, are now specified in § 74.526 (b).

72.5(a) Commodity List: Provides additions and amendments to keep the commodity list on a current basis.

73.31(g)(9) table 1: Provides for safety valve tests on certain tank cars previously using vents.

73.31(g)(9) table 3: Permits the retesting of ARA–V tank cars in chlorine service during any time in the calendar month in lieu of specific date.

73.53(u): Authorizes an increase of high explosive content in shaped charges.

73.65(a): Authorizes other bags in addition to paper or cloth bags as inside containers for high explosives with no liquid explosive ingredient nor any chlorate; permits an increased weight from 50 to 60 lbs for these inside containers.

73.65 (b), (f): Authorizes the use of spec. 23G fiberboard boxes for certain high explosives.

73.80 Entire section: Requires charged oil well jet perforating guns to be transported in specially built motor vehicles operated by private carriers; permits an increase in the amount of high explosives per shaped charge from 35 grams to 4 ounces.

73.110 (a), (b): Permits the total amount of high explosive per motor vehicle transporting oil well jet perforating guns, class C explosive, to be increased to 20 lbs.

73.113(a): Provides for the use of spec. 12H fiberboard boxes for detonating fuzes, class C explosives.

73.122(a)(4): Provides for the use of spec. 17C metal drums for acrolein, inhibited.

73.134(b): Authorizes shipment of certain flammable liquids and pyroforic fuels by rail express when packed in spec. 2R inside containers enclosed in a strong wooden box.

73.141(a)(7): Authorizes the use of spec. 111A100–W–1 tank cars for various mercaptans.

73.176(c)(2): Authorizes the omission of paper wrapping for certain inside boxes containing strike-anywhere matches.

73.247(a)(14): Makes change in tank cars authorized for titanium tetrachloride, anhydrous.

73.257(a)(6): Authorizes the use of an additional type of spec. 12C fiberboard box for electrolyte or corrosive battery fluid.

73.257(b)(1): To exempt from the regulations small quantity shipments of electrolyte or corrosive battery fluid, made by the Dept. of Defense, when loaded on vehicles.

73.263(a)(21): Authorizes the use of spec. 12C fiberboard boxes with inside polyethylene bottles for hydrochloric acid mixtures.

73.263(a)(22): Authorizes the use of spec. 21B fiber drums with inside spec. 2T polyethylene carboys for hydrochloric acid.

73.271(a)(9): To specify a minimum nickel cladding of 1/16 inch for spec. 103A–W and 111A100–W–2 welded tank car tanks.

73.271(a)(15): To authorize the use of spec. MC 311 tank motor vehicle made of nickel for phosphorus oxychloride and phosphorus trichloride.

73.272(f) (5), (6): To authorize the use of spec. 21B fiber drums and spec. 37A metal drums with inside spec. 2T polyethylene carboy for sulfuric acid.

73.273(a)(4): To permit the transportation of stabilized sulfur trioxide in spec. 106A 103A–W, and 111A100–W–2 tank cars equipped with safety valves.

73.287(a)(5): To authorize the use of spec. 12B fiberboard box with inside polyethylene containers for chromic acid solution.

73.296 Entire section: To provide for the transportation of di iso octyl acid phosphate.

73.308(a) table: To relocate reference to Note 13 in the proper column; to authorize the use of spec. 41 cylinders for monochlorodifluoromethane.

73.314(a) table: To authorize the use of spec. 105A200–AL–W aluminum tank car for liquefied petroleum gas having a pressure not exceeding 150 psi at 105° F.

73.334(a): To provide a general description for Class B poison organic phosphates when mixed with compressed gas.

73.346(a)(21): To authorize the use of spec. 12A fiberboard boxes with one inside glass bottle for Class B poisonous liquids, n.o.s.

73.346(a)(22): To authorize the use of spec. 29 mailing tubes for Class B poisonous liquids, n.o.s.

73.348(a)(3): Paragraph (a)(3) is canceled since authority to use spec. 37P steel drum is contained in paragraph (a)(1) of this section by reference to § 73.346.

73.353(a): To provide for the transportation of methyl bromide and nonflammable, nonliquefied compressed gas mixtures, class B poison liquid.

73.353(e): To authorize the use of spec. MC 330 tank motor vehicle for methyl bromide-ethylene dibromide mixture.

73.406(b): To indicate that the labels apply also to shipments of oxidizing materials by air.

73.412(b): To extend use of label to class B explosives.

74.526(b): To clarify that certain class A explosives may be loaded on flat cars.

74.538(a) chart footnote e: To authorize the loading of ammonium nitrate (without organic coating) in the same car with high explosives.

74.556(a): Requires advance notice be given when interchange of tank cars containing hydrocyanic acid is contemplated.

74.589(c): For clarification and to make more definite the application of requirements applying to switching movements of placarded cars and trailers on flat cars.

77.848(a) chart footnote e: To authorize the loading of ammonium nitrate (without organic coating) in the same truck with high explosives.

78.51–20(a) table I: To authorize the use of a new alloy steel, GLX–50–W, in the construction of spec. 4BA cylinders.

78.60–4(a) table I: To authorize the use of a new alloy steel, GLX–50–W, in the construction of spec. 8AL cylinders.

78.60–22(a)(2): To include either the cylinder maker's symbols or those of the purchaser's or user's in the marking of spec. 8AL cylinders.

78.131–2(a): To bring the capacity rating wording of spec. 37A steel drums into line with the requirements of spec. 17E.

78.132–2(a): Reason for section 78.131–3 applies also to spec. 37B steel drums.

78.133–5(a) table footnote 2: To permit location of an air hole in either the top or bottom head of spec. 37P steel drums with polyethylene liner.

78.205–34(a): To specify a minimum wall thickness for inside containers in special type 12B fiberboard box; to stipulate a maximum gross weight of 65 pounds for the outside container; to specify a drop test requirement to determine suitability of the complete package.

78.206–19(a): To authorize the use of a special type spec. 12C fiberboard box for electrolyte or corrosive battery fluid.

78.229–2(b)(1): To permit a hole in one end of spec. 21B fiber drums providing for closure and neck of inside carboy.

78.226–3(a): To authorize an additional style of spec. 29 mailing tubes.

78.266–14 (a), (b), (d), (e): To provide for the use of safety valves on spec. 103A tank cars containing certain corrosive ladings.

78.266–19(a) (5), (6), (7), (8): To provide marking requirements for spec. 103A tank cars equipped with safety valves, paragraph (a) (5), (6), (7) are redesignated (a) (6), (7), (8), respectively.

78.281–16 (a), (b), (e), (f): To provide for the use of safety valves on spec. 103A–W tank cars containing certain corrosive ladings.

78.281–21(a) (5), (6), (7), (8): To provide marking requirements for spec. 103A–W tank cars equipped with safety valves, paragraph (a) (5), (6), (7) are redesignated (a) (6), (7), (8), respectively.

78.291–4(a): To authorize the use of two new ASTM approved aluminum alloys for spec. 103AL–W tank cars.

78.292–4(a): The reason for § 78.291–4 applies also to spec. 103A–AL–W tank cars.

78.294–4(a): The reason for § 78.291–4 applies also to spec. 105A100AL–W tank cars.

78.299–15 (a), (b), (e), (f): To provide for the use of safety valves on spec. 103A–N–W tank cars containing certain corrosive ladings.

78.299–20(a) (5), (6), (7): To provide marking requirements for spec. 103A–N–W tank cars equipped with safety valves, paragraph (a) (5), (6) are redesignated (a) (6), (7) respectively.

78.300–4(a): The reason for § 78.291–4 applies also to spec. 105A300AL–W tank cars.

78.302–4(a): The reason for § 78.291–4 applies also to spec. 109A100AL–W tank cars.

78.304–11(a)(5): To require the date safety valves are applied to be marked on spec. 111A100–W–2 tank cars in addition to other related markings.

78.304–20 (a, (b), (e), (f): To provide for the use of safety valves on spec. 111A100–W–2 tank cars containing certain corrosive ladings.

78.308–4(a): The reason for § 78.291–4 applies also to spec. 105A200AL–W tank cars.

78.309 Heading; 78.309–3(c); 78.309–5(d); 78.309–10(a); 78.309–11(a)(4); 78.309–12(b); 78.309–15 (a), (c); 78.309–17 (a), (b); 78.309–18(a); 78.309–20 (b), (d): To provide for the use of additional acid resistant lining material and provide restrictions for spec. 111A100–W–5 tank cars.

78.310–3(a): The reason for § 78.291–4 applies also to spec. 111A60AL–W tank cars.

78.313–4(a): The reason for § 78.291–4 applies also to spec. 109A200AL–W tank cars.

78.314–4(a): The reason for § 78.291–4 applies also to spec. 109A300AL–W tank cars.

78.325–6(b): To authorize construction of spec. MC 304 cargo tanks to the current ASME Code and to properly identify such Code.

78.325–14 (a), (b): To authorize the use of pressure relief devices of the fusible type on spec. MC 304 tank motor vehicles.

78.330–8(a): To authorize construction of spec. MC 310 cargo tanks to the current ASME Code and to properly identify such Code.

78.331–8(a); 78.331–9(a): To authorize construction of spec. MC 311 cargo tanks to the current ASME Code and to properly identify such Code.

78.336–1(a): To authorize construction of spec. MC 330 cargo tanks to the current ASME Code and to properly identify such Code.

[F.R. Doc. 59–6814; Filed, Aug. 19, 1959; 8:47 a.m.]

[49 CFR Part 172]

[Ex Parte No. MC–56]

ISSUANCE OF EXPENSE BILLS BY MOTOR COMMON CARRIERS PERFORMING CHARTER OPERATIONS

Notice of Proposed Rule Making

AUGUST 7, 1959.

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) that the regulations set forth in tentative form below are proposed to be prescribed by the Interstate Commerce Commission under the authority contained in sections 204(a) (1) and (6) and section 216 of the Interstate Commerce Act (49 Stat. 546, 548, as amended, 49 U.S.C. 304, 316):

§ 172.5 Expense bills for transportation of chartered parties.

(a) *Form and issuance of bill.* Every common carrier of passengers by motor vehicle shall, when collecting charges for transportation of any chartered party in interstate or foreign commerce, issue an expense bill and cause to be shown on the face thereof the following:

(1) Serial number, which shall consist of one of a series of consecutive numbers assigned in advance and imprinted on the form of expense bill.

(2) Name of carrier.

(3) Name of person paying the charges together with name of the organization, if any, for which transportation is performed.

(4) Date or dates upon which transportation is performed.

(5) Origin, destination and routing of trip.

(6) Number of vehicles used, and identification and seating capacity of each.

(7) Number of persons transported.

(8) Mileage upon which charges are based, including any deadhead mileage, which shall be separately stated.

(9) Applicable rates per mile, hour, day, or other unit.

(10) Charges for transportation.

(11) Itemized charges for special services, if any, performed by the carrier.

(12) Itemized charges for other expenses, such as toll charges, parking fees, layover time, etc., giving locations where each accrued.

(13) Total charges assessed and collected.

(b) *Records to be retained.* A record shall be kept by the carrier of all expense bills by retaining for a period of at least three years a copy of each such bill which is issued, and if any form of numbered expense bill is spoiled, voided, or unused for any reason a copy thereof, or a written record of its disposition, shall be retained for a like period.

(c) *Definitions.* As used in this section: (1) The term "chartered party" shall mean a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group; and (2) the term "common carrier of passengers by motor vehicle" shall include both those specifically authorized to perform charter operations and those authorized to transport chartered parties under section 208(c) of the Interstate Commerce Act (49 U.S.C. 308(c)) as an incident to the right to transport passengers over a regular route or routes.

(Secs. 204(a) (1) and (6), 216, 49 Stat. 546, 548, as amended; 49 U.S.C. 304, 316)

Prior to final adoption of such regulations, consideration will be given to any written statements of data, views, or arguments concerning the subject matter hereof which are submitted on or before October 1, 1959. No oral hearing is contemplated, and any request for oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in written form. One original signed copy and six additional copies of such written statements of data, views or arguments should be submitted in accordance with the Commission's general rules of practice.

Notice of this proceeding shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–6915; Filed, Aug. 19, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 11759, 12946; FCC 59–868]

TABLE OF ASSIGNMENTS; CERTAIN TELEVISION BROADCAST STATIONS

Memorandum Opinion and Order

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Fresno, Bakersfield, and Santa Barbara, Calif.; Goldfield and Tonopah, Nevada), Docket No. 11759; amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (San Francisco and Sacramento, Calif.; and Reno, Nevada), Docket No. 12946.

1. The Commission has before it for consideration:

(1) The Memorandum Opinion and Order adopted in the above-entitled proceedings on July 30, 1959 (FCC 59–857, released August 4, 1959), which denied petitions filed by the licensees of Stations KFRE–TV (Fresno), KERO–TV (Bakersfield), KXTV (Sacramento) and KHSL–TV (Chico) seeking an extension of the time for filing comments in these proceedings from August 24 to October 23, 1959; [1]

[1] Although the Memorandum Opinion and Order did not list in the caption the proceeding involving San Francisco, etc. (Docket No. 12946), the action taken therein included disposition of the petitions for extension of time in that proceeding filed by KXTV and KHSL–TV.

(2) A "Petition for Reconsideration" filed July 30, 1959, by Triangle Publications, Inc. (Radio & Television Division), licensee of KFRE–TV, asking reconsideration of the denial and grant of the requested extension in Docket 11759; and a "Statement in Support" of Triangle's petition filed by S. H. Patterson, licensee of KSAN–TV (San Francisco), supporting Triangle's request for extension in Docket 11759 and asking that the same extension be granted in Docket 12946; and

(3) Oppositions to the Triangle petition for reconsideration filed by the licensees of UHF stations KJEO (Fresno) and KBAK–TV (Bakersfield).

2. In support of its request for reconsideration and a 60-day extension, Triangle urges that considering the complex nature and scope of the issues involved, and the far-reaching effect of our decision thereof, both the public interest and proper regard for due process require additional time for filing comments. Patterson supports the Triangle request and asserts that, because of the interrelationship between the two proceedings, the same time schedule should obtain in both Docket 11759 and Docket 12946. In opposition to Triangle's request, KJEO asserts that delay beyond the dates now fixed for comments and replies (August 24 and September 8, respectively) will preclude any solution to the Fresno intermixed situation before well into 1960 because winter conditions prevail at the mountain location involved after early fall. KBAK–TV in opposing Triangle's request urges that any delay in the proceeding will delay final solution of the Fresno-Bakersfield intermixture problems and result in harm to KBAK–TV and the public (and also to the Fresno UHF licensees).

3. Upon further consideration of this matter, we are of the view that some extension of time in these proceedings is warranted, although not the 60 days sought by Triangle and the other petitioners. It is true, as Triangle points out, that the matters involved are complex and of wide scope, and important questions are involved. Therefore our consideration of the matters involved will benefit from affording the parties time sufficient for full and adequate presentations. We observe, as we stated earlier, that a prompt solution to the Fresno-Bakersfield situations is an important consideration, and we note in this connection KJEO's contention about the advent of winter conditions. But it cannot be said that an extension of time such as 30 days would necessarily result in substantial delay in resolution of the proceeding beyond the time when it would otherwise be decided. Accordingly, since an additional 30 days should provide ample opportunity for the preparation and submission of complete showings in this matter, it is appropriate to extend the time for filing comments and replies to that extent.

4. As to Docket 12946, it is true, as Patterson asserts, that the matters involved therein are related to the Fresno-Bakersfield proceeding. Therefore there appears no reason why the same dates should not apply in the northern California proceeding.

5. In view of the foregoing: *It is ordered:*

(1) That the time for filing comments in Dockets 11759 and 12946, in response to the Notices issued by the Commission therein on July 17 and August 4, 1959, is extended to September 23, 1959; and the time for filing replies in said proceedings is extended to October 8, 1959; and

(2) The "Petition for Reconsideration" filed by Triangle Publications, Inc. (Radio and Television Division) on July 30, 1959 in Docket 11759, and the "Statement in Support of Petition for Reconsideration" filed in Dockets 11759 and 12946 by S. H. Patterson, are granted to the extent indicated by the above extension of time, and in other respects are denied.

Adopted: August 14, 1959.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6931; Filed, Aug. 19, 1959; 8:50 a.m.]

NOTICES

TARIFF COMMISSION

TRADE-AGREEMENT NEGOTIATIONS WITH CERTAIN CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE-CLAUSE ACTIONS

Notice of Investigation and Hearings

Public notice of investigation and hearings under section 3 of the Trade Agreements Extension Act of 1951, as amended, as follows: Investigation No. 7—List of articles for consideration in proposed trade-agreement negotiations with certain contracting parties to the General Agreement on Tariffs and Trade regarding compensation for Escape-clause Actions.

1. The final date for filing requests to testify at Tariff Commission public hearings is September 23, 1959.

2. The final date for filing written statements with the Tariff Commission is September 23, 1959.

3. Tariff Commission public hearings will begin on October 6, 1959.

4. Public announcements relating to the proposed trade-agreement negotiations have also been issued by the Interdepartmental Committee on Trade Agreements[1] and the Committee for Reciprocity Information,[2] and appear concurrently with this notice in the FEDERAL REGISTER.

The Interdepartmental Committee on Trade Agreements this day issued public notice of the intention of this Government to enter into trade-agreement negotiations with the governments of certain contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause actions taken by the United States with respect to spring clothespins, safety pins, and clinical thermometers. On August 13, 1959, in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President furnished to the United States Tariff Commission a list (hereinafter referred to as the "President's list") of articles imported into the United States to be considered in the proposed negotiations, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951. A copy of the President's list is attached to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER concurrently with this notice and is incorporated herein by reference.

A. *Investigation instituted.* Pursuant to said section 3 of the Trade Agreements Extension Act of 1951, the United States Tariff Commission has this day instituted an investigation with respect to the articles included in the President's list.

B. *Purpose of investigation.* The purpose of the investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of Section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. *Written statements and public hearings.* Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Written statements in lieu of appearance at hearings.* Interested parties may present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than September 23, 1959.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, *each* clearly marked "Submitted in confidence."

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing (by letter separate from any written statement or brief) with the Secretary of the Commission on or before September 23, 1959. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE: The Commission reserves the right to limit the time assigned to witnesses. Witnesses may, of course, supplement their oral testimony with written statements of any desired length. Such supplemental statements must, however, be presented at the time the oral testimony is given.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed may wish to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a.m., e.d.s.t., on Tuesday, the 6th day of October 1959, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. The hearings will be held each day from 10:00 a.m. to about 1:00 p.m., and are scheduled to be concluded not later than Friday, October 9, 1959.

b. Parties who have properly entered their appearance by September 23, 1959, as indicated under paragraph C 4, above will be individually notified of the date on which they are scheduled to appear. Such notification will be sent as soon as possible after the closing date for requests to appear (September 23, 1959).

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's list, and on other matters, to begin on October 6, 1959. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

D. *Communications to be addressed to Secretary.* All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59–6975; Filed, Aug. 19, 1959; 10:21 a.m.]

[1] See F.R. Doc. 59–6974, *infra.*
[2] See F.R. Doc. 59–6975, *infra.*

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTIONS

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949–1953 Comp., pp. 281, 355), and in view of certain "escape clause" actions with respect to spring clothespins, safety pins, and clinical themometers taken by the President on November 9, 1957, November 29, 1957, and April 21, 1958, respectively (Proclamation No. 3211, 3 CFR, 1957 supp., p. 50, Proclamation No. 3212, id., 51, and Proclamation No. 3235, 3 CFR, 1958 supp., p. 25), under the authority of section 350 of the Tariff Act of 1930, as amended, and of section 7(c) of the Trade Agreements Extension Act of 1951, as amended, notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to enter into trade agreement negotiations under Article XIX of the General Agreement on Tariffs and Trade regarding compensation, to contracting parties to the Agreement that have a substantial interest as exporters, for such escape clause actions. Since the purpose of the negotiations is the granting of compensatory concessions by the United States, it is not anticipated that they will result in any concessions by other countries, for the benefit of United States exports. The results of these negotiations will be embodied in Schedule XX to the General Agreement.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the negotiations for which notice is given above.

The articles proposed for consideration are identified in the annexed list by specifying the numbers of the paragraphs in tariff schedules of Title I of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such

articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the annexed list or unless it is subsequently included in a supplementary public list. Only duties on the articles listed imposed under the paragraphs of the Tariff Act of 1930 specified with regard to such articles will be considered for a possible decrease, but additional or separate ordinary duties or import taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph will not be nullified. In the event that an article which as of June 1, 1959, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade agreement negotiations, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, as amended, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1] Any matters appropriate to be considered in connection with the negotiations proposed above may be presented.

Public hearings in connection with "peril point" investigation of the United States Tariff Commission in connection with the articles included in the annexed list pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.[2]

By direction of the Interdepartmental Committee on Trade Agreements this 19th day of August 1959.

JOHN A. BIRCH,
Chairman, Interdepartmental Committee on Trade Agreements.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

TARIFF ACT OF 1930

Title I—Dutiable List

Paragraph 1. Acids and acid anhydrides, not specially provided for: Fatty alcohols and fatty acids, sulphated.

Paragraphs 5 and 23. Chemical elements, * * * chemical salts and compounds, * * * not specially provided for, and whether or not in any form or container specified in paragraph 23, Tariff Act of 1930:

Dicalcium phosphate;

Fatty alcohols and fatty acids, sulphated, and salts of sulphated fatty acids.

Paragraph 43. Ink, and ink powders not specially provided for.

Paragraph 218(a). Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing, finished or unfinished, wholly or in chief value of fused quartz or fused silica.

Paragraph 223. Plate, cylinder, crown, and sheet glass, by whatever process made, when made into mirrors, finished or partly finished, exceeding in size 144 square inches.

(NOTE: Includes foregoing when bent, frosted, or otherwise processed in a manner subjecting them to additional duty under paragraph 224 of the Tariff Act of 1930. No consideration will be given, however, to reduction of the additional duty under paragraph 224.)

Paragraph 340. All other saws, not specially provided for:

Hack saw blades.

Paragraph 348. Snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum; all the foregoing, valued at not more than $1.66⅔ per hundred:

Sew-on fasteners and parts thereof, mounted on tape or otherwise.

Paragraph 372. Machines, finished or unfinished, not specially provided for, and parts, not specially provided for, wholly or in chief value of metal or porcelain:

Wrapping and packaging machines (except machines for packaging pipe tobacco, machines for wrapping cigarette packages, machines for wrapping candy, and combination candy-cutting and wrapping machines), and parts.

Paragraph 711. Live birds not specially provided for, valued at $5 or less each (except bobwhite quail).

Paragraph 804. Rice wine or sake; and still wines not produced from grapes, including ginger wine or ginger cordial, and beverages not specially provided for similar to any of the beverages specified in paragraph 804, Tariff Act of 1930.

Paragraph 913(a). Belts and belting, for machinery, wholly or in chief value of cotton or other vegetable fiber and india rubber, valued at 40 cents or more per pound.

Paragraph 1020. Linoleum (except inlaid linoleum), including corticine and cork carpet, and mats or rugs made of linoleum other than of inlaid linoleum.

Paragraph 1021. Floor coverings not specially provided for: Felt-base floor coverings.

Paragraph 1405. Boxes of paper or papier-mache or wood provided for in paragraph 1405, Tariff Act of 1930, covered or lined with paper, but not covered or lined with cotton or other vegetable fiber.

Paragraph 1410. Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, all the foregoing not specially provided for, if other than of bona fide foreign authorship (not including diaries, music in books, pamphlets, prayer books, sheets or printed pages of prayer books bound wholly or in part in leather, or tourist literature containing geographic, historical, hotel, timetable, travel, or similar information, chiefly with respect to places or travel facilities outside the continental United States).

Paragraph 1413. Boxes, composed wholly or in chief value of paper, papier-mache or paper board, and not specially provided for.

Paragraph 1501(a). Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufacturers of any of the foregoing.

Paragraph 1502. Balls, of whatever material composed, finished or unfinished, primarily designed for use in physical exercise (whether or not such exercise involves the element of sport), and not specially provided for:

Golf balls; footballs and other balls (not including tennis balls), wholly or in chief value of rubber.

Paragraph 1510. Parts of buttons and button molds or blanks, finished or unfinished, not specially provided for.

Paragraph 1513. Toys, and parts of toys, not specially provided for:

Toys wholly or in chief value of rubber, except toys described otherwise than by specification of component material in any Schedule XX of the General Agreement on Tariffs and Trade.

Paragraph 1519(e). Articles, wholly or partly manufactured (except wearing apparel, but including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur (except silver or black fox), not specially provided for.

Paragraph 1530(c). Leather (except provided for in subparagraph (d) of paragraph 1530), made from hides or skins of animals (including fish, reptiles, and birds but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished:

Chamois leather (except oil-tanned) and glove and garment leather, made from lamb or sheep skins.

Paragraph 1537(b). Manufactures of india or gutta-percha, or of which these substances or either of them is the component material of chief value, not specially provided for:

Tires (not including automobile, motorcycle, and bicycle tires composed wholly or in chief value of india rubber).

Paragraph 1540. Moss and sea grass, eelgrass, and seaweeds, if manufactured or dyed.

Paragraph 1541(a). Musical instruments and parts thereof, not specially provided for: Concertinas and other accordions which are not piano accordions.

[F.R. Doc. 59-6974; Filed, Aug. 19, 1959; 10:21 a.m.]

[1] See F.R. Doc. 59-6973, *infra*.

[2] See F.R. Doc. 59-6975, *supra*.

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTIONS

Submission of Information to the Committee for Reciprocity Information

Closing date for Applications to Appear at Hearing, September 23, 1959.

Closing date for Submission of Briefs, September 23, 1959.

Public Hearings Open, October 6, 1959.

The Interdepartmental Committee on Trade Agreements has issued on this day[1] a notice of intention to participate in trade agreement negotiations under Article XIX of the General Agreement on Tariffs and Trade regarding compensation to contracting parties to the Agreement that have a substantial interest as exporters for the escape clause actions with respect to spring clothespins, safety pins, and clinical thermometers taken by the President on November 9, 1957, November 29, 1957, and April 21, 1958, respectively. Annexed to the notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered for possible concessions in the negotiations. Since the purpose of the negotiations is the granting of compensatory concessions by the United States, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports.

Pursuant to paragraph 5 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949–1953 Comp., pp. 281, 355), the Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the proposed negotiations shall be submitted to the Committee for Reciprocity Information not later than September 23, 1959. The application must indicate the product or products on which the individual or group desires to be heard and an estimate of the time required for oral presentation. Written statements shall be submitted not later than September 23, 1959. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C.". Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of the Committee for Reciprocity Information".

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 2:00 p.m. on October 6, 1959 in the Hearing Room in the Tariff Commission Building, Eighth and E Streets NW., Washington 25, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons may present their views regarding any matter appropriate to be considered in connection with the proposed negotiations, although, as indicated above, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports. Copies of the list attached to the notice of intention to negotiate may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

The United States Tariff Commission has today[2] announced public hearings on the import items appearing in the list annexed to the notice of intention to negotiate to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in the foregoing list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

By direction of the Committee for Reciprocity Information this 19th day of August 1959.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 59-6973; Filed, Aug. 19, 1959; 10:21 a.m.]

[1] See F.R. Doc. 59-6974, *supra*.

[2] See F.R. Doc. 59-6975, *supra*.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in Lauderdale County, Alabama, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6930; Filed, Aug. 19, 1959; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10657]

BRITISH WEST INDIAN AIRWAYS LTD.

Notice of Prehearing Conference

In the matter of the application of British West Indian Airways Limited in Docket No. 10657 for the issuance of a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958 for service from Barbados, W.I. to New York, N.Y.; and from London, England to New York, N.Y. via the intermediate points, Shannon, Iceland, Azores, Bermuda, Gander, Montreal, and beyond New York, N.Y. to the terminal point, Jamaica, W.I.

Notice is hereby given, that a prehearing conference in the above-entitled matter is assigned to be held on August 25, 1959 at 2:00 p.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., August 17, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6926; Filed, Aug. 19, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 213]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Arizona Serial No. 017512, for the withdrawal of the lands as described below from all forms of appropriation, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the lands as a construction site for flood control dikes to protect the Arizona Canal System from damage during rainstorms and flash floods.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN

ARIZONA

T. 3 N., R. 3 E.,
Sec. 34: E½NE¼;
Sec. 35: W½NW¼.

Total Area—160 acres.

E. I. ROWLAND,
State Supervisor.

AUGUST 12, 1959.

[F.R. Doc. 59-6903; Filed, Aug. 19, 1959; 8:45 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 10, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 023759, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area in Roosevelt National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

Seaman Reservoir Recreation Area

T. 9 N., R. 70 W.,
Sec. 21, W½NE¼, E½NW¼SE¼ and SW¼ SE¼.

The above area aggregates 140 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-6904; Filed, Aug. 19, 1959; 8:46 a.m.]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1959.

The Bureau of Reclamation, United States Department of the Interior, has filed application, Serial Numbers W-055790, W-055807, and W-057669, for withdrawal of the lands described below, from all forms of appropriation, subject to existing valid rights under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388). Grazing administration of these lands will remain under the Bureau of Land Management until such time as they are actually required for reclamation purposes.

The applicant desires the land for reservoir purposes and development under reclamation law in connection with the Flaming Gorge Unit—Colorado River Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

A determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 106 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 18 N., R. 106 W.,
Sec. 31.
T. 12 N., R. 107 W.,
Secs. 18 and 19.
T. 13 N., R. 107 W.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 30 and 31.
T. 14 N., R. 107 W.,
Sec. 18, Lots 1 to 4 inclusive, E½W½;
Secs. 19, 30 and 31.
T. 15 N., R. 107 W.,
Sec. 4, Lots 3 and 4, S½NW¼, SW¼;
Secs. 5, 6 and 8.
T. 16 N., R. 107 W.,
Secs. 1, 2, 3, 10 and 11;
Sec. 12, Lot 1, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 14, 15, 21, 22 and 23;
Sec. 26, N½;
Secs. 27 to 34, inclusive.
T. 17 N., R. 107 W.,
Secs. 1, 24, 25, 35 and 36.
T. 18 N., R. 107 W.,
Secs. 22 to 27, inclusive;
Secs. 35 and 36.
T. 12 N., R. 108 W.,
Secs. 1 to 4, inclusive;
Sec. 5, NE¼;
Secs. 9 to 16, inclusive;
Secs. 19 to 24, inclusive;
Sec. 25, Lots 1 to 3, inclusive;
Sec. 26, Lots 1 to 4, inclusive;
Sec. 27, Lots 1 and 2;
Sec. 28, Lots 1 to 4, inclusive;
Sec. 29, Lots 1 to 4, inclusive;
Sec. 30, Lots 1 to 4, inclusive.
T. 13 N., R. 108 W.,
Secs. 1 to 3, inclusive;
Sec. 4, Lots 1 to 4, inclusive, S½N½, SE¼;
Sec. 9, NE¼;
Secs. 10 to 15, inclusive;
Secs. 21 to 28, inclusive;
Sec. 32, E½;
Secs. 33 to 36, inclusive.
T. 14 N., R. 108 W.,
Secs. 1 to 5, inclusive;
Sec. 6, Lots 1 to 5, inclusive, S½NE¼, SE¼NW¼;
Secs. 8 to 17, inclusive;
Secs. 21 to 27, inclusive;
Sec. 33, S½;
Secs. 34 to 36, inclusive.
T. 15 N., R. 108 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Secs. 22 to 28, inclusive;
Sec. 30, Lots 1 to 4 inclusive, E½, E½W½;
Sec. 31, Lots 1 to 4 inclusive, E½, E½W½;
Secs. 32 to 35, inclusive.
T. 16 N., R. 108 W.,
Secs. 5 to 9, inclusive;
Secs. 15 to 18, inclusive;
Secs. 20 to 22, inclusive;
Secs. 25 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 17 N., R. 108 W.,
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 12 N., R. 109 W.,
Secs. 14 and 15;
Secs. 22 to 24, inclusive;
Sec. 25, Lots 1 and 2.
T. 16 N., R. 109 W.,
Secs. 12 to 14, inclusive;
Sec. 24.

The areas described contain approximately 122,127.60 acres of public and private lands.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59-6905; Filed, Aug. 19, 1959; 8:46 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number A.046700 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, but excepting the disposal of materials under the Materials Act. The applicant desires the land for use as an air navigational aid station (VORTAC Site).

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KING SALMON AREA

From the center point of the VORTAC site, at 58°43'31.35" N., 156°44'59.95" W., go west 2,000 feet thence south 1,000 feet to the true point of beginning; thence north 3,000 feet; thence east 4,000 feet; thence south 4,000 feet; thence west 3,000 feet; thence N. 45°00' W. 1414.22 feet to the point of beginning;

Containing 356 acres more or less.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F.R. Doc. 59-6921; Filed, Aug. 19, 1959; 8:48 a.m.]

National Park Service

[Order 14, Amdt. 14]

REGIONAL DIRECTORS

Delegation of Authority With Respect to Regularly Scheduled Overtime

Section 1 of Order No. 14, issued December 1, 1954 (19 F.R. 8824), as amended (21 F.R. 7699), is amended by the deletion of paragraph (w) reading as follows:

(w) Approval of regularly scheduled overtime in excess of 30 days and not more than 90 days.

(Secretary's Order No. 2640, as amended; 5 U.S.C., sec. 22)

JACKSON E. PRICE,
Acting Director, National Park Service.

[F.R. Doc. 59-6909; Filed, Aug. 19, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13155, etc.; FCC 59-869]

WACO RADIO CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jacob A. Newborn, Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Requests: 940 kc, 250 w, Day; Hugh M. McBeath, Waco, Texas, Docket No. 13156, File No. BP-10001; Requests: 940 kc, 250 w, Day; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Requests: 940 kc, 1 kw, Day; Radio Broadcasters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Requests: 940 kc, 250 w, Day; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; Requests: 940 kc, 1 kw, DA-Day; H. A. Bridges, Jr., R. L. Hicks, Samuel R. Jones and James G. Ulmer, a Partnership, d/b as Heart of Texas Broadcasters, Waco, Texas, Docket No. 13160, File No. BP-12985; Requests: 940 kc, 250 w, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of August 1959;

The Commision having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, Hugh M. McBeath, Floyd Bell, Radio Broadcasters, Inc., and Belton Broadcasters, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that except as indicated by the issues specified below, Waco Radio Company and Heart of Texas Broadcasters are legally, technically and otherwise qualified, but neither is financially qualified, to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 2, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by letter received March 20, 1959, Radio Broadcasters, Inc., requested that an issue be included as to the availability of the transmitter sites for Waco Radio Company, Hugh M. McBeath and Heart of Texas Broadcasters, contending that the proposed sites would be in contravention of a local zoning ordinance, but that the Commission believes that zoning considerations relative to a proposed transmitter site are properly to be resolved by local zoning authorities; that in the processing of an application, the Commission examines the location of the antenna structure for compliance with the technical requirements and those requirements intended to prevent the creation of an aeronautical hazard; that with respect to the transmitter location, the Commission assumes that the applicant's representations are in good faith and that it has a reasonable expectation of the proposed site being available; and that approval by the Commission of a proposed location does not authorize contravention of any local ordinance prohibiting erection of a tower on the site in question (In re W. Gordon Allen, KTIX, 13 RR 1120); and

It further appearing that in an amendment received July 22, 1959, Floyd Bell contends that on the basis of Figure M-3 conductivities to the southwest and west from his proposed site, the proposed 0.025 mv/m contour is so described as not to involve objectionable interference with the proposals of Radio Broadcasters, Inc., and Belton Broadcasters, Inc., but that on the basis of Figure M-3 conductivities in the pertinent direction of N. 240° E. the Commission finds that a question of slight objectionable interference arises; and

It further appearing that by amendment filed July 22, 1959, Waco Radio Company submitted additional financial data, which included a bank loan of $15,000, but that this bank loan is not directed toward the applicant nor does it show terms of payment or security posted, and, therefore, it cannot be determined that the applicant is financially qualified to construct and operate the proposed station; and

It further appearing that by amendment filed July 22, 1959, Heart of Texas Broadcasters submitted additional financial data which failed to reveal that Howard A. Bridges, Jr. has sufficient cash or liquid assets to meet his commitments, and while he proposes to borrow funds to finance his share, no definite commitment, signed under oath by the party who has agreed to make such funds available, the amount, terms of payment or security, if any, was furnished to enable a determination that the instant applicant is financially qualified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations involved in the interference between the proposals.

3. To determine whether Waco Radio Company and Heart of Texas Broadcasters are financially qualified to construct and operate their respective proposals.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Belton or Texarkana, Texas or one of the proposals for Waco, Texas would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Waco, Texas should be favored, which of the proposals of Waco Radio Company, Hugh M. McBeath, Radio Broadcasters, Inc., or Heart of Texas Broadcasters would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of Hugh M. McBeath or Heart of Texas Broadcasters, the construction permit shall contain a condition that the permittee

assume the responsibility for installation and adjustment of filter circuits or any other equipment necessary to prevent adverse effects from cross-modulation or reradiation with Station KWTX, Waco, Texas; and that the permittee shall submit, before the issuance of program test authority, sufficient field, intensity measurement data, made before and after the installation of such equipment, to prove that its authorized operation has had no adverse effect on the technical operation of Station KWTX, Waco, Texas.

It is further ordered, That the request of Radio Broadcasters, Inc. to include an issue as to the availability of the proposed transmitter sites for Waco Radio Company, Hugh M. McBeath and Heart of Texas Broadcasters is hereby denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6932; Filed, Aug. 19, 1959; 8:50 a.m]

[Docket No. 13161 etc.; FCC 59-870]

MILLINGTON BROADCASTING CO. (WHEY) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Earl W. Daly, tr/as Millington Broadcasting Company (WHEY), Millington, Tennessee, Docket No. 13161, File No. BP-12027; Has: 1220 kc, 250 w, Day; Requests: 1220 kc, 500 w, Day; Radio Muscle Shoals, Inc. (WOWL), Florence, Alabama, Docket No. 13162, File No. BP-12150; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; Union City Broadcasting Co., Inc. (WENK), Union City, Tennessee, Docket No. 13163, File No. BP-12218; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Mississippi, Docket No. 13164, File No. BP-12269; Has: 1230 kc, 250 w, U; Requests: 1230 kc, 250 w, 1 kw-LS, U; Alan G. Patteson, Jr. & Matthew Carter Patteson, d/b as Patteson Brothers (KBTM), Jonesboro, Arkansas, Docket No. 13165, File No. BP-12358; Has: 1230 kc, 250 w, U; Requests: 1230 kc, 250 w, 1 kw-LS, U; Capital Broadcasting Company (WKDA), Nashville, Tennessee, Docket No. 13166, File No. BP-12518; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; John R. Crowder, James Porter Clark and James W. Tate, d/b as Fayetteville Broadcasting Company (WEKR), Fayetteville, Tennessee, Docket No. 13167, File No. BP-12777; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; Kestner P. Graham, tr/as Radio Holly Springs, Holly Springs, Mississippi, Docket No. 13168, File No. BP-13074; Requests: 1240 kc, 100 w, U; Walker County Broadcasting Company, Inc. (WARF), Jasper, Alabama, Docket No. 13169, File No. BP-13101; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of August 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 9, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Stations WHEY, WOWL, WENK, WCMA, KBTU, WKDA, WEKR and WARF filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population which would receive primary service from the proposal of Radio Holly Springs and the availability of other primary service to such area and population.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcasting station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the following proposals would involve objectionable interference with the existing standard broadcast stations indicated, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

BP-12027--	KBTM, Jonesboro, Ark. WFWL, Camden, Tenn. KGMO, Cape Girardeau, Mo. KVSA, McGhee, Ark.
BP-12150--	WEKR, Fayetteville, Tenn. WARF, Jasper, Ala. WMPA, Aberdeen, Miss. WKDA, Nashville, Tenn.
BP-12218--	KFMO, Flat River, Mo. WEBQ, Harrisburg, Ill.
BP-12269--	KBTM, Jonesboro, Ark. WJBB, Haleyville, Ala.
BP-12358--	WCMA, Corinth, Miss. KCON, Conway, Ark. WHEY, Millington, Tenn.
BP-12518--	WEKR, Fayetteville, Tenn. WOWL, Florence, Ala.
BP-12777--	WARF, Jasper, Ala. WBHP, Huntsville, Ala. WKDA, Nashville, Tenn. WOWL, Florence, Ala.
BP-13101--	WCRT, Birmingham, Ala. WEKR, Fayetteville, Tenn. WMPA, Aberdeen, Miss. WOWL, Florence, Ala.
BP-13074--	WGRM, Greenwood, Miss. WKBL, Covington, Tenn.

6. To determine whether the antenna system proposed by Radio Holly Springs would constitute a hazard to air navigation.

7. To determine whether the respective transmitter sites proposed by Walker County Broadcasting Company, Inc., Capital Broadcasting Company, Union City Broadcasting Co., Inc., The Corinth Broadcasting Company, Inc., and Patteson Brothers are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine whether the nighttime limitation contour of the proposed operation of Radio Holly Springs will encompass the entire city of Holly Springs, Mississippi, as required by § 3.188(b)(2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

9. To determine the type and character of program service which would be broadcast by Radio Holly Springs and whether the program service would be in the public interest.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding with respect to their existing operations:

Patteson Brothers (KBTM), Jonesboro, Ark.
The Camden Broadcasting Company, Inc. (WFWL), Camden, Tenn.
KGMO Radio-Television, Inc. (KGMO), Cape Girardeau, Mo.
Southeast Arkansas Broadcasters, Inc. (KVSA), McGhee, Ark.
Fayetteville Broadcasting Company (WEKR), Fayetteville, Tenn.
Walker County Broadcasting Company, Inc. (WARF), Jasper, Ala.
Ray Tolar (WMPA), Aberdeen, Miss.
Capital Broadcasting Company (WKDA), Nashville, Tenn.
Lead Belt Broadcasting Co. (KFMO), Flat River, Mo.
First Trust Association (WEBQ), Harrisburg, Ill.
Haleyville Broadcasting Co., Inc. (WJBB), Haleyville, Ala.
The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Miss.
Conway Broadcasting Company (KCON), Conway, Ark.
Millington Broadcasting Company (WHEY), Millington, Tenn.
Radio Muscle Shoals, Inc. (WOWL), Florence, Ala.
Wilton Harvey Pollard (WBHP), Huntsville, Ala.
Chapman Radio & Television Co. (WCRT), Birmingham, Ala.
Mrs. P. K. Erving (WGRM), Greenwood, Miss.
Tipton County Broadcasters (WKBL), Covington, Tenn.

It is further ordered, That, in the event the proposal of Radio Muscle Shoals, Inc., is granted, the permittee shall submit sufficient evidence prior to program tests to establish that the proposed non-directional radiation pattern has not been distorted due to the presence of the WOWL-TV tower authorized in construction permit BPCT-2208.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6933; Filed, Aug. 19, 1959; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

JAMES F. BROWNLEE

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Sold: San Jacinto Petroleum Corp. Stock.
Purchased: 200 Aluminum Ltd., 200 Coca Cola Co., 200 Continental Oil, 200 Eaton Mfg. Co., 200 Texas Co., 1,000 Occidental Petroleum.

This amends statement published April 9, 1959 (24 F.R. 2760).

Dated: August 1, 1959.

JAMES F. BROWNLEE.

[F.R. Doc. 59-6896; Filed, Aug. 19, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. 19150-19158]

K. S. ADAMS, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

AUGUST 13, 1959.

In the matters of K. S. Adams, Jr., Docket No. G-19150; The Bradley Producing Corporation, Docket No. G-19151; Carter-Jones Drilling Company, Inc. (Operator), et al., Docket No. G-19152; Republic Natural Gas Company, et al., Docket No. G-19153; Union Oil Company of California, Docket No. G-19154; Shell Oil Company, Docket No. G-19155; West Lake Natural Gasoline Company (Operator) et al., Docket No. G-19156; Humble Oil & Refining Company, Docket No. G-19157; Bel Oil Corporation, Docket No. G-19158.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—
G-19150--	K. S. Adams, Jr.	1	4	Phillips Petroleum Co.	7-14-59	7-17-59	8-17-59	1-17-60
		2	4					
G-19151--	The Bradley Producing Corp.	3	3	Natural Gas Pipeline Co. of America.	7-17-59	7-20-59	8-20-59	1-20-60
G-19152--	Carter-Jones Drilling Co., Inc. (operator), et al.	4	4	Texas Eastern Transmission Corp.	7-10-59	7-20-59	8-20-59	1-20-60
G-19153--	Republic Natural Gas Co., et al.	18	2	Cities Service Gas Co.	7-17-59	7-20-59	10-19-59	3-19-60
G-19154--	Union Oil Co. of California.	20	[3] 2	Kansas-Nebraska Natural Gas Co., Inc.	Undated	7-22-59	9- 1-59	2- 1-60
G-19155--	Shell Oil Co.	210	----	United Gas Pipe Line Co.	[2] 7-10-59	7-22-59	8-22-59	1-22-60
		210	1		7-20-59	7-22-59	8-22-59	1-22-60
		211	----	----do	[2] 7-10-59	7-22-59	8-22-59	1-22-60
		211	1		7-20-59	7-22-59	8-22-59	1-22-60
G-19156--	West Lake Natural Gasoline Co. (operator), et al.	1	[4] 3	El Paso Natural Gas Co.	7-15-59	7-22-59	8-22-59	1-22-60
G-19157--	Humble Oil & Refining Co.	19	14	Texas Eastern Transmission Corp.	7-16-59	7-20-59	8-20-59	1-20-60
		144	[5] 1	El Paso Natural Gas Co.	7-17-59	7-23-59	8-23-59	1-23-60
G-19158--	Bel Oil Corp.	4	[6] 6	Trunkline Gas Co.	7-21-59	7-24-59	8-24-59	1-24-60

[1] The stated effective dates are the effective dates requested by Respondents or the first day after expiration of the required thirty days' notice, whichever is later.
[2] Rate in effect subject to refund in Docket No. G-16081.
[3] Contract.
[4] Rate in effect subject to refund in Docket No. G-14048.
[5] Rate in effect subject to refund in Docket No. G-16416.
[6] Rate in effect subject to refund in Docket No. G-14259.

In support of his two proposed revenue-sharing type rate increases, K. S. Adams, Jr. (Adams) states that Phillips Petroleum Company (Phillips) resells the subject gas to El Paso Natural Gas Company (El Paso), that Adams' and Phillips' prices are based upon the price received by El Paso and that the proposed rate increases are based upon increases to El Paso [2] and related increases to Phillips [3] In further support, Adams

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.
[2] El Paso's rate increase was suspended until August 1, 1959 in Docket No. G-17929.
[3] Phillips rate increases were suspended until January 1, 1959 in Docket Nos. G-18417 and G-18418.

states that the proposed price is just and reasonable and below the going market price of gas sold in the area.

The Bradley Producing Corporation (Bradley) in support of its proposed two-step periodic rate increase states that the filing is an integral part of the initial rate filing or, alternatively, merely the result of the mechanical operation of the contract provisions. Bradley further states that such pricing provisions are common in long-term contracts, and enables buyer to receive initial deliveries at a low price during the time its unamortized capital investment is high and enables seller to receive progressively higher returns contemporaneously with increased costs.

Carter-Jones Drilling Company, Inc. (Operator), et al. (Carter-Jones) in support of its proposed favored-nation increase states that the contract was negotiated at arm's length, the proposed increased rate is just and reasonable and not in excess of rates under numerous contracts covering sales in the area, and its costs of operation are increasing.

Republic Natural Gas Company, et al. (Republic) in support of its proposed redetermined rate increase cites the contract provisions, submits copies of buyer's redetermination letter, states that the proposed increased rate is just and reasonable, and further states that the proposed rate is less than the current commodity value of gas in the area.

Union Oil Company of California (Union) in support of its proposed periodic rate increase cites the contract provisions, stating that the contract was negotiated at arm's length, and states that buyer could not purchase, nor would Union sell, gas in the area at a price less than the proposed rate.

Shell Oil Company (Shell) in support of its two renegotiated rate increases states that such are provided by renegotiated contracts dated July 10, 1959. Shell further states that the proposed rates are in line with prices paid by its buyer and other buyers for southern Louisiana and offshore Louisiana gas, the proposed rates will not activate any price increase clauses under other contracts of its buyer, and the proposed rates are not unjust and unreasonable. In addition, Shell states that the proposed rates are required to offset the differential between its sale price in the field and its gas purchase costs.

West Lake Natural Gasoline Company (Operator), et al. (West Lake) in support of its proposed favored-nation rate increase cites the favored-nation provisions of the contract and the triggering rate paid by El Paso Natural Gas Company to Sun Oil Company (Sun). Sun's triggering rate is based upon increased rates of Phillips Petroleum Company which is in effect subject to refund in Docket No. G–16258.

Humble Oil and Refining Company (Humble) proposes two favored-nation rate increases. In support of its proposed rate increase for sales to Texas Eastern Transmission Corporation (Texas Eastern), Humble states that the contract was negotiated at arm's length, the proposed rate is in line with the going contract prices in the East Texas area, and suspension would injustly enrich Texas Eastern at the expense of Humble in violation of the contract. In support of its proposed rate increase for sales to El Paso Natural Gas Company, Humble states that its contract was negotiated at arm's length, the proposed rate is in line with the going price for gas in the Permian Basin area, and suspension would deprive Humble of valuable contract rights without due process of law.

Bel Oil Corporation (Bel Oil) in support of its proposed periodic rate increase states that the increase is provided by a contract which was negotiated at arm's length.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated rate schedules and supplements.

(B) Pending hearings and decisions thereon, Supplements No. 4 to Adams' FPC Gas Rate Schedule Nos. 1 and 2 are hereby suspended and the use thereof deferred until January 17, 1960; Supplement No. 3 to Bradley's FPC Gas Rate Schedule No. 3 is hereby suspended and the use thereof deferred until January 20, 1960; Supplement No. 4 to Carter-Jones' FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until January 20, 1960; Supplement No. 2 to Republic's FPC Gas Rate Schedule No. 18 is hereby suspended and the use thereof deferred until March 19, 1960; Supplement No. 2 to Union's FPC Gas Rate Schedule No. 20 is hereby suspended and the use thereof deferred until February 1, 1960; Shell's FPC Gas Rate Schedule Nos. 210 and 211 and Supplements No. 1 thereto are hereby suspended and the use thereof deferred until January 22, 1960; Supplement No. 3 to West Lake's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until January 22, 1960; Supplements Nos. 14 and 1 to Humble's FPC Gas Rate Schedule Nos. 19 and 144, respectively, are hereby suspended and the use thereof deferred until January 20, 1960 and January 23, 1960, respectively; and Supplement No. 6 to Bel Oil's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until January 24, 1960; each of the aforementioned rate schedules and supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 or 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6898; Filed, Aug. 19, 1959; 8:45 a.m.]

[Docket No. G–19133]

ALGONQUIN GAS TRANSMISSION CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

AUGUST 13, 1959.

Algonquin Gas Transmission Company (Algonquin) on July 14, 1959, tendered for filing First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12 to its FPC Gas Tariff, Original Volume No. 1,[1] proposing an annual increase in its rates and charges for jurisdictional sales of $4,061,925 or 12.1 percent, based on estimated sales for the year ending April 30, 1959. Algonquin also proposes to eliminate upward adjustment of its rates based upon heat content.

The proposed increase is stated to be based upon (1) the recent rate increase application filed by Texas Eastern Transmission Corporation (Texas Eastern), its sole supplier, which was suspended until December 1, 1959, in Docket No. G–18841; (2) a previous increase in Texas Eastern's rates effective subject to refund since November 1, 1957, in Docket No. G–12706; (3) a rate of return of 6½ percent and associated income taxes; and (4) increases in operating expenses to reflect, among other things, increased wages and salaries.

Algonquin requests an effective date of August 14, 1959, or, if suspension is ordered, that the duration of the suspension period be made concurrent with that of Texas Eastern's proposed increase in Docket No. G–18841.

Since the proposed increased rates and charges of Texas Eastern have been suspended and have not yet been shown to be justified, Algonquin's reliance on the proposed increased rates and charges of Texas Eastern is subject to change. Additionally, Algonquin has not fully supported other aspects of its proposed increased rates and charges, including rate base and rate of return and associated income taxes, increases in operating expenses to reflect, among other things, increased wages and salaries, purchased gas volumes and rates, and sales revenues.

The customer companies and the State commissions were invited to submit comments on the proposed increase. To date, comments have been received from the Connecticut and New Jersey Commissions and 18 customer companies, all of which request suspension or investigation.

The increased rates and charges provided for in the revised tariff sheets tendered by Algonquin on July 14, 1959, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Algonquin's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12, as tendered for filing on July 14, 1959, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Algonquin's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12, as tendered for filing on July 14, 1959.

(B) Pending such hearing and decision thereon, Algonquin's proposed First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11–A and 12, as tendered for filing on July 14, 1959, are each hereby suspended, and their use deferred until December 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6899; Filed, Aug. 19, 1959; 8:45 a.m.]

[1] Identically designated tariff sheets tendered for filing by Algonquin on June 28, 1957, contained rates and charges different from those tendered on July 14, 1959. The earlier filings were canceled by order issued April 22, 1959, in Docket No. G–12859.

[Docket No. G–18255 etc.]

MOUNTAIN FUEL SUPPLY CO. ET AL.

Notice of Applications, Consolidating Proceedings and Date of Hearing

AUGUST 14, 1959.

In the matters of Mountain Fuel Supply Company, Docket No. G–18255; Pan American Petroleum Corporation, Docket No. G–16364; Patrick A. Doheny, Docket No. G–17788.

Take notice that Mountain Fuel Supply Company (Mountain Fuel), a Utah corporation, with principal place of business at Salt Lake City, Utah, filed an application in Docket No. G–18255 on April 8, 1959 and a supplement thereto on July 10, 1959, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5 miles of 8-inch lateral pipeline and appurtenant facilities extending from its 16-inch field lateral in the Canyon Creek Field in a northeasterly direction to a point in the Trail Unit Area, all located in Sweetwater County, Wyoming. In addition to the above described facilities Mountain Fuel proposes to construct and operate other field laterals from points along the said 8-inch pipeline to gas wells to be hereafter drilled in the said Trail Unit Area. The purpose of the proposed facilities is to enable Mountain Fuel to take delivery of natural gas into its system which it has contracted to purchase from Pan American Petroleum Corporation (Pan American) and Patrick A. Doheny (Doheny) produced by them in the area.

The total estimated cost of the proposed facilities is $121,100, which cost will be financed from company funds and short term bank loans.

Pan American and Doheny propose to sell natural gas produced by them from two wells in the Trail Unit Area to Mountain Fuel under separate contracts dated April 7, 1958 at an initial rate of 12 cents per Mcf and in volumes approximating 677,260 Mcf per month at 15.025 psia. The gas so produced and sold to Mountain Fuel is to be commingled with other gas transported in interstate commerce and resold for ultimate public consumption for domestic, commercial, industrial and other uses, subject to the jurisdiction of this Commission.

The Trail Unit Area, above referred to, consists of approximately 10,431.72 acres, 1,278.27 acres of which surround the two wells and are in the unit participation.

On September 19, 1958 Pan American Petroleum Corporation filed an application, in Docket No. G–16364 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to make the sale of natural gas above described to Mountain Fuel.

On February 5, 1959 Patrick A. Doheny filed a similar application in Docket No. G–17788 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing him to make the sale of natural gas above described to Mountain Fuel. Doheny and nine associates represent that they own 2,638.32 acres in the Trail Unit Area; but Doheny is the sole representative of all the interests of these co-owners of the gas sale.

These related matters should be heard in a consolidated proceeding and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6900; Filed, Aug. 19, 1959; 8:45 a.m.]

[Docket No. E–6894]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

AUGUST 14, 1959.

Take notice that on August 10, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of $975,000 principal amount of First Mortgage Bonds. The First Mortgage Bonds will be issued by Applicant as a new series under a Trust Indenture dated August 1, 1940, to the Chase Manhattan Bank and Arthur F. Henning, Trustees, as supplemented by certain indentures supplemental thereto and a new Supplemental Indenture. The interest rate and date of maturity of the pro-

posed First Mortgage Bonds will be supplied by Applicant by subsequent amendment to its application. Applicant states that the proceeds from the issuance and sale of the aforesaid bonds are to be applied with other funds to the payment at par of a short-term bank note of $1,200,000 dated September 22, 1958.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fourth day of September 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6901; Filed, Aug. 19, 1959; 8:45 a.m.]

[Docket No. G-17581]

SUNRAY MID-CONTINENT OIL CO.

Notice of Application and Date of Hearing

AUGUST 14, 1959.

Take notice that on January 19, 1959, Sunray Mid-Continent Oil Company (Sunray) filed in Docket No. G-17581 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon natural gas service to Tennessee Gas Transmission Company (Tennessee) from the Walter S. Anderson et al. Lease in the Willow Creek Field, Refugio County, Texas, covered by a gas sales contract dated December 23, 1954, as amended, on file with the Commission as Sunray Mid-Continent Oil Company FPC Gas Rate Schedule No. 128, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

In support of the proposed abandonment, the application states that the available supply of natural gas in the subject acreage is depleted to the extent that continuance of service is unwarranted. The gas sales contract covering the subject sale was terminated on December 19, 1958.

Notice of cancellation of the subject service, filed concurrently with the application herein, is designated as Supplement No. 5 to Sunray Mid-Continent Oil Company FPC Gas Rate Schedule No. 128.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 7, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6902; Filed, Aug. 19, 1959; 8:45 a.m.]

[1] The natural gas service herein proposed to be abandoned was authorized on May 13, 1957, in Docket No. G-11076.

INTERSTATE COMMERCE COMMISSION

[Notice 172]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61508. By order of August 14,1959, the Transfer Board approved the transfer to Tiger Bus Line, Inc., 285 John St., Princeton, N.J., of certificate in No. MC 7349, issued April 20, 1942, to John Vandenberge, doing business as Tiger Bus Line, 285 John St., Princeton, N.J., authorizing the transportation of: Passengers and their baggage, in charter operations, from Princeton, N.J., and points in New Jersey, within 20 miles of Princeton, to Boston, Mass., Chicago, Ill., Arlington, Alexandria and Mt. Vernon, Va., the District of Columbia, and points in Connecticut, Delaware, Maryland, New York, and Pennsylvania.

No. MC-FC 62139. By order of August 13, 1959, the Transfer Board approved the transfer to Charles Adamowitch, Dunstable, Mass., of Certificate in No. MC 102766, issued October 2, 1942, to Ernest P. Coderre, Winchendon, Mass., authorizing the transportation of: *Lumber* and *saw-mill machinery and supplies*, between Quincy, Winchendon, Fitchburg, and Chicopee, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, and Connecticut. Andre J. Barbeau, 795 Elm Street, Manchester, N.J., for applicants.

No. MC-FC 62455. By order of August 13, 1959, the Transfer Board approved the transfer to Burgher Trucking, Inc., Philadelphia, Pa., of a portion of Certificate No. MC 44724, issued June 30, 1[illegible] in the name of White's Delivery Service, Inc., of Philadelphia, Pa., authorizing the transportation of chemicals, in bulk, in tank vehicles, over irregular routes, from Philadelphia, Pa., to points in Delaware and New Jersey, with no transportation for compensation on return. Jacob Polin, P.O. Box 317, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 62461. By order of August 13, 1959 The Transfer Board approved the transfer to L. Daily Thomas of Charlotte, N.C., of a portion of Certificate No. MC 115257 issued August 14, 1956, in the name of Shamrock Van Lines, Inc., of Dallas, Texas, authorizing the transportation, over irregular routes, of building contractors' equipment, between points in those parts of North Carolina, South Carolina, and Virginia within 450 miles of Charlotte, N.C. Allan Watkins and Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga., for transferee and Edward C. Stothart, Jr., Law Building, Charlotte, N.C., for transferor.

No. MC-FC 62474. By order of August 13, 1959, the Transfer Board approved the transfer to George O. Krill of Baltimore, Md., of Permit No. MC 13267 issued July 27, 1943, in the name of George W. Krill, Incorporated, of Baltimore, Md., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in the specified States of Delaware, Virginia, Maryland, Pennsylvania, West Virginia, and the District of Columbia; and fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in Pennsylvania, West Virginia, Delaware, Maryland, Virginia and the District of Columbia to specified points in the states named above. William J. Little, 1513 Fidelity Building, Baltimore 1, Md.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6914; Filed, Aug. 19, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3811]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

AUGUST 14, 1959.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company which is also an electric utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a) and 7 of the Act as applicable to proposed transactions which are summarized as follows:

Utah proposes to borrow from fourteen banks, during the period beginning September 10, 1959 and ending September 29, 1960, amounts not to exceed an aggregate of $25,000,000 as indicated below:

The Chase Manhattan Bank—New York, N.Y.	$8,135,000
Mellon National Bank and Trust Company—Pittsburgh, Pa.	5,750,000
Morgan Guaranty Trust Company of New York—New York, N.Y.	3,000,000
First Security Bank of Utah National Association—Salt Lake City, Utah	2,500,000
Walker Bank & Trust Company—Salt Lake City, Utah	1,500,000
Denver United States National Bank—Denver, Colorado	1,000,000
Harris Trust and Savings Bank—Chicago, Illinois	1,000,000
Zions First National Bank—Salt Lake City, Utah	1,000,000
The Continental Bank and Trust Company—Salt Lake City, Utah	425,000
Commercial Security Bank—Ogden, Utah	370,000
Valley State Bank—South Salt Lake, Utah	100,000
Bank of Utah—Ogden, Utah	90,000
Union Bank & Trust Company—Salt Lake City, Utah	70,000
Carbon Emery Bank—Price Utah	60,000
Total	25,000,000

The above borrowings are to be evidenced by unsecured promissory notes that are to be dated as of the date of each borrowing, are to mature on September 30, 1960, and are to bear interest at the prime commercial rate of The Chase Manhattan Bank for unsecured loans prevailing on the fifth business day prior to the date of each note. The notes may be prepaid in whole or in part at any time without penalty.

The proceeds from the proposed sale of notes together with available cash will be used to pay outstanding short-term notes, to carry on, but not complete, the construction program of Utah and its subsidiaries through 1959 and 1960 which is estimated to aggregate $31,600,000. Utah intends to issue and sell additional securities during the latter half of 1960 in order to provide funds for paying the new notes and to finance the 1960 construction program and carry it forward into 1961.

An application requesting authorization of the proposed bank borrowings has been filed with the Idaho Public Utility Commission and a copy of the order entered in respect thereof is to be supplied by amendment. The declaration states that no other State regulatory body or agency and no Federal Commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

Expenses incident to the proposed transactions are estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than August 31, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6910; Filed, Aug. 19, 1959; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MINORU HONDA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Minoru Honda, P.O. Kosa Kamiso gawa, Kumamoto, Japan; $162.00 in the Treasury of the United States.

Vesting Order No. 16384; Claim No. 62719.

Executed at Washington, D.C., on August 7, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6916; Filed, Aug. 19, 1959; 8:48 a.m.]

RITA BOGENSTATTER ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rita Bogenstatter, Munich, Germany; Cash in the Treasury of the United States: $995.85.

Annelore Hoffmeier, Frankfurt am Main, Germany; Cash in the Treasury of the United States: $497.93.

Vera Schmitz, Mindelheim (Schwaben), Germany; Cash in the Treasury of the United States: $497.92.

Vesting Order No. 17607; Claim No. 59644.

Executed at Washington, D.C., on August 10, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6917; Filed, Aug. 19, 1959; 8:48 a.m.]

INGRID PAULINE SANDRECZKI-HUETTMANN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ingrid Pauline Sandreczki-Huettmann, Marienwerderstrasse 34A, Hamburg-Bramfield, Germany; $39,072.70 in the Treasury of the United States.

Vesting Order No. 1950; Claim No. 66673.

Executed at Washington, D.C., on August 10, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6918; Filed, Aug. 19, 1959; 8:48 a.m.]

HERMANN KUH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hermann Kuh, also known as Hermann Julius Kuh, Nagano Ken, Japan; $8,298.28 in the Treasury of the United States.

Vesting Orders Nos. 5591 and 9762; Claim No. 35422.

Executed at Washington, D.C., on August 14, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6919; Filed, Aug. 19, 1959; 8:48 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 123-57]

CALIFORNIA EMERGENCY DEFENSE COMMITTEE

Notice of Fact That Order Has Become Final Requiring Registration as a Communist-front Organization

William P. Rogers, Attorney General of the United States, petitioner v. California Emergency Defense Committee, respondent.

Pursuant to section 13(g) of Title I of the Internal Security Act of 1950, the Subversive Activities Control Board on April 14, 1959, duly issued and served a report and order requiring the California Emergency Defense Committee to register as a Communist-front organization under section 7 of said Title I. Publication of the order appeared in the FEDERAL REGISTER for April 24, 1959.

The time allowed in section 14(a) of Title I for filing a petition for review having expired and no such petition having been filed, notice is hereby given of the fact that said order has become final under the provisions of section 14(b) of Title I.

Dated: August 14, 1959.

SUBVERSIVE ACTIVITIES CONTROL BOARD,
DOROTHY MCCULLOUGH LEE,
Chairman.

[F.R. Doc. 59-6911; Filed, Aug. 19, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

United States Standards for Beans

On May 19, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 4031) regarding proposed amendments to the United States Standards for Beans (7 CFR 68.101–68.103). A supplemental notice was published in the FEDERAL REGISTER on June 5, 1959 (24 F.R. 4597), providing for certain changes in § 68.103. Consideration has been given to information received in writing and to other information available in the United States Department of Agriculture regarding the proposed amendments. Based upon this information and pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the United States Standards for Beans are amended as follows:

1. In § 68.101 *Terms defined,* redesignate paragraphs (s), (t), and (u) of this section as paragraphs (t), (u), and (v), respectively, and add a new paragraph (s) to read as follows:

(s) *Good natural color.* Good natural color as applied to the general appearance of beans shall mean that the beans in mass are practically free from discoloration and have the natural color and appearance of the class of beans that predominates in the sample.

2. In § 68.102 *Principles governing application of standards,* change paragraphs (b) and (c) of this section to read as follows:

(b) *Percentages.* All percentages shall be determined upon the basis of weight. The percentage of moisture shall be stated in terms of whole and half percents. A fraction of a percent of moisture when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(c) *Moisture.* Moisture content shall be ascertained by the air-oven method for beans prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision) of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

3a. In § 68.103 *Grades, grade requirements and grade designations,* change footnote 3 in paragraph (a) of this section to read as follows:

[3] The beans in the grades U.S. No. 1 and U.S. No. 2 of the classes Yelloweye beans and Old Fashioned Yelloweye beans may contain an additional 5.0 percent of classes that blend when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye beans or Old Fashioned Yelloweye beans.

b. In the table in paragraph (c) of this section change the maximum limits of "Defects consisting of splits, damaged beans, contrasting classes, and foreign material" in the column headed "Total" to 3.0 percent for grade U.S. No. 1, 5.0 percent for grade U.S. No. 2, and 7.0 percent for grade U.S. No. 3.

c. In paragraph (h), subparagraph (1) *Handpicked beans,* subdivision (i) *Requirements* of this section, delete the word "Pinto" from the exception.

d. In paragraph (h), subparagraph (1) *Handpicked beans,* subdivision (ii) *Grade designation* of this section change subdivision (*a*) *Choice handpicked* to read as follows:

(*a*) *Choice handpicked.* Handpicked beans of all classes to which the special grade "Handpicked" applies, except the class "Pinto beans", which meet the grade requirements of grade U.S. No. 1 and which do not contain more than 1.5 percent "total defects", and Pinto beans which meet the grade requirements of grade U.S. No. 1 and which do not contain more than 2.0 percent "total defects", shall be graded and designated as "U.S. Choice Handpicked." Such designation shall precede the name of the class.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

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The amendments incorporate certain changes in the Standards for Beans which were made subsequent to the notices of rule making published in the FEDERAL REGISTER on May 19 and June 5, 1959. These changes were based on comments received pursuant to the notices, and it does not appear that further notice and public participation in rule making procedure would make additional information available to the Department. The amendments to the standards should be made effective for the 1959 crop which will start to move to market about September 1, 1959. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments to the United States Standards for Beans shall become effective September 1, 1959.

Issued at Washington, D.C., this 18th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59–6969; Filed, Aug. 20, 1959; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

VIRGINIA

On June 6, 1959, there were published in the FEDERAL REGISTER (24 F.R. 4635) notices of public hearing and of proposed rule making concerning the quarantining of the State of Virginia because of the soybean cyst nematode.

After public hearing and due consideration of all relevant matters presented pursuant to the notices, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162 150ee), notice of quarantine relating to the soybean cyst nematode (7 CFR 1958 Supp. § 301.79) is hereby amended by deleting the word "and" before the word "Tennessee" therein, and by adding the words "and Virginia" after the word "Tennessee."

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 32; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

This amendment shall become effective August 21, 1959.

The purpose of this amendment is to include the State of Virginia within the area quarantined because of the soybean cyst nematode, the pest having been recently discovered in certain parts of that State. Supplementary administrative instructions are being issued concurrently to place under regulation premises and localities in the State infested with the soybean cyst nematode.

This amendment should be effective as soon as possible in order to be of maximum benefit in preventing the spread of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of August 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59–6957; Filed, Aug. 20, 1959; 8:49 a.m.]

[P.P.C. 624, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79–2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79–2a, as amended (24 F.R. 879, 3955), are hereby revised to read as follows:

§ 301.79–2a Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.

Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 22, T. 5 N., R. 8 E.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

That area bounded on the north by the Arkansas-Missouri State line; and further bounded by a line beginning at the intersection of the Mississippi River levee and Arkansas-Missouri State line and extending southward along said levee to U.S. Highway 61, thence due north along U.S. Highway 61 to its intersection with State Highway 158, thence due west along State Highway 158 to its intersection with State Highway 181, thence due north along State Highway 181 to the western boundary line of sec. 30, T. 15 N., R. 10 E., thence continuing due north along the western boundary lines of secs. 30, 19, 18, 7, and 6, T. 15 N., R. 10 E., and secs. 31, 30, and 19, T. 16 N., R. 10 E., to the Arkansas-Missouri State line.

All of sec. 24, T. 13 N., R. 10 E.

All of the property owned by Mrs. Charles Hale in sec. 19, T. 11 N., R. 11 E.

All the property owned by J. K. Hampson in sec. 19, T. 11 N., R. 11 E.

That portion of secs. 20 and 21, T. 12 N., R. 11 E., lying west of the Mississippi River levee.

All of the property owned by Mrs. R. C. Bryan, and all of the property owned by C. L. Whistle in sec. 13, T. 12 N., R. 10 E.

KENTUCKY

Fulton County. That portion of the N½ sec. 22, T. 1 N., R. 4 W., owned by Jesse McNeill and King McNeill.

That portion of the Norman Sutton farm lying between the levee and the Mississippi River, in sec. 12, T. 1 N., R. 7 W.

The property owned and operated by George Townsend, located 5 miles east of Hickman, this tract of land being the N½ of SW¼ of sec. 23, T. 1 N., R. 4 W.

The property of John E. Vaughn, consisting of 379 acres located in the S½ of sec. 7

and in the northern part of sec. 18, R. 6 W., T. 1 N.

The property of Mrs. Tom H. McMurry, consisting of 240 acres located in the SE¼ and E½ of SW¼ of sec. 22, T. 1 N., R. 4 W.

All of the area known as the detached portion of Fulton County.

All of Island No. 8 in the Mississippi River.

MISSISSIPPI

De Soto County. That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

MISSOURI

Dunklin County. The property owned and operated by Martis Overby, located in the E½ of sec. 23, T. 16 N., R. 7 E.

The property owned by H. O. Thrasher and operated by Charles Williams, being the NE¼ of the NE¼ of sec. 23, T. 16 N., R. 7 E.

New Madrid County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending north approximately two and one-half miles to the E. B. Gee Cotton Gin corner, and thence northwestward on a gravel road, continuing northwestward to No. 1 drainage ditch, thence northeast along the No. 1 drainage ditch to the point where it intersects U.S. Highway 62 and thence east to the point where U.S. Highway 62 intersects U.S. Highway 61 and thence east on the section line common to secs. 12 and 13, T. 22 N., R. 13 E., and continuing directly east to the Mississippi River.

The property owned by H. E. Hunter and operated by T. C. Wiley, Claudie Harris, M. B. Young, and Roosevelt Walker, located on the north and south sides of a dirt road, at a point approximately 0.6 mile west of the junction of this dirt road with U.S. Highway 61 at Ristine.

Pemiscot County. That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

The property owned and operated by Royal Sanders, being the N½ of sec. 24, and SW¼ of sec. 13, T. 17 N., R. 10 E.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W½NE¼ sec. 16, T. 27 N., R. 12 E.

NORTH CAROLINA

Camden County. The property owned by Woodson Farrill and operated by Vernon Brown, located 1 mile east of Shiloh on the west side of a paved road connecting State Highway 343 and Riddle; the property being at a point 0.4 mile north of the junction of this paved road and State Highway 343.

The property owned and operated by Frank Sawyer, located at Tar Corner north of the Sharon-Tar Corner and the Moyock-Tar Corner road intersection.

The property owned by Dr. J. B. Sawyer and operated by J. W. Forbes, located on the east side of the Shawboro-Old Trap Road 0.1 mile south of Cow Creek, and 0.1 mile east of the Shawboro-Old Trap Road just north of a graded and drained road.

The property owned and operated by Mack L. Sawyer, located 0.3 mile west of Pearceville and 0.1 mile north of South Mills-Pearceville highway on both sides of a stone surfaced road.

Currituck County. The property owned by P. P. Gregory and operated by Charlie Anderson, located on the east side of the Shawboro-Old Trap Road 0.4 mile north of Indiantown Creek.

Gates County. That portion of the county bounded by a line beginning at a point where State Highway 32 crosses the North Carolina-Virginia State line, thence east along the State line to the Camden County line, thence in a southwesterly direction along the west edge of the Great Dismal Swamp to a point 1.4 miles east of Corapeake on Corapeake Highway, thence along said Highway in a westerly direction to Corapeake, thence along State Highway 32 from Corapeake to the Virginia State line, the point of beginning, excluding the corporate limits of Corapeake.

New Hanover County. That area bounded by a line beginning at the North East Cape Fear River Bridge on A.C.L. Railroad and extending southward along said railroad to Prince George Creek, thence along said creek westward to U.S. Highway 117, thence southward along U.S. Highway 117 to a drain ditch approximately one-tenth mile south of the entrance to the North Carolina Vegetable Research Station, thence in a northwesterly direction to the point where Prince George Creek empties into the North East Cape Fear River, thence upstream following said river to said A.C.L. Railroad bridge.

The area bounded by a line beginning at a point where the A.C.L. Railroad crosses Smith Creek and extending northeast along said railroad to its junction with State Highway 132, thence southeast along State Highway 132 to its junction with Smith Creek, thence west along said Creek to the A.C.L. Railroad bridge, the point of beginning, excluding all of New Hanover County Airport.

The property owned and operated by W. A. Buck, located on the west side of U.S. Highway 117, across from Wrightsboro school and approximately 1,400 feet north of the intersection of U.S. Highway 117 and Winter Park-Wrightsboro Road.

The property owned and operated by H. C. Johnson, located on the northeast side of Gordon Road 0.6 mile northwest of the intersection of Gordon Road and U.S. Highway 17.

The property owned and operated by J. D. Murray, located at the end of Murrayville Road 2.2 miles from its intersection with Winter Park-Wrightsboro Road.

The property located at the west end of Chair Road, owned and operated by the Peschau Estate.

The property owned and operated by A. G. Seitter, Sr., located on the west side of U.S. Highway 117 and approximately 50 feet north of the junction of U.S. Highway 117 and Winter Park-Wrightsboro Road.

The property, consisting of two fields, owned and operated by D. Swart and Sons, located 1.3 miles south of the intersection of Skippers Corner Road and Atlantic Coastline Railroad and approximately 1 mile east of U.S. Highway 117.

The property owned and operated by Alex Trask, located west of Blue Clay Road and beginning at a point approximately 1,000 feet north of the intersection of Blue Clay Road and Winter Park-Wrightsboro Road and extending northward along Blue Clay Road for approximately 1,400 feet to a ditch separating the Trask and Cox properties.

The property owned and operated by Alex Trask, located on the north side of Murrayville Road and east of State Highway 132 at the intersection of these two roads.

The property owned and operated by Raiford Trask, located on the west side of Blue Clay Road 0.3 mile north of Wrightsboro.

The property owned and operated by Raiford Trask as a packing and storage area, located just south of Wrightsboro Station on the west side of A. C. L. Railroad.

Pasquotank County. The property owned by Everette L. Brothers and operated by George Hewett, located on the west side of the Pasquotank River, approximately 1.7 miles west of the bridge where U.S. Highway 17 crosses the Pasquotank River.

The two properties owned by Hubert Cartwright and operated by Elbert Bray, located 0.2 mile north of Knobbs Creek and 1 mile east of the Knobbs Creek Berea Baptist Church Bridge, east of a stone surfaced road.

The property owned by Carlton Dozier and operated by Elbert Bray, located 0.4 mile north of Knobbs Creek and 0.8 mile east of the Knobbs Creek Berea Baptist Church Bridge, west of a stone surfaced road.

The property owned and operated by Moody Meads, located 4.1 miles southeast of Nixonton and 1 mile east of Eureka Pilgrim Church on the northwest side of the unnumbered paved road on which that church is located.

The property owned and operated by John Owens, located 1.3 miles south of Elizabeth City city limits, 0.8 mile east of Pear Tree Road extension and on the south side of the street on a surfaced road that begins 0.8 mile south of U.S.N. Air Facility Railroad crossing.

The property owned by Alfred Turner and operated by Ike Harris, located 0.4 mile north of Knobbs Creek and 1.7 miles east of Knobbs Creek Berea Baptist Church Bridge, north and east of the bend in an unnumbered paved road.

The property owned by Buck Turner and operated by Ike Harris, located 0.5 mile north of Knobbs Creek and 1.4 miles east of the Knobbs Creek Berea Baptist Church Bridge west of a stone surfaced road.

Pender County. That area bounded by a line beginning at a point where State Highway 210 crosses the Northeast Cape Fear River, thence in a southeasterly direction along said river to its junction with the Clayton Creek; thence in a southeasterly direction along said creek to its end; thence following a straight line in a northerly direction to State Highway 210 at a point where a graded and drained road intersects with State Highway 210, said intersection being 14 miles east of U.S. Highway 117; thence along State Highway 210 in an easterly direction to its point of beginning.

The property owned and operated by Mike Boryk, located on the west side of Burgaw-Long Creek Road 0.2 mile south of Burgaw city limits.

The property owned and operated by P. Brack, known as Marlboro Farm, located on the west side of U.S. Highway 117, approximately 0.7 mile north of Paul's Place. Also, that property owned and operated by P. Brack adjoining Marlboro Farm on the south.

The property owned and operated by Arnold Clark, located on the west side of Kelly Road at the junction of State Highway 210 and Kelly Road with State Highway 40.

The property owned and operated by Henry Clark, located at the intersection of Kelly Road and State Highway 210, being on the north side of State Highway 210 and the east side of Kelly Road, approximately 500 feet north of the intersection of Kelly Road and State Highway 40.

The property owned and operated by Henry Clark, located on the south side of State Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by Dr. J. D. Freeman, located on the south side of State Highway 210, 1.8 miles east of Northeast Cape Fear River.

The property owned and operated by P. Katalinic, located on the east and west side of U.S. Highway 117 at the junction of Stag Park Road and U.S. Highway 117.

The property owned and operated by W. R. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

The property owned and operated by W. R. Motley, located on the east side of Kelly Road 1.1 miles northeast of the junction of Kelly Road and State Highway 40.

The property owned and operated by Paul Paskas, located approximately 1.9 miles west of Paul's Place and 0.3 mile north of State Highway 40.

The property owned and operated by C. Heide Trask heirs, located on the north side of State Highway 210, 1.6 miles east of U.S. Highway 117.

The two properties owned and operated by C. Heide Trask heirs, located on the south side of State Highway 210 and 1.5 miles west of the junction of U.S. Highway 117 and State Highway 210.

The property owned and operated by Boney Wilson, located on the southwest side of State Highway 210 and approximately 0.2 mile northwest of Clark's Landing Highway.

Perquimans County. The property owned and operated by L. R. Stalling located on the west side of the Nicanor-Morgans Corner road 1.1 miles southwest of the Perquimans-Pasquotank County line.

TENNESSEE

Dyer County. All of the county except Civil Districts 1, 7, 8, and 9.

Gibson County. Civil Districts 10 and 24.

Haywood County. The farm owned by Jack Savage Gause, also known as the Old Mail Place, consisting of 221 acres, located in Civil District 11 on the northside of the Nutbush-Durhamville Road, 2.1 miles southwest of the intersection at Nutbush of Haywood County Road 8051 and State Highway 19.

Lake County. The entire county.

Lauderdale County. Civil Districts 4, 5, 8, 9, 12, and 13; and that part of Civil District 11 consisting of a 40-acre farm, owned by Mrs. Dezzie Mae Clark, known as the Old Hunt Farm on county Highway 8045, 1.2 miles southwest of the junction of county Highway 8045 with State Highway 19.

Obion County. All Civil Districts except 1, 2, 7, and 16.

Shelby County. That part of Shelby County known as President's Island.

Tipton County. That part of Civil District 3 consisting of a 57-acre farm owned by Herbert E. Baskin, known as the Old Jack Baskin place, located on the west side of Turkey Scratch Road, 2.2 miles southeast of R. M. Burlison's store. This store is located 2 miles west of Burlison Post Office on Highway 59.

That part of Civil District 3 consisting of a 70-acre farm owned by Mrs. O. H. Blankenship, known as the Old John Yount place, located on the west side of Turkey Scratch Road, 2.3 miles southeast of R. M. Burlison's store. This store is located 2 miles west of Burlison Post Office on Highway 59.

VIRGINIA

Nansemond County. That portion of the county bounded by a line beginning at the junction of State Roads 32 and 678 and extending east on State Road 678 to the western boundary of the property owned and operated by E. Hurley Brinkley, thence north and east along the boundaries of said property and continuing east along the northern boundary of the property owned and operated by Willie C. Knight to State Road 604; thence south on State Road 604 to the northern boundary of the property owned and operated by Raymond R. Brinkley; thence east along the northern boundary of said property to the Dismal Swamp; thence south along the Dismal Swamp to the North Carolina-Virginia State line; thence west along the State line to State Road 32, thence northward to the point of beginning.

That portion of the county bounded by a line beginning at the junction of State Road 616 and the Nansemond-Isle of Wight County line; thence southeast to the junction of State Road 615; thence north along State Road 615 following the west and northern boundaries of the properties owned and operated by C. E. Daughtery and Jasper W. Daughtery; thence along the western and northern boundaries of the property owned and operated by Frank Holland and Mary L. Holland to the eastern boundary of this property; thence along the eastern boundary of the property owned and operated by Lydia and J. E. Griffin to State Road 189; thence east along State Road 189 and south along the eastern boundaries of the properties owned and operated by James E. Rawls and Washington Brown to State Road 616; thence across State Road 616 to include the entire property owned and operated by Clifford D. Holland; and thence from the junction of the northern boundary of said farm and State Road 616 northwest along State Road 616 to the property owned by Helen I. Lawrence and operated by Michael Carter; thence along the eastern and southern boundaries of said property to State Road 189; thence along State Road 189 to include all of the property owned by R. Kermit Saunders and operated by Leo Saunders on both sides of said road; thence in a northerly direction to the junction of State Roads 615 and 618; thence west along State Road 618 to the Nansemond-Isle of Wight County line; thence northeast along said county line, including that portion of the property owned by Carlton L. Cutchin and operated by Elmer Darden in Isle of Wight County to the point of beginning.

The property owned and operated by Percy L. Artic located on State Road 679, one mile southeast of the junction of State Road 189.

The property owned and operated by Hurley B. Aswell and the property owned and operated by Gurney C. Hare, located at the junction of State Roads 642 and 673, and the adjacent property owned by the M. Gay Taylor Estate and Priscilla Vann and operated by Bernard Knight on State Road 673.

The property owned by Rudolph C. Badger and operated by Arran K. Morriss, located at the junction of State Roads 642 and 674.

The property owned and operated by Shirley M. Baines, located on the east side of State Road 642 at the northern junction of State Roads 642 and 678, and the adjoining property to the east owned and operated by Pearl Brinkley.

The property owned by J. M. Brinkley and operated by Eddie A. Kelly, located on the west side of State Road 32, one-quarter mile north of the junction of State Roads 678 and 32.

The properties owned by Reginald E. Brothers, Carrie B. Knight and Willie C. Knight and operated by Willie C. Knight, located at the junction of State Roads 675 and 642.

The property owned by Robert D. Butler and operated by Moody G. Gardner, located on the east side of State Road 614 at the Nansemond-Isle of Wight County line.

The property owned and operated by W. H. Howell, located 0.5 mile southwest of the village of Ellwood.

The property owned by Elliott L. Johnson and operated by Jesse F. Johnson, located on both sides of U.S. Highway 58 at the Nansemond-Isle of Wight County line including that portion extending into Isle of Wight County and the adjoining property on the southeast owned and operated by Jasper Daughtery, Jr.

The property owned by Ruby Parker Jones and operated by Lawrence E. Holland and the property owned and operated by Lawrence F. Jones, located at the junction of State Roads 666 and 615.

The property owned by Eddie A. Kelly and operated by Willie and William Mathias, located on State Road 678 one mile west of its junction with State Road 32.

The property owned by Rachel Lassiter and operated by Vernon Lassiter, located on State Road 674, 0.5 mile east of the Atlantic Coast Line Railroad tracks.

The property owned and operated by Linwood Parker, located on State Road 604, 0.5 mile southeast of State Road 642.

The property owned by Dr. W. John Norfleet and operated by J. C. Britton, and the property owned by David L. Rawles, Jr. and operated by Augusta B. Nickols, located at the junction of State Roads 616 and 664.

The property owned by the W. Joe Smith Estate and operated by Gerald Rountree and C. C. Adams, located at the junction of State Roads 612 and 664 and lying on the southwest side of State Road 612.

The property owned by Lonnie J. Wilkins and operated by Lonnie J. Wilkins and James A. Marcum, located at the junction of State Roads 612 and 661 and lying on the west side of State Road 612.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR 301.79–2)

The foregoing administrative instructions shall become effective August 21, 1959, and shall supersede those contained in P.P.C. 624, 3d Rev., effective February 6, 1959, as amended effective May 15, 1959 (7 CFR 301.79–2a; 24 F.R. 879, 3955).

This revision places under regulation for the first time areas within the State of Virginia, involving two circumscribed areas and 24 individual farms. It also adds to the areas now regulated in Arkansas, Kentucky, North Carolina, and Tennessee.

These revised instructions should be made effective as soon as possible with respect to the newly regulated areas in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to these instructions are impracticable and unnecessary, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of August 1959.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 59-6956; Filed, Aug. 20, 1959; 8:49 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 729—PEANUTS

Allotment and Marketing Quota Regulations for 1959 and Subsequent Crops

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of revising the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677) to announce the basic rate of marketing quota penalty applicable to the marketing of excess peanuts of the 1959 crop. As the marketing of 1959 crop peanuts is beginning in some peanut-producing

States and as this amendment announces the basic rate of marketing quota penalty applicable to 1959 crop peanuts produced on acreage in excess of farm allotments, this amendment should be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impracticable and contrary to the public interest and the amendment specified below shall become effective upon the filing of this document with the Director, Division of the Federal Register.

The Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677) are hereby amended as follows:

Section 729.1050(a) is amended by adding a sentence thereto reading: "The basic support price for peanuts for the marketing year beginning August 1, 1959, and ending July 31, 1960, is $193.50 per ton or 9.67 cents per pound and, therefore, the basic penalty rate for the 1959 crop of peanuts is 7.2 cents per pound."

(Sec. 375, 52 Stat. 38, 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 373, 52 Stat. 38, 65, as amended; secs. 358, 359, 55 Stat. 88, 90, as amended; 7 U.S.C. 1373, 1358, 1359)

Done at Washington, D.C., this 18th day of August 1959.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–6971; Filed, Aug. 20, 1959; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for Crop Year Beginning July 1, 1959

Notice was published in the FEDERAL REGISTER on July 28, 1959 (24 F.R. 6005), that there was under consideration a proposed rule to establish certain control percentages for almonds grown in California applicable during the marketing year beginning July 1, 1959. The proposed percentages were based on recommendations of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909) regulating the handling of almonds grown in California effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file data, views, or arguments with the Department for consideration prior to establishment of the percentages. Three such communications have been received suggesting that the proposed surplus percentage be reduced by making provision for a greater trade demand than the 48 million pounds estimated. Such amount, however, allows for an approximate 26 percent increase in trade demand over the average of recent years.

The Crop Reporting Board estimate of California almond production has been revised downward from 72,000 tons in July to 70,000 tons in August. On the basis of the latest estimate, it is necessary to increase the proposed salable percentage to 70 percent and reduce the surplus to 30 percent in order to provide for the estimated trade demand and carryover requirements set forth in the proposed rule.

After consideration of all relevant matters presented, including other information available, it is hereby found that to establish the salable and surplus percentages hereinafter set forth, applicable to California almonds during the 1959–60 crop year, will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That the salable and surplus percentages for almonds received by handlers for their own accounts during the 1958–59 crop year shall be as follows:

§ 909.209 Salable and surplus percentages for almonds during the crop year beginning July 1, 1959.

The salable and surplus percentages during the crop year beginning July 1, 1959, applicable to the total kernel weight of almonds received by handlers for their own accounts, shall be 70 percent and 30 percent, respectively.

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) for the reasons that: (1) The percentages hereby established apply to all almonds received by handlers for their own accounts during the crop year which began July 1, 1959, and such receipts have already begun; (2) since the percentages of the 1958–59 crop year continue in effect until percentages are established for the 1959–60 crop year and the withholding requirements for almonds received or handled during the 1959–60 crop year are then required to be adjusted to the new percentages, such new percentages should be made effective promptly so as to minimize such adjustments; (3) prompt establishment of these percentages provides a basis for negotiation and settlement between handlers and growers; (4) handlers are aware of the proposal to establish control percentages for the current crop year; and (5) compliance with obligations imposed by the percentages herein established will require no special advance preparation on the part of handlers.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–6970; Filed, Aug. 20, 1959; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7272 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Comstock Chemical Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection or standards;* § 13.110 *Indorsements, approval, and testimonials;* § 13.170 *Qualities or properties of product or service;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts;* § 13.235 *Source or origin:* Maker or seller, etc. Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Comstock Chemical Company, Inc., et al., New York, N.Y., Docket 7272, July 9, 1959]

In the Matter of Comstock Chemical Company, Inc., a Corporation, David L. Ratke, and Herman Liebenson, Individually and as Officers of Said Corporation, and Monroe Caine, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors with advertising falsely the quality, composition, characteristics, performance, endorsement, and guarantee of a chemically impregnated cleaning and polishing mitt for automobiles designated "Roll-A-Shine", by such statements, among others as that the mitt had been developed by General Electric Company, had been used, tested, and approved by the Army and Navy and endorsed by Readers Digest, was unconditionally guaranteed for three years and would last three years, etc.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Comstock Chemical Company, Inc., a corporation, and its officers, and David L. Ratke and Herman Liebenson, individually and as officers of said corporation, and Monroe Caine, an individual, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a mitt or cloth impregnated with a silicone and a wax or any substantially similar product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly representing:

1. That use of said products eliminates automobile waxing, washing or polishing forever; or that said products are a substitute for, or eliminate, the need for waxing, washing or polishing automobiles for a period of time or to an extent greater than that actually afforded by said products.

2. That said products have been endorsed or approved by Reader's Digest magazine; or that said products have been endorsed or approved by any other person, firm or corporation, unless such is the fact.

3. That a single treatment with said products imparts to the user's automobile a lustrous, rust-proof, protective coating durable for a period of six months; or that said products will provide a lustrous, rust-proof, or protective coating or finish to the object to which applied for a period of time greater than that actually provided.

4. That the finish or coating imparted by said products to the object to which applied is more durable than the finish or coating imparted by wax.

5. That the finish or coating imparted by said products to the object to which applied will withstand and be unaffected by the elements of weather.

6. That the finish or coating imparted by said products to the object to which applied will be unaffected by or impenetrable to grease, grime or other substances harmful to the finish of said objects.

7. That the protective coating imparted by said products to the object to which applied renders chrome rust-proof.

8. That said products were discovered or developed by the General Electric Company of Schenectady, New York; or that said products were developed by any other person, firm or corporation, unless such is the fact.

9. That said products have been tested, used or approved by the United States Army or the United States Navy; or that said products have been tested, used or approved by any other military or public organization, unless such is the fact.

10. That said products are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

11. That the amount, quantity, or size of a single unit of sale of said products is sufficient to provide the advertised or otherwise represented kind of service or performance for a period of time greater than will be in fact so provided when subjected to normal usage in the manner and for the purposes advertised or represented.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 10, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–6942; Filed, Aug. 20, 1959; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Republication of Part

Correction

In F.R. Document 59–6643, appearing in the issue of Wednesday, August 12, 1959, at page 6478, insert the following note following § 19.790:

NOTE: § 19.790 was stayed in its entirety at 22 F.R. 7785, Oct. 2, 1957.

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cold Pack Cheese Food; Standards of Identity

Correction

In F.R. Document 59–6644, appearing in the issue of Thursday, August 13, 1959, at page 6581, the heading for § 19.787 should read as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Certain Chlorcyclizine Hydrochloride and Certain Methoxyphenamine Hydrochloride Preparations; Exemption From Prescription-Dispensing Requirements

There was published in the FEDERAL REGISTER of July 2, 1959 (24 F.R. 5391), notice of a proposal to amend § 130.102 (a) for the purpose of exempting certain chlorcyclizine hydrochloride and certain methoxyphenamine hydrochloride preparations from the prescription-dispensing requirements of section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act. No comments having been filed within the 30-day period stipulated in the above-identified notice, the amendments set out below are ordered, effective 30 days from the date of publication in the FEDERAL REGISTER, pursuant to authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701, 65 Stat. 649, 52 Stat. 1052, 1055, as amended 72 Stat. 948; 21 U.S.C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 130.101 (b)).

Section 130.102(a) is amended by adding thereto the following new subparagraphs:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) • • •

(25) Chlorcyclizine hydrochloride (1-(*p*-chlorobenzhydryl) - 4 - methylpiperazine hydrochloride) preparations meeting all the following conditions:

(i) The chlorcyclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The chlorcyclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of chlorcyclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 25 milligrams of chlorcyclizine hydrochloride per dose or 75 milligrams of chlorcyclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, or exceeding the recommended dosage unless directed by a physician, and against driving a car or operating machinery while taking the drug, since it may cause drowsiness.

(b) If the article is offered for the temporary relief of symptoms of colds, a statement that continued administration for such use should not exceed 3 days, unless directed by a physician.

(26) Methoxyphenamine hydrochloride (β-(o-methoxyphenyl)-isopropylmethylamine hydrochloride; 1-(o-methoxyphenyl)-2-methylaminopropane hydrochloride) preparations meeting all the following conditions:

(i) The methoxyphenamine hydrochloride is prepared with appropriate amounts of a suitable antitussive, with

or without other drugs, in a dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The methoxyphenamine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains not more than 3.5 milligrams of methoxyphenamine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 35 milligrams of methoxyphenamine hydrochloride per dose or 140 milligrams of methoxyphenamine hydrochloride per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 6 years of age, unless directed by a physician.

(*b*) A clear warning statement to the effect that frequent or prolonged use may cause nervousness, restlessness, or drowsiness, and that individuals with high blood pressure, heart disease, diabetes, or thyroid disease should not use the preparation unless directed by a physician.

(*c*) A clear warning statement against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U.S.C. 353, 355)

Dated: August 14, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-6954; Filed, Aug. 20, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 19—CITIZENS RADIO SERVICE

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 19, Citizens Radio Service; and

It appearing that the amendments ordered herein are to correct typographical errors or are otherwise editorial and non-substantive in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that authority for the amendments ordered herein is contained in sections 4(i), 5(d)(1) and 303 of the Communications Act of 1934, as amended and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 14th day of August 1959, effective August 21, 1959, Part 19 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 19.2(b) to read as follows:

§ 19.2 Definitions.

* * * * *

(b) *Definitions of stations.*

* * * * *

Class C station. A mobile station in the Citizens Radio Service operating on an authorized frequency in the 26.96–27.23 Mc frequency band, or on the frequency 27.255 Mc, for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention. (Class C stations are authorized to operate as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.)

2. Amend § 19.24(b) to read as follows:

§ 19.24 Changes in authorized stations.

* * * * *

(b) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided that the particular equipment to be installed is included in the Commission's "Radio Equipment List, Part C", or, in the case of a Class C or Class D station using crystal control, the substitute equipment is crystal controlled; and provided the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

3. Amend § 19.25(b) to read as follows:

§ 19.25 Limitation on antenna structures.

* * * * *

(b) In cases where an FCC Form 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, as well as specifications for obstruction marking when required, may be obtained from Part 17 of this chapter.

4. Amend that portion of the text preceding the table in paragraph (c) of § 19.31 to read as follows:

§ 19.31 Frequencies available.

* * * * *

(c) The following frequencies are available for use by Class C mobile stations when employing amplitude tone modulation or on-off keying of the unmodulated carrier for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, on a shared basis with other stations in the Citizens Radio Service, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 Mc:

5. Amend paragraphs (b), (c) and (d) of § 19.34 to read as follows:

§ 19.34 Types of emission.

* * * * *

(b) Class B stations in this service are authorized to use amplitude or frequency modulation, or on-off unmodulated carrier, and may be used for radiotelephony, to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention.

(c) Class C stations in this service are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the control of remote objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention. The authorization of a Class C station shall not be construed to include authority for the transmission of any form of intelligence.

(d) Class D stations in this service are authorized to use amplitude voice modulation for radiotelephone communications only. The authorization of Type A3 emission to a Class D station shall not be construed to include authority for the transmission of any form of radiotelegraphy; however, it will be construed to include the use of tone signals or signalling devices whose sole function is to establish and maintain voice communication between stations.

6. Amend § 19.93(e) to read as follows:

§ 19.93 Civil Defense communications.

* * * * *

(e) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

[F.R. Doc. 59-6964; Filed, Aug. 20, 1959; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 21—FIRST CLASS

PART 22—SECOND CLASS

PART 23—CONTROLLED CIRCULATION PUBLICATION

PART 25—FOURTH CLASS

PART 26—AIRMAIL

PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

PART 29—MIXED CLASSES

PART 33—METERED STAMPS

PART 34—PERMIT IMPRINTS

PART 35—PHILATELY

PART 43—MAIL DEPOSIT AND COLLECTION

PART 47—FORWARDING MAIL

PART 48—UNDELIVERABLE MAIL

PART 56—SPECIAL DELIVERY

PART 57—SPECIAL HANDLING

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

§ 21.2 [Amendment]

I. In § 21.2 *Classification* make the following changes:

A. Amend subparagraph (4) of paragraph (b) for the purpose of classification to read as follows:

(4) Stamps on cards enclosed in outer wrappers may not apply as postage on the mailing piece.

NOTE: The corresponding Postal Manual section is 131.224.

B. In paragraph (c) make the following changes:

1. Subdivision (ii) of subparagraph (3) is amended to indicate that business reply mail may not be prepared for return as special service mail with fee collectible on return, so that the subdivision reads:

(ii) The amount to be collected, which may not include fees for any special services, is computed as follows:

(*a*) *Post cards.* The rate for post cards or air post cards, whichever is applicable, plus 2 cents each. (See §§ 21.1 and 26.6 of this chapter.) Cards that do not conform to the specifications for post cards (paragraph (a)(7) of this section) are subject to the postage chargeable under (b) of this subdivision.

(*b*) *Envelopes and packages.* (*1*) Weight of piece not over two ounces: First-class or airmail rate of postage, whichever is applicable, plus 2 cents each. (See §§ 21.1 and 26.1 of this chapter.)

(*2*) Weight of piece over two ounces: First-class or airmail rate, whichever is applicable, plus 5 cents each. (See §§ 21.1 and 26.1 of this chapter.)

2. Subparagraph (5) is amended to require full prepayment when a mailer desires to have a business reply piece returned by air when prepared by the distributor for return via surface mail, so that subparagraph (5) reads as follows:

(5) *Distribution.* Business reply cards, envelopes, cartons, and labels may be distributed:

(i) In any quantity for return by surface or airmail. When prepared by the distributor for return by surface mail, business reply mail may not be accepted for return by air unless postage is fully prepaid at the airmail rate.

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They should not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons for receipt of mail.

NOTE: The corresponding Postal Manual sections are 131.233b and 131.235.

(R.S. 161, as amended, 396, as amended; sec 2, 45 Stat. 940, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 303)

§ 22.1 [Amendment]

II. In § 22.1 *Second-class rates* subparagraph (3) of paragraph (b) is amended to clarify the fact that classroom second-class publications are subject to a minimum charge of ⅛ cent per copy, so that subparagraph (3) reads as follows:

(3) *Classroom publications.* Religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes (minimum ⅛ cent per copy):

	Cents per pound
Nonadvertising portion	1.5
Advertising portion:	
First and second zone	1.5
Third zone	2
Fourth zone	3
Fifth zone	4
Sixth zone	5
Seventh zone	6
Eighth zone	7

NOTE: The corresponding Postal Manual section is 132.123.

(R.S. 161, as amended, 396, as amended, sec. 2, 65 Stat. 672, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 289a)

§ 22.2 [Amendment]

III. In § 22.2 *Qualification for second-class privileges* amend the parenthetical phrase immediately following the last sentence of subparagraph (6) of paragraph (e) to read as follows: "(§ 16.2(f) of this chapter)".

NOTE: The corresponding Postal Manual section is 132.25f.

(R.S. 161, as amended, 396, as amended; sec. 1, 25 Stat. 1, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 249)

§ 22.3 [Amendment]

IV. In § 22.3 *Applications for second-class privileges* make the following changes:

A. Amend paragraph (b) for purpose of clarification to read as follows:

(b) *Acceptance after application is filed.* Publishers or news agents may not mail at the second-class rates until the application for second-class privileges is approved by the Director, Postal Services Division, Bureau of Operations. See paragraph (f) of this section. Postmasters may not accept mailings at the second-class rates until they receive a written authorization from the Director, Postal Services Division. Postage at the applicable third- or fourth-class rates may be paid in money on mailings made while an application is pending. The postmaster will keep a record of such mailings on Form 3503, "Temporary Permit Conditionally Accepting Newspapers and Other Publications for Mailing in the Manner in Which Second-Class Matter Is Mailed", and if second-class privileges are authorized by the Director, Postal Services Division, he will be instructed to return to the publishers or news agents the difference between the third- or fourth-class rates and the second-class rates. Form 3503 will not be kept and the difference will not be returned when postage is paid by stamps affixed.

NOTE: The corresponding Postal Manual section is 132.32.

B. In subparagraph (4) of paragraph (c) amend the parenthetical phrase immediately following the last sentence to read as follows: "(See § 16.3(f) of this chapter)".

NOTE: The corresponding Postal Manual section is 132.33d.

C. Amend paragraph (d) to include a provision authorizing the mailing of a publication at second-class rates of postage during the time application for reentry is pending, so that the paragraph reads:

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 "Application for Re-entry of Second-Class Publication," at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office or place of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters.

NOTE: The corresponding Postal Manual section is 132.34.

D. A new paragraph (f) has been added to include regulations relating to the granting, denial, suspension, or annulment of second-class mailing privileges.

(f) *Granting or denial of application.* The Director, Postal Services Division, Bureau of Operations, rules on all ap-

plications. If he grants the application, he notifies the postmaster at the office where the application for original entry was filed, who in turn notifies the applicant. Before taking action on an application, the Director may call on the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish the information requested may be cause for denial of the application as incomplete or, on its face, not fulfilling the requirements for entry. If the Director denies the application, he must notify the publisher specifying the reasons for the denial. The denial becomes effective in 15 days from receipt of the notice by the publisher unless the publisher appeals therefrom. See § 22.8(c).

NOTE: The corresponding Postal Manual section is 132.36.

(R.S. 161, as amended, 396, as amended, sec. 2, 65 Stat. 672, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 289a)

§ 22.8 [Amendment]

V. In § 22.8 *Cancellation of second-class privileges* make the following changes to include regulations relating to the granting, denial, suspension, or annulment of second-class mailing privileges:

A. Redesignate paragraph (b) as paragraph (c) and insert a new paragraph (b) to read as follows:

(b) The Director, Postal Services Division, Bureau of Operations, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Director determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons therefor. The ruling becomes effective in 15 days from receipt by the publisher unless the publisher appeals therefrom. See paragraph (c) of this section.

NOTE: The corresponding Postal Manual section is 132.82.

B. New paragraph (c) is amended to read as follows:

(c) A copy of the procedures governing administrative appeals and hearings relative to the denial, suspension, or annulment of second-class mail privileges may be obtained from the Director, Postal Services Division, Bureau of Operations.

NOTE: The corresponding Postal Manual section is 132.83.

(R.S. 161, as amended, 396, as amended, sec. 5, 18, Stat. 232, as amended, sec. 1, 31 Stat. 1107, sec. 2, 65 Stat. 672, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 232, 283, 289a)

§ 23.2 [Amendment]

VI. In § 23.2 *Permits* the last sentence of paragraph (b) is amended by adding the phrase "by the Director, Postal Service Division", so that the last sentence reads: "Notice of authorization or disapproval will be furnished by the director, Postal Services Division."

NOTE: The corresponding Postal Manual section is 133.22.

(R.S. 161, as amended, 396, as amended, sec. 203, 62 Stat. 1262, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 291b)

§ 25.2 [Amendment]

VII. In § 25.2 *Classification* subparagraph (5) of paragraph (a) has been amended for the purpose of clarification to read as follows:

(5) The rates in § 25.1(d) are for:

(i) The following items when loaned or exchanged between schools, colleges, or universities and public libraries, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when sent on loan or exchange between those libraries, organizations, or associations and their members, readers, or borrowers:

(*a*) Books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Bound volumes of periodicals.

(*e*) Phonograph recordings.

(*f*) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(ii) The following items when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations:

(*a*) 16-millimeter films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(*b*) Sound recordings.

(*c*) Catalogs of the materials in clause (*a*) and (*b*) of paragraph (a)(5)(ii) of this section having 24 or more pages, at least 22 of which are printed.

NOTE: The corresponding Postal Manual section is 135.215.

(R.S. 161, as amended, 396, as amended, 3879, as amended, sec. 204, 62 Stat. 1262, as amended, sec. 1, 65 Stat. 610, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 240a, 292a)

§ 25.3 [Amendment]

VIII. In § 25.3 *Weight and size limits* make the following changes to clarify the instructions regarding classification, weight, and size of fourth-class mail.

A. Paragraph (a) is amended to read as follows:

(a) *Weight.* Each addressed piece must weight 16 ounces or more but not in excess of the following limits:

(1) Parcels mailed at or to any second-, third-, or fourth-class post office; to or from any rural or star route; to or from any Army-Air Force or Fleet post office; or to, from or between any territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands, must not exceed 70 pounds. See Part 17 of this chapter for weight limits to certain A.P.O.'s.

(2) Parcels mailed at a first-class post office in the United States for delivery at the same or any other first-class post office in the United States are limited to 40 pounds when addressed for delivery in the local, first, and second zone; and to 20 pounds when addressed to the third through the eighth zones; except that parcels mailed on or addressed for delivery on a rural or star route, parcels mailed at the post office from which served by patrons located on rural or star routes (rural or star route address of sender must be shown), or parcels containing baby poultry, nursery stock, agricultural commodities, books, and Braille-writers and other appliances for the blind, are subject to the limit set forth in subparagraph (1) of this paragraph. (The term "agricultural commodities" includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include manufactured products of such commodities.) Parcels containing such articles must be marked to show the nature of the contents, unless such information can be ascertained by outward examination of the parcel.

NOTE: The corresponding Postal Manual section is 135.31.

B. Paragraph (b) is amended to read as follows:

(b) *Size.* Parcels mailed at a first-class post office in the United States, for delivery at the same or any other first-class post office in the United States, and subject to the limits of weight shown in paragraph (a)(2) of this section must not exceed 72 inches length and girth combined. All other parcels are limited to 100 inches in length and girth combined. To compute the size of a parcel:

(1) Measure the longest side to get the length.

(2) Measure the distance around the parcel at its thickest part to get the girth.

NOTE: The corresponding Postal Manual section is 135.32.

(R.S. 161, as amended, 396, as amended, 3879, as amended; sec. 204, 62 Stat. 1262, as amended, sec. 1, 65 Stat. 610, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 240, 240a, 292a)

§ 26.1 [Amendment]

IX. In § 26.1 *Rates* as amended by Federal Register Document 59-1825, 24 F.R. 1569, the caption of the second rate chart headed "First Class Only" is amended to read "First Class Airmail Only".

NOTE: The corresponding Postal Manual section is 136.1.

(R.S. 161, as amended, 396, as amended, sec. 1, 3, 62 Stat. 1097, 1098; 5 U.S.C. 22, 369, 39 U.S.C. 475)

§ 26.6 [Amendment]

X. In § 26.6 *Marking, sealing, and depositing* paragraph (a) is amended to state that the word "airmail" should be located below the stamps and above the address on flat mail, so that paragraph (a) reads as follows:

(a) Place the word "Airmail" prominently on the address side of flat mail preferably below the stamps and above the address, and on the top, bottom, and sides of parcels. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

NOTE: The corresponding Postal Manual section is 136.61.

(R.S. 161, as amended, 396, as amended, secs. 1, 3, 62 Stat. 1097, 1098; 5 U.S.C. 22, 369; 39 U.S.C. 475)

§ 27.1 [Amendment]

XI. In § 27.1 *Members of Congress* paragraph (a) is amended by striking out the word "Alaska" where it appears therein.

NOTE: The corresponding Postal Manual section is 137.11.

(R.S. 161, as amended, 396, as amended, sec. 5, 18 Stat. 343, as amended, sec. 85, 28 Stat. 622, as amended, sec. 7, 33 Stat. 441, as amended, sec. 2, 67 Stat. 614, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 321(o), 325, 326, 327)

XII. Section 29.2 *Combination mailing of two classes* has been amended for the purpose of classification to read as follows:

§ 29.2 Combination mailings of two classes.

(a) *Attachment.* Letters or other pieces of first- or third-class mail may be placed in an envelope and securely tied or otherwise attached to the address side of a second-, third-, or fourth-class mailing piece including airmail articles. The envelope must be placed on the address side of the principal mailing piece. Combination envelopes or containers having separate parts for the two classes of mail may be used. See § 24.8 concerning the sealing of third-class mail.

(b) *Addressing.* The name and address of the sender and the name and address of the addressee should be placed on both the principal mailing piece and the attachment. If both names and addresses do not appear on both pieces, the sender's name and address must be placed on one and the name and address of the addressee must be placed on the other. Combination containers having inseparable portions or compartments are mailable with the names and addresses on only one portion.

(c) *Postage.* Postage on the second-, third-, or fourth-class mail must be prepaid at the appropriate rate and must be placed in the upper right corner of the address space. Postage at the appropriate first- or single-piece third-class rate must be paid for the attachment and affixed to it. If mailed by air, postage at the airmail rate must be paid for the letter.

(d) *Markings required.* First-class attachments may be marked "First-Class" or "Letter Enclosed". Third-class attachments must be marked "Third-Class".

NOTE: The corresponding Postal Manual section is 139.2.

(R.S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 784; 5 U.S.C. 22, 369, 18 U.S.C. 1723)

§ 29.3 [Amendment]

XIII. In § 29.3 *Mailing enclosures of different classes* makes the following changes in paragraph (a) for the purpose of clarification:

A. Amend subparagraph (1) to read as follows:

(1) *First- and third-class enclosures.* Letters or other pieces of first- or third-class mail may be mailed as enclosures with second-class and controlled circulation publications. They may be:

(i) Placed in the outside envelope or wrapper with a single copy.

(ii) Secured inside an unwrapped copy, or

(iii) Enclosed in a bundle of copies.

B. Amend subparagraph (2) to read as follows:

(2) *Payment of postage.* Postage at appropriate first- or single piece third-class rate must be paid for each separate enclosure. Pieces of related matter placed in a publication as a unit may be regarded as a single enclosure for purpose of computing postage. The postage may be placed on the enclosure by using precanceled or meter stamps, or the postage may be placed on the outside envelope, wrapper, or cover. Postage at the second-class pound or per copy rates or postage at the controlled circulation rates must be paid on the publication in the manner prescribed by Part 16. When postage at the transient second-class rate is paid on the publication, follow the procedure in paragraph (b) of this section.

NOTE: The corresponding Postal Manual sections are 159.311 and 159.312.

(R.S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 784; 5 U.S.C. 22, 369, 18 U.S.C. 1723)

§ 33.5 [Amendment]

XIV. In § 33.5 *Metered reply postage* subparagraph (2) of paragraph (a) is amended to add an illustration. As amended, subparagraph (2) reads as follows:

(2) The words "No postage stamp necessary—postage has been prepaid by _____" must be printed immediately above the return address in the manner shown below:

(Meter stamp to be placed here)

NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

John Doe Company
123 Tremont Street,
New York 10, N. Y.

NOTE: The corresponding Postal Manual section is 143.5.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 273, 291a)

§ 33.6 [Amendment]

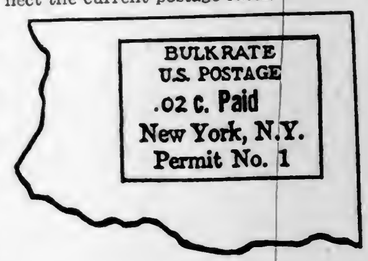
XV. In § 33.6 *Mailings* amend the parenthetical phrase "(See Part 16 of this chapter for mailing of third class bulk mail)" where it appears in paragraph (a) to read "(See Part 24 of this chapter for mailing of third class bulk mail)".

NOTE: The corresponding Postal Manual section is 143.61.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 273, 291a)

§ 34.2 [Amendment]

XVI. In § 34.2 *Form of permit imprints* strike out the illustrations therein, and insert in lieu thereof the following to reflect the current postage rates.







NOTE: The corresponding Postal Manual section is 144.2.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended, 47 Stat. 647; 5 U.S.C. 22, 369, 39 U.S.C. 273, 273a)

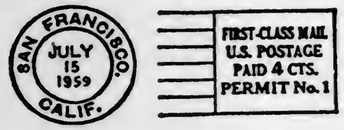
§ 34.3 [Amendment]

XVII. In § 34.3 *Content of permit imprints* make the following changes:

A. Amend the last sentence of paragraph (a) to read as follows: "Exception: the date may be omitted from any mail when the sender so desires."

NOTE: The corresponding Postal Manual section is 144.3a.

B. The first illustration immediately following paragraph (b) is amended to reflect the current postage rates. As amended, the illustration reads as follows:



NOTE: The corresponding Postal Manual section is 144.3b.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended, 47 Stat. 647; 5 U.S.C. 22, 369, 39 U.S.C. 273, 273a)

§ 34.5 [Amendment]

XVIII. In § 34.5 *Mailing with permit imprints* add a new subparagraph (4) to paragraph (a) to read as follows:

(4) *International mail.* See § 111.1 (c) (2) of this chapter. 300 pieces of identical matter.

NOTE: The corresponding Postal Manual section is 144.51d.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended, 47 Stat. 647; 5 U.S.C. 22, 369, 39 U.S.C. 273, 273a)

XIX. Section 35.5 *Inaugural covers,* as amended by Federal Register Document 59-5996, 24 F.R. 5908, is further amended to provide comprehensive instructions on inaugural covers. As amended, § 35.5 reads as follows:

§ 35.5 Inaugural covers.

(a) *First flights*—(1) *Cachets authorized.* The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Cachets are authorized for all stop-points on a new airmail route for new stop-points on existing routes or additional segments, and for events of national aviation interest. Printed or rubber-stamped official cachets of distinctive commemorative design are authorized by publication of notice in the Postal Bulletin.

(2) *Where cachets may be used.* (i) Official cachets are authorized for use at post offices and airport mail facilities on covers actually dispatched on the inaugural flights.

(ii) One or more of the following points may be authorized to use official cachets:

(*a*) *Terminal points.* Cachet will be applied to covers dispatched on the actual inaugural flight.

(*b*) *Intermediate points.* Cachet will be applied to covers dispatched to the actual inaugural flights in each direction. If service is inaugurated in only one direction, cachet will not be used when service is established in the other direction at a later date.

(3) *Preparation of covers.* (i) Covers must be individually addressed to a post office.

(ii) Covers must bear postage at the airmail letter rate.

(iii) Each envelope should contain a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(iv) A space should be provided on the address side, at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(v) A clear space 2½ by 2½ inches must appear to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(4) *Submission of covers.* (i) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated.

(ii) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(5) *Compliance with collectors requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable.

(ii) *Point-to-point covers.* Requests of collectors for point-to-point covers will not be observed. Request that a dispatching office send one each of several covers to each stop point will not be honored.

(iii) *Direction not specified.* In the absence of specific requests, covers will be dispatched on the actual first flight, regardless of direction.

(iv) *Incomplete instructions.* If the collector's request is not clear, covers will be dispatched in accordance with the judgment of the dispatching office.

(v) *Color of ink.* Request for the use of a color of ink other than that specified by the Post Office Department will not be complied with. The specified color of ink will be used in applying the cachet to all covers.

(vi) *Position of cachet.* Cachets will be applied legibly and neatly to left portion of address side of cover. Cachets will not be applied to:

(*a*) Covers for immediate return to sender; covers must receive dispatch on first flight.

(*b*) Covers bearing a previous official or unofficial cachet.

(*c*) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(*d*) Double postal or post cards intended for return reply purposes.

(*e*) Covers received after first flight.

(*f*) Covers on which postage is not fully prepaid.

(*g*) To anything other than an inaugural cover.

(vii) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Requests for additional or special backstamping will not be honored.

(b) *First highway post office trips*—(1) *Announcement of service.* The Post Office Department recognizes events such as new HPO service by applying special postmarks to inaugural covers. A notice that new service will be established is published in the Postal Bulletin when the decision to establish service is made, far enough in advance of the beginning date so that the notice will reach most subscribers in time to permit them to send covers for dispatch on first trips.

(2) *Special postmark.* No official cachets are applied to first-trip covers, but when time permits procuring distinctive first-trip postmarking stamps for each trip, impressions of them are used to postmark all covers carried on the first trips.

(3) *Preparing covers.* Prepare covers as described in paragraph (a) (3) of this section, except postage will be at the first-class rate.

(4) *Submitting covers.* Send first-trip covers to the postmaster at the initial terminal of the trip on which you want the cover carried, with a letter or note instructing the postmaster to dispatch the cover on the desired trip.

(5) *Complying with collectors' requests.* (i) All covers received at the initial post office or by the crew en route will be carried to the end of the run and dispatched to addressees from that point. Requests for different dispatch will not be honored. No backstamps will be applied to first-trip HPO covers.

(ii) The first-trip stamp is evidence that the cover was carried on the trip indicated.

NOTE: The corresponding Postal Manual section is 145.5.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

XX. A new § 43.7 *Private mail receptacles* has been added to define a letter box or other receptacle intended or used for receipt or delivery of mail on any mail route as an authorized depository for mail matter, and to prescribe that such receptacle may be used only for mail.

§ 43.7 Private mail receptacles.

(a) *Designation as authorized depository.* Every letter box or other receptacle intended or used for the receipt or delivery of mail on any city delivery route, rural delivery route, star route or other mail route is designated an authorized depository for mail within the meaning of 18 U.S.C. sections 1702, 1705, and 1708.

(b) *Use for mail only.* Receptacles described in paragraph (a) of this section shall be used exclusively for mail except as provided in § 46.5(h) of this chapter. Any mailable matter such as circulars, statements of account, sale bills, or other similar pieces deposited in such receptacles must bear postage at the applicable rate and bear a proper address.

NOTE: The corresponding Postal Manual section is 153.7.

(R.S. 161, as amended, 396, as amended, sec. 1, 24 Stat. 569, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 156)

§ 47.1 [Amendment]

XXI. In § 47.1 *Order to change address* make the following changes in paragraph (b).

A. Subparagraph (2) is amended to show that the regulations therein apply to all States of the United States. As amended, subparagraph (2) reads as follows:

(2) Domestic registered articles mailed outside the United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the postage indicates the articles were valued at more than $100. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the United States if there is reason to believe the value exceeds $100.

B. The last sentence of subparagraph (3) is amended to correct the minimum commission for the sale of perishable items. As amended, the last sentence of subparagraph (3) reads as follows: "A commission of 10 percent, but not less than 25 cents is retained by the Postal Service from the amount for which perishable items are sold."

NOTE: The corresponding Postal Manual sections are 157.12b and 157.12c.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 278a)

XXII. Section 47.2 *Time limit of change of address order,* is amended to read as follows:

§ 47.2 Time limit of change of address order.

(a) *Time limit specified by addressee.* To have mail forwarded for a limited time, not to exceed 2 years, state the beginning and expiration dates. If you return to your old address or move to another permanent address within the specified period, cancel the original order.

(b) *Time limit not specified by addressee.* Records of permanent change of address orders, other than those subject to paragraph (c) of this section, are maintained for 2 years and the order is not renewable. Mail may continue to be forwarded beyond the 2-year period if the new address is known to the forwarding employee.

(c) *Change from general delivery at carrier delivery office.* (1) *To permanent local address.* Record of change of address orders without time limit will be maintained 6 months.

(2) *To other than permanent local address.* Record of change of address orders without time limit will be maintained for 30 days.

NOTE: The corresponding Postal Manual section is 157.2.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 278a)

§ 47.7 [Amendment]

XXIII. In § 47.7 *Guarantee to pay forwarding postage* paragraph (b) is amended to indicate that return address and guaranty to pay forwarding postage shall appear in the upper left corner on the address side of mail. As amended, paragraph (b) reads as follows:

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address in the upper left corner of the address side of the piece. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded, or the return postage when it is returned as undeliverable from the post office of first address. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage, but it shall be treated the same as if it bore sender's pledge to pay return postage.

NOTE: The corresponding Postal Manual section is 157.7b.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 278a)

§ 48.3 [Amendment]

XXIV. In § 48.3 *Return address required* the first example immediately following paragraph (b) is amended to read as follows:

Return in 3 days to
Frank B. White,
2416 Front Street,
St. Louis 25, Mo.

NOTE: The corresponding Postal Manual section is 158.3b.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 261, 278b)

§ 48.5 [Amendment]

XXV. In § 48.5 *Retention periods* subdivision (ii) of paragraph (a) (1) is amended for the purpose of clarification to read as follows:

(ii) Returned immediately if undeliverable when specifically addressed to a street, building, rural or star route, or post office box; except that when a patron moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order and, if no order is received in that time, the mail will then be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 48.3(b).

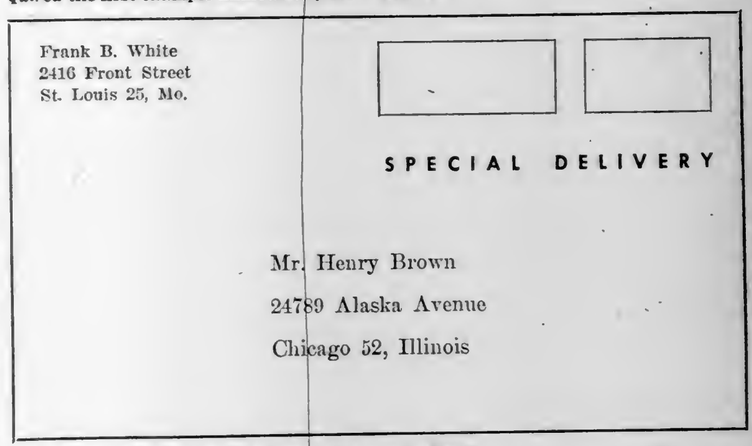
NOTE: The corresponding Postal Manual section is 158.311b.

(R.S. 161, as amended, 396, as amended, sec. 1, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 261, 278b)

§ 56.2 [Amendment]

XXVI. In § 56.2 *Payment for special delivery* paragraph (c) is amended for the purpose of adding an illustration to show the proper manner of marking special delivery mail. As amended, paragraph (c) reads as follows:

(c) *Marking.* You should mark prominently the words "Special Delivery" preferably below the postage and above the name of the addressee as follows:



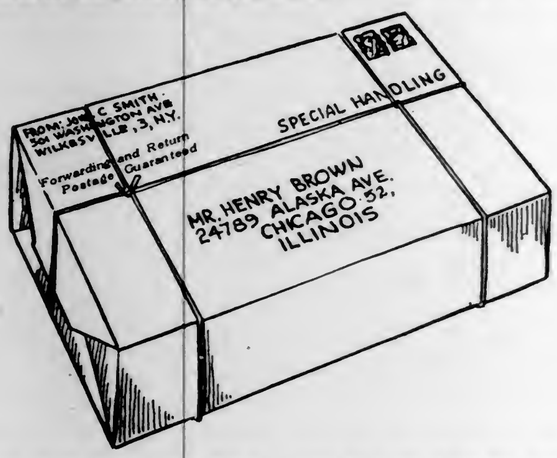
NOTE: The corresponding Postal Manual section is 166.23.

(R.S. 161, as amended, 396, as amended, sec. 12, 65 Stat. 676, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 246f)

XXVI. Section 57.3 *Marking of parcels* is amended to add an illustration:

§ 57.3 Marking of parcels.

You should mark the words "Special Handling" preferably above the name of the addressee and below the stamps as illustrated:



NOTE: The corresponding Postal Manual section is 167.3.

(R.S. 161, as amended, 396, as amended, sec. 204, 62 Stat. 1262, as amended; 5 U.S.C. 22, 369; 39 U.S.C. 292a)

[SEAL] HERBERT H. WARBURTON,
General Counsel.

[F.R. Doc. 59-6885; Filed, Aug. 20, 1959; 8:45 a.m.]

PART 95 — TRANSPORTATION OF MAIL BEYOND BORDERS OF THE UNITED STATES

Transportation and Protection of Mail Between Post Offices and Ships

Federal Register Document No. 59-5046, published at pages 4963-4964 of the FEDERAL REGISTER of June 18, 1959, (24 F.R. 4963) gave notice of the proposal by the Post Office Department to amend paragraph (c) of § 95.1 *Transportation and protection of mail between post offices and ships* by striking out the last sentence reading, "When a rack type truck is used the sacks shall be covered by a tarpaulin" and by inserting, in lieu thereof, a sentence reading, "When open-top trucks are used the sacks shall be covered by a fire-proof and rain-proof tarpaulin which must be fastened securely to the body of the truck."

The need for the amendment is to clarify the protection mail receives while being transported between post offices and vessels. It is understood that there is some misinterpretation of the present language of the regulation.

Most careful consideration has been given by the Post Office Department to the only comment received with respect to the proposed amendment. This comment opposed any amendment of § 95.1 (c) "until such time as the issue of compensation for truck transportation from post offices and piers is satisfactorily resolved."

This Department has reached the conclusion that the arguments presented for postponing the effective date of the amendment are outweighed by the duty of the Department to take action necessary to insure the proper protection of the mail through the classification of the Department's regulations to correct any misinterpretation as to the protection required to be afforded the mails; also, that the objections interposed to the amendment are not valid reasons for delay. Accordingly, it is the determination of the Post Office Department that the amendment to paragraph (c) of § 95.1, Title 39, Code of Federal Regulations, as incorporated in Federal Register Document No. 59-5046, shall be adopted as published on June 18, 1959, and that the amendment shall be effective with this publication in the FEDERAL REGISTER. As amended, paragraph (c) of § 95.1 *Transportation and protection of mail between post offices and ships* will read:

(c) *Vehicles and attendants.* Each vehicle used to transport mail between post offices and vessels, except the completely closed van type, shall be provided with a man to ride on the rear of the vehicle to protect the mail. The mail compartment of the completely closed van type vehicle must be locked or sealed. When open-top trucks are used the sacks shall be covered by a fire-proof and rain-proof tarpaulin which must be fastened securely to the body of the truck.

(R.S. 161, as amended, 396, as amended, 398, as amended, 3962, as amended, 4009, as amended, 4010, as amended, sec. 1, 62 Stat. 777; 5 U.S.C. 22, 369, 372, 18 U.S.C. 1698, 39 U.S.C. 443, 654, 655)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

Paragraph (c) of § 95.1, Title 39, Code of Federal Regulations, as amended by the foregoing, is hereby adopted as the regulations of this Department, effective upon publication in the FEDERAL REGISTER.

ARTHUR E. SUMMERFIELD,
Postmaster General.

[F.R. Doc. 59-6996; Filed, Aug. 20, 1959; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Pacific Ocean, Oregon

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 205.65 is hereby prescribed establishing and governing the use of restricted dumping grounds in the Pacific Ocean at the approaches to Coos Bay and to the mouth of the Columbia River, Oregon, to be effective on publication in the FEDERAL REGISTER, as follows:

§ 205.65 Pacific Ocean, approaches to Coos Bay and to the mouth of Columbia River, Oregon.

(a) *Restricted dumping grounds.* (1) The waters of the Pacific Ocean within a radius of three (3) nautical miles to seaward from Coos Head passing approximately 1,350 yards west of lighted buoy BW "K".

(2) The waters of the Pacific Ocean and the Columbia River approach within a line from North Head Light 270° true to a point due north of the Columbia River Light Ship, being longitude 124°11'00" W.; thence 180° true to latitude 46°10'00" N.; and thence 90° true to the mainland.

(b) *The regulations.* Dumping of all objects or materials of a metallic nature are strictly prohibited in the areas prescribed in this section.

[Regs., Aug. 7, 1959, 285/91 (Pacific Ocean, Oregon)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S.A.,
The Adjutant General.

[F.R. Doc. 59-6938; Filed, Aug. 20, 1959; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO COOPERATING COUNTRIES

Miscellaneous Amendments

ICA Regulation I is amended as follows:

1. Section 201.5 is amended as follows:

a. Section 201.5, paragraph (a) (1) (ii) is amended to read as follows:

(ii) *Terminal contracting date.* PA's and PIO's will indicate, in addition to an initial contracting date, a terminal contracting date. The terminal contracting date will normally be three to eight months subsequent to the first day of the month following the month in which the PA or the PIO is issued. In making subauthorizations under a PA or PIO, the cooperating country or authorized agent, as the case may be, must specify that contracts under the subauthorizations must be made on or before the terminal contracting date. Under PA's, contracts made after the terminal contracting date will be ineligible for financing. Under PIO's, contracts made after the terminal contracting date will be eligible for financing only if deliveries under such contracts are made within the specified delivery period (see subparagraph (3) of this paragraph).

b. Paragraph (a) (2) and (3) is amended to read as follows:

(2) *Reporting.* With respect to PA's only, the cooperating country shall report to the Director, USOM, within 30 days after the terminal contracting date the total or estimated total value of all contracts entered into pursuant to subauthorizations made under the PA, whether or not deliveries have actually been made. If the total or estimated total value of such contracts, as so reported, is less than the total dollar amount of the PA, the PA will be reduced by the amount of the difference.

(3) *Deliveries.* Each PA or PIO will also state a delivery period. The period will be indicated normally by two dates: (i) The date before which deliveries may not be made (initial delivery date) and (ii) the date on or before which deliveries must be made (terminal delivery date). Where, however, an initial delivery date is not specified, the date of issuance of the PA or PIO shall be deemed to be the initial delivery date. Deliveries made before the initial delivery date or after the terminal delivery date will not be eligible for ICA financing under the PA or PIO. ICA may extend the terminal delivery date for individual contracts placed under PA's or PIO's if the contract was made on or before the terminal contracting date.

2. Section 201.6 is amended as follows:

a. In paragraph (h) (5) the words "and insured against marine risk" are stricken.

b. Strike paragraphs (p) and (q) and add the following new paragraphs (p), (q), (r), and (s):

(p) *Used property.* The procurement of any type of used machinery, equipment, apparatus or supplies is not eligible for financing under any PA or PIO/C in the absence of an express provision authorizing such financing in the PA or PIO/C: *Provided, however,* That this limitation shall not apply to the financing of procurement of U.S. Government-owned excess or surplus personal property through procedures established by ICA.

(q) *Performance bonds.* In those cases where the importer requires a performance bond, a surety bond, or any other recognized type of bond shall be considered appropriate and the selection of the particular type shall be at the option of the supplier and not at the option of the importer. Such bonds may not be required by the importer in any amount in excess of that customarily required in the trade.

(r) *Direct submission of bids.* Bids must be accepted directly from suppliers, located in countries among those authorized as sources by the PA or PIO, and may not be required to be made through or by firms in the importing country.

(s) *Special provisions.* The provisions of this section may be waived, amended or supplemented by special provision in the PA or PIO, or otherwise, pursuant to § 201.23.

3. Section 201.22(i)(2) is amended to read as follows:

(2) *Provisions beyond bank responsibility.* Certain other provisions of § 201.6 are included solely for the instruction of suppliers, purchasers, and the cooperating countries themselves, and are not matters for which banks are to assume responsibility. In this category are the provisions of § 201.6 (f) (2), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r).

(Sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781)

Effective date. This amendment shall become effective August 25, 1959.

JAMES W. RIDDLEBERGER,
Director, International Cooperation Administration.

AUGUST 13, 1959.

[F.R. Doc. 59-6951; Filed, Aug. 20, 1959; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

Laundry and Lavatory Facilities for Nurses' Residences

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendment of this part, which relates solely to grants to States, political subdivisions and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

Section 53.139 is amended as follows:

§ 53.139 Nurses' residence.

Rooms:
One nurse per room: [1]
100 square feet in single rooms.
150 square feet in double rooms.
Lavatory in each room.[1]
Closet or wardrobe for each nurse.

[1] Desirable but not mandatory.

No nurses' rooms shall be located on any floor which is below grade.

Common floor facilities:
Lounge with kitchenette to serve 30 to 60 nurses.
Laundry room with 2 trays and 2 ironing boards to serve each 60 nurses.[1] If not provided on each floor, a centrally located laundry room containing the same proportion of trays and ironing boards shall be provided.
Bath room: One shower or tub for each 6 beds.
Toilet room: With lavatories in bedrooms—1 water closet for each 6 beds and 1 lavatory for each 3 water closets. Without lavatories in bedrooms—1 water closet for each 6 beds and 1 lavatory for each 5 beds.
Linen closet.
Janitors' closet.
Telephone facilities.[1]
General facilities:
Lobby.
Office.
Main lounge (with alcoves [1]).
Men's toilet (off lobby).
Storage room for trunks.
Laundry distribution room.[1]
Employees' toilet room.[1]
Boiler room (if facilities not available elsewhere).

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 622, 60 Stat. 1042; 42 U.S.C. 291e)

This amendment was approved by the Federal Hospital Council and shall become effective immediately on the date of publication in the FEDERAL REGISTER.

Dated: August 6, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved:

L. E. BURNEY,
Chairman,
Federal Hospital Council.

Approved: August 17, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-6955; Filed, Aug. 20, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 8—JOINT POLICY FOR LAND ACQUISITION ON RESERVOIR PROJECTS; DEPARTMENT OF THE INTERIOR—DEPARTMENT OF THE ARMY

Lands for Recreation and Fish and Wildlife

The Department of the Army and the Department of the Interior for sometime have had a Joint Policy for Land Acquisition on Reservoir Projects. The two Departments have agreed, with respect to the Joint Policy, upon a Supplement Regarding Acquisition of Lands for Recreation and Fish and Wildlife at Federal Reservoir Projects, which has received

Presidential approval. Accordingly, the Supplement is adopted by the Department of the Interior and the provisions of the Supplement are set forth in a new section numbered § 8.6a which is added to Part 8 and which reads as follows:

§ 8.6a Supplementary provisions regarding acquisition of lands for recreation and fish and wildlife at Federal reservoir projects.

(a) Federal water storage reservoirs are important elements in the Nation's outdoor recreation and fish and wildlife resources.

(b) Recreation and fish and wildlife opportunities, both present and potential, shall be considered throughout the planning, construction, operation, and maintenance of reservoir projects in cooperation with Federal, State and local governmental agencies having responsibilities relative to public recreation and fish and wildlife. The purpose of this supplement is to assure that when reservoir projects are being formulated for other purposes, recreation and fish and wildlife purposes would also be considered and the limited land areas needed to protect and preserve recreation and fish and wildlife potentials will be defined. Recommendations submitted to the Congress will, of course, be subjected to normal Bureau of the Budget review.

(c) The development and utilization of the public recreational and fish and wildlife potentialities shall be a correlative purpose of reservoir projects undertaken by the Federal Government. By correlative purpose is meant that while a reservoir project would not be recommended solely for recreation or fish and wildlife purposes, once it is determined that a reservoir project is required for other purposes then recreation and fish and wildlife purposes will receive parallel consideration in the formulation, design and operation of the project.

(d) The public recreational and fish and wildlife potentialities created by reservoir projects constructed with Federal funds should be protected and preserved for the benefit of the general public and the acquisition of such shoreline lands as are needed for that purpose shall be recommended to the Congress, to the extent such acquisition is justified by the public benefits which would otherwise be foregone.

(e) When acquisition of lands is justified for recreation and fish and wildlife purposes as set forth in paragraph (d) of this section such lands shall be shown separately in reports of project plans to insure that Congress has full information upon which to base a decision as to their inclusion in the project authorization.

(f) The primary responsibility of State and local governmental agencies for providing recreational facilities for their people shall be recognized but the Federal Government should cooperate with the State and local governmental agencies in protecting and preserving recreational opportunities in connection with the construction, maintenance and operation of Federal navigation, flood control, irrigation, or multiple-purpose reservoir projects.

(Sec. 7, 10, 32 Stat. 389, 390, as amended, secs. 14, 15, 53 Stat. 1197, 1198; 43 U.S.C. 373, 389, 421, 485i)

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 17, 1959.

[F.R. Doc. 59-6950; Filed, Aug. 20, 1959; 8:47 a.m.]

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1946]

[Utah 033877]

UTAH

Withdrawing Public Lands for Use of the Federal Aviation Agency as an Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, but not the disposal of materials under the Act of July 31, 1947 (61 Stat 681; 30 U.S.C. 601-604) as amended, and reserved for use by the Federal Aviation Agency, as an administrative site.

SALT LAKE MERIDIAN

T. 36 S., R. 3 W.,
Sec. 7, lot 2.

The area described contains 34.34 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 17, 1959.

[F.R. Doc. 59-6944; Filed, Aug. 20, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 35]

MISSISQUOI NATIONAL WILDLIFE REFUGE, VERMONT

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to amend § 35.52 of Subpart—Missisquoi National Wildlife Refuge, Vermont, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit deer hunting during a part of the 1959 State season on certain lands of the Missisquoi National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 17, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 35.52 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer is permitted on the hereinafter described lands of the Missisquoi National Wildlife Refuge, Vermont, by bow and arrow only, on November 14 and 15, 1959, and by shotgun only on November 21 and 22, 1959, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The hunting of deer is permitted on all lands of the refuge except that area of Big Marsh Slough lying east of a posted line between the north end of the Goose Bay dike and the northwest boundary of the Julian Clark tract, and except within posted areas around refuge headquarters, around the Missisquoi River bank work center, and around the Cora Tabor residence.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Hunting methods.* Hunting of buck deer with antlers 3 inches or more in length is permitted by bow and arrow only on November 14 and 15, 1959, and by other than rifled firearms only on November 21 and 22, 1959. All equipment must meet the requirements of State laws and regulations. Dogs are not permitted on the refuge for use in the hunting of deer. Hours of hunting are from 6:00 a.m. to 5:00 p.m.

(d) *Checking stations.* A checking station will be established and publicized locally by the Refuge Manager. Hunters, upon entering the hunting area, shall report at the checking station to qualify and obtain a permit. Hunters, upon leaving the hunting area, shall exhibit any deer killed and report at the checking station any information that may be requested.

[F.R. Doc. 59-6943; Filed, Aug. 20, 1959; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-30]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6156 and 601.6156 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 156 presently extends from Elkins, W. Va., to Richmond, Va. The Federal Aviation Agency has under consideration the extension of VOR Federal airway No. 156 from Richmond, Va., to Cape Charles, Va., to provide a westbound VOR departure route for aircraft departing airports located within the Norfolk, Va., terminal area. If such action is taken, VOR Federal airway No. 156 and the associated control areas would then be designated from Elkins, W. Va., to Cape Charles, Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6156 (24 F.R. 703) and 601.6156 (14 CFR, 1958 Supp. 601.6156) as follows:

1. In § 600.6156 *VOR Federal airway No. 156 (Elkins, W. Va., to Richmond, Va.)*:

a. Delete "*(Elkins, W. Va., to Richmond, Va.)*" and substitute therefor "*(Elkins, W. Va., to Cape Charles, Va.)*".

b. Delete "to the Richmond, Va., VOR" and substitute therefor, "Richmond, Va., VOR; point of INT of the Richmond VOR 090° and the Norfolk, Va., VOR 336° radials; to the Cape Charles, Va., VOR".

2. In § 601.6156 *VOR Federal airway No. 156 control areas (Elkins, W. Va., to Richmond, Va.)*, delete "*(Elkins, W. Va., to Richmond, Va.)*" and substitute therefor "*(Elkins, W. Va., to Cape Charles, Va.)*".

Issued in Washington, D.C. on August 14, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6939; Filed, Aug. 20, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. The following plats of original survey within Township 17 North, Range 4 West, Seward Meridian will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m. on August 31, 1959.

SEWARD MERIDIAN

Township 17 North, Range 4 West,
Plat of Section 11 and 12 containing 603.88 acres.
Plat of Section 13 and 14 containing 919.00 acres.
Plat of Section 19 and 30 containing 1095.43 acres.
Plat of Section 31 and 32 containing 1029.67 acres.
Plat of Section 20, 21 and 29 containing 1912.73 acres.
Plat of Section 28 and 33 containing 911.11 acres.

2. The land is located approximately 20 miles northwest of Anchorage, Alaska. Flat Lake, Horseshoe Lake, Crooked Lake, and East and West Papoose Twins Lakes lie within this area. The terrain ranges from marsh area to low rolling hills. The soil is generally sandy loam and covered with scattered birch, spruce, cottonwood, and berry bushes.

3. Public Land Order 1570 dated December 24, 1957 withdraws the following land, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserves the land under the jurisdiction of the Secretary of the Interior for Administration and maintenance as a public recreation area pending conveyance or other disposal as authorized by the Act of May 4, 1956, as amended by the Act of August 30, 1957 (71 Stat. 510):

SEWARD MERIDIAN

Township 17 North, Range 4 West, S.M.,
Section 12—Lot 9.
Containing 35.49 acres.

4. The following land is withdrawn by Small Tract Classification Order number 88 dated September 21, 1954, as amended June 16, 1959:

SEWARD MERIDIAN

Township 17 North, Range 4 West,
Section 28—Lots 1-15, inclusive, 17, 21, 24-34 inclusive, 36, 37, SW¼NW¼SE¼NE¼, S½N½SW¼NE¼, S½NE¼SE¼NW¼.
Section 29—Lots 2, 3, 5, 6, 7, 8.
Section 32—Lots 1, 2, 3.
Section 33—Lots 1, 6-9 inclusive, 15-20 inclusive.
Containing 193.21 acres.

5. Recreation and public purposes classification order number 91 classifies the following described land as suitable for lease and sale for public purposes under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869; 43 CFR Part 254) as amended:

SEWARD MERIDIAN

Township 17 North, Range 4 West,
Section 28: N½ of Lot 19.
Containing approximately 4.74 acres.

6. Subject to valid existing rights and the requirements of applicable law, the land described in paragraph 1 of this order and not withdrawn by paragraph 3, 4 and 5, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Petitions for Small Tracts by qualified vet-

erans of World War II, or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 31, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 30, 1959, will be governed by time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on November 30, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on November 30, 1959.

7. Persons claiming veterans' preference rights under paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

9. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

Dated: Aug. 13, 1959.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 59–6945; Filed, Aug. 20, 1959; 8:47 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m. August 31, 1959.

SEWARD MERIDIAN

Township 11 North, Range 2 West,
Section 6—All.
Containing 609.49 acres.

2. The land is located approximately fourteen miles southeast of Anchorage, Alaska. The northwest corner of the section is located on a westerly slope of the Chugach Mountain Range, elevation extending from 1400 feet to a high of 3200 feet in the southeast corner. The northeast portion of the section is drained by Rabbit Creek northwesterly into Turnagin Arm and the southwest portion is drained by Little Rabbit Creek. The soil varies from sandy loam to bare rock and shale on the slopes. The timber is spruce, and alder clumps.

3. The following land which was previously withdrawn by Power Site Classification Number 107 dated June 12, 1925, is subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and provided for by Restoration Order Number 1 dated November 16, 1951:

SEWARD MERIDIAN

Township 11 North, Range 2 West,
Section 6—NW¼NE¼, E½NE¼.
Containing 120 acres.

4. Subject to valid existing rights, the requirements of applicable law, and the stipulation mentioned in paragraph 3, all of the land described in Paragraph 1 is hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing vaid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Petitions for Small Tracts by qualified veterans of World War II, or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 31, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. November 30, 1959, will be governed by time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those mentioned under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on November 30, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on November 30, 1960.

5. Persons claiming veterans' preference rights under paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

Dated: August 13, 1959.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 59–6946; Filed, Aug. 20, 1959; 8:47 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of original survey of the land described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. August 31, 1959.

SEWARD MERIDIAN

Township 7 North, Range 10 West,
Section 6—All.
Containing 609.94 acres.

2. The land is located in the Kenai Alaska area. Bishop Creek flows through the northwestern portion of the section. The land is situated on a ridge about 100 feet higher than the surrounding country in the southwestern part, to rolling in the northern portion and nearly level along the easterly portion of the section. The soil is sandy loam covered with spruce and birch timber with an undergrowth of alder and berry bushes.

3. The following land lies within the Kenai National Moose Range established by Executive Order 8979 dated December 16, 1941 and is under the jurisdiction of the Department of Interior, Fish and Wildlife Service:

SEWARD MERIDIAN

Township 7 North, Range 10 West,
Section 6—SE¼NE¼, E½SE¼, SW¼SE¼.
Containing 160 acres.

4. The following land lies within the exception strip of the Kenai National Moose Range as established by Executive Order 8979 dated December 16, 1941, which provided that certain portions of the Moose Range are available to appropriation under the public land laws:

SEWARD MERIDIAN

Township 7 North, Range 10 West,
Section 6—Lot 1 through 7, SE¼NW¼, SW¼NE¼, E½SW¼.
Containing 449.94 acres.

5. Subject to valid existing rights and the requirements of applicable law the land described in number 4 is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Petitions for Small Tracts by qualified veterans of World War II, or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on August 31, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on November 30, 1959, will be governed by time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on November 30, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a.m. on November 30, 1959.

6. Persons claiming veteran's preference rights under paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

8. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

Dated: August 13, 1959.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 59–6947; Filed, Aug. 20, 1959; 8:47 a.m.]

TEXAS AND LOUISIANA

Calling for Nominations for Areas To Be Offered for Oil and Gas Leasing in Outer Continental Shelf

AUGUST 14, 1959.

Pursuant to authority prescribed in 43 CFR 201.20, notice is hereby given that nomination of areas for prospective oil and gas leasing in the Outer Continental Shelf off the States of Louisiana (Zones 3 and 4) [1] and Texas may be submitted to the Director, Bureau of Land Management, Washington 25, D.C., not later than September 25, 1959. Copies of any nominations must be sent to the Regional Oil and Gas Supervisor, Geological Survey, Gulf Coast Region, 204 Maritime Building, 203 Carondelet Street, New Orleans 12, Louisiana. Envelopes should be marked "Nominations for leasing in the Outer Continental Shelf."

Nominated areas must be identified by block numbers and names of areas as shown on the official leasing maps. Properly described subdivisions of blocks may be nominated. Reduced copies of the official leasing maps assembled in separate sets, one for Louisiana and one for Texas, may be procured from the Manager, Bureau of Land Management Office, Bureau of Land Management, Room 1001–A, Maritime Building, 203 Carondelet Street, New Orleans, Louisiana, or the Director, Bureau of Land Management, Washington 25, D.C., at a cost of $1 per set. The Louisiana set of maps includes a new map Louisiana 3A, South Marsh Island Area approved August 7, 1959. This new map shows only the blocks in Zone 4, as no nominations will be received in Zone 3 of the South Marsh Island Area.

Any areas selected to be offered for competitive bidding will be published in the FEDERAL REGISTER and other publications. The published notice of lease offer will state the conditions and terms for leasing (43 CFR 201.20) and the place, date and hour at which the bids will be opened.

EDWARD WOOZLEY,
Director.

[F.R. Doc. 59–6948; Filed, Aug. 20, 1959; 8:47 a.m.]

[1] Zones 3 and 4 are the areas designated and described in the Agreement of October 12, 1956, between the United States of America and the State of Louisiana.

Bureau of Mines

HEALTH AND SAFETY ACTIVITY INSTRUCTIONS

Designated Officials

Paragraph 205.2.4, Health and Safety Activity Instructions, Bureau of Mines Manual (23 F.R. 10389), is hereby amended as follows:

In the list of designated officials in subparagraph .4A(1), add the following new titles:

Chief, Branch of Dust Explosions (Pittsburgh).
Chief, Division of Health (Pittsburgh).
Budget Officer, Health and Safety (Pittsburgh).
Research Director, Health and Safety Research and Testing Center (Pittsburgh).

Dated: August 14, 1959.

JAMES WESTFIELD,
Assistant Director, Health and Safety.

[F. R. Doc. 59–6949; Filed, Aug. 20, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–10]

COMMONWEALTH EDISON CO.

Notice of Hearing

Take notice that a hearing will be held at 10:30 a.m., e.d.t., on September 2, 1959 at the Headquarters auditorium of the United States Atomic Energy Commission in Germantown, Maryland, for the receipt and consideration of additional evidence that may be offered by Commonwealth Edison Company and the staff respecting Commonwealth's application for a section 104 license for a nuclear power reactor facility, and particularly concerning the completion of the construction of the facility as defined by the construction permit issued to Commonwealth Edison Company, and as required by the Atomic Energy Act, and rules, regulations, and decisions of the Commission.

Dated this 17th day of August 1959.

SAMUEL W. JENSCH,
Presiding Officer.

MEMORANDUM ACCOMPANYING NOTICE OF HEARING

The proposals submitted by the staff in this proceeding contemplate that further findings, in addition to those possible upon the

basis of the present record, must be made before the proposed license should be issued by the Commission. In the applicant's view, the matters that are presently uncompleted can be set forth later when completed, in a report which it is suggested can be filed with the Commission by one of its divisions.

Consideration of the technical interrelationship of the several component systems of the proposed nuclear reactor facility, in relation to the over-all issue of safety, appears to prevent piece-meal determination, with any degree of finality, of the adequacy and safety of the plant at its present status of construction. In addition, the construction permit issued to this applicant defines completion of the construction of the facility as when ready for initial fuel loadings. With this requirement is the command of Section 185 of the Atomic Energy Act which permits the Commission to consider the issuance of an operating license when the construction of the facility has been completed.

No motion was made to modify that requirement of the construction permit, its terms were accepted by the applicant, and its force cannot be disregarded, even though one witness and applicant's brief appear to argue that the permit can be otherwise construed. The present record does contain opinion evidence that even at the existing status of construction, the proposed facility can be operated with reasonable assurance of safety, but, like those views expressed at the design stage of the proposal, it is concluded that the most important plant components should be completely constructed in order to provide an adequate basis for a final opinion on safety.

Every effort should be and will be made to avoid delays in this proceeding, but it is not considered that the time needed to carry out a statutory proceeding constitutes a delay. The portions of the plant remaining to be completed, after the July hearing, involve fundamental and basic components. While percentages have been offered by the applicant, such as one 90 percent figure, to show how sufficiently the plant is already completed, the remaining 10 percent in the number of plant components appear to reflect such vital factors in safety as to represent almost 99 percent thereof. At the present stage of the record, the most important portion of the plant, from the aspect of safety, that is, the nuclear steam supply system, is not completely constructed. The findings submitted by both the staff and the applicant recognize that the nuclear steam supply system and reactor safety and instrumentation system, as well as some others, are required to be completed prior to the commencement of the critical loading program to assure safe conduct of such program.

The hearing is set for September 2, 1959 with the thought that if the construction program has been accelerated in any degree, since July, the completed construction can be immediately reflected in the record. If September 15 remains as the date, however, for the completed construction as projected in July, the hearing can be recessed to reconvene whenever the applicant informs the Presiding Officer that the additional evidence is available. By the process of recess, additional days for a notice of hearing can be obviated. The possibility of approximately a week's time for hearing and submittal to the Commission will not support the contentions of applicant that it will suffer great financial loss, in view of its likely capitalization of interest during construction prior to completion. It does not appear to the Presiding Officer that the recommended piece-meal presentation of the record thus far to the Commission will achieve the finality claimed, for if the plant component, having 99 percent in importance for safety, has not been completed, its status and effect upon all of the surrounding and satellite units can only be judged when construction is complete.

August 17, 1959, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 59-6934; Filed, Aug. 20, 1959; 8:45 a.m.]

[Docket No. 50-129]

WEST VIRGINIA UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-58. The amendment authorizes West Virginia University to operate its nuclear reactor Model AGN-211, Serial No. 103 with (1) the reactor temperature switch set no lower than 20° C and no higher than 25° C, and (2) a maximum of 0.35 percent excess reactivity loaded in the reactor with the experimental facilities empty and a maximum of 0.55 percent excess reactivity in the reactor with moderator or fuel in the experimental facilities, provided that the excess reactivity shall be determined at the temperature at which the reactor temperature switch is set. Previously, the excess reactivity loadings were determined at a reactor temperature of 20° C, which was the setting for the reactor temperature switch. The Hazards Evaluation Branch of the Division of Licensing and Regulation has reviewed the proposed changes and concluded that operation of the reactor in accordance with the amended license will not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor. Accordingly, the Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see the application for license amendment submitted by West Virginia University on file at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 17th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-58; Amdt. 1]

Paragraph 4.B. of License No. R-58 is hereby amended to read as follows:

4.B.(1) A maximum of 0.35 percent excess reactivity may be loaded in the reactor with the experimental facilities empty and a maximum of 0.55 percent excess reactivity may be loaded in the reactor with moderator or fuel in the experimental facilities. The excess reactivity loadings shall be determined at the temperature at which the reactor temperature switch is set.

4.B.(2) The reactor temperature switch shall not be set below 20° C. nor above 25° C.

This amendment is effective as of July 31, 1959.

Date of issuance: August 17, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-6935; Filed, Aug. 20, 1959; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF MUSK DIRECTLY FROM INDIA

Available Certifications by Government of India

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Government of India under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from India of the following additional commodity:

Musk.

[SEAL] ELTING ARNOLD,
Acting Director, Foreign Assets Control.

[F.R. Doc. 59-6962; Filed, Aug. 20, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT L. TURNER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1959.

ROBERT L. TURNER, JR.

AUGUST 10, 1959.

[F.R. Doc. 59-6936; Filed, Aug. 20, 1959; 8:45 a.m.]

HAROLD L. GRAHAM, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months:

A. Deletions: Sold all stock in Resort Airlines, Inc.
B. Additions: Polaroid Corp., Dow Chemical, Corning Glass, G. D. Searle Co.

This statement is made as of August 1, 1959.

HAROLD L. GRAHAM, JR.

AUGUST 10, 1959.

[F.R. Doc. 59-6937; Filed, Aug. 20, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13072-13075; FCC 59M-1053]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Order Setting Prehearing Conference

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT-2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT-2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT-2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as Tricities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT-2605; for construction permits for television broadcast stations (Channel 8).

It is ordered, This 14th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 o'clock a.m., September 15, 1959.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6965; Filed, Aug. 20, 1959; 8:50 a.m.]

[Docket Nos. 13010-13053; FCC 59M-1049]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Notice of Prehearing Conference

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, Docket No. 13010, File No. BP-11689; et al., Docket Nos. 13011, 13012, 13013, 13014, 13015, 13016, 13017, 13018, 13019, 13020, 13021, 13022, 13023, 13024, 13025, 13026, 13027, 13028, 13029, 13030, 13031, 13032, 13033, 13034, 13035, 13036, 13037, 13038, 13039, 13040, 13041, 13042, 13043, 13044, 13045, 13046, 13047, 13048, 13049, 13050, 13051, 13052, 13053; for construction permits.

A prehearing conference will be held Friday, September 25, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 14, 1959.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6966; Filed, Aug. 20, 1959; 8:50 a.m.]

[Docket No. 13152]

RED'S TAXI

Order To Show Cause

In the matter of George A. Wells, db/as Red's Taxi, 208 North Lincoln, Port Angeles, Washington, Docket No. 13152; order to show cause why there should not be revoked the license for Taxicab Radio Station KOB-620.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated March 10, 1959, calling attention to the following violations, observed February 10, 1959:

1. Section 16.108: Complete transmitter measurements have not been made at required times.
2. Section 16.602: No provision made to receive CONELRAD alerts.
3. Section 16.152 (a) and (b): Transmissions from base and mobile station not properly identified.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 23, 1959, and sent by Certified Mail—Return Receipt Requested (No. 432141), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Myrtle A. Wright, on June 24, 1959, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 13th day of August 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6967; Filed, Aug. 20, 1959; 8:50 a.m.]

[Docket No. 13153]

F. E. AND H. T. WALKER

Order To Show Cause

In the matter of F. E. and H. J. Walker, Hilliard, Florida, Docket No. 13153;

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

order to show cause why there should not be revoked the license for Radio Station WC–7256 aboard the Vessel "John T."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated February 4, 1959, calling attention to violations (observed January 22, 1959) of the Commission rules, as follows:

Section 8.368(a): No evidence that a log of radiotelephone communications was being maintained.

Section 8.368(a)(5): No official station log entries made to indicate periods of time when a listening watch was maintained on the frequency 2182 kc in accordance with the requirements of § 8.223(b) of the Commission's rules.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated March 12, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21491), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, D. Q. Presley on March 13, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 13th day of August, 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–6968; Filed, Aug. 20, 1959; 8:50 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person, or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

CIVIL AERONAUTICS BOARD

[Docket No. 9476]

UNITED STATES OVERSEAS AIRLINES, INC., ET AL.

Notice of Reconvening of Hearing

In the matter of the formal complaint of United States Overseas Airlines, Inc., against Great Lakes Airlines, Inc., Currey Air Transport, Ltd., Trans-Alaskan Airlines, Inc., Transcontinental Airlines Agency System, Skycoach System and Irving E. Hermann and Ida Mae Hermann.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled matter will be reconvened in Room 810, U.S. Post Office and Court House, 312 North Spring Street, Los Angeles, California, at 10:00 a.m. (local time) on September 9, 1959, before Examiner John A. Cannon.

Dated at Washington, D.C., August 17, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59–6963; Filed, Aug. 20, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–19210]

AYERS OIL & GAS CO.

Order for Hearing and Suspending Proposed Change in Rate

AUGUST 14, 1959.

Ayers Oil & Gas Company (Ayers), on July 16, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase in rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Hope Natural Gas Company.
Rate schedule designation: Supplement No. 7 to Ayers Oil & Gas Company's FPC Gas Rate Schedule No. 1.
Effective date: August 16, 1959 (effective date is the first day after expiration of the required thirty days' notice).

Ayers' contract with Hope contains no provisions for increase above its present rate, nor has Ayers filed any amendatory agreement containing a favored-nation clause as a supplement to its rate schedule. Upon Commission's request, Ayers forwarded a copy of a letter from Hope basing the rise upon a favored-nation clause allegedly contained in the contract. Hope has subsequently maintained that an error had been made and that the contract in question was in fact being cancelled. No notification of any error has been received nor has Ayers filed to cancel its rate schedule.

The increased rate and charge has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that Supplement No. 7 to Ayers' FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Ayers' FPC Gas Rate Schedule No. 1.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 16, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the Supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–6940; Filed, Aug. 20, 1959; 8:46 a.m.]

[Docket No. G–15367 etc.]

McALESTER FUEL CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 14, 1959.

In the matters of McAlester Fuel Company, Operator,[1] Docket No. G–15367; Kingwood Oil Company, Docket No. G–15426; Hunt Oil & Gas Corp., et al.,[2] Docket No. G–15429; Edwin L. Cox,[3] Docket No. G–15435; Starkan Gas Company, Operator,[4] Docket No. G–15440; Starkan Gas Company, Operator,[4] Docket No. G–15441; Kirby Production Company (Formerly Toklan Oil Corporation),[5] Docket No. G–15477; General American Oil Company of Texas,[6] Docket No. G–15479; Theodore A. Parsons, et al.,[7] Docket No. G–15489; R. J. Hunter, et al.,[7] Docket No. G–15491; Wilcox Oil and Gas Company, Well No. 1, Docket No. G–15493; S. H. Killingsworth, Operator, et al.,[8] Docket No. G–15790.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications and amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G–15367; Tatum Field, Rusk and Panola Counties, Texas; Texas Eastern Transmission Corporation.

G–15426; Northwest Dower Field, Beaver County, Oklahoma; Northern Natural Gas Company.

G–15429; Cowards Gully Field, Beauregard and Calcasieu Parishes, Louisiana; United Gas Pipe Line Company.

G–15435; Acreage in Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G–15440; Whelan Field, Barber County, Kansas; Cities Service Gas Company.

G–15441; Hardtner Field, Barber County, Kansas; Cities Service Gas Company.

G–15477; Acreage in Beaver County, Oklahoma; Natural Gas Pipeline Company of America.

G–15479; Cotton Valley Field, Webster Parish, Louisiana; United Gas Pipe Line Company.

G–15489; Union District, Ritchie County, West Virginia; Hope Natural Gas Company.

G–15491; Grant District, Doddridge County, West Virginia; Hope Natural Gas Company.

G–15493; Grant District, Doddridge County, West Virginia; Hope Natural Gas Company.

G–15790; Rodessa Field, Marion County, Texas; Arkansas Louisiana Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] The McAlester Fuel Company, Operator, filing for itself and, as Operator, lists in the related rate schedule filing, together with its percentage of working interest, Skelly Oil Company, as nonoperator. Application covers a ratification agreement dated March 26, 1958, of a basic gas sales contract dated June 12, 1957, between Robert Cargill, seller, and Texas Eastern Transmission Corporation, buyer. McAlester and Skelly are both signatory parties to the subject ratification agreement, which agreement has also been signed by the buyer.

[2] Hunt Oil & Gas Corp., Jack I. Straus, Irma N. Straus, Harry Hunt, Marjorie C. Blenstock, W. Harold Hoffman, Clifford Michel, Barbara R. Michel, Muriel R. Pershing, Kathryn B. Miller, Montaque Hackett, W. H. Bell, individually and as Executor of the Estate of Vera K. Bell, deceased, and Edgar Ainsworth Eyre, nonoperators, are filing jointly for their interests in seven gas units. All are signatory seller parties to the subject gas sales contract. Deliveries commenced in November 1958 and the amendment filed acknowledges Applicant's willingness to accept a conditioned certificate requiring refund to buyer should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

[3] Application covers an amendatory agreement dated April 17, 1958 which adds additional acreage to a basic gas sales contract dated January 7, 1957.

[4] Starkan Gas Company, a partnership composed of Marie R. Patteson, James S. Patteson III, S. Starke Patteson, F. Norton Patteson and David E. Patteson. All are signatory seller parties to the two separate gas sales contracts each of which is dated May 20, 1958.

[5] Application covers an amendatory agreement dated April 25, 1958 which adds casinghead gas to a ratification agreement, dated December 17, 1956 (covering gas well gas) between Toklan Oil Corp. (now Kirby Production Company), seller, and Pipeline Co., buyer, of a basic gas sales contract dated November 7, 1955, as amended, between The Carter Oil Company, seller, and Pipeline Co., buyer. Toklan was authorized to sell gas under the ratification agreement dated December 17, 1956 and Kirby is the sole signatory seller party to the subject amendatory agreement.

[6] Amendment filed acknowledges Applicant's willingness to accept a conditioned certificate requiring refund to buyer should the additional one cent Louisiana tax levied pursuant to Act No. 8 of 1958 (House Bill 303) be invalidated.

[7] R. J. Hunter, et al., Applicant, is a partnership comprised of R. J. Hunter, Chester E. Bucher, Fred R. Ritmuller, Roger K. Stockton, Stanley Stockton, Clarence Hall, Semour Randolph Grant, Frances Hurley, A. L. Krantz, Edward Karpinski, Pearl Sutherland, H. S. Doubleday, Jr., Sydney Bebbington, R. E. Richards, Frances R. North, Ward Guthrie, Wm. G. Everhart, Victor J. Koser, Scandola Oil and Gas Co., Olin Wetzel, C. A. Stricklin and Laura C. Barnes. All are signatory seller parties to the subject gas sales contract through the signatures of R. J. Hunter, who has signed the contract individually, and as Attorney-in-Fact for the remaining co-owners.

[8] S. H. Killingsworth, Operator, is filing for himself and on behalf of the following nonoperators: F. R. Jackson, J. D. Blackburn, B. J. Wooley, Mrs. Claude A. Williams and Jack T. Williams, Independent Executrix and Executor of the Estate of Claude A. Williams and Edwin Lacy. All are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59–6941; Filed, Aug. 20, 1959; 8:46 a.m.]

See footnotes at end of document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3810]

UNION ELECTRIC CO.

Notice of Proposed Underwritten Common Stock Offering to Stockholders and Offering of Unsubscribed Shares to Employees

AUGUST 17, 1959.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction.

Union proposes to offer to the holders of its outstanding shares of common stock 1,036,602 shares of its presently authorized but unissued common stock ("Additional Common Stock"), par value $10 per share, on the basis of one share of Additional Common Stock for

each ten shares of common stock held of record at the close of business on September 10, 1959, at a price per share ("Subscription Price") to be determined by Union's Board of Directors on or about September 9, 1959. Such price will be not less than 8 percent under the closing price per share of Union's common stock on the New York Stock Exchange on the date of such determination. It is expected that such offering will be made on or about September 11, 1959, and will expire on or about September 30, 1959. As soon as practicable after the necessary regulatory approvals, Union proposes to issue to its common stockholders transferable subscription warrants evidencing the right to subscribe to Additional Common Stock. No fractional shares will be issued, but rights evidenced by the subscription warrants may be bought or sold through banks and brokers. It is expected that such rights will be traded on the New York Stock Exchange. Union also expects to make arrangements with its subscription agents whereby a warrant holder may place an order for the purchase or sale of rights to round out his subscription to full shares or for the sale of all or a portion of the rights evidenced by his subscription warrant. The Hanover Bank has been selected as the New York Subscription Agent; St. Louis Union Trust Company (Union's St. Louis Transfer Agent), which will process routine subscriptions only, has been selected as the St. Louis Subscription Agent.

Union also proposes to offer to regular full-time employees (excluding elected officers) of Union and its subsidiaries, Missouri Power & Light Company and Missouri Edison Company, nontransferable privileges to subscribe, at the Subscription Price, for such of the shares of Additional Common Stock as are not subscribed for through exercise of the rights issued to stockholders. Employee subscriptions are to be limited to a maximum of one share for each full $10 of monthly salary or earnings based on a normal forty-hour week, but no subscription is to be for less than 10 nor more than 100 shares. Such subscriptions are to be allotted pro rata in the event there is insufficient Additional Common Stock available, except that no subscription will be reduced to less than ten shares. If the number of shares available should be insufficient to allot at least ten shares to each subscribing employee, the available shares will be allotted equally.

The offering of the Additional Common Stock is to be underwritten, and Union proposes to invite sealed written proposals, pursuant to Rule 50 promulgated under the Act, for the purchase, at the Subscription Price, of such shares of Additional Common Stock as are not subscribed for through the exercise of subscription warrants or through the exercise of employee subscription privileges.

The net proceeds from the sale of the Additional Common Stock, estimated by Union to amount to approximately $31,100,000, will provide funds to partially reimburse the company's treasury for capital expenditures heretofore made, to retire short-term bank loans, to finance in part the cost of continuing additions and improvements to its utility plant, and for other corporate purposes. It is expected that such short-term bank loans will aggregate approximately $28,000,000 by the time the Additional Common Stock is sold.

The fees and expenses to be incurred by Union in connection with the proposed transaction are estimated at $256,000, including printing and engraving expenses, $69,000; fees of subscription agents, $54,000; charges of transfer agents and registrars, $29,800; mailing of warrants and stock certificates, $14,000; fees and expenses of counsel for the company, $12,500; fees and expenses of accountants, $8,500; advertising expenses, $2,000; expenses incident to listing Additional Common Stock on the New York Stock Exchange, $8,000; out-of-pocket expenses of underwriters to be reimbursed by company (maximum), $1,000; and miscellaneous expenses, $14,490. The fees and expenses of counsel for the underwriters, which are to be filed by amendment, are to be paid by the successful bidders.

The declaration states that the Public Service Commission of Missouri and the Illinois Commerce Commission have jurisdiction over the issuance and sale of the Additional Common Stock and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 2, 1959, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C., At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–6953; Filed, Aug. 20, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 173]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 18, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62244. By order of August 14, 1959, the Transfer Board approved the transfer to Phil's Express, Inc., South River, N.J., of Certificate in No. MC 15617, issued June 24, 1954, to Philip Hollander, Teddy Hollander, and Herman Shapanka, a partnership, doing business as Phil's Express, South River, N.J., authorizing the transportation of: Various commodities of a general commodity nature between specified points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., and Simon A. Bahr, 22 Kirkpatrick Street, New Brunswick, N.J., for applicants.

No. MC–FC 62305. By order of August 17, 1959, the Transfer Board approved the transfer to Point Transfer, Inc., Canton, Ohio, of Certificate in No. MC 26063, issued September 11, 1951, to Donald K. Sutherland, doing business as Pearson & Howell, Beaver Falls, Pa. authorizing the transportation of: Household goods and general commodities, including household goods, excluding commodities in bulk and other specified commodities, between New Galilee, Pa., and points in Ohio and West Virginia; and general commodities, excluding household goods, commodities in bulk and other specified commodities between New Galilee, Pa., on the one hand, and, on the other points in Pennsylvania within 5 miles of New Galilee. George, Greek, King & McMahon, Attorneys at Law, 44 Broad Street, Columbus, Ohio, for applicants.

No. MC–FC 62416. By order of August 17, 1959, the Transfer Board approved the transfer to James H. Powers, Inc., Melbourne, Ia., of Certificates Nos. MC 112148 Sub 1, MC 112148 Sub 7, MC 112148 Sub 8, MC 112148 Sub 9, MC 112148 Sub 10, and MC 112148 Sub 13, issued November 23, 1955, January 18, 1956, July 20, 1956, September 17, 1957, January 20, 1959, and June 3, 1959, respectively to James H. Powers, Melbourne, Ia., authorizing the transportation of: Butter and eggs from specified points in N. Dak., S. Dak., to specified points in Ia., Nebr., and N.Y., and from Slater, Iowa to Buffalo, N.Y.; butter from Slater, Ia., to specified points in Ohio and N.Y.; canned goods and frozen foods from specified points in Mich. to specified points in N. Dak., and S. Dak.; fresh and frozen grape juice and canned tomato juice, tomato products, jams, jellies and preserves from specified points in Mich. to specified points in Minn., N. Dak., and S. Dak.; canned and frozen foods from specified points in Mich. to specified points in Minn., N. Dak., and S. Dak.; frozen foods and canned goods from specified points in Mich. to specified points in Wis. and Minn.; wine in containers from Brocton, N.Y., to specified points in N. Dak., and S. Dak.; damaged, defective, rejected or returned shipments of wine in containers, from specified points in N. Dak. and S. Dak. to Brocton, N.Y.; and frozen fruits from specified points in N.Y. to specified points in Kans., and Mo., and from points in N.Y. and Pa. to specified points in Ia., Kansas, Mo. and Nebr., and from Elmira, N.Y., and Erie and North East, Pa., to Omaha, Nebr.; In No. MC–FC 62416A, The Transfer Board, by order of Aug. 17, 1959, also approved the transfer to James H. Powers, Inc., of the claimed rights of James H. Powers in No. MC–112148 Sub 11 to conduct operations under section 7 of the Transportation Act of 1958 in the transportation of frozen fruits, frozen berries and frozen vegetables from points in Minn., Nebr., N.Y., Pa. and Wis. to points in Ark, Ia., and Kans., Mich., Minn., Nebr., and N.Y., and substituted the former for the latter in that proceeding

In MC–FC 62416–B the Board substituted James H. Powers, Inc., for James H. Powers. William A. Landau, P.O. Box 1634, Des Moines, Iowa.

No. MC–FC 62338. By order of August 14, 1959, the Transfer Board approved the transfer to Stuart M. Smith and Edith M. Smith, a partnership, doing business as A. T. McCormick of Baltimore, Md., of Certificate No. MC 66650 issued June 28, 1957, to Edith M. Smith, doing business as A. T. McCormick, Baltimore, Md., authorizing the transportation of bakery products, from Philadelphia, Pa., to Wilmington, Del., and Baltimore, Md., and empty cartons therefor from Wilmington, Del., and Baltimore, Md., to Philadelphia, Pa.; and bakery products, except biscuits, crackers, and cookies, from Philadelphia, Pa., to Washington, D.C., and Walkersville and Hagerstown, Md. and empty cartons therefor from Washington, D.C., and Walkersville and Hagerstown, Md., to Philadelphia, Pa. Edith M. Smith, 3301 Norman Avenue, Baltimore 13, Md., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–6959; Filed, Aug. 20, 1959; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 106]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Chicago and North Western Railway Company, because of washout on its Lincoln and Superior Branch in Nebraska, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Chicago and North Western Railway Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., August 15, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 15, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59–6960; Filed, Aug. 20, 1959; 8:49 a.m.]

[No. 33161]

LEHIGH VALLEY RAILROAD

Increased Passenger Fares

In the matter of (1) assigning the time and place of hearing and (2) prescribing special rules of practice.

It appearing that on August 10, 1959, The Lehigh Valley Railroad Company filed a petition requesting this Commission to authorize it to increase all of its interstate passenger fares between points up to 100 miles apart by 60 percent, 100 and up to 200 miles apart by 50 percent, over 200 miles and up to 300 miles apart by 40 percent, and over 300 miles apart by 30 percent, provided that in no instance will the rate between any two points exceed the rate between two points which include them;

And it further appearing, that this proceeding has been docketed under the above number and title:

It is ordered, That this proceeding shall be subject to special rules of practice as follows:

(1) Petitioner shall file its evidence in chief in the form of verified statements and supporting exhibits on or before August 24, 1959 with three copies to this Commission and one copy to the Board of Public Utility Commissioners of the State of New Jersey, one copy to each of the parties listed below, and one copy to any other interested party on request in writing addressed to Mr. M. R. Warnock, Assistant General Counsel, Lehigh Valley R.R. Co., 143 Liberty Street, New York, N.Y.

(2) Protests against the proposed increases may be filed on or before September 10, 1959. Such protests should make reference to this proceeding by docket number and title, should state the grounds in support of the protests, and indicate in what respect the proposed increases are considered to be unlawful. Protests may be in letter form and an original only need be filed with this Commission, with copy to Mr. Warnock, representing the petitioner. Unless orally objected to on the record at the hearing provided in paragraph 5, these protests will be received in evidence.

(3) Evidence in behalf of groups or associations either in support of or against the proposed fares, including evidence dealing with the cost of service or other technical matters, must be submitted in the form of verified statements (affidavits), with or without exhibits attached, on or before September 10, 1959, with three (3) copies to this Commission, one copy to the New Jersey Board, two copies to Mr. Warnock, together with a copy to any other interested party requesting it.

(4) The Commission will take official notice of, and consider as part of the record in this proceeding, the annual, quarterly and monthly reports of the petitioner to this Commission for the period from 1946 to the date of the hearing.

Parties desiring to enter objection to the consideration of such documents, or any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 5 hereof. The objection should specify the matter objected to and the reasons therefor.

(5) A hearing for the purpose of cross-examining witnesses who have filed verified statements and for the presentation of rebuttal evidence, if any, by petitioner,

will be held at Room 202, Federal Building, Allentown, Pa., beginning at 10:00 o'cock a.m., U.S. standard time (or 10:00 o'clock a.m., local daylight saving time, if that time is observed), on September 21, 1959, before Examiner Burton Fuller. Opportunity will also be given at this session for the presentation of oral testimony in suport of or in opposition to the proposed increased fares, by persons having an interest therein. In addition, an evening session for this purpose will be held at the Borough Office, Park Avenue, Flemington, N.J., beginning at 8:00 o'clock p.m., U.S. standard time (or 8:00 o'clock p.m. local daylight saving time, if that time is observed), on September 22, 1959.

And it is further ordered, That a copy of this order shall be served upon petitioner, the parties listed below, and a copy filed with the Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, N.J., and with the Federal Register Division, Washington, D.C.

Dated at Washington, D.C., this 13th day of August A.D. 1959.

By the Commission, Acting Chairman Arpaia.

[SEAL] HAROLD D. McCOY, *Secretary.*

Lehigh Valley Passenger & Shippers Association, 29 Broadway, New York 6, N.Y.
Mayor of Allentown, Pa.
Mayor of Bethlehem, Pa.
Mayor of Easton, Pa.
Mayor of Ithaca, N.Y.
Hon. John H. Bigelow, City Solicitor, Hazleton, Pa.
Hon. John Bush, Mayor of Flemington, N.J.

[F. R. Doc. 59-6961; Filed, Aug. 20, 1959; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 18, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35627: *Rock salt from Morton, Ohio to eastern destinations.* Filed by O. E. Schultz, Agent (ER No. 2505), for interested rail carriers. Rates on salt, rock, in bulk, crushed or screened, in carloads from Morton, Ohio to points in Delaware, District of Columbia, Maine, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

Grounds for relief: Market competition with Retsof and Ludlowville, N.Y.

Tariff: Supplement 5 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-19 (Hinsch series).

FSA No. 35628: *Petroleum and products between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 364), for interested rail carriers. Rates on petroleum and petroleum products, in carloads between points in Texas over interstate routes through adjoining States.

Grounds for relief: Texas intrastate competition and short-line distance formula.

Tariff: Supplement 36 to Texas-Louisiana Freight Bureau tariff I.C.C. 890.

By the Commission.

HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-6958; Filed, Aug. 20, 1959; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8-7-59 to 8-6-60 (women's and girls' blouses).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 8-4-59 to 8-3-60 (boys' shirts and jackets).

Feldt Manufacturing Co., Inc., 106 East Hamilton Stamford, Tex.; effective 8-10-59 to 8-9-60 (men's, ladies' and boys' western shirts).

Hillsboro Garment Co., Inc., 666 School Street, Hillsboro, Ill.; effective 8-10-59 to 8-9-60 (women's and juniors' dresses).

Jasper Brassiere Co., Jasper, Ala.; effective 8-11-59 to 8-10-60 (brassieres).

Johnnye Manufacturing Co., 105 South Fourth Street, Albion, Ill.; effective 8-10-59 to 8-9-60 (ladies' dresses).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 8-6-59 to 8-5-60 (boys' pants).

Linden Manufacturing Co., Birdsboro, Pa.; effective 8-7-59 to 8-6-60 (ladies' and girls' blouses).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8-7-59 to 8-6-60 (ladies' and girls' blouses).

Linden Manufacturing Co., Inc., 843 North Ninth Street, Reading, Pa.; effective 8-7-59 to 8-6-60 (ladies' and girls' blouses).

Linden Manufacturing Co., 24 High Street, Womelsdorf, Pa.; effective 8-7-59 to 8-6-60 (ladies' and girls' blouses).

Salem Garment Co., Inc., Salem, N.C.; effective 8-22-59 to 8-21-60 (women's wash dresses).

Saltillo Manufacturing Co., Inc., Saltillo, Tenn.; effective 8-15-59 to 8-14-60 (men's, boys' and juvenile sport shirts).

Henry I. Siegel Co., Inc., Outerwear and Jackets Dept., Bruceton, Tenn.; effective 8-10-59 to 8-9-60 (men's and boys' jackets).

Wright Manufacturing Co., 626 West Currahee Street, Toccoa, Ga.; effective 8-20-59 to 8-19-60 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans, La.; effective 8-11-59 to 8-10-60; 10 learners (men's work pants).

Elpern Manufacturing, Inc., 113 Summit Avenue, Hagerstown, Md.; effective 8-18-59 to 8-17-60; 10 learners (children's dresses).

Federalsburg Manufacturing Co., 106-110 Main Street, Federalsburg, Md.; effective 8-10-59 to 8-9-60; 10 learners (women's outerwear—dresses, carcoats).

Green Bay Specialty Co., 129 South Washington Street, Green Bay, Wis.; effective 8-11-59 to 8-10-60; five learners (men's, women's, and children's jeans, overalls, jackets, sport coats).

H & W Manufacturing Co., Inc., 875 Hickory Street, Peckville, Pa.; effective 8-5-59 to 8-4-60; 10 learners (women's dresses).

Horton Garment Co., 112 South Second Street, Atchison, Kans.; effective 8-18-59 to 8-17-60; 10 learners (juniors' and misses' dresses).

Providence Pants Manufacturing Co., 1213 North Main Avenue, Scranton, Pa.; effective 8-6-59 to 8-5-60; five learners (boys' dress pants).

Relda Apparel Manufacturing Co., 47 Main Street, Hughesville, Pa.; effective 8-6-59 to 8-5-60; 10 learners (women's street dresses).

Rose Marie, Inc., 117½ South Waco Street, Hillsboro, Tex.; effective 8-10-59 to 8-9-60; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's apparel, sportswear).

Snowdon, Inc., Osceola, Iowa; effective 8-10-59 to 8-9-60; five learners engaged in the production of women's lingerie made from woven fabric.

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 8-8-59 to 2-7-60; 20 learners (overalls and jackets).

Monticello Manufacturing Inc., South Warren Street, Monticello, Ga.; effective 8-10-59 to 2-9-60; 25 learners (men's and boys' pants).

Opportunity, Inc., Harllee Street, Marion, S.C.; effective 8-6-59 to 2-5-60; 50 learners. Learners may not be employed in production subject to the learner regulations for the knitted wear industry (replacement certificate) (under and outerwear garments).

Phoenix Apparel, Inc., 1019 Market Street, Wilmington, N.C.; effective 8-10-59 to 2-9-60; 20 learners. Learners may not be employed in the production of separate skirts (ladies' bathrobes, slacks, and shorts).

Jack Winter Manufacturing Corp., Marianna, Ark.; effective 8-4-59 to 2-3-60; 30 learners (men's slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 8-11-59 to 8-10-60; 10 percent of the total number of factory production workers engaged in machine stitching for normal labor turnover purposes (ladies' knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Bellington Hosiery Mill, Inc., Hickory, N.C.; effective 8-4-59 to 8-3-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellis Hosiery Mills, Inc., Hickory, N.C.; effective 8-7-59 to 8-6-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Stanly Knitting Mills, Inc., Oakboro, N.C.; effective 8-6-59 to 8-5-60; five learners for normal labor turnover purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hazlehurst Manufacturing Co., Vidalia Division, Vidalia, Ga.; effective 8-8-59 to 8-7-60; 15 learners for plant expansion purposes (women's underwear).

Junior Form Lingerie Corp., Route 601, Jerome, Pa.; effective 8-19-59 to 8-18-60; five learners for normal labor turnover purposes (women's sleepwear).

Marion Rohr Corp., 18 North Main Street, Hornell, N.Y.; effective 8-16-59 to 8-15-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Snowdon, Inc., Osceola, Iowa; effective 8-10-59 to 8-9-60; 5 percent of the total number of factory production workers engaged in the production of women's lingerie made from knitted fabric.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Palm Beach Co., Talladega, Ala.; effective 8-24-59 to 2-23-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator and final presser each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's summer wash pants, shorts, and suit pants).

Palm Beach Co., Talladega, Ala.; effective 8-10-59 to 2-9-60; 50 learners for plant expansion purposes in the occupations of sewing machine operator, and final presser each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's summer wash pants, shorts, and suit pants).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 8-18-59 to 2-17-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (headwear).

Henry I. Siegel Co., Inc., Coats and Vests Dept., Bruceton, Tenn.; effective 8-10-59 to 2-9-60; 5 percent of the total number of factory production workers engaged in the production of men's and boys' clothing not subject to the regulations for the apparel industry as defined in § 522.21 in the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of not less than 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours.

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Ocean Knitwear Corp., Km. 34.4 and Modesto Sola Street No. 2, Caguas, P.R.; effective 7-6-59 to 1-5-60; 50 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressing and folding each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 54 cents an hour (polo and sport knitted fabric shirts).

Puerto Rico Crafts Inc., No. 9 San Juan Street, Mayaguez, P.R.; effective 7-24-59 to 1-23-60; 25 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours (girls' dresses).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 12th day of August 1959.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 59-6952; Filed, Aug. 20, 1959; 8:47 a.m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 24 NUMBER 165

Washington, Saturday, August 22, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC TECHNICAL AND PROFESSIONAL POSITIONS

Department of the Interior; Student Trainee

The headnote of § 24.121 and paragraphs (a)(1) and (a)(3) are amended to read as follows:

§ 24.121 Student Trainee, GS–2–4, in the following codes: GS–402, GS–408, GS–455, GS–458, GS–462, GS–483, GS–802, GS–1311, GS–1341, GS–1371, GS–1521 or any other code covering student trainee for any specialized field as follows: any biological science (GS–400 Group, including the Park Ranger Series, GS–453); any branch of engineering (GS–800 Group); any physical science (GS–1300 Group); any profession of the mathematics and statistics group (GS–1500 Group); and the specific fields of architecture, landscape architecture, patent examining, food and drug inspecting, economics, accounting, archeology, archival science, and history.

(a) *Educational requirements.* (1) For student trainee, GS–2 applicants must have been enrolled or have been accepted for enrollment in an accredited college or university in a curriculum leading to a bachelor's degree in one of the specialized fields shown in the headnote of this section; or they must have been graduated from an accredited high school with credits in all courses required for admission to such a college curriculum.

* * * * *

(3) The college study specified must have been at an accredited college or university in a full 4-year or longer curriculum leading to a bachelor's degree with specialization in one of the fields listed in the headnote of this section. The specialized field for which the applicants apply, and in which they will receive training on the job if appointed, must be consistent with the curriculum they are pursuing in college. The degree of specialization in this field must have been such that at the time of graduation the course requirements specified for eligibility in the U.S. Civil Service Commission's examination for the corresponding GS–5 positions in the specialized field can be met. College study at an accredited junior college will be accepted if the credits are acceptable in full by a 4-year accredited college toward completion of its own curriculum in the field concerned.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7001; Filed, Aug. 21, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Utah

On August 7, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

UTAH	
County	*Average value*
Beaver	$30,000
Box Elder	35,000
Cache	35,000
Carbon	30,000
Daggett	30,000
Davis	35,000

(Continued on p. 6831)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

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County	Average value
Duchesne	$30,000
Emery	30,000
Garfield	30,000
Grand	30,000
Iron	30,000
Juab	30,000
Kane	35,000
Millard	35,000
Morgan	32,000
Piute	35,000
Rich	35,000
Salt Lake	30,000
San Juan	32,000
Sanpete	35,000
Sevier	35,000
Summit	30,000
Tooele	30,000
Uintah	35,000
Utah	35,000
Wasatch	30,000
Washington	32,000
Wayne	35,000
Weber	

(Sec. 41, 50 Stat., as amended; 7 U.S.C. 1015; Order of Acting Secretary of Agriculture, 19 F.R. 74, 77, 22 F.R. 8188)

Dated: August 17, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-7006; Filed, Aug. 21, 1959; 8:49 a.m.]

Subchapter B—Farm Ownership Loans

[Administration Letter 652 (440)]

PART 331—POLICIES AND AUTHORITIES

SUBCHAPTER D—SOIL AND WATER CONSERVATION LOANS

[Administration Letter 652 (440)]

PART 351—POLICIES AND AUTHORITIES

Interest Rates on Direct Farm Ownership Loans and Direct Soil and Water Conservation Loans to Individuals

The interest rate on direct Farm Ownership loans and direct Soil and Water Conservation loans to individuals approved on and after September 1, 1959, will be five (5) percent per year. Accordingly, § 331.9(c)(1), Title 6, Code of Federal Regulations (21 F.R. 10446), and § 351.2(d)(1)(ii), Title 6, Code of Federal Regulations (20 F.R. 1964), are amended to read as follows:

§ 331.9 Sources of funds and terms of loans.

* * * * *

(c) *Interest rates*—(1) *Direct loans.* For direct loans approved on and after September 1, 1959, interest will be charged at the rate of five percent (5%) per year on the unpaid principal.

(Sec. 3, 60 Stat. 1074, as amended, sec. 18, 72 Stat. 840, sec. 41; 60 Stat. 1066; 7 U.S.C. 1003, 1006e, 1015. Order of Acting Secretary of Agriculture, 19 F.R. 74, 77, 22 F.R. 8188)

§ 351.2 Loans to individuals.

* * * * *

(d) *Rates and terms*—(1) *Interest rates and loan insurance charges.*

* * * * *

(ii) For direct Soil and Water Conservation loans approved on and after September 1, 1959, the interest rate will be five percent (5%) per year on the unpaid principal.

(Secs. 9, 10, 68 Stat. 735, sec. 11, 72 Stat. 841; 16 U.S.C. 590x–2, –3, –4. Order of Acting Sec. of Agric., 19 F.R. 74, 77, 22 F.R. 8188)

Dated: August 18, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-7007; Filed, Aug. 21, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81, as amended) was published in the FEDERAL REGISTER of June 10, 1959 (24 F.R. 4699). The regulations hereinafter promulgated are issued pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.).

The amendments incorporate definitions of the various classes of poultry and other requirements with respect to the name of the product for labeling purposes. A provision is added which prohibits overtime and holiday inspection service in establishments that are in a delinquent status with respect to the payment for overtime and holiday service rendered the establishment. The amendments require inspection of the poultry ingredients in certain exempted poultry products. Certain specified types of food products which contain very small quantities of poultry meat and certain poultry dishes are exempted from the category of poultry products. Other changes clarify the meaning of certain existing provisions of the regulations, relieve restrictions thereof, or impose minor additional or different requirements.

After consideration of all relevant material, the regulations in 7 CFR Part 81, as amended, are hereby further amended as follows:

1. Change § 81.7 to read:

§ 81.7 Poultry and poultry products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part, and all dressed poultry and poultry products entering an official establishment shall have been inspected and shall be marked as required by the regulations in this part.

§ 81.14 [Amendment]

2. Change § 81.14(a)(2) to read:

(2) Four copies of drawings or blueprints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, be properly drawn to scale, and shall consist of floor plans and a plot plan. Drawings or blueprints consisting of more than one sheet shall be bound together at the left margin in sets.

3. Change §§ 81.14 (a)(3) and (b)(5), respectively, to read:

(3) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and the location of roadways, railroads and water and sewer lines or sewage facilities serving the plant.

(b) * * *

(5) All floor drain openings and gutter drains, and for all buildings constructed after September 1, 1959, the approximate location of all underfloor and underground piping.

§ 81.25 [Amendment]

4. Change § 81.25(b) to read:

(b) During such period of suspension, no processing of poultry or poultry products for commerce shall be carried on in the official establishment. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the official establishment. Upon withdrawal of inspection service in an official establishment, the plant approval shall also become terminated.

§ 81.35 [Amendment]

5. Change § 81.35(b)(4) to read:

(4) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless an automatic backwater check valve is installed to pre-

vent back-flow. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin, nor shall such drainage be permitted to enter the sewer lines at a point where there might be a possibility of such drainage backing up and flooding the floor of the building.

§ 81.131 [Amendment]

6. Add the following new paragraphs (e) and (f) to § 81.131:

(e) The name of the product required to be shown on labels for fresh or frozen raw whole carcasses of poultry shall be in either of the following forms: The name of the kind (such as chicken, turkey, or duck) preceded by the qualifying term "young" or "mature" or "old", whichever is appropriate; or the appropriate class name as described in paragraph (f) of this section. The name of the kind may be used in addition to the class name, but the name of the kind alone without the qualifying age or class term is not acceptable as the name of the product. The class name may be appropriately modified by changing the word form such as using the term "roasting chicken", rather than "roaster". The name "chicken" may be used without qualification with respect to a ready-to-cook pack of fresh or frozen cut-up young chickens, or a half of a young chicken, and the name "duckling" may be used without qualification with respect to a ready-to-cook pack of fresh or frozen young ducks. The appropriate names for cut-up parts are set forth in paragraph (d) of this section. When naming parts cut from young poultry, the identity of both the kind of poultry and the name of the part shall be included in the product name. The product name for parts or portions cut from mature poultry shall include, along with the part or portion name, the class name or the qualifying term "mature". The name of the product for cooked or heat processed poultry products shall include the kind name of the poultry from which the product was prepared.

(f) The appropriate class names for the various kinds of poultry are as follows:

(1) *Chickens*—(i) *Rock Cornish game hen or Cornish game hen.* A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 6 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(ii) *Broiler or fryer.* A broiler or fryer is a young chicken (usually 9 to 12 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(iii) *Roaster.* A roaster is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(iv) *Capon.* A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(v) *Caponette.* A caponette is a young, tender-meated chicken (usually under 8 months of age), with soft, pliable, smooth-textured skin, which has been treated with diethylstilbestrol or its equivalent.

(vi) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(vii) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster, and nonflexible breastbone tip.

(viii) *Cock or rooster.* A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

(2) *Turkeys*—(i) *Fryer-roaster turkey.* A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(ii) *Young hen turkey.* A young hen turkey is a young female turkey (usually 5 to 7 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(iii) *Young tom turkey.* A young tom turkey is a young male turkey (usually 5 to 7 months of age), that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(iv) *Yearling hen turkey.* A yearling hen turkey is a fully matured female turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(v) *Yearling tom turkey.* A yearling tom turkey is a fully matured male turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(vi) *Mature turkey or old turkey (hen or tom).* A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(3) *Ducks*—(i) *Broiler duckling or fryer duckling.* A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and soft windpipe.

(ii) *Roaster duckling.* A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(iii) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(4) *Geese*—(i) *Young goose.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(ii) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(5) *Guineas*—(i) *Young guinea.* A young guinea may be of either sex, is tender-meated, and has a flexible breastbone cartilage.

(ii) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh, and a hardened breastbone.

7. Change § 81.147 to read:

§ 81.147 Products of poultry not intended for human food or intended for export for processing as human food.

Products of poultry that are not intended for use as human food may, after they have been denatured by an approved substance and procedure, be shipped from the official establishment and in commerce even though they do not comply with all the provisions of the regulations applicable to poultry products. However with respect to such items as poultry heads, feet, or parts which are inedible due to causes other than disease, it is not required that these items be denatured if they are mixed with the offal prepared for animal food and marked as such or marked "Not fit for human food." Moreover, feet and heads which are kept separate from the offal and which have not been prepared as poultry products may be shipped from the official establishment and in commerce if they are marked "Not fit for human food" or if they are intended for export for further processing as human food and have been examined and found suitable for such purpose and are marked in a manner approved by the Administrator. The containers of all such aforesaid products shall bear the name and address of the packer and the plant number of the plant where packed and shall not bear the official inspection mark.

8. Change § 81.153 to read:

§ 81.153 Shipment of dressed poultry in commerce.

Dressed poultry or any poultry slaughtered for human food or any part thereof, separately or in combination with other ingredients (other than poultry products) shall not be delivered, received, transported, sold or offered for sale or transport in commerce or from an official establishment, except as provided in the regulations in this part: *Provided*, That such poultry may be transported from one official establishment to another official establishment or between an official establishment and a foreign country.

§ 81.156 Distribution of inspected products to small lot buyers.

For the purpose of facilitating the distribution in commerce of inspected poultry products to small lot buyers (such as small restaurants), distributors or jobbers may remove inspected poultry products from shipping containers or immediate containers, other than consumer packages, and place them into other shipping containers which do not bear the inspection mark: *Provided*, That individual carcasses or consumer packages of the poultry products bear the inspection mark and the plant number of the establishment that processed such products: *And provided further*, That the shipping container is marked with the name and address of the distributor or jobber and bears the statement "The poultry product contained herein was inspected by the U.S.D.A."

§ 81.173 [Amendment]

10. Add the following to § 81.173: "Bills are payable upon receipt and become delinquent immediately following the end of the month in which they were rendered. Overtime or holiday inspection service will not be performed at any establishment that is delinquent and processing operations shall be confined to the regular operating schedule of the establishment."

§ 81.202 [Amendment]

11. Change paragraphs (a) (1) and (2) of § 81.202, respectively, to read:

(1) Poultry processors who conduct no slaughtering or eviscerating operations but who engage in further processing operations such as canning, preparing poultry pies, poultry dinners, or other poultry products, or cutting-up and repackaging of ready-to-cook poultry, are hereby exempted, upon compliance with the conditions set forth in this section, from the requirements of section 9(a) of the Act with respect to continuous resident inspection and from the continuous resident inspection provisions of the regulations in this part; and the poultry products produced by such processors are likewise exempted: *Provided*, That the poultry ingredients in such products have been inspected pursuant to the regulations in this part, or the regulations in Part 70 of this chapter.

(2) Poultry processors who conduct slaughtering or eviscerating operations, as well as further processing operations, are hereby exempted, upon compliance with the conditions set forth in this section, from the requirements of section 9(a) of the Act with respect to continuous resident inspection and from the continuous resident inspection provisions of the regulations in this part, insofar as they concern the further processing operations; and the poultry products produced in such further processing operations are likewise exempted: *Provided*, That the poultry ingredients in such products have been inspected pursuant to the regulations in this part, or the regulations in Part 70 of this chapter. For purposes of this paragraph, cutting-up and packaging of the raw product at the establishment where inspected shall be considered to be an integral part of the slaughtering and eviscerating operations rather than further processing operations.

12. Change paragraph (f) of § 81.202 to read:

(f) The labeling provisions set forth in §§ 81.125 to 81.147 shall apply to poultry products exempted by this section, with the exception that the plant number and the inspection mark as required in § 81.130 shall not be used, but in lieu thereof, the shipping containers or the immediate containers if there are no shipping containers, shall be marked: "USDA Exemption No. ------" (use number of exemption certificate) and with respect to ready-to-cook carcasses that are cut up and packaged in approved plants, any official inspection marks placed on the carcasses at the establishment where such poultry was inspected may remain with the product. Notwithstanding the foregoing, if the exempted products are processed under continuous resident inspection under the regulations in Part 70 of this chapter, a plant number and inspection mark as provided in the regulations in this part may be used, in which case the special labeling requirements of this paragraph shall not apply.

13. Add a new § 81.208 to read:

§ 81.208 Exemption of certain human food products which contain poultry.

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided*, That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(a) Soups which contain less than 2 percent cooked poultry meat: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name.

(b) Dehydrated soups which contain less than 2 percent cooked poultry meat, computed on the basis of moist deboned cooked poultry: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name.

(c) Soup bases which contain less than 2 percent cooked poultry meat, computed on the basis of moist deboned cooked poultry: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name.

(d) Gravies, sauces, seasonings or flavorings which contain poultry meat or poultry fat only in condimental quantities.

(e) Bouillon cubes, poultry broths, poultry fat capsules, and sandwiches containing poultry.

(f) Food products which have been traditionally not regarded as poultry products such as noodles, tamales, pizza, ravioli, Brunswick stew, and fried rice, but which contain small amounts of poultry fat, skin or less than 2 percent poultry meat: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name.

(g) Poultry dishes used in meals that are prepared by caterers or restaurants and served direct to consumers.

(h) For the purposes of this section only, the term "poultry meat" shall be construed to mean deboned white or dark meat, or both.

§ 81.305 [Amendment]

14. Change paragraph (c) of § 81.305 to read:

(c) Means of conveyance or packages in which any product is moved in accordance with this subpart, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the Department of Agriculture or otherwise identified as provided herein, unless already sealed with customs or consular seals in accordance with the customs regulations. Packages shall be securely tied before being offered for sealing. Such special seals shall be affixed by inspectors, or, if there is no inspector at such port, then by customs officer. In lieu of tying and sealing packages, the carrier or importer may furnish and attach to each package of product a warning notice on bright green paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

(Name of Truck Line or Carrier)

NOTICE

This package of poultry product must be delivered intact to an inspector of the Poultry Inspection Branch, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "Approved for Import Under P.P.I.A." and this warning notice defaced.

15. Change § 81.307 to read:

§ 81.307 Marking of products offered for importation.

(a) Poultry products which upon inspection are found to be acceptable for importation into the United States shall be marked "Approved for Import Under P.P.I.A.", or an authorized abbreviation thereof, and with the name of the station to which the inspector is assigned. Dressed poultry which upon inspection is found to be acceptable, shall be marked "Dressed Poultry—Eligible for Processing under U.S.D.A. Inspection". Products which are inspected and rejected shall be marked "U.S. Refused Entry." Such marks shall be applied to the shipping containers.

(b) To each consumer package of imported poultry product which has been inspected and passed in compliance with this part and which is to be removed from the shipping container at a place other than an official establishment, and thereafter to be transported in commerce, or to an official establishment, there shall be securely affixed, under the supervision of an inspector, a sticker, approved by the Administrator, bearing the wording "Approved for Import Under P.P.I.A." and an identifying serial number.

(c) To each consumer package of any imported poultry product which has been inspected and passed in compliance with this part and which is removed from a shipping container at an official establishment, a sticker bearing the wording "Approved for Import Under P.P.I.A." and the plant number shall be

securely affixed, before the same shall be allowed to leave the establishment.

§ 81.311 [Amendment]

16. Change paragraph (a) of § 81.311 to read:

(a) Any product, other than dressed poultry which is forbidden entry by other Federal law or regulation, offered for importation in small quantity, exclusively for the personal use of the consignee, and not for sale or distribution, which is sound, healthful, wholesome, and fit for human food, and which is not adulterated and contains no substance not permitted by the Act or regulations in this part, may be admitted into the United States without foreign inspection certificates and such products are not required to be inspected upon arrival in the United States.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 19 F.R. 74, as amended)

The foregoing amendments differ in certain respects from the provisions contained in the notice of rule-making. These differences are due to changes made for clarification of the amendments or existing provisions, or pursuant to comments received pursuant to the notice, or to relieve requirements set forth in the notice, or to impose additional requirements in connection with matters included in the notice which are deemed necessary to assure that the amendments effectuate the purposes of the act. It is not believed that the changes will be objectionable to affected persons and it does not appear that further notice and other public rule-making procedure on the amendments would make additional information available to the Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule-making procedure on the amendments is impracticable and unnecessary.

Issued at Washington, D.C., this 18th day of August 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R Doc. 59-6994; Filed, Aug. 21, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 179]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.479 Valencia Orange Regulation 179.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 20, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 23, 1959, and ending at 12:01 a.m., P.s.t., August 30, 1959, are hereby fixed as follows:

(i) District 1: Unilimited movement;
(ii) District 2: 762,300 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 21, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7067; Filed, Aug. 21, 1959; 11:26 a.m.]

[Lemon Reg. 806]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.913 Lemon Regulation 806.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 19, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 23, 1959, and ending at 12:01 a.m., P.s.t., August 30, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 20, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7055; Filed, Aug. 21, 1959; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 30; Amdt. 35]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and modification of Wright TC18DA and TC18EA series engines was published in 24 F.R. 5187.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and due consideration has been given to all relevant matter presented. In light of industry comments received, proposed compliance dates have been changed to afford the operators additional time for completion of rework.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-17-1 WRIGHT ENGINES. Applies to all Wright TC18DA and TC18EA Series engines.

Compliance required as follows: Engine Model TC18EA2—Not later than October 1, 1959. All other EA Series Models and TC18DA Series—At the first overhaul after October 15, 1959, but not later than March 31, 1960.

Instances of propeller shaft cracking through the hydro-oil holes have occurred causing a loss of propeller control. To increase the strength of the propeller shaft and prevent this type of failure, the walls of the hydro-oil holes must be inspected and shotpeened in accordance with the instructions contained in Wright Aeronautical Division Service Bulletin No. TC18E-178 or TC18-359.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 18, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-6977; Filed, Aug. 21, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7451 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Freiss Originals, Inc., Et Al.

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Freiss Originals, Inc., et al., New York, N.Y., Docket 7451, July 9, 1959]

In the Matter of Freiss Originals, Inc., a Corporation, and Isidore Reiss, Howard Reiss, Fred Reiss, and Edward Reiss, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City manufacturers with violating the Wool Products Labeling Act by labeling as 100% wool, ladies' coats which contained a substantial quantity of other fibers; by failing to label certain wool products as required; and by furnishing false guaranties that certain of their wool products were not misbranded.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Freiss Originals, Inc., a corporation, and its officers, and Isidore Reiss, Howard Reiss, Fred Reiss and Edward Reiss, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

B. Furnishing false guarantees that wool products are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Freiss Originals, Inc., a corporation, and Isidore Reiss, Howard Reiss, Fred Reiss, and Edward Reiss, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 10, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6983; Filed, Aug. 21, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

CROSS REFERENCE: For partial supersedure of regulations in this part, see Part 48 of this chapter, *infra.*

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Sale of Tires, Inner Tubes, and Tread Rubber

The regulations set forth below are hereby prescribed to provide introductory provisions of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48), relating to the taxes imposed by Chapters 31 and 32 of the Internal Revenue Code of 1954, as amended, and to provide regulations under certain provisions of Chapter 32 of the Internal Revenue Code of 1954, as amended, relating to tires, tubes, and tread rubber. The regulations, except where otherwise specifically provided, are applicable in respect of sales made on or after January 1, 1959. Regulations under other provisions of Chapters 31 and 32 and under those administrative provisions of subtitle F of the Code which have special application to the taxes imposed by such chapters will be separately published.

Subpart A—Introduction

Sec.
48.0–1 Introduction.
48.0–2 General definitions and use of terms.
48.0–3 Scope of regulations.
48.0–4 Extent to which the regulations in this part supersede prior regulations.

Subparts B to G—[Reserved]

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

TIRES, TUBES, AND TREAD RUBBER

48.4071 Statutory provisions; imposition of tax.
48.4071–1 Imposition and rates of tax.
48.4071–2 Determination of weight.
48.4072 Statutory provisions; definitions; rubber; tread rubber; tires of the type used on highway vehicles.
48.4072–1 Definitions.
48.4073 Statutory provisions; exemptions.
48.4073–1 Exemption of tires of certain sizes.
48.4073–2 Exemption of tires with internal wire fastening.
48.4073–3 Exemption of tread rubber used for non-highway tires.
48.4073–4 Other tax-free sales.

AUTHORITY: §§ 48.0–1 to 48.4073–4 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 29 U.S.C. 7805.

Subpart A—Introduction

§ 48.0–1 Introduction.

(a) *In general.* The regulations in this part (Part 48, Subchapter D, Chapter I, Title 26 (1954), Code of Federal Regulations) are designated "Manufacturers and Retailers Excise Tax Regulations." The regulations relate to the taxes imposed by chapters 31 and 32 of the Internal Revenue Code of 1954, as amended, and to certain related administrative provisions of subtitle F of such Code. Chapter 31 of the Code imposes a tax on the sale at retail of articles specified in such chapter and Chapter 32 of the Code imposes a tax on the sale by the manufacturer, producer, or importer of articles specified in that chapter. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 15 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and the extent to which the regulations in this part supersede prior regulations relating to the excise taxes imposed by chapters 31 and 32 of the Internal Revenue Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—Jewelry and related items.
Subpart C—Furs.
Subpart D—Toilet preparations.
Subpart E—Luggage, handbags, etc.
Subpart F—Special fuels.
Subpart G—Special provisions applicable to retailers taxes.
Subpart H—Motor vehicles, tires, tubes, tread rubber, gasoline, and lubricating oil.
Subpart I—Refrigeration equipment, electric, gas, and oil appliances, and electric light bulbs.
Subpart J—Radio and television sets, phonographs, phonograph records, and musical instruments.
Subpart K—Sporting goods, photographic equipment, and firearms.
Subpart L—Business machines, pens, mechanical pencils and lighters, and matches.
Subpart M—Special provisions applicable to manufacturers taxes.
Subpart N—Exemptions, registration, etc.
Subpart O—Refunds and other administrative provisions of special application to retailers and manufacturers taxes.

(c) *Arrangement and numbering.* Each section of the regulations in Subpart B through Subpart O is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since:

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 48 followed by a decimal point (§ 48.); and

(3) The sections of the Code are preceded by "Sec.".

Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (48.) and the number of the corresponding provision of the Internal Revenue Code. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section.

§ 48.0–2 General definitions and use of terms.

As used in the regulations in this part, unless otherwise expressly indicated:

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68A Stat.), entitled "An Act to revise the internal revenue laws of the United States", as amended.

(c) District director means district director of internal revenue.

(d) Calendar quarter means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

§ 48.0–3 Scope of regulations.

The regulations in this part relate to the taxes imposed on the sale at retail, or the sale by the manufacturer, producer, or importer, of the articles referred to in Subparts B through L (see paragraph (b) of § 48.0–1) and, except where otherwise specifically provided, have application in respect of sales made on or after January 1, 1959. The provisions of the Internal Revenue Code set forth in the regulations in this part are, unless otherwise indicated, provisions of law in effect on January 1, 1959.

§ 48.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Manufacturers and Retailers Excise Tax Regulations contained in Part 40 of this chapter and, to the extent not superseded by the regulations contained in such Part 40, the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954):

Taxes on Gasoline, Lubricating Oil and Matches.	Regulations 44 (1944 Edition, as amended), 26 CFR (1939) Part 314.
Excise Taxes on Sales by the Manufacturer.	Regulations 46 (1940 Edition, as amended), 26 CFR (1939) Part 316.
Excise Tax on Sale of Pistols and Revolvers.	Regulations 47 (Revised October 1938, as amended), 26 CFR (1939) Part 302.
Retailers Excise Taxes	Regulations 51 (1941 Edition, as amended), 26 CFR (1939) Part 320.
Excise Tax on Diesel Fuel.	Regulations 119, 26 CFR (1939) Part 324.

Subparts B to G—[Reserved]

Subpart H—Motor Vehicles, Tires, Tubes, Tread Rubber, Gasoline, and Lubricating Oil

TIRES, TUBES, AND TREAD RUBBER

§ 48.4071 Statutory provisions; imposition of tax.

SECTION 4071. *Imposition of tax*—(a) *Imposition and rate of tax.* There is hereby imposed upon the following articles, if wholly or in part of rubber, sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires of the type used on highway vehicles, 8 cents a pound.
(2) Other tires, 5 cents a pound.
(3) Inner tubes for tires, 9 cents a pound.
(4) Tread rubber, 3 cents a pound.

(b) *Determination of weight.* For purposes of this section, weight shall be based on total weight, except that in the case of tires such total weight shall be exclusive of metal rims or rim bases. Total weight of the articles shall be determined under regulations prescribed by the Secretary or his delegate.

(c) *Rate reduction.* On and after July 1, 1972:

(1) The tax imposed by paragraph (1) of subsection (a) shall be 5 cents a pound; and

(2) Paragraph (4) of subsection (a) shall not apply.

[Sec. 4071 as amended and in effect Jan. 1, 1959]

§ 48.4071–1 Imposition and rates of tax.

(a) *Imposition of tax.* Section 4071 imposes a tax upon the following articles sold by the manufacturer, producer, or importer thereof:

(1) Tires made wholly or in part of rubber,

(2) Inner tubes (for tires) made wholly or in part of rubber, and

(3) Tread rubber.

For definitions of the terms "tires", "inner tubes", "tread rubber", and "rubber", see § 48.4072–1.

(b) *Rates and computation of tax—*(1) *Rates of tax.* Tax is imposed upon each of the above mentioned taxable articles at the rate applicable on the date on which the article is sold, as specified below:

(i) *Tires:*
(a) Of the type used on highway vehicles:
(A) For the period January 1, 1959 to June 30, 1972, inclusive—8 cents per pound.
(B) On or after July 1, 1972—5 cents per pound.
(b) Of the type used on other than highway vehicles—5 cents per pound.
(ii) *Inner tubes*—9 cents per pound.
(iii) *Tread rubber:*
For the period January 1, 1959 to June 30, 1972, inclusive—3 cents per pound.

For definition of the term "tires of the type used on highway vehicles", see paragraph (c) of § 48.4072–1.

(2) *Computation of tax.* The tax on tires, inner tubes, and tread rubber is computed by applying to the total weight (including a fractional part of a pound) of the article the rate in effect at the time the article is sold. See § 48.4071–2, relating to determination of weight.

(c) *Liability for tax.* The tax imposed by section 4071 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4071–2 Determination of weight.

(a) *In general*—(1) *Tires.* (i) the metal rims or rim bases are not to be included in determining the total weight of a tire. However, the wire, staples, darts, clips, and other material or fastening devices which form a part of the tire or are required for its use must be included in determining the total weight of the tire. In the case of a tubeless tire, the total weight includes the weight of the air valve and stem or any other mechanism which may be used for inflating the tire or maintaining air pressure when sold by the tire manufacturer with the tubeless tire.

(ii) When tires are sold with metal rims or rim bases attached, the manufacturer must maintain records which will establish what portion of the total weight of the finished product represents the tire exclusive of the metal rim or rim base.

(2) *Inner tubes.* The total weight of an inner tube shall include the weight of the air valve and stem or any other mechanism attached to the inner tube which may be used for inflating the tube or maintaining air pressure.

(b) *Alternative method of determining weight of tires and inner tubes.* (1) A manufacturer who has received permission from the Commissioner may, subject to such conditions as the Commissioner may prescribe, determine total weight of tires and inner tubes manufactured and sold by him on the basis of the average weight for each type, size, grade, and classification shown in schedules published by the tire industry. The average weights shall be established in accordance with the method approved by the Commissioner and shall apply for such periods as the Commissioner may prescribe. The Commissioner may terminate the approval granted any manufacturer. In the case of the termination of the approval granted any manufacturer, the termination shall become effective 10 days from the date of the receipt by the manufacturer of the notice of termination. A manufacturer may effect termination, as of a specified date, of the privilege to determine total weight in accordance with provisions of this paragraph by giving no less than 10 days written notice of such intention to the Commissioner. The termination of the approval given a manufacturer shall not affect a manufacturer's tax liability for tires and inner tubes sold prior to the effective date of the notice of termination.

(2) An agreement authorizing a manufacturer, for purposes of the tax imposed by section 3400 of the Internal Revenue Code of 1939 or corresponding provisions of prior revenue laws, to determine total weight of tires and inner tubes on the basis of schedules of average weight continues in effect for purposes of the tax imposed by section 4071 and the regulations in this part unless and until terminated in accordance with the terms of such agreement or the provisions of this paragraph.

§ 48.4072 Statutory provisions; definitions; rubber; tread rubber; tires of the type used on highway vehicles.

SECTION 4072. *Definitions*—(a) *Rubber.* For purposes of this chapter, the term "rubber" includes synthetic and substitute rubber.

(b) *Tread rubber.* For purposes of this chapter, the term "tread rubber" means any material:

(1) Which is commonly or commercially known as tread rubber or camelback; or

(2) Which is a substitute for a material described in paragraph (1) and is of a type used in recapping or retreading tires.

(c) *Tires of the type used on highway vehicles.* For purposes of this part, the term "tires of the type used on highway vehicles" means tires of the type used on:

(1) Motor vehicles which are highway vehicles, or

(2) Vehicles of the type used in connection with motor vehicles which are highway vehicles.

[Sec. 4072 as amended and in effect Jan. 1, 1959]

§ 48.4072–1 Definitions.

For purposes of the regulations in this part, unless otherwise expressly indicated:

(a) *Rubber.* The term "rubber", for purposes of Chapter 32 of the Code, includes synthetic and substitute rubber.

(b) *Tread rubber.* The term "tread rubber", for purposes of Chapter 32 of the Code, means any material (1) which is commonly or commercially known as tread rubber or camelback, or (2) which is a substitute for any material commonly or commercially known as tread rubber or camelback and is of a type used in recapping or retreading tires. The term includes, for example, strips of material, wholly or partially of rubber, natural or synthetic, intended to be vulcanized or otherwise affixed to a tire casing to form the outside perimeter of the tire, smooth or treaded. It further includes treading material produced by reprocessing scrap, salvage, or junk rubber. Tread rubber loses its identity as such when it has been used in the recapping or retreading of a tire.

(c) *Tires of the type used on highway vehicles.* (1) The term "tires of the type used on highway vehicles", for purposes of §§ 48.4071 through 48.4073–3 includes (i) all tires of the type which are used on motor vehicles which are highway vehicles including but not limited to motor trucks, buses, passenger automobiles, highway tractors, trolley buses or coaches, and motorcycles, and (ii) all tires of the type which are used on vehicles of the type used in connection with highway motor vehicles including but not limited to truck or bus trailers and truck semitrailers. The term "tires of the type used on highway vehicles" does not include bicycle tires. Bicycle tires, however, are included in the term "other tires" as used in section 4071(a)(2).

(2) Mobile homes, house trailers, or utility trailers are vehicles of the type used in connection with highway motor vehicles. Thus, tires for mobile homes, house trailers, or utility trailers are included in the term "tires of the type used on highway vehicles".

(d) *Inner tubes.* The term "inner tubes" includes air containers of all types made wholly or in part of rubber and designed and manufactured for use in pneumatic tires.

(e) *Tires.* (1) The term "tires" includes rubber casings, hoops and strips or bands of all kinds designed and shaped or built to form the tread of or to fit a vehicle wheel. Tires of either the pneumatic or solid type which fit or form the tread for wheels of any article which is capable of use as a means of transporting a person or burden are taxable as tires. Examples of articles which have taxable tires are motor scooters, industrial trucks, farm tractors, wheelbarrows, and similar articles. See section 4073(a) and § 48.4073–1 with respect to the exemption of tires of certain sizes and section 4073(b) and § 48.4073–2 with respect to the exemption of tires with internal wire fastenings.

(2) The term "tires", for purposes of the tax imposed by section 4071, does not include a recapped or retreaded tire ex-

cept when the recapping or retreading is from bead to bead whether or not the original tire has lost its identity.

(f) *Cross references.* For other definitions, see §§ 48.0–2 and 48.7701.

§ 48.4073 Statutory provisions; exemptions.

SECTION 4073. *Exemptions*—(a) *Tires of certain sizes.* The tax imposed by section 4071 shall not apply to tires which are not more than 20 inches in diameter and not more than 1¾ inches in cross-section, if such tires are of all-rubber construction (whether hollow center or solid) without fabric or metal reinforcement.

(b) *Tires with internal wire fastening.* The tax imposed by section 4071 shall not apply to tires of extruded tiring with an internal wire fastening agent.

(c) *Exemption from tax on tread rubber in certain cases.* Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4071(a)(4) shall not apply to tread rubber sold by the manufacturer, producer, or importer, to any person for use by such person otherwise than in the recapping or retreading of tires of the type used on highway vehicles.

[Sec. 4073 as amended and in effect Jan. 1, 1959]

§ 48.4073–1 Exemption of tires of certain sizes.

The tax does not apply to sales of tires of all-rubber construction (whether hollow center or solid) if they have no fabric or metal reinforcement and do not exceed either of these measurements: (a) 20 inches in diameter measured to the outside circumference and (b) 1¾ inches in cross-section.

§ 48.4073–2 Exemption of tires with internal wire fastening.

The tax does not apply to sales of tires of any size or dimension manufactured or produced from extruded tiring fastened or held together by means of internal wire or other metallic material.

§ 48.4073–3 Exemption of tread rubber used for nonhighway tires.

(a) *Sold direct by manufacturer for nontaxable use.* The tax does not apply to the sale of tread rubber by the manufacturer to any person for use by such person otherwise than in the recapping or retreading of tires of the type used on highway vehicles. In determining whether tread rubber is sold for a taxable or nontaxable use, the type of vehicle on which the recapped or retreaded tire is to be used or the actual or intended use of the recapped or retreaded tire is immaterial. The controlling factor is whether the tire resulting from the recapping or retreading is a type which is not used on a highway vehicle. For definition of "tires of the type used on highway vehicles", see paragraph (c) of § 48.4072–1.

(b) *Sales for resale for nontaxable use.* No sale of tread rubber may be made tax free for resale even though it is known at the time of such sale that the tread rubber will be resold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles. However, where the tread rubber is resold for such use, the manufacturer, producer, or importer who paid the tax on his sale of the tread rubber may secure a refund or credit in accordance with the provisions of section 6416(b)(2)(L) (see the applicable regulations in Subpart O).

(c) *Evidence required to establish exemption.* (1) To establish the right to sell tread rubber tax free under section 4073(c), the manufacturer must obtain from the purchaser and retain in his possession a properly executed exemption certificate.

(2) Where only occasional sales of tread rubber for exempt use are made to a purchaser, a separate exemption certificate should be furnished for each order. However, where sales are regularly and frequently made to a purchaser for exempt use, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001 and the regulations in Subpart O.

(d) *Acceptable form of exemption certificate.* The following form of exemption certificate will be acceptable for the purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by persons who purchase tread rubber from the manufacturer, producer, or importer thereof for use otherwise than in recapping or retreading tires of the type used on highway vehicles (section 4073(c) of the Internal Revenue Code).)

----------, 19--
(Date)

The undersigned certifies that he himself, or the ----------
(Name of purchaser if other than the undersigned)
of which he is----------, is the
(Title)
purchaser of the tread rubber specified in the accompanying order or contract and that such tread rubber will not be used in the recapping or retreading of tires of the type used on highway vehicles, but will be used for the following purposes:

The undersigned understands that if the tread rubber is used for the recapping or retreading of tires of the type used on highway vehicles, or is sold or otherwise disposed of, such fact must be promptly reported to the manufacturer. The undersigned also understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the purpose for which the tread rubber was used.

(Signature)

(Address)

(e) *Exemption certificate not obtained prior to filing of manufacturer's excise tax return.* If the sale is otherwise exempt but the exemption certificate is not obtained prior to the time the manufacturer files a return covering taxes due for the period during which the sale was made, the manufacturer must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a claim for refund of the tax paid on such sale may be filed, or a credit for such amount may be taken upon a subsequent return, as provided by section 6416(b)(2)(L) and the regulations in Subpart O.

§ 48.4073–4 Other tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4071, see:

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules pertaining to further manufacture;

And the regulations thereunder contained in Subpart N.

Because this Treasury decision merely (1) sets forth the division and arrangement of regulations relating to the taxes imposed by chapters 31 and 32 of the Internal Revenue Code of 1954, as amended, and certain provisions of Subtitle F of such Code, and (2) incorporates in Part 48 of the Code of Federal Regulations, without substantial change, the portion of the regulations in Part 40 of the Code of Federal Regulations relating to tires, tubes, and tread rubber, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: August 13, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 59–6997; Filed, Aug. 21, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 49—PREPARATION OF A ROLL FOR THE DISTRIBUTION OF THE JUDGMENT AWARDED THE QUAPAW TRIBE

Applications, Appeals and Preparation of Roll

The Act of July 17, 1959 (73 Stat. 221), authorizes the Secretary of the Interior to prepare a roll of the Indians of the blood of the Quapaw Tribe for the distribution of the judgment funds awarded the tribe by the Indian Claims Commission. The purpose of these regulations is to govern the preparation of the roll.

The procedure for general notice of proposed rule making is being dispensed with because the time limit set forth in the act for filing enrollment applications would be seriously curtailed, which is contrary to the public interest.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1959.

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AUTHORITY: Sections 49.1 through 49.13 issued under the Act of July 17, 1959 (73 Stat. 221).

§ 49.1 Definitions.

(a) "Commissioner" means Commissioner of Indian Affairs.

(b) "Director" means Area Director, Muskogee Area Office.

(c) "Tribe" means the Quapaw Tribe of Oklahoma.

(d) "Membership Roll" means the membership roll of the Quapaw Tribe forwarded under date of January 4, 1890.

§ 49.2 Purpose.

The regulations in this part are to govern the compilation of a roll of persons of the blood of the Quapaw Tribe who were living on July 17, 1959, which roll shall be used for the distribution of the judgment awarded the Quapaw Tribe by the Indian Claims Commission on May 7, 1954, and accrued interest thereon.

§ 49.3 Eligibility for enrollment.

Each person of Quapaw blood whose name appears on the Quapaw membership roll forwarded under date of January 4, 1890, and whose membership in the Tribe was then based upon Quapaw blood rather than solely upon adoption who was living on July 17, 1959, and the descendants of such persons who were living on July 17, 1959, may, within six months after the date of the act (on or before January 17, 1960), submit an application for enrollment.

§ 49.4 Application forms.

Applications forms prescribed by the Secretary may be obtained from the Director, the Quapaw Area Field Office or from members of the Tribal Business Committee.

§ 49.5 Filing of applications.

Any adult person who desires to be enrolled to share in the judgment funds, and believes he meets the requirements for enrollment must, within six months from the date of the act (on or before January 17, 1960), file with the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma, a written application for enrollment. Written applications for minors, mentally incompetent persons, members of the Armed Forces stationed outside the Continental United States, or persons who have died since the date of the act, may be filed by the parent, recognized guardian, next of kin, next friend, spouse, executor or administrator of estate, or other person responsible for their care, within six months after the date of the act (on or before January 17, 1960). Each application shall contain, among other information:

(a) The name, address, and date of birth of the applicant, and if application is filed on behalf of a minor, mental incompetent, a member of the Armed Forces stationed outside of the Continental United States, or a person who has died since the date of the act, the name, address of person filing for such individual, and a statement as to his relationship to applicant.

(b) Whether name appears on membership roll.

(c) Name of applicant as it appears on membership roll, or name and relationship of applicant's ancestor on membership roll.

(d) Present address of ancestor, if living.

§ 49.6 Burden of proof.

The burden of proof rests upon the applicant to establish that he or she is of the blood of the tribe, that his or her name appears on the membership roll, or that he or she is a descendant of a person of the blood of the tribe whose name appears on the membership roll. Said proof may be partly established by documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, affidavits, etc.

§ 49.7 Review of applications by Tribal Business Committee.

The Tribal Business Committee and other persons having a material interest therein shall have a period of three months from January 17, 1960, in which to review all applications for the purpose of lodging protests with the Director against any application.

§ 49.8 Action by the Director.

The Director shall consider each application and upon determination of the eligibility of the applicant, notify the applicant in writing of his decision. If such determination is favorable the name of the applicant shall be placed on the roll. If the Director's determination is adverse the applicant shall be notified of such decision in writing by registered mail, return receipt requested, together with a full explanation of the reasons therefor and of his right of appeal to the Secretary. If an individual files applications on behalf of more than one person one notice of eligibility or rejection may be addressed to the person who filed the applications. Said notice must list the name of each person involved.

§ 49.9 Appeals.

Appeals must be in writing, addressed to the Secretary and received by the Director within 30 days from the receipt of the rejection notice. The appellant may submit with his appeal any supporting evidence not previously furnished. When upon review of the evidence submitted by appellant, the Director is satisfied that he has established his right to enrollment, appellant shall be so notified and his name entered on the roll. If the Director determines appellant ineligible, he shall forward the appeal, together with the complete record and his recommendations thereon, to the Commissioner for transmittal to the Secretary.

§ 49.10 Action by the Secretary.

The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. When so directed by the Secretary, the Director is authorized to enter on the roll the name of any person whose appeal has been sustained.

§ 49.11 Preparation and approval of roll.

Upon completion of action on all applications and upon notice from the Secretary that all appeals have been determined, the Director shall prepare a roll consisting of the names of those persons determined to be eligible to share in the Quapaw judgment funds. The roll shall contain for each person a roll number, application number, name, sex, date of birth, address, and in the remarks column the name and roll number of ancestors on the January 4, 1890, membership roll through whom enrollee has established his right to eligibility. The roll shall be submitted to the Secretary or his authorized representative for approval.

§ 49.12 Director's certificate.

The Director shall affix his certificate to the roll certifying that the roll to the best of his knowledge and belief contains only the names of those persons who were determined to meet the requirements for enrollment provided by law.

§ 49.13 Special instructions.

To facilitate the work of the Director the Commissioner may issue special instructions not inconsistent with the regulations in this part.

[F.R. Doc. 59–6987; Filed, Aug. 21, 1959; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 208—PUBLIC MONEYS AND OFFICIAL CHECKS OF UNITED STATES DISBURSING OFFICERS

Sections 208.2, 208.3, 208.4, and 208.5 are deleted from Part 208, Subchapter A, Chapter II, Subtitle B, Title 31 of the Code of Federal Regulations of the United States.

Dated: July 24, 1959.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7005; Filed, Aug. 21, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 502—RELIEF ASSISTANCE

Disaster Relief

Sections 502.1 through 502.4 are revoked and the following substituted therefor:

§ 502.1 Purpose and applicability.

(a) Sections 501.1 to 502.6 prescribe policy guidance and responsibilities for Department of Army agencies with respect to operations involving participation in natural disaster relief activities. Although §§ 502.1 to 502.6 pertain primarily to military assistance rendered in the event of a major disaster as defined in § 502.3(b), they also provide guidance in situations wherein military assistance is rendered in an imminent emergency or other disaster not falling within the category of a major disaster.

(b) Sections 502.1 to 502.6 have particular application to the 48 contiguous States and the District of Columbia, but where not in conflict with public law or other proper authority, have equal application to Alaska, Hawaii, United States possessions, territories, or areas of associated sovereignty.

§ 502.2 Statutory and policy provisions.

(a) Public Law 875, 81st Congress (64 Stat. 1109), as amended (42 U.S.C. 1855–1855g), which authorizes Federal assistance to States and local governments in major disasters to alleviate damage and suffering. Federal agencies are thereby authorized when directed by the President of the United States, to provide assistance to States and local governments in accordance with the Act.

(b) Executive Order 10427, 16 January 1953. (18 F.R. 407.)

§ 502.3 Definitions.

For the purpose of §§ 502.1 to 502.6 the following definitions apply:

(a) *Natural disaster.* The term "natural disaster" includes all domestic emergencies except those created as a result of enemy attack or civil disturbance.

(b) *Major disaster.* The term major disaster refers to any disaster caused by flood, fire, explosion, earthquake, storm, hurricane, tornado, drought, or other catastrophe which is the result of a natural element, and which, in the determination of the President, is, or threatens to be, of sufficient severity and magnitude to warrant major disaster assistance by the Federal Government under the provisions of Public Law 875, 81st Congress, in order to supplement the efforts and available resources of State and local governments in alleviating the damage, hardship, or suffering caused thereby.

(c) *Imminent emergency.* Any emergency in which it would be dangerous to await instructions from higher authority, before taking necessary action, although such instructions will be requested through command channels by the most expeditious means of communication available.

(d) *Military support.* The term "military support" is synonymous with "military assistance" and includes any resources of personnel, materiel, and facilities available to the Department of Defense agencies and the military departments.

(e) *State.* Any State of the United States, and United States possessions, territories, or areas of associated sovereignty.

(f) *Local government.* Any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia.

(g) *Federal agency.* Any department, independent establishment, Government corporation, or other agency of the Executive Branch of the Government (except the American National Red Cross).

(h) *Office of Civil and Defense Mobilization (OCDM).* Federal agency coordinating disaster relief under delegated authority of the President.

(i) *Director (OCDM).* Director of the Office of Civil and Defense Mobilization.

(j) *Regional Director (OCDM).* Director of a geographical Regional Office of the Office of Civil and Defense Mobilization.

(k) *American National Red Cross (ANRC).* See § 502.4(a).

(l) *Federal assistance.* Assistance by Federal agencies which is supplementary to disaster relief and rehabilitation assistance afforded by State, local government, by private agencies, or by the American National Red Cross, and not in substitution therefor.

(m) *Local resources.* Local resources, as used in §§ 502.1 to 502.6, comprise all resources available to the respective State and local government authorities, augmented by those available to the American National Red Cross in the affected area.

§ 502.4 Responsibilities.

(a) *General.* Alleviation of disaster conditions is first of all the responsibility of the individual; of private industry; State and local government; and the American National Red Cross, as defined by Public Law 4 (Act of Jan. 5, 1905) (33 Stat. 599; 36 U.S.C. 1 et seq), as amended; of various Federal agencies in particular fields of operations defined by law; and finally of other Federal agencies. The provisions of the Act of September 30, 1950 (Public Law 875, 81st Cong.), authorize the President to prescribe such rules and regulations as may be necessary to carry out any of the provisions of the Act, and under certain conditions, to provide Federal assistance to the State and local governments in major disasters, and for other purposes. The Act further authorizes the President to exercise any power or authority conferred on him thereunder either directly or through such Federal agency as he delegates. A number of Federal agencies have certain legislative authorities for action in disaster relief work. The Act of September 30, 1950, does not limit such authority in any way; however, funds made available under the Act may not be utilized to defray expenses of such agencies operating under any other authority. Furthermore, the Act provides that "Nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved January 5, 1905 (33 Stat. 599), as amended". By Executive Order 10773, July 1, 1958 (23 F.R. 5061), the President designated the Director, Office of Civil and Defense Mobilization, under Reorganization Plan No. 1, 1958, to exercise authority conferred upon the President by Sections 3 and 5(a) of the Act.

(b) *Office of Civil and Defense Mobilization.* The Director, Office of Civil and Defense Mobilization (OCDM) has been designated by the President to coordinate the activities of Federal agencies to provide disaster relief assistance in major disasters, and will call upon any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority contained in the Act.

(1) Federal assistance under provisions of the Act of September 30, 1950 (Public Law 875, 81st Cong.), to State and local governmental agencies therein, will be made available only after the President has invoked the provisions of the Act for the specific disaster under consideration The provisions of the Act will be invoked only for major disasters with respect to which the Governor of the affected State (or the Board of Commissioners of the District of Columbia) has certified the need for Federal assistance and has given assurance of the expenditure of reasonable amounts of State or local funds for the same or similar purposes. The President may also reimburse any Federal agency for any of its expenditures in connection with a major disaster.

(2) When the facilities of another Federal agency are deemed necessary, directives will be issued and arrangements made at the seat of Government with the head of the agency concerned. When such action is approved, agreement will be made between the local administrative head of the Federal agency concerned and the Regional Director (OCDM) outlining the limitations within which such agency will act, and prescribing that in those cases where reimbursement for supplies, equipment, or services are required, the monetary limitation must be within the funds allotted for that purpose. It is contemplated that any Federal agency called upon will furnish adequate supervision of its own effort and the only (OCDM) inspection required will be of a coordinating nature.

(3) The Director (OCDM), may delegate any authority or function delegated or assigned him by the provisions of Executive Order 10773, July 1, 1958, to any other officer or officers of OCDM, or with the consent of the head, to any other Federal agency.

(4) The Act of September 30, 1950 (Public Law 875, 81st Cong.) is not intended to govern relief of enemy-caused disasters, since responsibilities for civil defense are assigned by the Federal Civil Defense Act of 1950 (64 Stat. 1245; 50 U.S.C. App. 2251–2297), as amended.

(c) *American National Red Cross (ANRC).* American National Red Cross (ANRC), with voluntary service and financing, is charged in accordance with its Charter, with continuing a system of national and international relief in mitigation of suffering caused by pestilence, famine, fire, floods, and other great national calamities, and for devising and effecting preventive measures.

(d) *Armed Forces of the United States.* Over a number of years, the Army among the military services has been employed most often by the President to render aid to the States and local governments in disasters and similar emergencies which have assumed such proportions as to be beyond the capabilities of such States and local authorities. However, the capabilities of the Navy and the Air Force have similarly been utilized in rendering disaster assistance and, in some instances, they are more appropriately organized and equipped for particular types of operations under certain specific emergencies. The Department of the Army has primary responsibility among the military services for provision of major disaster relief assistance, with the Navy and the Air Force having collateral responsibility. The Department of the Army is also charged with the responsibility for coordination of major disaster relief activities of the military services.

(1) Commanding General, United States Continental Army Command: (i) Responsibility for operations in disaster relief covering the 48 contiguous States and the District of Columbia, under the provisions of these regulations is delegated to the Commanding General, United States Continental Army Command. In cases of imminent necessity so dangerous as to preclude the receipt of timely instructions from higher authority, any commanding officer of troops will take such action as is necessary and as the circumstances of the case reasonably justify, to save human life, to prevent immediate human suffering, or mitigate great destruction or damage to the public property of the United States. Such action, without prior authorization, of necessity, should be prompt and vigorous, but should be designed for the protection of life and property until such time as instructions from higher authority have been received, rather than an assumption of functions normally performed by civilian authorities. The officer taking such action will promptly notify his immediate commander. If the officer taking such action is the commander of a class II installation or activity, a simultaneous report will be made to the ZI army commander concerned. Under the provisions of §§ 502.1 to 502.6, authority is delegated to ZI army commanders to act upon Red Cross requests even though the event is not of imminent necessity so dangerous as to preclude the receipt of timely instructions from higher authority.

(ii) Upon commitment of Army resources or the receipt of information that a disaster or imminent emergency exists which will probably require Army assistance, the Commanding General, United States Continental Army Command, will notify immediately the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C. It is essential that the maximum degree of coordinating effort, exchange of information, and a clear understanding of functional responsibilities be maintained between major commanders concerned and Regional Directors of both OCDM, and the American Red Cross.

(iii) The Commanding General, United States Continental Army Command, has full authority to approve or disapprove personal requests for aid which are received by Army agencies from a State Governor or a Member of Congress. This authority will not be delegated below ZI army commanders. Notification of such personal requests and action taken by the Commanding General, United States Continental Army Command, or ZI army commanders, will be furnished to the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., without delay.

(iv) An adequate number of fully qualified public information personnel will be dispatched to the disaster scene as expeditiously as possible upon receipt of information that indicates Army assistance will be required or immediately following the decision to commit Army resources, whichever is more appropriate under existing circumstances. The Commanding General, United States Continental Army Command, will insure that each ZI army commander has a practical and effective public information plan available for implementation during a major disaster period.

(2) Corps of Engineers: (i) Under Public Law 99, 84th Congress, the Corps of Engineers has statutory authority as a civil function for Federal efforts incident to flood fighting, flood rescue work, and the repair or restoration of flood control works. Assistance in flood fighting and rescue work is supplementary to State and local government or private agency efforts, and not in substitution therefor. In accordance with appropriate instructions issued by the Chief of Engineers, the ZI army commanders concerned will be furnished pertinent information on dangerous floods or other natural disasters foreseen or occurring, including activities by the Corps of Engineers. The closest cooperation, including timely exchange of useful information between District and Division Engineers, appropriate ZI army commanders, Commanding General, United States Continental Army Command, Regional Directors of the Office of Civil and Defense Mobilization, American Red Cross, State and local governments, is necessary to mitigate the results of natural disasters. The emergency employment of Army resources in the relief of human suffering is the responsibility of the Commanding General, United States Continental Army Command. Preplanned procedures for domestic emergencies, coordinated between Division and District Engineers of the Corps of Engineers and ZI army commanders, will include provisions covering flood emergencies. Field officers of the Corps of Engineers are authorized to request ZI army commanders to provide such resources as are required and available for use in flood fighting under direction of the Corps' Division and District Engineers.

(ii) Regional Directors of the Office of Civil and Defense Mobilization may request a Division Engineer of the Corps of Engineers to aid State and local government agencies by furnishing disaster assistance which is beyond statutory authority of the Corps of Engineers. In such event, the Division Engineer contacted will notify the ZI army commander concerned, and obtain his concurrence before such assistance is furnished. The above concurrence is not required when there has been a determination that actual emergency conditions no longer exist, and when the responsible ZI army commander has withdrawn military support in accordance with § 502.5(e), or when responsibility has been yielded to the Army Chief of Engineers.

(3) Except as may be otherwise directed by Headquarters, Department of the Army, the provisions of §§ 502.1 to 502.6 will, so far as practicable, and depending upon local circumstances, apply to Army commanders in Alaska, Hawaii, United States possessions, territories, or areas of associated sovereignty, under the same operational concepts and authority as have been delegated herein to the Commanding General, United States Continental Army Command, and to those responsibilities to be assumed by ZI army commanders. However, in the case of unified and specified commands, Army assistance furnished, and reporting, will be in accordance with directives pertinent to disaster relief operations within such commands.

§ 502.5 Department of the Army policies.

(a) Extensive disaster relief operations will not be undertaken by the Department of the Army without authority provided in the Act of September 30, 1950 (Public Law 875, 81st Cong.) or by Direction of the President, unless:

(1) The overruling demands of humanity compel immediate action to prevent starvation, extreme suffering, and/or loss of life, in which event the Commanding General, United States Continental Army Command, will use personnel, supplies, and equipment under his control within his own discretion and will notify the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., and Director, OCDM (giving the name of the OCDM Regional Director concerned), by the most expeditious electrical means available; and

(2) Local resources are clearly inadequate to cope with the situation, in which event the relief measures to be undertaken will be those deemed necessary by the Commanding General, United States Continental Army Command, subject to the provisions of §§ 502.1 to 502.6.

(b) When disaster relief work is undertaken in the continental States, the Commanding General, United States Continental Army Command, as desig-

nated by the Secretary of the Army, will assume control of all participation in the relief activities of the Active Army. Based upon guidance received through command channels, commanders of class II installations and activities will, upon request of the respective ZI army commanders, designate those resources under their control (personnel, materiel, facilities), which can be made immediately available to the ZI army commanders for support of natural disaster relief operations. When used in disaster relief missions, such resources will be under the control of the ZI army commanders. The control of all operations of field agencies under the heads of technical services (depots, procurement offices, etc.) including those resources which have not been made available to the ZI army commander for disaster support, will continue to be under the head of the technical service concerned. Request(s) for the use of resources which have not been declared available to the ZI army commander will be forwarded through command channels to the Deputy Chief of Staff for Military Operations, Department of the Army, and the Deputy Chief of Staff for Logistics, Department of the Army, respectively. In those cases where the commanders are unable to communicate with Headquarters, Department of the Army, and where in the opinion of the ZI army commander concerned, the extreme emergency warrants the temporary use of such resources, they will be made available to the ZI army commander; the ZI army commander will report this action through command channels to Headquarters, Department of the Army agencies mentioned above. During an imminent emergency or major disaster, the employment of Army personnel over and above those made available by commanders of class II installations and activities may be authorized by Headquarters, Department of the Army, on request of the Commanding General, United States Continental Army Command.

(c) When a major disaster area includes territory in more than one ZI army area, each ZI army commander will assume control of relief activities in his own Army area. If circumstances warrant, the Commanding General, United States Continental Army Command, may designate one officer to control all active Army relief activities in the affected area. Federal troops used in disaster relief activities will be under the command of, and directly responsible to, their military superiors.

(d) The Commanding General, United States Continental Army Command, and the ZI army commanders will effect the closest cooperation with the appropriate agencies concerned with disaster relief activities. The Commanding General, United States Continental Army Command, will establish liaison with Operational Headquarters, OCDM, located in Battle Creek, Mich. The ZI army commanders; Commanding General, United States Army, Alaska; Commanding General, United States Army, Pacific; and the Commanding General, United States Army, Caribbean, will establish liaison with Regional Directors of OCDM whose region encompasses areas with the Army command concerned, in order to facilitate exchange of information and to provide for immediate operating arrangements, should the need arise at a later time. The addresses of the field operational offices and the jurisdiction of Regional Directors, OCDM, are set forth in § 502.6(d)(1). Personnel, equipment and supplies, located in ZI army areas, other than the affected ZI army area, will be utilized to assist in disaster relief activities when the need is great and where a deficiency exists after consideration of all resources, including local resources in the disaster area, and where movement of these resources will not compromise an assigned tactical or defense mission. This assistance will be coordinated by the Commanding General, United States Continental Army Command, without reference to Headquarters, Department of the Army.

(e) Utilization of troops, civilian technicians, supplies and equipment, as set forth in these regulations is authorized only during the actual existence of the emergency. These regulations are not to be construed as authorizing assistance during the period of rehabilitation which normally follows a disaster. Troops, civilian Army personnel, supplies and equipment, will be withdrawn and the issue of supplies and equipment stopped at the earliest practicable moment.

§ 502.6 Actions required.

(a) *Red Cross.* (1) In most cases, Red Cross representatives will be on the scene of disaster either before military assistance is rendered or at some subsequent stage of operations. The Commanding General, United States Continental Army Command, ZI army commanders, and other major commanders should take advantage of every opportunity to utilize the experience, organization, and facilities of the Red Cross for providing disaster relief. Because of its nation-wide organization, the Red Cross is able to provide advice and recommend action to be taken when major commanders are confronted with natural disaster conditions.

(2) Requests for military assistance will be made directly to ZI army commanders by representatives of the American National Red Cross. Local Red Cross chapters requiring military assistance will channel their requests through the appropriate Red Cross Area Office. American National Red Cross representatives in the Area Office will recommend to the ZI army commander concerned, approval of only those requests that are determined to be over and above available local nonmilitary resources, including those of the Red Cross. However, by joint agreement between the Department of the Army and National Headquarters of the American Red Cross, approval of the Red Cross Area Office will be waived in the event that communications do not permit such action and when it is determined by Army officers in charge of disaster relief activities, that immediate assistance should be rendered upon a request of the local Red Cross chapter head. In case of the latter circumstance, Standard Form 1080 billing documents submitted for supplies and services furnished, will contain a statement signed by the Army officer concerned, giving the reasons for action taken, date, place, time, and the name of the local Red Cross chapter head.

(3) ZI army commanders concerned will refer to local Red Cross representatives requests for relief supplies, equipment, and services which are received direct from sources other than Red Cross for necessary action or appropriate recommendations. When a decision is required from higher authority, matters in question will be referred to the Commanding General, United States Continental Army Command, who will refer the matter direct to the National American Red Cross Headquarters.

(4) Whether or not the requests are received from, or are submitted through, the Red Cross, such supplies, equipment, and services, will be furnished only when, as decided by the Commanding General, United States Continental Army Command, the need therefor comes within the scope of the conditions under which relief operations may be undertaken by the Army, as set forth in §§ 502.1 to 502.6 and other pertinent instructions.

(5) Military supplies, equipment, and services furnished to the Red Cross, or to another agency in compliance with direct request made by the Red Cross, will be receipted for by accredited representatives of the Red Cross. Such receipts will:

(i) Be accepted as evidence that the supplies, equipment, and/or services are needed by the Red Cross, or by the agency that requests them, for disaster relief purposes.

(ii) Be accepted as evidence that every reasonable care will be exercised to restrict their use for disaster relief purposes only, and

(iii) Constitute acceptance of responsibility by the Red Cross for the return of nonexpendable supplies and equipment to the issuing agency as soon as the disaster emergency need therefor has ended.

(6) In addition to the materiel and services that the Department of the Army may furnish under the above mentioned conditions, the Red Cross may, for reasons of economy and efficiency, desire to purchase from the Department of the Army, certain supplies and services, such as food, medicine, lumber, gas, oil, and transportation. If the desired supplies and services are available and if the circumstances warrant, the Department of the Army may, by specific agreement, authorize such sales upon approval of the Secretary of the Army. In addition, the Red Cross will assume responsibility for and pay the packing, crating, and transportation costs, of all Army supplies shipped at the request of the Red Cross, or items being returned to Army stocks by commercial carrier if transportation by Government vehicle is not feasible.

(7) Red Cross representatives will, upon request, furnish detailed information concerning the extent of destruction and the needs in affected areas and may recommend emergency assistance to

local government agencies in disaster situations that are governmental responsibilities and that do not come within the scope of Red Cross activities. In these cases, the Red Cross will not be held responsible for expenses incurred, nor required to receipt for items which are furnished upon Red Cross recommendation. ZI army commanders will exercise the necessary precautions in maintaining property accountability for items furnished to responsible local government authorities for insuring their safe return.

(b) *Major disasters.* The Act of September 30, 1950 (Public Law 875, 81st Cong.), as amended, in no way precludes Department of the Army action, when required, in emergencies, pending determination by the President that a disaster is a major disaster under the terms of the Law. Department of the Army action to afford assistance subsequent to such finding, will be in accordance with §§ 502.1 to 502.6. Upon Presidential Proclamation of a major disaster, Department of the Army assistance will be subject to coordination by OCDM, acting on behalf of the President. In the event that requests from OCDM would involve commitment of Army controlled resources required to perform assigned tactical or defense missions, or other resources which are not under the jurisdiction of the Commanding General, United States Continental Army Command, such requests will be sent by the Commanding General, United States Continental Army Command to the Deputy Chief of Staff for Military Operations, Department of the Army, Washington 25, D.C., stating the need thereof and whether the necessary resources should be made available.

[AR 500-60, 10 July 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-6976; Filed, Aug. 21, 1959; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.6—Small Purchases

IMPREST FUNDS (PETTY CASH) METHOD

Section 1-3.604 is revised to read as follows:

Sec.
1-3.604 Imprest funds (petty cash) method.
1-3.604-1 General.
1-3.604-2 Definition of imprest fund.
1-3.604-3 Agency responsibilities.
1-3.604-4 Use of imprest funds.
1-3.604-5 Limitations.
1-3.604-6 Procurement and payments.
1-3.604-7 Tax exemption certificates.

AUTHORITY: §§ 1-3.604 to 1-3.604-7 issued under sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 1-3.604 Imprest funds (petty cash) method.

§ 1-3.604-1 General.

Section 1-3.604 prescribes policies and procedures for making small purchases of supplies and nonpersonal services through the use of imprest funds. Related policies and regulations concerning bonding requirements and the establishment of, and accounting for, imprest funds are contained in Treasury Department Circular Nos. 1030 an 969, and GAO Manual 7 GAO 2700 and 5120.

§ 1-3.604-2 Definition of imprest fund.

The term "imprest fund" means a fixed cash or petty cash fund in the form of currency, coin, or Government check which has been advanced by an official Government disbursing office, without charge to a Government appropriation or fund account, to a duly authorized cashier for cash payment or other cash requirement purposes as specified in his designation or authorization. The fund may be of a revolving type, replenished to a fixed amount as spent or used, or of a stationary nature such as a change making fund.

§ 1-3.604-3 Agency responsibilities.

Each agency using imprest funds for small cash purchases of supplies or nonpersonal services shall have the responsibility of periodically reviewing and determining whether there is continuing need for each fund established, and that amounts of such funds are not in excess of actual needs. Agencies should take prompt action to have imprest funds adjusted to a level commensurate with demonstrated needs whenever circumstances warrant such action. In this connection, each agency shall:

(a) Study agency practices to insure that full advantage is taken of all small purchase processes; and

(b) Develop and issue appropriate implementing regulations.

§ 1-3.604-4 Use of imprest funds.

(a) The cash payment processes described in this section should be used for making small purchases whenever advantageous to the Government. Cash purchases will generally be advantageous in the following circumstances:

(1) When vendors are reluctant to honor small purchase orders.

(2) When vendors are not equipped to bill agencies for purchases in accordance with normal business practices.

(3) When supplies or nonpersonal services are needed at locations not served by purchase offices or when the established sources of issue are not conveniently accessible to point of use.

(4) When provisions for local credit arrangements and monthly billings by vendors are impracticable.

(b) The following are typical procurements for which the use of imprest funds would be suitable:

(1) Emergency, fill-in, occasional, or special purchases of supplies or services.

(2) Repair of equipment.

(3) Perishable subsistence.

(4) Public utility bills where location of the activity is so situated as to make cash payment more efficient.

(5) Postage stamps, parcel post, COD, postal charges, local drayage, transportation tokens or passes (including cash fares), and taxi fares.

(6) Expenses incident to travel and emergency travel advances (as specified in Treasury Department Circular No. 1030).

§ 1-3.604-5 Limitations.

(a) Procurement of supplies or nonpersonal services from one vendor at any one time, using simplified imprest fund procedures, may not exceed $50. Exceptions or additions needed in connection with procurement matters described in § 1-3.604-4, as well as the maximum dollar limitation for any one procurement transaction, should be addressed to the Treasury Department (pursuant to Treasury Department Circular No. 1030). The granting of any such exceptions or additions will be coordinated with the Administrator of General Services or his designee. Approved exceptions now existing will automatically be continued without specific request from the agency to which exceptions have been granted.

(b) Supplies or services subject to restrictions under any provision of law or regulation may not be purchased through use of imprest funds except under conditions which fully comply with such statutory and regulatory restrictions.

§ 1-3.604-6 Procurement and payment.

(a) Small purchases utilizing imprest funds may be made only by authorized employees.

(b) When payment for small purchases is made from imprest funds, no purchase order need be issued unless it is advantageous to the Government, for example, when required by the vendor to grant Government discounts. When so required, any authorized purchase order form may be used and will be endorsed "payment to be made in cash."

(c) Receipts must be secured for each payment from imprest funds (pursuant to the provisions of GAO Manual 7 GAO 5120).

(d) The cashier may either reimburse employees for amounts paid by them for authorized purchases or furnish the cash necessary to consummate such purchases. Purchases for which cash has been furnished in advance should be confirmed within five work days from the date of advance.

§ 1-3.604-7 Tax exemption certificates.

Since purchases made through the use of imprest funds are of relatively small value, Government tax exemption certificates (Standard Form 1094—Revised) generally shall not be used in connection with purchases made under the authority of this section.

Effective date. This revision is effective September 1, 1959.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 18, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-7008; Filed, Aug. 21, 1959; 8:50 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 107—CHIGNIK AREA

Reduction of Closed Period

Basis and purpose. Since the red salmon run in the Chignik Bay district is virtually over, and only 13 fishing boats are presently active there, it has been determined that the extensions to the weekly closed period can be materially reduced to permit utilization of the chum and coho salmon runs.

Therefore, effective August 23, § 107.9 is amended in paragraph (b) to read as follows: "From 6 p.m. Friday to 6 a.m. Monday."

Since immediate action is necessary, notice and public procedure on this relaxation in existing regulations is not in the public interest, and it shall become effective on the date specified above, after filing at the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: August 21, 1959.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-7068; Filed, Aug. 21, 1959; 11:34 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1947]

COLORADO

Withdrawing Public Lands for Use of the Forest Service as an Administrative Site in Connection With the Administration of the Arapaho National Forest; Revoking Executive Order No. 7386 of June 8, 1936

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, for an administrative site in connection with the administration of the Arapaho National Forest:

[Colorado 028040]

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 78 W.,
Sec. 34, SE¼SW¼.

The area described contains 40 acres.

2. Executive Order No. 7386 of June 8, 1936, which withdrew the following-described land for use of the Forest Service as an administrative site in connection with the administration of the Arapaho National Forest, is hereby revoked:

[Colorado 028039]

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 78 W.,
Sec. 34, NE¼SW¼.

The area described contains 40 acres.

3. The lands described in paragraph 2 are withdrawn for power purposes in Power Site Reserve No. 133 by Executive order of July 2, 1910. They have been open to applications and offers under the mineral leasing laws, and since the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621), they have been open to locations under the United States mining laws.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1959.

[F.R. Doc. 59-6988; Filed, Aug. 21, 1959; 8:47 a.m.]

[Public Land Order 1948]

[76085]
[1539695]
[1548330]

WASHINGTON

Partially Revoking Reclamation Withdrawals of December 22, 1905, Yakima Project, March 22, 1934, and May 11, 1934, Columbia Basin Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of December 22, 1905, March 22, 1934, and May 11, 1934, which withdrew lands for reclamation purposes in the first form in connection with the Yakima and Columbia Basin Projects, Washington, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

Order of December 22, 1905:

T. 8 N., R. 29 E.,
Sec. 6, lots 1, 2 and 3.

Order of March 22, 1934:

T. 35 N., R. 37 E.,
Sec. 27, W½SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼NE¼ and SW¼NE¼.
T. 37 N., R. 37 E.,
Sec. 1, W½SW¼.

Order of May 11, 1934:

T. 24 N., R. 27 E.,
Sec. 1, W½SW¼;
Sec. 11, N½N½.

The areas described aggregate 501.01 acres.

2. Lots 1, 2 and 3, shall not be subject to any form of disposition under the public land laws unless and until a further order is issued by an authorized officer of the Bureau of Land Management.

3. Beginning at 10:00 a.m. on September 23, 1959, the lands, excepting those described in paragraph 2, hereof, shall be open to application, petition, location, and selection under applicable nonmineral public lands laws, subject to valid existing rights, the requirements of applicable law, the six-months preference right to apply to select, granted to States by subsection (c) of section 3 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended.

4. The restored lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on March 25, 1960. Locations made prior thereto shall be invalid.

5. Inquires concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 18, 1959.

[F.R. Doc. 59-6989; Filed, Aug. 21, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Part 15]

MATTER MAILABLE UNDER SPECIAL RULES

Concealable Firearms

Section 1715 of Title 18, United States Code, declares pistols, revolvers, and other firearms capable of being concealed on the person, to be nonmailable, with exceptions in favor of bona fide dealers in firearms, manufacturers, officers of the Armed Forces, and other persons. The law gives authority to the Postmaster General to prescribe regulations governing permissible shipments of firearms. The Departmental regulations are contained in § 15.5 of Title 39, Code of Federal Regulations.

In the FEDERAL REGISTER of September 23, 1958 (23 F.R. 186, 7385), publication was made of a proposed amendment of § 15.5 of Title 39, to bring within the scope of the regulations certain interpretive rulings which had been made by the Department applying to gas, air, and spring-action pistols. Comments were received from various manufacturers of such pistols, and other interested parties. Upon consideration of these comments it is now proposed to substitute revised regulations for the one set out in the FEDERAL REGISTER of September 23, 1958, and to further amend the regulations to provide a specific exemption for toy pistols.

The proposed amendments relate to a proprietary function of the Government. They are also in the nature of an interpretive ruling. Accordingly, these amendments are exempted from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, the Postmaster General desires voluntarily to give postal patrons an opportunity to present their written views concerning the proposed regulations. Therefore, the final regulations to be adopted by the Department will be considered in the light of the views which may be received.

Comments may be submitted to Richard S. Farr, Assistant General Counsel, Room 4213, Post Office Department, Washington 25, D.C., at any time prior to September 25, 1959.

The proposed amendments are as follows:

Amend § 15.5 *Concealable firearms* by including a reference in paragraph (g) to toy pistols, and by the addition of a new paragraph (h) to read as follows below:

(g) *Antique firearms; toy pistols.* Antique or unserviceable pistols and revolvers sent as curios or museum pieces, or toy pistols, may be accepted for mailing without regard to the provisions of paragraphs (a) through (d) of this section.

(h) *Gas, air, spring-action pistols.* (1) Parcels containing unloaded handguns not operated by exploded gunpowder, such as gas, air, or spring-action pistols, may be accepted for mailing in accordance with the provisions of paragraphs (a), (b) and (d) of this section, when plainly marked or labeled, in bold block letters, with the word "Handgun" and indicating the class of persons to which the addressee belongs.

(2) Such handguns in need of repair may be mailed, when unloaded, by the owner direct to a bona fide manufacturer or service agency when the parcel is marked, in bold block letters, "Handgun for Repair". The handgun may be accepted for mailing back to the owner by the manufacturer or service agency if the parcel is marked "Handgun Repaired", and delivery may be made to the addressee-owner upon his presentation of a receipt obtained from the manufacturer or service agency when the handgun was submitted for repair, such receipt to confirm the owner's name and address, date of submission, and contents of parcel.

NOTE: The corresponding Postal Manual section is 125.5.

(R.S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 369, 18 U.S.C. 1715)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7029; Filed, Aug. 21, 1959; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

MEDICINE LAKE NATIONAL WILDLIFE REFUGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise §§ 31.238 and 31.239 and to revoke §§ 31.240, 31.241, and 31.242 of Subpart—Medicine Lake National Wildlife Refuge, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to make more inclusive the waterfowl hunting regulations and to permit the annual hunting of deer on the Medicine Lake National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions or revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.238 **Hunting of migratory waterfowl and coots permitted.**

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory waterfowl and coots is permitted on the hereinafter described lands of the Medicine Lake National Wildlife Refuge, Montana, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting of waterfowl and coots:

N½, SW¼, N½SE¼, and SW¼SE¼ Sec. 4; all north and east of County Road in Sec. 5, T. 31 N., R. 57 E., and W½ Sec. 27; all Sec. 28; all south and east of County Road in Sec. 32; all Sec. 33; and NW¼ Sec. 34, T. 32 N., R. 57 E.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(d) *Boats.* Subject to the requirements of Part 6 of this chapter, the use of boats without motors is permitted for the purpose of hunting.

(e) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

§ 31.239 **Hunting of deer permitted.**

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Medicine Lake National Wildlife Refuge, Montana, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Dogs.* The use of dogs for hunting deer on the refuge is prohibited.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for these purposes.

(e) *Hunting area.* The following described area is open to hunting during the prescribed State season:

Within T. 31 N., R. 57 E., P.M. All of Sections 17, 19, and 20 and all of that portion of Section 18 lying southwest of the County Road.

§ 31.240 [Revocation]

§ 31.241 [Revocation]

§ 31.242 [Revocation]

[F.R. Doc. 59-6986; Filed, Aug. 21, 1959; 8:46 a.m.]

[50 CFR Part 35]

MISSISQUOI NATIONAL WILDLIFE REFUGE, VERMONT

Hunting Area

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise paragraph (a) of § 35.51 of Subpart—Missisquoi National Wildlife Refuge, Vermont, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to delineate a more satisfactory boundary of the public hunting areas on the Missisquoi National Wildlife Refuge without otherwise modifying the public hunting privileges that are available.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

§ 35.51 Hunting of migratory game birds permitted.

* * * * *

(a) *Hunting area.* The following described area is open to hunting: All of the lands, marshes, and waters of the Missisquoi National Wildlife Refuge lying northerly of a line from the main channel of the Missisquoi River to Martindale Point following the Martindale Point Refuge road and its projection to Martindale Point as posted. Area includes entire neck and Shad Island.

* * * * *

[F.R. Doc. 59-6984; Filed, Aug. 21, 1959; 8:46 a.m.]

[50 CFR Part 35]

PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

Hunting of Deer Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to amend § 35.81 of Subpart—Parker River National Wildlife Refuge, Massachusetts, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit deer hunting during a part of the 1959 State season on certain lands of the Parker River National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 18, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 35.81 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 21, 23, and 24, 1959, only on the hereinafter described lands of the Parker River National Wildlife Refuge, Massachusetts, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* All of the Plum Island portion of the refuge lying between the ocean beach and the east bank of Plum Island River and Plum Island Sound with the exception of posted area lying between the Plum Island Road and Plum Island Sound, comprising the two impoundment areas and the patrol headquarters site.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted on the refuge for use in the hunting of deer.

(d) *Checking stations.* A checking station will be established and publicized locally by the Refuge Manager. Hunters, upon entering the hunting area, shall report at the checking station to qualify and obtain a permit; hunters upon leaving the hunting area, shall exhibit any deer killed and report at the checking station information that may be requested.

[F.R. Doc. 59-6985; Filed, Aug. 21, 1959; 8:46 a.m.]

National Park Service

[36 CFR Part 20]

YELLOWSTONE NATIONAL PARK

Weight and Size Limits for Vehicles

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Two, Order No. 3 (21 F.R. 1494), it is proposed to amend 36 CFR 20.13 as set forth below. The purposes of this amendment are to establish special weight limits on Chittenden Bridge and on the road between Norris and Canyon Junctions, and to amend the general weight limit of vehicles, using roads in Yellowstone National Park, Wyoming.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C., 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Yellowstone National Park, Wyoming, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

LEMUEL A. GARRISON,
Superintendent, Yellowstone National Park.

JULY 6, 1959.

1. Paragraph (a) is amended to read as follows:

(a) *Weight and size limits for vehicles.* (1) The total gross weight of any vehicle and load or combination of vehicles and loads shall not exceed the following prescribed limits:

(i) The Chittenden Bridge across the Yellowstone River on the Artist Point Access Road, 5 tons.

(ii) The bridge across the Yellowstone River near Tower Junction on the Northeast Entrance Road, 10 tons.

(iii) The road between Norris Junction and Canyon Junction, 20 tons.

(2) No vehicle and load shall have a gross weight in excess of 450 pounds per inch width of tire, or carry more than 18,000 pounds on any one axle, and no vehicle whatsoever having a total gross weight of vehicle and load or combination of vehicles and loads in excess of 76,800 pounds shall be operated or moved upon any Park road.

(i) *Provided,* The Superintendent may prescribe reduced limits as to weight thereof, on designated highways as posted, whenever said highways may be damaged or destroyed by the above load limits because of deterioration, rain, snow, frost, and other climatic conditions.

(3) The gross weight of any group of axles of any vehicle or combination of vehicles, when the distance between the first and last axles of any group of axles is eighteen (18) feet or less, and the gross weight of any vehicle when the distance between the first and last axle of all the axles of the vehicles is eighteen (18) feet or less, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of any group of axles of any vehicle or combination of vehicles or between the first and last axles of all of the axles of any vehicle	*Maximum gross weight, in pounds, of any group of axles of any vehicle or combination of vehicles, or of any vehicle*
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(4) The gross weight of any vehicle or combination of vehicles, where the distance between the first and last axles of the vehicles or combination of vehicles is more than eighteen (18) feet, shall not exceed that set forth in the following table of weights:

Distance in feet between the first and last axles of all of the axles of a vehicle or combination of vehicles	*Maximum gross weight, in pounds, of any vehicle or combination of vehicles*
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,600
52	74,400
53	75,200
54	76,000
55	76,400
56	76,800
57	76,800

(5) No vehicle shall be operated or moved upon any Park road when the total outside width and length, including the load thereon, exceeds 8 feet in width and 35 feet in length for a single vehicle, or 60 feet in length for a combination of vehicles, or when the total height of a vehicle, including the load thereon, exceeds 13 feet 6 inches, except on that portion of U.S. Highway 191 lying within the boundary of the Park on which highway the size limits shall be as follows:

(i) Busses shall be no more than 102 inches in width. Other vehicles shall be no more than 96 inches in width. No vehicle, including load, shall be more than 13 feet 6 inches in height. Busses shall not be more than 40 feet in length. Single trucks shall not be more than 35 feet in length. Combinations of vehicles shall be no more than 60 feet in length.

(6) Provided, that in special case of individual movements, where the size or weight of such vehicles, including loads, exceed those herein prescribed, may be operated under special permit granted by the Superintendent, under such conditions as to time, route, equipment, speed, and otherwise as he may determine.

[F.R. Doc. 59-6990; Filed, Aug. 21, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO-14-A30; AO-302-A2; AO-203-A-12; AO-204-A11; AO-305-A1]

MILK IN GREATER BOSTON, MASS., SOUTHEASTERN NEW ENGLAND, SPRINGFIELD, MASS., WORCESTER, MASS., AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Courtroom No. 4, Federal Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a.m., e.d.t., on September 9, 1959; in the Empire Room, Crown Hotel, 208 Weybosset Street, Providence, Rhode Island, beginning at 10:00 a.m., e.d.t., on September 21, 1959; in the Lobby Ballroom, Hotel Bond, Asylum Street, Hartford, Connecticut, beginning at 10:00 a.m., e.d.t., on September 28, 1959; and at the Aurora Hotel, 654 Main Street, Worcester, Massachusetts, beginning at 10:00 a.m., e.d.t., on October 5, 1959; with respect to proposed amendments to the tentative marketing agreement and to the orders, regulating the handling of milk in the Greater Boston, Massachusetts, Southeastern New England, Springfield, Massachusetts, Worcester, Massachusetts, and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposals relative to a redefinition of the respective marketing areas raises the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

All New England Orders:

Proposed by nineteen New England cooperative associations:

Proposal No. 1. Amend the definition of "exempt milk" in each of the New England orders to restrict its application to emergency conditions.

Proposal No. 2. Provide that a city distributing plant which meets the requirements for pooling under two or more different orders shall be regulated in the market in which it disposes of the larger amount of Class I milk to consumers.

Proposal No. 3. Review the basis and need for payments on outside milk under all New England orders.

Proposal No. 4. Amend the provision for adjustment of overdue accounts in all New England orders to cause the interest charge to run from the date specified for clearance of the producer-settlement fund.

Proposed by Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

Proposal No. 5. Re-examine under all New England orders the percentage shipping requirements for pooling country plants and the length of the qualifying period.

Proposal No. 6. Re-examine the level of the Class II price at city plants and the related zone price differentials under all New England orders.

Proposal No. 7. Limit the percentage of the total value of milk pooled which can be deducted for farm location differentials under all New England orders.

Proposed by the Connecticut Milk Consumers Association, Inc.:

Proposal No. 8. Delete the farm location differential as set forth in § 904.64 of the Boston order, § 990.63 of the Southeastern New England order, § 996.64 of the Springfield order, § 999.64 of the Worcester order, and § 1019.63 of the Connecticut order.

Proposed by the Dairy Division:

Proposal No. 10. Delete obsolete provisions in all New England orders such as references to the Merrimack Valley order and the conditions for pool plant qualification during the period through June 1959 under the Southeastern order.

Greater Boston, Springfield and Worcester orders:

Proposed by nineteen New England cooperative associations:

Proposal No. 11. Amend the producer-handler definition in §§ 904.2(i), 996.2(i), and 999.2(i) of the Greater Boston, Springfield and Worcester orders, respectively, to limit its application to a person (1) whose own farm production does not exceed 1,075 pounds on a daily average during the month and whose only source of supply for fluid milk products is milk of his own farm production and packaged fluid milk products from pool plants, or (2) whose sole source of supply for fluid milk products is milk of his own farm production.

Proposed by the New England Milk Producers' Association; Northern Farms Cooperative, Inc., and Maine Dairymen's Association, Inc.:

Proposal No. 12. Amend the schedule of payment dates under the Greater Boston, Springfield, and Worcester orders to move up by 5 days the dates for payments to producers, for payment of marketing service deductions, and of administrative expense.

Proposed by The Dairy Division:

Proposal No. 13. Amend §§ 904.2(d)(1), 996.2(d)(1), and 999.2(d)(1), so that they will conform with §§ 904.2(d)(2), 996.2(d)(2), and 999.2(d)(2), by deleting the semicolon (;) at the end of the subparagraphs, and add the following: ", except that the term shall not apply to any dairy farmer with respect to milk which is considered as re-

ceipts from a producer under the provisions of another Federal order;"

Greater Boston, Connecticut and Southeastern New England orders:

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 15. Amend the Greater Boston, Connecticut and Southeastern New England orders to provide for compensatory payments on receipts of Class I milk from plants regulated under another Federal order, generally as provided for in § 996.66 of the Springfield order and § 999.66 of the Worcester order.

Springfield and Worcester orders:

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 16. Revise §§ 996.65 and 999.65 of the Springfield and Worcester orders to conform with the terms of § 904.65 of the Boston order relative to the same provision.

Southeastern New England, Springfield, and Worcester orders:

Proposed by The Dairy Division:

Proposal No. 17. Amend §§ 990.69, 996.70 and 999.70 of the Southeastern New England, Springfield and Worcester orders, respectively, to provide that the Secretary, in lieu of the market administrator, be the person responsible for determination of the rate of marketing service deduction from nonmembers of an association of producers.

Greater Boston and/or Southeastern New England order:

Proposed by nineteen New England cooperative associations:

Proposal No. 18. Revise the marketing areas of the Greater Boston and/or Southeastern New England orders, respectively, to include all of the towns in Norfolk County, Massachusetts, not presently a part of the Greater Boston marketing area.

Proposed by Local Dairymen's Cooperative Association, Inc.

Proposal No. 19. Revise the classification and assignment provisions of the Greater Boston and Southeastern New England orders to provide that the Southeastern pool receive credit for Class I disposition into the marketing area from a plant regulated under the Greater Boston order up to the quantity of Southeastern New England producer milk moved to such Boston order plant.

Greater Boston order:

Proposed by nineteen New England cooperative associations:

Proposal No. 21. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the towns of Burlington, Lynnfield, North Reading, and Wilmington, Massachusetts.

Proposal No. 22. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the towns of Ayer and Littleton, Massachusetts, including the military establishment of Fort Devens.

Proposal No. 23. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the towns of Hingham and Hull, Massachusetts.

Proposal No. 24. Revise the definition of marketing area as it appears in § 904.1(b) of the Greater Boston order to add the cities and towns of Ashland, Holliston, Hopkinton, Marlboro, Milford, Sherborn, and Southboro, Massachusetts.

Proposed by Elmhaven Dairy, Inc., and Lowell Dairy, Inc.:

Proposal No. 25. Add to the marketing area of the Greater Boston order the towns of Dunstable and Pepperell, Massachusetts.

Proposed by the Fall River Milk Producers' Association, Inc.:

Proposal No. 26. Amend § 904.20(c) of the Greater Boston order (basic requirements for pool plant status) by adding after the word "plant" the following: "during each month of the year and during each of the months of August through October at least 30 percent of the milk received at the plant from producers shall be disposed of as Class I milk in the marketing area."

Proposal No. 27. Amend §§ 904.20(d) and 904.21(c) of the Greater Boston order to increase minimum Class I shipping requirements from 10 percent to 30 percent of total receipts of fluid milk products other than cream.

Proposal No. 28. Delete the last sentence of § 904.2(f) of the Greater Boston order.

Proposed by the New England Milk Producers' Association; Northern Farms Cooperative, Inc., and Maine Dairymen's Association:

Proposal No. 29. Provide for a nonmember marketing service program under the Greater Boston order at a rate not to exceed two cents per hundredweight.

Connecticut order:

Proposed by The Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 30. Revise the producer definition set forth in § 1019.2(e) (1), (2), and (3) of the Connectiut order as it relates to diversions of producer milk to read as follows:

(1) To a nonpool plant(s) during the following months on not more than the specified days: July through November—6 days (three days in the case of every-other-day delivery) December through March—12 days (six days in the case of every-other-day delivery), April through June—Any number of days.

(2) Any dairy farmer whose milk is diverted during any month from July through March inclusive on more than a number of days specified in subparagraph (1) in this paragraph, shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(3) Any dairy farmer whose milk is diverted to a nonpool plant during any month of April through June shall not be considered to qualify as a producer under this paragraph with respect to any of his deliveries of milk during such month unless such dairy farmer qualified as a producer under this paragraph in each of the preceding months of July through November.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 31. Amend the producer definition with respect to diversions of producer milk as it appears in § 1019.2(e) of the Connecticut order to provide that diverted milk be priced at the location of the pool plant from which it was diverted in lieu of the location of the nonpool plant to which diverted as presently provided.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 32. Revise the producer definition with respect to diversions of producer milk as set forth in § 1019.2(e) of the Connecticut order to require a historical record of shipment to the market before diversions to nonpool plants are permitted in lieu of the requirement that milk which "touches base" may be diverted to nonpool plants.

Proposed by Connecticut League of Dairy Farmers and Producer-Dealers:

Proposal No. 33. Amend the appropriate sections of the Connecticut order to provide that producer-handlers may buy from and sell to other producer-handlers without such purchases and sales being subject to the class pricing and pooling provisions of the Connecticut order.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 34. Revise the definition of producer-handler as set forth in § 1019.2(i) of the Connecticut order by adding a quantity limitation of 1,000 quarts daily average on fluid milk products sold in the marketing area.

Proposed by the Brock-Hall Producers' Association, Inc.; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers Council; and The Litchfield County Dairy Committee:

Proposal No. 35. Revise the appropriate sections of the Connecticut order to add a flush-season-exclusion provision to balance the automatic flush-season-inclusion privilege of handlers with plants in the pool from July through November.

Proposed by The Dairymen's League Cooperative Association, Inc.:

Proposal No. 36. Amend the pool plant definition as it appears in § 1019.3(c) of the Connecticut order to provide automatic pool status for any receiving plant operated by an association of producers which is located within 60 miles of Hartford.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 37. Amend the appropriate sections of the Connecticut order to establish that the receipt of bulk tank milk occurs at the point and time at which it is accepted and transferred from the tank of the producer to a tank truck with the quantity of such receipt to be determined at that point.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 38. Amend § 1019.4 of the Connecticut order by providing a new definition of "diverted milk" to read as follows:

"Diverted milk" means milk which a pool handler reports as having been removed from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted if:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank trucks; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

Proposal No. 39. Amend the appropriate sections of the Connecticut order to provide for volume accounting of milk in lieu of the present butterfat and skim milk accounting method provided.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 40. Amend the classification provisions of the Connecticut order to provide for classification of milk disposed of to bakeries as Class I in lieu of present classification as Class II.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 41. Revise the classification provisions of the Connecticut order to classify as Class II, milk lost due to an emergency, casualty or extreme condition.

Proposal No. 42. Revise the appropriate provisions of the Connecticut order to provide for the handling of shrinkage in a manner similar to that provided in the other New England orders.

Proposal No. 43. Revise the classification and allocation provisions as set forth in §§ 1019.21(a) and 1019.24(a) of the Connecticut order to provide for the classification and accounting of nonfat skim solids used to produce concentrated milk, "half and half", and reconstituted or fortified skim milk on a volume basis in lieu of the present skim milk equivalent basis.

Proposal No. 44. Amend § 1019.24(b) (4) of the allocation provisions of the Connecticut order to add the month of June to the present months of July through November during which 15 percent of producer milk is reserved in Class II prior to the assignment of bulk milk receipts from other Federal order plants.

Proposed by Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 45. Amend § 1019.24(b) (4) of the allocation provisions of the Connecticut order to add the months of June and December to the present months of July through November during which 15 percent of producer milk is reserved in Class II prior to the assignment of bulk milk receipts from other Federal order plants.

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 46. Amend § 1019.24 of the Connecticut order to provide for the allocation of inventory of fluid milk products immediately following the allocation of nonfederal other source receipts.

Proposed by The Connecticut Milk Dealers Association:

Proposal No. 47. Amend § 1019.24(b) (5) of the Connecticut order to provide that receipts from other Federal order markets be classified in the same class in which classified under the other Federal order.

Proposed by The Brock-Hall Producers' Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and The Litchfield County Dairy Committee:

Proposal No. 48. Revise §§ 1019.30 and 1019.31 of the Connecticut order as they apply to stop and start notices to reduce bookkeeping costs for transfers of pool milk regularly sold in the marketing area.

Proposed by The Connecticut Milk Dealers Association:

Proposal No. 49. Revise § 1019.31(b) of the Connecticut order to relax the present provisions for reporting dumping of milk by providing for weekly reports of milk products dumped in lieu of the present 48-hour report requirement.

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 50. Revise the dumping provisions as they appear in § 1019.31 of the Connecticut order to eliminate the 48-hour notification of dumpage unless required by the market administrator and to provide for reports to be made as required in § 1019.30.

Proposed by The Brock-Hall Producers Association; The Connecticut Milk Producers' Association; The Connecticut Wholesale Milk Producers' Council; and the Litchfield County Dairy Committee:

Proposal No. 51. Revise § 1019.32 of the Connecticut order to require that written notice of butterfat tests be furnished producers by receiving handlers within 7 days of the end of each sampling period.

Proposal No. 52. Amend § 1019.40 (b) and (c) of the Connecticut order to provide for a 10-cent increase in the Class II price during the months of July and August.

Proposed by the Connecticut Milk Dealers Association and the Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 53. Amend the Class I pricing provisions with respect to packaged fluid milk products sold on routes in the New York-New Jersey marketing area to read as follows: ", except for packaged fluid milk products sold on routes or to plants for sale on routes in the Order No. 27 marketing area, the Class I price shall be the Order No. 27 price with the differential applicable thereon in the area served."

Proposed by Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 54. Insert in § 1019.40 of the Connecticut order a provision for a butter-cheese price differential during April through July equivalent to that computed in § 904.44 of the Boston order.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 55. Modify § 1019.42(b) of the Connecticut order by providing for the application of plant zone price differentials to begin at plants more than 60 miles from Hartford in lieu of more than 50 miles presently provided.

Proposed by the Connecticut Milk Dealers Association:

Proposal No. 56. Eliminate in § 1019.42 (b) of the Connecticut order the proviso regarding the sequence of assignment of transfers between pool plants.

Proposed by the Connecticut Milk Dealers Association and the Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 57. Revise § 1019.42(b) of the Connecticut order so that the Class I and uniform price differentials set forth in column "C" of the schedule apply to all milk moved in the form of fluid milk to the marketing area, whether or not such milk is assigned to Class I, and that the Class II price differentials set forth in column "D" of the schedule apply only to milk moved to the marketing area in forms other than fluid milk.

Proposed by the Connecticut Milk Dealers Association.

Proposal No. 58. Add a new paragraph to § 1019.46 of the Connecticut order to provide for a compensatory payment on milk shipped to this market from markets regulated by other Federal orders at a rate which is the difference between the Connecticut Class I price and the other Federal order Class I price.

Proposal No. 59. Delete the "take-out" and "pay-back" provisions as they appear in § 1019.51 (c) and (d) of the Connecticut order.

Proposed by the Brock-Hall Producers' Association, the Connecticut Milk Producers' Association, the Connecticut Wholesale Milk Producers' Council, and the Litchfield County Dairy Committee:

Proposal No. 60. Amend the seasonal incentive pricing plan provision as it appears in § 1019.51(c) of the Connecticut order to increase the "take-out" from 15 cents to 25 cents for the months of April, May, and June.

Proposal No. 61. Simplify calculation of the producer butterfat differential as contained in § 1019.61 of the Connecticut order by deleting the reference to cream quotations and using regular month New York butter quotations in lieu of the 16th of the preceding month through the 15th of the current month.

Proposed by the Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 62. Delete the phrase "round to the nearest cent" as it appears in § 1019.61 of the Connecticut order to eliminate present differences between the Connecticut order and the Boston order in calculations of the producer butterfat differential.

Proposed by The Eastern Milk Producers Cooperative Association, Inc., and The Sealtest Foods Division of National Dairy Products Corporation:

Proposal No. 63. Amend § 1019.62 to provide that producers be paid for diverted milk on the basis of the prices applicable at the location of the pool plant from which such milk was diverted.

Proposed by the Brock-Hall Producers' Association, the Connecticut Milk Producers' Association, the Connecticut Wholesale Milk Producers' Council and the Litchfield County Dairy Committee:

Proposal No. 64. Delete the words "received at the handler's pool plant(s)" as they appear in § 1019.62 of the Connecticut order to establish that the zone price differential adjustment to the uniform price to be paid producers on diverted milk be based on the location of the nonpool plant to which such milk is diverted.

Proposed by the Dairymen's League Cooperative Association, Inc.:

Proposal No. 65. Amend § 1019.63(a) to extend the 46-cent differential area to that area in the States of New York and Massachusetts not presently included which lies east of the Hudson River beginning at the intersection of the Hudson River and the New York State Extension of the Massachusetts Turnpike and proceeding north along the river to route 20, east along route 20 to the Columbia County line, east along the Columbia County line to the Massachusetts-New York State line, south along the Massachusetts-New York State line to route 20, and east and south along route 20 to the Massachusetts Turnpike.

Proposed by the Brock-Hall Producers' Association, the Connecticut Milk Producers' Association, the Connecticut Wholesale Milk Producers' Council, and the Litchfield County Dairy Committee:

Proposal No. 66. Review the time schedule for payments on adjustments as provided in § 1019.67 of the Connecticut order, delete the phrase "pursuant to §§ 1019.46, 1019.65, 1019.69, and 1019.70" as they appear in § 1019.68, and provided an interest charge of ½ percent to all accounts for which payment is not received in the market administrator's office by the 21st day of the month when due.

Proposed by the Dairy Division:

Proposal No. 68. Clarify the plant definitions in § 1019.3(a) by changing the words "or facilities" as they appear in the proviso to read, "and facilities".

Southeastern New England order:

Proposed by nineteen New England cooperative associations:

Proposal No. 74. Revise the marketing area as it appears in § 990.1(b) of the Southeastern New England order to include the towns of Blackstone, Millville, Uxbridge, Douglas, Hopedale, and Mendon in Worcester County, Massachusetts.

Proposed by the Fall River Milk Producers' Association, Inc.:

Proposal No. 75. Revise the marketing area as it appears in § 990.1(b) of the Southeastern New England order to include the towns of Plainville, Wrentham, Foxboro, Franklin, Bellingham, Walpole, and Sharon in Norfolk County, Massachusetts.

Proposed by Garelick Brothers Farms, Inc.:

Proposal No. 76. Revise the marketing area as it appears in § 990.1(b) of the Southeastern New England order to include the Massachusetts towns of Northbridge, Uxbridge, Milford, Hopedale, Mendon, Millville, Blackstone, Ashland, Sherborn, Hopkinton, and Holliston.

Proposed by nineteen New England cooperative associations:

Proposal No. 77. Delete § 990.2 (c), (d) (2), and (e) and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d) (2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a pool plant, if that handler caused milk from the same farm to be moved as nonpool milk to a nonpool plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a producer-handler or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is moved from his farm to a pool plant or is diverted in accordance with subparagraphs (1) to (4) of this paragraph if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such pool plant:

Proposed by H. P. Hood and Sons, Inc.:

Proposal No. 78. Revise § 990.2(e) of the Southeastern New England order so that the diversion privileges correspond with the provisions established for the Boston, Springfield and Worcester orders.

Proposal No. 79. Delete § 990.2(e) (1) of the Southeastern New England order and substitute therefor the following:

(1) To another pool plant or to the plant of a buyer-handler;

Proposed by Northern Farms Cooperative, Inc. and Main Dairymen's Association, Inc.:

Proposal No. 80. Delete § 990.2(g) of the Southeastern New England order and substitute therefor the following:

(g) "Handler" means any person who engages in the handling of fluid milk products at a pool plant, or any other plant which is located in the marketing area or from which fluid milk products is disposed directly or indirectly in the marketing area.

Proposed by the United Milk Committee:

Proposal No. 81. Revise the producer-handler definition as it appears in § 990.2(i) of the Southeastern New England order to permit a producer-handler to buy and sell milk from and to other producer-handlers and pool plants with 100 pounds per day limitation on such sources as follows:

(i) "Producer-handler" means any person who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk in the marketing area on routes and who has no other source of supply for fluid milk products, other than exempt milk and his own farm production, and milk from pool plants and/or other producer-handlers. So long as receipts and/or sales in bulk by him from and to such last two sources does not exceed on the average 100 pounds per day he shall not lose his status as a producer-handler: *Provided*, That the maintenance, care of management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk of his own production are the personal enterprise and the personal risk of such person.

Proposed by the nineteen New England cooperative associations:

Proposal No. 82. Delete § 990.3 (a) and (b) of the Southeastern New England order and substitute therefor the following:

(a) "Plant" means the land and buildings or separate portion thereof, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products and which is used for the handling or processing of milk or milk products. The term shall not include any building, premises, equipment or facilities used primarily to hold or store packaged fluid milk products or other milk products in finished form in transit on routes.

(b) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and there accepted, weighed or measured, sampled and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

Proposed by the Fall River Milk Producer's Association, Inc.:

Proposal No. 83. Amend the pool plant definition as it appears in § 990.3(c)(1) by deleting the figures "10" and substitute therefor the figures "30" as minimum percentage requirements for pooling distributing-type plants.

Proposed by the Northern Farms Cooperative, Inc., Maine Dairymen's Association, Inc. and the Rhode Island Milk Dealers Association, Inc.:

Proposal No. 84. Insert the word "receiving" immediately after the word "nonpool" in § 990.3(c) (3) of the Southeastern New England order.

Proposed by nineteen New England cooperative associations.

Proposal No. 85. Delete the words "at a plant" in the first sentence of § 990.4 (a) of the Southeastern New England order.

Proposal No. 86. Add a definition of "pool milk" in § 990.4 or add the following provision to the "producer" definition in § 990.2(e) of the Southeastern New England order: "The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month".

Proposed by the United Milk Committee.

Proposal No. 87. Add a new subparagraph to § 990.4(g) of the Southeastern New England order as follows: "or (3) milk received at the plant of pool plant, a producer-handler or buyer-handler in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged milk products other than cream, is returned to the dairy farmer during the same month and this provision shall not preclude a producer-handler from buying or selling from or to other producer-handlers or pool plants milk of his own production in bulk so long as such milk does not exceed on the average 100 pounds per day."

Proposed by nineteen New England cooperative associations:

Proposal No. 88. Add a new subparagraph to § 990.21(a) of the Southeastern New England order as follows: "Inventory of fluid milk products on hand at the end of the month shall be classified as Class I milk except that the portion established as Class II milk in the following month shall be classified as Class II milk."

Proposal No. 89. Delete § 990.21 (b) (4) of the Southeastern New England order.

Proposed by Rhode Island Milk Dealers Association, Inc., and Mt. Pleasant and N. Barber Dairy, Inc.:

Proposal No. 90. Amend § 990.21(b) of the Southeastern New England order to provide a Class II classification for milk or fluid products accidently destroyed or spilled under extraordinary circumstances.

Proposed by The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 91. Delete the words "skim milk" as they occur in § 990.21 (b) (3) and § 990.31(e) and substitute therefor the words "fluid milk products."

Proposal No. 92. Amend § 990.24 of the Southeastern New England order to provide that bulk milk classified and priced under any other Federal order be accorded equivalent assignment and value under this order.

Proposal No. 93. Revise § 990.24(b) of the Southeastern New England order to provide for the assignment of inventory immediately preceding the assignment of other source other Federal order receipts.

Proposed by nineteen New England cooperative associations:

Proposal No. 94. Add a new subparagraph immediately after § 990.24(b) (2) as follows and renumber the succeeding subparagraph to conform:

(3) Subtract the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month from the remaining pounds of skim milk in Class I and Class II milk respectively according to the classification of such inventory in the previous month.

Proposal No. 95. Delete § 990.24(b) (8) of the Southeastern New England order.

Proposed by the Rhode Island Milk Dealers Association, Inc.:

Proposal No. 96. Revise § 990.30 of the Southeastern New England order by deleting from the proviso the words "during the first six months of operation under this order" to allow continued reporting on a volume basis in lieu of the present skim milk and butterfat basis.

Proposal No. 97. Change the reporting date in § 990.30 of the Southeastern New England order from the 8th day to the 10th day after the end of the month.

Proposal No. 98. Amend § 990.31(e) of the Southeastern New England order by inserting immediately preceding the first sentence thereof the following language: "At the option of the market administrator,".

Proposed by The United Milk Committee:

Proposal No. 99. Revise § 990.31 of the Southeastern New England order by adding thereto a new paragraph as follows:

(f) Any dairy farmer, pool handler, producer-handler or producer who maintains a herd of cows and uses part of the raw or processed milk produced by said herd for his own family, employees and livestock shall be exempt from reporting or recording such milk produced by such herd used by his own family, employees and livestock to the extent of, but not to exceed, 20 pounds of milk per cow per month.

Proposed by The Dairymen's League Cooperative Association, Inc., and The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 100. Revise § 990.40 of the Southeastern New England order to eliminate the 7-cent difference in level of Class I price over the Class I price in the Greater Boston order.

Proposed by nineteen New England cooperative associations:

Proposal No. 101. Delete § 990.50(d) of the Southeastern New England order.

Proposed by The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 102. Amend § 990.60(a) (1) of the Southeastern New England order to move back the date of advance payment to producers from the 5th to the 10th of the month.

Proposal No. 103. Amend § 990.60(a) (2) of the Southeastern New England order to move back the date of final payment to producers from the 20th to the 25th of the month.

Proposal No. 104. Delete the words "in writing" as they occur in § 990.60(a) (2) of the Southeastern New England order.

Proposed by The United Milk Committee:

Proposal No. 105. Amend § 990.63(a) of the Southeastern New England order to provide for a nearby farm location differential of 71 cents in lieu of 46 cents.

Proposed by nineteen New England cooperative associations:

Proposal No. 106. Provide that payment of any audit adjustments in § 990.67(c) of the Southeastern New England order shall be made on or before the date for making payment set forth in the provision under which such error occurred, for the month in which such notification is given.

Proposed by The United Milk Committee:

Proposal No. 107. Provide for a marketing service assessment of two cents in § 990.69(a) of the Southeastern New England order in lieu of the present five cents.

Proposal No. 108. Provide for an administrative assessment of two cents in § 990.70 of the Southeastern New England order in lieu of the present five cents.

Proposed by The Rhode Island Milk Dealers Association, Inc.:

Proposal No. 109. Amend § 990.70(a) of the Southeastern New England order to provide for administrative assessment on producer-handlers.

Proposed by the (Reverend) John E. Boyd.

Proposal No. 110. Exempt charitable institutions such as St. Vincent's Home from regulation under the order.

Springfield order:

Proposed by the Dairy Division:

Proposal No. 111. Amend § 996.23(d) of the Springfield order so that it will have similar effect to § 999.23(c) of the Worcester order by adding the following at the beginning of the paragraph: "Except as provided in § 996.22(b)".

Worcester order:

Proposed by Hillcrest Dairy, Inc., and Newton's Dairy, Inc.:

Proposal No. 112. Incorporate in § 999.1(b) of the Worcester order to include in proper alphabetical sequence the following Massachusetts cities, towns, and townships or such part of this area as may be found necessary for the orderly marketing of milk:

Ashburnham.	Oxford.
Ashby.	Princeton.
Barre.	Northboro.
Brookfield.	Northbridge.
Charlton.	Southbridge.
Dudley.	Sterling.
E. Brookfield.	Sturbridge.
Fitchburg.	Sutton.
Gardner.	Templeton.
Hardwick.	Townsend.
Hubardston.	Upton.
Lancaster.	Ware.
Leominster.	Webster.
Lunenberg.	W. Brookfield.
New Braintree.	Westminster.
N. Brookfield.	Westboro.
Oakham.	

Proposed by Hycrest Dairies, Inc.:

Proposal No. 113. Revise § 999.64(a) of the Worcester order to include the town of Hollis, New Hampshire in the farm location differential area.

All New England orders:

Proposed by The Dairy Division:

Proposal No. 114. Make such changes as may be necessary to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator in the respective markets as follows: Room 403, 230 Congress Street, Boston 10, Massachusetts; Room 408, 145 State Street, Springfield 3, Massachusetts; Room 403, 107 Front

Street, Worcester, Massachusetts; 57 Eddy Street, Providence 3, Rhode Island; Box 2068, 1049 Asylum Avenue, Hartford, Connecticut, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 19th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

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CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs.; Docket No. 10792]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making

AUGUST 18, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of the accounting and reporting requirements of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule encompasses certain changes (1) to achieve consistency with the judgment in Alaska Airlines, Inc., et al. v. Civil Aeronautics Board, et al, D.C.D.C., Civil No. 3638-56; 103 U.S. App. D.C. 225, 257 F. 2d 229; cert. den. 358 U.S. 881; (2) to prescribe certain accounting and reporting practices with respect to the maintenance (including overhaul) of property and equipment; and (3) to effect certain clarifications of the regulatory requirements.

The principal features of the proposed amendment are set forth in greater detail in the Explanatory Statement preceding the proposed amendment set forth below. Persons who have not received copies of reporting forms herein proposed in the course of distribution may obtain copies from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

This regulation is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule-making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 21, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 23, 1959 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. The rule here proposed is directed at achieving consistency between the Board's Uniform System of Accounts and Reports prescribed for certificated air carriers under Economic Regulation Part 241, and the holdings of the court in Alaska Airlines v. C.A.B., cited above, invalidating those provisions of Part 241 which (1) precluded or required the taking of depreciation for flight equipment spare parts and assemblies, and (2) required, in relation to depreciation, the inclusion of the cost of an overhaul in the undepreciated value of aircraft and the establishment of a maintenance reserve for airframes.

Consistently with the holding of the courts the proposed regulations leave the carriers completely free to decide which assets they wish to depreciate, and in what manner. On the other hand, forms of accounts are prescribed for the proper disclosure and recording, consistently with accepted accounting principles, of the depreciation practices actually decided upon by the air carriers. Thus this proposed rule also prescribes certain accounting and reporting practices with respect to the maintenance (including overhaul) of property and equipment, and also effects certain clarifying changes.

The major provisions of the proposed rule include the following:

1. *As to flight equipment spare parts and assemblies.* a. All provisions which would prevent the accrual of obsolescence reserves against expendable spare parts are discontinued. Similarly, the requirement that rotable spare parts and assemblies be depreciated has been deleted. These matters are left to the option of the carriers.

b. On the other hand, a new regular semi-annual report Form B-9, Inventory of Flight Equipment Spare Parts and Assemblies [1] is prescribed to reveal for each major class of flight equipment spare parts and assemblies the volumes of spare parts and assemblies transactions and the extent to which depreciation and obsolescence reserves have been accrued.

c. There is also included a clarified definition of rotable parts as opposed to expendable parts by limiting the former to parts having a service life expectancy approximating that of the primary property types (e.g. airframes) to which they are related.

2. *Overhaul reserves.* a. All provisions concerning maintenance reserves have been omitted. In lieu thereof, provision is made that upon the performance of overhauls of airframes the cost thereof shall be classified as long term deferred charges, and upon the performance of engine overhauls the cost thereof shall be classified as current assets; both types of overhauls to be amortized by charging operating expense in such manner as to appropriately match the total maintenance costs of the airframes or engines with the use of such flight equipment. There is a further provision, however, that where overhaul procedures employed result in an equitable distribution (among accounting periods) of total overhaul and maintenance costs (i.e., distribution of costs based on the use of airframes or aircraft engines) such overhaul costs may be charged directly to expense as incurred. Adoption of the above accounting procedures results in a write-off of overhaul of airframes and engines separate from the write-off of the original cost of airframes and engines which are separately classified as equipment assets.

b. In connection with the above accounting procedure, a special procedure is also provided for use of the carrier at its option, as to how to account for diminution in airframe and engine service values accruing after the date of purchase but before the beginning of long-term maintenance on a regular basis. This provision permits a carrier to charge an estimated amount for wear and tear to depreciation expense during the initial period of use. Suggested standards for determining the amount to be charged as depreciation under this procedure are provided in the rule for optional use of the carrier.

c. Additional provision is also made to include all related expenses, direct and indirect, in determining the cost of an overhaul (as well as in determining the cost of other capital projects). This is accomplished by establishing a maintenance burden classification, as a clearing account, to be closed out at the close of each accounting period (1) to capital projects (which may include overhaul), (2) to the carrier's current maintenance costs, and (3) to service sales (work done for another company).

3. *Overhaul and undepreciable residual values.* Provisions requiring the inclusion of the cost of an overhaul in residual values have been deleted. In lieu thereof, it is provided that residual values shall give due consideration to the proceeds anticipated from disposition of property or equipment and the extent to which costs attaching to property or equipment are otherwise recovered through charges against income.

4. *Certain depreciation methods and rates.* Other changes have been made to delete substantive control by the Civil Aeronautics Board over air carrier depreciation practices. These changes include the removal of requirements (a) that the years of service life of property and equipment be used as a basis for determining depreciation rates for such property and equipment, and (b) that each airframe and engine be independently depreciated on a unit basis.

It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

[1] Filed as part of the original document.

1. By amending definitions in § 241.03 in the following respects:

(a) By deleting the words "and maintenance" from the definition of *cost, depreciated;*

(b) By amending the definition for residual value to read as follows:

Residual value. The predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value as at the end of the service life over which the property or equipment is depreciated and shall give due consideration to the proceeds anticipated from disposition of the property or equipment and the extent to which costs attaching to property or equipment are otherwise recoverable through charges against income.

2. By deleting § 241.1–9(c).

3. By deleting the second sentence of § 241.1–9(d).

4. By deleting the words "the required" from § 241.1–9(e).

5. By redesignating §§ 241.1–9 (d), (e), and (f) to 241.1–9 (c), (d), and (e), respectively.

6. By amending § 241.2–14(a) to read as follows:

(a) Expenditures for properties of a type possessing prolonged service lives significantly longer than one year, and which are generally repaired and reused shall be classified as assets and shall not be directly charged against operations as incurred. The cost of such properties, to the extent written off in the form of depreciation or amortization in accordance with the dissipation of use value in each accounting period, shall be treated as part of the capital gain or loss upon retirement and shall not be charged against current operating expenses. Expenditures for properties of a type which are recurrently expended and replaced, rather than repaired and reused, shall be classified as assets and charged to operating expense as issued for use. Depreciation or amortization of assets to be written off through periodic charges against operations shall begin with the date such assets are first placed in or contribute to regular service.

7. By amending § 241.2–14(b) to read as follows:

(b) Properties of a type possessing prolonged service lives significantly longer than one year, and which are generally repaired and reused, shall not be classified as current assets but shall be carried in property and equipment or other appropriate noncurrent classification. Properties of a type which are recurrently expended and replaced shall be classified as current assets.

8. By deleting the last sentence of § 241.2–14(c).

9. By deleting the first sentence of § 241.2–14(d) and substituting therefor the following:

(d) Each air carrier shall file with the Civil Aeronautics Board on or before December 31, 1959 a statement which shall clearly and completely describe for each prescribed classification of property and equipment the methods, service lives and residual values used for computing depreciation on the different subcategories of property or equipment included therein. This statement shall be sufficiently descriptive to permit a pro forma construction of depreciation calculation of each accounting period and shall include identification of those categories depreciated on a unit basis and those categories depreciated on a group basis, as well as the mathematical bases employed for distributing applicable costs between different accounting periods.

10. (a) By amending § 241.3 with respect to the following account designations under "Current Assets": "Short term prepayments—1410" to read "Other short term prepayments—1420"; and "Other current assets—1420" to read "Other current assets—1430".

(b) By inserting in § 241.3 under Current Assets, the following accounts:

Aircraft engine overhauls	1410
Aircraft engine overhauls expired	1411

11. By deleting from § 241.3 under Property and Equipment, the following accounts:

Reserve for maintenance-airframes	1621	1721
Reserve for maintenance-aircraft engines	1622	1722
Reserve for maintenance-leased flight equipment	1627	1727
Leased airframes	1627.1	1727.1
Leased aircraft engines	1627.2	1727.2

12. By inserting in § 241.3 under Deferred Charges, the following accounts:

Airframe overhauls	1810
Airframe overhauls expired	1811

13. By amending § 241.5–3(c) to read as follows:

(c) Operating and nonoperating property and equipment shall be accounted for separately in accordance with the following instructions:

(1) Investment in property and equipment shall be recorded at total cost including all expenditures applicable to acquisition, other costs of a preliminary nature, costs incident to placing in position and conditioning for operation, and costs of additions, betterments, improvements and modifications.

(2) The cost of additions, betterments, improvements and modifications shall be charged to the balance sheet account in which the property or equipment to which related is carried. (See § 241.2–9, for applicable accounting policy). The cost of parts and appurtenances removed, and the reserve for depreciation or other valuation reserves applicable thereto, shall be treated as for retired property and accounted for accordingly.

(3) If different classes of property and equipment chargeable to more than one property account are purchased for a single sum and the cost of each class cannot be definitely ascertained, apportionment shall be based upon the most accurate information available. If necessary, appraisals shall be made to establish the relative costs.

(4) If property and equipment is acquired as a part of a business from another air carrier through consolidation, merger, or reorganization, pursuant to a plan approved by the Civil Aeronautics Board, the costs and related depreciation and other valuation reserves as carried on the books of the predecessor company at the date of transfer shall be entered by the acquiring air carrier in the appropriate accounts prescribed for recording investments in tangible assets. Any difference between the purchase price of the property and equipment acquired and its depreciated cost at date of acquisition shall be recorded in balance sheet account 1870 Property Acquisition Adjustment.

(5) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of equipment depreciated on a unit basis, the air carrier shall credit the accounts in which the costs related to the property or equipment are carried with the balances thereof; charge the related valuation reserves with the balances applicable to the property disposed of; and charge the cash proceeds of the sale or the value of salvaged material to the appropriate asset accounts. Where the sales price or salvage value less the cost of dismantling differs from the costs related to the property less accrued valuation reserves, such difference shall be recorded in the appropriate capital gain or loss accounts.

(6) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of property or equipment depreciated on a group basis, the air carrier shall credit the asset accounts in which the related costs are carried and charge the applicable depreciation and other related valuation reserves with the cost thereof, less net salvage realized, regardless of the age of the item. No gain or loss shall be recognized in the retirement of individual items of property or equipment depreciated on a group basis.

(7) If property is retired or disposed of as a result of major accident or other casualty, the costs related to such property, less accrued valuation reserves, shall be charged to balance sheet account 1890 Other Deferred Charges pending adjustments and settlement of insurance. The resulting profit or loss, after reflecting adjustments for insurance coverage or self-insurance, shall be recorded in the appropriate capital gain or loss accounts. If the air carrier has no option but to accept replacement by an equivalent unit, the book cost and accrued valuation reserves applicable to the unit disposed of shall be assigned to the new property or equipment. Where the air carrier has the option in settlement to select between replacement in kind and cash or its equivalent, the air carrier shall account for the property or equipment disposed of in accordance with subparagraph (5) or (6) of this paragraph. Any property or equipment purchased in replacement shall be recorded pursuant to § 241.5–3(c)(1).

(8) When property and equipment owned by the air carrier is applied as part payment of the purchase price of new property and equipment, the new property and equipment shall be recorded at its full purchase price provided an excessive allowance is not made for assets traded in, in lieu of price adjustments or discounts on the purchase price of assets acquired. The difference between the depreciated cost of assets

applied as payment and the amount allowed therefor shall be treated as retirement gain or loss.

(9) The cost of property and equipment acquired shall, upon acquisition, be recorded in the appropriate classification specifically established for such property and equipment; provided, that when operating property and equipment acquired requires conditioning or modification before placing in air transport or its incidental services, the costs related thereto shall be accumulated in balance sheet account 1689 Construction Work in Progress. The total accumulated cost shall be transferred to the appropriate operating property and equipment account coincidently with the placing of the property and equipment into regular air transport or incidental services.

(10) When operating property or equipment is retired from air transportation or incidental operations and retained by the air carrier, its cost, together with applicable valuation reserves, shall be transferred to balance sheet classification 1700 Nonoperating Property and Equipment. If property is transferred for exclusive use of separately operated divisions the cost less related evaluation reserves shall be recorded in balance sheet account 1520 Advances to Separately Operated Divisions.

(11) The air carrier shall maintain property and equipment records setting forth the description of all property and equipment recorded in balance sheet classifications 1600 and 1700 Property and Equipment. With respect to each unit or group of property or equipment, the record shall show the date of acquisition, the original cost, the cost of additions and betterments, the cost of parts retired, rates of depreciation, residual values not subject to depreciation, and the date of retirement or other disposition.

(12) Property and equipment loaned, in the custody of, or consigned to the air carrier without a purchase obligation, shall not be recorded in the same manner as similar classes or types of property purchased by the air carrier. The property and equipment accounts shall not be charged with the value of such property, and liability accounts shall not be established, provided, however, that appropriate memoranda accounts may be maintained.

(13) Charges to the accounts prescribed herein shall be made upon the basis of functions performed without regard to the location at which the equipment or property is installed or placed.

(14) Objective accounts shall be maintained for each class of property and equipment in accordance with the instructions set forth in § 241.6.

14. By amending the title of § 241.5–4 to read "Property and equipment depreciation and overhaul" and the text thereof to read as follows:

(a) The balance sheet classification "depreciation reserves" shall include the accumulation of all provisions for losses occurring in property and equipment from use and obsolescence. For example, it shall include reserves for depreciation established to record current lessening in service value due to wear and tear from use and the action of time and the elements, as well as losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirement of public authority. Residual values and rates for accrual of depreciation shall be calculated to prevent charging excessive or inadequate expense or the accumulation of inadequate or excessive reserves.

(b) Depreciation shall be calculated from the date on which a building, structure or unit of property is placed in or contributes to regular service and shall cease on the date such property is withdrawn from service by reason of sale, retirement, abandonment, or dismantling, or when the difference between the cost and residual value shall have been charged to expense.

(c) Property not subject to depreciation shall include (1) land owned or held in perpetuity, and (2) expenditures on uncompleted units of property and equipment during the process of construction or manufacture.

(d) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute the estimated depreciable cost to operating expense accounts and other accounts over the estimated service life of the property and equipment in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves (see § 241.2–14(c)) and fully recognize the extent to which all expenditures attaching to property and equipment are otherwise recoverable through income charges and disposal proceeds. In order to effect, a proper matching of revenues and expenses for the period prior to performance of the initial overhaul on each unit the air carrier may increase normal depreciation accruals by an amount which represents the reduction in value for service resulting from the lag commonly experienced in attaining a repetitive overhaul pattern. Any such additional accruals shall be effected by charges to profit and loss account 75.6 "Asset Impairment from Maintenance Lag" and credits to the applicable depreciation reserves. Under procedures in which complete overhauls are performed in a single operation and the costs thereof are deferred for subsequent amortization, the cumulative lag in expense recognition will tend to approximate 100 percent of the cost of one complete overhaul for each property unit. Under procedures in which complete overhauls are performed in a single operation and the costs thereof are expensed directly, the cumulative lag in expense recognition for all similar property units will commonly tend to approximate 50 percent of the cost of one complete overhaul for each property unit. A lag in cost recognition of similar magnitude commonly tends to accrue with respect to property overhauled in piecemeal progressive phases whether the cost thereof is expensed directly or deferred for amortization in accordance with subsequent use.

(e) Adjustments in rates of depreciation occasioned by changing conditions shall be applied in accordance with the general policies set forth in § 241.2–14.

(f) The direct and applicable indirect or overhead costs of airframe and aircraft engine overhauls shall be classified in appropriate asset accounts for amortization so as to effectively produce an appropriate matching of total airframe and aircraft engine costs with the operation of aircraft and shall not be expensed directly; *Provided*, That under circumstances where overhaul procedures are employed in which periodic overhauls or overhaul phases are sufficiently recurrent to result in an equitable distribution of total overhaul and maintenance costs as between different accounting periods, in accordance with the use of airframes or aircraft engines, the cost thereof need not be deferred but may be expensed directly as maintenance. For the purposes of this system of accounts and reports, an airframe or aircraft engine "overhaul" shall be deemed to encompass the total cost of those inspections or replacements of major components performed in piece-meal phases or in one operation as are required to be performed at specified maximum periodic intervals by the Civil Air Regulations to recertify that airframes or aircraft engines are in a completely airworthy condition. Costs, which attach to the routine replacement of minor parts and servicing or inspection of airframes and aircraft engines, performed on a recurrent but not scheduled basis or on a scheduled basis without withdrawal from line service, to maintain airframes and aircraft engines in an operating condition, shall not be considered "overhauls" but shall be expensed directly as ordinary recurrent maintenance. Extraordinary costs of material amounts associated with the renewal of major structural parts of airframes and aircraft engines beyond the scope of normal periodic overhauls or which are incurred at periodic intervals approximating the depreciable service life of the airframe or aircraft engine types to which related shall not be considered to be overhauls. Such costs shall be accounted for as restoration of assets chargeable to the related property account. The cost of components removed, together with related valuation reserves, shall be treated as retired property and accounted for accordingly. In the event identification of the cost of the components removed is not feasible—the costs entailed in substituting components may be charged against the related depreciation reserves.

(g) The following accounting practices shall be observed when the cost of airframe and aircraft engine overhauls is not charged to expense as incurred:

(1) The cost of owned airframe and aircraft engine overhauls shall be charged, as incurred, to balance sheet accounts 1810 Airframe Overhauls and 1410 Aircraft Engine Overhauls, respectively.

(2) Amortization of the cost of owned airframe and aircraft engine overhauls shall be credited to balance sheet account 1811 Airframe Overhauls Expired or 1411 Aircraft Engine Overhauls Expired, as appropriate, and concurrently charged to Profit and Loss account 72 Overhaul Amortization in such manner as will equitably apportion the cost of each overhaul between the different accounting periods embraced by the overall period of serviceability provided by each overhaul.

(3) Costs accruing with the use of leased airframes or aircraft engines, under circumstances in which the air carrier is obligated to return the property to the lessor in an overhauled condition, shall be charged to Profit and Loss account 72 Overhaul Amortization and credited to the appropriate sub-account of balance sheet account 2290 Other Noncurrent Liabilities in accordance with the use of such property in each accounting Period. Upon the performance of overhauls on leased airframes or aircraft engines the cost thereof shall be prorated as between the portion applicable to a restoration of the overhaul cycle expired prior to acquisition, which shall be charged to balance sheet account 1410 Aircraft Engine Overhauls or account 1810 Airframe Overhauls and the portion applicable to a restoration of the overhaul cycle expired subsequent to acquisition, which shall be charged against the related liability recorded in balance sheet account 2290 Other Noncurrent Liabilities. Amounts carried in balance sheet accounts 1410 and 1810 shall be amortized to profit and loss account 72 Overhaul Amortization in accordance with the property use by the air carrier and any remaining balance, after settlement with the lessor, shall be charged to that account directly. Any balance of charges and credits to account 2290 Other Noncurrent Liabilities related to overhaul of leased property after performance of each overhaul, and after settlement with the lessor, shall likewise be carried to profit and loss account 72 Overhaul Amortization.

(4) The cost of labor, materials, outside repairs and applied burden for each overhaul shall be charged as incurred to the applicable objective expense accounts without regard to the time over which the related property may be used. The cost of overhauls deferred shall be credited to profit and loss account 72 Overhaul Amortization when performed and shall be amortized to that account as consumed in operations. As a result, maintenance expense will be reflected by the detailed objective accounts in the period in which incurred and total maintenance expense will be reflected over the periods in which consumed in operation.

(h) Each air carrier shall submit a statement fully describing its plans for accounting for airframe and aircraft engine overhauls as a supplement to the CAB Form 41 for the period in which such accounting is first established or revised. This statement shall indicate for each airframe and aircraft engine type whether the cost of overhauls related thereto are as a matter of consistent practice deferred for subsequent amortization or are expensed directly. If the latter, the statement shall include a factual demonstration that such accounting practice results in an equitable apportionment of costs between different accounting periods in accordance with the use of aircraft and does not produce periodic peaks in maintenance costs in one accounting year which are properly applicable to operations performed in other accounting years. If the former, the statement shall indicate the service period and method of amortizing overhaul costs and provide a factual demonstration of the hours realized between overhauls over previous representative periods.

(i) In effecting the foregoing overhaul accounting practices, those air carriers previously accounting through maintenance reserves shall transfer the balance of any such reserves to the applicable depreciation reserves and any overhaul costs which may have been segregated from the related airframe or aircraft engine assets shall be returned to the applicable property account. In the event existing property accounts reflect the cost values of fully overhauled units and overhaul costs have also been separately retained as assets, the costs of such separately retained overhaul costs shall be transferred to account 1410 or 1810 and the related maintenance reserves to account 1411 or 1811.

15. By deleting the first sentence of § 241.5–5(b).

16. By deleting § 241.5–8(b).

17. By amending the second sentence of § 241.6–1310(a) to read as follows: "The cost of rotable parts and assemblies of material value which ordinarily are repaired and reused and possess a service life approximating that of the primary property types to which related shall not be recorded in this account but in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies."

18. By deleting the first sentence of § 241.6–1310(d).

19. By amending § 241.6–1311(a) and § 241.6–1311(b) to read as follows:

(a) Accruals shall be made to this account where reserves are established for estimated losses from obsolescence of flight equipment expendable parts. Such accruals shall give due consideration to the balance of such parts anticipated to be on hand at the date of retirement of the airframe or aircraft engine type to which related and which will not have been charged to operating expenses. Accounting practices as set forth below shall be followed.

(b) Periodic accruals to this account shall be charged to profit and loss account 73 Expendable Parts Obsolescence Provisions. The reserve applicable to each class or type of expendable parts shall be recorded in separate subaccounts of this account.

20. By deleting the last sentence of § 241.6–1311(d).

21. By amending the first sentence of § 241.6–1330(e) to read as follows:

(e) A reserve for inventory adjustment applicable to materials and supplies is prohibited.

22. By establishing a new account classification in § 241.6 to read as follows:

1410 *Aircraft Engine Overhauls.* Record here the cost of aircraft engine overhauls where such costs are not charged against operations as incurred but are deferred for allocation to subsequent accounting periods in accordance with the use of such engines in the operations of the air carrier. The cost of each overhaul shall be removed from this account and charged to account 1411 Aircraft Engine Overhauls Expired upon the performance of subsequent overhauls or the retirement of related aircraft engines.

23. By establishing a new account classification in § 241.6 to read as follows:

1411 *Aircraft Engine Overhauls Expired.* (a) Record here accumulated amortizations of aircraft engine overhaul costs included in balance sheet account 1410 Aircraft Engine Overhauls. Amortizations to this account shall be made in accordance with the provisions of § 241.5–4(g).

(b) The cost of each overhaul shall be removed from account 1410 Aircraft Engine Overhauls and charged to this account upon the performance of subsequent overhauls or the retirement of related aircraft engines. Any applicable balance in this account shall be carried to profit and loss account 72 Overhaul Amortization except that when related to retired aircraft engines such balance shall be treated as part of the net cost of the property retired and accounted for accordingly.

24. By amending the citation for § 241.6–1410 Short Term Prepayments to § 241.6–1420 Other Short Term Prepayments.

25. By amending the citation for § 241.6–1420 Other Current Assets to § 241.6–1430 Other Current Assets.

26. By deleting the second sentence of § 241.6–1607.

27. (a) By amending the second sentence of § 241.6–1608(a) to read as follows: "This account shall include all parts and assemblies of material value which are rotable in nature, are generally reserviced or repaired, are used repeatedly and possess a service life approximating that of the property type to which they relate."

(b) By deleting the words "and depreciated" from the fourth sentence of § 241.6–1608(a).

28. By amending § 241.6–1629 to read as follows:

1629 *Reserve for Depreciation—Flight Equipment.* (a) Record in accounts 1611 through 1618, inclusive, accruals for depreciation of flight equipment as provided in § 241.5–4.

(b) As set forth in § 241.3, Chart of Balance Sheet Accounts, separate accounts shall be established for depreciation reserves to parallel balance sheet accounts 1601 through 1608 established for recording the cost of flight equipment.

29. By deleting the words "and maintenance" from § 241.6–1700.

30. By establishing a new account classification in § 241.6 to read as follows:

1810 *Airframe Overhauls.* Record here the cost of airframe overhauls where such costs are not charged against operations as incurred but are deferred for allocation to accounting periods in accordance with the use of such airframes in the operations of the air carrier. The cost of each overhaul shall be removed from this account and charged to account 1811 Airframe Overhauls Expired upon the performance of subsequent

overhauls or the retirement of related airframes.

31. By establishing a new account classification of § 241.6 to read as follows:

1811 *Airframe Overhauls Expired.* (a) Record here accumulated amortizations of airframe overhaul costs included in balance sheet account 1810 Airframe Overhauls. Amortizations to this account shall be made in accordance with the provisions of § 241.5–4(g).

(b) The cost of each overhaul shall be removed from account 1810 Airframe Overhauls and charged to this account upon the performance of subsequent overhauls or the retirement of related airframes. Any applicable balance in this account shall be carried to profit and loss account 72 Overhaul Amortization except that when related to retired airframes such balance shall be treated as part of the net cost of the property retired and accounted for accordingly.

32. By inserting the word "Other" between "1820" and "Long-Term" in the title to § 241.6–1820.

33. By amending § 241.6–2290 to read as follows:

(a) Record here noncurrent liabilities not provided for in balance sheet accounts 2210 to 2260, inclusive, such as accruals for personnel dismissal liability, liability for overhaul of leased flight equipment and accruals of other demonstrable miscellaneous noncurrent liabilities.

(b) Each carrier shall maintain the following subaccounts:

2290.2 *Overhaul Liability—Leased Airframes.* Record here demonstrable liabilities for the overhaul of leased airframes.

2290.3 *Overhaul Liability—Leased Aircraft Engines.* Record here demonstrable liabilities for the overhaul of leased aircraft engines.

2290.9 *Miscellaneous Noncurrent Liabilities.* Record here noncurrent liabilities not provided for in subaccounts 2290.2 and 2290.3.

34. By amending § 241.7–72 in the column headed "Objective Classification of Profit and Loss Elements" to read as follows:

72 Overhaul amortization.
- 72.1 Overhaul amortization—airframes.
- 72.2 Overhaul amortization—aircraft engines.

35. By amending the citation of § 241.10–5400 Maintenance to § 241.10–5200 Maintenance; by deleting subparagraph (e), thereof, and its subscript 5200 Direct Maintenance including paragraph (a) thereunder; and by changing paragraphs (b) and (c) of subscript 5200 Direct Maintenance to paragraphs (e) and (f) of revised citation 5200 Maintenance.

36. By amending § 241.10–5300 Maintenance Burden to read as follows:

5300 *Maintenance Burden—Clearing.* (a) This classification shall include all overhead or general expense related directly to activities involved in the overhaul, maintenance, and repair of property and equipment. It shall include the cost of labor, materials and outside services used directly in the overhaul, maintenance and repair of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment and 1640.1 Maintenance Buildings and Improvements, and the depreciation expense attributable to such property and equipment, as well as expenses related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the controlling, planning and supervision of maintenance operations.

(b) This classification shall not include expenses related to financial accounting, purchasing or other overhead activities which are of general applicability to all operating functions. Such expenses shall be included in function 6900 General Services and Administration.

(c) The expenses accumulated within this clearing account shall be classified in terms of the natural objectives of each expenditure as set forth in § 241.7 Chart of Profit and Loss Accounts. At the close of each accounting period the accumulated charges in this classification shall be allocated as between maintenance of flight equipment, maintenance of general ground properties outside service sales to others and capital projects and shall be cleared from this classification by credit to account 79 Applied Burden Debit/Credit and by charge to function 5200 Maintenance and other appropriate balance sheet or profit and loss classifications. At the option of the air carrier standard burden rates may be employed for quarterly allocation of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Underapplied Burden of function 5200 Maintenance. Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to the Form 41 report in which the procedures followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board.

37. By amending the citation of § 241.11–5400 Maintenance to § 241.11–5200 Maintenance; by deleting subparagraph (e), thereof, and its subscript 5200 Direct Maintenance including paragraph (a), thereunder; and by changing paragraphs (b) and (c) of subscript 5200 Direct Maintenance to paragraphs (e) and (f) of revised citation 5200 Maintenance.

38. By amending § 241.11–5300 Maintenance Burden to read as follows:

5300 *Maintenance Burden—Clearing.* (a) This classification shall include all overhead or general expenses related directly to activities involved in the overhaul, maintenance and repair of property and equipment. It shall include the cost of labor, materials and outside services used directly in the overhaul, maintenance and repair of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment and 1640.1 Maintenance Buildings and Improvements, and the depreciation expense attributable to such property and equipment, as well as expenses related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the controlling, planning and supervision of maintenance operations.

(b) This classification shall not include expenses related to financial accounting, purchasing or other overhead activities which are of general applicability to all operating functions. Such expenses shall be included in function 6900 General and Administrative.

(c) The expenses accumulated within this clearing account shall be classified in terms of the natural objectives of each expenditure as set forth in § 241.7 Chart of Profit and Loss Accounts. At the close of each accounting period the accumulated charges in this classification shall be allocated as between maintenance of flight equipment, maintenance of general ground properties outside service sales to others and capital projects and shall be cleared from this classification by credit to account 79 Applied Burden Debit/Credit and by charge to function 5200 Maintenance and other appropriate balance sheet or profit and loss classifications. At the option of the air carrier standard burden rates may be employed for quarterly allocation of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Underapplied Burden of function 5200 Maintenance. Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to the Form 41 report in which the procedures followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board.

39. By substituting "function 5200 Maintenance" for all references in § 241.13–25 and § 241.13–25.9 to "subfunction 5200 Direct Maintenance" and by substituting in § 241.13–25.9 "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

40. By substituting "function 5200 Maintenance" for all references in § 241.13–42.9(b) to "subfunction 5200 Direct Maintenance" and by substituting therein "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

41. By substituting "function 5200 Maintenance" for all references in § 241.13–43.9 to "subfunction 5200 Direct Maintenance" and by substituting therein "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

42. By substituting "function 5200 Maintenance" for all references in § 241.13–46.9 to "subfunction 5200 Direct Maintenance" and by substituting therein "classification 5300 Maintenance Burden-Clearing" for all references to "subfunction 5300 Maintenance Burden."

43. By amending § 241.13–72 to read as follows:

72 *Overhaul Amortization.* (a) Record here amortization of deferred airframe and aircraft engine overhaul costs and credits for overhaul costs deferred in accordance with the provisions of § 241.5–4(g). Cost actually expended in overhaul shall be charged, as incurred, to direct labor, materials, outside repair and Maintenance Burden-Clearing objective accounts.

(b) This account shall be subdivided as follows by all air carrier groups:

72.1 *Overhaul Amortization — Airframes.* Record here amortizations of deferred airframe overhaul costs and credits for overhaul costs deferred.

72.2 *Overhaul Amortization—Aircraft Engines.* Record here amortizations of deferred aircraft engine overhaul costs and credits for overhaul costs deferred.

44. By amending § 241.13–73 to read as follows:

Where reserves for the obsolescence of flight equipment expendable parts are established by the air carrier, provisions for accruals to such reserves shall be charged to this account and credited to balance sheet account 1311 Reserve for Obsolescence—Expendable Parts in accordance with the provisions of that account.

45. By changing the account number for "Depreciation—Flight Equipment" from "75.6" to "75.7" and inserting the following new account under § 241.13:

75.6 *Asset Impairment from Maintenance Lag.* Record here any provisions for the dissipation of airframe and aircraft engine service values resulting from the lag in performance of the initial overhaul following the acquisition of airframes or aircraft engines (See § 241.5–4(d)). Amounts provided by charges to this account shall be credited to the depreciation reserve of the related property or equipment.

46. By amending § 241.13–79 Applied Burden Debit/Credit to read as follows:

(a) This account shall reflect credits to classification 5300 Maintenance Burden-Clearing, and contra charges to function 5200 Maintenance, for the clearance of accumulated charges therein at the close of each accounting period to maintenance expense, outside service sales to others and capital projects. (See §241.10 and § 241.11—5300 Maintenance Burden—Clearing.)

(b) This account shall be subdivided as follows by all air carrier groups:

79.2 Applied Burden—Service Sales to Others.
79.3 Applied Burden—Capital Projects.
79.6 Applied Burden—Maintenance.
79.9 Over or Under Applied Burden.

47a. By amending § 241.22(d) (5) and (9) to read as follows:

(5) Statement of plan for accounting for airframe and aircraft engine overhauls as required by § 241.5–4(h).

* * * * *

(9) Statement of plan for application of maintenance burden as required by § 241.10–5300(c) and § 241.11–5300(c).

b. By deleting the words "and maintenance" from the last sentence of paragraph (f) of instructions, in § 241.23, for the preparation of Schedule B–5—Property and Equipment.

c. By changing the word "Columns" to "Column" and deleting the words "and 13" and "and Maintenance" from paragraph (j) of instructions, in § 241.23, for the preparation of Schedule B–7—Airframes and Aircraft Engines Acquired.

d. By changing the column number for "Disposition" from "13" to "12" in the instructions, in § 241.23, for the preparation of Schedule B–8—Property and Equipment Retired.

e. By deleting Schedule B–9 Accrued Maintenance in § 241.23 and establishing instructions for a new report schedule, incorporated herein by reference, to read as follows:

SCHEDULE B–9 INVENTORY OF FLIGHT EQUIPMENT SPARE PARTS AND ASSEMBLIES

(a) This schedule shall be filed by all air carrier groups as at June 30 and December 30 of each calendar year.

(b) The indicated data shall be reported for airframe parts, aircraft engine parts and other flight equipment parts, by types of airframes or aircraft engines to which applicable, and separately for expendable parts and assemblies and rotable parts and assemblies.

(c) Column 2, Balance Beginning of Period, shall reflect the balance of costs existing for each classification as at the beginning of the six-month period for which report is being made and shall agree with the balances shown in column 6, Balance End of Period, on the next previous report.

(d) Column 3, Purchases During Period, shall reflect the costs of parts and assemblies acquired by the air carrier during the six month period for which report is being made through purchase or dismantling of property and equipment.

(e) Column 4, Retirements During Period, shall reflect the book cost of either expendable or rotable parts and assemblies sold to outsiders or abandoned, but not applied to operations, during the six-month period for which report is being made.

(f) Column 5, Net Operating Withdrawals During Period, shall reflect the cost of expendable parts and assemblies applied in maintenance or capital projects less the value of parts recovered from operations during the six-month period for which report is being made.

(g) Column 6, Balance End of Period, shall reflect the book balance of parts and assemblies as at the close of the six-month period for which report is being made and shall agree, in aggregate for expendable parts and rotable parts, with the respective balances reflected for such asset classifications in the current Schedule B–1, Balance Sheet.

(h) Column 7, Balance Beginning of Period, shall reflect the balance of accumulated obsolescence and depreciation provisions existing for each classification as at the beginning of the six-month period for which report is being made and shall agree with the balances shown in column 10, Balance End of Period, on the next previous report.

(i) Column 8, Provisions During Period, shall reflect the net provisions (either positive or negative) for obsolescence and depreciation, or adjustments thereto during the six-month period for which report is being made. In the event provisions or adjustments thereto are made through charges or credits against accounts other than 73 Expendable Parts Obsolescence Provisions or 75 Depreciation the accounts charged and the amounts so provided shall be reported by appropriate footnote.

(j) Column 9, Retirements During Period, shall reflect the portion of accumulated provisions for obsolescence or depreciation absorbed in sale, abandonment or other retirements of parts and assemblies during the six-month period for which report is being made.

(k) Column 10, Balance End of Period, shall reflect the balance of accumulated provisions for obsolescence or depreciation existing as at the close of the six-month period for which report is being made and shall agree, in aggregate for expendable and rotable parts, separately, with the respective current balances reflected for such asset classifications in Schedule B–1, Balance Sheet.

(l) Column 11, Cost Less Valuation Reserves at End of Period shall reflect the differences between columns 6 and 10.

f. By amending in § 241.23, the title for Schedule B–42—"Accounts 1410 Short Term Prepayments, 1550 Special Funds—Other, 1820 Long Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges and 2390 Other Deferred Credits" to read: "Accounts 1420 Other Short-Term Prepayments, 1550 Special Funds—Other, 1820 Other Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits."

g. By changing "11" to "10" in paragraph (f) of the instructions, in § 241.23, for the preparation of Schedule B–43—Inventory of Airframes and Aircraft Engines.

48. By amending the instructions in § 241.24 for the preparation of reports of profit and loss elements in the following respects:

a. By amending paragraph (g) of the reporting instructions for Schedules P–5.1 and P–5.2—Aircraft Operating Expenses to read as follows:

(g) Account 79.6 Applied Burden—Maintenance shall reflect, for each equipment type, an allocation by each air carrier of the total expenses included in classification 5300 Maintenance Burden—Clearing, as reported on Schedule P–6, representing the portion of such expenses applicable to flight equipment. Each air carrier shall file with the Civil Aeronautics Board as a supplement to this schedule a statement in which the bases and procedures to be followed in allocating maintenance burden as between flight equipment and general ground properties and between aircraft types are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board. At the option of the air carrier, standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any difference between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Under Applied Burden in Schedule P–6.

b. By changing the words "item 75.6 Total Depreciation—Flight Equipment" in paragraph (h) of the reporting instructions for Schedules P–5.1 and P–5.2—Aircraft Operating Expenses to "item 75.7 Total Depreciation—Flight Equipment".

c. By deleting paragraphs (d) through (g) from the reporting instructions for Schedule P–6—Maintenance, Passenger Service, and General Services and Administration Expense functions in § 241.24 and inserting instructions in lieu thereof to read as follows:

(d) Group I carriers shall report, in the applicable columns of this Schedule, the amount of expense (for each element classified under the system of profit and loss objective accounts) reflected under "Maintenance" (5200), "Maintenance Burden—Clearing" (5300) and "General Invoices and Administration" (6900).

(e) Group II and Group III air carriers shall report, in the applicable columns of this Schedule, the amount of expense (for each element classified under the system of profit and loss objective accounts) reflected under "Maintenance" (5200), "Maintenance Burden—Clearing" (5300) and "Passenger Service" (5500).

(f) Accounts 79.2 Applied Burden—Service Sales to Others, 79.3 Applied Burden—Capital Projects and 79.6 Applied Burden—Maintenance, respectively, shall reflect an allocation by each air carrier of the total expenses included in classification 5300 Maintenance Burden—Clearing between maintenance of property and equipment, capital projects and service sales to others. Credit amounts reflected in account 79.6 under classification 5300 shall be reflected as debits in the same amount under classification 5200. At the option of the air carrier, standard burden rates may be applied for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between

actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered in account 79.9 Over or Under Applied Burden as debits or credits, as appropriate, under classifications 5200 and 5300.

(g) The amounts included in objective account 79.6 under classification 5200 shall be allocated between maintenance of ground property and equipment, exclusive of maintenance of maintenance equipment and maintenance buildings included under classification 5300, and maintenance of flight equipment by aircraft type. Data with respect to aircraft types shall be reported in accordance with instructions for Schedule P–5—Aircraft Operating Expenses.

(h) Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to this schedule in which the bases and procedures to be followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board.

(i) The total of each functional expense classification reported in this schedule shall agree with the corresponding amount reported in Schedule P–1.

d. By deleting the word "Direct" between "5200" and "Maintenance" in paragraph (c) of the instructions for reporting on Schedules P–9.1 and P–9.2 and changing the preceding word "subfunction" to "function".

49. By amending the format of reporting forms referred to in § 241.23 in the following respects:

a. By deleting the words "and maintenance" from asset subtitle "Reserves for depreciation and maintenance" on Schedule B–1—Balance Sheet.

b. By deleting Column 9 "Reserve for Maintenance" from Schedule B–5—Property and Equipment and renumbering Column 10 to Column 9.

c. By deleting Column 13 "Reserve for Maintenance" from Schedule B–7—Airframes and Aircraft Engines Acquired and renumbering Columns 14, 15, and 16 to 13, 14, and 15, respectively.

d. By deleting Column 9 "Reserve for Maintenance" from Schedule B–8—Property and Equipment Retired and renumbering Columns 10, 11, 12, and 13 to 9, 10, 11, and 12, respectively.

e. By amending the title for Schedule B–42—Accounts 1410 Short-Term Prepayments, 1550 Special Funds—Other, 1820 Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits to read as follows: "Accounts 1420 Other Short-Term Prepayments, 1550 Special Funds—Other, 1820 Other Long-Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits."

f. By deleting Column 10 "Reserve for Maintenance" from Schedule B–43—Inventory of Airframes and Aircraft Engines, renumbering Columns 11, 12, and 13 to 10, 11, and 12, respectively, and inserting new Columns 13 entitled "Airframe/Aircraft Engine Overhaul" and 14 entitled "Airframe/Aircraft Engine Overhauls Expired".

50. By amending the format of reporting forms referred to in § 241.24 in the following respects:

(a) By amending the functional classification designator for "Maintenance" from 5400 to 5200 on the Income Statement—Schedules P–1.1 (for Group I Air Carriers) and P–1.2 (for Group II and Group III Air Carriers);

(b) By changing the account designator for "Depreciation—flight equip. (per Sched. P–5)" from "75.6" to "75.7" and deleting "Depreciation maintenance equipment and hangars" and related account designators "75.8" from Schedule P–3 under the sub-title "Depreciation and Amortization";

(c) By deleting the word "Direct" from the sub-title "Direct Maintenance—Flight Equipment"; by amending the lines "Maintenance reserve provisions—airframes" * * * "72.1" and Maintenance reserve provisions—aircraft engines" * * * "72.2" to "Overhaul amortization—airframes" * * * "72.1" and "Overhaul amortization—aircraft engines" * * * "72.2", respectively; by changing the line "AP. MAINT. BURDEN—FLT. EQP. (per Sch. P–6) from a sub-title to an objective account, printed in lower case; deleting the word "(Memo)" from the line entitled Total flight equipment maintenance "(Memo)"; by inserting an account entitled "Asset Impairment From Maintenance Lag" * * * "75.6"; and, by changing the account number for "Total depreciation—flight equip. (per Sch. P–3)" from "75.6" to "75.7" on the statement of Aircraft Operating Expenses—Schedules P–5.1 (for Group I Air Carriers) and P–5.2 (for Group II and Group III Air Carriers);

(d) By amending Schedule P–6—Maintenance, Passenger Service and General Services and Administration Expense Functions as follows:

(1) Changing the third line of the heading of the second column to read: "Name: Maintenance (5200)";

(2) Changing the third line of the heading of the third column to read: "Name: Maintenance Burden—Clearing (5300)";

(3) Inserting a new account designation below "Other expenses" in the first column to read: "Depreciation—maint. equip. & hangars" and opposite thereto, in the third column, inserting a new account numbered "75.8";

(4) Striking from the third column account numbers "77.8" and "77.9"; and

(5) Deleting in the first column the word "Totals" and all account designations appearing subsequently below as well as corresponding account numbers in the third column and substituting therefor the following:

First column	Second column	Third column
Applied Burden—Debit/Credit:		
Service sales to others		[1] 79.2
Capital projects		[1] 79.3
Maintenance	79.6	[1] 79.6
Over or under applied burden	79.9	79.9
Totals		xxxxx

[1] Denotes inverse amount.

[F.R. Doc. 59–7003; Filed, Aug. 21, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59–WA–75]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6139 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 139 presently extends from Mastic, N.Y., to Boston, Mass. The Federal Aviation Agency has under consideration the modification of the Providence, R.I., to Boston, Mass., segment of Victor 139 by redesignating it via an intermediate VOR to be installed at latitude 42°03'45", longitude 70°59'01", in the vicinity of Whitman, Mass., to provide more precise navigational guidance on this airway. Victor 139 is part of a dual airway structure between the Boston, Mass., and New York, N.Y., terminal areas. The existing segment between Providence and Boston will require a slight modification to include the proposed intermediate VOR. If such action is taken, the Providence, R.I., to Boston, Mass., segment of Victor 139 would be designated via the Whitman, Mass., VOR. The control areas associated with VOR Federal airway No. 139 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6139 (24 F.R. 1283) as follows:

1. In § 600.6139 *VOR Federal airway No. 139 (Mastic, N.Y., to Boston, Mass.)*, delete "INT of the Providence VOR 043° and the Boston VOR 133° radials; to the Boston, Mass., VOR." Substitute therefor "Whitman, Mass., VOR; INT of the Whitman VOR 041° and the Boston VOR 133° radials; to the Boston, Mass., VOR."

Issued in Washington, D.C., on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6978; Filed, Aug. 21, 1959; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59–WA–138]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of a Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6213 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 213 presently extends from Myrtle Beach, S.C., to Tappahannock, Va. The Federal Aviation Agency has under consideration a proposal to modify the segment between Myrtle Beach, S.C., and Rocky Mount, N.C. The present designation of this segment is via the Myrtle Beach VOR 033° and the Rocky Mount VOR 191° radials. Upon the commissioning of the Kinston, N.C., VOR at latitude 35° 22'12", longitude 77°33'30", on January 1, 1960, this segment will also be designated via a radial of the Kinston VOR which will improve navigation over this segment. If such action is taken, this segment of Victor 213 would be redesignated via the direct station to station radials between the Myrtle Beach VOR and the Kinston VOR to the point of intersection with the Rocky Mount 191° radial, to the Rocky Mount VOR. The control areas associated with this segment of Victor 213 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6213 (24 F.R. 3871) as follows:

In § 600.6213 *VOR Federal airway No. 213 (Myrtle Beach, S.C. to Tappahannock, Va.)*, delete "From the Myrtle Beach, S.C., VOR via the INT of the Myrtle Beach VOR 033° and the Rocky Mount VOR 191° radials;" and substitute therefor "From the Myrtle Beach, S.C., VOR via the direct station to station radials between the Myrtle Beach, VOR and the Kinston, N.C., VOR to the point of INT with the Rocky Mount, N.C., VOR 191° radial."

Issued in Washington, D.C. on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6979; Filed, Aug. 21, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59–WA–104]

FEDERAL AIRWAYS AND CONTROL AREAS

Establishment of a VOR Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR Federal airway No. 451 and associated control areas from New Bedford, Mass., to Boston, Mass. The establishment of Victor 451 and its associated control areas will provide an airway for the movement of air traffic between these terminals and will combine with a proposed Federal airway from Province, R.I., to Nantucket, Mass., to serve as a portion of a dual airway structure for air traffic from Boston, Mass., Nantucket, Mass., Hyannis, Mass., and Martha's Vineyard, Mass., terminals. If such action is taken, VOR Federal airway No. 451 and associated control areas would then extend from the point of intersection of the 177° radial of the intermediate VOR to be installed at latitude 42°03'45", longitude 70°59'01" (Whitman, Mass., VOR) and the Providence, R.I., VOR 113° radial thence via the Whitman VOR to the Boston, Mass., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp. Parts 600, 601) by adding the following sections:

§ 600.6451 VOR Federal airway No. 451 (New Bedford, Mass., to Boston, Mass.).

From the point of INT of the Whitman VOR 177° with the Providence, R.I., VOR 113° radials via the Whitman, Mass., VOR to the Boston, Mass., VOR.

§ 601.6451 VOR Federal airway No. 451 control areas (New Bedford, Mass., to Boston, Mass.).

All of VOR Federal airway No. 451.

Issued in Washington, D.C., on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6980; Filed, Aug. 21, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–FW–24]

CONTROL ZONES

Modification of Control Zone and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1190 and 601.2359 of the regulations of the Administrator, as hereinafter set forth.

The present McComb, Miss., control zone and control area extension are partially defined by reference to the McComb low frequency radio beacon. The Federal Aviation Agency is planning to discontinue the operation of the McComb low frequency non-directional radio beacon on November 19, 1959. McComb Pike County Airport is presently served by the low frequency radio beacon on the airport and an omnirange station located 11.2 nautical miles east-northeast. If such action is taken the McComb control zone and control area extension will be amended by deleting reference to the McComb radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Forth Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 601.1190 and 601.2359 (14 CFR, 1958 Supp. 601.1190, 601.2359) to read as follows:

§ 601.1190 Control area extension (McComb, Miss.).

That airspace within five miles either side of the McComb VOR 074° radial extending from the VOR to a point fifteen miles east.

§ 601.2359 McComb, Miss., control zone.

Within a five-mile radius of the McComb-Pike County Airport and within two miles either side of the McComb VOR 074° and 254° radials extending from the five-mile-radius zone to a point ten miles east of the VOR.

Issued in Washington, D.C., on August 17, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–6981; Filed, Aug. 21, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Everglades National Park Order No. 2]

SUPPLY ASSISTANT

Delegation of Authority To Execute and Approve Certain Contracts

JUNE 25, 1959.

The Supply Assistant may execute and approve contracts not in excess of $5,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2.) Region One Order No. 3 of August 28, 1957

GEORGE W. FRY,
Acting Superintendent,
Everglades National Park.

[F.R. Doc. 59–6991; Filed, Aug. 21, 1959; 8:47 a.m.]

Office of the Secretary

ANDREW P. JONES

Report of Appointment and Statement of Financial Interests

JULY 17, 1959.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee. Andrew P. Jones.

Name of employing agency. Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position. Deputy Director, Defense Electric Power Area 12.

The name of the appointee's private employer or employers. Central Power & Light Company, Corpus Christi, Texas.

The statement of "financial interests" for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 6, 1959, as Deputy Director, Defense Electric Power Area 12, Office of the Assistant Secretary for Water & Power Development, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Unitex Corporation, Dallas, Texas.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

U-Test-M Sales Company, Corpus Christi, Texas.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

ANDREW P. JONES.

AUGUST 6, 1959.

[F.R. Doc. 59–6992; Filed, Aug. 21, 1959; 8:47 a.m.]

GENERAL ACCOUNTING OFFICE

JOINT REGULATIONS FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

CROSS REFERENCE: For recision of joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F.R. Doc. 59–7009, General Services Administration, *infra.*

DEPARTMENT OF THE TREASURY

JOINT REGULATIONS FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

CROSS REFERENCE: For recision of joint regulation for small purchases utilizing Imprest Funds jointly issued by General Services Administration, Department of the Treasury and General Accounting Office, see F.R. Doc. 59–7009, General Services Administration, *infra.*

Office of the Secretary

[AA 643.3]

ALUMINUM FOIL FROM AUSTRIA

Determination of No Sales at Less Than Fair Value

AUGUST 17, 1959.

A complaint was received that aluminum foil from Austria was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. The complaint was limited to converter, capacitor, and etched foils.

I hereby determine that aluminum foil from Austria of the types covered by the complaint is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Of the three types of foil covered by the complaint, only unbacked converter foil is sold to the United States. None is sold for home consumption. There are sales, however, to third countries.

For fair value purposes, purchase price was compared with the price to countries other than the United States. In calculating the latter, allowance was made for the cost of freight from the factory to the point of delivery.

During part of the period under investigation, it was found that purchase price was less than third country price with respect to certain, but not all, gauges. Both the quantities involved and the amount of the differences are considered to be not more than insignificant. During the course of the inquiry, the manufacturer adjusted his prices. As a result of the change in prices, purchase price has been not less than third country price since September 1958. Assurances have been given that future sales will not be made at what might be considered dumping prices.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7002; Filed, Aug. 21, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PHILADELPHIA, PIERS, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8425, between Philadelphia Piers, Inc., Independent Terminals, Co., General Marine Terminals, Inc., United States Lines Co., et al., provides for the creation of an association to be known as the Port of Philadelphia Marine Terminal Association for the purpose of establishing and maintaining, among themselves, just and reasonable terminal definitions, rates, charges, classifications, rules, regulations and practices within the area from Wilmington, Delaware, to Trenton, New Jersey, both inclusive.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 19, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59–7004; Filed, Aug. 21, 1959; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

WISCONSIN BANKSHARES CORP.

Order for Determination

In the matter of the request of Wisconsin Bankshares Corporation for a determination under section 4(c)(6) of the Bank Holding Company Act of 1956. (Docket No. BHC–48)

On July 15, 1959, the Hearing Examiner issued his Report and Recommended Decision in the above-entitled proceeding, recommending to the Board that it grant the request of Wisconsin Bankshares Corporation for a determination that First Wisconsin Company, Milwaukee, Wisconsin, and activities thereof are of the kind described in section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act. The time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner expired without any exceptions or brief having been filed.

Pursuant to section 4(c)(6) of the Bank Holding Company Act and section 5(b) of the Board's Regulation Y, and on the basis of the entire record, the Board hereby adopts the findings of fact, conclusions of law, and the recommendation of the Hearing Examiner as set forth in the attached copy of his Report and Recommended Decision.[1] The Board's approval of the request of Wisconsin Bankshares Corporation is based solely on the facts disclosed by the record; and if the facts should change in the future in such manner as to make the reasons for the Board's conclusion no longer applicable, the statutory exemption resulting from the Board's determination as set forth below would, of course, cease to obtain. Accordingly, the Board makes the following Order:

It is hereby ordered, For the reasons set forth in the Hearing Examiner's Report and Recommended Decision[1] of July 15, 1959, and on the basis of the record made at the hearing in this matter, that First Wisconsin Company and the activities thereof are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and therefore, Applicant's request with respect to First Wisconsin Company shall be, and hereby is, granted.

Dated at Washington, D.C., this 17th day of August 1959.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–6982; Filed, Aug. 21, 1959; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Supp. 2]

JOINT REGULATION FOR SMALL PURCHASES UTILIZING IMPREST FUNDS

1. *Purpose.* This Supplement is issued for the purpose of rescinding the Joint Regulation For Small Purchases Utilizing Imprest Funds dated March 10, 1952, and Supplement No. 1, thereto, dated July 15, 1957. The principles, standards, and related requirements as set forth in these two issues will be incorporated in the regular instructions, regulations, circulars, or manuals currently used by the three signatory central agencies in prescribing the requirements and procedures relating to their areas of responsibility in Government-wide operations. See specifically Treasury Circular No. 1030; Section 1–3.604, Federal Procurement Regulations; and Chapter 2700, Title 7 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

2. *Significant changes.* In this action the former distinctions between Agent Cashiers and Imprest Fund Cashiers as to titles, accounting and reporting procedures, documentation of transactions, and certain other requirements will be eliminated. The titles of "Agent Cashier" and "Imprest Fund Cashier" will be discontinued in favor of the general title "Cashier." The special term

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

"Imprest Fund" formerly used for advances for cash payment of small purchases of articles or nonpersonal services will be adopted as a general term to apply to all types of cash advances from disbursing offices which are not charged to agencies' appropriations or funds. The accounting and reporting requirements, the documentation of transactions paid in cash, and the reimbursement procedures will be standardized. Cashiers will not make any changes in their current operating procedures on the basis of this Supplement. Any changes required will be governed by the internal administrative regulations issued by their agency which promulgate the instructions and procedures contained in the three separate issues of the central agencies referred to in Paragraph 1.

3. *Future revisions or amendments.* Any future revisions to the established provisions for small cash purchases with payment from imprest funds will be developed by the central agency having the responsibility for the particular area involved in cooperation with the other two central agencies. The revised provisions will then be issued by the central agency concerned under its regular series of instructions.

4. *Effective date.* The rescission of the Joint Regulation and Supplement No. 1 thereto will be effective September 1, 1959.

FRANKLIN FLOETE,
Administrator of General Services.
JOSEPH CAMPBELL,
Comptroller General of the United States.
JULIAN B. BAIRD,
Acting Secretary of the Treasury.

AUGUST 18, 1959.

[F.R. Doc. 59-7009; Filed, Aug. 21, 1959; 8:50 a.m.]

TARIFF COMMISSION

BICYCLES

Reports to the President

AUGUST 18, 1959.

The U.S. Tariff Commission today submitted to the President its third periodic report on the developments in the trade in bicycles since the "escape clause" action of August 19, 1955, modifying the concession granted in the General Agreement on Tariffs and Trade on such bicycles classifiable under paragraph 371 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. The review under paragraph 1 is limited to the determination of whether a formal investigation under paragraph 2 of the order should be made for the purpose of determining if a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its third report, the Commission advised the President that the conditions of competition between imported and domestic bicycles had not so changed since the issuance of its second report as to warrant the institution of a formal investigation.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

DONN N. BENT,
Secretary.

[F.R. Doc. 59-6993; Filed, Aug. 21, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 19, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35629: *TOFC service—Between Texas points and interstate points.* Filed by Southwestern Freight Bureau, Agent (No. B-7616), for interested rail carriers. Rates on commodities moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars between Farmer's Branch, Smithville, and Wichita Falls, Tex., on the one hand, and points in official, southwestern, and western trunk line territories, on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 63 to Southwestern Freight Bureau tariff, I.C.C. 4298. Supplement 38 to Southwestern Freight Bureau tariff I.C.C. 4312. Supplement 69 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35630: *TOFC service—Frozen shrimp from points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7617), for interested rail carriers. Rates on frozen shrimp, breaded or not breaded, moving on commodity rates, loaded in or on trailers and transported on railroad flat cars from specified points in Louisiana and Texas to points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, also Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 69 to Southwestern Freight Bureau tariff I.C.C. 4285. Supplement 6 to Southwestern Freight Bureau tariff I.C.C. 4324.

FSA No. 35631: *TOFC Service—From and to Pampa, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7618), for interested rail carriers. Rates on various commodities moving on class rates loaded in or on trailers and transported on railroad flat cars between Pampa, Tex., on the one hand, and points in trunk line, New England, and southwestern, and western trunk line territories, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 63 to Southwestern Freight Bureau tariff I.C.C. 4298 and other schedules named in the application.

FSA No. 35632: *TOFC Service—Between points in southern territory and points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2078), for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars between points in Southern Freight Association territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor truck competition.

Tariff: Western Trunk Line Committee tariff I.C.C. A-4275.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6998; Filed, Aug. 21, 1959; 8:48 a.m.]

[Section 5a application No. 71]

HOUSEHOLD GOODS CARRIERS' BUREAU AND MOVERS & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC.

Agreement

AUGUST 19, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed August 13, 1959 by:

F. L. Wyche, Executive Secretary, Household Goods Carriers' Bureau, 2000 P Street NW., Washington 6, D.C.

Agreement involved:

Agreement between and among common carriers by motor vehicle, members of Household Goods Carriers' Bureau and Movers & Warehousemen's Association of America, Inc., relating to joint consideration, initiation, cancellation, or change of quotations, tenders, rates, charges, rules, regulations, and practices governing the transportation of household goods between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-6999; Filed, Aug. 21, 1959; 8:48 a.m.]

[Notice 174]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 19, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62233. By order of August 14, 1959, the Transfer Board approved the transfer to E. C. Bisom, Newton, Iowa, of a portion of Certificate in No. MC 60120 issued April 17, 1950, to Thornley Wells, doing business as Wells Dray & Parcel, Moorhead, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Moorhead, Minn., and Fargo, N. Dak. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-7000; Filed, Aug. 21, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.

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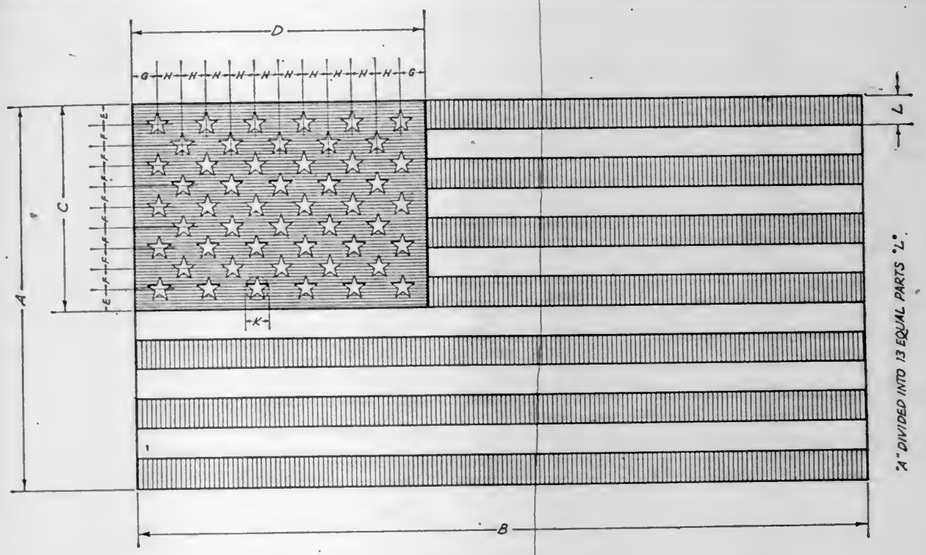
FEDERAL REGISTER

VOLUME 24 NUMBER 166

Washington, Tuesday, August 25, 1959

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

OF MICHIGAN
AUG 31 1959
MAIN READING ROOM



STANDARD PROPORTIONS									
HOIST (WIDTH) OF FLAG	FLY (LENGTH) OF FLAG	HOIST (WIDTH) OF UNION	FLY (LENGTH) OF UNION					DIAMETER OF STAR	WIDTH OF STRIPE
1.	1.9	.5385 (7/13)	.76	.054	.054	.063	.063	.0616	.0769 (1/13)
A	B	C	D	E	F	G	H	K	L

Title 3—THE PRESIDENT

Executive Order 10834

THE FLAG OF THE UNITED STATES

WHEREAS the State of Hawaii has this day been admitted into the Union; and

WHEREAS section 2 of title 4 of the United States Code provides as follows: "On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission."; and

WHEREAS the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authorizes the President to prescribe policies and directives governing the procurement and utilization of property by executive agencies; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for various matters pertaining to the flag and that appropriate regulations governing the procurement and utilization of national flags and union jacks by executive agencies be prescribed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and the Federal Property and Administrative Services Act of 1949, as amended, it is hereby ordered as follows:

PART I—DESIGN OF THE FLAG

SECTION 1. The flag of the United States shall have thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

SEC. 2. The positions of the stars in the union of the flag and in the union jack shall be as indicated on the attachment to this order, which is hereby made a part of this order.

SEC. 3. The dimensions of the constituent parts of the flag shall conform to the proportions set forth in the attachment referred to in section 2 of this order.

(Continued on p. 6867)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

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PART II—REGULATIONS GOVERNING EXECUTIVE AGENCIES

SEC. 21. The following sizes of flags are authorized for executive agencies:

Size	Dimensions of flag: Hoist (width)	Dimensions of flag: Fly (length)
	Feet	*Feet*
(1)	20.00	38.00
(2)	10.00	19.00
(3)	8.95	17.00
(4)	7.00	11.00
(5)	5.00	9.50
(6)	4.33	5.50
(7)	3.50	6.65
(8)	3.00	4.00
(9)	3.00	5.70
(10)	2.37	4.50
(11)	1.32	2.50

SEC. 22. Flags manufactured or purchased for the use of executive agencies:

(a) Shall conform to the provisions of Part I of this order, except as may be otherwise authorized pursuant to the provisions of section 24, or except as otherwise authorized by the provisions of section 21, of this order.

(b) Shall conform to the provisions of section 21 of this order, except as may be otherwise authorized pursuant to the provisions of section 24 of this order.

SEC. 23. The exterior dimensions of each union jack manufactured or purchased for executive agencies shall equal the respective exterior dimensions of the union of a flag of a size authorized by or pursuant to this order. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

SEC. 24. (a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

(b) So far as practicable, (1) the actions of the Secretary of Defense under the provisions of section 24(a) of this order, as they relate to the various organizational elements of the Department of Defense, shall be coordinated, and (2) the Secretary and the Administrator shall mutually coordinate their actions under that section.

SEC. 25. Subject to such limited exceptions as the Secretary of Defense in respect of the Department of Defense, and the Administrator of General Services in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired by executive agencies under contracts awarded prior to the date of this order, including those so possessed or so acquired by the General Services Administration for distribution to other agencies, shall be utilized until unserviceable.

PART III—GENERAL PROVISIONS

SEC. 31. The flag prescribed by Executive Order No. 10798 of January 3, 1959, shall be the official flag of the United States until July 4, 1960, and on that date the flag prescribed by Part I of this order shall become the official flag of the United States; but this section shall neither derogate from section 24 or section 25 of this order nor preclude the procurement, for executive agencies, of flags provided for by or pursuant to this order at any time after the date of this order.

SEC. 32. As used in this order, the term "executive agencies" means the executive departments and independent establishments in the executive branch of the Government, including wholly-owned Government corporations.

SEC. 33. Executive Order No. 10798 of January 3, 1959, is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
WASHINGTON, D.C.,
August 21, 1959.

[F.R. Doc. 59–7096; Filed, Aug. 24, 1959; 9:31 a.m.]

Executive Order 10833

TRANSFERRING TITLE TO CERTAIN LANDS AT SAND ISLAND, TERRITORY OF HAWAII, TO THE TERRITORY OF HAWAII

WHEREAS the act of August 25, 1958 (72 Stat. 850), authorizes the President of the United States, when he determines that land comprising any portion or portions of Sand Island Military Reservation and the Navy Harbor Entrance Control Post, Honolulu, Territory of Hawaii, including submerged lands therein, not to exceed in the aggregate 202 acres, is no longer required or is not required for military purposes, to transfer to the Territory of Hawaii, by Executive Order, all the right, title and interest of the United States in said land, together with the improvements thereon, and to grant nonexclusive easements over other land comprised within the Sand Island Military Reservation and the Navy Harbor Entrance Control Post in favor of the Territory of Hawaii which he shall deem necessary for the proper enjoyment of the premises transferred; and

WHEREAS the hereinafter-described land is not required for military purposes;

NOW, THEREFORE, by virtue of the authority vested in me by the above-mentioned act of August 25, 1958, it is ordered as follows:

1. Subject to the terms, conditions, and reservations hereinafter set forth, title to the following-described tract of land at Sand Island, City and County of Honolulu, Territory of Hawaii, being portions of the Sand Island Military Reservation and the Navy Harbor Entrance Control Post as at present constituted, and being also portions of the land described in section 203 of the Public Buildings Act of 1949 (63 Stat. 177), in paragraph (b) of Presidential Executive Order No. 6584 of February 6, 1934, and as Tract 1 in Presidential Executive Order No. 3358 of November 24, 1920, together with the improvements located thereon, is hereby transferred to the Territory of Hawaii.

Beginning at the west corner of this tract of land, on the southeasterly boundary of Honolulu International Airport (Governor's Executive Order 1016, dated April 12, 1943), and on the northwesterly boundary of the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188, dated February 5, 1947), the coordinates of said point of beginning referred to Government Survey Triangulation Station "United States Engineer, North Base" being 798.43 feet North and 4368.19 feet West, as shown on Government Survey Registered Map 4100, thence running by azimuths measured clockwise from true South:

1. 195°55'..... 1767.17 feet along Honolulu International Airport (Governor's Executive Order 1016);
2. 216°40'..... 174.27 feet along Honolulu International Airport (Governor's Executive Order 1016);
3. 302°28'30"... 4233.08 feet along the remainder of Sand Island Military Reservation (being the remainders of Tract 1 of Presidential Executive Order 3358, the land described in Public Law 105, Chapter 218, 81st Congress, 1st Session, Section 203, and Tract "b" of Presidential Executive Order 6584);
4. Thence along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358), on a curve to the right, with a radius of 425.00 feet, the chord azimuth and distance being: 316°44'15" 209.41 feet to a pipe in concrete, the true azimuth and distance from said pipe in concrete to Government Survey Triangulation Station "United States Engineer, North Base" being: 343°00'50" 221.95 feet;
5. 331°00'..... 1180.52 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358);
6. 26°55'40"..... 204.12 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358), along Department of Navy Parcel under Department of Army Permit Control Symbol 132-36, dated December 8, 1958, to a spike in concrete fence footing;
7. 26°55'40"..... 775.96 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358), to the seaward face of seawall;
8. 115°36'..... 1231.72 feet along seaward face of seawall along highwater mark;
9. 122°02'05"... 3153.90 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358);
10. 154°00'10"... 202.52 feet along the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188);
11. 104°42'40"... 382.57 feet along the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188);
12. 64°00'10"..... 165.91 feet along the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188) to the point of beginning and containing an AREA OF 202.00 ACRES.

2. The transfer of the above-described land shall be subject to the following reservations, terms, and conditions:

(a) A reservation of easements and improvements appurtenant thereto, in favor of the United States of America for all existing utilities over, under, and across the above-described tract of land appurtenant to the remaining lands owned by the United States of America, subject, however, to future relocation and removal of any and all such existing utilities to a more convenient or practical location by the Territory of Hawaii at its own cost, and provided that upon abandonment of any or all of such existing utilities, the easements reserved herein in favor of the United States of America shall thereby terminate and be of no further force or effect with respect to those utilities which have been abandoned.

(b) Pursuant to the terms of the act of August 25, 1958, the Territory of Hawaii shall relocate or procure the relocation on Sand Island of the Navy tower and other facilities appurtenant thereto on the southern shore of Sand Island. Until such relocation is completed, there are hereby reserved to the United States all such portions of the land hereinabove described as are needed for the full enjoyment of such facilities.

(c) The land transferred by this order to the Territory of Hawaii shall be subject to all the laws, rules and regulations with respect to airport zoning which are now, or may hereafter be, in effect.

(d) The Territory of Hawaii shall provide such rights of access and utility easements as are necessary to serve those portions of land retained by the United States on Sand Island.

(e) The sale, lease, or other disposition of the lands transferred by this order shall be subject to the provisions of the act of August 25, 1958, with respect to the sale, lease, or other disposition of such lands.

(f) The land transferred by this order shall be subject to such other provisions as are contained in the act of August 25, 1958.

3. Any lands transferred by this order which are now reserved or set aside under any Presidental Executive order, or which are under the jurisdiction and control of the United States Government are hereby withdrawn from the application of any such orders or from such jurisdiction and control.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 20, 1959.

[F.R. Doc. 59-7087; Filed, Aug. 21, 1959; 4:24 p.m.]

Proclamation 3309

ADMISSION OF THE STATE OF HAWAII INTO THE UNION

By the President of the United States of America

A Proclamation

WHEREAS the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Hawaii in an election held on November 7, 1950, and provided for the admission of the State of Hawaii into the Union on an equal footing with the other States upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from the information before me that a majority of the legal votes cast at an election on June 27, 1959, were in favor of each of the propositions required to be submitted to the people of Hawaii by section 7(b) of the act of March 18, 1959; and

WHEREAS it further appears from information before me that a general election was held on July 28, 1959, and that the returns of the general election were made and certified as provided in the act of March 18, 1959; and

WHEREAS the Governor of Hawaii has certified to me the results of the submission to the people of Hawaii of the three propositions set forth in section 7(b) of the act of March 18, 1959, and the results of the general election; and

WHEREAS I find and announce that the people of Hawaii have duly adopted the propositions required to be submitted to them by the act of March 18, 1959, and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Hawaii to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at four p.m. E.D.T. on this twenty-first day of August in the year of our [SEAL] Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-7113; Filed, Aug. 24, 1959; 11:17 a.m.]

Executive Order 10835

DELEGATING TO THE CHAIRMAN OF THE CIVIL SERVICE COMMISSION THE AUTHORITY OF THE PRESIDENT TO MAKE CERTAIN DETERMINATIONS RELATING TO THE PAYMENT OF PRESIDENTIAL AWARDS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the Chairman of the United States Civil Service Commission is hereby designated and empowered, without approval, ratification, or other action of the President, to exercise the authority vested in the President by subsection (e) of section 304 of the Government Employees' Incentive Awards Act (68 Stat. 1113; 5 U.S.C. 2123(e)) to determine the activity primarily benefiting, or the various activities benefiting, from any suggestion, invention, superior accomplishment, or other personal effort of any civilian officer or employee of the Government which constitutes the basis of any Presidential award or honorary recognition made or granted under subsection (b) of section 304 of that act (68 Stat. 1113; 5 U.S.C. 2123(b)).

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 21, 1959.

[F.R. Doc. 59-7097; Filed, Aug. 24, 1959; 9:31 a.m.]

RULES AND REGULATIONS

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

Formal Reconsideration of Determination by Bureau of Old-Age and Survivors Insurance as Condition Precedent to Hearing

Regulations No. 3, as amended (20 CFR 403.1 et seq.), are further amended as follows:

1. Section 403.706(b) is amended to read as follows:

§ 403.706 Initial determination.

* * * * *

(b) *Notice of initial determination.* Written notice of an initial determination shall be mailed to the party to the determination at his last known address, except that no such notice shall be required in the case of a determination that a party's entitlement to benefits has ended because of such party's death (see paragraph (a)(3) of this section). If the initial determination disallows, in whole or in part, the application or request of a party, or if the initial determination is to the effect that a husband, widower, parent, or former wife divorced was not receiving the requisite support from an insured individual, or that a child was not dependent on an insured individual, or that a party's entitlement to benefits has ended, or that a reduction, deduction, or adjustment is to be made in benefits or a lump sum, or that a period of disability established for a party has terminated, the notice of the determination sent to the party shall state the basis for the determination. Such notice shall also inform the party of the right to reconsideration (see § 403.708(a)) unless such determination is to the effect that a deduction or termination is to be made and such determination is based upon facts reported to the Bureau by the party to the determination.

2. Section 403.707 is amended to read as follows:

§ 403.707 Reconsideration and hearing.

A party who is dissatisfied with an initial determination may request that the Bureau reconsider such determination, as provided in § 403.708. If a request for reconsideration is filed, such action shall not constitute a waiver of the right to a hearing subsequent to such reconsideration if the party requesting such reconsideration is dissatisfied with the determination of the Bureau made on such reconsideration; and a request for a hearing may thereafter be filed, as is provided in § 403.709(a).

3. Section 403.708 is amended to read as follows:

§ 403.708 Reconsideration.

(a) *Right to reconsideration.* The Bureau shall reconsider an initial determination if a written request for reconsideration is filed, as provided in paragraph (b) of this section, by the party to the initial determination (see § 403.706(a)). The Bureau shall also reconsider an initial determination (see §§ 403.706(a) (1) to (4), inclusive), unless the determination is with respect to the revision of the Administration's earnings records, if a written request for reconsideration is filed, as provided in paragraph (b) of this section, by an individual as a wife, widow, former wife divorced, husband, widower, child, parent, or individual alleging equitable entitlement to a lump sum, who makes a showing in writing that his or her rights with respect to benefits, a lump sum, or a period of disability may be prejudiced by such determination. The Bureau shall also reconsider an initial determination relating to the revision of the Administration's record of the earnings (see § 403.706(a)(5)) of a deceased individual if a written request for reconsideration is filed, as provided in paragraph (b) of this section, by such individual's widow, former wife divorced, widower, child, parent, or an individual alleging equitable entitlement to a lump sum.

(b) *Time and place of filing request.* The request for reconsideration shall be made in writing and filed at an office of the Bureau or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing reconsideration with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board, within 6 months from the date of mailing notice of the initial determination, unless such time is extended as provided in § 403.701(j) or § 403.711(a).

(c) *Parties to the reconsideration.* The parties to the reconsideration shall be the person who was the party to the initial determination (see § 403.706(a)), and any other person referred to in paragraph (a) of this section, upon whose request the initial determination is reconsidered.

(d) *Notice of reconsideration.* If the request for reconsideration is filed by a person other than the party to the initial determination, the Bureau shall, before such reconsideration, mail a written notice to such party at his last known address, informing him that the initial determination is being reconsidered. In addition, the Bureau shall give such party a reasonable opportunity to present such evidence and contentions as to fact or law, as he may desire, relative to the determination.

(e) *Reconsidered determination.* The Bureau shall, when a request for reconsideration has been filed, as provided in paragraphs (a) and (b) of this section, reconsider the initial determination in question and the findings upon which it was based; and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained, the Bureau shall make a reconsidered determination affirming or revising, in whole or in part, the findings and determination in question.

(f) *Notice of reconsidered determination.* Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses. The reconsidered determination shall state the basis therefor and inform the parties of their right to a hearing (see § 403.709(a)).

(g) *Effect of reconsidered determination.* The reconsidered determination shall be final and binding upon all parties to the reconsideration unless a hearing is requested in accordance with § 403.709(b) or unless such determination is revised in accordance with § 403.711(b).

4. Section 403.709 (a), (b), (c), (e) (2), and (i) amended to read as follows:

§ 403.709 Hearing.

(a) *Right to hearing.* Any party designated in paragraph (c) of this section shall be entitled to a hearing with respect to any matter designated in § 403.706(a) after an initial and reconsidered determination has been made by the Bureau (see §§ 403.706–403.708, inclusive), if such party files a written request for a hearing, as provided in paragraph (b) of this section.

(b) *Time and place of filing request.* The request for hearing shall be made in

writing and filed at an office of the Bureau, or with a hearing examiner, or the Appeals Council in the Office of Hearings and Appeals in the Social Security Administration, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board. The request for hearing must be filed within 6 months after the date of mailing notice of the reconsidered determination to such individual, except where the time is extended as provided in § 403.701(j) or § 403.711(a).

(c) *Parties to a hearing.* The parties to a hearing shall be the person or persons who were parties to the initial determination in question and the reconsideration. Any other individual may be made a party, if such individual's rights with respect to benefits, a lump sum, or a period of disability may be prejudiced by the decision, upon notice given to him by the hearing examiner to appear at the hearing in support of his interest.

* * * * *

(e) *Time and place of hearing, and hearing on new issues.*

* * * * *

(2) At any time after a request for hearing has been made, as provided in this section, but prior to the mailing of notice of the decision, the hearing examiner may, in his discretion, either on the application of a party or on his own motion, in addition to the matters brought before him by the request for hearing, give notice that he will also consider any specified related issue or any stated new issue (whether similar or different in nature) designated in § 403.706(a), which may affect the rights of any party to the matter pending before him, even though the Bureau has not made an initial and reconsidered determination with respect to such new issue: *Provided, however,* That notice of the time and place of the hearing on any new issue shall, unless waived, be given to the parties within the time and the manner specified in this paragraph. Upon the giving of such notice, the hearing examiner shall, except as otherwise provided, proceed to hearing on such new issue in the same manner as he would on an issue on which an initial and reconsidered determination has been made by the Bureau and a hearing requested with respect thereto by a party entitled to such hearing.

* * * * *

(i) *Waiver of right to appear and present evidence.* If all parties waive their right to appear before the hearing examiner and present evidence and contentions personally or by representative, it shall not be necessary for the hearing examiner to give notice of and conduct an oral hearing, as provided in this section. A waiver of the right to appear and present evidence and allegations as to fact and law shall be made in writing and filed with the hearing examiner. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the hearing examiner, the hearing examiner may, nevertheless, give notice of a time and place and conduct a hearing as provided in this section, if he believes that the personal appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case. Where such a waiver has been filed by all parties, and they do not appear before the hearing examiner personally or by representative, the hearing examiner shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, and whatever additional evidence the party or parties may present in writing for consideration by the hearing examiner. Such documents shall be considered as all of the evidence in the case and the decision, as provided for in paragraph (k) of this section, shall be based on them.

5. Section 403.711(a)(2) is amended to read as follows:

§ 403.711 Extension of time and revision.

(a) *Extension of time to request hearing or review or begin civil action.*

* * * * *

(2) Any party to a reconsidered determination, a decision of a hearing examiner, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or commencing a civil action in a district court, as the case may be, although the time for filing such request or commencing such action (see §§ 403.708(b) and 403.710(b) and section 205(g) of the act) has passed. If an extension of the time fixed by § 403.709(b) for requesting a hearing before a hearing examiner is sought, the petition may be filed with such hearing examiner or the Appeals Council. In any other case, such petition shall be filed with the Appeals Council. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown, a hearing examiner or the Appeals Council, as the case may be, may extend the time for filing such request or action, except that no such extension shall be granted where the sole purpose of the request is to seek the revision of an individual's earnings record or of a finding as to wages or self-employment income in connection with an application for benefits, a lump sum, or a period of disability, after such revision is precluded by the provisions of §§ 404.804 or 404.806. Where a hearing examiner or the Appeals Council in a proper case has extended the time for filing such request or action, no revision of an individual's earnings record or of a finding as to wages or self-employment income may be made except as is otherwise provided in the regulations in this Subpart G.

Effective date. The provisions of the foregoing amendments, insofar as they require formal reconsideration of an initial determination by the Bureau of Old-Age and Survivors Insurance as a prerequisite to hearing thereon, shall become effective 60 days after the date of publication in the FEDERAL REGISTER; in all other respects the foregoing amendments shall become effective upon such date of publication.

(Sec. 205(a), 53 Stat. 1368 as amended, section 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18. Applies section 205(a), 53 Stat. 1368; 42 U.S.C. 405(a))

[SEAL] GEORGE K. WYMAN,
Acting Commissioner of Social Security.

Approved: August 19, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

AUGUST 10, 1959.

[F.R. Doc. 59-7028; Filed, Aug. 24, 1959; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

1. In Part 200 Subpart D, designated section headings in the table of contents are revoked and added as follows:

Sec.
200.69 [Revoked].
200.77 Comptroller and Deputy.
200.104 Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, Assistant Commissioner for Administration, Director of Personnel and Deputy Director of Personnel.

2. In § 200.68 paragraph (b) is amended to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(b) To be responsible to the Commissioner for the coordination and general supervision of the Personnel Division, the General Services Division, and the Budget Division comprising all personnel policies, procedures, activities and functions, all administrative services, all budget activities and organization structures and related matters.

3. Section 200.69 is revoked as follows:

§ 200.69 Comptroller and Deputy.

[Revoked].

4. In Part 200 Subpart D is amended by adding a new § 200.77 to read as follows:

§ 200.77 Comptroller and Deputy.

To the position of Comptroller and under his general supervision to the position of Deputy Comptroller there is delegated the following basic authority and functions:

(a) To devise and establish accounting procedures and to administer the fiscal policies and activities of the Administration.

(b) To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

(c) To certify that all required documents, information and approvals respecting each transaction are present; verify the accuracy of the computations, the consistency of the information included in the various documents; and determine that the transaction is in strict accordance with all applicable regulations, decisions and laws.

(d) To endorse checks for deposit or collection.

(e) To certify financial statements.

(f) To recommend investments for the insurance funds of the Federal Housing Administration, liquidation of investments and redemption of debentures and to maintain liaison with the Treasury Department in the execution of approved fiscal proposals.

(g) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(h) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(i) To designate certifying officers and to revoke such designations to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, and perform all functions pertaining to the bonding of FHA employees, pursuant to applicable statutes and the standards and procedures of the Secretary of the Treasury thereunder.

(j) To execute Certificates of Claim and certify the requisitions to the Treasury Department for the issuance of debentures.

(k) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting and fiscal matters and to collaborate with such departments and agencies in the formation of accounting and fiscal programs.

(l) To provide an integrated electronic data processing service to all organizational units of the FHA, including consultative and advisory services relating to surveying, programming and cost-analyzing proposed conversions to such processing.

(m) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

5. In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is composed of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Title I; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; and Comptroller.

6. In Part 200 Subpart D is amended by adding a new § 200.104 to read as follows:

§ 200.104 Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, Assistant Commissioner for Administration, Director of Personnel and Deputy Director of Personnel.

To the Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, the Assistant Commissioner for Administration, the Director of Personnel and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

The authority of this section covers the administration of Appointment Affidavits, Standard Form 61, and oaths to witnesses in any matter pending before the United States Civil Service Commission.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., August 19, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-7033; Filed, Aug. 24, 1959; 8:48 a.m.]

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE

PART 293a—ARMED SERVICES HOUSING INSURANCE: RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Military Personnel

1. Section 292a.11 is amended to read as follows:

§ 292a.11 Payment requirements.

(a) The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal.

(b) Such monthy payments will be on a level annuity basis.

(c) The Commissioner shall establish the date of the first payment to princpal on the first day of the first month which falls not less than 60 days after the date fixed for the completion of construction in the Housing Contract.

(d) Before final endorsement for insurance, where necessary, the mortgage shall be modified, so that in no event shall the first payment to principal be later than the first day of the first month which falls not less than 30 days after such final endorsement.

2. Section 292a.18 is amended to read as follows:

§ 292a.18 Prepayment.

The mortgage shall contain a provision that the mortgagor shall have the right to prepay the mortgage in whole or in part without any additional charge or penalty on or after the date which is 20 years from the date of the first payment to principal on the mortgage. The mortgage may provide that there shall be no right of prepayment prior to the expiration of such 20 year period.

3. Section 292a.38 is amended to read as follows:

§ 292a.38 Eligibility of title.

(a) In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

(b) No part of the cost of title evidence may be paid out of the mortgage proceeds.

4. Section 292a.39 is amended by adding a new paragraph (e) to read as follows:

§ 292a.39 Title evidence.

* * * * *

(e) A guarantee of title by the Secretary of Defense.

5. Section 293a.2 is amended by adding a new paragraph (f) to read as follows:

§ 293a.2 **Method of payment.**

* * * * * *

(f) Upon agreement between the mortgagor and mortgagee, approved by the Commissioner, premiums due under this section may be paid directly by the mortgagor to the Commissioner. Upon the execution and approval of such agreement, the obligation of the mortgagor to make payments to the mortgagee on account of such mortgage insurance premiums and the obligation of the mortgagee to pay mortgage insurance premiums to the Commissioner shall cease until such time as the agreement is revoked.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 803, 69 Stat. 646; 12 U.S.C. 1748b.)

Issued at Washington, D. C., August 19, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-7034; Filed, Aug. 24, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1949]

[Anchorage 031764]

ALASKA

Withdrawing Lands for Use of Department of the Navy for Military Purposes (Attu, Adak, and Kodiak Islands)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Navy for military purposes:

a. Attu Island: That land lying south of Latitude 52°52'00" N. between Longitude 173°04'00" E., and Longitude 173°14'00" E.

The area described contains approximately 11,670 acres.

b. Adak Island: That Part of the island east of the Bay of Island and north of Latitude 51°47'15" N.,

The area described contains approximately 61,000 acres of land.

c. Kodiak Island: Beginning at Corner No. 2 of U.S. Survey No. 2539, U.S. Naval Reserve at Kodiak, thence

East, 11,832.42 feet along boundary of U.S. Survey No. 2539;
N. 34°41' W., 7,907.16 feet;
S. 85°45'15" W., 4,157.22 feet;
N. 89°25'45" W., 5,957.22 feet;
S. 52°28'30" W., 10,567.29 feet;
S. 13°10'30" W., 9,085.74 feet;
S. 6°34' E., 4,371.48 feet;
S. 87°18'35" E., 12,715.45 feet to a point on the west boundary of U.S. Survey No. 2539;
North, 13,973.68 feet along west boundary to the point of beginning.

The area described contains approximately 6,269.7 acres.

d. Middle Bay: That portion of the northwest shore of Middle Bay lying east of the east boundary of U.S. Survey No. 2539, U.S. Naval Reserve.

The area described contains 49.28 acres.

The areas described total in the aggregate 78,988.98 acres.

2. Attu and Adak Islands were reserved by Executive Order No. 1733 of March 3, 1913, as a part of the Aleutian Islands National Wildlife Refuge. The reservation made by this order shall be the dominant reservation except for purposes of wildlife conservation and management, as to which Executive Order No. 1733 of March 3, 1931 shall be the dominant one.

3. The lands are not public lands within the meaning of the act of February 28, 1958 (72 Stat. 27; 43 U.S.C. 155).

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1959.

[F.R. Doc. 59-7016; Filed, Aug. 24, 1959; 8:45 a.m.]

[Public Land Order 1950]

[1981737]

ALASKA

Revoking Public Land Order No. 324 of August 14, 1946 (Barrow Reserve)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 324 of August 14, 1946, which withdrew public lands in Alaska for classification and proposed designation as native reservations for the inhabitants of the Villages of Barrow and Klukwan, and vicinity, and which was revoked in part by Public Land Order No. 373 of May 26, 1947, is hereby revoked as to the remaining lands described as follows:

Beginning at a point on the Arctic Ocean 30 miles southwest of Point Barrow, air line, approximate latitude 71°05'27" N., approximate longitude 157°10' W., running thence in a southeasterly direction to McTavish Point; thence following along the coast of Dease Inlet, Elson Lagoon, and the Arctic Ocean, including Point Barrow, to the place of beginning, and including the waters adjacent to the above-described area extending 3,000 feet from the shore at mean low tide, all as shown on the Reconnaissance Map of Northwestern Alaska, 1930, prepared by the U.S. Geological Survey in cooperation with the Bureau of Engineering, Department of the Navy, containing approximately 750 square miles of land and approximately 50 square miles of water.

The lands are withdrawn by Executive Order No. 3797-A of February 27, 1923, and Public Land Order No. 82 of January 22, 1943.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1959.

[F.R. Doc. 59-7017; Filed, Aug. 24, 1959; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Allotments for Heart Disease

Notice of proposed rule making and public rule making procedures have been omitted as unnecessary in the issuance of the following amendment to this subpart which relates solely to grants.

Pursuant to section 314(j) of the Public Health Service Act, as amended (58 Stat. 695, 42 U.S.C. 246(j)), these amendments are made after consultation with, and with the agreement of, a conference of the State health authorities.

The purpose of this amendment is to increase from 10 cents to 25 cents the maximum uniform per capita allotment for the first 100,000 population or part thereof of each State.

Effective July 1, 1959:

Paragraph (e) of § 51.3 is amended to read as follows:

(e) *Heart disease.* Of the amount available for allotment for heart disease control programs:

(1) A portion on the basis of a uniform per capita allotment not to exceed 25 cents per capita for the first 100,000 population or part thereof of each State;

(2) The remaining amount on the basis of the remaining population of each State weighted by financial need.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 314, 58 Stat. 698, as amended; 42 U.S.C. 246)

Dated: August 7, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: August 19, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-7027; Filed, Aug. 24, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. In promulgating its migratory bird regulations for the 1959-60 season in Canada, the Canadian Government reduced export limits on ducks. Formerly in the Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan, a person was permitted to export 25 ducks per season from each province. This year, Canadian regulations permit the exportation by a person of only 20 ducks per season from each of the provinces mentioned. Last year, throughout the rest of Canada a person could export 16 ducks per calendar week from any province or territory. That limit has been reduced this year to 12 ducks per calendar week.

Section 43, Title 18, United States Code makes it unlawful for any one to transport or convey from any foreign country into the United States "* * * any wild animal or bird or the dead body or part thereof, or the egg of any such bird, captured, killed, taken, shipped, transported, or carried contrary to the law of such foreign country or subdivision thereof. * * *"

The present United States migratory bird regulations under § 6.7(a) establish import quotas which are greater than Canadian export limits for ducks and which, in effect, would permit a person returning to the United States from Canada to import ducks in excess of the permissible limits established by Canadian law. This is contrary to section 43, Title 18, United States Code and it is therefore necessary that these regulations be appropriately amended.

Accordingly, § 6.7(a) is amended to read as follows:

(a) The numbers of such birds permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, shall be limited as follows:

From	Not to exceed
Province of Alberta, Canada	20 ducks and 10 geese per season.
Province of British Columbia, Canada	Do.
Province of Manitoba, Canada	Do.
Province of Saskatchewan, Canada	Do.
Any other Province or Territory of Canada	12 ducks and 10 geese per calendar week (beginning Sunday).
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.
Any foreign country or subdivision thereof:	
Band-tailed pigeons	6 per calendar week.
Brant	Do.
Coots	25 per calendar week.
Doves, mourning or white-winged	25, singly or in the aggregate of both kinds, per calendar week.
Rails (except sora and coots) and gallinules	30, singly or in the aggregate of both kinds, per calendar week.
Sora	25 per calendar week.
Wilson's snipe	8 per calendar week.
Woodcock	Do.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interprets or applies E.O. 10250, 16 F.R. 5385, 3 CFR, 1951 Supp.)

Since waterfowl hunting will commence in Canada in September, and since the foregoing amendment is necessary in order that the United States migratory bird regulations shall conform with the Statutory requirements of the Criminal Code as set forth above, notice of proposed rule making as required under section 4(a) of the Administrative Procedure Act of June 11, 1946, and the 30-day publication as required under section 4(c) of that Act are waived for good cause shown, as previously set forth in this document. Accordingly, this amendment is effective on publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 21, 1959.

[F.R. Doc. 59-7077; Filed, Aug. 21, 1959; 2:05 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

MANUFACTURERS EXCISE TAX ON REFRIGERATION EQUIPMENT, ELECTRIC GAS, AND OIL APPLIANCES, AND ELECTRIC LIGHT BULBS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954, as amended (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under sections 4111, 4121, and 4131 of the Internal Revenue Code of 1954, as amended, relating to taxes imposed on the sale of refrigeration equipment, electric, gas, and oil appliances, and electric light bulbs, respectively, effective January 1, 1959:

Subpart I—Refrigeration Equipment, Electric, Gas, and Oil Appliances, and Electric Light Bulbs

REFRIGERATION EQUIPMENT

Sec.
48.4111 Statutory provisions; imposition of tax.
48.4111-1 Imposition of tax.
48.4111-2 Definitons.
48.4111-3 Parts or accesories.
48.4111-4 Tax-free sales.
48.4111-5 Effective date.

ELECTRIC, GAS AND OIL APPLIANCES

48.4121 Statutory provisions; imposition of tax.
48.4121-1 Imposition of tax.
48.4121-2 Definitions.
48.4121-3 Parts or accessories.
48.4121-4 Tax-free sales.
48.4121-5 Effective date.

ELECTRIC LIGHT BULBS

48.4131 Statutory provisions; imposition of tax.
48.4131-1 Imposition of tax.
48.4131-2 Definitions.
48.4131-3 Tax-free sales.

Subpart I—Refrigeration Equipment, Electric, Gas, and Oil Appliances, and Electric Light Bulbs

REFRIGERATION EQUIPMENT

§ 48.4111 Statutory provisions; imposition of tax.

SEC. 4111. *Imposition of tax.* There is hereby imposed upon the sale of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

ARTICLES TAXABLE AT 5 PERCENT—

Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

Household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline.

Combinations of household type refrigerators and quick-freeze units described above.

ARTICLES TAXABLE AT 10 PERCENT—

Self-contained air-conditioning units.

[Section 4111 as amended and in effect Jan. 1, 1959]

§ 48.4111–1 Imposition of tax.

(a) *In general.* Section 4111 imposes a tax on the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof):

(1) Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline;

(2) Household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline;

(3) Combinations of household type refrigerators and quick-freeze units described in subparagraphs (1) and (2) of this paragraph; and

(4) Self-contained air-conditioning units.

(b) *Rates and computation of tax.* (1) Tax is imposed on the sale of the articles specified in section 4111 and paragraph (a) of this section at the rates specified below:

	Percent
Household type refrigerators, household type quick-freeze units, and combinations of such refrigerators and quick-freeze units	5
Self-contained air-conditioning units	10

(2) Tax is computed by applying the applicable rate to the price for which the article is sold. For the definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4111 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4111–2 Definitions.

For purposes of the tax imposed by section 4111, unless otherwise expressly indicated:

(a) *Household type refrigerators.* The term "household type refrigerators" includes refrigerators for single or multiple cabinet installations which—

(1) Have an actual, practical, commercial fitness, or are specifically designed and constructed, for household use,

(2) Have, or are primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline, and

(3) Are arranged to provide refrigerated storage space for the preservation of food or low temperature space for making ice cubes or frozen desserts.

(b) *Household type units for the quick freezing or frozen storage of foods.* The term "household type units for the quick freezing or frozen storage of foods', includes units solely for the quick freezing of foods or solely for the storage of frozen foods or combinations thereof which—

(1) Have an actual, practical, commercial fitness, or are specifically designed and constructed, for household use, and

(2) Are operated by electricity, gas, kerosene, or gasoline.

(c) *Self-contained air-conditioning units.* The term "self-contained air-conditioning units" includes a factory-made encased assembly or one sold for assembly on installation which—

(1) Is designed for the direct delivery of conditioned air and for the removal of heat,

(2) Incorporates means for cooling, dehumidifying, and circulating the air of a room or other enclosure, and

(3) Is designed for use as a portable unit, console unit, or for installation in or in front of a window or other opening.

An assembly which meets the conditions in subparagraphs (1), (2), and (3) of this paragraph, and which also includes means for ventilating, heating, or performing other functions, constitutes a "self-contained air-conditioning unit" in its entirety or in part, depending on the facts in each case. However, the term "self-contained air-conditioning units" does not include any unit which requires the use of a water-cooled system for the discharge of removed heat. Likewise, the term does not include units which are primarily designed for use in connection with motor vehicles and which are taxable as automobile parts or accessories under section 4061(b) and the regulations thereunder contained in Subpart H of this part.

(d) *Cross references.* For other relevant definitions, see §§ 48.0–2 and 48.7701.

§ 48.4111–3 Parts or accessories.

The tax attaches in respect of parts or accessories for articles specified in section 4111 and paragraph (a) of § 48.4111–1 sold on or in connection with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches whether or not the parts or accessories are billed separately. Moreover, if taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4111 and paragraph (a) of § 48.4111–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

§ 48.4111–4 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4111, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

§ 48.4111–5 Effective date.

The provisions of §§ 48.4111–1 through 48.4111–4 are effective as provided in Subpart A of this part except that under the authority of section 7805(b) the provisions of such sections shall not be applicable in respect of sales made by a manufacturer, producer, or importer before the first day of the first calendar month which begins more than 30 days after the date of publication of the regulations in this subpart in the FEDERAL REGISTER of the following articles:

(a) "Household type refrigerators", as defined in paragraph (a) of § 48.4111–2, which have a net storage space exceeding 14 cubic feet;

(b) Combinations of "household type refrigerators" and "household type units for the quick freezing or frozen storage of foods", as defined in paragraphs (a) and (b) of § 48.4111–2, which have a net storage space exceeding 14 cubic feet in the normal temperature refrigerator portion.

(c) "Self-contained air-conditioning units", as defined in paragraph (c) of § 48.4111–2, which have a total motor horsepower of 1 or more horsepower, or, in the case of absorption types, a total cooling capacity of 10,000 or more B.T.U. per hour.

ELECTRIC, GAS, AND OIL APPLIANCES

§ 48.4121 Statutory provisions; imposition of tax.

SEC. 4121. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles of the household type (including in each case parts or accessories therefor sold on or in connection with the sale thereof), a tax equivalent to 5 percent of the price for which so sold:

Electric, gas, or oil water heaters.
Electric flatirons.
Electric air heaters (not including furnaces).
Electric immersion heaters.
Electric blankets, sheets, and spreads.
Electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises.
Electric mixers, whippers, and juicers.
Electric direct-motor and belt-driven fans and air circulators.
Electric exhaust blowers.
Electric or gas clothes driers.
Electric door chimes.
Electric dehumidifiers.
Electric dishwashers.
Electric food choppers and grinders.
Electric hedge trimmers.
Electric ice cream freezers.
Electric mangles.
Electric pants pressers.
Electric, gas, or oil incinerator units and garbage disposal units.
Power lawn mowers.

[Section 4121 as amended and in effect Jan. 1, 1959]

§ 48.4121–1 Imposition of tax.

(a) *In general.* Section 4121 imposes a tax on the sale by the manufacturer, producer, or importer of the following articles of the household type (including in each case parts or accessories therefor sold on or in connection with the sale thereof):

(1) Electric, gas, or oil water heaters.
(2) Electric flatirons.
(3) Electric air heaters (not including furnaces).
(4) Electric immersion heaters.
(5) Electric blankets, sheets, and spreads.
(6) Electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm, food or beverages for consumption on the premises.
(7) Electric mixers, whippers, and juicers.
(8) Electric direct-motor and belt-driven fans and air circulators.
(9) Electric exhaust blowers.
(10) Electric or gas clothes driers.
(11) Electric door chimes.
(12) Electric dehumidifiers.
(13) Electric dishwashers.
(14) Electric food choppers and grinders.
(15) Electric hedge trimmers.
(16) Electric ice cream freezers.
(17) Electric mangles.
(18) Electric pants pressers.
(19) Electric, gas, or oil incinerator units and garbage disposal units.
(20) Power lawn mowers.

(b) *Rate and computation of tax.* Tax is imposed on the sale of the articles specified in section 4121 and paragraph (a) of this section at the rate of 5 percent of the price for which the article is sold. For the definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4121 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4121–2 Definitions.

For purposes of the tax imposed by section 4121, unless otherwise expressly indicated:

(a) *Articles of the household type.* The term "articles of the household type" includes all articles enumerated in section 4121 which have an actual, practical, commercial fitness, or are specifically designed and constructed, for household use.

(b) *Electric air heaters.* The term "Electric air heaters" includes all portable space heaters which are operated by electrical energy, regardless of the means utilized to directly produce heat. Some examples of taxable electrically operated air heaters are filament, filament and fan, radiant surface, hot water, and steam heaters. The term does not include furnaces.

(c) *Appliances used for cooking, etc.* The term "Electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm, food or beverages for consumption on the premises" includes any type of appliance operated by, or for which the heat is generated by, electricity, gas, or oil, which is used to cook, warm, or keep warm, food or beverages for consumption on the premises. The following are some examples of articles subject to tax under this classification: coffee makers, ranges, roasters, toasters, waffle irons, griddles, casseroles, electric frying pans, hot plates, and broilers.

(d) *Electric fans and air circulators.* The term "Electric direct-motor and belt-driven fans and air circulators" includes all types of direct-motor and belt-driven fans and air circulators that provide movement or circulation of air, whether for intake or exhaust, if they are designed and constructed to be operated as independent units.

(e) *Electric exhaust blowers.* The term "Electric exhaust blowers" includes all direct-motor-driven and belt-driven exhaust blowers which are designed and construced to be operated as independent units.

§ 48.4121–3 Parts or accessories.

The tax attaches in respect of parts or accessories for articles specified in section 4121 and paragraph (a) of § 48.4121–1 sold on or in connection with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches whether or not the parts or accessories are billed separately. Moreover, if taxable electric, gas, or oil appliances are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic articles even though they are shipped separately at the same time or on a different date. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4121 and paragraph (a) of § 48.4121–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

§ 48.4121–4 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4121, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

§ 48.4121–5 Effective date.

The provisions of §§ 48.4121–1 through 48.4121–4 are effective as provided in Subpart A except that under the authority of section 7805(b) the provisions of such sections shall not be applicable in respect of sales made by a manufacturer, producer, or importer before the first day of the first calendar month which begins more than 30 days after the date of publication of the regulations in this subpart in the FEDERAL REGISTER of the following articles:

(a) Direct motor-driven desk, bracket, and pedestal type fans and air circulators with blade diameter exceeding 16 inches.

(b) Electric belt-driven fans designed for use as exhaust or intake ventilating fans to be operated as independent units, with blade diameters of 40 or more inches.

ELECTRIC LIGHT BULBS

§ 48.4131 Statutory provisions; imposition of tax.

SEC. 4131. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of electric light bulbs and tubes, not including articles taxable under any other provision of this chapter, a tax equivalent to 10 percent of the price for which so sold.

[Section 4131 as originally enacted and in effect Jan. 1, 1959]

§ 48.4131–1 Imposition of tax.

(a) *In general.* Section 4131 imposes a tax on the sale of electric light bulbs and tubes by the manufacturer, producer, or importer. However, no tax attaches under section 4131 if the light bulbs and tubes are taxable under any other provision of chapter 32 of the 1954 Code as, for example, a light bulb taxable under section 4061(b) as an automobile accessory.

(b) *Rates and computation of tax.* Tax is imposed upon electric light bulbs and tubes at the rate of 10 percent of the price for which the article is sold. For the definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4131 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4131–2 Definitions.

For purposes of the tax imposed by section 4131, unless otherwise expressly indicated, the term "electric light bulbs and tubes" includes any device designed for the diffusion of artificial light for illuminative or decorative purposes through the use of electricity. The term does not include electric bulbs or tubes which are primarily designed for blueprinting, photoprinting, or other photocopying applications in which the ultraviolet radiation furnished by the bulbs or tubes is essential, nor does it include tubes shaped in the form of words, letters, numbers, or other meaningful symbols which convey a message or portion of a message.

§ 48.4131–3 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4131, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

[F.R. Doc. 59–7038; Filed, Aug. 24, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket Nos. 40, 41, 42; Draft Release Nos. 59–4A, 59–5A, 59–6A]

MAXIMUM AGE LIMITATIONS FOR PILOTS

Extension of Time for Comments

In the notices of proposed rule making on this matter (Draft Releases 59–4, 59–5 and 59–6) published in the FEDERAL REGISTER on June 27, 1959 (24 F.R. 5247, 5248 and 5249), it was stated that consideration would be given to all relevant matter in communications received within sixty days after the publication

of such notices in the FEDERAL REGISTER. Thus, comments are presently due on or before August 28, 1959.

On behalf of the member airlines, the Air Transport Association has requested the Administrator to extend the date for comments for an additional sixty days. This request is based on the significant impact of the proposal upon the airline industry and the consequent need for thorough study before commenting on the proposal. While the potential impact of this proposal on airline operations is realized, it does not appear necessary to grant the full sixty-day extension requested by the Air Transport Association since a total period of three months for the return of comment should be adequate to permit the member airlines to properly evaluate this proposal and prepare detailed comments thereon. Accordingly, the date previously set forth for return of comments will be extended for an additional period of thirty days.

Therefore, pursuant to the authority delegated under § 405.27, I hereby extend the date for comment on Draft Releases 59–4, 59–5 and 59–6 to September 28, 1959. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for the return of comments has expired.

(Secs. 313(a), 601, 602, 604, 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1422, 1424)

Issued in Washington, D.C., on August 18, 1959.

JAMES L. GODDARD,
Chief, Office of the Civil Air Surgeon.

[F.R. Doc. 59–7010; Filed, Aug. 24, 1959; 8:45 a.m.]

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 39, Draft Release No. 59–3A]

APPROVAL OF TRAINING PROGRAMS AND CERTIFICATION AND QUALIFICATION STANDARDS OF PILOTS OTHER THAN PILOTS IN COMMAND

Extension of Time for Comments

In the notice of proposed rule making on this matter (Draft Release 59–3) published in the FEDERAL REGISTER on June 27, 1959 (24 F.R. 5346), by the Federal Aviation Agency, it was stated that in order to insure consideration comments should be received by the Agency not later than August 31, 1959. The Air Transport Association of America, acting on behalf of the scheduled air carriers, has requested the Administrator to extend the date for comment by 60 days. This request was predicated upon the need for additional time to develop a complete and careful evaluation of the impact which the proposed amendments would have on the industry if adopted.

The draft release proposes revisions to Parts 40, 41, and 42 of the Civil Air Regulations with respect to approval of training programs, and certification and qualification standards of pilots other than pilots in command. The proposed amendments are designed to insure that air carrier aircraft are flown by pilots who are thoroughly trained and appropriately rated for the aircraft. Consequently it is important that this proposal be given expeditious handling. The deadline date of August 31, 1959, appeared to give ample time for submission of comments. However, in view of the reason advanced by the scheduled air carriers, an additional 20 days will be given in this case for the submission of comments.

In consideration of the foregoing, notice is hereby given that the time within which comments will be received is extended to September 21, 1959. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room E–316, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

(Section 313(a), 601, 602, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, 1424))

Issued in Washington, D.C., on August 18, 1959.

E. R. QUESADA,
Administrator.

AUGUST 18, 1959.

[F.R. Doc. 59–7011; Filed, Aug. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket 59–WA–110]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6443 and 601.6443 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 443 presently extends from Glen Dale, W. Va., to Cleveland, Ohio. The Federal Aviation Agency has under consideration the modification of the Tiverton, Ohio, to Cleveland, Ohio, segment of Victor 443 by designating an east alternate from the Tiverton VOR via the point of intersection of the Tiverton VOR 017° with the Cleveland VOR 138° radials; to the Cleveland VOR. This modification of Victor 443 will establish an additional route for aircraft departing the Cleveland, Ohio, terminal area destined for southern terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6443 and 601.6443 (24 F.R. 1285, 1287) to read as follows:

§ 600.6443 VOR Federal airway No. 443 (Glen Dale, W. Va., to Cleveland, Ohio).

From the point of INT of the Pittsburgh, Pa., VOR 244° and the Zanesville, Ohio, VOR 088° radials via the Newcomerstown, Ohio, VOR; Tiverton, Ohio, VOR; to the Cleveland, Ohio, VOR, including an east alternate via the point of INT of the Tiverton VOR 017° with the Cleveland VOR 138° radials.

§ 601.6443 VOR Federal airway No. 443 control areas (Glen Dale, W. Va., to Cleveland, Ohio).

All of VOR Federal airway No. 443, including an east alternate.

Issued in Washington, D.C., on August 19, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7012; Filed, Aug. 24, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13083]

MICROWAVE FREQUENCIES FOR PRIVATE COMMUNICATIONS SYSTEMS, EXCLUDING BROADCASTERS

Technical Standards Governing the Grant of Applications for the Use

There being under consideration a request filed August 13, 1959, by Electronic Industries Association (EIA), on behalf of its Microwave Section of the Industrial Electronics Division, for an extension of time until September 24, 1959, in which to file comments in the above-captioned proceedings;

It appearing that the EIA states that such additional time is necessary for it to study the proposed standards thoroughly in order that it may file meaningful and useful comments concerning such proposal;

It further appearing that the Commission desires to have comments on such rule-making proposal in their most complete and useful form;

It further appearing that the request appears to be reasonable and would aid the Commission in reaching its determination in this matter, and that an extension of time is considered necessary and would be in the public interest;

It is ordered, This 19th day of August 1959, pursuant to the provisions of section 0.291(b)(4) of the Commission's Statement of Delegations of Authority, that the above-described request for extension of time is granted, and that the time in which to file comments in this proceeding is extended to September 24, 1959, with an additional ten days in which comments in reply thereto may be filed.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7044; Filed, Aug. 24, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

PORTLAND CEMENT FROM ISRAEL

Purchase Price; Foreign Market Value

AUGUST 19, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Portland cement from Israel is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of Portland cement from Israel pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59–7037; Filed, Aug. 24, 1959; 8:49 a.m.]

Office of the Secretary

[AA 643.3]

SWISS OR EMMENTHAL CHEESE FROM FINLAND

Determination of No Sales at Less Than Fair Value

AUGUST 19, 1959.

A complaint was received that Swiss or emmenthal cheese from Finland was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Swiss or emmenthal cheese from Finland is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. First quality Swiss cheese has been imported from Finland at a price which has not varied during the past several years. This quality is not considered competitive with the United States product. Toward the end of 1958, an inexpensive cheese began to enter the United States from Finland in substantial quantities. The complaint arose subsequent to these importations and appeared to be directed thereto.

It was determined that inexpensive Swiss cheese is not sold in the Finnish home market, but is sold to third countries. The information available indicated that the purchase price was not less than the price to third countries.

There have been no importations of inexpensive Swiss cheese from Finland since March 1959, and information received indicates that there is no likelihood of further imports of such cheese.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7040; Filed, Aug. 24, 1959; 8:49 a.m.]

[AA 643.3]

PETROLEUM PRODUCTS FROM RUMANIA

Determination of No Sales at Less Than Fair Value

AUGUST 17, 1959.

A complaint was received that petroleum products from Rumania were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that petroleum products from Rumania are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Investigation showed that the importations in question consisted of one shipment of residual fuel oil and one shipment of coke oven crude tar. There have been no further importations, and it appears that each shipment was a one-time operation.

No information was developed during the course of the investigation which would indicate that these petroleum products from Rumania were being sold at less than fair value.

Customs officers have been instructed to report all future shipments of petroleum products from Rumania to the Bureau of Customs for consideration and appropriate action.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7041; Filed, Aug. 24, 1959; 8:49 a.m.]

[Dept. Circ. 570, 1959 Rev. Supp. 3]

SUPERIOR RISK INSURANCE CO.

Surety Company Acceptable on Federal Bonds

AUGUST 20, 1959.

Effective June 12, 1959, Ohio Farmers Indemnity Company, a Ohio corporation, formally changed its name to Superior Risk Insurance Company. A certified copy of Certificate of Amendment to Articles of Incorporation changing the name of Ohio Farmers Indemnity Company to Superior Risk Insurance Company, which was approved by the Attorney General of the State of Ohio and filed in the office of the Secretary of State of the State of Ohio on June 12, 1959, has been received and filed in the Treasury.

The change in name of Ohio Farmers Indemnity Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C. secs. 6–13), to qualify as sole surety on such obligations.

The name of the company will appear as Superior Risk Insurance Company in the next annual revision of this circular (Treasury Department Circular No. 570) which lists the companies authorized to

act as acceptable sureties on bonds in favor of the United States.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 59–7039; Filed, Aug. 24, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALCOA STEAMSHIP CO., INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8398, between Alcoa Steamship Company, Inc., and Lamport & Holt Line, Ltd., covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transshipment at New Orleans or Mobile;

(2) Agreement No. 8399, between Alcoa Steamship Company, Inc., and Lamport & Holt Line, Ltd., covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to the Virgin Islands, with transshipment at New York or Baltimore;

(3) Agreement No. 8401, between Alcoa Steamship Company, Inc., and Lamport & Holt Line, Ltd., covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to the Virgin Islands, with transshipment at New Orleans or Mobile;

(4) Agreement No. 8402, between Alcoa Steamship Company, Inc., and Booth Steamship Company, Ltd., covers a through billing arrangement in the trade from Brazil and Peru to Puerto Rico, with transshipment at New Orleans or Mobile;

(5) Agreement No. 8403, between Alcoa Steamship Company, Inc., and Booth Steamship Company, Ltd., covers a through billing arrangement in the trade from Brazil and Peru to the Virgin Islands, with transshipment at New York or Baltimore;

(6) Agreement No. 8404, between Alcoa Steamship Company, Inc., and Booth Steamship Company, Ltd., covers a through billing arrangement in the trade from Brazil and Peru to the Virgin Islands, with transshipment at New Orleans or Mobile; and

(7) Agreement No. 8391, between Lykes Bros. Steamship Co., Inc., and Compagnie des Messageries Maritime, covers a through billing arrangement in the trade from U.S. Gulf ports to certain designated Madagascar Base Ports, Madagascar Outports, and Comores Islands ports, with transshipment at Dar es Salaam and Mombasa in British East Africa.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 20, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59–7035; Filed, Aug. 24, 1959; 8:48 a.m.]

POST OFFICE DEPARTMENT

REMISSION OF FINES, PENALTIES, FORFEITURES, AND CLAIMS

Delegation of Authority

The following is the text of an Order of the Assistant Postmaster General, Bureau of Finance, dated July 31, 1959:

Pursuant to authority of Postmaster General Order No. 56925, dated July 27, 1959 (24 F.R. 6584) authority is hereby redelegated to the Finance Officer, Bureau of Finance, to take final action in his own name with respect to all matters converted by 5 U. S. Code, 383, 384, and U.S. Code 82a–1, 82a–2, 82c.

(R.S. 161, as amended, 396 as amended, sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z–15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59–7031; Filed, Aug. 24, 1959; 8:48 a.m.]

NEW NAMES OF COUNTRIES

A number of former French possessions in Africa are now known by new names in consequence of their changed political status. A list of the countries concerned is given below, showing their new names and the names by which they are now designated in Chapter I of Title 39, Code of Federal Regulations. Pending the issuance of amendments, post offices will accept and dispatch mail addressed to the new country names in accordance with the existing regulations.

New Names	*Former Names*
Central African Republic.	Oubangi Chari (French Equatorial Africa).
Chad (Republic of)	Tchad (French Equatorial Africa).
Comoro Islands	Comoro Islands (Madagascar).
Congo (Republic of)	Moyen (Middle) Congo (French Equatorial Africa).
Gabon Republic	Gabon (French Equatorial Africa).
Malgache Republic	Madagascar.
Soudanese Republic	French Soudan.
Volta Republic	Upper Volta.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59–7030; Filed, Aug. 24, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–342]

ACCIDENT OCCURRING AT CALVERTON, LONG ISLAND, N.Y.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 7514A, which occurred at Calverton, Long Island, New York, August 15, 1959.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, August 27, 1959, at 9:30 a.m. (local time) at the Ballroom, Henry Perkins Hotel, Riverhead, Long Island, New York.

Dated at Washington, D.C., August 19, 1959.

[SEAL] CLAUDE SCHONBERGER,
Hearing Officer.

[F.R. Doc. 59–7042; Filed, Aug. 24, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12837 etc.; FCC 59–872]

BIRNEY IMES, JR., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Birney Imes, Jr., West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12837, File No. BP–11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, has 730 kc, 250 w, Day, requests 730 kc, 500 w, Day, Docket No. 12838, File No. BP–11924; Newport Broadcasting Company, West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12839, File No. BP–12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12840, File No. BP–12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, requests 730 kc, 5 kw, DA–D, Docket No. 13057, File No. BP–12987; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of August 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that by Order (FCC 59–822) adopted on July 29, 1959, the Commission consolidated the instant applications for hearing but that Issue 7 in said Order should have provided for a consideration of the proposed operation of the Garrett Broadcasting Corporation, in addition to the other proposals herein for West Memphis, Arkansas, under the standard comparative issue; and that said Order should be amended to read as follows:

It appearing that by Order adopted April 15, 1959, and released on April 20, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Birney Imes, Jr., Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company, Newport Broadcasting Company and Crittenden County Broadcasting Company, that the application of Garrett Broadcasting Corporation was tendered for filing on April 8, 1959 and is, therefore, entitled to be consolidated in said hearing, pursuant to § 1.106 of the Commission rules; and

It further appearing that except as indicated by the issues specified below, Birney Imes, Jr., Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company, Newport Broadcasting Company, Crittenden County Broadcasting Company and Garrett Broadcasting Corporation are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 16, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Garrett Broadcasting Corporation filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application of Garrett Broadcasting Corporation, is consolidated for hearing in the proceeding in Docket Nos. 12837, 12838, 12839 and 12840 at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Birney Imes, Jr., Newport Broadcasting Company, Crittenden County Broadcasting Company, and Garrett Broadcasting Corporation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTRY as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operations of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company would cause objectionable interference to the existing operation of Station KTRY, Bastrop, Louisiana, or any other existing standard broadcast station, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of Station KTRY would cause objectionable interference to Station WARB, Covington, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

6. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposed operation of KTRY, Bastrop, Louisiana or one of the proposals for West Memphis, Arkansas would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that it is concluded pursuant to the foregoing issue that one of the proposals for West Memphis, Arkansas should be favored, which of the proposals of Birney Imes, Jr., Newport Broadcasting Company, Crittenden County Broadcasting Company or Garrett Broadcasting Corporation would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the four as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programming services proposed in each of the said applications.

8. To determine which, if any, of the instant applications should be granted.

It is further ordered, That the above issues shall supersede the issues in the Commission's order of April 15, 1959, designating for hearing the first four above-captioned applications.

It is further ordered, That, to avail itself of the opportunity to be heard, the Garrett Broadcasting Corporation herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order; and

It is further ordered, That if the proposal of Garrett Broadcasting Corporation is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957 (Public Notice 46545, June 18, 1957), and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That the Commission's above-mentioned Order (FCC 59–822) of July 29, 1959, is amended as set forth above.

Released: August 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7045; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket Nos. 13171, 13172; FCC 59–871]

HOWELL B. PHILLIPS AND WMCV, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Howell B. Phillips, Williamsburg, Kentucky, requests 1370 kc, 1 kw, DA, Day, Docket No. 13172, File No. BP–11832; WMCV, Inc., Tompkinsville, Kentucky, requests 1370 kc, 1 kw, Day, Docket No. 13171, File No. BP–12825; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of August 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, WMCV, Inc., is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that except as indicated by the issues specified below, Howell B. Phillips is legally, technically, and otherwise qualified to construct and operate his instant proposal but that he may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the

aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received by either proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of either of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Howell B. Phillips is financially qualified to construct and operate his proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7046; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket No. 13154]

HARMS AND ROGOWAY RADIO AND TV

Order to Show Cause

In the matter of Wesley Harms and Donald Rogoway, db/as Harms and Rogoway Radio and TV, Third and Adams, Gorvallis, Oregon, Docket No. 13154; order to show cause why there should not be revoked the license for Low Power Industrial Radio Station KD-3211.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated March 11, 1959, calling attention to violations (observed March 10, 1959) of the following Commission rules:

Section 11.109(b): Equipment in use did not meet the terms of the station license and Commission standards as set forth in "List of Equipment Acceptable for Licensing."

Section 11.106(c): Power input to final RF stages exceeded that authorized by station license.

Section 11.108(c)(2) and 11.104(b)(2): No record that frequency deviation had been reduced to meet Commission requirements.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 10, 1959, and sent by Certified Mail—Return Receipt Requested (No. 97297), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Doris Rogoway on June 15, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 18th day of August, 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 19, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7048; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket Nos. 13089-13147; FCC 59M-1059]

TIFFIN BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of William E. Benns, Jr., & Barbara Benns d/b as Tiffin Broadcasting Company, Tiffin, Ohio, et al., Docket No. 13089, File No. BP-11392; Docket Nos. 13090, 13091, 13092 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13128, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147; for construction permits.

It is ordered, This 17th day of August 1959, that, pursuant to § 1.111 of the Commission's rules, a prehearing conference in the above-entitled matter will commence at 10:00 a.m., October 5, 1959, in the Commission's offices at Washington, D.C.

Released: August 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7047; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket No. 11866]

ALLOCATIONS OF FREQUENCIES IN BANDS ABOVE 890 MC.

Miscellaneous Amendments

The Commission's Report and Order of July 29, 1959 (FCC 59-843, Mimeo No. 76357), in the above-entitled matter, released August 6, 1959, and published in the FEDERAL REGISTER August 11, 1959, is corrected in the following particulars:

1. Change the column entitled "Number of Stations" under the heading "Practical Antenna Size" in the table in paragraph 57 to read as follows:

Number of Stations
232
70
40
120
280
742

2. Correct the citation appearing in footnote 5 of Paragraph 87 to read:

346 U.S. 86, 91 (1953)

3. Add the following text under *Issue No. 18* immediately preceding Paragraph 124:

"Should there be any restrictions on the use of frequencies above 30,000 Mc?"

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7049; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket Nos. 12952, 12953; FCC 59M-1065]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Scheduling Prehearing Conference

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

It is ordered, This 18th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:00 o'clock a.m., September 23, 1959, in the Commission's offices, Washington, D.C.

Released: August 19, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7050; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket No. 12309; FCC 59M-1068]

VIDEO INDEPENDENT THEATRES, INC., (KVIT)

Order Reopening Record

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

It is ordered, This 19th day of August 1959, that:

1. The record is reopened to take evidence on Issue No. 8, added by the Commission's Memorandum Opinion and Order released August 4, 1959; and

2. The outstanding order, released June 30, 1959, regarding the filing of proposed findings of fact and conclusions, and any ruling directing or permitting them to be filed, are canceled.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7052; Filed, Aug. 24, 1959; 8:51 a.m.]

[Docket No. 12949; FCC 59M-1066]

SOUTH MINNEAPOLIS BROADCASTERS

Order Setting Prehearing Conference

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-11632; for construction permit for a new standard broadcast station.

It is ordered, This 19th day of August 1959, that all parties or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 o'clock a.m., September 18, 1959, for the purpose of considering the following:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7053; Filed, Aug. 24, 1959; 8:51 a.m.]

[Docket No. 12915; FCC 59M-1067]

BOOTH BROADCASTING CO. (WSGW)

Order Setting Prehearing Conference

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; for construction permit for standard broadcast station.

It is ordered, This 19th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 o'clock a.m., September 8, 1959.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7051; Filed, Aug. 24, 1959; 8:51 a.m.]

[Docket Nos. 12895, 12896; FCC 59M-1069]

BUCKLEY-JAEGER BROADCASTING CORP. AND WHDH, INC.

Memorandum Opinion and Order Continuing Hearing

In re applications of Buckley-Jaeger Broadcasting Corporation, Providence, Rhode Island, Docket No. 12895, File No. BPH-2552; WHDH, Inc., Boston, Massachusetts, Docket No. 12896, File No. BPH-2575; for construction permits for FM broadcast stations.

1. The applicants in this proceeding, Buckley-Jaeger Broadcasting Corporation and WHDH, Inc., filed on August 18, 1959, a "Motion for Continuance of Hearing" in this proceeding. At a prehearing conference held on July 15, 1959 certain preliminary, procedural steps designed to cover the hearing now scheduled for September 3, 1959 were established, to wit:

(1) August 19, 1959—Informal exchange of exhibits.

(2) August 28, 1959—Formal exchange of exhibits which constitute the direct cases of the applicants.

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

(3) August 31, 1959—Notice by the parties of witnesses desired for hearing.

On the same date the parties filed a "Joint Petition to Reconsider Designation of Applications for Hearing and to Forthwith Grant Same". It is pleaded that, if the Commission acts favorably upon this joint petition, a hearing on the instant applications would not be necessary and they further plead that the joint petition is well-grounded and should be granted in the public interest. Request is made in their motion for continuance that the hearing and dates for accomplishing the related procedural steps be continued until the Commission has acted upon their joint petition.

2. Counsel for the Broadcast Bureau has consented to a continuance of the hearing herein and consents to a waiver of § 1.43 of the Commission's rules to permit immediate consideration of the matter.

3. Good cause exists why said "Motion For Continuance of Hearing" should be granted.

Accordingly it is ordered, This 19th day of August 1959, that the "Motion For Continuance of Hearing" filed herein on behalf of the applicants in this proceeding is granted and the hearing now scheduled for September 3, 1959 and the dates for accomplishing the related procedural steps be, and the same are hereby, continued without date.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7054; Filed, Aug. 24, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14329 etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 17, 1959.

In the matters of Coastal States Gas Producing Company, Operator, and Southern Coast Corporation,[1] Docket Nos. G-14329 and G-14366; W. H. Appell, Operator, et al.,[2] Docket No. G-14467; May Oil Company, Operator, et al.,[3] Docket No. G-14468; J. D. Hedley, Operator, et al.,[4] Docket No. G-14469; Fitzpatrick Drilling Company, Operator, et al.,[5] Docket No. G-14470; Slade, Inc., et al. (formerly Slade Oil and Gas, Inc.),[6] Docket No. G-14471; Arnold Well Service, Inc., Operator, et al.,[7] Docket No. G-14478; W. B. Cleary, Inc., Operator, et al.,[8] Docket No. G-14479; Lenore M. Bailey, et al.,[9] Docket No. G-14480; Katz Oil Company, Operator, et al.,[10] Docket No. G-14767; Tiger Minerals, Inc., Operator, et al.,[11] Docket No. G-14768; Katz Oil Company, Operator, et al.,[12] Docket No. G-14769; Jay Simmons, et al.,[13] Docket No. G-14770; Jay Simmons, et al.,[14] Docket No. G-14771; Jay Simmons, et al.,[15] Docket No. G-14772; Sheridan C. Lewis, Jr., Trustee,[16] Docket No. G-14773; Tiger Minerals, Inc., Operator, et al.,[17] Docket No. G-14774; Katz Oil Company, Operator, et al.,[18] Docket No. G-14775; Katz Oil Company, Operator, et al.,[19] Docket No. G-14776; Bridwell Oil Company, Docket No. G-14921; The Atlantic Refining Company, Docket No. G-14945; Texo Oil Corporation, Docket No. G-14983; Tex-Star Oil and Gas Corporation, Operator, et al.,[20] Docket No. G-16825; Tex-Star Oil and Gas Corporation, Operator, et al.,[20] Docket No. G-16826; Tex-Star Oil & Gas Corporation, Operator, et al.,[21] Docket No. G-16827; Tex-Star Oil & Gas Corporation, Operator,[22] Docket No. G-16828; Tex-Star Oil & Gas Corporation, Operator,[23] Docket No. G-16829; Tex-Star Oil & Gas Corporation, Operator,[24] Docket No. G-16830; Tex-Star Oil & Gas Corporation, Operator,[25] Docket No. G-16831; Tex-Star Oil & Gas Corporation, Operator,[26] Docket No. G-16832; J. C. Barnes, Docket No. G-16834; Coastal States Gas Producing Company,[27] Docket No. G-16838; B. L. Woolley, et al.,[28] Docket No. G-16910; Wynn D. Miller, et al.,[29] Docket No. G-17120; Lawrence G. Shelly, Operator, et al.,[30] Docket No. G-17211; Ralph Rowden, Docket No. G-17233; Tex-Star Oil & Gas Corporation, Operator,[31] Docket No. G-17491; Tex-Star Oil & Gas Corporation, Operator, et al.,[32] Docket No. G-17495.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-14329; Saxet and Baldwin Fields, Nueces County, Texas; East White Point Field, San Patricio County, Texas; and Beeville and Poesta Creek Fields, Bee County, Texas; Trunkline Gas Company.

G-14366; Moos Ranch Field, Webb County, Texas; Charamousca, Neely and Tiger Minerals Fields, Duval County, Texas; Maguellitos and Henry-West Adami Fields, Webb and LaSalle Counties, Texas; Texas Illinois Natural Gas Pipeline Company.

G-14467; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14468; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14469; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14470; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14471; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14478; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14479; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14480; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14767; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14768; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14769; Harry Field, Webb County, Texas; Southern Coast Corporation.

G-14770; Harry Field, Webb and LaSalle Counties, Texas; Southern Coast Corporation.

G-14771; Harry Field, Webb County, Texas; Southern Coast Corporation.

G-14772; West Charamousca Field, Duval County, Texas; Southern Coast Corporation.

G-14773; West Adami Field, Webb County, Texas; Southern Coast Corporation.

G-14774; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14775; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14776; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14921; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14945; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14983; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-16825; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16826; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16827; Appling Field, Jackson County, Texas; Coastal States Gas Producing Company.

G-16828; Appling Field, Jackson County, Texas; Coastal States Gas Producing Company.

G-16829; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16830; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16831; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16832; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16834; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16838; Texana and Appling Fields, Calhoun and Jackson Counties, Texas; United Gas Pipe Line Company.

G-16910; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-17120; Papalote Field, Bee County, Texas; Coastal States Gas Producing Company and Southern Coast Corporation.

G-17211; South Heard Field, Bee County, Texas; Coastal States Gas Producing Company and Southern Coast Corporation.

G-17233; Neely Field, Duval County, Texas; Coastal States Gas Producing Company and Southern Coast Corporation.

G-17491; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-17495; Texana Field, Calhoun County, Texas; Coastal States Gas Producing Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[1] Coastal States Gas Producing Company (Operator) and Southern Coast Corporation (nonoperator) in Docket No. G-14329 proposes to sell to Trunkline Gas Company natural gas to be produced and purchased by them from certain acreages pursuant to a basic gas sales contract dated January 20, 1958 and amendatory agreements thereto dated July 29, 1958 (dedicates additional volumes), September 4, September 23, November 28, December 2 and December 9, 1958 (dedicate additional acreages) and December 29, 1958 (Letter of Intent to dedicate additional acreages). Both Coastal and Southern are signatory seller parties to the basic contract, however, only Coastal, as seller, has signed the aforesaid amendatory agreements. Applicants will produce a portion of the subject gas; the remaining portion will be purchased by Applicants from sixteen producers. Amendments to application filed April 17, April 22, October 14, November 21, December 3 and December 29, 1958 and February 19, 1959 request inclusion of acreages or volumes involved in the above-mentioned amendatory agreements; amendments to application filed January 5 and January 8, 1958 request inclusion of acreage covered by prior filing. Coastal States Gas Producing Company (Operator) and Southern Coast Corporation (nonoperator) in Docket No. G-14366 proposes to sell to Texas Illinois Natural Gas Pipeline Company natural gas to be produced and purchased by them from certain acreages pursuant to a basic gas sales contract dated November 15, 1957 and amendatory agreements thereto dated March 31, 1958 (deletes certain acreage) and September 23, 1958 (adds additional acreage). Both Coastal and Southern are signatory seller parties to the basic contract and amendatory agreement dated March 31, 1958, however, only Coastal, as seller, has signed the amendatory agreement dated September 23, 1958. Applicants will produce a portion of the subject gas. Amendments to application filed April 17, 1958 and January 7, 1959 request deletion and inclusion of certain acreages pursuant to the amendatory agreements dated March 31, 1958 and September 23, 1958, respectively. Basic contract dated November 15, 1957 is subject to a prior contract dated March 19, 1956, between Applicants and Tennessee Gas Transmission Company.

[2] W. H. Appell, Operator, is filing for himself and on behalf of the following nonoperators: Orrin W. Johnson and Lydia C. Johnson, Individually and as Co-Executors of the Estate of Elmer G. Johnson, Deceased, R. E. Smith, Sam Countiss, J. D. Hedley, Malcolm G. Chase, Jr., Somerset Land and Cattle Company, R. Carter Nicholas, J. M. Hancock and Marion W. Young. All are signatory seller parties to the subject gas sales contract.

[3] May Oil Company, a co-partnership consisting of Fred Bowman, Morris Liedeker and P. W. Alford, Operator, is filing for itself and on behalf of the following nonoperators: Fred E. Bowman, S. H. Howell, Gust Tsesmelis, P. S. Joseph and Morris Liedeker. All are signatory seller parties to the subject gas sales contract.

[4] J. D. Hedley, Operator, is filing for himself and on behalf of the following nonoperators: R. Carter Nicholas, Malcolm G. Chase, Jr., and Somerset Land and Cattle Company. All are signatory seller parties to the subject gas sales contract.

[5] Fitzpatrick Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators: Henshaw Brothers, a co-partnership composed of Walter A. Henshaw and Paul A. Henshaw, Artnell Company, K. D. Harrison, Jake L. Hamon, Cleo Ray, et ux., W. S. Fitzpatrick, M. E. Tonroy, S. B. Filbert, R. N. Spencer, E. W. Harding, D. R. Roberts, A. C. Allyn and Walter E. Kistner. All are signatory seller parties to the subject gas sales contract.

[6] Slade, Inc. (formerly Slade Oil and Gas, Inc.), nonoperator, is filing for itself and on behalf of the following nonoperators: E. W. Brown, Jr., Vivian Leatherberry Smith, Trustee, B. L. Morris, L. Slade Brown, John S. Brown and Charles Brown. All are signatory seller parties to the subject gas sales contract. Universal Petroleum Corporation, Operator, owns no working interest in subject acreage. Amendment filed states that on February 27, 1959, Slade Oil and Gas, Inc., changed its name to Slade, Inc., and requests that the new name of Slade, Inc., be substituted for Slade Oil and Gas, Inc., in the subject application.

[7] Arnold Well Service, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Forrest W. Runnels, Lentex Oil Corporation, Mrs. Louise Countiss, Trustee, Sam Countiss, H. D. Countiss, C. W. Clift, Jr., F. H. Coons, Orrin W. Johnson, J. Shannon Jackson, Thomas D. Schall, Alexander F. Sceresse and Joseph B. Zucht. All are signatory seller parties to the subject gas sales contract.

[8] W. B. Cleary, Inc., Operator, is filing for itself and on behalf of the following nonoperators: James H. Helland, Arthur G. Altschul, Mrs. Lora C. Tway, Jack Tway, Louis Starr, United Northern Corporation and M. Troy Jones. All are signatory seller parties to the subject gas sales contract.

[9] Lenore M. Bailey, nonoperator, is filing for herself and on behalf of the following nonoperators: J. W. Bailey, George B. Barnes, Charles S. Clark, Dan H. Clark, Mrs. Gladys F. DeShong, George Gaines, Dean Gano, L. M. Garrett, Joe Hall, Maurice Roberson, T. P. Heard, I. B. Langford, H. T. Morton, H. J. Ledman, Charles H. Poulton, Nat Selinger, Trustee, C. B. Slabaugh, A. C. Skinner, A. N. Striegler, Clarence Tillman, R. G. Swearingen, Ted M. Anderson, E. C. Laquey and Oriental Laundry, Inc. All are listed as seller parties to the subject gas sales contract and, with the exception of Maurice Roberson, all have signed said contract. Amendment filed requests substitution of Lenore M. Bailey, et al., as Applicants, replacing Coastal States Gas Producing Company, Operator, which company acts jointly with Southern Coast Corporation, Purchaser.

[10] Katz Oil Company, Operator, is filing for itself and on behalf of the following nonoperators: George H. Coates, John E. Long, Nat Goldsmith, Irving I. Mayer, Joe R. Straus and Mrs. D. J. Straus. All are signatory seller parties to the subject gas sales contract.

[11] Tiger Minerals, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Warren B. Pinney, Jr., Frederick L. Anderson, Elizabeth T. Anderson, Carl Holmes, Jay Holmes, Nancy Holmes, Mason Letteau, E. J. Pearl, Isidor Sack, Waterford Oil Company and Laurence Callahan. All are signatory seller parties to the subject gas sales contract.

[12] Katz Oil Company, Operator, is filing for itself and on behalf of Ralph Rowden, nonoperator. Both are signatory seller parties to the subject gas sales contract.

[13] Jay Simmons, nonoperator, is filing for himself and on behalf of Vivian C. Murray, nonoperator. Jay Simmons is a signatory seller party to a basic gas sales contract dated March 21, 1956. The interest of Vivian C. Murray was acquired through assignment from Harry E. Murray by instrument dated February 1, 1957. Amendment filed is request to substitute Jay Simmons, *et al.*, as Applicants replacing Southern Coast Corporation, Operator, *et al.*, which corporation is also the purchaser.

[14] Jay Simmons, nonoperator, is filing for himself and on behalf of the nonoperator, Ralph Rowden. Jay Simmons acquired his interests and became a signatory seller party to the subject basic gas sales contract dated March 8, 1956 through two instruments of assignment dated September 21, 1956 and November 19, 1956 from J. W. Gorman, *et al.*, and W. A. Richardson Oil Co., *et al.*, respectively. Production is limited to depths down to 2,400 feet.

[15] Sheridan C. Lewis, Jr., Trustee, proposes to sell production from the Mabel Adami Lease under a gas sales contract dated February 2, 1956, between Ralph Rowden, *et al.*, sellers, and Southern Coast Corporation, buyer. Applicant acquired subject acreage through an assignment dated March 22, 1957 from Ralph Rowden, *et al.*

[16] Tiger Minerals, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Warren B. Pinney, Jr., Frederick L. Anderson, Elizabeth T. Anderson, Carl Holmes, Jay Holmes, Nancy Holmes, Mason Letteau, E. G. Lindberg, Bacon L. and Katherine P. Clifton, John Wayne and Phyllis P. Jeffry. All are signatory seller parties (Phyllis P. Jeffry through an assignment dated May 9, 1956 from Warren B. Pinney, Sr.) to the gas sales contract dated June 1, 1957.

[17] Katz Oil Company, Operator, is filing for itself and on behalf of the following nonoperators: John E. and Archie G. Long, Nat Goldsmith, Irving I. Mayer, Joe R. Straus and Mrs. D. J. Straus. All are signatory seller parties to the subject gas sales contract.

[18] Katz Oil Company, Operator, is filing for itself and on behalf of the following nonoperators: John E. and Archie G. Long, Nat Goldsmith, Irving S. Mayer, Joe R. Straus and Mrs. D. J. Straus. All are signatory seller parties to the subject gas sales contract.

[19] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: James L. Free, Hugh J. Fitzgerald, Arthur Hanisch, Howard E. Huntington, A. H. Meadows, John B. Morse and W. L. Kistler, III who are signatory seller parties to the basic gas sales contract dated December 1, 1956. Tex-Star acquired its interest through assignment from Arnold H. Bruner & Co., by instrument dated June 15, 1957. In addition, Tex-Star is filing on behalf of the following nonsignatory nonoperators: Richard Calhoun, Burr Dalton, Jack Howard, Dr. John Tedford, Joseph P. Tuohy, John Philip Kistler, Mrs. Mollie Barnhart and Mrs. Sadie Parker.

[20] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the nonoperator, Hugh J. Fitzgerald, for their combined 25 percent working interest in certain acreage. Both are signatory seller parties to the subject gas sales contract.

[21] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the nonoperator, Hugh J. Fitzgerald. Both are signatory seller parties to the subject gas sales contract.

[22] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the

following nonoperators: Cherosage Producing Company, Hugh Fitzgerald, Katherine Frederick, C. A. Mansheim, Robert Owen, G. R. Swantner, Sr., Sam Susser, G. Frederick Travis, J. F. Whitehurst, L. L. Woodman, L. L. Woodman, Sr., Trustee, The Wyatt Company and Jack C. Helms. Tex-Star is the only signatory seller party to the subject gas sales contract.

[23] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Felix Atwood, Cherosage Producing Company, Frank Evans, Earl C. Gish, J. Morgan Greene, W. J. Hedrick, Elmer M. Hanson, Frank D. Hintze, John D. Howard, Raymond A. Johnson, A. Robert Lee, Jack H. Lynn, C. A. Mansheim, Wendell A. Morgan, Monroe Nowotny, Don Paul Nebeker, W. J. Piowaty, Trevor Rees-Jones, Murray & Edith Shell, Julius F. Sue, Dr. Joseph H. Thayer, Charles W. Wetegrove, Winnipeg Oil & Gas Company, L. L. Woodman, Jack C. Helms, Thomas R. Hartnett, III, Burt Kleiner and Adolph Green. Tex-Star is the only signatory seller party to the subject gas sales contract.

[24] Tex-Star Oil & Gas Corporation, Operator, is filing on behalf of the following nonoperators: Felix Atwood, Richard Calhoun, Earl C. Gish, J. Morgan Greene, Elmer Hanson, Frank Hintze, John Howard, Raymond Johnson, Jack Lynn, Dr. Wendell Morgan, Dr. Paul Nebeker, National Oil Associates, Trevor Rees-Jones, Murray & Edith Shell, Dr. Julius F. Sue, Dr. Joseph H. Thayer, Marsha Kreiss, Trust, and Robert Kreiss, Trust. Tex-Star is the only signatory seller party to the subject gas sales contract, however, Tex-Star is not listed as owner of any working interest.

[25] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Cherosage Producing Company, Frank Evans, W. J. Hedrick, Jr., John L. Jordan, C. A. Mansheim, Mojo Company, Piowaty Enterprises, G. R. Swantner, Sr., Sam Susser, T. A. & Doris Trachta, Charles Wetegrove, B. B. Warren, L. L. Woodman, Dr. and Mrs. Mon Q. Kwong, H. H. Howard and Beatrice Howard, John D. Howard, Murray and Edith Shell and Richard Calhoun. Tex-Star is the only signatory seller party to the gas sales contract dated February 1, 1958.

[26] Tex-Star Oil & Gas Corporation, Operator, is filing on behalf of the following nonoperators: Richard A. Calhoun, H. H. Howard, et ux., John D. Howard, Burt Kleiner, Agent, Dr. & Mrs. Mon Q. Kwong and Dr. Wendell A. Morgan. Tex-Star is the only signatory seller party to the subject gas sales contract, however, Tex-Star is not listed as an owner of any working interest.

[27] Coastal States Gas Producing Company proposes to sell to United Gas Pipe Line Company natural gas produced and purchased by it from certain acreage pursuant to a basic gas sales contract dated August 1, 1958 and amendatory agreement adding additional acreage thereto dated December 18, 1958, to which basic contract and amendatory agreement Coastal is the only signatory seller party. Applicant will produce a portion of the subject gas; the remaining portion will be purchased. Amendments to subject application filed January 9, 1959 and January 29, 1959 request inclusion of six additional purchase agreements and deletion of four of said purchase agreements, respectively.

[28] B. L. Woolley, nonoperator, is filing for himself and on behalf of the following nonoperators: Bamoil, Inc., J. Paul Jackson and John L. Lancaster, Jr. All are signatory seller parties to the subject gas sales contract.

[29] Wynn D. Miller is filing for himself and on behalf of the following co-owners: Frank Wilson, Jr., Philip Fowler, Tiger Oil Corporation, Louis J. Kocurek and Milton V. Spencer. All are signatory seller parties to the subject gas sales contract.

[30] Lawrence G. Shelly, Operator, is filing for himself and on behalf of the following nonoperators: J. E. Hillier and Frank A. Morrison. All are signatory seller parties to the subject gas sales contract dated September 1, 1958.

[31] Tex-Star Oil & Gas Corporation, Operator, is filing on behalf of nonoperator, Burt Kleiner, Agent. Tex-Star is the only signatory seller party to the subject gas sales contract, however, Tex-Star is not listed as an owner of any working interest.

[32] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Mojo Company, T. A. Trachta, Doris Trachta, W. J. Hedrick, Jr., H. W. Marschall, Jr., Frank G. Evans, A. B. Patterson, L. L. Logue, Raymond W. Bartgis and Winnipeg Oil & Gas Company. All are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-7015; Filed, Aug. 24, 1959; 8:45 a.m.]

[Docket No. G-18942]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 17, 1959.

Take notice that on July 8, 1959, United Gas Pipe Line Company (Applicant) filed in Docket No. G-18942 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1960 of minor, routine facilities for making not more than 25 direct industrial sales of natural gas on a temporary basis to road building contractors along Applicant's pipeline system traversing the states of Alabama, Florida, Louisiana, Mississippi and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

This "budget type" application contemplates an average cost of approximately $500 for each road construction project with an average natural gas requirement of approximately 16,000 Mcf per project customer.

The subject proposal is intended to save time for Applicant and customers by making unnecessary the preparation and filing of individual applications and the processing and hearing of same by the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7036; Filed, Aug. 24, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1710]

CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 18, 1959.

In the matter of Cleveland, Cincinnati, Chicago & St. Louis Railway Company, Common Stock, 5 Percent Non-Cumulative Preferred Stock, File No. 1-1710.

The New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

On July 15, 1959, the New York Central Railroad Company held all but 12,265 preferred and 3,881 common shares. Holders were reported at 410 for the preferred and 163 for the common.

Upon receipt of a request, on or before September 2, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7018; Filed, Aug. 24, 1959; 8:45 a.m.]

[File No. 7-2015]

GLEN ALDEN CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 18, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Glen Alden Corporation, Common Stock, File No. 7-2015.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 2, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7019; Filed, Aug. 24, 1959; 8:46 a.m.]

[File No. 24S-1608]

HERA EXPLORATION CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 19, 1959.

I. Hera Exploration Company (issuer), a Washington corporation, 115 Seventh Avenue, Renton, Washington, filed with the Commission on April 29, 1958, a notification on Form 1-A and an offering circular, and filed amendments thereto, relating to an offering of 620,000 shares of its $.10 par value common stock, at $.15 per share, for an aggregate amount of $93,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. An exemption under Regulation A is unavailable by reason of Rule 261 (a)(5), in that proceedings have been initiated for the purpose of enjoining Clinton Mining & Milling Co., an affiliate of the issuer, from engaging in conduct or practices in connection with the sale of securities.

B. An exemption under Regulation A is unavailable by reason of Rule 261 (a)(6) in that proceedings have been initiated for the purpose of enjoining William H. Pillatos, an officer, director, promoter, and principal security holder of the issuer, from engaging in conduct or practices in connection with the sale of securities.

C. The terms and conditions of Regulation A have not been complied with, in that:

1. An offering circular was not used in connection with the offering of the issuer's securities to the public, as required by Rule 256(a)(1):

2. Letters, pamphlets, and other sales materials were used in connection with the offering although such communications were not filed with the appropriate regional office, as required by Rule 258;

3. The notification on Form 1-A fails to disclose the names and addresses of all the issure's affiliates, as required by Item 2(b);

4. The notification on Form 1-A fails to set forth fully the information required by Items 5 and 9 as to the issuer's affiliates;

5. The notification on Form 1-A fails to state all jurisdictions in which the issuer proposed and proposes to offer its securities.

D. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the issuer's relationship with Clinton Mining & Milling Co., an affiliate;

2. The failure to disclose all material transactions between the issuer and its affiliate Clinton Mining & Milling Co.;

3. The failure to disclose all material transactions of directors, officers, and controlling persons with the issuer and its affiliate Clinton Mining & Milling Co.;

4. The failure to disclose adequately the results of work on the issuer's properties;

5. The quotation on page 8 "* * * It is estimated that 50,000 tons of ore reserves containing about 2½ percent copper is available. * * *" in view of the fact that the issuer stated no body of commercial ore is known to exist on the property.

E. The offering was made and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7020; Filed, Aug. 24, 1959; 9:46 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

AUGUST 19, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On August 7, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending August 19, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 20, 1959 to August 29, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7021; Filed, Aug. 24, 1959; 8:46 a.m.]

[File No. 1-1671]

PITTSBURGH, FT. WAYNE & CHICAGO RAILWAY CO.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 18, 1959.

In the matter of Pittsburgh, Ft. Wayne & Chicago Railway Company, Common Stock, File No. 1-1671.

The New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

On June 30, 1959, the Pennsylvania Railroad Company held all but 5,746 shares and holders of record numbered only 155.

Upon receipt of a request, on or before September 2, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7022; Filed, Aug. 24, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 175]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62358. By order of August 19, 1959, the Transfer Board approved the transfer to Clarence R. Smith and Maxine Rae Smith, a partnership, doing business as Griffith Transfer & Storage Co., 2113 W. Main St., Alhambra, Calif., of Certificate No. MC 8347, issued July 16, 1953, to Orloff B. Griffith, doing business as Griffith Transfer and Storage Company, 2113 W. Main St., Alhambra, Calif., authorizing the transportation of: Household goods between Los Angeles, Calif., on the one hand, and, on the other, Alhambra, Calif., and points within 5 miles of Alhambra, Calif.

No. MC-FC 62375. By order of August 19, 1959, the Transfer Board approved the transfer to Max Binswanger, doing business as Max Binswanger Trucking, Downey, California, of a certificate in No. MC 116314 issued March 12, 1957, to Harry D. Blanchard, Rialto, California, authorizing the transportation of cement, over irregular routes, from Colton and Victorville, Calif., to points in Clark and Lincoln Counties, Nev.; and empty cement containers, on the return trip. Ivan McWhinney, Bailey & McWhinney, 639 South Spring Street, Los Angeles 14, California.

No. MC-FC 62394. By order of August 18, 1959, the Transfer Board approved the transfer to Airline Vans, Inc., Dallas, Texas, of a Certificate in No. MC 107520, issued April 25, 1950, to William (Jack) Stewart, Harry O. Pulliam, and Robert L. Pettit, a partnership, doing business as Airline Vans, Dallas, Texas, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points within 500 miles of Fort Worth, Tex., including Fort Worth; between points within 500 miles of Fort Worth, Tex., including Fort Worth, on the one hand, and, on the other, points more than 500 miles from Fort Worth, in Alabama, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia. Scott P. Sayres, 308 Danciger Building, 817 Taylor Street, Fort Worth, Texas.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7032; Filed, Aug. 24, 1959; 8:48 a.m.]

TARIFF COMMISSION

[Investigation 81]

ZINC SHEETS

Notice of Investigation and Hearing

Investigation No. 81 under section 7, Trade Agreements Extension Act of 1951, as amended.

Investigation instituted. Upon application of Ball Brothers Company, Muncie, Ind., and others, received July 14, 1959, the United States Tariff Commission, on the 20th day of August 1959, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether zinc in sheets (including coated or plated sheets), classifiable under paragraph 394 of the Tariff Act of 1930 are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on November 3, 1959, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: August 20, 1959.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 59-7043; Filed, Aug. 24, 1959; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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FEDERAL REGISTER

VOLUME 24 — 1934 — NUMBER 167

Washington, Wednesday, August 26, 1959

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 330—FEDERAL PLANT PEST REGULATIONS

Holding of Means of Conveyance Arriving in the United States; Further Postponement of Effective Date

On June 9, 1959, there was published in the FEDERAL REGISTER (24 F.R. 4650) a notice stating that effective at 12:01 a.m., local time, July 1, 1959, means of conveyance subject to the inspection and release requirements of § 330.105(a) of the Federal Plant Pest Regulations (7 CFR, 1958 Supp., 330.105(a)) and arriving at any port of entry outside the regularly assigned hours of duty of the Federal plant quarantine inspector, will be held for such inspection and release, until the regularly assigned hours of duty. The notice also provided for reimbursable inspection and release outside the regularly assigned hours of duty. On July 2, 1959, there was also published in the FEDERAL REGISTER (24 F.R. 5363) an order postponing the effective date of the notice published June 9, 1959, until 12:01 a.m., local time, September 1, 1959.

The affected industry has now requested a further postponement of the effective date of this notice because of the complexities involved in adjusting to this order. Accordingly, it having been found that reasonable postponement would be in the public interest, notice is here given that inspection and release will continue to be provided outside the regularly assigned hours of duty as heretofore through September 19, 1959. Therefore, the effective date of the notice published June 9, 1959 is postponed until 12:01 a.m., local time, September 20, 1959.

(Sec. 106, 71 Stat. 33, 64 Stat. 561; 7 U.S.C. 150ee, 5 U.S.C. 576)

Done at Washington, D.C., this 21st day of August 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7089; Filed, Aug. 25, 1959; 8:48 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Marketing Quota Regulations, 1960–61 Marketing Year

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Sec.
723.1126 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.
723.1127 Approval of determinations made under §§ 723.1111 to 723.1126, and notices of farm acreage allotments.
723.1128 Application for review.

AUTHORITY: §§ 723.1111 to 723.1128 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63, 69 Stat. 684; 7 U.S.C. 1301, 1313, 1363.

GENERAL

§ 723.1111 Basis and purpose.

(a) The regulations contained in §§ 723.1111 to 723.1128 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1960 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco. The purpose of the regulations in §§ 723.1111 to 723.1128 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1960–61 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.1111 to 723.1128, public notice (24 F.R. 4964) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.1111 to 723.1128 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments for cigar-binder (types 51 and 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco as early as possible prior to the referenda to be held with respect to such kinds of tobacco, it is essential that the regulations in §§ 723.1111 to 723.1128, inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable, and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 723.1112 Definitions.

As used in §§ 723.1111 to 723.1128, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base period" means the five years 1955–59.

(d) "New farm" means a farm on which tobacco will be harvested in 1959 for the first time since 1954. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959 respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.1116.

(e) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1955 through 1959. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959 respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 723.1116.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotments for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Tobacco" means:

(1) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.1113 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 723.1114 Instructions and forms.

The director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as

are necessary for carrying out §§ 723.1111 to 723.1128. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 723.1115 Applicability of §§ 723.1111 to 723.1128.

Sections 723.1111 to 723.1128 govern the establishment of farm acreage allotments and normal yields in connection with the 1960 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.1116 Determination of 1960 preliminary acreage allotments for old farms.

(a) The 1960 preliminary acreage allotment for an old tobacco farm shall be the 1959 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1959 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1957–59 were underharvested to the extent provided in paragraph (c) of this section, the 1960 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1960 preliminary acreage allotment for an old farm equal to the 1959 farm acreage allotment for such farm, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1960 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1959 allotment was not fully harvested and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of cigar-binder or cigar-filler and binder tobacco on such old farm in each of the three years 1957–59 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1960 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1955–59: *Provided*, That any such 1960 preliminary allotment shall not exceed the 1959 farm acreage allotment or be less than 0.01 acre.

(1) For the purpose of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 723.816(b) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 7202)); the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 723.916(c) (tobacco marketing quota regulations for the 1958–59 marketing year (22 F.R. 4351, 8127; 23 F.R. 135, 638)); the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 723.1016(c) (tobacco marketing quota regulations for the 1959–60 marketing year) (23 F.R. 5322, 7877); and the 1959 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in subparagraph (2) of this paragraph to be devoted or diverted in 1959 to participation in the conservation reserve program.

(2) The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program shall be the smaller of (i) the 1959 acreage for the farm determined to be in the conservation reserve at the regular rate or (ii) the amount by which the sum of all 1959 acreage allotments for the farm (adjusted downward to reflect any acreage released, but not adjusted upward to reflect any acreage received under reapportionment procedure) which are not fully planted (not fully harvested in the case of tobacco, or not fully harvested for nuts in the case of peanuts), exceeds the sum of the 1959 planted acreages (1959 harvested acreage in the case of tobacco, 1959 acreage harvested for nuts in the case of peanuts) for such crops. The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program, determined as provided above in this subparagraph, shall be prorated to the crops involved on the basis of the respective amounts by which the 1959 allotments (adjusted as described above, where applicable) exceed the respective 1959 planted acreages (1959 harvested acreage in the case of tobacco, 1959 acreage harvested for nuts in the case of peanuts), except that the 1959 acreage diverted from any allotment crop to the conservation reserve program shall not be greater than the amount by which the 1959 allotment for such crop (adjusted as described above, where applicable) exceeds the 1959 planted acreage (the 1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crop. The 1959 tobacco acreage available for use in reducing the amount of tobacco produced prior to 1959, and stored under bond pursuant to regulations to postpone or avoid payment of penalty, shall be the amount by which the 1959 tobacco acreage allotment exceeds the sum of (i) the 1959 tobacco harvested acreage and (ii) the 1959 tobacco acreage diverted under the conservation reserve program.

(d) Notwithstanding the foregoing provisions of this section, no 1960 preliminary allotment or 1960 farm tobacco acreage allotment shall be determined for any farm which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which the county committee and a representative of the State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.1120.

§ 723.1117 1960 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.1116 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.1118 shall not exceed the State acreage allotment.

§ 723.1118 Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.1116, the individual 1960 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed in the case of cigar-binder (types 51 & 52) tobacco one percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1959–60 marketing year, and shall not exceed in the case of cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco 4 percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1959–60 marketing year.

§ 723.1119 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1959–60 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1960 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing:

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1959 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1960 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1959 or a prior year, the 1960 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or 1959 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 723.1120 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1960 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1960. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1960 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1960 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage disposition report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage disposition report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c) or (d) of this section.

(i) Producers of tobacco in the 1959–60 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 723.1052 (Marketing Quota Regulations, 1959–60 Marketing year, 1026 (Cigar-Binder and Cigar-Filler and Binder–59)–1).

§ 723.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of shade-grown cigar leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.1122 for determining normal yields for old farms.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1960 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State com-

mittee to establish allotments pursuant to § 723.1126(a).

§ 723.1121 Farms divided or combined.

Allotments for farms reconstituted for 1960 shall be determined in accordance with Part 719 of this chapter.

§ 723.1122 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954–58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.1123 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.1120, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors, affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the average of acreage allotments established for two or more but not to exceed five old farms in the community which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for and new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in the kind of tobacco for which an allotment is requested and such experience shall consist of the preparation of the plant bed and extend through preparation of the tobacco for market: *Provided*, That production of tobacco on a farm in 1955, 1956, 1957, 1958, or 1959 for which in accordance with applicable law and regulations no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment respectively was determined shall not be deemed such experience for any producer.

(2) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-binder (types 51 and 52) tobacco, or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1960–61 marketing year.

(3) The farm operator shall receive 50 percent or more of his livelihood from the farm covered by the application.

(4) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1955–59 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1954 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955–59 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1960 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 723.1124 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1960, unless the farm operator was discharged from the armed services subsequent to December 31, 1959, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.1125 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.1126 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

(a) Notwithstanding the foregoing provisions of §§ 723.1111 to 723.1125, an allotment may be established for a farm which in 1959 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in 1960. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.1120(b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.1118.

(b) The normal yield for any such farm under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1122 for similar farms in the community.

§ 723.1127 Approval of determinations made under §§ 723.1111 to 723.1126, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 723.1111 to 723.1126. All acreage allotments and yields shall be approved by a representative of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 723.1119 (b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1960.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1960–61 marketing year.

§ 723.1128 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of August 1959.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7090; Filed, Aug. 25, 1959; 8:48 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations, 1960–61 Marketing Year

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AUTHORITY: §§ 725.1111 to 725.1127 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended; 63, as amended, 66 Stat. 597, as amended; 7 U.S.C. 1301, 1313, 1315, 1363.

GENERAL

§ 725.1111 Basis and purpose.

The regulations contained in §§ 725.1111 to 725.1127 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1960 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.1111 to 725.1127 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1960–61 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.1111 to 725.1127, public notice (24 F.R. 4964) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.1111 to 725.1127, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.1112 Definitions.

As used in §§ 725.1111 to 725.1127, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base-period" means the five years 1955–59.

(d) "New farm" means a farm on which tobacco will be harvested in 1960 for the first time since 1954. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.1116.

(e) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1955 through 1959. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958 or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 725.1116.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotments for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county

are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; or Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23 and 24, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.1113 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 1056.

§ 725.1114 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.1115 Applicability of §§ 725.1111 to 725.1127.

Sections 725.1111 to 725.1127 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1960, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1960, in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.1116 Determination of 1960 preliminary acreage allotments for old farms.

(a) The 1960 preliminary acreage allotment for an old tobacco farm shall be the 1959 farm acreage allotment established for such farm, except that where a quantity of tobacco produced on a farm prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1959 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1957–59 (five years 1955–59 for burley tobacco) were underharvested to the extent provided in paragraph (c) of this section, the 1960 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1960 preliminary acreage allotment for an old farm equal to the 1959 farm acreage allotment for such farm, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1960 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1959 allotment was not fully harvested, and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of flue-cured, fire-cured, dark air-cured or Virginia sun-cured tobacco on such old farm in each of the three years 1957–59 was less than 75 percent of the farm acreage allotment for each of such respective years, the 1960 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1955–59: *Provided*, That any such 1960 preliminary allotment shall not exceed the 1959 farm acreage allotment or be less than 0.01 acre. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of burley tobacco on an old farm subject to this paragraph in each of the five years 1955–59 was less than 50 percent of the farm acreage allotment for each of such respective years, the 1960 preliminary allotment for such farm shall be the largest acreage of tobacco harvested on the farm in any one of such five years, but not less than 0.01 acre.

(1) For the purposes of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 725.816(c) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 6803)); the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 725.916(c) (tobacco marketing quota regulations for the 1958–59 marketing year (22 F.R. 5675, 8103; 23 F.R. 135)); the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 725.1016(c) (tobacco marketing quota regulations for the 1959–60 marketing year) (23 F.R. 5329, 7878; 24 F.R. 2676); and the 1959 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraph (2) of this paragraph to be devoted or diverted in 1959 to participation in the conservation reserve program.

(2) The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program shall be the smaller of (i) the 1959 acreage for the farm determined to be in the conservation reserve at the regular rate or (ii) the amount by which the sum of all 1959 acreage allotments for the farm (adjusted downward to reflect any acreage released, but not adjusted upward to reflect any acreage received under reapportionment procedure) which are not fully planted (not fully harvested in the case of tobacco, or not fully harvested for nuts in the case of peanuts), exceeds the sum of the 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crops. The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program, determined as provided above in this subparagraph, shall be prorated to the crops involved on the basis of the respective amounts by which the 1959 allotments (adjusted as described above, where applicable) exceed the respective 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts); except that the 1959 acreage diverted from any allotment crop under the conservation reserve program shall not be greater than the amount by which the 1959 allotment for such crop (adjusted as described above, where applicable) exceeds the 1959 planted acreage (the 1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crop. The 1959 tobacco acreage available for use in reducing the amount of tobacco produced prior to 1959, and stored under bond pursuant to regulations to postpone or avoid payment of penalty, shall be the amount by which the 1959 tobacco acreage allotment exceeds the sum of (i) the 1959 tobacco harvested acreage and (ii) the 1959 tobacco acreage diverted under the conservation reserve program.

(d) Notwithstanding the foregoing provisions of this section, no 1960 preliminary allotment or 1960 farm tobacco acreage allotment shall be determined

for any farm which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which the county committee and a representative of the State committee determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1120.

§ 725.1117 1960 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 725.1116 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.1118 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1959 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no 1959 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1959 burley tobacco farm acreage allotment or more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

§ 725.1118 Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 725.1116, the individual 1960 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1959–60 marketing year.

§ 725.1119 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1959–60 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1960 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1959 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1959 or a prior year, the 1960 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or 1959 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 725.1120 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1960 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than (1) April 1, 1960, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1960, in all other States; otherwise, if the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1960 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1960 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determina-

tion of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre, and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1959–60 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.1052 (Marketing Quota Regulations, 1959–60 Marketing Year, 1026—Burley, Flue, Fire, Air, and Sun–59) (24 F.R. 4682, 4947).

§ 725.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.

The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 725.1122 for determining normal yields for old farms.

§ 725.1121 Farms divided or combined.

(a) Allotments for farms reconstituted for 1960 shall be determined in accordance with Part 719 of this chapter except as otherwise provided in paragraphs (b) and (c) of this section.

(b) If after 1960 farm tobacco acreage allotments have been determined, one or more farms having a 1960 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1960 Virginia sun-cured (type 37) tobacco acreage allotment, or if before 1960 farm tobacco acreage allotments have been established, one or more farms for which a 1959 fire-cured (type 21) tobacco acreage allotment had been established is combined with another or more farms for which a 1959 Virginia sun-cured (type 37) tobacco acreage allotment had been established and a single combined 1959 acreage allotment has not been established for such combined farm, a single combined acreage allotment for the 1960–61 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined farm. Such single combined acreage allotment shall be equal to the total acreage of and be in place of the 1960 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco which have either previously been established for the farms comprising the combined farm, or which shall be computed and established for the farms comprising the combined farm in accordance with the provisions of §§ 725.1116 to 725.1119 solely for the purpose of enabling a single combined 1960 acreage allotment to be determined and established for the combined farm. The county committee shall give written notification to the owner or owners of such combined farm that the owner or his representative may designate, or if there is more than one owner of the land comprising the farm that the representative of all such owners may designate, a single combined 1960 acreage allotment for the combined farm either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension; and that if within such time the county committee is not notified that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall designate the 1960 single combined acreage allotment for the farm as either for fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco on the basis of the prevalent kind of tobacco grown in the area in which such farm is located, the curing facilities on such farm, and the proximity and nature of markets. The occurrence on the same farm of concurrent acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco pursuant to the provisions of § 725.1120 shall be deemed to be of the same effect, for the purposes of and in applying the provisions of this paragraph, as a combination of farms described in this paragraph.

(c) For the purposes of this paragraph and paragraph (b) of this section, the term "representative" shall mean the person named and authorized by the owner of a farm to act for him, or if there are two or more owners of the land comprising a farm, the person named and authorized by such owners to act for all of them in designating or choosing for the farm a single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The county committee may require any person to furnish to it such evidence as it may require to reasonably establish such person as an owner or representative of an owner or owners.

§ 725.1122 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954–58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

Acreage Allotments and Normal Yields for New Farms

§ 725.1123 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 725.1120, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years; *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from the date of discharge: *And provided further*, That production of tobacco on a farm in 1955, 1956, 1957, 1958 or 1959 for which, in accordance with applicable law and regulations no 1955, 1956, 1957, 1958 or 1959 tobacco acreage allotment, respectively, was determined, shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1960–61 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1955–59 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1954 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955–59 and at time of division of the farm contained cropland but received no part of the allotment due to division of the allotment on a contribution basis.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1960 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.1124 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1960, unless the farm operator was discharged from the armed services subsequent to December 31, 1959, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.1125 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

Miscellaneous

§ 725.1126 Approval of determinations made under §§ 725.1111 to 725.1125, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 725.1111 to 725.1125. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage, or (2) of allotment reductions due only to failure to return marketing cards, and disposition of tobacco is not otherwise furnished as provided in § 725.1119(b).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than (i) April 1, 1960, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1, 1960, in all other States.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1960–61 marketing year.

§ 725.1127 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of August 1959.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–7091; Filed, Aug. 25, 1959; 8:48 a.m.]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1960–61 Marketing Year

General

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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AUTHORITY: §§ 727.1111 to 727.1127 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, 69 Stat. 684; 7 U.S.C. 1301, 1313, 1363.

GENERAL

§ 727.1111 Basis and purpose.

(a) The regulations contained in §§ 727.1111 to 727.1127 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1960 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.1111 to 727.1127 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1960–61 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.1111 to 727.1127, public notice (24 F.R. 4964) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.1111 to 727.1127, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments for Maryland tobacco as early as possible prior to the referendum required to be held with respect to such kind of tobacco, it is essential that the regulations in §§ 727.1111 to 727.1127, inclusive, be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 727.1112 Definitions.

As used in §§ 727.1111 to 727.1127 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base period" means the five years 1955–59.

(d) "New farm" means a farm on which tobacco will be harvested in 1960 for the first time since 1954. If, in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determing whether the farm is a new farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.1116.

(e) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1955 through 1959. If in accordance with applicable law and regulations, no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, 1957, 1958, or 1959, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in this paragraph shall include acreage preserved as provided by section 377 of the Agricultural Adjustment Act of 1938, as amended, and acreage within the meaning of "harvested acreage" as provided in paragraph (c) of § 727.1116.

(f) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1959 into the total of the 1959 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.1113 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 727.1114 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.1115 Applicability of §§ 727.1111 to 727.1127.

Sections 727.1111 to 727.1127 govern the establishment of farm acreage allotments and normal yields in connection with the 1960 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.1116 Determination of 1960 preliminary acreage allotments for old farms.

(a) The 1960 preliminary acreage allotment for an old tobacco farm shall be the 1959 farm acreage allotment established for such farm, pursuant to §§ 727.1011 to 727.1028, inclusive, of the Maryland tobacco marketing quota regulations for the 1959–60 marketing year (23 F.R. 5334, 7879), except that where a quantity of tobacco produced on a farm prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty has been reduced because the 1959 acreage allotment for such farm was not fully harvested, and the allotments for such farm for the three years 1957–59 were under-harvested to the extent provided in paragraph (c) of this section, the 1960 preliminary acreage allotment for such farm shall be determined subject to the provisions of paragraph (c) of this section, if applicable.

(b) For the purpose of determining, under the provisions of paragraph (a) of this section, a 1960 preliminary acreage allotment for an old farm equal to the 1959 farm acreage allotment for such farm, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment determined for such farm prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year; and for the purpose of determining a 1960 preliminary acreage allotment for an old farm under the provisions of paragraph (c) of this section, the 1959 farm acreage allotment shall mean the 1959 farm acreage allotment established for such farm after any such reduction.

(c) The provisions of this paragraph shall be applied, if applicable, in the case of an old farm, only where a quantity of tobacco produced thereon prior to 1959 and stored under bond pursuant to regulations to postpone or avoid payment of penalty was reduced because the 1959 allotment was not fully harvested, and acreage allotments were underharvested as provided in this paragraph. If the harvested acreage (as that term is explained in subparagraphs (1) and (2) of this paragraph) of Maryland tobacco on such old farm in each of the three years 1957–59 was less than 75 percent of the farm acreage allotment for each of the respective years, the 1960 preliminary allotment for such farm shall be the larger of the largest acreage of tobacco harvested on the farm in any one of such three years, or the average acreage of tobacco harvested on the farm in the five years 1955–59; *Provided*, That any such 1960 preliminary allotment shall not exceed the 1959 farm acreage allotment or be less than 0.01 acre.

(1) For the purposes of this paragraph, the 1956 harvested acreage shall have the meaning and include the acreage as provided in § 727.816(b) (tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 6882)), the 1957 harvested acreage shall have the meaning and include the acreage as provided in § 727.916(c) (tobacco marketing quota regulations for the 1958–59 marketing year (22 F.R. 4355, 4912; 23 F.R. 136)); the 1958 harvested acreage shall have the meaning and include the acreage as provided in § 727.1016(c) (tobacco marketing quota regulations for the 1959–1960 marketing year (23 F.R. 5334, 7879)); and the 1959 harvested acreage shall include the acreage on the farm applicable to the kind of tobacco involved which is determined as provided in the following subparagraph (2) of this paragraph to be devoted or diverted in 1959 to participation in the conservation reserve program.

(2) The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program shall be the smaller of (i) the 1959 acreage for the farm determined to be in the conservation reserve at the regular rate or (ii) the amount by which the sum of all 1959 acreage allotments for the farm (adjusted downward to reflect any acreage released, but not adjusted upward to reflect any acreage received under reapportionment procedure) which are not fully planted (not fully harvested in the case of tobacco, or not fully harvested for nuts in the case of peanuts), exceeds the sum of the 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crops. The acreage diverted from allotment crops on a farm in 1959 under the conservation reserve program, determined as provided above in this subparagraph, shall be prorated to the crops involved on the basis of the respective amounts by which the 1959 allotments (adjusted as described above, where applicable) exceed the respective 1959 planted acreages (1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts), except that the 1959 acreage diverted from any allotment crop to the conservation reserve program shall not be greater than the amount by which the 1959 allotment for such crop (adjusted as described above, where applicable) exceeds the 1959 planted acreage (the 1959 harvested acreage in the case of tobacco, or 1959 acreage harvested for nuts in the case of peanuts) for such crop. The 1959 tobacco acreage available for use in reducing the amount of tobacco produced prior to 1959, and stored under bond pursuant to regulations to postpone or avoid payment of penalty, shall be the amount by which the 1959 tobacco acreage allotment exceeds the sum of (i) the 1959 tobacco harvested acreage and (ii) the 1959 tobacco acreage diverted under the conservation reserve program.

(d) Notwithstanding the foregoing provisions of this section, no 1960 preliminary allotment or 1960 farm tobacco acreage allotment shall be determined for any farm which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which the county committee and a representative of the State committee, determine has been retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 727.1120.

§ 727.1117 1960 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 727.1116 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms pursuant to § 727.1118 shall not exceed the State acreage allotment.

§ 727.1118 Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments and allotments for overlooked old farms.

Notwithstanding, the limitations contained in § 727.1116, the farm acreage allotment for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section, correction of errors made in old farm allotments, and allotments for overlooked old farms shall not exceed three-fourths of one percent of the total acreage allotted to all tobacco farms in the State for the 1959–60 marketing year.

§ 727.1119 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1958–59 or a prior marketing year which in fact was produced on a different farm, the acreage allotments established for both such farms for 1960 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1958 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1960 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids or acquiesces in the filing of, a false acreage report with respect to the acreage of tobacco grown on the farm in 1958 or a prior year, the 1960 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is

made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or 1959 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a State pool to another farm under § 727.1120 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1960 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1960. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1960 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1960 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1958–59 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 727.952 (Marketing Quota Regulations, 1958–59 Marketing Year, 1026—Maryland—58).

§ 727.1120 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.

The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 727.1122 for determining normal yields for old farms.

§ 727.1121 Farms divided or combined.

Allotments for farms reconstituted for 1960 shall be determined in accordance with Part 719 of this chapter.

§ 727.1122 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954–58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.1123 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 727.1120, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more, but not more than five, old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further*, That production of tobacco on a farm in 1955, 1956, 1957, 1958, or 1959 for which in accordance with applicable law and regulations no 1955, 1956, 1957, 1958, or 1959 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and receive 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm shall not have a 1960 allotment for any kind of tobacco other than that for which application is made under this part.

(4) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Maryland tobacco acreage allotment is established for the 1960–61 marketing year.

(5) The farm shall be operated by the owner thereof.

(6) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1955–59 for which an old farm tobacco acreage allotment was determined except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1954 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955–59 and at time of division of the farm contained cropland but received no part of the allotment due to division of the allotment on a contribution basis.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1960 national marketing quota shall, when converted to an acreage allotment by use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.1124 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office no later than February 15, 1960, unless the farm operator was discharged from the armed services subsequent to December 31, 1959, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.1125 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 727.1126 Approval of determinations made under §§ 727.1111 to 727.1125, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 727.1111 to 727.1125. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 727.1119(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1960.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1960–61 marketing year.

§ 727.1127 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may within fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in Part 711 of this chapter, which is available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of August 1959.

FOREST W. BEALL,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7092; Filed, Aug. 25, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 805, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date

when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.912 (Lemon Regulation 805, 24 F.R. 6642) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7069; Filed, Aug. 25, 1959; 8:45 a.m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment; Area No. 3

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER July 28, 1959 (24 F.R. 6005). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the area committee for Area No. 3, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.230 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to $3,125.00.

(b) The rate of assessment for Area No. 3 to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7074; Filed, Aug. 25, 1959; 8:46 a.m.]

[Avocado Order 18, Amdt. 3]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 969.318 (24 F.R. 4050, 4827, 5824) are hereby further amended as follows:

1. Delete the reference to Tonnage variety appearing in Table I of subparagraph 1.

2. Add to Table II of subparagraph 2 the following:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
Tonnage	Aug. 31, 1959	14 ounces 3 1/16 inches.	Sept. 7, 1959	12 ounces 3 1/16 inches.	Sept. 14, 1959.

3. Add a new subdivision (iv) in subparagraph 2 reading as follows:

(iv) During the period beginning at 12:01 a.m., e.s.t., September 14, 1959, and ending at 12:01 a.m., e.s.t., September 21, 1959, no handler shall handle any avocados of the Tonnage variety unless the individual fruit of such variety weighs at least 10 ounces or measures at least 2 1/16 inches in diameter.

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 31, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 20, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7070; Filed, Aug. 25, 1959; 8:45 a.m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 11, 1959 (24 F.R. 5614). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the State of Washington Potato Committee, established in said agreement and order, it is hereby found and determined that:

§ 992.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions, pursuant to the provisions of the marketing agreement and order, during the fiscal year ending May 31, 1960, will amount to $23,664.00.

(b) The rate of assessment to be paid each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 21, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7088; Filed, Aug. 25, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Doc. No. 59–WA–21, Amdt. 25]

PART 608—RESTRICTED AREAS

Designation of Restricted Area

On July 25, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 5974) stating that the Federal Aviation Agency was considering an amendment to Part 608 of the regulations of the Administrator which would designate the Yukon, Alaska, restricted area in the vicinity of Fairbanks, Alaska, for use of the U.S. Army.

As stated in the Notice, this restricted area will cover approximately one hundred ninety-six square miles and will be used for the firing of the Nike-Hercules surface-to-air missiles. It will also be utilized for training in the firing of such missiles as well as the use of artillery, mortars, chemical munitions and tanks. The restricted area will not conflict with any existing Federal airway, control area or other designated airspace.

The only comment received was from the Division of Aviation for the State of Alaska which was to the effect that there was no objection to the designation of the restricted area.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 608, published as a "Revision of Part" on November 4, 1958 (23 F.R. 8575) is amended as follows:

1. In § 608.61 add:

YUKON, ALASKA (R–575)

Description by geographical coordinates. Beginning at latitude 64°45'30" N., longitude 146°47'20" W., thence around the arc of a circle of twenty-five statute miles radius from the center of Ladd AFB (latitude 64°50'13" N., longitude 147°36'46" W.) to the south boundary of the Chena extension to the Fairbanks control area at latitude 64°-46'12" N., longitude 146°46'40" W., thence along the south boundary of the Chena extension of the Fairbanks control area to latitude 64°46'10" N., longitude 146°11'15" W., thence to latitude 64°35'18" N., longitude 146°11'15" W., thence to latitude 64°33'24" N., longitude 146°18'30" W., thence to the east boundary of Amber Federal airway No. 2 at latitude 64°33'25" N., longitude 146°-25'00" W., thence along the east boundary of Amber 2 to the point of beginning.

Designated altitudes. Surface to 80,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Commanding General, Yukon Command, U.S. Army, Alaska.

This amendment shall become effective 0001 E.S.T., September 26, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7116; Filed, Aug. 25, 1959; 8:50 a.m.]

[Reg. Docket No. 95; Amdt. 51]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice. Part 610 is amended as follows:

Section 610.13 *Green Federal airway 3* is amended to read in part:

From Goshen, Ind., LFR; to Toledo, Ohio, LFR; MEA 2,300.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Fresno, Calif., LFR; to Turlock INT, Calif.; northwestbound, MEA 5,000; southeastbound, MEA 3,000.

From Turlock INT, Calif.; to Copper INT, Calif.; MEA 5,000.

Section 610.107 *Amber Federal airway 7* is amended to read in part:

From Little Ferry INT, N.J.; to Meriden INT, Conn.; MEA 2,000.

Section 610.219 *Red Federal airway 19* is amended to read in part:

From Detroit, Mich., LFR; to Int. SE crs Detroit, Mich., LFR and W crs Akron, Ohio, LFR; MEA 2,300.

From Int. SE crs Detroit LFR and W crs Akron, Ohio, LFR; to Sandusky INT, Ohio; MEA 1,900.

Section 610.226 *Red Federal airway 26* is amended to read:

From Int. NW crs Richmond, Va., LFR and NW crs Waverly, LFR; to Waverly, Va., LFR; MEA 1,500.

From Waverly, Va., LFR; to Int. SE crs Waverly, Va., LFR and SW crs Norfolk LFR; MEA 1,400.

Section 610.312 *Red Federal airway 112* is amended to read:

From Int. 154–334 M brg. Albany, N.Y., LFR and W crs Westfield, Mass., LFR; to Westfield, Mass.; MEA 4,000.

Section 610.618 *Blue Federal airway 18* is amended to read in part:

From Int. NW crs LaGuardia, N.Y., LFR and SW crs Poughkeepsie, LFR; to Spring Valley INT, N.J.; MEA 2,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Charleston, S.C., VOR; to *Jamestown INT, S.C.; MEA 1,300. *2,900—MRA.

From Wilmington, N.C., VOR via W alter.; to *Kenansville INT, N.C., via W alter.; MEA **11,000. *6,000—MRA. **1,400—MOCA.

From Kenansville INT, N.C., via W alter.; to *Kinston INT, N.C., via W alter.; MEA **11,000. *3,500—MRA. **1,400—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From *Cashmere INT, Wash., via N alter.; to **Ephrata, Wash., VOR via N alter.; MEA 9,000. *11,000—MCA Cashmere INT, westbound. **4,000—MCA Ephrata VOR, westbound.

From *Spokane, Wash., VOR via N alter.; to Hayden Lake INT, Idaho, via N alter.; MEA 7,000. *5,600—MCA Spokane VOR, eastbound.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Jacksonville, Fla., VOR via E alter.; to *Sea Island INT, Fla., via E alter.; MEA **2,500. *3,000—MRA. **1,300—MOCA.

From Brunswick, Ga., VOR; to *Fairhope INT, Ga.; MEA 1,500. *4,000—MRA.

From Fairhope INT, Ga.; to *Harris Neck INT, Ga.; MEA 1,500. *4,000—MRA.

From Sapelo INT, Ga., via E alter.; to *Catherine INT, Ga., via E alter.; MEA 1,500. *4,000—MRA.

From Catherine INT, Ga., via E alter.; to Savannah, Ga., VOR via E alter.; MEA 1,500.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Denver, Colo., VOR; to Thurman, Colo., VOR; MEA 7,000. (Deletes MCA at Thurman VOR.)

From Cherokee, Wyo., VOR; to Snowy Range INT, Wyo.; MEA 14,000.

From Snowy Range INT, Wyo.; to *Laramie, Wyo. VOR; westbound, MEA 14,000; eastbound, MEA 11,000. *12,500—MCA Laramie VOR, westbound.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From *Cottontown INT, Tenn.; to **Portland INT, Tenn.; MEA 2,300. *4,000—MRA. **3,500—MRA.

From Portland INT, Tenn.; to Bowling Green, Ky., VOR; MEA 2,300.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Signal INT, Calif., via N alter.; to Reno, Nev., VOR via N alter.; MEA 11,000. (Deletes MCA at Reno VOR.)

From South Bend, Ind., VOR; to *Pioneer INT, Ohio; MEA **3,000. *4,000—MRA. **2,300—MOCA.

From Pioneer INT, Ohio; to Elmira INT, Ohio; MEA *3,000. *2,300—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Tallahassee, Fla., VOR; to Blountstown INT, Fla., MEA 1,500.

From Blountstown INT, Fla.; to Marianna, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Bristol INT, Fla., via W alter.; to Marianna, Fla., VOR via W alter.; MEA *1,500. *1,300—MOCA.

From *Tanner INT, Ala., via E alter.; to Bethel INT, Ala., via E alter.; MEA **4,500. *3,500—MRA. **2,000—MOCA.

From Bethel INT, Ala., via E alter.; to *Fall River INT, Tenn., via E alter.; MEA **4,500. *7,000—MRA. **2,400—MOCA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Goshen, Ind., VOR; to Findlay, Ohio, VOR; MEA 3,000.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Edgerton INT, Ind.; to *Pioneer INT, Ohio; MEA **4,000. *4,000—MRA. *4,500—MCA Pioneer INT, northeastbound. **2,100—MOCA.

From Pioneer INT, Ohio; to Hudson INT, Mich.; MEA *4,500. *2,100—MOCA.

From Hudson INT, Mich.; to Tipton INT, Mich; MEA *2,600. *2,100—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Tucumcari, N. Mex., VOR; to *Vega INT, Tex.; MEA 6,000. *6,500—MRA.

From Vega INT, Tex.; to Amarillo, Tex.; VOR MEA 6,000.

From Tucumcari, N. Mex., VOR via N alter.; to Amarillo, Tex., VOR via N. alter.; MEA 7,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Oklahoma City, Okla., VOR via N alter.; to Guthrie INT, Okla., via N alter.; MEA 3,100.

From Guthrie INT, Okla., via N alter.; to Stillwater INT, Okla., via N alter.; MEA 2,500.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From *Skidmore INT, Mo.; to **Coin INT, Iowa; MEA 2,500. *3,000—MRA. **3,700—MRA.

From Sioux Falls, S. Dak., VOR via W alter.; to Huron, S. Dak., VOR via W alter.; MEA *3,500. *2,800—MOCA.

From Barclay INT, Tex., via W alter.; to *Bruceville INT, Tex.; via W alter.; MEA 2,500. *4,700—MRA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500. *9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

From Scotts Hill INT, Tenn., via S alter.; to *Coble INT, Tenn., via S alter.; MEA 2,000. *3,000—MRA.

From Coble INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.

From *Piedmont INT, Tenn.; to **White Pine INT, Tenn.; MEA 4,000. *8,000—MRA. **8,000—MRA.

From White Pine INT, Tenn.; to *Ottway INT, Tenn.; MEA 4,000. *7,200—MRA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Liberal, Kans., VOR via W alter.; to Garden City, Kans., VOR via W alter.; MEA 4,700.

From Barclay INT, Tex., via E alter.; to *Bruceville INT, Tex., via E alter.; MEA 2,500. *4,700—MRA.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Allendale, S.C., VOR; to *Waltersboro INT, S.C.; MEA **1,600. *3,000—MRA. **1,500—MOCA.

From Waltersboro INT, S.C.; to Charleston, S.C., VOR; MEA *1,600. *1,500—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From El Paso, Tex., VOR; to *Harrington Ranch INT, N. Mex.; MEA *9,500. *9,500—MRA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Lafayette, La., VOR via S alter.; to *Allen INT, La., via S alter.; MEA **3,500. *3,500—MRA. **1,500—MOCA.

From Allen INT, La., via S alter.; to *Raceland INT, La., via S alter.; MEA **4,700. *4,700—MRA. **1,100—MOCA.

From Lake Charles, La., VOR; to *Arthur INT, La.; MEA 1,300. *3,800—MRA.

From Arthur INT, La.; to *Midland INT, La.; MEA 1,300. *3,800—MRA.

From Midland INT, La.; to Lafayette, La., VOR; MEA 1,300.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Tallahassee, Fla., VOR; to Blountstown INT, Fla.; MEA 1,500.

From Blountstown INT, Fla.; to Marianna, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Taylor INT, Fla., via N alter.; to *Swamp INT, Fla., via N alter.; MEA **4,500. *1,900—MRA. **1,200—MOCA.

From Swamp INT, Fla., via N alter.; to *Toledo INT, Ga., via N alter.; MEA **1,600. *1,900—MRA. **1,200—MOCA.

From Toledo INT, Ga., via N alter., to Jacksonville, Fla., VOR via N alter.; MEA *1,600. *1,200—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From *Los Angeles, Calif., VOR; to Valley INT, Calif.; northbound, MEA 5,000; southbound, MEA 4,000. *3,000—MCA Los Angeles VOR, northbound.

From Valley INT, Calif.; to *Saugus INT, Calif.; MEA 7,000. *7,000—MCA Saugus INT, northbound.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From *Redfin INT, Calif.; to Triton INT, Calif.; MEA 4,000. *2,500—MRA.

From Triton INT, Calif.; to *Pacific INT, Calif.; MEA 6,000. *4,000—MRA.

From *Redfin INT, Calif., via E alter.; to Triton INT, Calif., via E alter.; MEA 4,000. *2,500—MRA.

From Triton INT, Calif., via E alter.; to *Pacific INT, Calif., via E alter.; MEA 6,000. *4,000—MRA.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Savannah, Ga., VOR via W alter.; to *Marlow INT, Ga., via W alter.; MEA 1,400. *1,700—MRA.

From Marlow INT, Ga.; via W alter.; to *Kildare INT, Ga., via W alter.; MEA **1,700. *1,700—MRA. **1,500—MOCA.

From Kildare INT, Ga., via W alter.; to Allendale, S.C., VOR via W alter.; MEA *1,700. *1,500—MOCA.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Zuni, N. Mex., VOR; to Cactus INT, N. Mex.; MEA 12,000.

From Cactus INT, N. Mex.; to Santa Fe, N. Mex., VOR; MEA 10,000.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From *El Centro, Calif., VOR; to **Sand Hills INT, Calif.; MEA 3,000. *4,000—MCA El Centro VOR, westbound. **6,000—MRA.

From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500. *9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From *Hagerman INT, N. Mex.; to **Malca INT, N. Mex.; MEA 6,000. *6,500—MRA. **6,500—MRA.

From Malca INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA 6,000.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Lake Charles, La., VOR; to *Arthur INT, La.; MEA 1,300. *3,800—MRA.

From Arthur INT, La.; to *Midland INT, La.; MEA 1,300. *3,800—MRA.

From Midland INT, La.; to Lafayette, La., VOR; MEA 1,300.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Santa Fe, N. Mex., VOR; to Alamosa, Colo., VOR; MEA *15,500. *12,000—MOCA.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From Winslow, Ariz., VOR; to Farmington, N. Mex., VOR; MEA *13,000. *12,000—MOCA.

Section 610.6096 *VOR Federal airway 96* is amended to read in part:

From Ft. Wayne, Ind.,VORTAC; to McClure INT, Ohio; MEA 2,200.

From McClure INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Lobster INT, Fla.; to *Rasberry INT, Fla.; MEA **2,000. *2,500—MRA. **1,000—MOCA.

From Rasberry INT, Fla.; to St. Marks INT, Fla.; MEA *2,000. *1,000—MOCA.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From Amboy INT, Oreg., via N alter.; to *Lyle INT, Wash., via N alter.; MEA **8,000. *10,500—MRA. **7,000—MOCA.

From Lyle INT, Wash., via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA *8,000. *7,000—MOCA.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Charlo INT, Mont.; to *Elk INT, Mont.; MEA 12,700. *17,000—MRA.

From Elk INT, Mont.; to Augusta INT, Mont.; MEA 12,700.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From Lakeland, Fla., VOR via S alter.; to *Campbell INT, Fla., via S alter.; MEA 1,700. *3,000—MRA.

From Campbell INT, Fla., via S alter.; to Orlando, Fla., VOR via S alter.; MEA 1,700.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From *Lotts INT, Ga.; to **Marlow INT, Ga.; MEA ***1,700. *2,000—MRA. **1,700—MRA. ***1,300—MOCA.

Section 610.6158 *VOR Federal airway 158* is amended to read in part:

From Dubuque, Iowa, VOR; to Polo, Ill., VOR; MEA 6,800.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Johnson City INT, Tex.; to Willow City INT, Tex.; MEA **3,000. *3,000—MRA. **2,500—MOCA.

From Willow City INT, Tex.; to *Kingsland INT, Tex.; MEA **3,500. *3,100—MRA. **2,700—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Denver, Colo., VOR; to Wiggins INT, Colo.; MEA 7,000.

From Wiggins INT, Colo.; to *Ft. Morgan INT, Colo.; MEA **8,000. *8,000—MRA. **7,000—MOCA.

From Ft. Morgan INT, Colo.; to Sterling INT, Colo.; MEA *10,000. *7,000—MOCA.

From *Sterling INT, Colo.; to Holyoke INT, Colo.; MEA **13,000. *13,000—MCA Sterling INT, westbound. **7,000—MOCA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Holly Springs, Miss., VOR; to *Guntown INT, Miss.; MEA 1,800. *2,200—MRA.

From Guntown INT, Miss.; to Hamilton INT, Ala.; MEA *4,000. *1,700—MOCA.

From Hamilton INT, Ala.; to Jasper INT, Ala.; MEA *2,000. *1,700—MOCA.

Section 610.6182 *VOR Federal airway 182* is amended to read in part:

From Amboy INT, Oreg., via N alter.; to *Lyle INT, Wash., via N alter.; MEA **8,000. *10,500—MRA. **7,000—MOCA.

From Lyle INT, Wash., via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA *8,000. *7,000—MOCA.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From *Ottway INT, Tenn., via E alter.; to **White Pine INT, Tenn., via E Alter.; MEA 4,000. *7,200—MRA. **8,000—MRA.

From White Pine INT, Tenn., via E alter.; to *Piedmont INT, Tenn., via E alter.; MEA 4,000. *8,000—MRA.

From Savannah, Ga., VOR; to *Kildare INT, Ga.; MEA 1,500. *1,700—MRA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Albuquerque, N. Mex., VOR; to Cactus INT, N. Mex.; MEA 10,000.

From Cactus INT, N. Mex., to Farmington, N. Mex., VOR; MEA 10,500.

From Farmington, N. Mex., VOR; to *Grand Junction, Colo., VOR; MEA 14,500. *11,000—MCA Grand Junction VOR, southbound.

Section 610.6197 *VOR Federal airway 197* is amended to read:

From Las Vegas, N. Mex., VOR; to *Gordon INT, Colo.; MEA 12,000. *13,500—MRA.

From Gordon INT, Colo.; to Pueblo, Colo., VOR; northbound, MEA 8,000; southbound, MEA 12,000.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500. *9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6200 *VOR Federal airway 200* is amended to read in part:

From *Yuba INT, Calif.; to Reno, Nev., VOR; MEA 11,000. *6,000—MCA Yuba INT, eastbound. (Deletes MCA at Reno VOR.)

Section 610.6205 *VOR Federal airway 205* is amended to read in part:

From *Skidmore INT, Mo.; to **Coin INT, Iowa; MEA 2,500. *3,000—MRA. **3,700—MRA.

Section 610.6213 *VOR Federal airway 213* is amended to read in part:

From Myrtle Beach, S.C., VOR; to *Kenansville INT, N.C.; MEA **5,500. *6,000—MRA. **2,000—MOCA.

From Kenansville INT, N.C.; to Rocky Mt., N.C., VOR; MEA *5,500. *2,000—MOCA.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Panoche, Calif., VOR; to Mendota INT, Calif., MEA 4,500.

From Mendota INT, Calif.; to Fresno, Calif., VOR; westbound, MEA 4,500; eastbound, MEA 2,000.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Springfield, Ill., VOR; to *Luther INT, Ill.; MEA 2,000. *2,800—MRA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 6,000. *6,500—MRA.

From Salt INT, Kans.; to Hutchinson, Kans., VOR; MEA *6,300. *2,900—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From *Clermont INT, Fla.; to Bushnell INT, Fla.; MEA **2,000. *2,000—MRA. **1,700—MOCA.

Section 610.6296 *VOR Federal airway 296* is amended to read in part:

From Asheville, N.C., VOR; to *Rutherford INT, N.C.; MEA 6,000. *5,000—MCA Rutherford INT, northwestbound.

From Rutherford INT, N.C.; to Cherokee INT, N.C.; MEA 4,000.

Section 610.6421 *VOR Federal airway 421* is amended to read in part:

From Zuni, N. Mex., VOR; to Farmington, N. Mex., VOR; MEA 10,000.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From Charleston, S.C., VOR via W alter.; to *Lane INT, S.C., via W alter.; MEA 1,300. *1,700—MRA.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

Section 610.6008 *VOR Federal airway 1508* is amended to read in part:

From Myton, Utah, VOR; to Albany INT, Wyo.; MEA *18,000. *14,000—MOCA.

From Albany INT, Wyo.; to *Laramie, Wyo., VOR; westbound, MEA 18,000; eastbound, MEA 12,000. *12,000—MCA Laramie VOR, westbound.

From Dubuque, Iowa, VOR; to Freeport INT, Ill.; MEA 2,600.

From Freeport INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From South Bend, Ind., VOR via N alter.; to *Pioneer INT, Ohio, via N alter.; MEA **3,000. *4,000—MRA. **2,300—MOCA.

From Pioneer INT, Ohio, via N alter.; to Elmira INT, Ohio, via N alter.; MEA *3,000. *2,300—MOCA.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From *Alamosa, Colo., VOR; to **Gordon INT, Colo.; MEA 15,000. *15,000—MCA Alamosa VOR, northeastbound. **13,500—MRA.

From Gordon INT, Colo.; to *Rattlesnake INT, Colo.; MEA 13,500. *13,000—MCA Rattlesnake INT, westbound.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Gunnison, Colo., VOR; to *Coaldale INT, Colo.; MEA 16,000. *17,000—MRA.

From Coaldale INT, Colo.; to *Pueblo, Colo. VOR; westbound, MEA 16,000; eastbound, MEA 12,000. *10,000—MCA Pueblo VOR, westbound.

Section 610.2218 *VOR Federal airway 1518* is amended to read in part:

From Tucumcari, N. Mex., VOR; to *Vega INT, Tex.; MEA 6,000. *6,500—MRA.

From Vega INT, Tex.; to Amarillo, Tex., VOR; MEA 6,000.

From Highway INT, Tenn.; to London, Ky., VOR; MEA *4,500. *3,000—MOCA.

From London, Ky., VOR; to *Daley INT, ky.; MEA 4,000. *5,000—MRA.

Section 610.6622 *VOR Federal airway 1522* is amended to read in part:

From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500. *9,500—MRA.

From Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500.

Section 610.6635 *VOR Federal airway 1535* is amended to read in part:

From *Missoula, Mont., VOR; to **Elk INT, Mont.; MEA 17,000. *14,000—MCA Missoula VOR, northeastbound. **17,000—MRA.

From Elk INT, Mont.; to Cut Bank, Mont., VOR; MEA 17,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c).

These rules shall become effective September 24, 1959.

Issued in Washington, D.C., on August 18, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-7014; Filed, Aug. 25, 1959; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1209—BOARDS AND COMMITTEES

Subpart 2—Source Selection Boards

Sec.

1209.200 Scope of subpart.
1209.201 Policy.
1209.202 Establishment of Boards.
1209.203 Procurement Advisory Committees.
1209.204 Evaluation of proposals.
1209.205 Final selection of source.
1209.206 Disclosure of information.
1209.207 Disclosure of private interests of board members.

Sec.
1209.208 Debriefing of unsuccessful companies.

AUTHORITY: §§ 1209.200 to 1209.208 issued under sec. 203, Pub. Law 85–568.

§ 1209.200 Scope of subpart.

This subpart establishes procedures for the appointment and utilization of Source Selection Boards in connection with major procurements of the National Aeronautics and Space Administration (NASA). It also defines NASA policy on debriefing unsuccessful bidders.

§ 1209.201 Policy.

It is the policy of NASA to utilize Source Selection Boards in evaluating proposals and recommending procurement sources for all competitive negotiated procurements where it is estimated that the total cost of the contract will exceed $1,000,000. Board action is also required for procurements in a lesser amount for feasibility studies or preliminary work where it is likely that the source selected will receive other contracts for later phases of the same project which together would total more than $1,000,000. In other appropriate cases, a NASA contracting officer may request the appointing authority, as designated in § 1209.202, to apply Source Selection Board procedures to a particular procurement.

§ 1209.202 Establishment of Boards.

Source Selection Boards established pursuant to this subpart shall be composed chiefly of technical staff members who are familiar with the technical details of the procurement. Each board shall also include one or more representatives of the business management staff. Board members shall be appointed as follows:

(a) NASA Headquarters: The Director of Business Administration (hereinafter referred to as the "appointing authority") shall appoint members of Source Selection Boards for contracts placed by NASA Headquarters, and shall designate one member of each board as Chairman. Technical members shall be appointed on the recommendations of the Director of Space Flight Development or Aeronautical and Space Research, as appropriate.

(b) Field Installations: The Director, or other head, of a NASA field installation (hereinafter referred to as the "appointing authority") shall appoint members of Source Selection Boards for contracts placed by such installation, and shall designate one member of each board as Chairman. Field boards shall include at least one representative each from the Headquarters technical staff and business management staff, such representatives to be selected by the appropriate Headquarters office.

(c) Except in unusual circumstances, boards and committees established pursuant to this subpart shall be appointed prior to the final date for submission of proposals.

§ 1209.203 Procurement Advisory Committees.

In the case of more complicated procurements, the appointing authority may, in his discretion, establish Procurement Advisory Committees to evaluate different phases of the proposals and make recommendations to the Source Selection Board. In such cases, at least a Technical Committee and a Business Management Committee shall be formed. Members of such committees may be selected from other Government agencies and from the Jet Propulsion Laboratory, where appropriate. The appointing authority shall designate a Chairman for each committee.

§ 1209.204 Evaluation of proposals.

(a) Source Selection Boards shall establish a rating system for evaluating proposals prior to the opening of proposals. Where Procurement Advisory Committees have also been established, the Source Selection Board may call upon such committees for recommendations concerning the criteria to be used. In establishing a rating system, the technical quality of the proposals and the technical abilities of a potential contractor shall normally be given greater weight than the business management factors.

(b) Each Source Selection Board and Procurement Advisory Committee shall make a written report of its recommendations.

§ 1209.205 Final selection of source.

The report and recommendations of a Source Selection Board shall be submitted through appropriate channels to the Administrator, NASA, who shall determine the selection of source or direct such other action as he deems appropriate.

§ 1209.206 Disclosure of information.

(a) Participants in proceedings of Source Selection Boards and Procurement Advisory Committees shall not disclose any information in connection with the selection proceedings or recommendations to any person not involved in the selection process, either before or after completion. Any question relating to the release of such information shall be referred to the General Counsel, NASA, for advice. The substance of this paragraph shall be incorporated in documents appointing Source Selection Board and Procurement Advisory Committee members.

(b) All copies of reports of Source Selection Boards and Procurement Advisory Committees, and all other written material connected with the Source Selection Board proceedings which is retained, shall be maintained in a separate file by the appointing authority.

§ 1209.207 Disclosure of private interests of board members.

Any member of a Source Selection Board or Procurement Advisory Committee who, at any time following his appointment, finds that he has an interest in or connection with a company submitting a proposal for evaluation by the board or committee on which he serves shall promptly report the fact of his interest or connection, and the nature of it, to the appointing authority. A reportable interest or connection shall include the following: (a) ownership of a company's securities by a member or his wife; (b) a close family relationship to an official of a company; (c) any other interest in or connection with a company which might tend to subject NASA to criticism on the basis that such interest or connection would impair the objectivity of a member's participation on a board or committe. The appointing authority shall determine in each case whether the board or committee member making such a report will be excused from serving on the board or committee, or take other appropriate action.

§ 1209.208 Debriefing of unsuccessful companies.

Debriefing, as used herein, means providing proposing companies with the details of NASA's evaluation of the proposals submitted and a discussion of their relative merits. It is NASA policy that companies submitting proposals will not be debriefed.

Effective date. The provisions of this subpart are effective August 26, 1959.

T. KEITH GLENNAN,
Administrator.

[F.R. Doc. 59–7078; Filed, Aug. 25, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7355]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Hy Fishman, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.50 *Dealer or seller assistance;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hy Fishman, Inc., et al., New York, N.Y., Docket 7355, July 14, 1959]

In the Matter of Hy Fishman, Inc., a Corporation, and Hy Fishman, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by such means as advertisements in letters and brochures mailed to customers which failed to disclose that certain fur products contained artificially colored fur or the name of the country of origin of imported furs, represented fictitious amounts as the usual prices of fur products, and represented falsely that certain illustrated fur products were advertised in Glamour Magazine.

No answer to the complaint having been filed and no appearance made by respondents, the hearing examiner made his initial decision and order to cease and desist which, on July 14, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Hy Fishman, Inc., a corporation, and its officers, and Hy Fishman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

2. The name of the country of origin of any imported furs contained in a fur product;

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business;

C. Represents, directly or by implication, that any of respondents' fur products have been advertised in any advertising media, unless such advertising recently and regularly appeared, or unless the date thereof is set forth.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Hy Fishman, Inc., a corporation, and Hy Fishman, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 14, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–7062; Filed, Aug. 25, 1959; 8:45 a.m.]

[Docket 7049 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Government Employees' Merchandise Mart, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Cooperative nature; non-profit character; § 13.60 *Earnings and profits.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc. (Seattle, Wash.), et al., Docket 7049, July 15, 1959]

In the Matter of Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc., a Corporation, and A. R. Early, Jack P. Scholfield, Clayton B. Willits, Thomas G. Hermans, and Harold O. Willits, as Trustees of Said Corporation, and Mission Supply Company, a Corporation, and Charles E. Klock and Harry Mallen, as Individuals and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated retailing concerns in Seattle, Wash., engaged in selling to Government workers memberships in a purported buying service, with representing falsely that they were engaged in a non-profit enterprise in the sale of merchandise, misrepresenting their margin of profit, and claiming falsely that their enterprise was owned and operated by its members.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc., a corporation, and its officers and trustees, and A. R. Early, Jack P. Scholfield, Clayton B. Willits, Thomas G. Hermans, and Harold O. Willits, as trustees of said corporation; Mission Supply Company, a corporation, and its officers, and Charles E. Klock, as an individual and as an officer of respondent Mission Supply Company, and Harry Mallen, as an individual; and the said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any food, drugs, devices, or cosmetics, as "food", "drug", "device", and "cosmetic" are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, by means of the United States mails, or by any other means, in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics, which advertisement represents:

(a) That respondents, or any of them, are engaged in a non-profit enterprise in the sale of merchandise;

(b) That respondents, or any of them, sell to their customers at wholesale cost plus 5% or at any other purported margin of profit however expressed, where such is contrary to the fact;

(c) That any enterprise owned, controlled or operated for profit is owned, controlled or operated by a non-profit organization or its members.

(2) Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices or cosmetics in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph (1) above.

It is further ordered, That respondents and their officers, trustees, agents, representatives and employees, directly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of any merchandise, or of memberships in or subscriptions to a service or organization for the sale of any merchandise to members or subscribers therein in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from making, directly or indirectly, any of the representations prohibited by Paragraph (1) above.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Harry Mallen as an officer of respondent Mission Supply Company.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents, Gov-Mart a/k/a Government Employees' Merchandise Mart, Inc., a corporation, and A. R. Early, Jack P. Scholfield, Clayton B. Willits, Thomas G. Hermans, and Harold O. Willits, as trustees of said corporation, and Mission Supply Company, a corporation, and Charles E. Klock, individually and as an officer of said corporation, and Harry Mallen, as an individual, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59–7063; Filed, Aug. 25, 1959; 8:45 a.m.]

[Docket 7424 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Noble and Noble, Publishers, Inc., et al.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Noble and Noble, Publishers, Inc., et al., New York, N.Y., Docket 7424, July 15, 1959]

In the Matter of Noble and Noble, Publishers, Inc., a Corporation, and J. Kendrick Noble, Sr., Stanley Noble and J. Kendrick Noble, Jr., Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging publishers in New York City with selling home-study preparation books for United States Civil Service examinations without disclosing that the information in them was not up to date.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Noble and Noble, Publishers, Inc., a corporation, and its officers, and respondents J. Kendrick Noble, Sr., Stanley Noble and J. Kendrick Noble, Jr., individually and as officers of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the publication, advertising, offering for sale, sale and distribution of books entitled "Ward's Questions and Answers for Civil Service Clerical Positions" and "Ward's Questions and Answers for Civil Service Railway Postal Clerk and Clerk-Carrier Positions" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from offering for sale or selling said books, unless the fact that the information contained therein is not up to date is clearly disclosed, or offering for sale or selling any other book of the same general nature, in which the information contained therein is not up to date, unless such fact is clearly disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7064; Filed, Aug. 25, 1959; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54918]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

PART 6—AIR COMMERCE REGULATIONS

Customs Offices in Foreign Countries; List of International Airports

AUGUST 17, 1959.

1. On or about August 15, 1959, the Bureau of Customs will establish an office in Nassau, Bahama Islands. The Bureau has maintained an office in Winnipeg, Canada, for some time. To show that customs officers are stationed at these two places and that customs offices in foreign countries are no longer confined to Canada, § 1.3 of the Customs Regulations is amended to read as follows:

§ 1.3 Customs offices in foreign countries.

There are listed below the places in foreign countries where United States customs officers are stationed, the customs districts under which they function, and the comptrollers of customs having jurisdiction over such district:

Customs office	Customs district having supervision	Comptroller having supervision
St. John, New Brunswick (winter).	Maine and New Hampshire.	Boston, Mass.
Montreal, Quebec.	Vermont	Do.
Toronto, Ontario.	Buffalo	New York, N.Y.
Nassau, Bahama Islands.	Florida	Baltimore, Md.
Vancouver, British Columbia.	Washington	San Francisco, Calif.
Prince Rupert, British Columbia.	Alaska	Do.
Winnipeg, Manitoba.	Dakota	Chicago, Ill.

(R.S. 161, as amended, 251, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66)

§ 6.13 [Amendment]

2. The official name of the Municipal Airport, at Buffalo, New York, which is a designated international airport (airport of entry), was changed by the Niagara Frontier Port Authority to "Greater Buffalo International Airport." Therefore, § 6.13 of the Customs Regulations is hereby amended by substituting the name "Greater Buffalo International Airport" for the name "Municipal Airport" opposite Buffalo, New York.

(R.S. 161, as amended, sec. 1109, 72 Stat. 799, 5 U.S.C. 22, 49 U.S.C. 1509)

[MC 192]

[SEAL] A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-7079; Filed, Aug. 25, 1959; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

Discharge and Separation

Section 1101.18 is revised and § 1101.19 is revoked, as follows:

§ 1101.18 Discharge and separation.

(a) *Purpose.* This section prescribes the criteria and procedures for effecting discharge of enlisted personnel of the Army National Guard and in specific cases from enlistment as a Reserve of the Army.

(b) *Policy.* (1) The separation of enlisted personnel from the Army National Guard is effected through discharge by appropriate State authorities. Unless concurrently discharged from his enlistment as a Reserve of the Army, whenever a member of the Army National Guard is discharged from the Army National Guard, he becomes a member of the Army Reserve and ceases to be a member of the Army National Guard of the United States (10 U.S.C. 3260).

(2) An enlisted person who has incurred an injury or contracted a disease in line of duty and who is hospitalized, awaiting final disposition of his case, or whose physical condition as a result of such injury or disease raises a doubt as to his qualification for reenlistment will be administered in accordance with pertinent National Guard regulations.

(3) An enlisted person will not be discharged when awaiting trial or result of trial by courts-martial.

(c) *Discharge authority.* The authority to discharge enlisted personnel from the Army National Guard rests with the State. The authority to discharge an enlisted man from an enlistment as a Reserve of the Army rests with the Secretary of the Army and it is delegated to appropriate officers of the Army National Guard designated by the State adjutant general concerned for the purpose of this section.

(d) *Concurrent discharge from the Army National Guard and Reserve of the Army.* An enlisted person discharged from the Army National Guard of the State for the following reasons will be concurrently discharged from his enlistment as a Reserve of the Army:

(1) Upon expiration of term of enlistment, when a person to be discharged has no service obligation under the Universal Military Training and Service Act (65 Stat. 75), as amended (50 U.S.C. App. 451 et seq.).

(2) When discharged prior to expiration of term of service for any reason specified in this section if no period of obligated service exists.

(3) Immediate reenlistment in the Army National Guard.[1]

(4) Enlistment in a regular component of any of the Armed Forces of the United States, including the United States Coast Guard.[1]

(5) Induction into the active Armed Forces.[1]

(6) Enlistment in a Reserve component of the Navy, Marine Corps, Air Force, or Coast Guard.[1]

(7) Acceptance of appointment as an officer, warrant officer, or Aviation cadet in:

An Armed Force of the United States.
Public Health Service.
Coast and Geodetic Survey.
An Advanced Course in AFROTC or NROTC, provided evidence of concurrent enlistment in Air Force Reserve or Naval Reserve, as appropriate, is presented.[1]

(8) Reenlisting in order to attend a service school when the unexpired portion of the current enlistment is less than the length of the course to be attended plus 24 months.[1]

(9) Physical disability (see paragraph (f) (5) of this section).

(10) Unsuitability.

(11) Unfitness.

(12) Homosexuality.

(13) Fraudulent entry.

(14) Hardship and dependency.

(15) Conviction by civil courts of offenses involving moral turpitude or punishment of an offense for which the maximum penalty is death or confinement in excess of one year. Retention of individuals convicted by civil courts for offenses, other than felonies, will be determined as prescribed by § 1101.14.

(16) Security reasons. The Chief, National Guard Bureau, will issue instructions in each individual case.

(17) Voluntary request of an individual who has become a regular or duly ordained minister of religion.

(18) Application of an individual who for the purpose of pursuing theological studies, obtaining ordination, and/or taking final vows in a religious order is required to be separated from his military status.

(19) Minority.

(e) *Discharge from the Army National Guard of the State only.* (1) An enlisted person who has a remaining service obligation under the Universal Military Training and Service Act, as amended, will be discharged only from the Army National Guard for the following reasons:

(i) Expiration of enlistment unless the enlisted person signifies his intention to reenlist on the day following his discharge from the Army National Guard.

(ii) Disbandment of a unit and there is no other Army National Guard unit in the vicinity to which the individual may be reassigned.

(iii) Change of residence to another State.

(iv) Expiration of term of service while assigned the Inactive National Guard or while on active duty.

(v) Voluntary request of an individual preparing for the ministry in a recognized theological or divinity school (10 U.S.C. 685).

(vi) Voluntary request of an individual who has incurred a religious obligation, the performance of which requires his full-time service, and results in his being unavailable for participation in prescribed training.

(vii) Acceptance of appointment as a cadet at the United States Military Academy, United States Air Force Academy, United States Coast Guard Academy, or Midshipman at the United States Naval Academy or the Naval Reserve.

(viii) Incompatible occupation, dependency, or continuous and willful absence from military duty.

(2) An enlisted person with or without a remaining service obligation under the Universal Military Training and Service Act, as amended, will be discharged only from the Army National Guard under the following criteria:

(i) Upon request that he not be discharged from his reserve of the Army status in order to become a member of the Army Reserve.

(ii) Enrolled in the Advanced Course, Senior Division, Army ROTC.

(f) *Procedures in certain cases—(1) To enlist in Regular Army, Navy, U.S. Air Force, Marine Corps, or U.S. Coast Guard, or by reason of induction in the active Armed Forces—(i) Enlistment in the Regular Army.* Upon written notification from a recruiting officer of the Armed Forces that an enlisted member of the Army National Guard will be accepted for enlistment in the Regular Army, subject to his discharge from the Army National Guard, the State adjutant general will notify the recruiting officer of the effective date of discharge of the enlisted person from the Army National Guard. Discharge will be held in abeyance pending clearance of property accounts of the enlisted person concerned.

(ii) *Enlistment in the Navy, U.S. Air Force, Marine Corps, or U.S. Coast Guard.* Members of the Army National Guard are eligible to enlist in the regular components of another military service at any time except:

(*a*) Within the 60-day period immediately preceding the effective date of orders to extended active duty or active duty for training other than annual, and

(*b*) During the performance of extended active duty or active duty for training included annual.

The discharge procedures described in subdivision (i) of this subparagraph are equally applicable in cases of this nature.

(iii) *Induction under Universal Military Training and Service Act, as amended.* An enlisted member of the Army National Guard will be discharged upon induction for training and service in the Armed Forces under the provisions of Universal Military Training and Service Act, as amended.

(2) *Physical disability.* An enlisted person considered physically disqualified for continued military service because of injuries or illness will be discharged due to physical disability.

(3) *Continued and willful absence from military duty.* The determination of "continuous and willful absence" is the responsibility of the State adjutant general. The discharge certificate awarded will be of such nature to insure that the discharge "because of continued absence from military duties" will not act as a bar to fulfillment of any currently remaining service obligation.

(4) *Change of residence to another State.* An enlisted member of the Army National Guard who permanently changes his residence to another State will be discharged from the Army National Guard as provided in these regulations unless he still lives within such distance of the home station of his unit that he can properly perform his military duties and indicates a desire to continue his enlistment in the Army National Guard, and, further, the laws of the State to which the unit belongs do not otherwise prohibit such enlisted person from continuing as a member of the unit.

(5) *Minority.* In case of enlisted personnel under 18 years of age, the criteria prescribed in § 582.1 of this title will apply. Upon determination that an enlistment is void, the individual will be released from military control and will not be furnished a discharge certificate or NGB Form 22. The State adjutant general will direct final action.

(g) *Classes of discharge.* Each enlisted person discharged from the Army National Guard under the provisions of this section will be furnished an appropriate certificate of a type to be determined solely by the member's record of military service. As the type of discharge may significantly influence the individual's civilian rights and eligibility for benefits provided by law, it is essential that all pertinent factors be considered so that the type of discharge will reflect accurately the nature of the service rendered. The discharge of an individual from his status in the Army National Guard is a function of the State military authorities in accordance with State laws and regulations.

(h) *Effective date of discharge.* (1) The discharge of an enlisted person is effective at 2400 hours on the date that notification of discharge is given to the individual concerned. The completed and signed discharge certificate and the original copy of NGB Form 22 should be delivered to the individual on the date of discharge.

(2) Notification of discharge may be either actual or constructive as indicated in paragraph (i) of this section.

(3) The discharge may not be revoked after its effective date provided the discharge order was published by an officer qualified to issue a discharge certificate, there is no evidence of fraud in its procurement, and the individual received actual or constructive notice thereof.

(4) After consummation of discharge action, administrative errors concerning

[1] Discharge does not terminate the service obligation of the individual under the UMT&S Act, as amended.

rank, service number, misspelled names, etc., may be amended by the discharge authorities to reflect correct data.

(i) *Notification of discharge.* Notification of discharge may be either actual or constructive as follows:

(1) *Actual notice.* Actual notice involves personal delivery to the individual of the discharge certificate.

(2) *Constructive notice.*

(i) Constructive notice is accomplished when actual delivery of the discharge certificate cannot be accomplished owing to the absence of the individual to be discharged. Receipt by the individual's organization of the order directing his discharge will be deemed sufficient notice.

(ii) When personal delivery cannot be made due to the absence of the individual, his discharge is effective on the date placed on the certificate. In this instance the officer effecting discharge will note under "Remarks" on NGB Form 22 and "Remarks" on DA Form 24, the fact that the enlisted person was discharged without personal notice and the reason therefor. In addition, the date of receipt of the order and the reason why actual notice thereof was not given will be entered by indorsement on the back of the discharge certificate. The discharge order, certificate, and NGB Form 22 will be mailed, without delay, to the individual at his last-known address by registered mail with return receipt requested. The signed return receipt, or if not delivered the discharge certificate and NGB Form 22 in its mailing cover, will be forwarded to the State adjutant general for file with the individual's records.

(j) *Amendments and corrections to forms*—(1) *Discharge certificate.* The discharge certificate as originally prepared cannot be altered. Corrections referred to in paragraph (h) of this section can be furnished the individual concerned by preparing NGB Form 22A. In the event an individual who has been discharged from his enlistment in the Army National Guard and as a Reserve of the Army wishes to appeal with respect to the type of discharge certificate awarded, he may submit such appeal with respect to his discharge as a Reserve of the Army to the Army Discharge Review Board, Washington 25, D.C., for action.

(2) *NGB Form 22.* When it has been determined from official records available to the State military authorities that NGB Form 22 issued an enlisted person contains an error or omission of pertinent facts, it may be corrected by preparing NGB Form 22A (Correction to NGB Form 22, Report of Separation and Record of Service).

(k) *Lost or destroyed discharge records.* Upon satisfactory proof of the loss or destruction of the discharge certificate or NGB Form 22 which has been issued to an enlisted person, in accordance with governing laws and regulations, the adjutant general of the State concerned, will, upon request, issue a signed official statement showing date and place of enlistment, the date and cause of discharge, and the type of discharge, as originally shown on the lost or destroyed certificate of discharge or NGB Form 22.

§ 1101.19 Discharge certificates.

[Revoked]

[NGR 25-3, July 1, 1959] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-7085; Filed, Aug. 25, 1959; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF THE UNITED STATES

Transportation and Protection of Mail Between Post Offices and Ships

Correction

In F.R. Doc. 59-6996, appearing in the issue of Friday, August 21, 1959, at page 6812, the word "classification" in the ninth line of column 2 should read "clarification".

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1951]

[Idaho 09772]

IDAHO

Withdrawing Lands Within Nez Perce National Forest for Use of the Forest Service as Recreation Areas, Streamside and Roadside Zones

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands within the Nez Perce National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture as recreation areas, streamside and roadside zones, as indicated:

BOISE MERIDIAN

COTTER BAR RECREATION AREA

T. 29 N., R. 3 E.,
Sec. 1, E½SW¼NE¼ and W½SE¼NE¼.
Totaling 40 acres.

PROSPECTOR BAR RECREATION AREA

T. 29 N., R. 3 E.,
Sec. 1, S½NW¼NE¼SE¼.
Totaling 5 acres.

BOUNDARY RECREATION AREA

T. 30 N., R. 3 E.,
Sec. 36, SW¼SW¼SW¼ and N½NW¼-NW¼NW¼.
Totaling 15 acres.

EARTHQUAKE CREEK RECREATION AREA

T. 29 N., R. 4 E.,
Sec. 18, E½NE¼NE¼SW¼ and W½NW¼-NW¼SE¼.
Totaling 10 acres.

SHEEP CREEK RECREATION AREA

T. 29 N., R. 4 E.,
Sec. 20, NE¼NE¼NW¼SW¼, N½NW¼-NE¼SW¼, and SW¼SE¼NW¼.
Totaling 17.5 acres.

BIVOUAC RECREATION AREA

T. 29 N., R. 4 E.,
Sec. 29, W½SE¼NW¼SE¼ and E½SW¼-NW¼SE¼.
Totaling 10 acres.

NELSON CREEK RECREATION AREA

T. 29 N., R. 4 E.,
Sec. 20, NW¼SE¼SE¼.
Totaling 10 acres.

MEADOW CREEK RECREATION AREA

T. 29 N., R. 4 E.,
Sec. 26, NE¼SE¼NW¼NW¼, S½NW¼-NE¼NW¼, and N½SW¼NE¼NW¼.
Totaling 12.5 acres.

MILL CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Mill Creek and extending 1.0 miles upstream and located wholly within the following-described subdivisions:

T. 29 N., R. 4 E.,
Sec. 26, W½NW¼;
Sec. 27, SE¼NE¼ and E½SE¼.
Totaling 40 acres.

COUGAR CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Cougar Creek beginning at the mouth of Cougar Creek and extending 10 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 5 E.,
Sec. 29, NE¼.
Totaling 5 acres.

SILVER CREEK STREAMSIDE AND SCENIC SPOT

A strip of land 2 chains wide being 1 chain wide on each side of the thread of Silver Creek beginning at the mouth of Silver Creek and extending 5 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 5 E.,
Sec. 36, NW¼SW¼ and SW¼NW¼.
Totaling 1 acre.

MOOSE CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 5 chains wide being 2.5 chains wide on each side of the thread of Moose Creek beginning at the mouth of Moose Creek and extending 5 chains upstream and located wholly within the following subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 7 E.,
Sec. 22, SW¼.
Totaling 2.5 acres.

DUTCH OVEN CREEK STREAMSIDE ZONE AND RECREATION AREA

A strip of land 3 chains wide being 1.5 chains wide on each side of the thread of Dutch Oven Creek beginning at the mouth of Dutch Oven Creek and extending 5 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 29 N., R. 7 E.,
Sec. 23, S½S½;
Sec. 26, N½N½.
Totaling 1.5 acres.

CROOKED CREEK ROADSIDE ZONE AND RECREATION AREA

A strip of land 6 chains wide on the northwesterly side and 2 chains wide on the southeasterly side of and contiguous to the centerline of Forest Development Road No. 222 beginning at the point where Forest Development Road No. 222 leaves the northerly end of the Dixie Landing Field and extending southwesterly for 1.25 miles along Forest Development Road No. 222 and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 25 N., R. 8 E.,
Sec. 7, S½;
Sec. 18, N½.
Totaling 80 acres.

DITCH CREEK RECREATION AREA

A strip of land 4 chains wide contiguous to the east side of the thread of Ditch Creek and 1 chain wide contiguous to the west side of the thread of Ditch Creek beginning at the mouth of Ditch Creek and ending 20 chains upstream and located wholly within the following-described subdivisions of unsurveyed land which will be when surveyed:

T. 28 N., R. 9 E.,
Sec. 23, NE¼ and SE¼;
Sec. 24, NW¼SW¼.
Totaling 10 acres.

The areas described aggregate 260 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 20, 1959.

[F.R. Doc. 59-7066; Filed, Aug. 25, 1959; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 401—THE VOCATIONAL REHABILITATION PROGRAM

Miscellaneous Amendments

Pursuant to the authority conferred by Section 7 of the Vocational Rehabilitation Act, as amended, the following changes are prescribed in Part 401, in order to clarify Sections 401.41 and 401.42 by describing the types of shelters for tools, equipment, stocks and supplies which constitute "vocational rehabilitation services":

§ 401.41 [Amendment]

1. Section 401.41 is amended as follows:

a. By deleting paragraph (f) and inserting in lieu thereof the following:

(f) Tools, equipment, and initial stocks (including livestock) and supplies; equipment and initial stocks and supplies for vending stands. "Equipment" as used here includes, in the case of shelters, only those for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease.

b. By deleting the second sentence of paragraph (g) and inserting as a separate paragraph immediately following pargraph (g) the following:

Federal financial participation will not be available in any expenditure made, either directly or indirectly, on behalf of a handicapped individual, for the purchase of any land, or for the purchase or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in paragraph (f) of this section.

2. Section 401.42 is amended by deleting the entire section and inserting in lieu thereof the following:

§ 401.42 Vending stands and small businesses under management and supervision of State agency.

Federal financial participation will be available in expenditures made under the State plan for the acquisition of vending stands or other equipment, and initial stocks (including livestock) and supplies, for use by severely handicapped individuals in any type of small business under the management and supervision of the State or local rehabilitation agency. "Vending stands or other equipment" as used here includes, in the case of shelters, only those for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease. Federal financial participation will not be available in any expenditure for meeting the costs of continuing day-to-day management and supervision of such vending stands and other small businesses, nor for the purchase or rental of any land, nor for the purchase, rental, or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in the second sentence of this section.

(Sec. 7, 68 Stat. 658; 29 U.S.C. 37)

Dated: August 20, 1959.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 59-7065; Filed, Aug. 25, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In F.R. Doc. 59-6718, appearing in the issue of Friday, August 14, 1959, at page 6623, the following change should be made:

In § 6.41(a), the semicolon following the figure "15" in the second line of footnote 1 should be deleted and a semicolon inserted after the word "sunset".

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Procedural Regs. Docket No. 10797]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Consolidations, Simultaneous Considerations, and Expansion of Issues

AUGUST 19, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Rule 12 of Part 302 of the Board's Procedural Regulations.

The principal features of the proposed amendment are explained in the Explanatory Statement set forth below, and the proposed amendment to Part 302 as set forth below. This regulation is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 24, 1959 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after September 28, 1959 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Under the procedures presently prescribed in Rule 12(b) (§ 302.12(b)) of Part 302 of the Board's Procedural Regulations, the filing of motions to consolidate or contemporaneously consider two or more proceedings, may be delayed until the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and such motions may be made orally at such conference. A motion for consideration of issues which enlarge, expand, or change the nature of a proceeding may also be made in accordance with the same procedure.

The Board has observed that the filing and oral presentation of the aforementioned motions during prehearing conferences in Board proceedings involving route determinations and awards under section 401 of the Act have had a tendency to create confusion and procedural complications and to hamper the Board in conducting such proceedings in the manner most conducive to the proper dispatch of business.

The Board therefore believes that the orderly conduct of section 401 proceedings will be enhanced if the present provisions of Rule 12 (§ 302.12) are revised to require all motions for consolidation or contemporaneous consideration of such proceedings, motions for consideration of issues which expand or change the nature of such a proceeding, and answers thereto, to be filed with the Board prior to the date of the prehearing conference.

Specifically, the Board proposes to amend the present procedures in Rule 12 (b) and (c) (§ 302.12 (b) and (c)) to require such motions, and answers thereto, to be filed no later than the date specified in the prehearing conference notice issued in the proceeding with which consolidation or contemporaneous consideration is requested, or in the proceeding in which it is requested that the issues be expanded or changed. The date specified in the prehearing conference notice would be so established as to provide a reasonable period for the filing of such motions and answers thereto, but would require them to be filed by a date prior to the holding of the conference. Thus, under this proposed amendment such motions and, ordinarily, the answers, would no longer be filed or presented orally at the prehearing conference. As under the present rules, a motion which is not timely filed would be dismissed unless the movant could clearly show good cause for his failure to make timely filing.

It is believed that the change in procedures proposed herein will avoid the confusion which has been experienced when numbers of motions subject to Rule 12 (b) (§ 302.12(b)) have been filed or presented orally during prehearing conferences in section 401 proceedings, and will enable such Board proceedings to be conducted in a more orderly manner than heretofore without prejudicing the interests of the parties involved.

Since difficulties with current Rule 12 (b) and (c) (§ 302.12 (b) and (c)) have been experienced only in section 401 proceedings, the proposed change in procedures would be applicable only to such proceedings. Accordingly, the current rules would continue to govern in proceedings not involving matters subject to section 401 of the Act.

It will be noted, however, that the proposal would make clear the Board's intention that Rule 12(b) (§ 302.12(b)) shall apply to motions for consolidation of Board proceedings and motions to expand the issues therein whether or not such proceedings involve "applications" or are instituted by the Board on its own initiative. The proposal would also make clear the Board's intention that all motions and answers subject to Rule 12(b) (§ 302.12(b)) be addressed to the Board.

Accordingly, it is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302) by amending paragraph (b) of § 302.12 to read as set forth below and by deleting paragraph (c) of § 302.12:

§ 302.12 Consolidations, simultaneous consideration, and expansion of issues.

* * * * *

(b) *Filing of motions*—(1) *In Board proceedings involving matters subject to section 401 of the Act.* (i) Motions to consolidate or to contemporaneously consider two or more pending applications or other proceedings, including proceedings initiated by the Board, and motions for consideration of issues which enlarge, expand, or change the nature of any such proceeding, shall be addressed to the Board and filed not later than the date specified in the prehearing conference notice issued in the proceeding with which consolidation or contemporaneous consideration is requested or in which it is requested that the issues be expanded or changed. The period provided in the prehearing conference notice for the filing of such motions shall be not less than seven days. A motion which is not timely filed shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time.

(ii) A motion which relates to an application of the movant not pending on the date specified for the filing of motions in the prehearing conference notice shall be dismissed, unless the movant shall clearly show good cause for his failure to make timely filing of his application.

(iii) If a motion to consolidate or to contemporaneously consider two or more proceedings or a motion for consideration of issues which enlarge or change the nature of a proceeding is filed, any party to any such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within the period specified for the filing of answers in the prehearing conference notice. If in any such proceeding the period between the date for the filing of such motions and the date of the prehearing conference is less than 10 days, the answers may be made orally at the prehearing conference, or in writing not later than the prehearing conference. All answers shall be addressed to the Board.

(2) *In other Board proceedings.* (i) Motions to consolidate or contemporaneously consider two or more pending applications or other proceedings, including proceedings initiated by the Board, and motions for consideration of issues which enlarge, expand, or change the nature of any such proceeding, shall be addressed to the Board and filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested or in which it is requested that the issues be expanded or changed. If a motion is made orally at the prehearing conference, the presiding Examiner will present such motion to the Board for its decision. A motion which is not timely filed shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time.

(ii) A motion which relates to an application of the movant not pending at the time of the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested shall be dismissed, unless the movant shall clearly show good cause for his failure to make timely filing of his application.

(iii) If a motion to consolidate two or more proceedings or a motion for consideration of issues which enlarge or change the nature of a proceeding is filed, any party to any such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within such period as the Board may determine. The Examiner may require that answers to such motions be stated orally at the prehearing conference in the proceeding with which the consolidation is proposed. All answers shall be submitted to the Board.

[F.R. Doc. 59-7082; Filed, Aug. 25, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Almond Butter; Definition

Notice is hereby given that there is under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) pertaining to operations under the Marketing Agreement No. 119, as amended, and Order No. 9, as amended, regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). The proposed amendment would be pursuant to § 909.66(c) of said agreement and order and is based on a recommendation of the Almond Control Board and other information.

Consideration will be given to data, views and arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The proposal is to amend § 909.466 of said Administrative Rules and Regulations to read as follows:

§ 909.466 Almond butter.

Almond butter as used in § 909.66(c) is hereby defined as a comminuted food product prepared by grinding roasted shelled almonds into a homogeneous plastic or semiplastic mass or liquid having practically no particles larger than 1/8 inch in any dimension.

Dated: August 20, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-7072; Filed, Aug. 25, 1959; 8:46 a.m.]

[7 CFR Part 1001]

LIMES GROWN IN FLORIDA

Pack Regulation

Notice is hereby given that the Department is giving consideration to the proposal, hereinafter set forth, submitted by the Florida Lime Administrative Committee, established pursuant to the amended marketing agreement and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining to the said proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., no later than September 1, 1959.

The proposal is that the Secretary revise the provisions of paragraph (b)(2) of § 1001.305 (Lime Order 5; 23 F.R. 1694) to make it clear that the grade marking required to be stamped on lime containers under such section shall be conspicuously marked on one outside end of the container. After such revision the language preceding subdivision (i) of said paragraph (b)(2) would read as follows:

(2) On and after the effective time of this order, no handler shall handle any lot of limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, unless such limes meet the requirements of one of the pack specifications established in paragraph (b)(1) of this section, and at least 90 percent of the containers in such lot are conspicuously marked or stamped on one outside end in letters at least 1/4 inch in height to show the United States grade applicable to such lot: *Provided*, That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following which appropriately identifies the grade of such limes:

Dated: August 20, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7071; Filed, Aug. 25, 1959; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 156]

[Docket No. R-178]

APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

Notice of Proposed Rule Making

AUGUST 18, 1959.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to prescribe a new Part 156—Applications for Orders Under Section 7(a) of the Natural Gas Act—of Subchapter E, Regulations Under the Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations, containing regulations to be followed in connection with the submission for Commission consideration of applications for orders pursuant to section 7(a) of the Natural Gas Act (52 Stat. 824(a); 15 U.S.C. 717f(a)), which authorizes the Commission, after notice and opportunity for hearing, to direct a natural gas company to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to any person or municipality engaged or legally authorized to engage in the local distribution of natural gas to the public.

3. The Commission has not heretofore found it necessary to prescribe any regulations similar to those herein proposed, but, in view of the increasing number of requests for Commission action under the said section 7(a), is now of the opinion that such regulations would benefit not only the staff of the Commission in its processing of such applications but also the persons or municipalities who apply.

4. The regulations herein proposed are similar in content to the existing regulations relating to applications for certificates of public convenience and necessity under section 7(c) of the Act (18 CFR Part 157) which are designed to obtain from the applicants thereunder all the information that is necessary for a proper appraisal of the data and other material submitted in support of an application.

5. The proposed new Part 156 of the regulations under the Natural Gas Act is proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U.S.C. 717f, 717o).

6. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before September 15, 1959, data, views, and comments in writing concerning the proposed new regulations. An original and 9 copies of any such submittal is requested. The Commission will consider these written submittals before acting on the proposed amendment.

MICHAEL J. FARRELL,
Acting Secretary.

§ 156.1 Who may apply.

Any person or municipality as defined in section 2 of the Natural Gas Act engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public may file with the Commission an application pursuant to the provisions of section 7(a) of the Natural Gas Act for an order of the Commission directing a natural gas company to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to such person or municipality, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural gas company.

§ 156.2 Purpose and intent of rules.

(a) Applications filed pursuant to the provisions of section 7(a) of the Natural Gas Act shall contain all information necessary to advise the Commission fully concerning the applicant, the service which applicant requests the Commission to direct the natural gas company to render together with a description of any improvement or extension of facilities which the natural gas company would be required to make in connection with the rendition of the service, applicant's present and proposed operations, construction, service, and sales together with a description of any extension or improvement of facilities by applicant which would be required to enable applicant to engage in the local distribution of natural gas.

(b) Every requirement of this part shall be considered as an obligation upon the applicant which can be avoided only by a definite and positive showing that the information or data required by the applicable sections of the regulations is not necessary to the consideration and ultimate determination of the application.

(c) This part will be strictly applied to all applications as submitted and the burden of adequate presentation in understandable form as well as justification for omitted data or information rests with the applicant.

§ 156.3 Applications; number of copies; general requirements.

(a) *Applicable rules.* An original and 7 conformed copies of an application under this part shall be filed with the Commission. The Commission reserves the right to request additional copies. In all other respects applications shall conform to the requirements of §§ 156.1

through 156.5, and other applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter (rules of practice and procedure). Amendments to or withdrawals of applications shall be filed in accordance with the requirements of § 1.11 of this chapter (rules of practice and procedure).

(b) *General content of application.* Each application filed shall set forth the following information:

(1) The exact legal name of applicant; the name of the natural gas company from which applicant is seeking an extension or improvement of transportation facilities, physical connection of facilities or service of natural gas together with a concise description of the extension, improvement, physical connection of facilities or service sought including the volumes of natural gas involved to meet annual and maximum day requirements for the estimated first three years of proposed operation.

(2) Applicant's principal place of business; whether applicant is an individual, corporation or municipality as defined in section 2 of the Natural Gas Act; state under the laws of which applicant is incorporated, organized or authorized; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(3) The facts relied upon by applicant to show that the proposed extension or improvement of transportation facilities, physical connection of facilities or service and sale of natural gas are necessary or desirable in the public interest.

(4) A concise description of applicant's operations, if any, at the time the application is filed.

(5) A concise description of applicant's proposed operations, construction, service and sales together with a description of any extension or improvement of facilities by applicant which would be required to enable applicant to engage in the local distribution of natural gas and including the proposed dates for the beginning and completion of construction and commencement of operations.

(6) A full statement concerning and description of any certificate of public convenience and necessity, franchise, or other authorization which applicant has received from any state commission or municipality covering its proposed operations.

(7) A full statement as to whether any other application must be or is to be filed by applicant with any other federal or state body, or other political subdivision or agency of a state to enable applicant to engage in the local distribution of natural gas in the territory it proposes to serve.

(8) Each application shall contain a table of contents which shall list all exhibits and documents filed in compliance with §§ 156.1 through 156.5, as well as other documents and exhibits filed therewith, identifying them by their appropriate titles and alphabetical letter designations specified in § 156.5. The alphabetical designations specified in § 156.5 must be strictly adhered to and any additional exhibits submitted on applicant's own volition, pursuant to § 156.5(b), shall be designated in sequence under the letter designation X (X1, X2, X3, etc.).

§ 156.4 Form of exhibits to be attached to applications.

(a) *General requirements.* Each exhibit shall contain a title page showing applicant's name, Docket No. G-____ (number designation to be left blank), title of exhibit, and if exhibit consists of 10 or more pages a table of contents citing by page, section number or subdivision the component elements or matters contained therein.

(b) *Measurement base.* All gas volumes shall be stated upon a uniform basis of measurement, and, in addition, if the uniform basis of measurement used in any application is other than 14.73 p.s.i.a., then the volume or volumes of natural gas to be received from any source and delivered by applicant shall also be stated upon a basis of 14.73 p.s.i.a. Similarly, total volumes on all summary sheets, as well as grand totals of volumes in any exhibit, shall also be stated upon a basis of 14.73 p.s.i.a. if the basis of measurement used is other than 14.73 p.s.i.a.

§ 156.5 Exhibits.

(a) *Exhibits to be submitted with application.* All of the following exhibits shall be submitted with the application when tendered for filing. Such exhibits may be attached to the application or furnished in a separate volume or separate volumes designated "Exhibits to Application." Such separate volume or volumes shall indicate on the cover thereof applicant's name and bear Docket No. G-____ (number designation to be left blank).

(1) *Exhibit A—Articles of incorporation and bylaws.* If applicant is not an individual, a conformed copy of its articles of incorporation and bylaws, and other similar documents. One certified copy shall be submitted with the original application.

(2) *Exhibit B—State and local authorizations.* (i) A copy of any certificate of public convenience and necessity or similar authorization which applicant has obtained from the state commission or commissions of each of the states in which applicant engages or proposes to engage in the local distribution of natural gas; (ii) a copy of any franchise or similar authorization which applicant has obtained from each of the municipalities in which applicant engages or proposes to engage in the local distribution of natural gas; and (iii) a copy of any other authorization or form of consent which applicant has obtained from any state, state commission, municipality or from any agency of the federal government necessary or incidental to applicant's proposal to engage in the local distribution of natural gas. One certified copy of each of the documents specified in subdivisions (i), (ii), and (iii) of this subparagraph shall be submitted as exhibits to the original application.

(3) *Exhibit C—Company officials.* A list of the names and business addresses of applicant's officers and directors, or similar officials if applicant is not a corporation.

(4) *Exhibit D—Subsidiaries and affiliation.* If applicant or any of its officers or directors, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the construction or financing of such enterprises or operations, a detailed explanation of each such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of applicant—give a detailed explanation of each such relationship.

(5) *Exhibit F—Location of facilities.* A geographical map of suitable scale and detail showing, and appropriately differentiating between, all of the transmission facilities proposed to be constructed and operated and existing transmission facilities of applicant, including:

(i) Location, length, and size of transmission pipeline,

(ii) Location and size (rated horsepower) of transmission compressor stations,

(iii) Location and designation of each point of connection of existing and proposed transmission facilities with (*a*) proposed pipeline supplier, main line industrial customers, gas pipeline or distribution systems, showing towns and communities served or to be served, and (*b*) gas-producing and storage fields, or other sources of supply.

(6) *Exhibit G—Flow diagram showing daily design capacity and reflecting operation with proposed transmission facilities.* A flow diagram showing daily design capacity and reflecting operating conditions with proposed transmission facilities and existing transmission facilities in operation, including the following:

(i) Diameter, wall thickness, and length of pipe to be installed.

(ii) For each proposed new transmission compressor station and existing transmission station, the size, type, and number of compressor units, horsepower required, horsepower to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and takeoff point and at the beginning and terminus of all proposed transmission facilities.

(7) *Exhibit G–I—Flow diagram reflecting maximum capabilities.* If Exhibit G does not reflect the maximum deliveries of which applicant's existing and proposed transmission facilities would be capable of achieving under most favorable operating conditions, without installation of any facilities in addition to those proposed in the application, include an additional diagram or diagrams to depict such maximum capabilities.

(8) *Exhibit G–II—Flow diagram data.* Exhibits G and G–I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(i) Assumption, bases, formulae, and methods used in the development and preparation of such diagrams and accompanying data.

(ii) A description of the transmission pipe and fittings to be installed, specifying the diameter, wall thickness, yield point, ultimate tensile strength, method of fabrication, and methods of testing proposed.

(iii) Type, capacity, and location of each natural gas storage field or facility, or other similar plant or facility directly attached to the applicant's transmission system.

(9) *Exhibit H—Total gas supply data.* A statement of the total gas supply committed to, controlled by, or possessed by applicant which is available to it for the acts and the services proposed, together with:

(i) The estimated total volume of proven reserves in place for each reservoir in each field from which applicant takes natural gas, giving names and location of fields (state, county, or parish).

(ii) The estimated total volumes of proven reserves available to applicant by fee or under lease, segregated by gas fields and reservoirs thereof, giving names and locations of fields (state, county, or parish).

(iii) The names and addresses of persons with whom applicant has gas purchase contracts, the effective dates and remaining terms in years of such contracts.

(iv) A study, showing the daily volumes of natural gas which can and are proposed to be obtained each year from each source of supply.

(v) Estimate of the Btu content of the gas available to or requested by applicant for proposed service.

(vi) A study of each proposed gas storage field showing: Location; geology; original and present reserves for each reservoir; original and present pressure of each reservoir; proposed top and base storage pressures; proposed top and base gas volumes to be stored; a deliverability study, including daily and annual injection and withdrawal rates and pressures; and maximum daily deliverability and maximum storage capacity under the proposed plan of development

(10) *Exhibit I—Market data.* An estimate by distribution systems of the volumes of gas to be delivered during the year in which proposed service is estimated to begin and during each of the first 3 full years of operation of the proposed facilities, and actual data of like import for each of the 3 years next preceding the filing of the application, together with:

(i) Names and locations of areas to be served, showing the number of residential, commercial, firm industrial, interruptible industrial, residential spaceheating, commercial spaceheating, and other types of customers for each distribution system to be served; and the names and locations of each firm and interruptible direct industrial customer whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more per year.

(ii) Applicant's total annual and peak day gas requirements by classification of service in subdivision (i) of this subparagraph, divided as follows: Gas requirements (*a*) for each distribution area where gas is sold or to be sold by applicant at retail; (*b*) for all main-line direct industrial customers; and (*c*) company use and unaccounted-for gas.

(iii) Total past and expected curtailments of service by the applicant in each distribution area proposed to be supplied with gas from the project, all to be listed by the classifications of service as indicated in subdivision (i) of this subparagraph.

(iv) Explanation of basic factors used in estimating future requirements, including, for example: Peak day and annual degree day deficiencies, annual load factors of applicant's deliveries to its proposed customers; individual consumer peak day and annual consumption factors for each class of consumers, with supporting historical data; forecasted saturation of space heating as related to past experience; and full detail as to all other sources of gas supply available to applicant and to each of its customers, including manufacturing facilities and liquid petroleum gas.

(v) A full description of all facilities, other than transmission facilities, necessary to provide service in the communities to be served and the estimated cost of such facilities and evidence of economic feasibility.

(vi) A copy of each market survey made within the past 3 years for the markets proposed to be served.

(11) *Exhibit J—Conversion to natural gas.* If manufactured gas service exists in a community proposed to be served, submit with respect to each such community:

(i) Description of existing gas manufacturing facilities and their physical condition, including: the type, size, daily output capacity, and installation date of each gas generating unit; daily sendout capacity of plant; and capacity of storage holders.

(ii) Statement of kind of gas proposed to be distributed; use proposed to be made of gas manufacturing facilities in connection with such service; estimated cost of converting gas manufacturing facilities to high Btu gas production, showing Btu content, whether such conversion of manufacturing facilities is planned, and estimated daily sendout capacity after conversion.

(iii) Study showing estimated cost of converting consumers' appliances to natural gas and the accounting proposed for such cost.

(iv) Study showing savings, if any, for each of the first 3 full years of proposed natural gas operation and the basis therefor.

(v) Study showing any rate reduction and/or improvement in service to the ultimate consumers.

(12) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities involved in the application, showing cost of construction by operating units such as compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of rights-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, interest during construction, and contingencies.

(13) *Exhibit L—Financing.* Plans for financing the proposed facilities for which the application is filed, together with:

(i) A detailed description of applicant's outstanding and proposed securities and liabilities, showing amount (face value and number), interest or dividend rate, dates of issue and maturity, voting privileges, and principal terms and conditions applicable to each.

(ii) The manner in which applicant proposes to dispose of securities by private sale, competitive bidding or otherwise; the persons, if known, to whom they will be sold or issued, and if not known, the class or classes of such persons.

(iii) A statement showing for each proposed issue, by total amount and by unit, the estimated sale price and estimated net proceeds to the applicant.

(iv) A statement as to the extent to which the applicant will rely on temporary financing in connection with the proposed construction, and statements tending to substantiate the fact that such temporary loans will be made available.

(v) Statement of anticipated cash flow, including provision during the period of construction and the first 3 full years of proposed operation for interest requirements, dividends, and capital retirements.

(vi) Statement showing, over the life of each issue, the annual amount of securities which applicant expects to retire through operation of a sinking fund or other extinguishment of the obligation.

(vii) A balance sheet and income statement (12 months) of most recent date available.

(viii) Comparative pro forma balance sheets and income statements for the period of construction and each of the first 3 full years of operation, giving effect to the proposed construction and proposed financing of the project.

(ix) Any additional data and information upon which applicant proposes to rely in showing the adequacy and availability to it of resources for financing its proposed project.

(14) *Exhibit M—Construction, operation, and management.* A concise statement setting forth arrangements for supervision, management, engineering, accounting, legal, or other similar service to be rendered in connection with the construction or operation of the project, if not to be performed by employees of applicant, including reference to any existing or contemplated agreements therefor.

(15) ***Exhibit N—Revenues, expenses, income.*** Applicant shall submit pro forma statements for each of the first 3 full years of operation of the proposed facilities, showing:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service and further subdivided by sales to direct industrial customers, sales to other utilities (if any), transportation for other gas utilities and other sales.

(ii) Gas system annual operating expenses, cost of gas purchased, depreciation, depletion, taxes, utility income and resulting rate of return on net investment in gas plant, including working capital, or in the case of a municipality applicant similar data and amortization-interest schedule for life of each bond issue related to the proposed project.

(16) *Exhibit P—Rates.* A statement of the rates proposed to be charged for the proposed services to be rendered. Indicate whether rates are subject to regulation by the state or local authorities.

(b) *Additional exhibits.* Applicant shall submit additional exhibits necessary to support or clarify its application. Such exhibits shall be identified and designated as provided by § 156.3(b)(8).

(c) *Additional information.* Upon request by the Secretary, prior to or during hearing upon the application, applicant shall submit such additional data, information, exhibits, or other detail as may be specified. Such additional information shall conform to the requirements of §§ 1.15, 1.16, and 1.17 of this chapter (rules of practice and procedure) unless otherwise directed by the Secretary.

§ 156.6 Acceptance for filing or rejection of application.

Applications will be docketed when received and the applicant so advised. Any application which does not conform to the requirements of §§ 156.1 through 156.5 will be rejected by the Secretary. All copies of a rejected application will be returned. An application which relates to an operation concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

§ 156.7 Service of application.

After an application has been accepted for filing, the Secretary will cause a copy thereof to be served upon the natural gas company against which an order pursuant to section 7(a) of the Natural Gas Act has been requested. The natural gas company shall, within thirty days after the date of service of such application file its answer (an original and 7 conformed copies) to such application in which it shall state whether it has any objection to the grant of the application. If the natural gas company objects to the grant of the relief sought by the application, it shall fully state the grounds and reasons for its objections. The answer shall be verified and shall be signed by an executive of the natural gas company.

§ 156.8 Notice of application.

Notice of each application filed, except when rejected in accordance with § 156.6, will be published in the FEDERAL REGISTER and copies of such notice mailed to the state affected thereby.

§ 156.9 Protests and interventions.

Notices of applications, as provided by § 156.8 will fix the time within which any person desiring to participate in the proceeding or to file a protest regarding the application, may file a petition to intervene or protest, and within which any interested regulatory agency desiring to intervene may file its notice of intervention. Failure to make timely filing will constitute ground for denial of participation, in the absence of extraordinary circumstances for good cause shown.

§ 156.10 Hearings.

The Commission will schedule each application for public hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of this chapter (rules of practice and procedure). Provided, however, that where no protests or petitions to intervene have been received and accepted, the Commission may, after the due date for such protests or petitions to intervene, issue the requested order without hearing.

§ 156.11 Dismissal of application.

Except for good cause shown, failure of an applicant to go forward on the date set for hearing and present its full case in support of its application will constitute ground for the summary dismissal of the application and the termination of the proceedings.

[F.R. Doc. 7059; Filed, Aug. 25, 1959; 8:45 a.m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. 12399, etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications Consolidating Proceedings and Fixing Date of Hearing

JUNE 17, 1959.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-12399; Champlin Oil & Refining Co., Docket No. G-14830; Amerada Petroleum Corporation, Docket No. G-16029; Cities Service Gas Company, Docket No. G-16217; Phillips Petroleum Company, Docket Nos. G-16280, G-16439; Carter-Jones Drilling Company, Inc., Docket No. G-16288; Magnolia Petroleum Company, Docket Nos. G-16295, G-16296, G-16393; Johntom Oil Company, Inc., Docket No. G-16375; McCommons Oil Company, Docket No. G-16376; Anson L. Clark, Docket No. G-16382; Cornell Oil Company, Docket No. G-16383; Bond Oil Company, Docket No. G-16392; Hudson Oil & Metals Company, Docket No. G-16436; Gulf Oil Corporation, Docket No. G-16761; Riddell Petroleum Corporation, Docket No. G-17828; Fain-Porter Drilling Corporation, Docket No. G-17831.

Take notice that Riddell Petroleum Corporation (Riddell), Docket No. G-17828, a Delaware corporation with its principal place of business at 30 Rockefeller Plaza, New York 20, New York, filed on February 13, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Riddell proposes to deliver and sell natural gas to Natural Gas Pipeline Company of America to be produced from the South Rainey Field of Washita County, Oklahoma, at a price of 16 cents per Mcf. The application is on file with the Commission and open to public inspection.

Take notice that Fain-Porter Drilling Corporation (Fain-Porter), Docket No. G-17831, an Oklahoma corporation with its principal place of business at 1607 First National Building, Oklahoma City, Oklahoma, filed on February 13, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Fain-Porter proposes to deliver and sell natural gas to Natural Gas Pipeline Company of America to be produced from the South Rainey field in Washita County, Oklahoma, at a price of 16 cents per Mcf. The application is on file with the Commission and open to public inspection.

The above applications filed in Docket Nos. G-17828 and G-17831 are related to the above-designated applications heretofore consolidated for hearing by Commission order issued January 30, 1959, in Docket Nos. G-12399, et al., and should be heard therewith on a consolidated record.

Take further notice that, pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on September 21, 1959, at 10:00 a.m., e.d.s.t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the aforesaid applications.

Protests and petitions to intervene may be filed as to Docket Nos. G-17828 and G-17831, with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7060; Filed, Aug. 25, 1959; 8:45 a.m.]

[Docket No. G-18137]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 19, 1959.

Take notice that Texas Gas Transmission Corporation (Applicant) a Delaware corporation having its principal place of business in Owensboro, Kentucky, filed on March 23, 1958, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to sell up to 50,000 Mcf of natural gas per day on an interruptible basis to American Louisiana Pipe Line Company (Am La) for a period extending from April 16, 1959, to April 15, 1960, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver up to 30,000 Mcf of natural gas per day to Am La at an existing interconnection between the systems of the two companies at Slaughters, Webster County, Kentucky, and up to 20,000 Mcf per day at an existing delivery point at Eunice, Acadia Parish, Louisiana. The sales would be on an interruptible basis, for the period from April 16, 1959, through April 15, 1960. Applicant estimates that total deliveries under the proposal would range between 7,000,000 and 10,000,000 Mcf. The sale will be made pursuant to Applicant's proposed rate schedule X-19.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7061; Filed, Aug. 25, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 88; Amdt. 2]

ALASKA

Small Tract Classification

AUGUST 19, 1959.

Effective September 11, 1959, paragraph 1 of Federal Register Document 59-5164 appearing in the issue for June 23, 1959, which amended paragraph 1 of Federal Register Document 54-7580 appearing in the issue for September 28, 1954, is hereby further amended to delete the following-described parcels of land for the reason that they were subject to prior existing claims and were not, therefore, available for classification:

FLAT LAKE AREA

T. 17 N., R. 4 W., Seward Meridian,
Sec. 32: Lot 2 (claimed by Anchorage 027571);
Sec. 33: Lot 15 (claimed by Anchorage 027571); Lot 18 (claimed by Anchorage 027572).

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-7086; Filed, Aug. 25, 1959; 8:48 a.m.]

Office of the Secretary

ADJUSTMENTS IN MAXIMUM LEVEL OF JET FUEL AND ASPHALT IMPORTED INTO PUERTO RICO

Pursuant to paragraph (d) of section 2 of Presidential Proclamation 3279 (24 F.R. 1781), the maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, now in effect is modified to permit, during the period July 1, 1959, through December 31, 1959, an increase of 2,098 barrels per day in the imports of jet fuel and of 269 barrels per day in the imports of asphalt, to meet the increased demand for such products in Puerto Rico.

Increases in allocations, pursuant to this authorization, will be granted to those eligible importers who have satisfactorily demonstrated an increased need for these products.

In accordance with Proclamation 3279, the situation with respect to imports of crude oil, unfinished oils, and finished products into Puerto Rico will be kept under surveillance, and, if warranted, further adjustments will be made.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 22, 1959.

[F.R. Doc. 59-7081; Filed, Aug. 24, 1959; 4:30 p.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ALTA SALES YARD ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Alta Sales Yard, Dinuba, Calif.
Carl Johnson Co., Eureka, Calif.
Cow Palace Livestock Auction, Elk Grove, Calif.
Dos Palos Y Auction Yard, Dos Palos, Calif.
El Roble Auction Yard, Ukiah, Calif.
Escalon Livestock Auction, Escalon, Calif.
Farris Livestock Auction Yard, Santa Rosa, Calif.
Galt Livestock Sales Yard, Galt, Calif.
Manteca Sales Yard, Manteca, Calif.
Oakdale Livestock Auction Yard, Oakdale, Calif.
Pumpkin Center Sale Yard, Pumpkin Center, Calif.
Riverbank Livestock Auction Yard, Riverbank, Calif.
S & C Livestock Commission Co., San Jose, Calif.
Shasta County Livestock Auction Yard, Anderson, Calif.
Siskiyou Stockyards, Yreka, Calif.
West Side Auction Yard, Newman, Calif.
101 Livestock Commission Co., Salinas, Calif.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq., proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of August 1959.

JOHN C. PIERCE,
Acting Director,
Livestock Division,
Agricultural Marketing Service.

[F.R. Doc 59-7073; Filed, Aug. 25, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DONALD B. FITZPATRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 16, 1959.

DONALD B. FITZPATRICK.

AUGUST 16, 1959.

[F.R. Doc. 59-7080; Filed, Aug. 25, 1959; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Issuance of Order and Amendment of Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on July 31, 1959, the Atomic Energy Commission has issued (1) an order rescinding the Commission's order dated August 13, 1958, which prohibited loading fuel into the Nuclear Test Reactor until certain conditions were satisfied and (2) an amendment to Facility License No. R-33, which permits the resumption of operations in the facility. Notice of the proposed action was published in the FEDERAL REGISTER on August 1, 1959, 24 F.R. 6212.

Dated at Germantown, Md., this 18th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-7056; Filed, Aug. 25, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12481, 12482; FCC 59M-1072]

FARMINGTON BROADCASTING CO. AND FOUR CORNERS BROADCASTING CO.

Order Scheduling Hearing

In re applications of Farmington Broadcasting Company, Farmington, New Mexico, Docket No. 12481, File No. BPCT-2369; Four Corners Broadcasting Company, Farmington, New Mexico, Docket No. 12482, File No. BPCT-2417; for construction permits for new television broadcast stations.

It is ordered, This 21st day of August 1959, that the hearing in the above-entitled proceeding will be held at 10:00 a.m. on September 3, 1959, in Washington, D.C.

Released: August 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7093; Filed, Aug. 25, 1959; 8:49 a.m.]

[Docket No. 13170]

ALBERT L. KING

Order To Show Cause

In the Matter of Albert L. King, Gulf Shores, Alabama, Docket No. 13170; order to show cause why there should not be revoked the license for radio station WG-5519, Aboard the Vessel "Silver Sands."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 7, 1959, calling attention to the violation (observed, April 5, 1959) of § 8.108 of the Commission's rules in that the station was emitting a harmonic on approximately 5650 kc., when operating on the frequency 2830 kc. with Type A3 emission.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 2, 1959, and sent by Certified Mail—Return Receipt Requested (No. 212619), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lillian Calloway, on June 5, 1959 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 19th day of August 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7094; Filed, Aug. 25, 1959; 8:49 a.m.]

[Docket Nos. 13171, 13172; FCC 59-871]

HOWELL B. PHILLIPS AND WMCV, INC.

Corrected Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Howell B. Phillips, Williamsburg, Kentucky, requests 1370 kc, 1 kw, DA, Day, Docket No. 13171, File No. BP-11832; WMCV, INC., Tompkinsville, Kentucky, requests 1370 kc, 1 kw, Day, Docket No. 13172, File No. BP-12825; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of August 1959;

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person, or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, WMCV, Inc. is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that except as indicated by the issues specified below, Howell B. Phillips is legally, technically, and otherwise qualified to construct and operate his instant proposal but that he may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received by either proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of either of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Howell B. Phillips is financially qualified to construct and operate his proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7095; Filed, Aug. 25, 1959; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OKLAHOMA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061 and 23 F.R. 6971); by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 8, 1959, reading in part as follows:

I hereby determine the damage in the various areas of Oklahoma adversely affected by torrential rains and floods which occurred on or about May 8, 25, and June 1, 1959, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 8, 1959:

Beckham County.
Custer County.
Dewey County.
Hughes County.
Washita County.
City of Okmulgee.
City of Sayre.

Dated: August 14, 1959.

LEO A. HOUGH,
Director.

[F.R. Doc. 59-7057; Filed, Aug. 25, 1959; 8:45 a.m.]

LeROY LUTES

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Liquidated: Borax Holdings, Crucible Steel, Petroleum Corporation, Atlas Corporation (Common Stock).

Holding: Tri Continental Corporation, Texas National Petroleum, South American Gold and Platinum, Transcontinental Pipe Line Corporation, Atlas Corporation (Warrents), Textron Corporation (Common Stock), Standard Oil of New Jersey.

This amends statement published February 12, 1959 (24 F.R. 1118).

Dated: August 5, 1959.

LEROY LUTES,
Lt. Gen. (USA Ret.)

[F.R. Doc. 59-7058; Filed, Aug. 25, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10755]

EAGLE AIRWAYS (BAHAMAS) LTD.

Notice of Hearing

In the matter of the application of Eagle Airways (Bahamas) Ltd., for a foreign air permit for service between points in the Bahamas, the intermediate point Havana, Cuba and the co-terminal points Miami, Palm Beach, Fort Lauderdale and Tampa, Florida.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding is assigned to be held on September 11, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 20, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7083; Filed, Aug. 25, 1959; 8:47 a.m.]

IATA AGENCY RESOLUTION INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on September 16, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before an Examiner of the Board.

Dated at Washington, D.C., August 21, 1959.

[SEAL] THOMAS L. WHENN,
Associate Chief Examiner.

[F.R. Doc. 59-7084; Filed, Aug. 25, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 176]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 21, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62441. By order of August 19, 1959, the Transfer Board approved the transfer to Frank John Anderson Colvin, doing business as Jack Colvin Freightways, Orange, Va., of Certificates in Nos. MC 114110 and MC 114110 Sub 2, issued September 9, 1955 and September 2, 1958, respectively, to Edward Carl Moore, doing business as Harrisonburg Motor Express, Harrisonburg, Va., authorizing the transportation of: *General commodities* with the usual exceptions and various specified commodities between specified points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Paul A. Sherier, 601 Warner Building, Washington 4, D.C., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7075; Filed, Aug. 25, 1959; 8:46 a.m.]

[Notice 284]

MOTOR CARRIER APPLICATIONS

AUGUST 21, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 704 (Sub No. 21), filed September 12, 1958. Applicant: J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Louisville Station, Box 2836, Monroe, La. Applicant's attorney: Kretsinger and Kretsinger, Suite 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line machinery, equipment, materials* and *supplies*, incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska on the one hand, and, on the other, points on the international boundary line between Alaska and the Dominion of Canada; (4) between points in the United States, including the District of Columbia, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 2229 (Sub No. 96), filed April 27, 1959. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tucumcari, N. Mex., and Las Vegas, N. Mex., over New Mexico Highways 65 and 104, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states that it has pending before the Commission in Docket No. MC-F 6772 an application to merge the properties of Denver-Amarillo Red Ball, Inc., MC 105265 and Subs thereunder, and Red Ball Motor Freight, Inc., and the above route will be used in connection with both authorities.

HEARING: October 1, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 3057 (Sub No. 4), filed July 13, 1959. Applicant: WALTON HAULING & WAREHOUSE CORP., 609-611 West 46th Street, New York 36, N.Y. Applicant's representative: William D Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Theatrical equipment and effects, including electrical equipment and effects, props, scenery, musical instruments, trunks and wardrobes*, for use in stage, radio, television, or motion picture productions, between points in New York, New Jersey, Connecticut, and Pennsylvania within 100 miles of New York, N.Y., including New York, N.Y. Applicant is authorized to transport similar commodities in New York, New Jersey, and Connecticut within 75 miles of New York, N.Y., including New York.

HEARING: October 7, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 19227 (Sub No. 69) also includes MC 89778 (Sub No. 72) (REPUBLICATION) published FEDERAL REGISTER issue of June 17, 1959. Applicant: LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's representative: J. Fred Dewhurst, Vice President, Leonard Bros. Transfer & Storage Co., Inc., 2595 Northwest 20th Street, Miami 42, Fla. By application (Form BMC 78) filed June 2, 1959, applicant sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft* and *missiles*, and *aircraft and missile parts, components, materials, supplies and equipment, including jato thrust units*, between Brigham City, Utah, and Seattle and Moses Lake, Wash., and Huntsville, Ala., and Eglin Air Force Base, Florida. Applicant is authorized to conduct operations in Florida, Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, Texas, Connecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, and California. At the hearing held July 17, 1959 at Washington, D.C., applicant proposed to broaden the

issues to seek authority from Redstone Arsenal near Huntsville, Ala., to the site of the plant of Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash. The motion was overruled for the reason that competitors who might protest the broadened issues had no notification of them. An order of Division 1, dated August 13, 1959, allows the amendment, and provides for this republication of the applications as amended, and broadened in the FEDERAL REGISTER, to seek authority from the Redstone Arsenal near Huntsville, Ala., to the site of the plant of the Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash.

CONTINUED HEARING: September 10, 1959, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Mack Myers.

No. MC 19416 (Sub No. 10), filed September 12, 1958. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, P.O. Box 5771, Dallas 22, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials and supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States; (3) between points in Alaska, on the one hand, and, on the other, ports of entry on the International boundary line between Alaska and Canada; and (4) between points in the United States and Canada. Applicant is authorized to conduct operations throughout the United States, except California.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 29886 (Sub No. 148), filed May 4, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes*, and *tools, parts* and *other equipment* and *attachments* designed for use in connection with the above-described cranes, in driveaway and truckaway service, from Chattanooga, Tenn., to points in the United States, including Alaska, and, on return, such of the above-described commodities when moving as show equipment and displays or which are being returned for repair or reconditioning, or which have been repossessed. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 1, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before examiner Richard H. Roberts.

No. MC 30209 (Sub No. 3), filed June 23, 1959. Applicant: JOHN O'SHEA, INC, P.O. Box 417, Ridgefield Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, together with *premiums, advertising and display materials*, between New York, N.Y., and Newark, N.J., on the one hand, and, on the other, points in Northampton, Lehigh, and Berks Counties, Pa. RESTRICTION: The operations to be authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts, with Seeman Bros., Inc., New York, N.Y. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: September 29, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 30605 (Sub No. 111), filed June 18, 1959. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives* (other than liquid nitroglycerine), and excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Fort Sumner, N. Mex., and Willard, N. Mex., over U.S. Highway 60, and (2) between Albuquerque, N. Mex., and Holbrook, Ariz., over U.S. Highway 66, serving all intermediate points, and off-route points located on the Santa Fe Railway, including all termini, on the above-specified routes. Applicant states the service to be performed by the carrier shall be limited to service which is auxiliary to, or supplemental of rail service. Applicant is authorized to conduct operations in Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: October 8, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 129.

No. MC 34180 (Sub No. 21), filed July 16, 1959. Applicant: J. L. NAYLOR, doing business as EL PASO-PECOS VALLEY TRUCK LINES, 141 North Lee Street, El Paso, Tex. Applicant's attorney: O. Russell Jones, P.O. Box 1437, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives and other dangerous articles*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Alamogordo, N. Mex., and the site of the White Sands Missile Range (White Sands Proving Grounds), N. Mex., from Alamogordo over U.S. Highway 70 to junction unnumbered highway (about three miles north of White Sands Missile Range), and thence over said unnumbered highway to the site of the White Sands Missile Range, and return over the same route, serving all intermediate points. (2) Serving all points within the White Sands Missile Range (White Sands Proving Grounds), N. Mex., as off-route points in connection with carrier's regular-route operations between Alamogordo, N. Mex., and Carrizozo, N. Mex., over U.S. Highway 54. Applicant is authorized to conduct operations in New Mexico and Texas. Duplication with present authority to be eliminated.

HEARING: October 6, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 34767 (Sub No. 39) (CLARIFICATION), filed July 28, 1959, published issue August 19, 1959. Applicant: GOOD'S TRANSFER, INCORPORATED, 234 Charles Street, Harrisonburg, Va. Applicant's attorney: Glenn F. Morgan, 1006-1008 Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products* and *articles distributed by meat packing houses*, and *empty containers or other such incidental facilities* used in transporting the above commodities, between Broadway, Va., and points within 5 miles thereof on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *Frozen foods* and *frozen food articles* and *dressed poultry* and *poultry plant and packing house waste products* and *empty containers or other such incidental facilities* used in transporting the above commodities, between Alma, Edinburg, Glen Allen, Luray, New Market, Richmond, Staunton, Stephens City, Strasburg, Stuarts Draft, Winchester, and Woodstock, Va., and Brandywine and Moorefield, W. Va., and points in Rockingham County, Va., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, Virginia, New York, the District of Columbia, Maryland, New Jersey, Ohio, North Carolina, West Virginia, Nebraska, Alabama, Louisiana, Georgia, Connecticut, Delaware, Kentucky, Massachusetts, Florida, Illinois, Indiana, Michigan, Rhode Island, South Carolina, Tennessee, Iowa, Minnesota, and Wisconsin.

HEARING: Remains as assigned September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 44605 (Sub No. 11), filed August 10, 1959. Applicant: MILNE TRUCK LINES, INC., 1000 South Third West Street, Salt Lake City, Utah. Applicant's attorney: Wood R. Worsley, 701 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, petroleum products in bulk, heavy equipment requiring special rigging, baled cotton, and household goods as defined by the Commission, between Las Vegas, Nev., and Hurricane, Utah, from Las Vegas over U.S. Highway 91 to Harrisburg Junction, Utah, thence over Utah Highway 17 to Hurricane, Utah, and return over the same routes serving all intermediate points in Utah and points within 5 miles of Hurricane. Applicant is authorized to conduct operations in Arizona, California, Colorado, Nevada, New Mexico, and Utah.

NOTE: Applicant states no duplicating authority is requested.

HEARING: September 28, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 241.

No. MC 52458 (Sub No. 150), filed July 27, 1959. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route No. 9, Woodbridge, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds*, in bulk, from Nashua, N.H., to points in Indiana and Ohio. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusets, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

HEARING: October 14, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 52629 (Sub No. 40), filed May 27, 1959. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, between Knoxville, Tenn., and Cartersville, Ga.: from Knoxville over U.S. Highway 129 to Marysville, Tenn., and thence over U.S. Highway 411 to Cartersville, and return over the same route, serving the intermediate point of Conasauga, Tenn. Applicant is authorized to conduct operations in Illinois, Kentucky, Tennessee, Georgia, and Indiana.

HEARING: September 30, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Joint Board No. 238, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 52657 (Sub No. 562), filed June 15, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes*, and *tools, power shovels, back hoes, cruiser cranes, truck cranes, crane booms, parts* and *other equipment* and *attachments* designed for use in connection with the above-described cranes, in driveaway and truckaway service, from Chattanooga, Tenn., to points in the United States, including Alaska, and, on return, such of the above-described commodities when moving as show equipment and displays or which are being returned for repair or reconditioning, or which have been repossessed. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 1, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Richard H. Roberts.

No. MC 59583 (Sub No. 80), filed May 21, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, over the following alternate routes, for operating convenience only, in connection with applicant's authorized regular route operations: (1) between Elizabethton, Tenn., and Hickory, N.C.: from Elizabethton over Tennessee Highway 67 to Mountain City, Tenn., thence over U.S. Highway 421 to Boone, N.C., and thence over U.S. Highway 321 to Hickory, and return over the same route, serving no intermediate points; (2) between Conover, N.C., and Charlotte, N.C.: from Conover over North Carolina Highway 16 to Charlotte, and return over the same route, serving no intermediate points; (3) between Falmouth, Va., and Opal, Va.: from Falmouth over Virginia Highway 17 to Opal, and return over the same route, serving no intermediate points; and (4) between Frederick, Md., and junction U.S. Highways 15 and 29, approximately nine (9) miles north of Warrenton, Va.: from Frederick over U.S. Highway 15 to junction U.S. Highways 15 and 29 approximately 9 miles north of Warrenton, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in the District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

HEARING: September 28, 1959, at the U.S. Court Rooms, Roanoke, Va., before Examiner Richard H. Roberts.

No. MC 59583 (Sub No. 81), filed June 29, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 311 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Gates Rubber Company located near the intersection of Two Mile Pike and Gallatin Pike (part of U.S. Highway 31E), approximately seven miles north of the city limits of Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: October 14, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 60012 (Sub No. 43), filed June 8, 1959. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P.O. Box 5482, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities which, because of their unusual size or weight require special equipment, (1) between Denver, Colo., and the missile launching sites located approximately 23 miles east of downtown Denver and what is now known as the Lowry Bombing and Gunnery Range, and (2) between Denver and Castle Rock, Colo., and the missile launching site which is to be located about five (5) miles southeast of Elizabeth, Colo.

NOTE: Applicant states it proposes to tack the authority now held by it in Docket No. MC 60012 and Subs thereto, and to interline with other carriers at any point on its routes west and/or south of Denver, principally at Grand Junction, Pueblo, Alamosa, Cortez, and Durango, Colo., and Farmington and Aztec, N. Mex. Applicant states it proposes to perform a coordinated service with The Denver and Rio Grande Western Railroad Company on traffic which has had a prior or will have a subsequent rail-haul destined to or from the missile launching sites located as herein described. This traffic will have a prior or subsequent rail-haul by The Denver and Rio Grande Western Railroad Company or a prior or subsequent line-haul by this applicant. Applicant is authorized to conduct operations in Colorado and New Mexico.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 60012 (Sub No. 45), filed June 17, 1959. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P.O. Box 5482, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P.O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities, including Class A and B explosives*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those which, because of size or weight, require special equipment, serving the site of the dam and the Four Corners Electric Generating plant to be constructed by Ebasco Services, Inc., located approximately 23 miles southwest of Farmington, N. Mex., as an off-route point in connection with applicant's authorized regular route operations; and (2) *Commodities*, which because of their unusual size and weight, require special equipment, serving the site of the dam and the Four Corners Electric Generating plant to be constructed by Ebasco Services, Inc., located approximately 23 miles southwest of Farmington, N. Mex., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado and New Mexico.

NOTE: Applicant is a wholly owned subsidiary of The Denver and Rio Grande Western Railroad Company. Common control and dual operations under Section 210 may be involved.

HEARING: October 5, 1959, at the New Mexico State Corporation Commission, Sante Fe, N. Mex., before Joint Board No. 87.

No. MC 62904 (Sub No. 2), filed July 2, 1959. Applicant: HIGHWAY TRANSPORTATION CO., INC., 429 Bellevue Avenue, Hammonton, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hammonton, N.J., and points in Cape May County, N.J. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, New York, Delaware, Maryland, the District of Columbia, Connecticut, Rhode Island, and Massachusetts.

NOTE: Applicant states it proposes to tack the above with its existing authority.

HEARING: October 6, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 66562 (Sub No. 1508), (CORRECTION) filed June 16, 1959, published FEDERAL REGISTER issue August 12, 1959, page 6541. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Previous notice of the filing of the subject application lines 43, 44 and 45 thereof read as follows (to Adel, thence east over Iowa Highway 90 to Waukee, and thence east over Iowa Highway 90 to Des Moines,) is corrected to read "to Adel, thence east over U.S. Highway 6 to Waukee, and thence east over U.S. Highway 6 to Des Moines."

HEARING: Remains as assigned September 21, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 69275 (Sub No. 33), filed August 13, 1959. Applicant: M & M TRANSPORTATION COMPANY, 250 Mustic Avenue, Somerville 45, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, chocolate liquor* and *cocoa butter*, from Boston, Mass., to Hackettstown, N.J., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: October 16, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 70451 (Sub No. 213), filed June 12, 1959. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, fish, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Alamosa, Colo., and Sante Fe, N. Mex., from Alamosa over U.S. Highway 285 to Santa Fe, and return over the same route, serving no intermediate points, and serving the Los Alamos Atomic Energy plant near Santa Fe, N. Mex., as an off-route point. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: October 5, 1959, at the New Mexico State Corporation Commission, Santa, Fe, N. Mex., before Joint Board No. 125.

No. MC 72122 (Sub No. 1), filed July 23, 1959. Applicant: W. J. HILL, INC., 215 Washington Street, East Walpole, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: In truckloads and less-than-truckloads. *Paper plant bands*, and *paper flowers pots*, corrugated or solid boxes (knocked down flat) with or without wooden frames, in packages, *waste paper* in packages, and *skids* (loose) and *pallets* (loose), (1) from Bird & Son, Inc., plant site at New Britain, Conn., to Bird & Son, Inc., plant site at East Walpole, Mass. (2) From Bird & Son, Inc., plant site at Manchester, N.H., to Bird & Son, Inc., plant site at East Walpole, Mass. *Paper flower pots, machinery*, and *machinery parts, tools*, and *hardware*, from points in Connecticut, New Hampshire, and Rhode Island, to Bird & Son, Inc., plant site at East Walpole, Mass. *Returned shipments of paper plant bands, paper flower pots*, corrugated or solid boxes (knocked down flat), with or without wooden frames in packages, from points in Connecticut, Massachusetts, New Hampshire, and Rhode Island to East Walpole and Norwood, Mass. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, and Rhode Island.

HEARING: October 14, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 73627 (Sub No. 2), filed May 1, 1959. Applicant: ODESSA SALES CORPORATION, a Corporation, 314 South Fourth, Odessa, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products*, and *commodities used by packing houses*, as defined by the Commission in Appendix I *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272–273, as modified in 61 M.C.C. 766, from Kansas City and St. Joseph, Mo., and Omaha, Nebr., to points in Louisiana and Mississippi, and *exempt commodities* on return.

NOTE: Applicant states that it is authorized to transport the above specified commodities between Kansas City, Mo., and certain radial areas in Mississippi and Louisiana and is filing the instant application so it may serve all points in those states. Applicant states that it does not seek duplicating authority.

HEARING: October 5, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Richard H. Roberts.

No. MC 73675 (Sub No. 26), filed May 18, 1959. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except commodities in bulk and commodities requiring special equipment, and *shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty, serving ballistic missiles testing and launching sites and supply points therefor within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo., and (2) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Wyoming within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, New Mexico, Nebraska, Kansas, and Illinois.

NOTE: Applicant states it has authority in No. MC 73675 Sub 23 to transport the involved commodities within a 25-mile radius of Cheyenne, and that in view of new missile sites scheduled for construction in said area which are beyond the authorized 25-mile limit, it seeks an enlargement of said area. No duplicating authority is sought.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 78632 (Sub No. 107), filed June 4, 1959. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Whisky*, except that which moves in bulk in tank vehicles, between Nashville, Tenn., and Louisville, Ky.: from Nashville over U.S. Highway 31W, to Louisville, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Tennessee, Georgia, Missouri, Kentucky, Indiana, Alabama, Illinois, and Ohio.

HEARING: October 12, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 88748 (Sub No. 2), filed July 2, 1959. Applicant: CONTRACT PACKERS, INC., 2331 12th Avenue, New York 27, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, restricted to operation in retail delivery service, (1) from Jersey City, N.J., and New York and Westbury, N.Y., to points in Fairfield and New Haven Counties, Conn.; (2) from New York, N.Y., to points in Hudson, Bergen, Essex, Passaic, Sussex, Warren, Hunterdon, Mercer, Ocean, Monmouth, Somerset, Middlesex, Union, and Morris Counties, N.J.; and (3) *Rejected, returned, or traded-in shipments* of the above-described commodities, from the above-specified destination points to the respective origin points. Applicant is authorized to conduct similar operations in New Jersey and New York.

NOTE: Applicant states it presently holds authority to serve the New Jersey Counties for other named shippers. Applicant proposes to transport the above-specified commodities under a continuing contract with B. Altman & Co., of New York, N.Y., and proposes to operate from its warehouses in Jersey City, N.J., and New York, N.Y.

HEARING: September 30, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 89778 (Sub No. 72) (also includes MC 19227 (Sub No. 69) (REPUBLICATION) published FEDERAL REGISTER issue of April 22, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY (A Corporation), 2 South 32d Street, Birmingham, Ala. By application (Form BMC 78) filed March 18, 1959, applicant sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jet thrust units, explosive and inert, and Class A and B explosives*, from Redstone Arsenal, near Huntsville, Ala., to Moses Lake, Wash., and the plant site of Thiokol Chemical Corporation, near Brigham City, Utah. Applicant is authorized to conduct operations throughout the United States except Arizona, California, Idaho, Nevada, Oregon, and Washington.

NOTE: A proceeding has been instituted under section 212(c) of the Act to determine whether applicant's status is that of a common or contract carrier in MC 89778 (Sub No. 69). Dual operations may be involved. At the hearing held July 17, 1959, at Washington, D.C., applicant proposed to broaden the issues to seek authority from Redstone Arsenal near Huntsville, Ala., to the site of the plant of Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash. The motion was overruled for the reason that competitors who might protest the broadened issues had no notification of them. An order of Division 1, dated August 13, 1959, allows the amendment, and provides for this republication of the applications as amended, and broadened in the FEDERAL REGISTER, to seek authority from the Redstone Arsenal near Huntsville, Ala., to the site of the plant of the Thiokol Chemical Corporation near Brigham City, Utah, and the Larson Air Force Base near Moses Lake, Wash.

CONTINUED HEARING: September 10, 1959, in Room 202, State Office Building, Las Vegas, Nev., before Examiner Mack Myers.

No. MC 95540 (Sub No. 307), filed July 6, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Brownsville, and McAllen, Tex., to points in Georgia and Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 22, 1959, at 680 Peachtree Street, Atlanta, Ga., before Examiner Robert A. Joyner.

No. MC 96079 (Sub No. 1), filed April 24, 1959. Applicant: KELLY AUGUSTA CRAWFORD, doing business as KELLY CRAWFORD TRANSFER, Richlands, Va. Applicant's attorney: R. Roy Rush, Box 614, Boxley Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Richlands, Va., to points in West Virginia, and points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 25 through Lexington, Ky., thence along U.S. Highway 27, through Danville, Ky., and thence along Kentucky Highway 35 to the Kentucky-Tennessee State line; to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 28 to the Tennessee-Georgia State line; to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to the North Carolina-South Carolina State line; and to points in Virginia on and west of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 15 to the North Carolina-Virginia State line. Applicant is authorized to conduct operations in Virginia and West Virginia.

HEARING: September 28, 1959, at the U.S. Court Rooms, Roanoke, Va., before Examiner Richard H. Roberts.

No. MC 96448 (Sub No. 6), filed July 2, 1959. Applicant: BROOK LEDGE, INC., 210 Main Street, Hackensack, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary livestock) and *personnel, equipment*, and *paraphernalia* incidental to the transportation, care, and display of such horses, between points in New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Rhode Island, Ohio, Kentucky, Indiana, Maine, New Hampshire, Vermont, North Carolina, South Carolina, Georgia, Florida, Illinois, Michigan, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: October 1, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 98599 (Sub No. 10), filed June 15, 1959. Applicant: ZUNI TRUCKING COMPANY, a Corporation, P.O. Box 746, Airport Road, Grants, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, in containers, from points in McKinley, San Juan and Valencia Counties, N. Mex., to railheads in McKinley, San Juan, and Valencia Counties, N. Mex., and *empty containers or other such incidental facilites* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Colorado and New Mexico.

HEARING: October 7, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 87.

No. MC 100955 (Sub No. 11), filed August 12, 1959. Applicant: THE JACOBS TRANSFER COMPANY OF BALTIMORE, a Corporation, 606 South Sharp Street, Baltimore 30, Md. Applicant's attorney: Hugh M. Steinberger, 61 Pierce Street NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving on railroad bills of lading, except Class A and B explosives, commodities in bulk, and commodities requiring special equipment, (1) between Baltimore, Md., and Point of Rocks, Md.: from junction Maryland Highways 109 and 105 over Maryland Highway 105 to Daniels, thence over Daniels Road and/or Holofield Road to junction Maryland Highway 99, thence west over Maryland Highway 99 to Marriottsville Road, thence north over Marriottsville Road to Marriottsville, thence south on Marriottsville Road to junction Maryland Highway 99, thence west over Maryland Highway 99 to junction Maryland Highway 32, thence north over Maryland Highway 32 to Sykesville, thence south over Maryland Highway 32 to junction U.S. Highway 40, thence west over U.S. Highway 40 to junction Maryland Highway 27, thence north over Maryland Highway 27 to Mt. Airy, thence south over Maryland Highway 27 to junction U.S. Highway 40, thence west over U.S. Highway 40 to Frederick, thence south over U.S. Highway 240 to junction Maryland Highway 15, thence south over Maryland Highway 15 to Lime Kiln, and thence south over Maryland Highway 15 to Point of Rocks, and return over the same route; from Baltimore, Md., to Frederick, Md., over U.S. Highway 40, as an alternate route for operating convenience only, serving no intermediate points; between Frederick, Md., and Hagerstown, Md., over U.S. Highway 40, as an alternate route for operating convenience only, serving no intermediate points; (2) between Washington, D.C., and Point of Rocks, Md.: from Washington to Dickerson, Md., over route authorized in Certificate MC 100955 Sub 4, thence over Maryland Highway 28 to junction U.S. Highway 15, and thence over U.S. Highway 15 to Point of Rocks, and return over the same route; (3) between Point of Rocks, Md., and Harpers Ferry, Md.: from Point of Rocks over Maryland Highway 15 to junction Maryland Highway 464, thence over Maryland Highway 464 to Brunswick, thence over Maryland Highway 364 to junction U.S. Highway 340, thence over U.S. Highway 340 to Weaverton, and thence continue to Harpers Ferry, and return over the same route; between Washington, D.C., and Frederick, Md., over U.S. Highway 240 as an alternate route for operating convenience only, serving no intermediate points; (4) between Weaverton, Md., and Hagerstown, Md.: from Weaverton, north over Maryland Highway 67 to Brownsville, thence via Gapland and Rohrersville to junction Maryland Highway 67 and U.S. Alternate Highway 40, thence north over U.S. Alternate Highway 40 to Boonsboro, and thence north over U.S. Aternate Highway 40 to Hagerstown, and return over the same route; (5) between Weaverton, Md., and Strasburg, Va.: from Weaverton south over U.S. Highway 340 to Charleston, W. Va., thence south over West Virginia-Virginia Highway 761 to junction U.S. Highway 11, thence over U.S. Highway 11 to Winchester, Va., and thence south over U.S. Highway 11 to Strasburg, and return over the same route; between Washington, D.C., and Winchester, Va., over U.S. Highway 50 as an alternate route for operating convenience only, serving no intermediate points; (6) between Charlestown, W. Va., and Martinsburg, W. Va.: from Charlestown north over West Virginia Highway 9 to Martinsburg, and return, serving, by unnumbered roads, Engle, Shenandoah Junction, Kearneysville, Vanclevesville, and other intermediate or off-route points which are points on the Baltimore & Ohio Railroad; (7) between Martinsburg, W. Va., and Hancock, Md.: from Martinsburg over West Virginia Highway 9, approximately 7 miles, to junction unnumbered road, thence north over said road to North Mountain, thence return via said unnumbered road to junction West Virginia Highway 9, thence north over West Virginia Highway 9, approximately 5 miles, to unnumbered state road, thence over said unnumbered state road to Cherry Run, W. Va., and Sleepy Creek, W. Va., to junction U.S. Highway 522, and thence north over U.S. Highway 522 to Hancock, and return over the same route; between Martinsburg, W. Va., and Hancock, Md.: from Martinsburg over West Virginia Highway 9 to Berkely Springs, W. Va., and thence over U.S. Highway 522 to Hancock, and return over the same routes; as alternate routes for operating convenience only, serving no intermediate points; between Hagerstown, Md., and Hancock, Md., over U.S. Highway 40 as an alternate route for operating convenience only, serving no intermediate points; (8) between Hancock, Md., and Cumberland, Md.: from Hancock over U.S. Highway 522 to Berkely Springs, W. Va., thence over West Virginia Highway 9 to Great Cacapon, thence over unnumbered state road and West Virginia Highway 9 to Paw Paw, thence over unnumbered state roads to Little Cacapon, thence to Okonoko, Green Spring and Pattersons Creek, thence to West Virginia Highway 28, and over said Highway 28 to junction Maryland Highway 51, thence over Maryland Highway 51 to North Branch, thence return over Route 51 to junction Route 28, and thence over said route to Cumberland, and return over the same route; between Hancock and Cumberland, Md., over U.S. Highway 40, as an alternate route for operating convenience only, serving no intermdiate points; and (9) between Green Spring, W. Va., and Petersburg, W. Va.: from Green Spring over West Virginia Highway 28 to Romney, and thence over U.S. Highway 50 to junction U.S. Highway 220 (West Virginia Highway 28), to Petersburg, and return over the same route. Service is proposed to all intermediate and off-route points in connection with the above-described routes (except the alternate routes) which are stations on the rail line of the Baltimore and Ohio Railroad. Applicant is authorized to conduct operations in Maryland, the District of Columbia, and Delaware.

NOTE: Applicant states it does intend to transport commodities of unusual value or household goods if tendered to applicant for transportation by the Baltimore and Ohio Railroad.

HEARING: September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 103435 (Sub No. 85), filed May 18, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *Class A and B explosives*, and *general commodities*, except those of unusual values and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor, within a 60 mile radius of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo.; and (2) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Wyoming within 70 miles of Cheyenne, Wyo., as off-route points, in connection with applicant's regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 103516 (Sub No. 6) filed July 9, 1959. Applicant: THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, a Corporation, 140 Cedar Street, New York 6, N.Y. Applicant's attorney: Richard E. Costello, The Delaware, Lackawanna and Western Railroad Company (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, in substituted motor-for-rail service which is auxiliary to, or supplemental of, applicant's rail service, (1) between Portland, Pa., and Bath, Pa., from Portland over U.S. Highway 611 to junction Pennsylvania Legislative Route 166 (south of Mt. Bethel), thence over Pennsylvania Legislative Route 166 to Pen Argyl, Pa., thence return over Pennsylvania Legislative Route 166 to Bangor, Pa., thence over Pennsylvania Highway 90 to Belfast, Pa., thence over Pennsylvania Highway 12–115 to Stockertown (Hercules), Pa., thence over Pennsylvania Highway 12 to Nazareth, Pa., thence over Pennsylvania Highway 45 to Bath, and return over the same route. (2) Between Bangor and Martins Creek, Pa., from Bangor over Pennsylvania Legislative Route 165 to Martins Creek, and return over the same route. Serving all intermediate and off-route points which are stations on the railroad, namely, Portland, Stier, Bangor, Belfast, Nazareth, Bath, Pen Argyl, Stockertown (Hercules), and Martins Creek, Pa., on the foregoing proposed routes. ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY, serving no intermediate points, in connection with ap-

plicant's operations. (3) Between Bangor and Belfast, Pa., from Bangor over Pennsylvania Legislative Route 166 to Pen Argyl, Pa., thence over Pennsylvania Legislative Route 165 to Wind Gap, Pa., thence over Pennsylvania Highway 12 to Belfast, and return over the same route. (4) Between Nazareth, Pa., and Phillipsburg, N.J., from Nazareth over Pennsylvania Highway 12 to junction Pennsylvania Highway 45, thence over Pennsylvania Highway 45 to junction U.S. Highway 22, thence over U.S. Highway 22 to Phillipsburg, and return over the same route. (5) Between Portland, Pa., and Phillipsburg, N.J., from Portland over U.S. Highway 611 to junction U.S. Highway 22, at Easton, Pa., thence over U.S. Highway 22 to Phillipsburg, and return over the same route. (6) Between Stockertown (Hercules), Pa., and Phillipsburg, N.J., from Stockertown over Pennsylvania Highway 90–115 to Easton, Pa., thence over U.S. Highway 22 to Phillipsburg, and return over the same route. (7) Between junction U.S. Highway 46 and New Jersey Highway 519 and Nazareth, Pa., from junction U.S. Highway 46 and New Jersey Highway 519 over New Jersey Highway 519 to Belvidere, N.J., thence over unnumbered New Jersey Highway to the New Jersey-Pennsylvania State line, thence over unnumbered Pennsylvania Highway to Nazareth, and return over the same route.

NOTE: Applicant states it proposed to tack the authority requested in this application, if granted, to its present authority in Certificates No. MC 103516 and MC 103516 Sub Nos. 2 and 5. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

HEARING: October 2, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 106497 (Sub No. 12), filed August 28, 1958. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 3807, 2000 East Jasper, Tulsa 23, Okla. Applicant's attorney: Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe-line machinery, equipment, materials*, and *supplies*, incidental to and used in connection with the construction, operation, servicing, repair, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (1) Between points in Alaska; (2) Between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) Between points in Alaska, on the one hand, and, on the other, ports of entry on the International Boundary line between Alaska and Canada; and (4) Between points in the United States, including the District of Columbia, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 106977 (Sub No. 22), filed August 6, 1959. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P.O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Gulf States Utilities Company plant located approximately seven (7) miles southwest of Orange, Tex., near junction Texas Highway 87 and Texas Farm-to-Market Road 105, as an off-route point in connection with applicant's authorized regular route operations between Houston, Tex., and New Orleans, La. over U.S. Highway 90. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

HEARING: October 21, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 107002 (Sub No. 144), filed April 22, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Luling, La., to points in Alabama, Arkansas, Florida, Georgia, Oklahoma, Mississippi, Tennessee, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 18, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Harold P. Boss.

No. MC 107496 (Sub No. 144), filed August 14, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Harrison County, Mo. to points in Iowa, Kansas, Missouri, and Nebraska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

HEARING: September 23, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 108207 (Sub No. 63), filed April 17, 1959. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, frozen and unfrozen, *jams, jellies*, and *preserves*, from the sites of the plants of the Welch Grape Juice Company, Inc., at Lawton, Mich., and Springdale, Ark., to points in Texas. Applicant is authorized to conduct operations in Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: November 5, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 108207 (Sub. No. 66), filed June 8, 1959. Applicant: FROZEN FOOD EXPRESS, a Corporation, 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen prepared dough*, from Van Wert, Ohio, to points in Texas, Louisiana, Arkansas, and Oklahoma, and to Memphis, Tenn. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: November 10, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 108449 (Sub. No. 92), Filed August 13, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *ANHYDROUS ammonia, aqua ammonia, fertilizer solutions* and *compounds, urea, urea nitrate* and *other nitrogen solutions and compounds*, in bulk, in tank vehicles, between points in Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: Applicant states that no authority is sought between Colorado and Wyoming or between two points in any one state.

HEARING: September 21, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner Lacy W. Hinely.

No. MC 108449 (Sub No. 93), Filed August 13, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glen W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicles, over *irregular routes*, transporting: (1) *Light weight aggregate materials*, in bulk, from points in Hennepin, Ramsey, Dakota, Scott, Carver, and Washington Counties, Minn., to points in Iowa and Wisconsin; (2) *trap rock* and *silica*, in bulk, from points in Wisconsin to points in Minnesota and Iowa; (3) *limestone* and *limestone products*, in bulk, from points in Iowa to points in Minnesota and Wisconsin. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: September 23, 1959, at the Metropolitan Building, Room 926, Second Avenue, South and Third Streets, Minneapolis, Minn., before Joint Board No. 181.

No. MC 108461 (Sub No. 81), filed July 31, 1959. Applicant: WHITFIELD TRANSPORTATION, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's attorney: David G. MacDonald, Commonwealth Bldg., 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives and other dangerous articles*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Las Cruces, N. Mex., and San Antonio, N. Mex., from Las Cruces over U.S. Highway 70 to Alamogordo, thence over U.S. Highway 54 to Carrizozo, thence over U.S. Highway 380 to San Antonio, and return over the same route, serving all intermediate points, except between San Antonio and Carrizozo, not including Carrizozo, and serving the off-route points of White Sands Missile Range (White Sands Proving Ground), and Holloman Air Force Base (Holloman Air Development Center), N. Mex., (2) serving all points located within the White Sands Missile Range (White Sands Proving Ground), and Holloman Air Force Base (Holloman Air Development Center), N. Mex., in connection with the above proposed route. Applicant is authorized to conduct operations in Texas, New Mexico, Utah, Arizona, California, Colorado, and Wyoming.

HEARING: October 2, 1959, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 109346 (Sub No. 5), filed August 21, 1958. Applicant: J. L. COX & SON, INC., P.O. Box 9476, Raytown 33, Mo. Applicant's attorney: Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line machinery*, and *equipment, materials and supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States; (3) between points in Alaska, on the one hand, and, on the other, points along the boundary between Alaska and Canada; and (4) between points in the United States, on the one hand, and, on the other, ports of entry on and along the boundary between the United States and Canada. Applicant is authorized to conduct operations in all states (including the District of Columbia), except California.

NOTE: Applicant states, in connection with (2) above, it will traverse Canada for operating convenience only.

HEARING: November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 109637 (Sub No. 109), filed March 9, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank hopper, and dump vehicles, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, between points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 19, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Richard H. Roberts.

No. MC 111159 (Sub No. 88), filed June 23, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Shelby County, Tenn., to points in Arkansas and Missouri. Applicant is authorized to conduct operations in Mississippi, Alabama, Arkansas, Georgia, Louisiana, Tennessee, Florida, Kentucky, Missouri, Oklahoma, Illinois, Indiana, and Ohio.

HEARING: October 8, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 111170 (Sub No. 55), filed June 29, 1959. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum* and *petroleum products* (except asphalt and petrochemicals), in bulk, in tank vehicles, from points in Shelby County, Tenn., to points in Missouri and those in Arkansas on and east of U.S. Highway 167 from the Arkansas-Louisiana State line to Little Rock, and those on and east of U.S. Highway 65 from Little Rock to the Arkansas-Missouri State line, (2) *Petroleum* and *petroleum products*, from Baton Rouge, La., to points in Arkansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Indiana, Louisiana, Mississippi, Missouri, Tennessee, and Texas.

HEARING: October 8, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 112446 (Sub No. 21), filed June 9, 1959. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville 9, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzoic acid esters, aromatic chlorides, benzyl alcohol*, and *benzonitrile*, in bulk, in tank vehicles, from Chattanooga, Tenn., and points in Hamilton County, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Rhode Island, Virginia, and Wisconsin, and *rejected shipments* of the above-specified commodities, *empty containers or other such incidental facilities* and any *leased tank vehicles and shipper-owned vehicles* used in initial movement, on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, New Jersey, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin.

HEARING: October 16, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Richard H. Roberts.

No. MC 112497 (Sub No. 145), filed June 19, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between Mobile, Ala., on the one hand, and, on the other, Baton Rouge, La. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Texas.

HEARING: November 16, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 112696 (Sub No. 14), Filed August 13, 1959. Applicant: HARTMANS, INCORPORATED, P.O. Box 466, Harrisonburg, Va. Applicant's attorney: Francis W. McInerny, 1625 L Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, transport-

ing: *Frozen foods*, and *poultry* and *poultry by-products*, requiring protective services in transit, from Harrisonburg, Timberville, and Winchester, Va., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: October 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 112713 (Sub No. 83), filed May 8, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, 1626 Walnut Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between Waco, Tex., and Houston, Tex.: from Waco over Texas Highway 6 to junction U.S. Highway 290 at or near Hempstead, Tex., and thence over U.S. Highway 290 to Houston, and return over the same route, serving no intermediate points and with service at Waco for joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular routes between Waco and Houston, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

HEARING: November 9, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 113333 (Sub No. 9), filed August 10, 1959. Applicant: ARMORED CAR, INC., 2654 Poydras, New Orleans, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Denver, Colo., Birmingham, Ala., Atlanta, Ga., Charlotte, N.C., and Jacksonville, Fla., and between Denver, Colo., New Orleans, La., Nashville, Tenn., and Memphis, Tenn. (except between Nashville and Memphis, Tenn.). Applicant is authorized to conduct operations in Louisiana, Mississippi, Florida, Alabama, Georgia, Tennessee, North Carolina, Texas, Arkansas, Oklahoma, Pennsylvania, Missouri, the District of Columbia and Kentucky.

NOTE: Applicant states the proposed operations shall be performed under contracts for the United States Government.

HEARING: September 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 114045 (Sub No. 50), filed March 30, 1959. Applicant: R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Maryland, Maine, Delaware, and Massachusetts to points in Texas, Oklahoma, and Arkansas; (2) *Meats, meat products and meat by-products* and *dairy products*, as described in lists A and B of Appendix I to the report in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, from points in Oklahoma, Arkansas, and Texas to points in Connecticut, Delaware, the District of Columbia, Kentucky, Maine, Maryland, New Hampshire, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: November 6, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 114091 (Sub No. 23), filed July 27, 1959. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Columbia Park, Ohio to points in Indiana. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia.

HEARING: September 23, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 114641 (Sub. No. 2), filed June 10, 1959. Applicant: S. B. PLATT, III, doing business as COLUMBUS WAREHOUSE & STORAGE CO., 803 South Ninth Street, P.O. Box 629, Columbus, Miss. Applicant's attorney: George Lowrey Lucas, 519 North Second Avenue, Columbus, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from Columbus, Miss., to points in Mississippi and Alabama within 150 miles of Columbus, Miss., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct similar operations in Alabama and Mississippi.

NOTE: Applicant is authorized to transport the above-specified commodities from Columbus, Miss., to points in Mississippi and Alabama within 100 miles of Columbus. Duplication with present authority to be eliminated.

HEARING: October 6, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 114897 (Sub No. 18), filed June 1, 1959. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal liquid feed supplement*, in bulk, in tank vehicles, and *rejected shipments*, between points in Colorado, New Mexico, and Texas. Applicant is authorized to conduct operations in Arizona, Colorado, Nevada, New Mexico, Texas, and Utah.

NOTE: Applicant indicates it proposes to transport rejected shipments of animal liquid feed supplement on return movements.

HEARING: October 7, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 89.

No. MC 115316 (Sub No. 1), filed June 19, 1959. Applicant: S. S. SURRETT, doing business as SURRETT TRUCKING CO., 3009 Hummingbird Drive, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Nashville, Tenn., and Louisville, Ky., to points in Alabama, Kentucky, and Tennessee, and *rejected shipments of fertilizer*, on return.

NOTE: Applicant states that fertilizer will be transported to customers and warehouses of Federal Chemical Co.

HEARING: October 13, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Richard H. Roberts.

No. MC 116045 (Sub No. 11), filed June 29, 1959. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 31, Rawlins, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium sulfate*, in bags, from Rawlins, Wyo., to Durango, Colo.; (2) *lime, limestone* and *its products and by-products*, between points in Wyoming and Colorado; (3) *sulphuric acid*, in bulk, in tank vehicles, from Riverton, Wyo., and points within five (5) miles of Riverton, to points in South Dakota; (4) *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Colorado and Wyoming.

HEARING: September 30, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 374.

No. MC 116077 (Sub No. 63), filed May 29, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, between points in Arkansas, Oklahoma, Texas, and Louisiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Ohio, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Mississippi, Kentucky, Kansas, Missouri, New Jersey, Connecticut, Georgia, Illinois, Tennessee, Arizona, California, Indiana, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, and Wisconsin.

NOTE: Applicant states it does not seek any duplicating authority.

HEARING: November 17, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Harold P. Boss.

No. MC 116181 (Sub No. 1), filed July 2, 1959. Applicant: FRANK A. PECK, Nashville Road Extension, Bethel, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats* not exceeding twenty-one (21) feet in length, from Cortland, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Virginia, Delaware, Ohio, Pennsylvania, and the District of Columbia, and *empty containers or other such incidental facilities* used in transporting boats on return. Applicant states that it presently has authority to transport boats not exceeding 18 feet in length from Cortland, N.Y., to points in the above-named states, except Pennsylvania. This application is intended to extend the commodity authority to include the 21 foot boats in that territory and give applicant similar authority to points in Pennsylvania.

HEARING: September 30, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 116577 (Sub No. 3), filed May 25, 1959. Applicant: CECIL J. PHILLIPS, Route 3, Weaver Pike, Bristol Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneers and plywoods), (1) from points in Washington and Sullivan Counties, Tenn., to points in the District of Columbia, Maryland, Delaware, Connecticut, New York, Pennsylvania, Ohio, Michigan, Virginia, and North Carolina, and (2) from points in Pike, Leslie, and Clay Counties, Ky., to points in Tennessee, Virginia, Ohio, Maryland, and North Carolina. Applicant is authorized to conduct operations in Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 30, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Richard H. Roberts.

No. MC 117037 (Sub No. 1), filed May 21, 1959. Applicant: CLAYTON B. GILBERT, 702 Murfreesboro Road, Nashville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, (1) from Nashville, Tenn., to points in Simpson, Warren and Barren Counties, Ky., and (2) from Nashville, Tenn., to points in Christian and Hopkins Counties, Ky., and *rejected or returned shipments* of bakery products, on return.

HEARING: October 12, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 117340 (Sub No. 2), filed July 13, 1959. Applicant: TRO BUTCHERS TRUCKING CORP., 636 West 131st Street, New York 27, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in insulated vehicles with mechanically refrigerated units, from Elizabeth, N.J., to New York, New Rochelle, Scarsdale, Yorktown Heights, Hewlett, Roslyn, Yonkers, Larchmont, Pelham, Harrison, White Plains, Hartsdale, Mamaroneck, Riverdale, Mount Vernon, Ardsley, Briarcliff Manor, Long Beach, Bronxville, Pelham Manor, Tuckahoe, Cedarhurst, Rye, Spring Valley, Elmsford, Great Neck, Monticello, and Rockville Centre, N.Y., Bayonne, Passaic, and Hackensack, N.J., and Stamford and Greenwich, Conn., and *rejected, returned or damaged shipments* of Ice cream on return movements. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

NOTE: Any duplication with present authority to be eliminated.

HEARING: October 8, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 117574 (Sub No. 45), filed August 3, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mixers, compressors, spreaders, pumps, pavers, crushers, excavating equipment*, and *machinery and equipment* used in the maintenance and construction of roads, streets, highways, bridges, and buildings between Columbus, Ohio on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 25, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 117574 (Sub No. 46), filed August 3, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers*, and *machinery and equipment* used in the construction and maintenance of roads, streets, highways, buildings and institutions, between Springfield, Ohio, on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 24, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 117574 (Sub No. 47), filed August 3, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment*, used in construction and maintenance of streets, highways, roads, buildings, bridges, and institutions, between Cincinnati, Ohio, on the one hand, and, on the other, points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 28, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Michael B. Driscoll.

No. MC 118772 (Sub No. 1), filed July 13, 1959. Applicant: DICK MOORE, INC., 1107 Union Avenue, Memphis, Tenn. Applicant's attorney: Wiley O. Bullock, Columbian Mutual Tower, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers* designed to be drawn by passenger automobile or trucks, in secondary movements, between points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Texas, and Tennessee.

HEARING: October 7, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 118898 (Sub No. 2), filed June 29, 1959. Applicant: T. P. TRUCKING COMPANY, INC., 1489 Grady Avenue, Yazoo City, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, dry, in bulk and in packages, between points in Louisiana, Alabama, Mississippi, Tennessee, Georgia, and Florida.

NOTE: Applicant states the proposed operations are for the account of the Monsanto Chemical Company.

HEARING: October 6, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Richard H. Roberts.

No. MC 118960 (Sub No. 1), filed July 2, 1959. Applicant: JACK P. MLADINICH, doing business as JACK'S LIST SERVICE, 348 Laston Avenue, Cliffside Park, N.J. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, files, inter-office correspondence and memoranda*, and *advertising matter* used in connection therewith, (1) between Clifton, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y.; and (2) between Belleville, Fair Lawn, Hightstown, Hillside, Princeton, Riverside, and Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y.

HEARING: September 29, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 118978 (CLARIFICATION), filed June 5, 1959, published August 5, 1959. Applicant: MERCURY PRODUCE EXPRESS, LTD., 2256 Kingsway, Vancouver, British Columbia, Canada. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, shingles, shakes* and *natural wood products*, from the ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho, and Blaine, Wash., to points in California; (2) *Canned goods* and *frozen foods*, in straight or mixed shipments with exempt commodities, from points in California to ports of entry on the International Boundary line between the United States and Canada at or near Eastport, Idaho, and Blaine, Wash.

HEARING: Remains as assigned September 21, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Examiner Lucian A. Jackson.

No. MC 118981 (Sub No. 1) (REPUBLICATION), filed June 12, 1959, published at Page 6069, July 29, 1959 issue. Applicant: CHARLES A. MATNEY, doing business as MATNEY TRUCK LINE, Gilman, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wagon boxes, unloaders*, and *parts* used in the repair thereof, from Gilman, Iowa, to points in the United States, except points in the District of Columbia, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: Remains as assigned October 1, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William P. Sullivan.

No. MC 118984, filed June 8, 1959. Applicant: EARL B. SCHRECKER AND EDWARD P. SCHRECKER, Partnership, doing business as SCHRECKER MOVING & STORAGE, Providence Boulevard, Clarksville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Household goods*, as defined by the Commission, between Clarksville, Tenn., and Fort Campbell, Ky.: from Clarksville over U.S. Highway 41A to Fort Campbell, and return over the same route, serving all intermediate points.

HEARING: October 13, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 119042, filed July 6, 1959. Applicant: JOSEPH F. DRISCOLL, 206 West Main Street, Millbury, Mass. Applicant's attorney: John F. Dargin, Jr., 18 Tremont Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Greene, Columbia, Warren, and Schoharie Counties, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

HEARING: October 13, 1959, at the New Post Office and Court House Building, Boston, Mass., before Examiner Harry Ross, Jr.

No. MC 119046, filed July 8, 1959. Applicant: JOSEPH BONANNO, doing business as J. BONANNO, 1 Cranford Avenue., Linden, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, from points in Kings and Bronx Counties, N.Y., and Stamford, Conn., to Jersey City, Florence, Camden, and New Brunswick, N.J., and *return, refused* or *rejected shipments*, of the above commodities on return.

NOTE: Applicant states that the above will be under continuing contracts with Schiavone-Bonomo Corp., Jersey City, N.J., Bronx Iron & Metal Corp., New York, N.Y., and Scrap Iron Baling Corp., Brooklyn, N.Y., and that the origin points are shippers' yards, warehouses, or plant sites located in the above-named cities and counties.

HEARING: October 5, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 119061, filed July 14, 1959. Applicant: WALTER E. DANLEY, River Road, P.O. Box 186, New Windsor, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and in bulk, *materials, supplies* and *equipment*, sold by or used in gasoline stations, to, from, or between commercial and private gasoline stations, between points in Ulster, Orange, Rockland, and Sullivan Counties, N.Y., Pike County, Pa., and Sussex County, N.J. Applicant states the proposed service is under a continuing contract with American Oil Company, 575 Lexington Avenue, New York 22, N.Y.

HEARING: October 8, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 119063, filed July 13, 1959. Applicant: ERNEST J. HANLEY AND ERNEST HANLEY, doing business as E. J. & E. HANLEY, R.F.D. No. 1, Rumney, N.H. Applicant's attorney: William F. Batchelder, 66 Main Street, Plymouth, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products* and *sawed lumber*, from points in Grafton County, N.H., to points in Massachusetts, Rhode Island, Connecticut, and New Hampshire, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: October 15, 1959, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Harry Ross, Jr.

No. MC 119100, filed July 28, 1959. Applicant: J. C. STANLEY AND THERIL REEDY, a Partnership, doing business as NEW HARDWARE & FURNITURE COMPANY, Main Street, Clintwood, Va. Applicant's attorney: W. T. Bowen, Norton, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General hardware commodities*, such as paint, electrical appliances, furniture, tools, nails, building supplies, and such other items usually found in a retail hardware and furniture store, from Hazare, Ky., to points in Wise, Dickenson, Buchanan, and Russell Counties, Va., and the Town of Dunganon, Scott County, Va., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *returned shipments thereof*, on return.

HEARING: September 29, 1959, at the City Court House, Bristol, Va., before Joint Board No. 262, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 167), filed July 6, 1959. Applicant: THE GREYHOUND CORPORATION, a Corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, (1) between New York, N.Y., and the New Haven, Conn., County Line, near Milford, Conn., from New York City over city streets and via the New England Section of the New York Thruway to its junction with the Connecticut Turnpike at the Connecticut-New York State line near Port Chester, N.Y., thence via the Connecticut Turnpike to the New Haven, Conn., County line near Milford, Conn., and return over the same route, serving all intermediate points; (2) between Newark, N.J., and New York, N.Y., from Newark over city streets to Interchange No. 15 of the New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange No. 18, thence eastwardly over New Jersey Highway 46 to the George Washington Bridge, thence over the George Washington Bridge and New York city streets to the New England Section of the New York Thruway, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 5, 1959, at the Governor Clinton Hotel, 31st and Seventh Avenue, New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 119033, filed June 29, 1959. Applicant: VALLEY ENTERPRISES, INC., Wilmington, Vt. Applicant's attorney: Charles R. Cummings, 17 Elliot Street, Brattleboro, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between Wilmington and Dover, Vt., on the one hand, and, on the other, Kenne and Hinsdale, N.H., Bennington and Brattleboro, Vt., and Greenfield, Mass., and the Albany Airport, at or near Albany, N.Y.

HEARING: October 12, 1959, at the U.S. Court Rooms, Brattleboro, Vt., before Examiner Harry Ross, Jr.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12698 (REPUBLICATION), published issue FEDERAL REGISTER May 27, 1959, filed March 13, 1959. Applicant: CLARENCE E. WIDELL, doing business as VIKING TRAVEL AGENCY, 207 North Broadway, Camden 2, N.J., and 50 Tanner Street, Haddonfield, N.J. Applicant's attorney: Walter S. Anderson, Wilson Building, Broadway at Cooper Street, Camden 2, N.J. The previous publication of the notice of filing in the issue of the FEDERAL REGISTER, dated May 27, 1959, did not clearly describe the proposed operations. At the hearing held June 24, 1959, before Examiner Lucian A. Jackson, the discrepancies in that publication were noted. Correctly stated, and as restrictively amended at the hearing, applicant proposes to engage in operations as a broker at Camden and Haddonfield, N.J., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, as follows: Groups in all-expense or "package" sightseeing or vacation tours, beginning and ending at points in Camden and Gloucester Counties, N.J., Burlington County, N.J. (except Fort Dix and McGuire Air Base), and Philadelphia County, Pa., and extending to points in the United States, including ports of entry on the International Boundary lines between the United States and Canada and the United States and Mexico, and (2) individual passengers and their baggage, in the same vehicle with such passengers, in both regular-route and special bus operations by common carrier by motor vehicle.

NOTE: Applicant states that, in respect of all-expense or "package" sightseeing or vacation tours, he "proposes to assemble persons into groups for excursion and sightseeing trips, to issue all-expense coupons to such passengers, to receive from such passengers their acceptance of an appointment of applicant as agent for the group, collectively, for the purpose of obtaining charter transportation by motor carrier, in accordance with the principle which evolved from the Tauck Tours, Inc. cases."

CONTINUED HEARING: October 8, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

MOTOR CARRIERS OF PROPERTY

No. MC 12709, filed May 19, 1959. Applicant: HENDERSON D. FILSON, doing business as H. A. FILSON, 1051 Independence Street, Lakewood, Colo. For a license (BMC 4) to engage in operations as a *broker* at Denver, Colo., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *General commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between points in the United States, including Alaska.

HEARING: September 30, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 104), filed August 3, 1959. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Hempstead, Tex., and Raccoon Bend, Tex.: from Hempstead over Texas Highway 159 and unnumbered road, to Raccoon Bend, and return over the same route, serving the intermediate non-rail point of Cochran. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states Raccoon Bend, Tex., is a non-rail point.

No. MC 30319 (Sub No. 105), filed August 3, 1959. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and comodities in bulk, between Palestine, Tex., and Jacksonville, Tex.; from Palestine over U.S. Highway 79 to Jacksonville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 104683 (Sub No. 24), (CORRECTION), filed July 24, 1959, published FEDERAL REGISTER issue of August 12, 1959. Applicant: L. L. MAJURE TRANSPORT CO., 1600 B Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Meridian, Miss., to Pensacola, Fla. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

NOTE: The purpose of this republication is to correctly describe the proposed operations as applied for: "in bulk, in tank vehicles."

No. MC 113678 (Sub No. 8), filed August 13, 1959. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meat products* and *meat by-products*, from Kearny, N.J., to New York, N.Y., (b) from Chicago, Ill., to New York, N.Y.; (2) (a) from Denver, Colo., to Kearny, N.J., (b) from Denver, Colo., to Chicago, Ill. Applicant is authorized to conduct operations in Colorado, New York, Massachusetts, and the District of Columbia.

NOTE: Applicant states that the above will be restricted in both instances to the transportation of traffic which has moved or will move from Denver, Colo., to Kearny, N.J., or from Denver, Colo., to Chicago, Ill., in applicant's trailers on flat cars in substituted rail-for-motor service, and provided further that the authority granted and the authority presently held by applicant on the same commodities from Denver, Colo., to New York, N.Y., shall be construed as comprising a single operating right which shall not be severable by sale or otherwise.

No. MC 118697 (Sub No. 1), filed August 14, 1959. Applicant: PAUL S. TAYLOR, 2039 Stonewall, Caruthersville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118698 (Sub No. 1), Filed August 14, 1959. Applicant: RALPH RUSHING, Cooter, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and Greene,

Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highways 45–E and 45.

No. MC 118699 (Sub No. 1). Filed August 14, 1959. Applicant: GENE CLARK, 506 East Ninth Street, Caruthersville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead and St. Francis Counties, Ark., on the one hand, and on the other, points in Tennessee on and West of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118700 (Sub No. 1), Filed August 14, 1959. Applicant: GRADY MEADOWS, 213 North Hopper, Kennett, Mo. Applicant's representative: A. A. Marshall, 305 Bunder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Ark; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highways 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118701 (Sub No. 1), Filed August 14, 1959. Applicant: JOHN SELSOR, Box 293, Hayti, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118702 (Sub No. 1), filed August 14, 1959. Applicant: JACK ALLEN, New Madrid, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118703 (Sub No. 1), Filed August 14, 1959. Applicant: PAUL MARSTON, Marston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1 Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118704 (Sub No. 1). Filed August 14, 1959. Applicant: WILLIAM WHITE, Marston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No MC 118706 (Sub No. 1), Filed August 14, 1959. Applicant: JOE L. RUHL, 211 Daniel, Sikeston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118707 (Sub No. 1), filed August 14, 1959. Applicant: MAX DAVIS, Hayti, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118708 (Sub No. 1) Filed August 14, 1959. Applicant: TOMMY BALL, Hayti, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and Greene, Clay, Crittenden, and Mississippi Counties, Ark, and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118710 (Sub No. 1), Filed August 14, 1959. Applicant: J. L. NEWMAN, 109 West Main, Portageville, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting *sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark. (2) Between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118712 (Sub No. 1), Filed August 14, 1959. Applicant: LOYD FROMAN, Catron, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes* transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118713 (Sub No. 1), Filed August 14, 1959. Applicant: HENRY MASON, North Kings Highway, Sikeston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on the west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118727 (Sub No. 1). Filed August 14, 1959. Applicant: JOHN GATLIN AND J. L. WISEMAN, doing business as GATLIN & WISEMAN, 3528 Democrat Road, Memphis, Tenn. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark., (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118730 (Sub No. 1). Filed August 14, 1959. Applicant: VICTOR L. PARKER AND WOODROW FLEMING, 516 East Raines, Memphis, Tenn. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 118733 (Sub No. 1), Filed August 14, 1959. Applicant: BILLY G. HUDSON, Eddyville, Ky. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and on the other, points in Tennessee on and west of U.S. Highway 45 to the Mississippi State line.

No. MC 118742 (Sub No. 1), filed August 14, 1959. Applicant: WILLIE ALDRIDGE AND A. B. ALDRIDGE, 804 South Lake, Blytheville, Ark. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) Between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 119152, Filed August 14, 1959. Applicant: ARCHIE SALTZMAN, Campbell, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., those in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 119157, filed August 14, 1959. Applicant: ELWOOD SMILEY, Leachville, Ark. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and Greene, Clay, Crittenden, and Mississippi Counties, Ark., and (2) between points in Poinsett, Craighead and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and 45.

No. MC 119161, filed August 17, 1959. Applicant: WILLIAM L. BRANHAM, 4312 Pearl Street, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Bank Building, P.O. Box 578, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, including replacement vehicles*, by use of wrecker equipment, between points in Missouri, Kansas, Oklahoma, and Arkansas.

No. MC 3647 (Sub No. 258), (CLARIFICATION), published in the July 15, 1959 issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round trip sightseeing and pleasure tours, (1) beginning and ending at Newark, N.J., and extending to Bear Mountain, West Point and Hyde Park, N.Y.; (2) beginning and ending at Newark, N.J., and extending to Crystal Cave and Hershey, Pa.; (3) beginning and ending at Newark, N.J., and extending to Philadelphia, Valley Forge and Doylestown, Pa.; (4) beginning and ending at Newark, N.J., and extending to Philadelphia and Longwood Gardens Kennett Square, Pa.; (5) beginning and ending at Newark, N.J., and extending to Danbury, Conn., Bear Mountain and Monroe, N.Y.; (6) beginning and ending at Newark, N.J., and extending to Shartlesville and Hershey, Pa.; (7) beginning and ending at Newark, N.J., and extending to Philadelphia and Bushkill Falls, Pa., and High Point Park, N.J. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: Applicant states it now holds certificates from the Commission to operate individual trips to each of the above-mentioned points from Newark. Applicant desires by this application to operate tours from Newark, N.J., to points outlined in (1) and (7), inclusive. Applicant states if the Commission should decide that applicant's present certificates are sufficient to permit these tours, this application should be dismissed.

PETITIONS

No. MC 17663, filed August 6, 1959. PETITION (1) FOR WAIVER OF RULE 101(e) OF GENERAL RULES OF PRACTICE TO PERMIT FILING OF RECONSIDERATION PETITION AND (2) FOR RECONSIDERATION OF APPLICATION AND CLARIFICATION OF COMMODITY DESCRIPTION IN CERTIFICATE IN CERTIFICATE. Petitioner: William A. Kelly, Inc., 720 North Marshall Street, Philadelphia, Pa. Petitioner's attorney: Ralph C. Busser, Jr., Attorney at Law, 1607 Morris Building, 1421 Chestnut Street, Philadelphia, Pa. Certificate No. MC 17663 dated July 8, 1953, authorizes petitioner to engage in transportation in interstate or foreign commerce as follows: *Heavy machinery* and *equipment* requiring rigging or special handling and such *materials and supplies* as are used in the installation, operation, and maintenance thereof, when transported in the same vehicle

with such commodities, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Ohio, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. *Electrical appliances* and *electrical equipment*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, and Maryland, and those in Cumberland, Salem, Gloucester, Camden, Burlington, Mercer, and Atlantic Counties, N.J. By petition filed August 6, 1959, petitioner seeks reopening and reconsideration, and the reissuance of the Certificate so as to authorize the transportation of, "*commodities*, the transportation of which because of size or weight require the use of special equipment, and of related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment", in lieu of the commodity description now contained in the subject Certificate. Petitioner requests that no change be made in the second portion of the certificate covering the transportation of "electrical appliances and electrical equipment". Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within thirty (30) days from the date of this publication in the FEDERAL REGISTER.

PETITIONS TO AMEND SCOPE OF REQUESTED OPERATING AUTHORITIES

By applications (Form BMC 78) assigned the docket numbers shown, applicant sought authority as described below: No. MC 42487 (Sub No. 399), filed April 27, 1959. Petitioner: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Oreg. Petitioner's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, between Shelby, Mont., and Glendive, Mont., from Shelby over U.S. Highway 2 to Wolf Point, thence over Montana Highway 13 to Circle, thence over Montana Highway 20 (formerly Montana Highway 18) to Glendive, and return over the same route, serving the intermediate points of Oswego, Frazer, Wyola, Nashua, Glasgow, Malta, Hinsdale, and Saco, and the off-route point of Glasgow Air Force Base.

No. MC 42487 (Sub No. 400), filed April 27, 1959. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank trucks, (1) between Lewistown, Mont., and Malta, Mo.: from Lewistown over Montana Highway 19 to Malta, and return over the same route, serving no intermediate points; and (2) between Grass Range, Mont., and junction Montana Highway 19 and unnumbered highway east of Roy, Mont.: from Grass Range over U.S. Highway 87 to its junction with unnumbered highway at a point one (1) mile north of Grass Range, thence over unnumbered highway to junction unnumbered highway and Montana Highway 19 east of Roy, and return over the same route, serving no intermediate points.

Petition filed July 20, 1959, in No. MC 42487 (Sub No. 399) seeks to amend Item III of the application to read: Service is requested to and from the intermediate (and off-route) points of Vida (also known as Presserville), Wolf Point, Oswego, Frazer, Wyota, Nashua, Glasgow, Malta, Hinsdale, and Saco, Montana, and the off-route point of Glasgow Air Force Base, Montana. The effect of such amendment is to change Wyola to Wyota and to add the off-route points of Wolf Point and Vida, Mont., as points to be served in connection with the proposed regular-route operations as described in the above-entitled application.

Petition filed July 24, 1959 in No. MC 42487 (Sub No. 400) seeks to amend Item II of the application to read: (1) Between Lewistown, Mont. and Malta, Mont., from Lewistown over Montana Highway 19 to Malta, and return over the same route, serving no intermediate points. (2) Between Grass Range, Mont., and junction Montana Highway 19 and unnumbered highway east of Roy, Mont., from Grass Range over U.S. Highway 87 to junction Montana Highway 20 and unnumbered highway at a point approximately one mile north of Grass Range, thence over unnumbered highway to junction said unnumbered highway and Montana Highway 19 east of Roy, and return over the same route. The effect of the amendment is to permit service to and from the point of Grass Range, for the specific purpose of joinder only with applicant's other common carrier authority. At the continued hearing held August 24, 1959, at Glasgow, Mont., before Joint Board No. 82, the applications were deemed amended as above described. The purpose of this publication is to advise that any person or persons who might have been prejudiced by the allowance of the amendments, may, within thirty (30) days from the date of this publication in the FEDERAL REGISTER, file an appropriate petition for further hearing.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F 7143 (W. KELLY GREGORY, INC.—PURCHASE—FRANK WATSON AND JOHN WATSON, W. KELLY GREGORY, RANDOLPH J. THOMAS AND ROBERT FERTITTA), published in the April 1, 1959, issue of the FEDERAL REGISTER on page 7143. Application filed August 19, 1959, for authority under section 210a(b) for W. KELLY GREGORY, INC., to lease temporarily the operating rights and property of W. KELLY GREGORY, RANDOLPH J. THOMAS and ROBERT FERTITTA.

No. MC–F 7265 (TRAILWAYS OF NEW ENGLAND, INC.—PURCHASE—INTERSTATE PASSENGER SERVICE, INC.), published in the August 5, 1959, issue of the FEDERAL REGISTER on page 6292. Application filed August 14, 1959, for temporary authority under section 210a(b).

No. MC–F 7271 (correction), published in the August 12, 1959, issue of the FEDERAL REGISTER on page 6554. The authority being transferred to MURAL TRANSPORT, INC., from SYRACUSE FURNITURE FORWARDING COMPANY, INC., is corrected by eliminating the authority covering *new furniture* between Grand Rapids, Mich., on the one hand, and, on the other, New York, N.Y. Vendor promises, upon approval and consummation of the transaction, to request cancellation of this portion.

No. MC–F 7282 (correction) published in the August 19, 1959, issue of the FEDERAL REGISTER on page 6749. The transaction should have been shown as a purchase by MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA of the operating rights of RICHARD STROTHMAN, doing business as STROTHMAN EXPRESS.

No. MC–F 7289, RUPP-SOUTHERN TIER FREIGHT LINES, INC.—CONTROL AND MERGER—WESTON TRANSFER COMPANY, INC., published in the August 19, 1959, issue of the FEDERAL REGISTER. Application filed August 17, 1959, for temporary authority under section 210a(b).

No. MC–F 7290. Authority sought for purchase by SECURITY STORAGE & VAN COMPANY, INC. (ALA. CORP.), 533 City Park Avenue, P.O. Box 1149, New Orleans 19, La., of a portion of the operating rights of ACME VAN LINES, INC., 912 Troost Avenue, Kansas City 6, Mo., and for acquisition by SECURITY STORAGE & VAN COMPANY, INC., (LA. CORP.) and, in turn, HOWARD WOLCHANSKY, both of New Orleans, of control of such rights through the purchase. Applicants' attorney: Kretsinger & Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between Hoosick Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, and Vermont. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Mississippi, Texas, Oklahoma, Louisiana, Tennessee, Arizona, California, Oregon, Washington, Arkansas, Missouri, Illinois, South Carolina, North Carolina, Virginia, Maryland, New Jersey, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7291. Authority sought for control and merger by THE EMERY

TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill., of the operating rights and property of MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago 29, Ill., and for acquisition by MILTON D. RATNER, also of Chicago, of control of such rights and property through the transaction. Applicants' attorneys: Clarence D. Todd or Charles W. Singer, both of 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled and merged: *Roofing and building materials*, under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the manufacture of building, roofing, or insulating materials, as a *contract carrier* over a regular route from Joliet, Ill., to Detroit, Mich., serving all intermediate points restricted to delivery only; under individual contracts or agreements with persons as defined in section 203(a) of the Interstate Commerce Act who are engaged in the manufacture of paper or paper products, for the transportation, over regular and irregular routes, of *paper mill products*, from Hamilton, Ohio, over U.S. Highway 127 to Eaton, Ohio, thence over U.S. Highway 35 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and thence over irregular routes to points in that part of Illinois on and east of U.S. Highway 150 between Moline and Peoria, Ill., and on and north of U.S. Highway 24 between Peoria and the Illinois-Indiana State line serving all intermediate points on the above-specified regular route restricted to delivery only, and from Hamilton, Ohio, over irregular routes to points in Ohio, also *materials* and *supplies* used in the manufacture and shipment of paper mill products from points in the above-specified Illinois territory over irregular routes to Chicago, thence over the above-specified regular route to Hamilton, serving all intermediate points on the above-specified regular route restricted to pick-up only, and from points in Ohio, to Hamilton, Ohio; under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the refining or distribution of petroleum products, for the transportation, over irregular routes, of *oil*, in containers, between Franklin, Pa., on the one hand, and, on the other, certain points in Illinois, Ohio, Michigan, Indiana and Kentucky, Madison, Wis., Pittsburgh, Pa., and St. Louis, Mo.; under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the manufacture of paper or paper products, building, roofing or insulating materials, iron and steel wire products, fencing materials and supplies, heavy industrial chemicals, not including drugs, medicine and toilet preparations, for the transportation of *paper, paper products, steel strapping, materials and supplies* used in the manufacture and shipping of paper and paper products, *machinery* used in the manufacture of paper products, *cartons, paperboard, paperboard sidings, rags, building, roofing and insulating materials*, (more specifically described in Sheets Nos. 4 and 5 of Permit No. MC 107640), *iron and steel wire products, fencing materials and supplies, steel, heavy industrial chemicals*, not including drugs, medicine and toilet preparations, and *such materials, supplies chemicals, and machinery* as are used in the manufacture and distribution of heavy industrial chemicals (not including drugs, medicines, and toilet preparations), from, to or between points and areas, varying with the commodity transported, in Ohio, Illinois, Indiana, Michigan, Wisconsin, Missouri, Pennsylvania, New York, Iowa, Maryland, New Jersey, West Virginia, Kentucky, and Nebraska; *iron and steel wire products, fencing materials and supplies, clay building tile, building, roofing, and insulating materials* (as more specifically described in Permits Nos. MC 107640 Sub 6, MC 107640 Sub 22, MC 107640 Sub 27, MC 107640 Sub 31, and MC 107640 Sub 33), *petroleum asphaltum, road oil, residual fuel oil*, in bulk, in insulated and heater-coil tank vehicles, *roofing materials and supplies, and supplies and materials* used in the manufacture thereof, and *concrete building and roofing slabs*, from, to or between points and areas, varying with the commodity transported, in Illinois, Kentucky, Michigan, Missouri, Minnesota, Iowa, Nebraska, Pennsylvania, New York, West Virginia, Wisconsin, Indiana, Ohio, Colorado, Kansas, North Dakota, South Dakota, and Tennessee. The service authorized regarding petroleum asphaltum, road oil, and residual fuel oil is subject to the restriction that carrier shall not light or keep lighted open-flame burners attached to any vehicle used in such transportation, except, and only, when such vehicle is at rest and off the highway. THE EMERY TRANSPORTATION COMPANY is authorized to operate as a *contract carrier* in Tennessee, Ohio, Kentucky, Indiana, Illinois, Pennsylvania, Iowa, New York, West Virginia, Michigan, Missouri, Wisconsin, Minnesota, New Jersey, Maryland, Georgia, North Carolina, South Carolina, Virginia, Florida, Arkansas, Massachusetts, Vermont, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7293. Authority sought for purchase by ZERO REFRIGERATED LINES, Room 201 Administration Building, 1500 South Zarzamora Street, P.O. Box 4064, Station "A", San Antonio 7, Tex., of the operating rights of REFRIGERATED SEAFOOD DISTRIBUTORS, INC., 14th & Boca Chica, P.O. Box 1014, Brownsville, Tex., and for acquisition by C. K. McCLELLAND, also of San Antonio, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Operating rights sought to be transferred: Those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *frozen fruits, frozen berries*, and *frozen vegetables*, in straight and in mixed loads with *certain exempt commodities*, as a *common carrier* over irregular routes between points in Texas, Illinois, Tennessee, Louisiana, Florida, Arkansas, Oklahoma, Kansas, California, Ohio, Missouri, New York, Pennsylvania, Indiana, Georgia, Colorado, Michigan, Minnesota, Oregon, Alabama, Mississippi, Nebraska, Washington, New Mexico, Arizona, Nevada, Idaho, Kentucky, South Carolina, North Carolina, Virginia, Maryland, New Jersey, Wisconsin, Iowa, Massachusetts, Delaware, Connecticut, Utah, Wyoming, and Montana. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Louisiana, Texas, Wisconsin, Iowa, Minnesota, Arizona, New Mexico, Nebraska, Idaho, Utah, Oklahoma, Arkansas, Colorado, and South Dakota. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–7292. Authority sought for purchase by NORTHEASTERN MISSOURI GREYHOUND LINES, INC., 500 South Washington Street, Mexico, Mo., of a portion of the operating rights of TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex., and for acquisition by ROBERT H. FINLEY, 225 South Street, Mexico, Mo., of control of such rights through the purchase. Applicants' attorney: C. Zimmerman, P.O. Box 730, Wichita 1, Kans. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a *common carrier* over regular routes, between Moberly, Mo., and St. Louis, Mo., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Missouri and Illinois. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7076; Filed, Aug. 25, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 232]

NEBRASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Douglas, Sarpy and Saunders (flood occurring on or about August 2 and 3, 1959).

Offices:

Small Business Administration Regional Office, Home Savings Building, 1006 Grand Avenue, Kansas City 6, Mo.

Small Business Administration Branch Office, 207 Farm Credit Building, 206 South 19th Street, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 4, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-7023; Filed, Aug. 24, 1959; 8:46 a.m.]

[Declaration of Disaster Area 233]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County: Lee (Rain and flood occurring on or about August 5, 1959).

Offices:

Small Business Administration Regional Office, Room 430, Bankers Building, 105 West Adams Street, Chicago 6, Ill.

Small Business Administration, Temporary Field Office, c/o Fort Madison Chamber of Commerce, Fort Madison, Iowa.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 10, 1959.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 59-7024; Filed, Aug. 24, 1959; 8:47 a.m.]

[Declaration of Disaster Area 234]

OREGON

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1959, because of the effects of certain disasters, damage resulted to residences and business property located in the City of Roseburg in the State of Oregon;

Whereas, the Small Business Administration has investigated and has received other reports of investigations in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the City of Roseburg (including any area adjacent to said City), suffered damage or other destruction as a result of an explosion of dynamite and resulting fires occurring on or about August 7, 1959.

Offices:

Small Business Administration Regional Office, Smith Tower, Room 1220, 506 Second Avenue, Seattle 4, Wash.

Small Business Administration Branch Office, 811 Southwest Washington Street, Portland 5, Oreg.

Small Business Administration, Temporary Field Office, Roseburg, Oreg.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 8, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-7025; Filed, Aug. 24, 1959; 8:47 a.m.]

[Declaration of Disaster Area 235]

TERRITORY OF HAWAII

Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1959, because of the effects of certain disasters, damage resulted to residences and business property located on the Island of Kauai in the Territory of Hawaii.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated on the Island of Kauai (including any area adjacent to said Island) suffered damage or destruction as a result of a hurricane occurring on or about August 6 and 7, 1959.

Offices:

Small Business Administration Regional Office, 525 Market Street, San Francisco 11, Calif.

Small Business Administration Branch Office, Finance Factors Building, 195 South King Street, Honolulu, Hawaii.

Small Business Administration, Temporary Field Office, Lihue, Island of Kauai, Telephone 25111, Territory of Hawaii.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 8, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-7026; Filed, Aug. 24, 1959; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 168

Washington, Thursday, August 27, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

PART 204—COMPENSATION AND ALLOWANCES

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (4) of paragraph (b) of § 201.100 are amended as set out below:

§ 201.100 Exclusions.

Pursuant to the provisions of § 201.3 (b) the following positions and incumbents thereof are excluded, to the extent indicated, from the provisions of the Act of July 25, 1958 (72 Stat. 405) and such regulations:

* * * * *

(b) The following positions, and the incumbents thereof, are excluded from the provisions of Parts 202 and 203 of the regulations in this chapter.

* * * * *

(3) Positions in the Department of the Army excepted from the competitive service by § 6.105(a) (1) and (6), Schedule A, Part 6 of this title (Civil Service Regulations).

(4) Positions in the Department of the Navy excepted from the competitive service by § 6.106(a) (1), Schedule A, and § 6.206(a), Schedule B, Part 6 of this title (Civil Service Regulations).

2. By virtue of authority vested in the President by section 15 of the Act of July 25, 1958 (72 Stat. 411), and delegated to me by section 2 of Executive Order 10794 of December 10, 1958 (23 F.R. 9627; 3 CFR, 1958 Supp.) § 204.7 of the regulations on this subject issued January 14, 1959 (24 F.R. 348) is amended to read as follows:

§ 204.7 Special.

Those occupational groupings which are excepted from the Non-Manual, Manual, and Service Categories, and whose bases generally have been traditionally or by statute evaluated, classified, and titled by reference to applicable Government or industry standards for the same or similar work.

(Sec. 15, 72 Stat. 411)

WILBER M. BRUCKER,
Secretary of the Army.

[F.R. Doc. 59-7098; Filed, Aug. 26, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 123]

PART 1023—MILK IN THE DES MOINES, IOWA, MARKETING AREA

Order Amending Order

§ 1023.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and

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other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 21, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 14, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 1023.50 [Amendment]

Delete § 1023.50(a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk pursuant to Part 941 (Chicago) of this chapter, plus 35 cents: *Provided,* That through April 30, 1960, the effect on the price pursuant to this paragraph of the supply and demand ratio as contained in § 941.52(a)(1) of this chapter shall be limited to 10 cents: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 21st day of August 1959, to be effective on and after the 1st day of September 1959.

[SEAL] MARVIN L. MCLAIN, *Acting Secretary.*

[F.R. Doc. 59–7114; Filed, Aug. 26, 1959; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.411]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Revision of Nonimmigrant Visa Regulations

Correction

In F.R. Document 59–6805, appearing in the issue for Tuesday, August 18, 1959, at page 6678, make the following changes:

1. In § 41.55(a) the reference to "section 101(a)(15)(N)" should read "section 101(a)(15)(H)".

2. In § 41.55(b) the reference to "section 101(a)(15)(G)" should read "section 101(a)(15)(H)".

3. In § 41.55(c) the reference to "section 101(a)(15)(N)(iii)" should read "section 101(a)(15)(H)(iii)".

4. The heading of subparagraph (28) in § 41.91(a) should read "*Members or affiliates of prescribed organizations.*"

5. In § 41.91(a)(28)(vi), lines 12 and 19, the word preceding "dictatorship" should read "totalitarian".

6. In § 41.91(e)(2)(v) the reference to "Class C–1" should read "Class G–1".

7. In § 41.95(c), line 11, the reference to "section 12(a)(28)" should read "section 212(a)(28)".

8. In § 41.104(a), lines 10 and 12, the reference to "(C)" should read "(G)".

9. In § 41.111(d)(1), line 10, the reference to "(O)" should read "(G)".

10. In § 41.112(a), line 2, "O" should read "G".

11. In § 41.114, line 10, the reference to "(C)" should read "(G)".

12. In § 41.116(b)(1), line 16, the reference to "(C)" should read "(G)".

13. In § 41.116(b)(3), line 8, preceding the word "Consular", the comma should be a period.

14. In § 41.121(b) make the following changes:

a. In subparagraph (2), the reference to "section 101(a)(15)(C)" should read "section 101(a)(15)(G)".

b. In subparagraph (3) the reference to "section 212(d)(5)" should read "section 212(d)(8)".

c. In subparagraph (4) the word "paragraphs" should read "paragraph".

15. In § 41.124(d), line 10, the reference to "(N)" should read "(H)".

16. In § 41.130(d), lines 8 and 9, the word "indicated" should read "indicates".

17. In § 41.134(a), line 10, the word "obtaining" should read "obtains".

18. In § 41.140(b), line 47, "San Yaidro" should read "San Ysidro".

19. On page 6692, column 3, last paragraph, the citation within the parenthesis should read "(60 Stat. 238; 5 U.S.C. 1003)".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–160]

[Amdt. 37]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension and Control Zone

The purpose of this amendment is to make a minor modification of the Camp Douglas (Volk Field) Wisconsin control area extension and control zone.

The Camp Douglas control area extension and control zone are annually designated from 0001 c.s.t., June 1, to 0001 c.s.t., September 1, during which time various units of the Wisconsin Air National Guard utilize the Camp Douglas facilities for training. In order to provide additional time for training, and at the same time provide for the safety of military and civil air traffic, the Department of the Air Force has requested that the control area extension and the control zone be made effective from May 30 through September 5, annually. Thus, the designations would be extended for an additional 7 days.

This action has been coordinated with the Army, the Navy, and the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, public procedures and effective date provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.1429, 601.2408 (14 CFR, 1958 Supp., 601.1429, 601.2408) are amended as follows:

1. In § 601.1429 *Control area extension (Camp Douglas, Wis.),* in the text delete "June 1 to 0001 c.s.t., September 1, 1958," and substitute therefor "May 30 to 0001 c.s.t., September 6, 1959,".

2. Section 601.2408 *Camp Douglas, Wis., control zone,* in the text delete "June 1 to 0001 c.s.t., September 1, 1958," and substitute therefor "May 30 to 0001 c.s.t., September 6, 1959,".

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS, *Director, Bureau of Air Traffic Management.*

[F.R. Doc. 59–7134; Filed, Aug. 26, 1959; 8:50 a.m.]

[Reg. Docket 89; Amdt. 131]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Albany VOR	ABY-LFR	Direct	1600	T-dn	300–1	300–1	*300–1
				C-dn	600–1	600–1	600–1½
				S-dn-27	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar Transition Altitude 1600′ within 25 miles of Radar Site. Radar control must provide 3 miles lateral or 1000′ vertical separation; or 3 to 5 miles lateral and 500′ vertical separation from the following towers: 719′ MSL 22 miles WNW, 1362′ MSL 20 miles SSE.
Procedure turn S side E crs, 090° Outbnd, 270° Inbnd, 1300′ within 10 mi. (Nonstandard to separate Turner AFB traffic.)
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport 270°—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi climb to 1500′ on W crs within 20 mi.
Major Change: Caution note deleted.
*200½ Runway 3–21 only.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196′; Fac. Class., SBMRAZ; Ident., ABY; Procedure No. 1, Amdt. 11; Eff. Date, 12 Sept 59; Sup. Amdt. No. 10; Dated, 15 Nov. 58

Shreveport VOR	SHV-LFR	Direct	1700	T-dn	300–1	300–1	300–1
		Direct	1100	C-d	600–1	600–1	600–1½
				C-n	600–1½	600–1½	600–1½
				A-dn			

Procedure turn E side NW crs, 326° Outbnd, 146° Inbnd, 1900′ within 10 miles. Beyond 10 mi NA. (Nonstandard due to traffic.)
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 153—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn left, climb to 1700′ on E crs (087) and proceed to Minden Int.
NOTE: No weather or communications available at this airport.
CAUTION: 480′ MSL TV Tower located 1.6 mi S of airport. 1446′ MSL and 1403′ TV antennas located approx. 12 miles WNW of SHV LFR.
AIR CARRIER NOTE: Air carrier use not authorized.
Major Change: Deletes transition from Dixie RBn.

City, Shreveport; State, La.; Airport Name, Downtown; Elev., 179′; Fac. Class, SBRAZ; Ident., SHV; Procedure No. 1, Amdt. 9; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 8; Dated, 28 Sept. 57

Shreveport VOR	SHV-LFR	Direct	1700	T-dn	300–1	300–1	200–½
		Direct	1100	C-d	600–1	600–1	600–1½
				C-n	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2
Radar Terminal area transition altitudes—bearings are from radar site with azimuths progressing clockwise:							
000–089		Within 40 miles	1700				
090–269		Within 40 miles	1500				
270–359		Within 40 miles	2400				

Procedure turn E side NW crs, 326° Outbnd, 146° Inbnd, 1900′ within 10 miles. Beyond 10 mi NA. (Nonstandard due to traffic.)
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 196—7.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplish within 7.8 miles, turn left, climb to 1400′ on crs of 135°, intercept and proceed S on S crs of SHV LFR within 20 miles.
CAUTION: 1446′ and 1403′ TV antennas located approximately 11 mi WNW of SHV LFR.
Major Change: Deletes transition from Dixie RBn.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev., 251′; Fac. Class, SBRAZ; Ident, SHV; Procedure No. 1, Amdt. 7; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 6; Dated, 28 Sept. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AMA, VOR	TDW RBn	Direct	5000	T-dn	300–1	300–1	200–½
AMA LFR	TDW RBn	Direct	5000	C-dn	400–1	500–1	500–1½
Soncy Int	TDW RBn	Direct	5000	S-dn-3	400–1	400–1	400–1
Bivins Int	TDW RBn	Direct	5300	A-dn	800–2	800–2	800–2
Panhandle Int	TDW RBn	Direct	5000				
Claude Int	TDW RBn	Direct	5000				
Palo Duro Int	TDW RBn	Direct	5300				
Tower Int	TDW RBn	Direct	5300				
Sam Int	TDW RBn	Direct	5000				
Westside Int	TDW RBn	Direct					

Procedure turn S side of crs 214° Outbnd, 034° Inbnd. 5000′ within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4500′; over Terminal Fix*, 4300′.
Crs and distance, facility to airport, 034°—5.0 mi; Terminal Fix* to airport, 034°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing TDW RBn or 0.9 mi after passing Terminal Fix climb to 4900′ on crs 034° or, when directed by ATC, climb to 4700′ on E crs AMA LFR, both within 20 miles.
CAUTION: Towers 3994 MSL 5 mi SW; 3886 MSL 4 mi SW; 3855 MSL 5 mi SSW of airport.
*If Terminal Fix is not received, descent below 4300′ m.s.l. NA and ceiling minimum is 700′. Aircraft not equipped with two functioning ADF receivers are not authorized to descend below 4300′ m.s.l. and ceiling minimum is 700′ for such flights.
*Int Brng 031° from TDW RBn and Brng 356° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class, MHW; Ident., TDW; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 4 Apr. 59

PROCEDURES CANCELLED, EFFECTIVE IMMEDIATELY.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666′; Fac. Class, LOM; Ident., OR; Procedure No. 2, Amdt. Orig.; Eff. Date, 19 Dec. 57

Black Forest FM	COS RBn	Direct	8200	T-dn*	300–1	300–1	300–¾
Elliott RBn	COS RBn	Direct	7800	C-d	600–1	600–1	600–1½
Fountain FM	COS RBn (Final)	Direct	7300	C-n	600–2	600–2	600–2
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 166° outbnd, 346° inbnd, 7300′ within 10 mi.
Minimum altitude over facility on final approach crs, 7300′.
Crs and distance, facility to airport, 346°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles of COS MHW, make right climbing turn to 8000′ on crs 080° and proceed to Elliott MHW or, when directed by ATC, make right climbing turn, climb to 7300′, proceed to COS MHW.
CAUTION: Sharply rising terrain west of Amber 3. 7190′ m.s.l. tower 8 miles north of airport; 7923′ m.s.l. tower 14 miles north of airport.
*AIR CARRIER NOTE: Takeoff below 300–¾ NA; 400–1 required for takeoff Rnwy 30; after takeoff, immediate left turn required for Rnwy 30 and right turn for Rnwy 35 with minimums less than 700–2.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class, MHW; Ident., COS; Procedure No. 1, Amdt. 8; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 7; Dated, 8 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE 12 SEPT. 59.

City, Nantucket; State, Mass.; Airport Name, Memorial; Elev., 48′; Fac. Class, BMH; Ident., XAC; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Oct. 58

Int SW crs Allentown LFR and 181° brng to LOM.	LOM	Direct	2500	T-dn*	300–1	300–1	200–½
Honeybrook Int	LOM (Final)	Direct	1600	C-dn	1000–2	1000–2	1000–2
				S-dn-36	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 181° Outbnd, 100° Inbnd, 2100′ within 10 mi.
Minimum Altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 001°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′ on crs of 001° from LOM within 10 miles.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 31 or 36.
*300–1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical to avoid towers 1510′ m.s.l. and high terrain 2.6 mi SE of airport.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343′; Fac. Class, LOM; Ident., RD; Procedure No. 1, Amdt. 4; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 3 (ADF portion of Comb, ILS-ADF); Dated, 2 Apr. 54

Shreveport LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Shreveport VOR	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Forbing Int	LOM	Direct	1400	S-dn-13	400–1	400–1	400–1
Lucien Int	LOM	Direct	1400	A-dn	800–2	800–2	800–2
Caddo Lake Int	LOM	Direct	2400				
Blanchard Int	LOM (Final)	Direct	900				

Radar terminal area transition altitude 1700* within 40 miles.
Procedure turn W side of NW crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 mi.
Minimum altitude over LOM, 900′.
Distance to approach end of Rnwy at LOM, 3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing LOM, climb to 1400′ on crs of 135° within 20 mi or, when directed by ATC, turn right, climb to 1400′ on heading 195°, intercept and proceed outbnd on SW crs BAD LFR.
CAUTION: 1446′ and 1403′ TV antennas approx 11 mi NNW of LOM.
Major Change: Deletes transition from Dixie RBn.
*Radar control must provide 1,000 feet clearance when within three miles or 500 feet clearance when between 3–5 miles of radio antenna towers 1,446′ MSL 16 mi. NW of airport.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev., 251′; Fac. Class, LOM; Ident., SH; Procedure No. 1, Amdt. 9; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 8; Dated, 4 Oct. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
AMA LFR	AMA VOR	Direct	5000	T-dn	300–1	300–1	200–½
TDW RBN	AMA VOR	Direct	5000	C-dn	400–1	500–1	500–1½
AMA LFR	*Potter Int	Direct	5000	S-dn-3	400–1	400–1	400–1
TDW RBN	*Potter Int	037–4.4	4500	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 5000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over Potter Int* on final approach crs, 4500′.
Crs and distance, Potter Int* to airport, 031°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing Potter Int, climb straight ahead to 4900′ on R–209 to the VOR, thence R–029 within 20 mi of AMA VOR or, when directed by ATC, climb to 4700′ on AMA VOR R–075 within 20 mi of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994 MSL 5 mi. SW; 3886 MSL 4 mi. SW; 3855 MSL 5 mi. SSW.
*Potter Int: Int AMA VOR R–211 and Brng 356° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class, BVOR; Ident., AMA; Procedure No. 2, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 4 Apr. 59

				T-dn	500–1	500–1	500–1
				C-d	1000–1	1000–1	1000–1½
				C-n	1000–3	1000–3	1000–3
				A-dn	NA	NA	NA

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 2700′ within 10 miles. NA beyond 10 mi. (Non-standard due to terrain.)
Minimum altitude over facility on final approach crs, 1200′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4500′ on R–002 within 15 miles.
CAUTION: 550′ Hills 2 to 3 miles E and SE of airport.
NOTE: Published weather not available.

City, Newport; State, Oreg.; Airport Name, Newport; Elev., 160′; Fac. Class, VORW; Ident, ONP; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 12 Nov. 55

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Spring Lake Int	ORD-VOR	Direct	2500	T-dn	300–1	300–1	200–½
Morton Int	ORD-VOR	Direct	2000	C-dn	600–1	600–1	600–1½
Elgin Int	ORD-VOR	Direct	2500	S-dn-22	600–1	600–1	600–1
Midway LOM	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Glenview LFR	ORD-VOR	Direct	2000				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn N side of crs 033° Outbnd, 213° Inbnd, 2000′ within 5 mi of *Int.
Minimum altitude over *Int on final approach crs, 1500′.
Crs and distance, *Int or Radar fix to airport, 213°—5.0 mi.
Crs and distance, breakoff point to approach end of Rnwy 22, 218°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500′ or higher altitude if specified by ATC and proceed to Northbrook VOR via R–030 ORD and R–135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500′ proceed to Morton Int via R–075 ORD; (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030° crs and SE crs Glenview LFR.
*Int R–033 ORD and R–147 OBK or Radar Fix.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev, 666′; Fac. Class, VORTAC; Ident., ORD; Procedure No. TerVOR-22, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

				T-dn	1500–2	1500–2	
				C-dn	1500–2	1500–2	
				A-dn	1500–3	1500–3	

Procedure turn S side of crs, 105° Outbnd, 285° Inbnd, 9000′ within 10 mi of DRO–TVOR.
Facility on airport.
Minimum altitude over facility on final approach crs, 8200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to Falfa Int* on DRO R–259, proceed to Farmington VOR on R–014 at 8800′.
CAUTION: No control area. Pilots using Durango TVOR shall, as soon as practicable, advise Durango TVOR (on 122.1 MCS) of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Durango TVOR, hold between facility and a point two minutes out on final approach course at least 1000′ above procedure turn altitude and 1000′ above previously reported traffic until advised that aircraft making approach has landed. Keep Durango TVOR advised (on 122.1 MCS) at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTES: Use of procedure authorized only when communications available (Communications available—0500–2200 local time). Facility owned by City of Durango, Colo. Durango receives communications on 122.1 MCS; transmits on TVOR frequency 108.2 MCS.
*Int Durango TVOR R–259 and Farmington VOR R–014.

City, Durango; State, Colo.; Airport Name, Durango-La Plata County; Elev, 6684′; Fac. Class, TVOR (Nonfederal facility); Ident., DRO; Procedure No. TerVOR (R–105), Amdt. 2; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 1; Dated, 8 Aug. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Binghamton VOR	BGM–MHW or River Int*	Direct	3500	T-dn	300–1	300–1	200–½
Montrose Int	BGM–MHW	Direct	3500	C-dn	400–1	500–1	500–1½
Sidney Int	BGM–MHW	Direct	3500	S-dn-34	300–¾	300–¾	300–¾
Sanford Int	BGM–MHW	Direct	3500	A-dn	600–2	600–2	600–2
Stevens Point	BGM–MHW	Direct	3500				

Procedure turn E side SE crs, 158° Outbnd, 338° Inbnd, 3500′ within 10 mi of Binghamton MHW or River Int*.
Minimum altitude at G.S. int inbnd, 3500′.
Altitude at G.S. and distance to approach end of Rnwy from BGM–MHW or River Int*, 3505′—7.0 mi.
Altitude of G.S. and distance to approach end of Rnwy at OM, 2695′—3.9 mi; at MM, 1820′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb on crs of 338° to 3500′ within 15 miles, then make left turn to BGM–VOR or, when directed by ATC, make left climbing turn to 3500′ to the BGM VOR.
*Int R–116 BGM VOR and SE crs BGM ILS.

City, Binghamtom; State, N.Y.; Airport Name, Broome County; Elev, 1629′; Fac. Class, ILS; Ident., BGM; Procedure No. ILS–34, Amdt. 6; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 5; Dated, 9 May 59

Black Forest FM	COS MHW (LOM)	Direct	8200	T-dn#	300–1	300–1	300–¾
ILS LMM	COS MHW (LOM)	Direct	7300	C-d	600–1	600–1	600–1½
Ellicott MHW	COS MHW (LOM)	Direct	7800	C-n	600–2	600–2	600–2
Pueblo VOR, via R–314	S crs COS ILS (Fountain FM)	Direct	7300	S-dn-35°	300–¾	300–¾	300–¾
Fountain FM	COS MHW (LOM) (Final)	Direct	7300	A-dn	600–2	600–2	600–2
Pinon Int	COS MHW (LOM)	Direct	7300				

Procedure turn E side S crs, 166° Outbnd, 346° Inbnd, 7300′ within 10 mi of COS MHW (LOM). NA beyond 10 mi. (Procedure turn area limited to west by restricted area.)
Minimum altitude at G.S. int inbnd, 7300′.
Altitude of G.S. and distance to approach end of rny at OM, 7240—3.8; at MM 6325—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, make a right climbing turn to 060°. Proceed to Ellicott MHW at 8000′.
NOTES: No approach lights. Radar vectoring authorized in accordance with approved radar patterns.
CAUTION: 7190′ tower 8 miles North of airport; 7923′ tower 14 miles North of airport; sharply rising terrain West of Amber Airway No. 3.
#Takeoffs below 300–¾ NA. 400–1 required for takeoff Runway 30; after takeoff, immediate left turn required for Runway 30 and right turn for Runway 35 with minimums less than 700–2.
*Provisions for inoperative ILS components not applicable. 400–1 required with glide slope inoperative. Landing with visibility less than ¾ mile not authorized.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class, ILS; Ident., I–COS; Procedure No. ILS–35, Amdt. 10; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 9; Dated, 23 May 59

Columbus LOM	Bexley RBn	Direct	2500	T-dn	300–1	300–1	200–½
Columbus LFR	Bexley RBn	Direct	2500	C-dn	400–1	500–1	500–1½
Appleton VOR	Bexley RBn	Direct	2500	S-dn-9	400–1	400–1	400–1
Hilliard FM	Bexley RBn	Direct	2000	A-dn	600–2	600–2	600–2
Radar Terminal area transition altitudes: Radar Site.	Bexley RBn (Final)	Within: 25 mi. 35 mi. 40 mi.	2500 3000 4000				

Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 2500′ within 10 mi of Bexley MHW.
No glide slope—2000′ over Bexley RBn; 3.3 mi from Bexley RBn to rwy 9.
If visual contact not established upon descent to authorize landing minimums or if landing not accomplished within 3.3 mi after passing Bexley RBn, climb to 2400′ on E crs ILS or crs 096° from Bexley RBn within 15 mi.
NOTE: Reinstates Amdt. 3, Effec. 14 June 58, Cancelled Effec. 22 Aug. 59.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev. 816′; Fac. Class, ILS; Ident. CMH; Procedure No. ILS–9, Amdt. 4; Eff. Date, 22 Aug. 59; Sup. Amdt. No. 3; Dated 14 June 58

MKE–VOR	Lake Park Int*	Direct	2700	T-dn	300–1	300–1	200–½
MKE–LFR	Lake Park Int*	Direct	2700	C-dn	600–1	600–1	600–1½
MKE–LOM	Lake Park Int*	Direct	2700	S-dn-19	400–1	400–1	400–1
Cardinal Int	Lake Park Int*	Direct	2200	A-dn	800–2	800–2	800–2
Cardinal Int	Lake Park Int* (Final)	Direct	2300				
Lake Park Int*	Harbor Int**	Direct	1800				
Lake Park Int*	Harbor Int** (Final)	Direct					

Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Int.* Refer to Radar procedure for Milwaukee, Wis., if detailed sector altitudes desired.
Procedure turn W side N crs, 006° Outbnd, 186° Inbnd, 2700′ within 10 mi of *Lake Park Int.
No glide slope. Min alt over Lake Park Int* on final app—2200′. Final after leaving Lake Park Int* to Harbor Int**—1800′. Brng and dist Lake Park Int* to Harbor Int**, 186—3.0
No markers. Brng. and dist: Lake Park Int* to Rny 19, 186—7.0; Harbor Int** to Rny 19, 186—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, climb to 2000′ on localizer crs to MKE LOM or when directed by ARTC: (1) Make left climbing turn to 2000′ and proceed to Sun Fish Int, via V30.
*Lake Park Int: Int MKE–VOR R–096 and N crs ILS.
**Harbor Int: Int MKE–VOR R–105 and N crs ILS.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: 787′ power line ½ mi N of Rwy–19.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 698′; Fac. Class, ILS; Ident., I–MKE; Procedure No. ILS–19, Amdt. 3; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 2; Dated, 15 Mar. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Glen Cove MHW	OM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Mitchel LFR	OM	Direct	1500	C-dn	400–1	500–1	500–1½
Idlewild VOR	OM	Direct	1500	S-dn-22*	200–½	200–½	200–½
Radar Terminal area transition altitudes:		Within:		A-dn	600–2	600–2	600–1
All directions		25 mi	2500				
E of NE/SW crs LaGuardia LFR		15 mi	1500				

Procedure turn E side NE crs, 043° Outbnd, 223° Inbnd, 1500′ within 10 mi of OM. (Nonstandard to avoid LaGuardia traffic.)
Minimum altitude at glide slope int inbnd, 1500′
Altitude of glide slope & distance to approach end of runway at OM, 1500′—4.8 mi; at MM, 240′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on SW crs ILS and proceed to Scotland MHW. Contact IDL approach control for further instructions.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278′ stack 1.7 mi SE of Rnwy 4; 185′ control tower on airport.
NOTE: Reinstates Amdt 2, Effec. 11 May 57, Cancelled, Effec. 1 Aug. 59.
*400–¾ required with Glide Slope inoperative.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class, ILS; Ident., IWY; Procedure No. ILS-22, Amdt. 3; Eff. Date, 1 Aug. 59; Sup. Amdt. No. 2; Dated, 11 May 57

Int SW crs Allentown LFR and South crs ILS.	LOM	Direct	2500	T-dn*	300–1	300–1	200–½
				C-dn	600–2	800–2	800–2
Honeybrook Int	LOM (Final)	Direct	#2100	S-dn-36**	400–1	400–1	400–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100′ within 10 N miles.
Minimum altitude at glide slope interception inbound, 2100′.
Altitude of G.S. and distance to appr end of rny at OM 1540—3.9, at MM 535—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on crs of 001° from LOM within 10 mi.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in take-off minimums authorized on runways 31 or 36.
*300–1 required for takeoff on Rnwys 31 and 36; takeoff on Rnwys 18 and 13, make right turn as soon as practical, to avoid towers 1510′ m.s.l. and high terrain 2.6 mi SE of airport.
**600–1 required with Glide Slope inoperative.
#After interception of localizer course inbound, descent on glide slope to cross outer marker at 1540′ on final approach is authorized.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343′; Fac. Class, ILS; Ident, RDG; Procedure No. ILS-36, Amdt. 4; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 3; Dated, 2 Apr. 54

Shreveport LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Shreveport VOR	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Blanchard Int	LOM (Final)	Direct	1400	S-dn-13*	200–½	200–½	200–½
Forbing Int	LOM	Direct	1400	A-dn	600–2	600–2	600–2
Lucien Int	LOM	Direct	1400				
Caddo Lake Int	LOM	Direct	2400				

Radar terminal area transition altitude 1700# within 40 miles.
Procedure turn W side of NW crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 mi.
Minimum altitude at G.S. int inbnd, 1400′.
Altitude of G.S. and distance to appr end of rny at OM 1400—3.7, at MM 455—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on crs of 135° or SE crs ILS within 20 mi, or when directed by ATC, turn right, intercept and climb to 1400′ on R-180 SHV VOR within 20 mi.
CAUTION: 1446′ and 1463′ TV antennas approx 11 mi NNW of LOM.
Major Change: Deletes transition from Dixie RBn.
*400–¾ required when glide slope not utilized.
#Radar control must provide 1,000 feet clearance when within three miles or 500 feet clearance when between 3–5 miles of radio antenna towers 1,446 feet MSL 16 mi. NW of airport.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev. 251′; Fac Class, ILS; Ident., ISHV; Procedure No. ILS-13, Amdt. 9; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 8 (ILS portion of Comb. ILS-ADF); Dated, 4 Oct. 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
												Surveillance Approach			
225	030	5	8000					20	8000	25	9000	T-dn#	300–1	300–1	300–¾
030	100			10	7800					25	9000	C-d	600–1	600–1	600–1½
100	170			10	7300	15	8000			25	9000	C-n	600–2	600–2	600–2
170	325	Unusable.										S-dn-21, 30, and 35.	500–1	500–1	500–1
												A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Rnwy 21: Make left climbing turn to 080°, climb to 8000′, proceed to Ellicott MHW.
Rnwy 30, 35: Make right climbing turn to 080°, climb to 8000′, proceed to Ellicott MHW or, when directed by ATC, make right climbing turn, climb to 7300′, proceed to COS MHW.
CAUTION: Sharply rising terrain west of Amber Airway No. 3. 7190′ m.s.l. tower 8 mi N of airport; 7923′ m.s.l. tower 14 mi N of airport.
#AIR CARRIER NOTE: Takeoffs below 300–¾ not authorized; 400–1 required for takeoff Rnwy 30; after takeoff, immediate left turn required for Rnwy 30 and right turn for Rnwy 35 with minimums less than 700–2.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev. 6172′; Fac Class, Colorado Springs; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 8 Nov. 58

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision Approach			
All Sectors	Radar Site	Within 20 mi	3000	T-dn-04, 18, 36, 22.	300–1	300–1	300–1
				Surveillance Approach			
				T-dn-04, 18, 36	300–1	300–1	300–1
				T-dn-22	300–1	300–1	200–½
				Precision and Surveillance Approach			
				C-d*	600–1	600–1	600–1
				C-n*	600–2	600–2	600–2
				S-d-04, 22	400–1	400–1	400–1
				S-n-04	400–2	400–2	400–2
				S-n-22	500–2	500–2	500–2
				A-dn	1500–3	1500–3	1500–3

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Rnwy 4: Turn right and climb to 2800′ on 050° crs FRI "H" within 15 mi.
Rnwy 22: Turn left and climb to 2800′ on 050° crs FRI "H" within 15 mi.
NOTES: Military authority required. Airport not available to general public. Restricted Area R-197 adjacent to airfield Northwest. Small arms firing ranges 2.4 mi North of airfield.
*Circling approaches will be made East of the Airfield.

City, Fort Riley; State, Kans.; Airport Name, Marshall U.S.A.A.F.; Elev, 1062′; Fac. Class, Marshall; Ident., Radar; Procedure No. 1, Amdt., Orig.; Eff. Date, 12 Sept. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 12, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59–6799; Filed, Aug. 26, 1959; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Canada

Pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), § 151.9 of the regulations relating to recognition of breeds and books of record of purebred animals (9 CFR 151.9, as amended), is hereby further amended in the following respects:

1. The language of § 151.9(b)(1) preceding the chart listing recognized breeds of animals is amended to read as follows:

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided,* That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same breed: *Provided further,* That no Dexter cattle, Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony or Welsh Pony and Cob breed in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

2. In the chart in § 151.9(b) listing the recognized breeds of animals the word "Dexter" is inserted in proper alphabetical sequence in the column headed "Cattle."

(Par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

The foregoing amendment provides for the recognition of the Dexter breed of cattle and the records thereof contained in the Canadian National Live Stock Records. The amendment further provides that no Dexter cattle registered in such records shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the Dexter breed of cattle, issued by the Canadian National Live Stock Records, is submitted for such animals.

The effect of the amendment is to provide for duty-free entry of certain Dexter cattle which are registered in the Canadian National Live Stock Records and, in order to be of maximum benefit to persons desiring to import such animals, the amendment should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice of rule-making and other public procedure on the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7129; Filed, Aug. 26, 1959; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7447 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Pangburn Co., Inc.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.755 *Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Pangburn Company, Inc., Fort Worth, Tex., Docket 7447, July 15, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of chocolates in Fort Worth, Tex., selling almost exclusively in drugstores, with price discrimination in violation of section 2(a) of the Clayton Act by allowing drug chain customers to combine purchases of their various outlets and thus receive preferential prices under its annual cumulative quantity discount system, ranging from one percent on yearly purchases of from $1,000 to $1,999, to ten percent on $10,000 and up, while competing non-chain customers—frequently buying in much greater volume than an individual chain outlet—received no discount at all or, at best, a much smaller one.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Pangburn Company, Inc., a corporation, and its officers, representatives, agents, or employees, directly or through any corporate or other device, in connection with the sale and distribution of its assorted chocolates and confections or other related products, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Discriminating in price by means of an annual cumulative quantity discount system, or by using the combined purchases of the various outlets of a chain or group purchaser as a basis for determining any such discount, or by any other means, which results in selling to any one purchaser, its products of like grade and quality, at net prices higher than the net prices charged any other purchaser competing with the purchaser paying the higher price, in the resale of respondent's products; provided, however, that nothing herein shall prohibit the respondent from showing as a defense in any proceeding instituted for enforcement of this order that its differing prices make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such products are sold or delivered.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, Pangburn Company, Inc., shall, within sixty (60) days after service upon it of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7101; Filed, Aug. 26, 1959; 8:45 a.m.]

[Docket 7443 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Reinstein-Berger, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious Marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Reinstein-Berger, Inc., et al., New York, N.Y., Docket 7443, July 15, 1959]

In the Matter of Reinstein-Berger, Inc., a Corporation, and Abraham I. Reinstein, Alfred S. Berger, and Daniel I. Reinstein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with falsely invoicing and advertising furs by listing on consignment invoices fictitious prices which were intended to help sell the products, and by failing to maintain proper records to substantiate such pricing claims.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Reinstein-Berger, Inc., a corporation, and its officers and Abraham I. Reinstein and Daniel L. Reinstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Representing directly or by implication that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business;

2. Representing directly or by implication that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business;

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents directly or by implication that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business;

2. Represents directly or by implication that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business;

C. Misrepresenting in any manner the savings available to purchasers of respondents' fur products;

D. Making claims or representations in advertisements respecting prices or values of fur products unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Alfred S. Berger, individually and as an officer of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Reinstein-Berger, Inc., a corporation, and Abraham I. Reinstein and Daniel L. Reinstein, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7102; Filed, Aug. 26, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Peppers; Standard of Identity

In the matter of amending the standards of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to provide for the addition of certain calcium salts to green sweet peppers and red sweet peppers:

A notice of proposed rule making was published in the FEDERAL REGISTER of June 30, 1959 (24 F.R. 5311), setting forth the proposal of H. P. Cannon and Son, Inc., Bridgeville, Delaware, to amend the standard of identity for canned peppers to provide for the addition of calcium salts.

Upon consideration of comments submitted and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the standard of identity for canned vegetables other than those specifically regulated should be amended to provide for the addition of certain calcium salts to green sweet peppers and red sweet peppers as hereinafter set forth.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered,* That § 51.990 (c)(3) and (f)(2) be amended as set forth below.

§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

* * * * * * *

(c) * * *

(3) (i) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

(ii) In the case of green sweet peppers or red sweet peppers, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts in a quantity reasonably necessary to firm the peppers, but in no case in a quantity such that the calcium contained in such calcium salt or mixture is more than 0.026 percent of the weight of the finished food.

* * * * * * *

(f) * * *

(2) If one or more of the optional ingredients specified in paragraph (c)(3)(i) and (ii) of this section are present, the label shall bear the statement "Trace of _____ added" or "With added trace of _____," the blank being filled in with the words "calcium salt" or "calcium salts," as the case may be, or with the name or names of the particular calcium salt or salts added.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1048; 21 U.S.C. 341)

Dated: August 20, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-7125; Filed, Aug. 26, 1959; 8:49 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[Regs. No. 4; T.D. 6409]

PART 4—LABELING AND ADVERTISING OF WINE

Miscellaneous Amendments

Notice of public hearing to be held in Washington, D.C., on November 27, 1956, and in San Francisco, California, on December 4, 1956, with respect to certain proposals to amend Regulations No. 4, Relating to Labeling and Advertising of Wine, was published in the FEDERAL REGISTER on October 12, 1956 (21 F.R. 7804). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 4 (27 CFR Part 4) are hereby adopted:

PARAGRAPH 1. In order to include carbonated grape wine made wholly from grapes gathered in the same calendar year and grown and fermented in the same viticultural area in the definition of "vintage wine" the last part of § 4.1(h) (Article I(h)) reading "Classes 1 and 2 of § 4.21" is amended to read "Classes 1, 2, and 3 of § 4.21."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 2. In order to permit the use of a statement showing that the wine was bottled in the United States in lieu of showing the name and address of the bottler, in the case of imported wine bottled in the United States for the importer thereof, the first sentence of § 4.35(b)(1) (section 35(b)(1)) is amended to read as follows:

(1) If the wine is bottled or packed in the United States, there shall be stated, in addition, the name of the bottler or packer and the place where bottled or packed immediately preceded by the words "bottled by" or "packed by" except that if the wine is bottled or packed in the United States for the person responsible for the importation there may be stated, in lieu of the above-required statements, the name and principal place of business in the United States of such person, immediately preceded by the phrase "imported by and bottled (packed) in the United States for" (or a similar appropriate phrase). • • •

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 21, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7120; Filed, Aug. 26, 1959; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

PACIFIC OCEAN, HAWAII

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.235 establishing and governing the use and navigation of an anchorage area in Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii, is hereby amended redesignating the area and making necessary revisions in the regulations, as follows:

§ 202.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.

(a) *The anchorage ground.* The waters of the Pacific Ocean (Mamala Bay) within an area directly offshore of Keehi Lagoon at Honolulu, Hawaii, described as follows: Beginning at a point bearing 251° true, 5,925 yards, from Honolulu Harbor Light (Aloha Tower); thence on a bearing of 202° true, 1,000 yards; thence on a bearing of 290°30′ true, 800 yards; thence on a bearing 22° true, 1,000 yards; thence on a bearing of 110°30′ true, 800 yards to point of beginning. This area provides anchorage space for one (1) vessel.

(b) *The regulations.* (1) Anchorage within this area shall be restricted to not more than one (1) nitrate laden vessel at any one time. Other vessels are cautioned against frequenting the area at any time, and they shall not, without specific authority from the District Commander, enter or remain in the area when a nitrate laden vessel is anchored within or is approaching the area, or anchor outside the area within 1,000 yards of a nitrate laden vessel anchored within the area.

NOTE: The term "District Commander," as used in this section, means the Commander, 14th Coast Guard District, Honolulu, Hawaii, or his duly authorized representative.

(2) Except in an emergency involving danger to life or property, no nitrate laden vessel shall anchor within the area without first obtaining permission from the District Commander. The master of a nitrate laden vessel shall notify the District Commander in advance of his intention to anchor within the area, giving the name of the vessel and the time he expects to anchor and any additional information requested such as the reason for the stopover, anticipated period of the stopover, kind and amount of cargo carried, destination, and proposed location of any necessary torches or welding anticipated, etc. The vessel shall not enter the area until permission to anchor has been received from the District Commander, and it shall then anchor along the longitudinal center line of the area 600 yards from any corner as designated by the District Commander.

(3) The master of the vessel shall request permission from the District Commander for any necessary additional stopover privilege longer than the period originally anticipated. He shall also notify the District Commander when his vessel is ready to leave the area.

(4) In addition to the appropriate day and night signals, the anchored vessel shall display by day a red flag of at least 16 square feet, and by night a red light visible all around the horizon, at the mast head or at least 10 feet above the upper deck if the vessel has no mast.

(5) The master of the vessel shall have the vessel properly patrolled at all times, and anchor bearings carefully checked at frequent intervals. During rough seas, if he is in doubt as to being securely anchored and is without ship power he shall call for tug service from any of the commercial tug-service firms available in Honolulu Harbor. All charges incurred thereby shall be charged to the vessel owner or agent.

(6) Upon being notified to shift its position a vessel shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(7) In the event of fire on board any anchored vessel, the master or other officer in charge shall immediately sound five blasts of five seconds each of a whistle or siren, which signal may be repeated at intervals to attract attention. This signal shall be used in addition to any other means available for reporting a fire. If for any reason the whistle signal is inoperative the master shall make arrangements whereby the radio transmitter and operator will be available.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from strict compliance with all applicable navigation laws and regulations established by the Commandant of the Coast Guard with respect to explosives and other dangerous articles and substances on board vessels.

[Regs., Aug. 13, 1959, 285/91 (Pacific Ocean (Mamala Bay) Hawaii)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-7128; Filed, Aug. 26, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Lindane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by California Spray-Chemical Corporation, Box 118, Moorestown, New Jersey, proposing the establishment of a tolerance of 10 parts per million for residues of lindane in or on the fat of meat from cattle, goats, hogs, and sheep.

The analytical method proposed in the petition for determining residues of lindane in the fat of meat is as follows: A modification of the method for the colorimetric determination of benzene hexachloride by Milton S. Schechter and Irvin Hornstein, in Analytical Chemistry, Volume 24, pages 544–548 (1952).

Dated: August 20, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-7124; Filed, Aug. 26, 1959; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 4 of the Technical Amendments Act of 1958 (72 Stat. 1607), such regulations are amended as follows:

PARAGRAPH 1. Section 1.152 is amended to read as follows:

§ 1.152 Statutory provisions; dependent defined.

SEC. 152. *Dependent defined*—(a) *General definition.* For purposes of this subtitle, the term "dependent" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) as received from the taxpayer):

(1) A son or daughter of the taxpayer, or a descendant of either,

(2) A stepson or stepdaughter of the taxpayer,

(3) A brother, sister, stepbrother, or stepsister of the taxpayer,

(4) The father or mother of the taxpayer, or an ancestor of either,

(5) A stepfather or stepmother of the taxpayer,

(6) A son or daughter of a brother or sister of the taxpayer,

(7) A brother or sister of the father or mother of the taxpayer,

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer,

(9) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 153, of the taxpayer) who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, or

(10) An individual who—

(A) Is a descendant of a brother or sister of the father or mother of the taxpayer,

(B) For the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(C) Before receiving such institutional care, was a member of the same household as the taxpayer.

(b) *Rules relating to general definition.* For purposes of this section—

(1) The terms "brother" and "sister" include a brother or sister by the halfblood.

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) The term "dependent" does not include any individual who is not a citizen of the United States unless such individual is a resident of the United States, of a country contiguous to the United States, of the Canal Zone, or of the Republic of Panama. The preceding sentence shall not exclude from the definition of "dependent" any child of the taxpayer—

(A) Born to him, or legally adopted by him, in the Philippine Islands before January 1, 1956, if the child is a resident of the Republic of the Philippines, and if the taxpayer was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him, or

(B) Legally adopted by him, if, for the taxable year of the taxpayer, the child has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen of the United States.

(4) A payment to a wife which is includible in the gross income of the wife under section 71 or 682 shall not be treated as a payment by her husband for the support of any dependent.

(5) An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

• • • • • •

[Sec. 152 as amended by sec. 2, Act of Aug. 9, 1955 (Pub. Law 333, 84th Cong., 69 Stat. 626); sec. 4, Technical Amendments Act 1958 (72 Stat. 1607)]

§ 1.152–2 [Amendment]

PAR. 2. Paragraph (a) of § 1.152–2 is amended—

(A) By deleting "(a) To qualify" and inserting in lieu thereof the following:

(a)(1) Except as provided in subparagraph (2) of this paragraph, to qualify

• • •

(B) By adding at the end thereof the following new subparagraph:

(2)(i) Effective with respect to taxable years beginning after December 31, 1957, a legally adopted child of the taxpayer who lives with the taxpayer and who is a member of the taxpayer's household during the entire taxable year of the taxpayer may be claimed as a dependent if such child otherwise qualifies as a dependent and if the taxpayer is a citizen of the United States.

(ii) Under section 152(b)(3)(B) and this subparagraph, it is necessary that the taxpayer both maintain and occupy the household. The taxpayer and his legally adopted child will be considered as occupying the household for the entire taxable year of the taxpayer notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, or vacation shall be considered temporary absence due to special circumstances. The fact that a child dies during the year shall not deprive the taxpayer of the deduction if the child lived in the household for the entire part of the year preceding his death. The period during the taxable year preceding the birth of a child shall not prevent such child from qualifying as a dependent under this subparagraph.

Moreover, a child who actually becomes a member of the taxpayer's household during the taxable year shall not be prevented from being considered a member of such household for the entire taxable year, if the child is required to remain in a hospital for a period following its birth and if such child would otherwise have been a member of the taxpayer's household during such period.

(iii) It is not necessary for the child to have been legally adopted for the entire taxable year of the taxpayer, provided the child lived with the taxpayer and was a member of the taxpayer's household for the entire taxable year of the taxpayer. For example, A, a citizen of the United States who makes his income tax returns on the basis of the calendar year, is employed in Brazil by an agency of the United States Government. In October 1958 he takes into his household C, a resident of Brazil who is not a citizen of the United States, for the purpose of initiating adoption proceedings. C lives with A and is a member of his household for the remainder of 1958 and for the entire calendar year 1959. On July 1, 1959, the adoption proceedings were completed and C became the legally adopted child of A. If C otherwise qualifies as a dependent, he may be claimed as a dependent by A for 1959.

[F.R. Doc. 59–7121; Filed, Aug. 26, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR PARTS 172, 174]

LEASING OF ALLOTTED LANDS FOR MINING AND LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Relinquishment of Supervision by the Secretary of the Interior

Basis and purposes. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the acts of March 3, 1909 (35 Stat. 783) and May 27, 1908 (35 Stat. 312), an amendment to §§ 172.4(a) and 174.18(a) of 25 CFR, is proposed and set forth below. The purpose of the amendment is to change the number of days of notice before "relinquishment of supervision by the Secretary of the Interior" becomes effective from ten to the thirty days required by standard mining lease forms which are specified by regulations.

Although notice is not required by the Administrative Procedure Act (5 U.S.C. 1003) for the proposed amendment, the Department of the Interior's policy is to observe rule making requirements voluntarily wherever practicable. Accordingly, before adoption, all interested parties are given a 30-day opportunity from the date the proposed amendment is published in the FEDERAL REGISTER to submit written comments, suggestions, or objections, addressed to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 21, 1959.

1. Section 172.14(a) is amended to delete the word "ten" in the last sentence and to insert the word "thirty" in its place.

2. Section 174.18(a) is amended to delete the word "ten" in the last sentence and to insert the word "thirty" in its place.

[F.R. Doc. 59–7103; Filed, Aug. 26, 1959; 8:46 a.m.]

Bureau of Land Management

[43 CFR Part 193]

COAL PERMITS, LEASES, AND LICENSES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 2 to 8, inclusive, of the Act of February 25, 1920, as amended (30 U.S.C. 201, 202–208), it is proposed to amend 43 CFR 193.2, 193.3(b), 193.11 (a)(3) and 193.18, as hereinafter set forth.

The purpose of amending the regulations cited is to implement the Act of August 21, 1958 (Public Law 698, 72 Stat. 688), which amended section 27 of the Mineral Leasing Act of 1920 (30 U.S.C. 184), by increasing from 5,120 acres to 10,240 acres the lands which a person, association, or corporation may hold under coal leases or permits within any one State.

Provision is also made in the act for increasing the 10,240 acreage limitation by not more than 5,120 acres in any one State if, after public hearings on an application or applications in multiples of 40 acres filed by such person, association, or corporation and posted in the appropriate land office, the Secretary of the Interior finds this to be in the public interest and necessary for economical operation of the applicant's business, and if these requirements are met for coal leases or permits involving the additional lands to be issued under such regulations as the Secretary may prescribe. The act further provides that upon the filing of said application, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the act.

The act gives the Secretary authority, in his own discretion or whenever sufficient public interest is manifested, to reevaluate the lessee's or permittee's need for all or any part of the additional acreage, and to cancel the lease or leases and permit or permits covering such additional acreage, if he finds that the cancellation is in the public interest or that the coal deposits therein are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original 10,240 acres or no longer has facilities which enable him to exploit the deposits under lease or permit.

This proposed amendment relates to matters which are exempt from the rule making requirements for the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments and suggestions with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 21, 1959.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 193.2 is amended to read as follows:

§ 193.2 Area and limitation on holdings; segregation of coal deposits; public hearings.

(a) A single lease or permit may embrace not exceeding 2,560 acres except where the rule of approximation applies. A permit will comprise contiguous tracts, or tracts in reasonably compact form if good reason appears for not including a contiguous area. A lease will comprise contiguous tracts, except in cases where it appears that noncontiguous tracts can be practically worked as a single mine or unit. No person, association or corporation may hold at any one time, either directly or indirectly, leases or permits exceeding 10,240 acres in any one State, except as hereinafter stated.

(b) A person, association, or corporation may file with the Manager of the appropriate land office an application or applications for coal leases or permits for acreage in addition to the 10,240 acres, which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres in any one State, and shall contain a statement that the granting of a lease or permit for such additional lands is necessary to carry on business economically and is in the public interest.

(c) Upon the filing of an application for additional lands as specified in paragraph (b) of this section, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the Act.

(d) All applications filed for additional lands as specified in paragraph (b) of this section shall be posted in the appropriate land office, and the authorized officer shall conduct public hearings thereon. Upon conclusion thereof, he may, in his discretion or whenever sufficient public interest is manifested, reevaluate the lessee's or permittee's need for all or any part of the additional acreage. Thereafter and to the extent necessary for the applicant to carry on business economically, the authorized officer may issue coal leases or permits to the applicant for additional acreage of not more than 5,120 acres (within the aggregate limitation of 2,560 acres in a single lease or permit), subject to such terms and conditions as may be prescribed by the Secretary of the Interior. Such terms and conditions may require the payment either of a cash bonus per acre or fraction thereof or a rental and royalty rate different from that required by the original leases or permits or both.

2. Paragraph (b) of § 193.3 is amended to read as follows:

§ 193.3 Qualifications of applicants.

* * * * *

(b) Every applicant for coal permit or lease, other than a company or corporation operating a common-carrier railroad, must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 10,240 acres in any one State.

3. Paragraph (a)(3) of § 193.11 is amended to read as follows:

§ 193.11 Application for lease.

(a) * * *

(3) A statement of the interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and that such interests, when added to the acreage covered by the application, do not exceed in the aggregate 10,240 acres in the State. A railroad company or corporation operating a common carrier must state that its interests, together with the acreage covered by the application, do not exceed in the aggregate 10,240 acres.

4. Section 193.18 is amended by designating the text thereof paragraph (a), changing the title of the section, and adding new paragraph (b) to read as follows:

§ 193.18 Cancellation of lease generally; cancellation of lease or permit issued pursuant to § 193.2(d).

* * * * *

(b) A lease or permit issued pursuant to section 193.2(d) may be canceled by the authorized officer, if the cancellation is in the public interest or the coal deposits in the lands covered thereby are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original 10,240 acres or no longer has facilities for the exploitation of the deposits under lease or permit.

[F.R. Doc. 59–7104; Filed, Aug. 26, 1959; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–018452, C–020706]

COLORADO

Order Providing for Opening of Public Lands

AUGUST 19, 1959.

Pursuant to authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), the following described lands reconveyed to the United States in exchange of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 103 W.,
Section 23, N½N½SE¼, S½S½SE¼.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 1 W.,
Section 7, Lot 25.
T. 47 N., R. 1½ W.,
Section 12, SE¼NE¼.
T. 47 N., R. 2 W.,
Section 1, NW¼SW¼.

The area described totals 195.62 acres of public lands.

These lands are located in Rio Blanco County in northwestern Colorado and in Gunnison County, in central Colorado. All of the lands have generally shallow soil supporting only a native vegetation of pinon-juniper trees, sagebrush, rabbitbrush, small clumps of aspen and willows and other shrubs, weeds and grasses. None of the land is suitable for agriculture.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be sub-

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.0]

PRODUCT CONSISTING OF COLLOIDAL SIZED PARTICLES COMPOSED OF SILICA AND WATER

Tariff Classification

AUGUST 20, 1959.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated July 7, 1959 (24 F.R. 5479), that the existing practice of classifying a product known as "Cab-O-Sil" consisting of colloidal sized particles composed of 98.4 percent silica and 1.6 percent of water as sand containing 95 percent or more of silica and not over 0.6 percent of oxide of iron and suitable for use in the manufacture of glass under paragraph 207, Tariff Act of 1930, with duty at the rate of 50 cents per ton was under review.

The Bureau, in a letter of August 20, 1959, addressed to the collector of customs, Philadelphia, Pennsylvania, ruled that such product was classifiable as an acid anhydride, not specially provided for, under paragraph 1 of the tariff act and dutiable at the rate of 12½ percent ad valorem.

Insofar as this decision results in the assessment of a duty at a rate higher than that which heretofore has been assessed under an established and uniform practice it shall be applied only with respect to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59–7118; Filed, Aug. 26, 1959; 8:48 a.m.]

[643.3]

SHOEBOARD FROM GERMANY

Purchase Price; Foreign Market Value

AUGUST 20, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of shoeboard, also known as leatherboard, manufactured by Carl Freudenberg of West Germany, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisment of entries of shoeboard manufactured by Carl Freudenberg of West Germany pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59–7119; Filed, Aug. 26, 1959; 8:48 a.m.]

ject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, presented prior to 10:00 a.m. on September 24, 1959 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 24, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. December 24, 1959 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59–7105; Filed, Aug. 26, 1959; 8:46 a.m.]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 20, 1959.

The Fish and Wildlife Service, United States Department of the Interior, has filed an application, Serial No. Wyoming 047023, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, except that the lands will remain subject to the mineral leasing laws and the Bureau of Land Management will continue administration for grazing purposes.

The applicant desires the land for use of the Wyoming Game and Fish Commission under cooperative agreement in connection with the Table Mountain Game and Fish Management Unit, with primary emphasis accorded to waterfowl management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

A determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 60 W.,
Sec. 18, Lots 4 and 5, E½SW¼, SE¼;
Sec. 19, Lots 1, 2 and 3, NE¼SW¼.
T. 22 N., R. 61 W.,
Sec. 23, NE¼NE¼, E½SE¼NE¼, E½NE¼SE¼;
Sec. 24, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 25, N½, W½SE¼.

Containing approximately 1540.73 acres of public land.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59–7106; Filed, Aug. 26, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SALMON SALE YARDS ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Salmon Sale Yards, Salmon, Idaho.
Waverly Sales Company, Waverly, Kans.
Albert Lea Horse Market, Albert Lea, Minn.
Staples Sale Barn, Staples, Minn.
Cotulla Livestock Commission Company, Cotulla, Tex.
North Missouri Sales Pavilion, Trenton, Mo.
Smithfield Livestock Auction, Inc., Smithfield, Utah.
Spanish Fork Livestock Auction Co., Spanish Fork, Utah.
Vernal Livestock Auction Co., Vernal, Utah.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of August 1959.

LEE D. SINCLAIR,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59–7115; Filed, Aug. 26, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

INTER-HEMISPHERE SERVICE CO. AND HUGO ZANELLI & CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8406, between Inter-Hemisphere Service Co., New York, N.Y. and Hugo Zanelli & Co., Houston, Tex., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 24, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[SEAL]

[F.R. Doc. 59–7126; Filed, Aug. 26, 1959; 8:49 a.m.]

Office of the Secretary

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: Republic Industrial Corporation, American Seating.

B. Additions: Kelsey Hayes, Central Hudson Gas & Electric.

This statement is made as of July 30, 1959.

ROBERT JOSEPH WILLIAMS.

AUGUST 21, 1959.

[F.R. Doc. 59–7117; Filed, Aug. 26, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10791]

AEROLINEAS ARGENTINAS

Notice of Hearing

In the matter of the application of Aerolineas Argentinas for an amendment of its existing foreign air carrier permit.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on August 28, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., August 21, 1959.

THOMAS L. WRENN,
Associate Chief Examiner.

[SEAL]

[F.R. Doc. 59–7127; Filed, Aug. 26, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12897; FCC 59M–1073]

SHERRILL C. CORWIN (KGUD–FM)

Order Continuing Hearing

In re application of Sherrill C. Corwin (KGUD–FM), Santa Barbara, California, Docket No. 12897, File No. BMPH–5408; for modification of construction permit for FM broadcast station.

The Hearing Examiner having under consideration a "Motion for Continuance of Dates Set for Exchange of Exhibits and for Hearing," filed on August 20, 1959, by applicant Sherrill C. Corwin; and

It appearing, that the requested continuance of dates is based on the necessity for amending the above-entitled application so as to specify a 6-bay antenna in lieu of an 8-bay antenna, by reason of arrangements having been made by the owner of the tower on which the proposed antenna would be mounted, for another FM antenna to share this tower; and that such amendment is in the process of preparation by applicant's engineer; and

It further appearing, that counsel for respondent Cordell Fray (KANT–FM) has filed a formal statement that Fray does not oppose the subject motion, and that counsel for the Chief, Broadcast Bureau, has informally indicated the Bureau does not oppose applicant's request; and

It further appearing that good cause for granting the requested continuance of dates has been shown;

It is ordered, This 21st day of August 1959, that the aforementioned motion is granted, and that the dates heretofore scheduled for the exchange of exhibits and for the hearing are continued, pursuant to the applicant's request, as follows:

For Preliminary exchange of applicant's exhibits: From August 21, 1959, to September 21, 1959.

For Exchange by applicant and respondent of their respective exhibits in final form (with copies to Broadcast Bureau and the Hearing Examiner): From September 9, 1959, to October 12, 1959.

For Hearing: From September 16, 1959, to October 19, 1959 at 10:00 a.m., in the offices of the Commission, at Washington, D.C.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[SEAL]

[F.R. Doc. 59–7130; Filed, Aug. 26, 1959; 8:50 a.m.]

[Docket No. 13174; FCC 59–873]

KERN RADIO DISPATCH

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-Fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596–C2–P–58, Station KMD993; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

1. The Commission has before it (1) a protest by Kay Kelso Kidd, d/b as Radio Dispatch Engineering Company (hereinafter called Protestant), licensee of station KMA257, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Bakersfield, California, timely filed on July 22, 1959 pursuant to section 309(c) of the Communications Act of 1934, as amended, protesting the Commission's action of June 18, 1959, granting without hearing the above-entitled application of Thomas R. Poor, d/b as Kern Radio Dispatch (hereinafter called Applicant) for a construction permit to provide a new two-way communication facility in the Domestic Public Land Mobile Radio Service at Taft, California; (2) a "Sworn Statement of Thomas R. Poor in Answer to Protest of Kay Kelso Kidd"; and (3) the "Comments of Kay Kelso Kidd on 'Sworn Statement of Thomas R. Poor in Answer to Protest of Kay Kelso Kidd' and his reply thereto."

PRELIMINARY STATEMENT

2. On January 22, 1958, Applicant applied for the two-way communication facility mentioned in paragraph 1 above. A construction permit was issued on June 18, 1959, and public notice of this action was issued on June 22, 1959. (Report No. 482, Mimeo No. 74765.) Prior to the grant of the above-captioned application, action thereon was withheld pending (a) the resolution of engineering problems presented by like applications for service in this area filed by Protestant (File Nos. 5537–C2–P–58 and 1879–C2–P–58, station KMA257), (b) the Commission's final determination on the application of Loyd Frame for a like two-way facility at Bakersfield, California (Docket No. 11596, 24 FCC 80 and 26 FCC 185), and (c) resolution of certain problems relating to the improper installation and operation of certain radio transmitting apparatus by the Applicant. Applicant holds a radiotelephone second-class operator license from this Commission.

THE PROTEST

3. Protestant asserts that he is a party in interest within the meaning of section 309(c) of the Communications Act because the proposed station will provide service to a substantial area now served by Protestant's existing station KMA257. Protestant alleges that Applicant will be in direct competition with him for the rendition of like communication service. Protestant states that on July 31, 1958, Applicant filed with the Commission a false developmental report which he was required to submit in connection with our grant to Applicant of a developmental authorization on March 31, 1958 for the purpose of establishing feasibility of split-channel operation of the facilities authorized in the captioned application in accordance with § 21.501(c) of the Commission's rules. Specifically, Protestant states, based in part on his personal observation, and in part on the sworn affidavit of a former employee of Applicant, Marvin Fair, that the tests and the developmental report thereon were false in the following respects:

(a) The tests were conducted with a General Electric 30 watt mobile unit ET–20A, not GE–ET 21A as reported by Applicant, installed at Paleto Peak which had a defective transformer, causing reduced power output below that required for the test.

(b) The power output of this station was 28 watts.

(c) The antenna was a home-made folded unipole instead of the one authorized in the developmental license.

(d) The Paleto Peak base station was operated as a repeater, contrary to the authorization.

(e) An unauthorized base station, located at 815 24th Street, Bakersfield, California, and operating on the mobile frequency was used as a control station, contrary to the developmental license.

Protestant further states that Applicant proposes to use 18 mobile units which are no longer acceptable for licensing and, if Applicant plans to purchase new mobile units which comply with our rules, there is no showing that Applicant is financially qualified to do so. Such mobile units, Protestant states, would cost between $9,000.00 and $10,000.00 and Applicant's balance sheet, attached to his application, does not show sufficient liquid assets to finance this outlay.

4. Protestant requests that the application be designated for hearing on the following issues:

(a) To determine the facts and circumstances relative to the conduct of test operations authorized by the developmental license, File No. 2220–C2–P/L–58.

(b) To determine whether any unlicensed operation in violation of section 301 of the Communications Act has taken place during the conduct of such tests.

(c) To determine whether any willful and knowing misrepresentation or concealment of material facts by Applicant had taken place in connection with the conduct of developmental operations by Applicant, and the developmental report submitted to the Commission relative thereto.

(d) To determine whether the mobile units proposed by Applicant meet the requirements of the Commission's rules.

(e) To determine whether Applicant is financially qualified to construct and operate the proposed station.

(f) To determine whether Applicant has the necessary character qualifications to be a common carrier station licensee.

(g) To determine, in the light of the evidence adduced on the foregoing issues, whether the application of Thomas R. Poor should be granted.

THE OPPOSITION TO THE PROTEST

5. On August 4, 1959, Applicant filed a sworn statement in answer to the Protest. Applicant first states that the sworn statement of Marvin Fair should be read in the light of the fact that a business relationship exists between Fair and Protestant and that Fair is dependent on Protestant's business good will and may be subject to Protestant's direction. Applicant states that Marvin Fair was in his employ during the period of the developmental tests referred to in the protest; that, after receipt of the developmental authority on March 31, 1959, Fair was instructed to deliver to the location specified in the developmental authorization a trailer on which was installed a folded unipole antenna and a General Electric transmitter that had a nameplate thereon stating it was a type ET–20A; that, on April 19, 1959, tests were made with this equipment on a frequency other than authorized, (namely 158.67 Mc) for the purpose of determining possible interference to a co-channel facility at Ventura, California; that such deviations were reported by Applicant to the Commission and appeared to Applicant to be reasonable and necessary for a complete test;[1] that, between April 15 to April 28, 1959, Applicant made no extensive tests; that, on April 28, 1959, the antenna specified in Applicant's developmental authorization was installed; that the transmitter, which had the identifying type No. ET–20A on the chassis had been modified to a type ET–21A; that Applicant's developmental report was based on the authorized antenna and the authorized transmitter operating at the required power; that Applicant has substantially adhered to all terms of his developmental authorization and has candidly advised the Commission of the manner and nature of all tests thereunder and has made no wilful misrepresentations or concealed any material facts from the Commission; that Applicant now has thirty-five mobile units, nine of which are type accepted for narrow band transmission, and the remainder of which can be made suitable for such operation by use of an inexpensive modification kit; that, since Protestant's attack on Applicant's financial qualifications is tied exclusively to the mobile inventory, Protestant's allegation is disproved; that Applicant is confident he possesses the necessary character qualifications to be a licensee of a Domestic, Public Land Mobile Radio Service facility; and that Protestant's activity as a "private attorney general" is directed principally to protecting his monopolistic position as a miscellaneous common carrier in this area of California rather than any high personal concern for the public interest regarding Applicant's character qualifications. Applicant further requests that the Commission make an affirmative finding of fact that the public interest requires that the grant remain in effect pending disposition of the protest and, in support thereof, Applicant states that there is a need for service in the area he will serve, which area, in part, cannot be served by Protestant's existing station; that Protestant has not specifically stated the facts on alleged competition; and that Applicant is prepared to construct the station and assume the risk that the Commission may issue a final decision denying his application.

THE REPLY TO OPPOSITION TO PROTEST

6. On August 10, 1959, Protestant filed comments on the sworn statement of Applicant. Protestant states that, contrary to Applicant's statement under oath, equipment with less than the authorized power was used during the entire developmental test period; that the ET–20A transmitter was never modified to a type ET–21A; that the variances from Applicant's developmental authorization were not reported to the Commission and that Applicant has made no affirmative showing that the public interest requires that the grant remain in effect pending our decision after hearing. Protestant states also that, if Applicant values his inventory at only $6,644.68, as shown in the balance sheet attached to the reply to the protest, which includes 35 mobile units, Protestant does not believe the mobile equipment would be suitable for common carrier use and that, further, Protestant's balance sheet is incomplete in that it fails to reflect, as a liability, the mortgage on a home newly purchased by Applicant.

DISPOSITION OF THE PROTEST

7. In light of the fact that Protestant is the licensee of a two-way facility similar to that proposed by Applicant and the parties recognize that there is a substantial overlap between the 37 dbu contours of the respective services in which there will be economic competition between the parties, we are of the view that Protestant is a party in interest within the meaning of section 309(c) of the Act. Protestant has raised matters concerning the character and other qualifications of the Applicant and the bona fides of the nature of certain tests conducted under a developmental authorization granted by the Commission to determine the feasibility of the split channel operation requested in the captioned application. Protestant has presented these allegations based upon his personal observation and supported by an independent affidavit. Applicant, under oath, has denied Protestant's allegations. Had these matters been known prior to the grant without hearing of the captioned application, they would have merited careful and substantial consideration when the application was processed. In view of the serious nature of the charges made by Protestant against Applicant and the diametrically opposed statements of the parties now before us, it appears that an evidentiary hearing is necessary in order that a full and complete record may be made. Likewise, in the light of these circumstances, we find and conclude, for the limited purpose of determining whether or not to terminate Applicant's grant at this time, that we are unable to find that the public interest requires that the grant remain in effect pending our decision after hearing.

8. Protestant states that his allegation of competition in his protest was made for the purpose of establishing standing as a party in interest under section 309 (c) of the Communications Act. Protestant alleges no facts in support of a showing of an adverse impact on the public interest, convenience and necessity resulting from competition in the areas of mutual overlap. We have no independent knowledge of any adverse effects to the public which would flow from competition of two like facilities in the areas of overlap between Protestant's existing and Applicant's proposed facility. Accordingly, no issues will be designated for hearing relative to the economic justification for more than one facility in the overlap area, or the relative advantages or disadvantages which would accrue therefrom.

9. In view of the controversy raised concerning the financial qualifications of Applicant, it also appears desirable to review these matters at the hearing hereinafter ordered.

10. The Protestant's suggested issues (a), (c), (e) and (g) are adopted and issues (b), (d) and (f) are adopted as rewritten.

11. *Accordingly, it is ordered,* That, the effective date of the Commission action of June 18, 1959, granting the above captioned application, is postponed pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

12. *It is further ordered,* That the above captioned application is designated for hearing at the Commission's offices in Washington, D.C. at a time to be specified by a subsequent order upon the following issues:

1. To determine the facts and circumstances relative to the conduct of test operations authorized by the developmental license, File No. 2220–C2–P/L–58.

2. To determine whether any unlicensed operation in violation of section 301 of the Communications Act and Subpart F of Part 21 of the Commission's rules has taken place during the conduct of such tests.

3. To determine whether any willful and knowing misrepresentation or concealment of material facts by Applicant has taken place in connection with the conduct of developmental operations by Applicant, and the developmental report submitted to the Commission relative thereto.

4. To determine the number of mobile units Applicant now has on hand, whether such units are type accepted for the service proposed herein and, if not, the cost to convert them for such use.

5. To determine whether Applicant has the necessary technical, financial and character qualifications to be a common carrier station licensee.

6. To determine, in the light of the evidence adduced on the foregoing issues, whether the application of Thomas R. Poor should be granted.

13. *It is further ordered,* That the burden of proof on issues 1, 4, 5 and 6 are placed on Applicant, and the burden of proof on issues 2 and 3 are placed on the Protestant; and

14. *It is further ordered,* That the Protestant, and the Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

15. *It is further ordered,* That the protest is allowed, to the extent indicated herein; and

16. *It is further ordered,* That the parties desiring to participate herein shall file their appearances as required by § 1.140 of our rules.

Adopted: August 21, 1959.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7131; Filed, Aug. 26, 1959; 8:50 a.m.]

[1] The matters referred to by Applicant as having been reported to the Commission in the developmental report were inadvertently overlooked by the Commission's staff at the time of processing the subject application and it is deemed necessary, material and relevant to review such matters carefully in this proceeding.

[Docket No. 11908; FCC 59M–1074]

NORTHSIDE BROADCASTING CO.

Order Scheduling Hearing

In re application of Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana, Docket No. 11908, File No. BP–10824; for construction permit.

It is ordered, This 24th day of August 1959, that a further hearing in the above-entitled proceeding will commence on October 19, 1959, at 10:00 a.m., in Washington, D.C.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7132; Filed, Aug. 26, 1959; 8:50 a.m.]

[Docket No. 13173]

PAUL VOISIN

Order To Show Cause

In the Matter of Paul Voisin, Grand Caillou Route, P.O. Box 450, Houma, Louisiana, Docket No. 13173; order to show cause why there should not be revoked the license for radio station WG–7351 aboard the vessel "Captain Lynn."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested by letter dated June 22, 1959, to furnish a statement under oath or affirmation, within fifteen days from the date of receipt of such letter, describing the measures which he was taking or had taken in order to achieve compliance with the provisions of section 301 of the Communications Act of 1934, as amended, and § 8.351(d) of the Commission's rules; and

It further appearing that the Commission's above-mentioned letter was sent by Certified Mail—Return Receipt Requested (No. 97350); and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Joseph Duplonre, on June 27, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been made; and

It further appearing that in view of the foregoing, the licensee has willfully violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 21st day of August, 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7133; Filed, Aug. 26, 1959; 8:50 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. G–11493 etc.]

BARNWELL PRODUCTION CO. AND HEEP OIL CORP. ET AL.

Notice of Applications and Date of Hearing

AUGUST 20, 1959.

In the matters of Barnwell Production Company, Docket No. G–11493; Heep Oil Corporation, et al., Docket Nos. G–13935 and G–13970.

Take notice that Barnwell Production Company (Barnwell)[2] an independent producer with its principal place of business in Shreveport, Louisiana, filed, on November 15, 1956, an application in Docket No. G–11493 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Take further notice that Heep Oil Corporation, et al. (Heep, et al.),[3] an independent producer with its principal place of business in Augusta, Texas, filed on December 12, 1957, in Docket No. G–13935, and on December 16, 1957, in Docket No. G–13970, applications to abandon service pursuant to section 7(b) of the Natural Gas Act, subject to the jurisdiction of the Commission, as described below, and all as more fully described in the applications which are on file with the Commission and open to public inspection.

Docket No. G–13935. Heep, et al., in Docket No. G–13935 request authoriza-

[2] A partnership composed of R. S. Barnwell, Sr., and R. S. Barnwell, Jr.

[3] "Et al.", parties in Docket No. G–13935 are Herman F. Heep, Jack Modesett and Conroe Drilling Company. "Et al.", party in Docket No. G–13970 is Herman F. Heep.

tion to abandon service to Tennessee Gas Transmission Company (Tennessee) from the West Ace Field, Polk and San Jacinto Counties, Texas, covered by a contract dated May 1, 1953, between Heep, et al., among others, as sellers, and Tennessee, as buyer, on file as Heep Oil Corporation, et al., FPC Gas Rate Schedule No. 2. Heep, et al., were authorized to render this service to Tennessee in Docket No. G-4412 by order issued August 22, 1956.

In support of the proposed abandonment of service to Tennessee from the West Ace Field in Polk and San Jacinto Counties, Texas, Heep, et al., state that the available supply of natural gas from the property dedicated to Tennessee under the contract of May 1, 1953, has been depleted and that the well thereon was plugged and abandoned on April 7, 1956.

Heep, et al., submitted as part of the subject application in Docket No. G-13935 an agreement dated October 28, 1957, with Tennessee, providing for cancellation of the aforementioned contract, and a release of the lease involved dated April 13, 1957.

Docket No. G-13970. Heep, et al., in Docket No. G-13970 request authorization to abandon service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from the George C. Hall and John Crane Gas Units in Wallace-Johnson Field, Marion County, Texas, covered by a contract dated May 29, 1953, as amended, between Heep, et al., among others, as sellers, and Arkansas Louisiana, as buyer, on file as Heep Oil Corporation, et al., FPC Gas Rate Schedule No. 7, as supplemented. Heep, et al., were authorized to render this service to Arkansas Louisiana in Docket No. G-4413 by order issued October 24, 1956.

Heep, et al., in Docket No. G-13970 propose to abandon service to Arkansas Louisiana from the George C. Hall Unit due to depletion of the supply of gas from the unit well. The well was plugged and abandoned on August 30, 1955, and the properties released by instruments dated August 15 and 31, 1955, effective August 31, 1955.

Heep, et al., assigned their interest in the John Crane Unit to Barnwell Drilling Company, Inc., (Barnwell Drilling) by instrument dated August 8, 1955, effective August 1, 1955, subject among other things to a 1/16 of 7/8 overriding royalty interest assigned to David J. Flesh (Flesh) and to the aforementioned contract of May 29, 1953, as amended.

Currently with the application in Docket No. G-13970, Heep, et al., filed copies of a letter dated December 5, 1957, from Arkansas Louisiana wherein Arkansas Louisiana states it will not oppose the proposed abandonment of service from both units.

Docket No. G-11493. Barnwell, in Docket No. G-11493 requests authorization to render service to Arkansas Louisiana from the John Crane Gas Unit in the Wallace-Johnson Field, Marion County, Texas, pursuant to the terms of the above-mentioned contract of May 29, 1953, as amended, between Heep, et al., among others, and Arkansas Louisiana.

Barnwell acquired the interest of Barnwell Drilling by instrument of assignment dated September 29, 1955, effective August 1, 1955, subject to the contract of May 29, 1953, and the overriding royalty interest to Flesh and proposes herein to continue service from the Crane Unit to Arkansas-Louisiana. Barnwell was authorized to commence service on a temporary basis pursuant to § 157.28 (Commission Order No. 193) by airmail letter dated July 16, 1958.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7099; Filed, Aug. 26, 1959; 8:45 a.m.]

[Docket No. G-18319]

W. J. COPPINGER ET AL.

Notice of Application and Date of Hearing

AUGUST 20, 1959.

Take notice that on April 13, 1959, as supplemented on June 29, 1959, W. J. Coppinger, et al.,[1] (Applicants) filed in Docket No. G-18319 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon natural gas service to Northern Natural Gas Company (Northern) from the Kirkpatrick #1 Gas Unit in the South Pleasant Valley Field, Ford County, Kansas, covered by a gas sales contract dated September 27, 1954, designated in the Commission's files as W. J. Coppinger, et al., FPC Gas Rate Schedule No. 2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the supply of natural gas from the subject acreage is depleted to the extent that continuance of service is unwarranted and that the well thereon has been plugged and abandoned.

Notice of cancellation of the foregoing gas sales contract has been accepted for filing and designated Supplement No. 1 to W. J. Coppinger, et al., FPC Gas Rate Schedule No. 2.

Applicants were authorized to render the subject service to Northern on June 27, 1957, in Docket No. G-4080.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7100; Filed, Aug. 26, 1959; 8:45 a.m.]

[1] W. J. Coppinger filed for himself and on behalf of William J. Sinek, William J. Froelich, and S. J. Crowley.

GENERAL SERVICES ADMINISTRATION

PARTIALLY PROCESSED QUARTZ CRYSTALS HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,500,000 pieces of partially processed quartz crystals now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these quartz crystals. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said quartz crystals are obsolescent for use in time of war.

General Services Administration proposes to offer said quartz crystals for sale, on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 20, 1959.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F.R. Doc. 59-7122; Filed, Aug. 26, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1219]

EQUITY ANNUITY LIFE INSURANCE CO.

Notice of Filing and Order for Hearing Regarding Application for Exemptions from Act

AUGUST 20, 1959.

Notice is hereby given that The Equity Annuity Life Insurance Company ("Ealic"), Washington, D.C., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for exemption from the provisions of the Act specifically set forth herein.

Ealic was organized on July 11, 1956 under the Life Insurance Act of the District of Columbia and is subject to regulation by the Superintendent of Insurance of the District of Columbia and the insurance authorities of other States where it transacts business. Since its organization Ealic has been engaged in issuing and selling variable annuity contracts together with term life insurance and disability insurance in combination contracts. On March 23, 1959 the Supreme Court of the United States in Securities and Exchange Commission v. Variable Annuity Life Insurance Company of America, 359 U.S. 65, determined, in effect, that the variable annuity contracts offered by Ealic are securities within the meaning of the Act and Ealic is an investment company required to be registered thereunder. The application states that Ealic, for the purpose of compliance with the Act, proposes to change certain of its methods of operations heretofore employed so as to operate in the manner summarized below.

As of June 30, 1959, the total admitted assets of Ealic amounted to $691,221, and its reserve liabilities on variable annuity contracts amounted to $166,054, its reserve liabilities on life and disability contracts amounted to $1,924, its common stock and surplus amounted to $486,347, and miscellaneous liabilities comprised the balance.

Generally speaking the variable annuity contracts which Ealic proposes to issue and sell provide, in substance, that the purchaser will make either a single payment, or periodic payments of fixed amounts over a period of years, such period of years being hereinafter referred to as the "pay-in" period. In return for such payments the purchaser will be credited with so-called "accumulation units" representing the purchaser's pro-rata share of assets of the company. Since the purchaser's payments are constant in amount the number of accumulation units credited to the purchaser's account will depend upon the value of a single accumulation unit at the time of each payment. Until the so-called "maturity date", which is selected by the purchaser, he has the right, at any time, to redeem the accumulation units at their then current value and terminate the contract, and in the event of death prior to the maturity date such redemption and termination are mandatory, although various settlement options are available to the designated beneficiary. Prior to maturity the purchaser also has the right to redeem all or part of the accumulation units standing to his credit without terminating the contract, and upon payment to Ealic of a stipulated service charge, he may repay such withdrawn amount, which repayment will be used to provide accumulation units as their current value at the time of repayment, without deduction for sales and other charges discussed later.

At the maturity date, generally speaking, the contract holder may elect to have the accumulation units standing to his credit converted into so-called "annuity units" which also represent a proportionate interest in the assets of the company, and to receive periodically the value, as it may vary, of a specified number of such annuity units for either (i) the balance of his life, or (ii) a fixed period of years plus the balance of his life if he survives. The contract holder, in the alternative, may elect to have the value of such units paid throughout the life of the last survivor of himself or another person. The period over which Ealic will make payments to the contract holder or his survivor is hereinafter referred to as the "pay-out" period. The number of annuity units, the proceeds of which the contract holder is entitled to receive periodically, is determined by reference to a life annuity table, and is dependent upon the sex of the contract holder, age at the maturity date and the type of pay-out elected. Annuity units may not be redeemed and the contract holder is entitled only to receive the payments during the particular pay-out period which he has elected.

The value of accumulation units and annuity units will be determined on the last day of each month. The valuation will reflect the investment experience of the company's "investable assets" which will consist, in the main, of common stocks meeting the requirements of the Life Insurance Act. The valuation of these units will also reflect the deduction of a charge not to exceed 0.15 percent monthly (1.8 percent annually) of the unit value, which deduction will enure to the common stockholders of the company to cover, in part, administrative, management and other expenses, premium taxes, contingency reserve liabilities, and profit. To reflect the investment experience of the investable assets their current value will be determined, to which there will be added realized gains or losses incurred, and dividend or interest income (less income taxes) received since the last preceding valuation, and the figure thus obtained, less deductions will be expressed as a percentage of the last preceding comparable figure and applied to the last preceding unit value to obtain the current unit value.

The application states that the sales load applicable to periodic payment variable annuity contracts sold to individuals is 40 percent of the first twelve monthly payments, or their equivalent, and 5 percent of the next 108 monthly payments or their equivalent. The sales load applicable to single payment variable annuity contracts is stated to be 5 percent of the payment. In addition to these deductions from payments a further deduction is made to cover issuance and administrative costs which in the case of periodic payment plans sold to individuals is equal to 10 percent of the first years payments, 7 percent of the next nine years payments and 8 percent thereafter; in the case of a single payment contract this deduction is equal to 5 percent of the payment.

The application states that Ealic is required under the Life Insurance Act to reflect in its accounts, as reserve liabilities, all liabilities to which it is subject arising out of its variable annuity contracts and life and disability contracts. It is further required to maintain admitted assets equal in value to such liabilities as well as the par value of its common stock and surplus. In addition to these legally required reserve liabilities and assets, Ealic has undertaken and represented in connection with this application, that it will establish a contingency reserve equal to 25 percent of its liability to variable annuity contract holders during the pay-out period, and to maintain additional admitted assets of like amount in value. Ealic has further undertaken and represented in connection with this application to reinsure with other insurance companies all liabilities under life and disability contracts.

Ealic has requested exemption from the provisions of the Act and the rules thereunder enumerated below, to the extent that such provisions may be deemed applicable to, and to the extent that said exemptions may be deemed necessary to permit, the transactions described below.

Section 17(a)(3) prohibits an affiliated person or principal underwriter of a

registered investment company from borrowing any money or other property from such company, except under certain circumstances not here relevant. Ealic requests exemption from this provision of the Act to permit it to make advances to its general agents if they be deemed principal underwriters of Ealic or are otherwise affiliated persons of Ealic.

Rule 17d–1 promulgated pursuant to section 17(d) of the Act prohibits, unless specifically exempted by order thereunder, joint undertakings in the nature of bonus or profit sharing arrangements between a registered investment company and an affiliated person of or principal underwriter for, such company except under circumstances not here relevant. Ealic requests exemption from the provisions of this rule to permit the payment to its general agents and employees of bonuses or additional compensation based on the volume of Ealic's sales of contracts.

Section 17(f) so far as here relevant requires every registered management investment company to place and maintain its securities and investments in the custody of a bank or in its own custody, but in the latter event only in accordance with such rules, regulations or orders as the Commission shall prescribe in the interests of investors. Rule 17f–2 prescribes the conditions under which a registered management investment company shall maintain its securities and investments in its own custody, including their deposit in a bank for safekeeping pursuant to the arrangements therein described. Ealic states that it is required under the Life Insurance Act and the laws of another state in which it transacts business to maintain on deposit with the insurance commissioner or similar official or agency, specified amounts of securities or cash as a condition to the transaction of business. It also represents that the laws of other states in which it may transact business in the future have similar requirements. Ealic seeks exemption from the provisions of section 17(f) and Rule 17f–2 to the extent necessary to comply in this respect with the laws of the several states in which it is, or may in the future be, transacting business.

Section 18(f)(1) of the Act prohibits a registered open-end investment company from issuing or selling any senior security except under circumstances not here relevant. A senior security is defined in section 18(f)(2) to include any instrument constituting a security and evidencing indebtedness, and any stock of a class having priority as to distribution of assets over another class of stock. Ealic requests exemption from the provisions of section 18(f)(1) to permit the issuance by Ealic of its variable annuity contracts to the extent that they may be considered securities evidencing an indebtedness of Ealic or they may be considered stocks which have priority over Ealic's outstanding common stock in the distribution of assets.

Section 18(i) requires, with certain exceptions, that every share of stock issued by a registered management investment company shall be a voting stock and have equal voting rights with every other outstanding voting stock unless issued in accordance with a permissive order. Ealic proposes to amend its charter to grant voting rights to the holders of its variable annuity contracts pursuant to a formula which will divide all voting rights in the company between the holders of the variable annuity contracts and the holders of the common stock of the company according to their respective financial interests in the company. Ealic states that the Life Insurance Act requires in the case of a variable annuity contract issued to a group that the employer is deemed to be the policy holder, and shall be limited to but one vote. Ealic requests an order pursuant to section 18(i) to permit it to comply with this provision of the Life Insurance Act in the case of group variable annuity contracts.

Section 22(d) prohibits, with certain exceptions not here relevant, a registerd investment company, a principal underwriter for such company or a dealer, from selling any redeemable security issued by such company other than at a current public offering price described in the prospectus. Ealic proposes to issue group variable annuity contracts on a negotiated basis varying the sales load and other expense deductions made from the contract holders' payments and accordingly it does not propose to state in its prospectus a public offering price applicable to group variable annuity contracts. Exemption from section 22(d) is requested to the extent necessary to permit the sale of group variable annuity contracts on the proposed basis.

Section 22(e) prohibits, except under circumstances not here relevant, a registered investment company from postponing the date of payment or satisfaction upon redemption of any redeemable security for more than seven days after the tender of such security to the company for redemption. Ealic requests exemption from this provision of the Act to permit it to postpone payment upon all variable annuity contracts tendered for redemption during the pay-in period for a period of not more than seven days after the next ensuing monthly valuation date of its accumulation units.

Section 24(d) provides that the exemption contained in section 3(a)(8) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. Section 3(a)(8) of the Securities Act of 1933 exempts from the necessity of registration thereunder any insurance or endowment policy, or any annuity contract issued by a corporation subject to the supervision of the insurance commissioner of any state. Ealic requests exemption from the provisions of section 24(d) to the extent necessary to permit the public offering for sale, and sale, of the conventional insurance policies or contracts issued by it, either alone or in combination with its variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

Section 27(a) prohibits so far as here revelant the sale of a periodic payment plan certificate issued by a registered investment company if (1) the sales load exceeds 9 per centum of the total payments to be made thereon, and (2) the sales load deducted from the first twelve monthly payments or their equivalents are not proportionately alike or, exceed one-half of such first twelve monthly payments, and if (3) the amount deducted for sales load from subsequent payments are not proportionately alike. Ealic states that its variable annuity contracts which are sold pursuant to a periodic payment plan do not provide for a fixed total purchase price or a fixed period of years over which the same shall be paid, but provide for fixed periodic payments from the date of the initial payment until the maturity date which may be designated by the purchaser at any time after attainment of age fifty and before attainment of age seventy. Ealic requests exemption from the provisions of section 27(a) to the extent necessary to permit it to deduct the sales load on an assumed ten year basis, in the amount of 40 percent of the first twelve monthly payments, or their equivalent, and 5 percent of the next succeeding 108 payments or their equivalent in the case of variable annuity contracts sold to individuals, and the same at lesser percentage deductions in the case of group variable annuity contracts.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless, among other things, the proceeds of all payments, other than sales load, are deposited with a trustee or custodian and held under an indenture or agreement containing, in substance the provisions required by section 26(a)(2) and (3). The latter provisions define the character of expenses which the trustee may charge against the fund resulting from such proceeds and exclude from expenses any payments to the depositor or principal underwriter, other than reasonable payments for administrative services delegated to them. These latter provisions also require that the trustee segregate and hold in trust all securities and cash of the fund, and govern the circumstances under which the trustee or custodian may resign. Ealic requests exemption from the provisions of section 27(c)(2) so as to permit it to treat all of the proceeds of its variable annuity contracts which are sold on a periodic payment basis as part of its general corporate assets and income and not to create a separate custodianship or trusteeship with respect thereto.

Generally speaking section 7(b) prohibits, with certain exceptions not here relevant, an investment company unless registered pursuant to the provisions of section 8, from engaging in a transaction by use of means or instrumentalities of interstate commerce or the mails. Section 2(a)(8) defines a company to include a trust, a fund, or any organized group of persons whether or not incorporated. To the extent Ealic's proposed method of operation may be construed to create a company separate and apart from Ealic, consisting of a trust or fund, created by the payments made by the variable annuity contract holders which are held by Ealic for their benefit, exemption is sought for such trust or fund from all the provisions of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the Rules of the Commission thereunder be held on the 10th day of September 1959 at 10:00 a.m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether, in light of the terms and conditions of the variable annuity contracts, the reserve and other requirements of the Life Insurance Act, the undertakings of Ealic with respect to maintenance of a contingency reserve for its variable annuity contracts and reinsurance of its conventional life and disability insurance liabilities, and the nature of the common stockholders' interests in Ealic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To exempt Ealic from the provisions of section 18(f)(1) to the extent necessary to permit the issuance and sale of variable annuity contracts and conventional life and disability insurance; and

(b) To exempt the general agents of Ealic who are principal underwriters or otherwise affiliated persons of Ealic from the provisions of section 17(a)(3) so as to permit them to borrow money or other property from Ealic the indebtedness for which shall not be treated as admitted assets of Ealic; and

(c) To exempt Ealic from the provisions of Rule 17d–1 to the extent necessary to permit the payment by it to its sales agents and employees of bonuses or additional compensation based on the volume of Ealic's sales of contracts; and

(d) To exempt Ealic from the provisions of section 17(f) and the rules thereunder to the extent necessary to permit it to place securities and cash on deposit with the insurance commissioner or similar official or agency of any state in which Ealic transacts business in an amount necessary under the laws of such state to qualify to do business therein.

(2) Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To permit Ealic to issue group variable annuity contracts to employers, which contracts entitle the holder to one vote, in light of the provisions of the Life Insurance Act and the nature and character of a group variable annuity contract and the interests of the purchaser or purchasers therein if such permission be deemed to be necessary; and

(b) To exempt the public sale of group variable annuity contracts from the provisions of section 22(d) of the Act to the extent necessary to permit such public sale on a negotiated basis and without the statement in the prospectus of a uniform public offering price applicable to such group contracts, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Ealic is subject and the terms and conditions of such contracts; and

(c) To exempt Ealic from the provisions of section 22(e) to the extent necessary to permit it to postpone for not more than seven days after the next ensuing valuation date of its accumulation units, payments or satisfaction of variable annuity contracts tendered to it for redemption, in light of the nature and character of the variable annuity contract; and

(d) To exempt Ealic from the provisions of section 27(a)(1), (2) and (3) to the extent necessary to permit the sale of its variable annuity contracts to individuals pursuant to a periodic payment plan providing for the deduction for sales load of an amount not in excess of forty per centum of the first twelve monthly payments, or their equivalent, and not in excess of 5 per centum of the next succeeding 108 periodic payments, or their equivalent, in light of the terms and conditions of such variable annuity contracts and periodic payment plans.

(3) Whether, in light of the nature and character of the conventional insurance contracts or policies to be issued by Ealic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Ealic from the provisions of section 24(d) of the Act to the extent necessary to permit such contracts to be publicly offered for sale and sold, either alone or in combination with variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

(4) Whether, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Ealic is subject, and the obligations of Ealic under the variable annuity contracts, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Ealic from the provisions of section 27(c)(2) to the extent necessary to permit the sale of its variable annuity contracts issued on a periodic payment basis, without a separate custodianship or trusteeship of the proceeds of such periodic payments; and, if so, whether the deductions made from such periodic payments, other than for sales load, are reasonable in light of all the circumstances.

(5) Whether, in light of all the circumstances, including the registration of Ealic as an investment company and the registration of its variable annuity contracts under the Securities Act of 1933, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt from all the provisions thereof the trust or fund which may be construed to result from Ealic's proposed method of operations.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the Equity Annuity Life Insurance Company, and the insurance commissioner, or similar official or agency of the several states in which Ealic is licensed to sell its variable annuity contracts, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–7110; Filed, Aug. 26, 1959; 8:47 a.m.]

[File No. 70-3812]

GEORGIA POWER CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Principal Amount of Bonds

AUGUST 20, 1959.

Notice is hereby given that Georgia Power Company ("Georgia"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $18,000,000 principal amount of First Mortgage Bonds ("New Bonds"), __ percent Series, to be dated as of September 1, 1959, and to mature September 1, 1989. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Georgia (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are to be issued under the Indenture, dated as of March 1, 1941, between Georgia and The New York Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by an indenture dated as of September 1, 1959.

Georgia contemplates making expenditures of approximately $49,511,000 during 1959 for the construction or acquisition of property. The proceeds of the proposed issue and sale, together with cash on hand derived from internal sources and from common stock financing undertaken in February 1959, will be used to finance this program. The company contemplates that it will not be necessary to sell any additional securities in 1959 for such purpose.

The application states that the issuance and sale of the New Bonds have been expressly authorized by the Georgia Public Service Commission and that no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses incident to the proposed transaction are to be supplied by amendment.

Notice is further given that any interested person may, not later than September 4, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7111; Filed, Aug. 26, 1959; 8:47 a.m.]

[File No. 812-1244]

VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

Notice of Filing and Order for Hearing Regarding Application for Exemptions From Act

AUGUST 20, 1959.

Notice is hereby given that The Variable Annuity Life Insurance Company of America ("Valic"), Washington, D.C., has filed an application pursuant to the Investment Company Act of 1940 (the "Act") for exemption from certain provisions of the Act and the rules thereunder, as specifically set forth herein.

Valic was organized on December 30, 1955 under the Life Insurance Act of the District of Columbia ("Life Insurance Act") and is subject to regulation by the Superintendent of Insurance of the District of Columbia and the insurance authorities of other states where it transacts business. Since its organization Valic has been engaged in issuing and selling variable annuity contracts together with term life insurance and disability insurance in combination contracts. On March 23, 1959 the Supreme Court of the United States in Securities and Exchange Commission v. Variable Annuity Life Insurance Company of America, 359 U.S. 65, determined, in effect, that the variable annuity contracts offered by Valic are securities within the meaning of the Act and Valic is an investment company required to be registered thereunder. The application states that Valic, for the purpose of compliance with the Act, proposes to change certain of its methods of operations heretofore employed so as to operate in the manner summarized below.

As of July 31, 1959, the total admitted assets of Valic amounted to $1,048,721 and its reserve liabilities on variable annuity contracts amounted to $461,443, its reserve liabilities on life and disability contracts amounted to $13,555, the par value of its common stock plus surplus amounted to $544,061, and miscellaneous liabilities comprised the balance.

Generally speaking the variable annuity contracts which Valic proposes to issue and sell provide, in substance, that the purchaser will make either a single payment, or periodic payments of fixed amounts over a period of years, such period of years being hereinafter referred to as the "pay-in" period. In return for such payments the purchaser will be credited with so-called "accumulation units" representing the purchaser's pro-rata share of the assets of the company. Since the purchaser's payments are constant in amount the number of accumulation units credited to the purchaser's account wil depend upon the value of a single accumulation unit at the time of each payment. Until the so-called "maturity date" which is selected by the purchaser, he has the right, at any time, to redeem the accumulation units at their then current value and terminate the contract, and in the event of death prior to the maturity date such redemption and termination are mandatory, although various settlement options are available for the payment of the proceeds to a designated beneficiary. In the event of voluntary redemption prior to maturity Valic reserves the right to impose a charge not to exceed 2 percent of the redemption value. Prior to maturity the purchaser also has the right, subject to deferment by Valic for a period of six months, to redeem all or part of the accumulation units standing to his credit without terminating the contract, and upon payment to Valic of a service charge of 3 percent per annum, he may repay such withdrawn amount, which repayment will be used to provide accumulation units at their current value at the time of repayment, without deduction for sales and other charges discussed later.

At the maturity date, generally speaking, the contract holder may elect to have the accumulation units standing to his credit converted into so-called "annuity units" which also represent a proportionate interest in the assets of the company, and to receive periodically the value, as it may vary, of a specified number of such annuity units for either (i) the balance of his life, or (ii) a fixed period of years plus the balance of his life if he survives. The contract holder, in the alternative, may elect to have the value of such units paid throughout the life of the last survivor of himself or another person. The period over which Valic will make payments to the contract holder or his survivor is hereinafter referred to as the "pay-out" period. The number of annuity units, the proceeds of which the contract holder is entitled to receive periodically, is determined by reference to a life annuity table, and is dependent upon the sex of the contract holder, age at the maturity date and the type of pay-out elected. Annuity units may not be redeemed and the contract holder is entitled only to receive the payments during the particular pay-out period which he has elected.

The value of accumulation units and annuity units will be determined at the end of each month. The valuation will reflect the investment experience of the company's "investable assets" other than non-convertible debt securities, which will consist, in the main, of common stocks meeting the requirements of the Life Insurance Act. The valuation of these units will also reflect the deduction of a charge not to exceed 0.15 percent monthly (1.8 percent annually) of the unit value, which deduction will enure to the common stockholders of the company to cover, in part, administrative, management and other expenses, income taxes, contingency reserve liabilities, and

profit. To reflect the investment experience of the investable assets their current value will be determined, to which there will be added realized gains or losses incurred, and dividend or interest income received, since the last preceding valuation, and the figure thus obtained less deductions will be expressed as a percentage of the last preceding comparable figure and applied to the last preceding unit value to obtain the current unit value.

The application states that the sales load applicable to periodic payment variable annuity contracts sold to individuals is 50 percent of the first twelve monthly payments, or their equivalent, and 5 percent of the next 132 monthly payments or their equivalent. The sales load applicable to single payment variable annuity contracts is stated to be 5 percent of the payment. In addition to these deductions from payments a further deduction is made to cover issuance and administrative costs and premium taxes which in the case of periodic payment plans sold to individuals is equal to 2 percent of the first year's payments, 6 percent of the next 11 years' payments and 8 percent thereafter; in the case of single payment contracts this deduction will be 5 percent if the pay-out period commences immediately and 7 percent if it is deferred.

The application states that Valic is required under the Life Insurance Act to reflect in its accounts, as reserve liabilities, all liabilities to which it is subject arising out of its variable annuity contracts and life and disability insurance contracts. It is further required to maintain admitted assets equal in value to such liabilities as well as the par value of its common stock and surplus. In addition to these legally required reserve liabilities and assets, Valic has undertaken and represented in connection with this application, that it will establish a contingency reserve equal to 25 percent of it liability to variable annuity contract holders during the pay-out period, and to maintain additional admitted assets of like amount in value. Valic has further undertaken and represented in connection with this application to reinsure with other insurance companies all liabilities under life and disability contracts.

Valic has requested exemption from the provisions of the Act and the rules thereunder enumerated below, to the extent that such provisions may be deemed applicable to, and to the extent that said exemptions may be deemed necessary to permit the transactions described below.

Section 17(a)(3) prohibits an affiliated person or principal underwriter of a registered investment company from borrowing any money or other property from such company, except under certain circumstances not here relevant. Valic requests exemption from this provision of the Act to permit it to make advances to its general agents, if they be deemed principal underwriters of Valic or are otherwise affiliated persons of Valic, and to its sales employees.

Valic construes the right of the variable annuity contract holder to redeem accumulation units and continue the contract in effect, as a loan to, and borrowing by, such contract holder. Accordingly it seeks exemption from section 17(a)(3) to permit it to make such loans, pursuant to the terms of the contract, to such contract holders as may be affiliated persons or principal underwriters of Valic.

Rule 17d-1 promulgated pursuant to section 17(d) of the Act prohibits, unless specifically exempted by order thereunder, joint undertakings in the nature of bonus or profit sharing arrangements between a registered investment company and an affiliated person of, or principal underwriter for, such company except under circumstances not here relevant. Valic requests exemption from the provisions of this rule to permit the payment to its sales agents and employees of bonuses or additional compensation based on the volume of Valic's sales of contracts.

Section 17(f) so far as here relevant requires every registered management investment company to place and maintain its securities and investments in the custody of a bank or in its own custody, but in the latter event only in accordance with such rules, regulations or orders as the Commission shall prescribe in the interests of investors. Rule 17f-2 prescribes the conditions under which a registered management investment company shall maintain its securities and investments in its own custody, including their deposit in a bank for safekeeping pursuant to the arrangements therein described. Valic states that it is required under the Life Insurance Act to maintain on deposit with the insurance commissioner or similar official or agency, specified amounts of securities or cash as a condition to the transaction of business in the District of Columbia. It also represents that the laws of other states in which it may transact business in the future, have similar requirements. Valic seeks exemption from the provisions of section 17(f) and Rule 17f-2 to the extent necessary to comply in this respect with the laws of the several states in which it is, or may in the future be, transacting business.

Section 18(f)(1) of the Act prohibits a registered open-end investment company from issuing or selling any senior security except under circumstances not here relevant. A senior security is defined in section 18(f)(2) to include any instrument constituting a security and evidencing indebtedness, and any stock of a class having priority as to distribution of assets over another class of stock. Valic requests exemption from the provisions of section 18(f)(1) to permit the issuance by Valic of its variable annuity contracts to the extent that they may be considered securities evidencing indebtedness of Valic or they may be considered stocks which have priority over Valic's outstanding common stock in the distribution of assets.

Section 18(i) requires, with certain exceptions, that every share of stock issued by a registered management investment company shall be a voting stock and have equal voting rights with every other outstanding voting stock unless issued in accordance with a permissive order. Valic proposes to amend its charter to grant voting rights to the holders of its variable annuity contracts pursuant to a formula which will divide all voting rights in the company between the holders of the variable annuity contracts and the holders of the voting common stock of the company. Valic states that the Life Insurance Act requires in the case of a variable annuity contract issued to a group that the employer is deemed to be the policy holder, and shall be limited to but one vote. Valic requests an order pursuant to section 18(i) to permit it to comply with this provision of the Life Insurance Act in the case of group variable annuity contracts.

Section 22(d) prohibits, with certain exceptions not here relevant, a registered investment company, a principal underwriter for such company or a dealer, from selling any redeemable security issued by such company other than at a current public offering price described in the prospectus. Valic proposes to issue group variable annuity contracts on a negotiated basis varying the sales load and other expense deductions made from the contract holders' payments and accordingly it does not propose to state in its prospectus a public offering price applicable to group variable annuity contracts. Exemption from section 22(d) is requested to the extent necessary to permit the sale of group variable annuity contracts on the proposed basis.

Section 22(e) prohibits, except under circumstances not here relevant, a registered investment company from postponing the date of payment or satisfaction upon redemption of any redeemable security for more than 7 days after the tender of such security to the company for redemption. Valic requests exemption from this provision of the Act to permit it to postpone payment upon all variable annuity contracts tendered for redemption during the pay-in period, for a period of not more than 7 days after the next ensuing monthly valuation date of its accumulation units.

Section 24(d) provides that the exemption contained in section 3(a)(8) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. Section 3(a)(8) of the Securities Act of 1933 exempts from the necessity of registration thereunder any insurance or endowment policy, or any annuity contract issued by a corporation subject to the supervision of the insurance commissioner of any state. Valic requests exemption from the provisions of section 24(d) to the extent necessary to permit the public offering for sale, and sale of the conventional insurance policies or contracts issued by it, either alone or in combination with its variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

Section 27(a) prohibits so far as here relevant the sale of a periodic payment plan certificate issued by a registered investment company if (1) the sales load exceeds 9 per centum of the total payments to be made thereon, and if (2) the sales load deducted from the first twelve

monthly payments or their equivalents, are not proportionately alike or, exceed one-half of such first twelve monthly payments, and if (3) the amount deducted for sales load from subsequent payments are not proportionately alike. Valic states that its variable annuity contracts which are sold pursuant to a periodic payment plan do not provide for a fixed total purchase price or a fixed period of years over which the same shall be paid, but provide for fixed periodic payments from the date of the initial payment until the maturity date which may be designated by the purchaser at any time after attainment of age fifty and before attainment of age seventy. Valic requests exemption from the provisions of section 27(a) to the extent necessary to permit it to deduct the sales load on an assumed twelve year basis, in an amount not to exceed 50 percent of the first twelve monthly payments, or their equivalent, and not to exceed 5 percent of the next succeeding 132 payments or their equivalent.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless, among other things, the proceeds of all payments, other than sales load are deposited with a trustee or custodian and held under an indenture or agreement containing, in substance the provisions required by sections 26(a) (2) and (3). The latter provisions define the character of expenses which the trustee may charge against the fund resulting from such proceeds and exclude from expenses any payments to the depositor or principal underwriter, other than reasonable payments for administrative services delegated to them. These latter provisions also require that the trustee segregate and hold in trust all securities and cash of the fund, and govern the circumstances under which the trustee or custodian may resign. Valic requests exemption from the provisions of section 27(c)(2) so as to permit it to treat all of the proceeds of its variable annuity contracts which are sold on a periodic payment basis as part of its general corporate assets and income and not to create a separate custodianship, or trusteeship with respect thereto.

Generally speaking section 7(b) prohibits, with certain exceptions not here relevant, an investment company, unless registered pursuant to the provisions of section 8, from engaging in a transaction by use of means or instrumentalities of interstate commerce or the mails. Section 2(a)(8) defines a company to include a trust, a fund, or any organized group of persons whether or not incorporated. To the extent Valic's proposed method of operation may be construed to create a company separate and apart from Valic, consisting of a trust or fund, created by the payments made by the variable annuity contract holders which are held by Valic for their benefit, exemption is sought for such trust or fund from all the provisions of the Act.

Section 9(a) prohibits any person who is enjoined from engaging in any or continuing any conduct or practice in connection with the purchase or sale of any security, and any company an affiliated person of which has been so enjoined, from acting as an officer, director, principal underwriter, member of an advisory board or investment advisor of a registered investment company. Valic, pursuant to section 9(b) requests exemption from the provisions of section 9(a) to the extent necessary so that any order, judgment or decree entered in Securities and Exchange Commission v. The Variable Annuity Life Insurance Company of America, Inc., Civil Action, File No. 2549–56 shall not have the effect of making it unlawful for any person named in or otherwise subject to such decree, judgment or order (or any company of which such person is an affiliated person) to serve or act in the capacities referred to in section 9(a).

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 9th day of September 1959 at 10:00 a.m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether, in light of the terms and conditions of the variable annuity contracts, the reserve and other requirements of the Life Insurance Act, the undertakings of Valic with respect to maintenance of a contingency reserve for its variable annuity contracts and reinsurance of its conventional life and disability insurance liabilities, and the nature of the common stockholders' interests in Valic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To exempt Valic from the provisions of section 18(f)(1) to the extent necessary to permit the issuance and sale of variable annuity contracts and conventional life and disability insurance; and

(b) To exempt the general agents of Valic who are principal underwriters or otherwise affiliated persons of Valic and the sales employees of Valic from the provisions of section 17(a)(3) so as to permit them to borrow money or other property from Valic the indebtedness for which shall not be treated as admitted assets of Valic; and

(c) To exempt any affiliated person or promoter of, or principal underwriter for, Valic, and any affiliated person of such a person, from the provisions of section 17(a)(3) to the extent necessary to permit any such person who is the holder of a variable annuity contract to redeem his interest in such contract pursuant to its terms, if such redemption be deemed a borrowing; and

(d) To exempt Valic from the provisions of Rule 17d–1 to the extent necessary to permit the payment by it to its sales agents and employees of bonuses or additional compensation based on the volume of Valic's sales of contracts; and

(e) To exempt Valic from the provisions of section 17(f) and the rules thereunder to the extent necessary to permit it to place securities and cash on deposit with, the insurance commissioner or similar official or agency of any state in which Valic transacts business in an amount necessary under the laws of such state to qualify to do business therein.

(2) Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To permit Valic to issue group variable annuity contracts to employers which contracts entitle the holder to one vote, in light of the provisions of the Life Insurance Act and the nature and character of a group variable annuity contract and the interests of the purchaser or purchasers therein, if such permission be deemed to be necessary; and

(b) To exempt the public sale of group variable annuity contracts from the provisions of section 22(d) of the Act to the extent necessary to permit such public sale on a negotiated basis and without the statement in the prospectus of a uniform public offering price applicable to such group contracts, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Valic is subject and the terms and conditions of such contracts; and

(c) To exempt Valic from the provisions of section 22(e) to the extent necessary to permit it to postpone for not more than seven days after the next ensuing valuation date of its accumulation units, payment or satisfaction of variable annuity contracts tendered to it for redemption, in light of the nature and character of the variable annuity contract; and

(d) To exempt Valic from the provisions of section 27(a) (1), (2) and (3) to the extent necessary to permit the sale of its variable annuity contracts pursuant to a periodic payment plan providing for the deduction for sales load of an amount not in excess of fifty per centum of the first twelve monthly payments, or their equivalent, and not in excess of five per centum of the next succeeding 132 periodic payments, or their equivalent, in light of the terms and conditions of such variable annuity contracts and periodic payment plans.

(3) Whether, in light of the nature and character of the conventional insurance contracts or policies to be issued by Valic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Valic from the provisions of section 24(d) of the Act to the extent necessary to permit such contracts to be publicly offered for sale and sold, either alone or in combination with variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

(4) Whether, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Valic is subject, and the obligations of Valic under the variable annuity contracts, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Valic from the provisions of section 27(c)(2) to the extent necessary to permit the sale of its variable annuity contracts issued on a periodic payment basis, without a separate custodianship or trusteeship of the proceeds of such periodic payments; and, if so, whether the deductions made from such periodic payments, other than for sales load, are reasonable in light of all the circumstances.

(5) Whether, in light of all the circumstances, including the registration of Valic as an investment company and the registration of its variable annuity contracts under the Securities Act of 1933, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt from all the provisions thereof the trust or fund which may be construed to result from Valic's proposed method of operations.

(6) Whether, in light of all the circumstances, it is not against the public interest or the protection of investors, to exempt from the prohibitions of section 9(a), any person who might be deemed to be included therein, by virtue of an order, judgment or decree entered in the matter of Securities and Exchange Commission v. The Variable Annuity Life Insurance Company of America, Inc., Civil Action, File No. 2549–56.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to The Variable Annuity Life Insurance Company of America and the insurance commissioner, or similar official or agency of the several states in which Valic is licensed to sell its variable annuity contracts, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–7112; Filed, Aug. 26, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 3]

LEHIGH VALLEY RAILROAD CO.

Application for Loan Guaranties

AUGUST 21, 1959.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 20760, filed August 10, 1959, by Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, New York, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $6,000,000. Applicant's representative: Jose R. deCapriles, Vice President and General Counsel, Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, New York. Loan is for the following purposes: Reimbursement of applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements $3,000,000; refinancing of unpaid balance not to exceed $2,200,000 of cost of acquisition of 110 freight train cars, 125 TOTC trailers and 2 steel scows, rehabilitation of 196 gondola cars and conversion of 2 locomotives financed after January 1, 1957; and for completion of additions and betterments in progress $800,000.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–7108; Filed, Aug. 26, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35633: *Substituted service—M. & St. L. Ry., for Bay and Bay Transfer Co., Inc.* Filed by Associated Motor Carriers Tariff Bureau, Agent (No. 9) for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Mason City, Iowa, on the one hand, and Minneapolis, Minn., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Associated Motor Carriers Tariff Bureau tariff I.C.C. No. A–83.

FSA No. 35634: *Substituted service—I.C. for Silver Fleet Motor Express, Inc., etc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 4), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Birmingham, Ala., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Central and Southern Motor Freight Tariff Association, Incorporated tariff MF–I.C.C. 206.

FSA No. 35635: *Barite from Arkansas and Missouri points to Jay, La.* Filed by Southwestern Freight Bureau, Agent (No. B–7621), for interested rail carriers. Rates on Barite (Barytes), in carloads from specified points in Arkansas and Missouri to Jay, La.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 35636: *Substituted service—N.Y., N.H. & H. Railroad.* Filed jointly by The New York, New Haven and Hartford Railroad Company, and Midwest Haulers, Inc., for themselves and other interested carriers (No. 215). Rates on property loaded in highway semi-trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston and Springfield, Mass., and New Haven, Conn., on the other, on traffic originating at or destined to points on motor carriers beyond the named rail substitution points.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–7107; Filed, Aug. 26, 1959; 8:47 a.m.]

[Notice 177]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62460. By order of August 21, 1959, the Transfer Board approved the transfer to Robertson Motor Freight, Inc., Jeannette, Pennsylvania, of the operating rights in Certificate No. MC 110243, issued May 19, 1950, to John V. Robertson, Jeannette, Pennsylvania, authorizing the transportation, over irregular routes, of general commodities, excluding household goods and other specified commodities, between Pittsburgh, Pa., on the one hand, and, on the other, points in a described portion of Westmoreland and Indiana Counties, Pa. Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh, Pa., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7109; Filed, Aug. 26, 1959; 8:47 a.m.]

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VOLUME 24 NUMBER 169

Washington, Friday, August 28, 1959

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

SEP 2 - 1959

MAIN READING ROOM

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1960–61 Marketing Year

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.1009 is issued to announce the results of the wheat marketing quota referendum for the marketing year, July 1, 1960, through June 30, 1961, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a national marketing quota for wheat for the 1960–61 marketing year (24 F.R. 4507). The Secretary announced (24 F.R. 4524) that a referendum would be held on July 23, 1959, to determine whether or not wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1960, through June 30, 1961. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.1009 Proclamation of the results of the wheat marketing quota referendum for the marketing year 1960–61.

In a referendum of farmers who will be subject to quotas on the 1960 crop of wheat held on July 23, 1959, 210,187 eligible farmers voted. Of those voting 169,760 or 80.8 percent favored quotas for the marketing year beginning July 1, 1960. Therefore, wheat marketing quotas will be in effect for the 1960–61 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Issued at Washington, D.C., this 24th day of August 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–7172; Filed, Aug. 27, 1959; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Marketing Agreement No. 97, and Order No. 58 (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 958.1 through 958.88, inclusive, of the order. The area committee for Area No. 2, pursuant to § 958.19 of the order, has recommended that regulations limiting the handling of 1959 crop potatoes should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)
General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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§ 958.331 Limitation of shipments.

During the period from August 31, 1959 through June 30, 1960, no person shall ship any lot of potatoes grown in Area No. 2 unless such potatoes meet the following requirements. The requirements of paragraph (b) shall terminate on October 10, 1959.

(a) *Minimum grade and size requirements*—(1) *Grade.* All varieties: U.S. No. 2, or better, grade.

(2) *Size.* (i) Red McClure variety: 2 inches minimum diameter, Size A.

(ii) Other round varieties: 2 inches minimum diameter.

(iii) Long varieties: 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity requirements.* (1) Red McClure and Russet Burbank varieties: Not more than "slightly skinned."

(2) All other varieties: Not more than "moderately skinned".

(c) *Definitions.* The terms "U.S. No. 2 grade", "Size A", "slightly skinned", and "moderately skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in said Marketing Agreement and Order.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: Aug. 25, 1959, to become effective August 31, 1959.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7157; Filed, Aug. 27, 1959; 8:47 a.m.]

[Avocado Order 9, Amdt. 9]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulations

In Federal Register Document 59–6370 appearing at page 6155 of the issue of Friday, July 31, 1959, the inside dimensions of fiberboard cartons 13½ x 16½ x 4¼ inches in § 969.309(a)(1)(vi) should read 13½ x 16½ x 4½ inches.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

AUGUST 25, 1959.

[F.R. Doc. 59–7156; Filed, Aug. 27, 1959; 8:47 a.m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

MISCELLANEOUS AMENDMENTS

The Raisin Administrative Committee has recommended an amendment of § 989.158 of the administrative rules and regulations as amended (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180; 24 F.R. 1981). The said committee and the rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

To meet the inspection requirement of § 989.58(d), § 989.158(a)(3) requires that all natural condition raisins received by a packer be inspected at his inspection point where received; and such requirement cannot be satisfied by means of an inspection which is performed prior to receipt. Such natural condition raisins include raisins produced by dehydrators subjecting raisin variety grapes to artificial heat (such raisins being referred to herein as "dehydrated raisins"). Program operations under this inspection requirement indicate that such requirement with respect to dehydrated raisins may be too restrictive. Under some circumstances and with adequate safeguards, the mandatory inspection of such dehydrated raisins could be performed on the premises where the dehydrated raisins were produced. Such inspection thus would be performed prior to a packer's receiving the dehydrated raisins at his inspection point. Inspection of dehydrated raisins on the premises of the dehydrator would facilitate the production of standard raisins and further the attainment of the raisin quality control objectives of this regulatory program. The amendment of § 989.158 as hereinafter set forth would permit such inspection, under proper safeguards, of dehydrated raisins to be performed on the premises of the dehydrators producing them to satisfy the inspection requirement prescribed in § 989.58(d). A packer receiving such inspected raisins direct from the dehydrator's premises would not need to have them inspected when they are unloaded at his inspection point, as currently required.

Upon the basis of the foregoing and consideration of all relevant information, including the committee's recommendation, it is concluded that to amend the administrative rules and regulations as hereinafter set forth to become effective at the time hereinafter provided will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 989.158 (7 CFR 989.158) of Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.180; 24 F.R. 1981) be, and the same hereby is, amended in the following respects:

1. Amend § 989.158(a)(3) to read as follows:

(3) For each lot of natural condition raisins received by a handler for acquirement, reconditioning, storage, or inspection, the handler shall immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purpose of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the committee. Any raisins so received by a handler, other than dehydrated raisins covered by paragraph (e) of this section, shall be inspected at an inspection point during the unloading process, and if certified as standard raisins shall, upon acceptance by the handler, either be acquired by him or received by him for storage on memorandum receipt, as the case may be: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection agency to the effect that inspection service cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and to furnish weight certificates promptly for all raisins received. The inspection certificate covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. One of the tenderer's or handler's options (as referred to in § 989.58(e)), with respect to any raisins which do not meet the applicable minimum grade standards, shall be exercised within five business days after inspection or three business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the committee under such conditions as it may deem necessary in the circumstances. Any such lot of off-grade raisins shall, pending the exercise of one of the options, be identified by fixing to each pallet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control card shall remain fixed to each pallet or container as the case may be, until such raisins have been reconditioned, or have been delivered to the handler for the account of the committee, or have been returned to the person making the tender.

2. Add, at the end of § 989.158, a new paragraph (e) as follows:

(e) *Inspection of raisins on dehydrator's premises*—(1) *Application and agreement for dehydrator on-premise inspection.* (i) Any dehydrator may submit to the committee for approval, and the committee may approve, in accordance with the provisions of this paragraph an application and agreement, on a form furnished by the committee, for dehydrator on-premise inspection of natural condition raisins produced by the dehydrator by subjecting raisins variety grapes to artificial heat. Raisins so produced are referred to in paragraph (a)(3) of this section and in this paragraph as "dehydrated raisins."

(ii) The provisions of the application and agreement shall include at least the following:

(*a*) That the dehydrator shall request the inspection agency to inspect all dehydrated raisins which the dehydrator produces and to issue a related memorandum report of inspection at the time of loading any quantity of such raisins for delivery to a packer's inspection point;

(*b*) That the dehydrator has arranged with the inspection agency for the necessary inspection service to be per-

formed by the agency, and the dehydrator will submit to the committee a statement from the inspection agency that the dehydrator has adequate facilities for the inspection service and that such arrangements have been made;

(c) That all necessary reconditioning of dehydrated raisins, identification and segregation of raisins, and movement of inspected dehydrated raisins on or from dehydrator's premises shall be done in such manner and under such conditions as the inspection agency may require;

(d) That the dehydrator shall furnish to the packer to whose inspection point the inspected dehydrated raisins are delivered, at the time of the packer's receipt of such raisins, the original and one copy of the memorandum report of inspection covering such raisins;

(e) That the dehydrator shall maintain such records and furnish such reports and permit access to such records and dehydrator's premises as provided in the application and agreement; and

(f) That the application and agreement may be suspended or terminated as provided therein.

(iii) The committee will notify raisin packers of each dehydrator whose application and agreement has been approved by the committee (such dehydrator is referred to in this subpart as "authorized dehydrator"); similarly, the committee will notify packers of each suspension or termination of a previously approved application and agreement.

(2) *Delivery of inspected dehydrated raisins.* Any dehydrated raisins that (i) are inspected on an authorized dehydrator's premises where produced, (ii) are moved promptly and directly to a packer's inspection point from such premises of the authorized dehydrator, (iii) with respect to which the applicable memorandum report of inspection is furnished to the packer, and (iv) are otherwise in compliance with the provisions of such approved application and agreement and this paragraph, shall be considered as having met the requirement, pursuant to § 989.58(d), that such packer shall cause an inspection to be made of such natural condition raisins received by him. Further, with respect to such dehydrated raisins received by the packer, the packer shall comply with all applicable requirements and procedures of this part (including, but not limited to, inspection after any necessary reconditioning and the inspection prescribed in § 989.59).

(3) *Packer's obligations.* Immediately upon a packer's receiving any such dehydrated raisins (which were inspected on an authorized dehydrator's premises) together with the applicable memorandum report of inspection, the packer shall enter the net weight and scale ticket number on such memorandum report of inspection. The packer shall give to the inspector at the packer's inspection point where the dehydrated raisins were received a copy of such memorandum report. Whenever a packer receives off-grade raisins from an authorized dehydrator he shall so advise the inspector at the packer's inspection point at the time of such receipt; and such raisins shall not be unloaded except in the presence of the inspector or in accordance with such prior arrangements as may have been made by the packer and the inspection agency.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) This amendatory action affords the opportunity to dehydrators to obtain prescribed on-premise inspection of dehydrated raisins they produce; (2) since the production of dehydrated raisins from 1959 crop raisin variety grapes is under way, it is necessary that this amendment become effective immediately so that dehydrators and packers may avail themselves of the benefits derivable from the on-premise inspection services for as much of this season's operation as possible; (3) packers and dehydrators are aware of the proposed amendatory action and that it was recommended by the committee; (4) such persons require no additional notice in order to prepare for or utilize the prescribed inspection; and (5) this amendatory action relieves packers of an otherwise mandatory inspection of raisins received. In these circumstances, this amendment should become effective upon execution.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Executed August 24, 1959, to become effective upon execution.

G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–7158; Filed, Aug. 27, 1959; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (27) is added to § 6.304(a) as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* • • •

(27) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–7167; Filed, Aug. 27, 1959; 8:49 a.m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC TECHNICAL AND PROFESSIONAL POSITIONS

Student Trainee

Correction

In F.R. Doc. 59–7001, appearing at page 6829 of the issue for Saturday, August 22, 1959, the center heading reading "Department of the Interior; Student Trainee" should read "Student Trainee".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

Determination of Existence of Disease; Agreements With States

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (23 Stat. 32, 58 Stat. 734) and section 2 of the Act of February 2, 1903 (32 Stat. 792; 21 U.S.C. 114, 111, 114a) §§ 53.1 and 53.9 of the regulations pertaining to payment of indemnities for animals destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious and infectious animal diseases (9 CFR, 1958 Supp., Part 53), are hereby amended in the following respects:

§ 53.1 [Amendment]

1. A new paragraph (j) is added to § 53.1 to read:

(j) "Mortgage" means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

2. Section 53.9 is amended to read:

§ 53.9 Mortgage against animals or materials.

When animals or materials have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by the Division on which the owner of the animals or materials shall certify that the animals or materials covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the animals or materials, consenting to the payment of any indemnity allowed to the person specified thereon.

(Sec. 11, 58 Stat. 734, as amended, 67 Stat. 93; 21 U.S.C. 114, 111, 114a)

Effective date. The foregoing amendment shall become effective upon issuance.

The purposes of the revisions contained in this amendment are (1) to clarify the language in § 53.9 of this part by specifically designating the party to whom indemnity will be paid and (2) to bring § 53.9 into closer conformity with § 51.8 of this subchapter and (3) to facilitate preparation of forms for use in connection with the requirements of Part 53.

It is believed the amendment will facilitate the payment of indemnity claims involving mortgaged animals and will therefore be of benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59–7159; Filed, Aug. 27, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER–279]

PART 240—INSPECTION OF ACCOUNTS AND PROPERTY

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of August 1959.

The purpose of this amendment is to conform Part 240 to recent legislative changes whereby the Civil Aeronautics Act of 1938, as amended (52 Stat. 973), was repealed and superseded by the Federal Aviation Act of 1958 (see 72 Stat. 731, 806, 809) and to reflect the meaning of the terms "special agent" and "auditor" now appearing in section 407(e) of the latter statute (72 Stat. 766) as construed in the Board's Public Notice No. 12 published in the FEDERAL REGISTER on May 1, 1958 (23 F.R. 2946).

Since this amendment merely clarifies a regulation without effecting any substantive change, notice and public procedings hereon are not required and the amendment may be made effective upon publication in the FEDERAL REGISTER.

Accordingly, the Civil Aeronautics Board hereby amends Part 240 of the Economic Regulations, effective August 28, 1959, as follows:

1. Substitute the words "Federal Aviation Act of 1958" for the words "Civil Aeronautics Act" in the first sentence of § 240.1.

2. Revise § 240.1(b) to read:

(b) The terms "special agent" and "auditor" are respectively construed to mean (1) any employee of the Office of Compliance, any employee of the Bureau of Safety, and any other employee of the Board specifically designated by it or by the Chief, Office of Administration; and (2) any employee of the Field Audits Division, Office of Carrier Accounts and Statistics.

3. Add a new paragraph (d) to § 240.1 to read:

(d) Any identification card and credentials heretofore issued to any such employee of the Board referring to section 407(e) or section 702(c) of the Civil Aeronautics Act of 1938, as amended, shall be deemed amended to refer, respectively, to section 407(e) or section 701(c) of the Federal Aviation Act of 1958 and shall continue in effect according to their terms until modified, superseded, or recalled by the Board.

4. Revise the citations pertinent to the authority for the regulation to read:

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 407(e) and 701(c); 72 Stat. 766, 781; 49 U.S.C. 1377, 1441)

5. Substitute the words "Federal Aviation Act of 1958," for the words "Civil Aeronautics Act of 1938, as amended," in the form annexed to Part 240.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 407, 701, 72 Stat. 766, 781; 49 U.S.C. 1377, 1441)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–7168; Filed, Aug. 27, 1959; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 98; Amdt. 36]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to provide for inspection of metal tail rotor blades prior to each flight instead of daily on float equipped Bell 47 helicopters, a revision of airworthiness directive 59–5–1 is necessary.

Boeing 707 airworthiness directive 59–15–1 is amended to eliminate the requirement for removal of straps around main landing gear truck beams on subsequent inspections unless damage is apparent.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 507.10(a) is amended as follows:

1. 59–5–1 Bell, as it appeared in 24 F.R. 3754, is revised by deleting the last word in the first paragraph "daily" and inserting "as indicated", and by adding the following items:

(4) Tail rotor blades, installed on float equipped helicopters or which have had any service time on float equipped helicopters, shall be inspected prior to each flight.

(5) Tail rotor blades, installed on helicopters not operated on floats shall be inspected daily.

2. 59–15–1 Boeing, as it appeared in 24 F.R. 6156, is amended by adding, "Subsequent inspections do not require removal of straps unless damage in adjacent areas indicate need for strap removal."

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

AUGUST 24, 1959.

[F.R. Doc. 59–7136; Filed, Aug. 27, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7456 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Arnold T. Smith and Smith's Fur Shop

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Arnold T. Smith trading as Smith's Fur Shop, Pittsburgh, Pa., Docket 7456, July 15, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Pittsburgh, Pa., with violating the Fur Products Labeling Act by setting forth on labels and invoices the name of an animal other than that producing certain fur, by misuse of the term "blended" on labels, by failing to set forth information with regard to "new fur" or "used fur" added to fur products that had been repaired or restyled, and by failing in other

respects to comply with labeling and invoicing requirements.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Arnold T. Smith, an individual trading as Smith's Fur Shop, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Setting forth on labels affixed to fur product:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) The term "blended" as part of the information required under section 4(2) of the Fur Products Labeling Act, and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(4) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in letters of equal size and conspicuousness.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

E. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names provided for in section 4(2) (A) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name or names provided for in section 5(b) (1) of the Fur Products Labeling Act.

C. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder with respect to "new fur" or "used fur" added to fur products that have been repaired, restyled or remodeled.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7139; Filed, Aug. 27, 1959; 8:45 a.m.]

[Docket 7467 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Quality Furs, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Quality Furs, Inc., et al., New York, N.Y., Docket 7467, July 15, 1959]

In the Matter of Quality Furs, Inc., a Corporation, and Herman Suskind and Peter Manthus, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by pricing fur products fictitiously on consignment invoices to customers, by failing to maintain adequate records as a basis for such pricing claims, and by failing in other respects to comply with invoicing and labeling requirements.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Quality Furs, Inc., a corporation, and its officers, and Herman Suskind and Peter Manthus, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products, which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoice to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Representing, directly or by implication, that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business.

D. Representing, directly, or by implication, that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Represents, directly or by implication, that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business;

(b) Represents, directly or by implication, that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business.

(c) Misrepresents in any manner the savings available to purchasers of respondents' fur products.

4. Making claims or representations in advertisements respecting prices or values of fur products unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7140; Filed, Aug. 27, 1959; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

Zion and Bryce Canyon National Parks

By notice of proposed rule making published in the FEDERAL REGISTER on May 28, 1959 (24 F.R. 4305), interested persons were invited to submit written comments, suggestions or objections on the proposed amendment to the Superintendent, Zion National Park, Springdale, Utah, within thirty days from the date of publication of the notice in the FEDERAL REGISTER.

Consideration having been given to all relevant matters presented, it has been determined that the following proposed amendment shall become effective upon publication in the FEDERAL REGISTER.

In § 20.10 *Zion and Bryce Canyon National Parks,* paragraphs (a) and (b) are amended to read as follows:

(a) *Limitations on load, weight, and size of vehicles*—(1) *Maximum size of vehicles.*

	Feet
Total width of vehicle, including load	8
Total height of vehicles with load	10½
Total length of single vehicle	35
Total length of combination of vehicles	55

(2) *Maximum weight of vehicles.* The load limits on single axles, wheels and tires, and the maximum gross weight of vehicles and loads, shall be the same as the limits prescribed by the laws of Utah.

(b) *Prohibited vehicles.* (1) The Zion-Mt. Carmel Road within the park shall be open to commercial truck traffic only during those times (approximately from October 1 to June 1) when the Zion-Bryce Canyon Approach Road, Utah State Route 14, is closed to such traffic.

(2) During the period October 1 to June 1, vehicles exceeding 30,000 pounds gross vehicle weight will be permitted over park roads throughout the 24-hour day. Before and after this period such vehicles will be permitted to operate over park roads only when Utah 14 is closed to such traffic, and then only during the hours of 10 p.m. and 6 a.m. local standard time.

Nothing in this section shall be construed to prohibit vehicles complying with Utah State weight and size limitations, owned by the Federal, State or county government, from passage over park roads when used in connection with official operations.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

Issued this 27th day of July 1959.

PAUL R. FRANKE, *Superintendent, Zion National Park.*

[F.R. Doc. 59-7165; Filed, Aug. 27, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1952]

[Juneau 011291]

[1902651]

ALASKA

Withdrawing Public Lands for Use of the Forest Service as Cascade Creek Public Service Site; Partially Revoking Public Land Order No. 786 of January 5, 1952

By virtue of the authority vested in the President and pursuant to Execu-

tive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as the Cascade Creek Public Service Site:

Beginning at Corner #3, on North corner of lot 10, U.S. Survey #2418, thence S 30°00' E 396 feet, more or less, to corner 2 of lot 10 of said survey; thence S 60°00' W on the 2–1 line of lot 10 of said survey extending to the mean high tide level of Sitka Sound, a distance of 592 feet, more or less; thence meandering along the mean high tide level of Sitka Sound in a northwesterly direction approximately 400 feet to its intersection with an extension of the 3–4 line of lot 10 of said survey; thence N 60°00' E 545 feet, more or less, to the point of beginning.

The tract described contains 5.5 acres.

2. Public Land Order No. 786 of January 5, 1952, so far as it withdrew the above described lands for use of the Alaska Communications System, is hereby revoked.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 21, 1959.

[F.R. Doc. 59–7141; Filed, Aug. 27, 1959; 8:46 a.m.]

[Public Land Order 1953]

[119085]

CALIFORNIA

Revoking Executive Order No. 1326 of March 29, 1911, Which Withdrew Land for Use of the Forest Service as Hornbrook Administrative Site

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 1326 of March 29, 1911, withdrawing the following-described public lands for use of the Forest Service as the Hornbrook Administrative Site, is hereby revoked:

MT. DIABLO MERIDIAN

T. 47 N., R. 6 W.,
Sec. 8, SW¼NW¼, W½SE¼NW¼, and W½NE¼SW¼.

The areas described aggregate 80 acres.

2. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The land is located about two miles north of the community of Hornbrook, Siskiyou County and about six miles south of the Oregon-California Boundary. The land slopes to the south and west, is rolling and cut by three well defined draws. Vegetation is mixed brush and oak woodland with an understory of mixed grasses.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on September 26, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 26, 1959, will be governed by the time of filing.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on December 26, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under subparagraphs (1) and (2) above, shall be subject to those from persons having prior existing valid settlements rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on December 26, 1959.

5. Persons claiming preferential consideration must submit evidence of their settlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 21, 1959.

[F.R. Doc. 59–7142; Filed, Aug. 27, 1959; 8:46 a.m.]

[Public Land Order 1954]

[667971]

[894072]

OREGON

Partially Revoking Executive Order of March 8, 1920 (Public Water Reserve No. 70) and Departmental Orders of September 19, 1919 and January 15, 1925 (Stock Driveway Withdrawals No. 96 and No. 175)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Executive order of March 8, 1920, which established Public Water Reserve No. 70, and the departmental orders of September 19, 1919 and January 15, 1925, which established Stock Driveway Withdrawals No. 96 and 175, respectively, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

[667971]

T. 2 S., R. 16 E.,
Sec. 29, NW¼NW¼;
Sec. 30, NE¼NE¼.

[894072]

T. 9 S., R. 18 E.,
Sec. 20, SE¼NE¼, and NE¼SE¼;
Sec. 21, NE¼NW¼, and S½NW¼.

The areas described aggregate 280 acres.

2. The NE¼SE¼, section 20, T. 9 S., R. 18 E., has been patented.

3. The State of Oregon has waived the preference right of application granted to it by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands in T. 9 S., R. 18 E., lie in the northeastern part of Jefferson County. Those in T. 2 S., R. 16 E., are on the breaks of the Deschutes River Canyon. The lands are located some two miles from any public road.

5. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the lands, excepting those described in paragraph 2 of this order, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other

than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on September 26, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 26, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on December 26, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. The lands have been open to applications and offers under the mineral leasing laws. They have been open to locations under the United States mining laws excepting the SE¼NE¼, section 20, and the NE¼NW¼, section 21, T. 9 S., R. 18 E., which have been open to such locations for metalliferous minerals. Those lands will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on December 26, 1959.

8. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 21, 1959.

[F.R. Doc. 59–7143; Filed, Aug. 27, 1959; 8:46 a.m.]

[Public Land Order 1955]

[Idaho 010165]

IDAHO

Partially Revoking Departmental Order of January 28, 1952 (Mountain Home Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of January 28, 1952, which withdrew lands for reclamation purposes in the first form in connection with the Mountain Home Project, Idaho, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 3 S., R. 7 E.,
Sec. 18, SE¼SW¼.
T. 4 S., R. 7 E.,
Sec. 5, lot 4, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 8, E½NE¼.

The areas described aggregate 399.58 acres.

2. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

a. Until 10:00 a.m. on February 26, 1960, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

b. Applications under the Homestead, Desert Land and Small Tract Laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on February 26, 1960, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on May 27, 1960, will be governed by the time of filing.

c. All valid applications under the nonmineral public land laws other than those coming under subparagraphs (a) and (b) above, presented prior to 10:00 a.m. on May 27, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

d. All applications under subparagraphs (a), (b), and (c) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

3. Persons claiming preferential consideration must submit evidence of their entitlement.

4. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to locations under the United States mining laws beginning at 10:00 a.m. on May 27, 1960. Locations made prior thereto shall be invalid.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 21, 1959.

[F.R. Doc. 59–7144; Filed, Aug. 27, 1959; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[2d Supp. 4th Sec. Order 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

Extension of Effective Date and Assignment for Hearing

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 11th day of August A.D. 1959

Upon further consideration of the matters and things involved in fourth-section order No. 18900, entered by Division 2 on April 11, 1958, as modified and amended by orders entered at later dates, and upon consideration of a petition dated June 5, 1959, filed by R. E. Boyle, Jr., Chairman, Southern Freight Association, T. H. Maguire, Chairman, Executive Committee-Western Traffic Association, and E. V. Hill, Chairman, Traffic Executive Association-Eastern Railroads, for further modification of fourth-section order No. 18900 (23 F.R. 2969) and for hearing therein, which order and petition are hereby referred to and made a part hereof, and for good cause shown:

It is ordered, That fourth-section order No. 18900 (23 F.R. 2969), entered by Division 2 on April 11, 1958, as modified and amended by orders entered July 15, 1958 (23 F.R. 5828), December 18, 1958 (24 F.R. 64), and May 4, 1959 (24 F.R. 4104), be, and it is hereby, further modified and amended so as to provide that the order, which by its present terms is to become effective on September 1, 1959, shall become effective on April 1, 1960, instead.

It is further ordered, That fourth-section order No. 18900 (23 F.R. 2969), entered, modified, and amended as aforestated, be, and it is hereby, assigned for hearing at a time and place to be fixed hereafter by this Commission.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply secs. 3, 4, 24 Stat. 380, as amended; 49 U.S.C. 3, 4)

It is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7163; Filed, Aug. 27, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Allotment of 1959 Sugar Quota for Consumption Within Continental United States

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter referred to as the "act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1959 sugar quota for the Mainland Cane Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exception.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary, and a notice was published on February 11, 1959 (24 F.R. 1027) of a public hearing to be held at New Orleans, Louisiana, in the Auditorium of the International House on March 10, 1959, at 10:00 a.m., c.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1959 quota for the Mainland Cane Sugar Area for the calendar year 1959, and (3) to revise or amend the allotment of the quota for the purpose of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee and (c) substituting final data for estimates of such data.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

The following portions of the Administrator's recommended decision consisting of the basis for his proposed findings and conclusions, proposed findings and conclusions, and proposed determination are set forth in form and language appropriate for issuance, if approved by the Secretary as his findings and conclusions and final determination.

Basis for findings and conclusions. Section 205(a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of mainland cane sugar available for marketing in 1959 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 6).

The Government witness introduced for the record annual data on processings, past marketings and inventories for the period 1954 through 1958 (R. 6–9; Ex. 4–10).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the 1959 Mainland Cane Sugar Area quota is based. That formula follows the proposal made in the record in regard to the measures and weightings of factors to be used for determining allotments (R. 20–22; Ex. 14) and all processors of the area joined in recommending its adoption (R. 15, 19, 26) and no separate Government proposal was made. Such procedure for determining 1959 allotments is basically the same as that used in allotting the 1957 and 1958 quotas.

The Director of the Sugar Division was notified on May 15, 1959, that the name of Southdown Sugars, Inc., has been changed to Southdown, Inc. Accordingly, historical data and allotments are herein shown in the name of Southdown, Inc. This is consistent with the provisions of § 816.3 of Part 816 (23 F.R. 1943) (R. 13).

The record of the hearing contains only a single proposal or recommendation on each of the matters with respect to which a finding or conclusion is made in this order, and each such proposal or recommendation either was concurred in by all interested persons or no alternative or dissenting view was expressed.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1959 effective inventories of mainland cane sugar approximate 140,000 short tons, raw value. With favorable crop conditions in 1959 the total supply of sugar available for marketing in 1959 is expected to exceed the quota established for the area.

(2) The supply situation makes necessary the allotment of the 1959 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) Processings of all sugar from 1958-crop sugarcane by each processor, exclusive of known quantities of sugar produced from sugarcane to which proportionate shares did not pertain, is a fair, efficient and equitable measure of processings of sugar from the 1958-crop of sugarcane to which proportionate shares pertained.

(4) An allotment of 100 short tons, raw value, should be established for the Louisiana State University and the balance of any quota, established for the area should be allotted in accordance with the method set forth in (5) and (6), below.

(5) For processors other than the Louisiana State University each of the three factors specified in section 205(a) of the act shall be measured and weighted, and allotments determined as follows, based on data as provided for in the hearing record.

(a) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1958-crop sugarcane, in short tons, raw value, exclusive of known quantities of sugar produced from sugarcane to which proportionate shares did not pertain, expressed as a percentage of the total of the measure of all processors, and weighted by 60 percent.

(b) The factor past marketings shall be measured by each processor's average annual marketings within his allotment for the years 1954 through 1958, in short tons, raw value, expressed as a percentage of the total for all processors of the measure, and weighted by 20 percent.

(c) The factor ability to market shall be measured by the sum of (1) each processor's January 1, 1959 effective inventory and (2) his share of the difference between 614,924 short tons, raw value, and total January 1, 1959 effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1954–58 new-crop marketings within the processor's allotments were of the area average. The sum of (1) and (2), above, in short tons, raw value, expressed as a percentage of the total of the measure of all processors should be weighted by 20 percent.

(d) The total of the percentages resulting from (a), (b) and (c), above, for each processor shall be multiplied by the quantity in short tons, raw value, by which the quota exceeds 100 tons allotted in (4) above, to determine his allotments in short tons, raw value.

(6) The quantity of sugar and the percentages referred to in paragraph (5), above, based on final data to be used in determining allotments and reflecting the findings made in (7), (8), (9) and (10), below, are set forth in the following table:

Processor	Processings of sugar from 1958-crop cane		Past marketings average [1] within allotments, 1954–58		Ability to market					Processor's percentage share of the quota [2]
					Effective inventory 1–1–59	New-crop marketings		Measures used		
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average within allotments 1954–58	"Shares" of difference [1]	Col. (5) plus Col. (7)	Percent of total	
					Short tons, raw value					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alhania Sugar Co.	7,981	1.3803	6,628	1.1440	0	4,484	8,091	8,091	1.3158	1.3201
Alma Plantation, Ltd.	7,456	1.2859	7,558	1.3045	0	4,849	8,749	8,749	1.4228	1.3192
J. Aron & Co., Inc.	13,504	2.3356	13,650	2.3560	0	8,090	14,597	14,597	2.3738	2.3473
Billeaud Sugar Factory	6,373	1.1022	7,571	1.3068	0	5,840	10,538	10,538	1.7137	1.2654
Breaux Bridge	4,940	.8544	6,015	1.0382	0	4,470	8,066	8,066	1.3117	.9826
J. M. Burguieres Co., Ltd.	7,654	1.3238	6,948	1.1992	0	4,268	7,701	7,701	1.2523	1.2946
Wm. T. Burton Industries	6,402	1.1072	8,021	1.3844	0	2,202	3,973	3,973	.6461	1.0704
Caire & Graugnard	3,650	.6313	3,246	.5603	130	2,528	4,561	4,691	.7629	.6434
Caldwell Sugar Coop., Inc.	12,011	2.0773	11,655	2.0117	0	6,266	11,306	11,306	1.8386	2.0164
Catherine Sugar Co., Inc.	7,185	1.2427	8,322	1.4364	0	5,435	9,807	9,807	1.5948	1.3519
Columbia Sugar Co.	5,578	.9647	5,846	1.0090	0	2,308	4,164	4,164	.6772	.9161
Cora-Texas Mfg. Co., Inc.	2,487	.4301	2,475	.4272	781	1,073	1,936	2,717	.4418	.4319
Dugas & LeBlanc, Ltd.	11,317	1.9573	11,619	2.0055	0	7,312	13,193	13,193	2.1455	2.0046
Dube & Bourgeois Sugar Co.	9,052	1.5657	8,830	1.5241	531	5,231	9,439	9,970	1.6213	1.5685
Erath Sugar Co., Ltd.	5,542	.9585	6,293	1.0862	0	5,315	9,590	9,590	1.5595	1.1042
Evan Hall Sugar Coop., Inc.	20,908	3.6161	20,369	3.5157	0	13,149	23,726	23,726	3.8584	3.6445
Evangeline Pepper & Food Prod.	4,667	.8072	4,581	.7907	4,499	827	1,492	5,991	.9743	1.2440
Fellemere Sugar Prod. Assoc.	7,327	1.2672	8,367	1.4442	210	2,043	3,686	3,896	.6336	.8648
Frisco Cane Co., Inc.	2,926	.5061	4,261	.7355	0	8,048	14,522	14,522	2.3616	.5775
Glenwood Coop., Inc.	14,910	2.5787	15,162	2.6170	0	4,683	8,450	8,450	1.3742	2.5429
Helvetia Sugar Coop., Inc.	7,600	1.3144	7,891	1.3620	0	5,520	10,012	18,065	2.9378	1.3359
Iberia Sugar Coop., Inc.	14,486	2.5054	13,305	2.2965	0	9,148	16,506	16,506	2.6842	2.5501
LaFourche Sugar Co.	16,845	2.9134	15,256	2.6332	0	5,482	9,892	9,892	1.6087	2.8115
Harry L. Laws & Co., Inc.	7,456	1.2895	9,125	1.5750	0	7,285	13,145	13,145	2.1377	1.4104
Levert-St. John, Inc.	9,632	1.6659	8,614	1.4863	0	1,874	3,381	3,979	.6471	1.7244
Louisiana State Penitentiary	3,131	.5415	3,050	.5264	598	7,602	13,825	13,825	2.2482	.5596
Lula Factory, Inc.	11,342	1.9616	11,245	1.9409	0	2,284	4,121	7,027	1.1427	2.0148
Meeker Sugar Coop., Inc.	4,913	.8497	3,578	.6176	2,006	6,454	11,645	11,645	1.8937	.8619
Milliken & Farwell, Inc.	12,431	2.1500	12,973	2.2392	0	1,764	3,183	12,853	2.0902	2.1166
Okelanta Sugar Rfy., Inc.	17,482	3.0236	16,033	2.7673	9,670	6,811	12,290	12,290	1.9986	2.7857
M. A. Patout & Son, Ltd.	12,034	2.0813	9,341	1.6123	0	4,368	7,881	7,881	1.2816	.9710
Poplar Grove Plfg. & Ref. Co.	6,221	1.0759	6,643	1.1466	0	7,327	13,221	13,221	2.1500	1.1312
St. James Sugar Coop., Inc.	12,595	2.1783	12,301	2.1232	0	9,270	16,726	16,726	2.7200	2.1616
St. Mary Sugar Coop., Inc.	11,889	2.0562	11,261	1.9437	21,120	25,917	46,764	67,884	11.0394	2.1665
South Coast Corp.	59,554	10.3000	58,267	10.0570	12,446	14,066	25,380	37,826	6.1513	10.3993
Southdown Sugars, Inc.	39,481	6.8284	42,092	7.2652	0	11,542	20,826	20,826	3.3868	6.7803
Sterling Sugars, Inc.	20,928	3.6196	18,946	3.2701	2,688	1,960	3,537	6,225	1.0123	3.5031
J. Supple's Sons Plfg. Co.	5,282	.9135	4,182	.7218	78,505	8,997	16,235	94,739	15.4066	.8949
U.S. Sugar Corp.	110,643	19.1360	112,507	19.4190	6,001	6,090	10,989	16,990	2.7629	18.4467
Valentine Sugars, Inc.	15,122	2.6154	16,941	2.9241	0	3,491	6,299	6,299	1.0244	2.7066
Vida Sugars, Inc.	4,800	.8302	4,118	.7108	0	4,980	8,986	8,986	1.4613	.8452
A. Wilbert's Sons Lbr. & Sh.	7,517	1.3001	8,675	1.4973	0	4,167	7,519	7,519	1.2223	1.3718
Young's Industries, Inc.	4,939	.8542	5,605	.9674						.9506
Total	578,193	100.0000	579,366	100.0000	140,085	263,161	474,839	614,924	100.0000	100.0000

[1] The difference between 614,924 tons (initial 1959 quota established by S. R. 811 amounting to 614,024 less 100 tons allotted to Louisiana State Univ.) and 140,085 tons (1–1–59 effective inventory) amounting to 474,839 tons prorated on the basis of each processor's 1954–58 average new-crop marketings within allotments, (Col. 6).

[2] Determined by weighting "processings" Col. (2) by 60 percent; "marketings" Col. (4) by 20 percent; and "ability" Col. (9) by 20 percent.

(7) South Coast Corporation shall succeed to all interest in the historical data pertinent to determining allotments of the former allottee, Gulf States Land and Industries, Inc.

(8) Southdown, Inc., shall succeed to all interests in the historical data, pertinent to determining allotments of the former allottee, Southdown Sugars, Inc.

(9) The following processors shall succeed to the interest in the historical data pertinent to determining allotment of the former allottee, National Sugar Refining Company, to the extent shown: Valentine Sugars, Inc., 58.15 percent; Frisco Cane Co., Inc., 28.93 percent; Southdown, Inc., 8.30 percent; and Helvetia Sugar Coop., Inc., 4.62 percent.

(10) Historical data of Loisel Sugar Co., Inc., a former allottee having discontinued its operation in 1958, shall not be included in the data pertinent to the establishment of 1959 allotments.

(11) Without further notice or hearing the order shall reflect the substitution of final data or be revised for the purpose of (a) substituting final data for estimated data on 1958-crop processings, 1958 marketings and January 1, 1959, inventories used in measuring the factors, when such data become part of the official records of the Department; (b) allotting any area deficit which increases the 1959 Mainland Cane Sugar Area quota for consumption within the continental United States; (c) making allotments to give effect to any change in quota due to action pursuant to sections 201 and 202 (a) of the act and (d) allotting any quantity of an allotment to other allottees, when written notification of release of such allotment becomes part of the official records of the Department. In making revisions to give effect to quota changes indicated under (b) and (c), above, allotments shall be computed in the same manner as is provided for in this order. Revisions of allotments referred to in (d), above, shall be made by increasing proportionately the allotments otherwise established by this proceeding except that the quantity prorated to any allottee shall be limited in accordance with statements in writing from allottees releasing allotments in excess of specific quantities.

(12) Official notice will be taken of written notification to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, any regulation issued by the Secretary which

changes the 1959 Mainland Cane Sugar Area quota and final data for 1958-crop processings, 1958 marketings and January 1, 1959, inventories that become a part of the official records of the Department.

(13) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1959 Mainland Cane Sugar Area quota.

(14) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of any 1959 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act it is hereby ordered:

§ 814.1 Allotment of the 1959 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1959 Mainland Cane Sugar Area quota for consumption within the continental United States of 667,494 short tons, raw value, is hereby allotted to the following processors in amounts which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	8,810
Alma Plantation, Ltd.	8,804
J. Aron & Co., Inc.	15,666
Billeaud Sugar Factory	8,445
Breaux Bridge Sugar Coop.	6,558
J. M. Burguieres Co., Ltd., The	8,573
Wm. T. Burton Industries, Inc.	7,144
Caire & Graugnard	4,294
Caldwell Sugar Coop., Inc.	13,457
Catherine Sugar Co., Inc.	9,023
Columbia Sugar Company	6,114
Cora-Texas Mfg. Co., Inc.	2,882
Dugas & LeBlanc, Ltd.	13,379
Duhe & Bourgeois Sugar Co., Inc.	10,468
Erath Sugar Co., Ltd.	7,369
Evan Hall Sugar Coop., Inc.	24,323
Evangeline Pepper & Food Products, Inc.	5,772
Fellsmere Sugar Producers Assoc.	8,302
Frisco Cane Co., Inc.	3,854
Glenwood Coop., Inc.	16,971
Helvetia Sugar Coop., Inc.	8,916
Iberia Sugar Coop., Inc.	17,019
LaFourche Sugar Company	18,764
Harry L. Laws & Co., Inc.	9,413
Levert-St. John, Inc.	11,509
Louisiana State Penitentiary	3,735
Lula Factory, Inc.	13,447
Meeker Sugar Coop., Inc.	5,752
Milliken & Farwell, Inc.	14,126
Okeelanta Sugar Refinery, Inc.	18,592
M. A. Patout & Son, Ltd.	13,154
Poplar Grove Pltg. & Ref. Co., Inc.	7,550
St. James Sugar Coop., Inc.	14,426
St. Mary Sugar Coop., Inc.	14,459
South Coast Corp.	69,404
Southdown, Inc.	45,251
Sterling Sugars, Inc.	23,380
J. Supple's Sons Pltg. Co., Inc.	5,973
United States Sugar Corp.	123,112
Valentine Sugars, Inc.	18,064
Vida Sugars, Inc.	5,641
A. Wilbert's Sons Lbr. & Sh. Co.	9,155
Young's Industries, Inc.	6,344
Louisiana State University	100
All other persons	0
Total	667,494

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of Part 816 of this chapter (Sugar Regulation 816, Rev. 1) (23 F.R. 1943).

(c) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(d) *Delegation.* The Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Mainland Cane Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 24th day of August 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7171; Filed, Aug. 27, 1959; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 6, 7, 40, 41, 42, 43, 46]

[Regulatory Docket 99; Reference Draft Release No. 58-19]

USE OF HIGH-VISIBILITY PAINT ON AIRCRAFT

Notice of Withdrawal of Proposed Rule

Civil Air Regulations Draft Release No. 58-19 issued by the Civil Aeronautics Board on November 12, 1958 (23 F.R. 9038), proposed to amend the appropriate parts of the Civil Air Regulations to require the use of high-visibility paints on certain surfaces of all civil aircraft. Detailed comment on the particular surface areas to be covered was requested as well as information on paint specifications in order to frame technical standards.

The proposal was based on preliminary experiments which gave promise that aircraft would be more conspicuous if painted with certain high-visibility paint and accordingly would reduce the midair collision potential in VFR conditions. It was recognized in this proposal, however, that the durability, expense, and complexity of application of the paint posed major problems in deciding whether the application of this paint should be made a requirement.

Many comments were received on the draft release, most in opposition to the proposal. While some operators and units of the Armed Forces are using the paint on an experimental basis, there was wide variance of opinion as to its effectiveness and there was little consistency in the suggestions on proper ways for painting in order to permit an adequate standard to be prepared.

In addition, the following significant factors induce the Federal Aviation Agency not to proceed with the adoption of the proposal at this time:

1. While there is general agreement that the conspicuity of the aircraft is increased by fresh high-visibility paint, there are conflicting views as to whether such paint increases the attention-attracting quality of an aircraft. A precise evaluation of the effectiveness of the paint is not now available, although research work is continuing on the problem so that a standard may later become available.

2. It appears that the high-visibility characteristics of paint now available deteriorate non-uniformly with time and atmospheric conditions so that reasonable control to a desired visibility standard cannot practicably be maintained.

3. There is some evidence that the paint has an adverse effect on the life and condition of fabric surfaces. This aspect of the problem is not yet completely understood and is the subject of continuing investigation.

4. It appears that the technique and cost of applying the paint would impose an undue and repetitive burden on a high proportion of owners and operators which would not be commensurate with a gain in safety which, for the time being, is not clearly defined.

Accordingly, the Federal Aviation Agency believes that amendments to the regulations as proposed in Draft Release 58-19 would impose burdens on the public not warranted by the probable gain in safety and that such amendments should not be promulgated at this time.

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-7135; Filed, Aug. 27, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF WESTERN HEMISPHERE PASSENGER CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8030-6, between the member lines of the Western Hemisphere Passenger Conference, modifies the basic agreement of that conference (No. 8030, as amended), relating to passenger traffic between ports on the Atlantic and Gulf Coasts of the United States and Eastern Canada and ports on the St. Lawrence River and tributaries including, but not west of Montreal, designated zone A, and ports in Bermuda; the Bahamas; Mexico; Central and South America and the Caribbean, designated as zone B. The purpose of the modification is to (1) include ports of the Great Lakes of United States and Canada within the group of ports designated as zone A under the conference agreement, and (2) include within the scope of the conference passenger vessels of full members, which vessels are certified to carry twelve (12) passengers or less. The scope of the conference, at present, is limited to vessels certified to carry more than twelve (12) passengers.

(2) Agreement No. 8030-6-1, supplements Agreement No. 8030-6, described above, to provide that the conference rule with respect to appointment of port or vessel agents of member lines be amended to permit the appointment of such agents at Great Lakes ports of the United States and Canada, the new area to which the scope of the conference will be extended by Agreement No. 8030-6.

(3) Agreement No. 8100-3, between the member lines of the Siam/New York Conference, modifies the basic agreement of that conference (No. 8100) by adding a new article providing (1) that the member lines shall cease to employ individual agents in South Siam and instead will appoint New York Lines Agency, Haadyai Branch, as the common agent of all the member lines for South Siam as to all cargo except rubber, which will be dealt with under the terms of the South Siam Rubber Agreement No. 8061; and (2) that cargo other than rubber shall be booked on the vessels of the member lines on a first come, first served, basis.

(4) Agreement No. 8161-2, between Railway Express Agency, Incorporated, and Nippon Express Company, Limited, modifies approved Agreement No. 8161, as amended, which covers an arrangement for the transportation of property from points in the United States to points in Japan under through bills of lading of Railway Express, and from points in Japan to points in the United States under through bills of lading of Nippon Express, and for the fixing of rates and pooling of earnings under such operations. The purpose of the modification is to include the trade between points in the Hawaiian Islands and points in Japan within the scope of the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: August 25, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-7166; Filed, Aug. 27, 1959; 8:48 a.m.]

Office of the Secretary

JOHN J. STAHL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: No change.
B. Additions: Adams Millis Company.

This statement is made as of August 1, 1959.

Dated: August 17, 1959.

JOHN J. STAHL.

[F.R. Doc. 59-7164; Filed, Aug. 27, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9177]

CAPITAL AIRLINES, INC.; FLINT-GRAND RAPIDS ADEQUACY OF SERVICE INVESTIGATION

Notice of Oral Argument

In the matter of the investigation of the adequacy of service by Capital Airlines, Inc. to Flint and Grand Rapids, Michigan.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on September 30, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 25, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7169; Filed, Aug. 27, 1959; 8:50 a.m.]

[Docket No. 8851]

CAPITAL AIRLINES AND UNITED AIR LINES; TOLEDO ADEQUACY OF SERVICE INVESTIGATION

Notice of Oral Argument

In the matter of the investigation into the adequacy of air service rendered by Capital Airlines, and aircoach service rendered by United Air Lines, between Toledo-Chicago, Toledo-Cleveland, Toledo-Philadelphia, and Toledo-New York, pursuant to section 404(a) of the Federal Aviation Act of 1958.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled investigation is assigned to be held on September 23, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 25, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7170; Filed, Aug. 27, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-19250, G-19251]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearings

AUGUST 21, 1959.

In the matters of Manufacturers Light and Heat Company, Docket No. G-19250; Home Gas Company, Docket No. G-19251.

On June 24, 1959,[1] The Manufacturers Light and Heat Company (Manufac-

[1] Although the filings were initially tendered on June 24, 1959, to become effective July 27, 1959, data furnished in support of the increases were inconsistent with the requirements of the Regulations. Manufacturers and Home subsequently requested that said effective date be changed and extended to August 24, 1959, and, on August 10, 1959, the companies filed requisite supporting data in compliance with the Commission's regulations.

turers) and Home Gas Company (Home)[1] tendered for filing Third Revised Sheets Nos. 7, 12, and 27 and Fourth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1 and Third Revised Sheets Nos. 7 and 12 and Fourth Revised Sheet No. 22 to Home's FPC Gas Tariff, Third Revised Volume No. 1 respectively, proposing annual increases in rates over those subject to refund since May 15, 1959, in Docket Nos. G–18425 and G–18424.[2]

Manufacturers' proposal, predicated on the test year ending March 31, 1959, is based primarily on (a) increases in purchased gas costs resulting from rate increase applications filed by Transcontinental Gas Pipeline Corporation and Texas Eastern Transmission Corporation whose increased rates were suspended to November 18, 1959, and December 1, 1959, respectively and (b) increased payroll expenses. Additionally, the supporting data reflect increases in cost of purchased gas which are contingently effective (and which Manufacturers, in turn, is collecting subject to refund) and increases in rate of return, income taxes and depreciation expenses, which issues were previously raised in prior rate increase applications, Docket Nos. G–16820 and G–18425.

Home's cost support, based on the same test period, primarily reflects (a) the increase concurrently applied for by Manufacturers and (b) increased payroll expenses. Similarly, Home's supporting data also reflect increases in cost of purchased gas which are contingently effective (and which Home, in turn, is collecting subject to refund), increases in rate of return, income taxes and depreciation expenses, which issues were previously raised in prior rate increase applications in Docket Nos. G–16819 and G–18424.

The increased rates and charges provided for in the revised tariff sheets tendered by Manufacturers and Home on June 24, 1959, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon hearings concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff Fourth Revised Volume No. 1 as proposed to be amended by Third Revised Sheets Nos. 7, 12 and 27 and Fourth Revised Sheet No. 22 and Home's FPC Gas Tariff Third Revised Volume No. 1 as proposed to be amended by Third Revised Sheets Nos. 7 and 12 and Fourth Revised Sheet No. 22 as tendered for filing on June 24, 1959, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Chapter I), public hearings be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Manufacturers' FPC Gas Tariff Fourth Revised Volume No. 1 as proposed to be amended by Third Revised Sheets Nos. 7, 12, and 27 and Fourth Revised Sheet No. 22 and Home's FPC Gas Tariff Third Revised Volume No. 1 as proposed to be amended by Third Revised Sheets Nos. 7 and 12 and Fourth Revised Sheet No. 22 as tendered for filing on June 24, 1959.

(B) Pending such hearings and decisions thereon Third Revised Sheets Nos. 7, 12 and 27 and Fourth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff Fourth Revised Volume No. 1 and Third Revised Sheets Nos. 7 and 12 and Fourth Revised Sheet No. 22 to Home's FPC Gas Tariff Third Revised Volume No. 1 as tendered for filing on June 24, 1959, are each hereby suspended, and their use deferred until December 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7137; Filed, Aug. 27, 1959; 8:45 a.m.]

[Docket No. G 18867]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

AUGUST 20, 1959.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on June 29, 1959 an application, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed natural gas transmission facilities, to abandon certain existing facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate the following natural gas facilities in the State of Ohio:

(1) Approximately 2.0 miles of 20" O.D. natural gas transmission line in Montgomery County, Ohio; extending Line A–97, looping part of Line A–77 near Dayton.

(2) Approximately 2.3 miles of 6⅝" O.D. natural gas transmission line in Auglaize County, Ohio, replacing Line Z–28 between Minster and New Bremen.

(3) Approximately 3.0 miles of 8⅝" O.D. natural gas transmission line in Logan County, Ohio, extending Line Z–207, looping part of Line Z–165 near Bellefontaine.

(4) Approximately 5.0 miles of 20" O.D. natural gas transmission line in Marion County, Ohio, extending Line D–357, looping part of Line D–322 near Marion.

Together with valves, fittings and incidental facilities necessary for practical operation.

Applicant also requests authorization to abandon the following:

(a) Approximately 2.3 miles of 4½" O.D. pipe to be replaced under Project No. 2 above.

(b) One 1150 Bhp gas engine-compressor unit, auxiliary equipment and piping from Treat Compressor Station in Licking County, Ohio, as described under Project No. 5.

Applicant alleges that customer service will not be affected by the proposed abandonment of facilities.

Applicant states that the facilities proposed are a part of a program to provide increased capacity needed to serve increasing requirements of existing markets and to assure adequate market service during the winter of 1959–60.

Project (1), (2) and (a). One of Applicant's wholesale customers, The Dayton Power and Light Company, serves at retail the area involved in projects (1), (2) and (a). This area includes a number of towns along Applicant's A and Z transmission system between Dayton and New Bremen, including Vandalia, Troy, Piqua, Sidney and others.

The market estimate submitted by Dayton to Applicant indicates that lines A–80 and A–77 will be required to deliver peak day service in the volume of 135,300 Mcf for this portion of the Dayton markets during the 1959–60 winter. This is 6,900 Mcf per day more than the existing peak day capacity of the system which is 128,400 Mcf.

Project (3). Direct service to the Bellefontaine and West Liberty area is provided through Line Z–165 and its partial loop Line Z–207 with gas transported from Lines A, A–79, Z–215, Z and Z–8. This existing system is capable of delivering a peak day service of only 6,200 Mcf.

Estimates submitted by wholesale customers of Applicant which provide retail service in Bellefontaine and West Liberty area indicate the estimated peak day requirement for the winter of 1959–60 will be 7,100 Mcf.

Project (4). Direct service to the Marion-Lima area is provided through Line D–322 and its partial loop Line D–357 with gas transported from Lines D–96 and D. The existing peak day capacity of the system is 111,800 Mcf.

The peak day requirement for the Marion-Lima market area is estimated to be 122,100 Mcf.

Project (5). Treat Compressor Station now operates solely as a field station, compressing gas from a rather extensive field system into Line 0–400 for delivery to the Coshocton County Market area. Five 170 horsepower compressor units are currently used for this service, which Applicant alleges are adequate.

Applicant estimates the total cost of the proposed projects will be $612,000, excluding the cost of retirement of $5,100. Salvage value is estimated at $7,000 and credit to fixed capital is estimated at $258,531. The Columbia Gas System, Inc., will finance the proposed projects.

This matter is one that should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 24, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.100) on or before September 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7138; Filed, Aug. 27, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

HAWAII

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the Island of Kauai, Hawaii, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named Island after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of August 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59–7160; Filed, Aug. 27, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 2–1 (Revision 3), Amdt. 2]

CHIEF, ADMINISTRATIVE SERVICES DIVISION

Amendment to Delegation of Authority

Delegation of Authority No. 2–1 (Revision 3), as amended (23 F.R. 556, 10574) is hereby further amended by deleting subsection I.B.4. in its entirety, and substituting the following in lieu thereof:

I.B.4. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363 dated March 10, 1959 (24 F.R. 1921, 2096) from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 17, 1959.

WILLIAM C. FISHER,
Director, Office of Organization and Management.

[F.R. Doc. 59–7145; Filed, Aug. 27, 1959; 8:46 a.m.]

[Delegation of Authority No. 2–1A (Revision 1), Amdt. 3]

ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION

Delegation of Authority Relating to Administrative Services Divison

Delegation of Authority No. 2–1A (Revision 1), as amended (23 F.R. 556, 5530, 10574) is hereby further amended by deleting subsection I.B.4. in its entirety and substituting the following in lieu thereof:

I.B.4. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096) from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 17, 1959.

N. J. BILLINGSLEY,
Chief, Administrative Services Division.

[F.R. Doc. 59–7146; Filed, Aug. 27, 1959; 8:46 a.m.]

[Delegation of Authority No. 30–VIII–12, (Revision 1)]

BRANCH MANAGER, FARGO, NORTH DAKOTA

Delegation of Authority Relating to Administrative Functions

I. Pursuant to the authority vested in the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435), there is hereby delegated to the Branch Manager, Fargo, North Dakota, Branch Office, Small Business Administration, the following authority:

A. *Specific.* 1. To develop with government procurement agencies required local procedures for implementing established interagency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

2. To administer oaths of office.

3. To approve annual and sick leave for employees under his supervision.

4. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

5. To (a) authorize or approve official travel and (b) administratively approve travel reimbursement claims.

6. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

B. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

Effective date: August 5, 1959.

ROBERT C. ALM,
Regional Director.

[F.R. Doc. 59–7147; Filed, Aug. 27, 1959; 8:46 a.m.]

[Delegation of Authority No. 70]

REGIONAL DIRECTOR, KANSAS CITY, KANSAS

Delegation of Authority Relating to Personnel Functions

I. Pursuant to the authority vested in the Administrator by the Small Business Act, Pub. Law 85–536, as amended; Pub. Law 85–699; Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); and Reorganization Plan No. 1 of 1957 dated April 29, 1957 (85th Cong., 1st Sess.) there is hereby delegated to the Regional Director, Kansas City, Kansas, the authority:

A. To approve personnel actions, including but not limited to, appointments, promotions, reassignments, transfers, and separations, for all nontechnical employees of his region in grades GS–7 and below.

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

[2] Manufacturers' proposed annual increase is $604,570 or 1.5 percent and Home's proposed increase amounts to $142,623 or 1.2 percent annually.

B. To establish and classify all non-technical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

C. To give security clearance to applicants for non-sensitive, non-technical positions in grades GS–7 and below when the security investigation discloses no derogatory information.

II. The authority delegated in paragraph I.B. above may be redelegated to the Administrative Officer. The other authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Regional Director.

Effective date: August 14, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–7148; Filed, Aug. 27, 1959; 8:46 a.m.]

[Declaration of Disaster Area 236]

VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following county (including any areas adjacent to said county) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Henrico (Rain and flood occurring on or about August 7, 1959).

Office: Small Business Administration Regional Office, 900 N. Lombardy Street, Richmond 20, Virginia.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1960.

Dated: August 11, 1959.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 59–7149; Filed, Aug. 27, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 178]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62307. By order of August 21, 1959, the Transfer Board approved the transfer to O'Neill Bros. Transfer & Storage Co., a Corporation, Peoria, Ill., of Certificate No. MC 60506, issued February 28, 1957, to Joseph F. O'Neill, Anna L. O'Neill, Walter A O'Neill, Robert B. O'Neill, and William J. O'Neill, a partnership, doing business as O'Neill Bros. Transfer & Storage Co., Peoria, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points within 25 miles of Peoria, Ill., including Peoria. William B. Wombacher, Suite 1105 Lehmann Building, Peoria 2, Ill., for applicants.

No. MC–FC 62314. By order of August 21, 1959, the Transfer Board approved the transfer to The Berrodin Transport, Inc., Akron, Ohio, of Certificate in No. MC 104651 Sub 12, issued May 27, 1958, to Max Hoover, doing business as Plastic Transport Co., Tiffin, Ohio, authorizing the transportation of: Plastic vinyl film, from Fremont, Ohio, to New York, N.Y., Newark, N.J., Philadelphia, Pa., and Chicago, Ill.; and materials used to brace and support shipments, from the above-specified destination points to Fremont, Ohio; materials used in the mixing of rubber stocks and empty skids, from Wabash, Ind., to Fremont, Ohio; and compounded rubber, on skids, from Fremont, Ohio, to Wabash, Ind.; and plastic, rubber, plastic and rubber products and supplies and machinery used in the manufacture and shipping of such commodities, between Fremont, Ohio, on the one hand, and, on the other, Milwaukee, Wis., and points in Massachusetts, New Jersey, New York, and Pennsylvania, and substitution in MC 104651 Sub 18. John R. Meeks, 607 Copley Road, Akron 20, Ohio, for applicants.

No. MC–FC 62333. By order of August 24, 1959, the Transfer Board approved the transfer to C. W. Ward, Inc., Shelbourne Falls, Mass., of Certificate No. MC 21284, issued October 3, 1950 to Henry O. Rivest, doing business as Henry O. Rivest Trucking Co., Chicopee Falls, Mass., authorizing the transportation of: Liquid petroleum products, from Glastonbury, Rocky Hill, Hartford and East Hartford, Conn., Providence, R.I., and Fall River, Mass. to points in Hampden, Hampshire, and Franklin Counties, Mass. Arthur A. Wentzell, 539 Hartford Pike, Shrewsbury, Mass., for applicants.

No. MC–FC 62350. By order of August 21, 1959, the Transfer Board approved the transfer to Martin Brothers Trucking Co., Sarver, Pa., of Certificate No. MC 116696, issued August 12, 1958, to Charles H. Martin and Donald P. Martin, doing business at Martin Brothers, Sarver, Pa., authorizing the transportation of: Lime, from Branchton, Pa., to points in Mahoning, Trumbull, and Jefferson Counties, Ohio; and Wooden pallets and shipper-owned metal hoppers, from points in Mahoning, Trumbull, and Jefferson Counties, Ohio, to Branchton, Pa. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., for applicants.

No. MC–FC 62355. By order of August 21, 1959, the Transfer Board approved the transfer to John Szasz, Jr., doing business as Star Transfer Company, of Cedar Grove, W. Va., of Certificate No. MC 102595 Sub 2, issued October 28, 1957, in the name of Harold P. Tucker and John Szasz, Jr., a partnership, doing business as Star Transfer of Cedar Grove, W. Va., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points within 10 miles of Glasgow, W. Va., except points located on U.S. Highway 60 and West Virginia Highway 61, on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, Virginia, and Kentucky. John Szasz, Jr., Box 104, Cedar Grove, W. Va., for applicants.

No. MC–FC 62356. By order of August 24, 1959, the Transfer Board approved the transfer to Best Trucking, Inc., Ridgefield, N.J., of Certificate No. MC 70404, issued July 13, 1956, to Bi-State Carriers, South Hackensack, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., and that part of Middlesex County, N.J., east of the Raritan River, on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, 880 Bergen Avenue, Jersey City 6, N.J., for applicants.

No. MC–FC 62378. By order of August 21, 1959, the Transfer Board approved the transfer to A. Giordano Trucking Corporation, doing business as Emmett Trucking Co., Union, New Jersey, of the operating rights in Certificates Nos. MC 111574, MC 111574 Sub 1, MC 111574 Sub 2, MC 111574 Sub 3, and MC 111574 Sub 4, issued September 8, 1950, December 19, 1951, March 26, 1952, September 13, 1951, and October 23, 1956, respectively, to John Giordano, doing business as Emmett Trucking Co., Union, New Jersey, authorizing the transportation, over irregular routes, of general commodities, except commodities in bulk, between Newark N.J., on the one hand, and, on the other points in Essex, Union, Middlesex, Monmouth, Morris, Hudson, Bergen, and Passaic Counties, N.J., and between Newark, N.J., and New York, N.Y., general commodities, except those of unusual value, Class A and B explosives, and commodities in bulk, between Elizabethport, N.J., on the one hand, and, on the other, points in Essex, Union, Middlesex, Monmouth, Morris, Somerset, Hudson, Bergen, and Passaic Counties, N.J., general commodities, except Class A and B explosives, and commodities in bulk, between Elizabethport, N.J., on the one hand, and, on the other, Newark, Kearny, Roselle, Roselle Park, Cranford, Garwood, Westfield, Bayway, Grasselli, Warners, Tremley, and Carteret, N.J., and general commodities, except those of unusual value, Class A and B explosives, and commodities in bulk, between Elizabeth, N.J., on the one hand, and, on the other, Jersey City, Bayonne, Barber, Sewaren, Perth Amboy, Fanwood, Plainfield, Middlesex, Bound Brook, Finderne, Manville, Somerville, and Raritan, N.J., with specified restrictions. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC–FC 62389. By order of August 21, 1959, the transfer Board approved the transfer to Darrel Longstreet and Ella Longstreet, a partnership, doing business as D & E Cartage, Michigan City, Indiana, of a portion of the operating rights in Certificate No. MC 2043, issued November 27, 1956, and the entire operating rights in Certificates Nos. MC 2043 Sub 5 and MC 2043 Sub 7, issued October 14, 1957, and January 5, 1959, respectively, to George A. Cortier, doing business as Ace Van Lines, South Bend, Indiana, authorizing the transportation, over irregular routes, of meat, meat products, and meat by-products, dairy products, and articles distributed by meat-packing houses, from and to specified points in Indiana and Michigan. Harold E. Marks, 208 South La Salle Street, Chicago, Ill., for applicants.

No. MC–FC 62428. By order of August 21, 1959, the transfer Board approved the transfer to Murray Transfer and Storage Company, 1400 South Fifth Street, Wilmington, N.C., of Certificate in No. MC 65579 issued March 25, 1958, to Charlotte G. Walton and Katherine G. Rogers a partnership, doing business as Murray Transfer & Storage Company, 1400 South Fifth Street, Wilmington, N.C., authorizing the transportation of: Household goods between points in North Carolina on and east of U.S. Highway 301, on the one hand, and, on the other, Washington, D.C., and points in Alabama, Delaware, Florida, Georgia, Maryland, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

No. MC–FC 62466. By order of August 21, 1959, the Transfer Board approved the transfer to R. K. Davis Moving and Storage, Inc., Huntington, N.Y., of the operating rights in Certificate No. MC 47853, issued September 20, 1951, to Roy F. Davis and Edward F. Davis, a partnership, doing business as R. K. Davis and Son, Huntington, N.Y., authorizing the transportation, over irregular routes, of household goods, between Oyster Bay, N.Y., and points in Suffolk County, N.Y., on the one hand, and, on the other points in Massachusetts,, Rhode Island, New Hampshire, Vermont, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, and between Oyster Bay, N.Y., and points in Suffolk County, N.Y., on the one hand, and on the other points in North Carolina, South Carolina, Georgia, and Florida. Louis B. Bruman, 117 Liberty Street, New York, N.Y., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7162; Filed, Aug. 27, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 25, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35637: *Lime—Sallisaw, Okla., Sequiota and Springfield, Mo., to Pryor, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B–7619), for interested rail carriers. Rates on lime (calcium), in carloads from Sallisaw, Okla., Sequiota and Springfield, Mo., to Pryor, Okla.

Grounds for relief: Market and truck competition.

Tariff: Supplement 71 to Southwestern Freight Bureau tariff I.C.C. 4021.

FSA No. 35638: *Pebble lime—Arkansas and Missouri to Pryor, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B–7620), for interested rail carriers. Rates on pebble lime, in carloads from Linedale Spur, Ark., Mosher and Ste. Genevieve, Mo., to Pryor, Okla.

Grounds for relief: Market competition.

Tariff: Supplement 71 to Southwestern Freight Bureau tariff I.C.C. 4021.

FSA No. 35639: *Nitrate of soda to Rockwood, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B–7624), for interested rail carriers. Rates on sodium (soda), nitrate of, in carloads from Lake Charles and West Lake Charles, La., to Rockwood, Tenn.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 66 to Southwestern Freight Bureau tariff I.C.C. 4290.

FSA No. 35640: *Substituted service—Chesapeake and Ohio Railway Company.* Filed by Middle Atlantic Conference, Agent (No. 18), for interested carriers. Rates on property of various kinds loaded in highway trailers and transported on railroad flat cars between Staunton, Va., on the one hand, and Charleston, W. Va., on the other, on traffic originating at or destined to points on motor carriers beyond the named substitution points.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7161; Filed, Aug. 27, 1959; 8:47 a.m.]

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OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 24 NUMBER 170

Washington, Saturday, August 29, 1959

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4]

PART 831—BEET SUGAR AREA

1959 and Subsequent Crops

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 831.4 Determination of sugar commercially recoverable from sugar beets.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Settlement area" means an area in which the marketing agreements between producers and the processor for each crop of sugar beets contain a common pricing formula.

(2) "Base period" means the five crop years immediately preceding the crop year which is prior to the crop year of the crop for which rates of recoverability are to be established.

(3) "Extraction rate" for a crop means the percentage obtained by dividing the hundredweight of refined sugar recovered from the total quantity of sugar beets marketed for the extraction of sugar in the United States by the hundredweight of total computed sugar content of such beets. The sugar content of such beets shall be computed by multiplying the quantity of beets marketed to each sugar beet processing company by the weighted average sugar content of cossettes sliced in the factories operated by the company and adding the products for all such companies to obtain the total computed sugar content.

(b) *Recoverable sugar.* The amount of sugar, raw value, commercially recoverable from sugar beets shall be deemed to be as follows:

(1) In the case of sugar beets marketed in a settlement area under any type of agreement other than an "individual test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (one ton) by the weighted average percentage of sugar content of all the sugar beets of the next preceding 7 crops marketed on such basis in such settlement area, according to cossette tests made by the processor, and (ii) multiplying the result obtained under subdivision (i) of this subparagraph (1) by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07.

(2) In the case of sugar beets marketed under an "individual test" contract, the amount of sugar (expressed in hundredweight) established by multiplying the net tonnage of the sugar beets, at the time of delivery to a processor, by a rate expressed in hundredweight of sugar per ton of beets (rounded to three decimals). Such rate shall be computed by (i) multiplying 20 hundredweight (one ton) by the percentage of sugar content on which settlement under the marketing contract is made, (ii) multiplying the result obtained under subdivision (i) of this subparagraph by the simple average of the extraction rates for the sugar beet crops in the base period, as adjusted to raw sugar value by multiplying by 1.07, and (iii) multiplying the result obtained under subdivision (ii) of this subparagraph by the ratio which the simple average for the crops in the base period of the annual weighted average percentages of sugar content of all the beets which were marketed under individual test contracts, according to cossette tests and tonnages processed, bears to the simple average of the annual weighted average percentages of sugar content of such beets according to individual tests and marketed tonnages.

(c) *Delegation and effectiveness.* The applicable rates of sugar commercially recoverable, as determined herein, shall be established by the Director of the Sugar Division, Commodity Stabilization

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Service, and shall become effective for each crop when the specific rates for individual settlement areas, as provided for in paragraph (b)(1) of this section, and directions for computing the rates provided for in paragraph (b)(2) of this section are published in the FEDERAL REGISTER.

This determination supersedes, with respect to the 1959 and subsequent crops, § 831.3, issued August 18, 1953 (18 F.R. 4968).

STATEMENT OF BASES AND CONSIDERATIONS

Determination of amounts of sugar commercially recoverable from sugar beets are required under section 302(a) of the act to establish the amounts of sugar upon which payments under the act may be made.

The previous determination of beet sugar recoverability was issued August 18, 1953, and became effective for the 1953 and subsequent crops. Beginning with the 1954 crop, the effective rates of recoverability were based in part on moving five-year average extraction rates as attained by the beet sugar industry as a whole. For each crop, the moving five-year period included the next preceding crop.

For each of the last several crops, timely establishment of the effective recovery rates has become increasingly difficult because of the unavailability of final data on the previous crop at the time the rates were needed to make early payments on the current crop. This situation worsened for the 1957 crop, since the processing of 1957-crop beets in California was not concluded until about two months after the processing of 1958-crop beets began. While the 1957-crop processing season was prolonged abnormally, it is evident that there is not a sufficient time break between crop season in California to permit the inclusion of the next preceding crop in the effective base period. Since all of the sugar beets produced in that State are marketed under "individual test" contracts, a similar problem does not exist with respect to the moving 7-year period used under this determination with respect to sugar content of the sugar beets for which cossette tests only are available.

To facilitate the issuance of the effective rates of recoverability in ample time for use in making payments upon early harvested beets of any crop, this determination provides that the immediately preceding crop will be omitted from the effective moving five-year base period used in computing the average extraction rate. Accordingly, the five-year base period and the average extraction rate to be effective for the 1959 crop will be identical with those utilized for the 1958 crop. Movement of such base period will be resumed for the 1960 crop. Movement of the 7-year period employed with respect to sugar content of cossette test sugar beets continues as heretofore. The rates of recoverability for such beets of the 1959 crop will reflect this movement. The rates effective for individual test beets of the 1959 crop will change only to the extent of a minor correction in the application of the 1953–57 average reduction in the percentage of sugar content between the time of delivery and the time of processing.

Under the conditions presently prevailing in the beet sugar industry annual differences in extraction rates are not significant. Average extraction rates attained by the industry have been quite uniform from crop to crop. For the ten crop years of 1948–57, these rates in terms of refined sugar have been 87.6, 88.9, 87.5, 87.9, 88.3, 87.8, 87.7, 86.4, 87.8 and 87.8 respectively. With the use of moving base periods and conversions to raw sugar values the effective extraction rates for "cossette test" beets of the five crops of 1954–58 have been 94.3, 94.0, 93.7, 93.7 and 93.6, respectively. The corresponding rates for "individual test" beets, after adjustment for ratio of shrink in the percentage of sugar content of beets between the time of delivery to a processor and the time of processing, have been 91.3, 91.2, 91.0, 91.0 and 90.8.

Except for the exclusion of the next preceding crop from the five-year moving base period, the only other change of consequence in the determination is the requirement that the applicable recoverability rates be published in the FEDERAL REGISTER, whereas formerly such rates were made effective only through sugar program instructions. The paragraph on recoverable sugar has been restated for purposes of clarity.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the purposes of section 302(a) of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies secs. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. Supp. 1132, 1133, 1134)

Issued this 26th day of August 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59-7234; Filed, Aug. 28, 1959; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 180]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.480 Valencia Orange Regulation 180.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circum-

stances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 27, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 30, 1959, and ending at 12:01 a.m., P.s.t., September 6, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1959

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7281; Filed, Aug. 28, 1959; 11:40 a.m.]

[Lemon Reg. 807]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.914 Lemon Regulation 807.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 26, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 30, 1959, and ending at 12:01 a.m., P.s.t., September 6, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 27, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7266; Filed, Aug. 28, 1959; 8:59 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[Bulletin NSCP–2401]

PART 1106—NAVAL STORES CONSERVATION

Subpart G—1960

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1960 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1956 season, except as provided under § 1106.1118.

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AUTHORITY: §§ 1106.1101 to 1106.1134 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 73 Stat. 167; 16 U.S.C. 590g–590q.

GENERAL PROVISIONS

§ 1106.1101 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.1115, 1106.1116, and 1106.1118. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.1102 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1960 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1960 Program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d.b.h. in any tract or drift cupped under the provisions of §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, or § 1106.1114 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1960 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after the producer is notified unless a longer period of time for their removal is approved by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Practices under §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, 1106.1113, 1106.1114, 1106.1115, or § 1106.1117 which require more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

(2) Cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1960 Program to faces which were installed and met the eligible face requirements during the 1956, 1957, 1958, or 1959 season. Such cost-shares may also be allowed in tracts or drifts: (i) Which had some undersized trees from which cups have been removed by the time of first elevation, and (ii) in which new faces may have been installed on eligible trees in 1960 in the second or third year's working to complete cupping of the tract or drift or to replace normal mortality. New faces installed in excess of that necessary to complete cupping and replace normal mortality will disqualify the tracts or drifts for cost-sharing under the practice initally established: *Provided,* That no cost-shares will be allowed on faces picked up after the first year which results in a higher face count than the virgin count for the tract or drift, except as stipulated in §§ 1106.1109(c)(2) and 1106.1114(c)(2).

§ 1106.1103 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins installed for the first working in 1957, 1958, 1959, or 1960, or where costs have been previously shared for the initial use of double-headed nails on the faces in the tracts or drifts. Use of double-headed nails is optional with respect to elevation of tins on faces initially installed in the 1956 season except where cost-shares have been previously allowed, and also with respect to the virgin installation of 1960 faces.

§ 1106.1104 Fire protection.

Each producer shall during the 1960 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.1105 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1960 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1960. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.1106 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.1109 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; ½ cent per face.*

If faces have been installed contrary to the requirements for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such

faces shall be removed within 30 days after the producer is notified unless a longer period of time for their removal is approved by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where practice in § 1106.1115 is used.

§ 1106.1110 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d.b.h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1109(c)(2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1111 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h. except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 11 inches d.b.h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1109(c)(2) or § 1106.1110(c)(2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.1109, or 1 cent per face for faces qualified for § 1106.1110 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1112 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 1106.1102(c).

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* If new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d.b.h. the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.1109(c)(2) 1106.1110(c)(2), or § 1106.1111(c)(2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.1109, 3½ cents per face for faces qualified for § 1106.1110, or 2½ cents per face for faces qualified for § 1106.1111 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1113 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of faces on previously worked trees; 7 cent per face.*

(2) *Working of faces for second, third, fourth, or fifth year; 3 cents per face.* New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.1109(c)(2), 1106.1110(c)(2), 1106.1111(c)(2), or § 1106.1112(c)(2), and there may be withheld or required to be refunded the difference between the cost-shares previously paid and the amount that the subsequently determined practice would have earned in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1114 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing*—(1) *Initial installation and first year working of selectively marked trees; 8 cents per face.* If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.1109, 1106.1110, 1106.1111, or § 1106.1112.

(2) *Working of faces for second, third, fourth, or fifth year; 4 cents per face.* New faces may be installed only in the second year of working, subject to all conditions of eligibility of paragraph (b) of this section. New faces installed on round trees in these tracts or drifts after the second year of working will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees after the second year of working, the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.1109(c)(2). There may be withheld or required to be refunded 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for

which costs were shared in 1956, 1957, 1958, or 1959.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face.* This component is not applicable where § 1106.1115 is used.

§ 1106.1115 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, 1106.1113, 1106.1114, and 1106.1117 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Components of practice and rates of cost-sharing*—(1) *Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1960 season or faces upon which the cups and tins are elevated for the first time during the 1960 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 1106.1116 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1958 or 1959 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1960 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after the producer is notified unless a longer period of time for their removal is approved by the Forest Service to meet the eligible face requirements of § 1106.1109. Only producers who did not participate in the 1958 or 1959 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing*—(1) *Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.1109.

§ 1106.1117 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.1109.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.1110, 1106.1111, 1106.1112, 1106.1113, and 1106.1114.

§ 1106.1118 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1959 or 1960 on which no subsequent work will be done and from which all hardware is removed by December 31, 1960.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISION RELATING TO FEDERAL COST-SHARING

§ 1106.1119 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

(1) Increase to $200.
(2) No increase.

§ 1106.1120 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by §§ 1106.1109, 1106.1110, 1106.1111, 1106.1112, 1106.1113, 1106.1114, or § 1106.1121. The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or ther conditions beyond his control.

§ 1106.1121 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current nonworking areas) on which costs have been or would be shared under this or the 1956, 1957, 1958, or 1959 Program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1956, 1957, 1958, 1959, or 1960 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, of if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1963.

(b) Raising cups and tins without double-headed nails on faces where double-headed nails are required. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces in the fourth or fifth year will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 30 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1955 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1955 in the tracts or drifts in which such installation occurs.

§ 1106.1122 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.1123 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13, Subtitle A, of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1106.1123 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1960 Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1960, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter), witnessed, however, by an inspector of the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 1106.1124 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

§ 1106.1125 Maximum Federal cost-shares limitation.

The total of all cost-share under the 1960 Naval Stores Conservation and the 1960 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 1106.1126 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.1125.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 1106.1127 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1960 turpentine season, which were installed during or after the 1956 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 1106.1128 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1961, on the prescribed form (NSCP-1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 1106.1129 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 1106.1130 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between $\frac{5}{32}$ and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(u) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 1106.1131 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1960.

§ 1106.1132 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1961.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 1106.1133 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.1134 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street N.E., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 25th day of August 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59-7231; Filed, Aug. 28, 1959; 8:53 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Enders Dam and Reservoir, Frenchman Creek, Chase County, Nebraska

Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood-control purposes in the Enders Reservoir on Frenchman Creek, Chase County, Nebraska, and the operation of Enders Dam for flood-control purposes:

§ 208.39 Enders Dam and Reservoir, Frenchman Creek, Chase County, Nebraska.

The Bureau of Reclamation, Department of the Interior, represented by its appropriate Project Manager, hereinafter referred to as the Project Manager, shall operate the Enders Dam and Reservoir in the interest of flood control as follows:

(a) The flood-control storage capacity of the reservoir, which initially amounts to 30,000 acre-feet, between elevations 3112.3 and 3127.0 shall be regulated as follows:

(1) For local flood control on Frenchman Creek below the dam with the objective, insofar as practicable, of limiting flows in the channel below the dam to a maximum of 800 c.f.s. or not to exceed 6.5 feet at the Palisade gage, whichever controls, by automatic release of water through the uncontrolled spillway notch (having a capacity of approximately 800 c.f.s. at elevation 3120.0 and 2,000 c.f.s. at elevation 3127.0); except when the pool is below elevation 3120.0, additional releases may be made, as required, through the river outlet valves (having a capacity of approximately 1,400 c.f.s. at elevation 3127.0) to utilize the full channel capacity of 800 c.f.s. below the dam; and, when the pool is at or above elevation 3123.5 and rising, to supplement releases by discharge through the river outlet valves with the objective of preventing or minimizing automatic operation of the high capacity spillway gates when the pool rises slightly above elevation 3127.0.

(2) For coordination of flood-control regulation in the Enders Reservoir with existing and potential flood conditions and the regulation of other flood-control reservoirs and projects in the Republican, Kansas, and Missouri River Basins, releases from and flood-control operation of the project will be adjusted as required for optimum effectiveness during all flood periods.

(b) The District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer, shall issue instructions to the Project Manager for achievement of the necessary local flood control below the dam and coordination of flood-control regulation of the reservoir with flood conditions and flood-control operation of other reservoirs and flood-control projects in the Republican, Kansas, and Missouri River Basins during flood periods and whenever the reservoir may contain impounded water in the flood control storage zone; and the District Engineer shall also issue special directions, if desirable, on the basis of flood conditions at the time, to the Project Manager for temporary modification of the provisions for local flood-control regulation contained in paragraph (a)(1) of this section. Oral instructions from the District Engineer to the Project Manager shall be confirmed in writing under date of the day issued.

(c) The discharge characteristics of the ungated flood-control notch incorporated into the spillway structure shall be maintained in accordance with the construction plans (Bureau of Reclamation Drawing No. 328–D–83, revision dated 3–13–50).

(d) Flood-control operations shall not restrict releases necessary for irrigation.

(e) Whenever the reservoir level reaches or exceeds elevation 3112.3, or flood discharges appear imminent, the Project Manager shall report at once to the District Engineer by telephone, telegraph, or radio and as requested thereafter until the reservoir level falls to elevation 3112.3 or below and flood discharges cease.

(f) Proposed schedules of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Project Manager. These data shall be tabulated daily and furnished periodically as required, and shall include such items as reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(g) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(h) All elevations stated in this section are at the Enders Dam and are referred to the datum in use at that location.

[Regs., Aug. 11, 1959, ENGWE] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–7229; Filed, Aug. 28, 1959; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 874—AVIATION CADET TRAINING

In Part 874, §§ 874.1 to 874.9 and §§ 874.15 and 874.21 are rescinded and the following substituted therefor:

Sec.
874.1 Purpose.
874.2 Mission.
874.3 Definitions.
874.4 Information sources.
874.5 Conduct of training.
874.6 Eligibility requirements.
874.7 Persons ineligible.
874.8 Waivers of minor offenses.
874.9 Application procedures.
874.10 Preliminary processing.
874.11 Final processing.
874.12 Information furnished applicants.
874.13 Reserve personnel of other services.
874.14 Notifying disqualified applicants.
874.15 Selection of applicants.
874.16 Civilian applicants.
874.17 Termination of training.
874.18 Students relieved from training.
874.19 Reinstatement of former students.
874.20 Appointment as an Officer, Reserve of the Air Force.
874.21 Termination of airman status.
874.22 Assignment of graduates.
874.23 Clothing.

AUTHORITY: §§ 874.1 to 874.23 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 8257.

SOURCE: AFR 51–3, June 28, 1959.

§ 874.1 Purpose.

Sections 874.1 to 874.23 tell how to apply for flying training in either aviation cadet or aviation student grade.

§ 874.2 Mission.

The mission of the USAF Aviation Cadet Training Program is to train qualified and selected young men to become pilots and navigators. The aviation cadet training program is one of the Air Force's traditional sources of leadership. It provides commissioned flying officers for active duty and enables the Air Force to maintain a sizable reserve in the lower age bracket.

§ 874.3 Definitions.

For the purpose of §§ 874.1 to 874.23, the following definitions will apply:

(a) *Aviation cadet training program.* Includes all aircrew training courses whose graduates are awarded the aeronautical rating of pilot or navigator and are tendered appointments as commissioned officers of the Air Force.

(b) *Civilian applicants.* United States male citizens who are not in the military service, or members of the Air Force Reserve in Training Category A. The term "civilian" includes all other members of reserve components of the Armed Forces and the Air National Guard.

(c) *Tentatively qualified applicant.* An applicant who has successfully completed the aviation cadet preliminary examinations as defined in paragraph (f) of this section.

(d) *Fully qualified applicant.* An applicant who has successfully completed all qualifying examinations and who has been furnished written notification of his eligibility to compete for selection by the Commander, Air Training Command.

(e) *Selected applicant.* A fully qualified applicant who has received written notice from Hq, Air Training Command, of his selection and class assignment.

(f) *Aviation cadet preliminary test (written).* A written examination designated by Hq USAF for the purpose of determining the tentative qualifications of applicants who are otherwise eligible for aviation cadet training in accordance with § 874.6.

(g) *Final qualifying examination.* A series of tests designated by Hq USAF for use in final qualification of aviation cadet applicants. Results of these tests determine aptitude for pilot and/or navigator training and officer quality as well as final medical qualification.

(h) *Air Force officer qualifying test (AFOQT).* The AFOQT is designed to evaluate those aptitudes and interests which are important for commissioned officer performance and success.

(i) *Aviation cadet.* A special and separate enlisted grade in the regular Air Force.

(j) *Student.* Unless otherwise specified in §§ 874.1 to 874.23, the term "student" used alone applies to both aviation cadets and aviation students.

(k) *Air Force Academy and aircrew examining center.* A Hq USAF designated facility, centrally located with respect to the source of aviation cadet applicants and having adequate facilities for final examination of such applicants.

§ 874.4 Information sources.

Information concerning the aviation cadet training program may be obtained from:

(a) Air Force recruiting offices.
(b) Air Force bases.
(c) Air National Guard or Air Force Reserve units.

§ 874.5 Conduct of training.

The Air Training Command will procure, select, train, and commission applicants for this program. Applicants will undergo rigid examinations before they are selected for aviation cadet training. After successful completion of the training course, students are commissioned as second lieutenant, Reserve of the Air Force, and are awarded the aeronautical rating of either pilot or navigator. They will then be assigned to Air Force units or sent as student-officers to highly specialized advanced training courses.

§ 874.6 Eligibility requirements.

This section outlines the basic eligibility requirements and requisite qualifications which must be met at the time of application. The examining officer will reject all applicants who fail to meet the minimum eligibility requirements.

(a) *Age and citizenship.* Applicants must be male citizens of the United States between the ages of 19 and 26½ at the time of application. Selected applicants must be enrolled in a specific flying training class prior to their 27th birthday. Applicants under age 21 must secure the written consent of either parent or guardian in accordance with § 874.9. DD Form 373, "Consent, Declaration of Parent or Legal Guardian," will be used for this purpose.

(b) *Marital status.* Applicants must be unmarried at the time of application and must agree in writing to remain unmarried for the duration of the training program. See item 24, AF Form 56, "Application for Commission, For Training Leading to a Commission, or For Flying Training In Officer Grade."

(c) *Residence.* Civilian applicants must be residing at time of application in the United States, Puerto Rico, or the Panama Canal Zone.

(d) *Educational qualifications.* The minimum educational requirement is high school graduate level. Civilian applicants must have completed high school as evidenced by a diploma or certificate of graduation. Prior service applicants not graduated from high school may apply if they have completed the entire battery of USAFI high school level GED tests with a minimum standard score of 35 on any one or with an average standard score of not less than 45 on all five tests as evidenced by a USAFI certificate. Documentary evidence of highest educational level achieved will be required with the application.

(e) *Eligibility for enlistment.* All applicants must be eligible to enlist or reenlist in the Air Force in accordance with current AF directives.

(f) *Moral character.* Applicants must be of the highest moral character.

(g) *Medical standards.* All applicants must meet the medical standards for the type training desired in accordance with current AF directives.

(h) *Background.* All applicants must meet the security requirements in accordance with current AF directives.

§ 874.7 Persons ineligible.

The following persons are ineligible to apply for aviation cadet training:

(a) For pilot training, a person who holds or has held the aeronautical rating of pilot or comparable rating in any of the Armed Forces of the United States. (Army aviation is not comparable for this purpose.)

(b) For navigator training, a person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.

(c) A person eliminated or disenrolled from a course of training leading to commissioned status conducted by any of the Armed Forces or military service academies of the United States unless recommended by the eliminating authority for further training leading to a commission.

(1) Eligibility of persons disenrolled or eliminated from officer training courses, to include those disenrolled or eliminated from the advanced phase of any ROTC course, will be determined by review of the DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training", in all cases, and the faculty board proceedings, when applicable. For those applicants who have been disenrolled or eliminated from the basic phase of any ROTC course, a DD Form 785 will not be required to determine eligibility for aviation cadet training. Requests for information upon which determination of eligibility may be made will be obtained by the recruiting detachment commanders for all civilian applicants from:

(i) The Commandant, Professor of Air Science, or Air Force Supervisor of the appropriate school in the case of persons disenrolled from Air Force officer candidate-type training courses. Questionable cases will be referred to Headquarters, ATC for determination of eligibility or other appropriate action.

(ii) The Director of Personnel Procurement and Training, Headquarters USAF in the case of persons disenrolled from schools conducted by services other than the Air Force.

(2) Requests for determination of eligibility will include the name of the applicant, serial number (if applicable), courses or type of previous training, place and date of disenrollment, and type of training for which current application is made.

(3) Courses of training applicable to this paragraph include but are not limited to:

(i) Aviation Cadet Training—Air Force or Navy.
(ii) ROTC—Advanced course of Army, Navy or Air Force ROTC.
(iii) Service Academies—U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, U.S. Coast Guard Academy, Merchant Marine, and State Maritime Colleges.
(iv) Officer Candidate Schools—Army, Navy, Air Force, Marine, and Coast Guard.
(v) U.S. Marine Platoon Leaders Course.
(vi) U.S. Navy Reserve Officer Candidate (ROC) Program.

(d) A person who has a record of conviction by any type of court-martial or civilian court, other than for a minor traffic violation. If appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be sent to the Commander, ATC for consideration in accordance with § 874.8. Punishment imposed under article 15, Uniform Code of Military Justice, is nonjudicial punishment and will not be considered as conviction by courts-martial. A waiver will not be granted for an offense that involves moral turpitude. Requests for waiver will not be submitted if moral turpitude is clearly evident.

(e) A person who is a conscientious objector.

(f) A person whose entry into or retention in the Air Force may not be clearly consistent with the interests of national security.

(g) A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces, and a registrant classified 1–A(P), 1–A–0, 1–0, or 4–F.

(h) Minor applicants (under age 21) without the written consent of either parent or guardian.

(i) An applicant who fails to attain the minimum qualifying score on one of the prescribed written tests is not eligible to apply for reexamination until one year has elapsed from the date of the last examination.

(j) A nonselected applicant may not reapply until one year has elapsed from the date of his last preliminary testing.

§ 874.8 Waivers of minor offenses.

(See § 874.7(d).)

(a) A civilian applicant may submit a request for waiver of a minor offense to any USAF Recruiting Detachment Commander. This commander will forward the applicant's completed application (AF Form 56) and request for waiver to the Commander, ATC. Each request for waiver will contain complete information in regard to the offense and circumstances involved and will be considered on its own merits as substantiated by the following:

(1) Copy of court record if applicant has a record of conviction by any military or civilian court.

(2) Detailed statement by the applicant concerning the offense and circumstances involved.

(3) Any additional documentary evidence substantiating the applicant's statement or justifying the request, such as statements from other persons, records of outstanding achievements, awards, and so forth.

(4) Commanders of recruiting detachments will review applications and submit recommendations giving reasons for approval or disapproval. The length of time since the offense was committed, age of applicant at time of offense, and the nature and quality of applicant's service and/or conduct since the offense will be indicated by the recommending officer.

(b) A request for waiver will not be submitted until the applicant has been released from all restraint, probation, or parole for a minimum period of 6 months, or until 6 months has elapsed from the date of conviction, provided no confinement, parole, or probation is imposed.

§ 874.9 Application procedures.

Application will be made by completing AF Form 56 in duplicate. The applicant's attention will be directed to item 24, AF Form 56, whereby the applicant agrees that, upon successful completion of the training course, he will accept an appointment as an officer in the Reserve of the Air Force in career reserve status for the period prescribed in current AF directives. In the case of minor, such agreement will be signed with the consent of either parent or guardian (DD Form 373). The signature will be notarized. Each application will contain:

(a) Evidence of date of birth which may be in the form of a birth certificate, an authenticated copy thereof, or other documentary evidence.

(b) Evidence of citizenship, if the applicant is not a citizen by birth, in the form of a certificate, signed by an officer, notary officer, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization number _____ (or certified copy of court order establishing citizenship) stating that _____ was admitted to
(Full name)
United States citizenship by the _____ Court of _____, _____ on
(District or county) (State)
_____.
(Date)

NOTE: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. Such is a criminal offense under the Act of June 25, 1948 (62 Stat. 767, 18 U.S.C. 1426(h)).

(c) An official transcript of college credits indicating the type undergraduate or graduate degree awarded. Applications from students enrolled in their senior year of college within 135 calendar days of scheduled graduation will be processed as college graduate applicants. Applications from these persons will include a statement attesting to the fact that he is enrolled in his senior year of college and giving the date he is scheduled to graduate, and the type of degree to be awarded. This statement will be used in lieu of the official transcript of college credits until the transcript can be made available after graduation.

(d) Evidence of having completed high school, where applicable, as evidenced by a diploma or certificate of graduation, or, if applicable, a certificate from the United States Armed Forces Institute (USAFI) indicating standard scores of not less than 35 on any one or an average standard score of not less than 45 on all five tests of the USAFI high school level GED tests.

(e) A loyalty certificate. Each applicant will be required to read the current directive on the security program and to complete DD Form 98 "Armed Forces Security Questionnaire."

(f) Members of Reserve Forces of the United States will attach a statement indicating service number, military status at time of application, and Reserve assignment.

(g) "Data Processing Control (Application for Aviation Cadet Training)," AF Form 338.

§ 874.10 Preliminary processing.

(a) *All applicants.* Aviation cadet preliminary processing is administered locally by USAF Recruiting Detachment Offices for civilian applicants. Applicants who successfully complete the preliminary phase will be considered "tentatively qualified". Candidates for appointment to the Air Force Academy and former AFROTC students who have been administered AFOQT testing will not be required to take the Air Force Cadet Screening Test (AFCST) provided they attained qualifying stanine scores for the training requested. Civilian applicants will be scheduled for final processing at the nearest Air Force Academy and Aircrew Examining Center. Preliminary processing procedures include:

(1) Completion of AF Form 56 in duplicate by the applicant.

(2) A check to insure that the applicant meets the eligibility requirements and has necessary supporting data such as birth certificates and scholastic records.

(b) *Civilians.* (1) A civilian applicant will normally apply at a USAF Recruiting Service Office. In remote areas applicants may apply at the nearest Air Force Base.

(2) The USAF Recruiting Service, Armed Forces Examining Stations, and Recruiting Processing Units are responsible for the preliminary processing of aviation cadet applicants from civilian sources. The functions of procurement and processing are outlined as follows:

(i) The USAF Recruiting Wing is charged with the specific responsibility of stimulating interest in the aviation cadet training program throughout civilian communities and educational centers. Air Force recruiters will insure that applicants meet eligibility requirements and have necessary supporting data such as birth certificates and scholastic records. In addition, recruiting activities will:

(*a*) Review each application for completeness and accuracy.

(*b*) Ascertain that applicants meet basic age, citizenship, and educational requirements and that documentary evidence is attached to the application.

(*c*) Arrange for the scheduling and transportation to the nearest Air Force Academy and Aircrew Examining Center for final processing. Applicants will be advised of the hour and date on which they are to appear.

(*d*) Advise disqualified applicants of the reason for disqualification.

(*e*) Advise applicants who successfully complete the preliminary processing that they are "tentatively qualified" for aviation cadet training, but that a final determination of their eligibility for training cannot be made until they complete the final qualifying and medical examinations and are notified in writing. The recruiting activity Commander will make a definite appointment for the tentatively qualified applicant to appear at the appropriate Air Force Academy and Aircrew Examining Center. When scheduled, these applicants will be furnished Government paid transportation to the nearest Examining Center and return, as authorized by paragraph 5050 or 5051, Joint Travel Regulations.

(*f*) Inform those who fail to attain the minimum qualifying score on the AFCST that they may reapply after one year has elapsed from the date test was taken, provided they are otherwise qualified.

NOTE: Under no circumstances will test scores be divulged to applicants.

(*g*) In the case of applicants found disqualified in preliminary processing, return personal documents to the applicant. The duplicate of AF Form 56 will be retained at the Recruiting Detachment for one year.

(ii) USA and USAF Recruiting Processing Units will:

(*a*) Receive and process all aviation cadet applicants forwarded by the Air Force Recruiting Service.

(*b*) Enlist selected applicants for a period of 2 years. Upon enlistment, the selected applicant will be immediately appointed an aviation cadet. Such applicants will be enlisted and appointed in accordance with current AF directives.

(iii) The USAF Recruiting Service is authorized to administer the AFCST at recruiting offices and on high school/college campuses if prior approval of the schools concerned has been obtained. The AFCST will be administered at the Armed Forces Examining Stations (AFES) when it is more expedient and economical to do so at that level. Prior to administering the AFCST, the USAF Recruiting Service or the AFES will assure that applicants are otherwise fully qualified to apply for aviation cadet training.

(iv) Normally, written examinations will be administered and scored prior to scheduling for further processing. In those cases where an applicant has successfully completed the AFCST, which was administered by the Recruiting Service, the applicant will be scheduled for his final processing at the nearest Air Force Academy and Aircrew Examining Center, as outlined in subdivision (i)(c) of this subparagraph. An applicant will not be forwarded to an Air Force Academy and Aircrew Examining Center, under any circumstances, without prior arrangements being made.

§ 874.11 Final processing.

(a) *General.* All applicants, in order to qualify for aviation cadet training, must attain passing scores on all tests administered for the type training desired in addition to meeting the required medical standards. Applicants may apply for either pilot or navigator training or for both programs, indicating their preference. If an applicant who applies for both programs is found disqualified for the training of his first choice, he will automatically be considered for his second choice. If an applicant declines to indicate a second choice but is found qualified for the alternate training, he may be considered for the alternate training, providing upon notification, he indicates his acceptance in writing or his application is changed accordingly and initialed by the applicant.

(b) *What final processing is necessary.* Each tentatively qualified applicant referred to an Air Force Academy and Aircrew Examining Center for final processing will be administered the AFOQT, a complete medical examination for flying training as prescribed in current AF directives, and such other examinations as may be directed by Hq USAF. Normally, the written examinations will be administered and scored prior to scheduling the medical examination. Applicants who fail to attain the minimum qualifying score on the Officer Quality portion of the AFOQT will not be processed further. Applicants who fail to attain the minimum qualifying score on the Pilot and Navigator Technical Portions of the AFOQT will not be processed further. Recorded qualifying AFOQT scores, regardless of date obtained, are acceptable for applicants applying for aviation cadet training. Individuals will not be retested on the AFOQT for the purpose of improving available qualifying scores. Retesting with the AFOQT is authorized only if scores obtained are not available or incomplete. In any event, retesting with the AFOQT regardless of form will not be accomplished within one year of the date of last test administered.

§ 874.12 Information furnished applicants.

(a) *General.* Each applicant who successfully completes the final processing will, prior to his departure from the examining center, be advised that he is fully qualified, subject to administrative and medical review of his application by the Commander, ATC. His application will be forwarded to the Commander, ATC, where it will be reviewed and considered for selection on a competitive basis. Selections will be based on results of the examinations completed, together with overall qualifications of the applicant. Each applicant will be advised in writing of his status by the Commander, ATC, as soon as possible, but not later than 4 weeks from receipt of his application. Applicants who are not selected within a period of 1 year will be notified and their personal documents returned.

(b) *Fully qualified applicants*—(1) *Draft deferment for selected civilian applicants.* A draft eligible civilian applicant who is subsequently notified of his selection for aviation cadet training will be furnished a 4-month draft deferment by the Commander, ATC. If an applicant is ordered to report to active military service by the Selective Service System before his deferment is issued or after his deferment expires his application for aviation cadet training will be canceled.

(2) *Medical status.* A report of medical examination (SF 88) must be accomplished within 90 days of the date of application for aviation cadet training. At time of entry into training, the report of medical examination must not be more than 1 year old. If the report of medical examination has expired, the selected applicant will be required to undergo a second medical examination. Fully qualified civilian applicants will be instructed that the two copies of the completed SF 88 furnished them must be submitted to the enlisting agency.

(3) *Enlistment.* After notification of selection and class assignment, selected civilian applicants will be required to enlist in the Regular Air Force for a period of 2 years in the grade authorized by current enlistment directives. Applicants will be appointed aviation cadets or aviation students immediately upon completion of enlistment proceedings. In the letter of notification of selection and class assignment, the Commander, ATC, will advise the applicant of the earliest date on which he can be enlisted so that the applicant will not arrive at Lackland Air Force Base earlier than is necessary for the start of training.

(4) *Changes affecting status of fully qualified or selected applicants.* Fully qualified or selected applicants need not take any further action regarding their application unless requested to do so. However, the Commander, ATC, must be informed of any changes which affect an applicant, such as:

(i) Enlistment in the Regular Air Force.

(ii) For those enlisted, advancement to noncommissioned officer grade which would permit assignment to training as an aviation student.

(iii) Change of address.

(iv) Modification of physical status which would be disqualifying for training.

(v) Change of desire for training.

(vi) Receipt of notification from the Selective Service System ordering the applicant into the active military service of the United States.

(vii) Change of marital status.

(viii) Receipt of orders to enter the active military service by a fully qualified or selected applicant who is a member of a Reserve Force of the United States other than the Air Force.

(5) *Conviction of offenses committed after notification of qualification.* Civilian applicants who are guilty of offenses committed after the date they are determined fully qualified will be processed under the provisions of current AF directives.

(6) *College seniors applying as college graduates.* See § 874.9(c). Applications of students enrolled in their senior year of college who apply for aviation cadet training within 135 calendar days of their scheduled graduation date will be processed as college graduates. Those who are determined fully qualified will be advised to furnish a copy of their college transcript on graduation to the Commander, ATC, so that they may receive selection priority. Immediately upon receipt of the college transcript, the Commander, ATC, will furnish the applicant with a tentative class assignment.

§ 874.13 Reserve personnel of other services.

Members of Reserve forces, other than airmen of the Air Force Reserve, who are neither in nor alerted for active military service may apply for aviation cadet training and will be processed as civilian applicants. Reservists in other than the Air Force Reserve must secure a contingency release from the service in which they hold reserve status.

§ 874.14 Notifying disqualified applicants.

In the event an applicant is found disqualified for aviation cadet training during his processing, he will be verbally notified of the reasons. If the disqualification becomes apparent after the applicant has departed the Examining Center, he will be notified in writing of the reason for disqualification.

§ 874.15 Selection of applicants.

Selection of fully qualified applicants will be made by the Commander, ATC, on a competitive basis applying the best qualified method of selection with emphasis given to formal educational achievements. Class assignments to training will be made in the following order of priority:

(a) College graduates with a baccalaureate degree or higher.

(b) Individuals having completed 2 or more years of college (60 passing semester hours or 90 passing quarter hours) but less than a baccalaureate degree.

NOTE: In order to receive priority under paragraphs (a) or (b) of this section, the

school from which the education was attained must be listed in the latest issue of Part 3, "Higher Education," Education Directory, published by the Office of Education, Department of Health, Education and Welfare. Copies of this publication may be obtained directly from that department.

(c) All others, based on results of examinations taken and by date of qualification.

§ 874.16 Civilian applicants.

The Commander, ATC, will furnish draft deferments (DD Form 44 "Record of Military Status of Registrant"), letters of acceptance, and class assignments to selected applicants. The applicant will be furnished the duplicate of DD Form 44 and the original will be forwarded without delay to the local Selective Service Board of the applicant. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for a period of 2 years, as outlined in § 874.12(b)(3). After enlisting and being appointed an aviation cadet, the selected applicant will be assigned to the Air Force Preflight School, Lackland Air Force Base, Texas.

§ 874.17 Termination of training.

(a) *Suspension.* When the faculty board of an Air Force School determines that a student is no longer qualified to continue in his course of training, the Commandant or Air Force Supervisor, as applicable, will suspend the student from training. Upon final approval of the faculty board proceedings, the Commandant will terminate the student's appointment as an aviation cadet or status as an aviation student. The faculty board proceedings will indicate in all instances whether the student is recommended for further aircrew training or officer candidate training at a later date. Specific reasons will be given in the faculty board proceedings if the recommendations are in the negative. Responsible commanders will insure at the time of elimination that the student is given a thorough and proper hearing and that all extenuating circumstances have been completely reviewed.

(b) *Grade.* In the case of students eliminated from training, the Commandant will appoint the eliminated student to the airman grade held immediately prior to his appointment as an aviation cadet.

(c) *Separation from the Air Force.* The Commandant will afford an eliminated student, whose current enlistment was specifically for aviation cadet training, the opportunity to request separation from the Air Force or to complete his enlistment contract. The eliminated student must indicate in writing, at the time of his elimination, his desire to complete his enlistment or to be immediately separated from the service. Should he elect to complete his enlistment contract, he will not be permitted to request separation from the Air Force at a later date because of his elimination. Eliminated students who request separation and who have a remaining service obligation will be transferred to the Air Force Reserve and initially assigned to the Ineligible Reserve Section. Personnel who become members of the Air Force Reserve are deferred or exempt from induction provided they meet the participation requirements contained in current AF directives.

§ 874.18 Students relieved from training.

(a) *Reassignment.* Eliminated or disqualified students, other than those discharged or released from active duty in accordance with § 874.17(c), will be reassigned.

(b) *Service credited.* Periods of service as an aviation cadet or aviation student will be credited as time spent in the airman grade held at the time of appointment as an aviation cadet or designation as an aviation student and will be credited in computing the service remaining under the original enlistment contract.

§ 874.19 Reinstatement of former students.

(a) A student previously eliminated from a flying training course conducted by an Armed Force of the United States will not be reinstated unless recommended by the eliminating authority for further aircrew training. A student previously eliminated from a course of flying training by reason of flying deficiency will not be reinstated in the same course of training under any circumstances. Students applying for training under this paragraph will not normally have in their possession written evidence indicating recommendation for further flying training. Therefore, their completed applications will be forwarded through military channels to Hq USAF. The Director of Personnel Procurement and Training will review the application and will make final determination on the eligibility for training based upon recommendations of the eliminating authority. Approved faculty proceedings are final and conclusive, and decisions reached by the faculty board are not subject to appeal.

(b) *Military deficiency.* Students eliminated from training because of military deficiency will not be reinstated.

(c) *Medical.* Students eliminated from training because of medical disqualification may reapply, if a subsequent medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former students must meet all other requirements for appointment and must have been recommended for reinstatement by the eliminating authority.

(d) *Resignation.* A student who resigns from the training program will not be reinstated.

(e) *Emergency leave.* Under such regulations as may be issued by the Commander, ATC, a student may be granted emergency leave. In such an instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "holdovers" granted any one student will be determined by the Commander, ATC.

(f) *Reinstated students.* The phase of training to which eligible students may be reinstated will be determined by the Commander, ATC.

§ 874.20 Appointment as an officer, Reserve of the Air Force.

(a) *Tendering appointment.* Students who successfully complete the prescribed basic flying training course and who are mentally, morally, and physically qualified will be tendered appointments as second lieutenant, Reserve of the Air Force. Each graduate, so appointed, will be ordered into the active military service as a career reserve officer. The officer will serve for a minimum period of 4 years from the date of graduation from basic flying training unless sooner relieved by competent authority. Each graduate will be awarded the aeronautical rating appropriate to his training and concurrently will be ordered to participate in regular and frequent aerial flights.

(b) *Review.* Before graduation, the faculty board of the school will review the qualifications of each student and will prepare for each one a report indicating that he is or is not mentally, morally, physically, and professionally qualified for appointment in the grade of second lieutenant, Reserve of the Air Force, with appropriate recommendations for appointment. If the recommendation is in the negative, appropriate elimination action will be taken.

(c) *Graduates who decline to accept appointment.* A graduate who declines to accept an appointment as an officer, Reserve of the Air Force, will be disposed of as an eliminated student. His appointment as an aviation cadet or status as an aviation student, will be terminated as outlined in § 874.17 and he will be reassigned within the Air Force in accordance with § 874.18.

§ 874.21 Termination of airman status.

(a) *Discharge.* When commissioned in accordance with § 874.20, the student will be discharged from his airman status. The commandant will prepare a discharge certificate and report of separation as of the day preceding the date of acceptance of appointment as a commissioned officer. The discharge certificate and report of separation will not be delivered to the graduate until after the oath (AF Form 133 "Oath of Office") as a commissioned officer has been administered.

§ 874.22 Assignment of graduates.

The Commander, ATC, will send the names of expected graduates who are not scheduled for advanced flying training to Hq USAF in accordance with current directives. Graduates of basic flying training courses who are selected for advanced flying training, will be assigned as directed by the Commander, Air Training Command.

§ 874.23 Clothing.

Aviation cadets selected from civilian status will be provided clothing under the clothing monetary allowance system.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

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Subchapter J—Air Force Procurement Instructions

Miscellaneous Amendments to Subchapter

The following miscellaneous amendments are issued to this subchapter:

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

1. Section 1013.101 is deleted and the following substituted therefor:

§ 1013.101 Definitions.

See § 13.101 of this title.

2. Sections 1013.101-1 through 1013.101-17 are added as follows:

§ 1013.101-1 Property.

See § 13.101-1 of this title.

§ 1013.101-2 Government property.

See § 13.101-2 of this title.

§ 1013.101-3 Contractor-furnished property.

See § 13.101-3 of this title.

§ 1013.101-4 Material.

See § 13.101-4 of this title.

§ 1013.101-5 Special tooling.

See § 13.101-5 of this title.

§ 1013.101-6 Industrial facility.

"Industrial facility" is further defined for contracting and costing purposes as including all property acquired for the performance of a contract, and not incorporated in the contract end items, of a type which would normally be capitalized for contractor's Federal income tax purposes if the contractor retained title thereto. For this purpose the term "property" includes improvements and attachments and any other items the cost of which would be so capitalized. Section 1013.2406 contains further guidance for use in determining whether or not specific items should be considered as industrial facilities.

§ 1013.101-7 Industrial property.

See § 13.101-7 of this title.

§ 1013.101-8 Non-severable industrial facility.

See § 13.101-8 of this title.

§ 1013.101-9 Plant equipment.

See § 13.101-9 of this title.

§ 1013.101-10 Production equipment.

See § 13.101-10 of this title.

§ 1013.101-11 Machine tools.

See § 13.101-11 of this title.

§ 1013.101-12 Accessory item.

See § 13.101-12 of this title.

§ 1013.101-13 Auxiliary item.

See § 13.101-13 of this title.

§ 1013.101-14 Salvage.

See § 13.101-14 of this title.

§ 1013.101-15 Scrap.

See § 13.101-15 of this title.

§ 1013.101-16 Facilities contract.

"Facilities contract" means a contract between the Government and the contractor providing to the contractor existing Government facilities and/or funds for the acquisition of facilities for the production or development of USAF material and services.

§ 1013.101-17 Educational or other nonprofit organization.

See § 13.101-17 of this title.

3. Sections 1013.101-60, 1013.101-61, and 1013.101-62 are added as follows:

§ 1013.101-60 Application for industrial facility; Appendix A.

A formal written proposal from the contractor to the Government requesting the Government to make available, at Government expense, certain listed additional industrial facilities. The Government, if it approves the need for such facilities, may either furnish the industrial facilities or reimburse the contractor for facilities fabricated or acquired. Title to all such facilities will remain or be vested in the Government. Proposals will be prepared according to §§ 1013.2403 and 1013.2404.

§ 1013.101-61 Processing letters; short form.

Formal emergency requests for facilities funds written by facilities project officers in those instances where the urgency of a facilities expansion dictates the necessity for individual fund requests. Processing letters will be prepared for the signature of the Director of Procurement and Production, Hq AMC, to Hq USAF, recommending approval of the facilities expansion project, including release of funds required therefor.

§ 1013.101-62 Vehicles.

Vehicles, categorized into general-purpose, special-purpose, construction, and materials-handling, are defined in paragraph 2, chapter 1, AFM 77-1. For the purposes of this part, towing tractors used to remove end items from the production line and/or to return them to the production line for correction or modification are placed in the category of materials-handling vehicles.

§ 1013.101-63 [Redesignation]

4. Section 1013.101-64 is redesignated § 1013.101-63.

5. A new § 1013.101-64 is added as follows:

§ 1013.101-64 Industrial real property.

Industrial real property is real property, as defined in § 1013.101-63, which is acquired or utilized for the establishment or expansion of public or private industrial plants.

6. Section 1013.102-3 is revised through paragraph (d), as follows:

§ 1013.102-3 Facilities.

It is AF policy that contractors will provide their own facilities rather than rely on the initial or continued provision of Government-owned facilities. For effectiveness, it is essential that this policy be observed and adhered to during the early stages of AF planning, development of sources, and programming for procurement requirements. Only in cases where it is clearly in the Government's interest to provide industrial facilities to contractors for performance on AF contracts, will the requests for such provisioning be processed for approval. The procuring activity will support this policy by exhaustive search for open capacity before placing supplies and services contracts, including those for research and development, which require Government provided facilities. Such contracts will not be placed until open capacity and the maximum degree of subcontracting, consistent with economy and product control, have been considered. Consistent with the policy that contractors will not be given competitive advantage through use of Government provided facilities, the willingness of a contractor to provide and use his own facilities in lieu of Government provided facilities will be a major factor of consideration during the negotiation process. The procuring activity will determine, when considering this factor, whether the provision of facilities will be in the Government's best interests. In reviewing the requirements for provision of industrial facilities the following policies will be observed:

(a) *The Industrial Base; utilization of existing facilities.* Existing industrial facilities, which compose the Air Force Industrial Base, will be screened for use in the following order (in preference to Government financed facilities expansions):

(1) Privately owned facilities and production equipment.

NOTE: Contractors will be encouraged to provide all required facilities and production equipment on the most economical basis.

(2) Privately owned facilities and associated Government owned production equipment not available in the civilian economy.

(3) Government-owned facilities and production equipment.

NOTE: Government-owned facilities and equipment will be included in the industrial base for the sole purpose of remedying known deficiencies in privately owned capacity, when such action is in the best interest of national security.

The screening of existing facilities will include any standby installations of the Military Departments and other Government agencies and also the existing subcontracting sources to insure that maximum use will be made of available resources. Privately owned industrial facilities will not be dropped from the industrial base in order to justify retention of Government-owned facilities. The preference for privately owned facilities, and production equipment indicated in subparagraphs (1) and (2) of this paragraph will not apply to those Government-owned overhaul, repair, and production facilities, which, because of their integrated support, are considered organic to the military or must be under military command in an emergency, e.g., service or work of a specialized nature or mission pertaining to special weapons or defense systems.

(b) *Capacity of the Industrial Base.* The Industrial Base, paragraph (a)(1), (2), and (3) of this section, will not exceed that needed to support, on the most efficient and economical basis, the combat readiness of the Air Force, its phased expansion, and the production rates that will satisfy AF combat replacement or consumption requirements, as provided in guidance approved or issued by the Secretary of Defense. No Government-owned industrial facilities will be retained which are excess to the fulfilment of these requirements. (See paragraph (c) of this section.) In general when Government financed facilities are required, they will be provided: (1) Only to the extent necessary to meet current procurement (supply, service, research and development) contract requirements, or (2) to provide limited facilities augmentation for selected items noted in AFL 78–16. Normally, facility expansions will be based on a two-shift, 5-day work week.

(c) *Exceptions.* Request for exceptions to the policies stated in paragraphs (a) and (b) of this section may be made through channels to the Secretary of Defense. These requests will contain a full justification of the basis upon which the exception is requested. When disposition of facilities might significantly affect national, regional, or local economies, the Secretary of Defense will be fully advised in advance of specific action. Reports Exemption Symbol DD–S&L(EXR)76 is assigned to the information required by this section.

(d) *Reduction of industrial vulnerability.* Factors pertinent to industrial vulnerability are contained in Air Force regulations.

Subpart C—Special Tooling

A new Subpart C is added as follows:

§ 1013.350 Use of special tooling on work other than for a Military Department.

Whenever special tooling is made available for use on work other than for a Military Department, the general policy set forth in § 13.601–1 of this title regarding the use of facilities applies to the use of special tooling. Requests by a foreign government for rent-free use of special tooling will be processed in the manner prescribed in § 1013.601–1 for industrial facilities except that such requests should be forwarded to Hq USAF, attn: AFMPP–PR.

Subpart D—Industrial Facilities

1. Section 1013.402 is deleted and the following substituted therefor:

§ 1013.402 Separate facilities contract.

Where industrial facilities are to be provided to a contractor under the circumstances set forth in § 13.402 of this title (and paragraphs (a), (b), (c), and (d) of this section); the procurement (supply, service, research and development) contract will include the applicable provisions of § 1013.402–50.

(a) Facilities not exceeding $50,000. Prior to the authorization of acquisition of new industrial facilities, the buyer will thoroughly screen for the availability of facilities from existing Government stocks. When the cumulative total acquisition cost of Government industrial facilities acquired, fabricated or furnished from Government sources under procurement contracts exceeds $50,000, at one plant or general location, action will be initiated to transfer such property to a facilities contract by the Air Force offices that have administration of the procurement contracts.

(b) Construction work. (See § 13.402 of this title). (See § 1013.402–50).

(c) Provision of facilities for procurement contract work at Government owned-Government operated installations:

(1) *Obtaining coordinations for provisioning.* The base or installation commander will normally arrange for the providing of facilities for work within establishments or installations operated by the Government and will prescribe the terms and conditions under which such facilities are to be used. Any provision for use of facilities which are located or to be located within an establishment or installation operated by the Government and provided under a contractual instrument issued by an Air Force activity not under the direction of the commander of such establishment or installation shall be subject to the coordination of such commander. To avoid misunderstandings concerning use by contractors of facilities at Government installations it is essential that contracting officers obtain definite commitments in these coordinations regarding the facilities involved prior to procurement contract award. If the contractor is to be given exclusive possession and control of any of the facilities, the contractual arrangement under which the facilities are provided shall comply with the requirements of Subparts D and E, Part 13 of this title and Subparts D and E of this part (also see § 1013.402–50).

(2) *Alternate use of procurement or facilities contracts.* If required facilities are not to be provided from the base commander's inventories or budgeted funds, the facilities may be provided under a supply, service or research and development contract issued by the cognizant procurement office or under a facilities contract issued by the facilities contracting office whichever method of contracting is advantageous for purposes of property accountability and administration.

(3) *Funding.* Facilities funds (P–151) are not to be used for facilities expansions for contractors at Government-owned Government-operated installations unless authorized by Hq USAF. If the base or installation is unable to provide funds from its budget and the use of P–151 funds is not authorized, appropriate funds will be obtained by the procurement office.

(4) *Expansion procedures.* (i) *Providing facilities under procurement contracts.* Where facilities are to be provided at Government-owned Government-operated installations, the procuring contracting officer will obtain coordination referenced in paragraph (c)(1) of this section and incorporate the applicable provisions of § 1013.402–50 in the procurement contract.

(ii) *Providing facilities under facilities contracts.* If, as in paragraph (c)(2) of this section, it is determined by the procuring contracting officer in conjunction with the facilities contracting office and the Installation involved that a facilities contract should be used as the proper contractual instrument, then the facility expansion procedures of Subparts D and X of this part will be followed in preparing and processing facilities clauses and facilities applications and "Appendix AS."

(d) *Facilities provided under service contract involving operation of a Government-owned plant or installation.* If additional facilities are to be acquired or fabricated under a service contract under which a Government-owned plant or installation is operated, the requirements of § 1013.402–50 will be complied with. Such facilities and any additional Government furnished facilities will be contractually covered in the same manner as the plant. If an Air Force facilities lease or contract exists or is negotiated at a later date with the contractor covering such plant, the facilities will be transferred to such facilities or lease contract by the Air Force office that has administration of the service contract. Where a base, installation or test site is operated by a contractor for the Government, permission for use of facilities thereon may be granted by the contracting officer administering the contract for operation of such installation.

2. Section 1013.402–50 is added as follows:

§ 1013.402–50 Provisions applicable to procurement contracts.

(a) *Facilities provided under cost-type procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a cost-type procurement contract, no separate clauses covering such facilities are required other than the Government furnished property clause set forth in § 13.503 or § 13.506 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a cost-type contract, in addition to inserting the Government Property clause of § 13.503 or § 13.506 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause, together with the estimated cost of each set forth and the total estimated cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

Subject to the approval of the Contracting Officer, the Contractor may acquire or fabricate the facilities hereafter listed. Costs incurred therefor will be allowable costs, provided that the contractor shall have no obligation to acquire or fabricate facilities and the Government will have no obligation to reimburse any amount for such facilities in excess of the total estimated facilities cost set forth herein, unless this contract is amended to increase such amount. No fee will be payable based on the cost of facilities acquired or fabricated hereunder. The facilities so acquired or fabricated shall be considered Government property and subject to the provisions of the Government Property clause of this contract.

(b) *Facilities provided under fixed-price procurement contracts.* (1) Where existing facilities are to be furnished under the terms of a fixed-price contract, no separate clauses covering such facilities are required other than the Government-furnished property clause as set forth in § 13.502 or § 13.505 of this title, whichever is applicable. The items of facilities will be listed or specified in the Schedule as Government-furnished property.

(2) Where the acquisition or fabrication of facilities is authorized in a fixed-price contract:

(i) The General Provisions of the contract will be designated "Section I", and in addition to inserting the Government-furnished property clause of § 13.502 or § 13.505 of this title, the following clause will be set forth in the Schedule. The facilities authorized will be listed following the clause together with the estimated cost of each set forth and the maximum (total) cost of all such facilities:

FACILITIES ACQUIRED OR FABRICATED

Subject to the approval of the Contracting Officer, the Contractor may acquire or fabricate the facilities hereafter listed. The contractor shall be reimbursed therefor, if not in excess of the maximum cost specified in the following list, in accordance with the General Provision hereof entitled "Reimbursement." Such facilities and the acquisition or fabrication thereof shall be subject to the provisions of both Section I and Section II of General Provisions of this contract. In the event of any inconsistency between Section I and Section II, the provision of Section II will be controlling with respect to facilities. Upon acquisition or fabrication the facilities shall be considered Government-furnished property and subject to the Government-Furnished Property clause of this contract.

(ii) In addition to the clause set forth in subdivision (i) of this subparagraph, the following will be included in the contract as General Provisions, Section II:

GENERAL PROVISIONS, SECTION II, APPLICABLE ONLY TO FACILITIES ACQUIRED OR FABRICATED

II–1 Reimbursement.

a. Upon inspection and acceptance by the Contracting Officer of the facilities specified in the Schedule, the Government will pay to the contractor the costs thereof as determined in accordance with Parts 2 and 6, Section XV, of the Armed Services Procurement Regulation for items other than construction and in accordance with Parts 4 and 6 of said Section XV for items of construction, if any.

b. Once each month, or at more frequent intervals if approved by the Contracting Officer, the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute Allowable Cost. As promptly as may be practical after receipt of each invoice or voucher and statement of cost, the Government shall, except as hereinafter provided, make payment thereon as approved by the Contracting Office. Such payment may include progress payments made to subcontractors or suppliers for machine tools and construction projects ordered hereunder in those cases where the subcontractor or supplier requires progress payments therefor and the subcontract or purchase agreement therefor contains a progress payments clause approved in writing by the Contracting Officer. At any time or times prior to final payment under this contract, the Contracting Officer may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts included in the related invoice or voucher and statement of cost which are found by the Contracting Office on the basis of such audit not to constitute Allowable Cost, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers.

c. In securing all facilities, parts, materials, and services required from sources other than the Contractor, the Contractor shall obtain competition to the maximum practical extent and shall take advantage of the most advantageous prices with due regard to securing adequately prompt delivery of satisfactory facilities, parts, materials, and services.

d. The Contractor represents that the cost to be incurred and for which it will be reimbursed under this clause are not and will not be included as an element of cost under any provision of this contract or any other contract with the Government or suppliers of the Government, and do not include any allowance for profit or fee.

II–2 Overtime and Wage Compensation: Insert the clause set forth in § 1012.102–3(c) of this chapter.

II–3 Subcontracts: Insert the clause set forth in § 1007.2703–3 of this chapter.

II–4 Records: Insert the clause set forth in § 7.203–7 of this title.

II–5 Title:

Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs.

(c) *Patent Indemnity Clause.* If acquisition or fabrication of facilities is authorized, the clause set forth in § 1007.-2703–30 of this chapter will be inserted as follows: (1) If under the circumstances set forth in paragraph (a)(2) of this section, the clause will be set forth in the Schedule and made applicable only to the facilities; (2) if under the circumstances set forth in paragraph (b)(2) of this section, the clause will be added to the General Provisions, Section II.

(d) *Patent rights clause.* If the contract does not contain the Patent Rights clause, § 9.107–1 of this title, and the facilities authorized involve research or development in design, manufacture, or modification, (1) if under the circumstances set forth in paragraph (a)(2) of this section the clause will be added and made applicable only to the facilities, or (2) if under the circumstances set forth in paragraph (b)(2) of this section, the clause will be added to General Provisions, Section II.

(e) *Facilities involving construction.* If the facilities being authorized involve construction, as defined in § 12.402 of this title, and the labor clauses required for construction contracts are not otherwise included in the contract, the clause set forth in § 1007.2704–1 of this chapter will be added: (1) if under the circumstances set forth in paragraph (a)(2) of this section, and made applicable only to the facilities being constructed, or (2) if under the circumstances set forth in paragraph (b)(2) of this section, to General Provisions, Section II. Any providing of non-severable facilities not located on Government controlled land will require compliance with § 13.406 of this title and § 1013.406 of this chapter.

(f) *Facilities both furnished and authorized for acquisition in procurement contracts.* When industrial facilities are to be both furnished and authorized for acquisition or fabrication in: (1) the same cost-type contract, the provisions of paragraphs (a)(1), (2), (c), (d), and (e) of this section will be followed, or (2) in the same fixed-price contract, the provisions of paragraphs (b)(1), (2), (c), (d), and (e) will be followed.

3. Section 1013.406 is deleted and the following substituted therefor:

§ 1013.406 Nonseverable industrial facilities.

(a) Since the locating of Government-owned nonseverable industrial facilities on land not owned or controlled by the Government may result in unjust enrichment of the land owner or an unnecessary loss to the Government, every effort must be made to have such nonseverable facilities provided by the contractor. If the contractor refuses to provide such nonseverable facilities, it is necessary to evaluate all other alternatives before locating Government-owned nonseverable industrial facilities on land not owned or controlled by the Government. Such alternatives include the possibility of the Government's acquiring land for the purpose, or accomplishing the work by subcontracting.

(b) For the purposes of this Instruction, a facility will be considered "nonseverable" when loss of value to it plus damage to the premises where installed, may, upon removal, reasonably be anticipated to exceed 50 percent of the installed cost of the facility item. However, facilities items where potential loss of value and damage is estimated to exceed 25 percent will not be authorized without approval from MCPBI. In determining what the loss of value to a facility item would be upon removal, the cost of all severable parts or components will be excluded from the computation and the cost of installation, including foundation, will be included as part of the cost of the facilities item. Items of machinery and equipment are normally considered as severable items. In determining whether particular costs are for nonseverable facilities, it should be recognized that many costs which, when considered alone, appear to be for nonseverables may properly be considered to be installation costs of larger items.

(c) For the purposes of this Instruction, land is considered "controlled" by the Government when: (1) The Govern-

ment has the right at nominal or no cost to the exclusive use of the land during the reasonably anticipated useful life of the facility involved, or (2) when the land owner has signed a firm contract to convey the land upon terms acceptable to the Government at a cost not exceeding $25,000 and such owner is sufficiently sound financially to guarantee such conveyance as determined from information provided by the Financial Branch (MCPZF), Hq AMC. However, the locating of facilities on land not actually owned by the Government is undesirable in the normal case and will not be permitted except when absolutely necessary.

(d) The estimated useful life of general purpose nonseverables will be interpreted as the useful physical life of the item involved, regardless of whether the contractor knows of any further requirements for such item. For special purpose nonseverables, i.e., the use of which without substantial modification or alteration is limited to the production for the Government of particular supplies or the performance of particular services for which provided, the estimated useful life will be interpreted as the estimated duration of the supply or service program involved.

4. Section 1013.412 is added as follows:

§ 1013.412 Unusable or unneeded facilities.

(a) Upon completion of the purpose for which a complete facility or individual facility item (as used hereafter, facilities will include a complete facility or individual facility item) was provided under a facilities contract, such facilities will be declared as idle unless a new purpose is established as a basis for authorizing the continued use of the facilities.

(1) Administrative contracting officers of facilities contracts will notify contractors of this policy at the earliest practicable date in advance of the commencement of a phase out of the purpose for which the facilities were initially provided and will request the contractors to advise the Commander, AMC, attn: MCPBI through channels without delay as to any new justification for the retention of such facilities. Reasons for the retention of facilities may include a requirement on other military production contracts, necessity for production readiness, or such other specific purposes approved by Hq AMC. The justification should provide utilization data in sufficient detail to demonstrate the extent of use to be made of each facility item. The administrative contracting officer should determine the necessity for each individual item requested for the new purpose and should declare idle those facilities no longer required.

(2) If a new purpose is established, the facilities contract will be amended to authorize retention of the facilities for the new purpose.

(3) Three months in advance of the phase out of the required use of the facilities, if continued retention of the facilities has not been justified, action will be initiated by MCPBI, to accomplish the advance screening of the facilities for transfer, storage, or other disposition.

(b) Contractors are to be encouraged to retain at no direct cost to the Government, idle facilities in on-site storage if they are not required elsewhere by the Government and if it is expected that they will be needed at that location by the contractor for future AF work. Such items will be declared idle in Category VI status. In advance of, or concurrently with such Category VI declarations, contractor proposals for retention at no direct cost to the Government will be submitted through AF channels to the Commander, AMC, attn: MCPBI. In properly justified cases MCPBI will negotiate agreements for the on-site storage of such facilities. Such agreements will conform to the following guidelines:

(1) Retention will be at no direct cost to the Government.

(2) Such property will be maintained according to prescribed industrial practices in a manner to insure against deterioration during period of nonuse.

(3) Normally machinery and equipment will be retained in an idle status only in anticipation of other Government work and will not be used unless such Government work materializes. If the contractor desires to make commercial use of the property, such use will be provided for under a facilities lease agreement according to § 1013.600 (and executed pursuant to Title 10, U.S.C. 2667).

(4) Should Government work materialize, rentals may or may not be charged according to the provisions of § 1013.407. If the contractor desires to make commercial use of this property, rentals will be charged according to § 13.601 of this title and § 1013.601 of this chapter.

(5) All property retained on site must be available at any time for use by the contractor to meet Government requirements or for transfer to other contractors.

5. Sections 1013.413–1, 1013.413–2, and 1013.415 are added as follows:

§ 1013.413–1 Termination by the Government.

(a) Termination of facility contracts will be accomplished according to the provisions of Part 1008 of this chapter.

(b) The Chief, Industrial Facilities Branch (MCPBI), Hq AMC, will determine when it is in the best interests of the Air Force to terminate a facilities contract.

NOTE: This provision in no way reduces the responsibilities of the contractor or the Air Force from complying with established requirements for: (1) current reporting of idle and/or excess property, and/or (ii) continuing plant clearance procedures where applicable.

§ 1013.413–2 Termination by the contractor.

The provisions of Part 1008 of this chapter will govern the termination of facilities contracts when requested by the contractor.

§ 1013.415 Disposition.

Industrial facilities will be reviewed by Industrial Resources Division (MCPB), Hq AMC, prior to disposition as termination inventory.

Subpart E—Contract Clauses

1. Sections 1013.502 and 1013.503 are added as follows:

§ 1013.502 Government-furnished property clause for fixed-price contracts.

Whenever contracts fall within the purview of § 1030.2(B–102.50(c)) of this chapter, and Government owned parts and materials are furnished, the following will be added to the end of the third sentence of paragraph (c) of the clause set forth in § 13.502 of this title:

except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

§ 1013.503 Government-property clause for cost-reimbursement type contracts.

Whenever contracts fall within the purview of § 30.2(B–102.50(c)) of this chapter, and Government owned parts and materials are furnished, the following will be added to the end of the second sentence of paragraph (c) of the clause set forth in § 13.503 of this title:

except that with respect to Government property shipped the Contractor will not be required to maintain the property records prescribed by the Manual.

2. In § 1013.504, paragraph (a) is revised and a new paragraph (d) is added as follows:

§ 1013.504 Special tooling clause for fixed-price contracts.

(a) The provisions of the Special Tooling clause set forth in § 13.504 of this title are that special tooling acquired or manufactured by the contractor for use in the performance of the contract, and replacements thereof, will be contractor-owned until such time as the contracting officer exercises the Government's option and directs transfer of title. Prior to this, and as a minimum, the contractor is obligated to appropriately identify the special tooling and to follow its normal industrial practice in maintaining property control records, making such records available to Government representatives for inspection at all reasonable times.

(1) The provisions of § 30.2 of this title do not apply during the period that the special tooling is contractor-owned and a property administrator will not be assigned to contracts solely on the basis of the Special Tooling clause. However, upon transfer of title to the Government the tooling does become subject to the provisions of § 30.2 of this title; a property administrator will be assigned, and retention or shipment by the contractor will be according to appropriate procedures. Provision that the contractor follow its normal industrial practice in maintaining property control records is not considered license for the maintenance of incomplete, inaccurate, or inadequate records under the guise of normality. Industrial practice is considered to require record of the quantity, description, location, and condition of special tooling acquired or manufactured for use under the contract. If the contracting officer deems it necessary to ascertain the adequacy of the contractor's records, the technical advice of the property administrator assigned to contracts with the same or nearby contractors may be requested.

(2) It is anticipated that the contractor will advise the administrative contracting officer when: (i) Any substantial portion of usable tooling is no longer required for the performance of the contract, (ii) changes in design or specifications take place which affect the interchangeability of parts, and (iii) the contract is terminated or completed, furnishing a listing of the parts, products, or services for which the tooling was designed to manufacture or perform. Upon receipt of the listing, the administrative contracting officer will obtain information through the buying organization, if not already known, whether anticipated requirements exist to warrant exercise of the Government option to take title to the tooling. If it is determined that title to the special tooling should pass to the Government, the administrative contracting officer will notify the contractor and include the following: (i) Specify the particular products, parts, or services for which title to tooling should transfer, (ii) action required regarding storage use, or shipment of the tooling involved, and (iii) disposition instructions for the remainder.

(3) A listing of the products, parts, or services to be manufactured or performed will be sufficient to permit the determination for disposition of such special tooling. Accordingly, the contract clause establishes this as a minimum requirement. However, to properly record a transfer of title for specific items of value to the protection of the interests of both parties, a list of tooling must be obtained in such detail as would serve as a basis for the establishment of records of Government property.

* * * * *

(d) The use of special tooling for the performance of other follow-on Government contracts or subcontracts under Government contracts will be subject to the following procedures:

(1) When the administrative contracting officer approves the use of the special tooling in connection with other Government contracts or related subcontracts (§ 13.504 of this title and § 1013.504(b) of this chapter), a reference to such approval will be incorporated in each other contract or subcontract involved. No further action will be necessary so long as the contract under which the special tooling was originally acquired or fabricated remains active.

(2) When it becomes evident that the contract under which the special tooling was originally acquired or fabricated is to be completed or terminated, and the special tooling is needed for the performance of follow-on contracts, at least one of which contains the clause in § 13.504 of this title, that contract, or if there are more than one follow-on contracts with the clause in § 13.504 of this title, the one with the longest life expectancy, will be amended by the incorporation of the following clause, and a reference thereto will be made in the original authorizing contract:

The special tooling acquired or fabricated pursuant to the terms of contract No. (original contract) is hereby and hereafter to be considered as acquired pursuant to the clause of this contract entitled "Special Tooling" and henceforth subject to the terms and conditions thereof.

If such follow-on contract contains the clause in paragraph (b) of this section, the above provisions will be included in such contract. However, the above provision will not be inserted in a follow-on contract containing the clause in § 13.504 of this title where the tooling was acquired or fabricated (or considered to be acquired) under a contract containing the clause in paragraph (b) of this section.

(3) In long term programs, it may be necessary to repeat the procedure in subparagraphs (1) and (2) of this paragraph, in order to pass the Government's rights to the special tooling down through the succeeding contracts as each preceding authorizing contract expires. By such procedure, and so long as at least one fixed-price contract (with the clause in § 13.504 of this title or § 1013.504(b) of this chapter, as appropriate), is in active status, the Government's rights to the special tooling are considered to remain unprejudiced and without necessity of exercising the right of option in each transaction. Therefore, each preceding "authorizing" contract may be retired as it expires. However, if a point is reached where the special tooling continues to be needed by the contractor, but the remaining contracts are not fixed-price with the clause in § 13.504 of this title or § 1013.504(b) of this chapter (for example, CPFF, etc.), the administrative contracting officer will exercise the Government's right of option and take title (if the clause in § 13.504 of this title was the last in effect with respect to the tooling). Thereafter, the special tooling will be retained as Government furnished property for use in connection with the remaining requiring contracts.

3. In § 1013.550, paragraphs (d) and (e) are redesignated (e) and (f), respectively, and a new paragraph (d) is added as follows:

§ 1013.550 Bailment clauses.

* * * * *

(d) Bailment clauses other than set forth in this section may not be used in prime contracts or any deviations authorized from prescribed clauses without prior approval of the Office of the Procurement Committee (MCPC), Hq AMC.

4. Section 1013.551 is added as follows:

§ 1013.551 Emergency bailment to civil aircraft or military contract carrier.

The bailment agreements set forth in §§ 1013.2005–1 and 1013.2005–2 will be used in the emergency bailment of aircraft engine(s) and/or major components as applicable to civil aircraft or military contract carriers by AF bases.

Subpart F — Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department

1. Sections 1013.600, 1013.601 and 1013.601–1 are added as follows:

§ 1013.600 Scope of subpart.

This subpart sets forth the conditions and procedures under which industrial production equipment controlled by the Air Force may be leased to private parties for use solely or principally on work other than for the military departments. Facilities leases involving the incidental use of production equipment for work on other than military procurements are not subject to the provisions of this subpart if such incidental use does not exceed 25 percent of the total anticipated capacity of the facilities utilized. (See § 1013.407 and subpart DD, of this part). Since the amount of incidental work may be subject to change, determination as to the applicability of this subpart will be based upon the best estimates available at the time the lease becomes effective.

(a) Air Force facilities lease agreements accomplished hereunder must meet the criteria set forth in § 1013.3001(a) and, to the extent facilities to be leased are included in the classes of production equipment listed in the attachment to AFR 78–23 and have a unit acquisition cost of $500 or more, must be approved by the Office of Defense Mobilization.

(b) Selected items of production equipment may be leased under the provisions of this subpart where such items would be unduly costly or time consuming to move.

(c) This subpart does not apply to existing facilities lease agreements nor extensions of existing agreements whereby a lessee may be permitted to retain production equipment regardless of changes in the extent of the defense production during the period of the lease. Such situations are treated under Subpart DD of this part.

(d) This subpart does not apply to leases of equipment listed in the PERI (Production Equipment Redistribution Inventory) which are contemplated for defense supporting activities when such request is sponsored by the Assistant Secretary of Defense (Supply and Logistics).

(e) Nondefense leases of complete industrial facilities (including land, buildings, and equipment) which have been approved by the Congressional Committee on Armed Services according to 10 U.S.C. 2662, are exempted from the requirements of prior approval of the Office of Defense Mobilization, when the total acquisition cost of the production equipment included in such lease is less than 10 percent of the total acquisition cost of the entire facility. Approval has been granted in advance for these cases by ODM. In each such instance, however, a report will be submitted through normal channels to the Assistant Secretary of Defense (Supply and Logistics) within 30 days of the date of the lease giving pertinent details of the transaction. It

will include the names of the facility and the lessee, the number of items of production equipment, and their total acquisition cost.

§ 1013.601 Rental.

§ 1013.601–1 General.

Requests by a foreign government for rent-free use of AF facilities should be forwarded through the Director of Procurement and Production, Hq. AMC, to the Director of Procurement and Production, Hq USAF, attn: AFMPP–PD, for consideration and recommendation to the Assistant Secretary of the Air Force (Materiel) for approval or disapproval. The following information which will be relevant to the Assistant Secretary's decision should be included: (a) a copy of the request from the foreign government asking that the Air Force make the facilities available rent-free for specified purposes; (b) a statement whether rent-free use is authorized by the AF lease or facilities contract involved for work performed by the contractor for the Air Force; (c) a statement whether use of the facilities on the foreign government contract will interfere with foreseeable United States Government requirements for use of the facilities on its contracts; (d) a statement whether the AF contractor possessing the facilities will be placed in a position of unfair competitive advantage if rent-free use is authorized; (e) a statement whether the foreign government would be authorized to place the contract in question directly with the Air Force according to Mutual Security Act of 1954, as amended, or whether rent-free use by the foreign government is authorized by a Government to Government agreement; (f) a statement whether there are any reasons why it would be in the interest of the Air Force, for the contract to be placed directly with it and whether the Air Force will in any way be benefited by the placing of the contract in the manner intended.

2. In § 1013.601–50, subparagraphs (2), (5) and (8) of paragraph (a) are revised as follows:

§ 1013.601–50 Procedure.

(a) • • •

(2) If the contractor is currently engaged in production for the AF, a list of contract numbers and items. Also, a list of other military contract numbers and items produced within the preceding 3-year period.

• • • • •

(5) Financial or other consideration that will be given to the Government for use of the production equipment. If the contractor is to maintain Government-owned equipment in a nonuse status as all or part of the consideration, give the number of units, general description, including acquisition cost, and total weight (in tons). See § 13.601 of this title, Rental.

• • • • •

(8) Description (in inclosures) of the property being requested for nondefense use. Include with the commercial description, the classification (SCC) code, year manufactured, current condition, total weight in tons, acquisition cost, and transportation and installation costs if borne directly by the Government.

Subpart X—Facility Expansion Procedure

1. Section 1013.2401–1 is added as follows:

§ 1013.2401–1 Delegation of authority.

(a) The Commander, AMC, has been authorized to exercise those approvals of projects for expansion (acquisition, construction, rehabilitation, major repairs) of industrial production facilities, the cost of which will not exceed $500,000. The Commander, AMC, has redelegated this authority to the Director of Procurement and Production, Hq AMC, without power of further redelegation. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

(1) Projects for the expansion of industrial facilities will not be undertaken prior to obtaining approval of any real estate actions by the Committees on Armed Services of the House of Representatives and of the Senate, if required according to 10 U.S.C. 2662, or such other approvals required according to existing Secretary of the Air Force Orders.

(2) Projects involving the location of nonseverable industrial facilities on land not owned or controlled by the Government will not be undertaken without the approval of the Secretary of the Air Force when required pursuant to § 13.406–1(c) of this title, unless specifically exempted from that requirement according to that regulation.

(3) Any facility expansion, regardless of cost or fiscal year, which is initiated for a purpose which will eventually require, or which has the effect of committing the Air Force to a total expansion estimated to exceed $500,000 will not be undertaken without the prior approval of the Deputy Chief of Staff, Materiel, Hq USAF. See § 1013.2402(d).

(4) Projects which are not in conformance with the criteria for industrial expansions contained in directives cited in paragraph (b) of this section, will not be undertaken without the prior approval of the Assistant Secretary of the Air Force (Materiel).

(b) In determining action or recommendations in regard to the expansion of industrial facilities, the Air Force will be guided by applicable instructions, regulations, or directives promulgated by the Department of the Air Force, the Office of the Secretary of Defense, and other Federal agencies, including, but not limited to:

(1) Policy and procedure set forth in this part.

(2) Part 13 of this title.

(3) Air Force Manual of Budget Administration.

(c) Previous delegations pertaining to the ICBM and IRBM No. 1 Programs will not be affected by the provisions contained herein; nor will any subsequent delegation specifically pertaining to those programs, or such other priority programs as the Secretary may later specify, be governed by the provisions contained herein, unless they will in their own terms be made subject thereto.

2. In § 1013.2402, a new sentence is added at the end of the introductory paragraph, and paragraphs (a) through (g) are deleted and the following substituted therefor:

§ 1013.2402 Procedure.

• • •. The following procedures will be applied in determining the need for expansion projects, to the extent applicable:

(a) *Selection of prime contractor.* When prime contractors are being selected or invited to bid for the placement of procurement, the buyer will coordinate with and obtain approval of Preparedness Branch (MCPBI), Hq AMC, to insure that all potential sources are given consideration, that the selection is according to the production allocation program, and that no other suitable source is available requiring fewer Government-furnished facilities. The buyer will require all potential contractors to state in writing whether additional manufacturing facilities will be required for each procurement, the estimated cost and nature of such facilities, and whether the contractor will furnish the facilities with contractor funds or will require the Government to furnish the facilities. When the procurement contract is awarded, the buyer will insure that an appropriate facilities clause is included according to § 1013.401. When the buyer proposes to provide facilities (not in excess of $50,000) under a procurement contract, approval of MCPBI will be obtained before providing for facilities in the contract. When the buyer is situated at an AMC field procurement activity, approval of MCPBI will be obtained by electrically transmitted message or letter as the urgency of each case demands.

(b) *Submission by contractor of application for facilities.* When the prospective contractor has stated that additional Government industrial facilities will be required, the buyer will instruct this contractor to prepare and submit a formal application for facilities, containing justification of requirements and explanation as to why the expansion cannot be accomplished through private financing or use of subcontracting. (See § 1013.2403 for facilities application and § 1013.2404 for Appendix A schedule of facility listing.) Assistance of the AF plant representative or air procurement district may be requested by the contractor in preparing his application for facilities. It is important that the prospective contractor give full and complete justification for facilities required, to expedite processing of the application. When application for facilities is prepared by the contractor in conjunction with an end-item contract proposal, five copies of the facility application and appendix listing will be sent to the buyer. Any facility requirements by subcontractors will be included under separate facilities applications and Appendices A. In other cases, five copies of the facilities proposal will be sent through the contractor's local AF plant representative, if

any, to Commander, AMC, attn: MCPBI. Five additional copies will be sent concurrently to the local AF plant representative, if any, and if none, to the air procurement district in whose geographical area the contractor is situated.

(c) *Processing by the AMA.* As local AF representative, the AFPR/APD is in a position to initially appraise and obtain correction for any proposal deficiencies, e.g., proper preparation of facilities application and Appendix A; delete items which duplicate contractor facilities for which open time will be available; increase local subcontracting to eliminate the need for Government facilities; examine loading methods used by contractor in developing facilities requirements (individual justification of Appendix items will be made at the time the administrative contracting officer authorizes acquisitions—see paragraph (e) of this section); eliminate nonseverables on private property where not justified; make proper appraisal of the ability of local conditions (utilities, labor, housing, transportation, etc.) which may be necessary to support a proposed expansion. After thorough investigation of the facilities expansion proposal, the findings and recommendations thereon will be sent together with four copies of the proposal to Hq AMC, attn: MCPBI (ICBM–IRBM proposals will be forwarded to MCPTI). Such recommendations may be forwarded directly to MCPBI or MCPTI by the AFPRO or APD when such routing is authorized by the AMA headquarters. When received, MCPBI or MCPTI will consider the recommendations as having AMA headquarters support regardless of the processing route.

(d) *Processing by Hq AMC.* Upon receipt of the facilities project by MCPB, the scope and necessity will be reviewed and coordinated with the buyer and other appropriate offices at Hq AMC to obtain written concurrence of all offices concerned with the production program involved. Written concurrence also will be secured from buyers at AMC field procurement activities. The facilities project officer, MCPB, will determine the justification, including alternate sources considered, reasons for selection of this contractor, and will make a preliminary determination of necessity for individual listed items. After completion of coordination with operating divisions and offices, MCPB will embody the resulting data in the Industrial Facilities Program.

(1) *Projects not exceeding $500,000 in cost of additional facilities.* Facility expansion projects whose cost will not exceed nor commit the Air Force to more than $500,000 (excluding the value of facilities to be provided from Government reserve inventories and/or facilities already in possession of the contractor) will be included in the quarterly request for bulk funds. Upon receipt of the quarterly fund allotment, the MCPB project officer will prepare a request for Director, MCP approval of each project. The request (Disposition Form) will include in the subject: the project identification, contractor name, location, and AF facilities contract number if available. The Disposition Form will be addressed to MCP and will contain as much of the following information, in the order given, as is applicable to the project request:

(i) Total dollar amount requested. Also give the dollar estimate in the AMC Program Statements which were previously furnished to Hq USAF.

(ii) End items product or service involved. Where applicable give the end item contract number and dollar estimate of facilities to be provided, as indicated in the procurement contract facilities clause.

(iii) Purpose of expansion or funding action. If applicable, reference end item program and schedule rates.

(iv) Give dollar comparisons by schedules I, II, III, etc., of facilities previously provided at proposed location (Contractor-Government) and facilities to be provided (Contractor-Government) by this proposal. Also give summary of contractor's statement in regard to company provisioning of the required facilities.

(v) Reduction in funds required for this project through screening actions.

(vi) Brief description of facilities or services to be provided by the Government and method of computation of requirements. If the project includes acquisition of any: real property, nonseverables on private property, or facilities items under $500, give a summary of MCPB recommendations regarding the necessity for Government provisioning.

(vii) Amount of subcontracting by percent of contract dollar value and/or effort. MCPB project officer's appraisal of contractor's efforts to obtain subcontract support to eliminate requirements for additional facilities. Identify the requirements for any facilities to be provided to subcontractors.

(viii) Describe briefly the availability of labor, power, fuel, water, sewage, housing, transportation, etc., considering the planned peak rates to be attained. State the advantages of the proposed geographic location.

(ix) Project justification. Brief statements indicating concurrences received from the AMC field organizations, buying or sponsoring activities, and MCPB recommendations in approval of the facilities expansion project.

(x) Will facilities be provided on a charge (rental) or no charge basis?

(xi) MCPB statement to the effect that: as the purpose of the project is presently known and defined, the project cost excluding the value of facilities from reserve inventories and facilities in possession of the contractor, is estimated not to exceed $500,000.

(xii) Signature. Manual signature of the Chief or Deputy Chief, MCPB.

(2) Upon approval of the Director, MCP, the executed copies of the request will be returned to MCPB.

(3) *Notification to Hq USAF.* Within 10 days after approval has been exercised for each facilities project, MCPB will furnish the following information by letter to Hq USAF, attn: AFMPP–IR:

(i) Date of letter.

(ii) Date of approval.

(iii) Date contract expected to be released.

(iv) Name of contractor.

(v) Location.

(vi) Dollar amount.

(vii) Product which facilities will support.

(viii) Description of facilities to be provided.

(ix) Statement of justification.

(x) Total dollar amount of facilities provided to this contractor at this location and the purpose for which provided.

(xi) Anticipated follow-on facilities above the amount approved that will be required by this contractor at this location for this purpose.

(4) *Projects exceeding $500,000.* Facilities expansions which exceed $500,000 in cost of additional facilities (excluding the value of facilities to be obtained from Government reserve inventories and/or facilities already in possession of the contractor) will be processed for inclusion in the annual program, quarterly revision or as an emergency request for funds. The projects will be submitted for review and approval, to the Director, MCP. The approved projects will be forwarded (20 copies) to Hq USAF.

(5) *Notifications to contractors and administrative echelons.* After submission of projects exceeding $500,000 to Hq USAF and approval thereof, or upon receipt of Director of Procurement and Production (MCP) approval of projects not exceeding $500,000, MCPB will alert the contractor and the cognizant APD or AFPRO and AMA. This will be accomplished by letter to the contractor routed through the APD or AFPRO with copy to the AMA, stating the scope of each project as established by the preliminary approval and including a marked copy of the Appendix "A," "Industrial Facilities," indicating the items or types of items which will not be included in the expansion to be authorized by the proposed contractual instrument. An identical marked copy of the Appendix A will be included for the use of the APD or AFPRO.

(6) *Procurement authorizations.* Upon receipt of the procurement directive from Hq USAF or upon receipt of Director, MCP, approval of a project not exceeding $500,000, MCPB will negotiate and write a facilities contract. All facilities contracts and amendments will be signed by the contracting officer, MCPB. The facilities contract will then be released to the appropriate AMA for administration.

(e) *Administration of approved Appendix A*—(1) *Determinations of necessity.* Upon notification that the facilities contract is in effect or receipt of contractor's signature of a letter of agreement from MCPBI, Hq AMC, stating the terms under which facilities will be provided in anticipation of a supplemental agreement to an existing facilities contract, the administrative contracting officer assigned the facilities contract will determine necessity for the individual items listed on the approved Appendix A (see paragraph (d) of this section). The determination of necessity normally will be made on the basis of work-load hours indicated on machine tool loading charts, process sheets, etc., according to recognized industrial practice. Determina-

tions of necessity will be made as expeditiously as possible, and must if possible be made before the notice required by the facilities contract subclause entitled "Facilities to be Provided" (§ 1007.2703–2(a)(1) of this chapter) is received. The notice required by such clause may be changed by agreement between the administrative contracting officer and the contractor, and may be waived by the administrative contracting officer at the request of the contractor as to items for which the determination of necessity has been made and screening of the industrial reserve under paragraph (f) of this section has been completed. If the screening of any item on an approved Appendix cannot be completed prior to the expiration of the period of notice required by such clause, the justification of such item will be deemed to be incomplete, and the administrative contracting officer will issue a CCN suspending the item from the approved Appendix until such screening is accomplished.

(2) *Revision of Appendix A.* The approved Appendix A will be revised by the administrative contracting officer to conform with the determinations of necessity as such determinations are accomplished. If the language in the facilities contract schedule referencing the appendix expressly states that the facilities are to be provided as approved by the contracting officer, this revision will be accomplished informally. If the referencing language in the facilities contract schedule does not require contracting officer approval, the revision will be accomplished under the contract terms as follows:

(i) If the purchase order has not been placed, and the scope of the approved expansion is not substantially changed, the administrative contracting officer will issue a CCN pursuant to the "Changes" clause of such contract (§ 1007.2703–31 of this chapter).

(ii) If the purchase order has been placed and a substantial change in the scope of the approved expansion will not result, the administrative contracting officer may take action under the contract clause entitled "Cancellation" (§ 1007.2703–6 of this chapter).

(iii) If a substantial change in the scope of the expansion will result, the administrative contracting officer will submit recommendations for action through the AMA to MCPBI, Hq AMC, together with supporting data including copies of a revised appendix if applicable. MCPBI will process an amendment of the facilities contract or request MCPPJT to initiate a partial termination as appropriate.

(iv) Purchase orders will not be cancelled under the procedures prescribed in subdivisions (i) and (ii) of this subparagraph until the approval of MCPBI, Hq AMC, has been obtained.

(3) Substitution of items for similar items listed on the approved Appendix A may be considered when necessitated by engineering changes, processing changes, technological changes, or nonavailability in reserve inventory, and may be approved by the administrative contracting officer when the substituted item:

(i) Falls within the same schedule subcategory (see § 1013.2404) as the previously approved item.

(ii) Is justified for the same intended function as the previously approved item though a different processing method is used.

(iii) Remains within the estimated cost of the previously approved item or in cases of justified necessity exceeds such amount provided that the approved dollar amount of the applicable schedule category (see § 1013.2404) is not exceeded.

Substitutions not meeting the foregoing criteria will be referred to MCPBI, Hq AMC, for approval or disapproval. Approved substitutions will be reflected in revisions of the Appendix A pursuant to paragraph (e)(2) of this section.

(4) *Value increases.* When determinations of necessity indicate a need for increasing the aggregate dollar value of the facilities to be provided under an approved Appendix A, a supplementary Appendix A will normally be submitted to Hq AMC and processed as a new expansion unless such increase is solely the result of a cost overrun. If a revision of an approved Appendix A will result in an increase in the dollar expenditure to be authorized by reason of a cost overrun, the proposed revision must be submitted for the prior approval of MCPBI, Hq AMC, and will not be accomplished until the necessary additional funds have been made available pursuant to normal funding procedures. Additional funds required by cost overruns will normally be made available by a contract change order issued by MCPBI.

(5) *Authorization of shipment or acquisition.* After items listed in approved Appendix A have been determined to be necessary according to the foregoing, the administrative contracting officer will authorize shipment from industrial reserve or approved acquisition by the contractor according to the terms of the letter agreement or facilities contract and paragraph (f), of this section, except that the expenditure of funds will not be permitted until the necessary funds have been made available under a facilities contractual instrument.

(6) *Initial repair and installation of facilities.* The administrative contracting officer will not normally, under subparagraph (2) of this paragraph, review the necessity for the initial repair or rehabilitation of facilities items which will aggregate less than $50 in cost per facilities item. The review under subparagraph (2) of this paragraph, of the proposed work for the installation of facilities items will be accomplished only to the extent that the administrative contracting officer is given authority by contract terms to approve or direct changes in such work.

(f) *Screening idle and industrial reserve equipment.* The contractor will screen idle equipment lists according to AMCM 69–1 at the appropriate AMA headquarters and at Production Equipment Redistribution Group (PERG), Department of Defense (DOD), Washington, D.C., upon the authorization of the air procurement district or AF plant representative as such authority may be delegated. Allocation of equipment selected will be requested by the contractor through and with the concurrence of the air procurement district according to AMCM 69–1. The contractor will verify the characteristics of the selected equipment and certify that it will satisfactorily meet his requirements, and that the equipment will be accepted according to the terms of his facilities contract or lease.

(g) *Construction, rehabilitation, modification, or alteration projects.* Construction, rehabilitation, modification, or alteration projects will be accomplished only as provided according to Subpart Y of this part.

(h) *Nonseverable facilities.* Facility expansion proposals containing requests for nonseverable facilities will be processed according to § 1013.406.

(i) *Subcontract structure.* Prime contractors will be required to submit their contract structure showing all major subcontractors, production items and production rates to MCPBI for approval of sources and capabilities. Such subcontract structure will be checked against the production allocation program by MCPBI. The facilities expansion projects of those major subcontractors requiring facilities will be processed similar to prime contractors' expansions.

(j) *Approval by administrative contracting officer of procurement subcontracts which require additional facilities.* Before approving a procurement subcontract, the administrative contracting officer will require the prime contractor to submit to the administrative contracting officer a signed subcontractor Facility Expansion Capability Report indicating the following: Whether the selected subcontractor will require additional facilities and if so the estimated cost by Appendix A, Industrial Facilities; any financial assistance which will be required by the subcontractors; evidence showing the extent of the investigation of other potential sources made by the prime contractor including name of each source investigated, amount of Government-furnished facilities required by each, unit price of product, peak capacity, etc.; a description of the product including tolerances and material specifications detailed enough so that other potential subcontractors will be able to determine their capacity to produce it; and delivery schedules. The administrative contracting officer will furnish copies of the above report to the appropriate office of the AF plant representative or air procurement district and AMA (production branch or industrial planning branch, as appropriate). The AF plant representative and air procurement district will screen the region for the purpose of locating additional sources that would require less facilities and send such information to the administrative contracting officer. AMA headquarters will screen the other air procurement districts for potential sources and will request lists of other potential sources located outside its own area from MCPBI. These sources will be furnished to the administrative contracting officer through the AMA. The administrative contracting officer will forward the information to the prime contractor and advise him to screen the additional sources and to indicate to the administrative contracting officer such sources as he considers suitable for the performance of the subcontract.

(k) *Minor subcontractors and suppliers.* Other subcontractors and suppliers not known at the time of negotiation of the prime procurement contract will submit applications (preliminary and formal) and Appendices A (11 copies) for Government-provided facilities required by them through the prime contractor or air procurement district in whose area they are located, as applicable. Five copies of the contractor's application will be forwarded immediately to MCPBI. While under review, if the procedure in paragraph (j) of this section has not been complied with, the air procurement district will request from the air materiel area a list of available sources who have capacity for the proposed production. The air materiel area will in turn request a similiar list as to sources outside the area from MCPBI. These additional sources will be screened to determine if any can perform the proposed production with less Government-furnished facilities than the original applicant. After selection of the source and verification of the production items and dates, including the indorsement of the prime contractors as applicable, the facilities expansion project is forwarded through the air materiel area in which the subcontractor is located with comments and recommendations to MCPBI who meanwhile has been and thereafter will process the facilities expansion according to paragraph (d) of this section.

(l) *Facilities leases.* In facilities expansions where the Government is furnishing only existing Government-owned machinery and equipment to contractors and suppliers for the performance of Government contracts, the machinery and equipment may be covered by a standard short form facilities lease agreement which will be accomplished and processed by the air materiel area according to subpart DD of this part.

(m) *Exceptions to Buy American Act.* Exceptions to the Buy American Act for the purchase of foreign-made machinery and equipment will be processed according to part 1006 of this chapter.

(n) *Small business office.* All facilities expansion requests generated in the air materiel areas will be coordinated and cleared through the appropriate air materiel area or air procurement district small business office.

(o) *Inspection of machinery and equipment.* Inspection of machinery and equipment upon arrival at contractors' plants and any necessary inspection reports thereon required by the administrative contracting officer, will be made by quality control office, air materiel area.

(p) *Requisitioning equipment from depot supply stock.* Where equipment urgently required for AF industrial installations cannot be secured on the open market but is available in depot supply stock, the appropriate air materiel area will requisition such items from the prime depot. Supply will be contingent upon availability of stock. Vehicles are excluded from the above procedure, and the control and allocation of vehicles to industrial installations will remain with MCPBI according to Subpart GG of this Part.

(q) *Compliance with Davis-Bacon Act.* Where applicable under construction projects, MCPBI will initiate request for predetermination of wage rates to the Secretary of Labor. The administrative contracting officer will take necessary action to obtain a predetermination if subsequent review indicates that such action has not been previously taken or when a change in the project requires such action. The administrative contracting officer is authorized to forward requests for predetermination under subject act directly to Hq USAF with a copy forwarded to the Commander, AMC, attn: MCPBI, and upon receipt of a reply to furnish a copy to MCPBI so that the facilities contract can be amended accordingly.

3. Section 1013.2403–1 is deleted and the following substituted therefor:

§ 1013.2403 Preliminary and formal applications for facilities.

§ 1013.2403–1 Preliminary facilities application.

The preliminary facilities application is used to establish the early identification of additional facilities requirements for planning and budgeting purposes and for initiating facility expansions in directed programs. The preliminary application is prepared by contractors or AF sponsoring activities for each project requiring additional facilities by individual location and by fiscal year requirements. It will enable contractors who are producing or plan to produce military items for the Air Force to furnish AMC with their projected facilities plans. Also, the preliminary application is a means whereby the AF sponsoring activities may submit future facilities requirements, covering end item programs which are directed to become production items or work, and as such may be supported by industrial facilities funds. The preliminary application may lack the complete descriptions of facilities, however, the over-all plans for accomplishing the end item of work should provide reasonable cost estimates. For end item projects which are sufficiently advanced to enable the contractors to furnish complete details and justifications, the formal application (§§ 1013.2403–2 and 1013.2404) and submission procedures (§ 1013.2402) should be followed. The preliminary facilities application consists of answers to paragraphs (a) through (j) (of § 1013.2403–2) as applicable to the proposed facilities expansion. This information should be prepared in letter format and submitted at the earliest practical date but no later than February 1 for consideration in the following Fiscal Year facilities expansion program. Formal application should follow as soon as practicable.

4. Section 1013.2404 is deleted and the following substituted therefor:

§ 1013.2404 Appendix A, industrial facilities.

This is a guide form which will be followed by contractors preparing Appendix A.

APPENDIX A

INDUSTRIAL FACILITIES

Date _____

Name and Address of Company

Nature of facilities: (Insert here the types of proposed facilities such as hangars, warehouse, machine tools, etc.)

Location: (Address where facilities are to be located.)

For the production of: (Give brief statement covering items to be produced and contemplated peak monthly rate of production on 2-shift, 5-day workweek.)

SUMMARY SHEET

	Estimated cost
Schedule I—Land and land preparation:	
(a) Land	$XXX,XXX
(b) Land preparation	XXX,XXX
Total	XXX,XXX
Schedule II—Buildings, etc.:	
(a–1) Buildings (new construction)	XXX,XXX
(a–2) Building rehabilitation only	XXX,XXX
(b) Building installations (not mechanical)	XXX,XXX
(c–1) Land installations (on site)	XXX,XXX
(c–2) Land installations (off site)	XXX,XXX
Total	XXX,XXX
Schedule III—machinery, equipment, etc.:	
(a–1) Machine tools	XXX,XXX
(a–2) Related production equipment	XXX,XXX
(a–3) Rehabilitation of machine tools only	XXX,XXX
(b) Building installations (mechanical)	XXX,XXX
(c) Laboratory and testing equipment	XXX,XXX
(d) Furniture and equipment	XXX,XXX
Total	XXX,XXX
Schedule IV—portable tools and materials handling and automotive equipment:	
(a) Portable tools	XXX,XXX
(b) Material handling and automotive equipment	XXX,XXX
Total	XXX,XXX
Schedule V—machinery and equipment installation costs	XXX,XXX
Schedule VI—indirect costs	XXX,XXX
Grand total	XXX,XXX

SCUEDULE I—LAND AND LAND PREPARATION

(ESTIMATED COST)

Item No.—(a) Land:

Give legal description, acreage, location, and estimated cost. A map, print, or drawing must be furnished as Exhibit I showing location of plant in relation to adjacent terrain features such as: airports, highways, railroads, power lines, etc., with appropriate identifying designation of each. Another print or drawing must be furnished as Exhibit II showing plot plan in detail. Cost of land will include all estimated costs of sales which are payable by purchasers.

Total Schedule I(a) -------- $XXX,XXX

Item No.—(b) Land preparation:

(Itemize and give individual cost of each item. Sufficient description must be furnished to justify cost as estimated.)

This will include improvements such as clearing, leveling, grading and drainage, and any other items not subject to depreciation. Full details of each item must be given and location of each shown on plot plan—Exhibit II.

Total Schedule I(b)-------- $xxx, xxx
Total Schedule I---------- $xxx, xxx

SCHEDULE II—BUILDINGS, ETC.
(ESTIMATED COST)

Item No.—(a-1) Buildings (new construction):

(Itemize and give individual cost of each item. Sufficient description must be furnished to justify cost as estimated.)

This will include a full list of structures, with complete description and estimated cost of each unit. One or more prints or sketches must be furnished as an exhibit showing, for each building, the proposed type of structure, floor plan and elevations, with brief memorandum specifications. One complete plot plan must be furnished as an exhibit showing proposed location of all buildings in relation to complete plant.

Cross references from descriptions to exhibits must be made where necessary to make details absolutely clear.

Total Schedule II(a-1)--- $x, xxx, xxx

Item No.—(a-2) Building rehabilitation only:

(Itemize and give individual cost of each item. Sufficient description must be furnished to justify cost as estimated.)

This covers all rehabilitation of structure, electrical systems, plumbing, heating, water lines, etc., within structures.

Total Schedule II(a-2)----- $xxx, xxx

Item No.—(b) Building installations (not mechanical):

(Itemize and give individual cost of each item, specifying amount of installation charge for each item. Sufficient description must be furnished to justify cost as estimated.)

This covers all items and materials used in connection with installations of electrical power and illumination, plumbing, heating, airconditioning, sprinkler systems, etc., usually included in building costs, with the exception of power lines, water lines, etc., outside of the building itself which are to be included in Schedule II (c-1) and (c-2). Items listed here should refer to the individual building as listed in Schedule II(a) above, and must be described in sufficient detail for cost evaluation. Installation charges are to be included in total cost.

Total Schedule II(b)------ $xxx, xxx

Item No.—(c-1) Land installations on site:

(Itemize and give individual cost of each item, specifying amount of installation charge for each item. Sufficient description must be furnished to justify cost as noted.)

Included in this classification are paving of yards, runways, parking areas, etc., fencing of property, utilities improvements, and spur tracks on areas outside of buildings but on property owned or controlled by the Government and leased to the contractor. Give full details of each item and the location of each on a plot plan—Exhibit II. Installation charges are to be included in total cost.

Total Schedule II(c-1)----- $xxx, xxx

Item No.—(c-2) Land installations off site:

(Itemize and give individual cost of each item, specifying amount of installation charge for each item. Sufficient description must be furnished to justify cost as noted.)

Include all costs on other Government owned property, including installation charges if same fall within description of I-b, II-a-1, II-a-2, II-b, II-c-1. Exhibits, properly numbered, will be included as attachments.

If there are costs for utilities, railroad extensions, etc., necessary, but not on property owned or controlled by the Government and leased to the contractor, such costs must be included in this section.

Every effort should be made to get utility companies, railroad companies, or other owners of the realty, to absorb all or part of the costs of such items. If no portion of the cost of such items will be paid by the utility, railroad company, or land owner, statement justifying refusal to pay such cost, signed by an official of such company, must be included.

Where the Government is requested to pay for all or part of such off-site installation costs, a definite statement from the applicant justifying the necessity for such costs must be included (See § 1013.406). Cross reference from descriptions to Exhibits must be made in order that details may be made perfectly clear. In the event Government expenditure is authorized for any off-site land installation, an agreement protecting the interest of the Government must be negotiated and included in the facilities contract.

Total Schedule II (c-2)-- $x, xxx, xxx
Total Schedule II------- xxx, xxx, xxx

Special Instructions Pertaining to Schedule III Items

1. These instructions are to establish a standard for listing all proposed items of machinery and equipment. In order to properly evaluate such a listing, it is absolutely necessary for items to be described so that they can be easily identified. Also, itemize and give sufficient description to justify cost. However, like items may be combined as a single line entry.

2. A satisfactory description should include the following data:

a. Manufacturer's name.

b. Manufacturer's model number.

c. Complete nomenclature and description of size and capacity, type (plain universal, knee or bed, vertical, horizontal, etc.), number of spindles, working heads or units, etc. (where applicable), including any special features.

d. Electrical characteristics (110 v, 220 v, 440 v, 3-phase, 60-cycle, AC or DC, etc.).

e. Any other information necessary to completely identify items desired.

f. Possible substitutions in order of desirability.

g. Date of delivery for each item as required to meet delivery schedule of the contract in question.

h. Estimated delivered cost of each item.

i. Full 17-digit Standard Commodity Classification Code as listed in Directory of Metalworking Machinery published by the Office of the Assistant Secretary of Defense (Supply and Logistics). Related production equipment will also be coded to the full 17-digits. Codes can be obtained from the Defense Supply Handbook, H-3, dated June 1953, and Cataloging Handbook, H4-1 and H4-2 (Federal Supply Code for Manufacturers). These directories may be obtained from the APD having jurisdiction over the geographical area in which plant is situated.

j. Give specific nomenclature in all cases. For example: welders—indicate whether spot, arc, butt, flash, the manufacturer, throat size, electrical characteristics, frame size; furnaces—manufacturer, model, size and capacity, electrical specifications, whether gas, oil or electrically fired, etc. Size and capacity can be given, along with complete nomenclature, even though model may not be applicable, for all items of related production equipment.

SCHEDULE III—MACHINERY, EQUIPMENT, ETC.

Item No.	Quantity	Description	Estimated cost	Date required
x	x	(a-1) Machine tools (new and used) Include welders, presses, and hammers. Specify if item is used.	$ xx,xxx	x
x	x	Costs of installation will be entered parenthetically under description but not added in group or Schedule III(a-1) subtotal. This charge will be included in Schedule V. (Example: Installation Cost $------ each).	xx,xxx	x
		Total Schedule III(a-1)	xxx,xxx	
x	x	(a-2) Related production equipment Sheet metal equipment, foundry equipment, anodizing and plating equipment, and other production equipment of a permanent nature necessary for production. Show installation cost as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(a-2)	xxx,xxx	
x	x	(a-3) Rehabilitation of machine tools only Rehabilitation of machine tools only are to be included in this item. Show installation costs as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(a-3)	xxx,xxx	
x	x	(b) Building installations (mechanical) Stokers, motors, and their mechanical systems, installed in buildings, including cranes, hoists, conveyor systems, etc. Show installation costs as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(b)	xxx,xxx	
x	x	(c) Laboratory and testing equipment Show installation costs, if any, as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(c)	xxx,xxx	
x	x	(d) Furniture and equipment Office furniture and equipment, cafeteria furniture and equipment, standard work benches, stock bins, lockers, fire protection devices not part of building, etc. Show installation cost, if any, as indicated in Schedule III(a-1) instructions.	xxx,xxx	x
		Total Schedule III(d)	xxx,xxx	
		Total Schedule III	xxx,xxx	

Schedule	Facilities contract: Contractor-owned plant	Facilities contract: Government-owned plant	Supply contract
Schedule I—Land and land preparation:			
(a) Land	No	Yes	No
(b) Land preparation			
1. Clearing	do	do	Do.
2. Grading	do	do	Do.
3. Drainage	do	do	Do.
Schedule II—Buildings, etc. (capital value increases):			
(a-1) Building and test cells	do	do	Do.
(a-2) Building rehabilitation	do	do	Do.
(b) Building installations (not mechanical)			
1. Plumbing	do	do	Do.
2. Ventilation	do	do	Do.
3. Power wiring	do	do	Do.
4. Sprinkler system	do	do	Do.
5. Heating	do	do	Do.
6. Electric lighting	(See note units such as unit heaters, light fixtures, and transformers, excluding installation costs may be allowed without requiring exception to § 13.406 of this title.)	do	Do.
7. Test rooms, i.e., altitude chambers, cold rooms	do	do	Do.
8. Air conditioning (except for processing only)	do	do	Do.
9. Other nonseverable "in place"	do	do	Do.
(c-1) Land installations (on site)	do	do	Do.
1. Yard paving	do	do	Do.
2. Runways and taxiways	do	do	Do.
3. Railway siding	do	do	Do.
4. Utilities	do	do	Do.
5. Fencing	do	do	Do.
(c-2) Land installation (off site)	do	No [1]	Do.
1. Access roadway	do	do	Do.
2. Railroad spur extension	do	do	Do.
3. Utilities extension	do	do	Do.
Schedule III—Machinery and equipment:			
(a-1) Machinery:			
1. Standard (general purpose machine tools):			
a. Metal cutting	Yes	Yes	Do.
b. Forming	do	do	Do.
c. Blanking	do	do	Do.
d. Riveting	do	do	Do.
2. Standard types for specific industry (i.e., electronic)			Do.
3. Special or single purpose machinery:			
a. Contractor designed	do	do	Do.
b. Noncontractor designed	do	do	Do.
4. Machine tool accessories:			
a. Tool holder	do	do	Do.
b. Tool attachment	do	do	Do.
5. Special tooling:			Yes.
a. Jigs and fixtures	No	No	Do.
b. Dies	do	do	Do.
c. Broaches, drills, milling, cutters, tool holders, grinding wheel dressers	do	do	Do.
d. Snap gages, height gages, calipers, etc.	do	do	Do.

[1] Except as specifically authorized in facilities contract.

SCHEDULE IV—PORTABLE TOOLS AND MATERIAL HANDLING AND AUTOMOTIVE EQUIPMENT

Item No.	Quantity	Description	Estimated cost	Date required
x	x	(a) Portable tools Portable electric and pneumatic tools. Total Schedule IV(a)	$ xxx,xxx xxx,xxx	x
x	x	(b) Material handling and automotive equipment: All automobiles, trucks and tractors used for transportation, and material handling vehicles such as lift trucks, trailers, etc. (See Subpart GG, of this Part.) Total Schedule IV(b) Total Schedule IV	xxx,xxx xxx,xxx	

SCHEDULE V—MACHINERY AND EQUIPMENT INSTALLATION COSTS

	Estimated cost
Schedule III(a-1)	$xx, xxx
Schedule III(a-2)	xxx, xxx
Schedule III(a-3)	xx, xxx
Schedule III(b)	xxx, xxx
Schedule III(c)	xx, xxx
Schedule III(d)	xx, xxx
Total Schedule V	x, xxx, xxx

NOTE: Individual item installation costs as set forth in Schedule III(a-1, a-2, a-3, b, c, and d) are to be excluded from Schedule III subtotals and totals. Such totals should be entered as Schedule V, Machinery and Equipment Installation Costs. Direct costs only are to be included in Schedule V. Indirect costs pertaining to installation are to be included in Schedule VI.

SCHEDULE VI—INDIRECT COSTS

(Set forth the estimated amount of indirect costs allocable to this expansion for which the contractors will request reimbursement, broken down by types.)

Include a brief explanation as to the contractor's proposed method of allocating indirect cost to the facilities work, which should conform with the requirements of Subpart G, Part 3 and Part 15 of this title. Proposed provisional rates for use should be shown if possible. Any deviation from contractor's method for allocating indirect costs on contractor-owned facilities should be explained and justified.

Total Schedule VI	$xxx, xxx
Grand total all schedules	x, xxx, xxx

5. Section 1013.2406 is revised as follows:

§ 1013.2406 Allowability of items under facilities and procurement contracts.

Section 13.402 of this title provides that the industrial facilities capital type costs are not allowable under procurement contracts without contractual authority. Section 13.101-6 of this title and § 1013.101-6 define what industrial facilities are. The list set forth in § 1013.2406-1 will assist in identifying industrial facilities items, or items chargeable to procurement contracts, and in making determinations as to allowability under specific contracts. Since industrial facilities are normally provided by the contractor, the inclusion of an item in § 1013.2406-1 as allowable under a facilities contract is no indication that the Government will provide it in any given case. Questions as to the proper classification of items not listed in § 1013.2406-1 will be decided by the contracting officer effecting the procurement, administering the contract, redetermining the price, or settling a termination. Decisions must be based upon application of the above cited definitions to the particular facts of each case. In doubtful cases the question should be referred to MCPBI, Hq AMC, with a complete explanation for resolution prior to proceeding with the item.

6. Section 1013.2406-1 is deleted and the following substituted therefor:

§ 1013.2406-1 List of items allowable under facilities and supplies contracts.

In plants of mixed ownership, government and private, allowability will be determined by ownership of the particular area involved.

Schedule	Facilities contract: Contractor-owned plant	Facilities contract: Government-owned plant	Supply contract
Schedule IV—Portable tools, material handling and automotive equipment—Continued			No.
(b) Material handling and automotive equipment:			
1. Forklift trucks	Yes	Yes	Do.
2. Tractor, warehouse	do	do	Do.
3. Trucks, standard types	do	Yes (totally Government owned plants only).	Do.
4. Fire trucks, crash	Yes (see Subpart GD of this part).	Yes	Do.
5. Trucks, gasoline	No	No	Do.
6. Sedans, station wagons	do	do	Do.
Schedule V—Installation costs (schedule III and IV items).	Yes	Yes	Yes (with suitable clause in supply contract, if no facilities contract).
Schedule VI—Indirect costs allocable to Government facilities.	Yes (if authorized by facilities contract in accordance with Part 15 of this title).	Yes (if authorized by facilities contract in accordance with Part 15 of this title).	No (except in accordance with special supply contract provisions as a substitution for reimbursement under the facilities contract when contractor's compliance with contractor's approved accounting system).
Other costs:			
Preproduction costs:			
Plant and office rearrangement. (Includes light fixtures, moving, etc.).	No	No	Yes.
Plant rehabilitation	do	Yes (II a-2)	No.
Plant layout and engineering costs.	do	No	Yes.
Plant reconversion costs	do	do	No.
Machine tool rehabilitation from Government Reserves (III a-3).	Yes	Yes	Yes (with suitable clause in supply contract, if no facilities contract).
Rehabilitation of privately owned property.	No	No	No.

7. Section 1013.2505 is added as follows:

§ 1013.2505 Reports.

(a) AMA's will be responsible for insuring the accomplishment and submission of monthly industrial construction progress reports, by prime contractors to Commander, AMC, attn: MCPBI for all "Major" construction projects.

(b) Industrial construction progress reports will be submitted, beginning as soon after the opening and analysis of the construction bids as possible and before construction is begun, then monthly thereafter until the project is completed. Progress reports will be submitted within 15 calendar days after the close of monthly reporting period and will cover construction activity for the preceding month. Reports will be submitted in sufficient copies to provide Hq AMC with two copies of the report. The reports will be no smaller than 8 x 10½ inches and no larger than 8½ x 15 inches, or folded to these sizes.

(c) The reports will be of three types: (1) Initial report will contain but is not limited to the following information.

(i) Project No. _____
(ii) Facility contract No. _____
(iii) Project title _____
(iv) Name of the facility (to include AF Plant No., if applicable).
(v) Location of the project.
(vi) Name and address of the architect-engineer.
(vii) Amount of the engineering fee, to include supervision and inspection of construction (yes)_____ (no)_____.
(viii) Designs and specifications:
(a) Completed by the engineering firm on (_____date_____).
(b) Air Materiel Area recommended approval on (_____date_____).
(c) Air Materiel Command approved (_____date_____).
(d) Submitted for bids (_____date_____).
(ix) A bid tabulation and analysis sheet marked to indicate the selected contractor, and any other appropriate comments.
(x) Date construction contract is to be awarded.
(xi) Type of contract (SFF, CPFF, other).
(xii) Explanation of why contract was awarded to low bidder (if applicable).
(xiii) Signature of responsible official _____
(Contractors)

(2) The monthly reports will contain but not be limited to the following information:

(i) A short narrative by the supervising engineer explaining the work progress or lack of progress. Problem areas where AF assistance might be beneficial should be included.
(ii) A short explanation of the funds which show the amount of the basic construction contract and major change orders with appropriate increases and decreases. A short explanation of the changes.
(iii) When applicable, a statement showing construction time extensions, with a short explanation for each one.
(iv) Photographs of significant steps in the construction (not necessarily required with each report).

(3) The final report will include but not be limited to the following:

(i) Contract No. _____
(ii) Project No. _____
(iii) Title of project _____
i.e., "Flight Hangar".
(iv) Name of the industrial facility being expanded.
(v) Location of the project (address).
(vi) Date of completion.
(vii) Date of acceptance by the air materiel area.
(viii) Final approved cost of the project.
(ix) Material used in construction (a general description).
(x) Description of specific materials.
(a) Carbon steel by S/Tons _____
Reinforcing bar _____
Other bar (including bar shapes) _____
Plate _____
Structural shapes (heavy) and piling _____
All other mill forms and products _____
Total carbon steel (including wrought iron) _____
(b) Alloy steel (except stainless) _____
(c) Nickel-bearing stainless steel _____
(d) Copper and copper base alloy mill products _____
(e) Copper wire mill products _____
(f) Copper and copper-base foundry products and powder _____
(g) Aluminum _____

(4) Report approved by BOB Approval No. 21–R134, which expires June 30, 1960.

NOTE: Forms are not specifically required in order that full use may be made of the reports submitted by the engineering firm supervising the construction. No locally designed forms will be established by AMC activities in connection with the reports prescribed herein. Each of the above types of reports should include items of special interest or importance to the specific construction job. Due to the variety of construction jobs in progress at any given time, it is considered appropriate to depend upon the supervising engineer to divide the individual projects into their important components.

Subpart AA—AFPI Form 81, "Status of Facilities Contract"

A new Subpart AA is added as follows:

Sec.
1013.2700 Scope of subpart.
1013.2701 Purpose of report.
1013.2702 Definitions.
1013.2703 Scope of report.
1013.2704 Responsibilities.
1013.2705 Submission of report.
1013.2706 Preparation of report.
1013.2707 Negative reports.
1013.2708 Security classification.

AUTHORITY: §§ 1013.2700 to 1013.2708 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1013.2700 Scope of subpart.

This subpart sets forth procedures relative to the submission of periodic status reports on facilities contracts.

§ 1013.2701 Purpose of report.

This report satisfies two requirements:

(a) It provides a substantial portion of the information for the DD Form 685, "Department of Defense Financed Production Expansion Projects," RCS: DD–COMP (SA)–174R1. The DOD report is required by the Office of the Assistant Secretary of Defense (Comptroller), OASD (Supply and Logistics), OASD (Properties and Installations), the Office of Defense Mobilization, and the Bureau of the Budget. The DOD report is used for planning and guidance, and to provide a basis for reports to Congress.

(b) It furnishes information for management of the Air Force industrial facility complex by Hq AMC.

§ 1013.2702 Definitions.

(a) "Advance Copy" is the specific AFPI Form 81 required for the quarters ending February and August to enable Hq AMC to meet established deadlines for reports to DOD.

(b) "Active Contract" is a facilities contract, funded or unfunded, under which the contractor is currently responsible and accountable for industrial facilities provided by the Government.

(c) "Fiscal Project" is a number used to categorize funds for a specific purpose within an appropriation (e.g., P–131, P–151, etc.) Fiscal Projects are defined in AFM 172–1 (Budget Code).

(d) "Long Form Contract" is a funded contract whereby contractors, subcontractors, or suppliers are authorized to purchase, fabricate, or otherwise acquire facilities for the account, and at the expense, of the Government. In addition, the Air Force may furnish facilities under such a contract from the reserve, from supply, or from surplus.

(e) "Short Form Contract" is an unfunded contract whereby industrial facilities are furnished by the Air Force to contractors, subcontractors or suppliers.

(f) "Obligated Funds" are funds on the contract that have been approved by the administrative contracting officer under the POOD procedure, or other obligations incurred by the contractor which are subsequently approved by the administrative contracting officer.

(g) "Committed Funds" represent the maximum amount of funds that have been authorized as available for obligation on the contract, i.e., the combined total of obligated and unobligated funds.

(h) "Unobligated Funds" represent the difference between the committed funds on the contract and the obligated funds.

§ 1013.2703 Scope of report.

The report will be prepared for two basic types of facilities contracts:

(a) *Long form contract; funded.* Report will cover industrial expansions financed from the following Fiscal Projects:

Fiscal project	Title	Applicable funds
131	Industrial facilities	1951–1956.
150 Series	(Industrial facilities)—guided missiles.	1951–1956.
151	Industrial facilities	1957–Subsequent.
152	Industrial facilities	1957–Subsequent.
180 Series	Industrial mobilization	1951–1956.
200 Series	Procurement other than A/C.	1951–Subsequent.
300 Series	Military public works	1951–Subsequent.
400 Series	Operations and maintenance.	1951–Subsequent.
600 Series	Research and development	1951–Subsequent.
900 Series	Mutual defense assistance program.	1951–1956.

(b) *Short form contracts; not funded.* The report will be prepared for each contract authorizing the use of AF industrial equipment.

§ 1013.2704 Responsibilities.

(a) Hq AMC will designate specific supplements of contracts for which separate reports are required and utilize AFPI Form 81, "Status of Facility Contract," for reporting to higher authority and for management of the Air Force facility complex.

(b) AMA's will utilize AFPI Form 81 for management purposes and establish controls to assure receipt of all reports on time at Hq AMC.

(c) APD's and AFPRO's will be responsible for reviewing and approving AFPI Form 81.

(d) Administrative contracting officers will be responsible for verifying adequacy and accuracy of contractor provided information on AFPI Form 81. Administrative contracting officer will complete section VI and sign in appropriate space.

(e) Ballistics Missile Office will review reports under their jurisdiction prior to submission to Hq AMC.

(f) RDSKM, Hq ARDC, will review AFPI Form 81 on Research and Development contracts under their jurisdiction.

(g) Air Force contractors will prepare AFPI Form 81, "Status of Facilities Contract" under authority of the Bureau of Budget Approval Number 21–R134 (which expires June 30, 1960) and the "Reports" clause of the facilities contract.

§ 1013.2705 Submission of report.

(a) Reports required:

(1) *Long form contracts*—(i) *Summary report.* One AFPI Form 81 is required for each active contract in summary.

(ii) *Supplemental report.* Some contracts, due to the products involved, will require more than the summary report. These supplemental reports will be identified by specific supplements to the contract. In such cases, each applicable contractor will be advised by the administrator contracting officer on advice from Hq AMC. Supplemental reports will continue until such time as it is determined that the projects covered are to be consolidated and formal noti-

fication sent to the contractor. Instructions for completing reports on individual supplements or group of supplements are contained in § 1013.2706(h).

(2) *Short form contracts.* One AFPI Form 81 is required for each active contract in summary.

(b) Frequency: AFPI Form 81 is required quarterly as long as the contract is active.

(c) As of date: AFPI Form 81 will be prepared as of the end of each quarter (February 28, May 31, August 31, and November 30) for each active facilities contract.

(d) Due date: AFPI Form 81 will be submitted in quintuplicate to the administrative contracting officer to arrive not later than the 10th calendar day following the end of the quarter reported. The administrative contracting officer will forward the report through channels to the Commander, AMC, to arrive not later than the 20th calendar day following the end of the quarter reported.

(e) Due date: ARDC administered contracts, AFPI Form 81 will be submitted in quintuplicate to the administrative contracting officer to arrive not later than the 10th calendar day following the end of the quarter reported. The administrative contracting officer will forward two copies to the Commander, ARDC, to arrive not later than the 20th calendar day following the end of the quarter reported. In addition to these two copies, the administrative contracting officer will forward two copies to the Commander, AMC, to arrive not later than the 20th calendar day following the end of the quarter reported.

(f) One of the five copies of AFPI Form 81 submitted to the administrative contracting officer will be forwarded directly by the administrative contracting officer to Hq AMC for the quarters ending February and August to enable Hq AMC to meet established deadlines for reports to the Department of Defense. This advance copy will be marked (ADVANCE COPY) in bold type in the top center of the form and forwarded directly to the Commander, AMC. Air mail will be used for locations west of the Rockies and Florida. Simultaneously, the formal report will be forwarded through channels.

(g) AFPI Form 81 is not required for facility leases.

(h) Reports control symbol: This report will be prepared under the authority of RCS: DD–COMP (SA) 174 R1 (AMC–1) and BOB Approval No. 21–R134 (which expires June 30, 1960).

§ 1013.2706 Preparation of report.

(a) Heading will be completed as follows:

(1) *"Thru" (AMA).* The administrative contracting officer will enter the AMA through which the report will be forwarded.

(2) *"From" (APD or AFPRO).* The administrative contracting officer will enter the applicable APD or AFPRO.

(3) *"Contractor's name and address".* Enter the name and address of the contractor for which this report is being prepared.

(4) *"Location of facilities."* Enter the name of the city and state in which the facilities are located.

(5) *"Plant ownership."* Enter an "X" in the appropriate block to indicate the ownership of the facilities.

(6) *"Contract No."* Enter the AF contract number which has been assigned by Hq AMC, i.e., AF33(600)–1234.

(7) *"Supplemental agreement No.(s)."* Enter the applicable supplement number(s) which comprise a specific expansion as identified by the administrative contracting officer on advice of Hq AMC.

(8) *"Reports control symbol."* Enter DD–COMP (SA)–174R1 (AMC–1).

(9) *"As of date."* Enter the as of date of preparation of this report.

(b) Section I, Inventory information, will be completed by the contractor as follows: (All dollars are to be reported in thousands.)

(1) *Line 1. "On contract supplemental agreement(s)."* Insert the net funds (FY 51 and subsequent year funds only) that have been committed for this contract or supplement. See paragraph (a) (7) of this section. Such committed funds will consist of funds originally placed on contract less removals and/or additions provided by supplemental agreements or administrative notice. This amount will represent the total funds available for obligation purposes.

(2) *Line 2. "Authorized by administrative contracting officer."* The total amount authorized by the administrative contracting officer will be considered as the valid obligation (Section 1311, Public Law 663). Likewise, this amount will be periodically adjusted to cover contractor-incurred obligations for items for which advance administrative contracting officer approval is not required. In both cases, such items will be covered by the issuance of DD Form 1155. In no instances will the amount(s) inserted in line 2 exceed the amount reflected in line 1.

(3) *Line 3. "Reimbursed to contractor."* Insert the total amount of funds that the contractor has received to date.

(4) *Line 4. "Amount of Line 2 declared surplus."* Normally entries will appear within Schedules III and IV only. However, listed acquisition costs of any items in Schedules I–V inclusive, outshipped will be included in this line.

(5) *Line 5. "Amount of Line 2 in place."* Enter the cumulative acquisition cost of facilities acquired under this facilities contract or supplement which are "in place" as of the date of preparation of this report. Where subcontractors are being, or have been, expanded through the prime contractor's facility contract, the "in place" value (both the prime and subcontractors) will be carried in this line item, using the back of this report to list the "in place" value located at each subcontractor's plant until such time as separate facilities contracts are negotiated with the subcontractors.

(6) *Line 6. "Value of industrial reserve equipment."* Enter the cumulative dollar acquisition value of facilities in place furnished from the Air Force Reserve (if any). Enter unfunded land and buildings acquired for use on this contract as appropriate under Schedules I and II. Enter the valued Reserve (unfunded) machine tool under "Schedule III, Machine Tools." Enter other Schedule III items under "Schedule III, All Other." Equipment purchased from FY–50 and prior year funds that may have been provided on the contract which is stocklisted will also be reported on this line. This line is to provide the total stocklisted equipment plus (unfunded) land and buildings accountable under the contract that is in place.

(7) *Line 7. "All other Air Force industrial equipment."* Enter the cumulative dollar value of all facilities in place accountable under contract (regardless of source) for which the report is prepared not included in line 5 and 6. Include on this line the dollar value of funded (purchased) facilities (land, buildings, and nonstocklisted equipment) provided on the contract from FY–50 and prior year funds that are in place as well as unfunded nonstocklist surplus, or property received from supply, as acquired via a supply contract. All items funded with FY–51 and subsequent years funds will be reflected under lines 1 through 5 only.

(8) *Line 8. "Total Air Force facilities in place."* This line is a total of lines 5, 6, and 7.

(9) *Column B. "Schedule I, Land and land preparation."* Entries on lines 1 through 8 represent facilities in Schedule I as defined in § 1013.2404.

(10) *Column C. "Schedule II, New construction."* Entries on lines 1 through 8 represent new construction included in Schedules IIa and IIb as defined in § 1013.2404.

(11) *Column D. "Schedule II, Rehabilitation of buildings."* Entries on lines 1 through 8 represent the cost for rehabilitation of existing structures included in Schedule IIa and IIb as defined in § 1013.2404.

(12) *Column E. "Schedule II, All other."* Entries on lines 1 through 8 represent Schedule II facilities, as defined in Appendix A guide form in § 1013.2404, and not included in one of the two preceding columns.

(13) *Column F. "Schedule III, Machine tools."* Entries on lines 1 through 8 represent the value of machine tools includable in Schedule IIIa–1 as defined in Appendix A guide form in § 1013.2404. "Machine Tools" as used in this report are those items of machinery found in Standard Commodity Classification 3411 through 3419 and 3441 through 3449.

(14) *Column G. "Schedule III, Rehabilitation of machine tools."* Entries on lines 1 through 5 and 8 represent the costs of rehabilitation of used machine tools included in Schedule IIIa–1, as defined above.

(15) *Column H. "Schedule III, Laboratory and test equipment."* Entries on lines 1 through 8 represent the costs of laboratory and test equipment includable in Schedule III–C as defined in § 1013.2404.

(16) *Column I. "Schedule III, All other."* Entries on lines 1 through 8 represent Schedule III facilities, as defined in Appendix A guide form in § 1013.2404, and not included in one of the three preceding columns.

(17) *Column J. "Schedule IV, Material handling and automotive equipment."* Entries on lines 1 through 8 represent facilities in Schedule IV as defined in Appendix A guide form in § 1013.2404.

(18) *Column K. "Schedule V, Machinery and equipment installation costs."* Entries in this column represent the installation cost of Schedule III and IV items. Cost of installation of Schedule III and IV items entered on lines 6 and 7 items will also be entered in column K, lines 1 through 5 and 8. Do not use lines 6 and 7 in column K.

(19) *Column L. "Schedule VI, Indirect costs."* Enter the cumulative value of indirect costs which may be authorized under a facilities contract. This column is applicable to lines 1 through 5 and 8 only.

(20) *Column M. "Storage and preparation for shipment costs."* Enter cumulative amount of funds applied for storage and preparation for shipment costs. Funds for this purpose are normally added to a contract by a specific supplement for this purpose.

(21) *Column N. "Total."* Enter total for each line 1 through 8, for each of the preceding 10 columns. This is the total for subparagraphs (1) through 8 of this paragraph.

(c) Section II, Production information, will be completed by the contractor and is designed to provide time schedule information, production rates, and production capacity concerning the contract reported upon. This section is not applicable to research and development contracts, however, a note to this effect should be contained therein. Specific instructions for completing each of the items included are as follows (be sure to indicate the type of units used):

(1) *"Product or program."* List the major products and/or programs currently applicable to this contract. A major product or program means for example a B–52, J–47, Bomarc, etc. Components of engine, airframes, etc., will not be listed individually unless there is only one item on the contract. In the case of various and assorted products, they will be grouped and in lieu of item production data dollar data will be used. Each of the succeeding columns will be completed regarding each individual product/program listed in this column.

(2) *"Expansion was initiated."* Enter the date the contract (supplement) became effective.

(3) *"Earliest date production available."* Enter the earliest date in which the funds provided for this product or program will result, or did result, in the first production. This is the earliest date of initial, but not necessarily full capacity, production. If a past date, enter the actual month and year (do not use terms such as "active" in place of the past date); if a future date, enter the current forecast.

(4) *"Substantial completion of expansion."* Enter the month and year in which the expansion was, or will be substantially completed and available for capacity production. Enter the actual past date or forecast future date.

(5) *"Direct manufacturing hours expended."* Enter the total direct manhour manufacturing hours expended on each product or program listed in column (c)(1).

(6) *"Current production rate."* Enter the current monthly production of the items listed in the preceding column, or, in the case of numerous miscellaneous CFE items (e.g., AN fittings, or sleeve bearings), enter the dollar value of the production, or, as in the case of engine components or various airframe components, in terms of engine or ship sets produced.

(7) *"Highest monthly production rate; next six months."* Enter for each product or program the maximum production scheduled within any 1 month of the next 6 months.

(8) *"Highest monthly production rate; life of supply contract."* Enter for each product or program the maximum production scheduled within any 1 month for the life of the supply contract.

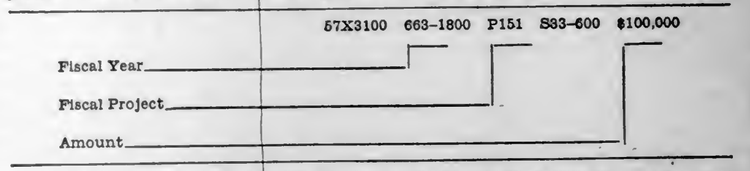
(9) *"Shift capacity month before expansion; single shift."* Enter the monthly production capacity for each product or program of this facility before the expansion, i.e., prior to the capacity created by the funds shown in line 1 of Section I, on a single shift, 40-hour-per week basis.

(10) *"Shift capacity month after expansion; single shift."* Enter the estimated monthly single shift production capacity for each product or program of this expansion after 100 percent completion of the contract. This figure should be the production obtainable on a single shift basis from the former existing facilities plus the production obtainable from the added facilities.

(11) *"Shift capacity month after expansion; multiple shift."* Enter the estimated monthly production capacity for each product or program under all-out emergency conditions after facilitization under this expansion is 100 percent complete. Since one plant may operate on a full 3-shift, 48-hour week, a second plant may operate on a 2-and-a-fractional-shift basis, and a third plant may operate on a straight 2-shift basis, it is impossible for users of this report to apply a uniform factor to determine the maximum production capacity. Therefore, to determine the maximum production capacity after expansion, the reporting contractor will estimate separately for each product or program the maximum output which the plant will be capable of producing when employing the maximum number of shifts practicable.

(d) Section III, Fiscal information, will be completed by the administrative contracting officer and provides specific fiscal information relative to the contract. (All dollars are to be reported in thousands.)

(1) *"Funds on contract."* Enter the fiscal year, fiscal project, and the cumulative net amount of funds committed on the contract. See § 1013.2703(a) and paragraph (b)(1) of this section. The total of all years and projects must equal the total of Line 1, Section I. This information can be obtained from the appropriation citation on the DD Form 1155. For example:



(2) *"Forecast of funds to be authorized by administrative contracting officer."* The difference between lines 1 and 2, Section I, column N, is considered as the total amount of funds available for obligation. The total obtained in this manner will be broken down by fiscal year and fiscal project as reflected under the heading "Funds on Contract." Enter the total amount for each year opposite the applicable fiscal year and record the total at the bottom of the column in the appropriate block. If no funds are to be forecast a zero (0) should be entered. Each amount entered by fiscal year and project will be time-phased under the appropriate column. If any of the funds on the contract will not be required, the dollar amount will be recorded by fiscal year and project under the column, "Anticipated Surplus" and totaled for all years in the block at the bottom of the column. It is essential that the amount of excess funds be reported to Hq AMC.

(e) Section IV, Delivery information (all dollar figures are to be reported in thousands), will be completed by the contractor and provides information concerning future deliveries of facilities type items by the contractor. A forecast of the dollar value of deliveries of facilities type items is to be entered in this section under the time intervals indicated. Under the heading "Actual Deliveries" enter the actual deliveries by month for the preceding 3 months.

(f) Section V, Contractor approval, provides information regarding investments made by the contractor and approval of the report.

(1) *"Proposed contractor investment."* Enter the cumulative dollar value (in thousands) of proposed investments to support this contract or supplements.

(2) *"Estimated contractor investment to date."* Enter the estimated cumulative dollar value (in thousands) of contractor investments to date in support of this contract or supplement.

(3) *"Contractor approval."* Enter the date of signature, signature, and title of the company or corporate official approving the report.

(g) Section VI, Air Force approvals, will be completed by AF personnel and deals with disposition of the facilities and approvals of the report.

(1) *"Disposition of facilities."* Use this part of the report at such time as formal disposal of facilities is started. It is expected that during the life of the supply contract that some funded facility items will be declared excess and the dollar value of same entered in Section I, line 4. However, declaration of excess from time to time during life of supply contract does not warrant usage of Section VI. This section will normally be used subsequent to the time when the total of line 3 equals total of line 1. When all facilities are declared excess, the following information will be completed by the administrative contracting officer:

(i) "AMA recommendation." Indicate the data called for by placing an "X" in the appropriate square according to definition given for each numbered item. Placement of "X" by administrative contracting officer denotes current plan regarding the disposition of the facilities upon termination of current supply contract. If the plan calls for more than one mode of disposition to be applied to the buildings or tools, or both, indicate by placing an asterisk in the block preceding the applicable number code and explain under remarks (Example: Tools, 2; Bldg. 3). A capital "A" appended to the numerical code denotes instances where the disposition of the facilities has been substantially accomplished. The meaning of the code is as follows:

(*a*) To be maintained or stored on or adjacent to present site by contractor or Government.

(*b*) Machinery and equipment to be removed to central storage.

(*c*) To be sold or leased subject to the National Security Clause.

(*d*) To be declared excess to the needs of the reporting AMA.

(*e*) No plan at present.

(*f*) Other (explain under remarks).

(ii) Enter under "Date Started" the date upon which the disposition of facilities was started. A note should be made in the "Remarks" block if a separate contract has been awarded for the accomplishment of the disposition.

(iii) Enter under "Date Completed" the date upon which the disposition of facilities has been completed.

(2) *"ACO approval."* The administrative contracting officer, upon review and approval of data entered by contractor in Sections I, II, IV, and V and upon entry by the administrative contracting officer of data in Section VI, will sign the report.

(3) *"AMA approval."* AMA designated personnel will review and approve the report prior to submission to the Commander, AMC.

(h) Supplemental reports: When a contractor is advised by the administrative contracting officer that separate reports are required for specific supplements or groups of supplements the following information will be included:

(1) Heading: All blocks will be completed.

(2) Section I lines 1 through 5 for all columns will be completed. Lines 6 through 8 will be omitted.

(3) Section II will be omitted.

(4) Section III will be completed by contractor.

(5) Section IV will be omitted.

(6) Section V will be completed by contractor.

(7) Section VI will be completed by the Air Force.

§ 1013.2707 Negative reports.

An AFPI Form 81 will be submitted each quarter for the life of the contract. When there is no change in the previous report submitted, a report is required nevertheless. Photostats are permitted. When a program within a contract (Supplement or group Supplements) is complete, i.e., the facilities are no longer in place for use on the program, a complete report will be forwarded and no future reports will be required for the particular item or program.

NOTE: All facilities must be transferred to a new program or shipped from the facility.

§ 1013.2708 Security classification.

Each report will be classified (or left unclassified) as necessitated by the inclusion of production information in section II. The information required in section II must be included in the report.

Subpart BB—Factual Appendices

Subpart BB is deleted.

Subpart II—Accelerated Tax Amortization

A new Subpart II is added as follows:

Sec.
1013.3501 Scope.
1013.3502 General.
1013.3503 Definitions.
1013.3504 Policy.
1013.3505 Air Force criteria for determining necessity.
1013.3506 Responsibilities.
1013.3507 Field review of applications.
1013.3508 Review of appeals.

AUTHORITY: §§ 1013.3501 to 1013.3508 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1013.3501 Scope.

The Air Force is authorized to review applications for Certificates of Necessity and provide recommendations relative to essentiality of contractor's proposed expansions in support of AF programs. This subpart provides the information required by the various affected echelons who are assigned responsibilities in order that an AF position can be developed for each application.

§ 1013.3502 General.

(a) The Office of Defense Mobilization is the agency designated by Executive Order 10480, August 14, 1953, as amended, to carry out the provisions of section 168 of the Internal Revenue Code of 1954, as amended by Public Law 85–165, with respect to applications for Certificates of Necessity to permit rapid tax amortization.

(b) The Office of Defense Mobilization has closed all expansion goals and restricted the granting of Certificates of Necessity to direct defense needs, under ODM Regulation 1A, March 3, 1958.

(c) Normally, specific AF recommendations for support or nonsupport on individual cases will be made to ODM only when the application involves expansion of eligible facilities in which the Department of the Air Force has the primary interest.

(d) Reports, letters, correspondence, etc., prepared by AF personnel in connection with applications will bear Reports Control Symbol DD–S&L(EXR)75.

§ 1013.3503 Definitions.

(a) "Necessity Certificate" means a certificate made by the Certifying Authority pursuant to section 168(e)(2) of the Internal Revenue Code of 1954, certifying that the construction, reconstruction, erection, installation, or acquisition of the facilities referred to in the certificate is to be used:

(1) To produce new or specialized defense items or components of new or specialized defense items (as hereinafter defined) during the emergency period.

(2) To provide research, developmental, or experimental services during the emergency period for the Department of Defense (or one of the component departments of such Department) or for the Atomic Energy Commission, as a part of the National Defense program, and stating the portion of the adjusted basis thereof which has been determined to be attributable to defense purposes within the meaning of such section 168(e)(2) for computing the amortization deduction under section 168(a).

(b) "Emergency period" means the period beginning January 1, 1950 and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which Necessity Certificates have been made is no longer required in the interest of National Defense.

(c) "Certifying Authority" means the Director of the Office of Defense Mobilization.

(d) "Emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1949 and with respect to which a Necessity Certificate has been made.

(e) A "new defense item" means a new product or material (excluding services) which was not in regular production prior to January 1, 1957 and which is, or it is expected will be, produced for sale to the Department of Defense (or one of the component departments of such Department) or to the Atomic Energy Commission to meet current or currently foreseeable requirements and for which it is anticipated there will not be any substantial civilian market. This definition also applies to a "new component" of a new defense item.

(f) A "specialized defense item" mean a product or material (excluding services) for which it is anticipated that there will not be any substantial civilian market and which is, or it is expected will be, produced for sale to the Department of Defense (or one of the component departments of such Department) or to the Atomic Energy Commission to meet current or currently foreseeable requirements. This definition also applies to a "specialized component" of a new defense item.

(g) A facility has "specialized defense features," if its design, construction, location, or other comparable special DOD requirements for the facility are controlled solely by consideration of national defense. This means that, above and beyond the usual technical requirements of facilities for the required production, an underground site, protective construction, etc., is warranted and can be justified.

(h) "Regular production" means that the item or component has been produced in quantities exceeding those for experimental or test purposes, or on other than a pilot line basis.

(i) Except as services may be included within "research, developmental, or experimental services," the word "services" means provision of transportation, storage, communications, power, water, fuel, sewerage, heat, refrigeration, and other similar ancillary activities and materials, and excludes production processes, such as fabricating, assembly, testing, retrofit or modification, and irradiation of materials.

(j) "Substantial interest" means that at least 75 percent of the output of the proposed facilities will be for defense prime or subcontracts, or the specific facilities are of such importance to the DOD that Government appropriations would have to be requested for comparable facilities if not provided by investments of private capital.

(k) "Suitability" of existing facilities of a contractor, or those available within his segment of industry or a particular region to produce an item or material, means the capability of the facilities to produce direct defense program requirements for new or specialized defense items according to definition of new or specialized items. Existing facilities which can produce item, though inadequate to produce total requirement, or currently unavailable, can still be considered suitable.

§ 1013.3504 Policy.

(a) *Eligible facilities.* The general policy of ODM is that tax amortization will be granted only to applications eligible under Public Law 85–165 and recommended by the Department of Defense or the Atomic Energy Commission. The general policy of the Department of the Air Force is to recommend approval of specific applications only when there are no suitable facilities to meet AF requirements for new or specialized items or for AF research and development programs.

(b) *Production facilities.* The ODM will certify only those production facilities necessary to support military and AEC procurement needs to meet current or currently foreseeable requirements for new or specialized defense items, i.e., military type end items, and special components or special materials peculiar thereto, for which no substantial civilian market is anticipated. The Air Force will recommend favorable consideration of individual applications for expansion of production capacity only when there is an apparent need for the proposed expansion to meet DOD program objectives, and there is no known capacity capable of producing the product. Where facilities exist which could produce a defense item, regardless of the availability of such facilities for the required rate of production, tax amortization for new facilities will not be supported. An exception may be made if there is justification for requiring facilities with special defense features, such as design, construction, location, or the need for their being built underground, etc., and no facilities with the required features are available.

(c) *Research and development facilities.* ODM will certify only those research and development facilities which support military or AEC research and development programs. The Air Force will comment as to the necessity for expansion by an individual applicant only when there is a direct or substantial AF interest in the research or development to be performed by the applicant.

(d) *Dispersal.* The industrial dispersal policy expressed in DOD Directive 5220.5 will be applied to tax amortization cases. Generally, the Department of the Air Force will not recommend waiver for the proposed location unless there is sufficient justification, based on the urgency of military requirements, for such location.

(e) *Ineligible facilities.* In general, the following types of facilities will not be considered for support or recommendation:

(1) The acquisition of the productive assets of a going concern or of previously acquired facilities unless:

(i) Clear prospect of a substantial increase in the usefulness of such facilities for national defense exists and such increase cannot be obtained by other practical means.

(ii) Substantial loss of usefulness for national defense would probably result in the absence of such acquisition.

(2) The construction, reconstruction, erection, installation, or acquisition of that part of a facility which is or will be used in lieu of existing facilities, except to the extent considered extraordinary and necessitated by reason of the Emergency.

(3) Facilities acquired from the Government.

(4) Facilities constructed or acquired for purpose of leasing to a defense contractor.

(5) Facilities for the provision of "services" unless:

(i) Such services are an integral part of the production or research and development facility.

(ii) Constructed for or acquired by the same taxpayer who owns the production or research and development facilities.

(iii) The production or research and development facility is itself eligible.

(6) Production facilities constructed or acquired for mobilization reserve purposes, as distinguished from facilities designed to meet current or currently foreseeable defense production needs.

(7) The construction of any facility unless located, insofar as practicable, so as to reduce the risk of damage in the event of attack.

(f) *Contractor appeals.* It is not a function of the Air Force to assist contractors in their appeals from the amortization percentage granted by Office of Defense Mobilization since there is no AF participation in the percentage determination (see § 1013.3508).

§ 1013.3505 Air Force criteria for determining necessity.

(a) Determine if facilities requested are:

(1) For a new defense item or component thereof (produced for the first time subsequent to January 1, 1957).

(2) For the production of a specialized defense item (a product or material, excluding services, for which it is anticipated that there will not be any substantial civilian market).

(3) Necessary because of specialized defense features involved in a facility(ies) design, construction, location, or other comparable features are controlled solely by considerations of national defense.

(4) For research, development, or experimental services for the Department of Defense.

(b) If facilities involved fall in one or more of the four categories in paragraph (a) of this section, then a determination must be reached that existing facilities are unsuitable. (The unsuitability of existing production facilities will be determined from a consideration of whether the item or component could be produced with existing facilities without regard to whether or not existing facilities are available and/or adequate for the required rate of production. Regarding research, developmental or experimental programs; facilities required to support DOD programs (other than civil functions) will be supported if DOD has a direct or substantial interest. Further, if the applicant does not have DOD contract(s) for the work, facilities will be supported only when the research and development can be associated with and is complementary to an identifiable DOD research and development project or program.)

(c) Current or currently foreseeable requirements: Recommendations will be restricted to the maximum output consistent with providing suitable facilities to meet current or currently foreseeable AF requirements. All recommendations for AF approval of specific applications must be based on the need for additional facilities for AF procurement of new or specialized items or research and development programs for the Air Force. Facilities acquired solely for increased efficiency, convenience, or economy are not certifiable and will not be recommended for favorable consideration.

(d) Dispersal regarding the industrial security program will be examined for each application. For the item or type of production involved, conclusions must be reached as to extent and adequacy of dispersal on a nationwide basis. If it is decided that a waiver should be requested for dispersal criteria, the reasons given must be sound and irrevocable. Included in AMC recommendations will

be a statement covering population, contours, possible industrial damage, and proximity to key installations, both industrial and military.

(e) Additional production capacity may be supported if a shortage of suitable facilities exist to the degree that the utilization of an additional increase in shift operations is impracticable if the initial rate established by the Air Force was predetermined to be but one of several increments to bring the production to a specific, higher planned regular production rate (although the contractor may not have been aware of this fact).

§ 1013.3506 Responsibilities.

(a) The Chief, Industrial Readiness Branch, Production Division, Hq USAF, will monitor the program for the Air Force. This includes the following actions:

(1) Develop policy guidance.

(2) Determine which cases will be processed by the Air Force.

(3) Transmit cases considered to be of interest to the Air Force to AMC for analysis, comments, and recommendations.

(4) Effect necessary liaison at departmental level with the Departments of the Army and Navy, OASD (S&L), the delegate agencies, ODM, and other Government agencies as may be necessary.

(5) Prepare and coordinate at Hq USAF level recommended final Air Force positions on cases for signature at Secretarial level.

(b) AMC Aeronautical Systems Center will:

(1) Monitor the program at Command level, including coordination with ARDC, ARDC components and other Commands, as necessary. The Chief, Industrial Facilities Division (LMBI), ASC, will monitor the program for AMC.

(2) Provide guidance and technical supervision for personnel preparing comments and recommendations on applications.

(3) Analyze replies from field, requirements data, and other information pertinent to application on basis of criteria outlined in § 1013.3505, and send recommendation as to disposition of application to Hq USAF, attn: AFMPP-PD over the signature of the Chief of Industrial Facilities Division (LMBI), within 30 days after initial receipt at AMC. In the event this time limit cannot be met, provide Hq USAF written notice giving reasons for delay and the extension of time required.

(4) Submit a courtesy copy of the LMBI internal Weekly C/N Status Report for the 4th week of each month, to Hq USAF, attn: AFMPP-PD. It will be transmitted to reach Hq USAF no later than the 6th workday of the ensuing month.

(c) AMC's field office personnel will prepare comments and recommendations on applications upon request of LMBI.

(d) Hq ARDC will provide required information and comments to LMBI, including information necessary from its subordinate organizational components.

§ 1013.3507 Field review of applications.

(a) For each case submitted by LMBI to field personnel, appropriate comments and recommendations will be prepared. Definitions, policies, and criteria stated in §§ 1013.3503, 1013.3504, and 1013.3505, will be fully considered.

(b) Requests from LMBI for comments and recommendations on contractors' applications will be directed to the air procurement district chief, or AF plant representative having responsibility for obtaining the information, with a copy of the request forwarded to the cognizant air materiel area. Requests will contain identification number, contractor's name, address, and dollar value.

(c) In preparing recommendations to C/N's, consideration will be given to the following factors, and the comments to LMBI will include relevant statements:

(1) Has a DOD requirement been established and verified for the product or research and development work to be accomplished on the facilities for which the certification for rapid amortization is requested?

(2) If facilities requested are in support of research and development, what percentage of the applicant's existing capacity is devoted directly to DOD interests and what percentage is devoted indirectly or is of substantial interest to DOD?

(3) Why existing facilities are unsuitable to accomplish the military procurement? In some cases the peculiarity of the item may be so special that capacity has never before been developed. If the applicant is a subcontractor, a statement should be obtained from the prime that he has not been able to locate suitable capacity.

(4) What is magnitude in thousands of dollars of the applicant's DOD order board and what percent has been completed? Is there available capacity within the geographical area or known capacity within the United States to accomplish all or a portion of the applicant's order board?

(5) What has been Air Force or other military services experience with applicant's qualifications for manufacturing or research and development capabilities? Such factors as performance, quality control, delivery schedule, and/or proprietary items should be considered.

(6) Does procurement experience indicate there is no suitable capacity to produce required items? Normally, the end item must have some specialized defense feature which involves facilities not normal to commercial production.

(7) Does a special military urgency exist which necessitates expansion of existing capacity?

(8) What other factors were investigated or provided by the applicant which indicate a definite need for the expansion to fulfill military requirements?

(d) Comments and recommendations regarding each case will be forwarded to LMBI within 8 working days after receipt of request. If the deadline cannot be met, due to causes which are beyond the control of the responsible field office, LMBI will be notified immediately by electrically transmitted message as to inability to comply and date comments will be submitted.

§ 1013.3508 Review of appeals.

Cases which are denied by the Certifying Authority and are appealed by the applicant will be reviewed when it is believed additional facts warrant such a review. Appropriate AMC comment will be forwarded on such cases upon request of Hq USAF.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1014—INSPECTION AND ACCEPTANCE

1. Section 1014.000 is added as follows:

§ 1014.000 Scope of part.

This part sets forth basic policies to achieve the most efficient use of facilities and services concerned with procurement quality control; that is, inspection, testing, and acceptance of equipment, material, and supplies procured by the Air Force.

2. In § 1014.001, paragraph (b) is revised, and paragraphs (c) and (d) are added as follows:

§ 1014.001 General policy.

(a) • • •

(b) Conformance with contractual requirements of supplies presented to the Air Force will be determined on the basis of objective quality evidence. Such evidence will be obtained by the contractor and will be evaluated and verified by the AF quality control representative (AFQCR) exercising surveillance over the contractor's facility. The AFQCR will make optimum use of the inspection records of examinations and tests performed by or for the supplier in determining acceptability of supplies. Objective evidence may also be obtained independently by AF quality control personnel. This evidence will be used to the extent necessary to verify evidence of quality submitted by the contractor, or it may be used to determine acceptability of supplies on an individual or lot basis.

(c) Government verification inspection will be planned to promote adequate assurance of quality by the most efficient use of the inspection resources of the military departments. The extent of Government verification inspection will be adjusted to reflect the following factors:

(1) Possible effect of item failure on the safety of personnel.

(2) Tactical or strategic importance of the item.

(3) Complexity of the item and the need for high reliability of the item and its components.

(4) Demonstrated quality of the contractor's initial production.

(5) Pertinency, completeness, and reliability of the supplier's inspection records.

(6) Previous quality history of the supplier's product.

(7) Technical importance of the item.

(8) Unit cost of the item.

(d) Government inspection to determine compliance with any requirement of the specification not covered under the quality assurance provisions and other technical requirements of the contract will be conducted to the extent deemed necessary by the military inspecting activity having cognizance at the supplier's plant.

Subpart A—Inspection

1. Sections 1014.100, 1014.101 and 1014.102 are deleted and the following substituted therefor:

§ 1014.100 Definitions.

The terms used in the AF quality control program have specific meanings which must be understood to implement properly the quality control policy.

(a) *"Quality."* The quality of any material is defined in terms of its specific characteristics. These characteristics, called quality characteristics, are simply those properties of a material that one may measure, or at least observe.

(b) *"Product inspection."* Product inspection consists of inspection tests or examinations of the physical and functional characteristics of parts, assemblies, and completed products and, generally, is the responsibility of the supplier.

(c) *"Evidence."* Evidence is any information which is used in ascertaining the condition or status of products or processes. Evidence must be expressed in terms of specific characteristics pertinent to the acceptability of a product.

(d) *"Objective."* When the quality evidence is of a kind that can be fully checked (verified), such information is said to be objective. Any statements of fact which are: (1) Pertinent to the quality of a product and (2) based on observations, measurements, or tests which can be verified, constitute evidence which is objective.

(e) *"Quality control surveillance."* The determination and continuing appraisal by the Air Force of the contractor's methods and procedures for control of his production elements affecting product quality. By careful analysis and systematic planning, AF surveillance will be arranged to yield the best possible information on the contractor's overall control of quality.

(f) *"Product identification."* A determination of the products which are to be inspected and an identification of the processes involved in order that AF quality control operation can be planned.

(g) *"Product inspection surveillance."* The determination by the Air Force that the contractor's testing procedures and operations for examination of the chemical, physical, and functional characteristics of the product are being performed and satisfy contractual requirements.

(h) *"Product verification inspection."* Verification is product inspection performed by the Government inspector for the purpose of verifying the supplier's compliance with the quality assurance provisions of specifications and other contract technical requirements.

§ 1014.101 General.

Most military contracts contain a standard inspection clause which requires that the contractor provide and maintain an inspection system acceptable to the Government. To provide a uniform standard for an acceptable quality control system, the Air Force has issued Specification MIL–Q–5923 (USAF), "Quality Control Requirements, General" (MIL–Q–7640 for chemicals) which specifies the general requirements for an acceptable contractor's quality control system. Specification MIL–Q–5923 will normally apply to AF contracts for items or procurements other than those classes exempted by the specification. Any change to the requirements within the specification or deletions desired but not covered by paragraph 1.2 of the specification will be submitted for coordination and approved by MCQ, Hq AMC.

(a) Where Specification MIL–Q–5923 is not applicable or not in effect, the following procedures will be employed to determine acceptability of the contractor's inspection system:

(1) Contractors will provide and maintain an acceptable inspection system together with the results of their inspection. The contractor will be required to make available to the inspector written descriptions of the inspection system including samples of records of all inspection work. This description will describe the contractor's actual inspection operations and will be current.

(2) The contractor's written inspection plan will be considered acceptable to the Government when, as a minimum, it provides quality assurance required by section 4 of applicable specifications when such documents are definitive or it provides for determination of quality standard requirements and other such inspection requirements of the procurement documents.

(3) Government verification inspection will be conducted according to instructions in the procurement document to assure that supplies conform to contractual quality requirements and to determine the effectiveness of the contractor's inspection system.

(4) When verification inspection indicates that the contractor is furnishing supplies consistently equal to or better than the quality standards established in the procurement documents, reduced Government inspection may be initiated.

(5) If the contractor's control of quality deteriorates, or if the contractor fails to maintain an acceptable inspection system, the Government inspector will immediately inform the contractor of the conditions and request corrective action. When the condition is not corrected within a reasonable time, action as indicated in § 1014.104 will be taken. Pending such resolution and as a matter of expediency, the Air Force will increase its inspection sufficient to insure against delivery of unsatisfactory materiel.

(b) When another military service is performing inspection and acceptance functions for the Air Force, the quality control procedures of the performing service are acceptable. In such cases, compliance with Specification MIL–Q–5923 is at the discretion of the inspection service.

(c) To promote uniformity in Government verification inspection of suppliers' compliance with the quality assurance provisions of specifications and other technical requirements of the contract, the aspects of verification inspection which will be evaluated are: (1) Review and evaluation of the supplier's inspection procedures, (2) inspection and calibration of the supplier's gages, measuring and test equipment, (3) examination of the supplier's inspection records, and (4) performance of product verification inspection.

(i) In reviewing and evaluating the supplier's inspection procedures for determination of conformance to the detailed sampling, examination, and testing procedures prescribed in the specification and contract, the elements which are grouped into examination and test procedures (*a*) to (*j*) of this subdivision will be included in the review and evaluation by the Government inspectors.

(*a*) Observe the supplier's procedures concerning lot information and segregation requirements when specified.

(*b*) Observe the supplier's sampling procedures or unit-by-unit examination (see Supply and Logistics Handbook H–105, "Administration of Sampling Procedures for Acceptance Inspection," for established basic principles of sampling inspection).

(*c*) Determine that the supplier's examination includes all of the various characteristics or defects listed in the specification or contract and that examination procedures comply with any special gaging and instrumentation requirements.

(*d*) Review to determine that the acceptability criteria (e.g., acceptance numbers from appropriate sampling plans of MIL–STD–105 corresponding with the specified Acceptable Quality Levels (AQL)) are as specified.

(*e*) Review supplier's screening procedures when acceptability criteria for sampling inspection are not satisfied.

(*f*) Observe the supplier's procedures concerning lot formation and segregation requirements when specified.

(*g*) Observe the supplier's sampling procedures or unit-by-unit testing (see Supply and Logistics Handbook H–105).

(*h*) Review supplier's schedule and procedures to determine that all required tests are included and to determine that testing methods, analyses, and apparatus conform to specification or contract requirements.

(*i*) Review to determine that acceptability criteria for sampling for testing are in conformance with specification or contract requirements.

(*j*) Review supplier's 100 percent retest procedures when acceptability criteria for sampling are not satisfied and 100 percent retest is appropriate.

(ii) In inspection and calibration of the supplier's gages, measuring and test equipment, the Government inspector will determine that the supplier has available and utilizes correctly, gaging, measuring, and test equipment of required accuracy and that the instruments are of proper type and range to make measurements of the required accuracy. The supplier will have avail-

able a set of master gages, standards and appropriate instruments for regularly scheduled calibration of his inspection equipment. Records of such regularly scheduled calibration will be maintained by the supplier and made available for review by the Government. Periodically, the calibration of gages, standards, and instruments will be checked.

(iii) In examination of the supplier's inspection records, the Government inspector will determine that these records are pertinent and complete regarding the detailed requirements of the specification and contract. The inspection record should include provision for entering information on appropriate item identification, lot size, acceptability criteria, results of examinations or tests expressed as attributes or variables data and disposition of the material as in conformance or nonconformance to acceptability criteria established in the specification or contract.

(iv) In performance of product verification inspection, the Government inspector will verify the supplier's compliance with the quality assurance provisions of the specification and other technical contract requirements by performing complete or partial reinspection on either all of the supplier's sample units or a sample of these units, and by selecting, independently of the supplier, samples from submitted lots for examination and tests to substantiate that the supplier's inspection records represent the true quality of the project.

(d) The AF Procurement Quality Control Plan sets forth the surveillance system which is used in performing the AF quality control functions contained herein. AF surveillance over a contractor's quality control system determines the effectiveness of the contractor's quality control system and serves as an aid in determining that supplies accepted by the Air Force conform to contractual requirements.

§ 1014.102 Responsibility for inspection.

(a) AMC is responsible for accomplishing, within the Air Force, the procurement quality control objectives of the Department of Defense. These objectives are: (1) Achieve adequate, uniform, and economical procurement inspection, testing, and acceptance throughout the Department of Defense, (2) eliminate duplication, overlapping, and multiple quality control assignments, (3) have all military quality control at a plant conducted by a single military quality control activity, and (4) develop and implement uniform quality control procedures, methods, and practices. AMC and ARDC are jointly responsible for accomplishing the objective set forth in subparagraph (4) of this paragraph.

(b) AMC is solely responsible for the development of quality control procedures and acceptance criteria which have general application to all products. When the Air Force has responsibility for the preparation of a product specification, ARDC, in collaboration with AMC, is responsible for the development of inspection procedures and acceptance criteria which are particularly applicable to the product. Inspection procedures and acceptance criteria include the inspections, tests, classifications of defects, etc., which are necessary to measure the quality of the product and to provide a basis for acceptance.

(c) AMC will normally accomplish the Government inspection and acceptance functions at contractors' facilities. Where contractors are to perform work or services at AF installations, the technical and inspection capabilities of such installations will be used to the fullest extent practicable for accomplishing the inspection and acceptance functions. In such cases, AMC will, when appropriate, provide technical assistance and guidance.

(d) On procurements involving several commands (for example, AMC and ARDC on research and development contracts) the procuring activity will clearly specify, through the inspection option in the contract, the responsibilities of each for inspection and acceptance.

(e) The supplier will be responsible for compliance with all technical requirements of the specification and contract. Inspection requirements are set forth in § 1014.103.

2. Section 1014.103 is revised as follows:

§ 1014.103 Inspection requirements.

AMC will establish inspection requirements sufficient to determine the acceptability of supplies and services presented to the Air Force. AMC may, when the public interest will be best served, prescribe the conditions when supplies, which are subject to AF inspection, may be shipped without such inspection being performed or without requiring the presence of the inspector on each individual shipment.

(a) Inspection requirements for the supplier will provide that the supplier is responsible for compliance with all technical requirements of the specification and the contract including the performance of all of the examinations and tests set forth in the specification to substantiate conformance of supplies to specification requirements unless certain tests and examinations are explicitly identified as the responsibility of the Government. In the performance of all tests not the responsibility of the Government, the prime contractor will provide or make arrangements for adequate test facilities. Test records will be maintained by the supplier and made available for use by the Government for duration of the contract or the time specified in the contract.

(b) While the execution of inspection requirements prior to submission of supplies to the Government normally will be the responsibility of the supplier, under certain conditions, it is advisable to state in the specification or contract the particular examinations and tests to be performed by the Government. The following are specific situations for which it may be desirable to designate explicitly in the specification or contract, examination and testing solely by the Government:

(1) Test requirements which necessitate the use of specialized test equipment or facilities not ordinarily available in suppliers' plants or commercial laboratories, e.g., ballistic testing of ammunition, environmental tests, and simulated services tests.

(2) Inspection to determine qualification of a supplier's product for inclusion on a Qualified Products List.

(3) Preproduction, pilot-lot or pilot model examination and testing, either at a Government installation or at the supplier's plant.

(c) Where the specification or contract requires the prime supplier to conduct particularly expensive tests involving destruction of supplies, extended periods of time for conducting the tests, or other factors contributing to high testing costs, etc., these tests will be scheduled and coordinated by the contractor with the Government for simultaneous supplier and Government accomplishment to the maximum extent practicable to preclude the need for subsequent independent Government verification testing.

(d) When the above statements of supplier responsibilities are not covered in the specifications or in other procurement documents, such statements will be included in Invitations for Bids and in subsequent contracts. On revision of specifications or other procurement documents, action will be taken to include appropriate statements clearly specifying the supplier's responsibilities.

3. Section 1014.105 is revised as follows:

§ 1014.105 Inspection under subcontracts.

(a) *Policy.* (1) It is Department of Defense policy to perform under certain conditions Government quality control and inspection functions at plants having subcontracts or purchase orders to furnish articles for use on Government prime contracts. The primary purpose of such inspection is to assist the Government inspector at the receiving contractor's plant in determining the conformance of purchased parts, components, and assemblies with contractual requirements. It is merely a preliminary Government inspection and does not guarantee final acceptance. This inspection does not relieve the prime contractor of his responsibility to furnish an acceptable end-article.

(2) To assure the most economical inspection of subcontracted supplies consistent with protection of product quality, Government inspection under subcontracts is normally conducted only on supplies which affect the safety, performance, interchangeability and reliability of the end-item. However, these items do not require inspection at the subcontractor's plant if they can be inspected satisfactorily and economically on receipt at the receiving contractor's facility, or suitable statements of quality are available with respect to quality characteristics inspected at the subcontractor's plant by either the prime or subcontractor. For further explanation, see paragraph (c) of this section.

(b) *General.* (1) Inspection under subcontracts is, in effect, an extension of the activities of the Government inspector at the receiving contractor's plant. It is immaterial whether the inspection is performed by an AF inspector or by an inspector of another service under an inspection exchange agreement. The indication that inspection was performed (usually a Government stamp on the subcontractor's packing sheet) constitutes part of the evidence which the inspector at the receiving plant needs to make his decision as to the acceptability of the item.

(2) When performing under subcontract inspection, Government inspectors are guided by the requirements of the subcontract or purchase order and the procedures of their department. Hence, AF inspectors perform inspection on subcontracts and purchase orders according to the AF quality control policy and the provisions of AF directives. Government inspection under subcontracts may (but does not normally) involve acceptance of articles for the Government. The inspector at the prime contractor's plant usually has final responsibility for acceptance.

(c) *Applicability.* Government inspection of subcontracted supplies will not be required at the subcontractor's plant unless one or more of the following conditions apply:

(1) Test reports, inspection records, certificates, or other suitable statements of quality related to quality characteristics inspected only at the subcontractor's plant by either the prime or subcontractor, are not available for use in lieu of Government inspection at the subcontractor's plant and, in addition, the conditions for inspection at source established in § 14.103–2 of this title are applicable.

(2) Inspection at the subcontractor's plant is necessary to verify test reports, inspection records, certificates, or other statements of quality used in lieu of Government inspection at the subcontractor's plant.

(3) The subcontracted item is to be shipped from the subcontractor's plant to a DOD using activity and the conditions for inspection at source established in § 14.103–2 of this title are applicable.

(4) The contract or applicable Government specification specifies that certain inspections are to be made by a Government inspector and these inspections can be performed only at the subcontractor's plant, e.g., where special equipment is available only at the subcontractor's plant.

(d) *Procedure.* When Government inspection at the subcontractor's plant is required under the conditions defined in paragraph (c) (1) and (2) of this section, the inspector at the prime contractor's plant will:

(1) Identify to the extent practical the specific quality characteristics of the subcontracted item to be subjected to Government inspection.

(2) Limit requests for such inspection, in terms of frequency, to the minimum that assures an adequate verification of inspection made only at the subcontractor's plant by either the prime or subcontractor.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.)

PART 1015—CONTRACT COST PRINCIPLES

Subpart A—Applicability

1. Section 1015.150 is revised as follows:

§ 1015.150 Costs suspended and/or disallowed under cost-reimbursement type contracts.

(a) *General policy.* (1) It is AF policy that contractors generally will be notified promptly in writing when costs claimed for reimbursement are suspended tentatively as not being properly supported and disapproved as not being allowable according to contract terms or not reasonably incident or allocable to performance of AF cost-reimbursement type contracts. DD Form 396, "Notice of Costs Suspended and/or Disapproved," will be used. It will not be used to notify contractors of decision of the contracting officer under the Disputes clause of the applicable contracts.

(2) In all cases the ACO should satisfy himself that the explanation and reasoning indicated for such disapproval is clear and concise.

(b) Where the DD Form 396 pertains only to items suspended because of improper, insufficient documentary evidence or other similar condition which may be corrected readily, the ACO may waive conferences with other Government personnel. Within a reasonable time after issuance of a suspension notice, the contractor should have submitted the explanation, documentations, data, or justifications supporting the admissibility of suspended costs. Where the contractor is operating on funds advanced by the Government or where other circumstances warrant, ACO's will make reasonable efforts to effect prompt resubmission of suspended costs. Where Government advance funds are involved, failure of the contractor to resubmit costs may be the basis for requiring the contractor to restore to the advance fund account an amount equal to suspended costs. Normally, costs suspended will not be converted or disapproved when there is no reason for the conversion other than the contractor's failure to resubmit costs. During the contract, the mere passage of time does not change the basic reimbursable or nonreimbursable nature of the item in question. A final determination concerning the status of all suspended items will be made prior to or at the time the completion voucher under the contract or subcontract is submitted.

(c) Costs to be suspended and/or disapproved by DD Form 396 will be agreed upon by ACO and military department auditor to greatest extent possible before issuance. When auditor issues DD Form 396, original and six unnumbered copies will be sent to ACO. If ACO concurs, he will assign Notice Number and distribute (1) original and two copies to contractor, (2) one copy (attached to SF 1034) to General Accounting Office through disbursing officer, (3) one copy (attached to SF 1034A) to disbursing officer, (4) one copy to the auditor, and (5) one copy for his own file. Original and copies designated in (1) and (2) will be signed by ACO and auditor. Other copies will bear stamped or typed signatures. When ACO does not concur, he will state his reasons for nonconcurrence and return one unsigned and unnumbered copy to auditor, after which he will confer with auditor and with Air Force and contractor personnel familiar with items in question. Auditor should be present whenever questions of cost allowability are discussed with contractor. When ACO and auditor do not agree on specific items, based on available information, ACO will include or ask auditor to include those items under costs suspended pending further action at next highest organizational levels to resolve the disagreements.

(d) Upon receipt of reply from the contractor, the ACO will consult the Government auditor concerning any additional information and justification submitted. If the ACO decides not to withdraw his original determination, he will send the contractor a formal statement of findings and decision referring to the disputes clause of the contract. In addition to the requirements of § 1054.503–2 of this chapter, written findings and decisions will be sent through the appropriate staff judge advocate. If no reply is received from the contractor within the time prescribed in the DD Form 396, the administrative contracting officer may presume that the contractor concurs in the nonallowability of the costs involved and, unless further word is received from the contractor, need take no further action with respect to such costs.

(e) It is possible that some contractors may consider a DD Form 396 disallowance as final and institute an appeal directly from that disallowance. The issuances of a DD Form 396 indicating the disapproval of costs is not considered a decision by the contracting officer with respect to a dispute within the meaning of the Disputes clause of the Government contract. Therefore, although the DD Form 396 sets a time limit for reply, failure to comply with such time limit has no legal effect upon the rights of the parties under that clause. If after the receipt of the DD Form 396, the contractor requests in writing an extension of time, the administrative contracting officer may authorize such extension of time by a separate letter to the contractor. To reduce the likelihood of such premature appeals, the contracting officer should assure himself that the contractor is familiar with this provision whenever a DD Form 396 disapproval is issued.

Subpart B—Supply and Research Contracts with Commercial Organizations

1. In § 1015.204, paragraph (r) is revised as follows:

§ 1015.204 Examples of items of allowable costs.

* * * * *

(r) Recruiting (including "help wanted" advertising) and training of personnel.

(1) The reasonableness of recruitment costs will be determined on a case-by-case basis, taking into consideration all of the conditions bearing on the particular case, including the magnitude of the recruitment problem, the effectiveness of the control, and administration exercised with respect to the formulation, direction, and cost of recruitment programs and practices, and the effectiveness of the recruitment programs and practices themselves. In determining reasonableness of recruitment costs, due weight will be given to the following criteria:

(i) Evidence of effective budgetary control of recruitment costs.

(ii) Evidence of effective administrative control and direction in the formulation and operation of recruitment programs.

(iii) Evidence of other effective controls and reviews to detect and prevent indiscriminate, imprudent, and costly recruitment practices.

(iv) Evidence that the size of the engineering and scientific staffs recruited and maintained is in keeping with workload requirements.

(v) Evidence of effective analysis to determine the cause and effect of the rate of employee turnover.

(vi) Evidence that payments of allowances to new and prospective employees are reasonable and governed by established policy.

(vii) Evidence that salaries and fringe benefits, including educational benefits, offered to new employees are reasonable and governed by established policy.

(viii) Evidence of violations of recruiting ethics in the form of proselyting.

(2) Help wanted advertising is allowable to the extent that such costs are reasonable when considered in conjunction with all other recruitment costs.

Subpart D—Construction Contracts

A new Subpart D is added as follows:

§ 1015.450 Uniform rental rates.

Department of Defense Instruction 4105.2, August 9, 1956, will be used in determining rental rates on cost-plus-a-fixed-fee construction and architect-engineer contracts and subcontracts.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1016—PROCUREMENT FORMS

A new Subpart A is added as follows:

Subpart A—Forms for Advertised Supply Contracts

Sec.

1016.101 Separate award type (Standard Forms 30, 31, 32, 26, and 36 and DD Form 1260).
1016.101–2 Conditions for use.
1016.101–50 Instructions for use.
1016.102 Combination type (Standard Form 33).
1016.102–2 Conditions for use.
1016.102–50 Instructions for use.
1016.150 Auxiliary forms.
1016.150–2 Standard forms.
1016.150–4 Department of Defense forms.

AUTHORITY: §§ 1016.101 to 1016.150–4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1016.101 Separate award type (Standard Forms 30, 31, 32, 26 and 36 and DD Form 1260).

§ 1016.101–2 Conditions for use.

(a) The Invitation and Bid (Standard Form 30) and the Schedule (Standard Form 31) will be prepared according to § 2.201 of this title and § 1002.201 of this chapter.

(b) to (d) see § 16.101–2(b)–(d) of this title.

§ 1016.101–50 Instructions for use.

(a) When effecting procurement within the continental United States, its Territories and possessions, the Supply Contract—Formal Advertising (Separate Award Type) will comply with instructions in Subpart A, Part 1007 of this chapter.

(b) When effecting procurements outside the continental United States, its Territories and possessions, the Supply Contract—Formal Advertising (Separate Award Type) will comply with instructions in Subpart PP, Part 1007 of this chapter in addition to Subpart A, Part 1007 of this chapter.

(c) Pending the printing of revised Standard Form 30, "Invitation and Bid (Supply Contract)," the form will be modified by changing the "Bidder Represents: (3)" on the face of the form to conform with the requirements of § 1.506 of this title.

(d) When effecting procurement outside the continental United States, its Territories and possessions, the Standard Form 30, "Invitation and Bid (Supply Contract)," will be further modified as follows:

(1) Delete "Bidder Represents: (1)" on the face of the form.

(2) Delete "Bidder Represents: (3)" on the face of the form.

(3) Delete "Labor Information" from the Terms and Conditions on the reverse side of the form.

§ 1016.102 Combination type (Standard Form 33).

§ 1016.102–2 Conditions for use.

(a) The Invitation for Bids and Schedule portion of Standard Form 33 will be prepared according to § 2.201 of this title and § 1002.201 of this chapter.

(b) to (d) see § 16.102–2(b)–(d) of this title.

§ 1016.102–50 Instructions for use.

See § 1016.101–50, which is applicable also to Supply Contract—Formal Advertising (Combination Type).

§ 1016.150 Auxiliary forms.

§ 1016.150–2 Standard forms.

(a) Standard Form 1036, "Statement and Certificate of Award." See § 16.801 of this title.

§ 1016.150–4 Department of Defense forms.

(a) DD Form 558–1, "Bidder's Mailing List Application Supplement." See § 1016.810–50(a)(1).

Subpart B—Forms for Negotiated Procurement

Subpart B is revised as follows:

Sec.

1016.200 Scope of subpart.
1016.201 Request for quotation (DD Form 747); (BOB No. 22–R135.)
1016.202 Negotiated contract forms.
1016.202–1 DD Forms 1261 and 1270.
1016.202–2 DD Forms 351, 351–1 and 351–2.
1016.203 Request for proposals, amendment to request for proposals, proposal and acceptance (DD Forms 746, 746s, 746–1, 746–2), (BOB No. 22–R136.)
1016.204 General provisions—cost-reimbursement supply contract (DD Form 748).
1016.205 General provisions—Fixed-price supply contracts (Standard Form 32).
1016.206 Cost and price analysis (DD Form 633).
1016.207 Cost analysis for price redetermination (DD Form 784).
1016.207–50 Price redetermination forms (AFPI Forms 4, 4A, and 4B).

AUTHORITY: §§ 1016.200 to 1016.207–50 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1016.200 Scope of subpart.

See also Subpart C of this part.

§ 1016.201 Request for quotation (DD Form 747); (BOB No. 22–R135).

See § 16.201 of this title.

§ 1016.202 Negotiated contract forms.

§ 1016.202–1 DD Forms 1261 and 1270.

See § 16.202–1 of this title.

§ 1016.202–2 DD Forms 351, 351–1 and 351–2.

See § 16.202–2 of this title.

§ 1016.203 Request for proposals, amendment to request for proposals, proposal and acceptance (DD Forms 746, 746s, 746–1, 746–2); (BOB No. 22–R136).

See § 16.203 of this title.

§ 1016.204 General provisions—cost-reimbursement supply contract (DD Form 748).

See § 16.204 of this title.

§ 1016.205 General provisions—fixed-price supply contracts (Standard Form 32).

See § 16.205 of this title.

§ 1016.206 Cost and price analysis (DD Form 633).

To secure price and cost data for procurement of technical personnel services, DD Form 633–1, "Cost and Price Analysis, Technical Personnel Services Procurement," may be used in lieu of DD Form 633.

§ 1016.207 Cost analysis for price redetermination (DD Form 784); (BOB No. 22–R147).

See § 16.207 of this title.

§ 1016.207–50 Price redetermination forms (AFPI Forms 4, 4A, and 4B).

The following AFPI forms will be used as applicable:

(a) AFPI Form 4, "Request for Price Analysis."

(b) AFPI Form 4A, "Price Redetermination Data."

(c) AFPI Form 4B, "Report of Price Redetermination Workload and Delinquent Redetermination." (RCS No. AMC–N22.)

Subpart C—Purchase and Delivery Order Forms

1. Sections 1016.301 and 1016.302 are added as follows:

§ 1016.301 Receipt for cash-subvoucher (Standard Form 1165).

AF procurement activities will use AF Form 385, "Cash Purchase Receipt," and AF Form 763, "Interim Receipt for Cash," in lieu of Standard Form 1165. See § 1003.604 of this chapter.

§ 1016.302 Purchase order-invoice-voucher (Standard Form 44).

See § 3.605 of this title and § 1003.605 of this chapter.

2. Sections 1016.303–1 and 1016.303–2 are added as follows:

§ 1016.303–1 General.

See § 16.303–1 of this title.

§ 1016.303–2 Conditions for use.

(a) *General.* See § 16.303–2 of this title.

(b) *Use as a purchase order of not more than $2,500.* Section 16.303–2(b)(2) of this title will be interpreted as prohibiting the addition of any clause covering the subject matter of any ASPR clause, except as authorized therein, and the following:

(1) When effecting purchases outside the United States, its Territories and possessions, and Puerto Rico, DD Form 1155 will be amended according to Subpart PP, Part 1007 of this chapter.

(2) When required, a provision substantially as follows will be inserted on the schedule portion: "A variation in quantity not to exceed ____% is authorized subject to the conditions of General Provisions No. 2 on the reverse hereof."

(3) When the DD Form 1155 is used in procurements of Food Products, the following clause will be added when applicable. (See § 6.303 of this title.)

PREFERENCE FOR DOMESTIC FOOD PRODUCTS

The Contractor agrees that there will be delivered under this contract only such articles of food as have been grown or produced in the United States, its Territories, its possessions, or Puerto Rico; provided this clause shall have no effect to the extent that the Secretary has determined as to any such articles that a satisfactory quality and sufficient quantity cannot be procured as and when needed at United States market prices; provided further that nothing herein shall preclude the delivery of foods under this contract which have been manufactured or processed in the United States, its Territories, its possessions, or Puerto Rico.

(c) *Use of DD Form 1155s.* Section 16.303–2(c) of this title will be interpreted as prohibiting the addition of any clause covering the subject matter of any ASPR clause, except those referred to in § 16.303–2(b)(2), and those set forth in paragraph (b) (1), (2) and (3) of this section.

(d) *Use as a delivery order.* See § 16.303–2(d) of this title.

(e) *DD Form 1155c (Continuation sheet).* When Standard Form 36, "Continuation Sheet (Supply Contract)," is used in lieu of DD Form 1155c, a column designated "Quantity Accepted" will be added to the Standard Form 36 to permit the completion of the Inspection and Acceptance Certificate on the face of DD Form 1155.

(f) *Use in the purchase of commissary resale items.* When the DD Form 1155 is used to purchase commissary resale items, sufficient space will be allowed in the "Supplies or Services" column between the descriptions of the items and the "Quantity (No. of Units)" column to permit the commissary officer to manually insert the unit and total selling prices of each item.

Subpart E—Special Contract and Order Forms

1. Sections 1016.501, 1016.502, 1016.503 and 1016.504 are added as follows:

§ 1016.501 Negotiated utility service contract forms.

See § 16.501 of this title.

§ 1016.501–1 Estimated annual cost $2,400 or less (DD Form 671).

(a) and (b) see § 16.501–1 (a)–(b) of this title.

(c) See §§ 1007.3703, 1007.3704, and 1007.3705 of this chapter.

(d) See §§ 1007.3706, 1007.3707, 1007.3708, and 1007.3709 of this chapter.

§ 1016.501–2 Estimated annual cost over $2,400.

When the estimated annual cost of the services to be procured is over $2,400, such services will be procured by a written contract.

§ 1016.501–50 Formats.

The formats of DD Form 671, "Negotiated Service Contract," and of Utility Service Contract (Long Form) are set forth in Subpart KK, Part 1007 of this chapter. DD Form 671 is available through normal supply channels. Utility Service Contract (Long Form) is not available through supply channels and local reproduction is authorized.

§ 1016.501–51 Procurement outside the continental United States, its territories and possessions.

When effecting procurements outside the continental United States, its Territories and possessions, DD Form 671 and Utility Service Contract (Long Form) will be amended according to Subparts KK and PP, Part 1007 of this chapter.

§ 1016.502 Negotiated contract form for stevedoring services (DD Form 674).

See § 16.502 of this title.

§ 1016.503 Master contract for repair and alteration of vessels (DD Forms 731 and 731–1).

See § 16.503 of this title.

§ 1016.504 Order for paid advertisements (Standard Forms 1143 and 1144).

Implementation is set forth in § 1002.202–4 of this chapter.

Subpart H—Miscellaneous Forms

1. In § 1016.810–50, subparagraph (4) of paragraph (a) is revised as follows:

§ 1016.810–50 Processing bidders' mailing application form.

* * * * *

(a) * * *

(4) Send applications and AFPI Form 24, "Commodity List Data," BoB Approval No. 22–R105, to the cognizant air procurement district, attn: Small business specialist, when applications are intended for the AMC Aeronautical Systems Center, or AMC field procurement activities (exclusive of base procurement functions thereof).

2. Sections 1016.812, 1016.813, 1016.814, 1016.814–1 and 1016.814–2 are added as follows:

§ 1016.812 Release and assignment forms.

(a) to (c) See § 16.812(a)–(c) of this title.

(d) When the forms set forth in § 16.812(d) of this title, titled "Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts," is to be executed by contractors located in California or who have claims for refund of California taxes the following parenthetical sentence will be added at the end of paragraph 1 of the form directly following the word "thereunder": "(except those for refunds, rebates, or credits for taxes paid to the State of California or any political subdivision thereof)," and in addition, the following paragraph 4 will be added to the form contained in § 16.812(d) of this title: "In the event the contractor obtains or receives any refund, rebate, or credit for taxes paid to the State of California or any political subdivision thereof, in connection with the performance of this contract, and for which the contractor is paid or reimbursed by the Government, the contractor agrees to pay over to the Government an amount equal to such refund or credit (including interest paid or credited to the contractor incident to such refund or credit to the extent such interest was earned after the contractor was paid or reimbursed by the Government for such taxes). In the event the contractor receives any benefit in lieu of or in addition to such refund, rebate, or credit, the contractor agrees to pay over to the Government an amount equal to such benefit."

(e) See § 16.812(e) of this title.

§ 1016.813 Change order price analysis (DD Form 1107).

See § 16.813 of this title.

§ 1016.814 Experience data forms.

§ 1016.814–1 Architect-engineer experience data (DD Form 1071).

DD Form 1071, BoB Approval No. 22–R184, replaces AF Form 194.

§ 1016.814–2 Construction contractor experience data (DD Form 1072).

DD Form 1072, BoB Approval No. 22–R183, will be used whenever it is necessary or desirable to secure experience and organizational data from construction contractors. For example, a construction contractor who desired to be placed on the list of bidders for construction contracts would be required to complete and submit DD Form 1072. DD Form 1072 is available in cut sheets only.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

A. Section 1030.2 *Appendix B,* is amended as follows:

PART I—INTRODUCTION

1. B–103 is deleted and the following substituted therefor:

B–103 *Definitions.*

2. B–103.1 through B–103.19 are added as follows:

B–103.1 *"Contract administrator".* See § 30.2, Appendix B of this title.
B–103.2 *"Property administrator".* See § 30.2, Appendix B of this title.
B–103.3 *"Government property".* See § 30.2, Appendix B of this title.
B–103.4 *"Industrial facility".* See § 30.2, Appendix B of this title.
B–103.5 *"Industrial property".* See § 30.2, Appendix B of this title.
B–103.6 *"Real property".* See § 30.2, Appendix B of this title.
B–103.7 *"Utility distribution system".* See § 30.2, Appendix B of this title.
B–103.8 *"Plant equipment".* See § 30.2, Appendix B of this title.
B–103.9 *"Minor plant equipment".* See § 30.2, Appendix B of this title.
B–103.10 *"Production equipment".* See § 30.2, Appendix B of this title.
B–103.11 *"Machine tools".* See § 30.2, Appendix B of this title.
B–103.12 *"Accessory item".* See § 30.2, Appendix B of this title.
B–103.13 *"Auxiliary item".* See § 30.2, Appendix B of this title.
B–103.14 *"Special tooling".* See § 30.2, Appendix B of this title.
B–103.15 *"Material".* See § 30.2 Appendix B of this title.
B–103.16 *"Salvage".* See § 30.2 Appendix B of this title.
B–103.17 *"Scrap".* See § 30.2, Appendix B of this title.
B–103.18 *"Property account".* The "property account" will be assigned the same number as the prime contract. Subcontract property accounts will be assigned a number consisting of the prime contract number plus a suffix which will be the number of the subcontractor or purchase order, as assigned by the prime contractor.
B–103.19 *"Stock record".* See § 30.2, Appendix B of this title.

PART II—GENERAL PROVISIONS

1. In B–205.1, paragraph (c) is added as follows:

B–205.1 *Military installations or other contractor's plants.*

* * * * * *

(c) The power to authorize shipment of UR (Unsatisfactory Reports) Exhibits to contractors for evaluation and study at no cost to the Government, without benefit of contractual coverage, has been extended to the commanders of AMA's and AF depots (CONUS), with power of redelegation to and through the director of logistics support management and the AMA quality control office to the minimum level of authority set forth in the following: (1) the authority to approve the release of engineering UR Exhibits under the Quick Engineering Fix program may be delegated to AFPR's and BAR's listed, and for products specified, in T.O. 00–35D–54; (2) the authority to approve the release of engineering exhibits other than described UR Exhibits will be vested in the chief and deputy chief of the appropriate logistics support management division; and (3) the authority to approve the release of procurement quality control UR Exhibits may be delegated to the chief and deputy chief of the quality control division of the AFPRO's, APD's, and AF field procurement offices not directly under the jurisdiction of an APD, except as may be otherwise designated. The use of the extended authority will require administrative review by the AMA or depot director of logistics support management, or chief, quality control office, as appropriate, for justification and sufficiency of all requests for release of UR Exhibits to a contractor; adherence to the requirements contained herein; and inclusion of record of shipment or other disposition of the exhibits in the MIP file.

2. In B–206, paragraphs (c) and (d) are revised as follows:

B–206 *Segregation or commingling of Government property and contractor's property.*

* * * * *

(c) In connection with research and development contracts involving profit or fee, the administrative contracting officer may permit commingling upon the written approval of Industrial Property Staff Branch (MCPPCI), Hq AMC. Approval will be granted on a case by case basis, where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses, that such action is advantageous to the Government.

(d) Any other commingling may be permitted by the administrative contracting officer upon the written approval of MCPPCI, Hq AMC. Approval will be granted on a case by case basis, where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses, that such action is advantageous to the Government.

PART IV—MISCELLANEOUS PROVISIONS

1. B–401, and B–401.1 are revised as follows:

B–401 *Identification and commodity classification; marking.*

B–401.1 *Identification.* See § 30.2, B–401.1, of this title.

(a) *Extent of identification.* (1) See § 30.2, B–401–1(a) of this title.

(2) The method of marking and identifying Government-owned special tooling will be agreed to by the contractor and the administrative contracting officer (ACO). The contractor will be responsible for determining whether or not the marking will damage the tooling or is otherwise impracticable. The contractor will advise the ACO, in writing, of any such determination.

(3) Plant equipment, other than that included within the Departmental industrial equipment reserve program, will be assigned an identification number and marked according to a system of identification and marking as agreed to by the contractor and ACO, provided the system conforms to the requirements of the Manual. Numbers and tags will be permanent and will not be changed as long as the equipment remains under the control of the Air Force, however, such markings will be removed prior to sale, scrapping, or transfer of funding and control responsibilities to other military departments.

(4) See § 30.2, B–401.1(a) of this title.

(b) *Recording identification numbers.* See § 30.2, B–401.1(b) of this title.

2. B–401.2 is added as follows:

B–401.2 *Commodity classification.* When codes for specific items of metalworking machinery of the types covered by Federal Supply Classification 3411 through 3419 and 3441 through 3449, having an acquisition cost of $500 or more, are not shown in the current directory of metalworking machinery, or in the supplemental commodity classification codes furnished by Headquarters, Warner-Robins Air Material Area, a request for a code number will be initiated. Requests will be submitted through the Commander, Warner-Robins Air Materiel Area, attn: WRU, who in turn, will forward four copies to the Armed Forces Supply Support Center, attn: Cataloging Division, Classification and Codes Branch, Industrial Production Equipment Directories Section, Washington 25, D.C. Report exemption symbol DD–S&L(EX)67 has been assigned to the requirements of this section.

(a) All requests will be submitted on DD Form 819, "Request for Complete Standard Commodity Classification Code." Five copies of the form will be submitted to WRU.

(b) Requests for new codes will contain, as a minimum, the type of information listed in the published code books, as follows:

(1) Name of manufacturer and his address. Care will be taken to assure that the manufacturer's name is used and not the name of a distributor. In many instances the distributor places his own name plate on the equipment in such a prominent manner that it can easily be mistaken for the manufacturer's name plate. In case of doubt, both names will be indicated with an explanation.

(2) Complete description of the machine from the manufacturer's name and data plates, plus any additional description which will help the coding personnel identify the equipment.

(i) Indication of general, single, or special purpose.

(ii) Model, class, subclass type, subtypes, specific size and/or capacity, using the information in the code books for similar items as a guide.

(iii) Electrical characteristics. The electrical power which must be supplied to the equipment.

(iv) Power or manually operated, if power operated, the type of power.

(v) If equipment is special or single purpose, include a description of the end item produced, including an unrestricted print.

(c) If the actual size or capacity of a specific machine does not fall within size and capacity groupings, as contained in the code manuals, a new commodity classification code will be requested. (As example: The capacity of a specific machine may be 6–12 tons, while the code manuals may group the capacities as 5–10, 10–15, etc.)

(d) Manufacturer's specification sheets, brochures, and catalogs may be used to secure the data necessary for establishing codes. If brochures, specification sheets, and catalogs cannot be secured, descriptive data relative to sizes and capacities will be based upon actual measurements and photographs of the equipment with sufficient views to clearly indicate type and use of the equipment will be furnished.

(e) In event procurement lead time does not permit obtaining a code in advance of placement of the purchase order, the proper code will be obtained subsequent to such action. However, this must be accomplished in sufficient time to have the code placed on the machine by the manufacturer prior to delivery.

B. Section 1030.3 *Appendix C,* is amended as follows:

1. Appendix C, C–305 is added as follows:

C–305 *Receipting for Government property.* See § 30.3, Appendix C, C–305 of this title.

2. C–306, paragraphs (a) and (b) are redesignated (d) and (e) and new paragraphs (a)–(c) are added as follows:

C–306 *Property control records.* (a)–(c) see § 30.3, C–306 of this title.

3. Sections C–307 and C–307.1 are added as follows:

C–307 *Identification and commodity classification; marking.*

C–307.1 *Identification.* See § 30.3, Appendix C, C–307.1 of this title.

(a) *Extent of identification.* (i) and (ii) see § 30.3, Appendix C, C–307.1 (i) and (ii) of this title.

(iii) Plant equipment other than that included within the departmental industrial equipment reserve program, will be assigned an identification number and marked according to a system of identification and marking as agreed to by the contractor and administrative contracting officer provided the system conforms to the requirements of the manual. Numbers and tags will be permanent and will not be changed so long as the equipment remains under the control of the Air Force. When plant equipment is provided to contractors and is marked and identified in substantial compliance with the requirements of the manual, it will not be required that such markings be changed or altered.

(iv) See § 30.3, Appendix C–307.1(iv) of this title.

(b) *Recording identification numbers.* See § 30.3, Appendix C, C–307.1(b) of this title.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59–7228; Filed, Aug. 28, 1959; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. E]

PART 205—PURCHASE OF WARRANTS

State of Hawaii

1. Effective August 21, 1959, paragraph (b) of § 205.2 is amended to read as follows:

(b) The term "municipality" shall be construed to mean "State, county, district, political subdivision, or municipality in the States of the United States and the District of Columbia, including irrigation, drainage, and reclamation districts."

2a. The purpose of this amendment is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interprets or applies sec. 14, 38 Stat. 264, as amended: 12 U.S.C. 355, 361)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7186; Filed, Aug. 28, 1959; 8:46 a.m.]

[Reg. G]

PART 207—COLLECTION OF NONCASH ITEMS

State of Hawaii

1. Effective August 21, 1959, footnote 1 to § 207.1 is amended to read as follows:

[1] For the purposes of this part, any dependency, insular possession or part of the United States outside the States of the United States and the District of Columbia shall be deemed to be in or of such Federal Reserve district as the Board of Governors may designate.

2. Effective August 21, 1959, § 207.51 is deleted.

3a. The purpose of these amendments is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U.S.C. 248(b), 342, 360)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7187; Filed, Aug. 28, 1959; 8:47 a.m.]

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

State of Hawaii

1. Effective August 21, 1959, footnote 1 to paragraph (a) of § 208.1 is amended to read as follows:

[1] Under the provisions of section 19 of the Federal Reserve Act, national banks and banks organized under local laws, located in a dependency or insular possession or any part of the United States outside of the States of the United States and the District of Columbia are not required to become members of the Federal Reserve System but may, with the consent of the board, become members of the System. However, this Part 208 is applicable only to the admission of banks eligible for admission to membership under section 9 of the Federal Reserve Act and does not cover the admission of banks eligible under section 19 of the Act. Any bank desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.

2a. The purpose of this amendment is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(1), 38 Stat. 262; 12 U.S.C. 248(1). Interpret or apply sec. 9, 38 Stat. 259, as amended, 49 Stat. 715, 64 Stat. 873; 12 U.S.C. 321–338, 486, 1814(b), 1816)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7188; Filed, Aug. 28, 1959; 8:47 a.m.]

[Reg. I]

PART 209—ISSUE AND CANCELLATION OF CAPITAL STOCK OF FEDERAL RESERVE BANKS

State of Hawaii

1. Effective August 21, 1959, footnote 1 to § 209.1 is amended to read as follows:

[1] Under the provisions of section 19 of the Federal Reserve Act, national banks located in a dependency or insular possession or any part of the United States outside of the States of the United States and the District of Columbia are not required to become members of the Federal Reserve System but may, with the consent of the Board, become members of the System. Any such bank

desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.

2. a. The purpose of this amendment is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 2, 5, 6, 9, 38 Stat. 251, 257, 258, 259, as amended; 12 U.S.C. 282, 286–288, 321, 323, 327, 328, 333)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7189; Filed, Aug. 28, 1959; 8:47 a.m.]

[Reg. J]

PART 210—CHECK CLEARING AND COLLECTION

State of Hawaii

1. Effective August 21, 1959, footnote 1 to § 210.3 is amended to read as follows:

[1] For the purposes of this part, any dependency, insular possession or part of the United States outside the States of the United States and the District of Columbia shall be deemed to be in or of such Federal Reserve district as the Board of Governors may designate.

2. Effective August 21, 1959, § 210.51 is deleted.

3. a. The purpose of these amendments is to clarify this part as Hawaii has become a State and the term "the continental United States" as now defined by 12 U.S.C. 221 means the States of the United States and the District of Columbia.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 13, 16, 38 Stat. 263, 265, as amended; 12 U.S.C. 248(o), 342, 360)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7190; Filed, Aug. 28, 1959; 8:47 a.m.]

[Reg. L]

PART 212—INTERLOCKING BANK DIRECTORATES UNDER THE CLAYTON ACT

State of Hawaii and Philippine Islands

1. Effective August 21, 1959, footnote 3(b) to paragraph (b) of § 212.2 is amended to read as follows:

3(b) Banking institutions organized under the laws of territories, dependencies, or insular possessions of the United States, such as Puerto Rico, or the Canal Zone, and not organized under the National Bank Act; and

2a. The purpose of this amendment is to eliminate the Philippine Islands and Hawaii from this footnote since neither is now a territory, dependency, or insular possession of the United States.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. Interpret or apply secs. 3, 7, 17, 48 Stat. 882, 886, 897; 15 U.S.C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7192; Filed, Aug. 28, 1959; 8:47 a.m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

State of Hawaii

1. Effective August 21, 1959, paragraph (i) of § 221.2 is amended to read as follows:

(i) Any loan made outside of the States of the United States and the District of Columbia;

2a. The purpose of this amendment is to extend this part to include Hawaii by eliminating reference to a specific number of States of the United States.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. Interpret or apply secs. 3, 7, 17, 48 Stat. 882, 886, 897; 15 U.S.C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7192; Filed, Aug. 28, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–NY–3a]

[Amdt. 18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 19]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas and Redesignation of Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4964) stating that the Federal Aviation Agency was considering an amendment to §§ 600.221, and 601.221 of the regulations of the Administrator which would revoke the segment of Red Federal airway No. 21, and its associated control areas, from Bridgeport, Conn., to Hartford, Conn.

Red Federal airway No. 21, presently extends from New York, N.Y., to Boston, Mass. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only two aircraft movements for the airway segment under consideration. On the basis of this survey, it appeared that retention of this airway segment, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in public interest. Such revocation would result in Red Federal airway No. 21, and its associated control areas, extending from New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass. Although not mentioned in the Notice, the revocation

of this segment of Red Federal airway No. 21 would involve the redesignation of § 601.4221 of the regulations of the Administrator which relates to the designated reporting points for this airway.

Written comment concerning the proposed amendments was generally favorable, except for one, which objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.221 (14 CFR, 1958 Supp., § 600.221) and §§ 601.221, 601.4221 (14 CFR, 1958 Supp., §§ 601.221, 601.4221) are amended as follows:

1. Section 600.221 *Red Federal airway No. 21 (New York, N.Y., to Boston, Mass.)*:

a. In the caption delete "*(New York, N.Y., to Boston, Mass.)*." and substitute therefor "*(New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass.)*."

b. In the text delete "via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range." and substitute therefor "to the Bridgeport, Conn., R.R."

2. In the caption of § 601.221 *Red Federal airway No. 21 control areas (New York, N.Y., to Boston, Mass.)*, delete "*Red Federal airway No. 21 control areas (New York, N.Y., to Boston, Mass.)*." and substitute therefore "*Red Federal airway No. 21 control areas (New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass.)*."

3. In the caption of § 601.4221 *Red Federal airway No. 21 (New York, N.Y., to Boston, Mass.)*, delete "*(New York, N.Y., to Boston, Mass.)*." and substitute therefor "*(New York, N.Y., to Bridgeport, Conn., and New London, Conn., to Boston, Mass.)*."

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7183; Filed, Aug. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59–NY–3b]

[Amdt. 19]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 20]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points, and Redesignation of Control Area Extension

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4965) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 112, and its associated control areas.

As stated in the Notice, Red Federal airway No. 112 presently extends from Albany, N.Y., to Westfield, Mass. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only four aircraft movements on this airway. On the basis of this survey, it appeared that the retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of Red Federal airway No. 112 would also involve the revocation of § 601.4312 of the regulations of the Administrator, which relates to the designated reporting points for this airway. Moreover, Red Federal airway No. 112 is also used to describe the boundaries of the Chicopee Falls, Mass. control area extension. The revocation of this airway would necessitate the redescription of the Chicopee Falls, Mass., control area extension boundaries by reference to VOR Federal airways.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

§ 600.312 [Revocation]

1. Section 600.312 *Red Federal airway No. 112 (Albany, N.Y., to Westfield, Mass.)* is revoked.

§ 601.312 [Revocation]

2. Section 601.312 *Red Federal airway No. 112 control areas (Albany, N.Y., to Westfield, Mass.)* is revoked.

§ 601.4312 [Revocation]

3. Section 601.4312 *Red Federal airway No. 112 (Albany, N.Y., to Westfield, Mass.)* is revoked.

4. Section 601.1064 is amended to read:

§ 601.1064 Control area extension (Chicopee Falls, Mass.).

That airspace bounded on the north by VOR Federal airway No. 2, on the northeast by VOR Federal airway No. 151, on the southeast by VOR Federal airway No. 3, on the south by a line extending from a point at latitude 42°08'-50", longitude 72°28"00" to a point at latitude 42°04'30", longitude 72°11'-30", on the southwest by VOR Federal airway No. 203, and on the northwest by an arc 38 statute miles in radius centered on the Westover, Mass. Air Force Base and lying between VOR Federal airways Nos. 2 and 203, excluding that airspace below 2,500 feet MSL.

These amendments shall become effective 0001 e.s.t., October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7182; Filed, Aug. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59–NY–3c]

[Amdt. 20]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 21]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points and Control Area Extension

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4965) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Blue Federal airway No. 17, and its associated control areas.

Blue Federal airway No. 17 extends from Bangor, Maine, to Presque Isle, Maine. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 showed only two aircraft movements on this airway. On the basis of this survey it appeared that the retention of this airway, its associated control areas, and reporting points, was unjusti-

fied and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of Blue Federal airway No. 17 would involve the revocation of § 601.4617 of the regulations of the Administrator which relates to the designated reporting points for this airway. Moreover, the revocation of the airway eliminates the need for the Presque Isle control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.617 *Blue Federal airway No. 17 (Bangor, Maine, to Presque Isle, Maine)* is revoked.

2. Section 601.617 *Blue Federal airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine)* is revoked.

3. Section 601.4617 *Blue Federal airway No. 17 (Bangor, Maine, to Presque Isle, Maine)* is revoked.

4. Section 601.1045 *Control area extension (Presque Isle, Maine)* is revoked.

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F. R. Doc. 59-7181; Filed, Aug. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-3d]

[Amdt. 21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 22]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4966) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Blue Federal airway No. 53, and its associated control areas.

Blue Federal airway No. 53 presently extends from Providence, R.I., to Hartford, Conn. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only five aircraft movements on this airway. On the basis of this survey, it appeared that retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, revocation of Blue Federal airway No. 53 would involve the revocation of § 601.4653 of the regulations of the Administrator which relates to the designated reporting points for the airway.

No adverse comment was received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 SUPP., Parts 600, 601) are amended as follows:

1. Section 600.653 *Blue Federal airway No. 53 (Providence, R.I., to Hartford, Conn.)* is revoked.

2. Section 601.653 *Blue Federal airway No. 53 control areas (Providence, R.I., to Hartford, Conn.)* is revoked.

3. Section 601.4653 *Blue Federal airway No. 53 (Providence, R.I., to Hartford, Conn.)* is revoked.

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-7180; Filed, Aug. 28, 1959; 8:46. a.m.]

[Airspace Docket No. 59-NY-3f]

[Amdt. 22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 23]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4967) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 86, and its associated control areas.

Red Federal airway No. 86 presently extends from Millinocket, Maine, to Houlton, Maine. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed no aircraft movements on this airway. On the basis of this survey, it appeared that retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of Red Federal airway No. 86 would also involve the revocation of § 601:4286 of the regulations of the Administrator, which relates to the designated reporting points for the airway.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.286 *Red Federal airway No. 86 (Millinocket, Maine, to Houlton, Maine)* is revoked.

2. Section 601.286 *Red Federal airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine)* is revoked.

3. Section 601.4286 *Red Federal airway No. 86 (Millinocket, Maine, to Houlton, Maine)* is revoked.

These amendments shall become effective 0001 e.s.t., October 22, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 24, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-7179; Filed, Aug. 28, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7016 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Basic Books, Inc., et al.

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* § 13.1747 *Special or limited offers;*[1] § 13.1757 *Surveys;*[1] [*Misrepresenting oneself and goods*]—Prices: § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Basic Books, Inc., et al., Chicago, Ill., Docket 7016, July 17, 1959]

In the Matter of Basic Books, Inc., a Corporation, and Leonard Davidow, Nathan Landy and Herman A. Fischer, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging Chicago distributors of sets of reference books designated "Universal World Reference Encyclopedia", yearly supplements thereof, and other books, through house-to-house canvassers, with representing falsely through their said agents that they were making surveys; that they were making an introductory offer for advertising purposes and giving a set of books free to specially selected persons; that the encyclopedia was given free with purchase of the yearly supplements; that certain other books, selected by the customer, were given free with the purchase of the encyclopedia and supplements; and that the offering price for the combined books was reduced and for a limited time only.

After the usual proceedings, the hearing examiner made his initial decision, from which and from certain rulings respondents appealed. Having considered the matter, the Commission modified the order to dismiss the complaint as to one respondent as an individual but not as an officer of respondent corporation and, on July 17, adopted the initial decision as thus modified as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondent Basic Books, Inc., a corporation, and its officers, and Leonard Davidow and Nathan Landy, as officers of respondent corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books or other publications, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That respondents, or any of them, are engaged in making surveys for any purpose;

2. That the offer of sale of respondents' books is an introductory offer or is made for advertising purposes;

3. That any of respondents' books are given free to selected persons, or to any other persons, as an introductory offer or for advertising purposes or for any other reason;

4. That prospective purchasers of any books sold by respondents are specially selected;

5. That the Universal World Reference Encyclopedia or any similar publication sold by respondents is given free by respondents with the purchase of any yearly supplement or supplements thereto;

6. That books, or any other publications of respondents or other things of value selected by a purchaser in connection with the purchase of the said encyclopedia and its yearly supplements are given free to such purchasers;

7. That any price at which respondents' books or other publications are offered for sale is a reduced price, unless it is based upon and less than the price at which such books or other publications are regularly and usually sold by respondents;

8. That respondents' offer of books or other publications at a reduced price is limited as to time.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Herman A. Fischer in his individual capacity but not in his capacity as an officer of respondent Basic Books, Inc., a corporation.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: July 17, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7193; Filed, Aug. 28, 1959; 8:47 a.m.]

[1] New.

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

PART 1–6—FOREIGN PURCHASES

PART 1–16—PROCUREMENT FORMS

Buy American Act—Construction Contracts

Add new Subpart 1–6.2, to read as follows:

Subpart 1–6.2—Buy American Act—Construction Contracts

Sec.
1–6.200 Scope.
1–6.201 Definitions.
1–6.202 Buy American policy.
1–6.202–1 General.
1–6.202–2 Determining domestic construction material.
1–6.202–3 Noting exceptions and findings.
1–6.203 Unreasonable cost determination.
1–6.203–1 General.
1–6.203–2 Cost computation.
1–6.203–3 Deviations by agency head.
1–6.203–4 Small business.
1–6.204 Invitation provision.
1–6.205 Contract clause.
1–6.206 Violations.

Subpart 1–6.2—Buy American Act—Construction Contracts

§ 1–6.200 Scope.

This subpart implements the Buy American Act (41 U.S.C. 10a–10d) and the policies set forth in Executive Order 10582, December 17, 1954 (3 CFR Supp.), with respect to construction contracts. This subpart does not apply to construction contracts (a) executed on Standard Form 19, Invitation, Bid, and Award (Construction, Alteration, or Repair) (small-amount construction contract form), or (b) not involving appropriated funds.

§ 1–6.201 Definitions.

As used in this subpart, the following definitions apply:

(a) "Construction" means construction, alteration, or repair of any public building or public work.

(b) "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work.

(c) "Component" means any article, material, or supply directly incorporated in construction material.

(d) "Domestic construction material" means an unmanufactured construction material which has been mined or produced in the United States, or a manufactured construction material which has been manufactured in the United States if the cost of its components which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components.

(e) "Nondomestic construction material" means a construction material other than a domestic construction material.

(f) "United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, and any other place subject to its jurisdiction. It also includes Panama with respect to construction material purchased for use in the Canal Zone.

§ 1–6.202 Buy American policy.

§ 1–6.202–1 General.

Only domestic construction material shall be used in the performance of contracts for construction in the United States made by executive agencies, except for particular material as to which it is determined:

(a) By the agency head, that to make such requirement is impracticable;

(b) In accordance with agency procedures, that domestic construction material is unavailable in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

(c) In accordance with section 1–6.203, that to make such requirement would unreasonably increase the cost.

§ 1–6.202–2 Determining domestic construction material.

In determining whether a construction material is a domestic construction material:

(a) Only the construction material and its components shall be considered.

(b) A component shall be considered to have been mined, produced, or manufactured in the United States (regardless of its source in fact) if the construction material in which it is incorporated is manufactured in the United States and the component is of a class or kind determined by the agency concerned to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 1–6.202–3 Noting exceptions and findings.

Exceptions for nondomestic construction material because use of particular domestic construction material would be impracticable or would unreasonably increase the cost or because domestic construction material is unavailable shall be noted in the contract. Findings justify-

ing such exceptions shall be made a matter of public record.

§ 1–6.203 Unreasonable cost determination.

§ 1–6.203–1 General.

A determination shall be made that the use of domestic construction material would unreasonably increase the cost where, with respect to each particular construction material:

(a) A bid or proposal offers nondomestic construction material (not listed as excepted in the invitation for bids or request for proposals), the cost of which, plus 6 percent thereof, is less than the cost of comparable domestic construction material; and

(b) That bid or proposal offers the lowest price of any received, after adding to each bid or proposal, for evaluation purposes, 6 percent of the cost of all nondomestic construction material, which qualifies under paragraph (a) above, offered in each bid or proposal.

§ 1–6.203–2 Cost computation.

The cost of construction material shall be computed as including all costs of delivery to the construction site. The cost of nondomestic construction material shall also include any applicable duty. Computations shall be based on costs on the date of opening of bids or proposals.

§ 1–6.203–3 Deviations by agency head.

Deviations from the requirements of section 1–6.203–1 may be authorized by the agency head in accordance with section 1–1.009 of this chapter, the Buy American Act, and Executive Order 10582.

§ 1–6.203–4 Small business.

Nothing in section 1–6.203–1 shall affect the authority or responsibility of an executive agency to place a fair proportion of its total contracts with small business concerns.

§ 1–6.204 Invitation provision.

Invitations for bids and requests for proposals for affected construction work shall include the following provision:

INFORMATION REGARDING BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a–10d) generally requires that only domestic construction material be used in the performance of this contract. (See the clause entitled "Buy American" in Standard Form 23A, General Provisions, Construction Contracts.) This requirement does not apply to the following construction material or components:

[List the excepted construction material or components]

(b) (1) Furthermore, bids or proposals offering use of additional nondomestic construction material may be acceptable for award if the Government determines that use of comparable domestic construction material is impracticable or would unreasonably increase the cost or that domestic construction material (in sufficient and reasonably available commercial quantities and of a satisfactory quality) is unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction material.

(2) Where it is alleged that use of domestic construction material would unreasonably increase the cost:

(i) Data shall be included, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed by more than 6 percent the cost of comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty.)

(ii) For evaluation purposes, 6 percent of the cost of all additional nondomestic construction material, which qualifies under paragraph (1) above, will be added to the bid or proposal.

(3) When offering additional nondomestic construction material, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable, under (1) above, will cause rejection of the entire bid.

§ 1–6.205 Contract clause.

Contracts for affected construction work shall include the following clause:

BUY AMERICAN

(a) Agreement. In accordance with the Buy American Act (41 U.S.C. 10a–10d) and Executive Order 10582, December 17, 1954 (3 CFR Supp.), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic material listed in the contract.

(b) Domestic construction material. "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is a "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) Domestic component. A component shall be considered to have been "mined, produced, or manufactured in the United States" (regardless of its source in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 1–6.206 Violations.

If the head of the agency concerned finds there has been a failure to comply with the Buy American provisions of the contract, he shall make public his findings and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded, as provided in the Buy American Act, to the contractor, subcontractors, materialmen, or suppliers with which the contractor is associated or affiliated, for a period of 3 years after such finding is made public. (For debarment procedures, see Subpart 1–1.6.)

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.404–1 (Revision of Standard Form 23A) is revised by adding paragraph (d), as follows:

(d) Substitute the Buy American clause in section 1–6.205 for clause 17 (Buy American Act).

Effective date. These regulations are effective November 15, 1959, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390, sec. 3, 47 Stat. 1520; 40 U.S.C. 486(c), 41 U.S.C. 10b; E.O. 10582, Dec. 17, 1954, 3 CFR Supp.)

Dated: July 24, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59–6336; Filed, Aug. 28, 1959; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1956]

[747197]

CALIFORNIA

Partially Revoking Stock Driveway Withdrawal No. 192

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of July 31, 1928, which established Stock Driveway Withdrawal No. 192, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 17 E.,
Sec. 17, N½.

The area described contains 320 acres.

2. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The land is located about two miles south of the community of Reno Junction, California and 25 miles northwest of Reno, Nevada. Vegetation is principally brush type with fair mixed grass understory.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, filed at or before 10:00 a.m. on September 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 29, 1959, will be governed by the time of filing.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on December 29, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under subparagraphs (1) and (2) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing laws, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35.

5. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59–7199; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1957]

[667971]

WASHINGTON

Revoking Departmental Orders of April 23, 1918, and March 1, 1919, Which Withdrew Lands for Stock Driveway Purposes

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 862; 43 U.S.C. 300), it is ordered as follows:

1. The Departmental order of April 23, 1918, which temporarily withdrew the public lands in the hereinafter described areas pending determination as to the necessity and advisability of reserving them for stock driveway purposes, and the Departmental order of March 1, 1919, which withdrew the public lands in the hereinafter described areas for use by the general public as stock driveways, are hereby revoked:

WILLAMETTE MERIDIAN

(a) Order of April 23, 1918

T. 23 N., R. 24 E.,
Sec. 24.
T. 25 N., R. 25 E.,
Sec. 12.
T. 25 N., R. 26 E.,
Secs. 6 and 7.

(b) Order of March 1, 1919

T. 13 N., R. 21 E.,
Sec. 12, NE¼;
Sec. 24, E½.

T. 14 N., R. 21 E.,
Sec. 10, W½SW¼;
Sec. 22, W½ and W½SE¼;
Sec. 26, NW¼ and S½.
T. 15 N., R. 21 E.,
Sec. 4, E½;
Sec. 10, W½W½, SE¼SW¼ and S½SE¼;
Sec. 22, E½;
Sec. 34, W½.
T. 16 N., R. 21 E.,
Sec. 18, N½ and SE¼;
Sec. 20, E½, N½NW¼, and SE¼NW¼;
Sec. 28.
T. 13 N., R. 22 E.,
Sec. 6, lot 4;
Sec. 20, S½SW¼ and SE¼;
Sec. 22, SE¼NW¼ and S½;
Sec. 24, S½S½;
Sec. 26, N½;
Sec. 28, N½;
Sec. 30, N½N½.
T. 14 N., R. 22 E.,
Sec. 30, lots 3 and 4.
T. 12 N., R. 23 E.,
Sec. 2;
Sec. 12, N½N½ and SE¼SE¼;
Sec. 14, N½.
T. 13 N., R. 23 E.,
Sec. 28, S½;
Sec. 30, lots 1, 3, and 4, E½NW¼, SE¼SW¼ and S½SE¼;
Sec. 32, N½N½;
Sec. 34, NW¼ and S½.

2. The lands are rough and mountainous, with shallow, rocky soil, precluding cultivation. Vegetation consists of annual and perennial grasses and weeds. The areas aggregate 10,920 acres.

3. Subject to any valid existing rights and the requirements of applicable law, the following-described public lands are hereby opened to filing of applications, selections, and locations in accordance with the provisions of this order:

WILLAMETTE MERIDIAN

T. 16 N., R. 21 E.,
Sec. 18, N½ and SE¼.
T. 12 N., R. 23 E.,
Sec. 2;
Sec. 12, N½N½ and SE¼SE¼;
Sec. 14, N½.
T. 23 N., R. 24 E.,
Sec. 24, SE¼SE¼.
T. 25 N., R. 25 E.,
Sec. 12, lots 1, 4, 5, and SE¼SE¼.
T. 25 N., R. 26 E.,
Sec. 6, lot 3.

The areas described aggregate approximately 1,841 acres.

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on February 24, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(2) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, filed at or before 10:00 a.m. on September 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 29, 1959, will be governed by the time of filing.

(3) All valid applications under the nonmineral public land laws other than those coming under subparagraphs (1) and (2) above, presented prior to 10:00 a.m. on December 29, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(4) All applications under subparagraphs (1), (2), and (3) above, shall be subject to those from persons having prior valid settlement rights, preference rights conferred by existing law and equitable claims subject to allowance and confirmation.

4. The lands have been open to applications and offers under the mineral leasing laws and to locations under the United States mining laws.

5. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59–7200; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1958]

[4665]

UTAH

Revoking Air Navigation Site Withdrawal No. 244

By virtue of the authority contained in Section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of March 12, 1948, reserving lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked:

SALT LAKE MERIDIAN

T. 22 S., R. 19 E.,
Sec. 22, SW¼NE¼SW¼.

The area described contains 10 acres.

2. The lands lie approximately five miles south of Crescent Junction, Utah. The topography is steep with shallow, rocky soil. The main vegetative cover is shadscale and an understory of galletta grass.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on February 24, 1960, the State of Utah shall have a

preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(2) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on September 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 29, 1959, will be governed by the time of filing.

(3) All valid applications under the nonmineral public land laws other than those coming under subparagraphs (1) and (2) above, presented prior to 10:00 a.m. on December 29, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(4) All applications under subparagraphs (1), (2) and (3) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on February 24, 1960.

4. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST, 24, 1959.

[F.R. Doc. 59–7123; Filed, Aug. 28, 1959; 8:45 a.m.]

[Public Land Order 1959]

[81321]

[DA–130–Utah]

UTAH

Power Site Cancellation No. 133 Partly Revoking Power Site Classification No. 377

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of April 10, 1946, classifying certain lands as Power Site Classification No. 377, is hereby cancelled so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 26 S., R. 22 E.,
Sec. 8: SW¼NW¼.
Containing 40 acres.

2. Until 10:00 a.m. on November 24, 1959, the lands shall be open only to application by the State of Utah, for the reservation to it or to any of its political subdivisions under any law or regulation applicable thereto, or any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. The State has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. Other applications and selections under the nonmineral public-land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

a. Applications under the homestead, desert-land and small tract laws by veterans of World War II and the Korean Conflict and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, filed at or before 10:00 a.m. on November 24, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on February 24, 1960, will be governed by the time of filing.

b. All valid applications under the nonmineral public land laws other than those coming under subparagraph (a) above, presented prior to 10:00 a.m. on February 24, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

c. All applications under subparagraphs (a) and (b) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

Persons claiming preference rights must submit evidence of their entitlement.

The lands have been open to applications and offers under the mineral leasing laws and to location under the mining laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59–7201; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1960]

[Colorado 027843]

COLORADO

Withdrawing Lands for Use of the Forest Service as a Natural Area for Scientific Study and Observation

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the San Juan National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604) as amended, and reserved for use by the Forest Service, Department of Agriculture, as a natural area for scientific study and observation:

NEW MEXICO PRINCIPAL MERIDIAN

NARRAGUINNEP NATURAL AREA

T. 40 N., R. 16 W.
Sec. 19, SE¼NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, SE¼SE¼SW¼, E½SE¼, E½NW¼SE¼, and SW¼SE¼;
Sec. 20;
Sec. 21, S½NW¼NW¼, SW¼NW¼, NW¼SW¼, and W½SW¼SW¼;
Sec. 28, NW¼NW¼NW¼;
Sec. 29, N½, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, and SW¼SW¼SW¼;
Sec. 30, lots 2, 3, 4, E½, and E½W½;
Sec. 31, lots 1, 2, 3, 4, N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, E½NW¼, and W½NE¼SW¼.
T. 39 N., R. 17 W.
Sec. 1, lots 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, N½SW¼, and SW¼SW¼;
Sec. 2, lots 5, 6, 7, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, E½SW¼, and W½SE¼;
Sec. 11, lots 1, 2, NW¼NE¼.
T. 40 N., R. 17 W.
Sec. 25, lots 3, 4, SW¼SE¼, and SE¼SE¼SW¼;
Sec. 35, lots 5, 7, and 8;
Sec. 36, lots 1, 2, 3, 4, W½E½, E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼, and SW¼.

The areas described aggregate 4,078.88 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 24, 1959.

[F.R. Doc. 59–7202; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1961]

[Nevada 043896]

NEVADA

Reserving National Forest Lands for the Protection of Paleontological Fossils

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Toiyabe National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under the jurisdiction of the Secretary of Agriculture for the protection of paleontological fossils, in furtherance of the purposes and objectives of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431):

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 39 E., unsurveyed,
Sec. 27, N½SW¼, W½SW¼SW¼;
Sec. 28, SE¼, SE¼SW¼;
Sec. 33, NE¼, NE¼NW¼;
Sec. 34, W½NW¼NW¼.

The area contains 520 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 25, 1959.

[F.R. Doc. 59–7203; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1962]

[Juneau 011469]

ALASKA

Reserving Lands for Use of National Park Service as Headquarters Site for Administration of the Sitka and Glacier Bay National Monuments; Partially Revoking Public Land Order No. 842 of June 19, 1952

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the National Park Service, Department of the Interior, as a headquarters site for the combined administration of the Sitka and Glacier Bay National Monuments:

INDIAN POINT—AUKE BAY AREA

Beginning at Meander Corner No. 2, H.E.S. 120 (U.S. Survey 1370), thence:
N. 28°06′ E., 606.0 feet to Meander Corner No. 1, H.E.S. 120 (U.S. Survey 1370), thence
N. 78°57′ E., 500.0 feet;
South, 1127.0 feet;
S. 62°40′ W., 589.5 feet to a point on the mean high water line of Auke Bay; thence along mean high water line;
N. 1°52′ W., 500.3 feet;
N. 41°54′ W., 358.9 feet to the point of beginning.

The tract described contains 16.71 acres.

2. Public Land Order No. 842 of June 19, 1952, which withdrew lands for classification is hereby revoked so far as it affects the lands described in paragraph 1 hereof.

3. This order shall not be construed to affect or to impair any rights or privileges the natives of the area may have to the use and enjoyment of their established campsite on the south shore of Herring Cove in their customary manner.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 25, 1959.

[F.R. Doc. 59–7204; Filed, Aug. 28, 1959; 8:49 a.m.]

[Public Land Order 1963]

[69279]

ARIZONA

Modifying Recreational Withdrawal No. 21 of April 29, 1929

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and to the provisions of any other existing withdrawals, the departmental order of April 29, 1929, which withdrew lands in Arizona as Recreational Withdrawal No. 21, as amended, is hereby modified to the extent necessary to permit locations and entries under the United States mining laws for the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 11 E.,
Sec. 25, S½;
Sec. 26, SE¼.
T. 13 S., R. 12 E.,
Sec. 6;
Sec. 7, E½ and E½W½;
Sec. 8;
Sec. 17;
Sec. 18, E½, E½NW¼, and SW¼;
Secs. 19 and 20;
Sec. 29;
Sec. 30, NE¼ and S½;
Sec. 31.
T. 14 S., R. 12 E.,
Sec. 5, N½;
Sec. 6, NE¼;
Sec. 20, S½;
Sec. 21, S½.

The areas described aggregate 7,600 acres.

2. This order shall be effective at 10:00 a.m. on September 30, 1959.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 25, 1959.

[F.R. Doc. 59–7205; Filed, Aug. 28, 1959; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICE

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Parts 12 and 20 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 26th day of August 1959, that, effective August 31, 1959, Parts 12 and 20 are amended as set forth below.

Released: August 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 12 is amended as follows:

1. Section 12.20 is amended to delete the comma following the word "extra." As amended, § 12.20 reads as follows:

§ 12.20 Classes of amateur operator licenses.

Amateur extra class.
Advanced class (previously class A).
General class (previously class B).
Conditional class (previously class C).
Technician class.
Novice class.

2. Section 12.64(b)(5) is amended to read as follows:

§ 12.64 Location of station.

* * * * * *

(b) * * *

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Amateur Radio Service rules.

3. Section 12.111(a)(5) is amended by deleting the word "subparagraph" and inserting in its place the word "paragraph". As amended, § 12.111(a)(5) reads as follows:

§ 12.111 Frequencies and types of emission for use of amateur stations.

(a) * * *

(5) The provisions of this paragraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

4. Section 12.132 is amended by deleting the word "license" and inserting in its place the word "licensee." As amended, § 12.132 reads as follows:

§ 12.132 Power supply to transmitter.

The licensee of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

5. Section 12.136(b) is amended by enclosing the last two sentences of this paragraph in parenthesis. As amended, § 12.136(b) reads as follows:

§ 12.136 Logs.

* * * * *

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter; the signature of each licensed operator who operates a transmitter of any other type; and the name of any person not holding an amateur operator license who either directly or by recording transmits by voice over a radiotelephone transmitter or operates a teleprinter keying a radiotelegraph transmitter. (The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.)

6. That portion of § 12.156 preceding paragraph (a) is amended to read as follows:

§ 12.156 Operation in emergencies.

In the event of an emergency disrupting normally available communication facilities in any widespread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs participating in emergency communication within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Engineer in Charge of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements set forth in this section, but such requirements shall in nowise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

7. That portion of § 12.193 preceding paragraph (a) is amended to read as follows:

§ 12.193 Operation during an alert.

During a CONELRAD Radio Alert the operation of all amateur radio stations, except stations in the Radio Amateur Civil Emergency Service (RACES) and stations specifically authorized otherwise, will be immediately discontinued until the Radio All Clear is issued. Stations in the RACES and such others as are specifically authorized to operate during the alert will conduct operation under the following restrictions.

8. Section 12.227(b) is amended to read as follows:

§ 12.227 Term of station authorization.

* * * * *

(b) Whenever, under rules contained in Subpart A of this part, modification of the basic amateur station license becomes necessary, if such modification affects the information submitted with the original application for authorization in the Radio Amateur Civil Emergency Service, application for modification of the Radio Amateur Civil Emergency Service station authorization shall be submitted concurrently therewith.

9. Section 12.243 is amended by changing the words "the foregoing requirement" to read "the requirement of this paragraph" in the places these words appear in paragraphs (a) and (b). As amended, paragraphs (a) and (b) of § 12.243 read as follows:

§ 12.243 Availability of station authorizations and operator licenses.

(a) The original station authorization permitting operation of the licensed amateur station in the Radio Amateur Civil Emergency Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station, including each transmitter which is capable of being operated and intended to be operated independently at different locations, if the transmitter is readily accessible, or, if the control position is located at a place other than the transmitter location, it may be posted at the control position: *Provided,* That, whenever a photocopy of the station authorization is utilized in compliance with the requirement of this paragraph, the original station authorization shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(b) The original radio operator license, or a verification card (FCC Form 758–F) in the case of the holder of a commercial radio operator license of the diploma type, of the operator controlling the emissions of a station authorized to be operated in this service together with the certification required by § 12.241(a), shall be carried on his person or kept immediately available at the place where he is operating the station or any independent unit of a station: *Provided,* That, whenever a verification card (FCC Form 758–F) is utilized in compliance with the requirement of this paragraph, the original operator license shall be made available for inspection upon reasonable request from an authorized representative of the Federal Government.

10. Section 12.244(a)(1) is amended by changing the words "the above items" in the second sentence to read "the items specified in this subparagraph." As amended, subparagraph (1) of § 12.244-(a) reads as follows:

§ 12.244 Radio station log.

(a) * * *

(1) The name and address of the station licensee, the regularly assigned call sign of the station and unit number if any, the name of the radio amateur civil emergency network or networks in which the station is normally operated, and the d.c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the items specified in this subparagraph, but the original entry and each change shall show the date on which the entry was made.

11. Appendix 1 is amended as follows:

a. The second paragraph of Appendix 1 is amended by adding Beaumont, Texas to the list of examination points, as follows:

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

Anchorage, Alaska.	San Diego, Calif.
Beaumont, Tex.	Savannah, Ga.
Juneau, Alaska.	Tampa, Fla.
Mobile, Ala.	

b. The list of annual examination points is amended by changing "Hilo, Hawaii, T.H." to "Hilo, Hawaii"; "Lihue, Kauai, T.H." to "Lihue, Hawaii"; and "Wailuku, Maui, T.H." to "Wailuku, Hawaii."

B. Part 20 is amended as follows:

§ 20.7 [Amendment]

1. Section 20.7 is amended by deleting the footnote designator from the title and by adding the text of footnote 1 as text at the end of the section.

§ 20.11 [Amendment]

2. Section 20.11 is amended by adding the text of footnote 1 as text at the end of paragraph (a).

3. Section 20.25(a) is amended by deleting the words "their cognizant" and substituting in their place the words "the appropriate." As amended, § 20.25(a) reads as follows:

§ 20.25 Station identification.

(a) *Call signs.* Disaster stations licensed by the Commission will be assigned distinctive call signs, consisting of four letters and one digit, in accordance with the table of geographical assignment of call signs contained in § 2.303 of this chapter. Stations of the United States Government authorized to operate in the Disaster Communications Service will be assigned appropriate call signs by the appropriate United States Government agencies from the call signs available to such agencies.

4. Section 20.26(a)(1) is amended by changing "above items" to "items in this subparagraph.", as follows:

§ 20.26 Radio station log.

(a) * * *

(1) Name and address of the disaster station licensee, station call sign used in the Disaster Communications Service, date of expiration of the disaster station license, and d.c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the items in this subparagraph. Each change shall be entered with the date the change is made.

5. Section 20.29 is amended by deleting, in paragraph (a), footnote designator 1 (in two places), and by adding the text of footnote 1 as text at the end of the paragraph; and by deleting, in paragraph (b), footnote designator 2 and by adding the text of footnote 2 as text at the end of the paragraph, as follows:

§ 20.29 Limitations on use of frequencies.

(a) The assigned frequencies in the band 1750–1800 kc are available to stations in this Service upon a shared basis with the stations in the Industrial Radiolocation Service also assigned frequencies within that band: *Provided however,* That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between the times at New Orleans, Louisiana, of sunrise and sunset: *And provided further,* That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans, Louisiana, of sunset and sunrise, or at any time during an actual or imminent disaster in any area. The average times of sunrise and sunset at New Orleans, Louisiana, based on Central Standard Time, are as follows:

	Jan.	Feb.	Mar.	Apr.	May	June
Sunrise	7:00	6:45	6:15	5:30	5:15	5:00
Sunset	5:15	5:45	6:15	6:30	6:45	7:00

	July	Aug.	Sept.	Oct.	Nov.	Dec.
Sunrise	5:15	5:30	5:45	6:00	6:30	6:45
Sunset	7:00	6:45	6:00	5:30	5:00	5:00

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service, except by mutual agreement between the licensees in both Services through the channels of liaison prescribed in § 20.30. Stations in the Industrial Radiolocation Service are authorized to use frequencies in the 1750–1800 kc band under the condition, among others, that such use shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico.

6. Section 20.30 preceding paragraph (a) is amended by changing "§ 11.611 of this chapter, 'Rules Governing Industrial Radio Services'," to "§ 11.611 in Part 11, Industrial Radio Services, of this chapter,", as follows:

§ 20.30 Liaison with licensees in the Industrial Radiolocation Service.

To carry into effect the requirements of § 20.29, and of § 11.611 in Part 11, Industrial Radio Services, of this chapter, including a positive means whereby operation in the Industrial Radiolocation Service can be suspended to protect stations in this Service against harmful interference during operation in connection with an actual or imminent disaster or during other hours when stations in this Service have priority on the use of frequencies in the 1750–1800 kc band, there shall be established an adequate and reliable system of notification and liaison between licensees in this Service and licensees in the Industrial Radiolocation Service. The extent and division of responsibility for various phases of the notification and liaison system shall be as follows:

7. Section 20.31(a) preceding the table is amended by substituting "(see § 20.7)" in place of footnote designator 3 and by deleting footnote 3; paragraph (b) is amended by changing "In the foregoing table," to "In the table in paragraph (a) of this section,"; as amended, § 20.31(a) preceding the table and § 20.31(b) read as follows:

§ 20.31 Assigned frequencies and authorized emissions.

(a) The following frequencies in the frequency band 1750–1800 kc are assigned, on a nonexclusive basis, to all stations in the Disaster Communications Service. The selection and use of these frequencies shall be in accordance with a coordinated local area and adjacent area disaster communications plan (see § 20.7), the specific types of emission herein indicated, and the other applicable provisions of this part:

* * * * *

(b) In the table in paragraph (a) of this section, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission is shown as a prefix to the authorized emission classification. The specified bandwidth shall contain those frequencies upon which a total of 99 percent of the radiated power appears, and shall include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified is considered to be an unauthorized emission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154)

[F.R. Doc. 59–7235; Filed, Aug. 28, 1959; 8:53 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

BOWDOIN NATIONAL WILDLIFE REFUGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservaton Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.11 to Subpart—Bowdoin National Wildlife Refuge, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to add regulations governing the hunting of waterfowl and coots and to limit the areas open for hunting on certain lands of the Bowdoin National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.11 Migratory waterfowl and coot hunting permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, migratory waterfowl and coot hunting is permitted on the hereinafter described lands and waters of the Bowdoin National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Permit.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* The use of boats with motors of 10 horsepower or less is permitted for hunting but for no other purpose: *Provided,* That the use of air-thrust and scull boats is prohibited.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) *Camping.* Camping or lighting of fires on the refuge is prohibited, except in designated areas.

(g) *Blinds.* Any person entitled to hunt may construct and use a blind: *Provided,* That construction of a blind does not establish a priority for use by the constructor or any person.

(h) *Hunting area.* Waterfowl and coot hunting will be permitted on the following described lands:

T. 30 N., R. 31 E., M.P.M.
Sec. 4, all;
Sec. 5, E½;
Sec. 8, NE¼ and SE¼NW¼;
Sec. 9, N½ That part north of Great Northern Railway.

T. 31 N., R. 31 E.
Sec. 21, SE¼SW¼ and SE¼;
Sec. 22, SW¼;
Sec. 27, W½;
Sec. 28, all;
Sec. 29, SE¼NE¼, SE¼SW¼ and SE¼;
Sec. 32, E½ and E½W½;
Sec. 33, all;
Sec. 34, N½NW¼ and SW¼NW¼.

[F.R. Doc. 59–7197; Filed, Aug. 28, 1959; 8:48 a.m.]

[50 CFR Part 31]

COLUMBIA NATIONAL WILDLIFE REFUGE, WASHINGTON

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.56 and to add § 31.57 to Subpart—Columbia National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to make more inclusive the regulations governing the hunting of deer and to permit the hunting of upland game birds on certain lands of the Columbia National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.56 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Columbia National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Dogs.* Dogs are not permitted on the refuge for use in the hunting of deer.

(e) *Season and bag limit.* Season and bag limit shall be as prescribed jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Washington State Fish and Game Commission.

(f) *Hunting area.* All Government-owned lands within the Columbia National Wildlife Refuge are open to deer hunting.

§ 31.57 Upland game bird hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, upland game bird hunting is permitted on the hereinafter described lands of the Columbia National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(e) *Season and bag limit.* The open season and bag limit on upland game birds shall be in accordance with regulations established jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Washington State Fish and Game Commission.

(f) *Hunting area.* The following described area is open to hunting:

T. 17 N., R. 28 E., W.M.
Sec. 10, S½SW¼ and SE¼;
Sec. 11, S½;
Sec. 12, W½SW¼NW¼, SE¼SW¼NW¼, SW¼, S½NW¼SE¼, and SW¼SE¼;
Secs. 13, 14, and 15, all;
Sec. 22, NE¼, N½NW¼, and SE¼NW¼;
Sec. 23, N½;
Sec. 24, all;
Sec. 25, E½.
T. 17 N., R. 29 E.
Sec. 18, Lots 1–4, incl., SE¼SW¼ and NE¼SE¼, and S½SE¼;
Sec. 19, Lots 1–4 incl., W½NE¼NE¼, NW¼NE¼, and E½W½;
Sec. 29, S½NW¼ and S½;
Sec. 30, Lots 1 and 2, N½NE¼, SE¼NE¼, E½NW¼, and NW¼NE¼SW¼;
Sec. 32, all;
Sec. 33, NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, and SW¼NW¼.

[F.R. Doc. 59–7196; Filed, Aug. 28, 1959; 8:48 a.m.]

[50 CFR Part 31]

RED ROCK LAKES MIGRATORY WATERFOWL REFUGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise §§ 31.281 and 31.282 and to add § 31.283 to Subpart—Red Rock Lakes Migratory Waterfowl Refuge, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to make more inclusive the regulations governing hunting on Red Rock Lakes Migratory Waterfowl Refuge and to permit hunting for antelope in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions and addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.281 Waterfowl (other than snow geese) and coot hunting permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, waterfowl (other than snow geese) and coot hunting are permitted on the hereinafter described lands and waters of the Red Rock Lakes Migratory Waterfowl Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Abandonment of personal property.* The abandonment of boats, decoys, or other items of personal property on the public hunting area or elsewhere on the refuge is prohibited: *Provided,* That boats and trailers may be moored or parked in areas designated for the purpose during the waterfowl hunting season.

(e) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(f) *Camping.* Camping is permitted only in designated areas.

(g) *Boats.* The use of boats with motors for the purpose of hunting waterfowl and coots is permitted: *Provided,* That the use of airthrust motors and scull boats is prohibited.

(h) *Hunting area.* That portion of the refuge lying north of the Lakeview-Monida road and west of the line common to sections 34 and 35, T. 13 S., R. 2 W., and sections 2 and 3, 10 and 11, 14 and 15 of T. 14 S., R. 2 W.

§ 31.282 Moose hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, moose hunting is permitted on the hereinafter described lands of the Red Rock Lakes Migratory Waterfowl Refuge subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Moose hunting will be permitted on the following described lands:

T. 14 S., R. 1 W.
Sec. 1, all south of Elk Springs Creek;
Sec. 2, all south of Elk Springs Creek;
Sec. 3, all south and east of Elk Springs Creek;
Sec. 10, all east of Elk Springs Creek and Swan Lake;
Sec. 18, N½, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 14, fractional all;
Sec. 15, fractional all;
Sec. 20, SE¼ south of Shambo Creek;
Sec. 21, fractional all;
Sec. 22, fractional all;
Sec. 28, fractional all;
Sec. 24, all;
Sec. 25, N½, S½SW¼, NE¼SE¼;
Sec. 26, NE¼, N½NW¼, NW¼SW¼, S½S½;
Sec. 27, N½N½, SW¼NW¼, NW¼SW¼, S½S½;
Sec. 28, all;
Sec. 29, E½, SW¼;
Sec. 30, lots 9 and 10 (fraction E½SE¼).
T. 13 S., R. 1 E.,
Sec. 1, all S and E of Elk Springs Creek.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(e) *Seasons.* Moose may be hunted during the season as determined jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Montana Fish and Game Commission.

(f) *Camping.* Camping is permitted only in designated areas.

§ 31.283 Antelope hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, hunting of antelope is permitted on the hereinafter described lands of the Red Rock Lakes Migratory Waterfowl Refuge subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Antelope hunting will be permitted on the following described lands:

T. 13 S., R. 1 W.,
Sec. 25, all;
Sec. 26, all;
Sec. 27, E½;
Sec. 34, N½SE¼;
Sec. 36, all lying north and east of County Road.
T. 13 S., R. 1 E.,
Sec. 31, all.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(e) *Seasons.* Antelope may be hunted during the season as determined jointly by the Regional Director, Bureau of Sport Fisheries and Wildlife, and the Montana Fish and Game Commission.

(f) *Camping.* Camping is permitted only in designated areas.

[F.R. Doc. 59–7194; Filed, Aug. 28, 1959; 8:48 a.m.]

[50 CFR Part 35]

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DELAWARE

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 35.6 to Subpart—Bombay Hook National Wildlife Refuge, Delaware, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the annual hunting of deer on certain lands of the Bombay Hook National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 25, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 35.6 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Bombay Hook National Wildlife Refuge, Delaware, subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* Entry on the refuge for the purpose of hunting shall be by permit only. Travel shall be only along such routes as designated by the Refuge Manager.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting and reporting the daily kill.

(d) *Hunting area.* Only that portion of the Bombay Hook National Wildlife Refuge contained within the following prescribed boundary shall be open to deer hunting:

Bounded on the west by the McClements-Refuge boundary and its straight extensions to Finis Pool and the Refuge north boundary; on the north by the Refuge boundary easterly to the Bear Swamp dike; on the east by the Bear Swamp dike and Bear Swamp canal to Shearness dike; on the south by the northerly boundary of Shearness Pool and Finis Pool to the McClements property corner at point of beginning.

(e) *Season and method of taking.* Deer may be taken only by bow and arrow during that part of the State season for deer hunting as may be prescribed by the Regional Director, Bureau of Sport Fisheries and Wildlife, Region 5 (Northeast) providing that no deer may be taken by hunting during the open season for waterfowl.

[F.R. Doc. 59–7195; Filed, Aug. 28, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 101]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of Allison 501–D13 and –D13A engines to prevent serious damage resulting from compressor blade retention failures.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B–816, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the Federal Register will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

ALLISON. Applies to Allison Model 501–D13 and –D13A engines.
Compliance required not later than October 31, 1959.
Ten cases of compressor blade retention failures have occurred in service including one case that resulted in serious bulging and separation on the split line of the compres-

sor case and flash fire inside the cowling during ground running. To preclude the possibility of serious engine damage resulting from failure of first stage compressor blade retention one of the following modifications must be incorporated not later than October 31, 1959.

Install first-stage compressor wheel assembly P/N 67 92821 or first stage compressor wheel assembly P/N 67 93351 or compressor rotor assembly P/N 67 92332. Allison Commercial Engine Bulletins Numbers 61 or 80 cover the first two modifications while the last is a new design.

Issued in Washington, D.C., on August 21, 1959.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-7185; Filed, Aug. 28, 1959; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-125]

FEDERAL AIRWAYS

Modification of a Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6016 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 16 presently extends from Los Angeles, Calif., to Boston, Mass. The distance between the Knoxville, Tenn., VOR and the Pulaski, Va., VOR on the north alternate segment of this airway is approximately 149 miles, which is considerably in excess of the normally desired 90 miles spacing between VOR's. The Federal Aviation Agency is considering realigning this north alternate segment of Victor 16 via an intermediate VOR to be installed approximately November 15, 1959 near Blackford, Va., at latitude 36°57'15", longitude 81°55'20", to provide more precise navigational guidance. If such action is taken, Victor 16 north alternate segment from Knoxville, Tenn., to Pulaski, Va., would be designated via the Blackford, Va., VOR. The control areas associated with Victor 16 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6016 (14 CFR, 1958 Supp., 600.6016, 23 F.R. 10337, 24 F.R. 702, 1282, 2227, 3870) as follows:

In the text of § 600.6016 *VOR Federal airway No. 16 (Los Angeles, Calif., to Boston, Mass.)*, delete "including a north alternate from the Knoxville omnirange station to the Pulaski omnirange station via the intersection of the Knoxville omnirange 054° True and the Pulaski omnirange 260° True radials;" and substitute therefor "including a north alternate via Blackford, Va., VOR;".

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7176; Filed, Aug. 28, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-113]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6126 and 601.6126 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 126 presently extends from Chicago, Ill., to New York, N.Y. The Federal Aviation Agency has under consideration the extension of Victor 126 from Armonk, N.Y., intersection to Riverhead, N.Y., as a portion of a plant to revise and increase the air traffic flow capabilities into and from the New York metropolitan area. This extension to Victor 126 will serve primarily as a northwest bound route for aircraft departing New York International Airport, Idlewild, N.Y. If such action is taken VOR Federal airway No. 126 and its associated control areas would extend from Chicago, Ill., to Riverhead, N.Y .

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, New York International Airport, Jamaica, Long Island, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6126 and 601.6126. (14 CFR. 1958 Supp., 600.6126, 601.6126) as follows:

1. Section 600.6126 *VOR Federal airway No. 126 (Chicago, Ill., to New York, N.Y.)*:

a. In the caption, delete "*(Chicago, Ill., to New York, N.Y.)*" and substitute therefor "*(Chicago, Ill., to Riverhead, N.Y.)*."

b. In the text, delete "to the point of intersection of the Huguenot omnirange 114° and the Wilton, Conn., omnirange 240° radials." and substitute therefor "to the Riverhead, N.Y., VOR."

2. In the caption of § 601.6126 *VOR Federal airway No. 126 control areas (Chicago, Ill., to New York, N.Y.)*, delete "*(Chicago, Ill., to New York, N.Y.)*" and substitute therefor "*(Chicago, Ill., to Riverhead, N.Y.)*".

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7175; Filed, Aug. 28, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-131]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of VOR Federal airway No. 472 from Franklin, Va., to Elizabeth City, N.C. The designation of Victor 472 will provide a route for the use of VOR equipped aircraft into and from the Elizabeth City terminal which is presently served by a single colored airway. If such action is taken, VOR Federal airway No. 472 and associated control areas will be designated from the Franklin, Va., VOR to the Elizabeth City, N.C., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) by adding the following sections:

§ 600.6472 VOR Federal airway No. 472 (Franklin, Va., to Elizabeth City, N.C.).

From the Franklin, Va., VOR to the Elizabeth City, N.C., VOR.

§ 601.6472 VOR Federal airway No. 472 control areas (Franklin, Va., to Elizabeth City, N.C.).

All of VOR Federal airway No. 472.

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7177; Filed, Aug. 28, 1959; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-FW-15]

CODED JET ROUTES

Extension of Coded Jet Route

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.552 of the regulations of the Administrator, as hereinafter set forth.

VOR/VORTAC jet route No. 52 presently extends from Birmingham, Ala., to Florence, S.C. Scheduled air carrier jet aircraft service is proposed between Dallas, Tex., and Birmingham, Ala., in the near future. Accordingly, the Federal Aviation Agency has under consideration the extension of Jet Route 52-V westerly from Birmingham, Ala., to Dallas, Tex. The portion of Jet Route 52-V between Texarkana, Ark., and Dallas, Tex., would overlie VOR/VORTAC jet routes Nos. 31 and 42. This is proposed to provide continuity of the Jet Route, thus improving flight planning procedures and air traffic management. If such action is taken, Jet Route 52-V would extend from Dallas, Tex., via Texarkana, Ark., Greenwood, Miss., Birmingham, Ala., Atlanta, Ga., Augusta, Ga., Columbia, S.C., to Florence, S.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 602.552 (14 CFR, 1958 Supp. 602.552) as follows:

Section 602.552 *VOR/VORTAC jet route No. 52 (Birmingham, Ala., to Florence, S.C.)*:

a. In the caption, delete "*(Birmingham, Ala., to Florence, S.C.)*" and substitute therefor "*(Dallas, Tex., to Florence, S.C.)*".

b. In the text, delete "From the Birmingham, Ala., VOR via the Atlanta, Ga., VOR;" and substitute therefor "From the Dallas, Tex., VOR via the Texarkana, Ark., VOR; Greenwood, Miss., VOR; Birmingham, Ala., VOR; Atlanta, Ga., VOR;".

Issued in Washington, D.C., on August 21, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7178; Filed, Aug. 28, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Redelegation Order 2, Amdt. 1]

ASSISTANT AREA DIRECTOR AND AREA ADMINISTRATIVE OFFICER

Redelegation of Authority

All previous authority delegated by Sacramento Area Redelegation Order 2 (22 F.R. 152) to the Area Property and Supply Officer to enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and to perform the duties of the Contracting Officer in regard to such contracts is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

The headnote and paragraph (b) of section 2 of Sacramento Area Office Redelegation Order 2 are amended to read as set forth below.

GLENN L. EMMONS,
Commissioner.

AUGUST 21, 1959.

SEC. 2. *Assistant Area Director and Area Administrative Officer.* * * *

(b) The Area Administrative Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

[F.R. Doc. 59-7198; Filed, Aug. 28, 1959; 8:48 a.m.]

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands

AUGUST 21, 1959.

The Alaska Railroad has filed an application, Serial Number A. 046232 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use in connection with the permanent ammunition loading and unloading site now constructed and in operation.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PASSAGE CANAL—WHITTIER

Beginning at a point on the westerly boundary of Parcel No. 1 P.L.O. 587 which bears N. 10°00' W., 1,100 feet from the common corner and point of beginning for Parcels No. 1 and No. 3 of P.L.O. 587, thence N. 10°00' W., 1,900 feet; thence N. 58°30' E., 4,000 feet; thence East, 2,200 feet to the west shoreline of Passage Canal; thence Southwesterly 3,600 feet, approximately, along line of mean high water thence West, 770 feet thence S. 17°30' W., 795 feet; thence West, 1,320 feet; thence S. 18°42' W., 907.39 feet; thence West, 566.82 feet, more or less, to the point of beginning. The tract as described contains an area of approximately 198 acres.

L. T. MAIN,
Operations Supervisor.

[F.R. Doc. 59–7220; Filed, Aug. 28, 1959; 8:51 a.m.]

[Amdt. 2]

ALASKA

Notice of Proposed Withdrawal and Reservation of Land

The notice of the proposed withdrawal and reservation of land for the Bureau of Land Management, Anchorage 046340, as published in the FEDERAL REGISTER on October 8, 1958, in Volume 23, No. 197 on Page 7771, and as amended by a Notice published on November 20, 1958, on page 9039, in Volume 23, Number 227, is hereby further amended to re-describe the parcel at Smaller Jack Lake to read as follows:

SMALLER JACK LAKE

An unsurveyed parcel of land lying generally between the Nebesna Road and the north shore of Smaller Jack Lake in the northeast end and encompassing the mouth of the small stream flowing into the lake together with the several small peninsulas extending southward from the north shore that are in general use as public camp grounds, more particularly described as follows:

Beginning at the westernmost end of a small peninsula in the northeast part of Smaller Jack Lake at approximate latitude 62°31'4" N., longitude 143°16'10" W., thence:
North to centerline of the Nabesna Road;
Easterly along said centerline 990 ft.;
South 660 ft.;
West approximately 400 feet to mean high water of Smaller Jack Lake
Northwesterly along mean high water to point of beginning.

Containing approximately 15 acres.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59–7221; Filed, Aug. 28, 1959; 8:51 a.m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, VETERAN TOWNSITE, WYOMING

Sale of Lots and Blocks

1. *Statutory authority.* Certain additional lots and blocks of the Townsite of Veteran, Wyoming, will be disposed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U.S.C. 561, 568).

2. *Area and price.* The area and appraised value of the lots and blocks which are to be sold are shown in the schedule below.

3. *Public sale.* On September 30, 1959, at 1 p.m., at the Veteran Public School in the Town of Veteran, Wyoming, said lots and blocks will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States. R. M. Sensintaffer, Acting Project Manager, North Platte Projects office, Bureau of Reclamation, has been designated as superintendent of the sale, and Arthur V. Hay, Chief Land and Water Service Division, North Platte Projects office, Bureau of Reclamation, as auctioneer.

4. *Terms of sale.* Full payment for the lots and blocks must be made in cash on the date of sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot or block and to suspend, adjourn, or postpone the sale of any lot or block to such time and place as he may deem proper. After all the lots and blocks have been offered, the superintendent will close the sale. Any lot or block remaining unsold will be subject to private sale by the Manager, Land Office, Cheyenne, Wyoming.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot or block from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U.S.C. 1860.

Approved: August 13, 1959.

J. L. OGILVIE,
Acting Regional Director.

Schedule of Appraisal

T. 23 N., R. 63 W., 6th P.M., Veteran Townsite, Wyoming.

Section 13:	Area	Appraised value
Lot 1	50' x 140'	$10.00
Lot 2	50' x 140'	10.00
Lot 3	50' x 140'	10.00
Lot 4	50' x 140'	10.00
Lot 5	50' x 140'	10.00
Lot 6	50' x 140'	10.00
Lot 7	50' x 140'	10.00
Lot 8	50' x 140'	10.00
Lot 9	50' x 140'	10.00
Lot 10	50' x 140'	10.00
Lot 11	50' x 140'	10.00
Lot 12	50' x 140'	10.00
Block 40	150' x 380'	80.00
Block 43	140' x 300'	60.00
Block 44	140' x 300'	60.00
Block 45	140' x 300'	60.00

[F.R. Doc. 59–7206; Filed, Aug. 28, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM C. MASSETH

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. William C. Masseth.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: August 19, 1959.

4. Title of position: Consultant, Iron & Steel Division.

5. Name of private employer, Bethlehem Steel Co., Bethlehem, Pa.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 13, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bethlehem Steel Co.
General Dynamics Corp.
Heydon Newport Chemical Co.
Aluminum Ltd.
Servo-Mechanisms Corp.
Brush Beryllium Corp.
Houston Corp.
Sawhill Tubular Products Co.
Philippines Oil & Development Co.
Trebor Mines, Ltd.
Pacific Automation Co.
United Funds, Inc.
Basement Club.
Bank Deposits.

WILLIAM C. MASSETH.

AUGUST 20, 1959.

[F.R. Doc. 59–7222; Filed, Aug. 28, 1959; 8:52 a.m.]

JAMES F. REID, SR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: no change.
B. Additions: no change.

This statement is made as of August 9, 1959.

JAMES F. REID, SR.

AUGUST 9, 1959.

[F.R. Doc. 59–7223; Filed, Aug. 28, 1959; 8:52 a.m.]

WALLACE E. CARROLL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: no change.
B. Additions: no change.

This statement is made as of August 18, 1959.

WALLACE E. CARROLL.

AUGUST 18, 1959.

[F.R. Doc. 59–7224; Filed, Aug. 28, 1959; 8:52 a.m.]

COURTLANDT F. DENNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1959.

COURTLANDT F. DENNEY.

AUGUST 17, 1959.

[F.R. Doc. 59–7225; Filed, Aug. 28, 1959; 8:52 a.m.]

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1959.

MARVIN S. PLANT.

AUGUST 15, 1959.

[F.R. Doc. 59–7226; Filed, Aug. 28, 1959; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–145]

THOR-WESTCLIFFE RESEARCH, INC.

Application for Production Facility License

Please take notice that Thor-Westcliffe Research, Inc. (a wholly owned subsidiary of Thor-Westcliffe Development Inc.) Santa Fe, New Mexico, under section 104 of the Atomic Energy Act of 1954, has submitted an application for the necessary licenses to construct and operate a multi-stage gas centrifuge isotope separation plant to produce special nuclear material in the vicinity of Pittsburg, Kansas. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of August, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59–7178; Filed, Aug. 28, 1959; 8:45 a.m.]

[Docket No. 50–57]

UNIVERSITY OF BUFFALO

Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to the University of Buffalo a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). The University has advised that the Nuclear Research Center, of which the subject reactor will be a part, will be operated by a separate, non-profit corporation (to be organized under the laws of the State of New York) which will lease the reactor and Nuclear Research Center facilities from the University. For further details see, (1) the application submitted by the University of Buffalo and (2) a hazards analysis by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of August 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 7, 1957, and amendments dated May 27, 1959, July 21, 1959, and July 31, 1959 (hereinafter collectively referred to as "the application") The University of Buffalo, Buffalo, New York, requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of a pool-type research reactor (hereinafter referred to as "the reactor") designed to operate at a steady thermal power of one megawatt.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act").

C. The University of Buffalo is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. The University of Buffalo is technically qualified to construct and operate the reactor in accordance with the reductions contained in Title 10, Chapter I, CFR.

E. The University of Buffalo has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risks to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Buffalo to construct the reactor in accordance with the specifications contained in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations, is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is March 1, 1961. The latest completion date of the reactor is August 1, 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location in Buffalo, New York, specified in the application.

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the Act and of the rules and regulations of the Commission, the Commission will

issue a Class 104 license pursuant to section 104c of the Act, which license shall expire on June 30, 1981.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to the University, for use in connection with the facility, eleven kilograms of uranium 235 contained in uranium enriched to approximately 93 percent in the isotope uranium 235. Estimated schedules of special nuclear material transfers to the University and returns to the Commission are contained in Appendix A which is set forth below. Shipments by the Commission to the University in accordance with Column 2 in Appendix A will be conditioned upon the University's return to the Commission of material substantially in accordance with Column 3 of Appendix A.

For the Atomic Energy Commission.

APPENDIX A

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO THE UNIVERSITY AND TO THE COMMISSION FROM THE UNIVERSITY

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to the university, gms. U-235	(3) Returns by the university to AEC, gms. U-235		(4) Net yearly distribution including cumulative losses, gms. U-235	(5) Cumulative distribution including cumulative losses, gms. U-235
		Recoverable cold scrap	Spent hot fuel		
1961	8,700	2,900	1,020	4,780	4,780
1962	3,000	1,000	1,700	300	5,080
1963	3,000	1,000	1,700	300	5,380
1964	3,000	1,000	1,700	300	5,680
1965	3,000	1,000	1,700	300	5,980
1966	3,000	1,000	1,700	300	6,280
1967	3,000	1,000	1,700	300	6,580
1968	3,000	1,000	1,700	300	6,880
1969	3,000	1,000	1,700	300	7,180
1970	3,000	1,000	1,700	300	7,480
1971	3,000	1,000	1,700	300	7,780
1972	3,000	1,000	1,700	300	8,080
1973	3,000	1,000	1,700	300	8,380
1974	3,000	1,000	1,700	300	8,680
1975	3,000	1,000	1,700	300	8,980
1976	3,000	1,000	1,700	300	9,280
1977	3,000	1,000	1,700	300	9,580
1978	3,000	1,000	1,700	300	9,880
1979	3,000	1,000	1,700	300	10,180
1980	3,000	1,000	1,700	300	10,480
Totals	65,700	21,900	33,320		10,480
Of scrap returned, assuming 1% unrecoverable					+219
Consumption plus inventory					10,699
Inventory to be returned to AEC at close of fiscal year 1980					-4,600

[F.R. Doc. 59-7174; Filed, Aug. 28, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

PROPOSED AIR STAR ROUTE

Description

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 10811) for certification that the proposed air star route, hereinafter decribed, does not conflict with the development of air transportation as contemplated under the Federal Aviation Act of 1958.

The route proposed is as follows: Between Honolulu, Hawaii and Canton Island (which is located 1911 miles southwest of Honolulu).

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C.. All relevant matter in communications bearing the above docket number received on or before September 8, 1959, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

AUGUST 26, 1959.

[F.R. Doc. 59-7230; Filed, Aug. 28, 1959; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11836, 11837; FCC 59M-1077]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

Earl S. Walden, Homer T. Goodwin, and Leroy Durham, d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200; Troyce H. Harrell and Kermit S. Ashby, d/b as Star of the Plains Broadcasting Co., Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

It is ordered, This 24th day of August 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter commencing at 2:00 p.m. on Thursday, September 3, 1959, in the offices of the Commission, Washington, D.C.

Released: August 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7236; Filed, Aug. 28, 1959; 8:53 a.m.]

[Docket Nos. 12837 etc.; FCC 59M-1076]

BIRNEY IMES, JR., ET AL.

Order Scheduling Further Prehearing Conference

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, Docket No. 13057, File No. BP-12987; for construction permits.

It is ordered, This 24th day of August 1959, that a further prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter commencing at 10:00 a.m. on Tuesday, September 15, 1959, in the offices of the Commission, Washington, D.C.

Released: August 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7237; Filed, Aug. 28, 1959; 8:53 a.m.]

[Docket Nos. 12955, 12956; FCC 59M-1062]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of W. K. Ulerich, Milton J. Bergstein and John A. Dame, d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corp., State College, Pennsylvania, Docket No. 12956, File No. BP-12007; for construction permits.

It is ordered, This 25th day of August 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will

be held in the above-entitled matter at 10:00 a.m. on Tuesday, September 1, 1959, in the offices of the Commission, Washington, D.C.

Released: August 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7238; Filed, Aug. 28, 1959; 8:54 a.m.]

[Docket No. 13170]

ALBERT L. KING

Amended Order To Show Cause

In the matter of Albert L. King, Gulf Shores, Alabama, Docket No. 13170; order to show cause why there should not be revoked the license for Radio Station WG-5519, aboard the vessel "Silver Sands."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 1, 1959, calling attention to the violation observed April 5, 1959) of § 8.108 of the Commission's rules in that the station was emitting a harmonic on approximately 5660 kc., when operating on the frequency 2830 kc. with Type A3 emission.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 2, 1959, and sent by Certified Mail—Return Receipt Requested (No. 212619), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Lillian Calloway, on June 5, 1959 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated section 1.61 of the Commission's rules;

It is ordered, This 26th day of August 1959, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7239; Filed, Aug. 28, 1959; 8:54 a.m.]

[Docket No. 13174; FCC 59M-1078]

KERN RADIO DISPATCH

Order Scheduling Hearing

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58, Station KMD993; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

It is ordered, This 24th day of August 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 29, 1959, in Washington, D.C.

Released: August 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-7240; Filed, Aug. 28, 1959; 8:54 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13174; FCC 59M-1083]

KERN RADIO DISPATCH

Notice of Prehearing Conference

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

A prehearing conference will be held Monday, September 14, 1959 at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: August 26, 1959.

Released: August 26, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7241; Filed, Aug. 28, 1959; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18834]

CITY PRODUCTS CORP. AND W. J. COPPINGER

Notice of Application and Date of Hearing

AUGUST 25, 1959.

Take notice that on June 22, 1959, City Products Corporation and W. J. Coppinger (Applicants) filed in Docket No. G-18834 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Northern Natural Gas Company (Northern) from acreage in the South Pleasant Valley Field, Ford County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the Vice No. 1 Well, being the only gas producing well on the subject acreage, has ceased to produce in sufficient quantities to make delivery to Northern and has been plugged and abandoned.

Applicants were authorized to render the service herein proposed to be abandoned on June 27, 1957, in Docket No. G-4090. This service was covered by a gas sales contract dated September 27, 1954, by and between Applicants, as sellers, and Northern, as buyer, on file with the Commission as W. J. Coppinger, et al,, FPC Gas Rate Schedule No. 1.

Notice of the cancellation of the aforesaid contract of September 27, 1954, filed concurrently with the subject application, is on file with the Commission

as Supplement No. 1 to W. J. Coppinger, et al., FPC Gas Rate Schedule No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7214; Filed, Aug. 28, 1959; 8:50 a.m.]

[Docket No. E-6881]

SUPERIOR WATER, LIGHT AND POWER CO.

Notice of Supplemental Application

AUGUST 25, 1959.

Take notice that on August 24, 1959, a supplemental application in the above-entitled matter was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Superior Water, Light and Power Company ("Applicant"), seeking a supplemental order authorizing the issuance by Applicant of up to a maximum of $2,050,000, principal amount of unsecured short-term Promissiory Notes, outstanding at any one time. The Commission's order issued June 3, 1959 authorized Applicant to issue unsecured, short-term Promissiory Notes in a principal amount not in excess of $850,000 outstanding at any one time to banks before June 1, 1961. The proposed additional Notes would also be issued before that date. Notice of Applicant's original application in Docket No. E-6881 was published in the FEDERAL REGISTER on April 30, 1959 (24 F.R. 3382). Applicant states that the proceeds from said Promissory Notes will be used to provide funds to meet its construction and conversion program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of September, 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7215; Filed, Aug. 28, 1959; 8:51 a.m.]

[Docket No. G-18296]

WISCONSIN SOUTHERN GAS CO., INC., ET AL.

Notice of Date of Hearing

AUGUST 25, 1959.

In the matter of Wisconsin Southern Gas Company, Inc. v. Natural Gas Pipeline Company of America and Texas Illinois Gas Pipeline Company; Docket No. G-18296.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 5, 14, 15 and 16 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR, Chapter I) a hearing will be held on September 22, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in the order Instituting Investigation and Providing for Hearing issued herein on August 12, 1959.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 12, 1959.

Notice of the order issued herein was published in the FEDERAL REGISTER on August 19, 1959 (24 F.R. 6730-6731).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7217; Filed, Aug. 28, 1959; 8:51 a.m.]

[Docket No. G-18394]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 25, 1959.

Take notice that on April 27, 1959, United Gas Pipe Line Company (Applicant) filed an application in Docket No. G-18394, pursuant to section 7(b) of the Natural Gas Act, for permission to remove approximately 70 feet of 8⅝-inch O.D. branch pipeline and appurtenant facilities used to serve natural gas to the Libbey-Owens-Ford Glass Company's Shreveport, Louisiana, plant, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the subject pipeline and facilities were used to serve natural gas to Libbey-Owens-Ford under the terms of a contract which has terminated and under which deliveries of gas have ceased.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 18, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7216; Filed, Aug. 28, 1959; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on July 22, 1959, continuing in effect to and including October 1, 1959, an order issued on June 11, 1958 (17 A.D. 530), authorizing the respondents, Market Agencies at Omaha Union Stock Yards, Omaha, Nebraska, to assess the current temporary schedule of rates and charges.

By a petition filed on August 6, 1959, the respondents requested authority to modify the current temporary schedule of rates and charges as indicated below. It was also requested that such authority become effective as soon as possible and that the current schedule, as so modified, remain in effect for a period of two years unless further modified or extended during that period.

SELLING AND RESELLING CHARGES

SECTION A

(The selling charges apply only when animals offered for sale are sold)

	Rate per head Present	Proposed
Cattle:		
Consignments of one head and one head only	$1.50	$1.55
Consignments of more than one head:		
First 5 head in each consignment	1.25	1.30
Next 10 head in each consignment	1.15	1.20
Each head over 15 in each consignment	1.05	1.15
Calves:		
Consignments of one head and one head only	.90	1.00
Consignments of more than one head:		
First 5 head in each consignment	.75	.85
Next 10 head in each consignment	.65	.75
Each head over 15 in each consignment	.55	.70

SECTION B

Hogs:		
Consignments of one head and one head only	.65	.65
Consignments of more than one head:		
First 10 head in each consignment	.47	.49
Next 15 head in each consignment	.42	.44
Each head over 25 in each consignment	.37	.39
Stags or boars: (250 pounds or over); Cripples or subjects	.80	.85

SECTION C

Sheep or goats:		
Consignments of one head and one head only	.50	.60
Consignments of more than one head:		
First 10 head in each 225 head in each consignment	.39	.41
Next 20 head in each 225 head in each consignment	.32	.35
Next 30 head in each 225 head in each consignment	.26	.29
Next 40 head in each 225 head in each consignment	.16	.19
Next 125 head in each 225 head in each consignment	.10	.13
Cripples or subjects	.60	.65

BUYING CHARGES

SECTION F

The charges for buying any species of livestock shall be the same as the selling charges for that species with the following exceptions:

Cattle and calves:

1. The minimum charge on a purchase order of cattle, and/or calves, shipped out by rail, shall be $27.00 (presently $25.00) times the number of cars in which the animals are shipped.

2. On trucked out cattle and calves for immediate slaughter the unit of charge shall be 22,000 pounds. On purchase orders weighing less than 22,000 pounds the maximum charge shall be $29.00 (presently $27.00). On purchase orders weighing 22,000 pounds or over, the charge shall be $29.00 (presently $27.00) for each unit of 22,000 pounds. In the case of those purchase orders which are of such weight that a fraction of a unit results, the charge on the fraction shall be computed by dividing the weight of the fraction by the average per head weight of the cattle in the purchase order. The number of animals so ascertained shall carry a charge of $1.15 (presently $1.05) for cattle and $.70 (presently $.55) per head for calves.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 25th day of August 1959.

DONALD L. BOWMAN,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7213; Filed, Aug. 28, 1959; 8:50 a.m.]

TRI-COUNTY STOCK YARDS ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Tri-County Stock Yards, Hurtsboro, Ala.
Morrilton Livestock Auction, Morrilton, Ark.
Byron Livestock Commission Co., Byron, Ill.
Flanagan Livestock Auction, Flanagan, Ill.
Kewanee Sale Barn, Kewanee, Ill.
Maple Park Livestock Sales, Maple Park, Ill.
Princeville Livestock Sales, Princeville, Ill.
Viola Auction Co., Viola, Ill.
Enterprise Livestock Auction Co., Enterprise, Oreg.
Woodburn Auction Yard, Woodburn, Oreg.
Southern Utah Auction Co., Cedar City, Utah.
Ellensburg Sale Yard, Ellensburg, Wash.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of August 1959.

DONALD L. BOWMAN,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7233; Filed, Aug. 28, 1959; 8:53 a.m.]

[P. & S. Docket No. 534]

MARKET AGENCIES AT NEW ORLEANS STOCK YARDS, INC.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 25, 1959, authorizing the respondents, Market Agencies at the New Orleans Stock Yards, Inc., Arabi, Louisiana, to assess the current schedule of rates and charges to and including June 30, 1960, unless modified or extended by further order before the latter date.

By a petition filed on July 13, 1959, as amended by a document filed August 7, 1959, W. H. Hodges & Co., Inc., one of the respondents, requested authority to modify the current schedule of rates and charges as indicated below:

ARTICLE II

SELLING CHARGES

ALL MODES OF ARRIVAL

Animals of the Bovine Species

	Rate per head Present	Proposed
Light weight bovines:		
One head and one heald only	$1.00	------
First 15 head in each consignment	.85	$2.00
Each head over 15 in each consignment	.75	1.50
Medium weight bovines:		
One head and one head only	1.50	------
First 15 head in each consignment	1.35	2.50
Each head over 15 in each consignment	1.25	2.00
Heavy weight bovines:		
One head and one head only	1.75	------
First 15 head in each consignment	1.50	3.00
Each head over 15 in each consignment	1.35	2.50
Bulls: 600 pounds and over	3.00	3.50
Dairy cattle: Milkers or springers (cows with calves at feet being considered one)	5.00	10.00
(Proposed)		
Swine:		
Pigs, 75 pounds and down	----	.50
Hogs, over 75 pounds:		
First 40 in each consignment	----	1.00
Each head over 40 in each consignment	----	.75
(Present)		
Consignments of one head and one head only	1.00	------
Consignments of more than one head:		
First 40 in each consignment	.65	------
Each head over 40 in each consignment	.50	------
Sheep and goats: All weights	.35	.50

ARTICLE III

EXTRA SERVICE CHARGES

	Rate per head Present	Proposed
For each additional draft over 3 in any 1 consignment	$0.25	$0.50
For each additional check, each additional account sales, each additional proceeds deposit over 1 per consignment	.10	.50
For each additional day after arrival of milch cows, until sold, not to exceed a maximum charge of	2.50	5.00
Per head per day	.50	1.00
Tipping horns	.15	.15
Branding	.20	.25
Removing ear tags; first five (5) head	.25	.25
Each head thereafter	.10	.10
Castrating and treating bulls	1.00	1.00
Testing for bangs	----	1.00
When requested, or when necessary, for brand or identification tag, a charge will be made of	.25	.25

ARTICLE IV

BUYING CHARGES

The charges for buying livestock of the various species shall not be in excess of those for selling like species and shall be as follows:

	Rate per car Present	Proposed
Slaughter cattle and calves in carload lots, single deck, maximum of	$20.00	$25.00
Slaughter cattle and calves in carload lots, double deck, maximum of	30.00	40.00
Hogs and sheep in carload lots, 20 cents per head not to exceed:		
Maximum for single deck	15.00	25.00
Maximum for double deck	22.00	40.00

	Rate per car (Present)	Rate per head (Proposed)
Stocker cattle and calves in carload lots, single deck, maximum of	$25.00	$1.00
Stocker cattle and calves in carload lots, double deck, maximum of	37.50	1.00

	Rate per head Present	Proposed
Slaughter cattle, less than carload lots:		
Cattle, 500 pounds and up	$0.65	$1.50
Calves, 495 pounds and under	.40	1.00
Stocker cattle, less than carload lots:		
Cattle, 500 pounds and up	1.00	2.50
Calves, 495 pounds and under	.65	2.00
Hogs and sheep, less than carload lots	.25	.25

(Purchases of livestock out of consignment to fill orders: When livestock are purchased out of consignments to fill orders, no buying commission will be assessed. In lieu thereof, a charge equal to one-half the regular buying charges will be assessed to defray the expenses incurred for soliciting of the market bids.)

ARTICLE V

RESALE CHARGES

The rates for reselling livestock of the various species shall be the same as those for selling under the provisions of Article II.

ARTICLE VI

FEED CHARGES

Hay—All kinds: Current market prices, f.o.b. Stockyards: plus $1.00 per hundredweight (presently $0.50 per hundredweight.)

Cotton Seed Hulls: Current market prices, f.o.b. Stockyards: plus $1.00 per hundredweight (presently $0.50 per hundredweight.)

Cottonseed Meal: Current market prices, f.o.b. Stockyards: plus $1.00 per hundredweight (presently $0.50 per hundredweight.)

Corn: Current market prices, f.o.b. Stockyards: plus $0.50 per bushel (presently $0.25 per bushel.)

Special Feeds: A reasonable handling charge not to exceed $1.00 per hundredweight (presently $0.50 per hundredweight) or fraction thereof.

The charge made for hay, hulls, meal, and corn shall be divisible by 5 and shall be amended when the margin between cost and sale prices of the feeds named varies five cents from the margin specified above.

ARTICLE VIII

SHIPPING CHARGES

When shipments are forwarded by rail and where partitions are required a charge of $5.00 (presently $4.50) for each partition furnished will be made.

When shipments are forwarded by rail a charge will be made of $5.00 per car (presently $4.00), for bedding single deck, and $8.00 (presently $6.00) per car for double deck.

When required, a charge of $3.00 (presently $1.50) per head will be made for tying bulls in cars.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 24th day of August 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7232; Filed, Aug. 28, 1959; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2016]

GLEN ALDEN CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Glen Alden Corporation Common Stock, File No. 7-2016.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7208; Filed, Aug. 28, 1959; 8:50 a.m.]

[File No. 7-2017]

GLEN ALDEN CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Midwest Stock Exchange for unlisted trading privileges in Glen Alden Corporation, Common Stock, File No. 7-2017.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7209; Filed, Aug. 28, 1959; 8:50 a.m.]

[File No. 54-182]

CENTRAL PUBLIC UTILITY CORP. ET AL.

Order Modifying Plan

AUGUST 21, 1959.

The Commission having, on June 13, 1952, entered its Findings and Opinion and Order (33 S.E.C. 555) approving a plan filed by Central Public Utility Corporation ("Cenpuc"), a registered holding company, under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") which, among other things, provided for the recapitalization of Cenpuc by the cancellation of all its outstanding securities and the issuance of 1,000,100 shares of new common stock, par value $6.00 a share, to the holders of Cenpuc's 5½ percent Income Bonds, due August 1, 1952 ("Income Bonds"); and

The United States District Court for the District of Delaware having, on July 29, 1952, entered an order approving and enforcing the plan; and

Holders of Cenpuc's Income Bonds having, under the plan, until August 31, 1960 (the final day of an eight-year distribution period) the right to exchange their securities for Cenpuc stock after which the shares held by the exchange agent for issuance to the holders of Cenpuc's Income Bonds are to be returned to Cenpuc for cancellation; and

It appearing that there is pending a proposed consolidation of Cenpuc, Consolidated Electronics Industries Corp., and Philips Industries, Inc. into a new corporation to be named Consolidated Electronics Industries Corp. ("Con-Electron") and into whose shares Cenpuc's capital stock will be converted on a share for share basis; and

The Commission having granted Cenpuc an exemption from the Act (Holding Company Act Release No. 13970 (April 3, 1959)) based, in part, upon the company's proposal that Cenpuc stockholders who object to the proposed consolidation would have the right to receive, without resort to any court, cash in the amount of $28 for each share of Cenpuc stock owned by him; and

Cenpuc having filed an amendment to its section 11(e) plan so as to provide:

(a) for the distribution to holders of Cenpuc Income Bonds, who transmit their Income Bonds to the exchange agent during the period between the effective date of the consolidation and the termination of the eight-year distribution period, the same number of shares of the new corporation, Con-Electron, as the number of shares of Cenpuc they would have been entitled to receive under the plan;

(b) that any holder of Income Bonds who effects the exchange shall have the right, for a period of twenty days after written notice by the exchange agent, to elect to receive cash equal to $28 per share in lieu of shares of Con-Electron; and

(c) that after the termination of the eight-year period of distribution, all of the shares of Con-Electron not distributed to holders of Cenpuc's Income Bonds be turned over to Con-Electron (if it then shall be the successor of Cenpuc) and be held as treasury stock rather than be extinguished as now provided in the plan; and

The Commission having considered the amendment and finding it appropriate in the public interest and in the interest of investors that said amendment to the plan be approved:

It is ordered, Pursuant to section 11(e) of the Act, that the above-described amendment to the plan be, and hereby is, approved, subject to the following terms and conditions:

(1) That said amendment be inoperative should the proposed consolidation not be consummated; and

(2) That jurisdiction be, and hereby is, generally reserved to the Commission to entertain such further proceedings and to take such further action as it may deem appropriate in connection with this matter.

It is further ordered, That the foregoing provisions of this order shall not be operative to authorize or require the carrying out of the amendment to the plan until an appropriate United States District Court shall have entered an order approving and enforcing said amendment.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7212; Filed, Aug. 28, 1959; 8:50 a.m.]

[File No. 7-2018]

CORN PRODUCTS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Pacific Coast Stock Exchange for unlisted trading privileges in Corn Products Company (Delaware), Common Stock, File No. 7-2018.

The above named stock exchange, pursuant to section 12(f)(2) of the Secu-

rities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 9, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–7210; Filed, Aug. 28, 1959; 8:50 a.m.]

[File No. 7–2019]

LOEW'S THEATRES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 24, 1959.

In the matter of application by the Pittsburgh Stock Exchange for unlisted trading privileges in Lowe's Theatres, Inc., Common Stock, File No. 7–2019.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 8, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–7211; Filed, Aug. 28, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 179]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 26, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62342. By order of August 25, 1959, the Transfer Board approved the transfer to O. J. Womelsdorf, Mapleton, Kans., of Certificate No. MC 52551, issued June 12, 1953, to O. J. Womelsdorf and Marion Quick, doing business as Womelsdorf and Quick, Mapleton, Kans., authorizing the transportation of: Livestock, from Fort Scott, Kans., to Kansas City, Mo., with service from intermediate and off-route points within 20 miles of Fort Scott, Kans., restricted to pickup only, and to the off-route point of North Kansas City, Mo., restricted to delivery only; and ground feed and lumber, from Kansas City, Mo., to Fort Scott, Kans., with no service to or from intermediate points, and with service from the off-route point of North Kansas City, Mo., restricted to pickup only.

No. MC–FC 62360. By order of August 25, 1959, the Transfer Board approved the transfer to River Terminals Transport, Inc., Madison, Indiana, of the operating rights in Certificate No. MC 117768, issued July 29, 1959, to James D. Shake and J. Brinton Thomas, a Partnership, doing business as Central Coal and Supply Co., Madison, Indiana, authorizing the transportation, over irregular routes of dry bulk commodities (not including cement), in bulk, in dump trucks, or other similar type self-unloading equipment, from river terminals, located at Madison and Aurora, Ind., to points in described portions of Indiana, Ohio, and Kentucky. Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis 4, Indiana.

No. MC–FC 62485. By order of August 25, 1959, the Transfer Board approved the transfer to Clyde B. Didlake, doing business as Clyde's Charter Bus Service, Glen Burnie, Maryland, of the operating rights in Certificate No. MC 36788, issued October 24, 1952, to James Milton Johnson, doing business as Johnson Motor Bus Service, Pasadena, Maryland, authorizing the transportation, over irregular routes, from points in Anne Arundel County, Md., to points in Maryland, the District of Columbia, Virginia, Pennsylvania, and Delaware, and return. S. Harrison Kahn, 1110 Investment Building, Washington, D.C., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–7219; Filed, Aug. 28, 1959; 8:51 a.m.]

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Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 6]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops (23 F.R. 3231, 5533, 6588, 9630, and 24 F.R. 3814, 5105) is to establish the normal yields for counties for the 1959 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Commodity Stabilization Service in accordance with §§ 722.2(d)(8) and 722.50. In order that such normal yields may be used by county committees in conection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.50 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1958 and Succeeding Crops is hereby amended by addition of a new paragraph (b) at the end thereof which reads as follows:

(b) *For 1959 crop year.* The following table sets forth the normal yields for the 1959 crop year, as adjusted pursuant to § 722.2(d)(8), which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	475	Houston	362
Baldwin	350	Jackson	424
Barbour	310	Jefferson	393
Bibb	424	Lamar	363
Blount	406	Lauderdale	362
Bullock	294	Lawrence	432
Butler	416	Lee	380
Calhoun	349	Limestone	429
Chambers	345	Lowndes	394
Cherokee	474	Macon	337
Chilton	396	Madison	437
Choctaw	324	Marengo	371
Clarke	280	Marion	349
Clay	335	Marshall	481
Cleburne	294	Mobile	367
Coffee	335	Monroe	443
Colbert	403	Montgomery	351
Conecuh	313	Morgan	415
Coosa	277	Perry	412
Covington	368	Pickens	383
Crenshaw	321	Pike	284
Cullman	442	Randolph	339
Dale	359	Russell	297
Dallas	406	St. Clair	381
De Kalb	452	Shelby	446
Elmore	460	Sumter	373
Escambia	467	Talladega	317
Etowah	419	Tallapoosa	324
Fayette	400	Tuscaloosa	399
Franklin	376	Walker	328
Geneva	413	Washington	349
Greene	361	Wilcox	390
Hale	405	Winston	352
Henry	369		

ARIZONA

Cochise	811	Pima	920
Gila	637	Pinal	1060
Graham	868	Santa Cruz	751
Greenlee	842	Yavapai	974
Maricopa	1121	Yuma	1008
Mohave	661		

ARKANSAS

Arkansas	445	Crawford	535
Ashley	535	Crittenden	579
Baxter	232	Cross	479
Boone	281	Dallas	312
Bradley	294	Desha	533
Calhoun	339	Drew	438
Chicot	472	Faulkner	349
Clark	327	Franklin	356
Clay	415	Fulton	313
Cleburne	236	Garland	316
Cleveland	296	Grant	279
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FEDERAL REGISTER

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ARKANSAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Howard	295	Phillips	503
Independence	383	Pike	251
Izard	317	Poinsett	444
Jackson	409	Polk	268
Jefferson	583	Pope	392
Johnson	526	Prairie	423
Lafayette	486	Pulaski	457
Lawrence	424	Randolph	439
Lee	488	St. Francis	518
Lincoln	552	Saline	242
Little River	365	Scott	235
Logan	454	Searcy	326
Lonoke	504	Sebastian	367
Marion	293	Sevier	287
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Monroe	487	Union	253
Montgomery	282	Van Buren	171
Nevada	214	Washington	199
Newton	269	White	323
Ouachita	274	Woodruff	480
Perry	452	Yell	432

CALIFORNIA

Fresno	965	Riverside	982
Imperial	1017	San Benito	841
Kern	1063	San Bernardino	458
Kings	817	San Diego	842
Los Angeles	714	Stanislaus	611
Madera	747	Tulare	797
Merced	756		

FLORIDA

Alachua	385	Escambia	423
Baker	307	Gadsden	294
Bay	324	Gilchrist	172
Calhoun	345	Hamilton	265
Clay	515	Hillsborough	215
Columbia	217	Holmes	341
Dixie	263	Jackson	270
Duval	347	Jefferson	218

FLORIDA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Lafayette	227	Putnam	157
Leon	248	Santa Rosa	387
Levy	273	Suwannee	343
Liberty	265	Taylor	227
Madison	274	Union	391
Nassau	359	Walton	355
Okaloosa	346	Washington	314

GEORGIA

Appling	345	Jeff Davis	333
Atkinson	337	Jefferson	345
Bacon	352	Jenkins	344
Baker	302	Johnson	349
Baldwin	266	Jones	272
Banks	479	Lamar	277
Barrow	400	Lanier	277
Bartow	469	Laurens	327
Ben Hill	370	Lee	342
Berrien	319	Liberty	179
Bibb	419	Lincoln	268
Bleckley	428	Long	355
Brantley	242	Lowndes	341
Brooks	363	Lumpkin	336
Bryan	342	McDuffie	321
Bulloch	369	McIntosh	211
Burke	349	Macon	431
Butts	304	Madison	445
Calhoun	386	Marion	309
Candler	327	Meriwether	362
Carroll	305	Miller	368
Catoosa	394	Mitchell	361
Charlton	195	Monroe	265
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Houston	354	Whitfield	292
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ILLINOIS

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Alexander	420	Perry	345
Madison	252	Pulaski	363
Massac	393		

KANSAS

Cowley	149
Haskell	149
Montgomery	149

KENTUCKY

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Ballard	390	Graves	494
Calloway	323	Hickman	526
Carlisle	403	McCracken	416
Fulton	609	Marshall	315

LOUISIANA

Acadia	453	Lincoln	256
Allen	291	Livingston	327
Ascension	315	Madison	549
Assumption	344	Morehouse	493
Avoyelles	588	Natchitoches	391
Beauregard	245	Orleans	475
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Bossier	455	Pointe Coupee	532
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Caldwell	458	Richland	401
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Catahoula	423	St. Helena	295
Claiborne	212	St. James	363
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De Soto	259	St. Landry	519
East Baton Rouge	305	St. Martin	468
East Carroll	498	St. Tammany	314
East Feliciana	324	Tangipahoa	315
Evangeline	515	Tensas	519
Franklin	397	Union	292
Grant	412	Vermilion	439
Iberia	310	Vernon	244
Iberville	275	Washington	333
Jackson	222	Webster	320
Jefferson	428	West Baton Rouge	534
Jefferson Davis	341	West Carroll	434
Lafayette	492	West Feliciana	366
Lafourche	319	Winn	190
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MARYLAND

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MISSISSIPPI

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Adams	323	Jackson	585
Alcorn	416	Jasper	332
Amite	366	Jefferson	337
Attala	410	Jefferson Davis	338
Benton	472	Jones	384
Bolivar	499	Kemper	330
Calhoun	528	Lafayette	392
Carroll	480	Lamar	397
Chickasaw	440	Lauderdale	367
Choctaw	368	Lawrence	341
Claiborne	415	Leake	446
Clarke	321	Lee	396
Clay	395	Leflore	496
Coahoma	550	Lincoln	356
Copiah	371	Lowndes	381
Covington	371	Madison	421
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Forrest	370	Marshall	465
Franklin	299	Monroe	450
George	360	Montgomery	497
Greene	401	Neshoba	362
Grenada	466	Newton	317
Hancock	350	Noxubee	455
Harrison	313	Oktibbeha	338
Hinds	370	Panola	458
Holmes	538	Pearl River	365
Humphreys	505	Perry	316
Issaquena	490	Pike	313
Itawamba	419	Pontotoc	471
		Prentiss	458
		Quitman	477
		Rankin	411
		Scott	403
		Sharkey	484
		Simpson	338
		Smith	398
		Stone	315
		Sunflower	506
		Tallahatchie	483
		Tate	510
		Tippah	441
		Tishomingo	364
		Tunica	533
		Union	437
		Walthall	354
		Warren	468
		Washington	493
		Wayne	338
		Webster	449
		Wilkinson	350
		Winston	386
		Yalobusha	434
		Yazoo	494

MISSOURI

Bollinger	284	New Madrid	508
Butler	446	Oregon	218
Cape Girardeau	393	Ozark	227
Carter	258	Pemiscot	515
Dunklin	471	Ripley	250
Howell	184	Scott	497
Jefferson	247	Stoddard	561
Mississippi	550	Vernon	272
		Wayne	223

NEVADA

Clark	515
Nye	644

NEW MEXICO

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Chaves	847	Lea	678
Curry	358	Luna	962
De Baca	628	Otero	777
Dona Ana	797	Quay	488
Eddy	883	Roosevelt	369
Grant	879	Sierra	822
Guadalupe	387	Socorro	711
Hidalgo	882	Valencia	522

NORTH CAROLINA

Alamance	334	Johnston	423
Alexander	349	Jones	303
Anson	348	Lee	346
Beaufort	503	Lenoir	414
Bertie	473	Lincoln	349
Bladen	298	Martin	443
Brunswick	267	Mecklenburg	357
Burke	307	Montgomery	326
Cabarrus	340	Moore	360
Caldwell	263	Nash	393
Camden	474	New Hanover	255
Carteret	311	Northampton	463
Catawba	366	Onslow	313
Chatham	318	Orange	360
Chowan	532	Pamlico	332
Cleveland	402	Pasquotank	387
Columbus	302	Pender	291
Craven	381	Perquimans	472
Cumberland	350	Pitt	393
Currituck	361	Polk	373
Davidson	351	Randolph	316
Davie	325	Richmond	301
Duplin	384	Robeson	372
Durham	329	Rowan	365
Edgecombe	430	Rutherford	380
Forsyth	282	Sampson	392
Franklin	320	Scotland	340
Gaston	415	Stanly	384
Gates	494	Tyrrell	544
Granville	311	Union	382
Greene	392	Vance	327
Guilford	358	Wake	314
Halifax	438	Warren	328
Harnett	410	Washington	451
Hertford	489	Wayne	421
Hoke	372	Wilkes	245
Hyde	291	Wilson	417
Iredell	374	Yadkin	314

OKLAHOMA

Adair	157	Blaine	236
Atoka	186	Bryan	224
Beaver	119	Caddo	276
Beckham	185	Canadian	268

OKLAHOMA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Carter	171	McClain	324
Cherokee	166	McCurtain	380
Choctaw	295	McIntosh	255
Cleveland	364	Major	165
Coal	250	Marshall	294
Comanche	163	Mayes	225
Cotton	213	Murray	344
Craig	233	Muskogee	324
Creek	202	Noble	222
Custer	254	Nowata	172
Dewey	178	Okfuskee	207
Ellis	166	Oklahoma	195
Garfield	176	Okmulgee	171
Garvin	332	Osage	279
Grady	318	Pawnee	215
Grant	147	Payne	226
Greer	218	Pittsburg	255
Harmon	291	Pontotoc	213
Harper	108	Pottawatomie	233
Haskell	283	Pushmataha	136
Hughes	232	Roger Mills	171
Jackson	358	Rogers	198
Jefferson	214	Seminole	158
Johnston	235	Sequoyah	379
Kay	247	Stephens	198
Kingfisher	186	Texas	272
Kiowa	204	Tillman	267
Latimer	146	Tulsa	310
Le Flore	299	Wagoner	248
Lincoln	186	Washington	230
Logan	224	Washita	240
Love	238	Woodward	138

SOUTH CAROLINA

Abbeville	408	Greenwood	376
Aiken	333	Hampton	411
Allendale	394	Horry	277
Anderson	433	Jasper	356
Bamberg	378	Kershaw	313
Barnwell	365	Lancaster	352
Beaufort	374	Laurens	418
Berkeley	313	Lee	417
Calhoun	440	Lexington	330
Charleston	249	McCormick	369
Cherokee	365	Marion	327
Chester	435	Marlboro	341
Chesterfield	286	Newberry	353
Clarendon	437	Oconee	453
Colleton	365	Orangeburg	415
Darlington	351	Pickens	421
Dillon	314	Richland	376
Dorchester	437	Saluda	402
Edgefield	420	Spartanburg	326
Fairfield	349	Sumter	404
Florence	371	Union	339
Georgetown	255	Williamsburg	368
Greenville	473	York	414

TENNESSEE

Bedford	355	Lawrence	358
Benton	353	Lewis	306
Bradley	350	Lincoln	370
Cannon	320	Loudon	378
Carroll	491	McMinn	276
Chester	473	McNairy	481
Coffee	382	Madison	476
Crockett	521	Marion	391
Cumberland	207	Marshall	355
Davidson	324	Maury	315
Decatur	338	Meigs	282
De Kalb	367	Monroe	268
Dyer	506	Moore	375
Fayette	444	Obion	534
Franklin	435	Perry	376
Gibson	515	Polk	336
Giles	329	Rhea	248
Grundy	377	Roane	284
Hamilton	341	Rutherford	414
Hardeman	463	Shelby	475
Hardin	364	Tipton	508
Haywood	473	Van Buren	236
Henderson	467	Warren	327
Henry	426	Wayne	324
Hickman	303	Weakley	475
Humphreys	300	White	281
Knox	447	Williamson	332
Lake	661	Wilson	350
Lauderdale	509		

TEXAS

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Anderson	161	Gray	208
Andrews	211	Grayson	203
Angelina	280	Gregg	245
Aransas	259	Grimes	308
Archer	221	Guadalupe	159
Armstrong	240	Hale	579
Atascosa	252	Hall	222
Austin	341	Hamilton	144
Bailey	331	Hansford	345
Bandera	202	Hardeman	264
Bastrop	147	Hardin	285
Baylor	244	Harris	360
Bee	206	Harrison	242
Bell	176	Hartley	214
Bexar	136	Haskell	224
Blanco	128	Hays	180
Borden	227	Hemphill	213
Bosque	135	Henderson	174
Bowie	381	Hidalgo	454
Brazoria	476	Hill	185
Brazos	455	Hockley	380
Brewster	734	Hood	167
Briscoe	335	Hopkins	215
Brooks	195	Houston	224
Brown	112	Howard	209
Burleson	417	Hudspeth	843
Burnet	108	Hunt	243
Caldwell	188	Irion	389
Calhoun	383	Jack	177
Callahan	143	Jackson	329
Cameron	432	Jasper	212
Camp	262	Jeff Davis	991
Carson	276	Jefferson	366
Cass	240	Jim Hogg	111
Castro	507	Jim Wells	250
Chambers	362	Johnson	185
Cherokee	237	Jones	191
Childress	204	Karnes	120
Clay	290	Kaufman	211
Cochran	363	Kendall	129
Coke	115	Kent	190
Coleman	132	Kerr	234
Collin	216	Kimble	320
Collingsworth	190	King	228
Colorado	280	Kinney	499
Comal	130	Kleberg	296
Comanche	154	Knox	289
Concho	146	Lamar	288
Cooke	218	Lamb	412
Coryell	149	Lampasas	138
Cottle	249	La Salle	247
Crockett	544	Lavaca	195
Crosby	422	Lee	148
Culberson	1119	Leon	210
Dallam	322	Liberty	358
Dallas	182	Limestone	150
Dawson	282	Lipscomb	201
Deaf Smith	415	Live Oak	136
Delta	324	Llano	117
Denton	185	Loving	715
De Witt	162	Lubbock	495
Dickens	228	Lynn	304
Dimmit	421	McCulloch	175
Donley	188	McLennan	149
Duval	132	McMullen	102
Eastland	125	Madison	224
Ector	709	Marion	232
Ellis	199	Martin	291
El Paso	904	Mason	229
Erath	137	Matagorda	380
Falls	184	Maverick	504
Fannin	256	Medina	209
Fayette	226	Menard	140
Fisher	219	Midland	378
Floyd	503	Milam	195
Foard	239	Mills	162
Fort Bend	411	Mitchell	222
Franklin	285	Montague	245
Freestone	151	Montgomery	192
Frio	482	Moore	262
Gaines	283	Morris	215
Galveston	357	Motley	193
Garza	279	Nacogdoches	210
Gillespie	136	Navarro	168
Glasscock	364	Newton	195
Goliad	157	Nolan	206
Gonzales	150	Nueces	381
		Ochiltree	515

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Oldham	353	Swisher	494
Palo Pinto	211	Tarrant	235
Panola	241	Taylor	187
Parker	144	Terrell	432
Parmer	592	Terry	335
Pecos	950	Throckmorton	161
Polk	249	Titus	348
Potter	259	Tom Green	193
Presidio	890	Travis	171
Rains	229	Trinity	279
Randall	349	Tyler	356
Reagan	488	Upshur	209
Real	590	Upton	485
Red River	285	Uvalde	722
Reeves	1025	Val Verde	507
Refugio	338	Van Zandt	219
Roberts	349	Victoria	325
Robertson	535	Walker	216
Rockwall	214	Waller	330
Runnels	173	Ward	861
Rusk	212	Washington	303
Sabine	213	Webb	457
San Augustine	220	Wharton	410
San Jacinto	229	Wheeler	186
San Patricio	389	Wichita	278
San Saba	178	Wilbarger	317
Schleicher	358	Willacy	426
Scurry	206	Williamson	191
Shackelford	179	Wilson	143
Shelby	242	Winkler	858
Smith	187	Wise	170
Somervell	122	Wood	192
Starr	202	Yoakum	322
Stephens	202	Young	237
Sterling	510	Zapata	529
Stonewall	211	Zavala	721
Sutton	817		

VIRGINIA

Accomack	476	Lunenburg	361
Appomattox	364	Mecklenburg	337
Brunswick	349	Nansemond	393
Caroline	300	Norfolk	366
Charlotte	330	Patrick	383
Chesterfield	338	Prince Edward	347
Cumberland	331	Prince George	345
Dinwiddie	384	Princess Anne	341
Franklin	240	Southampton	370
Greensville	361	Surry	350
Hanover	318	Sussex	357
Isle of Wight	401		

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Issued at Washington, D.C., this 24th day of August 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7258; Filed, Aug. 31, 1959; 8:48 a.m.]

[Amdt. 6]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops

NORMAL YIELD

Basis and purpose. The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops (23 F.R. 3241, 5533, 6590, 9631, and 24 F.R. 4234, 5106) is to establish the normal yields for counties for the 1959 crop year. Such normal yields for

counties as established by the Director, are hereby approved by the Administrator of Commodity Stabilization Service in accordance with §§ 722.102(d)(8) and 722.151. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.151 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1958 and Succeeding Crops is hereby amended by addition of a new paragraph (b) at the end thereof which reads as follows:

(b) *For 1959 crop year.* The following table sets forth the normal yields for the 1959 crop year, as adjusted pursuant to § 722.102(d)(8), which are established for the respective counties.

ARIZONA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Cochise	441	Pinal	615
Graham	591	Santa Cruz	576
Maricopa	712	Yuma	445
Pima	666		

CALIFORNIA

Imperial	253
Riverside	436

FLORIDA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Alachua	192	Marion	305
Bradford	310	Putnam	204
Hamilton	253	Seminole	262
Lake	230	Sumter	254
Madison	253	Union	307

GEORGIA

Berrien	242
Cook	244
Lanier	242

NEW MEXICO

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Dona Ana	413	Otero	287
Eddy	394	Sierra	319
Luna	319		

TEXAS

Brewster	419	Loving	396
Culberson	625	Pecos	411
El Paso	506	Presidio	517
Hale	152	Reeves	473
Hudspeth	450	Ward	458
Jeff Davis	516	Winkler	447

PUERTO RICO

North	182
South	98

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Issued at Washington, D.C., this 26th day of August, 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7259; Filed, Aug. 31, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 806, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.913 (Lemon Regulation 806; 24 F.R. 6834) are hereby amended to read as follows:

(ii) District 2: 441,750 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 27, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7267; Filed, Aug. 31, 1959; 8:49 a.m.]

[Milk Order 68]

PART 968—MILK IN THE WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 968), it is hereby found and determined that:

(a) The portion of the supply-demand adjustment to the Class I price specified in § 968.51(a)(3)(iii) does not tend, under present circumstances, to effectuate the declared policy of the Act.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date;

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(3) This suspension will reduce the amount by which Class I prices would otherwise be lowered by the operation of the supply-demand adjustment while data are accumulated for review of the Class I price provisions of the order at a public hearing and the issuance of such amendments as may be found appropriate;

(4) This suspension order has been requested by associations representing more than two-thirds of the producers whose milk is subject to pricing by the order and concurred in by handlers of over 90 percent of such milk; and

(5) This suspension does not require of persons affected substantial or extensive preparation to its effective date.

Therefore, good cause exists for making this order effective September 1, 1959.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for an indefinite period beginning September 1, 1959.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 27th day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-7268; Filed, Aug. 31, 1959; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7188 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Harry Graff & Son, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious

Marking. Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Harry Graff & Son, Inc., et al., New York, N.Y., Docket 7188, July 31, 1959]

In the Matter of Harry Graff & Son, Inc., a Corporation, and Harry Graff and Abraham Graff, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements, by setting out fictitious prices on invoices, by failing to maintain adequate records as a basis for said pricing claims, and by furnishing a false guaranty that certain of their products were not misbranded, falsely invoiced, and falsely advertised.

Based on the record of the proceedings, the hearing examiner made his initial decision and order to cease and desist. On complaint counsel's appeal therefrom, the Commission heard the matter, directed modification of the initial decision, and on July 31 adopted the initial decision as thus modified as its own decision.

The order to cease and desist as thus modified is as follows:

It is ordered, That respondents, Harry Graff & Son, Inc., a corporation, and Harry Graff and Abraham Graff, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, or the manufacture for introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by setting forth on labels attached thereto required information under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information.

B. Falsely or deceptively invoicing fur products by representing, directly or by implication, on invoices that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which represents, directly or by implication, that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

D. Making pricing claims or representations of the type referred to in Paragraph C above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

E. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced, or falsely advertised, when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the charge of the complaint relating to alleged violations of section 4(2) of the Fur Products Labeling Act be, and the same hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Harry Graff & Son, Inc., Harry Graff and Abraham Graff, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 31, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7252; Filed, Aug. 31, 1959; 8:46 a.m.]

[Docket 7190 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Irving C. Katz Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious Marking. Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Irving C. Katz Co., Inc., et al., New York, N.Y., Docket 7190, July 31, 1959]

In the Matter of Irving C. Katz Co., Inc., a Corporation, and Irving C. Katz and Morris Katz, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging a furrier in New York City with violating the Fur Products Labeling Act by failing to comply with invoicing requirements, by setting out on invoices fictitious prices, by failing to maintain adequate records as a basis for such pricing claims, and by furnishing a false guaranty that their fur products were not misbranded, falsely invoiced, and falsely advertised.

On the basis of the record of proceedings, the hearing examiner made his initial decision and order to cease and desist. Complaint counsel appealed therefrom; the Commission having heard the matter, directed modification of the initial decision; and on July 31 adopted the initial decision as thus modified as the decision of the Commission.

The substituted order to cease and desist is as follows:

It is ordered, That respondents, Irving C. Katz & Co., Inc., a corporation, and its officers, and Irving C. Katz and Morris Katz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by representing, directly or by implication, on invoices that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which represents, directly or by implication, that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

C. Making pricing claims or representations of the type referred to in Paragraph B above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

D. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced, or falsely advertised, when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the charge of the complaint relating to alleged violations of section 4(2) of the Fur Products Labeling Act be, and the same hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Irving C. Katz Co., Inc., Irving C. Katz and Morris Katz, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 31, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7253; Filed, Aug. 31, 1959; 8:46 a.m.]

[Docket 7191 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Kolomer Bros., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious Marking. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Kolomer Bros., Inc., et al., New York, N.Y., Docket 7191, July 31, 1959]

In the Matter of Kolomer Bros., Inc., a Corporation, and William Kolomer and Jerome Kolomer, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by setting forth on invoices, prices which were fictitious and by failing to maintain adequate records as a basis for such pricing claims.

On the record of the proceedings, the hearing examiner made his initial decision and order to cease and desist from which complaint counsel filed appeal. The Commission, having heard the matter, directed modification of the initial decision and on July 31 adopted it as thus modified as its own decision.

The substituted order to cease and desist is as follows:

It is ordered, That respondents, Kolomer Bros., Inc., a corporation, and its officers, and William Kolomer and Jerome Kolomer, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution in commerce of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by representing, directly or by implication, on invoices that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which represents, directly or by implication, that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

C. Making pricing claims or representations of the type referred to in Paragraph B above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Final Order", report of compliance was required as follows:

It is further ordered, That Kolomer Brothers, Inc., William Kolomer and Jerome Kolomer, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 31, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7254; Filed, Aug. 31, 1959; 8:47 a.m.]

[Docket 7194 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Leviant Brothers, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious Marking. Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Leviant Brothers, Inc., et al., New York, N.Y., Docket 7194, July 31, 1959]

In the Matter of Leviant Brothers, Inc., a Corporation, and Morris Leviant and Bernard Leviant, Individually and as Officers of Said Corporation

This case was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by failing to comply with invoicing requirements, by setting forth on invoices prices which were fictitious, by failing to maintain adequate records on which such pricing representations were based, and by furnishing a false guaranty that fur products were not misbranded, falsely invoiced, and falsely advertised.

Based on the record of the proceedings, the hearing examiner made his initial decision and order to cease and desist from which complaint counsel filed appeal. The Commission, having heard the matter, directed modification of the initial decision and on July 31 adopted it as thus modified as its own decision.

The substituted order to cease and desist is as follows:

It is ordered, That respondents, Leviant Brothers, Inc., a corporation, and Morris Leviant and Bernard Leviant, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or the manufacture for introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution in commerce, of fur products, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the former or regular price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

1. Represents, directly or by implication, that the former or regular price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

C. Making pricing claims or representations of the type referred to in paragraph B.1. above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

D. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced, or falsely advertised, when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Leviant Brothers, Inc., Morris Leviant and Bernard Leviant, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 31, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7255; Filed, Aug. 31, 1959; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Grace Periods in Computing Interest on Savings Deposits

1. Effective October 1, 1959, paragraph (d) of § 217.3 is amended to read as follows:

(d) *Grace periods in computing interest on savings deposits.* A member bank may pay interest on a savings deposit received during the first 10 calendar days of any calendar month at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur; and a member bank may pay interest on a savings deposit withdrawn during its last 3 business days of any calendar month ending a regular quarterly or semiannual interest period at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated to the end of such calendar month.

2a. The purpose of this amendment is to reduce misunderstandings in connection with these so-called "grace periods", make possible uniform advertising, create better customer relationships, and enable banks that compute interest on a cycle basis to facilitate computation of interest on savings accounts and eliminate difficulties presently being encountered.

b. The amendment set forth herein was the subject of a notice of proposed rule making, published in the FEDERAL REGISTER (24 F.R. 5251), and was adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7269; Filed, Aug. 31, 1959; 8:50 a.m.]

[Reg. S]

PART 219—INDUSTRIAL LOANS BY FEDERAL RESERVE BANKS

Termination

1. Effective at the close of business August 21, 1959, Part 219 is terminated.

2a. The purpose of this action is to terminate this part since section 13b of the Federal Reserve Act (12 U.S.C. 352a) was repealed by Act of August 21, 1958 (Public Law 85-699, 72 Stat. 689), effective one year after the date of enactment, and, therefore, after August 21, 1959, the Federal Reserve Banks are not authorized to make loans and commitments for industrial or commercial purposes.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 24, 38 Stat. 273, as amended, sec. 136, 48 Stat. 1106, as amended; 12 U.S.C. 371, 352a)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7250; Filed, Aug. 31, 1959; 8:46 a.m.]

PART 224—DISCOUNT RATES

Termination

1. Effective at the close of business August 21, 1959, §§ 224.5 and 224.6 are terminated.

2a. The purpose of this action is to terminate these sections since section 13b of the Federal Reserve Act (12 U.S.C. 352a) was repealed by Act of August 21, 1958 (Public Law 85-699, 72 Stat. 689), effective one year after the date of enactment, and, therefore, after August 21, 1959, the Federal Reserve Banks are not authorized to make loans and commitments for industrial or commercial purposes.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (e) of § 262.2 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7251; Filed, Aug. 31, 1959; 8:46 a.m.]

Chapter III—Federal Deposit Insurance Corporation

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

Grace Periods in Computing Interest on Savings Deposits

Effective October 1, 1959, the amendment of § 329.3(c) of the rules and regulations of the Corporation which was published in the FEDERAL REGISTER of June 27, 1959 (24 F.R. 5250) under Notice of Proposed Rule Making, is adopted, after consideration of all relevant matters presented by interested persons on the proposed amendment.

The amendment of the rules and regulations, as adopted, is as follows:

Effective October 1, 1959 § 329.3(c) of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.3(c)) is amended to read as follows:

(c) *Grace periods in computing interest on savings deposits.* An insured nonmember bank may pay interest on a savings deposit received during the first ten (10) calendar days of any calendar month at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur; and an insured nonmember bank may pay interest on a savings deposit withdrawn during its last three (3) business days of any calendar month ending a regular quarterly or semiannual interest period at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated to the end of such calendar month.

This amendment permits insured nonmember banks to pay interest at the maximum permissible rate from the first day of the month on a savings deposit received during the first ten calendar days in any month, instead of paying interest at such rate from the first day of the month on a savings deposit received during the first ten business days of any calendar month commencing a quarterly or semiannual interest period, and during the first five business days of any other calendar month. The purpose of this amendment is to reduce misunderstandings in connection with these so-called "grace periods," make possible uniform advertising, create better customer relationships, and enable banks that compute interest on a cycle basis to facilitate computation of interest on savings accounts and eliminate difficulties presently being encountered.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply Sec 18, 64 Stat. 891; 12 U.S.C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 59-7270; Filed, Aug. 31, 1959; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1]

PART 128—GRANTS FOR SMALL BUSINESS RESEARCH

The Grants for Small Business Research Regulation (24 F.R. 1827) is hereby rescinded in its entirety and the following is substituted in lieu thereof:

Sec.
128.7 Statutory provision.
128.7-1 Scope.
128.7-2 Definitions.
128.7-3 Organization.
128.7-4 Who is eligible for a grant.
128.7-5 Purpose of a grant.
128.7-6 Amount of a grant.
128.7-7 Application for a grant.
128.7-8 Method of evaluating and selecting an application.
128.7-9 Administration of a grant.
128.7-10 Revocation of a grant.

AUTHORITY: §§ 128.7 through 128.7-10 issued under Pub. Law 85-536, sec. 5, 72 Stat. 385.

§ 128.7 Statutory provision.

SEC. 7(d). The Administration also is empowered to make grants to any State Government, or any agency thereof, State chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research and counseling concerning the managing, financing, and operation of small-business enterprises and technical and statistical information necessary thereto in order to carry out the purposes of section 8(b)(1) by coordinating such information with existing information facilities within the State and by making such information available to State and local agencies. Only one such grant shall be made within any one State in any one year, and no such grant shall exceed an aggregate amount of $40,000. Such grants shall be made from the fund established in the Treasury by section 602(b) of the Small Business Investment Act of 1958.

§ 128.7-1 Scope.

(a) The regulations in this part govern the issuance of grants by the Small Business Administration for studies, research and counseling concerning the managing, financing and operation of small business enterprises authorized by section 7(d) of the Small Business Act, as amended.

(b) Under section 7(d) of the Act, the Small Business Administration is authorized to make grants to finance the development and gathering of information relating to managing, financing and operation of small business enterprises. This information will be used to provide managerial aids to small business in accordance with the provisions of section 8(b)(1) of the Small Business Act, as amended. (See § 124.8 of this chapter.) This information will be coordinated with informational facilities within the States and made available to State and local agencies.

§ 128.7-2 Definitions.

As used in this part:

(a) "Act" means the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699).

(b) "Administrator" means the Administrator of SBA.

(c) "Application" means a written request for a grant on SBA Form 459.

(d) "Counseling" means consulting and advising with SBA for the purpose of developing information concerning the managing, financing and operation of small business enterprises, such information to be channeled through SBA for the use of national, state, and local agencies and institutions listed in section 8(b)(1) of the Small Business Act.

(e) "Director" means the Director of the Office of Management and Research Assistance.

(f) "Grant" means a grant authorized under section 7(d) of the Act.

(g) "Grant Agreement" means the agreement contained in SBA Form 459 and any other conditions of the grant.

(h) "Grantee" means an institution to which a grant has been made.

(i) "Institution" means any State government or any agency thereof, any State chartered development credit or financial corporation, any college, any university, and any school of business, engineering, commerce or agriculture, either public or private.

(j) "Project" means a proposal, or its components when two or more areas of research are involved, and any amendments thereto, approved by SBA.

(k) "Project Director" means the person assigned by an institution to supervise and be responsible for a research program under a grant.

(l) "Proposal" means a research program, which may include "studies," submitted by an institution in its application for a grant under section 7(d) of the Act.

(m) "Research" means research, studies, and counseling which will result in information to be distributed by SBA, acting as a clearinghouse, to national, state, and local agencies and institutions listed in section 8(b)(1) of the Act. Research includes basic and secondary investigations.

(n) "SBA" means the Small Business Administration.

(o) "Small business concern" or "Small business enterprise" means a business concern which would qualify as a small business, as defined by SBA in Part 121 of this chapter.

(p) "State" means the several States, the Territories and possessions of the United States, the Commonwealth of Puerto Rico and the District of Columbia.

(q) "State government or agency thereof" means departments, divisions or other designated organizations controlled and operated by the State including State government corporations.

(r) "Studies" means brief investigations of the economic background or problems of an industry or specific small business in its geographic locality but shall not include management or financial counseling or credit analysis.

(s) "Year" means the fiscal year beginning July 1 and ending June 30.

§ 128.7-3 Organization.

(a) The grant program authorized by section 7(d) of the Act is administered through the Office of Management and Research Assistance, Small Business Administration, Washington 25, D.C. The Director of this office is responsible for planning and coordinating small business management and research assistance programs and coordinating the activities of the Management Research Advisory Council.

(b) The Management Research Advisory Council is an advisory group established to examine and make recommendations with respect to the merits of an application for a grant and to furnish advice on the grant program. The function of said Council is purely advisory. The members of the Council are selected and appointed by the Administrator and serve at his pleasure and without compensation.

(c) All recommendations of the Management Research Advisory Council are submitted to the Administrator, who, in his discretion, shall determine which proposals shall be approved and which suggestions shall be put into practice.

§ 128.7-4 Who is eligible for a grant.

Any State government or any agency thereof, any State chartered development credit or finance corporation, any university, any college and any school of business, engineering, commerce or agriculture, either public or private, is eligible to receive a grant.

§ 128.7–5 Purpose of a grant.

(a) A grant will be made by SBA only to finance research concerning the managing, financing and operation of small business enterprises to develop information or techniques which can be used by public or private organizations to aid small business enterprises, or to develop information which improves knowledge of the economy through research on the small business sector.

(b) No proposal nor portion of a proposal will be approved if its primary purpose is to provide information to be used to urge industry and trade located in one State to move to another.

§ 128.7–6 Amount of a grant.

No grant may exceed an aggregate amount of $40,000. Only one such grant may be made within any one State in any one year. SBA is not authorized to commit itself in any year to make a grant during subsequent years.

§ 128.7–7 Application for a grant.

(a) Applications (SBA Form 459) and instructions (SBA Form 459A) are available at SBA field offices and at the SBA Washington, D.C. office.

(b) An application may be initiated by any institution described in § 128.7–6. Prior to submission, the application and the proposal to perform research under the grant contained therein, may be discussed informally with SBA staff members. When appropriate, SBA staff members may suggest a new proposal or modification of a proposal submitted. If two or more institutions within a State desire to cooperate in carrying out proposals, such combined proposals may be considered. However, only one grant may be authorized. Therefore, the application must designate which of the cooperating institutions is to be the grantee. This institution will be responsible to SBA for carrying out the project in its entirety and SBA will not be obligated in any way to any institution other than the grantee.

(c) Applications must be received by SBA on or before the 31st day of October of the fiscal year for which the grant is requested. Applications received after that date will not be considered.

(d) Six copies of the application shall be submitted to the Director, Office of Management and Research Assistance, Small Business Administration, Washington 25, D.C. Applications received by SBA will not be returned to the applicant.

§ 128.7–8 Method of evaluating and selecting an application.

(a) An application will be reviewed by the Office of Management and Research Assistance for eligibility and other requirements set forth in this part. An application containing a proposal which, on its face, appears eligible and meritorious shall be submitted to the Management Research Advisory Council for a further examination of the merits of the application. The Council will recommend to the Administrator an application which merits a grant. The Administrator may, within his discretion, approve or reject this recommendation.

(b) An application shall be evaluated on the basis of the current need and priority of importance of the anticipated results of the proposal contained therein; the qualifications and experience of the Project Director and staff; the practicability and utility of the proposal; the amount of total direct expenses as compared with overhead expenses; and the amount of added funds to be contributed or arranged for by the institution itself.

(c) Although matching funds are not required, the competing application in any State which is approved will be the one with the greatest amount of matching funds, when other conditions are approximately equal. These matching funds can be measured either in terms of dollar value of services performed (not included as such in the grant) or supplementary contributions of cash to be used in the conduct of the research project.

§ 128.7–9 Administration of a grant.

(a) *Conditions of a grant.* The grant agreement as set forth in SBA Form 459 contains express conditions, which when accepted will bind the grantee. The conditions contained in the grant agreement may be amended by mutual agreement of the parties but the amount of the original grant may not be increased as a result of any such amendments to an amount in excess of $40,000.

(b) *Grant agreement.* The grant agreement as set forth in SBA Form 459 is as follows:

It is understood and agreed by the applicant:

(1) That the project will be performed substantially as described in this application and as approved by SBA, and that the funds granted as a result of your request are to be expended for the purposes set forth herein; (2) That if the project proceeds in accordance with the schedule contained in this application, then the grant funds shall be paid in advance on a semi-annual basis in amounts based on the estimated requirements for the subsequent six month period, up to 90 percent of the grant, and the balance upon completion of the project and receipt by this Agency of a satisfactory final report; (3) That the project shall be directed and supervised by the Project Director named herein and no other Project Director shall be appointed without the approval of SBA; (4) That such accounts shall be kept (in accordance with accepted accounting practices) as are necessary to prepare the financial reports reqiured herein and that inspection and audit by representatives of SBA and the United States General Accounting Office of expenditures under the grant shall be permitted during the life of the grant and for three years thereafter; (5) That written reports of the progress of the project and of the expenditure of funds under the grant will be furnished every six months after the grant has been awarded, or more frequently as SBA may reasonably require; that the project shall be completed and the final report submitted to SBA by the date specified herein; that at least 500 copies of the final report shall be furnished to SBA in such form as SBA may approve; and that a typewritten summary statement of not more than 3,000 words covering the major findings of the project shall be prepared and submitted in triplicate; (6) That the grant may be revoked in whole or in part at any time by the Administrator of the SBA provided that such action shall not affect commitments of funds made prior to the effective date of the revocation if such obligations were made solely for the purposes set forth in this application. If the grant is revoked because of a substantial deviation, not approved by SBA, from the project or this agreement then the amount of the grant then paid may be recovered by SBA.

(c) *Establishing the amount of a grant.* In considering the budget for a grant, SBA will recognize that substantial contributions may be made by the grantee in such form as space, equipment, library facilities, and, in many cases, as payment of the salaries or parts of the salaries of the Project Director and staff. SBA normally will include in the grant, funds for such items as the salaries of personnel, materials, necessary travel, publication and other direct costs.

(d) *Grant period.* The Act limits SBA to making one grant within any one State in any one year; however, the project does not have to be completed within the year but may be for a period of longer duration as provided in the grant agreement. When progress of research under the grant is delayed and circumstances make it necessary to request an extension of the grant period without additional funds, SBA may, upon written request of the grantee, permit extensions in time. Such an extension, however, may require a spread out of the remaining payments under the grant.

(e) *Payment of a grant.* In general, payment will be made in advance to the grantee only, based on the estimated requirements for the subsequent six month period, up to 90 per cent of the grant, and the balance upon completion of the project and approval and acceptance by SBA of the final report.

(f) *Accounting procedures and audit.* While no particular classification of accounts is required, a grantee shall keep such accounts for each project (in accordance with generally accepted accounting practices) as are necessary to permit it to prepare the required financial reports as required in paragraph (g) of this section, and to make possible a determination by SBA that the grant has been used for the purposes for which the grant was made. All accounting records relating to expenditures under the grant are subject to inspection and audit by representatives of SBA and the United States General Accounting Office during the life of the grant and for three years thereafter.

(g) *Reports.* (1) Progress and financial reports must be made to SBA on work financed by the grant. Specific conditions regarding frequency of submission and nature of reports will be set forth in each grant agreement.

(2) The final report on the project must be submitted to SBA within the time allowed. From time to time, SBA representatives may visit the project sites and, at such time, verbal reports will be expected.

§ 128.7–10 Revocation of a grant.

Each grant will be made subject to a condition that it may be revoked in whole or in part. A revocation shall not affect any commitment of funds made by the grantee which was made in accordance with the project prior to the effective date of revocation. Any substantial deviation from the project not approved by SBA will be deemed to be a breach of the grant agreement and grounds for termination of the grant in its entirety. In this event SBA assumes no responsibility for any commitment of funds made by the grantee.

This regulation shall become effective upon publication thereof in the FEDERAL REGISTER.

Dated: August 27, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–7304; Filed, Aug. 31, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket 100; Amdt. 1–2]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

Airworthiness Certification Requirements for Other Than Newly Manufactured Aircraft

This amendment to Part 1 of the Civil Air Regulations, stemming from the 1958 Annual Airworthiness Review, is being made to eliminate administrative difficulties which have been experienced in handling applications for airworthiness certificates for aircraft which were used in military service and later released for civil use and for other aircraft which had not had their airworthiness status maintained. Therefore, § 1.67 is being amended to include provisions applicable to the airworthiness certification of other than newly manufactured aircraft.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 1 of the Civil Air Regulations (14 CFR Part 1, as amended) is hereby amended as follows, effective October 1, 1959:

By amending § 1.67 by deleting the present heading and inserting in lieu thereof *"Airworthiness certificates for normal, utility, acrobatic, and transport category aircraft; requirements for issuance"*; by deleting from the introductory paragraph the phrase "through (c)" and inserting in lieu thereof "through (d)"; by deleting from paragraphs (a) and (b) the phrase ", whose type design was certificated in categories other than the limited category,"; and by adding a new paragraph (d) to read as follows:

§ 1.67 Airworthiness certificates for normal, utility, acrobatic, and transport category aircraft; requirement for issuance.

* * * * * * *

(d) *Other aircraft.* An applicant for the issuance of an airworthiness certificate for an aircraft other than provided for in paragraphs (a) through (c) of this section shall be issued such a certificate when:

(1) The applicant presents evidence to the Administrator that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and with all applicable Airworthiness Directives issued by the Administrator;

NOTE: The evidence of conformity referred to in subparagraph (1) of this paragraph normally consists of showing that the aircraft conforms with the applicable aircraft specification or type certificate data sheet, and presenting records showing the history of the aircraft including all alterations and repairs and the approvals thereof. Where such records are unavailable or inadequate, supplementary evidence may be required, such as, showing that the aircraft conforms with pertinent drawings, specifications, manuals or parts catalogs.

(2) The aircraft has been inspected and found airworthy by the manufacturer, by an appropriately certificated domestic repair station, or by a certificated air carrier possessing adequate overhaul facilities and having a maintenance and inspection organization appropriate to the type of aircraft; and

(3) Upon inspection of the aircraft, the Administrator finds that the aircraft conforms to the type design and is in an airworthy condition for safe operation.

(Secs. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7150; Filed, Aug. 31, 1959; 8:45 a.m.]

[Regulatory Docket 100; Amdt. 3–5; Supp. 35]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

Miscellaneous Amendments Resulting From the 1958 Annual Airworthiness Review

There are contained herein amendments as a result of the 1958 Annual Airworthiness Review.

Substantive changes have been made to the flight characteristics requirements applicable to the approach and landing stages of flight as well as to the stability requirements. Since, in the normal operation of airplanes, power is used during the approach phase, § 3.112 is being revised to require that trim be maintained at a speed of $1.5V_{s_1}$ with sufficient power to achieve a descent angle of 3 degrees. To insure that a satisfactory level of longitudinal controllability is maintained for single-engine airplanes, § 3.109 is being changed to limit to 10 pounds the maximum permissible control force necessary to hold a glide speed of $1.5V_{s_1}$. In recognition of the higher approach speeds permitted, a revision to § 3.86 requires that a speed of not less than $1.5V_{s_1}$ be used to determine the landing distance. Inasmuch as wing flaps have reduced the use of severe sideslips and improved ailerons have almost eliminated adverse yaw characteristics, amendments are being made to the directional and lateral stability requirements of § 3.118 to provide more realistic requirements for modern airplanes.

Accident records have shown that approximately one-sixth of all accidents with airplanes certificated under Part 3 have involved the misuse of the landing gear control. Incorrect operation of this control has been attributed to its proximity and similarity to the wing flap control. Therefore, § 3.384 is being amended to specify the location and shape of the landing gear and wing flap controls to reduce the possibility of confusion.

Since a number of accidents have occurred to airplanes equipped with feathering propellers because there was no means of unfeathering, § 3.416 is being amended to require such a means. Another revision concerns the fuel system arrangement on multiengine airplanes. The objective of this amendment to § 3.431 is to provide substantially the same level of safety in multiengine airplanes using a single fuel tank as when separate tanks are used for each engine. Another related change has been made to § 3.551 to require that fuel shutoff valves be provided with means to guard against inadvertent operation.

Section 3.606 is being amended to require a carburetor air preheater on multiengine airplanes having sea level engines with carburetors which embody features tending to reduce the possibility of ice formation. This amendment was proposed as a result of incidents involving multiengine airplanes operating in severe weather conditions. The application of this requirement to single-engine airplanes has been deferred pending further study of the operating record.

Section 3.683 is being amended to cover new types of storage batteries as well as the conventional lead-acid type. By an amendment to § 3.638, the use of rigid fuel lines is permitted regardless of whether or not the line is under pressure, except where other provisions require flexibility.

An addition to the provisions of § 3.780 requires that the correct engine-out best climb or minimum descent speed be included in the Airplane Flight Manual.

In addition, there are included other changes which are of a clarifying or editorial nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) is hereby amended as follows, effective October 1, 1959:

§ 3.1 [Amendment]

1. By amending § 3.1(b)(4) by deleting the phrase "by the U.S. National Advisory Committee for Aeronautics" and inserting in lieu thereof "by the National Aeronautics and Space Administration (formerly the National Advisory Committee for Aeronautics)".

§ 3.86 [Amendment]

2. By amending § 3.86(a)(1) by deleting "$1.3V_{s_0}$" and inserting in lieu thereof "$1.5V_{s_1}$".

3. By amending § 3.109 by amending paragraph (a)(2) and adding new paragraphs (d) and (e) to read as follows:

§ 3.109 Longitudinal control.

* * * * *

(a) * * *

(2) Power-off and the airplane trimmed at $1.5V_{s_1}$ or at the minimum trim speed, whichever is higher.

(d) It shall be possible to maintain a speed of not more than $1.5V_{s_1}$ with a pilot control force of not more than 10 pounds during a power-off glide with landing gear and wing flaps extended, with the most forward center of gravity position approved at the maximum weight, and regardless of weight.

(e) It shall be possible, without the use of the primary means of longitudinal control, to control the descent of the airplane with the use of all other normal flight and power controls to a zero rate of descent and to an attitude suitable for a controlled landing without requiring exceptional strength, skill, or alertness on the part of the pilot, or without exceeding the operational and the structural limitations of the airplane.

4. By amending § 3.112 by deleting paragraph (c) and by amending paragraph (a)(2)(ii) to read as follows:

§ 3.112 Requirements.

(a) * * *

(2) * * *

(ii) During a power approach at $1.5V_{s_1}$ and while maintaining a 3 degree angle of descent,

(*a*) With landing gear extended and wing flaps retracted,

(*b*) With landing gear extended and wing flaps extended under the forward center of gravity position approved with the maximum weight,

(*c*) With landing gear extended and wing flaps extended under the most forward center of gravity position approved, regardless of weight.

5. By amending § 3.115 by deleting the heading of paragraph (a) and inserting in lieu thereof "Approach" and by deleting paragraphs (a)(4) and (a)(5) and inserting a new paragraph (a)(4) to read as follows:

§ 3.115 Specific conditions.

* * * * *

(a) Approach. * * *

(4) Airplane trimmed at $1.5V_{s_1}$ and power on as required to maintain a 3 degree angle of descent.

6. By amending § 3.118(a)(1), (a)(2), (a)(3) to read as follows:

§ 3.118 Directional and lateral stability.

(a) *Three-control airplanes.* (1) The static directional stability, as shown by the tendency to recover from a skid with rudder free, shall be positive for all landing gear and flap positions appropriate to the takeoff, climb, cruise, and approach configurations, with symmetrical power up to maximum continuous power, and at all speeds from $1.2V_{s_1}$ up to the maximum permissible speed for the configuration being investigated. The angle of skid for these tests shall be appropriate to the type of airplane. At greater angles of skid up to that at which full rudder is employed or a control force limit specified in § 3.106 is obtained, whichever occurs first, and at speeds from $1.2V_{s_1}$ to V_D, the rudder pedal force shall not reverse.

(2) The static lateral stability, as shown by the tendency to raise the low wing in a sideslip, shall be positive for all landing gear and flap positions with symmetrical power up to 75 percent maximum continuous power at all speeds above $1.2V_{s_1}$ up to the maximum permissible speed for the configuration investigated but shall not be negative at a speed of $1.2V_{s_1}$. The angle of sideslip for these tests shall be appropriate to the type of airplane but in no case shall the sideslip be less than that obtained with 10 degrees of bank.

(3) In straight steady sideslips at a speed of $1.2V_{s_1}$ for all gear and flap positions and for all symmetrical power conditions up to 50 percent maximum continuous power, the aileron and rudder control movements and forces shall increase steadily, but not necessarily in constant proportion, as the angle of sideslip is increased up to the maximum appropriate to the type of airplane. At greater angles up to that at which the full rudder or aileron control is employed or a control force limit specified by § 3.106 is obtained, the rudder pedal force shall not reverse. Sufficient bank shall accompany sideslipping to prevent departure from a constant heading. Rapid entry into or recovery from a maximum sideslip shall not result in uncontrollable flight characteristics.

7. By amending § 3.120(g)(1) to read as follows:

§ 3.120 Stalling demonstration.

* * * * *

(g) * * *

(1) With trim controls adjusted for straight flight at $1.5V_{s_1}$ or at the minimum trim speed, whichever is higher, the speed shall be reduced by means of the elevator control until the speed is slightly above the stalling speed; then

8. By amending § 3.384 by adding a new paragraph (c) to read as follows:

§ 3.384 Cockpit controls.

* * * * *

(c) The wing flap and landing gear controls shall comply with the following:

(1) The wing flap or auxiliary lift device control shall be located centrally or to the right of the pedestal centerline or of the powerplant throttle control centerline and shall be sufficiently displaced from the landing gear control to avoid confusion.

(2) The landing gear control shall be located to the left of the throttle centerline or of the pedestal centerline.

(3) The control knobs shall be shaped in accordance with figure 3–13.

NOTE: Figure 3–13 is not intended to indicate the exact size or proportion of the control knobs.

9. By adding a new figure 3–13 as follows:

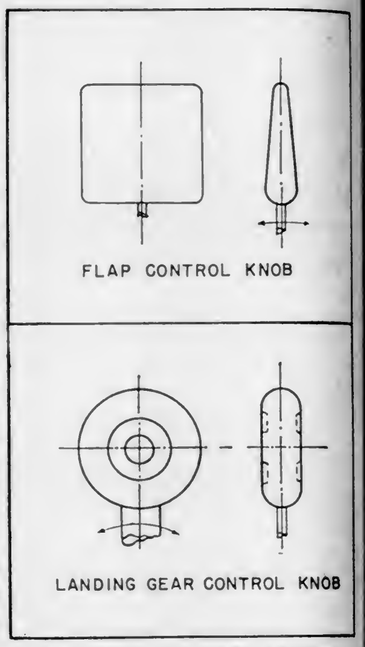


FIGURE 3–13.—CONTROL KNOB SHAPES.

10. By amending § 3.416 by adding a new paragraph (c) to read as follows:

§ 3.416 Propellers.

* * * * *

(c) When propeller control design permits stopping of crankshaft rotation of any engine in flight by feathering the propeller, means shall be provided for unfeathering each propeller individually in flight.

11. By amending § 3.431 by redesignating the present section as paragraph (a), by inserting the words, "except the fuel tanks" between the words "component" and "will", by deleting the note under § 3.431, and by adding a new paragraph (b) to read as follows:

§ 3.431 Multiengine fuel system arrangement.

* * * * *

(b) If multiengine aircraft employ a single fuel tank or series of fuel tanks interconnected to function as a single fuel tank, the following provisions shall apply:

(1) Independent tank outlets to each engine. Each outlet shall incorporate a shutoff valve at the tank. This valve may also serve as the fire wall shutoff valve required by § 3.551 provided the line between the valve and the engine compartment does not contain a hazardous amount of fuel which can drain into the engine compartment.

(2) At least two vents arranged to minimize the possibility of both vents becoming obstructed simultaneously.

(3) Filler cap(s) designed to minimize the possibility of incorrect installation or loss in flight.

(4) The remainder of the fuel system from the tank outlet to the engine shall be entirely independent of any portion of the system supplying fuel to the other engine(s).

12. By amending § 3.551(b) to read as follows:

§ 3.551 Fuel valves.

* * * * *

(b) Means shall be provided to guard against inadvertent operation of the shutoff valves and to make it possible for the flight personnel to reopen the valves rapidly after they have been closed.

13. By amending § 3.606 by inserting the words "Single-engine" at the beginning of paragraph (d) and by adding a new paragraph (e) to read as follows:

§ 3.606 Induction system de-icing and anti-icing provisions.

* * * * *

(e) Multiengine airplanes equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a preheater capable of providing a heat rise of 90° F. when the engine is operating at 75 percent of its maximum continuous power.

14. By amending § 3.638 to read as follows:

§ 3.638 Lines and fittings.

* * * * *

(a) All lines and fittings carrying flammable fluids in the engine compartment shall be fire resistant, except as otherwise provided in this section. If flexible hose is used, the assembly of hose and end fittings shall be of an approved type. The provisions of this paragraph need not apply to those lines and fittings which form an integral part of the engine.

(b) Vent and drain lines and their fittings shall be subject to the provisions of paragraph (a) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

§ 3.655 [Amendment]

15. By amending § 3.655(b)(2) by deleting subdivisions (i) and (ii) and renumbering subdivisions (iii), (iv), (v), and (vi) as (i), (ii), (iii), and (iv), respectively.

§ 3.668 [Amendment]

16. By amending § 3.668 by deleting from the first sentence of the introductory paragraph the words "intended for operation under instrument flight rules" and by adding at the end of the paragraph (a) the following note:

NOTE: Power sources are not considered independent if both sources are driven by the same engine.

17. By deleting § 3.683 and § 3.684 and inserting in lieu thereof a new § 3.683 to read as follows:

§ 3.683 Storage battery design and installation.

Storage batteries shall be of such design and be so installed that:

(a) Safe cell temperatures and pressures are maintained during any probable charging or discharging condition. No uncontrolled increase in cell temperature shall result when the storage battery is recharged (after previous complete discharge) at maximum regulated voltage, during a flight of maximum duration, under the most adverse cooling condition likely to occur in service. Tests to demonstrate compliance with this regulation shall not be required if satisfactory operating experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(b) Explosive or toxic gases emitted by the storage battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, shall not accumulate in hazardous quantities within the airplane.

(c) Corrosive fluids or gases which may be emitted or spilled from the storage battery shall not damage surrounding airplane structure or adjacent essential equipment.

§ 3.696 [Amendment]

18. By amending § 3.696 by deleting the word "required" from the first sentence and inserting in lieu thereof "installed".

§ 3.700 [Amendment]

19. By amending § 3.700 by deleting from paragraph (e) the word "noncombustible" and inserting in lieu thereof "flame-resistant".

§ 3.757 [Amendment]

20. By amending § 3.757(a) by deleting the opening words "True indicated" and inserting in lieu thereof "Calibrated".

21. By amending § 3.780 by adding a new paragraph (d) to read as follows:

§ 3.780 Performance information.

* * * * *

(d) The best climb/minimum descent speed with one engine inoperative for multiengine airplanes shall be included.

§§ 3.112–1, 3.118–1, 3.118–3 [Deletion]

22. By deleting §§ 3.112–1, 3.118–1, and 3.118–3.

23. By amending § 3.431–1 to read as follows:

§ 3.431–1 Multiengine single tank fuel system (FAA policies which apply to § 3.431).

If the shutoff valve also serves as a firewall shutoff valve, the line between the valve and the engine compartment should not contain more than 1 quart of fuel which can drain into the engine compartment.

(Secs. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7151; Filed, Aug. 31, 1959; 8:45 a.m.]

[Reg. Docket 100; Amdt. 4b–11; Supp. 42]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

Miscellaneous Amendments Resulting From the 1958 Annual Airworthiness Review

There are contained herein amendments as a result of the 1958 Annual Airworthiness Review.

The flight characteristics requirements are being amended to change the provisions relating to longitudinal trim and elevator control power. The currently effective regulations require sufficient elevator control power to fly the airplane at all speeds, powers, weights, and center of gravity positions for which the airplane is to be certificated. Transports of recent design are utilizing adjustable stabilizers and control power becomes a function of the stabilizer incidence setting. The amendments to §§ 4b.112(c)(1), 4b.131(a), and 4b.151(a) are intended to make these provisions more appropriate for applications to adjustable stabilizers.

A number of changes to the structural provisions are being made. Section 4b.1 is being amended to include a definition of the term "zero fuel weight" which is frequently used in stating the structural limitations of an airplane. Amendments to §§ 4b.210(b)(2), 4b.213(c), and figure 4b–2 are intended to eliminate possible inconsistencies in the relation between design speed V_A and point *A* on the maneuvering envelope which resulted from previous amendments.

A proposal to reduce the required maneuvering load factor at the design dive speed V_D was considered during the annual airworthiness review but is not being adopted at this time. Although previous operating statistics show that the probability of attaining a 2.5 load factor is less at speed V_D than it is at lower speeds, there has been relatively little operating experience on turbine transports for which the cruising speed is closer to V_D. The proposal will be kept under study as operating statistics are obtained on turbine transports.

Section 4b.216(a) is being amended to specify engine torque loads appropriate for turbine engine installations. A new § 4b.217 is being added to specify strength criteria for speed control devices used in flight. Changes to §§ 4b.231, 4b.235, and 4b.236 provide more rational ground load requirements relating to coefficients of friction and deflated tire conditions.

A change to § 4b.421(a) requires structural test or analysis of the fuel tanks when subject to pressure developed under the most adverse condition of airplane roll and fuel load. On the basis of past experience, § 4b.421(c) is being revised to require nonmetallic tanks to be tested only for the vibration test of § 4b.421(b)(4), since this has been found to be the critical condition, except that compliance may be shown based on satisfactory operating experience with a similar tank in a similar installation.

With respect to design and construction, a number of changes are being made. On some high-speed airplanes, it is likely that control surface dampers will be necessary in order to show compliance with the flutter prevention requirements. Therefore, § 4b.308 is being revised to provide that it shall be possible to continue safe flight even though a single failure occurs in the flutter damper system. Section 4b.320 is being amended to include design safety criteria for power-operated control systems. This amendment is intended to insure continued safe flight and landing in the event certain failures occur in the control system and in the case of engine failure.

Section 4b.352 is being amended to specify which portion of the windshield is affected by the bird impact strength requirements and which portion is affected by the fragmentation requirements.

To provide appropriate emergency exit requirements for small transports, § 4b.362(c) is being amended to require at least one type IV exit on each side of the fuselage for a passenger capacity of up to 10 persons. A corresponding change is being made in the ditching exit requirements of § 4b.362(d).

In the powerplant installation requirements, § 4b.407 is being amended to extend the "fail-safe" concept to all types of thrust reversing systems intended for ground and/or inflight use. Sections 4b.410 and 4b.413 are being revised to simplify and clarify the statement of the fuel system and fuel flow requirements. Related changes to § 4b.430 clarify the definitions of main and emergency fuel pumps, delete the requirements that one pump for each engine must be engine driven, and eliminate the requirement for a bypass on fuel injection pumps for turbine engines.

Other amendments require cooling tests for turbine engine installations and means to indicate the functioning of the powerplant ice protection system.

A proposal to require the ability to regain full power or thrust within 20 seconds after engine malfunctioning occurs due to depletion of fuel in any tank was considered during the annual airworthiness review, but is not being adopted at this time. The objective of this proposal was to minimize the possibility of turbine engine flame-out during fuel tank switching. However, since there are several methods of accomplishing this objective, including systems designed to prevent such engine malfunctioning, further study is being given to this subject.

Other proposals being deferred for further study concern turbo-jet reverse thrust controls, the fire resistance of turbine engine installation diaphragms, and a means to indicate a clogged fuel filter condition (i.e., bypass operation) to the flight crew. The proposal on reverse thrust controls would have deleted the provision requiring a means to prevent inadvertent movement to a reverse thrust position, for systems which are approved for use in flight. Such systems are still in the development stage and additional evaluation is considered necessary to determine whether the previous proposal or some other change is appropriate. The proposal to permit fire-resistant in lieu of fire-proof diaphragms in certain turbine engine installations will be considered along with other changes in the powerplant fire protection requirements to make them suitable for isolated pod installations. The value of inflight indication of fuel filter clogging has been questioned in view of the fact that automatic filter bypass provisions cannot be controlled in flight and the military services are developing devices to indicate the occurrence of bypassing to maintenance personnel who can then service the filters.

Section 4b.603 is being amended to incorporate current terminology for flight and navigational instruments. However, a proposal which would require all critical air-speed limitations that vary with altitude to be displayed on the appropriate instrument is being deferred for further study. Where a number of such limitations exist, that proposal might be impractical or lead to confusion or undesirable differences in displaying air-speed limitations to pilots. At present, V_{NE} is the only variable limit required to be indicated. A machmeter is being required for airplanes having compressibility limitations which are not otherwise indicated to the pilot in accordance with § 4b.732.

Section 4b.612 is being revised to clarify the power failure indicating means required for certain instruments. Section 4b.625 is being amended to cover new types of storage batteries as well as the conventional lead-acid types. A new § 4b.628 establishes criteria intended to minimize the hazards of lightning strikes on portions of the airplane which are insulated from the main airframe.

Another new § 4b.647 requires all new type transport category airplanes to be provided with individual flotation means for each occupant even though the airplane is not certificated for ditching. The requirement that life preservers shall be reversible is being deleted from § 4b.645(d), since it is expected that design features and instructions to insure correct donning will be covered in the appropriate Technical Standard Order. Since chunks of ice falling from aircraft have caused hazards to persons and property on the ground, a new § 4b.660 requires that fluid drains be designed to prevent the formation of ice on the airplane. A placard showing the air-speed limitations for various flap settings is being required because these limitations are no longer shown on the air-speed indicator.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) is hereby amended as follows, effective October 1, 1959:

1. By amending § 4b.1(b)(4) by deleting the phrase "by the U.S. National Advisory Committee for Aeronautics" and inserting in lieu thereof "by the National Aeronautics and Space Administration (formerly the National Advisory Committee for Aeronautics)".

2. By amending § 4b.1(c) by redesignating subparagraph (8) as subparagraph (9) and inserting a new subparagraph (8) to read as follows:

§ 4b.1 Definitions.

* * * * *

(c) *Weights.* * * *

(8) *Zero fuel weight.* The zero fuel weight is the design maximum weight of the airplane with no disposable fuel and oil.

3. By amending § 4b.112(c)(1) to read as follows:

§ 4b.112 Stalling speeds.

* * * * *

(c) * * *

(1) From a speed sufficiently above the stalling speed to assure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one mile per hour per second. This maneuver shall be performed with the airplane trimmed at a speed of $1.4V_{s_1}$, except that airplanes utilizing adjustable stabilizers may be trimmed at a speed selected by the applicant but not less than $1.2V_{s_1}$, nor greater than $1.4V_{s_1}$.

4. By amending § 4b.131(a) to read as follows:

§ 4b.131 Longitudinal control.

(a) It shall be possible at all speeds between the trim speed prescribed in § 4b.112(c)(1) and V_{s_1} to pitch the nose downward so that a prompt recovery to this selected trim speed can be made with the following combination of airplane configurations:

(1) The airplane trimmed at the trim speed prescribed in § 4b.112(c)(1),

(2) The landing gear extended,

(3) The wing flaps in a retracted, and in an extended position,

(4) Power off, and maximum continuous power on all engines.

§ 4b.151 [Amendment]

5. By amending § 4b.151(a) by inserting in the last sentence after the words "control force" the phrase "and within the limits of elevator control power".

6. By amending § 4b.210(b)(2) to read as follows:

§ 4b.210 General.

* * * * *

(b) *Design air speeds.* * * *

(2) *Design maneuvering speed, V_A.* The design maneuvering speed, V_A, shall be equal to $V_{s_1}\sqrt{n}$ where n is the limit positive maneuvering load factor at V_C (see § 4b.211(a)) and V_{s_1} is the stalling speed with flaps retracted. Both V_A and V_S shall be evaluated at the design weight and altitude under consideration. V_A need not be greater than V_C or the speed at which the positive $C_{N_{max}}$ curve intersects the positive maneuver load factor line, whichever is the lesser. (See figure 4b–2.)

7. By amending § 4b.210(c) by deleting the heading and the first sentence and inserting in lieu thereof the following, respectively:

(c) *Design fuel and oil loads.* The disposable load combinations shall include all fuel and oil loads in the range from zero fuel and oil to the maximum fuel and oil load selected by the applicant. * * *

8. By amending § 4b.210(c)(1) by inserting between the words "fuel" and "at" the phrase "and oil in the wing".

9. By amending § 4b.213(c) to read as follows:

§ 4b.213 Symmetrical flight conditions.

* * * * *

(c) *Maneuvering pitching conditions.* The following conditions involving pitching acceleration shall be investigated (see figure 4b–2):

(1) *Maximum elevator displacement at speed V_A.* The airplane shall be assumed to be flying in steady level flight (point A_1 on figure 4b–2) and the pitching control suddenly moved to obtain extreme positive pitching (nose up) except as limited by pilot effort in accordance with § 4b.220(a).

(2) *Checked maneuver at speeds between V_A and V_D.* The airplane shall be assumed to be subjected to a checked maneuver from steady level flight (points A_1 to D_1 on figure 4b–2) and from the positive load factor (points A_2 to D_2 on figure 4b–2) as follows:

(i) A positive pitching acceleration (nose up), equal to at least the following value, shall be assumed to be attained concurrently with the airplane load factor of unity (points A_1 to D_1 on figure 4b–2) unless it is shown that lesser values could not be exceeded:

$$\frac{39}{V}n\ (n-1.5)\ (\text{radians/sec.}^2)$$

where n is the positive load factor (see § 4b.211(a)(1)), at the speed under consideration, and V is the airplane equivalent speed, knots.

(ii) A negative pitching acceleration (nose down) equal to at least the following value shall be assumed to be attained concurrently with the airplane positive maneuvering load factor (points A_2 to D_2 on figure 4b–2) unless it is shown that lesser values could not be exceeded:

$$-\frac{26}{V}n\ (n-1.5)\ (\text{radians/sec.}^2)$$

where n is the positive load factor (see § 4b.211(a)(1)), at the speed under consideration, and V is the airplane equivalent speed, knots.

(3) *Specified control displacement.* In lieu of subparagraph (2) of this paragraph, a checked maneuver based on a rational pitching control motion vs. time profile may be established such that the design limit load factor as defined in § 4b.211(a)(1) will not be exceeded. The airplane response shall result in pitching accelerations not less than those specified in subparagraph (2) unless it is shown that lesser values cannot be exceeded.

§ 4b.216 [Amendment]

10. By amending § 4b.216(a) by adding at the end thereof a new sentence to read as follows: "For turbine propeller installations the limit torque shall be obtained by multiplying the mean torque by a factor of 1.25."

11. By amending § 4b.216(a)(3) by deleting the factor "2.0" and inserting in lieu thereof "1.6".

12. By adding a new § 4b.217 to read as follows:

§ 4b.217 Speed control devices.

When speed control devices (e.g., spoilers, drag flaps, etc.) are incorporated for use in en route conditions, the following conditions shall apply:

(a) The airplane shall be designed for the symmetrical maneuvers and gusts prescribed in § 4b.211 and the yawing maneuvers and lateral gusts in § 4b.215 with the device extended at all speeds up to the placard device extended speed.

(b) When the speed control device incorporates automatic operation or load limiting features, the airplane shall be designed for the maneuver and gust conditions prescribed in paragraph (a) of this section, at the speeds and corresponding device positions which the mechanism permits.

§ 4b.231 [Amendment]

13. By amending § 4b.231(a)(1) by deleting the second sentence and inserting in lieu thereof: "It shall be acceptable to establish the coefficient of friction between the tires and the ground by considering the effects of skidding velocity and tire pressure, except that it need not be greater than 0.8."

§ 4b.235 [Amendment]

14. By amending § 4b.235(e)(2) by adding at the end thereof a new sentence to read as follows: "Where this condition results in a nose gear side load in excess of 0.8 times the vertical nose gear load, it shall be acceptable to limit the design nose gear side load to 0.8 times the vertical load with the unbalanced yawing moments assumed to be resisted by aircraft inertia forces."

§ 4b.236 [Amendment]

15. By amending § 4b.236(a) by adding at the end thereof a new sentence to read as follows: "A tandem strut gear arrangement shall be considered to be a multiple-wheel unit."

16. By amending § 4b.236(c) by amending the last sentence of the introductory paragraph to read as follows: "The ground reactions shall be applied to the wheels with inflated tires, except that for multiple-wheel gear units incorporating more than one shock strut, it shall be permissible to use a rational distribution of the ground reactions between the deflated and inflated tires, taking into account the differences in shock strut extensions resulting from a deflated tire."

§ 4b.308 [Amendment]

17. By amending § 4b.308(a) by adding at the end thereof a new sentence to read as follows: "If control surface flutter dampers are installed to meet the requirements of this section, it shall be shown that a single failure in the flutter damper system will not preclude continued safe flight of the airplane at any speed up to V_D."

18. By amending § 4b.320 by redesignating the present paragraph as paragraph (a) and by adding a new paragraph (b) to read as follow:

§ 4b.320 General.

* * * * *

(b) Power boost and power-operated control systems shall be designed in accordance with the provisions of subparagraphs (1) and (2) of this paragraph.

(1) When a power boost or power-operated control system is used, an alternate system shall be immediately available such that any single failure in the power portion shall not preclude continued safe flight and landing. Such alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion shall include the power source (e.g., hydraulic pumps), and such items as valves, lines, and actuators. The failure of mechanical parts (such as piston rods and links) and the jamming of power cylinders need not be considered if such failure or jamming is considered to be extremely remote.

(2) Both the primary and alternate systems shall be operable in the event of a single engine failure. For airplanes with more than two engines, at least one system shall be operable in the event of failure of any two engines. It shall be shown by analysis that in the event of loss of power on all engines, the airplane is not uncontrollable.

19. By amending § 4b.352(b) by deleting from the first sentence the opening phrase "The windshield, its supporting structure, and other structure in front of the pilots" and inserting in lieu thereof "The windshield panes which the pilots will be directly behind in the normal conduct of their duties and the supporting structures for such panes", and by deleting the last sentence.

20. By amending § 4b.352 by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:

§ 4b.352 Windshields and windows.

* * * * *

(c) Means shall be provided to minimize the danger to the pilots from flying windshield fragments due to bird impact unless it can be shown by analysis or test that the probability of occurrence of a critical fragmentation condition is of a low order. The provisions of this paragraph are intended to apply to all transparent panes in the cockpit section which appear in the front view of the aircraft, are inclined 15 degrees or more to the longitudinal axis of the aircraft, and have any portion located so that

fragmentation thereof will constitute a hazard to the pilots.

§ 4b.362 [Amendment]

21. By amending § 4b.362(c)(1) by deleting the table thereunder and inserting in lieu thereof the following table:

Passenger seating capacity	Emergency exits required on each side of the fuselage			
	Type I	Type II	Type III	Type IV
1–10 inclusive	------	------	------	1
11–19 inclusive	------	------	1	------
20–39 inclusive	------	1	------	1
40–59 inclusive	1	------	------	1
60–79 inclusive	1	------	1	------
80–109 inclusive	1	------	1	1
110–139 inclusive	2	------	1	------
140–179 inclusive	2	------	2	------
180–219 inclusive	2	2	------	------

22. By amending § 4b.362(d) by adding after the first sentence a new sentence to read as follows: "On airplanes with a passenger seating capacity of 10 or less, the minimum dimensions of the exit specified in paragraph (b)(4) of this section shall be acceptable."

23. By amending § 4b.362(g) by adding a new sentence at the end thereof to read as follows: "If it is necessary to pass through a doorway to reach any required emergency exit from any seat in the passenger cabin, the door shall be provided with a means to latch it in the open position. A suitable placard stating that the door is to be latched in the open position during takeoff and landing shall be installed."

24. By amending § 4b.407 to read as follows:

§ 4b.407 Reversing systems.

(a) Reversing systems intended for ground operation only shall be such that no single failure or malfunctioning of the system under all anticipated conditions of airplane operation will result in unwanted reverse thrust. Failure of structural elements need not be considered if occurrence of such failure is expected to be extremely remote.

(b) Turbo-jet reversing systems intended for inflight use shall be such that no unsafe condition will result during normal operations of the system, or from any failure or reasonably likely combination of failures of the reversing system, under all anticipated conditions of operation of the airplane. Failure of structural elements need not be considered if occurrence of such failure is expected to be extremely remote.

25. By amending § 4b.410(a) to read as follows:

4b.410 General.

(a) The fuel system shall be constructed and arranged in such a manner as to assure a flow of fuel at a rate and pressure which have been established for proper engine functioning under all likely operating conditions, including all maneuvers for which the airplane is intended. (For fuel system instruments see § 4b.604.)

26. By amending § 4b.413 to read as follows:

4b.413 Fuel flow demonstration.

(a) The fuel flow available for use by the engine shall be demonstrated to be at least 125 percent of the fuel flow required to develop the maximum horsepower or thrust selected for airplane certification, when the airplane is in operating conditions appropriate to the use of such power or thrust.

(b) The ability of the system to provide at least 100 percent of the fuel flow required by the engines shall be demonstrated when the airplane is in the operating condition, including attitude and altitude, which represents the most adverse condition from the standpoint of fuel feed which the airplane is designed to attain.

(c) During the demonstration prescribed in paragraphs (a) and (b) of this section, the following provisions shall apply:

(1) Fuel shall be delivered to the engine at a pressure within the limits specified in the engine type certificate.

(2) The quantity of fuel in the tank being considered shall not exceed the amount established as the unusable fuel supply for that tank, as determined by demonstrating compliance with the provisions of § 4b.416 (see also §§ 4b.420 and 4b.613(b)), together with whatever minimum quantity of fuel it may be necessary to add for the purpose of conducting flow test.

(3) Such main pumps shall be used as are necessary for each operating condition and airplane attitude for which the demonstrations are made. For each main pump so used, the demonstration shall be repeated, substituting the appropriate emergency pump, when required, for the main pump. (See § 4b.430(b).)

(4) If a fuel flowmeter is provided, the meter shall be blocked only during the flow test prescribed in paragraph (b) of this section and the fuel shall flow through the meter or its bypass.

(5) It shall be acceptable to conduct the demonstrations prescribed in paragraphs (a) and (b) of this section by a ground test on the airplane or on a representative mock-up of the fuel system.

§ 4b.414 [Deletion]

27. By deleting § 4b.414.

§ 4b.415 [Amendment]

28. By amending § 4b.415 by deleting the reference "§ 4b.414" and inserting in lieu thereof "§ 4b.413".

29. By amending § 4b.421(a) to read as follows:

§ 4b.421 Fuel tank tests.

(a) Fuel tanks shall be demonstrated by test to be capable of withstanding the more critical of the pressures resulting from the conditions of subparagraphs (1) and (2) of this paragraph without failure or leakage as mounted in the airplane. In addition, tank surfaces subjected to more critical pressures resulting from the conditions of subparagraphs (3) and (4) of this paragraph shall be demonstrated by means of either analyses or tests to be capable of withstanding such pressures.

(1) Internal pressures of 3.5 psi;

(2) 125 percent of the maximum air pressure developed in the tank from ram effect;

(3) Fluid pressures developed during maximum limit accelerations and deflections of the airplane with a full tank;

(4) Fluid pressures developed during the most adverse combination of airplane roll and fuel load.

30. By amending § 4b.421(b) by inserting the word "Metallic" at the beginning of the first sentence.

31. By amending § 4b.421(c) to read as follows:

(c) Nonmetallic tanks shall withstand the test specified in subparagraph (b)(4) of this section with fuel at a temperature of 110° F. except that this test shall not be required where satisfactory operating experience with a similar tank in a similar installation is shown. During the test a representative specimen of the tank shall be installed in supporting structure which simulates the installation in the airplane.

32. By amending § 4b.430 to read as follows:

§ 4b.430 Fuel pumps.

(a) *Main pumps.* (1) Any fuel pump that is required for proper engine operation or to meet the fuel system requirements of this subpart, except for the provisions of paragraph (b) of this section, shall be considered a main pump.

(2) Provision shall be made to permit the bypass of all positive displacement fuel pumps except fuel injection pumps approved as part of the engine.

(b) *Emergency pumps.* (1) Emergency pumps shall be provided and immediately available to permit supplying all engines with fuel in case of failure of any one main fuel pump except fuel injection pumps approved as part of the engine. This requirement is not intended to prohibit the use of another main pump as an emergency pump after failure of one main pump.

§ 4b.431 [Deletion]

33. By deleting § 4b.431.

34. By adding a new § 4b.455 to read as follows:

§ 4b.455 Cooling of turbine engine installations.

For turbine engine installations, tests shall be conducted to demonstrate that all powerplant components for which temperature limits have been established are cooled within those limits.

§ 4b.461 [Amendment]

35. By amending § 4b.461(c) by adding at the end thereof a new sentence to read as follows: "Means to indicate the functioning of the powerplant ice protection system shall be provided."

36. By amending § 4b.483 to read as follows:

§ 4b.483 Lines and fittings.

(a) All lines and fittings carrying flammable fluids in designated fire zones shall be fire-resistant, except as otherwise provided in this section. If flexible hose is used, the assembly of hose and end fittings shall be of an approved type. The provisions of this paragraph need not apply to those lines and fittings which form an integral part of the engine.

(b) Vent and drain lines and their fittings shall be subject to the provisions of paragraph (a) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

37. By amending § 4b.603 to read as follows:

§ 4b.603 Flight and navigational instruments.

(See § 4b.612 for installation requirements.)

(a) Air-speed indicating system. If the air-speed limitations vary with altitude, the air-speed indicator shall incorporate a maximum allowable air-speed indication showing the variation of V_{NE} with altitude including compressibility limitations. (See § 4b.732.)

(b) Altimeter (sensitive or precision type),

(c) Rate-of-climb indicator (vertical speed),

(d) Free air temperature indicator,

(e) Clock (sweep-second pointer type),

(f) Rate-of-turn indicator (gyroscopic type with integral bank or slip indicator),

(g) Bank and pitch indicator (gyroscopically stabilized),

(h) Direction indicator (gyroscopically stabilized magnetic and/or nonmagnetic type),

(i) Direction indicator (nonstabilized type magnetic compass),

(j) Machmeter for airplanes having compressibility limitations not otherwise indicated to the pilot in accordance with § 4b.732.

38. By amending § 4b.612(e) to read as follows:

§ 4b.612 Flight and navigational instruments.

* * * * *

(e) *Instruments utilizing a power supply.* The following shall apply to each instrument required in § 4b.603 (f), (g), and (h) which utilizes a power supply:

(1) Each instrument shall have a visual type of power failure indicating means, integral with or located adjacent to the instrument, to indicate when adequate power is not being supplied to the instrument (see note) to sustain proper instrument performance. The power shall be sensed at or near the point where power enters the instrument. For electric instruments power shall be deemed adequate when voltage is between approved limits.

(2) Each instrument shall be provided with two independent sources of power and a means of selecting either power source. When duplicate independent instruments are installed, power source selection need not be provided if each instrument has an independent power source.

(3) The installation and power supply system shall be such that failure of one instrument, or the energy supply from one source, or a fault in any part of the power distribution system, will not interfere with the proper supply of energy from the other source. (See also §§ 4b.606(c) and 4b.623.)

NOTE: The word "instrument" as used herein includes those devices which are physically contained in one unit and those devices which are composed of two or more physically separate units or components connected together; such as a remote indicating gyroscopic direction indicator which includes a magnetic sensing element, a gyroscopic unit, an amplifier, and an indicator connected together.

39. By amending § 4b.613 by adding a new paragraph (f) to read as follows:

§ 4b.613 Powerplant instruments.

* * * * *

(f) *Fuel pressure indication.*

(1) Provisions shall be made to measure the fuel pressure, in all systems supplying reciprocating engines, at a point downstream of all fuel pumps except fuel injection pumps. (For instrument requirements see § 4b.604(e).)

(2) When necessary for the maintenance of the proper fuel delivery pressure, a connection shall be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection. In such cases, to avoid erroneous fuel pressure reading, the gauge balance lines shall be independently connected to the carburetor inlet pressure.

40. By amending § 4b.625(d) to read as follows:

§ 4b.625 Electrical equipment and installation.

* * * * *

(d) Storage batteries shall be of such design and be so installed that:

(1) Safe cell temperatures and pressures are maintained during any probable charging or discharging condition. No uncontrolled increase in cell temperature shall result when the storage battery is recharged (after previous complete discharge) at maximum regulated voltage, during a flight of maximum duration, under the most adverse cooling conditions likely to occur in service. Tests to demonstrate compliance with this regulation shall not be required if satisfactory operating experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(2) Explosive or toxic gases emitted by the storage battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, shall not accumulate in hazardous quantities within the airplane.

(3) Corrosive fluids or gases which may be emitted or spilled from the storage battery shall not damage the surrounding airplane structure or adjacent essential equipment.

41. By adding a new § 4b.628 to read as follows:

§ 4b.628 Lightning strike protection.

Those portions of the airplane which are electrically insulated from the main body of the airplane shall be connected to the basic airframe through appropriate lightning arrestors, unless it is shown that a lightning strike on the insulated portion is improbable because of the shielding afforded by other portions of the airplane, or unless it is shown that a lightning strike on the insulated portion would not create a hazard to the airplane or its occupants.

§ 4b.632 [Amendment]

42. By amending § 4b.632(d) by deleting the word "noncombustible" and inserting in lieu thereof the word "flame-resistant".

§ 4b.645 [Amendment]

43. By amending § 4b.645(d) by deleting the last sentence thereof.

44. By adding a new § 4b.647 to read as follows:

§ 4b.647 Flotation means.

If the airplane is not equipped with life preservers in accordance with § 4b.645(d), an approved individual flotation means shall be provided for each occupant. Such flotation means shall be within easy reach of each occupant while seated and readily removable from the airplane.

45. By adding a new § 4b.660 to read as follows:

§ 4b.660 Draining of fluids subject to freezing.

When liquids subject to freezing are drained overboard either in flight or during group operation, drains shall be located and designed to prevent the formation of ice on the airplane as a result of such drainage.

46. By amending § 4b.738 by adding a new paragraph (e) to read as follows:

§ 4b.738 Miscellaneous markings and placards.

* * * * *

(e) *Air-speed placard.* A placard shall be installed in clear view of each pilot giving the maximum air speeds for flap extension to the takeoff, approach, and landing positions.

47. By amending Figure 4b–2 to read as follows:

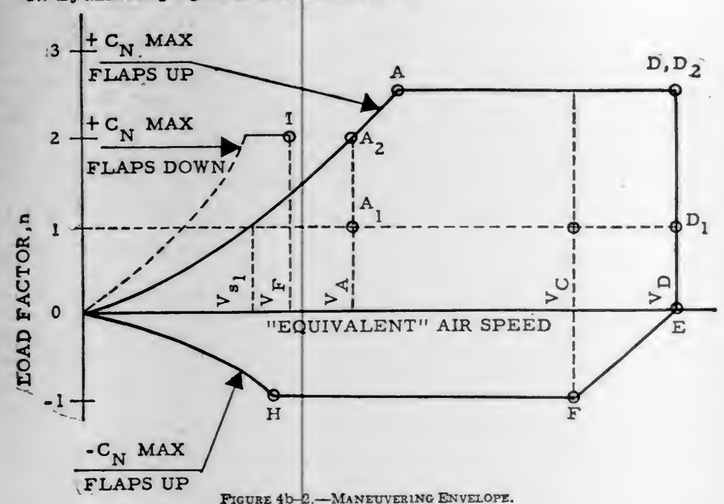


FIGURE 4b–2.—MANEUVERING ENVELOPE.

§ 4b.112–1 [Amendment]

48. By amending § 4b.112–1(d)(1) by deleting the words "Trim speed—$1.4V_{s_0}$" and inserting in lieu thereof the words "Trim speed—as prescribed in § 4b.112 (c)(1)".

49. By amending § 4b.112–1(d)(2) by deleting the words "Trim speed—$1.4V_{s_1}$," and inserting in lieu thereof the words "Trim speed—as prescribed in § 4b.112 "$(1.4V_{s_1})$".

50. By amending § 4b.112–1(e)(3) by deleting the parenthetical expression "$(1.4V_{s_1})$".

51. By amending § 4b.131–1(a) by deleting the phrase "to $1.4V_{s_1}$" from the heading.

52. By amending § 4b.131–1(a)(2) to read as follows:

§ 4b.131–1 Procedure for demonstrating longitudinal control (FAA policies which apply to sec. 4b.131).

* * * * *

(a) * * *

(2) *Test procedure and required data.* The airplane should be trimmed at the speed prescribed in § 4b.112(c)(1); the nose should be pitched downward starting from any speed between that prescribed in § 4b.112(c)(1), and V_{s_1}. The rate of increase in airspeed should be satisfactory for prompt acceleration to the trim speed prescribed in § 4b.112 (c)(1). The following data should be recorded:

Weight.
C.G. position.
Wing flap position.
Landing gear position.
Engines, r.p.m. and manifold pressure.
Pressure altitude.
Ambient air temperature.
Trim speed.
Lowest speed from which pitch is satisfactory.
Altitude lost to regain trim speed.

(Sec. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354 (a), 1421, 1423)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7152; Filed, Aug. 31, 1959; 8:45 a. m.]

[Reg. Docket 100; Amdt. 6–4]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

Miscellaneous Amendments Resulting From the 1958 Annual Airworthiness Review

There are contained herein amendments as a result of the 1958 Annual airworthiness Review.

In the flight requirements, a revision to § 6.121 replaces the current requirement for a demonstration of controllability after power failure at only one high speed condition with a requirement for controllability after power failure over the range of air speeds and altitudes for which certification is sought. A revision to § 6.123, while still requiring satisfactory controllability, permits a slight negative slope of the stick position versus speed curve over the speed ranges prescribed.

A number of changes are being made with respect to the structural provisions. The requirement for ground vibration tests previously set forth in § 6.203 is being deleted. This action is based upon the conclusion that if any major component has a natural frequency which would be significantly excited by some operating parameter, such a condition would be revealed in the course of other flight and ground tests. Section 6.235, having to do with the braked roll condition, is being amended to indicate that where rotor lift is present a load factor of 1.0 is acceptable in place of 1.33. In order to standardize the test procedure used in the shock absorption tests of § 6.237, this section is being changed to specify the attitude of the landing gear during drop tests. Another change to the structural provisions is being made to § 6.247, covering skid gear ground loading conditions. This amendment permits, when applicable, the use of more than limit rotor lift in the conduct of the ultimate drop test.

Several changes are being made to the sections dealing with control system design. One, to § 6.320, adds a requirement aimed at minimizing the possibility of incorrect assembly of the elements of the flight control system. In addition, a new § 6.328 is being included to provide minimum safety standards for power-operated control systems.

In the subpart dealing with powerplant installations, § 6.420 is being revised to include requirements for multiengine rotorcraft which employ a common fuel tank. Section 6.424 is being amended to provide for automatically activated or continuously operating emergency fuel pumps. This change is intended to assure that in the event of failure of the main fuel pump, fuel would continue to be supplied to the engine without requiring action by the pilot. Sections 6.445 and 6.446 are being deleted inasmuch as the requirements of these sections are now covered in § 6.604. By the amendment to § 6.485, the use of rigid fuel lines is permitted regardless of whether or not the line is under pressure, provided there is no other requirement for flexibility.

Section 6.604, covering powerplant instruments, is being revised to no longer require oil temperature indicators for all gearboxes but to require an oil temperature warning device for main rotor drive gearboxes. A new § 6.606 is being added to indicate the general requirements for reliability of equipment and systems. Since it is difficult to maintain low speeds during climb-out and because the pilot's attention is not likely to be concentrated on the air-speed indicator during the takeoff maneuver much before climb-out speed is reached, § 6.612 is being revised to make the requirement for air-speed indicator accuracy at low speeds more realistic. Section 6.621 is being amended to cover new types of storage batteries as well as the conventional lead-acid type.

In the subpart dealing with operating limitations and information, the limiting height-speed diagram for safe landing after power failure has been transferred from operating limitations to operating information by deleting § 6.715 and § 6.741(f) and by inserting the text of the latter in § 6.743. The flight test requirements to establish the diagram are being inserted as a new § 6.116. Through these changes, the height-speed diagram will no longer be a limitation under the type certificate, but may be applied as a limitation in particular types of operations under the operating rules.

In addition, there are included other changes which are of a clarifying or editorial nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) is hereby amended as follows, effective Oct. 1, 1959:

§ 6.1 [Amendment]

1. By amending § 6.1(c)(3) by deleting the phrase "by the U.S. National Advisory Committee for Aeronautics" and inserting in lieu thereof the phrase "by the National Aeronautics and Space Administration (formerly the National Advisory Committee for Aeronautics)".

2. By amending § 6.1(e)(4) by deleting the parenthetical expression "$(TAS=EAS\ (\rho_0/\rho)^{1/2})$" and inserting in lieu thereof the parenthetical expression "$(TAS=EAS\ (\rho_0/\rho)^{1/2})$".

§ 6.110 [Amendment]

3. By amending § 6.110 by deleting the phrase "through 6.115" and inserting in lieu thereof the phrase "through 6.116".

§ 6.111 [Amendment]

4. By amending § 6.111 by deleting the parenthetical expression "(See §§ 6.715, 6.740, and 6.742)" and inserting in lieu thereof "(See §§ 6.116, 6.740, 6.742 and 6.743)".

5. By adding a new § 6.116 to read as follows:

§ 6.116 Limiting height and speeds for safe landing following power failure.

If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following power failure, the range of heights and its variation with forward speed shall be established together with any other pertinent information, such as type of landing surface. Such an envelope shall be established in full autorotation for single-engine helicopters and with one engine inoperative for multiengine helicopters provided that engine isolation design features are incorporated to assure continued operation of the remaining engines. (See § 6.743 (c).)

6. By amending § 6.121 by adding a new paragraph (e) to read as follows:

§ 6.121 Controllability.

* * * * *

(e) Controllability after power failure shall be demonstrated over the range of air speeds and altitudes for which certification is sought, starting with maximum continuous power at critical weight. In taking corrective action, the time delay for all flight conditions shall be based on the normal pilot reaction time, except that for the cruise condition the time delay shall not be less than one second.

7. By amending § 6.123(b) by deleting the words "and maintain" in two places, by amending the introductory paragraphs of subparagraphs (1), (2), and (3), and by adding a note to read as follows:

§ 6.123 Stability.

* * * * *

(b) *Static longitudinal stability.* * * *

(1) *Climb.* At all speeds from $0.85V_Y$ to $1.2V_Y$ with: * * *

(2) *Cruise.* At all speeds from $0.7V_H$ or $0.7V_{NE}$, whichever is less, to $1.1V_H$ or $1.1V_{NE}$, whichever is less, with: * * *

(3) *Autorotation.* Throughout the speed range for which certification is sought, with: * * *

(4) *Hovering.* * * *

NOTE: It is considered acceptable for the stick position versus speed curve to have a negative slope within the speed range specified for each of the conditions in subparagraphs (1) through (3) of this paragraph, provided the negative stick displacement required is not greater than 10 percent of the total stick travel.

§ 6.140 [Amendment]

8. By amending § 6.140 by deleting the parenthetical expression "(See also §§ 6.203(f) and 6.711.)" and inserting in lieu thereof "(See § 6.711.)".

§ 6.203 [Amendment]

9. By amending § 6.203 by deleting paragraph (f) and by redesignating paragraph (g) as paragraph (f).

§ 6.235 [Amendment]

10. By amending § 6.235 by deleting the second sentence and inserting in lieu thereof a new sentence to read as follows: "The limit vertical load shall be based upon a load factor of 1.33 when the rotorcraft attitude is as specified in § 6.231(a)(1); the limit vertical load factor may be reduced to 1.0 when the attitude is as specified in § 6.231(a)(2)."

§ 6.237 [Amendment]

11. By amending § 6.237(a) by adding at the end thereof a new sentence to read as follows: "The attitude in which the landing gear unit is tested shall be such as to simulate the landing condition which is critical from the standpoint of the energy to be absorbed by the particular unit."

§ 6.246 [Amendment]

12. By amending § 6.246(f) by deleting the second sentence and inserting in lieu thereof a new sentence to read as follows: "The limit vertical load shall be based upon a load factor of 1.33 when the rotorcraft attitude is as specified in paragraph (b) of this section; the limit vertical load factor may be reduced to 1.0 when the attitude is as specified in paragraph (a) of this section."

§ 6.247 [Amendment]

13. By amending § 6.247(a) by adding at the end thereof the following words "with the assumed rotor lift not to exceed 1.5 times the rotor lift used in the limit drop tests prescribed in § 6.237(a)."

§ 6.320 [Amendment]

14. By amending § 6.320 by adding before the parenthetical expression a new sentence to read as follows: "The elements of the flight control system shall be designed or shall be distinctively and permanently marked to minimize the possibility of incorrect assembly which could result in the malfunctioning of the control system."

15. By adding a new § 6.328 to read as follows:

§ 6.328 Power boost and power-operated control systems.

When a power boost or power-operated control system is used, an alternate system shall be immediately available, such that the rotorcraft can be flown and landed safely in the event of any single failure in the power portion of the system or in the event of failure of all engines. Such alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion shall include the power source (e.g., hydraulic pumps), and such items as valves, lines, and actuators. The failure of mechanical parts (such as piston rods and links) and the jamming of power cylinders need not be considered if such failure or jamming is considered to be extremely remote.

16. By amending § 6.420 by adding a new section title, by redesignating the present title and text as paragraph (a), by deleting the parenthetical expression "(see § 6.604(a)(1))" and inserting in lieu thereof "(see § 6.604(d))", and by adding a new paragraph (b) to read as follows:

§ 6.420 Fuel system design and arrangement.

* * * * *

(b) *Fuel system independence.* The design of the fuel system for multiengine rotorcraft shall be such as to permit fuel to be supplied to each engine through a system independent of all portions of the systems supplying fuel to other engines, except that separate fuel tanks need not be provided for each engine. The following features shall be provided if a single fuel tank is employed on a multiengine rotorcraft:

(1) Independent tank outlets for each engine. Each outlet shall incorporate a shutoff valve at the tank. This valve may also serve as the firewall shutoff valve required by § 6.426 provided the line between the valve and the engine compartment does not contain a hazardous amount of fuel which can drain into the engine compartment.

(2) At least 2 vents arranged to minimize the possibility of both vents becoming obstructed simultaneously.

(3) Filler caps designed to minimize the possibility of incorrect installation or loss in flight.

(4) The fuel system from the tank outlet to the engine shall be entirely independent of any portion of the system supplying fuel to the other engine(s).

§ 6.421 [Amendment]

17. By amending § 6.421 by deleting the reference "6.741(g)" in the parenthetical expression at the end of the section and inserting in lieu thereof "6.741(f)".

§ 6.424 [Amendment]

18. By amending § 6.424 by adding two new sentences between the first and second sentences to read as follows: "The emergency pump shall be actuated automatically or operated continuously such that sufficient fuel pressure will be maintained to prevent engine stoppage after failure of the mechanical pump. Means

shall be provided for indication to the pilot when the emergency system is in operation."

§ 6.445 [Deletion]

19. By deleting § 6.445.

§ 6.446 [Deletion]

20. By deleting § 6.446.

§ 6.480 [Amendment]

21. By amending § 6.480 by deleting the phrase "through 6.484" and inserting in lieu thereof "through 6.486".

22. By amending § 6.485 to read as follows:

§ 6.485 Lines and fittings.

(a) All lines and fittings carrying flammable fluids in areas subject to engine fire conditions shall be fire resistant, except as otherwise provided in this section. If flexible hose is used, the assembly of hose and end fittings shall be of an approved type. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Vent and drain lines and their fittings shall be subject to the provisions of paragraph (a) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

23. By amending § 6.604 to read as follows:

§ 6.604 Powerplant instruments.

(See § 6.613 for installation requirements.)

(a) Carburetor air temperature indicator for each engine equipped with a preheater which is capable of providing a heat rise in excess of 60° F.

(b) Cylinder head temperature indicator for each air-cooled engine or rotorcraft equipped with cooling shutters. In the case of rotorcraft which do not have cooling shutters, an indicator shall be provided if compliance with the provisions of § 6.451 is demonstrated in a condition other than the most critical cooling flight condition.

(c) Fuel pressure indicator for each engine (if pump-fed engines are used).

(d) Fuel quantity indicator for each tank. (See § 6.420(a).)

(e) Manifold pressure indicator for each engine (if altitude engines are used).

(f) Oil temperature warning device to indicate when the oil temperature exceeds a safe value in each main rotor drive gearbox (including those gearboxes essential to rotor phasing) having an oil system independent of the engine oil system.

(g) Oil pressure warning device to indicate when the oil pressure falls below a safe value in each pressure lubricated main rotor drive gearbox (including those gearboxes essential to rotor phasing) having an oil system independent of the engine oil system.

(h) Oil pressure indicator for each engine.

(i) Oil quantity indicator for each oil tank. (See 6.613(d).)

(j) Oil temperature indicator for each engine.

(k) Tachometer to indicate engine rpm and rotor rpm for the main rotor, or for each main rotor, the speed of which can vary appreciably with respect to another main rotor.

24. By adding a new § 6.606 to read as follows:

§ 6.606 Equipment, systems, and installations.

(a) *Functioning and reliability.* All equipment, systems, and installations, the functioning of which is necessary in showing compliance with the regulations in this subchapter, shall be designed and installed to insure that they will perform their intended function reliably under all reasonably foreseeable operating conditions.

(b) *Hazards.* All equipment, systems, and installations shall be designed to safeguard against hazards to the rotorcraft in the event of their malfunctioning or failure.

§ 6.612 [Amendment]

25. By amending § 6.612(a) by deleting the last sentence and inserting in lieu thereof a new sentence to read as follows: "The allowable installation error shall not be exceeded at any forward speed above 80 percent of the climb-out speed."

§ 6.613 [Amendment]

26. By amending § 6.613 by deleting paragraphs (e), (f), (g), and (h).

27. By amending § 6.621 to read as follows:

§ 6.621 Storage battery design and installation.

Storage batteries shall be of such design and so installed that:

(a) Safe cell temperatures and pressures are maintained during any probable charging or discharging condition. No uncontrolled increase in cell temperature shall result when the storage battery is recharged (after previous complete discharge) at maximum regulated voltage, during a flight of maximum duration, under the most adverse cooling condition likely to occur in service. Tests to demonstrate compliance with this regulation shall not be required if satisfactory operating experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(b) Explosive or toxic gases emitted by the storage battery in normal operation, or as the result of any probable malfunction in the charging system or battery installation, shall not accumulate in hazardous quantities within the rotorcraft.

(c) Corrosive fluids or gases which may be emitted or spilled from the storage battery shall not damage surrounding rotorcraft structure or adjacent essential equipment.

§ 6.632 [Amendment]

28. By amending § 6.632(e) by deleting the word "noncombustible" and inserting in lieu thereof "flame-resistant."

§ 6.715 [Deletion]

29. By deleting § 6.715.

§ 6.732 [Amendment]

30. By amending § 6.732 by deleting the parenthetical expression "(See §§ 6.612(a), 6.710, 6.711, 6.712, 6.713, and 6.715)" and inserting in lieu thereof "(See §§ 6.116, 6.612(a), 6.710, 6.711, 6.712, and 6.713)".

§ 6.736 [Amendment]

31. By amending § 6.736 by deleting the parenthetical expression at the end of the section and inserting in lieu thereof "(See § 6.741(f).)"

§ 6.741 [Amendment]

32. By amending § 6.741 by deleting paragraph (f) and by redesignating paragraph (g) as paragraph (f).

33. By amending § 6.743 by deleting from the introductory paragraph the phrase "in paragraphs (a) and (b)" and inserting in lieu thereof "in paragraphs (a) through (c)" and by adding a new paragraph (c) to read as follows:

§ 6.743 Performance information.

* * * * *

(c) Sufficient information to outline the limiting heights and corresponding speeds for safe landing after power failure. (See § 6.116.)

(Secs. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-7153; Filed, Aug. 31, 1959; 8:45 a.m.]

[Reg. Docket 100; Amdt. 7-4]

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

Miscellaneous Amendments Resulting From the 1958 Annual Airworthiness Review

There are contained herein amendments as a result of the 1958 Annual Airworthiness Review.

In the flight requirements, a revision to § 7.121 replaces the current requirement for a demonstration of controllability after power failure at only one high speed condition with a requirement for controllability after power failure over the range of air speeds and altitudes for which certification is sought. A revision to § 7.123, while still requiring satisfactory controllability, permits a slight negative slope of the stick position versus speed curve over the speed ranges prescribed.

A number of changes are being made with respect to the structural provisions. The requirement for ground vibration tests previously set forth in § 7.203 is being deleted. This action is based upon the conclusion that if any major component has a natural frequency which would be significantly excited by some operating parameter, such a condition would be revealed in the course of other ground and flight tests. The arbitrary design loads established for primary control systems in § 7.225 preclude the use

of some otherwise acceptable installations. Therefore, this section is being revised to permit a rational approach to be used in establishing design loads which will be sufficient to insure a satisfactory control system. Section 7.235, having to do with the braked roll condition, is being amended to indicate that where rotor lift is present a load factor of 1.0 is acceptable in place of 1.33. This is also being reflected in § 7.246.

Several changes are being made to the sections dealing with control system design. One, to § 7.320, adds a requirement aimed at minimizing the possibility of incorrect assembly of the elements of the flight control system. In addition, a new § 7.328 is being included to provide minimum safety standards for power-operated control systems. Another change to the design requirements is being made to § 7.332, wherein the test procedure is being standardized insofar as the attitude of the landing gear is concerned during the drop test.

By the amendment to § 7.483, the use of rigid fuel lines is permitted regardless of whether or not the line is under pressure, provided there is no other requirement for flexibility.

An amendment to § 7.612 establishes more realistic requirements for air-speed indicator accuracy at low speeds. This change is based on the fact that it is extremely difficult to maintain low speeds during climb-out and the pilot's attention is not likely to be concentrated on the air-speed indicator during the take-off maneuver much before climb-out speed is reached. Section 7.625 is being amended to cover new types of storage batteries as well as the conventional lead-acid type.

In addition, there are included other changes which are of a clarifying or editorial nature.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) is hereby amended as follows, effective October 1, 1959:

§ 7.1 [Amendment]

1. By amending § 7.1(c)(3) by deleting the phrase "by the U.S. National Advisory Committee for Aeronautics" and inserting in lieu thereof the phrase "by the National Aeronautics and Space Administration (formerly the National Advisory Committee for Aeronautics)".

§ 7.20 [Deletion]

2. By deleting § 7.20(c).

3. By amending § 7.120(c) to read as follows:

§ 7.120 General.

* * * * *

(c) For night or instrument certification the rotorcraft shall have such additional flight characteristics as the Administrator finds are required for safe operation under these conditions.

4. By amending § 7.121 by adding a new paragraph (e) to read as follows:

§ 7.121 Controllability.

* * * * *

(e) Controllability after power failure shall be demonstrated over the range of air speeds and altitudes for which certification is sought, starting with maximum continuous power at critical weight. In taking corrective action, the time delay for all flight conditions shall be based on the normal pilot reaction time, except that for the cruise condition the time delay shall not be less than one second.

5. By amending § 7.123(b) by deleting the words "and maintain" in two places, by amending the introductory paragraphs of subparagraphs (1), (2), and (3), and by adding a note to read as follows:

§ 7.123 Stability.

* * * * *

(b) *Static longitudinal stability.* * * *

(1) *Climb.* At all speeds from $0.85V_Y$ to $1.2V_Y$, with: * * *

(2) *Cruise.* At all speeds from $0.7V_H$ or $0.7V_{NE}$, whichever is less, to $1.1V_H$ or $1.1V_{NE}$, whichever is less, with: * * *

(3) *Autorotation.* Throughout the speed range for which certification is sought, with: * * *

(4) *Hovering.* * * *

NOTE: It is considered acceptable for the stick position versus speed curve to have a negative slope within the speed range specified for each of the conditions in subparagraphs (1) through (3) of this paragraph, provided the negative stick displacement required is not greater than 10 percent of the total stick travel.

§ 7.203 [Amendment]

6. By amending § 7.203 by deleting paragraph (f) and redesignating paragraph (g) as paragraph (f).

§ 7.225 [Amendment]

7. By amending § 7.225(a) by deleting from the introductory paragraph the last part of the last sentence which reads "except that design loads less than those resulting from 0.60 of the specified pilot-applied forces shall not be employed" and inserting in lieu thereof two new sentences to read as follows: "The minimum design loads shall in any case be sufficient to provide a rugged system for service use, including consideration of fatigue, jamming, ground gusts, control inertia, and friction loads. In the absence of a rational analysis, the design loads resulting from 0.60 of the specified pilot-applied forces shall be considered as acceptable minimum design loads."

§ 7.235 [Amendment]

8. By amending § 7.235 by deleting the second sentence and inserting in lieu thereof a new sentence to read as follows: "The limit vertical load shall be based upon a load factor of 1.33 when the rotorcraft attitude is as specified in § 7.231(a)(1); the limit vertical load factor may be reduced to 1.0 when the attitude is as specified in § 7.231(a)(2).

9. By adding a new § 7.246 to read as follows:

§ 7.246 Tail-wheel type landing gear ground loading conditions.

The structure of a rotorcraft equipped with landing gears arranged such that two wheels are located forward and one wheel is located aft of the center of gravity shall be assumed to be subjected to the loading conditions in accordance with paragraphs (a) through (h) of this section:

(a) *Level landing on forward gear only.* The rotorcraft shall be assumed to be in the level landing attitude with only the forward wheels contacting the ground.

(1) Vertical loads shall be applied in accordance with provisions of § 7.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel axle of not less than 25 percent of the respective vertical load.

(3) In the conditions of subparagraphs (1) and (2) of this paragraph, unbalanced pitching moments shall be assumed resisted by angular inertia forces.

(b) *Level landings; all wheels contacting simultaneously.* The rotorcraft shall be assumed to be in the level landing attitude with all wheels contacting the ground simultaneously.

(1) Vertical loads shall be applied in accordance with the provisions of § 7.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel axle of not less than 25 percent of the respective vertical load. Unbalanced pitching moments shall be assumed resisted by angular inertia forces.

(c) *Nose-up landing condition.* The rotorcraft shall be assumed to contact the ground on the rear wheel only at the maximum nose-up attitude to be expected under all operational landing conditions including landings in autorotation. The conditions of this paragraph need not be applied if it can be demonstrated that the probability of landing with initial contact on the rear wheel is extremely remote. In determining the applicable ground loads, it shall be acceptable to use a rational method to account for the distance between the direction of the rear wheel ground reactions and the rotorcraft c.g.

(1) Vertical loads shall be applied in accordance with the provisions of § 7.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at the wheel axle of not less than 25 percent of the vertical load.

(d) *One-wheel landing condition.* The rotorcraft shall be assumed in the level attitude to contact the ground on one of the wheels located forward of the c.g. The vertical load shall be the same as that obtained on the one side in the condition specified in paragraph (a)(1) of this section. Unbalanced moments shall be assumed resisted by angular inertia forces.

(e) *Side load landing condition.* The rotorcraft shall be assumed in the landing attitudes of paragraphs (a) and (b) of this section. Side loads in combination with one-half the maximum vertical ground reactions obtained in the landing conditions of paragraphs (a)(1) and (b)(1) of this section shall be applied at each wheel. The magnitude of the side loads on the forward wheels in each case

shall be 0.8 of the vertical reaction (on one side) acting inward and 0.6 of the vertical reaction (on the other side) acting outward. The magnitude of the side load on the rear wheel shall be equal to 0.8 of the vertical reaction. These loads shall be applied at the ground contact point, unless the landing gear is of the full-swiveling type in which case the loads shall be applied at the center of the axle. When a lock, steering device, or shimmy damper is provided, the swiveled wheel shall also be assumed to be in the trailing position with the side load acting at the ground contact point.

(f) *Braked roll condition.* The rotorcraft attitudes shall be assumed to be the same as those prescribed in paragraphs (a) and (b) of this section with the shock absorbers deflected to their static position. The limit vertical load shall be based upon a load factor of 1.33 when the rotorcraft attitude is as specified in paragraph (b) of this section; the limit load factor may be reduced to 1.0 when the attitude is as specified in paragraph (a) of this section. A drag load equal to the vertical load multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel equipped with brakes, except that the drag load need not exceed the maximum value based on limiting brake torque.

(g) *Rear wheel turning condition.* The rotorcraft shall be assumed to be in the static ground attitude with the shock absorbers and tires deflected to their static position. A vertical ground reaction equal to the static load on the rear wheel in combination with a side component of equal magnitude shall be assumed. When a swivel is provided, the rear wheel shall be assumed to be swiveled 90 degrees to the rotorcraft longitudinal axis with the resultant load passing through the axle. When a lock, steering device, or shimmy damper is provided, the rear wheel shall be assumed to be in the trailing position with the side load acting at the ground contact point.

(h) *Taxying condition.* The rotorcraft and its landing gear shall be designed for loads which occur when the rotorcraft is taxied over the roughest ground which it is reasonable to expect in normal operation.

10. By amending § 7.320 by adding before the parenthetical expression a new sentence to read as follows: "The elements of the flight control system shall be designed or shall be distinctively and permanently marked to minimize the possibility of incorrect assembly which could result in the malfunctioning of the control system."

11. By amending § 7.328 to read as follows:

§ 7.328 Power boost and power-operated control systems.

When a power boost or power-operated control system is used, an alternate system shall be immediately available, such that the rotorcraft can be flown and landed safely in the event of any single failure in the power portion of the system or in the event of failure of all engines. Such alternate system may be a duplicate power portion or a manually operated mechanical system. The power portion shall include the power source (e.g., hydraulic pumps), and such items as valves, lines, and actuators. The failure of mechanical parts (such as piston rods and links), and the jamming of power cylinders need not be considered if failure or jamming is considered to be extremely remote.

§ 7.332 [Amendment]

12. By amending § 7.332(a) by adding at the end thereof a new sentence to read as follows: "The attitude in which the landing gear unit is tested shall be such as to simulate the landing condition which is critical from the standpoint of energy to be absorbed by the particular unit."

§ 7.334 [Amendment]

13. By amending § 7.334(c) by deleting from the last sentence the words "In any case, the emergency system" and inserting in lieu thereof the words "When an emergency system is installed, it".

14. By amending § 7.483 to read as follows:

§ 7.483 Lines and fittings.

(a) All lines and fittings carrying flammable fluids in areas subject to engine fire conditions shall be fire resistant, except as otherwise provided in this section. If flexible hose is used, the assembly of hose and end fittings shall be of an approved type. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Vent and drain lines and their fittings shall be subject to the provisions of paragraph (a) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

15. By amending § 7.612(a) by adding a title to subparagraph (3), by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively, and by adding a new subparagraph (4) to read as follows:

§ 7.612 Flight and navigational instruments.

(a) *Air-speed indicating systems.* • • •

(3) *Category A and Category B; multi-engine rotorcraft.* • • •

(4) *Catagory B; single-engine rotorcraft.* Calibration of the air-speed indicator shall be made in flight at all forward speeds of 10 mph or over. The air-speed error of the installation, including the air-speed indicator instrument calibration error, shall not exceed 3 percent or 5 mph, whichever is greater, at any forward speed above 80 percent of the climb-out speed.

16. By amending the second sentence of § 7.612(f) by deleting the word "pitot" between the words "first" and "system" and inserting in lieu thereof the word "pilot".

17. By amending § 7.625(d) to read as follows:

§ 7.625 Electrical equipment and installation.

• • • • •

(d) Storage batteries shall be of such design and so installed that:

(1) Safe cell temperatures and pressures are maintained during any probable charging or discharging condition. No uncontrolled increase in cell temperature shall result when the storage battery is recharged (after previous complete discharge) at maximum regulated voltage, during a flight of maximum duration, under the most adverse cooling condition likely to occur in service. Tests to demonstrate compliance with this regulation shall not be required if satisfactory operating experience with similar batteries and installations has shown that maintaining safe cell temperatures and pressures presents no problem.

(2) Explosive or toxic gases emitted by the storage battery in normal operation, or as the result of any probable malfunction in the charging system or the battery installation, shall not accumulate in hazardous quantities within the rotorcraft.

(3) Corrosive fluids or gases which may be emitted or spilled from the storage battery shall not damage surrounding rotorcraft structure or adjacent essential equipment.

§ 6.644 [Amendment]

18. By amending § 7.644(d) by deleting the second sentence.

§ 7.715 [Amendment]

19. By amending § 7.715 by deleting the parenthetical expression "(See §§ 7.11(a)(1), 7.111(b), and 7.741(f).)" and inserting in lieu thereof "(See §§ 7.111(a), 7.111(b), and 7.741(f).)".

§ 7.743 [Amendment]

20. By amending § 7.743(b)(5) by deleting the parenthetical expression "(See § 7.612(a) (2) and (3).)" and inserting in lieu thereof "(See § 7.612(a) (2), (3), and (4).)".

(Secs. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-7154; Filed, Aug. 31, 1959; 8:45 a.m.]

[Reg. Docket 100; Amdt. 133]

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

Miscellaneous Amendments Resulting From the 1958 Annual Airworthiness Review

There are contained herein amendments as a result of the 1958 Annual Airworthiness Review.

A provision is being added to § 13.110 to require that the induction system be self-draining in static attitudes to prevent liquid locks and later malfunctioning of the engine.

A provision is being added to § 13.112 to require venting of the crankcase to the atmosphere to prevent pressurization of the crankcase high enough to cause oil leaks which present fire hazards.

A provision is being added to § 13.155 to require that for engines incorporating a multispeed supercharger drive the supercharger be shifted from operation at the lower speed to the higher and the appropriate power be obtained at the higher supercharger speed within 5 seconds. This capability is necessary to prevent supercharger drive system damage resulting from prolonging the time to shift speeds and to assure that the appropriate power can be obtained.

A provision is being added to § 13.210 to require means to indicate functioning of the compressor air bleed system for protection of the engine during icing conditions. This will permit the flight crew to know that the engine portion of the ice protection system is available for use.

Section 13.211 is being amended to require for turbine engines that an electric ignition system (if used) shall have at least two igniters and two separate secondary electric circuits. This will afford reliability similar to that obtained with reciprocating engines employing dual electric ignition systems.

Section 13.217 is being added to provide that the power or thrust of turbine engines can be increased under static conditions from flight idle to 95 percent of the takeoff rating in not over 5 seconds.

Section 13.259 is being added to specify criteria which are intended to assure that engine-actuated propeller controls function without detrimental effect on either the engine or the propeller.

Section 13.260 is being added to establish the airworthiness standard for thrust reversers. Detailed test provisions are specified for reversing systems intended for ground use only. For inflight reversing systems, these basic provisions are intended to be applied together with such other tests as are found necessary by the Administrator to assure the airworthiness of the device. A note is appended to this requirement to clarify the applicability of § 4b.407 to portions of reverser systems which are also integral parts of the engine.

Amendments which were proposed to establish fail safe criteria for automatic engine control systems, to provide that compressor rotors be designed and constructed to provide sufficient strength to withstand damage-inducing factors associated with engine operation, and to provide additional design considerations to assure the structural integrity of turbine rotors, are deferred pending the results of further study of the problems which are involved in these issues. For the same reason, a proposal to add a requirement establishing criteria to prevent unsafe conditions in the event of a single probable failure or malfunction of any single element in the engine, is also deferred.

Interested persons have been afforded an opportunity to participate in the making of this amendment (24 F.R. 128), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 13 of the Civil Air Regulations (14 CFR Part 13, as amended) is hereby amended as follows, effective October 1, 1959;

1. By amending § 13.110 by adding a new paragraph (d) to read as follows:

§ 13.110 Fuel and induction system.

• • • • •

(d) All passages in the induction system which conduct a mixture of fuel and air shall be self-draining so as to prevent a liquid lock in the cylinders, in all attitudes which the applicant establishes as those the engine can have when the aircraft in which it is installed is in the static ground attitude.

2. By amending § 13.112 by adding a new paragraph (d) to read as follows:

§ 13.112 Lubrication system.

• • • • •

(d) The engine shall be designed and constructed in such a manner that the crankcase is vented to the atmosphere so as to preclude leakage of oil resulting from excessive pressure within the crankcase.

§ 13.155 [Amendment]

3. By amending § 13.155 by adding a new sentence at the end thereof to read as follows: "If the engine incorporates a multispeed supercharger drive, the design and construction shall be such that the supercharger can be shifted from operation at the lower speed ratio to the higher and the power appropriate to the manifold pressure and speed settings for maximum continuous power at the higher supercharger speed ratio can be obtained within 5 seconds."

4. By amending § 13.210 by adding a new paragraph (e) to read as follows:

§ 13.210 Fuel and induction system.

• • • • •

(e) If air is bled from the compressor for protection of the engine in icing conditions, provision shall be made for positive indication that air is being directed to the proper passages.

5. By amending § 13.211 to read as follows:

§ 13.211 Ignition system.

All engines shall be equipped with an ignition system for starting the engine on the ground and in flight. An electric ignition system shall have at least two igniters and two separate secondary electric circuits.

6. By adding a new § 13.217 to read as follows:

§ 13.217 Power or thrust response.

The design and construction of the engine shall be such as to enable an increase, under static conditions, from flight idle power or trust to 95 percent of takeoff power or thrust in not over 5 seconds.

7. By adding a new § 13.259 to read as follows:

§ 13.259 Engine-propeller systems tests.

The following tests shall be conducted, where applicable, with a propeller installed which will be representative of the type used on a typical aircraft installation. They may be included in the endurance run or otherwise performed in a manner acceptable to the Administrator.

(a) Feathering operation: 25 cycles.

(b) Negative torque and/or thrust system operation: 25 cycles from maximum continuous power.

(c) Automatic decoupler operation: 25 cycles from maximum continuous power (if repeated decoupling and recoupling in service is the intended function of the device).

(d) Reverse thrust operation: 175 cycles from the flight-idle position to full reverse and 25 cycles at maximum continuous power from full forward to full reverse thrust. At the end of each cycle the propeller shall be operated in reverse pitch for a period of 30 seconds at the maximum rotational speed and power declared by the applicant for reverse pitch operation.

8. By adding a new § 13.260 and a note to read as follows:

§ 13.260 Thrust reversers.

If the engine incorporates a reverser, the endurance, calibration, operation, and vibration tests prescribed in this part shall be run with the reverser installed. In complying with the provisions of this section, the power control lever shall be moved from one extreme position to the other in not more than one second except, where regimes of control operations are incorporated necessitating scheduling of the power control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 3 seconds. In addition, the tests prescribed in paragraphs (a) and (b) of this section shall be applicable. These tests may be scheduled as part of the endurance run.

(a) If the reverser is intended for use only as a braking means on the ground, 175 reversals shall be made from flight-idle forward thrust to maximum reverse thrust and 25 reversals shall be made from maximum forward to maximum reverse thrust. After each reversal, the reverser shall be operated at full reverse thrust for a period of one minute.

(b) If the reverser is intended for use in flight, the provisions of paragraph (a) of this section shall apply, together with such other tests as are found necessary by the Administrator to assure the airworthiness of the device.

NOTE: The provisions of § 4b.407 apply to the complete reverser system, including that portion which is an integral part of the engine.

(Secs. 313(a), 601, 603, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 24, 1959.

E. R. QUESADA,
Administrator.

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Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6410]

[Regs. 5]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Miscellaneous Amendments

Notice of public hearing to be held in Washington, D.C., on November 28, 1956, and in San Francisco, California, on December 5, 1956, with respect to certain proposals to amend Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on October 31, 1956 (21 F.R. 8321). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 5 (27 CFR Part 5) are hereby adopted:

PARAGRAPH 1. In order to require the country of origin to appear on the brand or back label of all imported distilled spirits whether imported in bottles or bottled after importation:

(A) Section 32(b) (27 CFR 5.32(b)) is amended by adding immediately following subparagraph (2), a new subparagraph reading as follows:

(3) In the case of imported distilled spirits, the country of origin in accordance with § 5.35.

(B) Section 35 (27 CFR 5.35) is amended by relettering paragraph (f) as "(g)" and adding a new paragraph (f) reading as follows:

(f) On labels of imported distilled spirits there shall be stated the country of origin in substantially the following form "Product of ------", the blank to be filled in with the name of the country of origin.

This amendment is to be effective 90 days after publication in the FEDERAL REGISTER.

PAR. 2. In order to permit the use of the phrase "distilled by", followed by the corporate name, or any trade name shown on the distiller's permit at the time the spirits were distilled, on the labels of domestic distilled spirits not bottled in bond, section 35(a)(1) (27 CFR 5.35(a)(1)) is amended to read as follows:

(1) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name (or trade name) and address, the phrase "distilled by", followed by the corporate name, or the trade name under which the particular spirits were distilled, or (except in the case of distilled spirits bottled in bond under section 5233, Internal Revenue Code of 1954) any trade name shown on the distiller's permit (covering the premises where the particular spirits were distilled), at the time the spirits were distilled, irrespective of the name under which they were actually distilled; and the address (or addresses) of the distiller;

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 3. In order to permit the use of a statement showing that the distilled spirits were bottled in the United States in lieu of showing the name and address of the bottler, in the case of imported distilled spirits bottled in United States for the importer thereof, subparagraph (2) of section 35(b) (27 CFR 5.35(b)) is amended by changing the period at the end thereof to a comma and adding the following wording: "except that if the distilled spirits are bottled in the United States for the person responsible for the importation there may be stated, in lieu of the above-required statements, the name and principal place of business in the United States of such person, immediately preceded by the phrase "imported by and bottled in the United States for" (or a similar appropriate phrase)."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 4. In order not to require the word "brand" to appear as a part of a brand name containing the word "old" or other word denoting age, on labels of whiskies and brandies that are not required to bear an age statement and on the labels of rum which has been aged for not less than 4 years and to permit general inconspicuous age, maturity or other similar representation on labels of rum if the rum has been aged for not less than 4 years, even though the label does not bear an age statement, section 39(e)(5) (27 CFR 5.39(e)(5)) is amended to read as follows:

(5) If any age, maturity, or similar representation (including words or devices in any brand name or mark) is made relative to any distilled spirits (except neutral spirits, gin, liqueurs, cordials, vodka, cocktails, gin fizzes, highballs, and bitters), the age shall also be stated on all labels where such representation appears, and in script, type, or printing substantially as conspicuous as such representation: *Provided*, That the labels of such whiskies and brandies (except immature brandies) as are not required to bear a statement of age on the label and the labels of rum which has been aged for not less than 4 years may contain general inconspicuous age, maturity or other similar representations even though the label does not bear the optional age statement. Age, maturity or similar representations as to neutral spirits, gin, liqueurs, cordials, vodka, cocktails, gin fizzes, highballs, and bitters, are misleading, and shall not appear upon any label, except that the use of the word "old" or other word denoting age, appearing as part of the brand name, shall not be deemed to be an age representation in the case of such distilled spirits, or in the case of distilled spirits bottled in bond under the Bottling in Bond Act of the United States, or in the case of whiskies and brandies (except immature brandies) as are not required to bear a statement of age on the label or in the case of rum which has been aged for not less than 4 years. As to all other distilled spirits the word "old" or other word denoting age, appearing as part of the brand name, shall be deemed to be an age representation unless the word "brand" appears in direct conjunction with such brand name in letters of equally conspicuous color and at least one-half the size of the type in which such brand name is printed.

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 5. In order to permit general inconspicuous age, maturity or other similar representations in advertisements for rum, if the rum has been aged for not less than 4 years, even though an age statement does not appear on the labels of the advertised product or in the advertisement itself, the last sentence of section 64(c) (27 CFR 5.64(c)) is amended to read as follows: "An advertisement for any whisky or brandy (except immature brandies) which is not required to bear a statement of age on the label or an advertisement for any rum which has been aged for not less than 4 years may, however, contain general inconspicuous age, maturity or other similar representations even though the optional age statement does not appear on the label of the advertised product and in the advertisement itself."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 26, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7262; Filed, Aug. 31, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 82]

PART 1621—PREPARATION FOR CLASSIFICATION

Lists of Registrants

Paragraph (c) of § 1621.5 of the Selective Service Regulations is amended to read as follows:

§ 1621.5 Preparation of List of Registrants (SSS Form No. 3).

* * * * *

(c) The local board shall forward the original of each List of Registrants (SSS Form No. 3) to the State Director of Selective Service and file the copy. Both the original and the copy shall be retained until their disposal is authorized by the Director of Selective Service.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943-1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

AUGUST 27, 1959.

[F.R. Doc. 59-7265; Filed, Aug. 31, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1964]

[81698]

ARIZONA

Order Opening Public Lands (Power Site Reserve No. 188)

By virtue of the authority vested in the Secretary of the Interior by section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to DA-134—Arizona of the Federal Power Commission issued February 17, 1959, it is ordered as follows:

1. Subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (supra), the following-described public lands are hereby opened to location, entry and selection under the public land laws:

G. & S. R. MERIDIAN

T. 10 N., R. 3 W.,
Sec. 23, SW¼SW¼.

Containing 40 acres.

2. Until 10:00 a.m. on February 26, 1960, the lands shall be subject only to application by the State of Arizona, in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions, under any law or regulation applicable thereto, of any of the lands required for rights-of-way or materials sites in accordance with the provisions of Section 24 of the Federal Power Act.

3. Commencing at 10:00 a.m. on February 26, 1960, the lands shall be open to application, petition, location, and selection by the public generally, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284), as amended.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States, mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Improvements have been placed upon the lands pursuant to section 4 of the Taylor Grazing Act (48 Stat. 1271; 43 U.S.C. 315c). Applications for the lands shall be subject to the regulations in 43 CFR 160.12.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 26, 1959.

[F.R. Doc. 59-7256; Filed, Aug. 31, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. By notice of proposed rule making published on April 29, 1959 (24 F.R. 3326), the public was invited to submit views, data, or arguments in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., on or before June 1, 1959, and thus participate in the preparation of amendments to Part 6, Title 50, Code of Federal Regulations, to be proposed for the purpose of specifying open seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

Subsequently, after consideration of data obtained through investigations conducted by representatives of various State game departments and by personnel of the Bureau of Sport Fisheries and Wildlife, the several State game departments were informed concerning the season lengths and daily bag and possession limits proposed to be prescribed for the 1959-60 seasons on migratory waterfowl, coots, and Wilson's snipe. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on these species; such hunting seasons to conform to the specified days and to fall within a framework of opening and closing dates, as established by this Department.

Each State game department has now furnished information concerning the hunting seasons desired for its State on migratory waterfowl, coots, and Wilson's snipe. In addition, the game departments of the States of Alabama, Michigan, and Wisconsin have recommended seasons on rails and gallinules to open concurrently with the seasons on migratory waterfowl and coots in those States. The fixing of seasons for these species in Alabama, Michigan, and Wisconsin was deferred until a later date at the time the 1959-60 seasons for these birds in other States were prescribed on August 14, 1959 (24 F.R. 6623). Finally, at the time of prescribing dove seasons on August 14, 1959 (24 F.R. 6623), the State of Oregon selected a season of September 1 to September 27. That State has now requested that their season be extended to September 30, which is within the prescribed framework. Consideration having been given to all pertinent data received in response to the Notice of Proposed Rule Making relating to the fixing of seasons and bag limits on migratory waterfowl, coots, and Wilson's snipe, the Migratory Bird Treaty Act regulations are amended as indicated below:

1. Section 6.41 *Seasons and limits on doves and wild pigeons*, as the same appears in 24 F.R. 6623, is amended to extend the season on doves in the State of Oregon as follows:

§ 6.41 Seasons and limits on doves and wild pigeons.

* * * * *

(a) *Mourning doves.*

* * * * *

Oregon---------- Sept. 1-Sept. 30

2. Section 6.46 *Seasons and limits on rails, gallinules, and woodcock*, as the same appears in 24 F.R. 6623, is amended by prescribing an open season on rails and gallinules in Alabama, Michigan, and Wisconsin. Paragraph (b) of § 6.46 will read, in pertinent part, as follows:

(b) *Mississippi Flyway States.*

	Rails and Gallinules (except coots) (singly or in the aggregate)	Woodcock
Daily bag limits	15	4.
Possession limits	15	8.
Seasons in:		
Alabama	Nov. 25-Jan. 3	Dec. 7-Jan. 15.
* * *	* * *	* * *
Michigan:		
Zone 1 and 2	Oct. 7-Nov. 15	Oct. 1-Nov. 9.
Zone 3	do	Oct. 20-Nov. 9.
* * *	* * *	* * *
Wisconsin	Oct. 7-Nov. 25	Oct. 1-Nov. 9.

3. Section 6.51 is amended by republishing the headnote and revising the introductory paragraph and by adding new paragraphs (b), (c), (d), (e), and (f) as follows:

§ 6.51 Seasons and limits on waterfowl, coots, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), and the daily bag and possession limits on the species of waterfowl and on coots and Wilson's snipe as designated in this section are prescribed between the dates of September 1, 1959, and January 8, 1960, as follows:

* * * * *

setts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, the daily bag limit is 3 ducks and 3 coots and the possession limit is 6 ducks and 6 coots. In all States in the Flyway, the daily bag or possession limit on mergansers may not include more than 1 hooded merganser and not more than 1 wood duck and in Pennsylvania the daily bag or possession limit may not contain more than 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and redbreasted mergansers is 5, possession limit 10, singly or in the aggregate of both kinds.

² New York: In the Counties of Nassau and Suffolk and that part of Westchester County lying south of the Hutchinson River Parkway, the seasons for ducks and coots are Nov. 14–Dec. 23; for geese and brant Oct. 24–Dec. 22; and for Wilson's snipe Nov. 14–Dec. 13. The daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. No change in other bag and possession limits.

³ Pennsylvania: In the Counties of Bucks, Philadelphia, and Delaware, and the Delaware River bordering on such counties, the season on ducks and coots is Nov. 14–Dec. 23; for geese and brant Oct. 24–Dec. 22; and for Wilson's snipe Nov. 14–Dec. 12. The daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. No change in other bag and possession limits.

(d) *Mississippi Flyway States.*

	Ducks and coots	Geese	Wilson's snipe
Daily bag limits	See footnote 2	5	8
Possession limits	do	5	8
Shooting hours.[1]			
Season in:			
Alabama		Oct. 31–Jan. 8	Dec. 5–Jan. 3.
Arkansas	do	do	Dec. 10–Jan. 8.
Illinois	do	Oct. 30–Jan. 7	Oct. 30–Nov. 28.
Indiana	Nov. 6–Nov. 28	Nov. 6–Jan. 8	Nov. 6–Dec. 5.
Iowa	Dec. 16–Jan. 8		
Kentucky	Oct. 7–Dec. 15	Oct. 7–Dec. 15	Oct. 20–Nov. 18.
Louisiana	Oct. 31–Jan. 8	Oct. 31–Jan. 8	Nov. 30–Dec. 29.
Michigan	See footnote 4	do	Dec. 5–Jan. 3.
Minnesota	Oct. 7–Nov. 15	Oct. 7–Dec. 15	Oct. 7–Nov. 5.
Mississippi	Do	do	Do.
Missouri	See footnote 5	Oct. 31–Jan. 8	Dec. 10–Jan. 8.
Ohio	Nov. 6–Dec. 25	Oct. 17–Dec. 25	Nov. 6–Dec. 5.
Tennessee	See footnote 6	Oct. 10–Dec. 24	Oct. 10–Nov. 14.
Wisconsin	Oct. 31–Jan. 8	Oct. 31–Jan. 8	Dec. 1–Dec. 30.
	Oct. 7–Nov. 25	Oct. 7–Dec. 15	Oct. 7–Nov. 5.

[1] Shooting hours. On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon. Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be sunrise to sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, and Wilson's snipe) will start at sunrise. States of Alabama, Arkansas, Illinois, Kentucky, Louisiana, Michigan, Ohio, and Tennessee the daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. In the States of Indiana, Iowa, Minnesota, Mississippi, Missouri, and Wisconsin the daily bag limit is 3 ducks and 3 coots and the possession limit is 6 ducks and 6 coots. In all States in the Flyway, the daily bag or possession limit on ducks may not include more than 1 canvasback or 1 redhead or 1 ruddy duck or 1 wood duck and 1 hooded merganser. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession limit 10, singly or in the aggregate of both kinds.

[2] Geese: The bag or possession limit may not include in the alternative more than (a) 2 Canada geese or its subspecies, (b) 2 white-fronted geese, or (c) 1 Canada goose and 1 white-fronted goose. Nov. 20–Jan. 8: *Provided*, That for lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 20–Jan. 8 and for these lands and waters the daily bag limit is 3 ducks and 3 coots and the possession limit is 6 ducks and 6 coots. No change in other bag or possession limits.

[3] Mississippi: Waterfowl and coots, Nov. 20–Jan. 8: *Provided*, That for lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River from the northerly boundary of Louisiana to latitude 31° N., the season shall be Nov. 20–Jan. 4 and for these lands and waters the daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. No change in other bag or possession limits.

[4] Ohio: Waterfowl and coots, Oct. 10–Nov. 24: *Provided*, That in the counties of Lake, Ottawa, and Erie, the season on ducks and coots shall be Oct. 24–Dec. 12 and for these lands and waters the daily bag limit is 3 ducks and 3 coots and the possession limit is 6 ducks and 6 coots. No change in other bag or possession limits.

(b) *Scoter, eider, and old-squaw ducks.*

	(Singly or in the aggregate, in addition to other ducks)
Daily bag limits	7
Possession limits	14
Shooting hours—see footnote 1.	
Special seasons in open coastal waters only, beyond outer harbor lines	
Connecticut	
Maine	
Massachusetts	Oct. 1–Jan. 8.
New Hampshire	
New York	
Rhode Island	

[1] On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon. Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be sunrise to sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, and Wilson's snipe) will start at sunrise.

[2] In the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, the season for taking scoters, eiders, and old-squaw ducks beyond outer harbor lines shall be from October 1 to January 8 (dates inclusive). In areas other than those States in the Atlantic Flyway, scoters, eiders, and old-squaw ducks may be taken only during the open season for other ducks.

(c) *Atlantic Flyway States.*

	Ducks and coots	Geese (except snow geese)	Brant	Wilson's snipe
Daily bag limits	See footnote 2	2	6	8
Possession limits	do	4	6	8
Shooting hours—Footnote 1.				
Seasons in:				
Connecticut	Oct. 24–Oct. 31	Oct. 24–Nov. 9		Closed season.
	Nov. 27–Jan. 2	Nov. 27–Jan. 2		
Delaware	Nov. 17–Dec. 26	Nov. 4–Jan. 2		Nov. 17–Dec. 16.
District of Columbia	Closed season	Closed season		Closed season.
Florida	Nov. 30–Jan. 8	Nov. 20–Jan. 8		Dec. 10–Jan. 8.
Georgia	do	Nov. 10–Jan. 8		
Maine	Oct. 9–Nov. 7	Oct. 9–Dec. 7		Oct. 9–Nov. 7.
	Nov. 21–Dec. 5			
Maryland	Nov. 20–Jan. 8	Nov. 10–Jan. 8		Nov. 20–Dec. 19.
Massachusetts	Oct. 20–Nov. 11	Oct. 20–Nov. 20		Oct. 20–Nov. 13.
	Dec. 14–Jan. 4	Dec. 14–Jan. 8		
New Hampshire	Oct. 9–Oct. 30	Oct. 9–Oct. 30		Oct. 9–Nov. 7.
	Nov. 20–Dec. 12	Nov. 20–Dec. 21		Nov. 14–Dec. 13.
New Jersey	Nov. 14–Dec. 23	Oct. 24–Dec. 22		Oct. 16–Nov. 14.
New York	Nov. 20–Jan. 8	Nov. 10–Jan. 8		Nov. 20–Dec. 19.
North Carolina	Oct. 24–Dec. 12	Oct. 24–Dec. 12		Oct. 24–Nov. 21.
Rhode Island	Nov. 20–Jan. 8	Nov. 20–Jan. 8		Nov. 20–Dec. 19.
South Carolina	do	Nov. 10–Jan. 8		Dec. 10–Jan. 8.
Vermont	do	Oct. 10–Dec. 8		Oct. 10–Nov. 8.
Virginia	Oct. 10–Nov. 28	Nov. 20–Jan. 8		Nov. 26–Dec. 25.
West Virginia	Nov. 20–Jan. 8	Nov. 10–Jan. 8		Nov. 20–Dec. 19.
	do			

[1] On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon. Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be sunrise to sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, and Wilson's snipe) will start at sunrise.

[2] In the States of Delaware, Florida, Georgia, New Jersey, and South Carolina, the daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. In the States of Connecticut, Maine, Maryland, Massachusetts, New York, North Carolina, Rhode Island, Vermont, Virginia, and West Virginia, the daily bag limit is 3 ducks and 3 coots and the possession limit is 6 ducks and 6 coots. In all States in the Flyway, the daily bag or possession limit on ducks may not include more than 1 canvasback or 1 redhead or 1 ruddy duck or 1 wood duck and in Pennsylvania the daily bag or possession limit may not contain more than 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and redbreasted mergansers is 5, possession limit 10, singly or in the aggregate of both kinds.

[3] New York: In the Counties of Nassau and Suffolk and that part of Westchester County lying south of the Hutchinson River Parkway, the seasons for ducks and coots are Nov. 14–Dec. 23; for geese and brant Oct. 24–Dec. 22; and for Wilson's snipe Nov. 14–Dec. 13. The daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. No change in other bag and possession limits.

[4] Pennsylvania: In the Counties of Bucks, Philadelphia, and Delaware, and the Delaware River bordering on such counties, the season on ducks and coots is Nov. 14–Dec. 23; for geese and brant Oct. 24–Dec. 22; and for Wilson's snipe Nov. 14–Dec. 12. The daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. No change in other bag and possession limits.

(e) *Central Flyway States.*

	Ducks and coots	Geese (except Ross's geese)	Wilson's snipe
Daily bag limits	See footnote 2	See footnote 3	8
Possession limits	do	do	8
Shooting hours.[1]			
Seasons in:			
Colorado	Oct. 26–Dec. 14	Oct. 26–Jan. 8	Oct. 26–Nov. 24.
Kansas	Oct. 17–Dec. 15	Oct. 7–Dec. 20	Oct. 17–Nov. 15.
Montana	Oct. 16–Dec. 4	Oct. 16–Dec. 4	Closed season.
Nebraska	Oct. 10–Dec. 8	Oct. 10–Dec. 23	Oct. 10–Nov. 8.
New Mexico	Nov. 20–Jan. 8	Nov. 20–Jan. 8	Nov. 20–Dec. 19.
North Dakota	Oct. 7–Nov. 25	Oct. 7–Dec. 10	Closed season.
Oklahoma	Oct. 20–Dec. 18	Oct. 20–Jan. 2	Oct. 20–Nov. 18.
South Dakota	Oct. 7–Dec. 5	Oct. 7–Dec. 13	Oct. 7–Nov. 5.
Texas	Nov. 13–Jan. 1	Oct. 26–Jan. 8	Dec. 3–Jan. 1.
Wyoming	Oct. 16–Dec. 14	Oct. 16–Dec. 29	Closed season.

[1] On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon. Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots in that State, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be sunrise to sunset: *Provided*, That if the open season on geese, brant, and Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, and Wilson's snipe) will start at sunrise.

[2] In the States of Colorado, Montana, New Mexico, North Dakota, and Texas the daily bag limit is 4 ducks and 4 coots and the possession limit is 8 ducks and 8 coots. In the States of Kansas, Nebraska, Oklahoma, South Dakota, and Wyoming, the daily bag limit is 3 ducks and 3 coots and the possession limit is 6 ducks and 6 coots. In all States in the Flyway, the daily bag or possession limit on ducks may not include more than 1 canvasback or 1 redhead or 1 ruddy duck and 1 hooded merganser and 1 Wood duck. *Provided:* There is no open season for wood ducks in New Mexico or for black-bellied tree ducks in Texas.

[3] *Geese:* The daily bag and possession limit on geese is 5, *Provided*, that throughout all the States in the Flyway the daily bag or possession limit on geese in no event may include more than (a) 1 white-fronted goose, or (b) 2 Canada geese or its subspecies, or (c) 1 Canada goose and 1 white-fronted goose. In Wyoming the bag limit is 1 Canada goose except in Goshen County which shall have a bag limit of 2 Canada geese or 1 Canada goose and 1 white-fronted goose. A closed season is prescribed on snow and blue geese in all of Wyoming and in Beaverhead, Gallatin, and Madison Counties in Montana. A closed season is prescribed on Canada geese and its subspecies in Moffat County, Colorado.

(f) *Pacific Flyway States.*

	Ducks	Geese (except Ross's geese)	Coots and gallinules (singly or in aggregate)	Brant	Wilson's snipe
Daily bag limits	5	6	25	3	8
Possession limits	10	6	25	3	8
Shooting hours—Footnote 1					
Seasons in:					
Arizona [4]	Oct. 7–Jan. 8	Closed season		Dec. 5–Jan. 3.
California [4]	do	Nov. 10–Jan. 8		Nov. 28–Dec. 27.
Idaho	do	Closed season		Nov. 1–Nov. 30.
Nevada [4]	Oct. 9–Jan. 8	do		Do.
Oregon	Oct. 7–Jan. 8	Nov. 10–Jan. 8		Oct. 31–Nov. 29.
Utah	do	Closed season		Closed season.
Washington	do	Nov. 10–Jan. 8		Nov. 1–Nov. 30.

[1] On the opening day of the season for ducks and coots in all Flyways (including both opening days of a split season) shooting will begin at 12 o'clock noon. This shall apply also to gallinules in the Pacific Flyway. Whenever the opening day of any season on geese, brant, or Wilson's snipe is concurrent in a State with the opening day of the season on ducks and coots, shooting hours on all species will start at 12 o'clock noon. On all other open days for ducks and coots and during the entire season (including opening days) on geese, brant, and Wilson's snipe the shooting hours will be sunrise to sunset: *Provided*, That if the open season on geese, brant, or Wilson's snipe in a State is in progress at the time the season in that State opens on ducks and coots, shooting on those species (geese, brant, and Wilson's snipe) will start at sunrise.

[2] *Ducks:* The daily bag and possession limit may not include more than 2 canvasbacks, or 2 redheads, or 2 ruddy ducks, or 2 of those species in the aggregate and 1 hooded merganser and 1 wood duck. In addition to the limits on other ducks, the daily bag limit on American and red-breasted mergansers is 5, possession 10, singly or in the aggregate of both kinds.

[3] *Geese:* In the State of Washington the daily bag and possession limit is 3, and throughout all States in the Pacific Flyway the daily bag and possession limit may not include more than 3 of the dark species *Provided*, That in Bear Lake, Caribou, and Bonneville Counties, Idaho; in Clark County, Nevada; in Mohave and Yuma Counties, Arizona; in California Fish and Game District No. 22 (as defined in the California Fish and Game Code); and in the entire State of Utah, the daily bag and possession limit may include not more than 1 Canada goose or its subspecies.

[4] In Clark County, Nevada; in Yuma and Mohave Counties, Arizona; and in California Fish and Game District No. 22, the season on Canada geese and their subspecies shall close at sunset December 13, 1959. Closed season on snow geese in Clark, Fremont, Madison, and Teton Counties, Idaho.

[5] *Arizona:* Closed season on gallinules.

[6] *Nevada:* In that portion of Clark County lying south and east of a line beginning where U.S. Highway 91 intersects the Arizona-Nevada State line; thence southwesterly along U.S. Highway 91 to the town of Glendale; thence southwesterly along U.S. Highways 91 and 93 to Las Vegas; thence southeasterly along U.S. Highways 93, 95, and 466 to Railroad Pass and thence south along U.S. Highway 95 to its intersection with the California-Nevada State line the season shall open on October 7, 1959.

4. In order to provide seasons on waterfowl, coots, and Wilson's snipe in Puerto Rico, the table in § 6.52 is amended to read as follows:

§ 6.52 Migratory game bird hunting seasons for Puerto Rico.

* * * * * * *

	Mourning doves	Rails and gallinules (singly or in the aggregate)	Ducks	Geese (except snow geese)	Coots	Wilson's snipe
Daily bag limit		15	3	2	10	
Possession limit		30	6	4	10	
Seasons	Closed season	Dec. 15–Feb. 12	Dec. 15–Feb. 2		Closed season.	

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interpret or apply E.O. 10250, 16 F.R. 5385, 3 CFR, 1951 Supp.)

The State of Oregon has requested an additional 3 days for dove hunting. This is within the number of hunting days offered that State prior to setting the dove seasons on August 14, 1959 (24 F.R. 6623). To afford the usual 30 days of publication as required by Section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238, 5 U.S.C., 1003(c) is impracticable since this document will not be published in time to permit the additional hunting under that requirement. Accordingly, the exceptions provided for under section 4(c) of the Act are invoked and the amendment to § 6.41(a) shall be effective on publication in the FEDERAL REGISTER.

The remainder of the foregoing amendments shall become effective on October 1, 1959, which effective date is in accordance with the provisions of section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c).

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 59–7315; Filed, Aug. 31, 1959; 11:20 a.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59–WA–24]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6286 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 286 presently extends from Front Royal, Va., to Cape Charles, Va. The Federal Aviation Agency has under consideration the modification of the Front Royal, Va., to Brooke, Va., segment of Victor 286 which overlaps part of the Quantico, Va., Restricted Area (R–37). This modification would redesignate this segment of Victor 286 via the Casanova, Va., VOR, and the point of intersection of the Brooke VOR 300° and the Herndon, Va., VOR 193° radials; establish appropriate lateral spacing from the Quantico Restricted Area (R–37); and provide more precise navigational guidance on this airway segment. If such action is taken, Victor 286 segment, Front Royal VOR to Brooke VOR, would be designated via the Casanova VOR and the point of intersection of the Brooke VOR 300° and the Herndon VOR 193° radials.

The control areas associated with VOR Federal airway No. 286 are so designated

that they will automatically conform to the modified airway. Accordingly, no amendment relating to sueh control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Federal Building, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6286 (14 CFR 1958 Supp. 600.6286) to read as follows:

§ 600.6286 VOR Federal airway No. 286 (Front Royal, Va., to Cape Charles, Va.).

From the Front Royal, Va., VOR via the Casanova, Va., VOR; point of INT of the Brooke, Va., 300° and the Herndon, Va., VOR 193° radials; Brooke VOR; to the Cape Charles, Va., VOR. The portions of this airway which lie within the West Dahlgren Restricted Area (R-38) and the Camp A. P. Hill Restricted Area (R-40) are excluded.

Issued in Washington, D.C., on August 26, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7244; Filed, Aug. 31, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-56]

CONTROL AREAS AND CONTROL ZONES

Designation of Control Area Extension and Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a control zone and control area extension at Glasgow AFB, Montana. There is at present no controlled airspace designated at Glasgow AFB. In order to enable the control of aircraft in holding patterns and on approaches and departures from the air base, a control area extension of thirty mile radius centered on the Glasgow AFB is proposed. In addition, to provide adequate separation for aircraft utilizing the instrument approaches for the airport, a control zone of five-mile radius from the Glasgow AFB with an extension ten miles southeast is required.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) by adding the following sections:

§ 601.2459 Glasgow, Mont., control zone.

That airspace within a five-mile radius of the Glasgow AFB, and within two miles either side of the 119° radial of the Glasgow VOR to a point ten miles southeast of the Glasgow VOR.

§ 601.1474 Control area extension (Glasgow, Mont.).

That airspace within a thirty-mile radius of Glasgow AFB, Mont.

Issued in Washington, D.C., on August 26, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7245; Filed, Aug. 31, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-FW-3]

CONTROL ZONES

Modification of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2154 of the regulations of the Administrator, as hereinafter set forth.

The Memphis, Tenn., control zone presently includes the airspace within a five mile radius of the Memphis Municipal Airport with extensions to the south, based on the Memphis radio range, and to the east, based on the Memphis VOR. ILS instrument approach procedures to Runway 9 and 27 on the Memphis Municipal Airport have been designated. Therefore, the Federal Aviation Agency has under consideration the addition of two new extensions to the Memphis control zone along the west and east courses of the ILS localizer, to provide controlled airspace for aircraft using these approaches.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2154 (14 CFR, 1958 Supp., 601.2154) to read as follows:

§ 601.2154 Memphis, Tenn., control zone.

Within a five-mile radius of the Memphis Municipal Airport and within two miles either side of the south course of the Memphis, Tenn., RR extending to a point ten miles south of the RR, and within two miles either side of the Memphis VOR 112° radial, extending from the five-mile radius zone to a point ten miles east of the VOR, and within two miles either side of the west ILS localizer course extending from the five-mile radius zone to a point ten miles west of the Brooks RBN, and within two miles either side of the east course of the ILS localizer extending from the five-mile radius zone to a point 15 miles east of the center of the Memphis Municipal Airport.

Issued in Washington, D.C., on August 26, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7243; Filed, Aug. 31, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-105]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR Federal airway No. 447 from Montpelier, Vt., to Newport, Vt. The establishment of this airway by use of a VOR proposed to be installed approximately May 1, 1960, in the vicinity of Montpelier, Vt., at latitude 44°12'41", longitude 72°33'45", would provide a route for the use of VOR equipped aircraft into and from these terminals which are presently served only by colored airways.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) by adding the following sections:

§ 600.6447 VOR Federal airway No. 447 (Montpelier, Vt., to Newport, Vt.).

From the Montpelier, Vt., VOR to the Newport, Vt., nondirectional radio beacon.

§ 601.6447 VOR Federal airway No. 447 control areas (Montpelier, Vt., to Newport, Vt.).

All of VOR Federal airway No. 447.

Issued in Washington, D.C., on August 26, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7242; Filed, Aug. 31, 1959; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 21-526]

PROPOSED TRADE PRACTICE RULES FOR TIRE AND TUBE REPAIR MATERIAL INDUSTRY

Notice of Hearing and of Opportunity to Present Views, Suggestions or Objections

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Tire and Tube Repair Material Industry, to present to the Commission their views concerning said rules including such pertinent information, suggestions or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than September 23, 1959. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a.m., e.d.t., September 23, 1959, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., to any such persons, firms, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations and organizations engaged in the manufacture or importation, and sale of tire or tube patches, plugs, boots, rubber or metal replacement or repair valves, valve cores, valve caps, patch kits, cement, clamps, friction tape, cold patches, vulcanizing patches, tire chemical cleaners, solvents, or similar materials and tools used in the repair or maintenance of tires and tubes. Tread rubber, tire liners, tire gauges, tire paint, and equipment used in removing tires from wheels or remounting thereon, are not products of such industry for which rules are being established.

These proceedings were instituted pursuant to industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in Washington, D.C., at which proposed rules suggested by industry members were considered and discussed. The announced hearing constitutes a further step in the proceedings.

Issued: August 28, 1959.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F.R. Doc. 59-7264; Filed, Aug. 31, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Big Stone.	Redwood.
Chippewa.	Sherburne.
Kandiyohi.	Stearns.
Lac qui Parle.	Stevens.
Lincoln.	Swift.
Lyon.	Todd.
Meeker.	Traverse.
Morrison.	Yellow Medicine.
Pope.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of August 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59-7260; Filed, Aug. 31, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Amendment to Facility License No. R-46

Please take notice that the Atomic Energy Commission has issued to dustrial Reactor Laboratories, Incorporated, Plainsboro, New Jersey, Amendment No. 5, set forth below, to Facility License No. R-46, as requested by an application dated July 20, 1959. The amendment deletes that operating restriction contained in Facility License No. R-46 which prohibited operation of the facility by any organization other than AMF Atomics, a Division of American Machine and Foundry Company.

The Commission has found that Industrial Reactor Laboratories, Incorporated, is technically qualified to operate its facility located in Plainsboro Township, Middlesex County, New Jersey and that the issuance of the amendment is not inimical to the common defense and security or to the health and safety of the public.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty (30) days after the issuance of the license amendment. For further details see the application for license amendment submitted by Industrial Reactor Laboratories, Incorporated.

Dated at Germantown, Md., this 24th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License R-46, Amdt. 5]

The Atomic Energy Commission, having reviewed application for license amendment dated July 20, 1959, filed by Industrial Reactor Laboratories, Incorporated, finds that Industrial Reactor Laboratories, Incorporated, is technically qualified to operate the facility.

License No. R-46 is hereby amended to delete subparagraph 4.A(2) and to redesignate subparagraphs 4.A(3) and 4.A(4) as subparagraphs 4.A(2) and 4.A(3) respectively.

This amendment is effective as of the date of issuance.

Date of issuance: August 24, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-7263; Filed, Aug. 31, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-19253, G-19257]

FALCON SEABOARD DRILLING CO. ET AL.

Order for Hearing and Suspending Proposed Changes in Rates [1]

AUGUST 26, 1959.

In the matters of Falcon Seaboard Drilling Company, et al., Docket No. G-19253; Jake L. Hamon, Docket No. G-19257.

Respondent	Rate sched. No.	Supp. No.	Notice of changes dated	Date tendered	Effective date	Rate suspended and deferred until
1. Falcon Seaboard Drilling Company, et al.	1	3	Undated	7-27-59	[1] 8-27-59	1-27-60
2. Jake L. Hamon	12	1	Undated	8-3-59	[2] 11-1-59	4-1-60

[1] The stated effective date is the first day after the required 30 days' notice.
[2] The stated effective date is that proposed by the Respondent.

The Commission finds, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Respondents' FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, the said supplement tendered by Falcon Seaboard Drilling Company, et al. is hereby suspended and the use thereof deferred until January 27, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Pending hearing and decision thereon, the said supplement tendered by Jake L. Hamon be and it hereby is suspended and the use thereof deferred until April 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) None of the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by § 1.8 or § 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7246; Filed, Aug. 31, 1959; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing the purchaser is Tennessee Gas Transmission Company.

In support of its increases, Falcon Seaboard Drilling Company, et al. cites the contract provisions, increased costs for material and labor, and states that it would be discriminatory to suspend the subject increase while allowing initial rates at the same level to become effective. Jake L. Hamon submitted no support for his increased rate other than the notification letter from Tennessee Gas Transmission Company.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

[Project No. 2268]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Application for License

AUGUST 25, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pennsylvania Power and Light Company, of Allentown, Pennsylvania, for a new 50-year license for reconstruction of the existing Holtwood Development presently under license as Project No. 1881, issued to Applicant on July 3, 1951, effective January 1, 1938 and expiring June 30, 1970. The project is situated on the Susquehanna River, navigable waters of the United States, in York and Lancaster Counties, Pennsylvania.

The project consists of an existing concrete gravity dam surmounted by flashboards, a powerhouse with 10 units installed having a total capacity of 108,800 kilowatts under present headwater and tailwater conditions, step-up transformers, switching equipment and other appurtenant electrical, mechanical and hydraulic equipment. Under the proposed reconstruction, the height of the flashboards would be increased from 4.75 feet to 7.0 feet and the tailrace would be enlarged to provide a net increase in head of 8.0 feet; a new generating unit having a capacity of 19,000 kilowatts would be installed in the existing powerhouse, and a 48 x 35-foot flood gate installed in the dam.

At a cost of approximately $9,000,000.00, Applicant proposes to reconstruct and enlarge the project from its present effective capacity of 100,000 KW to an effective capacity of 144,000 KW, the energy generated being distributed through Applicant's system and sold for public utility purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is October 5, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7247; Filed, Aug. 31, 1959; 8:45 a.m.]

[Docket No. G-14978]

PETROLEUM, INC.

Notice of Application and Date of Hearing

AUGUST 26, 1959.

Take notice that on April 25, 1958, as amended May 5, 1958, Petroleum, Inc., Operator, (Applicant) filed an application, pursuant to section 7(b) of the section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to render natural gas service to Panhandle Eastern Pipe Line Company (Panhandle) from certain acreage in Kiowa County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Take further notice that on January 16, 1959, Applicant filed in Docket No. G-14978 an amendment to the application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon the natural gas service to Panhandle as proposed above, stating that on or about August 26, 1958, water encroachment into the pay formation made it impossible to further produce the well located on the subject acreage and that no further gas was sold subsequent to that date.[2]

Notice of cancellation of Applicant's FPC Gas Rate Schedule No. 9 has been designated as Supplement No. 5 to Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 9.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 1, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 21, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7248; Filed, Aug. 31, 1959; 8:45 a.m.]

[1] Said service is covered by an agreement dated January 31, 1958, on file as Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 9.

[2] Applicant had been operating under temporary authorization granted by Secretary's letter dated May 1, 1958.

[Docket No. G-19255]

SOHIO PETROLEUM CO.

Order for Hearing and Suspending Proposed Changes in Rates

AUGUST 26, 1959.

Sohio Petroleum Company (Sohio), on July 30, 1959, tendered for filing two proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of Change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designations: Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 32.[1] Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 33.[1]
Effective date: August 30, 1959 (stated effective date is the first day after the required thirty days' notice).

In support of the proposed periodic increased rates, Sohio states that the proposed rates do not exceed the current comomdity value of the gas. Sohio also cites the contract provisions and states that the contracts resulted from arm's-length bargaining and that the prices therein are just and reasonable.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 32 and Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 33 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 32 and Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 33.

(B) Pending such hearing and decision thereon, said supplements be and they each hereby are suspended and the use thereof deferred until January 30, 1960, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioner Hussey dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7249; Filed, Aug. 31, 1959; 8:46 a.m.]

[1] The rate of 16.2 cents per Mcf was suspended in Docket No. G-12205 (Supplement No. 2) until August 21, 1957, but was never placed in effect.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1035]

NORTON PORTLAND CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 26, 1959.

I. Norton Portland Corporation (issuer), a Maine corporation, 98 Exchange Street, Portland, Maine, filed with the Commission on August 19, 1958 a notification on Form 1–A and an offering circular, and filed amendments thereto, relating to a proposed public offering of 29,265 shares of its Class B $1 par value non-voting common stock at $10 per share for an aggregate amount of $292,650, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circulars filed August 28, 1958, and April 20, 1959, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement on page 3 of the original offering circular filed August 28, 1958, and on page 2 of the amended offering circular filed April 20, 1959, referring to the issuer's Wonsover machines, that "These machines are being offered for sale by reputable farm machinery dealers throughout the world.";

2. The statement on page 7 of the original offering circular filed August 28, 1958, and on pages 4 and 5 of the amended offering circular filed April 20, 1959 that "In the United States, such companies as American Chain and Cable Company, Inc., American Bosch Arma Corporation, • • • have expressed an interest in the manufacture and/or distribution of the Carbon Monoxit.";

3. The statement on page 6 of the original offering circular filed August 28, 1958, and on page 4 of the amended offering circular filed April 20, 1959 concerning the interest shown in the issuer's Carbon Monoxit by the Los Angeles Air Pollution Control District;

4. The statement on page 6 of the offering circular filed August 28, 1958, concerning the interest shown in the issuer's Carbon Monoxit by the New York Department of Air Pollution Control.

B. The offering has been made and would be made in violation of section 17 of the Securities Act, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of Regulation A that the exemption under said regulation be, and it hereby is, temporarily suspended.

Notice is hereby given to Norton Portland Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–7257; Filed, Aug. 31, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 180]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 27, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62362. By order of August 26, 1959, the Transfer Board approved the transfer to Murray's Fast Express, Inc., Spring Valley, N.Y., of Certificate No. MC 2725, issued May 24, 1941, in the name of George Edward Murray, doing business as Murray's Fast Express of Spring Valley, N.Y., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over regular routes, between New York, N.Y., and New Paltz, N.Y.; from New York to Spring Valley, thence over New York Highway 59 to Nyack, N.Y., thence over U.S. Highway 9W to Highland, N.Y., and thence over New York Highway 299 to New Paltz; and return over these routes to New York; service is authorized to and from all intermediate points; and the off-route points of Highland Mills, Woodbury Falls, Salisbury Mills, Washingtonville, Maybrook, and Orange Lake, N.Y. Mrs. Louise R. Jones, Lawrence Street, Spring Valley, N.Y., for transferee and George Edward Murray, Lawrence Street, Rockland, Spring Valley, N.Y., for transferor.

No. MC–FC 62494. By order of August 26, 1959, the Transfer Board approved the transfer to Fred J. Ready, Inc., of Lowell, Mass., of Certificate No. MC 8877 issued November 7, 1957, in the name of Oliver W. Carleton, doing business as C. W. Carleton of Milford, N.H., authorizing the transportation of monuments, building stone, and curbing and paving blocks, from Milford, N.H., to points in Connecticut, Rhode Island, New York, and Massachusetts; groceries, from Boston, Mass., to Milford, N.H.; apples from Milford, N.H., to points in New Hampshire within 25 miles thereof, to Boston, Ayer, and Littleton, Mass., and New York, Ballston Spa, and Red Hook, N.Y.; vegetables from Milford, N.H., to Boston, Mass.; lumber from New York, Albany, and Long Island City, N.Y., Newark, N.J., and Boston and Somerville, Mass., to Milford, N.H.; and from Milford, N.H., to Boston and Chelmsford, Mass.; and new furniture from Milford, N.H., to points in Vermont, Massachusetts, New York, Rhode Island, Connecticut; and New Jersey, to Albany, N.Y., and thence along U.S. Highway 9 to the boundary of the United States and Canada and those on Long Island, N.Y., including points on the indicated highways. James F. Ready, 31 Fifth Avenue, Lowell, Mass., for transferee and Oliver W. Carleton, 24 Highland Ave., Milford, N.H., for transferor.

No. MC–FC 62506. By order of August 26, 1959, the Transfer Board approved the transfer to Jack Coogan, Inc., Dunkirk, New York, of the operating rights in Certificate No. MC 73319, issued May 23, 1949, to Stephen Lodico and Joseph Lodico, doing business as Lodico Bros., Fredonia, N.Y., authorizing the transportation, over irregular routes, of household goods, between points in a described portion of Chautauqua County, N.Y., on the one hand, and, on the other, points in Ohio, Pennsylvania, and New Jersey. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–7261; Filed, Aug. 31, 1959; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 172

Washington, Wednesday, September 2, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Defense Mobilization; Federal Civil Defense Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.121 and paragraphs (e) and (f) of § 6.123 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–7297; Filed, Sept. 1, 1959; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (3) of paragraph (a) of § 6.309 are amended as set out below.

§ 6.309 Post Office Department.

(a) *Office of the Postmaster General.*
• • •

(2) One Executive Assistant to the Postmaster General.

(3) Six Special Assistants to the Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–7298; Filed, Sept. 1, 1959; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 361—BRITISH TOKEN IMPORT PLAN

Amendment to List of Commodities

Part 361, British Token Import Plan, is amended in the following particulars:

Section 361.13 *Commodities subject to the Plan,* is amended by deleting the following entries from the list set forth therein:

FOOD AND DRINK

85. Canned lobster.
75. Canned macaroni and spaghetti.
74. Canned soups.
84. Canned vegetables, including tomato juice, but excluding tomatoes and tomato puree.
87. Cheese rennet.
118. Glace cherries.
1. Jelly powder.
120. Marshmallow (cooking ingredient).
82. Mustard.
83. Olives preserved in salt or brine.
188. Onion and garlic salt.
219. Pectin, domestic pack.
157. Pickles.
185. Quick-frozen fruits.
119. Quick-frozen peas.
73. Rolled or flaked oats.
178. Sugar confectionery of all kinds, excluding cocoa preparations.
86. Vegetable butter coloring.

LEATHER PRODUCTS

151. Fancy leather goods, excluding trunks, traveling bags, handbags, wallets and pochettes.
221. Leather footwear.
138. Leather gloves, including industrial gloves.

RUBBER MANUFACTURES

91. Household rubber gloves.
68. Rubber bands.
67. Rubber bathing caps.
47. Rubber belting, other than conveyor belting.
69. Rubber erasers.

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(As of January 1, 1959)

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152. Rubber garden hose.
15. Rubber heels and soles.
80. Rubber hot-water bottles.
94. Rubber soling slabs.
16. Surgeon's rubber gloves.
10. Waterproof rubber footwear of all types, including leather footwear with rubber soles.

WOOD MANUFACTURES

31. Domestic woodware (clothes pegs, etc.).
149. Furniture of bamboo, cane, wickerwork, or similar material.
222. Manufactures of mulga wood.
158. Wood wool (excelsior).
62. Wooden mouldings for picture and mirror frames.
61. Wooden picture and mirror frames.
70. Wooden spring blind or shade rollers.

PAPER AND RELATED PRODUCTS

117. Bristol boards.
65. Paper dress patterns, including incomplete tissue sheets.
113. Stationery paper in uncut form and writing paper in large sheets (bond ledger).
123. Yellow varnished paper for bottle-cap linings.

GLASS, CLAY, AND MANUFACTURES

148. Bottles other than ornamental, pharmaceutical, medicine, wine, and spirit bottles.
171. Colored sheet and plate window glass.
122. Glazed wall tiles.
154. Illuminating glassware of the following: Oil-lamp chimneys, hurricane-lamp glasses, globes, and shades.
4. Industrial porcelain insulators.
177. Mirrors conforming in shape and size to those in current use for utility furniture.
78. Table glassware as follows: Plain stemware, tumblers, tableware, and heat-resisting glassware.

IRON AND STEEL MANUFACTURES

49. Axes and axe handles.
197. Belt fasteners for conveyor belts and hand tools for conveyor-belt-fasteners.
56. Bolts and nuts of all kinds, other than precision bolts and nuts.
99. Carpet sweepers and repair parts.
127. Domestic hand-operated meat mincers, coffee and spice mills.
217. Furniture casters and parts thereof.
20. Furniture of metal (other than domestic furniture).
89. Gasoline and kerosene pressing irons.
21. Locks, padlocks, keys, and key blanks.
124. Machine knives.
55. Nails and staples of all kinds except for decorative purposes (including hobnails and boot and shoe studs and spikes).
125. Paper machine wires.
134. Pipe joints of iron and steel excluding malleable cast iron and nonmalleable cast iron.
133. Pipe joints of nonmalleable cast iron.
184. Precision screws and other precision turned parts of metal.
57. Rivets of iron and steel.
25. Slide fasteners.
194. Spectacle frames other than of gold or gold-filled.
189. Stropping machines, razor grinders, and razor sharpeners, all hand-operated.
172. Weighing apparatus of less than 5-hundredweight capacity, and sold at a retail price not exceeding 50 pounds sterling.

ALUMINUM AND MANUFACTURES

174. Aluminum and aluminum alloys in sheets, disks, wire, tubes, rods, angles, shapes, and sections.
54. Aluminum cooking utensils.
175. Aluminum kitchen utensils other than cooking utensils.
173. Beer barrels, made of aluminum or aluminum alloys.

ELECTRICAL MACHINERY, SUPPLIES AND APPARATUS

2. Carbon electrodes.
29. Dry batteries (high tension).
28. Dry batteries (torch).
104. Electrical equipment for cycles and motorcycles.
130. Electric fans complete with motors for domestic use.
132. Electric-light bulbs.
103. Electric-light fixtures.
102. Electric meters.
101. Electric refrigerators and parts for domestic purposes.
131. Electrically operated domestic washing machines, including domestic electric dishwashing machines. (An ironer or drier also may be shipped with each washing machine under this commodity group. Not more than one-third of the quota available for this group may be used for shipment of ironers or driers independently of washing machines.)
195. Portable electric generators.
27. Vacuum cleaners and parts.

INDUSTRIAL MACHINERY AND APPARATUS

129. Gear transmissions and gears.
128. Pulley blocks.

AGRICULTURAL AND GARDEN MACHINERY AND EQUIPMENT

46. Beehives and frames, bee veils, bee smokers, and other beekeepers' accessories.
53. Hand cultivators for garden and farm use.
50. Forks for garden and farm use; fork handles.
51. Hoes for garden and farm use; hoe handles.
52. Rakes for garden and farm use; rake handles.
191. Hand seeders for garden and farm use.
17. Lawn mowers.
100. Milk churns, cans, pails, and strainers.

AUTOMOTIVE EQUIPMENT

19. Antiskid chains.
212. Automotive cables.
216. Chemical maintenance products for motorcars except oils and polishes (includes valve-grinding compounds; radiator leak stop, weather sealer, gasket cement, radiator flush, hydraulic-brake fluid, rubbing compound, mechanics' blue for marking valves, bearings, etc., and tar remover).
30. Spark plugs.
213. Windshield wipers and parts.

CHEMICALS AND RELATED PRODUCTS

204. Bone black.
136. Fuses and detonators.
110. Meta fuel (solidified mentholated spirits).
3. Paints and varnishes.
37. Petroleum-jelly preparations.
205. Porcelain enamel frit.
72. Powder for sporting cartridges.
155. Shampoos, nonliquid, in containers holding no more than 1 ounce.
182. Toilet preparations, including tooth paste and powder, but excluding perfumery and soap.

OFFICE SUPPLIES

137. Typewriter ribbons.

SPORTING GOODS

214. Loaded sporting cartridges and loaded shotgun shells.
71. Sporting cartridges, primed, empty.
135. Sporting guns, sporting rifles, and spare parts thereof.[1]

MISCELLANEOUS

193. Artificial teeth.
32. Brushes.
44. Buttons of all kinds other than vegetable-ivory and dum buttons.
18. Cooking and heating appliances and parts.
207. Laundry soap.
45. Lighter flints.
90. Manufactured abrasive cloths, papers, and disks.
97. Musical boxes.
22. Oil lamps and lanterns for illumination.
98. Outboard motors.
8. Papermakers' felts.
165. Saddlers' thread.
150. Sun goggles and sun glasses.

(R.S. 161; 5 U.S.C. 22)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-7288; Filed, Sept. 1, 1959; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Territorial Subdivisons in Puerto Rico

Section 331.16 in Title 6, Code of Federal Regulations (21 F.R. 10441, 10446 22 F.R. 1269, 4436, 6549, 23 F.R. 6173), is

[1] Imported sporting guns and sporting rifles will be subject to the provisions of the British 1937 Firearms Act, except smoothbore guns having a barrel not less than 20 inches in length.

amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designations of the subdivisions named Arroyo, Barranquitas, Humacao, Orocovis, and Yabucoa, and (2) designating the following subdivisions:

PUERTO RICO

Name of Subdivision and Municipalities Comprising Subdivision

Arroyo: Arroyo, Guayama, Maunabo, Patillas, Salinas.

Barranquitas: Albonito, Barranquitas, Orocovis.

Humacao: Ceiba, Humacao, Naguabo, Yabucoa.

(Sec. 41, 50 Stat. 528, as amended, sec. 54, 50 Stat. 532, as amended; 7 U.S.C. 1015, 1028; Order of Acting Sec. of Agric., 19 F.R. 74, 77, 22 F.R. 8188)

Dated: August 26, 1959.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-7283; Filed, Sept. 1, 1959; 8:46 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1955 C.C.C. Grain Price Support Bulletin 1, Supp. 6, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1955-Crop Corn Extended Re-extended Reseal Loan Program

An extension of the reseal loan program for 1955-crop corn has been announced for the period 1959–60. The 1955 C.C.C. Grain Price Support Bulletin 1 (20 F.R. 3017, 4563, and 21 F.R. 3211), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1955, supplemented by Supplements 1, 2, 3, 4, and 5, Corn (20 F.R. 4104, 7413, 7977, 21 F.R. 3411, 4038, 7711, 22 F.R. 3378 and 23 F.R. 2961), containing the specific requirements for the 1955-crop corn price support program, is hereby further supplemented as follows:

Sec.

421.1182 Applicable sections of 1955 C.C.C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, 4, and 5, Corn.
421.1183 Availability.
421.1184 Eligible producer.
421.1185 Eligible corn.
421.1186 Approved storage.
421.1187 Quantity eligible for extended reseal loan.
421.1188 Service charges.
421.1189 Transfer of producer's equity.
421.1190 Personal liability of the producer.
421.1191 Storage and trackloading payments.
421.1192 Maturity and satisfaction.
421.1193 Foreclosure.
421.1194 Support rates, premium and discounts.

AUTHORITY: §§ 421.1182 to 421.1194 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 421.1182 Applicable sections of 1955 C.C.C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, 4, and 5, Corn.

The following sections of the 1955 C.C.C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, 4, and 5, Corn, as amended, published in 20 F.R. 3017, 4104, 4563, 7413, 7977, 21 F.R. 3211, 3411, 4038, 7711, 22 F.R. 3378, and 23 F.R. 2961, shall be applicable to the 1955 Corn Extended Re-extended Reseal Loan Program: § 421.1001 *Administration;* § 421.1008 *Liens;* § 421.1011 *Interest rate;* § 421.1013 *Safeguarding the commodity;* § 421.1014 *Insurance on farm-storage loans;* § 421.1015 *Loss or damage to the commodity;* § 421.1017 *Release of the commodity under loan;* § 421.1140 *Determination of quantity;* § 421.1152 *Approved forms;* § 421.1156 *Set-offs* as amended by notice published in 23 F.R. 8439. Other sections of 1955 C.C.C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, 4, and 5, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.1183 Availability.

(a) *Area and scope.* This program provides, under certain circumstances, for the extension of the reseal loan program on 1955-crop corn for the period 1959–60 and will be available in all counties where 1955-crop corn is under reseal loan except in angoumois moth areas designated by the ASC State committee: *Provided, however,* That the program will be available only where ASC State committees determine that the corn can be safely stored on the farm for the period of the extended re-extended reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans. This program is hereinafter called the extended reseal loan program. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan for the period 1958–59 and who desires to extend such loan must make application to the county committee which approved such reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is extended. Where new forms are not completed, extension of the reseal loan for the period 1959–60 shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

§ 421.1184 Eligible producer.

An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State or any agency thereof, producing corn in 1955 as landowner, landlord, tenant, or sharecropper who has a re-extended reseal farm-storage loan in effect on corn of the 1955 crop. Executors, Administrators, Trustees, or Receivers who represent an eligible producer or his estate may also qualify provided the reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for an extension of his reseal loan under this program.

§ 421.1185 Eligible corn.

(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirement set forth in § 421.1138 (a), (b), (c), and (e) of 1955 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Corn; and (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (4) must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Inspection.* If a producer makes application to extend his reseal loan for the period 1959–60, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1141.

§ 421.1186 Approved storage.

Corn covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1006(a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1960, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1960.

§ 421.1187 Quantity eligible for extended reseal loan.

The quantity of corn eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.1188 Service charges.

When a reseal loan is extended for the period 1959–60, the producer will not be required to pay an additional service charge.

§ 421.1189 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. The producer may arrange with the county committee for partial release of the commodity prior to maturity after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and release of the commodity will not be permitted. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1190 Personal liability of the producer.

The making of any fraudulent representation by the producer in the loan records, or in obtaining the loan, or any extension thereof, or the conversion or unlawful disposition of any portion of the commodity by him shall render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest at the rate of 6 percent per annum from the date of disbursement of the loan) and for any resulting expense incurred by any holder of the Note. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

§ 421.1191 Storage and track-loading payments.

(a) *Storage payment for 1958–59 storage period.* (1) A producer who extends his farm-storage reseal loan for the period 1959–60 will at the time of such extension receive a payment for earned storage during the 1958–59 reseal loan period. This payment will be computed at the rate of 16 cents per bushel on the quantity of corn held in farm-storage for the full reseal period, ending July 31, 1959. The reseal storage payment will be disbursed to the producer by the office of the county committee.

(2) Upon delivery of the 1955-crop corn to CCC, the actual quantity of corn held in farm storage under the extended reseal loan program will be determined by weighing. The storage payments previously made to the producer covering the 1956–57, 1957–58, and 1958–59 storage periods, will be recomputed on the basis of the actual quantity determined to have been in storage during such period. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the documents for the reseal loans or any extension thereof will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time of any extension of the reseal loan shall be collected from the producer.

(3) No storage payment will be made for the 1958–59 reseal loan period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to the 1958–59 reseal loan period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer, or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Storage payment for 1959–60 storage period.* A storage payment for the 1959–60 reseal storage period will be made as follows:

(1) *Storage payment for full extended reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1960, (ii) delivers corn to CCC on or after July 31, 1960, or (iii) delivers corn to CCC prior to July 31, 1960, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of $0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1959, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1960, and (iii) in the case of corn delivered to CCC prior to July 31, 1960, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1959-60 extended reseal storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to such period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county office, on track at a country point.

§ 421.1192 Maturity and satisfaction.

Reseal loans extended under this program will mature on demand but not later than July 31, 1960. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county office. If the producer desires to deliver the corn he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under extended reseal loan is stored. The provisions of §§ 421.1018 (a), (c), (f), and (g) and 421.1145(a)(1) shall be applicable thereto: *Provided,* That if upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals the corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery.

§ 421.1193 Foreclosure.

If the loan (i.e. the amount of the note, interest, and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, either by separate contract or after pooling it with other lots of a commodity similarly held. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. The holder or his agent shall pay to the producer or his personal rep-

resentative only without right of assignment to, or substitution of any other party, the higher of (a) any overplus remaining from the sales proceeds, or if the commodity is pooled the producer's ratable share from the liquidation of a pool, after deducting the amount of the note, interest, and charges and any expenses of conducting the pool, in the case of pooled commodities; or (b) the amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The settlement value shall be determined in accordance with the provisions of the applicable commodity supplement and Producer's Note and Supplemental Loan Agreement concerning settlement of commodities delivered by the producer to CCC. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural problem administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States. The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity, and otherwise protecting the interest in the mortgaged commodity of any holder of the note or the producer, including foreclosure costs.

§ 421.1194 Support rates, premium and discounts.

(a) The support rate for an extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premium established for variation in classification and quality as shown in § 421.1146(b), shall be applicable in determining the settlement value.

Issued this 27th day of August 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-7310; Filed, Sept. 1, 1959; 8:50 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATE; LAKE COUNTY, OREGON

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 1633, 3151, 6315, 6232, and 6314), containing the specific requirements of the 1959-crop wheat price support program are hereby amended as follows:

Section 421.4047(b) is amended by increasing the basic county support rate for Lake County, Oregon, from $1.64 per bushel to $1.78 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, U.S.C. 1441, 1421)

Issued this 27th day of August 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

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[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Rye Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATE; LAKE COUNTY, OREGON

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 2937 and 4449), containing the specific requirements of the 1959-crop rye price support program are hereby amended as follows:

Section 421.4387(b) is amended by increasing the basic county support rate for Lake County, Oregon, from $.81 per bushel to $.94 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 27th day of August, 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

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SUBCHAPTER C—EXPORT PROGRAMS

[Revision 1]

PART 484—FEED GRAINS

Subpart—Feed Grain Export Program Payment in Kind (GR-368)—Terms and Conditions

The terms and conditions of the Feed Grain Export Program, Payment in Kind (GR-368), 23 F.R. 3226, as amended, 23 F.R. 3313, 4998, 6100, 7905 and 24 F.R. 5777, are further amended herein and are reissued as Revision 1, as follows:

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484.101 General statement.

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AUTHORITY: §§ 484.101 to 484.154 issued under sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply Sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851.

GENERAL

§ 484.101 General statement.

Commodity Credit Corporation (referred to in this subpart as "CCC") will conduct an export program pursuant to the following terms and conditions (referred to in this subpart as the "program") under which an exporter may agree to export feed grain, as defined in § 484.153, and may apply for an export payment in the form of a certificate which is redeemable in feed grains owned by CCC. The program is designed to encourage the exportation through normal trade channels of surplus feed grains held in private inventories and in CCC stocks in order (a) to aid the price support program by strengthening the domestic market price to producers, (b) to reduce the quantity of feed grains which would otherwise be taken into CCC's stocks under its price support program, (c) to promote the orderly liquidation of CCC stocks, and (d) to maintain and expand the market in friendly countries for United States produced feed grains. The program will be administered by Commodity Stabilization Service, United States Department of Agriculture (referred to in this subpart as CSS). Information pertaining to the program may be obtained from any CSS Commodity Office listed in § 484.140.

REQUIREMENTS FOR PARTICIPATION

§ 484.105 General provisions.

(a) Persons desiring to participate in this program shall submit offers as provided in section 484.106 for the exportation of feed grains during a specified period at a stated export payment rate. CCC will consider and accept offers on a competitive basis. Export payments under this program will be made on the basis of the net quantity, excluding dockage, of the feed grains exported.

(b) Feed grains exported under this program must have been produced in the United States.

(c) Feed grains shall be exported under this program only to an eligible country and the feed grains so exported (1) shall not be transshipped to an eligible country through Canada unless transshipment occurs via the Great Lakes through a port on the St. Lawrence River, or (2) shall not be transhipped or caused to be transshipped by the exporter to any country other than an eligible country.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export of a quantity of feed grain as required in § 484.116, which has not been used, or will not subsequently be used as evidence of export of the same quantity of feed grain in connection with any other contract entered into pursuant to § 484.107 of this program or in connection with any other export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of feed grains for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding exportation of feed grain under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480, 83d Congress. Documentary evidence of export of a quantity of feed grain submitted under § 484.127 in connection with purchases of feed grains from CCC may also be submitted to CCC as evidence of export of the same quantity of feed grain in connection with Applications for Feed Grain Export Payments.

(e) Feed grains exported under this program must be exported within one of the three periods as specified in the offer submitted by the exporter. The three periods of export shall be (1) the period beginning with the date of the opening of the offer and ending the last day of the next succeeding calendar month, (2) the two calendar months next succeeding the last day of the period described in subparagraph (1) of this paragraph, and (3) the two calendar months next succeeding the last day of the period described in subparagraph (2).

(f) Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company.) Sales to foreign buyers, including foreign governments, though financed with funds made available by a United States agency such as the International Cooperation Administration or the Export-Import Bank, are not sales to a United States Government agency, provided the commodity is not for transfer by such buyer to a United States Government agency.

§ 484.106 Submission of offers.

(a) *Place and time.* Exporters desiring to participate in this program shall submit offers in writing, by letter, telegram, TWX, or the teletypewriter to:

Director, Grain Division, CSS,
3090 South Building,
U.S. Department of Agriculture,
Washington 25, D.C.,
TWX-WA 595.

Such offers must be received in the Department of Agriculture by 3:30 p.m. (e.s.t. or e.d.t. whichever is in effect) of the day on which the exporter desires the offer to be opened, i.e. considered by CCC for acceptance. Offers will be considered daily except that offers will not be considered for any Saturday, National Holiday or day upon which the major grain exchanges are closed, unless public announcement by CCC provides otherwise.

(b) *Form.* All offers must be signed by the exporter or his authorized agent and shall specifically state the following:

(1) The offer is subject to all of the terms and conditions of this subpart, and any amendments effective at the time the offer is submitted. The use of the term "GR-368" in the offer shall signify that it is submitted subject to all such terms and conditions.

(2) The date for which the offer is submitted for opening.

NOTE: This date must show on the offer and may also appear in the lower left hand corner of the envelope in which written offers are submitted.

An offer will be considered for acceptance only on the day specified and will not be considered on any other day unless the offer is re-submitted.

(3) The specific feed grain to which the offer applies, i.e. "Corn," "Barley," "Grain Sorghums," "Oats," or "Rye."

(4) The net quantity of feed grain to be exported. Grain sorghums shall be expressed in hundredweights and other feed grains in bushels.

(5) The export payment expressed in whole cents per bushel (or cwt.) for which the feed grain will be exported.

(6) The period within which the feed grain will be exported, which shall be one of the three periods described in § 484.105(e).

(7) The name and address of the offerer.

EXAMPLE: The following represents an offer to export 100,000 bushels of corn during July and August for an export payment of 10 cents per bushel submitted by John Doe Export Company.

GR-368 Corn—Open May 8
100,000 bushels
July–August. 10 cents bushel
Signed: John Doe Export Company
By: Richard Roe, President
400 Blank Street
New York, New York

(c) An offer shall not specify more than one kind of feed grain, one quantity of feed grain, one export rate, and one export period. An exporter may separately submit more than one offer for opening on any stated date. CCC reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. Offers will be considered in their entirety only, and offers containing conditions other than those authorized in this subpart will not be considered.

§ 484.107 Acceptance by CCC.

In the event CCC accepts an exporter's offer CCC will attempt to notify the exporter by telephone by 4:30 p.m. (e.s.t. or e.d.t. whichever is in effect) of the day on which the exporter desires the offer to be opened, and by the close of business of such day will forward to the exporter CCC Form 399 "Acceptance of Offer to Export," which shall constitute CCC's written acceptance of exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the terms and conditions of this subpart and any amendments in effect on the date of submission of the offer.

§ 484.108 Exportation requirements.

(a) The exporter shall export or cause exportation of the feed grain to an eligible country in accordance with his contract with CCC and within the period of time specified therein. Exportation in a different period will be acceptable only if approved in writing by the Vice President, CCC, before or after such exportation subject to such reduction in the export payment (expressed in a rate per bushel or hundredweight) as may be specified by such Vice President.

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in § 484.116. Failure to furnish evidence of exportation within 214 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

(c) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country without transshipment through Canada, unless transshipment is via the Great Lakes through a port on the St. Lawrence River, and within the period of time specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, are of the essence of the contract and are conditions precedent to any right to payment under this program. Exportation to an ineligible country, or trans-

shipment through Canada, unless transshipment is via the Great Lakes through a port on the St. Lawrence River, or exportation during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart. Moreover, if the exporter does not export the quantity of feed grain specified in the exporter's contract with CCC, except as provided in § 484.109, such breach shall give rise to liquidated damages. Inasmuch as failure of the exporter to export will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs, and the incurrence of storage, administrative and other costs, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages promptly upon demand for each bushel or hundredweight of such grain not exported at the following applicable rates:

Barley	20 cents per bushel.
Corn	25 cents per bushel.
Grain Sorghums	40 cents per hundredweight.
Oats	20 cents per bushel.
Rye	20 cents per bushel.

The foregoing rates are agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within 184 calendar days after the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

(d) If any quantity of feed grains exported pursuant to the exporter's contract with CCC is reentered into the United States, including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any feed grain exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 484.150, the exporter shall be in default, shall refund any payment made by CCC, and with respect to any feed grain reentered into the United States, shall pay to CCC the liquidated damages specified in paragraph (c) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the reentry resulted from causes without his fault or negligence and promptly after he received notice of reentry he exported the feed grain required to be exported under his contract with CCC to an eligible country, or (2) the feed grains reentered were lost, damaged or destroyed and the physical condition is such that their reentry into the United States will not impair CCC's price support program.

§ 484.109 Quantity tolerance.

In the event an exporter exports or causes exportation in accordance with the requirements of § 484.108 of a net quantity of feed grain less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity he shall not be required to pay liquidated damages for failure to export the undershipped quantity under the particular contract. In the event, an exporter exports or causes exportation in accordance with the requirements of § 484.108 of a net quantity greater than the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity, he may include such quantity in his application for export payment and receive payment for the quantity overshipped at the same rate as provided in his contract with CCC.

FEED GRAIN EXPORT PAYMENT CERTIFICATE

§ 484.115 Application for feed grain export payment.

An original and two (2) copies of Application for Feed Grain Export Payment, CCC Form 397, must be prepared and submitted together with the evidence of export, as provided in § 484.116, to the CSS Commodity Office shown on the acceptance of the exporter's offer. Supplies of CCC Form 397 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Dallas, Evanston (Illinois), Kansas City (Missouri), Minneapolis, and Portland (Oregon).

§ 484.116 Documents required as evidence of export.

Each Application for Feed Grain Export Payment (CCC Form 397) must be supported by the following documentary evidence, as applicable:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the feed grain, the number or description of the hold or tank in which the feed grain was stowed, the country to which the feed grain was shipped, and if exported under Public Law 480, 83d Congress, the purchase authorization number. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If exportation is by rail or truck, one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the feed grain.

(c) A copy of an official loading weight certificate as defined in § 484.156 applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which grain was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged feed grain, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the feed grain and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of feed grain, and (3) name of vessel and description of the hold or tank in which grain was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck in which exported. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the grain determined in accordance with the Official Grain Standards of the United States.

(e) In the event of exportation from a point in Canada, Alaska, Hawaii, or Puerto Rico, (1) the bill of lading and other documentary evidence covering the movement of the feed grain from the continental United States to the export vessel described in the on-board-ship bill of lading issued at the point of export and (2) a certification by the exporter that the feed grain exported was produced in the continental United States.

(f) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligations to export.

(g) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(h) Where exportation of the feed grain has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas identified in § 484.150(b) (1) and (2) the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the exporter that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of feed grain which is applied against the exporter's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

§ 484.117 Description of certificate.

Upon receipt of an Application for Feed Grain Export Payment (CCC Form 397) and satisfactory evidence of export the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Feed Grain Export Payment Certificate (CCC Form 398) hereinafter referred to as "certificate" for the amount due. Such certificate will be subject to the provisions contained therein and the applicable provisions of this subpart.

(a) *Payee.* Except as provided in § 484.137, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(b) *Face value.* The amount shown in the space provided for the face value of the certificate will be the amount obtained by multiplying the number of net bushels (or hundredweight) of feed grain exported in accordance with the exporter's contract with CCC by the agreed export payment rate. Certificates will be accepted by CCC at face value if applied to the purchase of feed grain under contracts with CCC entered into pursuant to this subpart which specify a date of sale by CCC not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of feed grain under a contract with CCC, as provided in this subpart, which specifies a date of sale by CCC more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by one-fiftieth of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied.

(c) *Date of export.* The date of export shown on the certificate will be the date of export as defined in § 484.151.

(d) *General provisions.* The certificate will be redeemable in feed grain which CCC makes available from its stocks for sale under this subpart. The certificate may be presented to the Evanston, Dallas, Kansas City, Minneapolis and Portland Offices of CSS, as provided in § 484.140 for feed grain handled by the office to which submitted. The certificate may be transferred by endorsement subject to all terms and conditions contained in this section and in the sections beginning with § 484.120 through the end of this subpart applicable to the person or firm to whom it was originally issued.

REDEMPTION OF FEED GRAIN EXPORT PAYMENT CERTIFICATE

§ 484.120 Offer to purchase feed grain with certificates.

Offers to purchase CCC feed grain with certificates may be submitted by letter, telegram, or orally to any CSS Commodity Office from which the exporter desires delivery. The exporter must specify the kind of feed grain, class, grade, quality and quantity desired, and the desired port or Border point of delivery. CCC reserves the right to determine the kind of feed grain, classes, grades, qualities and quantities and port or Border point of delivery for which offers will be considered, and to reject any offer in whole or in part.

§ 484.121 Creation of contracts.

Preliminary negotiations for purchase of feed grain under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the CSS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase feed grain is accepted by CCC. Such exporter is hereinafter called "the purchaser". Confirmation of Sale, together with the terms and conditions of this subpart, and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used herein, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation of Sale.

§ 484.122 Price.

The price shall be basis f.o.b. vessel, instore, or track at port or other point of export (without export allowance) as determined by CCC and shall be specified in the Confirmation of Sale.

§ 484.123 Payment terms and financial arrangements.

(a) The amount due CCC for feed grain purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the feed grain and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 484.117.

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any feed grain purchased from CCC hereunder shall be made prior to delivery of the feed grain by CCC in one of the following ways:

(1) Surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the feed grain.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates he shall make payment in cash, certified check, or cashier's check for the feed grain to be delivered. To the extent that certificates are received by CCC within 90 days after delivery of the feed grain to the purchaser, CCC shall promptly make refund to the purchaser of cash received. Any such refund shall be in an amount equivalent to the value of certificates determined acceptable by CCC.

(c) The amount of the upward adjustment in price which is provided in § 484.128 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustment shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check, or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery, specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement signed by the Chief or Acting Chief of the Fiscal Division of the CSS Commodity Office, specifying the amount due CCC.

(3) Promptly after CCC receives acceptable certificates in payment of the feed grain purchased as provided in paragraph (b)(2) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of cash received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraph (b) and (c) of this section shall be made:

(1) Prior to delivery of the feed grain by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the feed grain by CCC, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to

CCC in accordance with paragraph (d) of this section CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 484.124 Delivery.

(a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the feed grain is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the feed grain is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loading out charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the feed grain not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault or negligence of the purchaser.

(e) If, on deliveries other than instore the purchaser fails to take delivery of the feed grain within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the feed grain instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 484.125 Specifications.

(a) If the feed grain is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of feed grain and the quantity, class, grade and/or quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the feed grain is to be delivered other than instore, the kind of feed grain and the quantity, class, grade and/or quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade, and/or quality of the feed grain delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the feed grain delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the feed grain delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the feed grain may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any over deliveries in quantity. Over deliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of under deliveries a balance certificate shall be issued by CCC or if other financial arrangements were furnished the value of certificates the purchaser is required to surrender will be reduced. In the case of over deliveries the purchaser shall tender cash or certificates to CCC. If the value of feed grain delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of feed grain delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 484.126 Export requirements.

(a) The purchaser shall, on or after the date of sale and within 60 days after delivery by CCC of the feed grain to him or within such extension of that period as may for good cause be approved by the Vice President in writing, before or after expiration of such 60-day period, export or cause exportation to an eligible country of the same kind of feed grain, of an equal quantity, as the feed grain sold and delivered by CCC. In the case of delivery of feed grain by CCC to the purchaser at Great Lakes ports, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period or within such extension of that period as may for good cause be approved by CCC in writing ship from the place of delivery by CCC to any export point not on the Great Lakes, feed grain of the same kind and quantity as the feed grain sold and delivered by CCC. Feed grains so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The feed grain exported shall not be reentered by anyone into the United States, including Hawaii, or Puerto Rico, nor shall the purchaser cause the feed grain exported to be transhipped to any country excluded by § 484.150.

(b) The purchaser shall, within 30 days after export, furnish to the CSS Commodity Office evidence of such export, as required in § 484.127. Failure of the purchaser to furnish CCC evidence of export within 90 days after delivery of the feed grain to him, or, in the case of extension of the time for export, within 30 days from the last date specified for export under such extension, shall constitute prima facie evidence of failure to export.

§ 484.127 Evidence of export.

Evidence of export shall consist of the following documentation, as applicable:

(a) If export is by water, a nonnegotiable copy or photostat of the onboard-ship bill of lading certified by the purchaser as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the feed grain, the number or description of the hold or tank in which the feed grain was stowed, the country to which the feed grain was shipped, the CCC sales contract number and if exported under Public Law 480, 83d Congress, the purchase authorization number. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of the onboard-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the feed grain, and the CCC contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser, "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with application for Feed Grain Export Payment under Acceptance of offer No. —."

(c) A copy of an official loading weight certificate as defined in § 484.156 applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which grain was stowed, or where exportation is by rail-car or truck description of rail-car or truck. In the case of bagged feed grain, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the feed grain, the number of bags, and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of feed grain, and (3) name of vessel and description of the hold or tank in which grain was stowed, or where exportation is by rail-car or truck a description of such rail-car or truck. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the grain determined in accordance with the Official Grain Standards of the United States.

(e) In the event of exportation from a point in Canada, Alaska, Hawaii, or Puerto Rico, (1) the bill of lading and other documentary evidence covering the movement of the feed grain from the continental United States to the export vessel described in the bill of lading issued at the point of export and (2) a certification by the purchaser that the feed grain exported was produced in the continental United States.

(f) If the commodity is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the purchaser must, in conformance with the requirement in § 484.126(a) submit a nonnegotiable copy(s) of the applicable bill(s) of lading showing the shipment of a commodity of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the purchaser that the feed grain represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as permitted in § 484.116(a). Such evidence shall be submitted in the time required by § 484.126(f) or within such extension of that time as may be approved by CCC in writing.

(g) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligations to export.

(h) Where exportation of the feed grain has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas identified in § 484.150(b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

§ 484.128 Adjusted sales price.

(a) Sales of feed grain under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 484.123 and upon the further condition that all provision of §§ 484.126 and 484.127, are complied with. In the event of failure to comply with such conditions, the sales price with respect to the quantity of feed grain for which certificates have not been received, or the quantity which is not exported, or which is reentered, or transshipped shall be the highest of the following prices in effect on the date of purchase or the date of default as determined by CCC:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the feed grain as determined by CCC, or

(2) The sales price, announced by CCC for sale for unrestricted use of the same kind, class, grade and quality of the feed grain, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the feed grain as determined by CCC.

(b) The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand. Any upward adjustment of the sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines (1) that the feed grain has not been exported or has been reentered into the Continental United States, Alaska, Hawaii, or Puerto Rico due to causes without the fault or negligence of the purchaser, that such feed grain was pursuant to written approval of CCC, subsequently actually exported to an eligible country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 484.127; or (2) that the feed grain placed in transit to an export location for export under this Announcement or reentered into the Continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations; or (3) that the feed grain required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

§ 484.129 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the feed grain due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

MISCELLANEOUS PROVISIONS

§ 484.134 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of any offer under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 484.135 Performance guarantee.

In addition to the performance guarantee required under § 484.123(c), CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

§ 484.136 Good faith.

If the Vice President, CCC, after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any transaction previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government.

§ 484.137 Assignments.

No exporter shall, without the written consent of CCC assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 484.117.

§ 484.138 Records and accounts.

Each exporter shall maintain accurate records showing feed grains exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 484.139 Reports.

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

§ 484.140 CSS commodity offices.

Information concerning this program may be obtained from CSS commodity offices listed below:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Illinois.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 11, Missouri.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minnesota.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

§ 484.141 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 484.142 Amendment and termination.

This offer may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to contracts made prior to the time such amendment or termination becomes effective.

§ 484.150 Eligible country.

"Eligible country" means any destination outside the continental limits of the United States, excluding Alaska, Canada, Hawaii, or Puerto Rico, and also excluding (a) any country or area listed as Sub-Group A or Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U.S. Department of Commerce unless license for shipment or transshipment thereto has been obtained from such Bureau; (b) Hong Kong or Macao in the case of any commodity for which a specific license is required by regulations of the U.S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce.

§ 484.151 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of grain that originated in the Continental United States and that is ultimately directed to a destination other than Alaska, Hawaii, or Puerto Rico. This definition includes a shipment of grain from a point in the United States with transshipment from a port in Canada, Alaska, Hawaii, or Puerto Rico to a destination other than the Continental United States, Alaska, Hawaii, or Puerto Rico and with the handling and storage performed in such manner as to preserve the United States identity of the grain. A shipment of feed grain shall be deemed to have been exported on the date which appears on the applicable onboard export vessel bill of lading, which in the case of transshipment through a port in Canada, Alaska, Hawaii or Puerto Rico will be the on-board ship ocean bill of lading issued at such port, or if shipment from the Continental United States is by truck or rail, the date the shipment clears United States Customs. If feed grain is lost, destroyed or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship ocean bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading on board an export ship, exportation of on-board ship ocean bill of lading: *Provided*, That if the "lost" or "damaged" grain remains in the Continental United States it shall be considered as reentered grain and shall be subject to the provisions of § 484.108(d).

§ 484.152 Exporter.

"Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling food grain for export and for this purpose maintains a bona fide business office in the Continental United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

§ 484.153 Feed grains.

"Feed grains" mean barley, corn, grain sorghums, oats and rye as defined in the Official Grain Standards of the United States and produced in the United States, and when specifically approved by the Director, Grain Division, CSS, will also include crushed, cracked, ground or otherwise similarly processed forms of such grains, provided all of the ingredients of the whole grain are included. Feed grains shall not include mixtures of barley, corn, grain sorghums, oats and rye. The net quantity of feed grains exported means the quantity determined by deducting from the total weight of the feed grain exported, the weight of any dockage indicated on the inspection certificate issued at the time of loading for export. The following quantities shall be deemed to constitute one bushel: 56 pounds of corn, 32 pounds of oats, 48 pounds of barley and 56 pounds of rye.

§ 484.154 United States.

"United States" or "Continental United States" unless otherwise qualified means the states on the North American continent excluding Alaska.

§ 484.155 Vice President.

"Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

§ 484.156 Official weight certificate.

An official weight certificate is a weight certificate issued (a) by Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial paid employees stationed at elevators, or (b) by or on authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent impartial supervising weighmaster employed by one of the above organizations.

Effective date. This Revision 1, Feed Grain Export Program, Payment in Kind (GR-368), Terms and Conditions shall become effective September 2, 1959.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

APPENDIX—NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES § 371.23 (15 CFR 371.23)), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgement from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgement from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c) 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

Issued this 31st day of August 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-7314; Filed, Sept. 1, 1959; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7369 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Nichimen Co., Inc., et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Nichimen Co., Inc., et al., New York, N.Y., Docket 7369, August 1, 1959]

In the Matter of Nichimen Co., Inc., a Corporation, and K. Fujiwara, S. Uyeda and N. Nara, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City seller with violating the Wool Products Labeling Act by labeling as "camel 60%, wool 40%", woolen fabrics which contained substantially less camel's hair than so represented, by failing to set forth the correct percentage of camel's hair in other wool products, and by failing to tag certain wool products as required.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Nichimen Co., Inc., a corporation, and its officers, and K. Fujiwara, S. Uyeda, and N. Nara, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen fabrics composed of camel's hair and wool, or other "wool products" as such products are defined in said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage, by weight, of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale or distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

3. Failing to disclose the true percentage of specialty fibers present in wool products when the name of the specialty fiber is used in lieu of the word "wool", as provided for in Rule 18 of the rules and regulations.

It is further ordered, That respondent Nichimen Co., Inc., a corporation, and its officers, and K. Fujiwara, S. Uyeda, and N. Nara, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen fabrics or any other such products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Misrepresenting the character or amount of the constituent fibers contained in such products on contracts, correspondence, sales invoices and memoranda applicable thereto, or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Nichimen Co., Inc., a corporation, and K. Fujiwara, S. Uyeda and N. Nara, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7291; Filed, Sept. 1, 1959; 8:47 a.m.]

[Docket 7067 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Pressman Toy Corp.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—* Price Discrimination Under 2(a): § 13.755 *Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Pressman Toy Corp., New York, N.Y., Docket 7067, August 1, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a toy manufacturer in New York City with discriminating in price in violation of section 2(a) of the Clayton Act by such practices as giving an organization of toy jobbers and wholesalers a special rebate of 2 percent on purchases which was not granted to its competitors.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Pressman Toy Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of toys in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling such toys of like grade and quality to any purchaser at prices higher than those granted any other purchaser:

(1) Where such other purchaser competes in fact with the unfavored purchaser in the resale and distribution of such products, or

(2) Where respondent in the sale of such products is in competition with any other seller.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7292; Filed, Sept. 1, 1959; 8:47 a.m.]

[Docket 7432 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Wells International Corp. and Ned Goldsmith

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Pretricketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious pretricketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wells International Corporation et al., New York, N.Y., Docket 7432, Aug. 1, 1959]

In the Matter of Wells International Corporation, a Corporation, and Ned Goldsmith, Individually, and as Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City

distributor with misrepresenting the price and composition of neckties it sold to retailers for resale by labeling them falsely as "Pure Silk", "All Silk", etc. and by attaching labels bearing fictitious prices represented thereby as the regular retail prices.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Wells International Corporation, a corporation, and its officers, and Ned Goldsmith, individually and as an officer of said corporation, respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of neckties or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing, or in any other manner, that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

3. Misrepresenting, in any manner, and by any means, the fibers or materials of which merchandise is composed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7293; Filed, Sept. 1, 1959; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

Miscellaneous Amendments

On pages 478–480 of the FEDERAL REGISTER of January 21, 1959, there was published a notice of intention to amend portions of Part 121 of 25 CFR. In the main, these amendments consist of the realignment of material under the subheading "Sales" to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period several comments, suggestions, and objections were received. These were thoroughly considered and discussed, and as a result of such consideration and discussions changes have been made as set forth below:

1. The phrasing of § 121.2(a), regarding the issuance of patents in fee, has been changed to the positive; and "it is determined" connotes a more formal action and constitutes, in fact, the action that is taken.

2. Section 121.10 has been rewritten to put into clearer language what was intended to be said.

3. Section 121.11 has been changed to provide that written notice of a proposed sale need not be given to a tribe which has indicated by resolution that it is not interested in acquiring land.

4. Section 121.12, regarding the acceptance of bids that are less than the appraised value, has been clarified.

5. Section 121.14 has been changed in the sentence regarding oral auction by adding "provided the tribe is not the high bidder in such cases." Section 121.14 has been further changed since it has been pointed out that the deleted provision would have added an unnecessary and cumbersome administrative step. "United States Treasury Check" has been added to the provision relating to the deposit to accompany sealed bids to accommodate those cases in which a tribe is a bidder. An added sentence excepts the tribe from the requirement of submitting a sealed bid of 75 percent or more of the appraised value of the land. Since this requirement could possibly result in the tribe not being eligible to participate in the oral auction, and since such auction is to be held primarily for the benefit of the tribes, the change is appropriate.

6. Section 121.15 has been changed to reflect the present practice which was not intended to be changed.

7. Section 121.17 *Bidding by employees,* has been changed to more fully encompass the prohibition contained in the statute.

8. Section 121.19 has been changed to make regulatory a practice regarding delivery of title documents which has always been followed.

9. Section 121.21 has been combined with § 121.20 since the statutory authority for the charge for cost of conveyance and for the additional sales fee is the same, and there is no apparent reason for having two different sections. Further, no reason is seen for basing the cost of conveyance on the amount of the purchase price, as set forth in the present § 121.20. The provision for waiving the collection of the cost of conveyances where the purchaser is a tribe which contributes to the expenses of the realty functions will help avoid unnecessary bookkeeping procedures.

10. Section 121.22 has been renumbered § 121.21, since § 121.21, as published, has been combined with § 121.20. The section has also been changed to more accurately reflect the present procedure with regard to preparation of the appraisal of the land.

11. Section 121.23 has been renumbered § 121.22.

The proposed amendment to the regulations, as so changed, is hereby adopted, and is set forth below. The amendment is effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 27, 1959.

1. Section 121.2(a) is amended to read as follows:

§ 121.2 Issuance of patents in fee.

(a) The Secretary of the Interior may, in his discretion, and pursuant to the Acts of February 8, 1887, as amended (24 Stat. 388, as amended; 25 U.S.C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, issue patents in fee to Indians applying therefor in accordance with § 121.1. A patent in fee will be issued pursuant to this paragraph if it is determined that the applicant is competent and capable of managing his or her own affairs. At the time of the issuance of a patent in fee, an inventory of the estate covered thereby shall be delivered to the patentee. If an application is denied, the applicant shall be so notified in writing.

2. The heading "Method of Sales" is deleted and §§ 121.9 through 121.31 are consolidated into 14 sections under the following heading to read as follows:

SALES AND EXCHANGES OF INDIVIDUALLY OWNED TRUST OR RESTRICTED LAND, EXCLUSIVE OF FIVE CIVILIZED TRIBES LAND

Sec.
121.9 Authority.
121.10 Statutory prohibitions.
121.11 Petition for sale.
121.12 Appraisal.
121.13 Advertisement.
121.14 Bids.
121.15 Action at close of bidding.
121.16 Rejection of bids; disapproval of sale.
121.17 Bidding by employees.
121.18 Negotiated sales.
121.19 Deferred payment sales.
121.20 Cost of conveyances; payment.
121.21 Irrigation fees; payment.
121.22 Preference right to purchase lands in Oklahoma.

§ 121.9 Authority.

(a) Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, the following classes of land may be sold or exchanged by the Indian owner(s) with the approval of the Secretary of the Interior:

(1) Allotted land, and devised and inherited interests therein;

(2) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, the Secretary of the Interior, or other official of the Federal Government.

(b) Pursuant to the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended, in certain circumstances the Secretary of the Interior or his duly authorized representative may sell interests in trust allotments acquired by Indians through inheritance or devise.

§ 121.10 Statutory prohibitions.

Trust or restricted Indian lands, or any interest therein, may not be conveyed without the approval of the Secretary of the Interior or his authorized representative (see 25 U.S.C. 348, in addition to Acts cited above). Moreover, inducing an Indian to execute any instrument purporting to convey any trust or restricted land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202.)

§ 121.11 Petition for sale.

Petitions for the sale of trust or restricted land shall be filed on approved forms with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land. Sales will be authorized only if, after careful examination of the circumstances in each case, a sale appears to be clearly justified in the light of the long-range best interests of the owner(s). Written notice of the approval of petitions for sale of land shall be given to the tribe, occupying the reservation where the land is located, a sufficient time in advance of public advertising to reasonably enable the tribal authorities to consider the possibility of tribal interest in the land being sold. Such notice need not be given where a tribe has, by appropriate resolution, expressed a lack of interest in acquiring land on the reservation.

§ 121.12 Appraisal.

Prior to making or approving a sale, exchange, or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land. If the highest bid received at an advertised sale is less than the appraised value, the bid may be accepted with the consent of the owner(s) if the bid price approximates the appraised value and is, in the judgment of the Secretary, the highest price that may be realized in the circumstances.

§ 121.13 Advertisement.

Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior to the date fixed for the sale, unless a shorter period is authorized. Notice of sale will state the terms, conditions, and method of sale; and will include the date, hour, and place of sale; description of the tract or tracts; a list of all reservations to which title will be subject; where and how bids shall be submitted; and a statement warning all bidders against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders. With the consent of the owner(s), the notice may afford to the tribe, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

§ 121.14 Bids.

Advertised sales may be made under sealed bid or under sealed bid followed by an oral auction. The notice of sale (§ 121.13) shall state the method of bidding. Sealed bids may be submitted either by mail or personally by the principal or an agent, and in either event, will be considered only if received by the officer in charge prior to the hour fixed for the sale. Sealed bids must be enclosed in a sealed envelope, and must be accompanied by a certified check, cashier's check, money order, or United States Treasury Check, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid. The sealed envelope must be marked as prescribed in the notice of sale. The sealed envelopes will be publicly opened by the officer in charge only at the time fixed for the sale. The bids will be announced and will be appropriately recorded. The advertisement will provide for an oral auction to follow the opening of sealed bids in all cases in which a preference right to meet the high bid has not been granted to a tribe seeking such a right, provided the tribe is not the high bidder in such cases. The auction will be held provided one or more acceptable sealed bids are received. The auction shall be limited to bidders who, in their sealed bids, offer 75 percent or more of the appraised value of the land. The provision for holding an oral auction is based on a policy which recognizes that in many instances a tribe has a valid interest in acquiring lands of individual Indians which are offered for sale and which is designed to provide an additional opportunity to Indian tribes to acquire the lands. In furtherance of this policy, it will not be required that the sealed bid of the tribe amount to 75 percent or more of the appraised value of the land, in order for the tribe to be eligible to participate in the oral auction. At the conclusion of the auction, the highest bidder shall be required to increase his deposit to not less than 10 percent of the amount of his bid.

§ 121.15 Action at close of bidding.

The officer in charge of the sale shall publicly announce the highest bid, and the deposit submitted by the unsuccessful bidders shall be returned immediately to them. The deposit submitted by the successful bidder shall be held in special deposits. The awarding of bid shall be made by the Area Director, who shall appropriately notify the successful bidder and require the deposit of the remainder of the purchase price within 30 days from the date of notification. Upon a showing of cause, the Area Director may, in his discretion, extend the time for payment of the balance due. The issuance of patent or delivery of deed to the purchaser will not be authorized until the balance has been paid. If the remainder of the bid is not paid within the time allowed, the bid will be rejected and the bidder's deposit will be forfeited to the use of the owner(s) of the land.

§ 121.16 Rejection of bids; disapproval of sale.

The officer in charge of the sale shall have the right to reject any and all bids prior to award. The Secretary of the Interior reserves the right to reject any bid at any time prior to the issuance of patent or approval of deed, when he shall have determined such action to be in the best interests of the Indian owner(s).

§ 121.17 Bidding by employees.

Except as authorized by the provisions of § 251.5 of this chapter, no person employed in Indian affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 251.5 of this chapter (see 25 U.S.C. 68 and 441).

§ 121.18 Negotiated sales.

(a) The following types of conveyances may be negotiated: (1) A sale to another Indian, an Indian tribe, or a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (b) of this section; (2) the United States or an agency thereof, or a state or local government or agency thereof, or such other sale as may be for a public purpose; (3) a sale to a non-Indian when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraphs (b) and (c) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land.

(b) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. For purposes of this section, immediate family is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants.

(c) Indian owners of trust or restricted land may, with the approval of the Secretary, convey land to any Indian who is a co-owner of the land for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. If more than one of the Indian co-owners wish to buy the land, and if the owners agree, all such co-

owners interested will submit sealed bids. With the consent of the owners, the award will be made to the highest such bidder.

§ 121.19 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. The terms of the sale will be incorporated in a Memorandum of Sale which shall constitute a contract for delivery of title upon payment in full of the amount of the agreed consideration. The deed executed by the grantor or grantors will be held by the Superintendent and will be delivered only upon full compliance with the terms of the sale. If conveyance of title is to be made by fee patent, request therefor will be made only upon full compliance with the terms of the sale. If the purchaser, whether Indian or non-Indian, is to take title in a nontrust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes on Form 5–110g for the balance payable in three equal payments on or before 1, 2, and 3 years after date. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of the remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

§ 121.20 Cost of conveyances; payment.

In all cases involving the sale of restricted allotted Indian lands, either on a cash basis or on deferred payments, the purchasers will be required to deposit with the Superintendent, in addition to the consideration for the land, the sum of $22.50, such amount to be paid when the purchaser is notified that he is the successful bidder. Such fees should not be included in checks covering payment for the land, but collected separately and deposited to the credit of the United States as general fund receipts, except when the expenses of the work are paid from Indian tribal funds, in which event they shall be credited to such funds. This fee is collected for the purpose of paying, at least in part, for the work incident to the sale as required by the Act of February 14, 1920, as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413). The fee may be reduced to a lesser amount than $22.50 or to a nominal amount if the circumstances justify such reduction in the discretion of the Secretary of the Interior. When the purchaser is an Indian tribe which bears all or any part of the expenses of the realty functions, the collection of the fee shall be waived.

(Sec. 1, 41 Stat. 415, as amended; 25 U.S.C. 413)

§ 121.21 Irrigation fees; payment.

Where irrigable lands are to be sold, a statement for use in preparing the appraisal will be obtained from the supervising or project engineer as to the proportionate per acre construction cost of the project to be assessed against the land, the amount of such assessment which has not been paid, and the amount of unpaid operation and maintenance charges assessed against the lands. In such sales the purchaser will be required to pay the proportionate per acre construction cost of the particular project to be assessed against the land; and in addition, the purchaser will be required to pay the annual operation and maintenance charges assessed against the land which will be based on the annual cost of the operation of the system. All such charges, remaining unpaid as of the date of the acceptance of the bid, must be paid by the purchaser. In all cases purchasers will be required to enter into an agreement for the payment of all such charges. A lien clause covering the cost of all irrigation charges, past and future, will be inserted in the patent or other instrument issued to the purchaser.

CROSS REFERENCES: For regulations pertaining to construction costs, see Parts 211, 214, 215 of this chapter. For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Parts 128, 129, and § 211.4 of this chapter.

§ 121.22 Preference right to purchase lands in Oklahoma.

In the case of any sale of restricted Indian land at public auction or by sealed bids in Oklahoma, except in the case of the Osage Reservation, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501–509), provides in part that whenever any restricted Indian land or interests in land other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner(s), or if offered for sale at auction, said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor. Such preference right to purchase is placed in the Secretary of the Interior under the Act and is recognized as remaining in full force and effect until released by said Secretary or his authorized representative through endorsement on deeds of conveyance or in an appropriate order, the form of which is, "Preference right of purchase resting in the Secretary of the Interior under section 2 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 502), is hereby waived as to the lands herein described."

(Sec. 9, 49 Stat. 1968; 25 U.S.C. 509)

3. A new § 121.33 is added under the heading "Removal of Restrictions and Sale of Lands, Five Civilized Tribes, and Reinvestment of funds in Nontaxable Lands," to read as follows:

§ 121.33 Applicability of other sections.

Sections 121.18(a)(5) and 121.22 are applicable to the Five Civilized Tribes.

[F.R. Doc. 59–7276; Filed, Sept. 1, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 2,4-Dichloro-6-(o-Chloroanilino) Triazine

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Hawthorn Road, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine in or on garlic, onions (dry bulb), green onions, leeks, and shallots. The request for tolerances for green onions, leeks, and shallots was later withdrawn. Data in the petition do not show that a tolerance greater than 1.0 part per million is necessary to cover residues in or on garlic and onions (dry bulb).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which these tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.158 (24 F.R. 1460)) are amended as follows:

In § 120.158 *Tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine*, paragraph (b) is amended by inserting the item "garlic" and "onions (dry bulb)". As amended, paragraph (b) reads as follows:

(b) 1 part per million in or on garlic, onions (dry bulb), potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59–7294; Filed, Sept. 1, 1959; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F.R. 6421) are amended as indicated below:

Section 146.26(b) is amended by adding a new subparagraph (43) to read as follows:

(43) It is intended for use solely as an aid in reducing the incidence of vibrionic abortion in breeding sheep; its labeling bears adequate directions and warnings for such use, including information that it is to be administered continuously during pregnancy; and it contains chlortetracycline in a quantity that, when administered as directed in its labeling, will provide a total daily dose of 80 milligrams per animal.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be contrary to public interest to delay providing for the amendment incorporated in this order.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502(l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: August 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59–7295; Filed, Sept. 1, 1959; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[Gen. Order 75, Revised, Amdt. 3]

PART 308—WAR RISK INSURANCE

Change in Expiration Dates

Section 308.4 *Period of interim binders if insurance thereunder does not attach*, § 308.106 *Standard form of war risk hull insurance interim binder*, § 308.205 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk interim binder*, are hereby amended by changing the expiration dates therein from "midnight, September 7, 1959, G.M.T." to "midnight, September 7, 1960, G.M.T."

(Sec. 204, 49 Stat. 1987 as amended, 46 U.S.C. 1114)

Dated: August 27, 1959.

By order of the Acting Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7271; Filed, Sept. 1, 1959; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 931, Amdt. 1]

PART 95—CAR SERVICE

Movement of Ores Restricted; Appointment of Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 28th day of August A.D. 1959.

Upon further consideration of Service Order No. 931 (24 F.R. 5186), and good cause appearing therefor:

It is ordered, That:

Section 95.931 *Movement of ores restricted; appointment of agent*, of Service Order No. 931, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., September 30, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–7313; Filed, Sept. 1, 1959; 8:51 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

The regulations set forth below under sections 1242 and 1243, which were added to the Internal Revenue Code of 1954 by the Technical Amendments Act of 1958 (72 Stat. 1645), and the following amendments to the regulations under sections 243 and 533 to conform such sections to changes made by such Act, are hereby prescribed for taxable years beginning after September 2, 1958:

PARAGRAPH 1. The following sections are inserted immediately after § 1.1241–1:

§ 1.1242 Statutory provisions; losses on small business investment company stock.

SEC. 1242. *Losses on small business investment company stock.* If—

(1) A loss is on stock in a small business investment company operating under the Small Business Investment Act of 1958, and

(2) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset. For purposes of section 172 (relating to the net operating loss deduction) any amount of loss treated by reason of this section as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to a trade or business of the taxpayer.

[Sec. 1242 as added by sec. 57, Technical Amendments Act of 1958 (72 Stat. 1645)]

§ 1.1242–1 Losses on small business investment company stock.

(a) *In general.* A taxpayer who sustains a loss for a taxable year beginning after September 2, 1958, as a result of the worthlessness, or from the sale or exchange, of the stock of a small business investment company shall treat such loss as a loss from the sale or exchange of property which is not a capital asset, if at the time of such loss—

(1) The company which issued the stock is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107), and

(2) Such loss would, but for the provisions of section 1242, be a loss from the sale or exchange of a capital asset.

(b) *Treatment of losses for purposes of section 172.* For the purposes of section 172 (relating to the net operating loss deduction), any amount of loss treated by reason of section 1242 as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to the trade or business of the taxpayer. Accordingly, for the purposes of section 172(d)(4), relating to nonbusiness deductions of a taxpayer other than a corporation, the deduction for any loss on the stock of a small business investment company, as described in paragraph (a) of this section, shall be considered as a loss attributable to the taxpayer's trade or business. See section 172(d) and § 1.172–3.

(c) *Statement to be filed with return.* A taxpayer claiming a deduction for a loss on the stock of a small business investment company shall file with his income tax return a statement containing: the name and address of the small business investment company which issued the stock, the number of shares, basis, and selling price of the stock with respect to which the loss is claimed, the respective dates of purchase and sale of such stock, or the reason for its worthlessness and approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

§ 1.1243 Statutory provisions; loss of small business investment company.

SEC. 1243. *Loss of small business investment company.* In the case of a small business investment company operating under the Small Business Investment Act of 1958, if—

(1) A loss is on convertible debentures (including stock received pursuant to the conversion privilege) acquired pursuant to section 304 of the Small Business Investment Act of 1958, and

(2) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset.

[Sec. 1243 as added by sec. 57, Technical Amendments Act 1958 (72 Stat. 1645)]

§ 1.1243–1 Loss of small business investment company.

(a) *In general.* A small business investment company which sustains a loss for a taxable year beginning after September 2, 1958, as a result of the worthlessness, or on the sale or exchange, of the securities of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958 (72 Stat. 689) and in 13 CFR 107.103–1) shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if—

(1) The securities are either the convertible debentures, or the stock issued pursuant to the conversion privilege thereof, acquired in accordance with the provisions of section 304 of the Small Business Investment Act of 1958 (72 Stat. 693) and the regulations thereunder,

(2) Such loss would, but for the provisions of section 1243, be a loss from the sale or exchange of a capital asset, and

(3) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107).

(b) *Material to be filed with return.* A small business investment company which claims a deduction for a loss on the convertible debentures or stock of a small business concern shall submit with its income tax return a statement that it is a Federal licensee under the Small Business Investment Act of 1958. The statement shall also set forth: the name and address of the small business concern with respect to whose securities the loss was sustained, the number of shares of stock or the number and denomination of bonds with respect to which the loss is claimed, the basis and selling price thereof, and the respective dates of purchase and sale of the securities, or the reason for their worthlessness and the approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

PAR. 2. Section 1.243 is amended to read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

SEC. 243. *Dividends received by corporations*—(a) *General rule.* In the case of a corporation (other than a small business investment company operating under the Small Business Investment Act of 1958), there shall be allowed as a deduction an amount equal to 85 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(b) *Small business investment companies.* In the case of a small business investment company operating under the Small Business Investment Act of 1958, there shall be allowed as a deduction an amount equal to 100 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(c) *Special rules for certain distributions.* For purposes of subsections (a) and (b)—

(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645)]

§ 1.243–1 [Amendment]

PAR. 3. Section 1.243–1 is revised as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a)(1) A corporation is allowed a deduction under section 243 for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code of 1954.

(2) Except as provided in section 243(c) and in section 246, the deduction is:

(i) For the taxable year, an amount equal to 85 percent of the dividends received from such domestic corporations during the taxable year (other than dividends to which subdivision (ii) of this subparagraph applies).

(ii) For a taxable year beginning after September 2, 1958, an amount equal to 100 percent of the dividends received from such domestic corporations if at the time of receipt of such dividends the taxpayer corporation is a Federal licensee under the Small Business Investment Act of 1958. However, to claim the deduction provided by section 243(b) the company must file with its return a statement that it was a Federal licensee under the Small Business Investment Act of 1958 at the time of the receipt of the dividends.

(3) To determine the amount of the distribution to a recipient corporation and the amount of the dividend, see §§ 1.301–1 and 1.316–1.

(B) By changing the first sentence of paragraph (b) to read as follows: "The deductions allowed by section 243 (a) and (b) shall be determined without regard to any dividends described in paragraph (1) of section 244 (relating to dividends on the preferred stock of a public utility)."

(C) By striking out "such deduction" in the second sentence of paragraph (b) and substituting "such deductions".

(D) By striking out "section 243(a)" at the end of the last sentence of paragraph (b) and inserting in lieu thereof "section 243 (a) or (b)".

§ 1.243–2 [Amendment]

PAR. 4. Section 1.243–2 is amended as follows:

(A) By striking out "section 243(a)" in paragraph (a) and substituting the words "section 243 (a) or (b)".

(B) By striking out "section 243(a)" in paragraph (b) and substituting the words "section 243 (a) or (b)".

§ 1.246 [Amendment]

PAR. 5. In § 1.246, section 246(b)(1) is amended by striking out "243" each place it appears therein and inserting in lieu thereof "243(a)" and by inserting at the end of section 246 a historical note reading as follows:

[Sec. 246 as amended by sec. 57(c)(2), Technical Amendments Act 1958 (72 Stat. 1646)]

§ 1.246–2 [Amendment]

PAR. 6. Section 1.246–2 is amended as follows:

(A) By striking out "243" in the first and second sentences of paragraph (a) and inserting in lieu thereof "243(a)".

(B) By striking out "243" in the second and fourth sentences of paragraph (b) and inserting in lieu thereof "243 (a)".

PAR. 7. Section 1.533–1 is amended by adding the following new paragraph at the end thereof:

§ 1.533–1 Evidence of purpose to avoid income tax.

* * * * *

(d) *Small business investment companies.* A corporation which is licensed to operate as a small business investment company under the Small Business Investment Act of 1958 (72 Stat. 689) and the regulations thereunder (13 CFR Part 107) will generally be considered to be a "mere holding or investment company" within the meaning of section 533(b). However, the presumption of the existence of the purpose to avoid income tax with respect to shareholders which results from the fact that such a company is a "mere holding or investment company" will be considered overcome so long as such company:

(1) Complies with all the provisions of the Small Business Investment Act of 1958 and the regulations thereunder; and

(2) Actively engages in the busines of providing funds to small business concerns through the purchase of convertible debenture bonds of such concerns or through the disbursement of long-term loans to such concerns (see sections 304 and 305 of the Small Business Investment Act of 1958).

On the other hand, if such a company violates or fails to comply with any of the provisions of the Small Business Investment Act of 1958 or the regulations thereunder or ceases to invest its funds actively in small business concerns as provided in subparagraph (2) of this paragraph, it will not be considered to have overcome the presumption by reason of any rules provided in this paragraph.

PAR. 8. Pursuant to subsection (d) of section 57 of the Technical Amendments Act of 1958 (72 Stat. 1645), the amendments to the regulations provided in the foregoing paragraphs of this Treasury decision are made applicable to taxable years beginning after September 2, 1958.

[F.R. Doc. 59–7290; Filed, Sept. 1, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.93 and to revoke §§ 31.94, 31.95, and 31.98 of Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the hunting of waterfowl and coots, except geese, on certain lands of the Deer Flat National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.93 Migratory waterfowl (except geese) and coot hunting permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, migratory waterfowl and coot, except geese, hunting is permitted on the hereinafter described lands and waters of the Deer Flat National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Checking stations.* Hunters, upon entering or leaving the hunting areas, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Boats.* The use of boats without motors for the purpose of hunting waterfowl and coots is permitted: *Provided,* That the use of scull boats is prohibited.

(e) *Hunting areas.* The following described areas are open to hunting:

1. All refuge lands and waters lying west of a straight line beginning at the NW corner of the SW¼SE¼ Sec. 17, T. 3 N., R. 3 W., and ending at the ¼ corner common to Sections 3 and 4, T. 2 N., R. 3 W., except that portion NW of the Lower Embankment.

2. All refuge lands and waters north and east of a line starting at the NW corner of Sec. 6, T. 2 N., R. 2 W., thence south to the W¼ corner of said Sec. 6, thence southeasterly to the NE corner of the SE¼NW¼ of Sec 16, T. 2 N., R. 2 W., at the mouth of the New York Canal.

[F.R. Doc. 59–7277; Filed, Sept. 1, 1959; 8:45 a.m.]

[50 CFR Part 31]

TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.351 to Subpart—Tule Lake National Wildlife Refuge, California, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit the hunting of pheasants on certain lands of the Tule Lake National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.351 Pheasant hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, pheasant hunting is permitted on the hereinafter described lands of the Tule Lake National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on

that portion of the refuge opened to hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Seasons and hunting area.* (1) During the period from November 14 to November 29, 1959, both dates inclusive, the hunting of pheasants is permitted on that part of the Tule Lake National Wildlife Refuge lying and being north of the following described line:

Beginning on the east boundary of the refuge at the E¼ corner of Sec. 20, T. 47 N., R. 5 E., M.D.M., thence west along the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 24, 23, 22, 21, 20, and 19, T. 47 N., R. 4 E., to the point of intersection with the west boundary of the refuge.

(2) On November 14 and 15, 1959, the hunting of pheasants is permitted on those lands of the refuge commonly known as the Frog Pond and Lower Sump areas of the refuge:

Bounded on the south by the Lava Beds Road, on the east by the refuge boundary, on the north by the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 23 and 24, T. 47 N., R. 4 E., and on the west by the east dike of the Upper Sump and the west berm of the west dike of the Lower Sump, and on those lands of the refuge commonly known as the Panhandle buffer strip, as posted by the officer in charge, situated west of the west bank of the N Canal in the S½N½ sec. 16, T. 46 N., R. 5 E., M.D.M., and east of the west perimeter road around the Panhandle area in the S½N½ sec. 17.

[F.R. Doc. 59-7278; Filed, Sept. 1, 1959; 8:45 a.m.]

[50 CFR Part 32]

MONTE VISTA NATIONAL WILDLIFE REFUGE, COLORADO

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise §§ 32.109 and 32.110 of Subpart—Monte Vista National Wildlife Refuge, Colorado, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to prohibit the taking of geese and to make more inclusive the regulations governing the hunting of pheasants and rabbits on certain lands of the Monte Vista National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 27, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 32.109 Hunting of waterfowl and coots, except geese, permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of waterfowl and coots, except geese, is permitted on the hereinafter described lands of the Monte Vista National Wildlife Refuge, Colorado, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T. 37 N., R. 8 E., bounded on the north by Spring Creek, on the east by the Empire Canal, and on the south by the Resettlement Ditch; and that portion of Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch, more particularly described as those lands in Secs. 27, 28, 32, 33, and 34, T. 38 N., R. 8 E., lying south of Spring Creek and west of the Empire Canal; those lands in Secs. 2, 3, 4, 5, 8, 9, and 10, T. 37 N., R. 8 E., lying north of the Resettlement Ditch and west of the Empire Canal; and those lands in Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Boats prohibited.* The use of boats is prohibited.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

§ 32.110 Hunting of pheasants and rabbits permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of pheasants and rabbits is permitted on the hereinafter described lands of the Monte Vista National Wildlife Refuge, Colorado, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The hunting of pheasants and rabbits is permitted on the following described area:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T. 37 N., R. 8 E., bounded on the north by Spring Creek, on the east by the Empire Canal, and on the south by the Resettlement Ditch; and that portion of Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch, more particularly described as those lands in Secs. 27, 28, 32, 33, and 34, T. 38 N., R. 8 E., lying south of Spring Creek and west of the Empire Canal; those lands in Secs. 2, 3, 4, 5, 8, 9, and 10, T. 37 N., R. 8 E., lying north of the Resettlement Ditch and west of the Empire Canal; and those lands in Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch.

(b) *State laws.* Strict compliance with all State laws and regulations is required, and the period during which hunting is permitted, shall correspond with State seasons, except that rabbit hunting shall be permitted only during the waterfowl season.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(e) *Firearms.* Shotguns only will be permitted on the area open to hunting.

[F.R. Doc. 59-7279; Filed, Sept. 1, 1959; 8:45 a.m.]

[50 CFR Part 34]

WHITE RIVER NATIONAL WILDLIFE REFUGE, ARKANSAS

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to amend § 34.271 and to revoke §§ 34.272, 34.273, 34.274, and 34.275 of Subpart—White River National Wildlife Refuge, Arkansas, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit hunting by firearms and bow and arrow during the 1959 season and to make more inclusive upland game regulations on the White River National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 34.271 Hunting of upland game permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer, squirrels, rabbits, and bobcats is permitted on the White River National Wildlife Refuge, Arkansas, subject to the following conditions, restrictions, and regulations:

(a) *Hunting area.* The entire refuge is open to hunting with the exception of clearly posted closed areas, including the refuge headquarters, refuge subheadquarters, Big Island Shoot Farm Area, and the recreational area and boat landing at Jack's Bay. Hunters shall follow such routes of travel as may be designated by the officer in charge.

(b) *State laws.* Strict compliance with all pertinent State laws and regulations is required.

(c) *Hunting licenses and permits.* Any persons who hunt within the refuge must be in possession of a valid State permit or hunting license if such is required. In addition, each person shall possess a Federal permit to hunt. Hunters must comply with the restrictions imposed by this permit for the regulation of the hunt.

(d) *Dogs.* No dogs will be allowed in connection with either the gun or archery hunts.

(e) *Hunting methods and seasons.* The hunting of squirrels, rabbits, and bobcats with legal firearms is permitted October 1–7, 1959, inclusive. The hunting of deer of either sex and small game, including rabbits, squirrels, and bobcats with legal bows and arrows, is permitted October 16–31, 1959, inclusive.

[F.R. Doc. 59-7301; Filed, Sept. 1, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Expenses of Almond Control Board and Rate of Assessment for 1959–60 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1959–60 crop year which began July 1, 1959. The proposal, which is based on the recommendation of the Almond Control Board and other available information would be established in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to data, views, or arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds is presently estimated at 70 million pounds (kernel weight) for the 1959–60 crop year. On this basis, an assessment rate of .09 cent per pound of almond kernels would assure the availability of sufficient funds to meet the estimated expenses of the Board for the 1959–60 crop year. The aforesaid amended marketing agreement and order provide that funds which are collected as assessments for a crop year and not expended in connection with such crop year's operations, may be used temporarily by the Board during the four-month period subsequent to such crop year in paying the expenses of the Board incurred in connection with the subsequent crop year, but must be made available to the handlers from whom collected within five months from the beginning of such new crop year.

The proposal is as follows:

§ 909.309 Budget of expenses of the Almond Control Board and rate of assessment for the 1959–60 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1959, shall be in the total amount of $47,700, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) The rate of assessment for the said crop year, payable by each handler to the Almond Control Board on demand, shall be nine hundredths of a cent (.09¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have been paid.

Dated: August 28, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division.

[F.R. Doc. 59-7307; Filed, Sept. 1, 1959; 8:50 a.m.]

[7 CFR Part 958]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.231 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to $10,584.00.

(b) The rate of assessment for Area No. 2 to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part, shall be $0.0035 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7308; Filed, Sept. 1, 1959; 8:50 a.m.]

Agricultural Research Service

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

Administrative Instructions Prescribing Method of Treatment of Imported Yams

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Director of the Plant Quarantine Division, pursuant to § 319.56–2 of the regulations supplemental to the fruit and vegetable quarantine (7 CFR 319.56–2) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), is considering the amendment of administrative instructions effective December 20, 1958, issued as 7 CFR, 1958 Supp., § 319.56–2m to read as follows:

§ 319.56–2m Administrative instructions prescribing method of treatment of imported yams.

(a) *Fumigation upon arrival.* Except as otherwise provided in paragraph (b) of this section, approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival at the port of entry, is hereby prescribed as a condition of importation under permit under § 319.56–2 for shipments of yams from all foreign countries.

(1) *Ports of entry.* Yams to be offered for entry may be shipped, under permit under § 319.56–2, direct from the country of origin to ports in the United States where approved fumigation facilities are available.

(2) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90–95	2.5	4
80–89	3.0	4
70–79	3.5	4

(ii) Yams to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The four-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Cubic feet of space shall include the load of yams to be fumigated. The required temperatures apply to both the air and the yams. Good circulation above and below the load shall be provided as soon as the yams are loaded in the chamber and shall continue during the full period of fumigation and until the yams have been removed to a well-ventilated location. Fumigation of yams below the minimum temperature prescribed in the fumigation schedule may result in injury to the yams and should be avoided. Yams are sensitive to bruising and should be carefully packed to prevent this. At the same time they should be given as much aeration as possible.

(3) *Other conditions.* (i) Inspectors of the Plant Quarantine Division will supervise the fumigation of yams and will specify such safeguards as may be necessary for their handling and transportation before and after fumigation, if, in the opinion of the inspector, this is necessary to assure there will be no pest risk associated with the importation and treatment. Final release of the yams for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation chambers will, if practicable, be carried on as a part of normal port inspection activities. When so available such supervision will be furnished without cost to the owner of the yams or his representative.

(4) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the yams, or his representative.

(5) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with yams, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pretreatment or posttreatment safeguards.

(b) *Alternate procedures.* (1) Yams produced in Japan and offered for entry under a permit issued in accordance with § 319.56–2 shall be subject to examination by an inspector at the port of entry. If this examination shows the yams to be free of plant pests, they may be imported without the fumigation required by paragraph (a) of this section.

(2) Yams produced in Cuba, if satisfactorily treated in Cuba and otherwise handled and certified as provided in this subparagraph will be eligible for entry under permit under § 319.56–2.

(i) *Approved fumigation.* The yams shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (2) of this section.

(ii) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant, approved by the Director of the Plant Quarantine Division, to apply the treatment prescribed in paragraph (a) (2) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and posttreatment handling of the yams in Cuba. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approval and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(iii) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the yams so fumigated must be under the supervision of a representative of the Plant Quarantine Division. The treated yams must be safeguarded against insect infestation during the period prior to shipment from Cuba, in a manner required by such representative.

(iv) *Certification.* Yams will be certified by a representative of the Plant Quarantine Division in Cuba for entry into the United States upon the basis of treatment under this subparagraph and compliance with the posttreatment safeguard requirements imposed by such representative. The final release of the yams for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(v) *Costs.* All costs incident to fumigation, including those for construction, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of posttreatment safeguards, and all costs as indicated in subdivision (ii) of this subparagraph incident to plant approval and supervision of treatment and subsequent handling of the yams in Cuba shall be borne by the owner of the yams or his representative.

(vi) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (2) of this section is judged from experimental tests to be safe for use with yams. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of posttreatment safeguards.

(vii) *Ports of entry.* Yams to be offered for entry in accordance with the alternate procedure provided for in this subparagraph may be entered under permit under § 319.56–2 at any United States port where an inspector is stationed.

(viii) *Ineligible shipments.* Any shipments of yams produced in Cuba that are not eligible for certification under the alternate procedure provided for in this subparagraph may enter only upon compliance with paragraph (a) of this section.

The proposed amendment would extend to all countries the privilege of shipping yams to the United States under permit subject to fumigation at the port of entry. This privilege is now limited to yams from the West Indies. A further exception would be made in the case of yam importations from Japan, since there are no yam pests of plant quarantine significance known to exist in that country. Unless inspection of such imports indicates their infestation or infection with important plant pests, the yams will be eligible for importation without fumigation.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 19 F.R. 74, as amended; 7 CFR 319.56–2)

Done at Washington, D.C., this 28th day of August 1959.

[SEAL] H. S. DEAN,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 59–7309; Filed, Sept. 1, 1959; 8:50 a.m.]

[7 CFR Part 351]

IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

Notice of Proposed Rule Making

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162) and secs. 103, 105, and 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150bb, 150dd, 150ee) is considering the revision of 7 CFR, Part 351, relating to the importation of plants or plant products by mail to read as follows:

Sec.
351.1 Joint treatment generally.
351.2 Location of inspectors.
351.3 Procedure on arrival.
351.4 Records.
351.5 Return or destruction.
351.6 Packages in closed mail dispatches.
351.7 Regulations governing importation by mail of plant material for immediate export.

CROSS REFERENCE: For customs regulations governing importation of plants and plant products, see 19 CFR Part 12.

AUTHORITY: §§ 351.1 to 351.7 issued under sec. 9, 37 Stat. 318, and sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interpret or apply sec. 7, 37 Stat. 317, and secs. 103, 105, 71 Stat. 32, 7 U.S.C. 160, 150bb, 150dd; 19 F.R. 74, as amended.

§ 351.1 Joint treatment generally.

Under various orders, quarantines, and regulations promulgated by the Administrator of the Agricultural Research Service under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315, 7 U.S.C. 154), as amended, and the Federal Plant Pest Act of May 23, 1957 (71 Stat. 31–35; 7 U.S.C. 150aa–150jj), the entry into the United States of certain plants, plant products, and soil is prohibited or restricted. As an aid in enforcing these or subsequent orders, quarantines, and regulations, provisions have been made by the Plant Quarantine Division of the United States Department of Agriculture, concurrently with the Postal and Customs Services, to insure closer inspection of such importations.

§ 351.2 Location of inspectors.

Inspectors of the Plant Quarantine Division and customs officers are stationed at the following locations:

Agana, Guam.
Arlington, Va.
Atlanta, Ga.
Baltimore, Md.
Baton Rouge, La.
Blaine, Wash.
Boston, Mass.
Brownsville, Tex.
Buffalo, N.Y.
Calexico, Calif.
Charleston, S.C.
Charlotte Amalie, St. Thomas, V.I.
Chicago, Ill.
Christiansted, St. Croix, V.I.
Cleveland, Ohio.
Corpus Christi, Tex.
Dallas, Tex.
Del Rio, Tex.
Detroit, Mich.
Douglas, Ariz.
Dover, Del.
Eagle Pass, Tex.
El Paso, Tex.
Galveston, Tex.
Hidalgo, Tex.
Hilo, Hawaii.
Hoboken, N.J.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Key West, Fla.
Laredo, Tex.
Memphis, Tenn.
Miami, Fla.
Mobile, Ala.
New Orleans, La.
New York, N.Y.
Nogales, Ariz.
Norfolk, Va.
Pensacola, Fla.
Philadelphia, Pa.
Port Arthur, Tex.
Port Everglades, Fla.
Portland, Ore.
Presidio, Tex.
Roma, Tex.
St. Albans, Vt.
St. Paul, Minn.
San Antonio, Tex.
San Diego, Calif.
San Francisco, Calif.
San Juan, P.R.
San Luis, Ariz.
San Pedro, Calif.
San Ysidro, Calif.
Savannah, Ga.
Seattle, Wash.
Tampa, Fla.
Washington, D.C.
Weslaco, Tex.
West Palm Beach, Fla.
Wilmington, N.C.
Ysleta, Tex.

§ 351.3 Procedure on arrival.

All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found or are believed to contain plants or plant products, shall be dispatched for submission, or actually submitted, to the plant quarantine inspector at the most accessible place. The inspector shall pass upon the contents under the Plant Quarantine Act and Federal Plant Pest Act and with the cooperation of the customs and postal officers either (a) release the package from further plant quarantine examination and endorse his decision thereon; or (b) divert it to the Plant Quarantine Station at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., for disposition. If so diverted, the plant quarantine inspector shall attach to the package the yellow and green special mailing tag addressed to the proper quarantine station. If the package is diverted, it shall be accompanied by customs card Form 3511 and transmitted to the appropriate Customs office for referral to the Plant Quarantine Station. Envelopes containing customs card Form 3511 addressed to the collector of customs, New York, N.Y., shall contain a notation that the material is to be referred to the Plant Quarantine Division, Hoboken, N.J.

§ 351.4 Records.

The customs officers at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., shall keep a record of such packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare a mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch or in appropriate cases subject the shipment to formal customs entry procedure.

§ 351.5 Return or destruction.

Where the plant quarantine inspector requires the entire shipment to be returned to the country of origin as a prohibited importation (in which event he shall endorse his action thereon) and delivers the shipment to the collector of customs, the collector shall in turn deliver it to the postmaster for dispatch to the country of origin. If, upon examination, the plant material is deemed dangerous to plant life, the collector of customs shall permit the plant quarantine inspector to destroy immediately both the container and its contents. In either case the plant quarantine inspector shall notify the addressee of the action taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be delivered to the addressee, after removing and destroying the objectionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (Form PQ–387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor.

§ 351.6 Packages in closed mail dispatches.

The foregoing instructions shall be followed in the treatment of packages containing plants or plant products received in closed mail dispatches made up for transmission directly to a post office located at a customs port at which no plant quarantine inspector is stationed. Such packages (accompanied by customs card Form 3511) shall be forwarded by the collector of customs through the postmaster to the most accessible location listed in § 351.2 for appropriate treatment in the manner hereinbefore provided for. This procedure shall also be followed in respect to such packages which are forwarded to unlisted post offices from the post office of original receipt, without having received plant quarantine examination. Packages discovered at post offices where no customs officer is located shall be forwarded by the postmaster under his official penalty envelope addressed to the collector of customs at the most accessible location listed for appropriate treatment as prescribed herein.

§ 351.7 Regulations governing importation by mail of plant material for immediate export.

To collectors of customs and others concerned:

(a) Shipments of plant material may be imported by mail free of duty for immediate exportation by mail subject to the following regulations, which have been approved by the Department of Agriculture and the Post Office Department:

(1) Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the United States Department of Agriculture, and also the postal form of customs declaration.

(2) Upon arrival, the shipment shall be detained by, or redispatched to, the postmaster at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P. R., San Pedro, Calif., or Seattle, Wash., as may be appropriate, according to the address on the yellow and green tag, and there submitted to the customs officer and the Federal quarantine inspector. The merchandise shall under no circumstances be permitted to enter the commerce of the United States.

(3) After inspection by the customs and quarantine officers, and with their

approval, the addressee, or his authorized agent, shall repack and readdress the mail parcel under customs supervision; affix to the parcel the necessary postage, and comply with other mailing requirements, after which the parcel shall be delivered to the postmaster for exportation by mail pursuant to 19 CFR 9.11(a). The contents of the original parcel may be subdivided and exported in separate parcels in like manner.

(4) Each parcel imported shall be subject to the payment of the clearance and delivery fee prescribed by the postal service.

(5) It will not be necessary to issue a customs mail entry nor to require formal entry of the shipments.

(6) The mail shipments referred to shall be accorded special handling only at the points specified in subparagraph (2) of this paragraph.

(7) The foregoing procedure shall not affect the movement of plant material in the international mails in transit through the United States.

The purpose of this revision of Part 351 is to bring up to date the list of locations at which Plant Quarantine Inspectors are stationed and to conform the contents to the most recent regulations and procedures of the Bureau of Customs and the Post Office Department.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of August 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7282; Filed, Sept. 1, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 3, 7, 8, 9, 10, 11, 16, 19]

[Docket No. 13083]

MICROWAVE FREQUENCIES FOR PRIVATE COMMUNICATIONS SYSTEMS, EXCLUDING BROADCASTERS

Technical Standards Governing Grant of Applications for Use

Commission Order dated August 19, 1959 in the above entitled matter and published August 25, 1959, 24 F.R. 6876, under Proposed Rule Making (F.R. Doc. 59-7044) reading "[47 CFR Part 3]" should have read "[47 CFR Parts 7, 8, 9, 10, 11, 16, 19]."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7305; Filed, Sept. 1, 1959; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 53]

TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Tomato Puree; Standard of Identity

Notice is hereby given that a petition has been filed by the following listed persons, proposing that the standard of identity for tomato puree (21 CFR 53.20) be amended as hereinafter set forth:

H. J. Heinz Company, Pittsburgh, Pa.
Schuckl and Company, Sunnyvale, Calif.
Tri-Valley Packing Association, San Francisco, Calif.
Thornton Canning Company, Lodi, Calif.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that § 53.20 *Tomato puree, tomato pulp; identity; label statement of optional ingredients,* be amended by inserting therein a new paragraph:

(——) The name specified for the food covered by this section is "tomato puree" or alternatively "tomato pulp." However, if the only optional tomato ingredient used is the ingredient specified in paragraph (a) (1) of this section and it is seasoned with salt and contains not less than 21 percent of salt-free tomato solids, the name "concentrated tomato juice" may be used in lieu of the name "tomato puree" or "tomato pulp."

Dated: August 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-7296; Filed, Sept. 1, 1959; 8:49 a.m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 10744]

LINEA EXPRESA BOLIVAR, C.A.

Notice of Hearing

In the matter of the application of Linea Expresa Bolivar, C.A., for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on September 17, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., August 27, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7302; Filed, Sept. 1, 1959; 8:49 a.m.]

[Docket No. 5463 et al.]

PACIFIC AIRLINES, INC.; REOPENED PACIFIC NORTHWEST LOCAL SERVICE CASE

Notice of Prehearing Conference

In the matter of the reopened record in the above-entitled proceeding for further hearing on the application of Pacific Airlines, Inc. for extension of segment 4 of route No. 76 beyond Sacramento, California to Reno, Nevada to determine the extent to which the probable expenses incident to Pacific's proposed Sacramento-Reno operation would be affected by the reinstatement of the second DC-3 round trip between San Francisco and Sacramento via San Jose and Stockton.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 22, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., August 28, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7303; Filed Sept. 1, 1959; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM KOREA

Available Certifications by Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodities:

Abalone, canned or dried.
Crabmeat, canned.
Cuttlefish, dried.
Fish, salted.
Floor coverings, grass, including seagrass mats and squares.
Mushrooms, dried.
Seaweeds, dried.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 59-7289; Filed, Sept. 1, 1959; 8:47 a.m.]

CIVIL SERVICE COMMISSION

SKILLS CRITICAL TO NATIONAL SECURITY EFFORT

Notice of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 85-749, the Civil Service Commission has determined that for the position of Inhalation Therapist, GS-699-7, there is a manpower shortage in skills critical to the national security effort.

Geographic coverage is restricted to positions located at Walter Reed Army Medical Center, Washington, D.C.

For appointees to this position, the employing agency may pay travel and transportation costs in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7299; Filed, Sept. 1, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12880; FCC 59M-1087]

JACKSON GRIFFIN

Memorandum Opinion and Order Continuing Hearing

In the matter of Jackson Griffin, P.O. Box 393, Golden Meadow, Louisiana, order to show cause why there should not be revoked the license for Radio Station WG-8506 aboard the vessel "Jackson".

1. Counsel for Jackson Griffin, respondent herein, filed on August 24, 1959, a document which, inter alia, included a request that the show cause order in this proceeding be dismissed. Counsel for Safety and Special Radio Services Bureau informally advised the Acting Chief Hearing Examiner this date that a further pleading in reply to the document referred to above would be filed by that Bureau.

2. The hearing is now scheduled for September 3, 1959, and there has not to date been a waiver of § 1.43 of the Commission's rules.

3. Since it is contemplated that additional pleadings will be filed herein, it appears appropriate that the hearing should be continued without date in order to afford ample time for the consideration of all pleadings by the Commission.

Accordingly it is ordered, This 27th day of August 1959, that the hearing herein now scheduled for September 3, 1959, be, and the same is hereby, continued without date.

Released: August 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7306; Filed, Sept. 1, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18254]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application and Date of Hearing

AUGUST 27, 1959.

Take notice that on April 8, 1959, Mountain Fuel Supply Company (Applicant) filed in Docket No. G-18254 an application, and on July 1, 1959, a supplement thereto, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of 24.4 miles of 20-inch pipeline extending northeast from Coalville, Utah, into Uinta County, Wyoming, looping Applicant's existing 18-inch looped transmission pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the proposed looping is to enable Applicant to meet the normal expected growth of its market in general and its firm peak-load requirements for the 1959-60 winter season in particular.

The total estimated cost of the proposed facilities for which authorization is sought herein is $1,527,200, including overhead, engineering, inspection, and contingencies, which will be financed from internal sources, treasury funds presently on hand, and short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7272; Filed, Sept. 1, 1959; 8:45 a.m.]

[Docket No. G-19256]

SUNRAY MID-CONTINENT OIL CO.

Order for Hearing and Suspending Proposed Change in Rate

AUGUST 26, 1959.

Sunray Mid-Continent Oil Company (Sunray), on August 3, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 31, 1959.

Purchaser: Phillips Petroleum Company (Phillips).

Rate schedule designation: Supplement No. 5 to Sunray's FPC Gas Rate Schedule No. 83.

Effective Date: September 3, 1959. (Stated effective date is the date proposed by Sunray.)

The proposed increased rate is based on an increase of the spiral escalation type and is dependent upon the final determined amount of increase allowed Phillips in its related rate increase, which is now in effect subject to refund in Docket No. G-13069.

In support of the proposed increase, Sunray cites the contract provisions, states that they were negotiated through arm's length bargaining and are just and reasonable. Sunray also states that the price of its gas would currently be in excess of 40 cents per Mcf if based on Btu value.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement

No. 5 to Sunray's FPC Gas Rate Schedule No. 83 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Sunray's FPC Gas Rate Schedule No. 83.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 3, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7273; Filed, Sept. 1, 1959; 8:45 a.m.]

[Docket Nos. G-19252, G-19254]

WESTERN NATURAL GAS CO. AND BRITISH-AMERICAN OIL PRODUCING CO.

Order for Hearing and Suspending Proposed Changes in Rates [1]

AUGUST 26, 1959.

In the matters of Western Natural Gas Company, Docket No. G-19252; The British-American Oil Producing Company, Docket No. G-19254.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing the purchaser is El Paso Natural Gas Company.

In support of its increases, Western Natural Gas Company cites its contract provisions and lists various other producers whose rates are equal to or greater than its proposed rates and have been allowed to become effective subject to refund. The British-American Oil Producing Company cites the contract provisions and states that the contract was negotiated in good faith at arm's-length.

On August 18, 1959, El Paso Natural Gas Company filed a formal protest to the acceptance for filing of the British-American Oil Producing Company's proposed increased rates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

Respondent	Rate schedule No.	Supplement No.	Notice of changes dated—	Date tendered	Effective date	Rate suspended and deferred until—	Rate in effect subject to refund in docket number
1. Western Natural Gas Co...	3	4	Undated	7-27-59	[1] 8-27-59	1-27-60	G-14013
2. The British-American Oil Producing Co.	14	5	7-23-59	7-29-59	[1] 8-29-59	1-29-60	G-14028

[1] The stated effective date is the first day after the required thirty days' notice.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Respondents' FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and changes contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, the said supplement tendered by Western Natural Gas Company is hereby suspended and the use thereof deferred until January 27, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Pending hearing and decision thereon, the said supplement tendered by The British-American Oil Producing Company be and it hereby is suspended and the use thereof deferred until January 29, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) None of the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by § 1.8 or § 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7274; Filed, Sept. 1, 1959; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. G-18060]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 27, 1959.

Take notice that on March 13, 1959, United Gas Pipe Line Company (Applicant) filed in Docket No. G-18060 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.4 miles of 16-inch pipeline and appurtenant facilities extending southeasterly from a point on Applicant's existing facilities in Section 1, Township 18 South, Range 13 East, to a point in the Bayou Penchant Area, all in Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the facilities for which authorization is sought herein is to loop existing facilities to take natural gas from producers in said Bayou Penchant Area, thus enabling Applicant to take additional volumes as they become available by increasing the capacity of the existing supply pipeline facilities from 25,000 Mcf to 100,000 Mcf per day.

The total estimated initial cost of the facilities proposed herein is $490,897, which will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7275; Filed, Sept. 1, 1959; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

MAGNESIUM SCRAP AND CADMIUM-MAGNESIUM SCRAP HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 4,413 short tons of cadmium-magnesium scrap and 451 short tons of magnesium scrap now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these materials. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said magnesium scrap and cadmium-magnesium scrap are obsolescent for use in time of war.

General Services Administration proposes to offer said materials for sale, on a competitive basis. The offering of the cadmium-magnesium scrap will begin six months after the date of publication of this notice in the FEDERAL REGISTER, and the magnesium scrap will be offered on or after July 21, 1960.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: AUGUST 27, 1959.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59-7300; Filed, Sept. 1, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2020]

CORN PRODUCTS CO. (DELAWARE)

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 27, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Corn Products Company, (Delaware), Common Stock, File No. 7-2020.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 11, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7280; Filed, Sept. 1, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 285]

MOTOR CARRIER APPLICATIONS

AUGUST 28, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 8989 (Sub No. 183), filed August 6, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, (other than automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio, to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., and Fort Wayne, Ind., and Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 8989 (Sub No. 184), filed August 20, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, P.O. Box 1228, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, and *parts* or *accessories* for such vehicles, by truckaway or driveaway method, in initial and secondary movements, from Cortland, N.Y., to all points in the United States including Alaska and *damaged or rejected motor vehicles*, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 21866 (Sub No. 42). Filed August 18, 1959. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal articles*, except metal building and shipbuilding materials, from Pottsville, Pa., to points in Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and West Virginia; (2) *metal articles*, from Pottsville, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin; (3) *construction materials*, from points in Illinois, Indiana, Michigan, and Wisconsin to Pottsville, Pa. Applicant is authorized to conduct operations in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Kentucky, Ohio, North Carolina, South Carolina, Indiana,

Illinois, Michigan, Vermont, Maine, New Hampshire, and the District of Columbia.

HEARING: October 6, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 25798 (Sub No. 29), filed August 10, 1959. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Route No. 1, Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, from Waynesville, N.C., and points within five (5) miles thereof, and Asheville, N.C., to Macon, Ga., points in Florida, and points in Georgia on and south of U.S. Highway 80. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 12, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 30837 (Sub No. 263), filed August 6, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, an Ohio corporation, 4519 76th Street, Kenosha, Wis. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, (other than passenger automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio, to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., and Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 44639 (Sub No. 11), filed July 13, 1959. Applicant: SAM MAITA, IRVING LEVIN AND ABE LEVIN, doing business as, L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and points in Hudson, Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, points in Rowan County, N.C. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, and Virginia.

HEARING: October 13, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 52657 (Sub No. 574), filed August 25, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water, oil, blast hole or quarry and mining drills*, self propelled or trailer mounted, and *accessories* or *parts thereof* when moving with such drills, from points in Wayne County, Ind., to points in the United States; and (2) *road construction machinery* and *equipment* as described by the Interstate Commerce Commission in Appendix VIII to Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, from Evansville, Ind., and Erie, Pa., to points in the United States. Applicant is authorized to operate throughout the United States.

HEARING: September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 59014 (Sub No. 18), filed May 27, 1959. Applicant: TALLANT TRANSFER COMPANY, INC., 1341 Second Avenue SW., Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, Mecklenburg, McDowell, and Wilkes Counties, N.C., to points in Wisconsin on and south of Wisconsin Highway 64, Louisiana, Iowa, and those in the Minneapolis-St. Paul, Minn., Commercial Zone, and the Omaha, Nebr., Commercial Zone, as defined by the Commission. (2) From points in Rowan, Davidson, Guilford, and Forsyth Counties, N.C., to points in Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin on and south of Wisconsin Highway 64, and those in the Minneapolis-St. Paul, Minn., Commercial Zone, and the Omaha, Nebr., Commercial Zone, as defined by the Commission. (3) From High Point and Rural Hall, N.C., to points in Alabama, Florida and Georgia, except from High Point, N.C., to points in Georgia. *Foam rubber used in the manufacture of furniture*, from points in Erie County, N.Y., to points in North Carolina on and west of U.S. Highway 29. *Cotton, cotton waste and linter*, from Boston and Worcester, Mass., to points in North Carolina on and west of U.S. Highway 29. *Mineral wool* and *mineral products*, from Manville, N.J., to points in North Carolina, *Damaged and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 7, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 63417 (Sub No. 18), filed June 24, 1959. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., Railroad Avenue, Galax, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sumter, S.C., to points in Virginia, West Virginia, Maryland, Pennsylvania, Ohio, New York, Delaware, New Jersey, Kentucky, Illinois, Indiana, and Michigan, and *rejected and damaged shipments* and *empty containers*, on return. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: The purpose of this application is to eliminate the gateway of Stanelyton, Va., as required in Certificates Nos. MC 63417 and Subs 5 and 6.

HEARING: October 6, 1959, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lyle C. Farmer.

No. MC 64994 (Sub No. 28), filed June 16, 1959. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina to points in Wisconsin and to Minneapolis and St. Paul, Minn., and *rejected and damaged shipments* of new furniture, and *materials* and *supplies* used in the manufacture of furniture on return.

HEARING: October 14, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 64994 (Sub No. 29), filed July 31, 1959. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: A. W. Flynn, Jr., P.O. Box 127, Greensboro, N.C. Applicant's representative: Frank C. Philips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, (a) from points in North Carolina to points in Indiana south of U.S. Highway 40; and (b) from points in North Carolina to points in Kentucky; and (2) *Rejected or damaged shipments* of new furniture and *materials* and *supplies* used in the manufacture of furniture, from the above-specified destination points to their respective origin points. Applicant is authorized to conduct regular and irregular route operations in Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

HEARING: October 14, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 69228 (Sub No. 15), filed August 6, 1959. Applicant: FUGATE & GIRTON DRIVEAWAY COMPANY, INC., 1500 Mitchell Boulevard, Springfield, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (other than automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio, to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 89697 (Sub No. 21), filed August 21, 1959. Applicant: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, and Florida. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 100955 (Sub No. 11) (CLARIFICATION), filed August 12, 1959, published issue FEDERAL REGISTER August 26, 1959. Applicant: THE JACOBS TRANSFER COMPANY OF BALTIMORE, a Corporation, 606 South Sharp Street, Baltimore 30, Md. Applicant's attorney: Hugh M. Steinberger, 61 Pierce Street NE., Washington 2, D.C. Route (3) of the subject application reads: between Point of Rocks, Md., and Harpers Ferry, Md. The proposed operation is clarified to read: "between Point of Rocks, Md., and Harpers Ferry, Md.-W. Va."

HEARING: Remains as assigned September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 107107 (Sub No. 122) filed, August 18, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from High Point, N.C., to points in Virginia, West Virginia, Illinois, Indiana, Ohio, Wisconsin, Minnesota, Iowa, New York, New Jersey, Pennsylvania, Vermont, New Hampshire, Maine, Connecticut, Massachusetts, Michigan, and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Connecticut, Maine, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Rhode Island, and Vermont.

HEARING: October 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 110698 (Sub No. 125), filed July 20, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Road, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Anniston, Ala., to Lowell, N.C., and Greenville, S.C. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

HEARING: October 12, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 110988 (Sub No. 62). Filed August 18, 1959. Applicant: KAMPO TRANSIT INC., Congress Road, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Elwood, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kentucky, Missouri, Michigan, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, Tennessee, Florida, Alabama, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia.

HEARING: September 22, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 113336 (Sub No. 21), filed June 29, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in Mecklenburg, Gaston, and Cabarrus Counties, N.C., to points in North Carolina, South Carolina, and Virginia. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: October 9, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Joint Board No. 221, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 113336 (Sub No. 22), filed June 29, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or bags, from points in Tennessee and South Carolina to points in North Carolina. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

HEARING: October 9, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Joint Board No. 221, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 115517 (Sub No. 1), filed May 25, 1959. Applicant: A. R. LOWDER, doing business as B. & L. TRUCKING CO., Route No. 4, Albemarle, N.C. Applicant's attorney: Samuel Behrends, Jr., Albemarle, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bricks, cinder and cement blocks*, and *building materials*, from points in Stanly, Rowan, and Lee Counties, N.C., to points in South Carolina, Virginia, Maryland, and the District of Columbia; (2) *Fertilizer, fertilizer materials, building materials, farm fencing, reinforcing wire*, and *nails*, from Norfolk, Va., Columbia and Charleston, S.C., and Savannah, Ga., to points in North Carolina; (3) *Farm machinery, implements, and parts*, from Richmond, Va., to points in North Carolina on and west of U.S. Highway 1; (4) *Lumber* and *building materials*, from points in Stanly, Montgomery, Anson, and Union Counties, N.C., to points in South Carolina, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, Pennsylvania, points in the New York, N.Y., Commercial Zone, as defined by the Commission, and the District of Columbia; (5) *Feed, seeds*, and *feed ingredients*, from points in Virginia, North Carolina, and South Carolina, to points in Florida; and (6) *Oyster shells*, from Jacksonville, Fla., to points in North Carolina.

HEARING: October 13, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 117137, filed January 24, 1958 (REPUBLICATION). Applicant: N. J. MATLOCK, doing business as ALASKA AUTO TRANSPORT, Box 1800, Fairbanks, Alaska. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. By application filed January 24, 1958, as amended, N. J. Matlock, doing business as Alaska Auto

Transport, of Fairbanks, Alaska, sought a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of new and used automobiles and pickup trucks, in truckaway service, between Seattle, Wash., on the one hand, and, on the other, points on the international boundary line between the United States and Canada at or near Sumas, Wash. At the time of the hearing in April 1958, Alaska, with respect to which this proceeding is concerned, had not yet been admitted as a State. In a report and order entered in the subject proceeding, August 14, 1959, Division 1 stated, in part, which is here pertinent, as follows: Although the application as filed does not request service to and from Alaska, the obvious intent of the application and understanding of the parties, though not specifically stated in the application is that service to and from that State is contemplated. At the time of filing the application, it was appropriately phrased, and we deem it proper to consider the application in light of the changed circumstances. Since the hearing herein, Alaska has been admitted as a State. A grant of authority limiting applicant to operations in foreign commerce from and to a territory of the United States, is no longer appropriate. Because Alaska is now a State, applicant will be authorized to operate between Seattle, on the one hand, and Fairbanks, Alaska, on the other. The fact that land movements between Alaska and the rest of the continental United States must pass over portions of Canada means, of course, that a carrier authorized to operate to or from Alaska must obtain any necessary approval of Canadian authorities. In the past, where we have granted authority in response to a need for service from points in the United States to points in Alaska, we have authorized movements only to points on the international boundary. The regulatory jurisdiction of this Commission, of course, extends only to our national boundaries, and the fact that the grant of authority made herein does not specifically refer to service to and from points on the international boundary should not be construed as an attempt on our part to regulate that portion of the proposed operation which will be conducted over Canadian highways. Division 1 finds that the present and future public convenience and necessity require operation by applicant, as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of automobiles and pickup trucks, in truckaway service, in secondary movements, between Seattle, Wash., on the one hand, and, on the other, Fairbanks, Alaska. However, in order to insure that any person, not a party to this proceeding, may not be adversely affected, the authority granted herein shall be republished in the FEDERAL REGISTER and the issuance of a certificate will be withheld for 30 days from the date of this republication, during which time appropriate petitions may be filed.

No. MC 118863 (Sub No. 3), filed August 19, 1959. Applicant: VERL HARVEY, INC., 241 West 56th Avenue, Denver, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Portland and Boettcher, Colo., to points in Kansas on and west of U.S. Highway 283 and those in Nebraska on and west of U.S. Highway 83, and *empty containers or other such incidental facilities* used in transporting cement on return. (2) *Cement*, and *empty containers or other such incidental facilities* used in transporting cement, (1) between points in Kansas; (2) between points in Nebraska; (3) between points in Wyoming.

HEARING: September 23, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 118986, filed June 10, 1959. Applicant: HARRY EVERT ALVESHIRE, Elizabeth Street, Ratesburg, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, house trailers*, and *trailers* designed to be pulled by automobiles, between points in Greenville, Lexington, Richland and Sumter Counties, S.C., on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, and Virginia.

HEARING: October 5, 1959, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lyle C. Farmer.

MOTOR CARRIER OF PASSENGERS

No. MC 114271 (Sub No. 4), filed July 16, 1959. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Grove Stafford, 628 Murray Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express, mail* and *newspapers*, in the same vehicle with passengers, between junction alternate U.S. Highway 31 and Tennessee Highway 99, north of Eagleville, Tenn., and Shelbyville, Tenn., from the junction of alternate U.S. Highway 31 and Tennessee Highway 99 over Tennessee Highway 99 to Eagleville, Tenn., thence over alternate U.S. Highway 41 to Shelbyville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: Applicant states that it operates over the above route in the transportation of passengers and their baggage.

HEARING: October 13, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 35396 (Sub No. 28), filed August 24, 1959. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U.S. 41 South, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 7th Floor McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, crates, nails, lumber* and *cardboard cartons*, between points in Logan and Muhlenberg Counties, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, Tennessee, Ohio, Pennsylvania, West Virginia, New York, New Jersey, Michigan, Alabama, Arkansas, Georgia, Mississippi, Louisiana, Minnesota, Connecticut, Massachusetts, Wisconsin, Iowa, Kansas, Missouri, North Carolina, and Virginia.

No. MC 40858 (Sub No. 47), filed August 26, 1959. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., 416 Pearl Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Illinois, Indiana, Kentucky, North Carolina, Ohio, Tennessee, and Virginia.

No. MC 52953 (Sub No. 19), filed August 26, 1959. Applicant: ET & WNC TRANSPORTATION COMPANY, a Corporation, 132 Legion Street, Johnson City, Tenn. Applicant's attorney: H. Charles Ephraim, 1001 15th Street, NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland, Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular-route operations through Knoxville and Kingsport, Tenn., over U.S. Highway 11–W. Applicant is authorized to conduct operations in Tennessee, North Carolina, Georgia, and South Carolina.

No. MC 59583 (Sub No. 82), filed August 26, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

No. MC 60875 (Sub No. 14), filed August 26, 1959. Applicant: RUTHERFORD FREIGHT LINES, INC., Pierce Street, Bristol, Va.-Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Tennessee, Virginia, West Virginia, North Carolina, Georgia, and South Carolina.

No. MC 66562 (Sub No. 1545), filed August 18, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 The Citizens & Southern Nat'l Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Knoxville, Tenn., and Gatlinburg, Tenn.: (1) from Knoxville over U.S. Highway 129 to Maryville, Tenn.; (2) from Knoxville over Tennessee Highway 73 to Maryville; (3) from Knoxville over U.S. Highway 441 to Gatlinburg; and (4) from Maryville over U.S. Highway 411 to junction U.S. Highway 441, operating in either direction over all segments, serving the intermediate points of Rockford, Alcoa, Maryville, and Sevierville, Tenn. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediate prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1549), filed August 20, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, limited to transportation of express shipments having a prior or subsequent rail or air haul, between Austin, Minn., and Jackson, Minn.: from Austin west over U.S. Highway 16, a distance of approximately 105 miles, to Jackson, and return over the same route, a distance of approximately 36 miles to junction with Minnesota Highway 262, thence north and east over Minnesota Highway 262, thence north, a distance of approximately 16 miles, to junction with Minnesota Highway 109, thence east and south over Minnesota Highway 109, a distance of approximately 20 miles, to junction with U.S. Highway 16, and thence east over U.S. Highway 16, a distance of approximately 31 miles, to Austin, serving the intermediate points of Hayward, Albert Lea, Blue Earth, Guckeen, Fairmont, Welcome, Sherburn, Alpha, Granada, Huntley, Winnebago, Delavan, Easton, Wells, and Alden, Minn. Applicant is authorized to conduct operations throughout the United States.

No. MC 66990 (Sub No. 7) (AMENDMENT), filed May 14, 1959, published FEDERAL REGISTER issue of August 5, 1959. Applicant: DON EATON TRANSFER & STORAGE, INCORPORATED, 119 South Frisco, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in Ex Parte No. MC 19, 176.1 as amended, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in Oklahoma, Texas, New Mexico, Colorado, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Iowa, Minnesota, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, Pennsylvania, New York, and New Jersey. Applicant is authorized to conduct operations in the above-named States except Alaska.

HEARING: Remains as assigned September 15, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 67996 (Sub No. 2), filed August 17, 1959. Applicant: BERTRAM L. SMITH, doing business as DISTILLERY TRANSFER SERVICE, Bardstown, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Alcoholic liquors* and *distillers' supplies*, (1) between Jeffersonville, Ind., and Danville, Ky.: from Jeffersonville, across the Ohio River, to Louisville, Ky., thence over U.S. Highway 31–E to Bardstown, Ky., and thence over U.S. Highway 150 to Danville, and return over the same route, serving all intermediate points; (2) between Bardstown, Ky., and Boston, Ky.: from Bardstown over U.S. Highway 62 to Boston, and return over the same route, serving all intermediate points; and (3) between Bardstown, Ky., and Greenbrier (Nelson County), Ky.: from Bardstown over U.S. Highway 62 to a point 3 miles east of Bardstown, and thence over county road, via Early Times, to Greenbrier, and return over the same route, serving all intermediate points.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1), transporting the above-specified commodities (MC 67996 and Sub 1), between Bardstown and Louisville, Ky., including Danville, Boston, and Greenbrier. Applicant seeks by this application to convert such Second Proviso filings to a certificate of Public Convenience and Necessity, and to also include transportation from and to Jeffersonville, Ind.

No. MC 70022 (Sub No. 8), filed August 26, 1959. Applicant: MORGAN TRUCKING CO., INC., 5721 Friendly Road, P.O. Box 8508, Greensboro, N.C. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kingsport, Tenn., on the one hand, and, on the other, Greenland, Tenn., and points within five (5) miles thereof, to be joined to applicant's presently existing authority for the purpose of providing through service to and from points beyond Kingsport, Tenn. Applicant is authorized to conduct operations in Virginia, North Carolina, Georgia, Maryland, Pennsylvania, New York, Washington, D.C., South Carolina, Virginia, New Jersey, Delaware, and Tennessee.

No. MC 74721 (Sub No. 71), filed August 21, 1959. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wilmington, Del., and junction U.S. Highway 30 and Pennsylvania Highway 41, from Wilmington over Delaware Highway 48 to junction Pennsylvania Highway 41 at or near the Delaware-Pennsylvania State line, thence over Pennsylvania Highway 41 to junction U.S. Highway 30 at or near Gap, Pa., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, subject to the restriction presently contained in applicant's existing authority that no shipments shall be transported over the above-described route between any two points both of which are east of a straight line drawn through Buffalo, N.Y., and Pittsburgh, Pa., to Charleston, W. Va.

No. MC 104004 (Sub No. 144), filed August 26, 1959. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Tennessee, New York, Virginia, Delaware, Georgia, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, and the District of Columbia.

No. MC 106456 (Sub No. 28), filed August 26, 1959. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Applicant's representative: J. R. Browder, Assistant Traffic Manager, Super Service Motor Freight Company, Inc., Box 180, Nashville, Tenn. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, and except household goods, as defined by the Commission, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, New York, Missouri, New Jersey, Pennsylvania, Tennessee, Virginia, and West Virginia.

No. MC 107475 (Sub No. 42), filed August 26, 1959. Applicant: DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

No. MC 108651 (Sub No. 11), filed August 26, 1959. Applicant: ROY B. MOORE, INC., New Greeneville Highway, Kingsport, Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kingsport, Tenn., on the one hand, and, on the other, Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, to be joined to applicant's presently existing authority for the purpose of providing through service to and from points beyond Kingsport, Tenn. Applicant is authorized to conduct operations in New York, Tennessee, Virginia, Pennsylvania, New Jersey, Maryland, West Virginia, Georgia, Kentucky, South Carolina, and North Carolina.

No. MC 112020 (Sub No. 77), filed August 18, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish solubles*, in bulk, in specialized equipment, from points in Texas, Louisiana, Mississippi, Alabama, and Florida, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, Tennessee, Minnesota, New Jersey, Pennsylvania, New Mexico, Arizona, South Dakota, Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

No. MC 113908 (Sub No. 57) filed, August 20, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils* and *vegetable fats, vegetable oils* and *blends thereof*, from Waterloo, Iowa, to Kansas City, Kans. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 118703 (Sub No. 1) (CORRECTION), filed August 14, 1959, published issue August 26, 1959. Applicant: PAUL HAUBOLD, Marston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Green, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

NOTE: The purpose of this republication is to show applicant's correct name.

No. MC 118973 (Sub No. 1), filed August 19, 1959. Applicant: JIM TIONA, 723 East Walnut Street, Rich Hill, Mo. Applicant's representative: Henry B. Vess, Jr., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scrap*, from the plant site of MacDowell Rendering Co., Inc., at or near Rich Hill, Mo., to points in Iowa, Illinois, Nebraska, Kansas, Wisconsin, and Minnesota.

No. MC 119166 filed August 20, 1959. Applicant: EVERETT LONG, Patton, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot and Dunklin Counties, Mo., and Greene, Clay, Crittendon, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highways 45–E and 45.

MOTOR CARRIER OF PASSENGERS

No. MC 1508 (Sub No. 27), filed August 18, 1959. Applicant: RICHMOND-GREYHOUND LINES, INCORPORATED, Transportation Building, Broad and Jefferson Streets, Richmond 20, Va. Applicant's attorney: Raymond H. Warns, 5600 Jarvis Avenue, Chicago 48, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers between the junction of Interstate Highway 95 and U.S. Highway 1, located approximately 3 miles north of Richmond, Va., and Petersburg, Va., over Interstate Highway 95, serving the intermediate point of Richmond, Va. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

PETITIONS

No. MC 16344, filed July 6, 1959. Petitioner: KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, P.O. Box 5497, Huntington, W. Va. Petitioner's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Petition for waiver of § 1.101(e) of the general rules of practice and for reopening, reconsideration and modification of a portion of the order of October 21, 1958, issuing certificate of public convenience and necessity No. MC 16344 and for reopening and reconsideration of the grandfather proceedings in Docket No. MC 71110 wherein said portion of said certificate was originally issued to petitioner's predecessor in Docket No. MC 71110 by orders of division 5 dated September 8, 1937 and January 14, 1951.

Petitioner requests waiver of Rule 1.101(e) and reconsideration and modification of a portion of the Order of October 21, 1958, issuing a Certificate of Public Convenience and Necessity in docket No. MC 16344. Petitioner is successor in interest to C. C. Clawson and Delmer Litton, doing business as Motor Transit Company, Charleston, W. Va., which persons held said portion of petitioner's certificate as that portion was originally issued by order of division 5, dated September 8, 1937, and January 14, 1941, in the "Grandfather" proceeding No. MC 71110. Petitioner states that a portion of Certificate No. MC 16344 sought to be modified now reads: *general commodities*, with the usual exceptions, "From Charleston, W. Va., to Cincinnati, Ohio, serving the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio: From Charleston over U.S. Highway 60 to Huntington, W. Va., and thence over U.S. Highway 52 to Cincinnati;". Petitioner further states that the same portion of operating authority as issued on January 14, 1941, in MC 71110 originally read: "Between Charleston, W. Va., and Cincinnati, Ohio, as follows: *General commodities*, except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, From Charleston over U.S. Highway 60 to Huntington, W. Va., thence over U.S. Highway 52 to Cincinnati; and *Gas cylinders* and *rubber tires*, from Cincinnati over the above-specified route to Charleston. Service is authorized to and from the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio." Petitioner further states that under the above-quoted portion of regular route operating authority, both as originally issued and as now issued, the original holder thereof and all subsequent holders thereof have at all time since June 1, 1935, continuously conducted bona fide regular route operations in interstate commerce serving the intermediate points of Portsmouth and Ironton, Ohio, and Huntington, W. Va., in both eastbound and westbound movements of general commodities (usual exceptions) over the prescribed regular route. Petitioner is respondent in the complaint proceeding MC–C–2585, Keystone Motor Express, Inc.—Investigation of Operations. Petitioner requests that this petition be considered in connection with that complaint proceeding, and also an extension application filed July 6, 1959, and assigned docket No. MC 16344 (Sub No. 6). Petitioner avers that the above-quoted portion of regular-route authority as originally issued and as now issued was and is intended to authorize general-commodity service in both eastbound and westbound directions at the intermediate points of Portsmouth and Ironton, Ohio, and Huntington, W. Va. Petitioner respectfully requests that this matter be clarified by the reissuance of said portion of regular-route authority to specify that service at those intermediate points may be rendered in both directions. Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 75463 (Sub No. 14), PETITION TO AMEND PERMIT SOLELY TO REFLECT CHANGE IN NAME OF SHIPPER UNDER CONTRACT. Petitioner: REED LINES, INC., 209 Canal Street, Defiance, Ohio. Petitioner's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. By Interim Permit issued January 7, 1958, carrier was authorized to conduct operations as a *contract carrier*, over irregular routes, as follows: "*Mineral wool* and *mineral wool products*, from Wabash, Ind., to points in Pennsylvania and West Virginia; and *returned shipments* of the above-specified commodities and *empty containers or other facilities* used in connection with the transportation described above, from points in Pennsylvania and West Virginia, to Wabash, Ind. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: American Rock Wool Corporation, Chicago, Ill., Celotex Corporation, Chicago, Ill." By consolidated petition which embraced MC 75463 (Sub No. 18), filed July 20, 1959, petitioner states that the plant and all activities of American Rock Wool Corporation have been purchased by United States Gypsum Company of Chicago, Ill., and prays the Commission effect the change of name on the existing permit to reflect in the place of American Rock Wool Company the name of United States Gypsum Company. Any proper party may, within 30 days from the date of this publication, make representations for or against the requested substitution.

No. MC 75463 (Sub No. 18), PETITION TO AMEND PERMIT SOLELY TO REFLECT CHANGE IN NAME OF SHIPPER UNDER CONTRACT. Petitioner: REED LINES, INC., 209 Canal Street, Defiance, Ohio. Petitioner's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. A Recommended Report and Order in the subject proceeding, served April 30, 1959, which became effective by operation of law and was the subject of a Notice to the Parties, dated May 20, 1959, recommended the issuance of an Interim Permit to applicant, as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *mineral wool* and *mineral rock products*, from Largo and Wabash, Ind., to points in Ohio on and east of U.S. Highway 21, and of *empty containers* for, and *damaged or returned shipments* of, the above-specified commodities, from points in the described Ohio territory to Largo and Wabash, Ind., and limited to a transportation service to be performed under a continuing contract or contracts with the Celotex Corporation of Chicago, Ill., and the American Rock Wool Corp., Chicago, Ill. By consolidated petition, which embraced MC 75463 (Sub No. 14), filed July 20, 1959, petitioner advises that the plant and all activities of American Rock Wool Corporation have been purchased by United States Gypsum Company of Chicago, Ill., and prays the Commission effect the change of name of the shipper, American Rock Wool Corporation named in the report and order, and designate in lieu thereof the name of United States Gypsum Company. The issuance of an Interim Permit in the subject proceeding will be withheld for a period of 30 days from the date of this publication in the FEDERAL REGISTER, during which time any proper party may file representations for or against the substitution sought.

No. MC 86761 and Subs 1, 3, 7, 9, 12 and 22 (REPUBLICATION) (PETITION FOR REOPENING, RECONSIDERATION, AND MODIFICATION OF AUTHORITIES GRANTED BY ELIMINATION OF CERTAIN RESTRICTIONS OR CONDITIONS). Petitioner: GULF TRANSPORT COMPANY, a corporation, Mobile, Ala. Petitioner's attorneys: Leo H. Pou and John W. Adams, Jr., 104 St. Francis Street, Mobile, Ala. By Certificate No. MC 86761, dated November 1, 1949, which is a consolidated certificate and embraces all of petitioner's operating rights as a motor carrier of property in No. MC 86761 and sub-numbered proceedings specified above, petitioner is authorized to transport *general commodities*, without exceptions, and also *general commodities* subject to certain exceptions, and in addition, *mail, express, petroleum* and *petroleum products*, and *lumber*, over specified regular routes, (1) between Dyersburg, Tenn., and Mobile, Ala., (2) between Columbia, Miss., and Slidell, La., (3) between Rio, La., and Tylertown, Miss., (4) between Jackson, Miss., and Philadelphia, Miss., (5) between points in Louisiana, (6) between West Point, Miss., and Waynesboro, Miss., (7) between Waynesboro, Miss., and Coden, Ala., (8) between Theodore, Ala., and Delchamps, Ala., (9) between Delchamps, Ala., and Coden, Ala., (10) between Tuscaloosa, Ala., and Columbus, Miss., (11) between Columbus, Miss., and Starkville, Miss., (12) between West Point, Miss., and the Mississippi-Tennessee State line, near Corinth, Miss., (13) between Ava, Ill., and Jackson, Tenn., (14) between the Missouri-Illinois State line near Pike Station, Ill., and Fulton, Mo., (15) between Jackson, Tenn., and the Tennessee-Mississippi State line, (16) between Savannah, Tenn., and Selmer, Tenn., (17) between Columbia, Ill., and Millstadt, Ill., (18) between St. Louis, Mo., and Ava, Ill., (19) between Houston, Miss., and Calhoun City, Miss., (20) between Montgomery, Ala., and Tuscaloosa, Ala., (21) between West Columbia, Miss., and Jackson, Miss., (22) between points in Illinois, (23) between Springfield, Ill., and Alexander, Ill., (24) between the junction of Illinois Highways 123 and 125, about 3 miles east of Ashland, Ill., and Springfield, Ill., (25) between Washington, Ill., and Bloomington, Ill., (26) between Bells, Tenn., and Humboldt, Tenn., (27) from Melvin, Ala., to Shubuta, Miss., and (28) from Melvin, Ala., to Quitman, Miss. Applicant is authorized to serve both intermediate and off-route points on many of these routes. The operations generally are subject to (a) key-point restrictions, and (b) restrictions or conditions which limit shipments transported by petitioner to those having a prior or subsequent movement by rail. The subject petition, filed January 14, 1959, prays the Commission to reopen the proceedings numbered No. MC 86761 and sub numbers 1, 3, 7, 9, 12, and 22 thereof, and reconsider and modify the several authorities so as to eliminate from those authorities and

from petitioner's consolidated certificate all so-called key-point restrictions and all conditions which limit shipments transported by petitioner to those having a prior or subsequent movement by rail. The foregoing represents a republication in more detail of the relief sought by petition, the initial publication being made on January 14, 1959.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 86761 and Subs 1, 3, 7, 9, 12, and 22, AMENDMENT TO PETITION filed August 21, 1959. Petitioner: GULF TRANSPORT COMPANY, a corporation, Mobile, Ala. Petitioner's attorneys: Leo H. Pou and John W. Adams, Jr., 104 St. Francis Street, Mobile, Ala. Amendment to petition filed August 21, 1959, wherein petitioner seeks to include in the petition filed January 14, 1959, a request that the Commission modify the several authorities involved in these proceedings so as to eliminate the requirements that service performed by petitioner be auxiliary to and supplemental of rail service and that the service performed be under rail billing and at rail rates. No request is being made for the elimination of the requirement that petitioner's service be limited to rail points as origin or destination points.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 109761 (Sub No. 6), PETITION TO AMEND INTERIM PERMIT BY ADDING NEW CONTRACT SHIPPER AND WAIVER OF RULE 1.101(3) OF THE GENERAL RULES OF PRACTICE. Petitioner: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Petitioner's attorney: Benjamin J. Brooks, Washington Loan & Trust Building, Washington 4, D.C. A corrected Interim Permit, dated March 10, 1958, authorized the transportation, as a *contract carrier*, over irregular routes, as follows: "*Canned fruits, canned fruit juices, canned vegetables,* and *canned vegetable juices*, not requiring refrigeration in transit, from points in Florida to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with: Theodore Nicolet, Rutland, Vt., Pasco Packing Co., Dade City, Fla., Hannaford Bros. Co., Portland, Maine, Shepard Grocery Corp., Franklin, N.H., A. H. Morse Co., Boston, Mass., Associated Grocers of New Hampshire, Inc., Manchester, N.H." By petition filed May 19, 1959, petitioner states that a shipper, Adams Packing Association, Inc., Auburndale, Fla., has for some time been laboring under a handicap in not having the services of applicant on shipments moving to points in Maine, New Hampshire and Vermont, and attaches a letter from the shipper in support of the petition. Petitioner further states that the granting of the petition will in no way broaden the territorial scope or commodities involved but will enable petitioner to render a necessary service for the shipper, one that is not known to be available from any other motor carrier. Petitioner prays that the Commission will issue an order authorizing and permitting petitioner to serve this new shipper, Adams Packing Association, Inc., Auburndale, Fla. Any proper party may, within 30 days from this publication in the FEDERAL REGISTER, make representations for or against the additional services proposed.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F7176 (THE McFARLAND TRANSPORTATION CO.—PURCHASE—PHILANDER COOKE), published in the April 29, 1959, issue of the FEDERAL REGISTER on page 3359. Amendment to application filed August 24, 1959. Application amended to the extent that PHILANDER COOKE, or North Haven, Conn., who controls HERCULES TRUCKING CO., INC., of Providence, R.I., seeks authority to acquire joint control of THE McFARLAND TRANSPORTATION COMPANY. HERCULES TRUCKING CO., is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, and Connecticut.

No. MC–F 7282 (correction) (MIAMI TRANSPORTATION CO., INC., OF INDIANA—PURCHASE—RICHARD STROTHMAN) published in the August 19, 1959, issue of the FEDERAL REGISTER on page 6749. The operating rights being transferred should have read, in part, as follows: *General commodities*, excepting, among others, commodities in bulk but not excepting household goods, over irregular routes, between Feesburg, Ohio, and points within five miles thereof, on the one hand, and, on the other, Covington and Newport, Ky., and points in Ohio.

No. MC–F 7294. Authority sought for purchase by HUDSON TRANSPORTATION COMPANY, 720 Tonnele Avenue, Jersey City, N.J., of the operating rights of HILLSIDE FREIGHT LINES, INC. (SIDNEY W. GINDIN, ASSIGNEE), c/o Clarick & Clarick, 1143 East Jersey Street, Elizabeth, N.J., and for acquisition by JOSEPH M. STONE, 692 Grange Road, Teaneck, N.J., of control of such rights through the purchase. Applicants' attorneys: Clarick & Clarick, 1143 East Jersey Street, Elizabeth, N.J., and Bowes & Millner, 1060 Broad Street, Newark, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Essex, Union, Bergen, Passaic, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., that part of Pennsylvania east of the Susquehanna River, and that part of Connecticut on and west of U.S. Highway 5. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7295. Authority sought for purchase by WEBB'S TRANSFER, INC., 219–225 Johnson Avenue, Suffolk, Va., of the operating rights of CECIL N. HILL, doing business as HILL'S TRUCK SERVICE, COLERAIN, N.C., and for acquisition by JOSEPH CALHOUN WEBB, SR., P.O. Box 824, Suffolk, Va., of control of such rights through the purchase. Applicants' attorney: Jno. C. Goddin, 1304 State Planters Bank Building, Richmond, Va. Operating rights sought to be transferred: *Household goods*, as defined by the Commissioner, as a *common carrier* over irregular routes, between certain points in North Carolina, on the one hand, and, on the other, certain points in Virginia; *agricultural commodities, fish, fish products,* and *forest products*, from certain points in North Carolina to certain points in Virginia; *farm tractors, farm tractor parts, agricultural implements, fertilizer,* and *building materials*, between certain points in North Carolina, on the one hand, and, on the other, certain points in Virginia; *salt* and *fish bait*, from Norfolk, Va., to certain points in North Carolina. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Pennsylvania, New Jersey, Maryland, North Carolina, Delaware, Rhode Island, Connecticut, Massachusetts, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7296. Authority sought for control by (1) CITY TRANSFER & STORAGE COMPANY, 219 Terry North, Seattle 9, Wash., (2) EYRES TRANSFER & WAREHOUSE CO., 2203 First Avenue South, Seattle 4, Wash., (3) FORTUNE TRANSFER COMPANY, 91 Connecticut Street, Seattle 4, Wash., (4) HOLMAN TRANSFER COMPANY, 48 Southeast Hawthorne Boulevard, Portland 14, Oreg., (5) OREGON TRANSFER CO., 2201 Sixth Avenue South and 3232 Northwest Industrial Street, Portland 8, Oreg., (6) RELIABLE TRANSFER & STORAGE COMPANY, INC., 1251 Occidental Avenue, Seattle 4, Wash., (7) RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., 3250 Northwest St. Helens Road, Portland 10, Oreg., and (8) TAYLOR-EDWARDS WAREHOUSE & TRANSFER CO., INC., 1020 Fourth Avenue South, Seattle 4, Wash., of INTERSTATE FREIGHT LINES, INC., 2201 Sixth Avenue South, Seattle 4, Wash., and for acquisition by (1) D. H. MacDONALD and LAWRENCE MacDONALD, both of Seattle, (2) EARL L. DEMPSEY and EVELYN J. DEMPSEY, both of Seattle, (3) DONALD J. FORTUNE and EVELYN M. BERNARD, both of Seattle, (4) HERBERT M. CLARK, HERBERT M. CLARK, JR., and LEONARD P. CLARK, all of Portland, (5) MARCILE CARLOCK BATES COWLIN, also of Portland, (6) CARL A. WHITEHEAD, also of Seattle, (7) RUDOLPH WILHELM, SR., ANGELINA M. WILHELM, RUDIE WILHELM, JR., and ROBERT J. WILHELM, all of Portland, and (8) D. E. TAYLOR, 800 North Hamilton Street, Spokane, Wash., of control of INTERSTATE FREIGHT LINES, INC., through the acquisition by CITY TRANSFER & STORAGE COMPANY, EYRES TRANSFER & WAREHOUSE CO., FORTUNE TRANSFER COMPANY, HOLMAN TRANSFER COMPANY, OREGON TRANSFER CO., RELIABLE TRANSFER & STORAGE COMPANY, INC., RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., and TAYLOR-EDWARDS WAREHOUSE & TRANSFER CO., INC. Applicants' attorney and representatives, respectively: Bryce Rea, Jr., Munsey Building, Washington 4, D.C., A. F. Bell, Vice-President, Eyres Transfer & Warehouse Co., 2203 First Avenue South, Seattle 4, Wash., Carl A. Whitehead, President, Reliable Transfer & Storage Co., 1251 Occidental Avenue, Seattle 4, Wash., and Earl H. Finger, Secretary, Taylor-Edwards Warehouse & Transfer Co., Inc., 1020 Fourth Avenue South, Seattle 4, Wash. Operating rights sought to be controlled: *General commodities*, except livestock in truckloads, commodities in bulk, and commodities of unusual value, as a *common carrier* over a regular route, between Portland, Oreg., and Seattle, Wash., serving the intermediate points of Chehalis, Centralia, Olympia, and Tacoma, Wash.; on northbound traffic, and Tacoma and Vancouver, Wash., on southbound traffic; *general commodities*, excepting, among others, household goods and commodities in bulk, over an alternate regular route for operating convenience only, between Tenino, Wash., and Tacoma, Wash., serving no intermediate points and not serving Tenino; *class A, B and C explosives*, serving Grand Mound, Wash., as an intermediate point in connection with carrier's regular route operations between Portland, Oreg., and Seattle, Wash., restricted to traffic received from or delivered to connecting motor carriers at Grand Mound; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *frozen fruits, frozen berries* and *frozen vegetables*, between points in Clark, King, Snohomish, Skagit, Pierce, and Whatcom Counties, Wash., on the one hand, and, on the other, points in Multnomah, Clackamas, Marion, Washington, and Yamhill Counties, Oreg., and Whatcom County, Wash., and ports of entry on the International Boundary Line between the United States and Canada at, near and between Pt. Roberts and Sumas in Washington. CITY TRANSFER & STORAGE COMPANY is authorized to operate as a *common carrier* in Washington, California and Oregon. EYRES TRANSFER & WAREHOUSE CO. is authorized to operate as a *common carrier* in Washington. FORTUNE TRANSFER COMPANY holds no authority from this Commission. HOLMAN TRANSFER COMPANY is authorized to operate as a *common carrier* in Washington and Oregon. OREGON TRANSFER CO. is authorized to operate as a *common carrier* in Oregon and Washington. RELIABLE TRANSFER & STORAGE COMPANY is authorized to operate as a *common carrier* in Washington. RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., is authorized to operate as a *common carrier* in Oregon, California, Idaho and Washington. TAYLOR-EDWARDS WAREHOUSE & TRANSFER CO. is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7297. Authority sought for purchase by DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, P.O. Box 7202, Long Beach 7, Calif., of a portion of the operating rights of R. F. BOUSH, doing business as R. F. BOUSH TRANSFER, 121 West Stewart Avenue, Puyallup, Wash., and for acquisition by DEAN VAN & STORAGE, INC., and, in turn, A. E. DEAN, both of Long Beach, of control of such rights through the purchase. Applicant's attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Pierce County, Wash., on the one hand, and, on the other, points in California and Oregon. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7298. Authority sought for control by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., of HEALZER CARTAGE CO., 1428 West Ninth Street, Kansas City 1, Mo., and for acquisition by R. A. YOUNG, JR., also of Fort Smith, of control of HEALZER CARTAGE CO., through the acquisition by ARKANSAS-BEST FREIGHT SYSTEM, INC. Applicant's attorneys: Thomas Harper, Kelley Building, Fort Smith, Ark., and Floyd F. Shields, 1460 Home Savings Building, Kansas City 6, Mo. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over regular routes, between Milwaukee, Wis., and Hutchinson, Kans., between Chicago, Ill., and Hutchinson, Kans., between Chicago, Ill., and Kinsley, Kans., between Chicago, Ill., and Dodge City, Kans., between Kansas City, Mo., and Abilene, Kans., between McPherson, Kans., and Wichita, Kans., between Kansas City, Mo., and Chicago, Ill., and between Wichita, Kans., and points within five miles of Wichita, serving certain intermediate and off-route points; (RESTRICTION: The service authorized in the first seven routes above is restricted to traffic moving between the named destination and origin points and intermediate points in Kansas specified above, except Kansas City, on the one hand and, on the other, Kansas City, Kansas City, St. Joseph, and St. Louis, Mo., and the named Illinois and Wisconsin points which said carrier is authorized to serve, except that service is authorized between the Kansas City, Mo., Kansas City, Kans., Commercial zone and the Chicago, Ill., Commercial zone, as defined by the Commission, in connection with the specified regular route operations to and from Chicago, Ill., and to and from Kansas City, Mo. Authority is not granted to transport combines (harvester-threshers) originating at Independence, Mo., and destined to points in Colorado, Iowa, Illinois, Kansas, Nebraska, Oklahoma, and Texas); several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between Kansas City, Mo., and Salina, Kans., and from East St. Louis, Ill., to Boonville, Mo., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *livestock*, between Solomon, Kans., and Kansas City, Mo., serving certain intermediate and off-route points; *feed, twine, fencing materials, batteries, auto parts and accessories, garage equipment, fertilizer, agricultural implements and parts, building materials*, and *groceries* from East St. Louis, Ill., to Boonville, Mo., serving no intermediate points; *agricultural implements and parts, building materials*, and *groceries*, over irregular routes, from Kansas City, Kans., to Boonville, Mo. ARKANSAS-BEST FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Missouri, Oklahoma, Texas, Arkansas, Kansas, Louisiana, Mississippi, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7299. Authority sought for control and merger by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn., of the operating rights and property of MINNETONKA MOTOR EXPRESS, INC., 1000 Washington Avenue South, Minneapolis, Minn., and for acquisition by GEORGE BRIGGS, 910 Broadway Street, Eau Claire, Wis., of control of such rights and property through the transaction. Applicants' representative: Winston W. Hurd, Secretary-Treasurer and attorney for Briggs Transportation Co., 2360 West County Road C. St. Paul 13, Minn. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between St. Paul, Minn., and St. Bonifacius, Minn., between Wayzata, Minn., and Long Lake, Minn., from junction County Highway 7 and unnumbered highway east of Navarre, over unnumbered highway via Navarre to junction County Highway 7 south of Navarre, and return over the same route, between junction County Highways 7 and 15, at or near Seaton Station, and junction Minnesota Highway 110 and County Highway 7 at or near Mound, between St. Paul, Minn., and junction County Highway 44 and Minnesota Highway 110 west of Mound,

and between Excelsior, Minn., and junction County Highways 86 and 7, serving all intermediate and certain off-route points; alternate route for operating convenience only between Wayzata, Minn., and Long Lake, Minn.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain points in Minnesota. BRIGGS TRANSPORTATION CO. is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7285; Filed, Sept. 1, 1959; 8:46 a.m.]

[Notice 181]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 28, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62499. By order of August 27, 1959, the Transfer Board approved the transfer to George Vannozzi, doing business as Vannozzi's Express, Trenton, N.J., of the operating rights in Certificate No. MC 19317, issued August 4, 1949, to Paul Vannozzi and George Vannozzi, a Partnership, doing business as Vannozzi's Express, Trenton, N.J., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Philadelphia, Pa., and Princeton, N.J. Ralph S. Mason, 201 Nassau Street, Princeton, New Jersey, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7286; Filed, Sept. 1, 1959; 8:46 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 106-A]

CHICAGO AND NORTH WESTERN RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 106 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 106, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 5:00 p.m., August 25, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 25, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-7287; Filed, Sept. 1, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 26, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35641: *Substituted Service—C.R.I.&P. for Freight Ways, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 179), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Chicago (Burr Oak), Ill., on the one hand, and Oklahoma City, Okla., and Topeka, Kans., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35642: *Substituted service—C.&N.W. for Central Wisconsin Motor Transport Company.* Filed by Middlewest Motor Freight Bureau, Agent (No. 180), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Butler, Wis., on the one hand, and St. Paul, Minn., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35643: *Substituted service—C.&N.W. for Motor Cargo, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 181), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Chicago, Ill., on the one hand, and St. Paul, Minn., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35644: *Substituted service—Illinois Central for Watson Bros. Transportation Company, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 182), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs, Sioux City, and Waterloo, Iowa, on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35645: *Substituted service—C.R.I. & P. for Spector Systems, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 183), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between St. Louis, Mo., on the one hand, and Kansas City (Armourdale), Kans., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau Tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7218; Filed, Aug. 28, 1959; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 28, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35646: *Rock salt—Louisiana and Texas points to Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-7628), for interested rail carriers. Rates on rock salt, in carloads from specified points in Louisiana and Texas to Minneapolis, Minnesota Transfer, St. Paul and South St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 74 to Southwestern Freight Bureau tariff I.C.C. 3863.

FSA No. 35647: *Gravel—Riverton, Ind., to Shields, Ill.* Filed by Illinois Freight Association, Agent (No. 75), for interested rail carriers. Rates on screened road-surfacing gravel, in carloads from Riverton, Ind., to Shields, Ill.

Grounds for relief: Motor truck competition from gravel pit to jobsite.

Tariff: Supplement 71 to Illinois Central Railroad Company's tariff I.C.C. A-11687.

FSA No. 35648: *Sand—Southwestern Points to Eastern Points.* Filed by Southwestern Freight Bureau, Agent (No. B-7625), for interested rail carriers. Rates on sand, in carloads, as described in the application from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Michigan City, Ind., Alkali, Ohio, Boston, Mass., Elgin, Ill., and Niagara Falls, N.Y.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 22 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 35649: *Caustic soda—Memphis, Tenn., to Mobile, Ala.* Filed by O. W. South, Jr., Agent (SFA No. A3833), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Memphis, Tenn., to Mobile, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southern Freight Association tariff I.C.C. 1548.

FSA No. 35650: *Moulding sand—Selma, Ala., to Tyler and Swan, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7626), for interested rail carriers. Rates on moulding sand, in carloads from Selma, Ala., to Tyler and Swan, Tex.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 22 to Southwestern Freight Bureau tariff 4319.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7284; Filed, Sept. 1, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cal-Crest Outerwear, Inc., 1500 North Grace Street, Murphysboro, Ill.; effective 8-17-59 to 8-16-60 (men's and boys' jackets).

Clyde Shirt Co., Northhampton, Pa.; effective 8-11-59 to 8-10-60 (women's and children's blouses).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-22-59 to 8-21-60 (men's and boys' pants).

C. R. Dix, Inc., 7 Augusta Street, Greenville, S.C.; effective 8-27-59 to 8-26-60 (junior dresses).

Hatley Sportswear, Inc., Hatley, Miss.; effective 8-12-59 to 8-11-60 (Men's dress pants).

Kenrose Manufacturing Co., Inc., 230 Center Avenue NW., 321 Albermarle Avenue SE., Roanoke, Va.; effective 8-22-59 to 8-21-60 (cotton wash dresses).

S & M Manufacturing Co., 114 North Elk Avenue, Fayetteville, Tenn.; effective 8-12-59 to 8-11-60. (ladies' and children's wearing apparel).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-59 to 8-18-60 (men's and boys' denim overalls).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-18-59 to 8-17-60 (men's and boys' nightwear).

Stapleton Garment Co., Inc., Stapleton, Ga.; effective 8-20-59 to 8-19-60 (men's and boys' cotton and rayon pants).

Sylvania Garment Co., Inc., Sylvania, Ga.; effective 8-13-59 to 8-12-60 (men's sport shirts, ladies' blouses).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-59 to 8-18-60 (men's work shirts and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Clarification of notice appearing in Volume 24, Page 6632, August 14, 1959 issue of the FEDERAL REGISTER.

Badger Outerwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis.; effective 8-7-59 to 8-6-60; five learners (men's jackets).

Biflex-Marion, Inc., Marion, Ala.; effective 8-17-59 to 8-16-60; 10 learners (ladies' cotton brassieres).

United Garment Manufacturing Co., Grand Boulevard Curve, Iron Mountain, Mich.; effective 8-15-59 to 8-14-60; 10 learners (women's and children's sportswear and outerwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Branson Garment Co., Inc., Branson, Mo.; effective 8-15-59 to 2-14-60; 40 learners (men's dress, semi-dress and work trousers).

McNeer Dillon Co., plant No. 2, 550 South Center Street, Statesville, N.C.; effective 8-17-59 to 2-16-60; 50 learners (men's and boys' dress and sport shirts).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 8-11-59 to 2-10-60; 15 learners (boys' shirts).

Morgan County Shirt Co., Sunbright, Tenn.; effective 8-13-59 to 2-12-60; 50 learners (sport shirts).

Nu-Lift Company of North Carolina, Inc., Statesville, N.C.; effective 8-13-59 to 2-12-60; 35 learners (brassieres, girdles).

Princess Ann Uniform Corp., 1018 West 41st Street, Norfolk, Va.; effective 8-17-59 to 2-16-60; 25 learners (nurses' and maids' uniforms).

Toccoa Garment Co., Inc., Big A Road, Toccoa Ga.; effective 8-15-59 to 2-14-60; 20 learners (blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 8-17-59 to 2-16-60; 11 learners for plant expansion purposes (cotton, jersey and leather combination gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 8-13-59 to 8-12-60; two learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Drexel Knitting Mills Co., Drexel, N.C.; effective 8-14-59 to 8-13-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fidelity Hosiery Mills, Inc., Third and Walnut Streets, Shamokin, Pa.; effective 8-21-59 to 8-20-60; five learners for normal labor turnover purposes (seamless).

Holt Hosiery Mills, Inc., Glen Haven, N.C.; effective 8-17-59 to 8-16-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., Galax, Va.; effective 8-11-59 to 12-18-59; 50 learners for plant expansion purposes (knit shirts, pajamas) (replacement certificate).

Carmi Ainsbrooke Corp., Carmi, Ill.; effective 8-25-59 to 8-24-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Herbert Mills Co., Inc., Manning Street, Marion, S.C.; effective 8-13-59 to 2-12-60; 25 learners for plant expansion purposes (men's and boys' sweaters and sweater shirts).

Herbert Mills Co., Inc., Manning Street, Marion, S.C.; effective 8-13-59 to 8-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters and sweater shirts).

Movie Star of Poplarville, Poplarville, Miss.; effective 8-11-59 to 8-10-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Seamprufe, Inc., Paris, Ark.; effective 8-25-59 to 8-24-60; five learners for normal labor turnover purposes (slips, lingerie).

Shadowline, Inc., Boone, N.C.; effective 8-13-59 to 8-12-60; five learners for normal labor turnover purposes (ladies' knit lingerie).

Shadowline, Inc., Boone, N.C.; effective 8-13-59 to 2-12-60; 20 learners for plant expansion purposes (ladies' knit lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Livermore Shoe Co., Livermore Falls, Maine; effective 8-22-59 to 8-21-60; 10 per-

cent of the total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Darwood Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.; effective 8–16–59 to 2–15–60; 5 percent of the total number of factor production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (boys' outerwear).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 8–14–59 to 2–13–60; 4 learners for normal labor turnover purposes in the occupations of embroidery machine operator and sewing machine operator each for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and 95 cents an hour for the remaining 160 hours (industrial uniforms—lettering and alteration).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Seamless Girdle, Inc., Catano, P.R.; effective 8–6–59 to 4–17–60; 20 learners for normal labor turnover purposes in the occupations of looping, sewing, each for a learning period 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificates) (seamless, full-fashioned girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act have been issued to the firms listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificates issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9–1–59 to 8–31–60; authorizing the employment of 40 student-workers in the woodworking shop industry (manufacturing trellises, bird houses, etc.) in the occupations of woodworking machines operator, assembler and related skilled and semi-skilled occupations including incidental clerical work in the shop for a learning period of 240 hours each at the rates of 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 15 student-workers in the print shop industry in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 25 student-workers in the bookbindery industry in the occupations of bookbinder, bindery workers and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Auburn Academy, Auburn, Wash.; effective 9–1–59 to 8–31–60; authorizing the employment of 90 student-workers in the woodworking shop (furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Campbellsville College, 215 Chandler Street, Campbellsville, Ky.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 15 student-workers in the furniture and handiwork "do-it-yourself" kits industry in the occupations of woodworking machine operator, veneer machines operator, including glue reel, assembler, furniture finisher and related and skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 15 student-workers in the metalworking industry in the occupations of machine tools operator: lathe, milling, planer, shaper, drill press, die casting and related semi-skilled and skilled occupations each for a learning period of 850 hours at the rates of 85 cents an hour for the first 425 hours and 90 cents an hour for the remaining 425 hours.

Campion Academy, Loveland, Colo.; effective 9–1–59 to 8–31–60; authorizing the employment of 20 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9–1–59 to 8–31–60; authorizing the employment of 40 student-workers in the woodworking (Redwood lawn furniture) industry in the occupations of woodworking machines operator, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Columbia Academy, Battle Ground, Wash.; effective 9–1–59 to 8–31–60; authorizing the employment of: (1) 5 student-workers in the ridge shingle manufacturing industry in the occupations of woodworking machines operating and related skilled and semi-skilled occupations, including incidental clerical work in the shop each for a learning period of 240 hours at the rates of 85 cents an hour for the first 120 hours and 90 cents for the remaining 120 hours; (2) 14 student-workers in the woodworking (folding doors) industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Forest Lake Academy, P.O. Box 157, Maitland, Fla.; effective 9–1–59 to 8–31–60; authorizing the employment of 10 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Grand Ledge Academy, Grand Ledge, Mich.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 4 student-workers in the craft shop (lighted picture frames) industry in the occupations of woodworking machines operating, metal bending, drilling, electric wiring, assembling parts in picture frame including related skilled and semi-skilled occupations each for a learning period of 400 hours at the rates of 85 cents an hour for the first 200 hours and 90 cents an hour for the remaining 200 hours; (2) 18 student-workers in the woodworking shop (outdoor lawn furniture) industry in the occupations of woodworking machines operator, assembler, furniture finisher helper and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

La Sierra College, Arlington, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of 7 student-workers in the print shop industry in the occupations of pressman, compositor, linotype operator, bindery worker, and related skilled and semi-skilled occupations each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Linfield Research Institute, Linfield College, McMinnville, Oregon; effective 9–1–59 to 8–31–60; authorizing the employment of 21 student-workers in Scientific Research on U.S. Government Contracts in the occupations of research technician and related skilled and semi-skilled occupations for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

Madison College, Nashville Agricultural & Normal Institute, Madison, Tenn.; effective 9–1–59 to 8–31–60; authorizing the employment of 15 student-workers in the food manufacturing industry in the occupations of skilled and semi-skilled occupations in food manufacturing including fireman and boiler room operator in steam plant each for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 32 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 25 student-workers in the woodworking (furniture) industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Newbury Park Academy, P.O. Box 77, Newbury Park, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of 20 student-workers in the broom industry in the occupations of broommaker, sorter, winder, stitcher and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Ozark Academy, Route 2, Gentry, Ark.; effective 9–1–59 to 8–31–60; authorizing the employment of 15 student-workers in the broom making industry in the occupations of broommaker, stitcher, sorter, winder, painter and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Pacific Union College, Angwin, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 5 student-workers in the print shop industry in the occupations of compositor, pressman, lithographer, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 15 student-workers in the bookbindery industry in the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, case-maker and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

San Pasqual Academy, Route 1, Box 890, Escondido, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of 18 student-workers in the bookbindery industry in the occupations of bookbinder, sewer, stamper, trimmer, cutter, tacker, boarder, case-maker and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 20 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case-maker, letterer and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 20 student-workers in the broom and mop manufacturing industry in the occupations of broommaker, stitcher, seeding, sorting, winding, dyeing, and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 41 student-workers in the print shop industry in the occupations of compositor, pressman, bookbinder, and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 1000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 58 student-workers in the broom shop industry in the occupations of broommaker, stitcher, winder, sorter and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours; (3) 20 student-workers in the clerical occupations of typist, stenographer and related skilled and semi-skilled occupations each for a learning period of 480 hours at the rates of 85 cents an hour for the remaining 240 hours.

Southwestern Junior College, Keene, Tex.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 6 student-workers in the print shop industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations each for a learning period of 1000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 2 student-workers in the clerical occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semi-skilled occupations each for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Thunderbird Academy, 13401 North Scottsdale Rd., Scottsdale, Ariz.; effective 9–1–59 to 8–31–60; authorizing the employment of 75 student-workers in the woodworking shop (furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9–1–59 to 8–31–60; authorizing the employment of 61 student-workers in the furniture shop (upholstered) industry in the occupations of woodworking machines operator, springer, sewer, upholsterer, assembler, furniture finisher and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 21st day of August 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59-7207; Filed, Aug. 28, 1959; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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FEDERAL REGISTER

VOLUME 24 NUMBER 173

Washington, Thursday, September 3, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Development Loan Fund

Effective upon publication in the FEDERAL REGISTER, § 6.362(a) is added to Schedule C as set out below.

§ 6.362 Development Loan Fund.

(a) One Private Secretary to the Managing Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7356; Filed, Sept. 2, 1959; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I — Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 48—REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR THE ENFORCEMENT OF THE PRODUCE AGENCY ACT

Notice is hereby given that regulations (7 CFR 48.1 to 48.11) issued under the Produce Agency Act (44 Stat. 1355; 7 U.S.C. 494) and published in the FEDERAL REGISTER July 13, 1947 (12 F.R. 4287) and January 6, 1954 (19 F.R. 57) are hereby amended to read as follows:

DEFINITIONS

Sec.
48.1 Meaning of words.
48.2 Definitions.

ADMINISTRATION

48.3 Director.

VIOLATIONS

48.4 Destroying or dumping.
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JUSTIFICATION FOR DUMPING

48.7 Evidence to justify dumping.

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48.8 Filing of complaints.

AUTHORITY: §§ 48.1 to 48.8 inclusive, issued under sec. 3, 44 Stat. 1355, as amended; 7 U.S.C. 494.

DEFINITIONS

§ 48.1 Meaning of words.

Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 48.2 Definitions.

Unless the context otherwise requires, the following terms shall be construed as follows:

(a) "Act" means "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927 (44 Stat. 1355; 7 U.S.C. 491–497).

(b) "Person" means an individual, partnership, association or corporation.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Service" means the Agricultural Marketing Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator for Marketing Services, or any officer or employee of the Service, to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) "Director" means the Director of the Fruit and Vegetable Division of the

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FEDERAL REGISTER

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(As of January 1, 1959)

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Service, or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated by the Director to act in his stead.

(g) "Produce" means all fresh fruits and fresh vegetables generally considered by the trade as perishable fruits and vegetables, melons, dairy or poultry products, or any perishable farm products of any kind or character.

(h) "Truly and correctly to account" means, unless otherwise stipulated by the parties, that the consignee of produce shall, within ten days after the final sale is made of any produce received for sale on consignment in interstate commerce or in the District of Columbia, render to the consignor thereof a true and correct itemized statement of the gross sales as well as all selling charges and all other charges or expenses paid and a statement of the net proceeds or deficit, and make full payment to the consignor of the net proceeds so received together with a full explanation of the disposition of any and all produce not sold.

(i) "Good and sufficient cause" means, with respect to destroyed, abandoned, discarded, or dumped produce, that the produce so dealt with had no commercial value, or that some other legal justification for so dealing with such produce existed, such as an order of condemnation by a health officer or definite authority from the shipper.

(j) "Commercial value" means any value that the produce may have for any purpose that can be ascertained in the exercise of due diligence by the consignee without unreasonable expense or loss of time.

ADMINISTRATION

§ 48.3 Director.

The Director shall perform, for and under the supervision of the Secretary and the Deputy Administrator, such duties as the Secretary or the Deputy Administrator may require in enforcing the provisions of the Act and the regulations issued thereunder.

VIOLATIONS

§ 48.4 Destroying or dumping.

Any person receiving produce in interstate commerce or in the District of Columbia for or on behalf of another who, without good and sufficient cause, shall destroy or abandon, discard as refuse, or dump any produce, directly or indirectly or through collusion with any person, shall be considered to have violated the Act.

§ 48.5 False report or statement.

Any person receiving produce in interstate commerce or in the District of Columbia for or on behalf of another shall be considered to have violated the Act if, knowingly and with intent to defraud, he makes any false report or statement to the person from whom such produce was received concerning the handling, condition, quality, quantity, sale, or disposition thereof.

§ 48.6 Failure to account.

Any person receiving produce in interstate commerce or in the District of Columbia for or on behalf of another shall be considered to have violated the Act if, knowingly and with intent to defraud, he fails truly and correctly to account to the person from whom such produce was received.

JUSTIFICATION FOR DUMPING

§ 48.7 Evidence to justify dumping.

Any person, receiving produce in interstate commerce or in the District of Columbia, having reason to destroy, abandon, discard as refuse or dump such produce, should, prior to such destroying, abandoning, discarding or dumping, obtain a dumping certificate or other evidence of justification for such action. Certification, showing that the produce has no commercial value, should be obtained from: (a) An inspector authorized by the United States Department of Agriculture to inspect produce; or (b) a health officer, or food inspector of any State, county, parish, city or municipality or of the District of Columbia. When no inspector or health officer, as designated in paragraph (a) or (b) of this section is available, affidavits as to the condition of the produce should be obtained from two disinterested persons having no financial interest in the produce involved or in the business of a person financially interested therein, and who are unrelated by blood or marriage to any such financially interested person, and who, at the time of certification, and for a period of at least one year immediately prior thereto, have been engaged in the handling of the same general kind or class of produce with respect to which such affidavits are to be made. The certificate or affidavit obtained for justifying dumping should identify the produce to be dumped by giving the name of the shipper, any identifying marks or brands on the original container, the type of container, the commodity, the quantity, the date of inspection, and contain a short description of the condition of the produce to be dumped at the time of inspection. The name, address and title of the person or persons making such inspection should also be designated on the certificate or affidavit.

COMPLAINTS

§ 48.8 Filing of complaints.

Any person having reason to believe that the Act or the regulations in this part have been violated should submit promptly all available facts with respect thereto to the Director for investigation and appropriate action.

The purpose of the above amendments is to delete existing §§ 48.7 to 48.10 inclusive, which provisions pertained to Certificates of Inspection issued prior to the enactment of Public Law 272, 84th Congress, approved August 9, 1955, which repealed the farm produce inspection clause contained in various appropriation Acts (7 U.S.C. 414) and the second, third and fourth sentences of section 1 of the Produce Agency Act of March 3, 1927 (7 U.S.C. 492). Such repeal rendered the aforementioned sections of the regulations obsolete. A new section, § 48.7 *Evidence to justify dumping*, which is primarily for informational purposes, is added to set forth the types of evidence that should be obtained by a person dumping produce received for sale on consignment in interstate commerce, to show that such produce has no commercial value. Section 48.11 is renumbered to read 48.8.

The above amendments will become effective upon publication in the FEDERAL REGISTER. It is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public rule-making procedure with respect to these amendments is unnecessary and impracticable, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 44 Stat. 1355, as amended; 7 U.S.C. 494)

Dated: August 31, 1959, to become effective upon publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59–7361; Filed, Sept. 2, 1959; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 63]

[Special Civil Air Reg. SR–424B]

PART 60—AIR TRAFFIC RULES

Positive Air Traffic Control; Extension for Indefinite Period

Notice was given on July 18, 1959, that the Federal Aviation Agency had under consideration a proposal to amend Special Civil Air Regulation No. 424A which became effective on June 15, 1959, (24 F.R. 5759).

The purpose of SR–424A was to extend the provisions of the positive air traffic control regulations which would otherwise have terminated on June 15, 1959. It had been originally intended, as outlined in a notice of proposed rule making issued on May 15, 1959, to extend the positive control provisions for an indefinite period. However, comment received from the Department of the Air Force in response to this notice indicated the need for further discussion of the impact of the positive control program on its operations. In view of these comments, it was decided to extend SR–424A on a temporary basis and the provisions of this special regulation will terminate on September 15, 1959.

It has been pointed out by the Air Force that positive control route segments are currently designated along certain 10-mile wide airways from 17,000 to 22,000 feet while the provisions of SR–424 authorized such route segments along 40-mile wide routes extending from 17,000 to 35,000 feet.

As issued, SR–424A authorized the designation of positive control routes which exceeded the dimensions of those currently designated. This was consistent with the initial authorization contained in SR–424 as adopted by the Civil Aeronautics Board and was considered to be representative of future airspace requirements for the positive control concept.

Due to the present capabilities of the air traffic control system, it was not intended to increase immediately the dimensions of positive control route segments to the full extent authorized in SR–424A. Therefore, in order to clarify the intent of the rule, it appeared desir-

able to adopt a new Special Civil Air Regulation which will provide for the designation of the positive control route segments in the same dimensions as those currently designated. Accordingly, a proposed modification to the rule was circulated as Special Civil Air Regulation No. SR-424B in Draft Release No. 59-9. In commenting on this draft release, the Department of the Air Force supported the concept of positive air traffic control and its inherent safety objectives and emphasized that such a system must accommodate the requirements of all airspace users. Implementation of positive control within the capabilities of the present air traffic control system necessitates certain procedures and restrictions on air traffic which, the Air Force contends, unduly hamper essential military air traffic. For this reason, the Air Force objects to the proposed rule making and presents a counterproposal to eliminate positive control airways in all areas covered by radar. Radar separation practices would be substituted for the procedural and restrictive practices presently applied on the positive control airways in areas of radar coverage. While the concern indicated in the Air Force objection is understood and appreciated, the extent of over-all safety which is obtained for airspace users by the continuation of the positive control route program is considered to justify the degree of burden it imposes.

It should be noted that the lateral dimensions of positive control route segments are prescribed herein as being the same as those of the airway upon which the route is designated. The use of the airway boundaries instead of a distance specified in miles is believed advisable in order to accommodate any future changes which may occur in the lateral dimensions of the federal airways.

As pointed out in Draft Release No. 59-9, the future plans for further development and expansion of the positive control concept contemplate experimentation and "service testing" with positive control areas as well as positive control route segments. The Air Force proposal for radar separation will be considered in any such development or expansion. These plans will be the subject of future rule-making procedures in order to provide interested parties with full opportunity to participate.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby promulgated to become effective September 15, 1959:

1. The special air traffic rules prescribed in paragraphs (2), (3) and (4) of this special regulation shall be applicable to any operation of an aircraft in that portion of a federal airway between the altitudes of 17,000 and 22,000 feet which has been designated by the Administrator as a "positive control route segment" in Part 601 of the Administrator's regulations (14 CFR Part 601).

2. No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

3. All VFR flight activities, including VFR on top, irrespective of weather conditions, are prohibited from operating in this designated airspace.

4. All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

This Special Civil Air Regulation shall remain in effect until superseded or rescinded by the Administrator.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354, 1343).

Issued in Washington, D.C., on August 28, 1959.

E. R. QUESADA,
Administrator.

AUGUST 28, 1959.

[F.R. Doc. 59-7326; Filed, Sept. 2, 1959; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-NY-3g]

[Amdt. 23]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 24]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, and Redesignation of Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4967) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke the segment of Red Federal airway No. 33, and its associated control areas, from Chicopee, Westover AFB, Mass., to Boston, Mass.

Red Federal airway No. 33 presently extends from Norfolk, Va., to Boston, Mass. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed less than ten aircraft movements on this airway segment under consideration. On the basis of this survey, it appeared that retention of this airway segment, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Such revocation would result in Red Federal airway No. 33, and its associated control areas, extending from Norfolk, Va., to Richmond, Va., and Poughkeepsie, N.Y., to Chicopee Falls, Mass. Although not mentioned in the Notice, revocation of this segment of the airway would involve the redesignation of § 601.4233 of the regulations of the Administrator which relates to the designated reporting points for this airway.

Written comment concerning the proposed amendments was generally favorable, except for one, which objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.233 (14 CFR 1958 SUPP., § 600.233) §§ 601.233, 601.4233 (14 CFR 1958 SUPP., §§ 601.233, 601.4233) are amended as follows:

§ 600.233 [Amendment]

1. Section 600.233 *Red Federal airway No. 33 (Norfolk, Va., to Boston, Mass.)*, is amended as follows:

(a) In the caption delete "*(Norfolk, Va., to Boston, Mass.)*" and substitute therefor "*(Norfolk, Va., to Richmond, Va., and Poughkeepsie, N.Y., to Chicopee Falls, Mass.)*".

(b) In the text delete "via the Chicopee, Westover AFB, Mass., radio range station to the intersection of the northeast course of the Chicopee, Westover AFB, Mass., radio range and the west course of the Boston, Mass., radio range," and substitute therefor "to the Chicopee Falls, Mass., RR."

§ 601.233 [Amendment]

2. Section 601.233 *Red Federal airway No. 33 control areas (Norfolk, Va., to Boston, Mass.)*, is amended as follows:

In the caption delete "*(Norfolk, Va., to Boston, Mass.)*" and substitute therefor "*(Norfolk, Va., to Richmond, Va., and Poughkeepsie, N.Y., to Chicopee Falls, Mass.)*."

§ 601.4233 [Amendment]

3. Section 601.4233 *Red Federal airway No. 33 (Norfolk, Va., to Boston, Mass.)*, is amended as follows:

In the caption delete "*(Norfolk, Va., to Boston, Mass.)*". Substitute therefor "*(Norfolk, Va., to Richmond, Va., and Poughkeepsie, N.Y., to Chicopee Falls, Mass.)*".

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 27, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7327; Filed, Sept. 2, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-3h]

[Amdt. 24]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 25]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, Redesignation of Reporting Points and Control Area Extensions

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4967) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator that would revoke the segments of Blue Federal airway No. 41, and their associated control areas, from Hartford, Conn., to Concord, N.H., and from Rockland, Maine, to Bangor, Maine.

Blue Federal airway No. 41 presently extends from Hartford, Conn., to the U.S.-Canadian Border. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed less than ten aircraft movements for each of these airway segments. On the basis of this survey, it appeared that the retention of these airway segments, and their associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, revocation of the segments of Blue Federal airway No. 41 would also involve a change in § 601.4641 of the regulations of the Administrator which relates to the designated reporting points for the airway.

The segment of Blue Federal airway No. 41 from Hartford, Conn., to Westfield, Mass., is also used to describe the boundaries of the Windsor Locks, Conn., control area extension. The revocation of this segment will necessitate the redescription of the Windsor Locks, Conn., control area extension by the use of VOR Federal airways.

Written comment concerning the proposed amendments was generally favorable, except for one, which objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.641 (14 CFR 1958 Supp., § 600.641) and §§ 601.641, 601.4641 and 601.1081 (14 CFR 1958 Supp., §§ 601.641, 601.4641, 601.1081) are amended as follows:

§ 600.641 [Amendment]

1. Section 600.641 *Blue Federal airway No. 41 (Hartford, Conn., to United States-Canadian Border)*, is amended as follows:

(a) In the caption delete "*(Hartford, Conn., to United States-Canadian Border)*" and substitute therefor "*(Concord, N.H., to Portland, Maine, and Bangor, Maine, to United States-Canadian Border)*."

(b) In the text delete "Hartford, Conn., radio range station via the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N.H., radio range;" and "Rockland, Maine, nondirectional radio beacon via the".

§ 601.641 [Amendment]

2. Section 601.641 *Blue Federal airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border)*, is amended as follows:

In the caption delete "*(Hartford, Conn., to United States-Canadian Border)*" and substitute therefor "*(Concord, N.H., to Portland, Maine, and Bangor, Maine, to United States-Canadian Border)*".

§ 601.4641 [Amendment]

3. Section 601.4641 *Blue Federal airway No. 41 (Hartford, Conn., to United States-Canadian Border)*, is amended as follows:

In the caption delete "*(Hartford, Conn., to United States-Canadian Border)*" and substitute therefor "*(Concord, N.H., to Portland, Maine, and Bangor, Maine, to United States-Canadian Border)*".

§ 601.1081 [Amendment]

4. Section 601.1081 *Control area extension (Windsor Locks, Conn.)*, is amended as follows:

Delete the text in its entirety and substitute the following: "That airspace bounded on the north by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'30", on the east by VOR Federal airway No. 3, on the south by VOR Federal airway No. 58, and on the west by VOR Federal airway No. 123.

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 27, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7328; Filed, Sept. 2, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-31]

[Amdt. 25]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 26]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, and Redesignation of Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4968) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke the segment of Blue Federal airway No. 45, and its associated control areas, from Greenfield, Mass., to Keene, N.H.

Blue Federal airway No. 45, presently extends from Greenfield, Mass., to Newport, Vt. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed zero aircraft movements on the segment of Blue Federal airway No. 45 between Greenfield, Mass., and Keene, N.H. On the basis of this survey, it appeared that retention of this airway segment, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Such revocation would result in Blue Federal airway No. 45, and its associated control areas, extending from Keene, N.H., to Lebanon, N.H., and Montpelier, Vt., to Newport, Vt. Although not mentioned in the Notice, revocation of this segment of the airway would involve the redesignation of § 601.4645 of the regulations of the Administrator which relates to the designated reporting points for the airway.

Written comment concerning the proposed amendments was generally favorable, except for one, which objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.645 (14 CFR 1958 Supp., § 600.645) and §§ 601.645, 601.4645 (14 CFR 1958 Supp., §§ 601.645, 601.4645) are amended as follows:

§ 600.645 [Amendment]

1. Section 600.645 *Blue Federal airway No. 45 (Greenfield, Mass., to Newport, Vt.)*, is amended as follows:

(a) In the caption delete "*(Greenfield, Mass., to Newport, Vt.)*" and substitute therefor "*(Keene, N.H., to Lebanon, N.H., and Montpelier, Vt., to Newport, Vt.)*"

(b) In the text delete "intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N.H., radio range via the".

§ 601.645 [Amendment]

2. Section 601.645 *Blue Federal airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.)*, is amended as follows:

In the caption delete "*(Greenfield, Mass., to Newport, Vt.)*" and substitute therefor "*(Keene, N.H., to Lebanon, N.H., and Montpelier, Vt., to Newport, Vt.)*," is amended as follows:

§ 601.4645 [Amendment]

3. Section 601.4645 *Blue Federal airway No. 45 (Greenfield, Mass., to Newport, Vt.)*, is amended as follows:

In the caption delete "*(Greenfield, Mass., to Newport, Vt.)*" and substitute therefor "*(Keene, N.H., to Lebanon, N.H., and Montpelier, Vt., to Newport, Vt.)*."

These amendments shall become effective 0001 e.s.t., October 22, 1959.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 27, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7329; Filed, Sept. 2, 1959; 8:46 a.m.]

[Airspace Docket No. 59-NY-3]

[Amdt. 26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 27]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, and Redesignation of Reporting Points

On June 18, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 4969) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke the segment of Green Federal airway No. 6, and its associated control areas, from Richmond, Va., to Norfolk, Va.

Green Federal airway No. 6 presently extends from Alice, Tex., to Mobile, Ala., and Greensboro, N.C., to Norfolk, Va. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed less than ten aircraft movements for the airway segment under consideration. On the basis of this survey, it appeared that retention of this airway segment, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Such revocation would result in Green Federal airway No. 6, and its associated control areas, extending from Alice, Tex., to Mobile, Ala., and Greensboro, N.C., to Richmond, Va. Although not mentioned in the Notice, the revocation of the airway segment from Richmond, Va., to Norfolk, Va., would also involve the redesignation of §§ 601.4016, and 601.4109 of the regulations of the Administrator, which relates to the designation of reporting points. Norfolk, Va., would be redesignated from Green Federal airway No. 6 to Amber Federal airway No. 9.

Written comment concerning the proposed amendments was generally favorable. One objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant. Another objection was that Green 6 had originally been established as an inbound airway to the Norfolk terminal area from the northwest. However, Norfolk ARTC center's northwest bound preferential route from Norfolk terminal area is via Red 33 which precludes the use of Green 6 as an inbound route because of insufficient lateral separation between Red 33 and Green 6. Norfolk ARTC center's preferential inbound route to Norfolk terminal area from the northwest is via the Hopewell, Va., VOR direct to the Eclipse low frequency homing beacon, which is south and parallel to Green 6.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.16 (14 CFR 1958 Supp., § 600.16, 24 F.R. 3226), §§ 601.16, 601.4016 and 601.4109 (14 CFR 1958 Supp., §§ 601.16, 601.4016, 24 F.R. 3228, 24 F.R. 3873, § 601.4109, 24 F.R. 3873) are amended as follows:

§ 600.16 [Amendment]

1. Section 600.16 *Green Federal airway No. 6 (Alice, Tex., to Norfolk, Va.)*, is amended as follows:

(a) In the caption delete "*(Alice, Tex., to Norfolk, Va.)*" and substitute therefor "*(Alice, Tex., to Mobile, Ala., and Greensboro, N.C., to Richmond, Va.)*."

(b) In the text delete "Richmond, Va., RR; Norfolk, Va., RR to the Norfolk Municipal Airport, Norfolk, Va." and substitute therefor "to the Richmond, Va., RR".

§ 601.16 [Amendment]

2. Section 601.16 *Green Federal airway No. 6 control areas (Alice, Tex., to Norfolk, Va.)*, is amended as follows:

In the caption delete "*(Alice, Tex., to Norfolk, Va.)*" and substitute therefor "*(Alice, Tex., to Mobile, Ala., and Greensboro, N.C., to Richmond, Va.)*."

§ 601.4016 [Amendment]

3 Section 601.4016 *Green Federal airway No. 6 (Alice, Tex., to Norfolk, Va.)*, is amended as follows:

(a) In the caption delete "*(Alice, Tex., to Norfolk, Va.)*" and substitute therefor "*(Alice, Tex., to Mobile, Ala., and Greensboro, N.C. to Richmond, Va.)*."

(b) In the text delete "Norfolk, Va., radio range station."

§ 601.4109 [Amendment]

4. Section 601.4109 *Amber Federal airway No. 9 (Charleston, S.C., to Norfolk, Va.)*, is amended as follows:

In the text add: "Norfolk, Va., RR.".

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 27, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7330; Filed, Sept. 2, 1959; 8:47 a.m.]

[Airspace Docket No. 59-NY-3k]

[Amdt. 27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 28]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, and Designated Reporting Points

On June 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 4969) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator that would revoke the segments of Red Federal airway No. 34, and their associated control areas, from Pulaski, Va., to Greensboro, N.C., and from Reid, N.C., to Raleigh, N.C.

Red Federal airway No. 34 presently extends from Pulaski, Va., to Greensboro, N.C., from Reid, N.C., to Raleigh, N.C., and from Harrellsville, N.C., to Weeksville, N.C. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed less than ten aircraft movements for the segments under consideration. On the basis of this survey, it appeared that the retention of these airway segments, and their associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the Notice, the revocation of these segments of Red Federal airway No. 34 would also involve a change in § 601.4234 of the regulations of the Administrator, which relates to the designated reporting points for this airway.

It should also be noted that the action proposed in the notice incorrectly described Red 34 as extending from New Bern, N.C., to Weeksville, N.C. As now described Red 34 will only extend from Harrellsville, N.C., to Weeksville, N.C.

Written comment concerning the proposed amendments was generally favorable, except for one, which objected in principle to the revocation of only a segment of an airway. The Federal Aviation Agency agrees that it would be preferable to revoke an entire airway in one action, but only when it is justified because of the lack of sufficient air traffic or other considerations. However, as a general matter, the Agency feels that the public interest will best be served by releasing controlled airspace whenever the facts warrant.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.234 (14 CFR 1958 Supp., § 600.234, 24 F.R. 3870), §§ 601.234 and 601.4234 (14 CFR 1958 Supp., §§ 601.234, 601.4234, 24 F.R. 3873) are amended as follows:

§ 600.234 [Amendment]

1. Section 600.234 *Red Federal airway No. 34 (Pulaski, Va., to Weeksville, N.C.)*, is amended as follows:

(a) In the caption delete "*(Pulaski, Va., to Weeksville, N.C.)*" and substitute therefor "*(Harrellsville, N.C., to Weeksville, N.C.)*".

(b) In the text delete "From the Pulaski, Va., RR to the Greensboro, N.C., RR. From the intersection of the northeast course of the Greensboro, N.C., radio range and the northwest course of the Raleigh, N.C., radio range to the Raleigh, N.C., radio range station."

§ 601.234 [Amendment]

2. Section 601.234 *Red Federal airway No. 34 control areas (Pulaski, Va., to Weeksville, N.C.)*, is amended as follows:

In the caption delete "*(Pulaski, Va., to Weeksville, N.C.)*" and substitute therefor "*(Harrellsville, N.C., to Weeksville, N.C.)*".

§ 601.4234 [Amendment]

3. Section 601.4234 *Red Federal airway No. 34 (Pulaski, Va., to Weeksville, N.C.)*, is amended as follows:

(a) In the caption delete "*(Pulaski, Va., to Weeksville, N.C.)*" and substitute therefor "*(Harrellsville, N.C., to Weeksville, N.C.)*".

(b) In the text delete "Pulaski, Va., RR;".

These amendments shall become effective 0001 e.s.t. October 22, 1959.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 27, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7331; Filed, Sept. 2, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6843]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Health Guild et al.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Symon Gould et al. dba. The Health Guild, New York, N.Y., Docket 6843, August 4, 1959]

In the Matter of Symon Gould and Raphael Gould, Individually and as copartners Doing Business as The Health Guild

This case was heard by a hearing examiner on the complaint of the Commission charging a New York City seller of diet and health books and pamphlets with advertising falsely that the regimen set out in certain books he sold would effectively treat, arrest, and cure cancer, heart disease, and arthritis.

Based on the record of the proceedings, the hearing examiner made his initial decision and order to cease and desist. The Commission denied respondent's appeal therefrom, modified the preamble of the order to cease and desist, and on August 4 adopted the initial decision as so modified as the decision of the Commission.

The order to cease and desist, as thus modified, is as follows:

It is ordered, That respondent Symon Gould, individually and trading as The Health Guild, or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the books "The Heart: Prevention and Cure of Cardiac Conditions", "Cancer: Its Cause, Prevention and Cure", "How to Avoid Cancer" and "New Hope for Arthritis Sufferers" and any other books or writings, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that the regimen set out in the respective books or other said books:

1. Provide an adequate, effective or reliable:

(a) Treatment for any kind of heart disease;

(b) Means of arresting the progress of, correcting the underlying causes of, or curing, any kind of heart disease;

(c) Method of preventing the contraction or development of any kind of heart disease.

2. Provides an adequate, effective or reliable:

(a) Treatment for cancer of any kind;

(b) Means of arresting the progress of, correcting the underlying causes of, or curing, cancer of any kind;

(c) Method of preventing the contraction or development of cancer of any kind.

3. Endows the reader with knowledge that will enable him to:

(a) Recognize and avoid the causes of cancer of any kind;

(b) Successfully prevent his contraction or development of cancer of any kind;

(c) Lose any existing fear of the contraction or development of cancer.

4. Provides an adequate, effective or reliable:

(a) Means of arresting the progress of, correcting the underlying causes of, or curing, any kind of arthritis, rheumatism, neuritis, lumbago, sciatica, bursitis, sacro-iliac pain;

(b) Treatment that will afford relief from the pains of, any kind of arthritis, rheumatism, neuritis, lumbago, sciatica, or bursitis.

It is further ordered, That this proceeding be and the same hereby is dismissed as to respondent Raphael Gould.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent Symon Gould shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order contained in said initial decision.

Issued: August 4, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7345; Filed, Sept. 2, 1959; 8:49 a.m.]

[Docket 7459 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Russ Togs, Inc., et al.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Russ Togs, Inc., et al., New York, N.Y., Docket 7459, August 1, 1959]

In the Matter of Russ Togs, Inc., a Corporation, and Louis Rousso, Eli Rousso and Irving L. Rousso (Erroneously Referred to in the Complaint as Louis Russo, Eli Russo and Irving Russo), Individually and as Officers of Said Corporation, and Herman Saporta, Individually and as Manager of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City manufacturers with violating the Wool Products Labeling Act by tagging as 100% wool, ladies' skirts which contained a substantial quantity of fibers other than wool, and by failing to label other wool products as required.

Based on an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Russ Togs, Inc., a corporation, and its officers, and Louis Rousso, Eli Rousso and Irving L. Rousso (erroneously referred to in the complaint as Louis Russo, Eli Russo and Irving Russo), individually and as officers of said corporation, and Herman Saporta, individually and as manager of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' skirts, or other wool products, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7346; Filed, Sept. 2, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—MILITARY PERSONNEL

PART 45—PARTICIPATION IN RESERVE TRAINING PROGRAMS

Reserve Participation

The following change in Part 45 has been authorized:

Section 45.3(b)(1) has been amended by deleting the words "not less than two years of" in the first sentence. Section 45.3(b)(1), as revised, now reads as follows:

§ 45.3 Reserve participation.

* * * * * * *

(b) * * *

(1) An individual who has performed active training and service may be placed in Training Category G (no training), as defined in DoD Directive 1215.6, subject: Uniform Training Categories and Pay Groups Within the Reserve Forces, dated 5 March 1956, when the Secretary of the military department concerned determines that, because of the mobilization requirements of the service concerned, the degree of skill acquired by the individual, or the civilian occupation of the individual, no training requirement exists.

(R.S. 161; 5 U.S.C. 22)

MAURICE W. ROCHE, *Administrative Secretary.*

AUGUST 28, 1959.

[F.R. Doc. 59-7319; Filed, Sept. 2, 1959; 8:45 a.m.]

SUBCHAPTER G—CONTRACT FINANCING

PART 83—STANDARDS GOVERNING AMENDMENTS, CORRECTIONS, AND FORMALIZATION OF INFORMAL COMMITMENTS

Revocation

Part 83 is hereby revoked. The provisions of this part are now covered by Part 17, Subchapter A of this chapter.

MAURICE W. ROCHE, *Administrative Secretary.*

AUGUST 28, 1959.

[F.R. Doc. 59-7320; Filed, Sept. 2, 1959; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 146—PROCUREMENT INSPECTION STAMPING

Miscellaneous Amendments

§ 146.1 [Amendment]

Section 146.1 (d) and (e)(2) are revised as follows:

1. In the footnote "1", referred to in § 146.1(d), the DD form numbers 250-4 and 738 should be deleted and "DD Form 1155" inserted in lieu thereof.

2. In § 146.1(e)(2), the reference to DD Form 250-3 in the last sentence is changed to read "DD Form 250 series".

(Sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a)

MAURICE W. ROCHE, *Administrative Secretary.*

AUGUST 28, 1959.

[F.R. Doc. 59-7321; Filed, Sept. 2, 1959; 8:45 a.m.]

PART 148—USE OF THE MILITARY POSTAL SERVICE

Policy and Implementation

The following miscellaneous changes to Part 148 have been authorized:

1. A new subparagraph (3) has been added to § 148.4(b), as follows:

§ 148.4 Policy.

* * * * * * *

(b) * * *

(3) Retired personnel of the Armed Forces of the United States who are U.S. citizens, and their dependents, when accompanying the principal.

2. Section 148.5(e) has been revised and § 148.5(h) has been added as follows:

§ 148.5 Implementation.

* * * * * * *

(e) That postal privileges are withdrawn from retired military personnel and civilians when there is evidence of abuse of the privilege.

* * * * * * *

(h) That the Military Postal Service is not used by individuals or agencies for commercial or business purposes or to transmit items intended for resale.

(Sec. 201, 61 Stat. 499, as amended; 5 U.S.C. 171 note)

MAURICE W. ROCHE, *Administrative Secretary.*

[F.R. Doc. 59-7324; Filed, Sept. 2, 1959; 8:46 a.m.]

SUBCHAPTER N—TRANSPORTATION

PART 211—POLICY GOVERNING TRANSPORTATION AND ACCOMMODATIONS OF MILITARY PERSONNEL AND THEIR DEPENDENTS, CIVILIAN EMPLOYEES AND THEIR DEPENDENTS WHEN TRAVELING VIA COMMERCIAL, GOVERNMENT OR PRIVATE TRANSPORTATION

Use of Supplemental Air Carriers

Section 211.3(a)(4)(i) (*a*) and (*c*) have been amended to read as follows:

§ 211.3 Air Transportation.

(a) *Commercial air transportation.*

* * *

(4) *Use of supplemental air carriers.*

(i) * * *

(*a*) The schedule of the proposed flight is satisfactory and will assure arrival to meet requirements of the travel orders.

* * * * *

(*c*) Use of such supplemental air carriers otherwise meets military requirements and is acceptable to personnel in an individual travel status.

(Sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a)

MAURICE W. ROCHE, *Administrative Secretary.*

[F.R. Doc. 59-7323; Filed, Sept. 2, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 33]

[Bureau of Mines Schedule 25B]

DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Proposed Revision of Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a)), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 1, 66 Stat. 709, 30 U.S.C. 482(a); it is proposed to revise the regulations in Part 33, Title 30 Code of Federal Regulations, as set forth below.

The principal revisions are: Format changed, a single certificate of approval covers a dust collector with electrical components, testing procedure modified to eliminate conformance with requirements of electrical parts operated outby last open crosscuts, and definitions are extended to include the foregoing changes.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY, *Director.*

Approved: August 28, 1959.

FRED A. SEATON, *Secretary of the Interior.*

Part 33 of Title 30 would read as follows:

Subpart A—General Provisions

Sec.
33.1 Purpose.
33.2 Definitions.
33.3 Consultation.
33.4 Types of dust collectors for which certificates of approval may be granted.
33.5 Fees for investigation.
33.6 Applications.
33.7 Date for conducting tests.
33.8 Conduct of investigations, tests, and demonstrations.
33.9 Certificates of approval.
33.10 Approval plates.
33.11 Changes after certification.
33.12 Withdrawal of certification.

Subpart B—Dust Collector Requirements

33.20 Design and construction.
33.21 Modification of test unit.
33.22 Mode of use.
33.23 Mechanical positioning of parts.

Subpart C—Test Requirements

33.30 Test site.
33.31 Test space.
33.32 Determination of dust concentration.
33.33 Allowable limits of dust concentration.
33.34 Drilling test.
33.35 Methods of drilling—dust collector unit.
33.36 Methods of drilling—combination unit.
33.37 Test procedure.
33.38 Electrical parts.

AUTHORITY: §§ 33.1 to 33.38 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 33.1 Purpose.

The regulations in this part set forth the requirements for dust collectors used in connection with rock drilling in coal mines to procure their certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

§ 33.2 Definitions.

As used in this part:

(a) "Permissible," as applied to a dust collector, means that it conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the dust collector unit or combination unit has met the requirements of this part and authorizing the use and attachment of an official approval plate or a marking so indicating.

(d) "Dust collector unit" means a complete assembly of parts comprising apparatus for collecting the dust that results from drilling in rock in coal mines.

(e) "Combination unit" means a rock-drilling device with an integral dust-collecting system, or mining equipment with an integral rock-drilling device and dust-collecting system.

(f) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs and manufactures, assembles or controls the assembly of a dust collector unit, or a combination unit, and seeks a certificate of approval thereof.

§ 33.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh, 13, Pennsylvania, and discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 33.4 Types of dust collectors for which certificates of approval may be granted.

(a) Certificates of approval will be granted only for completely assembled dust-collector or combination units; parts or subassemblies will not be certified.

(b) The following types of equipment may be certified: Dust-collector or combination units having components designed specifically to prevent dissemination of airborne dust generated by drilling into coal-mine rock strata in concentrations in excess of those hereinafter stated in § 33.33 as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without dissemination into the mine atmosphere in quantities that would create unhygienic conditions.

§ 33.5 Fees for investigation.

(a) The following fees are charged for inspecting, testing, and certifying dust collectors:

(1) Preliminary review of drawings, specifications, and related data, each unit	$35
(2) Detailed inspection to determine adequacy of design and materials, each unit	50
(3) Detailed inspection to determine adequacy of design and materials relating to changes subsequent to an initial investigation, per man day or fraction thereof	[1] 30
(4) Drilling each set of 10 test holes	100
(5) Final examination and recording of drawings and specifications, and issuing certificate of approval	50
(6) Extension of certificate of approval to cover changes in design, specifications, etc	20

[1] In addition the applicant shall reimburse the Bureau for necessary travel and subsistence expenses of its representative(s) according to "Standardized Government Travel Regulations" when such Bureau representative(s) is required to be away from official headquarters.

(b) Additional fees shall be charged in accordance with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) for examining and testing electrical parts of dust collectors required under § 33.38.

(c) The full fee must accompany an application for certification of a unit or

for retesting a unit that has been previously tested and disapproved; but if less work is involved than for a complete investigation, the charge will be in proportion to the work done, and any surplus will be refunded to the applicant.

(d) The fee for an extension of certification to cover modifications of equipment will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(e) If the applicant is uncertain as to the amount of fee that should be sent with his application, the information will be furnished him in writing upon request addressed to the Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

§ 33.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate (except as otherwise provided in paragraph (e) of this section), accompanied by a check, bank draft, or money order payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related materials. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

(b) The application shall specify the operating conditions (see § 33.22) for which certification of approval is requested.

(c) Shipment of the unit to be tested shall be deferred until the Bureau has notified the applicant that the application will be accepted. Shipping instructions will be issued by the Bureau and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by the Bureau, the applicant shall remove his equipment promptly from the test site (see § 33.30).

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit and to disclose its materials and detailed dimensions of all component parts. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications and drawings, including a complete assembly drawing with each part of the dust-collecting system identified thereon, shall include:

(1) Details of all parts of the dust-collecting system of the unit. A manufacturer who supplies the applicant with component parts or subassemblies may submit drawings and specifications of such parts or subassemblies direct to the Bureau instead of to the applicant. If the dust collector unit or the combination unit is certified, the Bureau will supply the applicant with a list, in duplicate, of drawing numbers pertaining to such parts or subassemblies for identification purposes only.

(2) Details of the electrical parts of units designed to operate as face equipment (see § 33.38) in accordance with the provisions of Part 18 of Subchapter D (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

(3) Storage capacity of the various stages of dust collection in the dust separator.

(4) Net filter area in the dust separator, and complete specifications of the filtering material.

(e) If an application is made for certification of a dust collector unit or a combination unit that includes electrical parts, and is designed to operate as electric face equipment, as defined in § 33.38, the application shall be in triplicate. One copy of the application shall be marked Attention: Chief, Branch of Electrical-Mechanical Testing.

(f) The application shall state that the unit is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(g) The applicant shall furnish a complete unit for inspection and testing. Spare parts, such as gaskets and other expendable components subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. If special tools are necessary to disassemble any part for inspection or test, the applicant shall furnish these with the equipment to be tested.

(h) Each unit shall be carefully inspected before it is shipped from the place of manufacture or assembly and the results of the inspection shall be recorded on a factory inspection form. The applicant shall furnish the Bureau with a copy of the factory inspection form with his application. The form shall direct attention to the points that must be checked to make certain that all parts of the unit are in proper condition, complete in all respects, and in agreement with the drawings and specifications filed with the Bureau.

(i) With the application the applicant shall furnish to the Bureau complete instructions for operating and servicing the unit and information as to the kind of power required to operate the unit. After the Bureau's investigation, if any revision of the instructions is required a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 33.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a dust collector unit fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 33.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose any details of drawings, specifications, and related materials. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved dust collector unit as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating combination units.

§ 33.9 Certificates of approval.

(a) Upon completion of investigation of a unit, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a unit upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the unit, including the electrical parts, if applicable, upon which the certificate is based. Applicants shall keep exact duplicates of the drawings and specifications submitted and the list of drawing numbers referred to in subparagraph 1 of paragraph (d) of § 33.6 that relate to the unit which has received a certificate of approval, and these are to be adhered to exactly in production of the certified unit.

§ 33.10 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval plate bearing the seal of the Bureau of Mines, the approval number or space for the approval number (or numbers if permissibility of electrical parts is involved), the type and the serial number of the unit, conditions of approval, identifying numbers of the dust-collector parts, the name of the unit, and the name of the applicant. When deemed necessary by the Bureau, an appropriate statement shall be added, giving the precautions to be observed in maintaining the unit in an approved condition.

(b) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each unit to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the approval of the Bureau. The method of affixing the plate shall not impair the dust-collection or explosion-proof features of the unit.

(c) The approval plate identifies the unit, to which it is attached, as permissible, and is the applicant's guarantee that the unit complies with the requirements of this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(d) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval was based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 33.11 Changes after certification.

If an applicant desires to change any feature of a certified unit, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed changes, and shall be accompanied by drawings, specifications, and related data showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified unit or component will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit. The Bureau will inform the applicant whether such testing is required, the components or materials to be submitted for that purpose, and the fee.

(c) If the proposed modification meets the requirements of this part and Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) if applicable, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 33.12 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certificate of approval granted under this part.

Subpart B—Dust Collector Requirements

§ 33.20 Design and construction.

(a) The Bureau will not test or investigate any dust collector that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify the tests specified in this part in such manner to obtain substantially the same information and degree of protection as provided by the tests described in Subpart C of this part.

(b) Adequacy of design and construction of a unit will be determined in accordance with its ability (1) to prevent the dissemination of objectionable or harmful concentrations of dust into a mine atmosphere, and (2) to protect against explosion and/or fire hazards of electrical equipment.

§ 33.21 Modification of test unit.

For test purposes the unit may be modified, such as by attaching instruments or measuring devices, at the Bureau's discretion; but such modification shall not alter the performance of the unit.

§ 33.22 Mode of use.

Dust collector or combination units may be designed for use in connection with percussion and/or rotary drilling in any combination of the following drilling positions: (a) Vertically upward, (b) upward at angles to the vertical, (c) horizontally, and (d) downward. Dust collector units may be designed for use with specific drilling equipment and at rated drilling speeds.

§ 33.23 Mechanical positioning of parts.

All parts of a unit that are essential to the dust-collection feature shall be provided with suitable mechanical means for positioning and maintaining such parts properly in relation to the stratum being drilled.

Subpart C—Test Requirements

§ 33.30 Test site.

Tests shall be conducted at the Bureau's Experimental Mine, Bruceton, Pennsylvania, or other appropriate place(s) determined by the Bureau.

§ 33.31 Test space.

(a) Drilling tests shall be conducted in a test space formed by two curtains suspended across a mine opening in such a manner that the volume of the test space shall be approximately 2,000 cubic feet.

(b) No mechanical ventilation shall be provided in the test space during a drilling test, except such air movement as may be induced by operation of drilling- or dust-collecting equipment.

(c) All parts of a unit shall be within the test space during a drilling test.

§ 33.32 Determination of dust concentration.

(a) Concentrations of airborne dust in the test space shall be determined by sampling with a midget impinger apparatus, and a light-field microscopic technique shall be employed in determining concentrations of dust in terms of millions of particles (5 microns or less) per cubic foot of air sampled.

(b) Before a drilling test is started the surfaces of the test space shall be wetted; the test space shall be cleared of airborne dust insofar as practicable by mechanical ventilation or other means; and an atmospheric sample, designated as a control sample, shall be collected during a 5-minute period to determine residual airborne dust in the test space.

(c) A sample of airborne dust, designated as a test sample, shall be collected in the breathing zone of each drill operator while drilling is in progress.

§ 33.33 Allowable limits of dust concentration.

(a) The concentration of dust determined by the control sample shall be subtracted from the average concentration of dust determined by the test samples, and the difference shall be designated as the net concentration of airborne dust resulting from the escape of dust from the dust-collecting system. Calculations of the average concentration of dust determined from the test samples shall be based upon the results of not less than 80 percent of each set of 10 test samples.

(b) Under each prescribed test condition, the net concentration of airborne dust at each drill operator's position shall not exceed 10 million particles (5 microns or less) per cubic foot of air when determined in accordance with the method given in paragraph (a) of § 33.32.

§ 33.34 Drilling test.

(a) A drilling test shall consist of drilling a set of 10 holes with each drill involved under the specified operating conditions. The drilling of all sets of holes shall begin simultaneously and drilling shall continue until all holes are drilled.

(b) Holes shall be drilled to a depth of 4 feet plus or minus 2 inches and shall be spaced so as not to interfere with adjacent holes. Each hole may be plugged after completion.

(c) Receptacles and filters for collecting drill cuttings shall be emptied and cleaned before each drilling test is started.

(d) Holes designated as "vertical" shall be drilled to incline not more than 10 degrees to the vertical. Holes designated as "angle" shall be drilled to incline not less than 30 and not more than 45 degrees to the vertical. Holes designated as "horizontal" shall be drilled to incline not more than 15 degrees to the horizontal.

§ 33.35 Methods of drilling—dust collector unit.

(a) *General.* All drilling shall be done with conventional, commercial drilling equipment—pneumatic-percussion, hydraulic-rotary, and/or electric-rotary types.

(b) *Pneumatic-percussion drilling.* A stoper-type drill with a piston diameter of 2½ to 3 inches shall be used for roof drilling. A hand-held, sinker-type drill with a piston diameter of 2½ to 3 inches shall be used for down drilling and also for horizontal drilling, except that the drill shall be supported mechanically. Compressed air for operating the drill shall be supplied at a gage pressure of 85–95 pounds per square inch. Drill bits shall be detachable, cross type with hard inserts, and shall be sharp when starting

to drill each set of 10 holes. In roof drilling, 1¼- and 1½-inch diameter drill bits shall be used; in horizontal and down drilling, 1¾-inch diameter bits shall be used. The drill steel shall be ⅞-inch hexagonal and of hollow type to permit the introduction of compressed air through the drill steel when necessary to clean a hole during drilling.

(c) *Rotary drilling.* A hydraulic-rotary drill with a rated drilling speed of 18 feet per minute free lift, capable of rotating drill steel at 900 revolutions per minute with 100 foot-pounds torque, and having a feed force of 7,000 pounds, shall be used for roof drilling. An electric-rotary drill, supported by a post mounting, with a rated drilling speed of 30 inches per minute and powered by a 2.25 horsepower motor shall be used for horizontal drilling. For roof drilling, the bits shall be hard-tipped, 1⅜ and 1½ inches outside diameter, and 1¼-inch auger-type drill steel shall be used. For horizontal drilling, the bits shall be hard-tipped, 2 inches outside diameter, and 1¾-inch auger-type drill steel shall be used. Drill bits shall be sharp when starting to drill each set of 10 holes.

§ 33.36 Method of drilling—combination unit.

Drilling with a combination unit shall be conducted in accordance with the applicant's specifications and operating instructions. If special drill bits or drill steel are required, they shall be furnished to the Bureau by the applicant. Otherwise the drill bit and drill steel requirements stated in paragraphs (b) and (c) of § 33.35 shall be complied with for all types of combination units.

§ 33.37 Test procedure.

(a) *Roof drilling.* Units specified for use with both percussion and rotary drills shall be tested with both types; otherwise tests shall be confined to the type of drill for which the unit is specified. Drilling shall be done in friable strata, similar to the roof in the Bureau's Experimental Mine, which tends to produce large scale-like cuttings.

(b) *Horizontal drilling.* Units specified for use with both percussion or rotary drills shall be tested with both types; otherwise tests shall be confined to the type of drill for which the unit is specified. Holes shall be drilled in strata comparable in hardness to that of coal-mine draw slate. Holes shall be started near the roof of the test space under conditions simulating the drilling of draw slate in coal mining.

(c) *Down drilling.* Holes shall be drilled in typical mine floor strata with a pneumatic percussion-type drill. Five holes shall be drilled vertically and five holes shall be drilled at an angle.

§ 33.38 Electrical parts.

(a) Units with electrical parts and designed to operate as electric face equipment[1] shall meet the requirements of Part 18 of Subchapter D (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F), and the examination and testing of the electrical parts shall be entirely separate from the examination and testing of dust-collecting equipment as such.

(b) Units with electrical parts designed to operate only outby the last open crosscut in a coal-mine entry, room, or other opening (including electric-drive units with their controls and push buttons) are not required to comply with the provisions of Part 18 of Subchapter D (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

[1] See definition of electric face equipment, § 45.44–1 of this chapter.

[F.R. Doc. 59–7351; Filed, Sept. 2, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1024]

[Docket No. AO–308]

MILK IN OHIO VALLEY MARKETING AREA

Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area, which was issued August 7, 1959, (24 F.R. 6504), is hereby extended to September 15, 1959.

Dated: August 28, 1959.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 59–7316; Filed, Sept. 2, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket No. 856]

CONSULAR FEE DISCRIMINATION BY REPUBLIC OF ECUADOR; EQUALIZATION FEE

Notice of Proposed Rule Making

Whereas, notice of proposed rule making under the above-cited docket appeared in the FEDERAL REGISTER issue of July 3, 1959 (24 F.R. 5422) wherein all interested persons were invited to file written comments; and

Whereas, Flota Mercante Grancolombiana, S.A. has filed with the Federal Maritime Board a Motion to Dismiss this proceeding alleging as grounds therefore that (1) the Board has no authority to impose taxes or duties on exports, (2) the tax or duty proposed is unconstitutional, (3) Section 19, Merchant Marine Act, 1920, insofar as it may be thought to imply power in the Board to impose the tax or duty proposed, is invalid, and (4) section 19 was not intended by Congress to confer power to tax exports; which Motion may be inspected at the Office of the Secretary, Federal Maritime Board, Washington, D.C.;

Now therefore, it is ordered that all persons interested in the proposed regulations which are the subject of this proceeding may file with the Secretary, Federal Maritime Board, Washington 25, D.C., U.S.A., briefs upon the issues raised by the aforesaid Motion to Dismiss not later than the close of business on September 21, 1959.

Dated: September 1, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7386; Filed, Sept. 2, 1959; 8:52 a.m.]

FEDERAL AVIATION AGENCY

Bureau of Air Traffic Management

[14 CFR Part 600]

[Airspace Docket No. 59–WA–43]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6047 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 47 presently extends from Bowling Green, Ky., to Detroit, Mich. The distance between the Bowling Green, Ky., VOR and the Nabb, Ind., VOR is approximately 110 miles, which is in excess of the desired 90 mile normal maximum spacing between VOR's. The Federal Aviation Agency is considering the realignment of this airway via a VOR proposed to be installed approximately November 1, 1959 in the vicinity of Mystic, Ky., at latitude 37°53'39", longitude 86°14'42", which would provide more precise navigational guidance. If this action is taken, Victor 47 would be designated from Bowling Green, Ky., VOR via the Mystic, Ky., VOR; to the Nabb, Ind., VOR. The control areas associated with Victor 47 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6047 *VOR Federal airway No. 47 (Bowling Green, Ky., to Detroit, Mich.)*, (14 CFR, 1958 Supp., 600.6047) as follows:

In the text, delete "via the point of INT of the Bowling Green VOR 008° and the Louisville, Ky., VOR 245° radials;" and substitute therefor "via the Mystic, Ky., VOR;".

Issued in Washington, D.C., on August 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7325; Filed, Sept. 2, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 59–34]

EQUIPMENT, INSTALLATIONS, OR MATERIALS, AND CHANGE IN ADDRESS OF MANUFACTURER

Approval and Amendments of Prior Document

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56–28 dated July 24, 1956 (21 F.R. 5659), and R.S. 4405, as amended, 4462, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 489, 367, 526p, 1333, 390b), and section 3(c) of the Act of August 9, 1954 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I:

It is ordered, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. The change in name and address of manufacturers shall be made as indicated in Part II of this document.

d. The corrections to the Coast Guard document CGFR 59–30 regarding approval and termination of approval of equipment, installations, or materials and change in name of manufacturer approved July 21, 1959 and published in the FEDERAL REGISTER of July 28, 1959 (24 F.R. 6009–6015) shall be made as indicated in Part III of this document.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/86/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.002/87/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by New York Rubber Corporation, Swainsboro, Ga.

LIFE PRESERVERS, CORK, ADULT AND CHILD (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/25/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.003/26/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by New York Rubber Corporation, Swainsboro, Ga.

LIFE PRESERVERS, BALSA WOOD, ADULT AND CHILD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/21/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.004/22/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by New York Rubber Corporation, Swainsboro, Ga.

CLEANING PROCESSES FOR LIFE PRESERVERS

Approval No. 160.006/1/1, No. 111 cleaning process for kapok life preservers without vinyl covered pad inserts, as outlined in description of process dated December 1, 1944, from Sinclair & Valentine Co., 611 West 129th Street, New York 27, N.Y. (Supersedes Approval No. 160.006/1/0 published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.006/2/1, Filter-VAC Cleaning Process for kapok life preservers without vinyl covered pad inserts, as outlined in letter dated January 25, 1944, from Rug Renovating Co., Inc., 1438 33d Avenue, Long Island City, N.Y. (Supersedes Approval No. 160.006/2/0 published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.006/4/1, Sullivan Cleaning Process for kapok life preservers without vinyl covered pad inserts, as outlined in letter dated June 11, 1945, from Sullivan Awning Co., 245 South Van Ness Avenue, San Francisco 3, Calif. (Supersedes Approval No. 160.006/4/0 published in FEDERAL REGISTER October 4, 1957.)

Approval No. 160.006/20/1, U.S. Cleaners and Dyers Cleaning Process for kapok life preservers without vinyl covered pad inserts, as outlined in description of process dated December 23, 1950, from U.S. Cleaners and Dyers, Inc., 716 Washington Street, Hoboken, N.J. (Supersedes Approval No. 160.006/20/0 published in FEDERAL REGISTER May 15, 1956.)

Approval No. 160.006/21/1, Overall Cleaning Process for kapok life preservers without vinyl covered pad inserts, as outlined in letter of April 1, 1952, from Overall Cleaning and Supply Co., 220 Yale Avenue, North, Seattle 9, Wash. (Supersedes Approval No. 160.006/21/0 published in FEDERAL REGISTER August 3, 1957.)

Approval No. 160.006/22/1, Northwest Cleaning Process for cork life preservers and kapok life preservers without vinyl covered pad inserts, as outlined in description of process submitted with letter of November 24, 1953, from Northwest Industrial Laundry Co., 1848 Northwest 23d Avenue, Portland 10, Oreg. (Supersedes Approval No. 160.006/22/0 published in FEDERAL REGISTER June 20, 1959.)

Approval No. 160.006/23/1, Associated Cleaning Process for kapok life preservers without vinyl covered pad inserts, as

outlined in letter dated May 18, 1954, from Associated Cleaners, Cornwall at Carolina, Bellingham, Wash. (Supersedes Approval No. 160.006/23/0 published in FEDERAL REGISTER October 6, 1954.)

BUOYANT APPARATUS

Approval No. 160.010/56/0, 9.75′ x 6.25′ (10½″ x 10½″ body section) rectangular aluminum buoyant apparatus with unicellular plastic foam core, 30-person capacity, dwg. No. 60093 dated May 19, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/4, Model 241–A, Type II, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241–A dated February 21, 1950, revised March 18, 1959, manufactured by Great Bend Manufacturing Corp., 248 Main Street, Fort Lee, N.J. (Supersedes Approval No. 160.017/4/3 published in FEDERAL REGISTER January 30, 1957.)

LIFE FLOATS

Approval No. 160.027/39/1, 6.0′ x 2.83′ (8½″ x 8½″ body section) rectangular aluminum life float with unicellular plastic foam core, 7-person capacity, dwg. No. 60064, Rev. B dated June 29, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.027/39/0 published in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.027/47/1, 7.5′ x 4.0′ (10½″ x 10½″ body section) rectangular aluminum life float with unicellular plastic foam core, 15-person capacity, dwg. No. 60068 dated January 24, 1958, revised May 22, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.027/47/0 published in FEDERAL REGISTER June 3, 1958.)

Approval No. 160.027/49/1, 9.0′ x 5.0′ (10½″ x 10½″ body section) rectangular aluminum life float with unicellular plastic foam core, 22-person capacity, dwg. No. 60074, Rev. B dated May 22, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.027/49/0 published in FEDERAL REGISTER July 4, 1958.)

DAVITS

Approval No. 160.032/162/0, Mechanical davit, straight boom sheath screw, Type B–30, approved for a maximum working load of 6,000 pounds per set (3,000 pounds per arm), identified by arrangement dwg. No. 80245, Rev. A dated April 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

LIFEBOATS

Approval No. 160.035/311/1, 24.0′ x 8.0′ x 3.5′ steel, motor-propelled lifeboat without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 24–9E, Rev. C dated July 2, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Reinstates and supersedes Approval No. 160.035/311/0 terminated in FEDERAL REGISTER March 14, 1959.)

Approval No. 160.035/395/0, 24.0′ x 8.3′ x 3.58′ steel, oar-propelled lifeboat, 43-person capacity, identified by general arrangement dwg. No. G–2443 dated June 1959 and revised June 23, 1959, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y.

Approval No. 160.035/402/0, 22.0′ x 7.5′ x 3.17′ steel, oar-propelled lifeboat with removable interior, 31-person capacity, identified by construction and arrangement dwg. No. 80259, Rev. A dated July 10, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/238/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Knight Leather Products, Inc., 126 Call Street, Jamaica Plain 30, Mass.

Approval No. 160.047/239/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Knight Leather Products, Inc., 126 Call Street, Jamaica Plain 30, Mass.

Approval No. 160.047/240/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Knight Leather Products, Inc., 126 Call Street, Jamaica Plain 30, Mass.

Approval No. 160.047/247/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.047/248/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.047/249/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by New York Rubber Corporation, Swainsboro, Ga.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/153/0, Special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Knight Leather Products, Inc., 126 Call Street, Jamaica Plain 30, Mass.

Approval No. 160.048/154/0, Special approval for 17″ diameter x 2″ thick, round kapok buoyant cushion, 20 oz. kapok, dwgs. C–20 and A–103 dated June 15, 1959, manufactured by The American Pad & Textile Co., Greenfield, Ohio; 511 North Solomon Street, New Orleans 19, La.; and Fairfield, Calif.

Approval No. 160.048/157/0, Group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.048/158/0, Special approval for 14″ x 17″ x 2″ rectangular, ribbed-type, four compartment kapok buoyant cushion, 21 oz. kapok, Airubber Div. dwg. No. 1 dated June 23, 1959, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.048/159/0, Special approval for 14″ x 19″ x 2″ rectangular, ribbed-type, four compartment kapok buoyant cushion, 24 oz. kapok, Airubber Div. dwg. No. 1 dated June 23, 1959, manufactured by New York Rubber Corporation, Swainsboro, Ga.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/29/0, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Allgood Products Co., 824 West Eighth Street, Little Rock, Ark.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/78/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Allgood Products Co., 824 West Eighth Street, Little Rock, Ark.

Approval No. 160.052/79/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Allgood Products Co., 824 West Eighth Street, Little Rock, Ark.

Approval No. 160.052/80/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Allgood Products Co., 824 West Eighth Street, Little Rock, Ark.

Approval No. 160.052/81/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.052/82/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by New York Rubber Corporation, Swainsboro, Ga.

Approval No. 160.052/83/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by New York Rubber Corporation, Swainsboro, Ga.

FIRE EXTINGUISHERS, PORTABLE HAND, CARBON DIOXIDE TYPE

Approval No. 162.005/106/0, Randolph Model M5M, 5-lb. carbon dioxide type hand portable fire extinguisher, parts list No. 5265 dated April 10, 1959, assembly dwg. No. 3048, Rev. 2 dated May 26, 1958, nameplate dwg. No. 963A, Rev. No. 16 dated May 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Randolph Laboratories, Inc., 1450 Frontage Road, Northbrook, Ill.

Approval No. 162.005/116/0, Redi-Freeze Model CD–5 (Symbol KI), 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 870390, Rev. F dated November 18, 1957, name plate dwg. No. 271199, Rev. C dated May 27, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J., for Stop-Fire, Inc., New Brunswick, N.J.

Approval No. 162.005/117/0, Redi-Freeze Model CD–10 (Symbol KI), 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 870811, Rev. B dated November 17, 1954, name plate dwg. No. 271200, Rev. B dated May 27, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J., for Stop-Fire, Inc., New Brunswick, N.J.

Approval No. 162.005/118/0, Redi-Freeze Model CD–15 (Symbol KI), 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 870369, Rev. B dated November 17, 1954, name plate dwg. No. 271201, Rev. B dated May 27, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J., for Stop-Fire, Inc., New Brunswick, N.J.

Approval No. 162.005/119/0, Kidde Model 5T–2, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 890613, Rev. A dated August 20, 1958, name plate dwg. No. 271368, Rev. C dated October 23, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

Approval No. 162.005/120/0, Kidde Model 10T–2, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 872017, Rev. A dated June 16, 1958, name plate dwg. No. 271290, revised May 19, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

Approval No. 162.005/121/0, Kidde Model 15T–2, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 872018, Rev. A dated June 16, 1958, name plate dwg. No. 271291, revised May 19, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J.

Approval No. 162.005/125/0, Dayton Model 83–1, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. B–22684 dated April 13, 1959, name plate dwg. No. C–4888, Rev. 6 dated May 5, 1958 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Dayton Fire Extinguisher Co., 1300 East First Street, Dayton 1, Ohio.

Approval No. 162.005/126/0, Dayton Model 84–1, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. C–22685, Rev. 1 dated June 12, 1959, name plate dwg. No. D–4901, Rev. 4 dated December 20, 1957 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Dayton Fire Extinguisher Co., 1300 East First Street, Dayton 1, Ohio.

Approval No. 162.005/127/0, Dayton Model 85–1, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. C–22686, Rev. 1 dated June 22, 1959, name plate dwg. No. D–4880 Rev. 5 dated December 20, 1957 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Dayton Fire Extinguisher Co., 1300 East First Street, Dayton 1, Ohio.

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/21/0, Elkhart Model EAN–CG, stored pressure anti-freeze type 2½-gal. hand portable fire extinguisher, assembly dwg. No. C–41402, revised May 4, 1956, name plate dwg. No. B–43767, Rev. A dated May 10, 1959 (Coast Guard classification: Type A, Size II), manufactured by Elkhart Brass Manufacturing Co., Inc., Elkhart, Ind.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Approval No. 162.010/15/1, Fyr-Fyter Model No. 26–1, 10-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 26–1, Rev. B dated March 10, 1959, name plate dwg. No. 4183, Rev. J dated June 24, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/15/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/16/1, Buffalo Model No. 26–2, 10-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 26–2, Rev. B dated March 10, 1959, name plate dwg. No. 4185, Rev. H dated December 30, 1958 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/16/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/17/1, Fyr-Fyter Model No. 27–1, 20-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 27–1, Rev. B dated March 10, 1959, name plate dwg. No. 3909, Rev. I dated June 24, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/17/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/18/1, Buffalo Model No. 27–2, 20-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 27–2, Rev. B dated March 10, 1959, name plate dwg. No. 4306, Rev. G dated December 30, 1958 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/18/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/19/1, Fyr-Fyter Model No. 28–1, 30-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 28–1, Rev. B dated March 10, 1959, name plate dwg. No. 4184, Rev. H dated June 24, 1959 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/19/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/20/1, Buffalo Model No. 28–2, 30-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 28–2, Rev. B dated March 10, 1959, name plate dwg. No. 4186, Rev. F dated December 30, 1958 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/20/0 published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.010/79/1, Kidde Model 2½–DCP, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 872449, Rev. E dated January 4, 1959, name plate dwg. No. 271238, Rev. B dated February 6, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J. (Supersedes Approval No. 162.010/79/0 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.010/81/1; C-O-Two Model No. PDC–2½P, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. PDC–2½P, Rev. G dated April 29, 1959, name plate dwg. No. 7141, Rev. C dated February 3, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/81/0 published in FEDERAL REGISTER June 20, 1959.)

Approval No. 162.010/83/1, Fyr-Fyter Model No. 23–3, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 23–3, Rev. G dated April 29, 1959, name plate dwg. No. 7141, Rev. C dated February 3, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/83/0 published in FEDERAL REGISTER June 20, 1959.)

Approval No. 162.010/85/1, Buffalo Better-Built Model No. 23–4, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 23–4, Rev. G dated April 29, 1959, name plate dwg. No. 7140, Rev. C dated

February 3, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/85/0 published in FEDERAL REGISTER June 20, 1959.)

Approval No. 162.010/88/1, Kidde Model 5DCP, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 890610, Rev. E dated January 2, 1959, name plate dwg. No. 271239, Rev. D dated March 11, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Co., Inc., Belleville 9, N.J. (Supersedes Approval No. 162.010/88/0 published in FEDERAL REGISTER March 14, 1959.)

Approval No. 162.010/92/0, Yankee Model M600 (Symbol S–F), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. DC2C–0–57 dated June 9, 1958, name plate dwg. No. DC2½ Yankee dated February 10, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., New Brunswick, N.J., for Yankee Metal Products Corp., Norwalk, Conn.

Approval No. 162.010/94/1, Dayton Model 23–8, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 23–8, Rev. G dated April 29, 1959, name plate dwg. No. 7367, Rev. A dated March 3, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.010/94/0 published in FEDERAL REGISTER June 20, 1959.)

Approval No. 162.010/106/0, Dayton Model No. 26–8, 10-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 26–8, Rev. B dated March 10, 1959, name plate dwg. No. 7369, Rev. A dated April 21, 1959 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/107/0, Dayton Model No. 27–8, 20-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 27–8, Rev. B dated March 10, 1959, name plate dwg. No. 7370, Rev. A dated April 21, 1959 (Coast Guard classification: Type B, Size III; and Type C, Size III), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/108/0, Dayton Model No. 28–8, 30-lb. dry chemical pressure cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 28–8, Rev. B dated March 10, 1959, name plate dwg. No. 7371, Rev. A dated April 21, 1959 (Coast Guard classification: Type B, Size IV; and Type C, Size IV), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.010/116/0, American LaFrance Model PDC–2½B, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1348, Rev. E dated April 7, 1959, name plate dwg. No. 33X–547, Rev. C dated June 25, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance, Division of Sterling Precision Corp., Elmira, N.Y.

Approval No. 162.010/117/0, Protexall Deluxe Model 2½B, 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1372 dated April 15, 1959, name plate dwg. No. 33X–603, Rev. A dated June 25, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance, Division of Sterling Precision Corp., Elmira, N.Y.

Approval No. 162.010/120/0, Protexall Model 5, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assemby dwg. No. 33X–1377, Rev. B dated June 9, 1959, name plate dwg. No. 33X–629, Rev. A dated June 26, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance, Division of Sterling Precision Corp., Elmira, N.Y.

Approval No. 162.010/121/0, Protexall Model 10, 10-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1378, Rev. B dated June 9, 1959, name plate dwg. No. 33X–630, Rev. A dated June 25, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American LaFrance, Division of Sterling Precision Corp., Elmira, N.Y.

Approval No. 162.010/122/0, Power-Pak Model CM–2.5 (Symbol GEN), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–12011 dated May 8, 1959, name plate dwg. No. CP2½–12006 dated May 6, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Power-Pak Products, Inc., 43 Pearl Street, Buffalo 2, N.Y.

Approval No. 162.010/123/0, Moor-Fite Model CPS–2½ (Symbol GEN), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–11463 dated May 25, 1959, name plate dwg. No. CP2½–11464, Rev. D dated May 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Moor-Fite, Inc., 1153 South Eastern Avenue, Los Angeles 23, Calif.

Approval No. 162.010/124/0, Quick Aid Model CP–2½A (Symbol GE, GEC, GEN, or GEP), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–6387 dated March 6, 1959, nameplate dwg. No. CP–2½–11943 dated March 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia 11, Pa., and 8740 Washington Boulevard, Culver City, Calif.

Approval No. 162.010/125/0, Fire Guard Model SP–2½A (Symbol GE, GEC, GEN, or GEP), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–11956 dated March 6, 1959, nameplate dwg. No. CP2½–11955 dated March 20, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill.

Approval No. 162.010/126/0, Ace Model E–229 (Symbol GEN), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–12087 dated May 28, 1959, nameplate dwg. No. CP2½–12085 dated May 28, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Ace Chemical Co., 627 Howard Street, Detroit 26, Mich.

BULKHEAD PANELS

Approval No. 164.008/38/1, "Marine Board 60–P" asbestos board type bulkhead panel identical to those described in National Bureau of Standards Test Report No. 5756, Project No. 1002–30–4876 dated January 27, 1958, and in National Bureau of Standards Test Report No. 6425, Project No. 1002–30–4877 dated June 2, 1959, approved as meeting Class B–15 requirements in a ⅞-inch thickness, 37 pounds per cubic foot density, manufactured by Nippon Asbestos Co., Ltd., No. 3, 6-Chome, Ginza-Nishi, Chuo-Ku, Tokyo, Japan. (Supersedes Approval No. 164.008/38/0 published in FEDERAL REGISTER March 25, 1958.)

Approval No. 164.008/44/0, "Marine Board 100P" asbestos board type bulkhead panel identical to those described in National Bureau of Standards Test Report No. 6425, Project No. 1002–30–4877 dated June 2, 1959, approved as meeting Class B–15 requirements in a ⅞-inch thickness, 59 pounds per cubic foot density, manufactured by Nippon Asbestos Co., Ltd., No. 3, 6-Chome, Ginza-Nishi, Chuo-Ku, Tokyo, Japan.

PART II—CHANGE IN ADDRESS OF MANUFACTURER

The address of the Protection Products Co., Division of Ero Manufacturing Co., 2637 West Polk Street, Chicago, Ill., has been changed to 2637 West Polk Street, Chicago, Ill., and Hazlehurst, Georgia, for Approval Nos. 160.047/174/0, 160.047/175/0, and 160.048/117/0 for kapok buoyant cushions published in the FEDERAL REGISTER of March 25, 1958.

PART III—CORRECTION TO PRIOR DOCUMENT

The Coast Guard Document CGFR 59–30 and Federal Register Document 59–6190 published in the FEDERAL REGISTER of July 28, 1959, are corrected by making the following changes:

(a) Substitute "January 27," in lieu of "January 29" in Approval No. 162.001/15/2 under heading "Safety Valves (Power Boilers)." (24 F.R. 6011, 3d col.)

(b) Substitute drawing numbers G–921–302–2 C.G. Rev. 2 and A–928–302–6, Rev. 1 for G–621–320–2, Rev. 4 and A–982–302–6, Rev. 1, respectively, in Approval No. 162.010/87/0 under heading "Fire Extinguishers, Portable, Hand, Dry Chemical Type." (24 F.R. 6013, 3d col.)

Dated: August 27, 1959.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 59–7362; Filed, Sept. 2, 1959; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST, 25, 1959.

The Federal Aviation Agency (formerly Civil Aeronautics Administration), United States Department of Commerce, has filed an application, Serial Number Sacramento 057245 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws and the mineral leasing laws, subject to existing valid claims. The management, use, and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations. The applicant desires the land for establishment of air navigational facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawals may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 1000, Fourth and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 S., R. 12 E.,
Sec. 34: S½SW¼.
Total acreage: 80 acres.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 59–7347; Filed, Sept. 2, 1959; 8:49 a.m.]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 28, 1959.

The Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, has filed an application, Serial Number Wyoming 067583, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for inclusion as part of Naval Petroleum Reserve No. 3 (Teapot Dome), to be administered in connection with said reserve.

Since August 18, 1932, the lands have been temporarily withdrawn by Executive Order No. 5904 in connection with the Teapot Dome Reserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 78 W.,
Sec. 9, SW¼NE¼, NW¼SE¼, S½SE¼.

Containing 160 acres of public land.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59–7348; Filed, Sept. 2, 1959; 8:49 a.m.]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 27, 1959.

The Federal Aviation Agency, U.S. Department of Commerce, has filed an application, Serial Number Wyoming 068517, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for the Big Piney, Wyoming VORTAC facility, which will provide navigational aid for instrument flight rule approaches and departures at the Big Piney airfield.

The lands are part of airport lease Evanston 018332, issued to the town of Big Piney.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 111 W.,
Sec. 18, SE¼.

Containing 160 acres.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59–7349; Filed, Sept. 2, 1959; 8:49 a.m.]

ALASKA

Modification of Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Sports Fisheries and Wildlife has filed an application, Serial Number Fairbanks 017050, for withdrawal and reservation of lands for establishment of the Arctic Wildlife Range in northeastern Alaska. The notice of this proposed withdrawal and reservation of lands was published in the FEDERAL REGISTER, Volume 23, Number 14, Page 364, on January 21, 1958. A modification of this request was published in the FEDERAL REGISTER, Volume 23, Number 191, Page 7592, on September 30, 1958.

In the proposed notice, as modified, mining locations were precluded until on or after September 1, 1959. The applicant has recently requested further modification of the proposed withdrawal so as to preclude mining locations until on or after September 1, 1960. The recent request was made in order that the proposed range may remain intact pending final Congressional action following hearings on proposed legislation (H.R. 7045 and S. 1899).

Comments or protests to this modification of the proposed withdrawal of the Arctic Wildlife Range may be directed to Richard L. Quintus, Operations Supervisor, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska.

RICHARD L. QUINTUS,
Operations Supervisor.

[F.R. Doc. 59–7350; Filed, Sept. 2, 1959; 8:50 a.m.]

Office of the Secretary

WYANDOTTE TRIBE OF OKLAHOMA

Amendments to Final Roll

Pursuant to section 3 of the Act of August 1, 1956 (70 Stat. 893), there was published in the FEDERAL REGISTER on February 25, 1959, a final roll of the Wyandotte Tribe of Oklahoma. It has been determined that the following corrections to the roll are necessary:

Corrections in the spelling of two names and in the citation of the proposed roll number shown for one individual.

Deletion of the name of LaMotte Bernhardt, Final Roll No. 93. It has been determined that Mr. Bernhardt was not living on August 1, 1956, as required by the statute and should not be listed on the final roll.

Addition of the names of four persons who were inadvertently omitted in the preparation of the final roll, and three new roll numbers. Roll number 124 was not used on the final roll as published and is being assigned to one of the additions.

Listed below are the corrections and additions to and the deletion from the final roll of the Wyandotte Tribe of Oklahoma as previously published.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 28, 1959.

FINAL ROLL—WYANDOTTE TRIBE OF OKLAHOMA, PREPARED PURSUANT TO THE ACT OF AUG. 1, 1956 (70 STAT. 893)

Roll No. Final	Roll No. Proposed	Name	Sex	Date of birth	Allotment No.	Degree of blood	Family relationship	Residence	Remarks
					Corrections				
88	77	Bearskin, Ronald Leaford	M	(?)	None	3/16	Son	Mother's address: 132 G St., Miami, Okla.	First name corrected from Donald to Ronald.
180	146	Brumbaugh, Earn	M	2-23-16	None	1/8	Head	1009 West First St., Aberdeen, Wash.	First name corrected from Ears to Earn.
612	607	Long, Frank W	M	3-23-72	167	1/16	do	Pawnee, Okla	Proposed roll number corrected from 606 to 607.
					Deletion				
93	81	Bernhardt, LaMotte	M	9-28-23	None	1/16	Head	Owl Drug Store, Coffeyville, Kans	Died prior to date of act.
					Additions				
124	533	Keown, Helen Margaret	F	2-22-24	None	1/32	Head	Arkansas City, Kans	Roll No. 124 not used on roll as previously published.
1155	852	Reddington, Norma Lee Harris	F	7-3-34	None	1/16	Wife	Fairland, Okla	
1156	26	Russell, Jean Marie Andreoff	F	3-24-32	None	1/32	Head	25 East Marine View Terrace, Eureka, Calif.	
1157	22	Tanner, Viola Rina Andreoff	F	2-27-24	None	1/32	do	Route 4, Buhl, Idaho	

[F.R. Doc. 59-7352; Filed, Sept. 2, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of South Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Aurora.	Hamlin.
Beadle.	Hanson.
Brookings.	Hutchinson.
Brule.	Jerauld.
Buffalo.	Lincoln.
Charles Mix	Lyman.
Codington.	McCook.
Corson.	McPherson.
Davison.	Miner.
Deuel.	Perkins.
Dewey.	Potter.
Douglas.	Roberts.
Edmunds.	Sanborn.
Grant.	Turner.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of August, 1959.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59-7317; Filed, Sept. 2, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-20]

OCEAN TRANSPORT CO.

Notice of Application for Byproduct, Source and Special Nuclear Material License

Please take notice that an application for a license to provide a radioactive waste disposal service has been filed by the Ocean Transport Company, No. 1 Drumm Street, San Francisco 11, California.

The application specifies a maximum possession limit of 750 curies of byproduct material, 2,000 pounds of source material, and 4 grams of special nuclear material.

The applicant proposes to dispose of the waste in the Pacific Ocean within a 5 mile radius circle the center of which is at a point designated as parallel of Latitude 37°41' N. and meridian of Longitude 123°25' W. where the minimum depth is 1,000 fathoms or at other locations in the Pacific Ocean at a minimum depth of 1,000 fathoms when approved by the Commission. The material will be stored at the Ocean Transport Company's facility located at the foot of South 4th Street, corner of Wright Avenue, Inner Harbor, Richmond, California.

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 27th day of August 1959.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[F.R. Doc. 59-7322; Filed, Sept. 2, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18863]

CLARK FUEL PRODUCING CO. AND PRATT & HEWIT OIL CORP. OF TEXAS

Notice of Application and Date of Hearing

AUGUST 28, 1959.

Take notice that on June 25, 1959, Clark Fuel Producing Company and Pratt & Hewit Oil Corporation of Texas (Applicants) filed in Docket No. G-18863 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Tennessee Gas Transmission Company (Tennessee) from leases in Doss Field (or Cecil Field) and the East Coastal Field Area, Hidalgo and Starr Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract dated March 16, 1956, by and between Applicants, as sellers, and Tennessee, as buyer, on file with the Commission as Clark Fuel Producing Company (Operator) et al., FPC Gas Rate Schedule No. 2.

Applicants were authorized to render service to Tennessee pursuant to the aforesaid contract by Commission order issued April 8, 1957, in Docket No. G-10150, which order also authorized service under another contract not involved herein.

Applicants state that the available supply of natural gas covered by the aforesaid contract has become depleted and the last well on the property involved has been plugged and abandoned, all other wells thereon having been previously plugged and abandoned.

Notice of cancellation of the subject rate schedule has been accepted for filing and designated as Supplement No. 1 to Clark Fuel Producing Company (Operator) et al., FPC Gas Rate Schedule No. 2, to become effective on the date on which abandonment is authorized.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.; concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7333; Filed, Sept. 2, 1959; 8:47 a.m.]

[Docket No. G-18823]

BRITISH-AMERICAN OIL PRODUCING CO.

Notice of Application and Date of Hearing

AUGUST 28, 1959.

Take notice that The British-American Oil Producing Company (Applicant), an independent producer with its principal place of business in Dallas, Texas, filed on June 22, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to continue to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) from the Holt and Neu-Holt Units, Greenwood Field, Morton and Stanton Counties, Kansas, and Baca County, Colorado, pursuant to two ratification agreements, each dated April 20, 1956, of a basic gas sales contract dated August 24, 1955, between Amerada Petroleum Corporation (Amerada), seller, and Colorado Interstate, buyer. Applicant owns a 37.5 percent working interest in the Holt Unit and a 7.0641425 percent working interest in the Neu-Holt Unit.

Applicant's shares of gas from the Holt and Neu-Holt Units have been and are being delivered, for Applicant's account, by the Unit operators, The Carter Oil Company and Amerada, pursuant to authorizations issued to these operators in Docket Nos. G-10131 and G-9413, respectively.

The ratifications and basic contract, as amended, are on file as The British-American Oil Producing Company FPC Gas Rate Schedule No. 41, as supplemented.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 7, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7334; Filed, Sept. 2, 1959; 8:47 a.m.]

[Docket No. E-6887]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

Notice of Supplemental Request for Confirmation and Approval of Wholesale Power Rate Schedules and General Rate Schedule Provisions

AUGUST 28, 1959.

Notice is hereby given that the Secretary of the Department of the Interior, on behalf of the Bonneville Power Administration filed on August 13, 1959, with the Federal Power Commission, a request re-submitting Bonneville Power Administration's Wholesale Power Rate Schedules and General Rate Schedule Provisions which the Secretary previously sought to change by the submission of Revised Wholesale Rate Schedules and Revised General Rate Schedule Provisions of the Bonneville Power Administration. Notice of the filing of those revised schedules and provisions for confirmation and approval of this Commission pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended and section 5 of the Flood Control Act of 1944 (58 Stat. 890) was previously given by "Notice of Request For Confirmation and Approval of Revised Wholesale Rate Schedules and Revised General Rate Schedule Provisions" by publication in the FEDERAL REGISTER on July 3, 1959 (24 F.R. 5432).

In effect, the Secretary's August 13, 1959 request would result in the continuation of all of Bonneville Power Administration's existing wholesale power rate schedules and general rate schedule provisions with the exception of certain annual rate adjustment clauses.

The proposed Wholesale Power Rate Schedules and General Rate Schedule Provisions are on file with the Commission for public inspection. Any person desiring to comment or make any representations with respect thereto should submit same on or before September 15, 1959, to the Federal Power Commission, Washington 25, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7335; Filed, Sept. 2, 1959; 8:47 a.m.]

[Docket No. E-6821]

CITY OF COLTON, CALIFORNIA AND SOUTHERN CALIFORNIA EDISON CO.

Order Fixing Hearing

AUGUST 28, 1959.

The City of Colton, California (Petitioner), a municipal corporation, by formal petition filed May 9, 1958, requested the Commission to institute an investigation and thereafter direct Southern California Edison Company (Edison), Los Angeles, California, to file, as an effective rate schedule pursuant to the Federal Power Act, a power supply contract (Contract), dated October 1, 1945, between Edison and Petitioner providing for the wholesale sale of electric power and energy to the latter by the former;[1] to cease and desist from charging Petitioner any rates other than those set forth in that Contract;[2] to account for

[1] Petitioner owns and operates an electric distribution system in and around the City of Colton, California, for the supply of electric power and energy to the general public. At the present time and for some years past the entire electric requirements of that system have been supplied by Edison.

[2] Petitioner alleges that Edison "since September 13, 1954 has demanded and collected from petitioner for the sales of electric energy under said contract rates and charges higher than those provided therein and since November 15, 1957 has demanded and collected from petitioner still higher rates and charges in violation of the provisions of the contract, the Act and the rules and regulations thereunder."

the difference between the amounts actually charged to and paid by Petitioner and those which would have been charged and paid in accordance with the Contract as a legally effective rate schedule; and to make appropriate refunds to Petitioner with six percent interest per annum.

Edison, by answer filed June 9, 1958, responded to the allegations of the petition seriatim, generally disputing the jurisdiction of the Commission as to the matters raised by the petition and requested that the petition be dismissed on jurisdictional grounds.

To resolve the factual questions raised by this jurisdictional dispute, the Commission staff thereafter undertook a field examination of the physical facilities and operating data of Petitioner, Edison and others. The results of that examination are embodied in a staff engineering report which was served upon Petitioner and Edison. Based upon the facts set out in that report, the staff concludes this wholesale transaction to be jurisdictional under the provisions of the Federal Power Act.

Edison, by letter filed August 3, 1959, indicated its lack of objection and willingness to stipulate to certain of the data disclosed by the Staff field examination and as set forth in the aforementioned Staff report. Nevertheless Edison indicates by that letter that it regards a hearing in this matter to be necessary for the development of certain other facts.

Written notice of the filing of the petition has been given to the Arizona Corporation Commission, the Public Utilities Commission of the State of California, and the Nevada Public Service Commission.

The Public Utilities Commission of the State of California, by letter filed May 26, 1958, expressed the opinion that the electric service in question is subject to the jurisdiction of that Commission.

Accordingly, it is necessary and appropriate for the purposes of the Federal Power Act that a public hearing be held in this matter as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 205, 301, 306, 307, 308 and 309 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held respecting the matters involved in and the issues presented in this proceeding, at a time and place and in the manner to be fixed by the Secretary of the Commission.

(B) Interested State commissions may participate in this proceeding as provided in §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7336; Filed, Sept. 2, 1959; 8:47 a.m.]

[Docket No. 8288 etc.]

SUN OIL CO. ET AL.

Order Severing and Consolidating Proceedings

AUGUST 28, 1959.

In the matters of Sun Oil Company, Docket Nos. G-8288, G-12841, G-12880, G-13316, G-13444, G-13585, G-13617, G-13618, G-13664, G-13937, G-15010, G-15016, G-15450, G-15633, G-15743, G-16257, G-16396, G-16410, G-16621, G-16624, G-16684, G-16686, G-16700, G-16810, G-17274, G-17346, G-17717, G-18094, G-18184, G-18521; Sun Oil Company, Docket No. G-18353; Sun Oil Company (Operator) et al., Docket Nos. G-13425, G-13619, G-15011, G-15632, G-15768, G-16258, G-16622, G-16685, G-16699, G-17354, G-17923; Sun Oil Company et al., Docket No. G-13426.

On April 29, 1959, an order was issued in the above-designated Docket Nos. G-8288, et al. (except Docket Nos. G-18184 and G-18521), consolidating proceedings and fixing date of hearing. The proceedings in Docket Nos. G-15632, G-15633, G15743 and G-15768 concern proposed changes in Sun Oil Company's (Sun) presently effective rate schedules occasioned by the increase in the Louisiana Gas severance tax and the decrease in the Louisiana Gas gathering tax, both effective as of December 1, 1958. Consequently, these matters should not be heard at this time or with the other related matters involved in this consolidated proceeding.

On April 6, 1959, an order was issued in Docket No. G-18184, and on May 20, 1959, an order was issued in Docket No. G-18521 suspending and deferring the use of certain proposed changes in Sun's presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. Additionally, said orders provided that a public hearing be held upon a date to be fixed.

On May 19, 1959, Sun filed a motion requesting that Docket No. G-18184 be consolidated with the proceedings in Docket Nos. G-8288, et al.

On June 12, 1959, El Paso Natural Gas Company (El Paso) filed a reply in opposition to Sun's motion, and on June 22, 1959, the Public Utilities Commission of the State of California filed a statement in opposition to said motion. Thereafter, El Paso, on June 26, 1959, filed a "supplemental reply" to said motion. Neither El Paso's "replies," nor the Utilities Commission's statement were timely filed. However, we have considered the allegations and averments made therein, and consider them to be without merit.

It would appear that the issues in the proceedings in Docket Nos. G-8288, et al. are broad enough to include those raised by Sun's filing in Docket Nos. G-18184 and G-18521 and, therefore, it is appropriate that all of these matters be consolidated for hearing.

The Commission finds:

(1) Proper administration of the Natural Gas Act requires that the proceedings in Docket Nos. G-15632, G-15633, G-15743 and G-15768 be severed from the other above-docketed proceedings.

(2) Proper administration of the Natural Gas Act requires that the proceedings in Docket Nos. G-18184 and G-18521 should be consolidated with the proceedings in Docket No. G-8288, et al. for the purpose of hearing.

The Commission orders:

(A) The matters involved in Docket Nos. G-15632, G-15633, G-15743 and G-15768 are hereby severed from the consolidated above-docketed proceedings, and hearing in each of these matters is postponed to dates to be hereafter fixed by further notice.

(B) The matters involved in Docket Nos. G-18184 and G-18521 are hereby consolidated for hearing with the proceedings in Docket Nos. G-8288, et al. The hearing in these consolidated proceedings will commence on Tuesday, September 15, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., in accordance with the order issued April 29, 1959, and the notice issued July 30, 1959, in Docket Nos. G-8288, et al.

(C) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.19) and interested State Commissions may participate as provided by §§ 1.8 and 1.37(f) of said rules.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7337; Filed, Sept. 2, 1959; 8:47 a.m.]

[Docket No. IT-5971]

SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

AUGUST 28, 1959.

Notice is hereby given that the Secretary of the Department of the Interior on behalf of the Southwestern Power Administration (SWPA) has filed with the Federal Power Commission for confirmation and approval pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 890), a Schedule of Wholesale Rates for Special Peaking Power Service. The proposed special peaking power service would constitute a fifth classification of wholesale power service by SWPA; the others being Firm Service (F-1); Peaking Service (P-1); Interruptible Service (IC); and Excess Energy Service (EE) all as heretofore confirmed and approved by orders of this Commission issued August 9, 1957 and June 11, 1958 in the above-entitled matter. The proposed Schedule of Wholesale Rates was filed on August 20, 1959.

The Secretary of the Department of the Interior requests confirmation and approval of the proposed Special Peaking Power Service for the period ending August 9, 1962. By the aforementioned Commission orders, this Commission approved the F-1, P-1, IC and EE Services for a period ending August 9, 1962. The proposed Schedule of Wholesale Rates for Special Peaking Power Service is as follows:

SCHEDULE OF WHOLESALE RATES FOR SPECIAL PEAKING POWER SERVICE

Available: In the area served by the Southwestern Power Administration (Government).

Applicable: To wholesale power customers who, by contract, purchase special peaking power service.

Amount of energy with special peaking power service: Energy associated with special peaking power service will be made available in the amount of 1,200 kilowatt-hours per kilowatt of contract demand during each fiscal year which shall be the twelve-month period beginning on July 1 of each year.

Character and condition of service: Special peaking power service will be delivered as three-phase alternating current, at approximately 60 cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

Annual rates: Demand charges: $19.20 per year per kilowatt of contract demand, payable at the rate of $1.60 per month per kilowatt of contract demand. Energy charge: $0.002 per kilowatt hour.

Discounts for conditions of service: (a) A discount of $1.20 per kilowatt of billing demand per year will be allowed on the total annual charge for special peaking power service if delivery of power and energy is made from the 69 kv, 138 kv, or 161 kv transmission facilities owned or leased by the Government and if transformation and substation facilities are required at the point of delivery and are furnished by the power customer at no cost to the Government. Discount is payable at the rate of $0.10 per month per kilowatt of contract demand.

(b) A discount of $4.80 per kilowatt of billing demand per year will be allowed on the total annual charge for special peaking power service if delivery of power and energy is made from, and at the voltage of, the 138 kv or the 161 kv transmission facilities owned or leased by the Government, or at lower or intermediate voltages from substations directly connected to such transmission facilities, and if the Government is thereby relieved of additional transmission costs. Discount is payable at the rate of $0.40 per month per kilowatt of contract demand.

Minimum bill: $1.60 per month per kilowatt of contract demand less applicable discounts for conditions of service.

Contract demand: The contract demand will be the maximum rate in kilowatts which the Government is, by contract, obligated to deliver energy to the customer.

Billing demand: The billing demand for any month shall be the contract demand.

Adjustment in billing demand:

For reduction in demand: In the event of one or more reductions in customer's demand during any monthly billing period, each of which continued for two hours or more, due to the inability of the Government to supply the contract demand, the billing demand for such period shall be reduced for each such reduction in demand by an amount equal to the reduction in demand (in kilowatts) times the ratio that the number of hours of each such reduction bears to the total number of scheduled hours in such billing period.

For power factor: None. The customer normally will be required to maintain a power factor at the point of delivery of not less than 90 percent lagging.

The Secretary of the Department of the Interior advises that a proposed Special Peaking Power Rate Schedule is expected to meet the needs of SWPA which will arise during the next several years for a schedule of rates and charges under which low load factor energy can be delivered by it. In form and in pricing, the proposed Special Peaking Power Rate Schedule follows SWPA's rates and charges for its P-1 service, the only significant difference being that the P-1 rates and charges contemplate a minimum of 1800 hours use per kilowatt of capacity per year while the proposed Special Peaking Power Rates and Charges contemplate 1200 hours use per kilowatt of capacity per year.

The proposed Schedule of Wholesale Rates for Special Peaking Power Service is on file with the Commission for public inspection. Any person desiring to comment or make any representations with respect thereto should submit same on or before September 15, 1959, to the Federal Power Commission, Washington 25, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7338; Filed, Sept. 2, 1959; 8:48 a.m.]

[Docket No. G-19319]

TEXACO INC.

Order for Hearing and Suspending Proposed Change in Rates

AUGUST 28, 1959.

Texaco Inc. on July 29, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Cities Service Gas Co.
Rate schedule designation: Supplement No. 6 to Texaco Inc.'s FPC Gas Rate Schedule No. 100.
Effective date: August 30, 1959 (stated effective date is that proposed by Texaco Inc.).

In support of the proposed rate increase, Texaco Inc. claims that the present sales contract with Cities Service may be canceled and that notice of termination or cancellation was given on July 22, 1959, to Cities Service. The respondent further states that the filing will result in just and reasonable increased rates; and revenue requirements necessitate such increased price in order to avoid confiscation of its gas properties and the premature abandonment of the wells concerned.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Texaco Inc.'s FPC Gas Rate Schedule No. 100 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Texaco Inc.'s FPC Gas Rate Schedule No. 100.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until January 30, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7339; Filed, Sept. 2, 1959; 8:48 a.m.]

[Docket No. G-18487 etc.]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 27, 1959.

In the matters of Southwestern Development Company, Docket No. G-18487; Vandergrift and Hardman,[1] Docket No. G-18493; Tower Oil and Gas Co., Inc., Docket No. G-18499.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing each to render service to Hope Natural Gas Company as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Docket No.; Field and Location; and Related FPC Gas Rate Schedule No.

G-18487; Burning Springs District, Wirt County, W. Va.; 5.
G-18493; Murphy and Union Districts, Ritchie County, W. Va.; 8.
G-18499; Murphy District, Ritchie County, W. Va.; 2.

[1] Vandergrift and Hardman, Applicant, a partnership, is filing through Alice M. Vandergrift, Partner and Agent.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7340; Filed, Sept. 2, 1959; 8:48 a.m.]

[Project No. 2267]

ALASKA LUMBER & PULP CO., INC.

Notice of Application for License

AUGUST 27, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Alaska Lumber & Pulp Co., Inc., of Seattle, Washington, for license for a proposed hydroelectric development, designated as Project No. 2267, to be located on the Medvetch River (Sawmill Creek), on Baranof Island, approximately five miles east of Sitka, in the State of Alaska, and affecting lands of the United States within Tongass National Forest.

The proposed project would consist of an 1100 horsepower turbine connected to a 900 kw generator installed in a room within Applicant's filtration plant; a transformer, and appurtenant transmission facilities. The turbine acts as an energy dissapater, the water from the draft tube entering into the Applicant's filter chambers. Water is furnished by a 36-inch diameter steel pipe connected to a 7-foot water supply tunnel running between Blue Lake Reservoir and the powerhouse of City of Sitka's Project No. 2230.

The proposed project would serve as an additional source of energy in the company's manufacturing processes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 14, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7341; Filed, Sept. 2, 1959; 8:48 a.m.]

[Project No. 2269]

CALAVERAS COUNTY WATER DISTRICT

Notice of Application for Preliminary Permit

AUGUST 27, 1959.

Public notice is hereby given that Calaveras County Water District, of San Andreas, California, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for preliminary permit for a proposed project, designated Project No. 2269, to be situated in Alpine, Calaveras and Toulumne Counties, in the State of California, on Highlands Creek, North Fork Stanislaus River, Beaver Creek, Griswold Creek and Mill Creek. Lands of the United States within the Stanislaus National Forest will be affected.

The project, as proposed and described in the application, will consist of raising the existing Spicer Dam and Reservoir (presently under license to Pacific Gas and Electric Company as part of Project No. 2019) and constructing the following: Ganns Dam and Reservoir on the North Fork Stanislaus River, Squaw Hollow Powerhouse with an installed capacity of 140,000 kilowatts and Squaw Hollow Reservoir on the North Fork Stanislaus River, a tunnel from Ganns to the Squaw Hollow Powerhouse, Beaver Dam and Reservoir on Beaver Creek, Griswold Dam and Reservoir on Griswold Creek, a tunnel from Griswold and Beaver reservoirs to Squaw Hollow Reservoir, Collierville Powerhouse with an installed capacity of 193,000 kilowatts on the Stanislaus River, and a tunnel from Squaw Hollow Reservoir to Collierville Powerhouse.

Applicant states that energy from the proposed plants will be sold to Pacific Gas and Electric Company for use in that company's distribution system for northern California.

No construction is authorized under a preliminary permit. A permit, if issued, gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is October 12, 1959. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7342; Filed, Sept. 2, 1959; 8:48 a.m.]

[Docket No. G-18965]

HOPE NATURAL GAS CO.

Notice of Application and Date of Hearing

AUGUST 27, 1959.

Take notice that on July 13, 1959, Hope Natural Gas Company (Applicant) filed in Docket No. G-18965 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate certain natural gas facilities, and for permission and approval to abandon certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to:

(1) Construct and operate approximately 400 feet of 6-inch pipeline to replace an equal length of existing 3-inch line extending from Applicant's Line TL–300 in Monongalia County, West Virginia, to the West Virginia-Pennsylvania state line near Mount Morris, Pennsylvania;

(2) Relocate an existing metering station from a point on the West Virginia-Pennsylvania state line near Point Marion, Pennsylvania, to a site on said state line near Mount Morris, Pennsylvania, where it will be attached to the 6-inch line proposed in (1) above; and

(3) Retire and dismantle approximately 11,000 feet of 6-inch transmission line TL–304 in the northeast corner of Applicant's pipeline system.

The new pipeline proposed in (1) above will connect with a new 6-inch line to be built by Peoples Natural Gas Company (Peoples) to maintain existing service in the Point Marion, Pennsylvania, area, and Applicant will sell gas to Peoples at the relocated metering station, (2) above, for both the Mount Morris and the Point Marion areas, which latter area is now being served through the old, deteriorated line proposed to be abandoned in (3) above.

Total estimated cost of the entire project under this application, including abandonment costs, is $13,850, which will be paid from funds on hand.

No change in authorized deliveries to Peoples is involved in Hope's proposal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7343; Filed, Sept. 2, 1959; 8:48 a.m.]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION

Finding and Order Vacating Withdrawal Under Federal Water Power Act

AUGUST 28, 1959.

In the matter of lands withdrawn in Power Site Classification No. 128, Project No. 113, and Power Site Reserves Nos. 698 and 731; Docket No. DA–135–Utah, Bureau of Indian Affairs, United States Department of the Interior.

Application was filed by the Bureau of Land Management, Department of the Interior, on behalf of the Bureau of Indian Affairs, seeking the revocation of power withdrawals against the following described lands, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation under the provisions of the Act of August 27, 1954 (68 Stat. 874):

UINTAH MERIDIAN, UTAH

T. 1 N., R. 8 W.,
Sec. 19, lots 2, 3, 4, NE¼, E½NW¼, SE¼ SW¼ and SE¼;

to which the NE¼SW¼ of said Sec. 19 has been added, the land status and power values of which are similar to the other tracts within Sec. 19 first described above.

The above-described lands are crossed by the Duchesne River and its tributary, West Fork, the two streams joining in the SE¼ of Sec. 19. That part of the main stem above the confluence apparently was formerly designated as the North Fork.

The SE¼SW¼ of Sec. 19 is withdrawn in Power Site Classification No. 128, approved February 4, 1926, and the remaining lands are withdrawn pursuant to the filing of an application for preliminary permit on December 4, 1920 for Project No. 113. The permit for the project expired July 19, 1923. Lots 2, 3, 4, W½NE¼, E½NW¼, NE¼SW¼ and NW¼SE¼ are further withdrawn in Power Site Reserve No. 698, approved November 16, 1918, while the SW¼SE¼ is withdrawn in Power Site Reserve No. 731, approved May 14, 1920. The SE¼ SE¼ is included in the Duchesne Administrative Site (now part of the Stockmore Ranger Station Site of Ashley National Forest) withdrawn for Forest Service purposes on February 2, 1908.

Development of power under proposed Project No. 113, which would have provided storage on the so-called North Fork and diversion on the West Fork, includes use of the subject lands for conduit and penstock location and as a site for a powerhouse. According to available records, the power capacity of the development contemplated in Project No. 113 would range from 3350 to 6880 horsepower. However, no plans for power development are presently known to be pending or imminent. Bureau of Reclamation investigations of the river and its tributaries have been concerned primarily with irrigation needs and the development of power, where considered at all, is subservient.

As we have recited above, the subject application indicates that vacation of the power withdrawals of the lands involved is sought to implement the provisions of the Act of August 27, 1954, which, among other things, provides for the transfer of lands to and the division of assets between the Ute Indians of the Uintah and Ouray Reservation for the ultimate purpose of removing Federal supervisory restrictions on the Indians as quickly as possible.

We note that both the Geological Survey and the Bureau of Reclamation advocate restoration of the lands subject to section 24 of the Federal Power Act. The Forest Service advises it has no objection to the cancellation of the power withdrawals with respect to those lands in which the Service has an administrative interest. While invited to comment on the application, the State of Utah has not expressed any views.

The Commission finds:

(1) The above-described lands have negligible value for purposes of power development and, therefore, the Commission has no objection to revocation by the Secretary of the Interior of Power Site Classification No. 128 and Power Site Reserves Nos. 698 and 731, pertaining to the lands.

(2) The existing power withdrawal under section 24 of the Federal Water Power Act serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for preliminary permit for proposed Project No. 113 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7344; Filed, Sept. 2, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading Pursuant to Securities Exchange Act of 1934

AUGUST 28, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Excange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On August 19, 1959, the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending August 29, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2–2 (17 CFR 240.15c2–2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended

in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 30, 1959 to September 8, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7353; Filed, Sept. 2, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 263]

ALF TOMSEN & CO. AND K. B. BYRRILD-STEFFENSEN

Order Denying Export Privileges

In the matter of Alf Tomsen & Co., and K. B. Byrrild-Steffensen, Warburgstrasse 33, Hamburg 36, Federal Republic of Germany, respondents, Case No. 263.

Alf Tomsen & Co. and K. B. Byrrild-Steffensen, of Hamburg, Federal Republic of Germany, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they made false representations to procure the exportation of United States goods to them, they transshipped such goods to unauthorized destinations, and they violated a temporary denial order heretofore issued against them. (The temporary denial order was issued on January 14, 1959 (24 F.R. 438, Jan. 17, 1959), was extended from time to time and, most recently, was extended until the completion of this proceeding (24 F.R. 3803, May 12, 1959). They answered the charging letter, admitting certain of the allegations and reciting several defenses in avoidance.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports the charges and that the respondents should be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answer and other evidence in opposition thereto, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Alf Tomsen & Co. was engaged in the export-import business in Hamburg, Federal Republic of Germany, and respondent K. B. Byrrild-Steffensen was its managing director.

2. On or about the 15th day of August, 1957, having an order from a customer in Hungary for the sale of one radio frequency bridge, valued at about $620, respondents ordered the same from a dealer in the United States and did not disclose to that dealer their intention to transship it to Hungary.

3. On or about the 27th day of February, 1958, having another order from a customer in Hungary for the sale of one pulse (sweep and time-delay) generator, valued at about $1,750, respondents ordered it from the same dealer in the United States and did not disclose to that dealer their intention to transship it to Hungary.

4. On each occasion, following receipt of each order, the dealer applied to the Bureau of Foreign Commerce for the necessary export license to ship the article ordered to the respondents, together with which applications he submitted to the Bureau of Foreign Commerce official German import certificates provided to him by respondents and authorizing them to import said instruments into Germany.

5. The licenses were duly issued authorizing the exportation of said instruments to respondents and, in each case, named West Germany as the country of ultimate destination.

6. Under the authority of the licenses so issued, the dealer in the United States exported the said instruments to the respondents and caused the bills of lading and the invoices to be endorsed with the required destination control notice, "These Commodities Licensed by the U.S. for Ultimate Destination Germany. Diversion Contrary to U.S. Law Prohibited."

7. On receipt of the instruments and in disregard of the notices prohibiting diversion from West Germany, as contained in the documents received by them, respondents thereafter transshipped them to Hungary, without prior authorization from the Bureau of Foreign Commerce.

8. After the happening of the foregoing events and having more detailed knowledge of United States export controls affecting the exportation of goods from the United States and restricting the subsequent transshipment thereof to other destinations, particularly destinations in the Soviet Bloc, respondents ordered from a supplier in the United States 5 klystron tubes, valued at about $340, and 5 cathode ray tubes, valued at about $84, and did not disclose to their vendor in the United States the fact that they had agreed to sell these commodities to persons or firms in Hungary or Switzerland.

9. The dealer in the United States, on receipt of said orders, assumed that it was respondents' intention to use or sell the goods in West Germany and, relying thereon, applied to the Bureau of Foreign Commerce for validated export licenses to export the said commodities to the respondents for ultimate consumption in West Germany.

10. In reliance on the representations contained in the applications for export licenses, the Bureau of Foreign Commerce issued to the respondents' vendor in the United States validated export licenses authorizing the exportation of the klystron tubes and cathode ray tubes to the respondents in West Germany.

11. Thereafter, the vendor in the United States exported the said klystron tubes and cathode ray tubes to the respondents by parcel post, and endorsed the invoices accompanying said goods with the destination control clause warning that diversion contrary to United States law was prohibited.

12. On receipt of the goods, with the knowledge aforesaid of United States controls affecting the disposition of goods exported from the United States, and in possession of the invoices containing the destination control clause endorsed thereon, respondents, nevertheless, did transship the klystron tubes to Hungary and the cathode ray tubes to Switzerland, the latter shipment to Switzerland being intended for ultimate transshipment to Hungary.

13. Beginning in January 1958, and continuing in February and May of that year, respondents made five different purchases of various electronic materials, including transistors, tubes, and a precision phase meter, from different suppliers in the United States and, with respect to each of said purchases, represented either to the Bureau of Foreign Commerce or to their suppliers, or to both the Bureau of Foreign Commerce and their suppliers, that the goods involved in each order would be purchased by them for ultimate sale and delivery to one or another named purchaser in Denmark.

14. In reliance on these representations, made either directly to it by the respondents or to it by the respondents through their American suppliers, the Bureau of Foreign Commerce issued validated export licenses authorizing the exportation to the respondents of the goods ordered by them, and the goods, having an aggregate value of almost $2,000, were thereafter exported to the respondents by the American suppliers.

15. Every invoice for said goods and, in those cases where bills of lading were involved, every bill of lading contained a destination control clause.

16. In disregard of the notices given to respondents in the destination control clause endorsed on the invoices and the bills of lading and in disregard of their representations that Denmark was the ultimate destination, previously made to the Bureau of Foreign Commerce and their suppliers, and in disregard of their actual knowledge of United States export control regulations, respondents diverted and transshipped part of the said goods to Switzerland and the remainder to Hungary, all without prior authorization by the Bureau of Foreign Commerce.

17. Further, in attempts to obtain goods from the United States, for a purpose or purposes not disclosed in the record, respondents placed with three suppliers in the United States orders for klystron tubes, transistors, and a gas gravity balance, and represented to such suppliers, with respect to each order so placed, that they were purchasing the same for delivery to one or another named buyer in Denmark.

18. The representations so made by the respondents, that they were purchasing the said goods for delivery to a buyer or buyers in Denmark, were false, because the buyers so named had not ordered the same from the respondents and had no use for the goods. Export licenses were not granted by the Bureau of Foreign Commerce with respect to these goods.

19. On January 14, 1959, the Bureau of Foreign Commerce issued an order denying all export privileges to respondent Alf Tomsen & Co. for a period of thirty days thereafter and, by order dated February 13, 1959, said temporary denial order was extended to and including the 31st day of March, 1959. (It was further extended thereafter and is being made permanent by the order in this case.)

20. By the terms of said denial order, of which the respondent Byrrild-Steffensen had actual knowledge, it affected not only the respondent Alf Tomsen & Co. but also "its agents, servants, and employees, and all persons and firms associated with it • • •" Byrrild-Steffensen, being its director and manager, was therefore also subject thereto.

21. Although duly served with the original denial order and the order of extension dated February 13, 1959, and with knowledge of the contents thereof, respondents, by order dated March 6, 1959, attempted to procure to be exported from the United States electronic materials, valued at about $1,750, by resorting to the device of placing an order with the American supplier on stationery bearing the letterhead of Benny Byrrild-Steffensen and not disclosing his association with or the interest of the respondent Alf Tomsen & Co. in acquiring said materials.

22. The said materials were, in fact, substantially the same materials which the respondents had attempted to acquire from the same American dealer some months prior thereto and with respect to which they had been informed by the American supplier that the Bureau of Foreign Commerce had refused to issue an export license.

And, from the foregoing, it is my conclusion that the respondents knowingly made false representations to the Bureau of Foreign Commerce for the purpose of and in connection with the obtaining of validated export licenses, in violation of § 381.5 of the Export Regulations; that they knowingly and without authorization transshipped, diverted, and re-exported goods exported from the United States to destinations other than those for which the exportations had been licensed, in violation of §§ 379.10(d)(2) and 381.6 of the Export Regulations; and that they sought to obtain and have shipped to them goods to be exported from the United States, during the time that they were subject to an export control denial order denying to them the right to participate in any exportations from the United States, contrary to the provisions of §§ 381.3, 381.4, and 381.10 of the Export Regulations.

In his report the Compliance Commissioner discussed a major defense interposed herein and said:

> (Respondents' answer) admits the transshipment of the radio frequency bridge, the klystron tubes, and the cathode ray tubes, but alleges (a) that the American exporter and the Department of Commerce were on notice that the respondents had purchased the goods in connection with triangular transactions, the transshipment of which could be authorized by the German Government, and that the German Government did authorize such transshipment; • • •
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> • • • On being informed that the export license was granted, but without information that the license prohibited re-exportation from Germany, and assuming, because of the nature of the import certificate, that the American export license was compatible with it, respondents opened the letter of credit in favor of (the American exporter). • • • It was not until the goods arrived and respondents' bank received another copy of the invoice and the bill of lading that the destination control clause came to their attention. • • • Although confronted with the control notices, they were faced also with the fact that their customer's letter of credit in their favor was to expire in a few days, and they could not assume that it would be extended. Having the alternative of being saddled with the goods for which they had paid and losing their customer, they elected to transship. They say the fault for all this is BFC's, because it should have been alerted to the fact that this was a triangular transaction and that, if there was any lack of clarity, BFC should have requested additional information from them before issuing the license • • •
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> In summary, the substance of the defense • • • is the claimed inequity of the position in which respondents found themselves by reason of the German-licensed transshipment after they had involved themselves in the acquisition of the goods following the claimed error on the part of BFC in issuing the export license, coupled with their alleged good faith in incurring the obligations to complete their sales to Hungary prior to actual notice of restrictions affecting the movement of the goods. Superficially, the position of the respondents does not appear to be unreasonable. They seem to have been placed in a dilemma which pushed them into a violation of United States export controls. However, neither the fact that a foreign importer presents an import certificate nor the fact that the import certificate discloses that a triangular transaction which may be approved by his government is involved absolves the foreign importer from United States export controls. Section 373.2(b) of the regulations referring to import certificates, provides:
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> "These documents contain an undertaking by the government issuing the Import Certificate or the Delivery Verification to exercise legal control over the disposition of the commodities covered. This control is in addition to the conditions and restrictions placed on the exportation by the Bureau of Foreign Commerce. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an Import Certificate or Delivery Verification."
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> Note 2 under § 373.2(a)(1) says,
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> "Submission of an Import Certificate does not relieve the parties to the transaction from compliance with the reexportation provisions."
>
> The Department of Commerce, by issuing a license in a case in which is involved an import certificate such as those involved in this case, could not end its control over the goods after arrival in the country of first destination and leave it to that country's government to permit unrestrictedly the further movement of the goods. There is nothing in the Export Control Law which could be regarded as permitting an agency of the United States to delegate to a foreign government its power to control exports from the United States. The power of delegation is limited by section 3(b) of the law "to such departments, agencies, or officials of the [United States] Government • • •" as the President may deem appropriate.
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> The only effect of the import certificate is to impose on the foreign importer his own government's control in addition to the controls imposed by the United States.
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> • • • This has been ruled consistently (e.g., see Kesco G.m.b.H., 20 F.R. 2093, Apr. 2, 1955). At best, in an appropriate case, the facts cited by respondents might be given sympathetic consideration as mitigating circumstances.
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> In summary, the Compliance Commissioner added:
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> The respondents in this case were familiar with United States export control regulations in general. They knew also that every bill of lading issued in connection with an exportation from the United States had to be endorsed with a destination control notice warning against transshipment. Having this knowledge and with the intention of transshipping goods to unauthorized destinations, they withheld this information from their suppliers; they furnished their suppliers with German import certificates bearing triangle endorsements with the previously conceived intention to claim that such endorsements nullified the United States controls affecting goods licensed to be exported following the submission of the import certificates; they transshipped goods so exported to unauthorized destinations in violation of the destination control notices brought to their attention; they made false representations to American suppliers as to intended buyers and destinations; they transshipped to unauthorized destinations goods exported under validated export licenses issued on the basis of such representations later disclosed as false; and, while they were subject to a temporary denial order, in defiance of that order, they attempted to procure goods to be exported from the United States to them. This record indicates a pattern of knowing, wilful, and continuing violations of the Export Control Act of 1949, as amended, and of the regulations. In my opinion, it is necessary that these respondents be denied export privileges so long as export controls are in effect in order that effective enforcement of the law may be achieved.
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> Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law:
>
> *It is hereby ordered:*
>
> I. Henceforth, and so long as export controls shall be in effect, the said respondents, their officers, agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall, on behalf of or in any association with either respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which either respondent may have any interest of any kind or nature, direct or indirect.

Dated: August 28, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-7318; Filed, Sept. 2, 1959; 8:45 a.m.]

Federal Maritime Board

[Docket No. 867]

PAN-ATLANTIC STEAMSHIP CORP.

Proportional Commodity Rates on Cigarettes and Tobacco

NOTICE OF INVESTIGATION AND OF HEARING

On August 24, 1959, the Federal Maritime Board entered the following order:

It appearing that there has been filed with the Federal Maritime Board a tariff schedule, as amended, setting forth new reduced proportional rates and charges, and new rules, regulations and practices affecting such proportional rates and charges applicable on Cigarettes and Tobacco from U.S. Atlantic ports to ports in the Commonwealth of Puerto Rico, to become effective August 25, 1959, designated as follows:

Pan-Atlantic Steamship Corporation F.M.B.F.-No. 5, also Supplements Nos. 1, 2 and 3 thereto;

It further appearing that upon consideration of the said schedule, as amended, and protests thereto, there is reason to believe that it would, if permitted to become effective, result in rates and charges, rules and regulations or practices which would be unjust and unreasonable or otherwise unlawful in violation of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, as amended; and good cause appearing therefor;

It is ordered, That an investigation be, and is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedule, as amended, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That the operation of said schedule, as amended, be and it is hereby suspended in full, and that the use thereof be deferred to and including December 24, 1959, unless otherwise ordered by the Board;

It is further ordered, That neither the schedule hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless otherwise authorized by the Board;

It is further ordered, That there shall be filed immediately with the Board by Pan-Atlantic Steamship Corporation a consecutively numbered supplement to tariff F.M.B.F.-No. 5 which shall reproduce the portion of this Order wherein the suspended designated tariff, as amended, is described, and shall state that such tariff as amended is suspended and that the rates, charges, rules, regulations and practices therein stated may not be used until the twenty-fifth day of December, 1959, unless otherwise authorized by the Board; and that neither the rates, charges, rules, regulations and practices hereby deferred nor those which sought to be altered thereby, may be changed during the period of suspension or any extension thereof, unless otherwise authorized by the Board;

It is further ordered, That copies of this order shall be filed with said tariff in the Regulation Office of the Federal Maritime Board; that a copy hereof be forthwith served upon Pan-Atlantic Steamship Corporation; and said carrier be and it is hereby made respondent in this proceeding; and

It is further ordered, That the investigation herein ordered be assigned for hearing before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner; that the respondent and protestants be duly notified of the time and place of the hearing herein ordered; and that notice of such hearing be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: August 31, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-7359; Filed, Sept. 2, 1959; 8:51 a.m.]

AMERICAN PRESIDENT LINES, LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8061-A-1, between American President Lines, Ltd., Isthmian Lines, Inc., and Lykes Bros. Steamship Co., Inc., modifies approved Agreement No. 8061-A, a supplementary agreement to Agreement No. 8061, as amended, that covers an arrangement for the apportionment of rubber shipments from Siam (except Bangkok local rubber) to U.S. Atlantic and Gulf ports. Agreement No. 8061-A records the basis on which American President and Isthmian shall share any undercarried portion of rubber allocated to Lykes under Agreement No. 8061. The purpose of Agreement No. 8061-A-1 is to modify Agreement No. 8061-A to reflect the percentage participation of American President and Isthmian in any undercarriage by Lykes of its proposed new percentage allotment under Agreement No. 8061, as provided by Agreement No. 8061-5.

(2) Agreement No. 8407, between Dampskibsselskabet af 1912 Aktieselskab/Aktieselskabet Dampskibsselskabet Svendborg (carriers comprising the A. P. Moller-Maersk Line joint service), and Bull Insular Line, Inc., covers a through billing arrangement in the trade from India, China, including Hong Kong, Japan, Philippine Islands, Formosa, Siam, Singapore, Sigon, Indonesia, and Ceylon to Puerto Rico, with transshipment at New York, Baltimore, Philadelphia, Mobile or New Orleans.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 31, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-7360; Filed, Sept. 2, 1959; 8:51 a.m.]

Office of the Secretary

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 24, 1959.

RICHARD V. FORD.

AUGUST 24, 1959.

[F.R. Doc. 59-7357; Filed, Sept. 2, 1959; 8:51 a.m.]

JOHN A. CLAUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: Hevi Duty Electric Co.
B. Additions: None.

This statement is made as of August 23, 1959.

JOHN A. CLAUSSEN.

AUGUST 24, 1959.

[F.R. Doc. 59-7358; Filed, Sept. 2, 1959; 8:51 a.m.]

TARIFF COMMISSION

DRIED FIGS

Tariff Commission Reports to President

AUGUST 31, 1959.

The U.S. Tariff Commission today submitted to the President its sixth periodic report on the developments in the trade in dried figs since the "escape clause" action of August 30, 1952, modifying the concession granted in the General Agreement on Tariffs and Trade on such figs classifiable under paragraph 740 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. The review under paragraph 1 is limited to the determination of whether a formal investigation under paragraph 2 of the order should be made for the purpose of determining if a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its sixth report, the Commission advised the President that the conditions of competition between imported and domestic dried figs had not so changed since the issuance of its fifth report as to warrant the institution of a formal investigation.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59-7354; Filed, Sept. 2, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 182]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 31, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62374. By order of August 27, 1959, Division 4, Acting as an Appellate Division, approved the transfer to George E. Woodin, doing business as George's Motor Freight, Albany, N.Y., of that portion of the operating rights in Certificate No. MC 68908, issued October 12, 1949, to Mullen Bros., Inc., of North Adams, Adams, Mass., authorizing the transportation, of general commodities, excluding household goods and other specified commodities, between Pittsfield, Mass., and Hoosick Falls, N.Y. Benjamin Apkin, 68 Main Street, North Adams, Mass., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7355; Filed, Sept. 2, 1959; 8:50 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 174

Washington, Friday, September 4, 1959

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. No. ER-280]

[Amdt. 5]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES: TRADE AGREEMENTS

Effect of Statehood of Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of September 1959.

The provisions of revised Part 225 are presently applicable to certificated air carriers furnishing air transportation of persons, property, and mail between points within the "Territory of Hawaii." Hawaii was admitted to the Union as a State on August 21, 1959. This change in status of Hawaii will not change the Board's regulatory powers over the certificated operation of air carriers presently certificated to operate over routes within Hawaii, and the Board finds that it does not affect its policy and findings pursuant to which it first extended the provisions of this part to such carriers (ER-206 of September 19, 1955). Therefore, the reference to Hawaii in Part 225 should be changed to "State of Hawaii," effective upon the date when Hawaii became a State.

Since this amendment is technical in nature and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and the amendment may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 225 of the Economic Regulations (14 CFR Part 225) effective upon the date of admission to the Union of the State of Hawaii, by deleting from § 225.1(a)(ii) the words "Territory of Hawaii" and inserting in lieu thereof the words "State of Hawaii."

Adopted: September 1, 1959.

Effective: August 1, 1959.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 404 and 416, 72 Stat. 758, 760, 771; 49 U.S.C. 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 59-7395; Filed, Sept. 3, 1959; 8:49 a.m.]

[Reg. No. ER-281]

[Amdt. 7]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Prohibition Against Conduct of Regular Air Transportation Within the State of Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of September, 1959.

Under the exemption authority of Part 298 of the Board's Economic Regulations, air taxi operators are permitted to engage in air transportation to and within Hawaii, but are specifically prohibited by § 298.7(b) from offering or performing any regular service within any territory. The Board finds that the advent of Statehood for Hawaii on August 21, 1959 does not justify or require any change of this prohibition as applicable to Hawaii. An amendment to the regulation making the prohibition applicable to the State of Hawaii therefore is necessary. Section 15 of the Hawaii Statehood Act continues the Board's economic regulatory jurisdiction over purely intrastate operations in Hawaii for the time being. Language changes are necessary in Part 298 also in order to continue the applicability to Hawaii of the presently applicable definition of the term "point."

Since the amendment preserves the status quo and does not impose any additional burden on any person, the Board finds that notice and public procedure thereon are unnecessary and not required in the public interest and that the amendment be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective upon the date of admission to the Union of the State of Hawaii, as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)
General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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1. By deleting the definition of "point" in § 298.1(a)(3) and substituting a definition to read as follows:

(3) "Point", when used in connection with any territory or possession of the United States, the State of Alaska, or the State of Hawaii, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in connection with the continental United States (excluding Alaska), it shall have a similar meaning but shall be limited to the area within a 3-mile radius of such airport or place.

2. By amending the beginning of the first sentence of paragraph (b) of § 298.7 to read as follows: "(b) Within the territories or possessions of the United States, within the State of Hawaii, or between any two points * * *."

Adopted: September 1, 1959.

Effective: August 21, 1959.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 416, 72 Stat. 771; 49 U.S.C. 1386; sec. 15 of the Hawaii Statehood Act, Pub. Law 86–3)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–7396; Filed, Sept. 3, 1959; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 94; Amdt. 132]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Coronado RBn	LPT RBn	Direct	1500	T-dn	300–1	300–1	¢200–½
Oceanside RBn	LPT RBn	Direct	2500	C-dn	800–2	800–2	800–2
Miramar RBn	LPT RBn	Direct	3000	S-dn-9	600–1	600–1	600–1
Jamul RBn	LPT RBn	Direct	4500	A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 280° Outbnd, 100° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 100°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 mi, turn right, climb to 2000′ to Coronado RBn/FM or, when directed by ATC, if visual contact not established over Loma Portal RBn, make left climbing turn, climb to 1500′ on a 280° crs from LPT RBn within 10 mi.
¢300–1 required on all runways except Rwy. 27.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15′; Fac. Class, MH; Ident., LPT; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Sept. 59

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CNU-LFR	CNU-VOR	Direct	2500	T-dn	300-1	NA	NA
				C-d	500-1	NA	NA
				C-n	500-1½	NA	NA
				A-dn	800-2	NA	NA

Procedure turn South side of crs, 235° outbnd, 055° inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 055°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, execute immediate right turn, climbing to 2100′. Return to CNU VOR and hold on R–235.
CAUTION: 1450′ tower 5.5 mi. W of airport. 1270′ unlighted stack 2.0 mi. N of airport. 1172′ tower 1.0 mi. E of airport.

City, Chanute; State, Kans.; Airport Name, Municipal; Elev., 1001′; Fac. Class, BVOR; Ident., CNU; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 Sept. 59

PIR LFR	PIR-VOR	Direct	3000	T-dn*	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–2
				S-d-25	400–1	500–1	500–1½
				S-n-25	400–1½	500–1½	500–2
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 255—4.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 3500 on R–255 of Pierre VOR within 20 miles.
*Take-off to NW restricted to 400–1.

City, Pierre; State, S. Dak.; Airport Name, Pierre; Elev., 1742′; Fac. Class, BVOR; Ident., PIR; Procedure No. 1, Amdt. 3; Eff. Date, 19 Sept. 59; Sup. Amdt. No. 2; Dated, 16 June 56

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Laurel Int	BAL VOR	Direct	1600	T-dn	300–1	300–1	200–½
Relay Int	BAL VOR	Direct	1500	C-dn	500–1	500–1	500–1½
Beltsville FM	BAL VOR	Direct	1600	S-dn-28#	500–1	500–1	500–1
BAL LFR	BAL VOR	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 096° Outbnd, 276° Inbnd, 1500′ within 5 mi of Green Haven Int.*
Minimum altitude over facility on final approach crs, 646′. Maintain 1300′ until passing Green Haven Int.*
Crs and distance, breakoff point to approach end of runway, 284°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 1500′ on R–276 of BAL VOR within 10 miles.
#Descend to landing minimums after passing Green Haven Int.*
*Int R–096 BAL VOR and S crs BAL LFR.

City, Baltimore; State, Md.; Airport Name, Friendship Int'l; Elev., 146′; Fac. Class, BVOR; Ident., BAL; Procedure No. TerVOR–28, Amdt. 1; Eff. Date, 19 Sept. 59; Sup Amdt. No. Orig.; Dated, 8 Aug. 59

Spring Lake Int	ORD-VOR	Direct	2500	T-dn	300–1	300–1	200–½
Morton Int	ORD-VOR	Direct	2000	C-dn	500–1	500–1	500–1½
Elgin Int	ORD-VOR	Direct	2500	S-dn-18	500–1	500–1	500–1
Midway LOM	ORD-VOR	Direct	2000	A-dn	800–2	800–2	800–2
Glenview LFR	ORD-VOR	Direct	2000				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if information on sector altitudes is desired.
Procedure turn W side of crs, 099° Outbnd, 189° Inbnd, 2200′ within 5 mi of Int.*
Minimum altitude over Int* on final approach crs, 1700′.
Crs and distance, Int* or Radar Fix to airport, 189°—7.0 mi.
Crs and distance, breakoff point to appr end of Rny 18, 178°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left turn, climb to 2500′ or higher altitude specified by ATC and proceed to Northbrook VOR via R–030 ORD and R–135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500′, proceed to Morton Int via R–075 ORD; (2) make immediate left turn, climb to 2500′, proceed to Glenview LFR via 030° crs and SE crs Glenview LFR.
*Int R–009 ORD and R–146 OBK or Radar Fix.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666′; Fac. Class, VORTAC; Ident., ORD; Procedure No. Ter VOR–18, Amdt. Orig.; Eff. Date, 19 Sept. 59

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	200–½
Manakin RBn	RIC VOR	Direct	2000	C-dn*	500–1	500–1	500–1½
Hopewell VOR	RIC VOR	Direct	1500	S-dn-6*	400–1	400–1	400–1
Chester FM	RIC VOR	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1500′ within 10 mi of RIC VOR.
Minimum altitude until over Stack Int* on final approach course, 800′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 1500′ on R–056 of RIC VOR within 10 miles or, when directed by ATC, make left climbing turn to 1500′ on the N crs of RIC LFR within 10 miles.
*If Stack Int. not received, maintain 800′ over RIC–VOR (minimums of 600–1 will apply).
#Int of R–236 RIC VOR and the NW crs of RIC LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class, VOR; Ident., RIC; Procedure No. TerVOR–6, Amdt. 1; Eff. Date, 19 Sept. 59; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 18, 1959.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59–7013; Filed, Sept. 3, 1959; 9:29 a.m.]

[Reg. Docket No. 102; Amdt. 133]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd, 1600′ within 8 miles. Beyond 8 miles NA.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 073—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles turn right, climb to 1500′ on S crs of ALI LFR within 20 miles.

City, Alice; State, Tex.; Airport Name, Municipal; Elev., 178′; Fac. Class, SBRAZ; Ident., ALI; Procedure No. 1, Amdt. 6; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 5; Dated, 7 July 56

Key West VOR	EYW-LFR	Direct	1300	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn*	800–2	800–2	800–2

Procedure turn N side W crs, 267° Outbnd, 087° Inbnd, 1300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 065—1.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, climb to 1200′ on E crs within 20 miles.
NOTE: Runway lighting available on request to EYW Radio.
* Authorized as an alternate only during hours when approved weather service available. U.S. Weather Bureau service available from 0600–2200 EST only.

City, Key West; State, Fla.; Airport Name, International; Elev., 4′; Fac. Class, SBRAZ; Ident., EYW; Procedure No. 1, Amdt. 9; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 8; Dated, 6 June 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ft Riley Int*	FRI "H"	Direct	2800	T-dn	300–1	300–1	200–½
				C-dn#	600–1	600–1	600–1½
				S-dn-04	600–1	600–1	600–1
				A-dn	1600–3	1600–3	1600–3

Procedure turn East side of crs, 207° Outbound, 027° Inbound, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 031°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing FRI "H", climb to 2800′ on a crs of 050° from the "H" within 15 mi.
CAUTION: Restricted area R–107 adjacent to airport northwest. Small arms firing range 2.4 miles North.
NOTE: Prior approval must be obtained from the Commanding Officer for use of this facility.
*Int V–4 and R–320 EMP VOR.
#All circling approaches will be made to the East of the airport. See caution note.

City, Fort Riley; State, Kans.; Airport Name, Marshall AAF; Elev., 1062′; Fac. Class, H; Ident., FRI; Procedure No. 1, Amdt. 2; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 1; Dated, 29 Aug. 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amarillo LFR	AMA-VOR	Direct	4800	T-dn	300–1	300–1	200–1½
Tradewind MHW	AMA-VOR	Direct	5000	C-dn	400–1	500–1	500–1½
				S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 4900′ within 10 mi.
Minimum altitude over facility on final approach crs, 4400′.
Crs and distance, facility to airport, 210°—5.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi, climb to 5000′ on R–210 within 20 mi, or when directed by ATC, turn left, climb to 4700′ on R–075 within 20 mi.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class, BVOR; Ident., AMA; Procedure No. 1, Amdt. 5; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 4; Dated, 2 Mar. 57

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA LFR	AMA VOR	Direct	5000	T-dn	300–1	300–1	200–½
TDW RBN	AMA VOR	Direct	5000	C-dn	400–1	500–1	500–1½
AMA LFR	Potter Int.*	Direct	5000	S-dn-3	400–1	400–1	400–1
TDW RBN	Potter Int.*	037–4.4	4500	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 5000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over Potter Int* on final approach crs, 4500′.
Crs and distance, Potter Int* to airport, 031°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing Potter Int, climb straight ahead to 4900′ on R-211 to the VOR, thence R-029 within 20 mi of AMA VOR or, when directed by ATC, climb to 4700′ on AMA VOR R-075 within 20 mi of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994 MSL 5 mi. SW; 3886 MSL 4 mi. SW; 3855 MSL 5 mi. SSW.
*Potter Int: Int AMA VOR R-211 and Brng 356° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604′; Fac. Class, BVOR; Ident., AMA; Procedure No. 2, Amdt. 2; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 1; Dated, 12 Sept. 59

Key West LFR	EYW-VOR	Direct	1300	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn*	800–2	800–2	800–2

Procedure turn W side crs, 317° Outbnd, 137° Inbnd, 1300′ within 10 mi. Beyond 10 mi N A.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 137—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7, climb to 1100 on R-137 within 20 miles.
NOTE: Runway lighting available on request to EYW radio.
*Authorized as an alternate only during hours when approved weather service available. U.S. Weather Bureau service available from 0600–2200 EST only.

City, Key West; State, Fla.; Airport Name, International; Elev, 4′; Fac. Class, BVOR; Ident, EYW; Procedure No. 1, Amdt. 6; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 5; Dated, 20 June 59

MSY-LFR	MSY-VOR	Direct	1400	T-dn	300–1	300–1	200–½
LaPlace MHW	MSY-VOR	Direct	1400	C-dn	400–1	500–1	500–1½
Int Bayou St. John FM and R-063 MSY-VOR.	MSY-VOR (Final)	243—4.3	700	S-dn-23	400–1	400–1	400–1
	MSY-VOR (Final)	259—4.5	700	A-dn	800–2	800–2	800–2
Int Bayou St. John FM and R-079 MSY-VOR.	MSY-VOR (Final)	Direct	700				
Radar Fix#							

Radar transition altitude 1500′ within 25 miles. Radar control must provide 3 mi lateral or 1000′ vertical separation from 623′ and 563′ radio towers 12 miles SE of airport, and 978′ TV tower 16 miles East of airport.
Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 237°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi of VOR, climb to 1300′ on R-237 within 20 mi or, when directed by ATC, (1) turn right, intercept and climb to 1400′ on R-271 to LaPlace RBn or (2) turn left, intercept and climb to 1500′ on R-208 within 20 mi.
CAUTION: 409′ radio tower 2.3 mi North of airport.
#Radar Fix is 5 mi dist. from VOR on R-057.

City, New Orleans; State, La.; Airport Name, Moisant Int'l.; Elev., 3′; Fac. Class, VORTAC; Ident., MSY; Procedure No. 1, Amdt. 2; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 1; Dated, 15 Aug. 59

Prescott LFR	PRC VOR	Direct	7000	T-dn*	600–2	600–2	600–2
Drake VOR	Int DRK R-228 and PRC R-288	228°–13	8000	C-dn	800–2	800–2	800–2
Int DRK R-228 and PRC R-288	PRC VOR (Final)	Direct	6300	A-dn	1000–2	1000–2	1000–2

Procedure turn North side of crs, 288° Outbnd, 108° Inbnd, 7000′ within 10 mi. All turns North side of crs. High terrain South.
Minimum altitude over facility on final approach crs, 6300′.
Crs and distance, facility to airport, 112°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, make immediate left climbing turn and return to PRC VOR; continue climb to 8000′ on R-228 within 20 miles or, when directed by ATC, make immediate left turn and climb to 9000′ on R-089 within 15 miles of PRC VOR. Beyond 15 miles NA.
NOTE: Final approach course is to NE side of airport.
*800–2 required for Rnwys 12 and 30.

City, Prescott; State, Ariz.; Airport Name, Municipal; Elev., 5042′; Fac. Class, VORTAC; Ident., PRC; Procedure No. 1, Amdt. 5; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 4; Dated, 5 Sept. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 8 AUGUST 1959.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666′; Fac. Class, TVOR; Ident, ORD; Procedure No. TerVOR-14, Amdt. 1; Eff. Date, 8 Nov. 58; Sup. Amdt. No. Orig.; Dated, 8 Nov. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 8 AUGUST 1959.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666′; Fac. Class, VOR; Ident., ORD; Procedure No. TerVOR-18, Amdt. 3; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 2; Dated, 28 Apr. 57

PROCEDURE CANCELLED, EFFECTIVE 8 AUGUST 1959.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l.; Elev., 666′; Fac. Class, VOR; Ident., ORD; Procedure No. TerVOR-22, Amdt. 5; Eff. Date, 11 Jan. 58; Sup. Amdt. No. 4; Dated, 2 Nov. 57

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Little Rock LFR	LOM	Direct	1800	T-dn	300–1	300–1	200–½
Little Rock VOR	LOM	Direct	1800	C-dn	500–1	600–1	600–1½
Lakeside Int	LOM	Direct	1800	S-dn-4	200–½	200–½	200–½
City Int	LOM	Direct	1800	A-dn	600–2	600–2	600–2
Malvern Int	LOM	Direct	1800				
Mablevale Int	LOM (Final)	Direct	1800				
Bauxite Int	SW crs ILS	010–2.3	1800				

Procedure turn N side SW crs, 220° Outbnd, 040° Inbnd, 1800′ within 10 mi. (Nonstandard due to traffic.)
Minimum altitude at G.S. int inbnd, 1800′.
Altitude of G.S. and distance to approach end of rny at OM 1800–4.6, at MM 500—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800′ on NE crs ILS (040) within 20 miles or, when directed by ATC, (1) turn right, climb to 1500′ and proceed to VOR or LFR, or (2) turn right, climb to 1600′ on R-055 within 20 mi.
NOTES: 300–1 required for takeoff Runways 17, 35, 32. 400–1 required when G.S. not used.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class, ILS; Ident., I-LIT; Procedure No. ILS–4, Amdt. 4; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 3; Dated, 13 Dec. 58

Utica LFR	Utica RBn	Direct	3000	T-dn	300–1	300–1	200–½
Int E crs Syracuse LFR and SE crs ILS	Utica RBn (Final)	Direct	3000	C-dn	400–1	500–1	500–1½
Int Syracuse R-111 and SE crs ILS	Utica RBn (Final)	Direct	3000	S-dn 33**#	300–¾	300–¾	300–¾
Sherrill Int	Utica RBn	Direct	3000	A-dn	600–2	600–2	600–2
Utica LFR	Utica LMM	Direct	3000				
Utica VOR	Utica RBn	Direct	3000				
Brookfield Int	Utica RBn	Direct	3000				

Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 3000′ within 10 mi of Utica RBn.
Minimum altitude at G.S. int. inbnd 3000′.
Altitude of G.S. and distance to appr end of rny at Utica RBn 3000′—7.3; OM 1925′—3.8; MM 935′**—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn returning to Utica RBn at 3000′ or, when directed by ATC, proceed to Utica LFR climbing to 3000′.
NOTE: Approaches may be conducted with Utica RBn inoperative provided OM is identified prior to executing procedure turn and glide slope is utilized.
#Approach lights not commissioned.
**400–¾ with glide slope inoperative. Minimum altitude over OM with glide slope inoperative 1340′ MSL.

City, Utica; State, N.Y.; Airport Name, Oneida County; Elev., 742′; Fac. Class, ILS; Ident., UCA; Procedure No. ILS–33, Amdt. 2; Eff. Date, 26 Sept. 59; Sup. Amdt. No. 1; Dated, 11 Jan. 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 21, 1959.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59–7184; Filed, Sept. 3, 1959; 9:29 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (23) of § 6.310(l) is amended as set out below.

§ 6.310 Department of the Interior.

* * * * *

(l) *Office of Territories.* * * *

(23) One Private Secretary to the Governor of Guam.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7363; Filed, Sept. 3, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Personnel Claims

In Part 836, § 836.96(a)(2) is corrected to read as follows:

§ 836.96 Demand on carrier or insurer.

(a) *Carrier* * * *

(2) *Action on claim while demand pending.* As soon as the base claims officer is notified that the claimant desires to file a claim under §§ 836.90 to 836.101 for property lost or received in a damaged or otherwise unsatisfactory condition, he will help the claimant make his demand on the carrier. This demand will be made on Air Force Form 1157, "Demand on Carrier." The base claims officer will require that for official purposes, AF Form 1157 be executed in triplicate. A copy of the executed form will be forwarded immediately by the base claims officer to the base transportation officer. Normally, if the claim is otherwise ready for transmittal to the approving authority, it may be forwarded without further delay and before negotiations with the carrier are concluded. However, if it appears that recovery from the carrier will be made within a reasonable time, forwarding of the claim file may be delayed until negotiations are completed. (In disaster or other unusual cases where the claimant would suffer actual hardship if the file were held at base level for any appreciable period, the file should be forwarded as soon as it is complete, without regard to the status of the demand on the carrier.) If action on the carrier demand is not concluded by the claims officer at the time the claim file is forwarded, the approving authority will, upon receipt of the file, assume the responsibility of monitoring the demand to a conclusion. A copy of the demand and all the claims officer's correspondence concerning the carrier demand will be included in the file when forwarded. The approving authority will not delay action on the claim pending conclusion of the demand. When the file is forwarded to the Staff Judge Advocate, Air Materiel Command, for retention, or to the Chief of the Claims Division, Office of The Judge Advocate General of the Air Force, for action or retention, the carrier correspondence will be included in the related claim file, and these headquarters will, in turn, assume responsibility for monitoring the demand to a conclusion. The approving authority will instruct the claimant that when a carrier recovery is effected subsequent to the payment of a claim under §§ 836.90 to 836.101, he will forward to the approving authority the check for carrier recovery, indorsed to the Treasurer of the United States, together with any pertinent documents received from the carrier.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70 Stat. 255; 10 U.S.C. 2732) [AFR 112-7A, July 13, 1959]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-7364; Filed, Sept. 3, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

What May Be Mailed at Second-Class Rates

Regulations of the Post Office Department are amended as follows:

I. In § 22.4 *What may be mailed at the second-class rates* make the following changes:

A. Paragraph (d) is amended to read as follows:

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) A supplement must bear the title of the publication preceded by the words "Supplement to".

(3) Supplements must be folded and mailed with the regular issue.

(4) Independent publications may not be inserted in publications as supplements.

(5) Bound periodicals must observe the provisions of paragraph (i) of this section.

B. In paragraph (f)(1) a new subdivision (vii) is added to read as follows:

(vii) Sample copies may be mailed to boxholders with each copy addressed in the simplified manner shown in § 13.4(a) of this chapter. Copies so addressed and marked "Sample Copy" must be mailed to each boxholder on the rural or star route or to each boxholder at post offices not having city letter-carrier service. Copies may not be mailed only to nonsubscriber boxholders. All copies mailed in this manner are considered as samples even though some boxholders are subscribers. Such copies are individually addressed copies.

C. Paragraph (g) is amended to read as follows:

(g) *Advertiser's proof sheets.* Single sheets or portions of sheets sent to an advertiser or his agent as proof of insertion of an advertisement must be enclosed in unsealed envelopes or wrappers bearing in the upper left corner the printed inscription "Advertiser's proof copy" and in the upper right corner a second-class imprint. See § 22.2(e)(7) of this chapter.

D. In paragraph (h)(3) subdivision (iv) is amended to read as follows:

(iv) Pages having printed illustrations pasted to them.

NOTE: The corresponding Postal Manual sections are 132.44, 132.461g, 132.47, 132.483d.

(R.S. 161, as amended, 396, as amended, secs. 10, 12, 14, as amended, and 16, 20 Stat. 359, 23 Stat. 210, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 224, 225, 226, 228, 287)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7457; Filed, Sept. 3, 1959; 11:37 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

Miscellaneous Amendments

1. The Commission has under consideration the desirability of making certain editorial changes in § 3.606(b) and the Note to § 3.611 of Part 3 of its rules and regulations.

2. Upon review of the provisions of these sections of Part 3, the Commission believes that the editorial changes set forth below should be made to correct references to Hawaii.

3. The amendments adopted herein are editorial in nature and, therefore, prior publication of Notice of Proposed Rule Making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

4. The amendments adopted herein are issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

5. In view of the foregoing: *It is ordered,* This 28th day of August 1959, that effective August 31, 1959, § 3.606(b) and the Note to § 3.611. Part 3, Radio Broadcast Services, of the Commission's rules and regulations, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 3—Radio Broadcast Services is amended as follows:

1. Section 3.606(b) is amended by transferring the entries for Hawaiian Islands from "U.S. Territories and Possessions" to the alphabetical listing by States and list under "Hawaii" instead of "Hawaiian Islands."

2. In § 3.611 *Reference points and distance computations,* the note following paragraph (d)(3) is amended to read as follows:

NOTE: In determining necessary distance computations for Alaska, Hawaii, and the Territories, the appropriate mileage per degree may be obtained by linear interpolation of the data given on pages 1246 and 1247 of the tables in publication H.O. No. 9 (Bowditch-American Practical Navigator—1958 Edition) of the U.S. Navy Department, Hydrographic Office. This publication may be purchased from the Government Printing Office, Washington 25, D.C.

[F.R. Doc. 59-7388; Filed, Sept. 3, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Uintah Indian Irrigation Project, Utah; Basic Water Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 221.77, *Basic water charges,* of 25 CFR, Chapter I, Subchapter T, Part 221, dealing with operation and maintenance assessments against the irrigable lands of the Utah Indian the irrigable lands of the Uintah Indian the basic water charges from $2.10 per acre to $3.00 per acre per annum. The revised section will read as follows:

§ 221.77 Basic water charges.

Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per-acre basis against the irrigable lands of all units of the project and for the calendar year 1960 and each succeeding year until further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $3.00 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than $4.00.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

F. M. HAVERLAND,
Area Director.

AUGUST 21, 1959.

[F.R. Doc. 59-7373; Filed, Sept. 3, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

[Docket No. AO-225-A11]

MILK IN DETROIT, MICHIGAN, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Third Floor Auditorium, National Cash Register Building, 2875 West Grand Boulevard, Detroit 2, Michigan, beginning at 10:00 a.m., local time, on September 10, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Detroit, Michigan, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

In view of Proposal No. 1 which raises the issue of the Class II price, the hearing will open to receive testimony with respect to all aspects of the Class II price.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Michigan Milk Producers Association:

Proposal No. 1. Amend § 924.52(b) by adding to paragraph (b) the following: "*Provided,* That during the months of October, November, December and January a credit of twenty cents (20¢) per hundredweight on skim milk used to produce nonfat dry milk and one-half cent (½¢) per pound of butterfat used to produce butter, after first allocating other source milk to the lowest classification, be allowed."

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2899 West Grand Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 31st day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-7382; Filed, Sept. 3, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs., Docket No. 10823]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Notice of Tariff Posting

SEPTEMBER 1, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 221 of the Economic Regulations which would require the carriers to display continuously at each station or office at which tariffs are required to be posted a notice that such tariffs are on file in such station or office.

The principal features of the proposed regulation are explained in the explanatory statement and the proposed amendment to Part 221 as set forth below. This regulation is proposed under authority of sections 204(a) and 403 of the Federal Aviation Act (72 Stat. 743, 758; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule-making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section,

Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before October 5, 1959 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after October 7, 1959 for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Section 403 of the Federal Aviation Act of 1958 requires that tariffs be filed, posted and published in such form and manner, and contain such information as the Board shall by regulation prescribe. Subpart N of Part 221 of the Board's Economic Regulations governing the posting of tariffs and the making of tariffs available for public inspection provides that a carrier will be deemed to have complied with the posting requirements, if it maintains at each station or ticket office a file in complete form of all tariff publications required to be posted.

The Board is aware that in the absence of knowledge of the requirements of Part 221, the general public may not know that the carriers' tariff publications are available for inspection. Since notice to the public is the objective of the posting requirement, the Board believes that Part 221 should be amended to provide a more effective means of publicizing the fact that an air carrier's tariff publications are available for public inspection.

Therefore, it is proposed to require each carrier covered under Part 221 to display continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type advising the public that all of the tariff publications which have been issued but not yet effective and all the currently effective tariffs to which such carrier is a party are on file in that station or office. This notice would also advise the public that a complete file of the carriers' superseded tariffs is maintained and kept available for public inspection and where such files are so maintained.

§ 221.173 Notice of tariff posting.

Each carrier shall cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

All of the tariff publications which have been issued but are not yet effective and all of the currently effective tariffs to which this company is a party are on file in this office. The tariffs may be inspected by any person upon request and without the assignment of any reason for such inspection. The employees of this company on duty in this office will lend any assistance desired in securing information therefrom.

In addition, a complete file of this company's superseded tariffs, with indexes thereof, is maintained and kept available for public inspection at:

(Here indicate the place or places where complete tariff files are maintained, including the street address, and where appropriate, the room number.)

[F.R. Doc. 59-7394; Filed, Sept. 3, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 104; Draft Release 59-13]

AIR TRAFFIC RULES

Right-of-Way; Aerial Refueling Operations

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Civil Air Regulations, Part 60, § 60.14(b), as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired.

Part 60 of the Civil Air Regulations comprises the air traffic rules and contains certain definitions pertaining thereto. Section 60.14(b) prescribes the rules of right-of-way with respect to aircraft on converging courses. It specifies, in effect, that aircraft shall give way to others which are less maneuverable and are therefore less capable of taking effective action for collision avoidance. It further states that mechanically driven aircraft shall give way to aircraft which are seen to be towing other aircraft.

In recent years there has been an increasing number of military operations involving the in-flight refueling of aircraft. The refueling process and the towing process are similar in that the ability of the aircraft involved to maneuver and to take effective action for collision avoidance is considerably reduced. Since the two operations are similar in nature, it is reasonable to require that other aircraft give way to aircraft involved in refueling operations in the same manner as is currently applicable to aircraft engaged in the towing process.

Aircraft in-flight refueling operations are not explicitly covered in the right-of-way provisions of § 60.14. We therefore propose to amend paragraph (b) of that section and the note associated thereto by inserting the phrase "or refueling" immediately following the word "towing" in both instances.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60) is proposed to be amended as follows:

1. By amending paragraph (b) of § 60.14 to read as follows:

§ 60.14 Right-of-way.

* * * * *

(b) *Converging.* Aircraft converging shall give way to other aircraft of a different category in the following order: airplanes and rotorcraft shall give way to airships, gliders, and balloons; airships shall give way to gliders and balloons; gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each aircraft shall give way to the other which is on its right. Mechanically driven aircraft shall give way to aircraft which are seen to be towing or refueling other aircraft.

NOTE: In effect, an aircraft will give way to another of a different category which is less maneuverable and is unable to take as effective action to avoid collision. For this reason, aircraft towing or refueling others are given the right-of-way.

This amendment is proposed under the authority of sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749, 49 U.S.C. 1354, 1348).

Issued in Washington, D.C., on August 27, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7387; Filed, Sept. 3, 1959; 8:48 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 106]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include airworthiness directives requiring corrective action involving Piaggio P.136-L2, and Vickers Viscount 810 aircraft.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directives:

PIAGGIO. Applies to all Model P.136-L2 aircraft.

Compliance required by November 30, 1959.

In order to preclude the possibility of condensed water vapor from freezing and obstructing the oil tank breather lines, these lines for both the right and left engines should be rerouted to provide an increased slope in accordance with Piaggio & Co. Change Order No. 36-52 which covers this same subject. The Registro Aeronautico Italiano considers compliance mandatory.

VICKERS. Applies to all Viscount 810 Series aircraft which do not embody modification FG.1447.

Compliance required as indicated.

Service experience has shown that a gap of less than 0.25-inch between the end of No. 3 flap and the aileron may, under certain flight conditions, produce a condition where the flap could foul or contact the inboard end of the aileron (port and starboard wings). Within the next 500 flight hours but not later than December 15, 1959, inspect for adequate clearance between the outboard end of the No. 3 flap at the No. 4 flap beam unit and the inboard end of the aileron on both the right and left sides. This inspection must also be carried out whenever a flap or an aileron is installed. Where the gap is found to be less than 0.25-inch the outboard end of the No. 3 flap must be modified to provide proper clearance. The British Air Registration Board considers this mandatory.

(Vickers-Armstrongs PTL No. 80 (800/810 series) and modification FG.1447 cover the same subject.)

Issued in Washington, D.C., on August 28, 1959.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-7371; Filed, Sept. 3, 1959; 8:46 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 105]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

Airborne Weather Radar Equipment

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the Regulations of the Administrator as hereinafter set forth.

This proposal is for adoption of a Technical Standard Order which will establish minimum performance standards for airborne weather radar equipment to be used on civil aircraft of the United States engaged in air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.68:

§ 514.68 Airborne weather radar equipment (for air carrier aircraft)—TSO-C63.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne weather radar equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne weather radar equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Weather and Ground Mapping Radar Operating Within the Radio Frequency Bands of 5250 to 5440 Mc and 9300 to 9500 Mc," Paper 148-59/DO-96 dated August 11, 1959.[1] Radio Technical Commission for Aeronautics' Paper 100-54/DO-60[1] which is incorporated by reference in and thus is a part of Paper 148-59/DO-96 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.[2]

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne weather radar equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne weather radar equipment approved prior to the effective date of this section, may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on August 28, 1959.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-7370; Filed, Sept. 3, 1959; 8:46 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 148-59/DO-96, 50 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

[2] In addition to the performance standards herein, airborne weather radar when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Civil Air Regulations.

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-69]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6244 and 601.6244 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is considering the extension of VOR Federal airway No. 244, which presently is designated between Oakland, Calif., and Hanksville, Utah, by continuing the airway from Hanksville to Pueblo, Colo.

This action is necessary in order to provide a Victor airway for traffic operating between Hanksville, Utah, and Pueblo, Colo. To provide navigational guidance for this airway extension, it is proposed to install a VOR near La Sal, Utah, approximately November 1, 1959, at latitude 38°15'12", longitude 109°15'-35". If such action is taken, Victor 244 and its associated control areas will extend from Oakland, Calif., to Pueblo, Colo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles, California. All communications received within thirty days after publication of this notice in the FED-

ERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6244 (24 F.R. 1284, 2230) and § 601.6244 (14 CFR, 1958 Supp., 601.6244) as follows:

1. Section 600.6244 *VOR Federal airway No. 244 (Oakland, Calif., to Hanksville, Utah)*:

a. Delete "*(Oakland, Calif. to Hanksville, Utah)*" and substitute therefor, "*(Oakland, Calif., to Pueblo, Colo.)*".

b. Delete, "to the Hanksville, Utah, VOR." and substitute therefor, "Hanksville, Utah, VOR; La Sal, Utah, VOR; Gunnison, Colo., VOR; to the Pueblo, Colo., VOR."

2. In § 601.6244 *VOR Federal airway No. 244 control areas (Oakland, Calif., to Hanksville, Utah)* delete "*(Oakland, Calif., to Hanksville, Utah)*" and substitute therefor "*(Oakand, Calif., to Pueblo, Colo.)*".

Issued in Washington, D.C., on August 28, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7367; Filed, Sept. 3, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-94]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a VOR Federal airway and associated control areas from the New Orleans, La., VOR via the Picayune, Miss., VOR, a new VOR facility to be installed approximately January 1, 1960, near Hattiesburg, Miss., at latitude 31°25'05", longitude 89°20'24", to the Meridian, Miss., VOR. In addition, a west alternate to this proposed airway would be designated from the Hattiesburg, Miss., VOR to the Meridian, Miss., VOR via the intersection of the Hattiesburg, Miss., VOR 010° and the Meridian, Miss., VOR 229° radials. The proposed VOR airway from New Orleans, La., to Meridian, Miss., would provide a direct airway routing between New Orleans, La., Picayune, Miss,. Hattiesburg, Miss., and Meridian, Miss., and provide a bypass route for long range flights from New Orleans, La., to Birmingham, Ala., Atlanta, Ga., Washington, D.C., and New York, N.Y., thus reducing congestion in the Mobile, Ala., and Montgomery, Ala., terminal areas. The west alternate would be used as an alternate routing between Hattiesburg, Miss., and Meridian, Miss., to bypass military aircraft airport approach operations at Meridian. If such action is taken, a new airway would be designated from the New Orleans, La., VOR via the Picayune, Miss., VOR, the Hattiesburg, Miss., VOR to the Meridian, Miss., VOR including a west alternate from the Hattiesburg, Miss., VOR to the Meridian, Miss., VOR via the intersection of the Hattiesburg, Miss., VOR 010° and the Meridian, Miss., VOR 229° radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) by adding the following sections:

§ 600.6455 VOR Federal airway No. 455 (New Orleans, La., to Meridian, Miss.).

From the New Orleans, La., VOR via the Picayune, Miss., VOR; Hattiesburg, Miss., VOR; to the Meridian, Miss., VOR, including a west alternate via the INT of the Hattiesburg, Miss., VOR 010° and Meridian, Miss., VOR 229° radials.

§ 601.6455 VOR Federal airway No. 455 control areas (New Orleans, La., to Meridian, Miss.).

All of VOR Federal airway No. 455, including a west alternate.

Issued in Washington, D.C., on August 28, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7366; Filed, Sept. 3, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-103]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6194 and 601.6194 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 194 presently extends from Lafayette, La., to Norfolk, Va. The Federal Aviation Agency has under consideration the designation of a north alternate and modification of a segment of this airway between Charlotte, N.C., and Raleigh, N.C., and the designation of a south alternate on the segment between Cofield, N.C., and Norfolk, Va.

The designation of a north alternate to this airway between Charlotte and Raleigh would provide a means for expediting air traffic between these terminals when heavy traffic volume exists on VOR Federal airway No. 194.

The modification of the main segment of this airway between Charlotte and Raleigh would provide sufficient angular divergence between VOR Federal airway No. 194 and VOR Federal airway No. 454 segment proposed between Charlotte, N.C., VOR and Lawrenceville, Va., VOR (Airspace Docket No. 59-WA-101). This will permit the use of these airways separately, as arrival and departure routes for the Charlotte terminal area.

The designation of a south alternate to this airway between Cofield and Norfolk would provide a south departure route for aircraft departing airports located within the Norfolk, Va., terminal area.

If such actions are taken, VOR Federal airway No. 194 and its associated control areas would then extend from Lafayette, La., to Norfolk, Va., to include an additional north alternate from the

Charlotte, N.C., VOR via an intermediate VOR to be installed approximately November 1, 1959, near Liberty, N.C., at latitude 35°48'18", longitude 79°37'21", to the Raleigh, N.C., VOR and a south alternate from the Cofield, N.C., VOR via the intersection of the Cofield VOR 084° and the Norfolk VOR 209° radials to the Norfolk, Va., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Forth Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6194 (14 CFR, 1958 Supp., 600.6194, 24 F.R. 3871) and § 601.6194 (24 F.R. 3874) as follows:

1. Section 600.6194 *VOR Federal airway No. 194 (Lafayette, La., to Norfolk, Va.)* is amended by changing all after "Charlotte, N.C., omnirange station;" to read: "INT of the Charlotte VOR 068° and the Raleigh VOR 240° radials; Raleigh, N.C., VOR, including a north alternate from the Charlotte, N.C., VOR via the Liberty, N.C., VOR; Rocky Mount, N.C., VOR, including a north alternate via the INT of the Raleigh VOR 037° and the Rocky Mount VOR 283° radials; Cofield, N.C., VOR; to the Norfolk, Va., VOR, including a south alternate via the INT of the Cofield VOR 084° and the Norfolk VOR 209° radials."

2. In the text of § 601.6194 *VOR Federal airway No. 194 control areas (Lafayette, La., to Norfolk, Va.)* delete "a north alternate" and substitute therefor "north and south alternates."

Issued in Washington, D.C., on August 28, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7368; Filed, Sept. 3, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-143]

FEDERAL AIRWAYS AND REPORTING POINTS

Modification of Federal Airways and Designated Reporting Point

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6100, 600.6116, and 601.7001 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 100 presently extends from Rock River, Wyo., to Detroit, Mich. VOR Federal airway No. 116 presently extends from Kansas City, Mo., to New York, N.Y. The Federal Aviation Agency has under consideration the modification of the segment of Victor 100 and 116 between Keeler, Mich., and Salem, Mich., via a VOR proposed to be installed approximately November 1, 1959, near Jackson, Mich., at latitude 42°15'33", longitude 84°27'30". This action would provide more precise navigational guidance and increase the use of these airways at lower altitudes. If such action is taken, the segment of Victor 100 and 116 between Keeler, Mich., and Salem, Mich., would be redesignated from Keeler, Mich., VOR to the Jackson, Mich., VOR thence via the intersection of the Jackson VOR 084° and the Salem VOR 260° radials, to the Salem, Mich., VOR. The control areas associated with these airways are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary.

With the modification of Victor 100 and 116, and the installation of the Jackson, Mich., VOR, the Domestic VOR reporting point at the Jackson intersection would be relocated to the Jackson VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6100 (14 CFR, 1958 Supp., 600.6100); § 600.6116 (24 F.R. 2646) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) as follows:

1. In the text of § 600.6100 *VOR Federal airway No. 100 (Rock River, Wyo., to Detroit, Mich.)* delete "point of intersection of the Litchfield, Mich., omnirange 050° True and the Salem omnirange 257° True radials;" and substitute therefor "Jackson, Mich., VOR; via the INT of the Jackson VOR 084° and the Salem VOR 260° radials;".

2. In the text of § 600.6116 *VOR Federal airway No. 116 (Kansas City, Mo., to New York, N.Y.)* delete "point of INT of the Litchfield, Mich., VOR 050° and the Salem VOR 257° radials;" and substitute therefor "Jackson, Mich., VOR; via the point of INT of the Jackson VOR 084° and the Salem VOR 260° radials;".

3. In § 601.7001 *Domestic VOR reporting points* delete "Jackson Intersection: The intersection of the Litchfield, Mich., omnirange 050° True and the Salem, Mich., omnirange 257° True radials." and substitute therefor "Jackson, Mich., VOR."

Issued in Washington, D.C., on August 28, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7369; Filed, Sept. 3, 1959; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Withdrawal of Petition for Establishment of Tolerances for Residues of Demeton (Systox)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended 52 Stat. 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.8), Chemagro Corporation, P.O. Box 4913, Hawthorn Road, Kansas City 20, Missouri, has withdrawn

its petition for establishment of tolerances for residues of demeton, the common name for Systox (a mixture of *O,O*-diethyl *O*- (and *S*-) 2-(ethylthio)-ethyl phosphorothioates) in or on the following raw agricultural commodities: Apricots, peaches, celery, peas, plums (fresh prunes), and tomatoes, notice of which was published in the FEDERAL REGISTER of February 14, 1959 (24 F.R. 1160).

The withdrawal of this petition is without prejudice to a future filing.

Dated: August 28, 1959.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7381; Filed, Sept. 3, 1959; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Zero Tolerance for Testosterone Enanthate, 17a-Hydroxyprogesterone Caproate, and Estradiol Valerate in Edible Portions of Beef Cattle

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by E. R. Squibb and Sons, New Brunswick, New Jersey, proposing the issuance of a regulation to establish a zero tolerance for testosterone enanthate, 17a-hydroxyprogesterone caproate, and estradiol valerate in the edible portions of beef cattle to which these drugs, incorporated into a paste, have been subcutaneously injected as growth stimulators and finishers.

Dated: August 28, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7380; Filed, Sept. 3, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (PROPERTIES AND INSTALLATIONS)

Delegation of Authority To Perform Certain Functions

Authorizing and empowering the Assistant Secretary of Defense (Properties and Installations) to perform the functions assigned to the Secretary of Defense under section 414(b) and section 415, Public Law 86-149, in connection with the execution of the Capehart Housing Program for Fiscal Year 1960.

The Secretary of Defense approved the following delegation of authority on August 28, 1959:

Pursuant to the authority vested in the Secretary of Defense by section 202(f) of the National Security Act of 1947, as amended, the authorities conferred on the Secretary of Defense in section 414(b) and section 415, Public Law 86-149, are hereby delegated to the Assistant Secretary of Defense (Properties and Installations) with authority to redelegate as appropriate.

23 F.R. 8563 is hereby canceled.

MAURICE W. ROCHE,
Administrative Secretary.

AUGUST 31, 1959.

[F.R. Doc. 59-7365; Filed, Sept. 3, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHAMBERS COUNTY STOCKYARDS ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Chambers County Stockyards, Lafayette, Ala.
Escondido Livestock Auction Yard, Escondido, Calif.
Lassen Auction Yard, Susanville, Calif.
Modoc Auction Yard, Alturas, Calif.
Orland Auction Yard, Orland, Calif.
Prunedale or Salinas Livestock Auction Yard, Salinas, Calif.
Santa Rosa Livestock Auction, Santa Rosa, Calif.
Santee Auction Co., Santee, Calif.
Schene Livestock Auction Company, Dixon, Calif.
Silveira's Livestock Auction Yard, Modesto, Calif.
Hotchkiss Sale Yard, Hotchkiss, Colo.
Cambridge Sale Yard, Cambridge, Idaho.
Carrollton Auction Sales, Carrollton, Ill.
Carthage Sale Barn, Carthage, Ill.
Central Illinois Horse Auction, Arthur, Ill.
Charleston Livestock Auction, Charleston, Ill.
Danville Livestock Commission Co., Danville, Ill.
Franklin County Live Stock and Commission Sales, Sesser, Ill.
Freeport Sales Barn, Freeport, Ill.
Geneseo Sales Co., Geneseo, Ill.
Hilltop Sales Barn, Alton, Ill.
Mattoon Auction Co., Mattoon, Ill.
Olney Livestock Commission Co., Inc., Olney, Ill.
Paris Livestock Sales Co., Paris, Ill.
Penfield Livestock Commission Co., Penfield, Ill.
Peterson Livestock Auction, Wyoming, Ill.
Pullen Auction Co., Metropolis, Ill.
Quincy Sales Co., Quincy, Ill.
Rock Island Auction Sales, Inc., Rock Island, Ill.
Slater Sale Pavilion, Pana, Ill.
Stoutenborough Auction, Springfield, Ill.
Sullivan Sale Barn, Sullivan, Ill.
Vandalia Community Sale, Vandalia, Ill.
Warren County Sale Barn, Monmouth, Ill.
Roberts Bros. Livestock Commission Co., Bolivar, Mo.
Fallon Sales Yard, Fallon, Nev.
Farmers Livestock Exchange, Pauls Valley, Okla.
Southern Oregon Livestock Auction Co., Phoenix, Oreg.
Coulee City Auction, Coulee City, Wash.
Farmer's Auction House, Everson, Wash.
Farmers Auction Sale, Snohomish, Wash.
Tonasket Livestock Market, Inc., Tonasket, Wash.
Walla Walla Livestock Commission Co. Inc., Walla Walla, Wash.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of August 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7393; Filed, Sept. 3, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12110 et al.; FCC 59M-1093]

GRAND HAVEN BROADCASTING CO. (WGHN) ET AL.

Order Continuing Hearing

In re applications of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; Central Michigan Broadcasting Co., Oil City, Michigan, Docket No. 12889, File No. BP-11132; Harmon Leroy Stevens and John F. Wismer d/b as Stevens-Wismer Broadcasting Company, Caro, Michigan, Docket No. 12890, File No. BP-11315; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company, Greenville, Michigan, Docket No. 12891, File No. BP-11611; Lloyd L. Savage, Omer K. Wright, Jae D. Kitchen and C. Wayne Wright, d/b as Caro Broadcasting Company, Caro, Michigan, Docket No. 12892, File No. BP-11836; Robert F. Benkleman and James A. McCoy, d/b as Tuscola Broadcasting Company, Caro, Michigan, Docket No. 12893, File No. BP-12013; for construction permits for standard broadcast stations.

On the Examiner's own motion and with the consent of all parties to the above-entitled proceeding: *It is ordered*, This 28th day of August 1959, that the hearing now scheduled for September 15, 1959, is continued to a date to be determined at a pre-hearing conference to be held at 2:00 p.m. on September 15, 1959.

Released: August 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7389; Filed, Sept. 3, 1959; 8:49 a.m.]

[Docket No. 12615 etc.; FCC 59M-1101]

COOKEVILLE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee et al., Docket Nos. 12615, 12960 to 12982; File No. BP-11518; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on October 5, 1959; now therefore,

It is ordered, This 31st day of August 1959, pursuant to § 1.111 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D.C., at 10:00 a.m., on Monday, October 5, 1959, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits;
6. Such pending pleadings and pleading questions as are properly within the jurisdiction of the Hearing Examiner; and
7. Such other matters as may aid in the disposition of this proceeding; and

It is further ordered, That the hearing now scheduled to be commenced on October 5, 1959, is continued to a date to be fixed by subsequent order.

Released: September 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7390; Filed, Sept. 3, 1959; 8:49 a.m.]

[Docket No. 13056; FCC 59M-1094]

NATIONAL BROADCASTING CO., INC. (WRCA)

Order Setting Prehearing Conference

In re application of National Broadcasting Company, Inc. (WRCA), New York, New York, Docket No. 13056, File No. BP-11796; for construction permit.

It is ordered, This 31st day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 o'clock a.m., September 23, 1959.

Released: August 31, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7391; Filed, Sept. 3, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10703]

NORTHWEST AIR SERVICE

Notice of Hearing

In the matter of the application of Vance Roberts, d/b/a Northwest Air Service, for a temporary certificate of public convenience and necessity authorizing supplemental air service to transport persons and property between points within the continental United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that hearing in the above-entitled proceeding is assigned to be held on September 23, 1959, at 10:00 a.m. (local time) in Room 400, U.S. Court House, Seattle, Wash., before Examiner Thomas L. Wrenn.

For further details on the scope and the issues in this proceeding, parties are referred to the report of prehearing conference served August 7, 1959.

Dated at Washington, D.C., September 1, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7397; Filed, Sept. 3, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16555]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

AUGUST 31, 1959.

Take notice that on October 13, 1958, Tennessee Gas Transmission Company (Applicant) filed in Docket No. G-16555 an application, as supplemented on October 22, 1958, February 18, 1959, and July 6, 1959, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain natural gas facilities used to transport and deliver gas into Applicant's main line system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be abandoned consist of 30.34 miles of Applicant's 33.2-mile 12-inch Benezette field line in Pennsylvania, together with associated appurtenances, and three portable compressor engines located on that line. The Benezette line connects with Applicant's Mercer-Hebron 24-inch line. Applicant states the facilities are no longer utilized because the Benezette reserves are depleted to the extent that their use is no longer economical.

Applicant states that it has agreed to sell the 30.34-mile section of 12-inch line and appurtenances for $281,865 to United Natural Gas Company, which company has advised that it will use the facilities in intrastate service only. Applicant will retain the three compressor engines for use or disposal elsewhere on its system.

Applicant proposes to account for the abandonment and sale of the subject line by charging to depreciation reserve the amount of $245,245.37, which it estimates as the difference between depreciated original cost ($527,110.45) and the sales price ($281,865.08). Applicant also proposes to charge to depreciation reserve the amount of $18,353.77, which it estimates as the difference between the depreciated value ($140,547.33) and the salvage value net of removal cost ($122,193.56) of the compressor facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7372; Filed, Sept. 3, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2021]

FEDERATED DEPARTMENT STORES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 31, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Federated Department Stores, Inc., Common Stock, File No. 7-2021.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 15, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7375; Filed, Sept. 3, 1959; 8:46 a.m.]

[File No. 70-3814]

SOUTHERN ELECTRIC GENERATING CO.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

AUGUST 28, 1959.

Notice is hereby given that Southern Electric Generating Company ("SEGCO"), a public-utility subsidiary of Alabama Power Company ("Alabama") and Georgia Power Company, ("Georgia"), exempt holding companies and public-utility subsidiaries of The Southern Company ("Southern"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions which are summarized as follows:

SEGCO proposes to issue notes to twelve banks from time to time during the period beginning on or about September 24, 1959, and ending prior to July 1, 1960, in amounts not to exceed an aggregate of $40,000,000 as indicated below:

Names and addresses of banks	Percentage of each loan	Maximum amounts to be borrowed
The First National City Bank of New York, New York, N.Y.	20.0	$8,000,000
Morgan Guaranty Trust Company of New York, New York, N.Y.	16.0	6,400,000
The Chase Manhattan Bank, New York, N.Y.	10.0	4,000,000
Chemical Corn Exchange Bank, New York, N.Y.	10.0	4,000,000
The New York Trust Company, New York, N.Y.	10.0	4,000,000
Bankers Trust Company, New York, N.Y.	8.5	3,400,000
Irving Trust Company, New York, N.Y.	8.5	3,400,000
The First National Bank of Atlanta, Atlanta, Ga.	5.5	2,200,000
Trust Company of Georgia, Atlanta, Ga.	5.5	2,200,000
United States Trust Company of New York, New York, N.Y.	3.0	1,200,000
The First National Bank of Birmingham, Birmingham, Ala.	2.0	800,000
Birmingham Trust National Bank, Birmingham, Ala.	1.0	400,000
Total	100.0	40,000,000

The above borrowings are to be evidenced by unsecured promissory notes that are to be dated as of the date of each borrowing and are to mature not more than twelve months after the date of the initial borrowing. Each note will bear interest at the prime rate (presently 4½ percent per annum) in effect at The First National City Bank of New York on the borrowing date. The notes may be prepaid, in whole or in part, at any time without penalty or premium.

The proceeds from the proposed sale of notes will be used to carry on the 1959 and 1960 construction program of SEGCO. The application states that SEGCO intends to issue and sell additional debt securities to the public and additional common stock to Alabama and Georgia during 1960 in order to provide funds for paying the notes and to further finance its 1960 construction program.

An application requesting authorization of the proposed bank borrowings has been filed with the Alabama Public Service Commission and a copy of the order entered in respect thereof will be supplied by amendment. The application states that no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

Expenses incident to the proposed transactions are estimated by SEGCO not to exceed $2,000, including $1,500 for legal fees.

Notice is further given that any interested person may, not later than September 16, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7378; Filed, Sept. 3, 1959; 8:47 a.m.]

[File No. 7-2022]

UNIVERSAL OIL PRODUCTS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 31, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Universal Oil Products Company Common Stock, File No. 7-2022.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 15, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7376; Filed, Sept. 3, 1959; 8:46 a.m.]

[File No. 70-3813]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

Notice of Proposed Renewal of Promissory Note

AUGUST 28, 1959.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and also a registered holding company, filed with this Commission on August 13, 1959 a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Philadelphia will issue and deliver to Standard Gas a renewal promissory note in replacement of a promissory note in the principal amount of $2,500,000 which will mature on September 10, 1959, and which bears interest at the rate of 3½ percent per annum, payable monthly. The renewal note, in the same principal amount, will bear interest at the prime interest rate prevailing for short-term commercial bank loans at the date of the new note, and will mature September 10, 1960, with the right of the issuer to anticipate at any time without penalty the payment of all or any part of the principal thereof.

The filing states that no State commission and no Federal regulatory commission, other than this Commission, has jurisdiction over the proposed transaction.

It is also stated that no fees or commissions will be paid or incurred in connection with the proposed transaction and that the expenses, if any, will be nominal in amount.

Notice is further given that any interested person may, not later than September 14, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date said joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7377; Filed, Sept. 3, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 50 (Revision 2)]

DEPUTY ADMINISTRATOR FOR INVESTMENT DIVISION

Delegation of Authority

I. Pursuant to the authority vested in the Administrator by the Small Business Investment Act of 1958 (Pub. Law 85-699); the Small Business Act (Pub. Law 85-536, as amended (Pub. Law 85-699); Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Deputy Administrator for the Investment Division the authority:

A. *Specific.* 1. To take any and all actions necessary to carry out the provisions of Titles I through V of the Small Business Investment Act of 1958 (Pub. Law 85-699, 72 Stat. 689) within the limitations of said Act, the Small Business Investment Companies Regulation (23 F.R. 9383), and the Loans to State and Local Development Companies Regulation (23 F.R. 10511).

2. To authorize or approve (a) his personal travel and (b) the travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

3. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

4. To authorize expenditures for registration fees not in excess of $25.00 for each registration.

B. *Correspondence.* To sign all correspondence, except correspondence addressed to Members of Congress, relating to the investment program.

II. The authority delegated in I A 1 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for the Investment Division.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for the Investment Division is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: August 10, 1959.

WENDELL B. BARNES, *Administrator.*

[F.R. Doc. 59-7379; Filed, Sept. 3, 1959; 8:47 a.m.]

TARIFF COMMISSION

FLUORSPAR

Notice of Investigation and Date of Hearing

In accordance with Senate Resolution 163 of the 86th Congress, adopted August 21, 1959, the United States Tariff Commission has instituted a general investigation of the fluorspar industry under the authority of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332).

A previous investigation of the fluorspar industry under the authority of section 332 was instituted on August 18, 1954, in accordance with a resolution of the Committee on Finance of the United States Senate. A report of the results of that investigation was made on June 6, 1955.

S. Res. 163 directs the Commission to make a further investigation along the lines of the previous investigation and to submit a supplemental report to the Congress on or before February 29, 1960, bringing the 1955 report down to date. Section 2 of the resolution reads as follows:

> The said supplemental report of the Tariff Commission shall include specific findings of the Commission with regard to the current condition of the fluorspar mining industry and as to what additional import restrictions, if any (by way of increased duties or import quotas, or both), need to be imposed upon articles dutiable under paragraph 207 of the Tariff Act of 1930 in order that fluorspar mining operations in the United States may be conducted on a sound and stable basis. The Commission shall also determine what action, if any, should be taken to correct the disparity in the existing rates of duty.

Hearings. Public hearings, at which all interested parties will be given opportunity to appear and to be heard, will be held in connection with the current investigation in the Hearing Room of the Tariff Commission, Eighth and E Streets N.W., Washington, D.C., beginning at 10 a.m. on December 15, 1959.

Request to appear. Interested parties desiring to appear and to be heard at the hearings should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the opening date of the hearings.

Issued: September 1, 1959.

DONN N. BENT, *Secretary.*

[F.R. Doc. 59-7398; Filed, Sept. 3, 1959; 8:50 a.m.]

LEAD AND ZINC

Notice of Investigation and Date of Hearing

In accordance with Senate Resolution 162 of the 86th Congress, adopted August 21, 1959, the United States Tariff Commission has instituted a general investigation of the domestic lead and zinc industry under the authority of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332).

A previous investigation of the lead and zinc industry under the authority of section 332 was instituted on July 29, 1953, in accordance with resolutions of the Committee on Finance of the United States Senate and the Committee on Ways and Means of the House of Representatives. A report of the results of that investigation was made on April 19, 1954 (Senate Document 119, 83d Congress).

S. Res. 162 directs the Commission to make a further investigation along the lines of the previous investigation and to submit a supplemental report to the Congress on or before March 31, 1960, bringing the 1954 report down to date. Section 2 of the resolution reads as follows:

The said supplemental report of the Tariff Commission shall include specific findings of the Commission with regard to the current condition of the lead and zinc mining industries and as to what additional import restrictions, if any (by way of increased duties or import quotas, or both), need to be imposed upon articles dutiable under paragraphs 72, 77, 391, 392, 393, and 394 of the Tariff Act of 1930, on zinc fume or zinc flue dust dutiable under paragraph 214 of the said tariff act, on zinc wire dutiable under paragraph 316(a) of the said tariff act, on zinc engravers' plates dutiable under paragraph 341 of the said tariff act, and on zinc alloys and lead and zinc mill products dutiable under paragraph 397 of the said tariff act, in order that lead and zinc mining operations in the United States may be conducted on a sound and stable basis.

Hearings. Public hearings at which all interested parties will be given opportunity to appear and to be heard, will be held in connection with the current investigation in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m. on January 12, 1960.

Request to appear. Interested parties desiring to appear and to be heard at the hearings should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the opening date of the hearings.

By order of the Commission.

Issued: September 1, 1959.

DONN N. BENT,
Secretary.

[F.R. Doc. 59-7399; Filed, Sept. 3, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 1, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35651: *Cinders from Garnett, Okla., to Wichita and Winfield, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B-7627), for interested rail carriers. Rates on cinders, clay or shale, ground or not ground, in carloads from Garnett, Okla., to Wichita and Winfield, Kans.

Grounds for relief: Grouping.

Tariff: Supplement 22 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 35652: *Caustic soda from Evans City, Ala., to Jeffersonville, Ind.* Filed by O. W. South, Jr., Agent (SFA No. A-3834), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Evans City, Ala., to Jeffersonville, Ind.

Grounds for relief: Rail carrier competition.

Tariff: Supplement 101 to Southern Freight Association tariff I.C.C. 1536.

FSA No. 35653: *Liquefied petroleum gas from Domex, Sask.* Filed by G. H. Mitchell, Agent (CFA No. 9), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Domex, Sask., Canada to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula and market competition with producing points in North Dakota. Grouping of destinations.

Tariff: Canadian Freight Association tariff I.C.C. 137, G. H. Mitchell, Agent.

FSA No. 35654: *Sand—Attica, Ind., to Cerro Gordo, Ill.* Filed by Illinois Freight Association, Agent (No. 76), for interested rail carriers. Rates on sand, carloads, in open-top cars from Attica, Ind., to Cerro Gordo, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobside.

Tariff: Wabash Railroad Company's tariff I.C.C. No. 7844.

FSA No. 35655: *Substituted service—Pennsylvania Railroad for Motor Carriers.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 29), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Columbus, Ohio, and Chicago, Ill., on like property originating at or destined to points on motor carriers beyond the named points in territories described.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to Central States Motor Freight Bureau, Agent, tariff MF-I.C.C. No. 917.

FSA No. 35656: *Substituted service—C. & O. Ry. for Motor Carriers.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 30), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Cincinnati, Ohio and Detroit, Mich., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to Central States Motor Freight Bureau, Inc., Agent, tariff MF-I.C.C. 917.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-7383; Filed, Sept. 3, 1959; 8:48 a.m.]

[Notice 183]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 1, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62249. By order of August 31, 1959, the Transfer Board approved the transfer to Colorado Express, Inc., Denver, Colo., of Certificate in No. MC 35661, issued May 4, 1949, to Fred W. Schultz, doing business as Denver-Pueblo Truck Lines, Denver, Colo., authorizing the transportation of: General commodities, except dangerous explosives, liquids, in bulk, in tank-trucks, and articles of virtu, between Denver, Trinidad, and Lamar, Colo. John F. Mueller, 304 Midland Savings, Denver 2, Colo., and Barry, Dawkins, and Boyle, 738 Majestic Building, Denver 2, Colo., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-7384; Filed, Sept. 3, 1959; 8:48 a.m.]

[No. 23455]

PUGET SOUND—PORTLAND JOINT PASSENGER-TRAIN SERVICE

Notice of Hearing

AUGUST 11, 1959.

Application filed June 8, 1959, for authority to eliminate one passenger train in each direction, viz, No. 402, leaving Seattle, Wash., 11:45 p.m., and arriving Portland, Oreg., 6:05 a.m., and No. 459, leaving Portland, 1:30 p.m., and arriving Seattle, 5:30 p.m.

This application is assigned for hearing at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Street, Portland, Oreg., beginning at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), on September 14, 1959, before Examiner Richard S. Ries.

Copy of this notice is being served on applicants, the Governors and regulatory authorities of the States of Washington and Oregon, the Chambers of Commerce of Seattle and Tacoma, Wash., and Portland, Oreg., deposited in the office of the Secretary of the Commission, for public inspection, and filed with the Director, Division of the Federal Register.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-7385; Filed, Sept. 3, 1959; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F.R. 200), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Shirt Corp., Ashland, Pa.; effective 8-25-59 to 8-24-60 (men's sport and dress shirts).

Branchville Shirt Co., 108 Carroll Street, Branchville, S.C.; effective 8-24-59 to 8-23-60 (men's and boys' sport shirts).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9-9-59 to 9-8-60 (men's dress and play slacks).

Detroit Slacks, Inc., Detroit, Ala.; effective 9-1-59 to 8-31-60 (men's and boys' dress and play slacks).

Fleetline Industries, Inc., Garland, N.C.; effective 8-23-59 to 8-22-60 (sport shirts).

G & S Manufacturing, Inc., Central and F Streets, Auburn, Nebr.; effective 8-24-59 to 8-23-60 (infants' toddlers' and boys' apparel).

Horton Garment Co., Inc., 138-40 East Eighth Street, Horton, Kans.; effective 8-25-59 to 8-24-60 (junior dresses).

Leitchfield Manufacturing Co., Leitchfield, Ky.; effective 8-20-59 to 8-19-60 (dress slacks).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; effective 9-1-59 to 8-31-60 (men's and boys' dress and play slacks).

Mart Manufacturing Co., Inc., Marked Tree, Ark.; effective 8-28-59 to 8-27-60 (men's sport shirts).

Salem Sportswear Co., Salem, Mo.; effective 8-19-59 to 8-18-60 (men's and boys' cloth zipper and button jackets).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-59 to 8-31-60 (men's dress pants).

Whiteville Garment Manufacturing Co., Whiteville, N.C.; effective 8-25-59 to 8-24-60 (children's denim dungarees).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Astor Knitting Mills, Inc., 1712 North 10th Street, Reading, Pa.; effective 8-24-59 to 8-23-60; nine learners (men's and boys' jackets, children's snow suits).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 8-27-59 to 8-26-60; 10 learners (jersey, nylon and rayon blouses).

Rita's Sportswear, 242 North Main Street, Moscow, Pa.; effective 8-20-59 to 8-19-60; 10 learners (children's wear, ladies' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carolina Sportswear Co., Warrenton, N.C.; effective 8-20-59 to 2-19-60; 40 learners (men's and boys' knitted sportswear).

Mart Manufacturing Co., Inc., Marked Tree, Ark.; effective 8-24-59 to 2-23-60; 20 learners (men's sport shirts).

Nelly Don, Inc., Nevada, Mo.; effective 8-20-59 to 2-19-60; 50 learners (women's dresses).

Triple A Trouser Manufacturing Co., Inc., 1429-31 Capouse Avenue, Scranton, Pa.; effective 8-20-59 to 2-19-60; 10 learners (boys' trousers).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The following learner certificates were issued authorizing the employment of five percent of the total number of factory production workers for normal labor turnover purposes.

Broadway Hosiery Mills, Inc., 53 West Burton Street, West Asheville, N.C.; effective 8-18-59 to 8-17-60 (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 9-1-59 to 8-31-60 (seamless).

Fort Payne Hosiery Mills, Fort Payne, Ala.; effective 8-24-59 to 8-23-60 (seamless).

Kayser-Roth Hosiery Co., Inc., Duke Div., Hickory, N.C.; effective 9-8-59 to 9-7-60 (seamless).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N.C.; effective 8-28-59 to 8-27-60 (seamless).

Hollar Hosiery Mills, Inc., 5 First Avenue NW., Hickory, N.C.; effective 8-18-59 to 8-17-60; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hazlehurst Manufacturing Co., 212 Gill Street, Hazlehurst, Ga.; effective 8-24-59 to 2-23-60; 25 learners for plant expansion purposes (women's underwear).

Junior Form Lingerie Corp., Cairnbrook, Pa.; effective 9-1-59 to 8-31-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (lingerie).

Masterfit Manufacturing Corp., Prescott, Ark.; effective 8-24-59 to 8-23-60; five learners for normal labor turnover purposes (men's and boys' underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Crown Footwear Manufacturing Co., Inc., New Athens, Ill.; effective 8-28-59 to 8-27-60; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's shoes cement process).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

J. Capps & Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill.; effective 9-1-59 to 2-29-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits, topcoats, sport coats and slacks).

Famous Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La.; effective 9-1-59 to 2-25-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's wool, cotton and synthetic fiber suits, jackets and trousers).

Friedman-Marks Clothing Co., Inc., 1400 West Marshall Street, Richmond, Va.; effective 9-1-59 to 2-29-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits, sports coats, slacks).

Hardwick Clothes, Cleveland, Tenn.; effective 9-1-59 to 2-29-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's and boys' tailored garments).

Herbert Manufacturing Co., 471 Temperance Street, St. Paul, Minn.; effective 8-24-59 to 2-23-60; three learners for normal labor turnover purposes in the occupations of sewing machine operator, final presser, for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's and young men's overcoats, topcoats, etc.).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill.; effective 9-1-59 to 2-28-60; five learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (caps).

Vista Casuals, Inc., 120 Northwest 23d Avenue, Portland, Oreg.; effective 8-19-59 to 2-18-60; five learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's tailored sport coats and sportswear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates

may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firms listed below. Effective and expiration dates, occupations, and learning periods for the certificates issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Clear Creek Baptist School, Pineville, Ky.; effective 9–1–59 to 8–31–60; authorizing the employment of 20 student-workers in the furniture industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations including incidental clerical work in furniture shop for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Emmanuel Missionary College, Berrien Springs, Mich.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 60 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 12 student-workers in the printing industry in the occupations of pressman, compositor, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (3) 90 student-workers in the furniture industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (4) 5 student-workers in the clerical occupations of bookkeeper, typist and related skilled and semi-skilled occupations for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Enterprise Academy, Enterprise, Kans.; effective 9–1–59 to 8–31–60; authorizing the employment of six student-workers in the printing industry in the occupations of compositor, pressman, linotype operator, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of four student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, Hawaii; effective 9–1–59 to 8–31–60; authorizing the employment of (1) five student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) one student-worker in the clerical occupations of typist, bookkeeper, and related skilled and semi-skilled occupations for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Indiana Academy, Cicero, Ind.; effective 9–1–59 to 8–31–60; authorizing the employment of 30 student-workers in the furniture (wood) industry in the occupations of woodworking machine operator, assembler, furniture finisher helper and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Laurelwood Academy, Route No. 2, Gaston, Oreg.; effective 9–1–59 to 8–31–60; authorizing the employment of 60 student-workers in the woodworking (folding doors) industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Lodi Academy, 1215 South Garfield Street, Lodi, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of 6 student-workers in the printing industry in the occupations of compositor, pressman, linotype operator, bindery worker, and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Monterey Bay Academy, Watsonville, Calif.; effective 9–1–59 to 8–31–60; authorizing the employment of 20 student-workers in the furniture (rustic redwood) industry in the occupations of millman, woodworking machine operator, assembler, painter and related skilled and semi-skilled occupations including incidental clerical work in the shop for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Oak Park Academy, Nevada, Iowa; effective 9–1–59 to 8–31–60; authorizing the employment of (1) six student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semi-skilled occupations including incidental clerical work in shop for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) six student-workers in the broom industry in the occupations of broom maker, stitcher and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Union College, Lincoln, Nebr.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 6 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 10 student-workers in the bookbinding industry in the occupations of bookbinder, bindery workers and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (3) 8 student-workers in the broom industry in the occupations of broom maker, stitcher, and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours; (4) 30 student-workers in the furniture industry in the occupations of woodworking machine operator assembler, finisher and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (5) 5 student-workers in the clerical occupations of bookkeeper, business machines operator, and related skilled and semi-skilled occupations for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Walla Walla College, P.O. Drawer 1, College Place, Wash.; effective 9–1–59 to 8–31–60; authorizing the employment of (1) 8 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 25 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Brigham Young University, Provo, Utah; effective 9–1–59 to 8–31–60; authorizing the employment of 18 student-workers in the printing industry in the occupations of pressman, compositor, printer, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in the shop for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 27th day of August 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc 59-7374; Filed, Sept. 3, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 24 NUMBER 175

Washington, Saturday, September 5, 1959

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-36]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 12—CERTIFICATION OF SEAMEN

Subpart 12.02—General Requirements for Certification

ADMINISTERING OATHS REQUIRED BEFORE ISSUING MERCHANT MARINER'S DOCUMENTS

Before the Coast Guard may issue a Merchant Mariner's Document to an applicant the law in subsection 672(g) of Title 46 U.S. Code, states "* * * such certificates shall not issue before oath has been taken before a Coast Guard official that the applicant therefor will faithfully and honestly perform all the duties required of him by law, and carry out the lawful orders of his superior officers on shipboard * * *" The procedure has been to have the administration of these oaths performed by the Officer in Charge, Merchant Inspection, whether military or civilian, or commissioned officers on active duty. Since the arrangement of certain field offices separate the licensing unit from the certificating unit, delays have occurred in the issuing of Merchant Mariner's Documents when no commissioned officer was available to administer the required oaths. Therefore, the amendment to 46 CFR 12.02-15 substitutes the word "official" for the word "officer" so that the administration of these oaths may be performed by authorized Coast Guard military or civilian personnel.

Because this amendment to 46 CFR 12.02-15 is a change in procedures, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659) to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 12.02-15 is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 12.02-15 Oath requirement.

An applicant for a certificate of service for a rating other than as able seaman or qualified member of the engine department shall take oath before an Officer in Charge, Marine Inspection, or other official authorized to give such oath that he will faithfully and honestly perform all the duties required of him by law and carry out all lawful orders of his superior officers on shipboard.

(R.S. 4405, 4417a, 4428, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U.S.C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672-1, 672-2)

Dated: August 31, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59-7429; Filed, Sept. 4, 1959; 8:49 a.m.]

[CGFR 59-21]

VESSEL INSPECTION

Miscellaneous Amendments

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2742-2751), and the Merchant Marine Council Public Hearing Agenda CG-249, dated April 27, 1959, the Merchant Marine Council held a Public Hearing on April 27, 1959, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive. The proposed regulations were set forth in detail in the Agenda, CG-249, and a summary of the proposals was set forth in the previously mentioned FEDERAL REGISTER of April 9, 1959.

This document is the eighth of a series regarding the regulations and actions considered at the April 27, 1959, Public Hearing and Annual Session of the Merchant Marine Council. This completes

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FEDERAL REGISTER

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the series of documents except for those specific subjects or items for which extensions of time in submitting further comments were granted; namely, Item IX with respect to "nitro carbo nitrates," and Item XI with respect to "suspension or revocation proceedings."

This document contains the final actions taken with respect to the proposals in:

Item II—Fire Protection Equipment;
Item III—Engineering;
Item IV—Electrical;
Item V—Tank Vessels; and
Item VI—Load Lines.

The proposals in Item II regarding fire protection equipment are approved with several minor changes. The text of 46 CFR 34.20–10 with respect to fixed carbon dioxide fire extinguishing systems on tank ships was revised so that the wording would be similar to the requirements for dry cargo vessels. With respect to the inspections of portable fire extinguishers, the requirements for pressure cartridges used in cartridge operated type fire extinguishers were revised to eliminate the specific requirement for weighing such cartridges. No changes were made in the proposals regarding vaporizing liquid type fire extinguishing equipment containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids.

The proposals in Item III regarding engineering are approved as revised. Changes in 46 CFR 52.05–15, 52.05–20, 52.60–10, 54.03–27, 55.07–1, 55.10–1 and 61.30–5 are based on comments received. Editorial changes in 46 CFR Subchapter F (Marine Engineering) are included in this document so that all references to American Society of Testing Materials' specifications (A.S.T.M.) will be up to date. To clarify requirements referred to in the proposals, changes also are made in 46 CFR 54.07–10, 56.01–15, and 56.05–3 and included in this document.

The proposals in Item IV regarding electrical engineering are approved as revised. Changes in 46 CFR 110.15–15, 111.60–40, 111.70–10, 112.55–1, and 113.55–25 are based on comments received.

The text of the proposals in Item V regarding tank vessels is approved.

The proposals in Item VI regarding load lines are approved as revised. Changes were made in the description of application to agree with the description used in the Canadian Great Lakes Load Line Regulations. The markings for Great Lakes' vessels operating in salt water were also modified to agree with similar markings required by the Canadian Great Lakes Load Line Regulations. As a result of comments received, changes were made in 46 CFR 43.10–5, 43.10–40, 45.10–5, and 45.10–40 and included in this document, which clarify requirements governing hatch covers of metal construction.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–9, dated August 3, 1954 (19 F.R. 5915), 167–14, dated November 28, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER unless otherwise specifically provided in the text of the regulations:

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Subpart 30.01—Administration

Section 30.01–5(e) is amended by revising the first sentence thereof to read as follows:

§ 30.01–5 Application of regulations—TB/ALL.

* * * * * *

(e) This subchapter shall be applicable to all foreign flag vessels indicated in Column 3 of Table 30.01–5(d) while in the navigable waters over which the United States has jurisdiction or while undergoing repairs involving fire-producing operations in a port or place in the United States including its territories and possessions insofar as meeting the general intent of the special operating requirements set forth in § 35.01–1 and the safety and cargo handling requirements set forth in Subparts 35.30 and 35.35 of this subchapter. * * *

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 32 — SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

Subpart 32.60—Hull Requirements for Tank Vessels Constructed on or After July 1, 1951

Section 32.60–20(b) is amended to read as follows:

§ 32.60–20 Pump rooms on tank vessels carrying Grade A, B, C, or D liquid cargo—TB/ALL.

* * * * * *

(b) *Ventilation.* (1) Pump rooms of all tank vessels shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Pump rooms on tank ships handling Grade A, B, or C liquid cargo, with machinery located below the freeboard deck, shall be equipped with power ventilation. Pump rooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition.

(2) For all tank vessels, the construction or conversion of which is started on or after October 1, 1959, the power ventilation units shall not produce a source of vapor ignition in either the pump room or the ventilation systems associated with the pump room. The capacity of power ventilation units shall be sufficient to effect a complete change of air in not more than 3 minutes, based upon the volume of the pump room and associated trunks up to the deck at which access from the weather is provided.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

Subpart 33.15—Equipment for Lifeboats, Life Rafts, or Buoyant Apparatus

Section 33.15–10(h) is amended to read as follows:

§ 33.15–10 Description of equipment for lifeboats—TB/ALL.

* * * * * *

(h) *Fire extinguisher.* Fire extinguishers shall be of an approved type (4 pounds CO_2 or 2 pound dry chemical). One shall be attached to each end of the lifeboat.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 34—FIRE-FIGHTING EQUIPMENT

Subpart 34.01—General Fire-Fighting Requirements

1. Section 34.01–1 is amended to read as follows:

§ 34.01–1 Fire equipment for tank vessels—TB/ALL.

(a) All tank vessels subject to the regulations in this subchapter shall have fire extinguishers and fire-fighting apparatus in accordance with the regulations in this subchapter, and where required, the equipment shall be constructed in accordance with the regulations contained in the applicable subparts of Subchapter Q (Specifications) of this chap-

ter: *Provided, however,* That all fire extinguishers and fire-fighting apparatus which is of the character that complied with the rules and regulations of the Commandant on vessels in existence at the time the regulations in this subchapter are promulgated, and have been in use on such vessels, may be continued in use so long as such fire extinguishers and such fire-fighting apparatus are found to be in good and workable condition, except that toxic vaporizing-liquid type fire extinguishing equipment containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquid may be continued in use not later than January 1, 1962.

(b) Where fire extinguishers and fire fighting apparatus are not found to be in good and workable condition, they shall be repaired or else replaced by fire extinguishers or fire-fighting apparatus of the latest approved type, as required by the regulations in this subchapter and Subchapter Q (Specifications) of this chapter. Where fire extinguishers or fire-fighting apparatus are found to be in good and workable condition, but deficient as to quantity or numbers, the additional quantity or numbers required by the regulations in this subchapter shall be of the latest approved type. Fixed systems which are included in the fire-fighting equipment for tank vessels and which have been in the past approved by the Commandant shall be deemed to comply with the regulations in this subchapter both as to character and quantity, provided such systems are in good and workable condition.

Subpart 34.05—Inspections

2. Section 34.05–1(b) is amended by revising Table 34.05–1(b) only to read as follows:

§ 34.05–1 Fire-fighting equipment; general—TB/ALL.

• • • • • •

(b) • • •

TABLE 34.05–1(b)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid, clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04–1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter:

TABLE 34.05–1(b)—Continued

Type unit	Test
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid[2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid[2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962. (See §34.01–1.)

Subpart 34.15—Cargo Spaces on Tank Ships

§ 34.15–1 [Amendment]

3. Section 34.15–1 *General requirements for cargo spaces on tank ships constructed or converted on or after November 19, 1952—T/ALL* is amended by deleting paragraph (b)(4).

§ 34.15–5 [Amendment]

4. Section 34.15–5 *General requirements for cargo spaces on tank ships constructed or converted prior to November 19, 1952—T/ALL* is amended by deleting paragraph (b)(4).

§ 34.15–30 [Deletion]

5. Section 34.15–30 *Carbon tetrachloride systems for cargo spaces—T/ALL* is deleted.

Subpart 34.20—Boiler Room and Machinery Spaces on Tank Ships

6. Section 34.20–10(a) is amended to read as follows:

§ 34.20–10 Fixed carbon dioxide fire extinguishing systems installed on tank ships on or after November 19, 1952—T/ALL.

(a) The quantity of carbon dioxide in pounds to be supplied shall be at least equal to the gross volume of the space in cubic feet, taken between watertight or oiltight bulkheads and from tank top or flat forming the lower boundary of the space to the deck head of the space, divided by a factor as set forth in Table 34.20–10(a) depending upon the volume of the space. For machinery spaces, the upper boundary of the space shall be taken as the underside of the deck forming the hatch opening unless the boilers, internal combustion machinery or fuel oil installations extend into such hatch, in which case, the volume shall be taken to the top of the hatch trunk or the next material reduction in area of the trunk, whichever is lower. For installations contracted for on or after October 1, 1959. "hatch opening" and "material reduction in area" shall be defined as follows:

(1) By "hatch opening" shall be meant the opening of a hatch trunk the area of which is not more than 40 percent of the maximum area of the machinery space.

(2) By "material reduction in area" shall be meant a reduction to at least 40 percent of the hatch trunk area.

TABLE 34.20–10(a)

Gross volume of space, cubic feet		Factor
Over	Not over	
------	500	15
500	1,600	16
1,600	4,500	18
4,500	50,000	20
50,000	------	22

7. Section 34.20–25(a) is amended to read as follows:

§ 34.20–25 Fire extinguishing equipment, other than fixed, for boiler and machinery spaces on tank ships—T/ALL.

(a) The minimum requirements for fire-fighting equipment on all tank ships which are not fitted with fixed fire extinguishing systems in boiler room and machinery spaces shall be of the type and character specified as follows:

(1) Steam tank ships of more than 750 gross tons: One semiportable fire extinguisher of either the 40-gallon capacity foam type, 100-pound capacity carbon dioxide type, or 50-pound capacity dry chemical type, for each boiler room.

(2) Steam tank ships of 750 gross tons and under: One hand portable or semiportable fire extinguisher of either the 20-gallon capacity foam type, 50-pound capacity carbon dioxide type, or 30-pound capacity dry chemical type, for each boiler room.

(3) Internal combustion engine driven tank ships of 50 gross tons and upward: One hand portable or semiportable fire extinguisher of either the 12-gallon capacity foam type, 35-pound capacity carbon dioxide type, or 20-pound capacity dry chemical type, for each 1,000 b. hp. or fraction thereof.

(4) Alternately, approved units having a larger capacity may be used, provided the total capacity is not less than that required for the individual units.

(5) When donkey boilers using oil as fuel are located in the machinery spaces on tank ships propelled by internal combustion engines, a 40-gallon capacity semiportable fire extinguisher of the foam type, or its equivalent as set forth in subparagraph (1) of this paragraph shall be substituted for one of the 12-gallon capacity semiportable fire extinguishers, or equivalent, required by subparagraph (3) of this paragraph.

(6) All of the foregoing semiportable fire extinguishers shall be fitted with suitable hose attachments or other approved methods of distributing the foam, carbon dioxide, or dry chemical in any part of the space to be protected.

Subpart 34.21—Pump Rooms on Tank Ships

8. Section 34.21–1(f) is amended to read as follows:

§ 34.21–1 Fixed fire extinguishing systems for tank ships constructed or converted on or after November 19, 1952—T/ALL.

• • • • • •

(f) When a carbon dioxide system is installed, it shall meet the general requirements contained in § 34.20–10. For installations, the construction or conversion of which is started on or after October 1, 1959, the volume for computation of the required amount of carbon dioxide shall be that of the pump room and associated trunks up to the deck at which access from the weather is provided.

Subpart 34.25—Hand Fire Extinguishers

9. Section 34.25–25(b) is amended to read as follows:

§ 34.25–25 Hand fire extinguishers; number required on tank ships—T/ALL.

• • • • • •

(b) The number of fire extinguishers required by paragraph (a) of this section is based on the ordinary 2½-gallon foam type fire extinguisher and other types of fire extinguishers may be substituted according to the following schedule: One 2½-gallon foam type fire extinguisher is equivalent to one 15-pound carbon dioxide type, or one 10-pound dry chemical type. A 2½-gallon soda-acid type fire extinguisher, or its equivalent in other approved water types, may be substituted for the required foam type fire extinguisher within the accommodation spaces and similar spaces where neither oil nor electrical fires are the primary anticipated hazard.

Subpart 34.40—Fire-Fighting Equipment for Tank Barges

10. Section 34.40–1 is amended by revising the heading and paragraph (a) to read as follows:

§ 34.40–1 Extinguishing equipment for cargo spaces—B/ALL.

(a) All tank barges of 100 gross tons and over, whose certificate requires that they be manned, and which are not equipped with a steam fire extinguishing system as required on a tank ship, shall be equipped with approved extinguishing equipment of the foam type, carbon dioxide type, or dry chemical type having the following minimum capacities:

33 gallons of foam; or,
200 pounds of carbon dioxide; or,
100 pounds of dry chemical.

This is in addition to the hand extinguishers required in § 34.40–5.

11. Section 34.40–5 is amended by revising paragraphs (b) and (c) to read as follows:

§ 34.40–5 Hand fire extinguishers for quarters, pump room, and machinery spaces—B/ALL.

• • • • • •

(b) The fire extinguishers at each location shall be not less than one of the equivalent amount as follows:

(1) 2½ gallons of foam; or,
(2) 15 pounds of carbon dioxide; or,
(3) 10 pounds of dry chemical.

(c) In no event shall a manned tank barge or an unmanned tank barge with a pump room be provided with less than one of the equivalent quantities, as follows:

(1) 5 gallons of foam; or,
(2) 30 pounds of carbon dioxide; or,
(3) 20 pounds of dry chemical.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 35—OPERATIONS

Subpart 35.01—Special Operating Requirements

1. Section 35.01–1(b)(1) is amended to read as follows:

§ 35.01–1 Inspection prior to making repairs involving riveting, welding, burning, etc.—TB/ALL.

• • • • • •

(b) • • •

(1) When in a port in the United States or its territories and possessions, this inspection shall be made by a gas chemist certificated by the American Bureau of Shipping; however, if the services of such certified gas chemist are not reasonably available, the marine inspector, upon recommendation of the vessel owner and his contractor, or their representatives, shall select a person who, in the case of an individual vessel, shall be authorized to make the inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth that fact in writing and qualified as may be required, shall be issued by the certified gas chemist or the authorized person before the work is started.

Subpart 35.25—Engine Department

2. Section 35.25–5 is amended to read as follows:

§ 35.25–5 Repairs of boilers and unfired pressure vessels and reports of repairs or accidents by chief engineer—TB/ALL.

(a) Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall submit a report covering the nature of the repairs to the Officer in Charge, Marine Inspection, at or nearest to the port where the repairs are to be made.

(b) In the event of an accident to a boiler, unfired pressure vessel, or machinery tending to render the further use of the item itself unsafe until repairs are made, or if by ordinary wear such items become unsafe, a report shall be made by the chief engineer immediately to the Officer in Charge, Marine Inspection, or if at sea, immediately upon arrival at port.

Subpart 35.30—General Safety Rules

§ 35.30–15 [Deletion]

3. Section 35.30–15 *Nonsparking tools—TB/ALL* is deleted.

4. Section 35.30–20 is amended to read as follows:

§ 35.30–20 Emergency equipment—TB/ALL.

(a) All manned tank vessels having tanks which exceed 15 feet in depth, measured from the deck to the lowest point at which cargo is carried, and all tank ships of 1,000 gross tons and over shall be provided with an outfit as follows:

(1) One approved fresh air breathing apparatus, including belt and life line. The length of the air hose shall be sufficient to reach from the open deck, well clear of hatch or doorway, to any part of the holds, tanks or machinery spaces. An approved self-contained breathing apparatus with adequate life line may be provided in addition to the fresh air breathing apparatus required. This approved self-contained breathing apparatus is to be used only in machinery spaces and is to be stowed and marked to indicate this restriction on its use. Where such self-contained breathing apparatus is provided the fresh air breathing apparatus will not be required to have sufficient hose to reach the machinery spaces.

(2) One approved 3-cell, explosion-proof flashlight, constructed in accordance with Subpart 161.008 of Subchapter Q (Specifications) of this chapter.

(3) One fire ax.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER E—LOAD LINES

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.01—Administration

1. Section 43.01–1(a)(1) is amended to read as follows:

§ 43.01–1 Establishment of regulations.

(a) • • •

(1) Merchant vessels of 150 gross tons or over when engaged in a foreign voyage by sea (the Great Lakes excepted) in conformity with the act to establish load lines for American vessels, and for other purposes approved March 2, 1929 (45 Stat. 1492; 46 U.S.C. 85–85g), and effective, September 2, 1930, and in conformity with the International Load Line Convention, 1930, ratified by the United States February 27, 1931, effective January 1, 1933 (for purposes of application of this subparagraph, the St. Lawrence River west of a straight line drawn from Cap de Rosiers to West Point Anticosti Island, and west of a line along longitude 63 degrees west from Anticosti Island to the north shore of the St. Lawrence

River is considered as a part of the Great Lakes); and,

Subpart 43.10—Conditions of Assignment of Load Lines

2. Section 43.10–5 is amended by adding a new paragraph (b) reading as follows:

§ 43.10–5 Cargo and other hatchways not protected by superstructures.

* * * * *

(b) Where hatch covers are of adequate metal construction, sealed watertight against pliable gaskets by dogs or other suitable means, as approved by the Load Line Assigning Authority, the application of the requirements of §§ 43.10–10—43.10–45 will be modified accordingly.

3. Section 43.10–40(a) is amended to read as follows:

§ 43.10–40 Tarpaulins.

(a) At least two tarpaulins in good condition, thoroughly waterproofed, and of ample strength, are to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and shall not be less than No. 4 cotton canvas or No. 6 hemp canvas before waterproofing, or shall be of suitable synthetic fabric as approved for this purpose by the Load Line Assigning Authority.

(Sec. 2; 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a)

PART 44—VARIANCE FOR STEAM COLLIERS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES ON COASTWISE AND INTER-ISLAND VOYAGES)

Subpart 44.05—Rules of Assignment; Special Service

Section 44.05–10(b), including Figure 44.05–10(b), is amended to read as follows:

§ 44.05–10 Load line markings.

* * * * *

(b) In the case of vessels which engage in special services on coastwise voyages and voyages on the Great Lakes, the marks on the vessel's sides are to be in accordance with Figure 44.05–10(b), except that the lines marked "SW" and "MS" shall be used only where applicable.

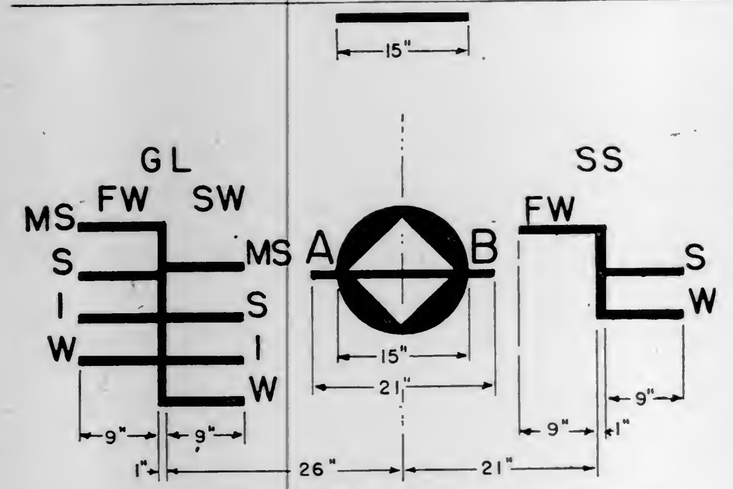


FIGURE 44.05–10(b).

(Sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 88a)

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.01—Administration

1. Section 45.01–1(a) is amended to read as follows:

§ 45.01–1 Establishment of regulations.

(a) Load Lines are established by this part for merchant vessels of 150 gross tons or over when engaged in a voyage on the Great Lakes in conformity with the Coastwise Load Line Act, 1935, amended June 20, 1936 (49 Stat. 888, 1543; 46 U.S.C. 88–88i), and effective as to vessels of 4,000 gross tons and upwards November 27, 1935, and as to all other vessels subject thereto August 27, 1936. (For purposes of application of this paragraph, in concurrence with the related Canadian regulations, the St. Lawrence River west of a straight line drawn from Cap de Rosiers to West Point Anticosti Island, and west of a line along longitude 63 degrees west from Anticosti Island to the north shore of the St. Lawrence River is considered as a part of the Great Lakes.)

Subpart 45.05—General Rules for determining Maximum Load Lines of Merchant Vessels on the Great Lakes

2. Section 45.05–5(a) is amended by revising Figure 45.05–5(a) as follows:

§ 45.05–5 Deck line.

(a) * * *

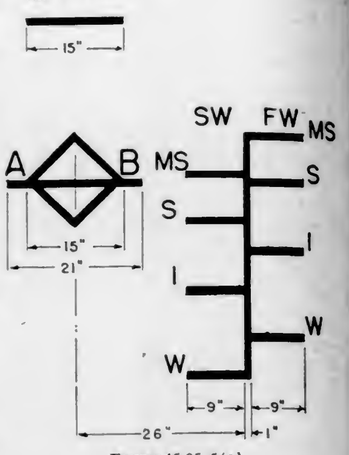


FIGURE 45.05–5(a).

3. Section 45.05–15 is amended by revising paragraph (a) and by adding a new paragraph (b)(5) which read as follows:

§ 45.05–15 Lines to be used in connection with the diamond.

(a) The lines which indicate the maximum load line in different seasons are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from and are at right angles to a vertical line marked 26 inches forward of the center of the diamond. (See Figure 45.05–5(a).)

(b) * * *

(5) *Salt water load lines.* Ships which load in salt water of the St. Lawrence River and proceed to fresh water shall additionally be marked with horizontal lines, 9 inches in length and 1 inch in breadth extending from the vertical line referred to above towards the diamond. These lines shall be indicated as "S.W." marks and shall be additionally marked to indicate the corresponding Great Lakes season.

Subpart 45.10—Conditions of Assignment of Load Lines

4. Section 45.10–5 is amended by adding a new paragraph (b) reading as follows:

§ 45.10–5 Cargo and other hatchways not protected by superstructures.

* * * * *

(b) Where hatch covers are of adequate metal construction, sealed watertight against pliable gaskets by dogs or other suitable means, as approved by the Load Line Assigning Authority, the application of the requirements of §§ 45.10–10—45.10–45 will be modified accordingly.

4a. Section 45.10–40(a) is amended to read as follows:

§ 45.10–40 Tarpaulins.

(a) At least one tarpaulin in good condition, thoroughly waterproofed, and of ample strength, is to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and shall not be less than No. 4 cotton canvas or equal before waterproofing, or shall be of suitable synthetic fabric as approved for this purpose by the Load Line Assigning Authority.

Subpart 45.15—Load Lines for Steamers

5. Subpart 45.15 is amended by inserting a new § 45.15–96 to follow § 45.15–95, reading as follows:

§ 45.15–96 Salt water freeboard.

(a) In the case of ships which load in salt water and proceed to fresh water, the minimum freeboards while in salt water for all seasons shall be increased by an amount equal to

$$\frac{\Delta}{4T} \text{ inches,}$$

where:

Δ = displacement in fresh water, in tons of 2,240 pounds at the summer load waterline;

T = tons of 2,240 pounds per inch immersion in fresh water at the summer load waterline.

(1) Where the displacement at the summer load waterline cannot be certified, the increase in freeboard shall be one-fourth of an inch per foot of summer draft measured from the top of the keel.

6. Section 45.15–97(a) is amended by revising Table 45.15–97(a) to read as follows:

§ 45.15–97 Freeboard table for steamers.

(a) * * *

TABLE 45.15–97(a)—BASIC MINIMUM SUMMER FREEBOARD FOR STEAMERS

L (feet)	Freeboard (inches)	*L* (feet)	Freeboard (inches)	*L* (feet)	Freeboard (inches)
80	7.2	310	42.2	540	107.4
90	8.0	320	44.6	550	110.0
100	8.9	330	47.0	560	112.6
110	9.9	340	49.5	570	115.1
120	11.0	350	52.1	580	117.6
130	12.1	360	54.8	590	120.0
140	13.3	370	57.6	600	122.3
150	14.5	380	60.5	610	124.5
160	15.7	390	63.4	620	126.7
170	17.1	400	66.4	630	128.8
180	18.5	410	69.4	640	130.8
190	10.9	420	72.4	650	132.8
200	21.4	430	75.4	660	134.7
210	23.0	440	78.5	670	136.7
220	24.6	450	81.5	680	138.7
230	26.3	460	84.5	690	140.7
240	28.1	470	87.5	700	142.6
250	29.9	480	90.5	710	144.6
260	31.8	490	93.4	720	146.5
270	33.8	500	96.3	730	148.4
280	35.8	510	99.1	740	150.3
290	37.8	520	101.9	750	152.1
300	40.0	530	104.7		

Subpart 45.25—Fees and Form of Certificate

7. Section 45.25–5 is amended to read as follows:

§ 45.25–5 Form of load line certificate.

LOAD LINE CERTIFICATE FOR THE GREAT LAKES

[SEAL]

Issued under the authority of the Commandant, U.S. Coast Guard, United States of America, under the provisions of the act of August 27, 1935, as amended, to establish load lines for American merchant vessels of 150 gross tons or over engaged in trade on the Great Lakes of North America.

Ship _____
Certificate No. _____
Official No. _____
Gross tonnage _____
Port of registry _____

FREEBOARD FROM DECK LINE		LOAD LINE
Midsummer _____	MS _____	above S
Summer _____	S	Upper edge of line through center of diamond.
Intermediate _____	I _____	below S
Winter _____	W _____	below S

Increase for salt water for all freeboards _____ inches.

The upper edge of the deck line from which these freeboards are measured is _____ inches above the top of the _____ deck at side.

This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the load line regulations of the Commandant, U.S. Coast Guard, applicable to the Great Lakes.

This certificate[1] remains in force until _____ Issued at _____ on the _____ day of _____ 19__. (Here follows the signature, seal, if any, and the name of the authority issuing the certificate.)

NOTES: (1) In accordance with the Great Lakes Load Line Regulations the diamond and lines must be permanently marked by center punch marks or cutting. The "MS" load line shall be assigned only to those particular vessels that qualify under the regulations.

(2) The "SW" marks need only be assigned to Great Lakes vessels loading in salt water of the St. Lawrence River west of a straight line from Cap de Rosiers to West Point Anticosti Island, and west of a line along longitude 63 degrees west from Anticosti Island to the north shore of the St. Lawrence River. In such cases these limits shall be indicated on the certificate.

(On the reverse side of the load line certificate, or on a separate sheet attached and forming part of the certificate, provision is to be made for annual inspection and renewal endorsements.)

(Sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 88a)

[1] Upon the expiration of the certificate, renewal must be obtained as provided by the Great Lakes Load Line Regulations and the certificate so endorsed.

SUBCHAPTER F—MARINE ENGINEERING

PART 51—MATERIALS

Subpart 51.04—Marine Boiler Steel Plate

1. Section 51.04–1(a) is amended by revising Table 51.04–1 to read as follows:

§ 51.04–1 Scope.

(a) * * *

TABLE 51.04–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
A201–57T	A and B	A and B
A212–57T	A and B	C and D
A204–57	A, B, and C	E, F, and G

Subpart 51.10—Steel Bars and Shapes

§ 51.10–1 [Amendment]

2. Section 51.10–1 *Scope* is amended by revising in paragraph (a) the "A.S.T.M. designation" from "A107–52aT" to "A107–58T."

Subpart 51.22—Flange and Firebox Steel Plate

§ 51.22–1 [Amendment]

3. Section 51.22–1 *Scope* is amended by revising Table 51.22–1 by changing the "A.S.T.M. designation" (column 1) from "A285–54T" to "A285–57T".

Subpart 51.25—Carbon and Alloy-Steel and Wrought Iron Tubes

4. Section 51.25–1(a) is amended by revising Table 51.25–1(a) to read as follows:

§ 51.25–1 Scope.

(a) * * *

TABLE 51.25–1(a)—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel and iron:		
A83–58T	A (low-carbon seamless steel)	T83–A
A178–58T	A (low-carbon electric-resistance welded steel).	T178–A
A178–58T	B (electric-resistance welded iron).	T178–B
A178–58T	C (medium-carbon electric resistance-welded steel).	T178–C
A179–58T	Low-carbon seamless steel condenser tubes.	T179
A192–58T	Low-carbon seamless steel	T192
A210–58T	Medium-carbon seamless steel	T210
A226–58T	Electric-resistance welded steel	T226
Alloy-steel:		
A209–58T	T1 (C–Mo)	T1
A209–58T	T1a (C–Mo)	T1a
A209–58T	T1b (C–Mo)	T1b
A213–58T	T3 (1.75 Cr–0.75 Mo)	T3
A213–58T	T3b (2 Cr–0.50 Mo)	T3b
A213–58T	T5 (5 Cr–0.50 Mo)	T5
A213–58T	T11 (1.25 Cr–0.50 Mo)	T11
A213–58T	T12 (1 Cr–0.50 Mo)	T12
A213–58T	T21 (3 Cr–1 Mo)	T21
A213–58T	T22 (2.25 Cr–1 Mo)	T22
A213–58T	TP321 (18 Cr–8 Ni+Ti)	TP321
A213–58T	TP347 (18 Cr–8 Ni+Co)	TP347

Subpart 51.34—Carbon and Alloy-Steel and Wrought Iron Pipe

5. Section 51.34–1 is amended by revising Table 51.34–1 to read as follows:

§ 51.34–1 Scope.

* * * * *

TABLE 51.34–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–58aT	Lap-welded steel	P53–LW
A53–58aT	Butt-welded steel	P53–BW
A53–58aT	A (seamless steel)	P53–A
A53–58aT	B (seamless steel)	P53–B
A53–58aT	A (electric-resistance-welded steel).	P53–RW–A
A53–58aT	B (electric-resistance-welded steel).	P53–RW–B
A106–58T	A (seamless steel)	P106–A
A106–58T	B (seamless steel)	P106–B
A106–58T	C (seamless steel)	P106–C
A135–58T	A (electric-resistance-welded steel).	P135–A
A135–58T	B (electric-resistance-welded steel).	P135–B
A72–56T	Lap-welded wrought iron	P72–LW
A72–56T	Butt-welded wrought iron	P72–BW
Alloy-steel:		
A335–55T	P1 (C–Mo)	P1
A335–55T	P2 (0.50 to 0.70 Cr–0.50 Mo).	P2
A335–55T	P3 (1.75 Cr–0.70 Mo)	P3
A335–55T	P3b (2 Cr–0.50 Mo)	P3b
A335–55T	P11 (1.25 Cr–0.50 Mo)	P11
A335–55T	P12 (1 Cr–0.50 Mo)	P12
A335–55T	P21 (3 Cr–0.90 Mo)	P21
A335–55T	P22 (2.25 Cr–1 Mo)	P22
A312–58T	TP321 (18 Cr–8 Ni+Ti)	TP321
A312–58T	TP347 (18 Cr–8 Ni+Co)	TP347

Subpart 51.46—Steel Forgings

6. Section 51.46–1 is amended by revising Table 51.46–1 to read as follows:

§ 51.46–1 Scope.

* * * * *

TABLE 51.46–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel:		
A105–58T	I	F105–I
A105–58T	II	F105–II
A181–58T	I	F181–I
A181–58T	II	F181–II
Alloy-steel:		
A182–58T	F1 (C–Mo)	F1
A182–58T	F5 (5 Cr–0.50 Mo)	F5
A182–58T	F11 (1.25 Cr–0.50 Mo)	F11
A182–58T	F12 (1 Cr–0.50 Mo)	F12
A182–58T	F22 (2.25 Cr–1 Mo)	F22
A182–58T	F316 (18 Cr–8 Ni+Mo)	F316
A182–58T	F321 (18 Cr–8 Ni+Ti)	F321
A182–58T	F347 (18 Cr–8 Ni+Co)	F347
A234–58aT		
A403–58aT		

Subpart 51.49—Carbon and Alloy-Steel Bolting and Nut Material

7. Section 51.49–1 is amended by revising Table 51.49–1 to read as follows:

§ 51.49–1 Scope.

* * * * *

TABLE 51.49–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel bolting:		
A261–56	BO	BO
A307–58T	B	B
Alloy-steel bolting:		
A193–58T	B5 (5 Cr–0.50 Mo)	B5
A193–58T	B6 (12 Cr)	B6
A193–58T	B7 (1 Cr–0.20 Mo)	B7
A193–58T	B7a (1 Cr–0.60 Mo)	B7a
A193–58T	B14 (1 Cr–0.35 Mo–0.25 Va)	B14
A193–58T	B16 (1 Cr–0.55 Mo–0.30 Va)	B16
A193–58T	B8C (18 Cr–8 Ni+Co)	B8C
A193–58T	B8T (18 Cr–8 Ni+Ti)	B8T
A193–58T	B8F (18 Cr–8 Ni)	B8F

TABLE 51.49–1—MATERIAL SPECIFICATIONS—Con.

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon and alloy-steel nuts:		
A194–58T	1 (carbon-steel)	1
A194–58T	2 (carbon-steel)	2
A194–58T	2H (carbon-steel)	2H
A194–58T	3 (5 Cr–0.50 Mo–1W)	3
A194–58T	4 (0.15 Si–0.20 Mo)	4

Subpart 51.58—Steel Castings

8. Section 51.58–1(a) is amended by revising Table 51.58–1 to read as follows:

§ 51.58–1 Scope.

(a) * * *

TABLE 51.58–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Carbon-steel:		
A216–58T	WCA	WCA
A216–58T	WCB	WCB
Alloy-steel:		
A217–58T	WC1 (C–Mo)	WC1
A217–58T	WC4 (1 Ni–0.65 Cr–0.50 Mo)	WC4
A217–58T	WC5 (0.80 Ni–0.70 Cr–1 Mo)	WC5
A217–58T	WC6 (1.25 Cr–0.50 Mo)	WC6
A217–58T	WC9 (2.25 Cr–1 Mo)	WC9
A217–58T	C5 (5 Cr–0.50 Mo)	C5
A217–58T	C12 (9 Cr–1 Mo)	C12
A351–58T	CF8C (18 Cr–8 Ni)	CF8C

Subpart 51.67—Copper and Copper-Alloy Plate

9. Section 51.67–1(a) is amended by revising Table 51.67–1 to read as follows:

§ 51.67–1 Scope.

(a) * * *

TABLE 51.67–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
Copper:		
B11–58	Type ETP (Tough pitch copper nonarsenical).	B11–1
B11–58	Type DHP (Phosphorized copper nonarsenical).	B11–2
B11–58	Type ATP (Tough pitch arsenical copper).	B11–3
B11–58	Type DPA (Phosphorized arsenical copper).	B11–4
Copper-alloy:		
B171–58	Naval brass	B171–A
B171–58	Copper-nickel alloy	B171–B
B171–58	Aluminum bronze	B171–C
B169–55	Aluminum bronze alloy D	B169–D

Subpart 51.70—Seamless Copper and Copper-Alloy Pipe

10. Section 51.70–1 is amended by revising Table 51.70–1 to read as follows:

§ 51.70–1 Scope.

* * * * *

TABLE 51.70–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B42–58	Seamless copper	B42
B43–58	Red brass	B43

Subpart 51.73—Seamless Copper and Copper-Alloy Tubes

11. Section 51.73–1(a) is amended by revising Table 51.73–1 to read as follows:

§ 51.73–1 Scope.

(a) * * *

TABLE 51.73–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B88–58	Copper Type K	B88–K
B88–58	Copper Type L	B88–L
B88–58	Copper Type M	B88–M
B13–58	Arsenical copper boiler tubes	B13–A
B13–58	Nonarsenical copper boiler tubes.	B13–B
B75–58	Phosphorized copper Type DLP.	B75–A
B75–58	Phosphorized copper Type DHP.	B75–B
B75–58	Phosphorized arsenical copper Type DPA.	B75–C
B111–58	Copper	B111–A
B111–58	Arsenical copper	B111–B
B111–58	Admiralty metal grade B, C, or D.	B111–C
B111–58	Aluminum brass	B111–D
B111–58	Aluminum bronze	B111–E
B111–58	Red brass	B111–F
B111–58	Copper-nickel 70–30	B111–G
B111–58	Copper-nickel 80–20	B111–H
B111–58	Copper-nickel 90–10	B111–I

Subpart 51.79—Aluminum-Alloy Plate

12. Section 51.79–1 is amended by revising Table 51.79–1 to read as follows:

§ 51.79–1 Scope.

* * * * *

TABLE 51.79–1—MATERIAL SPECIFICATIONS

A.S.T.M. designation	A.S.T.M. grade	Coast Guard grade
B209–58T	990A (2S)	990A
B209–58T	M1A (3S)	M1A
B209–58T	GR20A (52S)	GR20A
B209–58T	GS11A (61S)	GS11A

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, sec. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 52—CONSTRUCTION

Subpart 52.01—Procedure and General Requirements

1. Section 52.01–1 is amended by revising paragraph (c) and adding new paragraphs (n) and (o), which read as follows:

§ 52.01–1 Definitions.

* * * * *

(c) *Pressure vessel.* A pressure vessel is a vessel containing gases, vapors, or liquids under pressure. (See § 54.01–5 of this subchapter.)

* * * * *

(n) *Fired steam boiler.* A pressure vessel in which steam is generated by the application of heat resulting from the combustion of fuel is classed as a fired steam boiler.

(o) *Unfired steam boilers.* An unfired pressure vessel in which steam is generated is classed as an unfired steam boiler. (See § 54.03–27 of this subchapter for requirements for unfired steam boilers.)

Subpart 52.05—Cylindrical Shells

2. Section 52.05–15 is amended to read as follows:

§ 52.05–15 Seamless pipe shells.

(a) Shells may be seamless pipe or tubing with or without integral heads for boiler and unfired pressure vessel shells, provided the material conforms to Subpart 51.25 or 51.34 of this subchapter, except that Grade T83, P53–A and P53–B shall not be used for boiler and unfired pressure vessel shells exceeding 18 inches in diameter.

3. Section 52.05–20 is amended to read as follows:

§ 52.05–20 Electric-resistance welded pipe shells.

(a) Shells may be fabricated of electric-resistance-welded pipe or tubing made of open-hearth or electric furnace steel, as specified in Subpart 51.25 or 51.34 of this subchapter, not exceeding 24 inches in diameter for boiler shells and 30 inches in diameter for unfired pressure vessel shells. The maximum allowable stress values in Table 52.05–10(a) shall be substituted in Formulas (1) or (2) of § 52.05–10 for the values of SE.

(b) Holes for tubes, nozzles, or other openings shall not be drilled in the weld.

Subpart 52.10—Shell Joints

4. Section 52.10–25 is amended by adding a new paragraph (j) reading as follows:

§ 52.10–25 Welded joints.

* * * * *

(j) Fire tube boilers may be constructed by attaching an unflanged tube sheet to the shell or wrapper sheet by welding provided that:

(1) The tube sheet is supported by tubes or braces, or both, in accordance with the requirements of Subparts 52.30 and 52.35.

(2) The welded joint is wholly within the shell or wrapper sheet and forms no part thereof.

(3) The weld is a full penetration weld, of at least the full thickness of the tube sheet, applied from either or both sides.

(4) The shell or wrapper sheet, where exposed to primary furnace gases and not water cooled, does not extend more than ⅛ inch beyond the outside face of the tube sheet.

(5) The weld attaching a furnace or lower tube sheet of a vertical fire tube boiler to the furnace sheet is wholly within the furnace sheet and ground flush with the upper or water side of the tube sheet.

(6) The welding conforms in all respects to Part 56 of this Subchapter, except that radiographic examination is not required.

(7) This construction shall not be used on the rear head of a horizontal-return tubular boiler.

Subpart 52.30—Surfaces Required To Be Stayed or Reinforced

5. Section 52.30–5 is amended by revising the introductory sentence, by revising paragraph (e), and by adding a new paragraph (f), which read as follows:

§ 52.30–5 Areas to be stayed.

The area of a segment or other portion of a flanged head to be stayed shall be that enclosed by lines as follows:

* * * * *

(e) Where the exact area of a circular segment of a flanged head cannot be readily ascertained by other accepted methods, the following formula may be employed, using symbols indicated in Figure 52.30–5(c).

$$A = \frac{4H^2}{3}\sqrt{\frac{2R}{H} - 0.6} \qquad (2)$$

where:

A = area of segment which requires support, in square inches.
H = height of segment to self-supporting line, in inches.
R = radius of segment to self-supporting line, in inches.

(f) The area of a segment of an unflanged head to be stayed shall be the area enclosed by the shell and a line drawn 2 inches from the outside diameter of the tubes.

Subpart 52.60—Superheaters, Headers, Water Walls, and Economizers

6. Section 52.60–10(b) is amended to read as follows:

§ 52.60–10 Materials.

* * * * *

(b) Carbon steel plate or forgings may be used for header end closures for metal temperatures not exceeding 800° F. For temperatures exceeding 800° F., the header end closures shall be wrought alloy steel material. The materials shall conform to the requirements of Subpart 51.04, 51.22 or 51.46 of this subchapter and limited to the grades of material listed in Table 52.05–10(a) of this subchapter.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 54—UNFIRED PRESSURE VESSELS

Subpart 54.01—General Requirements

1. Section 54.01–1 is amended by revising paragraph (b)(2) and by adding a new paragraph (g) reading as follows:

§ 54.01–1 Scope.

* * * * *

(b) * * *

(2) Compression tanks containing water under pressures not exceeding 100 pounds per square inch and temperatures not exceeding 200 degrees F. Compression tanks containing water and fitted with a permanent air charging line subject to pressures not exceeding 15 pounds per square inch and temperatures not exceeding 200 degrees F.

* * * * *

(g) Except as otherwise provided for in paragraph (f) of this section, unfired pressure vessels intended for ship's service systems, such as compressed air tanks, heat exchangers and refrigeration equipment on vessels subject to Coast Guard inspection, and which have been fabricated without prior plan approval or shop inspection as required by the regulations in this subchapter, may be accepted by the Commandant, provided the following conditions are met:

(1) Unfired pressure vessels which do not conform to the design and construction requirements of this subchapter shall be constructed in accordance with the requirements of the ASME or other recognized code, and the vessel stamped as prescribed by that code.

(2) For vessels constructed under the ASME or other recognized code, the relief valve setting shall not exceed 80 percent of the maximum allowable pressure permitted by that code.

(3) When radiography and stress relief are required for Class I or Class II pressure vessels, the radiographs and heat treatment data shall be furnished.

(4) Each unfired pressure vessel shall be examined by an inspector to determine the condition of the unit and to assure that the workmanship and fabrication are satisfactory. When the inspector is satisfied that the workmanship and fabrication are acceptable, the vessel shall be subjected to the hydrostatic tests as prescribed in § 61.25–15 of this subchapter.

(5) After satisfactory completion of the required tests and inspection, each unfired pressure vessel shall be marked as required by § 61.40–5 of this subchapter, with the reduced pressure rating stamped thereon.

Subpart 54.03—Design and Construction

§ 54.03–10 [Amendment]

2. Section 54.03–10 *Cylindrical shells and heads* is amended by revising Table 54.03–10(c) by changing the "A.S.T.M. designation" in the second column for "aluminum-alloy plates" from "B–178" to "B–209."

3. Section 54.03–25 is amended by revising Table 54.03–25(c1) in paragraph (c) and by adding a new paragraph (d) which reads as follows:

§ 54.03–25 Bolted flanged connections.

* * * * *

(c) *Bolt loads.* * * *

TABLE 54.03–25(c1)—GASKET MATERIALS AND CONTACT FACINGS

GASKET FACTORS (m) FOR OPERATING CONDITIONS AND MINIMUM DESIGN STRESS (y)

GASKET MATERIAL		GASKET FACTOR m	MIN. DESIGN SEATING STRESS y	SKETCHES	FACING LIMITATIONS	USE COL.
Rubber without fabric or a high percentage of asbestos fiber: Below 75 Shore Durometer		0.50	0		Use 1, 4, 6 only	II
75 or higher Shore Durometer		1.00	200			
Asbestos with a suitable binder for the operating conditions	1/8 thick	2.00	1800			
	1/16 thick	2.75	3700			
	1/32 thick	3.50	6500			
Rubber with cotton fabric insertion		1.25	400		None	
Rubber with asbestos fabric insertion, with or without wire reinforcement	3-ply	2.25	2200			
	2-ply	2.50	2900			
	1-ply	2.75	3700			
Vegetable fiber		1.75	1100		1, 4, 6	
Spiral-wound metal, asbestos filled	Carbon	2.50	2900		Use 1a only	
	Stainless	3.00	4500			
Serrated steel	Asbestos filled	2.75	3700			
Corrugated metal, asbestos inserted[1] or Corrugated metal, Jacketed asbestos filled	Soft aluminum	2.50	2900			
	Soft copper or brass	2.75	3700			
	Iron or soft steel	3.00	4500			
	Monel or 4–6% chrome	3.25	5500			
	Stainless steels	3.50	6500			
Corrugated metal	Soft aluminum	2.75	3700			
	Soft copper or brass	3.00	4500			
	Iron or soft steel	3.25	5500			
	Monel or 4–6% chrome	3.50	6500			
	Stainless steels	3.75	7600			
Flat metal jacketed asbestos filled	Soft aluminum	3.25	5500		Use $a_1/2$" ONLY	
	Soft copper or brass	3.50	6500			
	Iron or soft steel	3.75	7600			
	Monel	3.50	9000			
	4–6% chrome	3.75	9000			
	Stainless steels	3.75	9000			
Grooved iron or soft steel with or without metal jacketed	Soft aluminum	3.25	5500		Use 1, 2, 3 only	
	Soft copper or brass	3.50	6500			
	Iron or soft steel	3.75	7600			
	Monel or 4–6% chrome	3.75	9000			
	Stainless steels	4.25	10100			
Solid flat metal	Soft aluminum	4.00	8800		None	I
	Soft copper or brass	4.75	13000			
	Iron or soft steel	5.50	18000			
	Monel or 4–6% chrome	6.00	21800			
	Stainless steels	6.50	26000			
Ring Joint	Iron or soft steel	5.50	18000		Use 8 only	
	Monel or 4–6% chrome	6.00	21800			
	Stainless steel	6.50	26000			

[1] THE SURFACE OF A GASKET HAVING A LAP SHOULD BE AGAINST THE SMOOTH SURFACE OF THE FACING AND NOT AGAINST THE NUBBIN.

EFFECTIVE GASKET WIDTH

FACING SKETCH (Suggested)	BASIC GASKET SEATING WIDTH b_o COLUMN I	BASIC GASKET SEATING WIDTH b_o COLUMN II
1a	$\frac{N}{2}$	$\frac{N}{2}$
1b	$\frac{W+T_1\left(\frac{W+N}{4}\ max\right)}{2}$	$\frac{W+T_1\left(\frac{W+N}{4}\ max\right)}{2}$
2	$\frac{W+N}{4}$	$\frac{W+3N}{8}$
3	$\frac{N}{2}\left(\frac{N}{8}\ min\right)$	$\frac{W+N}{4}\left(\frac{3N}{8}\ min\right)$
4	$\frac{3N}{8}$	$\frac{7N}{16}$
5		
6	$\frac{N}{4}$	$\frac{3N}{8}$
7		
8	$\frac{N}{8}$	

EFFECTIVE GASKET SEATING WIDTH b[2]

$b = b_o$, when $b_o \leq 1/4$"

$b = \frac{\sqrt{b_o}}{2}$, when $b_o > 1/4$"

LOCATION OF GASKET LOAD REACTION



NOTE: The gasket factors listed only apply to flanged joints in which the gasket is contained entirely within the inner edges of the bolt holes.

(d) *Shell flange attachments.* (1) The flanges covered by this paragraph are intended to be used for shell attachments to tube sheets, channels and end covers of unfired pressure vessels and heat exchangers.

(2) Except as otherwise provided for in this paragraph, shell flange attachments shall comply with the requirements of § 55.07–15(f) of this subchapter.

(3) Ring flanges of the type shown in Figures 55.07–15 (f3) and (f6) may be used for pressures not exceeding 300 p.s.i. and temperatures not exceeding 650° F.

(4) Ring flanges of the plate or slip-on type welded to the shell by means of full penetration welds may be used for pressures not exceeding 600 p.s.i. and temperatures not exceeding 700° F. Some acceptable types of full penetration welded joints are shown in Figure 52.25–45(d), details (a), (b), (c), (g), and (h).

4. Subpart 54.03 is amended by inserting a new § 54.03–27 to follow § 54.03–25, reading as follows:

§ 54.03–27 Unfired steam boilers.

(a) Unfired pressure vessels in which steam is generated shall be classed as unfired steam boilers except that pressure vessels known as evaporators or heat exchangers may be classed as unfired pressure vessels.

(b) Unfired steam boilers shall be constructed in accordance with the requirements of Part 52 or 54 of this subchapter. When the design pressure exceeds 30 p.s.i., unfired steam boilers shall comply with the requirements for Class I pressure vessels.

(c) Unfired steam boilers shall be fitted with an efficient water level indicator, a pressure gage and a blow-down valve.

(d) An approved safety valve shall be fitted on unfired steam boilers as required by § 54.07–10.

5. Section 54.03–40(c) is amended to read as follows:

§ 54.03–40 Openings and reinforcements.

* * * * *

(c) (1) Screwed and flanged piping connections to the outlets on a pressure vessel shall comply with the requirements of Part 55 of this subchapter, except as otherwise provided for in this paragraph.

(2) Plate or slip-on type flange attachments to nozzles with full penetration welds may be used for pressures not exceeding 600 p.s.i. and temperatures not exceeding 700° F.

Subpart 54.07—Pressure-Relief Devices

6. Section 54.07–10 is amended to read as follows:

§ 54.07–10 Safety valves.

(a) An approved safety valve set to relieve at a pressure not exceeding that for which the shell is designed shall be fitted to all unfired steam boilers and evaporators, except the following:

(1) Unfired steam boilers and evaporators of the coil or tube type designed to operate with a steam inlet pressure not exceeding 15 p.s.i. gage.

(2) Evaporators of the atmospheric type designed for vapor discharge direct to a distiller with no shut-off valve in the discharge line. The distiller connected to atmospheric evaporators shall be fitted with a vent to obviate a build-up in pressure. In no case shall the vent be less than 1½ inches in diameter.

(b) Safety valves for use on unfired pressure vessels in which steam or pressure is generated shall comply with the requirements specified in Part 52 of this subchapter for power boilers when subject to pressures exceeding 30 p.s.i., and Part 53 of this subchapter for low pressure heating boilers when subject to pressures of 30 p.s.i. or less.

(c) The relieving capacity of evaporator safety valves required by paragraph (a) of this section shall be at least equal to the capacity of the orifice fitted in the steam supply to the evaporator. The orifice capacity shall be determined in accordance with Formula (1) or (2) as follows:

(1) Where the set pressure of the evaporator shell safety valve is 58 percent or less than the setting of the safety valve in the steam supply:

$$W = 51.45\ AP \qquad (1)$$

(2) Where the set pressure of the evaporator shell safety valve exceeds 58 percent of the setting of the safety valve on the steam supply:

$$W = 105.3\ A\sqrt{P_1\ (P - P_1)} \qquad (2)$$

where:

W = the required orifice capacity, in pounds per hour.

A = cross-sectional area of rounded entrance orifice, in square inches.[1]

P = set pressure of steam supply safety valve, in pounds per square inch, absolute.

P_1 = set pressure of evaporator shell safety valve, in pounds per square inch, absolute.

[1] The orifice shall be installed near the steam inlet of the coils or tubes and where no orifice is employed the area used in the formula shall be that of the inlet connection or manifold.

(d) The relieving capacity of safety valves on unfired steam boilers shall not be less than the maximum generating capacity of the unfired steam boiler as certified by the manufacturer.

(e) On new installations and where the orifice size of an existing unfired steam boiler or evaporator is increased, an accumulation test shall be made by closing all steam outlet connections except the safety valves for a period of five minutes. When conducting the accumulation test, the water shall be at the normal operating level and the steam pressure shall be at the normal operating pressure, and while under this test the pressure shall not rise more than six percent above the safety valve setting.

7. Section 54.07–25(d) is amended to read as follows:

§ 54.07–25 Safety relief valves.

* * * * *

(d) (1) Except as otherwise specified in this paragraph, each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the design pressure of the tank.

(2) Safety relief valves fitted with a breaking pin and rupture disk need not be tested in the presence of a marine inspector before being placed in service. In lieu thereof, a certificate shall be furnished with the valve attested to by the manufacturer that the requirements of subparagraph (1) of this paragraph are met.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 55—PIPING SYSTEMS AND APPURTENANCES

Subpart 55.07—Detail Requirements

1. Section 55.07–1 is amended by revising Table 55.07–1(b) and by revising paragraph (e)(4) to read as follows:

§ 55.07–1 Materials.

* * * * * * * * *

(b) * * *

TABLE 55.07–1(b)—PIPING MATERIALS[1]

Material specification subpart	A.S.T.M. specification	Grade	Maximum design: Pressure p.s.i.	Maximum design: Metal temperature °F.	Limitation
Steel pipe					
Seamless-carbon:					
51.34	A53	P53–A, B	None	750	
51.34	A106	P106–A, B, C	None	800	
Seamless-alloy:					
51.34	A335	P1	None	875	
51.34	A335	P2	None	900	
51.34	A335	P3, P3b	None	1,050	
51.34	A335	P11	None	1,050	
51.34	A335	P12	None	1,050	
51.34	A335	P21	None	1,050	
51.34	A335	P22	None	1,050	
51.34	A312	TP321, TP347	None	1,050	
Electric-resistance welded:					
51.34	A53	P53–RW–A, B	350	650	
51.34	A135	P135–A, B	350	650	
Lap-welded: 51.34	A53	P53–LW	250	450	
Butt-welded: 51.34	A53	P53–BW	250	450	
Wrought iron pipe					
Lap-welded: 51.34	A72	P72–LW	250	450	
Butt-welded: 51.34	A72	P72–BW	250	450	
Copper and copper-alloy pipe and tubing					
Seamless copper:					
51.73	B13	B13–A, B	None	406	(2 3).
51.70	B42	B42	None	406	(2 3).
51.73	B75	B75–A, B, C	None	406	(2 3).
51.73	B88	B88–K, L, M	None	406	(2 3).
51.73	B111	B111–A, B	None	406	(2 3).
Copper-alloy:					
51.70	B43	B43 (Red brass)	None	406	
51.73	B111	B111–C (Adm. metal)	None	406	
51.73	B111	B111–D (Al-brass)	None	450	
51.73	B111	B111–E (Al-bronze)	None	450	
51.73	B111	B111–F (Red brass)	None	406	
51.73	B111	B111–G (70–30 Cu-Ni)	None	500	
51.73	B111	B111–H (80–20 Cu-Ni)	None	500	
51.73	B111	B111–I (90–10 Cu-Ni)	None	500	
Brazed copper			75	320	(4).
Plates					
Carbon steel:					
51.04	A201	A, B	150	650	(5 6).
51.04	A212	C, D	150	650	(5 6).
51.22	A285	C	150	650	(6).

[1] The carbon content of the material listed in Table 55.07–1(b) shall not exceed 0.35 percent if welded fabrication is to be employed.

[2] Copper pipe shall not be used for hot oil service other than short flexible connections at the burners.

[3] Copper pipe shall be annealed prior to installation for Class I piping systems.

[4] Copper pipe fabricated with brazed longitudinal joints shall be limited to water or saturated steam service for the maximum pressure and temperature as indicated.

[5] These limitations apply only when plates are used as flange material. See Table 52.05–10(a) for maximum design temperatures of plate material used in the construction of pressure vessels.

[6] Not permitted for hubbed flanges. Ring type flanges may be machined from plate.

* * * * * * * * *

(e) * * *

(4) Nodular cast iron conforming to the requirements of Subpart 51.61 of this subchapter, Grade 60–45–15, may be used in the construction of valves and fittings complying with 125-pound and 250-pound cast iron standards, or 150-pound and 300-pound steel standards, and for temperatures not exceeding 650 degrees F. Adjusted pressure ratings for temperatures not exceeding 650 degrees F. shall be 80 percent of the steel ratings specified in ASA Standards listed in Table 55.07–15(e)(1), except as otherwise specified in this subchapter.

2. Section 55.07–5(d) is amended to read as follows:

§ 55.07–5 Design pressures and thickness of pipes.

* * * * * * * * *

(d) The outer walls of pipe bends after fabrication shall have a thickness of not less than that required by paragraph (a) of this section. If doubt exists as to the wall thickness being adequate, Class I piping having diameters exceeding 4 inches shall be drilled, gaged, and fitted with a screwed plug extending outside the pipe covering. Alternatively, a method of nondestructive examination such as the use of radiation measurement, ultrasonic or other acceptable method may be used. The nondestructive examination shall be employed where the design temperature exceeds 750° F. Prior to the use of nondestructive methods of examination by the above procedure, it shall be demonstrated by the user, in the presence of a marine inspector on specimens similar to those to be examined, that consistent results, having an accuracy of plus or minus 4 percent of the measurements secured by micrometers, are obtainable.

3. Section 55.07–15(e) is amended by revising Table 55.07–15(e1) and paragraph (e)(2) to read as follows:

§ 55.07–15 Joints and flange connections.

• • • • •

(e) • • •

TABLE 55.07–15(e1)—STANDARDS FOR FLANGED VALVES, FITTINGS AND PIPE FLANGES

Type	Pressure rating	Standard	Notes
Cast iron	125	ASA B16.1—1955	(1).
Do	250	ASA B16B—1955	(2).
Bronze	150	ASA B16.24—1953	(3).
Do	300	ASA B16.24—1953	(3).
Steel	150	ASA B16.5—1957	(4).
Do	300	ASA B16.5—1957	(4).
Do	400	ASA B16.5—1957	(4).
Do	600	ASA B16.5—1957	(4).
Do	900	ASA B16.5—1957	(4).
Do	1,500	ASA B16.5—1957	(4).
Do	2,500	ASA B16.5—1957	(4).

[1] American Standard Cast Iron Pipe Flanges and Flanged Fittings, Class 125, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[2] American Standard Cast Iron Pipe Flanges and Flanged Fittings, Class 250, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[3] American Standard Brass or Bronze Flanges and Flanged Fittings, 150- and 300-lb, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

[4] American Standard Steel Pipe Flanges and Flanged Fittings, published by the American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

(2) (i) The adjusted service pressure-temperature ratings for steel pipe flanges and flanged valves and fittings shall conform to the ASA standards as listed in Table 55.07–15(e1), except as otherwise specified in this subchapter.

(ii) The pressure-temperature ratings specified in American Standard Steel Pipe Flanges and Flanged Fittings, ASA B16.5, require gaskets and flange facings conforming to the requirements of such standards. For flange facing-gasket combinations other than those specified in ASA B16.5, calculations shall be submitted indicating that the gaskets will result in no increase in bolt load or flange moment over those facing-gasket combinations specified in this paragraph. (For acceptable gasket dimensions and flange facings, see Figure 54.03–25(c1) of this subchapter and ASA B16.5.)

Subpart 55.10—Pumping Arrangements and Piping Systems

4. Section 55.10–1(g) is amended to read as follows:

§ 55.10–1 Steam and exhaust piping.

• • • • • •

(g) (1) Where positive shut-off valves are fitted in exhaust lines of machinery, and the exhaust side, including engine steam cylinders and chests, turbine castings, exhaust piping and shut-off valves is not designed for the maximum inlet pressure, a full capacity relief valve shall be fitted between the machinery exhaust and the shut-off valve. The relief valve shall be of sufficient capacity and so set to prevent the equipment from being accidentally or otherwise subjected to a pressure in excess of its design pressure.

(2) A sentinel relief valve or other warning device fitted on the engine or turbine exhaust, together with either (i) a spring-loaded back pressure valve or (ii) a back-pressure trip device which will close the inlet valve when the exhaust side of the system is subjected to pressures exceeding the design pressure, may be substituted for the required relief valve.

5. Section 55.10–10(d)(2) is amended to read as follows:

§ 55.10–10 Boiler-feed piping.

• • • • • •

(d) *Group feed system.* • • •

(2) If two independently driven pumps are provided, each capable of supplying the boilers at their normal required operating capacity, and neither of which is used for other purposes, the third or emergency feed pump is not required. Where more than two independently driven feed pumps are provided, their aggregate capacity shall not be less than 200 percent of that demanded by the boilers at their required normal operating capacity.

6. Section 55.10–35(d) is amended to read as follows:

§ 55.10–35 Fuel oil and cargo oil systems.

• • • • • •

(d) (1) Piping subject to internal head pressure from oil in the tank shall be fitted with positive shut-off valves located at the tank.

(2) Valves installed on the outside of the oil tanks shall be made of steel or nodular cast iron (Grade 60–45–15) and shall be arranged for local manual control at the valve and from a readily accessible and safe location outside of the compartment in which the valves are located.

(3) If valves are installed on the inside of the tank, they may be made of cast iron and arranged for remote control only, but additional valves for local control shall be located in the machinery space at the tanks. Valves for local control outside the tanks shall be made of steel or nodular cast iron (Grade 60–45–15).

(4) Remote operation for shut-off valves on small independent fuel-oil tanks will be specially considered in each case where the size of tanks and their location may warrant the omission of remote operating rods.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453 as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

Subpart 56.01—Arc Welding and Gas Welding

1. Section 56.01–15 (including Table 56.01–15(c)) is amended to read as follows:

§ 56.01–15 Welding procedure qualification.

(a) Fabricators desiring to use the submerged arc welding process, or a combination of submerged arc and manual welding processes, or any welding process requiring procedure qualification tests as prescribed by the regulations in this subchapter, shall conduct a procedure qualification test to insure that they have proper equipment, trained personnel, and are using correct procedure to produce acceptable welds.

(b) The deposited weld metal may be laid in single or multiple passes. The joint design, amperage, voltage, speed of welding, size of welding wire, filler metal or electrode, and grade of melt or flux or type of inert gas, in general should be in accordance with the recommendations of the welding equipment manufacturer.

(c) Manufacturers desiring to secure process approval to fabricate pressure vessels, pipe and pressure-containing appurtenances by the use of any welding process requiring procedure qualification shall prepare test plates in the presence of a marine inspector who will stamp the plates with the official stamp of the Coast Guard. Specimens as required by Table 56.01–15(c) shall be machined from the test plate.

TABLE 56.01–15(c)—REQUIRED TESTS FOR PLATE GROOVE WELDS

Test plate or pipe thickness T	Maximum production plate thickness	Number and type of tests required				
		Reduced section tensile	Root bend	Face bend	Side bend	Macro etch
3/16 inch to and including 3/4 inch.	2T	2	2	2		1
Over 3/4 inch.	2T for multiple pass welding	2			4	1
	2T but not over 2 inches for welding one pass from each side.	2			4	1
	T for welding from one side only against a copper or melt backup.	2			4	1

(d) The test plate material shall be of the type to be welded in production and of a thickness as shown in Table 56.01–15(c). The requirements specified in this section are applicable to materials having equivalent physical properties. If preheat is not used in production welding, it shall not be used in the preparation of the test plate. If it is desired to conduct a procedure qualification to weld metals of dissimilar physical properties, the fabricator shall so inform the Commandant who will designate the types and methods of tests.

(e) Specimens may be tested by the fabricator or at a recognized testing laboratory. Specimens shall meet the requirements of § 56.05–1 and shall be tested in the presence of an inspector. One retest will be permitted for each specimen failing to meet the requirements. Should the retest fail, the fabricator shall take suitable remedial action to insure that the procedure is correct prior to the preparation of an additional set of test plates.

(f) The macro-etch specimen with the weld reinforcement in place shall be etched with a reagent which will clearly define the weld grain structure. After the specimen is etched it shall be given a protective coating to prevent oxidation.

(g) Results of the physical tests, the etch specimen and a sketch showing joint preparation, together with the information required in paragraph (b) of this section, shall be forwarded to the Commandant for consideration prior to the fabricator using the process in production welding.

(h) The fabricator shall prepare a specification covering the procedure qualification as used in preparing the test plate and shall furnish a copy to the marine inspector. The procedure used in qualifying shall be employed in fabrication except that speed of welding, amperage and voltage may vary to suit different material thicknesses. If the joint design, filler metal or type of inert gas is changed or alloy steel is to be fabricated and carbon steel used in the preparation of the test plate, a new procedure qualification shall be conducted.

(i) The fabricator shall weld a test plate of the actual thickness to be used in production to demonstrate to an inspector that he is using the proper welding procedure to obtain complete penetration.

2. Section 56.01–55 (including Figure 56.01–55(e)) is amended to read as follows:

§ 56.01–55 Joints.

(a) (1) Longitudinal joints of Class I and Class II pressure vessels shall be of the double-welded butt type and a reinforcement of at least 1/16 inch shall be provided on each face of the weld, except for plates of 1/4 inch or less in thickness the reinforcement need not exceed 25 percent of the plate thickness. The reinforcement on either or both faces of the weld may be removed, but if not removed shall be free of grooves, valleys, or other change in contour along the edge or upon the surface of the weld if the inspector deems such to be objectionable.

(2) When a single-welded butt joint is made the equivalent of a double welded joint by using a backing bar or its equivalent and depositing the filler metal from only one side to secure complete penetration, the requirements for reinforcement applies only to the face of the weld. The backing bar may be left in place or it may be removed. The root gap of 3/16 inch minimum shall be provided.

(3) Where the reverse side of a welded joint is not accessible, a single-welded butt joint employing an inert gas and/or consumable insert ring for the first pass back-up may be considered the equivalent to a double-welded butt joint, provided the welding procedure qualification tests are conducted in conformance with the requirements of § 56.01–15.

(b) The longitudinal joints of Class III welded pressure vessels shall be as given in § 56.01–30. The weld reinforcement shall be as required in paragraph (a) of this section. Fillet welds of lap type joints shall have a throat dimension of not less than $5/8T$, where T is the thickness of the shell plate. The surface of the overlap shall be not less than $4T$.

(c) Circumferential joints for Class I pressure vessels shall be of the double-welded butt type. Circumferential joints for Class II pressure vessels shall be of the double-welded butt type except for thicknesses of 5/8 inch or less, in which case they may be of the single-welded butt type. Circumferential joints on Class III pressure vessels may be of the butt or lap type. The details of all joints shall conform to the requirements for longitudinal joints, as given in paragraph (a) of this section.

(d) Dished heads concave to the pressure when used on Class III pressure vessels shall be inserted with a driving fit and fillet welded inside and outside, except that for vessels 20 inches in diameter or less the heads may be welded on the outside only. The welds shall be located on the flange of the head at a distance not less than twice the thickness of the head from the point of tangency of the knuckle and in no case less than 1/2 inch. Dished heads concave to the pressure shall have a length of flange not less than one inch for shells not over 24 inches in diameter. For shells over 24 inches in diameter, this length shall not be less than 1 1/2 inches.

(e) Dished heads convex to the pressure shall have a flange not less than 1 1/2 inches long except where the flange thickness is 3/8 inch or under, in which case the flange need not be more than four times the thickness of the head. When heads are inserted into the shell, same shall be with a driving fit and welded as shown in Figure 56.01–55(e).

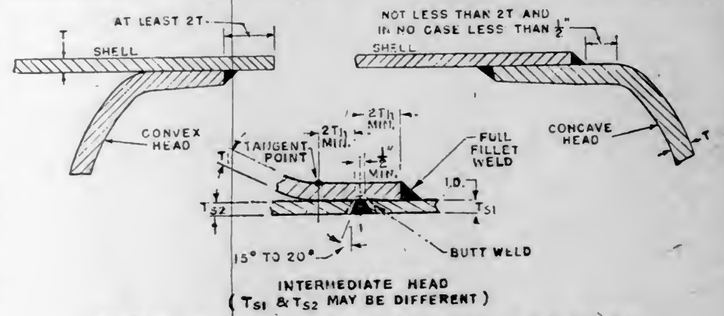


FIGURE 56.01–55(e)—Details of circumferential joints of dished heads.

(f) Heads concave to the pressure and plates having circumferential joints to be attached by butt welds shall be aligned so that the deviations are not more than permitted by the limitations given in § 56.01–50, but if greater, correction shall be made by reforming the shell or head, whichever is out of true, until the errors are within the limits specified. The edges of head and circumferential joints shall be separated by a suitable root gap to insure complete penetration of the weld metal.

(g) Intermediate heads of the type shown in Figure 56.01–55(e) may be used for all classes of pressure vessels provided the outside diameter of the head skirt is a close fit inside the overlapping ends of the shell courses. The butt weld and fillet weld shall be designed to take shear at 1 1/2 times the maximum pressure on either side of the head, but in no case less than 50 p.s.i.

(h) Flat heads may be attached to pressure vessels in accordance with the requirements of § 52.22–10 of this subchapter.

(i) The welder's symbol shall be stamped on each pressure vessel adjacent to the weld and at intervals not to exceed three feet along the welds made manually or by machine. In lieu thereof, a permanent record may be kept by the manufacturer furnishing the name of the welder employed in making each joint. This record shall be made available to the inspector upon request.

3. Section 56.01–80(d)(1) is amended to read as follows:

§ 56.01–80 Welded piping.

• • • • • •

(d) (1) For Class I piping, double-welded butt joints or single-welded butt joints using a backing ring or its equivalent on the inside of the pipe, shall be employed for pipe diameters exceeding 3/4 inches, except as permitted in this paragraph. Single-welded butt joints employing an inert gas and/or consumable insert ring for first pass back-up may be considered the equivalent to a double-welded butt joint, provided the welding procedure qualification tests are conducted in conformance with the requirements of § 56.01–15. Piping of diameters not exceeding 2 inches may be joined by sleeves fitted over the pipe ends or by socket joints provided the size of each fillet weld is at least 1 1/4 times the tube or pipe wall thickness and the weld

deposited with a minimum of two layers. Slip-on flanges complying with the 150-pound and 300-pound standards may be used in Class I piping for temperatures not exceeding that permitted in § 55.07-15(b) of this subchapter.

Subpart 56.05—Tests and Inspection

4. Section 56.05-3(b) is amended to read as follows:

§ 56.05-3 Qualification of radiographic test procedure.

* * * * *

(b) After exposure and processing, the procedure qualification films, together with the radiographic technique used in the qualification tests, shall be forwarded to the Commandant through the Officer in Charge, Marine Inspection, for interpretation.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 57—MAIN AND AUXILIARY MACHINERY

Subpart 57.25—Steering Apparatus

Section 57.25-10 is amended to read as follows:

§ 57.25-10 Rudder movement.

(a) Power operated steering gear shall be provided with effective means for putting the rudder from 35 degrees over to 35 degrees over with the vessel running ahead at the maximum continuous rated shaft RPM. The timing may be conducted from 35 degrees on one side through 30 degrees on the other side and the average rate of the rudder shall be not less than 2⅓ degrees per second. In addition, such gear shall be provided with an effective auxiliary means for actuating the rudder, and where power driven shall be capable of putting the rudder from 15 degrees over to 15 degrees over in 60 seconds with the vessel running ahead at half speed, or seven knots, whichever is greater.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Subpart 61.25—Tests and Inspections of Pressure Vessels

1. Section 61.25-5 is amended by adding a new paragraph (c) to read as follows:

§ 61.25-5 New pressure vessels.

* * * * *

(c) Hydraulic accumulators used in engine starting systems shall be leak-tested to the design pressure after installation.

2. Section 61.25-20(c) is amended to read as follows:

§ 61.25-20 Pressure vessels in service.

* * * * *

(c) Tubular heat exchangers, hydraulic accumulators and those pressure vessels used in refrigeration service shall be examined under operating conditions as the regular annual or biennial inspection.

Subpart 61.30—Tests and Inspection of Piping, Valves and Fittings

3. Section 61.30-5 is amended by adding a new paragraph (d) reading as follows:

§ 61.30-5 Shop test.

* * * * *

(d) Hydraulic piping assemblies and associated hydraulic equipment components, including hydraulic steering gear, in lieu of being tested at the time of installation, may be shop tested by the manufacturer to 1½ the maximum allowable pressure of the system. The required test pressure shall be maintained for a sufficient amount of time to check all components for strength and porosity and to permit an inspection to be made of all connections.

4. Section 61.30-10 is amended to read as follows:

§ 61.30-10 Installation test.

(a) The following piping systems shall be hydrostatically tested in the presence of a marine inspector at a pressure of 1½ times the maximum allowable pressure:

(1) Class I steam, feed-water, and blow-off piping, except that where piping is attached to boilers by welding without practical means of blanking off for testing, the piping shall be subjected to the same hydrostatic pressure to which the boilers are tested.

(2) Fuel oil discharge piping between the pumps and the burners, but not less than 500 pounds per square inch.

(3) High-pressure piping for tank-cleaning operations.

(4) Flammable or corrosive liquids and compressed gas cargo piping, but not less than 150 pounds per square inch.

(5) Any Class I piping not specifically listed in this paragraph.

(6) Cargo oil piping.

(7) Firemains, but not less than 150 pounds per square inch.

(8) Fuel oil transfer and filling piping.

(9) Class I compressed air piping.

(b) Refrigeration piping shall be leak-tested to the design pressures as specified in § 55.13-5 of this subchapter.

(c) Hydraulic piping assemblies and associated hydraulic equipment components which have been tested in conformance with § 61.30-5(d) of this subchapter and so certified by the manufacturer, may be tested after installation as a complete assembly by stalling the driven unit in a safe and satisfactory manner and by blowing the relief valves. Otherwise, these systems shall be hydrostatically tested in the presence of an inspector at a pressure of 1½ times the maximum allowable pressure.

(d) Piping systems not specifically listed in this section shall be tested under working conditions.

(e) Arc- or gas-welded pipe joints of Class I piping which are not examined by radiography shall be given a hammer test as required by § 61.25-15 of this subchapter.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, 49 Stat. 1544, as amended, secs. 2, 3, 17, 54 Stat. 1028, as amended, 347, as amended, 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 71—INSPECTION AND CERTIFICATION

Subpart 71.25—Annual Inspection

Section 71.25-20(a)(1) is amended by revising Table 71.25-20(a)(1) to read as follows:

§ 71.25-20 Fire detecting and extinguishing equipment.

(a) * * *

(1) * * *

TABLE 71.25-20(a)(1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution or antifreeze. Insert charged cartridge.

TABLE 71.25-20(a)(1)—Continued

Type unit	Test
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Vaporizing liquid[2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid[2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962. (See § 76.50-5(e) of this subchapter.)

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428–4430, as amended, 4433, as amended, 4434, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1935, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

Subpart 76.15—Carbon Dioxide Extinguishing Systems, Details

Section 76.15-5(e) is amended by revising subparagraphs (2) and (6) to read as follows:

§ 76.15-5 Quantity, pipe sizes, and discharge rate.

* * * * *

(e) * * *

(2) For the purpose of the above requirement of this paragraph, the volume of a machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. For installations contracted for on or after October 1, 1959, "normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

* * * * *

(6) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inch.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4470, as amended, 4471, as amended, 4477, as amended, 4479, as amended, 4483, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 367, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 464, 470, 472, 476, 367, 526p, 1333, 463a, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 91—INSPECTION AND CERTIFICATION

Subpart 91.25—Inspection for Certification

Section 91.25-20(a)(1) is amended by revising Table 91.25-20(a)(1) to read as follows:

§ 91.25-20 Fire extinguishing equipment.

(a) * * *

(1) * * *

TABLE 91.25-20(a)(1)

Type unit	Test
Soda acid	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Pump tank (water or antifreeze).	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge with clean water or antifreeze.
Cartridge operated (water, antifreeze or loaded stream).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Remove liquid. Clean hose and inside of extinguisher thoroughly. Recharge with clean water, solution, or antifreeze. Insert charged cartridge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.[1]
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.

[1] Cylinders shall be tested and marked in accordance with the regulations of the Interstate Commerce Commission, as noted in § 147.04-1 of Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

TABLE 91.25-20(a)(1)—Continued

Type unit	Test
Vaporizing liquid[2] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid[2] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[2] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962. (See § 95.50-5(e) of this chapter.)

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, 4400, 4417, 4418, 4421, 4423, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 392, 399, 400, 404–409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

Subpart 95.15—Carbon Dioxide Extinguishing Systems, Details

Section 95.15-5(e) is amended by revising subparagraphs (2) and (6) to read as follows:

§ 95.15-5 Quantity, pipe sizes, and discharge rates.

* * * * *

(e) * * *

(2) For the purpose of the requirements of this paragraph, the volume of the machinery space shall be taken as exclusive of the normal machinery casing unless the boiler, internal combustion machinery, or fuel oil installations extend into such space, in which case the volume shall be taken to the top of the casing or the next material reduction in casing area, whichever is lower. For installations contracted for on or after October 1, 1959, "normal machinery casing" and "material reduction in casing area" shall be defined as follows:

(i) By "normal machinery casing" shall be meant a casing the area of which is not more than 40 percent of the maximum area of the machinery space.

(ii) By "material reduction in casing area" shall be meant a reduction to at least 40 percent of the casing area.

* * * * *

(6) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inches.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 110—GENERAL PROVISIONS

Subpart 110.10—Reference Specifications, Standards, and Codes

1. Section 110.10–1(e) (8) is amended to read as follows:

§ 110.10–1 General.

* * *

(e) * * *

(8) Standard for Marine Type Electric Lighting Fixtures.

Subpart 110.15—Definition of Terms Used in This Subchapter

2. Section 110.15–15(b) (1) is amended by revising Table 110.15–15(b) (1) to read as follows:

§ 110.15–15 Cable terms.

* * *

(b) *Cable designations.* (1) * * *

TABLE 110.15–15(b)(1)—LIGHTING AND POWER, INTERIOR COMMUNICATION, AND TELEPHONE CABLE SYMBOLS

Column 1	Column 2	Column 3	Column 4	Column 5
Symbol designating cable type	Symbol designating type of insulation	Symbol designating type of outer covering	Symbol designating type of armor	Symbol designating wire size for light and power cable or number of conductors for interior communication or number of pairs of conductors for telephone cable
S=single conductor, light and power. D=double conductor, light and power. T=triple conductor, light and power. F=four conductor, light and power. IC=interior communication. TT=twisted pair, telephone. TTC=twisted pair, inter-cabin telephone.	R=rubber. V=varnished-cambric. AV=asbestos-varnished-cambric. T=thermoplastic-asbestos or thermoplastic-glass-asbestos. MI=mineral insulated.	A=armored only. L=leaded and armored. I=impervious sheathed and armored. S=reinforced sheathed and armored.	None=steel. A=aluminum. B=bronze.	Circular mil size in thousands, or number of conductors, or number of pairs of conductors.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended; sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 390b, 50 U.S.C. 198. E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Subpart 111.40—Distribution Panelboards (Switchboard and Panelboard Types)

1. Section 111.40–1 is amended by revising paragraphs (e) and (i) to read as follows:

§ 111.40–1 General requirements.

* * * * * * *

(e) *Construction.* Switchboard type panelboards shall conform to the applicable requirements of Subpart 111.35, except that units constructed to be completely serviced from the front need not be accessible from the rear. Unspecified panelboard construction details shall conform with the requirements of Underwriters' Laboratories, Inc. Standard for Panelboards.

* * * * * * *

(i) *Directory.* Panelboard switching units shall be numbered and the panelboard provided with a circuit directory card and card holder. After installation the directory card shall be marked for each circuit with the circuit designation, description of load served, and the rating or setting of the appropriate overcurrent protective device.

Subpart 111.50—Distribution and Circuit Loads

2. Section 111.50–20(c) (5) (i) is amended to read as follows:

§ 111.50–20 Circuit loads and demand factors.

* * * * * * *

(c) *Lighting branch circuits.* * * *

(5) *Multi-lamp fixtures.* * * *

(i) The branch circuit is controlled from the distribution panelboard only by a common closing, common trip, circuit breaker having a pole for each circuit conductor.

Subpart 111.55—Overcurrent Protection

3. Section 111.55–1(b) (7) is amended to read as follows:

§ 111.55–1 Installation of overcurrent protective devices.

* * * * * * *

(b) *Overcurrent protection of conductors.* * * *

(7) Appliance branch circuits. The rating or setting of branch circuit overcurrent devices shall not be in excess of the current-carrying capacity of the circuit conductors except as provided in subparagraphs (1) and (2) of this paragraph. If the circuit supplies only a single appliance or device, the rating or setting of the branch circuit overcurrent device shall not exceed 150 percent of the rating of the appliance or device or 15 amperes whichever is the higher.

4. Section 111.55–10 is amended by revising the heading thereof and by adding a subparagraph (3) to paragraph (c), to read as follows:

§ 111.55–10 Enclosures for overcurrent protective devices.

(c) *Disconnection of fuses and thermal cutouts.* * * *

* * * * * * *

(3) No disconnect means shall be provided for general alarm feeders and branch circuits covered by § 113.25–10(b).

5. Section 111.55–15(c) is amended to read as follows:

§ 111.55–15 Construction and use of overcurrent devices.

* * * * * * *

(c) Cartridge fuses and fuseholders. National Electrical Code Standard, nonrenewable cartridge fuses may be used for applications not exceeding 600 volts, 0 to 600 amperes. Special cartridge fuses may be used in instruments and the like when specifically approved.

Subpart 111.60—Wiring Methods and Materials

Section 111.60–1 is amended by revising paragraph (b) (2) and (3), by revising paragraph (d) (1) and (2), and by revising Table 111.60–1(e) (1) (i) in paragraph (e) (1) to read as follows:

§ 111.60–1 Electric cable.

* * * * * * *

(b) *Construction.* * * *

(2) *Cable classes by type of insulation.* The above cables are classed in accordance with the type of conductor insulation as:

(i) Rubber insulated;

(ii) Varnished-cambric insulated;

(iii) Asbestos-varnished-cambric insulated;

(iv) Thermoplastic-asbestos insulated; and,

(v) Mineral insulated, Type MI.

(3) *Cable classes by type of mechanical covering.* The above cables are classed in accordance with the type of mechanical covering as:

(i) Armored;

(ii) Leaded and armored;

(iii) Impervious sheathed and armored;

(iv) Reinforced rubber sheathed and armored;

(v) Braided (applicable only to bell wire and switchboard wire); and,

(vi) Mineral insulated metal sheathed, Type MI.

* * * * * * *

(d) *Cable applications*—(1) *Damp or wet locations.* Electric cable for installation in damp or wet locations shall be leaded and armored, reinforced rubber sheathed and armored, impervious sheathed and armored, or mineral insulated-metal sheathed. The cable insulation may be either rubber, varnished-cambric, asbestos-varnished-cambric, thermoplastic asbestos or mineral insulated, type MI, except that rubber insulated power and lighting cable shall not be used in locations where the ambient temperature exceeds 50 degrees C.

(2) *Corrosive locations.* The armor of cables in corrosive locations shall be either bronze or aluminum and the sheath on mineral insulated-metal sheathed cables shall be seamless annealed copper.

(e) *Current-carrying capacity*—(1) *General.* * * *

TABLE 111.60–1(e) (1) (i)—WIRES AND CABLES[1]—MAXIMUM CURRENT-CARRYING CAPACITIES, DIRECT-CURRENT, FOR CONTINUOUS SERVICE, 50 DEGREES C. AMBIENT[2] [3] (CONCENTRIC STRANDING, 600 VOLTS[4] OR LESS, DIRECT-CURRENT), (ALTERNATING CURRENT RATINGS FOR CABLES ARE THE SAME AS GIVEN FOR DIRECT-CURRENT UP TO 700,000 CIRCULAR MILS; FOR 700,000 CIRCULAR MILS AND ABOVE, SEE TABLE 111.60–1(e) (1) (ii))

Conductor size		Current in amperes											
		1—conductor				2—conductor				3—conductor			
Area (circular mils)	Nearest AWG	R	VC	AVC	MI	R	VC	AVC	MI	R	VC	AVC	MI
2,000,000	----------	1,048	1,380	1,538	------	------	------	------	------	------	------	------	------
1,750,000	----------	934	1,231	1,373	------	------	------	------	------	------	------	------	------
1,500,000	----------	846	1,095	1,228	------	------	------	------	------	------	------	------	------
1,250,000	----------	743	970	1,020	------	------	------	------	------	------	------	------	------
1,000,000	----------	640	831	925	------	------	------	------	------	------	------	------	------
950,000	----------	617	812	904	------	------	------	------	------	------	------	------	------
900,000	----------	592	779	866	------	------	------	------	------	------	------	------	------
850,000	----------	578	752	838	------	------	------	------	------	------	------	------	------
800,000	----------	557	725	807	------	------	------	------	------	------	------	------	------
750,000	----------	538	696	776	------	------	------	------	------	------	------	------	------
700,000	----------	516	666	741	------	------	------	------	------	------	------	------	------
650,000	----------	480	623	694	------	382	503	560	------	331	428	476	------
600,000	----------	466	597	665	------	363	481	535	------	317	407	452	------
550,000	----------	441	563	627	------	344	462	514	------	302	386	428	------
500,000	----------	418	534	594	------	323	431	480	------	285	367	408	------
450,000	----------	392	498	554	------	306	406	452	------	265	341	379	------
400,000	----------	369	464	516	------	284	377	418	------	248	319	354	------
350,000	----------	340	429	477	------	261	351	390	------	230	294	327	------
300,000	----------	301	389	432	------	238	315	351	------	209	267	297	------
250,000	----------	270	348	387	------	212	281	312	------	186	238	264	------
212,000	4/0	241	310	345	308	193	254	283	------	169	215	239	------
168,000	3/0	208	273	304	264	167	223	248	------	148	187	208	------
133,000	2/0	180	237	264	228	145	194	214	------	130	163	181	------
106,000	1/0	155	206	229	196	128	170	189	------	112	142	158	------
83,700	1	133	177	197	168	111	148	165	------	98	122	135	------
66,400	2	115	152	169	144	96	128	142	------	86	106	118	------
52,600	3	99	132	147	124	85	111	124	------	75	92	102	------
41,700	4	85	114	127	108	74	97	108	72	66	80	89	72
33,100	5	71	99	110	94	64	85	95	63	57	70	78	63
26,300	6	63	86	96	80	56	74	82	56	49	61	67	56
20,800	7	54	74	82	------	49	64	71	------	44	52	58	------
16,500	8	46	66	73	56	42	55	61	40	39	46	51	40
10,400	10	34	49	54	44	32	42	47	32	29	35	39	32
6,530	12	24	32	35	32	22	27	30	24	21	23	26	24
4,110	14	15	------	20	24	14	------	19	20	13	------	17	20

[1] The values given in this table may be used provided the cable installation is limited to double banking. Where this limitation is exceeded, the values given in this table shall be decreased 5 percent for each additional bank.

[2] The values given in this table are based upon an ambient temperature of 50 degrees C and maximum conductor temperature of:

75 degrees C for rubber (R) insulated cables;

85 degrees C for varnished-cambric (VC) insulated cables; mineral insulated (MI) cables; and

95 degrees C for asbestos-varnished-cambric (AVC) insulated cables.

[3] If ambient temperatures differ from 50 degrees C the value shown above shall be multiplied by the following factors:

Type of cables	Ambient temperature		
	40° C	60° C	70° C
Rubber insulated cables	1.18	------	------
Varnished-cambric insulated cables and mineral-insulated cables	1.13	0.84	------
Asbestos-varnished-cambric insulated cables	1.11	0.88	0.75

[4] For voltages greater than 600 volts, current rating shall be decreased 2 percent for each thousand volts increase over 600 volts.

7. Section 111.60–10(b) is amended by revising subparagraphs (1) and (5) to read as follows:

§ 111.60–10 Wire and cable installation.

* * * * * * *

(b) *Ships' service cables*—(1) *Cable joints and sealing.* The cable ends of all feeders and power branch circuits to vital auxiliaries are to be effectively sealed against the admission of moisture by methods such as taping in combination with insulating compound or, in the case of type MI, by fittings designed for that purpose.

* * * * * * *

(5) *Grounding of cable metallic covering.* Each metallic-sheathed cable and each armored cable are to have the metallic covering electrically and mechanically continuous and grounded to the metal hull at each end of the run, except that final subcircuits may be grounded at the supply end only.

8. Section 111.60–15(e) is amended by revising subparagraphs (2) and (3) to read as follows:

§ 111.60–15 General requirements for wiring methods.

(e) *Connections to terminals.* * * *

(2) Connectors, or lugs of the set-screw type shall not be used with stranded conductors smaller than No. 14 AWG unless provided with a nonrotating follower traveling with the set screw and making pressure contact with the conductor.

(3) Pressure-type wire connectors, fixture splicing connectors, and lugs shall conform to the requirements of Underwriters' Laboratories, Inc., Standard for Wire Connectors and Soldering Lugs, and shall be so listed by Underwriters' Laboratories, Inc.

9. Section 111.60–20(a) is amended to read as follows:

§ 111.60–20 Outlet boxes.

(a) *General.* The requirements of this section are applicable to outlet boxes for use with lighting fixtures, wiring devices, and the like, including separately installed connection and junction boxes, having a volume of not more than 100 cubic inches. Boxes of large size will require special consideration.

10. Section 111.60–35 is amended by revising paragraphs (a) (5) and (c) (2) to read as follows:

§ 111.60–35 Lighting fixtures.

(a) *General requirements.* * * *

(5) Unspecified construction details shall be in accordance with Underwriters' Laboratories, Inc., Standards for Marine Type Electric Lighting Fixtures and for Portable Electric Lamps.

* * * * * * *

(c) *Provisions at fixture outlet boxes, canopies and pans.* * * *

(2) Fixtures shall be of such construction, or so installed, that the conductors in outlet boxes will not be subjected to

temperatures greater than that for which the conductors are approved (75° C. for rubber insulated conductors, 85° C. for varnished-cambric insulated and mineral-insulated conductors, and 95° C. for asbestos-varnished-cambric insulated conductors). For the purpose of this section, an ambient temperature of 25° C. will be assumed for passenger and crew quarters, public spaces, cargo spaces, and open deck areas, an ambient temperature of 40° C. will be assumed for auxiliary machinery and work spaces, and an ambient temperature of 50° C. will be assumed for the engine and boiler rooms.

11. Section 111.60–40 is amended by revising subdivisions (i), (iii), and (iv) in paragraph (b)(10), and by revising subdivision (ii) in paragraph (c)(8) to read as follows:

§ 111.60–40 Wiring methods and material for hazardous locations.

* * * * *

(b) *Electrical installations in Class I, Groups A, B, C, and D, hazardous locations.* * * *

(10) *Wiring methods.* (i) Electric cables shall be leaded and armored, or impervious sheathed and armored, or mineral-insulated metal sheathed.

* * * * *

(iii) The seal fitting shall be located as close as practicable to, but in no case more than 18 inches from, the enclosure, and shall be connected thereto by means of a short length of rigid metal conduit with threaded explosion-proof joints each having at least 5 full threads engaged. Type MI cables, however, shall enter enclosures directly through explosion-proof fittings especially approved for Class I locations.

(iv) Except for type MI cables, all cable covering except the individual conductor insulation shall be removed in way of the seal fitting, and the seal fitting filled with a sealing compound.

* * * * *

(c) *Electrical installations in Class II hazardous locations.* * * *

(8) *Wiring methods.* * * *

(ii) *Electric cables.* Electric cables shall be leaded and armored, impervious sheathed and armored, or mineral-insulated metal sheathed. Cable entrances shall be made dust-tight by terminal tubes or, in case of Type MI cable, by fittings designed for that purpose.

Subpart 111.70—Special Requirements for Tank Vessels

12. Section 111.70–10(c)(4) is amended to read as follows:

§ 111.70–10 Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.

* * * * *

(c) *Installation requirements on tank vessels handling Grade A, B, C, or D liquid cargo.* * * *

(4) *Weather decks.* Motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of the cargo tank openings or cargo tank vent terminations shall be explosion-proof. Explosion-proof equipment installed in locations exposed to the weather shall be watertight or shall be enclosed in watertight housings.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 390b, 50 U.S.C. 198. E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

Subpart 112.55—Storage and Battery Installation

Section 112.55–1(a) is amended to read as follows:

§ 112.55–1 General requirements.

(a) Storage batteries for emergency lighting and power systems, including starting batteries for emergency diesel-engine driven generator sets, shall be of a design and construction proven successful in merchant marine service, and capable of withstanding the roll and pitch of a vessel and exposure to salt air. Positive plates of lead-acid batteries shall be at least 0.25 inch thick, and the specific gravity of the electrolyte when fully charged shall be 1.210 to 1.220, both inclusive, at 25° C., except that thin positive plate construction (0.125 inch thick minimum) may be used for engine cranking batteries. The fully charged specific gravity of the electrolyte of lead-acid engine cranking batteries shall not exceed 1.260 at 25° C. for high watering space type batteries or 1.285 at 25° C. for normal watering space type batteries.

(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 390b, 50 U.S.C. 198. E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subpart 113.25—General Alarm Systems

1. Section 113.25–10(c)(1)(ii) is amended to read as follows:

§ 113.25–10 General requirements.

* * * * *

(c) *Location of general alarm bells.* * *

(1) * * *

(ii) A sound level of 6 decibels above the ground noise level existing when the vessel is underway in moderate weather, whichever is the higher.

Subpart 113.30—Sound Powered Telephone and Voice Tube Systems

2. Section 113.30–25(h) is amended to read as follows:

§ 113.30–25 Sound powered telephone system, detail requirements.

* * * * *

(h) Sound powered telephone circuits shall be run in leaded and armored, impervious sheathed and armored or mineral-insulated metal sheathed cable. All connection boxes employed shall be watertight.

Subpart 113.35—Engine Order Telegraph Systems

3. Section 113.35–45(d) is amended to read as follows:

§ 113.35–45 Electric engine order telegraph systems, detail requirements.

* * * * *

(d) Electric cable used in conjunction with electric telegraphs shall be leaded and armored, impervious sheathed and armored or mineral-insulated metal sheathed and all connection boxes shall be of watertight construction.

Subpart 113.55—Navigation Lights

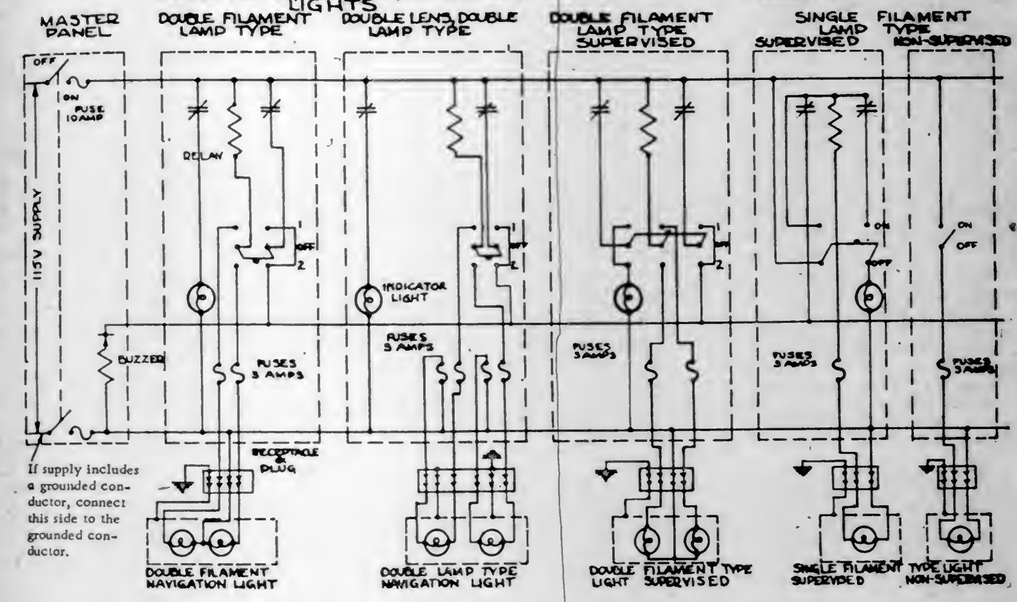
4. Section 113.55–25(b) is amended by revising figure 113.55–25(b) to read as follows:

§ 113.55–25 Navigation light indicator panel. * * *

(b) * * *

FIGURE 113.55-25(b)

SEMI-AUTOMATIC NAVIGATION LIGHT PANEL CIRCUITS



(R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interprets or applies R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 70 Stat. 152, 153, sec. 3, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 390b, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER Q—SPECIFICATIONS

PART 161—ELECTRICAL EQUIPMENT

Subpart 161.001—Lights (Water): Electric, Floating, Automatic (With Bracket for Mounting), for Merchant Vessels

1. Section 161.001–1 is amended to read as follows:

§ 161.001–1 Applicable specifications.

(a) The following specifications, of the issue in effect on the date electric water lights are manufactured, form a part of this subpart:

(1) Federal Specifications:

L-P-406—Plastics, Organic; General Specification (Test Methods).
VV-G-671—Grease; Lubricating, Graphite.
TT-E-489—Enamel; Gloss, Synthetic (For Exterior and Interior Surfaces).

(2) Military Specifications:

MIL-B-18—Batteries, Dry.
MIL-P-79—Plastic Materials, Laminated, Thermosetting Rods and Tubes.
MIL-D-3716—Dessicants (Activated) for Dynamic Dehumidification.
MIL-L-2648—Light, Marker, Distress, Floating, Automatic, Nonmagnetic.
MIL-R-2765—Rubber Materials, Synthetic, Oil Resistant (Sheet, Strip, and Molded Shapes).

(b) Copies of the specifications in paragraph (a) of this section, as well as the various specifications forming a part thereof, shall be kept on file by the manufacturer, together with the certificate of approval. They shall be kept for a period consisting of the duration of approval and 6 months after termination of approval.

(1) Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D.C.

(2) Military Specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D.C.

(c) Water lights constructed in accordance with Specification MIL–L–2648 conform with the specifications contained in this subpart when all of the provisions contained in this paragraph are complied with:

(1) The finish is in accordance with § 161.001–4(o).

(2) The marking is in accordance with § 161.001–6(a).

(3) All metal parts of the light are made of corrosion resistant material in accordance with § 161.001–3(a)(1).

2. Section 161.001–4 is amended by adding a new subparagraph (1) to paragraph (a), by revising paragraphs (d)(1), and by revising paragraphs (f), (g), (h), (j), (k), (o), and (t) to read as follows:

§ 161.001–4 Construction and performance.

(a) *General.* * * *

(1) Special consideration may be given to circuits designed to produce a flashing light instead of the fixed light contemplated by this subpart. Except for the lamp and flasher device, such water lights shall be in accordance with this subpart.

* * * * *

(d) *Case.* * * *

(1) *Case (plastic).* If the case is of plastic, it shall consist of either a tube of heavy paper base or other filler impregnated and bonded with a phenolic or other suitable thermosetting resin or binder, in accordance with Type PBE of Specification MIL–P–79 or shall be made of other plastic material subject to investigation and approval. In the event this latter material is offered, it

will only be considered if it is equal or superior to the specified material in water absorption, impact strength, heat resistance, dimensional stability, and other properties important to the serviceability of the light. The case shall be constructed as follows: (i) A molded one-piece tube closed at the bottom end and threaded at the open end for bezel ring attachment, or (ii) a rolled tube closed at the bottom end by means of a plug and threaded at the open end for bezel ring attachments; in the case of construction (ii) the bottom end shall be of the same material as the tube and shall be assembled in the tube by inside threading and cemented thereto with a water-proof, heat-resistant proper synthetic resin adhesive. The inside of the case shall be coated with a suitable waterproof lacquer. The wall thickness of the case shall be not less than $\frac{1}{16}$ inch.

* * * * *

(f) *Bezel ring.* The bezel ring shall be molded or fabricated from a high impact phenolic or other suitable thermosetting resin or corrosion-resistant metal with the same coefficient of thermal expansion as the case. The bezel ring shall be of such design as to be rigid, shall provide for a suitable gripping means, and shall not fail when the light is subjected to the tests specified in this subpart.

(1) The bezel ring shall be provided with not less than six threads of sixteen threads per inch gage and shall satisfactorily engage the threads of the case. The design of the bezel ring shall be such that it will hold the lens and the case tightly against the gasket. The threads shall be covered with a water-resistant lubricating graphite grease conforming to Grade 1, or Grade 2 of Specification VV–G–671. The bezel ring shall be tapered or designed in such a manner that, with the light stowed in its bracket (lens down), water will drain away from the bezel ring and the case juncture.

(g) *Gasket.* The lens and upper edge of the case shall bear against a gasket conforming to Specification MIL–R–2765. The gasket shall be so designed that when cooperating with the lens and case, it will prevent water from entering the inside of the light. It shall be resilient, highly resistant to cold flow, and it shall not discolor or adversely affect the lens material.

(h) *Cell.* The light shall derive its source of electrical energy from one self-contained dry cell. The cell shall be in accordance with Type BA–23 of Specification MIL–B–18. The date of manufacture of the cell shall not be exceeded by more than five months when the light is shipped by the manufacturer.

* * * * *

(j) *Dehydrator plug.* Each light shall contain, in the interior portion, a transparent dehydrator plug containing not less than 20 grams of dehydrating agent. The dehydrating agent shall conform to Type IV of Specification MIL–D–3716.

(k) *Lamp.* The lamp shall be new and of the miniature bayonet type rated at 1.3 volts and 0.6 ampere (Industry Lamp No. 423). The center of the lamp filament shall be at the focal point of the lens. A spare lamp shall be carried in the interior portion of the light. The base of the lamp shall be nickel-plated brass, and the center contact shall be of pure tin.

* * * * *

(o) *Finish of light.* External parts other than the lens shall be properly cleaned and prepared, and coated with two coats of international orange enamel in accordance with Specification TT–E–489. The finish shall be uniform and smooth, shall adhere firmly, and withstand reasonable impact without chipping or cracking.

(p) *Mounting bracket.* The mounting bracket shall consist essentially of two spring clips, or one spring clip and a supporting member of suitable design, mounted on a strip. The design of the bracket shall be such that, with the bracket mounted in its normal position on a vertical supporting surface, the inserted light shall separate from the bracket with a pull on the ring of the case of not less than 20 nor more than 40 pounds when such pull is applied horizontally and directly away from the vertical supporting surface. There shall be two spring clips, or one spring clip and a supporting member of suitable design, to hold the light and located near the bottom and top thereof, and two holes suitable for fastening to a flat surface with ¼-inch bolts. The clips shall be made of either spring strip phosphor bronze or beryllium copper. Each clip shall be connected to the back strip by not less than four heavy silicon bronze or phosphor bronze rivets, or shall be securely welded to the strip. The strip shall be so designed that the light cannot slip out of its bracket due to gravity. No light shield shall be provided. All metal parts of the bracket shall be properly cleaned and prepared for finishing; however, the type and color of finish is optional. The mounting bracket for lights with plastic lenses shall have a rubber pad secured to it at any point where the plastic globe of the light could make contact with the bracket. The rubber pad shall be of an oil and weather resistant type suitable for adhesion to the metal of the bracket, and shall show no evidence of softening, cracking or peeling after the test specified in § 161.001–5(b)(9).

3. Section 161.001–5 is amended by deleting paragraph (b)(4), by revising paragraphs (a)(1) and (2), and by revising paragraph (b)(10) to read as follows:

§ 161.001–5 Inspection and methods of test.

(a) *Inspection.* * * *

(1) The facilities, materials and labor for all tests shall be furnished by the manufacturer at no cost to the U.S. Coast Guard. When testing facilities are not available at the point of inspection, testing may be completed by a mutually acceptable independent testing organization.

(2) Evidence of satisfactory performance in tests conducted in accordance with Specification MIL–L–2648 will be acceptable except that in lieu of the "Salt-spray resistance" test specified in Specification MIL–L–2648, the test specified in paragraph (b)(9) of this section shall be successfully completed.

* * * * *

(b) *Methods of tests.* * * *

(4) [Canceled.]

* * * * *

(10) *Accelerated weathering (Metallic parts).* Under ultra-violet light alternate three-minute cycles of (a) Twenty percent salt spray at 55° C. and (b) an air blast at 55° C. without interruption for a period of two hundred continuous hours. Metallic parts shall be free of paint or other finish during this test.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart 161.002—Fire-Protective Systems

4. Section 161.002–9(a)(1) is amended to read as follows:

§ 161.002–9 Automatic fire detecting system, power supply.

(a) *General.* * * *

(1) *Storage battery type.* The power supply for automatic fire detecting system shall consist of duplicate storage batteries used for no other purpose arranged so that one battery will supply the system while the other storage battery is being charged or one storage battery in combination with an automatic charging panel that will maintain the battery in a fully charged condition at all times except immediately following discharge.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, sec. 2, 54 Stat. 1028, as amended; 46 U.S.C. 361, 362, 391, 392, 399, 405, 411, 435, 366, 395, 363, 369, 463a)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.45—Special Fire-Fighting and Fire Prevention Requirements

Section 167.45–70(e) is amended to read as follows:

§ 167.45–70 Portable fire extinguishers, general requirements.

* * * * *

(e) Every fire extinguisher provided shall be examined at each annual inspection to determine that it is still in good condition. Soda-and-acid and foam fire extinguishers shall be tested by discharging the contents, cleaning thoroughly, and then refilling. Carbon dioxide fire extinguishers shall be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide shall be recharged. Pump tank fire extinguishers shall be tested by pumping and discharging the contents, cleaning thoroughly, and then refilling or recharging. Cartridge-operated type fire extinguishers shall be checked by examining the extinguishing agents to determine if in still good condition and by examining the pressure cartridge. If the cartridge end is punctured, or if the cartridge is otherwise determined to have leaked or to be in an unsuitable condition, the pressure cartridge shall be rejected and a new one inserted. Stored pressure type extinguishers shall be checked by determining that the pressure gage is in the operating range, and the full charge of extinguishing agent is in the chamber. The hoses and nozzles of all fire extinguishers shall be inspected to see that they are clear and in good condition.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426 as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1–21, 2, 54 Stat. 163–167, as amended, 1028, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406–412, 239, 481, 489, 363, 367, 526–526t, 463a, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER T—SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

PART 176—INSPECTION AND CERTIFICATION

Subpart 176.15—Triennial Inspection

Section 176.15–20(d) is amended by revising Table 176.15–20(d) to read as follows:

§ 176.15–20 Fire extinguishing equipment.

* * * * *

(d) * * *

TABLE 176.15–20(d)

Type unit	Test
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to be sure they are clear.
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if cartridge is otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Vaporizing liquid [1] (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid [1] (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

[1] Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before Jan. 1, 1962. (See § 181.20–10 of this subchapter.)

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b.)

PART 181—FIRE PROTECTION EQUIPMENT

Subpart 181.15 — Fixed Carbon Dioxide Extinguishing System, Details

1. Section 181.15–15(c) is amended to read as follows:

§ 181.15–15 Machinery spaces, paint lockers, tanks and similar spaces.

* * * * *

(c) The total area of all discharge outlets shall not exceed 85 percent nor be less than 35 percent of the nominal cylinder outlet area or the area of the supply pipe, whichever is smaller. The nominal cylinder outlet area in square inches shall be determined by multiplying the factor 0.0022 by the number of pounds of carbon dioxide required, except that in no case shall this outlet area be less than 0.110 square inches.

Subpart 181.20—Portable Fire Extinguishers

2. Section 181.20–1(b) is amended by revising Table 181.20–1(b) to read as follows:

§ 181.20–1 Classification.

* * * * *

(b) * * *

TABLE 181.20–1(b)

Classification		Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10

3. Subpart 181.20 is amended by adding a new § 181.20–10 at the end thereof to read as follows:

§ 181.20–10 Vaporizing liquid type fire extinguishers.

(a) Vaporizing liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids shall be removed from all vessels on or before January 1, 1962. Existing installations of such extinguishers may be continued in use if in good and serviceable condition until the removal date.

(Sec. 3, 70 Stat.; 46 U.S.C. 390b)

PART 183—ELECTRICAL INSTALLATION

Subpart 183.01—Application

Section 183.01–1 is amended to read as follows:

§ 183.01–1 Electrical installations operating at potentials of 50 volts and over.

(a) Vessels having electrical installations operating at potentials of 50 volts or more and contracted for on or after June 1, 1958, shall comply with the applicable parts of Subchapter J (Electrical Engineering) of this chapter. In applying the Subchapter J regulations to these vessels only systems contemplated by Subchapter T of this chapter will be required. Other systems, if installed, shall comply with Subchapter J of this chapter.

(b) Electrical installations on vessels contracted for prior to June 1, 1958, shall comply with the above paragraph insofar as is deemed reasonable and practicable by the Officer in Charge, Marine Inspection.

(Sec. 3, 70 Stat. 152; 46 U.S.C. 390b)

Dated: August 31, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59–7428; Filed, Sept. 4, 1959; 8:49 a.m.]

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59–37]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

MINNESOTA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on August 19, 1959, approved the Minnesota system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Minnesota system shall be operative on and after Monday, August 24, 1959. On that date the authority to number motorboats principally used in the State of Minnesota will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Minnesota. On and after August 24, 1959, all reports of "boating accidents" which involve motorboats numbered in Minnesota will be required to be reported to the nearest sheriff of the county in which the accident occurred, pursuant to the Minnesota Boat and Water Safety Law (S.F. No. 371, Chapter 592, Laws of Minnesota for 1959, approved 24 April 1959).

Because § 172.25–15(a)(4), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15

(a) (4) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) • • •

(4) Minnesota—August 24, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: August 31, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 59–7430; Filed, Sept. 4, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Determination of Equivalent Prices for Grade AA (93-Score) and Grade A (92-Score) Butter at Chicago

Part	
903	St. Louis, Mo.
905	Mississippi Delta.
906	Oklahoma Metropolitan.
907	Milwaukee, Wis.
908	Central Arkansas.
911	Texas Panhandle.
912	Dubuque, Iowa.
913	Greater Kansas City.
916	Upstate Michigan.
917	Black Hills, S. Dak.
918	Memphis, Tenn.
919	Southwest Kansas.
921	Ozarks.
923	Appalachian.
924	Detroit, Mich.
925	Puget Sound, Wash.
928	Neosho Valley.
929	Eastern S. Dak.
930	Toledo, Ohio.
931	Cedar Rapids-Iowa City.
932	Fort Wayne, Ind.
935	Omaha-Lincoln-Council Bluffs.
941	Chicago, Ill.
942	New Orleans, La.
943	North Texas.
944	Quad Cities.
946	Louisville, Ky.
948	Sioux City, Iowa.
949	San Antonio, Tex.
952	Austin-Waco, Tex.
954	Duluth-Superior.
956	Sioux Falls-Mitchell, S. Dak.
965	Cincinnati, Ohio.
966	Northern Louisiana.
967	South Bend-La Porte-Elkhart, Ind.
968	Wichita, Kans.
971	Dayton-Springfield, Ohio.
972	Tri-State.
974	Columbus, Ohio.
975	Northeastern Ohio.
976	Fort Smith, Ark.
977	Paducah, Ky.
978	Nashville, Tenn.
980	Western Colorado.
982	Central West Texas.
985	Muskegon, Mich.
986	Red River Valley.
987	Central Mississippi.
988	Knoxville, Tenn.
991	Rockford-Freeport, Ill.
994	Colorado Springs-Pueblo.
995	North Central Ohio.
998	Corpus Christi, Tex.
1000	Chattanooga, Tenn.
1002	Wheeling, W. Va.
1004	Central Arizona.
1005	North Central Iowa.
1008	Inland Empire.
1009	Clarksburg, W. Va.
1011	Michigan Upper Peninsula.
1012	Bluefield.
1013	Platte Valley.
1014	Mississippi Gulf Coast.
1016	Northeastern Wisconsin.
1018	Southeastern Florida.
1023	Des Moines, Iowa.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter referred to as the "orders" it is hereby found and determined as follows:

(1) Inasmuch as the Grade AA (93-score) and Grade A (92-score) butter quotations for the Chicago market, employed in the orders as factors in the formula for computing the class prices and butterfat differetials, are not available for a sufficient number of days during the period from July 25 through August 31, 1959, to be representative of such prices for the month of August 1959 or for any continuous 31-day period between July 25 and August 31, 1959, it is hereby determined that the equivalent price for Grade AA (93-score) butter at Chicago for August 1959 shall be 60.60 cents and the equivalent price for Grade A (92-score) butter at Chicago shall be 60.19 cents for August 1959, 59.61 cents for the period July 25 through August 24, 1959, and 59.67 cents for the period July 26 through August 25, 1959.

(2) Notice of proposed rule making, public procedure thereon and 30 days prior notice to the effective date hereof are impractical, unnecessary and contrary to the public interest, in that (a) prices for Grade AA (93-score) and Grade A (92-score) butter on the Chicago market have not been reported by the Dairy and Poultry Market News Service, Agricultural Marketing Service, United States Department of Agriculture, on a sufficient number of days during the period from July 25 through August 31, 1959, to be representative of such prices for the month of August 1959 or for any continuous 31-day period between July 25 and August 31, 1959; (b) the determination of an equivalent price immediately is necessary to make possible the announcement of the minimum class prices and butterfat differentials under the orders in valuing producer milk received by handlers during the months of August 1959 and September 1959; (c) an essential purpose of this determination is to give all interested persons notice that the averages of Grade AA (93-score) and Grade A (92-score) butter prices reported by the Dairy and Poultry Market News Service for August 1959 or for any continuous 31-day period between July 25 and August 31, 1959, are not being used for the purpose of the price computations required in connection with the computation of class prices and butterfat differentials under the aforesaid orders; and (d) this determination does not require substantial or extensive preparation of any person.

Issued at Washington, D.C., this 1st day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–7422; Filed, Sept. 4, 1959; 8:48 a.m.]

[Valencia Orange Reg. 181]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.481 Valencia Orange Regulation 181.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 3, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 6, 1959, and ending at 12:01 a.m., P.s.t., September 13, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 924,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 4, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7507; Filed, Sept. 4, 1959; 11:31 a.m.]

[Grapefruit Reg. 312]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.973 Grapefruit Regulation 312.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 1, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., September 7, 1959, and ending at 12:01 a.m., e.s.t., September 21, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 2, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7434; Filed, Sept. 4, 1959; 8:50 a.m.]

[Lemon Reg. 808]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.915 Lemon Regulation 808.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views

at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 2, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 6, 1959, and ending at 12:01 a.m., P.s.t., September 13, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 3, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7470; Filed, Sept. 4, 1959; 9:35 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1965]

[1941468]

ALASKA

Amending Public Land Order No. 1621 of April 18, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1621 of April 18, 1958, which modified Public Land Order No. 82 of January 22, 1943 (northern Alaska), is hereby amended to the extent necessary to permit the preparation and filing of leasing maps affecting all lands situated within the known geologic structure of the Gubik gas field, and lying within the two-mile buffer zone adjacent to Naval Petroleum Reserve No. 4, established by Public Land Order No. 1621.

The two-mile area covers approximately 9,000 acres, and all of the public lands within that area will be offered for oil and gas leasing through competitive bidding.

This action is taken upon recommendation of the Department of the Navy that leasing of the lands involved go forward in order to protect against loss of revenues to the United States through drainage of adjacent lands located within Naval Petroleum Reserve No. 4.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 29, 1959.

[F.R. Doc. 59–7416; Filed, Sept. 4, 1959; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 22 [1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 382—DENIAL OF EXPORT PRIVILEGES

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

1. In § 371.13 *General Licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES* paragraphs (a) (1) *Scope* and (b) (1) *Scope* are amended by inserting the words "United States or" between the words "vessels of" and the words "foreign registry" in the first sentence of paragraph (a) (1), and inserting the words "United States or" between the words "aircraft of" and the words "foreign registry" in the first sentence of paragraph (b) (1).

2. In § 373.2 *Confirmation of country of ultimate destination and verification of actual delivery* paragraph (a) *Scope*, subparagraph (1) *General*, subdivision (ii) *Countries* is amended to read as follows:

(ii) *Countries.* Austria, Belgian Congo, Belgium, Denmark, France, Greece, Hong Kong (see § 373.2(c)), Italy (including the area of Trieste under Italian civil administration), Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, United Kingdom, and West Germany (Federal Republic of Germany, Western Sectors of Berlin, and Saar). The provisions of this section do not apply to the overseas territories of the countries listed above unless such territories are specifically included in the list.

3. In § 374.3 *Basis for consideration of license applications* paragraph (a) *Criteria for consideration for approval*, subparagraphs (2) and (3) are amended to read as follows:

(2) *Activities eligible for the project license procedure.* An application for a project license will be considered for approval where it is shown that the license, if granted, will be used for one of the following activities:

(i) A substantial project representing a capital expansion, either a new facility or expansion of an existing facility; or

(ii) A program for supplying maintenance, repair and operating supplies to serve an existing facility; or

(iii) A program for supplying materials to be used in the production of other commodities for sale.

(3) *Activities which are ineligible for the project license procedure.* A project license will not be issued to cover exportations of commodities for resale in the form in which exported from the United States.

4. In § 379.2 *Presentation and use of validated license* paragraph (h) *Weight and volume tolerance* is amended to read as follows:

(h) *Shipping tolerance*—(1) *10 percent tolerance.* A 10 percent shipping tolerance over the amount specified in a license is allowed unless such tolerance is not permitted by the terms of a license or is limited or prohibited by any of the provisions set forth below.

(2) *Unit of quantity covered.* (i) This tolerance is allowed only when the unit of quantity called for on the license is in the following terms:

Avoirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U.S.P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Set.
Pair.	Square.

(3) *Maximum tolerance allowed.*[2] In all cases, the tolerance shall be allowed on the basis of the actual quantity stated on the license; and in no case shall the tolerance exceed 10 percent of such quantity. For example, if the quantity shown on the license is "100,000 pounds", not more than 110,000 pounds may be exported. Where the quantity stated on the license has been shipped, no further shipment may be made under the license. When there is a difference in weight or volume within the tolerance allowance between the amount shown on the license, and the amount actually shipped, the amount actually shipped shall be noted on the license by the Collector of Customs at the final port of exit before the license is returned to the Bureau of Foreign Commerce.

(4) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the 10 percent tolerance is allowed only on the unshipped balance, except that in the case of shipments of iron and steel products (processing code STEE), and tinplate (processing code TNPL), the tolerance of 10 percent is allowed on the basis of the actual quantity stated on the license. Where the quantity stated on the license has been shipped, no further shipment may be made under the license.

[1] This amendment was published in Current Export Bulletin 819, dated Aug. 13, 1959.

[2] See § 375.3(c) of this chapter for tolerance provisions relating to shipments under Blanket (BL) license.

5. In § 382.51 *Supplement 1; Table of denial and probation orders currently in effect* paragraph (b) *Table of denial and probation orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Agencia Commercial "Progresso" (ACP), 443–445 Alexandra House, P.O. Box 2713, Hong Kong.	8–4–59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 6379, 8–7–59.
Ho, Stanley, 443–445 Alexandra House, P.O. Box 2713, Hong Kong.	do	do	do	Do.
Kitahara, Koji, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	7–31–59	9–13–59	do	24 F.R. 6274, 8–5–59.
Masatsugo, Kazushige, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	do	do	do	Do.
Oriental Trading Co., Ltd., sometimes known as Toyo Boeki K.K. or Toyo Trading Co., 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	do	do	do	Do.
Toyo Boeki K.K. or Toyo Trading Co., 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan.	do	do	do	Do.

6. In § 385.2 *General Licenses GTDP, GTDU, and GTDS* paragraph (b) *General License GTDU; Unclassified technical data either unpublished or not generally available in published form* is amended to read as follows:

(b) *General License GTDU; Unclassified technical data either unpublished or not generally available in published form.* (1) A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, subject to the limitations set forth in subparagraphs (2), (3), (4) of this paragraph.

(2) This general license shall not be applicable to any exportation of technical data directly or indirectly to any Subgroup A destination or Poland (including Danzig).

(3) This general license shall not be applicable to technical data relating to the commodities described in subdivisions (i) and (ii) of this subparagraph. However, operating and maintenance instructional material which relate to these commodities may be exported under this general license.

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1 of this chapter); or

(ii) The following electronic commodities:

(*a*) Electrical and electronic instruments, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(*b*) Airborne transmitters, receivers, and transceivers, Schedule B number 70779.

(*c*) Airborne direction finding equipment, Schedule B number 70797.

(*d*) Airborne electronic navigation apparatus; airborne, ground and marine radar equipment, Schedule B number 70867.

(4) Before making any exportation under this general license of technical data of the kind described in subdivision (i) of this subparagraph, the exporter shall obtain written assurance from the importer that neither the technical data nor the product [3] thereof is intended to be shipped, either directly or indirectly, to a Subgroup A destination or Poland (including Danzig). This general license shall not be applicable to any exportation to any destination of technical data of the kind described in subdivision (i) of this subparagraph if, at the time of exportation of the technical data from the United States, the exporter knows or has reason to believe that the product [3] to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to a Subgroup A destination or Poland (including Danzig).

(i) Technical data and services listed in (*a*) of this subdivision for the plants, processes, and equipment listed in (*b*) of this subdivision.

(*a*) Types of technical data and services:

(*1*) Proprietary research and the results therefrom;

(*2*) Processes developed pursuant to research (including technology with regard to component equipment items);

(*3*) Catalyst production, activation, utilization, reactivation and recovery;

(*4*) Plant and equipment design and layout to implement the processes; and

(*5*) Construction and operation of plant and equipment.

(*b*) Types of plants and processes:

The following plants and/or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom: [4]

Alkylation.	Nitration.
Aromatization.	Oxidation.
Cracking.	Oxo process.
Dehydrogenation.	Ozonolysis.
Desulfurization.	Polymerization.
Halogenation.	Reduction.
Hydrogenation.	Reforming.
Isomerization.	

This amendment shall become effective as of August 13, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59–7424; Filed, Sept. 4, 1959; 8:48 a.m.]

[9th Gen. Rev. of Export Regs.; Amdt. P.L. 15 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

a. The following commodities are deleted from the Positive List:

[3] The term "product," as used in this sentence and in this context only, means the machine, equipment, plant, process, or service to be produced directly by use of the technical data, and not the commodity to be produced by or with such machine, equipment, plant, process, or service. An example of the product of technical data is reforming process equipment designed and constructed by use of the technical data exported. However, the aromatics produced by the reformer are not covered by this definition.

[4] This includes plants and processes for the production, extraction, and purification of petroleum products, petrochemical products, and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.

[1] This amendment was published in Current Export Bulletin 819, dated Aug. 13, 1959.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Lubricating oils, except hydraulic (Report hydraulic oils of petroleum origin in 50690; hydraulic oil, except of petroleum origin, in 82960):				
50380	Insulating or transformer oils, except polybutene (barrel of 42 gal.)[4]	Bbl.	PETR 2	100	R
	Electronic equipment, n.e.c., and parts:				
70840	Electron tubes, n.e.c., except rectifier bulbs for automotive battery chargers, and except nonmilitary versions of the types listed in § 399.2, Interpretation 13, (Specify type numbers and quantity of each type.)[11]	No.	RARA 2	50	RO
	Internal-combustion engines, n.e.c., and parts and accessories, n.e.c.:				
71466	Diesel and semi-diesel marine engines: 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over, designed for submarine use and specifically fabricated therefor (Specify type of engine, brake horsepower at rated speed, and r.p.m.) (2)[1] [4]	No.	CONS 1	None	RO
71466	Other marine engines of 1,500 brake horsepower and over, with rotary speeds of 700 r.p.m. and over. (Specify as not designed for submarine use and specify brake horsepower at rated speed, and r.p.m.) (2)[1] [4]	No.	CONS 2	None	RO
71590	Parts and accessories, n.e.c., specially fabricated for diesel engines included on the Positive List under Schedule B No. 71466 and in the entry under Schedule B No. 71466. (Specify type of engine, brake horsepower at rated speed, and r.p.m.) (2)[1] [4]		CONS 1	None	RO
71590	Parts and accessories, n.e.c., specially fabricated for diesel engines included on the Positive List in the last entry under Schedule B No. 71466 and in the entry under Schedule B No. 71466. (Specify type of engine, brake horsepower at rated speed, and r.p.m.) (3)[4]		CONS 2	500	RO
	Metal-cutting machine tools (not incorporating industrial diamond), n.e.c., specially fabricated for metal-cutting machine tools:				
74455	Hollow deep-hole drills. (3)[2]		TOOL 1	None	RO
77530	Equipment specially designed for the production of gases in liquid form, capable of operating at pressures of 300 psi or over and producing one ton or more per day of gas in liquid form; and specially fabricated parts and accessories, n.e.c. (1 and 3)[4] [9]		GIEQ	100	RO
77520	Other mobile liquid oxygen generators and mobile liquid nitrogen generators; and specially fabricated parts and accessories, n.e.c. (2)[4] [9]		GIEQ	500	RO
82986	Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof, except radioisotopes having an atomic number 8 through 83, and compounds and preparations thereof; and except radium, radium salts and compounds. (Convert all isotopes to quantity of radioactive emissions expressed in curie.)[4]	Curie	DRUG	None	RO
	Organo-fluorine compounds, n.e.c.:				
83258	Difluoroethane (e.g., Freon 152; Genetron 100); and monochlorofluoromethane (e.g., Freon 142; Genetron 101). (Specify by name.)	Lb.	SALT 2	100	RO
86070	Explosives and blasting agents, n.e.c.: Detonating and priming compositions (mixtures) containing one or more of the following chemicals: mercury fulminate; lead azide; lead styphnate; lead thiocyanate; lead dinitroresorcinate; or barium styphnate. (5)[4]	Lb.	ORGN 3	25	RO

[1] The GLV dollar-value limit is increased, effective August 20, 1959.
[2] The processing code is changed or related commodity group number is changed (see § 372.5(f) of this chapter).
[3] The symbol "A" is deleted in the column headed "Commodity Lists", indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this chapter).
[4] The symbol "R" is added in the column headed "Commodity Lists," indicating that the commodity may now be exported under the Periodic Requirements Licensing procedure. (See Part 376 of this chapter.)
[9] The commodity heading is deleted.
[11] The entries now listed in the Positive List under Schedule B No. 70840 are deleted, and the tubes described in those entries are now included in this entry.
[12] Two entries are substituted for the second entry presently on the Positive List under Schedule B number 71466.
[13] On or after Sept. 28, 1959, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of "mobile liquid oxygen or liquid nitrogen generators operating at pressures of 300 psi or over and producing one ton or more per day of gas in liquid form, and parts and accessories therefor," to the countries specified in § 373.2 of this chapter. (Stationary liquid oxygen and liquid nitrogen equipment meeting these specifications are not included in this control.) Mobile liquid oxygen and liquid nitrogen generators operating at pressures of 300 psi or over and producing one ton or more per day of gas in liquid form, and parts and accessories therefor are now included in the other entry on the Positive List under this Schedule B number.

This item of the amendment shall become effective as of August 13, 1959.

b. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Electronic equipment, n.e.c., and parts:					
70879	Amplifiers (except audio frequency), n.e.c., and specially fabricated parts and accessories, n.e.c.: Amplifiers, electronic or magnetic, designed for use with resolvers, as follows: (1) Isolation types; and (2) summing types and specially fabricated parts and accessories, n.e.c.[1]	.....	RARA 1	100	RO	A
	Military aircraft:					
79337	Cargo transports, military, new and used, without armament, the following models only: C-46, C-47, and C-54. (Specify type and model.)	No.	TRAN 2	None	RO	.....
79353	Passenger transports, military, new and used, without armament, 15,000, under 30,000 lbs. empty weight, the following model only: C-47. (Specify type and model.)	No.	TRAN 2	None	RO	.....
79355	Passenger transports, 135 military, new and used, without armament, 30,000 lbs. and over empty weight, the following models only: C-46 and C-54. (Specify type and model.)	No.	TRAN 2	None	RO	.....
	Organic chemicals except cyclic, n.e.c.:					
83299	Triethylene glycol di-2-ethylbutyrate (e.g., Flexol 3 GH).	Lb.	ORGN	100	RO	.....

[1] On or after Sept. 28, 1959, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of this commodity to the countries specified in § 373.2 of this chapter.

This item of the amendment shall become effective as of August 20, 1959, except as otherwise indicated in the footnote.

c. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

This item of the amendment shall become effective as of August 13, 1959, except as otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in items b or c above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., August 20, 1959, may be exported under the previous general license provisions up to and including September 14, 1959. Any such shipment not laden aboard the exporting carrier on or before September 14, 1959, requires a validated license for export.

2. Section 399.2 *Appendix B—Commodity interpretations, Interpretation 18: Transistors* is amended by deleting the following entries:

OC 71
OC 72
OC 76

This item of the amendment shall become effective as of August 13, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 59-7425; Filed, Sept. 4, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

DESERT GAME RANGE, NEVADA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.111 and to revoke §§ 31.112, 31.113, 31.114, 31.115, 31.116 and 31.117 of Subpart—Desert Game Range, Nevada, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the hunting of bighorn sheep, elk, and deer on certain lands of the Desert Game Range in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 1, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.111 Hunting of bighorn sheep, elk, and deer permitted.

Subject to compliance with the provisions of Parts 18, 20, and 21 of this chapter, hunting of bighorn sheep, elk, and deer is permitted on the hereinafter described lands of the Desert Game Range subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* (1) The hunting of bighorn sheep is permitted on that part of the Desert Game Range lying north and east of U.S. Highway 95 and east of the Alamo Road and that portion of the Desert Game Range lying north of U.S. Highway 95, west of the Three Lakes Valley Road, and east of Indian Springs-Groom Road.

(2) The hunting of elk and deer is permitted on that portion of the Desert Game Range lying south and west of U.S. Highway 95.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(c) *Season and bag limits.* Bag limits and the period of hunting will be in compliance with regulations prescribed by the Nevada Fish and Game Commission and as authorized by the Regional Director, Region 1, Bureau of Sport Fisheries and Wildlife.

(d) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(f) *Dogs.* Dogs are not permitted on the refuge for use in hunting sheep, elk, or deer.

[F.R. Doc. 59-7412; Filed, Sept. 4, 1959; 8:46 a.m.]

[50 CFR Part 31]

FORT PECK GAME RANGE, MONTANA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.121 and to revoke § 31.122 of Subpart—Fort Peck Game Range, Montana, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the hunting of deer, elk, and bighorn sheep on certain lands of the Fort Peck Game Range in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and revocation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 1, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.121 Deer, elk, and bighorn sheep hunting permitted.

Subject to compliance with the provisions of Parts 18, 20, and 21 of this chapter, deer, elk, and bighorn sheep hunting is permitted on the hereinafter described lands of the Fort Peck Game Range subject to the following conditions, restrictions, and requirements:

(a) *Hunting license.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(b) *Entry.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(c) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(d) *Dogs.* Dogs are not permitted on the refuge for use in the hunting of deer, elk, or bighorn sheep.

(e) *Seasons.* Deer, elk, and bighorn sheep may be hunted during the seasons prescribed by the Montana Fish and Game Department.

(f) *Hunting areas.* Deer, elk, and bighorn sheep may be taken on such areas of the Fort Peck Game Range as shall be mutually determined after a joint annual examination of the range by representatives of the Bureau of Sport Fisheries and Wildlife and the Montana Fish and Game Department, and which will be suitably posted by the officer in charge.

[F.R. Doc. 59-7413; Filed, Sept. 4, 1959; 8:46 a.m.]

[50 CFR Part 31]

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, CALIFORNIA AND OREGON

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.200 to Subpart—Lower Klamath National Wildlife Refuge, California and Oregon,

Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit the hunting of pheasants on certain lands of the Lower Klamath National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 1, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 31.200 Pheasant hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, pheasant hunting is permitted on the hereinafter described lands of the Lower Klamath National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Seasons and hunting areas.* (1) The hunting of pheasants is permitted on all of the lands of the Lower Klamath National Wildlife Refuge except Units 1, 2, 3, 5, 6, 12, and 12a, as posted, during the period from November 14 to November 29, 1959, both dates inclusive.

(2) The hunting of pheasants on Units 1, 5, 6, 12, and 12a shall be permitted only during the period November 14 and 15, 1959.

[F.R. Doc. 59-7414; Filed, Sept. 4, 1959; 8:47 a.m.]

[50 CFR Part 31]

McKAY CREEK NATIONAL WILDLIFE REFUGE, OREGON

Hunting and Fishing

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise §§ 31.221 and 31.222 and to revoke §§ 31.223, 31.224, and 31.225 of Subpart—McKay Creek National Wildlife Refuge, Oregon, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the hunting of pheasants on certain lands of the McKay Creek National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 1, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

HUNTING AND FISHING

§ 31.221 Fishing permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, fish may be taken for noncommercial purposes by hook and line only from the waters of the McKay Creek National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State fishing license, if required under State law, will serve as a Federal permit for fishing on the refuge.

(c) *Boats.* The use of boats, including motor boats, is permitted for fishing and for pleasure, except water skiing, only during the fishing season.

(d) *Seasons.* As prescribed by Oregon Fish and Game Commission, except that fishing will not be permitted on the refuge during the migratory waterfowl hunting season, or from September 16 to April 15 following, or to the opening date of the State sport fishing season, whichever date shall occur the latest.

§ 31.222 Pheasant hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, pheasant hunting is permitted on the hereinafter described lands of the McKay Creek National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Seasons.* Pheasant may be hunted during the 1959 season as prescribed by the Oregon State Game Department.

(e) *Area.* Hunting of ring-necked pheasants is permitted on that portion of the McKay Creek National Wildlife Refuge lying south of the line common to the south boundary of Sections 10 and 11, T. 1 N., R. 32 E.

[F.R. Doc. 59-7415; Filed, Sept. 4, 1959; 8:47 a.m.]

[50 CFR Part 32]

FISH SPRINGS NATIONAL WILDLIFE REFUGE, UTAH

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add to Chapter I, Title 50, Code of Federal Regulations, a new Subpart entitled Subpart—Fish Springs National Wildlife Refuge, Utah, and § 32.60 to read as set forth in tentative form below. The purpose is to permit the hunting of waterfowl and coots on certain lands of the Fish Springs National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 2, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

HUNTING

§ 32.60 Hunting of waterfowl and coots permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of waterfowl and coots is permitted on the hereinafter described lands of the Fish Springs National Wildlife Refuge, Utah, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Those lands of the Fish Springs National Wildlife Refuge lying south of the south lines of Secs. 23 and 24, T. 11 S., R. 14 W., and lying south of the south lines of unsurveyed Secs. 19 and 20, T. 11 S., R. 13 W., Salt Lake Meridian.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

[F.R. Doc. 59-7431; Filed, Sept. 4, 1959; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Ch. I]

[Reg. Docket No. 107; Draft Release 59-14]

NOTICE OF 1959 REVIEW OF AIRWORTHINESS PARTS OF CIVIL AIR REGULATIONS

Notice is hereby given that the Bureau of Flight Standards is scheduling a review of Parts 1, 3, 4b, 5, 6, 7, 8, 9, 10, 13, 14, and other parts of the Civil Air Regulations concerning airworthiness of aircraft.

The general rule making procedures of the Federal Aviation Agency are set forth in Part 405 of the regulations of the Administrator (14 CFR Chapter III). Under these procedures, any interested person who believes that the issuance, amendment, or repeal of any provisions contained in the airworthiness parts of the Civil Air Regulations is necessary or desirable may petition the Administrator therefor. Likewise, the Administrator may initiate a rule making proceeding upon his own motion whenever such action appears to be appropriate.

In the past, the Civil Aeronautics Board followed the policy of conducting an annual review of the safety regulations dealing with the airworthiness requirements for aircraft and components. This policy was codified in § 399.11 Subchapter D of the Board's regulations. The Administrator of the Federal Aviation Agency has not yet determined whether the adoption of such a policy would be in the public interest. However, it appears desirable to experiment with the usefulness of new airworthiness review procedures for the current year. Accordingly, the Bureau of Flight Standards will conduct a review of the airworthiness parts on a trial basis in accordance with the tentative schedule prescribed in this notice. Because of the limited time for this review, it may be necessary to restrict the number of proposals in the final agenda. However, those items which are not included in the agenda, as well as future industry and government proposals, may be given separate consideration outside the framework of the scheduled review.

During the forthcoming airworthiness conference, comments will be solicited concerning the desirability of establishing an annual airworthiness review program, detailed procedures therefor, and the schedule to be followed. If it is decided to adopt an annual airworthiness review program, implementing action will be taken within the framework of the codified procedural regulations.

The attached tentative schedule represents the estimated target dates for completion of the various phases of the 1959 airworthiness review program. If any postponements or other changes should prove necessary, further notice thereof will be circulated to all interested parties.

TENTATIVE SCHEDULE

October 1, 1959; Submittal of proposals. Proposals for additions, deletions, or changes to the regulations should be submitted in duplicate to the Director, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., by October 1, 1959. Proposals should include a supporting discussion and the substance or text of the proposed regulatory change.

November 2, 1959; Proposed agenda. The Director, Bureau of Flight Standards will publish a notice of a proposed agenda in the FEDERAL REGISTER and circulate as a draft release this agenda containing those proposals which appear to warrant public discussion prior to a formal notice of proposed rule making.

December 7, 1959; Comments on proposed agenda. Interested persons should submit their comments on items in the proposed agenda to the Director, Bureau of Flight Standards, within 5 weeks from the issuance of the proposed agenda.

January 29, 1960; Final agenda. After considering all comments on the proposed agenda, the Director, Bureau of Flight Standards will publish a notice of the final agenda in the FEDERAL REGISTER and circulate the final agenda as a draft release containing those proposals which still appear to warrant public discussion, together with the comments of interested persons on those proposals, and an explanation of the items omitted from the agenda. The final agenda will be the basic document for an informal conference and will announce the time and place of the conference.

March 7, 1960; Airworthiness conference. A conference of sufficient duration to cover the agenda will be scheduled for the week of March 7. Any interested person may attend this conference, which will be informal.

April 15, 1960; Notice of proposed rule making. After considering the proposals and related information presented during the informal procedures, the Director, Bureau of Flight Standards, will publish in the FEDERAL REGISTER and circulate as a draft release a notice of proposed rule making containing proposed amendments to the airworthiness regulations for public comment.

June 15, 1960; Comments on notice of proposed rule making. To receive consideration prior to the issuance of the final amendments to the regulations, comments should be submitted to the Dockets Section, Federal Aviation Agency, within 60 days from the issuance of the Notice of Proposed Rule Making.

August 1, 1960; Final amendments. The amendments resulting from the 1959 review of the airworthiness regulations will be issued about August 1, 1960.

This notice is issued under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on August 28, 1959.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-7405; Filed, Sept. 4, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-9]

CONTROL ZONES

Revocation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Butler, Mo., control zone is presently designated to include the airspace within a three-mile radius centered on the Butler Airport and within two miles either side of the 083° and 263° True radials of the Butler VOR extending from the three mile radius zone to a point twelve miles west of the VOR. A survey conducted by the Kansas City Air Route Traffic Control Center shows no Instrument Approaches were conducted at the Butler, Mo., Airport during the calendar year 1958. On the basis of the survey, it appears that the retention of this control zone is unjustified, and that the revocation thereof would be in the public interest. If such action is taken, the Butler, Mo., control zone would then be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Butler, Mo., control zone by amending Part 601 (14 CFR 1958 Supp., Part 601) as follows:

Section 601.2428 (Butler, Mo., control zone) is revoked.

Issued in Washington, D.C., on August 31, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7401; Filed, Sept. 4, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–KC–10]

CONTROL ZONES

Revocation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Lamoni, Iowa, control zone is presently designated to include the airspace within a three-mile radius centered on Lamoni Airport and within two miles either side of the 166° True radial of the Lamoni VOR extending from the three-mile radius zone to a point 12 miles south of the VOR. An IFR Airport Traffic Survey conducted by the Kansas City Air Route Traffic Control Center shows that there were three Instrument Approaches conducted within this control zone during the calendar year 1958. On the basis of the survey, it appears that the retention of this control zone is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, the Lamoni, Iowa, control zone would then be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Lamoni, Iowa, control zone by amending Part 601 (14 CFR, 1958 Supp. Part 601) as follows:

Section 601.2432 (*Lamoni, Iowa, control zone*) is revoked.

Issued in Washington, D.C., on August 31, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7402; Filed, Sept. 4, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–LA–30]

CONTROL ZONE

Modification of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2358 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration a proposal by the United States Air Force to modify the control zone at Cannon AFB, Clovis, New Mexico. The present zone is designated as within a five-mile radius of the air base with a four-mile wide extension to the southwest, extending seven and one-half miles from the air base.

The ADF approach procedure to Cannon AFB is being revised to specify completion of the procedure turn within ten nautical miles of the radio beacon, descent to 4,900 feet MSL being permitted on completion of the turn. As this would place the aircraft outside controlled airspace, it is proposed to modify the control zone extension to include the airspace within two miles either side of the extended center line of runway 21 from the five-mile radius zone to a point twelve statute miles (approximately ten nautical miles) beyond the Cannon RBN, so that aircraft on the approach would be in controlled airspace at all times. The present five-mile radius zone would be retained.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P. O. Box 90007, Airport Station Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2358 (14 CFR, 1958 Supp. § 601.2358) to read as follows:

§ 601.2358 Clovis, N. Mex., control zone.

That airspace within a five-mile radius of Cannon AFB, and within two miles either side of the extended center line of Cannon AFB runway 21, extending to a point twelve miles beyond the Cannon RBN.

Issued in Washington, D.C., on August 31, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7403; Filed, Sept. 4, 1959; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59–WA–130]

ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency proposes to establish a new coded jet route between Appleton, Ohio, and Front Royal, Va. Establishment of this jet route would provide a more direct route from Chicago, Ill., to Baltimore, Md., and would avoid the high density air traffic area at Pittsburgh, Pa., which is presently being traversed by jet aircraft operating between Baltimore, Md., and Chicago, Ill.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, New York International Airport, Jamaica, Long Island, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted to writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 602 (14 CFR, 1958 Supp. Part 602), by adding a section as follows:

§ 602.571 VOR/VORTAC jet route No. 71 (Appleton, Ohio to Front Royal, Va.)

From the Appleton, Ohio, VOR to the Front Royal, Va., VOR.

Issued in Washington, D.C., on August 31, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7404; Filed, Sept. 4, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO–309]

MILK IN GREAT BASIN MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Salt Lake City, Utah, on October 27–31 and November 3, 1958, pursuant to notice thereof issued on October 8, 1958 (23 F.R. 7897), upon a proposed marketing agreement and order regulating the handling of milk in the Great Basin marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 2, 1959 (24 F.R. 5491), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The principal fluid milk processing and distributing plants in the proposed Great Basin marketing area are located in Salt Lake City, Murray, and Ogden, Utah. There are a number of other milk distributing plants located in the most heavily populated areas surrounding Salt Lake City and in some of the outlying parts of the proposed marketing area.

Bottled milk products from handlers located in Salt Lake City, Murray and Ogden, regularly go to out-of-State markets in Wyoming, Idaho, and Nevada. From time to time, bulk milk also has been sold by these Utah handlers to places in Colorado, New Mexico, Nevada, and Arizona.

The supply of milk for the fluid milk sales by these handlers is received largely from dairy farmers in the State of Utah but there are producers in Wyoming and Idaho who furnish part of the supply for these Utah handlers. Some milk is distributed in the marketing area by plants located in Colorado and under the regulation of Federal Order No. 80 for the Western Colorado marketing area. There have been occasional shipments of milk from handlers in the Great Basin marketing area to handlers in the Western Colorado marketing area.

Milk in excess of the fluid sales requirements is received by Great Basin handlers and is manufactured into various dairy products including butter, nonfat dry milk, ice cream, and condensed products which are marketed in the States of Nevada, Idaho, California, New Mexico, Arizona, Colorado, Wyoming, and Montana, as well as in Utah.

(2) *Need for an order.* Market conditions in the Great Basin marketing area show that the issuance of an order to regulate the handling of milk in that marketing area will tend to effectuate the declared policy of the Act.

The largest part of milk produced for sale in the Great Basin marketing area is produced by farmers who are members of three cooperative associations. These associations are the Weber Central Dairy Association which has a plant for processing and packaging fluid milk products and manufacturing milk products at Ogden, Utah; Hi-Land Dairymen's Association which has a plant at Murray, Utah, equipped for processing and packaging fluid milk products, and also manufacturing facilities; and the Federated Milk Producers Association which does not operate a plant but markets the milk of its members to handlers who use it for fluid distribution, and to plants which manufacture milk products. The members of these three associations, who are the proponents of the order for this area, produce about 85 percent of the milk supply for the marketing area.

Besides the milk distributed in the marketing area by the cooperative associations or by handlers who buy milk from the Federated Milk Producers Association, there is milk distributed also by about 30 other handlers. The distribution systems of these 30 handlers are much less extensive than distribution by the cooperative plants or plants served by the cooperatives.

There is no pooling of milk among handlers in the marketing area except insofar as such pooling is carried out by the Federated Milk Producers Association among the handlers it supplies, and the individual pooling operations of each of the other two cooperative associations. As a result, there is an uneven distribution of the burden of milk in excess of fluid milk sales which must be put into manufacturing uses. Some of the smaller handlers follow the practice of arranging for a regular supply which is close to the volume of their daily fluid milk sales but depend upon other sources, including the cooperative associations, to meet fluctuating requirements due to seasonal changes in milk production and variations in sales. The major part of the reserve for the entire market is carried by the cooperative associations. In recent years dealers who do not obtain their regular supply from the associations have expanded their operations. Some of these handlers indicated that they obtained milk at prices competitive with the blend prices paid by the associations. On this basis, they are able to obtain milk for fluid sales at less than the market average cost. This is particularly pertinent in view of the tendency of these handlers to maintain a regular supply which is short in relation to their fluid sales and to depend on other sources for supplementary milk supplies.

Although there is a general pattern of milk use classification practiced by the cooperative associations, there are significant quantities of milk in the marketing area which are not sold on the basis of uniform prices for each classification. Among handlers who do not obtain their regular supply from the associations there is no precise relationship between utilization and the method of paying their farmers. Among these handlers the payments are made under base and excess plans which do not always reflect the actual utilization in the month for which payment is made but may be adjusted from time to time according to the needs of the handler. Also, in the case of milk produced by association members there is not a strict adherence to a price classification system. Milk used to fill contracts with schools or government installations is, at times, priced differently than other milk for fluid distribution. Adjustments have been made on the price of milk which must be transported long distances to the point of sale.

It would be impossible for a pooling operation to be carried out within the

market unless there were a uniform and reliable accounting for milk according to use classification. Such a uniform system of accounting and classification does not exist within the marketing area nor is there any organization in the market which is able to make effective such a system. Although the classification systems within the marketing area are a matter of common knowledge, the absence of an organization or agency to apply such a classification system uniformly and according to accurate accounting methods inevitably results in variations and individual adjustments to meet various competitive situations. As a result of this situation, the milk pricing system within the Great Basin marketing area is being undermined and there is impending further market disorganization.

It is concluded that a Federal milk marketing order is needed in the Great Basin marketing area to implement the declared congressional policy of establishing and maintaining orderly marketing conditions by providing:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market, and an equitable sharing by all producers of the lower returns for sale of reserve milk; and

(f) Market-wide information on receipts, sales and other data relating to milk marketing in the area.

(3) *Order provisions*—(a) *Scope of regulation.* The scope of the regulation may be specified by providing appropriate definitions including "marketing area", "handler", "producer", "pool plant", "producer-handler", "producer milk", "other source milk", and such other definitions as are needed to completely describe the incidence of the order regulation.

Marketing area. The marketing area should include all of the territory within the counties of Box Elder, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery, all in the State of Utah. All government reservations and installations, and all municipalities within this described territory should be part of the marketing area.

The marketing area herein provided thus includes all of the territory requested by the proponent cooperative associations.

The sanitary requirements applicable to milk produced for fluid distribution throughout the marketing area are patterned according to U.S. Public Health Milk Ordinances and Codes. Sanitary requirements applicable to milk for processing at fluid milk plants located in Salt Lake City, Provo and Ogden are administered by city or county authorities. Sanitary requirements applicable to milk for processing at fluid milk plants located in other parts of the marketing area are administered by the Utah State Board of Agriculture. Milk meeting the sanitary requirements of Salt Lake City, Ogden or Provo inspection moves between these cities under reciprocal arrangement and is acceptable to the State Board of Agriculture for distribution throughout the marketing area herein provided.

According to the census for 1950, the population of the proposed marketing area was about 613,000. It is estimated that the population increased about 22 percent from 1950 to 1957.

About two-thirds of the 1950 population of the marketing area was concentrated in the counties of Salt Lake, Utah, Weber, and Davis. Within these counties there are located the five largest distributing handlers which would be regulated under the proposed order. These handlers are estimated to handle about 85 percent or more of the milk produced for the marketing area.

Each of these five handlers serves all of the three counties of Salt Lake, Utah, and Weber. Davis County is between Salt Lake and Weber counties, and is served by four of these handlers.

Distribution routes of handlers in the Salt Lake City locality extend southward along two of the main highways in the State, U.S. Public Highways Nos. 91 and 89. These routes pass through Juab, Millard, Sanpete and Sevier counties. In each of these counties some of the aforementioned five largest handlers with plants located in Salt Lake and Utah counties distribute at least 50 percent of total Class I sales. These handlers also sell milk on routes extending in a southeasterly direction along U.S. Public Highway No. 50 into Carbon, Emery and Grand counties, and easterly along U.S. Public Highway No. 40 into Wasatch, Duchesne and Uintah counties. These handlers sell all, or the majority, of total Class I sales disposed of in each of these counties with the possible exception of Grand County. Some of the milk distributed in Grand County originates at a plant regulated under the Western Colorado Federal milk order (Order No. 80). It is not shown in the record whether the majority of milk distributed in Grand County originates in this plant or in the plants of handlers located in Salt Lake County. In any event, all of the milk distributed in this county originates at plants located in Salt Lake County or Grand Junction, Colorado.

Salt Lake City handlers also sell the majority of the fluid sales in Tooele County.

Handlers with plants located in Salt Lake and Weber counties, which would be regulated plants under the proposed order, distribute all of the Class I milk sold in Morgan, Summit and Daggett counties. Daggett is a relatively sparsely-populated county which proponents requested be included in the marketing area because the Flaming Gorge Dam which is now being built will result in a development of both permanent and tourist population within the county.

Cache County, Utah, was not proposed to be part of the marketing area. In Cache County the principal milk distribution is by the plant of the Cache Valley Dairymen's Association located at Smithfield, Utah. This plant's milk sales are mostly outside the proposed marketing area, but some of its routes extend into Box Elder County, including Brigham City, and as far south as the vicinity of Perry. Present operations of this plant would not qualify it as a pool plant under the proposed order.

In Box Elder County there are sales by seven other handlers, five of whom have their plants in either the Salt Lake City locality or Ogden. The other two handlers have their plants at Tremonton and Brigham City in Box Elder County. These two handlers do not sell milk in any other part of the proposed marketing area.

Box Elder County was proposed as part of the marketing area. In the recommended decision, Box Elder County was omitted from the marketing area because of the involvement of sales there by the plant at Smithfield.

In their exceptions the three associations representing most of the producers supplying the market objected to this omission. They argued that Box Elder County is important as a sales area to handlers including cooperative associations who would be regulated, and that milk sales there are increasing because of new industrial installations and rapidly increasing population. The exceptions point out that most of the milk sales in Box Elder County are by handlers which would be regulated whether the county is included or not. The producer associations further argue that omission of Box Elder County would deprive them of this Class I outlet because of the competition there with unregulated milk.

During 1957 fluid sales of milk in Box Elder County amounted to about 4.6 million pounds. In view of the growing importance of Box Elder County as a sales area to Great Basin handlers whose plants are located nearby, the issue of whether this county should be included in the marketing area is reconsidered. It is estimated that if the county were included, less than 10 percent of the sales therein would be from the plant at Smithfield. Further, it is estimated that the route sales by the Smithfield plant into Box Elder County are less than 1 percent of its supply of Grade A milk handled. Five handlers with plants in the Salt Lake City and Ogden localities sell in the county. There is also a handler with a plant at Tremonton and one at Brigham City, both in Box Elder County.

The information provided on route sales by various handlers does not indicate any manner in which Box Elder County could be divided so as to not include in the marketing area any of the route sales of nonpool plants and yet to include the part of the area which is important to pool plants. Considering the county as a whole, it is concluded that orderly marketing conditions will be served best by inclusion of Box Elder County in the marketing area, and it should be so included.

A suggestion was made that a specified daily volume of sales in the marketing area by a nonpool plant, such as 2,000 pounds daily, might be exempted from any obligation to the market pool, so that the plant at Smithfield would not be subject to compensatory payments on the present volume of distribution by this plant in Box Elder County. The merits of such an exemption are considered in connection with the consideration of plants to be regulated.

"Producer," "pool plant" and other definitions. The term "producer" should be defined so as to include dairy farmers who constitute the regular supply on which the marketing area depends for fluid milk. For this purpose the term should distinguish between farmers who meet the sanitary requirements for producing milk for a fluid market and other dairy farmers whose milk is qualified only for use in manufactured dairy products. In this marketing area, milk intended for fluid consumption is required to be produced in compliance with specified health standards. It is not necessary for order purposes that the approval of sanitary practices of producers be given by health authorities in the marketing area, provided that the farmer is approved by a duly constituted health authority which has supervision over the sanitary regulations of milk for fluid use. Approval by Government agencies of milk for fluid consumption at installations under their supervision would also be considered to satisfy the health approval provision.

The qualification of a farmer as a producer for the market would be established by the receipt of his milk at a plant which is substantially supplying the marketing area. (Such plants are hereinafter more definitely described in connection with the term "pool plant.") The term "producer" would also include those dairy farmers whose milk is ordinarily received at a pool plant but which is temporarily diverted either by the plant operator or by a producer cooperative association to a nonpool plant. Such a provision in the "producer" definition is necessary in the interest of efficient handling of milk which serves as a reserve part of the milk supply. Economy in transportation often favors moving such reserve milk to nonpool plants which are closer to the producer's location than is the pool plant to which his milk is ordinarily delivered. Also, a number of the fluid milk plants in the area do not have facilities for manufacturing the reserve milk or do not have adequate facilities therefor.

As proposed by producers, there would be no limitation on the number of days per month during which a producer could be diverted by a cooperative association. Their proposal contemplated that diversion should be performed only by cooperative association. The three large producer associations in the market took exception to the limitation on diversions as set forth in the recommended decision and reiterated the request for unlimited diversion of any producer by a cooperative association. It was pointed out that milk of some of the producers which serve as a reserve supply for the market and whose milk is occasionally needed in a fluid milk processing plant is ordinarily delivered to a manufacturing plant.

In view of these exceptions, the diversion requirement should be changed to be on the basis of previous receipt of the farmer's milk at a pool plant on at least three days of the current or immediately preceeding month. Because of the quite even production and sales pattern throughout the year, the same diversion requirement should apply in every month.

Some handlers receive milk from farmers who are not members of an association. The diversion privilege should apply equally to diversions by proprietary handlers and producer associations.

The determination of whether the plant to which the dairy farmer delivers his milk operates substantially as a part of the supply system is one of the bases for distinguishing which farmers are to be considered producers for the market. It is possible that there are, or will be, plants which have only a minor association with the market.

Inasmuch as the method of distributing returns to producers in this market will be on a basis of a market-wide pool (as it is concluded elsewhere in this proceeding) it is appropriate that plants to be regulated as receivers of producer milk be called "pool plants". Such plants may be of two types: those which operate routes on which they distribute milk in the marketing area, and other plants which only ship milk in bulk to distributing plants. Among those plants which distribute milk in the marketing area it is necessary to distinguish between those plants which are primarily in the fluid milk business and those which are not.

A plant which uses less than 50 percent of its receipts of Grade A milk for fluid milk sales is not primarily in the fluid milk business. Such plants are not representative of the type of plant operations upon which this market presently depends, nor is there any need to include such plants in the pooling operation to assure an adequate supply. If they were included in the market-wide pool of milk utilization, the result would be an uneconomic distribution of the money returns intended to assure the market an adequate supply of fluid milk. This would not be in the public interest nor would it promote orderly marketing.

Under the order regulation, plants having only a minor part of their distribution business in the marketing area need not be included in the market pool, but should be subject to regulation which will assure that their operations do not result in inequity among handlers or otherwise constitute a disturbance to the market. Under these conditions it is not necessary to include plants which have less than 10 percent of their route sales in the marketing area. Such plants, too, would be likely to be at a disadvantage if their entire milk handling operations were put under the pricing regulation required of pool plants, since this would affect their competitive position in outside markets.

Except for the plant at Smithfield and a plant regulated under the Western Colorado marketing order (Part 980), all plants supplying the marketing area have most of their route sales in the marketing area. Under the circumstances, 10 percent of a plant's route sales is a reasonable measure of association with the market to determine whether the plant should be a pool plant.

There is no indication that when an order is established there will be any plants operating as shipping plants supplying the plants distributing in the marketing area. In case such an operation does develop, the order should provide that it will be part of the pool if it meets specified standards. Shipping plants should be pool plants if they ship to distributing pool plants 50 percent of the milk they receive from dairy farmers meeting the inspection requirements described in connection with the definition of "producer" and other receipts qualified for fluid distribution. Shipping plants which so qualify as pool plants during the period of August through January should be allowed to continue in status as pool plants, if they so desire, during the subsequent months of February through July. This will accommodate the economical handling of reserve supplies which normally would be held in shipping plants to a greater extent in the spring and early summer seasons. There is no indication of need to pool plants with less substantial or less regular contribution to market supply.

Certain types of operations which would otherwise qualify as pool plants should be exempt from the pooling provisions of the order. Such exemption should cover plants which would be subject to the pricing and pooling provisions of another Federal order if a larger volume of milk is involved with the other order market than is associated with the Great Basin market. If the plant operates as a distributing plant under both orders, the volume of Class I sales in each market during the month would determine the applicable order, unless it is determined otherwise by the Secretary. In the case of a supply plant, for each of the months of August through January the plant would qualify as a pool plant under this order by reason of shipment to this market of more than 50 percent of the producer milk received or diverted therefrom during the month; and in other months, if the plant ships less than 50 percent, the operator has the option of withdrawing from the pool. In the latter case the order should provide that if the plant qualifies for regulation under another order, the applicable regulation may be determined by the Secretary.

Another example of a kind of plant which should not be a pool plant is the Church Welfare plant at Salt Lake City which is operated by the Mormon Church. This plant bottles milk which is distributed as a donation to needy individuals. It does not compete in sales with plants which would be regulated. This exemption should be provided with respect to any plant which distributes milk only on a donation basis. Inas-

much as the Church Welfare plant would be a nonpool plant if operated as herein described, receipts therefrom at pool plants would be milk from an unregulated source and would be assigned accordingly to the lowest class of utilization. Transfers of bulk milk to a nonpool plant such as the Church Welfare plant should be classified as any other transfer to a nonpool plant according to equivalent use in the nonpool plant as explained in subsequent findings and conclusions.

A request was made that route distribution by a nonpool plant amounting to 2,000 pounds per day or less in the marketing area, be exempt from any obligation to the market pool. This was directed particularly towards exempting sales of the Cache Valley Dairymen's association at Smithfield, Utah, with respect to its sales in Box Elder County.

It would not be possible to assure orderly, stable market conditions for the Great Basin area if every handler, with sales of 2,000 pounds or less per day, were exempted from obligation to the pool. Further, it cannot be assumed that such a distribution of unregulated milk in the marketing area would be limited to the one instance of sales by the plant at Smithfield. An exemption of this type would necessarily apply to any handler who has a lesser volume of Class I sales. There are a number of handlers in the marketing area which have only local distribution, and some of them may have daily sales of less than 2,000 pounds.

Some exemption of small route operations is reasonable to accommodate fringe operations in this extensive marketing area. This exemption should apply only to route sales in the marketing area which are not more than an average of 500 pounds of Class I milk per day during the month. Plants from which sales in the area do not exceed this amount would be exempt, except for reporting requirements and administrative expense. Any route sales in the marketing area by a nonpool plant (except a producer handler) in excess of an average of 500 pounds per day would be subject to compensatory payments. The necessity for such payments is explained in the part of this decision entitled "Payments on other source milk." It is concluded that the exemption of route operations averaging 500 pounds of milk per day will not be a threat to orderly marketing conditions and should be adopted.

"Handler" is a term designed to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor. It includes (a) persons operating pool plants, (b) persons operating nonpool plants from which Class I milk is distributed on routes in the marketing area, (c) a cooperative association with respect to member milk diverted to a nonpool plant, and (d) a cooperative association with respect to milk of a member which the association delivers to a pool plant in a tank truck owned and operated by, or under contract to, the association. In the latter case the cooperative association should give prior notice to the market administrator and the plant operator of its intention to be the receiving handler for such milk.

In this market a large part of the milk supply is delivered to pool plants in tank trucks operated by cooperative associations. The weight readings and milk samples for individual producers are taken at the farm by persons responsible to the association. In some instances where milk moves from the farm in bulk tanks, it is delivered to a plant not operated by the association operating the tank truck. The plant operator then has no way of knowing the weights and butterfat tests of milk of individual producers in the load, except as this information is reported to him by the association. There may be difficulty in identifying the milk delivered to the plant with individual producers if a load is split between two plants, or there has been a reloading operation, or a load has been topped-off at a plant. For administrative purposes, many of the problems of accounting for milk will be simplified if the cooperative association is the handler with respect to milk of its members that it moves from the farm in bulk tank trucks. Designation of a cooperative association as the handler on this milk will also assist the association in efficient distribution of the milk supply according to the needs of handlers.

Such a designation of a cooperative association as a handler on bulk tank milk was proposed by the associations. For administrative purposes it is necessary that the market administrator be able to definitely assign the responsibility for the milk, and therefore the cooperative association which intends to be the handler for bulk tank milk should so notify the market administrator. Otherwise the handler at whose pool plant the milk is received will be accountable for it under the order and responsible for payments to producers. It follows that the association should also notify the operator of the pool plant that the association intends to be the handler for the milk.

When a cooperative association is a handler for bulk tank milk delivered to the pool plant of another handler this delivery constitutes an interhandler transfer which would be classified in accordance with the general rule applying to interhandler transfers. A special provision in the order would obligate the handler to pay the association the class prices on the transferred milk. The association, in turn, would be obligated to settle with the market-wide pool (through the producer-settlement fund) with respect to the total value of this milk.

There are some individuals who are handlers and also operate dairy farms. If such an individual operates a plant which receives milk from other dairy farmers and which meets the requirements specified for pool plants, the milk received at such plant will be subject to the pooling requirements including milk received from the individual's own farm.

There are some handlers in this market who produce on their own farms a large part of their milk supply. The order regulation would apply differently to that type of handler who depends substantially on his own farm production for his milk supply. A definition for producer-handler would describe the special kind of milk-handling operation to be covered. Other provisions of the order with respect to reporting, classification and payments would apply in a special manner to such an operation.

A producer-handler would be exempt, with respect to his own farm production, from the pooling requirement which applies to all other handlers who are primarily associated with the market. In view of this exemption it is necessary that the term "producer-handler" cover a restricted type of operation which will not be a disturbance to orderly marketing conditions.

A handler who depends entirely on his own farm production for milk supplies would qualify as a producer-handler. On the other hand, any handler who obtains part of his supply from another person who is a dairy farmer would not qualify as a producer-handler and would be subject to the order requirements with respect to pool plants if his plant met the qualifications of "pool plant", or the requirements with respect to nonpool plants not operated by producer-handlers.

A producer-handler may occasionally find it desirable to obtain supplemental supplies of milk from sources other than his own farm production. This need not disqualify such a handler from producer-handler status, providing appropriate conditions are applied under the order with respect to classification and payments in the case of such supplementary milk supplies. The order should provide that transfers of milk to producer-handlers from handlers who receive producer milk shall be a Class I disposition by the transferring handler. This is appropriate since the normal need of a producer-handler for supplemental supplies is associated with his fluid sales, and such classification is justified in consideration of his exemption from pooling with respect to his own farm production. This classification requirement will tend to prevent an unequal sharing of the burden of reserve supply for the market as between producer-handlers and producers.

A producer-handler who desires supplemental supplies may also look to sources which are not regulated by this proposed order or another order. If a producer-handler were free to use milk from sources not priced under orders issued pursuant to the Act, this would give him an unjustified cost advantage. When fluid milk supplies are obtained from such unregulated sources, the plant should be regulated in the same manner as other plants which bring unregulated milk into the marketing area, and the plant would not qualify as the plant of a producer-handler. This kind of provision is necessary to assure orderly marketing conditions under the proposed order. Provision is made in the order so that producer-handlers can obtain supplemental supplies from pool handlers.

The application of the order provisions to a producer-handler would be greatly facilitated by the requirement that persons who desire to be treated as producer-handlers under the order make written application to the market administrator prior to the first month in which such person desires to be considered to be a producer-handler. In the absence of such an application, the market administrator would apply the order to the plant in question on the basis of the provisions that do not apply to producer-handlers.

Since the exemption of pooling own-farm production provides an incentive for individuals to attain producer-handler status, it is necessary to preclude certain devices which may be used to circumvent the intent of the order provisions. The milk supply which is to be treated as the own-farm production of the producer-handler should be produced entirely from production resources which are under the complete and exclusive control of the person who is the producer-handler. The processing facilities and the distribution facilities should be similarly under the complete and exclusive control of the same person.

Producer-handlers should be subject to reporting requirements so that the market administrator may be informed as to the continuing status of such individuals as producer-handlers, and as to the amounts of any obligations which such individuals incur under the order provisions.

Custom bottling of milk by a handler for another person who distributes it is a practice in the market. One case was described where a farmer delivers his milk to a plant for bottling and then takes back the bottled milk for distribution on routes he operates. A plant performing such custom bottling need not be distinguished from other plants which bottle (or package) milk only for their own distribution. The farmer who distributes the bottled milk is essentially a vendor or subhandler for milk processed in the handler's plant. Exemption of this type of arrangement from the pricing and pooling requirements would open up a wide range of possible handling operations which would undermine the minimum price and market-wide pooling arrangements which are necessary to establish orderly marketing conditions in this market. The existende of numerous such arrangements outside the market pool could result in one or more substantial pooling operations, separate from the general market pool which it is decided herein should serve as the method of distributing returns to producers who are the supply for the market.

One exceptor requested that the order contain a provision exempting milk bottled by pool plants for certain farmers who, in previous periods, have engaged in the business of selling milk to consumers who come to the farm to buy unpasteurized milk which is not packaged. The exceptor states that subsequent to the hearing, the State of Utah required by law that unpasteurized milk be bottled on the premises where produced. A "custom bottling" provision, as requested in these exceptions, would allow these farmers to have their milk bottled at a pool plant without including the milk in the value of the pool either as to receipt or disposition. Since this bottling operation would not be on the premises where the milk is produced, the State regulation would require pasteurization.

In addition to the previous findings and conclusions on custom bottling it may be pointed out that the requested exemption would be broader than the exemption which applies to producer-handlers. Producer-handlers have their own processing facilities. Furthermore, producer-handlers are affected by the requirement that any transfer of milk from a pool plant to a producer-handler is Class I milk for which the plant must account to the pool.

"Producer milk" is a term which may be used to distinguish milk received at pool plants directly from farmers herein defined as producers. Obviously, after milk from producer and nonproducer sources has been mingled together in a plant, the actual milk from producer sources may not be physically distinguishable. At the time of receipt and prior to such mingling with other milk, producer milk may be distinguished as to weight, test and source, and this is the basis for the handler's obligation to producers. Milk received by a cooperative association in its capacity as handler on bulk tank milk would be producer milk as received by the association.

Milk from a producer's farm which is diverted to a nonpool plant pursuant to the producer definition also is producer milk.

Producer-handlers operate nonpool plants and, accordingly, may be the recipients of milk diverted by pool handlers. Such milk would be accounted for by the diverting handler as a diversion and a transfer to a producer-handler and be considered as a Class I disposition.

"Other source milk" is specifically defined so as to distinguish it from producer milk. It includes milk received at a pool plant from nonpool sources and products, other than fluid milk products, from any source which are reprocessed or converted to another product in the plant during the month.

A definition of "fluid milk products" is provided to facilitate reference in the subsequent sections of the order. The fluid milk products are those which generally constitute Class I use in the market and should include milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour), concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated milk, condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers). Frozen cream would not be a "fluid milk product."

The term "route" is used to cover a number of milk distributing operations. It includes deliveries through a vendor who obtains his milk supply in packaged form from the plant. It includes deliveries by sale from the plant or plant store. It would include deliveries of packaged products to distributing stations, but would not include packaged disposition of fluid milk products to pool distributing plants. Since route disposition is in bottles, paper packages and other containers, the definition specifies containers of 5 gallons or less. This type of definition of route is designed to facilitate the definition of the term "pool plant" and describe certain handling operations to be covered by the order.

The butter price used in calculation of the basic formula price and other price calculations should be the simple average for each calender month of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of 92-score creamery butter at Chicago as reported by the United States Department of Agriculture. A definition of "butter price" is included in the order. The prices for nonfat dry milk used in the basic formula price include prices for roller process powder, but the Class II price calculation does not. A separate definition of powder price would not be helpful.

Classification of milk. All milk and milk products received by a handler should be classified in two classes according to use. Skim milk and butterfat should be classified separately in accordance with their use in Class I and Class II milk.

Skim milk and butterfat are not used in most products in the same proportion as contained in the milk received from producers, and, therefore, should be classified separately according to use. The skim milk and butterfat content of milk products received and disposed of by handlers can be determined through recognized testing procedures. Some products such as fortified skim milk, condensed milk, and concentrated products present an accounting problem in that some of the water contained in the milk used to produce these products has been removed. It is necessary in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce them. This can be established through the use of adequate plant records made available to the market administrator for products produced by the handler, or by means of conversion factors for products purchased by the handler. The accounting procedure to be used in the case of any milk product should be based on the pounds of milk or skim milk required to produce such products.

Milk classes. Class I milk should be defined as skim milk and butterfat used in those kinds of milk and milk products disposition which are generally required by health authorities having jurisdiction in the marketing area to be made from milk or milk products obtained from approved Grade A sources. The extra cost of getting quality milk produced and delivered to a market in the condition and quantities required, makes it necessary to provide a price for milk for such uses above the price for ungraded or manufacturing milk price.

Class I skim milk and butterfat should include all skim milk and butterfat contained in any product herein defined as a "fluid milk product", namely, milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour), concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated milk, condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers). All of these products are required by the health authorities having jurisdiction in the defined marketing area to be made from milk produced on farms approved to supply milk for fluid use. Grade A milk from locally approved farms must be used in the manufacture of nonfat powder which is used to fortify fluid milk products. Frozen cream would be a Class II product.

The Class I products which contain concentrated skim milk solids such as skim milk drinks and buttermilk to which extra solids are added, or concentrated whole milk disposed of in fresh or frozen form for fluid use, should be included under the Class I definition.

Some handlers proposed a method for classification of fortified, concentrated and reconstituted milk or skim milk, based on a kind of milk equivalent calculated from the relationship of the nonfat solids content of such products to the average nonfat solids content of fluid milk received by the handler. Under that proposal, the extent to which such an equivalent exceeds the weight of the product would be a quantity assigned to Class II milk. This proposal is not adopted herein because it would not result in a full accounting in Class I of all milk used to produce Class I products.

It is necessary in accounting for Class I sales of fortified, concentrated and reconstituted milk that the order provisions prevent displacement of producer milk from the Class I use for which it is intended. This principle requires that such disposition be accounted for on the basis of milk used to produce such products, which would include all water originally associated with the milk solids used. Fortified, concentrated and reconstituted milk compete for the same outlets as whole fluid milk and fluid skim milk and so, if made from other source milk, could displace producer milk which is available for the same disposition. It is concluded that accounting for skim milk in these Class I products on the basis of volume including all the water originally associated with the solids is necessary to return to producers a value commensurate with the use and availability of their milk for fluid disposition.

Products such as evaporated or condensed milk in bulk, or packaged in hermetically-sealed cans, should not be considered to be concentrated milk, and should not be Class I milk.

Class II milk should include all skim milk and butterfat used to produce any product not specified as Class I. Class II uses shall include, but are not restricted to, butter, cheese, evaporated and condensed milk, and nonfat dry milk. Class II should also include any skim milk which is dumped after prior notification to, and opportunity for verification by, the market administrator; and that skim milk used for livestock feed to the extent that verifiable records of such utilization are maintained by the handler.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records of such products, however, to permit audit of their utilization by the market administrator.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, cream, bottled milk, and other items included in the definition of fluid milk products. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

There is adopted herein the proposal that closing inventory should be accounted for as Class II milk. Under this system it is necessary to provide a proper method of classifying in the following month the milk in beginning inventory if it is used for Class I disposition.

The method of classifying beginning inventory is subsidiary to the general principle of giving precedence in Class I assignment to producer milk received during the month. The allocation procedure also allows for the assignment of interhandler transfers according to rules provided in the classification provisions. If under the general allocation procedure, part of total Class I milk utilization by the handler is assigned to beginning inventory, an appropriate charge should be made therefor.

Inasmuch as beginning inventory is composed of the same items of fluid milk products which were designated as ending inventory and classified as Class II in the preceding month, a revaluation up to the Class I price should be applied in certain cases where beginning inventory is assigned under allocation procedure to Class I milk. Here again, precedence is given in Class I assignment to receipts of the handler in the prior month from pool sources. The amount to which a reclassification charge would apply would be limited by the amount of receipts from pool sources which in the preceding month were assigned to Class II milk.

If the foregoing procedure does not apply a reclassification charge to all beginning inventory allocated to Class I, it is necessary to determine to what extent in the previous month other source milk became an inventory item, and thus was carried over to beginning inventory available for use as Class I milk. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge which applies to pool sources would be subject to compensatory payment, provided that such a charge would not apply to any milk received from a plant regulated by another order where it had been classified under such other order as Class I milk.

Inventories of fluid milk products on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Some handlers proposed that the order should provide Class II classification for unaccounted-for skim milk and butterfat (hereinafter referred to in some cases as "shrinkage") limited, however, in the case of producer milk to not more than 2 percent of receipts. The evidence does not show specific or average shrinkage experienced by those fluid milk plants which are subject to regulation. Obviously, however, there would be some loss of butterfat and skim milk in the processing of fluid milk and manufactured products, and the amount of loss would depend largely on the care exercised in handling the milk.

It is appropriate that allowance in Class II classification be made for a reasonable amount of shrinkage in accordance with the various types of handling operations existing in the market. In the absence of specific information for this market as to the amount of actual shrinkage which has been experienced, there is adopted the allowance of up to 2 percent of milk received from producers. This amount of shrinkage allowance is common under Federal orders and official notice is here taken of such a rate of allowance in the orders for the Western Colorado marketing area (Part 980), the Colorado Springs-Pueblo marketing area (Part 994) and the North Texas marketing area (Part 943). Official notice is also taken of the order provisions which allocate shrinkage to various types of milk receipts.

In this market as in the other markets referred to, part of the milk is collected at the farms in tank trucks and other milk is collected in cans. As pointed out in the discussion of the definition of "handler", in the case of milk picked up at the farms in tank trucks the operator of the tank truck is the person who would have the records of the weights and tests of individual producers and ordinarily would be the handler for such milk. Thus a cooperative association which operates tank trucks which it uses to move milk from producers' farms to pool plants would be the receiving handler for such milk. Some part of the shrinkage allowance should be allocated to this part of the handling operation so as to accommodate any differences which may occur between the measurements and tests taken at the farm and the amounts of skim milk and butterfat actually delivered to a pool plant. For this purpose 0.5 percent of the volume of milk received would be allocated to this part of the handling operation as a maximum shrinkage allowance to be classified in Class II, and the other 1.5 percent of the total allowance would be allocated to the pool plant to which the milk is delivered. On the other hand, in the case of milk delivered in cans

the plant operator would be the handler and 2 percent would apply as a maximum allowance to the plant where the producer milk is received.

Pool plants may also receive milk in tank trucks from pool plants of other handlers. In this case, also, the total maximum allowance of 2 percent would be allocated at the rate of 1.5 percent to the plant where received, leaving the other 0.5 percent for the shipping plant. This system of applying shrinkage allowances recognizes that relatively little shrinkage occurs during the receiving part of milk handling and more in processing, bottling and distribution.

No shrinkage allowance should apply in the case of producer milk diverted to nonpool plants inasmuch as the operations of nonpool plants are not subject to the over-all accounting which applies at pool plants.

Actual shrinkage in a pool plant should be prorated between other source milk received in the form of fluid milk products as one category and the remaining category which includes producer milk and milk received from other handlers. The amount thus prorated to the second category would be classified as Class II utilization only up to 2 percent of the total amount of skim milk and butterfat, respectively, received at the plant directly from producers. In the case of milk received at the pool plant from another pool plant or from a cooperative association for which the association is the handler, the similar limitation on Class II classification would be 1.5 percent.

To the extent that actual shrinkage of a handler exceeds the limitations here described for Class II classification, the remainder would be Class I milk. Such a method of accounting for shrinkage provides a reasonable incentive to handlers to exercise care in handling and accurate accounting for milk.

If in any case there is an amount of skim milk or butterfat which the handler has received but for which he has not accounted for as to use in the categories described, it is necessary for purposes of complete accounting that the market administrator classify such skim milk and butterfat as Class I milk unless a different classification can be established.

Transfers. It is necessary to establish rules for the classification of milk transferred from one plant to another plant.

In the case of butterfat and skim milk used in the production of Class II items, the classification should be considered to be established when the product is made. Consequently, the rules for classification of transfers need apply only to fluid milk products.

In order to provide a definite rule for transfers between pool plants, milk in the form of fluid milk products transferred by a handler to the pool plant of another handler should be classified as Class I milk, unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk and there is sufficient Class II utilization available at the transferee plant for such assignment after prior allocation of beginning inventory and other source milk. This rule should be subject to the further provision that the assignment will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These accounting procedures will carry out the recognized principle that the highest-valued uses should be assigned first to the milk of regular producers.

Some milk received at pool plants may be moved to nonpool plants. Producer milk may also be diverted to nonpool plants. In the latter case, the milk would move directly from the producer's farm to the nonpool plant. Transfers or diversions of fluid milk products to nonpool plants beyond 225 miles from the center point of Salt Lake City should be classified as Class I milk. Within this area are adequate manufacturing facilities so that no producer milk would need to be moved beyond this limit to find an outlet in manufacturing uses. Administrative feasibility requires that some limit be set on the area within which the market administrator must send his staff to verify utilization. Because of these considerations, the classification of fluid milk products moved to points beyond 225 miles from Salt Lake City as Class I milk is a reasonable administrative rule.

Transfers of fluid milk products and diversion of producer milk to nonpool plants within the 225-mile range may be classified according to utilization in the nonpool plant, providing certain conditions are met. In order to provide a definite rule for classification in case of such transfers and diversions, fluid milk products transferred in bulk form to nonpool plants within the 225-mile distance, and producer milk diverted to such nonpool plants, should be classified as Class I milk unless the following conditions are met:

(1) The transferring or diverting handler claims classification in Class II milk in his report;

(2) The operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of all milk in the nonpool plant; and

(3) The nonpool plant used during the month an amount of skim milk and butterfat in Class II equal to the amount of the transferred or diverted milk so classified.

Shipments of fluid milk products in packaged form by a pool plant to a nonpool plant would be Class I milk disposition by the pool plant.

Milk transferred from a pool plant to the plant of a producer-handler would be Class I milk. The reasons for this are explained in prior findings on producer-handlers. Diversion by a pool plant of a producer's milk to a producer-handler would be classified in the same way.

Milk from a producer-handler delivered to a pool plant would be other source milk when received at the pool plant.

Allocation. Pool plants may receive other source milk as well as producer milk and milk from other pool plants. All of the skim milk and butterfat handled in a pool plant must be classified so as to establish the handler's obligation to producers. Since the order class prices apply only to producer milk, it is necessary if a pool plant receives butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to receipts from producers. Milk of producers should have priority in assignment to Class I utilization. This is necessary to assure the effectiveness of the classified pricing program.

The system of assigning Class I and Class II utilization of milk to receipts from different sources as set forth in detail in the order will carry out this objective. In general, this procedure provides that after setting aside the appropriate allowances for shrinkage, the skim milk and butterfat received in other source milk should be subtracted from Class II utilization of skim milk and butterfat, respectively, before other kinds of milk receipts are assigned. Since some other source milk may originate from plants regulated under other Federal orders, such milk, if priced as Class I under the other order, should take priority with respect to the highest utilization over other source milk not so priced. Receipts of milk from other handlers would be subtracted out from the class utilization to which they are assigned pursuant to the rules governing classification of milk transferred between handlers.

The sequence of subtractions, beginning with Class II utilization, necessary to achieve that remainder of utilization which should be properly assigned to producer milk is as follows:

(1) Allowable shrinkage;

(2) Receipts of other source milk not priced as Class I under another Federal order;

(3) Receipts of other source milk priced as Class I under another Federal order;

(4) Beginning inventory;

(5) Receipts from other handlers according to classification; and

(6) Overage.

Class prices. The Class I price should be established at a level which along with the appropriate Class II price will return to producers a uniform price sufficient to bring forth an adequate but not excessive supply of Grade A milk, including a reasonable reserve.

The proponent cooperatives requested a Class I price of $5.724 per hundredweight for milk of 3.6 percent butterfat content, such price to be effective for the first eighteen months of the order. This is the price currently reported to be used by producer associations as a basis for their pricing system, with variations therefrom as indicated in the record. A handler representative proposed that the Class I price should be $5.32. These proposals need to be examined in light of the level of utilization of market supplies in Class I uses, existing and prospective supplies, as well as price levels which have prevailed in the market.

Under the system of accounting and classification most generally used in the market, the percentage of the milk supply used in fluid sales is estimated to have been about 66 percent in 1957. The

percentage of Class I milk would be somewhat higher than this if the proposed order system of accounting were applied to the same milk utilization as existed in 1957. This is due to differences in the system of accounting and classification as compared to present practices. The order would require accounting for nonfat solids used in Class I on the basis of the quantity of milk used to produce the nonfat solids. In view of the widespread promotion of sales of fortified fluid products in the market, which are now accounted for on the basis of the weight of the product sold, the order accounting could in this connection show a noticeable change in utilization figures.

As pointed out in previous findings, some handlers have not accounted for milk on a utilization basis. These handlers have been able to obtain milk from farmers not members of the proponent cooperative associations at prices which result in a product cost for their fluid sales lower than the market average. In view of this it is likely that accounting under the order would tend to result in a higher market average utilization in fluid sales than has been experienced by the cooperative associations.

In view of such considerations and judgments submitted on the record by representatives of producers and handlers, it is estimated that the system of classification embodied in the order and the requirement of full accounting for all Class I use would result in about 4 percent higher Class I utilization than the fluid utilization percentage shown under current accounting practices. Thus, it is estimated that in 1957 under the type of accounting in the proposed order, the percentage of utilization of milk would have been about 70 percent in Class I.

The supply of Grade A milk produced for the Great Basin marketing area is very largely produced within the marketing area. Some milk also is received from producers in Idaho and at times milk has been supplied from producers in Wyoming. Also there is milk qualified only for manufacturing purposes produced in the marketing area and in other areas within a distance from which the market may reasonably obtain milk for fluid sales.

Official notice is taken of the 1955 and 1956 Utah Annual Milk and Dairy Products Report published by the Agricultural Statistician, Agricultural Marketing Service, United States Department of Agriculture, Salt Lake City, Utah. A similar report for 1957 was submitted on the record, and official notice is taken of corresponding data for 1958 published by the Agricultural Statistician. The trend of Grade A milk production available to plants in Utah is shown by the annual totals of milk delivered to these plants. In 1955, there were 341 million pounds of Grade A milk received by Utah dairy plants: in 1956, 380 million pounds; in 1957, 405 million pounds; and in 1958, 419 million pounds. During this same period there was a decrease in the amount of ungraded milk received by Utah dairy plants from 254 million pounds in 1955 to 238 million pounds in 1958.

In the production area for the Great Basin market, the system of payments to dairy farmers for their milk has generally been under a managed base system. In this situation, the importance of the potential supplies at price levels prevailing in recent years may not have been fully realized. It is observed, however, that the data on milk received by Utah dairy plants show in recent years a general increase in the volume of milk qualified for fluid consumption. The concurrent decrease in the volume of manufacturing grade milk produced may indicate that farmers producing for manufacturing plants have converted to Grade A production.

Farm production resources now used in the production of milk for manufacturing plants constitute a potential source of supply for the fluid market if the price is sufficiently attractive. To a degree, dairy farmers producing milk only for manufacturing purposes experience the same production conditions and are influenced by similar supply and demand conditions as affect producers supplying the Grade A market. There are also notable differences in the requirements for production of Grade A milk as compared to production of milk for manufacturing. The higher requirements are the reason for the higher level of price needed to obtain a supply of Grade A milk. From time to time some dairy farmers who produce manufacturing grade milk will make the additional expenditures needed to establish themselves as Grade A farmers. They are more likely to do this when the difference between the manufacturing milk price and the fluid market price makes such change particularly attractive. The so-called "cow pool" plan is a method which has been used by several farmers to qualify for certain Grade A markets. Under this plan one or more farmers shift their herds to a farm or facility qualified for Grade production.

In 1955 dairy farmers delivered 254 million pounds of manufacturing grade milk to Utah dairy plants; in 1956, 240 million pounds; in 1957, 243 million pounds; and in 1958, 238 million pounds. These quantities were less than the volume of Grade A milk, but represented 43 percent, 39 percent, 38 percent, and 36 percent, respectively, of total milk deliveries to Utah dairy plants in these years.

Quantities of Grade A milk were also used in manufactured dairy products. In this connection official notice is taken of data shown in the publication entitled "Production of Manufactured Dairy Products" as issued for 1955 and 1956 by the Agricultural Marketing Service, United States Department of Agriculture. Data for 1957 were submitted on the record. On a whole-milk-equivalent basis the quantities of Grade A and non-Grade A milk used for manufacturing in Utah dairy plants in the years of 1955, 1956 and 1957, were as follows: 376 million pounds, 405 million pounds, and 413 million pounds, respectively. The volume of milk used in manufactured dairy products in nearby States reported on the same basis was in 1956: for Idaho, 1,138 million pounds, for Wyoming 84 million pounds, for Nevada 23 million pounds, and for Colorado 461 million pounds.

The Utah Annual Milk and Dairy Products Report for 1957 issued by the United States Department of Agriculture provides the best record data on prices paid to dairy farmers by Utah dairy plants. Official notice has already been taken of corresponding data for the years 1955, 1956, and 1958. These data show average prices per pound of butterfat of $1.27, $1.29, $1.30, and $1.26 for each of the years 1955 through 1958, respectively, which correspond to prices for milk testing 3.6 percent butterfat at $4.57, $4.64, $4.68, and $4.54 per hundredweight. These prices represent the average paid at Utah dairy plants for all milk qualified for fluid consumption including milk so qualified used in manufacturing. On the basis of the previously outlined data with respect to supplies and prices, it is apparent that the average prices just cited have been sufficient to attract at least an adequate supply for the Great Basin market and the nearby areas within the State of Utah.

Sales activities of the producer associations and proprietary handlers to whom they sell are widespread, extending into neighboring States. Accordingly the prices in such outlying markets are an important consideration as to the appropriate price for the Great Basin market.

The sales of milk by Great Basin handlers include regular distribution in Las Vegas and some other Nevada markets, and in Idaho and Wyoming. The producer price at Las Vegas for milk for fluid consumption was reported to be $5.76 per hundredweight for milk testing 3.6 percent butterfat. Based on this price and allowing for the cost of transportation, the returns to producers in the Salt Lake City area on milk moving to Las Vegas would be about $5.00 per hundredweight. It is further apparent that the price proposed by Great Basin producers cannot be realized on most shipments to out-of-State markets, since the prices in Idaho markets are lower, and the Federal order Class I price in the Western Colorado market, if it had been in effect for all of 1958, would have averaged $5.14 for milk of 3.6 butterfat content. Returns on shipments from the Great Basin market to the Western Colorado area would of course, be reduced by the cost of transportation.

Milk produced in Cache County, Utah, and qualified for fluid distribution was reported to be paid for at $4.03 per hundredweight for milk of 3.6 percent butterfat and an accompanying "surplus" price of 87 cents per pound of butterfat. The quantity of milk available at such prices was indicated to be equivalent to about 20 percent of the amount of Class I disposition by Great Basin handlers.

In view of the foregoing considerations, with respect to supplies and prices, it is concluded that the level of Class I price requested by producers is not in accordance with supply and demand conditions. The existing level of utilization of milk received by handlers in the Great Basin marketing area and the volume of existing and potential supplies available at lower price levels, require that a lower level of Class I price be established if a stable market situation is to be achieved.

The only other Class I price proposal supported on the record was a price of $5.32 per hundredweight for milk testing 3.6 percent butterfat. This proposal was made by a representative of two of the large proprietary handlers. The considerations referred to previously indicate that an adequate supply can be assured at such a price in combination with other features of the order.

It is concluded that a price at approximately this level should be adopted as the initial order price. Producer organizations in their exceptions stressed that the initial price should be a fixed price rather than established at a differential over a basic formula price as in the recommended decision. The associations requested that they be given an opportunity to develop a basic formula after the order has been in effect long enough to obtain accurate information. Inasmuch as the initial price will be for a temporary period, it would be possible to establish a fixed price for such temporary period with reasonable assurance that it will adequately reflect supply and demand conditions. If in any case it appears that such fixed price is seriously out of line with supply and demand conditions, a hearing can be called to consider a change in the price.

The uncertainty as to the effect upon the available milk supplies which might result from the establishment of a milk order in an area which is near to large potential additional supplies, requires that the initial Class I price be established only on a temporary basis. Although the order provisions provide a fixed price for the first 18 months of the order, a determination should be made as soon as sufficient information is available, as to whether a public hearing should be called to reconsider the level of the Class I price.

For purposes of uniformity with other markets where Federal orders apply, the prices under this order should be calculated and announced for milk testing 3.5 percent butterfat. Prices in this market have customarily been quoted on the basis of 3.6 percent butterfat tests. The conversion from prices for 3.5 per cent tests to prices for 3.6 percent tests, and vice versa, may be readily accomplished by application of the appropriate butterfat differential.

A Class I price of $5.25 per hundredweight for milk testing 3.5 percent butterfat should be provided for in the order for the first 18 months. This price of $5.25 would be equivalent to approximately $5.33 on a 3.6 percent butterfat basis. Along with the Class II price adopted herein and a utilization of 70 percent in Class I (estimate for 1957) a blend price of $4.64 for milk of 3.6 percent test would have resulted for the year 1958.

No recommendation was made by proponents for seasonal changes in prices. Fluid sales of handlers and receipts show only a moderate seasonal variation. A re-examination of this matter should be made after the order has been effective for a year or more.

In the recommended decision, it was pointed out that a basic formula price would provide a desirable means for maintaining alinement of the Class I price with many of the supply and demand conditions which affect the dairy industry generally. The close availability of a large volume of non-Grade A milk production makes the relationship of the Class I price to the manufacturing milk price an important consideration as to what level of price will assure an adequate but not excessive supply for this market.

After the initial period for which the fixed price referred to previously applies, further consideration should be given to the advisability of establishing the Class I price by adding a differential (or differentials) to a basic formula price. For this reason, the basic formula price contained in the recommended decision should be included in the order as a calculation for purposes of observation, and so as to provide a ready basis for changing to this system of formula price if such becomes desirable. The basic formula price calculation would not affect the order price during the initial period referred to.

Within the milkshed for the Great Basin market, substantial milk manufacturing operations exist producing butter, nonfat dry milk, and evaporated milk. Under some orders paying prices of local manufacturing plants are one of the alternatives used in establishing a basic formula price. In this area, there are not a sufficient number of manufacturing plants independent of handler operations to provide a representative value for manufacturing milk. A more appropriate basis for a basic formula price is the higher of the Midwest condensery price average or a suitable butter-powder price formula. The condensery price commonly used in other orders for this purpose and the butter-powder formula used in the Western Colorado order (Part 980) may be used to provide a suitable basic formula for the purpose herein described, and are included in the order.

Class II price. Since Class II milk will include all milk used in manufacturing it is appropriate that the Class II price should be at a level which reflects the value of manufacturing grade milk.

During 1956, dairy farmers delivering ungraded milk to Utah plants received $3.05 per hundredweight for milk of 3.5 percent butterfat content.

In 1957 and 1958 the corresponding average prices were $3.08 and $2.91. The Class II price formula as proposed by producer associations and substantially adopted in the recommended decision would have been 7 cents, 5 cents, and 8 cents, respectively, higher than the average pay prices cited. This formula was computed by subtracting 52 cents from the sum of the butter price multiplied by 4.03 and the average price for nonfat dry milk (spray process at Chicago area manufacturing plants) multiplied by 8.2.

Except for cottage cheese and ice cream manufactured by proprietary handlers, two of the proponent cooperative associations process most of the Grade A milk in the market which is disposed of for manufacturing purposes.

In their exceptions the producer associations asked that the Class II price be reduced 5 cents per hundredweight. An adjustment changing the deduction to 55 cents instead of 52 cents is contained in the attached order provisions. This would result in a level of Class II price which may be expected to be slightly higher than the price paid for manufacturing grade milk. It is concluded that such Class II price formula should be adopted.

Butterfat differentials. The attached order provides that butterfat and skim milk be accounted for separately for classification purposes. It also provides that class and blend prices should be established for milk containing 3.5 percent butterfat. Therefore, it will be necessary to adjust the Class I, Class II and blend prices in accordance with the average test of the milk in each class or delivered by each producer to reflect differences in the value of the milk due to variations in butterfat content.

The Class I butterfat differential for each one-tenth of one percent that the average test of Class I use varies from the basic test should be determined by multiplying the price of 92-score butter at Chicago by 1.35, dividing the result by ten and rounding to the nearest tenth of a cent. The average Class I differential which would have been effective during 1958 pursuant to this formula is 7.9 cents.

Various proposals relative to the appropriate Class I butterfat differential were made at the hearing. Some of these proposals would have resulted in a higher Class I differential than herein provided, and would have allocated a relatively low value to the skim component of Class I milk. A butterfat differential equal to 135 percent of the Chicago butter price will allocate an adequate proportion of the value of Class I milk to the butterfat component and will allocate a substantial and equitable value to the skim milk component as well.

The Class II butterfat differential should be 1.15 times the price of 92-score butter at Chicago, divided by 10 and rounded to the nearest tenth of a cent. The average Class II differential which would have been effective during 1958 pursuant to this formula is 6.7 cents. This formula will reflect appropriately the value of butterfat in milk used in manufacturing operations and is the same as the factor used in the butterfat portion of the Class II price.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the principle of a uniform price to all producers. Each producer will share equally in the total value of all handlers' Class I and Class II utilization at the basic test of 3.5 percent butterfat. It is equally appropriate that each producer should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Equivalent price. If for any reason a price quotation required by this order for computing class prices or for any other

purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations described in the order may not be available sometimes in the form described or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of an equivalent price(s).

Location differentials. Class I and uniform prices paid by handlers operating plants located a considerable distance from specified points within the marketing area should be subject to minus adjustments to reflect the cost of moving milk to the Great Basin marketing area. Adjustments to Class I prices at such plants are necessary to equalize the cost of fluid milk to all handlers distributing within the marketing area. Adjustments to producer prices will recognize the lesser value for the milk of those producers which must be transported a considerable distance to the Great Basin market.

Producer proponents proposed that location price adjustments apply to plants located at least 50 miles from the City Hall in Salt Lake City. However, plants located in or near Salt Lake City, and plants located in or near Provo and Ogden which are within the 50-mile limit proposed by producers, distribute a significant portion of total fluid distribution in all sections of the Great Basin marketing area. Therefore, if location adjustments as proposed by the cooperatives were provided, several handlers whose plants are located within the marketing area but more than 50 miles from Salt Lake City would have a Class I price advantage as compared with handlers located in or near Salt Lake City, Ogden or Provo. Producers delivering to these plants located within the marketing area but more than 50 miles from Salt Lake City would be placed at a disadvantage as compared with producers delivering to plants within the 50-mile radius.

To prevent such competitive advantages among handlers and inequities to producers, location adjustments should apply only to those plants located 100 miles or more from the nearest city hall in Ogden, Vernal, Richfield, and Price, Utah, by the shortest highway distance as determined by the market administrator.

A representative of a proponent cooperative testified as to costs involved in moving bulk milk considerable distances to areas surrounding the Great Basin area; namely, from 18 to 22 cents per hundredweight per hundred miles. These costs, however, relate only to sporadic shipments by one large over-the-road tanker. The schedule of milk-hauling rates of the Dairyland Transport Company located in Springfield, Missouri, was also entered in evidence. The rates contained in this schedule are less than the cost incurred by the cooperative, and are considered more representative of costs of transporting milk on a regular basis.

This schedule substantiates a rate of 15 cents per hundredweight for a distance of a hundred miles, which is similar to rates used in a number of Federal orders. For instance, the location differential contained in the Western Colorado Federal order, which regulates the handling of milk in an area surrounded by mountainous terrain such as is the case in parts of the Great Basin marketing area, is 15 cents for plants located 100 miles but less than 110 miles from Grand Junction, and 1.5 cents for each additional 10 miles.

It is concluded that a rate of 15 cents should be established for the 100–110-mile distance zone from the named locations, and 1.5 cents for each additional 10 miles or fraction thereof. This rate should apply to the price of Class I milk to handlers and to the uniform price to producers.

A method should be provided for determining the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials allowed to handlers. Such allowance should be made for sources in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

Payments on unpriced milk. The rate of payment to be required of nonpool plants to offset their advantage as to cost of milk for fluid sales in the marketing area should be based on the circumstances generally affecting cost of milk to unregulated plants. One of the conditions affecting such cost in this marketing area is the substantial proportion of the milk which meets Grade A requirements but does not find a fluid market. This excess over fluid market needs must find an outlet in manufactured dairy products. The presence of this excess provides an opportunity for an unregulated plant to obtain for Class I use (fluid sales) milk for which the alternative use value is established by the market for manufactured dairy products.

A nonpool handler who is not subject to any requirement to pay for his milk supplies on a class-use basis may expand his fluid milk sales in the marketing area without paying the Class I price for the corresponding part of his supply. For such sales he may use milk which otherwise would be used for manufacturing and which represents reserve or surplus carried in his own plant or other unregulated plants.

Accordingly in order to fully offset any cost advantage to an unregulated plant with respect to its fluid milk sales in the marketing area, such plant should be required to make a payment at the rate per hundredweight which is the difference between the Class I price, adjusted for butterfat and location differentials, and the representative value for milk used in manufactured dairy products. The latter value would be adequately represented by the Class II price.

Pool plants also might avail themselves of the opportunity to procure unpriced milk from unregulated plants for use in Class I sales in the marketing area. Just as in the case of nonpool plants the opportunity exists for pool plants to use for Class I supplies of milk from sources where it is not priced according to class utilization unless some offsetting requirement is provided in the order. Under the allocation provisions of the order, producer milk is given priority with respect to the Class I utilization of the handler. If the handler does not procure sufficient producer milk to cover his Class I sales and receives milk from unregulated sources for Class I use, it is necessary to offset any cost advantage which might accrue to the handler by this arrangement. The circumstances affecting the availability and cost of unpriced milk in this case are similar to those in the case of an unregulated plant distributing milk on routes in the marketing area. Accordingly, the same rate of compensatory payment should apply with respect to the amount of other source milk used by the pool plant in Class I.

It is administratively necessary to use the stated rate of compensatory payment instead of attempting to determine a particular rate in each given case. Pool plant operators may obtain other source milk with little or no advance notice from a wide variety of sources. Any attempt to determine the actual cost of such milk to the regulated handler would be complicated by the number of plants involved, the fact that some of the plants supplying the other source milk might be operated by the same handler in which case the interplant billing would be purely arbitrary, the possibility of arbitrary billing even where the plants were not under common ownership, and the fact that the originating plant would not be subject to the audit and payment provisions of the order. It is, therefore, necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensatory payment on other source milk derived from nonfat dry milk will be comparable to that on any other source milk which is allocated to Class I milk.

No compensatory payments should be required on milk classified and priced under any other Federal order. The nearest other market in which a Federal order applies is the Western Colorado market (Order No. 80). One handler in the Western Colorado market has route distribution within Grand County in this marketing area. The price relationships between the Great Basin market and other markets from which milk might be obtained are such as would not ordinarily result in any undermining of the stability of this market. If it should develop that any plant which is regulated under another order and which by reason of a peculiar location advantage does threaten the stability of this market, the appropriate application of price regulation to such a plant would need to be examined on the basis of the circumstances evidenced at the time such event occurred.

These payments to be made by nonpool plants distributing milk in the marketing area and by pool plants which use milk from unregulated sources in Class I are herein called "compensatory payments", and should be paid into the producer-settlement fund. In the case of the nonpool plant, the operator of such plant is the person responsible for the distribution of the milk in the marketing area and, accordingly, should make the payment to the producer-settlement fund. In the case of pool plants using other source milk for Class I use, the operator of such plant is the person responsible for bringing other source milk into the regulated market and should make the payment to the producer-settlement fund.

It is appropriate that the compensatory payments should be paid into the producer-settlement fund. In this way they will add to the total value paid to the dairy farmers upon whom the market depends for a regular supply of fluid milk. This is in accordance with the purpose of assuring a sufficient and dependable supply of milk for the fluid market.

As stated in the findings and conclusions with respect to plants to be regulated, an exemption of 500 pounds per day of route distribution in the marketing area would apply in the case of nonpool plants.

No compensatory payments should be required of pool plants in any month in which the supply of producer milk is so short that supplementary supplies from other sources are likely to be needed. This obligation of pool handlers should be relieved in any month in which producer milk is less than 110 percent of net Class I milk to be accounted for by all pool handlers.

(d) *Distribution of proceeds to producers.* Returns from the sale of milk should be distributed to producers through a market-wide pool rather than through individual handler pools.

The Act specifies that an order must provide for (1) the payment of uniform prices for all milk delivered by producers to the same handler, or (2) the payment of uniform prices for all milk delivered by producers to all handlers based upon the market-wide use of such milk. The former method of payment is by individual handler pools, the latter by a market-wide pool. Under either method, all handlers pay the same class prices for producer milk except for plant location and butterfat content differences.

Under the individual handler pool, the minimum prices to be paid producers will be uniform to all producers delivering their milk to the same handler. The uniform price will depend upon the proportion of producer receipts used in each class by the handler. Although each handler is required to pay minimum uniform prices to all the producers who deliver milk to him during each month, the prices paid by different handlers may differ because the proportion of milk used in each class may vary.

Daily fluctuations in receipts and sales and normal seasonal changes in production and sales inevitably result in some Grade A milk being disposed of for other than fluid purposes. Such milk which constitutes the reserve for the fluid market must be disposed of in the less remunerative outlet of manufactured dairy products.

Procurement practices of various handlers and the efforts of the three proponent cooperatives to stabilize market conditions have resulted largely in a situation such that these associations assume the responsibility of carrying almost the entire reserve supply of the market. One of the three, a bargaining cooperative, operates a pool which equalizes returns among its members, depending on the utilization of a group of relatively large proprietary handlers through whom the cooperative markets members' milk. Each of the other two, both of which are operating cooperatives, conducts a pool based upon their respective Class I utilization, including proceeds from sales of milk to other handlers. Each of the three cooperatives supplies supplemental milk to some of the handlers who purchase most of their milk from nonmember sources. A market-wide type of pool would result in a more equitable distribution of returns among all dairy farmers who produce the fluid milk supply for the Great Basin area.

A market-wide pool will also contribute to the flexibility of milk marketing in the Great Basin area in two other important respects. One of these is that supplemental supplies may be freely distributed among handlers without disturbing the prices paid to producers at each plant. The other is that temporary or seasonal reserves may be shifted between plants either by transfer of the milk or of the producers so as to result in the most economical use of milk and facilities and yet without affecting the prices paid to producers at individual plants.

Payments to individual producers and to members of cooperative associations. Each handler should make final payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 17th day of the month following receipt of the milk; or in lieu thereof should make payment to a cooperative association if appropriately requested as described herein.

In the case of producers who are members of a cooperative association which is not the handler for their milk, the handler receiving such milk should pay the cooperative association for such milk if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should provide for indemnifying the handler for any loss incurred because of any improper claim.

Unless a cooperative association can receive payment for the milk marketed on behalf of its producer members, it cannot reblend the sales proceeds from milk sold from various outlets. This function is specifically provided for in the Agricultural Marketing Agreement Act.

In making such payments for milk of individual producers to a cooperative association the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made, the volume and butterfat content of milk delivered by each such producer and the amount of and reasons for any deductions which the handler withheld from the amount payable to each such producer. This statement is necessary so the cooperative association can make proper distribution of the money to the producers for whom it collects payment.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers so that all producers will receive payment on approximately the same date.

It should also be provided that payments shall be made to cooperatives by handlers for that milk for which the cooperative is a handler and delivers to the pool plant of another handler. The payments for this milk should be at the class prices for the classification arrived at under the rules for classification of interhandler transfers. In the case of such milk the cooperative will be the handler receiving such milk from producers and will equalize with the pool on such milk.

Producer-settlement fund. Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount which he is required to pay directly to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay for producer milk at the uniform price should pay the difference into the producer-settlement fund; and all handlers who are required to pay more for producer milk at the uniform price than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices. In order to accommodate this rounding of prices, to allow for unavoidable delays in receiving payments from handlers and to permit payments to be made to any handler, which audit by the market administrator reveals are due such handler from the producer-settlement fund, a reasonable reserve should be held in the producer-settlement fund at all times. The amount of the reserve should be suffi-

cient to enable the producer-settlement fund to perform its functions efficiently. The reserve, which would be adjusted each month, is established in the attached order by deductions from the uniform price computation at the rate of not less than 4 cents, nor more than 5 cents, per hundredweight of producer milk in the pool for the month. One-half of the unobligated balance remaining in the fund from the preceding month would be added to the values used in calculating the uniform prices each month.

If, at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers.

(e) *Other administrative provisions.* The remaining provisions are of a general, administrative nature, are incidental to the other provisions of the order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers, and set forth the rules to be followed in making the required computations. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in event of suspension or termination. They are similar to like provisions in other milk orders, and except as set forth below require no comment.

Records and reports. Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports. Dates must also be established for the announcement of prices by the market administrator. It should be provided that the market administrator report to each cooperative association, which so requests, the amount of class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler. These reports are necessary for the cooperative association to market effectively milk of its members.

In view of the provisions concerning the classification of milk transferred to the plant(s) of a producer-handler(s) from a pool plant(s) and to a pool plant(s) from a producer-handler(s), the market administrator should publicly announce each month the names of those operators who have declared their intention to operate as producer-handlers. This provision will not excuse any handler, however, from adjustments necessitated if the market administrator discovers on audit that a person who had made such declaration of intention had not complied with the requirements for producer-handlers.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the market-wide pooling operation and the uniform price to producers. Handlers are also required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and the net amount paid to the producer.

There are limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on a period of time after which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949; and the Secretary's decision of January 26, 1949 (14 F.R. 444), covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision.

Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

6th: Announcement by the market administrator of the Class I price and Class I butterfat differential for the current month, and of the Class II price and the Class II butterfat differential for the preceding month.

7th: Submission by cooperative associations of monthly report of receipts and utilization of milk for which it is the first handler.

7th: Submission by handlers of monthly report of receipts and utilization.

12th: Announcement by the market administrator of uniform prices.

12th: Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from the producer-settlement fund.

14th: Payments by handlers of amounts due the market administrator for the producer settlement fund, marketing services and expense of administration.

15th: Payments by market administrator out of producer-settlement fund.

15th: Payments by handlers to cooperative associations.

17th: Payments by handlers to producers.

Expenses of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 4 cents per hundredweight (or such lesser amounts as the Secretary may, from time to time, prescribe) on:

(a) Producer milk including such handler's own production;

(b) Other source milk in pool plants which is allocated to Class I milk pursuant to § 963.44 (a) (2) and (b); and

(c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant, except the plant of a producer-handler.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such costs of administration shall be financed through an assessment on handlers. In view of the manner in which the regulation applies to various handlers and types of handler operations, the described application of administrative assessment appropriately assigns a proportionate share of expense to each handler.

Marketing services. A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator, unless provided by a qualified cooperative association, and the costs should be borne by the producers receiving the service. The order should provide that 6 cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producers for the use of the market administrator in financing such services. For producers for whom the cooperative association is rendering such services the handler should pay to the cooperative association such deductions as the producer has authorized the cooperative to collect, such payments to be in lieu of those to the market administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Great Basin Marketing Area", and "Order Regulating the Handling of Milk in the Great Basin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Great Basin marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July, 1959, is hereby determined to be the representative period for the conduct of such referendum.

Mr. A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 1st day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Regulating the Handling of Milk in the Great Basin Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 963.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk; (ii) other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b); and (iii) Class I milk disposed of on routes in the marketing area from a nonpool plant, which is subject to obligation pursuant to § 963.62.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 963.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 963.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 963.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified herein.

§ 963.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 963.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all territory, including all government reservations and installations and all municipalities, within the counties of Box Elder, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah.

§ 963.7 Producer.

"Producer" means:

(a) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered directly from such dairy farmer's farm to a pool plant; or

(b) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements described in paragraph (a) of this section, on each day of the month on which his milk is diverted by a handler (not the operator of a nonpool plant) for the handler's account from a pool plant to a nonpool plant if the milk of such dairy farmer was previously received at a pool plant on any three days of the current or immediately preceding month.

§ 963.8 Producer-handler.

"Producer-handler" means any person who produces milk and operates an approved plant described in § 963.10(a) at which there is received no milk from other dairy farmers except milk of producers by diversion pursuant to § 963.7 and at which plant no other source milk is received except his own farm production and milk products which are not fluid milk products: *Provided*, That such person meets the requirements set forth in paragraphs (a) and (b) of this section.

(a) The person who is the producer-handler exercises complete and exclusive control over the production resources which are used to produce the milk which is to be considered his own production, and over the processing facilities and operation thereof which are used to process such milk, and over the distribution facilities and operation thereof which are used to dispose of such milk; and

(b) The person who is the producer-handler makes written application to the market administrator stating his intention to operate as a producer-handler under the order, identifying and describing in such application the milk production, processing and disposal facilities to be included under the application, such application to be effective beginning with the first month after which such application is received.

§ 963.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants;

(b) Any cooperative association with respect to milk diverted for its account as described in § 963.7; and

(c) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from producers by the cooperative association.

§ 963.10 Approved plant.

"Approved plant" means a plant (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except a plant of a producer-handler as described in § 963.8, from which during the month (1) there are disposed of on routes fluid milk products equal to not less than 50 percent of the total of receipts at the plant of milk from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant, and other fluid milk products qualified for distribution for fluid consumption received at the plant, and (2) there are disposed of on routes in the marketing area fluid milk products which are not less than 10 percent of total fluid milk product disposition from the plant on routes and which average not less than 500 pounds per day: *Provided*, That any approved plant from which the total route distribution of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall be a nonpool plant.

(b) An approved plant from which during the month fluid milk products equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant and other fluid milk products qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 963.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 963.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from producers at a pool plant;

(b) Diverted as described in § 963.7 to a nonpool plant, in which case it is received by the handler diverting the milk;

(c) Received by a cooperative association which is defined as a handler pursuant to § 963.9(c).

§ 963.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, (3) milk received from a cooperative association for which the cooperative association is a handler pursuant to § 963.9(c); and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 963.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

§ 963.16 Route.

"Route" means disposition of fluid milk products (including through a vendor or a sale from a plant or plant store) in containers of five gallons or less, other than such disposition to a plant which is a pool plant pursuant to § 963.11(a).

§ 963.17 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department for the month.

MARKET ADMINISTRATOR

§ 963.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 963.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 963.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 963.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 963.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to § 963.30 through § 963.33, or payments pursuant to § 963.80 through § 963.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk of each handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 963.50 and 963.52, respectively;

(2) The 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 963.50 and 963.52, respectively;

(3) The 12th day of each month, the uniform price for producer milk computed pursuant to § 963.71 and the butterfat differential computed pursuant to § 963.72, all for the preceding month;

(4) The 1st day of each month the name of each person who has applied for producer-handler status pursuant to § 963.8, and the location of his plant.

REPORTS, RECORDS AND ACCOUNTING

§ 963.30 Reports of sources and utilization.

(a) On or before the 7th day after the end of each month, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Producer milk received at the plant or diverted therefrom by the handler;

(ii) Milk received from a cooperative association which is a handler for such milk pursuant to § 963.9(c);

(iii) Fluid milk products received from other pool plants;

(iv) Other source milk;

(v) Inventories of fluid milk products on hand at the beginning of the month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month; and

(b) On or before the 7th day after the end of each month, each cooperative association shall report the following:

(1) The quantities of skim milk and butterfat in producer milk which the cooperative association diverted from pool plants of other handlers to nonpool plants, and the classification thereof;

(2) The quantities of skim milk and butterfat in producer milk which the cooperative association received pursuant to § 963.9(c).

§ 963.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator in the detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 963.32 Payroll reports.

Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer;

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received or delivered to;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(b) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 963.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 963.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 963.40 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

§ 963.41 Classes of utilization.

Subject to the conditions set forth in § 963.42 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of fluid milk products except that classified as Class II milk pursuant to subparagraphs (3) and (4) of this paragraph.

(2) Not otherwise specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of for livestock feed (skim milk portion only);

(4) Dumped (skim milk portion only) if with the prior approval of the market administrator;

(5) In actual shrinkage of skim milk and butterfat allocated pursuant to § 963.45(b)(2) not to exceed the following: 2 percent of skim milk and butterfat in producer milk (except diverted milk) received by handlers, plus 1½ percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 963.9(c), less 1½ percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants of other handlers;

(6) In shrinkage allocated to other source milk pursuant to § 963.45(b)(1); and

(7) Used to produce frozen cream.

§ 963.42 Transfers.

Skim milk and butterfat transferred from the pool plant of a handler or by a cooperative association in its capacity as a handler pursuant to § 963.9(c), including diverted milk in the case of transfers to nonpool plants, shall be classified as follows:

(a) If transferred to a pool plant of another handler as fluid milk products in bulk form shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II in their reports submitted pursuant to § 963.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to be the respective amounts thereof remaining at the pool plants of the transferee handler after the subtractions pursuant to § 963.44(a)(1), (2), (3), (4), and (5) and the corresponding steps in § 963.44(b): *And provided further,* That the classification of the skim milk and butterfat so transferred results in the classification at both plants which returns the highest valued class utilization to milk of producers at both plants.

(b) If transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) If transferred in bulk form as milk, skim milk or cream to a nonpool plant which is not the plant of a producer-handler shall be classified as Class I milk unless:

(1) The transferee plant is located inside the marketing area or less than 225 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) The skim milk and butterfat in the transferred fluid milk products which are classified as Class II milk do not exceed the pro rata Class II utilization of skim milk and butterfat in the nonpool plant determined by a calculation which prorates Class II utilization of skim milk and butterfat at the nonpool plant to fluid milk products received from all plants which are subject to classification provisions of Federal milk marketing orders issued pursuant to the Act.

§ 963.43 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 963.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at each pool plant, in producer milk diverted, and in milk for which a cooperative association is a handler pursuant to § 963.9(c): *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 963.44 Allocation of skim milk and butterfat at pool plants.

(a) The pounds of skim milk remaining in each class after making the following computations with respect to each pool plant shall be the pounds of skim milk in such class allocated to the producer milk received at such plant, or diverted therefrom by the plant operator, during the month:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II milk pursuant to § 963.41(b)(5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk received as other source milk not in the form of fluid milk products: *Provided,* That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk in the form of fluid milk products except that to be subtracted pursuant to subparagraph (4) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk: *And provided further,* That if such fluid milk products are received from more than one plant regulated under another order the assignment shall be pro rata according to the amount of the skim milk received from each plant;

(5) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers and from a cooperative association which is the handler for that milk pursuant to § 963.9(c), from the pounds of skim milk remaining in the class to which assigned, pursuant to §§ 963.41 and 963.42;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this section; and

(8) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 963.45 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) For each handler prorate the resulting amounts between (1) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products, and (2) the pounds of skim milk and butterfat in other fluid milk products received (excluding diverted milk).

MINIMUM PRICES

§ 963.50 Class prices.

Subject to the provisions of §§ 963.52 and 963.53, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section shall be $5.25.

(b) *Class II milk price.* The price for Class II milk per hundredweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting 55 cents and rounding to the nearest cent:

(1) Multiply the butter price by 4.03;

(2) Multiply by 8.2 the carlot price per pound of nonfat dry milk, spray process, for human consumption, at manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 963.51 Basic formula price.

The basic formula price shall be the higher of the amounts computed pursuant to paragraph (a) or (b) of this section:

(a) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the butter price subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 963.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 963.50 shall be increased or decreased, respectively, for each one-tenth percent of butterfat by an amount computed as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 1.35 divide the result by 10, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the butter price for the current month by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

§ 963.53 Location differentials to handlers.

For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 963.9(c) to a pool plant and which is classified as Class I milk, the price computed pursuant to § 963.50(a) shall be reduced at the rate in the following schedule:

Distance (miles)	*Rate per hundredweight (cents)*
100 but not more than 110	15.0
For each additional 10 miles or fraction thereof in excess of 110	1.5

Such distance to be measured from the plant to the nearest of the city halls in Ogden, Price, Richfield, or Vernal, all in Utah: *Provided,* That for the purpose of calculating such location credit to the handler, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 963.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 963.60 Producer-handler.

Sections 963.70 through 963.74 and §§ 963.80 through 963.86 shall not apply to a producer-handler.

§ 963.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 963.11, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part.

(a) Any plant which does not dispose of a greater volume of Class I milk on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 963.11(b).

§ 963.62 Operators of nonpool plants.

An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, is not the plant of a producer-handler, and is not described pursuant to the proviso of § 963.11(a), shall, on or before the 14th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the difference between the Class II price, adjusted for butterfat differential, and the Class I price, adjusted for butterfat differential and location, by the total hundredweight less 500 pounds per day of fluid

milk products disposed of from such nonpool plant on routes in the marketing area during the month.

§ 963.63 Obligations of pool handlers on other source milk.

For any month during which the total of producer milk received by all handlers is less than 110 percent of the net Class I milk to be accounted for by such handlers, the obligations pursuant to § 963.70(b) (1) and (2) and (d) (2) shall not apply.

DETERMINATION OF PRICES TO PRODUCERS

§ 963.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 963.40 through 963.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location credit allowance required pursuant to the proviso of § 963.53;

(b) Add the amounts computed in subparagraphs (1) and (2) of this paragraph:

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a) (2) and (b) by the difference between the Class II price and the Class I price, each adjusted by the respective butterfat differentials;

(2) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a) (3) and (b) by the difference between the Class II price, adjusted for butterfat differential, and the Class I price adjusted for butterfat differential and adjusted for location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 963.44 (a) (8) and (b) by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 963.44(a) (5) and the corresponding step of (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44(a) (5) and the corresponding step of (b) for the month, whichever is less;

(2) An amount computed by multiplying the difference between the Class II price adjusted for butterfat differential and the Class I price adjusted for butterfat differential and location by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 963.44 (a) (5) and the corresponding step of (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this § 963.70(d), and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 963.44(a) (4) and the corresponding step of § 963.44(b).

§ 963.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content.

§ 963.72 Butterfat differential to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 963.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 963.73 Location differentials to producers.

The applicable uniform prices to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 963.53.

§ 963.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 963.71 and the producer butterfat differential computed pursuant to § 963.72;

(c) The amounts to be paid by such handler pursuant to §§ 963.82, 963.85 and 963.86, and the amount due such handler pursuant to § 963.83.

PAYMENTS

§ 963.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) or (d) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 17th day of the following month, an amount equal to not less than the uniform price per hundredweight pursuant to § 963.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 963.85;

(ii) Plus or minus adjustments for errors made in previous payments to such producer; and deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 963.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association, which is authorized by its members to collect payment for their milk, and which has requested such payment from any handler in writing, such handler shall on or before the second day prior to the date payments are due to individual producers, pay the cooperative association for milk received during the month from the producer-members of such association, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section: *Provided*, That the cooperative has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association for each such producer on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The amount or rate and nature of any authorized deductions to be made from payments; and

(4) The amount and nature of payments due pursuant to § 963.84.

(d) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such cooperative association for which the association is the handler not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided in § 963.53 and the butterfat differentials provided by § 963.52, by the hundredweight of milk in each class pursuant to § 963.44.

§ 963.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 963.62, 963.82 and 963.84 and out of which he shall make all payments pursuant to §§ 963.83 and 963.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 963.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month:

(a) Each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 963.70 is greater than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 963.71, adjusted by the producer butterfat and location differentials.

§ 963.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 963.70, is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 963.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 963.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 963.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 963.86 Expense of administration.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b);

(c) Class I milk disposed of on routes in the marketing area from a nonpool plant, which is subject to obligation pursuant to § 963.62.

§ 963.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 963.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 963.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 963.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the

market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 963.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 59-7423; Filed, Sept. 4, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

IMPORTS OF FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL; PUERTO RICO

Adjustments in Maximum Level

Pursuant to paragraph (d) of section 2 of Presidential Proclamation 3279 (24 F.R. 1781), the maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, now in effect is modified to permit during the period September 10, 1959, through December 31, 1959, an increase of 1,500 barrels per day in the imports of naphtha to meet the increased demand for such product in Puerto Rico.

Increases in allocations, pursuant to this authorization, will be granted to those eligible importers who have satisfactorily demonstrated an increased need for this product.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 2, 1959.

[F.R. Doc. 59-7506; Filed, Sept. 4, 1959; 11:10 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GRACE LINE INC.

Notice of Application

Notice is hereby given that Grace Line Inc. has applied for the privilege to carry cargo and passengers between U.S. Atlantic ports and Cuba on the SSs "Santa Rosa" and "Santa Paula" and the C-2 combination passenger/cargo vessels operating on Trade Route No. 4 between United States Atlantic ports and ports in the Caribbean.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on September 18, 1959, notify the Secretary, Federal Maritime Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: September 3, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-7463; Filed, Sept. 4, 1959; 9:35 a.m.]

Office of the Secretary

JOSEPH P. CROSBY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: Republic Natural Gas.
B. Additions: Eastern Gas & Fuel, SIMCA.

This statement is made as of August 24, 1959.

Dated: August 24, 1959.

JOSEPH P. CROSBY.

[F.R. Doc. 59-7418; Filed, Sept. 4, 1959; 8:47 a.m.]

ALEXANDER D. THOMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: Sun Oil Company.
B. Additions: Central & South West Corporation, Parke-Davis & Company, Upjohn Company, Virginia Electric & Power Company.

This statement is made as of August 31, 1959.

Dated: August 31, 1959.

ALEXANDER D. THOMSON.

[F.R. Doc. 59-7419; Filed, Sept. 4, 1959; 8:47 a.m.]

PAUL BUTLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

Additions: Estevez, Incorporated, I. C. Harbour Construction Company, Oak Brook Utility Company.

This statement is made as of August 1, 1959.

Dated: August 17, 1959.

PAUL BUTLER.

[F.R. Doc. 59-7420; Filed, Sept. 4, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Application for Facility License

Please take notice that North American Aviation, Inc., through its Atomics International Division, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application dated August 18, 1959, for a license to construct and operate, on its site in Ventura County, California, a critical experiment facility to investigate epithermal neutron energy systems. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 31st day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 59-7400; Filed, Sept. 4, 1959; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1959

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits cerdit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by The Tax Court of the United States have been made in sixty-eight docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list two cases in which relief was allowed by the Commissioner and two cases in which relief was allowed by The Tax Court of the United States during the fiscal year ended June 30, 1958. These cases were not included in the list of allowances made during the fiscal year 1958 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in which engaged, column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the amount of excess profits credit claimed by taxpayer, column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, column 7.

Gross increase in the income tax, column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710(a)(5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 percent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended—	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Sept. 28, 1944
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	196	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	168	Aug. 27, 1958

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1959

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Birmingham							
May Supply Co., a dissolved corporation, O. H. May, H. D. Kingston, J. R. Jones, and J. W. Naylor, liquidating trustees, 270 North Royal St., Mobile, Ala.	Wholesale plumbing supplies	Mar. 18, 1941 to Dec. 31, 1941[1]	$2,309.48	$16,690.52	$1,870.52	$635.97	$140.27
		Dec. 31, 1942[1]	3,511.81	15,488.19	668.19	799.37	226.81
		Nov. 30, 1943[1]	3,870.38	15,129.62	309.62	510.14	153.04
Montgomery Fair Co., c/o William T. Knott Co. Inc., 128 West 31st St., New York City, N.Y.	Retail department store	Jan. 31, 1942[1]	30,834.34	36,170.76	2,415.66	1,087.05	326.06
Boston							
Lowell Liquidation Corp., formerly: Merrimack Manufacturing Co., 53 State St., Boston, Mass.	Spinning, weaving and finishing cotton, wool and rayon fabrics.	Dec. 31, 1941[1]	569,564.60	595,440.96	51,090.96	35,857.07	11,115.70
		Dec. 31, 1942[1]	628,976.58	536,213.42	None	5,321.78	2,366.23
		Dec. 31, 1943[1]	618,569.33	547,889.97	3,539.97	10,802.38	4,801.06
		Dec. 31, 1944[1]	601,925.79	565,944.21	21,594.81	25,915.27	10,911.61
		Dec. 31, 1945[1]	615,963.76	552,957.60	8,607.60	11,769.40	4,953.54
Chicago							
Boyar-Schultz Corp., 2110 Walnut St., Chicago 12, Ill.	Tool and die manufacturing	Dec. 31, 1940[1]	38,513.64	106,670.11	4,711.36	1,648.98	None
		Dec. 31, 1941[1]	51,000.45	123,931.47	7,617.27	3,808.63	1,180.96
E. J. Brach & Sons, 4656 West Kinzie St., Chicago 44, Ill.	Manufacturers of confectionery.	Dec. 31, 1941[1]	610,902.78	336,753.92	38,422.22	10,328.52	3,201.84
		Dec. 31, 1942[1]	606,846.21	526,890.74	35,353.79	70,989.28	31,580.81
		Dec. 31, 1943[1]	621,517.07	512,219.88	26,382.93	23,744.64	10,553.17
Central Commercial Co., 332 South Michigan Ave., Chicago 4, Ill.	Wholesale	Dec. 31, 1941[1]	207,468.72	242,976.71	24,331.28	12,165.64	3,771.34
		Dec. 31, 1942[1]	207,468.72	242,976.70	24,331.28	21,898.15	9,732.51
		Dec. 31, 1943[1]	207,468.72	249,232.45	21,331.28	21,898.16	9,732.51
		Dec. 31, 1944[1]	207,468.72	249,232.45	24,331.28	23,114.72	9,732.51
		Dec. 31, 1945[1]	207,468.72	249,232.45	24,331.28	23,114.72	9,732.51
Central Steel & Wire Co., 3000 West 51st St., Chicago 32, Ill.	Jobbers of steel	Dec. 31, 1940[1]	362,149.55	168,731.36	96,341.36	34,005.09	None
		Dec. 31, 1941[1]	419,608.15	304,883.76	146,946.26	88,167.76	27,331.99
		Dec. 31, 1942[1]	520,348.96	366,802.29	41,130.54	37,017.48	16,452.22
		Dec. 31, 1943[1]	519,829.68	366,802.29	41,130.54	37,017.48	16,452.22
		Dec. 31, 1944[1]	516,501.86	366,947.52	41,275.77	39,211.98	16,510.31
Crane Co., 836 South Michigan Ave., Chicago 5, Ill.	Manufacture and distribution of plumbing and heating equipment.	Dec. 31, 1941[1]	5,435,560.15	8,909,287.43	798,053.51	28,985.51	8,986.31
		Dec. 31, 1942[1]	36,486.34	429,414.72	18,138.66	30,263.90	21,033.98
General Can Co., One North La Salle St., Chicago, Ill.	Can and cap manufacturer	Dec. 31, 1944[1]	36,423.87	429,477.19	18,201.13	12,733.73	7,765.35
Jaques Manufacturing Co., transferee of General Can Co., One North La Salle St., Chicago, Ill.	---do	Dec. 31, 1945[1]	40,801.78	425,099.28	13,823.22	13,517.58	5,691.62
The Indiana Steel Products Co., Valparaiso, Ind.	Iron and steel products	Dec. 31, 1941[1]	61,045.57	372,338.14	17,804.43	8,902.21	2,759.68
		Dec. 31, 1942[1]	76,306.97	357,076.74	2,543.03	2,288.73	1,017.21
		Dec. 31, 1943[1]	86,248.89	357,530.14	2,543.03	2,288.72	1,017.21
		Dec. 31, 1944[1]	119,506.97	357,076.74	2,543.03	2,415.88	1,017.20
		Dec. 31, 1945[1]	119,283.97	357,076.74	2,543.03	2,415.88	1,017.21
Jefferson Electric Co., 25th Ave. and Madison St., Bellwood, Ill.	Manufacture of electrical devices.	Dec. 31, 1940[1]	300,610.43	462,276.93	46,139.57	15,852.58	None
		Dec. 31, 1941[1]	356,935.13	463,049.34	108,564.87	57,811.97	17,921.71
		Dec. 31, 1942[1]	437,531.08	382,453.39	37,468.92	11,470.76	5,098.12
		Dec. 31, 1943[1]	439,341.36	374,534.21	35,658.64	32,092.78	14,263.46
		Dec. 31, 1945[1]	430,921.05	452,218.07	44,078.95	41,875.00	17,631.58
Lever Brothers Co., transferee of The Pepsodent Co., transferor, 390 Park Ave., New York 22, N.Y.	Manufacturing	Dec. 31, 1942[2]	503,716.06	1,268,098.68	109,983.94	98,985.54	43,993.57
		Dec. 31, 1943[2]	503,716.06	1,491,283.94	109,983.94	119,460.64	53,093.03
		Dec. 31, 1944[2]	441,376.69	1,491,283.94	109,983.94	101,484.74	43,993.57
National Jockey Club, 3301 South 52d St., Cicero, Ill.	Horse racing	Oct. 31, 1941[1]	82,720.33	244,726.90	10,759.67	4,303.87	None
		Oct. 31, 1942[1]	100,210.28	291,853.71	13,789.72	9,210.77	3,417.63
		Oct. 31, 1943[1]	100,210.28	291,853.71	13,789.72	12,148.95	5,515.69
United States Gypsum Co., 300 West Adams St., Chicago 6, Ill.	Mining manufacturing and dealing in gypsum.	Dec. 31, 1941[1]	5,653,278.34	4,484,337.91	474,221.66	284,533.00	85,359.23
		Dec. 31, 1942[1]	5,666,777.41	4,394,226.09	460,722.59	414,650.33	184,289.03
		Dec. 31, 1943[1]	5,666,777.41	4,394,226.09	460,722.59	414,650.33	184,289.15
		Dec. 31, 1944[1]	5,666,777.41	4,394,226.09	460,722.59	437,686.47	184,289.04
		Dec. 31, 1945[1]	5,666,777.41	4,394,226.09	460,722.59	437,686.46	184,289.03
Vapor Heating Corp., successor to Vapor Car Heating Co., Inc., 80 East Jackson Blvd., Chicago 4, Ill.	Assembly and sales—heating equipment and air conditioning controls for railroad passenger cars etc.	Dec. 31, 1940[1]	325,031.20	230,756.00	31,218.80	8,369.81	None
		Dec. 31, 1941[1]	393,610.24	275,057.28	48,139.76	28,883.85	8,953.99
The Wabash Screen Door Co., 310 South Michigan Ave., Chicago 4, Ill.	Manufacturing	Nov. 30, 1942[1]	167,066.37	197,781.07	3,933.63	3,292.76	1,260.67
		Nov. 30, 1945[1]	168,266.68	196,580.76	2,733.32	9,528.84	4,012.14
Walgreen Drug Stores Co. (Florida), 4300 Peterson Ave., Chicago 30, Ill.	Retail drugs	Nov. 30, 1946[1]	151,796.90	213,140.54	19,293.10	1,662.63	700.05
		Sept. 30, 1943[1]	215,125.56	209,223.31	88,625.54	79,762.99	35,450.21
		Sept. 30, 1944[1]	215,125.56	259,302.62	88,625.54	83,080.39	35,450.21
		Sept. 30, 1945[1]	215,125.56	259,302.62	88,625.54	84,194.26	35,450.21
		Sept. 30, 1946[1]	215,125.56	259,302.62	88,625.54	21,221.56	8,933.46
Walgreen Drug Co. (Alabama), 4300 Peterson Ave., Chicago 30, Ill.	---do	Sept. 30, 1943[1]	6,607.69	76,809.50	36,522.31	25,818.71	16,006.52
		Sept. 30, 1944[1]	6,607.69	76,809.50	36,522.31	24,853.01	16,003.44
		Sept. 30, 1945[1]	10,671.18	72,746.01	32,458.82	28,152.57	16,428.73
		Sept. 30, 1946[1]	11,791.35	71,625.84	17,210.25	4,591.95	2,253.94
Walgreen Co. (Illinois), 4300 Peterson Ave., Chicago 30, Ill.	---do	Sept. 30, 1944[2]	2,634,214.64	1,711,944.96	104,383.54	118,432.77	42,137.33
Walgreen Co. of New York Inc., 4300 Peterson Ave., Chicago, Ill.	---do	Sept. 30, 1943[1]	47,160.48	266,373.56	52,175.32	46,957.78	20,370.14
		Sept. 30, 1946[1]	47,160.48	266,373.57	52,175.32	10,668.24	5,260.43
Walgreen Drug Co. (New York), 4300 Peterson Ave., Chicago, Ill.	---do	Sept. 30, 1944[1]	47,160.48	256,318.30	52,175.32	46,955.62	20,370.11
		Sept. 30, 1945[1]	47,160.48	266,373.57	52,175.32	46,956.67	20,370.13
Walgreen Co. (Wisconsin), 4300 Peterson Ave., Chicago 30, Ill.	---do	Sept. 30, 1943[1]	129,635.63	90,548.67	22,764.32	20,487.89	9,105.73
		Sept. 30, 1944[1]	129,635.63	10,056.19	22,764.32	20,208.84	9,213.78
		Sept. 30, 1945[1]	129,635.63	132,476.43	22,764.32	21,626.10	9,104.73
		Sept. 30, 1946[1]	129,635.63	132,476.43	22,764.32	5,450.96	2,295.16
Walgreen New England Co., 4300 Peterson Ave., Chicago 30, Ill.	---do	Sept. 30, 1943[1]	13,553.19	71,134.70	None	1,027.63	308.29
		Sept. 30, 1944[1]	13,180.23	94,279.56	3,585.23	1,419.98	408.99
White Cap Co., 1819 North Major Ave., Chicago 13, Ill.	Manufacturing vacuum sealing caps and sealing machines.	Dec. 31, 1940[1]	250,692.08	819,574.31	58,057.92	21,289.14	None
		Jan. 1, 1941 to Oct. 31, 1941[1]	309,810.84	760,455.55	93,939.16	43,185.25	12,387.43
		Oct. 31, 1942[1]	309,810.84	760,455.55	134,314.16	94,167.12	34,668.69
		Oct. 31, 1943[1]	323,847.17	746,419.22	120,277.83	108,250.05	48,111.19
		Oct. 31, 1944[1]	323,847.17	746,419.22	120,277.83	12,013.56	8,018.59

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1959—Continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Cincinnati							
Albers Super Markets, Inc., 266 West Mitchell Ave., Cincinnati, Ohio.	Retail grocers	Dec. 31, 1940[1]	$108,016.04	$94,238.73	$3,475.06	$1,632.91	None
		Dec. 31, 1941[1]	145,518.52	225,964.37	84,831.62	42,787.20	$13,148.89
		Dec. 31, 1942[1]	153,216.57	394,098.12	109,531.62	103,447.96	45,976.87
		Dec. 31, 1943[1]	164,286.44	355,818.70	109,531.62	98,578.46	43,812.64
		Dec. 31, 1944[1]	216,367.47	368,692.74	109,531.62	89,415.00	37,648.42
		Dec. 31, 1945[1]	214,033.28	371,035.10	109,531.62	104,055.04	43,812.65
Columbia							
The Abney Mills, successor to Courtney Manufacturing Co., Newry, S.C.	Manufacturer of cotton and rayon cloth.	Aug. 31, 1942[1]	80,618.52	282,513.64	7,256.48	5,219.25	2,050.27
Easley Cotton Mills, Greenville, S.C.	Manufacturers of cotton goods	Jan 1, 1941 to Oct. 31, 1941[1]	82,506.36	59,346.05	6,079.03	7,089.11	2,197.63
		Oct. 31, 1942[1]	88,674.60	53,177.81	None	1,723.50	744.24
Greenwood Mills, successor to Mathews Mill, successor to Mathews Cotton Mill, Greenwood, S.C.	Manufacture of cotton and rayon cloth.	Aug. 31, 1941	407,383.54	565,354.65	208,216.46	97,098.37	None
		Aug. 31, 1942	492,525.98	480,212.21	267,474.02	174,114.59	59,473.03
		Aug. 31, 1943	553,145.67	419,592.52	206,854.33	186,168.90	106,989.61
Mills Mill, Greenville, S.C.	Cotton manufacturing	Dec. 31, 1941[1]	233,885.80	240,640.12	14,677.90	15,690.26	3,113.98
Pacolet Manufacturing Co., Pacolet, S.C.	Manufacturing cotton goods	Mar. 31, 1941 to Nov. 30, 1941[1]	474,325.62	208,666.30	4,551.07	1,825.42	565.88
		Nov. 30, 1942[1]	473,656.61	209,335.31	5,220.08	2,694.39	1,439.20
Columbus							
The Hydraulic Press Manufacturing Co., 820 Marion Road, Mount Gilead, Ohio.	Manufacturing	Dec. 31, 1941[2]	303,945.47	377,609.50	103,744.50	33,543.72	10,398.56
		Dec. 31, 1942[2]	304,082.37	359,339.94	101,239.59	174,854.16	80,591.68
		Dec. 31, 1943[2]	301,140.70	376,020.56	101,239.59	163,209.53	80,992.32
Detroit							
Kawneer Co., successor to the Kawneer Co., 1105 North Front St., Niles, Mich.	Manufacture of non-ferrous metal storefront construction.	Dec. 31, 1941[1]	364,472.37	184,350.03	39,657.43	79,175.35	15,675.36
Plymouth Oil Co., 14105 Plymouth Road, Detroit 27, Mich.	Wholesale and retail gasoline, oil, etc.	Dec. 31, 1942[1]	2,765.35	28,262.96	3,029.65	2,726.68	818.00
		Dec. 31, 1943[1]	2,765.35	28,262.96	3,029.65	2,726.69	818.00
		Dec. 31, 1944[1]	2,765.35	28,262.96	3,029.65	2,878.17	818.00
		Dec. 31, 1945[1]	4,546.70	26,481.61	1,248.30	2,439.18	693.25
Greensboro							
Clark Publishing Co., 218 West Morehead St., Charlotte, N.C.	Publishers	Dec. 31, 1942[1]	1,014.76	29,445.57	3,022.74	2,755.97	826.97
		Dec. 31, 1943[1]	1,014.90	29,445.43	3,022.60	2,720.34	816.11
		Dec. 31, 1944[1]	1,018.04	14,277.77	3,019.46	2,868.49	815.26
Marsh Furniture Co., High Point, N.C.	Furniture manufacturer	Dec. 31, 1940[1]	17,797.41	34,937.73	3,577.59	894.40	None
		Dec. 31, 1941[1]	20,576.33	52,396.66	8,873.67	3,993.16	1,237.88
		Dec. 31, 1942[1]	25,720.40	47,252.59	3,729.60	3,356.64	1,976.68
		Dec. 31, 1943[1]	25,720.40	47,252.59	3,729.60	3,074.06	1,810.46
		Dec. 31, 1944[1]	25,720.40	47,252.59	3,729.60	3,543.12	3,058.83
		Dec. 31, 1945[1]	25,720.40	66,996.69	3,729.60	3,543.12	1,976.68
Threads, Inc., Gastonia, N.C.	Cotton thread converter	Sept. 30, 1941[1]	38,646.92	145,200.28	None	1,361.46	None
Little Rock							
The Crossett Co., formerly: Crossett Lumber Co., Crossett, Ark.	Lumber and paper manufacturing.	Nov. 30, 1942[1]	712,492.30	558,903.50	138,646.90	133,218.21	50,607.82
		Nov. 30, 1943[1]	734,113.28	541,141.96	120,886.72	128,301.25	57,467.21
		Nov. 30, 1944[1]	718,392.72	556,862.52	136,607.28	143,950.94	60,772.30
		Nov. 30, 1945[1]	733,638.71	541,616.83	121,361.29	117,685.20	49,551.66
		Nov. 30, 1946[1]	758,900.44	516,355.10	96,099.56	7,962.18	3,352.50
Los Angeles							
Don Baxter Inc., 1015 Grandview Ave., Glendale, Calif.	Pharmaceutical products	Nov. 30, 1942[1]	92,545.10	122,684.39	11,954.90	7,981.94	3,080.75
		Nov. 30, 1943[1]	92,119.63	123,109.86	12,380.37	11,142.33	4,952.15
		Nov. 30, 1944[1]	92,119.64	123,109.85	12,380.36	11,708.90	4,952.15
		Nov. 30, 1945[1]	90,843.60	116,885.80	13,656.40	12,973.58	5,462.56
		Nov. 30, 1946[2]	83,691.30	124,038.19	13,308.70	1,073.81	452.13
Marine Products Co., P.O. Box 431, San Diego 12, Calif.	Importers and exporters	Aug. 31, 1943[1]	6,052.57	34,565.60	6,487.43	5,838.69	1,751.61
		Aug. 31, 1944[1]	6,596.30	16,506.10	5,943.70	5,000.30	1,471.65
		Aug. 31, 1945[1]	6,052.57	57,083.32	6,487.43	6,163.05	1,802.40
Utility Appliance Corp., 141 South El Camino Blvd., Beverley Hills, Calif.	Manufacturer of sheet metal products.	Dec. 31, 1944[1]	42,909.82	59,090.18	18,840.18	17,898.18	7,536.07
Lower Manhattan							
The Mohican Stores, Inc., 280 Broadway, New York 7, N.Y.	Chain retail food stores	Dec. 31, 1944	171,305.51	127,152.36	13,214.26	12,553.54	5,549.99
Milwaukee							
Marathon Corp., successor to Northern Paper Mills, by statutory merger, Green Bay, Wis.	Manufacture of paper	Dec. 31, 1941	375,927.67	462,671.06	47,772.33	61,615.63	19,100.84
		Dec. 31, 1942	390,233.48	448,365.25	32,793.36	73,695.61	32,753.60
Newark							
Breeze Corp., Inc., 700 Liberty Ave., Union, N.J.	Manufacturers of aircraft parts and accessories.	Dec. 31, 1940[1]	288,683.75	844,803.33	3,441.25	1,548.56	None
		Dec. 31, 1941[1]	352,711.24	780,854.34	31,737.28	19,042.37	5,903.13
Peter J. Schweitzer, Inc., 1029-1061 Newark Ave., Elizabeth, N.J.	Paper manufacturing	Dec. 31, 1940[1]	226,520.46	108,117.89	1,479.54	443.86	None
		Dec. 31, 1941[1]	273,035.81	762,709.24	40,464.19	24,278.51	7,536.35
		Dec. 31, 1942[1]	273,035.81	1,986,708.00	18,614.19	16,752.77	7,445.68
		Dec. 31, 1943[1]	273,035.81	1,743,208.00	18,614.19	16,752.77	7,445.68
		Dec. 31, 1944[1]	286,567.37	1,729,676.44	5,082.63	8,296.07	3,493.08
		Dec. 31, 1945[1]	301,772.92	1,714,470.89	None	5,437.76	2,285.98
New Orleans							
The Brown Paper Mill Co., Inc., P.O. Box 1472, Monroe, La.	Manufacture of paper and paper board.	Dec. 31, 1940[1]	915,675.26	1,445,673.24	180,905.35	90,452.68	None
		Dec. 31, 1941[1]	1,144,245.85	1,217,102.65	308,104.03	184,862.42	57,307.35
		Dec. 31, 1942[1]	1,418,236.37	976,953.03	48,128.00	43,315.20	19,251.20
		Dec. 31, 1943[1]	1,405,221.84	1,920,751.44	50,730.80	45,657.72	20,292.32
		Dec. 31, 1944[1]	1,405,888.51	1,920,084.77	50,597.47	48,067.59	20,238.99
		Dec. 31, 1945[1]	1,406,353.62	1,919,619.66	47,085.40	44,731.13	18,834.55

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1959—Continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (subch. E) tax resulting from the operation of Sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of Sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Omaha							
Peoples Natural Gas Co., 2223 Dodge St., Omaha, Nebr.	Natural gas utility	Dec. 31, 1941[1]	$213,314.60	$78,184.21	$47,035.40	$28,191.41	$6,739.34
		Dec. 31, 1942[1]	216,921.15	75,820.82	45,572.01	40,829.10	17,808.30
		Dec. 31, 1943[1]	218,150.06	77,886.25	47,637.44	54,011.20	24,004.96
		Dec. 31, 1944[1]	218,321.84	77,714.46	47,465.66	56,848.62	23,896.27
Philadelphia							
Scott Paper Co., Front and Market Sts., Chester, Pa.	Manufacture and sale of toilet tissue and paper towels.	Dec. 31, 1941[1]	2,322,430.40	1,113,345.84	123,819.60	59,243.53	18,365.40
		Dec. 31, 1942[1]	2,077,522.73	1,113,345.84	123,819.60	111,437.64	49,527.84
		Dec. 31, 1943[1]	2,070,946.75	1,113,345.84	123,819.60	111,437.64	49,527.84
Pittsburgh							
Rockwell Manufacturing Co., successor to Nordstrom Valve Co., formerly: Merco Nordstrom Valve Co., 400 North Lexington Ave., Pittsburgh, Pa.	Sale of valves and accessories	Nov. 30, 1942[1]	584,822.22	74,362.09	12,764.91	39,532.99	615.54
Richmond							
Reynolds Metals Co. and subsidiaries, Richmond 19, Va.	Manufacture and conversion of nonferrous metals, etc.	Dec. 31, 1940[1]	1,276,659.80	2,232,691.39	281,523.14	171,596.18	None
		Dec. 31, 1941	2,257,750.70	2,810,938.14	739,499.30	169,100.87	None
		Dec. 31, 1942[1]	2,095,162.29	3,885,162.88	1,044,587.71	1,588,375.71	741,241.99
		Dec. 31, 1943[1]	3,120,689.66	2,861,392.84	16,685.34	1,871,605.19	873,415.75
		Dec. 31, 1944	1,242,135.02	3,574,020.06	942,864.98	150,337.51	63,316.83
		Dec. 31, 1945[1]	1,242,630.88	3,574,362.06	942,369.12	457,232.49	192,518.95
Springfield							
Fred W. Amend Co., 805 North Griffin St., Danville, Ill.	Candy manufacturing	Dec. 31, 1941[1]	26,257.87	157,194.05	4,379.63	1,514.41	666.35
Jerry Anderson, Inc., formerly: Faries Manufacturing Co., 1036 East Grand Ave., Decatur, Ill.	Manufacturer lamps, electrical fixtures, metal and electrical specialties.	June 30, 1942[2]	157,338.08	111,997.83	61,088.07	31,869.82	9,879.64
		June 30, 1943[2]	173,444.72	95,651.09	44,741.33	106,642.63	47,396.78
Syracuse							
The Garlock Packing Co., 402 East Main St., Palmyra, N.Y.	Mechanical packings	Dec. 31, 1941[1]	953,350.68	318,448.83	12,998.82	7,799.29	2,417.78
The New York Air Brake Co., Starbuck Ave., Watertown, N.Y.	Manufacture and sale of air brakes for railway trains.	Dec. 31, 1940[1]	634,010.08	1,820,851.67	78,774.92	39,387.46	None
		Dec. 31, 1941[1]	773,546.91	2,167,786.87	93,808.62	56,285.17	17,448.90
Toledo							
The Aro Equipment Corp., Enterprise St., Bryan, Ohio.	Manufacturing of lubrication equipment and aircraft products.	Nov. 30, 1941[1]	241,972.41	682,495.39	31,627.59	12,842.57	3,981.20
		Nov. 30, 1942[1]	241,972.41	682,495.39	66,777.59	48,464.05	18,410.87
		Nov. 30, 1946[1]	384,916.94	682,135.98	66,418.18	5,358.95	2,256.42
Upper Manhattan							
Arcrods Corp., 150 East 42d St., New York 17, N.Y.	Manufacturers of welding rods and electrodes.	Dec. 31, 1940[1]	60,836.81	130,623.45	52,500.45	20,377.11	None
		Dec. 31, 1941[1]	79,749.33	131,415.87	101,737.87	56,200.00	17,449.90
		Dec. 31, 1942[1]	104,511.47	106,653.73	76,975.73	53,078.08	31,876.05
		Dec. 31, 1943[1]	116,822.10	94,343.10	64,665.10	34,457.79	25,683.04
		Dec. 31, 1944[1]	132,751.28	78,413.92	48,735.92	47,733.85	20,098.46
		Dec. 31, 1945[1]	141,004.74	70,160.46	40,482.46	39,541.93	16,649.23
The Connecticut Theatrical Corp., 1585 Broadway, New York 36, N.Y.	Amusement enterprise	Aug. 31, 1943	270,189.80	83,692.80	19,560.20	17,604.18	7,834.05
		Aug. 31, 1944	270,189.80	83,692.80	19,560.20	18,256.19	7,824.08
		Aug. 31, 1945	270,189.80	83,692.80	19,560.20	18,582.19	7,824.08
		Aug. 31, 1946	270,189.80	83,692.80	19,560.20	4,765.46	2,615.17
Feature Publications, Inc., 1790 Broadway, New York 19, N.Y.	Publishers of periodicals	Oct. 31, 1943[3]	944.55	32,007.05	6,940.35	7,434.54	2,230.36
		Oct. 31, 1944[3]	1,425.37	31,526.33	6,459.63	6,082.80	1,752.02
Manhattan Soap Co., Inc., 441 Lexington Ave., New York, N.Y.	Soap manufacturing	Dec. 31, 1940[1]	78,879.85	537,356.54	57,445.15	22,978.06	None
		Dec. 31, 1941[1]	97,382.52	663,403.15	116,367.48	64,838.48	20,099.93
		Dec. 31, 1942[1]	97,328.83	663,403.14	140,171.17	115,250.77	58,871.89
		Dec. 31, 1944[1]	75,185.00	663,403.12	140,117.46	112,180.93	56,046.96
		Dec. 31, 1945[1]	74,944.79	663,403.13	140,117.46	122,617.22	58,628.31
Royal Frocks Inc., 463 Seventh Ave., New York, N.Y.	Manufacturer of ladies dresses	June 30, 1943[3]	24,849.39	48,914.61	20,300.61	18,270.55	10,739.82
		June 30, 1944[3]	24,849.39	48,914.61	20,300.61	18,775.28	10,416.60
Wilmington							
Roth Manufacturing Co., 1600 South Kilbourn Ave., Chicago 23, Ill.	Manufacturers of brass and iron specialties	Dec. 31, 1940[1]	192,790.33	109,393.29	7,093.83	2,128.15	None
		Dec. 31, 1941[1]	236,876.86	71,546.13	15,781.05	7,800.52	2,446.07

Supplemental list for fiscal year ended June 30, 1958

Brooklyn							
Garrett & Company Inc., 882 Third Ave., Brooklyn 32, N.Y.	Wine manufacturers and growers	June 30, 1944	$183,618.15	$1,134,259.85	$7,455.35	$4,856.16	$2,982.17
Chicago							
G. J. Aigner Co., 426 South Clinton St., Chicago, Ill.	Manufacturers and printers of loose leaf devices	Dec. 31, 1941[1]	13,050.21	5,243.41	804.79	281.67	86.81
Newark							
Aridye Corp., c/o Interchemical Corp., transferee, 67 West 44th St., New York 36, N.Y.	Manufacture and sale of colors for textiles	Dec. 31, 1942	19,158.79	109,336.56	58,443.89	47,888.24	30,001.12
Upper Manhattan							
The Crowell Collier Publishing Co., 640 Fifth Ave., New York 17, N.Y.	Printing and publishing of magazines	Dec. 31, 1943[2]	2,744,512.71	1,208,545.26	418,833.16	748,412.00	332,627.55

[1] Allowance in accordance with decision of Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.
[2] Allowance in accordance with decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.
[3] Allowance made during fiscal year ended June 30, 1959, represents addition to relief previously allowed and published.

[F.R. Doc. 59-7392; Filed, Sept. 4, 1959; 9:16 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8748]

AMERICAN SHIPPERS, INC.; ENFORCEMENT PROCEEDING

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding, now assigned for September 9, 1959, is postponed to October 12, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., September 2, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7432; Filed, Sept. 4, 1959; 8:50 a.m.]

[Docket No. 10755]

EAGLE AIRWAYS (BAHAMAS) LTD.

Notice of Postponement of Hearing

In the matter of the application of Eagle Airways (Bahamas) Ltd. for a foreign air permit for service between points in the same Bahamas, the intermediate point Havana, Cuba and the coterminal points Miami, Palm Beach, Fort Lauderdale and Tampa, Florida.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on September 11, 1959, is postponed to September 14, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., September 1, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7433; Filed, Sept. 4, 1959; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9418, etc.]

RALPH R. GILSTER ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 1, 1959.

In the matters of Ralph R. Gilster, et al., Docket No. G-9418; John Franks, Operator, et al., Docket No. G-14159; Harvey Broyles, Operator, et al., Docket No. G-15467.

Take notice that Frank R. Gilster, et al., (Gilster, et al.) filed on January 2, 1958, and July 14, 1958, petitions to amend the order of the Commission issued February 7, 1956, In the Matters of Robert Mosbacher, et al., Docket Nos. G-8459, et al., to delete therefrom authorization therein granted to Gilster, et al., in Docket No. G-9418, to sell gas produced from certain acreage to Texas Eastern Transmission Corporation (Texas Eastern) which acreage has since been farmed out to John Franks, or which is now being operated by Harvey Broyles.

Take further notice that John Franks, Operator, et al., (Franks, et al.) filed an application on January 2, 1958, in Docket No. G-14159 and Harvey Broyles, Operator, et al., (Broyles, et al.) filed an application on July 14, 1958, in Docket No. G-15467 for certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

By order issued February 7, 1956, In the Matters of Robert Mosbacher, et al., Docket Nos. G-8459, et al., Gilster, et al., were granted a certificate of public convenience and necessity in Docket No. G-9418, authorizing the sale of natural gas produced from the Bethany-Longstreet Field, Caddo and DeSoto Parishes, Louisiana, to Texas Eastern Transmission Corporation (Texas Eastern) under a sales contract dated August 15, 1955, as amended, on file as Ralph R. Gilster, et al., FPC Gas Rate Schedule No. 2.

On January 2, 1958, Gilster, et al.,[1] filed a petition requesting amendment of the above-referred to certificate to delete therefrom acreage in Section 9, Township 14 North, Range 15 West, farmed out to John Franks (Franks, et al.).

On July 14, 1958, Gilster, et al.,[2] filed a further petition to amend the aforementioned certificate to delete therefrom the Hill Zone of the Rodessa Formation underlying Section 16, 21, 27 and 28, Township 14 North, Range 15 West.

The petition of January 2, 1958, states that Franks, as operator, completed a well on the John Franks-Fisher Unit. The subsequent petition of July 14, 1958, states that Gilster, et al., with other interest owners completed the following wells producing from the Hill Zone of the Rodessa Formation: (1) the Jones-O'Brien, Inc., et al.—Fisher No. 2H Well (Section 16), (2) the Harvey Broyles, et al.—Keatchie Townsite Unit No. 1 (Section 21), (3) the John Franks, et al.—Wilson No. 1 Well (Section 27), and (4) the M. F. McCain, et al.—Bazemore Unit No. 1 (Section 28). Both Franks and Gilster, et al., state that the aforementioned wells have insufficient pressure for injection into Texas Eastern's field lines, and that the available quantity of gas, in addition to the cost involved in constructing compression and facilities required for delivery to Texas Eastern, dictated the need of seeking another market.

On January 2, 1958, Franks, et al.,[3] in Docket No. G-14159 and on July 14, 1958, Broyles, et al.,[4] in Docket No. G-15467 filed applications, pursuant to section 7(c) of the Act, to render service to Arkansas Louisiana from the aforementioned units. The service will be rendered by Franks, et al., pursuant to a sales contract dated November 18, 1957, between Franks, et al., and Arkansas Louisiana, on file as John Franks, Operator, et al., FPC Gas Rate Schedule No. 1. The Broyles et al.-Arkansas Louisiana contract dated June 3, 1958, is on file as the Harvey Broyles, Operator, et al., FPC Gas Rate Schedule No. 1.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7406; Filed, Sept. 4, 1959; 8:46 a.m.]

[Docket No. G-6251]

EDWIN M. JONES OIL CO.

Notice of Application and Date of Hearing

SEPTEMBER 1, 1959.

Take notice that Henrietta Yerger Jones d/b/a Edwin M. Jones Oil Company (Applicant), an independent producer with its principal place of business in San Antonio, Texas, filed on November 29, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural

[1] "Et al." parties are James E. Kemp (Kemp) and Jones-O'Brien, Inc. (Jones-O'Brien).
[2] "Et al." parties are James E. Kemp (Kemp) and Jones-O'Brien, Inc. (Jones-O'Brien).
[3] Franks filed individually and as operator for 13 co-owners.
[4] Applicants are Broyles, Jones-O'Brien, Franks, and M. F. McCain, all operators filing individually and on behalf of the co-owners in each of the above four units and wells thereon.

Gas Act, authorizing the Applicant to continue to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue the sale of natural gas to Transcontinental Gas Pipe Line Corporation from production in the Greta Field, Refugio County, Texas, for transportation in interstate commerce for resale for ultimate public consumption, made on and since June 7, 1954.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 22, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7407; Filed, Sept. 4, 1959; 8:46 a.m.]

[Docket No. G-18606]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 1, 1959.

Take notice that on May 21, 1959, Northern Natural Gas Company (Applicant) filed an application in Docket No. G-18606, as supplemented on June 26, 1959, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas transmission facilities to perform a transportation service for an existing customer, Metropolitan Utilities District of Omaha, Nebraska (District), and for American Gas Company (American), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 1.1 miles of 6⅝-inch O.D. gas pipeline extending from a point in Omaha, Nebraska, eastward across the Nebraska-Iowa boundary, through the community of Carter Lake, Iowa, again crossing the Nebraska-Iowa boundary to a final termination in East Omaha, Nebraska.

Applicant proposes to receive the total natural gas requirements of Carter Lake and East Omaha from District at a point in Omaha, to transport this gas to Carter Lake, there delivering American's portion of the gas, and to transport the remainder across the Iowa-Nebraska boundary, delivering it to District in East Omaha.

Applicant estimates the total requirements of Carter Lake, Iowa, and East Omaha, Nebraska to be as follows (Mcf at 14.73 psia):

	1st year	2d year	3d year
Carter Lake, Iowa:			
Peak day	683	823	928
Annual	61,685	74,174	83,285
East Omaha, Nebr.:			
Peak day	567	667	767
Annual	74,480	88,480	102,480

The estimated cost of the pipeline and appurtenant facilities is $30,500, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7408; Filed, Sept. 4, 1959; 8:46 a.m.]

[Docket No. G-17564]

INDIANA NATURAL GAS CORP.

Notice of Application and Date of Hearing

JULY 28, 1959.

Take notice that Indiana Natural Gas Corporation (Applicant), an Indiana corporation, having its principal place of business in Indianapolis, Indiana, filed on January 19, 1959, an application and on February 13, 1959, March 30, May 26 and June 8, 1959 supplements thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct and to sell and deliver to Applicant natural gas for resale to the public in the towns of Paoli and Orleans, Indiana and their environs, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate two 4-inch laterals, approximately 2.5 and 4.3 miles in length, extending westward from two points of connection with Texas Gas' 16-inch pipeline to the town border stations of said towns. Applicant also plans to construct and operate the necessary distribution facilities.

Applicant estimates its natural gas requirements for the two communities as follows:

Year	Requirements in Mcf @15.025 psia	
	Peak day	Annual
1	2,038	184,8[illegible]
2	2,676	262,[illegible]
3	2,797	294,[illegible]
4	2,945	314,[illegible]
5	3,170	329,[illegible]

Applicant estimates the cost of construction during the first year will be $369,518, and with additions will amount to $429,260 in the sixth year of operation. Applicant proposes to finance this construction by the sale of 6¼ percent twenty-year first mortgage bonds in the amount of $225,000, plus a bonus of 5 percent or 1,500 shares of the common stock, and also by the sale to the public of 28,500 shares of Applicant's no par common stock at a price of $5.00 per share.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1959.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7435; Filed, Sept. 4, 1959; 8:50 a.m.]

[Docket No. G-18141]

SOUTHERN PETROLEUM EXPLORATION, INC.

Notice of Application and Date of Hearing

SEPTEMBER 1, 1959.

Take notice that Southern Petroleum Exploration, Inc. (Applicant), an independent producer having its principal place of business in Sisterville, West Virginia, filed on March 23, 1959, an application for a certificate of public convenience and necessity and an amendment thereto on July 20, 1959 pursuant to section 7(c) of the Natural Gas Act authorizing Applicant to sell natural gas as hereinafter described, all as more fully represented in the application, as amended, which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company for transportation in interstate commerce for resale, from production in the San Juan Basin in Rio Arriba County, New Mexico. The sales will be made pursuant to the terms of sale contracts dated May 9, 1955, as amended, and December 11, 1958 which are on file with the Commission as Applicant's FPC Gas Rate Schedule Nos. 12 and 14, respectively.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application as amended: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 24, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7409; Filed, Sept. 4, 1959; 8:46 a.m.]

[Docket No. G-16846]

SUN OIL CO.

Notice of Application and Date of Hearing

AUGUST 31, 1959.

Take notice that on October 31, 1958, Sun Oil Company (Applicant), an independent producer, filed in Docket No. G-16846 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas to Texas Illinois Natural Gas Pipeline Company (Texas Illinois), subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell natural gas attributable to its interest in Townsite Unit in the La Gloria Area, Jim Wells and Brooks Counties, Texas, pursuant to a basic gas sales contract dated January 25, 1950, as amended. Applicant owns a 9.634 percent working interest in said unit and is a signatory party to the gas sales contract.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7410; Filed, Sept. 4, 1959; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Pewaukee State Bank, Pewaukee, Wisconsin.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of The Marine Corporation whose principal office is in Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 2,400 or more of the 3,000 outstanding voting shares of Pewaukee State Bank, Pewaukee, Wisconsin; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on August 11, 1959 (24 F.R. 6465); the said Notice having provided interested persons an opportunity, before issuance of the Board's final Order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and no such objections or comments having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be, and hereby is, granted, and the acquisition by The Marine Corporation of 2,400 or more of the 3,000 outstanding voting shares of Pewaukee State Bank is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 31st day of August 1959.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59-7411; Filed, Sept. 4, 1959; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

SECURITIES AND EXCHANGE COMMISSION

SEABOARD ALLIED MILLING CORP.

Notice of Application To Withdraw From Listing and Registration, and Opportunity for Hearing

SEPTEMBER 1, 1959.

In the matter of Seaboard Allied Milling Corporation, Common Stock; File No. 1-3390.

The above named issuer, pursuant to section 12(d) of the Securities Exchange

Act of 1934 and Rule 12d2-1(b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock is listed and has most of its exchange volume on the American Stock Exchange. The corporation states that its principal business is no longer in the New England area and that it wishes to save the labor and expense of dual listing.

Upon receipt of a request, on or before September 15, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7417; Filed, Sept. 4, 1959; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AKSEL LUNDGAARD BECK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Aksel Lundgaard Beck, Copenhagen, Denmark; Claim No. 45969; $2,943.91 in the Treasury of the United States. Vesting Order No. 7974.

Executed at Washington, D.C., on August 20, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 59-7426; Filed, Sept. 4, 1959; 8:49 a.m.]

ELIZABETH WILHELMINA SCHMIEDELL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elizabeth Wilhelmina Schmiedell, Bergen aan Zee, Holland; Claim No. 42289; $44,186.40 in the Treasury of the United States. Vesting Order No. 8964.

Executed at Washington, D.C., August 27, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 59-7427; Filed, Sept. 4, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 184]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 2, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62132. By order of August 31, 1959, the Transfer Board approved the transfer to Tilton Transfer & Storage Co., A Corporation, Westerville, Ohio, of Certificate No. MC 20780, issued May 19, 1954, to Tilton Transfer & Storage, Inc., Delaware, Ohio, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, between Delaware, Ohio, on the one hand, and, on the other, points within 15 miles of Delaware, including Delaware. Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 62301. By order of August 31, 1959, the Transfer Board approved the transfer to Leon D. Moon, doing business as Moon's Bus Line, Wedowee, Ala., of Certificate No. MC 109921, issued May 5, 1949, to Troy Gay, doing business as Gay Bus Line, Roanoke, Ala., authorizing the transportation of: Passengers and their baggage, between Omaha, Ala., and La Grange, Ga., with service authorized to and from all intermediate points along the designated routes, except those between Welch and the Alabama-Georgia State line, including Welch. Paul J. Hooton, Box 129, Roanoke, Ala., for applicants.

No. MC-FC 62335. By order of August 31, 1959, the Transfer Board approved the transfer to Darvey A. Johnson, Grantsburg, Wis., of Certificates in Nos. MC 89310 and MC 89310 Sub 2, issued June 14, 1949, and July 20, 1961, respectively, to Russell Swenson, Grantsburg, Wis., authorizing the transportation of: *Livestock, livestock feed, fertilizer, seeds,* and *farm machinery,* between specified points in Minnesota and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 62367. By order of August 31, 1959, the Transfer Board approved the transfer to Antonette Dorothy D'Alessandro, doing business as A and D Trucking Co., Reading, Mass., of Certificate No. MC 48766, issued January 24, 1956, to Ford Bros., Inc., South Boston, Mass., authorizing the transportation of: Glue stock, from Boston, Mass., to Peabody, Billerica, and Franklin, Mass.; and paper, rags, fibers, and cordage mill waste, between Boston, Mass., and points in Massachusetts within five miles of Boston, on the one hand, and, on the other, Phillipsdale, Providence, and Woonsocket, R.I., and Milton and Troy, N.H. Harry P. Havelet, 6 Beacon Street, Boston, Mass., for applicants.

No. MC-FC 62454. By order of August 31, 1959, the Transfer Board approved the transfer to Coronet Enterprises, Inc., Spokane, Wash., of the operating rights in Certificate No. MC 112570 and MC 112570 Sub 1, issued July 23, 1951, and October 7, 1952, respectively, to John L. Spohn, doing business as Pete's Auto Wrecking, Spokane, Wash., authorizing the transportation of wrecked and disabled motor vehicles, and recovered, stolen or repossessed automobiles, in truckaway service, over irregular routes, between Spokane, Wash., on the one hand, and, on the other, points in Idaho, and wrecked and disabled motor vehicles, trucks, trailers, and busses, and recovered, stolen or repossessed automobiles, trailers, and busses, over irregular routes, between Spokane, Wash., on the one hand, and, on the other, points in fourteen specified Montana counties, and between Spokane, Wash., on the one hand, and, on the other, ports of entry at the boundary of the United States and Canada at or near Oroville, Laurier, Northport, and Metaline Falls, Wash. Joseph L. Thomas, 711 Old National Bank Building, Spokane 1, Washington, for applicants.

No. MC-FC 62480. By order of August 31, 1959, the Transfer Board approved the transfer to Ward King and Frank King, Jr., a Partnership, doing business as King Truck Line, Route No. 3, Hiawatha, Kansas, of a Certificate in No. MC 51359, issued September 25, 1958, to Walter Chase, doing business as Chase Truck Line, Fairview, Kansas, authorizing the transportation of specified commodities, from, to, and between, specified points in Kansas and Missouri.

No. MC-FC 62493. By order of August 31, 1959, the Transfer Board approved the transfer to Shirley Zucker and Robert J. Zucker, a Partnership, doing business as Park East Movers, New York, N.Y., of the operating rights in Certificates Nos. MC 47511 and MC 47511 Sub 1, issued January 20, 1942 and June 19, 1947, respectively, to James Zucker, Shirley Zucker, Executrix, doing business as Park-East Movers, New York, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey. Emanuel M. Virshup, 67 West 44th Street, New York 36, N.Y., for applicants.

No. MC-FC 62507. By order of August 31, 1959, the Transfer Board approved the transfer to Anna B. Monteiro, doing business as Monteiro Trucking Company, Fall River, Mass., of Certificate No. MC 2312 issued June 20, 1952, in the name of Leo Mestdagh, Blanche Mestdagh, Administratrix, doing business as Valcourt Trucking Co., Fall River, Mass., authorizing the transportation of building materials, over irregular routes, between Fall River, Norwood, and Walpole, Mass., on the one hand, and, on the other, points in Massachusetts and Rhode Island; and between Portsmouth and Providence, R.I., on the one hand, and, on the other, points in Massachusetts east of a line beginning at Boston and extending along Massachusetts Highway 1-A to North Attleboro, thence along U.S. Highway 1 to the Massachusetts-Rhode Island State line, including points on the indicated portions of the highways specified. J. Edward Lahoie, 57 North Main Street, Fall River, Mass., for applicants.

No. MC-FC 62511. By order of August 31, 1959, the Transfer Board approved the transfer to Arden Transport, Inc., Trenton, N.J., of a portion of Certificate No. MC 18138, issued December 28, 1950, in the name of Anderson Brothers, Inc., Red Bank, N.J., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over irregular routes, between points in Monmouth and Ocean Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Westchester County, N.Y., and Philadelphia, Pa., and points within 25 miles of Philadelphia. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

No. MC-FC 62513. By order of August 31, 1959, the Transfer Board approved the transfer to W. A. Givens, Akron, Ohio, of a permit in No. MC 106608 issued August 6, 1958, to Jones Van & Storage, Inc., Akron, Ohio, authorizing the transportation of electrical household appliances and parts thereof, die castings, advertising matter, office furniture, supplies, and equipment, and machinery, supplies, equipment, and materials, used in the manufacture of electrical household appliances, electrical household appliance parts, and die castings, between North Canton, Ohio, and Chicago, Ill., serving no intermediate points. John R. Meeks, 607 Copley Road, Akron 20, Ohio, for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7421; Filed, Sept. 4, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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UNIVERSITY OF MICHIGAN
SEP 11 1959
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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

VOLUME 24 NUMBER 176

Washington, Wednesday, September 9, 1959

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Barley Loan and Purchase Agreement Program

ELIGIBLE BARLEY AND DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 3027, 4017 and 5236, and containing the specific requirements for the 1959-Crop Barley Price Support Program are hereby amended as follows:

1. Section 421.4078(c)(1) is amended to make barley grading No. 5 eligible for price support, so that the amended subparagraph reads as follows:

§ 421.4078 Eligible barley.

* * * * * *

(c) * * *

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

2. In § 421.4080, paragraph (c) is amended by extending the schedule therein to apply to barley testing as low as 36 pounds per bushel so that the amended paragraph reads as follows:

§ 421.4080 Determination of quantity.

* * * * *

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing:	Percent
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
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43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
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(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 2d day of September 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-7477; Filed, Sept. 8, 1959; 8:50 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 3027, 4017, and 5236, and containing the specific requirements for the 1959-Crop Barley Price Support Program are hereby amended as follows:

1. Section 421.4087(b) is amended by changing the basic county support rate

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following Supplements are now available:

Titles 1–3 ($1.00)

General Index ($0.75)

All other Supplements and revised books have been issued and are now available.

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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in Lake County, Oregon, from $0.65 to $0.77 per bushel, and by adding to the list of basic county support rates a rate of $0.96 per bushel for barley grading No. 2 or better produced in the State of Alaska.

2. Section 421.4087(c) is amended to provide a discount for barley grading No. 5 so that the amended paragraph reads as follows:

(c) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, for No. 4, 6 cents per bushel, and for No. 5, 18 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the Classes Barley and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky".

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 2d day of September 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–7478; Filed, Sept. 8, 1959; 8:50 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Oats Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 2933, 4545, 5214 and containing the specific requirements for the 1959-Crop Oats Price Support Program are hereby amended as follows:

Section 421.4287(a) is amended by adding to the list of basic county support rates a rate of $0.64 per bushel for oats grading No. 3 produced in the State of Alaska.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 2d day of September 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–7479; Filed, Sept. 8, 1959; 8:50 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 1633, 3151, 6315, 6232, and 6314), containing the specific requirements of the 1959-crop wheat price support program are hereby amended as follows:

1. Section 421.4047(b) is amended by adding to the list of basic county support rates a rate of $1.20 per bushel for wheat grading No. 1 produced in the State of Alaska.

2. Section 421.4047(c)(3) is amended by providing that the variety discount is not applicable to any varieties of wheat produced in the State of Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421).

Issued this 2d day of September 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–7480; Filed, Sept. 8, 1959; 8:51 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 1, Amdt. 2]

PART 483—WHEAT AND FLOUR

Subpart—Wheat Export Program; Payment in Kind (GR–345); Terms and Conditions

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of Revision I of the Wheat Export Program—Payment in Kind (GR–345) (23 F.R. 5365), as amended (24 F.R. 5775), are further amended as follows:

1. Section 483.105(a) is amended to read as follows:

§ 483.105 General conditions of eligibility.

(a) Payment under this program will be made to an exporter in connection with the net quantity of wheat exported from the United States and the net quantity of wheat shipped to Canada via the Great Lakes only if exported from a Canadian port on the St. Lawrence River, provided such exportation is to a designated country pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a designated Contracting Officer of CCC, in accordance with § 483.136, subject to the Terms and Conditions set forth in this subpart. Payment also will be made to an exporter for wheat which was exported prior to sale and for which the exporter has received a Notice of Registration from a designated Contracting Officer of CCC, subject to the terms and conditions of this subpart particularly § 483.109.

2. Section 483.147 is amended to read as follows:

§ 483.147 Documents required as evidence of export.

Each Application for Wheat Export Payment (CCC Form 357) must be supported by the following documentary evidence, as applicable:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading issued at point of export certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed, the designated country to which the wheat was shipped, and if exported under Public Law 480, 83d Congress, the purchase authorization number. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale or the country of destination approved by the Director pursuant to § 483.106, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, showing that the country of destination is, in fact, the country to which the wheat is required to be exported.

(b) If exportation is by rail or truck, one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the wheat.

(c) A copy of an official loading weight certificate as defined in § 483.196 applicable to the wheat described in the on-board-ship bill of lading issued at point of export or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and

description of hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the wheat described in the on-board-ship bill of lading issued at point of export or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat, and (3) name of vessel and description of the hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck in which exported. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the wheat determined in accordance with the Official Grain Standards of the United States. If the certificate shows mixed wheat it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of the wheat from the continental United States to the export vessel described in the on-board-ship bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the continental United States, and (3) a copy of an official loading weight certificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, that the exporter has fully complied with his obligations to export.

(g) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas identified in § 483.184(b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, United States Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the exporter that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against the exporter's agreement with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

3. Section 483.162 is amended to read as follows:

§ 483.162 Evidence of export.

Evidence of export shall consist of the following documentation, as applicable:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed, the designated country to which the wheat was shipped, and the CCC sales contract number. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the wheat, and the CCC sales contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser, "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with application for Wheat Export Payment under Registration No. _____."

(c) A copy of an official loading weight certificate as defined in § 483.196 applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel. and description of hold or tank in which wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat, and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat, and (3) name of vessel and description of the hold or tank in which wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the wheat determined in accordance with the Official Grain Standards of the United States. If the certificate shows mixed wheat it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of the wheat from the continental United States to the export vessel described in the bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the continental United States, and (3) a copy of an official loading weight certificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) If the wheat is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the exporter must, in conformance with the requirement in § 483.161(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of wheat of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the exporter that the wheat represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as provided in § 483.147(i). Such evidence shall be submitted in the time required by § 483.161(b) or within such extension of that time as may be approved by CCC in writing.

(g) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President that the exporter has fully complied with his obligations to export.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by the exporter to one or more of the countries or areas identified in § 483.184(b) (1), (2), or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against any one contract with CCC and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under any export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold grain at prices which reflect any export allowance, each copy of such documentary evidence of export submitted, pursuant to this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which this documentary evidence of export has been or will be applied and the quantity applicable to each contract.

4. A new § 483.196, is added and shall read as follows:

§ 483.196 Official weight certificate.

"Official weight certificate" means a weight certificate issued:

(a) By Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial, paid employees stationed at elevators, or

(b) By or on authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent, impartial, supervising weighmaster employed by one of the above organizations.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 2, 63 Stat. 945 as amended; sec. 407, 63 Stat. 1051, as amended; sec 201(a), 70 Stat. 188; 7 U.S.C. 1641, 1427, 1851)

Effective Date. These amendments shall become effective on September 5, 1959.

Issued this 3d day of September 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-7482; Filed, Sept. 8, 1959; 8:51 a.m.]

[Amdt. 1]

PART 483—WHEAT AND FLOUR

Subpart—Terms and Conditions of 1959–60 Export Program (GR–384)

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the 1959–60 Wheat and Wheat-Flour Export Program (IWA) (GR–384) (24 F.R. 5133), are amended as follows:

1. Section 483.305(a) is amended to read as follows:

§ 483.305 General conditions of eligibility.

(a) Payment under this program will be made to an exporter in connection with the net quantity of (1) wheat and flour exported from the continental United States (and Puerto Rico in the case of flour only), (2) wheat shipped to Canada via the Great Lakes only if exported from a Canadian port on the St. Lawrence River and (3) flour shipped to Canada and exported from Canadian ports, excluding West Coast Canadian ports, provided such exportation is to a designated country as defined in § 483.388, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a representative of the Secretary in accordance with § 483.326, subject to the Terms and Conditions set forth in this subpart. Payment also will be made to an exporter on wheat and flour exported prior to sale for which the exporter has received a Notice of Registration from a representative of the Secretary, subject to the Terms and Conditions of this subpart, particularly § 483.309.

2. Section 483.347 is amended to read as follows:

§ 483.347 Documents required to evidence exportation of wheat.

Each Public Voucher, Form CSS–21, must be supported by the following documentary evidence, as applicable, unless otherwise approved by the Director:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading issued at the point of export, certified by the exporter as true and correct, and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed and the designated country to which the wheat was shipped. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale or the country of destination approved by the Director pursuant to § 483.306, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, showing that the country of destination is, in fact, the country to which the wheat is required to be exported.

(b) If exportation is by rail or truck, one copy of the Shipper's Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the wheat.

(c) A copy of an official loading weight certificate as defined in § 483.401 applicable to the wheat described in the on-board-ship bill of lading issued at the point of export or Shipper's Export Declaration and showing (1) date and place of issuance and (2) name of vessel, and description of hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the wheat described in the on-board-ship bill of lading issued at the point of export or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat and (3) name of vessel and description of the hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of the wheat from the continental United States to the export vessel described in the on-board-ship bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the continental United States, and (3) a copy of an official loading weight certificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, the Director may accept such other evidence of export as will establish to the satisfaction of the Director that the exporter has fully complied with his obligations to export.

(g) If the shipper or consignor named in the on-board bill(s) of lading or the

Shipper's Export Declaration(s), is other than the exporter named in the Notice of Sale and Declaration of Sale waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas identified in the Appendix to these Terms and Conditions the bills of lading or other pertinent documentary evidence required to be furnished to the Director shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movements to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the exporter that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against the exporter's agreement with the Secretary, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with the Secretary under this program or under any other export program of CSS or CCC pursuant to which CSS or CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CSS and/or CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

3. A new § 483.401 is added which shall read as follows:

§ 483.401 Official Weight Certificate.

"Official Weight Certificate" means a weight certificate issued:

(a) By Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial, paid employees stationed at elevators, or

(b) By or on authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent, impartial, supervising weighmaster employed by one of the above organizations.

Sec. 32, 49 Stat. 774, as amended; 7 U.S.C. sec. 612C)

Effective date. The amendment shall become effective on September 5, 1959.

Issued this 3d day of September 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7481; Filed, Sept. 8, 1959; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

TEXAS; QUARANTINE

On May 23, 1959, there were published in the FEDERAL REGISTER (24 F.R. 4184) notices of public hearing and of proposed rule making concerning the quarantining of the State of Texas because of the khapra beetle.

After public hearing and due consideration of all relevant matters presented pursuant to the notices, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), notice of quarantine relating to the khapra beetle (7 CFR, 1958 Supp., 301.76) is hereby amended by deleting the word "and" before the words "New Mexico" therein, and by adding the words "and Texas" after the words "New Mexico".

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

This amendment shall become effective September 9, 1959.

The purpose of this amendment is to include the State of Texas within the area quarantined because of the khapra beetle, the pest having been recently discovered in certain parts of that State. Supplementary administrative instructions are being issued concurrently to place under regulation premises in the State infested with the khapra beetle.

This amendment should be effective as soon as possible in order to be of maximum benefit in preventing the spread of the khapra beetle. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of September 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7475; Filed, Sept. 8, 1959; 8:50 a.m.]

[P.P.C. 612, 23d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

Revised Administrative Instructions Designating Premises as Regulated Areas

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Mila Booth Farm, located 2¾ miles south and ¾ mile east of Colorado River Indian Agency, P.O. Box 1993, Parker.

Don Calder Dairy, 915 South Horne Lane, Mesa.

Camelback Inn Horse Stable, 5402 East Lincoln Drive, Phoenix.

Tom Drennen Farm, located ½ mile north and 2 miles east of LOFO No. 1, % Colorado River Trading Co., Parker.

Carl Eaves Stables, 1604 North Center Street, Mesa.

Mrs. J. C. Lincoln Goat Dairy, East McDonald Road and Saguaro Road, Scottsdale.

Joseph Smiley Chicken Yard, 1308 West Tonto Avenue, Phoenix.

George Willis Chicken Yard, 928 North Center Street, Mesa.

CALIFORNIA

Coachella Valley Feed Yard, located east side of Highway 111, south of Avenue 54, P.O. Box 226, Thermal.

TEXAS

W. J. Bailey property, 7137 Dale Road, El Paso.

Heid Brothers Feed and Seed Store, 1705 Texas Avenue, El Paso.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

Advance Seed & Grain Co. (Grain Division), 310 South 24th Avenue, Phoenix.

Hi-Jolly Date Farm, 4500 East Main Street, Mesa.

NEW MEXICO

Jim Akers Dairy Farm, Highway 85, located 2 miles south of Hatch, P.O. Box 12, Hatch.

Frank Erdell (dairy), located 2 miles west and 1 mile north of the junction of Highways 70-80 and 85, Route 2, Box 85, Las Cruces.

TEXAS

Clint Grocery Store, Clint.

A. H. Dean property, 8211 Carpenter Drive, El Paso.

El Paso Union Stock Yards, 1600 East 11th Street, El Paso.

Emmett's Poultry and Egg Company, 150 North Piedras Street, El Paso.

Furr's Super Market, 7690 North Loop Road, El Paso.

H&M Grocery Store, Fort Hancock.

L. M. Hamilton property, 4036 Emery Way, El Paso.

The Penn Dairy Farm, Mesa Road, El Paso.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

This revision has the effect of revoking the designation as a regulated area of certain premises in Arizona and New Mexico, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona and Texas to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision segregates certain regulated premises in Arizona, New Mexico, and Texas where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective September 9, 1959, when they shall supersede P.P.C. 612, Twenty-second Revision, effective July 22, 1959 (24 F.R. 5819).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and unnecessary, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of September 1959.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 59-7476; Filed, Sept. 8, 1959; 8:50 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Marketing Quota Regulations, 1960-61 Marketing Year

Correction

In F.R. Doc. 59-7090, appearing at page 6889 of the issue for Wednesday, August 26, 1959, the words "county committee" should be inserted following "community committee," in § 723.1112(a).

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations, 1960-61 Marketing Year

Correction

In F.R. Doc. 59-7091, appearing at page 6895 of the issue for Wednesday, August 26, 1959, the numerals "1056." terminating § 725.1113 should read "10.56."

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 360]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.974 Orange Regulation 360.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the bases of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is unsufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 1, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., September 14, 1959, and ending at 12:01 a.m., e.s.t., September 21, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 324 oranges, packed in ac-

cordance with the requirements of a standard pack, in a standard nailed box.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 3, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7471; Filed, Sept. 8, 1959; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[B.A.I. Order 309, Amdt. 20]

PART 73—SCABIES IN CATTLE

PART 74—SCABIES IN SHEEP

Permitted Dips; Substances Allowed

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), Parts 73 and 74 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, containing the regulations restricting the interstate movement of cattle and sheep because of scabies, are amended as follows:

§ 73.2 [Amendment]

1. The portion of paragraph (a) of § 73.2 preceding subparagraph (1) is amended to read:

(a) *Conditions under which permitted after one dipping.* Cattle which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip (other than a lindane or toxaphene dip) under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate for immediate slaughter to a recognized slaughtering center, upon compliance with the following conditions:

§ 73.10 [Amendment]

2a. Paragraph (a)(3) of § 73.10 is amended to read:

(3) Dips made from wettable powders containing lindane (gamma isomer only) as the active ingredient, and maintained at a concentration of 0.075 percent. Animals treated with such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

b. A new subparagraph (4) is added to paragraph (a) of § 73.10 to read:

(4) Dips made from toxaphene emulsions (specifically permitted proprietary brands)[1] and maintained at a concentration of 0.5 percent. Animals treated by such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

c. Paragraph (c) of § 73.10 is amended to read:

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 2 percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.[2] The dipping bath for the lindane dips must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.075 percent.[3] The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°–80° F., and at a concentration of 0.5 percent during dipping operations.[3]

3. The introductory paragraph of § 74.9 is amended to read:

§ 74.9 Conditions under which permitted after one dipping.

Sheep which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip (other than a lindane or toxaphene dip) under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate, for immediate slaughter, to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

§ 74.24 [Amendment]

4 a. Paragraph (a)(3) of § 74.24 is amended to read:

(3) Dips made from wettable powders containing lindane (gamma isomer only) as the active ingredient, and maintained at a concentration of 0.06 percent. Sheep treated with such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

b. A new subparagraph (4) is added to paragraph (a) of § 74.24 to read:

(4) Dips made from toxaphene emulsions (specifically permitted proprietary brands)[1] and maintained at a concentration of 0.5 percent. Sheep treated with such dips should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division inspector who supervises the dipping with such dips.

c. Paragraph (c) of § 74.24 is amended to read:

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 1½ percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division.[4] The dipping bath for the lindane dips must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.06 percent.[3] The dipping bath for toxaphene emulsions must be kept within a temperature range of 40°–80° F., and at a concentration of 0.5 percent during dipping operations.[3]

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

The purpose of this amendment is to add dips made from toxaphene emulsions (specifically permitted proprietary brands), maintained at a concentration of 0.5 percent, to the list of dips permitted by the Department for the treatment, under Division supervision, of cattle and sheep affected with or exposed to scabies.

This amendment relieves restrictions and should be made effective immediately to be of maximum benefit to the persons subject to the restrictions being relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of September 1959.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59–7474; Filed, Sept. 8, 1959; 8:50 a.m.]

[1] Names of such dips may be obtained from the Division or a Division inspector.

[2] The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N–2." (Description available on application to the Department.)

[3] Care must be exercised in dipping animals and in maintaining the bath at the standard concentration. Detailed instructions will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

[4] The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N–3." (Description available on application to the Department.)

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

PART 112—PARCEL POST

PART 122—REGISTRATION

PART 131—POSTAL CHARGES

PART 132—NON POSTAL CHARGES AND IMPORT REGULATIONS

PART 161—SHIPPER'S EXPORT DECLARATION

PART 162—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

§ 111.1 [Amendment]

In § 111.1 *All categories,* make the following changes:

A. Subparagraph (1) of paragraph (b) is amended to add requirements as to envelopes. As amended, subparagraph (1) reads as follows:

(1) *Preparing.* (i) Prepare the articles securely, especially if they are for distant countries. International mail is handled more often and subjected to greater pressure and friction than domestic mail, hence it must be enclosed in strong envelopes or other wrappings.

(ii) Use envelopes of any light color on which the address and postmark will be legible. Do not use three-cornered envelopes. Window envelopes meeting the conditions in § 12.4 of this chapter with the exception of open-panel envelopes, are acceptable in the international mail. Open-panel envelopes are accepted only in the ordinary (unregistered) mail to Canada.

NOTE: The corresponding Postal Manual section is 221.121.

B. In paragraph (c) make the following changes for the purpose of clarification:

1. Amend subparagraph (1) to read as follows:

(1) *Prepayment.* Articles must be fully prepaid to assure dispatch without delay and without penalty against the addressees. If the missing postage cannot be collected from the mailer, the shortpaid articles are either sent to destination and double the shortage collected from the addressees or they are sent to dead letter offices for treatment.

2. Amend subdivision (iii) of subparagraph (5) to read as follows:

(iii) International reply coupons issued in other countries are exchangeable at United States post offices for postage stamps at the rate of 8 cents each, except that Canadian and Mexican international reply coupons are exchanged at the rate of 4 cents each in postage. Not more than 10 coupons may be redeemed at one time unless the article or articles which are to be prepaid are presented and the postage is affixed at the post office.

3. Amend subdivision (iv) of subparagraph (5) to read as follows:

(iv) Reply coupons issued by the Postal Union of the Americas and Spain up to March 1, 1956, are no longer valid. These coupons are printed in green ink and bear the caption "Cupón Respuesta Americo-Español." If any such coupons are received, it is suggested that they be returned to the sender for redemption through the selling post office.

4. Amend subparagraph (8) to read as follows:

(8) *Remailed articles.* New postage is required when remailing an article which has been returned from abroad because of insufficient address.

NOTE: The corresponding Postal Manual sections are 221.131, 221.135c, 221.135d and 221.138.

C. In paragraph (d) make the following changes:

1. Subdivision (iii) of subparagraph (1) is amended to relax the quantity restrictions on aerosol containers holding mailable liquid and gas under pressure less than 40 pounds. As amended, subdivision (iii) reads as follows:

(iii) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosives and inflammable articles (see § 112.3(a)(8) of this chapter), and all other articles excluded from the domestic mail, which either from their nature or packing are likely to soil or damage the mail or are injurious to health, life, or property. Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is noninflammable, the quantity of contents are not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gauge pressure) at 70° F. Liquids with flash point below 150° F are restricted as stated in § 112.3(b)(1) of this chapter. The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid contents.

2. Subparagraph (2) is amended to include instructions regarding the mailing of perishable biological materials in letter packages. As amended, subparagraph (2) reads as follows:

(2) *Restricted articles*—(i) *Gold and gold certificates.* (See § 164.1 of this chapter.)

(ii) *Tobacco seed and plants.* (See § 165.2 of this chapter.)

(iii) *Plant material generally.* (See § 112.3(b)(6) of this chapter.)

(iv) *Perishable biological materials*—(*a*) *Mailing restrictions.* Perishable biological materials including those of pathogenic nature, when sent in the postal union mail, may be sent only as letter packages packed as prescribed in (c) of this subdivision, and may be sent only to the countries that have agreed to accept them. The packages must bear distinctive violet labels by which they can readily be recognized and receive careful handling and prompt delivery. The countries that have agreed to accept letter packages containing perishable biological materials are:

Aden.	Malta.
Argentina.	Mauritius.
Australia.	Netherland Antilles.
Austria.	New Zealand.
Barbados.	Nigeria.
Belgian Congo.	North Borneo.
Belgium.	Norway.
Bermuda.	Persian Gulf Ports.
Cayman Islands.	Philippines.
Cyprus.	Poland.
Czechoslovakia.	Portugal.
Denmark.	Rhodesia and Nyasaland.
Falkland Islands.	Saint Helena.
Fiji Islands.	Salvador (El).
Germany (Eastern).	Sarawak.
Ghana.	Sierra Leone.
Gibraltar.	Somaliland Prot.
Gilbert and Ellice Islands.	Spain.
Great Britain and Northern Ireland.	Sudan.
Hong Kong.	Sweden.
Hungary.	Switzerland.
Iceland.	Tanganyika.
Jamaica.	Trinidad.
Japan.	Turkey.
Kenya and Uganda.	Turks Islands.
Lebanon.	Uruguay.
Malaya.	Zanzibar.

(*b*) *Qualification of mailers.* (*1*) Only officially recognized laboratories may send or receive letter packages containing perishable biological materials. Laboratories of the following categories are so designated:

(*i*) Laboratories of local, State and Federal Government agencies.

(*ii*) Laboratories of federally licensed manufacturers of biologic substances derived from bacteria and viruses.

(*iii*) Laboratories affiliated with or operated by hospitals, universities, research facilities, and other teaching institutions.

(*iv*) Private laboratories licensed, certified, recognized, or approved by a public authority.

(*2*) A laboratory desiring to mail letter packages containing materials of this kind shall make written application on its letterhead stationery to the International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C., explaining its qualifications and those of the prospective addressee to send and receive such materials, and stating how many packages are to be mailed. On approval, the mailer will receive a sufficient number of violet labels for the contemplated shipments.

(c) *Packaging.* (1) Perishable biological material not of a pathogenic nature must be packed in a nonporous container surrounded by sufficient absorbent material to take up all the liquid and must be placed in an outer protective container where it should fit tightly to avoid any shifting.

(2) Perishable biological material of a pathogenic nature must be packed in a tightly closed bottle or tube of heavy glass wrapped in thick absorbent material rolled several times around the bottle or tube and tied at the ends, sufficient in quantity to absorb all the liquid; the wrapped container must be placed in a strong well-closed metal box so constructed as to prevent any contamination outside of it. This metal box must be wrapped in cushioning material and placed in an outer protective box where it should fit tightly so as to avoid shifting. The outer container must consist of a hollow block of strong wood, metal, or other equally strong material with a tight lid so fitted that it cannot open during transportation.

(3) In addition to the requirements in (1) and (2) of this subdivision, packages must comply with the regulations governing the transmission of such materials in the domestic mail.

(4) The mailer must place on each package one of the violet labels mentioned in (*a*) and (*b*) of this subdivision.

3. Subparagraph (3) is amended for the purpose of clarification to read as follows:

(3) *Individual country prohibitions and restrictions.* See Individual country items in § 168.5 of this chapter.

NOTE: The corresponding Postal Manual sections are 221.141c, 221.142, and 222.143.

D. In subparagraph (1) of paragraph (e) that part of subdivision (iii) which precedes the customs forms is amended for the purpose of clarification to read as follows:

(iii) Facsimiles of the old Form 2976 and the revised form (completed to illustrate the information required) are shown below:

NOTE: The corresponding Postal Manual section is 221.151c. (R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372).

§ 111.2 [Amendment]

In § 111.2 *Specific categories*, make the following changes:

A. In subdivision (i) of paragraph (a) (5) strike out "Salvador, El", where it appears in the list of countries therein. The Postal Administration of El Salvador has given notice that dutiable articles may be sent in letter packages.

NOTE: The corresponding Postal Manual section is 221.215a.

B. Amend subdivision (ii) of paragraph (a) (5) for the purpose of clarification to read as follows:

(ii) ***Customs label to be attached.*** **The sender must complete and fix to the address side of such article the green (customs) label, Form 2976, referred to in § 111.1(e)(1). If he knows that the contents of the package are not dutiable he may, if he prefers, omit Form 2976. Acceptance for mailing will then be at his risk and the Post Office Department will assume no responsibility for the treatment that may be given the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries.**

NOTE: The corresponding Postal Manual section is 221.215b.

C. In paragraph (b) make the following changes for the purpose of clarification:

1. Amend subdivision (ii) of subparagraph (1) to read as follows:

(ii) *Airmail.* Canada and Mexico, 5 cents single; reply-paid, 7 cents on message half, 3 cents on reply half. St. Pierre and Miquelon, 8 cents single; reply-paid 8 cents on message half, 5 cents on reply half. All other countries, 10 cents single; reply-paid, letter rate (10, 15, or 25 cents) on message half and 5 cents on reply half. There is no provision whereby the reply half may be prepaid for return to the United States by airmail. See § 121.3(c) of this chapter regarding prepayment of foreign reply-paid cards to be transmitted to other countries by airmail.

2. Amend subdivision (iii) of subparagraph (3) to read as follows:

(iii) *Attachments.* Do not join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that they do not alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card, except address labels or slips which may occupy the entire address side. Stamps of any kind, likely to be confused with postage stamps, may be placed only on the back.

NOTE: The corresponding Postal Manual sections are 221.221b and 221.223c.

D. In paragraph (d) make the following changes:

1. Subdivision (iv) of subparagraph (2) is amended to eliminate the 60-pound weight limit for a single printed book when addressed to Cuba, Mexico, Panama, or El Salvador. As amended, subdivision (iv) reads as follows:

(iv) A single volume may weigh up to 22 pounds when addressed to Paraguay or Peru.

2. In subdivision (ii) of subparagraph (4), as amended by Federal Register Document 59-3245, 24 F.R. 2992, make the following changes for the purpose of clarification:

a. Subdivision (*b*) is amended to read as follows:

(*b*) Books and pamphlets, including those composed of sheets produced by mimeograph, multigraph, or other similar process, whether or not permanently bound or furnished with covers of cardboard or other material.

b. Subdivision (*n*) is amended to read as follows:

(*n*) Communications in the form of reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process are acceptable as printed matter provided a minimum of 20 identical copies are mailed at one time.

NOTE: The corresponding Postal Manual sections are 221.242d, 221.244b(2), and 221.244b(14).

3. Subparagraph (6), as added by Federal Register Document 59-3245, 24 F.R. 2992, is amended to remove the limitation on the size of packages which may be enclosed in direct sacks of prints, and to prescribe that postage shall be placed on the address tags attached to the outside of the sacks rather than on the wrapper of each package enclosed in the sacks. As amended, subparagraph (6) reads as follows:

(6) *Direct sacks of prints.* Publishers and news agents sending printed matter abroad in quantity may prepare direct sacks containing ordinary (unregistered) packages of books or other printed matter all addressed to one addressee under the following conditions:

(i) The minimum amount that may be mailed in a direct sack is 30 pounds; maximum per sack, 60 pounds.

(ii) Each package enclosed in a direct sack must bear the name and address of the sender and addressee, and must not be sealed. The packages enclosed in such sacks need not conform to the weight limits and dimensions prescribed in subparagraphs (2) and (3) of this paragraph.

(iii) An address tag or label showing the name and address of the mailer and of the addressee must be attached to the neck of the sack by means of heavy twine. Postage is calculated on the total weight of each individual sack and its contents and must be prepaid by means of postage stamps or meter stamps affixed to the address tag or label. The label holder of the sack is used by the post office for insertion of the proper post office label.

(iv) The local post office will furnish the necessary string sacks as they are needed.

(v) If a mailer has several sacks for the same addressee, the address tag on each sack must be marked with an identifying fractional number in the manner prescribed in § 112.5(b) of this chapter for group shipments of parcel-post packages.

NOTE: The corresponding Postal Manual section is 221.246.

E. In subparagraph (2) of paragraph (i) make the following changes:

1. Amend subdivision (i) for the purpose of clarification to read as follows:

(i) *Grouping permitted.* A single package may contain commercial papers, samples of merchandise, and printed matter subject to the following conditions:

(*a*) Each article taken singly must not exceed the limits of weight applicable to it.

(*b*) The total weight must not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples.

(*c*) The weight limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(*d*) The dimensions of the package must not exceed those of letters.

2. Subdivision (ii), as amended by Federal Register Document 59-2388, 24 F.R. 2117, is further amended to show that the 10 cent minimum charge applicable to articles mailed under the classification of "samples of merchandise," pursuant to the Universal Postal Convention of Ottawa, applies also in cases where samples and printed matter are grouped together in a single package or envelope. As amended, subdivision (ii) reads as follows:

(ii) *Rates.* Postage will be charged at the rate of 10 cents for the first 8 ounces and 2 cents for each additional 2 ounces or fraction. The initial 10-cent rate reflects the minimum charge applicable to packages or envelopes containing commercial papers and/or samples for transmission by surface mail. For airmail rates see individual country items in § 168.5 of this chapter.

NOTE: The corresponding Postal Manual sections are 221.292a and 221.292b.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

§ 112.2 [Amendment]

In § 112.2 *Preparing, packing, and mailing*, amend subparagraph (4) of paragraph (d) for the purpose of clarification to read as follows:

(4) *Shortpaid parcels.* Shortpaid parcels, unless intercepted at the mailing office and returned for payment of the deficient postage, are dispatched to destination. The mailer will be requested to supply the deficient postage.

NOTE: The corresponding Postal Manual section is 122.244.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

§ 112.3 [Amendment]

In § 112.3 *Prohibitions and restrictions*, make the following changes:

A. Subparagraph (9) of paragraph (a) is amended to relax the quantity restrictions on aerosol containers holding mailable liquid and gas under pressure less than 40 pounds. As amended subparagraph (9) reads as follows:

(9) Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is noninflammable, the quantity of contents not more than a pint, and not more than one container per package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gauge pressure) at 70° F. Liquids with flash point below 150° F. are restricted as stated in paragraph (b)(1) of this section. The container must be completely surrounded with sawdust, bran, or other absorbent material sufficient to take up all the liquid content.

NOTE: The corresponding Postal Manual section is 222.311.

B. Subparagraph (4) of paragraph (b) is hereby rescinded.

NOTE: The corresponding Postal Manual section is 222.324.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

§ 122.3 [Amendment]

I. In § 122.3 *Preparation*, make the following changes for the purpose of clarification:

A. Subparagraph (1) of paragraph (b) is amended to read as follows:

(1) Securely seal letters or letter packages. Wax or paper seals on envelopes must bear a distinctive mark of the sender and shall be affixed in such a way as to allow sufficient space at the intersections of the flaps for postmarking. Envelopes or packages that appear to have been opened and resealed will not be registered.

B. Paragraph (c) is amended to read as follows:

(c) *Valuable registered mail — (1) Declaration of value.* The mailer must declare the full value of postal union mail offered for registration. This is solely for the purpose of enabling the accepting clerk to identify valuable registered mail for recording purposes. The declared value must not be regarded as the amount of indemnity payable in case of loss. See § 152.2(a) of this chapter concerning limits of indemnity for registered postal union mail.

(2) *Entry on firm mailing sheets.* When valuable registered mail is presented on firm mailing sheets, the mailer must indicate the values opposite the respective entries.

NOTE: The corresponding Postal Manual sections are 232.321 and 232.33.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. Section 122.5 *Registry receipts* is amended to read as follows for the purpose of clarification:

§ 122.5 Registry receipts.

A receipt is issued to the sender for mail matter accepted for registration to other countries.

NOTE: The corresponding Postal Manual section is 232.5.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

III. Section 122.6 *Return receipts* is amended for the purpose of clarification to read as follows:

§ 122.6 Return receipts.

(a) *Requested at time of mailing.* (1) Fee: 13 cents.

(2) If the mailer desires that his return receipt be sent back by airmail, the article must be prepaid an additional fee equal to the airmail postage on a single post card to the country of destination.

(b) *Requested after mailing.* (1) Within a period of 1 year from the day following that on which a registered article or parcel was mailed, the sender may request a return receipt at the office of mailing. He must show the registry receipt.

(2) Fee: 25 cents.

(3) If the mailer wishes that his request for return receipt be sent by air, he must pay, in addition to the 25-cent fee, the postage for a one-rate airmail letter to the country of destination. To have the request sent by surface and the receipt returned by air, he must pay the same postage. To have the request and the return receipt sent in both directions by air, the sender must pay double the airmail letter rate.

(c) *Completion.* Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not furnished by some countries, or may be furnished only under specified conditions.

NOTE: The corresponding Postal Manual section is 232.6.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

§ 122.7 [Amendment]

IV. In § 122.7 *Restricted delivery* subparagraph (1) of paragraph (a) is amended as follows:

A. That part of subparagraph (1) which precedes the list of countries is amended for the purpose of clarification to read as follows:

(1) The mailer may restrict the delivery of registered postal union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and endorsed in the manner indicated:

B. Strike out the country "Montserrat (Leeward Islands)" and its accompanying data in the list of countries and insert the following new countries and their accompanying data in proper alphabetical order therein:

Country	*Endorsement required*
Burma	A remettre en main propre.
Cyprus	To be delivered to the addressee in person.
Estonia	Do.
Jamaica	Do.
Jordan	A remettre en main propre.
Latvia	Do.
Leeward Islands (except Antigua).	To be delivered to the addressee in person.
Lithuania	A remettre en main propre.
Nepal	Do.

Country	Endorsement required
Salvador (El)	A remettre en main propre or A entregar en propia mano.
Sarawak	For delivery to addressee in person.
Sierra Leone	To be delivered to the addressee in person.
Turks Islands	Do.
Vatican City State	A remettre en main propre.

NOTE: The corresponding Postal Manual section is 232.711.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

Part 131, Postal Charges, as amended by Federal Register Document 59–3245, 24 F.R. 2993, is further amended for the purpose of clarification to read as follows:

Sec.
131.1 Postage due.
131.2 Customs clearance and delivery fees.
131.3 Charges on returned mail.
131.4 Storage charges.
131.5 Letters in parcels or in AO mail.
131.6 Letters with fraudulent or previously used stamps.

AUTHORITY: §§ 131.1 to 131.6 issued under R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372.

§ 131.1 Postage due.

On shortpaid postal union mail the addressee is charged on delivery the equivalent of double the missing postage.

§ 131.2 Customs clearance and delivery fees.

On every dutiable parcel post package and every dutiable small packet, including packages subject to internal revenue tax, the addressee is charged 33 cents on delivery. On every dutiable or taxable postal union article other than a small packet, 13 cents is charged. These charges are authorized by international postal conventions and agreements as partial reimbursement to the Postal Service for the work it performs in clearing packages through customs and delivery to the addressee. When a package is delivered with collection of duties or taxes and the postal fee of 13 or 33 cents, no refund will be made of the postal fee even though the customs service may later refund the customs duty charges paid by an addressee.

§ 131.3 Charges on returned mail.

On articles or parcels which are returned as undeliverable, the sender must pay the charges indicated in § 141.1(c) (2) or § 141.2(b) (2) of this chapter.

§ 131.4 Storage charges.

Postal storage charges apply to all parcel-post packages, and to postal union printed matter, commercial papers, and small packets exceeding 1 pound in weight. If any such package is allowed to remain in the post office, 10 cents per day must be paid beginning with the 11th day from the first attempt at delivery or the issuance of the first notice that the package is ready for delivery. Sundays and holidays are not counted. When a package is held pending decision as to customs duty (see § 132.1(c) of this chapter), the storage charges begin 10 days after the decision is given.

§ 131.5 Letters in parcels or in AO mail.

A letter found in a parcel or in an article of AO mail is charged with double the postage (surface or air) applicable to a single-rate letter to the country concerned.

§ 131.6 Letters with fraudulent or previously used stamps.

If a letter is observed in the country of mailing to bear invalid postage, it will be rated as entirely unpaid and accompanied by a request of the foreign postal authorities for the name of the mailer and return of the envelope. To obtain delivery the addressee must pay the postage due (see § 131.1), and agree to surrender the envelope and give the name and address of the sender if known to him.

NOTE: The corresponding Postal Manual Part is 242.

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§ 132.1 [Amendment]

In § 132.1 *Nonpostal charges and import regulations*, make the following changes:

A. Subparagraph (2) of paragraph (b) is amended for the purpose of clarification to read as follows:

(2) *Receipts for duty paid.* The addressee must sign the original customs mail entry form, as well as the required receipt for registered and insured mail where applicable. The delivering postal employee will sign the duplicate mail entry and give it to you as a receipt.

NOTE: The corresponding Postal Manual section is 242.122.

B. Subparagraph (3) of paragraph (c) is amended to permit a person other than the addressee to complete the declaration for free entry of a dutiable tourist package when he knows the contents of the package are entitled to free entry under the addressee's personal exemption. As amended, subparagraph (3) reads as follows:

(3) *Unaccompanied articles—tourist purchases.* If a package containing purchases made while the addressee or members of his family were traveling abroad is offered for delivery assessed with duty, it will be delivered without collection of the duty if the articles were declared in writing on the addressee's return, the value of the articles is within his tourist exemption, and he surrenders to the delivering postal employee a completed customs Form 3351, Release For Unaccompanied Tourist Shipment, on which the description and value of the articles in the package substantially agree with those shown on the mail entry, customs Form 3419, accompanying the package. If the addressee cannot produce a customs Form 3351, properly describing the contents of the package, but claims the package to be free under a tourist exemption to which he or some member of his family is entitled, the package will be delivered without collection of the duty on execution by him of the "Declaration of Claimant for Free Entry of Mail Parcels Under Tourist Exemptions" printed on the reverse side of the duplicate copy of the mail entry. A person who is not the addressee of the package, but who has knowledge of the fact that the contents of the package are entitled to free entry as a tourist purchase, may complete the spaces on the declaration on behalf of the addressee, sign for the addressee, and state his relationship to him.

NOTE: The corresponding Postal Manual section is 142.133.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

Part 161, Shipper's Export Declaration, as amended by Federal Register Document 59–5752, 24 F.R. 5610, is further amended to reflect certain changes in the conditions relating to completion of Shipper's export declaration and to clarify regulations therein. As amended, Part 161 reads as follows:

Sec.
161.1 When required.
161.2 Preparation.
161.3 Information to be furnished.
161.4 How obtained.

AUTHORITY: §§ 161.1 to 161.4 issued under R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372.

§ 161.1 When required.

Business concerns sending merchandise valued at $50 and over to other business concerns:

(a) From the United States,[1] Puerto Rico or the Virgin Islands of the United States to any foreign country and the Canal Zone;

(b) From the United States [1] to Puerto Rico and to the United States possessions; [2]

(c) From Puerto Rico or the Virgin Islands of the United States to the United States; [1]

must fill out a Shipper's Export Declaration on Department of Commerce Form 7525–V, and present it at the post office at the time of mailing. The Shipper's Export Declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Bureau of Foreign Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 162 of this chapter.) The declaration need not be furnished for catalogs, instruction books, and other advertising matter, or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 162.3 (c) of this chapter.

[1] For purposes of this instruction the term "United States" refers to the 50 States and the District of Columbia.

[2] Virgin Islands of the United States, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

§ 161.2 Preparation.

Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized.

§ 161.3 Information to be furnished.

(a) The following are the only items on the Shipper's Export Declaration (Commerce Form 7525–V) which are required to be filled in by the sender of a postal shipment:

(1) *Item 2.* Name of post office where shipment is being mailed. (Insert in space on the form reading From * * * (U.S. port of export).)

(2) *Item 3.* Name and address of exporter.

(3) *Item 4.* Name and address of forwarding agent, if any.

(4) *Item 5.* Name and address of ultimate consignee.

(5) *Item 6.* Name and address of intermediate consignee, if any.

(6) *Item 8.* Country of final destination.

(7) *Item 10.* Number of packages being mailed; description of merchandise and export license number and expiration date, or general license symbol.

(8) *Item 13.* Schedule B, commodity number.

(9) *Item 14.* Net quantity of merchandise, in Schedule B units.

(10) *Item 15.* Value of merchandise.

(b) To comply with the destination control regulations of the Commerce Department, each Form 7525–V, except for shipments addressed to Canada for consumption in that country, must bear one of the following statements:

(1) These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

(2) These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country). Diversion contrary to United States law prohibited.

(3) United States law prohibits distribution of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos, unless otherwise authorized by the United States.

(c) The description of contents and units of quantity must be in the detail required by Schedule B. Statistical Classification of Domestic and Foreign Commodities Exported from the United States, 1958 edition. Schedule B may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., from Collectors of Customs, or from Department of Commerce field offices located in the principal cities of the United States. General descriptions, such as dry goods, groceries, millinery, etc., are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

§ 161.4 How obtained.

Occasional shippers may obtain Form 7525–V free of charge at local post offices. Regular exporters may obtain copies of the Shipper's Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., from Collectors of Customs, or from Department of Commerce field offices at a cost of 75 cents per block of 100. They may be privately printed, provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement.

NOTE: The corresponding Postal Manual Part is 271.

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§ 162.1 [Amendment]

§ 162.1 *Scope and Applicability* is amended for the purpose of clarification to read as follows:

§ 162.1 Scope and applicability.

The Bureau of Foreign Commerce, Department of Commerce, controls all exportations, except certain commodities licensed for export by other United States Government agencies, to all countries except Canada. Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities by parcel post or letter package, and technical data as printed matter, parcel post, or letter package. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Public Notice—Requirements for Exportations by Mail" which can be found on bulletin boards in larger post offices, stations, and branches. Further inquiry may be made of the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C., or of any field office of that Department.

NOTE: The corresponding Postal Manual section is 272.1.

(R.S. 161, as amended, 396, as amended, 398, as amended, 5 U.S.C. 22, 369, 372.)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 59–5478; Filed, Sept. 8, 1959; 8:48 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

Part 168, Directory of International Mail, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117–2195 as Federal Register Document 59–2388, is amended as follows:

I. In § 168.1 *Postal union mail* subparagraph (1) of paragraph (a), as added by Federal Register Document 59–4137, 24 F.R. 3990, is amended to clarify the regulations therein, and to eliminate the reference to a 60 pound weight limit for a single printed book. As amended, subparagraph (1) reads as follows:

(1) *Printed matter weight limits.* Printed matter is subject to a weight limit of 6 pounds 9 ounces, except printed books which may weigh up to 11 pounds. The following additional exceptions apply:

(i) To Paraguay and Peru a package of printed matter may weigh up to 11 pounds; a single printed book may weigh up to 22 pounds.

(ii) To Argentina, Bolivia, Brazil, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), Spanish Guinea and Spanish West Africa a package of printed matter may weigh up to 22 pounds.

(iii) To Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, El Salvador, Uruguay, and Venezuela a package of printed matter may weigh up to 33 pounds.

(iv) A package of second-class publications mailed to Canada at the postage rates prescribed in § 111.2(d) (1) (i) (b) (*1*) of this chapter may weigh up to 66 pounds.

II. In § 168.2 *Ready reference tables for computing surface rates on Postal Union "other articles"* the following changes are made to state more clearly the rates and weight limits for various classes of mail.

A. Table I is amended to read as follows:

TABLE I—FOR SMALL PACKETS

[Rate: 4 cents for each 2 ounces or fraction of 2 ounces with minimum charge of 20 cents]

Lbs. Oz.	Rate	Lbs. Oz.	Rate	Lbs. Oz.	Rate
0 10	$0.20	1 4	$0.40	1 14	$0.60
0 12	.24	1 6	.41	2 0	.64
0 14	.28	1 8	.48	2 2	.68
1 0	.32	1 10	.52	2 3	.72
1 2	.36	1 12	.56		

B. Table II is amended to read as follows:

TABLE II—FOR PRINTED MATTER (EXCEPT BOOKS, PRINTED SHEET MUSIC, AND SECOND-CLASS MATTER AT SPECIAL RATES), SAMPLES OF MERCHANDISE AND COMMERCIAL PAPERS

See § 168.1(a) (1) for weight limits.

Rates: 4 cents first 2 ounces; 2 cents each additional 2 ounces]

Lbs. Oz.	Rate	Lbs. Oz.	Rate	Lbs. Oz.	Rate
0 2[1]	$0.04	2 6	$0.40	4 10	$0.76
0 4[1]	.06	2 8	.42	4 12	.78
0 6[1]	.08	2 10	.44	4 14	.80
0 8	.10	2 12	.46	5 0	.82
0 10	.12	2 14	.48	5 2	.84
0 12	.14	3 0	.50	5 4	.86
0 14	.16	3 2	.52	5 6	.88
1 0	.18	3 4	.54	5 8	.90
1 2	.20	3 6	.56	5 10	.92
1 4	.22	3 8	.58	5 12	.94
1 6	.24	3 10	.60	5 14	.96
1 8	.26	3 12	.62	6 0	.98
1 10	.28	3 14	.64	6 2	1.00
1 12	.30	4 0	.66	6 4	1.02
1 14	.32	4 2	.68	6 6	1.04
2 0	.34	4 4	.70	6 8	1.06
2 2	.36	4 6	.72	6 9	1.08
2 4	.38	4 8	.74		

[1] Ten cents is the minimum postage chargeable on *Samples of Merchandise* and *Commercial Papers*.

To determine the postage for packages of printed matter weighing over 6 pounds 9 ounces addressed to countries admitting them (see § 168.1(a)(1) of this chapter),

compute the rate for the pounds alone at 16 cents per pound. Then if there are no remaining ounces, add 2 cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weighs 21 pounds, compute the rate at 16 cents and add 2 cents, finding the rate to be $3.38. If a package weighs 21 pounds 5 ounces, compute the rate for 21 pounds at 16 cents ($3.36) and add the rate for the ounces (8 cents), finding the rate to be $3.44.

C. In Table III, *For Books and Printed Sheet Music to All Countries Except Those Listed in Table IV*, make the following changes:

1. Add the parenthetical phrase "(See § 168.1(a)(1) of this chapter for weight limits)" immediately following the title heading of the table.

2. In the tabular weight and rate data strike out "1 6 lbs. 9 oz------Rate $0.81" where it appears in the table therein.

3. Strike out footnote 1 and redesignate footnote 2 as footnote 1 and add a paragraph immediately following new footnote 1 to read as follows:

"To determine the postage for packages over 11 pounds addressed to Spain and Spanish possessions, compute the rate for the pounds alone at 12 cents per pound. If there are no remaining ounces, add 1½ cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weighs 21 pounds, compute the rate at 12 cents and add 1½ cents, finding the rate to be $2.53½ cents. If a package weighs 21 pounds 5 ounces, compute the rate for 21 pounds at 12 cents ($2.52) and add the rate for the ounces (6 cents), finding the rate to be $2.58.

D. In Table IV, make the following changes:

1. Add the parenthetical phrase "(See § 168.1(a)(1) of this chapter for weight limits)" immediately following the list of countries and preceding the tabular data.

2. Strike out the two paragraphs immediately following the tabular data and insert in lieu thereof the following:

To determine the postage for packages weighing over 11 pounds, compute the rate for the pounds alone at 8 cents per pound. If there are no remaining ounces, add 1 cent; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weighs 21 pounds, compute the rate at 8 cents and add 1 cent, finding the rate to be $1.69. If a package weighs 21 pounds 5 ounces, compute the rate for 21 pounds at 8 cents ($1.68) and add the rate for the ounces (4 cents), finding the rate to be $1.72.

III. In § 168.5 *Individual country regulations*, make the following changes:

A. In each of the countries listed below, under Postal Union Mail, the item *Letter packages containing dutiable merchandise*, is amended by adding thereto the following: "Perishable biological material accepted. See § 111.1(d)(2)(iv) of this chapter."

Aden (including Kamaran and Perim).
Argentina.
Australia (including Lord Howe Island, Norfolk Island, Thursday Island, and the Cocos [Keeling] Islands).
Austria.
Barbados.
Belgian Congo (including Trust Territory of Ruanda-Urundi).
Belgium.
Bermuda.
Cyprus.
Czechoslovakia.
Denmark.
Falkland Islands (including South Georgia).
Fiji Islands.
Ghana.
Gibraltar.
Gilbert and Ellice Islands Colony (Fanning, Washington, Christmas, Ocean, Gilbert, and Ellice Islands).
Great Britain and Northern Ireland (England, Scotland, Wales and Channel Islands, and Northern Ireland).
Hong Kong (including Kowloon).
Hungary.
Iceland.
Jamaica (including Cayman Islands).
Kenya and Uganda.
Lebanon (Republic of).
Malta (including Gozo and Cumino Islands).
Mauritius and Dependencies (including Rodrigues).
New Zealand (including Cook Islands [Rarotonga, Mangaia, Atiu, Aitutaki, Mitiaro, Mauke (or Parry) and Hervey or Manuai] and Danger (Pukapuka), Manahiki, Palmerston (Avarua), Penrhyn (Tongareva), Rakaanga, Savage (Niue) and Suwarrow Islands).
Nigeria.
North Borneo (State of).
Norway (including Spitzbergen).
Persian Gulf Ports (British Postal Agencies at Bahrein, Kuwait, Doha (Qatar), Dubai (including Sharja), Muscat and Umm Said).
Philippines (Republic of the).
Poland.
Portugal.
Rhodesia and Nyasaland (Federation of).
Saint Helena.
Sarawak.
Sierra Leone.
Somaliland Protectorate.
Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; Ceuta, Melilla, Alhucemas Island, Chafarinas or Zafarani Islands, and Penón de Velez de la Gomera).
Sudan.
Sweden.
Switzerland (including Liechtenstein).
Tanganyika Territory.
Trinidad and Tobago.
Turkey.
Turks Islands (including Caicos Islands).
Uruguay.
Zanzibar and Pemba.

B. In each of the countries listed below, under Postal Union Mail, the item *Registration* is amended by adding thereto a sentence reading "See § 122.7(a) of this chapter concerning restricted delivery."

Afghanistan.
Albania.
Austria.
Belgium.
Bulgaria.
Burma.
Cyprus.
Czechoslovakia.
Denmark.
Estonia.
Falkland Islands (including South Georgia).
Finland.
French Somaliland.
Greece (including Crete and Dodecanese Islands [Astypalaia, Chalki, Kalymnos, Karpathos, Kassos, Kastellorizo, Kos, Leipsos, Leros, Nissiros, Patmos, Rodos, Symi, and Tilos].
Hungary.
Iceland.
Italy (including Republic of San Marino).
Jamaica (including Cayman Islands).
Jordan (Hashemite Kingdom) (including Central Arab Palestine).
Latvia.
Lebanon (Republic of).
Leeward Islands (Anguilla, Antigua, Barbuda, Montserrat, Nevis, Redonda, Saint Christopher or Saint Kitts and Virgin Islands (British)).
Lithuania.
Luxembourg.
Nepal.
Philippines (Republic of the).
Portugal.
Rumania.
Sarawak.
Saudi Arabia (Kingdom of).
Sierra Leone.
Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; Ceuta, Melilla, Alhucemas Island, Chafarinas or Zafarani Islands, and Penón de Velez de la Gomera).
Sweden.
Switzerland (including Liechtenstein).
Turkey.
Turks Islands (including Caicos Islands).
Union of Soviet Socialist Republics.
Uruguay.
Vatican City State.

C. In country "China", under Postal Union Mail, the item *Registration* is amended by adding thereto a sentence reading: "See §122.7(a) of this chapter concerning restricted delivery, 'Taiwan' only."

D. In country "Germany", under Postal Union Mail, make the following changes:

1. The item *Letter packages containing dutiable merchandise* is amended by adding thereto the following: "Perishable biological material accepted to 'Eastern Germany' only. See § 111.1(d)(2)(iv) of this chapter."

2. The item *Registration* is amended by adding thereto a sentence reading "see § 122.7(a) of this chapter concerning restricted delivery."

E. In country "Japan", under Postal Union Mail, the item *Observations* is amended by adding thereto the following: "Perishable biological material accepted. See § 111.1(d)(2)(iv) of this chapter."

F. In country "Malaya", under Postal Union Mail, make the following changes:

1. In the first paragraph strike out the parenthetical phrase "(including Christmas Island)" where it appears in the list of postal territories of Malaya.

2. The item *Letter packages containing dutiable merchandise* is amended by adding thereto the following: "Perishable biological material accepted. See § 111.1(d)(2)(iv) of this chapter."

G. In country "Netherlands", under Parcel Post, the item *Import Restrictions*, as amended by Federal Register Document 59-6886, 24 F.R. 6712 is further amended by striking out the first paragraph therein as a result of Netherlands' authorities giving notice of the relaxation of import license requirements.

H. In country "Salvador El", under Postal Union Mail, make the following changes:

1. In the item *Letter packages containing dutiable merchandise*, strike out "not accepted" and insert in lieu thereof the following: "accepted. See § 111.2(a)(5) of this chapter. Perishable biological materials accepted. See § 111.1(d)(2)(iv) of this chapter."

2. The item *Registration* is amended by adding thereto a sentence reading "See § 122.7(a) of this chapter concerning restricted delivery."

I. In country "Windward Islands (Dominica, Grenada, The Grenadines, Saint Lucia, and Saint Vincent)", under Postal Union Mail, the item *Registration* is amended by adding thereto a sentence reading: "See § 122.7(a) of this chapter concerning restricted delivery, available to Dominica only."

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7459; Filed, Sept. 8, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1966]

[BLM 046036]

LOUISIANA

Withdrawing Lands for Use of Department of the Army in Connection With Bayou Bodcau Dam and Reservoir Project, Additional to Those Withdrawn by Public Land Order No. 1061 of February 3, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Louisiana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under jurisdiction of the Secretary of the Interior for use by the Department of the Army in connection with the Bayou Bodcau Dam and Reservoir Project, Louisiana, as authorized by the Act of June 28, 1938 (52 Stat. 1215):

LOUISIANA MERIDIAN

T. 20 N., R. 11 W.,
Sec. 3, lot 15;
Sec. 12, lot 17;
Sec. 13, lot 17.

The areas described aggregate 5.40 acres.

2. The use by the Department of the Army shall be limited to flowage purposes for flood control. The Bureau of Land Management, Department of the Interior, shall continue to manage the surface and subsurface resources of the lands.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59-7446; Filed, Sept. 8, 1959; 8:46 a.m.]

[Public Land Order 1967]

[Oregon 06398]

OREGON

Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U.S.C. 300), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands, excepting any mineral deposits therein, are hereby withdrawn from all forms of disposal under the public-land laws, and reserved for use of the general public for stock-driveway purposes:

WILLAMETTE MERIDIAN, OREGON

LAKE COUNTY, GRAZING DISTRICT NO 1

T. 33 S., R. 18 E.,
Sec. 7: E½NE¼, SW¼NE¼, SE¼NW¼, NW¼SE¼, and NE¼SW¼;
Sec. 8: N½NW¼, W½NE¼, SE¼NE¼;
Sec. 9: Lots 4, 5, 6, 7, 8;
Sec. 10: W½SW¼, SE¼SW¼, S½SE¼;
Sec. 13: N½S½, and SW¼SW¼;
Sec. 14: NW¼, S½NE¼, and NE¼SE¼;
Sec. 15: N½NE¼.

The areas described aggregate 1,340.17 acres.

2. Any locatable minerals in the lands shall be subject to location and entry only in accordance with the regulations in 43 CFR 185.35, et seq.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59-7447; Filed, Sept. 8, 1959; 8:46 a.m.]

[Public Land Order 1968]

[Colorado 028038]

COLORADO

Opening Lands Under Section 24 of Federal Power Act (Power Site Reserve No. 81)

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to determination DA-416-Colorado of the Federal Power Commission, issued March 2, 1959, it is ordered as follows:

1. The following-described lands, withdrawn in Power Site Reserve No. 81 by the Executive order of July 2, 1910, shall, at 10:00 a.m. on December 2, 1959, be open to application, petition, location and selection under applicable public land laws, subject to valid existing rights, the requirements of applicable laws, the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, and to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended:

SIXTH PRINCIPAL MERIDIAN

T. 4 S., R. 74 W.,
Sec. 19, lot 1, NE¼NW¼, and NW¼NE¼.

The areas described contain 119.31 acres.

2. Until 10:00 a.m. on December 2, 1959, the State of Colorado shall have a preferred right to apply for the reservation to it, or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by the said section 24, supra.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59-7448; Filed, Sept. 8, 1959; 8:46 a.m.]

[Public Land Order 1969]

[Colorado 022318]

COLORADO

Opening Lands Under Section 24 of Federal Power Act (Power Site Reserve No. 43)

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determination DA-407-Colorado of the Federal Power Commission, issued May 19, 1958, it is ordered as follows:

The following-described lands, withdrawn in Power Site Reserve No. 43 by the Executive Order of July 2, 1910, shall, at 10:00 a.m. on December 2, 1959, be open to application, petition, location and selection under applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, and to the provisions of sec-

tion 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 2 E.,
Sec. 29, lot 1.

Containing 42.36 acres.

Until 10:00 a.m. on December 2, 1959, the State of Colorado shall have a preferred right to apply for the reservation to it, or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by the said section 24, supra. The State has waived its preference rights of application under subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2).

The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws pursuant to the Act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59–7449; Filed, Sept. 8, 1959; 8:46 a.m.]

[Public Land Order 1970]

[2090671]

ALASKA

Revoking Public Land Order No. 486 of June 15, 1948

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 486 of June 15, 1948, which withdrew the following described lands in aid of legislation, is hereby revoked:

SEWARD MERIDIAN

T. 7 S., R. 13 W.,
Sec. 1, lots 2 and 3.

Containing 63.98 acres.

2. In terms of the plot of dependent resurvey and subdivision, the lots are now described as lots 14 to 28, inclusive. Lot 22 was reserved for use of the Alaska Road Commission by Public Land Order No. 1071 of February 15, 1955, lots 21, 23, 24, 25, and 26 aggregating, 30.20 acres have been patented.

3. Subject to any valid existing rights and the requirements of applicable law, lots 14 to 20, inclusive, and lots 27 and 28 are hereby applied to filing of applications, selections, and locations in accordance with the following priorities:

a. In accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), the State of Alaska shall be entitled until 10:00 a.m. on December 2, 1959, to a preferred right to select the lands.

b. Applications under the Homestead, Alaska Homesite and Small Tract Laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, filed at or before 10:00 a.m. on October 7, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour will be governed by the time of filing.

c. All valid applications under the nonmineral public land laws other than those coming under subparagraphs (a) and (b) above, presented prior to 10:00 a.m. on January 6, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

4. All applications under paragraph 3 of this order shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. The lands have been open to applications and offers under the mineral-leasing laws and to locations for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the U.S. Mining Laws at 10:00 a.m. on January 6, 1960. Locations made prior to that time shall be invalid.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59–7450; Filed, Sept. 8, 1959; 8:47 a.m.]

[Public Land Order 1971]

[Fairbanks 020902]

ALASKA

Withdrawing Public Lands for Use of Bureau of Public Roads as Administrative and Maintenance Depot Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Bureau of Public Roads, Department of Commerce, as an administrative and maintenance depot site:

MILE POST 1253—ALASKA HIGHWAY

Beginning at a point on the centerline of the Alaska Highway, which bears southeasterly along said centerline, approximately 680 feet from mile post 1253 on the Alaska Highway, Latitude 62°55'40" North, Longitude 141°33'20" West; thence
North, 30° E., 2,360 feet;
West, 2,904.64 feet to a point on the center line of the Alaska Highway;
Southeasterly, 2,645 feet, approximately, along the centerline of the highway to the point of beginning.

The tract described contains 67.3 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59–7451; Filed, Sept. 8, 1959; 8:47 a.m.]

[Public Land Order 1972]

[Anchorage 031140]

ALASKA

Partly Revoking Public Land Order No. 1654 of June 13, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1654 of June 13, 1958, so far as it reserved the following-described lands for preservation of scenic values and for public service sites is hereby revoked:

SEWARD MERIDIAN

T. 11 N., R. 3 W.,
Sec. 10, lots 11, 12, 16, an 17, and W½ SW¼NW¼.

Containing 33.92 acres.

2. Until 10:00 a.m. on December 2 1959, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. Beginning at 10:00 a.m. on December 2, 1959, the lands shall be open only to settlement under the homestead laws or under the Alaska Homesite Act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461), or to application under the Small Tract Laws, and to those forms of appropriation only by qualified veterans of World War II and the Korean Conflict and by other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended. Commencing at 10:00 a.m. on March 2, 1960, the lands shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59–7452; Filed, Sept. 8, 1959; 8:47 a.m.]

[Public Land Order 1973]

ALASKA

Reserving Certain Areas Near Juneau Townsite for Various Public Purposes; Revoking Executive Order No. 9173 of May 23, 1942, and Public Land Order No. 657 of August 15, 1950

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described areas, all of which are portions of U.S. Survey No. 3566, and which consist of filled lands formerly lying below the line of ordinary high tide of Gasteneau Channel, are hereby reserved as follows:

[Juneau 010383]

For use of the Forest Service, Department of Agriculture, as an administrative site:

Lot 3,
Containing 0.88 acre.

[Juneau 011495]

For use of the Bureau of Commercial Fisheries, Department of the Interior, as an administrative site:

Lot 6,
Containing 2.02 acres.

[Juneau 010244]

For use of the United States Coast Guard for dock and warehouse and other Coast Guard purposes:

Lots 2a, 2b, 2c, 4, 5, and 7,
Containing 1.58 acres.

2. Executive Order No. 9173 of May 23, 1942, transferring the Government dock and approach at Juneau, in terms of metes and bounds, from the jurisdiction of the Secretary of the Interior to the jurisdiction of the Secretary of the Navy for use of the Coast Guard, is hereby revoked. In terms of the public land surveys, the lands affected by this paragraph are described as follows:

U.S. Survey No. 3566,
Lots 2a, 2b, and 2c,
Containing 0.66 acre.

3. Public Land Order No. 657 of August 15, 1950, reserving, subject to Executive Order No. 9173, for use of the Department of the Army, an area in front of U.S. Survey No. 7, Townsite of Juneau, in terms of metes and bounds, is hereby revoked. In terms of the public land surveys the lands would be described as follows:

[49810]

U.S. Survey No. 3566,
Lots 1, 2a, 2b, 2c, 4, 6, and 7.
Containing 13.62 acres.

4. Lot 1 has been patented to the State pursuant to the provisions of the act of March 28, 1957 (71 Stat. 8). The remaining lots described in paragraphs 2 and 3 are included in the reservations made by paragraph 1.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 1, 1959.

[F.R. Doc. 59–7453; Filed, Sept. 8, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 86; Amdt. 40–18]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Deletion of Certain Definitions; Effective Date

Amendment 40–18, amending Part 40 by deleting certain definitions, was published in the FEDERAL REGISTER on August 13, 1959 (24 F.R. 6580). Although the amendment was drafted to become effective on such date of publication it did not contain an express provision to that effect. To prevent any misunderstanding as to the effective date Amendment 40–18 is amended to include the statement "This amendment shall become effective on August 13, 1959."

(Secs. 313(a), 307, 604, 72 Stat. 752, 749, 778; 49 U.S.C. 1354(a), 1348, 1424)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–7441; Filed, Sept. 8, 1959; 8:45 a.m.]

[Reg. Docket No. 84, Supp. 28]

PART 60—AIR TRAFFIC RULES

Military Jet Aircraft Two-Way Radio Failure Procedures

The supplement to Part 60 of the Civil Air Regulations, entitled "Military Jet Aircraft Two-Way Radio Failure Procedures," which appeared in the issue of the FEDERAL REGISTER for Saturday, August, 8, 1959, at 24 F.R. 6388, was identified incorrectly as "Supp. 16". That identification should be corrected to read "Supp. 28".

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354(a))

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–7440; Filed, Sept. 8, 1959; 8:45 a.m.]

[Reg. Docket No. 108; Supp. 29]

PART 60—AIR TRAFFIC RULES

Rescission of Obsolete Provisions

Section 60.32–1 *Odd or even altitudes on airways*, and § 60.32–2, *Cruising altitudes within the continental control area*, were rendered obsolete by the adoption of the new "semi-circular" cruising altitude rules of Civil Air Regulation Amendment 60–10, effective August 15, 1958 (23 F.R. 4135).

This amendment rescinds these provisions because they are no longer applicable. Since the amendment is technical in nature and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, §§ 60.32–1 and 60.32–2, and footnote one to the latter section, are hereby rescinded.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 313(a) and 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–7442; Filed, Sept. 8, 1959; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. No. ER–282]

[Amdt. 12]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of September 1959.

At the present time, the Board's accounting regulations require the certificated air carriers to treat the expenses incurred in the issuance of capital stock as assets and provide that such expenses may be amortized by the carriers to profit and loss account 89 "Miscellaneous Non-operating Debits." However, during the past year, several carriers have expressed the opinion that such a treatment of stock issue expenses does not conform with a generally accepted accounting practice of reflecting the net proceeds realized from the issuance of stock after offsetting related issuing expenses in the paid-in capital section of the balance sheet.

In comments concerning the balance sheet classification appropriately ac-

corded capital stock expenses, many certificated carriers and professional accountants have supported the view that expenses incurred in the issuance of capital stock should be treated as an offset to paid-in capital.

While the Board is of the opinion that the present classification of such expenditures as assets is in accord with accounting theory, it also recognizes that there is substantial authoritative support for the position that stock issue expense should be offset against the net capital contributed. Established and recognized accounting practice appears to permit a choice in this respect. Furthermore, while as a matter of principle the investors are entitled to the right of full accountability over the gross funds contributed by them to the business, the offset of capital stock issue expense against paid-in capital can scarcely adversely affect the users of air transport services. In these circumstances the problem involves the corporate responsibilities of management and stockholders more directly than the regulatory responsibilities of the Board.

Therefore, since many of the air carriers desire to treat stock issuance expenses as an offset to paid-in capital and since such treatment is not expected to have any impact upon the Board's ratemaking processes, will not adversely affect the public interest and will satisfy the Board's accounting needs, the Board believes it appropriate to modify its accounting regulations to permit the optional classification of capital stock expenses as either assets or as offsets to paid-in capital.

Since this amendment relaxes the existing regulations and will not subject any person to any burden, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR, Part 241), effective September 9, 1959, as follows:

1. By adding the following sentence to § 241.6–1850 Unamortized Capital Stock Expense: "The air carrier may, at its option, record expenses incurred in the issuance of capital stock in balance sheet account '2890 Other Paid-In Capital' as an offset to paid-in capital."

2. By adding the following sentence to § 241.6–2890.2 Discount on Capital Stock: "The air carrier may, at its option, record in this subaccount commissions and expenses incurred in the issuance of capital stock and may charge balance sheet account '2940 Unappropriated Retained Earnings' to the extent capital stock expense may exceed any existing balance of paid-in capital over the par or stated value of capital stock."

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 59–7465; Filed, Sept. 8, 1959; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 109; Amdt. 37]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

Seven known instances of blade failure on Hamilton Standard surface-treated aluminum alloy propeller blades are attributed to previous bending caused by impact with solid objects. Since such damage may not be immediately visible but could result in fatigue failure, all Hamilton Standard surface-treated aluminum alloy blades must be inspected when subjected to known or suspected impact with solid objects.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59–17–3 HAMILTON STANDARD. Applies to all Hamilton Standard surface-treated aluminum alloy propeller blades which experience impact. These blades may be installed on such aircraft models as B377, CV240, CV340, CV440, DC6/A/B, DC7/A/B/C, LO49, L749A, L1049/C/D/G/H, L1649A, M202A, M404.

Compliance required as indicated.

All surface-treated aluminum alloy propeller blades exposed to known or suspected impact with solid objects (blades static or rotating) must be disposed of as outlined herein and in Hamilton Standard Service Bulletin No. 596 (formerly 473 and 473A).

(a) If the track is affected or if bending, twisting, or other damage is evident, the propeller shall be removed immediately and returned to Hamilton Standard for repair.

(b) If the track is unaffected and there is no visual evidence of bending, twisting, or other damage, aircraft may continue service operation to the first station where facilities exist for performing blade face alinement checks in accordance with Hamilton Standard instructions. Blades inspected and repaired in accordance with Hamilton Standard instructions may be returned to service.

(Hamilton Standard Service Bulletins Nos. 339C, 339D, and 596 (formerly 473 and 473A) cover this same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE, *Acting Administrator.*

[F.R. Doc. 59–7443; Filed, Sept. 8, 1959; 8:46 a.m.]

[Reg. Docket No. 110; Amdt. 38]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of reports received concerning complete or partial disintegration of certain type Purolator filter elements used in pressure filter and auxiliary return filter assemblies on Boeing 707 series aircraft, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive to become effective upon publication in the FEDERAL REGISTER:

59–17–2 BOEING. Applies to all Model 707 Series aircraft.

Compliance required as indicated.

Several reports have been received concerning the complete or partial disintegration of certain type Purolator, B/N 57737–2, filter elements used in pressure filter assembly BAC P/N F–18C–12 (Purolator P/N 57726) and in auxiliary return filter, BAC P/N 10–3333–1 (Purolator P/N 64088).

There are two types of filter elements in use having the same P/N 57737–2. They are easily distinguishable by their design. One has a concave bottom plate and the other one a flat bottom together with nonmetallic mesh on the inner surface of the paper convolutions. Investigation has shown that the filter elements which disintegrated were of the Purolator concave bottom type supplied prior to July 25, 1959.

Although all P/N 57737–2 concave bottom type filter elements may not be unsatisfactory, the number and location of unsatisfactory elements is unknown. Accordingly, to eliminate the existent adverse situation, the following must be accomplished.

(a) All present inventories of the concave bottom type Purolator filter elements P/N 57737–2 supplied prior to July 25, 1959, must be rejected for any further use in any type certificated aircraft.

(b) Replacement filter elements in the above noted pressure filter assembly or auxiliary return filter assembly shall utilize either the flat bottom type filter element, P/N 57737–2, or the concave bottom type P/N 57737–2 obtained from Purolator, and dated after July 25, 1959, or other approved replacement filter elements such as Aircraft Porous Media Inc., P/N ACS–1790E–12 or Bendix Filter Division, P/N 574615.

(Boeing service message dated July 23, 1959, also covers this subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE, *Acting Administrator.*

[F.R. Doc. 59–7444; Filed, Sept. 8, 1959; 8:46 a.m.]

[Reg. Docket No. 111; Amdt. 39]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

As a result of service failures of bolts attaching the wing rear spar to the hull on Colonial aircraft, inspection and/or replacement of bolts is necessary.

Cracks at holes on the horizontal tail main spar splice plate fitting of Helio aircraft require inspection and replacement of the fitting. In addition, pulley guards must be installed on some Helio aircraft to comply with Part 3 of the Civil Air Regulations.

For the reasons stated above, the Administrator finds that corrective action is required in the interest of safety, that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directives:

59–17–4 COLONIAL. Applies to all Model C–1 and C–2 aircraft.

Compliance required within the next 10 flight hours but not later than October 15, 1959, and at each 100 flight hours thereafter.

Due to failures in service, remove, inspect, and replace, if damaged, the two AN–4 bolts attaching the wing rear spar to the hull on each side at hull station 138. The bolts are located adjacent to the inboard flap hinge and are accessible through the wheel wells. Remove only one bolt per side at a time and replace before removing the other bolt. The torque applied to these bolts shall not exceed 70 inch-pounds.

(Colonial Service Bulletin No. 16 covers this subject.)

59–17–5 HELIO. Applies to all Model H–391B aircraft except Serial Numbers 093, 094, and 098; and Model H–395 Serial Numbers 502 through 510.

Compliance required as indicated.

Within the next 10 flight hours unless already accomplished inspect the horizontal tail front spar splice plate, P/N 391–020–305, for cracks around all bolt holes and the 2.0 inches diameter lightening hole. If cracks are found, the fitting should be replaced with an identically dimensioned part 0.063-inch 4130 steel. If no cracks are found the original aluminum fitting shall be inspected at each 25 flight hours thereafter until the next 100-hour inspection or October 1, 1959, whichever occurs first, when it must be replaced with a steel part.

(Helio Service Bulletin No. 21 covers this subject.)

59–17–6 HELIO. Applies to all Model H–391B aircraft and Model H–395, Serial Numbers 075 and 502 through 509 inclusive.

Compliance required within next 100 flight hours or by November 1, 1959, whichever occurs first.

Install additional pulley guards at three 3-inch stabilator control system pulleys located at:

(a) The upper left-hand corner of the fuselage truss just aft of the firewall.

(b) Just forward of the lower left-hand side of the instrument panel.

(c) Directly under the forward attach point of the vertical stabilizer in the aft portion of the tail cone. (The cable makes a 180° turn around this pulley.)

(Helio Service Bulletin No. 20 covers this subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE, *Acting Administrator.*

[F.R. Doc. 59–7445; Filed, Sept. 8, 1959; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 103; Amdt. 134]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interests of safety, that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burley VOR	BYI–LFR	Direct	6000	T–dn*	500–1	NA	NA
Minedoka Int	BYI–LFR (Final)	Direct	4900	C–dn	600–1	NA	NA
				S–dn–20	400–1	NA	NA
				A–dn	800–2	NA	NA

Procedure turn W side N crs, 006° Outbnd, 186° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to airport, 198—2.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 7000' on S crs within 15 miles.
Reverse crs or continue climb to cross Oakley Int. 10,000' or above.
*300–1 take-off authorized on Rwys 2, 6, and 20.

City, Burley; State, Idaho; Airport Name, Burley Municipal; Elev., 4150'; Fac. Class, SBRAZ; Ident., BYI; Procedure No. 1, Amdt. 6; Eff. Date, 3 Oct. 59; Sup. Amdt. No. 5; Dated, 25 Dec. 54

Martensdale FM	DSM–LFR (Final)	Direct	1600	T–dn*	300–1	300–1	200–½
Des Moines VOR	DSM–LFR	Direct	2100	C–dn	400–1	500–1	500–1¼
Des Moines VOR	DSM–LFR (Final)	Direct	1600	S–dn–35	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2100' within 10 mi.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 337—1.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 mi, immediately turn left, climb to 2600' on W crs within 20 mi or when directed by ATC immediately turn left, climb to 2600' on 310 ADF crs from DSM LFR within 20 mi.
CAUTION: 1546' MSL TV tower located 3.2 mi N-NE of airport.
*When 1546' MSL TV tower 3.2 miles NNE of airport not visible on N, NW, E and NE takeoffs, climb to 2100' MSL prior to turning toward tower.
MAJOR CHANGE: Deleted straight-in approach to Runway 30.

City, Des Moines; State, Iowa; Airport Name, Des Moines; Elev., 957'; Fac. Class, SBRAZ; Ident., DSM; Procedure No. 1, Amdt. 13; Eff. Date, 3 Oct. 59; Sup. Amdt. No. 12; Dated, 21 Apr. 56

PROCEDURE CANCELLED, EFFECTIVE 3 OCTOBER 1959, OR DATE OF DECOMMISSIONING OF FACILITY.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15'; Fac. Class, SBRAZ; Ident., SAN; Procedure No. 1, Amdt. 13; Eff. Date, 10 Jan. 59; Sup. Amdt. No. 12; Dated, 10 Jan. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DSM-LFR	LOM	Direct	2400	T-dn*	300-1	300-1	200-½
DSM-VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Martensdale FM	LOM	Direct	2400	S-dn-30	400-1	400-1	400-1
Grimes Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Ankeny Int	LOM	Direct	2500				
Elkhart Int	LOM	Direct	2500				
TNU-VOR	Swan Int**	Direct	2700				
Swan Int**	Mine Int***	Direct	2200				
Mine Int***	LOM (Final)	Direct	1600				
Beech Int	LOM (Final)	Direct	1600				

Procedure turn W side of crs, 125° Outbnd, 305° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 305°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2600′ on crs 305° from LOM within 20 mi or, when directed by ATC, make climbing left turn to 2600′ on W crs of DSM-LFR within 20 miles.
CAUTION: 1546′ MSL tower 3 mi NNE, 1410′ MSL tower 8 mi N, 1430′ tower 8.7 mi NE and 1250′ tower 13 mi SE of arpt.
*When 1546′ MSL tower 3 mi NNE of airport not visible on N, NW, E and NE takeoffs, climb to 2100′ prior to turning toward tower.
**Swan Int: R-202 TNU-VOR and R-079 DSM-VOR.
***Mine Int: SE crs DSM-ILS and R-079 DSM-VOR.

City, Des Moines; State, Iowa; Airport Name, Des Moines; Elev., 957′; Fac. Class, LOM; Ident., DS; Procedure No. 1, Amdt. 2: Eff. Date, 3 Oct 59; Sup. Amdt. No. 1 (ADF portion of comb. ILS-ADF): Dated, 21 Apr. 56.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burley LFR	BYI-VOR	Direct	6000	T-dn**	500-1	NA	NA
Hazelton Int.*	BYI-VOR (Final)	Direct	4800	C-dn	600-1	NA	NA
				A-dn	800-2	NA	NA

Procedure turn S side crs, 274° Outbnd, 094° Inbnd, 6000′ within 10 mi.
Minimum altitude over facility on final approach crs, 4800′.
Crs and distance, facility to airport, 103—4.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, turn left, climb to 7000′ on R-054 within 20 mi.
*Hazelton Int.: Burley R-274 and Twin Falls R-045.
**300-1 take-off authorized on Rwys 2, 6, and 20.

City, Burley; State, Idaho; Airport Name, Burley Municipal; Elev., 4150′; Fac. Class, BVORTAC; Ident., BYI; Procedure No. 1, Amdt. 2; Eff. Date, 3 Oct. 59; Sup. Amdt. No. 1; Dated, 25 Dec. 54

Pipe Line Int*	DUG-VOR (Final)	Direct	5000	T-d	300-1	300-1	300-1
				T-n	300-2	300-2	300-2
				C-d	400-1	500-1	500-1½
				C-n	400-2	500-2	500-2
				S-dn-12	400-1	400-1	400-1
				A-d	800-2	800-2	800-2
				A-n	800-3	800-3	800-3

Procedure turn N side crs, 289° Outbnd, 109° Inbnd, 7000′ within 10 mi. Procedure turn north of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 118—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, turn left and climb to 8000′ on R-289 within 20 mi.
*Pipe Line Int: Douglas, Arizona R-289 and Cochise, Ariz. R-175.

City, Douglas; State, Ariz.; Airport Name, Bisbee-Douglas Int.; Elev. 4158′; Fac. Class, BVOR; Ident., DUG; Procedure No. 1, Amdt. 6; Eff. Date, 3 Oct. 59; Sup. Amdt. No. 5; Dated, 5 Jan. 57

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Watsonville Int*	Santa Rita FM or Int** (Final)	122-10	1100	T-dn	300-1	300-1	300-1
Santa Rita FM or Int**	SNS VOR (Final)	122-4.2	600	C-dn	500-1	500-1	500-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Standard procedure turn NA. All maneuvering and descent shall be accomplished in a two-minute right turn holding pattern NW of Santa Rita FM or Int.** on R-302 SNS VOR, minimum altitude 1500′. Descent to cross Santa Rita FM or Int. at 1100′ authorized on final approach course 122° inbnd on R-302 SNS VOR.
Facility on airport.
Minimum altitude over facility on final approach crs, #600′.
Crs and distance, breakoff point to Rwy 13, 131°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of SNS VOR, make 180° right turn and climb to 1700′ in a two-minute right turn holding pattern on R-302 (122° inbnd, 302° outbnd) of SNS VOR.
*R-302 SNS VOR and 173° brng to Monterey LMM.
**R-302 SNS VOR and 212° brng to Monterey LMM.
#If Santa Rita FM or Int is not identified on final, ceiling minimums of 1000′ for landing are applicable.

City, Salinas; State, Calif.: Airport Name, Salinas; Elev., 84′; Fac. Class, BVOR; Ident., SNS; Procedure No. TerVOR-13, Amdt. 2; Eff. Date, 3 Oct. 59; Sup. Amdt. No. I; Dated, 15 Aug. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Des Moines LFR	LOM	Direct	2400	T-dn*	300-1	300-1	200-½
Des Moines VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Martensdale FM	LOM	Direct	2400	S-dn-30#	300-¾	300-¾	300-¾
Grimes INT	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Ankeny INT	LOM	Direct	2500				
Elkhart INT	LOM	Direct	2500				
Mine Int**	LOM (Final)	Direct	2400				
Beech INT	Mine INT (Final)	Direct	2400				

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2400′ within 10 miles.
Minimum altitude at G. S. int inbnd, 2400′.
Altitude of G. S. and distance to appr end of rny at OM 2371—4.3, at MM 1183—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2600′ on NW crs ILS within 20 miles, or when directed by ATC, make climbing left turn to 2600′ on W crs of DSM-LFR within 20 miles.
CAUTION: 1546′ MSL tower 3 mi NNE, 1410′ MSL tower 8 mi N, 1430′ tower 8.7 mi NE and 1250′ tower 13 mi SE of airport.
#400-1 required when glide slope inoperative.
*When 1546′ MSL tower not visible on N, NW, E and NE takeoffs, climb to 2100′ prior to turning toward tower.
**Mine INT: R-079 DSM-VOR and SE crs DSM-ILS.

City, Des Moines; State, Iowa; Airport Name, Des Moines; Elev., 957′; Fac. Class., ILS; Ident., IDSM; Procedure No. ILS-30, Amdt. 2; Eff. Date, 3 Oct. 59; Sup. Amdt. No. 1 (ILS portion of comb. ILS-ADF); Dated, 21 Apr. 56

Des Moines VOR	Clive Int#	Direct	2500	T-dn*	300-1	300-1	200-½
ILS-LOM	Clive Int#	Direct	2500	C-dn	400-1	500-1	500-1½
Dallas Center Int	Waukee Int%	Direct	2100	S-dn-12	400-1	400-1	400-1
Waukee Int%	Clive Int# (Final)	Direct	1600	A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 305° Outbnd, 125° Inbnd, 2100′ within 10 mi of Clive Int#.
Minimum altitude over Clive Int# on final approach crs, 1600′.
Crs and distance, Clive Int# to airport, 125°—2.4 mi.
No Glide Slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi after passing Clive Int#, climb to 2300′ on SE crs DSM-ILS within 20 mi or, when directed by ATC, climb to 2300′ on S crs DSM-LFR to Martensdale FM.
CAUTION: 1546′ MSL tower 3 mi NNE, 1410′ MSL tower 8 mi N, 1430′ tower 8.7 mi NE and 1250′ tower 13 mi SE of arpt.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*When 1546′ MSL tower 3 miles NNE of airport not visible on N, NW, NE and E takeoffs, climb to 2100′ prior to turning toward tower.
#Clive Int: R-334 DSM VOR and NW crs DSM ILS.
%Waukee Int: R-245 TNU VOR and NW crs DSM ILS.

City, Des Moines; State, Iowa; Airport Name, Des Moines; Elev., 957′; Fac. Class, ILS; Ident., I-DSM; Procedure No. ILS-12 (Back course approach), Amdt. 3; Eff. Date, 3 Oct. 59; Sup. Amdt. No. 2 (ILS portion of comb. ILS-VOR); Dated, 10 Nov. 56

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine: more than 65 knots
Norris Int	VOR	Direct	3000	T-dn	300-1	300-1	200-½
Rutledge Int	VOR	Direct	3500	C-dn	600-1	600-1	600-1½
Piedmont Int	VOR	Direct	3000	S-dn-22R	600-1	600-1	600-1
Rasar Int	VOR	Direct	5000	A-dn	800-2	800-2	800-2
Tallassee Int	VOR	Direct	4500				
London Int	VOR	Direct	3000				
Clinton Int	VOR	Direct	4000				

Radar Terminal Area Transition Altitudes: 0°-360° within 5 mi, 2500'; 091°-179° within 10 mi, 4000'; 180°-090° within 10 mi, 2500'; 158°-205° within 17 mi, 5000'; 355°-070° within 17 mi, 3000'; 205°-270° within 24 mi, 2500'; 355°-070° within 25 mi, 3100'.
All bearings and distances are from the Radar Antenna Site with sector azimuths progressing clockwise.
Procedure turn East side of crs, 043° Outbnd, 225° Inbnd, 3000' within 10 mi.
Minimum altitude on final approach crs until passing TYS-VOR R-135, 3000'.
No Glide Slope.
Crs and distance, TYS R-135 to Rny 22R, 225°—6.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 4000' on SW crs ILS to LOM or, when directed by ATC, turn right, climb to 3000' on TYS VOR R-248 to Loudon Int.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class., ILS; Ident.. TYS; Procedure No. ILS-22R, Amdt. 1; Eff. Date, 29 Aug. 59; Sup. Amdt. No. Orig.; Dated, 29 Aug. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 28, 1959.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-7332; Filed, Sept. 8, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Streptomycin- (or Dihydrostreptomycin-) Polymyxin Tablets; Penicillin-Streptomycin Powder

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR Part 141b; 146a.93; Part 146b) are amended as indicated below:

1. Part 141b is amended by adding the following new section:

§ 141b.136 Streptomycin-polymyxin tablets; dihydrostreptomycin-polymyxin tablets.

(a) *Potency*—(1) *Streptomycin content.* Using 12 tablets, proceed as directed in § 141b.109(a)(1). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Dihydrostreptomycin content.* Using the dihydrostreptomycin working standard as the standard of comparison, proceed as directed in subparagraph (1) of this paragraph. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Polymyxin content.* Using 12 tablets, proceed as directed in § 141b.112(b)(1). Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

§ 146a.93 [Amendment]

2. Section 146a.93 *Penicillin-streptomycin powder* * * * is amended as follows:

a. Paragraph (b) is amended by changing the colon after the word "certified" to a comma and by changing the clause beginning with the words "*Provided, however,*" to read as follows: ", except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays that show such drug as prepared by him is stable for such period of time."

b. Paragraph (e)(3) is amended by changing the figure "12" to read "18".

3. Part 146b is amended by adding the following new section:

146b.131 Streptomycin-polymyxin tablets; dihydrostreptomycin-polymyxin tablets.

Streptomycin-polymyxin tablets and dihydrostreptomycin-polymyxin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146b.104 for streptomycin tablets and dihydrostreptomycin tablets, except that:

(a) Each tablet contains not less than 25,000 units of polymyxin. The polymyxin used conforms to the standards prescribed therefor by § 146b.107(a).

(b) Each package shall bear on its outside wrapper or container and the immediate container the number of units of polymyxin in each tablet of the batch.

(c) The expiration date shall appear on the immediate container.

(d) In addition to complying with the requirements of § 146b.104(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages each containing approximately equal portions of not less than 0.5 gram of the ploymyxin used in making the batch.

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (d) of this section shall be:

(1) $1.00 for each tablet.

(2) $4.00 for each immediate container of polymyxin.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth in this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 1, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-7461; Filed, Sept. 8, 1959; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Instructions Relating to the Effect of Admission of the State of Alaska Into the Union on Payment of Burial Benefits

A new § 3.1533 is added to read as follows:

§ 3.1533 Instructions relating to the effect of admission of the State of Alaska into the Union on payment of burial benefits.

(a) *Provisions of the law.* Section 29(a), Public Law 86-70, enacted June 25, 1959, amends section 903 of Title 38, United States Code, on the subject "Death in Veterans' Administration Facility", by revising subsection (b) to read as follows:

In addition to the foregoing, when such a death occurs in the continental United States (including Alaska), the Administrator shall transport the body to the place of burial in the continental United States (including Alaska) * * *.

(b) *Scope.* When the death of a veteran occurs while traveling under prior authorization and at Veterans Administration expense to or from a specified place for the purpose of examination, treatment, or care, or while properly hospitalized by the Veterans Administration, or while receiving domiciliary care from the Veterans Administration, there may be paid in addition to the actual cost of funeral and burial (not to exceed $250) the cost of transporting the body to the place of burial within the continental limits of the United States which now include Alaska. The requirement that in such cases the Veterans Administration would pay for the cost of transporting the body to Alaska only if the veteran was a resident of Alaska has been removed by section 29(a) of Public Law 86-70 effective June 25, 1959. (Instruction 1, Public Law 86-70)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective September 9, 1959.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59-7483; Filed, Sept. 8, 1959; 8:51 a.m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13078]

TELEVISION BROADCAST STATIONS; FORT WORTH AND DENTON, TEXAS

Order Extending Time for Filing Comments

In the matter of amendment of § 3.606 *Table of assignments* Television Broadcast Stations (Fort Worth and Denton, Texas.); Docket No. 13078.

1. The Commission has before it for consideration:

(a) A petition for extension of time filed on August 20, 1959 by Carter Publications, Inc. licensee of Station WBAP-TV (Fort Worth Channel 5), asking that the time for filing comments herein, and for Texas State Network, Inc., to respond to the show-cause order issued herein, be extended from September 8, 1959, to October 20, 1959, with an additional ten days (or until October 30) for reply comments; and

(b) A statement in support of this petition filed by A. H. Belo Corporation, licensee of Station WFAA-TV (Dallas Channel 8), and an opposition to the petition filed by Texas State Network, licensee of Station KFJZ-TV (Fort Worth Channel 11).

2. In support of its request, Carter urges that: (1) Additional time is necessary for the preparation of adequate comments herein because of the broad implications of the proposed allocation changes; (2) petitioner has been handicapped in its study of the proposed changes by the fact that the period presently allowed for comments is that normally used by legal and engineering counsel for vacations; (3) no hardship would be involved in the requested extension. In opposition, Texas State Network asserts that Carter and Belo have had opportunity to study this matter since Texas State Network's rule-making petition was filed in December, 1958, that the issues involved are not complex, that any delay will work a hardship on KFJZ-TV, an independent station now operating at a loss, and that there is neither justification nor necessity for the requested extension.

3. The Commission is of the view that the public interest would be served by extending the time for filing comments and reply comments in this proceeding (though not to the extent of the additional time requested by petitioner), and that it would be appropriate to make the same date applicable to comments and to response by Texas State Network to the show-cause order.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in this proceeding, and the time within which Texas State Network, Inc., must file its response to the order to show cause directed to it herein, are extended from September 8, 1959, to September 30, 1959; and the time for filing reply comments herein is extended from September 18, 1959, until October 12, 1959.

Adopted: September 1, 1959.

Released: September 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7466; Filed, Sept. 8, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the proposed rescission of Regulation A-M (§ 230.240) and Regulation B-T (§§ 230.360 to 230.396) and certain proposed amendments to Regulation A (§§ 230.251 to 230.262). These regulations provide conditional exemptions from registration under the Securities Act of 1933 of certain issues of limited amounts.

Regulation A-M provides an exemption from registration under the Act for assessable shares of stock of mining corporations. One of the conditions to the use of this regulation is that the issuer shall, in making assessments subsequent to the offering of the assessable stock, transmit to each holder of such stock offered under the regulation a statement containing certain specified information. The rescission of Regulation A-M is proposed in view of the recent adoption by the Commission of certain rule changes relating to assessable securities, particularly Regulation F which provides an exemption from registration under the Act for the levying of assessments of limited amounts on assessable securities. However, since Regulation F does not provide an exemption for new issues of assessable securities, it is proposed to amend Regulation A to make that regulation available for the offering of such new issues.

Regulation B–T provides an exemption from registration for certain interests in an oil royalty trust or similar type of trust or unincorporated association. Although this exemption was adopted in 1938 no offering has ever been made under it and there appears to be no present or prospective need for the regulation. However, in order that there may be a comparable exemption in the event that anyone should at some future date wish to offer such securities, it is proposed to amend Regulation A to make the exemption provided by that regulation available for securities of the type for which Regulation B–T is presently provided.

The text of the proposed amendments to Regulation A would read as follows:

1. Paragraph (b) of Rule 252 (§ 230.252 (b)) would be amended by deleting therefrom the provisions which make Regulation A unavailable for assessable securities and securities for which Regulation B–T is available. Paragraph (b) as so amended would read as follows:

§ 230.252 Securities exempted.

* * * * *

(b) No exemption under this §§ 230.251 to 230.262 shall be available for any of the following securities:

(1) Fractional undivided interests in oil or gas rights as defined in § 230.300, or similar interests in other mineral rights;

(2) Securities of any investment company registered or required to be registered under the Investment Company Act of 1940.

2. The introductory clause of Rule 257 (§ 230.257) would be amended to read as follows:

§ 230.257 Offerings not in excess of $50,000.

Except as to issues specified in paragraph (a) of § 230.253 and issues of assessable stock, the offering circular specified in § 230.256 need not be filed or used in connection with an offering of securities under this regulation if the aggregate offering price of all securities of the issuer, its predecessors and affiliates offered or sold without the use of such an offering circular does not exceed $50,000, computed in accordance with § 230.254, provided the following conditions are met:

The foregoing action is proposed pursuant to the Securities Act of 1933, particularly sections 3(b) and 19(a) thereof.

All interested persons are invited to submit their views and comments on the proposed action, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before September 30, 1959. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 31, 1959.

[F.R. Doc. 59–7455; Filed, Sept. 8, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

ELISABETH CLARA BOESCHE ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisabeth Clara Boesche; $103.79 in the Treasury of the United States.

Gustav Carl Eduard Boesche; $103.79 in the Treasury of the United States.

Peter Hermann Friedrich Boesche; $103.79 in the Treasury of the United States.

Clara Dorothea Boesche; $103.79 in the Treasury of the United States.

Maria Luise Boesche; $103.79 in the Treasury of the United States.

Dorothea Charlotte Boesche; $103.80 in the Treasury of the United States.

Hans Ulrich Boesche; $103.80 in the Treasury of the United States.

Agnes Erika Boesche; $103.80 in the Treasury of the United States.

Ursula Catherina Helene Boesche; $103.80 in the Treasury of the United States.

Hamburg, Germany. Claim No. 42133. Vesting Orders Nos. 5800, 8711, and 11420.

Executed at Washington, D.C., on September 1, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59–7460; Filed, Sept. 8, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 53]

NEW MEXICO

Small Tract Classification

SEPTEMBER 1, 1959.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands totalling 80 acres in San Juan County, New Mexico as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 12 W.,
Sec. 15, W½NW¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 6 miles southwest of Aztec, New Mexico. U.S. Highway 550 is one mile to the south, with an unimproved road leading to the tract. The topography is rolling and gently sloping. The soil is sandy loam in texture. Vegetation consists of sage brush and juniper. The elevation is 5500 feet to 5550 feet. Annual precipitation is 8 inches and average annual temperature is 52°. The towns of Aztec and Farmington provide adequate religious, medical, educational, recreational, and shopping facilities. A power line runs within ¼ mile east of the tract, and potable water can be obtained by drilling wells. There is no evidence of metallic or non-metallic minerals; and no mineral activity was observed on the lands; but, however, the NW¼ of Section 15 is within the known geologic structure of the producing San Juan gas field.

4. Each of the tracts, numbered 1 through 32 for reference purposes only, contains 2.5 acres. The appraised value of each tract is $250.00. The lands will be subject to all existing rights-of-way, and to rights-of-way 33 feet in width for street and road purposes and public utilities along the exterior boundaries of each tract. The advance rental, the appraised price, the reference number, and legal description of each tract are shown below:

Tract No.	Advance rental—3 years	Legal description	Appraised price
[1] 1	$37.50	NE¼NE¼NW¼NW¼	$250
[1] 2	37.50	NW¼NE¼NW¼NW¼	250
3	37.50	NE¼NW¼NW¼NW¼	250
4	37.50	NW¼NW¼NW¼NW¼	250
5	37.50	SE¼NE¼NW¼NW¼	250
6	37.50	SW¼NE¼NW¼NW¼	250
7	37.50	SE¼NW¼NW¼NW¼	250
8	37.50	SW¼NW¼NW¼NW¼	250
[1] 9	37.50	NE¼SE¼NW¼NW¼	250
10	37.50	NW¼SE¼NW¼NW¼	250
11	37.50	NE¼SW¼NW¼NW¼	250
12	37.50	NW¼SW¼NW¼NW¼	250
13	37.50	SE¼SE¼NW¼NW¼	250
14	37.50	SW¼SE¼NW¼NW¼	250
15	37.50	SE¼SW¼NW¼NW¼	250
16	37.50	SW¼SW¼NW¼NW¼	250
17	37.50	NE¼NE¼SW¼NW¼	250
18	37.50	NW¼NE¼SW¼NW¼	250
19	37.50	NE¼NW¼SW¼NW¼	250
20	37.50	NW¼NW¼SW¼NW¼	250
21	37.50	SE¼NE¼SW¼NW¼	250
22	37.50	SW¼NE¼SW¼NW¼	250
23	37.50	SE¼NW¼SW¼NW¼	250
24	37.50	SW¼NW¼SW¼NW¼	250
25	37.50	NE¼SE¼SW¼NW¼	250
26	37.50	NW¼SE¼SW¼NW¼	250
27	37.50	NE¼SW¼SW¼NW¼	250
[1] 28	37.50	NW¼SW¼SW¼NW¼	250
[1] 29	37.50	SE¼SW¼SW¼NW¼	250
[1] 30	37.50	SW¼SE¼SW¼NW¼	250
[1] 31	37.50	SE¼SW¼SW¼NW¼	250
[1] 32	37.50	SW¼SW¼SW¼NW¼	250

[1] Under application from persons entitled to preference under 43 CFR 257.5(a).

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, provided that during the period of their leases they either (a) construct the improvements specified in Paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13(d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified in the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to obtain a tract herein listed unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances, and must, in addition, meet the following standards: The house must be suitable for year-round use, rest on a permanent foundation, and possess a minimum of 600 square feet of floor space. It must be built in a workmanlike manner out of properly finished materials. Adequate disposal and sanitary facilities must be installed.

8. Applicants must file, in duplicate, with the Manager, Land Office, P.O. Box 1251, Santa Fe, New Mexico, application Form 4–776, filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be obtained from the above-named official.

The application must be accompanied by a filing fee of $10.00 plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to March 27, 1958 will be granted the preference right provided by 43 CFR 257.5(a). All valid applications from persons entitled to veterans' preference filed after March 27, 1958, and prior to 10:00 a.m. October 7, 1959 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after September 1, 1959 and prior to 10:00 a.m. December 2, 1959, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, P.O. Box 1251, Santa Fe, New Mexico.

EVERT L. BROWN,
Acting State Supervisor.

[F.R. Doc. 59–7454; Filed, Sept. 8, 1959; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ELMER W. BERNITT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests (FEDERAL REGISTER dated April 24, 1959, F.R. 3188)

A. Deletions: None.
B. Additions: None.

Dated: August 17, 1959.

ELMER W. BERNITT.

[F. R. Doc. 59–7437; Filed, Sept. 8, 1959; 8:45 a.m.]

DWILLARD J. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests (FEDERAL REGISTER dated April 24, 1959, F.R. 3189).

A. Deletions: None.
B. Additions: None.

Dated: August 19, 1959.

DWILLARD J. DAVIS.

[F.R. Doc. 59–7438; Filed, Sept. 8, 1959; 8:45 a.m.]

HUGH DOUGLAS LOWREY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests (FEDERAL REGISTER dated April 24, 1959, F.R. 3189).

A. Deletions: None.
B. Additions: None.

Dated: August 13, 1959.

HUGH D. LOWREY.

[F.R. Doc. 59–7439; Filed, Sept. 8, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BEARD & KENNAMER LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ALABAMA

Beard & Kennamer Livestock Market, Scottsboro, July 10, 1959.

East Alabama Livestock Company, Opelika (formerly East Alabama Stockyard), July 8, 1959.

Enterprise Livestock Co., Enterprise, July 11, 1959.

Farmers Livestock Cooperative, Elba, July 10, 1959.

Kennamer Livestock Co., Guntersville, July 10, 1959.

ARKANSAS

Moler's Livestock Auction, Danville, July 11, 1959.

GEORGIA

Candler Livestock Market, Metter, May 1, 1959.

Effingham County Stockyard, Springfield, June 20, 1959.

McClure-Burnett Commission Co., Rome, (formerly Ragsdale-McClure Commission Co.), May 20, 1959.

Smith Brothers Livestock Yard, Bartow, July 1, 1959.

Special Feeder Breeder Pavilion, Cochran, July 13, 1959.

Valdosta Livestock Co., Inc., Valdosta, July 16, 1959.

Waycross Livestock Market, Waycross, July 13, 1959.

KANSAS

Kingman Sale Co., Kingman, July 7, 1959.

Winfield Sale Company, Winfield, July 20, 1959.

MISSOURI

Callao Sale Barn, Callao, August 11, 1959.

NEBRASKA

Nebraska City Sale Barn, Nebraska City, July 23, 1959.

Tryon Sale Barn, Tryon, July 8, 1959.

NORTH CAROLINA

Benson Hog and Livestock Market, Benson, July 8, 1959.

Hickory Live Stock and Commission Co., Hickory, July 15, 1959.

Lumberton Auction Company, Inc., Lumberton, July 10, 1959.

Mount Olive Livestock Market, Mount Olive, July 9, 1959.

Pates Stockyard, Pembroke, July 11, 1959.

Wells Livestock Market, Inc., Wallace, July 10, 1959.
Whiteville Livestock Market, Whiteville, July 10, 1959.
Winfield Livestock Auction Market, Chocowinity, July 9, 1959.

NORTH DAKOTA

Dobler Livestock Sales Co., Ashley, July 9, 1959.

OHIO

Athens Livestock Sales Co., Inc., Athens, July 7, 1959.
Champaign Livestock Sales, Urbana, June 26, 1959.
Delta Livestock Auction, Delta, June 27, 1959.
Elkton Auction, Elkton, July 4, 1959.
Fremont Livestock Exchange, Fremont, July 8, 1959.
Woodsfield Livestock Sales, Inc., Woodsfield, July 8, 1959.

OKLAHOMA

Hughes County Sale Barn, Holdenville, July 10, 1959.
Sayre Livestock Auction, Sayre, July 9, 1959.

TENNESSEE

Hardin County Stock Yards, Savannah, July 17, 1959.

Done at Washington, D.C., this 2d day of September 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7472; Filed, Sept. 8, 1959; 8:49 a.m.]

PRODUCERS STOCKYARDS, INC. ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Producers Stockyards, Inc., North Little Rock, Ark.
Carroll's Sale Co., Dover, Del.
Harris Sales Corp., Odessa, Del.
Rudnick Live Stock Sales Co., Dover, Del.
Antioch Sales & Commission, Antioch, Ill.
Wilson Sale Company, Fairview, Ill.
Aberdeen Sales Co., Aberdeen, Md.
Cumberland Stockyards, Inc., Cumberland, Md.
Four States Livestock Sales, Inc., Hagerstown, Md.
Grantsville Livestock Auction, Grantsville, Md.
Harry Rudnick & Sons, Galena, Md.
The Farmers Live Stock Exchange, Inc., Boonsboro, Md.
Western Maryland Stockyards, Inc., Westminster, Md.
Woodsboro Livestock Sales, Inc., Woodsboro, Md.
Belle Plaine Commission Co., Belle Plaine, Minn.
Bob Lund Sales Barn & Livestock Yards, Lafayette, Minn.
Dales Sales Barn, Detroit Lakes, Minn.
Fielder Sale Barn, Aitkin, Minn.
Hutchinson Sales Pavilion, Hutchinson, Minn.
Kiester Sales Co., Kiester, Minn.
Le Sueur Sales Barn, Inc., Le Sueur, Minn.
Long Prairie Sales Barn, Long Prairie, Minn.
Pine City Livestock Sales, Pine City, Minn.
Princeton Livestock Market, Princeton, Minn.
S. & M. Livestock Sales, Cambridge, Minn.
St. Cloud Livestock Market, St. Cloud, Minn.
Sunnybrook Sale Barn, Stewart, Minn.
Belknap Auction, Inc., Dayton, Pa.
Belleville, Livestock Market, Inc., Belleville, Pa.
Carlisle Livestock Market, Inc., Carlisle, Pa.
Chambersburg Livestock Sales, Chambersburg, Pa.
Chesley's Livestock Auction, Little Hope, Pa.
Coudersport Livestock Market, Inc., Coudersport, Pa.
Danville Livestock Market, Inc., Danville, Pa.
Dewart Livestock Market, Dewart, Pa.
Enon Valley Community Sale, Enon Valley, Pa.
Farmers Market Auction, Ephrata, Pa.
Fayette Stock Yard Co., Uniontown, Pa.
Greencastle Livestock Market, Inc., Greencastle, Pa.
Hatfield Fair Grounds Bazaar, Inc., Hatfield, Pa.
Hickory Auction & Sales, Inc., Hickory, Pa.
Jamestown Livestock Commission Market, Jamestown, Pa.
Lebanon Valley Live Stock Market, Inc., Fredericksburg, Pa.
Leesport Market & Auction, Leesport, Pa.
Mason Dixon Livestock Market, Inc., Stewartstown, Pa.
Meadville Livestock Auction, Meadville, Pa.
Montague Livestock Auction, Union City, Pa.
Morrisons Cove Livestock Market, Martinsburg, Pa.
Mount Cobb Auction Sales, Mount Cobb, Pa.
New Wilmington Livestock Auction, New Wilmington, Pa.
Nicholson Sales Co., Nicholson, Pa.
Pennsylvania Livestock Auction, Inc., Waynesburg, Pa.
Perkiomenville Sales Stables, Inc., Perkiomenville, Pa.
Quakertown Livestock Sale, Quakertown, Pa.
Showalter's Livestock Exchange, Duncansville, Pa.
Silver Spring Livestock Market, Inc., Mechanicsburg, Pa.
Valley Stock Yards, Inc., Athens, Pa.
Vintage Sale Stable, Inc., Paradise, Pa.
Wayne County Livestock Exchange, Inc., Honesdale, Pa.
Wyalusing Sale, Wyalusing, Pa.
York Livestock Market, Inc., York, Pa.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of September 1959.

JOHN C. PIERCE,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-7473; Filed, Sept. 8, 1959; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Notice of Resumed Hearing

Take notice that in accordance with a stipulation between counsel for the participants herein, a resumed hearing in the above designated proceeding will be held at 10:30 a.m. on Wednesday, September 23, 1959 in the Auditorium of the Headquarters of the United States Atomic Energy Commission at Germantown, Maryland.

This resumed hearing will be held in lieu of that hearing scheduled on August 17th for September 2, 1959. This public notice supplements the statement to the same effect made at the hearing which convened on September 2, 1959, when stipulation between the participants and the postponement were announced.

Issued: September 2, 1959, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 59-7436; Filed, Sept. 8, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-14416; Docket No. 1705-7]

AMERICAN AIRLINES, INC.

Air Freight Rate Case; Petition for Clarification or Modification of Minimum Rate Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of September 1959.

On December 11, 1958, the Board issued a Statement of Provisional Findings and Conclusions in the Air Freight Rate Case (Docket No. 1705-7) and an Order to Show Cause (Order No. E-13263) why Orders Nos. E-4606 (September 14, 1950) and E-4954 (December 20, 1950) should not be amended to permit on-forwarding of parts of a distribution shipment.

Parties having objections to the findings and conclusions set forth in the statement or to the proposed amendment were afforded an opportunity to file written notice of such objections within 15 days and to answer within 30 days after service of the order. A notice of objection and answer has been duly filed by United Air Lines, Inc., requesting the Board to reconsider its provisional findings and conclusions and adopt three changes in the rules as proposed.

Order No. E-4954 (December 20, 1950) authorized the carriers "• • • to fix rules substantially similar to the model rules • • •" which are set forth in the appendix to Order No. E-4606 (12 CAB at 345). The distribution service rule, which was adopted by United (Rule 6.5(b)1, Official Airfreight Rules Tariff No. 1-A, CAB No. 13) to conform to the model rules, contains the additional requirement that the carrier receive a "• • • manifest giving the proper breakdown of the shipment and individual manifests listing the goods to be delivered to each address • • •". United has now requested the Board to include this requirement in the proposed amendment if there is any question that a tariff rule containing this provision is not "substantially similar" to the proposed model rule.

Except for authorizing the carriers to provide on-forwarding services, the proposed amendment does not effect any substantive change in the present model rules or otherwise restrict the present authorization of the carriers "to file rules substantially similar to the model rules" (Order No. E-4954). Thus, any question of whether United's rule is "substantially similar" to the model rule appears to be unaffected by the terms of the proposed amendment and a matter which would be inappropriate to determine in this proceeding.

Secondly, United has requested the addition of the phrase "within the United States" to the proposed on-forwarding authorization to make it clear that a shipper may not commingle foreign and domestic destined parts of distribution shipments. The proposed amendment was not intended to prevent such commingling. However, United also states that it might be possible under the proposed rule for a domestic carrier to be subject to Warsaw Convention liability even though it had no knowledge of the ultimate destination of the foreign parts of distribution shipments. To assure notice to the carriers of such possible liability the proposed rule will be amended, as United suggests alternatively, to require shippers to identify the foreign destined parts of distribution shipments which are to be on-forwarded.

United has also requested clarification of the proposed amendment to make specific reference to the Post Office Department as an appropriate consignee of distribution shipments for the purpose of on-forwarding. This clarifying change is in accord with our intent and the proposed rule will be amended accordingly.

No other objections to the proposed amendment, to the Statement of Provisional Findings and Conclusions, or to the procedure adopted in this matter, have been filed.

Inasmuch as the amendment as originally proposed on December 11, 1958 will be modified to the extent stated above, this order will not be made effective until thirty days after the date of issuance. Petitions for reconsideration may be filed pursuant to Rule 37 (14 CFR 302.37) but, in this case, the time for such filing will be limited to ten days after the date of service.

Now, therefore, in consideration of the foregoing and pursuant to sections 102, 204, 404, and 1002 of the Federal Aviation Act of 1958:

It is ordered:

(1) That the Statement of Provisional Findings and Conclusions in the Air Freight Rate Case, Docket No. 1705-7 (December 11, 1958), as amended herein, is hereby adopted and made final.

(2) That Orders Nos. E-4606 (September 14, 1950) and E-4954 (December 20, 1950) are hereby amended by the substitution of a new paragraph (a) under "Distribution Service" in the Appendix to said orders to read as follows:

(a) Upon receipt of written instructions to provide distribution service from the consignor or the consignee (or, if there be more than one consignee, only from the consignor) no later than the time of receipt by the carrier of the shipment, the carrier will accept a shipment from one consignor at one time at one address, receipted for in one lot, and will segregate the parts of the shipment at destination, where the carrier will deliver such parts to the consignee or consignees; provided, however, that if the parts of the shipment are to be delivered to more than one consignee, the shipment must be prepaid. A shipper may include as part of a distribution shipment any packages, pieces, or bundles consigned to the Post Office Department or any air or surface carrier at the destination of the distribution shipment for the purpose of carriage beyond such destination, provided the shipper shall designate to the carrier each foreign destined part, if any, of such shipment.

It is further ordered, That any party applying for reconsideration of this order shall present such request under Rule 37 (14 CFR 302.37) by petition filed not later than ten days after the date of service.

It is further ordered, That the investigation in the Air Freight Rate Case, Docket No. 1705-7 is dismissed.

It is further ordered, That this order shall be served on all parties listed in the Appendix set forth below.

It is further ordered, That this order shall be published in the FEDERAL REGISTER and shall become effective on the 9th day of October, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

CERTIFICATED CARGO CARRIERS

AAXICO Airlines, Inc.
The Flying Tiger Line, Inc.
Riddle Airlines, Inc.
Slick Airways, Inc.

CERTIFICATED CARRIERS

Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Capital Airlines, Inc.
Central Airlines, Inc.
Chicago Helicopter Airways, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Lake Central Airlines, Inc.
Los Angeles Airways, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Southwest Airways Company
Trans-Texas Airways
Trans-World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.

DOMESTIC AIR FREIGHT FORWARDERS

ABC Air Freight Company, Inc.
Ace Air Freight Co., Inc.
Acme Air Cargo, Inc.
Air Cargo Consolidators, Inc.
William J. Brosnahan and Charles A. Dasey, d/b/a Air Cargo Transport.
Air Dispatch, Inc.
Air Express International Corp.
Nathan Bronstein, d/b/a Air Freightways.
Air Lanes Service, Inc.
Frank V. Gandola & William E. Geiselman, d/b/a Airborne Coordinators.
Airborne Freight Corporation.
Air-Land Freight Consolidators, Inc.
Air-Sea Forwarders, Inc.
Airways Parcel Post Service, Inc.
Allied Air Freight, Inc.
American Shippers, Inc.
Anderson Express, Ltd.
Barnett Aircargo, Inc.
Peter A. Bernacki, Inc.
Bor-Air Freight Co., Inc.
W. J. Byrnes and Company of New York, Inc.
Benjamin H. Walder & Ruben Konion, d/b/a Chicagoland Air Freight.
City Messenger of Hollywood, Inc. d/b/a City Messenger Air Express and/or C.M.A.X.
Harry L. Whitaker, d/b/a Cloud Lane Los Angeles Consolidators and Trucking Company, d/b/a Domestic Air Express.
Dorf International, Ltd.
Frank P. Dow Co., Inc.
Emery Air Freight Corporation.
Express Forwarding Storage Co., Inc., d/b/a Aero Transport Division.
4-A Air Freight Corp.
General Air Freight, Inc.
Gilbert Air Transport Corp.
Hawaiian Freight Forwarders, Ltd., d/b/a Global Air Cargo.
Hop Air Freight Forwarder, Inc.
K & R Airfreight, Inc.
Sidney B. Lifschultz, Ida Lifschultz, Bernice Brown, Rose Grossman, Nora Bergman, and Estate of S. E. Lifschultz, American National Bank & Trust Co. of Chicago, Executor & Trustee, d/b/a Lifschultz Air Freight.
National Air Freight Forwarding Corporation.
H. G. Ollendorff, Inc.
Pacific Air Freight, Inc.
Parcel Warehouse, Inc., d/b/a Yankee Air Express.
Republic Air Freight, Inc.
Shulman, Inc.
Sun Transporters, Inc.
United Parcel Service—Air, Inc.
Universal Air Freight Corporation.
Western Transportation Co., Inc. d/b/a W.T.C. Air Freight.
Wings and Wheels, Express, Inc.
Norman G. Jensen, d/b/a World Freight Forwarders (Air).

[F.R. Doc. 59-7464; Filed, Sept. 8, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1283]

TALMAGE WILCHER, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 2, 1959.

I. Talmage Wilcher, Inc. (issuer), Suite 906, Harvey Building, West Palm

Beach, Florida, filed with the Commission on July 6, 1959 a notification on Form 1–A and an offering circular relating to an issue of 150,000 shares of its Class B non-voting $1 par value stock, to be offered at $2 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. An exemption under Regulation A is unavailable in that the amount of securities proposed to be offered exceeds the $300,000 ceiling limitation imposed by Rules 253(c) and 254(a).

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification on Form 1–A fails to set forth the name and address of each predecessor and affiliate of the issuer, as required by Item 2;

2. The notification on Form 1–A fails to set forth fully the information required by Item 5;

3. The notification on Form 1–A fails to set forth information concerning unregistered securities issued or sold within one year prior to filing by the issuer and its affiliated issuers, as required by Item 9;

4. The issuer has failed to file copies of the governing instruments defining the rights of the holders of the Class B stock to be offered, as required by Item 11(a) of Form 1–A;

5. The issuer has failed to file the written consents of its attorneys and accountants named in the offering circular, as required by Item 11(g) of Form 1–A.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that the issuer has acquired a thirty year lease to 100 acres of industrial property, whereas the issuer has only a three year option to lease such land;

2. The failure to set forth the terms and conditions under which the aforesaid three year option may be exercised;

3. The failure to disclose fully the issuer's broker-dealer operations;

4. The failure to set forth a reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose indicating the priority thereof;

5. The failure to set forth whether any provision has been made for the return of funds to subscribers if the entire offering is not sold;

6. The failure to disclose all material transactions of directors, officers, and controlling persons with the issuer and its affiliates;

7. The failure to set forth the aggregate annual remuneration of all directors and officers of the issuer as a group and the annual remuneration of each of the three highest-paid officers;

8. The statement that "the corporations are purposely kept small to reduce overhead costs, thereby assuring payment of dividends to stockholders and certificate purchasers";

9. The statement that the issuer's staff members "are highly qualified specialists in the fields of accounting, city zoning and planning, industrial development, international business, public relations, and many phases of financing, taxation and investment banking.";

10. The inclusion in the May 31, 1959 balance sheet of a $100,000 appraisal value for an option to lease a 100-acre industrial tract acquired at no cost and the inclusion of such $100,000 as income in the statement of earnings for the period January 1, 1959 to May 31, 1959;

11. The inclusion in the December 31, 1958 and May 31, 1959 balance sheets of mortgages and stock held in trust by the issuer;

12. The use of certified public accountants' firm name in that the issuer's financial statements are not certified by such firm.

D. The offering would be made in violation of section 17 of the Securities Act, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7456; Filed, Sept. 8, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13062 etc.; FCC 59M-1103]

CHE BROADCASTING CO. (NSL), AND B & M BROADCASTERS INC. (KLOS)

Order Canceling Prehearing Conference and Providing for Exchange of Exhibits Before Hearing

In re applications of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; B & M Broadcasters, Inc. (KLOS), Albuquerque, New Mexico, Docket No. 13063, File No. BP-12878; for construction permits.

1. A prehearing conference was scheduled for September 8 in Washington. By letter dated August 17, CHE wrote the Hearing Examiner that it has no Washington counsel, and intends to present its own case at the hearing of October 13, and asked, in effect, to be excused from attending the conference because of the expense. The Hearing Examiner replied, by letter dated August 20, that in view of the distance he would not require CHE to come to Washington for the conference, but noted that procedures governing the hearing of October 13 would be decided upon at the conference which would be binding upon CHE. The August 20 letter concluded:

> The above is written on the supposition that a conference will be held. Up to the time of writing this letter, however, no appearance has been entered for B & M, your opponent, and consequently I do not know if it has Washington counsel. Should it turn out that a prehearing conference is not practicable, I may as a substitute issue an order to control the hearing procedure, which might cover such things as the exchange of proposed exhibits prior to hearing and other pertinent matters.

2. CHE has filed an appearance form,[1] but B & M has not yet entered its appearance for hearing. The Commission's order of designation was released and mailed August 10. It directed that: "to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order." Since the twentieth day was August 30, a Sunday, the last day for filing an appearance was yesterday, Monday, August 31, but, as already noted, B & M has not complied with the requirement.

[1] The Dockets Division informed the Hearing Examiner, however, that this document was not accompanied by a certificate of service, and that it has written CHE to serve its appearance.

3. It is emphasized that a written appearance in conformity with the Commission's rules and direction, as mentioned in the preceding paragraph, is a prerequisite to participation in the hearing. The 20-day period having expired, the only way for B & M to make a proper appearance is to seek permission from the Chief Hearing Examiner to have its written appearance accepted late, for good cause shown, under Rule 0.224. Whether its request, if any, would be favorably entertained by the Chief Hearing Examiner, cannot, of course, be foretold. The consequences of failure to enter an appropriate written appearance are stated in Rule 1.140(c), as follows:

> Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time period a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days the application will be dismissed with prejudice by the Chief Hearing Examiner for failure to prosecute.

4. As it appears that the applicants are, at least so far, not being advised by legal counsel, the Hearing Examiner has thought it well to spell out some matters which are elementary to the bar but which the applicants may not know. It should be distinctly understood, however, that this proceeding will be conducted in conformity with the applicable statute and rules, and that no allowance will be made for ignorance of the pertinent requirements merely because a party is not represented by an attorney. In this connection it is noted that while the Communications Act of 1934 (section 4(j) and Rule 1.21(a)) declare that "Any party may appear before the Commission and be heard in person or by attorney," it has heretofore been held by the Commission that a corporation, not being a natural person, cannot appear by a non-attorney officer, and that it must be represented by a duly qualified attorney (Sweetwater Broadcasting Company, 4 FCC 293, 294). However, this requirement may be waived by the other parties to a proceeding (C. J. Community Services, Inc., 13 RR 1, 2).

5. Under the circumstances the Hearing Examiner has reconsidered the advisability of a prehearing conference and has decided that the scheduled conference can be canceled with small loss. The order entered below will, it is felt, accomplish about as much as probably would have resulted from a prehearing conference, apart from the possibility of agreeing upon written direct cases under Rule 1.111.

6. *Accordingly, it is ordered,* This 1st day of September, 1959, that:

(1) The prehearing conference previously scheduled for September 8, 1959 is canceled.

(2) An applicant duly authorized and proposing to participate in the hearing now scheduled for October 13, 1959, in Washington, shall furnish the other applicant (provided the latter has duly filed its appearance), the Commission's Broadcast Bureau, and the Hearing Examiner, on or before October 1, 1959, a copy of each written exhibit it proposes to introduce at the hearing. Exhibits shall be numbered by each party in numerical order, beginning with No. 1.

(3) Oral testimony of witnesses will begin October 13, 1959, in Washington, with CHE putting in its direct case first.

The parties are warned that unless otherwise ordered, advance furnishing of a proposed exhibit, as required above, will not of itself authenticate the exhibit, but that it must be appropriately authenticated when it is introduced at the hearing. Failing proper authentication, or compliance with other evidential requirements, it may be excluded.

One other, and important, matter should be noted. If one applicant, for any reason, is removed from this competitive proceeding, the remaining applicant will nevertheless remain in hearing status under Rule 1.363(a). As both applicants, by the order released August 10, had been found "except as indicated by the issues specified below * * * legally, technically, financially, and otherwise qualified," elimination of the competitive aspect of the proceeding would render moot all the issues except Issue No. 3, relating to coverage of Albuquerque by either applicant. Apart from this issue, therefore, there would be nothing to prevent grant of the remaining application (see Radio Pine Bluff, 15 RR 173). It may be, then, that the taking of evidence on the issues specified in the order of designation will be limited to Issue No. 3. But there is as yet no certainty that either application will be dismissed, so it should still be assumed that all matters covered by the issues are in dispute and will be the subject of testimony. In addition, attention is directed to Rule 1.363(c) which reads:

> In all cases arising under paragraphs (a) and (b) of this section, the hearing examiner will consider in the initial decision the issue of whether a grant of the remaining application or applications to be prosecuted would be in the public interest in the light of the arrangement whereunder the parties effected a consolidation of their respective interests or the competing applications were either dismissed or amended and removed from hearing.

Released: September 1, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7467; Filed, Sept. 8, 1959; 8:49 a.m.]

[Docket No. 12955 etc.; FCC 59M-1104]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Continuing Hearing

In re applications of W. K. Ulerich, Milton J. Bergstein and John A. Dame, d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corp., State College, Pennsylvania, Docket No. 12956, File No. BP-12007; for construction permits.

A prehearing conference in the above-entitled matter having been held on September 1, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order:

It is ordered, This 1st day of September 1959 that:

(1) The direct cases of the applicants shall be presented by written, sworn exhibits;

(2) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on October 14, 1959;

(3) The written, sworn exhibits constituting the direct cases of the applicants shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on October 30, 1959, at which time, other than for corrective matters, the affirmative cases shall be deemed frozen;

(4) Counsel shall notify each other on or before November 18, 1959 as to those witnesses whom they desire to be made available for cross-examination;

It is further ordered, That the hearing in this matter presently scheduled to commence on October 7, 1959 is continued to December 2, 1959 commencing at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: September 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7468; Filed, Sept. 8, 1959; 8:49 a.m.]

[Docket No. 12315, etc.; FCC 59M-1107]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Order Continuing Hearing

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

Due to illness of counsel for J. B. Falt, Jr., an applicant in this proceeding: *It is ordered,* This 1st day of September 1959, that the hearing now scheduled for September 2, 1959, be, and the same is hereby, continued without date.

Released: September 2, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7469; Filed, Sept. 8, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 185]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 3, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61699. By order of August 28, 1959, Division 4, acting as an Appellate Division, approved the transfer to George J. Dornbush and John H. Dornbush, doing business as Dornbush Truck Line, Burns, Kans., of Certificate No. MC 60228, issued August 18, 1949, to R. G. Marcott and M. F. Marcott, doing business as Marcott Truck Line, Burns, Kans., authorizing the transportation of: Livestock, from Burns, Kans., and points within 20 miles of Burns, to Kansas City, Mo.; livestock and feed, from Kansas City, Mo., to points in the above specified Kansas territory; household goods, from points in the above-specified Kansas territory, to points in Missouri, Oklahoma, and Colorado; fresh fruit, from Anadarko, Okla., to points in the above-specified Kansas territory; feed, from Kansas City, Mo., to Newton, Kans., and points within 20 miles of Newton; hardware, from Kansas City, Mo., to Newton, Kans.; livestock, between Newton, Kans., and points within 25 miles of Newton, on the one hand, and, on the other, Kansas City, Mo.; and household goods and agricultural implements and supplies, between Newton, Kans., and points within 20 miles of Newton, on the one hand, and, on the other, Kansas City, Mo.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7462; Filed, Sept. 8, 1959; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 177

Washington, Thursday, September 10, 1959

Title 3—THE PRESIDENT

EXECUTIVE ORDER 10836

AMENDMENT OF EXECUTIVE ORDER NO. 10530,[1] PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10530 of May 10, 1954, entitled "Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President", be, and it is hereby, amended as follows:

1. Paragraph (l) of section 1 is amended to read:

"(l) The authority vested in the President by the last sentence of section 11 of the act of June 6, 1924, ch. 270, 43 Stat. 463 (as renumbered by section 2 of, and as amended by, the act of July 19, 1952, ch. 949, 66 Stat. 781, *et seq.*), to approve (1) the designation of lands to be acquired by condemnation, (2) contracts for purchase of lands, and (3) agreements between the National Capital Planning Commission and officials of the States of Maryland and Virginia."

2. The following paragraph (o) is added at the end of section 1:

"(o) The authority vested in the President by section 44(a) of the Alaska Omnibus Act, approved June 25, 1959 (Public Law 86–70; 73 Stat. 141, 151), to make transitional grants to the State of Alaska; and the authority vested in the President by section 44(b) of that act (1) to approve requests of the Governor of Alaska that Federal agencies continue to provide services or facilities in Alaska for an interim period, and (2) to allocate to such agencies the funds necessary to finance the provision of such services or facilities."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 8, 1959.

[F.R. Doc. 59–7578; Filed, Sept. 9, 1959; 10:34 a.m.]

[1] 19 F.R. 2709; 3 CFR, 1954 Supp., p. 55.

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1959

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1959 and to establish, pursuant to sections 202, 204 and 411 of the act sugar quotas and prorations for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1959. This regulation also establishes pursuant to section 207 of the act the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1959 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended, to give effect to the revised determination and to further amend § 811.4 to determine and prorate deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1959 as established in § 811.2, as amended herein.

Section 204(a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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44 CFR
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50 CFR
6 — 7277
Proposed rules:
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the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to such other areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a)(2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any detemination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the welfare of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237), §§ 811.1, 811.2, 811.3 and 811.4 of Sugar Regulation 811 (24 F.R. 1; 24 F.R. 6473) are amended to read as hereinafter set forth.

Sections 811.1 to 811.4 are amended to read:

§ 811.1 Sugar requirements, 1959.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1959 is hereby determined to be 9,300,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the calendar year 1959, quotas for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	2,021,098	(1)
Mainland cane sugar	621,912	(1)
Hawaii	1,127,970	31,755
Puerto Rico	1,179,437	137,637
Virgin Islands	16,083	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 Quotas for foreign countries.

For the calendar year 1959, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	(1) Quota	(2) Direct-consumption limit
Republic of the Philippines	980,000	59,920
Cuba	3,090,065	375,000
Peru	91,197	9,961
Dominican Republic	76,507	8,880
Mexico	59,709	16,130
Nicaragua	13,453	10,637
Haiti	6,306	6,306
Netherlands	3,662	3,662
China	3,564	3,564
Panama	3,564	3,564
Costa Rica	3,557	3,557
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1959, Hawaii, Puerto Rico and the Virgin Islands will be unable by 150,000, 209,562 and 3,678 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202(a)(2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202(a)(2) of the act, which amounts to 179,085 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	136,946	2,158,044
Mainland cane sugar	42,139	664,051
Hawaii	0	1,127,970
Puerto Rico	0	1,179,437
Virgin Islands	0	16,083

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 184,155 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein and in par. (b) of this section
Domestic beet sugar	67,220	2,225,264
Mainland cane sugar	20,684	684,735
Hawaii	0	1,127,970
Puerto Rico	0	1,179,437
Virgin Islands	0	16,083
Cuba	96,251	3,186,316

Statement of bases and considerations. Total sugar quotas for 1959 were established at 9,200,000 tons the 29th of December 1958.

Since May sugar distribution has been running at a record level. The extreme heat which prevailed this summer in many parts of the country no doubt increased the consumption of soft drinks, ice cream and other sugar-containing products. More recently the danger of a waterfront work stoppage, beginning September 30, at eastern and southern ports has been a factor in the market and should continue to be until the issue is settled. Sugar refiners have been buying and scheduling the receipt of raw sugar to meet continued high distribution and to build up inventories.

The tightness of sugar supplies, especially for the Atlantic and Gulf Coasts, is reflected in current sugar prices. Raw sugar prices at New York have ranged from a low of 5.75 cents per pound, duty paid, in early April to 6.50 cents on September 1. Recently increases of 20 cents per 100 pounds have been announced that would raise the price of refined sugar to 9.55 cents per pound, the highest price since 1920.

To meet the increased needs, total quotas are increased to 9,300,000 tons.

Deficits in the quotas for Puerto Rico, Virgin Islands and Hawaii were determined and prorated on July 31, 1959. Partially as a result of the increase in total quotas provided for herein, it is determined that the Hawaiian deficit will approximate 150,000 tons rather than 100,000 tons, previously determined. Accordingly, quota deficits of 209,562 tons for Puerto Rico, 3,678 tons for the Virgin Islands and 150,000 tons for Hawaii are hereby determined and pursuant to section 204(a) of the act 179,085 tons are prorated to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in § 811.2 and 184,155 short

tons, raw value, are prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 179,085 tons.

The quotas established in §§ 811.2 and 811.3 were determined in accordance with the specific procedures provided in section 202 of the act. The amounts of the quotas which may be filled by direct-consumption sugar were established in accordance with section 207 of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U.S.C. 1112, 1114)

Done at Washington, D.C., this 3d day of September, 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-7510; Filed, Sept. 9, 1959; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 807, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.914 (Lemon Regulation 807, 24 F.R. 6994) are hereby amended to read as follows:

(ii) District 2: 348,750 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 4, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7508; Filed, Sept. 9, 1959; 8:47 a.m.]

[959.317, Amdt. 1]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California and in all counties in Oregon except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) the currently effective limitation of shipments regulation (§ 959.317, 24 F.R. 5599) terminates on September 10, 1959 and as amended herein the period of regulation is extended for an additional thirty (30) days through October 10, 1959, (3) more orderly marketing in the public interest than would otherwise prevail will be promoted by extending the period of regulation the additional thirty (30) days, (4) compliance with the regulation as amended herein will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order. The first paragraph and paragraph (b) (1) of the said regulation are hereby amended as set forth below.

§ 959.317 Limitation of shipments.

During the period from July 13, 1959, through October 10, 1959, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

* * * * *

(b) *Minimum maturity requirements*—(1) *All varieties.* "Slightly skinned," which means that not more skinned", which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 4, 1959, to become effective September 10, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7535; Filed, Sept. 9, 1959; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (17) of § 6.304(a) are amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(2) Two Confidential Assistants (Private Secretaries) to the Deputy Secretary of Defense and one Confidential Assistant (Private Secretary) to each of the following: the Director of Defense Research and Engineering; the Assistant Secretary of Defense, Manpower, Personnel and Reserve; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Public Affairs; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U.S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.

* * * * *

(17) One Confidential Secretary to the Special Assistant to the Director of Defense Research and Engineering.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7512; Filed, Sept. 9, 1959; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (10) is added to § 6.303(a) as set out below.

§ 6.303(a) Treasury Department.

(a) *Office of the Secretary.* * * *
(10) One Deputy to the Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7533; Filed, Sept. 9, 1959; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

[Airspace Docket No. 59-LA-24; Amdt. 18]

PART 608—RESTRICTED AREAS

Revocation of Restricted Area

The purpose of this action is to revoke the Sand Hills, California, Restricted Area (R314).

The U.S. Navy no longer has a requirement for this restricted area, and has requested that it be revoked.

Since this amendment eliminates a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.14 the Sand Hills, California, Restricted Area (R-314) (23 F.R. 8578, 24 F.R. 524) is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 2, 1959.

[F.R. Doc. 59-7491; Filed, Sept. 9, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-22; Amdt. 21]

PART 608—RESTRICTED AREAS

Modification of Restricted Area

The purpose of this amendment is to change the designated altitudes of the Camp Pickett, Virginia, Restricted Area (R-44) from "Surface to unlimited" to "Surface to 22,000 feet, MSL".

The U.S. Army no longer has a requirement for the Airspace above 22,000 feet within this restricted area and has requested that an upper altitude limit be designated accordingly.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.54, the Camp Pickett, Virginia, Restricted Area (R-44) (23 F.R. 8588) is amended by deleting "Surface to unlimited" and substituting therefor "Surface to 22,000 feet MSL".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 2, 1959.

[F.R. Doc. 59-7489; Filed, Sept. 9, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-78; Amdt. 19]

PART 608—RESTRICTED AREAS

Modification of a Restricted Area

The purpose of this amendment is to reduce the upper altitude limit of the Waldron Island, Washington, Restricted Area (R-234) from 10,000 feet to 4,000 feet, MSL.

The U.S. Navy no longer has a requirement for the airspace above 4,000 feet within this restricted area and has requested that the upper altitude limit be lowered accordingly.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken: In § 608.55, the Waldron, Washington Restricted Area (R-234) (23 F.R. 8590) is amended by deleting "Surface to 10,000 feet" and substituting therefor "Surface to 4,000 feet MSL".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 2, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 2, 1959.

[F.R. Doc. 59-7490; Filed, Sept. 9, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7438 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

F. E. Booth Company, Inc.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, F. E. Booth Company, Inc., San Francisco, Calif., Docket 7438, Aug. 4, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a processor and canner of fish, fruits, and vegetables, in San Francisco, Calif., with violating section 2(c) of the Clayton Act by giving to customers buying directly for their own accounts for resale, discounts or allowances reflecting the usual 2½ percent brokerage fee.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent F. E. Booth Company, Inc., a corporation, its officers, representatives, agents or employees, directly or through any corporate or other device, in connection with the sale and distribution of canned foods, or other food products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer, or anyone acting for or in behalf of, or who is subject to, the direct or indirect control of such buyers, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof upon, or in connection with, any sale to such buyer for its own account.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That Respondent F. E. Booth Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 4, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7502; Filed, Sept. 9, 1959; 8:47 a.m.]

[Docket 7449 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Lenders Service Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Financing activities; institutional connections; § 13.85 *Government approval, action, connection or standards:* Small Business Administration,[1] § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1417 *Financing activities;*[1] § 13.1553 *Services:* [*Misrepresenting oneself and goods*]—Goods: § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lenders Service Corporation et al., Los Angeles, Calif., Docket 7449, August 6, 1959]

In the Matter of Lenders Service Corporation, a Corporation; Ralph L. Sampson, Leonard Miller, Herbert Ruttenberg and Harvey Cova, Individually and as Officers of Said Corporation; U. T. Thompson, Individually and as Executive Vice President of Said Corporation; and William VanPinsker, Charles McCarthy and William Mitchell, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a lending concern in Los Angeles, Calif., with misrepresenting the services it rendered in helping businessmen to obtain loans by such false misrepresentations as that it was an affiliate or agent of banks and other lending institutions which would make loans to anyone it recommended, that upon payment of a fee it would get clients larger loans than they applied for and would refund the fee if the loan was not obtained, and that it often made loans from its own funds or would get clients loans from the Small Business Administration.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on August 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Lenders Service Corporation, a corporation, and its officers; Ralph L. Sampson, Leonard Miller, Herbert Ruttenberg and Harvey Cova, individually and as officers of said corporation; U. T. Thompson, individually and as Executive Vice President of said corporation; and William VanPinsker, Charles McCarthy and William Mitchell, individually, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising of or offering for sale or sale of their services in obtaining loans or financial assistance for businessmen or others, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents will obtain loans within a short period of time; or in any period of time that is not in accordance with the fact;

2. Respondents will refund the fee paid in event they do not obtain a loan, unless such is the fact;

3. Respondents can or will obtain larger loans than the loans applied for;

4. Respondents are affiliated with banks or lending institutions;

5. Banks or other lending institutions will make loans to everyone recommended by Respondents;

6. Respondents are the agents of banks, insurance companies or other lending or financial institutions;

7. Respondents will obtain loans from the Small Business Administration for those who pay Respondents for their service;

8. Respondents will make loans to clients from their own funds.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents named in the caption hereof shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 6, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7503; Filed, Sept. 9, 1959; 8:47 a.m.]

[1] New.

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

Prescription of Numbers in Grade

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 Prescription of numbers in grade.

The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1959, and ending June 30, 1960:

Director Grade	480
Senior Grade	590
Full Grade	435
Senior Assistant Grade	335
Assistant Grade	60
Junior Assistant Grade	0

(Sec. 206, 58 Stat. 694, as amended; 42 U.S.C. and Sup., 207)

This amendment shall be effective as of July 1, 1959.

Dated: August 20, 1959.

[SEAL] L. E. BURNEY, *Surgeon General.*

Approved: September 3, 1959.

ARTHUR S. FLEMMING, *Secretary.*

[F.R. Doc. 59-7517; Filed, Sept. 9, 1959; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11233; FCC 59-908]

PART 3—RADIO BROADCAST SERVICES

Standards of Good Engineering Practice

In the matter of Amendment of Part 3 of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning Bandwidth and Spurious Emissions of AM and FM Stations; Docket No. 11233.

1. On December 9, 1954 the Commission released a Notice of Proposed Rule Making (FCC 54-1518) in the above-entitled matter. The Notice of Proposed Rule Making was published in the FEDERAL REGISTER December 14, 1954. The date for filing comments was specified as March 7, 1955 and was subsequently extended to June 6, 1955. The purpose of the proposed rules is to establish definitions of bandwidth and specifications for suppression of spurious emissions of AM and FM broadcast stations.

2. Comments were received from licensees of AM and FM broadcast stations,[1] the National Association of Radio and Television Broadcasters (NARTB), the Radio-Electronics-Television Manufacturers Association (RETMA) and the General Electric Company. A review of the comments shows that they may be divided into two categories: Those concerning transmitters presently in use, and those applying to transmitters to be installed in the future.

3. The comments generally favored the adoption of the proposed performance standards with certain modifications, but expressed the opinion that existing transmitting equipment should be exempted from the proposed requirements until a further study could be made.

[1] The following stations filed comments: The Good Music Station, Inc. (WGMS); The Montana Network (KOOK); Tri-City Radio Corp. (WLBC, WMUN); Chanticleer Broadcasting Co. (WCTC); Indian River Broadcasting Co. (WIRA); General Teleradio, Inc.; Havens and Martin, Inc. (WMBG, WOOD); Albuquerque Broadcasting Co. (KOB); KOMA, Inc. (KOMA); Crosley Broadcasting Corp.; E. Harold Munn, Jr. (WTVV); American Broadcasting Co.; Queen City Broadcasting Co. (KIRO); The Philadelphia Inquirer Stations (WFIL); WRAK, Inc. (WRAK); Owensboro Publishing Co. (WOMI); Alvin E. O'Konski (WOSA, WLIN); and Corn Belt Publishers, Inc. (WAAF).

Such a survey was conducted by NAB (formerly NARTB) and the results submitted to the Commission on November 16, 1956. These results showed that although many existing stations were achieving suppression in excess of that proposed to be required, it would impose an extreme hardship on some to make the necessary modifications in existing equipment to comply strictly with the proposed standards.

4. Evidence was also submitted indicating that the Commission's original proposal would require an abrupt transition from the amplitude of the emissions required for the proper performance of the broadcasting system and the so-called out-of-band or spurious emissions in the region of the spectrum immediately adjacent to the channel occupied by the broadcast station. Such a transition not only imposes a severe requirement on the equipment design but also may result in other undesirable effects which could lead to other spurious emissions. The comments also point out that the degree of suppression under the formula proposed in the initial Notice would require attenuation of some out-of-band emissions by more than 90 decibels.

5. On the basis of the comments submitted and the record in the proceeding in Docket No. 11654,[1] the Commission has concluded that its rules should be amended as set forth below. It will be noted that the maximum suppression required as a matter of equipment acceptance and normal operation is 80 decibels. Should such suppression in individual cases be insufficient to prevent the interference to the reception of other radio stations, the Commission may require a licensee to take such further steps as may be necessary to eliminate the interference. It may also be noted that although existing stations are not required to adhere strictly to the performance requirements they are expected to achieve the highest degree of compliance within the capabilities of their present equipment. This exemption does not extend to individual cases where actual interference occurs. In such cases the Commission may require licensees to take further steps to eliminate the intereference. All transmitting apparatus which is type accepted after January 1, 1960, must meet the new requirements.

6. In view of the foregoing considerations and pursuant to the authority contained in sections 4(i), 301 and 303 of the Communications Act of 1934, as amended: *It is ordered,* That, effective January 1, 1960, Part 3 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Adopted: September 2, 1959.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[1] See Notice of Proposed Rule Making (FCC 56-253) released on March 23, 1956.

1. Section 3.40(a) is amended by adding thereto the following new subparagraphs:

§ 3.40 Transmitter; design, construction, and safety of life requirements.

(a) * * *

(12) Any emission appearing on a frequency removed from the carrier by between 15 kc and 30 kc, inclusive, shall be attenuated at least 25 db below the level of the unmodulated carrier. Compliance with the specification will be deemed to show the occupied bandwidth to be 30 kc or less.

(13) Any emission appearing on a frequency removed from the carrier by more than 30 kc and up to and including 75 kc, inclusive, shall be attenuated at least 35 db below the level of the unmodulated carrier.

(14) Any emission appearing on a frequency removed from the carrier by more than 75 kc shall be attenuated at least $43+10\ \mathrm{Log}_{10}$ (Power, in watts) decibels below the level of the unmodulated carrier, or 80 decibels, whichever is the lesser attenuation.

2. Section 3.46(c) is amended by deleting the present text and substituting the following:

§ 3.46 Transmitter.

* * * * *

(c) The station equipment shall be so operated, tuned, and adjusted that emissions outside of the authorized channel do not cause harmful interference to the reception of other radio stations. Standard broadcast stations employing radio transmitters type accepted after January 1, 1960, shall maintain the bandwidth occupied by their emissions in accordance with the specifications set forth in § 3.40(a). Stations employing transmitters installed or type accepted prior to January 1, 1960, shall achieve the highest degree of compliance practicable with their existing equipment. In either case, should harmful interference to the reception of other radio stations occur, the licensee may be required to take such further steps as may be necessary to eliminate the interference.

3. Section 3.317 is amended by adding new subparagraphs to paragraph (a) and by substituting new text for paragraph (f)(2), as follows:

§ 3.317 Transmitter and associated equipment.

(a) * * *

(12) Any emission appearing on a frequency removed from the carrier by between 120 kc and 240 kc inclusive shall be attenuated at least 25 decibels below the level of the unmodulated carrier. Compliance with this specification will be deemed to show the occupied bandwith to be 240 kc or less.

(13) Any emission appearing on a frequency removed from the carrier by more than 240 kc and up to and including 600 kc shall be attenuated at least 35 db below the level of the unmodulated carrier.

(14) Any emission appearing on a frequency removed from the carrier by more than 600 kc shall be attenuated at least $43+10\ \mathrm{Log}_{10}$ (Power, in watts) decibels below the level of the unmodulated carrier, or 80 decibels, whichever is the lesser attenuation.

* * * * *

(f) * * *

(2) The station equipment shall be so operated, tuned, and adjusted that emissions outside of the authorized channel do not cause harmful interference to the reception of other radio stations. FM broadcast stations employing transmitters type accepted after January 1, 1960, shall maintain the bandwidth occupied by their emissions in accordance with the specifications set forth in paragraph (a) of this section. Stations employing transmitters installed or type accepted prior to January 1, 1960, shall achieve the highest degree of compliance practicable with their existing equipment. In either case, should harmful interference to the reception of other radio stations occur, the licensee may be required to take such further steps as may be necessary to eliminate the interference.

[F.R. Doc. 59-7519; Filed, Sept. 9, 1959; 8:49 a.m.]

[Docket No. 11779; FCC 59-907]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; Lubbock, Tex.

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Lubbock, Tex.); Docket No. 11779.

1. The Commission has before it for consideration a Petition filed on November 26, 1956, by Texas Technological College, for reconsideration of the Commission's Report and Order issued in this proceeding on October 25, 1956 (FCC 56-1032), denying the College's request that the educational reservation in Lubbock, Texas, be changed from UHF Channel 20 to VHF Channel 5; an Opposition filed by C. L. Trigg on December 6, 1956; and a Reply filed by Texas Technological College on December 20, 1956.

2. In the above-described Report and Order denying Texas Technological College's petition, we concluded at that time that the public interest would not be served by reserving Channel 5 in Lubbock for exclusive use by a noncommercial educational television station. This conclusion was based in part on the fact that applications had then been filed for a noncommercial station by the College and for a commercial station by another applicant, and on our judgment that in such a case the channel should not be set aside exclusively for noncommercial educational use where the educational interests, as well as the commercial applicant were ready to proceed and the comparative merits of all applicants could be evaluated in a hearing. We are not persuaded by the pleadings before us that this judgment was in error. However, subsequent events in this proceeding, included in the record now before us, and summarized below, render the contentions and arguments advanced

in the above-described petition, opposition, and reply moot.

3. On July 16, 1957, which was subsequent to the date of the Order here under consideration, an evidentiary hearing was held on Texas Technological College's application for a construction permit to operate noncommercially on Channel 5 at Lubbock; on September 17, 1957, an Initial Decision was released, looking toward the grant of the application; on October 24, 1957, the Commission stayed the effect of the Initial Decision, and remanded the case to the Examiner for the taking of additional evidence, and on April 15, 1958, the Examiner's Supplemental Initial Decision, looking toward grant of the application, was released. This decision became effective on May 21, 1958, when Texas Technological College's application to operate noncommercially on Channel 5 at Lubbock was granted. A construction permit was issued on July 21, 1958, and was extended on January 21, 1959, until July 21, 1959. On June 26, 1959, the permit was extended until January 21, 1960. Petitioner continues to propose a noncommercial operation.

4. In view of the foregoing facts, we now find it appropriate to grant petitioner's request that the educational reservation in Lubbock, Texas, be changed from UHF Channel 20 to VHF Channel 5.

5. Authority for the amendments ordered herein is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered,* Effective October 9, 1959, that the assignments contained in § 3.606 of the Commisison's rules are amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Lubbock, Texas	*5—, 11, 13—, 20, 26

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: September 2, 1959.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7520; Filed, Sept. 9, 1959; 8:49 a.m.]

[Docket No. 12054; FCC 59-910]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments; Columbus, Ga.

In the matter of Amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Columbus, Georgia); Docket No. 12054.

At a session of the Federal Communications Commission held at its Offices in Washington, D.C., on the 2d day of September 1959.

The Commission having under consideration a Petition for Reconsideration filed August 17, 1959, by WTVY, Inc., licensee of WTVY, Dothan Alabama, requesting reconsideration of the Report and Order (FCC 59-721) released in this proceeding on July 17, 1959; and

It appearing that the Commission will require additional time for review of the matters raised in the foregoing Petition for Reconsideration;

It further appearing that the Report and Order (FCC 59-721, Paragraph 29), specified August 24, 1959, as the effective date for the amendments to § 3.606 of the Commission's rules and regulations; and

It further appearing that the channels ordered to be reassigned must continue to be occupied by stations licensed to operate on them in Columbus, Georgia, and Dothan, Alabama, until disposition is made of matters raised in the foregoing Petition for Reconsideration;

It is ordered on the Commission's own motion, That the effective date of that portion of the Report and Order released in this proceeding on July 17, 1959 (24 F.R. 5834), which amends § 3.606 of the Commission's rules and regulations, is stayed, until further order of the Commission.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7521; Filed, Sept. 9, 1959; 8:49 a.m.]

[Docket No. 12902; FCC 59-924]

PART 19—CITIZENS RADIO SERVICE

Licensed Radio Operators

In the matter of amendment of § 19.71 of Part 19, Citizens Radio Service, to specify certain exceptions to the requirements regarding licensed radio operators in connection with Class C and Class D stations in that service, upon certification of the equipment by the manufacturer, Docket No. 12902.

1. On June 10, 1959, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter which was published in the FEDERAL REGISTER of June 18, 1959 (24 F.R. 4969). The time allowed for filing both original and reply comments has now expired.

2. Comments were received from the Citizenship Radio Corporation and the Kaar Engineering Corporation. No reply comments were received. The statement of Citizenship was simply that it had no objections to the proposal. Kaar supports the proposal insofar as it relates to factory-assembled equipment but opposes the exception to the requirement for a licensed operator as it relates to home-assembled kits.

3. The opposition of Kaar appears to be based on a misconception of the restated in the proposed rule and a mistaken idea that the licensee who home-assembles a factory kit is relieved of any responsibility for the proper performance of the equipment. In order to come within the proposed exception, a kit which is to be further home-assembled must comply with all the conditions listed in paragraph (d) of the amended § 19.71, one of which is that the frequency determining elements of the transmitter, including the crystal and all components of the crystal oscillator circuit, shall have been pre-assembled by the manufacturer, pre-tuned to a specific available frequency, and sealed. Thus the proposed rule would not include the complete un-supervised home-construction and activation of a transmitter but only the addition to this sealed unit of certain components, preselected by the manufacturer of the kit, that may reasonably be expected not to result in off-frequency operation, excessive plate input power, over-modulation, excessive harmonics or other spurious emissions. Compliance with § 19.71 (d) does not relieve the licensee of responsibility for the proper performance of the equipment since he may still be cited for violation of the appropriate section of Subpart C of Part 19 if this equipment fails to comply with any of the technical standards contained therein. Compliance with § 19.71(d) simply relieves the licensee of the necessity of determining in advance whether or not certain adjustments of the transmitting equipment may reasonably be expected to result in violation of those technical standards.

4. The Commission is of the opinion that the limited exception to the licensed operator requirements contained in the proposal is in the public interest in that it would facilitate the fullest development and use of Class C and D stations and at the same time contains adequate safeguards to prevent a degradation of the service, particularly with respect to those persons who, for economic or other reasons, wish to use equipment involving some degree of home construction.

5. In view of the foregoing, and pursuant to authority contained in sections 4(c) and 303 of the Communications Act of 1934, as amended, *It is ordered,* That effective November 15, 1959, Section 19.71 of Part 19, Citizens Radio Service, be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: September 2, 1959.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

In § 19.71, paragraph (c) is amended and new paragraphs (d) and (e) are added, as follows:

§ 19.71 Operator requirements.

* * * * *

(c) Except as provided in paragraph (d) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests.

(d) In the case of Class C or Class D stations in this service, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of such stations: *Provided,* That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory-assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by non-factory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been pre-assembled by the manufacturer, pre-tuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially pre-assembled units, may reasonably be expected to result in off-frequency operation, excessive plate input power, over-modulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph:

And provided further, That, notwithstanding the foregoing provisions of this paragraph, whenever the transmitting equipment of a station is found operating contrary to any of the technical regulations contained in Subpart C of this part, all transmitter adjustments or tests while radiating energy during or coincident with the servicing of that equipment for the purpose of restoring compliance with those regulations shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests.

(e) The manufacturer's certification concerning design and construction features of Class C or Class D station transmitting equipment, as required if the provisions of paragraph (d) of this section are invoked, may be specific as to a particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in that paragraph have been fulfilled.

[F.R. Doc. 59-7522; Filed, Sept. 9, 1959; 8:50 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In F.R. Doc. 59-7315, appearing at page 7079 of the issue of Tuesday, September 1, 1959, the "do" listed for South Carolina in the "Ducks and coots" column of § 6.51(c) should read "Nov. 30–Jan. 8."

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 31]

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE, WASHINGTON

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.177 and to revoke §§ 31.178 and 31.179 of Subpart—Little Pend Oreille National Wildlife Refuge, Washington, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the hunting of deer, bear, and grouse on certain lands of the Little Pend Oreille National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 3, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

§ 31.177 Deer, bear, and grouse hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, hunting of deer, bear, and grouse is permitted on the hereinafter described lands of the Little Pend Oreille National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Dogs.* Dogs are not permitted on the refuge for use in the hunting of deer, bear, or grouse.

(d) *Hunting period.* The period of hunting will be in compliance with regulations prescribed by the Washington Fish and Game Commission.

(e) *Hunting area.* All of the lands of the Little Pend Oreille National Wildlife Refuge will be opened to the hunting of deer, bear, and grouse.

[F.R. Doc. 59-7504; Filed, Sept. 9, 1959; 8:47 a.m.]

[50 CFR Part 34]

LOXAHATCHEE NATIONAL WILDLIFE REFUGE, FLORIDA

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16

U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise paragraph (b) of § 34.93 of Subpart—Loxahatchee National Wildlife Refuge, Florida, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to eliminate discrepancies and clarify the regulations governing the use of boats on areas of the Loxahatchee National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 3, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

(b) *Limitation.* Inboard and outboard motor boats may not be used during the open season for the hunting of migratory birds or fishing in areas designated by suitable posting by the Refuge Officer in charge as closed to motor boat operation during such open season.

[F.R. Doc. 59-7505; Filed, Sept. 9, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments as hereinafter set forth, which was recommended by the Maine Potato Marketing Committee pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970) regulating the handling of Irish potatoes grown in Maine, issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.306 Limitation of shipments.

During the period from September 21, 1959, through July 16, 1960, no person such potatoes meet the requirements of paragraph (a) of this section or unless such potatoes are handled in accordance with the provisions of paragraphs (b), (c), (d), (e), (f), or (g) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* U.S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* (i) round varieties—at least 90 percent fairly clean. (ii) long varieties—packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90 percent fairly clean.

(b) *Special purpose shipments*—(1) *Modified grade, size, and cleanliness requirements.* In addition to potatoes which meet the requirements of paragraph (a), potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet the grade and size requirements specified for the particular purpose and the handler complies with the applicable provisions of paragraph (c) of this section.

(i) *Chipping.* U.S. No. 1, or better, grade (except for damage by shriveling and sprouting), 1½ inches minimum diameter and 4 inches maximum diameter.

(ii) *Processing into potato salad, fish cakes, hash, knishes, or pancakes.* 85 percent U.S. No. 1, or better, quality, 1½ inches minimum diameter and 2½ inches maximum diameter.

(iii) *Export.* U.S. No. 1, or better, grade, 1½ inches minimum diameter.

(2) *Exemptions from grade, size, and cleanliness requirements.* The minimum grade, size, and cleanliness requirements of paragraph (a) of this section shall not apply to shipments of potatoes for the following purposes if the handler complies with the applicable provisions of paragraph (c) of this section.

(i) Seed, prior to June 1, 1960;

(ii) For grading or storing within the production area;

(iii) Dehydration or potato flakes;

(iv) Manufacture or conversion into starch, flour, or alcohol;

(v) Canning or freezing;

(vi) Livestock feed;

(vii) For distribution by the Federal government; and

(viii) Charity.

(c) *Safeguards.* (1) Each handler making shipment of potatoes under the provisions of paragraph (b) of this section for chipping, processing into potato salad, fish cakes, hash, knishes or pancakes, export, dehydration or potato flakes, canning or freezing, livestock feed, or charity shall:

(i) Prior to making shipment, apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 970.130;

(ii) Obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;

(iii) Pay assessments on shipments of seed; and

(iv) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes.

(2) Prior to the issuance of a Certificate of Privilege to ship potatoes for chipping, the applicant shall provide the committee with appropriate evidence that such potatoes have been treated and conditioned (or are in the process of being treated and conditioned) for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in paragraph (b), (1), (i) of this section.

(3) The safeguards set forth in this paragraph shall not apply to shipments of potatoes within the production area of less than 15,000 pounds for canning or freezing, dehydration, potatoe flakes or livestock feed when such potatoes are shipped in bulk, barrels, or in unsewn 100-pound burlap bags.

(d) *State requirements.* The obtaining of a Certificate of Privilege for shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Branding Law (Me. Rev. Stat. Ch. 32, sections 295–301 (1954), as amended (Supp. 1957)).

(e) *Minimum quantities.* Each handler may handle not in excess of thirty (30) hundredweight of potatoes per week free from regulation effective pursuant to § 970.45 (assessments) and § 970.65 (Inspection and Certification); if such potatoes meet the requirements of subparagraph (1) or (2) of paragraph (a) and are 90 percent "fairly clean". This exemption shall not apply to any portion of a shipment of over thirty (30) hundredweight of such potatoes.

(f) *Inspection.* No handler shall ship potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. Under § 970.65 (c), for administration thereof each inspection certificate shall be valid for only 72 hours following completion of inspection as shown in the certificate.

(g) *Certificates of Exemption.* Each handler making shipments of potatoes under a Certificate of Exemption issued under § 970.122 which are exempted from the grade and size limitations set forth in paragraph (a) of this section shall pack such potatoes in 50-pound, or larger, packs.

(h) *Definitions.* The terms "clean", "fairly clean" and the grades and sizes used in this section shall have the same meaning assigned such terms, grades, and sizes in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title) including the tolerances set forth therein; the term "week" as used in paragraph (e) means a calendar week beginning midnight (12:01 a.m.) Sunday; other terms used in this section shall have the same meaning as when used in

Marketing Agreement No. 122 and Order No. 70.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 3, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7509; Filed, Sept. 9, 1959; 8:47 a.m.]

[7 CFR Part 1066]

IRISH POTATOES

Imports

Notice is hereby given that the Secretary of Agriculture is giving consideration to grade, size, quality and maturity regulations and inspection requirements that are to be made applicable to the importation of Irish potatoes into the United States pursuant to the provisions of section 608e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable General Regulations (Part 1060 of this chapter).

The act requires that whenever two or more marketing orders regulating the same commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of any such commodity shall be prohibited unless it complies with the grade, size, quality and maturity provisions of the order which, as determined by the Secretary, regulate the commodity produced in the area with which the imported commodity is in most direct competition. Shipments of Irish potatoes are regulated under two or more of the marketing orders applicable to this commodity during each of the twelve months throughout the calendar year, and the regulations issued thereunder, based upon experience during the past several seasons, follow a reasonably uniform pattern from one season to the next. Therefore, determinations are set forth in the proposed notice on the portions of the marketing year during which imports of potatoes are in most direct competition with regulations issued or to be issued under specific marketing orders and the attached proposal sets forth the basis on which the grade, size, quality and maturity regulations issued under such marketing orders on the domestic commodity shall apply within the period set forth herein of such imports.

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

Sections 1066.2 through 1066.6 (1066.2–1066.6 of this chapter) shall be terminated and, in lieu thereof, the following general regulations applicable to imports of Irish potatoes pursuant to section 608e of the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 601–674), shall be effective.

§ 1066.1 Import regulations.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 38 (Part 938 of this chapter), No. 57 (Part 957 of this chapter), No. 58 (Part 958 of this chapter), No. 59 (Part 959 of this chapter), No. 70 (Part 97 of this chapter), and No. 92 (Part 992 of this chapter);

(ii) During the past several years grade, size, quality and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by two seasonal categories, namely, first, fall or winter potatoes usually marketed during the months of October through the following June, with the great bulk of such marketings being out of storage, and, second, potatoes marketed during July through September, with the great bulk of such marketings being made as the potatoes are harvested;

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of round type potatoes during the months of October through the following June are in most direct competition with marketing of the same type potatoes produced in the area covered by Order No. 70;

(ii) Imports of long type potatoes during each month and imports of round type potatoes during the months of July through September are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57.

(b) *Grade, size, quality, and maturity requirements.* On and after October 1, 1959, the importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements:

(1) For the period July 1 through September 30 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 57 applicable to potatoes of the long or round types shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types.

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 57 applicable to long type potatoes and the grade, size, quality and maturity requirements of Marketing Order No. 70 applicable to round type potatoes shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types.

(3) The grade, size, quality and maturity requirements specified in paragraph (b) shall apply to imports of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, specified in paragraph (b), or three days following its publication in the FEDERAL REGISTER, whichever is later.

(c) *Minimum quantities.* Any importation which in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed.* Certified seed potatoes shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Science Service, Canada Department of Agriculture.

(f) *Designation of Governmental inspection service.* Fruit and Vegetable Inspection Service, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4(a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the Act.

(g) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Inspection Service, Fruit and Vegetable Division, Marketing Service, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the administrator with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the Certificate;

(vi) The principal identifying marks of the containers;

(vii) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Definitions.* (1) For purposes of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive, of this title), may be used.

(2) All other terms shall have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 3, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–7534; Filed, Sept. 9, 1959; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[44 CFR Part 401]

IMPORTATION INTO THE UNITED STATES OF NONAGRICULTURAL FOREIGN EXCESS PROPERTY

Notice of Proposed Rule Making

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed amendment of Foreign Excess Property Order No. 1 (Revised), Importation Into the United States of Nonagricultural Foreign Excess Property (24 F. R. 366).

The purpose of the proposed amendments is to accomplish the following changes in Foreign Excess Property Order No. 1 (Revised):

1. To establish that property of lend-lease origin is not regarded as foreign excess property. This change is accomplished by amendments to § 401.2(a) and § 401.4(c)(14) set forth below. Former § 401.4(c)(15) is redesignated as § 401.4(c)(14) by reason of the revocation of § 401.4(c)(14).

2. To provide additional clarification of the respective responsibilities and functions of the Administrator of the Business and Defense Services Administration and of the Foreign Excess Property Officer. This is accomplished by amendment of § 401.3(b) set forth below.

3. To provide for the exemption from requirements of application to and action by the Foreign Excess Property Officer with respect to the importation of foreign excess property in the form of metal scrap which is exempt from import duty or duties or with respect to which all import duties imposed by or pursuant to the Tariff Act of 1930, as amended, are at the time of such importation suspended by law. These amendments are considered necessary and desirable in the interest of improved and simplified administration of the responsibilities of the Secretary of Commerce as set forth in section 402 of the Federal Property and Administrative Services Act of 1949 as delegated to the Administrator of the Business and Defense Services Administration by Commerce Department Order No. 152 (23 F.R. 7951).

It is proposed to make the amendments herein set forth effective upon the date of their publication in the FEDERAL REGISTER which will be not less than 30 days subsequent to the date of publication of this notice.

It is proposed to publish these amendments in substantially the following form:

§ 401.2 [Amendment]

Section 401.2(a) is amended to read as follows:

(a) "Foreign excess property" means any property (except any agricultural commodity, food, or cotton or woolen goods) located outside the continental United States, Hawaii, Alaska, Puerto Rico, and the Virgin Islands, under the control of any Federal agency, which is not required for its needs and the discharge of its responsibilities as determined by the need thereof. It includes any such property after it has been disposed of by such Federal agency, notwithstanding any subsequent change of ownership. The importation of surplus property sold by the Government or any agency thereof in foreign areas before July 1, 1949, is governed by Foreign Liquidation Commissioner's Reg. 8, which delegates to the Secretary of Commerce jurisdiction over some but not all of such property (§ 308.15 of this title). To the extent that such jurisdiction over such property is delegated to the Secretary of Commerce, such property shall be deemed to be foreign excess property, and is governed by the provisions of this part. All persons owning or acquiring property disposed of by the Government in foreign areas before July 1, 1949, are referred to the said Foreign Liquidation Commissioner's Reg. 8, § 308.15 of this title, for the rules applicable to the importation of any such property which is not subject to the jurisdiction of the Secretary of Commerce. Property of land-lease origin is not regarded as foreign excess property, nor is the importation of such property prohibited or otherwise limited by Foreign Liquidation Commissioner's Reg. 8.

§ 401.3 [Amendment]

Section 401.3(b) is amended to read as follows:

(b) Under the general direction and supervision of the Administrator, the FEPO, or, in his absence the Deputy FEPO, is authorized to carry out the functions assigned to him in this part.

§ 401.4 [Revocation and redesignation]

a. Section 401.4(c)(14) is revoked.

b. Section 401.4(c)(15) is redesignated as § 401.4(c)(14).

Section 401.11 is amended to read as follows:

§ 401.11 Metal scrap.

(a) The determination made on August 23, 1950 (15 F.R. 5847, 5849) that no authorization is required for importation of foreign excess property in the form of metal scrap is revoked. Except as provided in paragraphs (b) and (c) of this section, applications for the importation of metal scrap should be made to the FEPO in accordance with the provisions of this part.

(b) No application need be filed with the FEPO for the importation of foreign excess property in the form of metal scrap which is exempt from import duty or duties or with respect to which all import duties imposed by or pursuant to the Tariff Act of 1930, as amended, are, at the time of such importation, suspended by law.

(c) No application need be filed with the FEPO for the importation of foreign excess property in the form of metal scrap delivered to a United States port of entry on or before February 15, 1959.

(d) Every FEP Import Authorization for the importation of metal scrap issued by the FEPO shall require, as a condition precedent to such importation, the importer to furnish an undertaking in a form and an amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as metal scrap. Importers of metal scrap pursuant to paragraphs (b) and (c) of this section shall be required to furnish like undertakings.

Interested persons may submit to the Foreign Excess Property Officer, Room 4816, Department of Commerce, Washington 25, D.C., data, views or arguments in writing but not orally relative to the proposed issuance of the amendments herein set forth. All relevant material received within 20 days following the day of publication of this notice will be considered.

Dated: September 3, 1959

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. HERBERT HUGHES,
Acting Administrator.

[F.R. Doc. 59–7532; Filed, Sept. 9, 1959; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12945]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Montgomery, Selma, Tuscaloosa and Birmingham, Alabama; Tupelo, Columbus and State College, Miss.); Docket No. 12945.

1. The Commission has before it for consideration a petition filed on September 2, 1959, by Capitol Broadcasting Co., licensee of Station WCOV–TV, Montgomery, Alabama, requesting that the time for filing reply comments in the above-entitled proceeding be extended from September 8, 1959, to September 18, 1959.

2. Petitioner states that numerous comments have been filed in this proceeding; that they are replete with engineering and economic data; and that they propose various television reallocations affecting all of the communities named in the above caption. It urges that the additional time requested is needed for it to properly analyze all the comments and to file adequate reply comments; that the extension would not prejudice the rights of any party; and that it will permit the filing of better prepared reply comments. Petitioner advises that counsel for Deep South Broadcasting Company and Frank K. Spain have informed it that they join in its request for a ten day extension and that counsel for WTVY, Inc., Edward L. Norton and Thad Holt, the Regents of the University System of Georgia for and on behalf of the University of Georgia, The Washington Post Company and the Association of Maximum Service Telecasters, Inc., American Broadcasting Company and Birmingham Television Corporation, and Birney Imes, Jr., have informed that they will interprose no objection to the granting of the extension.

3. In view of the number of proposals to be considered in this proceeding, the many comments received, and the representations of the petitioner, the Commission believes that the public interest, convenience and necessity would be served by affording the additional time requested for filing replies.

4. *Accordingly, it is ordered,* This 3d day of September 1959, that the above-mentioned request of Capitol Broadcasting Co. for additional time to file reply comments is granted, and that the time for filing reply comments in the above-entitled proceeding is extended from September 8, 1959, to September 18, 1959.

Released: September 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7523; Filed, Sept. 9, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

ORANJE LIJN (MAATSCHAPPIJ ZEETRANSPORT) N.V. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8067–2, between Oranje Lijn (Maatschappij Zeetransport) N.V., and the carriers comprising the Fjoll Line joint service, modifies approved sailing and pooling arrangement of the parties (Agreement No. 8067, as amended), in the trades between the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, on the one hand, and the United Kingdom, and ports in the Bordeaux/Hamburg and Scandinavian Ranges, and in the Mediterranean and adjacent seas, on the other hand. The purpose of the modification is to extend the term of Agreement No. 8067, as amended to December 31, 1979, renewable thereafter for additional periods of ten years from said date, unless cancelled by either party. The agreement presently provides that it shall continue for ten years from date of approval (April 18, 1956), renewable for additional periods of ten years, unless cancelled by either party.

(2) Agreement No. 8253–2, between Lamport & Holt Line, Ltd., and Bull Insular Line, Inc., modifies their approved Agreement No. 8253, as amended, covering a through billing arrangement in the trade from Argentina, Brazil, Peru and Uruguay to Puerto Rico, with transhipment at certain designated U.S. Atlantic and Gulf ports. The purpose of the modification is to delete Peru from the scope of the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 4, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7518; Filed, Sept. 9, 1959; 8:49 a.m.]

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., seeks permission to provide service between ports in North Carolina, and ports in the Mediterranean on Trade Route No. 13, with combination vessels and freight vessels operating on Trade Route No. 10.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on September 25, 1959, notify the Secretary, Federal Maritime Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Federal Maritime Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Federal Maritime Board will take such action as may be deemed appropriate.

Dated: September 8, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7576; Filed, Sept. 9, 1959; 9:04 a.m.]

Maritime Administration

TRADE ROUTE NO. 13

Notice of Tentative Conclusions and Determinations Regarding Modification of Essentiality and United States Flag Requirements

Notice is hereby given that on September 8, 1959, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, tentatively found and determined that service between ports in North Carolina and ports in the Mediterranean on Trade Route No. 13 by combination vessels and freight vessels operating on Trade Route No. 10, is essential to the promotion, development, expansion and maintenance of the foreign commerce of the United States.

Any person, firm or corporation having an interest in the foregoing who desires to offer comments and views or request a hearing thereon should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by the close of business on September 25, 1959. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hear-

ing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: September 8, 1959.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7577; Filed, Sept. 9, 1959; 9:04 a.m.]

Office of the Secretary

RICHMOND LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: Steep Rock Mines, Westates Petroleum, Stanwell Oil & Gas, Catalin Corporation.

B. Additions: None.

This statement is made as of August 27, 1959.

RICHMOND LEWIS.

AUGUST 31, 1959.

[F.R. Doc. 59–7487; Filed, Sept. 9, 1959; 8:45 a.m.]

MARGUERITE M. SAUERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of August 29, 1959.

MARGUERITE M. SAUERS.

AUGUST 31, 1959.

[F.R. Doc. 59–7488; Filed, Sept. 9, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Byproduct Material License No. 41595–2B59]

ADVANCE INDUSTRIAL X-RAY LABORATORIES ET AL.

Notice of Hearing

Notice is hereby given that pursuant to a stipulation as to available dates between counsel, a hearing will be held at 10:00 a.m. on Wednesday, September 16, 1959 in a courtroom of the United States District Courthouse, 312 North Spring Street, Los Angeles, California respecting the above consolidated dockets for a consideration of the issues presented by the application dated April 15, 1959 for a byproduct material license filed by Advance Industrial X-Ray Laboratories, Inc., as well as for a consideration of the issues presented by the Order of this Commission dated July 15, 1959. In the Matter of Advance Industrial X-Ray Laboratories, a Division of Air-Frame Inspection, Inc., including among other properly presented issues, the following:

1. The effect upon the proceeding of the alleged change of the ownership and management of Respondent, Advance Industrial X-Ray Laboratories;

2. Whether or not a license should be issued to Applicant Advance Industrial X-Ray Laboratories, Inc.;

3. Compliance by above designated Respondent and its personnel, including such personnel as may now be connected with above designated applicant, with the terms of the Temporary Order of the Commission dated June 13, 1958, as modified.

The Order to Show Cause and for hearing previously set for September 10, 1959 respecting the above designated Applicant is superseded by this Notice, but respecting date only, and the herein prescribed hearing will also consider the issues set forth in the previously issued Order to Show Cause.

Issued: August 29, 1959, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 59–7484; Filed, Sept. 9, 1959; 8:45 a.m.]

[Docket No. 27–3]

CALIFORNIA SALVAGE CO.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct, Source and Special Nuclear Material License to California Salvage Company, 709 North Pacific Avenue, San Pedro, California substantially in the following form, authorizing the disposal of waste byproduct, source and special nuclear material in the Pacific Ocean at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter 1, Part 2, Rules of Practice. There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license.

For further details see (1) the application submitted by the California Salvage Company and amendments thereto and (2) a copy of Appendix A to the proposed license which contains transportation container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78 and referenced in Condition No. 6 of the proposed license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 2d day of September, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Licensing and Regulation.

[License No. 4–5479–1 (H61)]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material", 10 CFR Part 40, "Control of Source Material", and 10 CFR Part 70, "Special Nuclear Material", and in reliance upon the statements and representations contained in the applications dated June 13, 1957 and August 11, 1958, and the amendments thereto dated November 6, 1958, February 13, 1959 and April 23, 1959, hereinafter referred to as "the application", a license is hereby issued to California Salvage Company, 709 North Pacific Avenue, San Pedro, California to receive, possess, package, and dispose of byproduct, source and special nuclear material.

This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 2 curies of byproduct material, 500 pounds of source material and 10 grams of special nuclear material at any one time.

2. Byproduct, source and special nuclear material shall be received, packaged, and disposed of by, or under the direct personal supervision of, Harvey F. Ludwig or Frank Orlando.

3. The licensee shall receive, package, possess and dispose of the byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

4. A copy of the "Radiological Safety Manual and Operation Instructions", described in the licensee's application dated February 13, 1959, shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct, source and special nuclear material.

5. The licensee shall receive only waste materials which have been prepackaged by the licensee's customers in containers in compliance with applicable Interstate Commerce Commission regulations or with Condition 6 of this license. Prepackaged waste containers shall not be opened by the licensee. The licensee shall instruct each customer to package waste material in such a manner as to assure the absence of any significant voids.

6. The transportation of AEC—licensed material to and from the location designated in Condition 7 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet the specifications for sea disposal containers as described in the application or any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level of any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with the lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL".

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

7. The licensee shall store and package byproduct, source and special nuclear material for sea disposal only at California Salvage Company's Yard, Berth 115, San Pedro, California as described in the licensee's application.

8. The licensee shall dispose of byproduct, source and special nuclear material at a minimum depth of 1,000 fathoms in the Pacific Ocean within 5 miles of;

(1) Parallel of 32°00′ north latitude, meridian of 121°30′ west longitude, or

(2) Other locations in the Pacific Ocean when approved by the Commission.

9. Packaged radioactive waste containing special nuclear material shall be transported only aboard vessels of American registry.

10. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, the amount of special nuclear material in grams, and the most hazardous radioisotope contained in each container.

11. Waste byproduct, source and special nuclear material shall be disposed of at sea within 21 months from the date on which California Salvage Company first takes possession of such material.

12. The licensee shall not receive any byproduct, source or special nuclear material until and unless the facility for packaging and storing such material has been erected and completed in accordance with the application. Upon completion of the facility the licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, of the fact of such completion.

This license shall be effective on the date issued and shall expire on August 31, 1961.

Date of issuance:

For the Atomic Energy Commission.

MEMORANDUM

By applications dated June 13, 1957 and August 11, 1958, and amendments thereto, California Salvage Company, 709 North Pacific Avenue, San Pedro, California requested a license to receive, possess, package and dispose of byproduct, source and special nuclear material wastes in the Pacific Ocean.

Based on the consideration set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger of life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct, source and special nuclear material in such a manner as to protect health and minimize danger to life or property;

(c) The issuance of a byproduct, source and special nuclear material license to California Salvage Company will not be inimical to the health and safety of the public.

Experience of personnel. Mr. Harvey F. Ludwig, President of Engineering-Science Incorporated (consultant to California Salvage Company), and Mr. Frank Orlando, Marine Superintendent, will directly supervise the receipt, packaging and disposal operations. Mr. Ludwig has had about 10 years experience in radiation protection and the handling of radioactive materials. This training and experience included the principles of radiation monitoring and measurement, and the principles and practices of radiation protection. Mr. Orlando has taken a three-month course in radiological monitoring given by the Los Angeles Board of Education which included radiation monitoring and measurement, contamination control, decontamination, shielding and the principles and the practices of radiation protection. Therefore, it appears that the applicant has personnel with sufficient training and experience in the handling of radioactive materials to provide assurance that the waste disposal operation will be conducted in a manner to protect the health and safety of the public and minimize the danger to life and property.

Equipment, facilities and procedures. The waste packaging and storage site is located at San Pedro, California, at Berth 115 on the West Basin, San Pedro Bay. The area is on the waterfront and is chiefly industrial. The proposed site is approximately 50' x 50' and will be enclosed with a six-foot high cyclone fence topped with barbed wire. Within this area there will be a storage vault approximately 400 square feet which will be 4 feet below ground level. Access will be through a door on the roof of the vault. The storage and processing areas will be locked to prevent unauthorized entry.

The waste material will be packaged by the applicant's customers to meet container specifications prescribed by the Interstate Commerce Commission or Condition 6 of the proposed license and will not be opened by the applicant. Adequate radiation safety and emergency procedures have been established covering each phase of the waste disposal program. Written instructions on proper radiation protection precautions and procedures will be given to each employee involved in the waste disposal operation. Necessary equipment for packaging the waste and transporting it to the disposal site is available to the applicant.

Transportation of waste material to and from the applicant's proposed site will be conducted in accordance with the regulations of the Interstate Commerce Commission and the U.S. Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 6 of the proposed license which establishes transportation requirements substantially the same as those of the Interstate Commerce Commission regulations.

The facilities, equipment and operating procedures described by the applicant appear adequate to assure that the disposal operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Containers and disposal site. The byproduct, source, and special nuclear material wastes will be prepackaged for transportation to the applicant's site by the applicant's customers. The applicant will encase the containers received, without opening, in concrete inside of a 55-gallon drum, previously lined with at least 3 inches of concrete, to obtain a density of at least 10 pounds per gallon to assure sinking in the ocean. Each drum will be labeled to indicate the company's name, the date of packaging, the most hazardous radioisotope, and the level of activity. All drums will be checked for outside contamination and proper weight upon completion of packaging.

Disposal will be in the Pacific Ocean where the minimum depth is 1,000 fathoms at the site specified in Condition 8 of the proposed license. The site is about 165 miles from the coast and is beyond the continental shelf. The licensee will be required to maintain a certified true copy of the ship's log to verify disposal at this site.

At least 20 days prior to each sea disposal operation the Commission will be notified of

the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, total amount of source material in pounds, and special nuclear material in grams, and the most hazardous radioisotope in each container.

The sea disposal containers and disposal location proposed meet the recommendations of the National Committee on Radiation Protection contained in the National Bureau of Standards Handbook 58, "Radioactive Waste Disposal in the Ocean."

The sea disposal of radioactive wastes where the depth is 1,000 fathoms when packaged in accordance with the requirements of the proposed license is considered a safe method of radioactive waste disposal. These small amounts of radioactive material if released into sea water at the specified location would be diluted and dispersed by the ocean and would not result in concentrations of radioactivity of public health significance.

[F.R. Doc. 59-7485; Filed, Sept. 9, 1959; 8:45 a.m.]

[Docket No. 27-21]

ELECTRO CHEMICAL LABORATORIES CORP.

Notice of Postponement and Setting New Date of Hearing and Prehearing Conference

Notice is hereby given that pursuant to stipulation between counsel as to available dates, the hearing previously set for September 15, 1959, by the Notice of Hearing issued by the Commission in the above designated matter is hereby postponed and in lieu thereof notice is hereby given that the hearing concerning the issues prescribed by the Commission will be held at 10:30 a.m. on October 21, 1959, in the Auditorium of the Headquarters of the Atomic Energy Commission, Germantown, Maryland.

Notice is also hereby given that in accordance with a request of the parties, a pre-hearing conference in this proceeding will be held at 10:30 a.m. on October 14, 1959, in the Press Room of the Auditorium of the Headquarters of the Atomic Energy Commission, Germantown, Maryland.

In view of the change in date for hearing in this proceeding, the date on or before which petitions to intervene may be filed is hereby designated to be September 15, 1959, and the date on or before which Electro Chemical Laboratories Corporation shall file an answer to the Notice of Hearing issued by the Commission is hereby designated to be September 21, 1959.

Issued August 31, 1959, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 59-7486; Filed, Sept. 9, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-12197, G-16404]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Date of Hearing

SEPTEMBER 3, 1959.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure (18 CFR Ch. I) a hearing will be held on September 30, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washingon, D.C., concerning the matters involved and the issues presented in the Order Suspending Proposed Changes In Rates issued on March 14, 1957 in Docket No. G-12197 and the Order For Hearing, Suspending Proposed Tariff Sheets, Allowing Tariff Sheets to Become Effective Upon filing Of Motion and Undertaking to Assure Refund of Excess Charges, and Consolidating Proceedings issued on September 30, 1958 in Docket Nos. G-12197 and G-16404.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 20, 1959.

Notices of the orders issued herein were published in the FEDERAL REGISTER on March 21, 1957 (22 F.R. 1904) and October 7, 1958 (23 F.R. 7748).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7492; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-19258]

MONSANTO CHEMICAL CO.

Order for Hearing and Suspending Proposed Changes in Rates

SEPTEMBER 1, 1959.

Monsanto Chemical Company (Monsanto) on August 3, 1959, tendered for filing proposed changes in its presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated June 24, 1959.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 10 to Monsanto's FPC Gas Rate Schedule No. 1. Supplement No. 15 to Monsanto's FPC Gas Rate Schedule No. 2.

Effective date: November 1, 1959 (stated effective date is the effective date proposed by Monsanto).

In support of the proposed periodic rate increases, Monsanto cites the contract provisions and states that the contracts were negotiated at arm's length.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 10 to Monsanto's FPC Gas Rate Schedule No. 1, and Supplement No. 15 to Monsanto's FPC Gas Rate Schedule No. 2, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 10 to Monsanto's FPC Gas Rate Schedule No. 1, and Supplement No. 15 to Monsanto's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7493; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-19259]

MONSANTO CHEMICAL CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 1, 1959.

Monsanto Chemical Company (Operator), et al. (Monsanto), on August 3, 1959, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 24, 1959.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Monsanto's FPC Gas Rate Schedule No. 20.

Effective date: November 1, 1959 (stated effective date is the effective date proposed by Monsanto).

In support of the proposed periodic rate increase, Monsanto cites the contract provisions and states that the contract was negotiated at arm's length.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Monsanto's FPC Gas Rate Schedule No. 20 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Monsanto's FPC Gas Rate Schedule No. 20.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7494; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-19260]

OKMAR OIL CO.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 1, 1959.

Okmar Oil Company (Okmar) on August 3, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Hope Natural Gas Company.

Rate schedule designation: Supplement No. 8 to Okmar's FPC Gas Rate Schedule No. 1.

Effective date: September 3, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed favored-nation rate increase, Okmar cites the contract provisions, states that the contract was negotiated at arm's length and provides for just and reasonable prices. Okmar also states that costs have increased and requests that the higher rate be allowed to become effective at the same time as the 25.0¢ per Mcf initial rates of three other producers [1] so that there will be no discrimination.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 8 to Okmar's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Okmar's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 3, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7495; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-19261]

VINCENT & WELCH, INC., ET AL.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 1, 1959.

Vincent & Welch, Inc. (Operator), et al., (Vincent & Welch), on August 3, 1959, tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 3 to Vincent & Welch's FPC Gas Rate Schedule No. 2.

Effective date: November 1, 1959 (stated effective date is the effective date proposed by Vincent & Welch).

In support of the proposed periodic rate increase, Vincent & Welch state that the contract provisions were arrived at through arm's-length bargaining and that the proposed rate is just and reasonable and is in line with the going price for gas in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 3 to Vincent & Welch's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Vincent & Welch's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of

[1] Present rate (contained in Supplement No. 8 to Monsanto's FPC Gas Rate Schedule No. 1) previously suspended and is in effect subject to refund in Docket No. G-16807. Also subject to the Commission's orders in Docket Nos. G-13612, G-11368 and G-9681. Present rate (contained in Supplement No. 13 to Monsanto's FPC Gas Rate Schedule No. 2) previously suspended and is in effect subject to refund in Docket No. G-16807. Also subject to the Commission's orders in Docket Nos. G-13612, G-11369 and G-9682.

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-16808. Also subject to the Commission's order in Docket No. G-14728.

[1] Pell Oil & Gas Company, Harry Stevens, et al., and Orma Oil & Gas Company.

practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7496; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-19326]

ATLANTIC SEABOARD CORP.

Order for Hearing, Suspending Proposed Revised Tariff Sheets and Allowing Tariff Sheets To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

SEPTEMBER 2, 1959.

On August 3, 1959, Atlantic Seaboard Corporation (Atlantic) tendered for filing First Revised Sheets Nos. 10, 15, 16E, 16F, 17E and 17F to its FPC Gas Tariff, Seventh Revised Volume No. 1, proposing to change the basis upon which the heating value adjustments in its billings are made. Atlantic requests an effective date of August 1, 1959.

The present Btu adjustment [1] provides for an increase or decrease in total payment proportional to the deviation in heating value from 1000 Btu of the gas delivered during the current month.

The proposed Btu adjustment retains the present Btu adjustment as to the commodity charge, whereas, with respect to the demand charge, the proposed adjustment is proportional to the deviation in heating value from 1000 Btu of the gas delivered during the month in which the billing demand was established.

Atlantic states that the proposed change is necessery:

• • • to prevent Buyers under the subject rate schedules from being unduly penalized in the Monthly Demand Charge because of the delivery by Seller to its customers during the summer months of gas containing a Btu content higher than the Btu content of gas delivered by Seller during the winter months, during which winter months the Billing Demand for each Buyer is established.

The proposed change tendered by Atlantic has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Atlantic's FPC Gas Tariff Seventh Revised Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 10, 15, 16E, 16F, 17E and 17F as tendered for filing on August 3, 1959, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Atlantic's proposed tariff sheets be made effective as hereinafter provided and that Atlantic be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's Regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission ,contained in Atlantic's FPC Gas Tariff Seventh Revised Volume No. 1 as proposed to be amended by First Revised Sheets Nos. 10, 15, 16E, 16F, 17E and 17F as tendered for filing on August 3, 1959.

(B) Pending such hearing and decision thereon First Revised Sheets Nos. 10, 15, 16E, 16F, 17E and 17F to Atlantic's FPC Gas Tariff, Seventh Revised Volume No. 1 as tendered for filing on August 3, 1959, are each hereby suspended, and their use deferred until September 4, 1959, and until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of September 4, 1959: *Provided, however,* That, within 20 days from the date of this order, Atlantic shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Atlantic shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 6 percent per annum from the date of payment to Atlantic until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of September 4, 1959, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 14, 1957, until Commission determination of the rates and charges in Docket No. G-12196, and in Docket Nos. G-16817 and G-18422, then under each of those rates, and under the rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Atlantic shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission its motion to make rates effective and its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved, as follows:

Agreement and Undertaking of Atlantic Seaboard Corporation to Comply with the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Revised Tariff Sheets, and Allowing Revised Tariff Sheets to Become Effective Upon Filing of Motion and Undertaking to Assure Refund of Excess Charges.

In conformity with the requirements of the order issued (Date), in Docket No. G-19326, Atlantic Seaboard Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____, 1959.

ATLANTIC SEABOARD CORPORATION,

By _____

Attest:

_____
(Secretary)

Unless Atlantic is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Atlantic shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) Neither the tariff here proposed to be amended nor the revised tariff sheets hereby suspended shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (13 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7497; Filed, Sept. 9, 1959; 8:46 a.m.]

[1] Effective as part of rates in effect subject to refund in Docket No. G-12196.

[Docket No. G-13681]

W. M. BEVLY AND W. M. BEVLY, JR.

Notice of Application and Date of Hearing

SEPTEMBER 3, 1959.

Take notice that W. M. Bevly and W. M. Bevly, Jr. (Applicants), independent producers of natural gas with their principal place of business in Corpus Christi, Texas, filed, on November 8, 1957, an application in Docket No. G-13681 for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicants to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, and on June 9, 1959, Applicants filed an amendment to the foregoing requesting permission to abandon the afore-mentioned service pursuant to section 7(b) of the Natural Gas Act, all as more fully set forth in the application and amendment which are on file with the Commission and open to public inspection.

Applicants requested authorization to render service to Trunkline Gas Company (Trunkline) from certain acreage in the Howell Field in Jim Wells County, Texas, pursuant to a gas sales contract dated October 1, 1957, between Applicants, as sellers, and Trunkline, as buyer, on file with the Commission as W. M. Bevly, et al., FPC Gas Rate Schedule No. 3. Applicants were authorized to commence service on a temporary basis pursuant to § 157.28 of the regulations under the Natural Gas Act by airmail letter dated December 6, 1957.

In the amendment filed June 9, 1959, Applicants state that the gas well on said acreage has been plugged and abandoned and all rights to the oil and gas leases have been released.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7498; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-19262, etc.]

W. B. OSBORN, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

SEPTEMBER 2, 1959.

In the matters of W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Sr., Docket No. G-19262; Lee Minton, Docket No. G-19264; Della Minton, Docket No. G-19265; Winnie Lou Jones, Docket No. G-19266; W. B. Osborn, Jr., Docket No. G-19267; Charlotte Osborn Barrett, Docket No. G-19268; The Altex Corporation, Docket No. G-19271; Jewel Osborn, Docket No. G-19272; Betty Osborn Biedenharn, Docket No. G-19274.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is the Tennessee Gas Transmission Company and the Respondents have proposed November 1, 1959, as the effective date of the changes. Each Notice of Change is dated August 3, 1959, and was tendered for filing on August 5, 1959.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes, and that each of the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 2 to Altex's FPC Gas Rate Schedule No. 1, and Supplement No. 4 to each of the other aforementioned Respondents' FPC Gas Rate Schedule No. 1, are hereby suspended and the use thereof deferred until April 1, 1960; each of the aforementioned supplements shall remain suspended until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Hussey dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7499; Filed, Sept. 9, 1959; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[Docket No. G-19263, etc.]

W. B. OSBORN, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

SEPTEMBER 2, 1959.

In the matters of W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Sr. (Operator), et al., Docket No. G-19263; Jewel Osborn, Docket No. G-19269; W. B. Osborn, Jr., Docket No. G-19270; Charlotte Osborn Barrett, Docket No. G-19273; Betty Osborn Biedenharn, Docket No. G-19275.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is The Altex Corporation (Altex) and the effective date is November 2, 1959.[2] Each Notice of Change is dated August 3, 1959, and was tendered for filing on August 5, 1959.

Respondent	Rate schedule No.	Supplement No.
W. B. Osborn, Jr., executor of the estate of W. B. Osborn, Sr. (operator), et al	11	2
Jewel Osborn	11	2
W. B. Osborn, Jr.	9	2
Charlotte Osborn Barrett	9	2
Betty Osborn Biedenharn	9	2

Respondents' proposed revenue-sharing rate increases are based on the buyer's (Altex) proposed rate increased to Tennessee Gas Transmission Company suspended concurently herewith in Docket No. G-19271 until April 1, 1960, and thereafter until it is made effective in the manner prescribed by the Natural Gas Act. In support of their proposed increases, Respondents state that it will be necessary to install additional compressor facilities due to the decline of bottom hole pressure and depletion of the wells in question and submit a graph depicting a decline in deliverability and well pressure. The cost data submitted by the Respondents in support of their increases is deemed insufficient for the Commission's staff to make an adequate

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[2] The stated effective date is the date following the effective date of the redetermined rate increase filed by the buyer (Altex) and suspended concurrently herewith in Docket No. G-19271.

cost study to determine the justness and reasonableness of the proposed rates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes, and that each of the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearings and decision thereon, Supplements No. 2 to W. B. Osborn, Jr., Executor of the Estate of W. B. Osborn, Sr. (Operator), et al., and Jewel Osborn's FPC Gas Rate Schedules No. 11, respectively, and Supplements No. 2 to W. B. Osborn, Jr., Charlotte Osborn Barrett and Betty Osborn Biedenharn's FPC Gas Rate Schedules No. 9, respectively, are each hereby suspended and the use thereof deferred until April 2, 1960, or, if later, until such date as is one day beyond the date the redetermined rate increase of Altex, suspended in Docket No. G-19271, is made effective in the manner prescribed by the Natural Gas Act, and until such further time as the aforementioned Respondents' supplements are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7500; Filed, Sept. 9, 1959; 8:46 a.m.]

[Docket No. G-18762]

PACIFIC NORTHWEST PIPELINE CORP.

Notice of Application and Date of Hearing

SEPTEMBER 3, 1959.

On June 10, 1959, Pacific Northwest Pipeline Corporation (Applicant) filed an application in Docket No. G-18762, pursuant to section 7(c) of the Natural Gas Act, seeking authorization to construct and operate a tap and measuring and regulating station on its 26-inch main transmission line in Washington, approximately one quarter of a mile north of the town of Stevenson, Skamania County, Washington. Applicant also seeks authorization to sell and deliver natural gas to Columbia Gas Company (Columbia) [1] at the meter station for distribution in the town of Stevenson and environs.

The peak day and annual gas requirements of the Stevenson area are estimated as follows:

	1st year	2d year	3d year
Peak day	184	218	408
Annual	49,188	57,878	114,748
Annual revenue @45 cents per Mcf	$22,134	$26,045	$51,636

The cost of Pacific's facilities is estimated at $4,861, which is to be financed from currently available funds.

Applicant proposes to sell and deliver natural gas on a firm basis to Columbia under terms and provisions of Applicant's Rate Schedule DS-1, on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 8, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7501; Filed, Sept. 9, 1959; 8:46 a.m.]

[1] Formerly Eastern Washington Natural Gas Company.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12742, etc.; FCC 59M-1120]

GRANITE CITY BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Selbert McRae Wood, Clagett "Woody" Wood, Tycho Heckard Wood and Paul Edgar Johnson, d/b as Granite City Broadcasting Company, Mount Airy, North Carolina, Docket No. 12742, File No. BP-11811; Cumberland Publishing Company (WLSI), Pikeville, Kentucky, Docket No. 12743, File No. BP-11997; S. L. Goodman, Bassett, Virginia, Docket No. 12869, File No. BP-12611; for construction permits for standard broadcast stations.

On the Examiner's own motion: *It is ordered,* This 3d day of September 1959, that the hearing in the above-entitled proceeding, presently scheduled for September 9, 1959, is hereby continued to a date to be set by subsequent order.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7524; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket No. 12824; FCC 59M-1111]

INTER-CITIES BROADCASTING CO.

Order Continuing Hearing

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP-10991; for construction permit for a new standard broadcast station.

At a pre-hearing conference held on September 2, 1959, it was agreed by all the parties that the following calendar of events should govern future course of hearing:

September 14, 1959 (10:00 a.m.)—Inter-Cities will exchange with the other parties supplemental engineering showing;

September 18, 1959—Informal engineering conference, the time and place to be arranged by the parties;

September 25, 1959—Peoples Broadcasting Corporation (WGAR) will exchange its supplemental engineering showing, if any;

September 28, 1959 (10:00 a.m.)—Hearing. (Cont. from Sept. 8, 1959.)

So ordered.

Released: September 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7525; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket Nos. 12833, 12834; FCC 59M-1119]

GEORGE T. HERNREICH AND PATTESON BROTHERS

Order Continuing Hearing

In re applications of George T. Hernreich, Jonesboro, Arkansas, Docket No. 12833, File No. BPCT-2538; Alan G. Patteson, Jr. and Mathew Carter Patteson, d/b as Patteson Brothers, Jonesboro, Arkansas, Docket No. 12834, File No. BPCT-2567; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner having under consideration a petition filed on August 28, 1959 by George T. Hernreich, requesting (1) an extension of time from September 9, 1959 to October 15, 1959 within which to exchange direct written cases; (2) a continuance of the date for the commencement of the evidentiary hearing and the introduction into evidence of applicants' written cases from September 16, 1959 to November 3, 1959; and (3) a continuance of the date for presentation of oral testimony, if needed, or if requested, from September 23, 1959 to November 9, 1959;

It appearing that additional time is necessary to prepare for the hearing in the above-entitled proceeding;

It further appearing that counsel for Patteson Brothers and for the Broadcast Bureau have no objection to a grant of the petition for continuance of dates as requested; and good cause has been shown for the grant of the relief requested;

It is ordered, This 3d day of September 1959, that the petition be and it is hereby granted; the date for exchange of direct written cases be and it is hereby continued to October 15, 1959; the date for commencement of the evidentiary hearing and the introduction into evidence of applicants' written cases be and it is hereby continued to November 3, 1959; and the date for presentation of oral testimony, if any is needed or requested, be and it is hereby continued to November 9, 1959.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7526; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket Nos. 12876, 12877; FCC 59M-1112]

AUDIOCASTING OF TEXAS, INC. AND HORACE K. JACKSON, SR.

Order Continuing Hearing

In re applications of Audiocasting of Texas, Inc., Waco, Texas, Docket No. 12876, File No. BP-11851; Horace K. Jackson, Sr., Gatesville, Texas, Docket No. 12877, File No. BP-12550; for construction permits for new standard broadcast stations.

The Hearing Examiner has before him a petition filed on August 31, 1959, by Audiocasting of Texas, Inc., to extend the hearing date in the above-entitled proceedings;

It appearing that an additional week will be required by Audiocasting's engineer to complete the work on the additional engineering information requested by the Broadcast Bureau; and

It further appearing that the other parties to the proceeding have consented to the requested continuance;

It is ordered, This 2d day of September 1959, that the petition referred to above is granted; and the hearing now scheduled for September 11, 1959, is continued to 10:00 a.m., September 18, 1959.

Released: September 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7527; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket Nos. 12900, 12901; FCC 59M-1114]

JOHN LAURINO AND THE CAPITAL BROADCASTING CO. (WNAV)

Order Continuing Hearing

In re applications of John Laurino, Ashland, Virginia, Docket No. 12900, File No. BP-12112; The Capital Broadcasting Company (WNAX), Annapolis, Maryland, Docket No. 12901, File No. BP-12773; for construction permits for standard broadcast stations.

The Acting Chief Hearing Examiner, on his own motion, having under consideration a request for postponement of hearing in this proceeding filed September 1, 1959 by The Capital Broadcasting Company (WNAV);

It is ordered, This the 3d day of September 1959, that the hearing now scheduled for September 10, 1959 be and the same is hereby continued without date.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7528; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket No. 12904; FCC 59M-1110]

WMAX, INC. (WMAX)

Memorandum Opinion and Order Continuing Hearing

In re application of WMAX, Inc. (WMAX) Grand Rapids, Michigan, Docket No. 12904, File No. BP-11744; for construction permit for standard broadcast station.

The Acting Chief Hearing Examiner having under consideration a communication from counsel for WMAX, Inc., dated and filed with the Secretary on August 26, 1959, requesting the change of certain dates, to wit: That the date for exchanging exhibits be changed from August 25 to September 8, 1959, and the hearing now set for September 17, 1959, be continued for a period of two weeks. The communication states that counsel for all parties concur in this request.

Accordingly, it is ordered, This 2d day of September 1959, that the exchange of exhibits in this proceeding will be accomplished on or before September 8, 1959, and the hearing herein now scheduled for September 17, 1959, be, and the same is hereby, rescheduled for October 1, 1959, at 10:00 a.m., in the Commission's Offices in Washington, D.C.

Released: September 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7530; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket No. 13086, etc.; FCC 59M-1108]

BEACON BROADCASTING SYSTEM, INC. ET AL.

Order Scheduling Prehearing Conference

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, Docket No. 13087, File No. BP-12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits.

It is ordered, This 2d day of September 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Friday, September 11, 1959, in the offices of the Commission, Washington, D.C.

Released: September 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7530; Filed, Sept. 9, 1959; 8:50 a.m.]

[Docket No. 13148; FCC 59M-1116]

BLOOM RADIO (WHLM)

Order Scheduling Prehearing Conference

In re application of Harry L. Magee, tr/as Bloom Radio (WHLM) Bloomsburg, Pennsylvania, Docket No. 13148, File No. BP-12002; for construction permit.

It is ordered, This 3d day of September 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Thursday, September 17, 1959, in the offices of the Commission, Washington, D.C.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7531; Filed, Sept. 9, 1959; 8:50 a.m.]

TARIFF COMMISSION

[332-37]

STARCH

Notice of Investigation and Date of Hearing

Pursuant to a resolution adopted September 2, 1959, by the Committee on Finance, United States Senate, the United States Tariff Commission has instituted a general investigation under the authority of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332) of the conditions of competition in the United States between starch produced in the United States and in foreign countries.

The Finance Committee resolution directs the Commission to include in its report of the results of the investigation a summary of the facts obtained in the investigation, including a description of the domestic industry, domestic production, foreign production, comparative costs of domestic and foreign production, including labor costs, imports, consumption, channels and methods of distribution, United States exports, United States customs treatment since 1930, and other factors affecting the competition between domestic and imported starch.

Hearings. Public hearings, at which all interested parties will be given opportunity to appear and to be heard, will be held in connection with the investigation in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on January 26, 1960.

Requests to appear. Interested parties desiring to appear and to be heard at the hearings should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least five days in advance of the opening of the hearings.

Issued: September 4, 1959.

DONN N. BENT,
Secretary.

[F.R. Doc. 59-7511; Filed, Sept. 9, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS

SEPTEMBER 4, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35657: *Cement between points in southern territory and border points.* Filed by O. W. South, Jr., Agent (SFA No. A3835), for interested rail carriers. Rates on cement and related articles, carloads between points in southern territory, also from Hagerstown (Security), Md., Alpha, Marquette, Prospect Hill, St. Louis, Mo., and E. St. Louis, Ill., to points in southern territory.

Grounds for relief: Short-line distance formula, grouping relief line arbitraries, and motor truck competition.

Tariff: Southern Freight Association, Agent, tariff I.C.C. S-61.

FSA No. 35658: *Liquified chlorine gas—Saltville, Va., to Tennessee.* Filed by O. W. South, Jr., Agent (SFA No. A3836), for interested rail carriers. Rates on liquified chlorine gas, tank-car loads from Saltville, Va., to Boyce, Calhoun, Chattanooga, and North Chattanooga, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 115 to Southern Freight Association, Agent, tariff I.C.C. 1538.

FSA No. 35659: *Window glass—Southwestern points to Florida.* Filed by Southwestern Freight Bureau, Agent (No. B-7629), for interested rail carriers. Rates on window glass (other than plate), carloads from Ft. Smith, Ark., Henryetta, Okmulgee, Okla., and Shreveport, La., to specified points in Florida.

Grounds for relief: Market competition with foreign producers.

Tariff: Supplement No. 55 to Southwestern Freight Bureau tariff I.C.C. 4100.

FSA No. 35660: *Bituminous fine coal to Oak Creek Power Plant, Wis.* Filed by Illinois Freight Association, Agent (No. 74), for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky to Oak Creek Power Plant, Wis.

Grounds for relief: Rail, lake-vessel competition.

Tariffs: Supplement 31 to Illinois Freight Association, Agent, tariff I.C.C. 898 and other schedules.

FSA No. 35661: *Caustic soda—Wichita, Kans., to western points.* Filed by Western Trunk Line Committee, Agent, (A-2081), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide) liquid, tank-car loads, from Wichita, Kans., to points in Michigan, Minnesota and Wisconsin.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 215 to Western Trunk Line Committee, Agent, tariff I.C.C. A-3991.

FSA No. 35662: *Petroleum and its products from the southwest to the south.* Filed by Southwestern Freight Bureau, Agent (B-7623), for interested rail carriers. Rates on petroleum, petroleum products, and related articles, carloads from specified points in Kansas, Louisiana, Missouri, Oklahoma, and Texas to points in southern territory.

Grounds for relief: Maintenance of rates revised to restore origin relationships disrupted on account of inclusion of different Ex Parte increases.

Tariffs: Supplement 92 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4172. Southwestern Freight Bureau, Agent, tariff I.C.C. 4330.

FSA No. 35663: *Cement and related articles—East to south.* Filed by O. E. Schultz, Agent (ER No. 2507), for interested rail carriers. Rates on cement and related articles, carloads from points in trunkline territory to points in southern and border territories.

Grounds for relief: Short-line distance formula, short-line arbitraries, grouping and market competition.

Tariffs: Supplement 41 to Baltimore and Ohio Railroad Company's tariff I.C.C. 24338 and other schedules.

FSA No. 35664: *Lowe's Transportation Company—Joint rates.* Filed by O. W. South, Jr., Agent (SFA No. A3837), for interested carriers. Rates on all commodities moving on class and commodity rates as described in the application between Carthage, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Abandonment of railroad service from and to Carthage and establishment of joint service by Lowe with rail and water carriers.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7513; Filed, Sept. 9, 1959; 8:48 a.m.]

[Notice 30]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

SEPTEMBER 4, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 117967 (Sub No. 1), (REPUBLICATION), filed December 4, 1958, published issue of FEDERAL REGISTER of March 18, 1959, at page 2007. Applicant: AIR LINE TRUCKING SERVICE, INC., 275 Spring Street SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958, to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, in mixed and in straight loads with *certain exempt commodities*, (1) between points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Mississippi, Florida, and Louisiana, on the one hand, and, on the other, points in Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Wisconsin, Illinois, St. Louis, Mo., Kentucky, Indiana, Michigan, Ohio, District of Columbia, Connecticut, Delaware, Maryland, Pennsylvania, New Jersey, New York and Massachusetts. (2) from points in New York, New Jersey, and Boston, Mass., to points in Ohio, Michigan, and Illinois. *Bananas*, from New Orleans, La., Mobile, Ala., and points in Florida to points in Alabama, Georgia, South Carolina and Tennessee.

NOTE: The purpose of this republication is to reflect service involving the State of Florida substantiated by the representative list of shipments, which was inadvertently omitted from the application.

HEARING: Remains as assigned October 5, 1959, 680 West Peachtree St. NW., Atlanta, Ga., before Examiner Robert A. Joyner.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7514; Filed, Sept. 9, 1959; 8:48 a.m.]

[Notice 186]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 4, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62336. By order of August 31, 1959, the Transfer Board approved the transfer to Warren C. Kreitz and Robert E. Kreitz, a Partnership, doing business as Morris Kreitz and Sons, Reading, Pennsylvania, of the operating rights in Certificate No. MC 115703, issued February 20, 1956, to Lamon L. Kreitz, Margaret M. Kreitz, Administratrix, Warren C. Kreitz, and Robert E. Kreitz, a Partnership, doing business as Morris Kreitz & Sons, Reading, Pennsylvania, authorizing the transportation, over irregular routes, of such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, between points in Berks County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Reading, Pa., and points within ten miles thereof. Paul H. Edelman, 614 Washington Street, Reading, Pa., for applicants.

No. MC-FC 62353. By order of August 31, 1959, the Transfer Board approved the transfer to Mainline Transportation System, A Corporation, Whittier, Calif., of Certificate in No. MC 59313, issued April 28, 1941, to Higgins Trucks, Inc., Los Angeles, Calif., authorizing the transportation of: *Canned goods, lubricating oil, battery testers*, and *general commodities* with the usual exceptions including household goods and commodities in bulk, between specified points in California. Wade and Wade, 729 Citizens Nat'l Bank Bldg., 453 S. Spring St., Los Angeles 13, Calif., for applicants.

No. MC-FC 62359. By order of August 31, 1959, the Transfer Board approved the transfer to Martin A. Crowley, doing business as Martin A. Crowley Trucking, Franklin, N.H., of Certificates Nos. 95979 and MC 95979 Sub 1, issued December 19, 1940, and May 16, 1944, respectively, to Earl H. Dallmeyer, doing business as E. H. Dallmeyer, Pittsfield, Mass., authorizing the transportation of: Household goods, between Pittsfield, Mass., and points within 35 miles of Pittsfield, on the one hand, and, on the other, points in Connecticut, Rhode Island, Vermont, New York, New Jersey, and Pennsylvania, fresh fruits and vegetables, between points in Connecticut, New York, New Jersey, and Rhode Island, within 150 miles of Pittsfield, Mass.; lumber and logs, from Hancock, Mass., to Albany, N.Y., Wallingford, Vt., and points in Rensselear County, N.Y.; and machinery, between Pittsfield, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Arthur A. Marshall, 145 State Street, Springfield 3, Mass., for applicants.

No. MC-FC 62363. By order of August 31, 1959, the Transfer Board approved the transfer to Eleveld Chicago Furniture Service, Inc., Chicago, Ill., of Certificate in No. MC 3619, issued April 10, 1953, to Bouma Cartage Company, A Corporation, Grand Rapids, Mich., authorizing the transportation of: *New furniture*, from Grand Rapids, Mich., to points in Illinois, Indiana, and Ohio. Eugene L. Cohn, One North La Salle St., Chicago 2, Ill., for applicants.

No. MC-FC 62366. By order of August 31, 1959, the Transfer Board approved the transfer to Sperry Transportation Company, Charles City, Iowa, of Permit No. MC 60465, issued May 28, 1957, to Dick D. Sperry, Charles City, Iowa, and of Certificate No. MC 106053 Sub 7, issued April 21, 1950, to W. R. Cordle, doing business as Cordle Cartage Company, and acquired by Dick D. Sperry pursuant to MC-F 6937. The Permit authorizes the transportation of: Tractors and tractor parts, between Charles City, Iowa, on the one hand, and, on the other, points in a specified portion of Illinois. The Certificate authorizes the transportation of: Household goods, between Nashua, Iowa, and points within 20 miles thereof, on the one hand, and, on the other, points in Illinois, Wisconsin, and Minnesota. Erwin Larson, Ellis Block, Charles City, Iowa, for applicants.

No. MC-FC 62368. By order of August 31, 1959, the Transfer Board approved the transfer to Robertson's Express, Inc., White Plains, N.Y., of Certificate in No. MC 86320, issued October 13, 1958, to Samuel Irving Lightbody, doing business as Chatsworth Moving and Storage Co., Mamaroneck, N.Y., authorizing the transportation of: *Uncrated household goods* and *uncrated store and office furniture or fixtures*, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC-FC 62380. By order of August 31, 1959, The Transfer Board approved the transfer to Frederick A. Zank, doing business as North Central Bus Lines, 316 Eau Claire Street, Eau Claire, Wis., of Certificate No. MC 81592 Sub 2, issued June 2, 1959, to Henry C. Wenzel, doing business as North Central Bus Lines, 419 Eau Claire Street, Eau Claire, Wis., authorizing the transportation of: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Prentice, Wis., and Park Falls, Wis., serving intermediate points on designated highways, restricted against the transportation of passengers between Park Falls and Fifield, Wis., unless destined to or originating at points beyond Fifield; and between Eau Claire, Wis., and Ladysmith, Wis., serving intermediate points on designated highways.

No. MC-FC 62399. By order of September 1, 1959, The Transfer Board approved the transfer to Alexander Moving and Storage of Alliance, Ohio, Inc., of Certificate in No. MC 17233, issued December 13, 1956, to Clyde B. Alexander, doing business as Alexander's Moving and Storage, Alliance, Ohio, authorizing the transportation of: Household goods between Alliance, Ohio, on the one hand, and, on the other, points in Michigan, Pennsylvania, and West Virginia. Nicholas G. Caplea, Attorney, 524 Renkert Bldg., Canton, Ohio.

No. MC-FC 62464. By order of August 31, 1959, The Transfer Board approved the transfer to Ray Carter, Inc., Nashville, Tenn., of Certificate No. MC 96176, issued July 3, 1941, to Paul Clancy, doing business as Clancy Heavy Hauling, Memphis, Tenn., authorizing the transportation of: Heavy machinery, contractors' equipment, and parts and accessories, in special equipment, in quantities of not less than 10,000 pounds, between points in Tennessee, Louisiana, Arkansas, Mississippi, Kentucky, and Alabama. James W. Wrape, 2111 Sterick Bldg., Memphis 3, Tenn., for applicants.

No. MC-FC 62467. By order of August 31, 1959, The Transfer Board approved the transfer to William Hawthorne and Mary H. Wiegand, a partnership, doing

business as Hawthorne & Co., Philadelphia, Pennsylvania, of Certificate in No. MC 26871, issued June 19, 1941, to Harvey Braddock, doing business as Braddock Brothers, Wilmington, Delaware, authorizing the transportation of: Machinery, material, and supplies used in the construction, repair and maintenance of telephone and telegraph systems, from Wilmington, Del., to points in Pa., and Md., within 35 miles of Wilmington, and heavy machinery between Wilmington, Del., and points in Del., Pa., and Md., within 35 miles of Wilmington. Jacob Polin, 314 Old Lancaster Road, Merion, Pa.

No. MC–FC 62479. By order of August 31, 1959, The Transfer Board approved the transfer to Mid Columbia Motor Freight, Inc., Portland, Oregon, of Certificate No. MC 113212 issued May 7, 1954, to C. C. Horger, doing business as Oregon Freight Lines, Portland, Oregon, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Portland, Oreg., and Washougal, Wash., serving the intermediate point of Vancouver, Wash., and intermediate and off-route points within ten miles of Washougal; fruit, over irregular routes, from points in Hood River County, Oreg., and those in Wasco County, Oreg., on and west of Oregon Highway 23, to Vancouver, Wash.; paper products, from Camas, Wash., to points in Hood River County, Oreg., and those in Wasco County, Oreg., located on and west of Oregon Highway 23; box shooks, from Vancouver and Bingen, Wash., to points in Hood River County, Oreg., and those in Wasco, County, Oreg., on and west of Oregon Highway 23; general commodities, excluding commodities in bulk, other commodities, but including household goods, between points in Hood River County, Oreg., on the one hand, and, on the other, points in Klickitat County, Wash.; fruit, from points in Hood River County, Oreg., and those in Klickitat County, Wash., to Portland, Oreg.; agricultural commodities, from points in Wasco, Sherman, Gilliam, Hood River, and Jefferson Counties, Oreg., to Portland, Oreg.; petroleum products, in containers, fuel, merchandise, farm machinery, salt, bags, and twine, from Portland, Oreg., to points in Wasco, Sherman, Gilliam, Hood River and Jefferson Counties, Oreg.; fresh fruits and vegetables, fruit-spraying compounds, machinery and machines used in fruit-packing plants, fruit-packing house and cannery waste and by-products, empty containers, box shook and box tops between points in Wasco and Hood River Counties, Oreg., on the one hand, and, on the other, points in Yakima County, Wash. C. C. Horger, 1419 N. W. Overton St., Portland 9, Oregon, for applicants.

No. MC–FC 62496. By order of August 31, 1959, The Transfer Board approved the transfer to Beverage Transportation Inc., Cleveland, Ohio, of Permits in Nos. MC 109513, MC 109513 Sub 4, MC 109513 Sub 5, and MC 109513 Sub 8, issued October 10, 1952, February 4, 1957, February 25, 1959, and July 14, 1959, respectively, to Charles B. Retzer, doing business as Beverage Transportation Company, Cleveland, Ohio, authorizing the transportation of specified commodities, from, to, and between specified points in Ohio, Illinois, Indiana, New Jersey, New York, Pennsylvania, Wisconsin, Missouri, and Massachusetts. Transferee was also substituted in lieu of transferor as applicant in No. MC 109513 Sub 6. G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio.

No. MC–FC 62509. By order of August 31, 1959, The Transfer Board approved the transfer to Scherr Motor Freight, Inc., Philadelphia, Pennsylvania, of a Certificate in No. MC 44142, issued October 30, 1957, to Irene Scherr, doing business as Scherr Motor Freight, Philadelphia, Pennsylvania, authorizing the transportation of specified commodities, from, to, and between, specified points in Pennsylvania, Delaware, New Jersey, New Hampshire, Vermont, Rhode Island, Connecticut, New York, Maryland, Florida, Georgia, Virginia, Massachusetts, Ohio, Tennessee, Indiana, North Carolina, South Carolina, Michigan, and the District of Columbia, and household goods, as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. Raymond A. Thistle, Jr., Shertz, Barnes & Shertz, 811–819 Lewis Tower Bldg., 225 S. 15th St., Philadelphia 2, Pennsylvania.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7516; Filed, Sept. 9, 1959; 8:48 a.m.]

[Notice 286]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 4, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other procedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., U.S.s.t. (or 9:30 o'clock a.m., local d.s.t.), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 807 (Sub No. 160), filed August 26, 1959. Applicant: ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive vehicles, chassis, bodies, cabs* and *trailers*, new, used, finished, unfinished or wrecked, *automobile parts, tools* and *accessories* moving in connection with the above-specified commodities, chassis, bodies, cabs and trailers, and *show equipment or paraphernalia*, restricted to initial movements, in driveaway or truckaway service, from the plant site or sites of Chevrolet Motor Division of General Motors Corporation located in Baltimore, Md., to points in Florida and Georgia; and (2) *Automotive vehicles, chassis, bodies, cabs* and *trailers*, new, used, finished, unfinished or wrecked, *automobile parts, tools* and *accessories* moving in connection with the above-specified commodities, chassis, bodies, cabs and trailers, and *show equipment or paraphernalia*, restricted to secondary movements, in driveaway and truckaway service, between all points described above. Applicant is authorized to conduct operations in New York, Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia; West Virginia, Ohio, Indiana, Kentucky, New Jersey, North Carolina, Tennessee, South Carolina, Illinois, Michigan, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

HEARING: October 15, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 873 (Sub No. 34), filed July 31, 1959. Applicant: SOONER FREIGHT LINES, a Corporation, 3000 West Reno, P.O. Box 2488, Exchange Branch, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *All liquid or dry commodities*, in collapsible tanks or bins marketed by the U.S. Rubber Company under the trade names of "Sealdtank" or "Sealdbin" or the equivalent thereof, between all points applicant is presently authorized to serve in the transportation of General commodities, as authorized in Certificate No. MC 873 and sub numbers thereunder. Applicant is authorized to conduct operations in Colorado, Kansas, Oklahoma, and Texas.

NOTE: Applicant states that it seeks authority by the instant application, if it does not already have, authority to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "Sealdtanks" or "Sealdbins" or other collapsible containers of the same or similar nature and design.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 906 (Sub No. 43), filed August 27, 1959. Applicant: CONSOLIDATED FORWARDING CO., INC., 1300 North Tenth Street, St. Louis, Mo. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, gravel, coal, and lumber and those requiring special equipment, serving the site of the Line Material Industries plant near Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Texas, and Wisconsin.

NOTE: Applicant is under common control with Triangle Express & Transfer Company (Certificate No. MC 910 and Permit No. MC 911); therefore common control may be involved.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 1313 (Sub No. 8), filed September 2, 1959. Applicant: RIDGELY TRANSPORT, doing business as PIONEER-RIDGELY FREIGHT LINES, a Corporation, 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Wyoming within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Wyoming and Nebraska.

NOTE: Applicant states it is authorized to transport the involved commodities serving intercontinental ballistics missile launching sites located in Wyoming within 25 miles of Cheyenne; and that, because a considerable number of new missile sites are scheduled for construction which are beyond the 25-mile radius authorized it files the instant application to enlarge said area to serve such additional sites.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 197.

No. MC 2894 (Sub No. 17), filed June 1, 1959. Applicant: RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid commodities*, and *dry commodities*, in containers, *including but not limited to Sealdtanks and Sealdbins* when transported in standard vehicles, over the regular routes and in the territory, including all intermediate and off-route points authorized to be served by applicant in Certificate No. MC 2894 and Sub Numbers thereunder covering the transportation of general commodities, with certain exceptions, in Michigan, Ohio, Indiana, Illinois and Pennsylvania. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, Pennsylvania and West Virginia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 2962 (Sub No. 23), filed June 17, 1959. Applicant: A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities;* in containers, including, but not limited to, Sealdtanks and Sealdbins, when transported in standard vehicles over the regular routes and in the territory, including all off-route and intermediate points, authorized to be served by applicant by virtue of Certificates in No. MC 2962 and Sub Numbers thereunder, authorizing the transportation of general commodities, with certain exceptions, in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Applicant is authorized to conduct operations over regular routes in the above-specified States, and over irregular routes in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 3062 (Sub No. 15), filed June 29, 1959. Applicant: L. A. TUCKER LINES, INCORPORATED, 1451 Independence Avenue, Cape Girardeau, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 3062 and subs thereunder, covering the transportation of general commodities, with certain exceptions in Illinois, Missouri, Indiana, Kentucky, Arkansas, Iowa and Tennessee.

NOTE: Applicant has filed a Motion to Dismiss its application on the grounds that it is presently authorized to transport lading tendered to it in containers, regardless of size of the containers.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 3341 (Sub No. 20), filed July 1, 1959. Applicant: LAKE MOTOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtank, Sealdbin, and Nest-a-Bin containers, in or upon ordinary vehicles, over the routes and in the territories including all termini and all off-route and all intermediate points authorized to be served by applicant by virtue of Certificate No. MC 3341 and Subs thereunder. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

NOTE: Any duplication with present authority to be eliminated. Common control and dual operations under section 210 may be involved.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 3419 (Sub No. 8), filed July 30, 1959. Applicant: THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland 14, Ohio. Applicant's attorney: John S. Fessenden, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, from, to and between all points applicant is authorized to transport general commodities, including all intermediate and off-route points, as authorized in Certificate No. MC 3419 and sub numbers thereunder. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan and West Virginia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 3420 (Sub No. 5), filed July 30, 1959. Applicant: MOTOR EXPRESS, INC., an Ohio Corporation, 410 Lincoln Building, Cleveland 14, Ohio. Applicant's attorney: John S. Fessenden, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, from, to and between all points applicant is authorized to serve in the transportation of general commodities, including all intermediate and off-route points, as authorized in Certificate No. MC 3420 and sub numbers thereunder. Applicant is authorized to conduct operations in Ohio, Pennsylvania, New York and West Virginia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 10761 (Sub No. 84), filed June 18, 1959. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid commodities* and *dry commodities*, in containers, including, but not limited to, Sealdtanks and Sealdbins, in standard motor vehicles, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant under Certificate No. MC 10761 and sub numbers thereunder and authority granted in MC–F

5501, MC–F 6136, MC–F 6185 and MC–F 6491, to which as yet no sub numbers have been assigned, covering the transportation of general commodities, with certain exceptions, in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Burroughs.

No. MC 10875 (Sub No. 10), filed August 6, 1959. Applicant: BRANCH MOTOR EXPRESS COMPANY, a Corporation, 300 Maspeth Avenue, Brooklyn 11, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* as presently authorized but *including liquid and dry commodities* in containers such as, but not limited to, sealed tank, sealed bin, nest-a-bin, or tote bin type, in or on ordinary vehicles, between all points over the regular and irregular routes presently authorized in Certificate No. MC 10875 and sub numbers thereunder, in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 10928 (Sub No. 37), filed July 27, 1959. Applicant: SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, P.O. Box 10572, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as *a common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities* in collapsible tanks or bins, including but not limited to those known as "Sealdtanks" or "Sealdbins", or the equivalent thereof, over all routes and between all points applicant is presently authorized to transport general commodities, with certain exceptions, as authorized in Certificate No. MC 10928 and sub numbers thereunder. Applicant is authorized to conduct operations in Missouri, Illinois, Tennessee, Texas, Arkansas, Oklahoma, and Kansas.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 17398 (Sub No. 3), filed May 28, 1959. Applicant: THE H. T. SMITH EXPRESS COMPANY, P.O. Box 1000, Staunton, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 E Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, over the regular and irregular routes between all points in Connecticut, Massachusetts, New Jersey and New York applicant is presently authorized to engage in the transportation of general commodities in Certificate No. MC 17398. Applicant is authorized to conduct operations in the above-specified States.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 24379 (Sub No. 26), filed May 29, 1959. Applicant: LONG TRANSPORTATION COMPANY, a Corporation, 3755 Central Avenue, Detroit, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtanks and Sealdbins when transported in standard vehicles, from, to and between all points applicant is authorized to transport General Commodities, with certain exceptions, including all intermediate and off-route points, in the States of Michigan, Ohio, Indiana, Illinois, Pennsylvania, New York, and New Jersey, as outlined in Certificate No. MC 24379 and sub numbers thereunder. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 28813 (Sub No. 21), filed July 30, 1959. Applicant: MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Building Indianapolis 4, Ind. Applicant's attorney: John S. Fessenden, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, from, to and between all points applicant is authorized to serve in the transportation of general commodities, including all intermediate and off-route points, as authorized in Certificate No. MC 28813 and sub numbers thereunder. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio and Wisconsin.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 29910 (Sub No. 51), filed May 22, 1959. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities* in collapsible tanks or bins bearing the trade names "Sealdtank", "Sealdbin" or the equivalent thereof, between all points and over all routes applicant is presently authorized to serve in the transportation of general commodities as outlined in Certificate No. MC 29910 and Sub numbers thereunder. Applicant is authorized to conduct operations in Arkansas, Louisiana, Oklahoma, Tennessee, Texas, Kansas, Missouri, Illinois, Indiana and Ohio.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 35484 (Sub No. 41), filed June 24, 1959. Applicant: VIKING FREIGHT COMPANY, a Corporation, 614 South 6th Street, St. Louis 2, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the regular and irregular routes, between the points, and in the territory, including all intermediate and off-route points, authorized to be served by applicant in Certificate No. MC 35484 and Sub Numbers thereunder, covering the transportation of general commodities, with certain exceptions, in Missouri, Illinois, Tennessee, Ohio, Kentucky, Indiana, Oklahoma, Texas, Mississippi, Louisiana, and Arkansas.

NOTE: This application is accompanied by a Motion to Dismiss on the ground that applicant's general commodity authority has no restriction as to the size of the containers in which a shipment may be tendered; that it is applicant's position that in the absence of such a restriction, applicant can presently lawfully handle lading tendered to it in containers as described in the application.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 40302 (Sub No. 29), filed June 18, 1959. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to sealdtank, sealdbin, sealdrum, and Nest-a-Bin containers, in or upon ordinary vehicles, over the regular routes and in the territory, including all termini and all intermediate and off-route points, authorized to be served by applicant in Certificates in No. MC 40302 and Sub Numbers thereunder, in the transportation of general commodities, with exceptions, in Illinois, Indiana, Kentucky, Michigan, Missouri and Ohio. Applicant is authorized to conduct operations in the above-specified States.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 41432 (Sub No. 82), filed July 24, 1959. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington, P.O. Box 7667 (Fair Park Station), Dallas 10, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, including but not limited to those known as "Sealdtanks" or "Sealdbins", or the equivalent thereof, over the specified regular routes and over the irregular routes, and between the points and in the territory between which applicant is presently authorized to transport general commodities, with certain exceptions, in Certificates in No. MC 41432 and Sub Numbers in Arkansas, Illinois, Lousiana, Missouri, Tennessee and Texas. Applicant is authorized to conduct operations in the above-named States.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 44290 (Sub No. 13), filed June 29, 1959. Applicant: HUSMANN & ROPER FREIGHT LINES, INC., 1717 North Broadway, St. Louis 6, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as "Sealdtanks" or "Sealdbins", whether furnished by shipper or shippers, or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points, authorized to be served by applicant in Certificate MC 44290 and sub numbers thereunder covering the transportation of general commodities, with certain exceptions, in Missouri, Ohio, Kentucky, Indiana, Illinois and Kansas.

NOTE: Applicant has filed a Motion to Dismiss the above application on the ground that it is presently authorized to transport lading tendered to it in containers, regardless of size, and that it requires no additional authority therefor.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 45657 (Sub No. 23), filed June 26, 1959. Applicant: PIC-WALSH FREIGHT CO., a Missouri Corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points, authorized to be served by applicant in Certificate No. MC 45657 and sub numbers thereunder, covering the transportation of general commodities, with certain exceptions, in the States of Missouri, Illinois, Ohio, Indiana, Arkansas, and Tennessee.

NOTE: Applicant has filed a Motion to Dismiss the above application on the grounds that it presently holds authority to perform the above transportation.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 48958 (Sub No. 36) Filed August 17, 1959. Applicant: ILLINOIS–CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *all liquid or dry commodities*, except Class A and B explosives, in collapsible tanks or bins, or the equivalent thereof, including, but not limited to those known as "sealdtanks" or "sealdbins", whether furnished by shipper or shippers, or owned or leased by applicant, over all routes and between all points, including all intermediate and off-route points, authorized to be served by applicant in Certificate No. MC 48958 and sub Numbers thereunder, throughout its entire scope of operations in Illinois, Iowa, Nebraska, Wyoming, Colorado, New Mexico, Arizona, California, and Nevada.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 49387 (Sub No. 12), filed August 3, 1959. Applicant: ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams Street, Moberly, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 49387 and Subs thereunder, covering the transportation of General commodities, with certain exceptions, in the States of Missouri, Illinois, Iowa, and Kansas.

NOTE: Applicant has filed a Motion to Dismiss the instant application on the ground that it presently holds the authority requested above.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 52657 (Sub No. 573), filed August 24, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, and *trailer chassis*, in initial truckaway service, from points in Beaver and Cambria Counties, Pa., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 16, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 52709 (Sub No. 92), filed September 2, 1959. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including shipper-owned compressed gas trailers loaded with compressed gas* (other than liquefied petroleum gas), *or empty*, but excluding livestock, commodities of unusual value, household goods as defined by the Commission, and those requiring special equipment, and commodities in bulk, serving ballistic missiles testing and launching sites and supply points therefor (1) within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver and (2) within seventy (70) miles of Cheyenne, Wyo., in connection with applicant's authorized regular route operations to and from Cheyenne.

NOTE: Applicant has authority in MC 52709 (Sub No. 85) to serve missile launching sites within twenty-five miles of Cheyenne; the purpose of this application is to broaden such authority in view of new missile sites scheduled for construction in said area which are beyond the scope presently authorized.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 52709 (Sub No. 7), filed August 6, 1959. Applicant: MURDOCH & HATCH MOTOR TRANSPORT, INC., 300 Maspeth Avenue, Brooklyn 11, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities, including liquid and dry commodities*, in containers, including but not limited to sealed tank, sealed bin, nest-a-bin, or tote bin type in or on ordinary vehicles, between all points over the regular and irregular route presently authorized in Certificate No. MC 60319 in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia. Applicant is authorized to conduct regular route operations in Connecticut, Massachusetts, New York and Rhode Island, and irregular route operations in Connecticut, Massachusetts, New Jersey, New York, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 61440 (Sub No. 72), filed July 31, 1959. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *All liquid or dry commodities*, in collapsible tanks or bins marketed by the U.S. Rubber Company

under the trade names "Sealdtanks" or "Sealdbins", or the equivalent thereof, between points applicant is authorized to serve in the transportation of general commodities (between specified points in Texas, Kansas, Oklahoma, Missouri and Illinois), in Certificate No. MC 61440 and sub numbers thereunder.

NOTE: Applicant states it seeks, if it does not already have, authority to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "Sealdtanks" or "Sealdbins" or other collapsible containers of the same or similar nature and design.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 62835 (Sub No. 13), filed June 29, 1959. Applicant: C. E. S. TRUCK LINES, INC., Highway 61–67, Crystal City, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as "Sealdtanks" or "Sealdbins", whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points authorized to be served by applicant in its Certificate No. MC 62835 and sub numbers thereunder, covering the transportation of general commodities, with certain exceptions, as more fully set forth in the application.

NOTE: Applicant has also filed a Motion to Dismiss the above application on the ground that it is presently authorized to transport lading tendered to it in containers, regardless of size thereof.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 66990 (Sub No. 7) (REPUBLICATION), filed May 14, 1959. Published FEDERAL REGISTER issue of August 5, 1959. Applicant: DON EATON TRANSFER & STORAGE, INCORPORATED, 119 South Frisco, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods* as defined by the Commission in Ex Parte No. MC 19, 176.1 as amended, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in Oklahoma, Texas, New Mexico, Colorado, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Iowa, Minnesota, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, Pennsylvania, New York, and New Jersey. Applicant is authorized to conduct operations in the above-named States except Alaska.

NOTE: This notice was inadvertently published under the "No Hearing" Procedures.

HEARING: Remains as assigned September 15, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 69275 (Sub No. 32), filed June 24, 1959. Applicant: M & M TRANSPORTATION COMPANY, a Massachusetts Corporation, 250 Mystic Avenue, Somerville, Mass. Applicant's attorney: John S. Fessenden, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, between all points applicant is presently authorized to serve in the transportation of general commodities, including all intermediate and off-route points, as well as all points at which service is to be authorized by reason of the purchase of rights from Chelsea Contracting and Trucking Co., MC–F 6917. Applicant is authorized to conduct operations in Massachusetts, Pennsylvania, Rhode Island, Connecticut, New Jersey, New York, Maryland, and Delaware.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 69281 (Sub No. 37), filed June 16, 1959. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., a Corporation, 6201 Pulaski Highway, Baltimore 3, Md. Applicant's attorney: John S. Fessenden, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, between all points applicant is authorized to serve in the transportation of general commodities, in Certificate No. MC 69281. Applicant is authorized to transport general commodities, with certain exceptions, between specified points in Maryland, New York, Delaware, New Jersey, Pennsylvania, Virginia and the District of Columbia.

NOTE: Applicant states it seeks, if it does not already have, authority to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "Sealdtanks" or "Sealdbins" or other collapsible containers of the same or similar nature and design, as more fully described in its proposed application.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 73262 (Sub No. 13), filed July 6, 1959. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points applicant is presently authorized to serve in the transportation of general commodities as authorized in Certificate No. MC 73262 and sub numbers thereunder, in Michigan, Ohio, Illinois, Indiana, Missouri, and Kentucky.

NOTE: Applicant states it is seeking the above authority, if it does not already hold the same under its present authority, when such transportation takes place in "Sealdtanks" or "Sealdbins" marketed by the U.S. Rubber Company, or other collapsible containers of similar nature and design.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 75320 (Sub No. 90), filed June 4, 1959. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 390, 2330 East Mill Street, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins similar or identical with so-called "Sealdtank" or "Sealbin" containers, or containers of a similar nature in design, or containers that are of substantial equivalent thereof, between the points, over the regular and irregular routes, and in the territory, including intermediate and off-route points, authorized to be served by applicant in Certificate No. MC 75320 and Sub Numbers thereunder, in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 75406 (Sub No. 16), filed June 29, 1959. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: G. M. Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points, authorized to be served by applicant in Certificate No. MC 75406 and subnumbers thereunder, covering the transportation of general commodities, with certain exceptions, in the States of Missouri, Illinois and Arkansas.

NOTE: Applicant has filed a Motion to Dismiss the instant application on the grounds that it presently holds the above requested authority.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 75527 (Sub No. 20), filed August 24, 1959. Applicant: LAHN TRANSPORTATION, a Corporation, P.O. Box 17, Bridgeton, N.J. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Glassware*, and *glass containers*, from points in Cumberland and Salem Counties, N.J., to points in Maine, New Hampshire, and Vermont, and *rejected*, *returned* and *damaged glassware and glass containers*, *used pallets*, *used platforms*, and *used skids*, on return. Applicant is authorized to conduct operations in New York, New Jersey, New Hampshire, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Ohio, West Virginia, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

HEARING: October 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald Sutherland.

No. MC 78712 (Sub No. 7), filed June 11, 1959. Applicant: MILLER TRANSPORTATION, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Avenue, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points over the irregular routes applicant is presently authorized to serve in the transportation of general commodities in Certificate No. MC 78712, in Indiana, Kentucky, Missouri, Ohio, Illinois and Michigan.

NOTE: Applicant states it is seeking this authority, if it does not already hold the same under the provisions of its present certificate, when such transportation takes place in sealdtanks or sealdbins, marketed by the U.S. Rubber Company, or other collapsible containers of similar nature and design. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania and Wisconsin.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 80430 (Sub No. 94) filed August 12, 1959. Applicant: GATEWAY TRANSPORTATION CO., an Illinois Corporation, 2130–2150 South Avenue, LaCrosse, Wis. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, from, to and between all points, including all intermediate and off-route points, applicant is authorized to conduct operations as authorized in Certificate No. MC 80430 and Sub numbers thereunder. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, New York and Wisconsin.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 82944 (Sub No. 6), filed September 2, 1959. Applicant: FREDERIC A. BETHKE, doing business as BETHKE TRUCK LINES, Gilcrest, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, livestock, commodities requiring special equipment, and liquid commodities in bulk, serving ballistic missile testing and launching sites and supply points therefor located within a 60-mile radius of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Colorado.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 83539 (Sub No. 51), filed July 9, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to Sealdtanks, Sealdbins, Nest-a-bin, or totebin containers, in or upon ordinary vehicles, between points in Alabama Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kanasa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 96079 (Sub No. 1) (CLARIFICATION), filed April 24, 1959, published in the August 26, 1959 issue of the FEDERAL REGISTER. Applicant: KELLY AUGUSTA CRAWFORD, doing business as KELLY CRAWFORD TRANSFER, Richlands, Va. Applicant's attorney: R. Roy Rush, Box 614, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Richlands, Va., to points in West Virginia; to points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to Lexington, Ky., thence along U.S. Highway 27 to junction Kentucky Highway 34 near Bryantsville, Ky., thence along Kentucky Highway 34 to Danville, Ky., and thence along Kentucky Highway 35 to the Kentucky-Tennessee State line; to points in Tennessee on and east of Tennessee Highway 28; to points in North Carolina on and west of U.S. Highway 1; and to points in Virginia on and west of U.S. Highway 15. Applicant is authorized to conduct operations in Virginia and West Virginia.

HEARING: Remains as assigned September 28, 1959, at the U.S. Court Rooms, Roanoke, Va., before Examiner Richard H. Roberts.

No. MC 96339 (Sub No. 6), filed September 2, 1959. Applicant: MONA RIDGELY, doing business as ARROW MOVING & STORAGE CO., 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Cheyenne, Wyo., on the one hand, and, on the other, intercontinental ballistics missile launching sites located in Wyoming within a 70-mile radius of Cheyenne, Wyo. Applicant is authorized to conduct operations in Wyoming, Colorado and Nebraska.

NOTE: Applicant states it is authorized to transport the involved commodities between Cheyenne, Wyo., and intercontinental ballistics missile launching sites in Wyoming located within 25 miles of Cheyenne; that because a number of new missile sites are scheduled for construction which are beyond the 25 mile radius authorized, applicant files the instant application for the enlarged area so as to serve such additional sites.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 197.

No. MC 103654 (Sub No. 49), filed July 2, 1959. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Boulevard, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National Soo-Line Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, or in containers including sealdbins, sealdtanks, shipper-owned containers, from Grand Forks, N. Dak., Superior, Wis., and points in Minnesota, to points in Minnesota, Wisconsin, Iowa, Illinois, North Dakota, South Dakota and the Upper Peninsula of Michigan, and *empty containers and rejected* shipments, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Minnesota, North Dakota and Wisconsin.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 104004 (Sub No. 140), filed July 17, 1959. Applicant: ASSOCIATED TRANSPORT, INCORPORATED, 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, in collapsible containers known by the manufacturer's trade name of "Sealdtanks" and "Sealdbins" but not restricted to that manufacturers containers, from, to and between all points applicant is authorized

to conduct operations as authorized in Certificate No. MC 104004 and sub numbers thereunder. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, Massachusetts, Rhode Island, and the District of Columbia.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan P. Borroughs.

No. MC 106943 (Sub No. 67), filed May 15, 1959. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities* (except Class A and B explosives), in collapsible cargo containers, from, to and between all points applicant is authorized to conduct operations, including all intermediate and off-route points, by virtue of Certificate No. MC 106943 and sub numbers thereunder, in the transportation of General commodities, with certain exceptions, in the States of Delaware, Indiana, Illinois, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

NOTE: Applicant has filed a Motion to Dismiss the instant application on the grounds that it presently has the authority to perform the above operations.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 108158 (Sub No. 49), filed June 16, 1959. Applicant: MID-CONTINENT FREIGHT LINES, INC., 4350 West Roosevelt Road, Chicago 24, Ill. Applicant's attorney: John S. Fessenden, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid and dry commodities*, in containers, including but not limited to "Sealdtank" and "Sealdbin" containers, in or upon ordinary vehicular equipment, between all points applicant is authorized to serve in the transportation of general commodities, in Certificate MC 108158 and sub numbers thereunder. Applicant is authorized to transport general commodities, with certain exceptions, between specified points in Texas, Oklahoma, Illinois, Missouri, Indiana, Minnesota, Wisconsin, Kansas, and Ohio.

NOTE: Applicant states it seeks, if it does not already have, authority to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "Sealdtanks" or "Sealdbins" or other containers of the same or similar nature and design, as more fully described in its proposed application.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 108302 (Sub No. 2) (REPUBLICATION), filed June 30, 1959, published issue FEDERAL REGISTER August 5, 1959. Applicant: G. & S. CITY TRUCKING CO., INC., 345 West 38th Street, New York 18, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments, piece goods*, cut or in the original piece, *trimmings, buttons, notions, fasteners*, between Ossining, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Cleveland, Ohio. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: Remains as reassigned September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Thomas F. Kilroy.

No. MC 109095 (Sub No. 8), filed June 29, 1959. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North Fourteenth Street, St. Louis 6, Mo. Applicant's attorney: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Liquid or dry commodities, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as Sealdtanks or Sealdbins, whether furnished by shipper or shippers or owned or leased by applicant, over the routes and in the territory including all off-route and intermediate points authorized to be served by applicant by virtue of Certificate No. MC 109095 and Subs thereunder covering the transportation of general commodities, with certain exceptions, in the States of Indiana, Ohio, Illinois, and Missouri.

NOTE: Applicant has filed a Motion to Dismiss the instant application on the ground that it presently holds the authority requested above.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 110388 (Sub No. 16), filed June 17, 1959. Applicant: UNION PACIFIC MOTOR FREIGHT COMPANY, a Corporation, 1416 Dodge Street, Omaha 2, Nebr. Applicant's attorney: John J. Burchell, 1416 Dodge Street, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, (1) between Pocatello, Idaho, and Butte, Mont.: from Pocatello over U.S. Highway 91 to Butte; (2) between Blackfoot, Idaho, and Mackay, Idaho: from Blackfoot over U.S. Highway 26 to Arco, thence over Alternate U.S. Highway 93 to Mackay; (3) between Idaho Falls, Idaho, and Swan Valley, Idaho: from Idaho Falls over U.S. Highway 26 to Swan Valley; (4) between junction U.S. Highways 20 and 26 near Atomic City, Idaho, and West Yellowstone, Mont.: from junction U.S. Highways 20 and 26 over U.S. Highway 20 to West Yellowstone; (5) between Roberts, Idaho, and Ririe, Idaho: from Roberts over Idaho Highway 48 to Ririe; (6) between Menan, Idaho and Lorenzo, Idaho: from Menan over Idaho Highway 80 to Lorenzo; (7) between Swan Valley, Idaho, and junction Idaho Highway 33 and U.S. Highway 20: from Swan Valley over Idaho Highway 31 to Victor, thence over Idaho Highway 33 to junction U.S. Highway 20, near Sugar City; (8) between junction Idaho Highways 32 and 33, and Ashton, Idaho: from junction Idaho Highways 32 and 33, near Tetonia, over Idaho Highway 32 to Ashton; (9) between American Falls, Idaho, and Blackfoot, Idaho: from American Falls over Idaho Highway 39 to Blackfoot; (10) between Pocatello, Idaho, and Boise, Idaho: from Pocatello over U.S. Highway 30–N to Burley, thence over U.S. Highway 30 to Boise; (11) between Kimama and Bliss, Idaho: from Kimama over Idaho Highway 24 to junction Idaho Highway 25, thence over Idaho Highway 25 to Bliss; (12) between junction U.S. Highway 30 and unnumbered county road, and Oakley, Idaho: from junction U.S. Highway 30 and unnumbered county road (approximately one mile west of Murtaugh), thence over such unnumbered county road to Oakley; (13) between Burley, Idaho, and junction Idaho Highway 77 and U.S. Highway 30–N: from Burley over U.S. Highway 30–S to Declo, thence over Idaho Highway 77 to junction U.S. Highway 30–N (near Rupert); (14) between Paul and Oakley, Idaho: from Paul over Idaho Highway 27 to Oakley; (15) between Twin Falls, Idaho, and junction Idaho Highways 25 and 50: from Twin Falls over Idaho Highway 50 to junction Idaho Highway 25; (16) between Twin Falls, Idaho, and junction Idaho Highway 74 and U.S. Highway 93: from Twin Falls over Idaho Highway 74 to junction U.S. Highway 93; (17) between Ketchum, Idaho, and Wells, Nev.: from Ketchum over U.S. Highway 93 to junction U.S. Highway 40, near Wells, thence over U.S. Highway 40 to Wells; (18) between Wendell, Idaho, and junction unnumbered highway and U.S. Highway 30: from Wendell over unnumbered highway to junction U.S. Highway 30, near Hagerman; (19) between junction Idaho Highway 79 and U.S. Highway 93, and junction Idaho Highway 79 and U.S. Highway 93: from junction Idaho Highway 79 and U.S. Highway 93, over Idaho Highway 79, via Jerome, Idaho, to junction Idaho Highway 79 and U.S. Highway 93; (20) between Shoshone, Idaho, and Dietrich, Idaho: from Shoshone over Idaho Highway 24 to Dietrich; (21) between Bliss, Idaho, and junction Idaho Highway 23 and U.S. Highway 93, near Bellevue, Idaho: from Bliss over U.S. Highway 26 to Carey, Idaho, thence over Idaho Highway 23 to junction U.S. Highway 93; (22) between junction Idaho Highways 25 and 46, south of Wendell, Idaho, and Hill City, Idaho: from junction Idaho Highways 25 and 46 over Idaho Highway 46 to junction Idaho Highway 68, thence over Idaho Highway 68 to Hill City; (23) between junction Idaho Highways 46 and 68 and junction Idaho Highway 68 and U.S. Highway 93: from junction Idaho Highways 46 and 68, approximately 4 miles east of Fairfield, Idaho, thence over Idaho Highway 68 to junction U.S. Highway 93; and return over the above-described routes, serving all intermediate points on said routes and all off-route points which are stations on the lines of the Union Pacific Railroad Company, subject to the following conditions: (1) The service proposed by applicant shall be limited to service which is auxiliary to or supplemental of the service of Union Pacific Railroad Company; (2) No service shall be rendered to or from any point not a station on the rail lines of Union Pacific Railroad Company; (3) No shipment shall be transported by applicant between any of the following points, or through or to or from more than one of said points: Pocatello, Boise and Gooding, Idaho, Butte, Mont., and Wells, Nev.; (4) All contractual arrangements between the carrier and Union Pacific Railroad Company shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties; (5) Such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of Union Pacific Railroad Company. Applicant is authorized to conduct operations in Idaho, Utah, Missouri, Kansas, Wyoming, Colorado, Iowa, Oregon, Washington, Nevada and California.

NOTE: Applicant states that highway descriptions between Blackfoot and Mackay have been changed due to recent new construction; and that if the authority here sought is granted, it is willing that its Certificate in No. MC 110388 Sub 1 be canceled in order that duplicate authority may be eliminated and its certificates simplified.

HEARING: October 5, 1959, at the U.S. Court Rooms, Pocatello, Idaho, before Joint Board No. 410, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

No. MC 110683 (Sub No. 13), filed May 28, 1959. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., P.O. Box 1000, Staunton, Va. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, over the regular and irregular routes, from, to, and between all points in Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, that applicant is presently authorized to serve in the transportation of general commodities in Certificate No. MC 110683 and Sub Numbers thereunder. Applicant is authorized to conduct operations in the above-specified States.

NOTE: Common control may be involved.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 111320 (Sub No. 39), filed August 28, 1959. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roadbuilding, earth moving, mining and quarrying equipment including articles* named in Appendix 8 of Exparte MC 45 and *parts* of such commodities moving with, or separately, from the above-described commodities, in both driveaway and truckaway methods, between Evansville, Ind., on the one hand, and, on the other, points in the United States except Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 111320 (Sub No. 40), filed August 28, 1959. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland 14, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water, oil, blast hole, quarry and mining drills*, self-propelled, or mounted on trailers and *parts* of the above commodities when moving with the above-described commodities, or separately, in driveaway, towaway or truckaway methods, between Wayne County, Ind. on the one hand, and, on the other, points in the United States, except Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 111594 (Sub No. 15), filed June 22, 1959. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a Corporation, 610 High Street, Wisconsin Rapids, Wis. Applicant's attorney: Hamilton R. Winton, Jr., Harris Trust Building, 111 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities*, in collapsible tanks and bins marketed by the U.S. Rubber Company under the trade names "Sealdtank" or "Sealdbin" or the equivalent thereof, between all points over the regular and irregular routes, including all intermediate and off-route points, which applicant is presently authorized to serve in the transportation of general commodities, with exceptions, in Certificate No. MC 111594 and Sub Numbers thereunder, in Illinois, Indiana, Minnesota and Wisconsin. Applicant is authorized to conduct operations in the above-specified States.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 112497 (Sub No. 145) (CLARIFICATION), published in the FEDERAL REGISTER August 26, 1959 at page 6929. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins St., P.O. Box 3096, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Mobile, Ala., on the one hand, and, on the other, Baton Rouge, La. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee and Texas.

HEARING: Remains as assigned November 16, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 113255 (Sub No. 15), CORRECTION, filed June 29, 1959 published in the August 5, 1959 issue of the FEDERAL REGISTER. Applicant: MILK TRANSPORT, INC., P.O. Box 398, New Brighton, Minn. Applicant's attorney: Clay R. Moore, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juice*, in bulk in insulated tank vehicles without mechanical refrigeration, from points in Florida to points in Illinois, Wisconsin, Minnesota, and Iowa, and *rejected shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Florida, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Pennsylvania, New Mexico, New York, Oklahoma, and Texas.

HEARING: Remains as assigned September 21, 1959, at the U.S. Custom House, Room 852, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 113524 (Sub. No. 18), filed June 11, 1959. Applicant: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3618 Pulaski Highway, Baltimore, Md. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, and *liquid commodities*, other than edible products, in bulk, to be transported in collapsible containers, on van type or flat bed trailers, between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New Jersey, Ohio, points in Virginia on and east of U.S. Highway 1, Batavia, Brockport, Fairport, Leroy and points on Long Island, N.Y., Coatesville, Chester, Marcus Hook, Philadelphia and Warren, Pa., and Washington, D.C. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, the District of Columbia, New York, and Ohio.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen F. Borroughs.

No. MC 113832 (Sub No. 13) (CORRECTION), filed July 20, 1959, published issue FEDERAL REGISTER August 19, 1959. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, (1) from the plant site of Marquette Cement Manufacturing Company, located in or near St. Louis, Mo., to points in Kentucky west of Cumberland, Adair, Green, Larue, Nelson, Bullitt and Jefferson Counties, Ky., points in Arkansas north of Polk, Montgomery, Garland, Hot Spring, Dallas, Cleveland, Drew and Chicot Counties, Ark., and points in Missouri, Illinois, and Indiana; and (2) from the plant site of Marquette Cement Manufacturing Company, located in or near Cape Girardeau, Mo., to points in Illinois south of Mercer, Henry, Bureau, Putnam, LaSalle, Grundy and Will Counties, Ill., points in Arkansas north of Polk, Montgomery, Clark, Dallas, Cleveland, Drew and Chicot Counties, Ark., and points in Missouri, Indiana, Kentucky and Tennessee. Applicant is authorized to conduct operations in Illinois, Indiana and Wisconsin.

NOTE: Applicant indicates the above operations are to be performed under a continuing contract with the Marquette Cement Manufacturing Company, Chicago, Ill.

HEARING: Remains as assigned October 14, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 115975 (Sub No. 1), filed June 1, 1959. Applicant: C. B. W. TRANSPORT SERVICE, INC., 115 West Lorena Street, Wood River, Ill. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, refined vegetable oils, lard, animal fats, salad dressing, sandwich spread, substitute salad oils,* and *cooking oils*, from St. Louis, Mo., to points in Alabama, Arkansas, Colorado, North Dakota, South Dakota, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *vegetable oils, soybeans, corn, cottonseed, and lard*, on return.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before mission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 117340 (Sub No. 2) (REPUBLICATION) Filed July 13, 1959, published FEDERAL REGISTER issue of August 26, 1959. Applicant: TRIO BUTCHERS TRUCKING CORP., 636 West 131st Street, New York 27, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in insulated vehicles with mechanically refrigerated units, from Elizabeth, N.J., to New York, New Rochelle, Scarsdale, Yorktown Heights, Hewlett, Roslyn, Yonkers, Larchmont, Pelham, Harrison, White Plains, Hartsdale, Mamaroneck, Riverdale, Mount Vernon, Ardsley, Briarcliff Manor, Long Beach, Bronxville, Pelham Manor, Tuckahoe, Cedarhurst, Rye, Spring Valley, Elmsford, Great Neck, Monticello, and Rockville Center, N.Y., Bayonne, Passaic and Hackensack, N.J., and Stamford and Greenwich, Conn., and *rejected, returned or damaged shipments* of Ice cream on return movements. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

NOTE: Any duplication with present authority to be eliminated. The purpose of this republication is to show the correct spelling of applicants name.

HEARING: Remains as assigned October 8, 1959 at the Governor Clinton Hotel, 31st & 7th Ave., New York, N.Y., before Examiner Harry Ross, Jr.

No. MC 118876 (Sub No. 2), filed August 24, 1959. Applicant: HENRY G. GRAVES, CHARLES L. GRAVES AND WM. E. GRAVES, doing business as GRAVES TRANSFER, Georgetown, Del. Applicant's attorney: H. James Company, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil* and *fish solubles* moving in bulk in tanks, and *fish scrap* and *fish meal* in bulk, from Lewes, Del., to Denton and Hagerstown, Md., Rohrerstown, Allentown and York, Pa., Romney, W. Va., Cartersville, Ga., Akron and Wooster, Ohio, and Lakewood, N.J.

HEARING: October 13, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 119177, filed August 26, 1959. Applicant: ALFOSTER FRANCIS BERRY, 5216 Cloud Place NE., Washington 19, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calf skins*, (green salted), from Washington, D.C. to Wilmington, Del., and refused or rejected shipments of the above-described commodity on return, and (2) *dog food*, from Philadelphia, Pa. to Washington, D.C., and *refused* or *rejected shipments* of dog food, on return.

HEARING: October 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12698 (REPUBLICATION), filed March 13, 1959, published issue FEDERAL REGISTER August 26, 1959. Applicant: CLARENCE E. WIDELL, doing business as VIKING TRAVEL AGENCY, 207 North Broadway, Camden 2, N.J. and 50 Tanner Street, Haddonfield, N.J. Applicant's attorney: Walter S. Anderson, Wilson Building, Broadway at Cooper Street, Camden 2, N.J. The previous publications of the notice of filing in the issues of the FEDERAL REGISTER, dated May 27, 1959 and August 26, 1959, did not clearly describe the proposed operations. At the hearing held June 24, 1959, before Examiner Lucian A. Jackson, the discrepancies in the publication of May 27, 1959 were noted. Correctly stated, and as restrictively amended at the hearing and as now amended, applicant proposes to engage in operations as a broker at Camden and Haddonfield, N.J., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, as follows: (1) Groups in all-expense or "package" sightseeing or vacation tours, beginning and ending at points in Camden and Gloucester Counties, N.J., Burlington County, N.J. (except Fort Dix and McGuire Air Base), and Philadelphia County, Pa., and extending to points in the United States, including ports of entry on the International Boundary Lines between the United States and Canada and the United States and Mexico, and (2) individual passengers and their baggage, in the same vehicle with such passengers, in both regular-route and special bus operations by common carrier by motor vehicle.

NOTE: Applicant states that, in respect of the all-expense or "package" sightseeing or vacation tours, he "proposes to assemble persons into groups for excursion and sightseeing trips, to issue all-expense coupons to such passengers, to receive from such passengers their acecptance of an appointment of applicant as agent for the group, collectively, for the purpose of obtaining charter transportation by motor carrier, in accordance with the principle which evolved from the Tauck Tours, Inc. cases."

NOTE: The purpose of this republication is to include the symbol (1) above which was inadvertently omitted, and also to correct the spelling of McGuire Air Base.

CONTINUED HEARING: October 8, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARINGS IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1942 (Sub No. 5) (AMENDMENT), filed July 13, 1959, published FEDERAL REGISTER of August 5, 1959. Applicant: MARVIN STROBEL AND MERRITT McDONALD, doing business as RICHMOND TRUCK LINE, Richmond, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Feed in bulk*, (1) between Richmond, Kans., and Kansas City, Mo., from Richmond over U.S. Highway 59 to Lawrence, Kans., thence over Kansas Highway 10 to Kansas City, Kans., thence over city streets to Kansas City, Mo., and return over the same route, serving the intermediate and off-route points of North Kansas City, Mo., Kansas City, Kans., and those within 20 miles of Richmond, Kans.; (2) between junction U.S. Highways 50 and 59, four miles west of Baldwin City, Kans., and junction U.S. Highway 50 and Kansas Highway 10, near Merriam, Kans., over U.S. Highway 50, serving no intermediate points, as an alternate route for operating convenience only, serving the termini for purpose of joinder only.

NOTE: Applicant is authorized to transport General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, over the above-specified routes. The purpose of this application is to remove the restriction against the transportation of feed in bulk.

No. MC 29591 (Sub No. 1), filed August 27, 1959. Applicant: B & M EXPRESS COMPANY, INCORPORATED, Salem, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between the site of the Floyd Bros. Charcoal Co. plant, located approximately ¼ mile north of Howes, Mo., and junction unnumbered county road and Missouri Highway 19 at or near Howes, Mo., over unnumbered county road, serving the intermediate point of the rail siding of St. Louis-San Francisco Railway near Howes, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

NOTE: Applicant indicates it proposes to tack the above operation to the authority presently held by it in order to render through service between said point and the points now authorized to be served.

No. MC 32430 (Sub No. 3) filed August 31, 1959. Applicant: FERGUSON TRANSFER COMPANY, a Corporation, 320 North Front Street, P.O. Box 337, Coos Bay, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glues*, in bulk, in tank vehicles, from Coos Bay, Oreg. to Samoa, Calif. and points within 5 miles thereof, and *returned* and *rejected shipments* of liquid glues, on return. Applicant is authorized to conduct operations in Oregon.

No. MC 42405 (Sub No. 12), filed, August 27, 1959. Applicant: MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express service, between Durant, Okla., and Sherman, Tex., over U.S. Highway 75, serving no intermediate points, but serving Durant as a point of joinder only. Applicant is authorized to conduct operations in Texas and Oklahoma.

No. MC 66562 (Sub No. 1550), filed August 27, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Binghamton, N.Y., and Ithaca, N.Y., from Binghamton over New York Highway 17 to the junction of New York Highway 26, thence over New York Highway 26 to the junction of New York Highway 38B, thence over New York Highway 38B to the junction of New York Highway 38, thence over New York Highway 38 to the junction of New York Highway 79, thence over New York Highway 79 to Ithaca, and return over the same route, serving the intermediate points of Newark Valley and Berkshire, N.Y. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1552), filed September 1, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Boston, Mass., and Brockton, Mass., from Boston over the Southeast Expressway to Quincy, thence over city streets of Quincy and Braintree to junction of Massachusetts Highway 37, thence over Massachusetts Highway 37 to Brockton, and return over the same route, serving the intermediate point of Quincy. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1553), filed September 1, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Mansfield, Pa., and Troy, Pa., over U.S. Highway 6; (2) between Blossburg, Pa., and Trout Run, Pa., over U.S. Highway 15, serving no intermediate points on the above specified routes. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1554), filed September 1, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Providence, R.I., and Middleboro, Mass., over U.S. Highway 44, serving the intermediate point of Taunton, Mass.; (2) between Wareham, Mass., and Hyannis, Mass., from Wareham over U.S. Highway 6 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to junction Massachusetts Highway 132, thence over Massachusetts Highway 132 to junction unnumbered highway near Hyannis, thence over unnumbered highway to Hyannis, and return over the same route, serving the intermediate or off-route points of West Barnstable and Buzzards Bay, Mass. Applicant is authorized to conduct operations throughout the United States.

No. MC 101915 (Sub No. 2), filed August 26, 1959. Applicant: WILLIAM F. MADDEN, doing business as MADDEN'S TRANSFER & STORAGE, 12 Lake Flower Avenue, Saranac Lake, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packing house products* and *dairy products* as defined in Group A, B, and C of Appendix 1, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Saranac Lake, N.Y., to points in St. Lawrence County, N.Y., and *rejected and damaged shipments* of the commodities specified in this application on return. Applicant is authorized to conduct contract carrier operations in New York.

NOTE: Applicant holds common carrier authority in Certificates No. MC 94170 and Sub 2. Section 210, dual operations may be involved.

No. MC 107022 (Sub 149), filed August 26, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Blvd.-P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from West Lake Charles, La., to Mobile, Ala., and Pensacola, Fla. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, Kentucky, Florida, Georgia, Texas, North Carolina, South Carolina, Oklahoma, Pennsylvania, Missouri, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Kansas, Rhode Island, Virginia, Wisconsin, West Virginia and the District of Columbia.

No. MC 112985 (Sub No. 7), filed August 28, 1959. Applicant: R. E. NEWBROUGH, Wesley, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., and Omaha, Nebr., to Arnolds Park, Iowa and *empty malt beverage containers* on return. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, and Wisconsin.

NOTE: Applicant states that occasionally he will traverse Minnesota in performing service between Milwaukee, Wis., and Arnolds Park, Iowa.

No. MC 114106 (Sub No. 17), filed August 28, 1959. Applicant: MAYBELLE TRANSPORT COMPANY, a Corporation, Box 461, 1820 South Main Street, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, in bulk, in tank vehicles, from Port Wentworth, Ga., to Lexington, N.C. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant also has contract carrier authority under Permit No. MC 115176, dated May 14, 1956. Dual authority under Section 210 may be involved.

No. MC 114194 (Sub No. 23), filed August 14, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene dibromide* and *methyl bromide*, ranging from 95 percent ethylene dibromide and 5 percent methyl bromide to 95 percent methyl bromide and 5 percent ethylene dibromide, in bulk in tank vehicles, from Filer City, St. Louis, and Midland, Mich., and Eldorado, Ark., to points in the United States, including ports of entry on the International Boundary line between the United States and Canada and including Alaska and *empty containers or other such incidental facilities* (not specified), used in transporting the above commodities, and *rejected* and *refused shipments* on return. Applicant is authorized to conduct operations in Illinois, Missouri, Tennessee, Indiana, Ohio, Iowa, Virginia, West Virginia, South Carolina, North Carolina, North Dakota, South Dakota, Michigan, Wisconsin, Minnesota, Pennsylvania, Kentucky, Arkansas, the District of Columbia, Georgia, Mississippi, Alabama, Louisiana, Oklahoma, Colorado, Kansas, Texas and Nebraska.

NOTE: Applicant states that the above commodities are Class B poison and an end product, not to be further processed but will be packaged and sold to the general public, and will also be applied directly from bulk containers to grain bins as a fumigant. Applicant further states that based on the Maxwell Case, these commodities are not considered liquid chemicals as the term is used in operating authorities.

No. MC 114194 (Sub No. 24), filed Aug. 28, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lime*, common, hydrated quick, or slaked and *limestone products*, in bulk, from Ste., Genevieve and Mosher, Mo., to points in Madison County, Ill., and *refused and rejected shipments*, on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Missouri, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas and Wisconsin.

No. MC 116282 (Sub No. 1), filed August 7, 1959. Applicant: ONILE P. FRANCOEUR, doing business as NEIL'S BAKERY PRODUCTS TRANSPORTATION, 246 Broad Street, Auburn, Maine. Applicant's attorney: William D. Pinansky, 403–4–5 Clapp Memorial Building, 443 Congress Street, Portland, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Boston, Mass., to Augusta, Bangor, Biddeford, Brunswick, Ellsworth, Lewiston, Newport, Portland, Rockland, Rumford, and Waterville, Maine, and from Dover, N.H., to Bangor, Livermore Falls, and Rumford, Maine; and *Containers* used in transporting such commodities on return.

NOTE: The purpose of this application is to obtain authority to enter into contracts with the Continental Baking Company of Rye, N.Y., and with the Berwick Cake Company of Boston, Mass., to transport bakery products from and to the above points. In Permit No. MC 116282 the carrier is specifically limited to three shippers, and this application is filed to obtain this additional authority, although it does not request any additional territory.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 169), filed August 25, 1959. Applicant: THE GREYHOUND CORPORATION, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines (Division of The Greyhound Corporation), Greyhound Building, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, serving all intermediate points. Interstate routes within the State of California: On Proposed Revised Sheet No. 17, Route 71. Between the Nevada-California State line at Cal-Nava and Tahoe City: From the point where California Highway 28 contacts the Nevada-California State line, over California Highway 28 to junction California Highway 89 (Tahoe City). (Connects with Nevada route 3.) Service is authorized to be conducted in special operations only, except that regular service is authorized to be conducted on occasions of and for the purpose of affording transportation to and from advertised special events to be held in the Squaw Valley area to which the general public is invited. Interstate Routes within the State of Nevada. On Proposed Revised Sheet No. 56, Route 3. Between Reno Hot Springs Junction and Cal-Neva: From the junction of U.S. Highway 395 and Nevada Highway 27 (Reno Hot Springs Junction), over Nevada Highway 27 to junction Nevada Highway 28 (Incline), thence over Nevada Highway 28 to the Nevada-California State line (Cal-Neva). (Connects with California route 71.) Service is authorized to be conducted in special operations only, except that regular service is authorized to be conducted between Incline and Cal-Neva on occasions of and for the purpose of affording transportation to and from advertised special events to be held in the Squaw Valley, Calif., area to which the general public is invited. On Proposed Revised Sheet No. 57, Route 5. Between Incline and Spooners Station: From the junction of Nevada Highway 27 and Nevada Highway 28 (Incline), over Nevada Highway 28 to junction U.S. Highway 50 (Spooners Station). Service is authorized to be conducted in special operations only, except that regular service is authorized to be conducted on occasions of and for the purpose of affording transportation to and from advertised special events to be held in the Squaw Valley, Calif., area to which the general public is invited. The carrier is presently authorized to operate over the above-specified regular routes and no new route or change in route authorized is requested, but it is proposed that the special conditions presently applicable to each of such routes reading: "Service is authorized to be conducted in special operations only" be changed to the special condition shown after each of the above numbered routes. Applicant is authorized to conduct operations throughout the United States.

No. MC 1504 (Sub No. 147), filed August 24, 1959. Applicant: ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Building, Charleston, W. Va. Applicant's attorney: Raymond H. Warns, Commerce Counsel, The Greyhound Corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between junction of Interstate Highway 95 and U.S. Highway 1, located approximately one mile south of Petersburg, Va., and Richmond, Va., from the junction of Interstate Highway 95 and U.S. Highway 1 over Interstate Highway 95 to Richmond, and return over the same route, serving all intermediate points. Applicant states it proposes to join or tack this authority, if granted, with its present authority at the junction of Interstate Highway 95 and U.S. Highway 1, Richmond, Va., and at all points intermediate to the termini of the proposed route. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 39416 (Sub No. 3), filed August 26, 1959. Applicant: THE GRAY LINE COMPANY, an Oregon corporation, 628 NW. Sixth Avenue, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in seasonal operations between June 1 and September 15th of each year, in special operations, sightseeing and pleasure tours, between points in Multnomah and Hood River Counties, Oreg., and points in Clark and Skamania Counties, Wash. Applicant is authorized to conduct operations in Oregon.

NOTE: Applicant states that the total service proposed will in every instance be on a round-trip basis, normally one segment thereof will be a boat trip on the Columbia River. The two vehicles will be coordinated so that one group of passengers will leave Portland, Oreg. (in every instance the origin and destination) by boat and return by bus, and a second group will leave by bus and return on the boat. On rare occasions an individual may use motor carrier service for the round trip.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under Section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7300. Authority sought for purchase by WHITESCARVER TRANSPORTATION CORP., 46 Oakwood Avenue, Orange, N.J., of the operating rights of TUOHY TRUCKING CORPORATION, 733 State Highway 17, Carlstadt, N.J., and for acquisition by FRANKLIN WHITESCARVER, PAUL S. WHITESCARVER, JR., and PAUL S. WHITESCARVER, SR., all of Orange, of control of such rights through the purchase. Applicants' attorney: Bowes & Millner, 1060 Broad Street, Newark 2, N.J. Operating rights sought to be transferred: *Groceries* and *such merchandise and fixtures* as are used in the operation of chain grocery stores, under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, as a *contract carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn., Orange, Rockland, and Westchester Counties, N.Y., and Bergen and Passaic Counties, N.J.; *groceries and such merchandise and fixtures* as are used in the operation of chain grocery stores, under special and individual contracts or agreements between New York, N.Y., on the one hand, and, on the other, points in Morris, Essex, and Sussex Counties, N.J., and between New York, N.Y., on the one hand, and, on the other, points in Pike County, Pa.; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act who operate retail stores, the business of which is the sale of such commodities, between New York, N.Y., on the one hand, and, on the other, points in Warren and Union Counties, N.J., and Sullivan and Ulster Counties, N.Y.; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale, retail, and chain stores, the business of which is the sale of food, between Carlstadt, N.J., on the one hand, and, on the other, certain points in New York, Connecticut and Pennsylvania, and from Carlstadt, N.J., and New York, N.Y., to points in New Haven and Hartford Counties, Conn.; *soaps, soap powders, soap products, shortenings, edible oils, toilet preparations, glycerine, washing compounds*, and *cleansing compounds*, in containers, and *advertising matter* and *premiums* in connection therewith, from Port Ivory, N.Y., to points in Westchester County, N.Y.; *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate wholesale or retail stores, the business of which is the sale and distribution of food, between New York, N.Y., on the one hand, and, on the other, points in Middlesex, Monmouth, and Somerset Counties, N.J.; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, limited to a transportation service to be performed under a continuing contract, or contracts, with the Grand Union Company, East Paterson, N.J., from New York, N.Y., to points in Burlington and Ocean Counties, N.J., and from Mt. Kisco, N.Y., to certain points in New Jersey, Pennsylvania and New York. Vendee has applied for temporary authority, in Docket No. MC 118956 Sub 1TA, to operate as a *contract carrier* in New Jersey, New York and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss the Section 5 application has been filed simultaneously.

No. MC–F 7302. Authority sought for purchase by NATIONAL TRANSPORTATION COMPANY, 251 State Street Extension, Bridgeport, Conn., of the operating rights and property of LEON E. TAYLOR, doing business as TAYLOR TRUCKING COMPANY, 247 Summit Street, Norwich, Conn., and for acquisition by DAVID C. GOLD, RAYMOND PULVER and THEODORE KRAMER, all of Bridgeport, of control of such rights and property through the purchase. Applicants' attorney, Joseloff, Murrett & Ahearn, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New London, Conn., and Providence, R.I., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maryland, Connecticut, New York, Pennsylvania, New Jersey, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7303. Authority sought for control and merger by BRADA CARTAGE COMPANY, 4001 Central Avenue, Detroit 10, Mich., of the operating rights and property of MILLER TRANSPORTATION, INC., 1200 South Home Street, Kokomo, Ind., and for acquisition by C. RUSSELL WAGSTAFF, also of Detroit, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., and Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Operating rights sought to be controlled and merged: *General commodities*, except articles of unusual value, and except dangerous explosives, household goods as defined by the Commission, and liquid commodities in bulk, as a *common carrier* over irregular routes, between Kokomo, Ind., and points within 50 miles of Kokomo, on the one hand, and, on the other, Louisville, Ky., St. Louis, Mo., points in Ohio and Illinois, and certain points in Michigan; *household goods*, as defined by the Commission, between Kokomo, Ind., on the one hand, and, on the other, certain points in Illinois and Michigan; *ferro alloy (stellite), stellite dies, iron and steel products, power pumps, measuring pumps and parts, stellite scrap, chromium and carbon electrodes (graphite), sugar, fertilizer, dry chemicals in bags, liquid chemicals in carboys, farm machinery and farm implements and parts, beans, sugar, malt beverages*, and *composition building slabs*, loose or individually packaged, from, to or between points and areas, varying with the commodity transported, in Indiana, Illinois, Ohio, Missouri, Kentucky, Michigan, Pennsylvania, New York, and Wisconsin. RESTRICTIONS: (1) The authority granted in Certificate No. MC 78712 is subject to the conditions that such operations shall be conducted separately from said carrier's other activities, that a separate accounting system therefor shall be maintained, and that said carrier shall not transport both as a public and private carrier at the same time in the same vehicle; and (2) the authority granted in Certificate No. MC 78712 Sub 4 in restricted against service at points any part of which is traversed by the indicated portions of the highways referred to in said certificate, and also against service at Detroit, Mich., and points in the Detroit, Mich., Commercial Zone, as defined by the Commission. BRADA CARTAGE COMPANY is authorized to operate as a *common carrier* in Michigan, Ohio, Indiana, Illinois and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7304. Authority sought for purchase by COLONIAL REFRIGERATED TRANSPORTATION, INC. (ALABAMA CORPORATION), 1215 Bankhead Highway, Birmingham, Ala., of the operating rights and property of COLONIAL REFRIGERATED TRANSPORTATION, INC. (DELAWARE CORPORATION), 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala., and for acquisition by C. E. McBRIDE, also of Birmingham, of control of such rights and property through the purchase. Applicants' attorney: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham 3, Ala. Operating rights sought to be transferred: *Frozen fish, fresh fish*, including shellfish and crabmeat, *frozen fruits and vegetables, fresh and frozen poultry, frozen foods, dairy products*, as defined by the Commission, *cheese, frozen dough, frozen pastries, fresh meats, meats, meat products, and meat byproducts*, as defined by the Com-

mission, *fresh fruits and vegetables, grape juice, jams, jellies, preserves, tomato juice, chocolate, chocolate confectionery and the ingredients thereof, prepared foods, bakery products, dessert topping, bakery goods topping, canned goods, frozen fruit juices, articles distributed by meatpacking houses, foodstuffs, confectionery, grape products, frozen vegetable juices,* and *cooked or cured meats,* as a *common carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, the District of Columbia, Delaware, Arkansas, Oklahoma, Texas, Missouri, New Hampshire, Vermont, California, Oregon, and Washington. Vendee holds no authority from this Commission. However, its controlling stockholder also owns the controlling stock in (1) vendor, a newly-formed corporation, (2) COLONIAL & PACIFIC FRIGIDWAYS, INC., and (3) COLONIAL FAST FREIGHT LINES, INC.; which are authorized to operate as *common carriers* in (2) Illinois, Iowa, Wisconsin, California, Washington, Oregon, Tennessee, Alabama, Nebraska, Minnesota, Indiana, Missouri, Kansas, Arizona, Idaho, Utah, Arkansas, Michigan, Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, and (3) Alabama, Florida, Georgia, Tennessee, Mississippi, and Louisiana, respectively. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7305. Authority sought for control by WOODS INDUSTRIES, INC., 4900 North Santa Fe, Oklahoma City, Okla., of AUTO TRANSPORTS, INC., UNITED TRANSPORTS, INC., TEXAS AUTO TRANSPORTS, INC., AUTO WAREHOUSES, INC., TEXAS AUTO WAREHOUSES, INC., OKLAHOMA CITY TERMINALS, INC., and WOODS PETROLEUM CORPORATION, all of 4900 North Santa Fe, Oklahoma City, Okla., and for acquistion by ROY G. WOODS, also of Oklahoma City, of control of AUTO TRANSPORTS, INC., UNITED TRANSPORTS, INC., TEXAS AUTO TRANSPORTS, INC., AUTO WAREHOUSES, INC., TEXAS AUTO WAREHOUSES, INC., OKLAHOMA CITY TERMINALS, INC., and WOODS PETROLEUM CORPORATION through the acquisition by WOODS INDUSTRIES, INC. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: (AUTO TRANSPORTS, INC.) *New motor vehicles, vehicle cabs and bodies,* and *automobile show equipment and paraphernalia,* when transported with display vehicles, by driveaway and truckaway methods in initial movements, as a *contract carrier* over irregular routes, from points in Wyandotte County, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming; *the above-described commodities,* in secondary movements, between points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, Wyoming, and Kansas; *motor vehicles,* in initial movements, by driveaway and truckaway methods, and *vehicle cabs and bodies,* and *automobile show equipment and paraphernalia,* from points in Wyandotte County, Kans., to points in North Dakota, Wisconsin, and Indiana; (UNITED TRANSPORTS, INC.) (A) *new automobiles, new trucks, new bodies, new cabs, new chassis,* and *parts thereof,* in initial movements, in driveaway and truckaway service, as a *common carrier* over irregular routes, from places of manufacture and assembly in St. Louis and Kansas City, Mo., to points in Oklahoma and Texas; (B) *new buses, new chassis,* and *parts thereof,* in driveaway service, from Richmond, Ind., to points in Oklahoma, *new trucks,* and *new chassis,* in initial movements, in driveaway service, from Springfield, Ohio, to Joplin, Mo., and points in Oklahoma, with the right to stop shipments in transit for installation of bodies or parts, on shipments from Springfield to points in Oklahoma, and *new trucks, new bodies, new cabs, new chassis,* and *parts thereof,* in initial movements, in truckaway service, from Springfield, Ohio, to Joplin, Mo.; (C) *automobiles, trucks, chassis,* and *automobile parts,* new, used, or unfinished, in secondary movements, in truckaway service, from St. Louis, Mo., to certain points in Missouri and Kansas; (D) *new trucks, new commercial cars, new chassis,* and *parts thereof,* in initial movements, in driveaway service, from places of manufacture and assembly in Fort Wayne, Ind., to points in Oklahoma, with the right to stop shipments in transit for the installation of bodies or parts; (E) *automobiles, trucks, bodies, cabs, chassis,* and *parts thereof,* new, used, unfinished, and/or wrecked, in secondary movements, in driveaway and truckaway service, between St. Louis, Kansas City, and Joplin, Mo., and points in Texas, Oklahoma, and that part of Kansas on and south of U.S. Highway 66; in addition to the authority described in paragraphs (A), (B), (C), (D), and (E), the carrier is authorized to perform through service (1) under a combination of the initial authority described in paragraph (B) and the secondary authority described in paragraph (E), provided the carrier is authorized in paragraph (B) to transport the shipment to a gateway point from which it is authorized to transport such shipments in paragraph (E), and provided that in each instance the movement is made through such authorized gateway point and (2) under a combination of the secondary authorities described in paragraphs (B), (C), and (E) when under one of such paragraphs the carrier is authorized to transport the shipment to a gateway point from which the shipment is authorized to be transported under the other of such paragraphs and provided in each instance the movement is made through such authorized gateway point; *new vehicles* or *chassis* that have been rejected by a dealer or distributor, from points in Oklahoma to Fort Wayne, Ind., and Springfield, Ohio; *automobiles, trucks, tractors, chassis, cabs, bodies,* and *parts therefor,* restricted to secondary movements, in truckaway or driveaway service, from St. Louis, Mo., to points in New Mexico and certain points in Kansas, and between points in Kansas, on the one hand, and, on the other, points in Missouri, Oklahoma, and Texas; *automobiles, trucks, tractors, chassis, cabs, bodies,* and *parts thereof,* restricted to initial movements, in driveaway service, from points of manufacture and assembly in Fort Wayne, Ind., and Springfield, Ohio, to points in Arizona; *automobiles, trucks, tractors, trailers, chassis, bodies, cabs,* and *parts thereof (when accompanying the vehicle for which they are intended)* in truckaway service, from Memphis, Tenn., to points in Texas, restricted to shipments which have had a prior or which will have a subsequent movement by barge; *automobiles, trucks, tractors, cabs, chassis, bodies,* and *parts thereof* (when accompanying the vehicle for which they are intended), and *automobile show equipment* (when accompanying the motor vehicle), by the driveaway and truckaway methods, restricted to secondary or subsequent movements, between points in Missouri, on the one hand, and, on the other, points in Arizona, New Mexico, Oklahoma, and Texas, between points in Arizona, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Texas, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma and Texas, and from Memphis, Tenn., to points in Arizona, New Mexico, Oklahoma, and Texas, where the shipment has had a prior movement by water carrier; *trailers,* other than those designed to be drawn by passenger automobile, in truckaway service, in secondary movements, from Memphis, Tenn., to points restricted to an immediately prior movement by water carrier; in Arizona, Oklahoma, New Mexico, and Texas, *automobiles, trucks, tractors,* and *chassis,* in secondary movements, by the driveaway and *truckaway methods, and cabs, bodies,* and *automobile show equipment,* from Memphis, Tenn., to points in Arizona, New Mexico, Oklahoma, and Texas; *motor vehicles* (other than automobiles and trailers) and *chassis,* in initial movements, in driveaway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico; *motor vehicles* (other than automobiles and trailers) and *chassis,* in secondary movements, in driveaway service, between points in Kansas, Oklahoma, Texas, Arizona, and New Mexico, restricted to the transportation of vehicles which have previously been transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio; *parts of, or accessories for, such vehicles as are described above,* when transported with vehicles moving under the above-described authority, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico, and between points in Kansas, Oklahoma, Texas, Arizona, and New Mexico; *new automobiles,* in initial movements, in truckaway service, from the site of the Cadillac Motor Car Division of General Motor Corporation at Detroit, Mich., to points in Kansas, Missouri, Oklahoma, and Texas; *new automobiles, new trucks,* and *new assembled and partially assembled automobile chassis,* in initial movements, in truckaway and driveaway service, from Evansville, Ind., to San Antonio, San Marcos, Austin, Laredo, and Sequin, Tex.; *new automobiles, new trucks,* and *new assembled and partially assembled automobile chassis,* in initial movements, in driveaway service, from Detroit, Mich., to San Antonio, San Marcos, Austin, Laredo, and Sequin, Tex.; *new automobiles, new trucks,* and *new assembled and partially assembled automobile chassis,* in initial movements, in truckaway service, from Detroit, Mich., and Willow Run in Washtenaw County Mich., to certain points in Texas; *new automobiles, new trucks,* and *new assembled and partially assembled automobile chassis,* in secondary movements, in driveaway and truckaway service, from Memphis, Tenn., and Houston, Tex., and points within five miles of each, to certain points in Texas; the initial-movement authority specified in No. MC 71902 Sub 60 is restricted against tacking with carrier's otherwise authorized secondary movement authority so as to prohibit the transportation of traffic moving from Detroit, Mich., and Evansville, Ind., to points in Missouri, Kansas, Oklahoma, Arizona, and New Mexico (TEXAS AUTO TRANSPORTS, INC.); *motor vehicles, vehicle cabs and bodies,* and *automobile show equipment and paraphernalia,* in initial movements, by driveaway and truckaway methods, as a *contract carrier* over irregular routes, from Arlington, Tex., to points in Texas, Louisiana, Oklahoma, New Mexico, Arizona, Utah, Colorado, Kansas, Arkansas, Wyoming, Nebraska, and Missouri, and to Memphis, Tenn. WOODS INDUSTRIES, INC., holds no authority from this Commission. However, its controlling stockholder is affiliated with (1) UNITED TRANSPORTS, INC., (2) AUTO TRANSPORTS, INC., and (3) TEXAS AUTO TRANSPORTS, INC., which are authorized to operate as (1) *common carrier,* (2) and (3) *contract carriers.* Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7301. Authority sought for control by FERGUSON-BROADWAY BUS LINES, INC., 10100 West Florissant Avenue, Dellwood 36, Mo., of BROWN MOTOR LINES, INC., 225 Wilson Avenue, Alton, Ill., and for acquisition by ROY E. KRUPP, 1310 Highmount, Ferguson 35, Mo., CHARLES CALDWELL, 222 Wesley Avenue, Ferguson 35, Mo., BERT CALDWELL, 3023 West Main, Belleville, Ill., CARL BEHLE, 215 Dellwood Avenue, St. Louis 35, Mo., and WALTER FRANKE, 214 North Floridale, St. Louis 36, Mo., of control of BROWN MOTOR LINES, INC., through the acquisition by FERGUSON-BROADWAY BUS LINES, INC. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Operating rights sought to be controlled: *Passengers and their baggage,* and *express* and *newspapers,* in the same vehicle with passengers, as a *common carrier* over regular routes, between Alton, Ill., and St. Louis. Mo., serving all intermediate points; *passengers and their baggage,* between Alton, Ill., and St. Louis, Mo., serving all intermediate points on Illinois Highway 111. FERGUSON-BROADWAY BUS LINES, INC., is authorized to operate as a *common carrier* in Missouri and Illinois. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7515; Filed, Sept. 9, 1959; 8:48 a.m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 24 NUMBER 178

Washington, Friday, September 11, 1959

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[B.A.I. Order 384, Amdt. 12]

PART 79—SCRAPIE IN SHEEP

Changes in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, 33 Stat. 1264, as amended, sections 4 and 5 of the Act of May 29, 1884, 23 Stat. 32, as amended, and sections 1 and 2 of the Act of February 2, 1903, 32 Stat. 791, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), § 79.2, as amended, Part 79, Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the disease of sheep known as scrapie and establishing a quarantine because of said disease, is herby deleted.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended; 21 U.S.C. 115, 117, 124, 126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment removes from quarantine all areas in La Salle County in Illinois and Crawford County in Ohio, previously quarantined because of scrapie. Hereafter, the restrictions pertaining to the interstate movement of sheep because of scrapie from quarantined areas, contained in 9 CFR Part 79, as amended, are no longer applicable.

The amendment relieves certain restrictions presently imposed and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are being relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of September 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59–7573; Filed, Sept. 10, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 113; Amdt. 20–10; Supp. 10]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Notation of Physical Deficiences and Issuance of Waivers

Part 29 of the Civil Air Regulations (14 CFR Part 29) is being amended to, among other things, revise § 29.5 relating to issuance of medical certificates to applicants with certain medical deficiencies. As revised, the section does not provide for limited medical certificates or waivers. This makes unnecessary the provision of § 20.10(c) referring to the notation of physical deficiencies on medical certificates and of § 20.10–2, relating to issuance of waivers as provided by § 29.5.

Public notice of the substantive changes proposed in Part 29 was given in Draft Release 59–1 (24 F.R. 2257). Since this amendment to Part 20 is only procedural, clarifying and minor in nature and imposes no additional burden on any person notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows:

1. By amending paragraph (c) of § 20.10 by deleting the phrase "entered on his medical certificate."

2. By deleting § 20.10–2.

(Secs. 313(a), 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

This amendment shall become effective on October 15, 1959.

Issued in Washington, D.C., on September 4, 1959.

JAMES T. TYLER,
Acting Administrator.

[F.R. Doc. 59–7543; Filed, Sept. 10, 1959; 8:45 a.m.]

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[Reg. Docket No. 112; Amdt. 29-2]

PART 29—PHYSICAL STANDARDS FOR AIRMEN; MEDICAL CERTIFICATES

Amendment of Medical Standards

Notice was given in Draft Release No. 59-1 (24 F.R. 2257) that the Administrator proposed to amend Part 29 of the Civil Air Regulations primarily by amending the medical requirements in §§ 29.2 (c) (1) and (d), 29.3(c) and (d), and 29.4 (c) and (d) to provide additional specific standards relating to general physical condition and the nervous system.

As pointed out in the draft release, the Congress of the United States appropriated funds in 1956 to provide for an objective evaluation of current medical standards and their administration in light of the ever-increasing activity in the field of civil aviation. To accomplish this purpose, a contract was entered into between the Civil Aeronautics Administration and the Flight Safety Foundation, Inc., a non-profit organization, of New York City. Upon completion of its study, the Foundation made two final reports and a supplement. Report No. 2 (March 31, 1958) deals with the medical aspects of civil aviation. This report makes recommendations as to changes in medical standards in several areas. Of these recommendations, the most important deal with three medical areas:

(1) Individuals with an established diagnosis of diabetes requiring insulin or other hypoglycemic agents for treatment;

(2) Individuals with a history of myocardial infarction or other evidence of coronary artery disease; and

(3) Individuals with a history of an established diagnosis of psychosis, severe psychoneurosis, severe personality abnormality, epilepsy, chronic alcoholism or drug addiction.

The Foundation recommends, in effect, that existence of any of the conditions in these three categories is an appropriate basis for disqualification for any class of medical certificate. This recommendation is based on the medical fact that none of these three conditions can be so precisely studied in the individual as to provide assurance that they will not interfere with the safe piloting of aircraft. In reality, the likelihood of occurrence of partially or totally incapacitating states directly attributable to these conditions is so great, and the ability to provide acceptable medical assurance of non-occurrence of such states in any given individual is so inadequate, that these conditions existing in airmen constitute a definite hazard to safety in flight.

The recommendations of the Foundation were made on the basis of consideration of these conditions by leading professional groups and individuals in appropriate medical specialties. Additionally, other professional groups were asked to comment on the Foundation's recommendations and the proposed amendments. The comments reflected concurrence with the recommendations and agreement with the principles expressed therein, as more fully discussed hereinafter.

The Administrator agrees with these recommendations and on the basis of expert medical opinion believes that they are well founded in medical fact.

The following discussions abstracted from the draft release indicate the underlying medical reasons leading up to the conclusions that the conditions described should be disqualifying.

DIABETES MELLITUS

The following statement was prepared by a panel of specialists in the fields of diabetes and aviation medicine called by the Flight Safety Foundation in November 1957. The panel included members of the American Medical Association, the American Diabetes Association, the Office of the Surgeon General of the Air Force, the Medical Director of a large scheduled air carrier, and the Medical Division of the former Civil Aeronautics Administration.

Any individual who takes insulin, Orinase, or any other hypoglycemic drug, is subject to a decrease in concentration of sugar in the circulating blood. When the concentration of sugar falls below an average level of 70 mg. in each 100 cc's, a chain of reactions is set up. These involve the sympathetic nervous system, the parasympathetic nervous system and the central nervous system.

For the purposes of flight safety, we are interested, mainly, in the effects on the central nervous system. These range from loss of reasoning power, euphoria alternating with depression, blurred vision, and double vision, loss of memory, convulsions, and, ultimately, if not treated, complete unconsciousness. The severe manifestations are easily recognized and, by themselves, in the ground crew, can be detected before damage is done. In-flight personnel, of course, may go into unconsciousness without detection. What is most important, however, are the early, almost undetectable, changes that occur while the blood sugar concentration is decreasing. These are the changes manifested by the personality alterations, lapses in memory, and lack of ability to coordinate muscular activity, and loss of reasoning power, muscular tremors and double vision—the subject, himself, may fail to recognize this onset.

Diabetes, per se, does not alter the various nervous systems of the body; hence, that type of diabetes which is amenable to proper treatment without the use of hypoglycemic agents, does not render a man incapable of flight via aeroplane.

CORONARY HEART DISEASE

Coronary heart disease was considered by a panel of specialists in heart disease called by the Flight Safety Foundation in November 1957. The panel included members of major medical institutions, industrial organizations, a major scheduled airline's medical department, the American Medical Association, the Office of the Surgeon General of the Air Force, and the Medical Division of the former Civil Aeronautics Administration. The panel found that myocardial infarction (and coronary artery disease) is the most serious problem among cardiac conditions because of its frequency and the sudden incapacitation related to it. The panel recommended "That anyone who has suffered a myocardial infarction or has angina pectoris or other evidence of coronary insufficiency which may reasonably be expected to lead to myocardial infarction, should not be certified to pilot or co-pilot an aircraft."

The generalized processes of arteriosclerosis or atherosclerosis are the usual causes of myocardial infarction. These processes are rarely limited to a single location. Although medical knowledge has progressed substantially in the field of control of these diseases there is insufficient data at this time to insure positive control or cure. Therefore, it must be considered that these diseases are progressive and irreversible in nature and a person who has suffered one infarction and survived may reasonably be expected to suffer further attacks.

HISTORY OF PSYCHOSIS OR SEVERE PSYCHONEUROSIS, SEVERE PERSONALITY ABNORMALITY, EPILEPSY, CHRONIC ALCOHOLISM OR DRUG ADDICTION

The Flight Safety Foundation developed recommendations for specific standards in the area of mental disturbances by consulting individually with recognized psychiatrists who were familiar with the requirements of aviation. The Foundation's report states:

> The most common psychiatric [psychotic] disorders encountered are (1) schizophrenia and (2) affective disorders (depressive states). In a high percentage of cases, schizophrenic reactions tend to recur while tendency of the depressive state to recur after remission is less. The precipitating factor in a recurrence cannot be predicted, neither can the time of recurrence. Anyone with a history of schizophrenia definitely is dangerous and should not be certified as an airman.

The report classifies these psychiatric disorders into the following broad categories and recommends them as the basic policy for denial of medical certification:

1. Pyschotic disorders.
2. Psychiatric disorders with demonstrable physical or toxic etiology or associated structural changes in the brain.
3. Psychoneurotic disorders (severe).
4. History of attempted suicide.
5. Personality pattern disturbance.
6. Mental deficiency and moronic states.
7. Any other psychiatric abnormality which in the opinion of the medical examiner would be likely to render the airman unable to perform safely the duties and exercise the privileges of the grade of airman certificate held or sought.

In addition to the purely mental disorders, epilepsy and certain other disturbances of consciousness including those due to unexplained causes were

considered as disqualifying by all of the groups consulted.

Psychotic disorders include schizophrenia, paranoia, involutional melancholia, and the manic and psychotic depressive states. The hazard to safety in aviation from individuals with histories of psychosis lies in the unpredictability of recurrences of acute phases of these disorders. In most cases of acute psychotic behavior the individual's judgment is impaired to such an extent that he may not properly evaluate himself or his behavior in terms of his environment. He thus may be unaware of the onset of an acute episode, or totally oblivious of the fact that his behavior has become so erratic as to create danger to himself or others. An individual who has passed through an acute episode may progress to a state of remission for a period of uncertain duration, during which behavior is sufficiently stable to permit the individual to make a reasonable adjustment to society. Major behavior defects attributable to the basic disease may, however, continue to exist in a form which would be undesirable and unsafe in an airman. On the other hand, there are some whose compensation is sufficient to preclude discovery of the latent defect even under examination by skilled clinicians. The circumstance or combination of circumstances which may constitute the precipitating factor in another acute episode cannot be adequately predicted by any means now available to medical science. Under these circumstances, granting certification to individuals so afflicted would be hazardous.

These reasons apply also to severe psychoneurosis which includes anxiety, dissociative, conversion, obsessive-compulsive, and psychosomatic reactions. The problem is, in addition, serious from the standpoint of aviation because of the individual's lack of ability to adjust appropriately to his environment. He may be properly oriented as to person, time and place, but he may react in a wholly unreasonable fashion to environmental stimuli. Thus, his reaction may be so inappropriate, inadequate or unreasonable as to interfere with the safe performance of his duties as an airman.

Persons with personality pattern disturbances suffer from severe personality abnormalities, in the clinical sense. Such disturbances are classified by the Foundation to include pathological personalities, immaturity reactions, chronic alcoholism and drug addiction. The manifestations of chronic alcoholism and drug addiction are apparent and require no further explanation of their disqualifying nature.

Pathological personalities and persons with immaturity reactions suffer from defects in the development or structure of the personality and in the pattern of behavior. Medically, such defects are termed "character and behavior disorders" and ordinarily are not subject to eradication by treatment. One type of these disorders is further characterized by persistent non-conformity with respect to the accepted ethical, moral or social codes of behavior, usually resulting in abnormal conflict with other persons, groups of persons or disciplinary and regulatory systems. Where there has been repeated evidence of such nonconformity, persons suffering from these disorders are not considered capable of functioning adequately under the controls necessary for the safe performance of airman duties.

The amended standards therefore disqualify such persons when the existence of the character or behavior disorder has been determined by established medical history or clinical diagnosis and, in addition, it has repeatedly manifested itself in non-conformity to the accepted ethical, moral or social codes of behavior.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Some one hundred comments were received and due consideration has been given to all relevant matter presented. A large number of the comments objected simply to the proposal to delete § 29.5, which provides for the issuance of limited medical certificates. The majority of the balance of the comments were favorable to the proposals.

A number of unfavorable comments objected primarily to the proposed standard concerning defects which "could" render an applicant unable to discharge his duties as an airman; to the discretionary authority of the Civil Air Surgeon without specification of the standards applicable to the exercise of such discretion; and to the absolute disqualification of applicants suffering from the physical and nervous ailments enumerated in the proposal.

The changes from the proposed draft being incorporated in this amendment are believed to be responsive to the substance of the comments received except for those relating to the deficiencies which are absolutely disqualifying. As to these deficiencies, analysis of all the comments reveals that the objections made were not addressed so much to the medical conditions themselves as to the lack of opportunity for individual evaluation of each applicant suffering from such a condition. Essentially, then, the remaining major point in issue is whether these medical deficiencies should constitute an absolute disqualification.

Great weight was given to the comments received from doctors and medical associations. The majority of individual doctors indicated their approval of the proposed standards. The comments received from the various medical associations warrant individual reference. The American Psychiatric Association forwarded the recommendation of its committee on National Defense supporting the proposals relating to their specialty, but recommending sufficient flexibility to give individual consideration in this area to each applicant for a medical certificate. The Office of the Surgeon General, Public Health Service, Department of Health, Education and Welfare, supports the proposals, particularly with reference to diabetes mellitus and coronary heart disease, but recommends that some procedure be provided for individual consideration with respect to diseases of the nervous system.

The proposals received strong support from the Aerospace Medical Association; the Surgeon General, United States Air Force; Physical Standards, Professional Division, Office of the Surgeon General, United States Army; the Committee on Aviation Medicine, American Medical Association; the Civil Aviation Medical Association; the American Heart Association, Inc.; the American Diabetes Association, Inc.; and the Committee of Traffic Safety, Oregon State Medical Society.

Two comments included requests for a public hearing and a third recommended this procedure. It is the opinion of the Administrator that the changes being incorporated in this amendment eliminate, to the greatest practicable degree consistent with safety, all the features of the proposal to which objection was expressed. In addition, in evaluating the comments received, with particular reference to the professional knowledge represented by the comments, it is the Administrator's opinion that they give overwhelming and authoritative support to the medical standards being adopted in this amendment. It does not appear, therefore, that a public hearing would serve any useful purpose and the Administrator does not deem such a hearing to be necessary in the public interest.

A letter of comment was received from the Civil Aeronautics Board, with two of the five members not concurring. The letter summarizes an analysis of aviation accidents for the years 1950–1958 and concludes:

> While the Board recognizes that more definitive physical standards may be desirable for administrative and other reasons, we have not found on the basis of accident investigations that they are dictated by urgent safety considerations.

In this connection, it should be pointed out that it has for years been the known policy of the Medical Division of the former Civil Aeronautics Administration that the deficiencies specified in this amendment render an applicant unable to perform safely as an airman and that medical certificates should not be issued in such cases. Accordingly, the number of certificates issued in such cases in the period covered by the Board's analysis are few and were issued only upon order of the Board after appeals by the applicants. Therefore, the very absence of evidence that any of the accidents were caused by the subject medical deficiencies is consistent with the position that the policy is effective and that it should be incorporated in Part 29.

The Board also objects to substitution of the word "could" for the words "would be likely to" in paragraphs (c) and (d) of §§ 29.2, 29.3 and 29.4. This is considered in connection with the changes from the proposed draft being incorporated in the amendment.

One change involves the proposed standard of disqualification based upon conditions which "could" render an applicant "unable to safely perform the duties and exercise the privileges of the grade and type of airman certificate held or sought." Various comments received pointed out that the word "could" might be read to disqualify an applicant when the condition might not be disabling at the time of examination but could at any unspecified future time, however remote, become disabling. Further, comments were made that even the most minor defect "could" be considered as disabling under special circumstances, however peculiar or unlikely. It was never intended that the language be read in this way, or administered to reach such a result, and the amendment now includes specific standards in this connection.

The standard of ability to perform the duties or to exercise the privileges of an airman safely has been retained as a necessary measure of the significance of the disability. To eliminate the possibility of considering minor deficiencies as disabling under this standard, the standard is now limited to such deficiencies which are or may reasonably be expected to result in a condition which would in fact be disabling for safe flying. The Civil Air Surgeon is charged with the duty of finding whether such a condition exists or may result, but his finding may be made only on the basis of professionally qualified medical judgment and only in relation to the individual's specific case history and medical knowledge related to the condition involved. Further, to eliminate consideration of the remote future, the findings as to other than present disability must be limited to the two-year period from date of such finding.

The reason that the two-year period is used for all three classes of medical certificates is that the Civil Air Regulations permit first class and second class medical certificates to be utilized for two years for flying requiring only a private pilot certificate even though the shorter periods for which they are valid for flying requiring an airline transport rating or commercial pilot certificate may have expired. Establishment of the two-year period as a limitation on the findings required to be made by the Civil Air Surgeon would not preclude issuance of a medical certificate under § 29.5 valid for a shorter period under appropriate circumstances and upon such conditions as may be considered necessary for safety.

Another change from the published draft eliminates as a basis for disqualification disturabnces of consciousness which are due to "causes other than an isolated episode associated with acute injury." The reason for this is that isolated disturbances of consciousness which should not be a basis for disqualification may result from various causes other than those associated with acute injury. Where the causes of disturbances of consciousness are known a medical evaluation can then be made to determine whether the causes are related to or establish a disqualification under any of the other standards provided.

Finally, the majority of the adverse comments received objected to the proposed deletion of § 29.5, which provides for issuance of limited medical certificates. The comments indicate that the nature and purpose of the proposed deletion may have been misunderstood.

Sections 20.10(c), 20.10–2 and 406.12 (a)(4), (b)(4), and (c)(4) provide appropriate procedures for individual consideration of applicants. It was not intended to eliminate these procedures. In addition, § 601(c) of the Federal Aviation Act of 1958 now provides for the granting of exemptions by the Administrator, and this has already been implemented by the procedures in Part 405 of the regulations. It should also be noted that application of the standard of ability to perform safely, in connection with organic, functional or structural diseases, defects or limitations, other than those specifically enumerated in the proposal as disqualifying, would necessarily require consideration of compensating factors which would have been considered under § 29.5.

However, because of the possible misunderstanding and for simplicity, it has been concluded not to delete § 29.5 but to revise it and to incorporate various appropriate provisions. In doing this the procedures provided by §§ 20.10–2 and 406.12(a)(4), (b)(4), and (c)(4) become unnecessary and those sections will be deleted simultaneously.

Section 29.5 as now revised is applicable to medical conditions other than those specifically enumerated in this amendment as being absolutely disqualifying.

In consideration of the foregoing, Part 29 of the Civil Air Regulations (14 CFR Part 29) is hereby amended as follows:

1. By amending § 29.1 to read as follows:

§ 29.1 Issuance of medical certificates.

A medical certificate of the appropriate class will be issued to an applicant if the Administrator or his authorized representative finds that the applicant meets the medical standards prescribed in this part. Such finding will be based upon medical examination and evaluation of the applicant's history and condition.

2. In § 29.2, by redesignating paragraph (c) (2) and (3) as paragraph (c) (3) and (4) respectively, by amending paragraph (c)(1), by adding a new subparagraph (2) to paragraph (c), and by amending paragraph (d). The amended portions should read as follows:

§ 29.2 First class.

* * * * *

(c) *General medical condition.* (1) An established medical history or clinical diagnosis of the following conditions shall be disqualifying: (i) Diabetes mellitus which requires insulin or other hypoglycemic drug for control, (ii) myocardial infarction, or (iii) angina pectoris or other evidence of coronary heart disease which the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) An applicant shall be disqualified if he has any other organic, functional or structural disease, defect or limitation which the Civil Air Surgeon finds either (i) renders the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought, or (ii) may reasonably be expected to result within two years from such finding in a condition which would render the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought. Such findings will be based on the case history and appropriate professionally qualified medical judgment related to the condition involved.

(d) *Nervous system.* (1) An established medical history or clinical diagnosis of the following conditions shall be disqualifying: (i) A character or behavior disorder which is sufficiently severe to have repeatedly manifested itself by overt acts, (ii) a psychotic disorder, (iii) chronic alcoholism, (iv) drug addiction, (v) epilepsy, or (vi) a disturbance of consciousness without satisfactory medical explanation of the cause.

(2) An applicant shall be disqualified if he has any other disease of the nervous system, mental abnormality, or psychoneurotic disorder which the Civil Air Surgeon finds either (i) renders the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought, or (ii) may reasonably be expected to result within two years from such finding in a condition which would render the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought. Such findings will be based on the case history and appropriate professionally qualified medical judgment related to the condition involved.

3. By amending paragraphs (c) and (d) of § 29.3 to read as follows:

§ 29.3 Second class.

* * * * *

(c) *General medical condition.* (1) An established medical history or clinical diagnosis of the following conditions shall be disqualifying: (i) Diabetes mellitus which requires insulin or other hypoglycemic drug for control, (ii) myocardial infarction, or (iii) angina pectoris or other evidence of coronary heart disease which the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) An applicant shall be disqualified if he has any other organic, functional or structural disease, defect or limitation which the Civil Air Surgeon finds either (i) renders the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought, or (ii) may reasonably be expected to result within two years from such finding in a condition which would render the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought. Such findings will be based on the case history and appropriate professionally qualified medical judgment related to the condition involved.

(d) *Nervous system.* (1) An established medical history or clinical diagnosis of the following conditions shall be disqualifying (i) A character or behavior disorder which is sufficiently severe to have repeatedly manifested it-

self by overt acts, (ii) a psychotic disorder, (iii) chronic alcoholism, (iv) drug addiction, (v) epilepsy, or (vi) a disturbance of consciousness without satisfactory medical explanation of the cause.

(2) An applicant shall be disqualified if he has any other disease of the nervous system, mental abnormality, or psychoneurotic disorder which the Civil Air Surgeon finds either (i) renders the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought, or (ii) may reasonably be expected to result within two years from such finding in a condition which would render the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought. Such findings will be based on the case history and appropriate professionally qualified medical judgment related to the condition involved.

4. By amending paragraphs (c) and (d) of § 29.4 to read as follows:

§ 29.4 Third class.

* * * * *

(c) *General medical condition.* (1) An established medical history or clinical diagnosis of the following conditions shall be disqualifying: (i) Diabetes mellitus which requires insulin or other hypoglycemic drug for control, (ii) myocardial infarction, or (iii) angina pectoris or other evidence of coronary heart disease which the Civil Air Surgeon finds may reasonably be expected to lead to myocardial infarction.

(2) An applicant shall be disqualified if he has any other organic, functional or structural disease, defect or limitation which the Civil Air Surgeon finds either (i) renders the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought, or (ii) may reasonably be expected to result within two years from such finding in a condition which would render the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought. Such findings will be based on the case history and appropriate professionally qualified medical judgment related to the condition involved.

(d) *Nervous system.* (1) An established medical history or clinical diagnosis of the following conditions shall be disqualifying: (i) A character or behavior disorder which is sufficiently severe to have repeatedly manifested itself by overt acts, (ii) a psychotic disorder, (iii) chronic alcoholism, (iv) drug addiction, (v) epilepsy, or (vi) a disturbance of consciousness without satisfactory medical explanation of the cause.

(2) An applicant shall be disqualified if he has any other disease of the nervous system, mental abnormality, or psychoneurotic disorder which the Civil Air Surgeon finds either (i) renders the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought, or (ii) may reasonably be expected to result within two years from such finding in a condition which would render the applicant unable safely to perform the duties or to exercise the privileges of the airman certificate held or sought. Such findings will be based on the case history and appropriate professionally qualified medical judgment related to the condition involved.

5. By amending § 29.5 to read as follows:

§ 29.5 Medical deficiencies.

At the discretion of the Civil Air Surgeon, a medical certificate of the appropriate class may be issued to an applicant who does not meet the medical standards in this part, except an applicant who is disqualified under the respective paragraphs (c) (1) and (d) (1) of §§ 29.2, 29.3 and 29.4, if the applicant demonstrates to the satisfaction of the Civil Air Surgeon by operational experience, special practical or flight testing or as may otherwise be required, that he can carry out the airman duties appropriate to the airman certificate held, applied for or issued in a manner which would not endanger safety in air commerce during the period of validity of such medical certificate. The need for any operational limitations or limitation on the duration of the medical certificate designed to achieve safety will be determined by the Civil Air Surgeon and will be specified on the respective airman or medical certificate held or issued. An applicant who has taken a practical or flight test for issuance of a medical certificate under this section shall not be required to retake such practical or flight test during subsequent physical examinations, unless, in the opinion of the Civil Air Surgeon, the individual's physical deficiency has become sufficiently more pronounced to require such additional tests.

(Secs. 313(a), 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

This amendment shall become effective on October 15, 1959.

Issued in Washington, D.C. on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-7542; Filed, Sept. 10, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

[Reg. Docket No. 114; Amdt. 406-12]

PART 406—CERTIFICATION PROCEDURES

Subpart B—Issuance of Certificates

Part 29 of the Civil Air Regulations (14 CFR Part 29) is being amended to, among other things, revise § 29.5 relating to issuance of medical certificates to applicants with certain medical deficiencies. This makes unnecessary the provisions of paragraphs (a) (4), (b) (4) and (c) (4) of § 406.12, which provide procedures for issuance of waivers.

Public notice of the substantive changes proposed in Part 29 was given in Daft Release 59-1 (24 F.R. 2257). Since this amendment to Part 406 is only procedural, clarifying and minor in nature and imposes no additional burden on any person notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 406.12 of Part 406 (14 CFR Part 406) is hereby amended by deleting paragraphs (a) (4), (b) (4) and (c) (4).

(Secs. 313(a), 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

This amendment shall become effective on October 15, 1959.

Issued in Washington, D.C. on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-7544; Filed, Sept. 10, 1959; 8:46 a.m.]

[Airspace Docket No. 59-LA-20]

[Amdt. 18]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification and Revocation

[Amdt. 24]

PART 608—RESTRICTED AREAS

The purpose of these actions is to revoke the Coulee Dam, Washington, restricted area (R-248) and to delete all reference to this restricted area from the description of the Ephrata, Wash., control area extension.

The U.S. Air Force no longer has a requirement for this restricted area, and has requested that it be revoked.

The portion of the Ephrata, Wash., control area extension which would otherwise lie within this restricted area is presently excluded. Since this exclusion will no longer be necessary after the restricted area is revoked, Part 601 is being amended concurrently by deleting all reference to the Coulee Dam restricted area (R-248), from the description of the Ephrata, Wash., control area extension.

Since these amendments eliminate a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

1. Section 601.1433 (14 CFR, 1958 Supp. 601.1433) is amended to read:

§ 601.1433 Control area extension (Ephrata, Wash.).

The airspace north of VOR Federal Airway No. 2 within a 25-mile radius of the Ephrata, Wash., VOR.

§ 608.55 [Amendment]

2. In § 608.55 the Coulee Dam, Wash., restricted area (R-248) (Seattle, Spokane and Kootenai Charts) (23 F.R. 8589, 24 F.R. 3876) is revoked.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-7541; Filed, Sept. 10, 1959; 8:45 a.m.]

[Airspace Docket No. 59-LA-21]

[Amdt. 23]

PART 608—RESTRICTED AREAS

Revocation

The purpose of this action is to revoke the Guadalupe Mountains, New Mexico, restricted area (R-212).

The U.S. Air Force no longer has a requirement for this restricted area, and has requested that it be revoked.

Since this amendment eliminates a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.39 the Guadalupe Mountains, N. Mex., restricted area (R-212) (Roswell Chart) (23 F.R. 8584, 24 F.R. 3231) is revoked.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-7540; Filed, Sept. 10, 1959; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Beneficial Ownership of Securities

On July 21, 1959, the Securities and Exchange Commission published notice that it had under consideration the adoption of a rule under the Investment Company Act of 1940 which would except small business investment companies from the registration and other requirements of the Act if certain conditions are met, and invited all interested persons to comment upon the proposal. The Commission has considered the comments received, all of which were favorable, and has determined to adopt such a rule in the form set forth below.

Section 3(c)(1) of the Act excepts from its operation any issuer which is not making and does not propose to make a public offering of its securities and whose outstanding securities are beneficially owned by not more than one hundred persons and further provides that beneficial ownership by a company shall be deemed beneficial ownership by one person, with the exception that if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership of the issuer shall be deemed to be that of the holders of such company's outstanding securities.

The rule adopted provides that for the purpose of section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per centum or more of the outstanding voting securities of a small business investment company licensed or proposed to be licensed under the Small Business Investment Act of 1958 shall be deemed to be beneficial ownership by one person notwithstanding that such company owning such securities has more than one stockholder, if the value of all securities of small business investment companies owned by such company does not exceed 5 percent of the value of its total assets. The rule also would deem beneficial ownership by a company to be beneficial ownership by one person if the owner is a state-wide development corporation created by or pursuant to an act of a State legislature to promote and assist growth and development of the economy of the State, provided that such State development corporation itself is not, or would not become as a result of its investment, an investment company. These latter provisions were not a part of the proposed rule as set forth in the notice issued on July 21, 1959, and the Commission determined to enlarge the rule in these respects following consideration of the comments received.

The rule will, in the Commission's view, tend to effectuate the purposes and objectives of the Small Business Investment Act and in view of the limited public investor interest under the prescribed conditions, as well as the policy expressed in section 2(b) of the Act, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act of 1940. This action is taken pursuant to the provisions of sections 6(c) and 38(a) of the Investment Company Act of 1940. The text of the rule follows:

§ 270.3c-2 Definition of beneficial ownership.

For the purpose of section 3(c)(1) of the Act, beneficial ownership by a company, other than a registered investment company, owning 10 per centum or more of the outstanding voting securities of any issuer which is a small business investment company licensed to operate under the Small Business Investment Act of 1958, or which has received from the Small Business Administration notice to proceed to qualify for a license, which notice or license has not been revoked, shall be deemed to be beneficial ownership by one person (a) if and so long as the value of all securities of small business investment companies owned by such company does not exceed 5 per centum of the value of its total assets; or (b) if and so long as such stock of the small business investment company shall be owned by a state development corporation which has been created by or pursuant to an act of the state legislature to promote and assist the growth and development of the economy within such state on a state-wide basis provided that, such state development corporation is not, or as a result of its investment in the small business investment company (considering such investment as an investment security) would not be, an investment company as defined in section 3 of the Act.

(Sec. 38, 54 Stat. 841; 15 U.S.C. 80a-37)

Effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 3, 1959.

[F.R. Doc. 59-7563; Filed, Sept. 10, 1959; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6412]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Returns and Payment of Tax (Consolidated Returns)

On July 21, 1959, notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5803) regarding an amendment of the Income Tax Regulations (26 CFR Part 1) under subchapter A, returns and payment of tax (Consolidated Returns), and subchapter B, related rules, of chapter 6 of the Internal Revenue Code of 1954. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the regulations as so proposed are hereby adopted for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided, subject to the following changes:

PARAGRAPH 1. Paragraph (h)(1)(i) of § 1.1502-13 is revised.

PAR. 2. Section 1.1502-31 is revised—

(A) By amending the next to the last sentence of paragraph (a)(4)(i).

(B) By amending paragraph (a)(23)(iii).

PAR. 3. Paragraphs (a) and (b) of § 1.1502-43 are revised.

PAR. 4. Section 1.1504 is amended.
PAR. 5. Section 1.1551 is amended.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: SEPTEMBER 9, 1959.

FRED C. SCRIBNER, Jr.
Acting Secretary of the Treasury.

PARAGRAPH 1. Paragraph (b) of § 1.1502–2 is amended to read as follows:

§ 1.1502–2 Definitions.

* * * * *

(b) *Affiliated group.* (1) * * *

(vi) A regulated investment company subject to tax under subchapter M of chapter 1;

(vii) An unincorporated business enterprise subject to tax as a corporation under section 1361; and

(viii) An electing small business corporation as defined in section 1371(b).

* * * * *

PAR. 2. Paragraph (h) of § 1.1502–13 is amended to read as follows:

§ 1.1502–13 Change in affiliated group during taxable year.

* * * * *

(h) *Time for making separate returns for periods not included in consolidated return.* (1) (i) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) precedes the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then, on or before the due date of the subsidiary's separate return, it may make a separate return either for that portion of its taxable year which would not be included in the consolidated return, if such return is filed, or for its complete taxable year. However, if a separate return is filed for only a portion of its taxable year and the group does not elect to make a consolidated return, such subsidiary shall file a return for its complete taxable year not later than the due date (including extensions of time) prescribed for the filing of the consolidated return by the group. There shall be attached to the return for the complete taxable year a statement setting forth that such return is in lieu of the return previously filed. In such case the return previously filed for only a portion of its taxable year shall not be considered a return within the meaning of section 6012. On the other hand, if a return is filed for the subsidiary's complete taxable year and the group later makes a consolidated return, such subsidiary should file an amended return not later than the due date (including extensions of time) for the filing of the consolidated return of the group. Such amended return shall be for that portion of the taxable year which is not included in the consolidated return.

(ii) If the due date for filing a subsidiary's separate return (determined without regard to the affiliation and without regard to extensions of time) is later than the due date for filing the consolidated return of the affiliated group (determined without regard to extensions of time), then the separate return for that portion of the subsidiary's taxable year which is not included in the consolidated return of the group should be filed no later than the due date (including extensions of time) for the filing of the consolidated return.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation P, which reports its income on a calendar year basis, acquires all of the stock of Corporation S on January 1, 1959. Corporation S reports its income on a fiscal year ending March 31. On June 15, 1959, the due date for the filing of a separate return by Corporation S, it is anticipated that Corporation P will elect, on the due date of its return, to file a consolidated return for 1959. On June 15, Corporation S may file either a return for a short taxable year beginning April 1, 1958, and ending December 31, 1958, or it may file a return for the complete fiscal year ending March 31, 1959. If it files a return for the short taxable year and Corporation P does not elect to file a consolidated return, corporation S must file a return for the complete fiscal year ending March 31, 1959, in lieu of the return previously filed for the short period. Interest is computed on any additional tax from June 15, 1959.

Example (2). Assume the same facts as in example (1) except that Corporation P acquires all of the stock of Corporation S on October 1, 1959, and that Corporation P elects to file a consolidated return on March 15, 1960, the due date of its return. The return of Corporation S for the short taxable year beginning April 1, 1959, and ending September 30, 1959, should be filed on March 15, 1960.

PAR. 3. Section 1.1502–14 is amended to read as follows:

§ 1.1502–14 Accounting period of an affiliated group.

(a) The taxable year of an affiliated group which makes a consolidated return shall be the same as the taxable year of the common parent corporation; and, except as provided in paragraph (c) of this section, upon having elected to file a consolidated return, each subsidiary corporation shall, not later than the close of the first consolidated taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

(b) If a change of accounting period is necessary in order to conform the accounting periods of the common parent and of its subsidiaries, Form 1128 shall be submitted at or before the time of filing the consolidated return for the taxable year in which the subsidiary has first adopted the parent corporation's annual accounting period.

(c) If the common parent corporation of an affiliated group has a fiscal year accounting period and any member of the group is an includible insurance company required by section 843 to file its return on a calendar year, the first consolidated return which includes such insurance company may be filed on the basis of the fiscal year accounting period of the common parent, provided, however, the common parent and the other includible corporations change to a calendar year basis effective immediately after the close of such fiscal year. For this purpose, Form 1128 shall be submitted at or before the time such first consolidated return is filed.

(d) With respect to computations for years involved in the change to the consolidated basis, see § 1.1502–32.

PAR. 4. Paragraphs (a), (b), and (d) of § 1.1502–31 are amended to read as follows:

§ 1.1502–31 Bases of tax computation.

* * * * *

(a) *Definitions* — (1) *Consolidated taxable income.* * * *

(i) * * *

(*b*) Any consolidated section 1231 net loss, relating to net losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231,

* * * * *

(*f*) Any consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(*g*) Any consolidated section 247 deduction, and

(*h*) Any consolidated section 582(c) net loss,

* * * * *

(4) *Consolidated net operating loss carrybacks.* (i) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending after December 31, 1957, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first two preceding taxable years;

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(*c*) The amount of the consolidated net operating loss, if any, for the third succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group),

and, with respect to a net operating loss sustained by a corporation which, for any of the three succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragraph (b)(3) of this section,

(*d*) The amount of the net operating loss, if any, sustained by such corporation, for the first succeeding taxable year, reduced to the extent absorbed by such corporation for either or both of the first two preceding taxable years, or, if the income of such corporation is included in the consolidated return for either or both of the first two preceding taxable years, reduced to the extent absorbed by such consolidated return or returns;

(*e*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year, reduced to the extent absorbed by such corporation for the first preceding taxable year, or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(*f*) The amount of the net operating loss, if any, sustained by such corporation for the third succeeding taxable year.

If the taxable year in which the net operating loss or consolidated net operating loss was sustained is a year beginning in 1957 and ending in 1958, the carryback is subject to section 172(i) or paragraph (b)(4)(v) of this section, respectively. See also paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a), or any member of the group is subject to the limitations provided under section 382.

(ii) The consolidated net operating loss carrybacks to the taxable year with respect to net operating losses sustained in taxable years ending before January 1, 1958, shall consist of—

(*a*) The amount of the consolidated net operating loss, if any, for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year) reduced to the extent absorbed as a carryback, consolidated or separate, as the case may be, for the first preceding taxable year;

(*b*) The amount of the consolidated net operating loss, if any, for the second succeeding taxable year to the extent not attributable to those corporations making separate returns in the taxable year;

and, with respect to a net operating loss sustained by a corporation which, for either of the two succeeding taxable years, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in paragraph (b)(3) of this section,

(*c*) The amount of the net operating loss, if any, sustained by such corporation for the first succeeding taxable year reduced to the extent absorbed by such corporation for the first preceding taxable year or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, reduced to the extent absorbed by such consolidated return; and

(*d*) The amount of the net operating loss, if any, sustained by such corporation for the second succeeding taxable year.

See, however, paragraph (b)(21) of this section in any case in which a member of the group is an acquiring corporation in a transaction described in section 381(a) or any member of the group is subject to the limitations provided in section 382.

(5) *Consolidated net operating loss.* * * *

(ii) The consolidated section 175 deduction, but not in excess of 25 percent of the consolidated section 175 gross income,

(iii) The consolidated section 1231 net loss,

(iv) The aggregate of the deductions of the several affiliated corporations under sections 243, 244, and 245 (computed without regard to the limitation contained in section 246(b)) and under section 247 (computed without regard to the limitation of subsection (a)(1)(B) of such section), and

(v) The consolidated section 582(c) net loss,

over the sum of—

(vi) The combined taxable income of the several affiliated corporations having taxable income, computed without regard to any deductions under section 242 (relating to partially tax-exempt interest), and

(vii) The consolidated net capital gain.

* * * * *

(8) *Consolidated charitable contribution carryovers.* The consolidated charitable contribution carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated charitable contribution deduction (computed without regard to any charitable contribution carryovers) for the two preceding taxable years over the limitation of subparagraph (1)(i)(c) of this paragraph for such years to the extent that the consolidated charitable contribution deduction for any such preceding year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year reduced by—

(*a*) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(*b*) The increase in a consolidated or separate net operating loss carryover resulting from such excess,

and, with respect to any excess of charitable contributions over the applicable 5-percent limitation of a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(ii) The amount of such excesses of such corporation for the two preceding taxable years reduced by:

(*a*) The amount absorbed as a carryover by the consolidated or separate taxable income for the intervening taxable year, and

(*b*) The increase in a consolidated or separate net operating loss carryover resulting from such excess.

(9) *Consolidated net capital gain.* The consolidated net capital gain shall be the excess of the sum of—

(i) The aggregate of the capital gains of the several affiliated corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

over the sum of—

(iv) The aggregate of the capital losses of such corporations, and

(v) The aggregate of the consolidated net capital loss carryovers to the taxable year.

* * * * *

(12) *Consolidated net capital loss.* * * *

(i) The aggregate of the capital gains of such corporations,

(ii) The consolidated section 1231 net gain, and

(iii) The consolidated section 582(c) net gain,

reduced in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 831, but only for the purpose of net capital loss carryover computations, by whichever of the following amounts is the lesser—

(iv) The combined additional capital loss deductions of such corporations authorized by section 832(c)(5), or

(v) The consolidated taxable income computed without regard to capital gains and losses and without regard to any deduction for partially tax-exempt interest provided by section 242.

* * * * *

(18) *Consolidated accumulated taxable income.* * * *

(ii) The consolidated charitable contribution deduction computed without regard to section 170(b)(2),

* * * * *

(19) *Consolidated accumulated earnings credit.* * * *

(i) In the case of an affiliated group which is not a mere holding or investment group, an amount equal to such part of the aggregate of the earnings and profits for the taxable year of the several members of the group as are retained for the reasonable needs of the business of the group, minus the deduction allowed by subparagraph (18)(iv) of this paragraph, but not less than the amount (if any) by which $100,000 ($60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year, or

(ii) In the case of an affiliated group which is a mere holding or investment group, the amount (if any) by which $100,000 (or $60,000 if the taxable year begins before January 1, 1958) exceeds the aggregate of the accumulated earnings and profits of the several members of the group at the close of the preceding taxable year.

* * * * *

(23) *Consolidated undistributed personal holding company income.* * * *

(ii) In lieu of the deduction provided by subparagraph (1)(i)(c) of this paragraph, the consolidated charitable contribution deduction computed without the application of section 170(b)(2) but

limited as provided in section 170(b)(1)(A) and (B) (except that the 10-percent and 20-percent limitations therein shall be applied with respect to the consolidated adjusted gross income);

(iii) The amount of the consolidated net operating loss for the preceding taxable year (computed without the deductions provided in part VIII (except section 248) of subchapter B if the current taxable year begins after December 31, 1957) to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group for the taxable year, and, with respect to a corporation which filed a separate return or joined in a consolidated return filed by another affiliated group for the preceding taxable year, the net operating loss of such corporation for such preceding taxable year (computed without the deductions provided in part VIII (except section 248) of subchapter B if the current taxable year begins after December 31, 1957) but not in excess of the portion of the consolidated personal holding company income attributable to such corporation for the taxable year;

* * * * *

(35) *Consolidated section 175 carryovers.* The consolidated section 175 carryovers to the taxable year shall consist of—

(i) The excess, if any, of the amount of the consolidated section 175 deductions over 25 percent of the consolidated section 175 gross income of preceding taxable years to the extent that such consolidated section 175 deduction for any preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the taxable year and was not absorbed as a carryover by the consolidated section 175 gross income for preceding taxable years

and, with respect to any excess of deductions under section 175 over the 25-percent limitation of section 175(b) of a corporation in a taxable year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (b)(15) of this section.

* * * * *

(36) *Consolidated section 582(c) net loss.* The consolidated section 582(c) net loss shall be the excess of the aggregate of the losses of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of gains of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

(37) *Consolidated section 582(c) net gain.* The consolidated section 582(c) net gain shall be the excess of the aggregate of the gains of the character described in section 582(c) recognized in a taxable year beginning after December 31, 1958, by the several affiliated corporations which are banks over the aggregate of the losses of the character described in section 582(c) recognized in such taxable year by the several affiliated corporations which are banks.

(b) *Computations.* * * *

(1) *Taxable income.* * * *

(iv) There shall be disregarded all gains and losses from involuntary conversions subject to section 1231, and from sales and exchanges of property subject to section 1231;

* * * * *

(xi) No deductions under sections 243, 244, 245, or 247 (relating to deductions with respect to dividends received and dividends paid) or under section 922 (relating to the special deduction for Western Hemisphere trade corporations), shall be taken into account;

(xii) No deductions under section 175 (relating to soil and water conservation expenditures) shall be taken into account by a member of an affiliated group to which the consolidated section 175 deduction is applicable; and

(xiii) In the case of a bank, for taxable years beginning after December 31, 1958, there shall be disregarded all gains and losses from sales and exchanges of property described in section 582(c).

* * * * *

(2) *Other computations on separate basis.* * * *

(iii) *Capital gains and losses.* * * *

(c) The net capital loss carryovers provided in section 1212,

(d) In the case of a corporation which became a member of the affiliated group subsequent to January 1, 1954, common parent corporation or subsidiary, as the case may be, capital losses to the extent disallowed pursuant to the provisions of subparagraph (9) of this paragraph, and

(e) In the case of a bank, for taxable years beginning after December 31, 1958, gains or losses from sales or exchanges of property described in section 582(c).

* * * * *

(viii) *Gains or losses under section 1231.* Gains and losses from involuntary conversions subject to section 1231, and from sales or exchanges of property subject to section 1231 shall be determined without regard to—

* * * * *

(3) *Limitations on net operating loss carryovers and carrybacks from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carryovers under paragraph (a)(3)(ii) of this section (relating to the net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as consolidated net operating loss carrybacks under paragraphs (a)(4)(i) (*d*), (*e*) and (*f*), and (a)(4)(ii) (*c*) and (*d*) of this section (relating to a net operating loss sustained by a corporation which for any of the two or three succeeding taxable years, whichever is applicable, files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the taxable income of such corporation included in the computation of the consolidated taxable income for the taxable year decreased by its deductions under sections 243, 244, 245, 247, and 922, (and in the case of a member of an affiliated group to which the consolidated section 175 deduction is applicable, the section 175 deduction) increased by its separate net capital gain, and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions subject to the provisions of section 1231, and from sales or exchanges of property subject to the provisions of section 1231. * * *

(4) *Law applicable to computations of net operating loss carrybacks.* (i) * * *

(iii) (*a*) The consolidated net operating loss deduction for a taxable year beginning in 1953 and ending in 1954, shall be the sum of—

(*1*) That portion of the consolidated net operating loss deduction for such taxable year, computed as though paragraph (a)(2) of § 1.1502–31 applied to such taxable year, which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year, and

(2) That portion of the consolidated net operating loss deduction for such taxable year, computed in accordance with paragraph (a)(2) of § 24.31 of Regulations 129 (26 CFR (1939) 24.31 (a)(2)), which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year.

(*b*) The consolidated net income for any taxable year beginning in 1953 and ending in 1954 which is subtracted from the net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with the principles of section 172(f)(4).

(iv) (*a*) The consolidated net operating loss deduction for a taxable year beginning after December 31, 1953, and ending before August 17, 1954, shall be computed as if the regulations under section 1502 apply to such taxable year.

(*b*) The consolidated net income for any taxable year beginning after December 31, 1953, and ending before August 17, 1954, which is subtracted from the consolidated net operating loss for any other taxable year to determine the portion of such net operating loss which is a carryback or a carryover to a particular taxable year shall be determined in accordance with section 172(g)(3).

(v) In the case of a consolidated net operating loss for a taxable year beginning in 1957 and ending in 1958, the amount of such consolidated net operating loss which shall be carried to the third preceding taxable year shall be the amount which bears the same ratio to such consolidated net operating loss as the number of days in the loss year after December 31, 1957, bears to the total number of days in such year. In determining the amount carried to any other taxable year, the amount absorbed for the third taxable year preceding the loss year shall not exceed the portion of the consolidated net operating loss which is carried to the third preceding taxable year.

(vi) For purposes of section 141 of the Internal Revenue Code of 1939 and that part of the regulations promulgated thereunder which relate to subchapter D of chapter 1 of such Code, excess profits net income and consolidated section 433(a) excess profits net income shall be computed as if the regulations under section 1502 did not apply and as if such section and such regulations continued to apply to taxable years beginning after December 31, 1953.

* * * * *

(10) *Loss to group of investment in an affiliate.* * * *

(ii) The portion of any such loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivision (i) of this subparagraph shall be considered as a consolidated net operating loss to be taken into account as a consolidated carryback to the two preceding taxable years or, if the loss is sustained in a taxable year ending after December 31, 1957, the three preceding taxable years and as a consolidated carryover to the five succeeding taxable years, but in an amount not greater for any taxable year than the excess of the consolidated taxable income for such year, computed without regard to such carryover or carryback, as the case may be, over that portion of such consolidated taxable income so computed for such taxable year attributable to such other affiliate.

* * * * *

(15) *Limitation on section 175 carryovers from separate return years.* In no case shall there be included in the consolidated section 175 deductions for the taxable year as consolidated section 175 carryovers under paragraph (a)(35)(ii) of this section (relating to excess section 175 deductions of a corporation for years for which separate returns were filed or for which such corporation joined in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate the amount by which 25 percent of the gross income of such corporation derived from farming included in the computation of the consolidated section 175 gross income for the taxable year exceeds the amount of the expenditures of such corporation of the taxable year deductible under section 175.

* * * * *

(d) *Net operating loss deduction, excess charitable contributions, excess section 175 deductions, and dividend carryover before or after consolidated return*—(1) *Net operating loss deduction.* The consolidated net operating loss of an affiliated group shall be used in computing the consolidated net operating loss deduction notwithstanding that one or more members of the group in the taxable year in which such loss originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year), but only to the extent that such consolidated net operating loss is not attributable to such corporations. Such portion of such consolidated net operating loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback computation for a preceding taxable year) shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any net operating loss separately sustained by a corporation prior to a first taxable year in respect of which its income is included in the consolidated return of the group (or sustained in either of the two taxable years immediately following a consolidated return year or any of the three taxable years so following if sustained in a taxable year ending after December 31, 1957) shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net operating loss was not absorbed (either as a carryover or as a carryback) in the computation of the consolidated net operating loss deduction for consolidated return periods.

(2) *Excess charitable contributions.* The excess of the consolidated charitable contributions over the 5 percent limitation of paragraph (a)(1)(i)(c) of this section shall be used in computing the consolidated charitable contribution carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess charitable contribution is not attributable to such corporations. Such portion of such excess charitable contributions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of charitable contributions of a corporation for the year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the charitable contribution deduction of such corporation (or the consolidated charitable contribution deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess charitable contribution was not absorbed as a carryover in the consolidated charitable contribution deduction for consolidated return periods. In applying this paragraph, the excess of the consolidated charitable contributions over the 5 percent limitation shall be reduced by the increase in a consolidated or separate net operating loss carryover resulting from such excess.

(3) *Excess section 175 deductions.* The excess of the deductions under section 175 over the limitation of 25 percent provided in paragraph (a)(1)(i)(*f*) of this section shall be used in computing the consolidated section 175 carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such excess section 175 deduction is not attributable to such corporations. Such portion of such excess section 175 deductions as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns or in such consolidated returns of the other affiliated group. Any excess of section 175 deductions of a corporation for a year prior to a first taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the section 175 deduction of such corporation (or the consolidated section 175 deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such excess section 175 deduction was not absorbed as a carryover in the computation of a consolidated section 175 deduction for consolidated return periods.

(4) *Unused consolidated dividend carryover.* The unused consolidated dividend carryover shall be used in computing the consolidated dividend carryover notwithstanding that one or more members of the group in the taxable year in which such carryover originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year, but only to the extent that such unused consolidated dividend carryover is not attributable to such corporations. Such portion of such unused consolidated dividend carryover as is attributable to the several corporations making separate returns or computing their tax liability under section 541 pursuant to the last sentence of paragraph (b)(4) of § 1.1502–30 (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be used by such corporations severally as carryovers in such separate returns, in such separate computations under section 541, or in such consolidated returns of the other affiliated group. Any unused dividend carryover of a corporation separately produced for a year prior to a taxable year in respect of which its tax liability under section 541 is computed upon the consolidated undistributed personal holding company income shall be used in computing the dividend carryover of such corporation (or the consolidated

dividend carryover of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused dividend carryover was not absorbed in the computation of the consolidated section 561 dividends paid deduction for the intervening consolidated return period.

* * * * *

PAR. 5. Section 1.1502–43 is amended to read as follows:

§ 1.1502–43 Credit for foreign taxes.

(a) *Choice of credit or deduction.* The credit under section 901 for taxes paid or accrued to any foreign country or possession of the United States shall be allowed to an affiliated group filing a consolidated return only if the common parent corporation chooses to use such credit in the computation of the tax liability of the group for the taxable year. If this choice is made, no deduction may be taken under section 164 on the consolidated return for such taxes paid or accrued by any member of the group. For purposes of this section, the term "taxes paid or accrued to any foreign country or possession of the United States" includes the amount of taxes deemed paid pursuant to section 902.

(b) *Amount of credit.* Subject to the limitation provided in paragraph (c) of this section, the credit allowable to an affiliated group filing a consolidated return shall be an amount equal to the aggregate of the taxes paid or accrued to any foreign country or possession by the several members of the affiliated group for the taxable year, plus the aggregate of the consolidated excess tax paid carryovers and carrybacks to the taxable year allowable as a credit under section 904(c).

(c) *Per country limitation.* The credit for tax paid or accrued for the taxable year to any country or possession shall not exceed an amount which bears the same ratio to the total tax of the affiliated group against which the credit is taken as the consolidated taxable income of the group from sources within such country or possession (but not in excess of the consolidated taxable income of the group) bears to the entire consolidated taxable income.

(d) *Consolidated excess tax paid carryovers.* The consolidated excess tax paid carryovers to the current taxable year for taxes paid to any foreign country or possession shall consist of—

(1) The consolidated excess tax paid to such country or possession for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that the consolidated excess tax paid for any such preceding taxable year was not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year and was not absorbed pursuant to section 904(c) in years preceding the current taxable year (whether or not taken as a credit), and,

with respect to the excess tax paid by a corporation in a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (h) of this section—

(2) The amount of the excess tax paid to such country or possession by such corporation for the five preceding taxable years (not including as a preceding taxable year any taxable year beginning before January 1, 1958) to the extent that the excess tax paid for any such preceding taxable year was not absorbed pursuant to section 904(c) in years preceding the current taxable year (whether or not taken as a credit).

(e) *Consolidated excess tax paid carrybacks.* (1) The consolidated excess tax paid carrybacks to the current taxable year for taxes paid to any foreign country or possession shall consist of—

(i) The consolidated excess tax paid to such country or possession for the first succeeding taxable year (to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year) reduced to the extent absorbed pursuant to section 904(c) in the first preceding taxable year (whether or not taken as a credit), and

(ii) The consolidated excess tax paid to such country or possession for the second succeeding taxable year to the extent not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group for the current taxable year;

and, with respect to any excess tax paid to such country or possession by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitation prescribed in paragraph (h) of this section—

(iii) The amount of such excess tax paid by such corporation for the first succeeding taxable year reduced to the extent absorbed pursuant to section 904(c) by such corporation for the first preceding taxable year (whether or not taken as a credit), or if the income of such corporation is included in a consolidated return for the first preceding taxable year, reduced to the extent absorbed pursuant to section 904(c) by such consolidated return (whether or not taken as a credit); and

(iv) The amount of such excess tax paid by such corporation for the second succeeding taxable year.

(2) The excess tax paid, whether consolidated or separate, may not be carried back to a taxable year beginning before January 1, 1958; and in determining the carryover or carryback to taxable years beginning on or after January 1, 1958, no amount shall be treated as absorbed for taxable years beginning before such date.

(f) *Consolidated excess tax paid.* The consolidated excess tax paid to any foreign country or any possession for a taxable year is the excess of the aggregate of the taxes paid or accrued by the several members of the affiliated group to such country or possession over the per country limitation described in paragraph (c) of this section applicable to such country or possession. However, there is no consolidated excess tax paid for a taxable year in which the affiliated group takes any deduction under section 164 for such taxes paid or accrued to a foreign country or possession.

(g) *Excess tax paid.* The excess tax paid or accrued to any foreign country or possession by a corporation for any year for which a separate return is filed is the excess of the taxes paid or accrued by the corporation to such foreign country or possession over the amount allowable as a credit for such year pursuant to section 904(a). However, there is no such excess tax paid or accrued for a taxable year in which the corporation takes a deduction under section 164 for such taxes paid to any foreign country or possession.

(h) *Limitation on credit for carryovers and carrybacks of excess tax paid from separate return years.* In no case shall there be included in the credit for taxes paid or accrued to any foreign country or possession for the taxable year as consolidated excess tax paid carryovers under paragraph (d)(2) of this section (relating to excess tax paid by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as consolidated excess tax paid carrybacks under paragraph (e)(1)(iii) and (iv) of this section (relating to excess tax paid by a corporation which for either of the two succeeding taxable years files a separate return or joins in a consolidated return filed by another affiliated group), an amount exceeding in the aggregate that which would be allowable as a credit for a carryover or carryback to such corporation if it had filed a separate return for such taxable year.

(i) *Apportionment of consolidated excess tax paid.* If an affiliated group filing a consolidated return has a consolidated excess tax paid with respect to any foreign country or any possession for the taxable year and if there are included as members of such group one or more corporations which make separate returns (or join in a consolidated return filed by another affiliated group) in a preceding or succeeding taxable year, the portion of such consolidated excess tax paid attributable to such corporations severally shall be determined. The portion in the case of any such corporation shall be the amount which bears the same ratio to such consolidated excess tax paid as the tax paid or accrued by such corporation to such country or possession bears to the total tax paid or accrued by the affiliated group to such country or possession.

(j) *Consolidated excess tax paid before or after consolidated return period.* The consolidated excess tax paid by an affiliated group with respect to any foreign country or possession shall be used in computing the consolidated excess tax paid carryover and carryback of the group notwithstanding that one or more corporations that were members of the

group in the taxable year in which such consolidated excess tax paid originates make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback for a preceding taxable year) but only to the extent that such consolidated excess tax paid is not attributable to such corporation. Such portion of such consolidated excess tax paid as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or in the case of a carryback, for a preceding taxable year) reduced to the extent absorbed in earlier years shall be used by such corporations severally as carryovers or as carrybacks in such separate returns or in such consolidated returns of the other affiliated group. Any excess tax paid by a corporation prior to the first taxable year in which its income is included in the consolidated return of the group (or paid in either of the two years immediately following a consolidated return year) may be used in computing the carryover or carryback of such corporation (or of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in the consolidated return of another group, but only to the extent that such excess tax paid was not absorbed (either as a carryover or as a carryback) for consolidated return periods.

PAR. 6. Section 1.1504 is amended to read as follows and to add historical note:

§ 1.1504 Statutory provisions; definitions.

SEC. 1504. *Definitions.*

(b) *Definition of "includible corporations".* * * *

(2) Insurance companies subject to taxation under section 802 or 821.

* * * * *

(8) An electing small business corporation (as defined in section 1371(b)).

* * * * *

[Sec. 1504 as amended by sec. 5; Act of March 13, 1956 (Pub. Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657) sec. 3(f)(1) Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 7. Section 1.1551 is amended to read as follows and to add historical note:

§ 1.1551 Statutory provision; disallowance of surtax exemption and accumulated earnings credit.

SEC. 1551. *Disallowance of surtax exemption and accumulated earnings credit.* If any corporation transfers, on or after January 1, 1951, all or part of its property (other than money) to another corporation which was created for the purpose of acquiring such property or which was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor corporation or its stockholders, or both, are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then such transferee corporation shall not for such taxable year (except as may be otherwise determined under section 269(b)) be allowed either the $25,000 exemption from surtax provided in section 11(c) or the $100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer. For purposes of this section, control means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of the corporation. In determining the ownership of stock for the purpose of this section, the ownership of stock shall be determined in accordance with the provisions of section 544, except that constructive ownership under section 544(a)(2) shall be determined only with respect to the individual's spouse and minor children. The provisions of section 269(b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this section, be applicable to this section.

[Sec. 1551 as amended by sec. 205(a), Small Business Tax Revision Act of 1958 (72 Stat. 1680)]

PAR. 8. Paragraph (a) of § 1.1551–1 is amended to read as follows:

§ 1.1551–1 Disallowance of surtax exemption and accumulated earnings credit.

(a) *In general.* If one corporation transfers on or after January 1, 1951, all or part of its property (other than money) to another corporation, neither the $25,000 exemption from surtax provided in section 11(c) nor the $100,000 ($60,000 if the taxable year begins before January 1, 1958) accumulated earnings credit provided in paragraph (2) or (3) of section 535(c) shall be allowed the transferee if: * * *

[F.R. Doc. 59–7610; Filed, Sept. 10, 1959; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, §§ 6.0 and 6.1 are revoked:

§ 6.0 Under section 300, World War Veterans' Act, 1924, as amended. [Revoked]

§ 6.1 Under section 310, World War Veterans' Act, 1924, as amended. [Revoked]

2. In § 6.2, the headnote and paragraphs (a), (b) and (c) are amended to read as follows:

§ 6.2 Applications for insurance under section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.

(a) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrendered a permanent plan of United States Government life insurance which was in force other than as extended term insurance, for its cash value under the provisions of § 6.115 or under § 6.186 if the policy had no cash value, shall be granted a new policy of United States Government life insurance in accordance with § 6.3(a), provided a written application signed by the applicant and payment of the required premium are made on or after January 1, 1959 within the period set forth in paragraph (c) of this section and the other conditions of that paragraph are met. Such insurance shall be granted without medical examination. If the applicant is mentally incompetent, the application for insurance under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(b) Any person having United States Government life insurance on the 5-year level premium term plan, the term of which expired while such person was in the active service after April 25, 1951, or within 120 days after separation from such active service, and in either case prior to January 1, 1957, shall be granted United States Government life insurance on the 5-year level premium term plan in accordance with § 6.3(b) provided a written application signed by the applicant, payment of the required premium, and evidence of good health satisfactory to the Administrator are submitted on or after January 1, 1959, within the period set forth in paragraph (c) of this section and the other conditions of that paragraph are met.

(c) Any person whose permanent plan insurance was surrendered or whose term insurance expired under the conditions provided in this section, and who had continuous indemnity protection from the surrender or expiry date to January 1, 1957, continuous active service from January 1, 1957 to January 1, 1959, and continuous active duty thereafter, may make application for insurance under this section while on continuous active duty or within 120 days after separation from such service or duty. A person who reenters active service or duty on the date of separation or the following day shall be deemed to be in continuous active service or on continuous active duty.

3. The centerhead immediately preceding § 6.3 is amended to read "United States Government life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code."

4. Section 6.3 is revised to read as follows:

§ 6.3 United States Government life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code.

(a) United States Government life insurance on a permanent plan, issued pursuant to the provisions of section 5

of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act, or section 781 of Title 38, United States Code shall be issued on the same plan and under the same terms and conditions as the United States Government life insurance which was surrendered. The amount of permanent plan United States Government life insurance issued pursuant to said section 5, section 623, or section 781 shall not be in excess of the amount of insurance which was surrendered.

(b) United States Government life insurance on the 5-year level premium term plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act, or section 781 of Title 38, United States Code shall be issued under the same terms and conditions as the United States Government life insurance 5-year level premium term policy which expired. The amount of 5-year level premium term insurance issued pursuant to said section 5, section 623 or section 781 shall not be in excess of the amount of term insurance which expired.

(c) The amount of insurance granted under said section 5, section 623, or section 781 plus the amount of any other insurance (National Service Life—United States Government life—War Risk) in force under premium-paying conditions, or as paid-up or extended insurance, shall not exceed $10,000.

5. Sections 6.5 and 6.6 are revoked:

§ 6.5 Insurance applied for by person entering active military or naval service. [Revoked]

§ 6.6 Insurance applied for under section 310, World War Veterans' Act, 1924, as amended. [Revoked]

6. Section 6.7 is revised to read as follows:

§ 6.7 Effective date of United States Government life insurance applied for pursuant to the provisions of section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.

(a) The effective date of United States Government life insurance issued pursuant to the provisions of section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States, Code may be established upon written request of the applicant as follows:

(1) As of the date on which valid application and tender of premiums are made.

(2) As of the first day of the month in which valid application and tender of premiums are made.

(3) As of the first day of the month following the month in which valid application and tender of premiums are made.

(4) As of the first day of any month, but not more than 6 months prior to the month in which valid application and tender of premiums are made: *Provided,* That there be paid (i) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (ii) the full premium on the amount of insurance for the month in which application is made.

(b) Unless otherwise specified by the applicant, the effective date of such United States Government life insurance shall be established as of the date on which valid application and tender of premiums are made.

7. Section 6.15 is revised to read as follows:

§ 6.15 Due date of premiums.

Premiums on United States Government life insurance are due and payable monthly in advance in legal tender of the United States of America to the Veterans Administration in the city of Washington, District of Columbia or any office of the Veterans Administration authorized to receive premium payments. Premiums may be paid annually, semi-annually, or quarterly, in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3½ percent per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity by death or otherwise, the discounted value at 3½ percent per annum of the premiums paid in advance beyond the current calendar month shall be refunded to the insured, if living; otherwise to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

8. Section 6.17 is revised to read as follows:

§ 6.17 Payment of insurance premiums by mail.

When it appears by proof satisfactory to the Administrator of Veterans Affairs that the person to whom United States Government life insurance has been granted, or any person acting on his behalf has deposited in the mail, within the grace period allowed by Veterans Administration regulation for payment of a premium, an envelope properly addressed to the Veterans Administration, Washington 25, D.C., or any field station of the Veterans Administration, containing money, check, draft, or money order, in payment of a premium, such insurance will not lapse for nonpayment of such premium within the grace period: *Provided,* That any such check or draft is paid on presentation for payment or the conditions of § 6.17a are met.

9. In § 6.20, the introductory paragraph and paragraphs (a) and (b) are amended to read as follows:

§ 6.20 Deduction of insurance premiums from compensation, retirement pay, or pension.

The insured under a United States Government life insurance policy which is not lapsed, may authorize the monthly deduction of premiums from disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension that may be due and payable to him under any laws administered by the Veterans Administration in accordance with the following provisions.

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 3202(f) of Title 38, United States Code and § 13.201 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and, in appropriate cases, by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

(b) The monthly disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

10. Sections 6.21, 6.22, and 6.23 are revised to read as follows:

§ 6.21 Authorization for deduction of insurance premiums from compensation, retirement pay, or pension.

The authorization for deductions from disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension to be acceptable for the payment of insurance premiums must be executed and mailed or otherwise delivered to the Veterans Administration while the insurance is not lapsed. Such an authorization will be effective against the benefit payment for the month in which it is mailed or otherwise delivered to the Veterans Administration unless the insured elects to have the authorization become effective against the benefit payment for a succeeding month. However, the deduction made from the benefit payment for the month in which the authorization becomes effective shall be for the insurance premium due in the succeeding calendar month. When premium deductions are authorized in accordance with the provisions of Veterans Administration regulations, the Veterans Administration will make monthly deductions from the benefit payment due and payable to the insured of an amount sufficient to pay the monthly insurance premium. Such deductions will continue so long as the benefit payment due and payable to the insured is sufficient to pay the monthly insurance premium or until the authorization is revoked by the veteran or otherwise terminated.

§ 6.22 Premiums to be deducted from compensation, retirement pay, or pension, treated as paid, for purpose of preventing lapse.

When premium deductions are authorized by the insured under United States Government life insurance in accordance with the provisions of Veterans Administration regulations, the insurance premium will be treated as paid for the purpose of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension sufficient to provide the payment. Any premium authorized to be deducted from such compensation, retirement pay, or pension due and payable to the insured and not actually paid shall be deducted from the amount of such current compensation, retirement pay, or pension that may become due and payable to the insured. The amounts so deducted for premiums shall be deposited and covered into the Treasury to the credit of the United States Government Life Insurance Fund.

§ 6.23 Termination of the authorization to deduct insurance premiums from compensation, retirement pay, or pension.

Deduction of insurance premiums on United States Government life insurance shall cease and the authorization shall terminate if the disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension becomes insufficient to provide the premium or if such compensation, retirement pay, or pension is no longer due and payable to the insured. If authorization was executed by the Manager of a Veterans Administration hospital or domiciliary or chief officer of a State hospital or other institution to make deductions from an institutional award, the authorization will cease and terminate at the termination of the institutional award, and, if subsequent premiums are to be paid by deduction from monthly benefit payments, another authorization must be executed by the insured or his legal representative or his wife. (See § 6.20(a).) The insurance shall lapse after the termination or cancellation of the authorization to deduct premiums from compensation, retirement pay, or pension, unless the premium be otherwise paid within the grace period. The insured will be notified by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice shall not prevent lapse of the insurance.

11. Section 6.35 is revised to read as follows:

§ 6.35 Establishment of grace period.

For the payment of any premium under a United States Government life insurance policy, a grace period of 31 days without interest will be allowed, during which time the policy will remain in force; but if the policy shall become a claim within the grace period, the unpaid premium shall be deducted from the amount of insurance payable. A 5-year level premium term policy shall cease and become void at the end of the 60-month period unless renewed as provided in Veterans Administration regulations.

12. Section 6.40 is revised to read as follows:

§ 6.40 Forms of policies.

The forms of policies of insurance described and designated below are hereby prescribed for use in granting United States Government life insurance. Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms of policies described and designated in this section are subject in all respects to the applicable provisions of Title 38, United States Code, amendments and supplements thereto, and all Veterans Administration regulations promulgated pursuant thereto.

Ordinary life policy (VA Form 9–741)
Five-year level premium term policy (VA Form 9–735)
Twenty-payment life policy (VA Form 9–747)
Thirty-payment life policy (VA Form 9–748)
Twenty-year endowment policy (VA Form 9–749)
Thirty-year endowment policy (VA Form 9–750)
—— year endowment policy (VA Form 9–751)

The 5-year level premium term policy (VA Form 9–735) is substituted for the 5-year convertible term policy (VA Form 9–745). Additions to or modifications of said policies may hereafter be made by the Administrator of Veterans Affairs.

13. Sections 6.41 and 6.42 are revoked:

§ 6.41 Form to be used in applying for converted insurance. [Revoked]

§ 6.42 Forms of application and policies to be used in converting yearly renewable term insurance subsequent to July 2, 1927. [Revoked]

14. In § 6.45, paragraph (a) is amended to read as follows:

§ 6.45 Incontestability of United States Government life insurance.

(a) A United States Government life insurance policy shall be incontestable from the date of issuance, reinstatement or conversion, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States, and the policy is issued free of restrictions as to travel, residence, occupation, or military or naval service. However, no insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy: *Provided,* That the cash value, less any indebtedness, on the date of such death shall be paid to the designated beneficiary if living, or, if there be no designated beneficiary alive at the death of the insured, the said value shall be paid to the estate of the insured.

15. Section 6.46 is revised to read as follows:

§ 6.46 Refund of premiums in fraud cases.

Where United States Government life insurance is canceled or voided for fraud and notice thereof is mailed after March 16, 1954, any premiums paid on such insurance for any period subsequent to 2 years after the date insurance was issued, reinstated, or converted because of such fraud shall be refunded without interest. On antedated policies the date of issue or conversion for the purpose of this section is the due date of the first full premium. The amount of any dividends, loan, or other insurance payment made as a result of the fraudulent issue, reinstatement or conversion shall be deducted from such refund. The refund shall be made to the insured, if living, otherwise to the designated beneficiary; or, if no designated beneficiary survives, to the insured's estate.

16. Section 6.51 is revised to read as follows:

§ 6.51 To a policy at a higher rate of premium as of a current effective date.

A United States Government life insurance policy on the 5-year level premium term plan may be exchanged for a policy of the same amount on any plan of insurance issued by the Veterans Administration at a higher rate of premium, upon payment of the current monthly premium at the attained age of the insured for the plan of insurance selected: *Provided,* That where premium waiver on United States Government life insurance is effective under section 622 of the National Service Life Insurance Act, as amended, or section 724 of Title 38, United States Code, that portion of the current monthly premium at the attained age of the insured for the plan of insurance selected which is not required for the pure insurance risk must be paid. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium. Such exchange will be made without medical examination upon complete surrender of the insurance while in force and within 5 years from the effective date of the policy.

17. Section 6.78 is revised to read as follows:

§ 6.78 Provisions for reinstatement.

(a) Subject to the United States Government life insurance provisions of Title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 6.79 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans Affairs. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided,* That no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default. The payment or rein-

statement of any indebtedness against any policy must be made, with interest, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall, except as provided in § 6.81, be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A lapsed United States Government life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. United States Government life insurance on the 5-year level premium term plan may be reinstated at any time after lapse and within the 60-month period upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans Affairs and upon payment of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected. Any indebtedness against the policy must be paid or reinstated with interest. Such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. The provisions of the "reinstatement" clause in United States Government life insurance policies are hereby amended accordingly.

(b) Reinstatement is effected when an acceptable application and the required premiums are delivered to the Veterans Administration. If application for reinstatement is submitted by mail, properly addressed to the Veterans Administration, the postmark date shall be the date of delivery. The effective date of reinstatement of the insurance shall be the last monthly premium due date prior to the delivery or postmark date of the application for reinstatement, except where reinstatement is effected on the due date of a premium, then in such case, that date shall be the reinstatement date.

18. Sections 6.80 and 6.81 are revised to read as follows:

§ 6.80 Application and medical evidence.

The applicant for reinstatement of United States Government life insurance must furnish during his lifetime, and before becoming totally and permanently disabled, and within the three calendar months including the calendar month for which the unpaid premium was due, a written application signed by him which shall state that he is in as good health as at date of lapse, or after the expiration of the three calendar months, a written application signed by him that he is in good health, in accordance with the requirements of the particular case; and in addition the applicant shall furnish such evidence relative to his physical condition as may be required by the Administrator of Veterans Affairs, and on such forms as may be prescribed: *Provided,* That if the insurance becomes a claim after tender of the amount of the premiums required but before full compliance with the requirements of this section, and the applicant was in the required state of health at the date that he made the tender of the amount of premiums, and that there is a satisfactory reason for his noncompliance, the Director, Accounts and Underwriting Service in Central Office and the Director, Insurance Service in the District Office in Philadelphia, Pennsylvania, may, if the applicant be dead, waive any or all of the requirements of this section, or, if the applicant be living, allow compliance with this section, as of the date the required amount of premiums was received by the Veterans Administration.

§ 6.81 Indebtedness at time of reinstatement.

The United States Government life insurance shall not be deemed to be reinstated until satisfactory evidence of good health has been furnished and approved as required, and, except as provided in § 6.78, until all premiums in arrears have been paid with the required interest, and any indebtedness existing at the time of default has been paid or reinstated as set forth in the policy: *Provided,* That any indebtedness on account of unpaid service premiums and premiums waived under authority of section 306 of the World War Veterans' Act, 1924, as amended, or section 760 of Title 38, United States Code, may be reinstated, even though the amount of such indebtedness exceeds the reserve of the policy; and such indebtedness unless otherwise paid shall be deducted from the proceeds of insurance in any settlement thereof, or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided further,* That the amount of such unpaid premiums with interest shall not be considered an indebtedness as is set forth in paragraph 5(D) of the contract of Government life insurance to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value of an insurance without indebtedness, so long as current premiums are being paid by the insured when due or the payment on the due date thereof is being waived as provided by Veterans Administration regulations.

19. Section 6.85 is revoked:

§ 6.85 Reinstatement of policies in force under extended insurance. [Revoked]

20. In § 6.86, the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 6.86 Applications for reinstatement of United States Government life insurance pursuant to section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.

(a) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrendered a permanent plan policy of United States Government life insurance which was in force other than as extended term insurance, for its cash value under the provisions of § 6.115 or under § 6.186 if the policy had no cash value, upon written application made by any such person on or after January 1, 1959, within the period set forth in paragraph (b) of this section and upon meeting the other conditions of that paragraph, may reinstate such surrendered United States Government life insurance (or any portion thereof in multiples of $500, not less than $1,000) without medical examination upon payment of (1) an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made and (2) the full premium on the amount of insurance for the month in which application is made. If the applicant is mentally incompetent the application for reinstatement under this section may be made only by the guardian (committee or conservator) and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(b) Any person whose permanent plan insurance was surrendered under the conditions provided in this section, and who had continuous indemnity protection from the date of surrender to January 1, 1957, continuous active service from January 1, 1957, to January 1, 1959, and continuous active duty thereafter, may make application for reinstatement under this section while on continuous active duty or within 120 days after separation from such service or duty. A person who reenters active service or duty on the date of separation or the following day shall be deemed to be in continuous active service or on continuous active duty.

21. In § 6.90, paragraph (b) is amended to read as follows:

§ 6.90 Examinations for insurance purposes.

* * * * * *

(b) Physical examinations required of applicants for United States Government life insurance, or for reinstatement of such insurance, may be made free of charge to the applicant by a full-time or part-time salaried physician at a field station of the Veterans Administration upon the request of the applicant, or upon the specific request of the underwriting activity in connection with an application for reinstatement of insurance when deemed necessary in order properly to safeguard the interests of the Government. Physical examinations required of applicants for United States Government life insurance or for reinstatement of such insurance, may be made at applicant's own expense by a physician duly licensed for the practice of medicine by a State, Territory of the United States, or the District of Columbia, or by a duly licensed osteopathic physician who is a graduate of a recognized and approved college of osteopathy and who is listed in the current directory of the American Osteopathic Association. Such examination may be made by a physician or osteopath who is not related to the applicant by blood or marriage, associated with him in business, or pecuniarily interested in the issuance or reinstatement of the policy. Examinations made in a foreign country by a physician duly licensed for the practice of medicine and otherwise acceptable may be accepted if submitted through the American consul. The Administrator of Veterans Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

22. Section 6.91 is revised to read as follows:

§ 6.91 Examinations and inspections for insurance purposes where applicant or claimant, by reason of his physical or mental condition, is unable to appear at an office of the Veterans Administration.

If an individual is unable to travel because of physical or mental condition, the Manager of a regional office or hospital may, on his own initiative or at the request of the insurance activity concerned, authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by § 6.90, examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by the Underwriting activity.

23. In § 6.92, paragraphs (a), (b) and (c) are amended to read as follows:

§ 6.92 Expenses incident to examinations for insurance purposes.

(a) Necessary transportation expenses incident to physical or mental examinations at regional offices or hospitals of the Veterans Administration may be furnished in the following instances: (1) When, upon filing of an application for payment of insurance benefits, an applicant is ordered to report for examination by the Veterans Administration to determine the existence of total or total and permanent disability; (2) when an individual receiving payments of insurance benefits is ordered to report for the examination by the Veterans Administration to determine if he has recovered the ability to follow a gainful occupation; (3) when an individual is ordered to report for examination by the Veterans Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(b) Necessary transportation expenses may be furnished, incident to a physical examination at a regional office or hospital of the Veterans Administration of an applicant for reinstatement of insurance: *Provided,* That the applicant was ordered to report for the examination at the specific request of the Underwriting activity.

(c) Such expenses will be borne by the United States and will be paid from the applicable appropriation of the Department of Medicine and Surgery. Transportation, meal, and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant or claimant provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans Administration will be in accordance with the Standardized Government Travel Regulations. If such examination is made by a medical examiner on a fee basis, payment will be made at a fee not in excess of the schedule of fees in effect and approved by the Veterans Administration for medical and professional services in the State in which the examination is made. Where no approved State fee schedule is in effect or where a fee for the type of examination authorized is not listed in the approved State fee schedule in effect, such examinations will be furnished at a fee not in excess of that listed in the "Guide for Charges for Medical and Ancillary Services" of the Department of Medicine and Surgery in effect at the time the examination is authorized. If the particular examination is not covered by a schedule in effect and/or the said guide, a fee not in excess of what is reasonable and customarily charged in the community concerned may be allowed.

24. Section 6.96 is revised to read as follows:

§ 6.96 Special dividends.

Any special United States Government life insurance dividend that may be declared shall be paid in cash only. Such special dividends shall not be accepted to accumulate on deposit or as a dividend credit. Unpaid special dividends shall not be available to pay premiums.

25. Section 6.102 is revised to read as follows:

§ 6.102 Rate of interest on policy loans on and after July 19, 1939.

(a) On and after July 19, 1939, and except as provided in paragraph (b) of this section, the interest on all policy loans then outstanding or thereafter granted will be at the rate of 5 per centum per annum.

(b) On and after August 1, 1946, the interest on all policy loans then outstanding or thereafter granted will be at the rate of 4 per centum per annum.

26. Section 6.118 is revised to read as follows:

§ 6.118 Collection of unpaid premiums.

When it becomes necessary to collect and deduct unpaid premiums and interest due under yearly renewable term or United States Government life insurance, such unpaid premiums and interest shall be deducted from the amount of the insurance (commuted value of the installments then due and payable), thus reducing the amount of each monthly installment in the proportion that the amount of the indebtedness bears to the amount of insurance.

27. Section 6.123 is revised to read as follows:

§ 6.123 Recovery from total permanent disability.

Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured shall at any time, on demand, furnish proof satisfactory to the Administrator of Veterans Affairs of the continuance of such total permanent disability, and, if the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability under a United States Government life insurance policy shall cease and all premiums thereafter falling due shall be payable in conformity with the policy. Thereafter, the premium to be paid and the cash values, paid-up insurance values, and loan values shall be reduced so that the resulting premium and values shall bear the same proportion to the premiums and values, respectively specified on the policy, that the commuted values of the remaining installments (240 installments less the number paid) bears to the commuted value of 240 installments. The extended insurance values shall be modified accordingly. (See also § 6.124.)

28. New §§ 6.123a, 6.123b, and 6.124 are added to read as follows:

§ 6.123a Recovery from disability; 5-year level premium term policy.

Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured under a United States Government life insurance policy on the 5-year level premium term plan shall at any time, on demand, furnish proof satisfactory to the Administrator of Veterans Affairs of the continuance of such total permanent disability. If the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability shall cease, and all premiums thereafter falling due shall be payable in conformity with the 5-year level premium term policy. Thereafter the premium to be paid shall be reduced so that the resulting premium shall bear the same proportion to the premium specified on the policy that the commuted value of the installments (240 less the number paid) bears to the commuted value of 240 installments. If recovery from total permanent disability takes place after the expiration of the term period, the insurance may be continued in accordance with § 6.123b.

§ 6.123b Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after the expiration of the term period.

If United States Government life insurance on the 5-year level premium term plan (or on the 5-year convertible term plan) matures or has matured by reason of total and permanent disability and the insured recovers from such disability after expiration of the term period, the reduced amount of insurance (commuted value of remaining unpaid installments) shall be automatically renewed at the premium rate for the attained age of the insured on the policy anniversary renewal date of the current 5-year period. The reduced amount of insurance or any part thereof in multiples of $500 and not less than $1,000 may be continued without medical examination on the level premium term plan or on any permanent plan, as the insured may elect, and subject to the following provisions:

(a) Such insurance may be continued in force as 5-year level premium term insurance upon payment of premiums, as required in paragraph (c) of this section, at the rate required for the attained age of the insured on the policy anniversary renewal date for the current 5-year period. A certificate of renewal will be issued effective on the policy anniversary renewal date.

(b) Such insurance may be converted to any of the permanent plans upon application therefor and payment of premiums at the rate required for the then attained age, and a policy will be issued to the insured effective as of the date on which the first premium became payable.

(c) The insurance shall lapse unless the first premium is paid in accordance with this paragraph. The first premium on the reduced amount of insurance for the plan selected is payable on the first day of the month following the month for which the last installment under the total and permanent disability rating was paid to the insured, but may be paid within 31 days from the date of notice advising of the amount of insurance and the monthly premium rate. Thereafter, subsequent premiums will be payable in accordance with the terms and conditions of the policy.

§ 6.124 Grace period for payment of first premium payable on United States Government life insurance and total disability insurance after termination of a total and permanent disability insurance award and a total disability insurance award.

United States Government life insurance and total disability insurance shall not lapse during the period between the termination of a total and permanent disability insurance award or the termination of a total disability insurance award and 31 days from the due date of the first premium payable after such termination or 31 days from the date of notice mailed to the insured's last address of record advising of the termination of the award and the amount and due date of the first premium so payable, whichever is the later date. If the premium or premiums be not paid within said 31 days, the insurance policy and the total disability provision shall lapse in accordance with the terms and conditions thereof and shall otherwise be subject to the terms and conditions of said policy and provision. A letter by registered mail will be mailed to the insured at his last address of record advising of the due date of the first premium payable after termination of the award, and of the amount of insurance, and the amount due as premiums. The mailing of such letter to the insured's last address of record will be sufficient notice within the provisions of this section, and the failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for an extension of time under this section.

29. Section 6.126 is revised to read as follows:

§ 6.126 Death by suicide.

Payment of claims arising under yearly renewable term insurance and United States Government life insurance, validly granted, and where said insurance was in force at the time of the death of the insured, shall not be refused or contested on the ground that death was by suicide, sane or insane.

30. Section 6.150 is revised to read as follows:

§ 6.150 Claims alleging insurance contract where there is no application for insurance on file.

In those cases where claim is made alleging that a person made valid application for yearly renewable term (War Risk) insurance or United States Government life insurance, and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and, in case of death, that there was a valid designation of beneficiary, or that there is entitlement to total disability benefits, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not become permanently and totally disabled, or die at a time when the insurance would have been in force if insurance has been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that, unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 784 of Title 38, United States Code, as far as the Veterans Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans Affairs by giving notice in writing in accordance with Veterans Administration Regulations. The Chief Insurance Director or Deputy Chief Insurance Director will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity having jurisdiction over the insurance death claim.

31. The centerhead immediately preceding § 6.153 is amended to "Payment of Insurance Benefits to Minors Following Discharge From the Active Military, Naval or Air Service".

32. Section 6.153 is revised to read as follows:

§ 6.153 Payment of insurance benefits to minors following discharge from the active military, naval or air service.

The minority of a person who has been discharged from the active military, naval or air service of the United States will not preclude direct payment of either United States Government life insurance of National Service life insurance to such person. (Sec. 3202(a) of Title 38, United States Code.)

33. Sections 6.161 and 6.162 are revised to read as follows:

§ 6.161 Authority for the total disability provision for United States Government life insurance.

The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of Title 38, United States Code is subject in all respects to the applicable provisions of Title 38, United States Code or any amendments thereto, and all United States Government life insurance regulations now in force or hereafter adopted, all of which together with the insured's application, report of physical examination, tender of premium, and the total disability provision shall constitute the contract.

§ 6.162 Application for total disability provision authorized by section 748 of Title 38, United States Code.

Applications for the total disability provisions for United States Government life insurance and the report of physical examination shall be on such forms as may be prescribed by the Veterans Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with a report of a physical examination and remittance sufficient to cover the first monthly premium will be sufficient as an application for the total disability provision.

34. In § 6.162a, the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 6.162a Application for reinstatement and issue of the total disability provision pursuant to section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.

(a) Any person having a United States Government life insurance policy on a permanent plan with a total disability provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability provision was in force, upon meeting the requirements for reinstatement of such insurance pursuant to the provisions of § 6.86 may at the same time reinstate the lapsed total disability provision without medical examination upon (1) written application signed by any such person, (2) payment of the required reserve, and (3) the full premium on the total disability provision for the month in which application is made .

(b) Any person having a United States Government life insurance policy on a permanent plan with a total disability provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability provision was in force, upon meeting the requirements for issuance of United States Government life insurance pursuant to the provisions of § 6.2(a), may be issued at the same time a total disability provision without medical examination upon written application signed by the applicant and payment of the required premium: *Provided*, That the total disability provision issued pursuant to this paragraph shall not be in excess of the total disability insurance which lapsed at the time the life insurance was surrendered prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act.

35. Section 6.162b is revised to read as follows:

§ 6.162b Payment of total disability benefits on United States Government life insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code.

Payment under the total disability provision attached to permanent plan insurance and issued or reinstated pursuant to section 5 of Public Law 23, 82d Congress, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code shall not be denied because the total disability of the applicant commenced prior to the date of his application for issuance or reinstatement of such provision. If the insured was totally disabled at the time of issuance or reinstatement of the total disability provision and (a) such disability had existed for less than 4 consecutive months, payment will commence in accordance with the provisions of § 6.164, and (b) if such disability had existed for at least 4 consecutive months, payment will commence on the first monthly anniversary date of total disability on or subsequent to the effective date of the issue or reinstatement of such insurance but in no event more than 6 months prior to receipt of due proof: *Provided*, That on insurance issued or reinstated pursuant to section 623 of the National Service Life Insurance Act, while the applicant is in active service, payment of total disability benefits shall not commence prior to the first monthly anniversary date of total disability on or after January 1, 1957.

36. In § 6.163, the headnote and introductory paragraph are amended to read as follows:

§ 6.163 Effective date of the total disability provision authorized by section 748 of Title 38, United States Code.

The total disability provision for United States Government life insurance will be effective:

37. In § 6.14, the headnote, introductory paragraph, and the 12th paragraph of the Total Disability Provision beginning "This provision is issued under authority of * * *" are amended to read as follows:

§ 6.164 Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of Title 38, United States Code.

The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930 and section 748 of Title 38, United States Code, is as follows:

* * * * *

This provision is issued under authority of section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and section 748 of Title 38, United States Code, and is subject to the applicable provisions of Title 38, United States Code, and amendments and supplements thereto, and to the Regulations of the Veterans Administration now in force or hereafter published. The terms and conditions of the policy which are not contrary to or inconsistent with the terms and conditions of this provision are hereby expressly made a part of this provision.

38. Section 6.165 is revised to read as follows:

§ 6.165 Disabilities deemed to be total.

Without prejudice to any other cause of disability, the loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden shall be deemed to be total disability for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and monthly income payments for any of these specifically enumerated causes of total disability may be paid from the first day of the fifth consecutive month of such continuous total disability. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper through the normal organs of speech if such loss is caused by organic changes in such organs. Where such loss exists, the fact that some speech can be produced through the use of an artificial appliance or other organs of the body will be disregarded. However, such anatomical and functional loss shall not be deemed to be a total disability under a total disability provision originally issued on and subsequent to December 15, 1936.

39. Sections 6.175, 6.176, 6.178, 6.179, 6.180, and 6.181 are revoked:

§ 6.175 Grace for payment of premiums; 5-year level premium term policy. [Revoked]

§ 6.176 Reinstatement; 5-year level premium term policy. [Revoked]

§ 6.178 Indebtedness at maturity of policy; 5-year level premium term policy. [Revoked]

§ 6.179 Recovery from disability; 5-year level premium term policy. [Revoked]

§ 6.180 Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after the expiration of the term period. [Revoked]

§ 6.181 Grace period for payment of first premium payable on United States Government life insurance and total disability insurance after termination of a total and permanent disability insurance award and a total disability insurance award. [Revoked]

40. The centerhead immediately preceding § 6.185 is amended to "Premium Waiver on United States Government Life Insurance Under Section 622, National Service Life Insurance Act, as amended, and section 724 of Title 38, United States Code."

41. In § 6.185, the headnote and paragraphs (j), (k), and (l) are amended to read as follows:

§ 6.185 Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended, and section 724 of Title 38, United States Code.

* * * * *

(j) Waiver of premiums under this section shall not include the premiums due and payable on the total disability provision attached to such United States Government life insurance policy.

(k) During any period waiver of premium is effective under this section the insurance shall be nonparticipating.

(l) A 5-year level premium term policy on which premiums have been waived under this section during any portion of the term period shall have no reserve value.

42. Section 6.186 is revised to read as follows:

§ 6.186 Surrender of permanent plan policies of United States Government life insurance, in force for less than 1 year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.

A permanent plan policy of United States Government life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which was not lapsed could be surrendered by the insured while in active service prior to January 1, 1957, with right of replacement pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act, or section 781 of Title 38, United States Code, upon written request therefor and upon complete surrender of the insurance with all claims thereunder.

43. The centerhead immediately preceding § 6.190 is amended to "Determination of Liability Under Sections 302 and 313, World War Veterans' Act, 1924, Sections 607 and 602(v)(2), National Service Life Insurance Act, 1940, as amended, and Sections 721 and 757 of Title 38, United States Code."

44. Section 6.190 is revised to read as follows:

§ 6.190 Establishment of committees on extra hazards of service.

There are hereby established in the Department of Insurance the necessary committees to make determinations on extra hazards of service (sections 302 and 313, World War Veterans' Act, 1924, sections 607 and 602(v)(2), National Service Life Insurance Act, 1940, as amended, and sections 721 and 757 of Title 38, United States Code) which will be in charge of chairmen who shall be responsible for the proper functioning of such committees. Each committee shall be composed of the chairman and such regular members, alternate members, and other personnel as may be found necessary for the purpose of executing the duties and functions assigned thereto.

45. Section 6.192 is revised to read as follows:

§ 6.192 Definition of "disease or injury traceable to the extra hazard of the military or naval services".

(a) In cases wherein, pursuant to the provisions of the War Risk Insurance Act and the amendments thereto or of the World War Veterans' Act and the amendments thereto or the United States Government life insurance provisions of Title 38, United States Code, a determination has been made that a disease or injury has been suffered or contracted in the active military or naval service during the period beginning April 6, 1917 and ending July 2, 1921, and notwithstanding such disease or injury the insured has been permitted under the provisions of said War Risk Insurance Act, World War Veterans' Act, or Title 38 of the United States Code to reinstate or to convert insurance into United States Government life insurance, the subsequent death or total permanent disability of the insured, if found to be traceable to the said disease or injury, shall, for the purpose of determining liability under section 302 of the World War Veterans' Act or section 757 of Title 38, United States Code, be held to be the result of disease or injury traceable to the extra hazard of the military or naval service.

(b) In other cases, disease or injury may be found to be traceable to the extra hazard of the military or naval service when it appears from the evidence that the said disease or injury was in fact caused by or is traceable to the performance of duty in the active military, naval, or air service (as that term is defined in section 101 of Title 38, United States Code).

46. Section 6.206 is revised to read as follows:

§ 6.206 Reconsideration of insurance claims where suits have terminated in favor of the Government.

Where suit has been brought against the United States under section 19 of the World War Veterans' Act, 1924, as amended, or section 784 of Title 38, United States Code, for the benefits of yearly renewable term insurance, automatic, or United States Government life insurance because of alleged total permanent disability, or total disability as defined in the total disability provision attached to United States Government life insurance policies, or under section 617 of the National Service Life Insurance Act of 1940, as amended, or section 784 of Title 38, United States Code, and judgment on the merits in favor of the Government has been entered, the claim will be reconsidered only where it is definitely shown that new and material evidence has been produced which was not presented to the court, or that manifest error was made.

(72 Stat. 1114; 38 U.S.C. 210)

47. In Part 8, §§ 8.0, 8.1, and 8.2 are revised to read as follows:

§ 8.0 Eligibility.

(a) *Applications for insurance under section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.* (1) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrendered a permanent plan of National Service life insurance, which was not lapsed, for its cash value under the provisions of § 8.27 (a) or (b) or under § 8.114 if the policy had no cash value, shall be granted a new policy of National Service life insurance in accordance with § 8.110(a) provided a written application signed by the applicant and payment of the required premium are made on or after January 1, 1959, within the period set forth in subparagraph (3) of this paragraph and the other conditions of that subparagraph are met. Such insurance shall be granted without medical examination. If the applicant is mentally incompetent, the application for insurance under this subparagraph may be made only by the guardian (committee or conservator) and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(2) Any person having National Service life insurance on the 5-year level premium term plan, the term of which expired while such person was in the active service after April 25, 1951, or within 120 days after separation from such active service, and in either case prior to January 1, 1957, shall be granted National Service life insurance on the 5-year level premium term plan in accordance with § 8.110(b): *Provided*, a written application signed by the applicant, payment of the required premium and evidence of good health satisfactory to the Administrator are submitted on or after January 1, 1959, within the period set forth in subparagraph (3) of this paragraph and the other conditions of that subparagraph are met.

(3) Any person whose permanent plan insurance was surrendered or whose term insurance expired under the conditions provided in this paragraph, and who had continuous indemnity protection from the surrender or expiry date to January 1, 1957, continuous active service from January 1, 1957, to January 1, 1959, and continuous active duty thereafter, may make application for insurance under this paragraph while on continuous active duty or within 120 days after separation from such service or duty. A person who reenters active service or duty on the date of separation or the following day shall be deemed to be in continuous active service or on continuous active duty.

(4) An application for insurance under this paragraph should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application.

(b) *Applications for insurance under section 722(a) of Title 38, United States Code.* (1) Any person who is released from active military, naval, or air service (as that term is defined in sec. 101 of Title 38, United States Code) under other than dishonorable conditions, on or after April 25, 1951, shall be granted National Service life insurance as provided in § 8.111 upon compliance with the following conditions:

(i) Written application signed by the applicant.

(ii) Proof, satisfactory to the Administrator, that the applicant is suffering from a service-connected disability (or disabilities) for which compensation is or would be payable, if 10 per centum or more in degree and except for which such person would be insurable according to the standards of good health established by the Administrator (§ 8.1).

(iii) Written application for such insurance must be submitted within 1 year from the date service connection of such disability is first determined by the Veterans Administration by a rating made subsequent to discharge: *Provided*, That if the applicant is shown by evidence satisfactory to the Administrator to have been mentally incompetent during any part of the 1-year period, application under this paragraph may be filed within 1 year after a guardian is appointed or within 1 year after the removal of such mental incompetency as determined by the Administrator, whichever is the earlier date. If a guardian was appointed or the removal of such disability occurred before January 1, 1959, application under this paragraph may be made within 1 year after that date.

(iv) Payment of the required premium.

(2) An application for insurance under this paragraph should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application. If the applicant is mentally incompetent, the application may be made only by the guardian and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(3) The words "dishonorable conditions" as used in this paragraph are defined in § 3.64 of this chapter.

(c) *Application for insurance issued under section 621 of the National Service Life Insurance Act, as amended.* Insurance heretofore issued under section 621 of the National Service Life Insurance Act is subject to the provisions of § 8.112 (a) and (c). No National Service life insurance shall be granted to any person under such section on or after January 1, 1957, unless prior to such date an acceptable application accompanied by proper and valid remittances or authorizations for payment of premiums (1) was received by the Veterans Administration, (2) was placed in the mails properly directed to the Veterans Administration, or (3) was delivered to an authorized representative of any of the uniformed services.

§ 8.1 Definition of good health.

The words "good health," when used in connection with insurance, mean that the applicant is, from clinical or other evidence, free from disease, injury, abnormality, infirmity, or residual of disease or injury to a degree that would tend to weaken or impair the normal functions of the mind or body or to shorten life.

§ 8.2 Effective date.

(a) *Effective date of insurance applied for under section 722(a) of Title 38, United States Code.* (1) The effective date of National Service life insurance issued under the provisions of section 722(a) of Title 38, United States Code, shall not be established in any event prior to April 25, 1951, nor prior to the date of entry into active service.

(2) Subject to the limitations in subparagraph (1) of this paragraph, the effective date of such insurance may be established upon written request of the applicant as follows:

(i) As of the date on which valid application and tender of premium are made.

(ii) As of the first day of the month in which valid application and tender of premium are made.

(iii) As of the first day of the month following the month in which valid application and tender of premium are made.

(iv) As of the first day of any month, but not more than 6 months prior to the month in which valid application and tender of premium are made: *Provided*, That there be paid (*a*) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (*b*) the full premium on the amount of insurance for the month in which application is made.

(3) Unless otherwise specified by the applicant, the effective date of such National Service life insurance shall be established as of the date on which valid application and tender of premiums are made.

(b) *Effective date of insurance applied for under section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.* (1) The effective date of National Service life insurance issued under the provisions of section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code may be established upon written request of the applicant as follows:

(i) As of the date on which valid application and tender of premiums are made.

(ii) As of the first day of the month in which valid application and tender of premiums are made.

(iii) As of the first day of the month following the month in which valid application and tender of premiums are made.

(iv) As of the first day of any month, but not more than 6 months prior to the month in which valid application and tender of premiums are made: *Provided*, That there be paid (*a*) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (*b*) the full premium on the amount of insurance for the month in which application is made.

(2) Unless otherwise specified by the applicant, the effective date of such National Service life insurance shall be established as of the date on which valid application and tender of premiums are made.

48. Section 8.7 is revised to read as follows:

§ 8.7 Payment of insurance premiums by mail.

When it appears by proof satisfactory to the Administrator of Veterans Affairs that the person to whom National Service life insurance has been granted, or any person acting on his behalf has deposited in the mail within the grace period allowed by Veterans Administration regulation for payment of a premium an envelope properly addressed to the Veterans Administration, Washington 25, D.C., or any field station of the Veterans Administration, containing money, check, draft, or money order, in payment of premium, such insurance will not lapse for a nonpayment of such premium within the grace period: *Provided*, That any such check or draft is paid on presentation for payment or the conditions of § 8.7a are met.

49. In § 8.8, the introductory paragraph and paragraphs (a) and (b) are amended to read as follows:

§ 8.8 Deduction of insurance premiums from compensation, retirement pay, or pension.

The insured under a National Service life insurance policy which is not lapsed may authorize the monthly deduction of premiums from disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension that may be due and payable to him under any laws administered by the Veterans Administration in accordance with the following provisions.

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable, on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 3202(f) of Title 38, United States Code, and § 13.201 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and in appropriate cases by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

(b) The monthly disability compensation, death compensation, dependancy and indemnity compensation, retirement pay, disability pension, or death pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

50. Sections 8.9, 8.10, and 8.11 are revised to read as follows:

§ 8.9 Authorization for deduction of insurance premiums from compensation, retirement pay, or pension.

The authorization for deductions from disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension, to be acceptable for the payment of insurance premiums, must be executed and mailed or otherwise delivered to the Veterans Administration while the insurance is not lapsed. Such an authorization will be effective against the benefit payment for the month in which it is mailed or otherwise delivered to the Veterans Administration, unless the insured elects to have the authorization become effective against the benefit payment for a succeeding month. However, the deduction made from the benefit payment for the month in which the authorization becomes effective shall be for the insurance premium due in the succeeding calendar month. When premium deductions are authorized in accordance with the provisions of Veterans Administration regulations, the Veterans Administration will

make monthly deductions from the benefit payment due and payable to the insured of an amount sufficient to pay the monthly insurance premium. Such deductions will continue so long as the benefit payment due and payable to the insured is sufficient to pay the monthly insurance premium or until the authorization is revoked by the veteran or otherwise terminated.

§ 8.10 Premiums to be deducted from compensation, retirement pay, or pension treated as paid for purpose of preventing lapse.

When premium deductions are authorized by the insured under National Service life insurance, in accordance with the provisions of Veterans Administration regulations, the insurance premium will be treated as paid for the purpose of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension sufficient to provide the payment. Any premium authorized to be deducted from such compensation, retirement pay, or pension, due and payable to the insured and not actually paid, shall be deducted from the amount of such current compensation, retirement pay, or pension that may become due and payable to the insured. The amounts so deducted for premiums shall, except as otherwise provided in §§ 8.102 and 8.103, be deposited and covered into the Treasury to the credit of the National Service Life Insurance Fund.

§ 8.11 Termination of the authorization to deduct insurance premiums from compensation, retirement pay, or pension.

Deduction of insurance premiums on National Service life insurance shall cease and the authorization shall terminate if the disability compensation, death compensation, dependency and indemnity compensation, retirement pay, disability pension, or death pension becomes insufficient to provide the premium, or if such compensation, retirement pay, or pension is no longer due and payable to the insured. If authorization was executed by the Manager of a Veterans Administration hospital or domiciliary or chief officer of a State hospital or other institution to make deductions from an institutional award, the authorization will cease and terminate at the termination of the institutional award, and if subsequent premiums are to be paid by deduction from monthly benefit payments, another authorization must be executed by the insured or his legal representative or his wife. (See § 8.8(a)). The insurance shall lapse after the termination or cancellation of the authorization to deduct premiums from such compensation, retirement pay, or pension, unless the premium be otherwise paid within the grace period. The insured will be notified, by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice shall not prevent lapse of the insurance.

51. In § 8.18, paragraph (b) is amended to read as follows:

§ 8.18 Lapse while insured is in active military or naval service. National Service life insurance will lapse and terminate while the insured is in the active military or naval service of the United States:

* * * * *

(b) If the service department shall discontinue the allotment and premium is not otherwise paid prior to expiration of the grace period.

52. Section 8.20 is revoked:

§ 8.20 Nonlapse of insurance during active service prior to date of enactment of Public Law 589, 79th Congress. [Revoked]

53. In § 8.22, paragraphs (a) and (b) are amended to read as follows:

§ 8.22 Reinstatement of National Service life insurance.

(a) *Reinstatement of National Service life insurance except insurance reinstated pursuant to section 623 of the National Service Life Insurance Act or Section 781 of Title 38, United States Code.* Subject to the National Service life insurance provisions of Title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 8.23 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans Affairs. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided,* That no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default. The payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A lapsed National Service life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. National Service life insurance on the level premium term plan may be reinstated by written application of the insured accompanied by evidence of insurability and tender of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected; but such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. Application for reinstatement of level premium term insurance accompanied by evidence of insurability and tender of premiums must be submitted prior to the expiration of the 5-year term period, except as provided in § 8.85.

(b) *Applications for reinstatement of insurance pursuant to section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.* (1) Any person who, while in the active service on or after April 25, 1951, and prior to January 1, 1957, surrendered a permanent plan policy of National Service life insurance which was not lapsed, for its cash value under the provisions of § 8.27(a) or (b), or under § 8.114 if the policy had no cash value, upon written application made by any such person on or after January 1, 1959, within the period set forth in subparagraph (2) of this paragraph and upon meeting the other conditions of that subparagraph, may reinstate such surrendered National Service life insurance (or any portion thereof in multiples of $500, not less than $1,000) without medical examination upon payment of (i) an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made and (ii) the full premium on the amount of insurance for the month in which application is made. If the applicant is mentally incompetent the application for reinstatement under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(2) Any person whose permanent plan insurance was surrendered under the conditions provided in this paragraph, and who had continuous indemnity protection from the date of surrender to January 1, 1957, continuous active service from January 1, 1957, to January 1, 1959, and continuous active duty thereafter, may make application for reinstatement under this paragraph while on continuous active duty or within 120 days after separation from such service or duty. A person who reenters active service or duty on the date of separation or the following day shall be deemed to be in continuous active service or on continuous active duty.

54. Sections 8.23 and 8.24 are revised to read as follows:

§ 8.23 Health requirements.

National Service life insurance on any plan may be reinstated if application and tender of premiums are made:

(a) Within 3 premium months including the premium month for which the unpaid premium was due, provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator.

(b) After expiration of the 3-month period mentioned in paragraph (a) of this section, provided applicant is in good health (§ 8.1) on the date of application and tender of premiums and furnishes evidence thereof satisfactory to the Administrator of Veterans Affairs.

§ 8.24 Application and medical evidence.

The applicant for reinstatement of National Service life insurance, during his lifetime and before becoming totally disabled, must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23(a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23(a) must be accompanied by report of physical examination made in accordance with the provisions of § 8.64: *Provided,* That, if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his non-compliance, the Director, Accounts and Underwriting Service, in Central Office; Assistant Managers for Insurance, VA Centers, Denver, Colorado, and St. Paul, Minnesota, and Director, Insurance Service in the District Office in Philidelphia, Pennsylvania, may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums), or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

55. In § 8.46, paragraph (a) is amended to read as follows:

§ 8.46 Beneficiary designations.

(a) The insured shall have the right to designate as beneficiary any person or persons, firm, corporation, or other legal entity (including the estate of the insured), individually or as trustee, for insurance maturing on or after August 1, 1946: *Provided,* That as to any insurance which matured prior to August 1, 1946, designated beneficiaries shall be restricted to persons within the permitted class of designated beneficiaries as follows: Wife (husband), child (including an adopted child, stepchild, illegitimate child), parent (including parent through adoption, stepparent, and persons who stood in loco parentis to the insured for a period of not less than 1 year prior to entry into active service), brother or sister (including those of the halfblood and through adoption) of the insured.

56. In § 8.48, the introductory paragraph is amended to read as follows:

§ 8.48 Class and order of payment to other than designated beneficiary.

If no beneficiary was designated by the insured for insurance which matured prior to August 1, 1946, or if the designated beneficiary of such insurance did not survive the insured or dies or has died prior to completion of payment of the installments certain, the installments of insurance remaining unpaid shall be paid to persons in the permitted class of beneficiaries and in the order named:

57. The centerhead immediately preceding § 8.49 is amended to "Settlement Where Insurance Matured Prior to August 1, 1946."

58. Sections 8.49 and 8.50 are revised to read as follows:

§ 8.49 Limitations on entitlement and payment.

(a) Any payment of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments. The following provisions are applicable only to insurance which matured prior to August 1, 1946. No person shall have a vested right to any installment or installments of the insurance, and no installment of insurance shall be paid to the heirs, creditors, or legal representatives as such of the insured or of any beneficiary except as provided in § 8.60. If no person within the permitted class survives to receive the insurance or any part thereof, no payment of the unpaid installments shall be made, except that if the reserve of a converted policy, together with dividend accumulations, less any indebtedness under such policy, exceeds the amount paid to the beneficiaries, such excess shall be paid to the estate of the insured unless the estate of the insured would escheat under the laws of his place of residence, in which event no payment shall be made.

(b) When the amount of an individual monthly payment is less than $5, such amount may in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually.

§ 8.50 Payment to first beneficiary where insurance matured prior to August 1, 1946.

Upon due proof of the death of the insured prior to August 1, 1946, and while a National Service life insurance policy is in force, the monthly installments without interest, which have accrued since the death of the insured (the first installment being due on the date of the death of the insured), and the monthly installments which thereafter become payable in accordance with the provisions of the policy shall be paid, as provided in § 8.75, to the beneficiary or beneficiaries entitled.

59. Sections 8.60 and 8.61 are revised to read as follows:

§ 8.60 Taxation and exemption.

(a) Payments of National Service life insurance as such are exempt from taxation, but such exemption does not extend to any property purchased in part or wholly out of such payments. Payments of insurance to a beneficiary under a National Service life insurance policy are exempt from claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.

(b) The exemption shall apply against the United States or any agency thereof: *Provided,* That except as to dividends being held to the credit of the insured for the payment of premium under the provisions of Public Law 36, 82d Congress, or section 707 of Title 38, United States Code, the United States shall be entitled to collect by setoff or otherwise out of benefits, payable to any beneficiary under a National Service life insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans Administration: *Provided further,* That in the settlement of any claim under a National Service life insurance policy, the United States shall be entitled to deduct the amount of unpaid premiums, or loans, or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits; or any other indebtedness existing under the particular insurance contract.

(c) Effective January 1, 1958, payments of insurance to a beneficiary under a National Service life insurance policy shall be subject to levy for taxes due the United States by such beneficiary (sec. 3101(c) of Title 38, United States Code.

§ 8.61 Insurance forfeiture.

Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States or refuses to wear the uniform of such forces, shall forfeit all rights to insurance. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of death of the insured shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in the order specified in

section 716(b) of Title 38, United States Code.

60. Sections 8.63, 8.64, 8.65, 8.66, 8.69, and 8.70 are revised to read as follows:

§ 8.63 Refund of premiums in fraud cases.

Where National Service life insurance is canceled or voided for fraud and notice thereof is mailed after March 16, 1954, any premiums paid on such insurance for any period subsequent to 2 years after the date insurance was issued, reinstated, or converted because of such fraud shall be refunded without interest. On antedated policies the date of issue or conversion for the purpose of this section is the due date of the first full premium. The amount of any dividends, loan, or other insurance payment made as a result of the fraudulent issue, reinstatement, or conversion shall be deducted from such refund. The refund shall be made to the insured, if living, otherwise to the designated beneficiary; or, if no designated beneficiary survives, to the insured's estate.

§ 8.64 Examination of applicants for insurance or reinstatement.

Where physical or mental examination is required of an applicant for National Service life insurance or of an applicant for reinstatement of National Service life insurance, such examination may be made by a medical officer of the United States Army, Navy, Air Force, or Public Health Service, or may be made free of charge to him by a full-time or part-time salaried physician at a regional office or hospital of the Veterans Administration. Such examination may also be made, at the applicant's own expense, by a physician duly licensed for the practice of medicine by a State, Territory of the United States, or the District of Columbia, or by a duly licensed osteopathic physician who is a graduate of a recognized and approved college of osteopathy and who is listed in the current directory of the American Osteopathic Association. Such examination may be made by a physician or osteopath who is not related to the applicant by blood or marriage, associated with him in business, or pecuniarily interested in the issuance or reinstatement of the policy. Examinations made in a foreign country by a physician duly licensed for the practice of medicine and otherwise acceptable may be accepted if submitted through the American consul. The Administrator of Veterans Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

§ 8.65 Examination in connection with total disability benefits.

Physical examination in connection with claim for total disability benefits may be made by a medical officer of the United States Army, Navy, Air Force, or Public Health Service, or may be made at Government expense by a full-time or part-time salaried physician at a regional office or hospital of the Veterans Administration. If an insured is unable to travel, because of physical or mental condition, the Manager of a regional office or hospital may, on his own initiative or at the request of the insurance activity concerned, authorize at Government expense examination at the residence of the insured. The Administrator of Veterans Affairs may require such further medical examination or such additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the insured.

§ 8.66 Expenses incident to examination for insurance purposes.

Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or hospitals shall be furnished when the insured is ordered to report for examination at the specific request of the Director, Accounts and Underwriting Service or Insurance Claims Service in Central Office; Assistant Managers for Insurance, VA Centers Denver, Colorado, and St. Paul, Minnesota, and Director, Insurance Service in the District Office in Philadelphia, Pennsylvania, or the Manager of a regional office or hospital: *Provided*, Such expenses will be borne by the United States and will be paid from the applicable appropriation of the Department of Medicine and Surgery. Transportation, meal, and lodging requests in connection with reporting to and returning from the place of examination may be furnished the applicant, or the applicant may travel at his own expense and claim reimbursement for such travel on a mileage basis, provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis, payment will be made at a fee not in excess of the schedule of fees in effect and approved by the Veterans Administration for medical and professional services in the State in which the examination is made. Where no approved State fee schedule is in effect or where a fee for the type of examination authorized is not listed in the approved State fee schedule in effect, such examinations will be furnished at a fee not in excess of that listed in the "Guide for Charges for Medical and Ancillary Services" of the Department of Medicine and Surgery in effect at the time the examination is authorized. If the particular examination is not covered by a schedule in effect and/or the said guide, a fee not in excess of what is reasonable and customarily charged in the community concerned may be allowed.

§ 8.69 Definition of "disease or injury traceable to the extra hazards of the military or naval service."

A disease or injury may be found to be traceable to the extra hazards of the military or naval service when it appears from the evidence that the said disease or injury was in fact caused by, or is traceable to, the performance of duty in the active military, naval, or air service (as that term is defined in section 101 of Title 38, United States Code).

§ 8.70 Claims alleging insurance contract where there is no application for insurance on file.

In those cases where claim is made alleging that a person made valid application for National Service life insurance, and that the insurance is subject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force, and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that, unless he desires to appeal to the Administrator, a disagreement exists as to the matters in controversy as contemplated by the provisions of section 784 of Title 38, United States Code, as far as the Veterans Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans Affairs by giving notice in writing in accordance with Veterans Administration regulations. The Chief Insurance Director or the Deputy Chief Insurance Director will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity in the office having jurisdiction over the insurance death claim.

61. In § 8.71, the introductory paragraph is amended to read as follows:

§ 8.71 Parents, brothers, and sisters of illegitimates.

If the insured was born an illegitimate and not legitimatized before his death, the terms "parent," "father," "mother," "brother," and "sister" employed in the National Service Life Insurance Act, as amended, and the National Service life insurance provisions of Title 38, United States Code, shall include as to relationship by consanguinity:

62. In § 8.75, the introductory paragraph is amended to read as follows:

§ 8.75 Mode of payment where insurance matured prior to August 1, 1946.

National Service life insurance which matured prior to August 1, 1946, shall be payable in the following manner:

63. In § 8.77, paragraph (b)(2) is amended to read as follows:

§ 8.77 Election of optional settlement by beneficiary.

* * * * *

(b) * * *

(2) Except as provided below in this subparagraph, a change in the mode of settlement is not authorized in any case in which payment has commenced, and settlement under any one of the options shall be in full and complete discharge of all liability under the contract: *Provided*, That where payments were commenced on or after September 30, 1944, but before the beneficiary was advised of the right of election, change in the mode of settlement may be effected if such beneficiary so elects within a reasonable period, ordinarily not more than 60 days, after notice has been sent regarding optional settlement: *Provided further*, That in any case in which payments were commenced prior to September 30, 1944, the beneficiary, whether or not the first beneficiary, may, within 2 years after August 1, 1946, elect a refund life income (option 4) payable in monthly installments adjusted as of the date of maturity of the insurance and based upon the age of the original payee at such maturity date, credit being allowed for payments made under the present mode of settlement.

64. In § 8.79, the headnote and introductory paragraph are amended to read as follows:

§ 8.79 Optional settlements on insurance issued under the provisions of the National Service Life Insurance Act of 1940, as amended, prior to April 26, 1951.

The optional settlements under a National Service life insurance policy maturing on or after August 1, 1946, are as follows:

65. In § 8.80a, the headnote and introductory paragraph are amended to read as follows:

§ 8.80a Payment to a beneficiary where the monthly installment of insurance, issued under the National Service Life Insurance Act, as amended prior to April 26, 1951, is less than $10 under the option selected.

Where payment is to be made in 12 or 24 monthly installments (see § 8.77(a)(5)), the amount of each monthly installment will be paid in accordance with the following table:

66. Section 8.81 is revised to read as follows:

§ 8.81 Maturity by death during total disability of less than 6 months' duration.

In the event of the death of the insured within 6 months after becoming totally disabled, insurance will be deemed in force if such disability commenced (a) subsequent to the date of application for insurance, (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's 60th birthday, and continued without interruption until the insured's death: *Provided*, That proof of the foregoing facts, satisfactory to the Administrator of Veterans Affairs, is filed by the beneficiary with the Veterans Administration within 1 year after the insured's death: *Provided further*, That if the beneficiary be insane or a minor, the proof of such facts may be filed within 1 year after removal of such disability: *And provided further*, That the amount of the unpaid premiums shall be a lien against and deducted from the proceeds of the insurance.

67. Section 8.84 and the centerhead immediately above which reads "Automatic Extension of 5-Year Level Premium Term Insurance" are revoked:

§ 8.84 Five-year level premium term insurance as extended by Public Law 118, 79th Congress. [Revoked]

68. Section 8.93 is revised to read as follows:

§ 8.93 Selection of optional settlements for minors and incompetents.

When an optional mode of settlement of National Service life insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by his fiduciary, person qualified under section 14 of Title 25, United States Code, or person recognized by the Administrator as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected.

69. Section 8.95 is revised to read as follows:

§ 8.95 Authority for the total disability income provision for National Service life insurance.

The total disability income provision for National Service life insurance authorized by section 602(v) of the National Service Life Insurance Act, 1940, as amended, and section 715 of Title 38, United States Code, is subject in all respects to the applicable provisions of Title 38, United States Code, or any amendments thereto and all National Service life insurance regulations now in force or hereafter adopted, all of which together with the insured's application, evidence of good health, tender of premium, and the total disability income provision shall constitute the contract.

70. In § 8.96, paragraph (a) is amended to read as follows:

§ 8.96 Application for total disability income provision and application for reinstatement thereof.

(a) Application for the total disability income provision authorized by Public Law 85–678 and section 715 of Title 38, United States Code, and the evidence of good health should be on such forms as may be prescribed by the Veterans Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with evidence of good health satisfactory to the Administrator and remittance to cover the first monthly premium, will be sufficient as an application for the total disability income provision. Effective November 1, 1958, total disability insurance with benefits at the rate of $10 per month will be granted for each $1,000 of National Service life insurance in force in full multiples of $500, but not to exceed the amount of life insurance, other than extended insurance, in force under the policy at the time of the application, upon compliance with the above requirements: *Provided*, That the total disability income provision authorized by Public Law 85–678 and section 715 of Title 38, United States Code, shall not be added to a National Service life insurance policy containing the total disability income provision issued under section 602(v) of the National Service Life Insurance Act, as amended, August 1, 1946, except (1) upon complete surrender of such total disability income provision with all claims thereunder (except as to rights which have matured for a period prior to the surrender), (2) written application signed by the applicant, (3) proof, satisfactory to the Administrator, that the applicant is in good health, and (4) payment of the first monthly premium determined by the Administrator to be required in such cases: *Provided further*, That no total disability income provision shall be issued on insurance granted under the provisions of section 620 of the National Service Life Insurance Act, as amended, or section 722(a) of Title 38, United States Code.

71. In § 8.96a, the headnote and paragraphs (a), (b), and (d) are amended to read as follows:

§ 8.96a Application for reinstatement and issue of the total disability income provision pursuant to section 623 of the National Service Life Insurance Act and section 781 of Title 38, United States Code.

(a) Any person having a National Service life insurance policy on a permanent plan with a total disability income provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability income provision was in force, upon meeting the requirements for reinstatement of such insurance pursuant to the provisions of § 8.22(b) may at the same time reinstate the lapsed total disability income provision without medical examination upon (1) written application

signed by any such person, (2) payment of the required reserve and (3) the full premium on the total disability income provision for the month in which application is made.

(b) Any person having a National Service life insurance policy on a permanent plan with a total disability income provision attached who surrendered such insurance prior to January 1, 1957, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 at a time when the total disability income provision was in force, upon meeting the requirements for issuance of National Service life insurance pursuant to the provisions of § 8.0(a) (1) may be issued at the same time a total disability income provision without medical examination upon written application signed by the applicant and payment of the required premium: *Provided*, That the total disability income provision issued pursuant to this paragraph shall be on the same terms and conditions and shall not be in excess of the total disability insurance which lapsed at the time the life insurance was surrendered prior to January 1, 1957, pursuant to section 5 of the Servicemen's Indemnity Act of 1951.

* * * * *

(d) Where no total disability income provision was attached to National Service life insurance surrendered prior to January 1, 1957, under the provisions of section 5 of the Servicemen's Indemnity Act of 1951, such provisions may be added to National Service life insurance issued or reinstated under § 8.0(a) (1) or § 8.22 (b) upon compliance with the provisions of § 8.96(a).

72. Section 8.96b is revised to read as follows:

§ 8.96b Payment of total disability benefits on National Service life insurance issued or reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code.

Payment under the total disability income provision (§ 8.98) attached to permanent plan insurance and issued or reinstated pursuant to section 5 of Public Law 23, 82d Congress, section 623 of the National Service Life Insurance Act, or section 781 of Title 38, United States Code, shall not be denied because the total disability of the applicant commenced prior to the date of his application for issuance or reinstatement of such provision. If the insured was totally disabled at the time of issuance or reinstatement of the total disability income provision and (a) such disability had existed for less than 6 consecutive months, payment will commence in accordance with the provisions of § 8.98, and (b) if such disability had existed for at least 6 consecutive months, payment will commence on the first monthly anniversary date of total disability on or subsequent to the effective date of the issue or reinstatement of such insurance but in no event more than 6 months prior to receipt of required proof: *Provided*, That on insurance issued or reinstated pursuant to section 623 of the National Service Life Insurance Act, while the applicant is in active service, payment of total disability income benefits shall not commence prior to the first monthly anniversary date of total disability on or after January 1, 1957.

73. In § 8.97, the headnote and paragraph (c) are amended to read as follows:

§ 8.97 Effective date of the total disability income provision authorized by Public Law 85–678 and section 715 of Title 38, United States Code.

The total disability income provision will be made effective as follows:

* * * * *

(c) No protection shall be granted on the total disability income provision issued under Public Law 85–678 and section 715 of Title 38, United States Code unless the total disability commenced on or after November 1, 1958, and subsequent to the date of application for such provision or the effective date thereof, whichever is later.

74. In § 8.99, the headnote and introductory paragraph are amended to read as follows:

§ 8.99 Total disability income provision for National Service life insurance authorized by Public Law 85–678 and section 715 of Title 38, United States Code.

The total disability income provision for National Service life insurance authorized by Public Law 85–678 and section 715 of Title 38, United States Code, is as follows:

75. Section 8.99a is revised to read as follows:

§ 8.99a Premium rates for the total disability income provision authorized by Public Law 85–678 and section 715 of Title 38, United States Code.

The premium rates for the total disability income provision authorized by Public Law 85–678 and section 715 of Title 38, United States Code, are published in VA Pamphlets 90–5A and 90–12.

76. Section 8.102 is revised to read as follows:

§ 8.102 Crediting of premiums to and payment of benefits from National Service life insurance appropriation.

(a) All premiums collected for insurance granted or reinstated pursuant to the second sentence of section 602(c) (2) or the first proviso of section 602(v) (1) of the National Service Life Insurance Act, as amended, August 1, 1946, shall be credited directly to the National Service life insurance appropriation.

(b) Any payment of benefits on insurance granted or deemed to have been granted pursuant to the foregoing provisions of the National Service Life Insurance Act, as amended; section 602(c) (3) of the act, as amended; section 602 (p) of the act, as amended (second sentence); and, any payment of benefits on insurance continued in force as provided in section 602(m) (2) of the act, as amended, shall be made directly from the National Service life insurance appropriation.

77. In § 8.108, the introductory paragraph and Note immediately following paragraph (q) are amended and new paragraphs (o), (p) and (q) are added as follows:

§ 8.108 Forms of policies.

The forms of policies of insurance, listed in paragraphs (a) through (q) of this section, are hereby prescribed for use in granting National Service life insurance applied for in accordance with the provisions of the National Service Life Insurance Act of 1940, and the National Service life insurance provisions of Title 38, United States Code, amendments and supplements thereto, and Veterans Administration regulations promulgated pursuant thereto. Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms and policy plans listed in paragraphs (a) through (q) of this section, are subject in all respects to the applicable provisions of Title 38, United States Code, amendments and supplements thereto, and all Veterans Administration regulations promulgated pursuant thereto, all of which together with the insured's application, required evidence of health, including physical examination, if required, and tender of premium shall constitute the contract: *Provided*, any such policy that has been or is hereafter issued or reinstated under any provision of the law which provides for premiums being credited to other than the National Service Life Insurance Fund shall not participate in any gains or savings of such fund.

* * * * *

(o) Limited convertible five-year level premium term plan (VA Forms 9–4408 and 9–4412).

(p) Ordinary life plan; Twenty payment life plan; and Thirty payment life plan; (VA Forms 9–4409 and 9–4412).

(q) Twenty year endowment plan; Endowment plan maturing at age 60; and Endowment plan maturing at age 65; (VA Forms 9–4410 and 9–4412).

NOTE: Policy plans in paragraphs (g) through (q) of this section are nonparticipating.

78. The centerhead immediately preceding § 8.110 is amended to "National Service Life Insurance Issued On or After April 25, 1951."

79. Section 8.110 is revised to read as follows:

§ 8.110 National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code.

(a) National Service life insurance on a permanent plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act, or section 781 of Title 38, United States Code, shall be issued on the same plan and under the same terms and conditions as the National Service life insurance which was surrendered: *Provided*, That waiver of premiums under section 602(n) of the National Service Life Insurance Act, as amended, or section 712 of Title 38, United States Code, shall not be denied because the total disability of the applicant commenced prior to the date of his application for such insurance. The amount of permanent plan National Service life insurance issued pursuant to said section 5, section 623, or section 781 shall not be in excess of the amount of insurance which was surrendered.

(b) National Service life insurance on the 5-year level premium term plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code, shall be issued under the same terms and conditions as the National Service life insurance 5-year level premium term policy which expired. The amount of 5-year level premium term insurance issued pursuant to said section 5, section 623, or section 781 shall not be in excess of the amount of term insurance which expired.

(c) The amount of insurance granted under said section 5, section 623 or section 781, plus the amount of any other insurance (National Service life—United States Government life—War Risk) in force under premium-paying conditions or as paid-up or extended insurance, shall not exceed $10,000.

80. Section 8.114 is revised to read as follows:

§ 8.114 Surrender of permanent plan policies of National Service life insurance, in force for less than 1 year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.

A permanent plan policy of National Service life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which was not lapsed could be surrendered by the insured while in active service prior to January 1, 1957, with right of replacement pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, section 623 of the National Service Life Insurance Act or section 781 of Title 38, United States Code, upon written request therefor and upon complete surrender of the insurance with all claims thereunder.

81. Section 8.115 and the centerhead immediately above which reads "Applications for Government Life Insurance Under Section 623, National Service Life Insurance Act, Made by Person in Active Service on January 1, 1957, But Filed Prior to That Date" are revoked:

§ 8.115 Applications for National Service life insurance and United States Government life insurance under section 623, of the National Service Life Insurance Act, which are made by persons in the active service on January 1, 1957, but filed prior to that date. [Revoked]

82. Immediately above § 8.116, a new centerhead is added to read "National Service Life Insurance Granted Under Section 722(b) of Title 38, United States Code."

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective September 11, 1959.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 59–7564; Filed, Sept. 10, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—AREAS SUBJECT TO SPECIAL LAWS

[Circular 2021]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Miscellaneous Amendments

On page 5577 of the FEDERAL REGISTER of July 10, 1959, there was published a notice of proposed rule making to issue regulations to provide for the sale of set-aside timber to qualified small business concerns in accordance with the Small Business Act of July 18, 1958 (72 Stat. 384). Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments, suggestions or objections have been received.

The proposed regulations are hereby adopted without change and are set forth below.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 3, 1959.

1. Section 115.16 is amended by adding a new paragraph (f) to read as follows:

§ 115.16 Definitions.

* * * * *

(f) "Set-aside" means a designation of timber for sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under the authority of section 15 of the Small Business Act of July 18, 1958 (72 Stat. 384).

2. Section 115.17 is amended to read as follows:

§ 115.17 Annual timber sale plan.

Plans for the sale of timber from the O. and C. lands will be developed annually. Suggestions from prospective purchasers of such timber may be received to assist in the development of a sound annual timber sale plan. Such plan shall be advertised in a newspaper of general circulation in the area in which the timber is located. Such advertisement shall indicate generally the probable time when the various tracts of timber included in the plan will be offered for sale, set-asides if any, and the probable location and anticipated volumes of such tracts. The authorized officer may subsequently change, alter or amend the annual timber sale plan.

3. Paragraph (b) of § 115.18 is amended to read as follows:

§ 115.18 Advertising.

* * * * *

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which timber is being offered, the species, estimated quantities, the unit of measurement, appraised values, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, which tracts of timber if any have been designated as set-asides, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

4. Section 115.22 is amended to read as follows:

§ 115.22 Qualifications of bidders.

A bidder for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the State of Oregon. A bidder must also have submitted a deposit in advance of sale as required by § 115.23. To purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration in its regulations (13 CFR Part 121).

5. In § 115.24 the present paragraphs (c) and (d) are redesignated as paragraphs (d) and (e) and a new paragraph (c) is added as follows:

§ 115.24 Conduct of sales.

* * * * *

(c) Only bids of small business concerns which have filed a self-certification statement as required by § 115.22, may be considered for sales subject to set-asides. When no such bids are received, the timber may be sold under paragraph (e) of this section in the same manner as timber not previously made subject to a set-aside. When timber subject to a set-aside is not sold for any other reason, the sale may be rescheduled for a set-aside sale.

(Sec. 5, 50 Stat. 875; 43 U.S.C. 1181e)

[F.R. Doc. 59–7554; Filed, Sept. 10, 1959; 8:47 a.m.]

[Circular 2023]

SUBCHAPTER L—MINERAL LANDS

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Stipulations and Consent of Agency Having Jurisdiction of Land; Notification to Other Parties Controlling Surface

On page 4031 of the FEDERAL REGISTER of May 19, 1959, there was published a notice of proposed amendment of 43 CFR 200.3 as a "Proposed Rule Making." Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment.

The comments and suggestions which were submitted within the 30-day period have been considered, and the proposed amended regulation is approved with the following change: In the first sentence of paragraph (c) of § 200.3, the word "shall" is substituted for the word "should."

The proposed amended regulation, as changed, is hereby adopted and is set forth below.

FRED A. SEATON,
Secretary of the Interior.

SEPTEMBER 4, 1959.

Section 200.3 is amended to read as follows:

§ 200.3 Stipulations and consent of agency having jurisdiction of land; notification to other parties controlling surface.

(a) Leases or permits may be issued only with the consent of the head or other appropriate official of the executive department, independent establishment or instrumentality having jurisdiction over the lands containing the deposits, or holding a mortgage or deed of trust secured by such lands, and subject to such conditions as that official may prescribe to insure adequate utilization of the lands for the primary purpose for which they were acquired or are being administered.

(b) All applications and offers for permits or leases should name, if practicable, the Government agency from which consent to the issuance of a permit or lease must be obtained, or the agency that may have title records covering the ownership of the mineral interest involved, and identify the project, if any, of which the land is a part. Permits or leases to which such consent is necessary will not be issued until the lessee or permittee executes such stipulations as may be required by the consenting agency.

(c) Where the United States has conveyed the title to, or otherwise transferred the control of the surface of the lands containing the deposits to any State or any political subdivision, agency or instrumentality thereof, or a college or any other educational corporation, or association, or a charitable or religious corporation or association, such party shall be given written notification by certified mail of the application for the permit or lease, and shall be afforded a reasonable period of time within which to suggest any stipulations deemed by it to be necessary for the protection of existing surface improvements or uses to be included in the permit or lease, setting forth the facts supporting the necessity thereof, and also to file any objections it may have to the issuance thereof. Where such party opposes the issuance of the permit or lease, the facts submitted in support must be carefully considered and each case separately decided on its merits. However, such opposition affords no legal basis or authority to refuse to issue the permit or lease for the reserved minerals in the lands; in such case, the final determination whether to issue the permit or lease depends upon whether the interests of the United States would best be served thereby.

(Sec. 10, 61 Stat. 915; 30 U.S.C. 359)

[F.R. Doc. 59-7555; Filed, Sept. 10, 1959; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1974]

[Colorado 025125]

COLORADO

Order Providing for Opening of Reclamation Lands to Mineral Location, Entry and Patenting (Colorado—Big Thompson Project)

Under authority of the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described national forest lands, also withdrawn for reclamation purposes in connection with the Colorado Big Thompson Project, shall, commencing at 10:00 a.m. on October 10, 1959, be open to location, entry, and patenting under the United States Mining Laws, subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Denver, Colorado, before any rights in their favor attach thereto:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 75 W.,
Sec. 33, N½NW¼, NE¼NE¼, S½SW¼, and S½SE¼.
T. 2 N., R. 75 W.,
Sec. 32, Lots 1 through 6, incl., N½NW¼, SW¼NW¼, NE¼SW¼, S½SW¼, and S½SE¼.

The areas described aggregate 792.08 acres of public land.

With respect to the lands it shall be stipulated:

(1) In carrying out the mining or milling operations contemplated hereunder, locator will, by means of substantial dikes or other adequate structures, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into Strawberry, Trail or Hurd Creeks or any other tributaries of the Fraser River; or into any stream in Walden Hollow, by storm waters or otherwise.

(2) There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over, and egress from all of the above described lands for the purpose of inspection; there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, dams, reservoirs, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including the right to take and remove from the lands hereinabove described such construction material as may be required in the construction of any Reclamation works, without any payment made by the United States, or its successor for such rights.

(3) The locator further agrees that the United States, its officers, agents, and employees and its successors or assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction material from the lands hereinabove described.

Inquiries concerning these lands shall be addressed to the Land Office Manager, Bureau of Land Management, P.O. Box 1013, 371 New Custom House, Denver 1, Colorado.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 4, 1959.

[F.R. Doc. 59-7556; Filed, Sept. 10, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12933; FCC 59-923]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Availability of Certain Frequencies for Assignment to Delcambre, La. Vicinity

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2506 kc (coast)-2458 kc (ship) available for assignment in the vicinity of Delcambre, Louisiana.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 2d day of September 1959;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of section 4(a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter, which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on July 1, 1959 (24 F.R. 5346), and the period for filing comments has now expired; and

It further appearing, that no comments or objections to the amendments proposed were received; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in the Notice of Proposed Rule Making in this Docket;

It is ordered, That, effective October 14, 1959, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. The table in § 7.306(b) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for New Orleans, Louisiana:

§ 7.306 Availability of frequencies below 30 Mc.

* * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [2]
*	*	*	*	*
Delcambre, La.....	2506	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2458	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

B. Part 8 is amended as follows:

1. The Table in § 8.354(a)(1) is amended by the addition of the following new location, frequencies, and specific limitation of use after the entry for New Orleans, Louisiana:

§ 8.354 Frequencies below 5000 kc for public correspondence.

(a) * * *

(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 7.306(b) of this chapter [2]
*	*	*	*	*
Delcambre, La.....	2458	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2506	Day only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

section of the Eastern district and in the Siskine district, it has been determined that the present extended weekly closed period can be reduced by 24 hours.

Therefore, § 115.5 is amended in paragraph (c) subparagraph (1), and paragraph (d) by deleting "Thursday" and substituting in lieu thereof "Friday".

Since immediate action is necessary if full benefit of this relaxation is to be realized, notice and public procedure on this amendment are not in the public interest, and it shall become effective immediately upon filing at the FEDERAL REGISTER. (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: September 9, 1959.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 59-7609; Filed, Sept. 9, 1959; 2:04 p.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 115—SOUTHEASTERN ALASKA AREA

Reduction of Closed Period

Basis and purpose. Because of the sustained strength of the coho salmon runs in the Taku Inlet-Port Snettisham

§ 8.351 [Amendment]

2. The list of frequencies in § 8.351(a) is amended by adding thereto the frequency "2458" in proper numerical sequence.

[F.R. Doc. 59-7565; Filed, Sept. 10, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 20]

MAMMOTH CAVE NATIONAL PARK, MAMMOTH CAVE, KENTUCKY

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 535; 16 U.S.C., 1952 ed., sec. 1003), authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1952 ed. sec. 3), National Park Service Order No. 14, 19 F.R. 8824, Regional Director, Region One, Order No. 3, 21 F.R. 1493, it is proposed to amend 36 CFR 20.36 as set forth below.

The purpose of this amendment is as follows:

1. Under paragraph (a), *Fishing*, to delete existing creel limits and to clarify present regulations by defining certain terms used.

2. Under paragraph (b), *Speed*, to bring the section covering speed on dirt and gravel roads into conformity with section 1.42 of the general regulations by omitting all of the former special regulations except the statutory speed limit.

3. Under new paragraph (d), *Boats*, to provide for boating on the Green and Nolin Rivers in keeping with the purpose for which the park was set apart and to establish minimum controls which will insure the safety of persons who use these rivers.

This proposed amendment relates to matters which are exempt from the rule-making requirements of the Administrative Procedures Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule-making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions or objections with respect to the proposed amendments to the Superintendent, Mammoth Cave National Park, Mammoth Cave, Kentucky, within thirty

days of the date of publication of this notice in the FEDERAL REGISTER.

PERRY E. BROWN,
Superintendent.

§ 20.36 Mammoth Cave National Park.

(a) *Fishing*—(1) *General.* (i) Seasons: Fishing with pole and line, rod, and reel, trot and throw lines is permitted all year. Use of "snag lines", "jug lines", fish nets and baskets, minnow traps and bows and arrows is not permitted.

(ii) Definitions: For the purpose of this section a trot line is defined as a stationary line containing any number of baited hooks which are spaced at least 30 inches apart. A throw line, like the trot line, may contain a number of baited hooks spaced at least 30 inches apart. It is usually attached to some fixed object along the bank and then cast into the river.

(iii) Commercial fishing: Fishing for merchandise or profit is prohibited within the park.

(2) *Size limit.* There shall be no size limit.

(3) *Creel limit.* There shall be no creel limit.

(4) *Seines and minnows.* (i) Seines may not be used on Green and Nolin Rivers at any time. They may be used in the following runs and creeks to catch minnows and crawfish for bait: Bylew, First, Second, Pine, Big Hollow, Buffalo, Ugly Cub, Blowing Spring, Floating Mill Branch, Dry Branch and Mill Branch.

(ii) Size: Seines shall not exceed 4 x 6 feet and the mesh shall not be larger than ¼ inch.

(iii) Minnows: Minnows shall not be caught or taken for commercial purposes. As used in this section "minnow" means any member of the family "Cyprinidae" such as Chub, Carp, Goldfish, Dace, Shiner Minnow, which are less than 6 inches long. (Small fish of any game species may not be used for bait.)

(5) *Live bait.* (i) Ponds: Worms are the only form of live bait which may be used in the Sloans Crossing, Green and Doyle ponds.

(b) *Speed.* (1) Speed on all gravel or dirt roads within the park shall be limited to 35 miles per hour as provided in § 1.42(a)(3) of this chapter.

* * * * *

(d) *Boating*—(1) *Rules of the road.* The following rules of the road shall apply to all boat operators within this park:

(i) No person shall operate a boat on the Green or Nolin Rivers in a reckless or negligent manner, so as to endanger, or be likely to endanger, the life, limb and property of another.

(ii) All persons operating boats shall slow down on approaching or passing other boats so that their wake does not endanger the other craft.

(iii) Slow speeds shall be maintained in docking, fishing or swimming areas to avoid endangering persons or other boats.

(iv) In narrow channels boats shall be operated to the right of the middle of the channel.

(v) Right-of-way shall be given to larger craft.

(2) *Restricted uses.* Airboats, water skiing, boat racing, water pagaents and other spectacular or unsafe types of recreation are prohibited within 1,000 feet of the ferries at Mammoth Cave and Houchins Ferry landings.

(3) *Definition.* For the purpose of these regulations, "boat" shall mean any water borne craft.

(4) *Safety.* Minimum safety requirements established by the United States Coast Guard, or any other federal or state regulatory agency, shall be observed by all boat operators within the park.

(39 Stat. 535; 16 U.S.C., 1952 ed. sec. 3)

[F.R. Doc. 59-7561; Filed, Sept. 10, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[15 CFR Part 364]

TRADE FAIRS IN THE UNITED STATES

Designation of Trade Fairs

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to applications by operators of trade fairs in the United States for designation of a fair by the Secretary of Commerce for the purpose of obtaining the privileges provided by the Trade Fair Act of 1959, Public Law 86-14, relating to importation of articles under the customs laws.

Persons interested may submit to the Director of the Bureau of Foreign Commerce, Department of Commerce Building, 14th and E Streets NW., Washington 25, D.C., written data, views, or arguments, in duplicate, relative to the proposed rule. Data, views and arguments may not be presented orally in any manner. All relevant material received within 30 days following the publication of this proposed regulation in the FEDERAL REGISTER will be considered.

Dated: September 3, 1959.

[SEAL] FREDERICK H. MUELLER,
Secretary of Commerce.

Sec.
364.1 Definitions.
364.2 Who may apply for designation of a fair.
364.3 How to apply for designation of a fair.
364.4 Extending closing date of a fair.
364.5 Application for designation of a fair.

AUTHORITY: §§ 364.1 to 364.5 issued under 73 Stat. 18, Public Law 86-14.

§ 364.1 Definitions.

For the purpose of the regulations in this part:

(a) The term "Act" means the Trade Fair Act of 1959.

(b) The term "fair" includes a trade fair, trade show, industrial exhibition, agricultural fair, state or county fair, world's fair or exposition, or exhibition or exposition of a cultural, scientific or educational nature.

(c) The term "operator" means the person, firm or corporation conducting the fair and who will be responsible for entry and disposition of all articles entered under the Act at a designated fair.

§ 364.2 Who may apply for designation of a fair.

Any operator of a fair in the United States may apply to the Secretary of Commerce to have a fair designated as being in the public interest in promoting trade and therefore eligible for the privileges of duty free entry provided by the Act for articles to be exhibited at a fair or for use in constructing, installing or maintaining foreign exhibits at a fair.

§ 364.3 How to apply for designation of a fair.

(a) An operator of a fair to be held in the United States shall make application to the Bureau of Foreign Commerce, Washington 25, D.C. Such application shall be on Form FC-____ in accordance with instructions set forth on the form, and in this part.

(b) Application forms may be obtained from the Bureau of Foreign Commerce or any of the following Department of Commerce Field Offices:

Albuquerque, N. Mex., 321 Post Office Bldg.
Atlanta 3, Ga., 604 Volunteer Bldg., 66 Luckie St., NW.
Boston 9, Mass., U.S. Post Office and Courthouse Bldg.
Buffalo 3, N.Y., 504 Federal Bldg., 117 Ellicott St.
Charleston 4, S.C., Area 2 Sergeant Jasper Bldg., West End Broad St.
Cheyenne, Wyo., 207 Majestic Bldg., 16th St. and Capitol Ave.
Chicago 6, Ill., Room 1302, 226 W. Jackson Blvd.
Cincinnati 2, Ohio, 915 Fifth Third Bank Bldg., 36 E. Fourth St.
Cleveland 1, Ohio, Federal Reserve Bank Bldg., E. Sixth St. and Superior Ave.
Dallas 1, Tex., Room 3-104, Merchandise Mart
Denver 2, Colo., 142 New Customhouse.
Detroit 26, Mich., 438 Federal Bldg.
Greensboro, N.C., 407 U.S. Post Office Bldg.
Houston 2, Tex., 610 Scanlan Bldg., 405 Main Street
Jacksonville 1, Fla., 425 Federal Bldg.
Kansas City 6, Mo., Room 2011, 911 Walnut St.
Los Angeles 15, Calif., Room 450, 1031 S. Broadway
Memphis 3, Tenn., 212 Falls Bldg.
Miami 32, Fla., 316 U.S. Post Office Bldg.
Minneapolis 1, Minn., 319 Metropolitan Bldg.
New Orleans 12, La., 333 St. Charles Ave.
New York 1, N.Y., Empire State Bldg.
Philadelphia 7, Pa., Jefferson Bldg., 1015 Chestnut St.
Phoenix, Ariz., 137 N. Second Ave.
Pittsburgh 22, Pa., 107 Sixth St.
Portland 4, Oreg., 217 Old U.S. Courthouse Bldg.
Reno, Nev., 1479 Wells Ave.
Richmond 19, Va., Room 309, Parcel Post Bldg.
St. Louis 1, Mo., 910 New Federal Bldg.
Salt Lake City 1, Utah, 222 SW. Temple St.
San Francisco 11, Calif., Room 419, Customhouse
Savannah, Ga., 235 U.S. Courthouse and P.O. Bldg.
Seatle 4, Wash., 809 Federal Office Bldg., 909 First Ave.

(c) Applications for designation of a fair may be filed at any time. However, where possible, the application should be filed a minimum of 90 days before the opening date of the fair.

(d) The Bureau of Foreign Commerce may request additional data from any applicant if it is deemed necessary in establishing the fair's eligibility.

(e) The Bureau of Foreign Commerce will notify each applicant in writing of the action taken on his application.

§ 364.4 Extending closing date of a fair.

When it shall become necessary to extend the closing date of a fair the operator shall notify the Bureau of Foreign Commerce as early as possible of the new closing date and of the reasons why the fair is to be extended.

§ 364.5 Application for designation of a fair.

An operator intending to operate a trade fair who desires to obtain the privileges of the Act with respect to articles to be imported for the purpose of exhibition at a fair or for use in constructing, installing, or maintaining foreign exhibits at a fair shall file an application with the Director, Bureau of Foreign Commerce, on Form FC-___, in duplicate, to have such fair designated. The operator shall furnish the name of the fair, the place where the fair will be held, the dates when the fair will open and close, and the name of the operator of the fair. In addition, the operator shall give the names of its officers, partners or owners; state how the fair will be financed and by whom; give the names of all organizations supporting or sponsoring the fair; state the purpose of the fair; list the kinds of products to be exhibited at the fair or the nature of the different exhibits if not of products; give the size of the exhibit space and state whether a particular area has been set aside for exhibitors of foreign products; and furnish data on how much of the exhibit space has been contracted for at the time of application separately for domestic and foreign exhibits. The fair operator shall also furnish copies of literature, brochures, etc., being distributed which explain or advertise the fair.

[F.R. Doc. 59-7539; Filed, Sept. 10, 1959; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for Chlortetracycline Hyrochloride for Use in Various Cuts of Fish and in Peeled Shrimp

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by American Cyanamid Company, P.O. Box 383, Princeton, New Jersey, proposing the issuance of a regulation to establish a tolerance of 5.0 parts per million (0.0005 percent) of chlortetracyline hydrochloride to retard bacterial spoilage in cuts of fish, such as steaks and fillets, and in peeled shrimp.

Dated: September 8, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7624; Filed, Sept. 10, 1959; 9:36 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 1, Amdt. 1]

ALASKA

Notice of Filing of Protraction Diagrams, Anchorage Land District

SEPTEMBER 3, 1959.

Notice of Filing of Alaska Protraction Diagram, Notice No. 1 (F.R. Doc. 59-5022), published in the FEDERAL REGISTER on June 18, 1959, Volume 24, page 4972, is hereby amended in part to read as follows:

ALASKA PROTRACTION DIAGRAMS

Sheet S 13-2, Ts. 13 to 16 N., Rs. 5 to 8 W., Seward Meridian.
Sheet S 13-3, Ts. 13 to 16 N., Rs. 9 to 12 W., Seward Meridian.
Sheet S 13-4, Ts. 13 to 16 N., Rs. 13 to 16 W., Seward Meridian.
Sheet S 13-5, Ts. 9 to 12 N., Rs. 13 to 16 W., Seward Meridian.
Sheet S 13-12, Ts. 6 to 8 N., Rs. 14 to 16 W., Seward Meridian.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 59-7575; Filed, Sept. 10, 1959; 8:50 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 4, 1959.

The National Park Service, Department of the Interior, has filed an application, Serial No. Los Angeles 0153533, for the withdrawal of the lands described below, from entry under the mining laws, subject, however, to existing withdrawals and to valid existing rights.

These lands have previously been withdrawn for National Monument purposes by Executive Order of February 11, 1933, as amended by the Act of June 13, 1933 (48 Stat. 139, 16 U.S.C. 447), which extended the mining laws to Death Valley National Monument.

The applicant desired the exclusion of mining activity to permit proper administration and protection of scenic, historic and scientific areas of the National Monument that could be modified or destroyed if entry under the mining laws were permitted. The uses allowed for National Monument purposes would continue to be permitted if the withdrawal is accomplished.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Bartlett Building, 215 West 7th Street, Los Angeles 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 18 N., R. 5 E.,
Sec. 2, NW¼;
Sec. 3, NE¼.
T. 19 N., R. 5 E.,
Sec. 34, SE¼;
Sec. 35, SW¼.
T. 21 N., R. 4 E., unsurveyed,
Sec. 11, S½;
Sec. 14.
T. 23 N., R. 1 E., unsurveyed,
Sec. 3, N½.
T. 23 N., R. 2 E., unsurveyed,
Secs. 11, 12;
Sec. 13, N½;
Sec. 14, N½.
T. 24 N., R. 1 E., unsurveyed,
Sec. 4, SW¼;
Sec. 5, SE¼, SW¼, S½NW¼;
Sec. 21, N½.
T. 24 N., R. 2 E., unsurveyed,
Secs. 9, 14.
T. 25 N., R. 2 E., unsurveyed,
Sec. 21, N½.
T. 26 N., R. 1 E.,
Secs. 13, 14;
Sec. 15, E½;
Secs. 23-26, incl.;
Secs. 35, 36.
T. 26 N., R. 2 E.,
Sec. 9, SE¼NE¼, NE¼SE¼;
Sec. 10, SW¼NW¼, NW¼SW¼;
Secs. 19, 30, 31.
T. 27 N., R. 1 E.,
Sec. 4, N½;
Secs. 14-16, incl;
Sec. 17, NE¼;
Secs. 21-24, incl;
Sec. 25, N½;
Sec. 26, NE¼;
Sec. 27, W½;
Sec. 28, E½;
Sec. 34, N½NW¼;
Sec. 35;
Sec. 36, E½.
T. 27 N., R. 2 E.,
Sec. 31, W½.
T. 28 N., R. 1 E.,
Sec. 13, E½NE¼;
Sec. 33, S½;
Sec. 34;
Sec. 36, W½NE¼, SE¼NW¼, NE¼SW¼, W½SE¼.
T. 28 N., R. 2 E., unsurveyed,
Sec. 7, E½NW¼;
Sec. 18, W½NW¼.

MOUNT DIABLO MERIDIAN

T. 11 S., R. 42 E.,
Sec. 7;
Sec. 27, NE¼.
T. 13 S., R. 45 E.,
Sec. 8, S½.
T. 13 S., R. 46 E.,
Sec. 35, NE¼;
Sec. 36, NW¼.

T. 14 S., R. 40 E., unsurveyed,
Sec. 24, SE¼;
Sec. 25, E½;
Sec. 36, E½.
T. 14 S., R. 41 E., unsurveyed,
Sec. 19, S½;
Sec. 20, SW¼;
Sec. 29, W½;
Secs. 30, 31;
Sec. 32, W½.
T. 14 S., R. 45 E.,
Sec. 18, NW¼.
T. 15 S., R. 40 E., unsurveyed,
Sec. 1, E½.
T. 15 S., R. 41 E., unsurveyed,
Sec. 5, W½;
Sec. 6.
T. 15 S., R. 46 E.,
Sec. 31.
T. 16 S., 46 E.,
Secs. 5, 6.
T. 17 S., R. 44 E., unsurveyed,
Sec. 8, NW¼;
Sec. 22, SE¼;
Sec. 27, NE¼.
T. 18 S., R. 45 E., unsurveyed,
Sec. 24.
T. 19 S., R. 44 E., unsurveyed,
Sec. 22, SE¼;
Sec. 23, S½;
Sec. 24, SW¼;
Sec. 25, W½;
Sec. 26, E½;
Sec. 28, NW¼.
T. 19 S., R. 45 E.,
Sec. 26, S½;
Sec. 32, SE¼;
Sec. 33, SW¼;
Sec. 35.
T. 20 S., R. 45 E.,
Sec. 2, N½;
Sec. 4, NW¼;
Sec. 5, NE¼.
T. 21 S., R. 46 E.,
Sec. 20.
T. 22 S., R. 47 E., unsurveyed,
Sec. 32, W½.

The lands total 35,848.66 acres, more or less, of which 1407.07 acres are in non-Federal ownership. The lands are located within Death Valley National Monument in the eastern portion of Inyo County and the northern portion of San Bernardino County, California.

GEORGE H. WHEATLEY,
Acting Manager.

[F.R. Doc. 59–7557; Filed, Sept. 10, 1959; 8:47 a.m.]

[No. 572]

CALIFORNIA

Small Tract Classification Order

JULY 15, 1959.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management under Part 11, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public land totaling 115.65 acres in El Dorado County, California, as suitable for lease and sale and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E.,
Section 4: Lots 4, 8, 12, 13, SW¼SW¼.

Containing 115.65 acres to be subdivided into small tracts by supplemental plat. One tract is covered by application from a person entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above described lands by this order further segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid, with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279–284), as amended.

4. All valid applications filed prior to July 15, 1959 will be granted as soon as possible in accordance with the preference right provided for by 43 CFR 257.5(a).

R. G. SPORLEDER,
Officer in Charge, Northern Field Group, Sacramento 14, California.

[F.R. Doc. 59–7558; Filed, Sept. 10, 1959; 8:47 a.m.]

NEVADA

Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN

[Nevada 050636]

T. 28 N., R. 18 E.,
Sec. 33, SE¼SE¼;
Sec. 34, S½, SW¼NW¼.

[Nevada 053706]

T. 20 N., R. 19 E.,
Sec. 1, Lots 1 and 2 of NW¼, Lot 2 of NE¼, W½ of Lot 1 of NE¼.
T. 21 N., R. 19 E.,
Secs. 13 and 25.

[Nevada 048859]

T. 41 N., R. 19 E.,
Sec. 3, W½;
Sec. 4;
Sec. 6, NE¼SE¼;
Sec. 8, NE¼;
Sec. 9;
Sec. 10, W½W½;
Sec. 16, E½, E½W½, W½SW¼;
Sec. 17, S½;
Sec. 21, E½E½, NW¼NE¼;
Sec. 22, W½, W½SE¼.

[Nevada 050188]

T. 42 N., R. 19 E.,
Sec. 11, N½NW¼;
Sec. 13, SW¼;
Sec. 16, S½SE¼;
Sec. 20, NE¼;
Sec. 21, W½NW¼;
Sec. 25, E½;
Sec. 34, S½SW¼;
Sec. 36, N½.

[Nevada 053706]

T. 20 N., R. 20 E.,
Sec. 5;
Sec. 7, W½NE¼, N½NE¼NW¼, NW¼NW¼, S½NW¼, SW¼.
T. 21 N., R. 20 E.,
Secs. 17 and 19;
Sec. 31, NE¼SW¼, E½, Lots 1, 2, 3, 4, 5.

[Nevada 045440]

T. 23 N., R. 21 E.,
Sec. 15, NE¼, E½NW¼, N½SE¼.

[Nevada 045532, 048860]

T. 12 N., R. 24 E.,
Sec. 31, Lots 3, 4, E½SW¼.
T. 18 N., R. 24 E.,
Sec. 3, S½S½.

[Nevada 051267]

T. 42 N., R. 36 E.,
Sec. 11, S½SE¼;
Sec. 12, SW¼SW¼.

[Nevada 050302]

T. 30 N., R. 42 E.,
Secs. 1 and 3;
Sec. 5, Lots 1, 2, 3, 4, S½N½.
T. 31 N., R. 42 E.,
Secs. 3, 9, 11, 13, 15, 17, 19, 21, and 23;
Sec. 31, E½;
Sec. 33, NE¼, S½;
Sec. 35.

[Nevada 050190]

T. 37 N., R. 61 E.,
Sec. 5, Lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 9, all except 2.06 acres described in Deed dated March 14, 1950, recorded March 20, 1950 in Book 58 of Deeds, page 40, Elko County Records.

The above tracts aggregate 20,315.72 acres more or less.

2. The conveyances to the United States included the minerals in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 1, Lots 1 and 2 of NW¼, Lot 2 of NE¼, W½ of Lot 1 of NE¼.
T. 21 N., R. 19 E.,
Secs. 13 and 25.
T. 41 N., R. 19 E.,
Sec. 3, W½;
Sec. 4;
Sec. 6, NE¼SE¼;
Sec. 8, NE¼;
Sec. 9;
Sec. 10, W½W½;
Sec. 16, E½, E½W½, W½SW¼;
Sec. 17, S½;
Sec. 21, E½E½, NW¼NE¼;
Sec. 22, W½, W½SE¼.
T. 20 N., R. 20 E.,
Sec. 5;
Sec. 7, W½NE¼, N½NE¼NW¼, NW¼NW¼, S½NW¼, SW¼.
T. 21 N., R. 20 E.,
Secs. 17 and 19;
Sec. 31, NE¼SW¼, E½, Lots 1, 2, 3, 4, 5.
T. 23 N., R. 21 E.,
Sec. 15, NE¼, E½NW¼, N½SE¼.
T. 12 N., R. 24 E.,
Sec. 31, Lots 3, 4, E½SW¼.
T. 18 N., R. 24 E.,
Sec. 3, S½S½.

3. The conveyances to the United States included only the gas, coal, oil and oil shale in the following described lands:

MOUNT DIABLO MERIDIAN

T. 28 N., R. 18 E.,
Sec. 33, SE¼SE¼;
Sec. 34, S½, SW¼NW¼.

4. The land in T. 28 N., R. 18 E. is located approximately 7 miles northwest of Flannigan, Nevada, in California Grazing District No. 2. The land is flat with a gradual slope to the south, has an elevation of 4,000 feet with an average annual precipitation of about 7 inches. The soil grades from sandy loam to clay loam and supports giant sage, greasewood, and annual weeds and grasses.

5. The lands in T's 20 and 21 N., R's 19 and 20 E., are located north of Reno and Sparks, Nevada, approximately 7 to 15 miles. The topography is gently rolling to rough and mountainous. The soils vary from sandy loam to gravelly rocky sands and support a sparse growth of cheatgrass, big sage, bitter brush and associated weeds and forbs. Elevation is from 4,500 feet to 6,000 feet.

6. The land in T. 41 N., R. 19 E., is located in the northwest portion of Washoe County, approximately 6 to 10 miles south of Vya, Nevada, in California Grazing District No. 2. The topography generally is rough and mountainous with some nearly level table land. The elevation ranges from approximately 4,800 feet to 6,500 feet. Vegetation consists of sagebrush, annuals and scattered patches of bunch grass with a few juniper trees on the higher elevations.

7. The land in T. 42 N., R. 19 E., is within the boundaries of California Grazing District No. 2, approximately 2 to 6 miles south of Vya, Nevada. The topography varies from rolling foothills to generally level valley floor with an elevation of 4,600 feet to 6,500 feet. The average annual precipitation is about 8 to 10 inches.

8. The land in T. 23 N., R. 21 E., is located approximately 25 miles northwest of Sparks, Nevada, within Nevada Grazing District No. 3. Vegetation consists of sagebrush and native grasses with a few scattered juniper trees. The land is fairly level forming the outlet of a steep ravine, largely filled by sand and gravel and stream boulders.

9. The land in T. 12 N., R. 24 E., is located in Lyon County, 7½ miles northeast of Wellington, Nevada. The topography is rolling to slightly hilly, traversed by a dry wash channel, with an elevation of approximately 4,750 feet. Surface soil is sandy and supports sagebrush with a sparse understory of Indian rice grass.

10. The land in T. 18 N., R. 24 E., is approximately 3 miles northwest of Silver Springs, Nevada, in Lyon County. The terrain is rough and mountainous with an elevation of 5,000 feet. Vegetation consists of upland sagebrush, mormon tea and annual grasses.

11. The land in T. 42 N., R. 36 E., is grazing land situated in Quinn River Valley, approximately 40 miles northwest of Winnemucca, Nevada, in Nevada Grazing District No. 2. The soil is heavy and salty with a vegetative covering of sparse salt grass and scattered clumps of rye grass, greasewood and big rabbit brush.

12. The lands in T's 30 and 31 N., R. 42 E. are within Nevada Grazing District No. 6, approximately 20 to 30 miles southwest of Battle Mountain, Nevada. The topography is level to gently rolling to mountainous with drainage generally toward the west. Vegetation consists of sagebrush, mixed grasses and piñon junipers. Elevation ranges from 5,000 feet to 7,000 feet.

13. The land in T. 37 N., R. 61 E. is grazing land situated in Nevada Grazing District No. 1, approximately 9 miles northwest of Deeth, Nevada. The topography is generally level draining to the north with an elevation of 4,000 feet. The soil grades from sandy loam to clay loam and supports a growth of sage and annual weeds and grasses.

14. No application for these restored lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

15. Pursuant to the authority delegated to me by Order No. 541, section 3.5 of the Director, Bureau of Land Management, of April 21, 1954, the lands described in paragraph 1, subject to valid existing rights and the requirements of applicable law, and the provisions of paragraph 16 of this order, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such selections, applications, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on October 9, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on January 8, 1960, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on January 8, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands described in paragraph 2 shall be open to location under the mining laws, and to applications and offers under the mineral leasing laws, and those described in paragraph 3 to applications and offers under the mineral leasing laws, beginning at 10:00 a.m. on January 8, 1960. Applications and offers under the mineral leasing laws received on or before that hour shall be considered as simultaneously filed at that time. Those thereafter received shall be considered in order of filing.

16. With respect to the following described lands, aggregating 320 acres, this restoration is made in furtherance of a proposed exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) as amended, by which the offered lands will benefit a Federal Land program. As to such lands, therefore, this opening is not subject to the preference right provisions of the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, nor to location under the mining laws or applications and offers under the mineral leasing laws:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 21 E.,
Sec. 15, NE¼, E½NW¼, N½SE¼.

17. Persons claiming veteran's preference rights under paragraph 15 a(2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

18. Inquiries concerning the restored lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JAMES E. KEOGH, Jr.,
Manager Land Office, P.O. Box 1551, Reno, Nevada.

SEPTEMBER 3, 1959.

[F.R. Doc. 59–7559; Filed, Sept. 10, 1959; 8:47 a.m.]

[Wyoming 085048 (Neb.)]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 2, 1959.

The Bureau of Reclamation, United States Department of the Interior, has filed application, Serial No. Wyoming 085048 (Neb.), for withdrawal of the lands described below, from all forms of appropriation other than that provided for by the Federal Reclamation Act of June 17, 1902 (32 Stat. 388), as amended.

The applicant desires the lands for construction and administration of the Merritt Dam and Reservoir, a part of the Ainsworth Unit of the Missouri River

Basin Project. The lands have been withdrawn as a part of the Nebraska National Forest and as such have not been open to entry under the non-mineral public land laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

A determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 31 W.,
Sec. 25, S½, S½NW¼;
Sec. 26, NE¼, S½NW¼, N½SW¼, SE¼.

Containing approximately 880 acres of public land.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59-7560; Filed, Sept. 10, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 815]

COMMON CARRIERS BY WATER

Status of Express Companies, Truck Lines and Other Non-Vessel Carriers

At a session of the Federal Maritime Board, held at its Office in Washington, D.C., on the 31st day of August 1959, the following ninth supplemental order was entered:

Whereas, pursuant to its order of March 14, 1957, the Board published in the FEDERAL REGISTER on March 19, 1957, a notice of investigation and hearing in this proceeding to determine the classification and status of express companies, truck lines and other non-vessel carriers under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It appearing, that certain differences of opinion exist among the various parties as to the precise nature and purpose of this proceeding, now therefore,

It is ordered, That the aforesaid order and notice of investigation and hearing be and they hereby are amended by adding the following language immediately following the word "amended" at the end of that paragraph of said order and notice which begins with the words "*It is ordered*, That the Board enter" and ending with the words "and the Intercoastal Shipping Act, 1933, as amended".

"in order to arrive at a general rule or interpretation applicable in the future to all persons, whether or not named as respondents herein, who hold themselves out to transport goods by water but who do not own or control the means by which such transportation is effected; the naming of specific respondents herein is to assure notice to those persons thought by the Board to be affected by any final action herein;"

Dated: September 8, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-7574; Filed, Sept. 10, 1959; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-137]

AMERICAN MACHINE & FOUNDRY CO.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division, the Atomic Energy Commission has issued License No. XR-30 to American Machine & Foundry Company, AMF Atomics Division, Greenwich, Connecticut, auhorizing the export of a 1 megawatt (thermal) pool-type research reactor to the Turkish Atomic Energy Commission, Istanbul, Turkey. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on July 17, 1959, 24 F.R. 5743.

Dated at Germantown, Maryland, this 4th day of September 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing & Regulation.

[F.R. Doc. 59-7536; Filed, Sept. 10, 1959; 8:45 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

GENERAL AGREEMENT ON TARIFFS AND TRADE: PROVISIONAL ACCESSION OF SWITZERLAND AND ISRAEL; RELATIONS WITH YUGOSLAVIA

The Interdepartmental Committee on Trade Agreements[1] has issued on this day a notice of intention to consider participating in arrangements, not involving the conduct of new tariff negotiations, for the provisional accession of Switzerland and Israel to the General Agreement on Tariffs and Trade, and for relations with Yugoslavia under that Agreement closer than the observer status now applicable to that country.

Pursuant to paragraph 5 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949-53 Comp., pp. 281, 355), the Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to any aspect of the foregoing proposals shall be submitted to the Committee for Reciprocity Information not later than October 9, 1959. The application must indicate on which of the above arrangements the individual or group desires to be heard and an estimate of the time required for oral presentation. Written statements shall be submitted not later than October 9, 1959. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C." Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of the Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a.m. on October 20, 1959, in the Hearing Room in the Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Copies of the notice issued today by the Interdepartmental Committee on Trade Agreements may be obtained from the Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C., and may be inspected at the Field Offices of the Department of Commerce.

By direction of the Committee for Reciprocity Information this 9th day of September 1959.

EDWARD YARDLEY,
Secretary, Committee
for Reciprocity Information.

[F.R. Doc. 59-7642; Filed, Sept. 10, 1959; 11:44 a.m.]

[1] See F.R. Document 59-7643, *infra*.

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

GENERAL AGREEMENT ON TARIFFS AND TRADE: PROVISIONAL ACCESSION OF SWITZERLAND AND ISRAEL; RELATIONS WITH YUGOSLAVIA

Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949-1953 Comp., pp. 281, 355), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to consider participating in arrangements, not involving the conduct of new tariff negotiations, for the provisional accession of Switzerland and Israel to the General Agreement on Tariffs and Trade, and for relations with Yugoslavia under the General Agreement closer than the observer status now applicable to that country.

1. *Switzerland.* Under the arrangements for the provisional accession of Switzerland that country would apply, to contracting parties to the General Agreement which formally accept these arrangements, the provisions of that Agreement, including tariff concessions negotiated by Switzerland with some contracting parties (not including the United States) but subject to reservations with respect to certain parts of the Agreement. In return such contracting parties would apply to Switzerland the provisions of the Agreement, including direct rights to their schedules containing tariff concessions. It is not proposed, in connection with any participation by the United States in these arrangements with Switzerland, to terminate or suspend the entire bilateral trade agreement with Switzerland concluded on January 1, 1936 (49 Stat. 3917; EAS 90), as supplemented by exchanges of notes dated September 19, October 4, and November 14, 1940 (54 Stat. 2461; EAS 193) and October 13, 1950 (2 U.S.T. 453; TIAS 2188) and by the supplementary agreement dated June 8, 1955 (6 U.S.T. 2845; TIAS 3328). Consideration is being given, however, to suspending, during such time as the provisions of the General Agreement would be applicable between the United States and Switzerland, those provisions of the bilateral trade agreement which generally relate to trade matters that would be covered by the General Agreement while retaining in effect the schedules containing tariff and other concessions and such other provisions of the Agreement as relate to the application of such concessions.

2. *Israel.* Under the arrangements for the provisional accession of Israel that country would apply the provisions of the General Agreement to contracting parties to that Agreement which formally accept these arrangements. Israel would not undertake obligations with respect to tariff concessions. In return such contracting parties would apply to Israel the provisions of the Agreement other than those which accord direct rights to their schedules containing tariff concessions. The United States has no bilateral trade agreement with Israel.

3. *Yugoslavia.* Under the arrangements with respect to Yugoslavia that country would apply, to contracting parties to the General Agreement which formally accept these arrangements, the provisions of that Agreement to the extent compatible with the current economic system of Yugoslavia. In return such contracting parties would apply to Yugoslavia such treatment as will achieve an equitable balance of rights and obligations as envisaged in the General Agreement. Moreover, Yugoslavia and the contracting parties formally accepting these arrangements would take the objectives of the General Agreement as a basis for their commercial relations with each other, and provision would be made for the bilateral adjustment of questions arising under these arrangements and for their annual review by the Contracting Parties to the General Agreement. The United States has no bilateral trade agreement with Yugoslavia.

The proposals with respect to none of the above three countries would involve the modification of any United States tariff rates or the addition of any new articles imported into the United States to any existing schedule of United States tariff concessions.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082, as amended, information and views as to any aspect of the proposals announced by this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1]

By direction of the Interdepartmental Committee on Trade Agreements, this 9th day of September 1959.

ALBERT E. PAPPANO,
Alternate Chairman, Interdepartmental Committee on Trade Agreements.

[F.R. Doc. 59-7643; Filed, Sept. 10, 1959; 11:44 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13187; FCC 59-912]

WESTERN UNION TELEGRAPH CO.

Order Instituting Investigation

In the matter of the formula for the distribution by the Western Union Telegraph Company of telegraph traffic destined to points in Canada.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 2d day of September, 1959;

The Commission having under consideration the Formula for the distribution of telegraph traffic destined to points in Canada as set forth in Exhibit 31 in Docket No. 6517, In the Matter of the Application for Merger of The Western Union Telegraph Company and Postal Telegraph, Inc.;

It appearing that the Formula is a Memorandum of Understanding, dated July 6, 1943, among The Western Union Telegraph Company, Canadian National Railway Company (on behalf of itself and all other Companies comprised in the National Railway System) and Canadian Pacific Railway Company; that the Formula provides for the distribution by Western Union between Canadian National and Canadian Pacific of telegraph traffic destined to points in Canada and for the division of charges for such traffic; and that the Formula by its terms is to remain in effect until October 1, 1959;

It further appearing that the Formula was approved by the Commission in the above-entitled Docket No. 6517 pursuant to section 222(e)(2) of the Communications Act of 1934; and that such Section provides that traffic of the nature involved herein shall be interchanged and the charges therefor divided in accordance with such just, reasonable, and equitable formula in the public interest as the interested carriers shall agree upon and the Commission shall approve, or prescribe after hearing in case the carriers fail to agree;

It further appearing that Western Union, Canadian National and Canadian Pacific have to date been unable to agree to a new Formula or to the extension of the current Formula beyond October 1, 1959;

It is ordered, That pursuant to sections 4, 222 and 403 of the Act, the Commission shall enter into a hearing and investigation concerning the distribution by Western Union between Canadian National and Canadian Pacific of telegraph traffic destined to points in Canada and the divisions of charges therefor;

It is further ordered, That, without in any way limiting the scope of the investigation as above ordered, it shall include inquiry into the following matters:

(a) The lawfulness of the current distribution by Western Union of telegraph traffic destined to points in Canada; and the changes, if any, in such distribution that should be approved or prescribed;

(b) The lawfulness of the current divisions of charges for the traffic involved herein; and the changes, if any, in such divisions that should be approved or prescribed;

It is further ordered, That Western Union is made a party respondent in this proceeding; and that Canadian National and Canadian Pacific are granted leave to intervene herein;

It is further ordered, That, during the pendency of this proceeding and unless and until ordered otherwise by the Commission, Western Union shall continue to distribute the traffic involved herein to Canadian National and Canadian Pacific and divide the charges therefor in accordance with the requirements of the current Formula;

It is further ordered, That a copy of this order be served upon each of the above-named companies;

It is further ordered, That this matter is designated for hearing at a time and place to be specified in a subsequent order, and that the presiding officer shall certify the record to the Commission without preparing either a Recommended or Initial Decision.

Released: September 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7566; Filed, Sept. 10, 1959; 8:48 a.m.]

[1] See F.R. Document 59-7642, *supra*.

[Docket No. 13178]

W. D. COONS AND A. E. MOORER

Order To Show Cause

In the matter of W. D. Coons & A. E. Moorer, Indian Street, Mount Pleasant, South Carolina, Docket No. 13178; order to show cause why there should not be revoked the license for Radio Station WH–5445, aboard the vessel "Barbara Lee."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated May 28, 1959, alleging that on April 9, 1959, at 11:05 p.m. e.s.t., the subject radio station was observed in violation of Commission rules as follows:

Section 8.366(f)(1): An exchange of communications between Station WH–5445 and another mobile station exceeded five minutes in duration.

Section 8.364(a): Station was not properly identified in that its call sign was not given at the beginning and end of each complete exchange of communications.

Section 8.178: Transmission of superfluous or unnecessary communications.

Section 8.366(b)(2): Failure to establish communication by calling and answering on the frequency 2182 kc.; no evidence of a pre-arranged schedule on the frequency 2638 kc.

It further appearing, that, the above-named licensee received said official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 7, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21587), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. W. D. Coons on July 9, 1959 to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 4th day of September, 1959 pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7567; Filed, Sept. 10, 1959; 8:49 a.m.]

[Docket No. 13176]

VERNON F. CROTTS

Order To Show Cause

In the matter of Vernon F. Crotts, Box 1125, Aransas Pass, Texas, Docket No. 13176; order to show cause why there should not be revoked the license for Radio Station WA–3357 aboard the vessel "Carey."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation, dated June 10, 1959, alleging that on May 20, 1959, at 11:29 a.m., e.s.t., the subject radio station was observed in violation of Commission rules as follows:

Section 8.368(a): No evidence that a log of radiotelephone communications has been maintained.

Section 8.368(a)(5): No official station log entries to indicate periods of time when a listening watch was maintained on the frequency 2182 kc. in accordance with the requirements of § 8.223(b) of the Commission's rules.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules and regulations was not on board the vessel at the time of inspection.

Section 8.109(e): No record to indicate that transmitter frequencies have been measured as required.

It further appearing, that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 13, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21603), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Jeanette Blaylock on July 21, 1959 to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 4th day of September 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7568; Filed, Sept. 10, 1959; 8:49 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 12908; FCC 59M–1128]

LAIRD BROADCASTING CO., INC. (KHAK)

Order Continuing Hearing

In re application of Laird Broadcasting Company, Inc. (KHAK), Cedar Rapids, Iowa, Docket No. 12908, File No. BP–11855; for construction permit for standard broadcast station.

The Hearing Examiner having under consideration the informal request of the parties for a continuance of the above-entitled proceeding in view of negotiations looking toward dismissal of the protest;

It is ordered, This 4th day of September 1959, on the Hearing Examiner's own motion that the hearing presently scheduled to commence on September 8, 1959, is continued to November 18, 1959.

Released: September 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7569; Filed, Sept. 10, 1959; 8:49 a.m.]

[Docket No. 13177]

B. L. McDOWELL

Order To Show Cause

In the matter of B. L. McDowell, Box 423, Aransas Pass, Texas, Docket No. 13177; order to show cause why there should not be revoked the license for Radio Station WD–8355, aboard the vessel "Bert H. Walling III."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated May 13, 1959, alleging that on April 22, 1959, at approximately 1:30 p.m., e.s.t., the subject radio station was observed in violation of Commission rules as follows:

Section 8.368(a)(5): No official station log entries to indicate the periods of time when a listening watch was maintained on the frequency 2182 kc. in compliance with § 8.223(b) of the Commission's rules.

Section 8.184: Radio station log not kept up to date.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules and regulations was not on shipboard at the time of inspection.

It further appearing, that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 7, 1959, and sent by Certified Mail—Return Receipt Requested (No. 1–21588), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee on July 10, 1959 to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 4th day of September, 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's statement of delegations of authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7570; Filed, Sept. 10, 1959; 8:49 a.m.]

[Docket Nos. 11836, 11837; FCC 59M–1126]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

Order Continuing Hearing

In re applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham, d/b/a Plainview Radio, Plainview, Texas, Docket No. 11836, File BP–10200; Troyce H. Harrell and Kermit E. Ashby, d/b/a Star of the Plains Broadcasting Co., Slaton, Texas, Docket No. 11837, File No. BP–10499; for construction permits.

In accordance with the agreements reached at the prehearing conference held in the above-entitled proceeding on September 3, 1959;

It is ordered, This 3d day of September, 1959, that a further prehearing conference shall be held on November 10, 1959 in the offices of the Commission at Washington, D.C. commencing at 10:00 a.m.;

It is further ordered, That the hearing presently scheduled to commence on September 21, 1959 is continued to a date to be determined at the further prehearing conference.

Released: September 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7571; Filed, Sept. 10, 1959; 8:49 a.m.]

[Docket No. 13054; FCC 59M–1109]

SUBURBAN BROADCASTING CO., INC. (WVIP)

Order Scheduling Prehearing Conference

In re application of Suburban Broadcasting Company, Inc. (WVIP), Mount Kisco, New York, Docket No. 13054, File No. BP–12258; for construction permit.

It is ordered, This 2d day of September, 1959, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 2:00 p.m. on Thursday, September 10, 1959, in the offices of the Commission, Washington, D.C.

Released: September 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7572; Filed, Sept. 10, 1959; 8:49 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. G-9325]

ATLANTIC REFINING CO.

Notice of Application and Date of Hearing

SEPTEMBER 4, 1959.

Take notice that the Atlantic Refining Company (Applicant) an independent producer with its principal place of business in Dallas, Texas, filed an application on September 15, 1955, as amended January 16, 1958, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Tennessee Gas Transmission Company from production from certain leases in the Magnet-Withers Field, Wharton County, Texas, for transportation in interstate commerce for resale. The gas sales contract dated May 24, 1955, is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 124. A letter agreement dated October 7, 1957, amending said contract by releasing certain acreage from the terms thereof is on file as Supplement No. 3 to said rate schedule, and is the subject of the amendment filed in this docket on January 16, 1958.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application as amended; *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 29, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7545; Filed, Sept. 10, 1959; 8:46 a.m.]

[Docket No. G-15819, etc.]

AUSTRAL OIL CO. ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 4, 1959.

In the matters of Austral Oil Company Incorporated[1] Docket Nos. G-15819; John W. Mecom, G-16975; Seadrift Pipeline Corporation, G-17044; Union Oil Company of California, G-17263.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas in interstate commerce for resale as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

All of the Applicants seek certificate authorization to sell and deliver natural gas to Trunkline Gas Company (Trunkline).[2]

Docket No. G-15819: Austral Oil Company Incorporated (Austral), by its application filed August 4, 1958, requests certificate authority to sell and deliver natural gas to Trunkline, pursuant to a contract dated July 18, 1958, to be produced from acreage located in the North Freshwater Bayou Field, Vermillion Parish, Louisiana.

Docket No. G-16975: John W. Mecom (Mecom) on November 14, 1958, filed an application seeking certificate authorization to sell and deliver natural gas to Trunkline pursuant to a contract dated July 9, 1958, whereby Mecom dedicated to the performance of the proposed service 122,787 acres in the Alta Loma and Hitchcock Field areas in Galveston County, Texas.

Docket No. G-17044: Seadrift Pipeline Corporation (Seadrift) on November 25, 1958 filed an application for certificate authority to sell and deliver natural gas to Trunkline pursuant to a contract dated August 22, 1958, whereby Seadrift dedicated to the performance of its proposed service 71.08 acres in the Northeast Hitchcock Field, Galveston County, Texas.

Docket No. G-17263: Union Oil Company of California (Union Oil) on December 15, 1958, filed an application for certificate authority to sell and deliver natural gas to Trunkline pursuant to a contract dated September 16, 1958, as amended November 14, 1958, wherein Union Oil dedicated certain acreage located in the Alta Loma, Arcadia areas of Galveston County, Texas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, DC., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7546; Filed, Sept. 10, 1959; 8:46 a.m.]

[1] Formerly Austral Oil Exploration Company Incorporated.

[2] The gas purchase contracts described herein were submitted by Trunkline as exhibits in the proceedings in Docket Nos. G-15394, et al., to support its application. This docket, and others, were the subject matter of FPC Opinion 321 and accompanying order issued May 22, 1959, whereby Trunkline was authorized to expand its system to serve new customer markets.

[Docket Nos. G-15227, G-15542]

HUMBLE OIL & REFINING CO. AND OHIO OIL CO.

Order Consolidating Applications and Fixing Date of Hearing

SEPTEMBER 4, 1959.

Humble Oil & Refining Company (Humble), a Texas corporation with principal place of business at Humble Building, Houston, Texas, filed an application for a certificate of public convenience and necessity in Docket No. G-15227 on June 4, 1958, as amended December 8, 1958, for itself and as operator pursuant to section 7(c) of the Natural Gas Act, authorizing Humble to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Humble proposes to sell natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale. Humble and United have entered into a gas purchase contract, dated May 22, 1958 and having a 20-year term from the date of commencement of deliveries, wherein Humble has dedicated to the performance thereof all of the natural gas, subject to certain reservations, produced from, or attributable to, its interest in all lands and leaseholds now owned or hereafter acquired, in the American Island and North American Island Fields, St. Martin Parish, Louisiana, as they now exist or as said fields may hereafter be extended or enlarged during the term of the contract. The contract provides for an initial price of 21.20 cents per Mcf at 15.025 psia plus applicable tax reimbursement. This basic contract is designated as a part of Humble's FPC Gas Rate Schedule No. 136.

The Ohio Oil Company (Ohio), an Ohio corporation with principal place of business at 539 South Main Street, Findlay, Ohio, filed an application for a certificate of public convenience in Docket No. G-15542 on July 24, 1958, pursuant to section 7(c) of the Natural Gas Act, authorizing Ohio to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Ohio proposes to sell natural gas in interstate commerce to United for resale. Ohio and United have entered into a gas sales contract, dated July 11, 1958 and having a 20-year term from the date of commencement of deliveries, wherein Ohio has dedicated to the performance thereof all of the natural gas, subject to certain reservations, produced from, or attributable to, its interests in all lands and leaseholds now owned or hereafter acquired, in the American Island Field, St. Martin Parish, Louisiana, as it now exists or as said field may be hereafter extended or enlarged during the term of the contract. The contract provides for an initial price of 21.20 cents per Mcf at 15.025 p.s.i.a. plus applicable tax reimbursement. The basic contract is designated as a part of Ohio's FPC Gas Rate Schedule No. 39.

Heretofore, by order issued on April 7, 1959, in the matters of The Ohio Oil Company, et al., Docket Nos. G-15542 et al., and published in the FEDERAL REGISTER on April 14, 1959 (24 F.R. 2848), the application of Ohio in Docket No. G-15542 was described and consolidated for purposes of formal hearing with the application of MPS Production Co., Inc., et al., in Docket No. G-15813. This order fixed April 27, 1959 as the last day for filing protests or petitions to intervene and scheduled the applications in Docket Nos. G-15542 and G-15813 as then consolidated for formal hearing on May 13, 1959. Thereafter, by notice issued on May 8, 1959 in the proceedings as then consolidated and published in the FEDERAL REGISTER on May 14, 1959 (24 F.R. 3897), the hearing was postponed to a date to be thereafter fixed in order to give consideration to additional filings made in said proceedings. The matters referred to have been disposed of by separate order to be issued prior to or concurrently with this order. Among other things, the separate order referred to severs the applications in Docket Nos. G-15542 and G-15813 which were heretofore consolidated as aforesaid.

The Commission finds: The applications in Docket Nos. G-15227 and G-15542 should be heard on a consolidated record.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G-15227 and G-15542.

(B) Protests or petitions to intervene in Docket Nos. G-15227 and G-15542 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before September 25, 1959.

By the Commission.[1]

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7547; Filed, Sept. 10, 1959; 8:46 a.m.]

[1] Commissioner Hussey dissenting.

[Docket No. G-17934]

NATURAL GAS PRODUCTS CO.

Notice of Application and Date of Hearing

SEPTEMBER 4, 1959.

Take notice that on February 24, 1959, Natural Gas Products Company (Applicant) filed an application in Docket No. G-17934, pursuant to section 7(b) of the Natural Gas Act, for permission to abandon service to Colorado Interstate Gas Company (Colorado Interstate) from Applicant's gasoline products plant which receives casinghead gas from oil wells in the Roggen and Southwest Roggen Fields, Morgan County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject sales are covered by a gas sales contract dated June 14, 1956, as amended, between Applicant, as seller, and Colorado Interstate, as buyer, on file as Natural Gas Products Company FPC Gas Rate Schedule No. 1, as supplemented. Concurrently with this application, Applicant filed notice of cancellation of its related FPC Gas Rate Schedule No. 1, which notice has been accepted for filing and designated as Supplement No. 1 to Natural Gas Products Company FPC Gas Rate Schedule No. 1.

Applicant states that the supply of gas purchased from the aforementioned properties is depleted to the extent that there does not remain a sufficient supply of gas to operate its plant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 2, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure on cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7548; Filed, Sept. 10, 1959; 8:46 a.m.]

[Docket Nos. G-15542, G-15813]

OHIO OIL CO. AND MPS PRODUCTION CO., INC., ET AL.

Order Severing Applications and Denying Motions for Reconsideration

SEPTEMBER 4, 1959.

MPS Production Co., Inc., et al. (MPS) and The Ohio Oil Company (Ohio), collectively referred to as Petitioners, filed motions in the above-captioned proceedings on May 1, 1959[1] and May 11, 1959, respectively, for reconsideration of the order of the Commission issued on April 7, 1959 which consolidated the proceedings in these two dockets for purposes of formal hearing. This order also fixed May 13, 1959 as the date of the hearing and further fixed April 27, 1959 as the last day for filing protests or petitions to intervene in the proceedings. In their motions for reconsideration, Petitioners seek to have their applications scheduled for hearing under the Commission's

[1] Also see MPS letter dated April 20, 1959 and filed April 21, 1959.

shortened procedure thus obviating any need for Petitioners to appear and present further evidence in support of their applications. Petitioners further move that these two applications be severed from each other for separate disposition. In addition, MPS requests that the hearing on its application in Docket No. G–15813 be continued until June 3, 1959 or such time thereafter as the Commission may deem appropriate. Pending action by the Commission upon the motions of MPS, the hearing on these two applications scheduled for May 13, 1959 was continued by notice issued on May 8, 1959 to a date to be thereafter fixed by further notice. To date, these applications have not been rescheduled for hearing.

In support of their motions, Petitioners state that compliance with the Commission's order of April 7, 1959 would result in a burden of preparation and expense far exceeding that justified by the impact or importance of the sale sought to be certified, would be an unnecessary economic imposition and constitute an inordinate amount of expenditure when balanced against the returns from the interests involved; that no protests or petitions to intervene have been filed within the time prescribed; and that severance should be granted because there is no relationship between the two consolidated applications. In addition, MPS states that matters and events beyond its control compelled the filing of its application and that continuance would give it sufficient time to prepare for hearing.

The merits of the motion by MPS for a continuance of the hearing until June 3, 1959 need not be considered since any questions with respect thereto have now been rendered moot by the passage of said date. Good cause has not been shown and it is not appropriate to grant the motions for hearing under the Commission's shortened procedure.[2] With respect to the motions for severance, the filing of related applications by Pan American Petroleum Corporation in Docket No. G–15047 and Humble Oil & Refining Company in Docket No. G–15227 makes it appropriate to sever the applications in Docket Nos. G–15542 and G–15813 from each other for purposes of hearing so that all of these matters may be disposed of in an orderly and more expeditious manner.

The Commission further finds:

(1) The grounds relied upon for reconsideration with respect to the aforesaid motions for hearing under the Commission's shortened procedure do not present any questions of law or fact which were not fully considered by the Commission in reaching the decision as set forth in the aforesaid order of April 7, 1959, or which, upon now being considered or reconsidered, warrant the vacation, reversal or modification of the pertinent part of said order or of the decision reached therein as requested and, therefore, the motions for reconsideration should be denied as hereinafter ordered.

[2] See order issued on October 16, 1957, In the Matters of United Gas Pipe Line Company, et al., Docket No. G–12712, et al.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the applications in Docket Nos. G–15542 and G–15813 as heretofore consolidated for purposes of hearing as aforesaid be severed from each other as hereinafter ordered.

The Commission orders:

(A) The motions for reconsideration referred to in Findings (1) hereof are hereby denied.

(B) The applications in Docket Nos. G–15542 and G–15813 referred to in Findings (2) hereof are hereby severed.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7549; Filed, Sept. 10, 1959; 8:46 a.m.]

[Docket Nos. G–15047, G–15813]

PAN AMERICAN PETROLEUM CORP. AND MPS PRODUCTION CO., INC., ET AL.

Order Consolidating Applications and Fixing Date of Hearing

SEPTEMBER 4, 1959.

Pan American Petroleum Corporation (Pan Am), a Delaware corporation with principal place of business at 511 South Boston Avenue, Tulsa 3, Oklahoma, filed an application on May 5, 1958 in Docket No. G–15047 for a disclaimer of jurisdiction or, alternatively, for a certificate of public convenience and necessity of limited duration, pursuant to section 7(c) of the Natural Gas Act, authorizing Pan Am to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Pan Am proposes to sell natural gas in interstate commerce to United Fuel Gas Company (United Fuel) for resale. Pan Am, as seller, and United Fuel, as buyer, have entered into a gas purchase agreement, dated January 9, 1958, to terminate January 1, 1979, and filed as Pan Am's FPC Gas Rate Schedule No. 219, whereby Pan Am has dedicated to the performance thereof all of the natural gas, subject to certain reservations, produced from, and attributable to, Pan Am's interests in certain leases down to the base of the Champagne Sand at 12,813 feet in the Erath Field, Vermilion Parish, Louisiana. The contract provides for an initial price of 20.6 cents per Mcf at 15.025 psia plus applicable tax reimbursement. Pan Am seeks a certificate authorizing the sale, "* * * under and in accordance with the gas sales contract * * * during the term of said contract as specified therein, and that said Certificate provide for the expiration thereof simultaneously with the expiration of said gas sales contract, and authorize Applicant to cease said sale at said time".

MPS Production Co., Inc., Oil Drilling, Inc., Investment Corporation of Philadelphia, Riddell Petroleum Corporation, Stephen C. Clark, Johnny Mitchell, Trustee, R. E. Smith, Dean Myers, Louis Pulaski, Ruth Freed Pulaski and Robert I. Sud (MPS, et al.), with addresses c/o MPS Production Co., Inc., 529 Bank of the Southwest Building, Houston 2, Texas, filed a joint application for a certificate of public convenience and necessity on August 4, 1958 in Docket No. G–15813, pursuant to section 7(c) of the Natural Gas Act, authorizing MPS, et al. to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

MPS, et al. propose to sell natural gas in interstate commerce to United Fuel for resale. MPS, et al. have entered into an agreement with United Fuel, dated July 17, 1958, whereby MPS, et al. have severally adopted as their own, except for dedicated acreage, the gas purchase agreement between Pan Am and United Fuel described above in Docket No. G–15047, viz. Pan Am's FPC Gas Rate Schedule No. 219. Under the agreement for adoption, MPS, et al. adopt all of the terms and conditions of the said Pan Am contract, and MPS et al. severally dedicate to the performance thereof their respective interests in 9 leases located in the Erath Field, Vermilion Parish, Louisiana. This adoption agreement also states that MPS, et al. have entered into an Operating Agreement with Pan Am covering said 9 leases under the terms of which Pan Am is obligated to deliver their gas to United Fuel.

Heretofore, by order issued on April 7, 1959, In the Matters of The Ohio Oil Company, et al., Docket Nos. G–15542, et al., and published in the FEDERAL REGISTER on April 14, 1959 (24 F.R. 2848), the application of MPS, et al. in Docket No. G–15813 was described and consolidated for purposes of formal hearing with the application of The Ohio Oil Company in Docket No. G–15542. This order fixed April 27, 1959 as the last day for filing protests or petitions to intervene and scheduled the applications in Docket Nos. G–15813 and G–15542 as then consolidated for formal hearing on May 13, 1959. Thereafter, by notice issued on May 8, 1959 in the proceedings as then consolidated and published in the FEDERAL REGISTER on May 14, 1959 (24 F.R. 3897) the hearing was postponed to a date to be thereafter fixed in order to give consideration to additional filings made in said proceedings. The matters referred to have been disposed of by separate order to be issued prior to or concurrently with this order. Among other things, the separate order referred to severs the applications in Docket Nos. G–15813 and G–15542 which were heretofore consolidated as aforesaid.

The Commission finds: The applications in Docket Nos. G–15047 and G–15813 should be heard on a consolidated record.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by the applications in Docket Nos. G–15047 and G–15813.

(B) Protests or petitions to intervene in Docket Nos. G–15047 and G–15813 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 25, 1959.

By the Commission.[1]

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7550; Filed, Sept. 10, 1959; 8:47 a.m.]

[Docket No. G–8288, etc.]

SUN OIL CO.

Notice of Postponement of Hearing

SEPTEMBER 4, 1959.

Upon consideration of the motion filed September 2, 1959, by Counsel for Sun Oil Company for postponement of the hearing now scheduled for September 15, 1959, in the above-designated matters:

The hearing now scheduled for September 15, 1959, is hereby postponed to September 29, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, N.W., Washington, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7551; Filed, Sept. 10, 1959; 8:47 a.m.]

[Docket No. G–19262, etc.]

W. B. OSBORN, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates

Correction

In F.R. Document 59–7499, appearing in the issue for Thursday, September 10, 1959, at page 7287, the following material was inadvertently omitted and should be inserted immediately following the second paragraph of above stated document:

Respondent	Rate schedule No.	Supplement No.
W. B. Osborn, Jr., executor of the estate of W. B. Osborn, Sr.	1	4
Lee Minton	1	4
Della Minton	1	4
Winnie Lou Jones	1	4
W. B. Osborn, Jr.	1	4
Charlotte Osborn Barrett	1	4
The Altex Corporation	1	2
Jewel Osborn	1	4
Betty Osborn Biedenharn	1	4

[1] Commissioner Hussey dissenting.

Altex, in support of its proposed redetermined rate increase, cites the contract provisions therefor and states that the increase is just and reasonable. Altex also calls attention to the Commission's order issued November 13, 1958, in Docket No. G–9282, terminating the section 5(a) investigation of Altex after finding that the present rate of 12.12268 cents per Mcf was not shown to be unjust and unreasonable.[2] The other Respondents, listed above, make identical statements in support of their proposed redetermined rate increases to the effect that it will be necessary to install additional compressor facilities due to the decline of bottom hole pressure and depletion of the wells in question and submit a graph depicting a decline in deliverability and well pressure. Additionally, these Respondents submit computations purporting to show an estimated 3.18-cent rate of return in 1960 compared with a 3.56-cent rate of return in 1958. The cost data submitted by these Respondents is deemed insufficient for the Commission's staff to make an adequate cost study to determine the justness and reasonableness of the proposed rates.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

FEDERAL RESERVE SYSTEM

BANK STOCK CORPORATION OF MILWAUKEE

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Bank Stock Corporation of Milwaukee for prior approval of action to become a bank holding company under section 3(a)(1) of the Bank Holding Company Act of 1956.

There having come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application on behalf of Bank Stock Corporation of Milwaukee, a Wisconsin corporation with its principal office in Milwaukee, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of the Marshall and Ilsley Bank and Northern Bank, both of which are located in Milwaukee; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on August 11, 1959 (24 F.R. 6465); the said Notice having provided interested persons an opportunity, before issuance of the Board's Order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such comments and objections having expired and no such objections or comments having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be, and hereby is, granted, and the acquisition by Bank Stock Corporation of Milwaukee of 80 per cent or more of the outstanding voting shares of the Marshall and Ilsley Bank and Northern Bank is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 3d day of September 1959.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 59–7552; Filed, Sept. 10, 1959; 8:47 a.m.]

[2] The staff's cost data for the test year 1957 upon which termination of the proceedings were based indicated a unit cost of 12.29 cents per Mcf which is 2.8 cents per Mcf below the proposed rate here.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

[2] Voting for this action: Chairman Martin and Governors Szymczak and Mills. Voting against this action: Vice Chairman Balderston and Governor Robertson.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

VOLUNTARY PLAN OF ARMY ORDNANCE INTEGRATION COMMITTEE ON SMALL ARMS AMMUNITION

Addition of Company Accepting Request To Participate

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in the Voluntary Plan entitled, "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Small Arms Ammunition." The request and revised list of acceptances were published in 24 F.R. 2759, dated April 9, 1959, and in 24 F.R. 5875, dated July 22, 1959.

Olin Mathieson Chemical Corporation, 275 Winchester Avenue, New Haven 4, Conn.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R. 5061; Executive Order 10782, September 6, 1958, 23 F.R. 6971)

Dated: September 2, 1959.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 59–7537; Filed, Sept. 10, 1959; 8:45 a.m.]

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order

10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061 and 23 F.R. 6971); by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 8, 1959, reading in part as follows:

I hereby determine the damage in the various areas of Texas adversely affected by floods of May and June 1959, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 8, 1959:

Collingsworth County,
Rusk County,
Wheeler County,
City of Overton.

Dated: September 1, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59–7538; Filed, Sept. 10, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 187]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 8, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62370. By order of September 3, 1959, The Transfer Board approved the transfer to James Ronald Orton, doing business as James R. Orton, Gayville, South Dakota, of the operating rights in Certificates Nos. MC 88880 and MC 88880 Sub 1, issued December 20, 1944, and November 4, 1944, respectively, to Anchor C. Bye, Agnes J. Bye, Administratrix, authorizing the transportation, over irregular routes, of livestock, between farms in South Dakota within 10 miles of Gayville, S. Dak., on the one hand, and, on the other, Sioux City, Iowa, and grain and feed, from Sioux City, Iowa, to farms in South Dakota within 10 miles of Gayville, S. Dak. Don A. Bierle, 308 Walnut Street, Yankton, South Dakota, for applicants.

No. MC–FC 62395. By order of September 3, 1959, The Transfer Board approved the transfer to Nicholas Kerna, doing business as Kerna Transfer, Pittsburgh, Pa., of the operating rights in Certificate No. MC 56251, issued March 24, 1952, to Peter Kerna, doing business as Kerna Transfer, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of glassware, food products, petroleum products, in containers, wire garment hangers, and rough steel castings, from and to specified points in Maryland, Ohio, Pennsylvania, Virginia, and the District of Columbia. James C. Evans, 711 Frick Building, Pittsburgh 19, Pennsylvania, for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7562; Filed, Sept. 10, 1959; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 179

Washington, Saturday, September 12, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (23) is added to § 6.342(a) as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(23) One Special Assistant to the Administrator (Workable Programs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7608; Filed, Sept. 11, 1959; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) is added to § 6.333(a) as set out below.

§ 6.333 General Services Administration.

(a) *Office of the Administrator.* * * *

(12) One Assistant to the Special Assistant to the Administrator (Congressional and Public Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7623; Filed, Sept. 11, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 182]

PART 922 — VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.482 Valencia Orange Regulation 182.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to con-

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(As of July 1, 1959)

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sider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 10, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 13, 1959, and ending at 12:01 a.m., P.s.t., September 20, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 1,016,400 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 11, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7672; Filed, Sept. 11, 1959; 11:30 a.m.]

[Lemon Reg. 809]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.916 **Lemon Regulation 809.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 9, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 13, 1959, and ending at 12:01 a.m., P.s.t., September 20, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7669; Filed, Sept. 11, 1959; 8:51 a.m.]

[957.318, Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public

interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which can not be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. In § 957.318 (24 F.R. 5413, 6184) delete paragraph (a) and substitute in lieu thereof a new paragraph (a) as set forth below.

§ 957.318 Limitation of shipments.

* * * * *

(a) *Minimum grade, size, and cleanliness requirements—all varieties*—(1) *Grade.* U.S. No. 2, or better, grade.

(2) *Size.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* At least "generally fairly clean".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 9, 1959, to become effective September 14, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7628; Filed, Sept. 11, 1959; 8:50 a.m.]

[Avocado Order 18, Amdt. 4]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recomendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until September 8, 1959; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on September 8, 1959, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *It is, therefore, ordered,* That provisions of paragraph (b) of § 969.318 (24 F.R. 4050, 4827, 5824, 6904) are hereby amended as follows:

1. Add to Table I of subparagraph (1) the following:

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)
Black Prince	10– 5–59	16 ounces.	10-26-59
Booth 7	10– 5–59	16 ounces, 3 19/16 inches.	10-26-59
Booth 10	10– 5–59	16 ounces, 3 19/16 inches.	10-26-59
Collinson	10– 5–59	16 ounces, 3 13/16 inches.	11– 2-59
Hickson	10–12–59	15 ounces, 3 5/16 inches.	11– 2-59
Vaca	10–12–59	16 ounces, 3 9/16 inches.	11– 2-59
Booth 5	10–12–59	16 ounces, 3 13/16 inches.	11– 2-59
Simpson	10–12–59	16 ounces.	11– 2-59
Avon	10–19–59	15 ounces, 3 19/16 inches.	11– 9-59
Booth 11	10–19–59	16 ounces.	11– 9-59
Winslowson	10–19–59	18 ounces, 3 13/16 inches.	11– 9-59
Herman	10–26–59	16 ounces, 3 9/16 inches.	11-23-59
Monroe	10–26–59	24 ounces.	11-23-59
Choquette	10–26–59	24 ounces.	11-23-59
Hall	10–26–59	24 ounces.	11-23-59

2. Revise that portion of Table II of subparagraph (2) applicable to the Booth 8 variety to read as follows:

TABLE II

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)
Booth 8	9–14–59	16 ounces, 3 5/16 inches.	10–5–59	13 ounces, 3 5/16 inches.	10-26-59

3. Add to Table II of subparagraph (2) the following:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)
Lula	10–5–59	18 ounces, 3 19/16 inches.	10–19–59	14 ounces, 3 5/16 inches.	11-9-59

4. Delete subdivisions (i) through (iv) of subparagraph (4) and substitute therefor the following:

(i) During the period beginning at 12:01 a.m., e.s.t., September 14, 1959, and ending at 12:01 a.m., e.s.t., October 19, 1959, the individual fruit in each lot of such avocados shall weigh at least 15 ounces;

(ii) During the period beginning at 12:01 a.m., e.s.t., October 19, 1959, and ending at 12:01 a.m., e.s.t., December 21, 1959, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(iii) Any lot of such avocados may be handled without regard to the dates and minimum weights specified in this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., September 14, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7633; Filed, Sept. 11, 1959; 8:50 a.m.]

[Avocado Order 19]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

§ 969.319 Avocado Order 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restrictions on the handling of such avocados during the period September 14, 1959, through October 18, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., September 14, 1959, and ending at 12:01 a.m., e.s.t., October 19, 1959, no handler shall handle any variety of avocados unless such avocados are packed in the containers listed in subdivisions (i) through (ix) of this subparagraph; and on and after 12:01 am., e.s.t., October 19, 1959, no handler shall handle any variety of avocados unless such avocados are packed in the containers listed in subdivisions (iv) through (viii) of this subparagraph.

(i) Cartons with inside dimensions 13½ x 16½ x 3¼ inches.

(ii) Boxes and cartons with inside dimensions 13½ x 16½ x 3¾ inches.

(iii) Boxes and cartons with inside dimensions 13½ x 16½ x 4½ inches: *Provided,* That the avocados in such containers shall be packed in one layer only.

(iv) Boxes and cartons with inside dimensions 11 x 16¾ x 10 inches: *Provided,* That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may weigh not more than 2 ounces less than 16 ounces, but not to exceed double such tolerance (20 percent) of fruit weighing less than 16 ounces shall be permitted in an individual container in a lot.

(v) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¼ inches.

(vi) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¾ inches.

(vii) Boxes and cartons with inside dimensions 11½ x 15¾ x 4¼ inches.

(viii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided,* That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(ix) With respect to the containers prescribed in subdivisions (i) through (iii) of this subparagraph, the net weight of the avocados in any such container shall be not less than 13½ pounds except that, when such containers are packed with 20 or more avocados, the net weight of such avocados shall be not less than 13 pounds: *Provided,* That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

(2) Avocado Order 9, as amended (7 CFR 969.309; 24 F.R. 6155) is hereby terminated at 12:01 a.m., e.s.t., September 14, 1959.

(3) The terms "handler," "handle," and "avocados," when used herein, shall have the same meaning as when used in the amended marketing agreement and order (§§ 969.1–969.71).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7668; Filed, Sept. 11, 1959; 8:51 a.m.]

[Milk Order No. 108]

PART 1008—MILK IN INLAND EMPIRE MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1008.0 to 1008.101 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such find-

ings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (i) other source milk (except other order milk) classified as Class I milk, and (ii) milk received from producers, including such handler's own production.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than October 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 22, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 14, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective October 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the terms and conditions of the amended order are as follows:

DEFINITIONS

§ 1008.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1008.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1008.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1008.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1008.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 Inland Empire marketing area.

"Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above-described area.

§ 1008.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products: *Provided*, That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 Pool plant.

"Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the Act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2), and (3) in an amount not less than 20 percent of receipts thereat of milk from producers and from plants qualified under paragraph (b) of this section is distributed within the marketing area on routes (for the purpose of this section "route" shall mean a delivery to retail or wholesale outlets, including a delivery by a vendor or sale from a plant or plant store of milk or milk products classified as Class I milk pursuant to § 1008.41(a) (1), (2), and (3) other than a delivery to another pool plant): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month, either inside or outside the marketing area on routes is not less than 40 percent of such plant's receipts of milk from producers and from plants qualified under paragraph (b) of this section in any of the months of February through August, inclusive, and not less than 50 percent of such receipts in any of the months of September through January, inclusive.

(b) Milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no plant forwarding milk in such manner shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded is of the amount thereof contained in milk (qualified as described in § 1008.11) received from dairy farmers at such plant is less than 50 percent in the current month during the period October through December, and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph but is not a plant qualified as a pool plant under paragraph (a) of this section may withdraw from pool plant status for any month in the January–September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

(c) For the purpose of computing the percentages specified in this section plant receipts of milk from dairy farmers or producers, as the case may be, shall not include, at either plant involved, milk diverted in the manner described in § 1008.15(b) (2).

§ 1008.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1008.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 1008.12 Producer milk.

"Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer (or from a producer who previously held such producer's base) was received at a pool plant during some portion of the period September through January immediately preceding: *And provided further*, That for all purposes under this order such diverted milk shall be deemed to have been received at the pool plant from which diverted.

§ 1008.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts of milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) (including other order milk), except (1) such milk and milk products received from a pool plant(s) and (2) producer milk; and

(b) Products other than those specified in § 1008.41(a) (1), (2) and (3) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 Other order milk.

"Other order milk" means all skim milk and butterfat in any of the forms specified in § 1008.41(a) (1), (2) or (3), received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the Act for any other milk marketing area.

§ 1008.15 Handler.

"Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in § 1008.41(a) (1), (2), and (3) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

(b) Any cooperative association which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for its account (1) from a pool plant to a nonpool plant during any of the months of February through August, and (2) from one pool plant to another pool plant, but not exceeding a period of 90 consecutive days for any producer.

§ 1008.16 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1008.60 (a) and (b), respectively.

§ 1008.18 Base milk.

"Base milk" means milk received from a producer at a pool plant during the month in an amount which is not in excess of:

(a) Such producer's daily base computed pursuant to § 1008.60 (a) multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the intervening days of nondelivery shall be considered as days of delivery for the purposes of this section and § 1008.60; or

(b) His base computed pursuant to § 1008.60(b).

§ 1008.19 Excess milk.

"Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1008.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and fur-

nish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70(a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70(a)(5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80(a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70(b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51(a) and the Class I butterfat differential pursuant to § 1008.52(a), both for the current month; and the respective minimum prices for Class II–A milk and Class II milk pursuant to § 1008.51 (b) and (c) and the Class II butterfat differential pursuant to § 1008.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 Monthly reports of receipts and utilization.

On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70(b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured milk products of the types covered by Class II–A milk and Class II milk in § 1008.41 disposed of in the form in which received without further processing by the handler);

(d) Inventories of items included in Class I milk on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the end of each month as items included in Class I milk; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area;

(f) The aggregate quantities of base milk and excess milk received; and

(g) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 Other reports.

(a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1956.

(d) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1008.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1008.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1008.35 Handler report to producers.

(a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s); (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80(b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 Classes of utilization.

Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), but not including any of the above items if sterilized and packaged in metal containers hermetically sealed; (2) used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk; (ii) flavored milk or flavored milk drink sterilized and packaged in metal containers hermetically sealed; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b)(3) of this section); (3) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt); (4) shrinkage of producer milk in excess of that pursuant to paragraph (b)(6) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42(b); and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce any product other than those included under paragraphs (a) (1), (2), (3) and (c) of this section; (2) disposed of (skim milk only) for livestock feed or dumped (skim milk only) in any month: *Provided*, That in the case of skim milk dumped the conditions of § 1008.32(d) are met by the handler; (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2) and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) to nonpool plants subject to the conditions of § 1008.44(b)(2); (4) disposed of in any of the forms specified in paragraph (a) (1), (2) and (3) of this section if sterilized and packaged in metal containers hermetically sealed; (5) contained in inventories of items included in paragraph (a) (1), (2) and (3) of this section on hand at the end of the month; (6) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (7) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II–A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (and shall be included in Class II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers.

§ 1008.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44(b)(1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 Interplant movements.

Skim milk and butterfat moved in bulk form as any item specified in § 1008.41(a) (1), (2), or (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: (1) As Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which the transfer (or diversion) was made: *Provided*, That if either or both plants received any other source milk, the quantity moved shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *And provided further*, That (i) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (ii) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having the least location adjustment.

(2) On a pro rata basis to each class according to the total use of producer milk in each class at the plant where physically received, in the case of milk diverted by a cooperative association in the manner described in § 1008.15(b)(2).

(b) Except as provided in paragraph (c) of this section, from a pool plant to a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification, the entire transfer shall be classified as Class I milk.

(1) As Class I milk if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph), to the extent that milk is disposed of as any of the items specified in § 1008.41(a) (1), (2), and (3) from the receiving plant in amounts greater than could be supplied from such plant's regular dairy farm receipts of Grade A milk (or the equivalent thereof) and from receipts of milk classified as Class I milk under another Federal order as determined by audit of the market administrator, otherwise as Class II milk.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption which is sterilized and packaged in metal containers hermetically sealed: *Provided*,

That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41(a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That with respect to the milk to which the preceding proviso does not apply, the remaining transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II–A milk products to the extent that such products were produced at such nonpool plant.

(c) From a pool plant to a nonpool plant in which milk subject to the classification and class price provisions of another marketing agreement or order issued pursuant to the Act is received: Such transfer(s) (also diverted milk) shall be classified as provided below:

(1) As Class II milk if the transfer is made in bulk form (other than in consumer packages customarily used for route distribution) and is allocated in the transferee-plant, pursuant to the terms of the marketing agreement or order to which such plant is subject, to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

(2) As Class I milk if the transfer is made in consumer-type packages, or is made in bulk form and allocated to Class I milk as defined in the marketing agreement or order to which the transferee-plant is subject.

§ 1008.45 Computation of the quantity of producer milk in each class.

For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids;

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41(b)(6);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk (§ 1008.70(a)(4)): *Provided*, That if more than one source of other source milk is involved, the skim milk shall be subtracted in sequence beginning with the source at greatest distance from the City Hall, Spokane, Washington: *And provided further*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II–A milk and in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of items included in §1008.41(a), (1), (2) and (3) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk remaining in Class II–A milk and in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

(5) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section; and

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

Minimum Prices

§ 1008.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported from Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 Class prices.

Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II–A, and Class II milk:

(a) *Class I milk.* For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus $1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

(b) *Class II–A milk.* The price for Class II–A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from interhandler transfers) during the same two months;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage";

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero.

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	82
February	November–December	76	79
March	December–January	73	76
April	January–February	73	76
May	February–March	72	75
June	March–April	70	73
July	April–May	68	71
August	May–June	63	66
September	June–July	65	68
October	July–August	69	72
November	August–September	73	76
December	September–October	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding; or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1008.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class II–A milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 Location adjustment credits to handlers.

The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51(a), less a location adjustment per hundredweight of milk computed as follows: 2.0 cents for each 10 miles, or major fraction thereof, up to 200 miles and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington.

§ 1008.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Determination of Base

§ 1008.60 Computation of producer bases.

Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) The daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided*, That the daily base of any producer who delivered milk on not less than 120 days during such September–January period to a pool plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September–January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(b) The base of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to this section because of lack of available information concerning such producer's deliveries in the applicable September–January period) shall be a quantity, to be effective for the current month only, computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	75
February	70
March	65
April	60
May	60
June	60
July	65
August	70
September	75
October	80
November	80
December	75

Provided, That the percentages to be used for December 1959, January 1960, and February 1960 shall be 80, 80 and 75, respectively.

§ 1008.61 Base rules.

The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60(a) may be transferred in its entirety to another producer upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to the same producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part: *Provided*, That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk

until March 1 next following such transfer.

(b) A producer who ceases deliveries to a pool plant for more than 45 consecutive days shall lose his base if computed pursuant to § 1008.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60(b), until he can establish a new base under § 1008.60(a), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60(a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60(b).

(d) As soon as bases computed by the market administrator under § 1008.60 (a) and (b) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60 (a) or (b) and only one base shall be allotted with respect to milk produced by two or more persons where the land, buildings, or equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 Computation of value of milk.

(a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided*, That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor-handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity;

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II-A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall, Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed $1.90 per hundredweight;

(6) Add the amount computed by multiplying the difference between the Class II price (§ 1008.51(c)) for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1008.45(b)(4) and (c) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1008.45(b)(3) and (c) for the current month, whichever is less;

(7) Subtract the monetary value of any payment claimed by the handler to be applicable under any other marketing agreement or order issued pursuant to the Act to transfers of skim milk or butterfat in bulk form by the handler under the conditions of § 1008.44(c)(2) as "other source milk" under such other marketing agreement or order: *Provided*, That the applicability of such payment at the transferee-plant is confirmed by the market administrator of such other marketing agreement or order.

(b) The value of milk (except other order milk) of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of in the marketing area as any item included in Class I milk pursuant to § 1008.41(a) (1), (2) or (3) shall be a sum of money computed by the market administrator by multiplying the hundredweight of other source milk so disposed of by the difference between the Class I and Class II milk (other than Class II-A) prices, adjusted by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk), and by the same rate of location differential, if any, provided in paragraph (a)(5) of this section: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of base and excess milk varies from 4.0 percent by the appropriate butterfat differentials computed pursuant to § 1008.82, and multiply the resulting figures by the respective hundredweights of base and excess milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II-A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further*, That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which is a handler for skim milk and butterfat received, including any milk received by diversion pursuant to § 1008.15(b)(2), from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

§ 1008.81 Location adjustments to producers.

In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 Payments to the producer-settlement fund.

(a) On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, whose obligation is computed pursuant to § 1008.70(a) shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80(a).

(b) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 1008.70(b) shall pay the amount computed for him pursuant to such paragraph.

§ 1008.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in §1008.80(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the associ-

ation entitled to receive it under this paragraph.

§ 1008.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk (except other order milk) classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1008.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1008.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1008.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 9th day of September, 1959, to be effective on and after the 1st day of October 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-7627; Filed, Sept. 11, 1959; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

PART 299—IMMIGRATION FORMS

Eligible Orphans

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (c) of § 103.7 *Records and fees* is amended by adding the following fee as the fifteenth item which when taken with the introductory material will read as follows:

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed:

* * * * * *

For filing petition to accord nonquota status to eligible orphan under section 4 of the Act of September 11, 1957, as amended..... $10.00

2. The reference to Form I-600 in the list of forms in § 299.1 *Prescribed forms* is amended to read as follows:

Form No.	Title and description
I-600	Petition to classify alien as an eligible orphan (Section 4, Act of September 11, 1957, as amended).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be considered effective as of September 9, 1959. The regulations prescribed by the order are necessary for carrying out the provisions of section 2 of Public Law 86-253, 86th Congress, which became effective on September 9, 1959. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable in this instance, since such compliance would unduly delay and impede the administration of section 2 of Public Law 86-253.

Dated: September 10, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-7656; Filed, Sept. 11, 1959; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[B.A.I. Order 383, Rev. Amdt. 106]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

Subpart B—Swine Diseases Spread Through Raw Garbage

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended (21 U.S.C. 123, 125), sections 1 and 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111-113, 120), and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 117), § 76.27, Subpart B, Part 76, Title 9, Code of Federal Regulations (9 CFR 76.27), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby amended in the following respect: Paragraph (d), relating to New Jersey, is deleted.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 33 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 117, 120, 123, 125; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases from quarantine all areas in New Jersey heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B will not apply to these areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B will apply thereto.

The amendment relieves certain restrictions presently imposed, and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of September 1959.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59-7607; Filed, Sept. 11, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 115; Amdt. 40]

PART 507—AIRWORTHINESS DIRECTIVES

Certain Allison Engines

In order to permit use of redesigned blades on Allison 501-D13 and -D13A engines, AD 59-12-4 published in 24 F.R. 5416 is superseded by a new airworthiness directive. The improved blades, if used, relax the requirement to observe restriction and inspection procedures for aircraft not having operating engine vibration detection equipment. In addition, low speed ground idle time specified in item A.(1) of AD 59-12-4 has been amplified to permit a degree of relaxation.

For the reasons stated above, the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-18-1 ALLISON. Applies to Model 501-D13 and -D13A engines.

Compliance required as indicated.

A few cases of Allison 501-D13 and -D13A third stage turbine blade failures have occurred due to a resonance condition at low speed ground idle. All of these failures to date have resulted in visible damage to fourth stage blades as well as fourth stage vanes. In one case continued operation of an engine with a failed blade resulted in failure of the turbine inlet case-vane case split line bolts.

(a) Aircraft not having operating engine vibration detection equipment must observe the following engine operating restriction and inspection.

(1) Low speed ground idle operation from time all engines are started to stopping all engines at end of flight not to exceed four minutes total time.

(2) Conduct inspection of fourth stage turbine blades before next departure of airplane from maintenance base and at intervals not to exceed 25 hours of operation for indications of damage using adequate light and optical aid.

(b) Aircraft having operating engine vibration detection equipment shall use this equipment to detect any indications above normal and if found, the above inspection of fourth stage turbine blades shall be conducted upon arrival at the next maintenance base. If any damage is discovered as a result of (a) or (b) it is cause for more detailed inspection and/or engine removal.

(c) This restriction will not apply to engines modified in accordance with Allison Commercial Engine Bulletin No. 72-77 by installation of third stage turbine blades P/N 6794773 identified by a stripe of heat and corrosion resistant aluminum polytherm paint ½-inch wide and 4 inches long around contour of the inlet casing clockwise starting at the 1:00 position forward of the terminal block mounting flange. (Allison Commercial Engine Bulletin No. 72-77 covers the same subject.)

This supersedes AD 59-12-4.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective immediately.

Issued in Washington, D.C., on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 4, 1959.

[F.R. Doc. 59-7580; Filed, Sept. 11, 1959; 8:45 a.m.]

[Reg. Docket No. 116; Amdt. 41]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

A proposal to amend Part 507 of the regulations of the Administrator to include airworthiness directives requiring inspection, replacement or modification of Beech and Lockheed aircraft, and Curtiss Propellers was published in 24 F.R. 5659.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. For clarification purposes, editorial changes have been made in the directives.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directives:

59-18-2 BEECH. Applies to all Beech Model C-45G, TC-45G, C-45H, TC-45H and D18S airplanes.

Compliance required as indicated.

Corrosion of fuel supply lines in the wing root area can result from the flexible cockpit hot air duct touching the aluminum fuel line. Fuel line leaks due to this corrosion may cause fuel system malfunctioning or hazardous accumulations of fuel and fumes in the wings or cabin. To prevent these conditions, accomplish the following:

(a) Compliance required not later than October 15, 1959.

(1) Inspect the ⅝ inch O.D. fuel line (Beech P/N's 407-189686 LH and 407-189731 RH) beneath each battery installation on both sides of the airplane for indications of corrosion. Replace the lines if damaged.

(2) Install ⅝ inch I.D. x 1/16 inch tubing (Tygon tubing manufactured by U.S. Stoneware, Akron 9, Ohio) split lengthwise over the fuel lines (407-189686 LH and 407-189731 RH) in the area of the cockpit hot air duct. Secure the split tube by taping.

(3) Obtain adequate clearance between the fuel line and the cabin hot air duct by installing a suitable double clamp on the line and duct.

(b) Compliance required at each periodic airplane inspection after accomplishment of (a).

(1) Remove split Tygon tubing from fuel supply lines (407-189686 LH and 407-189731 RH) and inspect lines for corrosion. Replace fuel lines if necessary.

(2) Reinstall split Tygon tubing and double clamp between cabin hot air duct and fuel line as outlined in (a)(2) and (a)(3).

(Beech Service Bulletin No. 68, Model D18S issued February, 1959, covers this same subject.)

59-18-3 CURTISS PROPELLER. Applies to all Curtiss Model C634S-C400 and C634S-C500 Series propellers.

Compliance required at first propeller overhaul after January 1, 1960, but not later than May 1, 1960.

Peculiar wear of power unit motor and mating speed reducer splines in Curtiss C634S–C400 and C634S–C500 series propellers has been observed at a time short of a full overhaul period. In order to minimize the possibility of such occurrences, provide a new motor rotor assembly which incorporates a longer shaft with splines of a larger pitch diameter and a new mating splined sleeve and high speed drive gear. Modification of the 145295–2 Power Unit Assembly in Curtiss C634S–C400 and C634S–C500 series propellers to the 163308 Power Unit Assembly accomplishes the desired objective.

(Curtiss Service Bulletin No. C–24 covers this same subject.)

Compliance with AD 59–7–1 is no longer required after compliance with this AD.

59–18–4 LOCKHEED. Applies to all Model 1049C, 1049D, 1049E, 1049G and 1049H aircraft.

Compliance required as indicated.

The following inspections have been established as a result of recently found cracking in the inner wing rear spar web at Wing Station 458.

At the next block overhaul or 4,000 flight-hours, whichever occurs first, on all aircraft (regardless of accumulated flight time) inspect the inner wing rear spar web at Station 458 for cracks in the upper and lower notched web area shown in Lockheed Drawing 555353. Inspection is applicable to both left and right wings.

If cracks are discovered incorporate the reinforcements shown in Lockheed Drawing 555353, or equivalent.

If no cracks are discovered, the reinforcements shown in Lockheed Drawing 555353 may be incorporated. Otherwise, reinspection at 4,000 flight-hour periods or block overhaul, whichever is less, is required to insure detection of cracks.

(Lockheed Service Letter FS/231094 covers this same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 4, 1959.

[F.R. Doc. 59–7581; Filed, Sept. 11, 1959; 8:45 a.m.]

[Reg. Docket No. 117; Amdt. 42]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Aircraft

Due to a recent incident of a Boeing 707 wing fore flap failure, inspection for cracks or deformation must be accomplished on all Boeing Model 707 Series aircraft unless already accomplished.

For the reasons state above, the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59–19–1 BOEING. Applies to Model 707 Series aircraft.

Compliance required as indicated.

Unless accomplished within the last ten flights (ground to air to ground cycles) compliance is required at the next stop at a maintenance base where personnel and facilities are available. Repetitive inspections required at periods not to exceed 60 flight hours or ten flights, ground to air to ground cycles, whichever occurs first.

Conduct detail visual inspection of all wing fore flaps for any evidence of skin cracks or cracking in vicinity of attachments. Particular attention should be given to following areas:

(a) By use of borescope inspect interior and exterior web, flanges and cutouts on both the inboard and outboard end ribs of each fore flap for cracks or other damage.

(b) By means of dye check or equivalent, examine skin area at ends of reinforcement plate on upper surface of each outboard fore flap on outboard flap, particularly for cracks emanating from end rivets.

(c) After loosening the bolts which fasten one end of each fore flap to the corresponding flap carriages measure the gap between the gusset plate and the carriage at each such point. If any gap is greater than 0.030 inch, shim as necessary to bring the gap within this tolerance.

Fore flaps showing any evidence of cracking or permanent deformation must be replaced or repaired in accordance with manufacturer's instruction before next flight.

(Boeing Service Bulletins Nos. 546 dated August 18, 1959, and 566 dated August 26, 1959, cover criteria on the same subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

This amendment shall become effective immediately.

Issued in Washington, D.C., on September 4, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 4, 1959.

[F.R. Doc. 59–7582; Filed, Sept. 11, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–1]

[Amdt. 28]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 29]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, Designated Reporting Points and Redesignation of Control Area Extension

On June 26, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5226) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the Regulations of the Administrator which would revoke a segment of Blue Federal airway No. 13 and its associated control areas, from Houston, Tex., to Texarkana, Ark.

Blue Federal airway No. 13 presently extends from Houston, Tex., to Fort Smith, Ark., and from the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to Des Moines, Iowa. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed less than ten aircraft movements for the airway segment between Houston, Tex., and Shreveport, La. The airway segment from Shreveport, La., to Texarkana, Ark., showed seventeen and eight aircraft movements for each half of the year. On the basis of this survey it appeared that the retention of the airway segment from Houston, Tex., to Texarkana, Ark., and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the notice, the revocation of this segment of Blue Federal airway No. 13 would also involve the amendment of § 601.4613 of the regulations of the Administrator which relates to designated reporting points for this airway. Moreover, Blue Federal airway No. 13 is also used to describe the boundaries of the Shreveport, La., control area extension. The revocation of this segment will necessitate the redescription of the Shreveport, La., control area extension by use of VOR Federal airway No. 13.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.613 (14 CFR, 1958 Supp., 600.613), and §§ 601.613, 601.4613 and 601.1285 (14 CFR, 1958 Supp., 601.613, 601.4613, 601.1285) are amended as follows:

1. Section 600.613 *Blue Federal airway No. 13 (Houston, Tex., to Des Moines, Iowa)*, is amended as follows:

(a) In the caption delete "*(Houston, Tex., to Des Moines, Iowa.)*" and substitute therefor "*(Texarkana, Ark., to Fort Smith, Ark., and Kansas City, Mo., to Des Moines, Iowa)*."

(b) In the text delete "Houston, Tex., radio range station via the Lufkin, Tex., nondirectional radio beacon; Shreveport, La., radio range station; the intersection of the northwest course of the Shreveport, La., radio range and the south course of the Texarkana, Ark., radio range;"

2. Section 601.613 *Blue Federal airway No. 13 control areas (Houston, Tex., to Des Moines, Iowa)*, is amended as follows: In the caption delete "*(Houston, Tex., to Des Moines, Iowa)*" and substitute therefor "*(Texarkana, Ark., to Fort Smith, Ark., and Kansas City, Mo., to Des Moines, Iowa)*".

3. Section 601.4613 *Blue Federal airway No. 13 (Houston, Tex., to Des Moines, Iowa)*, is amended as follows:

(a) In the caption delete "*(Houston, Tex., to Des Moines, Iowa)*" and substitute therefor "*(Texarkana, Ark., to Fort Smith, Ark., and Kansas City, Mo., to Des Moines, Iowa)*".

(b) In the text delete "Lufkin, Tex., nondirectional radio beacon".

4. Section 601.1285 *Control area extension (Shreveport, La.)*, is amended as follows: In the text "bounded on the east by Blue Federal airway No. 13" and substitute therefor "bounded on the east by VOR Federal airway No. 13".

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7583; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59–WA–2]

[Amdt. 29]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 30]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, and Designated Reporting Points

On June 26, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5226) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Blue Federal airway No. 86, and its associated control areas.

Blue Federal airway No. 86, presently extends from Goshen, Ind., to Fort Wayne, Ind. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only one aircraft movement. On the basis of this survey, it appeared that retention of this airway and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the notice, the revocation of Blue Federal airway No. 86 would also involve the revocation of § 601.4686 of the Regulations of the Administrator, which relates to the designated reporting points for this airway.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.686 *Blue Federal airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.)* is revoked.

2. Section 601.686 *Blue Federal airway No. 86 control areas (Goshen, Ind., to Fort Wayne, Ind.)* is revoked.

3. Section 601.4686 *Blue Federal airway No. 86 (Goshen, Ind., to Fort Wayne, Ind.)* is revoked.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7584; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59–WA–7]

[Amdt. 30]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 31]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, and Designated Reporting Points

On June 26, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5225) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 89, and its associated control areas.

As stated in the notice, Red Federal airway No. 89 presently extends from Quincy, Ill., via Peoria, Ill., to Pontiac, Ill. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 showed only two aircraft movements on this airway. On the basis of this survey it appeared that the retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the notice, the revocation of Red Federal airway No. 89 would also involve the revocation of § 601.4289 of the regulations of the Administrator, which relates to the designated reporting points for this airway.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.289 *Red Federal airway No. 89 (Quincy, Ill., to Peoria, Ill.)* is revoked.

2. Section 601.289 *Red Federal airway No. 89 control areas (Quincy, Ill., to Peoria, Ill.)* is revoked.

3. Section 601.4289 *Red Federal airway No. 89 (Quincy, Ill., to Peoria, Ill.)* is revoked.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C. on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7585; Filed, Sept. 11, 1959; 8:45 a.m.]

[Amdt. 36]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 39]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, and Designated Reporting Points

On July 18, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5760) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the Regulations of the Administrator which would revoke Blue Federal airway No. 31, its associated control areas, and designated reporting points from Burlington, Iowa, to Moline, Ill.

As stated in the notice, Blue Federal airway No. 31 presently extends from Burlington, Iowa, to Moline, Ill. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed zero aircraft movements on this airway. On the basis of this survey, it appeared that the retention of this airway, and its associated control areas was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting points associated with Blue Federal airway No. 31 will be revoked.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530)

Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.631 *Blue Federal airway No. 31 (Burlington, Iowa, to Moline, Ill.)* is revoked.

2. Section 601.631 *Blue Federal airway No. 31 control areas (Burlington, Iowa, to Moline, Ill.)* is revoked.

3. Section 601.4631 *Blue Federal airway No. 31 (Burlington, Iowa, to Moline, Ill.)* is revoked.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7586; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-9]

[Amdt. 31]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 32]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, and Designated Reporting Points

On June 26, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5225) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 95, and its associated control areas, from Elmira, N.Y., to Utica, N.Y.

Red Federal airway No. 95 presently extends from Elmira, N.Y. to Utica, N.Y. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed an average of less than ten aircraft movements. On the basis of this survey, it appeared that retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the notice, the revocation of Red Federal airway No. 95 would also involve the revocation of § 601.4295 of the regulations of the Administrator, which relates to the designated reporting points for this airway.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.295 *Red Federal airway No. 95 (Elmira, N.Y., to Utica, N.Y.)* is revoked.

2. Section 601.295 *Red Federal airway No. 95 control areas (Elmira, N.Y., to Utica, N.Y.)* is revoked.

3. Section 601.4295 *Red Federal airway No. 95 (Elmira, N.Y., to Utica, N.Y.)* is revoked.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C. on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7587; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-10]

[Amdt. 32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 33]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas, Redesignation of Reporting Points and Control Area Extensions

On June 26, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5224) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke the segment of Green Federal airway No. 5, and its associated control areas, from Fort Worth, Tex., to Pine Bluff, Ark.

Green Federal airway No. 5 presently extends from Los Angeles, Calif., to Boston, Mass. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, showed less than 10 aircraft movements for the airway segment under consideration. On the basis of this survey it appeared that the retention of this portion of the airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the notice, the revocation of this segment of Green Federal airway No. 5 would also involve the redesignation of § 601.4015 of the regulations of the Administrator which relates to the designated reporting points on this airway. Additionally, this action necessitates the revocation of one reporting point on the revoked airway segment. Moreover, Green Federal airway No. 5 is also used to describe the boundaries of the Shreveport, La., control area extension, and the Sherman, Tex., control area extension. The revocation of this airway segment, will necessitate the redesignation of these two control area extensions by use of VOR Federal airways.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.15 (14 CFR, 1958 Supp., 600.15), and §§ 601.15, 601.4015, 601.1285, 601.1330 (14 CFR, 1958 Supp., 601.15, 601.4015, 601.1285, 601.1330) are amended as follows:

1. Section 600.1 *Green Federal airway No. 5 (Los Angeles, Calif., to Boston, Mass.)*, is amended as follows:

(a) In the caption delete "*(Los Angeles, Calif., to Boston, Mass.)*" and substitute therefor "*(Los Angeles, Calif., to Fort Worth, Tex., and Pine Bluff, Ark., to Boston, Mass.)*."

(b) In the text delete "Fort Worth, Tex., radio range station; Sulphur Springs, Tex., nondirectional radio beacon; Texarkana, Ark., radio range station; Pine Bluff, Ark., nondirectional radio beacon;" and substitute therefor "to the Fort Worth, Tex., RR. From the Pine Bluff, Ark., RBN via the".

2. Section 601.15 *Green Federal airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.)*, is amended as follows: In the caption delete "*(Los Angeles, Calif., to Boston, Mass.)*" and substitute therefor "*(Los Angeles, Calif., to Fort Worth, Tex., and Pine Bluff, Ark., to Boston, Mass.)*".

3. Section 601.4015 *Green Federal airway No. 5 (Los Angeles, Calif., to Boston, Mass.)*, is amended as follows:

(a) In the caption delete "*(Los Angeles, Calif., to Boston, Mass.)*" and substitute therefor "*(Los Angeles, Calif., to Fort Worth, Tex., and Pine Bluff, Ark., to Boston, Mass.)*".

(b) In the text delete "Texarkana, Ark., radio range station;".

4. Section 601.1285 *Control area extension (Shreveport, La.)*, is amended as follows: In the text delete "on the northwest by Green Federal airway No. 5" and substitute therefor "on the northwest by VOR Federal airway No. 16".

5. Section 601.1330 *Control area extension (Sherman, Tex.)*, is amended as follows: In the text delete "bounded on the south by Green Federal airway No. 5", and substitute therefor "bounded on the south by VOR Federal airway No. 16".

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C. September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7588; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-17]

[Amdt. 33]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 34]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREAS, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points and Redesignation of Control Area Extensions

On June 26, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5224) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 14, and its associated control areas, from Milwaukee, Wis., to Indianapolis, Ind.

Red Federal airway No. 14 presently extends from Milwaukee, Wis., to Indianapolis, Ind. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only four aircraft movements for the entire airway. On the basis of this survey, it appeared that retention of this airway and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Although not mentioned in the notice, the revocation of Red Federal airway No. 14 would also involve the revocation of § 601.4214 of the regulations of the Administrator which relates to the designated reporting points for this airway. Moreover, Red Federal airway No. 14 is also used to describe the boundaries of the Chicago, Ill., control area extension. The revocation of this airway will necessitate the redescription of the Chicago, Ill., control area extension by use of VOR Federal airways.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.214 (14 CFR, 1958 Supp., 600.214), and §§ 601.214, 601.4214, 601.1161 (14 CFR, 1958 Supp., 601.4214 and 601.1161) are amended as follows:

1. Section 600.214 *Red Federal airway No. 14 (Milwaukee, Wis., to Indianapolis, Ind.)* is revoked.

2. Section 601.4214 *Red Federal airway No. 14 control areas (Milwaukee, Wis., to Indianapolis, Ind.)* is revoked.

3. Section 601.4214 *Red Federal airway No. 14 (Milwaukee, Wis., to Indianapolis, Ind.)* is revoked.

4. Section 601.1161 *Control area extension (Chicago, Ill.)*, is amended as follows: In the text delete "on the west by Red Federal airway No. 14" and substitute therefor "on the west by VOR Federal airway No. 7."

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

These amendments shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7589; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-80]

[Amdt. 36]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On July 18, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5761) stating that the Federal Aviation Agency was considering an amendment to § 601.2125 of the regulations of the Administrator which would extend the Hulman Field, Terre Haute, Indiana, control zone.

As stated in the notice, a portion of the Terre Haute, Indiana, control zone extends two miles either side of the 002° radial of the Terre Haute VOR, to a point ten statute miles north of the VOR. The prescribed VOR Standard Instrument Approach Procedure permits a procedure turn to be made on the west side of the 360° course within ten nautical miles of the VOR. In order to provide adequate controlled airspace for the VOR instrument approach to Hulman Field it is necessary to extend the control zone extension to a point 12 statute miles north of the VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.2125 (14 CFR, 1958 Supp., § 601.2125, 24 F.R. 704), *Terre Haute, Indiana, control zone*, is amended as follows: In the text delete "10 miles north of the VOR," and substitute therefor "12 miles north of the VOR."

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C. on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7590; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59-FW-28]

[Amdt. 35]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Control Zone

The purpose of this amendment to § 601.1984, of the regulations of the Administrator, is to revoke the San Marcos, Tex., control zone.

The U.S. Army has discontinued all flight training activities and decommissioned the low frequency radio range station at San Marcos Air Force Base (Gary Army Air Field) San Marcos, Tex. Therefore, the retention of a five-mile radius control zone for San Marcos Air Force Base is no longer justified as an assignment of airspace and the revocation is in the public interest.

Since this amendment eliminates a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1984 (14 CFR, 1958 Supp., 601.1984) is amended as follows:

In section 601.1984 *Five mile radius zones*, delete "San Marcos, Tex.: San Marcos Air Force Base.".

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t. October 22, 1959.

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7591; Filed, Sept. 11, 1959; 8:45 a.m.]

[Airspace Docket No. 59-NY-11]

[Amdt. 12]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On July 23, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5919) stating that the Federal Aviation Agency proposed to amend Part 602 of the regulations of the Administrator by establishing a new coded jet route between Spartanburg, S.C. and Gordonsville, Va., VOR/VOR-TAC jet route No. 69.

Air carrier jet service will be inaugurated between New York, N.Y., and New Orleans, La., on or about September 18, 1959. The existing jet route structure was satisfactory for the proposed operation except for the portion between Spartanburg, S.C. and Flat Rock, Va. The

new route would bypass much of the high altitude military traffic in the area and improve the coded jet route structure between New York and Spartanburg.

The establishment of this jet route by the time the air carrier jet operations commence will permit the application of uinform air traffic management procedures for civil jet high altitude operations. Among other things, it will enable the Federal Aviation Agency to provide aircraft operating over the route with radar advisory service. Moreover, appropriate charting will be accomplished which will facilitate air navigation. These conditions will provide the optimum environment for the avoidance of mid-air collisions.

Written comment concerning the proposed amendment was generally favorable. The Department of the Air Force suggested modifications to the jet route structure involving jet routes J37V and J49V, in order to avoid interference with certain military activities south of the new route. These modifications are presently under consideration.

In the light of the foregoing, it has been determined that safety requires that the jet route under consideration be established by the time the scheduled air carrier jet operations commence. Good cause exists, therefore, for making this amendment effective on less than 30 days' notice.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR, 1958 Supp., Part 602) is amended by adding the following section:

§ 602.569 VOR/VORTAC jet route No. 69 (Spartanburg, S.C., to Gordonsville, Va.).

From the Spartanburg, S.C., VOR to the Gordonsville, Va., VOR.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t. September 18, 1959.

Issued in Washington, D.C., on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7611; Filed, Sept. 11, 1959; 8:47 a.m.]

[Airspace Docket No. 59-FW-16]

[Amdt. 14]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

The Federal Aviation Agency has been informed that scheduled air carrier jet service will be inaugurated between Miami, Fla., and Chicago, Ill., on or about October 15, 1959. The purpose of this amendment to Part 602 of the regulations of the Administrator, therefore, is to establish a coded jet route, VOR/VORTAC jet route No. 89, between these terminals.

The existing jet route structure between Miami and Atlanta, Ga., is adequate for the proposed operation. Thus the only new portion of the route will be from Atlanta to Chicago, via Louisville, Ky. However, to simplify flight planning procedures and air traffic management, the entire route will be assigned a single number. Accordingly, jet route J-89-V will extend from Miami, Fla., to Chicago, Ill., via Gainsville, Fla., Alma, Ga., Atlanta, Ga., and Louisville, Ky.

The establishment of this jet route by the time the air carrier jet operations commence will permit the application of uniform air traffic management procedures for civil jet high altitude operations. Among other things, it will enable the Federal Aviation Agency to provide aircraft operating over the route with radar advisory service. Moreover, appropriate charting will be accomplished which will facilitate air navigation. These conditions will provide the optimum environment for the avoidance of mid-air collisions.

In the light of the foregoing, it has been determined that this amendment is necessary in the interest of safety in that it will provide optimum conditions for the prevention of collisions between aircraft. Accordingly, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR, 1958 SUPP., Part 602) is amended by adding the following section:

§ 602.589 VOR/VORTAC jet route No. 89 (Miami, Fla., to Chicago, Ill.).

From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville VOR 167° radials; Gainesville, Fla., VOR; INT of the Gainesville VOR 353° and the Alma VOR 179° radials; Alma, Ga., VOR; Atlanta, Ga., VOR; Louisville, Ky., VOR; INT of the Louisville 334° and the Northbrook 159° radials; to the Northbrook, Ill., VOR.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

This amendment shall become effective 0001 e.s.t. October 15, 1959.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7612; Filed, Sept. 11, 1959; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6413]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Declaration of Estimated Income Tax for the Taxable Year 1959

Section 819(b) of the Internal Revenue Code of 1954, as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 136, 26 U.S.C. 819(b)), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Since section 3(i) of the Life Insurance Company Income Tax Act of 1959 provided that the time for the filing of income tax returns for the taxable year 1958 by life insurance companies was to be on or before September 15, 1959, it will not be possible to compute the percentage required by section 819(b) prior to the expiration of the date for the filing of the declaration of estimated income tax for the taxable year 1959. Accordingly, it is hereby determined that for purposes of the declaration of estimated 1959 income tax and payments of installments thereof by foreign life insurance companies a provisional percentage of 9 shall be used in determining the "minimum figure" under section 819(b). No additions to tax shall be made because of any underpayment of tax which results solely from the use of the provisional percentage.

Because the percentage announced in this Treasury decision is a provisional figure and the public cannot effectively participate in the determination of such figure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

NELSON P. ROSE,
Acting Secretary of the Treasury.

SEPTEMBER 9, 1959.

[F.R. Doc. 59-7631; Filed, Sept. 11, 1959; 8:50 a.m.]

[T.D. 6414]

PART 19—TEMPORARY RULES UNDER CERTAIN PROVISIONS OF THE LIFE INSURANCE COMPANY INCOME TAX ACT OF 1959

Elections, Short Taxable Years, etc.

The following rules, prescribed under certain provisions of the Life Insurance Company Income Tax Act of 1959, 73 Stat. 112, relate to certain elections or other actions of life insurance companies under the provisions of such Act. Except as otherwise specifically provided therein, these rules are effective for taxable years beginning after December 31, 1957.

The rules set forth herein are temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Life Insurance Company Income Tax Act of 1959. More comprehensive rules with respect to the subjects involved will be incorporated in subsequent regulations under the Act. The inclusion in this Treasury decision of rules relating to certain acts is intended to assist taxpayers in the performance of such acts.

In order to prescribe temporary rules with respect to certain life insurance companies making an election under the provisions of subchapter L, as added by section 2 of the provisions of the Life Insurance Company Income Tax Act of 1959, the following regulations are hereby adopted:

§ 19.1-6 Variable annuities; increases and decreases in reserves.

(a) Paragraph (4) of section 801(g) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 114), provides that for purposes of section 810 (a) and (b), the sum of the items described in section 810(c) taken into account as of the close of the taxable year shall be adjusted:

(1) By subtracting therefrom the sum of any amounts added from time to time (for the taxable year) to the reserves for variable annuity contracts described in section 801(g)(1) by reason of realized or unrealized appreciation in the value of the assets held in relation thereto, and

(2) By adding thereto the sum of any amounts subtracted from time to time (for the taxable year) from such reserves by reason of realized or unrealized depreciation in the value of such assets.

(b) The application of the adjustments required by section 801(g)(4) and paragraph (a) of this section may be illustrated by the following example:

Example. Company M, a life insurance company issuing only variable annuity contracts of the type described in section 801(g)(1), increased its life insurance reserves held with respect to such contracts during the taxable year 1958 by $275,000. Under the terms of these contracts, any realized or unrealized appreciation (or depreciation) in the value of the assets held in relation to these reserves is required to be subtracted from (or added to) such reserves. Of the total increase in the reserves, $100,000 was attributable to premium receipts, $50,000 to investment income, $100,000 to unrealized appreciation in the value of the assets held in relation to such reserves, and, $25,000 to realized long-term capital gains on the sale of such assets. As of the close of the taxable year 1958, the reserves held by company M with respect to all variable annuity contracts amounted to $1,275,000. However, under section 801(g)(4) and paragraph (a) of this section, this amount must be reduced by the $100,000 unrealized asset value appreciation and the $25,000 of realized capital gains. Accordingly, for purposes of section 810 (a) and (b), the amount of these reserves which is to be taken into account as of the close of the taxable year 1958 under section 810(c) is $1,150,000 ($1,275,000 less $125,000).

§ 19.1-7 Election with respect to certain decreases in reserves of voluntary employees' beneficiary associations.

(a) *In general.* Paragraph (3) of section 810(e) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 126), permits a life insurance company which meets all the requirements of section 501(c)(9), other than the requirement of subparagraph (B) thereof, to elect to take into account (for purposes of section 810 (a) and (b)) only 11½ percent of any decrease in the life insurance reserve on any policy issued before January 1, 1958, which is attributable solely to the voluntary lapse of such policy during a taxable year beginning on or after that date.

(b) *Time and manner of making election.* The election provided by section 810(e)(3) shall be made in a statement attached to the life insurance company's income tax return for the first taxable year for which the company desires the election to apply. The return and statement must be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year. The statement shall indicate that the company has made the election provided under section 810 (e) for the taxable year, and shall set forth the following information with respect to each policy described in paragraph (a) of this section which has voluntarily lapsed during such year:

(1) Type of policy.
(2) Date issued.
(3) Date lapsed.
(4) Reason for lapse.
(5) Policy reserve as of beginning of taxable year.
(6) Deduction allowable under section 809(d)(1) during taxable year by reason of lapse.
(7) Decrease in policy reserve for section 810(e) purposes (excess of (5) over (6)).

In addition, the statement shall set forth the total of the amounts referred to in subparagraph (7) with respect to all policies described in paragraph (a) of this section which have voluntarily lapsed during the taxable year. The election made by a life insurance company under section 810(e)(3) and this paragraph shall be adhered to in computing the company's gain or loss from operations for the taxable year for which the election is made and for all subsequent taxable years.

(c) *Scope of election.* An election made under section 810(e)(3) and paragraph (b) of this section shall be effective for the taxable year for which made and for all succeeding taxable years, unless consent to revoke the election is obtained from the Commissioner. No application for consent to revoke an election made under section 810(e)(3) and this section shall be accepted prior to the publication in the FEDERAL REGISTER of regulations under subpart C of part 1 of subchapter L of the Internal Revenue Code of 1954. Such regulations, however, will provide a reasonable period of time within which taxpayers will be permitted to apply for such consent.

(d) *Effect of election.* For any taxable year for which the election provided under section 810(e)(3) and this section is effective, the provisions of section 812(b)(1) shall not apply with respect to any loss from operations for any taxable year beginning before January 1, 1958.

§ 19.1-8 Election with respect to life insurance reserves computed on preliminary term basis.

(a) *In general.* Section 818(c) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 134), permits a life insurance company issuing contracts with respect to which the life insurance reserves are computed on one of the recognized preliminary term bases to elect to revalue such reserves on a net level premium basis for the purpose of determining the amount which may be taken into account as life insurance reserves for purposes of part 1 of subchapter L of the Code, other than section 801 (relating to the definition of a life insurance company). If such an election is made, section 818(c) provides that the method to be used in making this revaluation of reserves shall be either the exact revaluation method (as described in section 818(c)(1), or the approximate revaluation method (as described in section 818(c)(2)).

(b) *Time and manner of making election.* The election provided by section 818(c) shall be made in a statement attached to the life insurance company's income tax return for the first taxable year for which the company desires the election to apply. The return and statement must be filed not later than the date prescribed by law (including extensions thereof) for filing the return for such taxable year. The statement shall indicate that the company has made the election provided under section 818(c) and whether the exact or the approximate method of revaluation has been adopted. The statement shall also set forth sufficient information as to mortality and interest assumptions; the valuation method used; the amount of the reserves and the amount and type of insurance in force under all contracts for which reserves are computed on a preliminary term basis; and such other pertinent data as will enable the Commissioner to determine the correctness of the application of the revaluation method adopted and the accuracy of the computations involved in revaluing the reserves. The election to use either the exact revaluation method or the approximate revaluation method shall, except for the purposes of section 801, be adhered to in making the computations

under part 1 of subchapter L of the Code for the taxable year for which such election is made and for all subsequent taxable years.

(c) *Scope of election.* An election made under section 818(c) and paragraph (b) of this section to use either the exact or the approximate method of revaluing the company's life insurance reserves shall be binding for the taxable year for which made, and, except as provided in paragraph (d) of this section, shall be binding for all succeeding taxable years, unless consent to revoke the election is obtained from the Commissioner.

(d) *Exception for 1958.* If an election is made for a taxable year beginning in 1958 to use the approximate revaluation method described in section 818(c)(2), the company may, for its first taxable year beginning after 1958, elect to change to the exact revaluation method described in section 818(c)(1) without obtaining the consent of the Commissioner. In such case, the election to change shall be made in a statement attached to the company's income tax return for such taxable year and filed not later than the date prescribed by law (including extensions thereof) for filing the return for such year. The statement shall indicate that the company has elected to change from the approximate to the exact revaluation method for such taxable year and shall include such information and data referred to in paragraph (b) of this section as will enable the Commissioner to determine the correctness and accuracy of the computations involved.

§ 19.1–9 Accounting provisions; short taxable years.

(a) *In general.* Section 818(d) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 134), provides that if any return of a corporation made under part 1 of subchapter L of the Code is for a period of less than the entire calendar year, then section 443 (relating to returns for a period of less than 12 months) shall not apply. This section further provides certain rules to be used in determining the life insurance company taxable income for a period of less than the entire calendar year.

(b) *Returns for periods of less than the entire calendar year.* A return for a short period, that is, for a taxable year consisting of a period of less than the entire calendar year, shall be made under any of the following circumstances:

(1) If a life insurance company is not in existence for the entire taxable year, a return is required for the short period during which the taxpayer was in existence. For example, a life insurance company organized on August 1, is required to file a return for the short period from August 1 to December 31, and returns for each calendar year thereafter. Similarly, a dissolving life insurance company is required to file a return for the short period from January 1 to the date it goes out of existence. All items entering into the computation of taxable investment income and gain or loss from operations for the short period shall be determined on a consistent basis and in the manner provided in paragraph (c) of this section.

(2) A return must be filed for a short period resulting from the termination by the district director of a taxpayer's taxable year for jeopardy. See section 6851 and the regulations thereunder.

(c) *Computation of life insurance company taxable income for short period.* (1) If a return is made for a short period, section 818(d)(1) provides that the taxable investment income and the gain or loss from operations shall be determined on an annual basis by a ratable daily projection of the appropriate figures for the short period. The appropriate figures for the short period shall be determined on an annual basis by multiplying such figures by a fraction, the numerator of which is the number of days in the calendar year in which the short period occurs and the denominator of which is the number of days in the short period.

(2)(i) In computing taxable investment income for a short period, the investment yield, the policy and other contract liability requirements, the policyholders' share of each and every item of investment yield, and the company's share of any item of investment yield shall be determined on an annual basis.

(ii) For purposes of determining the investment yield on an annual basis, each item of gross investment income (section 804(b)) and each item of deduction (section 804(c)) shall be annualized in the manner provided in subparagraph (1) of this paragraph. In any case in which a limitation is placed on the amount of a deduction provided under section 804(c), the limitation shall apply to the item of deduction computed on an annualized basis.

(iii) The policy and other contract liability requirements shall be determined on an annual basis in the following manner:

(*a*) The interest paid (section 805(e)) for the short period shall be annualized in the manner prescribed in subparagraph (1) of this paragraph.

(*b*) The current earnings rate for the taxable year in which the short period occurs shall be determined by dividing the taxpayer's investment yield, as determined on an annual basis under subdivision (ii) of this subparagraph, by the mean of the taxpayer's assets at the beginning and end of the short period. For purposes of section 805, any reference to the current earnings rate for the taxable year in which the short period occurs means the current earnings rate as determined under this subdivision.

(*c*) The adjusted life insurance reserves shall be determined as provided in section 805(c), and the pension plan reserves shall be determined as provided in section 805(d).

(iv) The policyholders' share of each and every item of investment yield (section 804(a)) shall be that percentage obtained by dividing the policy and other contract liability requirements, determined under subdivision (iii) of this subparagraph, by the investment yield, determined under subdivision (ii) of this subparagraph.

(v) The taxable investment income for the short period shall be an amount (not less than zero) equal to the life insurance company's share of each and every item of investment yield, as determined under subdivision (ii) of this subpargaraph, reduced by the items described in section 804(a)(2)(A) and (B). In determining these reductions under section 804(a)(2)(A) the amount of the respective items shall be the amount that is determined on an annualized basis under subdivision (ii) of this subparagraph. The small business deduction, under section 804(a)(2)(B) shall be an amount (not to exceed $25,000) equal to 10 percent of the investment yield, determined under subdivision (ii) of this subparagraph, for the short period.

(vi) Except as provided herein, the determination of taxable investment income under subpart B of part 1 of subchapter L of the Code shall be made in accordance with all the provisions of that subpart.

(3)(i) In computing gain or loss from operations for a short period, the share of each and every item of investment yield set aside for policyholders, the life insurance company's share of each and every item of investment yield, the items of gross amount, and the items of deduction shall, except as modified by this subparagraph, be determined on an annual basis in the manner provided in subparagraph (1) of this paragraph. In any case in which a limitation is placed on the amount of a deduction provided under section 809, the limitation shall apply to the item of deduction computed on an annualized basis.

(ii) For purposes of sections 809 and 810, the investment yield shall be determined in the manner provided in subdivision (ii) of subparagraph (2) of this paragraph. The share of any item of investment yield set aside for policyholders shall be that percentage obtained by dividing the required interest as determined under section 809(a)(2), by the investment yield, as determined in this subparagraph, except that if the required interest exceeds the investment yield, then the share of any item of investment yield set aside for policyholders shall be 100 percent.

(iii) The items of gross amount and the items of deduction, other than the operations loss deduction under section 809(d)(4), shall be determined on an annualized basis. See subdivision (iv) of this subparagraph for the manner in which the net decrease or net increase in reserves under section 810 shall be annualized.

(iv) For purposes of determining either a net decrease in reserves under section 810(a) or a net increase in reserves under section 810(b), the sum of the items described in section 810(c) as of the end of the short period shall be reduced by the amount of the investment yield not included in gain or loss from operations for the short period by reason of section 809(a)(1). The amount of investment yield excluded under section 809(a)(1) has been determined upon an annualized basis while the sum of the items described in section 810(c) at the end of the short period has been determined on an actual basis. In order to place these on the same basis, the amount of investment yield not included in gain or loss from operation by reason of section 809(a)(1), determined under subdivision (ii) shall, for purposes of section 810(a) and section 810(b), be reduced to an amount which bears the same ratio to the full amount as the number of days in the short period bears to the number of days in the entire calendar year. The net decrease or the net increase of the items referred to in section 810(c) for the short period shall then be determined, as provided in section 810(a) and section 810(b), respectively, and the result annualized.

(4) The portion of the life insurance company taxable income described in paragraphs (1) and (2) of section 802(b) (relating to taxable investment income and gain or loss from operations) shall be determined on an annual basis by treating the amounts ascertained under subparagraph (2) of this paragraph as the taxable investment income and the amount ascertained under subparagraph (3) of this paragraph as the gain or loss from operations for the taxable year.

(5) The portion of the life insurance company taxable income described in pararaphs (1) and (2) of section 802(b) for the short period shall be the amount which bears the same ratio to the amount ascertained under section 818(d)(2) and subparagraph (4) of this paragraph as the number of days in the short period bears to the number of days in the entire year.

(d) *Special rules.* (1) For purposes of determining the average earnings rate (section 805(b)(3)) for susequent taxable years, the current earnings rate for the taxable year in which the short period occurs shall be the rate determined under subparagraph (2) of paragraph (c) of this section.

(2) For purposes of determining an operations loss deduction under section 812, the loss from operations for the short period shall be the loss from operations determined under subparagraph (5) of paragraph (c) of this section.

§ 19.1–10 Optional treatment of policies reinsured under modified coinsurance contracts; consent of reinsured and reinsurer.

(a) *In general.* Section 820(a) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 137), provides that an insurance or annuity policy that is reinsured under a modified coinsurance contract (as defined in section 820(b)) shall, for the purposes of part 1 of subchapter L of the Code (other than for purposes of section 801), be treated as if such policy were reinsured under a conventional coinsurance contract, if the reinsured company and the reinsuring company (hereinafter referred to as the "reinsured" and the "reinsurer") each consent to such treatment. This optional treatment applies with respect to any insurance or annuity policy reinsured under a modified coinsurance contract only in the event that the reinsured and the reinsurer consent to such treatment for all policies reinsured under such contract and also consent to the application of the rules prescribed in and under section 820(c).

(b) *Time and manner of giving consent.* (1) The consent of the reinsured and reinsurer to the application of section 820(a)(1) to all insurance or annuity policies reinsured under a modified coinsurance contract and to the application of the rules prescribed in and under section 820(c) shall be given in a written statement attached to the life insurance company income tax returns of both the reinsured and reinsurer for the first taxable year to which such consent is to apply. The return and statement shall be filed not later than the time prescribed by law (including extensions thereof) for filing the return for such taxable year. The statement shall be executed by both the reinsured and reinsurer and shall be signed on their behalf by a person authorized to sign returns under section 6062 and the regulations thereunder.

(2) In addition to the statement of consent, the following shall also be filed with the returns of the reinsured and reinsurer:

(i) A copy of the modified coinsurance contract between the reinsured and reinsurer as in effect for the taxable year,

(ii) A separate schedule of the items referred to in paragraphs (1) through (5) of section 820(c) which relate to all policies reinsured under such modified coinsurance contract showing, in detail, the extent to which such items are to be taken into account for the taxable year by the reinsured and reinsurer under the terms of such contract and the provisions of that section, and

(iii) Such other data as is necessary to enable the Commissioner to determine the correctness of the application of the rules prescribed in section 820 and to ascertain the accuracy of the computations involved.

The contract referred to in subdivision (i) of this subparagraph need only be submitted with the returns of the reinsured and reinsurer for the first taxable year for which consent to the application of section 820 is given. However, a copy of any subsequent amendments to such contract shall be submitted with the return for the first taxable year to which such amendments apply. The information and data referred to in subdivisions (ii) and (iii) of this subparagraph shall be submitted annually and shall be attached to the returns of the reinsured and reinsurer for each taxable year for which the consent to the application of section 820 remains in effect.

(c) *Scope of consent.* The consent referred to in section 820 and this section shall be binding upon the reinsured and reinsurer for the taxable year for which given, and for all succeeding taxable years, unless permission to rescind such consent is obtained from the Commissioner. No applications for permission to rescind such consent will be accepted before the date of publication in the FEDERAL REGISTER of the regulations under part 1 of subchapter L of the Internal Revenue Code of 1954. Such regulations, however, will provide a reasonable time within which the reinsured and reinsurer will be permitted to apply for permission to rescind such consent.

Because this Treasury decision merely provides temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Life Insurance Company Income Tax Act of 1959, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: September 9, 1959.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7632; Filed, Sept. 11, 1959; 8:50 a.m.]

SUBCHAPTER A—INCOME TAX

[T.D. 6415]

PART 19—TEMPORARY RULES UNDER CERTAIN PROVISIONS OF THE LIFE INSURANCE COMPANY INCOME TAX ACT OF 1959

Accounting Methods of Life Insurance Companies, Charitable Deductions, etc.

On August 15, 1959, notice of proposed rule making regarding temporary rules under certain provisions of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 112), for taxable years beginning after December 31, 1957, except as otherwise provided, relating to accounting methods of life insurance companies, charitable deductions, etc., was published in the FEDERAL REGISTER (24 F.R. 6649). After consideration of all such relevant matter as was presented by interested persons regarding the temporary rules proposed, the temporary rules as so proposed are hereby adopted, subject to the change set forth below:

Paragraph (c) of § 19.1–4 is deleted and a new paragraph is inserted in lieu thereof.

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: September 10, 1959.

NELSON P. ROSE,
Acting Secretary of the Treasury.

The temporary rules under certain provisions of the Life Insurance Company Income Tax Act of 1959, 73 Stat. 112, relating to the accounting methods of life insurance companies, charitable deductions, etc., as adopted, read as follows:

§ 19.1–1 Certain changes in reserves and assets.

(a) *In general.* Section 806(a) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 120), provides that if there is a change in life insurance reserves (as defined in section 801(b)), during the taxable year, which is attributable to the transfer between the taxpayer and another person of liabilities under contracts taken into account in computing such life insurance reserves, then the means of such reserves, and the mean of the assets, shall be appropriately adjusted to reflect the amounts involved in such transfer. The adjustments required under section 806(a) are applicable only to transfers in which one life insurance company purchases or acquires a part or all of the business of another life insurance company under an arrangement whereby the purchaser or transferee becomes solely liable on the contracts transferred. Thus, this provision will apply in the case of assumption reinsurance but not in the case of indemnity reinsurance or reinsurance ceded. For example, no adjustments will be required under section 806(a) when, in the ordinary course of business, an indemnity reinsurance contract is entered into with another company (on a yearly renewable term basis, on a coinsurance basis, or otherwise) whereby there is a sharing of risks under one or more individual contracts. It will be necessary for each life insurance company participating in a transfer described in section 806(a) to make the adjustments required by such section.

(b) *Manner in which adjustments shall be made.* (1) The means of the life insurance reserves, and the mean of the assets, shall be appropriately adjusted, on a daily basis, to reflect the amounts involved in a transfer described in section 806(a) and paragraph (a) of this section. The transferor and transferee shall be treated as having held such reserves and assets for a fraction of the year in which the transfer occurs.

(2) In determining the fraction which represents the fractional year that such reserves and assets were held, the numerator shall be the number of days during the taxable year which such reserves and assets were actually held, and the denominator shall be the number of days in the calendar year of the transfer. In computing the period held for purposes of the numerator, the day on which such reserves and assets are transferred is included by the transferor and excluded by the transferee.

(3) All life insurance reserves and assets transferred during the taxable year, within the meaning of section 806(a), shall be excluded from the beginning and end of the taxable year balances of the transferor and transferee, respectively. The means of the life insurance reserves and assets not so transferred shall be determined in the ordinary manner, that is, the arithmetic means. There shall be added to these means an amount to appropriately adjust them, on a daily basis, for the life insurance reserves and assets that were transferred during the taxable year. This adjustment shall be determined by multiplying (i) the mean of the transferred life insurance reserves (or assets as the case may be) at the beginning of the taxable year (or, if acquired later, at the beginning of the period held, as defined in subparagraph (2) of this paragraph) and the end of the period held, as defined in subparagraph (2) of this paragraph (or at the end of the taxable year, if held at such time), times (ii) the fraction determined under subparagraph (2) of this paragraph.

(4) The application of this paragraph may be illustrated by the following examples:

Example (1). On March 14, 1958, the M Company, a life insurance company, transferred to the N Company, a life insurance company, pursuant to an assumption reinsurance agreement, all of its life insurance reserves, and related assets, on one block of policies. The reserves (and assets) for this block were held by the M Company on January 1, 1958, and totaled $60,000; on March 14, the reserves (and assets) totaled $64,000. The M Company had life insurance reserves of $1,000,000 at the beginning of 1958 (including those subsequently transferred) and $1,040,000 at the end of 1958. The M Company had assets of $1,300,000 at the beginning of 1958 (including those subsequently transferred) and $1,380,000 at the end of 1958. The mean of M's life insurance reserves for the taxable year 1958 is computed as follows:

Reserves at 1–1–58		$1,000,000
Exclude reserves (at beginning of year) on contracts transferred to N	60,000	
Recomputed amount at 1–1–58		$940,000
Reserves at 12–31–58		1,040,000
Sum		1,980,000
Mean		990,000
Adjustment for reserves transferred on 3–14–58:		
Reserves at 1–1–58 on contracts transferred to N	$60,000	
Reserves at 3–14–58 on such contracts	64,000	
Sum	124,000	
Mean	62,000	
Fraction taken into account	73/365	
Adjustment (73/365 × $62,000)		12,400
Mean of M's life insurance reserves after section 806 (a) adjustment		1,002,400

Example (2). Assuming the facts to be the same as in example (1), the mean of M's assets for the taxable year 1958 is computed as follows:

Assets at 1–1–58		$1,300,000
Exclude assets (at beginning of year) on contracts transferred to N	60,000	
Recomputed amount at 1–1–58		$1,240,000
Assets at 12–31–58		$1,360,000
Sum		2,620,000
Mean		1,310,000
Adjustments for assets transferred on 3–14–58:		
Assets at 1–1–58 on contracts transferred to N	$60,000	
Assets at 3–14–58 on such contracts	64,000	
Sum	124,000	
Mean	62,000	
Fraction taken into account	73/365	
Adjustment (73/365 × $62,000)		12,400
Mean of M's assets after section 806(a) adjustment		1,322,400

Example (3). Assume the facts are the same as in example (1). At the end of 1958, N Company had life insurance reserves (and assets) of $80,000 on the contracts transferred on March 14, 1958. The N Company had life insurance reserves of $6,000,000 at the beginning of 1958 and $6,400,000 at the end of 1958 (including those transferred). The N Company had assets of $6,800,000 at the beginning of 1958 and $7,300,000 at the end of 1958 (including those on the contracts transferred). The mean of N's life insurance reserves for the taxable year 1958 is computed as follows:

Reserves at 1–1–58		$6,000,000
Reserves at 12–31–58		$6,400,000
Exclude reserves (at end of year) on contracts transferred from M	80,000	
Recomputed amount at 12–31–58		6,320,000
Sum		12,320,000
Mean		6,160,000
Adjustment for reserves transferred on 3–14–58:		
Reserves at 3–14–58 on contracts transferred from M	$64,000	
Reserves at 12–31–58 on such contracts	80,000	
Sum	144,000	
Mean	72,000	
Fraction taken into account	292/365	
Adjustment (292/365 × $72,000)		57,600
Mean of N's life insurance reserves after section 806(a) adjustment		6,217,600

Example (4). Assuming the facts to be the same as in example (3), the mean of N's assets for the taxable year 1958 is computed as follows:

Assets at 1–1–58		$6,800,000
Assets at 12–31–58		$7,300,000
Exclude assets (at end of year) on contracts transferred from M	80,000	
Recomputed amount at 12–31–58		7,220,000
Sum		14,020,000
Mean		7,010,000
Adjustment for assets transferred on 3–14–58:		
Assets at 3–14–58 on contracts transferred from M	$64,000	
Assets at 12–31–58 on such contracts	80,000	
Sum	144,000	
Mean	72,000	
Fraction taken into account	292/365	
Adjustment (292/365 × $72,000)		$57,600
Mean of N's assets after section 806(a) adjustment		7,067,600

Example (5). The facts are the same as in example (1), except that on October 19, 1958, company N transfers to company P, a life insurance company, all of the life insurance reserves, and related assets, on the block of policies it had received from company M on March 14, 1958. The reserves (and assets) for this block totaled $76,000 on October 19, 1958. The means of company M's life insurance reserves and assets, as computed in examples (1) and (2), respectively, would be unchanged by the transfer of October 19, 1958. Since company N did not own this block of policies at either the beginning or end of the taxable year, it would not have to recompute its beginning or end of the taxable year reserves or assets. Company N will, however, have to adjust (or increase) the mean of its life insurance reserves and assets on account of the policies it received from company M. This adjustment will be $42,000, which is determined by multiplying the means of the life insurance reserves (or assets) on these policies as of March 15, 1958, and October 19, 1958, $70,000 ($64,000+$76,000=$140,000÷2) by the fraction 219/365 (the numerator of 219 is determined by excluding the day of the transfer to N, March 14, 1958, and including the day of the transfer from N to P, October 19, 1958). Company P will have to recompute its end of the year life insurance reserves and assets (in the same manner as illustrated in examples (3) and (4)). Assuming the end of the year reserves (and assets) on this block of policies is $80,000, company P will have an adjustment under section 806(a) of $15,600, which is determined by multiplying the means of the reserves on these policies as of October 20, 1958, and December 31, 1958, $78,000 ($76,000+$80,000=$156,000÷2) by the fraction 73/365.

§ 19.1–2 Charitable, etc., contributions and gifts.

(a) *General rule.* Section 809(e)(3) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 124), provides certain modifications in the application of the deduction provided under section 170 (relating to charitable, etc., contributions and gifts). Except as modified by paragraphs (b) and (c) of this section, the rules contained in section 170 and the regulations thereunder shall apply to life insurance companies in the same manner and to the same extent as they apply to corporations generally.

(b) *Limitation.* The deduction by a life insurance company in a taxable year for a charitable contribution, as defined in section 170(c), is limited to 5 percent of the gain from operations as computed under section 809(b)(1), but without regard to any deductions for:

(1) Charitable contributions under section 170,

(2) Dividends to policyholders under section 811(b),

(3) Certain nonparticipating contracts under section 809(d)(5),

(4) Group life, accident, and health insurance under section 809(d)(6),

(5) Tax-exempt interest, dividends, etc., under section 809(d)(8), and

(6) Any operations loss carryback under section 812.

(c) *Special rule for life insurance companies having operations loss carryovers.* (1) In applying the second sentence of section 170(b)(2) (relating to charitable contributions carryovers), any excess of the charitable contributions of a life insurance company for a taxable year over the amount deductible in such year under the limitation contained in paragraph (b) of this section, shall be reduced to the extent that such excess:

(i) Reduces life insurance company taxable income (computed without regard to section 802(b)(3) and for the purpose of determining the offsets referred to in section 812(b)(2)), and

(ii) Increases an operations loss carryover under section 812 to a succeeding taxable year.

(2) The application of the limitation contained in this paragraph may be illustrated by the following example:

Example. Assume that life insurance company A is organized on January 1, 1958, and has a loss from operations for that year in the amount of $100,000 which is an operations loss carryover to 1959. In 1959, company A has a gain from operations and tax base (computed without regard to section 802(b)(3)) of $100,000 before the allowance of a $5,000 charitable contribution and before the application of the operations loss carryover from 1958. Under section 170(b)(2), the operations loss carryover from 1958 is first applied to eliminate the $100,000 gain from operations and tax base in 1959 and the $5,000 charitable contribution would (except for the limitation contained in this paragraph) become a charitable contribution carryover to 1960. However, for the purpose of computing the offsets referred to in section 812(b)(2), the $5,000 charitable contribution is applied to reduce the gain from operations and tax base for 1959 to $95,000 before the application of the operations loss carryover from 1958. Since only $95,000 of the $100,000 loss from operations in 1958 is an offset for 1959, the remaining $5,000 becomes an operations loss carryover to 1960. Accordingly, under the limitation contained in this paragraph, the charitable contributions carryover provided under the second sentence of section 170(b)(2) is eliminated.

§ 19.1–3 Accounting provisions.

(a) Section 818(a)(1) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133), provides the general rule that all computations entering into the determination of taxes imposed by part 1 of subchapter L shall be made under an accrual method of accounting. Thus, the over-all method of accounting for life insurance companies will be the accrual method. Except as otherwise provided in part 1 of subchapter L, the term "accrual method" will have the same meaning and application in section 818 as it does under section 446 (relating to general rule for methods of accounting) and the regulations thereunder.

(b) Section 818(a)(2) further provides that, to the extent permitted under regulations, a life insurance company's method of accounting may be a combination of the accrual method with any other method of accounting permitted by chapter 1 of the Internal Revenue Code of 1954 (other than the cash receipts and disbursements method). Section 818(a)(2) specifically prohibits the use by a life insurance company of the cash receipts and disbursements method. The term "method of accounting" includes not only the over-all method of accounting of the taxpayer but also the accounting treatment of any item. For purposes of section 818(a)(2), a life insurance company may elect to compute its taxable income under an over-all method of accounting consisting of the accrual method combined with the special methods of accounting for particular items of income and expense provided under other sections of chapter 1 of the Internal Revenue Code of 1954, other than the cash receipts and disbursements method. These methods of accounting for special items include the accounting treatment provided for depreciation (section 167), research and experimental expenditures (section 174), soil and water conservation expenditures (section 175), organizational expenditures (section 248), etc. In addition, a life insurance company may, where applicable, use the crop method of accounting (as provided in the regulations under sections 61 and 162), and the installment method of accounting for sales of realty and casual sales of personalty (as provided in section 453(b)). To the extent not inconsistent with the provisions of the Internal Revenue Code of 1954 and the method of accounting adopted by the taxpayer, all computations entering into the determination of taxes imposed by part 1 of subchapter L shall be made in a manner consistent with the manner required for purposes of the annual statement approved by the National Association of Insurance Commissioners.

(c) (1) An election to use any of the special methods of accounting referred to in paragraph (b) of this section which was made pursuant to any provisions of the Internal Revenue Code of 1954 or prior Internal Revenue laws for the purpose of determining a company's tax liabilities for prior years, shall have the same force and effect in determining the items of gross investment income under section 804(b) and the items of deduction under section 804(c) of the Life Insurance Company Income Tax Act of 1959 as if such Act had not been enacted.

(2) For purposes of determining gain or loss from operations under section 809(b), in computing the life insurance company's share of investment yield under sections 809(b)(1)(A) and 809(b)(2)(A), an election with respect to any of the methods of accounting referred to in paragraph (b) of this section which was made pursuant to any provision of the Internal Revenue Code of 1954 or prior internal revenue laws, shall not be affected in any way by the enactment of

the Life Insurance Company Income Tax Act of 1959.

(3) For purposes of determining gain or loss from operations under section 809(b), in computing the items of gross amount under section 809(c) and the deduction items under section 809(d), an election to use any of the special methods of accounting referred to in paragraph (b) of this section must be made in accordance with the specific statutory provisions of the sections containing such elections and the regulations thereunder. However, where a particular election may be made only with the consent of the Commissioner (either because the time for making the election without the consent of the Commissioner has expired or because the particular section contained no provision for making an election without consent), and the time prescribed by the applicable regulations for submitting a request for permission to make such an election for the taxable year 1958 has expired, a life insurance company may make such an election for the year 1958 at the time of filing its return for that year (including extensions thereof). For example, this subparagraph permits a life insurance company to elect any of the methods of depreciation prescribed in section 167 (to the extent permitted under that section and the regulations thereunder) with respect to those assets for which no depreciation was allowable under prior laws, e.g., furniture and fixtures used in the underwriting department. Similarly, a life insurance company will be permitted to make an election under section 461(c) (relating to the accrual of real property taxes) with respect to real property for which no deduction was allowable under prior laws. An election under this subparagraph shall be made in the manner and form prescribed in the applicable regulations.

(4) For purposes of subparagraph (2) of this paragraph, the method used under section 1016(a)(3)(C) in determining the amount of exhaustion, wear and tear, obsolescence, and amortization actually sustained will not preclude a taxpayer from electing any of the methods prescribed in section 167 in accordance with the provisions of that section and the regulations thereunder for determining the amount of such exhaustion, wear and tear, obsolescence, and amortization for the year 1958. For example, if the amount of depreciation actually sustained, under section 1016(a)(3)(C), on a life insurance company's home office building is determined on the straight line method, the life insurance company may elect for the year 1958 to use any of the methods prescribed in section 167 for determining its depreciation allowance for 1958.

(d) The items of gross amount taken into account under section 809(c) and the items of deductions allowed under section 809(d) for the taxable year 1958 shall be determined as though the taxpayer had been on the accrual method prescribed in paragraph (a) of this section for all prior years. In other words, life insurance companies not on the accrual method for the year 1957 shall accrue, as of December 31, 1957, those items of gross amount which would have been properly taken into account for the year 1957 if the company had been on the accrual method described in section 818(a). Likewise, life insurance companies not on the accrual method for the year 1957 shall accrue, as of December 31, 1957, those items of deductions which would have been properly allowed for the year 1957 if the company had been on the accrual method described in section 818(a). Thus, for example, if certain premium amounts were received during the year 1958 but such amounts would have been properly taken into account for the year 1957 if the taxpayer had been on the accrual method for the year 1957, then the taxpayer will not be required to take such premium amounts into account for the year 1958. If, for example, certain claims, benefits, and losses were paid during the year 1958 but such items would have been properly taken into account for the year 1957 if the taxpayer had been on the accrual method for the year 1957, then the taxpayer will not be permitted to deduct such expense items for the year 1958.

(e)(1) For purposes of section 805(b)(3)(B)(i) (relating to the determination of the current earnings rate for any taxable year beginning before January 1, 1958), the determination for any year of the investment yield and the assets shall be made as though the taxpayer had been on the accrual method prescribed in paragraph (a) of this section for such year, or the accrual method in combination with the other methods of accounting prescribed in paragraph (b) of this section, if these other methods of accounting are used by the taxpayer in determining the investment yield and assets for 1958. However, where the method used for determining the deduction under section 167 for the year 1958 differs from the method used in prior years, the amount of the deduction allowed or allowable for those years under section 1016(a)(2) shall be the amount taken into account for the purposes of section 805(b)(3)(B)(i).

(2) For purposes of section 812(b)(1)(C) (relating to operations loss carrybacks and carryovers for years prior to 1958), the determination for those years of the gain or loss from operations shall be made as though the taxpayer had been on the accrual method prescribed in paragraph (a) of this section for such year, or the accrual method in combination with the other methods of accounting prescribed in paragraph (b) of this section if these other methods of accounting are used by the taxpayer in the determination of gain or loss from operations for the taxable year 1958. However, where any adjustment to basis is required under section 1016(a)(3)(C) on account of exhaustion, wear and tear, obsolescence, amortization, and depletion sustained, the amount actually sustained as determined under section 1016(a)(3)(C) for each of the years involved will be the amount allowed in the determination of gain or loss from operations for purposes of section 812(b)(1)(C).

§ 19.1–4 Amortization of premium and accrual of discount.

(a) *In general.* Section 818(b) of the Internal Revenue Code of 1954, as amended by section 2 of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133), provides that the appropriate items of income, deductions, and adjustments under part 1 of subchapter L shall be adjusted to reflect the appropriate amortization of premium and the appropriate accrual of discount on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such adjustments are limited to the amount of appropriate amortization or accrual attributable to the taxable year with respect to such securities which are not in default as to principal or interest and which are amply secured. The question of ample security will be resolved according to the rules laid down from time to time by the National Association of Insurance Commissioners. The adjustment for amortization of premium decreases, and for accrual of discount increases, (1) the gross investment income, (2) the exclusion and deduction for wholly tax-exempt interest, (3) the exclusion and deduction for partially tax-exempt interest, and (4) the basis or adjusted basis of such securities.

(b) *Acquisitions before January 1, 1958.* (1) In the case of any such security acquired before January 1, 1958, the premium is the excess of its acquisition value over its maturity value and the discount is the excess of its maturity value over its acquisition value. The acquisition value of any such security is its cost (including buying commissions or brokerage but excluding any amounts paid for accrued interest) if purchased for cash, or if not purchased for cash, its then fair market value. The maturity value of any such security is the amount payable thereunder either at the maturity date or an earlier call date. The earlier call date of any such security may be the earliest interest payment date if it is callable or payable at such date, the earliest date at which it is callable at par, or such other call or payment date, prior to maturity, specified in the security as may be selected by the life insurance company. A life insurance company which adjusts amortization of premium or accrual of discount with reference to a particular call or payment date must make the adjustments with reference to the value on such date and may not, after selecting such date, use a different call or payment date, or value, in the calculation of such amortization or discount with respect to such security unless the security was not in fact called or paid on such selected date.

(2) The adjustments for amortization of premium and accrual of discount will be determined—

(i) According to the method regularly employed by the company, if such method is reasonable, or

(ii) According to the method prescribed by this section.

A method of amortization of premium or accrual of discount will be deemed "regularly employed" by a life insurance company if the method was consistently followed in prior taxable years, or if, in the case of a company which has never before made such adjustments, the company initiates in the first taxable year for which the adjustments are made a reasonable method of amortization of premium or accrual of discount and consistently follows such method thereafter. Ordinarily, a company regularly employs a method in accordance with the statute of some State, Territory, or the District of Columbia, in which it operates.

(3) The method of amortization and accrual prescribed by this section is as follows:

(i) The premium (or discount) shall be determined in accordance with this section; and

(ii) The appropriate amortization of premium (or accrual of discount) attributable to the taxable year shall be an amount which bears the same ratio to the premium (or discount) as the number of months in the taxable year during which the security was owned by the life insurance company bears to the number of months between the date of acquisition of the security and its maturity or earlier call date, determined in accordance with this section. For the purposes of this section, a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered a month.

(c) *Acquisitions after December 31, 1957.* (1) In the case of—

(i) Any bond, as defined in section 171(d), acquired after December 31, 1957, the amount of the premium and the amortizable premium for the taxable year, shall be determined under section 171(b) and the regulations thereunder, as if the election set forth in section 171(c) had been made, and

(ii) Any bond, note, debenture, or other evidence of indebtedness not described in subdivision (i) of this subparagraph and acquired after December 31, 1957, the amount of the premium and the amortizable premium for the taxable year, shall be determined under paragraph (b) of this section.

(2) In the case of any bond, note, debenture, or other evidence of indebtedness acquired after December 31, 1957, the amount of the discount and the accrual of discount attributable to the taxable year shall be determined under paragraph (b) of this section.

(d) *Convertible evidences of indebtedness.* Section 818(b)(2)(B) provides that in no case shall the amount of premium on a convertible evidence of indebtedness (including any bond, note, or debenture) include any amount attributable to the conversion features of the evidence of indebtedness. This provision is the same as the one contained in section 171(b), and the rules prescribed in paragraph (c) of § 1.171–2 of this chapter shall be applicable for purposes of section 818(b)(2)(B). This provision is to be applied without regard to the date that the evidence of indebtedness was acquired. Thus, where a convertible evidence of indebtedness was acquired before January 1, 1958, and a portion or all of the premium attributable to the conversion features of the evidence of indebtedness has been amortized for taxable years beginning before January 1, 1958, no adjustment for such amortization will be required by reason of section 818(b)(2)(B). Such amortization will, however, require an adjustment to the basis of the evidence of indebtedness under section 1016(a)(17). For taxable years beginning after December 31, 1957, no further amortization of the premium attributable to the conversion features of such an evidence of indebtedness will be taken into account.

(e) *Adjustments to basis.* Section 1016(a)(17) of the Internal Revenue Code of 1954, as amended by section 3(d)(2) of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 139), provides that in the case of any evidence of indebtedness referred to in section 818(b) (relating to amortization of premium and accrual of discount in the case of life insurance companies), basis shall be adjusted to the extent of the adjustments required under section 818(b) (or the corresponding provisions of prior income tax laws) for the taxable year and all prior taxable years. The basis of any evidence of indebtedness shall be reduced by the amount of the adjustment required under section 818(b) (or the corresponding provision of prior income tax laws) on account of amortizable premium and shall be increased by the amount of the adjustment required under section 818(b) on account of accruable discounts.

§ 19.1–5 Adjustments to basis.

(a) Section 1016(a)(3) of the Internal Revenue Code of 1954, as amended by section 3(d)(1) of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 139), provides that adjustments to basis must be made for exhaustion, wear and tear, obsolescence, amortization, and depletion to the extent actually sustained in respect of—

(1) Any period before March 1, 1913,

(2) Any period since February 28, 1913, during which the property was held by a person or organization not subject to income taxation under chapter 1 of the Internal Revenue Code of 1954 or prior income tax laws, and

(3) Any period since February 28, 1913, and before January 1, 1958, during which such property was held by a person subject to tax under part 1 of subchapter L of chapter 1 of the Internal Revenue Code of 1954 (or corresponding provisions of prior income tax laws), to the extent that section 1016(a)(2) does not apply.

(b) The amount of the adjustments described in paragraph (a) of this section actually sustained is that amount charged off on the books of the taxpayer where such amount is considered by the Commissioner to be reasonable. Otherwise, the amount actually sustained will be the amount that would have been allowable as a deduction—

(1) During the periods described in paragraph (a)(1) or (2) of this section, had the taxpayer been subject to income tax during those periods, or

(2) During the period described in paragraph (a)(3) of this section, with respect to property held by a taxpayer described in that paragraph, to the extent that section 1016(a)(2) was inapplicable to such property during that period. In the case of depreciation, such adjustment will be determined by using the straight line method.

[F.R. Doc. 59–7655; Filed, Sept. 11, 1959; 8:50 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6411]

[Reg. 5]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

New England Rum

Notice of public hearing to be held in Washington, D.C., on May 22, 1959, with respect to a proposal to amend Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on May 15, 1959 (24 F.R. 3958). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposal, the following amendment to Regulations No. 5 (27 CFR Part 5) is hereby adopted:

In order to eliminate the present requirement that New England Rum be a single distillate, section 21 Class 5(b) (27 CFR 5.21(e)(2)) is amended by the deletion of the phrase "is a straight rum and not a mixture of rums" to read as follows:

(2) "New England Rum" is rum as above defined, except that it is produced in the United States and is distilled at less than 160° proof.

This amendment relieves a restriction presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205).

CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: September 4, 1959.

FRED C. SCRIBNER, JR.
Acting Secretary of the Treasury.

[F.R. Doc. 59–7615; Filed, Sept. 11, 1959; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce.

[BDSA Order M–17, as amended September 4, 1959]

M–17—ELECTRONIC COMPONENTS OR PARTS

This amended order is found necessary and appropriate to promote the national

defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amended order affects BDSA Order M–17, as amended October 30, 1953 (a) by inserting the word "electronic" before the word "components" in the title of the order and at appropriate points in the text of the order to indicate that the order relates to electronic components or parts; (b) by revising section 4 of the order; and (c) by adding power tubes and transmitting tubes to the table in section 5.

Sec.
1. What this order does.
2. Applicability of BDSA Reg. 2.
3. Required shipment dates.
4. Limitations for required acceptance of rated orders.
5. Electronic components or parts; product limitations.
6. BDSA assistance in placing rated orders.
7. Records and reports.
8. Request for adjustment or exception.
9. Communications.
10. False statements.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended, P.L. 85–471, 72 Stat. 241; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, P.L. 85–471, 72 Stat. 241; 50 U.S.C. App. 2071, 2155; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673; 3 CFR, 1953, 1954 and 1956 Supps.; DMO I–7, as amended, 18 F.R. 5366, 6736, 6737, 19 F.R. 7348; 32A CFR Ch. I; Commerce Dept. Order No. 152 (Revised), 23 F.R. 7951.

SECTION 1. *What this order does.* This order applies particularly to manufacturers of the electronic components or parts listed in section 5, Column A of this order. It makes provision for and sets forth ceiling limitations for required acceptance of rated orders for shipment during any given month based on a stated percentage either of the scheduled production of a particular type of a listed component or part for that month or of the average monthly shipments of such particular type during a specified base period, whichever is greater. Its purpose is to provide equitable distribution of rated orders among the manufacturers of the specified components or parts in order to achieve maximum production and to reduce to a minimum any disruption of normal distribution.

SEC. 2. *Applicability of BDSA Reg. 2.* This order supplements BDSA Reg. 2 (formerly NPA Reg. 2), but only those provisions of BDSA Reg. 2 which are contradictory to this order are superseded, and all other provisions of that regulation shall continue to apply to manufacturers of electronic components or parts.

SEC. 3. *Required shipment dates.* A rated order for any electronic component or part listed in section 5, Column A of this order must specify shipment on a particular date or during a particular month, which may in neither case be earlier than that required by the person placing the order to fill rated orders accepted by him. The manufacturer of such component or part must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Limitations for required acceptance of rated orders.* Unless specifically directed by BDSA, no manufacturer of electronic components or parts shall be required to accept a rated order calling for delivery in any one calendar month of a quantity of any particular type of any one of the components or parts listed in section 5, Column A of this order which, together with the quantity of such type to be delivered by him during that month pursuant to rated orders already accepted by him, would exceed the associated percentage set forth in section 5, Column B of this order of either (a) his production schedule for that month of that particular type of such component or part, or (b) his average monthly shipments of that particular type of such component or part during the six calendar months immediately preceding the tender to him of such a rated order, whichever is greater: *Provided, however,* That no such manufacturer shall cancel or postpone delivery of any rated orders already accepted because such orders exceed the associated percentage set forth in section 5, Column B of this order.

SEC. 5. *Electronic components or parts; product limitations.* The electronic components or parts to which this order applies and the limitation percentages for acceptance of rated orders pursuant to section 4 of this order are as follows:

Column A Electronic components or parts to which this order applies:	Column B *Product limitation percentage*
(a) Electron tubes (except power tubes and transmitting tubes):	
Tubes of a type produced by only one company	50
Tubes of a type produced by more than one company	25
(b) Electron tubes (power and transmitting):	
Tubes of a type produced by only one company	80
Tubes of a type produced by more than one company	70
(c) Transistors:	
Transistors of a type produced by only one company	50
Transistors of a type produced by more than one company	25
(d) Crystal diodes:	
Crystal diodes of a type produced by only one company	50
Crystal diodes of a type produced by more than one company	25

SEC. 6. *BDSA assistance in placing rated orders.* Any person who is unable to place a rated order due to the limitations imposed by section 4 of this order may apply to the Business and Defense Services Administration, Washington 25, D.C., Ref: M–17, specifying the manufacturers who refused to accept the order. The Business and Defense Services Administration will assist him in locating sources of supply.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make, and preserve for at least 3 years thereafter, accurate and complete records thereof. Such records shall include all rated orders and directives received by such person and monthly records of production, production schedules and deliveries of the electronic components or parts to which this order applies. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records specifically required herein are maintained. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic copies are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order to be maintained by any person shall be made available for inspection and audit by duly authorized representatives of BDSA at the usual place of business of such person.

(c) Persons subject to this order shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139–139f).

SEC. 8. *Request for adjustment or exception.* Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington 25, D.C., Ref: BDSA Order M–17.

SEC. 10. *False statements.* The furnishing of false information or the concealment of any material fact by any person in the course of operation under this order constitutes a violation of this order by such person.

SEC. 11. *Violations.* (a) Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of employing priorities or allocations in making or receiving deliveries of materials, or using materials or facilities.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect September 4, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59–7616; Filed, Sept. 11, 1959; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

St. Andrew Bay and West Bay Creek, Florida and Gulf of Maine, Maine

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended revoking subparagraphs (i) (13) and (14), as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* * * *

(13) [Revoked]

(14) [Revoked]

[Regs., 28 August 1959, 285/91 (St. Andrew Bay and West Bay Creek, Fla.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.1 is hereby prescribed establishing and governing the use and navigation of a Naval aircraft bombing target area in the Gulf of Maine off Seal Island, Maine, as follows:

§ 204.1 Gulf of Maine off Seal Island, Maine; Naval aircraft bombing target area.

(a) *The danger zone.* A circular area with a radius of 1.5 nautical miles, having its center just easterly of Seal Island at latitude 43°53'00" and longitude 68°44'00".

(b) *The regulations.* (1) No aerial bombing practice will take place in the danger zone after 5:00 p.m. Mondays through Saturdays, at any time on Sundays, or during foggy or inclement weather.

(2) Vessels or other watercraft will be allowed to enter the danger zone any time there are no aerial bombing exercises being conducted.

(3) No live ammunition or explosives will be dropped in the area.

(4) Suitable Notice to Mariners, by appropriate methods, will be issued by the Commander, First Coast Guard District, Boston, Massachusetts; upon request of the Commandant, First Naval District, Boston, Massachusetts, or his designated agent.

(5) Prior to the conducting of each bombing practice, the area will be patrolled by a non-participating naval aircraft to ensure that no watercraft are within the danger zone and to warn any such watercraft seen in the vicinity by means of a signal that bombing practice is about to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(6) Any such watercraft shall, upon being so warned, immediately leave the designated area and, until the conclusion of the practice, shall remain at such distance that it will be safe from falling projectiles.

(7) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Massachusetts, or such agencies as he may designate.

[Regs., 28 August 1959, 285/91 (Gulf of Maine, Me.)-ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–7579; Filed, Sept. 11, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 35]

MOOSEHORN NATIONAL WILDLIFE REFUGE, MAINE

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add §§ 35.38 and 35.39 to Subpart—Moosehorn National Wildlife Refuge, Maine, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit the more favorable control of deer hunting on the Moosehorn National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed additions to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: September 8, 1959.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

§ 35.38 Hunting of deer permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Moosehorn National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *Hunting areas.* Deer may be taken on all areas of the Moosehorn National Wildlife Refuge except:

(1) *Baring Unit.* Within the posted closed area surrounding refuge headquarters.

(2) *Edmunds Unit.* Within the posted closed area surrounding refuge subheadquarters or all lands of the Edmunds Unit east of U.S. Highway No. 1 and south of the refuge boundary line running from approximately opposite the North Trail junction with U.S. Highway 1 to the shores of Cobscook Bay.

(b) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting. All deer taken shall be presented for registration and examination at such times and place or places as may be determined by the officer in charge.

(c) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(d) *Hunting permits.* No persons is permitted to hunt on any refuge area open to public hunting until he has obtained a permit from the officer in charge. Hunting by minors is permitted if accompanied by a responsible adult.

§ 35.39 Firearms and lights.

(a) *Firearms.* The possession of firearms of any description is prohibited except as follows:

(1) By authorized State and Federal officials engaged in law enforcement or other official duties.

(2) By persons traveling public highways under easement to the State of Maine wherein title is vested in the United States who may carry or transport only unloaded firearms that are dismantled and/or cased.

(3) By deer hunting permittees using only rifles firing center fire cartridges or shotguns with loads of either rifled slugs, single ball, or buckshot not smaller than single 0.

(b) *Artificial lights.* No person shall use the rays of a spotlight or other artifiscial light, or automotive headlight on any highway, field, or woodland within the refuge boundaries or along public highways under easement to the State of Maine wherein title is vested in the United States, for the purpose of spotting, locating, or taking any wild animals or birds.

[F.R. Doc. 59–7598; Filed, Sept. 11, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO–238–A10]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Abilene, Texas, on August 25, 1959, pursuant to notice thereof issued on August 17, 1959 (24 F.R. 6759).

The material issues of record related to:

1. A continuation of the Class II–A price during the months of August through January; and

2. The need for immediate action by the Secretary with respect to Issue No. 1.

Interested parties were given until August 27, 1959, for the filing of briefs. Within the time reserved only one brief was filed and it was in support of the action recommended below.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. The Class II–A price should be continued throughout the entire year.

In the past the Central West Texas market has been a deficit market and, except for the months of flush production, producer receipts have been less than the fluid requirements of the market. As a result, no manufacturing facilities have been developed in or adjacent to the milkshed. The only outlets for milk produced in excess of the market's requirements are two small cheese factories which operate for the most part on a part time basis. Because of the nature of their operations, returns from the sale of cheese by these plants has been such as to preclude their paying the Class II price for milk which they receive from handlers in the Central West Texas market.

In recognition of this situation, the order provides a Class II–A classification at a price somewhat lower than the Class II classification, which is effective for milk made into Cheddar cheese during the months of February through July of each year. At the time this classification was established it was concluded from the market's deficit history that there would be little or no excess supply of milk which must be manufactured into Cheddar cheese during the months of August through January. Official notice is taken of the decision of the Assistant Secretary, dated January 29, 1958 (23 F.R. 587) which stated that the Class II–A classification should be incorporated in the order for the months of February through July of each year.

Within the past year there has been a very substantial increase in the volume of milk produced for the market. Part of this increase is attributable to the very favorable production conditions that have prevailed through the milkshed but it is also due in large measure to the increase in production that has everywhere accompanied the shift of producers from cans to bulk tank deliveries. Ninety-eight and nine-tenths percent of the producer milk delivered to the Central West Texas market is now in bulk tanks. The average production per day per farm between July 1958 and July 1959 increased from 794 pounds to 981 pounds. Total producer receipts in July 1958 were 13.3 million pounds, but in July 1959 there were 15.4 million pounds. In July 1958 there were 606,029 pounds of milk classified as Class II–A, but in July 1959 there were 2,219,968 pounds of milk in Class II–A.

During the first 24 days of August of this year, the volume of milk manufactured into Cheddar cheese amounted to more than a million pounds. Since the Class II–A classification ended in July, this milk was classified and priced as Class II. The Producers Association estimated its loss on handling this milk would be somewhat in excess of five thousand dollars and stated that unless relief were granted through the reestablishment of the Class II–A price the association would be placed in serious financial difficulties.

Indications are that with the beginning of the association's base-forming period in September, production will increase substantially and that receipts for the remainder of the year will exceed the market's fluid requirements. Thus, it follows that there will be substantial quantities of milk that must find its way into Cheddar cheese.

Accordingly, it is concluded that the Class II–A classification should be continued throughout the entire year.

2. The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment, since the Producers Association is incurring financial losses every day that the effective date of the proposed amendment is delayed. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would greatly reduce the effectiveness of such relief.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Central West Texas Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published in this decision.

Determination of representative period. The month of July 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Central West Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 9th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 982.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 982.41 (b)(1) and (c) by deleting the phrase, "during the months of February through July".

2. Amend § 982.44(f) by deleting the phrase, "during the months of February through July,"

3. Amend § 982.46(a) (2) and (3) by deleting the phrase, "during the months of February through July and Class II milk during other months".

4. Amend § 982.51(b) by deleting the phrase "For the months of February through July,"

[F.R. Doc. 59–7626; Filed, Sept. 11, 1959; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Parts 1002, 1009]

[Docket No. AO–268–A5]

MILK IN GREATER WHEELING AND CLARKSBURG, WEST VIRGINIA MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Windsor, 1143 Main Street, Wheeling, West Virginia, beginning at 10:00 a.m. local time, on September 29, 1959, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Wheeling and Clarksburg, West Virginia marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the Greater Wheeling marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairymen's Co-Operative Sales Association, Pittsburgh, Pennsylvania:

Proposal No. 1. Amend the standard utilization percentages in §§ 1002.51(a) (4) and 1009.51(a)(4) by adjusting the seasonal pattern by months so that the table more nearly reflects the seasonal production pattern to the extent of increasing the percentage 5%.

Proposal No. 2. Amend § 1002.51(a) by deleting February and March from the list of months to which the Class I differential of $1.50 now applies, and amend § 1009.51(a) by deleting the months of February and March from the list of months to which $1.75 now applies.

Proposal No. 3. Amend the operation of the supply-demand factors in Order No. 102 so that the immediately two preceding months are used to figure the current month's factor, using both the Northeastern Ohio Marketing Order (No. 75) adjustment and the applicable local market calculation.

Proposal No. 4. Amend §§ 1002.19, 1009.19 and related sections to provide for base and excess milk being paid for April through July.

Proposal No. 5. Allow a cooperative association to become a handler in cases where bulk tank milk is directed to more than one pool plant under orders 102 or 109.

Proposal No. 6. In handling allocations in an accounting period under orders 102 and 109, provide that inventories shall have priority immediately after producer shrinkage allowance or make such other revision that beginning inventory allocated to Class I will be subject to proper accounting whether from producer milk or other source milk.

Proposal No. 7. Include a provision in the section on payments under orders 102 and 109 which would add interest charges (at the rate of 6% per annum) on any overdue account to the producer settlement fund or to cooperative associations.

Proposal No. 8. Amend the allowance on shrinkage under orders 102 and 109 to provide that no shrinkage be permitted on any handling or receipts of nonfluid items and that shrinkage be allowed on diverted milk to the pool plant which actually receives and handles the milk.

Proposal No. 9. Amend §§ 1002.43(c) (4) and 1009.43(c)(4) to provide that skim milk and butterfat transferred in bulk from a pool plant to a nonpool plant shall be assigned to any Class II use remaining in the nonpool plant after the subtraction of milk received from ungraded sources at such nonpool plant.

Proposed by Broughton's Dairy, Quaker City, Ohio, and Ohio Valley Dairy, Martins Ferry, Ohio:

Proposal No. 10. Expand the Greater Wheeling marketing area to include the remainder of Guernsey County, Ohio, and Union township in Muskingum County, Ohio.

Proposed by Hillcrest Dairy, Cadiz, Ohio:

Proposal No. 11. Expand the Greater Wheeling marketing area to include Harrison County, Ohio.

Proposed by the Wheeling Handlers Federal Order Committee:

Proposal No. 12. Consider revision of § 1002.8 of Greater Wheeling Milk order whereby approved plants may become regulated distributing plants under certain specified conditions.

Proposal No. 13. Delete the table in § 1002.51(a)(1) of the Greater Wheeling order and substitute the following:

Month	*Amount*
March, April, May, June, and July	$1.45
All others	1.90

Proposal No. 14. Delete the table in § 1009.51(a)(1) of the Clarksburg order and substitute the following:

Month	*Amount*
March, April, May, June, and July	$1.70
All others	2.15

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 15. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 703 Hawley Building, 1025 Main Street, Wheeling, West Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 9th day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59–7606; Filed, Sept. 11, 1959; 8:47 a.m.]

Commodity Stabilization Service

[7 CFR Part 722]

UPLAND COTTON, 1960 CROP

Notice of Determinations To Be Made With Respect to a National Marketing Quota; National, State and County Allotments; Fixing of a Date for Holding a Referendum; and Formulation of Regulations Pertaining to Acreage Allotments

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine as soon as practicable whether a national marketing quota is required to be proclaimed for the 1960 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1960 crop of cotton and will issue regulations pertaining to acreage allotments for cotton.

Section 342 of the act provides that whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year. It further provides that the Secretary shall determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales adequate, together with (1) the estimated carryover at the beginning of the marketing year which begins in the next calendar year and (2) the estimated imports during such marketing year, to make available a normal supply of cotton. Under the provisions of section 342 of the act, the national marketing quota for the 1960 crop shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

Section 342 of the act requires the proclamation of the national marketing quota to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply. In order that the Agricultural Stabilization and Conservation State and county committees may properly and timely perform their functions in connection with establishing farm allotments for the 1960 crop of cotton, it will be necessary to issue any such proclamation and to determine the national, State and county allotments as soon as practicable.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carryover" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for cotton is the period August 1–July 31.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed under section 342 of the act, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for cotton for 1960 is that acreage, based upon the national average yield per acre of cotton for the 4 calendar years 1955, 1956, 1957, and 1958, which is required to make available from the 1960 crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1960 crop of cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to cotton during the 5 calendar years 1954, 1955, 1956, 1957, and 1958, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.) and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(b)).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1960 crop of cotton will be substantially the same as those issued for the 1959 crop and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments, and State and county reserves. However, consideration is being given to a broadened condition of eligibility for a new cotton farm allotment that the farm is the only farm which is owned or operated by the farm operator or farm owner for which a cotton allotment is established for 1960. A similar condition of eligibility in previous years was limited to the county in which the new farm is located.

In addition, various changes in the regulations will be made to implement Public Law 86–172 (73 Stat. 393, approved August 18, 1959) which amended the act with respect to preservation of acreage history, reallocation of unused cotton allotments and other miscellaneous provisions.

Section 102 of the Agricultural Act of 1949, as amended, provides that the farm allotment established pursuant to section 344 of the act shall be the Choice (A) allotment, and provides for establishing a Choice (B) allotment which shall not exceed the Choice (A) allotment by more than 40 per centum. Notices of farm allotment for both Choice (A) and Choice (B) allotments will, insofar as practicable, be mailed to farm operators prior to the cotton referendum. Application for review of the farm allotment must be made within fifteen days after the mailing of such notice of farm allotment and marketing quota. Not later than January 31, 1960, the Secretary will determine and announce the price support levels applicable to Choice (A) and Choice (B) allotments, respectively. Thereafter, farm operators will receive notice of such price support levels and be given opportunity to elect the Choice (B) allotment for the farm. If the farm operator fails to elect the Choice (B) allotment for the farm, he shall be deemed to have chosen the Choice (A) allotment for the farm.

Public Law 86–172 amends section 344(f)(8) of the act to provide that the Secretary shall, if allotments were in effect the preceding year, provide for the county allotment for the 1960 crop of cotton to be apportioned to farms on the basis of the farm allotment for 1959, adjusted as may be necessary for any change in the acreage of cropland available for the production of cotton or to meet the requirements of any provision of the act (other than section 344(f)(2) and (6)) with respect to the counting of acreage for history purposes. Accordingly, farm allotments will be established pursuant to the method in section 344(f)(8) of the act in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 342 of the act, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1960 crop of cotton, it is expected that December 15, 1959, will be set as the date of the referendum.

Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment, shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to States and the State allotments to counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1960 crop of cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Issued at Washington, D.C., this 8th day of September 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–7630; Filed, Sept. 11, 1959; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59–WA–149]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6005 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 5 presently extends from Jacksonville, Fla., to London, Ont., Canada. The Federal Aviation Agency has under consideration the modification of the main airway and east alternate segments of Victor 5 between Bowling Green, Ky., and Louisville, Ky. The main airway segment is presently designated via the point of intersection of the Bowling Green VOR 048° and the Louisville VOR 189° radials. The east alternate segment, which is one hundred nineteen miles in length, is presently designated via the point of intersection of the Bowling Green VOR 063° and the Louisville VOR 168° radials. The modification of these segments via a VOR proposed to be installed in the vicinity of New Hope, Ky., at Lat. 37°37′53″, Long. 85°40′34″, scheduled to be commissioned on November 1, 1959, will improve the navigational guidance, and facilitate the movement of air traffic arriving and departing from the Bowling Green and Louisville terminals. If such action is taken, Victor 5 main airway segment Bowling Green, Ky., to Louisville, Ky., will be designated via the New Hope, Ky., VOR. Victor 5 east alternate segment, Bowling Green to New Hope, will be designated via the point of intersection of the Bowling Green VOR 058° and the New Hope VOR 204° radials. The control areas associated with VOR Federal airway No. 5 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6005 (14 CFR, 1958 Supp., 600.6005) as follows:

In the text of § 600.6005 *VOR Federal airway No. 5 (Jacksonville, Fla., to London, Ont.)* delete "intersection of the Bowling Green omnirange 048° True and the Louisville omnirange 189° True radials; Louisville, Ky., omnirange station, including an east alternate from the Bowling Green omnirange station to the Louisville omnirange station via the intersection of the Bowling Green omnirange 063° True and the Louisville omnirange 168° True radials;" and substitute therefor "New Hope, Ky., VOR, including an east alternate via the INT of the Bowling Green VOR 058° and the New Hope VOR 204° radials; Louisville, Ky., VOR;"

Issued in Washington, D.C. on September 4, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59–7595; Filed, Sept. 11, 1959; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59–WA–154]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6614 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is considering the modification of VOR Federal airway No. 1514, which extends from San Francisco, Calif., to New York, N.Y. The distance between the Hanksville, Utah, VOR and the Gunnison, Colo., VOR is 172 miles. In order to provide more precise navigational guidance, it is proposed to realign this airway segment via a new VOR to be installed approximately November 1, 1959, near La Sal, Utah, at Lat. 38°15′12″, Long. 109° 15′35″. If such action is taken, Victor 1514 between Hanksville and Gunnison would be designated via the La Sal VOR. The control areas associated with Victor 1514 are designated so as to conform automatically to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 9007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In view of the foregoing, it is proposed to amend § 600.6614 (14 CFR, 1958 Supp., 600.6614, 23 F.R. 10340, 24 F.R. 703, 24 F.R. 1285, 24 F.R. 2230, 24 F.R. 3871) as follows:

In the text of § 600.6614 *VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.)* delete "Hanksville, Utah, VOR; Gunnison, Colo., VOR;" and substitute therefor "Hanksville, Utah, VOR; La Sal, Utah, VOR; Gunnison, Colo., VOR;".

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7596; Filed, Sept. 11, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59–WA–63]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6178 and 601.6178 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 178 presently extends from Farmington, Mo., to Paducah, Ky. The Federal Aviation Agency has under consideration the extension of Victor 178 from the Paducah VOR via the Central City, Ky., VOR and a VOR proposed to be installed approximately November 1, 1959 in the vicinity of New Hope, Ky., at Lat. 37°37'53", Long. 85°40'34", to the Lexington, Ky., VOR. The extension of Victor 178 would provide a parallel east/west route from the Farmington VOR to the Lexington VOR for the high volume of traffic presently operating on Victor 190 and Victor 4, and would establish a bypass route for aircraft over-flying the Louisville, Ky., terminal area. If such action is taken, an extension of Victor 178 and its associated control areas would be designated from the Paducah VOR via the Central City VOR, the New Hope VOR to the Lexington VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6178 and 601.6178 (14 CFR, 1958 Supp., 600.6178, 601.6178) to read as follows:

§ 600.6178 VOR Federal airway No. 178 (Farmington, Mo., to Lexington, Ky.).

From the Farmington, Mo., VOR via the Paducah, Ky., VOR, including a south alternate; Central City, Ky., VOR; New Hope, Ky., VOR; to the Lexington, Ky., VOR.

§ 601.6178 VOR Federal airway No. 178 control areas (Farmington, Mo., to Lexington, Ky.).

All of VOR Federal airway No. 178 including a south alternate.

Issued in Washington, D.C. on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7594; Filed, Sept. 11, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–KC–4]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a control zone at the Pontiac Municipal Airport, Pontiac, Mich. Upon the installation of a proposed new VOR approximately June 1, 1960 near Pontiac at Lat. 42°42'01", Long. 83°32'00", a straight-in instrument approach procedure to runway 9 at Pontiac Municipal Airport will be established. In order to provide adequate protection for aircraft conducting this approach, it is proposed to designate a control zone within a five-mile radius of the Pontiac Municipal Airport, with an extension to the Pontiac VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington, 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) by adding a section as follows:

§ 601.2395 Pontiac, Mich., control zone.

Within a 5-mile radius of the Pontiac Municipal Airport and within 2 miles either side of the Pontiac VOR 115° radial, extending from the 5-mile radius zone to the VOR.

Issued in Washington, D.C., on September 8, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7592; Filed, Sept. 11, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–KC–45]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency, at the request of the United States Air Force, has under consideration the designation of a control zone at the K. I. Sawyer Air Force Base near Marquette, Mich. The K. I. Sawyer AFB will be reactivated on or about October 18, 1959. Reactivation of this air base will result in a high volume of military traffic which will make TVOR instrument approaches from the north and from the south to runways 19 and 1. To provide adequate separation for aircraft conducting instrument approaches, it is proposed to designate a control zone within a five mile radius of the K. I. Sawyer AFB, Mich., with extensions from the five mile radius zone, to a point eight miles north and to a point fifteen miles south of the TVOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) by adding a section as follows:

§ 601.2461 Marquette, Mich., control zone (K. I. Sawyer AFB).

Within a five mile radius of the K. I. Sawyer AFB, within two miles either side of the K. I. Sawyer TVOR 009° radial from the five-mile radius zone to a point eight miles north of the TVOR, and within two miles either side of the TVOR 189° radial from the five-mile radius zone to a point fifteen miles south of the TVOR.

Issued in Washington, D.C., on September 4, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7593; Filed, Sept. 11, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13084]

RADIO BROADCAST SERVICES

Order Extending Time for Filing Comments

In the matter of amendment of § 3.66 (Broadcast Service) of the Commission's rules relating to remote control authorizations.

1. The Commission has before it for consideration a request filed September 4, 1959, by the International Brotherhood of Electrical Workers, for an extension of time from September 8, 1959, to October 1, 1959, in which to file comments in the above-entitled rule making proceeding.

2. Petitioner urges that it needs the additional time requested to file comments because its counsel is engaged in litigation which requires participation in meetings on the West Coast and that the extension will not prejudice the position or interests of the Commission or any other party.

3. The Commission is of the view that the public interest, convenience and necessity would be served by affording the additional time requested for filing comments.

4. *Accordingly, it is ordered,* This 8th day of September 1959, that the abovementioned request of the International Brotherhood of Electrical Workers is granted; that the time for filing comments in this proceeding is extended from September 8, 1959, to October 1, 1959, and that the time for filing reply comments is extended from September 18, 1959, to October 12, 1959.

Adopted: September 8, 1959.

Released: September 8, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7618; Filed, Sept. 11, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

September 1959 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Principal changes in the list for September are the dropping of dry edible beans (all stocks sold except for a few odd lots); the transfer of sales and inventory management operations for tung oil from the Cincinnati to the Dallas CSS Commodity Office, as announced August 21 (press release USDA 2348–59); the removal of butter from the list of commodities available for barter; and an increase of three-eighths of one percent in the per annum interest rate on credit sales.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Cotton, tobacco, rice (milled), wheat, corn, barley, sorghum grain, soybeans (1957-crop), cheddar cheese, and nonfat dry milk. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for September 1959 are 4⅞ percent for periods up to six months, 5⅜ percent for periods from over six and up to 18 months, and 5⅞ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S.

Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Announcements containing all terms and conditions of sale will be furnished upon request. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements which amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Office and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service or judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	All sales except butter for restricted domestic use under LD-31 are under LD-29 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic prices: For unrestricted use price is "in store" [1] at storage locations of products. For restricted use price is on the basis of delivery f.o.b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-29. Export prices are on the basis of delivery f.a.s. vessel or at buyers option f.o.b. cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. Offers to purchase butter and nonfat dry milk for export shall state (1) that offer is subject to Announcement LD-29 and the price and other conditions in the September 1959 Monthly Sales List, and (2) either (a) date of contract of sale (if any) to foreign buyer or U.S. Government Agency and, if such date is prior to February 1, 1959, whether the sales prices to the foreign buyers have been reduced as required or (b) that the required exportation of dairy products will not be pursuant to any contract of sale made before September 1959. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter	Domestic—unrestricted use: 66.25 cents per pound New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.5 cents per pound Washington, Oregon, and California. All other States 65.25 cents per pound. Domestic—restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 42 cents per pound. Export—unrestricted use: 42 cents per pound except that: (1) for fulfilling contractual commitments entered into prior to Feb. 1, 1959, with foreign buyers or with U.S. Government Agencies which execute the certificate required by paragraph 11(c) of LD-29, 30 cents per pound and (2) for fulfilling contractual commitments with foreign buyers entered into from Feb. 1 through June 30, 1959, 37 cents per pound.
Nonfat dry milk, spray roller, as available.	Domestic—unrestricted use: Spray process, U.S. extra grade; in barrels and drums, 14.0 cents per pound; in bags, 15.15 cents per pound. Roller process, U.S. extra grade; in barrels and drums, 14.00 cents per pound; in bags, 13.15 cents per pound. Domestic—restricted use (animal and poultry feed): In barrels, drums, or bags, 10.65 cents per pound. Export—unrestricted use: spray or roller process, U.S. extra grade; in barrels, drums, or bags, 8.1 cents per pound except that: (1) for fulfilling contractual commitments entered into prior to Feb. 1, 1959, with foreign buyers or with U.S. Government Agencies which execute the certificate required by paragraph 11(c) of LD-29, spray or roller process, 9.9 cents per pound in barrels and drums, 9.05 cents per pound in bags, and (2) for fulfilling contractual commitments with foreign buyers entered into from Feb. 1 through June 30, 1959, spray or roller process, 7.0 cents per pound.
Cheddar cheese, cheddars, flats twins, rindless blocks (standard moisture basis).	Domestic—unrestricted use: 38.0 cents per pound for New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound. Export—unrestricted use: 32.37 cents per pound.
Cotton, upland	Domestic or export—unrestricted use: Competitive bid and under the terms and conditions of Announcement CN–A (Sales by Local Sales Agencies of Choice (A) Cotton for Unrestricted Use), Announcement NO–C–12 (Sale of 1958 and Prior Crop Cotton for Unrestricted Use), and Announcement NO–C–13 (Sale of 1959-Crop Choice (A) Cotton for Unrestricted Use). Under CN–A, cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable Choice (B) support price plus carrying charges. Under NO–C–12 and NO–C–13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable Choice (B) support price plus carrying charges.
Cotton, extra long staple.	Domestic or export—unrestricted use: Competitive bid and under the terms and conditions of Announcements NO–C–6 as amended and NO–C–10 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland cotton (except cotton offered under CN–A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN–A may be obtained from local sales agencies.
Wheat, bulk	Domestic—unrestricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus 18 cents per bushel if received by truck or (2) 13 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW — $2.25 Minneapolis, No. 1 DNS — 2.32 Kansas City, No. 1 HW — 2.25 Portland, No. 1 SW — 2.16 Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export—(as wheat): Under Announcement GR–261 revised, as amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR–212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR–345. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Corn, bulk	Domestic—unrestricted use: Commercial corn-producing area: Market price, basis in store [2], but not less than the 1958 applicable loan rate for corn produced in compliance with 1958 acreage allotments plus: (1) a markup of 20 cents per bushel for corn in storage at point of production, (2) a markup of 22 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago — $1.78 Minneapolis — 1.61¼ Noncommercial corn-producing area: Market price, basis in store,[2] but not less than 133 percent of the applicable 1958 loan rate plus markups as above. Non-storable corn, unrestricted use (as available): At other than bin sites, through the offices indicated on the following page. At bin sites, through ASC County Offices. Export: Under Announcement GR–212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR–368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Oats, bulk	Domestic—Unrestricted use: Market price, basis in store,[2] but not less than the 1959 applicable loan rate, plus (1) a markup of 8 cents per bushel for oats in storage at point of production, (2) a markup of 10 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production.

Commodity	Sales price or method of sale
Oats, bulk—Con.	Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively: Chicago, No. 3 oats — $0.68¾ Minneapolis, No. 3 oats — .59¾ Export: Under Announcement GR–212, revised, amended, for application to approved credit and emergency sales and under Announcement GR–368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic—unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 11 cents per bushel if received by truck or (2) 8 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better — $1.08 Export: Under Announcement GR–212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR–368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Rye, bulk	Domestic—unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 14 cents per bushel if received by truck or (2) 9 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better — $1.22 Export: Under Announcement GR–212 revised, amended, for application to approved credit and emergency sales, and under Announcement GR–368 for Feed Grain Payment-in-Kind Program. Available, Domestic—Evanston, Minneapolis, Kansas City, and Portland CSS Commodity Offices. Export—Minneapolis, Evanston, Portland, Dallas, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic—unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 24 cents per hundredweight if received by truck or (2) 15 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better — $2.05 Export: Under Announcement GR–212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR–368, for Feed Grain Payment-in-Kind Program. Available, Domestic—Dallas, Portland, Kansas City, Minneapolis, and Evanston CSS Commodity Offices. Export—Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, milled (as available).	Domestic—unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 5 percent, adjusted for milling, plus 14 cents per cwt. basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Example of minimum prices of milled rice per hundredweight at mills: Blue Bonnet — U.S. No. 3: 9.18; U.S. No. 4: 8.47 Century Patna — 8.43; 7.81 Pearl — 7.49; 7.06 Export: Under GR–379 for application to approved barter order commitments and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland CSS Commodity Offices. Special Export: Competitive bid for very limited quantities California Rice under GR–PD–99 (Revised).
Rice, rough	Domestic—unrestricted use: Market price but not less than the 1959 loan rate plus 5 percent, plus 16 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR–369 Rice Export Program Payment-in-Kind, and under GR–379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas CSS Commodity Office.
Soybeans, bulk (as available) 1957 and 1958 crop.	Domestic for crushing or export: Market price basis in store but not less than the 1958 basic loan rate for No. 2 grade, basis point of production plus 11 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-elevation charges at country loading point and in-elevation charges at subterminal or terminal storage point will be added to the above price. Sales of 1957 crop soybeans for application to barter contracts will be made under GR–212, revised, amended. Offered by Evanston, Kansas City, and Minneapolis CSS Commodity Offices. Premiums and discounts provided in loan bulletin to apply to other qualities.
Flaxseed, bulk (as available).	Domestic for crushing or export: Minneapolis CSS Commodity Office: Market price basis in store but not less than the 1958 crop support rate for grade No. 1 with 10.6—11.0 moisture. Portland CSS Commodity Office: Market price but not less than $3.06 per net bushel, basis in store Los Angeles, for grade No. 1 with 10.6—11.0 moisture.
Peanuts, shelled (as available).	Domestic—unrestricted use: Virginias: 1958 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges, but not less than market price. Examples of the foregoing minimum price per pound: Extra large, 24.90 cents per pound. Medium, 22.83 cents per pound. No. 1, 20.72 cents per pound. Spanish and Runners: 1959 support price plus 5 percent, adjusted for milling, plus reasonable carrying charges, but not less than market price. Domestic for crushing or export: competitive bid under CCC Peanut Announcement 1, as amended.
Peanuts, farmers' stock (as available)	Domestic for crushing or export: Competitive bid under Announcement 1, as amended. Offered by Dallas CSS Commodity Office.
Tung oil	Export: Competitive bid under Announcement DL–OP–10 by Dallas CSS Commodity Office.
Burley tobacco	Domestic (unrestricted use) or export: Competitive bid under the terms and conditions of announcements issued and to be issued. These announcements cover various lots totaling about 6 million pounds. Copies of announcements issued may be obtained from the Tobacco Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., or Burley Tobacco Growers Coop. Association, 620 S. Broadway, Lexington, Ky.
Gum rosin	Domestic—unrestricted use: Offer and acceptance basis, in galvanized metal drums (approximating 517 number net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB–21–59 and supplements thereto which will be issued periodically during the month. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Georgia. Export: Competitive bids for rosin in storage subject to Announcement TB–21–59 and weekly supplements thereto.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: September 8, 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–7629; Filed, Sept. 11, 1959; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 59–34]

EQUIPMENT, INSTALLATIONS, OR MATERIALS, AND CHANGE IN ADDRESS OF MANUFACTURER

Approval and Amendments of Prior Document

Correction

In F.R. Doc. 59–7362, appearing at page 7139 of the issue of Thursday, September 3, 1959, the lifeboat dimensions specified in Approval No. 160.035/395/0, listed under Part I, should read "24.0' x 8.33' x 3.58'."

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 60–2]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 4, 1959.

The Department of Agriculture has filed an application, Serial No. Oregon 06333, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws except the general mining laws, mineral leasing laws, and disposal of materials under the act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185), as amended.

The applicant desires the land for the United States Forest Service for use and development for erosion control and other land utilization activities in connection with the existing Central Oregon Land Utilization Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 N.E. Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 11 S., R. 12 E.,
Sec. 2: lot 1, and E½SE¼.

Approximately 115.76 acres.

TOM D. CONKLIN,
Acting State Supervisor.

[F.R. Doc. 59-7599; Filed, Sept. 11, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13188; FCC 59-916]

TELEGRAPH SERVICE WITH HAWAII

Notice of Inquiry

In accordance with Public Law 86-3, 86th Congress, approved March 18, 1959 and subsequent proclamation by the President on August 21, 1959 Hawaii has become the 50th State of the Union. Hawaii has historically been served by the international as distinguished from the domestic telegraph carriers. In the course of the enactment of legislation authorizing the merger of domestic telegraph carriers, Public Law 4, 78th Congress, approved March 6, 1943, the handling of traffic between the United States and Hawaii was determined by the Congress to constitute an international telegraph operation. It appears that at the time this determination was made in 1943 it was based on geographic rather than political considerations since at the same time operations to Alaska, then also a territory, were determined by the Congress to be domestic telegraph operations. It has been indicated informally to the Commission, however, that upon the admission of Hawaii as the 50th State, the merged domestic telegraph carrier desires to handle traffic to Hawaii. In view of this fact and of the substantive effects that any change in the handling of traffic with Hawaii could have upon the international telegraph carriers, the Commission desires, before making any determination whether or not to recommend legislative changes to the Congress, to receive in writing the views of interested parties regarding any changes in the Communications Act which they feel the Commission should recommend to the Congress in this connection. In submitting their views interested parties should, among other things they believe relevant, state:

(a) Whether or not the Commission should recommend changes in the Communications Act of 1934 which would operate to authorize domestic telegraph carriers to handle telegraph traffic between the mainland and Hawaii, and the reasons for the position taken;

(b) The plans which any telegraph carrier seeking such authorization has to serve Hawaii including:

(1) The rates to be charged, and

(2) The regulations, classifications and practices for and in connection with the telegraph traffic proposed to be handled;

(c) Whether it is proposed that telegraph traffic between the mainland and Hawaii be handled exclusively by domestic telegraph carriers, exclusively by international telegraph carriers, or by both domestic and international telegraph carriers;

(d) The revenues presently realized from the handling of telegraph traffic between the mainland and Hawaii, and the revenues which would be realized in the event that

(1) Hawaii were to be served only by domestic carriers, and

(2) Hawaii were to be served by both domestic and international telegraph carriers;

(e) The effect upon and the changes which would have to be made in the Formula provided for in section 222(e) of the Communications Act if traffic is to be handled competitively by the domestic and international carriers; and

(f) The exact language of any legislative proposal advocated.

All comments must be submitted to the Commission in writing not later than October 2, 1959 and all replies to such comments by October 19, 1959.

Adopted: September 2, 1959.

Released: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7617; Filed, Sept. 11, 1959; 8:48 a.m.]

[Docket No. 13180; FCC 59-896]

RODNEY F. JOHNSON (KWJJ)

Order Designating Application for Hearing on Stated Issues

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; Has: 1080 kc, 10 kw, DA-2, U, Requests: 1080 kc, 10 kw, 50 kw-LS, DA-2, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington D.C., on the 2d day of September, 1959;

The Commission having under consideration the above-captioned and described application;

It apearing, that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 11, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring a hearing on the particular issues hereinafter specified; and in which the applicant stated that he would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KWJJ and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KWJJ would involve objectionable interference with Station KSCO, Santa Cruz, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the area and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Charles Vernon Berlin, Fred D. McPherson, Jr., and Mahlon D. McPherson, a partnership, d/b as Radio Santa Cruz, licensee of Station KSCO, Santa Cruz, California, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7619; Filed, Sept. 11, 1959; 8:48 a.m.]

[Docket No. 13182; FCC 59-899]

KHON BROADCASTING CO., INC.

Assignment of Call Letters

The Commission has before it for consideration the requests filed on June 15, 1959 by Radio Hawaii, Inc., licensee of Station KPOA, Honolulu, Hawaii and by its Washington, D.C. legal counsel that the Commission reconsider its action of May 1, 1959 in assigning the call letters KPOI to KHON Broadcasting Co., Inc., Honolulu, Hawaii, on the ground that use of the two sets of call letters KPOA and KPOI in Honolulu creates confusion in the minds of the listening public as to the identity of the said stations.

In support of its request, KPOA alleges that its call letters were assigned on May 27, 1946 and have been used continuously since that date; that during a period of 13 years the station has developed substantial good will and good reputation in the minds of the Honolulu public; that the call letters KPOA and KPOI are sufficiently similar, phonetically and rythmically, in pronunciation to cause general confusion in the minds of the public and among the trade; and that the confusion is greatly compounded by the method employed by KPOI in its daily use of its call letters. KPOA states further that on station identifications KPOI announces "You are listening to KAY-POY, KPOI" "1380 on your dial" or "Honolulu"; that the pronunciation and reiteration of "KAY-POY" is done in such a manner that the public generally associates the call sign with KPOA which has been serving the same area for 13 years;" that "this use and abuse by KHON Broadcasting Co., Inc. of its call sign is deliberate and is carefully calculated to mislead members of the public that they are listening to the older and more established station"; that "its obvious purpose, of course, is not only to deceive the public generally but to mislead the advertising trade and influence listener polls favorably to KHON Broadcasting Co., Inc. [KPOI]".

Additionally, KPOA points out that "POI is a popular word used generally throughout Honolulu to identify a common article of food among the native Hawaiians", and that every few minutes throughout the day KPOI makes announcements with respect to the "kay-poy bandstand", "kay-poy time", "kay-poy news center", "kay-poy weather", "kay-poy temperature", kay-poy album", "kay-poy release", "kay-poy top 26", etc., and that "the constant repetition of this contraction of the call letters KPOI aggravates the confusion in the minds of the listeners which the similarity of the two call signs presents." Attached to KPOA's letter is an affidavit by Mr. M. Franklyn Warren, Vice President and General Manager of Station KPOA, in which he states that "since the change of call letters from KHON to KPOI by Radio Station KHON confusion was shown on the part of the public due to the similarity of call letters KPOA and KPOI"; and that "the following represents only part of the incidents occurred because the staff did not keep a regular log on each incident:

May 25, a.m.; call for Mr. Jock Fearnhead, owner of KPOI.

May 26, 2:10 p.m.; call for Ron Jacobs, disc jockey at KPOI.

May 27, 3:23 p.m.; call for Tom Rounds, news director at KPOI.

May 28, 2:24 p.m.; call for Tom Moffatt, disc jockey at KPOI.

May 28, 4:51 p.m.; call for George West, disc jockey at KPOI.

May 28, 4:58 p.m.; call for Sam Sanford, disc jockey at KPOI.

May 29, 10:15 a.m.; call for KPOI.

May 29, 10:45 a.m.; call for KPOI.

May 29, 1:40 p.m.; listener came to station to pick up records in exchange for Ed and Don Candy box tops This is a contest being run on KPOI.

June 2, 10:30 a.m.; lady came to studio to see George West, disc pockey at KPOI.

May 28, delivery of advertising material from Honolulu Advertiser to KPOA which was the KPOI engravings used in newspaper ad.

May 28; received bill from Transocean Air Lines which included, among our own charges, the following item used by KPOI's attorney: Air transportation for Davis/George/Lorrain/Tim SF/Hnl/SF, $626.70."

KPOA urges that the Commission, on its own motion to rescind, cancel and set aside its assignment of the call letters KPOI to KHON Broadcasting Co. Inc. and make a new call letter assignment to that licensee.

In a letter dated July 6, 1959, Washington, D.C. legal counsel for KPOI contends that the above-referenced letter of June 15, 1959 "is not even a formal petition, [and] cannot be given any consideration whatsoever", and that "the KPOI call letter change was to be effective May 1, 1959 so that the very latest time reconsideration of that call letter change could be had was 30 days after Commission action authorized the call letter change and certainly no later than 30 days after its effective date"; and that "the said letter, therefore, is not timely filed pursuant to section 405 of the Communications Act of 1934, as amended which requires that the petition to be timely must be filed within 30 days from the date upon which public notice is given of any decision, order or requirement complained of." KPOI states that the claim of confusion in the minds of listeners because of the call letters KPOI and KPOA "is a contradiction by itself for, as even Radio Hawaii [KPOA] knows, POI is as common a word in Hawaii as bread is elsewhere in the world and to many Hawaiians as much a staple in their diet".

KPOA does not state pursuant to which Commission rule or provision of the Communications Act its instant request is filed. However, § 1.191 of the Commission rules and section 405 of the Communications Act, which provide for petitions for reconsideration, require that such petitions be filed within 30 days of the action against which the petition is filed. The Commission's assignment of the call letters KPOI was effective May 1, 1959, and the instant request was not submitted until June 15, 1959. Therefore, the said request is not timely filed pursuant to the requirements of said sections for consideration thereunder.

The Commission on its own motion here considers the allegations before us with respect to confusion arising from the similarity of the two sets of call letters in Honolulu. We are of the opinion that the statements made by KPOA raise a substantial question as to whether confusion does arise from the use of the two sets of call letters KPOA and KPOI in Honolulu, Hawaii and whether KPOI should be required to change its call letters to avoid confusion and misconception in the minds of the listeners as to the identity of said two stations. We find nothing in the KPOI reply of July 6, 1959, to rebut the above showing by KPOA that confusion does obtain. Moreover, we are of the opinion that the call letters KPOA and KPOI are sufficiently similar phonetically and rhythmically in pronunciation to cause possible confusion and misconception in the minds of the Honolulu listeners as to the identity of the said two stations.

In view of the foregoing: *It is ordered*, That KHON Broadcasting Co., Inc. is directed to show cause, by public hearing if requested, within 30 days from the date of this Order, why the Commission should not issue an order rescinding its action of May 1, 1959 in assigning the call letters KPOI to its Honolulu, Hawaii station.

It is further ordered, That in the event KHON Broadcasting Co., Inc. desires a public hearing in the matter, such hearing should be requested within 30 days from the date of this order.

Adopted: September 2, 1959.

Released: September 9, 1959.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7620; Filed, Sept. 11, 1959; 8:48 a.m.]

[Docket No. 13179; FCC 59-894]

MARTIN KARIG

Order Designating Application for Hearing on Stated Issues

In re application of Martin Karig, Johnstown, New York, Docket No. 13179, File No. BP-11926; Requests: 930 kc, 1 kw, DA-D, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of September 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that on the basis of the information submitted by the instant applicant, it cannot be found that he is financially qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 9, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring a hearing on the particular issues hereinafter specified; and in which the applicant stated that he would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve objectionable interference with Station WIBX, Utica, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations WPAT, Paterson, New Jersey and WBEN, Buffalo, New York, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the directional antenna parameters will produce the pattern proposed by instant applicant.

5. To determine whether the antenna system proposed by the instant applicant would constitute a hazard to air navigation.

6. To determine whether Martin Karig is financially qualified to construct and operate his proposed station.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That WIBX, Incorporated, licensee of Station WIBX, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7621; Filed, Sept. 11, 1959; 8:49 a.m.]

[Docket No. 13181; FCC 59-897]

MARIN BROADCASTING CO., INC. (KTIM)

Order Designating Application for Hearing on Stated Issues

In re application of Marin Broadcasting Company, Inc., Radio Station KTIM, San Rafael, California, Docket No. 13181, File No. BP-12540; for construction permit to change transmitter site.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of September 1959:

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, by letter dated May 20, 1959, and incorporated herein by reference, notified the applicant and Radio Station KAFP, the only other known party in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and

It further appearing that after consideration of the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the instant proposal of Radio Station KTIM would involve objectionable interference with Radio Station KAFP, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

2. To determine whether overlap of the respective 2 mv/m and 25 mv/m contours would occur between the instant proposal of Radio Station KTIM and Radio Station KAFP in contravention of § 3.37 of the Commission's rules, and if so whether circumstances would warrant a waiver of the said section.

3. To determine, in the light of the evidence adduced under the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Broadcast Associates, Incorporated, licensee of Radio Station KAFP, is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7622; Filed, Sept. 11, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14140, etc.]

WARREN PETROLEUM CORP. ET AL.

Notice of Applications and Date of Hearing

JULY 29, 1959.

In the matters of Warren Petroleum Corporation,[1] Docket No. G-14140; Glen A. Martin, et al.,[2] Docket No. G-14141; Southland Royalty Company, Docket No. G-14144; Southwestern Exploration Company, et al.,[3] Docket No. G-14147; Skelly Oil Company, Docket No. G-14150; Union Oil Company of California, Docket No. G-14152; William D. Emery, Docket No. G-14153; Humble Oil & Refining Company,[4] Docket No. G-14154; Glenn L. Haught, et al., d/b/a Valentine Gas Company,[5] Docket No. G-14155; N. B. Hunt,[6] Docket No. G-14165; W. H. Hunt,[6] Docket No. G-14166; Lamar Hunt,[6] Docket No. G-14167.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos.; Field and Location; Purchaser
G-14140; Fairbanks Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.
G-14141; Henze Field, Dewitt County, Texas; Texas Eastern Transmission Corporation.
G-14144; Crosby-Devonian Field, Lea County, New Mexico; El Paso Natural Gas Company.
G-14147; Hugoton Field, Seward County, Kansas; Panhandle Eastern Pipeline Company.
G-14150; Seaman Pool, Lea County, New Mexico; Phillips Petroleum Company.
G-14152; Camrick Southeast Pool (Boyd Area), Beaver County, Oklahoma; Natural Gas Pipeline Company of America.
G-14153; Keyes Field, Cimarron County, Oklahoma; Colorado Interstate Gas Company.
G-14154; East Lake Palourde Field, Assumption and St. Martin Parish, Louisiana; Texas Gas Transmission Corporation.
G-14155; Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.
G-14165; Blinebry Pool, Lea County, New Mexico; El Paso Natural Gas Company.
G-14166; Blinebry Pool, Lea County, New Mexico; El Paso Natural Gas Company.
G-14167; Blinebry Pool, Lea County, New Mexico; El Paso Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Warren Petroleum Company proposes to sell to Texas Illinois Natural Gas Pipeline Company residue gas from its Fairbanks Gasoline Plant pursuant to a gas sales contract dated September 1, 1957, which gas is purchased from Sinclair Oil & Gas Company. The application states that Sinclair receives as payment for said gas a percentage of the proceeds derived from the sale of residue gas.

[2] Glen A. Martin, Grande Oil Company, C. C. Dauchy, R. F. Schoolfield and Richard B. Lock are filing jointly for their working interests in the subject acreages. All are signatory seller parties to the subject gas sales contract.

[3] Southwestern Exploration Company, a co-partnership composed of W. H. Bird and A. Leon Derby, Jr., is filing for itself and on behalf of the co-owner, Vickers Petroleum Company, Inc. Both are signatory seller parties to the subject gas sales contract. Amendment filed December 30, 1957 corrects application, which erroneously lists Northern Natural Gas Company as purchaser instead of Panhandle Eastern.

[4] Application covers a basic contract dated December 3, 1957, and amendatory agreement adding additional acreages thereto dated January 15, 1958. Amendment filed July 10, 1958, requests inclusion of acreage dedicated under the aforesaid amendatory agreement.

[5] Valentine Gas Company, Applicant, is a partnership composed of Glenn L. Haught, Raymond Valentine, Clifton G. Valentine, Paul McCoy, L. E. Haught, Frederick Barker, Jr., Mountain Iron & Supply Company, Ed Meservie, R. S. Kemery, A. C. Sands, H. R. Amos, V. R. Williams, Harry Davis, V. E. Millsark, Arthur M. Taylor, Edward Harrigan, L. D. Nutter, Lewis T. Fuccy and H. B. Heflin. All are signatory seller parties to the subject gas sales contract through the signatures of Glenn L. Haught, who has signed the contract for himself and as Attorney-in-Fact for the remaining above-named partners.

[6] In Docket Nos. G-14165, G-14166 and G-14167, N. B. Hunt, W. H. Hunt and Lamar Hunt, respectively, propose to sell natural gas to El Paso from certain acreage pursuant to the same gas sales contract dated January 1, 1958, to which contract all are signatory seller parties. In each case, application was amended by instrument dated January 27, 1958, to designate subject field as Blinebry Pool rather than Queen Field.

[F.R. Doc. 59-7614; Filed, Sept. 11, 1959; 8:48 a.m.]

[Docket No. G-19320, etc.]

SULTEX OIL AND GAS CORP. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

SEPTEMBER 4, 1959.

In the matters of Sultex Oil and Gas Corporation, Docket No. G-19320; James V. Rossi (V. L. Rossi, Trustee), Docket No. G-19321; Cities Service Oil Company, Docket No. G-19322; Premont Gas Gathering System, Inc., Docket No. G-19323; McAlester Fuel Company, Docket No. G-19324; Republic Natural Gas Company, et al., Docket No. G-19325.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser	Notice of change dated—	Date tendered	Proposed effective date	Rate suspended until—
G-19320	Sultex Oil and Gas Corp.	1	2	Tennessee Gas Transmission Co.	8-5-59	8-6-59	11-1-59	4-1-60
G-19321	James V. Rossi (V. L. Rossi, trustee).	1	3	do	Undated.	8-7-59	11-1-59	4-1-60
G-19322	Cities Service Oil Co.	[2] 121	7	Kansas-Nebraska Natural Gas Co., Inc.	8-3-59	8-6-59	10-1-59	3-1-60
G-19323	Premont Gas Gathering System, Inc.	1	2	Tennessee Gas Transmission Co.	8-6-59	8-10-59	11-1-59	4-1-60
G-19324	McAlester Fuel Co.	[3] 2	3	El Paso Natural Gas Co.	8-3-59	8-10-59	9-10-59	2-10-60
G-19325	Republic Natural Gas Co., et al.	25	1	Tennessee Gas Transmission Co.	8-6-59	8-10-59	11-1-59	4-1-60

[2] Presently effective rate is subject to refund in Docket No. G-16123.
[3] Presently effective rate is subject to refund in Docket No. G-14417.

Sultex Oil and Gas Corporation (Sultex), James V. Rossi (V. L. Rossi, Trustee), (Rossi), Republic Natural Gas Company, et al and Premont Gas Gathering System, Inc., (Premont), in support of their increased rate proposals, cite their respective contract provisions and state that the contracts were negotiated through arm's-length bargaining. In addition, Rossi states that expenses are increasing. Sultex and Republic, in addition, contend that its increased rate is probably less than the current mar-

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

ket value for the gas in the area. Republic further states that the cost of preparing cost information in support of its increased rate would far exceed the total amount of the increase itself.

Cities Service Oil Company, in support of its proposed periodic increased rate, cites its contract provisions and states that the increase is reasonable and is lower than the present market value of equivalent gas in the area.

In support of its favored-nation increased rate proposal, McAlester Fuel Company cites its contract provisions and states that its contract was negotiated at arm's-length.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of the aforementioned supplements is suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7597; Filed, Sept. 11, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35665: *Cement—Central territory to the south.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. CTR No. 2412), for interested railroads. Rates on cement, hydraulic or portland, carloads from specified points in Illinois, Indiana, Iowa, Missouri, New York, Ohio, and Pennsylvania to destinations in southern territory.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitraries.

Tariff: Supplement 33 to Central Territory Railroads Tariff Bureau tariff I.C.C. 4633 (Hinsch series).

FSA No. 35666: *Iron or steel plates, Houston, Tex., to Pascagoula, Miss.* Filed by Southwestern Freight Bureau, Agent (B–7634), for interested rail carriers. Rates on iron or steel plates, carloads from Houston, Tex., to Pascagoula, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 65 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4308.

FSA No. 35667: *Cement—Central territory to official territory.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2413), for interested rail carriers. Rates on cement, and related articles, carloads from specified points in Illinois, Indiana, and Ohio to destinations in official territory in Kentucky, North Carolina, Virginia, and West Virginia.

Grounds for relief: Short-line distance formula, grouping and establishment of rates on destination level.

Tariff—Supplement 96 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. 3826; Supplement 5 to Norfolk and Western Railway Company tariff I.C.C. 9685.

FSA No. 35668: *Cement from and to points in central territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (CTR No. 2414), for interested rail carriers. Rates on cement and related articles, carloads from specified points in Indiana, New York and Ohio to destinations in central territory in Kentucky and West Virginia.

Grounds for relief: Short-line distance scale and establishment of rates on the destination level.

Tariff: Supplement 17 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C–56.

FSA No. 35669: *Cement—Lamson, Mich., to Illinois territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR 2415), for interested rail carriers. Rates on cement and related articles, carloads from Lamson, Mich., to destinations in Illinois Territory.

Grounds for relief: Short-line distance formula and market competition with other producing points in official territory.

Tariff: Supplement 17 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C–56.

FSA No. 35670: *Grains—Stations in Iowa to Texas gulf ports.* Filed by The Chicago, Rock Island, and Pacific Railroad Company (No. 885), for itself and other interested rail carriers. Rates on barley, corn, oats, rye, and wheat, in bulk, carloads from stations in Iowa on the Rock Island to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Competition with the Port of New Orleans from the same origins.

Tariff: Supplement 8 to Chicago, Rock Island, and Pacific Railroad Company tariff I.C.C. C–13604.

FSA No. 35671: *Scrap iron or steel—Zanesville, Ohio to Calvert, Ky.* Filed by O. E. Schultz, Agent (ER No. 2509), for interested rail carriers. Rates on scrap iron or steel (not copper clad), carloads from Zanesville, Ohio to Calvert, Ky.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 129 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. 4664 (Hinsch series).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–7604; Filed, Sept. 11, 1959; 8:47 a.m.]

[Notice 188]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(6) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62497. By order of September 4, 1959, The Transfer Board approved the transfer to Buglio Trucking Co., a New Jersey Corporation, Vineland, N.J., of Certificate in No. MC 60183, issued May 25, 1949, to Joseph Buglio, doing business as Buglio Trucking Co., Vineland, N.J., authorizing the transportation of: Agricultural commodities from Vineland, N.J., Landisville, Hammonton, Swedesboro, and Cedarville, N.J., to Boston, Mass., Providence, R.I., New Haven, Conn., Syracuse and New York, N.Y., Philadelphia, Scranton and Wilkes-Barre, Pa., and Baltimore, Md.; fresh fruits and vegetables and such commodities as are used in, or incidental to the preparation, packing and shipment of canned, frozen and processed foods, from points in Pennsylvania, Delaware, Maryland, New York, Connecticut, Rhode Island, Virginia, Massachusetts, and the District of Columbia, to points in New Jersey; such commodities as are used in, or incidental to the preparation, packing, and shipment of canned and processed foods from Connecticut, New York, Pennsylvania, Maryland, Washington, D.C., and Norfolk, Va., to Swedesboro; fertilizer and fertilizer materials, chemicals, insecticides, empty tin cans, barrels, boxes and pails from points in Maryland, Pennsylvania, New York to points in New Jersey; lime from Plymouth Meeting, Pa., to Vineland, N.J., glass containers, from Bridgeton, N.J., to New York, N.Y.; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, from New York to Pennsylvania, Maryland, the District of Columbia and points in New Jersey; from Philadelphia, Pa., to New York, N.Y.; canned and processed foods from points in New Jersey to points in Pennsylvania, Delaware, Maryland, the District of Columbia, New York, Connecticut, Rhode Island, and Massachusetts; damaged or rejected shipments of canned and processed foods from above-specified destination points to above-specified origin points. David Brodsky, Brodsky and Lieberman, Attorneys, 1776 Broadway, New York, N.Y.

No. MC–FC 62517. By order of September 4, 1959, The Transfer Board approved the transfer to James D. Marino, doing business as H. E. Edgar, Newton Highlands, Mass., of the operating rights in Certificate No. MC 79657, issued September 19, 1940, to Hazen E. Edgar, doing business as H. E. Edgar, Newton Highlands, Mass., authorizing the transportation of household goods, over irregular routes, between Newton, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Joseph A. Kline, 165 Devonshire Street, Boston 10, Mass., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–7605; Filed, Sept. 11, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CITY OF LOS ANGELES AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8325–1, between the City of Los Angeles and American President Lines, Ltd., modifies the basic agreement between the parties which provides for a preferential assignment of certain terminal property which is to be constructed within the Port of Los Angeles by the City in accordance with plans, specifications and designs acceptable to APL. The purpose of the modification is to provide that the wharves and transit sheds be constructed on the south instead of the north side of the slip.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 9, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7613; Filed, Sept. 11, 1959; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 237]

MONTANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of August, 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Montana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Gallatin and Madison (earthquake occurring on or about August 17, 1959).

Offices: Small Business Administration Regional Office, Smith Tower, Room 1220, 506—2d Avenue, Seattle 4, Wash.

Small Business Administration Branch Office, Power Block, Room 412, Corner Main and Sixth Avenue, Helena, Mont.

2. No Special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 29, 1960.

Dated: August 31, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–7625; Filed, Sept. 11, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

SEPTEMBER 8, 1959.

In the matter of trading on the New York Stock Exchange and the Detroit Stock Exchange in the $1.00 par value common stock of F. L. Jacobs Co., File No. 1–2645.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On August 28, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending September 8, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 240.15c 2–2 (17 CFR 240.15c2–2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such

security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 9, 1959 to September 18, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7600; Filed, Sept. 11, 1959; 8:46 a.m.]

[File No. 1-1673]

MAHONING COAL RAILROAD CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

SEPTEMBER 8, 1959.

In the matter of Mahoning Coal Railroad Company, Common Stock, File No. 1-1673.

New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stock is no longer suitable for listing and registration on the Exchange by reason of its limited distribution. All but 5,994 shares are held by the New York Central Railroad Company and public holders of record number only 279. The stock is inactively traded on the Exchange.

Upon receipt of a request, on or before September 23, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7601; Filed, Sept. 11, 1959; 8:46 a.m.]

[File No. 1-1616]

NEW YORK AND HARLEM RAILROAD CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

SEPTEMBER 8, 1959.

In the matter of the New York and Harlem Railroad Company, Common Stock, File No. 1-1616.

New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stock is no longer suitable for listing and registration on the Exchange by reason of its limited distribution. All but 9,682 shares are held by New York Central Railroad Company and public holders of record number only 174. The stock is inactively traded on the Exchange.

Upon receipt of a request, on or before September 23, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7602; Filed, Sept. 11, 1959; 8:46 a.m.]

[File No. 7-2023]

TEXAS GULF PRODUCING CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

SEPTEMBER 8, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Texas Gulf Producing Company, Common Stock, File No. 7-2023.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Midwest Stock Exchange.

Upon receipt of a request, on or before September 23, 1959 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7603; Filed, Sept. 11, 1959; 8:46 a.m.]

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OF MICHIGAN
SEP 16 1959
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 24 NUMBER 180

Washington, Tuesday, September 15, 1959

Title 3—THE PRESIDENT

Proclamation 3310

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS the employment of physically handicapped workers has materially increased in 1959 as compared with 1958; and

WHEREAS there is every indication that the coming year will show a continuing increase in economic activity and, therefore, a proportionate increase in the demand for qualified workers who have overcome their physical handicaps; and

WHEREAS the expanding national program to develop maximum employment opportunities for the physically handicapped is continuing to attract the interest of additional thousands of dedicated volunteers in national, State, and community committees who are working wholeheartedly with public and private agencies for the rehabilitation and employment of handicapped persons; and

WHEREAS there is an increasing awareness among employers, fellow employees, and the public of the abilities of handicapped men and women as skilled, stable, and efficient workers; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), designated the first week in October of each year as National Employ the Physically Handicapped Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 4, 1959, as National Employ the Physically Handicapped Week. I also urge our citizens to remember, throughout the year, that by their interest and efforts many handicapped persons can be assisted to economic independence and active participation in a productive way of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59–7695; Filed, Sept. 11, 1959; 2:11 p.m.]

Proclamation 3311

ENLARGING THE MUIR WOODS NATIONAL MONUMENT, CALIFORNIA

By the President of the United States of America

A Proclamation

WHEREAS the United States has acquired the hereinafter-described lands adjoining the Muir Woods National Monument, in California, for addition to that monument, and has also acquired, in connection with the acquisition of those lands, an easement over other hereinafter-described lands adjoining the acquired lands; and

WHEREAS such acquired lands and such easement are essential to the proper care, management, and use of the Muir Woods National Monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as a part of the monument and to reserve such easement for use in connection with the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim as follows:

1. Subject to valid existing rights, the following-described lands, in California, are hereby added to and reserved as a part of the Muir Woods National Monument:

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THE PRESIDENT

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(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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BEGINNING at a point on the easterly boundary line of Ranch "X", being a portion of Lot "D" of the Sausalito or Richardson Rancho, situated in Marin County, California and delineated on that certain Map entitled Tamalpais Land and Water Company Map No. 3, filed in Book 1 of Maps, at page 104, Marin County Records, the field notes of which are recorded in Volume "D" of Miscellaneous Records, at page 1; said beginning point being north 16°05' West 421.96 feet from the most easterly corner of the said Ranch "X", said point being also in the northerly line of that certain 50-foot right-of-way conveyed by William Kent and Elizabeth T. Kent, his wife, to Muir Woods Toll Road Company, and recorded September 14, 1926, in Liber 102 of official records, at page 494, Marin County Records; and running thence along said right-of-way line south 75°05' west 2.69 feet; thence leaving said line north 53°18'30" west 102.25 feet, south 54°40' west 93.23 feet, north 36°38' west 63.61 feet, north 11°10' west 68.02 feet, north 36°56' west 172.17 feet north 8°12'30" west 491.22 feet, north 38°05' east 143.10 feet to the southwesterly line of the aforesaid 50-foot right-of-way; thence along said right-of-way line on a curve to the right whose

center bears south 43°27'30" west and whose radius is 275 feet, distance 14.20 feet; thence south 49°35' east 216.30 feet; thence on a curve to the left whose center bears north 40°25' east and whose radius is 425 feet distance 82.954 feet; thence south 54°46' east 77 feet; thence on a curve to the right whose center bears south 35°14' west and whose radius is 275 feet, distance 271.42 feet; thence south 1°47' west 47.90 feet; thence on a curve to the right whose center bears north 88°13' west and whose radius is 975 feet, distance 38.57 feet; thence south 4°03' west 200.76 feet; thence on a curve to the right whose center bears north 85°57' west and whose radius is 75 feet, distance 92.98 feet; thence south 75°05' west 31.43 feet to the point of beginning; containing 6.16 acres, more or less.

2. The easement acquired by the United States in and over the following-described lands is hereby reserved for purposes of ingress and egress between the existing County road and the above-described lands:

BEGINNING at a point in the northerly line of the aforesaid 50-foot right-of-way, said point being the beginning of the second course of the above description; and running thence north 53°18'30" west 102.25 feet, south 54°40' west 93.23 feet, south 36°38' east 59.51 feet to the said right-of-way line; thence along said line on a curve to the right whose center bears south 35°36' east and whose radius is 125 feet, distance 45.12 feet; thence north 75°05' east 85.68 feet to the point of beginning.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any features of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this eighth day of September in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59–7696, Filed, Sept. 11, 1959; 2:12 p.m.]

Proclamation 3312

NATIONAL YOUTH FITNESS WEEK, 1960

By the President of the United States of America

A Proclamation

WHEREAS the fitness of our young people is essential to the strength and progress of our Nation; and

WHEREAS we must always strive to improve the well-being of our youth by determined and coordinated efforts in their areas of learning, work, play and matters of the spirit; and

WHEREAS, in this challenging world, fraught with peril on every side, it is imperative that our young people recognize their obligations to themselves, to their families, and to all of us, in order to prepare themselves for lives of satisfying and useful citizenship; and

WHEREAS the President's Council on Youth Fitness has recommended that the week beginning May 1, 1960, be designated as National Youth Fitness Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning May 1, 1960, as National Youth Fitness Week.

I request officials of the Government, and I urge parents, young people, and interested national and local organizations, to use all appropriate means now and during that week to promote programs and activities demonstrating the importance of youth fitness to the end that we may assure the continuing strength and well-being of our people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of September in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59–7697; Filed, Sept. 11, 1959; 2:12 p.m.]

RULES AND REGULATIONS

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROCAINE PENICILLIN, NEOMYCIN, POLYMYXIN, HYDROCORTISONE ACETATE, HYDROCORTISONE SODIUM SUCCINATE; REGULATION ESTABLISHING ZERO TOLERANCE IN MILK FROM DAIRY COWS

A petition has been filed with the Food and Drug Administration by the Upjohn Company, Kalamzoo, Michigan, proposing the issuance of a regulation establishing a zero tolerance for procaine penicillin, neomycin, polymyxin, hydrocortisone acetate, and hydrocortisone sodium succinate in milk from dairy cows to which this preparation has been administered, either in oil or as an ointment, by the intramammary route for the treatment of mastitis.

Based upon an evaluation of the data before him, and proceeding in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (4), 72 Stat. 1786; 21 U.S.C. 348), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), the Commissioner of Food and Drugs has concluded that a tolerance limitation is required to insure that milk from dairy cows will present no hazard to the public health by reason of the presence therein of procaine penicillin, neomycin, polymyxin, and added hydrocortisone acetate and hydrocortisone sodium succinate. *Therefore, it is ordered,* That the food additive regulations (21 CFR Part 121 (24 F.R. 1095)) be amended by adding thereto, under Subpart D, the following new section:

§ 121.1003 Procaine penicillin, neomycin, polymyxin, hydrocortisone acetate, hydrocortisone sodium succinate in milk from dairy cows.

A tolerance of zero is established for procaine penicillin, neomycin, polymyxin, and added hydrocortisone acetate and hydrocortisone sodium succinate in milk from dairy cows or in any processed food because of the use therein of such milk.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348)

Dated: September 8, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59–7644; Filed, Sept. 14, 1959; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141c — CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c — CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Pyrrolidinomethyl Tetracycline; Basic Salt and Injection Preparations

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Part 141c; 21 CFR, 1958 Supp., 146.1; 21 CFR Part 146c) are amended as follows:

1. Part 141c is amended by adding thereto the following new sections:

§ 141c.248 Pyrrolidinomethyl tetracycline.

(a) *Potency.* Use the *N*-(pyrrolidinomethyl) tetracycline working standard as the standard of comparison, and proceed as directed in § 141c.218(a), except in lieu of the directions prescribed in § 141c.218(a) (1) and (5), proceed as follows:

(1) Prepare the standard stock solution by dissolving an appropriate amount of the working standard in sufficient methanol to give a concentration of 1,000 μg. per milliliter. This stock solution may be kept in refrigerator for 5 days.

(2) Dissolve the sample to be tested in sufficient methanol to give an appropriate stock solution. Further dilute in *M*/10 monopotassium phosphate buffer, pH 4.5, to give an estimated concentration of 0.24 μg. per milliliter.

(b) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using a test dose of 0.5 milliliter of an aqueous solution containing 2 milligrams per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26(e) of this chapter.

(d) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(e) *Absorptivity.* Proceed as directed in § 141c.218(e), except calculate on the anhydrous basis.

(f) *Crystallinity.* Proceed as directed in § 141a.5(c) of this chapter.

(g) *Identity.* Place approximately 100 milligrams of the sample to be tested in a test tube, add 5 milliliters of 1 *N* NaOH and heat gently to boiling for about 15 seconds. (The musty, amine-like odor of pyrrolidine is detectable.) Allow to cool to room temperature. The clear solution has a deep Burgundy-red color.

§ 141c.249 Pyrrolidinomethyl tetracycline for intravenous use.

(a) *Potency.* Reconstitute the sample as directed on the label. Using a suitable syringe, withdraw a one-dose aliquot and place in a flask. Add sufficient methanol to give a solution containing 1 milligram per milliliter (estimated), and proceed as directed in § 141c.248(a). Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141c.201(b).

(c) *Toxicity.* Proceed as directed in § 141c.248(b).

(d) *Pyrogens.* Proceed as directed in § 141c.218(c).

(e) *Histamine.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 millliliter of a solution containing 5 milligrams per milliliter prepared by using sodium chloride solution as the diluent.

(f) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(g) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

§ 141c.250 Pyrrolidinomethyl tetracycline for intramuscular use.

(a) *Potency.* Proceed as directed in § 141c.249(a). Its potency is satisfactory if it contains not less than 90 percent of milligrams that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141c.201(b).

(c) *Pyrogens.* Proceed as directed in § 141c.218(c).

(d) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(e) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(f) *Histamine in the Pyrrolidinomethyl tetracycline used in making the batch.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter of a solution containing 5 milligrams per milliliter prepared by using sodium chloride solution as the diluent.

§ 146.1 [Amendment]

2. Section 146.1 is amended in the following respects:

a. The section headnote is changed to read: *§ 146.1 Definitions and interpretations applicable to Parts 146, 146a, 146b, 146c, 146d, 146e, and 147.*"

b. Paragraph (b) *Definitions of master standards* is amended to provide for the insertion of definitions for new chlortetracycline and tetracycline salts. As amended, the text following subparagraph (4) reads as follows:

(5) [Reserved]

(6) The term "tetracycline master standard" means a specific lot of crystalline tetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the tetracycline working standard.

(7) The term "*N*-(pyrrolidinomethyl) tetracycline master standard" means a specific lot of crystalline *N*-(pyrrolidinomethyl) tetracycline that is designated by the Commissioner as the standard of comparison in determining the potency of the *N*-(pyrrolidinomethyl) tetracycline working standard.

(8) The term "chloramphenicol master standard" means a specific lot of crystalline chloramphenicol that is designated by the Commissioner as the standard of comparison in determining the potency of the chloramphenicol working standard.

(9) The term "bacitracin master standard" means a specific lot of bacitracin that is designated by the Commissioner as the standard of comparison in determining the potency of the bacitracin working standard.

c. Paragraph (c) *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances* is amended to provide for the insertion in subparagraph (2) of additional definitions to cover new chlortetracycline and tetracycline salts. As amended, the text following subparagraph (2)(iii) reads as follows:

(iv) [Reserved]

(v) The term "microgram" applied to tetracycline means the tetracycline activity (potency) contained in 1.0 microgram of tetracycline master standard.

(vi) The term "microgram" applied to *N*-(pyrrolidinomethyl) tetracycline means the *N*-(pyrrolidinomethyl) tetracycline activity (potency) contained in 1.0 microgram of the *N*-(pyrrolidinomethyl) tetracycline master standard.

(vii) The term "microgram" applied to chloramphenicol means the chloramphenicol activity (potency) contained in 1.0 microgram of the chloramphenicol master standard.

d. Paragraph (d) *Definitions of working standards* is amended to provide for the insertion of definitions of working standards for additional chlortetracycline and tetracycline salts. As amended, the text following subparagraph (6) reads as follows:

(7) [Reserved]

(8) The term "tetracycline working standard" means a specific lot of a homogeneous preparation of one or more tetracycline salts.

(9) The term "*N*-(pyrrolidinomethyl) tetracycline working standard" means a specific lot of a homogeneous preparation of one or more *N*-(pyrrolidinomethyl) tetracycline salts.

(10) The term "chloramphenicol working standard" means a specific lot of a homogeneous preparation of one or more chloramphenicols.

(11) The term "bacitracin working standard" means a specific lot of a homogenous preparation of one or more bacitracins.

The potency or purity of each preparation has been determined by comparison with its master standard, and each has been designated by the Commissioner as working standards for use in determining the potency or purity of antibiotic substances subject to the regulations in this chapter.

e. The introduction to paragraph (h) is amended to read as follows:

(h) The regulations in Parts 141a, 141b, 141c, 141d, 141e, and 147 of this chapter, prescribing tests and methods of assay, shall not be construed as preventing the Commissioner from using any other test or method of assay in his investigations to determine whether or not:

3. Part 146c is amended by adding thereto the following new sections:

§ 146c.248 Pyrrolidinomethyl tetracycline.

(a) *Standards of identity, strength, quality, and purity.* Pyrrolidinomethyl tetracycline is the crystalline *N*-(pyrrolidinomethyl) derivative of a kind of tetracycline. It is so purified and dried that:

(1) Its potency is not less than 900 μg. per milligram on the anhydrous basis.

(2) It is nontoxic.

(3) Its moisture content is not more than 3.0 percent.

(4) Its pH is an aqueous solution prepared by adding 10 milligrams per milliliter is not less than 7.0 and not more than 9.0, and such solution is substantially clear.

(5) Its absorptivity, $E\ \frac{1\%}{1\ \text{cm.}}$, is 342±15 at 380 mμ, calculated on the anhydrous basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of pyrrolidinomethyl tetracycline shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms of pyrrolidinomethyl tetracycline per milligram and the total number of grams in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which it was certified.

(4) The statement "Caution: Federal law prohibits dispensing without prescription."

(5) The statement "For manufacturing use only."

(6) The statement "Not sterile."

(d) *Request for certification, check tests, and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, absorptivity, and identity.

(2) Such person shall submit with his request an accurately representative sample of the batch consisting of 10 packages, each containing approximately 250 milligrams taken from a different part of such batch, and each packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which pyrrolidinomethyl tetracycline is to be used, the manufacturer of the batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed in subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) and (3) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146c.249 Pyrrolidinomethyl tetracycline for intravenous use.

(a) *Standards of identity, strength, quality, and purity.* Pyrrolidinomethyl tetracycline for intravenous use is a dry mixture of *N*-(pyrrolidinomethyl) tetracycline and one or more suitable buffer substances. It is sterile. It is nontoxic. It is nonpyrogenic. It contains no histamine nor histamine-like substances. Its moisture content is not more than 5 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.0 and not more than 4.5. The pyrrolidinomethyl tetracycline used conforms to the requirements of § 146c.248(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 100 milligrams of pyrrolidinomethyl tetracycline, and each may be packaged in combination with a container of a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of pyrrolidinomethyl tetracycline in the immediate container.

(iii) The name and quantity of each other ingredient in the immediate container.

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container holding only an amount of the drug which supplies a single dose, if such immediate container is packaged in an individual wrapper or container.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package:

(i) Adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) A statement of the conditions under which solutions prepared from the drug should be stored and the statement "Use within 6 hours after reconstitution."

(d) *Request for certification; samples.* (i) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the pyrrolidinomethyl tetracycline used in making such batch was completed, the number of milligrams of pyrrolidinomethyl tetracycline in each package, the date on which the latest assay of the drug comprising the batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this

section. If such batch or any part thereof is to be packaged with a diluent, such request shall also be accompanied by a statement that such diluent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request the results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency, sterility, toxicity, pyrogens, histamine, moisture, pH.

(ii) The pyrrolidinomethyl tetracycline used in making the batch: Potency, absorptivity, crystallinity, and identity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The pyrrolidinomethyl tetracycline used in making the batch: 10 packages containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146c.248(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch that is to be packaged in combination with a diluent that is not recognized by the U.S.P. or when any change is made in the composition of such diluent: Five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 10 packages, each containing approximately 0.25 gram.

(ii) For sterility testing: 10 packages, each containing approximately 40 milligrams of pyrrolidinomethyl tetracyline.

Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) The result referred to in subparagraph (2)(ii) of this paragraph and the sample referred to in subparagraph (3)(ii) of this paragraph are not required if such result and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), (iii), (iv), and 4(i) of this section; $10.00 for all containers submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146c.250 Pyrrolidinomethyl tetracycline for intramuscular use.

(a) *Standards of identity, strength, quality, and purity.* Pyrrolidinomethyl tetracycline for intramuscular use is a dry mixture of *N*-(pyrrolidinomethyl) tetracycline and one or more suitable buffer substances and anesthetic agents. It is sterile. It is nonpyrogenic. Its moisture content is not more than 5 percent. Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.0 and not more than 4.5. The pyrrolidinomethyl tetracycline used conforms to the requirements of § 146c.248 and it contains no histamine nor histamine-like substances. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be of colorless transparent class, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 100 milligrams of pyrrolidinomethyl tetracycline, and each may be packaged in combination with a container of a suitable and harmless diluent.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of pyrrolidinomethyl tetracycline in the immediate container.

(iii) The name and quantity of each other ingredient in the immediate container.

(iv) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container holding only an amount of the drug which supplies a single dose, if such immediate container is packaged in an individual wrapper or container.

(v) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package:

(i) Adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) A statement of the conditions under which solutions prepared from the drug should be stored and the statement "Use within 6 hours after reconstitution."

(d) *Request for certification: samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the pyrrolidinomethyl tetracycline used in making such batch was completed, the number of milligrams of pyrrolidinomethyl tetracycline in each package, the date on which the latest assay of the drug comprising the batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch or any part thereof is to be packaged with a diluent, such request shall also be accompanied by a statement that such diluent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request the results of the tests and assays listed after each of the following, made by him on an accurately respresentative sample of:

(i) The batch: Potency, sterility, pyrogens, moisture, pH.

(ii) The pyrrolidinomethyl tetracycline used in making the batch: Potency, toxicity, histamine, absorptivity, crystallinity, and identity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The pyrrolidinomethyl tetracycline used in making the batch: 10 packages containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146c.248(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch which is to be packaged in combination with a diluent that is not recognized by the U.S.P. or when any change is made in the composition of such diluent: Five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 10 packages, each containing approximately 0.25 gram.

(ii) For sterility testing: 10 packages, each containing approximately 40 milligrams of pyrrolidinomethyl tetracycline.

Each such package shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) The result referred to in subparagraph (2)(ii) of this paragraph and the sample referred to in subparagraph (3)(ii) of this paragraph are not required if such result and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), (iii), (iv), and (4)(i) of this section; $10.00 for all containers submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the antibiotic drugs covered by this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 8, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7645; Filed, Sept. 14, 1959; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

United States Standards for Rough Rice, Brown Rice, and Milled Rice

Correction

In F.R. Doc. 59-6752, appearing at page 6611 of the issue for Friday, August 14, 1959, the following correction is made in the table under § 68.303(a):

The percents "0.13" and "0.17", listed for Grades U.S. No. 4 and U.S. No. 5 in the column "Broken kernels—Removed by No. 5 sizing plate," should read "0.3" and "0.7", respectively.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 961—MILK IN THE PHILADELPHIA, PA., MARKETING AREA

PART 1010—MILK IN THE WILMINGTON, DEL., MARKETING AREA

Determination of Equivalent Index of Prices Received by Pennsylvania Farmers for Farm Products Except Dairy

The index of prices received by Pennsylvania farmers for farm products, except dairy, as published by the Pennsylvania Federal-State Crop Reporting Service is one of the basic factors included in the Class I pricing formula under the Philadelphia and Wilmington orders. The index has been used continuously since April 1951 to determine the Class I price under the orders. The basis of computing this index was revised effective June 2, 1958 and publication of the old index was discontinued by the Pennsylvania Federal-State Crop Reporting Service in favor of its revised index. It became necessary at that time to adjust the revised index to establish an index value which in combination with other formula factors under the orders would result in a price per hundredweight comparable to that price which would have been effective had publication of the old index been continued. It was determined on the basis of available information and under the applicable provisions of the orders that an equivalent index resulted from the subtraction of 15 points from the revised index of prices received by Pennsylvania farmers for farm products, except dairy, as published currently by the Pennsylvania Federal-State Crop Reporting Service.

The Pennsylvania Federal-State Crop Reporting Service has again revised the basis of computing the published index of prices received by Pennsylvania farmers for farm products, except dairy, and it becomes necessary to provide an adjustment to the index as used in the Class I pricing formula under the orders which will result in an equivalent price to that which would be effective if no revision of the currently effective index had been made.

The orders provide that if for any reason a price or index specified in the orders for use in computing class prices or other purposes is not reported or published in the manner described therein, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

Pursuant to the applicable provisions of the orders and on the basis of available information, it is hereby found and determined that an index equivalent to or comparable with the discontinued index may be determined by subtracting four points from the index of prices received by Pennsylvania farmers for farm products, except dairy, as published currently by the Pennsylvania Federal-State Crop Reporting Service.

In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1001 et seq.), it is hereby found and determined that notice and public procedure with respect to this determination, and the postponement of the effective date of this decision until 30 days after publication thereof in the FEDERAL REGISTER are impractical, unnecessary and contrary to the public interest in that the equivalent price index must become effective upon issuance to facilitate, promote, and maintain orderly marketing of milk in the Philadelphia, Pennsylvania and Wilmington, Delaware marketing areas. The changes effected by this determination do not require preparation prior to the effective date by the persons affected.

Issued at Washington, D.C., this 14th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-7718; Filed, Sept. 14, 1959; 10:02 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

Commercial Passenger-Carrying Vehicles, Shenandoah National Park and Blue Ridge Parkway

Basis and purpose. The purpose of this amendment to 36 CFR 13.2 is to change the fee schedule for commercial vehicles at Shenandoah National Park.

Subparagraphs (3) and (4) of paragraph (a) of § 13.2 are amended to read as follows:

(3) Permit good for one day, 11-passenger vehicle or less: $2.00.

(4) Permit good for one day, more than 11-passenger vehicle: $10.00.

Since the effect of this amendment is merely to correct a minor inequity, notice and public procedure thereon are considered to be unnecessary.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 9, 1959.

[F.R. Doc. 59-7639; Filed, Sept. 14, 1959; 8:46 a.m.]

PART 20—SPECIAL REGULATIONS

Wind Cave National Park

By notice of proposed rule making published in the FEDERAL REGISTER on May 29, 1959 (24 F.R. 4342), interested persons were invited to submit written comments, suggestions, or objections on the proposed establishment, by the Superintendent thereof, of a special regulation specifying a speed limit in the headquarters area of the Wind Cave National Park, South Dakota. Such written comments, suggestions, or objections were required to be filed with the Superintendent of Wind Cave National Park, Hot Springs, South Dakota, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No comments, suggestions, or objections having been received in response to the said notice, the following regulation, to become effective upon publication in the FEDERAL REGISTER, is adopted:

1. A new section entitled § 20.59 *Wind Cave National Park* is hereby added as follows:

§ 20.59 Wind Cave National Park.

(a) *Speed.* Speed of automobiles and other vehicles, except in emergencies as provided in § 1.42(b) of this chapter, is limited to 25 miles per hour on Highways U.S. 385 and S.D. 87 from a point 0.4 of a mile north of the Visitor Center to a point 0.4 of a mile south of the Visitor Center.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C., 1952 ed., sec. 3)

Issued this 30th day of June 1959.

EARL M. SEMINGSEN,
Superintendent,
Wind Cave National Park.

[F.R. Doc. 59-7640; Filed, Sept. 14, 1959; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 927, Amdt. 1]

PART 95—CAR SERVICE

Illinois Central Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 9th day of September, A.D., 1959.

Upon further consideration of Service Order No. 927 (24 F.R. 4994), and good cause appearing therefor:

It is ordered, That:

Section 95.927 *Illinois Central Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 927, be, and it is hereby amended by susbstituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 10, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4)).

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7664; Filed, Sept. 14, 1959; 8:48 a.m.]

[S.O. 928, Amdt. 1]

PART 95—CAR SERVICE

Indiana Harbor Belt Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 9th day of September, A.D., 1959.

Upon further consideration of Service Order No. 928 (24 F.R. 4995), and good cause appearing therefor:

It is ordered, That:

Section 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 10, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7665; Filed, Sept. 14, 1959; 8:48 a.m.]

[S.O. 929, Amdt. 1]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 9th day of September, A.D., 1959.

Upon further consideration of Service Order No. 929 (24 F.R. 4995), and good cause appearing therefor:

It is ordered, That:

Section 95.929 *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company,* of Service Order No. 929, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 10, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7666; Filed, Sept. 14, 1959; 8:48 a.m.]

[S.O. 930, Amdt. 1]

PART 95—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 9th day of September, A.D., 1959.

Upon further consideration of Service Order No. 930 (24 F.R. 4994), and good cause appearing therefor:

It is ordered, That:

Section 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 930, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 10, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7667; Filed, Sept. 14, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 20]

LASSEN VOLCANIC NATIONAL PARK

Fishing; Entrance Roads; Speed

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Four, Order No. 3 (21 F.R. 1495), it is proposed to amend 36 CFR 20.11 as set forth below. The purpose of this amendment is to establish a suitable management program for the waters of the Park in the interest of fish conservation and as protection to domestic water supplies and to combine, for the purpose of consistency in arrangement, all paragraphs relating to fishing in one paragraph; to revoke paragraph (d) *Entrance roads,* this being adequately covered by the National Park Service general rules and regulations; to provide for posting of reduced speed limits for temporary hazardous conditions.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C., 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Lassen Volcanic National Park, Mineral, California, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

EDWARD D. FREELAND,
Superintendent,
Lassen Volcanic National Park.

MAY 12, 1959.

Section 20.11 is amended as follows:

1. Paragraph (a) is amended to read as follows:

(a) *Fishing*—(1) *Open season.* The open season for fishing shall conform to that of the State of California for the adjoining countries of Lassen, Plumas, Shasta and Tehama, except that Grassy Creek (also known as "Horseshoe Creek"), connecting Horseshoe Lake and Snag Lake, shall be closed to fishing between October 31 and June 15.

(2) *Closed waters.* The following waters of the Park are closed to fishing:

Emerald Lake
Manzanita Creek above Manzanita Lake
Manzanita Lake within 150 feet of the inlet of Manzanita Creek.

(3) *Limit of catch and in possession.* (i) The number of trout which may be taken or held in possession by any one person in any one day shall not exceed 10 trout, or 10 pounds and 1 trout, *except* in Manzanita Lake and Reflection Lake where the daily catch and possession limit shall be 5 trout or 5 pounds and 1 trout.

(ii) The daily catch and possession limit for bullheads (catfish) shall conform to that limit established by the State of California.

(4) *Size limit.* Trout of any size may be retained as part of limit of catch. Any fish not retained as a part of the limit of catch shall be carefully handled with moist hands and immediately returned to the water.

2. Paragraphs (b), (c) and (d) are revoked.

3. Paragraphs (e) *Speed* and (f) *Commercial automobiles and busses* are redesignated paragraphs (b) *Speed* and (c) *Commercial automobiles and busses.*

4. Paragraph redesignated (b) *Speed* is supplemented by adding a new subparagraph thereto as follows:

(4) Whenever the Superintendent determines that a temporary hazardous condition or situation exists upon or adjacent to a road which requires a reduced speed limit, he may designate a lesser speed limit which shall be effective when appropriate signs giving notice thereof are erected upon such roads.

[F.R. Doc. 59-7638; Filed, Sept. 14, 1959; 8:45 a.m.]

Office of the Secretary

[43 CFR Part 14]

DEPARTMENTAL PROCEEDINGS

Petition Respecting a Rule

Notice is hereby given of intention to add Part 14 to Title 43, Subtitle A, of the Code of Federal Regulations to read as set forth below. The purpose of this addition is to accord any interested person the right to petition for the issuance, amendment, or repeal of a rule as provided by the Administrative Procedure Act.

All interested persons are hereby given the opportunity to submit in writing views, data, and arguments concerning the proposed addition, to the Secretary of the Interior, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 14, reading as follows, is added to 43 CFR, Subtitle A:

§ 14.1 Petition respecting a rule.

Any interested person may petition in accordance with the provisions of subsection (d) of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(d)) for the issuance, amendment, or repeal of a rule. The petition shall be addressed to the Secretary of the Interior, Washington 25, D.C. It shall identify the rule for which modification or repeal is requested, or shall provide the text of a proposed rule or amendment, and shall set forth reasons in support of the petition. The petition will be given prompt consideration and the petitioner will be notified promptly of action taken. Administrative Procedure Act (sec. 4, 60 Stat. 238; 5 U.S.C. 1003(d)).

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 9, 1959.

[F.R. Doc. 59-7641; Filed, Sept. 14, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO-23-A18]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on May 27-29, 1959, pursuant to notice thereof which was issued on May 6, 1959 (24 F.R. 3764).

The material issues on the record of the hearing relate to:

1. The status of cow pools under the order;
2. Expansion of the marketing area;
3. Location adjustments in the expanded area;
4. Cooperative association as a handler on can milk;
5. Changing the base-rating months; and
6. Administrative changes.

A proposal to revise the method of paying producers from the present marketwide pool to an individual-handler pool was not supported at the hearing and no further reference to it is made herein.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Status of cow pools.* It was proposed that a "cow pool" should be treated under the order as if it were a regulated handler and that the individual contributors of cows to the pool be treated as producers.

At the time of the hearing, there was only one cow pool supplying milk to the Greater Kansas City market. This operation was located at Meservey, Iowa, approximately 300 miles from Kansas City. The milk produced at the cow pool was delivered by a tank truck to a pool plant located in Kansas City, Missouri.

The cow pool is a large-scale cow feeding and milking operation. Facilities are provided for the feeding and milking of approximately 1,000 cows. At the time of the hearing, about 600 cows were being milked. Modern milking apparatus, including the use of pipelines and farm bulk storage tanks, were in operation. As a functional entity, the cow pool has little to distinguish it from other large-scale feeding and milking operations in other parts of the country, some of which market milk under Federal regulation. Except for its size and the fact that all feedstuffs are purchased, rather than produced in part on the farm, the cow pool has little to distinguish its physical functions from smaller operations in this market.

The distinguishing characteristic of the cow pool is the contractual arrangements by which it operates. The operator of the pool provides the feeding, stabling, and milking facilities. He also arranges for the purchase of feed, veterinary services, and other incidentals. He arranges for the marketing of the milk and for the collection of the proceeds thereon. The individual contributors furnish cows to the pool which the operator shelters, feeds, and milks. For these services, the operator charges certain annual fees and subtracts the cost of feeding, veterinary expense, etc., from the proceeds of the sale of each contributor's milk. Unlike the traditional "producer", therefore, there is a distinct division of ownership within the enterprise with the physical facilities being owned by the operator, and the cows being owned by the individual contributors. (In practice about three-fourths of the cows in the pool have been placed by cash investors rather than by dairy farmers.)

It is these unique contractual arrangements between the owner of the milking and feeding facilities and the cow contributors which cause concern to proponents. They state that the individual contributors are entitled to the direct protection of the Federal order, and that this can be achieved only by designating such contributors as "producers". It follows, of course, that if the individual contributors are designated as "producers", the operator of the cow pool will be considered as a "handler" who receives or purchases the milk from the "producers".

The purpose of a Federal milk marketing order is to help achieve orderly marketing conditions in the sale of milk by farmers to processors or handlers. One—perhaps the chief—tool for attaining this end is the establishment of minimum class prices payable to producers, which prices are uniform as among all handlers.

The question here is a very practical one: How to achieve most effectively the application of uniform prices payable by regulated handlers and, thus, how to achieve in the most practical fashion conditions of orderly marketing in the sale of milk by producers to handlers. Without doubt, the significant "handler" in this situation is the processor and distributor in Kansas City who has been purchasing the milk of the cow pool. He is the one who must be obligated to pay uniform minimum prices if the ends sought by the order are to be attained. If the Department were to accept proponents' suggestions, however, and consider the operator of the cow pool as a handler, it would relieve the operator of the pool plant in Kansas City of the obligation of accounting to the cow pool and to the equalization fund under the order for the minimum prices specified in the order. This is so because inter-handler prices may not generally be regulated, and the reach of the minimum price provisions is limited to the transaction between the producer and the first handler.

Moreover, the payment of minimum prices by the cow pool operator to the individual cow contributors cannot practically be achieved. The contractual arrangements between the operators and the contributors would vitiate such effort, for the contributors must be allowed to contract with the operator for the payment of the unique services rendered by the operator. The amount of the payment for these services need only be adjusted to evade any minimum price regulation which might be attempted. Furthermore, various forms of incorporation or purchase agreements could be arranged to evade the proposed definition of cow pool. In addition, the definition would apply to many forms of joint operation which have existed in the market for many years and which the proponents had no desire to modify.

To follow the suggestion of proponents, therefore, would be to render less effective the application of the uniform price provisions of the order with respect to the milk delivered by the cow pool to the Kansas City distributor. This could engender disorderly marketing conditions in this market and, hence, would not tend to effectuate the declared policy of the Act. The proposal to designate the operator of a cow pool as a handler and individual cow contributors as producers must, therefore, be denied.

Producer-handler. Cow pools constitute a device which handlers might use to avoid regulations. A distributor could organize a cow pool to produce his entire supply of milk and incur less investment and less financial risk than if he owned the entire production facilities and cattle outright and incurred directly the costs of feed, veterinary care, cow replacements, and other related expenses. As the operator of a cow pool he might claim to be a person who operates both a dairy farm(s) and a milk processing or bottling plant and thus qualify as a producer-handler. As a producer-handler, he would be exempt from the operation of the marketwide equalization pool and from the necessity of paying minimum prices to producers.

The cow pool presently serving the market has not been organized or operated in such fashion. However, such a development is possible under the present order, and the producer-handler definition should be clarified to specify that both the milk production and the processing facilities be the personal enterprise and risk of the operator. Written information to such effect should be furnished to the market administrator for such verification as he deems necessary.

2. *Marketing area.* The Greater Kansas City marketing area should be expanded to include all of Miami County, Kansas, and all of the Missouri counties of Cass, Bates, Lafayette, Johnson, Henry, St. Clair, Pettis, Benton, and Morgan. This territory comprises a contiguous area within which there is such a high degree of competition in the sales and procurement of milk as to constitute a distinct marketing area to which a single pricing system is applicable.

Most of the cities of any size within the counties recommended for inclusion in the marketing area have Grade A ordinances. As a result the plants, many with overlapping routes, competing for fluid sales in such area are distributing milk of comparable quality.

The inclusion of certain of these counties within the marketing area will involve some plants from which only minimal volumes of fluid sales are distributed. Application of order pricing and payment provisions to those distributors having less than one economical route would entail effort and expense without contributing significantly to orderly marketing. Therefore, plants from which less than 600 pounds of Class I milk per day are distributed on routes in the marketing area should be exempt from the pricing and payment provisions of the order. However, the reporting and audit provisions of the order should apply to such distributors inasmuch as their volume of sales in the area will have to be established.

Miami County, in Kansas, should be included in the marketing area. More than 90 percent of the fluid sales are made by regulated handlers. None of the three unregulated plants accounting for the remaining fluid sales in the county are likely to be subject to the pricing provisions of the order inasmuch as two of the presently unregulated plants are operated by producer-dealers and, on the basis of the record, the third unregulated plant as well as one of the producer-dealers would not be subject to the pricing provisions of the order as less than 600 pounds of milk per day are distributed in the marketing area from such plants. In addition, the regulated handler having the largest proportion of sales in the county testified that unless Miami County was included he could not be assured of pooling his plant at all times. This proposal was supported by the major cooperative association and was not opposed.

In Missouri, the southern portion of Cass County and all of the territory within the counties of Bates, Lafayette, and St. Clair should be included in the marketing area. Handlers regulated under the Kansas City order account for 90 percent or more of the fluid sales within Cass, Bates, and Lafayette Counties and handlers regulated under either the Kansas City order or the Ozarks order have more than 70 percent of the Class I business in St. Clair County.

The remaining Class I sales within the territory in these four counties, which is recommended herein, are accounted for by two plants located in St. Joseph, Missouri. One of these plants is partially regulated at the present time and would not likely be subject to full regulation as a result of the proposed area expansion. The other plant, which is now totally unregulated, could well become fully regulated by virtue of the area expansion.

Although these two plants are primarily associated with the St. Joseph market the competition between some of the St. Joseph and Kansas City handlers in territories outside the respective cities is so extensive that no clear line can be drawn between the two sales territories. Clearly, orderly marketing can best be achieved if all handlers selling milk in territories predominantly served by the Kansas City handlers are made subject to the provisions of the order. Whether the St. Joseph handlers are fully or partially subject to the order will depend upon their proportions of sales in the expanded marketing area. Neither handler proposed that any changes be made in the pool plant standards. Under either partial or complete regulation, the location adjustment of 16 cents at plants located in St. Joseph would be retained.

The marketing area should also include Johnson, Henry, Benton, and Morgan Counties. Presently regulated handlers have about 70 percent or more of the Class I business in Johnson and Henry Counties and more than half the fluid sales in Benton and Morgan Counties. In these four counties and in Pettis County, which is discussed below, presently regulated handlers compete intensively for fluid sales with an unregulated plant located in Sedalia, Missouri, and the totally unregulated St. Joseph plant. The only other milk distributor who would be involved by the inclusion of these four counties is located in Cole County, Missouri. A high proportion of his sales are in other, unregulated counties although he would probably be subject to partial regulation by virtue of his fluid sales in Morgan County.

The operator of the Sedalia plant has had a significant cost advantage in purchasing milk relative to his regulated competitors who have had to pay for milk on a classified pricing basis. A major supply source of the unregulated Sedalia plant is a group of local producers who are paid the Kansas City base and excess prices without regard to the utilization of such milk receipts, and who operate under base-rating rules which differ from those in the order. Supplemental Class I milk is purchased only when needed from a Kansas City pool plant. The availability of this supplementary supply of Greater Kansas City pool milk has undoubtedly made it possible for the Sedalia plant operator to maintain a high utilization to his local farmers even though contract sales represent a sizable share of his total Class I sales. Including Johnson, Henry, Benton, and Morgan Counties in the marketing area will put all operators distributing milk in these four counties on an equitable basis so far as raw milk cost is concerned and will put all producers on the same basis with respect to the burden of carrying reserve supplies.

Pettis County should also be included in the expanded marketing area even though presently regulated handlers have considerably less than half the fluid sales in this county. The unregulated Sedalia and St. Joseph plants, which would be likely to become fully regulated by virtue of fluid sales in other counties whose inclusion is recommended herein, account for a good portion of the remaining sales by unregulated handlers. The other fluid sales in the county are made by two other distributors operating exclusively within the county, one plant operated by a producer-dealer and the other plant a relatively small-scale operation which, however, is likely to be fully regulated under the order. The inclusion of Pettis County will eliminate

any milk cost advantage which local dairies would otherwise have relative to plants which would become regulated through fluid sales in other counties whose inclusion in the marketing area is recommended herein. Johnson, Henry, Benton, Morgan, and Pettis Counties encompass more than 90 percent of the sales territory of the presently unregulated, major Sedalia plant. Therefore, inclusion of those five counties will assure this handler that competitors in nearly all of his sales territory are paying minimum order prices for milk sold in each use classification.

The marketing area should not be expanded to include the Fort Riley, Kansas, military base.

A plant located at Junction City, in Geary County, is the only unregulated plant from which fluid sales are distributed at Fort Riley. Although one of the presently regulated handlers proposed that all of Geary County be included in the marketing area, he supported only the addition of that portion of the county which is in Fort Riley.

If Fort Riley were included in the marketing area and the Junction City handler continued to operate in the same fashion as he did at the time of the hearing, his plant would be qualified as a distributing pool plant. This handler purchases a portion of his Grade A supply from local dairy farmers and the remainder from a plant operated by the Nemaha Cooperative Association at Sebatha, Kansas. The quantities of milk obtained from the Sebatha plant during the year preceding the hearing averaged one-third of the total supply at Junction City. These shipments represented only 15 to 20 percent of the total available supply of Grade A milk at the Sebatha plant.

The Sebatha plant, therefore, would not qualify as a supply pool plant under the present terms of the order. The proponents of extension of the area to include Fort Riley did not indicate that they favored any modification of the pool plant standards. In fact, a representative of the largest cooperative association of producers emphatically objected to any reduction in the pool plant percentage standards.

In the circumstances, the proposal to include Fort Riley would involve a supply of milk which is primarily associated with other markets not presently regulated by any order. Furthermore, the presently regulated handlers held a portion of the Fort Riley contract at the time of the hearing and have frequently been successful bidders on portions of the contract in the past several years. One factor in their ability to obtain the contracts is that the principal competition for producer milk in the vicinity of Junction City is from the Wichita market which has commonly had higher blend prices than those prevailing in the Kansas City market.

In view of the ambiguous status of the Sabetha plant with respect to the order, the comparatively high prices paid for milk by the Junction City distributor, and the fact that the regulated handlers have usually furnished at least a portion of the Fort Riley supplies, it is concluded that this military installation should not be included in the marketing area.

3. *Location adjustments.* The city of Sedalia, Missouri, should be designated as another point from which the 50-mile location adjustment should be measured.

It is appropriate that the Kansas City Class I price be made effective in the expanded area to the east by designating Sedalia, where the largest percentage of the milk which will be added to the pool is received, as a basing point. This will equate the minimum class prices charged to the Sedalia milk distributors with the prices paid at other plants in the marketing area. Producers will also be paid the Kansas City price, and this appears to be in line with the prices which have been paid to these dairy farmers in recent months.

On the basis of the record, the application of the 50-mile location measurement to Sedalia will not affect the class price structure at any plants which are now fully or partially regulated under the order.

4. *Cooperative association as a handler on can milk.* The present order provides for the designation of a cooperative association as a handler with respect to bulk tank milk of the association's members which is delivered in a tank truck owned or operated by the association to another handler's pool plant. Because individual member-producers' milk is commingled in the tank truck before it reaches the handler's plant, thereby losing its identification with the individual producer, it is administratively most feasible to fix the association with the responsibility for determining the monthly weights and butterfat tests of individual producers' deliveries.

It is also most practical, from the administrative viewpoint, to provide the association with the option of acting as a handler on can milk of its members which is delivered to two or more plants operated by other handlers in any given month. Such can deliveries should be considered as having been received by the cooperative association at the plant at which the milk is actually delivered. This will make it possible for a single butterfat test to be applied to a can-shipper's deliveries regardless of the number of plants at which his deliveries are received during the payment period. It will also simplify the determination of such producers' daily bases. No opposition to this proposal was offered at the hearing.

5. *Base rating.* The present method of computing producer bases should not be revised.

Two issues were raised with respect to the base-rating provisions. One issue related to changes in the base-setting and base-paying months to accommodate shifts in monthly Class I utilization percentages. However, three of the major producers associations opposed any revision in base-rating months until more experience has been obtained with the present plan. It was pointed out that revisions in the base-rating months would involve fundamental changes in farm production practices and that the present plan should be revised only after careful study and discussion with producers. In addition, some of the data introduced into the record indicated that the present program has led to some improvement in the seasonality of production. Therefore, the present base-rating months should be retained.

A second issue raised regarding the base-excess plan had to do with bases for new producers. Certain handlers proposed that individual producers who are so new to the market as not to have established a base should be allowed to establish one calculated as a percentage of their production during the base-operating months. The handlers maintained that it was difficult to attract new producers during February through July without providing bases. (The order already provides that producers at newly regulated pool plants shall have bases computed from their deliveries to such plant in the previous fall months. There was no proposal to change this provision.) In view of the general adequacy of the supply of producer milk in this market and the fact that bases apply only during the flush months, it is concluded that it is not now necessary to provide bases for individual new producers.

6. *Administrative changes.* Obligations of the market administrator to handlers and of handlers to individual producers, cooperative associations, or to the producer-settlement, marketing service, and administrative funds, which are not paid within the calendar month when payment is due, should incur an interest payment of one-half of one percent on the unpaid balance on the first day of each following month.

The purpose of this provision is to compensate producers and handlers at the usual rate, 6 percent per year, for monetary obligations which are not honored when due. This proposal was unopposed at the hearing.

An administrative change should also be made with respect to diverted milk. In § 913.11, defining "handler", a cooperative association is defined as the handler with respect to milk diverted to a nonpool plant under specified conditions. It is further specified that milk so diverted will be considered to have been received at the pool plant from which diverted.

The order does not specify the point at which milk diverted by a proprietary handler is to be considered as having been received. It is important that such point be specified for purposes of applying pool plant qualification standards, location adjustments, and maximum shrinkage allowances. It is appropriate that milk diverted by a proprietary handler, as well as milk diverted by a cooperative association, be considered as having been received at the pool plant from which diverted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Greater Kansas City marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Revise § 913.6 to read as follows:

§ 913.6 Greater Kansas City marketing area.

"Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson, Cass, Bates Lafayette, Johnson, Henry, St. Clair, Pettis, Benton, and Morgan Counties, all in Missouri; those portions, excluding Platte City, Missouri, of Platte and Clay Counties in Missouri, south of a line extending in an easterly direction from the Missouri River on the west along State Highway 92 to the intersection of State Highway 92 and U.S. Highway 69, thence north to the north section line of Section 26 in Washington Township in Clay County, thence east along the north section lines of Sections 26 and 25 in Washington Township to the boundaries of Clay and Ray Counties; all of the counties of Wyandotte, Leavenworth, Johnson, Douglas, Shawnee, Lyon, Morris, and Miami in the State of Kansas, and Riley County, Kansas, exclusive of the Fort Riley military reservation.

§ 913.7 [Amendment]

2. Add the following to the end of § 913.7(b): "Milk diverted pursuant to paragraph (a)(2) of this section shall be considered as having been received at the plant from which it is diverted."

§ 913.11 [Amendment]

3. In § 913.11 redesignate the present paragraph "(d)" as paragraph "(e)", delete the last sentence of the newly-designated paragraph (e), which reads "Such milk shall be considered as having been received by such cooperative association at the plant from which it is diverted," and then insert a new paragraph (d), to read as follows:

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member-producers which is delivered in cans to the pool plants of two or more handlers in a single delivery period. (Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.)

§ 913.12 [Amendment]

4. In § 913.12 add a new paragraph (d), as follows:

(d) Such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

§ 913.53 [Amendment]

5. In § 913.53(a) between the phrases "Kansas City, Missouri," and "Lawrence, Kansas," add the phrase "Sedalia, Missouri,".

§ 913.81 [Amendment]

6. In § 913.81 between the phrases "Kansas City, Missouri," and "Lawrence, Kansas," add the phrase "Sedalia, Missouri."

7. Amend § 913.60 to read as follows:

§ 913.60 Exempt handlers.

Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, and 913.80 through 913.88 shall not apply to a producer-handler or to a handler operating a plant meeting the requirements of § 913.10(a) from which less than an average of 600 pounds of Class I milk per day is distributed on routes in the marketing area.

§ 913.70 [Amendment]

8. In § 913.70 (c) and (d) change "§ 913.46(a)(5)" to "§ 913.46(a)(4)".

§ 913.86 [Amendment]

9. Designate the present paragraph of § 913.86 as paragraph (a), and add a new paragraph (b), as follows:

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 913.80, 913.84, 913.85, 913.86(a), 913.87, and 913.88 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Issued at Washington, D.C., this 10th day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-7635; Filed, Sept. 14, 1959; 8:45 a.m.]

[7 CFR Part 954]

[Docket No. AO-153-A7]

MILK IN DULUTH-SUPERIOR MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Duluth-Superior marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Duluth, Minnesota, on January 13-22, 1959, pursuant to notice thereof which was issued January 21, 1958 (23 F.R. 482), November 17, 1958 (23 F.R. 9033), and December 4, 1958 (23 F.R. 9510).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Modification of the scope of regulation;
3. Changing the classification and allocation provisions;
4. Altering the level of the class prices;
5. Establishing provisions relative to unpriced milk;
6. Distribution of proceeds to producers; and
7. Administrative changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The Duluth-Superior marketing area should be expanded to include all of Carlton County, Minnesota, and Ashland, Bayfield, and Douglas Counties, Wisconsin.

The present marketing area, which compromises the cities of Duluth and Cloquet, Minnesota, and Superior, Wisconsin, has not been expanded since the inception of Order No. 54 in May 1941. Since that time regulated handlers' fluid sales have increased considerably in the four counties herein recommended for inclusion in the marketing area. Presently regulated handlers distribute all the fluid milk sold in Carlton County, Minnesota. In the three Wisconsin counties they distribute the major portion of the fluid milk sold therein. Only two local handlers, who are not subject to any Federal order, would become subject to regulation in these three counties and one of them would qualify as a producer-handler. The three-county territory includes the major portion of the sales territories of the presently regulated and local handlers while, at the same time, it involves distant handlers, whose primary outlets are outside this market, to only a minimum extent.

In the four counties to be included only Grade A milk is now being sold. In Carlton County, Minnesota, the Grade A milk is furnished by presently regulated handlers and meets the same standards as milk sold in Duluth, Superior, and Cloquet. In the three Wisconsin counties all milk distributed for fluid use must, as a minimum, conform to State Grade A standards. These standards are essentially comparable to those prevailing in the present marketing area and the pricing provisions of the order are equally applicable.

Extending the marketing area to include these four counties will promote orderly marketing by requiring the operators of unregulated plants doing business in the counties to pay the specified minimum prices to producers for milk in accordance with its use. It will also assure patrons at such regulated plants accurate weights, tests, and market information.

At present, the unregulated operators have available to them substantial competitive advantages in the procurement of milk. One is that they may be able to purchase milk from dairymen at the Duluth blend price, but sell a larger proportion of it as Class I than is so utilized in Duluth. This can be a considerable advantage in view of the comparatively low proportion of producer milk sold in Class I in this market. The second advantage is that the prices paid for milk tend to be lower than at Duluth at points south of the city. In the nearby Wisconsin territory the Chicago blend prices, adjusted for location, are the dominant factor. They are substantially below the Duluth blends.

With respect to Carlton County, situated to the west of Duluth, the territory is served exclusively by regulated handlers. The growth of population and milk sales in this county, in which the presently regulated city of Cloquet is located, make it desirable that the entire county be included in the marketing area.

In the three Wisconsin counties of Ashland, Bayfield, and Douglas, situated to the south and east of Duluth and Superior, regulated handlers account for the predominant portion of the Class I business. In Ashland County the combined sales of presently regulated handlers represent more than 60 percent of the total volume of fluid sales. Almost all the remaining sales in this county are from plants regulated under other other Federal orders. The remaining sales are from one plant which is located outside the area and which has about 2 percent of the sales in the county but which, on the basis of the evidence of record, would not qualify as a pool plant. Exemption from regulation for plants from which are shipped less than an average of 500 pounds per day is provided for in the pool plant definition and it appears that such exemption would apply to this plant.

In Bayfield County regulated handlers have about 85 percent of the fluid milk sales. Plants regulated under other orders have about 7 percent of the sales, and the remaining Class I distribution is by two local dealers, one a producer-dealer.

In Douglas County presently regulated handlers have more than 95 percent of the Class I business. The remaining Class I sales are made by a handler regulated under the Minneapolis-St. Paul order.

The other Wisconsin county proposed for inclusion, Sawyer County, should not be so included. Regulated handlers have substantially less than half the Class I sales in the county. The remaining fluid sales are accounted for by a local dairy, which has more than 80 percent of the sales in the largest town in the county, a plant regulated under another order, and three other unregulated plants whose primary markets are cities south and east of Sawyer County. None of the operators of these presently unregulated plants relies upon Duluth pool plants for his supplemental milk supplies.

The other Minnesota territories to the north and northeast of Duluth which were proposed for inclusion in the marketing area should not be so included. The proposed area would involve International Falls, in Koochiching County near the Canadian border, several cities in Itasca County, and all of St. Louis, Lake, and Cook Counties.

International Falls should not be included in the expanded marketing area. A local dairy operator has more than 70 percent of the Class I business in and around the city. Only about 20 percent of the fluid sales are made by a regulated handler and the remaining 10 percent are from a distant, unregulated plant. Stable marketing conditions prevail in International Falls. Prices paid to local producers have compared favorably with Duluth blend prices and proponents did not make any case that the local plant had a cost advantage in purchasing milk. Seasonal surpluses are at a minimum. Moreover, local producers did not favor extending regulation to International Falls.

The remaining Minnesota municipalities and counties, the inclusion of which was proposed, should not be added to the marketing area because of the quantities of ungraded milk which are, and the much larger quantities of milk which could be, distributed throughout this territory. At the present time the Minnesota State law requires that all fluid milk labeled Grade A meet minimum statewide requirements. Local health departments have the power to set sanitary standards for market milk as long as their standards meet the State's minimum requirements.

The Minnesota "Iron Range" comprises a series of cities and towns, located in Itasca, St. Louis, and Lake Counties, which extend in a southwesterly to northeasterly direction from about 50 to 80 miles north of Duluth. Very few of the Range cities or towns require their supplies to be of Grade A quality and, therefore, a large potential market for non-Grade A milk is provided.

The order could be made applicable only to handlers of Grade A milk. However, this would place such handlers at a serious disadvantage in competing with lower cost milk from ungraded sources. Possible solutions of the non-Grade A milk problem which might be considered would involve either pricing non-Grade A milk at a specified differential below Grade A milk or pooling and pricing Grade A and non-Grade A milk separately. However, it would not be appropriate to consider the non-Grade A milk problem at this time inasmuch as handlers of such milk had no prior notice that ungraded milk would be a hearing issue and, as a consequence, had no specific reason for attending the hearing or preparing testimony. Although dairymen supplying some Iron Range distributors testified in support of an order, it is concluded for the above reasons that the Range cities and those other portions of St. Louis, Lake, and Cook Counties, which are not presently under regulation but where the same general conditions prevail, should not be included in the marketing area at this time.

2. *Scope of regulation.* Technological advances in the dairy industry since the order was last amended make necessary substantial changes in the terms of the order. In 1950 the marketing area was limited to the three cities of Duluth, Superior, and Cloquet. The marketing area was served only by local handlers, and these handlers were supplied by producers with farms located at comparatively short distances from the market.

Improvements in roads, transportation equipment and refrigeration, the advent of the paper container, a trend towards increased store sales, and other factors have greatly broadened the supply and distribution territories of handlers. Milk is sold in the marketing area, as recommended to be expanded, from plants which are subject to other Federal orders and from unregulated plants, many of which are located at a considerable distance from the Duluth-Superior market, and are primarily associated with other markets. Under these circumstances, it is important to establish clearly which plants are sufficiently identified with the Duluth-Superior market to be subject to the pricing provisions of the order and to be included in the marketwide pool. This can be accomplished most appropriately by redefining such terms as pool plant, handler, producer, producer-handler, producer milk, other source milk, fluid milk product, and route.

The primary factor in determining which milk is to be completely subject to the pricing and pooling provisions of the order is the extent to which plants supply milk to the market for fluid use. Therefore, the definition of "pool plant" should include all plants which are primarily identified with supplying the fluid requirements of the Duluth-Superior market.

Three types of milk plant operations are included in the pool plant definition. One type of plant operation involves processing and bottling milk and distributing the packaged product on wholesale and retail routes in the marketing area. Such plants are commonly referred to as distributing plants. A second type of plant operation involves receiving milk from producers, assembling it into bulk lots, and shipping it either to distributing plants or, if the milk is not needed for bottling, to manufacturing plants. Such plants are commonly referred to as supply plants. The pool plant definition spells out the minimum percentage of milk received at such distributing and supply plants which must be disposed of to fluid outlets. A third type of pool plant includes plants operated by cooperative associations at which the percentage requirements for distributing or supply plants are not met but which must be maintained on a stand-by basis if the market is to be supplied adequately with fluid milk. These are the three types of plants at which the minimum prices paid to producers for milk would be fully applicable and these performance requirements provide an objective basis for including such plants in the market-wide equalization pool.

The pool plant definition should specify the shipping performance standards which regular, dependable suppliers of fluid milk must meet. The standards should reflect the functional differences among the three types of pool plants which have been described.

A distributing plant should be qualified as a pool plant if the extent of Class I operations at the plant establishes clearly its identification with the market and its operation as essentially fluid in nature. Route distribution in the marketing area of a minimum of 10 percent of total Grade A milk receipts from dairy farmers, other plants, and from a cooperative association in its capacity as a handler, definitely associates the distributing plant with the market. Total Class I distribution on routes of 50 percent of such Grade A receipts clearly establishes the plant as primarily a distributing plant and eliminates the possibility of an operation in which a plant operator utilizes a relatively insignificant proportion of Grade A receipts in Class I with the intent of drawing money out of the pool on the larger proportion of such receipts which are used in the manufacture of Class II products. There is no evidence that any of the distributing plants serving the area would fail to meet the 50 percent standard.

Plants from which an average of less than 500 pounds of Class I milk per day is distributed on routes in the marketing area should be subject only to the reporting and auditing provisions of the order and should be exempt from its pooling and pricing provisions. The sale of such relatively small quantities of milk, less than one economical route, has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions to these distributors would entail considerable effort and expense without contributing significantly to the furtherance of orderly marketing conditions. However, it is necessary that such distributors be subject to such reporting and auditing provisions as the market administrator may require in order to establish their volume of sales in the area.

The order should also provide pooling standards for the supply plants from which distributing plants draw bulk supplies of milk. Plants from which supplemental supplies of milk are shipped to a market generally fall into two broad categories. One category includes plants serving as receiving stations where milk from producers is assembled into bulk lots for more convenient shipments to city plants. There are regular shipments of large quantities of milk from such plants and they are clearly so closely associated with the market as to make appropriate their pooling and full regulation.

The second category of supply plants are those from which only incidental shipments of milk are made to the market or from which regular shipments of limited quantities are made during only the low production periods. They are not primarily associated with the market and need not be fully regulated. Such plants, from which supplies are drawn to the market for a short duration only and which may be located at widely scattered points, should be able to supply milk to the market during such periods of need without becoming fully subject to the order.

These different functions can best be recognized by defining as a "supply pool plant" any plant from which there is shipped during the month, to distributing pool plants at least 50 percent of the receipts of Grade A milk from dairy farmers. It is logical to assume that a supply plant is most closely identified with the market into which the majority of Grade A milk received at such plant is moved. Because of the seasonal variation in production the distributing pool plants require the largest quantities of supplemental milk in the fall and the least in the spring. Therefore, if a supply plant operation meets the shipping percentage standards in each of the months of September, October, and November, such plant should be designated as a pool plant until the end of the following August unless a written request for nonpool status is submitted to the market administrator. The qualifying period of September through November is recommended herein because, during the period 1954–58, this has been the three-month period during which Order No. 54 Class I utilization percentages have consistently been highest for the year.

With respect to plants operated by cooperative associations, pooling should be on the basis of the degree to which the entire membership of producers is identified with the fluid needs of the market. Up to the time of the hearing, most members of two associations were can shippers and the associations had operated their distributing and supply plants in traditional fashion. However, there had already been significant conversion to bulk shipment by some producers in the market, and further conversion is in prospect. The new assembly method increases the feasibility of shipping milk directly from farms to bottling plants instead of through the receiving stations. This increased flexibility in milk movement will tend to reduce the ability of the associations to keep their supply plants qualified as supply pool plants even though such plants would still be as completely identified with the market as before. There were indications at the hearing that the associations planned to close down some of the facilities which are equipped only to receive can milk and combine it into tank lots. However, those supply plants which are also equipped to manufacture reserve supplies would continue to operate. They would also be used to receive any producer milk in cans or in bulk which was not needed on any given day at the bottling plants but which would be available for fluid use when otherwise needed.

Therefore, in recognition of the increased mobility of milk and the importance of the associations as suppliers, plants operated by cooperative associations should be qualified on either an individual or combined basis, as long as specified minimum percentages of the total quantity of Grade A receipts at plants operated by the cooperative are moved directly to other pool plants or are transferred by the association to other pool plants. A cooperative association should provide written notice to the market administrator of the plants to be included for pooling purposes. Such notice should be filed not later than the time of the regular report of receipts and utilization, on the 7th day of the following month.

During the period 1954–8, the Class I percentage as a percentage of total producer receipts was consistently highest during the months of September, October, and November and lowest during the months of April, May, and June. In order to qualify all of the plants operated by the two major cooperatives, the minimum percentages of Grade A milk furnished to distributing plants should be 40 percent in each of the months of

September, October, and November, 30 percent during each of the months of December, January, February, March, July, and August, and 20 percent during each of the months of April, May, and June. Receipts from plants not qualified under these supply plant standards should be considered as other source milk.

It is quite possible for a distributing plant to be qualified as a pool plant under the Duluth-Superior order and, in the same month, to qualify as a pool plant under another Federal order. (It is not likely that a supply plant would be so involved, since over half of its supply must be shipped to distributing pool plants either in the current month or during specified fall months.) Objective standards should be provided for determining which of the two orders should be controlling. If the plant qualifies as a regulated plant under both orders, the volume of Class I sales in each market during the month would determine the applicable order. This standard would be apporpriate in most circumstances. However, supply plants commonly qualify during a specified fall period, and provision should be made for a specific determination by the Secretary, based on the facts in any given case.

"Handler" is an inclusive definition designed to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. Subject to specified exemptions, the handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and making payment therefor. It includes (a) persons operating pool plants, (b) persons operating nonpool plants from which Class I milk is distributed on routes in the marketing area, and (c) a cooperative association with respect to member milk diverted to a nonpool plant. If an association is defined as a handler on diverted milk, the producers whose milk is diverted will continue to receive the uniform price under the order, they will remain an integral part of the market and their milk will be available for fluid use whenever it is needed.

The term "producer" should be defined in order to identify those dairy farmers who are the producers of the regular supply of fluid milk and cream for the market, and to whom the minimum prices specified in the order should be paid. Only those dairy farmers who produce milk in compliance with the sanitary requirements for milk for fluid use as Grade A are qualified as producers. The order does not apply to dairymen producing manufacturing grade milk. Since it is the pool plants which are fully subject to the pricing, pooling, and payment provisions of the order, it is the dairymen delivering fluid grade milk to such plants who qualify as producers. The producer definition should also include those dairymen whose milk usually is received at a pool plant but which is diverted to a nonpool plant by the operator of a pool plant or by a cooperative association. Milk so diverted is deemed to have been received at the plant from which it was diverted.

The present order permits handlers to divert producer milk "temporarily" to nonpool plants. The administrative problem of determining which diversions are permissible can be eliminated if the order contains objective measures of the time periods during which diversions are allowed. Therefore, under the amended order, handlers are permitted to make unlimited diversions of producer milk to nonpool plants during each of the three months April, May, and June, when the lowest percentage of producer receipts are utilized in Class I. Diversions are also permitted for a period covering 10 days' production in each of the months from July through March.

Diversion privileges are provided to facilitate the marketing of the daily and seasonal reserve supplies of milk. Diverted milk is that milk which is moved directly from the farms to nonpool plants rather than to the pool plant at which it is normally delivered. The farmer whose milk is so diverted remains a producer and his milk continues to share in the marketwide pool. It is frequently possible to save transportation costs by diversion instead of bringing the milk in to the pool plant and then transporting it to the nonpool plant. The diversion privilege should, however, apply only to milk primarily associated with the fluid requirements of the market.

During the months of flush production, when the pool plant does not require all the milk produced by Grade A patrons, some farm pickup routes may be so situated that they can be diverted to a nonpool plant on most days. On the other hand, diversion should ordinarily be needed only for weekend reserves and other unusual contingencies during the months of short production. A maximum of 10 days should be adequate to accommodate the reserves during these months.

The present Duluth-Superior order is the only one in the United States which defines a "new producer" and provides that he be paid only the Class II price for his milk during the period from the first time he ships to the market through the second full calendar month following such first shipment. The expansion of the marketing area and the changes in the pool plant standards and other definitions relating to the scope of regulation involve marketing changes of substantial magnitude. These changes would be impeded by the discounted price to new producers. Moreover, the adjustment of the Class I price to more competitive levels correspondingly reduces the pressure for new producers to enter the market on a temporary or opportunistic basis. Therefore, no special price provisions for new producers have been provided in the revised order.

The term "producer-handler" should apply to a person who produces milk on his own farm and who operates at his own personal risk a plant from which a route is operated wholly or partly in the marketing area but who receives no milk from sources other than his own farm or from pool plants. Four producer-handlers are currently having their own milk production custom-processed at the regulated plants and returned to them for distribution under their own labels. This is permissible under the present order which does not require a producer-handler to operate processing facilities at his own personal risk. However, it is also possible for regulated handlers to avoid the pricing, pooling, and payment provisions by custom-processing in the same manner for each of their producers and thereby granting such handlers status as producer-handlers. This eventuality, which could render the order completely ineffective, could not occur if personal risk in the processing, packaging, and distribution was made a requisite to attaining producer-handler status as recommended herein.

Producers proposed that the producer-handler definition be limited to operations from which less than 1,000 pounds per day of Class I milk is distributed in the marketing area. It appears, however, that the principal objective sought to be achieved by the volume limitation is provided for by the requirement that a producer-handler utilize only his own production or receipts from pool plants. Milk transferred from pool plants to a producer-handler is classified as Class I. It follows that any supplemental milk purchased by producer-handlers will have been pooled and will not represent an unregulated source of supply to the producer-handler.

The definition of "producer milk" applies to milk received directly at a pool plant from the producers' farms. Any subsequent transfers of milk between pool plants are accounted for specifically rather than as producer milk. Milk from producers which is diverted to a nonpool plant should retain its status as producer milk.

"Other source milk" is specifically defined in the order to distinguished it from producer milk. It includes milk received at a pool plant from nonpool sources and products, other than fluid milk products, from any source which are reprocessed or converted to another product in the plant during the month.

A definition of "fluid milk product" is provided to facilitate reference in the subsequent sections of the order. The fluid milk products are those which constitute Class I use in the market and include fluid milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, and fluid mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen cream, serated cream products, eggnog, ice cream, and frozen dessert mixes.

The term "route" is used to define a number of types of milk distributing operations. It includes any delivery to retail or wholesale outlets of any fluid milk product. Deliveries to other milk processing plants, either pool plants or nonpool plants, are not included, but sales by a vendor or from a plant store are included.

3. *Classification and allocation.* At the hearing consideration was given to four changes in the classification and allocation provisions of the order. These involved a third class of utilization, changes in the transfer provisions, a revised method of accounting for inventories of fluid milk products, and clarification of the allocation sequence.

Classification. The major proposal to modify the classification of milk was to provide a separate classification, at a higher price, for milk used to produce cottage cheese and ice cream. During the course of the hearing, however, it was developed that these products are not required to be made from Grade A milk anywhere within the market. It became clear that the most probable result of a higher price would be to close these outlets to pool milk. The proposal was modified to apply to milk used to produce cottage cheese and ice cream for sale in jurisdictions where Grade A sources are required. Apparently this would apply only to cottage cheese sold by one handler to outlets within the Minneapolis-St. Paul marketing area. Under that order, however, cottage cheese is in Class II with all other manufactured dairy products and the price is below the Duluth Class II price, either as contained in the present order or as modified herein. In the circumstances, no change in classification should be made.

Transfers. The transfer provisions should be modified and clarified in several respects. Transfers between pool plants should be permitted in any class agreed upon by the handlers operating such plants so long as the prior claim of producer milk for Class I sales is maintained. Transfers between pool plants at an agreed upon class will not affect the total value of producer milk under a marketwide pool so long as this prior claim is maintained.

Milk, skim milk, or cream transferred in bulk to a nonpool milk plant located more than 250 miles from the courthouse at Duluth, Minnesota, should be classified as Class I. There are adequate facilities for the manufacture of excess milk into Class II products within a radius of 250 miles. The automatic classification as Class I of milk or skim milk moved more than 250 miles will reduce the administrative expense which would otherwise be involved in having the market administrator verify actual utilization at nonpool milk plants located at extreme distances from the market.

Transfers to a producer-handler should be Class I since such operators would not be likely to purchase supplemental milk except for fluid purposes.

Transfers to nonpool plants within 250 miles should be Class I unless Class II utilization is claimed and specified conditions are met. One condition is that the milk be transferred in bulk rather than in consumer packages. A second is that the operator of the nonpool plant permit the administrator to verify all receipts and utilization at the plant. In such case, the pool milk should be assigned to the highest utilization remaining after assignment to Class I of any receipts of Grade A milk from local dairy farmers.

Inventory. Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. It is appropriate that the ending inventory of fluid milk products be classified as Class II. This manner of classifying inventory, with correlated steps in the allocation procedure, provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity in the application of the pricing provisions and simplicity of accounting are achieved if, so far as possible, Class I utilization during each month is assigned to current monthly receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of producers milk (except allowable Class II shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

If the foregoing procedure does not result in a reclassification charge to all beginning inventory allocated to Class I, it is necessary to determine to what extent in the previous month other source milk became an inventory item, and thus was carried over to beginning inventory available for use as Class I milk. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge which applies to pool sources would be subject to compensatory payment, provided that such a charge would not apply to any milk received from a plant regulated by another order where it had been classified under such other order as Class I milk.

Allocation. The allocation procedure should be clarified with respect to shrinkage of producer milk and to differentiate clearly between other source milk from plants subject to other Federal orders and that from unregulated sources. The revised procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions in sequence from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;

(2) Other source milk from unregulated plants;

(3) Other source milk from plants regulated under another Federal order;

(4) Receipts from other handlers (according to classification);

(5) Beginning inventory;

(6) Add shrinkage deducted in (1); and

(7) Overage.

One handler proposed that milk in consumer packages purchased from other Federal order markets by a Duluth-Superior handler and sold in the same package as received be allocated to Class I use in the Duluth-Superior plant instead of being allocated to the lowest class of use.

There were no current instances of the purchase of packaged Class I items from other markets by Duluth-Superior handlers. Moreover, no future likelihood of such purchases was cited by the proponent. Furthermore, the supply of producer milk is adequate to cover all Class I requirements of the regulated handlers. It is concluded that under present conditions there is no need for giving Class I priority to supplies from other markets.

4. *Class prices.* The provisions of the order were reviewed with respect to the Class I price, including out-of-area pricing, the Class II price, butterfat differentials to handlers and producers, location adjustments to handlers and producers, and authorization for a determination of equivalent prices by the Secretary.

Class I price. The Duluth-Superior Class I price formula should be modified by adopting the same basic formula price as is used in Federal orders in adjacent markets, changing the seasonal pattern of the stated differentials, and reducing the annual average of the differentials by 20 cents to $0.90.

There was general agreement among the producers and handlers represented at the hearing that Class I prices must be reduced if the compensatory payment on milk from other Federal orders is eliminated. Such elimination is provided for herein for reasons discussed under topic number 5, below. A moderate reduction in the Class I price will help the Duluth-Superior handlers compete for sales with distributors from other order markets. Such competition already occurs both within this marketing area and in unregulated areas outside of the defined market. The Duluth-Superior producers will, of course, be aided to the extent that pool handlers are able to maintain or expand their Class I sales. In addition, the lower Class I prices will encourage local handlers to continue to purchase their supplies from local producers instead of from possible alternative sources.

The supply of producer milk which has been developed at the Class I prices which have been in effect for the past several years is more than ample to cover Class I needs. In fact, in each calendar year since 1953 less than half of the producer milk has been classified as Class I. Class I sales increased steadily from 58 million pounds in 1950 to 76 million pounds in 1957. Receipts from producers increased more rapidly, from 107 million pounds in 1950 to 172 million in 1957, and the percentage sold in Class I dropped from 54.1 to 44.2. These comparatively low percentages of Class I use reflect a considerable dilution of the Class I returns in the resultant blend prices. Clearly, it is to the interests of producers to have a competitive Class I price and so maintain or expand their proportion of Class I sales.

The basic formula price performs two important functions. The major one is that it reflects changes in the value of manufacturing grade milk. The second is that it will reflect such changes to the same degree in adjacent Federal order markets. In the present order the first of these basic formula functions is performed by the Class II price which, in turn, is a function of the market prices of butter and nonfat dry milk. In the Chicago, Minneapolis-St. Paul, Northeastern Wisconsin and Michigan Upper Peninsula orders the basic formula price is the higher of a butter-powder formula, which differs somewhat from the Duluth-Superior butter-powder price, and an average of prices paid for milk at a specified group of condensaries located in Wisconsin and Michigan. In view of the increasing importance of inter-market price alignment, it is appropriate to use the same basic formula price for the Duluth-Superior market.

The stated Class I differentials over the basic formula price should average $0.90 per hundredweight. This compares with the present differential of $1.10 which, however, is measured from a higher basic price. In 1958 the actual Class I price in Duluth-Superior was equal to a differential of $1.183 over this new basic formula. The annual average Class I differentials in other nearby Federal order markets are 90 cents in the Chicago 50–70 mile zone and 50 cents in some 21 (at plants in northwestern Wisconsin), 86 cents in Minneapolis-St. Paul, 97 cents at Ironwood, Michigan, under the Michigan Upper Peninsula order, and 84 cents at Rhinelander, Wisconsin, under the Northeastern Wisconsin order. In the Chicago and Minneapolis-St. Paul orders, the stated differentials are further subject to automatic supply-demand adjustments.

If the revised Class I price formula had been in effect, it would have resulted in prices averaging 30 cents lower than the actual Duluth-Superior price in 1956, 27 cents lower in 1957, and 28 cents lower in 1958. However, it will produce prices which compare favorably with Class I prices in the adjacent marketing areas.

A moderate seasonal variation in the stated differentials should be retained. The principal incentive to level production is provided by the Louisville Plan. However, seasonal variation in Class I prices in the adjacent markets makes it desirable to retain some seasonality in this market because of sales competition among the distributors in the respective markets. Prospective sales competition will be most intense with handlers regulated under the Minneapolis order. It is, therefore, appropriate that the seasonality of the Duluth Class I price correspond as closely as possible to that in Minneapolis. The Class I differential should be 75 cents in the months of December through June, $1.15 in the months of July through October, and 95 cents in November.

Out-of-area price. No provision for lower Class I prices on out-of-area sales should be included in the order.

The Class I price under the Duluth-Superior order, and under Federal orders generally, is intended to be at such level as will bring forth a sufficient supply of milk for the market. Milk sold outside the defined area by regulated handlers meets the same standards and involves the same costs of production as that sold within the market. A lower price on such milk would reduce returns to producers, be an unsettling influence on the out-of-area markets, and, to the extent that the Class I price had to be raised to offset the reduced returns, would involve subsidization of the out-of-area sales by Duluth-Superior consumers.

Class II price. The Class II price formula should be reduced by using a butter overrun factor of 20 percent instead of the presently specified 25 percent. It should also be modernized by using butter and skim powder prices for the pricing month rather than, as in the present order, using butter and skim powder prices which represent market values of such products in preceding months. The new formula would have reduced the Class II prices by approximately 12 cents in 1958.

During the three-year period, 1956–58, the new price formula would have brought the average Class II price into close alignment with average prices paid at unregulated milk manufacturing plants for milk for equivalent usage. The major portion of Duluth Class II milk is used to produce butter and powder. On this basis, the most appropriate prices for evaluating the Duluth Class II price are the prices paid by Wisconsin and Minnesota creameries. (Official notice is hereby taken of the prices paid by such creameries in December 1958). In 1956 the average of the annual prices paid by Wisconsin and Minnesota creameries, adjusted to 3.5 percent butterfat test by the Duluth Class II butterfat differentials, was $3.06 as compared with the proposed formula price of $3.07 and the actual Class II price of $3.17. In 1957 the creameries' price was $3.10, the proposed price $3.09, and the actual price $3.20. In 1958 the creameries' price averaged $2.98 compared with the proposed price of $2.97 and the actual Class II price of $3.09. Over the three-year period, 1956–58, the creameries' price averaged $3.047, almost identical to the proposed formula price of $3.044, but more than 10 cents per hundredweight lower than the actual Class II price average of $3.153. Clearly, the proposed Class II formula would have represented closely the competitive prices paid by unregulated manufacturing plants during each of the three years.

The reduced Class II price is achieved primarily by lowering the butter overrun percentage in the pricing formula. However, the formula is used only to establish the price level for Class II milk of 3.5 percent butterfat content. The values of the skim milk and butterfat components, as such, are determined by the butterfat differential, as described in the following sub-topic.

Butterfat differentials. The butterfat differential to handlers on milk utilized as Class I should be reduced to 130 percent of the price of 92-score butter at Chicago instead of 140 percent of such price.

Data for the Duluth-Superior market reflect the common trend towards a lower proportion of butterfat in Class I sales. The trend is accounted for mainly by lower sales of cream and increasing sales of skim milk items. The reduced butterfat differential will assign a somewhat lower proportion of the Class I value to the butterfat and a higher proportion to the skim milk component. At least insofar as cost of raw material is concerned, this will help the competitive position of butterfat. However it is recognized that handlers' practices in pricing the end products and consumers' responses to price and to dietary or other considerations are not affected and these may well be the major factors in the trend towards a lower proportion of butterfat in Class I sales.

There were proposals at the hearing to reduce the Class I butterfat differential still further. However, the average butterfat content of Class I sales in 1958 was 3.86 percent. This is still well above the basic test of 3.5, and a comparatively high differential therefore results in a net contribution to the pool. Such gain must, of course, be balanced against the effect of price on the utilization of the butterfat and skim milk components.

The Class II butterfat differential should also be reduced by using 120 percent of the 92-score butter price instead of 125 percent of such price. This will tend to reduce the price of cream for ice cream manufacture to more competitive levels and will correspondingly increase the returns from skim milk used in the manufacture of cottage cheese.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Location differentials. Class I milk products are bulky and perishable and therefore incur a relatively high transportation charge if moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the marketing area to the extent of the additional cost of hauling his milk into the central market. Under these conditions, the value of producer milk delivered to plants located at some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

There are several distant distributing plants from which milk is sold within the proposed additional marketing area. It is also possible that other distributing plants or supply plants may become fully or partially associated with the market. The operators of such distant plants would incur substantial transportation costs on their milk before reaching any portion of the marketing area and they should be allowed an offsetting credit in order to be fully competitive with the pool plants located within the marketing area. In the absence of location adjustments these handlers would absorb the cost of transporting such milk sold in the marketing area but would pay their producers the full f.o.b. market price on all receipts of producer milk. This would be contrary to the basic principle of location differentials which places a lower value on milk received from producers at points distant from the marketing area.

As a result of the extensive additional marketing area in Wisconsin, it is appropriate to designate Ashland, Wisconsin, and Duluth, Minnesota, as the central points upon which location differentials should be based. The distances used in determining location differentials should be measured from the courthouses at Duluth or Ashland, whichever is closest, by the shortest highway distance, as determined by the market administrator.

There should be no location adjustment at plants located within 50 miles of these two points. The 50-mile zone includes all the plants serving the present market and most of those which would be serving the additional territory recommended herein. These plants compete with each other so extensively throughout the marketing area that different Class I prices based upon plant location would not be appropriate.

In the 50–60 mile zone the rate of location adjustment should be 8 cents per hundredweight of milk. The rate should be increased by 1.3 cents per hundredweight for each additional 10 miles or fraction thereof in excess of 60 miles. These rates are designed to reflect transportation costs on milk moved in bulk tanks. The rate of 1.3 cents per 10 miles is the same as is used in the Chicago order for plants located beyond the 70-mile zone. Under the Minneapolis-St. Paul order the rate is only 1 cent per 10 miles beyond 50 miles but is 14 cents at the 40–50 mile zone.

A method should be provided for determining the priority of milk from various plants in allocating to Class I for the purpose of computing the aggregate of location differentials to be allowed. Such differentials would be made for each handler in sequence beginning with milk received directly from producers and then milk received from those plants which have the lowest location differential.

Payments to distant producers should be reduced by the amount of the applicable location differential. Under these conditions the value of producer milk delivered to plants would be reduced in proportion to the distance that such plant is from Duluth or Ashland by the same rate that applies to Class I milk.

Equivalent price. If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order at times may not be available, or may be discontinued. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

5. *Provisions with respect to unpriced milk.* It has been previously explained (Topic 2, above) that expansion of the marketing area and advances in technology have involved in the Duluth-Superior market some operators of distributing and supply plants which are not primarily associated with this market. Accordingly, the plants involved are not made subject to the complete pricing, classification, and pooling provisions of the order.

There are two major categories of other source milk which may be involved. One is that Duluth-Superior pool handlers may receive supplementary supplies of milk at their plants from plants which fail to qualify as supply pool plants. The second category consists of distributing handlers who sell some milk in the market but whose plants fail to qualify as pool plants. In each of the two cases, subcategories arise from the fact that the other source milk may be subject to other Federal orders or it may be from totally unregulated sources.

In the case of milk from sources not fully subject to any Federal order which is received at Duluth-Superior pool plants and allocated to Class I, compensatory payments should be assessed. Such payments should apply in all months of the year, but should be eliminated whenever receipts from producers at all pool plants in the market are less than 110 percent of Class I utilization at such plants.

Plant operators must have available a larger supply of milk than is necessary to fill their Class I requirements on any given day. Reserves are needed because production fluctuates seasonally without corresponding changes in the demand for Class I milk. Reserves are also needed to cover short-time fluctuations in receipts and for variations in Class I requirements resulting from 5- or 6-day bottling, the heavy weekend demand at grocery stores, holidays, and similar factors. The reserve milk is commonly manufactured into the more storable and transportable dairy products which are sold in competition with products made from manufacturing grade milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is a primary element of instability affecting fluid milk markets.

Considerable volumes of Grade A milk are carried as reserve milk and must be disposed of for manufacture by various unregulated plants in the territory adjacent to the Duluth-Superior market. Both Minnesota and Wisconsin are primary dairy states, and numerous potential sources of unregulated Grade A milk were described in the record. Since this reserve milk in other markets is ordinarily converted to manufactured dairy products, the seller could be expected to be willing to market it at any price which would net him more than the manufacturing value. Consequently, handlers under the Duluth-Superior order could expect to obtain such reserve milk at approximately the manufacturing values as reflected in the Class II price under the order. It is, therefore, appropriate that the compensatory payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price, adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in value between unregulated and regulated milk for Class I use. The payment will, therefore, remove any competitive sales advantage which the regulated handler might otherwise obtain by substituting other source milk for available producer milk.

The compensatory payment should apply in all months except those in which the market supply of producer milk is inadequate to fill Class I requirements, including an operating reserve of 10 percent. Although supplies in the market have been substantially in excess of a 10 percent reserve, it is desirable to provide for the eventuality of a shortage. Unregulated handlers commonly maintain a high utilization and there is every reason to expect that any conditions which would result in a short supply in Duluth-Superior would leave them short, too. It follows that during a shortage period regulated handlers would probably have to pay more than the Class I price for supplementary supplies of Grade A milk. Compensatory payments would not be appropriate under such circumstances.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. In some instances there will be no, and in all cases insignificant, transportation charges per hundredweight experienced by handlers on such other source milk under the skim milk equivalent basis of accounting provided in the order. By following this procedure, the compensatory payment or other source milk derived from nonfat dry milk will be comparable to that on any other source milk which is allocated to Class I milk.

Another category of unpriced milk is that sold on routes in the marketing area by handlers operating nonpool plants. These are the plants which are primarily associated with some other market but from which at least 500 pounds per day, but less than 10 percent of the total receipts of Grade A milk at the plant are disposed of as Class I in the marketing area or less than 50 percent of such receipts are so disposed of either within or outside of the marketing area. On the basis of conditions described in the record, there is at least one handler in

this category. Other handlers may, of course, be similarly situated, either now or in the future.

The problem of dealing with unpriced milk at the plant of nonpool distributors differs in important respects from those involved in the purchase of other source milk by the operators of pool plants. There are only a few nonpool distributors and their sales in the market are on a regular basis, whereas the purchase of supplemental milk by regulated pool plants would be from many sources and on a sporadic basis. Unlike the operators of plants furnishing supplemental milk, the nonpool distributors would be reporting regularly to the market administrator and would be aware of the terms of the order.

It is appropriate that a nonpool distributor have the option of paying either the difference between the Class I and Class II prices on his fluid sales within the area or any amount by which such operator has failed to pay his Grade A dairy farmers the use value of milk at order prices. Under conditions prevailing in this region, the regulated handlers and producers serving the market were concerned only that partially regulated handlers be denied any competitive advantage based on minimum class prices paid for milk. They were not concerned over any possibility that such handlers would have any competitive advantage in the procurement of milk through lack of pooling.

Handlers operating nonpool distributing plants are required to file such reports as will enable the market administrator to verify their nonpool status. Under the second option described in the preceding paragraph (that of making minimum payments to dairy farmers) the nonpool distributor would file a complete report of receipts and utilization. From such reports, subject to audit, the value of his disposition of milk would be computed at the class prices adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value, the market administrator would subtract cash payments to the Grade A dairy farmers who constitute the regular supply of milk at the nonpool plant. Only such payments would be recognized as had been made to dairy farmers by the 25th day following the end of the delivery month. The payments would be the gross amount paid for milk delivered by farmers to the nonpool plant. The only allowable deductions would be those properly chargeable to the dairy farmers for supplies or services, including hauling. Any amount by which such payments failed to equal the utilization value of the milk would be payable to the equalization fund. In this way, the nonpool plant operator would be fully equated, so far as the utilization cost of his milk is concerned, with the pool plant operators.

The nonpool plant may receive milk from other plants rather than directly from dairy farmers. If the shipping plant serves primarily as a receiving station for the nonpool distributing plant, all of the receipts and utilization of milk at both plants should be reported to determine whether the dairy farmers have been paid the equivalent of order prices at other nonpool plants. Milk may be received both from dairy farmers and from other plants. In such instances, the dairy farmers milk and receipts from other plants will be allocated in the same fashion as if the plant were a pool plant and compensatory payments would apply if such milk did not come from a plant subject to a Federal order.

The option of paying the difference between the Class I and Class II prices on the quantities sold as Class I in the marketing area should also be available to any handler operating a nonpool plant. Such payment will remove any competitive sales advantage as compared with fully regulated handlers.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between Class I and Class II prices on his in-area sales, he should pay administrative expense only on such quantities. However, if he elects the payment-to-dairy-farmers option, he should pay administrative expense on his entire receipts from the Grade A dairy farmers. Obviously, the second option involves fully as much verification of receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat test of receipts from dairy farmers and of the product sold as well as an audit of the books and records. Also, some of the fully regulated plants could have nearly as large a proportion of out-of-area sales as a nonpool distributor, yet be assessed administrative expense on their entire receipts.

No compensatory payments should be assessed on Class I milk from plants which are fully subject to the classification and pricing provisions of another Federal order. Such milk may enter the Duluth-Superior market either as supplementary milk delivered to pool plants or as route sales by a distributor subject to other orders. In either case, the classification and price will have been clearly established under another order.

The Duluth-Superior Class I price has been adjusted to make it more competitive with those in the adjacent orders. If it develops that an appropriate alignment has not been achieved, consideration can be given to further amendment of the orders involved.

6. *Distribution of proceeds.* The three principal proposals which involved changing the distribution of sales proceeds to producers were (1) substituting individual-handler pooling for the present marketwide pool, (2) changing the months of operation of the Louisville Plan, and (3) modifying the privilege of cooperative associations to reblend sales proceeds in making payments to producer-members.

Type of pool. In the Duluth-Superior market the handling of the milk not needed for fluid purposes is not evenly distributed among the regulated handlers. Instead, this function is performed principally by the cooperative associations, and the quantities of excess milk are comparatively large. Once such specialization in the handling of the excess milk has been established, individual-handler pooling would have seriously disruptive and uneconomic tendencies. Clearly, the marketwide pool should be retained.

Louisville Plan. The Louisville Plan is a method for encouraging a more even pattern of milk production by reducing by a specified percentage the uniform price paid producers in the flush production months, and by increasing the uniform price during each of the lower production months by adding to it equal portions of the total amount deducted in the flush months. This plan has the same effect upon prices paid to producers as seasonal variation in the Class I differential, but it avoids wide seasonal differences in prices paid by handlers.

As originally incorporated into Order No. 54 in January, 1951, this plan involved an 8 percent deduction in the uniform price in each of the months of May, June, and July, with one-third of the total amount of such deductions added to the uniform price in each of the months of October, November, and December. Some reduction in the seasonality of production has occurred since this plan was put into effect. However, in order for the Louisville Plan to most effectively reduce seasonality in production, the uniform price should be reduced during the months of highest production and increased during the months of lowest production. Therefore, the take-out months should be changed from May, June, and July to April, May, and June inasmuch as the three-month period of highest production in every year during the 1955–58 period comprised April, May, and June. Similarly, the three pay-back months should be changed from October, November, and December to September, October, and November as the latter three months comprised the lowest production months during the years 1953–57, and in 1958 the three lowest production months occurred even earlier, in August, September, and October.

These three month periods of highest and lowest production have also been taken into account in devising the pool plant delivery and diversion requirements. Therefore, revising the Louisville Plan take-out and pay-back months as recommended herein is also necessary in order to attain proper synchronization of such order provisions. However, the revision in Louisville Plan months as herein recommended should not be made effective until April, 1960, regardless of when the order amendment becomes effective. This will provide producers with additional time to adjust their dairy operations to the revised Louisville Plan months.

Producers expressed concern that the expansion of marketing area might cover many farmers who did not contribute to the Louisville Plan in the spring of 1959 but who would be eligible for the pay-back if the amendments become effective in the fall. However, only a few producers are involved in the additional marketing area provided for herein and, therefore, the effect upon the pay-back to farmers who were subject to the earlier take-out provision would be negligible.

Reblending by cooperative associations. The two principal cooperative associations of producers in the market operate distribution routes. Other handlers maintained that associations in this position could use the reblending privilege to reduce prices to members in order to gain a distributive advantage. They offered several amendments designed to provide a limit to such advantage. However, reblending by a cooperative association is clearly authorized by the Act. The proposals were clearly designed to prohibit or render ineffective the reblending privilege and are therefore denied.

7. *Administrative changes.* Changes in the dates upon which the market administrator is required to announce the class prices have been made necessary because the manufacturing prices to be used in calculating the new class prices will be available later than the basic manufacturing prices used in the present order. At present the market administrator announces both the Class I and Class II price at the end of the preceding month. Under the amended order, the Class I price announcement will be made on or before the 6th day of the month for which the price is to be effective and the Class II announcement will be made by the 6th day of the month following the effective month. Handlers will not know the Class II price in advance, as has previously been the case, but it will more nearly reflect actual market values of dairy products during the same month they are manufactured by handlers. The announcement date for the uniform price will continue, as before, to be the 12th day of the month following the effective month.

Under the amended order the market administrator will bill handlers by the 13th day of the month following the effective month. Such notification date is not specified in the present order.

No other changes in dates for filing reports and making payments have been made.

The following time schedule should allow all interested persons sufficient time to perform required functions. (These time limits apply to the indicated day of the month following the month for which computations are being made unless otherwise indicated.)

Day of the month and function:

6th: Announcement by the market administrator of the Class I price for the current month and of the Class II price for the preceding month.

7th: Submission of monthly report of receipts and utilization by handlers.

12: Announcement of uniform prices by market administrator.

13th: Notification by market administrator to handlers of the value of their producer milk and amounts due to or payable from the producer-settlement fund.

15th: Payment by handlers of amounts due to producer-settlement fund and to market administrator for expenses of administration and marketing services.

17th: Payments by market administrator out of producer-settlement fund.

20th: Payments by handlers to producers for milk delivered in preceding month.

25th: Handlers' reports of payments to producers.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Duluth-Superior marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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DEFINITIONS

§ 954.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 954.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers

and to perform the duties of the Secretary of Agriculture.

§ 954.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 954.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 954.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association, to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 954.6 Duluth-Superior marketing area.

"Duluth-Superior marketing area" hereinafter called the "marketing area" means all of the territory within Carlton County and the city of Duluth, in the State of Minnesota; and all of the territories within the counties of Ashland, Bayfield, and Douglas, in the State of Wisconsin.

§ 954.7 Pool plant.

A "pool plant" shall be any plant meeting the conditions of paragraph (a), (b), or (c) of this section except the plant of a producer-handler or one exempt under § 954.61;

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are pasteurized or packaged and from which there is disposed of during the month as Class I milk on routes an amount equal to 50 percent or more of total receipts of Grade A milk at such plant from dairy farmers, from other plants, and from cooperative associations in their capacity as handlers and from which there is disposed of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such total receipts: *Provided*, That such Class I sales distribution in the marketing area averages at least 500 pounds per day;

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the month 50 percent or more of its supply of Grade A milk from dairy farmers is moved to a distributing pool plant(s): *Provided*, That any supply plant which has qualified as a pool plant in each of the months of September, October, and November shall be a pool plant for each of the following months of December through August unless written request for nonpool status is furnished in advance to the market administrator;

(c) A plant(s) (1) which is approved by a duly constituted health authority for the handling of Grade A milk, (2) is operated by a cooperative association, and (3) from which the quantity of milk transferred by the association to plants specified in paragraph (a) of this section or delivered directly from the farm to such plants is equal to at least the following percentages, in the months indicated, of the quantity of Grade A milk delivered by all producers who are members of such association:

Month	*Minimum percentage*
September, October, November	40
April, May, June	20
All other months	30

The association shall furnish written notice to the market administrator specifying the plant(s) to be qualified pursuant to this paragraph (c) and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 7th day following the month to which such notice applies.

§ 954.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 954.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant, or

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area; or

(c) A cooperative association with respect to the milk of producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 954.10 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of, or acceptable to, a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) caused to be diverted during any of the months of April, May, and June or to the extent of not more than 10 days' production during each of the months of July through March, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association. Milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 954.11 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions are met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers: *Provided*, That such person shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 954.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 954.10.

§ 954.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) receipts from other pool plants or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 954.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk or milk drinks not in hermetically sealed cans, cream, and fluid mixtures of cream and milk or skim milk, including reconstituted milk or skim milk, but not including frozen cream, aerated cream products, eggnog or ice cream and frozen dessert mixes.

§ 954.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk form to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 954.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 954.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) Administrator its terms and provisions;

(b) Receive, investigate, and report to the Secretary complaints of violations;

(c) Make rules and regulations as are necessary to effectuate its terms and provisions; and

(d) Recommend amendments to the Secretary.

§ 954.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters duty, and conditioned upon the faithful performance of his duties, and in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 954.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 954.87, that are necessarily incurred by him in the maintenance and functions of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler, by audit as necessary of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler or other person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 954.30 to 954.32 or payments pursuant to §§ 954.80 to 954.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and, mail to each handler at his last known address, the price determined for each month as follows:

(1) On or before the 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 954.51(a) and 954.52(a), respectively;

(2) On or before the 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 954.51(b) and 954.52(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 954.71, the location differential computed pursuant to § 954.81, and the butterfat differential computed pursuant to § 954.82, all for the preceding month;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations of this part as are appropriate to its purpose and functioning, and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 954.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler or a handler making payments pursuant to § 954.62(a), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 954.31 Payroll reports.

On or before the 25th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 954.61 or § 954.62(a) shall submit to the market administrator his producer payroll for receipts during the preceding month which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association.

(b) The amount of payment to each producer, and

(c) The nature and amount of any deduction or charges involved in such payments.

§ 954.32 Other reports.

Each producer-handler and each handler making payments pursuant to § 954.62(a) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 954.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct date with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 954.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 954.40 Basis of classification.

All skim milk and butterfat required to be reported pursuant to § 954.30 shall be classified by the market administrator pursuant to the provisions of §§ 954.41 through 954.46.

§ 954.41 Classes of utilization.

The classes of utilization of milk shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2) and (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce a product other than a fluid milk product, (2) contained in inventory of fluid milk products on hand at the end of the month, (3) disposed of as livestock feed or skim milk dumped, subject to prior notification to and inspection (at his discretion) by the market administrator, (4) in shrinkage allocated to producer milk that is not in excess of 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk plus 1.5 percent of receipts of skim milk and butterfat, respectively, received in bulk tank lots from pool plants, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants, and (5) in shrinkage of other source milk.

§ 954.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting quantities between the receipts of skim milk and butterfat, respectively, (1) in the quantity of milk from producers and in bulk from the pool plants of other handlers, and (2) in other source milk received in the form of fluid milk products.

§ 954.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 954.44 Transfers.

Skim milk and butterfat transferred or diverted by a handler shall be classified:

(a) As Class I milk if transferred to another pool plant unless utilization in Class II milk is mutually indicated to the market administrator in the reports submitted for both such plants for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee plant: *Provided,* That if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) As Class I milk if transferred or diverted to a producer-handler;

(c) As Class I milk if transferred or diverted to a nonpool plant located 250 or more miles from the courthouse in the city of Duluth, Minnesota, by the shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred or diverted to a nonpool plant located less than 250 miles from the courthouse in the city of Duluth, Minnesota, unless (1) the transfer or diversion is in producer cans or in bulk, (2) the handler claims assignment as Class II in the reports submitted pursuant to § 954.30, and (3) the market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at the plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and that transferred or diverted from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I, receipts at such plant (1) directly from dairy farmers who hold permits to supply Grade A milk and who the market administrator determines constitute the regular source of supply, and (2) from plants subject to other orders issued pursuant to the Act which are classified as Class I by such other order;

(e) If any skim milk or butterfat is transferred to a second nonpool plant, under paragraph (d) of this section, the same conditions of audit, allocation, and classification shall apply.

§ 954.45 Computation of milk in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler to fortify or to reconstitute fluid milk products, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 954.46 Allocation of skim milk and butterfat classified.

For each handler the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds in Class II the pounds of skim milk assigned to producer milk pursuant to § 954.41(b)(4).

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest priced utilization, the pounds of skim milk contained in receipts from a plant at which the handling of milk is fully subject to the classification and pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other pool plants, in accordance with its classification as determined pursuant to § 954.41(a);

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest priced utilization, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced utilization. The amounts so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 954.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

COMPANY AND LOCATION

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) A price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents and adjust to the nearest full cent.

§ 954.51 Class prices.

Subject to the provisions of §§ 954.52 and 954.53 the minimum prices per hundredweight to be paid by each handler for milk received at his plant during the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus the following amounts for the periods indicated:

Month	*Amount*
December through June	$0.75
July through October	1.15
November	0.95

(b) *Class II milk.* The Class II price shall be computed by the market administrator as follows:

(1) Multiply by 4.20 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month; and

(2) Add an additional seven-tenth-cent for each one-tenth-cent that the midpoint between the simple averages of the weekly Chicago wholesale carlot prices per pound (using in each price series the midpoint of any price range as one price) for nonfat dry milk, spray and roller process, respectively, in barrels for human consumption as reported and issued within the month by the Department exceeds 7 cents.

§ 954.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to § 954.51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, the average daily wholesale price of bulk creamery butter per pound as specified in § 954.51(b)(1) multiplied by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.13; and

(b) *Class II milk.* Multiply such price for the current month by 0.12.

§ 954.53 Location differentials to handlers.

For milk which is received at a plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse at Duluth, Minn., or Ashland, Wis., whichever is closer, and which is classified as Class I milk, the prices computed pursuant to § 954.51(a) shall be reduced by 8 cents if such plant is located more than 50 miles but not more than 60 miles from such courthouse and by an additional 1.3 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles: *Provided,* That for the purposes of calculating such differential, transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.

§ 954.54 Equivalent prices.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

APPLICATION OF PROVISIONS

§ 954.60 Producer-handler.

Sections 954.40 through 954.46, 954.50 through 954.54, 954.70 through 954.72, and 954.80 through 954.88 shall not apply to a producer-handler.

§ 954.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless (a) more Class I milk is disposed of from such plant in the Duluth-Superior marketing area than in the marketing area regulated pursuant to such other order, or (b) the Secretary determines that the applicable order should more appropriately be determined on some other basis.

§ 954.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 954.80 to 954.88, each handler, other than a producer-handler or a handler exempt pursuant to § 954.61, who operates a nonpool plant during the month, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 954.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 954.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 954.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 954.88 had such plant been a pool plant, except that if such is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Duluth-Superior marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order.

DETERMINATION OF UNIFORM PRICE

§ 954.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 954.46 by the applicable class price and total the resulting amounts.

(b) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculation pursuant to § 954.46(a)(4) and (b) of the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 954.46(a)(5) and the corresponding step of § 954.46(b) for the current month, whichever is less;

(c) For any skim milk or butterfat subtracted from Class I milk pursuant to § 954.46(a)(2) and the corresponding step of § 954.46(b), and pursuant to § 954.46(a)(5) and the corresponding step of § 954.46(b) which is in excess of the sum of (1) the skim milk and butterfat applied pursuant to paragraph (b) of this section and (2) pursuant to § 954.46(a)(3) and the corresponding step of § 954.46(b) of the preceding month, add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided,* That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are less than 110 percent of the total Class I utilization of such plants for the month.

(d) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 954.46(a)(7) and the corresponding step of § 954.46(b) by the applicable class price.

§ 954.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 954.70 for the producer milk of all handlers who submitted reports prescribed in § 954.30, and who are not in default of payments pursuant to §§ 954.80 and 954.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 954.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 954.81;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) For each of the months of April, May, and June subtract 8 percent of the resulting sum;

(f) For each of the months of October, November, and December in 1959, and for each of the months of September, October, and November thereafter, add one-third of the aggregate amount subtracted pursuant to paragraph (e) of this section;

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(h) Subtract not less than 4 cents nor more than 5 cents.

The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants, f.o.b. the marketing area.

§ 954.72 Notification of handlers.

On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 954.71 and the location and butterfat differentials to producers as computed pursuant to §§ 954.81 and 954.82; and

(c) The amounts to be paid by such handler pursuant to §§ 954.84, 954.86, and 954.87, and 954.88 and the amount due such handler pursuant to § 954.85.

PAYMENTS

§ 954.80 Time and method of payment.

On or before the 20th day after the end of each month, each handler shall make payments as follows:

(a) To each producer from whom milk was received during the month at not less than the uniform price per hundredweight computed pursuant to § 954.71 subject to the butterfat differential computed pursuant to § 954.82 and the location adjustment computed pursuant to § 954.81 and less (1) marketing service deductions pursuant to § 954.87 and (2) other proper deductions: *Provided,* That with respect to each deduction for hauling, or for any other purpose, made from such payment, the burden shall rest upon the handler making the deduction to prove that each deduction is authorized, and properly chargeable to the producer: *And provided further,* That if by such date such handler has not received full payment from the market administrator pursuant to § 954.85, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payment pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) A handler who has not received on the 20th day after the end of each month the balance of the payments due him from the market administrator shall not be deemed to be in violation of paragraph (a) of this section if he reduced his payments to producers by not more than the amount of the reduction payment from the producer-settlement fund. The handler shall, however, complete such payments not later than the date for making such payments next following receipt of the balance from the market administrator.

§ 954.81 Location differential to producers.

For milk which is received at a pool plant located more than 50 miles but not more than 60 miles by shortest highway distance, as determined by the market administrator, from the courthouse at Duluth or at Ashland, Wisconsin, whichever is closer, there should be deducted 8 cents per hundredweight and an additional 1.3 cents should be deducted for each 10 miles or fraction thereof that such distance exceeds 60 miles.

§ 954.82 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 954.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 954.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 954.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 954.62, 954.84 and 954.86, and out of which he shall make payments to handlers pursuant to §§ 954.85 and 954.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 954.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk, as computed pursuant to § 954.70, for such month, is greater than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 954.80.

§ 954.85 Payment out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler any amount by which the value of his producer milk, computed pursuant to § 954.80, for such month is less than the amount owed by him for such milk at the appropriate uniform prices adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments required by this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 954.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount due, and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 954.87 Marketing services.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 954.80, with respect to all milk received from each producer at a plant not operated by a cooperative association qualified under paragraph (b) of this section of which such produced is a member, shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments made direct to such producers and such handler shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to provide market information and to verify the accuracy of weights, sampling and testing of milk received from such producers.

(b) In the case of milk of producers who are members of a cooperative association which is actually performing the services described in paragraph (a) of this section, which is received at a plant not operated by such cooperative association, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made direct to such producers pursuant to § 954.80, as are authorized by such producers and, on or before the 15th day after the end of such month, pay such deductions to such cooperative association.

§ 954.88 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, an amount not exceeding 4 cents per hundredweight with respect to (a) all milk received by him during such month from producers including milk of such handler's own production, (b) other source milk received at a pool plant and classified as Class I, and (c) the quantities of milk at handlers' nonpool plants as specified in § 954.62.

§ 954.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 954.90 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 954.91.

§ 954.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 954.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 954.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 954.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 954.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be effected thereby.

Issued at Washington, D.C., this 10th day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-7634; Filed, Sept. 14, 1959; 8:45 a.m.]

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Administrative Rules and Regulations

Notice is hereby given that there is being considered a proposal to amend §§ 989.166 and 989.168 of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180; 24 F.R. 1981). Such rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Raisin Administrative Committee, established under the order.

The proposed amendment, hereinafter set forth, relates to: (a) An increase in the committee payment to handlers for certain pooling services; (b) the timing and quantity of the initial offer in a crop year, by the Committee of surplus tonnage raisins to handlers for export; (c) the price, for offers other than the initial offer, at which the committee sells surplus tonnage raisins to handlers for export; (d) the inclusion, under certain conditions, in a sales agreement between the committee and the individual handlers, of a requirement as to minimum resale prices and the terms and conditions of sale to govern the export of surplus tonnage raisins.

Consideration will be given to data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the fifth day after publication of this notice in the FEDERAL REGISTER.

The proposal is to amend §§ 989.166 and 989.168 of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180; 24 F.R. 1981), in the following respects:

§ 989.166 [Amendment]

1. Amend the provisions of § 989.166 (g)(1)(i) to read as follows:

(i) Each handler shall, beginning with the crop year which began September 1, 1959, be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year.

2. Delete § 989.168 and insert, in lieu thereof, the following:

§ 989.168 Disposition of surplus tonnage.

(a) *Initial offer to handlers.* Whenever the committee recommends, pursuant to § 989.63, the percentage of standard raisins of a specified varietal type acquired by handlers during a particular crop year which shall be surplus tonnage, it shall concurrently propose to the Secretary an initial offer to sell such surplus tonnage raisins to handlers for export, and an initial offer in conformity with § 989.68 shall be made when the surplus percentage becomes effective. Any such initial offer of surplus tonnage natural (sun-dried) Thompson Seedless raisins shall, for the 1959–60 crop year, be not less than one-third of the total surplus tonnage of such raisins for such crop year as computed by applying the surplus tonnage percentage to the estimated year's production of such raisins. The estimate of the year's production shall be that reported by the California Office of the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture. For any crop year subsequent to the 1959–60 crop year, the initial offer of surplus tonnage natural (sun-dried) Thompson Seedless raisins shall be not less than one-third of the total surplus tonnage of such raisins, computed as aforesaid, unless the committee determines that an offer of such size is unrelated to the export demand for surplus tonnage. Each handler's share of any such initial offer shall be determined as set forth in § 989.66(e) (4) or (5).

(b) *Determination of price.* The sale of surplus tonnage raisins to handlers for export shall, in the initial offer for a crop year, be at a price intended to maximize producer returns and achieve an orderly disposition of all surplus tonnage raisins by August 31 of such year. All subsequent offers shall be at prices not less than that of the initial offer, to which shall be added the costs incurred by the Committee on account of the receiving, inspecting, storing, insuring, and holding such surplus tonnage raisins, unless the world market prices for raisins are such that a different price level is necessary to achieve such disposition.

(c) *Disposition of surplus tonnage raisins for distillation or for uses other than human consumption.* Any surplus tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption. In the event that the committee has been unable to dispose of standard quality surplus tonnage raisins at more remunerative prices in one of the other outlets authorized by the order for disposition of surplus tonnage raisins, it may, subject to the Secretary's disapproval, offer to sell, and sell, such surplus tonnage raisins for distillation: *Provided,* That no such offer or sale shall be made during the period August 1 to October 15 of any calendar year. Whenever the committee proposes to offer to sell standard surplus tonnage raisins for distillation, animal feed, or uses other than for human consumption, it shall file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or any term or condition thereof.

Dated: September 11, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–7703; Filed, Sept. 14, 1959; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 59–FW–21]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 91 between Atlanta, Ga., and the United States/Canadian border for scheduled air carrier jet aircraft service between Atlanta and Detroit, Mich., which will begin in the near future. The portion of J–91–V between Atlanta and Knoxville, Tenn., would coincide with existing VOR/VORTAC jet route No. 43. This would provide continuity of the route and would thereby simplify flight planning and air traffic management. The segment of J–91–V between the Cleveland, Ohio, VOR and the United States/Canadian border would be established via the Cleveland VOR direct radial to the Windsor, Ont., VOR. Air traffic utilizing this segment would proceed from the United States/Canadian border to the Windsor VOR via Victor 42. If such action is taken, VOR/VORTAC jet route No. 91 would be established from Atlanta, Ga., via Knoxville, Tenn., Charleston, W. Va., Cleveland, Ohio, to the United States/Canadian border.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Forth Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 602 (14 CFR, 1958 Supp., Part 602) by adding the following section:

§ 602.591 VOR/VORTAC jet route No. 91 (Atlanta, Ga., to the United States/Canadian border).

From the Atlanta, Ga., VOR via the Knoxville, Tenn., VOR; Charleston, W. Va., VOR; point of INT of the Charleston VOR 357° and the Cleveland, Ohio, VOR 172° radials; Cleveland VOR; INT of the Cleveland VOR 334° radial and the United States/Canadian border.

Issued in Washington, D.C., on September 11, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59–7671; Filed, Sept. 14, 1959; 8:48 a.m.]

NOTICES

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Assistant Postmaster General, Bureau of Personnel

Federal Register Document 59–9359 published in the FEDERAL REGISTER of November 11, 1958, at pages 8758–8769, and amended by Federal Register Document 58–9818 (23 F.R. 9146), and by Federal Register Document 59–2643 (24 F.R. 2450), is further amended by striking out "823.5—*Assistant Postmaster General, Bureau of Personnel*" and inserting in lieu thereof, the following:

823.5—ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL

a. Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to employee relations, compensation administration, and employee training at professional and educational institutions.

b. Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

c. Directs the formulation of policies, programs, regulations, and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

d. Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, in accordance with the recommendations of the bureaus and offices concerned.

e. Administers the incentive awards program and authorizes awards as provided by law and regulation.

.51 *Deputy Assistant Postmaster General.* a. Assists the Assistant Postmaster General and acts for him in his absence or at his request.

b. Exercises direct supervision over the staff of the Bureau of Personnel.

.511 *Special Assistant, Employee Relations.* a. Serves as principal assistant on employee relations to the Assistant Postmaster General and Deputy Assistant Postmaster General.

b. Formulates and recommends policies and develops procedures on employee relations.

c. Maintains liaison with national officers of employee organizations and provides the principal point of contact between these organizations and the Department.

d. Represents the Assistant Postmaster General in contacts with other Government agencies and outside organizations on employee relations matters.

e. Reviews employee grievances and discrimination complaints, recommending departmental action to Assistant Postmaster General.

f. Develops plans for and administers employee services in the postal field service including, but not limited to, cafeterias, vending machines, and welfare funds.

.512 *Special Assistant, Employee information.* a. Serves as principal assistant to the Assistant Postmaster General and the Deputy Assistant Postmaster General on employee information programs and problems.

d. Formulates and recommends policies relating to employee information programs and issuances.

c. Prepares, edits, and issues the Postal Service News and other publications for the information of postal employees.

d. Prepares articles for publication and for delivery as speeches on subjects related to the field of personnel management.

e. Conducts research on information needs of postal personnel and provides technical staff assistance to headquarters and regional staffs in the development of effective employee information programs.

.52 *Departmental Personnel Division.* a. Formulates and recommends policies and develops procedures relating to personnel matters affecting departmental (headquarters) employees.

b. Provides staff guidance and technical assistance to departmental bureaus and offices on all matters of personnel administration affecting headquarters personnel.

c. Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U.S.C. 55a); takes final action on personnel actions covered by such provisions.

d. Administers applicable policies, programs, and procedures with respect to departmental employees relating to recruiting; testing, placement, and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

e. Maintains direct relations with the Civil Service Commission on all departmental personnel matters except policy matters.

f. Processes formal personnel transactions, maintains central personnel records, issues personnel reports, and conducts official correspondence relative to proposed, current, and former departmental employees.

g. Represents the Bureau of Personnel in civil defense planning and security control.

.53 *Employment and Placement Division.* a. Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing, and promoting personnel in the Postal Establishment.

b. Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

.54 *Training and Development Division.* a. Determines general need for and plans training and development programs for the Postal Establishment in conjunction with affected bureaus and offices, including general course outlines, instructional guides, and training materials.

b. Reviews and approves proposals for subsidized outside courses of study.

c. Controls the development, procurement, production, and distribution of training aids, films, and auxiliary equipment.

d. Reviews the progress and effectiveness of training activities in all departmental and field services and reports to the appropriate bureaus and offices.

e. Provides official representation of the Department with governmental, educational, and industrial groups on national training matters.

.55 *Compensation Division.* a. Develops and maintains a system for evaluating and classifying all positions in the postal field service.

b. Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

c. Develops and maintains procedures for hearing appeals and for conducting reviews of actions taken under the postal field service classification system.

d. Promulgates instructions and allowance tables in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, night differential, longevity pay, periodic step increases, uniform allowances, equipment maintenance allowances, heavy duty compensation, and per diem allowances for mobile service personnel.

e. Develops and administers policies and procedures, except for accounting procedures, on Civil Service retirement, social security, Federal employees group life insurance, and unemployment compensation.

f. Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation, including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

.56 *Safety and Health Division.* a. Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other bureaus and offices, covering health hazards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

b. Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

c. Provides official represenation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

d. Maintains liaison with Department of Labor on injury compensation.

.57 *Policy Review and Analysis Division.* a. Determines need for and develops written statements covering personnel policies, regulations, operating procedures, and reports for the Postal Establishment.

b. Reviews and comments on all legislative proposals relating to personnel management coordinating with other divisions and bureaus in developing a final position.

c. Maintains bureau control and review of all issuances, coordinating drafts with appropriate divisions and bureaus.

d. Interprets Civil Service Commission regulations, Executive orders, and legislation relating to personnel administration, utilizing the services of the Office of the General Counsel, where required.

e. Conducts studies of procedures and methods used in the administration of the personnel program and develops improvements thereto.

f. Determines personnel reports requirements and maintains liaison with the Bureau of Finance and Civil Service Commission in preparing personnel reports.

.58 *Suggestions and Awards Division.*

a. Develops procedures for an effective suggestion and incentive awards system throughout the Postal Establishment.

b. Processes employee contributions of national significance.

c. Conducts promotional campaigns to increase employee participation in the incentive awards program.

(R.S. 161, as amended, 396, as amended; sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7648; Filed, Sept. 14, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

U.S. GRAIN EXPORTED THROUGH CANADIAN PORTS

Notice of Rescission of Authority To Conduct a Certification Service

Pursuant to the authority delegated to me by the Secretary of Agriculture (19 F.R. 74, as amended), notice is hereby given that the authority granted on September 3, 1937, by the Chief of Bureau (now the Administrator), Bureau of Agricultural Economics (now the Agricultural Marketing Service), to the Grain Division of the Bureau, to conduct a certification service and issue divided lot certificates for U.S. grain exported through Canadian ports, is rescinded in its entirety, and such service is discontinued, effective September 30, 1959, without prejudice to any actions taken under such authority: *Provided,* That, pending the fulfillment of contracts, orders or commitments for such grain made by the interested parties on or before said effective date, the Grain Division may continue the certification service upon a satisfactory showing by one or more interested parties that the terms of the contracts, orders, or commitments require the issuance of certificates under the service.

Done at Washington, D.C., this 10th day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-7670; Filed, Sept. 14, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-148]

UNIVERSITY OF KANSAS

Notice of Application for Utilization Facility License

Please take notice that University of Kansas, Lawrence, Kansas, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 10 kilowatt (thermal), heterogeneous, water-moderated and -cooled training and research reactor on the campus of University of Kansas. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland, this 8th day of September 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing & Regulation.

[F.R. Doc. 59-7553; Filed, Sept. 14, 1959; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MISSISSIPPI SHIPPING CO., INC., AND BULL INSULAR LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8393, between Mississippi Shipping Company, Inc., and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Argentina, Brazil, and Uruguay to Puerto Rico, with transshipment at New Orleans, Louisiana, or Mobile, Alabama.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 10, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-7653; Filed, Sept. 14, 1959; 8:47 a.m.]

Office of the Secretary

LOUIS F. FRAZZA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

A. Deletions: None.

B. Additions: None.

This statement is made as of September 5, 1959.

Dated: September 5, 1959.

LOUIS F. FRAZZA.

[F.R. Doc. 59-7654; Filed, Sept. 14, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9345]

ATLAS CORP. AND SUMMERS GYROSCOPE CO.; INTERLOCKING RELATIONSHIPS

Notice of Prehearing Conference

In the matter of the application of Atlas Corporation for approval of the acquisition of control of Summers Gyroscope Company and for approval of certain interlocking relationships.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on September 22, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., September 10, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-7649; Filed, Sept. 14, 1959; 8:46 a.m.]

DOMESTIC CARGO-MAIL SERVICE CASE

[Docket No. 10067 et al.]

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958 that a hearing in the above-entitled proceeding is assigned to be held on September 28, 1959, at 10:00 a.m., P.s.t., in Room 50, Federal Office Building, Civic Center, San Francisco, California, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following:

1. Whether the public convenience and necessity require the renewal of the cargo and mail certificates of AAXICO Airlines, Inc., Flying Tiger Line, Inc., Riddle Airlines, Inc., and Slick Airways, Inc.;

2. Whether the limitation of the mail authority of such carriers, which provides for the carriage of mail on a nonsubsidy basis only, should be eliminated in whole or in part;

3. Whether the certificates of such carriers should be altered, amended, modified, or suspended in whole or in part;

4. Whether the public convenience and necessity require that the certificates of American Airlines, Inc., Delta Air Lines, Inc., or any other domestic all-purpose carrier should be amended to authorize additional cargo or mail service; and

5. Whether each of such carriers is fit, willing, and able to properly perform such air transportation as is found to be required and to comply with the provisions of the Act and the rules and regulations of the Board thereunder.

For further details of the issues involved, interested persons are referred to the applications and any amendments thereto, petitions, motions, orders, prehearing conference report, and other documents entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board, on or before September 28, 1959, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., September 9, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-7650; Filed, Sept. 14, 1959; 8:47 a.m.]

[Docket No. 8404]

RATE OF RETURN LOCAL SERVICE CARRIERS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on October 7, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 10, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-7651; Filed, Sept. 14, 1959; 8:47 a.m.]

[Docket No. SA-344]

INVESTIGATION OF ACCIDENT OCCURRING NEAR OPHIR, ALASKA

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 57139, which occurred near Ophir, Alaska, September 1, 1959.

Notice is hereby given, pursuant to the Federal Aviation Act of 1959, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, September 17, 1959, at 9:00 a.m., (local time), in the Westward Hotel, Anchorage, Alaska.

Dated at Washington, D.C., September 9, 1959.

[SEAL] HAROLD G. CROWLEY,
Hearing Officer.

[F.R. Doc. 59-7652; Filed, Sept. 14, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12915; FCC 59M-1131]

BOOTH BROADCASTING CO. (WSGW)

Order Continuing Hearing

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; for construction permit for standard broadcast station.

Pursuant to joint motion of counsel at the prehearing conference held on this date: *It is ordered,* This 8th day of September, 1959, that the hearing in the above-entitled proceeding now scheduled to commence on September 21, 1959, be continued to December 1, 1959, at 10 a.m., in Washington, D.C.

Released: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7657; Filed, Sept. 14, 1959; 8:47 a.m.]

[Docket No. 12894; FCC 59M-1135]

HIGH FIDELITY STATIONS, INC. (KPAP)

Order Scheduling Hearing

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, Docket No. 12894, File No. BMP-8115; for construction permit for standard broadcast station.

Pursuant to agreements entered on the record of the prehearing conference held on this date,

It is ordered, This 9th day of September 1959, that the hearing in this proceeding shall be commenced at 10:00 a.m., on Tuesday, December 8, 1959.

Released: September 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7658; Filed, Sept. 14, 1959; 8:47 a.m.]

[Docket Nos. 12528, 12529; FCC 59M-1132]

DONALD W. HUFF AND EQUITABLE PUBLISHING CO.

Order Reopening Record for Further Hearing

In re applications of Donald W. Huff, Lansdale, Pennsylvania, Docket No. 12528, File No. BP-11313; Equitable Publishing Company, Lansdale, Pennsylvania, Docket No. 12529, File No. BP-11934; for construction permits.

Pursuant to the provisions of the Commission's memorandum opinion and order released July 6, 1959,

It is ordered, This 8th day of September 1959, that the record in this proceeding is reopened, and that a further hearing shall be held at 10:00 a.m. on Tuesday, September 22, 1959, at the offices of the Commission in Washington, D.C.

Released: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7659; Filed, Sept. 14, 1959; 8:47 a.m.]

[Docket No. 13183, etc.; FCC 59-902]

ISLAND TELERADIO SERVICE, INC., ET AL.

Order Designating Applications for Hearing on Stated Issues

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13183, File No. BPCT-2565; Supreme Broadcasting Co., Inc., of Puerto Rico, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13184, File No. BPCT-2576; Mary Louise Vickers tr/as Virgin Islands Broadcasting System, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13185, File No. BPCT-2606; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 2d day of September 1959;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10, Charlotte Amalie, St. Thomas, Virgin Islands; and

It appearing, that the applications of Island Teleradio Service, Inc., Supreme Broadcasting Co., Inc. of Puerto Rico, and Mary Louise Vickers tr/as Virgin Islands Broadcasting System are mutually exclusive in that operation by all three applicants as proposed would result in mutually destructive interference; and

It further appearing, that Supreme Broadcasting Co., Inc. of Puerto Rico has requested a waiver of § 3.613(a) of the Commission's rules to locate its main studios outside of Charlotte Amalie, and has shown good cause for the requested waiver; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, Island Teleradio Service, Inc., Supreme Broadcasting Co., Inc. of Puerto Rico, and Mary Louise Vickers tr/as Virgin Islands Broadcasting System, were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing, that Supreme Broadcasting Co., Inc. of Puerto Rico planned to finance the construction and initial operation of the proposed station by means of existing capital and by deferred credit payments for equipment, and that it was indicated in the abovementioned letter to Supreme Broadcasting Co., Inc. of Puerto Rico that the Commission could not, on the basis of this proposal, determine without a hearing that Supreme Broadcasting Co., Inc. of Puerto Rico was financially qualified to construct and operate the proposed station; and

It further appearing, that Supreme Broadcasting Co., Inc. of Puerto Rico amended its application by submitting a corrected balance sheet and by showing that, in addition to the financial sources previously indicated, it has obtained a firm commitment for a bank loan of $50,000; and

It further appearing, that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Mary Louise Vickers tr/as Virgin Islands Broadcasting System is legally, and technically qualified to construct, own and operate the proposed television broadcast station; that Supreme Broadcasting Co., Inc. of Puerto Rico is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "2" below; and that Island Teleradio Service, Inc. is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Island Teleradio Service, Inc., Supreme Broadcasting Co., Inc. of Puerto Rico, and Mary Louise Vickers tr/as Virgin Islands Broadcasting System are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Mary Louise Vickers tr/as Virgin Islands Broadcasting System is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine the correct geographic coordinates for the site proposed by Supreme Broadcasting Co., Inc. of Puerto Rico.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast station.

c. The programming service proposed in each of the above-captioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Island Teleradio Service, Inc., Supreme Broadcasting Co., Inc. of Puerto Rico, and Mary Louise Vickers tr/as Virgin Islands Broadcasting System, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7660; Filed, Sept. 14, 1959; 8:47 a.m.]

[Docket No. 13186; FCC 59-903]

M & M BROADCASTING CO. (WLUK-TV)

Order Designating Application for Hearing on Stated Issues

In re application of: M & M Broadcasting Company (WLUK-TV), Marinette, Wisconsin, Docket No. 13186, File No. BMPCT-5325; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 2d day of September, 1959;

The Commission having under consideration the above-captioned application of M & M Broadcasting Company for modification of construction permit to increase its tower and antenna height above average terrain; make changes in antenna system, make equipment changes and reduce visual ERP; and

It appearing, that the Airspace Panel of the Air Coordinating Committee in Washington, D.C. on April 28, 1959, voted to disapprove the the tower proposal of the above-named applicant (Case 11702, 594th meeting); and

It further appearing, that the principal objections to the tower proposal of M & M Broadcasting Company were submitted by the Departments of the Navy and Army and the Federal Aviation Agency; that, consequently, they are expected to come forward during the hearing hereinafter ordered in order to present fully upon the record evidence in support of their objections; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter that its tower proposal had been disapproved; and that, therefore, the Commission was unable to conclude that a grant of its application, without hearing, would serve the public interest, convenience and necessity, and was given an opportunity to reply; and

It further appearing, that, upon due consideration of the above-captioned application and the reply to the Commission's letter, the Commission finds that, pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that M & M Broadcasting Company is legally and financially qualified to construct, own and operate Station WLUK-TV as proposed and is technically so qualified except with respect to issue "1" below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned application of M & M Broadcasting Company is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna structure and site proposed by M & M Broadcasting Company having the geographical coordinates North Latitude 44°39'57" West Longitude 88°07'49" with an overall height of 2049 feet above mean sea level, would constitute a hazard to air navigation.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the Departments of the Navy and Army and the Federal Aviation Agency are hereby made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, M & M Broadcasting Company, Departments of the Navy and Army and the Federal Aviation Agency, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: September 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7661; Filed, Sept. 14, 1959; 8:47 a.m.]

[FCC 59-934]

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

SEPTEMBER 10, 1959.

The following dates will constitute the composite week for the preparation of program log analyses in connection with renewal (and other broadcast) applications for AM, FM, and TV stations whose licenses expire in 1960. Attention is directed to the fact that the date for Sunday is in the year 1958, whereas, all other dates are in the year 1959.

Monday—February 2, 1959.
Tuesday—March 10, 1959.
Wednesday—April 29, 1959.
Thursday—May 21, 1959.
Friday—July 17, 1959.
Saturday—September 5, 1959.
Sunday—December 14, 1958.

The attention of licensees is also directed to section IV, page 3, Item 10, of the renewal application which permits the submission of any additional program data that the applicant desires to call to the Commission's attention, if, in the applicant's opinion, the statistics based on the composite week do not adequately reflect the program service rendered.

Adopted: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7662; Filed, Sept. 14, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-14026, G-14689]

CARTER OIL CO.

Order Consolidating Proceedings and Terminating Rate Schedule

SEPTEMBER 8, 1959.

On February 24, 1958, the Carter Oil Company (Carter) tendered for filing an increased rate and charge, designated Supplement No. 2 to Carter's FPC Gas Rate Schedule No. 56, which was subsequently suspended until August 27, 1958, in Docket No. G-14689 by Commission order issued March 20, 1958. This rate filing reflected Carter's acquisition from Sinclair Oil & Gas Company of a 50 percent interest in the W. B. Gibson Unit, Golden Trend Field, Garvin County, Oklahoma.

On May 18, 1959, Carter filed a cancellation agreement between Carter and Lone Star Gas Company designated supplement No. 3, to its FPC Gas Rate Schedule No. 56, terminating the contract comprising Carter's FPC Gas Rate Schedule No. 56. Concurrently Carter filed a supplemental agreement, designated Supplement No. 10 to its FPC Gas Rate Schedule No. 19, whereby the aforesaid acquired 50 percent interest in the Gibson Unit is dedicated under Carter's contract comprising its FPC Gas Rate Schedule No. 19 which covers its original interest in the Gibson Unit.[1] Said Supplement No. 10 was accepted to be effective as of June 18, 1959.

In support of its proposal to cancel the contract comprising its FPC Gas Rate Schedule No. 56 and to consolidate the interest previously covered thereby into its FPC Gas Rate Schedule No. 19, Carter states that the pricing provisions of the two contracts are identical, that the other provisions are substantially the same, and that the sale of all gas from the Gibson Unit under one contract will materially reduce accounting problems and substantially reduce the volume and complexity of filings with the Commission.

The Commission finds:

(1) It is necessary and appropriate in the public interest that the proceedings in Docket No. G-14689 be consolidated with the proceedings in Docket No. G-14026, and as provided by the filing designated Supplement No. 10 to Carter's FPC Gas Rate Schedule No. 19, that the gas sales from Carter's 50 percent interest in the Gibson Unit heretofore covered by Carter's FPC Gas Rate Schedule No. 56, Supplement No. 2 thereof being subject to the suspension proceeding in Docket No. G-14689, should be covered by Supplement No. 6 to Carter's FPC Gas Rate Schedule No. 19 effective as of June 18, 1959.

(2) Good cause exists for cancelling Carter's FPC Gas Rate Schedule No. 56.

The Commission orders:

(A) The proceeding in Docket No. G-14689 is hereby consolidated with the proceeding in Docket No. G-14026, and Carter's sales of gas from the Gibson Unit, previously made subject to its FPC Gas Rate Schedule No. 56, shall on and after June 18, 1959, be made subject to its FPC Gas Rate Schedule No. 19, as supplemented, and is subject to the suspension proceeding in Docket No. G-14026 and Commission orders issued thereunder.

(B) Carter's FPC Gas Rate Schedule No. 56 and supplements thereto are cancelled effective as of June 18, 1959, subject, however, to such cancellation being without prejudice to any action the Commission may take concerning the rates and charges collected by Carter under this rate schedule and Supplement No. 2 thereto in the proceeding in Docket No. G-14689.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7636; Filed, Sept. 14, 1959; 8:45 a.m.]

[1] Supplement No. 6 to Carter's FPC Gas Rate Schedule No. 19, proposing an increase in rate for gas attributable to Carter's original interest in the unit similar to the increase proposed in Supplement No. 2 to Carter's FPC Gas Rate Schedule No. 56, was made effective subject to refund by order issued December 26, 1957, in Docket No. G-14026.

LANDS WITHDRAWN IN PROJECTS NOS. 128 AND 930

Vacation of Withdrawals Under Section 24 of the Federal Water Power Act

SEPTEMBER 8, 1959.

The Forest Service, United States Department of Agriculture, by letter dated June 22, 1959, has requested that the Commission give consideration to the outright restoration of the hereinafter-described lands free of all encumbrances in order to permit the development of the area by the construction of access roads and recreational facilities.

The lands are located in the upper reaches of the Main Stem and South Fork of Kern River within the Inyo and Sequoia National Forests and are reserved pursuant to the filing on December 11, 1920, and October 31, 1928, of applications for preliminary permits for proposed Projects Nos. 128 and 930, respectively. The application for a preliminary permit for Project No. 128 was rejected on January 8, 1927, and the Commission on July 31, 1935, consented to the withdrawal of the application for a preliminary permit for Project No. 930.

By Commission withdrawal notification letter of March 31, 1921, the lands reserved pursuant to the filing on December 11, 1920, of the application for a preliminary permit for proposed Project No. 128, consisting of 4,938 acres, were described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 S., R. 35 E.,
Sec. 11, NW¼SW¼, S½SW¼;
Sec. 12, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 13, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 14, W½NE¼, SE¼NE¼, N½NW¼, SE¼;
Sec. 15, NW¼NE¼, S½SW¼, NW¼SE¼;
Sec. 22, N½NE¼, SE¼NE¼, NW¼NW¼;
Sec. 23, W½NE¼, NW¼SE¼;
Sec. 24, NW¼NW¼.
T. 20 S., R. 36 E.,
Sec. 18, lots 2, 3, 4, SE¼NW¼, N½SW¼, W½SE¼;
Sec. 19, lot 1, NE¼, NE¼NW¼;
Sec. 20, SW¼NE¼, NW¼, NE¼SW¼, W½SE¼;
Sec. 28, S½SW¼ (unsurveyed);
Sec. 29, W½NE¼, NW¼SE¼, S½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, W½NE¼, N½NW¼, W½SE¼.
T. 21 S., R. 36 E. (unsurveyed),
Sec. 3, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 10, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 15, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, E½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 28, W½NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, E½NE¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼.
T. 22 S., R. 36 E.,
Sec. 5, lot 4;
Sec. 6, lots 1, 2, 3.

and by Commission withdrawal notification letter of November 7, 1928, the lands reserved pursuant to the filing on October 31, 1928, of the application for a preliminary permit for proposed Project No. 930, consisting of 17,492 acres, were described as follows, said letter stating that lands previously reserved in connection with Project No. 128 were also affected:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 23 S., R. 32 E.,
Sec. 1, S½S½;
Sec. 12, N½N½.
T. 18 S., R. 33 E.,
Sec. 28, W½E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 33, SE¼SE¼, W½E½, W½.
T. 19 S., R. 33 E.,
Sec. 4, lots 1, 2, 3, S½NE¼, W½SE¼;
Sec. 9, W½E½;
Sec. 16, W½E½, SE¼SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 25, NE¼SE¼, S½S½;
Sec. 26, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 27, NE¼NE¼;
Sec. 35, NE¼NE¼;
Sec. 36, N½NW¼.
T. 20 S., R. 33 E.,
Sec. 1, SE¼SE¼;
Sec. 11, NE¼SW¼, S½SW¼, SE¼;
Sec. 12, N½NE¼, SW¼NE¼, W½SE¼, S½SW¼;
Sec. 14, NW¼NW¼, W½W½;
Sec. 15, E½SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 28, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;

Sec. 29, S½SE¼;
Sec. 32, NW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼.
T. 21 S., R. 33 E.,
Sec. 5, S½NW¼, SW¼;
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 19, SE¼NE¼, E½SE¼;
Sec. 20, W½NW¼;
Sec. 30, NE¼, W½SE¼;
Sec. 31, NW¼NE¼, E½W½.
T. 22 S., R. 33 E.,
Sec. 6, lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 18, lots 1, 5, 6, 7, 8;
Sec. 19, lot 7, W½E½, SE¼SE¼;
Sec. 30, NE¼, N½SE¼, SE¼SE¼;
Sec. 31, E½NE¼, N½SE¼, SW¼SE¼.
T. 23 S., R. 33 E.,
Sec. 6, lots 2, 6, W½SE¼, E½SW¼.
T. 18 S., R. 34 E.,
Sec. 9, SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, NW¼NW¼.
T. 19 S., R. 34 E.,
Sec. 29, SW¼SW¼;
Sec. 30, SW¼NE¼, S½NW¼, N½SW¼, N½SE¼, SE¼SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, SW¼NE¼, N½NW¼, SE¼NW¼, NW¼SE¼, N½SW¼, SW¼SW¼.
T. 20 S., R. 34 E.,
Sec. 2, SW¼SW¼;
Sec. 3, NW¼SE¼, S½SE¼, E½SW¼;
Sec. 6, NE¼, E½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 11, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 12, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 13, NE¼NE¼.
T. 19 S., R. 35 E.,
Sec. 33, E½NE¼, SE¼SW¼, S½SE¼;
Sec. 34, NE¼, S½NW¼, SW¼SW¼, SE¼SE¼;
Sec. 35, W½SW¼.
T. 20 S., R. 35 E.,
Sec. 1, SW¼SE¼, SE¼SW¼;
Sec. 2, W½NW¼, SW¼, SW¼SE¼;
Sec. 3, lots 1, 3, 4, S½N½, SW¼SW¼, SE¼SE¼;
Sec. 4, lots 1, 2, 3, SE¼NW¼, S½NE¼;
Sec. 9, SW¼NE¼, NE¼SE¼, S½S½;
Sec. 10, NW¼, NW¼SW¼, S½SW¼;
Sec. 11, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 12, W½NE¼, NE¼NW¼, S½NW¼, NW¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 13, SW¼SE¼;
Sec. 14, NE¼NE¼, S½NW¼, SW¼;
Sec. 15, SW¼NE¼, NW¼NW¼, N½SW¼, SW¼SE¼;
Sec. 16, NE¼, E½NW¼, S½S½;
Sec. 17, S½;
Sec. 18, lot 1, E½NW¼, W½NE¼, SE¼NE¼, N½SE¼;
Sec. 20, W½NE¼, NE¼SE¼, S½SE¼;
Sec. 21, E½, NE¼NW¼, NW¼SW¼, S½SW¼;
Sec. 22, SW¼NE¼, NE¼NW¼, S½NW¼, W½SW¼, E½SE¼;
Sec. 23, E½NE¼, NW¼, N½SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 24, NE¼NE¼, NE¼NW¼, S½NW¼;
Sec. 25, W½W½;
Sec. 26, NE¼NE¼, S½NE¼, SE¼, NE¼NW¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½N½, SW¼NE¼;
Sec. 29, NE¼NE¼;
Sec. 35, NE¼, W½SE¼;
Sec. 36, NW¼.
T. 21 S., R. 35 E.,
Sec. 1, lot 3.
T. 20 S., R. 36 E.,
Sec. 18, lot 1, NE¼NW¼;
Sec. 19, lot 2, SE¼NW¼, N½SE¼;
Sec. 20, NW¼SW¼.

The contemplated use of the lands was in connection with the development of the then suggested Kern River Plants Nos. 4, 5, and 6, and the suggested Little Kern Lake and Monache reservoir sites.

The most favorable sites along the Kern River for the development of power have already been subject to extensive improvements, operating entirely on natural stream flow until the completion of the recently constructed Isabella Reservoir. Only Kern River Plant No. 3, located just above Kernville, is located between the above-described lands and Isabella Reservoir.

Waters of the Kern River appear completely appropriated for purposes of irrigation and any arrangement for upstream storage is practically out of the question because of the lack of feasible reservoir sites.

Various suggestions for the development of power in the area appear to be economically infeasible.

The Commission finds: Inasmuch as the lands have negligible or no value for purposes of power development, the existing withdrawals serve no useful purpose and vacation of the withdrawals is in the public interest.

The Commission orders: The existing power withdrawals pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the applications for preliminary permits for proposed Projects Nos. 128 and 930 are vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7637; Filed, Sept. 14, 1959; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

NATURAL RUBBER HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 470,000 long tons of natural rubber now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling this quantity of natural rubber. The revised determination was by reason of lower military requirements, technological advances, and a reduction of the planning basis for stockpiling from a five- to a three-year potential emergency.

Sales will be negotiated on the basis of prevailing market prices. While it is the objective of the General Services Administration to dispose of the entire quantity of 470,000 long tons over a period of about 9 years (about 50,000 long tons a year on the average), the quantities actually released from time to time may vary considerably in order to avoid undue disruption of markets.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Since the revised determination is not by reason of obsolescence of natural rubber for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act. It is proposed to begin making the natural rubber covered by this notice available for sale upon the express approval by the Congress of this proposed disposition or six months after the date of publication of this notice in the FEDERAL REGISTER, whichever is later.

Prior to the beginning of disposal pursuant to this plan, it is contemplated that natural rubber will be disposed of in accordance with statutory authority for sale, without replacement, of excess perishable stockpile materials to avoid deterioration. The 470,000-ton quantity covered by this notice shall be reduced by the quantity of rubber so sold.

Dated: September 11, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-7719; Filed, Sept. 14, 1959; 4:30 p.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Taylor's I.C.C. Order 100, Amdt. 1]

CHICAGO, AURORA AND ELGIN RAILWAY CO.

Division or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 100 and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 10, 1959, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., September 9, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-7663; Filed, Sept. 14, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 10, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35672: *Machinery and machines—Salt Lake City, Utah to Western points.* Filed by Western Trunk Line Committee, Agents (No. A-2079), for interested rail carriers. Rates on machinery, machines, and parts, carloads from Salt Lake City, Utah to specified points in Illinois, Iowa, Michigan, Minnesota, Nebraska, South Dakota and Wisconsin.

Grounds for relief: Motor truck competition.

Tariff: Supplement 118 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4123.

FSA No. 35673: *Onions—Western points to western and southern territories.* Filed by Western Trunk Line Committee, Agent (No. A-2083), for interested rail carriers. Rates on onions (without tops), and onion sets, carloads from points in Iowa, Michigan (upper peninsula), Minnesota, North Dakota, South Dakota, and Wisconsin to points in western trunk line and southern territories.

Grounds for relief: Short-line distance formula and motor truck competition.

Tariffs: Supplement 102 to Western Trunk Lines Committee, Agent, tariff I.C.C. A-3548. Supplement 164 to Western Trunk Lines Committee, Agent, tariff I.C.C. A-3511.

FSA No. 35674: *Wire or fabric cloth—Western points to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-7633), for interested rail carriers. Rates on cloth, wire or fabric (not screen or insect cloth), iron or steel, galvanized, carloads from points in Illinois, Indiana, Iowa, Kansas, Missouri, and Wisconsin to points in Texas.

Grounds for relief: Additional related and Kindred articles of iron and steel manufacture.

Tariff: Supplement 65 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4308.

FSA No. 35675: *Liquefied chlorine gas—Official territory to Tennessee.* Filed by O. E. Schultz, Agent (ER No. 2506), for interested rail carriers. Rates on liquified chlorine gas, tank-car loads from specified points in Maryland, Michigan, New Jersey, Ohio, and West Virginia to New Jersey, Ohio, and West Virginia to Boyce, Calhoun, Chattanooga, and North Chattanooga, Tenn.

Grounds for relief: Market competition with South Charleston, W. Va., and other producing points at the named markets in Tennessee.

Tariffs: Supplements Nos. 129 and 136 to Traffic Executive Association-Eastern Railroads, Agent, tariffs I.C.C. Nos. 4664 (Hinsch series) and I.C.C. A-1079 (Boin series), respectively.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-7646; Filed, Sept. 14, 1959; 8:46 a.m.]

[Notice 189]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 10, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62520. By order of September 9, 1959, The Transfer Board approved the transfer to W. S. Kurtz & Son, Inc., Harrisburg, Pa., of the operating rights in Certificate No. MC 91449, issued April 20, 1955, to Arthur J. Kurtz, doing business at William S. Kurtz and Son, Harrisburg, Pa., authorizing the transportation of household goods, over irregular routes, between Harrisburg, Pa., and points within five miles of Harrisburg, on the one hand, and, on the other, points in Maryland, New Jersey, and New York. Harold W. Swope, Commerce Building, Harrisburg, Pa., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59-7647; Filed, Sept. 14, 1959; 8:46 a.m.]

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1934

FEDERAL REGISTER

VOLUME 24 NUMBER 181

Washington, Wednesday, September 16, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Breaded Onion Rings [1]

On May 14, 1959 a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3887) regarding a proposed issuance of the United States Standards for Grades of Frozen Breaded Onion Rings.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Breaded Onion Rings are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.4061 Product description.
52.4062 Types of frozen onion rings.
52.4063 Grades of frozen onion rings.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

FACTORS OF QUALITY

Sec.
52.4064 Ascertaining the grade.
52.4065 Ascertaining the rating for the factors which are scored.
52.4066 Color.
52.4067 Defects.
52.4068 Character.

METHOD OF ANALYSIS

52.4069 Method of analysis.

LOT INSPECTION AND CERTIFICATION

52.4070 Ascertaining the grade of a lot.

SCORE SHEET

52.4071 Score sheet for frozen breaded onion rings.

AUTHORITY: §§ 52.4061 to 52.4071 issued under secs. 202–208, 60 Stat. 1087 as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.4061 Product description.

"Frozen breaded onion rings," hereinafter referred to as "frozen onion rings," is the product prepared from clean and sound, fresh onion bulbs (Allium cepa) from which the root bases, tops and outer skin have been removed. The onion bulbs are sliced and separated into rings, coated with batter (or breaded) and may or may not be deep fried in a suitable fat or oil bath. The product is prepared and frozen in accordance with good commercial practice and maintained at temperatures necessary for the proper preservation of the product.

§ 52.4062 Types of frozen onion rings.

The type of frozen onion rings applies to the method of preparation of the product, and includes:

(a) "French fried" onion rings that have been deep fried in a suitable fat or oil bath prior to freezing.

(b) "Raw breaded" onion rings that have not been oil blanched or cooked prior to freezing.

§ 52.4063 Grades of frozen onion rings.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen onion rings that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and for those factors which are rated in accordance with the scoring system

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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outlined in this subpart, the total score is not less than 85 points: *Provided*, That the frozen onion rings may possess a reasonably good color and a reasonably good character if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen onion rings that possess similar varietal characteristics; that possess a reasonably good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen onion rings that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.4064 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factors not rated by score points.*
(i) Varietal characteristics;
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	30
Defects	40
Character	30
Total score	100

(b) *Evaluation of quality.* The rating for the factors of color and defects and the evaluation of similar varietal characteristics are determined by observing the product in the frozen state and after it has been prepared by heating in a suitable manner; the factors of character and flavor are evaluated within three minutes after the product has been prepared by heating in a suitable manner. (See § 52.4069.)

(c) *Definitions of requirements not rated by score points.* (1) "Good flavor" means a good characteristic flavor and odor of properly prepared frozen onion rings. Such flavor is free from rancidity and bitterness; from pronounced carmelized or scorched flavors and objectionable flavors and objectionable odors of any kind.

(2) "Reasonably good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.4065 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "25 to 30 points" means 25, 26, 27, 28, 29, or 30 points).

§ 52.4066 Color.

(a) (*A*) *classification.* Frozen onion rings that possess a good color may be given a score of 25 to 30 points. "Good color" means that the units possess a characteristic cream to golden color typical of properly prepared frozen onion rings; that the product is bright, practically uniform in color and after heating in a suitable manner, is practically free from units which vary markedly from the predominating color.

(b) (*B*) *classification.* If the frozen onion rings possess a reasonably good color a score of 21 to 24 points may be given. "Reasonably good color" means that the units may possess a light cream to brown color typical of frozen onion rings and may be variable in such typical color; that the product may be dull but not off color; and, after heating in a suitable manner, the variation in color of the units does not seriously affect the appearance of the product.

(c) (*SStd.*) *classification.* Frozen onion rings that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4067 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, dark carbon specks, imperfect rings, and from blemished units.

(b) *Definitions.* (1) "Rings" are prepared from slices that are cut at approximately right angles to the longitudinal axis of the bulb with approximately parallel, and reasonably uniform, thickness and are separated into circular sections with open centers.

(2) "Imperfect rings" are:

(i) Units that have not been separated into a single or double ring of the slice;

(ii) Portions of rings or rings not joined to form a continuous circle;

(iii) Slices that lack a hole in the center; and

(iv) Rings that are extremely irregular in shape.

(3) "Harmless extraneous material" means loose roots, tops or other loose portions of plant material.

(4) "Blemished" means that the appearance or eating quality of the onion portion of the unit is materially affected by roots, tops, unpeeled areas, root crowns, seed stems, discoloration of the onion ingredient, or by other means.

(c) (*A*) *classification.* Frozen onion rings that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the surfaces of the units are practically free from carbon specks; that not more than 25 percent, by weight, of the units may be imperfect rings; and that for each 16 ounces, on an average, of the frozen product there may be present not more than:

(1) One piece of harmless extraneous vegetable material; and

(2) One blemished unit: *Provided*, That the harmless extraneous vegetable material and blemished units in single packages of less than 16 ounces do not materially affect the appearance of the product, and

(3) That any carbon specks, imperfect rings, harmless extraneous vegetable material, blemished units, or any defect not specifically mentioned, individually or collectively, do not materially affect the appearance or edibility of the product.

(d) (*B*) *classification.* Frozen onion rings that are reasonably free from defects may be given a score of 28 to 33 points. Frozen onion rings that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the surfaces of the units are reasonably free from carbon specks; that not more than 40 percent, by weight, of the units may be imperfect rings; and that for each 16 ounces, on an average, of the frozen product there may be present not more than:

(1) Two pieces of harmless extraneous vegetable material; and

(2) Two blemished units: *Provided*, That the harmless extraneous vegetable material and blemished units in single packages of less than 16 ounces do not seriously affect the appearance of the product; and

(3) That any carbon specks, imperfect rings, harmless extraneous vegetable material, blemished units, or any defect not specifically mentioned, individually or collectively, do not seriously affect the appearance or edibility of the product.

(e) (*SStd.*) *classification.* Frozen onion rings that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4068 Character.

(a) (*A*) *classification.* Frozen onion rings that possess a good character may be given a score of 26 to 30 points. "Good character" means that after heating in a suitable manner, the external surfaces of the units are at least moderately crisp; the appearance and eating quality is not materially affected by cracking or unbreaded areas; the units are not oily, soggy, nor dry; and the onion ingredient is succulent and tender.

(b) (*B*) *classification.* If the frozen onion rings possess a reasonably good character a score of 21 to 25 points may be given. "Reasonably good character" means that after heating in a suitable manner, the external surfaces of the units are fairly crisp; the appearance and eating quality is not seriously affected by cracking or unbreaded areas; the units are not oily, soggy, nor dry; and the onion ingredient is reasonably tender.

(c) (*SStd.*) *classification.* Frozen onion rings that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

METHOD OF ANALYSIS

§ 52.4069 Method of analysis.

"Heated in a suitable manner" means heated by either of the following manners:

(a) *Oven method.* (1) Place the product while still in the frozen state on a piece of crumpled and partially straightened aluminum foil of sufficient size so that at least four ounces of the product may be spread in a single layer on the foil. If any of the units are stuck together they may be separated after the product remains in the heated oven for a few minutes. The aluminum foil may be supported by a piece of sheet metal or a shallow pan.

(2) Place foil and frozen contents into a properly ventilated oven preheated to 400 degrees F. and allow to remain 5 minutes or until the interior portions of the larger pieces are thoroughly cooked, or;

(b) *Deep frying.* Heating may be accomplished by any other method which will give comparable results such as deep frying in a suitable fat or oil bath at approximately 375 degrees F. until the larger pieces are thoroughly cooked.

LOT INSPECTION AND CERTIFICATION

§ 52.4070 Ascertaining the grade of a lot.

The grade of a lot of frozen onion rings covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.4071 Score sheet for frozen breaded onion rings.

Size and kind of container_____
Container mark:
Sample_____
Cases_____
Label_____
New weight (ounces)_____
Type: ( ) French fried; ( ) Raw breaded_____

Factors	Score points		
Color	30	(A)	27–30
		(B)	21–24
		(SStd.)	1[1]–20
Defects	40	(A)	36–40
		(B)	28–33
		(SStd.)	1[1]–27
Character	30	(A)	27–30
		(B)	21–25
		(SStd.)	1[1]–20
Total score	100		

Similar varieties_____
Flavor ( ) Good; ( ) Reasonably good; ( ) Off-flavor_____
Grade_____

[1] Indicates limiting rule.

Dated September 11, 1959, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-7705; Filed, Sept. 15, 1959; 8:50 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area, 1959

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of amending Sugar Regulation 813 (24 F.R. 5113, 5329) which established allotments of the 1959 sugar quota for the Domestic Beet Sugar Area totaling 1,998,717 short tons, raw value.

This amendment is necessary to allot the larger quota for the area established by Sugar Regulation 811, Amendment 2 (24 F.R. 7269) which established the 1959 quota for the Domestic Beet Sugar Area of 2,225,264 short tons, raw value, a quantity 226,547 short tons, raw value, more than previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (24 F.R. 5113) provide for the revision of this order without further notice or hearing for the purpose of adjusting allotments to take account of any change in the quota for the area resulting from any change in sugar requirements for the continental United States and the proration of any deficit in the quota for another supply area, and allotments set forth herein have been established in accordance with such findings.

Effective date. Allotments established in this order are larger than the allotments established in S.R. 813. To afford adequate opportunities to plan and to accomplish marketings of the additional quantities of sugar in an orderly manner, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act: *It is hereby ordered,* That paragraph (a) of § 813.1 be amended to read as follows:

§ 813.1 Allotment of the 1959 sugar quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1959 sugar quota for the Domestic Beet Sugar Area of 2,225,264 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co	318,038	5,944,636
American Crystal Sugar Co	279,852	5,230,858
Buckeye Sugars, Inc	10,745	200,841
Franklin County Sugar Co	10,552	197,234
Great Western Sugar Co., The	549,932	10,279,303
Holly Sugar Corp	341,844	6,388,607
Layton Sugar Co	11,848	221,456
Menominee Sugar Co	18,624	348,112
Michigan Sugar Co	91,006	1,701,047
Monitor Sugar Division, Robert Gage Coal Co	37,765	705,888
National Sugar Manufacturing Co	9,076	169,645
Northern Ohio Sugar Co	34,983	653,888
Spreckels Sugar Co	223,683	4,180,991
Union Sugar Division of Consolidated Food Corp	75,010	1,402,056
Utah-Idaho Sugar Co	212,306	3,968,336
Any other person	0	0
Total	2,225,264	41,593,739

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 11th day of September, 1959.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 59-7707; Filed, Sept. 15, 1959; 8:50 a.m.]

[Sugar Reg. 815, Amdt. 1]

PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1959 Amendment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of amending Sugar Regulation 815.1 (24 F.R. 82), which established allotments of the direct-consumption portion of the 1959 mainland quota for Puerto Rico.

This amendment of S. R. 815.1 is necessary to: (1) Give effect to the amendment of Sugar Regulation 811 (24 F.R. 7269) which established the direct-consumption portion of the 1959 mainland quota for Puerto Rico of 137,637 short tons, raw value, a quantity greater than the 136,113 short tons, raw value, previously allotted and to allot the larger quantity in accordance with findings heretofore made and (2) substitute final 1958 data on entries of direct-consumption sugar for estimates of such quantities, and (3) determine deficits in allotments and prorate such deficits to other allottees to the extent they are able to utilize additional allotments.

The substitution of final data for estimates of 1958 direct-consumption entries results in the 1954–58 average annual marketings set forth below, which are used herein in determining the allotments:

Allottee:	*Average annual marketings 1954–58 (short tons, raw value)*
Central Aguirre Sugar Co	6,436
Central Roig Refining Co	19,869
Central San Francisco	1,285
Porto Rican American Sugar Refy., Inc	80,294
So. Puerto Rico Sugar Corp	0
Western Sugar Refining Co	20,328
Total	128,212

Three allottees gave written notification declaring allotments deficits totaling 3,559 short tons, raw value. Two of these allottees, Central Aguirre Sugar Company and Central San Francisco, indicated that the maximum quantities they would be able to deliver under their 1959 direct-consumption allotments were 5,457 and 1,591 short tons, raw value, respectively. Accordingly, they released 1,772 and 18 tons, respectively, of their allotments. South Puerto Rico Sugar Corporation released its entire 1959 allotment of 1,769 tons.

The other three allottees indicated their ability to utilize additional allotments totaling 2,882 tons, a quantity 677 tons less than the 3,559 tons declared as allotment deficits. Accordingly, the total of the deficits is prorated to Central Roig Refining Company, Porto Rican American Sugar Refinery, Inc., and Western Sugar Refining Company, in the respective amounts of 1,024, 1,133 and 725 tons. The remainder of 677 tons is allotted to "all other persons".

Findings heretofore made by the Secretary in the course of this proceeding (24 F.R. 82) provide that this order shall be revised without further notice or hearing for the purposes indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Effective date. It is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective upon publication in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered that paragraph (a) of § 815.1 be amended to read as follows:

§ 815.1 Allotment of the direct-consumption portion of 1959 sugar quota for Puerto Rico.

(a) *Allotments.* The direct-consumption portion of the 1959 sugar quota for Puerto Rico, amounting to 137,637 short tons, raw value, is hereby allotted as follows:

Allottee:	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	5,457
Central Roig Refining Co	21,855
Central San Francisco	1,591
Porto Rican American Sugar Rfy., Inc	85,586
Western Sugar Refining Co	22,271
All other persons	877
Total	137,637

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 11th day of September 1959.

TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 59-7708; Filed, Sept. 15, 1959; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 808, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.915 (Lemon Regulation 808, 24 F.R. 7199) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 11, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7673; Filed, Sept. 14, 1959; 8:49 a.m.]

[Milk Order 82]

PART 982—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Amending Order

§ 982.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 16, 1959.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued September 9, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 16, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. Amend § 982.41 (b)(1) and (c) by deleting the phrase, "during the months of February through July".

2. Amend § 982.44(f) by deleting the phrase, "during the months of February through July,".

3. Amend § 982.46 (a)(2) and (a)(3) by deleting the phrase, "during the months of February through July and Class II milk during other months".

4. Amend § 982.51(b) by deleting the phrase "For the months of February through July,".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 15th day of September 1959, to be effective on and after the 16th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-7747; Filed, Sept. 15, 1959; 11:21 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE

SUBCHAPTER G—MISCELLANEOUS RULES

PART 765—RULES APPLICABLE TO THE PUBLIC

Miscellaneous Amendments

1. Part 713 is amended as follows:

a. Section 713.413(a)(3)(i) is changed to read:

(i) Upon request and after receipt of written evidence of acceptance of an appointment to commissioned status in a Regular or Reserve component of any branch of the Armed Forces. Discharge will be effective as of the day next preceding acceptance of such an appointment.

b. Section 713.413(a)(3)(iii) is deleted.

c. Section 713.413(a)(3)(v) is changed to read:

(v) When inter-service transfers are authorized under Title 10, U.S. Code, section 512, discharge shall be effected as of the day next preceding the date of enlistment in the gaining Armed Force.

d. Section 713.413(a)(3)(vi) is changed to read:

(vi) Upon receipt of written evidence from a licensed physician that a woman member is pregnant, regardless of marital status. If as a result of a spontaneous abortion or a still-birth, the pregnancy is terminated prior to separation from the service, a request for retention in the service, together with appropriate recommendation, may be forwarded to the Chief of Naval Personnel for consideration. If there is evidence that a nontherapeutic abortion has been effected, the case shall be submitted to the Chief of Naval Personnel for consideration and decision as to the type of discharge.

e. Section 713.413(a)(3)(vii) is changed to read:

(vii) Upon receipt of written evidence that a woman member is the mother of a child under 18 regardless of the legal custody of the child; is the foster parent or adoptive parent or has personal custody of a child under 18; or is the stepparent of a child under 18 and the child lives within the household of the woman for a period of more than 30 days a year. In any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, discharge of the woman concerned shall not be effected without specific authorization of the Chief of Naval Personnel.

f. Section 713.413(a)(3) is amended by adding the following new subdivisions:

(x) Upon request to take final vows in a religious order. Such requests shall be accompanied by a statement or certificate, signed by the appropriate official of the religious order, showing that in order to proceed further with acceptance into the religious order, separation from the Naval Reserve is required.

(xi) Upon request and after receipt of evidence of appointment as a duly ordained minister of religion. This does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization or one who may have been duly ordained a minister in accordance with the ceremonial, rite or discipline of a church, religious sect or organization, but who does not regularly, as a vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect or organization.

g. Section 713.413(a)(5) is changed to read:

(5) *Hardship or dependency.* By separate instructions, commandants and the Chief of Naval Air Reserve Training are authorized to transfer a Naval Reservist who has not completed his Ready Reserve obligation to the Standby Reserve-Active upon the request of the individual or his dependents when it is established by documentary evidence that his dependents would, by his call to active duty in an emergency, suffer extreme hardship greater than that which the dependents of other reservists can be expected to experience from their orders to active duty. The discharge of reservists on inactive duty for reason of hardship or dependency will be effected only after approval of the Chief of Naval Personnel in each individual case and will be governed and processed in accordance with the provisions of § 730.8 of this chapter. Requests for hardship or dependency discharge from those persons who have an additional service obligation remaining under the Universal Military Training and Service Act as amended (50 U.S.C. App. 451 et seq., 10 U.S.C. 651) normally will be disapproved, but appropriate action may be taken to defer the individual from active duty.

h. Section 713.413(b), including subparagraphs (1) to (3), is changed to read:

(b) *Discharge for cause.* Enlisted reservists on inactive duty are subject to discharge by reason of unsuitability, security, unfitness, or misconduct in accordance with pertinent sections of Part 730 of this chapter. See § 730.14(c) of this chapter which sets forth certain privileges which may be requested or waived by enlisted members who are subject to undesirable discharge.

i. Section 713.413 is amended by adding the following paragraph at the end:

(d) Full information regarding the reason for discharge together with substantiating evidence, where appropriate, shall be filed in the individual's service record.

(Sec. 6011, 70A Stat. 375; 10 U.S.C. 6011)

2. Part 765 is amended by deleting therefrom all of § 765.10.

Dated: September 10, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral U.S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59-7688; Filed, Sept. 15, 1959; 8:47 a.m.]

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Scope and purpose. Subchapter C is amended by insertion of new Part 730 which contains Navy and Marine Corps regulations implementing the Department of Defense provisions concerning administrative discharges and published in Part 44 of this title as recently revised (24 F.R. 1704).

Subpart A—Navy

Sec.
730.1 Classification of discharges, enlisted personnel.
730.2 Determination of types of discharges for enlisted personnel.
730.3 Summary of matters relating to discharges of enlisted and inducted personnel.
730.4 Separation of enlisted personnel by reason of expiration of enlistment, fulfillment of service obligation, or expiration of tour of active service.
730.5 Separation of enlisted personnel by reason of physical disability.
730.6 Separation of enlisted personnel for convenience of the Government.
730.7 Discharge of enlisted personnel for own convenience and furlough without pay.
730.8 Discharge or release to inactive duty for reasons of dependency and hardship.
730.9 Discharge of enlisted personnel by reason of minority.
730.10 Discharge of enlisted personnel by reason of unsuitability.
730.11 Discharge of enlisted personnel by reason of security.
730.12 Discharge of enlisted personnel by reason of unfitness.
730.13 Discharge of enlisted personnel by reason of misconduct.
730.14 Preparation of brief form and other documents required under §§ 730.10, 730.12, and 730.13.
730.15 Field boards of officers.
730.16 General provisions and restrictions relating to enlisted separations.
730.17 Cancellation of illegal enlistments.

Subpart B—Marine Corps

730.21 General.
730.22 Types and reasons for discharge; special considerations.
730.23 Honorable discharge.
730.24 General discharge.
730.25 Undesirable discharge.
730.26 Bad conduct discharge.
730.27 Dishonorable discharge.
730.28 Table of matters relating to discharges.
730.29 Discharge for reason of expiration of enlistment or fulfillment of service obligation.
730.30 Discharges at sea.
730.31 Discharge for physical disability.
730.32 Discharge for convenience of the Government.
730.33 Discharge for own convenience.
730.34 Discharge or release from active duty for reason of dependency or hardship.
730.35 Discharge for reason of minority.
730.36 Discharge for reason of unsuitability.
730.37 Discharge for reason of unfitness.
730.38 Discharge for reason of misconduct.
730.39 Discharge for reason of security.
730.40 Discharge when directed by the Secretary of the Navy.

AUTHORITY: §§ 730.1 to 730.40 issued under sec. 161 of the Revised Statutes (5 U.S.C. 22); sec. 1162 and chapter 569 of Title 10, United States Code.

Subpart A—Navy

§ 730.1 Classification of discharges, enlisted personnel.

(a) For enlisted personnel there are 5 types of discharges with corresponding character, as follows:

Type of discharge	DD Form	Character of separation	Given by—
Honorable discharge	256N	Honorable	Administrative action.
General discharge	257N	Under honorable conditions	Do.
Undesirable discharge	258N	Conditions other than honorable	Do.
Bad conduct discharge	259N	do	General or special courts-martial.
Dishonorable discharge	260N	Dishonorable	General courts-martial.

(b) There are eleven formal reasons for discharge of enlisted personnel:

Expiration of enlistment.
Fulfillment of service obligation.
Disability.
Convenience of the Government.
Dependency or hardship.
Minority.
Unsuitability.
Security.
Unfitness.
Misconduct.
Sentence of court-martial.

(c) The type of discharge and character of separation depend upon the reason for discharge, the military record, and certain other conditions as set forth in this subpart. If a commanding officer believes that an enlisted or inducted person is entitled to a type of discharge different from that indicated he should so recommend to the Chief of Naval Personnel. Such recommendation should be accompanied by a copy of page 9 of the service record completed to date. When an individual is to be transferred for discharge, the recommendation should be made prior to the transfer and a copy should be sent to the activity to which the person is to be transferred.

(d) As used in this subpart, the term "commanding officer" includes "officer-in-charge."

(e) "Military behavior" as used in this subpart refers to the conduct of the individual while a member of the naval service.

(f) "Military record" as used in this subpart includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the naval service.

(g) Except for misrepresentations (including omissions) made in connection with his enlistment or induction, activities that a member engaged in before he acquired status in the naval service may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

§ 730.2 Determination of types of discharges for enlisted personnel.

(a) *Honorable discharge.* An honorable discharge is a separation from the service with honor. A separation with an honorable discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or subject to discharge and it has been determined that he merits an honorable discharge under the standards prescribed in this paragraph. Issuance of an honorable discharge is conditioned upon:

(1) Eligibility for discharge for one of the following reasons:

(i) Expiration of enlistment.
(ii) Fulfillment of service obligation.
(iii) Disability.
(iv) Convenience of the Government.
(v) Dependency or hardship.
(vi) Minority.
(vii) Unsuitability.
(viii) Security.
(ix) When directed by the Chief of Naval Personnel.

(2) Proper military behavior and proficient, industrious performance of duty having due regard to the rate held and the capabilities of the individual concerned.

(i) *Personnel on active duty.* During the enlistment, induction, or other service obligation the individual must:

(*a*) Have made a final average of not less than 2.7 and an average of not less than 3.0 in military behavior. (See article C–7821 of the Bureau of Naval Personnel Manual.)

(*b*) Not have been convicted by a general court-martial or by more than one special court-martial. However, in the case of an individual who is serving in his first enlistment or who has not served on extended active duty in the Navy during a previous enlistment, induction, or other service obligation the court-martial convictions shall be disregarded if he maintained an average of not less than 3.0 in military behavior during the last 24 months of active service.

(ii) *Personnel on inactive duty.* Since evaluation marks are not given a person on inactive duty an honorable discharge will normally be issued to:

(*a*) A naval reservist who has not served on extended active duty during his enlistment.

(*b*) A naval reservist who was retained beyond expiration of his naval reserve enlistment in order to fulfill his service obligation and who has not served on extended active duty during the enlistment or service obligation.

(*c*) A naval reservist who during his naval reserve enlistment or service obligation served on extended active duty and whose service upon release from active duty was characterized as "honorable."

(*d*) A naval reservist who had been transferred from the Regular Navy to the Naval Reserve in order to fulfill his service obligation and whose service while on active duty was characterized as "honorable."

An individual who is otherwise ineligible may receive an honorable discharge if

he has during his current enlistment or other current period of service been awarded a Medal of Honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, Legion of Merit, Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Commendation Ribbon, Gold Life Saving Medal, Silver Life Saving Medal or any other Armed Forces award corresponding to any of these decorations, or is being discharged as a result of disability incurred in line of duty. In each case the individual's military record should be fully considered in connection with any action taken.

(b) *General discharge.* A general discharge is given for any of the reasons listed in paragraph (a)(1) of this section; it is a separation from the service under honorable conditions issued to an individual whose military record is not sufficiently meritorious to warrant an honorable discharge. A separation with a general discharge may be effected by the individual's commanding officer or higher authority when the individual is eligible for or is subject to discharge and it has been determined that a general discharge is warranted under prescribed standards.

(3) *Undesirable discharge.* An undesirable discharge is an administrative separation from the service under conditions other than honorable. It is issued for unfitness, misconduct, or security reasons.

(4) *Bad conduct discharge.* A bad conduct discharge is a separation from the service under conditions other than honorable. A bad conduct discharge may be given only by approved sentence of general or special courts-martial.

(5) *Dishonorable discharge.* A dishonorable discharge by its own connotation is a separation from the service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of general courts-martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

§ 730.3 Summary of matters relating to discharges of enlisted and inducted personnel.

(a) The following tables of matters relating to discharges are furnished as a handy summary. More detailed instructions are contained in referenced sections of this part and articles of the Bureau of Naval Personnel Manual. The entries in the columns "Mileage," "Transportation in kind" and "Cash allowance" are shown for convenience but but shall not be considered as authoritative. The Joint Travel Regulations, U.S. Navy Travel Instructions, and the Navy Comptroller Manual, as appropriate, should be consulted in such matters.

(1) *Table of matters relating to honorable and general discharges.* (Articles referred to are articles of the Bureau of Naval Personnel Manual.)

Reason for discharge	Authority	Mileage	Issue of civilian clothing (§ 730.16)	Cash allowance (§ 730.16)	Retain and wear uniform to home (§ 730.16)	Recoupment of reenlistment bonus (Article A-4204)
Expiration of enlistment.	§ 730.4 and Article C-10317.	Yes	No	No	Yes	No.
Fulfillment of service obligation.	§ 730.4 and Article C-10317.	Yes	No	No	Yes	No.
Disability	§ 730.5	Yes	No	No	Yes	No.[1]
Convenience of the Government.	§ 730.6	Yes	No	No	Yes	No.[1]
Dependency or hardship.	§ 730.8	Yes	No	No	Yes	No.
Minority	§ 730.9	Yes	No	No	Yes	No.
Unsuitability	§ 730.10	Yes	Yes	No	No	(2).
Security	§ 730.11	Yes	Yes	No	No	(2).
Unfitness	§ 730.12	Yes	Yes	No	No	Yes.
Misconduct	§ 730.13	Yes	Yes	No	No	Yes.

[1] Reenlistment bonus is to be recouped in the case of separation by reason of disability resulting from misconduct, wilful neglect, or incurred during a period of unauthorized absence.
[2] Reenlistment bonus is to be recouped in the case of women members whose marriage constitutes the sole basis for such discharge, and in other cases when specifically directed by the Chief of Naval Personnel under the special and unusual circumstances discussed in article A-4204.
[3] When directed by Chief of Naval Personnel.

(2) Table of matters relating to undesirable, bad conduct, and dishonorable discharges. (Articles referred to are articles of the Bureau of Naval Personnel Manual.)

Reason for discharge	Authority	Transportation in kind	Issue of civilian clothing (§ 730.16)	Cash allowance (§ 730.10)	Retain and wear uniform to home (§ 730.16)	Recoupment of reenlistment bonus (Art. A-4204)
Security	§ 730.11	Yes	Yes	Yes	No	(1).
Unfitness	§ 730.12	Yes	Yes	Yes	No	Yes.
Misconduct	§ 730.13	Yes	Yes	Yes	No	Yes.
Court-martial sentence to BCD or DD.	Article C-10314	Yes	Yes	Yes	No	Yes.

[1] When directed by Chief of Naval Personnel.

§ 730.4 Separation of enlisted personnel by reason of expiration of enlistment, fulfillment of service obligation, or expiration of tour of active service.

(a) Unless voluntarily or involuntarily retained beyond normal expiration of term of service as provided in this section or in applicable directives promulgated by the Secretary of the Navy or the Chief of Naval Personnel, enlisted and inducted personnel of the Regular Navy and enlisted personnel of the Naval Reserve serving on active duty shall be separated as follows:

(1) *Expiration of enlistment.* Discharge upon normal date of expiration of enlistment, extension of enlistment, or period of induction, provided that the individual does not have an additional service obligation as set forth in article C-1402 of the Bureau of Naval Personnel Manual. See paragraph (b) of this section for action to be taken if the individual has such an additional service obligation.

(2) *Fulfillment of service obligation.* Discharge upon fulfillment of service obligation acquired under the provisions of section 4(d) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d), 10 U.S.C. 651), provided no portion of the contractual enlistment or extension thereof remains to be served. Article C-10320 of the Bureau of Naval Personnel Manual contains information as to the requirements for fulfillment of service obligation.

(3) *Expiration of tour of active service.* Release to inactive duty upon completion of period of active obligated service or period of such service as voluntarily or involuntarily extended. (Applicable to Naval Reservists who have time remaining in their enlistment contract and/or who have an additional service obligation as set forth in article C-1402 of the Bureau of Naval Personnel Manual).

(b) Regular Navy personnel, including inductees, having an additional service obligation remaining upon completion of their enlistment, extension of enlistment, or period of induction shall, if otherwise eligible therefor, be transferred to the Naval Reserve and released to inactive duty in accordance with the provisions of article C-10319 of the Bureau of Naval Personnel Manual. Exceptions to the foregoing are those cases in which the individual desires, and is accepted for, immediate reenlistment in the Regular Navy in which event discharge will be effected in accordance with applicable instructions. See also article C-1407 of the Bureau of Naval Personnel Manual and implementing directives regarding extensions of enlistment. Such discharge and reenlistment or extension of enlistment do not relieve the individual of his service obligation. Time served in the reenlistment or extension of enlistment will be counted toward fulfillment of the service obligation. Members of the Naval Reserve having an additional service obligation remaining upon completion of enlistment or extension of enlistment shall, if eligible therefor, be retained in the Naval Reserve to complete the service obligation.

(c) Conditions allowing early separation within 3 months of normal expiration of term of service are set forth in article C-10317 of the Bureau of Naval Personnel Manual.

(d) The normal date of expiration of a two, three, four, or six-year enlistment is respectively, the day preceding the second, third, fourth, or sixth anniversary of the date of enlistment, as adjusted for the purpose of making up any time lost from the enlistment. (10 U.S.C. 972; SECNAV Instruction 1626.4). The normal date of expiration of a minority enlistment is the day preceding the individual's twenty-first birthday as adjusted for the purpose of making up any time lost from the enlistment.

(e) Retention beyond normal expiration of enlistment or term of service: Under certain conditions personnel may legally be retained beyond date of expiration of enlistment or other period of obligated service, either voluntarily or involuntarily, until discharge, release to inactive duty, or transfer to the Naval Reserve and release to inactive duty is accomplished. Whenever a person is retained in service beyond expiration of enlistment, or other period of obligated service, entry as to the reason and authority for the retention shall be made on appropriate page of the person's service record and signed in accordance with article B-2305 of the Bureau of Naval Personnel Manual. Enlisted personnel may be held beyond expiration of their enlistment or other period of obligated service for any of the following reasons, as applicable:

(1) *Voluntary extension of enlistment.* Enlisted personnel may execute a voluntary agreement to extend enlistment in accordance with the provisions of article C-1407 of the Bureau of Naval Personnel Manual and implementing instructions.

(2) *Ship outside continental limits.* The normal date of expiration of enlistment or extension of enlistment of a person serving aboard a ship in foreign waters may be extended until return of the ship to a continental port of the United States, or until transfer of the person concerned to the separation activity nearest the port of debarkation. Retention for return to the United States may be effected upon voluntary request of the individual concerned or it may be effected by the senior officer present afloat if, in his opinion, the retention is essential to the public interests. Persons so retained shall be separated not later than 30 days after arrival in the United States. In order to be entitled to the increase of 25 percent in basic pay for the period of retention (10 U.S.C. 5540), the member must have been retained after the expiration of enlistment or extension of enlistment because his services were considered essential to the public interests as differentiated from desirability of the continuance of his services or some measure of benefit to be derived therefrom. (Specifically excluded from this provision are enlisted persons who are retained beyond the terms of their enlistments at shore stations, on ships on duty in waters in or around possessions and territories of the United States, or on ships on duty in ports or waters within the sovereign jurisdiction of the United States. Also excluded are members of the Naval Reserve who are retained on active duty beyond the expiration of their periods of obligated active service as distinguished from the normal date of expiration of enlistment.) Entry should be made on the administrative remarks page of the individual's service record as to whether or not the retention was essential to the public interests and the location of the ship at the time of the expiration of his term of enlistment. When a member has been retained after the expiration of his term of enlistment because his services were essential to the public interests, payment will be substantiated by a Commanding Officer's Military Pay Order (DD Form 114) in accordance with instructions contained in paragraph 044232.3, Navy Comptroller Manual.

(3) *Records and accounts of an individual not received by activity to which transferred for separation.* Such persons may be retained in service, with their consent, pending receipt of their records and accounts. Commanding officers shall take immediate steps to obtain records and accounts by communicating with the ship or station from and via which the individual was transferred for separation; duplicate service record may be requested from the Chief of Naval Personnel in order to expedite separation. In any case in which a person whose period of obligated service has expired requests immediate separation without awaiting receipt of records and accounts, the Chief of Naval Personnel should be informed promptly with request for information outlined in article C-10408 of the Bureau of Naval Personnel Manual; in all cases of this nature the individual's written request should be obtained and filed in the service record.

(4) *Serving in temporary officer appointment.* Enlistments are extended automatically in the case of personnel whose normal date of expiration of enlistment occurs while they are serving in a temporary officer appointment.

(5) *Undergoing medical treatment or hospitalization.* Enlisted personnel of the Regular Navy or Naval Reserve on active duty whose enlistments or enlistments as extended expire while they are suffering disease or injury incident to the service and who are in need of medical care or hospitalization may be retained in service beyond the normal date of expiration of their enlistments or enlistments as extended, with their consent which should be indicated in writing and signed by the individual concerned on the administrative remarks page of the service record. They may be retained until they shall have recovered to the extent which would enable them to meet the physical requirements for discharge and reenlistment, or until it shall have been ascertained that the disease or injury is of a character that recovery to such an extent would be impossible. Tacit consent may be assumed for retention in service beyond expiration of enlistment in cases of mental incompetency or physical incapacity. A person in this category ordinarily will not be retained in excess of 6 months beyond expiration of enlistment. Further retention may be authorized, however, in meritorious cases upon proper recommendation accompanied by the supporting facts. (10 U.S.C. 5537.)

(6) *Disability incurred not in line of duty.* (i) Not due to own misconduct: The enlistment of a person undergoing hospitalization for injury, sickness or disease incurred not in line of duty, not due to own misconduct, will not be extended under the provisions of subparagraph (5) of this paragraph. Unless the term of service is extended by some other provisions of this section, an individual in this status should be brought before a medical board at a time which will permit action to be taken on recommendation for disposition prior to expiration of term of service. If proceedings in accordance with law and regulations result in a determination that the individual is not physically fit for service or reenlistment and is to be discharged, discharge normally will be effected because of disability rather than expiration of enlistment or fulfillment of service obligation.

(ii) Due to own misconduct: The term of service of a person undergoing hospitalization for injury, sickness or disease the result of own misconduct is extended automatically by such lost time. See subparagraph (11) of this paragraph. Personnel in this status should be brought before a medical board at a time which will permit action to be taken prior to the date the term of service normally would expire if the person were not in a misconduct status. If it is determined in accordance with law and regulations that the individual is not physically fit for service or reenlistment, and recommendation for discharge is approved by proper authority, the individual will be awarded the type and character of discharge considered proper based on his medical and military records.

(iii) The records and accounts of personnel in either of the foregoing categories will not be closed until discharge is effected. The individual's service record shall bear appropriate entry regarding his status.

(7) *Detention in service during war or national emergency.* Enlistments and periods of obligated service of enlisted personnel in the naval service are extended, or may be extended by the Secretary of the Navy, in time of war or national emergency in accordance with the provisions of Title 10, United States Code, sections 511 and 5538.

(8) *Awaiting or undergoing trial and punishment by court-martial.* Jurisdiction having attached by commencement of timely action with a view to trial, as by apprehension, investigation, arrest, confinement, or filing of charges, continues for all purposes of trial, sentence, and punishment. If such action is initiated with a view to trial because of an

offense committed by an individual prior to his official discharge or separation, even though the term of enlistment or obligated service may have expired, he may be retained in the service for trial and punishment after his period of service would otherwise have expired.

(9) *Retention as party to a court of inquiry.* When an enlisted person has been named a party to a court of inquiry, and the proceedings have been entered upon prior to the expiration of enlistment or term of obligated service, the individual may be retained in the service as a party to the said court of inquiry, and for resultant trial if such is indicated.

(10) *Voluntarily making up lost time.* Enlisted personnel who before July 24, 1956 lost time in excess of 24 consecutive hours from their enlistments or enlistments as extended due to unauthorized absence, confinement, or nonperformance of duty (civil arrest) as defined in paragraph 044019.1, Navy Comptroller Manual, may be permitted to make up such lost time in order to complete the term for which they enlisted or extended their enlistments. In order to be valid, application to make up lost time must be submitted by the individual and approved by or on behalf of the commanding officer prior to expiration of the enlistment or extension of enlistment during which the time was lost. Appropriate entry shall be made on the administrative remarks page of the service record which shall reflect the date on which the application was approved.

(11) *Mandatorily making up lost time.* Instructions concerning mandatorily making up lost time due to sickness misconduct occurring before, on, or after July 24, 1956 and unauthorized absence, confinement, and nonperformance of duty (civil arrest) occurring on or after July 24, 1956 are contained in SECNAV Instruction 1626.4.

(f) Indebtedness: An individual who is otherwise eligible for separation will not be retained beyond his normal expiration of obligated service date to satisfy an indebtedness to the Government (or to an individual), or for the purpose of obtaining remission of indebtedness.

§ 730.5 Separation of enlisted personnel by reason of physical disability.

(a) When separation from the naval service is indicated by reason of physical disability, the individual concerned shall be reported upon by a board of medical survey or medical board. Members whose disabilities are considered to be incurred in active service normally will be processed by medical boards and physical evaluation boards; members with disabilities not incurred in service or aggravated by service normally shall be processed by boards of medical survey. Release or discharge by reason of physical disability will not be effected without prior approval of the Chief of Naval Personnel except where specific authorization has been delegated to certain commands.

(b) In general, an enlisted person will be separated from active service by reason of physical disability upon a determination that the individual concerned is physically unfit to perform the duties of his rate. Unfitness by reason of physical disability is defined as the member concerned being unable to perform the duties of his rate in such a manner as to reasonably fulfill the purpose of his employment on the active list.

(c) When court-martial proceedings or investigative proceedings which might lead to court-martial are indicated, pending, or completed, and in cases of uncompleted sentences of courts-martial involving confinement or discharge, the medical board report or report of medical survey, together with all pertinent facts relative to the disciplinary aspects of the case, shall be forwarded by the convening authority of the medical board, to the Chief of Naval Personnel via the Chief of the Bureau of Medicine and Surgery for action, and no further action toward final disposition of the case shall be taken until receipt of instructions from the Chief of Naval Personnel. If, subsequent to appearance before a physical evaluation board or board of medical survey, a member becomes subject to disciplinary action, a report by message with copy to the naval hospital which began the processing shall be submitted to the Chief of Naval Personnel stating action taken or contemplated.

(d) In the case of an individual whose enlistment has been extended at his own written request under the provisions of § 730.4(e)(5) the report should clearly indicate:

(1) Patient's status (held beyond normal expiration date of enlistment);

(2) Date of admission to sick list;

(3) Whether the individual is, or is not, fit for reenlistment. Should the board find an individual not fit for reenlistment, an opinion should be expressed as to whether or not satisfactory recovery is possible. A person in this category ordinarily will not be retained in excess of 6 months beyond the date on which the enlistment would have expired. Such further retention may be recommended in cases deemed to merit consideration by setting forth fully the facts on which the recommendation is based.

(e) Disposition of those individuals retained beyond the normal date of expiration of their enlistment under the provisions of § 730.4(e)(5) will be effected in accordance with the following:

(1) In cases where recovery is made to the extent that the individual becomes fit for return to full duty status, effect separation in accordance with § 730.4(a).

(2) If processing of a case by a physical evaluation board has been authorized, retain the individual in service until final disposition is directed by the Chief of Naval Personnel, unless the individual concerned states in writing that he does not desire to be retained until final action has been taken on the recommended findings and proceedings of a physical evaluation board.

(3) Those cases where maximum benefits of hospitalization result only in fitting the individual for return to limited duty will be reported upon by an appropriate medical board. Retain in service until final disposition is directed by the Chief of Naval Personnel.

Should the status of an individual not be resolved into one of the above categories by the end of 6 months beyond the normal expiration of term of enlistment, report by an appropriate medical board will be made to the Chief of Naval Personnel, via the Chief of the Bureau of Medicine and Surgery.

(f) Character of discharge: Character of discharge is governed by §§ 730.1 and 730.2. Enlisted personnel who, upon reporting for active duty, are found not physically qualified by reason of a disability which is reported on the Report of Medical Examination, Standard Form 88, provided the disability is considered not due to own misconduct, shall be issued an Honorable Discharge, DD Form 256N, by reason of disability. Such discharges are effected only when directed by the Chief of Naval Personnel in individual cases, or under special instructions issued by the Chief of Naval Personnel.

(g) Additional service obligation: In effecting discharges in accordance with this section, such discharges shall not only serve to terminate current enlistment contracts but also any additional service obligations which may have been incurred pursuant to section 4(d) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 454(d), 10 U.S.C. 651). (Article C–1402 of the Bureau of Naval Personnel Manual contains information and instructions concerning additional service obligations.) Appropriate entries to this effect shall be made in service records of those individuals discharged under the provisions of this section.

§ 730.6 Separation of enlisted personnel for convenience of the Government.

(a) The Chief of Naval Personnel may authorize or direct the separation of enlisted or inducted personnel prior to the expiration of their active obligated service dates for any one of the reasons listed herein. The term "separation" as used in this section includes discharge, transfer to the Naval Reserve and concurrent release to inactive duty, or release to inactive duty in certain cases of Naval Reservists serving on active duty who have time remaining in service obligation or enlistment contract.

(1) General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a permanent appointment as officer in any branch of the armed services.

(3) To permit immediate reenlistment at the request of the individual prior to normal expiration of enlistment in accordance with instructions issued from time to time by the Chief of Naval Personnel.

(4) Other good and sufficient reasons when determined by the Chief of Naval Personnel.

(5) National health, safety or interest.

(6) Erroneous enlistment or induction.

(b) Subject to the following instructions, the commanding officer shall, as appropriate, discharge or transfer for

discharge for the convenience of the Government, an enlisted woman for any one of the following reasons: (The instructions contained in this paragraph should not be interpreted as precluding the commanding officer from forwarding any case to the Chief of Naval Personnel for decision should he consider such action appropriate.)

(1) Parenthood, when it is established that a woman is the parent, by birth or adoption, of a child under 18; has personal custody of a child under 18; is the stepparent of a child under 18 and the child resides within the household of the woman for a period of more than 30 days a year; or during her current enlistment or extension of enlistment, has given birth to a living child, in any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights to custody and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, the commanding officer shall not effect discharge of the woman concerned without specific authorization of the Chief of Naval Personnel.

(2) Pregnancy, upon determination by a naval medical officer, with type of discharge her service record warrants, regardless of marital status. If as a result of a spontaneous or therapeutic abortion or a still birth, the pregnancy is terminated prior to separation and the woman desires to remain in the service, her request for retention, together with the commanding officer's recommendation, shall be forwarded to the Chief of Naval Personnel for consideration. If there is evidence that a non-therapeutic abortion has been effected, the case shall be submitted to the Chief of Naval Personnel for consideration and decision as to the type of discharge.

(c) Marriage, upon written request to the commanding officer provided the woman meets the following conditions:

(1) Has served 12 months after completion of recruit training;

(2) Has served 18 months after completion of, or disenrollment from, a service school where the length of the course is 24 weeks or less, or has served 24 months after completion of, or disenrollment from, a service school where the length of the course is over 24 weeks;

(3) Has served 12 months subsequent to reenlistment or subsequent to a 2, 3, or 4 year extension of enlistment becoming operative;

(4) Has served 12 months subsequent to assignment to duty for which a voluntary agreement to extend enlistment was executed; or

(5) Has served 12 months from the date of reporting to an overseas duty station.

When two or more of the above conditions apply to an individual, the period of time which results in retaining the individual to the latest date shall govern. (See Art. A–4204 of the Bureau of Naval Personnel Manual for instructions relative to recoupment of reenlistment bonus, if paid.)

(d) Full information regarding the reason for separation shall be entered on page 13 of the service record in connection with all cases within the purview of this section.

§ 730.7 Discharge of enlisted personnel for own convenience and furlough without pay.

(a) The Bureau of Naval Personnel, as a policy, will not discharge enlisted personnel for their own convenience. In this category are requests for discharge for the purpose of:

(1) Accepting civilian employment.

(2) Returning to school.

(3) Entering another branch of the armed forces in an enlisted status.

(4) Accepting employment with Government agencies in a civilian capacity.

(b) While the Bureau does not desire to prevent personnel from applying for discharges for personal reasons, such as the reasons stated in this section, such personnel should be carefully and completely informed of the Bureau's policy in this regard and discouraged from submitting an official request for discharge for any of these reasons. However, if the individual concerned still wishes to submit a request for discharge, permission should be granted to do so; in which case substantiating documents bearing on the particular case should be required of the applicant to accompany the request.

(c) Discharges by purchase will not be authorized.

(d) Furlough without pay: In time of peace, and under such regulations as the Secretary of the Navy may prescribe, furlough without pay for the period covering the unexpired portion of their enlistments may be granted enlisted personnel in lieu of discharge by purchase or by special directive. Furlough without pay is a privilege and not a right, and personnel granted such a furlough are subject to recall to duty in time of war or national emergency, to complete the unexpired portion of their enlistment. (10 U.S.C. 6296.)

(1) It is not the present policy to grant extended furloughs without pay. Should it be found expedient to grant such furloughs, the Chief of Naval Personnel may do so either without requiring refund or under the conditions listed below:

(i) Personnel serving in first enlistment:

(*a*) Seamen recruits or other enlisted personnel undergoing a period of recruit training, by reimbursing the Government for the cost of that portion of the outfit drawn and for the cost of transportation from the place of enlistment to the training station;

(*b*) Personnel other than those who enlist as seamen recruits, during the first 6 months of eplistment, by reimbursing the Government for the portion of uniform allowance drawn and the cost of transportation from the place of enlistment to the place of first duty.

(*c*) After the first year of enlistment, by reimbursing the Government for the cost of uniform furnished.

(ii) Personnel serving in second or subsequent enlistment, or extension of enlistment, who received no reenlistment allowance or uniform allowance upon reenlistment:

(*a*) During the first year of said reenlistment, or extension of enlistment, by reimbursing the Government for the cost of transportation from the place of enlistment to place of first duty thereafter;

(*b*) After first year of said reenlistment or extensions of enlistment, no refund.

(iii) Personnel serving in second or subsequent enlistment, or under extended enlistment, who received a reenlistment allowance upon reenlistment or upon extension of enlistment, and those who were credited with clothing allowance:

(*a*) During the first year of reenlistment or extension of enlistment, by reimbursing the Government for the total amount of the reenlistment allowance, the portion of clothing allowance issued, and the cost of transportation from place of enlistment to place of first duty.

(*b*) During the second year of reenlistment or extension of enlistment, by reimbursing the Government an amount equal to three-fourths of the reenlistment allowance and three-fourths of the clothing allowance issued.

(*c*) During the third year of reenlistment or extension of enlistment, by reimbursing the Government an amount equal to one-half the reenlistment allowance and one-half of the clothing allowance issued.

(*d*) After completion of the first 9 months of the fourth year of a 6-year reenlistment by reimbursing the Government an amount equal to one-fourth of the reenlistment allowance.

(2) Furloughs without pay will not be authorized for the manifest purpose of avoiding duty on a particular ship or station. It would be required that all applications be forwarded through official chanels, that applicants state their reasons for desiring the furlough and, further, that they waive all claim to transportation and travel allowance to their home or place of acceptance for enlistment; also that officers through whom applications are forwarded make comments and recommendations in each case by endorsement.

§ 730.8 Discharge or release to inactive duty for reasons of dependency and hardship.

(a) The Chief of Naval Personnel may authorize or direct the discharge or release to inactive duty of enlisted personnel for reason of dependency or hardship. Personnel who have an additional service obligation remaining under any provisions of law will normally be transferred to the U.S. Naval Reserve if otherwise eligible therefor and released to inactive duty, or, if already a member of the Naval Reserve, released to inactive duty to serve the remainder of the obligated service therein. Where the individual does not have an additional service obligation remaining, discharge may be directed. Article H–31203(1)(e) of the Buerau of Naval Personnel Manual (see § 713.413(a)(5) of this chapter) pertains to submission of requests for hardship or dependency discharge of Naval Reservists while on inactive duty.

(b) Enlisted personnel who desire to request discharge or release to inactive duty, as appropriate, for dependency or hardship reasons shall be informed of the proper procedure to follow. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release to inactive duty will be authorized. While each such request received is carefully and sympathetically considered, final decision is based upon its individual merits.

(c) Policies governing discharge or release to inactive duty on account of dependency or hardship—

(1) Dependency or hardship discharges, or releases to inactive duty, will not be authorized solely for financial or business reasons; for personal convenience; when an individual is under charges or in confinement; or when an individual requires medical treatment.

(2) Discharges or releases to inactive duty will not be disapproved under the provisions of this section solely because an individual's services are needed in his assigned duties, or because he is indebted to the Government or to an individual.

(3) The Bureau may direct discharge or release to inactive duty when it is considered that undue and genuine hardship exists, that the hardship is not of a temporary nature, and that the conditions have arisen or have been aggravated to an excessive degree since entry into the service. Examples of meritorious cases are those in which the evidence shows that, either as a result of the death or disability of a member of an enlisted person's family, the separation of the person concerned is necessary for the support or care of a member or members of the family; or that the individual or the family is undergoing hardships more severe than normally encountered by dependents of families of members of the naval service, that this hardship is not of a temporary nature, that the separation of the individual will result in the elimination of, or will materially alleviate the condition, and that there are no means of alleviation readily available other than such separation. Pregnancy of an enlisted man's wife is not in itself a circumstance for which separation will be authorized.

(d) A written application for discharge or release to inactive duty for dependency or hardship shall be forwarded to the Chief of Naval Personnel via the enlisted person's commanding officer. Such a request must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one affidavit should be from the dependent concerned. The request should contain the following additional information.

(1) Reason in full for request.

(2) Complete home address of dependent and applicant.

(3) Names and addresses of persons familiar with the situation.

(4) Statement as to marital status and date of marriage.

(5) Financial obligations; specific amounts and modes of contribution to dependent.

(6) Names, ages, occupations, and monthly incomes of members of the individual's family, if any, and the reasons why these members cannot contribute to the necessary care or support of the individual's family. If dependency is the result of death of a member of the enlisted person's family occurring after entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the enlisted person's family occurring after entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred and the nature thereof.

(e) Before forwarding the request the commanding officer shall interview the enlisted person concerned in order to elicit any further information and to insure that the required information is supplied. The forwarding endorsement shall include a definite recommendation and a statement regarding the status of any disciplinary action pending and of service schools attended.

(f) Any information concerning the private affairs of persons in the naval service, or of their families, is intended "For Official Use Only," and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

(g) It is not desired that a commanding officer request information and reports from the American Red Cross or other social service or welfare agency relative to an enlisted person's home conditions when an individual submits or desires to submit a request for separation for dependency. However, if a report of the Red Cross or other agency is received by the commanding officer, which may have a bearing on the case, it should be forwarded to the Chief of Naval Personnel for consideration. The Bureau will request information in individual cases from the Red Cross or other agency when such action is considered expedient.

(h) Procedures for affecting separation by reason of dependency or hardship of individuals who have a UMT&S (Universal Military Training and Service) obligation remaining:

(1) *Regular Navy Personnel, enlisted or inducted.* When transfer to the Naval Reserve and release to inactive duty are directed by the Chief of Naval Personnel the procedures contained in article C–10319 of the Bureau of Naval Personnel Manual shall be followed with the exception that such individuals shall be assigned to the Standby Reserve—Active (USNR–S1) in lieu of the Ready Reserve.

(2) *Naval Reservists serving on active duty.* When release to inactive duty is authorized, the following action will be taken:

(i) Complete appropriate parts of page 14 of the service record and make entry under the "Remarks" column to indicate date of release to inactive duty and obligated service as follows:

Released for reasons of hardship/dependency to inactive duty in the U.S. Naval Reserve to complete the service obligation acquired under Universal Military Training and Service Act, as amended. Upon completion of travel time to be placed in Standby Reserve—Active (USNR–S1). Obligated to serve in the U.S. Naval Reserve until _____, unless sooner discharged.

(ii) Issue a Report of Separation From the Armed Forces of the United States, Form DD 214. Forward service and health records to the commandant having cognizance. A new service record will not be opened. Distribute copies of page 14 and Form DD 214 in accordance with current instructions.

(iii) Issue orders covering release to inactive duty. Distribution of copies shall be made as shown on sample form in article C–10403 of the Bureau of Naval Personnel Manual.

(iv) Immediately upon receipt of the service record, the commandant will place an entry on page 13 showing transfer of the individual from the Ready Reserve to the Standby Reserve—Active (USNR–S1).

§ 730.9 Discharge of enlisted personnel by reason of minority.

(a) The Chief of Naval Personnel may authorize or direct the discharge of enlisted personnel for minority. Discharge may be authorized or directed for this reason in accordance with existing law, or as an administrative act when it is considered to be in the best interest of the Government. Article C–1402 of the Bureau of Naval Personnel Manual sets forth the minimum statutory and administrative ages for enlistment in the naval service.

(b) Under existing law (10 U.S.C. 5533, 6293; 50 U.S.C. App. 456(1)) written consent of custodial parent or legal guardian must be obtained prior to the enlistment of a male person under 18 years of age, or of a female person under 21 years of age. Because of the desire of impetuous youths to enter the service, they sometimes falsify consent papers and/or record of birth in order to obtain enlistment or induction. If it comes to the attention of a commanding officer that a male person under the age of 18, or a female person under the age of 21, may have enlisted in the naval service without written consent of custodial parent or legal guardian, or that the minor's age may have been misstated, such information shall be reported to the Chief of Naval Personnel immediately. In submitting this report, the commanding officer should include the following:

(1) Documentary evidence of the minor's true age.

(2) Request for discharge from parent or guardian—if received.

(3) Voluntary statement of the minor as to the circumstances attending his or her enlistment.

(4) In case of a male minor who is 17 years of age or over or a female minor who is 18 years of age or over, the statement of the commanding officer as to whether in his opinion the minor concerned is sufficiently mature for retention. A negative opinion in this respect should, where practicable, be accompanied by a qualified psychiatric evaluation, otherwise by a medical evaluation. Similar documentation and information should be submitted in the case of an inductee who may be eligible for discharge under paragraph (c)(4) of this section.

When, on the basis of documentary evidence and other information, it appears that discharge of the minor may be authorized or directed under the provisions of paragraph (c) or (d) of this section, the minor should be retained at, or transferred to, a continental shore station and the Chief of Naval Personnel promptly informed accordingly.

(c) Discharge of enlisted men by reason of minority is governed by the following provisions:

(1) *Under statutory age.* Discharge from the Regular Navy or Naval Reserve of a male minor who is determined to be under the minimum statutory age for enlistment (14) is mandatory and application of his parent or guardian is not required. This provision is not applicable to a minor who is enlisted while under the minimum statutory age limit and remains in the service after reaching the statutory age. Such a case will be processed in accordance with subparagraph (2) of this paragraph where appropriate.

(2) *Under administrative age.* The discharge of a male minor from the Regular Navy or Naval Reserve will be authorized or directed upon receipt of satisfactory evidence that he is under the administrative age for enlistment (17). Discharge under these circumstances will be effected regardless of whether the parent or guardian consented to the enlistment or reenlistment or requested the minor's discharge, provided that the minor has not attained age 17.

(3) *Application of parent or guardian.* If a male minor has been enlisted without proper consent and has attained his 17th birthday, his discharge will be authorized or directed upon receipt of satisfactory evidence as to his true age and of an application for his discharge submitted by his custodial parent or legal guardian provided that such application has been received by the naval service within 90 days of the enlistment and that the minor has not attained age 18 at the time the application was received.

(4) *Inductee under proper age.* The discharge of an inductee who is under the age of 18 years and 6 months at the time his age is verified will be authorized or directed regardless of whether the parent or guardian has requested his discharge, unless, pursuant to Selective Service regulations, the minor, after attaining age 17, volunteered for induction with the written consent of his custodial parent or legal guardian.

(d) The discharge of an enlisted woman who is determined to be under the statutory age for enlistment (18) is mandatory, and application of her parent or guardian is not required. If a woman minor has been enlisted without proper consent and has attained her 18th birthday, her discharge will be authorized or directed upon receipt of satisfactory evidence as to her true age and of an application for her discharge submitted by her custodial parent or legal guardian provided that such application has been received by the naval service within 90 days of the enlistment and that the minor has not attained age 21 at the time the application was received.

(e) Special instructions will be issued by the Chief of Naval Personnel to certain commands, from time to time, relative to the disposition to be made in cases of minors, who, after enlistment, are discovered to have misrepresented their ages or to have enlisted without proper consent. In the absence of such special instructions any cases in the above categories shall be reported as provided in paragraph (b) of this section.

(f) The enlistment of a minor with false representation as to age, or without consent, will not in itself be considered a fraudulent enlistment.

(g) A person whose enlistment or induction is terminated by reason of minority shall not, as a result of such enlistment or induction, be considered to have acquired a service obligation under section 4(d)(3) of the Universal Military Training and Service Act as amended (50 U.S.C. App. 454(d)(3), 10 U.S.C. 651), nor is service under any enlistment or induction which was so terminated creditable toward the fulfillment of any subsequently acquired obligation.

(h) In effecting the discharge of an individual by reason of minority, the character of discharge shall be given as indicated in §§ 730.1 and 730.2.

(i) The commanding officer effecting a minority discharge shall notify the next of kin, giving the type of discharge and, in general terms, the reason for discharge. Care and discretion shall be exercised in phrasing the notification in order that the reason for discharge may not be construed by the persons concerned as derogatory to the individual or to reflect adversely on his character.

(j) When an individual is separated by reason of being under the authorized age for enlistment but is considered sufficiently mature for naval service, and is in all other respects qualified, an entry shall be made under "Remarks" on the DD Form 214 to the following effect: "Recommended for reenlistment upon reaching the authorized age for enlistment." Otherwise, this item will be left blank.

§ 730.10 Discharge of enlisted personnel by reason of unsuitability.

(a) Enlisted personnel may be separated, by reason of unsuitability, with an honorable or general discharge, as warranted by their military record. Such discharge regardless of attendant circumstances, will be effected only when directed by or authorized by the Chief of Naval Personnel. Discharge by reason of unsuitability will not normally be issued in lieu of disciplinary action except upon the determination by the Chief of Naval Personnel that the interests of the service as well as the individual will best be served by administrative discharge. From time to time the Chief of Naval Personnel may issue special instructions to certain field activities for the elimination of the unsuitable among enlisted personnel.

(b) Attention is directed to § 730.14 which prescribes the procedure for submission of reports and recommendations for discharge by reason of unsuitability.

(c) Discharges by reason of unsuitability are effected to free the service of persons considered unsuitable for further naval service because of:

(1) *Inaptitude.* Applicable to those persons who are best described as inapt due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

(2) *Character and behavior disorders.* Duly diagnosed character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress, as defined in "Joint Armed Forces Nomenclature and Method of Recording Psychiatric Conditions—1949" (NavMed P–1303).

(3) Apathy, defective attitudes and inability to expend effort constructively: As a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(4) Enuresis (frequently a manifestation of a basic defect in personality development).

(5) Alcoholism: Chronic, or addiction to alcohol (frequently a manifestation of a basic defect in personality development).

(6) Homosexual tendencies (frequently a manifestation of a basic defect in personality development).

(7) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(d) Enlisted personel separated by reason of unsuitability will be required to refund a pro rata portion of the reenlistment bonus (if paid upon reenlistment or upon extension of enlistment) only when specifically directed by the Chief of Naval Personnel. (Article A–4204 of the Bureau of Naval Personnel Manual deals with that refund.)

(e) Enlisted personnel serving on board ships or oversea stations who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to a separation activity within the continental United States to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of the instructions from the Chief of Naval Personnel.

§ 730.11 Discharge of enlisted personnel by reason of security.

Enlisted personnel may be separated by reason of security with an honorable, general, or undesirable discharge in accordance with departmental directives concerning the administration of the military personnel security program. (See Part 729 of this chapter.)

§ 730.12 Discharge of enlisted personnel by reason of unfitness.

(a) Enlisted personnel may be separated, by reason of unfitness, with an undesirable discharge or with a higher type discharge. Such discharge, regardless of attendant circumstances, will be effected only when directed by the Chief of Naval Personnel.

(b) Attention is directed to § 730.14, which prescribes the procedure for sub-

mission of reports and recommendations for discharge by reason of unfitness.

(c) An enlisted person will be recommended for discharge by reason of unfitness to free the service of persons whose military record is characterized by one or more of the following:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) Sexual perversion including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child under age 16, or (vi) other indecent acts or offenses.

(3) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(4) An established pattern for shirking.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) Other good and sufficient reasons, as determined by the Chief of Naval Personnel.

(d) Discharge by reason of unfitness will not be issued in lieu of disciplinary action except upon the determination by the Chief of Naval Personnel that the interests of the service as well as the individual will best be served by administrative discharge.

(e) Enlisted personnel separated by reason of unfitness, regardless of the character of separation, will be required to refund a pro rata portion of the reenlistment bonus (if paid upon reenlistment or upon extension of enlistment). (Article A–4204 of the Bureau of Naval Personnel Manual deals with that refund.)

(f) Enlisted personnel serving on board ships or overseas stations who are recommended for discharge in accordance with this section and processed in accordance with § 730.14, will normally be transferred to a separation activity within the continental United States to await instructions from the Chief of Naval Personnel. The transfer orders and records must accurately reflect the person's status and reason for transfer in order to ensure that the individual is held pending receipt of instructions from the Chief of Naval Personnel.

§ 730.13 Discharge of enlisted personnel by reason of misconduct.

(a) Enlisted personnel may be separated, by reason of misconduct, with an undesirable discharge or with a higher type discharge. Such discharge, regardless of the attendant circumstances, will be effected only when directed by the Chief of Naval Personnel.

(b) The Chief of Naval Personnel may direct the discharge of an enlisted person for misconduct in any of the following cases:

(1) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice (10 U.S.C. 801–940) is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the MCM (Manual for Courts-Martial) Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(2) Procurement of a fraudulent enlistment, induction, or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. The enlistment of a minor with false representation as to age or without proper consent will not in itself be considered as a fraudulent enlistment.

(3) Prolonged unauthorized absence. When unauthorized continuous absence of 1 year or more has been established but punitive discharge has not been authorized by competent authority. This includes cases of administratively declared deserters who have been absent without authority for a year or more, but whose trial for desertion or absence without leave is deemed inappropriate or impracticable.

(c) Attention is directed to § 730.14, which prescribes the procedure for submission of reports and recommendations for discharge by reason of misconduct. Action as prescribed by § 730.14 is mandatory in all cases falling within the purview of paragraph (b) of this section.

(d) From time to time the Chief of Naval Personnel may issue special instructions to naval training centers relative to the disposition of cases where recruits are discovered to have concealed or misrepresented information on their enlistment papers.

(e) Enlisted personnel separated by reason of misconduct, regardless of the character of separation, will be required to refund a pro rata portion of the reenlistment bonus (if paid upon reenlistment or upon extension of enlistment.) Article A–4204 of the Bureau of Naval Personnel Manual deals with that refund.)

§ 730.14 Preparation of brief form and other documents required under §§ 730.10, 730.12, and 730.13.

(a) The cases of enlisted personnel under consideration for discharge by reason of unsuitability, unfitness, or misconduct under §§ 730.10, 730.12, or 730.13 respectively shall be prepared as set forth herein. Commanding officers shall ensure that complete and carefully prepared briefs are submitted and that the instructions in this section are scrupulously adhered to.

(b) An enlisted person being considered for a discharge by reason of unsuitability shall be informed as to the basis for the contemplated action and shall be afforded an opportunity to make a statement in his own behalf.

(c) An enlisted person who is subject to undesirable discharge by reason of unfitness under § 730.12 or by reason of misconduct under § 730.13 shall, if his whereabout is known, be informed as to the basis for the contemplated action and afforded an opportunity to request or waive, in writing, any or all of the following privileges:

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board (unless in civil confinement or otherwise unavailable).

(3) To be represented by counsel who, if reasonably available, should be a lawyer.

(4) To submit statements in his own behalf.

If the individual submits a written request to have his case heard by a field board of officers, the commanding officer shall convene an administrative board in accordance with § 730.15. The recorder for the field board shall be furnished with the completed brief of the case (paragraph (g) or (h) of this section), as appropriate, and the service record of the individual concerned.

(d) Those cases processed under § 730.12 or § 730.13 wherein the individual waives or does not request field board action and those cases wherein the individual is processed under § 730.10 shall be forwarded, together with all pertinent papers, direct to the Chief of Naval Personnel to final action.

(e) When discharge under § 730.10 or § 730.12 is contemplated, a brief shall be prepared in the format of Exhibit 1 (see paragraph (g) of this section) in accordance with the following instructions:

(1) *Summary of military offenses.* List in chronological order all disciplinary action during current enlistment. Include service record entry page numbers, date of non-judicial punishment or court-martial by type, description of offense(s), non-judicial punishment or sentence as approved and approval data, and all violations of brig or retraining command regulations during current confinement with action taken thereon.

(2) *Unclean habits, if any.* Substantiate all unclean habits including the occurrence of repeated venereal disease infections during the current enlistment. When reporting venereal diseases, indicate the date of each admission and nature of the infection.

(3) *Civil conviction, if any, on the basis of information contained in the service record or otherwise readily available.* List date and court in which convicted, offense, and sentence awarded.

(4) *Enclosures.* (i) Individual's signed statement in own behalf. If an undesirable discharge is being considered, statement should include, "I have been advised that I may be discharged under other than honorable conditions and the reasons therefor. I understand such discharge may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. In regard thereto, I desire to make the following statement * * *".

If the individual refuses to make or sign a statement, a page 13 service record entry to that effect should be enclosed.

(ii) Copy of page 9 of the service record.

(iii) Individual's signed request for or waiver of privileges outlined in paragraph (c) of this section. (Note that this requirement does not apply to cases processed under § 730.10.)

(iv) Other pertinent documents such as psychiatric or medical evaluation (especially in aberrant sexual behavior cases), police report, etc.

(v) Comment and recommendation of commanding officer and/or concurrence or non-concurrence if case is heard by a field board. If the commanding officer contemplates recommending a less favorable disposition than that proposed by the field board or if the pertinent section (§ 730.12 or § 730.13) permits a less favorable disposition than that proposed by the field board, the commanding officer shall inform the individual accordingly and afford him an opportunity to submit such additional statement as he desires in an effort to show cause why a less favorable action should not be finally taken.

(f) When a case is processed under § 730.13, a brief shall be prepared in the format of Exhibit 2 (see paragraph (h) of this section), in accordance with the following instructions:

(1) *Circumstances of offense(s) in detail.* Include a brief resumé of the circumstances surrounding the offense and the pertinent dates.

(2) *Action of civil authorities.* Include citation of any civil statute(s) violated, charge on which tried and convicted, court in which convicted, and maximum punishment which could have been imposed for such a conviction under the UCMJ (Uniform Code of Military Justice), D.C. Code, or Title 18, U.S. Code as applicable (see § 730.13).

(3) *Previous civil convictions, if any, on the basis of information contained in the service record or otherwise readily available.* List date and court in which convicted, offense, and sentence awarded.

(4) *Summary of military offenses, if any.* List in chronological order all disciplinary action during current enlistment. Include service record entry page numbers, date of non-judicial punishment or court-martial by type, description of offense(s), non-judicial punishment or sentence as approved and date of approval, and all violations of brig or retraining command regulations during current confinement with action taken thereon.

(5) *Remarks.* Include location of individual's records, any unauthorized absence involved, and disciplinary action taken or pending, identification of any other military personnel involved in the case, etc.

(6) *Enclosures.* (i) Individual's signed statement in own behalf. All such statements should include, "I have been advised that I may be discharged under other than honorable conditions and the reasons therefor. I understand such discharge may deprive me of virtually all veterans' benefits based upon my current period of active service, and that I may expect to encounter substantial prejudice in civilian life in situations wherein the type of service rendered in any branch of the Armed Forces or the character of discharge received therefrom may have a bearing. In regard thereto, I desire to make the following statement * * *". If statement cannot be obtained, or if the individual refuses to make or sign a statement, a page 13 service record entry to that effect should be enclosed.

(ii) Statement of witnesses, arrest reports, copies of court records, probation orders, or any other pertinent documents.

(iii) Copy of page 9 of the service record.

(iv) Individual's signed request for or waiver of privileges outlined in paragraph (c) of this section. If such request cannot be obtained, include information relative to the attempt made to get the request.

(v) Comment and recommendation of commanding officer and/or concurrence or non-concurrence if case is heard by a field board. If the commanding officer contemplates recommending a less favorable disposition than that proposed by the field board or if the pertinent section (§ 730.12 or § 730.13) permits a less favorable disposition than that proposed by the field board, the commanding officer shall inform the individual accordingly and afford him an opportunity to submit such additional statement as he desires in an effort to show cause why a less favorable action should not be finally taken.

(g) Exhibit 1: Brief concerning individuals processed under (check one).

( ) Article C–10310, BuPers Manual (§ 730.10)
( ) Article C–10311, BuPers Manual (§ 730.12)

U.S.S. LST 9999 (*Ship or Station*) 15 January 1959 (*Date*)

DOE	John	Robert	123 45 67	SN	USN	50	45
(*Surname*)	(*First Name*)	(*Middle*)	(*Service No.*)	(*Rate*)	(*Class*)	(*AFQT*)	(*GCT*)

Date of birth: 9/1/38 Date of current enlistment: 11/1/56 for four years

a. Summary of military offense(s):
1/2/57 NJP—Pg 13–(3) UA 2 days—2 wks. restr.
3/3/57 NJP—Pg 13–(5) UA 1 day—1 wk. extra duty.
4/5/58 NJP—Pg 13–(7) Failed to obey lawful order—2 wks. extra duty.
6/8/58 SCM—Pg 6–(1) UA 15 days—15 days conf. approved.
8/9/58 SPCM—Pg 6–(2) UA 20 days—1 Month conf., Forf. $30 a mo. for 1 mo.—approved.
1/2/59 NJP—Pg 13–(9) UA 5 hrs.—1 wk. restr.

b. Venereal disease infections:
2/10/57—Gonococcus.
5/20/58—Gonococcus.

c. Civil Convictions (if any):
12/3/57—Convicted by civil authorities of drunkeness and fined $5.00.

d. Encl:
(1) Signed statement of subject man.
(2) Copy of page 9.
(3) Medical evaluation.
(4) Signed request for (or waiver of) privileges under paragraph (3) (§ 730.14(e)).

A. B. See
(*Signature of Commanding Officer*)

[Abbreviations: AFQT—Armed Forces Qualification Test, BuPers—Bureau of Naval Personnel, GCT—General Classification Test, NJP—Non-Judicial Punishment (imposed under 10 U.S.C. 815), Pg—Page of service record, restr.—restriction, SCM—Summary Court-Martial, SN—Seaman, SPCM—Special Court-Martial, UA—Unauthorized Absence.]

(h) Exhibit 2: Brief concerning individuals processed under § 730.13.

U.S. NAVRECSTA, Long Beach, California (*Reporting Command*) 11/16/58. (*Date*)

JONES	Rhodes	Bart	123 45 67	BM2	USN	48	41
(*Surname*)	(*First Name*)	(*Middle*)	(*Service No.*)	(*Rate*)	(*Class*)	(*AFQT*)	(*GCT*)

Date of current enlistment: 11/1/57 for six (6) years.
Date of birth: 5/7/32

CIVIL OFFENSE(S)

a. Circumstances of offense(s) in detail:
While on authorized leave on 9/10/58 arrested by the civil authorities of Colorado Springs, Colorado, on the charge of auto theft.

b. Action of civil authorities:
Tried on 10/10/58 at Colorado Springs, Colorado, for violation of Colo. Rev. Stat. section 40–5–10 (Car Theft) and convicted. Received an indeterminate term up to five years confinement. Presently serving his sentence at the Colorado State Prison, Canon City, Colorado. Maximum penalty—Article 121, UCMJ, 5 years.

c. Previous civil offense(s) (if any):
None.

d. Summary of Military Offense(s):
6/30/57 NJP—Pg 13–(5) UA 4 hours.—1 wk restr.
9/14/57 NJP—Pg 13–(7) Viol. of Station Order—1 wk restr.

e. Remarks:
Records and effects located at this command. No other naval personnel involved.

Encl:
(1) Signed statement of subject man.
(2) Arrest report.
(3) Signed request for (or waiver of) privileges under paragraph (3) (§ 730.14(e)).

A. B. See
(*Signature of Reporting Officer*)

[Abbreviations: NAVRECSTA—Naval Receiving Station, UCMJ—Uniform Code of Military Justice (10 U.S.C. 801–940). See also paragraph (g) of this section.]

§ 730.15 Field boards of officers.

(a) *Appointment and composition.* When a field board hearing is to be held, the commanding officer shall appoint a board of not less than three commissioned officers in an active duty status to consider the case. The board may be composed of Regular or Reserve Navy or Marine Corps officers, or a combination thereof. If the individual under consideration (hereinafter called respondent) is a woman, the board must include a woman officer. The commanding officer shall also appoint as recorder

an officer in an active duty status. If the respondent requests in writing that he be represented by counsel but does not specify a particular person, the commanding officer shall appoint as counsel for the respondent an officer on active duty who, if reasonably available, is a law specialist, a graduate of a law school, or a member of the bar of a federal or state court. If the commanding officer determines that such an officer is not reasonably available, he shall appoint an officer he considers qualified to act as counsel for the respondent. When practicable, a person selected by the respondent will be appointed as his counsel. The respondent may retain civilian counsel at his own expense, and any previously appointed counsel may accordingly be excused. The hearing should not be unduly delayed to permit attendance by counsel. If undue delay appears likely, other counsel who is immediately available should be selected or appointed.

(1) If the respondent is a reservist, the membership of the board shall, if available, include a majority of officers of reserve components. In any instance where a majority of Reserve members is not available, the board will include not less than one Reserve officer among its members and the record shall contain a certificate by the appointing authority as to the unavailability of Reserve officers to constitute a majority of the board.

(2) *Senior member.* The senior member of the board presides at the hearing and is responsible for its proper conduct. Prior to the hearing, the senior member shall ensure that all members of the board are familiar with the provisions of pertinent sections of this subpart.

(3) *Recorder.* The recorder is responsible for the clerical and preliminary work of the hearing, but is not a member of the board. He conducts a preliminary review of available evidence and interviews prospective witnesses prior to the hearing after warning them of their rights under Article 31, Uniform Code of Military Justice (10 U.S.C. 831), where appropriate. After consultation with the commanding officer and the senior member, he notifies the members, respondent, and counsel as to the time, date, and place of the hearing. Subject to the provisions of paragraph (b) of this section, the recorder arranges for the attendance at the hearing of the respondent, all witnesses for the government, and military witnesses for the respondent. He verifies the information contained in the brief concerning the respondent and assembles pertinent directives, regulations and records for use by the board. At the hearing he presents the case against the respondent. He is responsible for preparing the report of the hearing.

(4) *Reporter.* Although a summary of testimony will normally suffice, the recorder or senior member may request a reporter for the purpose of making a verbatim record of the testimony if it appears that a substantial number of witnesses will testify, that the testimony will be lengthy, or that other good reason exists for making a verbatim record.

(b) *Obtaining witnesses.* No authority exists for the issuance of subpoenas in connection with these hearings. Appearance as witnesses of civilians including members of the Armed Forces on inactive duty may be arranged for on a voluntary basis. Appropriations are not available to pay witnesses' fees or reimbursement for travel and other expenses of such persons and this fact shall be made known to them if and when they are invited to appear and testify at the hearing. Attendance at the hearing of military personnel on active duty who are in the local area will be arranged for by the recorder. Testimony of active duty military personnel not in the immediate area, if needed, should be obtained and presented in the form of written statements.

(c) *General procedural instructions.* The proceedings of boards of officers under the provisions of this section shall be conducted with dignity. They need not conform to provisions of the Manual for Courts-Martial, United States, or of the Naval Supplement thereto relating to Courts of Inquiry or Investigations. Such provisions may, however, be followed in specific cases and, if followed, will satisfy the requirements of this section. Whenever applicable, Article 31, Uniform Code of Military Justice (10 U.S.C. 831), is to be complied with. Attention is directed to the fact that (1) military personnel on active duty may not be compelled to testify or produce evidence that will incriminate them, nor may they be required to answer questions not material to the issue which might tend to degrade them and (2) civilians, including members of the Armed Forces on inactive duty, may not be compelled to testify or produce evidence at the hearing. The board should consider any matter presented which is relevant to the issue whether written or oral, sworn or unsworn. Real evidence as distinct from testimonial evidence may be exhibited to the board and should be accurately described or photographed for the record. The board may refuse to consider or to consider further any oral or written matter presented if it is irrelevant, immaterial, or unnecessarily repetitive and cumulative, but no such matter should be rejected or withheld from consideration on the ground that it would be incompetent for presentation to a court of law. The board will rely on its own judgment and experience in determining the weight and credibility to be given material received in evidence. Board proceedings under this section should not be in the nature of a formal fact-finding tribunal or judicial trial but should be formalized to the extent of assuring full opportunity for presentation of the respondent's case. If an objection is made at any stage during the proceedings the senior member will ensure that the objection and the basis therefor are noted in the record but should not make a formal ruling thereon. Any member of the board may be challenged but only on grounds which show that the member cannot render a fair and impartial decision. The challenged member may be examined by the respondent, his counsel, and other members of the board. The commanding officer, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member if he deems such action appropriate.

(d) *Conduct of hearing.* (1) The senior member, upon calling the meeting to order, should direct the recorder to make a record as to the time, date, and place of the hearing, the identity and presence of the appointed members of the board and of the recorder, the respondent, his counsel, and any witnesses. The senior member should then commence the hearing by explaining in substance that:

(i) The board has been convened for the purpose of considering the pertinent facts relating to the case of (name, service number, rate, and class) who it is alleged (state the specific allegations against the respondent). The board will make findings of fact, a recommendation as to the disposition to be made in this case and will render an opinion as to character of separation to be given, if separation is recommended by the board.

(ii) The proceedings are administrative in nature, and the board is not bound by formal rules of evidence.

(iii) The respondent has the right to present evidence, to examine all witnesses, and to hear all evidence against him. (If evidence is classified observe the provisions of the Department of the Navy Security Manual for Classified Information.)

(iv) The respondent has the right to submit an oral or written statement in his own behalf.

(v) The respondent may testify in his own behalf or remain silent, and, if he testifies, he may be examined on his testimony and on the question of his general credibility.

(vi) There is no right of peremptory challenge, but a member may be challenged for cause.

(vii) Objections will be heard and noted, but there will be no formal ruling thereon.

NOTE: When the provisions of the Manual for Courts-Martial or of the Naval Supplement thereto are to be followed in a specific case, the senior member will modify the foregoing explanations accordingly.

(2) After the preliminary procedures have been completed, the recorder will present the case against the respondent who will be afforded the opportunity for rebuttal and for presentation of evidence. The general procedural instruction stated in paragraph (c) of this section will be followed. Witnesses will be excluded except while testifying. Before testifying, each witness and the respondent will be asked whether or not he elects to give his testimony under oath or affirmation. Where indicated, the following oath or affirmation will be administered by the recorder: "You swear (or affirm) that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth. So help you God." (Note: In the administration of an affirmation, the words, "So help you God," are omitted.) After all evidence is in and questioning and oral argument, if any, are completed the hearing will be closed.

(e) *Report of Board.* The board will make and render its findings, recommendation, and opinion in closed session. The report of the field board of officers shall be completed, using exhibit 3 set forth in paragraph (g) of this section as a guide, and shall be signed by all members. The dissent of any member will be duly recorded therein. Where a verbatim record has been made, only so much of the verbatim oral testimony as bears upon the critical situations of the case, should be incorporated into the record of proceedings; and remainder may be summarized. Written testimony and statements which had not been furnished the board with the brief shall be attached to the record as exhibits. The complete record will be authenticated by the senior member, or other member if he is not immediately available. The respondent will not normally be provided with a copy of the report and record of proceedings.

(f) *Review and forwarding of reports.* After reviewing the record of the hearing and the report of the board, the commanding officer shall note on the report his concurrence or non-concurrence in the findings, recommendations, and opinion of the board and enter any additional comment deemed appropriate. If the commanding officer determines that the respondent should be retained in the service, the case will be closed without further action except where sexual perversion or conviction by civil authorities is an issue. All cases in which discharge is deemed appropriate by the commanding officer and those in which sexual perversion or conviction by civil authorities is an issue shall be forwarded to the Chief of Naval Personnel for final action. The letter of transmittal should forward the case assembled in the following order: (1) Signed report of the board, (2) signed brief with enclosures, (3) authenticated record of hearing, (4) any exhibits considered by the board which were not furnished as enclosures to the brief.

(g) *Exhibit 3.* Report of field board of officers in the case of—

Name ---------- (last, first, middle) ---------- Service No. ------ Rate ------ Class -------.

Findings of the Board: The respondent (has) (is) (Use one or more of the following)

- ☐ Had frequent involvement of a discreditable nature with civil or military authorities.
- ☐ Chronic alcoholism or addicted to alcohol. ☐ A drug addict.
- ☐ Without authority (used) (possessed) habit forming narcotic drugs or marijuana.
- ☐ A sexual pervert. ☐ Committed homosexual acts. ☐ Homosexual tendencies.
- ☐ An established pattern showing dishonorable failure to pay just debts.
- ☐ An established pattern for shirking.
- ☐ Been convicted of a civil offense within the purview of Article C–10312 (§ 730.13).
- ☐ Prolonged unauthorized absence within the purview of Article C–10312 (§ 730.13).
- ☐ Perpetrated a fraudulent (enlistment) (induction).
- ☐ Other (explain).

Board Recommendation: ☐ Discharge. ☐ Retain. ☐ Release to inactive duty.

Opinion of Board as to character of separation: ☐ Honorable. ☐ Under honorable conditions. ☐ Under conditions other than Honorable. ☐ Type warranted by Service Record.

Signature of Board Members: (Include name, grade, and component)

Dissent: (Reasons) ----------

(Signature—Include name, grade, and component)

Findings, recommendation and opinion of majority: ☐ Concurrence. ☐ Non-Concurrence.

(Comment, if any) ----------

(Commanding Officer—Include name, grade, and component)

(h) *Board of officers convened by the Chief of Naval Personnel.* There is established within the Bureau of Naval Personnel an Enlisted Performance Evaluation Board composed of not less than three officers, which, inter alia, considers those cases as are referred to it. The rules set forth in paragraph (a)(1) of this section apply also to this board. The findings, recommendations and opinions of this board are reviewed and acted upon by the Chief of Naval Personnel. One purpose of this board is to ensure uniformity of action and to afford fair and impartial treatment in all cases referred to it. Each case is decided on its individual merits, and there are many factors to be considered and weighed in arriving at a decision in any given case. All matters of record, including such variables as the person's military record, civil record, age, GCT/AFQT (General Classification Test/Armed Forces Qualification Test) education, length of service, performance marks, psychiatric and medical determinations, duty stations, nature of offense and actions taken thereon, length of time since commission of last offense, individual's statement, the field board action (when applicable), commanding officer's comments and recommendations, and other pertinent factors are carefully considered, evaluated, and correlated in arriving at a proper decision. Many cases from various commands are reviewed and final action taken in comparable cases should be consistent and equitable.

(i) *Action by the Chief of Naval Personnel.* (1) Unless the member consents to an undesirable discharge with a waiver of board proceedings, such a discharge may be effected only pursuant to the findings of a board of officers as approved by the Chief of Naval Personnel.

(2) Based upon consideration of the findings, recommendations, and opinions of a field board and/or the Enlisted Performance Evaluation Board and/or other circumstances, final action approved by the Chief of Naval Personnel may, in some cases, be different from the action proposed by a field board or recommended by the commanding officer. In cases heard by a field board, the final action shall not be less favorable than the one proposed by the field board or the Enlisted Performance Evaluation Board and, if it is less favorable than the one proposed by the field board, shall not be effectuated unless the individual has been afforded an opportunity to make representations in an effort to show cause why such less favorable action should not be taken and such representations have been fully considered by the Enlisted Performance Evaluation Board. Final action will normally be promulgated by form letter without including reasons for the action taken.

§ 730.16 General provisions and restrictions relating to enlisted separations.

(a) *Effective time of discharge.* (1) The discharge of an enlisted person separated by reason of expiration of enlistment or fulfillment of service obligation, including an early discharge given under article C–10317 of the Bureau of Naval Personnel Manual on a date within 3 months of the normal date of expiration of an enlistment or service obligation, takes effect at midnight on the last day of service under the contract or service obligation from which such discharge is being effected. If discharge is being effected as a result of immediate entry or reentry in the same or any other component of the Armed Forces in the same or any other status, the discharge will, for administrative purposes, be dated as of the date preceding such immediate entry or reentry.

(2) Discharge for any other reason takes effect on delivery of the discharge certificate.

(b) *Effective time of release to inactive duty.* The release to inactive duty of a reservist who was called to active duty as a reservist takes effect at the actual time of his arrival home or at the expiration of his authorized travel time, whichever is earlier. The release to inactive duty of members of the Regular Navy transferred to the Naval Reserve and concurrently released to inactive duty takes effect at midnight of the last day of active service.

(c) *Civilian clothing.* An enlisted man (or woman) who is discharged by reason of unsuitability, security, unfitness, or misconduct with an honorable or general discharge or who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge shall have the outer garments and distinctive parts of the uniform which are in the individual's possession at time of discharge taken from him (or her). When the items of clothing authorized to be retained are insufficient in type or quantity to provide the dischargee with an outfit of civilian clothing suitable for wearing home, items of civilian clothing not exceeding $30 in cost may be issued at no cost to the dischargee to augment the retained clothing. These clothes shall be furnished without regard to the state of the person's accounts or amount of per-

sonal funds in the individual's possession. Individuals transferred prior to the actual execution of the discharge shall take all their uniforms with them to the place to which transferred. (Detailed instructions regarding issuance of civilian clothing and recovery of uniforms of dischargees are set forth in the Bureau of Supplies and Accounts Manual, paragraph 42601.)

(d) *Wearing of uniform after discharge.* Enlisted personnel discharged with honorable or general discharge, except those discharged by reason of unsuitability, security, unfitness, or misconduct, are entitled to retain their uniforms and may within 3 months after discharge wear them from place of discharge to their homes. The 3-month period relates to the period between the date of discharge and the date of the person's arrival at home, and does not permit the wearing of the uniform after arrival home, even though the 3-month period has not expired.

(e) *Cash allowance.* An enlisted person who is discharged for any reason with a dishonorable, bad conduct, or undesirable discharge and who would be otherwise without funds to meet his immediate needs shall, upon discharge, be paid a sum not to exceed $25 or such portion thereof as will, together with other funds available to the individual concerned, total $25. (Detailed instructions regarding cash allowance are set forth in the Navy Comptroller Manual, paragraph 044180.)

(f) *Not recommended for reenlistment.* Every enlisted person discharged who is not recommended for reenlistment shall be informed orally that fraudulent enlistment in any branch of the service undoubtedly will be detected by fingerprints, and that if concealment of previous service and discharge results in reenlistment that person will be subject to disciplinary action.

(g) Information concerning the Honorable Discharge Button is set forth in article B–2108 of the Bureau of Naval Personnel Manual.

(h) Information concerning recoupment of reenlistment bonus is set forth in article A–4204 of the Bureau of Naval Personnel Manual.

§ 730.17 Cancellation of illegal enlistments.

(a) A legal enlistment may not be canceled. An illegal enlistment must be canceled. Illegal enlistments include those entered into when the enlisted person is:

(1) Intoxicated;

(2) Insane;

(3) A deserter from the military or naval forces of the United States in time of war (except such deserters as may be enlisted upon permission of competent naval authority thereunto authorized by the Secretary of the Navy).

(b) All cases of apparent illegal enlistment shall be reported immediately to the Chief of Naval Personnel. After confirmation of the facts, the Chief of Naval Personnel will direct the action to be taken and the disposition of the person concerned.

Subpart B—Marine Corps

§ 730.21 General.

All discharges and separations of enlisted personnel will be governed by and made in accordance with the provisions of Part E of Chapter 10, Marine Corps Manual, and are applicable to all enlisted and inducted personnel. The provisions relating to administrative discharges and related matters are republished in this subpart.

§ 730.22 Types and reasons for discharge; special considerations.

(a) There are 5 types of discharges, with corresponding characters, as follows:

Type of discharge	Character of separation	Given by—
Honorable discharge.	Honorable	Administrative action.
General discharge	Under honorable conditions.	Do.
Undesirable discharge.	Conditions other than honorable.	Do.
Bad-conduct discharge.	do	General or special court-martial.
Dishonorable discharge.	Dishonorable	General court-martial.

(b) There are twelve formal reasons for discharge which are as follows:

(1) Expiration of enlistment or fulfillment of service obligation, as applicable.
(2) Convenience of the Government.
(3) Own convenience.
(4) Dependency or hardship.
(5) Minority.
(6) Disability.
(7) Unsuitability.
(8) Unfitness.
(9) Misconduct.
(10) Sentence of court-martial.
(11) Security.
(12) When directed by the Secretary of the Navy.

(c) The type of discharge and character of separation are based on the member's military record.

(1) Military record as used herein includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the service. The military record is not limited to entries in the service record, but includes all information pertaining to the military record.

(2) Military behavior as used herein refers to the conduct of the individual while a member of the service.

(3) An honorable discharge is a separation from the service with honor.

(4) A general discharge is a separation from the service under honorable conditions of an individual whose military record is not sufficiently meritorious to warrant an honorable discharge.

(d) Except for misrepresentations, including omissions, made in connection with an enlistment or induction, any activities that a member of the service engaged in before he acquired status in the service may not be considered in determining the type and character of discharge or separation to be issued. The type and character of the discharge will be determined solely by the member's military record.

(e) An honorable or general discharge will be issued, as warranted by the individual's military record, when discharge is for one of the following reasons: Expiration of enlistment, convenience of the Government, own convenience, dependency or hardship, minority, disability, and unsuitability. When the discharge of an individual for one of the foregoing reasons is directed by higher authority, and such authority does not specify the type of discharge or character of separation, the commanding officer effecting the discharge will determine the type of discharge as honorable or general, based on the military record of the individual in accordance with instructions herein.

(f) In those cases where an individual may be issued either an honorable or general discharge, and the commanding officer or higher authority is of the opinion that the individual concerned should be issued a type of discharge different from that indicated by conduct and proficiency markings as set forth herein, a full report of the circumstances with recommendations shall be forwarded to the Commandant of the Marine Corps (Code DMB) for decision. These exceptional cases are limited to those wherein an honorable discharge is recommended in lieu of a general discharge, or a general discharge is recommended in lieu of an honorable discharge. When an individual is to be transferred for discharge, the recommendation should be made prior to the transfer and a copy will be forwarded to the activity to which the person is to be transferred.

(g) Commanding Generals of Marine Corps Recruit Depots will determine the type of discharge to be issued to a recruit who is discharged prior to completion of recruit training for one of the reasons listed in subparagraph (e) of this section, unless otherwise directed by higher authority. The determination of type of discharge in such cases will not be delegated to commanding officers. An honorable or general discharge will be issued, as warranted by the individual's military record in accordance with instructions herein. The recommendations of boards convened in connection with separation of recruits may be considered in making the determination in each case.

(h) An honorable, general, or undesirable discharge may be issued when discharge is for security reasons. Discharge for security reasons will be effected only when directed by the Commandant of the Marine Corps or the Secretary of the Navy after appropriate proceedings in accordance with separate directives which deal explicitly with this matter. (Part 729 of this chapter.)

(i) An undesirable discharge will be issued when an individual is discharged by reason of unfitness or misconduct, unless otherwise directed by the Commandant of the Marine Corps.

(j) When a commanding officer is considering recommending an individual of the rank of Sergeant (E–5) or above for discharge by reason of unsuitability, unfitness or misconduct, he may, where considered appropriate, request from the Commandant of the Marine Corps (Code DGK), copies of fitness reports and any other pertinent information which may be related to the reason for discharge, or type of discharge to be issued.

§ 730.23 Honorable discharge.

(a) An honorable discharge is a separation from the service with honor. Issuance of an honorable discharge is conditioned upon:

(1) Proper military behavior. In the case of personnel of the rank of Corporal (E–4) and below, proper military behavior will be evidenced by the possession of a minimum final average conduct mark of 4.0.

(2) Proficient and industrious performance of duty commensurate with the rank held and the capabilities of the individual concerned. In the case of personnel of the rank of Corporal (E–4) and below, such performance of duty will be evidenced by the possession of a minimum final average proficiency mark of 3.0.

(3) Eligibility for discharge by virtue of one of the following reasons:

(i) Expiration of enlistment or fulfillment of service obligation, as applicable.
(ii) Convenience of the Government.
(iii) Own convenience.
(iv) Dependency or hardship.
(v) Minority.
(vi) Disability.
(vii) Unsuitability.
(viii) Security.
(ix) When directed by the Commandant of the Marine Corps or Secretary of the Navy.

(b) An honorable discharge will not be issued if an individual has been convicted of an offense by general court-martial or has been convicted by more than one special court-martial in the current enlistment, period of obligated service, or any extensions thereof, except as provided in paragraphs (c) and (d) of this section. In other instances, where a commanding officer or higher authority considers that, in view of particular circumstances, an enlisted or inducted person should receive an honorable discharge as an exception to the foregoing, he should so recommend to the Commandant of the Marine Corps (Code DMB), forwarding a full report of the circumstances.

(c) An individual who has been awarded one of the following listed decorations during his current enlistment, period of obligated service, or any extension thereof, may, where otherwise ineligible, be given an honorable discharge: Medal of Honor, Navy Cross, Distinguished Service Medal, Silver Star Medal, Legion of Merit, Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Commendation Ribbon, Gold Life Saving Medal, Silver Life Saving Medal, or any decorations of the other Armed Forces of the United States comparable to the decorations listed above. Each case will be determined on the basis of the individual's military record.

(d) An individual, who is discharged by reason of physical disability incurred in line of duty may, where otherwise ineligible, be given an honorable discharge. Each case will be determined on the basis of the individual's military record.

§ 730.24 General discharge.

(a) A general discharge is a separation from the service under honorable conditions. Issuance of a general discharge is conditioned upon:

(1) A military record not sufficiently meritorious to warrant an honorable discharge.

(2) Eligibility for discharge by virtue of one of the reasons listed in § 730.23 (a)(3).

(b) When it is considered that a general discharge may be warranted in lieu of an honorable discharge in the case of a noncommissioned officer of the rank of Sergeant (E–5) or above, a report of the circumstances with recommendations may be forwarded to the Commandant of the Marine Corps (Code DMB) for determination. Such procedure is not appropriate when a general discharge is clearly warranted based on information pertaining to the military record of the individual which is available to the commanding officer effecting discharge.

§ 730.25 Undesirable discharge.

An undesirable discharge is an administrative separation from the service under conditions other than honorable. It is issued for unfitness, misconduct, or for security reasons. However, notwithstanding the foregoing, whenever the particular circumstances in a given case so warrant, a recommendation for an administrative discharge other than an undesirable discharge may be made to the Commandant of the Marine Corps (Code DMB). An undesirable discharge will not be issued in lieu of trial by court-martial except upon the determination of a general officer exercising general court-martial jurisdiction, or by higher authority, that the interests of the service as well as the individual will best be served by administrative discharge. This does not preclude recommendations for an undesirable discharge when an individual is in a disciplinary status or disciplinary action is pending.

§ 730.26 Bad conduct discharge.

A bad conduct discharge is separation from the service under conditions other than honorable. A bad conduct discharge may be given only by approved sentences of general or special courts-martial and is appropriate for offenses that warrant separation as included punishment but are not of sufficiently grave a nature as to warrant dishonorable separation.

§ 730.27 Dishonorable discharge.

A dishonorable discharge, as its title denotes, is a separation from service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of general courts-martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

§ 730.28 Table of matters relating to discharges.

The following table of matters relating to discharge is furnished as a ready reference. The entries in the table are to be considered as a guide only. Pertinent references should be consulted for detailed instructions and exceptions under certain conditions.

TABLE OF MATTERS RELATING TO DISCHARGES

Reason for discharge	Authority	Conditions affecting the type and character of discharges	Character of discharge	DD (Department of Defense) Form	Mileage[1]	Transportation in kind[1]	Issue civilian clothing[2]	Cash allowance[3]	Retain and wear uniform home[4]
Expiration of enlistment or fulfillment of service obligation, as applicable.	§ 730.29	§§ 730.22–730.24.	Honorable or under honorable conditions.	DD 256–MC, DD 257–MC.	Yes	No	No	No	Yes.
Convenience of the Government.	§ 730.32	do	do	do	Yes	No	No	No	Yes.
Own convenience.	§ 730.33	do	do	do	Yes	No	No	No	Yes.
Dependency or hardship.	§ 730.34	do	do	do	Yes	No	No	No	Yes.
Minority	§ 730.35	do	do	do	Yes	No	No	No	Yes.
Disability	§ 730.31	do	do	do	Yes	No	No	No	Yes.
Unsuitability	§ 730.36	do	do	do	Yes	No	Yes	No	No.
Security	§ 730.39	§§ 730.22 (h), 730.23, 730.24.	Honorable or under honorable conditions or	do	Yes	No	Yes	No	No.
			Undesirable.	DD 258–MC.	No	Yes	Yes	Yes	No.
Unfitness	§ 730.37	§§ 730.22 (i), 730.25.	Undesirable.	do	No	Yes	Yes	Yes	No.
Misconduct	§ 730.38	§§ 730.22 (j), 730.25.	Undesirable.	do	No	Yes	Yes	Yes	No.
Sentence of court-martial.	Marine Corps Manual ¶10279.	§§ 730.26, 730.27.	Bad conduct or dishonorable.	DD 259–MC, DD 260–MC.	No	Yes	Yes	Yes	No.

[1] See Marine Corps Manual, paragraph 10304, and Joint Travel Regulations.
[2] See Marine Corps Manual, paragraph 10310.
[3] See Marine Corps Manual, paragraph 10313, and Navy Comptroller Manual, paragraph 044180.
[4] See Marine Corps Manual, paragraph 10324.

§ 730.29 Discharge for reason of expiration of enlistment or fulfillment of service obligation.

(a) Commanding officers are authorized to discharge enlisted personnel upon normal date of expiration of enlistment, extension of enlistment, or period of induction. The normal date of expiration of enlistment for any enlistment is the date of the month immediately preceding the appropriate anniversary of the date of enlistment as adjusted for the purpose of making up any time lost from the enlistment, extension of enlistment or period of induction.

(b) Discharge of enlisted personnel for reason of fulfillment of service obligation will be accomplished in accordance with the provisions of Part G of the Marine Corps Manual. Paragraph 10351 of the Marine Corps Manual will be cited as the authority for discharge.

§ 730.30 Discharges at sea.

Discharges will not be executed while an enlisted person is attached to a Marine detachment afloat, except for the purpose of immediate reenlistment, or accepting a commissioned or warrant rank.

§ 730.31 Discharge for physical disability.

The Commandant of the Marine Corps, and commanding officers, when specifically authorized by separate directive, may direct or effect discharge for physical disability when as a result of medical findings, an individual has been found physically unfit to perform the duties of his rank. Discharge for reasons of physical disability is given only as the result of an individual's appearance before a Physical Evaluation Board or a board of medical survey. Further instructions are set forth in paragraph 10308 and Part I of Chapter 10 of the Marine Corps Manual.

§ 730.32 Discharge for convenience of the Government.

(a) The Commandant of the Marine Corps may authorize or direct the discharge of enlisted personnel for the convenience of the Government for any one of the following reasons:

(1) General demobilization or by an order applicable to all members of a class of personnel specified in the order.

(2) To accept appointment as an officer in the Marine Corps, Marine Corps Reserve, or in another branch of the Armed Forces for active duty only.

(3) To accept appointment as a cadet or midshipman to the Military, Air Force, Coast Guard, or Naval Academy.

(4) Upon certification by a medical officer that an enlisted woman is pregnant, the commanding officer shall discharge the woman for the convenience of the Government, or in the case of overseas commands will transfer the enlisted woman to the continental United States for discharge. The type of discharge certificate issued will be as warranted by her service record, regardless of her marital status. In the case of discharge for reason of pregnancy of an unmarried minor (under 21 years), the commanding officer will notify the parents or guardian of the woman concerned. If as a result of a spontaneous or therapeutic abortion or a still birth, the pregnancy is terminated prior to separation from the service, the woman will be discharged unless she requests in writing that she be retained in the service. In such case, the woman may, at the discretion of the commanding officer be retained in the service, if found physically qualified.

(5) For reasons of national health, safety, or interest, only when recommended by a Government agency authorized to make such determination and recommendation. It is not expected that cases of this nature will come to the attention of individual commanding officers. However, should such be the case, a prompt report containing all available information should be made to the Commandant of the Marine Corps (Code DMB).

(6) By reason of erroneous induction, such as over 26 years of age when inducted, when so stated by the Office of the Director of Selective Service. Any case coming to a commanding officer's attention which purports to be of this nature shall be investigated as fully as possible and a complete report, including such certified statements as appear necessary, made promptly to the Commandant of the Marine Corps (Code DMB).

(7) Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(b) The commanding officer shall discharge for the convenience of the Government or, in the case of overseas commands will transfer to the continental limits of the United States for discharge:

(1) A married enlisted woman, at her own request, regardless of date of marriage, subject to the restrictions set forth below:

(i) Has completed at least 12 months of active duty in current enlistment subsequent to completion of recruit training.

(ii) If the woman has successfully completed a service school course, she must have served 6 months after the completion of said course.

(iii) The active service in any case must total a minimum of 12 months in current enlistment exclusive of recruit training.

(2) An enlisted woman when it is established that such woman:

(i) Is the parent by birth or adoption of a child under eighteen; or

(ii) Has personal custody of a child under eighteen; or

(iii) Is the step-parent of a child under eighteen and the child is within the household of the woman for a consecutive period of more than 30 days a year; or

(iv) During her current enlistment or extension of enlistment has given birth to a living child.

§ 730.33 Discharge for own convenience.

(a) The Commandant of the Marine Corps may authorize or direct the discharge of Marines for their own convenience. Requests for discharge will, as a policy, not be granted when submitted solely for the purpose of (1) entering another branch of the Armed Forces in an enlisted status, (2) accepting civil employment, or (3) accepting employment with other Government agencies in a civilian capacity.

(b) It is not desired to prevent personnel from applying for discharge for personal reasons; however, when it is evident after interview with the person concerned that his desire for separation is based on personal benefit, such as for one of the reasons stated above, he should be informed of the general policy and discouraged from submitting an official request for discharge for such reasons. If he still wishes to submit a request for discharge, he should be allowed to do so, in which case substantiating documents bearing on his particular case should be required of the applicant to accompany his request.

(c) Discharges "by purchase" will not be authorized.

§ 730.34 Discharge or release from active duty for reason of dependency or hardship.

(a) The Commandant of the Marine Corps and all Marine general officers in command may authorize and direct the discharge or release from active duty of enlisted personnel for dependency or hardship.

(b) Enlisted persons who desire to request discharge or release from active duty for dependency or hardship reasons shall be informed of these regulations and of the proper procedure to follow. It should be clearly explained to each applicant that submission of a request is no assurance that discharge or release will be authorized. Each request of this nature that is received shall be carefully and sympathetically considered and decided on its individual merits.

(c) Undue hardship does not exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service. Discharge or release from active duty by reason of hardship or dependency will not be authorized:

(1) For personal convenience alone.

(2) When the Marine is in a disciplinary status. This does not preclude submission of application while in a disciplinary status.

(3) When the Marine requires medical treatment.

(4) Solely by reason of the pregnancy of the Marine's wife.

(d) Discharge or release from active duty will not be disapproved under the provisions of this section solely because:

(1) The enlisted person's services are needed in his organization.

(2) He is indebted to the Government or to an individual.

(e) Discharge or release from active duty for hardship or dependency will be warranted and may be authorized and directed when the following conditions are met:

(1) Undue and genuine dependency or hardship exists.

(2) Dependency or hardship is not of a temporary nature.

(3) The Marine has tried to relieve the hardship by means of application for quarters allowance and voluntary contributions.

(4) Conditions have arisen or have been aggravated to an excessive degree since entry into the Marine Corps or entry on current tour of extended active duty. An example of a meritorious case is when the evidence shows that as a result of the death or disability of a member of the Marine's family, his discharge or release from active duty is necessary for the support or care of a member or members of the family.

(5) Discharge or release from active duty will result in the elimination of, or will materially alleviate the condition, and that there are no means of alleviation readily available other than by such discharge.

(f) After explaining the regulations to an applicant, he will be permitted to submit a written application for discharge or release from active duty for dependency or hardship. Consideration and assistance will be given in the preparation of request. Requests must be accompanied by at least two affidavits substantiating the dependency or hardship claim. Where practicable, one such affidavit should be from the dependent concerned. The request should contain the following additional information:

(1) Reason in full for request.

(2) Complete home address of dependent and applicant.

(3) Names and addresses of persons familiar with the situation.

(4) Statement as to marital status and date of marriage.

(5) Financial obligations; specific amounts and methods of contributions to dependent.

(6) Names, ages, occupations, and monthly incomes of members of the individual's family, if any (where applicable, incomes to include monetary benefits derived as the result of being beneficiary to a life insurance policy indicating whether payment was made in a lump sum settlement or on a monthly basis), and the reasons why these members cannot provide the necessary care or support of the individual's family; or a statement that no members of the family have been omitted.

(7) If dependency is the result of death of a member of the Marine's family, occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the Marine's family, occurring after his entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred, the nature thereof, and probable duration.

(g) The immediate commanding officer will forward such application by endorsement, including:

(1) A definite recommendation.

(2) A statement regarding service obligation.

(3) Status of any disciplinary action pending.

(4) Effective date, amount and purpose of all allotments. If the applicant claims to be making cash contributions, he shall be required to produce substantiating evidence, such as money order receipts, etc.

(h) Commands authorized to direct discharge or release from active duty in accordance with this authority are further authorized to make the final determination, when the Marine concerned has a military obligation, as to whether the conditions of hardship or dependency for which the individual is being considered may be expected to continue throughout the period of obligated service. If it is considered that the hardship or dependency will continue throughout the period of obligated service, the Marine may be discharged, in which case the period of obligated service is terminated.

(i) Upon receipt of a written request from the individual concerned, together with the supporting evidence outlined in paragraph (f) of this section, the command will:

(1) Review carefully the basis on which the request is made.

(2) Commands exercising discharge authority may request supplemental information from the American Red Cross pertaining to the application for discharge or release from active duty of individuals for hardship. These requests will be restricted to specific information in those cases only where additional information is needed to make a determination. If the case is disapproved after receipt of the American Red Cross report, the command will include the report when forwarding the case to the Commandant of the Marine Corps (Code DMB).

(3) Appoint a board, consisting of not less than three (3) members, before whom the Marine will appear. This board shall consist entirely of military personnel. It will be the responsibility of the Board to study and evaluate all available information, interview the applicant, and make recommendations to the command concerning ultimate disposition of the case, including a recommendation as to whether an individual who has a remaining service obligation should be discharged or released from active duty.

(4) If the discharge or release from active duty is considered warranted, the command will take final action on the application. If the individual is discharged, application and all supporting papers will be forwarded, with closed service record, to the Commandant of the Marine Corps (Code DGK). For those individuals released from active duty, the application and supporting papers will be forwarded to the Commandant of the Marine Corps (Code DGH); service records will be forwarded to the appropriate reserve command in accordance with current directives.

(5) If the discharge or release from active duty is not considered warranted, the command will forward the application with all supporting documents, together with a synopsis of the proceedings and recommendations of the local review board, to the Commandant of the Marine Corps (Code DMB), for review and final determination. The synopsis should contain any pertinent information not included in the man's application or other supporting documents that will aid in making final determination.

(j) In effecting separations under this authority, the procedures set forth below will be followed:

(1) If the individual to be separated has a home of record in the continental United States:

(i) Commands located in the United States will effect the separation locally.

(ii) Commands located outside the United States will transfer the individual concerned to the nearest Marine Corps activity in the United States for separation.

(2) If the individual to be separated is entitled to and elects transportation to a point outside the United States upon separation, he will be transferred to the Marine Corps activity nearest to the point to which transportation is authorized.

(k) Any information concerning the private affairs of Marines or their families shall be treated as confidential, and shall not be disclosed to persons other than in connection with their official duties, nor will the source of such information be disclosed.

§ 730.35 Discharge for reason of minority.

(a) Subject to the restrictions contained in paragraph (d) of this section, the Commandant of the Marine Corps may authorize or direct the discharge of enlisted personnel for minority when it is considered to be in the best interests of the Government.

(b) Subject to the restrictions set forth in paragraph (d) of this section all Marine general officers in command are authorized to effect the discharge of enlisted or inducted personnel for reason of minority. Overseas commands will transfer personnel to the United States for such discharge.

(c) Organizations not in the jurisdiction of one of the commands listed above will forward a report of the case to the Commandant of the Marine Corps (Code DMB), including the evidence prescribed in paragraph (f)(1) of this section; a definite recommendation as to desirability for retention, and a statement from the subject person. If the person is not considered desirable for retention, he shall be retained at, or transferred to, a continental shore station and the Commandant of the Marine Corps will be so advised.

(d) Discharge for minority may be effected subject to the following restrictions:

(1) *Regular Marine Corps and Marine Corps Reserve.* (i) If under a verified age of 17 years, the individual will be discharged regardless of whether or not he enlisted with proper consent.

(ii) If it has been verified that the individual has passed his 17th birthday but not his 18th, he will be discharged, provided: (*a*) Enlistment was made without proper consent, and application of parent or guardian for release was made within 90 days from the date of enlistment; or (*b*) if in the opinion of the commanding officer the individual is not sufficiently mature for retention.

A negative opinion in this respect should be supported, if practicable, by a qualified psychiatric evaluation.

(iii) When it has been verified that the individual has passed his 18th birthday he will be retained.

(2) *Inductee.* (i) If the individual is under 18 years and six (6) months of age, when verified, he will be discharged unless, pursuant to Selective Service regulations, the minor, after attaining age 17, volunteered for induction with the written consent of his custodial parent or legal guardian.

(3) *Women.* (i) If enlisted and under 18 years of age she will be discharged.

(ii) If enlisted without proper consent and has passed her 18th birthday but not her 21st birthday, when verified, discharge upon application of parent or legal guardian provided that such application has been received by the Department of the Navy within 90 days after the enlistment.

(e) The statutory and administrative minimum ages for enlistment are as follows:

	Statutory	Administrative
Regular Marine Corps:		
Men	14	17
Women	18	18
Marine Corps Reserve:		
Men	17	17
Women	18	18

The discharge of any enlisted person who is determined to be under the statutory minimum age is mandatory, and request of parent or guardian is not required. However, the enlistment contract of a woman may be considered binding if information of her true age is not received prior to her 18th birthday.

(f) In any case where it becomes apparent or it is alleged that there is a discrepancy of age or name in the enlistment contract, or when the validity of custodian's consent is questioned, prompt action shall be taken to ascertain the true facts, and whether or not such facts provide a basis for discharge, local records will be corrected and a complete report made to the Commandant of the Marine Corps (Code DMB).

(1) The evidence described below will be acceptable for establishing proof of age and for correction of records.

(i) A certified copy of birth certificate showing date of birth and date birth was recorded. (To be acceptable, must be recorded previous to enlistment.)

(ii) A certified copy of baptismal certificate, or other church record, showing age or date of birth.

(iii) An extract from school census record (certified).

(iv) A hospital record of birth (certified).

(v) A census enumeration extract (certified).

(2) Any difference in the name contained in the evidence and the name under which the individual enlisted must be clarified by public record or affidavits of two disinterested persons testifying from their own knowledge as to the identity of the person concerned.

(g) The Commandant of the Marine Corps requires that written consent be obtained from the custodial parent or legal guardian in cases of all male minors under 18 years of age, and all women under 21 years of age.

(h) The enlistment of a minor with false representation as to age, or without consent, will not alone be considered a fraudulent enlistment; see § 730.38.

(i) The commanding officer effecting a minority discharge shall notify the next of kin, giving the type of discharge and, in general terms, the reason for discharge. Care and discretion shall be exercised in phrasing the notification in order that the reason for discharge may not be construed by the person concerned as derogatory to the individual or to reflect adversely on his character.

§ 730.36 Discharge for reason of unsuitability.

(a) The Commandant of the Marine Corps, and Marine general officers in command, may authorize or direct discharge by reason of unsuitability, except that all cases involving sexual perversion or homosexual tendencies will be referred to the Commandant of the Marine Corps (Code DK) for decision. Such discharge will be effected when it has been determined that an individual is unsuitable for further military service because of:

(1) Inaptitude. Applicable to those persons who are best described as inapt, due to lack of general adaptability, want of readiness or skill, unhandiness, or inability to learn.

(2) Enuresis.

(3) Character and behavior disorders, disorders of intelligence, and transient personality disorders due to acute or special stress as defined in "Joint Armed Forces Nomenclature and Method of Recording Psychiatric Conditions—1949," (SR 40–1025–2; NavMed P–1303; AFR 160–13A) and revisions thereof.

(4) Other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(5) Apathy, defective attitudes and inability to expend effort constructively: As a significant observable defect, apparently beyond the control of the individual, elsewhere not readily describable.

(6) Alcoholism: Chronic, or addiction to alcohol.

(7) Homosexual tendencies.

(b) In cases where a commanding officer considers an enlisted person unsuitable for further military service, he will refer the case to the appropriate commanding general, or the Commandant of the Marine Corps (Code DMB) for decision. Prior to recommending the discharge of an enlisted person for unsuitability, the commanding officer will investigate or cause the case to be investigated. The person concerned shall be informed of the contemplated action and the reason therefor, and after Article 31, Uniform Code of Military Justice (10 U.S.C. 831) is read and explained to him, he shall be given an opportunity to make a statement in his own behalf. If doubt exists as to the existence of a physical disability as the cause of unsuitability, the enlisted person shall be brought before an appropriate medical board for a determination of fact. In every case of discharge for reason of unsuitability recommended by a commanding officer, a complete report giving all the circumstances of the case, together with a signed statement from the person concerned or a certification that he does not desire to make a statement, shall be forwarded.

(c) A recommendation for discharge by reason of unsuitability should be submitted in appropriate cases notwithstanding any pending disciplinary action or status as the result of disciplinary action.

(d) At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the service record showing this fact and the reason therefor. If the recommendation for discharge is disapproved, an entry to this effect will likewise be recorded on page 11 of the service record.

(e) When final action is taken on a recommendation for discharge by reason of unsuitability, all papers shall be forwarded to the Commandant of the Marine Corps (Code DGH) for file in the individual's official record.

§ 730.37 Discharge for reason of unfitness.

(a) The Commandant of the Marine Corps and all Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in the service of enlisted or inducted persons recommended for discharge by reason of unfitness, except that cases involving sexual perversion will be referred to the Commandant of the Marine Corps (Code DK) for decision.

(b) The commanding officer or officer in charge will recommend an individual for discharge for reason of unfitness when it is determined that his military record is characterized by one or more of the following:

(1) Sexual perversion including but not limited to:

(i) Lewd and lascivious acts.

(ii) Homosexual acts.

(iii) Sodomy.

(iv) Indecent exposure.

(v) Indecent acts with or assault upon a child.

(vi) Other indecent acts or offenses.

(2) Frequent involvement of a discreditable nature with civil or military authorities.

(3) An established pattern for shirking.

(4) Drug addiction or the unauthorized use or possession of habit-forming narcotic drugs or marijuana.

(5) An established pattern showing dishonorable failure to pay just debts.

(6) For other good and sufficient reasons when determined by the Commandant of the Marine Corps or the Secretary of the Navy.

(c) Before recommending a discharge for unfitness, the commanding officer shall investigate or cause each case to be investigated. The circumstances, facts, and offenses shall be substantiated by service record entries and/or other pertinent information and copies thereof shall be enclosed with the recommendation. All recommendations indicating the existence of a physical disability will be supported by a report of a medical board, or a psychiatric report in cases of character and behavior disorders or other mental infirmities, if practicable. The individual recommended for such discharge will, if his whereabouts is known, be properly advised of the basis for the contemplated action and afforded an opportunity to request or waive, in writing, each of the following privileges:

(1) To have his case heard by a board of not less than three officers.

(2) To appear in person before such board, subject to his availability, e.g., not in civil confinement.

(3) To be represented by counsel, who, if reasonably available, should be a lawyer. Military counsel of his choice will be provided if reasonably available, otherwise, military counsel deemed reasonably available will be appointed. He may retain civilian counsel at no expense to the Government.

(4) To submit statements in his own behalf. Prior to receiving any statement, the provisions of Article 31, Uniform Code of Military Justice (10 U.S.C. 831), shall be read and explained to the individual.

(d) At the time of submission of a recommendation for discharge, an entry will be made on page 11 of the service record book showing this fact and the reason therefor. If recommendation for discharge is disapproved, an entry to this effect will likewise be recorded on page 11 of the service record.

(e) A board consisting of not less than three officers shall be convened by each general officer exercising general court-martial jurisdiction for the purpose of considering recommendations for undesirable discharge in all cases where the individual concerned has not waived in writing the right to have his case heard by a board of officers, and to make recommendations to the convening authority as to the final disposition in each case.

(1) The membership of the board shall include at least one woman officer when a case of an enlisted woman is under consideration.

(2) If the individual under consideration is a member of the reserve component, the membership of the board shall include:

(i) a majority of reserve officers if available locally;

(ii) if a majority of reserve officers is not available locally, at least one reserve officer.

(3) If the requirement set forth in subparagraph (2)(i) of this paragraph cannot be met, the record shall include a certificate of the convening authority to that effect. If any other requirement cannot be met from officer personnel available locally, instructions will be requested from the Commandant of the Marine Corps (Code DK).

(f) The recommendation for discharge, and the report of the board in each case considered by a board, will be submitted to the convening authority for approval or disapproval. Based on the convening authority's decision, the following will apply:

(1) Should the recommendation of the board be approved, the convening authority may immediately direct discharge or retention of the individual concerned.

(2) Should the board of officers recommend discharge and the convening authority disapprove such recommendation, he may direct retention of the individual concerned.

(3) Should the board of officers recommend retention and the convening authority not approve the recommendation, the entire proceedings will be referred to the Commandant of the Marine Corps (Code DK) for decision.

(4) Should the commanding officer, board of officers, or convening authority recommend an administrative discharge other than an undesirable discharge, in accordance with § 730.25, the case will be referred to the Commandant of the Marine Corps (Code DMB) for decision. Any other case in which the convening authority regards an undesirable discharge as warranted while the board of officers recommended an honorable or general discharge will be referred to the Commandant of the Marine Corps (Code DMB) for decision.

(5) In cases where the individual concerned has waived the right to have his case heard by a board of officers, the general officer exercising general court-martial jurisdiction may direct discharge or retention of the individual.

(6) In any case where the convening authority considers that there is a question as to proper disposition, the matter will be referred to the Commandant of the Marine Corps (Code DK) for instructions.

(7) When final action is taken on any report or recommendation, all papers shall be forwarded to the Commandant of the Marine Corps (Code DK) for review.

(g) Commanding officers and officers in charge not under the command of a Marine general officer exercising general court-martial jurisdiction will comply with the procedures as set forth in paragraphs (c), (d), and (e) of this section. Such officers will convene a board of officers and refer recommendations for discharge to the board in cases where the individual concerned does not waive in writing his right to have his case heard by a board of officers. The recommendation of the commanding officer or officer in charge, and the report of the board in each case considered by a board, with the convening authority's recommendation thereon, will be forwarded to the Commandant of the Marine Corps (Code DK) for final action.

(h) Personnel serving outside the continental United States shall be transferred to the nearest Marine Corps activity in the United States by the general officer who directs or recommends the discharge. Authority for discharge will be included in the orders transferring the individual to the United States.

(i) Commanding officers of activities outside the continental United States, not under the command of a Marine general officer authorized to direct discharge, will transfer to the nearest Marine Corps activity in the United States those individuals who have been recommended for discharge by a board convened under the provisions of paragraph (e) of this section, or who have been recommended for discharge by their commanding officer and have waived, in writing, the right to have their case heard by a board of officers. Commanding officers in their endorsement of the proceedings of the board or their recommendation for discharge will indicate the activity in the United States to which the individual is being transferred.

§ 730.38 Discharge for reason of misconduct.

(a) General instructions relating to discharge by reason of misconduct are as follows:

(1) The Commandant of the Marine Corps and Marine general officers exercising general court-martial jurisdiction, may direct the discharge or retention in service of enlisted or inducted personnel recommended for discharge by reason of misconduct.

(2) When an individual is to be retained in the service and civil restraint (including probationary reporting) exists, civil authorities will be requested to terminate or suspend such restraint for the duration of the enlistment. (This action should be taken by the commanding general making the final determination or by the Commandant of the Marine Corps in cases where the Commandant of the Marine Corps makes final determination as to retention in the service.)

(b) The commanding officer or officer in charge shall make a report of suspected or apparent misconduct of enlisted or inducted persons for any of the following reasons and shall include in the report a recommendation for discharge or retention in the service of the person concerned:

(1) Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established by official records, but punitive discharge has not been authorized by competent authority.

(2) Procurement of a fraudulent enlistment, induction or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection. This includes, but is not limited to the following:

(i) A police record, or conviction by civil court.

(ii) A record as a juvenile delinquent, wayward minor, or youthful offender.

(iii) Previous service in any branch of the Armed Forces.

(iv) Physical defects.

(v) Marriage or dependents.

(vi) Preservice homosexual act(s) or tendencies.

(3) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement in excess of one year; or which involves

moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial Table of Maximum Punishments, or is not closely related to an offense listed therein, the maximum punishment authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

(c) The enlistment of a minor with false representation as to age will not alone be considered a fraudulent enlistment; see § 730.35.

(d) In forwarding cases of apparent fraudulent enlistment or induction, commanding officers or officers in charge shall include documentary evidence with regard to the alleged fraud.

(e) In cases of conviction by civil authorities or by consular court subsequent to enlistment, a copy of the court order or order of commitment, or the certificate of the Judge or the Clerk of the Court, advising as to the charge on which convicted, and the sentence adjudged, will be enclosed with the report and recommendation. After verification, the commanding officer will include in his recommendation the maximum sentence provided for the offense.

(f) The instructions and procedures set forth in paragraphs (c) through (i) of § 730.37 shall govern in disposing of cases of individuals considered for discharge by reason of misconduct.

§ 730.39 Discharge for reason of security.

The Commandant of the Marine Corps or the Secretary of the Navy may direct discharge for reasons of security with the character of discharge and under conditions stipulated in directives that deal explicitly with this matter when retention is not clearly consistent with the interest of national security. (See Part 729 of this chapter.)

§ 730.40 Discharge when directed by the Secretary of the Navy.

The Secretary of the Navy may authorize or direct discharges in individual cases.

Dated: September 10, 1959.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral U. S. Navy,
Judge Advocate General of the Navy.

[F.R. Doc. 59-7687; Filed, Sept. 15, 1959; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

[Amdt. 2]

Number of Employees

The Small Business Size Standards Regulation (Revision 1) as amended (24 F.R. 3491, 5628) is hereby further amended as follows:

In § 121.3-9(b)(1), subdivision (iv) is amended by changing "100" to read "250."

As so amended, § 121.3-9(b)(1)(iv) reads as follows:

(iv) Together with its affiliates employs no more than 250 persons.

Effective date. This amendment shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 72 Stat. 385; 15 U.S.C. 634)

Approved: September 10, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-7690; Filed, Sept. 15, 1959; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

PROPERTY MANAGEMENT COMMITTEE

In § 200.88 paragraph (b)(1) is amended to read as follows:

§ 200.88 Property Management Committee.

* * * * *

(b) *Functions.* * * *

(1) To pass upon and determine the action to be taken with respect to the acceptance or rejection of any offer to purchase a property or mortgage acquired by the Commissioner in connection with multifamily housing mortgage insurance and yield insurance operations, the sale and terms of sale of mortgages taken as security in connection with the sale of such properties, and offers to purchase a group of five or more properties acquired by the Commissioner in connection with home mortgage insurance operations, and to establish general policies with respect thereto. The minutes of the Committee reflecting its determinations shall constitute the basis of acceptance or rejection of such offers and the execution of all documents and instruments relating and incident thereto by the Director or Deputy Director of the Property Management Division with respect to such properties and by the Director or Deputy Director of the Mortgage Insurance Division with respect to such mortgages.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., September 10, 1959.

C. B. SWEET,
Acting
Federal Housing Commissioner.

[F.R. Doc. 59-7698; Filed, Sept. 15, 1959; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Aircraft

On page 4519 of the FEDERAL REGISTER of June 3, 1958, (24 F.R. 4519) there was published a notice of proposed rule making to amend subparagraphs (1), (2), and (3) of paragraph (a) of § 1.61, entitled *Aircraft*, of the general rules and regulations of the National Park Service. Interested persons were given 30 days within which to submit written comments, suggestions, or objections to the proposed regulations.

No comments or objections were submitted within the 30 day period. Consequently, the proposed amendment is hereby adopted as published except that subparagraph (3) is further amended to permit the landing of helicopters in connection with prospecting and mining activities. Since the latter is a liberalization of the regulation the notice of rule making procedure was not considered necessary. This amendment shall become effective upon its publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 9, 1959.

Subparagraphs (1), (2) and (3) of paragraph (a) of § 1.61 are amended to read as follows:

§ 1.61 Aircraft.

(a) * * *

(1) *Mount McKinley National Park, Alaska.* McKinley Park Station Airport, located in Sections 3 and 4, Township 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(2) *Death Valley National Monument, California.* Death Valley Airport, located in W½ Section 16 and NW¼ Section 21, Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(3) *Glacier Bay National Monument, Alaska.* The entire water area of the monument, except Adams Inlet and any of the lakes within the monument; provided, however, landings and takeoffs shall not be made on beaches or tidal flats or within one nautical mile of any tidewater glacier in the monument. If authorized by the Superintendent, helicopters may land at selected sites where deemed essential in the conduct of prospecting and mining activities.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C., 1952 ed., sec. 3)

[F.R. Doc. 59-7686; Filed, Sept. 15, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1975]

[Oregon 06495]

OREGON

Correcting Public Land Order No. 1929 (Coquille River Light Station)

Paragraph 1 of Public Land Order No. 1929 of July 29, 1959, appearing in the FEDERAL REGISTER of August 4, 1959, at page 6243, is hereby corrected to describe the Executive order revoked thereby as the order of December 30, 1895, rather than the Executive order of October 30, 1895.

Paragraph 3 of Public Land Order No. 1929 is corrected to the extent necessary to designate March 3, 1960, as the date when the lands shall be open to applications and offers under the mineral-leasing laws and to location under the mining laws, instead of December 3, 1959.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 9, 1959.

[F.R. Doc. 59-7682; Filed, Sept. 15, 1959; 8:46 a.m.]

[Public Land Order 1976]

[82870]

IDAHO

Interforest Transfers, St. Joe and Clearwater National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U.S.C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Department of Agriculture, it is ordered as follows:

1. The following-described lands within the exterior boundaries of the Clearwater National Forest are hereby transferred to the St. Joe National Forest, effective July 1, 1959.

BOISE MERIDIAN

T. 41 N., R. 6 E.
Secs. 4, 5, 6 and 7, those lands included in the following-described area:
Beginning at the northwest corner of the township, thence east along the north line of said township to its inter-section with the middle of the main channel of the Little North Fork Clearwater River, thence southwesterly downstream along the middle of the main channel of the Little North Fork Clearwater River to its inter-section with the west line of said township, thence north along the west line of said township to the place of beginning.

The area described contains approximately 1,260 acres.

2. The following-described lands within the exterior boundaries of the St. Joe National Forest are hereby transferred to the Clearwater National Forest, effective July 1, 1959:

BOISE MERIDIAN

T. 41 N., R. 5 E.
Secs. 27, 32, 33 and 34, those parts now within the St. Joe National Forest that are south of the North Fork Clearwater River;
Sec. 36.
T. 42 N., R. 6 E., Tps. 41 and 42 N., R. 7 E.
Those lands in secs. 25, 26, 27, 33, 34, 35 and 36, T. 42 N., R. 6 E; in sec. 6, T. 41 N., R. 7 E., and in secs. 30 and 31, T. 42 N., R. 7 E., included in the following described area:
Beginning at the northeast corner of T. 41 N., R. 6 E., B.M., thence south along the east line of said township to its intersection with the hydrographic divide between the Bear Creek on the north and the Isabella Creek drainage on the south, thence northeasterly following along the crest of said hydrographic divide between the Bear Creek and Isabella Creek drainages to Larkins Peak, thence westerly along the hydrographic divide between the Bear Creek and Devils Club Creek Drainages to the middle of the channel of the Little North Fork Clearwater River, thence southwesterly downstream along the middle of the channel of the Little North Fork Clearwater River to an intersection with the north line of T. 41 N., R. 6 E., B.M., thence east along the north line of said township to the place of beginning.

The areas described contain approximately 3,698 acres.

3. The exterior boundaries of the forests involved are hereby adjusted in accordance with the transfers made by this order.

4. This order shall not be construed as giving a national forest status to any lands which do not now have such status, or as changing the status of any lands which now have a national forest status.

Ross LEFFLER,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7683; Filed, Sept. 15, 1959; 8:46 a.m.]

[Public Land Order 1977]

[Fairbanks 011951]

ALASKA

Partially Revoking Bureau of Land Management Order of October 4, 1957, Which Withdrew Lands at Tanana for School and Hospital Purposes

By virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. The Bureau of Land Management order of October 4, 1957, which reserved lands in Alaska under the jurisdiction of the Bureau of Indian Affairs for school and hospital purposes, is hereby revoked so far as it affects the following-described lands:

(A) Beginning at meander corner No. 1 of U.S. Survey 2754 A-B, thence
N. 0°05' E., 875.40 feet;
S. 89°19' W., 100.00 feet;
S. 0°05' W., 861.40 feet to shore of Yukon River;
S. 82°29' E., 100.87 feet to point of beginning, containing 1.99 acres.
(B) U.S. Survey 2754 A-B, Block 7, lot 11, containing 0.1 acre.

2. The lands described in paragraph 1(B) of this order, together with what may be described as the (approximately) southerly 291.40 feet of the tract described in paragraph 1(A), were conveyed to the then Territory of Alaska by quitclaim deed dated October 28, 1958, under the provisions of the Act of August 23, 1950 (64 Stat. 470).

3. Beginning at 10:00 a.m. on October 16, 1959, the remaining public lands described in paragraph 1 of this order shall be open to application, petition, location, and selection under applicable nonmineral public land laws, subject to valid existing rights, the requirements of applicable laws, the 91-day preferred right of selection granted to the State of Alaska by section 202(b) of the Act of July 28, 1956 (70 Stat. 709, 711; 48 U.S.C. 46-3(b)), in furtherance of its mental health program; section 6(g) of the Alaska Statehood Act of July 7, 1958 (Public Law 85-508; 72 Stat. 341), and the 91-day preference right filing period for veterans of World War II, the Korean Conflict, and others entitled to preference under the Act of September 27, 1944 (48 Stat. 747; 43 U.S.C. 279-284), as amended.

4. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on January 15, 1960. Mining locations made prior to that time shall be invalid.

5. The order of October 4, 1957, is hereby amended to the extent necessary to describe the Tanana Hospital Site as follows:

TANANA HOSPITAL SITE

Beginning at the southeast corner of Air Navigation Site Withdrawal No. 161, dated July 2, 1941, on the right bank of the Yukon River, thence
N. 0°41' W., 750 feet along east boundary of A.N.S. 161,

N. 89°19' E., 950 feet,
S. 0°05' W., 882 feet to a point on the right bank of the Yukon River,
Westerly, 975 feet along said right bank to point of beginning.

The tract described contains 17.31 acres.

6. The Tanana Hospital Site was transferred to the Public Health Service, Department of Health, Education, and Welfare, from the Bureau of Indian Affairs, by the act of August 5, 1954 (68 Stat. 674).

7. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROSS LEFFLER,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1959.

[F.R. Doc. 59–7684; Filed, Sept. 15, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Short Sales

NOTICE OF HEARING

Proposed amendments to the regulations under section 1233 of the Internal Revenue Code of 1954, relating to capital gains and losses in case of short sales made by dealers in securities, were published in the FEDERAL REGISTER for Wednesday, August 12, 1959.

A public hearing on the proposed regulations wil be held on Thursday, October 1, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C. by September 28, 1959.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 59–7736; Filed, Sept. 15, 1959; 8:49 a.m.]

[26 CFR (1954) Part 48]

MANUFACTURERS EXCISE TAX ON REFRIGERATION EQUIPMENT, ELECTRIC, GAS AND OIL APPLIANCES, AND ELECTRIC LIGHT BULBS

Notice of Hearing

Proposed regulations under sections 4111, 4121, and 4131 of the Internal Revenue Code of 1954, relating to refrigeration equipment, electric, gas and oil appliances, and electric light bulbs were published in the FEDERAL REGISTER for Tuesday, August 25, 1959.

A public hearing on the proposed regulations will be held on Tuesday, September 29, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by September 25, 1959.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 59–7737; Filed, Sept. 15, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

Bureau of Land Management

[43 CFR Part 201]

OUTER CONTINENTAL SHELF

Extension of Leases by Drilling or Well Reworking Operations

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), it is proposed to add new sections to 30 CFR Part 250, and 43 CFR Part 201, to read as set forth below. The purpose of the additions is to interpret and apply section 8(b)(2) of the Act by providing uniform rules for acceptance or approval of drilling or well reworking operations for maintenance of oil and gas leases issued pursuant to section 8(a) of the Act.

The proposed additions relate to matters which are exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule-making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed additions to either the Director, United States Geological Survey, or Director, Bureau of Land Management, Washington 25, D.C., within 30 days of the publication of this notice in the FEDERAL REGISTER.

Dated: September 9, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

1. Section 250.34a, a new section, is added to 30 CFR Part 250, to read as follows:

§ 250.34a Extension of leases by drilling or well reworking.

(a) The Secretary shall be deemed to have approved, within the meaning of section 8(b)(2) of the Outer Continental Shelf Lands Act, drilling or well reworking operations, conducted on the leased area in the following instances:

(1) If, after discovery of oil or gas in paying quantities has been made on the leasehold, and within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter the production thereof shall cease at any time, or from time to time, from any cause and production is restored or drilling or well reworking operations are commenced within 90 days thereafter, and such drilling or well reworking operations (whether on the same or different wells) are prosecuted diligently until production is restored in paying quantities.

(2) If, within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter, at any time, or from time to time, lessee is engaged in drilling or well reworking operations on the leasehold and there is no well on the leasehold capable of producing in paying quantities and the lessee diligently prosecutes such operations (whether on the same or different wells) with no cessation of more than 90 days.

(b) The Secretary may approve such other operations for drilling or reworking upon application of lessee.

(c) Nothing herein obviates the necessity of obtaining the Supervisor's approval of a plan or notice of intention to drill or of complying with the other provisions of this part.

2. Section 201.20a, a new section, is added to 43 CFR Part 201, to read as follows:

§ 201.20a Extension of leases by drilling or well reworking operations.

(a) The Secretary shall be deemed to have approved, within the meaning of section 8(b)(2) of the Outer Continental Shelf Lands Act, drilling or well reworking operations, conducted on the leased area in the following instances:

(1) If, after discovery of oil or gas in paying quantities has been made on the leasehold, and within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter the production thereof shall cease at any time, or from time to time, from any cause and production is restored or drilling or well reworking operations are commenced within 90 days thereafter, and such drilling or well reworking operations (whether on the same or different wells) are prosecuted diligently until production is restored in paying quantities.

(2) If, within 90 days prior to expiration of the five-year term or any extension thereof, or thereafter, at any time, or from time to time, lessee is engaged in drilling or well reworking operations on the leasehold and there is no well on the leasehold capable of producing in paying quantities and the lessee diligently prosecutes such operations (whether on the same or different wells) with no cessation of more than 90 days.

(b) The Secretary may approve such other operations for drilling or reworking upon application of lessee.

(c) Nothing herein obviates the necessity of obtaining the Oil and Gas Supervisor's approval of a plan or notice of intention to drill or of complying with the other provisions of 30 CFR Part 250.

[F.R. Doc. 59–7681; Filed, Sept. 15, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Notice of Proposed Suspension of Certain Provisions

Notice is hereby given that there is being considered a proposed suspension, until December 2, 1959, of the phrase, "ending not later than November 15 of the particular crop year", appearing at the end of the first sentence of § 989.66 (c) of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Also, there is being considered a proposed suspension of the same time limitation appearing in the parenthetical phrase "(not beyond November 15 of the crop year)" of the last sentence of § 989.166 (e)(2) of the implementing rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 989.101–989.180; 24 F.R. 1981). Such proposal was recommended by the Raisin Administrative Committee, established under the order.

In connection with volume regulation, the first sentence of § 989.66(c) imposes an obligation on handlers to set aside and hold for the account of the committee reserve and surplus tonnage raisins referable to their acquisitions of standard raisins. However, said sentence also provides that the committee shall defer, under prescribed conditions, the meeting by a handler of such obligation for a specified period ending not later than November 15 of the particular crop year. The last sentence of § 989.166(e)(2) of the implementing rules and regulations contains the same time limitation of November 15 for the ending of such deferment.

It is contemplated that this proposed suspension action will be taken only if volume regulation is made effective for the 1959–60 crop year, and, in such event, on the basis that the aforesaid time limitation of November 15 will not, for such crop year, tend to effectuate the declared policy of the said act. With the relatively small remaining supply of 1958 crop raisins held by handlers and in trade channels, handlers are not likely to be able to acquire enough raisins by November 15, 1959, to meet the anticipated strong, early-season demand for raisins in free tonnage outlets and, at the same time, satisfy their obligations for setting aside and holding pool tonnage in the requisite quantities. Thus, unless the suspension action is taken, satisfaction of the early-season demand for free tonnage raisins is likely to be obstructed.

Consideration will be given to data, views, or arguments pertaining to this proposed action which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the fifth day after publication of this notice in the FEDERAL REGISTER.

Dated: September 11, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division.

[F.R. Doc. 59–7704; Filed, Sept. 15, 1959; 8:49 a.m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

Notice of Intention To Amend the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops

I. Pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), regulations are being prepared to amend various sections of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677). A synopsis of the more significant of the contemplated changes follows:

A. 1. The erroneous notice provisions contained in § 729.1011(h) would be amended to include cases in which the operator who receives the erroneous allotment notice picks or threshes peanuts in excess of the allotment shown in the erroneous notice;

2. Section 729.1011(k)(5) would be revised to specify that the disposition of picked or threshed peanuts to adjust the final acreage for a farm must be made on the farm on which produced and in the presence of a representative of the county committee, except that removal from the farm for the purpose of crushing would be permitted if a representative of the county committee is present when the peanuts are actually crushed;

3. Section 729.1011(l) would be revised to conform to the provisions of the Act of August 15, 1959 (P.L. 86–172) which provides, subject to conditions contained therein, for the preservation of peanut history acreages;

4. A § 729.1011(gg) would be added to furnish a definition of "representative of the State committee";

B. For § 729.1016(b)(3) there would be substituted language to provide a method for determining an adjusted acreage for a farm on which in the preceding year the farm peanut history acreage was less than 75 percent of the farm allotment;

C. Section 729.1021 which provides for allotments for "new farms" would be revised to specify that:

1. The producer who furnishes the experience in growing peanuts must live on the farm for which the allotment is requested, unless he is the farm owner and operator,

2. An allotment for the farm must not have been permanently released in the current year,

3. The national reserve for new farms shall be one-eighth percent rather than one-sixth percent of the national allotment as experience in recent years has shown that one-eighth percent will be adequate to provide equitable allotments for eligible new farms,

4. A new farm allotment shall be void as of the date issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

D. Section 729.1023 would be amended to clarify the conditions under which a farm allotment will be reduced for a violation of marketing quota regulations for a prior year;

E. Section 729.1024 would be revised to provide (a) for February 1 of the current year being the earliest closing date which the State committee may establish for the release of peanut allotment acreage and for the filing of written applications by farmers for a reapportionment of released acreage, and (b) to grant the State authority the right to dispense with the use of such applications;

F. I. Section 729.1064 would be deleted. This section now provides for redelegations of authority by the State committee to other persons. Other sections of the regulations will be rewritten to specify definitely who will perform the various program functions (i.e. "State committee," "State administrative officer," or "representatives of the State committee").

II. Affected sections, as amended in accordance with present intentions, would read as follows.

A. Section 729.1011 *Definitions*, is amended as follows:

§ 729.1011 Definitions.

* * * * *

(h) "Excess acreage" means the acreage by which the final acreage exceeds the effective farm allotment except when the farm operator is officially notified in writing of an allotment greater than the final effective allotment for the farm, the excess acreage shall be the amount by which the final acreage exceeds the acreage shown in the erroneous notice provided each of the following conditions is met:

(1) The operator was officially notified in writing of an allotment greater

than the finally approved effective farm allotment because of an error made in the State or county office;

(2) The county committee finds (i) the extent of error in the erroneous notice was such that the operator would not reasonably be expected to question the allotment of which he was erroneously notified, and (ii) that the operator, acting soley because of the information contained in the erroneous notice, picked or threshed peanuts from acreage in excess of the finally approved effective farm allotment;

(3) The State administrative officer concurs in the county committee's findings.

If the farm operator receives a corrected notice of allotment after peanuts have been planted on the farm but before such peanuts are picked or threshed, the provisions of this paragraph shall not apply unless the county committee and the State administrative officer determine that the acreage planted for picking or threshing was in excess of the effective farm allotment only because the operator was given the erroneous notice of allotment.

* * * * *

(k) * * *

(5) If the final acreage on a farm, as determined under the foregoing provisions of this subsection, is in excess of the effective farm allotment, the final acreage may be adjusted to equal the effective farm allotment provided:

(i) The farm operator notifies the county office manager of his intention to dispose of picked or threshed peanuts to adjust the final acreage and arranges with the county office manager for a representative of the county committee to witness the disposition of such peanuts;

(ii) Disposition of a quantity of peanuts equal to the county office manager's estimate of the production from the acreage in excess of the effective farm allotment is made in the presence of a representative of the county committee before such peanuts are removed from the farm, except for crushing in the presence of such a representative, on which produced;

(iii) The disposition is by feeding the peanuts to livestock, grinding or crushing them for later use as livestock feed, or otherwise disposing of them in such a manner that they cannot thereafter be used or marketed as peanuts; and

(iv) If the acreage in excess of the effective farm allotment is not more than the larger of one-tenth acre or three percent of such allotment, the disposition, is approved by the county committee; or, if the acreage in excess of the effective farm allotment is greater than the larger of one-tenth acre or three percent of such allotment, the disposition is approved by the county committee and by a representative of the State committee.

(l) Farm peanut history acreage for each year beginning with 1957 shall be an acreage equal to the farm allotment: *Provided*, That beginning with the 1960 crop, except for federally owned land, the current farm allotment shall not be preserved as history acreage under provisions of this sentence unless for the current year, or either of the two preceding years, an acreage equal to 75 percent or more of the farm acreage allotment for such year was actually planted to peanuts on the farm (or was regarded as planted under provisions of the Soil Bank Act or the Great Plains Program). For 1960 and each subsequent year in which farm peanut history acreage is not preserved under the provisions of the preceding sentence the farm peanut history acreage shall be the sum of (1) the final acreage (adjusted to compensate for abnormal conditions affecting acreage if the county committee determines that such action is necessary to maintain equitable allotments), (2) the acreage diverted from the production of peanuts under provisions of the Soil Bank Act or the Great Plains Program, (3) the acreage temporarily released to the county committee under provisions of § 729.1024, and (4) the amount of any reduction in the current year allotment made pursuant to the provisions of § 729.1023. The farm peanut history acreage for any year shall not exceed the farm peanut allotment for the farm for such year.

* * * * *

(gg) "Representative of the State commmittee" means a member of the State committee or any employee of the State committee.

B. Section 729.1016 *Determination of adjusted acreage*, is amended as follows:

§ 729.1016 Determination of adjusted acreage.

* * * * *

(b) * * *

(3) For each farm the county committee shall compare the preceding year farm peanut history acreage with the farm allotment established for such year, and, if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be considered the adjusted acreage for the farm for the purpose of determining the farm allotment for the current year.

(4) * * *

(5) An acerage not in excess of 10 percent of the preceding year State peanut acreage allotment shall be made available to the county committee by the State committee for making upward adjustments. The county committee shall examine the preceding year farm allotment for each farm after adjustment, if any, has been made under subparagraph (3) of this paragraph and may adjust such allotment upward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreage established for other similar old farms in the community. Upward adjustments shall be made on the basis of the farm peanut history acreages for the base period; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor, or (ii) the largest farm peanut history acreage for the farm for any year of the base period: *Provided, however*, That such limitation shall not be applicable if the county committee finds, and a representative of the State committee concurs, that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut history acreages for the base period, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

* * * * *

C. Section 729.1020 *Normal yields*, is amended as follows:

§ 729.1020 Normal yields.

* * * * *

(b) Farm. The normal yield for a farm shall be determined by the county committee and shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee, taking into consideration soil and other physical factors, abnormal weather conditions, the normal yield for the county, and the yield for the farm in years for which data are available. Farm normal yields determined under provisions of this section shall be approved by a representative of the State committee.

D. Section 729.1021 *Allotments for new farms*, is amended as follows:

§ 729.1021 Allotments for new farms.

(a) The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; the tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. The farm allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however*, That such limitation shall not be applicable if the county committee finds, and a representative of the State committee concurs, that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors: *And provided further*, That the allotment determined under this section shall be reduced to the planted acreage when it is determined that such acreage is less than the allotment.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator and farm owner with the county committee on or before February 15 of the calendar year for which application for an allotment is being filed;

(2) A producer on the farm shall have had experience in growing peanuts either as a sharecropper, tenant, or as a farm operator or farm owner during at least two of the five years immediately preceding the current year: *Provided, however*, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry in the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge. In making a determination of any producer's experience in growing peanuts no credit shall be given for the producer's interest, in 1959 or a subsequent year, in peanuts grown on a farm for which no farm allotment is established for such year. If the producer furnishing the required experience is a person other than the farm owner and operator he shall live on the farm for which the new farm allotment is requested;

(3) The farm operator is largely dependent on the farm for his livelihood;

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year; and

(5) A peanut allotment for the current year for the farm was not permanently released pursuant to provisions of § 729.1024.

(c) Beginning with the 1960 crop year, one-eighth of one percent of the national peanut acreage allotment shall be reserved for establishing allotments for new farms and, if the total of the acreage required to establish allotments and reserves hereunder for old farms in any State is less than the State allotment for such farms, the balance shall upon approval by the Director, be available for establishing allotments for new farms in the State. If the total of the acreage allotments for new farms, as determined pursuant to this section, after deducting acreage available for such farms which was originally allotted for old farms, exceeds the acreage reserved for new farm allotments, the acreage reserved for new farms shall be apportioned to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments so determined does not exceed the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), no adjustment will be made in the recommended new farm allotments and there shall be made available to each such State an acreage equal to the total of the new farm allotments so determined;

(2) For any State for which the total of the new farm allotments so determined exceeds the State's proportionate share of the national new farm reserve (determined by tentatively apportioning such reserve among the States on the same basis as the national allotment, less the new farm reserve, was apportioned for the current year), there shall be made available for new farm allotments in each such State an acreage equal to the State's said proportionate share of the national new farm reserve;

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments that is in excess of the acreage made available under subparagraph (2) of this paragraph. The new farm allotments established from acreage apportioned under subparagraphs (2) and (3) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage available; and

(4) If the total of the acreage required to establish allotments and reserves for all old farms in the State and for all new farms in the State that meet the eligibility requirements set forth in paragraph (b) of this section is less than the State acreage allotment plus the acreage allocated to new farms in the State under this section, the balance of such acreage shall, upon approval of the Director, be available for establishing allotments, on the basis of factors specified in § 729.1021(a), for other new farms if each of the following conditions has been met;

(i) an application for an allotment is filed by the farm operator and farm owner with the county committee on or before March 1 of the calendar year for which application for an allotment is being filed,

(ii) the farm operator is largely dependent on the farm for his livelihood, and

(iii) the farm is the only farm owned or operated by the farm operator or farm owner for which a farm allotment is established for the current year.

(d) Not more than one per centum of the national acreage allotment shall be apportioned among new farms.

(e) Any farm allotment established under provisions of this section shall be void as of the date issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment.

E. Section 729.1022, *Normal yields for new farms*, is amended as follows:

§ 729.1022 Normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines on the basis of the factors set forth in § 729.1020(b). Normal yields for new farms shall be approved by a representative of the State committee.

F. Section 729.1023, *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year*, is amended as follows:

§ 729.1023 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If peanuts are marketed or are permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional-unless all peanuts from the farm are accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing.

(b) If complete and accurate proof of the disposition of all peanuts produced on the farm is not furnished in the manner and within the time prescribed by these regulations, the acreage allotment next established for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof.

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season,

as determined by the State committee, for the county in which the farm is located. If the reduction cannot be made effective with respect to the current year crop, such reduction shall be made with respect to a farm allotment subsequently established for the farm. This section shall not apply if the farm allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting season, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided*, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the smaller of the effective farm allotment or the final acreage shall be considered the farm marketing quota for the purposes of this section. In determining, for farms on which the final acreage exceeds the effective farm allotment, the amount of peanuts for which satisfactory proof of disposition is not shown, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown. For farms on which the final acreage does not exceed the effective farm allotment, the amount of peanuts involved in the violation shall be the quantity of peanuts reported by the farm operator as produced on the farm less the actual production on the farm as determined by the county committee.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(f) If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

(g) Any reduction in the allotment for a farm made under this section shall not operate to reduce the allotment for such farm for any subsequent year.

G. Section 729.1024, *Release and reapportionment*, is amended as follows:

§ 729.1024 Release and reapportionment.

(a) *Release of acreage allotments.* Any part of the acreage allotted for the current year to an individual farm in any county under the provisions of § 729.1018 on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee by a closing date established by the State committee, which shall not be earlier than February 1 or later than July 1 of the current year, shall be deducted from the allotment to such farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm shall not thereafter during the current year be eligible for a farm allotment as either an old farm or as a new farm, and the farm peanut history acreages and farm allotments for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year.

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee, to other farms in the same county receiving allotments, in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts; except that, any acreage allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm. Applications shall be filed by farm owners or operators with the county committee not later than a closing date established by the State committee, which shall not be earlier than February 1 or later than July 15 of the current year; provided the State committee may specify that applications are unnecessary.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for the current year only.* The release for the current year only of any part of the acreage allotted to individual farms pursuant to paragraph (a) of this section shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm because of reapportionment under paragraph (b) of this section shall not operate to increase the allotment for any subsequent year for the farm.

H. Section 729.1043, *Issuance of marketing cards*, is amended as follows:

§ 729.1043 Issuance of marketing cards.

* * * * *

(c) Upon return to the ASC county office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. Upon application by a producer a new marketing card of the same kind shall also be issued to replace a card which has been lost, mutilated, destroyed or stolen.

I. Section 729.1046, *Invalid marketing cards*, is amended as follows:

§ 729.1046 Invalid marketing cards.

* * * * *

(c) If a marketing card is invalid because an entry is not made as required, it shall be returned to the county office. The card then may be made valid by entering data previously omitted or by correcting, if initialed by the county office manager, any incorrect data previously entered (except incorrect entry of converted penalty rate). If an invalid card is not so made valid it shall be cancelled and a new card shall be issued in its place if there is further need for a marketing card.

Prior to the taking of this action, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. To be considered any such submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C. this 11th day of September 1959.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-7709; Filed, Sept. 15, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

Bureau of Air Traffic Management

[14 CFR Part 600]

[Airspace Docket No. 59-WA-23]

FEDERAL AIRWAYS

Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6141 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 141 presently extends from Nantucket, Mass., to Massena, N.Y. The Federal Aviation Agency has under consideration the modification of the Nantucket, Mass., to Boston, Mass., segment of Victor 141 via a VOR proposed to be installed in the vicinity of Hyannis, Mass., at Lat. 41°42'43", Long. 70°13'07", to be commissioned in November 1959. This modification will provide more precise navigational guidance on this airway segment. If such action is taken, VOR Federal airway No. 141 segment from Nantucket, Mass., to Boston, Mass., would be designated from Nantucket, Mass., via a new VOR at Hyannis, Mass., to Boston, Mass. The control areas associated with VOR Federal airway No. 141 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6141 (23 F.R. 10338, 24 F.R. 3872) as follows:

Section 600.6141 *VOR Federal airway No. 141 (Nantucket, Mass., to Massena, N.Y.)*, is amended as follows: Delete "From the Nantucket, Mass., VOR via the INT of the Nantucket VOR 339° and the Boston VOR 133° radials;" and substitute therefor "From the Nantucket, Mass., VOR via the Hyannis, Mass., VOR; point of INT of the Hyannis VOR 332° and the Boston VOR 133° radials;"

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7676; Filed, Sept. 15, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-111]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Establishment of Domestic VOR Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6070 and 601.7001 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 40 presently extends from Cleveland, Ohio, to Pittsburgh, Pa. The Federal Aviation Agency has under consideration the modification of the Navarre, Ohio, to Pittsburgh, Pa., segment of Victor 40. This modification will provide an independent route for arrival aircraft from the west and northwest destined for the Pittsburgh terminal area. If such action is taken VOR Federal airway No. 40 segment from Navarre, Ohio, to Pittsburgh, Pa., would be designated via the East Liverpool, Ohio, intersection and the Imperial, Pa., VOR.

Concurrent with this action the East Liverpool, Ohio, intersection VOR Domestic reporting point (Intersection of Imperial VOR 295° with the Ellwood City, Pa., VOR 241° radials) will be established.

The control areas associated with VOR Federal airway No. 40 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6040 and 601.7001 (14 CFR, 1958 Supps. 600.6040, 601.7001) as follows:

1. Section 600.6040 *VOR Federal airway No. 40 (Cleveland, Ohio, to Pittsburgh, Pa.)*, is amended as follows: Delete "point of intersection of the Navarre omnirange direct radial to the Wheeling, W. Va., omnirange station with the Imperial, Pa., omnirange direct radial to the Tiverton, Ohio, omnirange station;" and substitute therefor "point of INT of the Imperial VOR 295° with the Ellwood City, Pa., VOR 241° radials; Imperial, Pa., VOR;"

2. In § 601.7001 *Domestic VOR reporting points*, add:

East Liverpool INT: the INT of the Imperial, Pa., VOR 295° and the Ellwood City, Pa., VOR 241° radials.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 59-7677; Filed, Sept. 15, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-185]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6075 and 601.6075 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 75 presently extends from Petersburg, W. Va., to Cleveland, Ohio. The Federal Aviation Agency has under consideration the revocation of the segment of Victor 75 between the Morgantown, W. Va., VOR, and the Petersburg, W. Va., Intersection. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements on the segment from Petersburg to Morgantown, as one and three, respectively. On the basis of this survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assign-

ment of airspace and that the revocation thereof would be in the public interest. If such action is taken, VOR Federal airway No. 75 and its associated control areas would then extend from Morgantown, W. Va., to Cleveland, Ohio.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York, International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6075 and 601.6075 (14 CFR, 1958 Supp., 600.6075, 601.6075) to read as follows:

§ 600.6075 VOR Federal airway No. 75 (Morgantown, W. Va., to Cleveland, Ohio).

From the Morgantown, W. Va., VOR via the Wheeling, W. Va., VOR; Navarre, Ohio, VOR; to the Cleveland, Ohio, VOR.

§ 601.6075 VOR Federal airway No. 75 control areas (Morgantown, W. Va., to Cleveland, Ohio).

All of VOR Federal airway No. 75.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7678; Filed, Sept. 15, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-NY-5]

CONTROL ZONES

Modification of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2104 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration modification of the Huntington, W. Va., control zone. The present Huntington, W. Va., control zone consists of that airspace within a five-mile radius of the Huntington Airport, Chesapeake, Ohio, and the Tri-State Airport, Huntington, W. Va., with extensions to the north, based on the Huntington radio beacon ADF approach to Tri-State Airport, and to the west, based on the Huntington radio beacon ADF approach to the Huntington Airport. It is planned to establish procedures for ILS approach to Runway 11 Tri-State Airport and cancel the ADF approach to the Tri-State Airport from the north. To provide adequate protection for aircraft using the new ILS approach, it is proposed to add a control zone extension to the northwest along the ILS localizer northwest course. It is proposed to revoke the control zone extension to the north which will no longer be required when the north ADF approach procedure for Tri-State Airport is cancelled. If these actions are taken, the Huntington, W. Va., control zone would be designated within a five-mile radius of the Huntington Airport, within a five-mile radius of the Tri-State Airport, within two miles either side of a line bearing 253° extending from the Huntington radio beacon to a point ten miles west, and within two miles either side of the ILS localizer northwest course extending from the localizer to the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2104 (14 CFR, 1958 Supp., 601.2104) to read as follows:

§ 601.2104 Huntington, W. Va., control zone.

Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles either side of a line bearing 253° extending from the Huntington RBN to a point 10 miles west; and within 2 miles either side of the Tri-State Airport ILS localizer northwest course extending from the localizer to the ILS outer marker.

Issued in Washington, D.C. on September 9, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7675; Filed, Sept. 15, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13193; FCC 59-938]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Andalusia, Birmingham, Clanton, Demopolis, Dothan, Florence, Gadsden, Mumford, Opelika, Sylacauga, Tuscaloosa, Alabama); Docket No. 13193.

1. An interest has been indicated in the reservation of additional television channels for educational use in a number of communities in the State of Alabama. The Commission, therefore, on its own motion, has under consideration changes in § 3.606 of its rules and regulations so as to accomplish the assignment and reservation of television channels in eight such communities. It is proposed to amend the Table of Assignments for the State of Alabama contained in § 3.606 of the Commission's rules and regulations as follows:

City	Channel No.	
	Present	Proposed
Andalusia	*2-, 29	*2-, *29
Birmingham	6-, *10-, 13-, 42+, 48	[1] 6-, *10-, 13-, 42+, *48
Clanton	14	77
Demopolis	18	*18
Dothan	4, 19-	4, *19-
Florence	15	15, *21
Gadsden	21+, 37-	37-
Munford	*7-	*7-, *24-
Opelika	22-	*22-
Sylacauga	24-	75
Tuscaloosa	45, 51-	*14, 45, 51-

[1] Other proposals concerning Birmingham are outlined in Docket No. 12945.

2. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data to the Commission.

3. Authority for the adoption of the proposed amendments is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

4. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 9, 1959, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last day for reply to original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7713; Filed, Sept. 15, 1959; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 13194; FCC 59-941]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Corpus Christi, Texas); amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Bandera, Texas); Docket No. 13194.

1. Notice is hereby given of rule making in the first matter captioned above.

2. The Commission has before it for consideration:

(a) Petitions and a supplemental petition filed on June 29, 1956, September 24, 1956 and October 15, 1956, by Coastal Bend Television Company, then the licensee of Station KVDO-TV, Corpus Christi, Texas (Channel 22, not now operating), advancing various proposals described below for either removing from Corpus Christi one or both of the VHF channels now assigned for commercial use in that city, or adding a third VHF commercial channel in that city or nearby;

(b) That portion of a "Petition for Partial Reconsideration and Further Request for Institution of Rule Making" filed April 2, 1958, by KCOR, Inc., licensee of Station KCOR-TV, San Antonio, Texas (Channel 41), which seeks the assignment of Channel 2 to Bandera, Texas; [1]

(c) Oppositions filed by The Houston Post Company, licensee of Station KPRC-TV, Houston, Texas (Channel 2) to the proposal to assign Channel 2 at Bandera and to Coastal Bend's proposal to assign Channel 2 at Corpus Christi; opposition by Association of Maximum Service Telecasters, Inc. (MST) to the Bandera proposal; opposition by Houston Consolidated Television, Inc., licensee of KTRK-TV, Houston Channel 13, to Coastal Bend's alternative proposals to assign Channel 13 to Corpus Christi or nearby Kingsville; and reply by KCOR, Inc. to oppositions to its Bandera proposal; [2]

3. Proposals relating to Corpus Christi: Coastal Bend's petitions present the following alternative proposals for Corpus Christi, to which there are presently assigned two VHF channels for commercial use (Channels 6 and 10 with stations operating thereon), two UHF channels for commercial use (with Station KVDO-TV licensed but not operating on Channel 22, and no authorization or application for Channel 43), and UHF Channel 16 reserved for education (with no authorization or application therefor):

(a) Remove one or both of the VHF commercial channels, by either: (1) Changing the educational reservation from Channel 16 to either Channel 6 or Channel 10, with Channel 16 thus made available for commercial use; or

(2) Deleting Channel 6 or Channel 10, or both, from Corpus Christi, with reassignments thereof to other Texas communities (Uvalde, La Pryor, Carrizo Springs or Crystal City for Channel 6; Palacios, Port Lavaca, Matagordo, Bloomington or Placedo (Placid Junction) for Channel 10).

(b) Add a third VHF channel at Corpus Christi, by either:

(1) Assigning Channel 3 at Corpus Christi, by removing it from Nuevo Laredo, Mexico, replacing it there with Channel 13 now assigned to Laredo, Texas, and deleting Channel 13 at Laredo. Present assignments to Laredo include Channel 8, on which Station KGNS-TV is operating, Channel 13 (for which there is no authorization or application) and three UHF channels, one reserved for education, for which there are no authorizations or applications. Corpus Christi is about 125 miles from Laredo.

or

(2) Assigning either Channel 2 or Channel 13 at Corpus Christi, at a distance of no less than 190 miles from co-channel assignments at Houston. Corpus Christi is about 180 miles from Houston.

(c) Assign Channel 13 at Kingsville, Texas, a community about 35 miles southwest of Corpus Christi and 220 miles from Houston, on condition that Coastal Bend be authorized to operate a station on that channel as a satellite of KVDO-TV.

4. The Bandera proposal: Bandera, Texas, is a community of approximately 1,500 population some 40 miles northwest of San Antonio, to which no channels are presently assigned. KCOR, Inc. proposes, if Channel 2 is assigned there, to build a station which would serve San Antonio. San Antonio now has three VHF commercial channels assigned and stations operating thereon (Channels 4, 5, and 12), a VHF educational channel (Channel 9), and two UHF commercial channels (41, on which KCOR-TV operates, and 35, for which there is no authorization or application). Channel 2 is now assigned at Piedras Negras, Mexico, some 125 miles from Bandera, and at Houston, approximately 220 miles away.

5. Since Corpus Christi, Kingsville, and Bandera are all within 250 miles of the U.S.-Mexican boundary, any change in channel assignments in these communities requires the concurrence of the Mexican Government, under the U.S.-Mexican agreement of 1952 pertaining to television assignments along the border (TIAS 2366, as amended by TIAS 2654, effective June 25, 1952). Similarly, U.S. concurrence in changes in assignments at Nuevo Laredo and Piedras Negras is necessary before such changes can be effectuated. Assignments to these cities (all VHF) include Channels 3 and 11 at Nuevo Laredo and Channel 2 at Piedras Negras. Corpus Christi, Kingsville and Laredo are in Zone III of the United States, wherein under § 3.610(b) of our rules a 220-mile separation between co-channel assignments is required. San Antonio is also in Zone III, but Bandera is in Zone II, so that as far as domestic considerations are concerned a Channel 2 assignment at the latter place could be as close as 190 miles to co-channel assignments elsewhere, such as Houston, under our present rules.

6. In support of its original request looking toward complete or partial deintermixture of the Corpus Christi market by removal of one or both commercial VHF channels, Coastal Bend called attention to its difficult situation as a UHF station facing VHF competition, especially with two VHF channels assigned, and also urged that terrain conditions, set conversion, and the absence of VHF signals from outside sources make the market an appropriate one for substitution of UHF for VHF assignments. In its later petitions seeking the addition of a VHF channel in the market, Coastal Bend refers to the rapidly growing population of the area, which, it asserts, clearly indicates that the market can support three stations if effective competitive conditions are possible (but that as a UHF station it cannot compete effectively), and that therefore, unless the Commission moves to make the area all-UHF, a third VHF channel should be assigned. With respect to its first alternative proposal for an additional VHF assignment, Coastal Bend argues that in view of the rela-

[1] By Memorandum Opinion and Order released December 23, 1958 (FCC 58-1220) we denied the other portions of this petition, and deferred action on the request for rule-making looking toward the assignment of Channel 2 to Bandera.

[2] The Commission has also received telegrams from the Mayor and President of the Chamber of Commerce of Laredo, opposing the deletion of Channel 13 from that city.

tively small size of Laredo (population 52,000) it does not appear that the Laredo area can support two United States stations, that therefore Channel 13 can be deleted from Laredo and used to replace Channel 3 in Nuevo Laredo and thus Channel 3 can be used in Corpus Christi. As to the alternative proposals to assign either Channel 2 or Channel 13 to Corpus Christi, it is asserted that, since a 220-mile separation from co-channel Houston stations would require a Corpus Christi station on one of those channels to be more than 40 miles or more from its city and therefore a competitive-quality signal could not be provided therein, the Commission should permit the separation from the Houston stations to be reduced to 190 miles. Assignment of Channel 13 would require deletion of that channel from Laredo, discussed above. With respect to its third propoal for assignment of Channel 13 for satellite operation at Kingsville, Coastal Bend proposes this only as a last alternative, which would give wide-area VHF service and thereby enable the UHF station to survive. The 1950 Census population of Corpus Christi was 108,287; Coastal Bend estimated its 1956 population as 175,800; and it is currently estimated that the population of Nueces County (Corpus Christi) is 228,800.

7. The licensee of Station KTRK–TV, Houston Channel 13, opposes assignment of Channel 13 to either Corpus Christi or Kingsville, asserting that Coastal Bend has not shown that its situation as a UHF station is difficult and that such assignment of Channel 13 would both limit service in the much larger city of Houston and deprive Laredo of a second VHF channel. KTRK–TV opposes any shift which may result in the location of a new transmitter site at a substandard separation even where (as here) low power operation is suggested as part thereof. As to the Kingsville Channel 13 satellite proposal, KTRK–TV asserts that such an assignment would violate the Commission's duopoly rule (§ 3.636) and is an inappropriate effort to combine rule making and adjudicatory proceedings. The licensee of KPRC–TV, Houston Channel 2, opposes any assignment of Channel 2 at less than 220 miles from its site near Houston, on the same basis.

8. The Bandera proposal: In support of its proposal to allocate Channel 2 to Bandera, some 40 miles from San Antonio, KCOR advances the considerations which we noted in our opinion denying its other requests (Memorandum Opinion and Order issued March 3, 1958)—its status as a UHF station serving particularly San Antonio's Spanish-speaking population, and the station's difficult situation because of lack of UHF receivers in the area. KCOR (whose petition is not supported by a detailed engineering showing) urges that the only objection to such assignment of Channel 2 is its present allocation to Piedras Negras, and that Channel 2 if deleted from the latter city can be replaced by either Channel 6 or Channel 7 in full compliance with applicable separation requirements; accordingly, we are asked to submit this proposal to Mexico. Recent estimates of the population of San Antonio and of Bexar County in which it is located are 555,600 and 615,900 respectively.[1]

9. From a review of the KCOR petition and the opposing comments, it does not clearly appear what signal strength could be provided in the city of San Antonio by such an operation. The boundary between Zone III and Zone II lies some 34 miles northwest of San Antonio in the direction of Bandera; any transmitter location closer than that point to San Antonio would not comply with the 220-mile Zone III separation requirement, with respect to Houston. KCOR envisages a site (not specified) near the village of Pipecreek, a few miles east of Bandera and some 35 miles from San Antonio; where in places the elevation is 1,800 feet, 1,000 feet or more higher than San Antonio; it is asserted that a high tower there appears to be feasible but that even with a "medium size" tower, a satisfactory signal would be placed over the area which KCOR desires to serve, including San Antonio proper. Therefore, it is asserted, there is no air-navigational problem. KPRC–TV (Houston Channel 2) asserts, on the other hand (with supporting engineering affidavit), that such an operation could not provide a signal in San Antonio competitive with the three existing VHF signals; that from a Pipecreek site of 1,800 feet a station with maximum power and a tower height of 700 ft. would not provide a principal-city signal within 6 miles of San Antonio; and that any tower higher than 250 ft. at such a location would create airspace problems. It is argued that ultimately this plan would evolve into a proposal to move closer to San Antonio in violation of mileage separations. In reply to this argument, KCOR asserts that it intends to operate a Bandera station, not a San Antonio station, and while it intends to serve the larger city as much as possible the discussion of whether it would render "city-grade" service thereto or not is meaningless.

Conclusions. 10. The Commission has for several years been concerned with the problems of television allocations, centering around the failure of UHF, in many places, to develop to a point where UHF stations can compete effectively with VHF stations. We have been exploring various possibilities for the development of a long-range, over-all allocation structure which would remove the hindrances to the full development of nation-wide, fully competitive service. At the same time, we have considered the possibilities for the development of more competitively comparable facilities in sizeable markets where there is a shortage thereof, during the interim period while the long-range plan is being developed and implemented. We have concluded with respect to some markets that deintermixture thereof by removal of VHF assignments, making the area all-UHF, would be appropriate. In other situations, with different circumstances, we have made assignments of additional VHF channels to provide more comparable facilities in the VHF band. Recently, we have noted the desirability of assigning additional VHF channels in the major markets where there is a critical shortage of competitively comparable facilities. Corpus Christi is such a market. Accordingly, in line with our general policy for the interim period, we regard it as important to afford opportunity for the development of at least three comparable facilities in that area.

11. While, because of suitable terrain and other factors, the Corpus Christi market might formerly have been considered for deintermixture by making it all-UHF, it is to be noted that UHF Station KVDO–TV, formerly in operation there, has now been off the air since August, 1957, or for two years, leaving the two VHF stations as the only stations in the market, with consequent deterioration in the proportion of the UHF set circulation. Accordingly, we do not believe an all-UHF solution for Corpus Christi at this time would be appropriate for consideration, if—as presently appears likely—a third VHF channel can be made available there. Accordingly, we deny Coastal Bend's request for removal of one or both VHF channels, and we propose the assignment of an additional VHF channel to Corpus Christi.

12. The proposals discussed above present three channels for consideration—Channels 2, 3, and 13, with 13 proposed either for Corpus Christi or for the town of Kingsville, some 35 miles away. Assignment of Channels 2 or 13 to Corpus Christi would involve either a site location so far from Corpus Christi as to be of doubtful feasibility or mileage separations of less than 220 miles with the co-channel Houston stations. While we have recently indicated that in some circumstances we will consider short separations, we do not believe it appropriate to do so when, as here, an alternative appears feasible. Moreover, with respect to use of Channel 13 at either Corpus Christi or Kingsville, this would involve either an extremely short separation from the co-channel assignment at Laredo (no more than 125 miles) or deletion of that assignment there. Such short separation is not appropriate for consideration for the reasons just mentioned. As to deletion of the channel at Laredo, we do not believe that, where another alternative is available, we should consider the deletion of that city's second VHF assignment, which would in all probability leave the area for the indefinite future with only one United States television station. Accordingly, we deny the proposals which involve assignment of Channel 2 to Corpus Christi or Channel 13 to that city or to Kingsville.

13. Assignment of Channel 3 to Corpus Christi involves its deletion from Nuevo Laredo, Mexico. If Mexican concurrence in such a change is to be secured, another VHF channel must be found for assignment to that city. Coastal Bend proposes the deletion of Channel 13 from Laredo and its assignment to Nuevo Laredo as the solution to this problem. We do not believe deletion of Channel 13 from Laredo to be appropriate, for reasons mentioned above. Moreover, it appears doubtful that Mexico would agree to the substitution of Channel 13 for Channel 3. Therefore we do not presently consider further this suggestion. However, it appears that another approach may be feasible. If Channel 2 (now assigned to Piedras Negras) is substituted for Channel 3 at Nuevo Laredo, Channel 3 could be assigned both to Corpus Christi and to Piedras Negras. Preliminary discussions of this subject with officials of the Mexican Government have indicated likelihood that approval of these changes may be secured. Therefore we believe it appropriate to institute rule-making proceedings looking toward the assignment of Channel 3 to Corpus Christi[2] subject to Mexican concurrence in deletion of that channel at Nuevo Laredo.

14. Assignment of Channel 3 to Corpus Christi also involves some limitation on its use because of the location of the co-channel station operating at Bryan, Texas, a city also in Zone III some 200 miles from Corpus Christi. The transmitter site of a Channel 3 Corpus Christi station would have to be some 20 miles in a direction south-southwest of the city.[3] It does not appear that this would constitute a serious obstacle to effective use of the channel in this market, in view of the generally flat terrain conditions in the area and the fact that the two existing VHF stations, with whom a new station on Channel 3 would be competing, are located some 14 miles from the city. In any event, any difficulty on this score would be less than that involved in a Channel 2 or Channel 13 assignment to Corpus Christi, mentioned above.

15. The assignment of Channel 2 to Nuevo Laredo, which as mentioned above has been one of the suggestions discussed on a preliminary basis with representatives of the Mexican Government, would preclude its assignment, at standard separation, to Bandera, Texas, since Bandera and Nuevo Laredo are about 160 miles apart. But as mentioned, the obtaining of an additional VHF assignment for Corpus Christi is an important consideration, as part of our treatment of this problem during the interim period. It appears that this assignment can best be obtained by assignment of Channel 3 at Corpus Christi and, further, that the most feasible way of obtaining such an assignment is to substitute Channel 2 for Channel 3 at Nuevo Laredo. The basic conflict between the Bandera proposal and the preferred proposal for Corpus Christi involves a choice between a third VHF service at Corpus Christi and the assignment of a fourth VHF station in San Antonio area with serious question concerning the grade of signal which such a station at Bandera could provide to San Antonio. In the circumstances, we conclude that the third VHF service to Corpus Christi would fully serve the public interest. Accordingly, KCOR's petition is denied.

16. Accordingly, notice is hereby given of proposed rule making to amend Section 3.606, Table of Assignments, Television Broadcast Stations, insofar as the city named is concerned, as follows:

City	Channel No.	
	Present	Proposed
Corpus Christi, Tex.	6+, 10–, *16+, 22, 43	3–, 6+, 10–, *16+, 22, 43

17. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4(i), 301, 303 (a), (b), (c), (d), (f), (g), (h), and (r) and 307(b) of the Communications Act of 1934, as amended.

18. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before October 9, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments.

19. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, responses, or comments shall be furnished the Commission.

20. In view of the foregoing: *It is ordered*, That the "Petition for Institution of Rule Making Proceedings" filed June 29, 1956, by Coastal Bend Television Company, and that portion of the "Petition for Partial Reconsideration and Further Request for Institution of Rule Making" filed by KCOR, Inc. (on April 2, 1958) on which we have not previously ruled, are denied.

21. *It is further ordered*, That the "Petition for Rule Making" and "Supplemental Petition for Institution of Rule Making," etc., filed by Coastal Bend Television Company on September 24, 1956, and October 15, 1956, respectively, are granted insofar as they request the institution of rule-making proceedings looking toward the assignment of Channel 3 to Corpus Christi, Texas, and in all other respects are denied.

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7714; Filed, Sept. 15, 1959; 8:49 a.m.]

[1] Co-channel assignments at Piedras Negras and Corpus Christi are consistent with the protection requirements embodied in our mileage-separation rules, since these cities are some 200 miles apart and since that portion of the United States immediately adjacent to Piedras Negras is located in Zone II and not in Zone III.

[2] As part of its proposal involving Channel 3, Coastal Bend requested that any authorization for use of Channel 3 at Bryan be conditioned on use at a transmitter site located at least 220 miles from Corpus Christi. We did not so condition our authorization for Station KBTX–TV at Bryan because, as stated herein, the Bryan site location does not prevent the use of this channel in the Corpus Christi area.

[47 CFR Part 10]

[Docket No. 13195; FCC 59-949]

PUBLIC SAFETY RADIO SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 10, Public Safety Radio Services, to relax the station identification requirements applicable to certain mobile stations; docket No. 13195.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed by the Indiana Chapter, Associated Police Communication Officers, Inc., which seeks amendment of § 10.152 of the Commission's rules so as to permit identification by means of special mobile unit designators in lieu of assigned call signals provided certain conditions are met.

The pertinent rule paragraphs which the petitioner proposes to amend would read as follows:

§ 10.152 Station Identification.

(a) Each base and mobile station in the Public Safety Radio Service shall transmit the required identification at the beginning and/or the end of each transmission, or in lieu thereof, once each thirty minutes of the operating period, as the licensee may prefer.

* * * * *

(c) Identification shall be by assigned call letters unless a different method is specifically authorized by the Commission. Licensees may submit to the Engineer in Charge of the local area a proposal for special mobile unit designators and, upon receipt from the Commission of a notification or authorization, may identify individual mobile units by this method in lieu of the use of assigned call letters. This authority will not be granted where there is a possibility of harmful international interference, such as might be caused by stations operating on frequencies below 50 megacycles or stations operating within 50 miles of an international boundary, or in those instances where it appears to the Engineer in Charge that the proposed method of identification is not adequate.

The proposal would not substantively affect the remainder of the present rule.

3. In support of the request petitioner states that the proposed modification of the mobile unit identification procedure is to enable licensees in the Public Safety Radio Services to obtain "a more efficient usage of air time in a manner available to other services, notably the Land Transportation Radio Service." Petitioner further states:

> The present requirement for transmission of the FCC-assigned call signal by mobile stations at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period; while basically of sound origin, no longer serves a useful purpose. There are several reasons that this is true. Call signs, as now issued, are at best difficult to understand; and with the heavy traffic load carried by police circuits, the call signs are usually spoken in such hasty and monotonous manner as to require a slower "repeat" when

such call sign is actually needed for records. If spoken at the end of each transmission, they consume an appreciable portion of each such transmission adding prohibitively to already overloaded circuits. If spoken only once each thirty minutes, anyone monitoring to determine the call sign may have to listen for several hours before he can copy the call sign accurately; by which time, if an interference problem existed, it has probably long since ceased to exist.

APCO seeks to obtain full compliance with all FCC Rules by Public Safety licensees, particularly those in the Police Radio Service. Recently, surveys have disclosed that the requirements for transmission of FCC-assigned call signals by mobile stations are largely ignored. It is our feeling that such ignoring of an FCC rule encompasses more than a matter of rules-violations—that indeed the rules themselves are in need of modification to make compliance an automatic portion of the communication task . . . .

4. Under present rules the required identification for stations in the Public Safety Radio Services is the assigned call signal. This identification must be transmitted at the end of each transmission or exchange of transmissions or once each thirty minutes of the operating period by all public safety stations with the exception that no identification is required of the following:

(a) Mobile units authorized to the licensee of the associated base station and which transmit only on the base station transmit frequency; and

(b) Stations which are entirely automatic in their operation and which, upon request therefor, have been specifically exempted from the identification requirements.

5. A large majority of the base-mobile systems in the Public Safety Radio Services are of the two-frequency variety; that is, the base station transmits on one frequency and the mobile units transmit on another. Additionally, a large number of licensees of mobile stations operate by means of arrangements whereby base station service is received from other licensees. Mobile stations in these categories are required, under present rules, to identify their transmissions by means of the assigned call signal as set forth in paragraph 4, supra.

6. It is the opinion of the Commission that in principle the request of the petitioner for amendment of the rules so as to permit mobile units to identify by means of unit designators rather than by assigned call signals has merit. The Commission is also proposing certain amendments to clarify the present rule. In this regard, a new paragraph (g), as shown below, has been proposed which defines more clearly the stations covered under paragraph (f) of the present rule. However, some modification with respect to specific details of the proposal has been made by the Commission. Thus, the proposed paragraph (b) as set forth below extends the availability of the suggested identification procedure beyond that proposed by the petitioner in its paragraph (c) (paragraph 2, supra).

7. Further, in order to achieve easy identification of the transmissions of mobile units which use something other than the assigned call signal, the Commission is of the opinion that the unit designator should contain, as a minimum, the name of the governmental subdivision under which the unit is licensed. Accordingly, the Commission's proposed rule change incorporates that requirement.

8. The Commission is not in accord with that part of the petition which would permit station identification to be transmitted either at the beginning or at the end of the transmission. Experience gained over the years has conclusively shown that identification at the end of the transmission, or exchange of transmissions, provides the more reliable means of identifying stations being monitored. This stems from the very nature of monitoring operations which involve, in many instances, tuning across a given segment of the spectrum in search of signals. For this type of monitoring, the identification signals, if sent only at the beginning of the transmission, would frequently be missed. Accordingly, the Commission is not proposing adoption of that portion of the petition. However, it should be noted that the rule change herein proposed does not prohibit the use of the identifying signal at the beginning as well as the end of the transmission, if the licensee so desires.

9. Petitioner's proposed paragraph (a) of § 10.152, quoted in paragraph 2, supra, classes both "base" and "mobile" stations together insofar as the transmission of the "required identification" is concerned. Further, the petitioner proposes, in paragraph (c), that "Identification shall be by assigned call letters unless a different method is specifically authorized by the Commission." These paragraphs, taken together, would appear to allow base stations to use means of identification other than the assigned call signal to the same extent as mobile stations. This would appear to be at variance with the expressed purpose and reasoning of the petition elsewhere which advocate changes with respect to mobile stations only. In the absence of any justification for a relaxation of the station identification procedure applicable to base stations, the proposed amendment of § 10.152 makes no change in the identification procedure which is presently required of base stations. However, the Commission specifically invites comments from interested parties as to whether the proposed less stringent procedures should be extended to base as well as mobile stations.

10. Accordingly, the Commission proposes to amend § 10.152, Public Safety Radio Services, as shown.

11. The proposed amendments are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, (47 U.S.C. 154, 303).

12. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before November 2, 1959, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views and briefs. The Commission will consider all such comments prior to taking final action in this matter.

13. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend § 10.152 to read as follows:

§ 10.152 Station identification.

(a) Except as provided in paragraph (b) of this section, the required identification for stations in these services shall be the assigned call signal.

(b) In lieu of meeting the requirements of paragraph (a) of this section, mobile units in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services operating above 30 Mc may identify by means of an identifier other than the assigned call signal:

Provided, That such identifier contain, as a minimum, the name of the governmental subdivision under which the unit is licensed; that the identifier is not composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal; *And provided further,* That the licensee notifies, in writing, the Engineer in Charge of the District in which the unit operates concerning the specific identifiers being used by the mobile units.

(c) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however,* Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(d) Except as indicated in paragraphs (e), (f), and (g) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(e) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(f) Except as indicated in paragraph (e) of this section, a mobile station shall transmit an identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the identification. For the purpose of this paragraph the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(g) A station which is transmitting for telemetering purposes or for the actuation of devices, or which is retransmitting by self-actuating means a radio signal received from another radio station or stations, will be considered for exemption from the requirements of paragraph (d) of this section in specific instances, upon request.

[F.R. Doc. 59-7712; Filed, Sept. 15, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

FOUR PERCENT TREASURY NOTES OF SERIES B–1962

Redemption

1. Although they do not mature until August 15, 1962, 4 percent Treasury Notes of Series B–1962 may, in accordance with their terms, be redeemed at the option of the owners at par and accrued interest on February 15, 1960, if notice in writing of intention to redeem (which may not be revoked) is given to the Office of the Treasurer of the United States or to any Federal Reserve Bank or Branch on or before November 16, 1959, and the notes are temporarily surrendered to the office to which notice is given.

2. The temporary surrender of the notes with all coupons dated subsequent to February 15, 1960, thereto attached is necessary in order that a legend may be placed on the notes showing that the owner has exercised his option, and a legend on coupons Nos. 6, 7, 8, 9, and 10 (due August 15, 1960, February 15, 1961, August 15, 1961, February 15, 1962, and August 15, 1962, respectively), showing that they have been cancelled and are ineligible for payment.

3. It was indicated in Treasury Department Circular No. 995, which was published on September 19, 1957 (22 F.R. 7488) that such coupons would be detached from notes temporarily surrendered in connection with the exercise of the option to redeem prior to maturity. However, the cancellation procedure prescribed in the preceding paragraph has now been adopted as the more appropriate procedure under the circumstances.

4. The legend for notes presented to a Federal Reserve Bank or Branch will be placed on the face thereof under the portrait and will read as follows:

Pursuant to its terms, notice has been received that this note is due and payable February 15, 1960. It does not bear interest beyond that date.

FEDERAL RESERVE BANK
OF _____
FISCAL AGENT

The legend for notes presented to the Office of the Treasurer of the United States will be the same except that such office will be identified simply by the words, "Treasurer, U.S."

The legend for the coupons will be placed on the face thereof and will read as follows:

CANCELLED
INELIGIBLE FOR PAYMENT
Do Not Detach

JULIUS W. BAIRD,
Acting Secretary of the Treasury.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7702; Filed, Sept. 15, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[82990]

MINNESOTA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

SEPTEMBER 9, 1959.

The Plat of Survey of Omitted Land described below, accepted May 19, 1959, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C., effective 10:00 a.m., on November 1, 1959.

FOURTH PRINCIPAL MERIDIAN, LAKE COUNTY, MINNESOTA

		Acres
T. 58 N., R. 7 W.,		
Sec. 30, Lot 9	containing	4.14
10	containing	21.15
11	containing	1.75
12	containing	17.48
13	containing	39.65
14	containing	14.70
15	containing	3.81
16	containing	1.00
Containing in the aggregate		103.68

This plat represents the establishment of the purported record meander line of the lake in Sec. 30, as shown upon the official plat approved March 26, 1903 and the survey of lands therein. The original survey of T. 58 N., R. 7 W., purports to segregate a lake within Sec. 30, where in effect no lake exists.

As determined from its examination by the surveyor, the land included in this survey is level swamp and gently rolling upland. The soil is black and clay loam, with muck in the swamps, and sandy, stony, and gravelly. The timber species consists of balsam, cedar, birch, spruce, poplar, balm of Gilead, white pine, and ash, ranging in size from 4 to 30 inches diameter; there is a dense growth of alder and swamp maple in the swamps and hazel and cherry on the upland. Considerable timber has been cut in earlier timber operations and many old stumps are left. There are no improvements on the area. Lots 10, 11, 12, 13, 15 and 16, are over 50 percent upland in character, and Lots 9 and 14, are over 50 percent swamp in character, within the meaning of the Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519).

Upon the effective date hereof, the land involved will become subject to the operation of and disposal under the existing appropriate public land laws.

The State of Minnesota elected to make the field notes of survey the basis for determining what lands passed to the State under the Swamp Land Grant Acts of March 2, 1849 (9 Stat. 352) and September 28, 1850 (9 Stat. 519). Having so elected the State is bound thereby, as is also the Government.

Accordingly, when a survey is made of a public land area, within the State of Minnesota and the field notes of the survey indicate that any of the land is swamp or overflow in character within the meaning of the Acts of March 2, 1849 and September 28, 1850, the Swamp area becomes the subject of a grant to the State under said acts, which becomes effective upon the acceptance of the survey.

The State may at any time after the effective date of this notice and order, file its application, in this office, to select Lots 9 and 14, Sec. 30, T. 58 N., R. 7 W., 4th P.M., Minnesota, under the Swamp Land Grant Acts of March 2, 1849 and September 28, 1850, and request a patent therefor.

No application may be allowed for Lots 10, 11, 12, 13, 15 and 16, Sec. 30, T. 58 N., R. 7 W., 4th P.M., under the homestead or small tract or any of the other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any such application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws, for Lots 10, 11, 12, 13, 15 and 16, Sec. 30, T. 58 N., R. 7 W., 4th P.M., may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications

presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph;

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 274–284, as amended), presented prior to 10:00 a.m., on November 1, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m., on February 1, 1960, will be governed by the time of filing.

3. All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., February 1, 1960, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59–7685; Filed, Sept. 15, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Amendment to September 1959 Monthly Sales List

The price listing for the Commodity Credit Corporation Monthly Sales List for September 1959, 24 F.R. 7385, is amended by withdrawing butter from the listing. Effective 1:30 p.m., September 2 all sales of butter by CCC are being discontinued.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: September 11, 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59–7706; Filed, Sept. 15, 1959; 8:50 a.m.]

Office of the Secretary

MISSOURI

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Missouri a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

MISSOURI

Mercer Putnam

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of September, 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–7710; Filed, Sept. 15, 1959; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–20]

OCEAN TRANSPORT CO.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct, Source and Special Nuclear Material License to the Ocean Transport Company, No. 1 Drumm Street, San Francisco, California, substantially in the following form, authorizing the disposal of waste byproduct, source and special nuclear material in the Pacific Ocean at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter I, Part 2, "Rules of Practice". There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license. The license application is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland, this 9th day of September, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing & Regulation.

[License No. 4–5668–1 (I61)]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material", 10 CFR Part 40, "Control of Source Material", and 10 CFR Part 70, "Special Nuclear Material", and in reliance upon the statements and representations contained in the application dated June 16, 1959, and amendment thereto dated July 23, 1959 (hereinafter referred to as "the application") a license is hereby issued to the Ocean Transport Company, No. 1 Drumm Street, San Francisco 11, California, to receive, possess, and dispose of byproduct, source and special nuclear material.

This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 750 curies of byproduct material, 2,000 pounds of source material and 4 grams of special nuclear material at any one time.

2. Byproduct, source and special nuclear material shall be received and disposed of by, or under the direct supervision of an individual having the training and experience at Lawrence Radiation Laboratory, University of California, as specified in the application.

3. The licensee shall only receive byproduct, source, and special nuclear material which has been previously packaged for sea disposal in a manner specifically authorized by the Division of Licensing and Regulation, Atomic Energy Commission.

4. The licensee shall receive, possess and dispose of byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

5. A copy of the "Emergency Procedure" contained in the application shall be supplied to each employee of the licensee involved in the receipt and disposal of byproduct, source and special nuclear material.

6. The transportation of AEC-licensed material to and from the location designated in Condition 7 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements:

A. There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

B. The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

C. At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

D. Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

E. The outside of each container shall be semipermanently identified (painted on, impressed in concrete or attached metal tag) with the following information:

(1) Name or other identifying mark of the organization packaging the material;

(2) Date of packaging;

(3) Most hazardous radioactive material contained; and

(4) Total activity contained (expressed as millicuries of byproduct material and/or weight of source and special nuclear material).

F. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

G. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

7. The licensee shall store packaged byproduct, source and special nuclear material only at its site located at the foot of South 4th Street, corner of Wright Avenue, Inner Harbor, Richmond, California.

8. The licensee shall dispose of byproduct, source and special nuclear material at a minimum depth of 1,000 fathoms in the Pacific Ocean within 5 miles of:

(1) parallel of 37°–40′ north latitude, meridian of 124°–50′ west longitude,

(2) parallel of 37°–41′ north latitude, meridian of 123°–25′ west longitude, or

(3) other locations in the Pacific Ocean when approved by the Commission.

9. Packaged radioactive waste containing special nuclear material shall be transported only aboard vessels of American registry.

10. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, and the amount of special nuclear material in grams.

11. Byproduct, source and special nuclear material received under this license shall be disposed of at sea within 21 months from the date on which the Ocean Transport Company first takes possession of such material.

12. The licensee shall maintain records of the types and amounts of byproduct, source and special nuclear material received from each customer, and shall maintain a certified true copy of the ship's log indicating the date and location of each disposal.

This license shall be effective on the date issued and shall expire on September 30, 1961.

Date of Issuance:

For the Atomic Energy Commission.

MEMORANDUM BY DIVISION OF LICENSING AND REGULATION

By a application dated June 16, 1959, and amendment thereto dated July 23, 1959, the Ocean Transport Company, No. 1 Drumm Street, San Francisco, California, requested a license to receive, possess and dispose of packaged low-level byproduct, source and special nuclear material wastes in the Pacific Ocean.

Based on the considerations set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger to life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct, source and special nuclear material in such a manner as to protect health and minimize danger to life or property; and

(c) The issuance of a byproduct, source and special nuclear material license to the Ocean Transport Company will not be inimical to the health and safety of the public.

Equipment, facilities and procedures. The waste materials received by the Ocean Transport Company will have been previously packaged for sea disposal in a manner specifically authorized by the Division of Licensing and Regulation, Atomic Energy Commission. The Division of Licensing and Regulation will only authorize packaging procedures which are consistent with the recommendations of the National Committee on Radiation Protection as set forth in the National Bureau of Standards Handbook 58, "Disposal of Radioactive Waste in the Ocean". The licensee will not open the containers but will merely store them until there is a sufficient quantity to warrant a trip to sea.

The proposed storage site is located at South Fourth Street and Wright Avenue, Inner Harbor, Richmond, California. It is on the waterfront in an industrial area. The proposed site is approximately 260 feet by 150 feet and will be enclosed by a chain link fence. The area will be locked and guard service will be provided to prevent unauthorized entry.

Radiation safety procedures have been established covering each phase of the proposed operations. Adequate instrumentation will be available for measuring radiation levels from containers, and surveying for radioactive contamination. Necessary equipment for transporting the packaged waste from customers' facilities to the storage site and from the storage site to the disposal area is available to the applicant. Transportation of waste material to and from the applicant's proposed site will be conducted in accordance with the regulations of the Interstate Commerce Commission and the U.S. Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 6 of the proposed license which establishes transportation requirements substantially the same as those of the Interstate Commerce Commission regulations.

The facilities, equipment and operating procedures described by the applicant appear adequate to assure that the proposed operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Experience of personnel. The proposed operations will be under the direct supervision of a person who has had at least four years' training and experience at the Lawrence Radiation Laboratory, University of California, in the safe use of radioactive materials, including radiation surveying and monitoring, contamination control, decontamination, packaging of radioactive material for transportation, and the principles and practices of radiation protection. Therefore, it appears the applicant will have personnel with adequate training and experience in radiation safety to assure the waste disposal operations will be conducted in such a manner as to protect health and minimize danger to life and property.

Disposal site. The radioactive waste will be disposed of at the locations specified in Condition 8 of the proposed license. One location is about 50 miles and the other location is about 110 miles west of the Golden Gate. The ocean depth at these locations is at least 1,000 fathoms and they are beyond the continental shelf. Ocean Transport Company will maintain the necessary records to verify disposal at these sites. At least 20 days prior to each disposal the Commission will be notified by the licensee of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, source material in pounds, and special nuclear material in grams.

The disposal of packaged low-level radioactive waste at sea where the depth is at least 1,000 fathoms is considered a safe method of disposal. The small amounts of radioactive material licensed for sea disposal, if released in sea water at the specified location, would be greatly diluted and dispersed by the ocean and would not result in radioactivity of public health significance.

[F.R. Doc. 59–7674; Filed, Sept. 15, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12825, etc.; FCC 59M–1143]

BINDER-CARTER-DURHAM, INC., ET AL.

Statement and Order After Prehearing Conference

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP–11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP–12526; Triad Television Corporation, Lansing Michigan, Docket No. 12942, File No. BP–12980; for construction permits for standard broadcast stations.

1. After the consolidation of Triad's application in this proceeding, a further prehearing conference was held on September 10, 1959. It was attended by counsel for Graham, Triad, and the Broadcast Bureau, but not by counsel for Binder-Carter-Durham, Inc. The following rulings, however, based upon the agreement of the other parties at the conference, will be binding on Binder-Carter-Durham, Inc., equally with the other parties.

2. *It is ordered,* This 10th day of September, 1959, that:

(1) The hearing for the reception of evidence is scheduled for Tuesday, November 3, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

(2) The affirmative direct cases of the applicants shall be in written form, as permitted by Rule 1.111(b). Each applicant shall furnish its written testimony and proposed exhibits to the other parties and the Hearing Examiner no later than October 21, 1959. Each party shall mark its proposed exhibits in numerical order, beginning with Exhibit No. 1. Written testimony shall be over the respective individual affidavit of each witness. Three copies of the written testimony and proposed exhibits shall be furnished by the applicants to each other, and one copy each shall be furnished to the Broadcast Bureau and the Hearing Examiner.

(3) The parties shall inform the other parties of the names of the witnesses each desires for cross-examination no later than October 28, 1959.

3. It was agreed that the parties would attempt to arrange an informal conference looking to a convenient presentation of engineering testimony.

4. The parties also agreed, and the Hearing Examiner approves, that programing contacts made after October 10, 1959, will not be recognized.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7715; Filed, Sept. 15, 1959; 8:49 a.m.]

[Docket Nos. 12854, 12855; FCC 59M–1138]

GOLETA BROADCASTING ASSOCIATES AND BERT WILLIAMSON AND LESTER W. SPILLANE

Order Scheduling Hearing

In re applications of Thomas J. Davis, Jr., and Robert Sherman d/b as Goleta Broadcasting Associates, Goleta, California, Docket No. 12854, File No. BP–12044; Bert Williamson and Lester W. Spillane, a Co-Partnership, Santa Barbara, California, Docket No. 12855, File No. BP–12154; for construction permits.

Pursuant to joint motion of counsel at the prehearing conference held on this date: *It is ordered*, This 9th day of September 1959, that the hearing in the above-entitled proceeding previously continued to a date to be fixed at the prehearing conference, be and the same is hereby set for December 14, 1959, at 10 a.m., in Washington, D.C.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7716; Filed, Sept. 15, 1959; 8:49 a.m.]

[Docket Nos. 13076, 13077; FCC 59M–1142]

SUPREME BROADCASTING CO., INC., OF PUERTO RICO AND RADIO AMERICAN WEST INDIES, INC.

Order for Prehearing Conference

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT–2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT–2581; for construction permits for new television broadcast stations (Channel 8).

A prehearing conference in the above-entitled proceeding will be held on Tuesday, October 6, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 10th day of September 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7717; Filed, Sept. 15, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–16916]

SOUTH FORK GAS CO.

Notice of Application and Date of Hearing

SEPTEMBER 9, 1959.

In the matter of R. J. Braden, et al., d/b/a South Fork Gas Company, Docket No. G–16916.

Take notice that on November 7, 1958, R. J. Braden, et al., d/b/a South Fork Gas Company, (Applicant), filed in Docket No. G–16916 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Hope Natural Gas Company (Hope) from specified acreage in Murphy District, Ritchie County, West Virginia, under a gas sales contract between Applicant and Hope dated September 24, 1958, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On June 8, 1959, Applicant filed, pursuant to section 7(b) of the Act, an amendment to the foregoing application in Docket No. G–16916 requesting permission and approval to abandon the subject sale of natural gas to Hope because the volumes of gas available for delivery under the sales contract had declined to the point where it was no longer economically feasible to continue the operation. Concurrently with its application for permission to abandon, Applicant filed a supplemental agreement between itself and Hope dated May 5, 1959, which agreement cancelled and terminated the aforesaid contract of September 24, 1958.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7679; Filed, Sept. 15, 1959; 8:45 a.m.]

[Docket No. G–18524]

PHILLIPS PETROLEUM CO.

Notice of Application and Date of Hearing

SEPTEMBER 9, 1959.

Take notice that on May 11, 1959, Phillips Petroleum Company (Applicant) filed in Docket No. G–18524 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Lone Star Gas Company (Lone Star) from the Culberson No. 3 Well, located in the Doyle Field, Stephens County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject service is covered by a gas sales contract between Applicant and Lone Star dated January 1, 1953, as amended, which is on file as Phillips Petroleum Company FPC Gas Rate Schedule No. 157. Authority to render the subject service was granted to Applicant on September 28, 1956, in Docket No. G–3444 (Docket Nos. G–2605, et al.).

Applicant states that the Culberson No. 3 Well has been unable to produce gas against the varying pressure in Lone Star's system and that the basic contract of January 1, 1953, was terminated effective April 1, 1959. Notice of cancellation of the related rate schedule has been accepted for filing and designated Supplement No. 2 to Phillips Petroleum Company FPC Gas Rate Schedule No. 157.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 13, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 30, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7680; Filed, Sept. 15, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3817]

MISSISSIPPI POWER & LIGHT CO.

Notice of Filing Regarding Proposal to Transfer Funds From Earned Surplus Account to Capital Stock Account

SEPTEMBER 9, 1959.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a) and 7 of the Act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi proposes to increase that part of its capital stock represented by 2,850,000 shares of outstanding no par value common stock from $34,200,000 to $37,050,000 by transferring $2,850,000 from the earned surplus account to the common capital stock account. At June 30, 1959, Mississippi's earned surplus amounted to $7,267,862. During the twelve months ended June 30, 1959, dividends charged to the earned surplus account aggregated $3,542,410, consisting of $464,410 on Mississippi's outstanding preferred stock and $3,078,000 on its outstanding common stock.

The declaration states that no State regulatory agency and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions, and that no fees, commission or expenses are to be paid in connection with the proposed transactions.

Notice is further given that any interested person may, not later than September 25, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–7689; Filed, Sept. 15, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–IV–1 (Revision 1), Amdt. 2]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation of Authority Relating to Financial Assistance

I. Delegation of Authority No. 30–IV–1 (Revision 1), (23 F.R. 6272, 10574) is hereby further amended by deleting Paragraph II in its entirety and substituting the following in lieu thereof:

II. The authority delegated in sections I A and B may be redelegated.

Effective date: August 10, 1959.

CLARENCE P. MOORE,
Regional Director.

[F.R. Doc. 59–7691; Filed, Sept. 15, 1959; 8:47 a.m.]

[Delegation of Authority No. 30–IV–13 (Revision 2)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority 30–IV–1, (Revision 1), (23 F.R. 6272, 10574) and as further amended August 10, 1959, there is hereby delegated to the Chief, Loan Administration Section, the authority:

A. *Specific.*

1. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed $10,000 per annum.

2. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

3. To take the following actions in the administration and collection of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans; approve the application of same against premium due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

4. To take the following actions in the administration of fisheries' loans:

a. Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $10,000 or less.

b. Administer fisheries' loans with the same authority exercised with respect to SBA loans.

5. To take the following actions in all loans except those loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed assets limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel, and waivers of violation of salary and bonus limitations, provided the Regional Director considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time the payment is made.

h. Waive violations of agreements to maintain working capital of a specified amount.

6. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the loan administration functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 10, 1959.

G. D. HOLDEN,
Chief,
Financial Assistance Division.

[F.R. Doc. 59-7692; Filed, Sept. 15, 1959; 8:47 a.m.]

[Delegation of Authority No. 30-IV-22]

CHIEF, LOAN PROCESSING SECTION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-IV-1 (Revision 1), as amended (23 F.R. 6772, 10574) and as further amended August 10, 1959, there is hereby redelegated to the Chief, Loan Processing Section, the following authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding $20,000;

b. Participation business loans in an amount not exceeding $100,000; and

c. Disaster loans in an amount not exceeding $50,000.

2. To decline original applications but not reconsideration of disaster loans.

3. To approve or decline Limited Loan Participation loans.

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*
By ----------
Chief, Loan Processing Section.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.

9. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To take the following actions in connection with fisheries' loans:

a. Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

b. Cancel loan authorization prior to disbursement upon the written request of the applicant.

c. Disburse fisheries' loans in the same manner as SBA business loans.

12. To take the following actions within the same authority exercised with respect to SBA loans:

a. Approve changes in use of loan proceeds in connection with partially disbursed loans.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the loan processing functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated to the Chief, Loan Processing Section, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 10, 1959.

G. D. HOLDEN,
Chief, Financial
Assistance Division.

[F. R. Doc. 59-7693; Filed, Sept. 15, 1959; 8:48 a.m.]

[Delegation of Authority No. 30-IV-23]

CHIEF, LOAN LIQUIDATION SECTION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority 30-IV-1 (Revision 1), as amended (23 F.R. 6272, 10574), as further amended August 10, 1959, there is hereby delegated to the Chief, Loan Liquidation Section, the authority:

A. *Specific.*

1. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the liquidation of any disaster loan, or other loan in the name of the Reconstruction Finance Corporation or the Small Business Administration.

2. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

3. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

4. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereby is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

5. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

6. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

7. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

8. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

9. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

10. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

11. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any rights or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the loan liquidation functions of the regional financial assistance program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

IV. All previous authority delegated to the Chief, Loan Liquidation Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 10, 1959.

G. D. HOLDEN,
Chief, Financial
Assistance Division.

[F.R. Doc. 59-7694; Filed, Sept. 15, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 11, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35676: *Tin or terne plate from, to, and between points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7632), for interested rail carriers. Rates on tin or terne plate and tin mill plack plate, carloads from, to, and between points in southwestern territory.

Grounds for relief: Change in existing commodity description of involved commodities.

Tariff: Supplement 65 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4308.

FSA No. 35677: *Rock salt—Detroit, Mich., to Twin Cities group.* Filed by O. E. Schultz, Agent (ER No. 2508), for interested rail carriers. Rates on rock salt, crushed and screened, in bulk, carloads from Detroit, Mich., to Minneapolis, Minnesota Transfer, St. Paul and South St. Paul, Minn.

Grounds for relief: Market competition with Kansas producing points.

Tariff: Supplement 37 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. 4798 (Hinsch series).

FSA No. 35678: *Crushed stone—Huntington, Mo., to Illinois points.* Filed by The Wabash Railroad Company, Agent (No. 31), for itself. Rates on crushed stone, road surfacing, in open-top cars, carloads from Huntington, Mo., to Alexander and New Berlin, Ill.

Grounds for relief: Truck competition.

Tariff: Supplement 34 to Wabash Railroad Company tariff I.C.C. 7764.

FSA No. 35679: *Soda ash—Westvaco, Wyo., to Baldwin, Ark.* Filed by Southwestern Freight Bureau, Agent (No. B-7636), for interested rail carriers. Rates on soda ash other than modified, light, carloads from Westvaco, Wyo., to Baldwin, Wyo.

Grounds for relief: Market competition at Baldwin with Baton Rouge, La., Corpus Christi, Tex., and other producing points in Louisiana and Texas.

Tariff: Supplement 107 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4252.

FSA No. 35680: *Returned shipments of phosphatic fertilizer solutions from, to, and between western points.* Filed by Western Trunk Line Committee, Agent (No. A-2084), for interested rail carriers. Rates on phosphatic fertilizer solution, tank-car loads, returned to point of origin from, to, and between points in western trunk-line territory.

Grounds for relief: Short-line distance formulas at objective destinations, and maintenance of existing rates at certain intermediate points not affected by same conditions.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7699; Filed, Sept. 15, 1959; 8:48 a.m.]

[Notice 97]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 11, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–1422 (Deviation No. 2) VOSS TRUCK LINES, INC., 900 SW. Second, Post Office Box 917, Oklahoma City 1, Okla., filed August 24, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City over U.S. Highway 77 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction unnumbered highway at or near Braman; Okla., thence over such unnumbered highway to the Kansas-Oklahoma State line and thence over the Kansas Turnpike to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: From Oklahoma City over U.S. Highway 66 to Joplin, Mo., thence over Missouri Highway 14 to junction Alternate U.S. Highway 71, thence over Alternate U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 71 to Kansas City, Mo.; from junction U.S. Highway 66 and Kansas Highway 26 over Kansas Highway 26 to Crestline, Kans., thence over U.S. Highway 69 to Kansas City, Kans., and thence over city streets to Kansas City, Mo., and return over the same routes.

No. MC 2306 (Deviation No. 1), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1059. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio over Ohio Highway 14 to No. 13 Interchange of the Ohio Turnpike, thence over Ohio Turnpike to junction Pennsylvania Turnpike, and thence over Pennsylvania Turnpike to Valley Forge, Pa., and thence over the Schuykill Expressway to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent routes as follows: From Cleveland over Ohio Highway 84 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction New York Highway 78 and thence over New York Highway 78 to junction New York Highway 33, and thence over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over New York Highway 9J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J.; from Philadelphia by bridge to Camden, N.J., thence over New Jersey Highway 70 (formerly New Jersey Highway 40) to junction New Jersey Highway 72 (formerly New Jersey Highway S40), thence over New Jersey Highway 72 to junction unnumbered highway at a point one mile south of Beach Arlington, N.J., thence south over unnumbered highway to Beach Haven; from Philadelphia to junction unnumbered highway and New Jersey Highway 72 to a point one mile south of Beach Arlington, N.J., as specified above, thence north over unnumbered highway to Barnegat City; from New York over U.S. Highway 9 to junction New Jersey Highway 34 (formerly U.S. Highway 9), thence over New Jersey Highway 34 to junction New Jersey Highway 79 (formerly U.S. Highway 9), thence over New Jersey Highway 79 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction U.S. Highway 40 at Pleasantville, N.J., thence over U.S. Highway 40 to Atlantic City; from Manahawkin over New Jersey Highway 72 (formerly New Jersey Highway S40) to junction unnumbered highway, thence south over unnumbered highway to Beach Haven; from Manahawkin to junction unnumbered highway and New Jersey Highway 72, as specified above, thence north over unnumbered highway to Barnegat City; and return over the same routes.

No. MC–2306 (Deviation No. 2) STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over U.S. Highway 6, Massachusetts Highway 15, and U.S. Highway 44 (via a superhighway known as Wilbur Cross Highway) to Gate 9 of the Massachusetts Turnpike, thence over the Massachusetts Turnpike (Interstate System Highway 90), to Boston, Mass., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., and thence over Alternate U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC–2306 (Deviation No. 3) STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Massachusetts Turnpike (Interstate System Highway 90), to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, and return over the same route.

No. MC–2306 (Deviation No. 4), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Newark, N.J., over the New Jersey Turnpike to Exit Gate 4 near Fellowship, N.J., thence over New Jersey Highway 73 to the junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Philadelphia by bridge to Camden, N.J., thence over New Jersey Highway 70 to junction New Jersey Highway 72, thence over New Jersey Highway 72 to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark and return over the same route.

No. MC–8989 (Deviation No. 2), ZENO FREIGHTWAYS, INC., Rt. No. 5, Irwin, Pa., filed July 27, 1959. Attorney: John A. Vuono, 1211 Berger Building, Pittsburgh 19, Pa. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Interchange No. 7 of the Ohio Turnpike at or near Sandusky, Ohio, over the Ohio Turnpike to junction Pennsylvania Turnpike at or near Koppel, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From Sandusky, Ohio, over U.S. Highway 250 to Norwalk, Ohio, thence over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to Newcastle, Pa., thence over Pennsylvania Highway 18 to Koppel, Pa., and return over the same route.

No. MC–10761 (Deviation No. 2) TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 17, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from the entrance of the Indiana Toll Road at or near the Indiana-Illinois State line over the Indiana Toll Road to the exit or junction with the Ohio Turnpike at or near the Indiana-Ohio State line; (2) from the entrance to the Ohio Turnpike and junction Ohio Turnpike and Indiana Toll Road at or near the Ohio-Indiana State line over the Ohio Turnpike to its exit or junction with the Pennsylvania Turnpike at or near the Ohio-Pennsylvania State line, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to junction U.S. Highway 33 thence over U.S. Highway 33 to Elkhart, Ind., thence over U.S. Highway 20 to junction Ohio Highway 263, thence over Ohio Highway 263 to Toledo, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 via Avon, Ohio, to Cleveland, Ohio; from Chicago over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 20 to Elkhart, Ind., thence over U.S. Highway 20 to junction Ohio Highway 49, thence over Ohio Highway 49 to Edon, Ohio, thence over Ohio Highway 34 to Bryan, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland; from Cleveland over U.S. Highway 21 to Massillon, Ohio (also from Cleveland over U.S. Highway 21 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Ohio Highway 241, thence over Ohio Highway 241 to Massillon, Ohio), thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., and thence over Pennsylvania Highway 88 to Pittsburgh; from Cleveland over Ohio Highway 14 to Salem, Ohio, thence over Ohio Highway 45 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Ohio Highway 267, thence over Ohio Highway 267 to East Liverpool, Ohio, thence to Pittsburgh as specified above, and return over the same routes.

No. MC–10761 (Deviation No. 3) TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 17, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., over the Kansas Turnpike to the Kansas-Oklahoma State line, thence over U.S. Highway 177 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 66 north of Oklahoma City, Okla, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: From Oklahoma City over U.S. Highway 66 to Sapulpa; from Atoka over U.S. Highway 75 to Tulsa; from Kansas City over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to Garnett, Kans., thence over U.S. Highway 169 to Coffeyville, Kans., thence over U.S. Highway 166 to Caney, Kans., thence over U.S. Highway 75 to Tulsa, and return over the same routes.

No. MC–29988 (Deviation No. 3), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo., filed July 24, 1959. Attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the Ohio-Pennsylvania State line over the Pennsylvania Turnpike to junction New Jersey Turnpike at or near the Pennsylvania-New Jersey State line, thence over the New Jersey Turnpike to the junction of New York State Highway No. 3 at the Lincoln Terminal Interchange No. 16 approximately 3 miles from New York, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized route as follows: From Chicago over U.S. Highway 20 to junction U.S. Highway 62 approximately 4 miles north of Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and LaFayette, N.Y., to Albany, N.Y. (also from Buffalo over New York Highway 5 to Albany) and thence over U.S. Highway 9 (also over U.S. Highway 9W) to New York and return over the same route.

No. MC–30138 (Deviation No. 1) A. C. E. TRANSPORTATION COMPANY, INC., 395 Baird Street, Post Office Box 1192, Akron 9, Ohio, filed September 1, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Pennsylvania Turnpike Interchange 20 (Lebanon-Lancaster) over Pennsylvania Highway 72 to junction U.S. Highway 22; (2) from Pennsylvania Turnpike Interchange 21 (Reading) over U.S. Highway 222 to Reading, Pa., thence over U.S. Highway 122 to junction U.S. Highway 22; from Pennsylvania Turnpike Interchange 21 (Reading) over U.S. Highway 222 to Reading, Pa., thence over U.S. Highway 222 to junction U.S. Highway 22 near Allentown, Pa., and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Ebensburg, Pa., and Newark, N.J., over U.S. Highway 22.

No. MC–35484 (Deviation No. 2), VIKING FREIGHT COMPANY, 614 South 6th Street, St. Louis 2, Mo., filed July 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Dayton, Ohio, over U.S. Highway 25 to junction Ohio Highway 73, thence over Ohio Highway 73 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction Ohio Highway 128 at Hamilton, Ohio, thence over Ohio Highway 128 to junction U.S. Highway 50 near Cleves, Ohio, thence over U.S. Highway 50 to junction Indiana Highway 57 at Washington, Ind., thence over Indiana Highway 57 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 60 near Henderson, Ky., thence over U.S. Highway 60 to Paducah, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton, Ohio, over Ohio Highway 49 to junction of U.S. Highway 40, thence over U.S. Highway 40 to junction Illinois Highway 37 at Effingham, Ill., thence over Illinois Highway 37 to junction Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction U.S. Highway 45 at Vienna, Ill., thence over U.S. Highway 45 to Paducah and return over the same route.

No. MC–35484 (Deviation No. 3) VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis 2, Mo., filed August 7, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to Paducah, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 40 to junction Illinois Highway 37 at Effingham, Ill., thence over Illinois Highway 37 to junction Illinois Highway 146 at West Vienna, Ill., thence over Illinois Highway 146 to junction U.S. Highway 45 at Vienna, Ill., thence over U.S. Highway 45 to Paducah, and return over the same route.

No. MC–50544 (Deviation No. 1), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 914 Texas And Pacific Building, Dallas, Tex., filed July 14, 1959. Attorney: H. Dvstin Fillmore, 914 Texas and Pacific Building, Dallas, Tex. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exeeptions, over a deviation route as follows: From Dallas, Tex., over the Dallas-Fort Worth Turnpike to Fort Worth, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Dallas and Forth Worth over U.S. Highway 80.

No. MC–59680 (Deviation No. 3) STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 66 to Webb City, Mo., thence over U.S. Highway 71 to junction the Will Rogers Turnpike (U.S. Highway 166 near Joplin, Mo.), thence over the Will Rogers Turnpike to Exit Gate No. 3 near Big Cabin, Okla., thence over U.S. Highway 69 to Denison, Tex., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis and Dallas over U.S. Highway 67.

No. MC–59680 (Deviation No. 4) STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier pro-

poses to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highway 175 to Kaufman, Tex., thence over Texas Highway 243 to Canton, Tex., thence over Texas Highway 64 to Henderson, Tex., thence over U.S. Highway 79 to Carthage, Tex., and thence over U.S. Highway 59 to Nacogdoches, Tex., thence over Texas Highway 21 to San Augustine, Tex., thence over U.S. Highway 96 to Jasper, Tex., thence over U.S. Highway 190 to Kinder, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 75 to Houston, Tex., thence over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 to Kinder and return over the same route.

No. MC–59680 (Deviation No. 5) STRICKLAND TRANSPORTATION Co., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 90 and Texas Highway 235 approximately eight miles from Beaumont, Tex., over Texas Highway 235 to the Texas-Louisiana State line, thence over Louisiana Highway 12 to Kinder, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 90 and Texas Highway 235 over U.S. Highway 90 to Iowa, La., thence over U.S. Highway 165 to Kinder, La., and return over the same route.

No. MC–59680 (Deviation No. 6) STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over U.S. Highway 25 to Toledo, Ohio, thence over U.S. Highway 25 to Findlay, Ohio, thence over U.S. Highway 68 to Springfield, Ohio, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 112 to New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill., thence over irregular routes to Aurora, Ill., thence over U.S. Highway 34 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis and return over the same route.

No. MC–70451 (Deviation No. 6) WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha 2, Nebr., filed August 13, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 89 and Arizona Highway 69 five miles northwest of Phoenix, Ariz., thence over Arizona Highway 69 to the junction of U.S. Highway 89 at Whipple, Ariz., 2 miles north of Prescott, Ariz., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highway 89 and Arizona Highway 69 five miles northwest of Phoenix, Ariz., over U.S. Highway 89 via Wickenburg, and Congress Junction to junction Arizona Highway 69 at Whipple, Ariz., two miles north of Prescott, Ariz., and return over the same route.

No. MC–70451 (Deviation No. 7) WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha 2, Nebr., filed August 13, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Show Low, Ariz., over Arizona Highway 61 to junction U.S. Highway 666, at St. Johns, Ariz., thence over U.S. Highway 666 to Sanders, Ariz., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service route: From Show Low, Ariz., over Arizona Highway 77 to Holbrook, Ariz., thence over U.S. Highway 66 to Sanders, Ariz., and return over the same route.

No. MC–72444 (Deviation No. 4) AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed July 31, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Big Tree, N.Y., over U.S. Highway 20 to Avon, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Chicago, Ill., over U.S. Highway 20 to Big Tree, thence over U.S. Highway 62 to junction New York Highway 5, thence over New York Highway 5 to Utica, N.Y., and return over the same route.

No. MC–72444 (Deviation No. 5) AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron 6, Ohio, filed August 31, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Cincinnati and Dayton over Ohio Highway 4.

No. MC–111231 (Deviation No. 7) JONES TRUCK LINE, INC., 514 East Emma Avenue, Springdale, Ark., filed July 30, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City over U.S. Highway 77 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction with an unnumbered highway at or near Braman, Okla., thence over such unnumbered highway to the Kansas-Oklahoma State line, thence over Kansas Turnpike to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent service routes: From Tulsa over U.S. Highway 66 to Oklahoma City: From Kansas City, Mo., over city streets to Kansas City, Kans., thence over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Tulsa, and return over the same routes.

Motor Carriers of Passengers

No. MC–1501 (Deviation No. 28) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed August 10, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: From the junction of U.S. Highway 111 and alternate U.S. Highway 111 at Baltimore, Md., over U.S. Highway 111 to junction of alternate U.S. Highway 111 immediately north of York, Pa., and from the junction of U.S. Highway 111 and access highway to York, Pa., over such access highway to York and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent route: From Baltimore over U.S. Highway 111 to Harrisburg and return over the same route.

No. MC–1501 (Deviation No. 29), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: Between junction Interstate Highway 94 and U.S. Highway 12 near Hudson, Wis., over Interstate Highway 94 to its junction with U.S. Highway 12 near Eau Claire, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Minneapolis, Minn., and Chicago, Ill., over numerous routes including U.S. Highway 12.

No. MC–1501 (Deviation No. 30), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 27, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over the following deviation routes: (1) from Springfield, Ohio over Ohio Route 4 to junction relocated U.S. Highway 40, thence over relocated U.S. Highway 40 to junction Ohio Highway 69, and thence over Ohio Highway 69 to Dayton; (2) from Springfield over new Ohio Highway 4 to junction old Ohio Highway 4 east of Fairborn, Ohio; and (3) from Springfield over Ohio Highway 4 to junction relocated U.S. Highway 40, thence over relocated U.S. Highway 40 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 40 at Vandalia and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over the following pertinent routes: (1) from Springfield over unnumbered highway (old Ohio Highway 4) via Enon to junction new Ohio Highway 4, thence over Ohio Highway 4 to Dayton, Ohio; and (2) from Springfield over U.S. Highway 40 to Vandalia, and return over the same routes.

No. MC–1501 (Deviation No. 31), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 26, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: From Goerke's Corner, Wis., over relocated U.S. Highway 16 (now Interstate Route 94), to a point four miles west thereof, thence over relocated U.S. Highway 16 to Oconomowoc, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Milwaukee, Wis., and Watertown, Wis., over U.S. Highway 16.

No. MC–1501 (Deviation No. 32), THE GREYHOUND CORPORATION, 509 6th Avenue North, Minneapolis 5, Minn., filed August 26, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers* over a deviation route as follows: From Welco Corner, Ill., over relocated U.S. Highway 66 (also designated Interstate Highway 55) to Gardner Interchange (junction of U.S. Highway 66 and Alternate U.S. Highway 66), and return over the same route, for operating convenience only, serving no intermediate points. The carrier is presently authorized to transport passengers between Chicago, Ill., and St. Louis, Mo., over U.S. Highway 66.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7700; Filed, Sept. 15, 1959; 8:48 a.m.]

[Notice 287]

MOTOR CARRIER APPLICATIONS

SEPTEMBER 11, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local d.s.t.), unless otherwise specified.

Applications Assigned for Oral Hearing or Pre-Hearing Conference

MOTOR CARRIERS OF PROPERTY

No. MC 704 (Sub No. 21), CORRECTION, filed September 12, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Louisville Station, Box 2836, Monroe, La. Applicant's attorney: Kretsinger and Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada: Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 1313 (Sub No. 8), (AMENDMENT), filed September 2, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: RIDGELY TRANSPORT, doing business as PIONEER-RIDGELY FREIGHT LINES, a corporation, 1509 Bent Avenue., Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within 70 miles of Cheyenne, Wyo., as offroute points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Wyoming and Nebraska.

NOTE: This republication strikes the restriction "in Wyoming" from the previous notice, and reassigns the application for hearing before the proper Joint Board. The hearing date is unchanged.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 8989 (Sub No. 183), (CORRECTION), filed August 6, 1959, published issue FEDERAL REGISTER of September 2, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 14th and K Streets NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (other than automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: The purpose of this republication is to correct the wording in the restriction so as to clarify the proposed transportation from the above-named points.

HEARING: Remains as assigned October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 19416 (Sub No. 10), CORRECTION, filed September 12, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, P.O. Box 5771, Dallas 22, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States, except California.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 26396 (Sub No. 9), (REPUBLICATION), filed May 15, 1958, published FEDERAL REGISTER, issue March 18, 1959, at page 2011. Applicant: STAR TRANSFER COMPANY, 1024 Second Avenue North, Billings, Mont. Applicant's attorney: J. F. Meglen, 204–205 Behner Building, 2822 Third Avenue

North, Billings, Mont. By form BMC 78 application, filed May 15, 1958, applicant sought authority as a common carrier, by motor vehicle, of animal feed ingredients, from Crete, Nebr., to specified areas in Montana, North Dakota, South Dakota, and Wyoming, and contaminated and rejected shipments of the described products, on return. At the hearing held May 14, 1959, at Billings, Mont., before Examiner Leo A. Riegel, it was found that applicant, through error, requested authority to serve points in South Dakota *east* of the Missouri River, whereas the territory which it desires to serve and to which shipper requires service is that area in South Dakota lying *west* of the Missouri River. In a report and recommended order, served August 18, 1959, the Examiner found that the present and future public convenience and necessity required operations by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *liquid animal feed ingredients*, consisting of urea, ethyl alcohol, phosphoric acid, inorganic chloride salts, water and trace minerals, in bulk, in vinyl plastic or rubber lined vehicles or in a rubber tank or container by the use of a flat bed vehicle, from Chete, Nebr., to specified counties in Montana and Wyoming and points in North Dakota west of North Dakota Highway 3; and those in South Dakota west of the Missouri River, and *contaminated and rejected products* in possession of consignee, on return. The purpose of this republication in the FEDERAL REGISTER is to allow any person or persons who may have been prejudiced by the allowance of the amendment to file, within 30 days from the date of this publication, a protest or other pleading.

No. MC 29886 (Sub No. 157), filed August 19, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive Vehicles*, gasoline or electrically driven, weighing 2,000 pounds or less each, *including those equipped with material handling devices*, and *accessories* for such vehicles when moving with the aforementioned commodities, in initial movements, in truckaway service, from points in Orange and Los Angeles Counties, Calif., to points in the United States, including Alaska, and on return, such of the aforementioned commodities as are being returned to the manufacturer for rebuilding, resale, repair or which are for demonstration or show purposes, or which have been damaged or rejected. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 30, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 263), (CORRECTION), filed August 6, 1959, published issue FEDERAL REGISTER of September 2, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, an Ohio Corporation, 4519 76th Street, Kenosha, Wis. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Motor vehicles*, (other than passenger automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo Ohio to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: The purpose of this republication is to correct the wording in the restriction so as to clarify the proposed transportation from the above-named points.

HEARING: Remains as assigned October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 30837 (Sub No. 264), filed August 7, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Three wheeled automotive vehicles*, and *parts* of, or *accessories* for such vehicles when transported therewith, from Oakland, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 29, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 415) filed August 18, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Oreg. Applicant's attorney: Ronald E. Poelman, Consolidated Freightways, Inc., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, from Oakland, Calif., to Gabbs, Nev. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: October 28, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 66562 (Sub No. 1483), (REPUBLICATION), filed March 19, 1959, published issue FEDERAL REGISTER of April 22, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, same address as applicant. By application filed March 19, 1959, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities, including Class A and B explosives*, moving in express service, (1) between Port Jervis, N.Y., and junction U.S. Highway 209 and New York Highway 17, over U.S. Highway 209, serving no intermediate points, (2) between junction U.S. Highway 209 and unnumbered New York Highway, at or near Spring Glen, N.Y., and Junction New York Highways 42 and 52, from junction U.S. Highway 209 and unnumbered New York Highway over U.S. Highway 209 to junction New York Highway 52, and thence over New York Highway 52 to junction New York Highway 42, and return over the same route, serving no intermediate points, and (3) serving Monticello, N.Y., as an off-route point in connection with applicant's authorized regular-route operations between Middletown and Roscoe, N.Y. The notice of the filing of the application as published in the FEDERAL REGISTER failed to reflect the entire authority sought in the amended application. In a corrected report and recommended order, served July 23, 1959, the examiner found that an appropriate certificate authorizing such operations should be granted, subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; (3) The authority granted herein, to the extent that it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring five years from the date of the certificate; and (4) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, air or railway express service; Issuance of an appropriate certificate herein will be withheld for a period of 30 days from the date of this republication in the FEDERAL REGISTER, during which period any interested proper party may file an appropriate protest or other pleading.

No. MC 72140 (Sub. No. 39), filed August 31, 1959. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Liquid and dry commodities* in containers, including but not limited to Sealtank, sealbin and Nest-a-bin containers, in or upon ordinary vehicles

over the routes and in the territories including all termini and all intermediate and off-route points authorized to be served at the present time by applicant. Applicant is authorized to transport general commodities with certain exceptions in Illinois, Indiana, Michigan and Ohio, and other specified commodities in Illinois, Indiana, Michigan, Missouri and Ohio.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 73675 (Sub No. 26), (AMENDMENT), filed May 18, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: GALLAGHER FREIGHT LINES, INC., 2424 Arapahoe Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, except commodities in bulk and commodities requiring special equipment, and *shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty, serving ballistic missiles testing and launching sites and supply points therefor within sixty (60) miles of Denver, Colo., as off-route points in connection with applicant's authorized regular-route operations to and from Denver, Colo., and (2) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Utah, Wyoming, Montana, New Mexico, Nebraska, Kansas and Illinois.

NOTE: This republication strikes the restriction "in Wyoming" from Route (2) of the previous notice, and reassigns the application for hearing before the proper Joint Board.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 76032 (Sub No. 138), filed September 10, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A, B, and C explosives and shipper-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas), or empty, but excluding commodities of unusual value, uncrated household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor within 60 miles of Denver, Colo., as off-route points in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Indiana, Oklahoma, Iowa, Kansas and Nevada.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 88300 (Sub No. 22), filed June 29, 1959. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, Whitley City, Ky. Applicant's attorney: George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used farm tractors*, and *farm equipment* used in connection therewith when a part of a shipment of farm tractors, in secondary movements, by truckaway service, from points in Florida, Georgia and South Carolina, and Mobile, Ala., to points in the United States, including Alaska. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: November 6, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 88300 (Sub No. 23), filed June 29, 1959. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, Whitley City, Ky. Applicant's attorney: George C. Young, 1109 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles, trucks and busses*, and *parts and accessories* of such vehicles moving in connection therewith, in secondary movements, by truckaway service, from points in Florida and Georgia, to points in North Carolina, South Carolina, Mississippi and Alabama, and from points in South Carolina, and Mobile, Ala., to points in Florida, Georgia, Alabama, Tennessee, Kentucky and Mississippi, and from points in Georgia, to points in Florida, Georgia, Tennessee, Kentucky and Mississippi. Applicant is authorized to conduct operations in Michigan, Indiana, Florida, Georgia, Tennessee, Kentucky, Ohio, North Carolina, and South Carolina.

HEARING: November 4, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 92983 (Sub No. 362), filed July 2, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid* and *chemicals*, in bulk, from Memphis, Tenn., to points in Iowa, Kansas and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and Wyoming.

HEARING: October 6, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 92983 (Sub No. 363), filed July 16, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Saginaw, Mo., and points within 15 miles thereof, to points in Arkansas, Kentucky, Mississippi and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and Wyoming.

HEARING: October 6, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 95540 (Sub No. 309), filed July 13, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles distributed by meat packing houses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272–273, from Flint, Mich., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Virginia, and those in Louisiana on and east of the Mississippi River including the Commercial Zones of Baton Rouge and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin.

HEARING: October 26, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 96339 (Sub No. 6), (AMENDMENT), filed September 2, 1959, published issue FEDERAL REGISTER of September 10, 1959. Applicant: MONA RIDGELY, doing business as ARROW MOVING & STORAGE CO., 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Cheyenne, Wyo., on the one hand, and, on the other, intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska within a 70-mile radius of Cheyenne, Wyo. Applicant is authorized to conduct operations in Wyoming, Colorado, and Nebraska.

NOTE: This republication strikes the restriction "in Wyoming" from the previous notice, and reassigns the aplication for hearing before the proper Joint Board. The hearing date is unchanged.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 98088 (Sub No. 8), (CORRECTION) filed June 8, 1959, published issue FEDERAL REGISTER of August 12, 1959. Applicant: LINDLEY TRUCKING SERVICE, INC., 3618 Vandalia Road, Des Moines, Iowa. Applicant's representative: John M. Ropes, 200 56th Street, Des Moines, Iowa. Previous publication indicated applicant's representative's address as Chairman, State Commerce Commission, State House, Des Moines, Iowa, in error. Applicant's representative's correct address is 200 56th Street, Des Moines, Iowa.

HEARING: Remains as assigned September 18, 1959, at the Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 103435 (Sub No. 85), (AMENDMENT), filed May 18, 1959, published FEDERAL REGISTER issue of September 10, 1959. Applicant: BUCKINGHAM TRANSPORTATION, INC., 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *Class A and B explosives*, and *general commodities*, except those of unusual value and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving ballistic missiles testing and launching sites and supply points therefor, within a 60-mile radius of Denver, Colo., as off-route points in connection with applicant's authorized regular-route operations to and from Denver, Colo.; and (2) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving intercontinental ballistics missile launching sites located in Colorado, Wyoming, and Nebraska, within 70 miles of Cheyenne, Wyo., as off-route points, in connection with applicant's regular-route operations to and from Cheyenne, Wyo. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.

NOTE: This republication strikes the restriction "in Wyoming" from Route (2) of the previous notice, and reassigns the application for hearing before the proper Joint Board.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 105813 (Sub No. 40), filed August 13, 1959. Applicant: BELFORD TRUCKING CO., INC., 1299 North West 23d Street, Miami 42, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17, Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Frozen foods* and *citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Illinois, except Chicago, and those in Misouri, except St. Louis. Applicant is authorized to conduct operations in Illinois, Wisconsin, Florida, Indiana, Kansas, Missouri, South Carolina, New York, Pennsylvania, District of Columbia, Maryland, Massachusetts, Rhode Island, Virginia, Ohio and Kentucky.

HEARING: October 28, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 105881 (Sub No. 27), filed July 6, 1959. Applicant: M. R. & R. TRUCKING COMPANY, a Corporation, 715 North Ferdon Boulevard, Crestview, Fla. Applicant's attorney: Sol H. Proctor, 713–17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Dothan, Ala., and Malone, Fla.: from Dothan over Alabama Highway 53 to the Alabama-Florida State line, thence over Florida Highway 71 to Malone, and return over the same route, serving no intermediate points; and (2) between Dothan, Ala., and junction U.S. Highway 231 and Florida Highway 20, in Bay County, Fla.: from Dothan over U.S. Highway 231 to junction with Florida Highway 20, and return over the same route, serving no intermediate points except Cottondale, Fla., service to this point limited to joinder with applicant's other authorized service. Applicant is authorized to conduct operations in Florida, Georgia and Alabama.

HEARING: November 3, 1959, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 98, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 106497 (Sub No. 12), CORRECTION, filed August 28, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 3807, 2000 East Jasper, Tulsa 23, Okla. Applicant's attorney: Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 107002 (Sub No. 148), filed July 21, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marine animal oil*, in bulk, in tank vehicles, from points in Florida, Alabama, Mississippi (except Pascagoula and Moss Point) and Louisiana to Mobile, Ala., and Good Hope and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 29, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 107636 (Sub No. 2), filed April 6, 1959, published issue FEDERAL REGISTER May 20, 1959, at page 4078. Applicant: M. M. CAMPION AND GEORGE KINGSHOTT, doing business as C & K Transport, Box 427, New Buffalo, Mich. Applicant's attorney: Kit F. Clardy, Olds Tower, Lansing, Mich. The notice of the scope of the application, published in the FEDERAL REGISTER on May 20, 1959, stated, in part, that the applicant was seeking authority to transport *fly ash*, from the sites of the Chicago Edison Company plant sites located in the Chicago, Ill. Commercial Zone area from Romeo, Ill., to points in the Lower Peninsula of Michigan and to points in Lake, Porter, LaPorte, Saint Joseph, Elkhart, Lagrange, and Steuben Counties, Ind. It was developed at the hearing that the said notice was in error in describing the origin points as plant sites of the Chicago Edison Company, and that the notice should have read plant sites of the Commonwealth Edison Company. Moreover, since the evidence adduced at the hearing on the application held July 1, 1959, at Chicago, Ill., revealed that there was a need for applicant's proposed service from points in the Chicago Commercial Zone other than from the plant sites of the Commonwealth Edison Company, the joint board allowed an amendment to the application to correctly describe the proposed operations, subject to a republication in the FEDERAL REGISTER. The application, as amended, is for authority to operate as a *contract carrier* by motor vehicle of (1) *fly ash*, in bulk, in tank vehicles, or in bags, in quantities of 40,000 pounds or more, from points in the Chicago Commercial Zone, as defined by the Commission, and from Romeo, Ill., to points in the Lower Peninsula of Michigan, and to points in Lake, Porter, LaPorte, Saint Joseph, Elkhart, Lagrange, and Steuben Counties, Ind., and (2) *lime*, in bulk, in quantities of 36,000 pounds or more, from points in Muskegon County, Mich., to points in Illinois and Indiana, all over irregular routes.

NOTE: The purpose of this republication is to advise that any person or persons who might have been prejudiced by the allowance of the amendment, may, within thirty (30) days from the date of this publication in the FEDERAL REGISTER, file an appropriate petition for further hearing.

No. MC 109346 (Sub No. 5), CORRECTION, filed August 21, 1958, published FEDERAL REGISTER issue of August 26, 1959. Applicant: J. L. COX & SON, INC., P.O. Box 9476, Raytown 33, Mo. Applicant's attorney: Tom B. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials* and *supplies* incidental to and used in connection with the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Alaska, on the one hand, and, on the other, points in the United States, including the District of Columbia; (3) between points in Alaska, on the one hand, and, on the other, points along the International boundary line between Alaska and Canada; (4) between points in the United States, on the one hand, and, on the other, points on and along the International boundary line between the United States and Canada. Applicant is authorized to conduct operations throughout the United States, except California.

HEARING: Remains as assigned November 2, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Harold P. Boss.

No. MC 110410 (Sub No. 4), filed June 25, 1959. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. Applicant's attorney: Devereaux F. McClatchey, Hurt Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Magazines*, and *refused* and *returned shipments* of magazines, (1) between Jacksonville, Fla., and Tallahassee, Fla., from Jacksonville over U.S. Highway 90 via Lake City, Live Oak, Madison, Greenville, and Monticello to Tallahassee, thence return over U.S. Highway 27 via Perry to Mayo, thence over Florida Highway 51 to Live Oak, thence over U.S. Highway 90 to Watertown, thence over Florida Highway 100 to Lake Butler, thence over Florida Highway 23 to McClenny, thence over U.S. Highway 90 to Jacksonville, and return over the same route, serving all intermediate points; (2) between Tallahassee, Fla., and DeFuniak Springs, Fla., from Tallahassee over U.S. Highway 27 (formerly Florida Highway 63) to Havana, thence over Florida Highway 12 to Quincy, thence over U.S. Highway 90 via Chattahoochee, Marianna, Chipley and Bonifay to DeFuniak Springs, thence return over U.S. Highway 331 via Freeport to the intersection of U.S. Highway 98, thence over U.S. Highway 98 via Panama City to Port St. Joe, thence over Florida Highway 71 to Blountstown, thence over Florida Highway 20 to Tallahassee, and return over the same route, serving all intermediate points; (3) between Jacksonville, Fla., and Miami, Fla., over U.S. Highway 1, via St. Augustine, Daytona Beach, Titusville, Cocoa, Vero Beach, Stuart, West Palm Beach, Palm Beach and Ft. Lauderdale, serving all intermediate points; (4) between Jacksonville, Fla., and Orlando, Fla., from Jacksonville over U.S. Highway 17 via Green Cove Springs, Palatka and De Land to Orlando, thence return over U.S. Highway 441 (formerly Florida Highway 500), via Apopka, Mt. Dora, Leesburg, and Ocala to Gainesville, thence over Florida Highway 24 to Starke, thence over U.S. Highway 301 (formerly Florida Highway 200), to Maxville, thence over Florida Highway 228 to Jacksonville, and return over the same route, serving all intermediate points; (5) between Tampa, Fla., and Orlando, Fla., over U.S. Highway 92 (formerly Florida Highway 600), via Lakeland, and Haines City, serving all intermediate points; (6) between Tampa, Fla., and Ft. Myers, Fla., over U.S. Highway 41 (formerly Florida Highway 45), via Bradenton, Sarasota and Punta Gorda, serving all intermediate points; (7) between Titusville, Fla., and Orlando, Fla., over Florida Highways 50 and 405, serving all intermediate points; (8) between Tampa, Fla., and St. Petersburg, Fla., over U.S. Highway 92, serving all intermediate points. Applicant is authorized to conduct operations in Florida and Georgia.

HEARING: October 29, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 111159 (Sub No. 91), filed July 20, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Washington County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: October 8, 1959, at the Claridge Hotel, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 111159 (Sub No. 92), filed July 20, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except petroleum base herbicide), in bulk, in tank vehicles, from Coahoma County, Miss., to points in Arkansas, (except the transportation of liquefied petroleum gases, in bulk, in tank vehicles, to points in Arkansas within 150 miles of Henderson, Texas). Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

HEARING: October 8, 1959, at Claridge, Hotel, Memphis, Tenn., before Examiner Richard H. Roberts.

No. MC 112520 (Sub No. 34), filed July 6, 1959. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, Suite 713–17 Professional Building, Jacksonville 3, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins, resinous compounds, rosin, rosin derivatives, tall oil* and *tall oil products*, in bulk, in tank vehicles, from points in Florida, except Pensacola to points in Mississippi. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

NOTE: No duplication of authority is being sought.

HEARING: November 2, 1959, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 393, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 112617 (Sub No. 60), filed September 8, 1959. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, in tank, hopper, and dump vehicles, and *rejected shipments* of dry commodities, and *empty containers or other such incidental facilities* used in transporting dry commodities, between points in Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio.

Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 19, 1959, at the Kentucky Hotel, Louisville, Ky., before Examiner Richard H. Roberts.

No. MC 115491 (Sub No. 16), filed July 17, 1959. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 155 West Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products* (not requiring refrigeration), from Auburndale, Fla., to Minneapolis and St. Paul, Minn. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, and Wisconsin.

HEARING: October 27, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 116727 (Sub No. 3), filed July 6, 1959. Applicant: NELSON TRANSPORTATION COMPANY, INC., P.O. Box 1011, 827 Endor Street, Sanford, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *flake board*, from Sanford, N.C., and points within 100 miles thereof, to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut and New York, including points in the New York, N.Y., Commercial Zone, and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

HEARING: November 17, 1959, at the U.S. Court Rooms, Uptown P.O. Bldg., Raleigh, N.C., before Examiner C. Evans Brooks.

No. MC 117571 (Sub No. 2), filed July 15, 1959. Applicant: L. L. ALLEN, doing business as L. L. ALLEN MOTOR LINES, Box 397, Cashiers, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos ore*, in bulk, from points in Jackson, Transylvania, Avery, Yancey and Mitchell Counties, N.C., and those in Rabun County, Ga., to Baltimore, Md.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Examiner C. Evans Brooks.

No. MC 118927 (Sub No. 1) (CORRECTION), filed May 29, 1959, published issue FEDERAL REGISTER of August 12, 1959. Applicant: LEWIS VAN HOOSEAR, doing business as VAN HOOSEAR'S TRUCK LINE, 521 Watrous Street, Des Moines, Iowa. Applicant's representative: John M. Ropes, 200 56th Street, Des Moines, Iowa. Previous publication indicated applicant's representative's address as Chairman, State Commerce Commission, State House, Des Moines, Iowa, in error. Applicant's representative's correct address is 200 56th Street, Des Moines, Iowa.

HEARING: Remains as assigned September 17, 1959, at the Federal Office Building., 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 119002 (AMENDMENT), filed June 16, 1959, published FEDERAL REGISTER issue of August 19, 1959. Applicant: W. S. BUGG, L. C. DAVIS & R. R. DAVIS, doing business as BUGG & DAVIS TRUCK LINES, Warrenton, N.C. Applicant's attorneys: Stanley Winborne and Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Warren County, N.C., to points in Virginia, West Virginia, Maryland, Delaware, Ohio, Pennsylvania, New Jersey, New York, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting Lumber on return movements.

NOTE: The purpose of this republication is to reflect that the authority sought by applicant is that of a contract carrier rather than a common carrier as originally filed.

HEARING: Remains as assigned September 21, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner James O'D. Moran.

No. MC 119011, filed June 18, 1959. Applicant: W. L. LANNING, doing business as LANNING TRUCK LINES, P.O. Box 42, Fletcher, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrate feed*, from Chattanooga, Tenn., to points in Buncombe County, N.C., *bag feed, bulk feed*, and *poultry supplies*, from points in Buncombe County, N.C., to Blairsville, Ga., *animal and poultry feed*, from points in Buncombe County, N.C., to points in South Carolina, and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

NOTE: Applicant states special equipment will be used in the proposed transportation.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner C. Evans Brooks.

No. MC 119031, filed June 26, 1959. Applicant: NEWSOM TRANSPORTS, INC., 1401 Roanoke Avenue, Roanoke Rapids, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between Norfolk, Va., and ten miles thereof, on the one hand, and, on the other, points in Halifax, Northampton Counties, and the town of Littleton, N.C.

NOTE: Applicant states that this transportation is to be restricted solely to the account of Newsom Oil Company, Inc., which is under common ownership and control with the applicant.

HEARING: November 16, 1959, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 119106, filed July 29, 1959. Applicant: KENNETH J. PANGBURN, Marathon, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, in driveaway service, between points in Monroe County, Fla., and points in Georgia, Alabama, Mississippi, Kentucky, Louisiana, North Carolina, South Carolina, Virginia, West Virginia, New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Tennessee, Maryland, Ohio, Illinois, Indiana, Pennsylvania, Minnesota, Michigan, Wisconsin and the District of Columbia.

HEARING: October 27, 1959, at the U.S. Court Rooms, Tampa, Fla., before Examiner C. Evans Brooks.

No. MC 119113, filed July 31, 1959. Applicant: F. N. RUMBLEY COMPANY, a Corporation, 2100 South Van Ness Avenue, Fresno, Calif. Applicant's attorney: Frank Loughran, Suite 1620 Russ Building, San Francisco 4, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas* (propane), in tank vehicles, during the period September 1 through March 31 of each year, from Avon, Coalinga Nose, Kettleman Hills, Coles Levee, Poloma, Mayo Spur, Wadstrom, Belridge and El Segundo, Calif., to the plant site of The Sierra Pacific Power Company, located approximately two miles east of Reno, Nev., and *rejected shipments* of liquefied petroleum gas on return. Applicant is authorized to conduct common carrier operations in New Mexico, California, Nevada and Arizona.

NOTE: Dual operations may be involved. Applicant states that the above transportation will be performed for the Tidewater Oil Company.

HEARING: October 28, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner P. Roy Linn.

No. MC 120307. Applicant: MORVEN FREIGHT LINES, INCORPORATED, Box 471, Morven, N.C. Assigned for hearing to determine whether the motor vehicle operations of Morven Freight Line, Incorporated are and will be managed and operated in a common interest, management and control with those of Ratliff & Ratliff, Inc., a multiple-State operator holding certificates in No. MC 107409 and sub dockets thereunder, and the eligibility of the said Morven Freight Lines, Incorporated to engage in operations in interstate or foreign commerce within the State of North Carolina under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown P.O. Bldg., Raleigh, N.C., before Examiner C. Evans Brooks.

MOTOR CARRIERS OF PASSENGERS

No. MC 1255 (Sub No. 7), filed August 26, 1959. Applicant: MARGUERITE E. McGINN, doing business as McGINN BUS COMPANY, 99 Cottage Street, Lynn, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, beginning and ending at Lynn, Marblehead, Salem, Peabody and Danvers, Mass. and extending to Salem, N.H., restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destination and return for the purpose of participating in games commonly referred to as beano and bingo games. Applicant is authorized to conduct operations in Massachusetts, New Hampshire, Rhode Island, New York, Maine, Vermont, and Connecticut.

HEARING: October 16, 1959, at the New Post Office & Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Harry Ross, Jr.

No. MC 74761 (Sub No. 8), filed March 30, 1959. Applicant: TAMIAMI TRAIL TOURS, INC., 1010 East Lafayette Street, Tampa, Fla. Applicant's attorney: A. Pickens Coles, First National Bank Building, Tampa 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *light express* in the same vehicle with passengers, (1) between Canal Point, Fla., and Jacksonville, Fla.: from Canal Point over U.S. Highway 441, via Okeechobee and Holopaw, to junction Florida Highway 15, thence over Florida Highway 15 via Ashton and Narcoossee, to Orlando, thence over U.S. Highway 17 via Sanford to DeLand, thence over Florida Highway 11 to Bunnell, and thence over U.S. Highway 1, via St. Augustine, to Jacksonville, and return over the same route, serving all intermediate points; and (2) between Gainesville, Fla., and Jacksonville, Fla.: from Gainesville over Florida Highway 26 via Orange Heights and Melrose to junction Florida Highway 21, and thence over Florida Highway 21, via Keystone Heights, Middleburg and Wesconnet, to Jacksonville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct passenger carrier operations in Florida, Georgia and Alabama.

HEARING: November 10, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 115116 (Sub No. 4), (CORRECTION), filed December 29, 1958, published in FEDERAL REGISTER issue of April 8, 1959, at page 2716. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Line 34 of the notice of filing of the subject application, published in the FEDERAL REGISTER, on the date and page shown above, read: "velt Avenue in Carteret, N.J., *and* access". This was in error. Correctly stated, that line reads: "velt Avenue in Carteret, N.J., *to* access". Line 48 of the application in the previous publication read: "continue *over* said boundary line to", which was also in error. Correctly stated that line reads: *"continuing from* said boundary line to".

HEARING: Remains as assigned September 22, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 89778 (Sub No. 75), filed September 3, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives* and *blasting supplies*, between Wolf Lake, Ill., and points within 15 miles thereof, on the one hand, and, on the other, points in Arizona, Montana, New Mexico, Utah and Wyoming. Applicant is authorized to conduct operations throughout the United States except Arizona, California, Nevada, Oregon and Washington.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 89778 Sub 69. Dual operations may be involved.

No. MC 114803 (Sub No. 5), filed September 3, 1959. Applicant: JOSEPH E. GLACKEN AND CHARLES GLACKEN, doing business as GLACKEN BROS., 4083 Faires Parkway, Decatur, Ill. Applicant's representative: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Non-Poisonous compressed gases*, in shipper-owned manifold tube trailers, from the site of the National Petro Chemical Company plant at Ficklin, Ill., to Denver, Colo., and points within twenty-five (25) miles of Denver except Waterton, Colo., and *empty shipper-owned manifold tube trailers* on return movements. Applicant is authorized to conduct operations in Illinois and Indiana.

NOTE: Applicant states the proposed operation is to be performed under a continuing contract with Air Reduction Sales Company, a division of Air Reduction Company, Inc., a New York Corporation.

No. MC 119200 filed, September 8, 1959. Applicant: THEODORE M. VAUGHN, P.O. Box 135, Peach Springs, Ariz. Applicant's attorney: John Francis Connor, Suite 1, Luhrs Tower, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *U.S. mail, baggage* and *express*, between Peach Springs, Ariz., and Kingman, Ariz.: from Peach Springs over U.S. Highway 66 to Kingman, and return over the same route, serving the intermediate points of Valentine and Hackberry, Ariz.

PETITIONS

No. MC 19201 (PETITION FOR REOPENING AND MODIFICATION OF CERTIFICATE), filed August 31, 1959. Petitioner: PENNSYLVANIA TRUCK LINES, INC., Pittsburgh, Pa. Petitioner's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Certificate No. MC 19201 issued March 5, 1943, authorized petitioner, among other rights, to transport: *General commodities*, except dangerous explosives, over regular routes, as follows: "Between Spring Creek, Pa., and Belle Valley, Pa.: From Spring Creek over Pennsylvania Highway 177 to Corry, Pa., thence over U.S. Highway 6 to Union City, Pa., thence over Pennsylvania Highway 97 to Erie, Pa., and thence over Pennsylvania Highway 8 to Belle Valley." (Pennsylvania Highway 177 is now designated Pennsylvania Highway 426). "Between Garland, Pa., and Ludlow, Pa.: From Garland over Pennsylvania Highway 27 to Pittsfield, Pa., thence over U.S. Highway 6 to Ludlow." Service over the aforesaid routes is subject to the following conditions: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Philadelphia, Lancaster, York, Harrisburg, Erie, and Warren, Pa." As a result of a previous petition filed March 4, 1957, the Certificate No. MC 19201, the condition was modified by the addition of the following proviso: *"Provided, however*, That this condition shall not apply in connection with the movement of express and baggage (1) between Spring Creek, Pa., and Belle Valley, Pa., and (2) between Garland, Pa., and Ludlow, Pa., over the routes above-described: *And provided, further*, That operation over these two routes shall be subject to the following condition, in lieu of the key-point restriction herein eliminated; shipments transported shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, a prior or subsequent movement by rail;" Subject petition seeks to remove Warren, Pa., as a key-point and the further modification of said condition so that same would read, in its entirety, as follows: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Philadelphia, Lancaster, York, Harrisburg and Erie, Pa." Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days after the date of this publication in the FEDERAL REGISTER.

No. MC 71536, and MC 71536 (Sub No. 1), (Sub No. 2), and (Sub No. 3), (PETITION FOR DECLARATORY ORDER), filed August 31, 1959. Petitioner: ARROW CARRIER CORPORATION, Carlstadt, N.J. Petitioner's attorney: Spencer R. Liverant, 11 East Market

Street, York, Pa. Arrow Carrier Corporation, petitioner, has been conducting operations in the transportation of property from origin points in Pennsylvania to destination points in Pennsylvania, through New Jersey, under its Certificate No. MC 71536, and Subs 1, 2, and 3. Petitioner requests an order interpreting its Certificates; or, that the Commission enter a declaratory order finding: (1) That the certificates were not intended to, nor do they, limit the transportation to shipments moving between points in Pennsylvania, on the one hand, to points in other states, on the other; (2) that petitioner under its authorities may conduct interstate operations between Pennsylvania points through the New Jersey gateway to the extent specified in its certificates and may interchange or interline shipments moving from or to points in Pennsylvania beyond its authorized areas of service with connecting interstate carriers so long as such traffic moves through New Jersey; and that the Commission issue such order or orders as may be proper in the premises.

HEARING: October 13, 1959, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Herbert L. Hanback.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 6793 (WRIGHT MOTOR LINES, INC.—CONTROL—L. L. JOHNSON TRUCK LINES, INC.), published in the January 8, 1958, issue of the FEDERAL REGISTER on page 158, consummated April 8, 1959. Petition filed September 8, 1959, by applicants for reopening of the proceeding for the purpose of seeking authority for merger into WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo., of L. L. JOHNSON TRUCK LINES, INC., 1000 East Main Street, Independence, Kans., and for acquisition by EARL BRAY, INC., and, in turn, by SAM E. CARPENTER, FRANK E. COCHRAN, CLARA E. BRAY and MARY E. COCHRAN, all of Cushing, Okla., of control of such rights and property through the transaction.

No. MC–F 6976 (W. T. BYRNS MOTOR EXPRESS, INC.—PURCHASE—FRED S. GEORGE & SON, INC.). Post-hearing amendment filed August 10, 1959, to application, notice of which was published in the FEDERAL REGISTER of August 20, 1958, at page 6396. Application amended so as to present a partial purchase, with the vendor proposing to retain that part of its operating rights authorizing the transportation of *contractors' equipment, material,* and *supplies,* between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, and between points in those six states, on the one hand, and, on the other, points in New York, over irregular routes.

No. MC–F 7306. Authority sought for purchase by GENERAL DELIVERY, INC., 36 East Grafton Road, Fairmont, W. Va., of the operating rights and property of DONALD J. SOLE, doing business as SOLE'S TRANSFER, Route 50, East, P.O. Box 728, Clarksburg, W. Va., and for acquisition by WALTER P. THOMPSON and VIRGINIA L. THOMPSON, both of Fairmont, of control of such rights and property through the purchase. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. Operating rights sought to be transferred: *Household goods,* as defined by the commission, as a *common carrier* over irregular routes, between points in Harrison County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Kentucky, Maryland, and Virginia; *machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, including pipe line development, between points in Harrison County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, Kentucky, Maryland, and Virginia; *machinery, highway and building construction materials, glassware, pottery ware, livestock, and crating materials,* between points in Harrison County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Kentucky, Ohio, Maryland, and Virginia. Vendee is authorized to operate as a *common carrier* in West Virginia, Maryland, New York, Ohio, Virginia, Pennsylvania, Kentucky, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7307. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., of a portion of the operating rights of GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich., and for acquisition by H. LAUREN LEWIS, also of Sioux Falls, of control of such rights through the purchase. Applicant's attorney and representative, respectively: Donald Stern, 924 City National Bank Building, Omaha, Nebr., and H. Lauren Lewis, President, Midwest Coast Transport, Inc., P.O. Box 747, Sioux Falls, S. Dak. Operating rights sought to be transferred: *Glass containers and accessories therefor,* in cartons, and *knocked-down paperboard boxes, fillers,* and *advertising matter* moving in connection therewith, as a *common carrier* over irregular routes, from Huntington, W. Va., and points within five miles thereof, to points in Wisconsin within 150 miles of Stevens Point, including Stevens Point. Vendee is authorized to operate as a *common carrier* in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, California, Nebraska, Nevada, North Dakota, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Idaho, Delaware, Maryland, Michigan, Ohio, Virginia, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7309. Authority sought for control and merger by M & M TRANSPORTATION COMPANY, 250 Mystic Avenue, Somerville 45, Mass., of the operating rights and property of CENTRAL JERSEY MOTOR LINES, INC., 728 State Street, P.O. Box 124, York, Pa., and for acquisition by HARRY MARKS, 36 Nancy Road, Newton, Mass., WESLEY MARKS, 94 Redwood Road, Newton, Mass., SIDNEY MALKIN, 193 West Shore Road, Kings Point, N.Y., and SIDNEY MARKS, 186 Laurel Road, Chestnut Hill, Mass., of control of such rights and property through the transaction. Applicants' attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, certain points in New Jersey and Pennsylvania, and between certain points in New Jersey on the one hand, and, on the other, certain points in Pennsylvania; *metel office furniture and equipment,* as a *contract carrier* over irregular routes, from Avenel, N.J., to New York, N.Y., points in Connecticut, points on Long Island, N.Y., and certain points in Pennsylvania. M & M TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Connecticut, New Jersey, New York, Rhode Island and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7310. Authority sought for purchase by DYER-O'HARE HAULING CO., 2128 South Hanley Road, Maplewood 17, Mo., of a portion of the operating rights of MERCHANTS TRANSFER & STORAGE COMPANY, 428 Western Avenue, Davenport, Iowa, and for acquisition by R. A. BROWN, Box 248, Bettendorf, Iowa, C. F. ILES and H. E. McKINNEY, both of 214 15th Street, Des Moines, Iowa, of control of such rights through the purchase. Applicants' attorney: Rex H. Fowler, 510 Central National Building, Des Moines, Iowa. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, Milan, Silvis, and Carbon Cliff, Ill., on the one hand, and, on the other, points in that part of Iowa on and east of U.S. Highway 69. Vendee is authorized to operate as a *contract carrier* in Illinois, Missouri, Indiana and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7311. Authority sought for purchase by W. J. POPE AND V. W. POPE, doing business as AETNA FREIGHT LINES, 218 West Ann Street, Los Angeles 12, Calif., of the operating rights and property of V. W. POPE, doing business at AETNA FREIGHT LINES, 218 West Ann Street, Los Angeles 12, Calif. Applicants' representative: William J. Pope, Co-partner, Aetna Freight Lines, 218 West Ann Street, Los Angeles 12, Calif. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission; *washing powder, soap, toilet preparations, electric storage batteries, lead storage battery plates,* and *rubber tires,* from points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission, to points in the San Francisco, Calif., Commercial Zone, as defined by the Commission. The service authorized is restricted to traffic moving to the territories or possessions of the United States. Vendee is authorized to operate as a *common carrier* under the Second Proviso of section 206(a)(1) in California. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7308. Authority sought for purchase by SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, c/o George H. Rosen, 291 Broadway, Suite 504, New York, N.Y., of the operating rights of INTERSTATE LIMOUSINE SERVICE, INC., 8 South Maryland Avenue, Atlantic City, N.J., and for acquisition by JACK MIROW, 1222 Jerome Avenue, Bronx 52, N.Y., and GEORGE H. ROSEN, 291 Broadway, New York 7, N.Y., of control of such rights through the purchase. Applicants' attorneys: George H. Rosen, 291 Broadway, New York 7, N.Y., and Sol Paseltiner, 20 South Broadway, Yonkers, N.Y. Operating rights sought to be transferred: *Passengers and their baggage,* in special operations consisting of non-scheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle but not including the driver thereof nor children under 10 years of age who do not occupy a separate seat or seats, as a *common carrier* over irregular routes, between New York, N.Y., and Atlantic City, N.J. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59–7701; Filed, Sept. 15, 1959; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 14, 1959

S. 1221 ..... Public Law 86–271
An Act to amend the Act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands.

S. 2424 ..... Public Law 86–274
An Act to amend the Communications Act of 1934 in order to provide that the equal-time provisions with respect to candidates for public office shall not apply to news and other similar programs.

S. 2524 ..... Public Law 86–272
An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto.

H.J. Res. 281 ..... Public Law 86–270
Joint Resolution authorizing and requesting the President to issue a proclamation with respect to the 1959 Pacific Festival, and for other purposes.

H.R. 6781 ..... Public Law 86–273
An Act to authorize the Secretary of the Interior to acquire certain additional property to be included within the Independence National Historical Park.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 24 NUMBER 182

Washington, Thursday, September 17, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 3—THE PRESIDENT

Executive Order 10837

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10232 of April 18, 1951, No. 10292 of September 25, 1951, No. 10328 of February 20, 1952, No. 10344 of April 17, 1952, No. 10594 of January 31, 1955, and No. 10714 of June 13, 1957, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. (a) Sections 1602.5 and 1602.11 of Part 1602, *Definitions,* are amended to read as follows:

§ 1602.5 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Board of Commissioners of the District of Columbia, the Governor of Puerto Rico, the Governor of the Virgin Islands, the Governor of Guam, and the Governor of the Canal Zone.

§ 1602.11 *State.* The word "State" includes, where applicable, the several States of the United States, the City of New York, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone.

(b) The following new section is added to Part 1602 immediately following § 1602.12:

§ 1602.13 *Continental United States.* The term "continental United States" means the District of Columbia and all of the several States of the United States except the States of Alaska and Hawaii.

2. Section 1604.21 of Part 1604, *Selective Service Officers,* is amended to read as follows:

§ 1604.21 *Area.* In the Canal Zone, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, the State of Hawaii, the State of Idaho, the State of Montana, the State of Wyoming, and each State of the United States constituting one Federal judicial district, each State Director of Selective Service shall establish one appeal board area which shall comprise the entire State or possession. In each State which is divided into two or more Federal judicial districts, except the State of New York and the City of New York, each State Director of Selective Service shall establish for each such district an appeal board area which shall comprise the entire district. The State Director of Selective Service for the State of New York shall establish for each Federal judicial district or portion thereof in that State located outside of the City of New York an appeal board area which shall comprise the entire district or portion thereof. The State Director of Selective Service for New York City shall establish for each of the Federal judicial districts located partly within the City of New York an appeal board area which shall comprise the entire portion of such district located within the City of New York.

3. Section 1621.16 of Part 1621, *Preparation for Classification,* is amended to read as follows:

§ 1621.16 *Permit to leave the United States.* Local boards are authorized to issue to a registrant a permit to depart from the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone to any place which is not within any of those areas, and should issue the permit unless it is found that the registrant's absence is likely to interfere with the performance of his obligations under the Universal Military Train-

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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trant if it appears necessary to a determination of the advisability of issuing the permit. No registrant who is in a class available for military service or for civilian work in lieu of induction shall be issued a permit by the local board until after he has been given an armed forces physical examination unless the registrant's absence is to be for so short a period that it will not interfere with the performance of his selective service obligations.

4. Subparagraphs (2) and (4) of paragraph (c) of § 1626.2 of Part 1626, *Appeal to Appeal Board*, are amended to read as follows:

(2) Within 30 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located in one and the local board which classified the registrant is located in another of the following: The continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

* * * * *

(4) Within 60 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico.

5. Paragraph (d) of § 1628.14 of Part 1628, *Physical Examination*, is amended to read as follows:

(d) The local board with which the registrant files such application shall enter its approval in Part 2 of Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230) whenever the registrant is located in one and the registrant's own local board is located in another of the following: The continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. The local board shall mail the original and three copies of Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230) by air mail to the registrant's own local board, mail a copy to the registrant, and file the remaining copy.

6. Paragraph (d) of § 1632.9 of Part 1632, *Delivery and Induction*, is amended to read as follows:

(d) The local board with which the registrant files such application shall enter its approval in Part 2 of Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230) whenever the registrant is located in one and the registrant's own local board is located in another of the following: The continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. The local board shall mail the original and three copies of Transfer for Armed Forces Physical Examination or Induction (SSS Form No. 230) by air mail to the registrant's own local board, mail a copy to the registrant, and file the remaining copy.

7. (a) Paragraph (a) of § 1655.2 of Part 1655, *Registration of United States Citizens Outside of the United States and Classification of Such Registrants*, is amended to read as follows:

(a) Unless he is a person excepted from registration by section 6(a) of the Universal Military Training and Service Act, as amended, every male citizen of the United States outside the continental United States, the State of Alaska, the State of Hawaii, Puerto ico, the Virgin Islands, Guam, and the Canal Zone who has not been registered and who on July 31, 1952, had attained or who thereafter shall have attained the eighteenth anniversary of the day of his birth and who on July 31, 1952, had not attained the twenty-sixth anniversary of the day of his birth, is required, on the day or days fixed by Proclamation of the President, to present himself for and submit to registration before—

(1) any diplomatic or consular officer of the United States who is a citizen of the United States, all of whom are hereby appointed chief registrars; or

(2) any other person who may be appointed by the Director of Selective Service as chief registrar; or

(3) any registrar appointed as provided in § 1655.3.

(b) Paragraph (a) of § 1655.4 of Part 1655 is amended to read as follows:

(a) Each person who presents himself for registration under the provisions of the regulations in this part shall be registered on a Registration Questionnaire—Foreign (SSS Form No. 50) which shall be completed by the registrar. Each such person who is registered shall designate for entry on line 2 of his Registration Questionnaire—Foreign (SSS Form No. 50) the address of his place of residence within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone or, if he does not have a place of residence in any of such areas, he may nevertheless designate the address of a place in such areas as his place of residence. If any such person fails or refuses to designate for entry on line 2 of his Registration Questionnaire—Foreign (SSS Form No. 50) an address of a place within any of such areas, jurisdiction over him under the Universal Military Training and Service Act, as amended, shall vest in District of Columbia Local Board No. 100 (Foreign).

(c) Paragraph (b) of § 1655.5 of Part 1655 is amended to read as follows:

(b) District of Columbia Local Board No. 100 (Foreign) shall have jurisdiction for all purposes under the selective service law over any person who at the time of his registration under the provisions of the regulations in this part does not designate for entry on line 2 of his Registration Questionnaire—Foreign (SSS Form No. 50) an address of a place within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

(d) Subparagraph (4) of paragraph (b) of § 1655.6 of Part 1655 is amended to read as follows:

(4) Mail the completed Registration Certificate (SSS Form No. 2) to the registrant at his present mailing address as given on line 3 of the Registration Questionnaire—Foreign (SSS Form No. 50); provided, that if such mailing address is outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico, such form shall be mailed to the Director of Selective Service for transmittal to the registrant.

8. Paragraph (b) of § 1660.31 of Part 1660, *Civilian Work in Lieu of Induction*, is amended to read as follows:

(b) When the civilian work to which a registrant is ordered by the local board in lieu of induction is to be performed at any place outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone, and the registrant has reported for such work, the local board, after classifying the registrant in Class I–W, shall forward the registrant's Cover Sheet (SSS Form No. 101) and contents to the Director of Selective Service. It shall be the responsibility of the Director of Selective Service to see that the registrant performs the work to which he has been ordered by the local board for a period of twenty-four consecutive months, unless sooner released under the provisions of § 1660.21. When the registrant has satisfactorily completed this work, the Director of Selective Service shall return the registrant's cover sheet to the local board together with a letter stating that the registrant has satisfactorily completed his work. If the registrant should fail to perform such work, or should otherwise fail to perform his duties under the Universal Military Training and Service Act, as amended, during the time that his cover sheet is in the custody of the Director of Selective Service, the Director of Selective Service shall determine whether or not the registrant shall be reported to the Department of Justice for prosecution.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

September 14, 1959.

[F.R. Doc. 59-7779; Filed, Sept. 15, 1959; 12:41 p.m.]

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of § 6.104(a) is added as set out below.

§ 6.104 Department of Defense.

(a) *Office of the Secretary.* * * *

(4) One Staff Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7742; Filed, Sept. 16, 1959; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.14(c) as set out below.

§ 6.114 Department of Health, Education, and Welfare.

* * * * *

(c) *Office of Education.* * * *

(4) Ten positions at grade GS-13 and above the incumbents of which will engage in research and consultative services in highly specialized areas within the field of education which present current educational problems of national concern, e.g., the relationship of ROTC training to higher education, the status of a particular area of cooperative educational research, the assessment of the educational system of a particular foreign country, and other equally vital and important problem areas. Appointments made under this authority shall be limited to persons having a particular competency in the area concerned, and shall be restricted to positions concerned with current problem areas that are not a part of the continuing broad educational programs administered by the United States Office of Education. Employment under this provision shall not exceed two years for any individual appointee.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7743; Filed, Sept. 16, 1959; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Short Sales

§ 220.115 Short sales made prior to recent amendments, but covered subsequent thereto.

(a) The Board of Governors of the Federal Reserve System has been requested to consider the following situation relative to § 220.3(g) as amended June 15, 1959.

(b) Certain securities have been held "long" in a margin account, at least since early 1958. Subsequently, at various times in 1958 and on January 13, 1959, short sales of this same stock were executed in the account. The total shares involved in the short sales did not exceed the shares held in the "long" position. It is now desired to close out the short position by covering purchases.

(c) The applicable provision of § 220.3(g) reads as follows

For the purposes of this part (Regulation T), if a security has maximum loan value in the account under paragraph (c)(1) of this section, a sale of the same security (even though not the same certificate) in the account shall be deemed to be a long sale and shall not be deemed to be or treated as a short sale.

Under this provision, a short sale at the present time against a "long" position in the same security must be treated as a "long" sale. The subsequent covering transaction would therefore be treated as any other regular purchase and could not be executed as a covering purchase requiring no further margin. However, where the short sale against the "long" position was executed prior to June 15, 1959, the effective date of the above noted amendment to § 220.3(g), the sale would not lose its character as a "short" sale. The covering transactions, even if effected after June 15, 1959, could be treated as such, and under the provisions of this part, could be completed without obtaining further margin.

(d) This interpretation is expressly limited to the facts here presented. Any variation or addition to the circumstances might well alter the result expressed herein.

(e) Attention is further directed to § 220.7(e) which provides that nothing in this part shall prevent an exchange or a creditor from "further restricting" or requiring "additional security" in the extension or maintenance of any credit.

(Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w)

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-7725; Filed, Sept. 16, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 113; Amdt. 20-10; Supp. 10]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Notation of Physical Deficiencies and Issuance of Waivers

Correction

In F.R. Doc. 59-7543, appearing at page 7307 in the issue of Friday, Sept. 11, 1959, the signature ending the document should read "JAMES T. PYLE."

[Reg. Docket No. 119]

[Special Civil Air Reg. SR-435]

PART 60—AIR TRAFFIC RULES

Prohibition of Air Traffic Over and In Vicinity of Parade Routes

From September 15 through September 27, 1959, Soviet Chairman Nikita Khrushchev and other officials of the Soviet Union and their guests will travel extensively throughout the United States as guests of President Eisenhower. Competent agencies of the United States Government responsible for their personal safety have requested that certain measures be taken by the Federal Aviation Agency. In the course of their visit they will participate in reception ceremonies with other officials of the United States or State and local governments involving motor caravans to and from various points of interest in the United States. It appears that the public interest in such ceremonies may cause the assembly on the ground of a large number of persons, and numerous aircraft to maneuver in flight, along the routes and in the vicinity of the places at which the ceremonies will occur.

In order to provide adequate safeguards for the protection of aircraft and persons or property on the ground, it appears necessary to promulgate an air traffic rule governing the flight of all aircraft over and in the vicinity of such ceremonies. This regulation shall be applicable in each city or area visited by the Soviet delegation and the specific areas of airspace affected will be specified in detail in NOTAMS issued by the Regional offices concerned. Additionally, this information will be available from the local Federal Aviation Agency air traffic control facility.

Since these ceremonies will take place between September 15 and September 27, 1959, inclusive, this rule must be adopted without delay; it would be impracticable and contrary to the public interest to comply with the notice, procedures and effective date provisions of the Administrative Procedures Act.

In consideration of the foregoing, the following special air traffic rule is adopted:

No aircraft shall be flown within a distance of 1 statute mile horizontally, or 3,000 feet vertically, of any motorcade route along which Soviet Chairman Nikita Khrushchev and his official party are traveling, or a place at which the Chairman and his party are present.

The specific areas to which this regulation shall apply, and the times between September 15 and September 27, 1959, inclusive during which this regulation shall be effective for such areas, shall be designated in Notices to Airmen (NOTAMS) issued by the Federal Aviation Agency.

This regulation shall not apply to aircraft operated by Federal, State or local authorities while engaging in police or other law enforcement activities.

This regulation shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 307(c); 72 Stat. 752, 749, 49 U.S.C. 1354, 1343)

Issued in Washington, D.C., on September 15, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-7807; Filed, Sept. 16, 1959; 9:38 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER B—PERSONNEL

[Dept. Reg. 108.412]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Part 11 is revised in its entirety as follows:

Sec.
11.1 Eligibility for appointment as Foreign Service officer.
11.2 Written examination for appointment to class 8.
11.3 Oral examination for appointment to class 8.
11.4 Physical examination for appointment to class 8.
11.5 Certification for appointment to class 8.
11.6 Termination of eligibility.
11.7 Travel expenses of candidates.
11.11 Lateral entry program.
11.12 Statutory quota on lateral entrants.
11.13 Requirements for lateral entry.
11.14 Application for lateral entry.
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11.16 Purposes of examination.
11.17 Nature of examination.
11.18 Certification for appointment.
11.21 Lateral entry of former Foreign Service officers.
11.22 Application by former Foreign Service officer.
11.23 Examination of former Foreign Service officer.
11.24 Nature of examination.
11.25 Certification for appointment.

AUTHORITY: §§ 11.1 to 11.25 issued under secs. 212, 303, 516, and 517, 60 Stat. 1001, 1002, 1008, as amended; 22 U.S.C. 827, 843, 911, and 912.

§ 11.1 Eligibility for appointment as Foreign Service officer.

No person shall be eligible for appointment as a Foreign Service officer unless he shall have demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The religion, race and political affiliations of a candidate will not be considered in designations, examinations or certifications.

§ 11.2 Written examination for appointment to class 8.

(a) The written examination will be given annually or semiannually, if required, in designated cities in the United States and its Territories and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service.

(b) No person will be permitted to take a written examination for appointment as Foreign Service officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take the examination. No person who has not as of that closing date filed an application with the Board will be designated for the examination. Except as provided in paragraph (c) in this section, to be designated for the written examination a candidate, as of the closing date for the filing of applications, shall have been a citizen of the United States for at least 9 years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a Bachelor's degree by a college or university, or is enrolled in the senior class at a college or university, may qualify as to age if at least 20 but under 31 years of age. However, the maximum age requirement is established at under 32 years as of the closing date for the receipt of applications for designation to take any written examination that may be given during the calendar year 1959.

(c) Foreign Service staff employees and Civil Service employees of the Department of State who are 32 years of age or more may apply if they are under 35 years of age and will have completed not less than 3 years of satisfactory service as of the closing date for receipt of applications.

(d) The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of 4 parts: (1) A general ability test, (2) an English expression test, (3) a general background test, and (4) a test in a modern language (French, German, Russian, or Spanish).

(e) The several parts of the written examination, exclusive of the modern language test, will be weighted in accordance with the rules laid down by the Board of Examiners. The modern language test will be graded separately.

§ 11.2 Oral examination for appointment to class 8.

(a) The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and at selected Foreign Service posts abroad.

(b) A candidate who receives a grade of 70 or above on the modern language portion of the written examination will receive a bonus of 5 points to be added to the weighted average grade he receives on the first three parts of the written examination. If a candidate's weighted average grade on the first three parts of the written examination, with the addition of the aforementioned 5 bonus points (if he is entitled to them), is 70 or higher, he will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity, and will be required, to take the oral examination within 9 months after the date of the written examination. If a candidate fails to present himself for the oral examination on an agreed date within the 9 month period, his candidacy will automatically terminate. Time spent on Government duty outside the United States and its Territories will not be counted.

(c) The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers and officers from the Department of State and other Government agencies. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad.

(d) Candidates appearing for the oral examination will be graded "recommended", "deferred", or "not recommended". Candidates graded "deferred" may take another oral examination without repeating the written examination after the expiration of one year and before the expiration of 2 years. In exceptional cases, the interval between oral examinations may be reduced to 9 months.

§ 11.3 Physical examination for appointment to class 8.

(a) A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) The physical examination will be designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer and to determine the presence of any physical, nervous or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer.

(c) The physical examination will be conducted either by medical officers of the Armed Services, the Public Health Service, the Department or accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) The Board of Examiners will determine on the basis of the report of the physician(s) who conducted the physical examination whether the candidate has met the standards set forth in paragraph (b) in this section.

§ 11.4 Certification for appointment to class 8.

No person will be certified as eligible for appointment as a Foreign Service officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and,

if married, is married to a citizen of the United States. Recommended candidates who meet these requirements, who pass their physical examinations, and who, on the basis of investigation are found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on the rank-order register and they will be certified for appointment, in accordance with the needs of the Service, in the order of their standing on the register. Postponement of entrance on duty for required active military service will be authorized. A candidate may be certified for appointment without first having passed the written examination in a modern language, but his appointment will be subject to the condition that he may neither be promoted to a higher class nor be retained in the Service unless he passes, within a specified period of time, either a written examination in French, German, Russian, or Spanish, or an oral examination in any modern foreign language acceptable to the Department.

§ 11.5 Termination of eligibility.

Candidates who have qualified and whose names have been sent to the President, but who have not been appointed because of lack of vacancies, will be dropped from the rank-order register 30 months after the date of the written examination: *Provided, however,* That time spent in required active military service subsequent to establishing eligibility for appointment will not be counted.

§ 11.6 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government.

§ 11.11 Lateral entry program.

Lateral appointments as Foreign Service officer above class 8 will be effected to permit the Department (a) to obtain the services of outstanding persons whose qualifications are such that they can be expected to make a valuable contribution to the effectiveness of the Foreign Service when such services are determined to be needed, (b) to obtain the services of persons who possess the requisite knowledge or experience to enable the Foreign Service to perform specialized work of a continuing nature, when such services cannot be obtained through officers in the Service, and (c) to provide an opportunity for Foreign Service staff and Departmental employees with the requisite abilities and qualifications to be appointed as Foreign Service officers whenever there is a manifest need therefor.

§ 11.12 Statutory quota on lateral entrants.

Under section 517 of the Foreign Service Act of 1946, as amended (60 Stat. 1008, as amended; 22 U.S.C. 912), a total of not more than 175 persons may be appointed who were not employed on March 1, 1955 in the Department of State, including its Foreign Service Reserve and Foreign Service staff personnel, and who have not also served in a position of responsibility in the Department of State, or the Foreign Service, or both, for a period of 3 years (4 years if under age 31). However, the limitation on the number of authorized appointments does not apply with respect to any person who, immediately preceding his appointment as a Foreign Service officer, shall have completed the required 3- or 4-year period of prior service as a Foreign Service Reserve officer under the administrative direction of the Secretary of State.

§ 11.13 Requirements for lateral entry.

(a) On the date of application, each applicant shall have been a citizen of the United States for at least 10 years and, if married, shall be married to a citizen of the United States.

(b) On the date of application, each applicant shall be at least 28 years of age and shall be at least as old as the average age (as of the preceding July 1) of the youngest 20 per cent of the class for which considered.

(c) On the date of application, the age and period of prior Federal Service of each applicant shall be such that it will be possible for him to have been employed by the United States Government for at least 15 years, including at least 7 years as a Foreign Service officer, by the time he reaches age 60.

(d) Each applicant shall have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as a position under the administrative direction of the Secretary of State in the Foreign Service Reserve, Foreign Service staff, or the Departmental Service above FSR–8, FSS–12, or GS–8, respectively, or a position of equivalent level not under the administrative direction of the Secretary of State in another Federal Government agency, or an equivalent position in the Armed Forces of the United States, with duties and responsibilities in any case which were similar or reasonably related to those of a Foreign Service officer in terms of knowledge, skills, and abilities. Such prior service shall have been performed within an eight-year period next preceding the date of application, except that in the case of a Reserve officer whose appointment is not charged to the statutory quota set forth in § 11.12, the period of prior service shall have been performed continuously and immediately preceding his appointment as a Foreign Service officer.

(e) In support of the career principle of the Foreign Service, there will be no lateral entry above class 2 unless the applicant (1) has previously served as a Foreign Service officer of class 1 or as a career minister or (2) is serving, at the time of application, under an appointment by the Secretary of State as a Foreign Service Reserve officer of class 1 and has served continuously in that capacity for 2 years out of a 4 year period of service in the Foreign Service Reserve.

§ 11.14 Application for lateral entry.

Applications for lateral appointment will be accepted at any time. Applicants should complete one copy of Standard Form 57, Application for Federal Employment, and one copy of form DSP–34, Supplement to Standard Form 57, and forward them to the Board of Examiners for the Foreign Service, Department of State, Washington 25, D.C. Incomplete applications will be returned to the applicant.

§ 11.15 Examination for lateral entry.

The Board of Examiners for the Foreign Service may schedule examinations from time to time as the needs of the Service require. The Board of Examiners will consider all valid applications on file at the time an examination is scheduled and will then determine which applicants are to be examined. No applicant will be considered to have a right to examination in the absence of designation for such by the Board. If an applicant is not called for examination within 2 years from the date of his application, or if he is not certified to the Office of Personnel for appointment as a successful candidate following his examination, his candidacy will be considered terminated. He may, however, reapply by submitting a new application.

§ 11.16 Purposes of examination.

The Board of Examiners for the Foreign Service will examine applicants to determine (a) whether their personal and professional qualifications compare favorably with those of the officers in the class for which they are being considered, (b) whether they are suited to meet the needs for which examined, and (c) whether their appointment will serve to strengthen the Foreign Service. Every applicant shall satisfy the Board of Examiners of his competence and representational capacity, his willingness to work in any field, and his potential for growth in the Foreign Service. It is particularly important that the Board be convinced of the willingness of a specialist to continue to serve in his area of specialization.

§ 11.17 Nature of examination.

(a) The written examination will be based on the broad field of the applicant's competence and will be designed to enable the Board of Examiners to judge his ability to organize his thoughts and to express them clearly and concisely in correct English. An applicant may be requested to supplement the written examination by presenting to the Board samples of his written work, published or unpublished.

(b) The oral examination will be given by a panel of deputy examiners and will be conducted in the light of all available information concerning the applicant.

(c) The physical examination will be given, prior to certification for appointment, to those applicants who pass the oral and written examinations. The applicant's physical condition will be evaluated in relation to his age. No applicant will be appointed who is found to be disqualified for world-wide duty unless the Secretary of State shall determine that an exception would be in the national interest.

(d) It is desirable that an applicant have a knowledge of a foreign language, and those possessing such knowledge will be given an opportunity to demonstrate it. Language qualifications will be one of the factors to be considered by the examiners.

§ 11.18 Certification for appointment.

After completion of the examination of designated candidates for a given field of competence or specialization and class level, successful candidates will be certified to the Office of Personnel for appointment. The number of candidates certified will not exceed the requirements of the Service in a given field or class. The certification of any candidate for appointment will be made only upon the completion of a satisfactory security investigation in his case. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

§ 11.21 Lateral entry of former Foreign Service officers.

Notwithstanding the provisions in §§ 11.11 through 11.18, former Foreign Service officers who are not eligible for reappointment under section 520(a) of the Foreign Service Act of 1946, as amended (60 Stat. 1009; 22 U.S.C. 915(a)), may apply for lateral appointment as Foreign Service officer of class 7 through class 1, subject to the following requirements and exceptions:

(a) On the date of application, each applicant shall have been a citizen of the United States for at least 10 years and, if married, shall be married to a citizen of the United States.

(b) On the date of application, each applicant shall be at least 28 years of age but shall not have attained the age of 58 years.

(c) On the date of application, each applicant shall have rendered at least 3 years of prior service (4 years if under age 31) as a Foreign Service officer.

(d) No applicant will be considered who has previously been separated from the Foreign Service pursuant to sections 633, 635, 637, or 638 of the Foreign Service Act of 1946, as amended.

§ 11.22 Application by former Foreign Service officer.

Applicants should complete one copy of Standard Form 57, Application for Federal Employment, and one copy of form DSP–34, Supplement to Standard Form 57, and forward them to the Board of Examiners for the Foreign Service, Department of State, Washington 25, D.C.

§ 11.23 Examination.

The Board of Examiners for the Foreign Service will examine qualified applicants whenever the Deputy Under Secretary for Administration certifies that the lateral appointment of one or more former Foreign Service officers would be in the national interest.

§ 11.24 Nature of examination.

The examination will consist of three parts: written, oral, and physical. The written and oral examinations will be designed to determine whether the personal and professional qualifications of applicants compare favorably with those of the officers in the class for which they are being considered. The applicant's physical condition will be evaluated in relation to his age, but no applicant will be appointed who is found to be physically disqualified for duty overseas.

§ 11.25 Certification for appointment.

After completion of the examination, the Board of Examiners will certify the names of successful candidates to the Office of Personnel for appointment, and will specify the class for which each candidate is qualified on the basis of the examination. However, no candidate will be certified prior to the completion of a satisfactory security investigation in his case, and no candidate will be appointed in excess of the statutory quota imposed by section 517 of the Foreign Service Act of 1946, as amended.

Dated: August 12, 1959.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 59–7744; Filed, Sept. 16, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Amdt. 1]

PART 831—BEET SUGAR AREA

Rate of Recoverability; 1959 Crop

Pursuant to the provisions of the Determination of Sugar Commercially Recoverable—Beet Sugar Area—§ 831.4 (24 F.R. 6991), Part 831 of this chapter is amended by adding the following new section.

§ 831.5 Rates of recoverability; 1959 crop.

The amounts of sugar, raw value, commercially recoverable from sugar beets of the 1959 crop shall be computed by multiplying the net weight thereof in tons at the time of delivery to a processor, by the rate of commercially recoverable sugar, which is applicable under the following provisions of this section.

(a) For sugar beets marketed within a settlement area under any type of agreement other than an "individual test" contract, the rate of commercially recoverable sugar with respect to each settlement area is established as follows:

Settlement areas by factories in States	1952–58 average sugar content	Rate of commercially recoverable sugar
IDAHO, OREGON, WASHINGTON	*Percent*	*Hundredweight*
Idaho Falls	16.49	3.087
Nyssa, Nampa, Quincy	15.53	2.907
Preston	16.16	3.025
Ruppert, Twin Falls	16.64	3.115
Toppenish, Moses Lake	16.37	2.877
UTAH		
Centerfield	16.20	3.033
Garland	16.10	3.014
Layton	16.20	3.033
Lewiston (Ogden)	15.95	2.986
West Jordan, Spanish Fork	15.37	2.877
COLORADO, NEBRASKA, SOUTH DAKOTA		
Delta	16.12	3.018
Sugar City	14.67	2.746
Grand Island	14.70	2.752
Belle Fourche	15.66	2.932
WYOMING, MONTANA		
Lovell	16.94	3.171
Worland	16.67	3.121
Billings	16.71	3.128
Hardin, Sheridan	16.54	3.096
Missoula	16.47	3.083
Sidney	16.32	3.055
MINNESOTA, IOWA		
East Grand Forks, Moorhead, Crookston	16.12	3.018
Chaska, Mason City	14.86	2.782
GREAT LAKES STATES		
Alma, Mt. Pleasant	15.27	2.859
Bay City	15.42	2.887
Blissfield, Findlay, Fremont	14.84	2.778
Caro	15.36	2.875
Carrollton	14.99	2.806
Croswell	15.57	2.915
Green Bay	15.35	2.874
Lansing	14.29	2.675
Ottawa	14.66	2.744
Sebewaing	15.48	2.898

(b) For sugar beets marketed under "individual test" contracts, the rate of commercially recoverable sugar shall be computed by multiplying the percentage of sugar content of such beets by 20 hundredweight, and then multiplying the result by 90.7 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1814. As an example, a percentage of sugar content of 16.37 when multiplied by 0.1814 would result in a rate of commercially recoverable sugar of 2.970 hundredweight (result rounded to three decimals).

STATEMENT OF BASES AND CONSIDERATIONS

The determination of sugar commercially recoverable for the Beet Sugar Area, as issued August 26, 1959, provides the method for determining and establishing amounts of sugar commercially recoverable from sugar beets of the 1959 crop, and it also provides that such rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that determination, this amendment sets forth the specific rates of recoverability determined for the various settlement areas where the only tests available for ascertaining the sugar

content of the beets are cossette tests. Within these areas, the rates give effect to 1952–58 average percentages of sugar content and the 1953–57 national average extraction rate of beet sugar, raw value, of 93.6 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under individual test contracts, this amendment shows that the rate of recoverability for beets of any given percentage of sugar content so marketed may be computed by multiplying the percentage of sugar content of such beets by the factor of 0.1814. This factor gives effect to the average rate of extraction of sugar, raw value, of 90.7 percent, as applicable to individual test beets. The change from 90.8 percent, as effective for the 1958 crop, represents a correction in the application of the so-called average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1953–57 marketed under individual test contracts. Listings of the rates applicable to various percentages of such content (expressed in hundredths) are available for inspection at ASC County Offices in sugar beet producing counties.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. Supp. 1132, 1133, 1134)

Issued this 11th day of September 1959.

TOM O. MURPHY,
Acting Director, Sugar Division.

[F.R. Doc. 59–7728; Filed, Sept. 16, 1959; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

COMPUTATION OF VOLUME PERCENTAGES FOR 1959–60 CROP YEAR

The Raisin Administrative Committee has recommended an amendment of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180; 24 F.R. 1981), to add thereto a new section setting forth the method to be used by the committee for computing any volume percentages which it recommends to the Secretary for natural (sun-dried) Thompson Seedless raisins for the 1959–60 crop year. The said committee and the rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 989.63(a) of the order provides, in part, that if the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentages of standard raisins acquired by handlers in any crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, it shall recommend such percentages to the Secretary. However, a specific method for computing volume percentages for a crop year is not prescribed in the order or in the administrative rules and regulations. As required by § 989.63(b), the committee has considered and analyzed with respect to natural (sun-dried) Thompson Seedless raisins the same pertinent factors as set forth in § 989.54 relating to marketing policy. The prescribing of an appropriate method, as hereinafter set forth, to be used by the committee in computing any volume percentages which it recommends to be initially designated for natural (sun-dried) Thompson Seedless raisins for the 1959–60 crop year, will facilitate the early establishment of such percentages, permit sales of such raisins to be maximized, and hence tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That the administrative rules and regulations (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180; 24 F.R. 1981) be, and the same hereby are, amended by adding a new § 989.163, immediately preceding § 989.166, as follows:

§ 989.163 Computation of volume percentages for the 1959–60 crop year.

(a) *Committee recommendation.* If the committee concludes that the supply and demand conditions for natural (sun-dried) Thompson Seedless raisins make it advisable to designate the percentages of standard raisins for such varietal type acquired by handlers in the crop year that began September 1, 1959, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, the committee shall compute, in accordance with the provisions of paragraph (b) of this section, such percentages which it recommends for initial designation by the Secretary.

(b) *Method of computation*—(1) *Free tonnage percentage.* The three-year (1954–55, 1955–56, and 1956–57 crop years) average of the free tonnage shipments of natural (sun-dried) Thompson Seedless raisins to Western Hemisphere markets, expressed in natural condition tons, shall be divided by the estimated 1959 production of such raisins, expressed in natural condition tons, as reported by the California Office of the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture, and the quotient of such division shall be multiplied by 100 and rounded to the nearest whole number to obtain the free tonnage percentage. In computing the aforesaid average of free tonnage shipments, there shall be included shipments to the United States Government and an estimated average of 3,000 tons (natural condition weight) per year for shipments to Western Hemisphere markets other than those in the United States and Canada. For the purpose of this subparagraph, "Western Hemisphere" shall include Greenland and the area east of the International Date Line and west of 30 degrees W. longitude.

(2) *Reserve tonnage percentage.* The reserve tonnage percentage shall be 12½ percent.

(3) *Surplus tonnage percentage.* The surplus tonnage percentage shall be the remainder obtained by subtracting the total of the free tonnage percentage and the reserve tonnage percentage from 100 percent.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) Acquisition of standard natural (sun-dried) Thompson Seedless raisins by handlers during the 1959–60 crop year has begun, and an official estimate of the 1959 production of such raisins will be available in the very near future for use in determining the volume percentages, if any, which should be applied to such acquisitions; (2) it is necessary that this amendment become effective promptly to avoid any uncertainty and attendant delay by the committee in recommending any 1959–60 volume percentages, and to facilitate the early designation of any such percentages so that surplus tonnage raisins will be available as soon as possible to meet current export demand; (3) handlers and producers are aware of the proposed amendatory action and that it was unanimously recommended by the committee; and (4) such persons and the committee need no additional notice in order to utilize or comply with this amendatory action. In these circumstances, this amendment should become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated September 11, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–7739; Filed, Sept. 16, 1959; 8:47 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE, SERIES 7

PART 102—RULES AND REGULATIONS, SERIES 7

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its Statements of Procedure and to its rules and regulations, Series 7, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective September 14, 1959.

National Labor Relations Board Statements of Procedure and rules and regulations, Series 7, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated, Washington, D.C., September 14, 1959.

By direction of the Board:

[SEAL] FRANK M. KLEILER,
Executive Secretary.

1. In § 101.2 *Initiation of unfair labor practice cases,* delete therefrom the last sentence which reads as follows: "Any person may file a charge, but no complaint will be issued upon a charge filed by a labor organization unless that labor organization is in compliance with section 9 (f), (g), and (h) of the act. (See § 101.3.)" and substitute the following sentence: "Any person may file a charge."

2. Section 101.3 *Compliance with section 9 (f), (g), and (h) of the act,* delete in its entirety.

3. In § 101.17 *Initiation of representation case,* delete therefrom the sixth sentence which reads as follows: "If the petition is filed by a labor organization, no investigation will be made of any question of representation raised by such labor organization unless such labor organization is in compliance with section 9 (f), (g), and (h) of the act. (See § 101.3.)"

4. In § 101.28 *Investigation of charges; withdrawal of charges; dismissal of charges and appeals to Board,* delete the first sentence which reads as follows: "These matters are handled as described in §§ 101.3 to 101.7, inclusive." and substitute the following sentence: "These matters are handled as described in §§ 101.4 to 101.7 inclusive."

5. In § 102.9 *Who may file; withdrawal and dismissal,* delete from the first sentence the following language: "provided that if such charge is filed by a labor organization, no complaint will be issued pursuant thereto, unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13."

6. Section 102.13 *Compliance with section 9 (f), (g), and (h) of the act,* delete in its entirety.

7. In § 102.60 *Petition for certification or decertification; who may file; where to file; withdrawal,* delete therefrom the third sentence which reads as follows: "When any such petition is filed by a labor organization, no investigation shall be made of any question of representation raised by such labor organization unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13."

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

The above amendments shall be effective September 14, 1959.

[F.R. Doc. 59–7775; Filed, Sept. 16, 1959; 8:48 a.m.]

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151–167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168) and act of Sept. 1959 (Pub. Law 86–257).

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 538—ALLOTMENTS OF PAY

Class Q Allotments

Section 538.13 is revised to read as follows:

§ 538.13 Class Q allotments.

(a) *General.* Except as provided for in paragraphs (d) and (e) of this section and other pertinent regulations, before an enlisted member is entitled to credit for basic allowance for quarters for dependents, he must have in effect an allotment of pay to be known as class Q to his dependent(s) (as required by the Dependents Assistance Act of 1950, as amended) in an amount at least equal to the applicable rate for basic allowance for quarters, plus:

(1) $40, if member is in grade E–1, E–2, or E–3;

(2) $60, if member is in grade E–4, or E–5; or

(3) $80, if member is in grade E–6, E–7, E–8 or E–9.

(b) *Initiating or increasing.* The allotment required for any month will be based upon the lowest rate of basic allowance for quarters to which the member is entitled and the lowest grade in which the member is serving during such month; however, no change in allotment will be made for such month to meet this requirement. If a member is promoted or acquires a dependent after the first day of the month, he will be credited with the applicable amount for basic allowance for quarters for such period, but no change in allotment is required for that month; however, if the change results in an increase in the amount of the class Q allotment requirement, a new class Q allotment will be required, effective the first day of the following month in an applicable amount. If a member acquires a dependent on the first day of the month, or is promoted effective on the first day of the month, or both, the applicable increase in the minimum amount required to be allotted must be effective for such month instead of the first of the succeeding month. If an enlisted member desires to allot more than the amount required herein to the same payee or payees, he will do so by increasing his class Q allotment to the amount he desires, not to exceed his basic pay. The applicable rate of basic allowance for quarters will not be affected.

(c) *Discontinuing or decreasing.* If a member is demoted, loses a dependent, or is assigned quarters, the class Q allotment forms necessary to reduce or discontinue the allotment will be made effective at the end of the preceding month, provided that such forms can be submitted to reach Allotment Services by the 20th day of the month. If this is not practicable, the forms will be made effective at the end of the month in which the change in status occurs. A retroactive discontinuance or reduction will not be processed if payment of the allotment has been made to the allottee. Any necessary adjustment will be made on the military pay record. The total class Q allotment of an enlisted member must not be less than the amount of the class Q allotment required by the Dependents Assistance Act of 1950 to be established, except as stated in paragraph (f)(2)(i) of this section, but may exceed that figure. The allotment may be not reduced to an amount less than that required even though such allotment when converted to foreign currency exceeds the actual requirements.

(d) *Allotment pending approval of dependency or relationship for entire claim*—(1) *General.* When an enlisted member claims credit for basic allowance for quarters for dependents and determination of dependency or relationship for all dependents is to be made by the Finance Center, U.S. Army, the member must have in effect a class Q allotment in an amount not less than the member's required contribution pending approval of dependency or relationship. Credit for basic allowance for quarters will not be entered on the military pay record until determination of dependency or relationship is made. Appropriate adjustment instructions will be furnished by the Commanding General, Finance Center, U.S. Army. If more than one category of dependent is involved (for example, wife and parent) the apportionment of the allotments should be made by the enlisted member. In determining dependency of a parent, the total amount to be allotted will be considered instead of the amount actually allotted pending dependency determination.

(2) *Determination of dependent parent.* (i) If dependency of parent is approved, the applicable amount of basic allowance for quarters will be credited from the effective date indicated by the member and allotment deductions made in accordance with instructions furnished by the Commanding General, Finance Center, U.S. Army. A signed statement authorizing the applicable increase of the class Q allotment will be entered on the reverse of DD Form 137 substantially as follows:

Upon approval I hereby authorize an increase of my present class Q allotment of $_____ to $_____ (BAQ plus $40, $60, or $80).

_____
(Signature)

Example. An enlisted member in pay grade E–6 applies for basic allowance for quarters for his parent. Credit for basic allowance for quarters is not entered on the military pay record; however, DA Form 1341 (Allotment Authorization) authorizing an allotment for the parent must be submitted in an amount not less than $80. The reverse of

DD Form 137 will be annotated as follows:

Upon approval I hereby authorize an increase of my present class Q allotment of $30 to $157.10.

(Signature)

(ii) If the dependency of the parent is disapproved, the member will be informed of the disapproval and advised that the allotment currently in effect ($80) will continue unless he takes action to change or discontinue the allotment. If the member desires to change the allotment after notice of disapproval, he will do so by discontinuing the class Q allotment and initiating a class E allotment.

(3) *Determination of wife and child relationship and parent dependency.* If the relationship of the wife and child is established and the dependency of the parent is disapproved, or vice versa, the Commanding General, Finance Center, U.S. Army, will increase the allotment to the eligible dependent to the minimum amount required by the Dependents Assistance Act of 1950 as amended, and discontinue the allotment to the ineligible dependent. The finance and accounting officer will be advised of proper entries to be made on the military pay record. The finance and accounting officer will notify the personnel officer of the action taken. The personnel officer will advise the member to initiate a class E allotment if he desires to continue support to the ineligible dependent. If the entire claim is disapproved, the allotment authorizations will continue in effect until the member takes action to change or discontinue the allotments, but credit for basic allowance for quarters will not be allowed.

Example. An enlisted member in pay grade E–6 applies for basic allowance for quarters for wife, child, and parent and states that he wants to allot $110 for his wife and child and $66.90 for his parent. Relationship of wife and child is in doubt. Credit for basic allowance for quarters will not be entered on the military pay record until determination of dependency or relationship is established by the Commanding General, Finance Center, U.S. Army. Class Q allotment authorizations for the wife and the parent will be prepared and apportioned by the enlisted member in a total amount of not less than $80. The reverse of DD Form 137 will be annotated as follows:

Upon approval I hereby authorize an increase of my present class Q allotments to $176.90 payable as follows:

Mrs. Jane Doe from $50 to $110.

Mrs. Mary Blank from $30 to $66.90.

(Signature)

(e) *Allotment pending approval of dependency or relationship for part of claim*—(1) *General.* When an enlisted member claims credit for basic allowance for quarters for dependents and determination of dependency or relationship for any part of the claim is to be made by the Commanding General, Finance Center, U.S. Army, the member must have in effect a class Q allotment in an amount not less than the applicable rate of basic allowance for quarters for which determination of dependency has been made by the finance and accounting officer, plus the amount of the member's required contribution. Credit for basic allowance for quarters will be entered on the military pay record for that portion of the approved claim and allotment deductions made in accordance with the allotment authorization. A signed statement will be entered on the reverse of DD Form 137 on which determination of the dependency has been made authorizing an increase to the existing allotment to an amount not less than the minimum required to be allotted in the event of approval and indicating the apportionment desired. In determining the dependency of a parent, the total amount to be allotted will be considered instead of the amount actually allotted pending dependency determination.

Example. An enlisted member in pay grade E–6 applies for basic allowance for quarters for wife, child, and parent and states that he wants to allot $76.90 to his parent and $100 to his wife, if approved. Credit for basic allowance for quarters in the amount of $77.10 (wife and child) is entered on the military pay record on the basis of the determination of the finance and accounting officer. An allotment for $100 is initiated for the wife and one for $57.10 is initiated for the parent on DA Form 1341 ($76.90 minus $19.80 which is basic allowance for quarters applicable to parent on basis of $96.90 minus $77.10). The reverse of DD Form 137 will be annotated as follows:

Upon approval I hereby authorize an increase of my present class Q allotments of $157.10 to $176.90 payable as follows:

Mrs. Jane Doe, $100.

Mrs. Mary Blank from $57.10 to $76.90.

(Signature)

(2) *Approval of parent dependency.* If the dependency of the parent is approved, the instructions for the adjustment entries on the military pay record for basic allowance for quarters and class Q allotments will be furnished the finance and accounting officer by the Finance Center, U.S. Army.

(3) *Disapproval of parent dependency.* If the dependency of the parent is disapproved, the Commanding General, Finance Center, U.S. Army, will increase the existing allotment to the wife to the minimum amount required by the Dependents Assistance Act of 1950, as amended, and discontinue the allotment to the parent. The finance and accounting officer will be advised of the disapproval and will notify the personnel officer of the action taken. The personnel officer will advise the member to initiate a class E allotment if he desires to continue support to the ineligible dependent.

(4) *Member to be separated.* Should the finance and accounting officer receive information that an enlisted member, whose determination for dependency is pending, is to be separated and does not intend to reenlist, request for the dependency status will be made immediately to the Finance Center, U.S. Army, furnishing information that the member is to be separated. If less than 20 days' advance notice is received, the request will be made by radiogram.

(f) *Court order or written agreement*—(1) *Support of child*—(i) *Amount specified.* (*a*) Where a divorce decree, court order, or separation, antenuptial or postnuptial agreement specifies a dollar amount which is less than the amount of the applicable rate of basic allowance for quarters for the child's support, custody of whom is given the divorced wife, the minimum allotment required must equal the amount of the applicable rate of basic allowance for quarters.

(*b*) Where a divorce decree, court order, or separation, antenuptial or postnuptial agreement specifies a dollar amount which is more than the applicable rate of basic allowance for quarters for the child's support, custody of whom is given the divorced wife, a class Q allotment will be required in the amount of the basic allowance for quarters plus an amount contributed by the member to equal the amount specified in the decree.

(*c*) Where the parties enter into a valid written agreement as to the actual amount required for the support of the child, the allotment may be modified to the applicable amount of basic allowance for quarters or the amount fixed by such agreement, whichever is greater.

(*d*) The member will not be required (in any case) to authorize an allotment that exceeds the basic allowance for quarters plus the member's required contribution for his grade.

(ii) *Amount not specified.* (*a*) Where a divorce decree, court order, or separation, antenuptial or postnuptial agreement does not specify a dollar amount, but the decree is otherwise clear that support is intended, the minimum allotment required must equal the amount of the applicable rate of basic allowance for quarters.

(*b*) Where a divorce, decree, court order or separation, antenuptial or postnuptial agreement does not specify a dollar amount but the language is specific that the support requirement is to consist of the amount of basic allowance for quarters plus the member's required contribution, or if it is otherwise clear that such was the intention of the court, a class Q allotment in such full amount is required.

(iii) *Agreement silent.* Where a divorce decree, court order, or separation, antenuptial or postnuptial agreement is silent as to the care and support of a child or children, the amount of the class Q allotment will be not less than the amount of the basic allowance for quarters.

(iv) *Member relieved or lump-sum settlement specified.* Where a divorce decree or court order has expressly relieved the member of all responsibility or provided a lump-sum settlement for the care and support of the child, no class Q allotment will be required, and credit for basic allowance for quarters will be terminated. Where a separation, antenuptial, or postnuptial agreement has relieved the member of all responsibility or provided a lump-sum settlement for the care and support of the child, no class Q allotment will be required, and credit for basic allowance for quarters will be terminated. However, in separate agreements, if the custodian of said child indicated that the child has no adequate means of support or the settlement was grossly inadequate, the Commanding General, Finance Center, U.S. Army, may authorize a class Q allotment in an amount not less than the basic allowance for quarters, but not to exceed, unless authorized by the member, an amount equal to his required contribution, plus appropriate rate of basic allowance for quarters.

(2) *Support for wife*—(i) *Amount specified.* When support for the wife is limited by interlocutory divorce decree, court order, or separation, antenuptial or postnuptial agreement, the amount required to be allotted must equal the sum specified in the decree, order, or written agreement or the amount of the applicable basic allowance for quarters, whichever is greater. In no event will the member be required to allot more than the basic allowance for quarters plus the member's required contribution for his grade. On and after the date the divorce decree becomes final and irrespective of an award of alimony, the member is not entitled to basic allowance for quarters because of a dependent wife.

(ii) *Member relieved or lump-sum settlement specified.* Where a divorce decree, court order, or any other valid agreement expressly absolves the service member from responsibility or provides a lump sum settlement for the care and support of a wife, no class Q allotment will be required, and credit for basic allowance for quarters will be terminated.

(iii) *Agreement silent.* Where a divorce decree (interlocutory, nisi or a mensa et thoro), or separation agreement is silent as to the obligation of the husband to support the wife, the payment of the class Q allotment on behalf of the wife may be discontinued upon application of the member, and credit for basic allowance for quarters will be terminated.

(3) *Support of wife in an institution.* When support of a wife for maintenance in an institution is fixed at a sum less than the amount required to be allotted on her behalf, the allotment may not be less than the minimum amount required by the Dependents Assistance Act of 1950. The enlisted member may make the allotment payable to a bank for credit to his account, for the support of dependents, against which he may draw and pay the institution the required amount as long as she remains in said institution, or he may make the allotment payable in his favor as custodian of said dependent.

(g) *Payment of Class Q Allotment*—(1) *General.* The dependent payee and the amount payable to any particular payee will be as designated on DA Form 1341 (Allotment Authorization—To Start, Stop, and Change Allotments). The allotment(s) must be made payable to the dependent or dependents listed on the DD Form 137 and because of whose dependency the service member will be entitled to increased basic allowance for quarters for dependents. A class Q allotment will not be made payable to a person who is mentally incompetent, or to a minor unless the minor is of sufficient age and understanding to manage his own affairs, but in no event will a minor under 16 years of age be made payee. A class Q allotment may be made payable to a duly appointed guardian of a mentally incompetent or minor, upon receipt of the court certificate evidencing the guardianship appointment. In the case of a minor child of a mentally incompetent member, which child is in the custody of some other person who has not been appointed as legal guardian, etc., the class Q allotment payee may be the actual custodian. If the minor or mentally incompetent is confined in an institution, the allotter may register the class Q allotment in favor of the institution; DA Form 1341 will designate such payee by name and state that the amount is for the use and benefit of the named minor or mental incompetent. The "pay to the order of" line on the check will be so worded. Class Q allotment checks will not be made payable to any person or institution not specifically authorized by this paragraph.

(2) *Categories of dependents.* Separate allotments will be made to or on behalf of each of the following categories of dependents but will not be required to be made to each dependent in the same category: Wife or children, child or children of a former wife divorced who are not in custody of enlisted member claiming credit, and parent or parents. If a guardian, custodian, committee, etc., has been appointed for one or more of the dependents of the service member, the allotment may be made payable to the guardian, custodian, committee, etc.

(3) *When payable to a bank or enlisted member as payee.* Class Q allotment checks may be made payable to a bank for credit to the account of the dependent, provided consent to such method of payment is first obtained from the dependent or from the person acting in his behalf. The consent of the dependent, or the person acting in his behalf, will be furnished by written authorization to the commanding officer of the unit to which the member is assigned. In addition, an enlisted member who has a child in his own custody may designate himself as the class Q allotment payee or may designate a bank as payee where the amount is to be credited to his account. A class Q allotment to the service member as payee, or to a bank when the amount is credited to his account, will be used only where it is absolutely necessary and there is no other feasible method for providing the distribution of the class Q allotment.

(h) *Months allotment not required*—(1) *Member enters active military service.* A class Q allotment is not required for the calendar month in which the member enters the active military service in a pay status. The allotment will be made effective from the first day of the following month.

(2) *Member is released from active service.* A class Q allotment is not required for the calendar month in which the member is released from the active military service or is discharged if not immediately reenlisted. The allotment will be discontinued the end of the month preceding separation if there is sufficient time for the allotment discontinuance notice to reach the Finance Center, U.S. Army, by the 23d of the month. If there is sufficient time for the allotment discontinuance form to reach the Finance Center by the 23d of the month, the class Q allotment will be discontinued at the end of the month in which separation occurs.

(3) *Assigned or terminated government quarters.* A class Q allotment is not required for the calendar month in which the member is assigned government quarters for himself and his dependents or assignment of such quarters is terminated. When assignment of quarters is terminated, credit for basic allowance for quarters will accrue from the day following the date assignment is terminated. Allotment documents must be effective from the first day of the month following the month in which assignment of quarters is terminated before credit for basic allowance for quarters can be continued for that month and succeeding months.

(4) *Dependency ceases.* A class Q allotment is not required for the calendar month in which dependency ceases.

(5) *Dependency commences.* A class Q allotment is not required for the calendar month in which dependency commences if the allotment is effective from the first day of the following month.

(6) *Member deceased.* A class Q allotment is not required for the calendar month in which the member dies.

(7) *Prior to November 1950.* A class Q allotment is not required for calendar months prior to November 1950.

(i) *Apportionment of allotment for two or more payees*—(1) *Member makes apportionment.* If the member has made the apportionment, such apportionment will govern in the absence of a valid and reasonable objection by any allottee.

(2) *Member cannot or will not make apportionment.* If the member cannot or will not make the apportionment, the prospective allottees may agree to an apportionment among themselves.

(3) *Other cases.* In all other cases, lawful wives and children will be given maximum consideration equally to a minimum of 80 percent of the total amount available, with the wife receiving twice as much as any one child and the other dependents having the remaining amount apportioned equally among them.

(j) *Authorization, discontinuance, or change*—(1) *Forms used*—(i) *DA Form 1341.* DA Form 1341 will be used to authorize, increase, decrease, or discontinue the class Q allotment except as stated in subdivision (ii) of this subparagraph. Form 1341 will be prepared and processed in the same manner as for other types of allotments except that when DA Form 1341 is used to discontinue allotments the duplicate will be forwarded to the allottee by the certifying officer and the third copy will be retained by the personnel officer for a period of 90 days. After the 90 day period has expired the third copy will be forwarded to the allotter. The form will be marked plainly "class Q" in block 1.

(ii) *DA Form 955.* DA Form 955 (Allotment Discontinuance—Notice Upon Discharge or Release from Active Duty or Death) will be used to discontinue the class Q allotment in case of dis-

charge, release from active duty, or death.

(2) *Change due to promotion or demotion.* (i) When a member is promoted or demoted to a grade which results in an increase or decrease in the amount of the class Q allotment requirement, and his allotment is registered in one of the normal amounts (i.e., $91.30, $117.10, $136.90, $137.10, $156.90, $157.10, or $176.90) and there has been no apportionment among the allottees, the allotment will be increased or decreased as provided in subdivisions (ii), (iii), and (iv) of this subparagraph.

(ii) The personnel officer, at the time of submission of the Military Pay Order or Special Order effecting the increase or decrease in basic pay, will prepare DA Form 1341 to accomplish the allotment change. In item 20, the space for the signature of the allotter, will be entered "Administrative Increase—Promotion" or "Administrative Decrease—Demotion." If the address of the allottee is not available, the following statement will be entered in block 9 immediately below the name of the allottee: "Current address of allottee on file in FCUSA."

(iii) The Military Pay Order or Special Order and DA Form 1341, in triplicate, will be submitted to the finance and accounting officer with DD Form 379 (Transmittal Letter for Allotment Forms).

(iv) The finance and accounting officer will process the allotment documents in the usual manner. One copy of the Military Pay Order or Special Order and the duplicate and triplicate copy of DA Form 1341 will be returned to the personnel officer showing the promotion or demotion has been entered on DD Form 113 (Military Pay Record). The triplicate of DA Form 1341 will be forwarded to the member which will indicate that his class Q allotment has been increased or decreased in accordance with his promotion or demotion.

(v) Where a class Q allotment is registered in an amount other than the normal amount or an apportionment among allottees has been made, the DA Form 1341 must be signed by the member.

(3) *Termination or reduction below minimum required.* A request for termination or reduction of an allotment below the minimum required by the Dependents Assistance Act of 1950, as amended, on behalf of a wife or child must be substantiated by such evidence of a certified photostat or true copy of the commitment order or statement of an official of the institution showing date of conviction and provision of the sentence or final divorce, court order, reduction in grade, or death, as may be deemed sufficient by the personnel officer terminating dependency or relationship unless discontinuance is necessary because of separation from the service. The evidence will not be submitted with DA Form 1341, but the specific reason for discontinuance will be indicated thereon.

(4) *Termination or reduction for doubtful cases.* In cases which involve a written separation agreement, interlocutory decree of divorce, a divorce granted by a foreign country, infidelity or desertion of the wife, or any other case where doubt exists as to the propriety of permitting discontinuance or reduction of a class Q allotment, complete factual and documentary evidence will be referred to the Allotment Operations, Finance Center, U.S. Army, for determination prior to discontinuance action. In those cases involving infidelity or desertion of the wife, the member will be required to furnish conclusive and irrefutable evidence of the infidelity or desertion on the part of the wife, for submission to the Allotment Operations. If the allotment established is predicated on the dependency of wife and children, discontinuance action will apply for the wife only, and the member will be required to establish an allotment on behalf of the children unless legally absolved from such responsibility.

(5) *Termination upon occupancy of Government quarters.* Entitlement to basic allowance for quarters will cease when a member is assigned quarters for himself and dependents, but existing class Q allotment will not be discontinued unless the member so desires. If the member does not desire discontinuance, his allotment will remain in effect. The finance and accounting officer will terminate credit for basic allowance for quarters but will continue to deduct the full amount of the member's class Q allotment.

(6) *Courts-martial order.* When the sentence of a courts-martial provides for forfeiture of all pay and allowances, the entire class Q allotment will be discontinued effective with the end of the month in which the sentence is approved by convening authority. This may be done only if the sentence includes confinement not suspended, unless the forfeitures are deferred by the convening authority in his action thereon, whether or not discharged is suspended, and the enlisted member has accrued sufficient credit, including credit for basic allowances for quarters for the fractional part of the month up to and including the date the sentence was approved by the convening authority, to satisfy the entire class Q allotment for that month. If, as of the date the sentence was approved by the convening authority, the enlisted member has not accrued sufficient credit to satisfy the entire class Q allotment, such allotment will be discontinued the last day of the month prior to the month in which the sentence was approved by the convening authority.

(7) *Change of address.* When it becomes necessary for an allotter to furnish the allottee's change of address, such change will be effected by initiating DA Form 1341, transmitted through the finance and accounting officer for proper certification. All pertinent items on DA Form 1341 will be completed and the allottee's name and new address will be shown in block 9. Block 18 will be completed to show "Change of Address."

(k) *Members absent without leave*—(1) *Continuation of allotment.* Payment of class Q allotment to the dependent in the full amount will be continued for 2 months following the month in which the absent without leave status commenced. However, if the class Q allotment exceeds the minimum prescribed by the Dependents Assistance Act of 1950, the class Q allotment will be reduced to the minimum amount required by law. At the expiration of such 2 months of absence, the class Q allotment in the full amount will be discontinued. When the enlisted member returns to a duty status, upon presentation of a new allotment authorization the new class Q allotment will be established in the amount required by law with an effective date as of the first day of the month following the month of return to a duty status.

(2) *Allotments to parents whose dependency was disapproved.* If a class Q allotment is in existence to a dependent parent, whose dependency has been disapproved under the Dependents Assistance Act of 1950, as amended (operating in the same manner as a class E allotment), the class Q allotment of the absentee will be discontinued immediately for such dependent parent. If the absentee returns to a duty status after such class Q allotment has been discontinued, he may not again initiate a class Q allotment to such parent, but instead he will use a class E allotment if he desires to make an allotment to this parent.

(3) *Determination of dependency pending.* If a determination of dependency is pending at the time the member enters an absent without leave status, the allotment will be treated as a voluntary allotment and discontinued effective the last day of the month preceding the month in which the absent without leave status commenced. It is incumbent upon the finance and accounting officer to advise the Commanding General, Finance Center, U.S. Army, immediately of the absent without leave status of the member. No further action will be taken on the determination of the dependency until such time as the member returns to a duty status and initiates a new request for class Q allotment, after which a determination of dependency will be made.

(4) *Member acquired dependent while absent without leave.* If an enlisted member acquires a dependent while absent without leave, the earliest effective date of the class Q allotment will be the first of the month following the month in which the member is returned to a pay status, provided the member is returned to a pay status after the first day of the month. If the member is returned to a pay status on the first day of the month, the class Q allotment may be authorized to be effective the first of that month.

(l) *Members absent in hands of civil authorities.* Payment of class Q allotment will be made for a period ending with the last day of the second month following the month in which the absence commenced. If the service member is acquitted subsequent to the second month following date of absence the class Q allotment will, upon presentation of a new allotment authorization, be effective from the first day of the month following the month of last payment. If service member is not acquitted but upon release from custody of civil authorities returns to a duty status after the termination of entitlement to basic allowances for quarters, the class Q allotment authorization upon presentation of a new allotment authorization, will be registered as of the first day of a month but not earlier than the first day of the month following the month of return to a duty status.

(m) *Members absent because of disease*—(1) *Continuation of allotment.* When a member is absent from his regular duties resulting from the effects of a disease, as distinguished from injury, which causes loss of pay, the class Q allotment will continue in the full amount for 2 months following the month in which the absence commenced or until separation, whichever is earlier.

(2) *Discontinuance of allotment.* Class Q allotments will be discontinued after 2 months following the month in which the absence commenced.

(3) *Establishing new allotment in reduced amount.* A new class Q allotment will be established for only the amount of the basic allowance for quarters authorized for the member. This will be accomplished on the same DA Form 1341 as the discontinuance under subparagraph (2) of this paragraph. DA Form 1341 discontinuing the old allotment and establishing the new allotment must be submitted in sufficient time to reach the Allotment Operations not later than the 10th day of the third month following the month in which the absence commenced. The reduced allotment will continue until the enlisted member is separated from the service or restored to a pay status.

(n) *Member in excess leave status.* Payment of the class Q allotment to the dependent will be continued in the full amount for 2 months following the month in which excess leave commences. The allotment will be discontinued and established in the reduced amount in the same manner as prescribed for members absent because of disease in paragraph (m) of this section.

(o) *Collection of overpaid allotments.* When overpayment of the member results because of the continuation of class Q allotments beyond the 2 month period specified in paragraphs (k), (l), (m), and (n) of this section, collection will be effected when the member returns to military control, from excess leave status, or is restored to pay status.

(p) *Request for allotment by or on behalf of dependents*—(1) *General.* The claiming of basic allowance for quarters for an enlisted member's dependents ordinarily should be resolved by the member. The Commanding General, Finance Center, U.S. Army, however, may authorize and direct the payment of the basic allowance for quarters for dependents and the establishment and payment of the class Q allotment in conformity with this section for any enlisted member who does not claim such allowance.

(2) *Wife or child.* (i) Upon application by or on behalf of a wife or child, the enlisted member will be advised by his immediate commanding officer that an application has been received by or on behalf of such wife or child, and the enlisted member will be requested to initiate a class Q allotment to provide for the support of his wife or child. The enlisted member also will be advised that the Secretary of the Army has the authority to make such allotment for the support of his dependents if he does not do so. The commanding officer will notify the Commanding General, Finance Center, U.S. Army, of the circumstances giving information such as a statement that the enlisted member refuses to initiate the required class Q allotment, a statement of the reason given by the enlisted member for not authorizing the allotment, or any pertinent information regarding the situation, such as the service member's inaccessibility.

(ii) Upon determination by the Commanding General, Finance Center, U.S. Army, that such dependency does in fact exist, he will authorize payment of a class Q allotment to or on behalf of the wife or child in the amount of the basic allowance for quarters to which the enlisted member is entitled from the date on which the claim was received by the Finance Center, U.S. Army, or from the date in the month upon which the dependency status began, whichever is later. The class Q allotment will be initiated in the full amount to include the enlisted member's mandatory contribution, effective the first day of the current month. The finance and accounting officer will be notified of the credit for basic allowance for quarters and the proper allotment deductions. A copy of the notification will be furnished the commanding officer of the enlisted member for the information of the enlisted member.

(iii) The existence of a lawful wife or a legitimate child is sufficient evidence for entitlement to a class Q allotment if such allotment is claimed by or on behalf of such wife or child, irrespective of the enlisted member's protest, unless such protest is supported by evidence of a court order or written agreement providing otherwise. Letter of protest, signed by the enlisted member, together with supporting evidence, will be submitted to the Allotment Operations, Finance Center, U.S. Army. The Commanding General, Finance Center, U.S. Army, then will take such actions as may be necessary to modify or stop the class Q allotment.

(3) *Parent.* In the absence of a court order or decree requiring the support of a parent, no action will be taken to establish an allotment for a parent without the application of the enlisted member. Claims by or on behalf of a parent will be referred in every case to the commanding officer of the enlisted member concerned. If the parent submits a court order or decree requiring the support of such parent and the enlisted member did provide over 50 percent of the parent's support, a class Q allotment may be authorized under the same procedure as in subparagraph (1) of this paragraph. Any amount designated by the court which would provide less than half of the parent's support will not cause the authorization of a class Q allotment unless specifically requested by the enlisted member and other conditions of entitlement exist.

(4) *Change of status.* The finance and accounting officer will enter the credit for basic allowance for quarters and make deductions for the class Q allotment as may be required by letter from the Finance Center, U.S. Army. Changes in dependency status will not be made except on authorization of the Commanding General, Finance Center, U.S. Army. Changes in credit for basic allowance for quarters or allotment deduction (not involving dependency) because of grade changes will be made by the finance and accounting officer.

(5) *Missing.* The procedure prescribed in this paragraph does not apply to dependents of enlisted members who are missing, missing in action, interned in a foreign country, captured by a hostile force, etc.

(6) *Allotment in effect to be modified.* Upon application of or on behalf of any dependent of an enlisted member who has in effect a class Q allotment, the Commanding General, Finance Center, U.S. Army, will modify such class Q allotments as may be necessary under this section.

(q) *Delay in initiating*—(1) *General.* A class Q allotment will be made retroactive for such period as the member may elect to claim the allowance for his dependents provided the claim is supported by the member's required contribution for the entire period. If the member does not have the required contribution in cash or sufficient pay has not accrued to establish such an allotment, the member will be permitted to authorize an allotment of pay retroactively for a period not to exceed 3 months, provided the member's obligated service is sufficient to permit liquidation of this indebtedness. For example, if a member has sufficient funds accrued to establish an allotment retroactively for 1 month, the member may be advanced pay in an amount sufficient to establish an allotment for 2 additional months. A retroactive class Q allotment established by creation of indebtedness will not be authorized more than one time, and thereafter requests for such allotments will be required to be supported by the necessary contribution of the member.

(2) *Exigencies of the service.* If the delay in initiating a class Q allotment as required by this section was caused by the exigencies of the service, the commanding officer may waive the class Q allotment requirement for such retroactive period. The waiver will be placed on the reverse of the certificate establishing the dependency status or will be attached to such certificate in substantially the following form:

Class Q allotment waived for (name of enlisted member) for the period ---------- to ---------- both dates inclusive, because of (reason).

If the class Q allotment is waived because of the exigencies of the service, no deduction for class Q allotment will be made for the waived period. The commencement date of the class Q allotment will be the first day of the month following the waived period. Credit for basic allowance for quarters for the waived period will be entered on the enlisted member's military pay record. The term "exigencies of the service" will be construed to mean service-imposed conditions, which, in the opinion of the commanding officer concerned, made the delay in registering or increasing the allotment unavoidable. Each request for waiver for such reason will be carefully reviewed by the commanding officer to insure that cause of delay was beyond control of the enlisted member and was in fact attributable to exigencies of the service. Even though such delay is caused by exigencies of the service, the commanding officer ordinarily should not waive the allotment requirement for the entire retroactive period if a retroactive allotment for all or part of such period will not cause financial hardship to the enlisted member concerned.

(3) *Death of the member prior to initiating class Q allotment.* (i) In the case of death of a member the commanding officer of such member will waive the class Q allotment requirement for any period subsequent to 31 October 1950 where the member did not have reasonable opportunity to establish the allotment. The same factors as are to be taken into consideration in determining reasonable opportunity for claiming basic allowance for quarters for dependents will be considered in waiving the class Q allotment requirement. In any case where all information relative to the member's pay status has been forwarded to the Finance Center, U.S. Army, action will be taken as prescribed in this paragraph relative to waiver of allotment.

(ii) When it is found that the member had reasonable opportunity to establish a class Q allotment prior to his death but did not do so, and credit for basic allowance for quarters is made, the commanding officer of the member will take the action necessary to waive the allotment for the period involved.

(iii) Waivers of class Q allotments under this paragraph will be submitted to the finance and accounting officer on a military pay order in substantially the following form:

Class Q allotment(s) waived for (name of enlisted member) for the period ---------- to ----------, both dates inclusive, because the enlisted member died prior to establishing the class Q allotment(s).

[Sec. III, Chap. 5, AR 37-104, Dec. 2, 1957] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply 64 Stat. 795, as amended; 37 U.S.C. 252(h))

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-7720; Filed, Sept. 16, 1959; 8:45 a.m.]

Chapter XVI—Selective Service System

PART 1602—DEFINITIONS

PART 1604—SELECTIVE SERVICE OFFICERS

PART 1621—PREPARATION FOR CLASSIFICATION

PART 1626—APPEAL TO APPEAL BOARD

PART 1628—PHYSICAL EXAMINATION

PART 1632—DELIVERY AND INDUCTION

PART 1655 — REGISTRATION OF UNITED STATES CITIZENS OUTSIDE OF THE UNITED STATES AND CLASSIFICATION OF SUCH REGISTRANTS

PART 1660—CIVILIAN WORK IN LIEU OF INDUCTION

Amending Selective Service Regulations

CROSS REFERENCE: For a document affecting the regulations of the above mentioned parts, see Title 3, Executive Order 10837, *supra*.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Saar Now a Part of Germany

In § 168.5 *Individual country regulations,* as published in FEDERAL REGISTER of March 20, 1959, at pages 2119–2195, as Federal Register Document 59–2388, make the following changes as a result of the reunification of the Saar Territory with Germany:

1. Amend the country heading of "France (including the Saar Territory and Monaco)" to read "France (including Monaco)."

2. Amend the country heading of "Germany" to read "Germany (including Saar)."

3. In "Places not included in alphabetical list of countries", the "Saar Territory (France)", as it appears in Alphabetical order therein, is amended to read "Saar Territory (Germany)."

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7735; Filed, Sept. 16, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-38]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

NORTH CAROLINA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on August 27, 1959, approved the North Carolina system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the North Carolina system shall be operative on and after Friday, January 1, 1960. On that date the authority to number motorboats principally used in the State of North Carolina will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by North Carolina. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in North Carolina will be required to be reported to the Wildlife Resources Commission, Raleigh, North Carolina, pursuant to the North Carolina Boating Safety Act of 1959 (N.C.S.L. 1959 C. 1064).

Because § 172.25–15(a)(5), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a)(5) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) • • •

(5) North Carolina—January 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: September 9, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U.S. Coast Guard, Commandant.

[F.R. Doc. 59-7732; Filed, Sept. 16, 1959; 8:46 a.m.]

[CGFR 59-39]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

SOUTH CAROLINA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on August 27, 1959, approved the South Carolina system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the South Carolina system shall be operative on and after Friday, January 1, 1960. On that date the authority to number motorboats principally used in the State of South Carolina will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by South Carolina. On and after January 1, 1960, all reports of "boating accidents" which involve motorboats numbered in South Carolina will be required to be reported to the Division of Boating, South Carolina Wildlife Resources Department, Columbia, South Carolina, pursuant to the requirements of the South Carolina boating law (S.C. Act No. 253 of 1959).

Because § 172.25–15(a)(6), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25–15(a)(6) is prescribed and shall be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) • • •

(6) South Carolina—January 1, 1960.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: September 9, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U.S. Coast Guard, Commandant.

[F.R. Doc. 59-7733; Filed, Sept. 16, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11986; FCC 59-942]

PART 3—RADIO BROADCAST SERVICES

Television Reference Test Signal

In the matter of amendment of Part 3 of the Commission's rules and regulations concerning television broadcast stations to authorize or require a television reference test signal; Docket No. 11986.

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 57–341, Mimeo No. 42913) issued in this proceeding on April 5, 1957. That Notice pointed out that numerous methods have been suggested for the simultaneous transmission of test signals with the video signal without significantly affecting the picture information. Such test signals serve to facilitate the continuous monitoring of the quality of an entire television broadcasting transmission system. By Public Notice (FCC 56–986, Mimeo No. 36626) issued October 11, 1956, the Commission provided blanket authorization to all television broadcast stations to transmit test signals during periods of regular programming for the purpose of developing and testing the feasibility of such signals and to facilitate the collection of data and preparation of comments to be filed in the instant rule making proceeding. This temporary authorization has been extended from time to time, the last extension expiring on October 3, 1959.

2. All interested parties were invited to submit comments in this proceeding on the desirability of the adoption of test signals to be employed by television broadcast stations. We requested that comments be directed to such subjects as appropriate standards, time of transmission, effect on normal picture quality, and whether such transmissions should be required of all stations or should be authorized on a permissive basis. Comments in favor of amending the rules to provide for the use of television test signals within the vertical blanking interval were filed by the American Broadcasting Company (ABC), Columbia Broadcasting System, Inc. (CBS), Electronic Industries Association (EIA), Lake Huron Broadcasting Corporation (WKNX–TV), and National Broadcasting Company, Inc. (NBC). Comments in opposition were filed by Eugene Edward Ostrow.

3. EIA, as a result of the Notice, established a special subcommittee (BTS–5) of its Broadcast Television Systems Committee (BTS) for the purpose of reviewing the matter of television reference test signals.

The special subcommittee charged with the evaluation of television test signals included the following organizations, non-members as well as members, of the BTS committee of EIA:

American Broadcasting Company.
Bell Telephone Laboratories.
Columbia Broadcasting System.
General Electric Company.
National Broadcasting Company.
Philco Corporation.
Radio Corporation of America.
Sklatron Electronics and Television Corporation.
Telechrome Manufacturing Corporation.
Telemeter Magnetics and Electric Corporation.
Westinghouse Electric Corporation.
Zenith Radio Corporation.

EIA submits that its subcommittee members, particularly those representing television networks, conducted extensive coordinated field tests for the purpose of gathering data and knowledge to be used in filing comments in these proceedings. A number of meetings were held at which the results of the field tests were analyzed in order to determine the extent to which the reference and test signals could be standardized at the present. The recommendations of the EIA are as follows:

I. The Commission should extend indefinitely the temporary authorization for broadcast transmission of reference and test signals during the vertical blanking interval on a permissive basis, subject to restrictions outlined in Item II., below. It is understood that reference signals are intended primarily for operational monitoring and control of program transmission, and normally include a pulse at reference white level. Test signals may employ any waveform and are intended for detailed analysis of specific system performance characteristics.

II. Reference or test signals may be transmitted during the period commencing with the last 12 microseconds of line 17 and extending through line 20, subject to the following conditions:

a. No portion of the reference or test signals should extend beyond the amplitude range bounded by reference white and blanking levels, with the exception that negative excursions of color sub-carrier signals may extend into the synchonizing region but in no case beyond peak-of-sync level.

b. No portion of the reference or test signals should encroach upon that portion of any horizontal period normally devoted to blanking.

c. A guard interval of at least ½ line duration at blanking level shall separate reference or test signals from the start of the picture signal.

d. The picture signal must commence not later than line 22.

4. ABC, in support of the proposed rule, states that it has conducted extensive tests and transmissions of vertical interval reference and test signals and claims that results indicate this technique is a valuable aid in maintaining video levels and quality, especially in connection with network transmission. In addition, ABC endorses the recommendations of EIA and indicates that these recommendations would provide for the continued development of the technique, asserting that any more restrictive specifications would be unnec-

essary at this time and not in the public interest.

5. CBS states that it has transmitted reference and test signals regularly over its network facilities for a period of several months and has found these signals particularly useful for maintaining transmission levels at those stations that receive programs from remote locations by means of cable or microwave relay. Similarly, it has found test signals useful in monitoring various transmission characteristics. CBS, in general, endorses the recommendations filed by EIA and suggests that a rule be provided to authorize the use of television reference and test signals on a permissive basis.

6. WKNX–TV states experiments by the networks have demonstrated reference and test signals can be very beneficial as a continuous reference in adjusting video equipment. It claims it has found test signals transmitted by CBS especially helpful in setting up frequency and linearity correction on its three station microwave link and recommends that provisions be made for the continued authorization of the transmissions of such signals.

7. NBC submits an outline of extensive tests of television reference test signals it has conducted since 1956, including details of its participation with other elements of the industry, principally the EIA. It indicates it has received many favorable comments pertaining to the desirability of a reference test signal for equipment adjustment from its network affiliated stations. NBC, in light of its experience, believes that such signals provide an important operational tool and recommends that employment of the signals by stations be authorized on a permissive basis in accordance with the suggestions of EIA.

8. Eugene Edward Ostrow opposes allocation of transmission time near the trailing edge of the vertical blanking period for the use of reference test signals on the grounds that to do so would wastefully assign this transmission time which should be held for varied uses of wider scope and thus enable the provision of even higher quality transmission in the future. Details of a method utilizing a "peripheral beam" developed by Ostrow for automatic cueing, control of modulation levels, check and regulation of linear distortion and shading are included with his comments, which could be utilized in the horizontal blanking intervals in preference to confining such use to the vertical blanking interval being considered here. Ostrow urges that the time of the vertical blanking interval be retained in its present form for more beneficial future use. The rules adopted herein place the use of test signals on a permissive basis and hence do not preclude any use of these lines for other purposes.

9. The data and comments filed in this proceeding show that test and reference signals can provide a valuable tool for use by television broadcast stations in aligning and adjusting various components of the transmission system so as to more faithfully transmit the scenes viewed by the TV camera and will facilitate evaluation of the performance of the overall transmission system. Although there was no showing that these signals were intended for use by the general public or that any such use would be made, it was shown that the test signals could be transmitted simultaneously with regular program transmissions without significantly degrading the quality of the program transmission. Since deletion of the signals after they have passed through the entire transmission system might pose difficult technical problems, we find no reason to require such deletion at this time. Furthermore, subsequent developments may lead to the use of test signals as well as cue and control signals which require transmission to perform their functions. Where this can be done without degradation of the picture signals and without creating spurious emissions, we are not disposed to prohibit it by unnecessary restrictions.

10. There was general agreement among the parties commenting in this proceeding that the transmission of test signals should be permissive and not mandatory. It was also agreed that the kinds of test and reference signals which might be used should not be specified nor should test signal standards be established at this time. Although the Commission might find certain of the test signals useful in its monitoring activities, we do not believe that such a requirement should be imposed on all television broadcast stations at this time. The rules adopted herein merely prescribe the area within the vertical interval during which test signals may be transmitted and set forth certain conditions designed to prevent degradation of the program content and minimize potential interference to other stations.

11. *Accordingly, it is ordered,* That effective October 4, 1959, §§ 3.682(a) and 3.699 of the Commission rules governing television broadcast stations are amended as set forth below.

12. Authority for the adoption of the amendments herein is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Adopted: September 9, 1959.

Released: September 11, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 3.682(a) by adding subparagraph (21) as follows:

§ 3.682 Transmission standards and changes.

(a) *Transmission standards.* • • •

(21) The interval beginning with the last 12 microseconds of line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals subject to the conditions set forth below. Test signals may include signals used to supply reference modulation levels so that variations in light intensity of the scene viewed by the camera will be faithfully transmitted; signals designed to check the performance of the overall transmission system or its individual components; and, cue and control signals related to the operation of the television broadcast station. Figures 6 and 7 of § 3.699 identify the numbered lines referred to in this subparagraph.

(i) Modulation of the television transmitter by such test signals shall be confined to the area between the reference white level and the blanking level except where such test signals are composed of chrominance subcarrier frequencies, in which case their negative excursions may extend into the synchronizing peak amplitude. In no case may the modulation excursions produced by test signals extend beyond peak-of-sync level.

(ii) The use of test signals shall not result in significant degradation of the program transmissions of the television broadcast station nor create emission components in excess of those permitted for normal program transmissions.

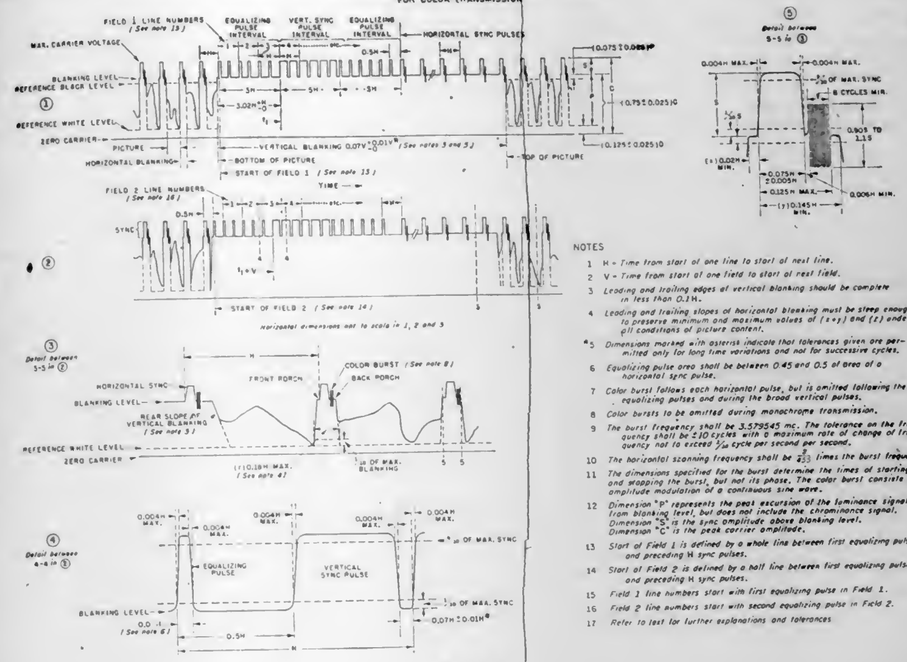
(iii) Test signals may not be transmitted during that portion of each line devoted to horizontal blanking.

(iv) A guard interval of no less than one-half line shall be maintained at all times between the last test signal and the beginning of the first picture scanning line.

§ 3.699 [Amendment]

2. Delete present Figures 6 and 7 and substitute the attached new Figures 6 and 7.

TELEVISION SYNCHRONIZING WAVEFORM
FOR COLOR TRANSMISSION

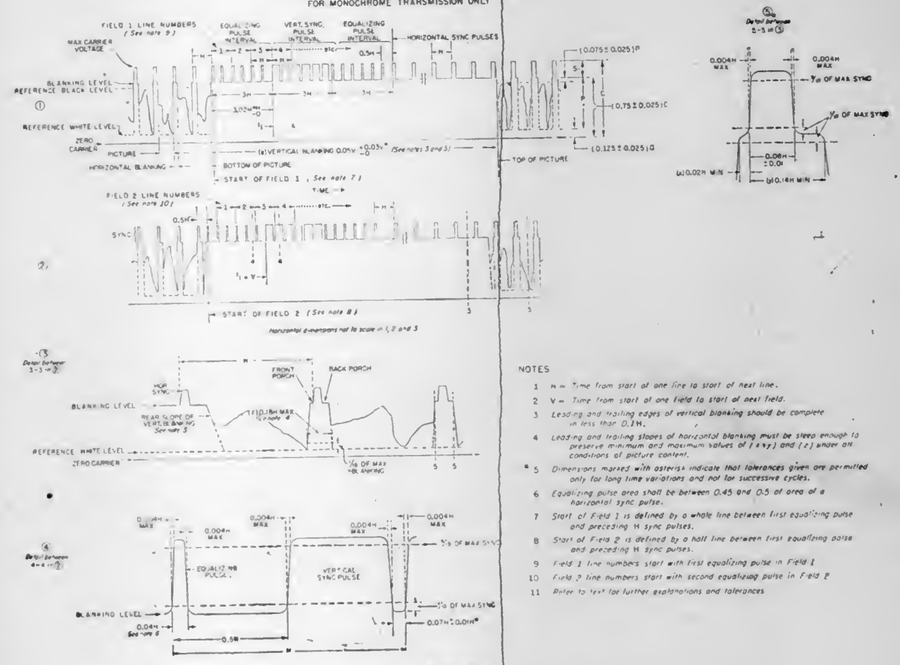


NOTES

1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of [x+y] and [z] under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
7 Color burst follows each horizontal pulse, but is omitted following the equalizing pulses and during the broad vertical pulses.
8 Color bursts to be omitted during monochrome transmission.
9 The burst frequency shall be 3.579545 mc. The tolerance on the frequency shall be ±10 cycles with a maximum rate of change of frequency not to exceed 1/10 cycle per second per second.
10 The horizontal scanning frequency shall be 2/455 times the burst frequency.
11 The dimensions specified for the burst determine the times of starting and stopping the burst, but not its phase. The color burst consists of amplitude modulation of a continuous sine wave.
12 Dimension "P" represents the peak excursion of the luminance signal from blanking level, but does not include the chrominance signal. Dimension "S" is the sync amplitude above blanking level. Dimension "C" is the peak carrier amplitude.
13 Start of Field 1 is defined by a whole line between first equalizing pulse and preceding H sync pulses.
14 Start of Field 2 is defined by a half line between first equalizing pulse and preceding H sync pulses.
15 Field 1 line numbers start with first equalizing pulse in Field 1.
16 Field 2 line numbers start with second equalizing pulse in Field 2.
17 Refer to text for further explanations and tolerances

FIGURE 6

TELEVISION SYNCHRONIZING WAVEFORM
FOR MONOCHROME TRANSMISSION ONLY



NOTES

1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of [x+y] and [z] under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
7 Start of Field 1 is defined by a whole line between first equalizing pulse and preceding H sync pulses.
8 Start of Field 2 is defined by a half line between first equalizing pulse and preceding H sync pulses.
9 Field 1 line numbers start with first equalizing pulse in Field 1.
10 Field 2 line numbers start with second equalizing pulse in Field 2.
11 Refer to text for further explanations and tolerances

FIGURE 7

[F.R. Doc. 59–7711; Filed, Sept. 16, 1959; 8:45 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

Subpart—Malheur National Wildlife Refuge, Oregon

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer by bow and arrow only on the Malheur National Wildlife Refuge, Oregon, would be consistent with the management of the refuge.

The regulations constituting Part 31 are amended by revising § 31.207 to Subpart—Malheur National Wildlife Refuge, Oregon, as follows:

§ 31.207 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer may be taken solely by means of bow and arrow on the hereinafter described lands of the Malheur National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on that portion of the refuge opened to hunting.

(c) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

(d) *Smoking.* Smoking on the refuge is prohibited except on the public campgrounds designated by posting.

(e) *Guns.* The possession or use of firearms is prohibited.

(f) *Dogs.* Dogs are not permitted on the refuge for use in the hunting of deer.

(g) *Camping.* No camping is permitted except at designated campgrounds.

(h) *Fires.* No fires are allowed except at designated campgrounds.

(i) *Season.* Deer may be hunted during the season as determined jointly by the Regional Director of the Bureau of Sport Fisheries and Wildlife and the Oregon State Game Commission.

(j) *Area.* Lands of the United States in the Malheur National Wildlife Refuge lying generally south of Witzel's Lane being the line between sections 10 and 15, T. 30 S., R. 31 E.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) be observed voluntarily, the imminence of the deer hunting season in the State of Oregon makes the publication of advance notice impracticable. In order to meet this emergency, this regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated September 11, 1959.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59-7726; Filed, Sept. 16, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-210-A11-RO1]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held at Oklahoma City, Oklahoma, on July 28, 29, and 30, 1959, pursuant to notice thereof which was published in the FEDERAL REGISTER on July 9, 1959 (24 F.R. 5549) with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Oklahoma Metropolitan marketing area.

The reopened hearing will convene in the Pioneer Room of the Hotel Tulsa, Tulsa, Oklahoma, beginning at 10:00 a.m., on September 22, 1959.

Subjects and issues involved in the hearing. The purpose of the reopened hearing, which has been called on the petition of the Pure Milk Producers Association of Eastern Oklahoma, is to afford interested persons the further opportunity to introduce additional evidence with respect to Issue No. 7 of the original hearing which deals with the "supply-demand adjustment" of the Class I price, particularly with respect to changed economic conditions and the need for emergency action with respect to this issue.

Copies of this notice of the reopening of the hearing and the order may be procured from the Market Administrator, 2570 South Harvard, Tulsa, Oklahoma, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 14th day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-7738; Filed, Sept. 16, 1959; 8:47 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 54931]

AMERICAN MAIL LINE LTD.

Registration of House Flag

SEPTEMBER 14, 1959.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81(a), Customs Regulations (19 CFR 3.81(a)), has registered the house flag of American Mail Line Ltd. described below:

(a) *House flag.* The following description of the house flag is as though viewed from a point at which the hoist appears at the viewer's left. The flag is rectangular in shape. The hoist is 4 feet, the fly is 5½ feet. Superimposed on the center of a medium-light-blue field is a circular insigne 33 inches in diameter which, at the outer radius of 16½ inches, has a black border 3/16 of an inch wide followed by a white band 4⅛ inches wide with the words "American Mail" appearing on the white band at the top of the insigne and the word "Line" appearing in the white band at the bottom of the insigne. The words "American Mail Line" are composed of 3⅛ inch black block letters spaced evenly in the center of the white band. A black border 3/16 of an inch follows the white band and the inside of the circle is a light buff color.

Superimposed on the inner circle is a representation of a rectangular flag having a hoist of 15¾ inches. The flag is divided into five horizontal stripes of equal width. The two outer stripes are medium light-blue in color, the next two inner stripes are white, and the center stripe is red. This flag is shown flying from a white staff edged in black sufficiently to define its shape.

The staff slants toward the hoist about 17 degrees from the vertical and extends into the white band at the upper end. The staff crosses under the white band and the inner and outer 3/16-inch black borders at the bottom of the circle and extends 5¼ inches beyond the outer diameter of the circle into the light blue field.

T.D. 51316, insofar as it relates to the registration of a house flag of the American Mail Line Ltd. is hereby superseded. The registration of the funnel mark contained in T.D. 51316 remains in force.

Colored scale replica drawings of the house flag described above are on file with the Federal Register Division, National Archives and Records Service.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-7734; Filed, Sept. 16, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 60-1]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 8, 1959.

The Acting Secretary, United States Department of Agriculture, has filed an application, Serial No. Oregon 06535, for the withdrawal of the lands described below, subject to valid existing rights, from appropriation under the general mining laws, but excepting the mineral leasing laws.

The applicant desires the land for use by the United States Forest Service as roadside zones to protect and preserve the aesthetic value of the highways through pine timber, development of the natural resources, and provide for road betterment and public safety.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, United States Department of the Interior, 809 Northeast Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

DESCHUTES NATIONAL FOREST

A strip of land 330 feet on each side of the center line of the existing highway and roads through the public land in the following sections:

WILLAMETTE ROAD ZONE

State Highway No. 58

T. 23 S., R. 6 E.,
Sec. 8; Unsurveyed;
Sec. 9; Unsurveyed;
Sec. 10; Unsurveyed;
Sec. 14; Unsurveyed;
Sec. 15; Unsurveyed;
Sec. 16; Unsurveyed;
Sec. 23; Unsurveyed;
Sec. 24; Unsurveyed;
Sec. 25; Unsurveyed;
Sec. 36; Unsurveyed.
T. 24 S., R. 7 E.,
Sec. 6;
Sec. 17;
Sec. 20;
Sec. 21;
Sec. 27;
Sec. 28;
Sec. 34.
T. 25 S., R. 7 E.,
Sec. 11;
Sec. 12;
Sec. 13.
T. 25 S., R. 8 E.,
Sec. 19;
Sec. 29;
Sec. 32;
Sec. 33.
T. 26 S., R. 8 E.,
Sec. 4;
Sec. 9;
Sec. 10. Unsurveyed.

FREMONT ROAD ZONE

State Highway No. 31

T. 23 S., R. 11 E.,
Sec. 31.
T. 24 S., R. 11 E.,
Sec. 6;
Sec. 7;
Sec. 17;
Sec. 18;
Sec. 20;
Sec. 21;
Sec. 27;
Sec. 28;
Sec. 34;
Sec. 35.
T. 25 S., R. 12 E.,
Sec. 3;
Sec. 4;
Sec. 5;
Sec. 6;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 13;
Sec. 14;
Sec. 23;
Sec. 24;
Sec. 25.
T. 25 S., R. 13 E.,
Sec. 30;
Sec. 31.

SANTIAM ROAD ZONE

U.S. Highway No. 20

T. 13 S., R. 7½ E.,
Sec. 24.
T. 13 S., R. 8 E.,
Sec. 19;
Sec. 20;
Sec. 21;
Sec. 23;
Sec. 24;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30.
T. 13 S., R. 9 E.,
Sec. 19;
Sec. 29;
Sec. 30;
Sec. 32;
Sec. 33.
T. 14 S., R. 9 E.,
Sec. 3;
Sec. 4;
Sec. 5;
Sec. 10;
Sec. 11;
Sec. 13;
Sec. 14;
Sec. 24.
T. 14 S., R. 10 E.,
Sec. 19;
Sec. 30;
Sec. 31;
Sec. 32.
T. 15 S., R. 10 E.,
Sec. 5.

MCKENZIE ROAD ZONE

U.S. Highway No. 126

T. 14 S., R. 8 E.,
Sec. 36.
T. 14 S., R. 9 E.,
Sec. 31;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35.
T. 15 S., R. 8 E.,
Sec. 1;
Sec. 2; Unsurveyed;
Sec. 3; Unsurveyed;
Sec. 9; Unsurveyed;
Sec. 10; Unsurveyed;
Sec. 11; Unsurveyed;
Sec. 15; Unsurveyed;
Sec. 16; Unsurveyed;
Sec. 20; Unsurveyed.
T. 15 S., R. 9 E.,
Sec. 1;
Sec. 2;
Sec. 4;
Sec. 5;
Sec. 6.
T. 15 S., R. 10 E.,
Sec. 5;
Sec. 6.

CASCADE LAKES ROAD ZONE

Forest Road No. 46

T. 18, S., R. 8 E.,
Sec. 3;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 12;
Sec. 13;
Sec. 16;
Sec. 20;
Sec. 21;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32.
T. 18 S., R. 9 E.,
Sec. 17;
Sec. 18;
Sec. 20;
Sec. 21;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 36.
T. 18 S., R. 10 E.,
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30;
Sec. 31.

T. 18 S., R. 11 E.,
Sec. 14;
Sec. 15;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 29;
Sec. 30.

The total area is approximately 6,470 acres.

Maps showing the location of the roads are available for inspection in the Land Office, Bureau of Land Management, Portland, Oregon; and in the Forest Service Office, Deschutes National Forest, Bend, Oregon.

RUSSELL G. GETTY,
State Supervisor.

[F.R. Doc. 59-7727; Filed, Sept. 16, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM FOSTER ALLEN

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: William Foster Allen.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 1, 1959.
4. Title of position: Consultant—Ferro Alloys.
5. Name of private employer: Pittsburgh Metallurgical Co., Niagara Falls, New York.

CARLTON HAYWARD,
Director of Personnel.

JULY 31, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Pittsburgh Metallurgical Company.
Bank Deposits.

Dated: September 3, 1959.

WILLIAM FOSTER ALLEN.

[F.R. Doc. 59-7729; Filed, Sept. 16, 1959; 8:46 a.m.]

Office of the Secretary

AL SERAFIN MINETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of September 1, 1959.

Dated: September 1, 1959.

AL SERAFIN MINETTI.

[F.R. Doc. 59-7730; Filed, Sept. 16, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8955]

AEROLINEAS PERUANAS, S.A.

Notice of Hearing

In the matter of the application of Aerolineas Peruanas, S.A., for a foreign air carrier permit.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above reopened matter is assigned to be held on October 19, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., September 11, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-7740; Filed, Sept. 16, 1959; 8:47 a.m.]

[Docket No. 10607]

LAS VEGAS HACIENDA, INC., AND HENRY F. PRICE; ENFORCEMENT PROCEEDING

Notice of Hearing

In the matter of Las Vegas Hacienda, Inc., and Henry F. Price Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that hearing in the above-entitled proceeding is assigned to be held on October 27, 1959 in Los Angeles, California, before Examiner Richard A. Walsh. The time and location of the hearing will be announced later.

Dated at Washington, D.C., September 11, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-7741; Filed, Sept. 16, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1971]

IDAHO POWER CO.

Notice of Modification of Land Withdrawal; Oregon, Idaho

SEPTEMBER 10, 1959.

Conformable to the provisions of the Act of June 10, 1920, as amended, this Commission gave notice on September 2, 1958, of the reservation of approximately 199.46 acres of land of the United States pursuant to the filing, on May 9, 1958, of map—exhibits of the Oxbow-Pallette Junction 230 kv Transmision line, in accordance with Article 45 of the license issued August 8, 1955, to the Idaho Power Company.

The Licensee on April 13, 1959, filed revised map, Exhibit J and K (F.P.C. No. 1971–99), of amended location of aforesaid transmission line, superseding the exhibits which were the basis of the aforesaid withdrawal notice. This exhibit defines the right-of-way as of the latest center line survey, thereby requiring a modification of the previous withdrawal notice to include additional land necessary and to adjust the width of the entire easement from 75 feet to 50 feet on each-side of the center line survey.

Therefore, in accordance with section 24 of the Act of June 10, 1920, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 1971 and are, from the date of filing of revised map exhibit, April 13, 1959, reserved from all forms of disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

All portions of the following described subdivisions lying within 50 feet of the center line survey of the transmission line right-of-way location, as delimited upon revised map designated Exhibit J and K, consolidated, (F.P.C. No. 1971-99), entitled Oxbow-Pallette Junction-Hells Canyon 230 kv Transmission Line, superseding Exhibit J and K, consolidated (F.P.C. No. 1971-65).

WILLAMETTE MERIDIAN, OREGON

T. 4 S., R. 48 E.,
Sec. 31: SW¼SE¼.
T. 5 S., R. 48 E. (Unsurveyed),
Sec. 5: NW¼NE¼, S½NE¼, SE¼;
Sec. 8: E½E½, NW¼NE¼.

BOISE MERIDIAN, IDAHO

T. 19 N., R. 4 W.,
Sec. 17: Lots 4 and 5;
Sec. 20: Lot 2.

The general determination made by the Commission at its meeting of April 17, 1922, with respect to lands reserved for power transmission line purposes only is applicable to these lands. The additional area reserved for this project, by this modification, is approximately 37.60 acres, of which approximately 28.45 acres are within the Wallowa National Forest in the State of Oregon, and 19.15 acres are in the State of Idaho.

Copies of revised map, Exhibit J and K (F.P.C. No. 1971–99) has been transmitted to the Bureau of Land Management, Forest Service, Geological Survey and Bureau of Reclamation.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7721; Filed, Sept. 16, 1959; 8:45 a.m.]

[Docket No. E-6897]

PUGET SOUND POWER & LIGHT CO.

Notice of Application

SEPTEMBER 9, 1959.

Take notice that on August 31, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Puget Sound Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Massachusetts and doing business in the State of Washington with its principal business office at Seattle, Washington, seeking an order authorizing the issuance of $20,000,000 principal amount of First Mortgage Bonds, Series due 1989. Applicant proposes to sell the proposed Bonds at competitive bidding. The aforesaid First Mortgage Bonds are to be dated November 1, 1959, will mature November 1, 1989, and will be issued under Applicant's Indenture of First Mortgage dated as of June 2, 1924, as heretofore supplemented and modified and as to be further supplemented and modified by the Forty-fourth Supplemental Indenture to be dated as of November 1, 1959. The proceeds from the sale of the First Mortgage Bonds will be used, to the extent such proceeds are sufficient, to prepay promissory notes having a maturity date of January 31, 1960, issued to eighteen banks signatory to Applicant's September 8, 1958 Credit Agreement.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of October 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). This application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7722; Filed, Sept. 16, 1959; 8:45 a.m.]

[Docket Nos. G-6622, G-8510]

CROW DRILLING CO., INC.

Notice of Postponement of Hearing

SEPTEMBER 10, 1959.

Upon further consideration of the motion filed June 10, 1959, by Crow Drilling Co., Inc., to vacate orders fixing date of hearing in the above-designated matter;

The hearing now scheduled for September 14, 1959, is hereby postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7723; Filed, Sept. 16, 1959; 8:45 a.m.]

[Docket No. G-16144, etc.]

BOSWELL-FRATES CO. ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 10, 1959.

In the matters of Boswell-Frates Company,[1] Docket No. G-16144; The Pure Oil Company, Docket No. G-16169; Schermerhorn Oil Corporation, Docket No. G-16746; Samedan Oil Corporation Docket No. G-16929; W. J. Riley, d/b/a Banquete Gas Company,[2] Docket No. G-17199; C. C. Winn, Operator, et al.,[3] Docket No. G-17302; Beach & Talbot, Operator, et al.,[4] Docket No. G-17414; Zephyr Oil Company,[5] Docket No. G-17905; Burk Royalty Company, Docket No. G-17907; Mid-Eastern Gas Company, Inc., Docket No. G-17916; Wilcox Oil Company, Docket No. G-17949.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser

G-16144; Caddo Dome Field, Carter County, Oklahoma; Cities Service Gas Company.

G-16169; Caddo Dome Field, Carter County, Oklahoma; Boswell-Frates Company.

G-16746; Caddo Dome Field, Carter County, Oklahoma; Boswell-Frates Company.

G-16929; Caddo Dome Field, Carter County, Oklahoma; Boswell-Frates Company.

G-17199; Spartan Field, San Patricio County, Texas; United Gas Pipe Line Company.

G-17302; Spartan Field, San Patricio County, Texas; W. J. Riley, d/b/a Banquete Gas Company.

G-17414; Caddo Dome Field, Carter County, Oklahoma; Boswell-Frates Company.

G-17905; Waskom Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-17907; Langlie Mattix Field, Lea County, New Mexico; Permian Basin Pipeline Company.

G-17916; Mannington District, Marion County, West Virginia; Hope Natural Gas Company.

G-17949; Acreage in Barber County, Kansas; Cities Service Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[1] Amendment filed October 15, 1958, requests to delete from original application any reference to Applicant's desire to file on behalf of those producers from whom it purchases gas for resale.

[2] Amendment filed August 10, 1959, covers gas purchased by Applicant from Kirkswood & Morgan, Inc., in the Odem Field, San Patricio County, Texas, to United Gas Pipe Line Company for resale in interstate commerce.

[3] C. C. Winn, Operator, is filing for himself and on behalf of the following nonoperators (the percentage of working interest of each shown in the related rate schedule filings): E. G. Burke, Sr., J. J. Nolan, Robert L. Nolan, John J. Nolan, James P. Nolan, Thomas Drilling Corporation, L. L. Woodman and C. A. Nansheim. C. C. Winn is the only signatory seller party to the subject gas sales contract.

[4] Beach & Talbot, Operator, is filing for itself and on behalf of 20 nonoperating owners of working interests in the Nell Pruitt Lease and itself and seventeen nonoperating owners of working interests in the Milton Scott Lease. In each instance the names and percentage of working interest owned by each are listed in the application. Beach & Talbot is the only signatory seller party to the subject gas sales contract.

[5] Zephyr Oil Company, nonoperator, is filing for itself and lists in the application together with the percentage of interest of each the following owners of working interests in the subject gas unit: Arkansas Louisiana Gas Company (Operator and also the Purchaser, which company needs no authorization to take its proportionate share of gas produced), Zephyr Oil Company, C. A. Hinton, Hinton Production Company, Mrs. Elizabeth Chilcoat; Herbert C. Leiter, A. M. Rozeman, M. E. Pollard, W. M. Plaster and Carl Reed. Zephyr Oil Company and W. B. Hinton are the only signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-7724; Filed, Sept. 16, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 14, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35681: *Pulpwood—ACL stations in Alabama and Georgia to points in Alabama and Florida.* Filed by Atlantic Coast Line Railroad Company, Agent (No. 206), for itself. Rates on pulpwood, carloads from stations on the Atlantic Coast Line Railroad Company in Alabama and Georgia to Foley, Fla., also to Dothan, Ala., on traffic destined to Panama City, Fla., and to Chattahoochee, Fla., on traffic destined to Port St. Joe, Fla.

Grounds for relief: Abandonment of a portion of the line of the ACL between Fitzgerald and Kingwood, Ga., under Finance Docket 20097.

Tariff: Supplement 22 to Atlantic Coast Line Railroad Company tariff I.C.C. B–3533.

FSA No. 35682: *Lime—Southern points to Florida.* Filed by O. W. South, Jr., Agent (SFA No. A3839), for interested rail carriers. Rates on lime, carloads, as described in the application from specified producing points in southern territory including Ohio and Mississippi River crossings and points in Virginia to destinations in Florida.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 119 to Southern Freight Association, Agent, tariff I.C.C. 1345.

FSA No. 35683: *Sugar—Southwestern and western points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–7630), for interested rail carriers. Rates on beet or cane sugar, refined, carloads from points in Colorado, Idaho, Louisiana, Oregon, Utah and Wyoming to points in New Mexico and Texas.

Grounds for relief: Market competition at destinations with Sugarland, Tex.

Tariffs: Supplement 46 to Southwestern Lines tariff I.C.C. 4057. Supplement 84 to Southwestern Lines tariff I.C.C. 4088.

FSA No. 35684: *Perlite mix—Socorro, N. Mex., to official territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7631), for interested rail carriers. Rates on perlite mix, carloads, from Socorro, N. Mex., to stations in Connecticut, District of Columbia, Indiana, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 615 to Southwestern Lines tariff I.C.C. 4139, Southwestern Freight Bureau, Agent.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7731; Filed, Sept. 16, 1959; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 16, 1959

S. 994 ..... Public Law 86–276
An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Spokane Valley project, Washington and Idaho, under Federal reclamation laws.

S. 1575 ..... Public Law 86–279
An Act to amend the Act of August 1, 1958, to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources, and for other purposes.

H. J. Res. 19 ..... Public Law 86–277
Joint Resolution to authorize the issuance of a gold medal in honor of the late Professor Robert H. Goddard.

H. J. Res. 493 ..... Public Law 86–278
Joint Resolution making a technical correction in section 5136 of the Revised Statutes (relating to national banks).

H. R. 213 ..... Public Law 86–284
An Act to provide additional time within which certain State agreements under section 218 of the Social Security Act may be modified to secure coverage for nonprofessional school district employees, and to permit the States of California, Kansas, North Dakota, and Vermont to obtain social security coverage, under State agreement, for policemen and firemen in positions covered by a retirement system.

H. R. 839 ..... Public Law 86–281
An Act to approve an order of the Secretary of the Interior adjusting, deferring, and canceling certain irrigation charges against non-Indian-owned lands under the Wapato Indian irrigation project, Washington, and for other purposes.

H. R. 2906 ..... Public Law 86–280
An Act to extend the period for filing claims for credit or refund of overpayments of income taxes arising as a result of renegotiation of Government contracts.

H.R. 2978 ..... Public Law 86–282
An Act to amend section 1870 of title 28, United States Code, to authorize the district courts to allow additional peremptory challenges in civil cases to multiple plaintiffs as well as multiple defendants.

H.R. 6508 ..... Public Law 86–283
An Act to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Montana, to certain Indians, and for other purposes.

H.R. 6579 ..... Public Law 86–286
An Act to amend the Tariff Act of 1930 to provide for the temporary free importation of extracts, decoctions, and preparations of hemlock suitable for use for tanning.

H.R. 6669 ..... Public Law 86–285
An Act to amend the Act of July 14, 1945, to provide that the Louisiana State University and Agricultural and Mechanical College may use certain real property heretofore conveyed to it by the United States for general educational purposes.

H.R. 7571 ..... Public Law 86–288
An Act to amend section 7 of the Act of July 28, 1950 (ch. 503, 64 Stat. 381; 5 U.S.C. 341f), to authorize the Attorney General to acquire land in the vicinity of any Federal penal or correctional institution when considered essential to the protection of the health or safety of the inmates of the institution.

H.R. 8461 ..... Public Law 86–287
An Act to amend the Act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure.

H.R. 8575 ..... Public Law 86–275
An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1960, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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FEDERAL REGISTER

VOLUME 24 NUMBER 183

Washington, Friday, September 18, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 3—THE PRESIDENT

Proclamation 3313

1959 PACIFIC FESTIVAL

By the President of the United States of America

A Proclamation

WHEREAS there is to be held at San Francisco, California, from September 18, 1959, to September 27, 1959, inclusive, an event known as "Pacific Festival Days"; and

WHEREAS the purpose of this festival is to focus attention on the growth and development of cities, States, and nations bordering the Pacific Ocean and thereby to foster mutual understanding and cordial relations among the peoples of these areas; and

WHEREAS the Congress, by a joint resolution approved September 14, 1959, has authorized and requested the President to issue a proclamation inviting foreign nations to participate in the 1959 Pacific Festival; and

WHEREAS participation by both American citizens and foreign nationals in this event is in keeping with our objective of cultivating better relationships among the nations and the peoples of the world; and it may be expected to contribute to the welfare and benefit of all concerned:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign nations as he may consider appropriate to participate in the 1959 Pacific Festival at San Francisco, California, from September 18 to September 27, 1959.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of September in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59–7822; Filed, Sept. 16, 1959; 1:39 p.m.]

Proclamation 3314

SUPPLEMENTING PROCLAMATIONS PROVIDING FOR REGISTRATION UNDER THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT, AS AMENDED

By the President of the United States of America

A Proclamation

WHEREAS under authority vested in him by the Universal Military Training and Service Act (62 Stat. 604), as amended, the President by Proclamations No. 2799 of July 20, 1948, No. 2937 of August 16, 1951, No. 2938 of August 16, 1951, No. 2942 of August 30, 1951, and No. 2972 of April 17, 1952, provided for the registration of male citizens of the United States and of other male persons who are subject to registration under section 3 of the said Act;

WHEREAS certain provisions of each of the aforesaid proclamations refer to or applied to or within the Territories of Alaska and Hawaii; and

WHEREAS the State of Alaska was admitted into the Union on January 3, 1959, and the State of Hawaii was likewise admitted on August 21, 1959:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, in-

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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cluding the Universal Military Training and Service Act, as amended, do proclaim that all of the provisions of the aforesaid proclamations which refer to or applied to or within the Territory of Alaska or the Territory of Hawaii shall, on and after January 3, 1959, the date Alaska was admitted to the Union as a State, and on and after August 21, 1959, the date Hawaii was likewise admitted, refer to or apply to or within the State of Alaska and the State of Hawaii, respectively.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of September in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-7823; Filed, Sept. 16, 1959; 1:39 p.m.]

Executive Order 10838

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 10700,[1] AS AMENDED, PROVIDING FOR THE OPERATIONS COORDINATING BOARD

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is ordered that section 1(b)(1) of Executive Order No. 10700 of February 25, 1957, as amended by Executive Order No. 10773 of July 1, 1958, be, and it is hereby amended to read as follows:

"(1) the Under Secretary of State for Political Affairs, who shall represent the Secretary of State,".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 16, 1959.

[F.R. Doc. 59-7856; Filed, Sept. 17, 1959; 9:40 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 330—FEDERAL PLANT PEST REGULATIONS

Holding of Means of Conveyance Arriving in the United States; Further Postponment of Effective Date

On June 9, 1959, there was published in the FEDERAL REGISTER (24 F.R. 4650) a notice stating that effective at 12:01 a.m., local time, July 1, 1959, means of conveyance subject to the inspection and release requirements of § 330.105(a) of the Federal Plant Pest Regulations (7 CFR, 1958 Supp., 330.105(a)) and arriving at any port of entry outside the regularly assigned hours of duty of the Federal plant quarantine inspector, will be held for such inspection and release, until the regularly assigned hours of duty. The notice also provided for reimbursable inspection and release outside the regularly assigned hours of duty. On July 2, 1959, and August 26, 1959, there were also published in the FEDERAL REGISTER (24 F.R. 5363, 6889) orders successively postponing the effective date of the notice published June 9, 1959, until, respectively, 12:01 a.m., local time, September 1, 1959, and 12:01 a.m., local time, September 20, 1959.

In order to permit a further review of the effects of the notice with representatives of the affected industry, notice is here given that inspection and release will continue to be provided outside the regularly assigned hours of duty as heretofore through October 17, 1959. Therefore, the effective date of the notice published June 9, 1959 is postponed until 12:01 a.m., local time, October 18, 1959.

(Sec. 106, 71 Stat. 33, 64 Stat. 561; 7 U.S.C. 150ee, 5 U.S.C. 576)

Done at Washington, D.C., this 14th day of September 1959.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7786; Filed, Sept. 17, 1959; 8:50 a.m.]

[1] 22 F.R. 1111; 3 CFR, 1957 Supp., p. 60.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Civil Aeronautics Board

Effective upon publication in the FEDERAL REGISTER, paragraph (p) is added to § 6.337 as set out below.

§ 6.337 Civil Aeronautics Board.

* * * * *

(p) The Executive Director of the Board.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7804; Filed, Sept. 17, 1959; 8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraphs (d) (2) and (r) (1) of § 6.302 are amended, the headnote of paragraph (r) is amended, and paragraph (m) (4) is added as set out below.

§ 6.302 Department of State.

* * * * *

(d) *Office of the Assistant Secretary for Public Affairs.* * * *

(2) One Deputy Assistant Secretary.

* * * * *

(m) *Office of the Legal Adviser.* * * *

(4) One Special Assistant to the Legal Adviser.

* * * * *

(r) *Office of the Under Secretary for Political Affairs.* (1) Two Special Assistants and one Confidential Assistant to the Under Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-7805; Filed, Sept. 17, 1959; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER E—PRODUCTION CREDIT SYSTEM

PART 50—PRODUCTION CREDIT ASSOCIATIONS

Financing of Corporations

Pursuant to the authority vested in the Governor of the Farm Credit Administration by section 20 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131d), and as prescribed by the farm credit board of each district with the approval of the Farm Credit Administration pursuant to section 23 of said Act, as amended (12 U.S.C. 1131g), § 50.102 of Title 6 of the Code of Federal Regulations (21 F.R. 10328) is hereby amended to read as follows:

§ 50.102 Corporation.

To be considered a farmer or rancher a corporation must be engaged in actual farming operations or livestock production and must meet one of the following qualifications:

(a) At least 75 percent in value and number of shares of its capital stock must be owned by the individuals personally actually conducting the farming or livestock operations of the corporation; or

(b) The major portion of the assets of the corporation must consist of property actually devoted to farming or livestock production and at least half of its gross income must be derived from such operations.

(Secs. 20, 23, 48 Stat. 259, 261, as amended; 12 U.S.C. 1131d, 1131g)

[SEAL] HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 59-7748; Filed, Sept. 17, 1959; 8:45 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 CCC Cotton Bulletin 2, Amdt. 3]

PART 427—COTTON

Subpart—1959 Cotton Purchase Program Regulations

PREPARATION OF DOCUMENTS

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 24 F.R. 3482, 4876 and 6643 as 1959 CCC Cotton Bulletin 2 and containing the terms and conditions with respect to the 1959 Cotton Purchase Program, are hereby amended to revise the procedure dealing with the time when the Agreement of Warehouseman on the Form SA must be executed by the warehouseman in order to facilitate the disbursement to the producer by the purchasing agency of the purchase price for cotton sold by the producer to CCC under the provisions of this subpart.

Section 427.1062(b) is hereby amended to read as follows:

§ 427.1062 Preparation of documents.

* * * * *

(b) The Purchasing Agency's Certificate on each Form SA tendered for purchase by CCC must be executed by the purchasing agency making the purchase from the producer. The original of Form SA must be signed by the producer, and the copy marked "producer's copy" is to be retained by the producer. Purchase forms must not be signed in blank. All applicable entries, except entries under the Agreement of Warehouseman, must be completed prior to the time the form is signed by the producer and the purchasing agency. If the Agreement of Warehouseman on Form SA is not executed prior to payment of the purchase price, the purchasing agency shall require the producer to pay charges due the warehouseman according to § 427.1066 and, before tendering the purchase documents to CCC, shall present the Form SA, class cards and warehouse receipts to the warehouseman for execution of the Agreement of Warehouseman on Form SA and for stamping of the warehouse receipts to reflect the date through which charges have been paid. The proper status of the producer (i.e., whether landowner, landlord, tenant, or sharecropper) must be shown in the space provided therefor on Form SA and all landowners and landlords must sign the Lienholder's Waiver on such forms whether or not they claim liens unless the landowners and landlords as eligible producers are selling their cotton jointly. Cotton of various grades and staple lengths may be included on one Form SA. All of the cotton on a Sales Agreement must have been ginned at the same gin, must be stored in the same warehouse, and the gin bale number of each bale must be entered in the applicable column of the Schedule of Cotton Sold on the Form SA. Not more than 999 bales shall be included on any one Sales Agreement. When a producer has two or more Choice (A) farms, the cotton produced on different farms shall not be entered on the same Form SA.

Section 427.1068 is hereby amended to read as follows:

§ 427.1068 Manner of payment to producers.

Purchases of cotton under the 1959 Cotton Purchase Program will ordinarily be made by purchasing agencies acting as agents for CCC. In such case, the producers must tender a Cotton Producer's Sales Agreement, together with forms required in § 427.1058, to the purchasing agency not later than April 30, 1960. After completion of the Form SA in accordance with § 427.1062, the purchasing agency will pay the purchase price on behalf of CCC in the manner directed in the Producer's Sales Agreement on such Form SA and will distribute the copies of Form SA in accordance with the provisions of the Purchasing Agency Agreement. A producer may also obtain payments direct from CCC by tendering a properly executed Form SA, together with forms required in §427.1058, to the New Orleans office not later than April 30, 1960. In case payment is to be obtained direct from CCC, the sales documents shall be transmitted to the New Orleans office by the county office of the county in which the producer's farm is located.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1443, 1421)

Issued this 15th day of September, 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-7787; Filed, Sept. 17, 1959; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 118, Amdt. 20-11]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Prerequisites for Issuance of Class or Type Ratings to Private and Commercial Pilots

Section 20.121(b) (1) requires that an applicant for a class or type rating must have made 5 takeoffs and landings as pilot in command and sole manipulator of the controls prior to an appropriate flight test.

The pilot in command portion of this rule imposes a solo flight requirement whenever the aircraft is certificated for operation by a single pilot. Certain pilots have encountered difficulties in obtaining the solo experience required by § 20.121(b) (1) because of the reluctance of aircraft owners to allow their planes to be operated in solo flight by unrated pilots. In the final analysis, the applicant's qualification for the additional rating sought is determined by a demonstration to an FAA Inspector or designated pilot examiner that he can safely fly the aircraft. Consequently, the modification of this technical requirement will not reduce the required level of pilot competency.

This situation can be alleviated by permitting an applicant to satisfy the experience requirements of § 20.121(b) (1) by acquiring the 5 takeoffs and landings as the sole manipulator of the controls, irrespective of whether such is accomplished as the sole occupant of the aircraft or during that period when an appropriately rated pilot is also aboard.

Inasmuch as this amendment will liberalize the experience requirement for a class or type rating and imposes no additional burden on any person, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended as follows:

1. By amending § 20.121(b) (1) to read as follows:

§ 20.121 Additional aircraft ratings.

* * * * *

(b) *Class or type rating.* * * *

(1) Have made at least 5 takeoffs and landings in solo flight or as sole manipulator of the controls when accompanied by a pilot rated for the aircraft for which the class or type rating is sought.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 602, 608, 609, 610, 72 Stat. 752, 775, 779, 780; 49 U.S.C. 1354, 1421, 1422, 1428, 1429, 1430)

Issued in Washington, D.C., on September 11, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 11, 1959.

[F.R. Doc. 59-7749; Filed Sept. 17, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 67; Amdt. 43]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring the incorporation of shroud drains to eliminate the possibility of fuel leakage creating a fire hazard in the air conditioning compartment of Fairchild F-27 aircraft was published in 24 F.R. 5848.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) is amended by adding the following new airworthiness directive:

59-18-5 FAIRCHILD. Applies to all F-27 Series aircraft equipped with the heater system.

Compliance required not later than October 15, 1959.

(a) In order to provide drainage of possible leakage at the heater fuel line fittings, remove three shroud assemblies, P/N 27-774575-1, attached to tube connections at top of heater fuel control, P/N 43C80, and heater P/N 49C65. Modify shroud assemblies by punching one (1) 1/8 inch diameter hole in side of shroud 1 13/64 inches from top.

(b) Remove fuel control drain tube assembly, P/N 27-774554-11 or -51, whichever installed.

(c) On airplanes Nos. 1 to 6 inclusive, drill 5/8 inch diameter hole in bottom fuselage skin between stringers No. 102 and 103, 2 1/2 inches aft of station 731, and install AN 931-6-10 grommet removed from former location of drain line. Install flush skin patch over former drain hole location in accordance with Chapter 51-7 of F-27 Structural Repair Manual.

(d) On all affected airplanes, install new drain tube assembly, P/N 27-774750-11 in place of 27-774554-11 or -51.

(e) Install modified shroud assemblies, using three each new half clamp assemblies, P/N 27-774749-11, half clamp P/N 27-774749-3, bolt P/N AN3-3A, and nuts P/N MS 20365-1032.

(f) Install one each new hose, P/N 27-774094-3 and -5 between heater fuel control shrouds and drain tube, and P/N 27-774094-7 between heater shroud and drain tube, using six new clamps, P/N AN737RM22.

(g) Install two new plates, P/N 27-774749-9, on the heater fuel control unit, and four new clamps, P/N AN742-8, two on the plates at the fuel control unit to support 27-774094-3 and -5 hose and two on the flanges of the fuselage former at stations 730 and 731 to suport 27-774094-7 hose. Use four each new screws P/N AN525-10R6, and nuts P/N MS20365-1032.

(Fairchild F-27 Service Bulletin No. 21-49 dated June 12, 1959, covers this same subject.)

Compliance with AD 59-12-1 no longer required after compliance with this directive.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington D.C., on September 11, 1959.

JAMES T. PYLE,
Acting Administrator.

SEPTEMBER 11, 1959.

[F.R. Doc. 59-7750; Filed, Sept. 17, 1959; 8:45 a.m.]

[Reg. Docket No. 66; Amdt. 27]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Life Rafts (Twin Tube)

A proposed amendment to the Technical Standard Order which establishes minimum performance standards for life rafts used on civil aircraft of the United States, was published in 24 F.R. 5848.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.22 is amended to read as follows:

§ 514.22 Life rafts (twin tube)—TSO-C12b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life rafts (twin tube) which specifically are required to be approved for use on civil aircraft of the United States. New models of life rafts manufactured on or after October 15, 1959, shall meet the standards set forth in the ATA Specification No. 800, "Airline Life Rafts," dated May 1, 1958,[1] with the additional requirements shown in subparagraph (2) of this paragraph. Life raft models approved by the Administrator prior to October 15, 1959, may continued to be used under the provisions of their original approval until they are no longer seaworthy.

(2) *Additional requirements.* The degree of inflation shall be such that the raft will be "rounded-out" (i.e., attain its design shape and approximate di-

[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D.C.

mensions) to be able to receive the first occupant within one minute after the start of inflation. Thereafter, inflation during boarding by the remainder of occupants shall be sufficient to ensure a serviceable and rigid raft.

(b) *Marking.* In lieu of the marking requirements specified by § 514.3, the marking instructions contained in ATA Specification No. 800 shall be acceptable and, in addition, each life raft shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C12b, to identify the life raft as meeting the requirements of this section.

(c) *Data requirements.* (1) One copy each of the manufacturer's operation and inflation instructions, schematic diagrams, and installation procedures shall furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(2) The raft manufacturer must also provide the purchaser with applicable limitations pertaining to installation of rafts on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the raft from performing its intended function and complying with the minimum performance standards under all reasonably foreseeable emergency conditions.

(d) *Effective date.* October 15, 1959.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on September 14, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59–7752; Filed, Sept. 17, 1959; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from August 15, 1959.

Section 230.11 *Descriptive list*, is amended to include a new paragraph (cc) *Thermometric standard cells*, to read as follows:

(cc) *Thermometric standard cells.*

Sample No.	Description	Price per sample
940	Phenol cells	$50
941	Naphthalene cells	50
942	Phthalic anhydride cells	50

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

Dated: September 11, 1959.

[SEAL] R. D. HUNTOON,
Deputy Director, National Bureau of Standards.

Approved:

F. H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 59–7784; Filed, Sept. 17, 1959; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54932]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Miscellaneous Amendments

It has been determined as a result of a study of the procedures and requirements for recording trade-marks and trade names with the Treasury Department that the requirements concerning "related companies" should be eliminated.

Accordingly, Part 11 is amended as follows:

1. Section 11.14(b) is amended by deleting ", or by a related company as defined in section 45 of the Trade-Mark Act of 1946.[15]" found in the last sentence and adding a period following "corporation".

2. Part 11 is amended by inserting a footnote number 15 at the end of the first sentence of § 11.14(a). The text of the footnote shall read:

[15] "(a) It shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trade mark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent Office by a person domiciled in the United States, under the provisions of sections 81–109 of Title 15, and if a copy of the certificate of registration of such trade mark is filed with the Secretary of the Treasury, in the manner provided in section 106 of said Title 15, unless written consent of the owner of such trade mark is produced at the time of making entry.

"(b) Any such merchandise imported into the United States in violation of the provisions of this section shall be subject to seizure and forfeiture for violation of the customs laws.

"(c) Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trade mark and shall be liable for the same damages and profits provided for wrongful use of a trade mark, under the provisions of sections 81–109 of Title 15." (19 U.S.C. 1526.)

3. Part 11 is amended by deleting footnote 17.

4. The citation of authority for § 11.14 is amended to read "(Sec. 42, 60 Stat. 440, sec. 526, 46 Stat. 741; 15 U.S.C. 1124, 19 U.S.C. 1526.)".

5. Section 11.15(a) is amended by deleting "related company or" found in the first sentence.

6. Section 11.16 is amended by deleting "related company or" found in the first sentence.

(Sec. 42, 60 Stat. 440; 15 U.S.C. 1124)

Notice of the issuance of the foregoing amendments was published in the FEDERAL REGISTER on May 1, 1959 (24 F.R. 3513). No arguments against the proposed amendments have been received and the amendments set forth above are hereby adopted.

These amendments shall become effective upon the expiration of 30 days after publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 10, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7780; Filed, Sept. 17, 1959; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Peas; Effective Date of Order Amending Standard of Identity

In the matter of amending the standard of identity for canned peas:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections meeting the requirements set out in section 701(e) of the act were filed to the order published in the FEDERAL REGISTER of July 31, 1959 (24 F.R. 6158). Accordingly, the amendment promulgated by that order is effective on and after September 29, 1959.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 11, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59–7759; Filed, Sept. 17, 1959; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

PART 361—DISTRIBUTION OF UNCIRCULATED COINS FOR COLLECTION PURPOSES

Part 361, Subchapter C, Chapter II, Title 31, of the Code of Federal Regulations of the United States, is hereby revised effective January 1, 1960, to read as follows:

§ 361.0 Distribution of sets of uncirculated coins.

The Treasurer of the United States is authorized to furnish during each calendar year, to persons applying therefor, sets of uncirculated coins minted during the preceding year upon receipt of an amount equal to the face value of the coins included in each set and the charges described below. These sets will consist ordinarily of one of each of the coins, other than commemorative and proof coins, struck at each of the coinage mints during the preceding year. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall prescribe a fee for each set of uncirculated coins, such fee to be based, insofar as practical, upon the estimated direct and indirect cost to the Government of the special work involved in assembling, packaging, handling, arranging for delivery, etc., in supplying sets of uncirculated coins. Each person who applies for sets of uncirculated coins shall pay the postage or other transportation expenses incidental to their delivery and shall deliver to the Treasurer with the application an amount equal to the face value of the coins included in each set, the amount of the handling fee, and the amount of the postage or other transportation expenses incidental to their delivery. No more than eighty sets of uncirculated coins will be furnished for each order, subject to the right of the Treasurer to limit quantities to be furnished any one applicant in order to assure an equitable distribution of the available supply of the coins. The right is reserved to discontinue the sale of sets of uncirculated coins without notice. Further information relative to the distribution of sets of uncirculated coins may be obtained by addressing the Treasurer of the United States, Cash Division, Washington 25, D.C.

(R.S. 161, 65 Stat. 290; 5 U.S.C. 22, 5 U.S.C. 140)

Dated: September 14, 1959.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59–7782; Filed, Sept. 17, 1959; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 716—DEATH GRATUITY

Part 716 is revised to read as follows:

Subpart A—Provisions Applicable to the Navy and the Marine Corps

Sec.
716.1 Principal rule.
716.2 Definitions.
716.3 Special situations.
716.4 Eligible survivors.
716.5 Delegation of authority.
716.6 Death occurring after active service.
716.7 Payment of the death gratuity.
716.8 Payments excluded.
716.9 Erroneous payment.

Subpart B—Provisions Applicable to the Navy

716.10 Procedures.

Subpart C—Provisions Applicable to the Marine Corps

716.11 Procedures.

AUTHORITY: §§ 716.1 to 716.11 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 1(32)(A), 72 Stat. 1452; 10 U.S.C. 1475–1480.

Subpart A—Provisions Applicable to the Navy and the Marine Corps

§ 716.1 Principal rule.

Under Title 10, U.S. Code, section 1475, the Secretary of the Navy shall have a death gratuity paid immediately upon official notification of the death of a member of the naval service who dies while on active duty, active duty for training, or inactive duty training. The death gratuity shall equal six months' basic pay (plus special, incentive, and proficiency pay) at the rate to which the deceased member was entitled on the date of his death but shall not be less than $800 nor more than $3,000. A kind of special pay included is the 25% increase in pay to which a member serving on a naval vessel in foreign waters is entitled under 10 U.S.C. 5540 when retained beyond expiration of enlistment because such retention was essential to the public interest.

§ 716.2 Definitions.

For the purposes of this part, terms are defined as follows:

(a) *Member of the naval service.* This term includes:

(1) A person appointed, enlisted, or inducted into the Regular Navy, Regular Marine Corps, Naval Reserve or Marine Corps Reserve, and includes a midshipman at the United States Naval Academy;

(2) Enlisted members of the Fleet Reserve and Fleet Marine Corps Reserve and retired members;

(3) A member of the Naval Reserve Officers Training Corps when ordered to annual training duty for 14 days or more, and while performing authorized travel to and from that duty; and

(4) Any person while en route to or from, or at a place for final acceptance for entry upon active duty in the naval service who has been ordered or directed to go to that place, and who

(i) Has been provisionally accepted for such duty; or

(ii) Has been selected, under the Universal Military Training and Service Act (50 U.S.C. App. 451 et seq.), for active naval service.

(b) *Active duty.* This term is defined as (1) full-time duty performed by a member of the naval service, other than active duty for training, or (2) as a midshipman at the United States Naval Academy, and (3) authorized travel to or from such duty or service.

(c) *Active duty for training.* Such term means:

(1) Full-time duty performed by a member of a Reserve component of the naval service for training purposes;

(2) Annual training duty performed for a period of 14 days or more by a member of the Naval Reserve Officers Training Corps; and

(3) Authorized travel to or from such duty.

(d) *Inactive-duty training.* Such term is defined as any of the training, instruction, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty performed with or without compensation by a member of a Reserve component prescribed by the Secretary of the Navy pursuant to section 501 of the Career Compensation Act of 1949 (37 U.S.C. 301) or any other provision of law. The term does not include:

(1) Work or study performed by a member of a Reserve component in connection with correspondence courses in which he is enrolled, or

(2) Attendance at an educational institution in an inactive status under the sponsorship of the Navy or Marine Corps.

§ 716.3 Special situations.

(a) *Service without pay.* Any member of a Reserve component who performs active duty, active duty for training, or inactive-duty training without pay shall, for purposes of a death gratuity payment, be considered as being entitled to basic pay while performing such duties.

(b) *Death occurring while traveling to and from active duty for training and inactive-duty training.* Any member of a Reserve component who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive-duty training and who dies from an injury incurred on or after January 1, 1957 while proceeding directly to or directly from such active duty for training or inactive-duty training, shall be deemed to have been on active duty for training or inactive-duty training, as the case may be.

(c) *Hospitalization.* A member of a Reserve component who suffers disability while on active duty, active duty for training, or inactive-duty training, and who is placed in a pay status while he is receiving hospitalization or medical care (including out-patient care) for such disability, shall be deemed, for purposes

of death gratuity payment to have continued on active duty, active duty for training, or inactive-duty training, as the case may be, in the event of his death in such status.

(d) *Discharge or release from a period of active duty.* A person who is discharged or released from active duty (other than for training) is considered to continue on that duty during the period of time required for that person to go to his home by the most direct route. That period may not end before midnight of the day on which the member is discharged or released.

§ 716.4 Eligible survivors.

(a) The death gratuity shall be paid to or for the living survivor or survivors of the deceased member first listed below:

(1) The lawful spouse. (For purpose of this part, a man or woman shall be considered to be the spouse if legally married to the member at the time of the member's death.)

(2) His children (without regard to their age or marital status) in equal shares.

(3) Parent(s), brother(s) or sister(s) or any combination of them, when designated by the deceased member.

(4) Undesignated parents in equal shares.

(5) Undesignated brothers and sisters in equal shares.

In subparagraphs (2), (3) and (4), respectively, of this paragraph, the terms "child" and "parent" have the meanings assigned to them by Title 10, U.S. Code, section 1477 and the term "parents" includes persons in loco parentis as indicated by that section. The terms "brother" and "sister" in subparagraphs (3) and (5) of this paragraph include brothers and sisters of the half blood and those through adoption.

(b) *Designation of payee by service member.* Where the service member has designated a beneficiary and is not survived by a spouse, child, or children, the payment will be made to the specific person designated by him provided the designee falls within the class of beneficiaries permitted as set forth in paragraph (a)(3) of this section. If more than one person is so designated on the Record of Emergency Data, DD Form 93–1 (Rev., Dec. 1, 1956) or subsequent revisions thereof, payment will be made in equal shares unless the member designated a proportionate share to each beneficiary. Frivolous designations, such as one per centum to a particular beneficiary, should not be made.

(c) *Death of survivor prior to receipt of gratuity.* (1) If a survivor dies before receiving payment, or if a designated beneficiary predeceases the member (and there is no other designated beneficiary) such amount shall be paid to the then living survivor or survivors listed first under paragraph (a) of this section.

(2) In case one of the beneficiaries (parents or brothers or sisters) designated by a member, pursuant to paragraph (a)(3) of this section, to receive death gratuity payment dies prior to the member's death, or after his death but prior to the time payment is made, the share which would have been paid to the deceased designee may be paid to the other person or persons designated.

§ 716.5 Delegation of authority.

(a) Pursuant to the authority contained in Title 10, U.S. Code, section 1479, as to deaths described in section 1475 thereof, the Secretary of the Navy has delegated to commanding officers of naval commands, installations, or districts, with respect to naval personnel, and to Marine Corps commanding generals and officers in command of regiments, battalions or equivalent units and of separate or detached commands who have custody of service records, with respect to Marine Corps personnel, authority to certify for the payment of death gratuity the lawful spouse or designated beneficiary(ies) of the deceased service member who was residing with him at or near his place of duty at the time of his death, except in cases in which a doubt may exist as to the identity of the legal beneficiary. Disbursing officers are authorized to make payment of the death gratuity upon receipt of certification from the Commanding Officer.

(b) The Secretary of the Navy has delegated authority to the Chief of Naval Personnel as to naval personnel, and to the Commandant of the Marine Corps (Code DN) as to Marine Corps personnel, the authority to certify the beneficiary(ies) for receipt of payment of death gratuity in all appropriate cases of payment of death gratuity under the Servicemen's and Veterans' Survivor Benefits Act (now reenacted in 10 U.S.C. 1475–1480), including, but not limited to: (1) Cases in which a doubt may exist as to the identity of the legal beneficiary; and (2) cases in which the widow or designated beneficiary(ies) of the deceased service member was not residing with him at or near his place of duty at the time of his death.

§ 716.6 Death occurring after active service.

(a) Under Title 10, U.S. Code, section 1476, the death gratuity will be paid in any case where a member or former member dies on or after January 1, 1957, during the 120-day period which begins on the day following the date of his discharge or release from active duty, active duty for training, on inactive duty training, if the Administrator of Veterans' Affairs determines that

(1) the decedent was discharged or released, as the case may be, from the service under conditions ohter than dishonorable from the last period of the duty or training performed; and

(2) death resulted from disease or injury incurred or aggravated while on such active duty or active duty for training; or while performing authorized travel to or from such duty; or

(3) death resulted from injury incurred or aggravated while on such inactive-duty training or while traveling directly to or from such duty or training.

(b) For purposes of computing the amount of the death gratuity in such instances, the deceased person shall be deemed to be entitled on the date of his death to basic pay (plus any special, incentive and proficiency pay) at the rate to which he was entitled on the last day he performed such active duty, active duty for training, or inactive duty training. A kind of special pay included is a pay increase under 10 U.S.C. 5540; see § 716.1.

(c) The Department of the Navy is precluded from making payment of the death gratuity pending receipt of the determinations described in paragraph (a) of this section. In view of this, commands should insure that the medical records and reports of investigations by fact-finding bodies be submitted to the Navy Department at the earliest possible date. The Veterans' Administration is promptly notified of all deaths of this category reported, and upon the request of that agency all pertinent data is forwarded.

§ 716.7 Payment of the death gratuity.

(a) *Claim certification and voucher for the death gratuity payment.* The Comptroller General of the United States has approved DD Form 397 as the form to be used hereafter for claim certification and voucher for the death gratuity payment.

(b) *Active duty deaths.* To effect immediate payment of death gratuity the following actions will be taken:

(1) The commanding officer will ascertain that the deceased member died while on active duty, active duty for training, or inactive-duty training, and will obtain the name, relationship, and address of the eligible survivor from the Service Record of the deceased. The Record of Emergency Data, DD Form 93–1, will normally contain this information. In addition, in the case of enlisted personnel, the Application for Dependents Allowance (BAQ [Basic Allowance for Quarters]), NAVPERS Form 668, may serve as a source of corroboration. He will, with the cooperation of the disbursing officer, initiate preparation of a Claim Certification and Voucher for Death Gratuity Payment, DD Form 397, in original and five copies, completing blocks 5 through 14 inclusive, and the administrative statement in block 18. The administrative statement in block 18 will be signed by the commanding officer or acting commanding officer.

(2) The disbursing officer will, upon receipt of the DD Form 397, draw a check to the order of the eligible survivor named in block 5, complete blocks 2, 3, 4, and the check payment data portion of block 18.

(3) Under arrangements made by the commanding officer, the check and the original and one copy of the voucher, DD Form 397, will be delivered to the payee. The payee will be required to complete block 15, sign in block 17a, and have two witnesses complete block 17 on the original voucher at the time the check is delivered. Under no circumstances will the check be delivered to the payee until this action has been accomplished. The payee will retain the copy of the voucher, DD Form 397, and the signed original voucher will be returned by hand to the disbursing officer by the person designated to deliver the check.

§ 716.8 Payments excluded.

(a) No payment shall be made if the deceased member suffered death as a result of lawful punishment for a crime or for a military or naval offense, except when death was so inflicted by any hostile force with which the Armed Forces of the United States have engaged in armed conflict.

(b) No payment will be made to a survivor implicated in the homicide of the deceased in the absence of evidence clearly absolving such survivor.

(c) A death gratuity of more than $1,000 must not be paid in whole or in part to a parent as natural guardian of a minor. If a minor is entitled to a death gratuity of more than $1,000 it may be paid only to a legal guardian.

§ 716.9 Erroneous Payment.

Where through administrative mistake of fact or law, payment of the death gratuity is made to a person clearly not entitled thereto, and it is equally clear that another person is entitled to the death gratuity, the Chief of Naval Personnel (Pers–G23) or the Commandant of the Marine Corps (Code DN), as appropriate, will certify payment to the proper payee, irrespective of recovery of the erroneous payment. On the other hand, where a payment of the death gratuity has been made to an individual on the basis of representations of record made by the deceased member as to his marital and dependency status, and the Government otherwise has no information which would give rise to doubt that such status is as represented, the payment is not to be regarded as "erroneous." The Government has a good acquittance in such cases even though it may subsequently develop that the payee is not the proper statutory payee of the gratuity and no second payment is authorized.

Subpart B—Provisions Applicable to the Navy

§ 716.10 Procedures.

(a) *Action by commanding officers.* See § 716.7(b).

(1) *Immediate payment—Eligible beneficiary residing with deceased member.* Commanding officers, in order to expedite the payment of the death gratuity, will, upon official notification of death, ascertain the duty status of the deceased, and determine the eligibility of the spouse or designated beneficiary who was residing with the deceased member on or near his duty station at the time of his death. The services of a staff or district legal officer will be utilized as required. Every effort should be made to effect prompt payment (within 24 hours, if possible). It is the intent that determinations of entitlement by commands in the field will be confined largely to spouses and parents designated by the service member who were living with him at the time of his death.

(2) *Questionable cases.* If entitlement to the death gratuity payment is questionable after seeking advice of the staff or district legal officer, such case will be forwarded promptly to the Chief of Naval Personnel (Pers–G23) with a brief statement relative to the facts which raised the issue of doubt. Every effort will be made to expedite action by a review of the official records of the decedent in the Bureau of Naval Personnel and the Family Allowance Activity at Cleveland, Ohio. Those cases wherein the service member was in a deserter status, absent without leave, or in the custody of civil authorities at the time of death, wherein guardianship must be provided for the protection of the decedent's children, or wherein a technicality exists which makes immediate certification legally unsound, will be considered questionable.

(3) *Exception.* Where the entitlement of the survivor who is living with the deceased at the time of his death is questionable and such survivor is in dire financial circumstances, the Chief of Naval Personnel (Pers–G23) shall be requested by message to make an adjudication of entitlement. If it is determined that the survivor is entitled to the payment, the commanding officer will be authorized by message to execute DD Form 397.

(b) *Action by Casualty Assistance Calls Program (CACP) officers; Potential beneficiary not residing with member*—(1) *Widow.* The CACP officer will, on his initial visit to a widow, obtain execution of the voucher (see § 716.7 (b)(3)) if propriety admits. If the execution of the voucher cannot be obtained on the initial call, then it should be accomplished on the second. The voucher should be forwarded to the Chief of Naval Personnel (Pers–G23) for action. It should be noted that the following procedure is confined to cases where the decedent's eligible survivor for the death gratuity is the widow, in an effort to effect immediate payment in accordance with the intent of the governing statute. The CACP officer, upon learning that a widow, not residing with her husband on or near his duty station, is in urgent need of financial assistance, shall advise the Chief of Naval Personnel (Pers–G23) of the need by message. He shall send a copy of this message to the decedent's duty station, if known. Upon receipt, the disbursing officer will furnish the Navy Finance Center, Cleveland 14, Ohio, the decedent's basic monthly pay (plus any special (see § 716.1), incentive, and proficiency pay) in the event the pay account has not been forwarded already to that center sufficiently early to have reached there. The CACP officer shall send a copy of his message also to the Navy Finance Center with the request that payment of the death gratuity be made upon receipt of the certification of beneficiary entitlement from the Chief of Naval Personnel (Pers–G23).

(2) *Navy Relief.* In cases where there is immediate need prior to receipt of the death gratuity, the Navy Relief Society will be contacted by the Casualty Assistance Calls Program officer.

(c) *Action by the Chief of Naval Personnel.* (1) In all cases where death gratuity is not authorized to be paid locally and in cases where authority exists to pay locally but entitlement is questionable (see paragraph (a)(2) of this section), the Chief of Naval Personnel (Pers-G23) will expedite adjudication of claims. As indicated in paragraph (b)(1) of this section CACP officers will refer cases of urgent financial need to the Chief of Naval Personnel (Pers–G23) by message for action.

(2) If a minor is entitled to a death gratuity under 10 U.S.C. 1477 not exceeding $1,000, such death gratuity may be paid to the father or mother as natural guardian on behalf of the minor, provided a legally appointed guardian has not been appointed, upon substantiation by a sworn (notarized) statement of the natural guardian:

(i) That no legal guardian has been appointed and that such an appointment is not contemplated;

(ii) The relationship of the natural guardian to the minor;

(iii) That the minor is in the actual custody of the natural guardian;

(iv) That an amount paid to the natural guardian will be held for, or applied to, the use and benefit of the minor.

If the death gratuity to which a minor is entitled exceeds $1,000, the appointment of a legal guardian on behalf of the minor is requested. Certification of the minor eligible to receive the death gratuity is made by the Chief of Naval Personnel (Pers–G23) and payment is effected by the Navy Finance Center, Clevelan 14, Ohio, upon issuance of the certificate of settlement by the General Accounting Office.

(d) *Cross-servicing procedure.* Payment of the death gratuity may be made by a disbursing officer who is maintaining the pay record of a member of another service, provided the command to which the member is attached and which maintains his service record is in the immediate vicinity and certificates the beneficiary eligible to receive payment on the proper voucher (DD Form 397). Otherwise the pay record will be sent to the Army Finance Center, Air Force Finance Center, Commandant of the Marine Corps (Code CDB), the Navy Finance Center, or the Commandant, U.S. Coast Guard, as appropriate.

Subpart C—Provisions Applicable to the Marine Corps

§ 716.11 Procedures.

(a) *Action.* Commanding officers will direct immediate payment of the gratuity where the deceased member's spouse was, in fact, residing with the member on or near the station of duty at the time of the member's death while on active duty, active duty for training, or inactive-duty training. Every effort should be made to effect such payment promptly (within 24 hours, if possible). In cases where the eligible survivor residing with the member on or near the duty station is other than a spouse, commanding officers may direct the payment of death gratuity when the case can be properly determined, and an urgent need exists for immediate payment. Proper determination is imperative.

(b) *Qualifications.* (1) Where any doubt exists as to the legal recipient of the gratuity, the case will be referred to the Commandant of the Marine Corps

(Code DN) for determination. See paragraph (c)(3) of this section.

(2) Where a member dies while being regularly paid by a service other than his own, under existing cross-servicing procedures, the death gratuity may be paid by the service having custody of the pay record of the deceased member, but only on the basis of information obtained by message verification from the commanding officer having custody of the service record of the deceased. See paragraph (c)(2) of this section.

(c) *Instructions concerning active duty deaths*—(1) *Ordinary procedure.* See § 716.7(b).

(2) *Procedure for emergency payments for personnel separated from Service Record Books and Officer's Qualification Record.* When the commanding officer having custody of the service record of a deceased member is not located at the station which holds the pay record of the deceased, and the spouse was residing with the member at the latter station at the time of the member's death, immediate payment of the gratuity may be effected in the following manner:

(i) The command holding the pay record will submit a message request to the commanding officer having custody of the service record for authority to pay death gratuity to the spouse, citing Marine Corps Order 1740.5A as the reference.

(ii) Upon verification of the name and relationship of the spouse from the service record of the deceased member, the commanding officer will, by message, direct the payment of death gratuity to the spouse.

(iii) The Commandant of the Marine Corps (Code DN) will be an information addressee on each message submitted in accordance with the instructions in this subparagraph.

(3) *Doubtful cases.* As a rule, the commanding officer's determination of entitlement to the gratuity payment will be confined largely to spouses residing with the member on or near the station. No report for these purposes is required if the spouse or other beneficiary was not residing with the member. Action to effect payment of death gratuity in these cases will be instituted by the Commandant of he Marine Corps (Code DN). However, in those cases where the survivor was residing with the member on or near the station and there is any doubt as to the legal recipient of the gratuity, the commanding officer shall so notify the Commandant of the Marine Corps (Code DN) by message, furnishing the following information:

(i) Name, grade, service number, and component of the deceased member. If reserve, duty status will be included.

(ii) Date, hour, place, and immediate cause of death.

(iii) Rate of pay including any special, incentive and proficiency pays. (See § 716.1.)

(iv) Name, address, and relationship of survivor and/or designated death gratuity beneficiary.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,
Rear Admiral U.S. Navy,
Judge Advocate General of the Navy.

SEPTEMBER 14, 1959.

[F.R. Doc. 59-7806; Filed, Sept. 17, 1959; 8:51 a.m.]

Chapter XVII—Office of Civil and Defense Mobilization

PART 1713—REIMBURSEMENT TOWARD EXPENSES OF STUDENTS ATTENDING OCDM SCHOOLS

Sec.
1713.1 Purpose.
1713.2 Definitions.
1713.3 Request for reimbursement.
1713.4 Conditions of reimbursement.
1713.5 Amount of reimbursement.
1713.6 Approval of reimbursement request.
1713.7 Payment.
1713.8 Advance of Federal funds.
1713.9 Effective date.

AUTHORITY: §§ 1713.1 to 1713.9 issued under secs. 201(e) and 401, Federal Civil Defense Act of 1950, as amended, 50 U.S.C. 2253; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended by Public Law 85-763, 72 Stat. 861; and E.O. 10773 of July 1, 1958, 23 F.R. 5061, as amended by E.O. 10782 of September 6, 1958, 23 F.R. 6971.

§ 1713.1 Purpose.

The regulations in this part prescribe the basic requirements, conditions, and procedures for Federal reimbursement, under section 201(e) of the Federal Civil Defense Act of 1950, as amended, toward expenses of students attending OCDM schools.

§ 1713.2 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *State.* Any of the several States, District of Columbia, or one of the Territories or possessions of the United States, exclusive of the Panama Canal Zone.

(b) *OCDM schools.* Those schools operated by OCDM pursuant to section 201(e) of the Federal Civil Defense Act of 1950, as amended.

(c) *Student.* One who has been approved by OCDM for attendance at an OCDM school course and who registers for that course.

(d) *Student expenses.* Cost of travel from place of residence to an OCDM school and return, and per diem allowances in lieu of subsistence while in travel status and while in attendance at such school, to be reimbursed in accordance with terms and conditions prescribed by the Director, OCDM, and not exceeding the standards or payments prescribed or authorized under Standardized Government Travel Regulations and the Travel Expense Act of 1949, as amended.

(e) *Course.* An organized and directed study of a defined subject offered at an OCDM school and designated by OCDM as acceptable for reimbursement purposes.

§ 1713.3 Request for reimbursement.

A request for Federal reimbursement for student expenses must be made on Form OCDM 175, "Request for Reimbursement for Attendance at OCDM Schools," in accordance with the procedures and criteria outlined in the OCDM Administrative Manual AM25-3, "Federal Reimbursement for Expenses of Students Attending OCDM Schools." The request for reimbursement shall be signed by the applicant and approved by the State civil defense director or such other State official as shall be duly authorized. In the latter case, such officer's authorization shall be on file with OCDM.

§ 1713.4 Conditions of reimbursement.

Reimbursements toward student expenses shall be subject to the following conditions:

(a) The State's approval of an applicant's request for reimbursement by the Federal Government shall constitute a certification by the State (and the political subdivision, if applicable) that the training applied for is necessary for the planned use to be made of the applicant in the civil defense plans for the State or a political subdivision thereof; and that the State (and political subdivision, if applicable) has complied with OCDM regulations, manuals, and other OCDM administrative issuances applicable to this program.

(b) The applicant to whom reimbursement toward student expenses is to be made shall certify, in his application for reimbursement, his agreement to participate to the best of his ability in civil defense activities in accordance with agreements between himself and the State, and, if applicable, between himself and a political subdivision of the State.

(c) No reimbursement shall be made to any student who does not have a satisfactory attendance at the OCDM school course for which reimbursement has been requested and approved.

(d) Prior to making reimbursement, the OCDM shall require that the student take and sign an oath of the character and in the manner provided for in subsection 403(b) of the Federal Civil Defense Act of 1950, as amended.

§ 1713.5 Amount of reimbursement.

Federal reimbursement toward student expenses for each student shall not exceed one-half of the total thereof. Expenses which would otherwise quallify for reimbursement under this program shall, to the extent they qualify for Federal reimbursement under any other program, be ineligible.

§ 1713.6 Approval of reimbursement requests.

(a) If a request for reimbursement is approved by OCDM, the State approving the request and the applicant shall be so notified by OCDM.

(b) If a request for reimbursement is disapproved by OCDM, the request shall be returned to the State approving the request with a brief statement of the reason for such disapproval.

§ 1713.7 Payment.

(a) Any Federal reimbursement toward student expenses is to be made to the student shown on the request approved by the State and by OCDM.

(b) When attendance requirement has been met by a student approved for reimbursement of expenses, OCDM shall make payment to him either in cash or by check drawn against the Treasury of the United States; such payment shall be based on receipt of proper billing to OCDM submitted by the student.

§ 1713.8 Advance of Federal funds.

No advance of Federal funds will be made for reimbursement toward student expenses.

§ 1713.9 Effective date.

The regulations in this part shall become effective upon publication in the FEDERAL REGISTER and shall terminate not later than June 30, 1964.

Dated: September 15, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-7778; Filed, Sept. 17, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER U—STATE AND RAILROAD GRANTS

[Circular 2024]

PART 270—STATE GRANTS FOR EDUCATIONAL, INSTITUTIONAL, AND PARK PURPOSES

Indemnity Selections; Quantity and Special Grant Selections

On pages 2834 and 2835 of the FEDERAL REGISTER of April 14, 1959, there was published a notice of proposed rule making to revise the regulations relating to land grants to States other than Alaska. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No objections have been received, but comments submitted indicate that:

1. Subparagraph (3) of paragraph (c) of § 270.3 should be revised to read "(3) A statement describing the mineral or nonmineral character of each smallest legal subdivision of the base and selected lands." and

2. That portion of paragraph (b) of § 270.9 which reads "by a qualified party, having personal knowledge of the land, testifying to the nonmineral character of the selected lands;" should be revised to read "testifying to the nonmineral character of each smallest legal subdivision of the selected land;."

The proposed regulations are hereby adopted with the above-mentioned revisions and are set forth below. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 11, 1959.

[F.R. Doc. 59-7761; Filed, Sept. 17, 1959; 8:47 a.m.]

Sections 270.1 through 270.22a are revoked and the following issued in lieu thereof:

INDEMNITY SELECTIONS

§ 270.1 Statutory authority.

(a) Sections 2275 and 2276 of the Revised Statutes, as amended August 27, 1958 (43 U.S.C. 851, 852), referred to in §§ 270.1 to 270.6 as "the law," authorize the public land States except Alaska to select lands of equal acreage within their boundaries as indemnity for grant lands in place lost to the States because of appropriation prior to survey or because of natural deficiencies resulting from such causes as fractional sections and fractional townships.

(b) The law provides that idemnity for lands lost because of natural deficiencies will be selected from the unappropriated, nonmineral, surveyed public lands, and that indemnity for lands lost because of appropriation prior to survey will be selected from the unappropriated, surveyed public lands subject to the following restrictions:

(1) No lands mineral in character may be selected except to the extent that the selection is made as indemnity for mineral lands.

(2) No lands on a known geologic structure of a producing oil or gas field may be selected except to the extent that the selection is made as indemnity for lands on such a structure.

(c) The law also provides that lands subject to a mineral lease or permit may be selected, but only if the lands are otherwise available for selection, if all the lands subject to that lease or permit are selected, and if none of the lands subject to that lease or permit are in a producing or producible status. It permits the selection of lands withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur and lands withdrawn by Executive Order No. 5327 of April 15, 1930, if such lands are otherwise available for, and subject to, selection, provided that, except where the base lands are mineral in character, such minerals are reserved to the United States in accordance with and subject to the regulations in Part 102 of this chapter. Except for the withdrawals mentioned in this paragraph and for lands subject to classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315f), as amended, the law does not permit the selection of withdrawn or reserved lands.

(d) The law further provides that upon the revocation not later than 10 years after August 27, 1958, of any order of withdrawal, in whole or in part, the order or notice taking such action shall provide for a period of not less than six months before the date on which it otherwise becomes effective in which the State in which the lands are situated shall have a preferred right of application for selection under the law, except as against prior existing valid settlement and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended, or as against equitable claims subject to allowance and confirmation, and except where a revocation of an order of withdrawal is made in order to assist in a Federal land program.

(e) Subsection (b) of the section 2276 of the Revised Statutes, as amended, sets forth the principles of adjustment where selections are made to compensate for deficiencies of school lands in fractional townships.

§ 270.2 Waiver of State preference right of application.

Where the proper selecting agent of the State files in writing in the appropriate land office a waiver of the preference provisions of paragraph (d) of § 270.1 in connection with the proposed revocation of an order of withdrawal, the order or notice effecting such revocation will not provide for such preference.

§ 270.3 Applications for selection.

(a) An application for selection will be considered as a petition for classification of the land under section 7 of the Taylor Grazing Act, as amended, in the manner prescribed by Part 296 of this chapter.

(b) Applications for selection of lands under the law will be made by the proper selecting agent of the State and will be filed, in duplicate, in the proper land office in the State or for lands in a State in which there is no land office, will be filed with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota shall be filed in the land office at Billings, Montana, applications for lands in Kansas or Nebraska shall be filed in the land office at Cheyenne, Wyoming, and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

(c) No special form of application is required but it must be typewritten and must contain, or be accompanied by, the following information:

(1) A reference to the Act of August 27, 1958 (72 Stat. 928).

(2) A certificate by the selecting agent showing

(i) That the selection is made under and pursuant to the laws of the State.

(ii) His official title and his authority to make the selection in behalf of the State.

(iii) That no portion of the selected land is occupied for any purpose by the United States and that the land is unoccupied, unimproved, and unappropriated by any person claiming the land other than the applicant.

(iv) All facts relative to medicinal or hot springs or other waters upon the selected lands.

(v) That indemnity has not been previously granted for the assigned base lands and that no other selection is pending for such assigned base.

(3) A statement describing the mineral or nonmineral character of each smallest legal subdivision of the base and selected lands.

(4) A certificate by the officer or officers charged with the care and disposal of school lands that no instrument purporting to convey, or in any way incumber, the title to any of the land used as base or bases, has been issued by the State or its agents.

(d) In addition to the requirements of paragraph (c) of this section, applications for selection must conform with the following rules:

(1) The selected and base lands must be described in accordance with the official plats of survey except that unsurveyed base lands will be described in terms of their probable legal description, if and when surveyed in accordance with the rectangular system of surveys.

(2) The selection in any one application must not exceed 640 acres.

(3) Separate base or bases must be assigned to each smallest legal subdivision of selected land and such base or bases must correspond in area with each subdivision. A portion of a smallest actual or probable legal subdivision may be assigned as base but such assignment is an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance may be used as base for future selections.

(4) The cause of loss of the base lands to the State must be specifically stated for each separate base.

(e) Applications for selection must be accompanied by a fee of $2 for each 160 acres, or fraction thereof, except that applications by the States of Arizona and New Mexico must be accompanied by a fee of $1 for each 160 acres, or fraction thereof. The fee will be retained by the Government only to the extent that the selections are approved.

§ 270.4 Publication and protests.

(a) The State will be required to publish once a week for five consecutive weeks in accordance with § 106.14 of this chapter, at its own expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of a certification to the State for lands selected under the law. A protestant must serve on the State a copy of the objections and furnish evidence of service to the appropriate land office.

(b) The State must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 270.5 Certifications; mineral leases and permits.

(a) Certifications will be issued for all selections approved under the law by the authorized officer of the Bureau of Land Management.

(b) Where lands subject to a mineral lease or permit are certified to a State, the State shall succeed to the position of the United States thereunder.

§ 270.6 Appeals.

An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of the authorized officer of the Bureau of Land Management.

QUANTITY AND SPECIAL GRANT SELECTIONS

§ 270.7 Scope of regulations.

Sections 270.7 to 270.9 apply generally to quantity and special grants made to States other than Alaska.

§ 270.8 Lands subject to selection.

Selections made in satisfaction of quantity and special grants can generally be made only from the vacant, unappropriated, nonmineral, surveyed public lands within the State to which the grant was made. If the lands are otherwise available for selection, the States may select lands which are withdrawn, classified, or reported as valuable for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, sodium, or sulphur, provided that the appropriate minerals are reserved to the United States in accordance with and subject to the regulations of Part 102 of this chapter.

§ 270.9 Applicable regulations.

The regulations in §§ 270.3 to 270.6 apply to quantity and special grants with the following exceptions and modifications:

(a) Section 270.5(b) and §§ 270.3(c)(4), 270.3(d)(3), and 270.3(d)(4), and all references to base lands, do not apply.

(b) Section 270.3(c)(1) is modified to require reference to the appropriate granting act; § 270.3(c)(3) is modified to require a statement testifying to the nonmineral character of each smallest legal subdivision of the selected land; § 270.3(d)(2) is modified to permit as much of 6,400 acres in a single selection; § 270.3(e) is modified to be consistent with § 216.14 of this chapter; and § 270.3(c)(2)(v) is modified to require a certificate that the selection and those pending, together with those approved, do not exceed the total amount granted for the stated purpose of the grant.

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1978]

[Idaho 010254]

IDAHO

Reserving Lands for Use of the Bureau of Land Management for the Malad Radio Repeater Station

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Bureau of Land Management, Department of the Interior, for a radio receiving and transmitting station:

BOISE MERIDIAN

T. 14 S., R. 34 E.,
Sec. 23, S½SW¼NE¼SW¼.

The tract described contains five acres.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1959.

[F.R. Doc. 59–7763; Filed, Sept. 17, 1959; 8:47 a.m.]

[Public Land Order 1979]

[661403]

COLORADO

Partially Revoking Stock Drivaway Withdrawals Nos. 2 and 8

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental orders of October 9, 1917, and January 29, 1918, which established Stock Drivaway Withdrawals Nos. 2 and 8, are hereby revoked so far as they effect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

STOCK DRIVAWAY WITHDRAWAL NO. 8

Pike National Forest

T. 11 S., R. 78 W.,
Sec. 3, lot 1;
Sec. 14, SW¼SW¼;
Sec. 15, S½S½.
Totaling 236.10 acres.

San Isabel National Forest

T. 12 S., R. 79 W.,
Sec. 21, S½.
Totaling 320 acres.

NEW MEXICO PRINCIPAL MERIDIAN

STOCK DRIVAWAY WITHDRAWAL NO. 2

Rio Grande National Forest

T. 39 N., R. 4 E.,
Sec. 4, lot 10, SE¼SE¼.
T. 42 N., R. 5 E.,
Sec. 21, N½, N½S½;
Sec. 22, NW¼, W½NE¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 25, S½;
Sec. 26, W½, SE¼;
Sec. 27, N½NE¼.
T. 38 N., R. 6 E.,
Sec. 21, E½SW¼, and SE¼.
T. 41 N., R. 6 E.,
Sec. 4, lots 7, 8, 9, 10, SW¼NE¼, and SE¼NW¼;
Sec. 5, lots 1, 2, 3, SE¼NW¼, S½NE¼, and N½SE¼.
T. 42 N., R. 6 E.,
Sec. 31, lots 5, 6, 7, 8, 9, SW¼NE¼, E½NE¼;
Sec. 32, W½, W½E½.
T. 44 N., R. 6 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½;
Sec. 4, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, E½SE¼;
Sec. 8, SW¼SE¼, E½SE¼;
Sec. 9, NW¼SW¼, NW¼;
Sec. 12, All;
Sec. 13, All;
Sec. 24, All.
T. 46 N., R. SE.,
Sec. 1, S½N½.
Totaling 6,634.12 acres.

The areas withdrawn by this order aggregate 7,190.22 acres.

The SW¼NE¼ and SE¼NW¼ of sec. 4, T. 41 N., R. 6 E., has been patented.

At 10:00 a.m. on October 17, 1959, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

They have been open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35, 185.36.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1959.

[F.R. Doc. 59–7764; Filed, Sept. 17, 1959; 8:47 a.m.]

[Public Land Order 1980]

[Fairbanks 023026]

ALASKA

Reserving Lands for Use of the Forest Service for Research Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture as the Shaw Creek Experimental Area in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U.S.C. 581, 581a–581k), as amended:

FAIRBANKS MERIDIAN

T. 7 S., R. SE.,
sec. 27, S½SE¼SE¼;
sec. 34, N½NE¼NE¼.

The areas described contain 40 acres.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1959.

[F.R. Doc. 59–7765; Filed, Sept. 17, 1959; 8:47 a.m.]

[Public Land Order 1981]

[82516]

OREGON

Power Site Restoration No. 541 Partially Revoking the Executive Order of March 17, 1913, Which Created Power Site Reserve No. 344

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of March 17, 1913, which created Power Site Reserve No. 344, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 32 S., R. 32½E.
Sec. 8, SE¼SW¼;
Sec. 17, E½W½;
Sec. 18, NE¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, NW¼NE¼, SE¼NE¼, NE¼NW¼, SW¼NW¼, E½SW¼, and E½SE¼;
Sec. 28, NW¼NW¼, SE¼NW¼, and W½SW¼;
Sec. 29, NW¼NE¼ and S½NE¼.

The areas described aggregate 880 acres.

2. The State of Oregon has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). It has also waived its preference rights under the act of May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

3. The land lies in southern Harney County, Oregon, approximately 61 miles south of Burns, Oregon. The soil is a coarse sandy loam, with some clay along the river, and is freely mixed with rock and gravel with frequent outcrops of solid rock. Vegetation consists of big sagebrush, western juniper, willow, cottonwood, cheat grass, perennial grasses and forbs.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

(1) Applications under the Homestead, Desert Land and Small Tract Laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on October 17, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 12, 1959, will be governed by the time of filing.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on December 12, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under subparagraphs (1) and (2) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

5. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROYCE A. HARDY,
Assistant Secretary of the Interior.

SEPTEMBER 11, 1959.

[F.R. Doc. 59–7766; Filed, Sept. 17, 1959; 8:47 a.m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 404—COLUMBIA BASIN PROJECT, WASHINGTON

PART 412—PROCEDURES FOR DETERMINING ELIGIBILITY TO RECEIVE WATER, COLUMBIA BASIN PROJECT, WASHINGTON

EDITORIAL NOTE: 1. The heading of Part 404 is changed to read as set forth above, and §§ 404.1 to 404.15 are designated "Subpart A—Delivery of Water."

2. Part 412, appearing at 24 F.R. 6343 (F.R. Doc. 59–6506) is redesignated "Subpart B—Procedures for Determining Eligibility to Receive Water" of Part 404. Section 412.1 is deleted, and §§ 412.2 to 412.23 are redesignated §§ 404.21 to 404.42, respectively.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 202]

RIGHTS-OF-WAY FOR PIPE LINES ON THE OUTER CONTINENTAL SHELF

Miscellaneous Amendments

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 5 of the Act of August 7, 1953 (67 Stat. 464; 43 U.S.C. 1334), it is proposed to amend 43 CFR 202.5 and 202.6 (b) and (d), as set forth below. The purpose of these amendments is to provide for the granting of rights-of-way for pipe lines which invade or cross prior granted pipe line rights-of-way without the consent of the prior right-of-way holders.

The proposed amendments relate to matters which are exempt from the rule making requirements of the Administra-

tive Procedures Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 11, 1959.

1. Section 202.5 is amended to read as follows:

§ 202.5 Consent of or notice to lessee or right-of-way holder of area crossed or invaded by right-of-way.

An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than his own and must submit with his application either the written consent of each lessee or right-of-way holder whose lease or right-of-way is so affected or a statement that he has delivered to each lessee or right-of-way holder whose lease or right-of-way is so affected personally or by registered or certified mail a copy of the application and map. If the statement is filed no final action will be taken on the right-of-way application until 15 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against granting of the right-of-way.

2. Paragraphs (b) and (d) of § 202.6 are amended to read as follows:

§ 202.6 Terms and conditions.

* * * * *

(b) To pay the United States or its lessees or right-of-way holders, as the case may be, the full value for all damages to the property of the United States or its said lessees or right-of-way holders, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

* * * * * *

(d) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees or other right-of-way holders of any part of the right-of-way not actually occupied or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights.

[F.R. Doc. 59-7762; Filed, Sept. 17, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1027]

[Docket No. AO-312]

MILK IN THE UPPER CHESAPEAKE BAY, MARYLAND, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Upper Chesapeake Bay, Maryland, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Baltimore, Maryland on February 2–13 and March 9–13, 1959, pursuant to notice thereof which was issued January 14, 1959 (24 F.R. 428). The period until May 25, 1959 was allowed interested parties for the filing of briefs on the record.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) The distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

Character of commerce. The handling of milk in the Upper Chesapeake Bay marketing area (concluded to be a more appropriate name for the marketing area than the name "Baltimore" proposed) is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in the handling of milk and its products.

The production area for the proposed marketing area is largely coextensive with that for the Washington, D.C., market and overlaps that for the Philadelphia, Pennsylvania, New York-New Jersey, and Wilmington, Delaware Federal order markets as well as that for a number of local Pennsylvania markets. Of the 2,457 farms holding permits to supply milk for the city of Baltimore in the month of December 1958, 143 were located outside the State of Maryland. Fifty-three of these farms were in the Commonwealth of Pennsylvania, 66 in the State of West Virginia, 23 in the State of Virginia and one in the State of Delaware.

Dealers operating in the local market receive large quantities of fluid cream and condensed milk from plants located outside the State of Maryland. As of December 1958, 41 out-of-State plants held current permits to ship milk or milk products into the State of Maryland.

It is not possible to determine from the record the specific products which are moved from each of such plants. However, it is apparent that the permits are not restricted. While the principal product has been fluid cream, shipments of whole milk and other products have been made. In addition sour cream, cottage cheese, ice cream and ice cream mixes are regularly disposed of in the local market from out-of-State plants.

Several of the larger dealers doing the principal part of their business in the proposed marketing area operate retail routes extending into the State of Pennsylvania where they regularly compete with dealers whose plants are located in Pennsylvania. A number of Pennsylvania dealers with plants located in Lancaster or York Counties, some of whom receive milk from both Pennsylvania and Maryland farms, operate retail and wholesale routes in the proposed marketing area in direct competition with local Maryland dealers and dealers whose plants are located in the city of Baltimore. In other parts of the proposed marketing area, handlers regulated under the Wilmington, Delaware, order purchase milk from both Delaware and Maryland dairy farmers and operate routes in competition with local Maryland and Baltimore City dealers. Baltimore City dealers also distribute milk in other parts of the Eastern Shore portion of the proposed marketing area, directly or through subdealers, on routes in competition with local Maryland dealers and dealers whose plants are located in the southern portion of the State of Delaware. Baltimore City dealers distribute milk in parts of the proposed marketing area and outside of the proposed marketing area in direct competition with handlers regulated under the Washington, D.C., marketing order.

From time to time, contract sales to Government installations in the proposed marketing area are made from Pennsylvania and New Jersey plants.

Baltimore and local Maryland dealers regularly compete with out-of-State dealers in bidding to supply such outlets. During 1958 one Baltimore dealer disposed of more than four million pounds of fluid milk under contract to the Dover Air Force Base at Dover, Delaware.

The Maryland Cooperative Milk Producers, Inc., representing the majority of dairy farmers supplying Baltimore City dealers, moves its members' milk from plant to plant as needed. Milk not needed for local fluid consumption is disposed of to out-of-State points, particularly in New Jersey, for fluid disposition or is moved to local plants for manufacturing uses. Products processed at such plants are disposed of on the national market in direct competition with similar products from all parts of the country.

From the foregoing it is concluded that the handling of all milk in the proposed marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and its products.

Need for an order. Marketing conditions in the Upper Chesapeake Bay marketing area justify the issuance of a marketing agreement and order.

The Maryland Cooperative Milk Producers, Inc., has been in existence since 1918 and represents a majority of the dairy farmers regularly supplying the market. The cooperative markets milk on a classified use basis, pools the proceeds therefrom and returns a blend price to its member producers.

During World War II and the immediate postwar years the milk supplied by dairy farmers in the local milkshed was insufficient to meet the fluid needs of the market. This condition generally persisted until 1953. Through 1949 the Class I price established by the cooperative and the blend price returned to its members were virtually identical with the result that all dealers, whether buying from the cooperative on a classified use basis or from independent producers on a flat price related to the cooperative's blend price, paid about the same price for milk for fluid uses. Since 1949 the spread between the cooperative's Class I price and blend price has substantially widened.

While no handler in the market receives his entire supply of milk through the cooperative, four or five of the ten Baltimore City handlers have regularly purchased a very large proportion of their fluid needs from the cooperative. Other handlers buying primarily from independent producers purchase supplemental milk from the cooperative on a spot basis.

As the spread between the cooperative's Class I price and blend price has increased, handlers who regularly purchase the bulk of their milk through the cooperative have found themselves at a substantial competitive disadvantage with handlers purchasing primarily from independent producers at prices reflecting the cooperative's blend price. In an effort to reach a more equitable position in relation to the dealers purchasing on a flat price basis, association buyers have attempted to replace their classified purchases with milk purchased from independent producers or from other sources.

In 1954, one Baltimore dealer shifted approximately 120 dairy farmers with an average daily production of about 9,000 gallons from the Washington to the Baltimore market with no significant addition of Class I sales. These dairymen were paid on a flat price basis which, while higher than the cooperative's blend price, did not reflect the full use value of the milk. To the extent that this milk displaced milk previously supplied by the cooperative in Class I use it increased the divergence between the Class I and blend price and placed further pressures on competing handlers to acquire greater volumes of milk for bottling needs at less than classified prices. Several months later an additional 3,000 gallons of milk per day was made available to the market on a flat price basis and dealers began a concerted effort to induce cooperative members to leave the association. The difference between the association's Class I and blend price, which in 1953 averaged $0.91, increased to $1.07 in 1955.

On April 1, 1956 a Baltimore dealer contracted for his milk supply with a Greencastle, Pennsylvania, plant operator receiving milk from approximately 200 dairy farmers. The increasing volumes of purchases by Baltimore dealers on a flat price basis from sources other than the cooperative have resulted in substantial loss of Class I sales by the cooperative and hence lower returns to its member producers. Since milk from non-association sources is purchased at prices related to the association blend, a reduction in returns to the cooperative members reflects a reduction in returns to all producers.

In 1956 the association requested a hearing to consider a Federal order for the market. The hearing in this matter was held in the latter part of 1956. Following the hearing and effective February 1957, nine of the ten Baltimore dealers accepted the "Terms of Sale" offered by the association and the association accordingly withdrew its request for an order, anticipating that market stability then could be reestablished without the assistance of a Federal order. As a result of these negotiations the Greencastle, Pennsylvania, supply was withdrawn from the market.

The "Terms of Sales" effected in February 1957, expired in April of 1958 and dealers renewed their efforts to buy independent milk. In September 1958, the largest Baltimore dealer closed his manufacturing plant and initiated a drive for independent producers offering a flat price of 11 cents over the cooperative blend price. Other dealers also increased their procurement from other than cooperative sources. The buying advantage enjoyed by flat price purchasers has placed the association at an ever-increasing competitive disadvantage in marketing its members' milk on a classified use basis and has substantially increased its percentage of milk disposed of for other than Class I use. By February 1959 almost 30 percent of the fluid sales of the ten Baltimore dealers represented procurement from independent producers as compared to only 12 percent as late as 1950.

In an effort to preserve its established Class I outlets, the Maryland Cooperative Milk Producers, Inc. has priced milk to its buyers at prices calculated to meet the competition from the flat price buyers in their regular trade and the competition from outside dealers on contract business for Government installations. At the time of the hearing at least four different Class I prices were applicable to the same quality milk. Notwithstanding, the cooperative has not been able to maintain its Class I outlets in the market and as a result an ever-increasing proportion of its milk has been disposed of for other than fluid uses.

The close interrelationship of the Upper Chesapeake Bay, Washington and Philadelphia milksheds clearly indicates the necessity for price alignment between markets. Any substantial price disparity will result in a loss of producers to the higher priced markets and will seriously jeopardize the maintenance of an adequate milk supply for the Upper Chesapeake Bay market. During the latter part of 1958, a Philadelphia handler solicited cooperative members and independent producers on this market and producers on the Washington market, all located in the Eastern Shore area, and developed a tank route for Philadelphia. Most of this route was comprised of former Baltimore shippers. Another Philadelphia handler developed a tank route from the Washington-Frederick County Maryland portion of the milkshed.

It is concluded that the issuance of a marketing agreement and order for the Upper Chesapeake Bay marketing area is necessary to re-establish market stability and assure a continuing adequate supply of pure and wholesome milk for the market. Such order will tend to effectuate the declared policy of the Act. The adoption of a classified pricing plan on a marketwide basis, based on audited utilization of handlers will provide a uniform system of pricing milk to all handlers and will insure a fair and equitable return to all producers. Public hearing procedure as required by the Agricultural Marketing Agreement Act will assure full opportunity for representation of all interested parties in presenting information on marketing conditions and participating in the determination of prices for milk for the marketing area.

Marketing area. The marketing area as herein proposed includes all of the territory in the city of Baltimore, the town of Laurel in Prince Georges County, the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester and the northern portion of Calvert County, all in the State of Maryland, together with all piers, docks and wharves connected therewith and including all territory which is occupied by Government (municipal, State or Federal) installations, institutions or other establishments.

The maximum area of regulation as set forth in the proposals contained in the hearing notice included, in addition

to the area herein proposed, the northern portion of Frederick County, Camp Ritchie in Washington County, the southern portion of Calvert County and a substantial portion of Prince Georges County.

The area as herein proposed is slightly in excess of 5,500 square miles in size and according to the 1950 census had a total population of more than 1,600,000 including 900,000 within the city limits of Baltimore. Maryland State Planning Commission population estimates forecast a population growth in the area to slightly in excess of 2,000,000 persons in 1960. These figures exclude a very substantial influx of temporary residents to the shore areas during the summer recreation months.

Milk for the marketing area as herein proposed is produced under the applicable health regulations of the city of Baltimore, the State of Maryland or the city of Frederick. Milk produced under inspection of the Baltimore City health department is sold throughout the area since it is acceptable under all of the applicable ordinances. Milk produced under State or local health inspections, while generally of similar quality, apparently cannot be distributed in the city of Baltimore.

While no route distribution is made within Baltimore City from plants located outside the city, the entire proposed area outside the city is served generally by Baltimore dealers in competition with local and/or out-of-State dealers. Two of the larger dealers operating within the city also operate routes directly or through subdealers throughout the proposed area. A third Baltimore dealer also distributes throughout the area, from routes originating at his Baltimore plant or from the Salisbury plant of a subsidiary corporation, milk for which is supplied in either packaged or bulk form from his Baltimore bottling plant or his Westminster (Baltimore approved) supply plant. A number of other Baltimore dealers distribute generally in all except Calvert County and the Eastern Shore counties.

The southern two-thirds of Baltimore County, a highly developed suburban area with a high concentration of population, is the area in which the greatest overlapping of route sales by the several dealers occurs. All ten Baltimore dealers operate routes here in direct competition with three local Baltimore County dealers, one Carroll County dealer and one Pennsylvania multiple plant dealer. Seventy percent of the total population of the county is urban according to the 1950 census.

The southern portion of Harford County, while less urbanized than Baltimore County, is a concentrated area of sales with substantial overlapping of dealers' routes. The area is served by six of the ten Baltimore dealers, two local dealers (one from Baltimore County and the other from Cecil County) and the multiple plant Pennsylvania dealer. Located in this area are the Edgewood Army Chemical Center and the United States Proving Grounds for which Baltimore dealers have been the principal suppliers in recent years. In 1958 they supplied nearly five million pounds of milk to these two installations.

Much of the area beyond the city of Baltimore and its suburbs is essentially rural in character and population density is relatively low. Nevertheless, each segment of the area represents a substantial area of sales for affected handlers.

The town of Laurel and the counties of Howard, Anne Arundel and the northern portion of Calvert, except for minor sales by handlers presently regulated under the Washington, D.C., order and by small local dealers, are served almost exclusively by Baltimore dealers. Situated in Anne Arundel County are the U.S. Coast Guard installation at Curtis Bay, Fort George G. Meade and the U.S. Naval Academy for which Baltimore dealers have been the principal suppliers. Their total sales thereto in 1958 were nearly 11 million pounds.

Baltimore dealers, together with local dealers who would necessarily be regulated by virtue of their extensive sales in southern Baltimore and Harford Counties do the preponderance of business throughout Carroll, Baltimore and Harford Counties. Minor sales are made in parts of Carroll County by regulated Washington handlers and in the extreme northern portion of each of the three counties by various local Pennsylvania dealers. In addition, one large multiple plant dealer in Pennsylvania alternatively serves much of the three-county area from bottling plants located at York, Lancaster and Ephrata, Pennsylvania.

This dealer proposed that the northern portion of each of these three counties be excluded from the marketing area, thereby minimizing, if not eliminating the impact of regulation on all Pennsylvania dealers except his multiple plant operation.

While the suggested exclusion might relieve the impact of regulation on five relatively small dealers, it would also offer opportunity for the multiple plant operator to avoid regulation in whole or in part by virtue of the flexibility of his operation and his ability to switch sales as between plants. Adoption of the proposed exclusion would have very serious impact on two local dealers, one located in the town of Frizzelburg in Carroll County and the other in the town of Port Deposit in Cecil County. These two handlers have substantial sales in northern Carroll and Harford Counties, respectively, and would be placed at a serious competitive disadvantage in competition with unregulated Pennsylvania dealers, as would the several Baltimore handlers who also serve the area.

Located in Cecil County are the U.S. Naval Training Center at Bainbridge and the U.S. Veterans Hospital at Perry Point, which have been principally supplied by Baltimore dealers. In 1958 their sales to these installations totaled more than 2.8 million pounds. The county is otherwise served by one Baltimore dealer, two handlers under the Wilmington, Delaware, order, one local dealer who would otherwise be regulated by virtue of his sales in Harford County, and by the multiple plant Pennsylvania dealer. The county represents the primary area of distribution of the local dealer and its exclusion might well place him at a serious competitive disadvantage with his Pennsylvania competitor who because of his flexibility of operation could continue to serve the area from unregulated plants.

While the eight Eastern Shore counties, as previously stated, are essentially rural in character they nevertheless represent a substantial area of sales by dealers who would be regulated by virtue of their distribution in other parts of the proposed marketing area. More than 60 percent of the total Class I disposition here (estimated to be approximately 2,900,000 pounds monthly) is milk purchased from dairy farmers by Baltimore dealers, 70 percent of which is actually packaged in Baltimore City plants. In excess of 50 percent of the milk distributed here originates from the plants of Baltimore dealers and is distributed directly on routes, largely through subdealers, throughout the area. An additional 10 percent is moved in both packaged and bulk form to the Salisbury plant of a subsidiary corporation of a Baltimore dealer from which plant it is distributed, along with a smaller volume of milk received there directly from dairy farmers, on routes throughout the eight-county area. Local dealers, excluding the Salisbury dealer, have less than 40 percent of the overall Class I distribution in the area.

The largest local Maryland dealer, excluding the Salisbury dealer, distributes in only four of the eight counties. One Delaware dealer, doing the greater proportion of his overall business in Maryland, has distribution in five of the eight counties. No other local dealer has distribution in more than three of the eight counties.

While opponents of regulation of this area contend that sales through subdealers and the Salisbury plant previously referred to should not be considered in any determination of the extent of business in the Eastern Shore counties by Baltimore dealers, such position is not valid. The manner of distribution is a business decision and each dealer's operations reflect the results of such decision. Baltimore dealers have an established, substantial interest in the entire eight-county area. They are in fact the primary distributors, distributing generally throughout the area. Only in the county of Dorchester is the greater proportion of business done by local handlers and each handler distributing in this county would be subjected to regulation by virtue of his distribution in one or more of the other seven counties. Hence, it is appropriate that the entire eight-county area be included in the marketing area.

The exclusion of the Eastern Shore area would place regulated Baltimore dealers at a serious competitive disadvantage with unregulated local dealers. The great preponderance of dairy farmers in the Eastern Shore area already have their milk priced under either the Philadelphia, Wilmington, New York-New Jersey or Washington, D.C. Federal orders. It can be assumed that local dealers need pay only prices

which compare favorably with the blended prices paid producers under their respective orders. Hence, regulated handlers accounting for their milk on a classified use basis would be placed in direct competition with flat price buyers purchasing milk at prices substantially less than the Class I price.

It is intended that sales of fluid milk from piers, docks and wharves and to craft moored thereat be included in the marketing area. It is also intended that the area include all the territory occupied by Government reservations, institutions or other such establishments, whether municipal, State or Federal, if they fall within the limits of the area as defined. The record indicates that in general the quality requirements for milk for such installations are similar to those for milk sold in other parts of the marketing area. These, by location and past performance, represent logical areas of distribution for Baltimore and Maryland dealers who are in substantial competition with one another in the marketing area. Unless they are included, regulated handlers will be placed at a serious competitive disadvantage in competing with unregulated dealers for such sales. The inclusion of these areas will tend to assure uniform and equal minimum prices for milk among handlers.

The marketing area as herein defined comprises a contiguous territory which is generally served by the same handlers. It is in reality a single milk market, all parts of which are regulated by health ordinances generally similar in scope and enforcement, which constitutes a practical unit for the proposed regulation.

Although the southern portion of Calvert County and a substantial portion of Prince Georges County (in addition to the town of Laurel) were proposed for inclusion in the marketing area, these areas are now a part of the Washington, D.C., marketing area regulated under Order No. 2. It cannot be concluded on the basis of this hearing that either of these areas should more appropriately be a part of this marketing area.

Dealers who would be regulated under this order are not the primary handlers in the northern portion of Frederick County nor have they generally supplied the Camp Ritchie installation. Proponents contend that regulation of the area is desired by local handlers regulated under the Washington order who generally serve the area. It is concluded that this area is not appropriately a part of this marketing area. If regulation there is desired, consideration should be given to the addition of this territory to the Washington marketing area in an appropriate amendment proceeding.

Milk to be priced. The plants which distribute milk in the Upper Chesapeake Bay marketing area dispose of the major portion of their milk receipts for fluid consumption. Milk intended for fluid consumption in the marketing area is required to be produced in compliance with inspection requirements of the duly constituted health authorities having jurisdiction in the area. The minimum class prices of the order should apply to such milk which is regularly received from dairy farmers at plants primarily engaged in the fluid milk business and which pasteurize and bottle milk for fluid distribution on retail or wholesale routes (including routes of vendors) or through plant stores in the marketing area or at plants which are regular and substantial suppliers of milk to such pasteurizing, bottling or distributing plants. This milk may be identified by providing appropriate definitions of the terms: "Pool plant", "Manufacturing plant", "Handler", "Dairy farmer", "Dairy farmer for other markets", "Producer", "Producer-handler", "Producer milk", "Other source milk" and "Route".

These definitions are designed to identify the supplies of milk on which the market regularly and normally depends. However, under the terms of the order herein proposed milk may be disposed of for fluid consumption in the marketing area by and from plants not meeting such criteria. It is necessary, therefore, to establish definitive standards of performance which may be used in determining which plants and what milk constitute the regular sources of supply and therefore become fully subject to regulation. Such standards are set forth in the order and apply uniformly to all plants wherever located. Any plant, regardless of location, may bring itself under regulation by performing in the manner required. Any plant may relieve itself from regulation by no longer operating in a way that brings it within the scope of the order. Under the circumstances, whether a plant will be fully or partially regulated or unregulated is determined by the decision of the plant operator.

As indicated elsewhere in this decision, marketwide pooling of producer returns is considered essential to the stable and orderly functioning of the market. One of the primary problems in setting up a marketwide pool is to establish appropriate standards which accommodate the sharing of Class I sales among those dairy farmers who constitute the regular source of supply for the marketing area. Performance standards, therefore, should be such that any milk plant which has as its major function the supplying of milk for fluid use in the marketing area would participate in the marketwide equalization pool. On the other hand, such standards should be sufficiently flexible to permit intermittent shipment of milk from supply plants not regularly identified with the local market and direct distribution on routes from plants which have only a minor part of their overall fluid business in the area without subjecting such plants to full regulation. Full regulation of such plants is unnecessary to accomplish the purposes of the order and might result in placing such plants at a competitive disadvantage in supplying the unregulated but primary markets with which they are normally associated.

Any plant other than that of a producer-handler, from which Class I milk equal to not less than 50 percent of its receipts of milk direct from dairy farmers is disposed of in the form of Class I milk during the month on routes (including routes operated by vendors) or through plant stores to wholesale or retail outlets and which disposes of not less than 10 percent of such receipts on such routes in the marketing area should be a pool plant subject to full regulation.

All plants presently distributing milk in the marketing area have a Class I utilization substantially in excess of 50 percent of their producer receipts and except for a few fringe area dealers, generally located in Pennsylvania, do substantially in excess of 10 percent of their overall Class I business in the marketing area.

A plant which distributes less than 50 percent of its total receipts from dairy farmers as Class I milk should not be considered as primarily in the fluid milk business and any distributing plant which does less than 10 percent of its total fluid business in the marketing area should not be considered as substantially associated with the local market.

The pool plant definition should also include a plant which has no direct distribution in the marketing area but which moves 50 percent of its receipts from dairy farmers during any month(s) of September through February or 40 percent of such receipts during any month(s) of March through August to another plant(s) which disposes of Class I milk equal to 50 percent or more of its receipts from dairy farmers and receipts from other plants and which disposes of at least 10 percent of such receipts as Class I milk on routes in the marketing area. Any supply plant which ships 50 percent or more of its milk to a distributing plant for the market during the September-February period of lowest production is clearly associated with the market and functioning as a primary supply source for this market. During the flush production months of March through August, the amounts of milk shipped from supply plants would normally be less than during the short season. At this season, therefore, a 40 percent shipping requirement is deemed appropriate to provide pool plant status for supply plants. The 40 percent provision is applicable, however, only to newly erected plants or in the event a plant ownership change is involved.

All of the supply plants presently associated with the market (except a nearby manufacturing plant, discussed later) ship the bulk of their receipts to the market during the short production months. The milk not needed for fluid use during the flush months is transferred or diverted to nearby manufacturing plants. The pooling of all milk primarily associated with the market can best be accommodated by providing that any supply plant which was a pool plant in each of the months of September through February shall be a pool plant in each of the months of March through August regardless of the quantity then shipped unless the operator thereof elects to withdraw the plant from regulation.

Any supply plant which was a nonpool plant during any of the months of September through February should not be permitted pool plant status in any of the immediately following months of March through August in which it is operated

by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler. It would be inappropriate to permit a plant to hold pooling status during the flush months of production if the milk regularly received there is withdrawn from the pool during the short production months (when such milk would be most needed by the local market) to supply outside Class I markets. This provision, however, will permit a handler, who during certain short production months ships the required percentages, to pool his plant(s) in those months in which the standards are met.

It is recognized that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. During the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. In such case it would be more economical to leavé the most distant milk in the country for manufacturing and utilize the nearby milk for Class I use. Performance standards under the order should not force milk to be transported to distributing plants during the flush months merely for the purpose of maintaining eligibility for pooling.

To avoid uneconomic movements of milk, provision should be made whereby a plant may maintain pool status throughout the year if it supplies a substantial portion of its producer milk to the market during the normal short production months. The order, however, should not force such a supply plant to pool during the flush if it does not meet the current supply requirements and the operator thereof elects to withdraw his plant from the pool. Except as hereinbefore discussed, the order provisions permit qualification of a supply plant on the basis of the current month's performance. Moreover, a plant which has previously qualified in each of the months of September through February may retail pool status during the March through August period unless application is made to the market administrator to be a nonpool plant during those months.

A multiple plant handler operating in the market proposed that a system of plants including distributing-type and supply-type plants be permitted to qualify for pooling status as a unit. The regulation herein proposed provides minimum standards for both types of plants. No difficulty is anticipated in qualifying either bottling plants or any of the regular supply plants under the individual shipment provisions. However, provision for system pooling of supply plants will serve to minimize uneconomic and unnecessary transportation and/or receiving costs which might otherwise be incurred by the handler to assure pooling status for each of his supply plants. Providing an option under which all supply-type plants operated by a handler can be pooled as a unit (system) will promote efficient handling of a multiplant handler's total milk supply.

Plants primarily engaged in manufacturing operations and not meeting the pool plant qualifications herein recommended should not be granted pool status, nor should the order be so drafted that handlers are encouraged to develop a milk supply solely for manufacturing uses.

It is recognized that processing facilities must be available to the market to permit orderly disposition of the necessary market reserve and seasonal surplus resulting from day to day and month to month variations in supply and demand. To the extent that such surpluses exist, handlers with nonpool manufacturing operations need not be encumbered in their ability to process such surpluses through their own facilities. This can be accomplished through appropriate diversion provisions which will permit direct delivery from the farm to such nonpool plants without loss of pool status for the milk involved. However, to protect the integrity of regulation such diversion should be accommodated only to the extent necessary to assure orderly handling of the necessary market surplus. The diversion provisions hereinafter set forth will accomplish this end.

Proponents proposed that automatic pool plant status be granted the Westminster, Maryland, manufacturing plant of a proprietary handler who also operates a Baltimore City bottling and distributing plant. In support of their position they suggested that the status of this plant in the market is unique. They pointed out that handlers in the market have largely adjusted their receiving operations at their bottling plants to accommodate receipt of only bulk-tank milk whereas a large percentage of the producers identified with the market have not yet installed bulk farm tanks.

The proponent cooperative, which represents approximately 75 percent of all the qualified producers supplying the market, has a working arrangement with the operator of the Westminster plant whereby much of its members' can milk is regularly received there for cooling and assembly for movement to bottling plants in bulk. Such milk not needed for fluid use is processed through this plant into nonfluid products. In addition, this plant also is an outlet for much of the seasonal surplus of bulk tank milk in the market.

Under usual circumstances the Westminster plant would not meet the shipping requirements herein provided for supply plants. While this plant currently is performing an essential function in the marketing of producer milk; nevertheless, it would be inequitable to adopt special requirements which would pool one manufacturing plant and exclude other plants performing an essentially similar function in the handling of the market surplus.

Under usual circumstances appropriate diversion privileges adequately accommodate the orderly disposition of surplus milk and it is not desirable to provide pooling status for manufacturing plants not meeting the regular shipping requirements. Lower shipping requirements would encourage manufacturing plants to associate with the market solely for the purpose of participating in the equalization pool to the detriment of regular producers on the market.

It is not intended that the order shall assure a continuing market for any particular group of dairy farmers to the exclusion of other qualified dairy farmers. Notwithstanding, it is apparent that the orderly transition to bulk tank handling must necessarily be accommodated and hence some appropriate arrangement must be made to assure, for a reasonable time, continuing producer status for can producers.

The problem of handling can milk is peculiar only to the Baltimore City permittee plants and can be resolved by treating can milk regularly received from Baltimore City permittee farms at a nonpool plant in the marketing area for the account of a cooperative association as though a receipt of diverted milk. Individual dairy farmers, in order to retain their market, must expect to make appropriate adjustments in their farm operations to reflect the changing demands of the market. A period of 18 months will provide reasonable time for the cooperative and/or its individual members to make appropriate arrangements to retain pooling status on that milk now associated with the market but which cannot be received at pool plants in cans. This provision in conjunction with the regular diversion privilege hereinafter discussed, which accommodates the handling of weekend surpluses during the short season and all reserve and surplus milk during the flush, should permit the orderly handling and disposition of the necessary market reserve and seasonal surplus.

The Upper Chesapeake Bay area is adjacent to several other Federal order markets. Hence it is possible that milk may be distributed in the marketing area from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. To extend application of this order to plants doing the primary portion of their business in another marketing area would result in unnecessary duplication of regulation. The order proposed herein provides that a distributing plant which would otherwise be subject to the classification and pricing provisions of another order and which disposes of a greater volume of Class I milk in such other area than in this marketing area shall not be subject to regulation under this order. Any supply plant which disposes of a greater volume of milk in another marketing area and which would be subject to the classification and pricing provisions of the other order also should be exempted from regulation under this order. This condition should not be applicable during the months of March through August, however, if such plant had been a supply plant under this order in each of the preceding months of September through February unless the plant operator elects to withdraw his plant from regulation under this order.

Plants subject to the classification and pricing provisions of another order but making route sales in this marketing area or sales to pool plants under this order should be required to report their receipts and utilization to the market administrator so that their continued status with respect to this order can be determined.

A "handler" should be defined as any person in his capacity as the operator of a pool plant, or any nonpool plant from which Class I disposition is made on routes in the marketing area, and, any cooperative association with respect to the milk of any producer which it causes to be diverted to a nonpool plant for the account of such association. In addition the definition should include the operator of any nonpool plant from which shipments of milk are made to pool plants qualified on the basis of route distribution.

Inclusion in the handler definition of the operator of nonpool plants with direct Class I disposition in the marketing area (including a producer-handler) or supplying milk to pool plants distributing milk in the marketing area is necessary in order that the market administrator may require reports as he deems necessary to determine the continuing status of such individual. In the case of a distributing plant which does not acquire pool status because of insufficient sales in the marketing area, such reports are necessary to determine the amount payable by the operator of such plant on the milk distributed in the marketing area.

The handler definition should be sufficiently broad so as to include a cooperative association with respect to producer milk diverted to a nonpool plant for the account of such association. This arrangement will permit the cooperative association to divert milk for Class I use which might otherwise be used or disposed of by the proprietary handler in Class II and thus will promote efficient utilization of producer milk in the highest available use class. It will also make the cooperative association the responsible handler for can producer milk which it regularly moves to a nonpool plant for the account of the association during the first 18 months of operation of the order.

The term "dairy farmer" should include any person who produces milk which is delivered in bulk to a plant. The term "dairy farmer for other markets" as herein proposed is intended to designate those dairy farmers whose milk production is primarily associated with other markets and who should not be accorded pooling status along with regular producers for this market.

Under usual circumstances this market has an adequate milk supply. Any needed supplemental supplies would most likely be required during the short-production months. This is also the period when milk would be in greatest demand in other surrounding fluid markets which represent alternative outlets for milk produced by local dairy farmers. Under the marketwide pooling herein provided, any dairy farmer or group of farmers with an alternative outlet during the short season might find it advantageous to leave the local market during those months when milk is in greatest demand and seek to return during the flush-production months when the outside market was no longer available. While it is not intended that Federal regulation should preserve a market for any particular qualified producers to the exclusion of other qualified dairy farmers, the regulation should not provide a means whereby certain dairy farmers are accorded Class I outlets outside of regulated markets but dispose of their surplus in the pool. Under the terms of the order as hereinafter set forth a dairy farmer delivering milk to a pool plant during the months of March through August, who during the preceding months of September through February delivered his milk to a nonpool plant operated by the same handler, or an affiliate thereof, would be considered a dairy farmer for other markets during the months of March through August.

The term "producer" should be defined to mean any person other than a producer-handler or a dairy farmer for other markets, who produces milk which is eligible for consumption as fluid milk in the area and which milk is received at a pool plant.

The definition should be broad enough to include a dairy farmer whose milk is ordinarily so received but is diverted by a handler to a nonpool plant for his account on not more than 8 days (4 days in the case of every-other-day delivery) during any month of September through February and at any time during the months of March through August. In order that milk which is so diverted will continue to be included in the regular pool computations, it should be treated as if received at the pool plant from which it was diverted.

As previously indicated, it is intended that the order shall assure an adequate but not an excessive, supply of milk for the fluid market. The order provisions should not be drawn so as to encourage an excess volume of milk to associate with the pool. During the months of September through February it is not necessary to accommodate diversions to nonpool plants except insofar as may be necessary to assure orderly handling of the weekend surpluses which accrue because plant bottling operations may be suspended during weekends.

The months of March through August are the months of greatest production during which unlimited diversion privileges are desirable in order to expedite the orderly disposition of the necessary surplus.

As previously stated, special consideration must necessarily be given for a limited period of time to dairy farmers holding current Baltimore City permits whose milk is received in cans at a nonpool plant in the marketing area for the account of a cooperative association. During the first eighteen months of regulation the producer definition should also include a dairy farmer whose milk is so received and such milk, for purposes of this regulation, should be treated as milk diverted by the cooperative from a Baltimore City pool plant and the cooperative should be held as the responsible handler. The aforementioned limitation on number of days of diversion should not be applicable on such can milk.

Milk disposed of to Government installations under contract sales is required to meet specified standards patterned after the U.S. Public Health standards which are similar to those in effect in other parts of the area. It is intended that dairy farmers whose milk is received at a plant supplying contracts for Government installations in the marketing area shall be considered as qualified producers in any month when their milk is so disposed of, if the plant at which their milk is first received is a fully regulated pool plant during such month.

The term "producer milk" is intended to include all skim milk and butterfat contained in milk produced by producers and received at pool plants directly from such producers. The term also includes any diverted milk of producers which for purposes of this regulation is considered as a receipt at pool plants from which diverted. In recognition of the function performed by the Westminster plant and to simplify the application of regulation on milk moving through this or similar plants, it is also appropriate that milk transferred from a nonpool plant to a pool plant be considered producer milk up to the quantity of producer milk received at such nonpool plant as diverted milk for the account of a cooperative association. This treatment will implement the classification of producer milk and the application of compensatory payments.

A "producer-handler" should be defined as any person who operates a dairy farm and a plant from which Class I milk is disposed of in the marketing area and who received no other source milk or milk from other dairy farmers.

There are few producer-handler operations in the area and there is no indication that they have been a disturbing factor in the market. A producer-handler conducts an integrated operation—processing, bottling, and distributing only his own farm production. Full regulation of such individuals would provide considerable administrative difficulty and is not considered necessary under the existing market situation.

It was proposed at the hearing that a specific volume limitation be placed on producer-handlers and any such operation exceeding such limitation be subjected to full regulation.

A requirement that such a business be the personal risk and the personal enterprise of the person involved, together with the rules for classification and assignment of transfers to and from producer-handlers, hereinafter set forth, should tend to prevent such operations from becoming disruptive factors in the market. Further restrictions appear unnecessary at this time. However, as previously indicated it is necessary that the plant operator in his status as a handler be required to make reports to the market administrator in order that his continuing status as a producer-handler can be ascertained and to

facilitate accounting with respect to transfers from other handlers.

The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operation except fluid milk products received from pool plants, inventory in the form of fluid milk products and current receipts of producer milk. The term should include all skim milk and butterfat in products other than fluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month. Other source milk is intended to represent all skim milk and butterfat from sources not subject to the classification and pricing provisions of the attached order. If other source milk is disposed of in Class I products, partial pricing and regulation is provided under compensatory payment provisions. Defining other source milk in this manner will insure uniformity of treatment to all handlers under the allocation and pricing provisions of the order.

The term "route" is defined to distinguish between the various methods of disposition of fluid milk products. This definition is necessary to facilitate the application of other order provisions. The term refers to the method by which fluid milk products are distributed to wholesale and retail customers as distinguished from sales to other plants.

(b) *Classification of milk.* A classified use plan should be established to insure that all milk and milk products are fully accounted for by the handler who is responsible for accounting and reporting to the market administrator and for making payments to producers. Accounting for milk and milk products on a skim milk and butterfat accounting basis and pricing in accordance with the form in which, or the purpose for which such skim milk and butterfat are used or disposed of as either Class I milk or Class II milk is the most appropriate means of securing complete accounting on all milk involved in market transactions.

Milk is disposed of in the market in a wide variety of forms, representing different proportions of butterfat and skim milk components of milk which may be greatly changed from the proportions of such butterfat and skim milk in milk as it is first received. Measured in terms of volume the products disposed of in the market may represent one quantity of milk and measured in terms of butterfat content only they may represent a different quantity.

There are obvious difficulties in reconciling the quantities of product to be priced, particularly when consideration is given to the increasing intermarket transfers of milk, where accounting in one area is in terms of product weight and in another area is in terms of milk equivalent of butterfat. Uniformity of prices between markets depends upon a complete measure of the milk quantities involved and this must be accomplished in terms of both butterfat and the skim equivalent of solids.

Essentially, market administrators use a skim milk and butterfat accounting approach in their verification procedure regardless of whether or not such a system is spelled out in the orders. The skim milk and butterfat accounting system provided for in the order recognizes the procedure generally used in Federal order markets for verification of the receipts and utilization of milk and milk products and will provide for uniformity in application of the accounting system to all handlers involved.

Only producer milk is intended to be priced under Federal orders; however, milk may be received at pool plants not only from producers but also from other handlers and other sources. Milk from all sources is commingled in the handlers' plants. It is necessary to classify all receipts of milk and milk products in a plant to properly establish the classification of producer milk and to apply the provisions of a classified pricing plan to such milk.

The fluid milk products which are classified in Class I are required by the appropriate health authorities in the marketing area to be made from milk or milk products procured from approved sources. The extra cost incurred by producers in producing quality milk and in getting it delivered to the market in the condition and in the quantities needed by the market necessitates a price for milk used in Class I products somewhat above the price of milk used in manufactured products. This higher price must be at a level which will provide sufficient incentive to producers through the blended price returns to encourage the production of those quantities of milk needed for the Class I products plus the necessary reserve needed for fluctuations in the market demand.

Milk which is excess to Class I use at any time must be disposed of for use in manufactured products. These products are less perishable than fluid milk products and they compete on the national market with similar products made from unapproved milk. Milk so used must be classified as Class II milk and priced according to its value in such outlets.

Under the proposed classification scheme, Class I milk would be all skim (including any used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat disposed of (other than as sterile products in hermetically sealed containers) in fluid form as milk, flavored milk, skim milk, flavored or cultured skim milk, buttermilk, concentrated milk and 50 percent by weight of the product known as "half and half" which has a butterfat content of at least 12 percent but less than 18 percent. Skim milk and butterfat not specifically accounted for in Class II also would be classified in Class I.

All skim milk and butterfat used to produce products other than fluid milk products as set forth above should be Class II. This classification would include all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from milk from approved local sources.

Fluid cream, although generally considered in its physical form to be a fluid milk product, should be classified in Class II. Practically, the area herein under consideration is an open cream market. Philadelphia, which is an open cream market, is less than 100 miles from Baltimore and is a primary factor in determining the price of cream in the Baltimore market. Health authorities with jurisdiction in the marketing area have approved outside sources for shipment of fluid cream. Such cream competes with cream derived from local producer milk. The inclusion of fluid cream as a Class I product would price cream derived from producer milk at a competitive disadvantage with cream imported from other sources.

Eggnog and milkshake mix also should be classified in Class II. Eggnog is not required to be made from approved milk and the product known locally as milkshake mix competes directly with ice cream mix which is a manufactured milk product not required to be produced from milk approved for fluid use.

"Half and half" is a mixture of milk and cream or skim milk and cream with a butterfat content adjusted to between 12 percent and 18 percent. Classification of this entire product as Class I might seriously deter the use of local producer butterfat in such product since hotels and restaurants could combine bulk skim milk priced in Class I with cream purchased from unregulated sources and sell a combined product at a price reflecting the lower cost resulting from such mixtures. Accordingly, it is concluded that 50 percent by weight of the quantity of skim milk and butterfat in "half and half" should be classified in Class I and the remaining 50 percent should be classified as Class II.

Handlers maintain inventories of milk and milk products which must be considered in accounting for receipts and utilization. The accounting procedure will be facilitated by providing that end-of-month inventories of all Class I products be classified as Class II milk, regardless of whether such products are in bulk or packaged form. Inventories of such products will be subtracted, under the proposed allocation procedure, from any available Class II disposition in the following month. The higher use value of any fluid milk product in inventory but, which is allocated to Class I milk in the following month, should be reflected in returns to producers. Inventories of fluid milk products on hand at a pool plant at the beginning of the month in which the plant is first pooled should be allocated as other source milk received at the plant during the month. The attached order provides for reclassification of inventories on that basis.

Small unavoidable losses of both skim milk and butterfat are usually experienced in operations within a plant. These losses are referred to in the trade as "shrinkage". Provision should be made for the classification of shrinkage since handlers must account for all plant receipts on a classified use basis. An allowance of two percent of producer receipts as Class II milk was proposed as a practical, reasonable shrinkage percentage based upon experience in the market. Accordingly, it is concluded that actual shrinkage of producer milk not in excess of two percent of producer receipts should be classified as Class II. Any shrinkage in excess of that quantity should be classified as Class I.

In the determination of shrinkage of producer milk, total shrinkage should first be prorated between receipts of producer milk and receipts of other source milk. None of the shrinkage should be assigned to milk received from other pool plants since shrinkage on such milk is allowed to the transferring handler. All shrinkage of other source milk should be classified as Class II. The classification procedure herein recommended gives adequate protection in the classification of producer milk in this market and it is unnecessary to limit the classification of shrinkage on other source milk in Class II.

The skim milk and butterfat content of milk and milk products received and disposed of by a handler can be determined by recognized testing procedures. Some products, such as ice cream and condensed products, present a more difficult accounting problem in that some of the water present in the milk as received from the farm is removed in processing. In the case of such products, it is necessary that the market administrator ascertain, through the use of adequate plant records or standard conversion factors, the respective amounts of skim milk and butterfat used to produce these products.

The accounting for such products as condensed milk and nonfat dry milk should be based on the original pounds of skim milk and butterfat required to produce the product. The value of each pound of nonfat dry milk utilized by addition to or as a Class I product has a value to the handler the same as every other pound contained therein, or in similar products derived originally from producer milk. Neither the form in which, nor the source from which, such solids are obtained alters their value to the handler for such purposes as reconstitution or fortification and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers. The effect of computing the value of the added nonfat solids in actual weight rather than on a skim milk "equivalent" basis is to alter the accounting method for such solids as compared with an equivalent quantity of such solids contained in fluid skim milk from producer milk which is utilized in the same product, in another Class I product, or even in Class II milk. The actual weight basis of accounting for the added solids used in fortified skim milk has the effect, from a pricing standpoint, of retaining in Class II milk a portion of the producer milk utilized in the production of such Class I product even though it represents the only end use resulting from the producer milk involved. This is equivalent to granting the handler a price reduction with respect to a portion of his Class I milk. Therefore, the accounting procedure to be used in the case of this and any milk product condensed from milk should be based on the pounds of skim milk and butterfat required to produce such product.

All skim milk and butterfat received for which the handler cannot establish utilization should be classified as Class I milk except for that shrinkage which may be classified in Class II as previously described herein. This provision is necesary to remove any advantage which might accrue to handlers who fail to maintain complete and accurate records and will assure producers full value for their milk according to use.

From time to time handlers may find it necessary to dump skim milk. Under such circumstances, the market administrator must be provided opportunity to witness the actual dumping, if he deems it necesary, and to otherwise have verifiable evidence to substantiate such reported disposition. Such Class II utilization should be allowed only when the handler during normal business hours has given the market administrator at least three hours advance notice of intention to dump and information regarding the quantity of skim milk involved.

No allowance is made for butterfat dumped even though the skim milk dumped, and for which a Class II classification is provided, is a component of a fluid milk product from which the butterfat has not been removed. Under normal circumstances, the butterfat component of any fluid milk product is salvageable and it is not desirable to permit dumping of butterfat under other than a Class I classification.

Each handler must be held responsible for a complete accounting for all his receipts of skim milk and butterfat. The handler who first receives milk from producers should be responsible for establishing the classification thereof, and for making payments to producers. This principle is fundamental to effective administration of the order and is consistent with the practice followed in federally regulated markets.

As previously indicated classification of skim milk and butterfat used to produce Class II products should be considered to have been established when the product is made. Classification of skim milk and butterfat used to produce fluid milk products should be established when such products are actually disposed of. Classification of such fluid milk products disposed of by transfer to another plant, under certain circumstances, should be determined on the basis of their utilization in the transferee plant.

Skim milk and butterfat in fluid milk products transferred between pool plants, should be classified as Class I unless both handlers indicate in their reports to the market administrator that such classification should be Class II. However, sufficient Class II utilization must be available in the transferee plant to cover any claimed Class II classification after the prior allocation of shrinkage, other source milk, and inventory of Class I products.

Skim milk and butterfat in packaged fluid milk products transferred from a pool plant to a nonpool plant should be classified as Class I and should not be subject to reclassification. Milk so moved is intended for disposition for fluid consumption and the Class I value thereof should logically accrue to producers in the local market supplying such milk.

All skim milk and butterfat in fluid milk products transferred or diverted to the plant of a producer-handler should be classified as Class I and should not be subject to reclassification. Producer-handlers operate essentially only a Class I business. Any supplemental supplies of milk obtained from pool handlers may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's pool plant as Class I milk.

Skim milk and butterfat disposed of in bulk in the form of any fluid milk product to a nonpool plant (other than the plant of a producer-handler) which has route distribution within the marketing area should be classified as Class I milk to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area. Any remaining amount of such transfer or diversion should be assigned to the highest remaining utilization in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of approved supply for the outside area. This procedure will complement the application of the compensatory payment provisions and will provide the nonpool handler with Class I sales in the marketing area with the opportunity to choose whether he shall offset such Class I sales with pool purchases or make compensatory payments to the pool. In either event the pool handlers have assurance that nonpool handlers will not have a price advantage on milk disposed of in the marketing area. It is not intended that pool milk should displace a nonpool handler's regular receipts from dairy farmers which meet the quality requirements of the health authority having jurisdiction in the area in which his outside sales are made. However, transfers of pool milk to a nonpool distributing plant should take priority assignment in the highest available use class ahead of other receipts of milk at such plant except regular receipts direct from dairy farms approved to supply milk for fluid consumption.

Except as previously discussed skim milk and butterfat disposed of in bulk in the form of any fluid milk product to a nonpool plant either by transfer or diversion should be Class I unless specified conditions are met. If the transferee plant is located 300 miles or less from the City Hall in Baltimore, Maryland, by shortest highway distance the transferring handler should be permitted to claim classification as other than Class I. In such instance the transferee handler must maintain adequate books and records of utilization of all skim milk and butterfat in his plant which are made available to the market admin-

istrator, if requested, for verification purposes; and at least an equivalent Class II utilization of skim milk and butterfat, respectively, must have been available in such plant after the assignment of receipts at such plant from other Federal order plants in the class in which assigned under such other order. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. The record shows that there are ample manufacturing facilities within 300 miles of Baltimore to handle any prospective surplus of the market. Unless some limitation is provided on the distance beyond which shipments of fluid milk products are permitted - Class II classification, it would be necessary for the market administrator to follow any such shipments to their destination to determine utilization and classification. Such procedure would of necessity increase the costs of administering the order.

It is appropriate therefore both for administrative convenience and for the conservation of administrative funds to provide automatic classification in Class I for milk and butterfat contained in any fluid milk product which is moved more than 300 miles from Baltimore.

The class prices established by the order apply only to producer milk. Accordingly, since a plant may receive skim milk or butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities of milk in each plant should be assigned to producer milk. The milk from producers who are regular suppliers of milk for the marketing area should be given priority in the assignment of Class I utilization at pool plants. When milk is received from other sources it should be assigned first to Class II milk. Unless this procedure is followed there can be no assurance that such other source milk would not be used to displace producer milk in Class I when it is advantageous to the purchasing handler. If the order permitted handlers to obtain other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II the order would not be effective in carrying out the purposes of the Act.

Under the allocation provisions of the order skim milk and butterfat received at a pool plant in the form of fluid milk products from a nonpool plant located in the marketing area are allocated as producer milk up to the quantity of skim milk and butterfat, respectively, in producer milk (i.e. milk diverted directly from Baltimore City permittee farms for the account of a cooperative association) handled at such nonpool plant. This procedure will implement the classification of producer milk. With this exception, skim milk and butterfat received from sources not regulated by an order issued pursuant to the Act should be assigned first to Class II milk.

Inventory of fluid milk products on hand at the beginning of the month should be subtracted from the next lowest available use classification following allocation of other source milk but prior to the allocation of producer milk. The procedure of allocation and computation of obligations provided will permit final classification of opening inventory in the current month and it is intended that there shall be a reclassification payment on any part of the opening inventory which is allocated to Class I in the current month. An exception to this procedure is provided in the payment provisions of the order to insure that such reclassification payment will not be made applicable to milk which has previously been priced as Class I milk under another Federal order which is carried in the handler's plant in opening inventory.

Following the assignment of unregulated other source milk and beginning inventory of fluid milk products, other source receipts in bulk in the form of fluid milk products received from plants regulated by other orders issued under the Act should be assigned to the lowest remaining available use classification. Under this procedure a handler has assurance that if his producer receipts are inadequate to meet his Class I needs and he purchases regulated milk from another Federal order market such milk will be assigned to Class I. Since it is not intended that there be any compensatory payment on other source milk which is classified and priced in Class I under another order and which is disposed of for Class I use in this market, this sequence of assignment will tend to minimize the application of the compensatory payment provision.

It is intended that the order shall recognize the principle of free movement of packaged fluid milk products between Federal order markets. Accordingly, the assignment provisions provide that receipts of packaged fluid milk products from plants regulated under another Federal order shall be assigned to Class I. The pricing under the several orders from which such movements of milk might occur is such that no pricing advantage can be gained by the movements of packaged milk between markets. However, efficiencies in scale of operation derived from concentration of specialized packaging operations in a single plant may prove advantageous to multiple plant operations. This unrestricted competition for sale among all handlers whose milk is priced and regulated on a uniform basis will provide greater flexibility in daily operations of handlers and a better balance of milk supplies between markets will be gained by permitting the free movement of such packaged fluid milk products. The Philadelphia, Pennsylvania, Wilmington, Delaware and the New York-New Jersey orders, under certain circumstances, permit the distribution of Class I milk which is not priced under such orders. It is necessary therefore, to provide a compensatory payment on any milk originated from another Federal order plant which is not priced as Class I under such other order.

The only remaining receipts not yet allocated are producer receipts and receipts from other pool plants. Receipts from other pool plants are deducted from the class in which assigned under the transfer provisions and the remaining utilization is presumed to represent producer receipts.

If after making the various assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose pool plants the ocmputation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices. In the allocation procedure recognition is taken of all receipts of other source milk reported by the handler. When utilization records indicate a disposition greater than receipts it must be presumed that the handler underreported his receipts of producer milk.

(c) *Determination and level of class prices.* The fundamental consideration in pricing milk in this market is to establish minimum Class I and Class II prices to producers which will result in adequate but not excessive milk supplies to meet the fluid milk requirements of the market plus a necessary reserve. Moreover, it is essential, to restore and maintain orderly marketing of milk in the area, that these minimum prices be in appropriate relationship with prices in other markets in the region. The production area for the market is largely coextensive with that for the Washington market and overlaps the production areas for the Philadelphia, Pennsylvania, Wilmington, Delaware, and the New York-New Jersey Federal order markets as well as a number of local markets.

Class I price. A basic Class I price of $5.10 per hundredweight for the months of March through June and $5.55 per hundredweight for the months of July through February should be established for the Upper Chesapeake Bay market for the first 18 months in which the order is in operation. An adjustment mechanism should be provided which will move such price either upward or downward, as the case may be, to reflect the average movement in the Class I price levels in the Philadelphia, New York-New Jersey and Chicago markets.

The pricing mechanism herein provided as well as the pricing level is identical with that under Order No. 2, regulating the handling of milk in the Washington, D.C., marketing area. The intermarket relationship between Baltimore and Washington requires a close alignment of prices between the two markets.

Class I prices in the Baltimore and Washington markets have been closely related over an extended period of years. Since 1954 the Washington price has tended to exceed the Baltimore price. However, if all of the various subclasses of fluid milk sales in the respective markets (including sales to military installations, school milk, economy brand milk and special discount milk) are considered, prices in the two markets have tended to approach equality.

Any analysis of the appropriate Class I price level must consider the cost at which milk may be secured from dependable alternative supply sources. Several Washington area handlers have route distribution in parts of the local marketing area and local handlers operate routes in parts of the Washington marketing area. Several handlers operate plants in both this market and in the Washington market and any significant variation in the Class I price as between the two markets could result in shifts of plants and/or producers from one market to the other.

In recent years, improvements in the handling and transportation of milk have made the Midwestern area a potential source of supply for Northeastern milk markets, including the Upper Chesapeake Bay area. The Chicago milkshed represents an appropriate area for determining alternative costs because of its dependable reserve supply and its past experience as a supplier of milk to fluid markets throughout the country. Official notice is taken of the Washington, D.C., decision (24 F.R. 3630) in which it was concluded that an annual Class I price level of $5.40 would provide an appropriate price alignment between that market and Midwestern supply sources. Since both Baltimore and Washington are approximately equidistant from Chicago it is appropriate that the initial Class I price level for this market should be identical with that presently applicable in the Washington market.

Milk prices in fluid milk markets throughout the country normally vary seasonally, being highest in the short production months and lowest in the months of flush production. Under usual circumstances some seasonality of pricing has prevailed in the local market; however, there appears to have been no fixed pattern of seasonality in the price. It is desirable that some seasonality be provided to insure that the cost of alternative supplies during the flush production months will not be sufficiently below the local price to encourage handlers to drop local milk during this period in favor of cheaper supply sources. The months of March through June constitute the period of flush production in this area. Under these circumstances, it is concluded that an appropriate intermarket pricing relationship can be maintained throughout the year if a price of $5.10 and $5.55, respectively, is provided for the periods of March through June and July through February.

Notwithstanding the fact that the pricing herein recommended is limited to a period of 18 months, it is essential that some mechanism be provided to assure that the price during such period will reflect the current supply-demand situation in the market and maintain an appropriate relationship with prices in surrounding markets. Lack of market-wide information at this time deters the formulation of a supply-demand adjuster based on local market conditions. Proponents recommended that in order to assure a continuing appropriate price relationship with the Washington price the identical adjustment mechanism provided in the Washington order should be provided under this order. They pointed out that the production area for the local market overlaps that of Philadelphia and New York-New Jersey as well as Washington and hence the supply-demand adjustment mechanism provided for Washington is equally appropriate here.

It is concluded that an adjustment mechanism based on the average movement in the Philadelphia, New York-New Jersey and Chicago Federal order Class I price (as provided in the Washington order) will produce appropriate changes in the local Class I price which reflect changes on the national market for milk and cost factors affecting the supply and demand for milk and will serve to maintain a reasonable alignment of prices between markets during the interim period of operation under the order.

Class II price. Some milk in excess of Class I requirements is necessary to maintain an adequate supply of milk for the fluid market at all times. This excess milk must be disposed of in manufactured products which would be Class II under the proposed classification system. The price for such milk should be maintained at the maximum level consistent with facilitating its movement to manufacturing outlets when not required for Class I use in the market. The Class II price level should not be at so low a level, however, as to encourage procurement of milk supplies by handlers for the sole purpose of converting such milk into Class II products.

The members of the Maryland Cooperative Milk Producers Association supply at least seventy-five percent of the milk for the local market and the cooperative carries the bulk of the market reserve. Milk not needed for fluid uses is diverted to nearby plants for manufacturing uses. The facilities of the Maryland and Virginia Cooperative Milk Producers at Laurel, Maryland, and the manufacturing plant at Westminster, Maryland, previously referred to, represent the principal outlet for surplus milk. However, other manufacturing facilities are available in the production area. The available facilities are adequate to handle any prospective market surplus.

Proponents proposed that the Class II price be established at a level somewhat below the price established under the Washington order contending that this would promote better price alignment with the Philadelphia and the New York-New Jersey Class II price. They pointed out that the cooperative does not own a manufacturing plant and must move milk to local manufacturing plants for processing at some additional transportation cost.

The available manufacturing facilities are favorably located with respect to the local market and to the production area. Under the diversion provisions herein provided milk can be efficiently moved direct from the farm to such manufacturing plant. Since much of the local surplus is processed through the same facilities used to process the neighboring Washington surplus and such facilities are equally accessible to both Baltimore and Washington it would be inappropriate and unnecessary to establish a lower price than provided under the Washington order. It is concluded therefore, that the Class II price under this order should be established by the same formula and at the same level of the Washington Class II price.

The formula as herein proposed would base the butterfat value on the Philadelphia market weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey for each week ending within the month as reported by the United States Department of Agriculture, and would provide a make allowance of $2.00 per can of cream. In order that butterfat values may not be unduly depressed by local market conditions in the Philadelphia area as reflected in such cream price it is provided that the butterfat value shall not be less than the average Grade A (92-score) butter price at New York as reported by the United States Department of Agriculture for the month less 17 cents. This arrangement will provide assurance to local producers that the Class II price will continuously reflect competitive eastern butterfat values.

The skim milk value under the formula as herein proposed would be based on the average of the Chicago daily market quotations for roller and spray nonfat dry milk as reported by the Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month for which the Class II price is being determined and reflects a make allowance of approximately five and one-half cents per pound of powder. The formula as herein proposed would have yielded an average Class II price of $3.23 and $3.02 for the years 1957 and 1958, respectively. The 1958 price would have been eight cents higher than the New York Class III price, and six cents over the Philadelphia Class II price, and appropriately reflects the value of milk going into manufactured products in this market. This level of Class II pricing should provide for the orderly disposition of milk in excess of fluid needs and at the same time will return to producers a competitive use value for such milk. A higher price for Class II milk than that herein proposed might result in a loss of outlets for local producer milk for manufacturing uses and hence, would not be in the interest of orderly marketing.

One handler proposed that provision be made for an adjustment to the Class II price during the flush production months which would provide a lower pricing for milk disposed of for butter and hard cheese. This handler also proposed that cream quotations be used to determine the Class II butterfat value without provision for a butter floor.

There are adequate facilities for handling the market surplus in the higher valued nonfluid milk products and hence no reason for encouraging the use of producer milk for manufacture of butter and hard cheese. There is no indication that facilities are available in the market for the manufacture of hard cheese and, while butter-making facilities are available, it is apparent that they are not used to any extent.

Producers should have assurance under the order that they will receive returns commensurate with the use value of their milk. Cream prices may be temporarily depressed by local surplus conditions in the Philadelphia market. However, when such prices are below current butter quotations it is apparent that such butter quotations, which reflect the support levels established for butterfat, more nearly reflected the use value of butterfat. It is appropriate therefore to provide for use of the higher of the Philadelphia cream quotation or the New York butter quotation.

Butterfat differentials. The classification system hereinbefore set forth provides for a full accounting of all skim milk and butterfat. While milk is priced to handlers at the basic test it is intended that handlers costs for milk shall reflect the actual use value of skim milk and butterfat in each class. This can be accomplished by adjusting the class prices of each handler by appropriate butterfat differentials to the end that the per hundredweight costs of milk in each class for such handler reflects the actual test of milk used in such class.

The health regulations applicable in the marketing area permit the standardization of milk for consumer use and open market cream can be sold in a substantial part of the marketing area. Excess cream must be disposed of in the open market or utilized in manufactured products. Since butterfat differentials above competitive values would encourage handlers to utilize alternative sources of butterfat it is desirable that such differentials reflect as closely as possible competitive open market cream values.

The basic test at which milk has been sold to handlers and uniform prices paid to producers historically has been 3.5 percent in this market. Both producers and handlers proposed that the 3.5 percent basic test be maintained.

It is concluded that the Class I butterfat differential value should directly reflect the open market value of sweet cream for fluid uses as determined from current price quotations on the Philadelphia cream market. Such value may be derived by dividing by 334.8 the average of the weekly quotations for 40-quart cans of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the United States Department of Agriculture. Should the Class II butterfat differential exceed the value determined through this calculation, however, the Class II butterfat differential should be used as the Class I butterfat differential value.

The Class II butterfat differential should be directly related to the butterfat values in the Class II pricing formula. Such values reflect the competitive value of butterfat for manufacturing uses and will implement the orderly disposition of butterfat in excess of fluid needs.

Location differentials. Location differentials should be established for milk received at plants located a substantial distance from the market. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the difference in cost of transporting it to the marketing area. No advantage can be afforded any particular group of producers if the location differentials established realistically reflect only differences in transportation cost.

Several Baltimore City handlers operate plants at country points which are used for assembly of milk received from the farm. A total of five such country plants were associated with the market at the time of the hearing and four previously in existence had been closed. All the remaining plants almost wholly engage in can receiving operations where milk is received, weighed, sampled, cooled and moved in tankers to city bottling plants or to manufacturing outlets.

The continuing existence of these plants, located less than 35 miles from Baltimore City, is indicative of an unusual situation in the Baltimore market, complicated by the incomplete transition to bulk tank handling. The history of substantial location adjustments, which the cooperative has allowed Baltimore handlers for the operation of such country assembly stations, has no doubt encouraged handlers to continue operation of such stations at relatively short distances from the city and has deterred the development of adequate receiving and storage facilties at the city receiving plants.

The city bottling and distributing plant of one large handler, who operates four of the five country supply plants, is located in a redevelopment area. This handler testified that expansion of receiving and storage facilities at this time could not be considered pending a decision of the redevelopment authority on the continued operation of the plant in that area. However, it appears that lack of receiving and storage facilities at city distributing plants is a problem of long standing and has only been intensified by the conversion from can to bulk handling and the corollary effect of the closing of several other country can receiving stations.

It is not the purpose of Federal orders to hasten or promote the process of conversion to bulk tank marketing methods. Conversely, it would be inappropriate to maintain or promote continuance of the existing can handling methods when technological advances and the current dynamic economic forces in effect in the market would naturally make such conversion desirable. Proponents supported the principle that milk similarly used and located should be similarly priced but pointed out the lack of adequate city receiving and storage facilities.

The lack of adequate city receiving and storage facilities is largely confined to the single handler previously discussed. Proponents recognized the inequities which would result if handlers operating distributing plants located in the marketing area but outside of the city of Baltimore, from which milk is generally distributed in direct competition with Baltimore handlers, were permitted to purchase milk at a lesser cost than Baltimore City handlers. They proposed therefore that location differentials apply only to nondistributing receiving plants.

It is intended that the order shall establish uniform minimum prices for all handlers who are in competition for Class I sales in the marketing area. It would be inappropriate therefore to provide location differentials for distributing plants located in or near the marketing area. It would also be inappropriate to establish differentials within the radius from which milk should normally move directly from farms to bottling and distributing plants in the area.

In view of the geographical extent of the marketing area herein recommended it is desirable that an alternative basing point be established for purposes of applying location differentials. The City Hall in Baltimore, Maryland, and the Courthouse in Salisbury, Maryland, are appropriate points for this purpose. No differential should be established on Class I milk received at plants located within a 75-mile radius of either of these points. In the case of plants located more than 75 miles from the nearer of these points it is concluded that a differential on Class I milk of 12 cents per hundredweight plus 1.5 cents for each additional 10 miles or fraction thereof which such plants are located from such point, by shortest highway distance as determined by the market administrator, is appropriate. Such location differentials provide adequate allowance for transporting milk in bulk tankers between plants in this area.

Milk may be received at a fluid milk bottling plant directly from producers as well as from one or more receiving plants. Under such circumstances it is necessary to designate an assignment sequence which will protect producers from unnecessary transportation costs involving transfers for other than Class I uses. It is provided, therefore, that for purposes of computing allowable Class I location differentials for each handler, the Class I disposition from a fluid milk pasteurizing or bottling plant shall first be assigned to direct producer receipts at such plant and any remaining Class I use shall be assigned to receipts from other pool plants of the handler in the order of their nearness to the appropriate basing point.

The value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving and processing such milk in contrast to the situation with respect to Class I milk. The milk received at country plants need not be transported to the city for utilization in Class II. Accordingly, a location differential should apply only to milk received at country plants and utilized in Class I or disposed of to plants which dispose of milk on routes in the marketing area.

The pricing provisions herein proposed utilize a number of reported prices and indexes from various specified sources. From time to time it is possible that such individual price(s) or index may not be reported or published. Under such circumstances it is necessary to provide that the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the unreported or unpublished factor or price.

Payments on other source milk. As previously pointed out, the minimum class prices established under the order apply only on producer milk received at plants subject to full regulation under the order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation of the order. Such unregulated plants may sell milk in bulk form to pool plants that in turn use it in supplying their Class I outlets, or they may sell Class I milk directly on routes as defined herein, including sale to government installations.

The role of the compulsory classification system and the minimum prices as set forth in a Federal milk order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the classified program of the order is applicable only to fully regulated plants, it is necessary, in order to provide continued stability of the market, to remove any advantage unregulated plants may attain with respect to sales in the regulated market. Such plants have a real financial incentive to find a means to sell excess milk at prices somewhat less than current Class I levels so long as the price is higher than its value when used in manufactured dairy products. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated marketing area without some compensating or neutralizing provision of the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated.

In the absence of any competitive or regulatory force which compels all handlers to pay producers for milk used in fluid outlets at a rate commensurate with its value for such use, the position of any handler who pays the Class I price is insecure, if not untenable, whenever cheaper milk is available to the market. A classified pricing program under regulation cannot hope to be successful in the long run in insuring returns to producers at rates contemplated by the Act if it is possible for some handlers to purchase outside milk for Class I use at less than the Class I price. Any handler who finds himself in a situation where his competitors pay less for fluid milk than he pays will be compelled to resort to the same methods, if possible. A price advantage in using unregulated milk is a compelling force in promoting its greater use and as a result it is probable that regular sources of regulated milk will eventually be abandoned by handlers, thus creating insecurity for themselves, producers, and consumers alike.

It is concluded, therefore, that the inclusion of compensation payment provisions in the order is necessary to insure against the displacement of producer milk for the purpose of cost advantage. This is essential to preserve the integrity of the classified pricing program of the order.

Provision for partial regulation through compensatory payments makes it possible for a handler operating outside the marketing area to use the facilities of fully regulated plants for disposing of surplus milk not needed for markets outside of the area without imposing the financial burden of such surplus on producers in the marketwide pool. Compensatory payments also make it possible for a handler outside the marketing area to maintain small amounts of regular sales in the marketing area without subjecting his outside sales to full regulation.

Requiring such outside handler to be fully regulated would mean that he would be required to account to the pool at the full Class I price for all of the milk sold outside of the marketing area which is in competition with milk not subject to regulation under the order. Such a requirement for a dealer with little business within the marketing area could readily induce him to abandon his sales in the marketing area. Permitting a handler to continue to sell milk to customers in the marketing area without any form of price regulation would give such handler a competitive advantage as compared to the handler whose primary business is within the area and who consequently is fully regulated.

There are a number of local dealers, particularly in Pennsylvania, who now have regular direct distribution in the marketing area, some of whom maintain unregulated status under the terms of the order as herein proposed. In addition there are a number of substantial dealers in the immediately adjacent markets, many of whom could readily extend their distribution routes into the marketing area and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers. In order to prevent such unregulated milk from being a price advantage a provision for compensatory payments is necessary.

The compensatory payments applicable to other source milk disposed of in the marketing area from distributing plants which do not acquire pool status should be the same as those applicable to other source milk distributed from pool plants. It would not be possible to stabilize this market under the classified pricing program in the market if nonpool plants were allowed to distribute unpriced milk in the marketing area without compensatory payments. Handlers distributing such unpriced milk in the marketing area have the same opportunity to buy milk at the opportunity cost level as do the operators of the pool plants who purchase other source milk. In addition, however, the operator of a nonpool plant in all probability has surplus milk in his own plant which he would willingly dispose of on any basis that would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or other types of institutions. With surplus outlets as the alternative, and no compensatory payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk, therefore, is an essential and necessary provision of the order.

A proposal was made that a distributing handler disposing of only a small proportion of his total Class I sales in the marketing area be required only to pay to his producers the utilization value of milk according to the class prices established under the order. It was contended that such a provision would provide equality between the pool handler and the nonpool handler since their required class prices would be the same.

The difficulty with this proposal in this market is that partially regulated handlers would be procuring their milk from farmers located in the same general supply area as fully regulated handlers. The fully regulated handlers would be required to return to producers only the market uniform price. The partially regulated handlers, on the other hand, would be required to pay returns based on their own utilization of milk. This could result in a variation of returns to producers payable by regulated and partially regulated handlers. Such a variation would have an unstabilizing influence upon the marketing of milk within the general supply area for this market. It is, therefore, not feasible to adopt the plan in this market.

It is concluded that the compensatory payment on other source milk utilized in Class I should be the difference between the Class II price and the Class I price under the order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in this area and hence, represents the actual value of other source milk.

By choosing a rate of compensatory payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. In any event, a nonpool handler with Class I sales in the marketing area is provided with the opportunity to choose whether he shall offset such Class I sales with pool pur-

chases not subject to a compensatory or equalization payment.

All funds collected from compensatory payments should be added to the producer-settlement fund. The handler regulated by the order should be obligated to make compensatory payments to the producer-settlement fund. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk was obtained. Because the regulated handler makes the actual distribution of the milk in the marketing area and because he reports its utilization to the market administrator he is, from the administrative viewpoint, the logical one to make the payment.

For the reasons set forth in this decision, Class I milk under the order is priced at the plant where the milk is first received from producers, hence, the compensatory payment on other source milk should be computed at the same stage of the marketing process to be directly comparable. No allowances are made in the order for cost and profits of handlers in moving producer milk to subsequent stages of marketing; neither should they be made for other source milk.

(d) Distribution of proceeds among producers.

1. *Type of pool.* The order should provide for the distribution of returns to producers through a marketwide equalization pool. Under this type of pooling all producers receive a uniform price which varies only to reflect differences in butterfat content and location of plant of receipt.

As has been previously indicated the principal cooperative association in the market carries the bulk of the necessary surplus of the market which it moves to nearby manufacturing plants. It is imperative, therefore, that a procedure for pooling be established which will provide for an equitable sharing by all producers of the lower returns realized from the handling of this necessary reserve supply of milk.

A marketwide pool will facilitate the activities of the cooperative in moving milk supplies among handlers to meet their individual needs and will encourage processing of the necessary surplus of the market at the plants which can make the most efficient use of such milk.

(2) *Producer-settlement fund.* Payment of producers under the marketwide pooling arrangement will require a producer-settlement fund for making adjustments in payments, as among handlers, to the end that the total sums paid by each handler shall equal the value of milk received by him at the prices fixed in the proposed marketing agreement and order.

Under this pooling arrangement handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations will pay the difference to the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization will receive the difference from the producer-settlement fund. The market administrator in making payment to any handler from the producer-settlement fund should offset such payments by the amount of payments due from such handler. This is sound business practice. Without this provision the market administrator might be required to make payments to a handler who may have obtained money from the producer-settlement fund by filing incorrect reports or who owes money to the producer-settlement fund but who is financially unable to make full payment of all of his debts.

If at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payment to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the likelihood of this occurring, milk received by any handler who has not made the required payments into the producer-settlement fund for the preceding month should not be considered in the computation of the uniform price in the current month.

(3) *Base and excess plan.* The order should provide for the payment of producers under a base and excess plan as an adjunct to the seasonality of pricing hereinbefore provided to encourage a pattern of production throughout the year consistent with the fluid needs of the market. Producers should be paid only the Class II price for their excess milk. The price to be paid for base milk delivered should be determined by dividing the residual value of the pool after deducting the value for excess milk by the total hundredweight of base milk.

A "base-excess" plan was first established in the market in 1918 and has been in continuous effect, with modification, ever since except during World War II when milk was in extreme short supply in relation to the Class I needs of the market.

Under the plan herein recommended bases should be determined annually and would reflect each individual producer's average daily deliveries during the months of July through December. Bases would be effective for the subsequent months of March through June. Each producer would receive payment at the base price for all milk delivered during the March–June period which was not in excess of his established base. Milk delivered in such months in excess of his established base would be paid for at the excess price.

The computation of a daily base for each producer would be made by the market administrator. The order provides that producers shall be notified of their established bases on or before the 20th day of February each year. The daily base of each producer would be determined by dividing his total deliveries of milk during the base-forming months by the number of days of delivery but not less than 154 days. For milk on every-other-day delivery each day of delivery would be considered for this purpose to be two days.

Since at least a portion of the recommended base-making period will have lapsed prior to the effective date of the order, some appropriate means must be provided for the computation of bases to be effective for the months of March through June 1960. The daily deliveries of producers, as determined from records of receipts at pool plants or by the cooperative association, in the case of those producer members whose milk was marketed for the account of an association, for that portion of the July–December 1959 period prior to the effective date of the order, together with deliveries reported to the market administrator under the terms of the order for the remainder of the period, will provide an appropriate record for this purpose.

Proponents proposed that the base-making period be the July–December period herein recommended and that the base-paying period be a full twelve-month period beginning with February of each year and running through the following January. They also proposed that provision be made whereby a new producer entering the market after the base-making period would be given a base equal to a specified percentage of his deliveries during the month; such percentage to be varied by months. They further proposed that a producer with an established base be permitted to relinquish his established base, if he so desired, in favor of a new base to be determined in the same manner as proposed for new producers.

Such a plan is not necessary in this market. There has been no fixed seasonality of pricing in the market in recent years. In lieu of seasonal pricing the base-rating plan has been relied upon to even production over the year.

For reasons previously stated it is necessary and desirable to provide seasonality of pricing. This pricing, in conjunction with the base-rating plan herein proposed, will tend to maintain the desired pattern of production throughout the year. Further, because of the interrelationship of the production area of this market with those of adjacent Federal order markets, none of which employ a base-rating plan, a longer operating base period than that herein proposed might tend to unduly deter desirable shifts of plants and producers as between markets in response to changing supply-demand conditions.

Operation of the base-excess plan for paying producers requires certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. In the case of a producer selling, leasing, or otherwise conveying his herd to another producer, and when it can be established to the satisfaction of the market administrator that such conveyance is bona fide and not for the purpose of evading any provision of this order, the base should be permitted to be transferred in its entirety with proper notice to the market administrator. It is also necessary for administrative reasons to provide the procedure for assignment of bases in cases of joint ownership and tenancy.

Since the base-excess plan herein proposed is to be effective in determining producer payments in only four months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and tranfer of bases to meet unusual situations do not appear necessary.

(4) *Payments to individual producers and cooperative associations.* The order should provide that each handler pay each producer for milk received from such producer on or before the 15th day after the end of the month in which the milk was received. This is the customary date of payment to producers and it provides a reasonable time for the filing of reports, computation of and announcement of the uniform price and/or the base and excess prices for preparing individual checks for payment. The reporting, announcement and payment dates herein provided are synchronized to permit payment on the 15th day after the end of the month.

The order should provide that, in the case of a cooperative association which is authorized to collect payments due its producer-members, and which requests such payments in writing, the handler make payment to the cooperative association of the amount otherwise due its producer-members. Under the provisions of the order as hereinafter proposed a cooperative association by definition has "full authority in the sale of milk of its members" and is engaged in "making collective sales of or marketing milk or its products for its members". As the duly authorized agent of its producer-members there can be no question of its authority to receive the payments otherwise due its members. This privilege is specifically provided in the Act and the practice is followed by cooperatives operating in the market.

In the case of milk which a cooperative association, in its capacity as a handler, disposes of to a proprietary handler the order should require that such handler pay the cooperative association not less than the minimum order price applicable at the location of the transferee plant. The Act clearly establishes the intent that no cooperative association may sell milk to any handler at less than the prescribed order class prices.

In order that the cooperative may have the proper records upon which to base payments to individual producer-members, the handler should, on or before the 10th day after the close of the month, be required to furnish the cooperative association with a statement showing the name, address and code number of each producer for whom payment is to be made to the association, the volume and butterfat content of milk, number of days on which delivery was made and the amount of and reason for any deduction made by the handler from the amount payable to each individual producer. The responsible handler should be permitted to make only proper deductions for goods and services furnished to, and for payments made on behalf of, the producer, and for which written authorization has been given by the producer.

Payments to a cooperative association, in lieu of payment to individual producers, should be made on or before the 14th day after the end of the month. This procedure will permit the cooperative association to prepare and mail individual checks to its producer-members by the same date as provided for payment to individual nonmember producers.

In the event a handler has received milk from producers which has an average butterfat content of more or less than 3.5 percent, the returns to such producers should be adjusted by a differential which reflects the weighted average values of the butterfat and skim milk in producer milk utilized in the respective classes. This follows the same principle as the payment of a uniform price to all producers.

Proponents proposed that, in the case of milk received from any producer with less than 3.5 percent butterfat content, the butterfat differential, otherwise applicable, be increased by one cent. They suggested that the use of this higher butterfat differential would encourage producers to deliver milk of not less than 3.5 percent butterfat content.

It is doubtful that the small variation in butterfat differential would achieve its intended purpose. Moreover, since each producer shares equally in the total value of the handlers' Class I and Class II utilization at the basic test of 3.5 percent butterfat, it is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent. The producer butterfat differential should be rounded to the nearest full cent in accordance with the general custom of the market.

In making payments to producers for milk received at plants located at least 75 miles from both Baltimore and Salisbury the uniform price and the price for base milk should be reduced 12 cents plus 1.5 cents for each additional 10 miles distance or fraction thereof which such plant is located from nearer of such points. Such a location differential will reflect the cost of hauling milk to market by an efficient means and hence will distribute returns to producers in accordance with the location value of their milk.

No location differential should be applicable in making payment for excess milk. Excess milk is priced at the Class II price which reflects the value of milk for manufacturing uses in the production area. Producers should not be expected to be paid a lesser price for their milk than its value of manufacturing uses.

Administrative provisions. The marketing agreement and order should provide for other general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

In addition to the definitions discussed earlier in this decision which define the scope of regulation, definition of certain other terms is necessary for brevity and to assure that each usage of such terms denotes the same meaning. These include the terms "Act", "Secretary", "Department", "Person", "Cooperative Association", "Route", and "Fluid Milk Product".

Provision should be made for the appointment by the Secretary of a market administrator, and the order should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order, and provide for the liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are specifically provided in section 8c(7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended, and the proposed language is essentially that of the statute.

The duties of the market administrator as set forth are essentially those which are found in all Federal milk marketing orders and are necessary to define specifically the responsibilities of the market administrator.

Handlers should be required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. It should be provided that the market administrator report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler.

Handlers should maintain and make available to the market administrator all records and accounts of their operations and such facilities as are necessary to determine the accuracy of the information reported to the market administrator as he may deem necessary or any other information upon which the classification of producer milk or payments to producers depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled to verify all payments required under the order.

It is necessary that handlers maintain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the orders should terminate. Provision made in

this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision.

Each handler should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 5 cents per hundredweight or such lesser amounts as the Secretary may, from time to time prescribe on (a) producer milk (including such handler's own production), (b) other source milk in pool plants which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producers' milk (including a handler's own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense on such milk sold in the marketing area will help defray the cost of such checking.

In view of the anticipated volumes of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producers receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. To accomplish this fully, it is necessary that the butterfat test and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of several interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

DEFINITIONS

§ 1027.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) "Department" means the United States Department of Agriculture.

(c) "Upper Chesapeake Bay marketing area", hereinafter referred to as the "marketing area" means all territory situated within the corporate limits of the city of Baltimore, the town of Laurel in Prince Georges County; the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester and that portion of Calvert County lying north of a line beginning at the western terminus of Maryland State Highway 507, continuing easterly along said highway to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, all in the State of Maryland, together with all waterfront facilities connected therewith and including all territory within such boundaries occupied by Government (Federal, State or municipal) installations, institutions or other similar establishments.

(d) "Route" means a delivery (including any delivery by a vendor or disposition at a plant store or from a vending machine) of any Class I product to a wholesale or retail outlet, including a Federal, State or municipal establishment, but excluding any delivery to a plant.

§ 1027.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or other business unit.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who produces milk which is delivered in bulk (tank or cans) to a plant.

(d) "Dairy farmer for other markets" means:

(1) Any dairy farmer, whose milk is received at a pool plant during any month of September through February but whose milk is diverted to a nonpool plant during the month on more than the number of days specified in paragraph (e)(1) of this section, and

(2) Any dairy farmer whose milk is received at a pool plant during the months of March through August from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during any of the preceding months of September through February.

(e) "Producer" means any dairy farmer, except a producer-handler or a dairy farmer for other markets who produces milk which is received at a pool plant or which is disposed of in conformity with the conditions of subparagraphs (1) or (2) of this paragraph:

(1) Is diverted to a nonpool plant during any month(s) of March through August or on not more than 8 days (4 days in the case of every-other-day delivery) during any month(s) of September through February: *Provided*, That the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location from which it was diverted;

(2) Is regularly delivered during the month in cans to a nonpool plant in the marketing area for the account of a cooperative association if the dairy farmer holds a valid farm inspection permit issued by the Baltimore City health authority: *Provided*, That milk so delivered shall be deemed to have been diverted by the cooperative association from a pool plant location in Baltimore City: *And provided further*, That the provisions of this subparagraph shall be effective only during the first 18 months of operation of this part.

(f) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

(g) "Handler" means any person (1) in his capacity as the operator of a pool plant; (2) in his capacity as the operator of a nonpool plant from which (i) Class I milk is disposed of on routes in the marketing area; or (ii) milk is shipped to a pool plant qualified pursuant to § 1027.3(b)(1); and (3) a cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of paragraph (e) of this section from a pool plant for the account of such cooperative association.

(h) "Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to paragraph (g)(3) of this section.

(i) "Producer-handler" means any person who operates a dairy farm and a plant from which Class I milk is disposed of on route(s) in the marketing area and who during the month received no milk from any source other than his own farm production and from pool plants: *Provided*, That the maintenance, care and management of the herd and other resources necessary to production, processing, packaging and distribution of the milk are the personal enterprise and personal risk of such person.

§ 1027.3 Definitions of plants.

(a) "Plant" means the land, buildings, surroundings, facilities and equipment operated by one or more persons, constituting a single operating unit or establishment for the receiving (other than transfer from one vehicle to another), processing or packaging of milk or milk products.

(b) "Pool plant" means a plant specified in subparagraph (1), or (2) of this paragraph other than that of a producer-handler: *Provided*, That any plant qualified as a pool plant pursuant to subparagraph (2) of this paragraph in each of the months of September through February shall be a pool plant for the immediately following months of March through August unless the handler gives written notice to the market administrator on or before the first day of any such month(s) that the plant is a nonpool plant for the remaining months through August: *And provided further*, That any such plant specified in subparagraph (2) of this paragraph which was a nonpool plant during any month of September through February shall not be a pool plant in any of the immediately following months of March through August in which it is operated by the same handler, an affiliate of the handler or by any person who controls or is controlled by the handler.

(1) A plant which during the month disposes of not less than 10 percent of its total receipts of milk directly from dairy farms on routes as Class I milk in the marketing area and not less than 50 percent of such receipts as Class I milk both inside and outside the marketing area.

(2) A plant in any month of September through February in which not less than 50 percent, and in any month of March through August in which not less than 40 percent, of its receipts of milk from dairy farmers, is moved to a plant which disposes of not less than 10 percent of its receipts from dairy farms and from other plants on routes as Class I milk in the marketing area and not less than 50 percent of such receipts as Class I milk both inside and outside the marketing area: *Provided*, That in the case of a handler operating a pool plant qualified pursuant to subparagraph (1) of this paragraph and two or more plants approved by the appropriate health authority in the marketing area as a source of supply for such plant, such supply plants shall be considered as a unit (system) for purposes of plant qualification under this paragraph upon written notice to the market administrator by the handler designating the plants to be included and the period during which such designation shall apply. Such notice or notice of changes in designation shall be given on or before the first day of the first month to which such notice applies.

(c) "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1027.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk and sterilized products in hermetically sealed containers) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

(b) "Producer milk" means all skim milk or butterfat contained in milk (1) received at a pool plant directly from producers, or diverted in accordance with the provisions of § 1027.2 (e) and (2) received at a pool plant from a nonpool plant up to the quantity of milk delivered to such nonpool plant by a cooperative association pursuant to § 1027.2(e)(2).

(c) "Other source milk" means all skim milk and butterfat contained in or represented by (1) receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted or combined with another product during the month, and (2) receipts from any source in the form of fluid milk products other than as producer milk or from pool plants and opening inventory.

(d) "Base milk" means milk received at a pool plant from a producer during any of the months of March through June which is not in excess of such producer's daily base computed pursuant to § 1027.63 multiplied by the number of days in such month on which such producer's milk was received at such pool plant: *Provided*, That with respect to any producer on every-other-day delivery, the days of nondelivery shall be considered as days of delivery for purpose of this paragraph and of § 1027.63.

(e) "Excess milk" means milk received at a pool plant from a producer during any of the months of March through June which is in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 1027.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1027.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1027.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1027.88,

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1027.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to § 1027.30 or payments pursuant to §§ 1027.80 through 1027.88;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month, the Class I price computed pursuant to § 1027.50(a) for the current month, and the Class II price computed pursuant to § 1027.50(b) and the handler butterfat differentials computed pursuant to § 1027.51, both for the preceding month; and

(2) The 10th day of each month, the uniform price computed pursuant to § 1027.71, or the base and excess prices computed pursuant to § 1027.72 and the producer butterfat differential computed pursuant to § 1027.81, all for the preceding month; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month.

(l) On or before February 20th of each year notify:

(1) Each cooperative association of the daily base established by each producer member of such association;

(2) Each nonmember producer of the daily base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1027.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month each pool handler, shall report for each of his pool plants to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in, (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products from other pool plants and (iii) receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph.

(b) Each handler operating a nonpool plant from which fluid milk products are disposed of on routes as Class I milk in the marketing area shall, unless otherwise directed by the market administrator, report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1027.31 Other reports.

(a) Each pool handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) On or before the first day other source milk is received at his pool plant(s) in the form of any fluid milk product; his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant location involved.

(c) Each pool handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1027.80(b) shall on or before the 10th day after the end of each month report to such cooperative association concerning each producer-member of such cooperative association from whom he received milk during the month as follows:

(1) The name, address and code number, if any;

(2) The total deliveries and the number of days on which delivery was made;

(3) The average butterfat test of the milk delivered; and

(4) The nature and amount of any deductions to be made in payments due such producer.

(d) Each pool handler dumping skim milk pursuant to § 1027.41(b)(3) shall give the market administrator during normal duty hours, not less than three hours advance notice of intention to make such disposition and of the quantities of skim milk involved.

§ 1027.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1027.30(a)(2); and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1027.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1027.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at pool plants and which are required to be reported pursuant to § 1027.30 shall be classified by the market administrator in accordance with the provisions of §§ 1027.41 through 1027.46.

§ 1027.41 Classes of utilization.

Subject to the conditions set forth in §§ 1027.42 to 1027.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except as provided in paragraph (b) (2) and (3) of this section, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section; (2) disposed of for livestock feed; (3) contained in the skim dumped if the conditions of § 1027.31(d) are met by the handler; (4) contained in inventory of fluid milk products on hand at the end of the month; (5) in actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk; and (6) in shrinkage of other source milk.

§ 1027.42 Shrinkage.

The market administrator shall allocate shrinkage of each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in receipts of producer milk and other source milk.

§ 1027.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1027.44 Transfers.

Skim milk or butterfat disposed of during the month from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of any fluid milk product to the pool plant of another handler unless utilization as Class II milk is claimed in the reports submitted for both pool plants for the month to the market administrator pursuant to § 1027.30(a): *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the allocation of other source milk pursuant to § 1027.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both pool plants have receipts of other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

(b) As Class I milk if transferred or diverted in the form of any fluid milk product to a producer-handler.

(c) As Class I milk if transferred in packaged form to a nonpool plant in the form of any fluid milk product.

(d) As Class I milk if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant, (other than the plant of a producer-handler) to the extent of the disposition of skim milk and butterfat, respectively, from such plant on routes as Class I milk in the marketing area: *Provided*, That any remaining amount of such transfer or diversion shall be allocated to the highest utilization remaining in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of supply.

(e) In the class in which any equivalent volume of skim milk and butterfat in producer milk moved from a nonpool plant to a pool plant is classified if diverted to such nonpool plant pursuant to § 1027.2(e)(2).

(f) Except as provided in paragraphs (d) and (e) of this section as Class I milk if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant, located less than 300 miles from the City Hall in Baltimore, Maryland, unless (1) the handler claims Class II utilization in his report submitted pursuant to § 1027.30(a); (2) the operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and (3) an equivalent Class II utilization was available in such plant after the assignment of receipts at such plant from other Federal order plants in the class to which assigned under such other order(s): *Provided*, That if upon inspection of the records of such plant it is found that an equivalent utilization of skim milk and butterfat was not available the remaining pounds shall be classified as Class I.

(g) As Class I milk if transferred or diverted in bulk in the form of any fluid milk products to a nonpool plant located more than 300 miles from the City Hall in Baltimore, Maryland.

§ 1027.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1027.30(a) for each pool plant of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1027.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1027.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 1027.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of any fluid milk product from plants which are not fully subject to the pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk in bulk receipts in the form of any fluid milk product from plants which are fully subject to the pricing provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk in inventory of fluid milk products on hand at the end of the month, the pounds of skim milk in inventory of such products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such beginning inventory is greater than the remaining Class II milk utilization the difference shall be subtracted from the pounds of skim milk remaining in Class I milk;

(6) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from fully regulated plants under the provisions of another order issued pursuant to the Act;

(7) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in the form of fluid milk products according to the classification determined pursuant to § 1027.44(a);

(8) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in

series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1027.50 Class prices.

Subject to the provisions of §§ 1027.51 and 1027.52 each handler shall pay, at the time and in the manner set forth in § 1027.80 for each hundredweight of milk containing 3.5 percent butterfat received at his pool plant(s) during the month from producers or a cooperative association not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 1027.46.

(a) *Class I price.* During the first 18 months from the effective date of this part the price for Class I milk shall be $5.55 for the months of July through February and $5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

Three-market average deviation from corresponding month of 1958 (cents), plus or minus:	*Class I price adjustment (cents) plus or minus*
0–15	0
15.1–35	20
35.1–55	40
55.1–75	60
75.1–95	80

(b) *Class II price.* The price for Class II milk shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the Department, divide by the number of quotations, subtract $2.00, divide by 33.48, multiply by 3.5: *Provided*, That such butterfat value shall not be less than 3.5 times 120 percent of the average Grade A (92-score) butter price at New York as reported by the Department for the month for which payment is to be made less 17 cents;

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department shall determine the skim values as follows:

Average price per pound of nonfat dry milk (spray and roller process)	*Skim value*
$0.0065 or below	
$0.066–$0.075	$0.075
$0.076–$0.085	.150
$0.086–$0.095	.225
$0.096–$0.105	.300
$0.106–$0.115	.375
$0.116–$0.125	.450
$0.126–$0.135	.525
$0.136–$0.145	.600
$0.146–$0.155	.675
$0.156–$0.165	.750
$0.166–$0.175	.825
$0.176–$0.185	.900
$0.186–$0.195	.975

§ 1027.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1027.50 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat content variation from 3.5 percent, by the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Add all weekly quotations per 40-quart can of 40 percent fresh sweet cream, approved for Pennsylvania and New Jersey, in the Philadelphia market as reported each week ending within the month by the Department, divide by the number of quotations and divide the resulting amount by 334.8: *Provided*, That if the result is less than the Class II differential determined pursuant to paragraph (b) in this section, such Class II differential shall also be applicable to Class I milk; and

(b) *Class II milk.* Divide by 35 the butterfat value determined pursuant to § 1027.50(b)(1).

§ 1027.52 Location differentials to handlers.

For that milk received from producers at a pool plant located 75 miles or more from the nearer of the City Hall in Baltimore or the Courthouse in Salisbury, Maryland, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the price specified in § 1027.50(a) shall be reduced 12 cents per hundredweight plus an additional 1.5 cents for each additional 10 miles or fraction thereof in excess of 75 miles: *Provided*, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall be assigned first to any remainder of Class II milk in the transferee plant after making the allocations prescribed in § 1027.46(a) (1) through (5) and the corresponding steps in § 1027.46(b) for such plant, such assignment to the transferor plant to be made in sequence beginning with the plant where the largest location differential is applicable.

§ 1027.53 Use of equivalent price or index.

If for any reason a price quotation or index required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price or index which is required.

APPLICATION OF PROVISIONS

§ 1027.60 Producer-handler.

Sections 1027.40 through 1027.46, 1027.50 through 1027.52, 1027.62 through 1027.64, 1027.70 through 1027.72, 1027.80 through 1027.89 shall not apply to a producer-handler.

§ 1027.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1027.3(b)(1) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk is disposed of from such plant on routes in this marketing area than in a marketing area pursuant to such other order.

(b) Any plant qualified pursuant to § 1027.3(b)(2) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the first proviso in § 1027.3(b) for each month during the preceding September through February.

§ 1027.62 Payments on other source milk.

On or before the 11th day after the end of each month, handlers shall make payments to producers through the producer-settlement fund as follows:

(a) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a)(2) and (b) shall make payment on the quantity so allocated at the difference between the Class II price and the Class I price applicable at the location of his pool plant qualified pursuant to § 1027.3 (b)(1).

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a)(3) and (b) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at the location of the nearest nonpool plant(s) (as determined by the application of the location differential rate pursuant to § 1027.52) from which an equivalent amount of such other source milk was received.

(c) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a)(4) or (6) and (b), which milk was not classified and priced as Class I milk under such other Federal order, shall make payment on the quantity of such milk at the difference between the Class I price and the Class II price applicable at the location of the nearest other Federal order plant(s) (as determined by the application of the location differential rate presented in § 1027.52) from which an equivalent amount of such other source milk was received.

(d) Each handler operating a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, and from which Class I milk is disposed of on routes in the marketing area during the month, shall make payment on the quantity of skim milk and butterfat so disposed of which is in excess of his receipts of skim milk and butterfat, respectively, from pool plants at the difference between the Class I price and the Class II price applicable at the location of such plant.

(e) Each handler operating a nonpool plant which is subject to the classification and pricing provisions of another order issued pursuant to the Act, and from which Class I milk is disposed of on routes in the marketing area during the month shall make payment on any quantity of skim milk and butterfat so disposed of which was not classified and priced as Class I under such other order, at the difference between the Class I and Class II price applicable at the location of such plant.

§ 1027.63 Computation of base for each producer.

For each of the months of March through June of each year the market administrator shall compute a base for each producer as follows, subject to the rules set forth in § 1027.64:

(a) Divide the total pounds of milk received by a pool handler(s) from such producer during the months of July through December immediately preceding by the number of days of such producer's delivery in such period, but not less than 154 days: *Provided*, That for purposes of determining bases to be effective during the March–June period 1960, records of receipts at plants and records of the cooperative associations satisfactory to the market administrator, shall be used for the period July 1 to the effective date of this part in conjunction with reported receipts by pool handlers for the remainder of the period through December 1959: *And provided further*, That in the case of a producer on every-other-day delivery, the days of nondelivery shall be considered days of delivery for purposes of this section.

§ 1027.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1027.63 may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part;

(b) If a producer operates more than one farm, each delivering milk to a pool plant, he shall establish a separate base with respect to producer milk delivered from each such farm.

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the herd, land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns;

§ 1027.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the pounds of producer milk in each class computed pursuant to § 1027.46 by the applicable class price and total the resulting amounts.

(b) Add the amount of any payments due from such handler pursuant to § 1027.62 (a), (b) and (c).

(c) Add the amounts computed by multiplying the pounds of "overage" deducted from each class pursuant to § 1027.46 (a)(9) and (b) by the applicable class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month less allowable shrinkage allocated pursuant to § 1027.46 (a)(1) and (b) in such month, or the hundredweight of milk subtracted from Class I pursuant to § 1027.46 (a)(5) and (b) for the current month, whichever is less;

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of milk allocated to Class I pursuant to § 1027.46 (a)(5) and (b) for the current month which is in excess of (1) the hundredweight of milk for which an adjustment was made pursuant to paragraph (d); and (2) the hundredweight of milk assigned to Class II pursuant to § 1027.46 (a)(4) and (b) for the previous month and which was classified and priced as Class I under the other Federal order; and

(f) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1027.71 Computation of the uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

(a) Combine into one total the net obligations computed pursuant to § 1027.70 for all handlers who made reports prescribed in § 1027.30(a) for the month who were not in default of payments pursuant to § 1027.84 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk in paragraph (a) is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 1027.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1027.82;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) in this section; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section.

§ 1027.72 Price for base milk and excess milk.

For each of the months of March through June the price for base milk and excess milk of 3.5 percent butterfat content, f.o.b. market, shall be as follows:

(a) The price for excess milk shall be the Class II price computed pursuant to § 1027.50(b); and

(b) The price for base milk shall be the price computed by the market administrator as follows:

(1) Make the same computations as required pursuant to § 1027.71(a) through (d);

(2) Subtract from the resulting value an amount computed by multiplying the total hundredweight of excess milk by the excess price pursuant to paragraph (a) in this section;

(3) Divide the value obtained pursuant to subparagraph (2) in this paragraph by the total hundredweight of base milk; and

(4) Subtract from the resulting amount not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 1027.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section each pool handler on or before the 15th day after the end of each month shall make payment to each producer for milk which was received from such producer during the month at not less than the uniform price computed pursuant to § 1027.71 for the months of July through February and at not less than the price for base milk computed pursuant to § 1027.72(b) with respect to base milk received from such producer, and not less than the excess price determined pursuant to § 1027.72(a) for excess milk received from such producer for the months of March through June subject to the following adjustments: (1) The butterfat differential computed

pursuant to § 1027.81, (2) less the location differential computed pursuant to § 1027.82, and (3) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1027.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as a handler such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

§ 1027.81 Producer butterfat differential.

In making payments pursuant to § 1027.80 (a) or (b), the uniform prices and the price for base and for excess milk shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1027.51 (a) and (b) weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest full cent.

§ 1027.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 1027.80(a) and in making payment for base milk pursuant to § 1027.80(b) a handler shall deduct with respect to all such milk received at pool plants located 75 miles by shortest highway distance from the nearer of the City Hall, Baltimore, Maryland, or the Courthouse, Salisbury, Maryland, as determined by the market administrator, 12 cents per hundredweight plus 1.5 cents for each additional 10-mile distance, or fraction thereof, which such plant is located from such point.

§ 1027.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1027.62, 1027.84 and 1027.86 and out of which he shall make all payments pursuant to §§ 1027.85 and 1027.86; *Provided,* That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1027.84 Payments to the producer-settlement fund.

On or before the 11th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 1027.80 (a) and (b).

§ 1027.85 Payments out of the producer-settlement fund.

On or before the 12th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 1027.80 (a) and (b) is greater than the net pool obligations of such handler: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1027.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1027.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1027.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1027.80(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1027.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler, shall pay to the market administrator on or before the 18th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk (including such handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1027.46(a) (2), (3) and (b), or (c) Class I milk for which a payment is due pursuant to § 1027.62(d).

§ 1027.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (a) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1027.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1027.91.

§ 1027.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provision of this part, obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1027.92 Continuing obligations.

If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1027.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1027.100 Agents.

The Secretary may by designation in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1027.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 15th day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-7785; Filed, Sept. 17, 1959; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 9]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Notice of Hearings

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of 72 Stat. 835 which recently amended section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 33 U.S.C. 941), notice is hereby given that the Secretary of Labor proposes to implement the said amendment to the Longshoremen's and Harbor Workers' Compensation Act, as he is therein directed and authorized, by issuing safety and health regulations applicable to employment and places of employment in the Longshoring industry.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that public hearings to receive the data, views and arguments of interested persons will be held before a duly assigned Hearing Examiner on October 8, 1959, beginning at 10:00 a.m. local time, in Room 600, U.S. Courthouse, 219 South Clark Street, Chicago, Illinois; on October 13, 1959, beginning at 10:00 a.m. local time, in Room 539, Appraisers Building, 630 Sansome Street, San Francisco, California; on October 26, 1959, beginning at 10:00 a.m. local time, in Room 503, Federal Office Building, 600 South Street, New Orleans, Louisiana; and on November 2, 1959, beginning at 10:00 a.m. local time, in Room 4500 General Post Office, 8th Avenue and 33d Street, New York, New York.

The basis and purpose of the proposed regulations are, as set out in 72 Stat. 835, to require that "Every employer shall furnish and maintain employment and places of employment which shall be reasonably safe for his employees in all employments covered by this Act and shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees."

The subjects and issues involved in the proposed regulations and concerning which data, views, and arguments are invited for presentation at the hearings herein noticed, are the appropriateness of proposed standards of governing:

1. Basic specifications for gangways and other means of access and the requirement that merchant vessels must have valid cargo gear certificates or certificates of inspection issued by the U.S. Coast Guard before an employer can use the gear.

2. Safe rigging of gangways, prescription of the type and rigging of Jacobs' ladders, specification of types of access to barges and requirements as to minimum number of safe ladders, for access to holds.

3. Provisions for safe walkways, hatch covers, temporary tables, and skeleton decks and for protection against falling from elevated working surfaces.

4. Protection for men opening hatches, specifications for beam and pontoon bridles, safe placing of beams and pontoons removed, and the securing of those left in place or which open on hinges to a nearly vertical position.

5. Prohibition on overloading of gear and the use of defective gear, and specific requirements to be met before the following items of gear are used: Preventers, stoppers, falls, hull blocks, coaming rollers, cargo hooks and steam and electric winches.

6. Inspection and maintenance of all gear and the testing of special items of gear before being put into use, safe working loads, which may not be exceeded for manila rope and slings, wire rope and slings, chain and chain slings, shackles and hooks. Requirements for pallets and bridles to handle them, conveyors of various types, portable stowing winches, bridge plates and ramps, tools and powered vehicles are covered, including the grounding of electrically powered tools and equipment, and required notification to ships' officers before bringing aboard or using powered tools or equipment.

7. Safety precautions to be taken in slinging cargo, building drafts, tiering and breaking down cargo and hulling cargo.

8. Requirements for safe working conditions in respect to housekeeping, illumination, ventilation, sanitation and drinking water, first aid and life saving equipment to be provided at work locations, specification of minimum knowledge and physical requirements for operators of hoisting and automotive equipment, and prohibition on the employment of minors under 18 years of age in most operations.

9. Specification of personal protective equipment to be provided or made available under certain conditions including eye, head, feet and respiratory protective equipment and protective clothing

and the maintenance, use and limitations of this equipment.

Any interested person desiring to participate in such hearings shall file a notice of intention with the Secretary of Labor, by transmitting it to the Chief Hearing Examiner, Room 4414, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., not later than ten days before the scheduled date of the particular hearing in which he proposes to participate. The notice of intention shall state the name and address of the person, specify his interest, whether he wishes to present his data, views and arguments orally or in writing, and if orally the amount of time he requires for such purpose, and the identification of counsel or other representative if the oral presentation is not to be made in person. Written material which is supplemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views and arguments in quadruplicate to the Secretary of Labor at the aforementioned address, not later than five days before the scheduled date of the particular hearing for which submitted. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of such hearing.

The hearings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the hearings, dispose of procedural requests, objections and comparable matter, and confine the hearings to matters pertinent to the noticed subjects and issues. He shall have discretion to keep the record open for a reasonable stated time after each hearing to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

Upon completion of the hearings, the transcript of each hearing, exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented to him, together with such other information that may be available to him and will thereafter issue appropriate regulations by publication thereof in the FEDERAL REGISTER to be effective not earlier than 30 days after the date of such publication.

The proposed regulations in this matter are filed with the Federal Register as part of this document and are available to any interested person and will be furnished without charge on written request addressed to the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

Signed at Washington, D.C., this 14th day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-7773; Filed, Sept. 17, 1959; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Union Carbide Chemicals Company, Division of Union Carbide Corporation, 180 South Broadway, White Plains, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl *N*-methylcarbamate in or on each of the raw agricultural commodities, cherries, plums (fresh prunes), and strawberries.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238).

Dated: September 11, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-7760; Filed, Sept. 17, 1959; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 120]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

SEPTEMBER 14, 1959.

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring corrective action involving certain Boeing 707 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directive:

BOEING. Applies to the following 707-100 Series aircraft only: Serial Numbers 17586 through 17591, 17609, 17610, 17628 through 17641, 17659 through 17666, 17925, 17926.

Compliance required within 30 days after the effective date of this directive unless already completed.

Service experience has shown that it is possible for the inboard aileron balance panel end seals to loosen and restrict movement of the aileron on some Boeing 707 aircraft. Therefore, certain modification(s) are to be accomplished.

(a) Remove the inboard aileron balance bay access panels on the wing lower surfaces and detach aft end of balance panel from aileron.

(b) Delete felt end seals 5-87140-8 and washer BAC-WIOP-69S (8 places) and retaining screw NAS514P-632-8, washer AN960-6 and nut (16 places). Open holes are satisfactory.

(c) Trim 1.60 inches from each end of the full length fabric hinge seal 9-64838-3 (inboard) and 9-64838-4 (outboard).

(d) Delete felt end seals 3-94377-1 (8 places).

(e) Trim 1.0 inch from each end of the full length fabric hinge seal 9-64838-1 (inboard) and 9-64838-2 (outboard).

NOTE: The fabric seals per (c) and (e) above, are located beneath the deleted felt end seals per (b) and (d) respectively, and in each case are trimmed back to the sewn sleeve for the fabric seal retainer pins.

(f) Inspect and replace any damaged nuts and nutplates from which bolts were removed.

(g) Delete spacer washer AN960D10 (8 places).

(h) Reassemble, using shorter bolts to compensate for parts deleted or modified.

(i) Check for proper operation of inboard allerons.

(j) Reinstall access panels.

(Boeing Service Bulletin No. 245 pertains to this same subject.)

Issued in Washington, D.C., on September 14, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59-7751; Filed, Sept. 17, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

INVISIBLE ZIPPERS FROM JAPAN

Determination of No Sales at Less Than Fair Value

SEPTEMBER 11, 1959.

A complaint was received that invisible zippers from Japan were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that invisible zippers from Japan are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The identical zippers imported from Japan are sold for home consumption in Japan. Accordingly, home consumption price is the standard prescribed for fair value purposes.

It was found that the purchase price was not less than the home market price, after making adjustments for discounts peculiar to each market, inland freight, shipping charges, and credit terms.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7781; Filed, Sept. 17, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management has filed an application, Serial Number 049689 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but excluding the mineral leasing laws and the disposition of materials under the Materials Act. The applicant desires the land for public recreation sites.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KNIK RIVER

T. 16 N., R. 2 E., S.M.,
Sec. 1; Lots 1, 2, 3.
Containing 78.17 acres.

BEAR LAKE

T. 16 N., R. 1 W., S.M.,
Sec. 35: Lot 5.
Containing 24.93 acres.

LOWER FIRE LAKE

T. 15 N., R. 2 W., S.M.,
Sec. 25: Lot 6.
Containing 9.9 acres.

GLACIER CREEK

U.S. Survey No. 3042,
Lot 71.
Containing 172.74 acres.

KASILOF ABORIGINAL SITE

T. 4 N., R. 11 W., S.M.,
Sec. 21: SE¼SW¼, SW¼SE¼;
Sec. 28: NE¼NW¼, NW¼NE¼.
Containing 160 acres.

KALIFONSKY BEACH

T. 4 N., R. 12 W, S.M.,
Sec. 24: Lots 4, 16–19 inc., NW¼SW¼.
Containing 101.77 acres.
T. 5 N., R. 11 W., S.M.,
Sec. 30: Lots 5–9 inc.
Containing 26.15 acres.

Aggregating 573.66 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F.R. Doc. 59-7767; Filed, Sept. 17, 1959; 8:47 a.m.]

Bureau of Mines

[Bureau of Mines Manual, Delegations Series]

PRODUCTION AND DISTRIBUTION OF HELIUM GAS

Redelegation of Authority To Execute Contracts

Paragraph 215.2.2, Bureau of Mines Manual, Redelegation of Authority To Execute Contracts for the Production and Distribution of Helium Gas, is hereby amended as follows:

The last sentence is deleted, and the following substituted therefor: "The above authority may, by written order published in the FEDERAL REGISTER, be redelegated to the General Manager, Helium Operations, and is subject to the fiscal limitations set forth in subparagraph 205.2.4A(1) (21 F.R. 1205) (see subparagraphs 215.1.1E and 215.1.1F)."

MARLING J. ANKENY,
Director, Bureau of Mines.

[F.R. Doc. 59-7768; Filed, Sept. 17, 1959; 8:48 a.m.]

GENERAL MANAGER, HELIUM OPERATIONS

[Administrative Order No. 8]

Redelegation of Authority To Execute Contracts for Production and Distribution of Helium Gas

Pursuant to the authority redelegated in paragraph 215.2.2, Bureau of Mines Manual, the General Manager, Helium Operations, is hereby redelegated the authority to make negotiated purchases or contracts for supplies and services necessary for the production and distribution of helium gas, subject to the provisions outlined in the above Manual paragraph.

The above authority may not be redelegated, and is subject to the fiscal limitations set forth in Manual subparagraph 205.2.4A(1).

Dated: September 11, 1959.

HENRY P. WHEELER, Jr.,
Assistant Director, Helium.

[F.R. Doc. 59-7769; Filed, Sept. 17, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-655]

ORIENTAL TRADING CO., LTD., ET AL.

Order Extending Order Temporarily Denying Export Privileges and Denying Respondents' Motion To Vacate

In the matter of Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K. K. or Toyo Trading Company, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan, and Koji Kitahara, Kazushige Masatsugo, 15 Akasaka Tameike-cho, Minato-ku, Tokyo, Japan, File 23-655; Respondents.

The respondents, Oriental Trading Company, Ltd., sometimes known as Toyo Boeki K. K. or Toyo Trading Company, and Koji Kitahara and Kazushige Masatsugo, having filed a motion to have vacated the order dated July 31, 1959 (24 F.R. 6274, August 5, 1959), which temporarily denied to them all privileges of participating in exportations from the United States, and the Director, Investigation Staff, having moved for an extension of the said order until the completion of the compliance proceeding which has been commenced against the respondents, said motions were referred to the Compliance Commissioner, who has submitted his Report thereon and has recommended that respondents' motion be denied and that the Director's motion be granted.

Now, after careful consideration of the record herein, and having concluded that the continued denial of export privileges to the respondents and parties related to

them is reasonably necessary to protect the public interest, it is, this 14th day of September, 1959, hereby ordered:

1. That the motion by the respondents to vacate the temporary denial order be, and the same hereby is denied.

2. That the order of July 31, 1959, denying to the respondents all privileges of participating in exportations from the United States be, and the same hereby is extended to and including the completion of the compliance proceeding which has been commenced against them.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-7783; Filed, Sept. 17, 1959; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Belle Manufacturing Co., Inc., 425 Pleasant Street, Fall River, Mass.; effective 8-26-59 to 8-25-60 (cotton dresses).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 8-28-59 to 8-27-60 (men's and boys' dungarees).

Brewton Manufacturing, Inc., Brewton, Ala.; effective 8-26-59 to 8-25-60 (men's and boys' sport and dress shirts).

Greenwood Shirt Co., Inc., Montague Street, Greenwood, S.C.; effective 9-6-59 to 9-5-60; workers engaged in the production of men's shirts.

Greenwood Shirt Co., Inc., Montague Street, Greenwood, S.C.; effective 9-6-59 to 9-5-60; workers engaged in the production of women's apparel.

Kent Sportswear, Inc., Corwensville, Pa.; effective 9-10-59 to 9-9-60 (men's jackets).

Margit Sportswear, Inc., 1136 Washington Avenue, St. Louis, Mo.; effective 8-27-59 to 8-26-60; learners may not be employed at special minimum wage rates in the production of separate skirts (blouses, slacks, shorts, and dresses).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 8-27-59 to 8-26-60 (women's and children's sportswear).

Whiteville Garment Manufacturing Co., Whiteville, N.C.; effective 8-27-59 to 8-24-60 (children's denim dungarees).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Adairsville Garment Co., Adairsville, Ga.; effective 8-28-59 to 8-27-60; 10 learners engaged in the production of men's sport shirts.

Fay Sportwear Co., 349 High Street, Burlington, N.J.; effective 8-31-59 to 8-30-60; four learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' and children's dresses and sportswear).

Love Land Togs, Inc., 270 Bradford Street, Albany, N.Y.; effective 8-31-59 to 8-30-60; five learners (children's dresses).

Rowker Manufacturing Co., Tunkhannock, Pa.; effective 8-31-59 to 8-30-60; 10 learners (ladies' dresses).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa.; effective 8-28-59 to 8-27-60; 10 learners (boys' outerwear, jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Biflex-Marion, Inc., Marion, Ala.; effective 8-27-59 to 2-26-60; 35 learners (ladies' cotton brassieres).

Glenwood Manufacturing Co., Inc., Clintwood, Va.; effective 8-27-59 to 2-26-60; 35 learners (men's and boys' ready to wear clothing, pants—shirts).

Jersey Shore Sylvania Manufacturing Co., Plant No. 2, Bellefont and Commerce Street, Lock Haven, Pa.; effective 8-27-59 to 12-21-59; 15 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Reidbord Brothers Co., Livingston Street, Elkins, W. Va.; effective 8-31-59 to 2-29-60; 25 learners (men's work shirts and trousers).

Sampson Sewing Co., Inc., Railroad Street, Clinton, N.C.; effective 8-27-59 to 2-26-60; 25 learners (women's and children's sportswear).

Whiteville Garment Co., Whiteville, N.C.; effective 8-27-59 to 2-26-60; 10 learners (children's denim dungarees).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

De Kalb Hosiery Mills, Inc., Fort Payne, Ala.; effective 8-28-59 to 8-27-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' seamless hosiery).

Diamond Mills Corp., Hanover Division, 3402 South Front Street, Wilmington, N.C.; effective 9-2-59 to 3-1-60; 100 learners for plant expansion purposes (seamless).

C. J. Jessup & Co., Claremont, N.C.; effective 8-31-59 to 8-30-60; five learners for normal labor turnover purposes (seamless).

Knit Products Corp., Belmont, N.C.; effective 8-31-59 to 8-30-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Outlook Manufacturing Co., Belmont, N.C.; effective 8-31-59 to 8-30-60; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Snowden, Inc., Osceola, Iowa; effective 8-26-59 to 8-25-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (women's lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 9-1-59 to 2-29-60; 50 learners for plant expansion purposes (women's leather shoes).

Wilson Shoe Corp., Franklin Street, Shamokin, Pa.; effective 9-1-59 to 2-29-60; 100 learners for plant expansion purposes (women's leather shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Advertisers Manufacturing Co., Ripon, Wis.; effective 9-4-59 to 3-3-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rate of 90 cents an hour (caps, aprons, newsbags).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Clairex Corp. of Puerto Rico, 65th Infantry Avenue, East 3.6, Villa Prades Industrial Dev., Rio Piedras, P.R.; effective 8-17-59 to 2-16-60; 20 learners for plant expansion purposes in the occupations of photo cell assemblers, inspection and testing each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (Photo electric cells).

Craftsman Billfolds of Puerto Rico, Caguas, P.R.; effective 8-11-59 to 2-10-60; 12 learners for plant expansion purposes in the occupations of (1) stitching machine operators for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) cutter (die and clicker machine operator), gold tooling stampers, skiving machine operators each for a learning period of 160 hours at the rate of 43 cents an hour (leather billfolds).

Linda Bra, Inc., Aguas Buenas, P.R.; effective 7-29-59 to 7-28-60; 13 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Mace Corp., Luchetti Industrial Development, Bayamon, P.R.; effective 8-7-59 to 2-6-60; 17 learners for plant expansion purposes in the occupations of disassembly and assembly of arms, polishing and buffing, inspectors, machine operations each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (conversion of S.M.L.E. No. 4 rifles to sporting rifles).

Shelen, Inc., 18 San Vicente Street, Mayaguez, P.R.; effective 8-3-59 to 2-2-60; 20 learners for plant expansion purposes in the occupation of sewing and embroidery machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificate) (Elastic girdles).

Uniforms, Inc., Cayey, P.R.; effective 7-31-59 to 7-30-60; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours (uniforms for nurses and maids).

The following learner certificate was issued in The Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Crystal Mfg. Inc., St. Thomas, V.I.; effective 8-6-59 to 8-5-60; five learners for normal labor turnover purposes in the occupations of linking (earrings), stringing (necklaces) each for a learning period of 160 hours at the rate of 45 cents an hour (costume jewelry (earrings and necklaces)).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of September 1959.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 59-7774; Filed, Sept. 17, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-22]

U.S. NUCLEAR CORP.

Notice of Application for Byproduct, Source and Special Nuclear Material License

Please take notice that an application for a license to provide a radioactive waste disposal service has been filed by the U.S. Nuclear Corporation, 801 North Lake Street, Burbank, California.

The application specifies a maximum possession limit of 100 curies of byproducts material, 2,500 pounds of source material, and 150 grams of special nuclear material.

The applicant proposes to dispose of the waste in the Pacific Ocean within a 5 mile radius circle the center of which is at a point designated as parallel of latitude 32°00' N. and meridian of longitude 121°30' W. where the minimum depth is 1,000 fathoms or at other locations in the Pacific Ocean at a minimum depth of 1,000 fathoms when approved by the Commission. The material will be packaged and stored at the U.S. Nuclear Corporation's facility located at 801 North Lake Street, Burbank, California.

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 11th day of September 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Licensing and Regulation.

[F.R. Doc. 59-7745; Filed, Sept. 17, 1959; 8:45 a.m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued to Yankee Atomic Electric Company, Amendment No. 4, set forth below, to Construction Permit No. CPPR-5, as requested by an application dated February 18, 1959. The amendment (1) decreases the allocation of special nuclear material required for operation of the reactor to 6,002.6 kilograms of contained uranium-235, and (2) revises the schedule of receipts and transfers of uranium-235.

The Commission has found that the issuance of the amendment is not inimical to the common defense and security.

Dated at Germantown, Maryland, this 11th day of September 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulations.

[Construction Permit CPPR-5, Amdt. 4]

The final paragraph and Appendix "A" of Construction Permit No. CPPR-5 are hereby amended to read as follows:

Pursuant to Section 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Yankee for use in the operation of the reactor, 6,002.6 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in Yankee's application for license. Estimated schedules of special nuclear material transfers to Yankee and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Yankee in accordance with column (2) in Appendix "A" will be conditioned upon Yankee's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

APPENDIX "A"

Estimated Schedule of Transfers of Special Nuclear Material from the Commission to Yankee and to the Commission from Yankee:

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Yankee (a), kgs. U-235	(3) Returns by Yankee to AEC (b), kgs. U-235	(4) Net yearly distribution including cumulative losses, kgs. U-235	(5) Cumulative distribution including cumulative losses, kgs. U-235
1959	208.8	----------	208.8	208.8
1960	590.2	----------	590.2	799.0
1961	719.1	----------	719.1	1,518.1
1962	803.1	623.2(c)	179.9	1,698.0
1963	----------	545.9	(545.9)	1,152.1
1964	814.3	622.8	191.5	1,343.6
1965	815.0	----------	815.0	2,158.6
1966	----------	622.8	(622.8)	1,535.8
1967	815.0	622.8	192.2	1,728.0
1968	815.0	----------	815.0	2,543.0
1969	----------	622.8	(622.8)	1,920.2
1970	815.0	622.8	192.2	2,112.4
1971	815.0	----------	815.0	2,927.4
1972	----------	622.8	(622.8)	2,304.6
1973	815.0	622.8	192.2	2,496.8
1974	815.0	----------	815.0	3,311.8
1975	----------	622.8	(622.8)	2,689.0
1976	815.0	622.8	192.2	2,881.2
1977	815.0	----------	815.0	3,696.2
1978	----------	622.8	(622.8)	3,073.4
1979	815.0	622.8	192.2	3,265.6
1980	815.0	----------	815.0	4,080.6
1981	----------	622.8	(622.8)	3,457.8
1982	815.0	622.8	192.2	3,650.0
1983	815.0	----------	815.0	4,465.0
1984	----------	622.8	(622.8)	3,842.2
1985	815.0	622.8	192.2	4,034.4
1986	815.0	----------	815.0	4,849.4
1987	----------	622.8	(622.8)	4,226.6
1988	815.0	622.8	192.2	4,418.8
1989	815.0	----------	815.0	5,233.8
1990	----------	622.8	(622.8)	4,611.0
1991	815.0	622.8	192.2	4,803.2
1992	815.0	----------	815.0	5,618.2
1993	----------	622.8	(622.8)	4,995.4
1994	815.0	622.8	192.2	5,187.6
1995	815.0	----------	815.0	6,002.6
1996	----------	622.8	(622.8)	5,379.8
1997	815.0	622.8	192.2	5,572.0
1998	----------	622.8	(622.8)	4,949.2
1999	----------	[1] 61.2(a)	(61.2)	[2] 4,888.0
	21,065.5	16,177.5	[2] 4,888.0	

(a) 3.4 percent U-235.
(b) 2.65 percent U-235 (hot fuel) except (c) and (a).
(c) 3.025 percent U-235 (hot fuel).
[1] Inventory to be returned.
[2] Fabrication and burnup losses.

This amendment is effective as of the date of issuance.

Date of issuance: September 11, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing & Regulation.

[F.R. Doc. 59-7746; Filed, Sept. 17, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13178; FCC 59M-1158]

W. D. COONS AND A. E. MOORER

Order Scheduling Hearing

In the matter of W. D. Coons and A. E. Moorer, Indian Street, Mount Pleasant, South Carolina, Docket No. 13178, order to show cause why there should not be revoked the license for radio station WH-5445, aboard the vessel "Barbara Lee."

It is ordered, This 11th day of September, 1959, that Forest L. McClenning will

preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 25, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7788; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13176; FCC 59M-1156]

VERNON F. CROTTS

Order Scheduling Hearing

In the matter of Vernon F. Crotts, Box 1125, Aransas Pass, Texas, Docket No. 13176, order to show cause why there should not be revoked the license for Radio Station WA-3357 aboard the vessel "Carey."

It is ordered, This 11th day of September 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 24, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7789; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 12879; FCC 59M-1150]

FREDERIC C. DOUGHTY

Order Conitnuing Hearing

In the matter of Frederic C. Doughty, Springfield, Pennsylvania, Docket No. 12879, suspension of amateur radio operator license (W3PHL).

The Hearing Examiner having under consideration an "Application for Continuance" filed on September 4, 1959, by counsel for respondent, requesting that the hearing in the above-entitled proceeding now scheduled for September 29, 1959 be continued "for a period in excess of 60 days", and

It appearing that the reason given for the requested continuance is that counsel was not retained until August 22, 1959, and he desires additional time to familiarize himself with the complex and technical nature of the subject matter inherent in the hearing issues as well as with applicable Commission's rules; and

It further appearing that this matter was originally scheduled to be heard on July 24, 1959, but that the Hearing Examiner on his own motion ordered a continuance until September 29, 1959; and

It further appearing that notwithstanding the lack of objection to counsel's request on the part of the Safety and Special Radio Service Bureau, the respondent's dilatory conduct in retaining counsel does not serve as the vehicle for unduly delaying the proceeding; and

It further appearing that the continuance requested is inordinate, in light of the issues involved and of the previous continuance of the hearing to September 29, and that good cause has not been shown for granting such request;

Accordingly, It is ordered, This 11th day of September 1959, that respondent's "Application for Continuance" is denied.

It is further ordered, On the Hearing Examiner's own motion, that the hearing is continued from September 29, 1959 to October 27, 1959, at 10:00 o'clock a.m., in Philadelphia, Pennsylvania, to afford counsel a reasonable additional interval to prepare his case.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7790; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13154; FCC 59M-1153]

HARMS AND ROGOWAY RADIO AND TV

Order Scheduling Hearing

In the matter of Wesley Harms and Donald Rogoway, d/b as Harms and Rogoway Radio and TV, Third and Adams, Corvallis, Oregon, Docket No. 13154, order to show cause why there should not be revoked the license for low power industrial radio station KD-3211.

It is ordered, This 11th day of September 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 27, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7791; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 12871; FCC 59M-1145]

JACK W. HAWKINS

Order Continuing Hearing

In re application of Jack W. Hawkins, Blanding, Utah, Docket No. 12871, File No. BP-11920, for construction permit.

The Hearing Examiner having under consideration a petition filed on September 10, 1959, by Jack W. Hawkins, requesting that the hearing in the above-entitled proceeding presently scheduled for September 14, 1959, at 2:00 p.m., be continued to September 25, 1959, at 10:00 a.m.;

It appearing, that counsel for the Broadcast Bureau has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition; and good cause has been shown for the grant thereof;

It is ordered, This 10th day of September 1959, that the petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to September 25, 1959, at 10 a.m., in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7792; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket Nos. 13191, 13192; FCC 59-935]

HI-FI BROADCASTING CO. AND RADIO HANOVER, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William F. Mahoney and C. W. Altland, d/b as Hi-Fi Broadcasting Co., York-Hanover, Pennsylvania, req. 98.5 Mc, #253; 8 kw; 717 ft., Docket No. 13191, File No. BPH-2663; Radio Hanover, Inc., York-Hanover, Pennsylvania, req. 98.5 Mc, #253; 7.2 kw; 730 ft., Docket No. 13192, File No. BPH-2689; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of September 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for

hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively by the Hi-Fi Broadcasting Co., and Radio Hanover, Inc., and the availability of other such FM broadcast service to the said areas and populations.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7793; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13170; FCC 59M-1154]

ALBERT L. KING

Order Scheduling Hearing

In the matter of Albert L. King, Gulf Shores, Alabama, Docket No. 13170, order to show cause why there should not be revoked the license for radio station WG-5519, aboard the vessel "Silver Sands."

It is ordered, This 11th day of September 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 25, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7794; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 12990]

MASSACHUSETTS STEEL TREATING CORP.

Notice of Place of Hearing

In the matter of cease and desist order to be directed to Massachusetts Steel Treating Corporation, 118 Harding Street, Worcester, Massachusetts, Docket No. 12990.

The hearing on the above-entitled matter presently scheduled for Friday, October 2, 1959, will be held at 10:00 a.m., in Room 505, Federal Building, 595 Main Street, Worcester, Massachusetts.

Dated: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7795; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13177; FCC 59M-1157]

B. L. McDOWELL

Order Scheduling Hearing

In the matter of B. L. McDowell, Box 423, Aransas Pass, Texas, Docket No. 13177, order to show cause why there should not be revoked the license for radio station WD-8355 aboard the vessel "Bert H. Walling III."

It is ordered, This 11th day of September 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 24, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7796; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13152; FCC 59M-1151]

RED'S TAXI

Order Scheduling Hearing

In the matter of George A. Wells, d/b as Red's Taxi, 208 North Lincoln, Port Angeles, Washington, Docket No. 13152, order to show cause why there should not be revoked the license for taxicab radio station KOB-620.

It is ordered, This 11th day of September 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 25, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7797; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket Nos. 12315, 12316; FCC 59M-1149]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Order Scheduling Hearing

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

Upon request of counsel for J. B. Falt, Jr., an applicant in this proceeding: *It is ordered,* This 11th day of September, 1959, that hearing herein be, and the same is hereby, scheduled for September 21, 1959, at 10:00 o'clock a.m. in the offices of the Commission, Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7798; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket Nos. 13089-13145; FCC 59M-1147]

TIFFIN BROADCASTING CO. ET AL.

Order Continuing Hearing Conference

In re applications of William E. Benns, Jr., & Barbara Benns d/b as Tiffin Broadcasting Company, Tiffin, Ohio, Docket No. 13089, File No. BP-11392; et al., Docket Nos. 13090, 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13128, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147; for construction permits.

It is ordered, This 11th day of September 1959, that a prehearing conference in the above-entitled matter heretofore scheduled for October 5, 1959 is hereby rescheduled to commence at 10:00 a.m.,

October 6, 1959, in the Commission's offices at Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7799; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13173; FCC 59M-1155]

PAUL VOISIN

Order Scheduling Hearing

In the matter of Paul Voisin, Grand Caillou Route, P.O. Box 450, Houma, Louisiana, Docket No. 13173, order to show cause why there should not be revoked the license for radio station WG-7351, aboard the vessel "Captain Lynn."

It is ordered, This 11th day of September 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 27, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7800; Filed, Sept. 17, 1959; 8:50 a.m.]

[Docket No. 13153; FCC 59M-1152]

F. E. AND H. J. WALKER

Order Scheduling Hearing

In the matter of F. E. and H. J. Walker, Hillard, Florida, Docket No. 13153; order to show cause why there should not be revoked the license for radio station WC-7256 aboard the vessel "John T."

It is ordered, This 11th day of September 1959, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 27, 1959, in Washington, D.C.

Released: September 14, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7801; Filed, Sept. 17, 1959; 8:51 a.m.]

VHF "BOOSTERS"

Extension of Status Quo

SEPTEMBER 10, 1959.

The Commission is continuing its further study of the problems raised by proposals that it license television repeaters, commonly referred to as "boosters", in the VHF band.

Additional time will be needed to complete consideration of the matter. Meanwhile it appears desirable to maintain the status quo with reference to existing VHF "booster" operations.

Accordingly, the Commission is extending, until December 31, 1959, the general period of grace for such operations. It is hoped that by that date the Commission will have been able to resolve the remaining problems raised by proposals to license VHF "boosters". Every effort is being made to this end.

Adopted: September 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7802; Filed, Sept. 17, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-19001—G-19006]

CARTER-JONES DRILLING CO., INC., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates

AUGUST 5, 1959.

In the matters of Carter-Jones Drilling Company, Inc. (Operator), et al., Docket No. G-19001; Bayou Oil Company, et al., Docket No. G-19002; Pauley Petroleum, Inc., Docket No. G-19003; Pan American Petroleum Corporation, Docket No. G-19004; Union Oil Company of California, Docket No. G-19006.

In the Order For Hearings And Suspending Proposed Changes In Rates, issued July 22, 1959, and published in the FEDERAL REGISTER on July 28, 1959 (24 F.R. 6016), change the second number in the column headed "Supp. No." from "11" to "12" also in paragraph (B) of the "The Commission orders:" change the words "Supplement No. 11 to Carter-Jones' FPC Gas Rate Schedule No. 6" to read "Supplement No. 12 to Carter-Jones' FPC Gas Rate Schedule No. 6."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7754; Filed, Sept. 17, 1959; 8:46 a.m.]

[Docket No. E-6898]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application

SEPTEMBER 11, 1959.

Take notice that on September 3, 1959, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Vermont Public Service Corporation ("Applicant"), seeking an order authorizing the acquisition by it of securities of its wholly-owned subsidiary, Connecticut Valley Electric Company, Inc. ("Connecticut"). Applicant, having its principal business office at Rutland, Vermont, is a corporation organized under the laws of the State of Vermont and does business in the States of Vermont, New Hampshire and New York. Applicant is engaged primarily in the business of generating, purchasing, transmitting and selling electric energy in several counties of Vermont and also sells electric energy to four customers in Washington County in the State of New York. Connecticut, having its principal business office at Claremont, New Hampshire, is a corporation organized under the laws of the State of New Hampshire. Applicant states that Connecticut operates only in New Hampshire and is primarily engaged in the business of generating, purchasing, distributing and selling electric energy for light and power for parts of Sullivan and Grafton Counties in the State of New Hampshire. Applicant proposes to acquire a $250,000, 5½ percent note of Connecticut to be dated the first day of the month it is issued and to mature 25 years after its date in consideration of $250,000 cash to be paid by Applicant to Connecticut. In addition, Applicant proposes that 14,000 shares of $25 par value Common Stock of Connecticut now held by Applicant be changed into 14,000 shares of Common Stock of $50 par value. Applicant states that the acquisition would have no effect upon any contract of either corporation for the purchase, sale or interchange of electric energy, and that Connecticut, as a wholly-owned subsidiary of Applicant, requires additional funds to increase its working capital from $5,946 to $253,946 in order to reimburse Connecticut's treasury for capital expenditures from 1949 and for other corporate purposes. According to the application, the loan by Applicant to Connecticut would avoid the necessity of more expensive outside financing; the increase in par value of Connecticut Common Stock resulting in capitalization of earnings and the transfer from the Premiums and Assessments on Capital Stock would improve the rates of Connecticut's permanent capital to funded debt and surplus.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 12th day of October 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7755; Filed, Sept. 17, 1959; 8:46 a.m.]

[Docket No. G-18240, etc.]

OHIO VALLEY GAS CORP. ET AL.

Notice of Application and Date of Hearing

SEPTEMBER 11, 1959.

In the matters of Ohio Valley Gas Corporation, Docket No. G-18240; American Louisiana Pipe Line Company, Docket No. G-18312; Northern Indiana Public Service Company, Docket No. G-18733.

Take notice that Ohio Valley Gas Corporation (Ohio Valley), an Indiana corporation, having its principal place of business in Winchester, Indiana, filed on April 7, 1959 an application (Docket No. G-18240), pursuant to section 7(a) of the Natural Gas Act, for an order directing American Louisiana Pipe Line Company (American Louisiana) to sell and deliver to Ohio Valley an additional peak day volume of 2400 Mcf of natural gas per day over the presently authorized volume of 2500 Mcf per day for resale and distribution in Portland, Indiana, all as more fully represented in said application.

Ohio Valley estimates its annual and peak day requirements as follows:

Annual (Mcf)

1959	*1960*	*1961*
1,285,040	1,309,768	1,316,977

Peak Day (Mcf)

1959–60	*1960–61*	*1961–62*
4,461	4,750	4,974

Ohio Valley states that its peak day requirements during the past winter heating season were 4,376 Mcf.

American Louisiana Pipe Line Company, a Delaware corporation, having its principal place of business at 645 Griswold Street, Detroit, Michigan, filed on April 15, 1959 an application (Docket No. G-18312) and on April 27, 1959 and July 1, 1959 supplements thereto, for a certificate of public convenience and necessity authorizing it to construct and operate two new compressor stations, to be known as Stations 2 and 5, with 8,000 and 10,000 compressor horsepower, respectively, for the purpose of expanding the capacity of American Louisiana's pipeline by 43,000 Mcf per day, in order to meet the requirements of its present markets.

American Louisiana alleges that the installation of the proposed facilities will provide the increase in capacity which American Louisiana previously proposed as "step two" of its expansion program in Docket No. G-10396, but American Louisiana's gas supply was sufficient to support only "step one" of the expansion program as a result of Gulf Refining Company's undertaking to cancel four of the five contracts upon which American Louisiana relied to support its expansion program.

American Louisiana alleges that it now has a sufficient gas supply to support the proposed expansion.

The additional 43,000 Mcf of capacity is proposed to be delivered on the average day as follows:

	Mcf per day
Michigan Consolidated	30,600
Michigan Wisconsin	10,500
Ohio Valley	1,900

The design peak day sales capacity of the American Louisiana system after installation of the proposed facilities is 400,000 Mcf per day. Under maximum operating conditions, using all available horsepower, the system as proposed could deliver 429,100 Mcf per day.

On a peak day it is proposed that Ohio Valley will receive 2,495 Mcf per day in addition to the presently authorized 2,500 Mcf per day, which will raise the total amount available to Ohio Valley on a peak day to 4,995 Mcf per day. According to flow diagrams attached to the application, American Louisiana, on an average day, will deliver a total of 99,400 Mcf to Michigan Wisconsin and 290,400 Mcf to Michigan Consolidated. Using all available horsepower, including the proposed additional 18,000 horsepower, American Louisiana could deliver 104,700 Mcf per day to Michigan Wisconsin and 314,200 Mcf per day to Michigan Consolidated. Other deliveries could also be made to smaller customers, such as Lincoln Natural Gas Co. and Paris-Henry County Public Utilities District.

The estimated annual and peak day market requirements of Michigan Consolidated, Michigan Wisconsin and Ohio Valley are as follows:

	Annual requirements—Mcf	
	1960	1961
Michigan Consolidated:		
Firm	187,019,400	193,657,600
Interruptible	32,293,000	32,293,000
Michigan Wisconsin (exclusive of Michigan Consolidated):		
Firm	110,077,900	123,561,100
Interruptible	19,803,200	23,779,800
Ohio Valley:		
Firm	1,309,768	1,316,977
Total firm [1]	299,007,068	320,535,677
Total interruptible	52,096,200	56,072,800
	Firm peak day requirements—Mcf	
	1960	1961
Michigan Consolidated	1,391,279	1,452,384
Michigan Wisconsin (exclusive of Michigan Consolidated)	813,184	906,227
Ohio Valley	4,750	4,974
Total [1]	3,209,213	2,363,585

[1] Does not include the requirements of two small customers of American Louisiana: Lincoln Natural Gas Company and Paris-Henry County Public Utilities District.

These requirements are to be met not only by American Louisiana but also by other sources of supply available to Michigan Wisconsin and Michigan Consolidated.

The estimated cost of these proposed facilities is $6,081,000, which American Louisiana proposed to finance from funds on hand.

Northern Indiana Public Service Company (Northern Indiana), an Indiana corporation, having its principal place of business at 5265 Hohman Avenue, Hammond, Indiana, filed on June 8, 1959 an application (Docket No. G-18733), pursuant to section 7(a) of the Natural Gas Act, for an order directing American Louisiana Pipe Line Company to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Northern Indiana and to sell and deliver to Northern Indiana its natural gas requirements for the town of LaGrange and environs, LaGrange County, Indiana, which is presently without natural gas service.

Northern Indiana proposes to construct and operate approximately ¼ mile of 6-inch transmission lateral to extend from an interconnection with the facilities of American Louisiana south of LaGrange. Northern Indiana also plans to construct and operate a local distribution system for service to the residents of LaGrange.

The estimated cost of the proposed construction is $185,400, which Northern Indiana proposes to finance from funds on hand.

Peak day and annual requirements for LaGrange are estimated as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1	461	50,000
2	593	65,400
3	729	81,740

The above numbered applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on November 3, 1959, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7756; Filed, Sept. 17, 1959; 8:46 a.m.]

[Docket No. G-19032]

PHILLIPS PETROLEUM CO.

Order for Hearing and Suspending Proposed Change in Rate

JULY 28, 1959.

Phillips Petroleum Company (Phillips), in June 29, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase in rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated June 23, 1959.

Purchaser: Michigan Wisconsin Pipe Line Company.

Rate schedule designation: Supplement No. 23 to Phillips' FIC Gas Rate Schedule No. 4.

Effective date: August 1, 1959 (Stated effective date is that requested by Phillips).

Phillips instant rate schedule covers gas produced from so called "Texas Dedicated Acreage," "Stratford Acreage," and "Oklahoma Dedicated Acreage." The level of rate differs as to each acreage as does the type of increase in rate and the quantum of such increase. The increase in rate in the so called Texas and Oklahoma dedicated acreages is of the spiral escalation type while that in the so called Stratford acreage is of the favored-nations type. The instant spiral escalation increased rates are based upon the increased rates of Michigan-Wisconsin which are currently in effect subject to refund. The favored-nations increase in rate is triggered by the spiral increased rates applicable to the sales from the "dedicated acreage." It would appear, therefore, that the favored-nation type increase is prematurely tendered. However, the public interest would appear to be best served by waiving the limitation as to notice requirements as set out in § 154.94(b) of the Commission's regulations so that the three levels of rate in the rate schedule may be reviewed concurrently.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that Supplement No. 23 to Phillips' FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 23 to Phillips' FPC Gas Rate Schedule No. 4.

(B) Pending the hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until January 1, 1960 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by Sections 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7757; Filed, Sept. 17, 1959; 8:46 a.m.]

[Docket No. G-18503]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Application and Date of Hearing

SEPTEMBER 11, 1959.

Take notice that on May 11, 1959, and as supplemented on June 19, 1959, Tennessee Natural Gas Lines, Inc. (Applicant) filed an application in Docket No. G-18503, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate 5,200 feet of 6-inch pipeline from its Old Hickory main line near Nashville, Tennessee, to the city limits of Goodlettsville, Tennessee, and a 1,500 foot service line to be attached to the 6-inch line, plus metering stations on each of the proposed lines.

The application states that the proposed construction is to enable Applicant to intitiate deliveries of natural gas to Nashville Gas Company (Nashville Gas), a wholly-owned subsidiary of Applicant, for resale in the town of Goodlettsville and to deliver firm and interruptible natural gas directly from the proposed service line to the Gates Rubber Company's (Gates) new plant in the same area. Applicant now purchases natural gas from Tennessee Gas Transmission Company (Tennessee Gas) near Nashville and transports and resells such natural gas to Nashville Gas for resale in the Nashville area.

The estimated cost of Applicant's proposed facilities is $56,082 and such cost will be borne by current cash funds on hand.

Nashville Gas has received certificate authorization from the Tennessee Public Service Commission to serve Goodlettsville, and Goodlettsville granted Nashville Gas a franchise to distribute natural gas.

Applicant estimates the natural gas requirements in Mcf at 14.73 psia of Goodlettsville as follows:

	1st year	2d year	3d year
Peak day (Mcf)	151	246	359
Annual (Mcf)	18,707	30,706	44,594

Natural gas requirements in Mcf at 14.73 psia of Gates are estimated as follows:

	1st year	2d year	3d year
Peak day (Mcf):			
Firm	80	225	225
Interruptible		3,000	3,000
Total		3,225	3,225
Annual (Mcf):			
Firm	20,000	20,000	60,000
Interruptible	400,000	400,000	600,000
Total	420,000	420,000	660,000

The natural gas supply for these new services is to come from Applicant's existing authorized contract quantity of 108,653 Mcf per day at 14.73 psia available from Tennessee Gas.

Applicant will serve Nashville Gas for Goodlettsville under its currently effective Rate G-1 of its FPC Gas Tariff. Applicant proposes to serve Gates with firm gas at 78.8 cents per Mcf and interruptible gas at 28.45 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7758; Filed, Sept. 17, 1959; 8:46 a.m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION[1]

Public Information Places

Pursuant to the provisions of section 3(a)(1) of the Administrative Procedures Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendment to its description of organization in the field in respect to the places at which the public may secure information or make submittals or requests.

The Thirty-ninth Sub-Regional Office with headquarters at 650 M & M Building, 1 Main Street, Houston, Texas is hereby designated as the Twenty-third Regional Office.

(Sec. 6, 49 Stat. 452, as amended; 29 U.S.C. 156)

Dated, Washington, D.C., September 14, 1959.

By direction of the Board:

[SEAL] FRANK M. KLEILER,
Executive Secretary.

[F.R. Doc. 59-7776; Filed, Sept. 17, 1959; 8:48 a.m.]

[1] This amends Description of Organization which appeared at 13 F.R. 3090, with amendments appearing at 13 F.R. 6266, 15 F.R. 973, 16 F.R. 1696, 19 F.R. 1259, 21 F.R. 9914 and 22 F.R. 6681.

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-12615]

ALTEC COMPANIES INC.

Notice of Application for Exemption

SEPTEMBER 14, 1959.

Notice is hereby given that Altec Companies Inc., a Delaware corporation (issuer), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) (17 CFR 240.15d-20) for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of the outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The application states with respect to the request for exemption from the reporting requirements of section 15(d) of the Act, as follows:

1. That issuer has outstanding 335,000 shares of common stock, $1 par value, of which in excess of 99 percent is owned by Ling Electronics Inc. and the remaining shares are owned by approximately 20 persons.

2. All of the outstanding securities of issuer are held of record by not exceeding 50 persons.

3. The continued filing of periodic reports by issuer is not necessary in the public interest or for the protection of investors because all events which would normally be reported by issuer will be reported by the parent of issuer, Ling Electronics Inc. (now Ling-Altec Electronics Inc.) pursuant to section 15(d) of the Securities Exchange Act of 1934.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after September 30, 1959 unless prior thereto a hearing is ordered by the Commission. Any interested persons may not later than September 28, 1959 submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed, Secretary, Securities and Exchange Commission, Washington 25, D.C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7777; Filed, Sept. 17, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 15, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35685: *Magnesium metal or alloy—Freeport, Tex., to the south.* Filed by Southwestern Freight Bureau, Agent (No. B7635), for interested rail carriers. Rates on magnesium metal or magnesium metal alloy, carloads from Freeport, Tex., to destinations in southern territory.

Grounds for relief: Short-line distance formula, grouping and short or weak line arbitraries.

Tariff: Supplement 8 to Southwestern Freight Bureau tariff I.C.C. 4303.

FSA No. 35686: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 365), for interested rail carriers. Rates on register, sales or transfer checks or tickets, noibn., carloads, and other commodities described in the application between points in Texas, over interstate routes traversing in part points in other states.

Grounds for relief: Intrastate competition and maintenance of rates from or to points in other states not subject to the same competition.

Tariff: Supplement 93 to Texas-Louisiana Freight Bureau, Agent, tariff I.C.C. 865.

FSA No. 35688: *Iron or steel slabs—Steelton, Ky., to Washington, Pa.* Filed by O. W. South, Jr., Agent (SFA No. A3841), for interested rail carriers. Rates on unfinished iron or steel slabs, carloads from Steelton, Ky., to Washington, Pa.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 6 to Southern Freight Tariff Bureau tariff I.C.C. S-59.

FSA No. 35689: *Starch or dextrine—Illinois territory points to Zee, La.* Filed by O. W. South, Jr., Agent (SFA No. A-3840), for interested rail carriers. Rates on starch or dextrine, carloads from specified points in Illinois, Indiana, Iowa, and Missouri to Zee, La.

Grounds for relief: Barge competition from certain origins and market competition from other origins.

Tariffs: Supplement 164 to Illinois Freight Association tariff I.C.C. 776, Supplement 161 to Southern Freight Association Tariff I.C.C. 1548.

FSA No. 35690: *Commodities from and to Airbase Spur, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B-7637), for interested rail carriers. Rates on various commodities from and to Airbase Spur, Kans., to and from points in the United States and Canada.

Grounds for relief: Establishment of new station and rates from and to such point same as from and to Great Bend, Kans.

Tariffs: Supplement 372 to Southwestern Freight Bureau tariff I.C.C. 4109 and other schedules listed in the application.

FSA No. 35691: *Fine coal—Southwestern fields to Carroll, Iowa.* Filed by Southwestern Freight Bureau, Agent (No. B-7638), for interested rail carriers. Rates on fine coal, carloads from mines in Arkansas, Kansas, Missouri, and Oklahoma to Carroll, Iowa.

Grounds for relief: Competition with natural gas.

Tariff: Supplement 51 to Southwestern Lines tariff I.C.C. 4270.

FSA No. 35692: *Beet pulp—Western points to Florida.* Filed by Western Trunk Line Committee, Agent (No. A-2085), for interested rail carriers. Rates on dry beet pulp, carloads, from specified points in Colorado, Idaho, Nebraska, Oregon and Washington to points in Florida.

Grounds for relief: Competition with beet pulp imported from foreign countries through Florida ports.

FSA No. 35693: *Coal—Inner and outer crescent to Cincinnati, Ohio switching district.* Filed by Roy S. Kern, Agent (No. 55), for interested rail carriers. Rates on coal, including bituminous or cannel and coal briquettes, carloads from stations and mines on the Baltimore and Ohio Railroad Company and connections and New York Central Railroad Company in the inner and outer crescent regions to station in Ohio in the Cincinnati, Ohio switching district.

Grounds for relief: Market competition and restoration of origin differential rate relations disrupted by the general rate increases.

Tariffs: Supplement 45 to Baltimore and Ohio Railroad tariff C&C Series I.C.C. 3122. Supplement 92 to New York Central tariff I.C.C. 1206.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35687: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 366), for interested rail carriers. Rates on

bagging, cotton bale covering, and other commodities, as described in the application from and to specified points in Texas, and between points in Texas, over interstate routes through outside Texas.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing lower combination rates.

Tariff: Supplement 93 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7770; Filed, Sept. 17, 1959; 8:48 a.m.]

[Notice 190]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 15, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62491. By order of September 11, 1959, The Transfer Board approved the transfer to Mardas Motor Freight, Inc., Merchantville, N.J., a portion of Certificate in No. MC 60572, issued August 5, 1949, to National Hauling Contractors Co., Inc., Vineland, N.J., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between Philadelphia, Pa., on the one hand, and, on the other, Newark and Orange, N.J., Baltimore, Md., points in District of Columbia, New Jersey, Pennsylvania, and Delaware; and fruit, produce and advertising matter pertaining to such commodities, between Philadelphia, Pa., and New York, N.Y. Brodsky & Lieberman, 1776 Broadway, New York 17, N.Y., and Bowes & Millner, 1060 Broad St., Newark 2, N.J., attorneys for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7771; Filed, Sept. 17, 1959; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 107]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, the Louisville and Nashville Railroad Company, account bridge burned out at Pascagoula, Mississippi, is unable to transport traffic routed over its line.

It is ordered, That:

(a) *Rerouting traffic.* The Louisville and Nashville Railroad Company and its connections are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rercuted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:00 a.m., September 12, 1959.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 25, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 12, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-7772; Filed, Sept. 17, 1959; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 16, 1959

H.R. 7870 ..... Public Law 86-289
An Act to amend the Revised Organic Act of the Virgin Islands, as amended.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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FEDERAL REGISTER

VOLUME 24 NUMBER 184

Washington, Saturday, September 19, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Persons Who Lost Eligibility Because of Military Service

Effective July 1, 1959, paragraph (b) (1) (i) of § 2.209 is amended by changing 1959 to 1963. This amendment is necessary as a result of Public Law 86–4, approved March 23, 1959, which extended to July 1, 1963, the authority to induct persons under the Universal Military Training and Service Act. As amended, paragraph (b) (1) (i) reads as follows:

§ 2.209 Restoration of eligibility.

* * * * *

(b) *Persons who lost eligibility because of military service.* (1) Anyone who has served on active duty in the military service since June 30, 1950, and for that reason lost a period of eligibility on a register may have his eligibility restored, if he meets all of the following conditions:

(i) He has not served more than four (4) years following the date of his entrance upon active military duty, exclusive of any additional service imposed pursuant to law. The date of entrance on duty means the first date between June 30, 1950, and July 1, 1963, on which he began a new period of active military duty, whether it was by original entry, reentry, or extension.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–7803; Filed, Sept. 18, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 183]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.483 Valencia Orange Regulation 183.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held

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(As of July 1, 1959)

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an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 17, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 20, 1959, and ending at 12:01 a.m., P.s.t., September 27, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 1,108,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7918; Filed, Sept. 18, 1959; 11:24 a.m.]

[Orange Reg. 361]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.975 Orange Regulation 361.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 15, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7851; Filed, Sept. 18, 1959; 8:49 a.m.]

[Grapefruit Reg. 313]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.976 Grapefruit Regulation 313.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during

the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 15, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze; or

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(3) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., September 28, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade; or

(ii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{3}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(4) During the period beginning at 12:01 a.m., e.s.t., September 28, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze; or

(ii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{3}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7850; Filed, Sept. 18, 1959; 8:49 a.m.]

[Export Reg. 3]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

§ 933.977 Export Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments by export of oranges, including Temple oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, and all grapefruit, grown in the production area, are subject to grade and size limitations on shipments from the production area to any point outside thereof in the continental United States, Canada, and Mexico; Temple oranges, tangerines, and tangelos, grown in the production area, are approaching maturity and are expected soon to be subject to grade and size limitations on such shipments from the production area. The recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of the respective variety, other than to Canada and Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 15, 1959; such meeting was held to consider recommendations for regulations on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time have been disseminated among handlers of such oranges, including Temple oranges, grapefruit, tangerines, and tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title), the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title), or the United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., September 21, 1959, and ending at 12:01 a.m., e.s.t., July 31, 1960, no handler shall ship to any destination outside the continental United States, other than to Canada and Mexico:

(i) Any oranges, including Temple oranges, grapefruit, tangerines, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title);

(iii) Any grapefruit, grown in the production area, which are of a size smaller than $3^{3}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title);

(iv) Any tangerines, grown in the production area, which are of a size smaller than a size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9^{1}/_{2}$ x $9^{1}/_{2}$ x $19^{1}/_{8}$ inches; capacity 1,726 cubic inches); or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7884; Filed, Sept. 18, 1959; 9:27 a.m.]

[Lemon Reg. 810]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.917 Lemon Regulation 810.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 16, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 20, 1959, and ending at 12:01 a.m., P.s.t., September 27, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7883; Filed, Sept. 18, 1959; 9:27 a.m.]

PART 970—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 970.1 through 970.92, inclusive, of the order. The Maine Potato Marketing Committee, pursuant to § 970.51 of the order, has recommended that regulations limiting the handling of 1959 crop potatoes should be issued. Notice of rule making with respect to the proposed limitation of shipments was published in the FEDERAL REGISTER, September 10, 1959 (24 F.R. 7278).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

Findings. It is hereby found that good cause exists for not postponing the effective date of § 970.306 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) handling of Irish potatoes grown in the production area has begun, (2) more orderly marketing in the public interest, than would otherwise prevail will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in news media in the production area and by publication in the FEDERAL REGISTER of September 10, 1959 (24 F.R. 7278).

§ 970.306 Limitation of shipments.

During the period from September 21, 1959, through July 16, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraph (a) of this section or unless such potatoes are handled in accordance with the provisions of paragraph (b), (c), (d), (e), (f), or (g) of this section.

(a) *Minimum grade, size, and cleanliness requirements*—(1) *Round varieties.* U.S. No. 1, or better, grade, $2^{1}/_{4}$ inches minimum diameter and 4 inches maximum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, size A, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* (i) Round varieties—at least 90 percent fairly clean; (ii) long varieties—packs of less than fifty pounds, at least generally fairly clean to clean, mostly clean, which means that not less than 55 percent of such potatoes

are clean and not more than 10 percent are slightly dirty; packs of fifty pounds or larger may be shipped if at least 90 percent fairly clean.

(b) *Special purpose shipments*—(1) *Modified grade, size, and cleanliness requirements.* In addition to potatoes which meet the requirements of paragraph (a) of this section, potatoes may be shipped for the special purposes set forth in this paragraph if such potatoes meet the grade and size requirements specified for the particular purpose and the handler complies with the applicable provisions of paragraph (c) of this section.

(i) *Chipping.* U.S. No. 1, or better, grade (except for damage by shriveling and sprouting), 1½ inches minimum diameter and 4 inches maximum diameter.

(ii) *Processing into potato salad, fish cakes, hash, knishes, or pancakes.* 85 percent U.S. No. 1, or better, quality, 1½ inches minimum diameter and 2½ inches maximum diameter.

(iii) *Export.* U.S. No. 1, or better, grade, 1½ inches minimum diameter.

(2) *Exemptions from grade, size, and cleanliness requirements.* The minimum grade, size, and cleanliness requirements of paragraph (a) of this section shall not apply to shipments of potatoes for the following purposes if the handler complies with the applicable provisions of paragraph (c) of this section.

(i) Seed, prior to June 1, 1960;

(ii) For grading or storing within the production area;

(iii) Dehydration or potato flakes;

(iv) Manufacture or conversion into starch, flour, or alcohol;

(v) Canning or freezing;

(vi) Livestock feed;

(vii) For distribution by the Federal Government; and

(viii) Charity.

(c) *Safeguards.* (1) Each handler making shipment of potatoes under the provisions of paragraph (b) for chipping, processing into potato salad, fish cakes, hash, knishes or pancakes, export, dehydration or potato flakes, canning or freezing, livestock feed, or charity shall:

(i) Prior to making shipment, apply for and obtain an approved Certificate of Privilege from the committee pursuant to the provisions of § 970.130;

(ii) Obtain inspection of, and pay assessments on such shipments except shipments for canning or freezing, livestock feed, dehydration, potato flakes, and charity;

(iii) Pay assessments on shipments of seed; and

(iv) Furnish the committee such reports and documents as may be requested, including certification by the buyer or consignee as to the use of such potatoes.

(2) Prior to the issuance of a Certificate of Privilege to ship potatoes for chipping, the applicant shall provide the committee with appropriate evidence that such potatoes have been treated and conditioned (or are in the process of being treated and conditioned) for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in paragraph (b)(1)(i) of this section.

(3) The safeguards set forth in this paragraph shall not apply to shipments of potatoes within the production area of less than 15,000 pounds for canning or freezing, dehydration, potato flakes or livestock feed when such potatoes are shipped in bulk, barrels, or in unsewn 100-pound burlap bags.

(d) *State requirements.* The obtaining of a Certificate of Privilege for shipments to specified outlets as provided for in this section does not relieve the handler of the responsibility of complying with the provisions of the Maine Branding Law (Me. Rev. Stat. Ch. 32, sections 295–301 (1954), as amended (Supp. 1957)).

(e) *Minimum quantities.* Each handler may handle not in excess of thirty (30) hundredweight of potatoes per week free from regulation effective pursuant to § 970.45 (assessments) and § 970.65 (Inspection and Certification); if such potatoes meet the requirements of subparagraph (1) or (2) of paragraph (a) of this section and are 90 percent "fairly clean". This exemption shall not apply to any portion of a shipment of over thirty (30) hundredweight of such potatoes.

(f) *Inspection.* No handler shall ship potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. Under § 970.65 (c) of this part, for administration thereof each inspection certificate shall be valid for only 72 hours following completion of inspection as shown in the certificate.

(g) *Certificates of Exemption.* Each handler making shipments of potatoes under a Certificate of Exemption issued under § 970.122 which are exempted from the grade and size limitations set forth in paragraph (a) of this section shall pack such potatoes in 50-pound, or larger, packs.

(h) *Definitions.* The terms "clean", "fairly clean" and the grades and sizes used in this section shall have the same meaning assigned such terms, grades, and sizes in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title) including the tolerances set forth therein; the term "week" as used in paragraph (e) of this section means a calendar week beginning midnight (12:01 a.m.) Sunday; 85 percent U.S. No. 1, or better, quality, means that 85 percent of the potatoes in any lot meet the requirements of § 51.1541 of this title, except paragraphs (a) and (b) thereof, or § 51.1540 of this title, except paragraphs (a) and (b) thereof; other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1959, to become effective September 21, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7870; Filed, Sept. 18, 1959; 8:49 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER August 19, 1959 (24 F.R. 6715). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 1017.203 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1959, and ending June 30, 1960, will amount to $4,646.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 130 and this part, shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7819; Filed, Sept. 18, 1959; 8:45 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

Subpart—1960

The protection and conservation of the soil and water resources of farm and ranch lands is essential in order that these lands will continue to produce sufficient food and other raw materials to meet future needs. All people, not farmers and ranchers alone, have a stake in, and a part of the responsibility for, protecting and conserving our farm and ranch lands. Recognizing this, the Congress appropriates funds to share with farmers and ranchers the cost of carrying out needed soil and water conservation measures. The Agricultural Conservation Program is a means of making this Federal cost-sharing available to farmers and ranchers.

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1105.975 Practice 35: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.
1105.976 Practice 36: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

AUTHORITY: §§ 1105.900 to 1105.976 issued under sec. 4, 49 Stat. 164; 16 U.S.C. 590d. Interpret or apply secs. 7 to 17, 49 Stat. 1148, as amended, 73 Stat. 167; 16 U.S.C. 590g–590q.

INTRODUCTION

§ 1105.900 Introduction.

(a) The U.S. Department of Agriculture offers every farmer and rancher in the State of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1960 Agricultural Conservation Program.

(b) Under this program, part of the costs of the conservation practices is borne by the Government, and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1960 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.901 General program principles.

The 1960 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in Hawaii.

(b) The program is designed to encourage those soil and water conservation practices which provide the most enduring conservation benefits practicably attainable in 1960 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed soil and water conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on soil and water conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices, except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(e) The rates of cost-sharing in the program are to be the minimum required to result in substantially increased performance of needed soil and water conservation practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of soil and water conservation practices which farmers and ranchers otherwise would not perform but which are essential to sound soil and water conservation, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices through their life spans. Cost-shares are not applicable, after they are initially utilized, to undertake a practice during its normal life span unless the practice has failed to serve for its normal life span due to conditions beyond the control of the farm or ranch operator.

DEFINITIONS

§ 1105.902 Definitions.

For the purposes of the 1960 program:

(a) "Secretary" means the Secretary of the U.S. Department of Agriculture or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the State of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, the State of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means (1) all adjoining or nearby and easily accessible farm, wood, or rangeland under the same ownership which is operated by one person, and (2) all additional farm, wood, or rangeland under different ownership operated by such person which the State Office determines (i) is nearby and easily accessible, (ii) is approximately equally productive, and (iii) for the past 2 years has been operated by such person and will be so operated during the current year, or has been operated by such person for 1 year with proof satisfactory to the State Office that it will be operated by such person for at least 2 more years. Notwithstanding the conditions set forth in subparagraphs (1) and (2) of this paragraph, fields and subdivisions of fields which are part of a farm or ranch shall remain a part of such farm or ranch when operated under a short term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or ranch or part of another farm or ranch under this definition. Land which is properly constituted as a farm or ranch shall not be reconstituted when a change of farm or ranch operators is the only basis for such action.

(g) "Cropland" means land which the State Office determines (1) was tilled in at least 1 of the 5 calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the 5 calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of establishment; or (3) has been tilled but at the time of determination is in an established crop rotation pattern recognized in the community. Land planted to vineyards, orchards, or other trees which was classified as cropland at the time of planting shall retain the cropland classification only for the year of planting, except that portions of the land area within an orchard or vineyard not devoted to trees or vines shall be classified as cropland if such land area meets the requirements of the first sentence of this definition.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, State Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.903 Allocation of funds.

The amount of funds available for conservation practices under this program is $184,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.918. The State Office will allocate the funds available for conservation practices among the counties consistent with the needs for enduring conservation in the various counties and will give particular consideration to the furtherance of watershed programs sponsored by local people and organizations. The proportion of this fund initially allocated to any county for the 1960 program shall not be reduced from the distribution of such fund for the 1958 program year.

STATE AGRICULTURAL CONSERVATION PROGRAM

§ 1105.904 Agencies participating in development of State program.

This program was developed within the pattern of the national program authorized by the Congress under the provisions of the Soil Conservation and Domestic Allotment Act of 1938, as amended. Adaptation to Hawaii's needs has been accomplished over a period of years through the cooperative assistance and advice of interested farmers and ranchers, as well as Government agency representatives from the Extension Service, Farmers Home Administration, Soil Conservation Service, Board of Agriculture and Forestry, and Agricultural Stabilization and Conservation Office. The program has been approved by the Administrator, ACPS, in Washington.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.905 Method and extent of approval.

The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1960. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. No practice may be approved for cost-sharing except as authorized by the program contained in this subpart, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 1105.906 Selection of practices.

(a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

(b) Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.907 Pooling agreements.

Farmers or ranchers in any local area may agree in writing, with the approval of the State Office, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.908 Prior request for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started. For practices for which (a) approval was given under the 1959 Agricultural Conservation Program, (b) performance was started but not completed during the 1959 program year, and (c) the State Office believes the extension of the approval to the 1960 program is justified under the 1960 program regulations and provisions, the filing of the request for cost-sharing under the 1959 program may be regarded as meeting the requirement of the 1960 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.909 Program year and technical aid.

(a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period August 1, 1959, through December 31, 1960, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch, except that for practices performed during the period August 1, 1959, through December 31, 1959, for which specifications and requirements are identical with those for comparable practices under the 1959 Agricultural Conservation Program, cost-share rates shall be those prescribed for the 1959 program.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.941, 1105.942, 1105.944, 1105.953, 1105.954, 1105.956 to 1105.963, 1105.966 to 1105.972, 1105.975 and 1105.976 (practices 1, 2, 4, 13, 14, 16 to 23, 26 to 32, 35, and 36). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.943 (practice 3), the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.945 and 1105.952 (practices 5 and 12), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agency in carrying out its assigned responsibilities for the practice contained in § 1105.966 (practice 26).

(c) The Forest Service (Forestry Division, State Board of Agriculture and Forestry) is responsible for the technical phases of the practices contained in §§ 1105.964 and 1105.965 (practices 24 and 25). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the State Office, determining compliance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

§ 1105.910 Practice specifications and approval.

(a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in

this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service State Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

(d) Costs for the practices contained in §§ 1105.943, 1105.946 to 1105.948, 1105.964, 1105.966, and 1105.974 (practices 3, 6 to 8, 24, 26, and 34) may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out.

(e) Notwithstanding other provisions of the 1960 program, costs may be shared for the practices contained in §§ 1105.943, 1105.946 to 1105.948, 1105.964, 1105.966, and 1105.974 (practices 3, 6 to 8, 24, 26, and 34) treating with the establishment or improvement of vegetative cover for the performance actually rendered even though the minimum requirements with regard to seedbed preparation, the rate of seeding, or the application of liming materials or commercial fertilizers are not met, if the farmer or rancher establishes to the satisfaction of the State Office or its designee (1) that he made every reasonable effort to meet the minimum requirement, and (2) that the practice as performed adequately meets the conservation problem.

§ 1105.911 Completion of practices.

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.912 and 1105.913, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.912 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1960 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 1105.913.

§ 1105.913 Practices requiring more one program year for completion.

Cost-shares approved under the 1960 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the State Office which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him. If an approved practice is not substantially completed by the end of the 1960 program year, the practice may be considered for reapproval under the 1961 program.

§ 1105.914 Initial establishment or installation of practices.

Under the initial establishment principle as it applies to the 1960 program, Federal cost-sharing may be authorized for the first establishment or installation of a practice with cost-sharing since the 1953 program on a particular piece of land while under the control of the current operator. Federal cost-sharing may also be authorized for replacement, enlargement, or restoration of practices for which cost-sharing has been allowed since the 1953 program if the practice has served for its normal life span, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 1105.915 Repair, upkeep, and maintenance of practices.

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

Federal Cost-Shares

§ 1105.917 Division of Federal cost-shares.

(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1105.918 Increase in small Federal cost-shares.

The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may, in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00

Amount of cost-share computed—Continued	Increase in cost-share
$11 to $11.99	$4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $60.99	14.00
$185 to $199.99	[1]
$200 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 1105.919 Maximum Federal cost-share limitation.

(a) The total of all Federal cost-shares under the 1960 program to any person with respect to farms or ranching units in Hawaii for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000. The total of all Federal cost-shares under the 1960 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1960 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

General Provisions Relating to Federal Cost-Sharing

§ 1105.921 Maintenance of practices.

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1960 program will be subject to the condition that the person with whom the costs are shared will maintain such practices throughout their normal life spans in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.922 Practices defeating purposes of programs.

If the State Office finds that any person has adopted or participated in any practice during the 1960 program year which tends to defeat the purposes of the 1960 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1960 program.

§ 1105.923 Depriving others of Federal cost-share.

If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1960 program.

§ 1105.924 Filing of false claims.

If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1960 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1960 program and shall refund all amounts that may have been paid to him under the 1960 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.925 Federal cost-shares not subject to claims.

Any Federal cost-share or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.926, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.926 Assignments.

Any person who may be entitled to any Federal cost-share under the 1960 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1960, including the carrying out of soil and water conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter).

§ 1105.927 Practices carried out with State or Federal aid.

The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the State Office determines was furnished by a State or Federal agency. Materials or services furnished through the 1960 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.928 Compliance with regulatory measures.

Persons who carry out conservation practices for cost-sharing under the 1960 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

Application for Payment of Federal Cost-Shares

§ 1105.930 Persons eligible to file application.

Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.931 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission

of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1961.

APPEALS

§ 1105.933 Appeals.

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.935 Authority.

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1960.

§ 1105.936 Availability of funds.

(a) The provisions of the 1960 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1960 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1961.

§ 1105.937 Applicability.

(a) The provisions of the 1960 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the U.S. Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands, the use of which the State Office determines will probably change within approximately 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the State of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the U.S. Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.941 Practice 1: Constructing terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.

Cost-sharing will be allowed provided the structures are properly laid out and constructed in accordance with specifications contained in Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour or suitable grade lines. This practice is applicable to average slopes, up to 12 percent for channel terraces, up to 25 percent for diversion ditches, and up to 50 percent for bench terraces. Necessary protective outlets must be provided.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.30 per cubic yard of earth moved in terrain permitting normal operation of tillage equipment.

(b) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in other terrain (rocky, broken, steep, or with exposed substratum).

§ 1105.942 Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.

This practice does not apply to infield surface water interception on farmland. (See § 1105.941 practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod (see § 1105.943 (practice 3)) or other lining. Outlets must be protected to discharge water without gullying. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) 50 percent of the cost of materials and labor in dynamiting.

(c) 50 percent of the cost of materials and labor for clearing rocks and trees from minimum right-of-way.

§ 1105.943 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion and establishing a protective cover on slopes of field road fills and cuts.

This practice is applicable to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. It also applies to exposed slopes of field road fills and cuts installed and/or reshaped during the program year. Sod lining of waterways and cover on fills and cuts must be dense enough to prevent soil cutting before cost-sharing may be allowed. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Slopes of fills and cuts must not exceed natural angle of repose for the soil. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Technical Standards for § 1105.947 (practice 7) and § 1105.948 (practice 8) on file in the State Office. Soil moving under this practice is eligible for cost-sharing only if it qualifies under § 1105.942 (practice 2).

Maximum Federal cost-share. (a) $3.50 per 1,000 square feet of surface established to cover by seeding, sodding, or sprigging.

(b) 50 percent of the cost at the farm of the minimum needed application of approved liming materials and/or commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover. Receipts, invoices, or other evidence of cost is required.)

§ 1105.944 Practice 4: Constructing erosion control dams, pits, ponds, or stone or vegetative barriers to prevent or heal the gullying of farmland or reduce runoff of water.

Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by checkers as evidence of accomplishment under paragraphs (d) and (f) of this section. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 75 percent of the cost, but not in excess of $0.40 per cubic yard of earth moved in the construction of dams, wings, and walls.

(b) $20 per cubic yard of concrete used.

(c) $13 per cubic yard of rubble masonry used.

(d) 75 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) $3 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 75 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.50 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $3.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.945 Practice 5: Initial planting of orchards on the contour to help prevent erosion.

This practice is to conserve water and reduce erosion from irrigation or storm water, with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches. Cultivation at other times for weed control or soil tilth must be on the contour.

Maximum Federal cost-share. $7.50 per acre.

§ 1105.946 Practice 6: Establishment of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.

This practice is applicable to all orchardland. In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.947 (practice 7)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

	Recommended minimum seeding rate (pounds per acre)
(a) Pigeon peas	30
(b) Velvet beans	25
(c) Field beans	20
(d) Vetch (hairy, common, purple)	25
(e) Clover:	
(Hubam)	5
(Kalmi)	10
(f) Kudzu (tropical)	2
(g) Crotalaria juncea	20
(h) Cowpeas	30
(i) Trefoil (big)	2
(j) Alfalfa	10

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted.

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the cost of the minimum needed application of fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost is required.) (For lime applications, see § 1105.949 (practice 9).)

§ 1105.947 Practice 7: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.

This practice is applicable to all orchardland. Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by checkers as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.946 (practice 6) for ratio specifications.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre actually planted.

(b) $7.50 per acre planted to sprigs, stools, or cuttings.

(c) 60 percent of the cost of the minimum needed application of fertilizer (as determined by soil test), but not in excess of $15 per acre of area fertilized. (Receipts, invoices, or other evidence of cost is required.) (For lime applications, see § 1105.949 (practice 9).)

§ 1105.948 Practice 8: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.

All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or grass-legume mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. This practice is not applicable to land occupied by a merchantable stand of timber or pulpwood, or to land which, if cleared, would be suitable for continued production of crops. Receipts or invoices showing purchase of seed, or records of collecting, will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum needed application of liming materials may be authorized under § 1105.949 (practice 9).

Maximum Federal cost-share. (a) 50 percent of the cost of straight grass or legume seed or mixed grass and legume seed, but not in excess of $3 per acre seeded.

(b) $5 per acre planted to slips or stools in terrain suitable for discing or machine planting.

(c) $10 per acre planted to slips or stools in terrain requiring hand sprigging.

(d) 50 percent of the cost at the farm of the minimum needed application of fertilizer (as determined by soil test) for establishing or improving cover, but not in excess of $10 per acre. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.949 Practice 9: Initial treatment of cropland, orchardland, or pasture with liming material for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.

This practice is applicable to land which is devoted in 1960 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless

the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Except as provided in § 1105.914, cost-sharing may not be authorized for this practice on land on which this practice or another practice involving the application of liming material was carried out in 1956 or a subsequent year, unless a current soil test shows a need for a substantial application of liming material. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the checker at the time of inspection.

Maximum Federal cost-share. (a) 50 percent of the cost of liming material delivered to the farm on an island having locally produced lime available.

(b) 75 percent of the cost of liming material delivered to the farm on an island without locally produced lime available.

§ 1105.950 Practice 10: Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture land by poisoning, rotary-mowing, shredding, clipping, or hand grubbing.

Costs will be shared for each treatment, but not in excess of three treatments during the year, done according to accepted practices. Receipts or invoices showing purchase of poisons used or of labor employed in grubbing, clipping, shredding, or mowing will be required by checkers as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as described in University of Hawaii Extension Bulletin 62 and BAF Regulation NW–10 on noxious weeds, available at the State Office.

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of $1 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of $1.50 per acre per treatment.

(c) 50 percent of the cost of rotary-mowing, shredding, or clipping, but not in excess of $1 per acre per each operation.

§ 1105.951 Practice 11: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.

Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings or chips, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Receipts or invoices showing purchase of materials and cost of transportation will be required by checkers as evidence of compliance. For protection of mulch cover from damage by flowing water, terraces and/or diversion ditches must be installed where necessary and feasible.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of $50 per acre treated with materials secured outside the farm from sources not more than 30 miles distant by most direct highway route.

(b) $2.50 per acre treated with crop residue material produced on the farm (restricted to first time use on any farm).

(c) 50 percent of the cost of acceptable material grown for the purpose on the farm, but not in excess of $50 per acre.

(d) 50 percent of the cost of organic material at the farm, but not in excess of $75 per acre treated with materials secured outside the farm from sources more than 30 miles distant by most direct highway route.

§ 1105.952 Practice 12: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.

Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 35 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.953 Practice 13: Construction of permanent catchment areas for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.

No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.954 Practice 14: Construction of permanent water tanks for accumulating water to be used to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover or to make practicable the utilization of the land for vegetative cover.

No cost will be shared if the water supplied is primarily for irrigation or domestic purposes. The practice is not applicable for corrals, feed lots, and holding pens alone. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.955 Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.

No cost may be shared for the maintenance or repair of existing fences or for the construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Permanent electric fences of acceptable quality are eligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 35 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.25 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.956 Practice 16: Constructing or sealing dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.

The development must contribute to a better distribution of grazing or better pasture management or make practicable the utilization of the land for vegetative cover. This practice is applicable only to livestock enterprises on lands established for grazing. Receipts or invoices showing purchase of material used in construction will be required by checkers as evidence of cost. Earth fills must be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by the SCS or ASC offices.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding the dam and filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.957 Practice 17: Constructing or sealing dams, pits, or ponds for irrigation water.

The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding dams or filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.958 Practice 18: Constructing or enlarging permanent ditches, dikes, or laterals in reorganization of farm irrigation system to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing records of employment of equipment and/or labor will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for cleaning a ditch. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals.

§ 1105.959 Practice 19: Lining ditches in reorganization of farm irrigation system to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost of approved material used, other than concrete and rubble masonry, including soil sealing and including installation costs.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

in the area during at least 2 of the last 5 years. Receipts or invoices showing purchase of materials used will be required by checkers as evidence of cost. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of earth material moved.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of seeding or sodding dams or filter strips.

(e) 50 percent of the cost of materials, other than concrete and rubble masonry, including soil sealing and including installation costs.

§ 1105.960 Practice 20: Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe in reorganization of farm irrigation water supply system to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of material used will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 35 percent of the cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

§ 1105.961 Practice 21: Installation of a water distribution system, including portable sprinklers and gated pipes, in reorganizing farm irrigation to conserve water and prevent erosion.

The reorganization (a change for the better in style or method of applying water to the fields) must be carried out in accordance with a reorganization plan approved by the responsible SCS technician. Receipts or invoices showing purchase of materials or equipment will be required by checkers as evidence of installation costs. No cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, springlers, and fittings used, but not in excess of $100 per acre of reorganized irrigation.

§ 1105.962 Practice 22: Construction or enlargement of permanent open drainage systems or vertical drains to dispose of excess water on farmland under cultivation or on pastureland.

No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by checkers as evidence of construction work costs. No cost-sharing will be allowed for ditches, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 50 percent of the cost, but not in excess of $0.40 per cubic yard of material moved, other than by dynamiting.

(b) $14 per cubic yard of concrete used.

(c) $8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditchbanks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum needed application of approved liming materials and commercial fertilizers, including nitrogen (as determined by soil test), for establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting rock.

(f) 50 percent of the average cost of material used, other than concrete and rubble masonry.

(g) 50 percent of the cost of initial clearing of brush and/or trees from the minimum right-of-way.

§ 1105.963 Practice 23: Installing underground drainage systems to dispose of excess water.

No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded to hay or pasture in the area during at least 2 of the 5 years preceding that in which the practice is applied: *Provided, however,* That upon a showing by a farmer applicant for this practice that the land on which the practice is to be applied was in cultivated crops, tame hay, or seeded pasture 2 years out of 10 years preceding the application applied for, he may be allowed cost-shares as to such land. The installation of this practice on eligible land shall not be ineligible for cost-shares because its use results in incidental drainage on ineligible land. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of installing the system. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.964 Practice 24: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.955 (practice 15) are employed. Acceptable plant species and spacing are those recommended by

the Forestry Division of the State Board of Agriculture and Forestry.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.965 Practice 25: Improvement of a stand of forest trees on farmland.

Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. The practice must be carried out in accordance with technical forestry standards of the Forestry Division, State Board of Agriculture and Forestry. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences. (See § 1105.955 (practice 15).)

Maximum Federal cost-share. 50 percent of the cost of performance. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.966 Practice 26: Initial establishment of a stand of trees or shrubs to prevent wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.955 (practice 15) are employed. Acceptable plant species are those recommended by the Forestry Division of the State Board of Agriculture and Forestry. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. $8 per 100 trees or shrubs planted.

§ 1105.967 Practice 27: Installation of facilities for sprinkler irrigation of permanent pasture for developing forage resources to encourage rotation grazing and better pasture management for protection of all grazing land in the farm against overgrazing and erosion.

Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture. The installation must be in accordance with a written plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 35 percent of the cost at the farm of plain, gated, or perforated pipe, sprinklers, and fittings, but not in excess of $100 per acre. Receipts, invoices, or other evidence of cost is required.)

§ 1105.968 Practice 28: Constructing wells or developing seeps or springs for livestock water as a means of protecting established vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management, or to make practicable the utilization of the land for vegetative cover.

Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment for labor and/or purchase of materials used will be required by checkers. Pumping equipment must be installed for wells, except artesian wells, and adequate storage facilities must be provided. Cost-sharing will be allowed only for constructing or deepening wells and for water storage facilities. No cost-sharing will be allowed for wells constructed primarily for the use of headquarters.

Maximum Federal cost-share. 50 percent of the cost of construction or development, excluding pumping equipment.

§ 1105.969 Practice 29: Shaping or land grading to permit effective surface drainage.

No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Detailed specifications are contained in Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of the cost of shaping or grading. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.970 Practice 30: Leveling or grading land for more efficient use of irrigation water and to prevent erosion.

No Federal cost-sharing will be allowed for floating or restoration of grade. However, the leveling operation may be completed over a period of more than one program year on a component basis where the size and cut of fills are such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. Leveling or grading must be carried out in accordance with a plan approved by the responsible SCS technician. Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing payment of labor and equipment will be required by checkers.

Maximum Federal cost-share. 50 percent of the cost of earth moving.

§ 1105.971 Practice 31: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production. Detailed specifications are contained in Technical Standards on file in the State Office. No cost will be shared for maintenance or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of construction and protective measures. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.972 Practice 32: Initial establishment of contour operations on nonterraced unirrigated land to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Technical Standards on file in the State Office. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of effective contour operations.

Maximum Federal cost-share. (a) $5 per acre established in contour farming during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.973 Practice 33: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.

All cultural operations, including row crop planting, must be performed across the prevailing slope. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective cross-slope stripcropping system.

Maximum Federal cost-share. (a) $5 per acre established in cross-slope stripcropping during the year.

(b) 50 percent of the cost of removing stone walls or hedgerows. (Evidence of cost is required.)

§ 1105.974 Practice 34: Establishment of permanent vegetative strips between tree rows in young (less than 5 years old) coffee orchards as a protection against erosion.

Federal cost-sharing will be limited to the establishment of vegetative strips not less than 3 feet wide across the slope.

Maximum Federal cost-share. (a) 75 percent of the cost of seed at the farm, but not in excess of $7.50 per acre of area planted to grasses and legumes listed in §§ 1105.946 and 1105.947 (practices 6 and 7). (Receipts, invoices, or other evidence of cost is required.)

(b) $7.50 per acre planted to sprigs or cuttings.

(c) 60 percent of the average cost at the farm of the minimum needed application of approved commercial fertilizer, including nitrogen, and liming material (as determined by soil test) for establishment of the vegetative strips, but not in excess of $15 per acre of area treated. (Receipts, invoices, or other evidence of cost is required.)

§ 1105.975 Practice 35: Subsurface tillage of cropland and/or orchardland protected by organic mulch, to avoid plowing under the surface cover of mulch which has been applied for soil protection and moisture conservation.

No cost-sharing will be allowed unless the soil surface is protected by a blanket of settled mulch not less than 1 inch thick.

Maximum Federal cost-share. $5 per acre subtilled, but not in excess of two subtilling operations a year. The total cost-share shall not be in excess of $300 per farm.

§ 1105.976 Practice 36: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

Detailed specifications are contained in Technical Standards on file in the State Office. Receipts or invoices showing purchase of materials will be required by checkers as evidence of material used. Federal cost-sharing will not be allowed for forms or repair of existing structures.

Maximum Federal cost-share. 75 percent of the cost of material used.

Done at Washington, D.C., this 16th day of September 1959.

E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 59-7853; Filed, Sept. 18, 1959; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-35]

EXEMPTING ADVANCE NOTICE OF TIME OF ARRIVAL OF VESSELS NUMBERED BY A STATE; STANDARDS FOR FIRE EXTINGUISHING EQUIPMENT

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature of vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 an Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of vessels estimated time of arrival to be furnished to the Captain of the Port. The purpose of the amendment to 33 CFR 124.10(g)(2) is to state that the requirements of this section do not apply to vessels which are numbered by any State pursuant to the Federal Boating Act of 1958 (Public Law 85-911; 46 U.S.C. 527-527h); i.e., vessels numbered by a State are exempt from filing a notice of estimated time of arrival with the Captain of the Port.

The amendment to 33 CFR 126.15(j), regarding fire extinguishing equipment on waterfront facilities, is editorial in nature and substitutes the new title of the standards issued by the National Fire Protection Association by changing the phrase from "Standards for First Aid Fire Appliances" to "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers."

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352, I hereby prescribe the following amendments which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Section 124.10(g)(2) is amended to read as follows:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

* * * * *

(g) * * *

(2) Vessels which are numbered by the Coast Guard, or by any State pursuant to the provisions of the Federal Boating Act of 1958 (Public Law 85-911; 46 U.S.C. 527-527h).

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Section 126.15(j) is amended to read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

* * * * *

(j) *Fire extinguishing equipment.* That fire extinguishing appliances are made available in adequate quantities, locations, and types; that first aid fire appliances are installed and maintained in accordance with accepted safe practices (conformity with the requirements prescribed in the current "Standards for the Installation, Maintenance and Use of Portable Fire Extinguishers," issued by the National Fire Protection Association, shall be deemed evidence of compliance with such accepted safe practices); that fire extinguishing equipment, fire alarm systems and devices, and fire doors and other safety equipment are maintained in good operating condition at all times; that provision is made so that, when hazards arise which require such precaution, emergency hose lines will be led out and other emergency fire-fighting equipment will be placed immediately adjacent to such hazards.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: September 3, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U.S. Coast Guard, Commandant.

[F.R. Doc. 59-7832; Filed, Sept. 18, 1959; 8:47 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Straits of Florida and Florida Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.95 governing the use and navigation of Naval operational training, aerial gunnery, and bombing and strafing areas in the Straits of Florida and Florida Bay, Fla., is hereby amended to establish a new bombing and strafing area, adding new subdivision (v) to paragraph (a)(3), as follows:

§ 204.95 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.

(a) *The danger zones.* * * *

(3) *Bombing and strafing target areas.* * * *

(v) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at latitude 24°35.6' and longitude 82°11.6', not to include land area within Marquesas Keys. The targets located within this area, pile-mounted platforms, will be used as high altitude horizontal

bombing range utilizing live ordnance up to and including 1,800 pounds of high explosives. In general, these explosives will be of an air-burst type, above 1,500 feet.

[Regs., Sept. 3, 1959, 285/91 (Straits of Florida and Florida Bay, Fla.)–ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 59–7808; Filed, Sept. 18, 1959; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket 121; Reg. SR–389B, Amdt. 1]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Special Civil Air Regulation; Emergency Exits for Airplanes Carrying Passengers for Hire

Special Civil Air Regulation No. SR–389B, adopted by the Civil Aeronautics Board on December 24, 1958, and effective January 30, 1959, specified in part that no large airplane while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–5 effective April 9, 1957, except for those airplanes listed in the table in SR–389B. Special Civil Air Regulation No. SR–389A, which preceded SR–389B, contained a similar provision but referred to Amendment 4b–4 effective December 20, 1951. The effect of SR–389B was to apply the current Part 4b exit requirements retroactively to airplanes which met the earlier Part 4b requirements referenced in SR–389A.

A review of the history of the development of SR–389B indicates that such retroactive application of current Part 4b requirements was included inadvertently and that it would impose an unnecessary burden on the operators of certain airplanes. SR–389B is therefore being amended to eliminate this retroactive provision.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment is made effective immediately.

In consideration of the foregoing, Paragraph 1 of Special Civil Air Regulation No. SR–389B is hereby amended to read as follows, effective September 11, 1959.

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated take-off weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b–4 effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding number of exits (including emergency exits and doors) heretofore approved by the Administrator for the emergency egress of passengers.

(Sec. 313(a), 603, 604, 72 Stat. 752, 776, 778; 49 U.S.C. 1354(a), 1423, 1424)

Issued in Washington, D.C., on September 11, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59–7809; Filed, Sept. 18, 1959; 8:45 a.m.]

Chapter III—Federal Aviation Agency

[Airspace Docket No. 59–WA–8]

[Amdt. 36]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 39]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway Associated Control Areas, and Designated Reporting Points

Correction

In F.R. Document 59–7586, appearing in the issue for Saturday, September 12, 1959, at page 7367, the bracket referring to the Airspace Docket number should read as set forth above.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

Administrative Use

By virtue of the authority vested in the Secretary of Agriculture, Regulation S–25 of the rules and regulations governing the occupancy, use, protection and administration of the national forests, which constitutes § 221.25, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby canceled and Regulation S–24 which constitutes § 221.24, Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 221.24 Administrative use of national forest timber.

(a) The Chief, Forest Service, is authorized to dispose of timber on the national forests in any amount for administrative use, by sale or without charge, as may be most advantageous to the United States, subject to the maximum cut fixed in accordance with established policies for management of the national forests. Such administrative use shall be limited to the following conditions and purposes:

(1) For construction, maintenance or repair of roads, bridges, trails, telephone lines, fences, recreation areas or other improvements of value for the protection or the administration of the national forests or other federal lands.

(2) For fuel in federal camps, buildings and recreation areas.

(3) For investigations or experimental use.

(4) For use in relief work conducted by public agencies.

(5) For disposal when necessary to protect the forest from injury or to improve conditions of growth.

(b) The Chief, Forest Service, may delegate and provide for redelegation of the authority obtained herein, to subordinates in amounts fixed by him.

(Sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 551)

Done in Washington, D.C. this 16th day of September 1959.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F.R. Doc. 59–7854; Filed, Sept. 18, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Definitions; Land Dependent by Use

SEPTEMBER 14, 1959.

Pursuant to the delegation of authority from the Secretary of the Interior conveyed by Departmental Order No. 2583, of August 16, 1950, and in accordance with the provision of 43 CFR 161.16, notice is hereby given as follows:

Upon recommendation of the advisory boards of the Malta Grazing District (Montana No. 1), the Big Dry Grazing District (Montana No. 2), the Powder River Grazing District, (Montana No. 3), and the Roundup Grazing District (Montana No. 6), and a factual showing of its necessity having been made by the State Supervisor, concurred in by the Area Administrator, a special rule is hereby prescribed for the purpose of classifying and determining the dependency by use of base properties utilizing certain Federal ranges in Montana grazing districts mentioned above.

As applied to the lands described below, the provisions of § 161.2(k) of the Federal Range Code for Grazing Districts (43 CFR 161.2(k)), are modified to read as follows:

(k) (1) "Land dependent by use" means forage land other than Federal range of such character that the conduct of an economic livestock operation requires the use of some part of the Federal range described below in connection with it and which in the "priority period" was used as a part of an established, permanent, and continuing livestock operation during each year of such priority period in connection with the Federal range.

The priority period shall be the five-year period immediately preceding January 1, 1959.

(2) Base lands shall be considered as "dependent by use" (class 1) only where and to the extent that during each year of such priority period licenses for use of the Federal range in connection therewith were issued under the rules and regulations of the Montana Cooperative State Grazing Districts, except that in the Roundup Grazing District (Montana No. 6) temporary licenses or permits will not be considered in determining dependency by use.

No lands shall be considered as dependent by use unless offered as base property in an application to the Bureau of Land Management for a grazing license or permit within one year from a date to be established by the State Supervisor in each grazing district or unit thereof.

(3) The extent to which grazing licenses or permits will be granted on the basis of dependency by use of land shall be governed by the following:

(i) It shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation, computed on the basis of the full five years of the priority period, on that part of the public land which at the time of the issuance of the license or permit is Federal range.

(ii) It shall not exceed the amount of forage needed for the proper support of the number of livestock creating such dependency by use which is available on the base property during the minimum period established under § 161.4.

The grazing privileges which may be granted hereunder shall not exceed the amounts determined under subdivisions (i) or (ii) of this subparagraph, whichever is the lesser. Where the base property provides forage in excess of that necessary for the proper support of the number of livestock used in creating the dependency by use (class 1) the base property, to the extent of such excess forage capacity, may be treated as dependent by location (class 2) if so qualified.

(iii) Whenever the dependency by use of two or more base properties was created by the use of all or part of the same Federal range during the same or at different seasons of the year, by two or more livestock operations, the relative dependency by use of each of the base properties shall be proportionate to the average annual use actually and properly made of the Federal range during the priority period by each of the livestock operations.

The provisions of this special rule shall apply to Federal range within existing Cooperative State Grazing Districts established under the provisions of the Montana State Grass Conservation Act and in existence as of December 31, 1958, and which are also included within Federal Grazing Districts established pursuant to the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended.

This special rule shall not apply to lands which are described and covered by a special rule for the Malta Grazing District (Montana No. 1), approved by the Director, Bureau of Land Management, on June 12, 1956.

The provisions of this special rule shall apply to the Federal range located within the following-described area:

MONTANA PRINCIPAL MERIDIAN

T. 27 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 28 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 29 N., R. 17 E.,
Secs. 1, 2, and 3;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21 to 28, inclusive;
Sec. 29, E½;
Sec. 32, E½;
Secs. 33, 34, 35, and 36.
T. 30 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 31 N., R. 17 E.,
Sec. 1, E½;
Sec. 12, E½;
Secs. 13, 14, 23, 24, 25, 26, 35, and 36.
T. 32 N., R. 17 E.,
Secs. 1, 2, 11, 12, 13, and 14;
Sec. 24, E½;
Sec. 25, E½;
Sec. 36, E½.
T. 33 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 34 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 35, N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 36 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
T. 37 N., R. 17 E.,
Secs. 1 to 3, 10 to 15, 22 to 27, 34 to 36, inclusive.
Tps. 27 to 37 N., Rs. 18 to 21 E., inclusive.
T. 27 N., R. 22 E.,
Secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
Tps. 28 to 31 N. inclusive, R. 22 E., those parts lying west of Fort Belknap Indian Reservation.
T. 32 N., R. 22 E., those parts lying north and west of Fort Belknap Indian Reservation.
Tps. 33 to 37 N., inclusive, R. 22 E.,
Tps. 31 and 32 N., R. 23 E., those parts lying north of Fort Belknap Indian Reservation.
Tps. 33 to 37 N., inclusive, R. 23 E.,
Tps. 31 and 32 N., R. 24 E., those parts lying north of Fort Belknap Indian Reservation.
Tps. 33 to 37 N., R. 24 E.,
T. 31 N., R. 25 E., those parts lying north of Fort Belknap Indian Reservation.
Tps. 32 to 37 N., inclusive, R. 25 E.,
Tps. 27, 28, 29, and 30 N., R. 26 E., those parts lying east of Fort Belknap Indian Reservation.
T. 31 N., R. 26 E., those parts lying north of Fort Belknap Indian Reservation.
Tps. 32 to 37 N., inclusive, R. 26 E.,
T. 25 N., R. 27 E.,
Secs. 1 to 6, 9 to 16, 22 to 24, inclusive.
Tps. 26 to 37 N., inclusive, R. 27 E.,
T. 24 N., R. 28 E.,
Secs. 1 to 5, 9 to 16, 20 to 26, inclusive.
Tps. 24 to 37 N., inclusive, R. 28 E.
T. 24 N., R. 29 E.,
Secs. 1 to 30, inclusive;
Secs. 35 and 36;
Tps. 25 to 37 N., inclusive, R. 29 E.,
T. 24 N., R. 30 E.,
Secs. 1 to 27, inclusive.
Tps. 25 to 37 N., inclusive, R. 30 E.,
T. 24 N., R. 31 E.,
Secs. 1 to 30, 32 to 36, inclusive.
Tps. 25 to 37 N., inclusive, R. 31 E.,
T. 24 N., R. 32 E.,
Secs. 1 to 20, inclusive;
Sec. 21, N½;
Sec. 22, N½;
Secs. 23 and 24;
Sec. 29, N½;
Sec. 30, N½.
Tps. 25 to 37 N., inclusive, R. 33 E.,
T. 24 N., R. 33 E.,
Secs. 1 to 24, inclusive.
Tps. 25 to 37 N., inclusive, R. 33 E.,
T. 30 N., R. 34 E.,
Secs. 2 to 11, 14 to 23, 26 to 35, inclusive.
Tps. 31 to 37 N., inclusive, Rs. 34 and 35 E.
T. 30 N., R. 36 E., that part lying north of Milk River.
T. 31 to 37 N., inclusive, R. 36 E.,
T. 30 N., R. 37 E., that part lying north of Milk River.
Tps. 31 to 37 N., inclusive, R. 37 E.,
Tps. 29 and 30 N., R. 38 E., those parts lying north of Milk River.
Tps. 31 to 37 N., inclusive, R. 38 E.,
Tps. 28 and 29 N., R. 39 E., those parts lying north of Milk River.
Tps. 30, 31 and 32 N., R. 39 E.,
T. 33 N., R. 39 E., that part lying west of Fort Peck Indian Reservation.
Tps. 34 to 37 N., inclusive, R. 39 E.,
T. 28 N., R. 40 E., that part lying north of Milk River.
Tps. 29 and 30 N., R. 40 E.,
Tps. 31 and 32 N., R. 40 E., that part lying west of Fort Peck Indian Reservation.
T. 27 N., R. 41 E., that part lying north of Milk River.
T. 28 N., R. 41 E., that part lying north of Milk River and west of Fort Peck Indian Reservation.
Tps. 29, 30, and 31 N., R. 41 E., those parts lying west of Fort Peck Indian Reservation.
Tps. 27 and 28 N., R. 42 E., those parts lying north of Milk River and west of Fort Peck Indian Reservation.
T. 13 N., R. 45 E.,
Secs. 1 to 24, inclusive.
Tps. 14, 15, and 16 N., R. 45 E.,
T. 13 N., R. 46 E.,
Secs. 1 to 24, inclusive.
Tps. 14 and 15 N., R. 46 E.,
Tps. 13, 14, 15, and 16 N., Rs. 47 and 48 E.,
T. 11 N., R. 49 E.,
Secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36, inclusive.
Tps. 12 to 16 N., inclusive, R. 49 E.,
T. 10 N., R. 50 E.,
Secs. 1 to 28, 33 to 36, inclusive.
Tps. 11 to 16 N., inclusive, R. 50 E.,
Tps. 10 to 13 N., inclusive, R. 51 E.,
T. 14 N., R. 51 E.,
Secs. 13 to 36, inclusive.
T. 9 N., R. 52 E.,
Secs. 1 to 12, inclusive.
Tps. 10, 11, 12, and 13 N., R. 52 E.
T. 5 N., R. 53 E.,
Secs. 1 to 4, 10 to 14, inclusive.
Sec. 24;
T. 6 N., R. 53 E.,
Secs. 1 to 4, 10 to 14, 22 to 28, 33 to 36, inclusive.
Tps. 7 to 12 N., inclusive, R. 53 E.
T. 13 N., R. 53 E.,
Sec. 7
Secs. 17 to 20, 25 to 36, inclusive.
T. 5 N., R. 54 E.,
Secs. 1 to 34, inclusive.
Sec. 36
Tps. 6, 7, and 8 N., R. 54 E.
Tps. 10, 11, and 12 N., R. 54 E.,
T. 13 N., R. 54 E.,
Secs. 25 to 36, inclusive.
T. 10 N., R. 55 E.,
Secs. 1 to 18, inclusive.
Tps. 11 and 12 N., R. 55 E.,

T. 13 N., R. 55 E.,
Secs. 25 to 36, inclusive.
Tps. 11 and 12 N., R. 56 E.,
T. 13 N., R. 56 E.,
Secs. 27 to 34, inclusive.
T. 5 N., R. 57 E.,
Secs. 1 to 30, 32 to 36, inclusive.
T. 6 N., R. 57 E.,
Secs. 1 to 3, 10 to 15, 22 to 28, 32 to 36, inclusive.
T. 6 N., R. 58 E.,
Secs. 6, 7, 17, 18, and 19;
Secs. 20 to 26, 28 to 36, inclusive.
T. 5 N., R. 59 E.,
Secs. 1 to 12, 14 to 23, 26 to 36, inclusive.
T. 12 N., R. 20 E.,
Secs. 1 to 17, 20 to 28, inclusive.
Secs. 34 and 35;
Tps. 13 to 18 N., inclusive, R. 20 E.,
T. 19 N., R. 20 E.,
Secs. 23 to 28, 32 to 36, inclusive.
T. 12 N., R. 21 E.,
Secs. 1 to 12, 16 to 21, inclusive.
Tps. 13 to 19 N., inclusive, R. 21 E.,
T. 20 N., R. 21 E.,
Secs. 1 and 2
Secs. 10 to 15, 21 to 28, 32 to 36, inclusive.
T. 21 N., R. 21 E.,
Secs. 22 to 27, 33 to 36, inclusive.
T. 9 N., R. 22 E.,
Secs. 1, 12, 13, 24, 25, and 36.
Tps. 11 to 20 N., inclusive, R. 22 E.,
T. 21 N., R. 22 E.,
Secs. 19 to 36, inclusive.
T. 6 N., R. 23 E.,
Secs. 1, 12, and 13;
T. 7 N., R. 23 E.,
Secs. 1 to 4, 9 to 15, 23 to 26, inclusive.
Sec. 36
Secs. 1 to 5, 8 to 16, 21 to 28, 33 to 36, inclusive.
T. 9 N., R. 23 E.,
T. 10 N., R. 23 E.,
Secs. 1 to 18, 20 to 29, 32 to 36, inclusive.
Tps. 11 to 20 N., inclusive, R. 23 E.,
T. 21 N., R. 23 E.,
Secs. 1 to 5, 7 to 36, inclusive.
T. 22 N., R. 23 E., that part south of Missouri River.
Tps. 6 and 7 N., R. 24 E., those parts lying north of Musselshell River.
Tps. 8 to 20 N., inclusive, R. 24 E.,
Tps. 21 and 22 N., R. 24 E., those parts lying south of Missouri River.
Tps. 7 and 8 N., R. 25 E., those parts north and west of Musselshell River.
Tps. 9 to 20 N., inclusive, R. 25 E.,
T. 21 N., R. 25 E., that part lying south of Missouri River.
T. 8 N., R. 26 E., that part lying north of Musselshell River.
Tps. 9 to 20 N., inclusive, R. 26 E.,
T. 21 N., R. 26 E., that part lying south of Missouri River.
T. 8 N., R. 27 E., that part lying north of Musselshell River.
Tps. 9 to 20 N., inclusive, R. 27 E.
T. 21 N., R. 27 E., that part lying south of Missouri River.
T. 9 N., R. 28 E., that part lying north of Musselshell River.
Tps. 10 to 20 N., inclusive, R. 28 E.
T. 21 N., R. 28 E., that part lying south of Missouri River.
T. 9 N., R. 29 E., that part lying north of Musselshell River.
Tps. 10 to 16 N., inclusive, R. 29 E.,
Tps. 17 and 18 N., R. 29 E., those parts lying west of Musselshell River.
Tps. 19 and 20 N., R. 29 E.,
T. 21 N., R. 29 E., that part lying south of Missouri River.
T. 9 N., R. 30 E., that part lying north of Musselshell River.
Tps. 10 to 15 N., inclusive, R. 30 E.,
T. 16 N., R. 30 E.,
Secs. 4 to 9, 15 to 36, inclusive.
T. 19 N., R. 30 E., that part lying west of Musselshell River.
Tps. 20 and 21 N., R. 30 E, those parts lying west of Missouri River.
Tps. 10, 11, and 12 N., R. 31 E., those parts lying west of Musselshell River.
Tps. 13, 14, and 15 N., R. 31 E.,
T. 16 N., R. 31 E.,
Secs. 29 to 33, inclusive.
Tps. 13 and 14 N., R. 32 E.,
T. 15 N., R. 32 E.,
Sec. 26;
Tps. 13 and 14 N., R. 33 E.

EDWARD WOOZLEY,
Director.

[F.R. Doc. 59-7815; Filed, Sept. 18, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 (1954) CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Lobbying Expenditures

Pursuant to the Administrative Procedure Act, approved June 11, 1946, proposed regulations under section 162 of the Internal Revenue Code of 1954, relating to lobbying expenditures, were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for July 10, 1956 (21 F.R. 5091). Notice is hereby given that proposed § 1.162-15(c) is withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR Part 1) are hereby amended to prescribe regulations under section 162 of the Internal Revenue Code of 1954, relating to lobbying expenditures. Such amendments are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

There is inserted immediately after § 1.162-15(b) the following new paragraph:

§ 1.162-15 Excepted contributions.

* * * * *

(c) (1) Expenditures for lobbying purposes, for the promotion or defeat of legislation, for political campaign purposes (including the support of or opposition to any candidate for public office), or for carrying on propaganda (including advertising) related to any of the foregoing purposes are not deductible from gross income. For example, the cost of advertising to promote or defeat legislation or to influence the public with respect to the desirability or undesirability of proposed legislation is not deductible as a business expense, even though the legislation may directly affect the taxpayer's business. On the other hand, expenditures for institutional or "good will" advertising which keeps the taxpayer's name before the public are generally deductible as ordinary and necessary business expenses provided the expenditures are related to the patronage the taxpayer might reasonably expect in the future. For example, a deduction will ordinarily be allowed for the cost of advertising which keeps the taxpayer's name before the public in connection with encouraging contributions to such organizations as the Red Cross, the purchase of United States Savings Bonds, or participation in similar causes. In like fashion, expenditures for advertising which present views on economic, financial, social, or other subjects of a general nature but which do not involve any of the activities specified in the first sentence of this subparagraph are deductible if they otherwise meet the requirements of the regulations under section 162.

(2) Dues and other payments to an organization, such as a labor union or a trade association, which otherwise meet the requirements of the regulations under section 162, are deductible in full unless a substantial part of the organization's activities consists of one or more of those specified in the first sentence of subparagraph (1) of this paragraph. If a substantial part of the activities of the organization consists of one or more of those so specified, deduction will be allowed only for such portion of such dues and other payments as the taxpayer can clearly establish is attributable to activities other than those so specified. The determination as to whether such specified activities constitute a substantial part of an organization's activities shall be based on all the facts and circumstances. In no event shall special assessments or similar payments (including an increase in dues) made to any organization for any of such specified purposes be deductible.

(3) Expenditures for the promotion or the defeat of legislation include, but shall not be limited to, expenditures for the purpose of attempting to—

(i) Influence members of a legislative body directly or indirectly, by urging or encouraging the public to contact such members for the purpose of proposing, supporting, or opposing legislation, or

(ii) Influence the public to approve or reject a measure in a referendum, initiative, vote on a constitutional amendment, or similar procedure.

[F.R. Doc. 59-7833; Filed, Sept. 18, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A1]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Oak Room of the President Washington Building, Arlington Towers, 1011 Arlington Boulevard, Arlington, Virginia, beginning at 10:00 a.m., e.d.t., on September 23, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Washington, D.C., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Sealtest Foods Division of National Dairy Products Corporation, Washington, D.C. and the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 1. Delete § 902(b) and substitute therefore the following:

(b) any manufacturing plant (1) which is operated by a co-operative association 70 percent or more of the members of which are qualified producers whose milk is regularly received during the month at other pool plants, or, (2) which receives its entire supply of milk from a cooperative association as described in paragraph (b) (1) above, and from which Class I products are received during the month in the marketing area.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 304 President Washington Building, Arlington Towers, 1011 Arlington Boulevard, Arlington, Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 16th day of September 1959.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-7816; Filed, Sept. 18, 1959; 8:45 a.m.]

[7 CFR Part 906]

[Docket No. AO-210-A11-RO1]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Notice of Postponement of Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the reopening of the public hearing on proposed amendments to the tentative marketing agreement and the order, as amended, in the Oklahoma Metropolitan maketing area, scheduled to begin at 10:00 a.m., on September 22, 1959, in the Pioneer Room of the Hotel Tulsa in Tulsa, Oklahoma, is hereby rescheduled to convene in the Pioneer Room of the Hotel Tulsa at 10:00 a.m. on September 23, 1959.

The issues to be considered are set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on September 14, 1959.

Issued at Washington, D.C., this 16th day of September 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-7852; Filed, Sept. 18, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 59-WA-174]

RESTRICTED AREAS

Revocation and Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.14 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of the following restricted areas, all in the State of California, in order to provide for more efficient use of the airspace required for the activities therein: Complex (R-484), Camp Irwin (R-276), Cuddeback Dry Lake (R-447), Trona (R-277), Muroc Lake (R-279), Saline Lake (R-485), and Bullion Mountains (R-344).

The Complex restricted area (R-484) presently encompasses the area of the Saline Lake restricted area (R-485). It is proposed to combine these areas and enlarge the combined geographical area. The new area will be renamed the Mt. Whitney, Calif., restricted area (R-484).

The Camp Irwin (R-276), Cuddeback Dry Lake, (R-477), Trona (R-277), and Muroc Lake (R-279) restricted areas are proposed to be combined as the Muroc Lake, Calif., restricted area (R-279).

The Bullion Mountains restricted area (R-344) is proposed to be redesignated by revoking the triangular portion in the northwest corner of the restricted area which overlies VOR Federal airways No. 8, 21, 1518 and 1520, thereby relieving these airways from the present altitude restriction, which result from their conflict with the restricted area.

Recent surveys of airspace use in Southern California show these restricted areas are primarily used on weekdays, and that at night and during weekends the airspace could be available for transit by aircraft other than those of the user agencies. Accordingly, it is proposed that the FAA be designated the controlling agency of the three redesignated restricted areas to assure efficient use of the airspace and to provide air traffic management services for this purpose.

The three restricted areas will continue to be used for their present purposes and by the same agencies. The Complex (R-484) and Saline Lake (R-485) restricted areas are used jointly by aircraft from Edwards and George AFBs, Palmdale Air Force Plant No. 42 MCAAS Mojave, Bicycle Lake AAf, and NOTS China Lake. The airspace is restricted from 20,000 ft MSL to unlimited over an area of 10,135 square miles. The activities in this area are aircraft and systems test, test support, air to air gunnery, and operational training, and have increased in volume. A study of airspace problems in Southern California has shown that the airspace presently allocated to these activities is not adequate, primarily because of the speed of the aircraft. Much more space

is now required to accomplish a test or combat operation than was previously needed with the slower type aircraft.

Besides the purely military flights which must be contained in R–484, there is an appreciable volume of test flying, under military contract, which requires the segregation provided by a restricted area. In all testing categories, experimental, engineering, and production test, there are maneuvers which because of the aircraft attitude, rapid altitude change, or velocity, detract from the normal ability of pilots to observe and avoid other aircraft. Tests which require that aircraft speed and flight path conform to precise standards also pose a problem in collision avoidance. Consequently, to contain these activities, as well as those emanating from the five military bases, the enlargement of the Mt. Whitney restricted area to overlie approximately 16,819 square miles, is proposed.

Pursuant to Part 409 of the Regulations of the Administrator, a public hearing will be held to afford interested persons an opportunity to present views, data or arguments. The hearing will convene on October 27, 1959, at 10:00 a.m. local time, at the Mission Inn Hotel, Riverside, Calif. Persons desiring to be heard are requested to notify the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. Mr. Charles W. Carmody, Chief, Airspace Utilization Division, Bureau of Air Traffic Management, is hereby designated as the presiding officer.

The Federal Aviation Agency has under consideration a request from the Department of the Navy for the redesignation of China Lake, Calif., restricted area (R–278) as Airspace Docket No. 59–LA–45, on which opportunity to present views, data or arguments will be afforded during the hearing established above.

Interested persons may also submit written data, views or arguments, in lieu of, or in addition to, matter presented orally at the hearing. Such communications should be submitted in triplicate to the Regional Administrator, Los Angeles, Calif. All relevant material presented at the hearing, or in written communications received on or before November 13, 1959, will be considered by the Administrator before action is taken on the proposed amendments.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviaton Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 608.14 (23 F.R. 5878, 8576, 8577; 24 F.R. 524, 3845, 5116) as follows:

In § 608.14 *California:* a. The following restricted areas are revoked:

Camp Irwin, Calif., (R–276) (Los Angeles Chart).
Cuddeback Dry Lake, Calif., (R–447) (Los Angeles Chart).
Saline Valley, Calif., (R–485) (Mt. Whitney Chart).
Trona, Calif., (R–277) (Los Angeles Chart).

b. The Complex, Calif., (R–484) restricted area is amended to read as follows:

Mt. Whitney, Calif., (R–484) (Los Angeles and Mt. Whitney Charts) *Description by geographical coordinates:*

Beginning at 37–46–30 North Latitude 118–00–00 West Longitude; Thence to 35–38–00 North Latitude 116–03–00 West Longitude; Thence to 35–25–00 North Latitude 116–18–45 West Longitude; Thence to 35–37–45 North Latitude 116–29–40 West Longitude; Thence to 35–37–45 North Latitude 117–15–00 West Longitude; Thence to 35–01–00 North Latitude 118–05–45 West Longitude; Thence to 34–51–00 North Latitude 118–05–45 West Longitude; Thence to 34–56–00 North Latitude 118–21–00 West Longitude; Thence to 35–15–00 North Latitude 118–35–00 West Longitude; Thence to 35–49–00 North Latitude 118–35–00 West Longitude; Thence to 37–43–00 North Latitude 119–15–00 West Longitude; Thence to point of beginning, but excluding the airspace designated as R–278.

Designated altitudes. 20,000 MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles, Calif., ARTCC. Flight through this restricted area may be authorized by prior approval of Los Angeles ARTCC.

(c) The Muroc Lake, Calif., (R–279) restricted area is amended to read as follows.

Muroc Lake, Calif., (R–279) (Los Angeles and Mt. Whitney Charts) *Description by geographical coordinates:*

Beginning at 35–37–45 North Latitude 116–29–40 West Longitude; Thence to 35–25–00 North Latitude 116–18–45 West Longitude; thence to 35–07–00 North Latitude 116–39–00 West Longitude; Thence to 35–06–30 North Longitude 116–58–40 West Longitude; Thence to 34–53–30 North Latitude 117–11–50 West Longitude; Thence to 34–48–00 North Latitude 118–01–00 West Longitude; Thence to 34–49–40 North Latitude 118–05–45 West Longitude; Thence to 35–01–00 North Latitude 118–05–45 West Longitude; Thence to 35–37–45 North Latitude 117–15–00 West Longitude; Thence to point of beginnign.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles, Calif., ARTCC. Flight through this restricted area may be authorized by prior approval of Los Angeles ARTCC.

(d) The Bullion Mountains, Calif., (R–344) restricted area amended to read as follows:

Bullion Mountains, Calif., (R–344) (Los Angeles and Mt. Whitney Charts) *Description by geographical coordinates:*

Beginning at Lat. 34°41'00", Long. 116°03'00"; Thence to Lat. 34°35'30", Long. 115°58'00"; Thence to Lat. 34°33'33", Long. 115°47'00"; Thence to Lat. 34°25'00", Long. 115°47'00"; Thence to Lat. 34°25'00", Long. 115°44'00"; Thence to Lat. 34°14'00", Long. 115°44'00"; Thence to Lat. 34°14'00", Long. 116°17'00"; Thence to Lat. 34°31'00", Long. 116°27'30"; Thence to Lat. 34°40'00", Long. 116°30'45"; Thence to Lat. 34°43'00", Long. 116°26'20"; Thence to Lat. 34°43'00", Long. 116°17'00"; Thence to point of beginning.

Designated altitude. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency. Flight through this restricted area may be authorized by prior approval from Los Angeles ARTCC.

Issued in Washington, D.C. on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7855; Filed, Sept. 18, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Area 2]

SPECIFIED CLASSES OF EMPLOYEES

Redelegation of Authority

AUGUST 20, 1959.

Pursuant to authority delegated by Order No. 615 of the Director of the Bureau of Land Management, the following redelegations of authority are made in accordance with sections I(a), I(b), I(d), to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

AUTHORITY OF CERTAIN OFFICERS TO ENTER INTO CONTRACTS AND LEASES

SECTION 1. The assistant area supply officer is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount, and leases of space in real estate as provided in sections 50 and 52 of Order No. 2509, and amendment No. 21, November 9, 1954, of the Secretary of the Interior.

NEAL D. NELSON,
Area Administrator.

[F.R. Doc. 59–7813; Filed, Sept. 18, 1959; 8:45 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 11, 1959.

The Bureau of Indian Affairs has filed an application, Serial Number NM–034478 for the withdrawal of the lands described below, from all forms of appropriation including the mining but not the mineral leasing laws or disposals of material under the act of July 31, 1947 (61 Stat. 681, 30 U.S.C. 601–604) as amended. The Bureau of Land Management will continue to administer grazing until such time as the development of the irrigable lands start within the area. The applicant desires the land for irrigation purposes for use by the Navajo Indians.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 N., R. 10 W.,
Sec. 7: All;
Sec. 18: All;
Sec. 19: All.
T. 28 N., R. 11 W.,
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: All;
Sec. 24: All.
T. 29 N., R. 11 W.,
Sec. 26: NW¼NW¼, SE¼, SE¼SW¼;
Sec. 27: NE¼NE¼, S½SE¼, NW¼SE¼, N½SW¼, SE¼SW¼;
Sec. 34: E½NW¼, E½SW¼;
Sec. 35: All.
T. 27 N., R. 12 W.,
Sec. 2: All;
Sec. 3: All;
Sec. 5: S½, NE¼;
Sec. 8: All;
Sec. 11: All;
Sec. 17: All;
Sec. 19: All.
Sec. 20: E½;
Sec. 21: E½;
Sec. 22: All;
Sec. 26: W½;
Sec. 27: N½, SE¼;
Sec. 28: All;
Sec. 30: All;
Sec. 34: N½;
Sec. 35: N½.
T. 28 N., R. 12 W.,
Sec. 14: All;
Sec. 15: All;
Sec. 21: NW¼, SE¼;
Sec. 22: All;
Sec. 23: All;
Sec. 24: S½;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: E½;
Sec. 32: All;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All.
T. 27 N., R. 13 W.,
Sec. 6: All;
Sec. 24: All.
T. 28 N., R. 13 W.,
Sec. 19: All;
Sec. 29: N½;
Sec. 30: N½, SW¼;
Sec. 31: W½, SE¼.

The area described aggregates 28,336 acres.

EVERT L. BROWN,
Acting State Supervisor.

[F.R. Doc. 59–7814; Filed, Sept. 18, 1959; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number 046584 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and the mineral leasing laws. The applicant desires the land for use as a classified military installation.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 E. 5th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EAGLE RIVER

TRACT A

Parcel 1

A parcel of land situated within sections 16, 21 and 22, T. 14 N., R. 1 W., S. M., more particularly described as follows:

Sec. 16: NE¼SE¼SE¼, SE¼SE¼SE¼, SW¼SE¼SE¼, SE¼NW¼SE¼SE¼;
Sec. 21: NE¼NE¼NE¼, NW¼NE¼NE¼, SE¼NE¼NE¼, N½SW¼NE¼NE¼, SE¼SW¼NE¼NE¼, N½NE¼NE¼SE¼NE¼;
Sec. 22: N½NW¼, N½N½N½S½NW¼.
Total Parcel 1, Tract A—151.25 acres.

TRACT A

Parcel 2

Sec. 15: N½SE¼NE¼SW¼NW¼.
T. 14 N., R. 1 W., S. M.
Containing 1.25 acres, more or less.

Aggregating 162.50 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F.R. Doc. 59–7829; Filed, Sept. 18, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number 047062 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for use as a classified military installation.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 E. 5th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GIRDWOOD MISSILE ANNEX

TRACT A

Parcel No. 1

A parcel of land located approximately 1½ miles northeast of Girdwood townsite, Third Judicial Division, Territory of Alaska, more specifically described as follows:

Commencing at Corner No. 1 of U.S. Survey No. 3044, the Point of Beginning for this Description, thence:

N. 56°35' E., 1505.66 feet to Corner No. 9 of said Survey;
N. 23°36' W., 82.50 feet to Corner No. 8 of said Survey;
N. 66°24' E., 198.00 feet to Corner No. 7 of said Survey;
N. 64°56' E., 396.00 feet to Corner No. 6 of said Survey;
S. 41° E., 2800 feet to a point;
S. 49°10'08" W., 3715.92 feet to a point;
N. 51° W., 2700 feet to Corner No. 6 of U.S. Survey No. 3043;
N. 36°01' E., 2175.69 feet to Corner No. 5 of said Survey identical with Corner No. 1 of U.S. Survey No. 3044, the Point of Beginning for this Description.
Containing 269.01 acres, more or less.

TRACT A

Parcel No. 2

A parcel of land located approximately 2 miles East of Girdwood Townsite, Third Judicial Division, Territory of Alaska, more specifically described as follows:

Commencing at a point at Latitude 60°55' 58.55" N., Longitude 149°07'04.21" W., 1927 N.A.D., the Point of Beginning for this Description, thence:
North 150 feet;
East 250 feet;
South 250 feet;
West 250 feet;
North 100 feet to the Point of Beginning.

Containing 1.43 acres, more or less.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F.R. Doc. 59–7830; Filed, Sept. 18, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number

047379 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for classified military purpose.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 E. 5th Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EKLUTNA AIR FORCE STATION

TRACT A

(Parcel No. 1)

Seward Meridian

T. 16 N., R. 1 E.,
Sec. 27: S½S½NW¼, SW¼;
Sec. 28: S½SE¼NE¼, SE¼SW¼NE¼, E½SE¼, E½W½SE¼.
Containing 350 acres.

(Parcel No. 2)

Seward Meridian

T. 16 N., R. 1 E.,
Sec. 20: NW¼SW¼SE¼.
Containing 10 acres.
Aggregating 360 acres.

L. T. MAIN,
Operations Supervisor, Anchorage.

[F.R. Doc. 59-7831; Filed, Sept. 18, 1959; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

FOUR PERCENT TREASURY NOTES OF SERIES B-1962

Redemption

Correction

In F.R. Doc. 59-7702, appearing at page 7741 of the issue for Wednesday, Sept. 16, 1959, the signature ending the document should read "Julian B. Baird."

DEPARTMENT OF COMMERCE

Office of the Secretary

THOMAS C. CLARK, II

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Thomas C. Clark, II.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 11, 1959.

4. Title of position: Assistant Director, Scientific, Motion Picture and Photographic Products.

5. Name of private employer: Veeder-Root Inc., Hartford, Connecticut.

CARLTON HAYWARD,
Director of Personnel.

JUNE 29, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aetna Life Insurance Company.
American Telephone & Telegraph Company.
Atlantic Refining Company.
Central & Southwest Corporation.
Citizens & Southern National Bank.
Coastal Caribbean Oil Company.
Commonwealth Life Insurance Company.
Continental Can Company.
Continental Oil Company.
Delaware Power & Light Company.
Detroit Edison Company.
Doolittle Lake Company, Norfolk, Connecticut.
E. I. Dupont de Nemours Corporation.
Farmers & Manufacturers National Bank, Poughkeepsie, New York.
First National Bank—Chicago.
Fundamental Investors Mutual Fund.
Gulf Oil Corporation.
Hartford National Bank & Trust Company.
Houston Lighting & Power Company.
Idaho Power Company.
Illinois Power Company.
Kennecott Copper Company.
Lincoln National Life Insurance Company.
McGraw-Hill Publishing Company.
Mellon National Bank & Trust Company.
Minnesota Mining & Manufacturing Company.
National Bank of Detroit.
National City Bank of Cleveland.
Northern Pacific Railway Company.
Philadelphia National Bank.
Phillips Petroleum Company.
Phoenix Insurance Company.
Public Service Company of Colorado.
Riegel Paper Company.
Seattle First National Bank.
Socony Mobil Oil Company.
Southern Company.
Standard Oil Company of California.
Standard Oil Company of New Jersey.
Texas Utilities Company.
Travelers Insurance Company.
Union Carbide Corporation.
United Gas Corporation.
Veeder-Root Incorporated.
Bank Deposits.

THOMAS C. CLARK, II.

SEPTEMBER 14, 1959.

[F.R. Doc. 59-7825; Filed, Sept. 18, 1959; 8:46 a.m.]

JOHN H. MILLS

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John H. Mills.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: September 10, 1959.

4. Title of position: Consultant (Adviser to Director).

5. Name of private employer: Bridgeport Brass Company, 30 Grand Street, Bridgeport 2, Connecticut.

CARLTON HAYWARD,
Director of Personnel.

AUGUST 14, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aluminium Limited.
Bridgeport Brass Company.
Canadian Aerosols Ltd.
Chrysler Motors.
Peter Paul Inc.
Scranton Spring Brook Company.
The Southern Company.
Southern N. E. Telephone Co.
Texas Eastern Transmission Co.
Tilo Roofing Company.
United Illuminating Company.
Wingbacks Inc.
Bank Deposits.

JOHN H. MILLS.

SEPTEMBER 10, 1959.

[F.R. Doc. 59-7826; Filed, Sept. 18, 1959; 8:46 a.m.]

HAROLD J. VORZIMER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of September 12, 1959.

H. J. VORZIMER.

SEPTEMBER 12, 1959.

[F.R. Doc. 59-7827; Filed, Sept. 18, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

STATE OF MICHIGAN

Notice of Opportunity for Hearing to Michigan Employment Security Commission

On the 8th day of October 1940 the Michigan Unemployment Compensation Act (Act 324, Laws of 1939), now the Michigan Employment Security Act, was heretofore certified by the Social Security Board pursuant to the provisions of section 903(b) of the Social Security Act, now section 3303(b)(3) of the Internal Revenue Code of 1954.

Section 3303(b)(3) of the Internal Revenue Code of 1954 provides that:

(3) The Secretary of Labor shall, within 30 days after any State law is submitted to him for such purpose, certify to the State agency his findings with respect to reduced rates of contributions to a type of fund or account, as defined in subsection (c), which are allowable under such State law only in accordance with the provisions of subsection (a). After making such findings, the Secretary of Labor shall not withhold his certification to the Secretary of such State law, or of the provisions thereof with respect to which such findings were made, for any taxable year pursuant to paragraph (1) or (2) unless, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds the State law no longer contains the provisions specified in subsection (a) or the State has, with respect to such taxable year, failed to comply substantially with any such provision.

Section 19(b) of the Michigan Employment Security Act as enacted by Act 197, P.A. 1954 and amended by Act 311, P.A. 1957, and as interpreted by the Attorney General in Opinion No. 3109, dated December 17, 1957, permits an employer whose negative account balance has been transferred to the solvency account to have a reduced contribution rate based on less than three consecutive years of experience immediately preceding the computation date, and some such employers have been assigned reduced rates with respect to taxable year 1959.

As a result thereof it appears that the Michigan Employment Security Act no longer contains the provisions specified in section 3303(a)(1) of the Internal Revenue Code of 1954. Section 3303(a)(1) reads in pertinent part:

no reduced rate of contributions * * * is permitted to a person * * * except on the basis of his experience * * * during not less than the 3 consecutive years immediately preceding the computation date.

Therefore, pursuant to the provisions of section 3303(b)(3) of the Internal Revenue Code of 1954, notice is hereby given that an opportunity for hearing will be provided to the Michigan Employment Security Commission, beginning at ten o'clock on the morning of the 22d day of October, 1959, in Room No. 5855, Department of Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington 25, D.C., for the purpose of determining whether the Michigan Employment Security Act, as amended and construed, continues to contain the provisions specified in section 3303(a)(1) of the Internal Revenue Code of 1954 with respect to the conditions of the additional credit allowance to taxpayers against the Federal unemployment tax, and upon the basis of the evidence and legal arguments adduced at said hearing it will be determined whether or not the Michigan Employment Security Act may be certified to the Secretary of the Treasury, as provided in section 3303(b)(1) of the Internal Revenue Code of 1954.

The hearing will be conducted in accordance with the following rules of procedure.

1. The Secretary of Labor will appoint a hearing examiner to preside over the hearing.

2. The parties of record shall be the State of Michigan and the United States Department of Labor.

3. Participation by any person other than the parties of record shall be limited to oral argument as provided in paragraph 11 below and to the filing of written briefs on the issues within the time allowed in paragraph 13 below.

4. The hearing shall be stenographically recorded and a transcript made which will be available to any person, at prescribed rates.

5. The rules of procedure for the conduct of the hearing may be modified by the hearing examiner to facilitate the hearing.

6. Evidence presented is not required to be under oath or affirmation.

7. Except as otherwise permitted by the hearing examiner written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written statements, exhibits, proposals and briefs shall be filed in quadruplicate.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The hearing examiner shall permit any party of record to conduct such cross examination of any witness as may be required for a full and true disclosure of the facts. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections and the ruling of the hearing examiner shall become a part of the record but this record shall not include argument thereon except as ordered by the hearing examiner.

11. After all testimony has been taken and all evidence has been received the hearing examiner may, upon request, permit any party of record or any interested person to present oral argument upon the matters in issue. Any interested person other than a party of record who wishes to present oral argument shall file in the Office of the Chief Hearing Examiner, Room 4414, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., on or before October 15, 1959, a written or telegraphic request setting forth his name and the persons or groups, if any, whom he represents; the argument of any such person shall be limited to forty-five (45) minutes. All oral arguments shall be transcribed and made a part of the record.

12. Proposed findings of fact and conclusions of law together with supporting reasons therefor may be submitted to the Office of the Chief Hearing Examiner by any party of record within fifteen (15) days after the transcript of the hearing is available.

13. Any brief on the issues herein may be filed by a party of record or by any interested person, no later than fifteen (15) days after the transcript of the hearing is available. All briefs shall be filed in the Office of the Chief Hearing Examiner.

14. All written statements, exhibits, proposals and briefs shall be served upon the parties or record.

15. After the time for the filing of proposed findings of fact and conclusions of law, and briefs, the hearing examiner shall prepare a recommended decision containing findings of fact and conclusions of law. This recommended decision shall be served upon the parties of record who may, within fifteen (15) days from the date of its receipt, file in the Office of the Chief Hearing Examiner a statement in writing setting forth any exceptions they may have to such decision, together with appropriate references to record of proceedings upon which they are based and supporting reasons therefor.

16. After the time for filing exceptions to the hearing examiner's recommended decision, the hearing examiner shall certify to the Secretary of Labor the entire record of the proceedings together with his recommended decision. The Secretary shall then render his decision in the matter.

Signed at Washington, D.C., this 16th day of September 1959.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 59-7824; Filed, Sept. 18, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-343]

Accident Occurring at Peconic River Airport, Long Island, N.Y.

NOTICE OF RECONVENING OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 7514A, which occurred at

Peconic River Airport, near Calverton, Long Island, New York, on August 15, 1959.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby reconvened for receiving in evidence certain exhibits that were not available at the original hearing. The hearing will convene on Wednesday, October 7, 1959, at 9:30 a.m. (local time), and will be held in the Garden Room of the Forest Hills Inn, Forest Hills, Long Island, New York.

Dated at Washington, D.C., September 15, 1959.

[SEAL] CLAUDE M. SCHONBERGER, *Hearing Officer.*

[F.R. Doc. 59-7828; Filed, Sept. 18, 1959; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13086 etc.; FCC 59M-1166]

BEACON BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, Docket No. 13087, File No. BP-12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits.

A prehearing conference in the above-entitled matter having been held on September 11, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an Order:

It is ordered, This 11th day of September, 1959 that:

(1) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on November 16, 1959;

(2) Sworn exhibits to be submitted in the parties' affirmative presentations shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 30, 1959;

(3) Notification of witnesses to be called for cross-examination shall be given on December 3, 1959;

It is further ordered, That the hearing presently scheduled herein to commence on October 15, 1959 is continued to December 9, 1959 at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7834; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket Nos. 12943, 12944; FCC 59M-1177]

W. H. HANSEN AND GRABET, INC., RADIO ENTERPRISES

Order Continuing Hearing

In re applications of W. H. Hansen, Tucson, Arizona, Docket No. 12943, File No. BP-11126; Grabet, Inc., Radio Enterprises, Tucson, Arizona, Docket No. 12944, File No. BP-12539; for construction permits.

Pursuant to agreements reached at the prehearing conference held on September 14, 1959, the evidentiary hearing now scheduled to commence on October 1, 1959, is continued to December 7, 1959.

It is so ordered, This the 14th day of September 1959.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7835; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13183 etc.; FCC 59M-1163]

ISLAND TELERADIO SERVICE, INC., ET AL.

Order Scheduling Hearing

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13183, File No. BPCT-2565; Supreme Broadcasting Co., Inc. of Puerto Rico, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13184, File No. BPCT-2576; Mary Louise Vickers, tr/as Virgin Islands Broadcasting System, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13185, File No. BPCT-2606; for construction permits for new television broadcast stations (Channel 10).

It is ordered, This 11th day of September 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 3, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7836; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13180; FCC 59M-1162]

RODNEY F. JOHNSON (KWJJ)

Order Scheduling Hearing

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

It is ordered, This 11th day of September 1959, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 16, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7837; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket Nos. 12909, 12910; FCC 59M-1178]

KSOO TV, INC., ET AL.

Order Continuing Hearing

In re applications of KSOO TV, INC. (KSOO-TV), Sioux Falls, South Dakota, Docket No. 12909, File No. BMPCT-5168; for modification of construction permit; KSOO TV, INC. (KSOO-TV), Sioux Falls, South Dakota, Docket No. 12910, File No. BMPCT-5185; for extension of completion date.

On the oral request of counsel for applicant, and without objection by counsel for the other parties: *It is ordered,* This 14th day of September, 1959, that the hearing now scheduled for September 17 is continued to Thursday, September 24, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7838; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket Nos. 12680, 12681; FCC 59M-1176]

KANSAS BROADCASTERS, INC. AND SALINA RADIO, INC.

Order Continuing Hearing Conference

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits.

The Hearing Examiner having under consideration a petition for the postponement of the dates for exchange of affirmative exhibits and for the further prehearing conference filed September 10, 1959, by Salina Radio, Inc.; and

It appearing that the reason for the requested postponement arises from the fact that it has not been possible to complete the engineering exhibits in accordance with the schedule originally anticipated, that counsel for all parties, including the Chief, Broadcast Bureau, have consented to the requested extension and to waive the four-day requirement of the Commission's rules, and that good cause for the requested extension having been shown;

It is ordered, This the 14th day of September 1959, that the petition referred to above is granted and the time for the exchange of affirmative exhibits by the applicants is continued from September 15, 1959 to October 15, 1959, and the date for further prehearing conference and notification of witnesses to be called for cross-examination is continued from September 25, 1959 to October 27, 1959.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7839; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13179; FCC 59M-1161]

MARTIN KARIG

Order Scheduling Hearing

In re application of Martin Karig, Johnstown, New York, Docket No. 13179, File No. BP-11926; for construction permit.

It is ordered, This 11th day of September 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 16, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7840; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 12733; FCC 59M-1171]

NORMAN E. KAY

Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration a petition for a new hearing date filed by the applicant on September 8, 1959;

It appearing that the hearing is presently scheduled to commence on September 17, 1959, but additional time is requested for the preparation of engineering exhibits inasmuch as a new engineering consultant has been engaged by the applicant; and

It further appearing that counsel for all the respondents and for the Broadcast Bureau have indicated that they do not oppose the present request which seeks a new hearing date of November 23;

It is ordered, This 14th day of September, 1959, that the petition for a new hearing date is granted, and the hearing now scheduled to commence on September 17 is continued to November 23, 1959.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7841; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13186; FCC 59M-1160]

M & M BROADCASTING CO. (WLUK-TV)

Order Scheduling Hearing

In re application of M & M Broadcasting Company (WLUK-TV) Marinette, Wisconsin, Docket No. 13186, File No. BMPCT-5325; for modification of construction permit (Channel 11).

It is ordered, This 11th day of September 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 3, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7842; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13181; FCC 59M-1167]

MARIN BROADCASTING CO., INC.

Order Scheduling Hearing

In re application of Marin Broadcasting Company, Inc., Radio Station KTIM, San Rafael, California, Docket No. 13181, File No. BP-12540; for construction permit to change transmitter site.

It is ordered, This 11th day of September 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 18, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7843; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13161 etc.; FCC 59M-1165]

MILLINGTON BROADCASTING CO. (WHEY) ET AL.

Order Scheduling Hearing

In re applications of Earl W. Daly, tr/as Millington Broadcasting Company (WHEY), Millington, Tennessee, Docket No. 13161, File No. BP-12027; Radio Muscle Shoals, Inc. (WOWL), Florence, Alabama, Docket No. 13162, File No. BP-12150; Union City Broadcasting Co., Inc. (WENK), Union City, Tennessee, Docket No. 13163, File No. BP-12218; The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Mississippi, Docket No. 13164, File No. BP-12269; Alan G. Patteson, Jr. & Matthew Carter Patteson, d/b as Patteson Brothers (KBTM), Jonesboro, Arkansas, Docket No. 13165, File No. BP-12358; Capital Broadcasting Company (WKDA), Nashville, Tennessee, Docket No. 13166, File No. BP-12518; John R. Crowder, James Porter Clark and James W. Tate, d/b as Fayetteville Broadcasting Company (WEKR), Fayetteville, Tennessee, Docket No. 13167, File No. BP-12777; Kestner P. Graham, tr/as Radio Holly Springs, Holly Springs, Mississippi, Docket No. 13168, File No. BP-13074; Walker County Broadcasting Company, Inc. (WARF), Jasper Alabama, Docket No. 13169, File No. BP-13101; for construction permits.

It is ordered, This 11th day of September 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 15, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7844; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket Nos. 13171, 13172; FCC 59M-1170]

HOWELL B. PHILLIPS AND WMCV, INC.

Order Scheduling Hearing

In re applications of Howell B. Phillips, Williamsburg, Kentucky, Docket No. 13171, File No. BP-11832; WMCV, Inc., Tompkinsville, Kentucky, Docket No. 13172, File No. BP-12825; for construction permits.

It is ordered, This 11th day of September 1959, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 9, 1959, in Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-7845; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13174; FCC 59M-1175]

KERN RADIO DISPATCH

Statement and Order After Prehearing Conference

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-Fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58, Station KMD 993; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

1. A prehearing conference, attended by counsel for applicant, protestant, and the Common Carrier Bureau, was held on September 14, 1959.

2. *It is ordered,* This 14th day of September 1959, that:

(1) The hearing now scheduled for September 29, 1959, is continued to Tuesday, December 1, 1959, at 10 a.m., in the

offices of the Commission, Washington, D.C.

(2) Applicant may give notice to take depositions no later than September 24, 1959; and that depositions may be taken no earlier than October 26, 1959. This ruling is without prejudice to the right seasonably to object to the taking of depositions or to their introduction in evidence.

(3) Proposed exhibits shall be furnished the other parties and the Hearing Examiner no later than November 20, 1959.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7846; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13054; FCC 59M-1168]

SUBURBAN BROADCASTING CO., INC. (WVIP)

Order Continuing Hearing

In re application of Suburban Broadcasting Company, Inc. (WVIP) Mount Kisco, New York, Docket No. 13054, File No. BP-12258; for construction permit.

A prehearing conference in the above-entitled matter having been held on September 10, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an Order:

It is ordered, This 11th day of September 1959, that:

(1) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on October 12, 1959;

(2) Sworn exhibits to be submitted in the parties' affirmative presentations shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 2, 1959;

(3) Sworn exhibits to be submitted as rebuttal evidence shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 16, 1959;

(4) Notification of witnesses to be called for cross-examination shall be given on November 20, 1959;

It is further ordered, That the hearing presently scheduled herein to commence on October 9, 1959, is continued to November 24, 1959, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7847; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13155, etc.; FCC 59M-1164]

WACO RADIO CO. ET AL.

Order Scheduling Hearing

In re applications of Jacob A. Newborn, Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Hugh M. McBeath, Waco, Texas, Docket No. 13156, File No. BP-10001; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Radio Broadcasters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; H. A. Bridges, Jr., R. L. Hicks, Samuel R. Jones and James G. Ulmer, A Partnership, d/b as Heart of Texas Broadcasters, Waco, Texas, Docket No. 13160, File No. BP-12985; for construction permits.

It is ordered, This 11th day of September 1959, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 15, 1959, in Washington, D. C.

Released: September 15, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7848; Filed, Sept. 18, 1959; 8:48 a.m.]

[Docket No. 13187; FCC 59M-1174]

WESTERN UNION TELEGRAPH CO.

Order Scheduling Hearing

In the matter of the formula for the distribution by The Western Union Telegraph Company of telegraph traffic destined to points in Canada; Docket No. 13187.

It is ordered, This 11th day of September 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 24, 1959, in Washington, D.C.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7849; Filed, Sept. 18, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-19428—G-19434]

CLAUD B. HAMILL ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

SEPTEMBER 11, 1959.

In the matters of Claud B. Hamill, Docket No. G-19428; Humble Oil & Refining Company, Docket No. G-19429; Texaco Inc., Docket No. G-19430; Jake L. Hamon (Operator), et al., Docket No. G-19431; Shell Oil Company, Docket No. G-19432; Cities Service Oil Company, Docket No. G-19433; Cities Service Oil Company (Operator), et al., Docket No. G-19434.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplemental No.	Purchaser	Notice of change dated—	Date tendered	Effective [1] date unless suspended	Date suspended until—
G-19428	Claud B. Hamill	6	1	Tennessee Gas transmission Co.	8-5-59	8-14-59	11-1-59	4-1-60
G-19429	Humble Oil & Refining Co.	11	19	do	8-6-59	8-17-59	11-1-59	4-1-60
		17	6		8-5-59	8-17-59	11-1-59	4-1-60
G-19430	Texaco Inc.	101	9	United Gas Pipe Line Co.	7-23-59	8-17-59	9-17-59	2-17-60
		101	10		Undated	8-17-59		
G-19431	Jake L. Hamon (operator), et al.	3	6	Tennessee Gas Transmission Co.	Undated	8-17-59	11-1-59	4-1-60
G-19432	Shell Oil Co.	171	1	do	8-14-59	8-17-59	11-1-59	4-1-60
		130	8		8-14-59	8-17-59	11-1-59	4-1-60
		186	1		8-14-59	8-17-59	11-1-59	4-1-60
G-19433	Cities Service Oil Co.	18	[3]	El Paso Natural Gas Co.	8-21-59	8-25-59	9-25-59	2-25-60
		20	[4] 5		8-21-59	8-25-59	9-25-59	2-25-60
		21	[4] 6		8-21-59	8-25-59	9-25-59	2-25-60
		22	[4] 4		8-21-59	8-25-59	9-25-59	2-25-60
		23	[4] 4		8-21-59	8-25-59	9-25-59	2-25-60
		24	[4] 6		8-21-59	8-25-59	9-25-59	2-25-60
		26	[5] 2		8-21-59	8-25-59	9-25-59	2-25-60
G-19434	Cities Service Oil Co. (operator), et al.	19	[4] 6	do	8-21-59	8-25-59	9-25-59	2-25-60

[1] The stated effective dates are those requested by Respondents or the first day after the expiration of statutory notice, whichever is later.
[2] Supplemental agreement.
[3] Rate in effect subject to refund in Docket No. G-13979.
[4] Rate in effect subject to refund in Docket No. G-13913.
[5] Rate in effect subject to refund in Docket No. G-14079.

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

Claud B. Hamill (Hamill) in support of the proposed redetermined rate increase submitted copies of Tennessee Gas Transmission Company's (Tennessee) letter of price redetermination, dated April 16, 1959. Hamill cites the contract provisions and higher prices in the area. Further Hamill states that the price provisions were designed to prevent discrimination.

Humble Oil & Refining Company (Humble) in support of its proposed rate increases states that the price provisions were designed to permit increased revenues as the cost of producing gas increases and that the contract resulted from arm's length negotiation.

Jake L. Hamon (Operator), et al. (Hamon) in support of its proposed redetermined rate increase cites the contract provisions which are identical with Humble's and Hamill's contract, and Hamon submitted copies of Tennessee's price redetermination letter.

Shell Oil Company (Shell) in support of its proposed redetermination rate increases submitted copies of Tennessee's price redetermination letter. Shell also states that the contract provisions resulted from arm's length negotiations and protect Shell against increases in costs which are reflected by the prices freely negotiated under more recent contracts for gas in the area.

Texaco Inc. (Texaco) in support of its proposed renegotiated rate increase states that the increased rate will partially compensate for continually increasing costs of development, operation, maintenance, and increased exploratory expenditures.

Cities Service Oil Company (Cities) and Cities Service Oil Company (Operator), et al. (Cities) in support of its proposed favored-nation rate increases cites the contract provisions and states that the increases are in accordance with such provisions. Cities also states that the contracts were negotiated at arm's length, that the increased price is not unreasonable, and that such increased price is below the market price for gas in the area. Cities submitted copies of El Paso's favored-nation letters and advised as to the triggering increases of Phillips Petroleum Company and other producers for sales of gas in the area.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, Supplement No. 1 to Hamill's FPC Gas Rate Schedule No. 6, Supplement Nos. 19 and 6 to Humble's FPC Gas Rate Schedule Nos. 11 and 17, respectively, Suplement Nos. 1, 8, and 1 to Shell's FPC Gas Rate Schedule Nos. 171, 130, and 186, respectively, Supplement No. 6 to Hamon's FPC Gas Rate Schedule No. 3, are hereby suspended and the use thereof deferred until April 1, 1960; Supplement Nos. 9 and 10 to Texaco's FPC Gas Rate Schedule No. 101 are hereby suspended and the use thereof deferred until February 17, 1960; and Supplement Nos. 3, 2, 5, 15, 5, 6, 4, 4, 6, and 2 to Cities' FPC Gas Rate Schedule Nos. 27, 28, 52, 18, 20, 21, 22, 23, 24, and 26 and Supplement No. 6 to Cities' FPC Gas Rate Schedule No. 19 are hereby suspended and the use thereof deferred until February 25, 1960; and such suspension and deferred use as to each of the foregoing shall continue until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until the respective proceeding has been disposed of or until the related period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7810; Filed, Sept. 18, 1959; 8:45 a.m.]

[Docket No. G-3198, etc.]

MARACAIBO OIL EXPLORATION CORP ET AL.

Notice of Application and Date of Hearing

SEPTEMBER 14, 1959.

In the matters of Maracaibo Oil Exploration Corporation, Docket No. G-3198; E. J. Hudson, et al., Docket No. G-3667, et al.; Maracaibo Oil Exploration Corporation, Operator and E. J. Hudson, et al., Docket No. G-11492.

Take notice that Maracaibo Oil Exploration Corporation, Operator, et al. (Maracaibo) [1] and E. J. Hudson, et al. (Hudson) [2] filed a joint application on November 5, 1956, as amended December 4, 1956 and May 7, 1957 in Docket No. G-11492, for a certificate of public convenience and necessity and for permission and approval to abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application, as amended, which is on file with the Commission and open to public inspection.

The joint application, as amended, seeks authority for:

(1) Hudson and Baird to abandon service to Texas Gas Transmission Corporation (Texas Gas), successor to Louisiana Natural Gas Corporation, and Transcontinental Gas Pipe Line Corporation (Transco) from said producers' interests in producing properties in the Egan Field, Acadia Parish, Louisiana, dedicated under contracts with said buyers dated December 1, 1951 and April 30, 1948, respectively, Hudson et al.,[3] were authorized to make such sales, among others on March 21, 1955, in Docket No. G-3667.

(2) Maracaibo, as successor in interest, to continue said sales to Texas Gas and Transco proposed to be abandoned by Hudson and Baird. Maracaibo, one of the original signatories to the aforementioned contracts, was authorized on July 5, 1955, in Docket No. G-3198 to make the sales attributable to its original interests in the producing properties dedicated under such contracts as well as other sales.

(3) A single certificate to be issued in the name of Maracaibo, Operator, et al., covering the sales which Maracaibo in Docket No. G-3198 and Hudson, et al., in Docket No. G-3667 were previously authorized to make to Texas Gas and Transco and also covering the sale of Sunray Mid-Continent Oil Company's (Sunray's) share of the gas sold under the Texas Gas Contract.

Applicants state that by an assignment of July 1, 1956, Maracaibo acquired the interests of Hudson and Baird in the leases and units included under the subject contracts with Texas Gas and Transco. Prior to said assignment, Hudson and Williams (Hudson-Williams) were the operators of the units under the Transco contract in which Applicants herein had an interest, except the Egan-Hayes and Clement Sand Units (operated by Sun Oil Company). Hudson-Williams also operated the Houssiere-Latreille B-5 Well under the Texas Gas contract. As a result of the transfers of interests, Maracaibo has now been designated as operator in lieu of Hudson-Williams.

In addition to the Houssiere-Latreille B-5 Well which it now operates, Maracaibo acquired Hudson's and Baird's interests in one other unit under the Texas Gas contract, the Dailey-Truax Well, which is operated by Sun and which accounts for a relatively small portion of the gas sold under the contract.

Maracaibo is filing as a non-operating co-owner on behalf of itself and the other co-owners listed above, except Sun and Sohio, with respect to the aforesaid Daily-Truax Well. Maracaibo is similarly filing for itself, Loomis, Sack and Williams with respect to their interests

[1] Maracaibo filed as operator of certain units and as a non-operating co-owner of other units as hereinafter explained.
[2] Other applicant is James B. Baird (Baird).
[3] In addition to Baird, Hudson had also filed on behalf of Donald H. Loomis (Loomis), Isidor Sack (Sack) and Alfred J. Williams (Williams). All have signatory status under the contracts involved.

in the Egan-Hayes and Clement Sand Units operated by Sun and dedicated under the Transco contract.

The joint application in Docket No. G–11492 has been accepted for filing as a petition to amend orders heretofore issued in Docket Nos. G–3198 and G–3667, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c)(1) or (c)(2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR, 1.8 or 1.10) on or before October 9, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7811; Filed, Sept. 18, 1959; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION BOND & MORTGAGE CO.

Notice for Request for Determination; Order for Hearing Thereon

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by Union Bond & Mortgage Company, Port Angeles, Washington, a bank holding company, for a determination by said Board that the following nonbanking organizations and the activities thereof are of the kind described in those provisions of the Act and the Regulation so as to make it unnecessary for the prohibition of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act:

Forks Building Corporation.
The Peninsula Investment Company.
Citizens Building Corporation.
First American Insurance Agency.

Inasmuch as section 4(c)(6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on October 15 at 10 a.m. at the Seattle Branch of the Federal Reserve Bank of San Francisco, 1015 Second Avenue, in the City of Seattle, State of Washington, before a hearing examiner selected by the Civil Service Commission pursuant to sec. 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's rules of practice for Formal Hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings; *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of San Francisco, on or before October 2, 1959, written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

Dated at Washington, D.C., this 14th day of September 1959.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59–7812; Filed, Sept. 18, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3819]

CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Issuance and Sale of Common Stock at Competitive Bidding

SEPTEMBER 14, 1959.

Central and South West Corporation ("Central"), a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction.

Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, 350,000 shares of its authorized and unissued common stock, par value $5 per share, at a price to be determined by the competitive bidding.

The net proceeds from the sale of the common stock, estimated to aggregate $21,000,000, will be used in part to prepay and discharge, without penalty, all notes payable to banks issued by Central and outstanding under its loan agreement dated February 27, 1959, with The First National Bank of Chicago and four other banks. Central has been authorized to borrow an aggregate amount of $6,000,000 under said Loan Agreement (Holding Company Act Release No. 13933 (February 27, 1959)) and, at present, has notes outstanding aggregating $3,200,000.

Central also intends to apply, subject to subsequent approval by this Commission, $6,000,000 of the net proceeds of the proposed sale of common stock to the purchase, at the par value of $10 per share, from time to time during 1959 and 1960 of additional shares of the common stock of its subsidiaries, Southwestern Electric Power Company, Public Service Company of Oklahoma, and West Texas Utilities Company. The remainder of such net proceeds will be used by Central (together with funds in its treasury if and to the extent necessary) to purchase, subject to subsequent approval by this Commission, additional shares of the common stock of one or more of its principal subsidiaries or will be used by Central for its general corporate purposes.

The fees and expenses to be incurred by Central in connection with the proposed transaction are estimated at $80,000, including fees of the Transfer Agent, $3,600; fees of the Registrar, $2,000; accountant's fees, $5,000; reimbursement of underwriters for certain legal fees and expenses, $2,500; fees of company counsel, $13,000; fee of Middle West Service Company, $10,000; and legal fees of local counsel for Central's subsidiaries, $1,000. The fees and expenses of Messrs. Isham, Lincoln & Beale, counsel for the underwriters, are estimated at $8,000 and are to be paid by the successful bidders.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 29, 1959, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–7816; Filed, Sept. 18, 1959; 8:45 a.m.]

[File No. No. 70–3818]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale at Competitive Bidding of Principal Amount of Debentures, and Issue and Sale to Banks of Principal Amount of Short-Term Unsecured Notes

SEPTEMBER 14, 1959.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions which are summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $25,000,000 principal amount of — percent Debentures, Series N due 1984 ("New Debentures"). The interest rate (a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the New Debentures (not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The New Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, now Morgan Guaranty Trust Company of New York ("Morgan Guaranty"), dated June 1, 1950, as heretofore supplemented and as to be further supplemented by a Twelfth Supplemental Indenture, to be dated October 1, 1959.

Columbia has entered into an agreement with Morgan Guaranty for an unsecured line of credit in the amount of $10,000,000, pursuant to which it proposes to borrow $5,000,000 in October and $5,000,000 in November 1959. Such borrowings will be evidenced by the issue and sale to Morgan Guaranty of unsecured notes maturing April 15, 1960. The notes will bear interest at the prime rate for commercial loans in effect on the date of issue, and may be prepaid in whole or in part at any time without penalty. No commitment fee will be payable.

Columbia will use the net proceeds from the proposed sale of debentures and notes to purchase additional securities of its subsidiaries to assist them in completing their 1959 construction programs, presently estimated at not in excess of $100,000,000. Columbia and certain of its subsidiaries have been authorized by the Commission to execute the necessary intrasystem financing pursuant to which the additional investments in such subsidiaries will be made by Columbia (Holding Company Act Release Nos. 14014 and 14042).

The fees and expenses to be paid in connection with the transactions will be filed by amendment.

It is stated that no other regulatory commission has jurisdiction over the transactions.

Notice is further given that any interested person may, not later than September 29, 1959 at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–7817; Filed, Sept. 18, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 191]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 16, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62311. By order of September 15, 1959, The Transfer Board approved the transfer to Active Trucking, Inc., Cambridge, Mass., of the operating rights in Certificate No. MC 20735, issued June 26, 1941, to Joseph Leo Mulholland, Rose A. Mulholland, Administratrix, doing business as Mulholland's Express, authorizing the transportation of general commodities, excluding household, commodities in bulk, and other specified commodities, between Providence, R.I., and Boston, Mass.; and automobile parts, accessories, tires, and tubes, between Boston and Cambridge, Mass., on the one hand, and, on the other, fifteen towns in Rhode Island. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., for transferee. Grafton H. Willey, III, 633 Howard Bldg., Providence, R.I. for transferor.

No. MC–FC 62364. By order of September 14, 1959, The Transfer Board approved the transfer to King's Express, Inc., Philadelphia, Pa., of a portion of Certificate No. MC 878, issued December 2, 1953, to Russell E. Duttweiler, doing business as Jefferson Transfer, Jeffersonville, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale and retail food business houses, from New York, N.Y., to points in Wayne County, Pa., and general commodities (including household goods) with certain exceptions between points in Sullivan, Orange, Rockland, and Ulster Counties, N.Y., and Pike County, Pa., on the one hand, and, on the other, points in Westchester, Kings, Queens, Bronx, Richmond, and New York Counties, N.Y., and those in Bergen, Passaic, Sussex, Hudson, Essex, Union, and Morris Counties, N.J., and between points in Sullivan County, N.Y., on the one hand, and, on the other, points in Wayne County, Pa. Jacob Polin, P.O. Box 317, Bala-Cynwyd, Pa., for applicants.

No. MC–FC 62452. By order of September 14, 1959, The Transfer Board approved the transfer to Mrs. Bernice Gibe, doing business as J. D. Schaffer Cartage Company, Chicago, Illinois, of a Certificate in No. MC 31242 issued July 20, 1955, to Mrs. Julia E. Schaffer, Mrs. Bernice Gibe, Legatee, and Mrs. Bernice Gibe, a partnership, doing business as J. D. Schaffer Cartage Company, Chicago, Illinois, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, and commodities in bulk, and other specified commodities, between points in the Chicago, Ill., Commercial Zone as defined by the Commission. Ray J. Haggerty, Phillips, Wisconsin, for applicants.

No. MC–FC 62475. By order of September 14, 1959, The Transfer Board approved the transfer to Arrow Trucking Corp., of Permit No. MC 79013 issued August 21, 1943 to Walter Baker, doing business as Arrow Transportation Co., Brooklyn, N.Y., and Permit No. MC 79013 Sub 1, issued August 31, 1948 to Walter Baker, doing business as Arrow Transportation Co., and Permit No. MC 79013 Sub 2 issued to Walter Baker, Walter Stanley Bortko, executor, doing business as Arrow Transportation Co., Brooklyn, N.Y., authorizing the transportation of: granite from Holmesburg, Pa., to points in N.Y.; tile from Perth Amboy, N.Y., to points in N.Y.; restricted to seasonal operations brick, tile and clay products in bulk between Brooklyn, N.Y. and points in Conn., N.H., N.Y. (except Roseton, N.Y.), and Pa. within 100 miles of New York, N.Y., and brick, tile and clay products between points in Conn.,

N.J., and N.Y. (except Long Island) all within 100 miles of New York, N.Y., except tile from Perth Amboy, N.J., to points in N.Y., between points in Pa., on the one hand, and, on the other, points in Conn., and N.Y. (except Long Island) (restricted to service for Belden-Stark Brick Corp.) New York, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC–FC 62522. By order of September 14, 1959, The Transfer Board approved the transfer to Joseph G. Walker, Philadelphia, Pennsylvania, of a Permit in No. MC 19800 issued November 29, 1949, to Alton Holmes, Marlton, New Jersey, authorizing the transportation of specific commodities from, to, and between, specified points in Pennsylvania, New Jersey, Maryland, Delaware, New York, and the District of Columbia. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants (P.O. Box 317, Bala-Cynwyd, Pa.).

No. MC–FC 62527. By order of September 14, 1959, The Transfer Board, approved the transfer to Plunkett Motor Freight, Inc., Zelienople, Pa., of Certificate No. MC 52008, issued April 26, 1956, to Charles L. Hammel, Jr., and Norbert Belsterling, a partnership, doing business as Plunkett Motor Freight, Zelienople, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ellwood City, Pa., and Pittsburgh, Pa., serving the intermediate point of Bakerstown, Pa., and those between Bakerstown and Ellwood City, Pa. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., for applicants.

No. MC–FC 62530. By order of September 14, 1959, The Transfer Board approved the transfer to Milon M. Browning, Bountiful, Utah, of the operating rights in Certificate No. MC 112481, issued April 30, 1951, to Dean Vickers, Twin Falls, Idaho, authorizing the transportation, over irregular routes, of cement from Devils Slide, Utah, to points in six specified counties in Idaho, and brick, from Salt Lake City and Ogden, Utah, and points within 5 miles of each, to points in the same six Idaho counties. Bartly G. McDonough, 10 Executive Building, 455 East 4th Street South, Salt Lake City 11, Utah, for applicants.

No. MC–FC 62531. By order of September 14, 1959, The Transfer Board approved the transfer to Cal Cartage, Inc., Camden, N.J., of a portion of Certificate No. MC 79147, issued June 15, 1953, to Samuel M. Taylor, doing business as Taylor Trucking Co., Philadelphia, Pa., authorizing the transportation of new furniture, over irregular routes, from Philadelphia, Pa., to New York, N.Y., and points in Maryland, Delaware, and New Jersey. Jacob Polin, 314 Old Lancaster Road, Merion, Pennsylvania (P.O. Box 317, Bala-Cynwyd, Pennsylvania), for applicants.

No. MC–FC 62537. By order of September 14, 1959, The Transfer Board approved substitution of Gulf Coast Enterprises, Inc., of Houston, Texas, as transferee of the rights sought in No. MC 118310 in lieu of Lone Star Seafoods, Inc., of Brownsville, Texas, for the right to transport frozen fruits, frozen berries, frozen vegetables and bananas, between points in Alabama, Arizona, Arkansas, California, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin, under the "grandfather" clause of Section 7 of the Transportation Act of 1958. (72 Stat. 574). Joe G. Fender, 1421 Melrose Building, Houston 2, Texas, for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7820; Filed, Sept. 18, 1959; 8:46 a.m.]

[Rev. S. O. 562, Revised Taylor's I.C.C. Order 107]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Louisville and Nashville Railroad Company, account bridge burned out at Pascagoula, Mississippi, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Louisville and Nashville Railroad Company is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other raidroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., September 15, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., September 25, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59–7821; Filed, Sept. 18, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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UNIVERSITY OF MICHIGAN
SEP 24 1959
MAIN READING ROOM

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 24 NUMBER 185

Washington, Tuesday, September 22, 1959

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R. 1633, 3151, 6315, 6232, and 6314, containing the specific requirements of the 1959-crop wheat price support program are hereby amended as follows:

Section 421.4043(c)(1) is amended by providing that the variety discount is not applicable to any varieties of wheat produced in the State of Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 16th day of September 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–7889; Filed, Sept. 21, 1959; 8:48 a.m.]

[Amdt. 1]

PART 446—PEANUTS

Subpart—1959 Crop Peanut Price Support Program

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1959 Crop Peanut Price Support Program (24 F.R. 6077) are amended by correcting the crop year designation in the definition of a within quota marketing card, the addition of the price support schedule for 1959 crop peanuts, specifying the basis upon which the eligibility of peanuts stored in bulk at certain specified locations in Virginia will be determined, the addition of criteria for determining that a producer unknowingly picked or threshed peanuts from an acreage in excess of the effective farm allotment, and by revising certain requirements with respect to the purchase of No. 2 shelled peanuts.

The regulations in §§ 446.1101 to 446.1148, inclusive, are amended as specified below:

§ 446.1104 [Amendment]

1. Section 446.1104(q) is amended to read as follows:

(q) Within Quota Card Form MQ—76 (Peanuts) 1959, 1959 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

2. Section 446.1105 is amended to read as follows:

§ 446.1105 Support prices.

(a) *Applicability.* The support prices specified in this section apply to 1959 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or purchase agreement under the peanut price support program.

(b) *National average price.* The national average support price is $193.50 per ton.

(c) *Average support prices by types.* The support price by type per average ton is:

Virginia type	$205.30
Runner type	180.64
Southeastern Spanish type	197.90
Southwestern Spanish type	189.83
Valencia type suitable for cleaning and roasting	200.94

(d) *Calculation of support prices for various types and grades of peanuts.* The support price per ton for peanuts of a particular type and grade shall be cal-

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culated on the basis of the following rates, premiums and discounts:

(1) *Kernel values per net ton excluding loose shelled kernels.*

(i) Price for each percent of sound mature kernels:	
Virginia type	$2.82
Runner type	2.67
Southeastern Spanish type	2.79
Southwestern Spanish type	2.75
Valencia type:	
A. Southwestern area:	
(aa) Suitable for cleaning and roasting	$3.00
(bb) Not suitable for cleaning and roasting	2.75
B. Areas other than Southwest	2.79
(ii) Price for each percent of damaged and other kernels	1.20
(iii) Premium for each percent extra large kernels in Virginia type peanuts	.40

(2) *Value of loose shelled kernels per pound.* $0.06.

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels riding the screen prescribed for determination of sound mature kernels for that type shall be as follows:

Peanuts containing damaged kernels of:	*Discount*
1 percent	None
2 percent	$3.00
3 percent	6.00
4 percent	10.50
5 percent	16.50
6 percent	22.50
7 percent	31.50
8 percent and over	(1)

[1] Not eligible for price support, except as provided in § 446.1106(a)(6).

(4) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(5) *Virginia type peanuts.* Virginia type peanuts, to receive price support as Virginia type, must contain 30 percent or more "Fancy" size (i.e., peanuts riding a 33/64 x 3 inch slotted screen). Virginia type peanuts containing less than 30 percent "Fancy" size will be supported as though they were Runner type.

(6) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(7) *Variety X peanuts.* The support price of an unnamed and undesirable variety of peanuts grown in Virginia from seed stock commercially developed in Windsor, Isle of Wight County, Virginia, and known as Variety X will be discounted 50 percent of the rate for Virginia type peanuts of the same grade, with no premium for extra-large kernels.

§ 446.1106 [Amendment]

3. Section 446.1106 *Eligible peanuts and overplanted farm agreement,* is amended to read as follows:

a. Subparagraphs (1) and (2) of paragraph (a) are amended as follows:

(1) Contain not more than 10 percent foreign material and, except as provided in subparagraph (6) of this paragraph not more than 7 percent damaged kernels;

(2) Contain moisture not in excess of (i) 10 percent if placed under a farm storage loan or (ii) 9 percent in the southeast and southwest areas and, except as provided in subparagraph (6) of this paragraph, 10 percent in the Virginia-Carolina area when received into a warehouse as collateral for a loan to the association or when delivered under a purchase agreement, except that any such peanuts which have been mechanically dried shall contain at least 5 percent moisture in the southeast and southwest areas or 6 percent moisture in the Virginia-Carolina area;

b. A new subparagraph (6) is added to paragraph (a), as follows:

(6) In the case of bulk stored Virginia type peanuts at CCC bin sites in Southampton, Greenville, Surry and Sussex Counties in the State of Virginia, CCC may determine that the eligibility requirements with respect to moisture and damage have been met if on the basis of a preliminary grade determined from a preliminary sample drawn by a Federal-State inspector the percentage of damage does not exceed 7 percent and the percent of moisture does not exceed 10 percent. However, the official grade determined from the official sample drawn by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the support price and if the official grade shows the damage to be in excess of 7 percent the following discounts will be applied.

Peanuts containing damaged kernels of:	*Discount per ton*
8 percent	$46.50
9 percent	66.50
10 percent	96.50
11 percent and above	136.50

c. A new paragraph (c) is added, as follows:

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be deemed not to have knowingly exceeded such allotment, within the meaning of paragraph (a)(3)(ii) of this section if (1) the excess acreage is determined, in accordance with the marketing quota regulations, to be zero, (2) the liquidated damages otherwise due as the result of a breach of the terms of Form MQ-92. Peanuts are waived under the provisions of paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the provisions of the peanut marketing quota program, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under (1), (2), and (3), and CCC determines that the producer unknowingly exceeded such allotment.

§ 446.1135 [Amendment]

4. Section 446.1135 *Eligibility requirements for No. 2 peanuts,* is amended as follows:

a. The introductory text of the section is amended to read as follows: "No. 2 peanuts of any type delivered to CCC by shellers shall:"

b. Paragraph (b) is amended to read as follows:

(b) Be 1959 crop peanuts which an eligible sheller, prior to the date of the offer, has milled in his own plant.

§ 446.1136 [Amendment]

5. Paragraphs (b) and (d) of § 446.1136 *Eligible sheller,* are amended as follows:

(b) Pay a price not less than the producer advance value for each lot of farmers stock peanuts purchased from a producer from August 3, 1959, through February 1, 1960, if such peanuts are eligible for a price support loan;

* * * * *

(d) Purchase from producers, during the period August 3, 1959, through February 1, 1960, only those peanuts for which inspection certificates have been issued by inspectors of the Federal or Federal-State Inspection Service: *Provided, however,* That the sheller may, without affecting his eligibility to sell No. 2 peanuts to CCC, purchase a quantity not to exceed two hundred tons of farmers stock peanuts for which such inspection certificates have not been issued if the Federal or Federal-State Inspection Service determines that inspection service cannot practically be made available with respect to such peanuts: *And provided further,* That peanuts for which such inspection certificates have not been issued shall not be used in calculating the quantity of No. 2 peanuts that may be delivered to CCC.

6. Section 446.1139 *Minimum quantity,* is amended to read as follows:

§ 446.1139 Minimum quantity.

The minimum quantity of No. 2 peanuts offered at any one time shall be 32,000 pounds, and peanuts in excess of such minimum shall be offered in multiples of 32,000 pounds: *Provided, however,* That the sheller's final offer to CCC may be for any quantity of No. 2 peanuts but not less than 25,000 pounds. All No. 2 peanuts offered at one time for

delivery at one location shall be included in one offer. Each offer shall be made in the form prescribed by CCC.

§ 446.1142 [Amendment]

7. Paragraphs (a), (b), (c), and (e) of § 446.1142 *Delivery, rejection, and liquidated damages,* are amended to read as follows:

(a) The sheller shall deliver, in accordance with instructions issued by the association, a quantity of No. 2 peanuts which is not less than 95 percent nor more than 102 percent of the quantity specified in the sheller's offer and accepted by the association. Such delivery instructions, except as provided in § 446.1143, shall be issued within 25 days after the date of the association's written acceptance of the offer. Unless otherwise approved by CCC, all peanuts delivered on or after May 1, 1960 shall have been fumigated, at the sheller's expense and in accordance with instructions issued by CCC, prior to delivery.

(b) The sheller shall deliver all peanuts in bags of uniform size, which are packed in accordance with instructions issued by CCC. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by the association or CCC may be required.

(c) CCC may, upon notice to the sheller, reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer does not meet the eligibility requirements in § 446.1135 at the time of the original inspection or re-inspection, or if the peanuts have not been fumigated in accordance with the requirement of paragraph (a) of this section.

* * * * *

(e) If the sheller fails to deliver a quantity of No. 2 peanuts equal to 95 percent, or if he delivers in excess of 102 percent of the quantity offered by him and accepted by the association, or if the sheller delivers peanuts which are ineligible and CCC determines that such peanuts can be rejected to the sheller, the sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such peanuts, liquidated damages in an amount equal to 2 cents per pound for the quantity by which the quantity of eligible peanuts delivered is less than 95 percent or more than 102 percent of that offered by the sheller and accepted by the association, or for the quantity of ineligible peanuts delivered to, and rejected by, CCC. The sheller shall also refund to CCC any amount paid to him with respect to ineligible peanuts which are rejected. The farmers stock peanut equivalent of ineligible peanuts rejected by CCC, at the ratio of one ton of farmers stock to 200 pounds of such ineligible peanuts, shall not be used by the sheller for the purpose of supporting further offers of No. 2 peanuts to CCC.

Issued this 17th day of September 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-7888; Filed, Sept. 21, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 15; Rev. 1]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation With Respect to Liquid and Pressurized Household Insecticides Acceptable for Generalized Application (Primarily Non-Deposit Forming)

Since the issuance of Interpretation 15 with respect to labeling of mineral oil-pyrethrum and similar contact household fly sprays (7 CFR 362.113), the marketing of new pesticides and changes in the production, use and requirements as to the use, of household fly sprays have rendered this interpretation obsolete. It is felt that the interpretation with respect to these products should be revised in order to provide the industry with information concerning current labeling requirements and to cover the new products of a similar nature which are now being marketed. Therefore, pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), Interpretation 15 with respect to labeling of mineral oil-pyrethrum and similar contact household fly sprays is revised to read as follows:

§ 362.113 Interpretation with respect to liquid and pressurized household insecticides acceptable for generalized application (primarily non-deposit forming).

(a) *Composition.* These products are ordinarily marketed as solutions, emulsions, suspensions, or pressurized products and are designed for use in undiluted form by the consumer. In a few cases, concentrated products requiring dilution are marketed. These products usually have a petroleum distillate base, together with such auxiliary solvents as may be necessary to keep the formulation as a solution under conditions of relatively low temperature. Water is sometimes used in the liquid formulations. Auxiliary solvents such as methylated napthalenes, methylated aromatic petroleum solvents, and methylene chloride are frequently used, although the latter is more common in pressurized products. The propellants commonly encountered are known as Propellant 11 (trichloro monofluoro methane) and Propellant 12 (dichloro difluoro methane). Propellant 12 may be used alone or in various proportions with Propellant 11, methylene chloride, or methyl chloroform. This interpretation is not intended to cover products intended primarily to be used in such a manner as to deposit substantial quantities of insecticides on treated surfaces.

(b) *Acceptable ingredients.* The following chemicals are frequently encountered in household-type insecticides of this class. The percentage figures given are the maximums which are ordinarily encountered in this class of products. An asterisk indicates that the percentage specified is the maximum being accepted. The other percentage figures should not be regarded as maximum at the present time, even though further information may necessitate modification of these figures and the use of additional asterisks. All percentage figures are expressed in terms of weight. Ingredient statement requirements are discussed in paragraph (c) of this section.

Pesticidal chemical	Percentage in liquid space and contact sprays	Percentage in aerosol mist sprays
Allethrin (allyl homolog of cinerin 1) —%	0.5	0.6
Beta-butoxy-beta'-thiocyanodiethyl ether —% (Lethane 384)	[3] 3.5	[4] 4.0
Beta-thiocyanoethyl esters of mixed fatty acids containing 10 to 18 carbon atoms —%. Beta-butoxy-beta'-thiocyanodiethyl ether —% (Lethane 384 Special)	[3] 3.5	[4] 1.0
Butoxypolypropylene glycol —%	10.0	5.0
Dichloro diphenyl dichloroethane —% (TDE)	*6.0	None
Dichloro diphenyl trichloroethane —% (DDT)	*6.0	*5.0
Diethyl diphenyl dichloroethane [or 1,2-dichloro-2,2-bis (4-ethylphenyl) ethane] —% (95% of the total amount of technical ingredient present). Related compounds —% (5% of the total amount of technical ingredient present) (Perthane)	*5.0	*2.0
Gamma isomer of benzene hexachloride from lindane —%	*0.1	None
Isobornyl thiocyanoacetate —% (82% of the total amount of technical ingredient present). Related compounds —% (18% of the total amount of technical ingredient present) (Thanite)	3.5	*3.0
Malathion —% [2]	2.0	*5.0
Pyrethrins —%	0.2	0.3
Rotenone —%. (Usually "Other Cube Resins," another active ingredient, is also present in formulations containing this ingredient)	0.1	0.13
Technical methoxychlor —% [1]	5.0	*3.0
Terpenepolychlorinates (66% chlorine) —% and an additional statement: "Chlorinated Camphene, Pinene, and Related Terpenes." (Strobane)	*2.0 *2.5	*2.5 *2.5
Toxaphene —% [4]		
Synergists		
Di-n-propyl maleate isosafrole condensate —% (Propyl isome)	2.0	2.0
N-octyl-bicycloheptene dicarboximide —%	2.5	2.0
Octyl sulfoxide of isosafrole —% (Sulfoxide)	2.0	4.0
Sesame oil extractives —% [5]	1.5	4.0
Technical piperonyl butoxide —% [6]	1.5	2.0

[1] Thiocyanate.
[2] O,O-dimethyl dithiophosphate of diethylmercaptosuccinate.
[3] Equivalent to —% (88% of the first percentage) 2,2-bis(p-methoxyphenyl) 1,1,1-trichloroethane and —% (12% of the first percentage) other isomers and reaction products.
[4] Technical chlorinated camphene (67% to 69% chlorine).
[5] Containing sesamin —%.
[6] Equivalent to —% (80% of the first percentage) (butylcarbityl) (6-propylpiperonyl) ether —% related compounds (20% of the first percentage).

These products frequently contain a combination of pesticidal ingredients, together with synergized pyrethrins and thiocyanates. These ingredients may be used in any combinations desired except that when combinations of phosphates and/or chlorinated hydrocarbons are proposed, concentrations of these ingredients should be proportionately reduced.

The following is illustrative of a mixture of DDT and malathion which would be acceptable:

	Maximum percentage by weight in liquid products
Insecticidal mixture:	
DDT	3 percent.
plus	plus
Malathion	1 percent.

DDT when used alone may be present to the extent of 6 percent. Malathion when used alone may be present to the extent of 2 percent. When combinations of these ingredients are used the quantities of each must be proportionately reduced as in the above illustration. A finished liquid formulation containing 1.0 percent malathion plus 1.5 percent DDT would also be accepted. There would be no objection to any separately acceptable amounts of the thiocyanates or synergized pyrethrins being added to a liquid formulation.

(c) *Ingredient statement.* The following form of ingredient statement would fulfill legal requirements for a hypothetical liquid mixture containing pyrethrins, petroleum distillate, piperonyl butoxide, perthane, and malathion:

Active ingredients:	*Percent*
Pyrethrins	—
Malathion [1]	—
Technical piperonyl butoxide [2]	—
Diethyl diphenyl dichloroethane	—
Petroleum distillate	—
Total	100

[1] 0,0-dimethyl dithiophosphate of diethylmercaptosuccinate.
[2] Equivalent to -- percent (butyl carbityl) (6 propyl piperonyl) ether and -- percent related compounds.

The correct figures should, of course, be entered in the blank spaces. As an alternative, the names of the ingredients may be listed in the descending order of their respective percentages. In such cases the heading "Active Ingredients 100%" should be used. The term "100%" may be omitted when actual percentage figures are given for each active ingredient. An illustration of this alternative form of ingredient statement appears elsewhere for a hypothetical pressurized formulation.

The following forms of ingredient statements would fulfill legal requirements for a pressurized product containing pyrethrins, piperonyl butoxide, and DDT:

Active ingredients:	*Percent*
Pyrethrins	—
Technical piperonyl butoxide [1]	—
Dichloro diphenyl trichloroethane	—
Petroleum distillate	—
Inert ingredients	—
Total	100

or

Active ingredients:	*Percent*
Petroleum distillate	—
Dichloro diphenyl trichloroethane	—
Technical piperonyl butoxide [2]	—
Pyrethrins	—
Inert ingredients:	
Methylene chloride	—
Dichloro difluoro methane	—

[1] Equivalent to -- percent (butyl carbityl) (6 propyl piperonyl) ether and -- percent related compounds.
[2] Consists of (butyl carbityl) (6 propyl piperonyl) ether and related compounds.

In all cases, the correct percentages should be entered in the blank spaces. The tabulation of pesticidal chemicals appearing in paragraph (b) of this section gives appropriate suggestions for the naming of ingredients. Except for explanatory parenthetical wording, the information given in paragraph (b) of this section is suitable for use in label ingredient statements. Interpretation 5 gives further information on the preparation of correct ingredient statements. The ingredient statement should in all cases accurately reflect the complete composition of the product. The names given for the various ingredients must be the common names, if they have common names. Otherwise, the chemical names as specified above should be used. Trademarked names should not be used in the ingredient statement.

(d) *Basic insecticidal value*—(1) *Petroleum distillate sprays.* Liquid spray products of this class should have as a minimum the insecticidal value of a petroleum distillate solution of pyrethrins containing 114.8 mg. of this ingredient per 100 cc. of solution. For practical purposes, this reference standard should have the same biological value as the current Official Test Insecticide which is prepared and distributed under the supervision of the Chemical Specialties Manufacturers Association, 50 East 41st Street, New York 17, New York. Any testing procedure which accurately compares the toxicity of the standard mixture to the liquid product being evaluated, will be considered. The testing procedures published as "The Pest-Grady Method" and the "Cockroach Spray Test Method" by the above-mentioned association will be considered as satisfactory for flies and roaches, respectively. These methods will not be regarded as interchangeable, since they only evaluate the comparative toxicity of liquid insecticides against the pests named. These methods are given in the 1959 edition of the Blue Book and Catalogue edition of Soap and Chemical Specialties, published by the MacNair-Dorland Company, 254 West 31st Street, New York City. These testing procedures may not be considered as adequate or applicable when new or unusual pesticidal chemicals are included in the formulation or if claims and directions for killing insects other than roaches or flies are proposed. If such products are intended to be used for killing household pests other than flies or roaches, special attention will be given to assessing the toxicity of the pesticide for the purposes which are proposed. Full information on the proposed claims and directions should be submitted in each case. It will be necessary for the applicant to submit data to establish the safety of any new or unusual chemical or pesticidal treatment that is proposed. It is the usual practice to consult with the Public Health Service of the Department of Health, Education, and Welfare on such matters.

(2) *Aerosol-type products.* Pressurized formulations classified as "aerosols" are usually marketed in dispensers ranging from a few ounces to 5 pounds. However, most of the items designed for mass distribution are packaged in sizes of 12 ounces and 16 ounces. These products contain 80 percent or 85 percent of propellant gas, usually a combination of Propellant 11 and Propellant 12. Methylene chloride or methyl chloroform is frequently substituted in whole or in part for Propellant 11. As a minimum, these products should have the knockdown and insecticidal value of a product containing 85 percent of a 50–50 mixture of Propellant 11 and Propellant 12, and 15 percent of petroleum solvent containing sufficient pyrethrum extract and DDT to yield 0.4 percent pyrethrins and 2 percent DDT in the total formulation. The reference standard should have the same biological value as the current Official Test Aerosol dispenser of the Chemical Specialties Manufacturers Association. These dispensers may be obtained from the Association at 50 East 41st Street, New York 17, New York. Any testing procedure which accurately compares the knockdown and toxicity of the test aerosol with the reference standard will be considered. The official method of the Association, published in the 1959 edition of the Blue Book and Catalogue, as previously noted, will be accepted, provided the results demonstrate that the product is no less effective in 5-minute, 10-minute and 15-minute knockdown and 24-hour mortality intervals than the comparison formulation when tested against house flies at the same dosage or less. This method of testing may not be considered as adequate if claims and directions for killing insects other than flies are proposed or if new or unusual ingredients or insecticidal usage are involved. In any test, the spray from aerosol dispensers should be in a finely divided form, in which 80 percent or more of the individual spray particles have a mean diameter of 30 microns or less and none of the spray particles have a diameter of more than 50 microns. Products which do not have the necessary biological activity when tested by the specified methods or which dispense a coarser type spray should not be represented as being "aerosols." Full information on the proposed claims and directions should be filed in all such cases. It will be necessary for the applicant to submit data to establish the safety of any new or unusual chemical ingredient or pesticidal treatment that is proposed. It is the usual practice to consult with the Public Health Service of the Department of Health, Education, and Welfare on such matters.

(3) *Pressurized space and contact sprays.* Products of this class are less common, and differ from the aerosol-type products in that their biological performance is of a lower order and usually somewhat slower in effect on the insects which are sprayed. These products deliver mist sprays intermediate between aerosol-type sprays and those which are intended to deposit an insecticidal residue of a chemical. They should have the biological performance of the reference standard specified for the aerosol-type product when a dosage of no more

than twice that used for the same reference standard has been applied. Also, for these purposes the testing procedure may be modified to omit comparisons of the knockdown at the 5-minute and 10-minute intervals. The comparisons in such cases will be only at the 15-minute knockdown and 24-hour mortality intervals. The product will be regarded as having sufficient insecticidal value if the average 15-minute knockdown and 24-hour mortality figures are no more than 5 percentage points under the comparable figures for the reference product. If claims and directions for killing insects other than flies are included, or if new or unusual chemicals are included in the formulation, individual consideration will be given to the proposed claims and directions on a separate basis. It will, of course, be necessary to submit data to establish the safety of any new or unusual ingredient or pesticidal usage. It is the usual practice to consult with the Public Health Service of the Department of Health, Education, and Welfare on such matters.

(e) *Directions for use*—(1) *General.* In all cases, the labeling should bear adequate directions for use against all of the insects named in the labeling. Although these products are commonly referred to as "fly sprays," "aerosols," or "pressurized products," they are usually recommended for use against a number of household insects, including house flies, mosquitoes, roaches (water bugs), bed bugs, ants, carpet beetles, brown dog ticks, and clothes moths. These products are primarily contact insecticides and in order to be effective must hit or wet the individual insect with the spray mist. Since the habits and life cycles of different insect pests vary considerably, the directions must in each case be adapted to the particular variety of insect which is causing annoyance and the type of structure or building in which the product is used.

(2) *Particular insects*—(i) *Flies and mosquitoes.* Directions for use against these pests should provide for closing the doors and windows and thoroughly spraying all parts of the room, particularly toward the ceiling, so as to fill the room with a fine mist. The room should be kept closed for 10 to 15 minutes and the fallen insects swept up and destroyed. However, when strong formulations are used, containing substantial amounts of rapidly acting paralytic agents, it is simply necessary to ascertain that the various insects have been thoroughly enveloped in the spray mist. Pressurized aerosol formulations and pressurized sprays may also be used in a manner quite similar to the liquid products. Dosages of aerosol and pressurized formulations are sometimes expressed in terms of seconds of discharge with appropriate adjustments for low and high delivery rate dispensers. These dosages usually are in the range of 4 to 5 grams of aerosol mixture in mist form per 1000 cubic feet of space.

(ii) *Household ants and roaches.* The directions for use against these pests should provide for thorough spraying into all parts of the room suspected of harboring these pests. Special attention should be paid to cracks and hidden surfaces around sinks or food storage areas where these insects may be hiding. It is necessary in all cases that the insects be contacted directly with the spray. Treatment around doors and windows is desirable in connection with directions for use against ants. Pressurized formulations may also be used, but since liberality of application is essential, small pressurized dispensers may not give as good results in some cases. Repeated applications should be specified in all cases. Special care should be taken to use these products in such a manner that food and food utensils will not be contaminated. If any spray contaminates cooking utensils, silverware, or dishes, they should be thoroughly cleaned.

(iii) *Bed bugs.* The directions for use against these pests should provide for thorough spraying of the bed, the springs, and the mattress, as well as the baseboards and wall cracks about the bedroom. Repeated applications are usually necessary for good results against these pests. In the case of malathion, the maximum acceptable concentration for this use is a 1 percent spray, which in any case is to be applied lightly to the mattress.

(iv) *Clothes moths and carpet beetles.* The directions for use against these pests should provide for cleaning all articles to be protected and for thorough spraying, particularly of seams and folds. The interior of trunks, closets, cupboards, and other storage containers should also be thoroughly sprayed. Unless the sprayed articles are to be stored immediately in moth-tight containers, the directions should provide for repeating the treatment at least once a month. In the case of upholstered furniture, the directions should provide for spraying the interior of the furniture, as well as the outer surfaces, unless the furniture can be fumigated to kill any hidden infestation of these pests. Rugs and carpets that are to be treated may also be sprayed, not only on the top surfaces, but also on the under side. However, when carpet beetles are a serious problem, it is usually desirable to use a residual type insecticidal treatment. Pressurized products, including aerosols, may be used on the same terms, but are less suitable, since small dispensers do not ordinarily permit the liberality of treatment which is usually necessary for good results.

(v) *Fleas and brown dog ticks in buildings.* Directions for use against these pests should provide for liberal applications to floor areas, cracks and crevices, sleeping quarters of animals, behind pictures, and wherever these insects may be suspected of harboring. Liberal and repeated applications directly to the individual pests are desirable in all cases.

(vi) *Mosquitoes and small flying insects outdoors.* Liquid and pressurized products of the types described can often be used effectively as mist spray applications for tall grass, shrubbery and around lawns where these pests may hover or harbor. This usage is suitable only in still air and requires frequent reapplication to kill additional insects that may be drifting into the area. It is not suitable for coping with any large influx of insects. Care should be taken to avoid wetting vegetation since many of these formulations are phytotoxic. Only mist spray application should be directed.

(f) *Caution and warning statements*—(1) *General.* All economic poisons are required to bear warning or caution statements which are necessary to protect the public from injury, and acceptable directions for use must be consistent with these requirements. These cautions and directions are quite variable, depending on the composition of the product and the manner of use which is intended. The detailed precautions, especially for operator protection during use of most of the various pesticidal ingredients, are given in the current revision of Interpretation 18. Cautions to product and the manner of use which is from contamination are often required and are appropriate in any case. These products should ordinarily be kept out of reach of children and pets.

(2) *Liquid household insecticides.* In all cases where petroleum distillate or other combustible formulations are involved, warning against spraying in the presence of open flame or sparks is required.

(3) *Pressurized household insecticides.* Since many of these products contain significant amounts of petroleum distillates, other combustible substances, and/or halogenated hydrocarbons yielding irritant substances in the presence of open flame or heated surfaces, and since bursting or leakage of contents may occur at high temperatures, all pressurized products (except as specified hereafter) should bear the following warning or its practical equilavent:

WARNING: Contents under pressure. Do not puncture. Do not use or store near heat or open flame. Exposure to temperatures above 130° Farenheit may cause bursting. Never throw container into fire or incinerator.

Pressurized products which have extreme flammability or explosive hazards will be considered separately and additional precautionary labeling prescribed. Methods for determining the need for such additional precautionary labeling may be obtained from the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C. It is the responsibility of the registrant to provide precautionary labeling which will be adequate, if complied with, to prevent injury to persons using or handling his product.

(g) *Deterioration.* Petroleum distillate sprays containing pyrethrins, if exposed too long to light in ordinary glass bottles, or stored for long periods of time, may lose their efficiency due to deterioration of the active ingredients. Also, certain types of packaging may permit deterioration. All products should maintain their active ingredients at the levels declared on the label and represented at the time of registration as long as they remain in unopened containers in channels of trade.

(h) *Grade classification.* The grade classifications given in Commercial Standard CS 72–54 apply to liquid fly sprays and should be used only to classify such products. If a claim for grade classification is made for a fly spray, it should be only such a grade as may be fully justified by the killing action and knockdown effect of the product when tested against house flies. Except for fly sprays, there is no generally recognized grade classification for household insecticides and no such claims should be made other than for fly sprays.

(i) *Unwarranted claims.* These products are not effective against all household insects, and claims for effectiveness against insects generally or all insects, are unwarranted and should not be made. These products, as customarily marketed, are not effective against termites and cannot be relied upon to kill any insect which cannot be reached directly by the spray. This applies also to the eggs of many insects, which are often placed in inaccessible cracks or hidden surfaces. Claims for extermination are not warranted and should not be made. Products of this type are injurious under certain conditions to both men and animals and may contaminate food when improperly used. Therefore, their labels must ordinarily not bear any unqualified claims such as "Non-Toxic," "Non-Poisonous," "Non-Injurious," or "Harmless to Man and Animals." Such products are of no value in disinfecting and will not prevent diseases, and claims to that effect should not be made.

(j) *Registration.* All applications for registration should include duplicate copies of all labels, circulars, or other literature which may be associated with or accompany the product at any time. Complete information concerning the composition of the product should also be furnished with the application. If the product does not conform to a conventional pattern of pesticidal usage against household pests, data should be furnished to demonstrate the practical value of the product for the various pests which are named in the labeling. Consultation with applicants is solicited at all times, in order to eliminate possible misunderstanding.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d)

Effective date. The foregoing interpretation is made effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of September 1959.

E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 59-7887; Filed, Sept. 21, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lime Order 5, Amdt. 1]

PART 1001—LIMES GROWN IN FLORIDA

Pack Regulation

Notice is hereby given of the approval of an amendment, hereinafter set forth, of Lime Order 5 (7 CFR 1001.305; Subpart—Pack Regulation) currently in effect pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida. This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment (1) revises the language in paragraph (b)(2) of said § 1001.305 to make it clear that the grade marking required to be placed on containers of limes under such section shall be conspicuously marked or stamped on one outside end of each container, and (2) adds the requirement, to those now set forth in § 1001.305, that each container of limes shall be stamped or marked to show the average juice content of such limes.

Notice that consideration was being given to making it clear that the grade marking required on lime containers shall be conspicuously marked or stamped on one outside end of the containers was given in the FEDERAL REGISTER issue of August 26, 1959 (24 F.R. 6915); and it is hereby found that it is unnecessary to give preliminary notice and engage in public rule-making procedure (5 U.S.C. 1001–1011) with respect to the action set forth in (2) of the preceding paragraph hereof because the required marking of lime containers formerly was mandatory under the provisions of the Florida Citrus Code, handlers of limes are currently showing such information on containers of limes handled, it was the consensus of industry representatives, in attendance at a meeting of the Florida Lime Administrative Committee held on September 8, 1959, at Homestead, Florida, that the marking of containers of limes with the average juice content of the limes has tended to establish and maintain orderly marketing conditions for limes and it was requested that such requirement be made mandatory under the amended marketing agreement and order, the committee unanimously recommended that such marking of lime containers be so required, and such requirement does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof.

In consideration of the foregoing and of all relevant matters presented, including the proposal set forth in the notice which was submitted by the Florida Lime Administrative Committee, it is hereby found that the following amendment of § 1001.305 is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Revise the language preceding subdivision (i) of paragraph (a)(2)[1] of § 1001.305 to read as follows:

(2) No handler shall handle any lot of limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, unless such limes meet the requirements of one of the pack specifications established in subparagraph (1) of this paragraph, and each container in such lot is conspicuously marked or stamped on one outside end in letters at least ¼ inch in height to show the United States grade applicable to such lot and either the average juice content of the limes in such lot or the phrase "average juice content forty-two percent (42%) or more": *Provided,* That, in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following, which appropriately identifies the grade and the juice content of such limes:

[1] Cited at 23 F.R. 1694 as "(b)(2)."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, September 17, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-7886; Filed, Sept. 21, 1959; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.413]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Miscellaneous Amendments

The following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed:

a. Effective as of the beginning of the first pay period following September 19, 1959, § 325.5(d) is deleted and the following is substituted in lieu thereof:

(d) To become eligible for differential at the rate prescribed for the post of detail an employee must have served 42 days (§ 325.1(h)) in pay status on detail at one or more differential posts in foreign areas and/or at one or more places designated for territorial differential (not places designated for territorial cost-of-living allowance) by the Civil Service Commission in Part 350 of this chapter during any one period of absence, regardless whether differential was authorized under paragraph (b) of this section. No differential is authorized for this 42-day eligibility period. Differential at the rate(s) prescribed in § 325.15 is authorized for subsequent days of detail in pay status at differential post(s) during that period of absence (see §§ 325.1 (g) and (h)). This section shall also apply to an employee who is on temporary assignment or temporary duty enroute to or from a post of assignment, or who has no regular post of assignment.

b. Section 325.15 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 11, 1959, paragraph (a) is amended by the deletion of the following:

Khartoum, Sudan.

2. Effective as of the beginning of the first pay period following September 19, 1959, paragraph (a) is amended by the deletion of the following:

Ahwaz, Iran.

3. Effective as of the beginning of the first pay period following September 19, 1959, paragraph (b) is amended by the deletion of the following:

Iran, all posts except Ahwaz, Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Sanandaj, Sari, Shahabad, Shiraz and Tehran.

4. Effective as of the beginning of the first pay period following July 11, 1959, paragraph (a) is amended by the addition of the following:

Sudan, all posts.

6. Effective as of the beginning of the first pay period following September 19, 1959, paragraph (a) is amended by the addition of the following:

Rezaiyeh, Iran.

7. Effective as of the beginning of the first pay period following September 19, 1959, paragraph (b) is amended by the addition of the following:

Iran, all posts except Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz and Tehran.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Washington, D.C., September 9, 1959.

For the Acting Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 59–7869; Filed, Sept. 21, 1959; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 6—LOANS MADE BY NATIONAL BANKS SECURED BY DIRECT OBLIGATIONS OF THE UNITED STATES

General Authorization

Section 6.2 is amended to read as follows:

§ 6.2 General authorization.

The obligations to any national banking association of any person, copartnership, association, or corporation, secured by not less than a like amount of direct obligations of the United States which will mature in not exceeding eighteen months from the date such obligations to such national banking association are entered into, shall not be subject to any limitation based upon the capital and surplus of the association.

(R.S. 5200, as amended; 12 U.S.C. 84)

RAY M. GIDNEY,
Comptroller of the Currency.

Approved:

ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 59–7878; Filed, Sept. 21, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

PART 1—GENERAL PROCEDURES

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Miscellaneous Amendments

The Commission announces the following changes in Parts 1 and 3 of Chapter I of Title 16. All such changes to be effective as of date of publication in the FEDERAL REGISTER.

I. Part 1 is amended in the following respects:

1. Section 1.2 is amended to read as follows:

§ 1.2 Laws administered.

The Federal Trade Commission exercises responsibilities under the Federal Trade Commision Act of 1914 (15 U.S.C. 41), as amended by the Wheeler-Lea Act of 1938 and the Oleomargarine Act of 1950; the Clayton Act of 1914 (15 U.S.C. 12), as amended by the Robinson-Patman Act of 1936 and the Anti-merger Act of 1950; the Webb-Pomerene Export Trade Act of 1918 (15 U.S.C. 61); the Wool Products Labeling Act of 1939 (15 U.S.C. 68); Public Law 15 of 1945 relating to the regulation of the business of Insurance (15 U.S.C. 1011); the Lanham Trade Mark Act of 1946 (15 U.S.C. 1051); the Fur Products Labeling Act of 1951 (15 U.S.C. 69); the Flammable Fabrics Act of 1953 (15 U.S.C. 1191); and the Textile Fiber Products Identification Act of 1958 (15 U.S.C. 70).

§ 1.3 [Amendment]

2. Section 1.3 (g), (h), (i), (j) and (k) are amended to read as follows:

(g) To prevent misbranding or false advertising of textile fiber products through failure to comply with the Textile Fiber Products Identification Act;

(h) To prevent unfair methods of competition and unfair or deceptive acts or practices in the business of insurance to the extent that such business is not regulated by State law, under the Federal Trade Commission Act and Public Law 15 of 1945 relating to the regulation of the business of insurance;

(i) To administer the provisions of the Export Trade Act, providing for the registration and operation of associations of American exporters engaging solely in export trade;

(j) To proceed for the cancellation of registration of trade marks which have been illegally registered or which have been used for purposes contrary to the intent of the Trade Mark Act of 1946;

(k) To investigate the organization, business, conduct, practices, or management of corporations and to make public reports thereon as the Commission deems expedient in the public interest; to investigate, at the direction of the President or the Congress, and report upon alleged violations of the antitrust laws by corporations; to make various other investigations and reports, including recommendations to Congress for legislation, and reports to the Attorney General, to the extent and in the manner provided in section 6 of the Federal Trade Commission Act.

§ 1.5 [Amendment]

3. Section 1.5(b) is amended to read as follows:

(b) Their addresses are: Federal Trade Commission, Washington 25, D.C.; Federal Trade Commission, U.S. Court House, Foley Square, New York 7, New York; Federal Trade Commission, Room 1128, Standard Building, Cleveland 13, Ohio; Federal Trade Commission, Room 1310, 226 West Jackson Boulevard, Chicago 6, Illinois; Federal Trade Commission, Room 306, Pacific Building, San Francisco 3, California; Federal Trade Commission, Room 811, U.S. Court House, Settle 4, Washington; Federal Trade Commission, 413 Masonic Temple Building, 333 St. Charles Street, New Orleans 12, Louisiana; Federal Trade Commission, 2806 Federal Office Building, Kansas City 6, Missouri; Federal Trade Commission, 915 Forsyth Building, 86 Forsyth Street, Atlanta, Georgia.

4. Section 1.6 is amended to read as follows:

§ 1.6 Textile and fur offices.

(a) For the limited purpose of administering the Wool, Fur, Textile Products, and Flammable Fabrics Acts, additional offices are located at Boston, Dallas, Los Angeles, Philadelphia and St. Louis.

(b) Their addresses are: Federal Trade Commission, Room 401, 408 Atlantic Avenue, Boston 10, Massachusetts; Federal Trade Commission, Room 1304, 114 Commerce Street, Dallas 2, Texas; Federal Trade Commission, Room 405, 215 West Seventh Avenue, Los Angeles 14, California; Federal Trade Commission, Room 3030–A, U.S. Court House, Philadelphia, Pennsylvania; Federal Trade Commission, Room 1003–C, U.S. Court & Custom House, St. Louis 1, Missouri.

5. The caption of Subpart H is amended to read as follows: "Subpart H—Administration of the Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act and Textile Fiber Products Identification Act."

§ 1.81 [Amendment]

6. Section 1.81 is amended as follows:

a. The first paragraph is amended to read as follows:

The general administration of the Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act, and Textile Fiber Products Identification Act, and the respective rules and regulations thereunder is carried out under the direction of the Commission by the Bureau of Investigation through its Division of Textiles and Furs. Any interested person may obtain copies of the several acts and rules and regulations upon request to the Commission.

b. Paragraph (d) is added to read as follows:

(d) *Textile fiber products.* The Textile Fiber Products Identification Act provides for the labeling of textile fiber products which are not required to be labeled under the Wool Products Labeling Act. Products subject to the Act must carry labels showing the respective percentages of the fibers contained therein and the name or registered identification number of the manufacturer or distributor thereof. Imported textile fiber products must show the name of the country where processed or manufactured. This Act also prohibits the false and deceptive advertising of textile fiber products. Manufacturers of textile fiber products are required to maintain records of fiber content.

7. Section 1.84 is amended to read as follows:

§ 1.84 Registered identification numbers.

Registered identification numbers are issued by the Commission under the provisions of § 300.4 of this chapter (Rule 4 of the regulations, as amended, under the Wool Products Labeling Act), § 301.26 of this chapter (Rule 26 of the regulations under the Fur Products Labeling Act), and § 303.20 of this chapter (Rule 20 of the regulations under the Textile Fiber Products Identification Act). Such numbers are for use as and in lieu of the name of the holder of the number in satisfying the name requirement in labeling under the respective acts. Any person marketing wool or other textile fiber products, fur or fur products, in commerce may file an application with the Commission for issuance of a registered identification number. The Commission will furnish application forms upon request. Numbers are issued when, upon examination of the application, the applicant is found to come within the terms of the applicable rules and regulations. Numbers are subject to revocation for cause or upon a change in business status or discontinuance of business.

8. Section 1.85 is amended to read as follows:

§ 1.85 Continuing guaranties.

Continuing guaranties may be filed with the Commission under section 9 of the Wool Products Labeling Act and § 300.33 of this chapter (Rule 33 of the rules and regulations), section 10 of the Fur Products Labeling Act, and § 301.48 of this chapter (Rule 48 of the rules and regulations), section 8 of the Flammable Fabrics Act and § 302.10 of this chapter (Rule 10 of the rules and regulations), and section 10 of the Textile Fiber Products Identification Act and § 303.38 of this chapter (Rule 38 of the rules and regulations). Upon receipt of continuing guaranties duly executed according to form and substance as prescribed in the applicable rules and regulations they are filed and made of public record. Necessary forms may be obtained from the Commission upon request.

9. Section 1.86 is amended to read as follows:

§ 1.86 Inspections and counseling.

The Commission maintains a staff of representatives to carry on compliance inspection and industry counseling work among manufacturers and marketers of wool or other textile fiber products, fur or fur products as well as articles of wearing apparel and fabrics subject to the provisions of the Flammable Fabrics Act. Administrative action to effect correction of minor infractions on a voluntary basis is taken in those cases where such procedure is believed adequate to effect immediate compliance and protect the public interest. Where inspections reveal violations of a major nature they are fully investigated and referred for such corrective and remedial procedures as appear justified and necessary in the public interest.

10. Section 1.113 is amended to read as follows:

§ 1.113 Injunction, wool, fur, textile and flammable fabrics cases.

In those cases arising under the Wool Products Labeling Act, Fur Products Labeling Act, Flammable Fabrics Act, and Textile Fiber Products Identification Act, where it appears to the Commission that the public interest requires such action, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in such acts.

11. Section 1.114 is amended to read as follows:

§ 1.114 Condemnation proceedings.

In those cases arising under the Wool Products Labeling Act, Fur Products Labeling Act and especially the Flammable Fabrics Act where the public may be endangered, and where it appears to the Commission that the public interest requires such action, the Commission will apply to the courts for condemnation, pursuant to the authority granted in such acts.

§ 1.132 [Amendment]

12. Sections 1.132(d) and (e) are amended to read as follows:

(d) Rules issued under the Wool Products Labeling Act, the Fur Products Labeling Act, the Flammable Fabrics Act, and the Textile Fiber Products Identification Act pursuant to Subpart A of Part 2 of this chapter (§§ 2.1 to 2.8), quantity limit rules issued under section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act, pursuant to Subpart B of Part 2 of this chapter (§§ 2.11 to 2.18), and Trade Practice Conference Rules for respective industries, issued under Subpart C of Part 2 of this chapter (§§ 2.21 to 2.32), are published in the FEDERAL REGISTER. Copies thereof may be obtained upon request to the Commission.

(e) The pleadings, transcript of testimony, exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings, records of hearings in all rule-making proceedings, continuing guaranties filed under the Wool, Fur, Textile and Flammable Fabrics Acts and stipulations as defined in § 1.54 after acceptance by the Commission are available at the principal office of the Commission for inspection and copying at reasonable times. Where copies of such materials are desired, § 1.131(b) applies.

II. Part 3 is amended in the following respects:

1. Section 3.2 is amended to read as follows:

§ 3.2 Nature of adjudicative proceedings.

Adjudicative proceedings are those formal proceedings conducted under one or more of the statutes administered by the Commission which are required by statute to be determined on the record after opportunity for an agency hearing. The term does not include other administrative proceedings such as investigational hearings held prior to the commencement of formal proceedings or for the purpose of inquiring into the manner and extent of compliance with outstanding orders; trade practice conferences; proceedings for fixing quantity limits under section 2(a) of the Clayton Act (15 U.S.C. 13(a)); investigations under section 5 of the Export Trade Act (15 U.S.C. 65); or the promulgation of substantive rules and regulations, determinations of classes of products exempted from statutory requirements, the establishment of name guides, or inspections and industry counseling, under sections 4(d) and 6(a) of the Wool Products Labeling Act (15 U.S.C. 68(b) and 68(d)), sections 7, 8(b) and 8(c) of the Fur Products Labeling Act (15 U.S.C. 69(e) and 69(f)), sections 5(c) and 5(d) of the Flammable Fabrics Act (15 U.S.C. 1194), and sections 7(c), 7(d), and 12(b) of the Textile Fiber Products Identification Act (Public Law 85–897, approved September 2, 1958).

2. In § 3.4, subdivisions (i) and (iii) of paragraph (a)(1) are amended to read as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

* * * * * *

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the resi-

dence of the person or of a member of the partnership or of an executive officer or director of the corporation or unincorporated association to be served.

§ 3.27 [Amendment]

3. Section 3.27(a) is amended to read as follows:

(a) In any case where an order to cease and desist has been issued by the Commission it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued September 17, 1959.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7863; Filed, Sept. 21, 1959; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 54934]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Withdrawal of Cigars From Customs Manufacturing Warehouses for Home Consumption

Cigars withdrawn from customs bonded manufacturing warehouses for consumption in the United States are subject to compliance with customs and internal-revenue requirements. Such cigars, having been manufactured from imported tobacco materials on which the duty has been paid, are subject to internal-revenue tax but not duty when withdrawn. The applicable tax is paid to the Internal Revenue Service in accordance with provisions of regulations of that Service which permit the withdrawal of the cigars from the bonded premises with payment of the tax by return after removal.

Therefore, to conform to such regulatory provisions, § 19.16(b), Customs Regulations is amended to read as follows:

(b) Cigars manufactured in a bonded warehouse for home consumption shall not be removed therefrom until customs stamps have been affixed to each package containing such cigars. Upon removal of cigars, the customs officer shall make appropriate entry in his records of the quantity and class of such cigars. Upon preparation of Form 2135 in accordance with 26 CFR 270.220 and 270.221, the proprietor shall present it to the customs officer for verification on the form that the quantities of cigars by class shown on such return as removed subject to tax are correct.

(R.S. 161, as amended, 251, secs. 311, 624, 46 Stat. 691, as amended, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1311, 1624)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: September 14, 1959.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-7881; Filed, Sept. 21, 1959; 8:47 a.m.]

[T.D. 54933]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Delegation to Collectors of Customs of Authority To Establish Wastage Allowances for Bonded Smelting and Refining Warehouses

Under present regulations wastage allowances for bonded smelting and refining warehouses are ascertained and fixed by the Bureau. It is believed that this function may properly be delegated to collectors of customs. Accordingly, §§ 19.18, 19.19(a), and 19.26 of the Customs Regulations are amended as follows:

Section 19.18 is amended by substituting "collector of customs" for "Bureau" in the first sentence.

Section 19.19(a) is amended by deleting "in duplicate" from the first sentence.

Section 19.26 is amended by substituting "collector" for "Bureau" in the second sentence.

(Sec. 312, 46 Stat. 692; 19 U.S.C. 1312)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: September 11, 1959.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 59-7880; Filed, Sept. 21, 1959; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-17; Amdt. 13]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN CONTINENTAL CONTROL AREA

Extension of Coded Jet Route

On July 23, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 5920) stating that the Federal Aviation Agency was considering an amendment to § 602.558 of the Regulations of the Administrator which would extend Jet Route No. 58 from Dallas, Tex., to New Orleans, La., via Alexandria, La.

As stated in the notice, Jet Route No. 58 presently extends from San Francisco, Calif., to Dallas, Tex. Scheduled air carrier jet service between Dallas, Tex., and New Orleans, La., will be inaugurated in the near future. For air traffic control purposes and in the interest of safety, it appeared that extension of Jet Route No. 58 from Dallas, Tex., to New Orleans, La., via Alexandria, La., would be desirable. Such extension would result in Jet Route No. 58 extending from San Francisco, Calif., to New Orleans, La.

Written comment concerning the proposed amendment was favorable. However, the Department of Air Force voiced an objection from a procedural standpoint in that extension or establishment of jet routes without radar flight advisory service was undesirable because of the adverse effect such areas have on Air Force flight activities, e.g. radar bomb scoring, celestial navigation, aerial refueling and air defense intercept missions. The Federal Aviation Agency is scheduled to provide radar flight advisory service on the segment of Jet Route No. 58 between Dallas, Tex., and New Orleans, La., not later than November 15, 1959.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.558 (24 F.R. 2650) is amended as follows:

(a) In the caption delete "(San Francisco, Calif., to Dallas, Tex.)" and substitute therefor "(San Francisco, Calif., to New Orleans, La.)".

(b) In the text delete "to Dallas, Tex., VOR." and substitute therefor, "Dallas, Tex., VOR; Alexandria, La., VOR; to the New Orleans, La., VOR."

This amendment shall become effective 0001 e.s.t. November 15, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on September 15, 1959.

GEORGE S. CASSADY, *Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 59-7860; Filed, Sept. 21, 1959; 8:45 a.m.]

[Reg. Docket No. 122; Amdt. 135]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR, Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-d-16	400–1	400–1	400–1
				S-n-16	400–1	400–1	400–1½
				A-dn	800–2	800–2	800–2
Instrument approach to be conducted in accordance with USAF AL-115-RNG.							
City, Denver; State, Colo.; Airport Name, Lowry AFB; Elev., 5420'; Fac. Class, SBMRAZ-DTXV; Ident., DEN; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59.							
				T-dn	----------	300–1	300–1
				A-dn	----------	1000–2	1000–2
Instrument approach to be conducted in accordance with USAF AL-176-RNG.							
City, Great Falls; State, Mont.; Airport Name, Malmstrom AFB; Elev., 3525'; Fac. Class, SBRAZ-VDT; Ident., GTF; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59							
				T-dn	300–1	300–1	200–½
				C-dn	600–2	600–2	600–2
				S-dn-22	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2
Instrument approach to be conducted in accordance with USAF AL-310-RNG.							
City, Palmdale; State, Calif.; Airport Name, Air Force Plant No. 42; Elev., 2549'; Fac. Class, SBMRAZ-VTD; Ident., PMD; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
OKM VOR	MKO RBn	Direct	3000	T-dn	300–1	300–1	200–½
TUL VOR	MKO RBn	Direct	3000	C-dn	700–1	700–1	700–1½
Maxie Int	MKO RBn	Direct	3000	A-dn	800–2	800–2	800–2
				Military minimums			
				C-d	700–1	700–1	700–1
				C-n	700–1½	700–1½	700–1½

Teardrop procedure turn, 170° Outbnd left turn, 332° Inbnd. 1900' within 10 mi. Beyond 10 mi. NA. Procedure turn nonstandard due to military requirements.
Minimum altitude over facility on final approach crs, 1300'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1900' on crs of 316° within 20 mi.
CAUTION: Hill 940' MSL 3.6 mi E of airport.
NOTE: Procedure may be used only by USAF aircraft and air carriers having FAA approval of their arrangement for use of facility, monitoring and weather service.

City, Muskogee; State, Okla.; Airport Name, Davis Field; Elev., 610'; Fac. Class, H; Ident., MKO; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions			1500	T-d	500–1½	500–1½	500–1½
				T-n	600–2	600–2	600–2
				C-d*	500–1½	500–1½	500–1½
				C-n*	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 275° outbnd, 095° inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 095°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 miles, climb to 1500′ on crs of 095° within 20 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 miles, climb to 1500′ on crs of 095° within 20 miles.
*CAUTION: Standard obstruction clearance not provided for circling north of the runway. When necessary to circle north of airport, 700′ ceiling minimums apply due to 427′ MSL towers 1.5 mi north in the vicinity of AWK HHW.

Wake Island; Airport Name, Wake; Elev., 12′; Fac. Class, MIIW; Ident., AXX; Procedure No. 2, Amdt. 7; Eff. Date, 10 Oct. 59; Sup. Amdt. No. 6; Dated, 13 June 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				A-d	800–2	800–2	800–2

Procedure turn South side of crs, 261° Outbnd, 081° Inbnd, 1600′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over ALI LFR–Z Marker on final approach crs, 1000′*.
Crs and distance, ALI LFR–Z Marker to Airport, 081°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles of ALI VOR, turn right, climb to 1400′ on R–162 within 20 miles of VOR.
*If ALI LFR–Z Marker not identified on Final, descent below 1000′ not authorized.

City, Alice; State, Tex.; Airport Name, Municipal; Elev., 178′; Fac. Class, BVOR; Ident., ALI; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59

				T-dn	300–1	300–1	200–½
				C-dn	600–2	600–2	600–2
				S-dn-22	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Instrument approach to be conducted in accordance with USAF AL-310–VOR.

City, Palmdale; State, Calif.; Airport Name, Air Force Plant No. 42; Elev., 2549′; Fac. Class, BVOR; Ident., PMD; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59

Prescott LFR	PRC VOR	Direct	7000	T-dn*	600–2	600–2	600–2
Drake VOR	Int DRK R–228 & PRC R–288	228°–13	8000	C-dn	800–2	800–2	800–2
Int DRK R–228 & PRC R–288	PRC VOR (Final)	Direct	6300	A-dn	1000–2	1000–2	1000–2

Procedure turn North side of crs, 288° Outbnd, 108° Inbnd, 7000′ within 10 mi. All turns North side of crs.
High terrain South.
Minimum altitude over facility on final approach crs, 6300′.
Crs and distance, facility to airport, 112°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi., make immediate left climbing turn and return to PRC VOR; continue climb to 8000′ on R–288 within 20 miles or, when directed by ATC, make immediate left turn and climb to 9000′ on R–080 within 15 miles of PRC VOR. Beyond 15 miles NA.
NOTE: Final approach course is to NE side of airport.
*800–2 required for Runways 12 and 30.

City, Prescott; State, Ariz.; Airport Name, Municipal; Elev., 5042′; Fac. Class, VORTAC; Ident., PRC; Procedure No. 1, Amdt. 6; Eff. Date, 5 Sept. 59; Sup. Amdt. No. 5; Dated, 5 Sept. 59

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BTL–LFR	BTL–VOR	Direct	2200	T-dn	300–1	300–1	200–½
AZO–VOR	BTL–VOR	Direct	2200	C-dn	500–1	500–1	500–1½
LFD–VOR	BTL–VOR	Direct	2200	S-dn–4	500–1	500–1	500–1
LeRoy Int	BTL–VOR	Direct	2200	A-dn	800–2	800–2	800–2
AZO–VOR	Fulton Int**	Direct	2100				
Fulton Int	West Int (Final)*	Direct	1600				

Procedure turn East side of crs, 216° Outbnd, 036° Inbnd, 2200′ within 10 mi.
Minimum altitude over West Int* on final approach crs, 1600′.
Crs and distance, West Int* to airport, 036°—3.4 mi.
Crs and distance, breakoff point to Rnwy 4, 044°—0.42 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb on R–036 to 2200′, then reverse course, proceed to BTL VOR.
NOTE: Aircraft must be dual omni equipped or equipped to receive VOR and LFR simultaneously, otherwise 700′ ceiling minimums will apply.
CAUTION: 1954′ tower 294°—13 mi. from airport.
*West Int: Int BTL–VOR R–216 and AZO–VOR R–083 (W crs BTL–LFR).
**Fulton Int: Int AZO–VOR R–101 and BTL–VOR R–216.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR–4, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

BTL–LFR	BTL–VOR	Direct	2200	T-dn	300–1	300–1	200–½
AZO–VOR	BTL–VOR	Direct	2200	C-dn	600–1	600–1	600–1½
LFD–VOR	BTL–VOR	Direct	2200	S-dn–9	600–1	600–1	600–1
LeRoy Int	BTL–VOR	Direct	2200	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, breakoff point to Rnwy 9, 090°—0.40 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL–VOR, climb on R–080 to 2200′, then reverse course, proceed to BTL–VOR.
CAUTION: 1954′ tower, 294°—13 mi. from airport.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR–9, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

BTL–LFR	BTL–VOR	Direct	2200	T-dn	300–1	300–1	200–½
AZO–VOR	BTL–VOR	Direct	2200	C-dn	600–1	600–1	600–1½
LFD–VOR	BTL–VOR	Direct	2200	S-dn–13	600–1	600–1	600–1
LeRoy Int	BTL–VOR	Direct	2200	A-dn	800–2	800–2	800–2
AZO–VOR	Gull Int**	Direct	3000				
Gull Int	Angusta Int (Final)*	Direct	1600				

Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 3000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over Augusta Int* on final approach crs, 1600′.
Crs and distance, Augusta Int* to BTL–VOR, 138°—5.0 mi.
Crs and distance, breakoff point to Rnwy 13, 127°—0.58 mi.
If visual contact not established upon descent to authorized anding minimums or if landing not accomplished over BTL VOR, climb on R–138 to 2200′, then reverse course, proceed to BTL VOR.
CAUTION: 1954′ tower, 294°—13 mi. from airport.
NOTE: Aircraft must be dual omni equipped; otherwise 700–1 ceiling minimums apply.
*Augusta Int: Int AZO–VOR R–051 and BTL–VOR R–318.
**Gull Int: AZO–VOR R–030 and BTL–VOR R–318.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR–13, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

BTL–LFR	BTL–VOR	Direct	2200	T-dn	300–1	300–1	200–½
AZO–VOR	BTL–VOR	Direct	2200	C-dn	500–1	500–1	500–1½
LFD–VOR	BTL–VOR	Direct	2200	S-dn–18	500–1	500–1	500–1
LeRoy Int	BTL–VOR	Direct	2200	A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 018° Outbnd, 198° Inbnd, 2200′ within 10 miles.
Minimum altitude over Bedford Int* on final approach crs, 1600′.
Crs and distance, Bedford Int* to airport, 198°—3.6 mi.
Crs and distance, breakoff point to Rnwy 18, 180°—.67 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb on R–180 to 2200′, then reverse course, proceed to BTL VOR.
NOTE: 700–1 minimums apply if aircraft not dual omni equipped.
CAUTION: 1951′ tower, 294°—13 mi from airport.
*Bedford Int: Int BTL–VOR R–018 and AZO–VOR R–062.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR–18, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

BTL–LFR	BTL–VOR	Direct	2200	T-dn	300–1	300–1	200–½
LFD–VOR	BTL–VOR	Direct	2200	C-dn	700–1	700–1	700–1½
LeRoy Int	BTL–VOR	Direct	2200	S-dn–22	700–1	700–1	700–1
AZO–VOR	BTL–VOR	Direct	2200	A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 051° Outbnd, 231° Inbnd, 2200′ within 10 miles.
Minimum altitude over BTL–VOR on final approach crs, 1600′.
Crs and distance, breakoff point to Rnwy 22, 224°—0.35 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, turn left, climb on R–180 to 2200′, then reverse course, proceed to BTL VOR.
CAUTION: 1954′ tower, 294°—13 mi. from airport.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TERVOR–22, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BTL–LFR	BTL–VOR	Direct	2200	T–dn	300–1	300–1	200–½
AZO–VOR	BTL–VOR	Direct	2200	C–dn	700–1	700–1	700–1½
LFD–VOR	BTL–VOR	Direct	2200	S–dn–27	700–1	700–1	700–1
LeRoy Int	BTL VOR	Direct	2200	A–dn	800–2	800–2	800–2

Procedure turn N side of crs. 097° Outbnd, 277° Inbnd, 2200′ within 10 miles.
Minimum altitude over BTL–VOR on final approach crs, 1600′.
Crs and distance, breakoff point to Rnwy 27, 270°—0.28 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, turn right, climb on R–360 to 2200′, then reverse course, proceed to BTL–VOR.
CAUTION: 1954′ tower, 294°—13 mi. from airport.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR–27, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

BTL–LFR	BTL–VOR	Direct	2200	T–dn	300–1	300–1	200–½
AZO–VOR	BTL–VOR	Direct	2200	C–dn	600–1	600–1	600–1½
LFD–VOR	BTL–VOR	Direct	2200	S–dn–36	600–1	600–1	600–1
LeRoy Int	BTL–VOR	Direct	2200	A–dn	800–2	800–2	800–2
LFD–VOR	Graham Int**	Direct	2100				
Graham Int	East Int (Final)*	Direct	1600				

Procedure turn East side of crs, 159° Outbnd, 339° Inbnd, 2200′ within 10 miles.
Minimum altitude over East Int* on final approach crs, 1600′.
Crs and distance, *East Int to airport, 339°—3.3 mi.
Crs and distance, breakoff point to Rnwy 36, 360°—0.77 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb on R–360 to 2200′, then reverse course, proceed to BTL VOR.
NOTE: Aircraft must be dual omni equipped or equipped to receive VOR and LFR simultaneously, otherwise 700–1 ceiling minimums will apply.
CAUTION: 1954′ tower, 294°—13 mi. from airport.
*East Int: Int of BTL–VOR R–159 and East crs of BTL–LFR (or R–085 AZO–VOR).
**Graham Int: Int LFD R–294 and BTL R–159.

City, Battle Creek; State, Mich.; Airport Name, Kellogg Field; Elev., 941′; Fac. Class, BVOR; Ident., BTL; Procedure No. TerVOR–36, Amdt. 1; Eff. Date, 10 Oct. 59; Sup. Amdt. No. Orig.; Dated, 3 July 58

BTL LFR	AZO VOR	Direct	2200	T–dn	300–1	300–1	300–1
BTL VOR	AZO VOR	Direct	2200	C–dn	600–1	600–1	600–1½
GRR LOM	AZO VOR	Direct	3000	S–dn–14	600–1	600–1	600–1
PMM VOR	AZO VOR	Direct	2200	A–dn	800–2	800–2	800–2
ELX VOR	AZO VOR	Direct	2200				
Kalamazoo Int	AZO VOR	Direct	2200				
Leroy Int	AZO VOR	Direct	2500				
SBN VOR	AZO VOR	Direct	2500				
PMM VOR	Alamo Int*	Direct	2200				
Alamo Int*	Oshtemo Int**(Final)	Direct	1500				
ELX VOR	Alamo Int*	Direct	2200				

*Int R–310 AZO and R–054 ELX.
**Int R–310 AZO and R–067 ELX.
Procedure turn S side of crs, 310° outbnd, 130° inbnd, 2200′ within 10 miles.
Crs and distance, Oshtemo Int** to airport, 130°—5.0 mi.
Crs and distance, breakoff point to Rnwy 14, 138°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles after passing AZO VOR, climb to 2500′ on R–180 AZO VOR within 20 miles.
NOTES: This procedure not authorized unless aircraft is equipped with functioning dual omni receivers. All approaches controlled by Battle Creek CS/T.
CAUTION: Obstruction 1954′, 12 miles north.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874′; Fac. Class, BVOR; Ident., AZO; Procedure No. TerVOR–14, Amdt. 3; Eff. Date, 10 Oct. 59; Sup. Amdt. No. 2; Dated, 21 Feb. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MKE–VOR	Lake Park Int*	Direct	2700	T–dn	300–1	300–1	200–½
MKE–LFR	Lake Park Int*	Direct	2700	C–dn	600–1	600–1	600–1½
MKE–LOM	Lake Park Int*	Direct	2700	S–dn–19	400–1	400–1	400–1
Cardinal Int	Lake Park Int*	Direct	2700	A–dn	800–2	800–2	800–2
Cardinal Int	Lake Park Int* (Final)	Direct	2200				
Lake Park Int*	Harbor Int**	Direct	2300				
Lake Park Int*	Harbor Int** (Final)	Direct	1800				

Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Int.* Refer to Radar procedure for Milwaukee, Wis., if detailed sector altitudes desired.
Procedure turn W side N crs, 006° Outbnd, 186° Inbnd, 2700′ within 10 mi of Lake Park Int.*
No glide slope. Min alt over Lake Park Int* on final app—2200. Final after leaving Lake Park Int* to Harbor Int**—1800. Brng & dist Lake Park Int* to Harbor Int**, 186–3.0.
No markers. Brng. & dist: Lake Park Int* to Rny 19, 186—7.0; Harbor Int** to Rny 19, 186—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, climb to 2000′ on localizer crs to MKE LOM or, when directed by ATC, make left climbing turn to 2700′ and proceed to Sun Fish Int via V–50.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: 787′ power line ¼ mi N of Rwy–19.
*Lake Park Int: Int MKE–VOR R–096 and N crs ILS.
**Harbor Int: Int MKE–VOR R–105 and N crs ILS.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 695′; Fac. Class, ILS; Ident., I–MKE; Procedure No. ILS–19, Amdt. 4; Eff. Date, 10 Oct. 59; Sup. Amdt. No. 3; Dated, 12 Sept. 59

6. The radar procedures prescribed in § 609.500 are amend ed to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
				T–dn–16	300–1	300–1	200–½
				C–d–16	500–1	500–1	600–1½
				C–n–16	500–1½	500–1½	600–1½
				S–d–16	300–½	300–½	300–½
				S–n–16	300–1	300–1	300–1
				A–dn–16	800–2	800–2	800–2
				Surveillance approach			
				All Runways:			
				T–dn	300–1	300–1	200–½
				C–d	500–1	500–1	600–1½
				C–n	500–1½	500–1½	600–1½
				S–d	500–1	500–1	600–1½
				S–n	500–1½	500–1½	600–1½
				A–dn	800–2	800–2	800–2

Instrument approach to be conducted in accordance with USAF GCA Standard Instrument Approach.

City, Everett; State, Wash.; Airport Name, Paine AFB; Elev., 603′; Fac. Class, Paine AFB; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59

				Precision and surveillance approach			
				T–dn–2, 20	300–1	300–1	300–1
				C–d–2, 20	700–2	700–2	700–2
				C–n–2, 20	700–3	700–3	700–3
				A–dn–2, 20	800–3	800–3	800–3
				Precision approach			
				S–dn–2, 20	300–1	300–1	300–1
				Surveillance approach			
				S–dn–2, 20	700–1	700–1	700–1

Instrument approach to be conducted in accordance with USAF GCA Standard Instrument Approach.

City, Great Falls; State, Mont.; Airport Name, Malmstrom AFB; Elev., 3525′; Fac Class, Malmstrom AFB; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				T-dn-21	300-1	300-1	200-½
				S-dn-21	200-½	200-½	200-½
				A-dn-21	600-2	600-2	600-2

ASR portion of procedure controlled by Spokane RAPCON in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4500' on the North crs of the Spokane LFR within 20 miles. All turns to the West of the North crs, or, when directed by ATC, climb on R-360 of the Spokane VOR to 4500' within 20 miles. All turns to the West of R-360.
NOTE: Military facility. Hours of Operation: Continuous during IFR weather; 40 minutes standby service at other times. For Military Use Only.

City, Spokane; State, Wash.; Airport Name, Geiger Field; Elev., 2372'; Fac. Class, Fairchild AFB; Ident., Radar; Procedure No. 2, Amdt. Orig.; Eff. Date, 10 Oct. 59

				Precision approach			
				T-dn	300-1	300-1	200-½
				C-d-34	600-1	600-1	600-1½
				C-n-34	600-2	600-2	600-2
				S-d-34	300-½	300-½	300-½
				S-n-34	300-1	300-1	300-1
				A-dn-34	600-2	600-2	600-2
				Surveillance approach			
				T-dn-16, 34	300-1	300-1	200-½
				C-d-16, 34	600-1	600-1	600-1½
				C-n-16, 34	600-2	600-2	600-2
				S-d-16, 34	600-1	600-1	600-1½
				S-n-16, 34	600-2	600-2	600-2
				A-dn-16, 34	600-2	600-2	600-2

Instrument approach to be conducted in accordance with USAF GCA Standard Instrument Approach.

City, Tacoma; State, Wash.; Airport Name, McChord AFB; Elev., 320'; Fac. Class, McChord AFB; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 Oct. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D. C., on September 14, 1959.

WILLIAM B. DAVIS,
Director, Bureau of Flight Standards.

[F.R. Doc. 59-7753; Filed, Sept. 29, 1959; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BENZATHINE PENICILLIN V; REGULATION ESTABLISHING ZERO TOLERANCE IN MILK FROM DAIRY COWS

A petition has been filed with the Food and Drug Administration by Wyeth Laboratories, P.O. Box 8299, Philadelphia, Pennsylvania, proposing the issuance of a regulation establishing a zero tolerance for benzathine penicillin V for aqueous injection in milk from dairy cows to which this preparation has been administered by intramuscular injection for the treatment of mastitis.

Based upon an evaluation of the data before him, and proceeding in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), the Commissioner of Food and Drugs has concluded that a tolerance limitation is required to insure that milk from dairy cows will present no hazard to the public health by reason of the presence therein of benzathine penicillin V. Therefore, *It is ordered*, That the food additive regulations (21 CFR Part 121 (24 F.R. 1095)) be amended by adding thereto, under Subpart B, the following new section:

§ 121.1002 Benzathine penicillin V in milk from dairy cows.

A tolerance of zero is established for benzathine penicillin V in milk from dairy cows or in any processed food because of the use therein of such milk.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348)

Dated: September 16, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7874; Filed, Sept. 21, 1959; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Benzathine Penicillin V

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal, Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary 22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of

penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a; 21 CFR, 1958 Supp., 141a.83, 146a.105) are amended as follows:

1. Section 141a.83 is amended to read as follows:

§ 141a.83 Benzathine penicillin V (benzathine penicillin V salt).

(a) *Potency.* Proceed as directed in § 141a.47(a), except use the penicillin V working standard as the standard of comparison.

(b) *Sterility.* Proceed as directed in § 141a.2, except prior to sterilization and 0.5 milliliter of polysorbate 80 to each tube of thioglycolate and Sabouraud's medium, and after sterilization add sufficient penicillinase to each tube of media to completely inactivate the penicillin used in the test. During the period of incubation, shake the tubes at least once daily.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except as sodium chloride solution as the diluent and inject 0.5 milliliter per kilogram of rabbit of a suspension containing 4,000 units per milliliter.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use sodium chloride solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26(e).

(f) *pH.* Proceed as directed in § 141a.5(b), using a saturated aqueous solution prepared by adding 5 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5(c).

(h) *Penicillin V content.* Using the spectrophotometric method, proceed as directed in § 141a.81(f), except that the calculations are as follows:

$$\text{Percent penicillin V} = \frac{\text{Absorbance} \times 100{,}000}{\text{Milligrams of sample per 100 milliliters} \times 24}$$

where 24 is the $E\,\frac{1\%}{1\text{ cm.}}$ (specific absorbance) of pure benzathine penicillin V.

2. Part 141a is amended by adding thereto the following new section:

§ 141a.99 Benzathine penicillin V for aqueous injection veterinary.

(a) *Potency.* Proceed as directed in § 141a.83(a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141a.83(b).

(c) *Pyrogens.* Proceed as directed in § 141a.83(c).

(d) *Toxicity.* Proceed as directed in § 141a.83(d).

(e) *Moisture (dry mixture of the drug).* Proceed as directed in § 141a.26(e).

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141a.5(b), using the suspension resulting when the amount of diluent recommended in the labeling is added.

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141a.5(b), using the undiluted aqueous suspension.

3. Part 146a is amended by adding thereto the following new section:

§ 146a.19 Benzathine penicillin V for aqueous injection veterinary.

(a) *Standards of identity, strength, quality, and purity.* Benzathine penicillin V for aqueous injection is a dry mixture of benzathine penicillin V and one or more suitable and harmless suspending or dispersing agents and with or without one or more suitable and harmless preservatives, buffer substances, and local anesthetics; or it is an aqueous suspension of benzathine penicillin V and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives, and with or without one or more suitable and harmless local anesthetics. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) If it is the dry mixture of the drug, its moisture content is not more than 8 percent.

(6) Its pH in saturated solution is not less than 5.0 and not more than 7.5.

The benzathine penicillin V used conforms to the requirements of § 146a.105(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain not less than 3,000,000 units and each may be packaged in combination with a container of a suitable aqueous diluent.

(c) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container, and if it is the aqueous suspension of the drug the number of units per milliliter.

(iii) The statement "Expiration date _____," the blank being filled in, if it is a dry mixture of the drug, with the date that is 24 months, or if it is the aqueous suspension of the drug, with the date that is 12 months, after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container.

(iv) The statements: (*a*) "For intramuscular use only."

(*b*) "For veterinary use only."

(*c*) "*Warning*—Milk taken from dairy cows within 7 days after the latest treatment must not be used for human consumption."

(*d*) "*Caution:* Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(v) If the drug contains preservatives or anesthetics, the name and quantity of each such added ingredient.

(2) On the outside wrapper or container, if it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(3) On a circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) Adequate directions and warnings for its use in the treatment of mastitis in milk cows by veterinarians licensed by law to administer such drug.

(ii) If it is the dry mixture of the drug, the conditions under which a suspension made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of benzathine penicillin V for aqueous injection veterinary shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the benzathine penicillin V used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following,

(i) The batch: Potency, sterility, moisture (unless it is an aqueous suspension of the drug), pyrogens, toxicity, pH.

(ii) The benzathine penicillin V used in making the batch: Potency, penicillin V content, crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The benzathine penicillin V used in making the batch: Three packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146a.105(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of benzathine penicillin V for aqueous injection that is to be packaged in combination with an aqueous diluent that is not recognized by the U.S.P., or when any change is made in the composition of such diluent: 5 packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 10 packages.

(ii) For sterility testing: 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) The result referred to in subparagraph (2)(ii) of this paragraph and the sample referred to in subparagraph (3)(ii) of this paragraph are not required if such result or sample has been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this section shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), (iii), (iv), and (4)(i) of this section; $10.00 for all containers submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

§ 146a.105 [Amendment]

4. Section 146a.105 *Benzathine penicillin V (phenoxymethyl penicillin)* is amended in the following respects:

a. Paragraph (a) is changed to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Benzathine penicillin V is the crystalline benzathine salt of penicillin V. It contains not less than 90 percent by weight of the benzathine salt of penicillin V. It is so purified and dried that:

(1) Its potency is not less than 1,050 units per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its moisture content is not more than 8.0 percent.

(6) Its pH in a saturated aqueous solution is not less than 4.0 and not more than 6.5.

b. In paragraph (c) *Labeling*, subparagraph (4) is changed to read as follows:

(4) The statement "For manufacturing use only."

c. In paragraph (d) *Request for certification; samples*, subparagraph (1) is amended by changing the last sentence to read: "Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, pyrogens, toxicity, moisture, pH, crystallinity, and penicillin V content.

d. Paragraph (d) is further amended by changing subparagraph (2) to read as follows:

(2) Each person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: 10 packages.

(ii) For sterility testing: 10 packages.

Each such package shall contain approximately 300 milligrams, taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

e. Paragraph (d) is further amended by adding thereto a new subparagraph (3), reading as follows:

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which benzathine penicillin V is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed in subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

f. In paragraph (e) *Fees*, subparagraph (1) is changed to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $10.00 for all containers submitted in accordance with paragraph (d)(2)(ii) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth in this order.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 16, 1959.

[SEAL] JOHN L. HARRY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7877; Filed, Sept. 21, 1959; 8:46 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Demethylchlortetracycline Hydrochloride

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Part 141c; 21 CFR, 1958 Supp., 146.1 (24 F.R. 7400); 21 CFR Part 146c) are amended as follows:

1. Part 141c is amended by adding thereto the following new sections:

§ 141c.251 Demethylchlortetracycline hydrochloride.

(a) *Potency*—(1) *Turbidimetric assay*—(i) *Test culture and media.* Proceed as directed in § 141c.201(a)(8)(i).

(ii) *Working standard and solutions.* Prepare a stock solution by dissolving an appropriate aliquot of the dried demethylchlortetracycline hydrochloride standard in sufficient 0.1 *N* HCl to give a concentration of 1000 μg. per milliliter.

Keep in a glass-stoppered flask and store in a refrigerator for not more than 1 week. Prepare solutions for the daily standard curve by diluting an aliquot of the stock solution in 0.1 *M* phosphate buffer, pH 4.5, to the following concentrations: 0.060, 0.077, 0.100, 0.129, and 0.167 μg. per milliliter. Place 1 milliliter of each concentration in each of three replicate tubes (16 mm. x 125 mm. outside dimensions). To each tube add 9 milliliters of inoculated broth described in subdivision (i) of this subparagraph, and place immediately in a water bath at 37° C. for 3 to 4 hours. Remove the tubes and add 0.5 milliliter of a 12-percent solution of formalin to each tube.

(iii) *Preparation of sample.* Prepare an appropriate stock solution of the sample in 0.1 *N* HCl. Dilute further in pH 4.5 buffer to a final estimated concentration 0.10 μg. per milliliter. Add 1 milliliter of this final concentration to each of three replicate tubes and proceed as described for the standard solution tubes in subdivision (ii) of this subparagraph. After incubation and the addition of the formalin to all tubes (standard and sample), read the absorbance values in a suitable photoelectric colorimeter, using a wavelength of 530 mμ. Set the instrument at zero absorbance with uninoculated broth.

(iv) *Estimation of potency.* Plot the average values for each concentration of the standard on one-cycle semilogarithmic graph paper with absorbance values on the arithmetic scale and concentrations on the logarithmic scale. Construct the best straight line through the points either by inspection or by means of the equation described in § 141c.231(a)(1)(v). Average the absorbance values for the sample and read the value from the standard curve. Multiply the concentration by appropriate dilution factors to obtain the demethylchlortetracycline hydrochloride content of the sample.

(b) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of an aqueous solution containing 2 milligrams per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.5(a) or § 141a.26(e) of this chapter.

(d) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(e) *Absorptivity.* Proceed as directed in § 141c.220(f).

(f) *Crystallinity.* Proceed as directed in § 141a.5(c) of this chapter.

(g) *Identity.* Exactly weigh a 40-milligram sample and place in a 200-milliliter volumetric flask. Add 100 milliliters of 0.1 *N* HCl and place on a shaker until the sample is dissolved. Dilute to mark with 0.1 *N* HCl and mix well. Transfer a 5.0-milliliter aliquot of the sample to each of two 50-milliliter volumetric flasks. To one add 10.0 milliliters of 6 *N* HCl and to the other add 10.0 milliliters of 3 *N* HCl. Treat a standard in the same manner as the sample. Place the acid-treated flask in an autoclave and turn on steam. The pressure should never exceed 10 pounds. Start timing when the temperature of the exhaust starts to rise. After 5 minutes decrease the pressure so that it will be zero after a total time of 11 minutes. Remove the flasks and place in a cold water bath. When cool, dilute to mark with water and mix well. Using a suitable spectrophotometer, place the 6 *N* HCl treated sample into the reference cell and read against the 3 *N* HCl treated sample at 368 mμ. Reverse the order of the cells in the cell holder and read at 430 mμ.

$$\frac{(A368\ \text{sample}+A430\ \text{sample})\ (\text{standard in milligrams per milliliter})}{(A368\ \text{standard}+A430\ \text{standard})\ (\text{sample in milligrams per milliliter})}=0.9\ \text{to}\ 1.1.$$

§ 141c.252 Capsules demethylchlortetracycline hydrochloride.

(a) *Potency.* Using a high-speed blender, prepare an appropriate number of capsules in 500 milliliters of 0.1 *N* HCl and proceed as directed in § 141c.251(a). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) or § 141a.26(e) of this chapter.

2. Section 146.1 is amended in the following respects:

§ 146.1 [Amendment]

a. Paragraph (b) *Definitions of master standards* is amended by inserting therein a new subparagraph (5):

(b) • • •

(5) The term "demethylchlortetracycline master standard" means a specific lot of crystalline 6-demethylchlortetracycline hydrochloride that is designated by the Commissioner as the standard of comparison in determining the potency of the 6-demethylchlortetracycline working standard.

b. In paragraph (c) *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances*, subparagraph (2) is amended by inserting therein a new subdivision (iv):

(2) • • •

(iv) The term "microgram" applied to 6-demethylchlortetracycline means the 6-demethylchlortetracycline activity (potency) contained in 1.0 microgram of 6-demethylchlortetracycline master standard.

c. Paragraph (d) *Definitions of working standards* is amended by inserting therein a new subparagraph (7):

(d) • • •

(7) The term "demethylchlortetracycline working standard" means a specific lot of a homogeneous preparation of one or more 6-demethylchlortetracycline salts.

3. Part 146c is amended by adding thereto the following new sections.

§ 146c.251 Demethylchlortetracycline hydrochloride.

(a) *Standards of identity, strength, quality, and purity.* Demethylchlortetracycline hydrochloride is the crystalline hydrochloride salt of the 6-demethyl homolog of chlortetracycline or a mixture of two or more such salts. It is so purified and dried that:

(1) Its potency is not les than 900 μg. per milligram on the anhydrous basis.

(2) It is nontoxic.

(3) Its moisture content is not more than 2.0 percent.

(4) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 2.0 and not more than 3.0.

(5) Its absorptivity $E\ \frac{1\%}{1\ \text{cm.}}$ is 357±15 at 385 mμ, calculated on the anhydrous basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of demethylchlortetracycline shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms of demethylchlortetracycline per milligram and the total number of grams in the immediate container.

(3) The statement "Expiration date _____," the blank being filled in with the date that is 36 months after the month during which it was certified.

(4) The statement "For use only in the manufacture of nonparenteral drugs."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, absorptivity, and identity.

(2) Such person shall submit with his request an accurately representative sample of the batch consisting of 10 packages, each containing approximately 250 milligrams taken from a different part of such batch and each packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which demethylchlortetracycline is to be used, the manufacturer of the batch that is to be so used may request the Com-

missioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer the results of such check tests and assays as are so requested.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) and (3) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146c.252 Capsules demethylchlortetracycline hydrochloride.

(a) *Standards of identity, strength, quality, and purity.* Capsules demethylchlortetracycline hydrochloride are capsules composed of crystalline demethylchlortetracycline hydrochloride, with or without one or more suitable and harmless buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings, enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of demethylchlortetracycline hydrochloride. Its moisture content is not more than 2.0 percent. The demethylchlortetracycline hydrochloride used conforms to the requirements prescribed by § 146c.251(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams in each capsule of the batch.

(iii) The statement "Expiration date ____," the blank being filled in with the date that is 36 months after the month during which the batch was certified.

(iv) The statement: "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the demethylchlortetracycline hydrochloride used in making such batch was completed, the number of milligrams in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per capsule and average moisture.

(ii) The demethylchlortetracycline hydrochloride used in making the batch: potency, toxicity, moisture, pH, crystallinity, absorptivity, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules, collected by taking single capsules at such intervals throughout the entire time of preparation that the quantities encapsulated during the intervals are approximately equal.

(ii) The demethylchlortetracycline hydrochloride used in making the batch: 10 packages, each containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146c.251(b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) The result referred to in subparagraph (2)(ii) of this paragraph and the sample referred to in subparagraph (3)(ii) of this paragraph are not required if such result and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $0.75 for each capsule in the sample submitted in accordance with paragraph (d)(3)(i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such capsules and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the antibiotic drugs covered by this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 16, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7876; Filed, Sept. 21, 1959; 8:46 a.m.]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin-(or Zinc Bacitracin-) Gramicidin-Neomycin Troches

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR and 21 CFR, 1958 Supp., 141e.420, 146e.420) are amended as follows:

§ 141e.420 [Amendment]

1. The headnote of § 141e.420 is changed to read: "§ 141e.420 *Bacitracin-tyrothricin-neomycin troches; bacitracin-gramicidin-neomycin troches; zinc bacitracin-tyrothricin-neomycin troches; zinc bacitracin-gramicidin-neomycin troches.*"

2. Section 146e.420 is amended to provide for the addition to the drugs covered by this section of a new ingredient gramicidin. As amended, § 146e.420 will read as follows:

§ 146e.420 Bacitracin-tyrothricin-neomycin troches; bacitracin-gramicidin-neomycin troches; zinc bacitracin-tyrothricin-neomycin troches; zinc bacitracin - gramicidin - neomycin troches.

Bacitracin - tyrothricin - neomycin troches, bacitracin-gramicidin-neomycin troches, zinc bacitracin-tyrothricin-neomycin troches, and zinc bacitracin-gramicidin-neomycin troches conform to all requirements and are subject to all procedures prescribed by § 146e.413 for bacitracin-neomycin troches or zinc bacitracin-neomycin troches, except that:

(a) Each troche contains not less than 50 units of bacitracin or zinc bacitracin.

(b) Each troche contains not less than 1 milligram of tyrothricin or 0.2 milligram of gramicidin.

(c) They may contain cortisone or a suitable derivative of cortisone and one or more suitable antitussive drugs.

(d) In addition to the labeling prescribed for bacitracin-neomycin troches and zinc bacitracin-neomycin troches, each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of tyrothricin or the number of milligrams of gramicidin in each troche of the batch; and if it contains cortisone or a derivative of cortisone or one or more antitussive drugs, the name and quantity of each such substance.

(e) In lieu of the labeling prescribed by § 146e.403(c)(2), if it does not contain cortisone or a suitable derivative of cortisone or one or more antitussive drugs, it shall bear on the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such troches. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other uses of such troches by practitioners licensed by law to administer such drug will be sent to such practitioner upon request. The expiration date shall not be omitted from the immediate container.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 16, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-7875; Filed, Sept. 21, 1959; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Periods of Enlistment

* * * * *

In § 561.30, revise paragraphs (c) and (d) to read as follows:

§ 561.30 Periods of enlistment.

* * * * *

(c) *Six-year period; six months active duty for training program.* A male applicant without prior military service between the ages of 18½ and 26 may be enlisted for 6 years with agreement to enter on 6 months active duty for training within 120 days from date of enlistment, and to participate satisfactorily in Ready Reserve unit training during the entire period of his enlistment. The enlistee under this program who is successfully pursuing a course in high school may have entry on ACDUTRA delayed until graduation but not longer than 1 year.

(d) *Eight-year period under 262, AFRA, as added by RFA.* (1) Until August 1, 1963, a male applicant who has not attained the age of 18 years and 6 months may be enlisted for 8 years under section 262, AFRA. Prior to signing the oath of enlistment he must understand that he will be required to perform an initial period of 6 months active duty for training and thereafter to participate satisfactorily in Reserve duty training for 3 years if at time of enlistment he is a high school student or if he enters on active duty for training while under age 18½. For the individual enlisted while satisfactorily pursuing a course in high school, entry on initial active duty for training shall be delayed until he ceases to pursue such course satisfactorily, graduates from such course, or attains the age 20 years, whichever first occurs. Enlistment more than one year prior to expected date of graduation is not authorized. For enlistees not in high school a delay of up to 120 days may be granted. Enlistees of this latter category who enter on active duty for training after attaining age 18½ must participate in Reserve unit training for 5½ years following completion of that training.

(2) Until 1 August 1963, male applicants over 18½ but under 26 years of age who are classified 1A by Selective Service who possess critical skills and are engaged in civilian occupations in critical defense supporting industry or in a research activity affecting national defense, and who are selected by Selective Service authorities as eligible for enlistment under section 262, AFRA, as critically skilled personnel, may be enlisted for 8 years. They are required to enter upon a 3-month period of active duty for training within 120 days.

(C2, AR 140-111, August 27, 1959) (Sec. 280, 70A Stat. 15; 10 U.S.C. 280)

BRUCE EASLEY,
Major General, U.S. Army, Acting The Adjutant General.

[F.R. Doc. 59-7859; Filed, Sept. 21, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Free and Restricted Percentages for 1959–60 Fiscal Year

Notice is hereby given that there is under consideration a proposal to establish free and restricted percentages for Oregon and Washington filberts for the 1959–60 fiscal year which began on August 1, 1959. The proposed percentages, which are based upon the recommendation of the Filbert Control Board and other available information, would be established in accordance with the applicable provisions of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997; 24 F.R. 6185), regulating the handling of filberts grown in Oregon and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than seven days after publication of this notice in the FEDERAL REGISTER.

The proposed percentages are based on the following estimates, inshell weight basis, for the 1959–60 fiscal year: (a) Total adjusted inshell trade demand and handler carryover requirements for 1959 crop inshell filberts of 9,139,000 pounds, which is the sum of inshell trade demand

of 10,000,000 pounds and provision for inshell handler carryover on July 31, 1960 of 1,000,000 pounds less inshell handler carryover on August 1, 1959 of 1,861,000 pounds not subject to regulation; and (b) total supply of merchantable filberts subject to regulation of 14,065,000 pounds, which is the sum of the estimated production of merchantable filberts of 13,930,000 pounds and inshell handler carryover on August 1, 1959 subject to regulation of 135,000 pounds.

The proposed rule is as follows:

§ 997.209 Free and restricted percentages for merchantable filberts during the 1959–60 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1959:

Free percentage—65 percent
Restricted percentage—35 percent

Dated: September 17, 1959.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–7885; Filed, Sept. 21, 1959; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Rice; Notice of Proposal to Amend Standard of Identity

Notice is given that a petition has been filed by Uncle Ben's, Inc., 2001 Nance Street, Houston, Texas, proposing that the regulations fixing and establishing a standard of identity for enriched rice be amended as hereinafter set forth.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that the identity standard for enriched rice (21 CFR, 1958 Supp., 15.525) be amended as follows:

1. By changing the section headnote to read: "§ 15.525 *Enriched rice; identity; label statement of optional ingredients.*"

2. By amending paragraph (a) by adding thereto a new subparagraph (4), reading as follows:

(a) • • •

(4) Butylated hydroxytoluene may be added as an optional ingredient not to exceed 0.0033 percent by weight of the finished product.

3. By adding a new paragraph (f) reading as follows:

(f) When the optional ingredient specified in paragraph (a)(4) of this section is added, there shall be placed on the label prominently, and with such conspicuousness (as compared with other words, statements, designs, or devices, in the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, the statement "Butylated hydroxytoluene added as a preservative."

Dated: September 16, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59–7873; Filed, Sept. 21, 1959; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs.; Docket No. 10792]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

SEPTEMBER 18, 1959.

The Board, in 24 F.R. 6852 and by circulation of a Draft Release dated August 18, 1959, gave notice that it had under consideration an amendment to Part 241 of the Economic Regulations for the purpose of (1) achieving consistency with the judgment in Alaska Airlines, Inc., et al. v. Civil Aeronautics Board, et al., D.C.D.C., Civil No. 3638–56; 103 U.S. App. D.C. 225, 257 F. 2d 229; cert. den. 358 U.S. 881; (2) prescribing certain accounting and reporting practices with respect to the maintenance (including overhaul) of property and equipment; and (3) effecting certain clarifications of the regulatory requirements.

In its notice the Board requested interested parties to submit such comments as they may desire not later than September 21, 1959. Delta Air Lines, Inc., has submitted a request to extend the date for return of comments in order to give the air carriers more time for the analytical work involved in evaluating the proposed amendment to Part 241. Delta also submits that an informal meeting of the air carriers with the Board's staff to review the proposed regulation in detail would more clearly define the areas on which the carriers would wish to submit comments.

It appears that it would be in the public interest to hold an informal meeting between the Board's staff and interested parties on the proposed regulation. Accordingly, the undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown and that it will be in the public interest to grant an extension of time for the filing of comments.

Notice is hereby given that on Wednesday, November 18, 1959, at 10 o'clock, e.s.t., at the Board's offices, Room 911, 1825 Connecticut Avenue, Washington, D.C., an informal meeting will be held between the staff of the Board and the representatives of air carriers subject to Part 241 who may care to attend to discuss the amendment of Part 241 proposed in Docket No. 10792. Notice is further given that the time within which comments on the proposal will be received is extended to November 30, 1959.

(Sec. 204(a) of the Federal Aviation Act, 72 Stat. 1324; 49 U.S.C. 1324)

[SEAL] ROSS I. NEWMANN,
Associate General Counsel,
Rules and Legislation.

[F.R. Doc. 59–7945; Filed, Sept. 21, 1959; 9:19 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 59–LA–45]

RESTRICTED AREAS

Redesignation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.14 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration, at the request of the Department of the Navy, the modification of the China Lake restricted area (R–278). The Navy has advised that their aircraft are performing low level, high speed runs in connection with loft bombing maneuvers to a target in the southwest corner of R–278. The portion of the bombing operation outside of R–278 requires pilot preoccupation to the extent that the "see and be seen" principle is often marginal. Target usage is increasing, and the probability of air collision is therefore increasing.

The Navy advises that it is not possible to move this target or make the target run within the presently designated Restricted Area (R–278) for the following reasons:

The China Lake Restricted Area, R–278, contains 18 firing ranges used in surface-to-surface, surface-to-air, and air-to-air missile firing as well as air-to-surface bombing. All of these operations are in proximity to each other and require close coordination to achieve safe and effective utilization. All activity is oriented in a general north-south direction because of terrain obstruction to the east and west. The proximity and numbers of other permanent ranges as mentioned above, and the terrain north of the target preclude a northerly relocation of the target. In addition, the loft bombing target range located N. Lat. 35°46'00", and W. Long. 117°44'10" is fully instrumented and any change of location would be prohibitively expensive.

In view of the foregoing, the Federal Aviation Agency is considering an extension to R–278 by designating a new China Lake South restricted area (R–278A), 6½ miles wide and 15 miles long adjacent to the southwest corner of R–278. This requested additional airspace is considered the minimum necessary to contain that portion of the run-in maneuver of the loft bombing delivery in which the pilot is preoccupied. The new area would extend from the surface to 6,000 feet mean sea level (MSL).

Operations from the Davis and Inyokern Airports would be affected by the designation of this restricted area. It appears the principal effect would be on Davis Airport which has one NE-SW runway. All traffic patterns are currently established east of this airport. Traffic taking off to the southwest would have less than two miles in which to turn before reaching the eastern edge of the proposed restricted area. Traffic between the two airports would have to climb to above 6,000 feet MSL to cross over the top of the restricted area or fly 15 miles south to go around the area.

Pursuant to Part 409 of the regulations of the Administrator, a public hearing will be held to afford interested persons an opportunity to present views, data, or argument. The hearing will convene on October 27, 1959, at 10:00 a.m., local time, at the Mission Inn Hotel, Riverside, Calif. Persons desiring to be heard are requested to notify the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. Mr. Charles W. Carmody, Chief, Airspace Utilization Division, Bureau of Air Traffic Management, is hereby designated the presiding officer.

The Federal Aviation Agency has also scheduled a hearing in Airspace Docket 59–LA–174 to consider the modification of the following restricted areas in the state of Calif.: Complex (R–484), Camp Irvin (R–276), Cuddeback Dry Lake (R–447), Trona (R–277), Muroc Lake (R–279), Salina Lake (R–484), and Bullion Mountains (R–344). These two hearings will be consolidated inasmuch as they involve contiguous areas and interested persons will be afforded an opportunity to present views, data, or argument on both cases at the same hearing.

Interested persons may also submit written data, views or arguments, in lieu of, or in addition, to matter presented orally at the hearing. Such communication should be submitted in triplicate to the Regional Administrator. All relevant material presented at the hearing, or in written communication received on or before November 13, 1959, will be considered by the Administrator before action is taken on the proposed amendments.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

In consideration of the foregoing, it is proposed to amend § 608.14 (23 F.R. 8577) as follows:

In § 608.14 *California*, add:

China Lake South, Calif., (R–278A) (Mt. Whitney and Los Angeles Charts).

Description by geographical coordinates. Beginning at 35–37–30 North Latitude, 117–41–30 West Longitude; thence to 35–24–00 North Latitude, 117–40–30 West Longitude; thence to 35–24–00 North Latitude, 117–46–30 West Longitude; thence to 35–37–30 North Latitude, 117–47–30 West Longitude; thence to point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

Issued in Washington, D.C. on September 18, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59–7947; Filed, Sept. 21, 1959; 9:19 a.m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 8726]

EASTERN AIR LINES, INC.; ENFORCEMENT PROCEEDING

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on October 14, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 17, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–7893; Filed, Sept. 21, 1959; 8:48 a.m.]

[Docket Nos. 10501, 10602]

MODERN AIR TRANSPORT AND JOHN P. BECKER; INTERLOCKING RELATIONSHIPS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matters is assigned to be held on September 29, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., September 17, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–7894; Filed, Sept. 21, 1959; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 54935]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

SEPTEMBER 16, 1959.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to Item 771 (second), Part I, Schedule XX of the General Agreement on Tariffs and Trade, as modified (T.Ds. 51802 and 54406), for the 12-month period beginning September 15, 1959, is 600,000 bushels of 60 pounds each.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1959, made by the United States Department of Agriculture as of September 1, 1959, was 411,495,000 bushels.

In accordance with the third proviso to the aforesaid Item 771, as modified, the 600,000 bushels and the 1,000,000 bushels prescribed in the second proviso are not increased, because the estimated production is greater than 350,000,000 bushels.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59–7882; Filed, Sept. 21, 1959; 8:47 a.m.]

[344.3]

CERTAIN ROSARY CASES

Change of Tariff Classification

SEPTEMBER 15, 1959.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated July 18, 1959, that there was under review the practice of assessing duty on rosary cases, wholly or in chief value of polystyrene not serving as chief binding agent, by virtue of the similitude clause in paragraph 1559(a), Tariff Act of 1930, as amended, at the rate of 17 percent ad valorem, the rate applicable to articles in

chief value of cellulose acetate under paragraph 31(a)(2), as modified. Evidence presented to the Bureau shows that the enumerated articles chiefly used for the same purpose as the polystyrene rosary cases are base metal (brass or aluminum) rosary cases. Accordingly, the Bureau by its letter to the collector of customs, New York, New York, dated September 15, 1959, ruled that these articles are dutiable by similitude at the rates applicable to base metal rosary cases, that is, when valued not over 20 cents per dozen, dutiable at the rate of 19 percent ad valorem, the rate for articles in chief value of brass or aluminum, not specially provided for, under paragraph 397, as modified, and when valued over 20 cents per dozen are dutiable by similitude at the rates applicable to metal articles designed to be carried on or about the person under paragraph 1527(c)(2), as modified, that is, at the rate of 55 percent ad valorem if valued over 20 cents but not over $5 per dozen, or 35 percent ad valorem if valued over $5 per dozen.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under a uniform and established practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-7879; Filed, Sept. 21, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE

Notice of Hearing on Prices in Puerto Rico and Wages and Prices in the Virgin Islands and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Office, Segarra Building, on October 8, 1959, at 9:30 a.m.;

At Christiansted, St. Croix, Virgin Islands, in the District Court Room at the Government House, on October 13, 1959, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1960 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1959–60 Puerto Rican crop of sugarcane and the 1960 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy, A. A. Greenwood, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 16th day of September 1959.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 59-7890; Filed, Sept. 21, 1959; 8:48 a.m.]

Rural Electrification Administration

ORGANIZATION AND FUNCTIONS

The organization of the Rural Electrification Administration is as follows:

Central organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–915, 921–924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of ten years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Director, Agricultural Credit Services. He is aided directly by a Deputy Administrator, and Assistant Administrators for the Electric Program, for the Telephone Program, and for Administration. The work is carried on through the area offices and divisions, described in succeeding paragraphs.

Electric area offices. All REA programs for electric borrowers are administered through five area offices designated as Northeast, Southeast, North Central, Southwest and Western. Each of the area offices advises and assists loan applicants in system development and in the preparation of applications; receives, evaluates and processes all loan applications; makes recommendations on loans; advises and assists borrowers in the design and construction of their systems; reviews proposed or completed construction for approval on behalf of the Administrator; provides assistance to borrowers, when necessary, in the business and operating management of their systems.

Telephone area offices. All REA programs for telephone borrowers are administered through five area offices designated as Northeast, Southeast, North Central, Southwest and Western. Each of the area offices advises and assists loan applicants in system development and in the preparation of applications; receives, evaluates and processes all loan applications; makes recommendations on loans; advises and assists borrowers in the design and construction of their systems; reviews proposed or completed construction for approval on behalf of the Administrator; provides assistance to borrowers, when necessary, in the business and operating management of their systems.

Electric Operations and Loans Division. Provides staff service to the REA organization concerning the management and loans phases of the electric program including such matters as systems operations (other than engineering); accounting; loans; retail rates; performance standards and methods; insurance; and power use.

Electric Engineering Division. Provides staff services to the REA organization relating to design, construction, technical operation and maintenance of the physical plant of electric borrowers; system engineering studies; consulting engineering and architectural services; safety and job training; and radio and communication facilities.

Telephone Engineering and Operations Division. Provides staff services to the REA organization relating to the design, construction, technical operation and maintenance of the physical plant of telephone borrowers; system operations; loans; accounting; performance standards and methods; rates and valuation.

Administrative and Loan Accounting Division. Provides accounting and statistical services for REA including fiscal control; accounting systems and procedures; financial and statistical analysis and reports; examination and certification of vouchers and payroll; custody of loan documents; and collections from REA borrowers.

Information Services Division. Prepares and disseminates information designed to acquaint borrowers and the public with the status and progress of the rural electrification and rural telephone programs; and provides technical assistance to other staff divisions and to line divisions in the preparation of written and audio-visual materials as required in the execution of their programs.

Personnel Division. Conducts the personnel program of REA including classification and organization matters; employment, employee relations and counseling; training; health and general welfare.

Administrative Division. Provides administrative services for REA including budget, organization and methods; program analysis; procurement; property accountability; space management; communications and records management; and the maintenance of records required for the administration of the Agency's production control system.

Internal Audit Division. Conducts an independent appraisal activity of agency operations as a basis for protective and constructive service to the agency management.

Issued this 16th day of September, 1959.

RALPH J. FOREMAN,
Acting Administrator.

[F.R. Doc. 59-7891; Filed, Sept. 21, 1959; 8:48 a.m.]

VARIOUS OFFICIALS

Delegations of Authority

The following delegations of authority have been authorized:

A. Authority has been delegated to the officials listed below to exercise, in the absence of the Administrator, and in the following order of precedence, any powers of the Administrator:

1. Deputy Administrator.
2. Assistant Administrator designated to direct the electric program.
3. Assistant Administrator for Administration.
4. Assistant Administrator designated to direct the telephone program.
5. Such other official as shall be designated by the Administrator.

B. Authority has been delegated to the Deputy Administrator to approve or execute:

1. REA Bulletins expressing policy.
2. Agreements or contracts covering management or operations services between telephone and electric borrowers.
3. Interim financing proposals, subject to subsequent approval of a loan or advance of funds.
4. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs C through T hereof.

C. Authority has been delegated to the Assistant Administrators (Program) to approve or execute:

1. REA Bulletins except those expressing policy.
2. Action concerning disapproval of the selection of a manager or an attorney by a borrower.
3. Electric wholesale, wheeling, and interchange power contracts.
4. Contracts for the cash sale or removal (except removal involved in new construction) of property in place and for the sale of real estate by electric and telephone borrowers, involving transactions of $50,000 and over, or more than 10 percent of a borrower's total assets.
5. The use or reimbursement of general funds exceeding $50,000 or 10 percent of a borrower's total assets whichever is the lesser, when approval is required.
6. Contracts for acquisition by electric and telephone borrowers of existing facilities in place.
7. Authorization for advance of loan funds under "conditional agreements" or where waiver of loan contract provisions is involved; the placement and release of "stop orders" on loan funds.
8. Agreements between REA electric and telephone borrowers for the general joint use of facilities.
9. Loan budget adjustments for generation and transmission purposes (excluding transmission for distribution borrowers) and for adjustments in excess of 10 percent of budgeted amounts for electric headquarters facilities.
10. Basis date agreements on approved forms providing for modification of existing mortgage notes.
11. Engineering fee schedules.
12. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs D through R hereof.

D. Authority has been delegated to the Deputy Assistant Administrator—Telephone to approve or execute:

1. Changes in a borrower's corporate status.
2. First advance of loan funds where waiver of loan contract conditions is not involved.
3. Cash sales and removals of borrower's property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.
4. Borrower's exchange rates and tariffs.
5. Waiver of defects in title and rights of way.
6. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs J through N hereof.

E. Authority has been delegated to the Area Directors (Electric) to approve or execute:

1. Construction contracts and the award of such contracts where minimum number of bids not received.
2. Contracts for the purchase and installation of generating equipment.
3. Agreements for the joint use of electric borrowers' facilities, except for general joint use agreements between electric and telephone borrowers.
4. Revisions of borrower's retail rate schedules.
5. Loan budget adjustments involving changes in primary loan purposes excluding generation facilities, transmission facilities for power type borrowers, and adjustments in excess of 10 percent of the budgeted amount for headquarters facilities.
6. Agreements between electric borrowers for operation of a borrower's facilities.
7. Waiver of defects in title or rights-of-way obtained by borrowers.
8. Cash sales or removals of borrowers' property in place or sales of real estate involving transactions not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.
9. The use or reimbursement of general funds not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser, when approval is required.
10. Action concerning payment of dividends or other cash distributions by borrowers.
11. Use of nonstandard materials and equipment by borrowers.
12. All matters and documents as to which authority to approve or execute is conferred upon others in paragraphs G, H, and I hereof.

F. Authority has been delegated to the Assistant Area Directors (Electric) to approve or execute, independently, all matters and documents as to which authority to approve or execute is conferred on others in paragraphs G, H, and I hereof.

G. Authority has been delegated to the Engineering Section Heads, Electric Area Offices, to approve:

1. Right-of-way clearing contracts.
2. The selection by borrower of an engineer or architect and contracts for engineering and architectural services.
3. Final inventory documents and payments to contractors and engineers.
4. Financial Requirement and Expenditure Statements and work order inventories.
5. Plans and specifications and work orders for construction of generation facilities and for headquarters, garage, and warehouse facilities.
6. All technical engineering studies of distribution and transmission facilities requiring REA approval.
7. Borrowers' selections of force account method of construction.
8. Borrowers' proposals for off peak load control equipment.
9. All matters and documents as to which authority to approve or execute is conferred upon others in paragraph H hereof.

H. Authority has bene delegated to the Field Engineers, Electric Area Offices, to approve:

1. Plans and specifications for construction of distribution and transmission facilities and for preliminary design data and plans and profile sheets for transmission facilities.
2. Estimate work orders for construction of distribution and transmission facilities.
3. Large power applications from an engineering standpoint.
4. Final statements of engineering fees.
5. Borrowers' annual work plans.
6. Certificates of completion for distribution and transmission contract construction.
7. Voltage drop, sectionalizing and power factor studies.

I. Authority has been delegated to the Operations Section Heads, Electric Area Offices, to approve or execute:

1. Retail rate contracts between borrowers and others relating to large power installations.
2. Borrowers' cash sales of material and equipment excluding property in place.
3. Borrowers insurance and fidelity coverage of borrowers.
4. Special legal fees to be paid by borrowers from loan funds.
5. The selection by a borrower of a Certified Public Accountant to perform audits.
6. Borrowers' requests for approval to loan in excess of $2,500 of section 5 loan funds to a consumer.

7. Purchase of real estate by borrowers.

8. Certificates regarding a borrower's incorporation and changes in a borrower's corporate status or name.

9. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code of Pennsylvania, and as chattel mortgages in the personal property records of the various counties and in the Office of the Secretary of Commonwealth, all in the State of Pennsylvania.

10. Municipal and county franchise obtained by borrowers from the standpoint of acceptability for REA loans.

11. Release of lien upon motor vehicles purchased by borrowers and all other documents and final payments or instruments relating to such liens or releases thereof.

J. Authority has been delegated to the Area Directors (Telephone) to approve or execute:

1. Borrowers' lease agreements and contracts covering management or operations services except those involving electric borrowers.

2. The use of general funds for reimbursable items not exceeding $50,000 or 10 percent of a borrower's total assets, whichever is the lesser.

3. Borrowers use of non-standard operating reports.

4. Designation of borrowers required to obtain CPA audits.

5. The use of equity funds by borrowers prior to the first release of loan funds.

6. Forms of borrowers' stock and equity certificates.

7. Area coverage design.

8. Award of, and contracts for, construction and central office equipment.

9. Engineering fees in excess of engineering fee schedules.

10. Line Extension Contracts.

11. Requests for and amendments to construction contracts or central office equipment contracts where the amount of the amendment exceeds 10 percent of the original contract price.

12. Borrowers proposals in amounts of $15,000 or more, for the purchase of (1) special equipment such as carrier, radio, repeaters, etc. and (2) additions and modifications of central office equipment.

13. Approval of plans and specifications for central office equipment, commercial office, garage and warehouse buildings and for non-standard central office equipment buildings.

14. Loan budget transfers except those that affect findings by the Administrator required under the RE Act, or that may raise legal or policy questions as to the permissibility of the expenditure.

15. Selection by telephone borrowers of the force account method of construction.

16. Use of nonstandard materials and equipment.

17. In addition, independently, all matters and documents to which authority to approve or execute is conferred upon others in paragraphs L, M, and N hereof.

K. Authority has been delegated to the Assistant Area Directors (Telephone) to approve or execute, independently, all matters and documents as to which authority to approve or execute is conferred on others in paragraphs L, M, and N hereof.

L. Authority has been delegated to the Engineering Section Heads, Telephone Area Offices, to approve:

1. Joint use agreements between telephone borrowers and parties other than REA borrowers.

2. The selection by a borrower of an engineer or an architect and contracts for engineering and architectural services.

3. Statement of final engineering fees.

4. Amendments to construction contracts or central office equipment contracts where the amount of the amendment does not exceed 10 percent of the original contract price.

5. Borrowers' proposals and cost estimates for force account engineering and construction.

6. Borrowers' proposals in amounts less than $15,000 for the purchase of (1) special equipment such as carrier, radio, repeaters, etc., and (2) additions and modifications of central office equipment.

7. Contracts and amendments thereto, for the purchase of special equipment such as carrier, radio, repeaters, etc.

8. Financial Requirement Statements.

9. Final Inventory Documents and payments to contractors and engineers.

10. All matters and documents as to which authority to approve or execute is conferred upon others in paragraph M hereof.

M. Authority has been delegated to Field Engineers, Telephone Area Offices, to approve:

1. Plans and specifications for outside plant and standard central office buildings.

2. Borrowers' proposals for and completed construction of system improvements and extensions, when required.

N. Authority has been delegated to the Operations Section Heads, Telephone Area Offices, to approve or execute:

1. Affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust including mortgages to be recorded as financing statements, pursuant to the Uniform Commercial Code of Pennsylvania, and as chattel mortgages in the personal property records of the various counties and in the Office of the Secretary of Commonwealth, all in the State of Pennsylvania.

2. Municipal and county franchises obtained by borrowers from the standpoint of acceptability for REA loans.

3. Special legal fees to be paid by borrowers from loan funds.

4. Certificates regarding a borrower's incorporation and articles of incorporation and bylaws and changes in a borrower's corporate name.

5. State regulatory body orders and approvals from the standpoint of acceptability for REA loans.

6. Borrower's sales of material and equipment not in place on the telephone system.

7. Partial release of lien on borrower's property other than real estate or facilities in place when approval is required.

8. Borrower's insurance and fidelity coverage.

9. Selection of Certified Public Accountants to perform audits.

O. Authority has been delegated to the Chief of the Electric Engineering Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the electric program.

P. Authority has been delegated to the Chief of the Telephone Engineering and Operations Division to approve or accept reports and invoices submitted under contracts covering research and services performed for REA in connection with the telephone program.

Q. Authority has been delegated to the Technical Standards Committee "A" (Electric and Telephone) to accept or reject all proposals of standards, standard specifications, drawings, materials and equipment submitted for acceptance for use on REA financed electric and/or telephone systems.

R. Authority has been delegated to the Technical Standards Committee "B" (Electric and Telephone) to review and make final decision on cases referred to it by Committee "A" or by appeal from a sponsor from an adverse decision of Committee "A".

S. Authority has been delegated to the Chief, Administrative and Loan Accounting Division to:

1. Execute endorsements or assignments of promissory notes or other collateral pledged by borrowers as security for Rural Electrification Administration loans, as may be necessary in connection with the return of such documents to borrowers because of the payment of the obligations in full or in order that the borrowers may institute legal action thereon or in connection therewith.

2. Cancel or endorse the fact of payment on borrowers' notes which have been paid in full or which are to be returned to borrowers by reason of the cancellation of such notes resulting from the receipt of REA of refunding, renewal, or substituted notes.

T. Authority has been delegated to the Chief, Administrative Division, the Head, Administrative Services Section, Administrative Divison, and to the Head, Supply and Space Management Unit, Administrative Division, to approve the procurement of equipment, materials, and services for REA.

In the event that any of the incumbents of positions to whom delegations are made herein are absent or are unable to act, the person designated to act for such incumbent shall have authority to exercise the authority conferred by such delegations. Incumbents of positions delegated authority herein are authorized to designate persons to act for them in their absence. Such designation shall be in accordance with any instructions issued by the incumbent's supervisors. There is reserved in the Administrator authority for all matters not delegated hereby, or by other existing written delegation, including without limitation:

A. The making or recission of loans.

B. Extensions of loan periods pursuant to Section 12 of the Rural Electrification Act, as amended.

C. Execution of instruments relating to inter-borrower transfers involving the assumption of indebtedness.

D. The execution of documents which are to be recorded in real or personal property records, except for affidavits and certificates with respect to the recording and filing of mortgages and deeds of trust in accordance with paragraphs I, 9 and N, 1.

These delegations supersede all prior delegations with reference to these matters.

Issued this 16th day of September 1959.

RALPH J. FOREMAN,
Acting Administrator.

[F.R. Doc. 59-7892; Filed, Sept. 21, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NOTICE CONCERNING CALL FOR NOMINATIONS OF AREAS FOR PROSPECTIVE LEASING IN OUTER CONTINENTAL SHELF

SEPTEMBER 18, 1959.

The closing date for the submission of nominations of areas for oil and gas leasing in the Outer Continental Shelf off the States of Louisiana (Zones 3 and 4) and Texas, as published in the FEDERAL REGISTER August 21, 1959, is hereby extended to October 29, 1959.

New leasing maps are being prepared of areas off Louisiana and Texas. Notice of their availability will appear in subsequent publications of the FEDERAL REGISTER.

EARL J. THOMAS,
Acting Director.

[F.R. Doc. 59-7941; Filed, Sept. 21, 1959; 9:19 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-57]

UNIVERSITY OF BUFFALO

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Office of the Federal Register on August 28, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-39 authorizing University of Buffalo to construct a pool-type research reactor designed to operate at a thermal power of one megawatt on its site in Buffalo, New York. Notice of the proposed action was published in the FEDERAL REGISTER on August 29, 1959, 24 F.R. 7045.

Dated at Germantown, Maryland, this 15th day of September, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 59-7857; Filed, Sept. 21, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18296]

WISCONSIN SOUTHERN GAS CO., INC., ET AL.

Notice of Postponement of Hearing

SEPTEMBER 15, 1959.

In the matter of Wisconsin Southern Gas Company, Inc., and Natural Gas Pipeline Company of America and Texas Illinois Natural Gas Pipeline Company, Docket No. G-18296.

Upon consideration of a motion filed September 14, 1959, by Counsel for Wisconsin Southern Gas Company, Inc., which, among other things, requests that the hearing in the above-designated matter, now scheduled for September 22, 1959, be cancelled;

The hearing now scheduled for September 22, 1959, is hereby postponed to December 1, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7861; Filed, Sept. 21, 1959; 8:45 a.m.]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

Revision

The Federal Trade Commission hereby issues the following revised statement of organization.

Sec.
1 The Commission.
2 The Chairman.
3 General description of organization.
4 Executive Director.
5 The Comptroller.
6 The Secretary.
7 Office of the General Counsel.
8 Bureau of Investigation.
9 Bureau of Litigation.
10 Bureau of Economics.
11 Bureau of Consultation.
12 Hearing Examiners.

SECTION 1. *The Commission.* The Federal Trade Commission is composed of five members appointed by the President and confirmed by the Senate. Commissioners are appointed for terms of seven years.

SEC. 2. *The Chairman.* The Chairman of the Commission, pursuant to Presidential Reorganization Plan No. 8 of 1950, is authorized to exercise the executive and administrative functions of the Commission. In carrying out those functions the Chairman is governed by general policies of the Commission and by such regulatory decisions, findings and determinations as the Commission may by law be authorized to make. The Chairman of the Commission is chosen from the membership of the Commission by the President.

SEC. 3. *General description of organization.* The Commission's staff is divided into the following units:

(a) Executive Director.
(b) The Comptroller.
(c) The Secretary.
(d) Office of the General Counsel.
(e) Bureau of Investigation.
(f) Bureau of Litigation.
(g) Bureau of Economics.
(h) Bureau of Consultation.
(i) Hearing Examiners.

SEC. 4. *Executive Director.* The Executive Director, as the chief operating official under the direction of the Chairman, exercises executive and administrative supervision over all the Bureaus and the staff of the Commission. In the immediate office of the Executive Director is:

(a) *The Office of Administration.* This Office gives policy guidance and general supervision to the management and organization programs, administrative services activities and personnel programs of the Federal Trade Commission. Plans for effective organization and administration of the Commission's management programs. Formulates and puts into effect basic administrative policies. Develops long-range plans relating to needs for personnel, space, supplies, equipment, etc. The Office of Administration includes the following divisions:

(1) Division of Management and Organization.
(2) Division of Administrative Services.
(3) Division of Personnel.

SEC. 5. *The Comptroller.* This Office plans and directs all budgetary and fiscal management functions of the Commission. Responsible, through its Division of Financial Statistics, for collecting, summarizing and analyzing the financial statements made to the Commission by corporations and prepares therefrom quarterly reports on the financial position and operating results of the nation's manufacturing industries and distributive trades. The Comptroller's Office includes the following divisions:

(a) Division of Machine Tabulation.
(b) Division of Financial Statistics.
(c) Division of Budget and Finance.

SEC. 6. *The Secretary.* The Secretary of the Commission is legal custodian of the seal, papers, records and property of the Commission. All orders of the Commission are signed by the Secretary. He is also responsible for liaison with the Congress and Government agencies and for decisions on informal matters not submitted to the Commission. In addition, the Secretary has responsibility for the Commission minutes and legal and public records. Under the supervision of the Secretary, the Office of Information prepares and disseminates

press releases and other information to the public and provides liaison between the Commission and members of the press and the public at large.

SEC. 7. *Office of the General Counsel.* The General Counsel is chief law officer and consultant to the Commission. The Office includes the following:

(a) *Appellate Division.* The principal function of this Division is to represent the Commission in the Federal courts. It also aids in preparing memoranda, opinions, and reports on questions of law and policy referred to the General Counsel.

(b) *Division of Special Legal Assistants.* This Division renders special legal aid to the Commission or to individual Commissioners in the drafting of findings, orders and decisions in adjudicative proceedings and in other matters.

(c) *Division of Compliance.* This Division supervises and directs compliance by respondents with orders to cease and desist and, in the event of noncompliance, prepares complaints and assists in the trial of civil penalty suits in the various United States district courts.

(d) *Assistant General Counsel for Legislative Liaison.* This Office advises the Commission upon legislative policy, including the need for legislative proposals and the drafting thereof; and it prepares for Commission consideration drafts of reports on legislative proposals requested of the Commission.

(e) *Office of Export Trade.* This Office administers the Webb-Pomerene Export Trade Act.

SEC. 8. *Bureau of Investigation.* The legal investigational work of the Commission is centered in this Bureau. The offices maintained by the Commission in the field are under the jurisdiction of the Director. The Director of the Bureau has responsibility also for the administration of the following:

(a) *Office of Project Attorneys.* This Office has responsibility for investigations from initial screening, through field investigation, to final disposition.

(b) *Division of Textiles and Furs.* This Division administers the Wool, Fur, Flammable Fabrics, and Textile Fiber Acts.

(c) *Division of Accounting.* This Division performs accounting services in connection with the investigation and trial of cases, as well as in connection with general economic investigations. It prepares cost and price studies, and its staff members act as expert witnesses in proceedings arising under the Clayton Act and the Federal Trade Commission Act.

(d) *Division of Scientific Opinions.* This Division furnishes advice, information and assistance to the Commission's staff with respect to the composition, nature, effectiveness and safety of food, drugs, devices, cosmetics, and related commodities and conducts liaison with other Federal agencies, private institutions, laboratories, and hospitals in matters concerning such commodities.

SEC. 9. *Bureau of Litigation.* (a) As the prosecuting arm of the Commission, the Bureau of Litigation is responsible for the preparation and trial of all formal cases alleging violations of laws which the Commission enforces. The staff of the Bureau reviews and forwards to the Commission, with appropriate recommendations for action, all investigational files in cases in which the Bureau of Investigation has recommended issuance of a formal complaint. It handles all stages of litigation, from the initial preparation of a complaint, through pretrial procedures, settlement negotiations and the conduct of hearings before hearing examiners, to the briefing and argument of cases before the Commission.

(b) The staff of the Bureau also represents the public interest in quantity limit proceedings under section 2(a) of the Clayton Act; conducts proceedings instituted under the Export Trade Act; and represents the Commission in the prosecution or defense of actions in United States District Courts, including injunctive proceedings under the Federal Trade Commission Act and the Textile Fiber Products Identification Act, and injunctive and condemnation proceedings under the Wool Products Labeling Act, the Fur Products Labeling Act and the Flammable Fabrics Act. In addition, the staff of the Bureau cooperates with the General Counsel's Office in the briefing and argument of cases on appeal in United States Courts of Appeals and the Supreme Court.

SEC. 10. *Bureau of Economics.* The work of the Commission in the field of economics, except as to mergers, is centered in this Bureau. The Bureau consists of the Office of the Director and one Division:

(a) *Division of Economic Evidence and Reports.* This Division furnishes economic information required in the Commission's anti-monopoly program and conducts general economic surveys and investigations.

SEC. 11. *Bureau of Consultation.* The Commission's cooperative work with industries and industry members, designed to effect and maintain a maximum degree of observance of the laws administered by the Commission on a voluntary basis, is conducted by this Bureau.

(a) *Small Business Division.* This special Division provides advice and guidance for small business.

(b) *Division of Trade Practice Conferences.* This Division administers the Trade Practice Conference program of the Commission.

(c) *Division of Stipulations.* This Division represents the Commission in the negotiation of informal agreements to cease and desist.

SEC. 12. *Hearing Examiners.* Hearing Examiners are officials to whom the Commission delegates the initial exercise of its adjudicative powers. They are appointed to office by the Commission by authority of and subject to the prior approval of the Civil Service Commission in accordance with the provisions of Section Eleven of the Administrative Procedure Act. In the performance of their duties as adjudicative officers, Hearing Examiners are exempt from all direction, supervision or control except for administrative purposes.

Issued: September 17, 1959.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7862; Filed, Sept. 21, 1959; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 285; Revocation]

THE SECRETARY OF DEFENSE

Utilization and Disposal of Excess Real Property and Related Personal Property Located in Hawaii, Alaska, Puerto Rico and the Virgin Islands

Delegation of Authority dated March 28, 1957 (22 F.R. 2266) is hereby revoked, subject, however, to completion by the Secretary of Defense of any utilization and disposal actions for excess and surplus real property and related personal property transactions being processed by the Secretary of Defense as of the date of this revocation.

Dated: September 15, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-7895; Filed, Sept. 21, 1959; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR, COMMUNITY FACILITIES ACTIVITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Public Facility Loans Program

The Regional Director, Community Facilities Activities, Region VI (San Francisco), in connection with the public facility loans program, is hereby authorized, within such Region, under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492):

1. To enter into contracts with public agencies for loans for essential public works or facilities in amounts approved by the Regional Administrator and, with respect to such contracts, execute amendments or modifications thereof as approved by the Regional Administrator; and

2. To execute agreements for loans in amounts approved by the Community Facilities Commissioner and, with respect to such contracts, execute amendments or modifications thereof as approved by the Regional Administrator or the Community Facilities Commissioner.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C., 1952 ed. 1701c; Delegation of Authority effective June 4, 1958, 23 F.R. 3911)

Effective as of the 22d day of September 1959.

[SEAL] ANNABELLE HEATH,
Regional Administrator,
Region VI.

[F.R. Doc. 59-7864; Filed, Sept. 21, 1959; 8:45 a.m.]

REGIONAL DIRECTOR, COMMUNITY FACILITIES ACTIVITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Program of Loans for Housing for Educational Institutions

The Regional Director, Community Facilities Activities, Region VI (San Francisco), in connection with the program of loans for housing for educational institutions, is hereby authorized, within such Region, under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c):

1. To execute agreements for loans for student and/or faculty housing and/or dining facilities in amounts approved by the Regional Administrator and, with respect to such loan agreements, execute amendments or modifications thereof as approved by the Regional Administrator; and

2. To execute agreements for loans in amounts approved by the Community Facilities Commissioner and, with respect to such loan agreements, execute amendments or modifications thereof as approved by the Regional Administrator or the Community Facilities Commissioner.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C., 1952 ed. 1701c; Delegation of Authority effective June 4, 1958, 23 F.R. 3910)

Effective as of the 22d day of September 1959.

[SEAL] ANNABELLE HEATH,
Regional Administrator,
Region VI.

[F.R. Doc. 59-7865; Filed, Sept. 21, 1959; 8:45 a.m.]

Public Housing Administration

DELEGATIONS OF AUTHORITY

Addition to List

Section II, Delegations of Final Authority, is amended as follows: Effective September 1, 1959, paragraph D9 is amended by adding to the list of places shown therein:

Mineral Wells, Texas.

Approved: September 15, 1959.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F.R. Doc. 59-7866; Filed, Sept. 21, 1959; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HAWAII

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061 and 23 F.R. 6971); by virtue of the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated August 16, 1959, reading in part as follows:

> I hereby determine the damage in the various areas of the Territory of Hawaii, adversely affected by Hurricane Dot, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement Territorial and local efforts.

I do hereby determine the County of Kauai in the State of Hawaii to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 16, 1959.

Dated: September 7, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-7858; Filed, Sept. 21, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3821]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issuance and Sale of Common Stock at Competitive Bidding

SEPTEMBER 15, 1959.

American Electric Power Company, Inc. ("American"), a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions.

American proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, 1,200,000 shares of its authorized but unissued common stock, par value $10 per share, at a price to be determined by the competitive bidding. The proceeds of the sale, estimated by American at approximately $60,000,000, are to be used, to the extent available, for the payment, at or prior to maturity, of $52,000,000 principal amount of American's outstanding notes payable to banks, due November 25, 1959, and for the prepayment of $10,000,000 of short-term bank loans. Any remaining balance of proceeds is to be added to American's treasury funds and used for general corporate purposes.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses incident to the proposed transactions are estimated at $100,000, the details of which are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 6, 1959, at 5:30 p.m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7867; Filed, Sept. 21, 1959; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–XIII–15]

MANAGER, DISASTER FIELD OFFICE, ROSEBURG, OREGON

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 4), as amended (22 F.R. 5811, 8197, 23 F.R. 557, 1768, 8435), there is hereby delegated to the Manager, Disaster Field Office, Small Business Administration, Roseburg, Oregon, the authority:

A. *Specific.* 1. To approve or decline applications for disaster loans not in excess of $20,000, provided such action is in concurrence with the recommendations of the Loan Examiner or Financial Specialist who processed the application.

2. To execute SBA Form 191, Request for Disbursement, in connection with all loans approved in the Roseburg, Oregon, Field Office.

B. *Correspondence.* To sign all nonpolicy making correspondence, including Congressional correspondence relating to the functions of the Disaster Field Office.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office, Roseburg, Oregon.

Effective date: August 14, 1959.

NEAL E. TOURTELLOTTE,
Regional Director.

[F.R. Doc. 59-7896; Filed, Sept. 21, 1959; 8:48 a.m.]

[Declaration of Disaster Area 238]

SOUTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Lawrence County (Forest Fire occurring on or about September 8-9, 1959).

Office: Small Business Administration Regional Office, Lewis Building, 603 Second Avenue South, Minneapolis 2, Minn.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 31, 1960.

Dated: September 14, 1959.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 59-7868; Filed, Sept. 21, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 192]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 17, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62558. By order of September 15, 1959, The Transfer Board approved the transfer to James A. Janssen, Avon, S. Dak., of Certificate in No. MC 37090, issued December 16, 1940, to Arthur W. Eggers, doing business as A. W. Eggers, Avon, S. Dak., authorizing the transportation of general commodities, excluding household goods, commodities in bulk and other specified commodities, between Avon, S. Dak., and Sioux City, Iowa; and household goods and emigrant movables between Avon and points and places in South Dakota within 20 miles of Avon, on the one hand, and, on the other, points and places in Nebr., Iowa, and N. Dak. John A. Engle, Avon, S. Dak., for applicants.

No. MC-FC 62512. By order of September 15, 1959, The Transfer Board approved the transfer to Ohio Trailways, Inc., Zanesville, Ohio, of Certificates in Nos. MC 3971, MC 3971 Sub 1, MC 3971 Sub 3, MC 3971 Sub 4, MC 3971 Sub 5, and MC 3971 Sub 7, issued November 17, 1949, March 2, 1951, February 15, 1951, June 25, 1954, November 8, 1956, and December 29, 1958, respectively, to Conrad C. Wilson and Fred A. Wilson, a partnership, doing business as Zane Transit Lines, Zanesville, Ohio, authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicles with passengers, between various named points in Ohio and West Virginia. Daniel H. Armstrong, 16 East Broad Street, Columbus, Ohio, for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-7872; Filed, Sept. 21, 1959; 8:46 a.m.]

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FEDERAL REGISTER

VOLUME 24 NUMBER 186

Washington, Wednesday, September 23, 1959

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

PART 31—U.S. GOVERNMENT ORGANIZATION MANUAL

Distribution to Members of Congress

Effective on publication in the FEDERAL REGISTER, 1 CFR 31.21 (24 F.R. 2353) is revised to read as follows:

§ 31.21 Members of Congress.

Each Member of Congress shall be furnished two free copies of the Manual; and each Member shall be entitled to receive not more than four additional free copies for official use: *Provided*, That in each instance the authorization for furnishing additional copies shall be made in writing to the Director and shall be signed by the authorizing Member.

(Sec. 6, 49 Stat. 501, as amended; 44 U.S.C. 306)

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER,
WAYNE C. GROVER,
Archivist of the United States, Chairman.
RAYMOND BLATTENBERGER,
The Public Printer, Member.
WILLIAM O. BURTNER,
Representative of the Attorney General, Member.

Approved: September 18, 1959.

WILLIAM P. ROGERS,
Attorney General.
FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 59–8020; Filed, Sept. 22, 1959; 12:21 p.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Revision 1, Amdt. 3]

PART 483—WHEAT AND FLOUR

Subpart—Wheat Export Program—Payment in Kind (GR–345) Terms and Conditions

The Terms and Conditions of Revision I of the Wheat Export Program—Payment in Kind (GR–345) (23 F.R. 5365), as amended (24 F.R. 5775, 7239), are further amended as follows:

§ 483.105 [Amendment]

1. Section 483.105(b) is amended to read as follows:

(b) Sales to foreign buyers in countries and territories designated as IWA (see § 483.184) as well as sales to other designated countries may be made under this program. CCC will determine which sales registered under the program in accordance with § 483.126 are considered eligible for recording under the Wheat Agreement and will report such sales to the Wheat Council. Final determination of recordability rests with the Wheat Council. An exporter's subsidy rights under this subpart will not be impaired if any transaction is not ultimately recorded by the Wheat Council.

§§ 483.107, 483.120, 483.121, 483.123 [Amendment and deletion]

2. Sections 483.107(b), 483.120, 483.121 and 483.123 are deleted in their entirety.

3. Sections 483.184(a), 483.192, and 483.193 are amended to read as follows:

§ 483.184 Designated countries.

(a) With respect to sales for recording under the Wheat Agreement, a designated country shall be any country or territory which has been designated as IWA in an announcement of export payment rates. (See § 483.130.)

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FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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§ 483.192 Wheat Agreement.

"Wheat Agreement" or IWA means the 1959 International Wheat Agreement, ratified by the United States on July 16, 1959.

§ 483.193 Wheat Council.

"Wheat Council" means the International Wheat Council established by Article 22 of the Wheat Agreement.

This amendment is effective with respect to sales made on and after 3:31 p.m., e.s.t. (as defined in § 483.194) on the date of filing this notice with the FEDERAL REGISTER.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 2, 63 Stat. 945 as amended; sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1641, 1427, 1851)

Issued this 18th day of September 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–8002; Filed, Sept. 22, 1959; 10:24 a.m.]

[Amdt. 4]

PART 483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

The Terms and Conditions of the Flour Export Program—Cash Payment (GR–346) (21 F.R. 8741), as amended (22 F.R. 6641; 23 F.R. 1715; and 24 F.R. 2115) are further amended as follows:

§ 483.205 [Amendment]

1. Section 483.205(b) is amended to read as follows:

(b) Sales to foreign buyers in countries and territories designated as IWA (see § 483.206) as well as sales to other designated countries may be made under this program. CCC will determine which sales registered under the program in accordance with Section 483.236 are considered eligible for recording under the Wheat Agreement and will report such sales to the Wheat Council. Final determination of recordability rests with the Wheat Council. An exporter's subsidy rights under this subpart will not be impaired if any transaction is not ultimately recorded by the Wheat Council.

2. Section 483.206(a) is amended to read as follows:

§ 483.206 Designated countries.

(a) With respect to sales for recording under the Wheat Agreement, a designated country shall be any country or territory which has been designated as IWA in an announcement of export payment rates. (See § 483.230.)

§§ 483.207, 483.220–483.222 [Amendment and deletion]

3. Sections 483.207(b), 483.220, 483.221, and 483.222 are deleted in their entirety.

4. Sections 483.292 and 483.293 are amended to read as follows:

§ 483.292 International Wheat Agreement.

"International Wheat Agreement" or IWA means the 1959 International Wheat Agreement, ratified by the United States on July 16, 1959.

§ 483.293 Wheat Council.

"Wheat Council" means the International Wheat Council established by Article 22 of the Wheat Agreement.

This amendment is effective with respect to sales made on and after 3:31 p.m., e.s.t. (as defined in § 483.294) on the date of filing this notice with the Federal Register.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 2, 63 Stat. 945, as amended, 7 U.S.C. 1641)

Issued this 18th day of September 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–8001; Filed, Sept. 22, 1959; 10:24 a.m.]

PART 483—WHEAT AND FLOUR

Subpart—Terms and Conditions of 1959–60 Program (GR–384)

NOTICE OF TERMINATION

The offer contained in the Terms and Conditions of the 1959–60 Wheat and Wheat-Flour Export Program (IWA) (GR–384) (24 F.R. 5133), as amended (24 F.R. 7241) is terminated with respect to sales made after 3:30 p.m., e.s.t. (as defined in § 483.400) on date of filing this notice with the FEDERAL REGISTER.

(Sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612C)

Dated this 18th day of September 1959.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–8003; Filed, Sept. 22, 1959; 10:24 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Broccoli for Processing [1]

On July 31, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 6163) regarding a proposed revision of United States Standards for Broccoli for Processing (7 CFR §§ 51.425–51.440).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Broccoli for Processing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

GRADES

Sec.
51.425 U.S. No. 1.
51.426 U.S. No. 2.

BASIS FOR GRADING BROCCOLI

51.427 Basis for grading broccoli.

CULLS

51.428 Culls.

CULL MATERIAL

51.429 Cull material.

DEFINITIONS

51.430 Stalk.
51.431 Fresh.
51.432 Tender.
51.433 Good characteristic color.
51.434 Compact heads.
51.435 Well trimmed.
51.436 Damage.
51.437 Fairly compact heads.
51.438 Fairly well trimmed.
51.439 Serious damage.
51.440 Diameter.

AUTHORITY: §§ 51.425 to 51.440 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.425 U.S. No. 1.

"U.S. No. 1" consists of stalks or portions of stalks of broccoli (see § 51.427) which are fresh, tender, and have good characteristic color and compact heads, are well trimmed and which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three-eighths inch (see § 51.429).

§ 51.426 U.S. No. 2.

"U.S. No. 2" consists of stalks or portions of stalks of broccoli (see § 51.427) which are fresh, tender, and have good characteristic color and fairly compact heads, are fairly well trimmed and which are free from decay and cull material and are free from damage caused by scars, dirt or other foreign material, disease, insects, are free from serious damage caused by discoloration, freezing, hollow stem or pithiness or mechanical or other means.

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch (see § 51.429).

BASIS FOR GRADING BROCCOLI

§ 51.427 Basis for grading broccoli.

(a) Large stalks of broccoli shall be cut lengthwise into halves or quarters to remove defective portions. A proportionate ratio of head material to stem material must be maintained in each segment.

(b) Stalks with heads smaller than 1½ inches in diameter shall not be cut, but shall be graded as one unit.

CULLS

§ 51.428 Culls.

"Culls" are stalks of broccoli which fail to meet the requirements of the U.S. No. 2 grade.

CULL MATERIAL

§ 51.429 Cull material.

"Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U.S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than 1½ inches above the top of the head.

DEFINITIONS

§ 51.430 Stalk.

"Stalk" means an individual unit of broccoli which consists of the stem, head cluster and any attached leaves.

§ 51.431 Fresh.

"Fresh" means that the broccoli is not badly wilted or excessively flabby.

§ 51.432 Tender.

"Tender" means that the broccoli stem within the specified maximum length is succulent, and practically free from fibrous material and is not tough or stringy.

§ 51.433 Good characteristic color.

"Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

§ 51.434 Compact head.

"Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

§ 51.435 Well trimmed.

"Well trimmed" means that the presence of small side shoots or ragged or partially removed side shoots or leaves does not materially detract from the appearance of the stalk.

§ 51.436 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which more than slightly detracts from the appearance, or the processing or edible quality of the stalk, within the maximum length specified. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching;

(b) Freezing when causing more than slight discoloration of the individual stalk;

(c) Hollow stem or pithiness when discolored, or when more than slightly detracting from the appearance of the individual stalk;

(d) Scars when discolored, or when more than slight or superficial;

(e) Dirt or other foreign material which cannot be removed in the ordinary washing process;

(f) Disease when showing discoloration, or when more than slightly detracting from the appearance, or the processing or edible quality; and,

(g) Insects when the broccoli is more than slightly infested or more than slightly blemished by feeding or other means.

§ 51.437 Fairly compact head.

"Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

§ 51.438 Fairly well trimmed.

"Fairly well trimmed" means that the presence of small side shoots or ragged or partially removed side shoots or leaves does not seriously detract from the appearance of the stalk.

§ 51.439 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which materially detracts from the appearance, or the processing or edible quality of the stalk, within the maximum length specified. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration when the appearance of the individual stalk is materially affected;

(b) Freezing when causing discoloration which materially detracts from the appearance of the individual stalk; and,

(c) Hollow stem or pithiness when discolored, or when materially detracting from the appearance of the individual stalk. Stalks which show a ragged appearance or deep holes shall be considered as serious damage.

§ 51.440 Diameter.

"Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

The United States Standards for Broccoli for Processing contained in this subpart shall become effective 10 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Broccoli for Processing which have been in effect since April 29, 1951.

It is hereby found and determined that good cause exists for not postponing the effective date of those revised standards longer than 10 days after the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) The 1959 broccoli processing season for the Eastern part of the United States will soon begin and it is in the interest of the industry and the public that these revised standards be made effective accordingly; and, (2) no special preparation for compliance therewith on the part of broccoli growers, processors or others is required.

Dated: September 18, 1959, to become effective ten days after publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59–7920; Filed, Sept. 22, 1959; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 809, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.916 (Lemon Regulation 809, 24 F.R. 7353) are hereby amended to read as follows:

(ii) District 2: 325,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7919; Filed, Sept. 22, 1959; 8:49 a.m.]

[Lemon Reg. 811]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.918 Lemon Regulation 811.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this regulation is based became available and the time when the regulation must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restrictions on the handling of such lemons.

(b) *Order.* (1) The provisions of Lemon Regulation 783 (§ 953.890; 24 F.R. 2034), are hereby terminated effective at 12:01 a.m., P.s.t., September 20, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7943; Filed, Sept. 22, 1959; 8:53 a.m.]

[1017.304, Amdt. 1]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017) regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of onions, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended: In § 1017.304 (24 F.R. 6475) delete subparagraphs (1) of paragraph (a) and paragraph (c) and substitute in lieu thereof a new subparagraph (1) of paragraph (a) and a new paragraph (c) as set forth below.

§ 1017.304 Limitation of shipments.

* * * * *

(a) *Minimum size requirements*—(1) *Yellow varieties.* 2 inches minimum diameters including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size: *Provided,* That any onions failing to meet a minimum diameter of 3 inches shall meet the requirements of U.S. No. 1, or better, grade.

* * * * *

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 500 pounds of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 500 pounds of onions.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1959, to become effective September 23, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–7944; Filed, Sept. 22, 1959; 8:53 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

MISCELLANEOUS AMENDMENTS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis-free areas is amended in the following respects:

1. The paragraph headed *California* is amended to read:

California: Alpine, Butte, Colusa, Del Norte, Humboldt, Inyo, Lassen, Marin, Modoc, Mono, Shasta, Sierra, Siskiyou, Tehama, Trinity, and Yolo Counties;

2. The paragraph headed *Colorado* is amended to read:

Colorado: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, La Plata, Logan, Mesa, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, and Sedgwick Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

3. The paragraph headed *Georgia* is amended to read:

Georgia: Appling, Atkinson, Bacon, Baldwin, Baker, Banks, Barrow, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bryan, Bullock, Burke, Butts, Candler, Carroll, Chatham, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Cobb, Coffee, Colquitt, Columbia, Cook, Crawford, Dade, Dawson, DeKalb, Dodge, Douglas, Early, Echols, Effingham, Elbert, Evans, Fannin, Forsyth, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Hart, Heard, Irwin, Jackson, Jefferson, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Liberty, Lincoln, Lowndes, Long, Lumpkin, Madison, Marion, McDuffie, Meriwether, Miller, Monroe, Montgomery, Muscogee, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pierce, Pike, Polk, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Screven, Spalding, Stephens, Talbot, Tattnall, Taylor, Telfair, Tift, Toombs, Towns, Truetlen, Troup, Turner, Twiggs, Union, Upson, Walker, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkinson, and Worth Counties;

4. The paragraph headed *Idaho* is amended to read:

Idaho: Ada, Adams, Benewah, Bannock, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Onelda, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, and Washington Counties; and Fort Hill Indian Reservation;

5. The paragraph headed *Indiana* is amended to read:

Indiana: Adams, Allen, Benton, Blackford, Brown, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, DeKalb, Delaware, Dubois, Elkhart, Floyd, Fulton, Grant, Hancock, Harrison, Hendricks, Howard, Huntington, Jasper, Jay, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Martin, Noble, Orange, Parke, Perry, Pike, Porter, Posey, Pulaski, Randolph, Rush, Shelby, St. Joseph, Spencer, Starke, Steuben, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Wayne, Wells, and Whitley Counties;

6. A new paragraph headed *Iowa* is added in proper alphabetical order to read:

Iowa: Delaware and Fayette Counties;

7. The paragraph headed *Kansas* is amended to read:

Kansas: Decatur and Wyandotte Counties;

8. The paragraph headed *Missouri* is amended to read:

Missouri: Andrew, Barry, Bollinger, Boone, Butler, Cape Girardeau, Carroll, Charlton, Christian, Dade, Dent, Douglas, Franklin, Greene, Iron, Jackson, Jasper, Jefferson, Lawrence, Lincoln, Monroe, Montgomery, Oregon, Osage, Perry, Pettis, Polk, Putnam, Ralls, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, Shelby, Texas, Warren, Webster, Worth, and Wright Counties;

9. The paragraph headed *Montana* is amended to read:

Montana: Beaverhead, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Powell, Prairie, Ravalli, Richland, Roosevelt, Sanders, Silver Bow, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

10. The paragraph headed *Nebraska* is amended to read:

Nebraska: Adams, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Franklin, Hall, Hamilton, Howard, Johnson, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, and York Counties;

11. The paragraph headed *New York* is amended to read:

New York: Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chenango, Chemung, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Nassau, New York, Niagara, Madison, Montgomery, Onondaga, Orange, Oswego, Otsego, Putnam, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, and Westchester Counties;

12. The paragraph headed *Ohio* is amended to read:

Ohio: Athens, Belmont, Carroll, Columbiana, Cuyahoga, Fulton, Guernsey, Hancock, Henry, Hardin, Hocking, Jackson, Knox, Logan, Lucas, Mohoning, Meigs, Monroe, Morrow, Morgan, Noble, Ottawa, Paulding, Putnam, Scioto, Seneca, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wood, and Wyandot Counties;

13. The paragraph headed *South Dakota* is amended to read:

South Dakota: Butte, Custer, Grant Harding, Lawrence, and Union Counties;

14. The paragraph headed *Tennessee* is amended to read:

Tennessee: Anderson, Bedford, Benton, Bledsoe, Bradley, Campbell, Carroll, Carter, Cheatham, Chester, Claiborne, Clay, Cocke, Coffee, Cumberland, Davidson, Decatur, DeKalb, Dickson, Dyer, Fentress, Franklin, Gibson, Giles, Greene, Grundy, Hamilton, Hancock, Hardeman, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, Marion, McNairy, McMinn, Macon, Madison, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Sequatchie, Scott, Shelby, Smith, Stewart, Sullivan, Sumner, Tipton, Trousdale, Unicoi, Union, Van Buren, Washington, Wayne, Weakley, White, Williamson, and Wilson Counties;

15. The paragraph headed *West Virginia* is amended to read:

West Virginia: Berkeley, Boone Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lincoln, Lewis, Logan, McDowell, Marion, Marshall, Mason, Mercer, Mineral, Mingo, Monroe, Monongalia, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties;

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Washington County in Missouri, Blaine, Garfield, and Pondera Counties in Montana, and Gage, Harlan, Pawnee, and Webster Counties in Nebraska from the list of areas designated as modified certified brucellosis-free areas, because it has been determined that such counties no longer come within the definition of § 78.1(i), and adds certain additional areas which have been determined to come within such definition.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of September 1959.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 59–7921; Filed, Sept. 22, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 128; Amdt. 43–11; Supp. No. 15]

PART 43—GENERAL OPERATION RULES

Clarification of Periodic and 100-Hour Inspection Requirements

Currently effective maintenance provisions of Part 43 of the Civil Air Regulations require owners and operators of general aircraft to maintain their aircraft in accordance with Part 18 and to have the aircraft inspected at certain intervals depending upon the type of operation conducted. The requirements for such inspection including the reference to persons authorized to perform them are contained in the applicable paragraphs of § 43.22 of Part 43. In addition, this section also provides for the acceptability of a required periodic inspection for a required 100-hour inspection. Although it is intended that the accomplishment of a periodic shall be accepted as satisfying the requirements of a 100-hour inspection, the reverse is not intended, as believed by some. The reason for this is that the performance of a periodic inspection requires a certificated mechanic to hold an inspection authorization issued in accordance with the provisions of § 24.43 of Part 24, whereas such inspection authorization is not required of mechanics performing a 100-hour inspection. A certificated mechanic holding an inspection authorization may perform 100-hour inspections in addition to performing periodic inspections. However, even though a 100-hour inspection is performed by a mechanic holding an inspection authorization, it may not be substituted for a periodic inspection since the periodic inspection has a different purpose than the 100-hour inspection.

Part 18 contains the provisions for persons authorized to perform and approve 100-hour and periodic inspections. In order to preclude further misinterpretations, Part 43 is hereby amended to include specific reference to the pertinent sections of Part 18 which prescribe the authority of persons engaged in the maintenance of aircraft. Additionally, the "Note" at the end of § 43.22 of current Part 43 contains reference to the 100-hour and periodic inspections when related to the expiration or exchange of the old airworthiness certificate for the new type of indefinite duration. This "Note" has served its purpose and is no longer necessary. It is being deleted concurrently with the amendment to § 43.22.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is hereby amended as follows, effective September 17, 1959.

1. By amending § 43.22(a) to read as follows:

§ 43.22 **Inspections.**

(a) *Periodic and one-hundred-hour inspections.* (1) No aircraft shall be operated, except when it carries a special flight authorization or a currently effective experimental certificate, unless within the preceding 12 calendar months it has been given a periodic inspection in accordance with the requirements of Part 18 of this subchapter and has been approved for return to service by a person authorized by § 18.12(b) of this subchapter. Additionally, an aircraft shall not carry passengers for hire or be used for flight instruction for hire unless within each 100 hours of time in service it has been inspected in accordance with the requirements of Part 18 of this subchapter and has been approved for return to service by a person authorized in § 18.12(a) of Part 18 of this subchapter: *Provided,* That this interval may be exceeded by not more than 10 hours when necessary to reach a point at which the inspection may be accomplished, in which event such time must be included in the next 100-hour interval.

(2) The periodic inspection required by subparagraph (1) of this paragraph will be accepted as a 100-hour inspection. The inspection conducted for the issuance of an airworthiness certificate will be accepted as a periodic inspection.

2. By deleting the Note following § 43.22(c)(2).

§ 43.22–1 [Deletion]

3. By deleting § 43.22–1.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on September 17, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7914; Filed, Sept. 22, 1959; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–KC–52]

[Amdt. 31]

PART 608—RESTRICTED AREAS

Change in Restricted Area Controlling Agency

The purpose of this amendment is to change the name of the Camp Williams, Wis., Restricted Area (R–468) to Volk Field, Wis., Restricted Area (R–468) (Twin Cities and Green Bay Charts).

The National Guard of the State of Wisconsin advised that the authorized activity conducted within this restricted area is associated with Volk Field, Wis., rather than Camp Williams, Wis.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.57, the Camp Williams, Wis., Restricted Area (R–468) (Twin Cities and Green Bay Charts) (23 F.R. 8590) is amended by deleting "Camp Williams, Wis.," and substituting therefor "Volk Field, Wis.,".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 17, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7915; Filed, Sept. 22, 1959; 8:48 a.m.]

[Airspace Docket No. 59–LA–49]

[Amdt. 33]

PART 608—RESTRICTED AREAS

Modification of Restricted Area

The purpose of this amendment is to change the controlling agency of the

Point Mugu, Calif., Restricted Area (R–551) from Commander, Naval Air Missile Test Center, Point Mugu, Calif. (NAMTC), to Commander, Pacific Missile Range, Point Mugu, Calif. (COMPACMISRAN).

The U.S. Navy has requested this change because of the disestablishment of NAMTC, Point Mugu, with all functions and responsibilities transferred to COMPACMISRAN. The change in name will in no way change the actual agency controlling or using the restricted area. Neither will the activity nor the terms of use be changed.

Since this amendment creates no additional burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.14, the Point Mugu, California, area No. 2 (R–551) (23 F.R. 9773) is amended by deleting "Commander, Naval Air Missile Test Center, Point Mugu." and substituting therefor "Commander, Pacific Missile Range, Point Mugu, California (COMPACMISRAN)."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 17, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–7916; Filed, Sept. 22, 1959; 8:48 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1209—BOARDS AND COMMITTEES

Subpart 3—Contract Adjustment Board

Sec.
1209.300 Scope of subpart
1209.301 Authority
1209.302 Establishment of Board
1209.303 Functions of Board

AUTHORITY: §§ 1209.300 to 1209.303 issued under 42 U.S.C. 2473(b)(1).

§ 1209.300 Scope of subpart.

This subpart establishes a Contract Adjustment Board (hereinafter referred to as "the Board") to dispose of requests for extraordinary contractual adjustments by contractors of the National Aeronautics and Space Administration (hereinafter referred to as "NASA").

§ 1209.301 Authority.

(a) The Act of August 28, 1958 (50 U.S.C. 1431–35) (hereinafter referred to as "the Act") empowers the President to authorize departments and agencies exercising functions in connection with the national defense to enter into contracts or into amendments or modifications of contracts and to make advance payments, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense.

(b) Executive Order No. 10789, November 14, 1958 (23 F.R. 8897) (hereinafter referred to as "the Executive Order") authorizes the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as "the Administrator"), under regulations prescribed by him, to exercise the authority conferred by the Act.

(c) NASA Management Instruction No. 18–61.1, September 23, 1959 (41 CFR Part 18–61), establishes standards and procedures for the disposition of requests for extraordinary contractual adjustments by NASA contractors.

§ 1209.302 Establishment of Board.

There is hereby established a Contract Adjustment Board consisting of three members including the chairman, with alternates to act in their absence, all of whom shall be appointed by the Director of Business Administration. A majority of the Board constitutes a quorum for any purpose and the concurring vote of a majority of the total Board membership constitutes an action of the Board. Otherwise, the Board may adopts such rules of procedure for the conduct of its own functions as it may deem desirable.

§ 1209.303 Functions of Board.

The Board is given authority to approve, authorize, and direct appropriate action, under the standards and procedures established by the Administrator, in any case and to make all determinations and findings which are necessary or appropriate. Where deemed necessary to the exercise of the foregoing authority, such Board may authorize any appropriate action not precluded by standards and procedures established by the Administrator, including the modification or release of any obligations. The decisions of the Board shall be final but the Board may reconsider and modify, correct, or reverse any Board decision previously made. The Board shall have authority to do all acts and things necessary or appropriate for the conduct of its functions. The General Counsel of NASA shall provide the Board with all necessary legal advice and assistance.

Effective date. The provisions of this subpart are effective September 23, 1959.

T. KEITH GLENNAN,
Administrator.

[F.R. Doc. 59–7927; Filed, Sept. 22, 1959; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I — Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

Criteria for Payment of Compensation

The recently enacted "Departments of Labor, and Health, Education, and Welfare Appropriation Act of 1960" (73 Stat. 339–357) provided appropriations for benefits payable in accordance with Section 42 of the United States Employees' Compensation Act (39 Stat. 750, as amended; 5 U.S.C. 793). It further provided that section 32 of the United States Employees' Compensation Act (39 Stat. 749, 5 U.S.C. 783), which grants authority to make rules and regulations, shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits payable under the appropriation.

In view of the intent of Congress as expressed in the above referenced appropriations Act, 20 CFR Part 25 is amended herein to require evidence of a casualty and employment by the United States prior to approval of compensation. A further technical modification changes the citation of authority for issuing the regulations.

Therefore, in accordance with section 3 of the Administartive Procedure Act (60 Stat. 238; 5 U.S.C. 1002), and under the authority of General Order No. 46 (15 F.R. 3290), Reorganization Plan No. 19 of 1950 (15 F.R. 3178 39 Stat. 742), section 32 of the United States Employees' Compensation Act (39 Stat. 749; 5 U.S.C. 783), as applied by the Departments of Labor and Health, Education, and Welfare Appropriation Act of 1960 (73 Stat. 742), 20 CFR Part 25 is hereby amended as follows:

1. The citation of authority is hereby amended to read as follows:

AUTHORITY: §§ 25.1 to 25.5 issued under sec. 32, 39 Stat. 749; 5 U.S.C. 783. Interpret or apply sec. 42, 39 Stat. 750, as amended; 5 U.S.C. 793. Additional authority is cited in parentheses following the sections affected.

2. A new § 25.5 is hereby added to read as follows:

§ 25.5 Applicable criteria.

The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature:

(a) Appropriate certification by the Federal employing establishment, or;

(b) An Armed Services casualty or medical record, or;

(c) Verification of the employment and casualty by military personnel, or;

(d) Recommendation of an Armed Services "Claim Service" based on investigations conducted by it.

This section shall apply to past as well as future injuries and deaths.

(73 Stat. 342)

Since these regulations pertain to public benefits, they are excepted from section 4 of the Administrative Procedure Act, and shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of September 1959.

WILLIAM MCCAULEY,
Director, Bureau of Employees' Compensation.

[F.R. Doc. 59–7926; Filed, Sept. 22, 1959; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Costs Chargeable in Connection With Relabeling and Reconditioning Inadmissible Imports

The regulations for the enforcement of the import and export provisions of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.322) are amended as follows:

1. Section 1.322(c) is amended by changing "$4.00" to "$6.00".

2. Section 1.322(d) is amended by changing "$5.00" to "$7.00".

Effective date. The foregoing amendments shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since the amendments involve the establishment of rates to be charged for designated services based on the actual cost to the Government.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371. Interpret or apply sec. 801, 52 Stat. 1058; 21 U.S.C. 381)

A. GILMORE FLUES,
Acting Secretary of the Treasury.

SEPTEMBER 14, 1959.

[SEAL] ELLIOT L. RICHARDSON,
Acting Secretary of Health, Education, and Welfare.

SEPTEMBER 1, 1959.

[F.R. Doc. 59–7917; Filed, Sept. 22, 1959; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Dodine

A petition was filed with the Food and Drug Administration by the American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, requesting the establishment of tolerances for residues of dodine (*N*-dodecylguanidine acetate) at 10 parts per million in or on apples, pears, and sour cherries. The petition was later amended, and the request for a tolerance on apples was later withdrawn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., Part 120) are amended by adding thereto the following new section:

§ 120.172 Tolerances for residues of dodine.

Tolerances for residues of dodine (*N*-dodecylguanidine acetate) are established at 5 parts per million in or on pears, sour cherries.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 17, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner, of Food and Drugs.

[F.R. Doc. 59–7936; Filed, Sept. 22, 1959; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 18—National Aeronautics and Space Administration

PART 18–61—EXTRAORDINARY CONTRACTUAL ADJUSTMENTS

Procedure

Sec.
18–61.100 Scope.
18–61.101 Authority.
18–61.102 General policy.
18–61.103 Standards for deciding cases.
18–61.104 Limitations upon deciding cases.
18–61.105 Procedures for filing requests.
18–61.106 Disposition of cases.
18–61.107 Records and reports.
18–61.108 Interdepartmental coordination.

AUTHORITY: §§ 18–61.100 to 18–61.108 issued under 42 U.S.C. 2473(b)(1).

§ 18–61.100 Scope.

This part establishes standards and procedures for the disposition of requests for extraordinary contractual adjustments by contractors of the National Aeronautics and Space Administration (hereinafter referred to as "NASA" or the "Administration"). It does not extend to advance payments or the so-called "residual powers" under the Act of August 28, 1958 (50 U.S.C. 1431–35) (hereinafter referred to as "the Act") and Executive Order No. 10789, November 14, 1958 (23 F.R. 8897) (hereinafter referred to as "the Executive Order").

§ 18–61.101 Authority.

(a) The Act empowers the President to authorize departments and agencies exercising functions in connection with the national defense to enter into contracts or into amendments or modifications of contracts and to make advance payments, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense.

(b) The Executive Order authorizes the Administrator of NASA (hereinafter referred to as "the Administrator"), under regulations prescribed by him, to exercise the authority conferred by the Act.

(c) NASA General Management Instruction No. 2–4–4, September 23, 1959, (14 CFR Part 1209) establishes the Contract Adjustment Board (hereinafter referred to as "the Board") to dispose of requests for extraordinary contractual adjustments by NASA contractors.

§ 18–61.102 General policy.

The authority conferred by the Act shall be utilized primarily as an aid to procurement but shall not be utilized so as to encourage carelessness and laxity on the part of contractors nor be relied upon by NASA where other adequate legal authority exists. The actions authorized under the Act shall be processed as expeditiously as practicable but with the care, restraint, and sound judgment appropriate to the exercise of such extraordinary authority.

§ 18–61.103 Standards for deciding cases.

(a) *General.* The mere fact that losses occur under a Government contract is not, by itself, a sufficient basis for the exercise of the authority conferred by the Act. Whether, in a particular case, appropriate action such as amendment without consideration, correction of a mistake or ambiguity in a contract, or formalization of an informal commitment, will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all types of cases with respect to which action may be appropriate, examples of cases or types of cases where action may be proper are set forth in paragraphs (b), (c), and (d) of this section. Even if all of the factors contained in any of the examples are present, other factors or consideration in a particular case may result in a denial of the request. These examples are not intended to exclude other cases where the Board determines that the circumstances warrant action.

(b) *Amendments without consideration.* (1) Where an actual or threatened loss under a Government contract, however caused, will impair the productive

ability of a contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract may be adjusted but only to the extent necessary to avoid such impairment to the contractor's productive ability. (See § 18–61.105(b) and (c) for form of request.)

(2) Where a contractor suffers a loss (not merely a diminution of anticipated profits) on a Government contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent. Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus, where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some adjustment in the contract. (See § 18–61.105 (b) and (d) for form of request.)

(c) *Mistakes.* A contract may be amended or modified to correct or mitigate the effect of a mistake, including the following examples:

(1) A mistake or ambiguity which consists of the failure to express or express clearly in a written contract the agreement as both parties understood it;

(2) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(3) A mutual mistake as to a material fact.

Amending contracts to correct mistakes with the least possible delay normally will facilitate the national defense by expediting the procurement program and by giving contractors proper assurance that such mistakes will be corrected expeditiously and fairly. (See § 18–61.105 (b) and (e) for form of request.)

(d) *Informal commitments.* Informal commitments may be formalized under certain circumstances to permit payment to persons who have taken action without a formal contract; for example, where any person, pursuant to written or oral instructions from an official of NASA and relying in good faith upon the apparent authority of the official to issue such instructions, has arranged to furnish or has furnished property or services to NASA or to a Government contractor or subcontractor without formal contractual coverage for such property or services. Formalization of commitments under such circumstances normally will facilitate the national defense by assuring such persons that they will be treated fairly and paid expeditiously. (See § 18–61.105 (b) and (f) for form of request.)

§ 18–61.104 Limitations upon deciding cases.

(a) The Act is not authority for:

(1) The use of the cost-plus-a-percentage-of-cost system of contracting;

(2) Any contract in violation of existing law relating to limitation of profit or fees;

(3) The negotiation or purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding;

(4) The waiver of any bid, payment, performance or other bond required by law;

(5) The amendment of a contract negotiated under 10 U.S.C. 2304(a)(15) to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(6) The formalization of an informal commitment, unless it it found that at the time the commitment was made it was impracticable to use normal procurement procedures.

(b) No contract shall be entered into, amended or modified:

(1) Unless a finding is made that the action will facilitate the national defense;

(2) Unless other legal authority in the Administration is deemed to be lacking or inadequate;

(3) Unless the request therefor has been filed before all obligations have been discharged and final payment made; and

(4) Except within the limits of the amounts appropriated and the statutory contract authorization.

§ 18–61.105 Procedures for filing requests.

(a) *Filing requests.* Any contractor seeking an adjustment under the standards set forth may file a request in duplicate with the cognizant contracting officer or his duly authorized representative. If such filing is impracticable, requests will be deemed to be properly filed if filed with the Board or the Administrator.

(b) *Form of requests in general.* A request shall normally consist of a statement and exhibits covering all of the contractor's allegations and evidence.

(1) *Statements.* A statement, dated and signed by the contractor, should consist of the following:

(i) A chronological narrative of the essential facts, showing in detail the chain of events leading up to the request;

(ii) The contractor's conclusions based on such facts, showing in terms of the standards set forth in § 18–61.103 and the limitations set forth in § 18–61.104, why the contractor considers itself entitled to the adjustment requested; and

(iii) The precise adjustment requested, showing how it was formulated or computed and the consequences of granting or denying the request, including whether any proceeds from the request, if granted, will be subject to any assignment or other transfer, and to whom.

(2) *Exhibits.* Exhibits, cross-referenced to the statement, should consist of the following, if such matters are not fully set forth in the statement:

(i) The best evidence available to the contractor in support of any facts alleged by the contractor, including contemporaneous memoranda, correspondence, affidavits, and any other material tending to establish matters of fact;

(ii) If written contracts are involved, complete copies of or a brief description of the contracts, indicating the dates of execution and amendments thereto, the items being procured, the price or prices, the delivery schedule and revisions thereof, and such other special contractual provisions as may be relevant to the request;

(iii) A history of performance indicating when work under the contracts or commitments was begun, the progress made to the present, an exact statement of the contractor's remaining obligations, and the contractor's expectations regarding completion thereof;

(iv) A statement of payments received, payments due, and payments yet to be received or to become due, including advance and progress payments, and amounts withheld by the Government, and information as to other obligations of the Government, if any, which are yet to be performed under the contract;

(v) A statement giving a detailed analysis of the monetary elements of the request, including precisely how the actual or estimated dollar amount of the request was arrived at, the effect of approval or denial on the contractor's profits before Federal income taxes, and whether the costs for which reimbursement is requested have been included as a part of its gross costs in statutory renegotiation proceedings, together with the contractor's renegotiation status for the relevant years;

(vi) If a written contract is involved, a statement of the contractor's understanding of why the subject matter of the request cannot now and could not at the time if arose be disposed of under the terms of the contract itself;

(vii) Relevant financial statements, cost analyses, or other such data, preferably certified by a certified public accountant, including such additional financial data as is necessary to explain fully and to support the monetary elements of the request for adjustment;

(viii) A list of persons (in the employ of the Government, in the employ of the contractor, or otherwise connected with the contract) who have some factual knowledge of the subject matter, including where possible the name, office or title, address and telephone number of each such person;

(ix) A statement and evidence of steps taken to mitigate loss and reduce claims to a minimum; and

(x) Such other statements or evidence as may be requested.

(c) *Requests under § 18–61.103(b)(1).* In addition to the matters of fact enumerated in § 18–61.105(b), where a request involves possible amendment without consideration, and "essentiality" is a factor, the contractor may be asked to furnish:

(1) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(2) A statement and evidence of the contractor's present estimate of total costs under the contracts involved if enabled to complete, broken down between costs accrued to date of request, and run-out costs, and as between costs for which the contractor has made payment and those for which it is indebted at the time of the request;

(3) A statement and evidence of the contractor's estimate of the final price of the contracts involved giving effect to all escalation, changes, extras and the like, known or contemplated by the contractor;

(4) A statement of any claims known or contemplated by the contractor against the Government involving the contracts in question, other than those stated in response to § 18–61.105(c)(3);

(5) An estimate of the total profit or loss under the contracts involved if enabled to complete at the final contract price (see § 18–61.105(c)(3)) broken down between profit or loss to date, and run-out profit or loss;

(6) An estimate of the total profits from other Government business, and all other sources, during the period from the date of the first contract involved to the estimated date of completion of all the contracts involved;

(7) A statement of the amount of any tax refunds and an estimate of those anticipated during or for the period from the date of the first contract involved through the estimated completion date of all the contracts involved;

(8) A statement in detail as to efforts the contractor has made to obtain funds from commercial sources to enable it to complete performance of the contracts involved;

(9) A statement of the minimum amount necessary as an amendment without consideration to enable the contractor to complete performance of the contracts involved, and the detailed basis for that amount;

(10) An estimate of the time required to complete each contract if the request is granted;

(11) A statement of the factors which have caused the loss under the contracts involved;

(12) A statement as to the course of events anticipated if the request is denied;

(13) Balance sheets, preferably certified by a certified public accountant, as of the end of the contractor's fiscal year first preceding the date of the first contract, as of the end of each subsequent fiscal year, as of the date of the request, and projected as of the date of completion of all the contracts assuming the contractor is enabled to complete the contracts at the final prices estimated pursuant to § 18–61.105(c)(3), together with income statements for annual periods subsequent to the date of the first balance sheet. Balance sheets and income statements should be both consolidated, and by affiliates, and should show all transactions between the contractor and its affiliates, stockholders, and partners, including loans to the contractor guaranteed by any stockholder or partner; and

(14) A list of all salaries, bonuses and all other forms of compensation of the principal officers or partners and of all dividends and other withdrawals, and all payments to stockholders in any form since the date of the first contract involved.

(d) *Requests under § 18–61.103(b)(2).* In addition to the matters of fact enumerated in § 18–61.105(b), where a request involves possible amendment without consideration because of Government action, and "essentiality" is not a factor, the contractor may be asked to furnish:

(1) A clear statement of the precise Government action which the contractor considers caused a loss under the contract with evidence to support each essential fact;

(2) A statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances, and profit;

(3) The estimated total loss suffered under the contract, with detailed supporting analysis; and

(4) The estimated loss resulting from the Government action, with detailed supporting analysis.

(e) *Requests under § 18–61.103(c).* In addition to the matters of fact enumerated in § 18–61.105(b), where a request involves possible correction of a mistake, the contractor may be asked to furnish:

(1) A statement and evidence of the precise mistake or error that was made, the ambiguity that exists, or the misunderstanding that arose, showing of what it consisted and how it occurred, and the intention of the parties;

(2) A statement explaining when the mistake was discovered, when notice of mistake was given to the contracting officer, and whether given before completion of work under, or the effective date of termination of, the contract;

(3) An estimate of loss or profit under the contract with detailed supporting analysis; and

(4) An estimate of the increase in cost to the Government resulting from the adjustment requested with detailed supporting analysis.

(f) *Requests under § 18–61.103(d).* In addition to the matters of fact enumerated in § 18–61.105(b), where a request involves possible formalization of an informal commitment, the contractor may be asked to furnish:

(1) Copies of any written instructions or assurances, or a statement under oath of any oral instructions or assurances made to the contractor, with identification of the Government officer or official making such statement;

(2) A statement as to when the property or services were furnished or arranged to be furnished, and to whom;

(3) Evidence that the contractor relied upon the instructions or assurances, with a full description of the circumstances which led it so to rely, and that the contractor intended, at the time of performing the word, to be compensated directly for it by the Government and did not anticipate recovery of the costs in some other way;

(4) A cost breakdown supporting the amount claimed as a fair compensation for the work performed; and

(5) A statement and evidence of why it was impracticable to provide for the work performed in an appropriate contractual instrument.

§ 18–61.106 Disposition of cases.

(a) *Investigation.* A thorough investigation of all facts and issues relevant to a request shall be made. Facts and evidence shall be obtained from contractor and Government personnel, including signed statements of material facts within the knowledge of individuals where documentary evidence is lacking, and audits where considered necessary to establish financial or cost facts.

(b) *Disposition.* Upon receipt of cases, the Board, in accord with its own procedures, shall render decisions as expeditiously as practicable. A Memorandum of Decision disposing of the case shall be prepared for the signature of the Chairman of the Board, which shall be dated and contain the following information:

(1) The name and address of the contractor, the contract identification, and the nature of the request;

(2) The decision reached and the actual cost or estimated potential cost, if any, of the decision;

(3) A concise description of the property or services involved;

(4) A statement of the circumstances justifying the decision;

(5) If some adjustment action is approved, a statement in substantially the following form "The Board finds that the action authorized herein will facilitate the national defense."

The Memorandum of Decision shall omit any of the foregoing information classified "Confidential" or higher. The Board's decision will be communicated to the appropriate official for implementing action.

(c) *Contractual Requirements.* Every contract entered into or amended or modified pursuant to this section shall contain:

(1) A citation of the Act and Executive Order;

(2) A brief statement of the circumstances justifying the action;

(3) A recital of the finding that the action will facilitate the national defense;

(4) The contract clause entitled "Covenant Against Contingent Fees" (see Federal Procurement Regulations (FPR) 1–1.503 and Armed Services Procurement Regulations (ASPR) 7–103.20);

(5) The contract clause entitled "Examination of Records" (see FPR 1–7.101–10 and ASPR 7–104.15);

(6) The contract clause entitled "Nondiscrimination in Employment" (see FPR 1–7.101–18 and ASPR 12–802);

(7) The contract clause entitled "Assignment of Claims" (see FPR 1–7.101–8 and ASPR 7–103.8);

(8) If otherwise applicable, the contract clauses entitled "Walsh-Healey Public Contracts Act (41 U.S.C. 35)," "Davis-Bacon Act (40 U.S.C. 276a)," "Copeland ('Anti-Kickback') Act Nonrebate of Wages (18 U.S.C. 874)," and "Eight-Hour Laws—Overtime Compensation (40 U.S.C. 324)" (See FPR 1–12 and Standard Form 23A, and ASPR 12–604 and 12–403); and

(9) Any other clauses which are appropriate to the particular procurement.

§ 18–61.107 Records and reports.

(a) When decisions of the Board are implemented, the following documents shall be prepared and maintained on file by the Board:

(1) Two copies of the Memorandum of Decision; and

(2) One copy of the contractual document implementing the decision approving contractual action.

(b) The Board shall prepare reports for submission to Congress in accordance with the Act.

§ 18–61.108 Interdepartmental coordination.

(a) *General.* Where a case involves matters of interest to more than one department or agency, the Board may take such joint action as may be proper under the circumstances, including holding joint meetings or hearings. Liaison with the Military Departments and other departments and agencies of the Government in connection with all such cases shall be the responsibility of the Board.

(b) *Amendments under § 18–61.103(b)(1).* Requests for amendments without consideration under § 18–61.103(b)(1) where "essentiality" is an issue, which involves another department or agency, shall not be finally determined by NASA until advice on the "essentiality" issue is requested and received from such other department or agency. When such advice is received, the responsibility for taking the appropriate action, if any, shall be with NASA.

(c) *Funds of other departments or agencies.* Requests for adjustment within any category, where the funds of other than NASA may be required, shall not be approved by NASA until advice is requested and received from the other department or agency involved that additional funds will be made available. The request for such advice shall disclose the following data:

(1) Contractor's name;

(2) Contract number;

(3) Amount of proposed relief;

(4) Brief description of the procurement; and

(5) Account classification—fund citation.

Effective date. The provisions of this part are effective September 23, 1959.

T. KEITH GLENNAN,
Administrator.

[F.R. Doc. 59–7928; Filed, Sept. 22, 1959; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

PART 400—MORTGAGE PURCHASES, SERVICING AND SALES

Miscellaneous Amendments

Part 400 of Chapter IV of Title 24 of the Code of Federal Regulations is amended as follows:

1. In § 400.0, the information relating to location of offices and area served is amended by deleting "Chicago 2, Ill., 30 North LaSalle Street" and inserting in lieu thereof "Chicago 3, Ill., 72 West Adams Street, 1120 Commonwealth-Edison Building".

2. In § 400.11, paragraph (a) is amended by deleting "one year" and inserting in lieu thereof "4 months".

(Sec. 309, 68 Stat. 620; 12 U.S.C. 1723a)

FEDERAL NATIONAL MORTGAGE ASSOCIATION
J. S. BAUGHMAN,
President.

[F.R. Doc. 59–7922; Filed, Sept., 22, 1959; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13082; FCC 59–967]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Radio-Telephone Alarm Signal

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of September 1959;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4(a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on August 5, 1959 (24 F.R. 6268), and the period for filing comments has now expired; and

It further appearing that the American Telephone and Telegraph Company filed comments in support of the proposed rule amendments and no other comments or objections to the proposal were received; and

It further appearing that certain editorial changes to the proposed rule amendments were found to be necessary and such changes have been included in this finalization of the amendments; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 4(o) and 303 (g) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective October 26, 1959, Parts 7 and 8 of the Commission's Rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.7(e) is amended to read as follows:

§ 7.7 Operational.

* * * * *

(e) *Alarm signals*—(1) *Radiotelegraph alarm signal.* The international radio signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or distress message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(2) *Radiotelephone alarm signal.* The radio signal, consisting of two substantial sinusoidal audiofrequency tones transmitted alternately for a minimum period of 6 seconds, the frequency of one tone being 2200 cycles per second and the frequency of the other being 1300 cycles per second. Each tone has a duration of 250 milliseconds. The tolerance of the frequency of each tone shall be plus or minus 1.5 percent; the tolerance on the uninterrupted duration of each tone shall be plus or minus 50 milliseconds; any interval between successive tones shall not exceed 50 milliseconds; the ratio of the amplitude of the stronger tone to that of the weaker shall be within the range of 1 to 1.2. These tone frequencies are used to modulate the radio-frequency carrier (by means of amplitude modulation on any frequency within the band 1605–2850 kc) at a modulation percentage of not less than 70 nor more than 100 on both positive and negative modulation peaks. This special signal has for its purpose the actuation of automatic devices giving the alarm, and, through its distinctive combination of tones, the ready aural recognition of the presence of the alarm signal. It may be used solely either to announce that a distress call or distress message is about to follow or to announce the transmission of an urgent cyclone warning by a coast station authorized by the Commission to do so.

NOTE: "Automatic devices", as this term is used in § 7.7(e)(2), means such devices as may be voluntarily provided for this purpose in mobile or coast stations.

2. Section 7.104 is amended by adding a new subparagraph (c)(4) as follows:

§ 7.104 Facilities required for coast stations.

* * * * *

(c) * * *

(4) Except for experimental or trial operation under developmental station authorization, any apparatus for generating the radiotelephone alarm signal by automatic means which is used or operated by a coast station for transmission of that signal shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and any other relevant characteristics applicable to generating the radiotelephone alarm signal as defined in § 7.7(e)(2),

3. Section 7.181 is amended by revising paragraphs (a)(1) and (b)(1), and by deleting footnote 2, as follows:

§ 7.181 Order of priority of communications.

(a) * * *

(1) Distress calls (including the international distress signal for radiotelegraphy 1), the international radiotelegraph alarm signal 1, the radiotelephone alarm signal 1, distress messages, and distress traffic.

* * * * *

(b) * * *

(1) Distress calls (including the international distress signal for radiotelephony 1), the radiotelephone alarm signal 1, distress messages, and distress traffic.

4. Section 7.187 is amended as follows: Paragraph (d) (1), (2) and (3) are revised; new paragraph (d)(4) is added; new footnote 2 is added; footnote 3 is amended; and footnote 4 is deleted.

§ 7.187 Procedure relative to distress communication.

* * * * *

(d) *Supplemental transmissions.* (1) When a distress call has been transmitted which was not preceded by the appropriate alarm signal, or when the appropriate alarm signal as transmitted appears upon audible reception to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive frequency deviation, a coast station located in the general vicinity of the vessel, aircraft, or other unit in distress may, if possible and when considered necessary by the licensed operator on duty at that station, transmit:

(i) The radiotelegraph alarm signal [2] on the frequency 500 kc, using the maximum available power and class A2 emission, or

(ii) The radiotelephone alarm signal [3] on the frequency 2182 kc, and on such other frequencies authorized for telephony as may be considered necessary or helpful, using the maximum available power.

(2) When a coast station has heard a distress call or distress message which has not been acknowledged promptly, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call or distress message may be repeated. In telegraphy, such repetition shall be made, if possible, on the frequency 500 kc using the maximum available power and, if possible, class A2 emission, and/or such other frequencies and with such other class of emission as may be deemed necessary or helpful. In telephony, such repetition shall be made, if possible, on the frequency 2182 kc using the maximum available power and class A3 emission, and/or on such other frequencies as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it with the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign (or other identification if telephony is used) repeated three times. The repetition of a distress call or distress message on 500 kc or 2182 kc should, whenever practicable, be preceded by transmission of the appropriate alarm signal. An interval of not more than two minutes shall, if circumstances permit, be allowed between transmission of an alarm signal and the repetition of a distress call or distress message.

(4) Transmission of the radiotelephone alarm signal as prescribed in subparagraph (1) of this paragraph shall conform to the following procedure. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be sent as continuously as practicable over a minimum period of approximately one minute.

5. Footnote 5 to § 7.188(b) and footnote 6 to § 7.189(c)(1) are redesignated footnotes 4 and 5, respectively.

B. Part 8 is amended as follows:

1. Section 8.6(e) is amended to read as follows:

§ 8.6 Operational.

* * * * *

(e) *Alarm signals*—(1) *Radiotelegraph alarm signal.* The international radio signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or distress message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(2) *Radiotelephone alarm signal.* The radio signal, consisting of two substantially sinusoidal audio-frequency tones transmitted alternately for a minimum period of 6 seconds, the frequency of one tone being 2200 cycles per second and the frequency of the other being 1300 cycles per second. Each tone has a duration of 250 milliseconds. The tolerance of the frequency of each tone shall be plus or minus 1.5 per cent; the tolerance on the uninterrupted duration of each tone shall be plus or minus 50 milliseconds; any interval between successive tones shall not exceed 50 milliseconds; the ratio of the amplitude of the stronger tone to that of the weaker shall be within the range of 1 to 1.2. These tone frequencies are used to modulate the radio-frequency carrier (by means of amplitude modulation on any frequency within the band 1605–2850 kc) at a modulation percentage of not less than 70 nor more than 100 on both positive and negative modulation peaks. This special signal has for its purpose the actuation of automatic devices giving the alarm, and, through its distinctive combination of tones, the ready aural recognition of the presence of the alarm signal. It may be used solely either to announce that a distress call or distress message is about to follow or to announce the transmission of an urgent cyclone warning by a coast station authorized by the Commission to do so.

NOTE: "Automatic devices", as this term is used in § 8.6(e)(2), means such devices as may be voluntarily provided for this purpose in mobile or coast stations.

2. A new § 8.116 is added as follows:

§ 8.116 Apparatus for generating automatically the radiotelephone alarm signal.

Except for experimental or trial operation under developmental station authorization, any apparatus for generating the radiotelephone alarm signal by automatic means, which is used or operated by a mobile station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and any other relevant characteristics applicable to generating the radiotelephone alarm signal as defined in § 8.6(e)(2).

3. Section 8.177 is amended by revising paragraph (a)(1) and by deleting the note following that subparagraph, by revising paragraph (b)(1), and by adding footnote 1, as follows:

§ 8.177 Order of priority of communications.

(a) * * *

(1) Distress calls (including the international distress signal for radiotelegraphy [1]), the international radiotelegraph alarm signal,[1] the radiotelephone alarm signal,[1] distress messages, and distress traffic.

* * * * *

(b) * * *

(1) Distress calls (including the international distress signal for radiotelephon,[2] the radiotelephone alarm signal,[1] distress messages, and distress traffic.

4. Section 8.233(b) is amended to read as follows:

§ 8.233 Form of distress call.

* * * * *

(b)(1) The distress call, when transmitted by radiotelephony, is generally preceded by the distress signal for radiotelegraphy as designated in paragraph (a)(1) of this section. Such signal may be produced by a whistle or any other suitable means. Additionally or alternatively, the distress call may be pre-

[2] This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The international distress signal for radiotelegraphy shall be transmitted 3 times immediately after this alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the international distress signal on 500 kc.

[3] See § 7.7 for definition of this signal.

[1] See § 8.6 for definition of this signal.

ceded by the radiotelephone alarm signal as provided by § 8.234.

(2) The distress call transmitted by radiotelephony comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This is", followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

5. Section 8.234 is amended to read as follows:

§ 8.234 Use of alarm signals.

(a) The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the radiotelegraph alarm signal[1] transmitted by means of class A2 emission on 500 kc. The distress signal for radiotelegraphy as designated in § 8.233(a)(1) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by such distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress call on 500 kc, to allow time for operators alerted by these signals to go on watch.

(b) The distress call, when transmitted by radiotelephony on the frequency 2182 kc, should, if possible, be preceded by the radiotelephone alarm signal[1] transmitted on 2182 kc.

6. Section 8.241 is amended to read as follows:

§ 8.241 Supplemental transmissions.

(a) When a distress call has been transmitted which was not preceded by the appropriate alarm signal, or when the appropriate alarm signal as transmitted appears upon audible reception to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive frequency deviation, a mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress may, if possible and when considered necessary, upon authorization of the master or person responsible for the station, transmit:

(1) The radiotelegraph alarm signal on the frequency 500 kc, using the maximum available power and class A2 emission, or

(2) The radiotelephone alarm signal on the frequency 2182 kc, and on such other frequencies authorized for telephony as may be considered necessary or helpful, using the maximum available power.

(b) When a mobile station has heard a distress call or distress message which has not been promptly acknowledged, and when such mobile station is not itself in a position to render assistance, it shall, subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and the distress message may be repeated. In telegraphy, such repetition shall be made, if possible, on the frequency 500 kc using the maximum available power and, if possible, class A2 emission, and/or such other frequency and with such other class of emission as may be deemed necessary or helpful. In telephony, such repetition shall be made, if possible, on the frequency 2182 kc using the maximum available power and class A3 emission, and/or on such other frequency as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it with the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign repeated three times. The repetition of a distress call or distress message on 500 kc or 2182 kc should, whenever practicable, be preceded by transmission of the appropriate alarm signal. An interval of not more than two minutes shall, if circumstances permit, be allowed between transmission of an alarm signal and the repetition of a distress call or distress message.

(d) Transmission of the radiotelephone alarm signal as prescribed in this subpart shall conform to the following procedure. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute without a manual restart operation; when generated by other means, the signal shall be sent as continuously as practicable over a minimum period of approximately one minute.

[F.R. Doc. 59-7948; Filed, Sept. 22, 1959; 8:53 a.m.]

[1] See § 8.6 for definition of this signal.

PROPOSED RULE MAKING

DEPARTMENT OF STATE

[22 CFR Part 41]

[Public Notice No. 165]

APPLICATION FOR CREW-LIST VISA

Procedures

Notice is hereby given of the proposed issuance of the following rule pertaining to applications for crew-list visas. Interested persons may submit to the Director of the Visa Office, Attention Chief, Regulations Branch, 515 22d Street NW., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 30 days following the day of publication of this notice will be considered.

Paragraph (a) of *§ 41.65 Procedures applicable to crew-list visas* is amended to read as follows:

(a) Until such time as it becomes administratively practicable to act on the applications of all crewmen for individual nonimmigrant visas, there shall be submitted for visaing at the consular office nearest the foreign port or place from which a vessel or aircraft commences its voyage to the United States a crew list of all alien-crewmen serving on board such vessel or aircraft who are not in possession of a valid individual entry document or who are not covered by a waiver of the visa requirement. The master of a vessel or commanding officer of an aircraft who applies for a crew-list visa shall present to the consular officer a manifest of all such crewmen on Form I-418 in duplicate. In cases of alien seamen, the duplicate copy of the Form I-418 shall contain in column (4) the date, city and country of birth of each alien seaman listed who does not have in his possession a valid individual visa or an Immigration and Naturalization Service Form I-151 and, in column (5), the place of issuance and the authority issuing the passport held by such alien seaman. Where the master of a vessel or the commanding officer of an aircraft submits a crew list to the consular officer for visaing and fails to set apart those alien crewmen who are to be considered for inclusion in the crew-list visa, the consular officer may, in order to facilitate the issuance of the crew-list visa and without unduly delaying the departure of the vessel or aircraft, require a separate alphabetical listing on the crew list of all such crewmen. In any case in which the consular officer has reason to believe that an individual crewman may be ineligible to receive a visa under section 212 of the Act, the master of the vessel or the commanding officer of the aircraft who submits the crew list for visaing may be required to present additional information relevant to the eligibility of any such crewman to receive a visa. In lieu of a manifest on Form I-418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization manifest or on Customs Form 7507 whenever the number of crewmen does not exceed the number which can be properly listed on such form.

(Section 104, 66 Stat. 174; 8 U.S.C. 1104)

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 11, 1959.

[F.R. Doc. 59-7946; Filed, Sept. 22, 1959; 8:53 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 301]

PROCEDURE AND ADMINISTRATION

Licensing and Registration, and Closing Agreements and Compromises

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under chapters 72 and 74 of the Internal Revenue Code of 1954, as amended, relating to licensing and registration and closing agreements and compromises, respectively, and are effective on and after August 17, 1954. The regulations under chapter 72 are applicable with respect to taxes imposed by the Internal Revenue Code of 1954, and the regulations under chapter 74 are applicable with respect to taxes imposed by the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954.

LICENSING AND REGISTRATION

LICENSING

Sec.
301.7001 Statutory provisions; collection of foreign items.
301.7001-1 License to collect foreign items.

REGISTRATION

301.7011 Statutory provisions; registration—persons paying a special tax.
301.7011-1 Registration of persons paying a special tax.
301.7012 Statutory provisions; cross references.

CLOSING AGREEMENTS AND COMPROMISES

301.7121 Statutory provisions; closing agreements.
301.7121-1 Closing agreements.
301.7122 Statutory provisions; compromises.
301.7122-1 Compromises.
301.7123 Statutory provisions; cross references.

LICENSING AND REGISTRATION

LICENSING

§ 301.7001 Statutory provisions; collection of foreign items.

SEC. 7001. *Collection of foreign items*—(a) *License.* All persons undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Secretary or his delegate and shall be subject to such regulations enabling the Government to obtain the information required under subtitle A (relating to income taxes) as the Secretary or his delegate shall prescribe.

(b) *Penalty for failure to obtain license.* For penalty for failure to obtain the license provided for in this section, see section 7231.

§ 301.7001-1 License to collect foreign items.

(a) *In general.* Any bank or agent undertaking as a matter of business or for profit the collection of foreign items must obtain a license from the district director for the district in which is located its principal place of business within the United States. For definitions of the terms "foreign item" and "collection", see paragraph (b) of this section.

(b) *Definitions*—(1) *Foreign item.* The term "foreign item", as used in this section, means any item of interest upon the bonds of a foreign country or of a nonresident foreign corporation not having a fiscal or paying agent in the United States (including Puerto Rico as if a part of the United States), or any item of dividends upon the stock of such corporation.

(2) *Collection.* The term "collection", as used in this section, includes the following:

(i) The payment by the licensee of the foreign item in cash;

(ii) The crediting by the licensee of the account of the person presenting the foreign item;

(iii) The tentative crediting by the licensee of the account of the person presenting the foreign item until the amount of the foreign item is received by the licensee from abroad; and

(iv) The receipt of foreign items by the licensee for the purpose of transmitting them abroad for deposits.

(c) *Application for license.* Application for the license required by paragraph (a) of this section shall be made in writing and shall contain the following information:

(1) The name and present business of the persons, partnership (including names of all partners), or corporation applying for the license;

(2) The address of the applicant's principal place of business in the United States and of any branch offices in the United States;

(3) The date on which the applicant intends to commence the collection of foreign items; and

(4) An estimate of the aggregate amount of annual collections of foreign items (in dollars).

The application shall be signed by the applicant (a partner, in the case of a partnership, or an officer, in the case of a corporation).

(d) *Issuance of license.* The license will be issued by the district director in letter form without cost to the licensee.

(e) *Previous license holders.* Any person who has been issued a license under the corresponding provision of the Internal Revenue Code of 1939, or any prior revenue law, is not required to renew such license under this section.

(f) *Returns of information as to foreign items.* For provisions relating to the filing of returns as to foreign items, see section 6041(b) and § 1.6041-4 of the Income Tax Regulations (Part 1 of this chapter).

REGISTRATION

§ 301.7011 Statutory provisions; registration; persons paying a special tax.

SEC. 7011. *Registration; persons paying a special tax*—(a) *Requirement.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the Secretary or his delegate his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

(b) *Registration in case of death or change of location.* Any person exempted under the provisions of section 4905 from the payment of a special tax, shall register with the Secretary or his delegate in accordance with regulations prescribed by the Secretary or his delegate.

§ 301.7011-1 Registration of persons paying a special tax.

(a) *Persons required to register.* Every person engaged in a trade or business in respect of which a special tax is imposed by one of the following sections of the Internal Revenue Code of 1954 is required to register with the district director for the district in which such trade or business is located:

(1) Section 4461 (relating to special tax on persons who maintain for use or permit the use of coin-operated amusement or gaming devices);

(2) Section 4471 (relating to special tax on persons who operate a bowling alley, billiard room, or poolroom);

(3) Section 4821 (relating to special tax on manufacturers, wholesale dealers, and retail dealers of adulterated butter and manufacturers of process or renovated butter);

(4) Section 4841 (relating to special tax on manufacturers, wholesale dealers, and retail dealers of filled cheese);

(5) Section 5081 (relating to special tax on rectifiers of distilled spirits or wines);

(6) Section 5091 (relating to special tax on brewers);

(7) Section 5101 (relating to special tax on manufacturers of stills);

(8) Section 5111 (relating to special tax on wholesale dealers in liquors and wholesale dealers in beer); or

(9) Section 5121 (relating to special tax on retail dealers in liquors and retail dealers in beer).

For provisions with respect to the registration of persons subject to the special tax imposed by section 5131, relating to the tax on persons claiming drawback on

distilled spirits used in the manufacture of certain nonbeverage products, see section 5132 and the regulations thereunder (Part 197 of this chapter). For cross references to provisions requiring registration of persons engaged in a trade or business in respect of which a special tax is imposed by other sections of the Internal Revenue Code of 1954, see § 301.7012.

(b) *Procedure for registration.* The registration required of a person by reason of his being engaged in a trade or business in respect of which one of the special taxes listed in paragraph (a) (1) to (9), inclusive, of this section is imposed shall be accomplished by executing and filing, in accordance with the instructions relating thereto, Special Tax Return Form 11 or Special Tax Return Form 11–B, whichever is applicable. Special Tax Return Form 11–B is used to report the special tax imposed by a section listed in paragraph (a) (1) or (2) of this section, and Special Tax Return Form 11 is used to report the special tax imposed by a section listed in paragraph (a) (3), (4), (5), (6), (7), (8), or (9) of this section.

(c) *Registration in case of change of ownership or location.* Any change of ownership or location of a trade or business in respect of which a special tax is imposed by a section listed in paragraph (a) (1), (2), (3), or (4) of this section must be registered with the Internal Revenue Service if, pursuant to section 4905 (relating to liability for special tax in case of death or change of location), such trade or business may be continued without the payment of any additional special tax. For requirements and procedures with respect to such registration, see section 4905 and the regulations thereunder.

§ 301.7012 Statutory provisions; cross references.

SEC. 7012. *Cross references*—(a) *Narcotic drugs.* For provisions relating to registration in relation to narcotic drugs, see section 4722.

(b) *Marihuana.* For provisions relating to registration in relation to marihuana, see section 4753.

(c) *Firearms.* For provisions relating to registration in connection with firearms, see sections 5802, 5841, and 5854.

(d) For provisions relating to registration in relation to the manufacture of playing cards, see section 4455.

(e) For provisions relating to registration in relation to the manufacture of white phosphorus matches, see section 4804(d).

(f) For special rules with respect to registration by persons engaged in receiving wagers, see section 4412.

(g) For provisions relating to registration in relation to the production or importation of gasoline, see section 4101.

(h) For provisions relating to registration in relation to the manufacture or production of lubricating oils, see section 4101.

(i) *Penalty.* (1) For penalty for failure to register, see section 7272.

(2) For other penalties for failure to register with respect to wagering, see section 7262.

[Sec. 7012 as amended by sec. 4(b)(7), Tax Rate Extension Act 1958 (72 Stat. 260)]

CLOSING AGREEMENTS AND COMPROMISES

§ 301.7121 Statutory provisions; closing agreements.

SEC. 7121. *Closing agreements*—(a) *Authorization.* The Secretary or his delegate is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary or his delegate (within such time as may be stated in such agreement, or later agreed to) such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

§ 301.7121–1 Closing agreements.

(a) *In general.* The Commissioner may enter into a written agreement with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period ending prior or subsequent to the date of such agreement. A closing agreement may be entered into in any case in which there appears to be an advantage in having the case permanently and conclusively closed, or if good and sufficient reasons are shown by the taxpayer for desiring a closing agreement and it is determined by the Commissioner that the United States will sustain no disadvantage through consummation of such an agreement.

(b) *Scope of closing agreement*—(1) *In general.* A closing agreement may be executed even though under the agreement the taxpayer is not liable for any tax for the period to which the agreement relates. There may be a series of closing agreements relating to the tax liability for a single period.

(2) *Taxable periods ended prior to date of closing agreement.* Closing agreements with respect to taxable periods ended prior to the date of the agreement may relate to the total tax liability of the taxpayer or to one or more separate items affecting the tax liability of the taxpayer, as, for example, the amount of gross income, deduction for losses, depreciation, depletion, the year in which an item of income is to be included in gross income, the year in which an item of loss is to be deducted, or the value of property on a specific date. A closing agreement may also be entered into for the purpose of allowing a deficiency dividend deduction under section 547. In addition, a closing agreement constitutes a determination as defined by section 1313.

(3) *Taxable periods ending subsequent to date of closing agreement.* Closing agreements with respect to taxable periods ending subsequent to the date of the agreement may relate to one or more separate items affecting the tax liability of the taxpayer.

(4) *Illustration.* The provisions of this paragraph may be illustrated by the following example:

Example. A owns 500 shares of stock in the XYZ Corporation which he purchased prior to March 1, 1913. A is considering selling 200 shares of such stock but is uncertain as to the basis of the stock for the purpose of computing gain. Either prior or subsequent to the sale, a closing agreement may be entered into determining the market value of such stock as of March 1, 1913, which represents the basis for determining gain if it exceeds the adjusted basis otherwise determined as of such date. Not only may the closing agreement determine the basis for computing gain on the sale of the 200 shares of stock, but such an agreement may also determine the basis (unless or until the law is changed to require the use of some other factor to determine basis) of the remaining 300 shares of stock upon which gain will be computed in a subsequent sale.

(c) *Finality.* A closing agreement which is approved within such time as may be stated in such agreement, or later agreed to, shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

However, a closing agreement with respect to a taxable period ending subsequent to the date of the agreement is subject to any change in, or modification of, the law enacted subsequent to the date of the agreement and made applicable to such taxable period, and each closing agreement shall so recite.

(d) *Procedure with respect to closing agreements*—(1) *Submission of request.* A request for a closing agreement which relates to a prior taxable period may be submitted at any time before a case with respect to the tax liability involved is docketed in the Tax Court of the United States. All requests for closing agreements shall be submitted on forms prescribed by the Internal Revenue Service, which may be obtained from district directors of internal revenue. The procedure with respect to applications for entering into closing agreements shall be under such rules as may be prescribed from time to time by the Commissioner in accordance with the regulations under this section.

(2) *Collection, credit, or refund.* Any tax or deficiency in tax determined pursuant to a closing agreement shall be assessed and collected, and any overpayment determined pursuant thereto shall be credited or refunded, in accordance with the applicable provisions of law.

§ 301.7122 Statutory provisions; compromises.

SEC. 7122. *Compromises*—(a) *Authorization.* The Secretary or his delegate may compromise any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense; and the Attorney General or his delegate may compromise any such case after reference to the Department of Justice for prosecution or defense.

(b) *Record.* Whenever a compromise is made by the Secretary or his delegate in any case, there shall be placed on file in the office of the Secretary or his delegate the opinion of the General Counsel for the Department of the Treasury or his delegate, with his reasons therefor, with a statement of:

(1) The amount of tax assessed,

(2) The amount of interest, additional amount, addition to the tax, or assessable penalty, imposed by law on the person against whom the tax is assessed, and

(3) The amount actually paid in accordance with the terms of the compromise.

Notwithstanding the foregoing provisions of this subsection, no such opinion shall be required with respect to the compromise of any civil case in which the unpaid amount of tax assessed (including any interest, additional amount, addition to the tax, or assessable penalty) is less than $500.

§ 301.7122–1 Compromises.

(a) *In general.* Except with respect to certain criminal liabilities arising under the internal revenue laws relating to narcotics, smoking opium, and marihuana, the Commissioner may compromise any civil or criminal liability arising under the internal revenue laws prior to reference of a case involving such liability to the Department of Justice for prosecution or defense. Any such liability may be compromised only upon one or both of the following two grounds:

(1) Doubt as to liability; or

(2) Doubt as to collectibility.

No such liability will be compromised if the liability has been established by a valid judgment or is certain, and there is no doubt as to the ability of the Government to collect the amounts owing with respect to such liability.

(b) *Scope of compromise agreement.* A compromise agreement may relate to a civil or criminal liability for taxes, interest, ad valorem penalties, or specific penalties. However, a criminal liability may be compromised only if it involves a violation of a regulatory provision of the Internal Revenue Code, or a related statute, and then only if such violation was not deliberately committed with an intent to defraud.

(c) *Effect of compromise agreement.* A compromise agreement relates to the entire liability of the taxpayer (including taxes, ad valorem penalties, and interest) with respect to which the offer in compromise is submitted and all questions of such liability are conclusively settled thereby. Specific penalties, however, shall be compromised separately and not in connection with taxes, interest, or ad valorem penalties. Neither the taxpayer nor the government shall, upon acceptance of an offer in compromise, be permitted to reopen the case except by reason of (1) falsification or concealment of assets by the taxpayer, or (2) mutual mistake of a material fact sufficient to cause a contract to be reformed or set aside. However, acceptance of an offer in compromise of a civil liability does not remit a criminal liability, nor does acceptance of an offer in compromise of a criminal liability remit a civil liability.

(d) *Procedure with respect to offers in compromise*—(1) *Submission of offers.* Offers in compromise shall be submitted on forms prescribed by the Internal Revenue Service which may be obtained from district directors of internal revenue, and should generally be accompanied by a remittance representing the amount of the compromise offer or a deposit if the offer provides for future installment payments. If the final payment on an accepted offer is contingent upon the immediate or simultaneous release of a tax lien in whole or in part, such payment must be in cash, or in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order.

(2) *Stay of collection.* The submission of an offer in compromise shall not automatically operate to stay the collection of any tax liability. However, enforcement of collection may be deferred if the interests of the United States shall not be jeopardized thereby.

(3) *Acceptance.* An offer in compromise shall be considered accepted only when the proponent thereof is so notified in writing. As a condition to accepting an offer in compromise, the taxpayer may be required to enter into any collateral agreement or to post any security which is deemed necessary for the protection of the interests of the United States.

(4) *Withdrawal or rejection.* An offer in compromise may be withdrawn by the proponent at any time prior to its acceptance. In the event an offer is rejected, the proponent shall be promptly notified in writing. Frivolous offers or offers submitted for the purpose of delaying the collection of tax liabilities shall be immediately rejected. If an offer in compromise is withdrawn or rejected, the amount tendered with the offer, including all installments paid, shall be refunded without interest, unless the taxpayer has stated or agreed that the amount tendered may be applied to the liability with respect to which the offer was submitted.

(e) *Record.* Except as otherwise provided in this paragraph, if an offer in compromise is accepted, there shall be placed on file the opinion of the Chief Counsel of the Internal Revenue Service with respect to such compromise, with his reasons therefor, and including a statement of—

(1) The amount of tax assessed,

(2) The amount of interest, additional amount, addition to the tax, or assessable penalty, imposed by law on the person against whom the tax is assessed, and

(3) The amount actually paid in accordance with the terms of the compromise.

However, no such opinion shall be required with respect to the compromise of any civil case in which the unpaid amount of tax assessed (including any interest, additional amount, addition to the tax, or assessable penalty) is less than $500.

(f) *Requirement with respect to statute of limitations.* No offer in compromise shall be accepted unless the taxpayer waives the running of the statutory period of limitations on both or either assessment or collection of the tax liability involved for the period during which the offer is pending, or the period during which any installment remains unpaid, and for one year thereafter.

(g) *Inspection with respect to accepted offers in compromise.* For provisions relating to the inspection of returns and accepted offers in compromise, see section 6103(a) and the regulations thereunder contained in this part.

§ 301.7123 Statutory provisions; cross references.

SEC. 7123. *Cross references*—(a) *Criminal penalties.* For criminal penalties for concealment of property, false statement, or falsifying and destroying records, in connection with any closing agreement, compromise, or offer of compromise, see section 7206.

(b) *Compromises after judgment.* For compromises after judgment, see R.S. 3469 (31 U.S.C. 194).

[F.R. Doc. 59–7934; Filed, Sept. 22, 1959; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the approval of the limitation of shipments hereinafter set forth, which was recommended by the Florida Cucumber Committee, established pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015), regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1–19, 48 Stat. 31, as amended 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than three days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1015.303 Limitation of shipments.

During the period from October 1, 1959, through July 31, 1960, no person shall handle any lot of cucumbers unless such cucumbers meet the requirements of paragraphs (a), (b), (c) and (d) of this section or unless such cucumbers are handled in accordance with paragraphs (e), (f) and (g) of this section.

(a) *Minimum grade requirements.*

(1) U.S. Fancy.

(2) U.S. Extra No. 1.

(3) U.S. No. 1.

(4) U.S. No. 1 Small.
(5) U.S. No. 1 Large.
(6) U.S. No. 2.

(b) *Size requirements.* The size requirement for purposes of this section shall be the same as those specified in the United States Standards for Cucumbers (§§ 51.2220 to 51.2239 of this title) for each of the above grades.

(c) *Pack requirements.* Cucumbers must be so packed that they meet the grade and size requirements of this section and one of the pack specifications in § 1015.101.

(d) *Marketing requirements.* Each container in each lot shall be marked or stamped to show, as certified by the Federal-State Inspection Service, the U.S. grade applicable to such lot. The marking or stamping shall be in letters at least one-half inch high and so placed on each container as to be conspicuous and legible. Any U.S. grade marks on containers that conflict with the U.S. grade applicable to the cucumbers packed therein shall be obliterated.

(e) *Pickling varieties.* The requirements of paragraph (a), except for decay, (b), (c), and (d), shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics. Each container of pickling type cucumbers handled in accordance with this paragraph shall be marked or stamped "unclassified."

(f) *Special purpose shipments.* Cucumbers may be handled for conversion into pickles or relishes without regard to the requirements set forth in this section, but any such handling must conform with the safeguards in §§ 1015.130 through 1015.133. Each container of cucumbers handled in accordance with this paragraph shall be marked or stamped "pickling only" in letters at least one-half inch high and so placed on each container as to be conspicuous and legible.

(g) *Minimum quantity.* Each handler may handle up to, but not to exceed, one bushel (54 pounds net) of cucumbers any day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers.

(h) *Inspection and certification.* No person shall handle any cucumbers except for conversion into pickles or relishes pursuant to paragraph (f) of this spection unless the cucumbers are inspected and certified pursuant to the provisions of § 1015.60.

(i) *Definitions.* The grades used in this section shall have the same meaning assigned these terms in the U.S. Standards for Cucumbers (§§ 51.2220 to 51.2239 of this title) including the tolerances set forth therein. The term "Kirby" is synonymous with "Black Diamond" and "Stays Green" when related to types of varieties of cucumbers handled under this part. All other terms shall have the same meaning as when used in this part.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1959.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–7942; Filed, Sept. 22, 1959; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Fruit Preserves and Jams; Notice of Proposal To Amend Standard of Identity

Notice is given that a petition has been filed by General Foods Corporation, White Plains, New York, setting forth a proposed amendment of the standard of identity for fruit preserves and jams to make cherry liqueur and rum permitted optional ingredients.

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and pursuant to the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., prior to the sixtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that § 29.3 *Preserves, jams; identity; label statement of optional ingredients* (21 CFR 29.3) be amended as follows:

1. By adding to paragraph (a) a new subparagraph (6) as follows:

(6) Cherry liqueur or rum, or a combination of the two, in such amounts that the alcohol content of the finished product is less than 2 percent by weight.

2. By adding to paragraph (g) a new subparagraph (6) as follows:

(6) When optional ingredient (a) (6) is used, the label shall bear the statement "flavored with cherry liqueur" or "flavored with rum" or "flavored with cherry liqueur and rum," as the case may be.

Dated: September 17, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59–7935; Filed, Sept. 22, 1959; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 127]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include airworthiness directives requiring corrective action involving Fairchild F–27, Piaggio P.136–L1 and –L2, and Vickers Viscount 810 aircraft; Hamilton Standard propeller blades 6895–8, Kidde and C–O–TWO smoke detectors.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) by adding the following airworthiness directives:

HAMILTON STANDARD. Applies to 6895–8 propeller blades installed on Douglas DC–6, DC–6A, and DC–6B aircraft.

In order to minimize the possibility of additional 6895–8 blade failures occurring between overhaul on DC–6, DC–6A or DC–6B aircraft due to undetected blade damage, the face alinement check required by AD 58–22–1 shall be made on these blades as specified:

(a) Blades which have not yet complied must have face alinement check made not later than November 1, 1959, and at every engine overhaul thereafter.

(b) Blades which have complied and have been in operation in excess of an engine overhaul period since the last face alinement check was made must have a new face alinement check made not later than November 1, 1959, and at every engine overhaul thereafter.

(c) Blades which have complied and have been in operation less than an engine overhaul period by November 1, 1959, since the last face alinement check was made must have a new face alinement check made before that period is exceeded and at every engine overhaul thereafter.

Blades which are checked and found not to meet the limits specified in Hamilton Standard Service Bulletins Nos. 546 and 546A shall be removed from service.

(Hamilton Standard Service Bulletins Nos. 546 and 546A cover this same subject.)

This supplements AD 58–22–1 (23 F.R. 9690) for Model 6895–8 blades installed on Douglas DC–6, DC–6A, and DC–6B aircraft only.

FAIRCHILD. Applies to F–27 Series aircraft Serial Numbers 1 to 63 inclusive.

Compliance required not later than December 1, 1959.

(a) The present cartridge unit in the fire extinguisher system has been found to be unreliable above 20,000 feet. Modified cartridge units must therefore be installed to insure reliability above 20,000 feet.

(b) Remove four Fenwal fire extinguisher cartridge units, P/N 690202–2, attached to main and reserve fire extinguisher bottles located in left and right nacelles, and replace with new Fenwal fire extinguisher cartridge units, P/N 690202–3.

(Fairchild F–27 Service Bulletin No. 26–1 covers this same subject.)

PIAGGIO. Applies to all Model P.136–L1 and P.136–L2 aircraft.

Compliance required by December 31, 1959.

In order to preclude the water rudder cables from fouling the bolt end and nuts that secure the microswitch to the water rudder retraction cylinder, a cable guard plate must be installed. The Registro Aeronautico Italiano considers compliance mandatory.

(Piaggio & Co. Change Order No. 36L–48 covers the same subject.)

VICKERS. Applies to all Viscount Model 810 aircraft.

Compliance required by December 31, 1959.

In order to preclude the possibility of excessive glare affecting the pilots, the following modifications are required.

(a) The propeller below low stop warning lamps which are located on the fire control panel should be covered by filtered lamp cowls Vickers P/N 81536.287.

(b) Replace the existing lamp cowl Vickers P/N 74536–745, which is installed at the propeller low stop removed warning lights, with an improved lamp cowl Vickers P/N 75436–265.

The British Air Registration Board considers this mandatory.

(Vickers-Armstrongs Modification Bulletins Nos. FG–1559 and G–1668 cover this subject.)

KIDDE and C–O–TWO. Applies to smoke detectors, Kidde Model A4532–M1, and C–O–TWO Models ASDC–2 and ASDT–3, installed in civil transport category aircraft.

The Walter Kidde Model A4532–M1 and the C–O–TWO Models ASDC–2 and ASDT–3 smoke detectors have unstable and oversensitive alarm settings; thus resulting in false indications. Due to this unsatisfactory characteristic, the manufacturers, Walter Kidde and Company and the C–O–TWO Division of Fyr-Fyter Company have withdrawn their statements of conformance with Technical Standard Orders, TSO–C1 and C1a for these smoke detectors. Therefore, their TSO approvals are invalidated.

All model A4532–M1, ASDC–2 and ASDT–3 smoke detectors installed in transport category aircraft shall be removed from service within 60 days after the effective date of this directive, except those detectors approved as a part of the airplane installation which have an alarm sensitivity that does not exceed 60 percent light transmission need not be removed. The TSO identification must be eliminated from the detector label if not already accomplished.

Issued in Washington, D.C., on September 17, 1959.

B. PUTNAM,
Acting Director, Bureau
of Flight Standards.

[F.R. Doc. 59–7898; Filed, Sept. 22, 1959; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59–WA–161]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6024 and 600.6602 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the modification of segments of VOR Federal airways No. 24 and No. 1502 in the Rochester, Minn., area. VOR Federal airway No. 24 presently extends from Aberdeen, S. Dak., to Lone Rock, Wis. VOR Federal Airway No. 1502 presently extends from San Francisco, Calif., to New York, N.Y. A common segment of these airways between Redwood Falls, Minn., and Lone Rock, Wis., is designated via the Rochester, Minn., VOR. The Rochester VOR at its present location does not perform satisfactorily. To provide more precise navigational guidance on these airway segments, the Rochester VOR will be relocated approximately November 15, 1959 to a new site located at Latitude 43° 46'59", Longitude 92°35'46", at which the navigational signals from this facility will be improved. Victor 24 and 1502 would then be realigned via the Rochester VOR at its new location. The control areas associated with Victor 24 and 1502 are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Missouri. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6024 (14 CFR, 1958 Supp., 600.6024) and 600.6602 (14 CFR, 1958 Supp., 600.6602, 24 F.R. 2230) as follows:

1. Section 600.6024 *VOR Federal airway No. 24 (Aberdeen, S. Dak. to Lone Rock, Wis.)*, is amended as follows:

In the text, delete, "Rochester, Minn. omnirange station; intersection of the Rochester omnirange 113° and the Lone Rock omnirange 287° radials; to the Lone Rock, Wis., omnirange station." and substitute therefor, "Rochester, Minn., VOR; to the Lone Rock, Wis., VOR.".

2. Section 600.6602 *VOR Federal airway No. 1502 (San Francisco, Calif. to New York, N.Y.)*, is amended as follows:

In the text, delete, "Rochester, Minn. omnirange station; intersection of the Rochester omnirange 113° and the Lone Rock omnirange 287° radials; Lone Rock, Wis. omnirange station;" and substitute therefor, "Rochester, Minn. VOR; Lone Rock, Wis. VOR;".

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau
of Air Traffic Management.

[F.R. Doc. 59–7899; Filed, Sept. 22, 1959; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59–WA–195]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6072 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 72 presently extends from Fayetteville, Ark., to Albany, N.Y. The Federal Aviation Agency has under consideration the modification of Victor 72 between the Youngstown, Ohio, VOR and the Bradford, Pa., VOR by realigning this segment via the Tidioute, Pa., VOR to provide more precise navigational guidance. If this action is taken, Victor 72 segment from the Youngstown VOR to the Bradford VOR would be designated via the Tidioute VOR. The control areas associated with Victor 72 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time,

but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6072 (24 F.R. 3226) as follows:

Section 600.6072 *VOR Federal airway No. 72 (Fayetteville, Ark., to Albany, N.Y.)* is amended as follows:

In the text, delete "point of INT of the Fitzgerald, Pa., VOR 304° and the Bradford VOR 260° radials;" and substitute therefor "Tidioute, Pa., VOR;".

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7903; Filed, Sept. 22, 1959; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-109]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6043 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 43 presently extends from Columbus, Ohio, to Erie, Pa. The Federal Aviation Agency is considering a modification of the segment of this airway from Tiverton, Ohio, to Youngstown, Ohio. It is proposed to realign this airway segment via the Navarre, Ohio, VOR to provide more precise navigational guidance. If such action is taken, Victor 43 would be designated from the Tiverton VOR via the Navarre VOR to the Youngstown VOR. The control areas associated with this airway are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. The Atwater Intersection domestic VOR reporting point, which would otherwise require redesignation to conform with the modified airway, has been proposed to be revoked in Airspace Docket No. 59-WA-41.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All Communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6043 (14 CFR, 1958 Supp., 600.6043) to read as follows:

§ 600.6043 VOR Federal airway No. 43 (Columbus, Ohio, to Erie, Pa.).

From the Appleton, Ohio, VOR via the Tiverton, Ohio, VOR; Navarre, Ohio, VOR; Youngstown, Ohio, VOR; to the Erie, Pa., VOR.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7908; Filed, Sept. 22, 1959; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-116]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6084 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 84 presently extends from Hinckley, Ill., to Syracuse, N.Y. The Federal Aviation Agency has under consideration the modification of the United States portion of Victor 84 between Lansing, Mich., and London, Ont. At present, air traffic on this segment of the airway must traverse an area of highly concentrated military air operations in the vicinity of Selfridge Air Force Base, Mich. Due to the present alignment of airways in the Detroit area, it is necessary to route air traffic through the complex Detroit terminal area to bypass the military operations. In order to route air traffic around both the Selfridge AFB terminal and the Detroit terminal, the segment of Victor 84 from Lansing, Mich., to London, Ont., would be designated from the Lansing, Mich., VOR via the Flint, Mich., VOR; Peck, Mich., VOR; to the London, Ont., VOR. The Department of Transport of the Canadian Government agrees to this proposal, and will act to modify the Canadian portion of this airway accordingly.

The control areas associated with Victor 84 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communication received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6084 (24 F.R. 2228) as follows:

Section 600.6084 *VOR Federal airway No. 84 (Hinckley, Ill., to Syracuse, N.Y.)* is amended as follows:

In the text, delete "Selfridge, Mich., VOR;" and substitute therefor "Flint, Mich., VOR; Peck, Mich., VOR;".

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7909; Filed, Sept. 22, 1959; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 59-WA-141]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6098 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 98 presently extends from Fort Wayne, Ind., to Montreal, Quebec. The Federal Aviation Agency has under consideration modification of the United States portion of Victor 98 between Carleton, Mich., and Windsor, Ont. At present, air traffic on this segment of the airway must traverse a portion of the military air operations area at the Grosse Isle Naval Air Station, Mich., a major Naval Reserve air station. In order to route traffic around the Grosse Isle NAS terminal, the segment of Victor 98 from Carleton to Windsor would be designated from the Carleton VOR via the intersection of the Carleton VOR 020° and the Windsor VOR 251° radials, to the Windsor VOR. The Department of Transport of the Canadian Government agrees to this proposal, and will act to modify the Canadian portion of Victor 98 accordingly.

The control areas associated with Victor 98 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6098 (14 CFR, 1958 Supp., 600.6098) to read as follows:

§ 600.6098 VOR Federal airway No. 98 (Fort Wayne, Ind., to Montreal, Quebec).

From the Fort Wayne, Ind., VOR via the Carleton, Mich., VOR; INT of the Carleton VOR 020° and the Windsor, Ont., VOR 251° radials; Windsor VOR; London, Ont., VOR; Toronto, Ont., VOR; Stirling, Ont., VOR; Massena, N.Y., VOR; to the Montreal, Quebec, VOR.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7912; Filed, Sept. 22, 1959; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-108]

FEDERAL AIRWAYS AND REPORTING POINTS

Modification of Federal Airway and Revocation of Domestic VOR Reporting Point

Pursuant to the authority delegated to me by the Administrator § 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6030 and 601.7001 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 30 presently extends from Milwaukee, Wis., to Nantucket, Mass. The Federal Aviation Agency is considering the modification of the Waterville, Ohio, to Youngstown, Ohio, segment of Victor 30 by designating it via the Attica, Ohio, VOR and an intermediate VOR to be installed approximately November 1, 1959 in the vicinity of Akron, Ohio, at latitude 41° 06'28", longitude 81°12'10", to provide more precise navigational guidance. If such action is taken, the Waterville to Youngstown segment of Victor 30 would be designated via the Attica VOR and the Akron VOR.

Concurrent with this action, the "Walter Intersection" Domestic VOR reporting point (the intersection of the Cleveland, Ohio, VOR 201° T radial and the Wellington, Ohio, VAR west course), would be revoked. By an amendment to the text of § 600.6030 which was effective May 7, 1959 (24 F.R. 2228), "Litchfield, Mich., omnirange station;" was left in the amended text in error, and will, therefore, be deleted concurrently with this action.

The control areas associated with Victor 30 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6030 (14 CFR, 1958 Supp., 600.6030, 24 F.R. 2228) and § 601.7001 (24 F.R. 3229) as follows:

1. Section 600.6030 *VOR Federal airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)*, is amended as follows:

(a) In the text, delete "Litchfield, Mich., omnirange station;".

(b) In the text, delete "intersection of the Waterville omnirange 111° True and the Wellington VAR west course; Wellington, Ohio, VAR station; intersection of the Wellington VAR east course and the Youngstown omnirange 250° True radial;" and substitute therefor "Attica, Ohio, VOR; Akron, Ohio, VOR;".

2. In § 601.7001 *Domestic VOR reporting points*, Walter INT is revoked.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7900; Filed, Sept. 22, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-202]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.220, 601.220 and 601.4220 of the regulations of

the Administrator, as hereinafter set forth.

Red Federal airway No. 20 presently extends from Lansing, Mich., to Washington, D.C. IFR Peak-Day Airway Traffic Surveys for the last half of the calendar year 1958, and the first half of the calendar year 1959, show aircraft movements for the segments, Cleveland, Ohio, to Akron, Ohio, as two and two, respectively; Akron to Columbiana, Ohio, Intersection as four and three, respectively. On the basis of the surveys, it appears that the retention of these segments of the airway and associated control areas is unjustified as assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 20 would then extend from Lansing, Mich., to Cleveland, Ohio, and from Columbiana, Ohio, to Washington, D.C. Concurrently with this action, § 601.4220 would be amended to conform with the modified airway and the Akron, Ohio, RR as a reporting point would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.220, 601.220, and 601.4220 (14 CFR, 1958 Supp., 600.220, 601.220, 601.4220) as follows:

1. Section 600.220 *Red Federal airway No. 20 (Lansing, Mich., to Washington, D.C.)*, is amended as follows:

(a) In the caption, delete "*(Lansing, Mich., to Washington, D.C.)*" and substitute therefor, "*(Lansing, Mich., to Cleveland, Ohio, and Columbiana, Ohio, to Washington, D.C.)*".

(b) In the text, delete "Cleveland, Ohio, radio range; Akron, Ohio, radio range station; the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range;" and substitute therefor, "to the Cleveland, Ohio, RR. From the INT of the S course of the Youngstown, Ohio, RR and the NW course of the Pittsburgh, Pa., RR via the".

2. Section 601.220 *Red Federal airway No. 20 control areas (Lansing, Mich., to Washington, D.C.)*, is amended as follows:

In the caption, delete "*(Lansing, Mich., to Washington, D.C.)*". and substitute therefor, "*(Lansing, Mich., to Cleveland, Ohio, and Columbiana, Ohio, to Washington, D.C.)*".

3. Section 601.4220 *Red Federal airway No. 20 (Lansing, Mich., to Washington, D.C.)*, is amended as follows:

(a) In the caption, delete "*(Lansing, Mich., to Washington, D.C.)*" and substitute therefor, "*(Lansing, Mich., to Cleveland, Ohio, and Columbiana, Ohio, to Washington, D.C.)*".

(b) In the text, delete "Akron, Ohio, radio range station".

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7902; Filed, Sept. 22, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-5]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency is considering the designation of VOR Federal airway No. 462 and its associated control areas from Houghton, Mich., to Sault Ste. Marie, Mich. The designation of this airway would provide a route for the use of VOR equipped aircraft between these terminals which are presently served only by colored airways.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 26, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) by adding sections as follows:

§ 600.6462 VOR Federal airway No. 462 (Houghton, Mich., to Sault Ste. Marie, Mich.).

From the Houghton, Mich., VOR; via the Whitefish, Mich., VOR; to the Sault Ste. Marie, Mich., VOR, excluding that portion which lies outside the continental limits of the United States.

§ 601.6462 VOR Federal airway No. 462 control areas (Houghton, Mich., to Sault Ste. Marie, Mich.).

All of VOR Federal airway No. 462.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7904; Filed, Sept. 22, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-41]

FEDERAL AIRWAYS AND REPORTING POINTS

Modification of Federal Airway and Revocation of Domestic VOR Reporting Point

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6042 and 601.7001 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 42 presently extends from Flint, Mich., to Washington, D.C. The Federal Aviation Agency is considering modification of the segment of Victor 42 from the Cleveland, Ohio, VOR to the Imperial, Pa., VOR. The realignment of this segment of the airway via an intermediate VOR to be installed approximately November 1, 1959, near Akron, Ohio, at latitude 41° 06'28", longitude 81°12'10", would provide more precise navigation guidance for aircraft using this airway. If this action is taken, the airway segment would be designated from the Cleveland VOR via the Akron VOR to Imperial VOR. Concurrently with this action, it is proposed to revoke the Atwater, Ohio, Intersection, Domestic VOR reporting point described as the point of intersection of the Youngstown, Ohio, omnirange 233° and the Cleveland, Ohio, omnirange 116° True radials. The control areas associated with Victor 42 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6042 (24 F.R. 3226) and 601.7001 (14 CFR, 1958 Supp., 601.7001) as follows:

1. Section 600.6042 *VOR Federal airway No. 42 (Flint, Mich., to Washington, D.C.)*, is amended as follows:

In the text, delete "point of INT of the Youngstown, Ohio, VOR 233° and the Cleveland, Ohio, VOR 116° radials;" and substitute therefor "Akron, Ohio, VOR;"

2. In § 601.7001 *Domestic VOR reporting points*, Atwater Intersection is revoked.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7907; Filed, Sept. 22, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-40]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of a Segment of Federal Airway, Associated Control Areas and Designated Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.222, 601.222, and 601.4222 of the regulations of the Administrator, as hereinafter set forth.

A segment of Red Federal airway No. 22 presently extends from Mt. Clemens, Mich., to the Ridgetown, Ont., intersection. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements for this segment as seven and one respectively. On the basis of this survey, it appears that the retention of the United States portion of this airway segment and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. Therefore, the Federal Aviation Agency is considering the revocation of this portion of Red 22 and its associated control areas. The Department of Transport of the Canadian government agrees to the proposal and would act to revoke the Canadian portion of this airway segment.

If such action is taken, the remaining Canadian portion of Red 22 would then extend from the Clear Creek, Ont., radio range to the United States-Canadian border, and the United States portion of Red 22 and its associated control areas would extend from the United States-Canadian border to the Buffalo, N.Y., radio range. Section 601.4222 relating to designated reporting points for Red 22 would be revised accordingly.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.222, 601.222, 601.4222 (14 CFR, 1958 Supp., 600.222, 601.222, 601.4222) as follows:

1. Section 600.222 *Red Federal airway No. 22 (Mt. Clemens, Mich., to Buffalo, N.Y.)* is amended as follows:

(a) In the caption, delete "*(Mt. Clemens, Mich., to Buffalo, N.Y.)*" and substitute therefor, "*(United States-Canadian Border to Buffalo, N.Y.)*".

(b) In the text, delete "From the Mt. Clemens, Mich., Selfridge AFB radio range station to the intersection of the southeast course of the Selfridge AFB radio range and the west course of the Clear Creek, Ont., Canada, radio range, excluding the portion which lies outside the continental United States."

2. Section 601.222 *Red Federal airway No. 22 control areas (Mt. Clemens, Mich., to Buffalo, N.Y.)* is amended as follows:

In the caption, delete "*(Mt. Clemens, Mich., to Buffalo, N.Y.)*" and substitute therefor "*(United States-Canadian Border to Buffalo, N.Y.)*".

3. Section 601.4222 *Red Federal airway No. 22 (Mt. Clemens, Mich., to Buffalo, N.Y.)* is amended as follows:

In the caption, delete "*(Mt. Clemens, Mich., to Buffalo, N.Y.)*" and substitute therefor "*(United States-Canadian Border to Buffalo, N.Y.)*".

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7906; Filed, Sept. 22, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-134]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6037 and 601.6037 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 37 presently extends from Savannah, Ga., to Erie, Pa. The Federal Aviation Agency has under consideration the extension of this airway from Erie, Pa., to the Hagersville, Ont., intersection. The Department of Transport of the Canadian Government agrees to this extension of Victor 37 and

would act to designate the Canadian portion of this airway.

At present, traffic from Toronto, Ont., to or over Erie, Pa., and points south must traverse lengthy segments of low frequency airways, or be routed via Cleveland, Ohio, or Buffalo, N.Y. Either of these routes adds considerably to the distance traveled. The extension of Victor 37 from Erie to Hagersville would provide a more direct route for traffic between Toronto and Erie. If such action is taken, Victor 37 and its associated control areas would extend from the Savannah, Ga., VOR to the Hagersville, Ont., intersection.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6037 (14 CFR, 1958 Supp., 600.6037) and § 601.6037 (14 CFR, 1958 Supp., 601.6037) as follows:

1. Section 600.6037 *VOR Federal airway No. 37 (Savannah, Ga. to Erie, Pa.)* is amended as follows:

(a) In the caption, delete "(Savannah, Ga. to Erie, Pa.)" and substitute therefor, "*(Savannah, Ga. to Hagersville, Ontario.)*"

(b) In the text, delete "to the Erie, Pa., omnirange station." and substitute therefor, "Erie, Pa. VOR: to the INT of the Erie, Pa. VOR 005° and the London, Ont. VOR 093° radials."

2. Section 601.6037 *VOR Federal airway No. 37 control areas (Savannah, Ga. to Erie, Pa.)* is amended as follows:

In the caption, delete "*(Savannah, Ga. to Erie, Pa.)*" and substitute therefor, "*(Savannah, Ga. to Hagersville, Ontario.)*"

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADAY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7910; Filed, Sept. 22, 1959; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-137]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6039 and 601.6039 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 39 presently extends from South Boston, Va., to Kennebunk, Maine. The Federal Aviation Agency has under consideration the extension of Victor 39 and its associated control areas from Kennebunk, Maine, via the Augusta, Maine, VOR and a VOR proposed to be installed approximately June 15, 1960, near Millinocket, Maine, at latitude 45°35'12", longitude 68°39'56", to Presque Isle, Maine. This extension will provide another VOR airway from the Augusta VOR to the Presque Isle VOR paralleling VOR Federal airway No. 3, to accommodate the high volume of traffic operating via these facilities. The portion of this extension of Victor 39 between Kennebunk and Augusta would overlie Victor 3. This will provide continuity of Victor 39 and simplify flight planning and air traffic management.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Admiinstrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6039 (23 F.R. 10338) and 601.6039 (14 CFR, 1958 Supp., 601.6039) to read as follows:

§ 600.6039 VOR Federal airway No. 39 (South Boston, Va., to Presque Isle, Maine).

From the South Boston, Va., VOR via the Gordonsville, Va., VOR; Casanova, Va., VOR; Herndon, Va., VOR; Westminster, Md., VOR; Lancaster, Pa., VOR; Allentown, Pa., VOR; Stroudsburg, Pa., VOR; Poughkeepsie, N.Y., VOR; Westfield, Mass., VOR; Gardner, Mass., VOR; Concord, N.H., VOR; Kennebunk, Maine, VOR; Augusta, Maine., VOR; Millinocket, Maine, VOR; to the Presque Isle, Maine, VOR.

§ 601.6039 VOR Federal airway No. 39 control areas (South Boston, Va., to Presque Isle, Maine).

All of VOR Federal airway No. 39.

Issued in Washington, D.C. on September 16, 1959.

GEORGE S. CASSADY
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7911; Filed, Sept. 22, 1959; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-189]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation of VOR Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a VOR Federal airway and associated control areas from McDonough, Ga., VOR to Charlotte, N.C. VOR, via Greenwood, S.C., VOR, and the point of intersection of the Greenwood VOR 060° and the Charlotte VOR 227° radials. Upon designation, this airway will parallel VOR Federal airway No. 454 to serve as a dual airway structure for movement of the large volume of air traffic en route to or overflying the Atlanta, Ga., and Charlotte terminal areas. If such action is taken, VOR Federal airway No. 476 and its associated control areas would be designated from McDonough VOR via Greenwood VOR, and the point of intersection of the Greenwood VOR 060° and the Charlotte VOR 227° radials, to the Charlotte VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) by adding the following sections:

§ 600.6476 VOR Federal airway No. 476 (McDonough, Ga., to Charlotte, N.C.).

From the McDonough, Ga., VOR via the Greenwood, S.C., VOR; INT of the Greenwood VOR 060° and the Charlotte 227° radials; to the Charlotte, N.C., VOR.

§ 601.6476 VOR Federal airway No. 476 control areas (McDonough, Ga., to Charlotte, N.C.).

All of VOR Federal airway No. 476.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7913; Filed, Sept. 22, 1959; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-FW-23]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2305 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration a modification of the Lawton, Okla., control zone. The present control zone is designated within a 3-mile radius of Lawton Municipal Airport and within 2 miles either side of the Lawton VOR 357° and 177° radials, extending from the airport to a point 10 miles south of the VOR. Post Army Air Field, Okla., is located approximately 5 miles north of Lawton Airport. The presently designated ADF standard instrument approach to Post AAF, based on the Post radio beacon, requires aircraft to proceed outside controlled airspace on the final approach. In order to provide protection for aircraft executing ADF instrument approaches to Post AAF, it is proposed to increase the Lawton control zone from a 3-mile radius to a 5-mile radius of Lawton Municipal Airport, excluding the portion which would overlie Fort Sill Restricted Area (R-208).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2305 (14 CFR, 1958 Supp., 601.2305) as follows:

Section 601.2305 *Lawton, Okla., control zone*, is amended as follows:

In the text, delete "Within a 3-mile radius of Lawton Municipal Airport" and substitute therefor "Within a 5-mile radius of Lawton Municipal Airport, excluding the portion which overlies Fort Sill Restricted Area (R-208)".

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7905; Filed, Sept. 22, 1959; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-WA-129]

CODED JET ROUTES

Establishment of Route

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 87 between Houston, Tex., and Chicago, Ill., to provide a route for scheduled air carrier jet aircraft service between these terminals, which will begin in the near future. The portion of J-87-V between Tulsa, Okla., and Butler, Mo., would coincide with VOR/VORTAC jet route No. 25; the portion of J-87-V between Kansas City, Mo., and Joliet, Ill., would coincide with VOR/VORTAC jet route No. 26. This would provide continuity of the route and would thereby simplify flight planning and air traffic management. The proposed route would be aligned to bypass high density military aircraft operating areas at Perrin AFB, Tex., Richards-Gebaur AFB, Mo., and Olathe NAS, Kans. If such action is taken, Jet Route No. 87 would extend from Houston, Tex., via Dallas, Tex., Tulsa, Okla., Butler, Mo., Bradford, Ill., Joliet, Ill., to Northbrook, Ill.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division, Federal Aviation Agency. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 602 (14 CFR, 1958 Supp., Part 602) by adding a section as follows:

§ 602.587 VOR/VORTAC jet route No. 87 (Houston, Tex. to Northbrook, Ill.).

From the Houston, Tex., VOR via the Dallas, Tex., VOR; INT of the Dallas

VOR 339° and the Tulsa, Okla., VOR 211° radials; Tulsa VOR; Butler, Mo., VOR; INT of the Butler VOR 009° and the Kansas City, Mo., VOR 060° radials; INT of the Kansas City VOR 060° and the Bradford, Ill., VOR 247° radials; Bradford VOR; Joliet, Ill., VOR; to the Northbrook, Ill., VOR.

Issued in Washington, D.C., on September 16, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-7901; Filed, Sept. 22, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII, GENERAL INCREASES IN RATES

Notice of Investigation and of Hearing

On September 10, 1959, the Federal Maritime Board entered the following order:

It appearing, that there have been filed with the Federal Maritime Board various tariff schedules naming increases in freight rates from, to and between Pacific West Coast ports and ports in Hawaii, also from Hawaiian ports to Atlantic and Gulf ports, to become effective September 14, 1959, designated as follows:

Supplement No. 22 to Matson Navigation Company Freight Tariff No. 1-N, F.M.B. F-No. 87;
Supplement No. 17 to Matson Navigation Company Freight Tariff No. 2-P, F.M.B. F-No. 88;
Supplement No. 6 to Matson Navigation Company Freight Tariff No. 8-D, F.M.B. F-No. 91;
Supplement No. 3 to Matson Navigation Company Freight Tariff No. 9-B, F.M.B. No. 95;
Supplement No. 2 to Matson Navigation Company Freight Tariff No. 11, F.M.B. F-No. 97;
Supplement No. 1 to Matson Navigation Company Freight Tariff No. 10-C, F.M.B. F-No. 101;
Matson Navigation Company Freight Tariff No. 3-N, F.M.B. F-No. 103; and
Matson Navigation Company Freight Tariff No. 7-D, F.M.B. F-No. 104.

It further appearing that the Board, upon consideration of the said schedules and the protests thereto, is of the opinion that the new rates and charges and the new rules and regulations and practices named therein should be made the subject of a public investigation and hearing to determine whether they are just and reasonable and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the participating carriers, Matson Navigation Company, American President Lines, Ltd., Isthmian Lines Inc., The Oceanic Steamship Company and United States Lines Company have agreed that if such schedules are permitted to go into effect without suspension (1) to keep account of all freight moneys received by reason of the increased rates provided in such schedules commencing with September 14, 1959, and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedules; and (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected under said schedules during the said period which may be in excess of those determined by the Board to be just and reasonable;

It is ordered, That the Board enter upon a hearing concerning the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedules;

It is further ordered, That Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Steamship Company and United States Lines Company shall (1) keep an account of all freight moneys received by reason of the increased rates provided in such schedules commencing with September 14, 1959, and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedules; (2) that such carriers, upon final determination by the Board, shall refund to the person who paid the freight any freight charges collected under said schedules during the said period, which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful; and

It is further ordered, That no change shall be made in the rates, charges, regulations, and practices stated in said schedules until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules and of all other freight schedules of the carriers named herein in effect between ports in Hawaii and ports on the Pacific, Atlantic and Gulf Coasts of the United States under the Shipping Act of 1916, as amended, and the Intercoastal Shipping Act of 1933, as amended;

It is further ordered, That copies of this order shall be filed with said tariff schedules in the office of the Federal Maritime Board;

It is further ordered, That the investigation herein ordered be assigned for hearing before an examiner of the Board's Hearing Examiner's Office at a date and place to be determined and announced by the Chief Examiner; that a copy of this order shall be forthwith served upon Matson Navigation Company, American President Lines, Ltd., Isthmian Lines, Inc., The Oceanic Steamship Company and United States Lines Company, and that said carriers and protestants be duly notified of the time and place of the hearing herein ordered; and that notice of such hearing be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be conducted in accordance with the Board's rules of practice and procedure, at a date and place to be announced by the Chief Examiner, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Board promptly and should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

SEPTEMBER 18, 1959.

[F.R. Doc. 59-7897; Filed, Sept. 22, 1959; 8:45 a.m.]

Office of the Secretary

HAROLD A. MONTAG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

A. Deletions: Gimbel Brothers.
B. Additions: Brown Company, Bethlehem Steel Corp.

This statement is made as of September 11, 1959.

Dated: September 11, 1959.

HAROLD A. MONTAG.

[F.R. Doc. 59-7938; Filed, Sept. 22, 1959; 8:52 a.m.]

EUBERT F. TAGGERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

A. Deletions: no change.
B. Additions: no change.

This statement is made as of September 15, 1957.

Dated: September 15, 1959.

EUBERT F. TAGGERT.

[F.R. Doc. 59-7939; Filed, Sept. 22, 1959; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 16, 1959.

The Fish and Wildlife Service, United States Department of the Interior, has filed application, Serial Numbers Wyoming 053732 and 062258, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws.

The applicant desires the land for use in connection with the game management unit known as the Whiskey Basin Game Winter Range. The Federal lands will be operated under agreement by the State of Wyoming as a wildlife refuge, public shooting grounds, or game management area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

A determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 106 W.,
Sec. 22, SE¼NE¼, S½.
T. 41 N., R. 106 W.,
Sec. 29, SE¼SE¼;
Sec. 30, E½NE¼, SE¼.
Containing 640 acres of public land.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59-7923; Filed, Sept. 22, 1959; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 to Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from April 16, 1959 to July 15, 1959, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1959, published on August 7, 1959 in 24 F.R. 6358.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Maine Medical Center Blood Bank, Portland, Maine	366	4-23-59
St. Vincent Hospital Blood Bank, Erie, Pa.	317	4-24-59
Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill.	318	5-25-59
Inter-County Blood Banks, Inc., Jamaica, N.Y.	175	6-10-59
Institute for Applied Immunology, Chicago, Ill.	319	6-26-59
Garden State Blood Bank, Newark, N.J.	320	7- 2-59
National Blood Bank, Inc., New York, N.Y.	321	7- 2-59

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Citrated whole blood (human).	Maine Medical Center Blood Bank.	316	4-23-59
Do	St. Vincent Hospital Blood Bank.	317	4-24-59
Anti-A, B blood grouping serum.	Blood Bank Foundation.	165	5- 5-59
Single donor plasma (human).	Southern Michigan Blood Center, Inc.	272	5-14-59
Citrated whole blood (human).	Chicago Wesley Memorial Hospital Blood Bank.	318	5-25-59
Anti-M serum	Michael Reese Research Foundation.	113	6-25-59
Anti-N serum	do		
Citrated whole blood (human).	Institute for Applied Immunology.	319	6-26-59
Anti-M^s serum	Blood Grouping Laboratory of Boston, Inc.	159	6-30-59
Anti-Fy^a serum (anti-Duffy).	Dade Reagents, Inc.	179	6-30-59
Anti-k serum (anti-Cellano).	do		
Anti-Kp^a serum (anti-Penney).	Blood Grouping Laboratory of Boston, Inc.	159	7- 2-59
Anti-Wr^a serum (anti-Wright).	do		
Citrated whole blood (human).	Garden State Blood Bank.	320	7- 2-59
Do	National Blood Bank, Inc.	321	7- 2-59

ESTABLISHMENT LICENSES REVOKED

Establishment	License No.	Date
Fargo Clinic Blood Bank, Fargo, N. Dak.	219	5-25-59
Inter-County Blood Bank, Inc., Jamaica, N.Y.	175	6-10-59
U.S. Pharmaceutical, Inc., Burbank, Calif.	275	6-25-59

PRODUCT LICENSES REVOKED

Product	Establishment	License No.	Date
Normal human plasma.	Blood Bank of Hawaii.	199	5-5-59
Citrated whole blood (human).	Fargo Clinic Blood Bank.	219	5-25-59
Anti-Rh typing serum, Anti-Rh$_o$ (anti-D).	U.S. Pharmaceutical, Inc.	275	6-25-59
Normal human plasma.	do		

T. H. TOMLINSON, JR.,
Acting Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, Department of Health, Education, and Welfare.

Approved: September 17, 1959.

[F.R. Doc. 59-7937; Filed, Sept. 22, 1959; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11866; FCC 59-965]

ALLOCATION OF FREQUENCIES IN BANDS ABOVE 890 MC.

Order Extending Time for Filing Oppositions and Replies to Oppositions

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of September 1959;

The Commission having under consideration a motion filed on September 11, 1959, by Motorola, Inc., requesting that the time for filing Oppositions to Petitions for Reconsideration filed on September 8, 1959, by the American Telephone and Telegraph Company, General Telephone Service Corporation, United States Independent Telephone Association, Western Union Telegraph Company, Joint Council on Educational Television and the Southern Regional Education Board, in the above-entitled proceeding be extended from September 18, 1959, to October 19, 1959.

Motorola states that it was not served with copies of the above-described petitions and that it assumes that other parties to the proceeding, of which there are some 160, were not served either. The wide geographical dispersion of the parties and participants in the proceeding make it impossible for them to receive adequate notice within the time provided by Rule 1.13. Accordingly, Motorola urges that this rule is inappropriate in this proceeding. Furthermore, Motorola has urged that the volume of the petitions and the length of the record to be reviewed is such that it will require at least 30 days to prepare an appropriate response.

As an alternative, Motorola has requested the Commission to summarily deny the petitions for reconsideration if

the Commission is not disposed to grant the extension of time. This suggestion is based on the argument that the petitioners are merely asking the Commission to reverse its decision of July 29, 1959, on matters which have already been fully heard and carefully considered.

In view of the number of participants in this proceeding, the complexity of the proceeding, and the policy matters involved therein, the Commission believes that the public interest, convenience, and necessity would be served by affording the additional time requested for filing oppositions.

Accordingly, it is ordered, That the motion of Motorola to extend the time for filing Oppositions in the above-entitled proceeding from September 18, 1959, to October 19, 1959, is granted.

It is further ordered, That Replies to the Oppositions to the Petitions for Reconsideration must be filed on or before November 9, 1959.

Released: September 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7949; Filed, Sept. 22, 1959; 8:53 a.m.]

COOKEVILLE BROADCASTING CO. ET AL.

Order Continuing Hearing Conference

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, et al., Docket No. 12615, File No. BP-11518; Docket Nos. 12960-12984; for construction permits.

It is ordered, This 16th day of September 1959, that a prehearing conference in the above-entitled matter heretofore scheduled for October 5, 1959, is hereby rescheduled to commence at 10:00 a.m., on Wednesday, October 7, 1959, at the offices of the Commission in Washington, D.C.

Released: September 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7950; Filed, Sept. 22, 1959; 8:54 a.m.]

VERNON F. CROTTS

Order Scheduling Hearing

In the matter of Vernon F. Crotts, Box 1125, Aransas Pass, Texas, Docket No. 13176; order to show cause why there should not be revoked the license for radio station WA-3357 aboard the vessel "Carey."

The Hearing Examiner having under consideration the necessity of changing the date of hearing;

It appearing that on September 11, 1959, the Chief Hearing Examiner designated the undersigned Hearing Examiner to preside in this proceeding and specified the date of November 24, 1959, as the date of commencement;

It appearing that the Hearing Examiner has a hearing already scheduled for November 24 and that a short continuance of the above-entitled proceeding is necessary;

It is ordered, This 17th day of September 1959, on the Hearing Examiner's own motion that the hearing scheduled for November 24 is continued to December 4, 1959.

Released: September 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7951; Filed, Sept. 22, 1959; 8:54 a.m.]

[Docket No. 12844, etc.; FCC 59M-1194]

RICHARD L. DeHART ET AL.

Order Continuing Hearing

In re applications of Richard L. DeHart, Mountlake Terrace, Washington, Docket No. 12844, File No. BP-11312; KVOS, Inc. (KVOS), Bellingham, Washington, Docket No. 12845, File No. BP-11360; John W. Davis (KPDQ), Portland, Oregon, Docket No. 12847, File No. BP-11436; for construction permits for standard broadcast stations.

The Hearing Examiner having under consideration a "Petition for Change of Dates", filed on September 11, 1959, by counsel for applicant John W. Davis (KPDQ), requesting that various procedural dates heretofore scheduled in the above-entitled proceeding[1] be extended for a period of 60 days each; and

It appearing that the reason given for the requested extension of dates is that counsel for Davis has other pressing commitments, arising out of Commission matters, that apparently were not anticipated when the dates in the instant proceeding were established on July 27, 1959; and

It further appearing that the Hearing Examiner has previously continued the commencement of this proceeding, and that the lengthy extension period now requested would unduly delay the proceeding before the Hearing Examiner; and

It further appearing that notwithstanding the lack of objection to Davis' counsel's instant request on the part of any of the other parties herein, good cause has not been shown for granting such request;

Accordingly, It is ordered, This 17th day of September 1959, that the Davis "Petition for Change of Dates" is denied.

It is further ordered, on the Hearing Examiner's own motion, that all procedural dates now applicable to this proceeding are continued for 30 days to afford counsel for Davis a reasonable additional interval to prepare his case, as follows:

From; To; and For
October 1-November 2, 1959; (1) Exchange of KPDQ nonengineering exhibits. (2) Exchange of KWIL engineering exhibits. (3) Notification to KPDQ of engineering witnesses desired by KWIL.
October 14-November 16, 1959; (1) Exchange of KWIL nonengineering exhibits. (2) Notification to KWIL of engineering witnesses desired by KPDQ.
October 21-November 24, 1959 at 10:00 a.m.; Further hearing.

Released: September 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7952; Filed, Sept. 22, 1959; 8:54 a.m.]

[Docket No. 12918; FCC 59M-1199]

DODGE CITY BROADCASTING CO., INC.

Order Continuing Hearing

In re application of The Dodge City Broadcasting Company, Inc., Liberal, Kansas, Docket No. 12918, File No. BP-12110; for construction permit.

The Hearing Examiner has under consideration (1) a petition for leave to submit lay testimony orally at the evidentiary hearing, filed September 10, 1959, by the above-entitled applicant; (2) a comment on said petition filed September 14, 1959, by Seward County Broadcasting Company, Inc.; and (3) a motion for continuance of hearing date and for further prehearing conference filed September 14, 1959, by Seward County Broadcasting Company, Inc.

An informal conference was held with the Hearing Examiner on September 15, 1959, at which it was agreed that if either the applicant or Seward County Broadcasting Company, Inc. (intervenor) desires to offer any exhibits or testimony in addition to that which has already been exchanged, such additional evidence, in exhibit or documentary form, shall be exchanged with all parties on or before the close of business on Monday, September 28, 1959, and that the evidentiary hearing in this proceeding now scheduled to begin on September 21, 1959, be continued to October 13, 1959.

It is ordered, This the 17th day of September 1959, that such testimony as either the applicant or intervenor will seek to introduce in evidence in support of the affirmative showing which either expects to make shall be reduced to writing and placed in exhibit or documentary form and exchanged with all parties on or before September 28, 1959;

It is further ordered, That the evidentiary hearing now scheduled to begin on September 21, 1959, is continued to October 13, 1959;

It is further ordered, That the agreements reached at the informal conference on September 15, 1959, reflected above, have rendered moot the three pleadings identified in the first paragraph of this order and accordingly such petitions are dismissed as moot.

Released: September 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7953; Filed, Sept. 22, 1959; 8:54 a.m.]

[1] The procedural dates in question appear in the "Order Governing Further Proceedings", released by the Hearing Examiner in this proceeding on July 28, 1959.

[Docket Nos. 13197, 13198; FCC 59-959]

LAWRENCE W. FELT AND INTERNATIONAL GOOD MUSIC, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues.

In re applications of Lawrence W. Felt, Carlsbad, California, Req.; 103.7Mc, #279; 4.28kw; minus 93 ft., Docket No. 13179, File No. BPH-2499; International Good Music, Inc., San Diego, California, Req.: 103.7Mc, #279; 72.1kw; 364 ft., Docket No. 14198, File No. BPH-2695; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of September 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below the instant applicants are legally, technically, financially, and otherwise qualified to operate and construct the instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity, and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and

It further appearing that both applicants in their replies stated that amendments concerning proposed programing would be submitted, but that such amendments have not yet been received; and

It further appearing, that the Commission is of the opinion that the orderly dispatch of its business requires that these applications be designated for hearing without delay; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by Lawrence W. Felt and International Good Music, Inc., and the availability of other such FM broadcast service to the said areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: September 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7954; Filed, Sept. 22, 1959; 8:54 a.m.]

[Docket Nos. 13191, 13192; FCC 59M-1180]

HI-FI BROADCASTING CO. AND RADIO HANOVER, INC.

Order Scheduling Hearing

In re applications of William F. Mahoney and C. W. Altland, d/b as Hi-Fi Broadcasting Co., York-Hanover, Pennsylvania, Docket No. 13191, File No. BPH-2663; Radio Hanover, Inc., York-Hanover, Pennsylvania, Docket No. 13192, File No. BPH-2689; for construction permits (FM).

It is ordered, This 11th day of September 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 14, 1959, in Washington, D.C.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7955; Filed, Sept. 22, 1959; 8:54 a.m.]

[Docket Nos. 12950, 12951; FCC 59M-1182]

ISLAND TELERADIO SERVICE, INC., WPRA, INC. (WPRA)

Order Continuing Hearing

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 12950, File No. BP-11801; WPRA, Inc. (WPRA), Guaynabo, Puerto Rico, Docket No. 12951, File No. BP-12551; for construction permits.

Pursuant to agreements reached at the prehearing conference held on September 15, 1959, the evidentiary hearing in this proceeding presently scheduled to commence on October 12, 1959, is continued to November 16, 1959.

It is so ordered, This, the 15th, day of September 1959.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7956; Filed, Sept. 22, 1959; 8:54 a.m.]

[Docket Nos. 12919, 12920; FCC 59M-1187]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Continuing Hearing Conference

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

The Hearing Examiner having under consideration a motion, filed by applicant Lippert on September 14, 1959, requesting that the further prehearing conference now scheduled for September 28 be continued to October 28, 1959;

It appearing, that the other parties have no objection to the requested continuance;

It is ordered, This 16th day of September 1959, that the motion is granted, and the further prehearing conference is continued from September 28 to Wednesday, October 28, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7957; Filed, Sept. 22, 1959; 8:54 a.m.]

[Docket Nos. 13010–13053; FCC 59M–1185]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, et al., Docket Nos. 13010–13053, File No. BP–11689; for construction permits.

The Hearing Examiner having been informed that several other pending applications may have to be consolidated for hearing, and it therefore appearing proper to hold further proceedings in abeyance: *It is ordered*, This 15th day of September 1959, that (1) the prehearing conference scheduled for September 25, 1959, and (2) the hearing scheduled for November 23, 1959, are each continued to dates to be set by subsequent order.

Released: September 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7959; Filed, Sept. 22, 1959; 8:55 a.m.]

[Docket No. 13196]

FRANCIS L. MacPHERSON

Order To Show Cause

In the matter of Francis L. MacPherson, Inc., 45 Commercial Street, Gloucester, Massachusetts, Docket No. 13196; order to show cause why there should not be revoked the license for Radio Station WA–6678 aboard the vessel "Francis L. MacPherson".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated October 16, 1958, calling attention to the following violations, observed October 15, 1958:

1. Section 8.364(a)—Failure to use official station call sign.

2. Section 8.364(a)(1)—Failure to use official station call sign at the beginning and end of each contact.

It further appearing, that, the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated December 9, 1958, and sent by Certified Mail—Return Receipt Requested (No. 758438), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Philip Filletto on December 12, 1958, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 17th day of September 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7958; Filed, Sept. 22, 1959; 8:55 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket Nos. 13006–13009; FCC 59M–1181]

NEWHALL BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Manuel Martinez, tr/as Newhall Broadcasting Company, Newhall, California, Docket No. 13006, File No. BPH–2550; American Broadcasting-Paramount Theatres, Inc. (KABC–FM), Los Angeles, California, Docket No. 13007, File No. BPH–2628; Tri-Counties Public Service, Inc., (KUDU–FM), Ventura-Oxnard, California, Docket No. 13008, File No. BMPH–5438; William E. Clark (KDOG), La Habra, California, Docket No. 13009, File No. BMPH–5502; for construction permits (FM).

It is ordered, This 15th day of September 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at 10:00 o'clock a.m., October 13, 1959, in the Commission's offices, Washington, D.C.

Released: September 16, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7960; Filed, Sept. 22, 1959; 8:55 a.m.]

[Docket No. 12179, etc.; FCC 59M–1193]

RADIO ST. CROIX, INC., ET AL.

Statement and Order Governing Hearing

In re applications of Radio St. Croix, Incorporated, New Richmond, Wisconsin, et al., Docket Nos. 12179, 12181, 12788, 12791, 12792, 12794–12803, 12805, 12905–12907; File No. BP–10925; for construction permits.

1. On July 28, 1959, a prehearing conference was held in this proceeding for the purpose, among other things, of establishing dates for the exchange of engineering exhibits.

2. Because of the many applications which have been consolidated in this proceeding, the Hearing Examiner felt it desirable to effect some kind of separation into groups. Certain issues might be common to all parties within a single group but would have no bearing on the remaining applicants. This was especially so in connection with the engineering issues because one proposal would involve direct conflicts with certain others while it would not involve conflicts with the rest. Accordingly a study was made by the Broadcast Bureau's engineer and the results were represented to the parties and the Examiner at the July 28 conference. This analysis showed three broad divisions which were linked together in certain isolated instances. For convenience these divisions were referred to as Groups A, B, and C, and the applications in each group are listed as follows:

Group A

Radio St. Croix, Incorporated, New Richmond, Wisconsin, Docket No. 12179.
Hennepin County Broadcasting Company, Golden Valley, Minnesota, Docket No. 12181.
Charles J. Lanphier, Golden Valley, Minnesota, Docket No. 12788.
Joe Gratz, tr/as Minnesota Radio Company, Hopkins-Edina, Minnesota, Docket No. 12792.
S. M. Supply Company, Eau Claire, Wisconsin, Docket No. 12794.
Elder C. Stangland, Sheldon, Iowa, Docket No. 12797.

Group B

Rollins Broadcasting, Inc., Harvey, Illinois, Docket No. 12795.
North Shore Broadcasting Co., Inc., Madison, Wisconsin, Docket No. 12800.
Gordon A. Rogers & John Pave, d/b as Skokie Valley Broadcasting Co., Evanston, Illinois, Docket No. 12802.
Southern Wisconsin Co., Inc., Lake Geneva, Wisconsin, Docket No. 12803.
Russell Armentrout & Mildred Armentrout, d/b as Grundy Broadcasting Company, Morris, Illinois, Docket No. 12805.
Reverend Stuart P. Noordyk, Fremont, Michigan, Docket No. 12905.
Air Capitol, Inc., Madison, Wisconsin, Docket No. 12906.
Herbert S. Laufman, tr/as Des Plaines-Arlington Broadcasting Co., Des-Plaines, Illinois, Docket No. 12907.

Group C

James B. Tharpe & Joseph L. Rosenmiller, Jr., tr/as Delaware County Broadcasters, Muncie, Indiana, Docket No. 12791.
Courier-Times, Inc., New Castle, Indiana, Docket No. 12796.
Radio Crawfordsville, Inc., Crawfordsville, Indiana, Docket No. 12798.
Sullivan County Broadcasters, Inc., Sullivan, Indiana, Docket No. 12799.
Carl R. Lee and Theodore H. Oppegard, d/b as Somerset Broadcasting Company, Delaware, Ohio, Docket No. 12801.

This grouping was assented to by all parties as a convenient method of associating those applications which are most intimately tied together because of interference. It was understood, of course, that some of the proposals also pose problems of interference to existing stations and there are likewise questions of mutual interference between individual applications in separate groups. It is because of the latter fact that the groups are linked together and, although it will be possible to hold separate hearing sessions for each of the individual groups, it will also be necessary to hold other sessions devoted to the tie-in between groups. All of the foregoing comments relate solely to the engineering questions. It is understood that lay matters will be presented at other sessions of the hearing.

3. Dates for the exchange of engineering exhibits within each group were established at the July 28 conference and, because of the fact that the problems pertaining to each differ somewhat in complexity, the schedule has been arranged to take up the more complex matters last. The exchange dates, which appear in the transcript, are repeated here for the convenience of all parties.

August 31—All applicants who expect to cause interference to existing stations (respondents herein) were to supply preliminary data showing the extent of that interference.
October 5—Preliminary exchange of all engineering exhibits so as to allow time for preparation of additional material requested by the Broadcast Bureau or other parties.
November 2—Final exchange of engineering exhibits among applicants in Group A.
November 23—Final exchange of engineering exhibits among applicants in Group C.
December 14—Final exchange of engineering exhibits among applicants in Group B.

4. In order that the parties may anticipate with reasonable definiteness the schedule to be followed on the engineering aspects of the case, hearing sessions will be commenced with respect to engineering on the following dates:

November 24, 1959—Group A

January 11, 1960—Group C

February 1, 1960—Group B

5. It will be noted that no dates have been designated for the reception of evidence under the lay issues. Certain of these issues are of concern to only a very few applicants and the Hearing Examiner invites suggestions as to the scheduling of early dates for taking lay evidence. These dates will, of course, be subject to his approval and, if accepted, will be announced by formal orders.

It is ordered, This 17th day of September 1959, that the hearing will be governed by the foregoing statement (or as it may be modified hereafter) and will commence as indicated above on November 24, 1959.

Released: September 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–7961; Filed, Sept. 22, 1959; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–18081]

SKILES OIL CORP.

Notice of Application and Date of Hearing

SEPTEMBER 17, 1959.

Take notice that Skiles Oil Corporation (Applicant), an independent producer having its principal place of business at Mt. Carmel, Illinois, filed on March 17, 1959, an application for (1) authorization pursuant to section 7(b) of the Natural Gas Act, to abandon service to Manufacturers Light and Heat Company (Manufacturers), consisting of the sale of gas produced from certain leases located in Ritchie and Calhoun Counties, West Virginia; and (2) a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing Applicant to sell gas produced from the same leases to Hope Natural Gas Company (Hope), subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

By order issued June 4, 1956, In the Matters of W. W. Lindsay, Trustee, et al., Docket Nos. G–7925, et al., T. E. Bickel Estate was granted a certificate of public convenience and necessity in Docket No. G–8418 authorizing the sales of natural gas to Manufacturers from the aforementioned leases pursuant to a contract dated October 30, 1942.

By instrument of assignment dated March 18, 1958, said leases were acquired by C. E. Skiles, who in turn, assigned the same to Applicant by assignment dated October 21, 1958, subject to the terms of the sales contract of October 30, 1942.

By instrument dated October 1, 1958, Applicant and Manufacturers have cancelled the contract of October 30, 1942. Manufacturers states that the omission from its supply of the small volume of gas involved will have no substantial effect on its ability to supply the natural gas requirements of its customers.

Applicant states that the sale to Hope will allow greater volumes to be produced because whereas gas is presently being produced and fed into the lines of Manufacturers at 250 to 275 psig, under the operation proposed it would be fed into the lines of Hope at approximately 20 psig. The gas sales contract, dated January 19, 1959, between Applicant and Hope is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 27, 1959 at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 12, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7929; Filed, Sept. 22, 1959; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1203]

PROMOTIVE SINGING, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 17, 1959.

I. Promotive Singing, Inc. a Georgia corporation with its principal business address at 720 Glen Forrest Road NE., Atlanta, filed with the Commission on September 3, 1958, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto relating to an offering of 7,000 shares of 12 percent non-cumulative preferred stock at $10.00 per share, aggregating $70,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports on Form 2-A as required by Rule 260 and has failed to file a revised offering circular as required by Rule 256(e) of Regulation A despite requests of the Commission's staff for such filings.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days herefrom; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-7925; Filed, Sept. 22, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER APPLICATIONS

[Notice 288]

SEPTEMBER 18, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub No. 100), filed August 19, 1959. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar, P.O. Box 3148, Dallas, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities in bulk, those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, (1) between El Dorado, Ark., and Lake Village, Ark.: from El Dorado over U.S. Highway 82 to Lake Village, and return over the same route, serving all intermediate points; (2) between Lake Village, Ark., and Eudora, Ark.: from Lake Village over U.S. Highway 65 to Eudora, and return over the same route, serving all intermediate points; (3) between Eudora, Ark., and Parkdale, Ark.: from Eudora over Arkansas Highway 8 to Parkdale, and return over the same route, serving all intermediate points; and (4) between Montrose, Ark., and the Arkansas-Louisiana State line: from Montrose over U.S. Highway 165 to the Arkansas-Louisiana State line, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma and Texas.

NOTE: Applicant states there is pending on exception application to merge the properties of Denver-Amarillo Red Ball, Inc., into Red Ball Motor Freight, Inc., in MC-F-6772; and that applicant proposes in the instant application to treat the existing service and facilities of Denver-Amarillo Red Ball as being those of Red Ball Motor Freight, Inc. and to this extent, in addition to proof of convenience and necessity, proof will be offered treating the proposed route as that of an alternate route for service.

HEARING: October 28, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Joint Board No. 213, or, if the Joint Board waives its right to participate, before Examiner Gerald P. Colfer.

No. MC 9895 (Sub No. 106), Filed August 6, 1959. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver 16, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Acids and chemicals*, in bulk, between points in Colorado, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Wyoming, Colorado, Nebraska, Kansas, Utah, and South Dakota.

HEARING: November 9, 1959, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 19201 (Sub No. 109), filed August 31, 1959. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities in bulk and commodities requiring special equipment*, and except Class A and B explosives and household goods as defined by the Commission, in service auxiliary to or supplemental of rail service of the Pennsylvania Railroad Company, between Brockway, Pa., and junction Pennsylvania Highway 28 and U.S. Highway 322 east of Brookville, Pa.; from Brockway over Pennsylvania Highway 28 to junction U.S. Highway 322, and return over the same route, serving no intermediate points, and serving said junction for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Indiana, Ohio, Pennsylvania and West Virginia.

NOTE: Applicant has pending applications to conduct operations as a contract carrier in MC 118779; therefore, dual operations may be involved. Common control may also be involved.

HEARING: October 28, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 23441 (Sub No. 1), filed July 27, 1959. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. Applicant's attorney: John E. Newby, Jr., 201-213 First National Bank Building, La Porte, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hay pressers and windrow pickups*, combined; *forage or ensilage harvesters; dump blowers* with pipes and attachments; *cornpickers and huskers*, combined; *rakes* knocked down with teeth attached folded; *manure spreaders or loaders* knocked down; *mowers*, knocked down; *hay loaders*, and (2) *parts* for the implements named above, between La Porte, Ind., on the one hand, and on the other, points in Indiana, Michigan, Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Mississippi, Ohio and Pennsylvania. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin.

HEARING: November 6, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 23939 (Sub No. 89) Filed August 13, 1959. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cryogenic liquids* and *liquified gases* (except liquified petroleum products) in shipper-owned specially designed semi-trailers, loaded or empty, between all points in Wyoming. Applicant is authorized to conduct operations in Washington, Oregon, Idaho, California, Colorado, Montana, Nevada, Utah, and Wyoming.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 197.

No. MC 23939 (Sub No. 90), filed August 25, 1959. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids* and *liquified gases* (except liquified petroleum products), in shipper-owned specially designed semi-trailers, loaded or empty, (1) between points in California; and (2) between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Nebraska, New Mexico and Nevada. Applicant is authorized to conduct operations in Washington, Idaho, Oregon, Montana, Colorado, California, Utah, Wyoming, and Nevada.

HEARING: November 13, 1959, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 23939 (Sub No. 91), filed August 28, 1959. Applicant: ASBURY TRANSPORTATION CO., 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cryogenic liquids* and *liquefied gases* (except liquefied petroleum products) in shipper-owned specially designed semi-trailers, loaded or empty, (1) between points in Colorado and Wyoming, (2) between points in Colorado and Nebraska, (3) between points in Wyoming and Nebraska, and (4) between points in Nebraska. Applicant is authorized to conduct operations in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 26120 (Sub. No. 3), filed July 6, 1959. Applicant: GEORGE L. HOOKER, Tuscarawas Road, Uhrichsville, Ohio. Applicant's attorney: Richard H. Brandon, 808 Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vitrified clay sewer pipe and fittings*, from Diamond and Uhrichsville, Ohio to points in Georgia, North Carolina and South Carolina; *Clay conduit, clay base drain block* and *materials* used in the installation and insulation of clay conduit and clay base drain block, from Diamond and Uhrichsville, Ohio to points in Florida, Georgia, North Carolina and South Carolina; *Empty used pallets*, used in transporting vitrified clay sewer pipe and fittings, clay conduit and clay base drain block, from points in Florida, Georgia, North Carolina and South Carolina to Diamond and Uhrichsville, Ohio and *Returned, refused and rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Florida, Ohio, Pennsylvania and West Virginia.

HEARING: November 9, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 29886 (Sub. No. 155), filed June 26, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Magnolia, Ark., to points in the United States, including points in Alaska and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Examiner Gerald F. Colfer.

No. MC 29988 (Sub No. 71), filed September 14, 1959. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) serving ballistic missiles testing and launching sites and supply points therefor, within a 60-mile radius of Denver, Colo., as off-route points in connection with applicant's regular route operations (a) from Denver, Colo., to Tacoma, Wash., (b) from Seattle, Wash., to Denver, Colo., (c) between Denver, Colo., and Chicago, Ill., (d) between Denver, Colo., and Tucson, Ariz., and (e) between Denver, Colo., and St. Louis, Mo.; and (2) serving intercontinental ballistics missile launching sites located within 70 miles of Cheyenne, Wyo., as off-route points in connection with applicant's regular route operations (a) from Denver, Colo., to Tacoma, Wash., (b) from Seattle, Wash., to Denver, Colo., (c) between Denver, Colo., and Chicago, Ill., and (d) between Junction U.S. Highways 30 and 138 near Big Spring, Nebr., and Cheyenne, Wyo. Applicant is authorized to conduct operations in Wyoming, Pennsylvania, Nebraska, Massachusetts, Iowa, Indiana, Connecticut, Ohio, Oregon, New Jersey, New York, New Mexico, California, Arizona, Kansas, Missouri, Illinois, Idaho, Utah, Washington, and Colorado.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 41404 (Sub No. 18), filed July 13, 1959. Applicant: ARGO COLLIER TRUCK LINES CORPORATION, Fulton Highway, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, washing compounds, soap, soap products, lye, lime, shortening, vegetable oils, vegetable oil compounds, glycerine, oleomargarine*, from Chicago, Ill., to points in Alabama, Georgia, Louisiana, Mississippi and Tennessee. Applicant is authorized to conduct operations in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin.

HEARING: November 2, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 49368 (Sub No. 77), filed August 7, 1959. Applicant: COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 35, Mich. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, chassis, bodies, cabs* and *parts thereof*, in driveaway service, in initial movements, from Flint, Mich., to points in Alabama, Florida, Georgia, Idaho, Minnesota, Montana, North Carolina, North Dakota, South Carolina, South Dakota, Washington and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 12, 1959, at the Wolverine Hotel-Elizabeth-Block, East of Woodard, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 49368 (Sub No. 78), filed August 7, 1959. Applicant: COMPLETE AUTO TRANSIT, INC., 18465 James Couzens Highway, Detroit 35, Mich. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *automobiles, bodies* and *parts thereof*, and *trucks*,

chassis, bodies, cabs and *parts thereof*, in truckaway service only, in initial movements, from St. Louis, Mo., to points in Alabama, Colorado, Idaho, New Mexico, Utah and Wyoming; (2) *automobiles, bodies* and *parts thereof*, and *trucks, chassis, bodies, cabs* and *parts thereof*, in truckaway and driveaway service, in initial movements, from St. Louis, Mo., to points in Arizona; and (3) *trucks, chassis, bodies, cabs* and *parts thereof*, in driveaway service, in initial movements, from St. Louis, Mo., to points in Oregon and Washington. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 13, 1959, at the Wolverine Hotel, Elizabeth-Block, East of Woodard, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 50069 (Sub No. 216), filed August 27, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic liquids*, in bulk, in tank vehicles, from Bethel, Conn., and points within 5 miles thereof, to points in Illinois, Indiana, Michigan and Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: November 10, 1959, at the Wolverine Hotel, Elizabeth-Block, East of Woodard, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 567), filed July 14, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shelters*, equipped or unequipped, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 9, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 568), filed August 3, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Freight gates, lift gates*, and *winches*, from Wayne, Mich., to points in the United States, including Alaska. B. *Hoists*, from Wayne, Mich., to points in Alabama, Alaska, Arizona, California, Colorado, Florida, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nebraska (except Omaha), Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 17, 1959, at the Wolverine Hotel Elizabeth-Block, East of Woodward, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 569), filed August 3, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in truckaway service, from points in Luzerne County, Pa., to points in the United States, including Alaska, and *rejected, refused or damaged trailers* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 17, 1959, at the Wolverine Hotel-Elizabeth-Block, East of Woodward, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 570), filed August 3, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cargo containers*, and *cargo container boxes*, from points in Luzerne County, Pa., Wayne, Mich., and Mattoon, Ill., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 18, 1959, at the Wolverine Hotel, Elizabeth Block, East of Woodward, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 571), filed August 3, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in truckaway service, from Mount Pleasant, Mich., to points in the United States, including Alaska, and *rejected, refused*, or *damaged trailers* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 18, 1959, at the Wolverine Hotel, Elizabeth Block, East of Woodard, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 52657 (Sub No. 572), filed August 6, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, hydraulic hoisting units, containers, cargo containers, cargo container boxes, material spreaders, portable cranes, mixers*, and *mobile maintenance equipment, including lubricating, welding, machine shop, spraying, and decontamination equipment*, from points in Crawford and Marion Counties, Ohio to points in the United States, including Alaska, and *rejected, refused or damaged shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states authority for the transportation of mobile maintenance equipment is being requested as a precaution in view of a possible question as to whether the involved commodities are within the scope of applicant's existing authority under MC 52657 Subs 352 and 476.

HEARING: November 19, 1959, at the Wolverine Hotel, Elizabeth-Block, East of Woodward, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 52917 (Sub No. 40), filed August 27, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed meats, cheese*, and *frozen foods*, limited to traffic which has had a prior water movement, from piers in New York, N.Y., and Jersey City, Hoboken, Newark, Elizabeth, and Bayonne, N.J., to Baltimore, Md., and Washington, D.C. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states the purpose of this application is to remove from Certificate No. MC 52917 an obstacle which has been caused by the growth of the Port of New York. The Port of New York authority operates piers within New York City and Jersey City, Hoboken, Newark, Elizabeth, and Bayonne City, N.J. a ship scheduled to dock at New York, N.Y. may be directed to any of the above pier facilities for the discharge of its cargo. The location of the pier assigned is solely determined by current traffic conditions. Thus, even though the ship is berthed in the State of New Jersey for all intent and purposes the Port of discharge is still New York, N.Y. Any duplication with present authority to be eliminated.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 52917 (Sub No. 41), filed September 3, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Baltimore, Md., and Washington, D.C. Applicant is authorized to conduct operations in Maryland, Virginia, Delaware, New Jersey and New York.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 55811 (Sub No. 54), filed June 29, 1959. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting (1) *Foodstuffs* and *food preparations*, (A) from Collinsville, Ill., to points in Ohio, the lower peninsula of Michigan, those in Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line, including those in Jefferson County, those in West Virginia within 10 miles of the West Virginia-Ohio State line, and those in Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, including Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley and South Connellsville, Pa., and points within 10 miles thereof; (B) from Trenton, Ill., to points in Indiana, (except Lebanon, Converse, Mount Summit and Shirley, Ind.), Ohio, the lower peninsula of Michigan, those in Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line and the Kentucky-Ohio State line, including those in Jefferson County, those in West Virginia within 10 miles of the West Virginia-Ohio State Line, and those in Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, including Allegheny, Beaver, Butler, Lawrence, Mercer and South Connellsville, Pa., and points within 10 miles thereof, and *damaged* and *rejected shipments* of the above specified commodities on return; (2) *equipment, materials* and *supplies*, used in the manufacturing, packing, shipping and sale of foodstuffs and food preparations, between Collinsville and Trenton, Ill., Converse, Mount Summit and Shirley, Ind., on the one hand, and on the other, points in Indiana, Illinois, Ohio, the lower peninsula of Michigan, those in Kentucky within 10 miles of the Kentucky-Indiana State line, the Kentucky-Illinois State line and the Kentucky-Ohio State line, including those in Jefferson County, those in West Virginia within 10 miles of the West Virginia-Ohio State line, and those in Pennsylvania within 10 miles of the Pennsylvania-Ohio State line, including Allegheny, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and Jeannette, Schenley and South Connellsville, Pa., and points within 10 miles thereof. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: November 2, 1959, at 9:30 o'clock a.m., United States Standard Time, (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 59894 (Sub No. 18), filed September 8, 1959. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, El Paso, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, including but not limited to tanks or bins known as "Sealdtanks" or "Sealdbins", whether furnished by shipper or shippers, or owned or leased by applicant, over the routes and in the territory, including all off-route and intermediate points, authorized to be served by applicant in Certificate No. MC 59894 and sub numbers thereunder, in Texas, New Mexico, Arizona and California.

NOTE: Applicant has filed a motion to dismiss the instant application on the ground it is presently authorized as a common carrier of general commodities with usual exceptions, to transport lading tendered to it in containers regardless of size of container.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 64932 (Sub No. 260), filed July 13, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Henry, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Ohio, Michigan, Pennsylvania, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: November 5, 1959, at Room 852, U.S. Custom House, 610 Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 68349 (Sub No. 25), filed August 24, 1959. Applicant: ROWE TRANSFER & STORAGE COMPANY, INC., 1319 Western Avenue SW., Knoxville, Tenn. Applicant's attorney: Hugh A. Tapp, 500 Burwell Building, Knoxville 2, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid radioactive materials*, in special tank containers, on government-owned trailers, with or without escorts, from the site of the Savannah River Plant of the Atomic Energy Commission at or near Dunbarton, S.C., to the Oak Ridge Plant of the Atomic Energy Commission at Oak Ridge, Tenn., and *empty government-owned trailers*, on return. Applicant is authorized to conduct operations in Tennessee, Georgia, South Carolina, North Carolina, Kentucky, Alabama, Florida, Mississippi, Arkansas, Ohio, Indiana, Virginia, West Virginia, and Pennsylvania.

HEARING: October 30, 1959, at the U.S. Court Rooms, Knoxville, Tenn., before Examiner Hugh M. Nicholson.

No. MC 70451 (Sub No. 214), filed September 14, 1959. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, fresh fish, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) serving ballistic missiles testing and launching sites and supply points therefor within a 60-mile radius of Denver, Colo., as off-route points in connection with applicant's regular route operations (a) between Omaha, Nebr., and Denver, Colo., (b) between Denver, Colo., and Bird City, Kans., and (c) between Denver, Colo., and Durango, Colo.; and (2) between junction U.S. Highway 30 and U.S. Highway 138 near Big Springs, Nebr., on the one hand, and, on the other, Greeley, Colo., over a regular route as follows: from junction U.S. Highway 30 and 138 near Big Springs, Nebr., thence over U.S. Highway 30 to Cheyenne, Wyo., thence over U.S. Highway 85 to Greeley, Colo., and return over the same route, serving intercontinental ballistic missile launching sites located within 70 miles of Cheyenne, Wyo. as off-route points in connection with said regular routes, restricted against service at Cheyenne and all intermediate points of above-described route. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, and Wyoming.

HEARING: September 29, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 198.

No. MC 76052 (Sub No. 17), filed March 4, 1959. Applicant: JOHN B. ABLE, doing business as MONTEZUMA TRUCK LINE, Durango, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, (a) from the site of the Tijeras Plant of the Ideal Cement Company near Albuquerque, N. Mex., to points in Archuleta, La Plata, Montezuma and Dolores Counties, Colo., those in San Juan County, Utah, and those in Navajo and Apache County, Utah; (2) *Cement admixtures*, from points in Santa Barbara County, Calif., to points in Archuleta, La Plata, Montezuma and Dolores Counties, Colo., those in San Juan County, Utah, those in Navajo and Apache Counties, Ariz., and those in San Juan, McKinley and Rio Arriba Counties, N. Mex.; (3) *building material and contractors* (other than oil or pipe line contractors) *supplies*, (a) between points in Archuleta, La Plata, Montezuma and Dolores Counties, Colo., those in San Juan County, Utah, those in Navajo and Apache Counties, Ariz., and those in San Juan, McKinley and Rio Arriba Counties, N. Mex.; (b) from Denver and Pueblo, Colo., and Albuquerque, N. Mex., to points listed in (a) above. Applicant is authorized to conduct operations in Arizona, Colorado and New Mexico.

HEARING: October 26, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Harold W. Angle.

No. MC 76052 (Sub No. 20), filed July 20, 1959. Applicant: MONTEZUMA TRUCK LINES, INC., Box 637, Durango, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *forest products*, from points in Oregon, Washington, Idaho and California to points in Wyoming, Utah, New Mexico and those in Navajo and Apache Counties, Ariz. Applicant is authorized to conduct operations in Colorado, New Mexico, Arizona, Utah, Nebraska, and Wyoming.

HEARING: November 5, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Harold W. Angle.

No. MC 86913 (Sub No. 9), filed September 1, 1959. Applicant: HUNTER MOTOR LINES, INC., P.O. Box 767, Sanford, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, on flatbed equipment, from points in Michigan, Ohio, Illinois, Indiana, Vermont, Massachusetts, Rhode Island, New York, Connecticut, Pennsylvania, and New Jersey to points in North Carolina, and *empty containers or other such incidental facilities* used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in North Carolina, Maryland, Pennsylvania, New Jersey, Virginia, New York, Ohio, Connecticut, and the District of Columbia.

HEARING: October 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Mack Myers.

No. MC 91910 (Sub No. 20), filed July 15, 1959. Applicant: WM. O'DONELL, INC., Route 1, Box 367, Elkhorn, Wis. Applicant's attorney: William C. Dineen, 341 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar*, and *blends with other ingredients*, in bulk, in tank vehicles, from the plant site of The American Sugar Refining Company at Chicago, Ill., to points in Wisconsin, Indiana, and the Lower Peninsula of Michigan, and *rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Texas, Tennessee, and Wisconsin.

HEARING: November 4, 1959, at Room 852, U.S. Custom House, 610 S. Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 93035 (Sub No. 11), filed August 5, 1959. Applicant: DENZEL NELSON, doing business as NELSON TRUCKING COMPANY, Burket, Ind. Applicant's attorney: William J. Guenther, 1511 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, between points in Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maryland and Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Wisconsin.

HEARING: October 30, 1959, at 9:30 o'clock a.m., United States Standard Time, (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 93151 (Sub No. 3), filed September 4, 1959. Applicant: ROWE CAMBRIDGE, R.D. No. 3, Tyrone, Pa. Applicant's attorney: Paul F. Barnes, 225 South Fifteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard* and *paper*, from Tyrone, Pa., to points in New York, Massachusetts, Ohio, Indiana, New Jersey, Michigan, West Virginia, Virginia, Maryland, Rhode Island, Connecticut, Delaware, Pennsylvania, North Carolina, South Carolina, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, New Jersey, and Pennsylvania.

HEARING: October 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 95540 (Sub No. 312), filed August 18, 1959. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *articles distributed by meatpacking houses* as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272–273, from Fort Branch, Ind., to points in Alabama, Florida, Georgia, Mississippi, South Carolina, and those in that part of Louisiana on and east of the Mississippi River, including the Commercial Zones of New Orleans and Baton Rouge, La. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: November 5, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 100666 (Sub No. 35), filed June 8, 1959. Applicant: MELTON TRUCK LINES, INC., P.O. Box 128, Crossett, Ark. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, from Searcy, Ark., and points within two (2) miles thereof, to points in Illinois, Indiana, Ohio, Michigan, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: October 27, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Examiner Gerald P. Colfer.

No. MC 102616 (Sub No. 679), filed June 26, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolcum lubricating oil*, in bulk, in tank vehicles, from McKees Rocks, Pa., to points in West Virginia on and south of West Virginia Highway 2 and those in Buchanan County, Va. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, Illinois, Maryland, New Jersey, Ohio, South Carolina, West Virginia, and the District of Columbia.

HEARING: October 27, 1959, at the Fulton Bldg., 101–115 Sixth St., Pittsburgh, Pa., before Joint Board No. 315, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 102817 (Sub No. 4), filed July 13, 1959. Applicant: PERKINS TRUCKING, INC., 419 West Merrill Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, when moving with uncrated shipments of the same commodities; and, *new furniture* and *store* and *office fixtures*, uncrated from points in Miami County, Ind., to points in Delaware, Iowa, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New York, North Dakota, South Dakota, Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

HEARING: October 29, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 103051 (Sub No. 78), filed June 24, 1959. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow*, in bulk, in tank vehicles, from points in Orangeburg County, S.C., to points in Mechlenburg County, N.C. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Tennessee, Texas, and Virginia.

NOTE: Common control may be involved.

HEARING: November 18, 1959, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 104675 (Sub No. 9), filed July 13, 1959. Applicant: FRONTIER DELIVERY INC., 620 Elk Street, Buffalo 10, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from points in New Jersey, Ohio, and Pennsylvania to ports of entry on the International Boundary between the United States and Canada at or near Buffalo, Champlain, Rooseveltown, and Rouses Point, N.Y., and *damaged, refused, and unclaimed shipments* of the above-described commodity on return. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, and Ohio.

HEARING: October 26, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 105733 (Sub No. 22), filed August 31, 1959. Applicant: H. R. RITTER TRUCKING CO., INC., 210 New Jersey State Highway 17, P.O. Box 309, Paramus, N.J. Applicant's attorney: John R. Mahoney, 26 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, and Florida. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: October 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert A. Joyner.

No. MC 106398 (Sub No. 130), filed July 23, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P.O. Box 8096 Dawson Station, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outboard boats*, not exceeding 18' in length, from all points in Indiana, except from the site of North American Marine Plant near Warsaw, Ind., to all points in the United States, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *refused* and *damaged boats*, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 29, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 107002 (Sub No. 149) (CORRECTION), filed August 26, 1959, published issue FEDERAL REGISTER September 10, 1959. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. The purpose of this republication is to reflect the correct docket number assigned to the application. The previous publication showed the docket number assigned as MC 107022 (Sub. No. 149), in error.

No. MC 107188 (Sub No. 4), filed July 13, 1959. Applicant: J. LAWRENCE HUGHES, doing business as MOORE'S TRAILER TRANSPORT, 4870 Monroe Street, Toledo, Ohio. Applicant's attorneys: George, Greek, King & McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers* designed to be drawn by passenger automobiles, in initial movements in truckaway service, between Alma, Cassopolis, Owosso, Flint, and Wahjamega, Michigan, and points in Ohio on and north of U.S. Highway 40 on the one hand, and, on the other, points in the United States in the following described area: Beginning in the State of North Dakota at the junction of U.S. Highway 75 and the Canadian border thence south on U.S. Highway 75 through the States of Minnesota, Iowa, Nebraska and Kansas to the intersection of U.S. Highway 75 with the Kansas-Oklahoma State line; thence west along the Kansas-Oklahoma State line to the intersection of said line with the New Mexico-Colorado-Oklahoma State line; thence south along the New Mexico-Oklahoma State line to the intersection of said line with the southern boundary line between New Mexico and Texas; thence in a generally westerly direction along the said New Mexico-Texas line to its intersection with the United States-Mexico border line; thence in a generally southeastern direction along the United States-Mexico border to the Gulf of Mexico; thence along the Gulf of Mexico's coastline in the State of Texas, Louisiana, Mississippi, Alabama, and Florida; thence in a generally northerly direction along the Atlantic Ocean's coastline in the States of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and New York to the point where the New York-Connecticut State line meets the coastline near Port Chester; thence in a northerly direction along said New York-Connecticut State line to its intersection with the State line of Massachusetts; thence along the Massachusetts - New York State line to its intersection with the New York-Vermont State line; thence along the New York-Vermont State line to its intersection with the United States-Canada border line; thence in a generally westerly direction along the United States-Canada border line to the point of beginning. (b) *Trailers* designed to be drawn by passenger automobiles in secondary movements in truckaway service, between points in Michigan and points in Ohio on and north of U.S. Highway 40 on the one hand, and, on the other, points in the United States in the following described area: Beginning in the State of North Dakota at the junction of U.S. Highway 75 and the Canadian border thence south on U.S. Highway 75 through the States of Minnesota, Iowa, Nebraska and Kansas to the intersection of U.S. Highway 75 with the Kansas-Oklahoma State line; thence west along the Kansas-Oklahoma State line to the intersection of said line with the New Mexico-Colorado-Oklahoma State line; thence south along the New Mexico-Oklahoma State line to the intersection of said line with the southern boundary line between New Mexico and Texas; thence in a generally westerly direction along the said New Mexico-Texas line to its intersection with the United States-Mexico border line; thence in a generally southeastern direction along the United States-Mexico border to the Gulf of Mexico; thence along the Gulf of Mexico's coastline in the States of Texas, Louisiana, Mississippi, Alabama, and Florida; thence in a generally northerly direction along the Atlantic Ocean's coastline in the States of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and New York to the point where the New York-Connecticut State line meets the coastline near Port Chester; thence in a northerly direction along said New York-Connecticut State line to its intersection with the State line of Massachusetts; thence along the Massachusetts - New York State line to its intersection with the New York-Vermont State line; thence along the New York-Vermont State line to its intersection with the United States-Canada border line; thence in a generally westerly direction along the United States-Canada borderline to the point of beginning.

NOTE: Applicant states that it presently holds authority to transport trailers in initial movements in truckaway service from Alma, Cassopolis, Owosso, Flint, and Wahjamega, Michigan to all points in Ohio and trailers in secondary movements from Toledo, Ohio and points in Ohio within 60 miles of Toledo to all points in Indiana and Michigan. To the extent that the instant application as granted is duplicative the applicant desires such duplicating authority to be cancelled.

HEARING: November 18, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 107295 (Sub No. 63), filed July 31, 1959. Applicant: PRE-FAB TRANSIT CO., Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *farm implements*, from Ottawa, Ill., and Mansfield, Ohio to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: November 17, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 108446 (Sub No. 19), filed July 30, 1959. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed or dealt in by rubber or rubber products manufacturers, *including materials and supplies* used in the conduct of such business, between Akron, Ohio and West Helena, Ark., on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 40, including points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, points in Tennessee on and south of U.S. Highway 70 and on and west of U.S. Highway 31E, points in Kentucky on and west of U.S. Highway 31E and on and north of U.S. Highways 68 and 60, points in Indiana on and south of U.S. Highway 40, and points in West Virginia on and north of U.S. Highway 60 and on and west of U.S. Highway 21; and between West Helena, Ark., on the one hand, and, on the other, points in Ohio, except Akron, Ohio. Applicant is authorized to conduct operations in Massachusetts, Illinois, Ohio, Connecticut, New Jersey, Rhode Island, New York, Pennsylvania, Indiana, Tennessee, Arkansas, Missouri, West Virginia, and Maryland.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 108446 Sub No. 17, to determine whether applicant's status is that of a contract or common carrier.

HEARING: November 16, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 108461 (Sub No. 80), filed July 6, 1959. Applicant: WHITFIELD TRANSPORTATION, INC., 240 Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper sulphate*, in bulk, in hopper-type vehicles, from El Paso, Tex., to points in Arizona, Colorado, Idaho, Nevada, New Mexico, Utah and Wyoming, and *rejected* and *refused shipments* of copper sulphate on return. Applicant is authorized to conduct operation in Texas, New Mexico, Utah, Colorado, Arizona, and California.

HEARING: November 4, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Harold W. Angle.

No. MC 108678 (Sub No. 38), filed July 31, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 12, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Varnish, laquers, laquer sealers*, and *paint materials*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Virginia, North Carolina, and Alabama, and (2) *tall oil, resins* and *fatty acids*, in bulk, in tank vehicles, from Bay Minette, Ala., to points in Indiana. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108678 Sub 21.

HEARING: October 30, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 108859 (Sub No. 31), filed July 17, 1959. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue, Escanaba, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between Iron Mountain and Marquette, Mich., on the one hand, and, on the other, points in Wisconsin, Ohio, Illinois and Indiana, and points in the Commercial Zones of St. Louis, Mo., and Minneapolis and St. Paul, Minn. Applicant is authorized to conduct operations in Michigan, Wisconsin, and Illinois.

HEARING: November 5, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 109385 (Sub No. 25), filed June 29, 1959. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers* and *tops, caps*, and *stoppers* therefor, and when shipped therewith, *cartons used for the packaging thereof*, from Parkersburg and Star City, W. Va., and points in West Virginia within five (5) miles of each to (a) points in Ohio on and west of U.S. Highway 23, (b) points in Indiana, Illinois, Michigan, and Wisconsin, (c) St. Louis, Mo., and (d) Louisville, Ky.; (2) *Pallets used in the transportation of glass containers*, as described above, in the reverse direction, from points in Ohio on and west of U.S. Highway 23, points in Indiana, Illinois, Michigan, and Wisconsin, St. Louis, Mo., and Louisville, Ky., to Parkersburg and Star City, W. Va., and to points in West Virginia within five (5) miles of each; and (3) *Corrugated paper containers and partitions therefor*, from Mount Vernon, Ohio to Parkersburg and Star City, W. Va., and points in West Virginia within five (5) miles of each. Applicant is authorized to conduct operations in, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier.

HEARING: November 12, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 109385 (Sub No. 26), filed June 29, 1959. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets* and *carpeting*, from Bloomsburg, Pa., to points in Ohio, Indiana, Michigan, Kentucky, Illinois, Missouri, Wisconsin, and Minnesota. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier.

HEARING: November 12, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 109385 (Sub No. 27), filed June 29, 1959. Applicant: SUBLER TRANSFER, INC., East Maine Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors* and *door sections*, and, when shipped therewith, *hardware, fittings, accessories*, and *materials* used in the installation thereof, from Monmouth Junction, N.J., and points within ten (10) miles thereof, to Russia, Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 109385 (Sub No. 16) to determine whether applicant's status is that of a common or contract carrier.

HEARING: November 9, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No MC 109478 (Sub No. 34), filed July 10, 1959. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R. D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West

10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Leipsic, Port Clinton, Holgate and St. Mary's, Ohio, to points in New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, the District of Columbia, Maine, Vermont and New Hampshire. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia.

HEARING: October 29, 1959, at the old P.O. Bldg., Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Francis A. Welch.

No. MC 110834 (Sub No. 4), filed September 3, 1959. Applicant: ANTHONY W. MORELLI, doing business as MORELLI STONE & LIME COMPANY, Swedesford and Moorehall Road, Malvern, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, other than fire brick, from points in Schuylkill Township, Chester County, and points in West Norriston Township, Montgomery County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

HEARING: October 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 111053 (Sub No. 2), filed August 14, 1959. Applicant: MRS. S. E. EHRLICK, doing business as EHRLICK HORSE TRANSPORT, 1279 Dundas Street West, Toronto, Ontario, Canada. Applicant's attorney: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, (other than ordinary) and in the same vehicle with such horses *stable supplies* and *equipment* used in the care and exhibition of such horses, *mascots*, and the *personal effects* of their attendants, trainers and exhibitors, (1) between the United States-Canada boundary line at Buffalo, Niagara Falls and Lewiston, N.Y., and Detroit, and Port Huron, Mich., on the one hand, and, on the other, points in Kentucky, Michigan, Pennsylvania, Virginia and West Virginia, restricted to shipments moving from or to points in the Province of Quebec, Canada. (2) Between the United States-Canada boundary line at Thousand Island Bridge on the Wellesley Island, Rooseveltown and Rouses Point, N.Y., on the one hand, and, on the other, points in Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia and West Virginia. (3) Between the United States-Canada boundary line at Buffalo, Niagara Falls, Lewiston, Thousand Island Bridge on Wellesley Island, Rooseveltown and Rouses Point, N.Y., and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Connecticut, Florida, Georgia, and the District of Columbia. Applicant is authorized to conduct operations in Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

HEARING: October 30, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 111138 (Sub No. 18), filed September 15, 1959. Applicant: COLONIAL AND PACIFIC FRIGIDWAYS, INC., Box 2169, Birmingham, Ala. Applicant's attorney: William J. Boyd, 30 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packinghouses* as described in Appendix 1, Items A, B, C and D, of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from St. Paul and South St. Paul, Minn., Omaha and South Omaha, Nebr., and Sioux City, Iowa, to points in California, Fort Lewis and Tacoma, Wash., Portland, Oreg., and Phoenix, Ariz., (2) from Madison, Wis., Davenport and Waterloo, Iowa, to Salt Lake City, Utah, and *empty containers or other such incidental facilities, hooks, racks* and *property of the shipper* used in transporting the above commodities, and *rejected* and *damaged shipments* on return. Applicant is authorized to conduct operations in Illinois, Iowa, Wisconsin, California, Washington, Tennessee, Oregon, Alabama, Nebraska, Minnesota, Indiana, Missouri, Arizona, Kansas, Idaho, Utah, and Arkansas.

HEARING: November 16, 1959, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 111231 (Sub No. 40), filed July 23, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, canned and preserved, between points in Missouri on and south of U.S. Highway 40, and points in Arkansas on and north of U.S. Highway 70, on the one hand, and, on the other, points in Missouri, Illinois, Arkansas, Oklahoma, Mississippi, Louisiana, Tennessee, and points in Kentucky on and west of the Tennessee River; and (2) *Frozen foods, juices, and concentrates*, between points in Missouri on and south of U.S. Highway 40 and points in Arkansas on and north of U.S. Highway 70, on the one hand, and, on the other, points in Missouri, Illinois, Arkansas, Oklahoma, Kansas, Mississippi, Louisiana, Tennessee and points in Kentucky on and west of the Tennessee River. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Illinois, and Texas.

HEARING: October 29, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 111472 (Sub No. 62), filed August 3, 1959. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from Waterloo, Iowa and Oregon and Rochelle, Ill., to points in Delaware, Georgia, Idaho, Indiana, Kentucky, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina and Washington. Applicant is authorized to conduct operations throughout the United States.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 111472 (Sub No. 53).

HEARING: November 9, 1959, at Room 852, U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Francis A. Welch.

No. MC 111812 (Sub No. 83), filed August 17, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Frozen foods*, (1) from Chambersburg, Pa., to Frankfort, Mich., and (2) from Frankfort, Mich., and Chambersburg, Pa., to points in Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Indiana, Illinois, Wisconsin, Kansas, Missouri, and Colorado. Applicant is authorized to conduct operations, in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: October 30, 1959, at the Pick-Congress Hotel, Chicago, Ill., before Examiner David Waters.

No. MC 113459 (Sub No. 17), filed July 20, 1959. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, Suite 122, Wynnewood Professional Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber and wood products*, from points in Galletin, Meagher and Park Counties, Mont., to points in Illinois and Iowa, and *empty skids* and *empty containers or other such incidental facilities*, used in transporting the above-mentioned

commodities and *damaged* or *rejected* or *returned shipments* thereof, on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

HEARING: November 12, 1959, at the New Customs House, Denver Colo., before Examiner Harold W. Angle.

No. MC 113651 (Sub No. 30), filed August 21, 1959. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dough*, between Indianapolis, Ind., on the one hand, and, on the other, points in Arizona and California. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and the District of Columbia.

HEARING: November 6, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 113651 (Sub No. 31), filed August 21, 1959. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dough*, between Indianapolis, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Washington, D.C., Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and the District of Columbia.

HEARING: November 6, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 113651 (Sub No. 32), filed August 24, 1959. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, Meat products*, and *meat by-products*, as described in Appendix 1 of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Indianapolis, Ind. to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and *hooks, racks and property of the shipper* used in the transportation of the above-described commodities and *rejected* and *damaged* shipments of meat, meat products and meat by-products, on return. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and the District of Columbia.

HEARING: November 4, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 113779 (Sub No. 100), filed July 16, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, between points in Texas and Louisiana, on the one hand, and, on the other, points in Maryland. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 14, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 114015 (Sub No. 13), filed September 2, 1959. Applicant: HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials* and *supplies* used in the manufacture and transportation of pallets, shooks and excelsior which at the time of shipment are intended for use in the manufacture and shipment of pallets, shooks and excelsior, from Pittsburgh and Philadelphia, Pa., New York, N.Y., Beverly and Newark, N.J., Baltimore, Md., and the Commercial Zone of each, to Chase City and Keysville, Va., and *refused and damaged shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Indiana, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states the above-described operations are to be performed under continuing contracts with Jeffreys-Spaulding Manufacturing Company, Inc., and Chase City Excelsior Company, Inc.

HEARING: October 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 114019 (Sub No. 28), filed July 2, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, *covers, caps*, and *accessories* for glass containers, and *paper cartons*, (a) from Alton, Ill., to points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Kansas, and Tennessee, (b) from Streator, Ill., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Kansas, and Tennessee, and (c) from Charlestown, W. Va., to points in Wisconsin; (2) *Plastic materials* and *plastic products*, from Gas City, Ind., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Kansas, Tennessee, and Wisconsin; and (3) *Used pallets and skids*, from the above-specified destination points to the respective origin points.

NOTE: Applicant is authorized to conduct operations as a contract carrier in No. MC 9685 and Subs thereunder. A proceeding has been instituted under MC 9685 (Sub No. 58) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 may be involved.

HEARING: November 3, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114019 (Sub No. 30), filed July 30, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar*, and *blends* with other ingredients, from the site of The American Sugar Refining Company plant at Chicago, Ill., to points in the Lower Peninsula of Michigan.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 9685 (Sub No. 58) to determine whether applicant's status is that of a common or contract carrier.

HEARING: November 4, 1959, at Room 852, U.S. Custom House, 610 S. Canal St., Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 114021 (Sub No. 8), filed July 22, 1959. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials* and *cement pipe* containing asbestos fibre and *accessories* thereto, from Waukegan, Ill., to points in Minnesota (except those in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission), North Dakota and South Dakota. *Used pallets* and *skids*, from points in Minnesota (except those in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission), North Dakota and South Dakota, to Waukegan, Ill. Applicant holds contract carrier authority in Permit No. MC 107640 and Sub Numbers thereunder. Dual operations under section 210 may be involved.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 107640 (Sub No. 36).

HEARING: November 2, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114045 (Sub No. 54), filed August 14, 1959. Applicant: R. L. MOORE AND JAMES T. MOORE, a partnership, doing business as TRANS-COLD EXPRESS, Belt Line and Finley Road, P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Frozen foods* in mechanically refrigerated vehicles, from Pittsburgh and Baltaburg, Pa., to points in Ohio, Indiana, Illinois, Missouri, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Tennessee, Kentucky, Michigan, Wisconsin, Arizona, New Mexico and California. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Georgia, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

HEARING: October 26, 1959, at the Fulton Building, 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Francis A. Welch.

No. MC 114186 (Sub No. 3), filed June 15, 1959. Applicant: MARK WOODRUFF, 6131 North 35th Drive, Glendale, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses, equipment, supplies*, and *attendants*, in the same vehicle with race horses, (1) between LaMesa Park Race Track, Raton, N. Mex., and Turf Paradise Race Track, Phoenix, Ariz., on the one hand, and, on the other, Oaklawn Park Race Track, Hot Springs, Ark., Ak-Sar-Ben Race Track, Omaha, Nebr., Fairmount Park Race Track, Collinsville, Ill., and Sportman's Park Race Track, Chicago, Ill. (2) Between LaMesa Park Race Track, Raton, N. Mex., on the one hand, and, on the other, Bay Meadows Race Track, San Mateo, Calif., Hollywood Park Race Track, Los Angeles, Calif.; and San Ysidro, Calif. (3) Between LaMesa Park Race Track, Raton, N. Mex., and Turf Paradise Race Track, Phoenix, Ariz., and Centennial Race Track, Littleton, Colo. (4) Between Turf Paradise Race Track, Phoenix, Ariz., on the one hand, and, on the other, Bay Meadows Race Track, San Mateo, Calif., Hollywood Park Race Track, Los Angeles, Calif.; and San Ysidro, Calif.

HEARING: October 28, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Harold W. Angle.

No. MC 114364 (Sub No. 42), filed August 17, 1959. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, P.O. Box 672, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Rocky Ford, Colo., to Swink, Colo., and (2) from Garden City, Kans., to points in Kansas, Oklahoma, and that part of Texas bounded by a line beginning at the Texas-New Mexico State line and extending east along U.S. Highway 180 to Junction U.S. Highway 87, thence along U.S. Highway 87 to Junction U.S. Highway 80, thence along U.S. Highway 80 to Junction U.S. Highway 75, thence north along U.S. Highway 75 to the Texas-Oklahoma State line, thence northwesterly, northerly, and westerly along the Texas-Oklahoma State line to the Texas-New Mexico State line, and thence south along the Texas-New Mexico State line to point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah and Wyoming.

NOTE: Applicant states it presently holds the authority described in (2) above, subject to a restriction to the movement of sugar originating at end transported by applicant from Torrington, Wyoming and Swink, Colo., to Garden City, Kans., for storage in transit, which service has been performed for Holly Sugar Corporation. American Crystal Sugar Company has purchased Holly's factory at Swink, Colo., and its warehouses at Garden City, Kans. The factory is being dismantled. American Crystal Sugar Company operates a factory at Rocky Ford, and desires to move sugar both to Swink, Colo., and to Garden City, Kans., for storage in transit purposes.

HEARING: November 13, 1959, at the New Customs House, Denver, Colo., before Examiner Harold W. Angle.

No. MC 116077 (Sub No. 73), filed September 12, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews, Brown Building, Austin, Tex. and Thomas E. James, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, between points in Harris and Jefferson Counties, Tex., on the one hand, and, on the other, points in Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

HEARING: October 12, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 116763 (Sub No. 7), filed July 16, 1959. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glassware, glass containers*, with or without closures, and *related articles, knocked down cartons* when moving with containers, from points in West Virginia and that part of Pennsylvania on and west of U.S. Highway 219 and south of the Pennsylvania Turnpike, to points in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, and Tennessee, and *empty pallets*, on return; *knocked down corrugated containers*, from Mt. Vernon, Ohio, to points in West Virginia; *cans* and *can closures*, from Marion and Hamilton, Ohio, to points in Georgia, Florida, Alabama and Tennessee; *containers, including crates, boxes, hampers, baskets, cushions and other related materials*, from Albany, Macon, Gainesville, Savannah and Waycross, Ga., and High Point, N.C., to points in Florida, Indiana, Michigan, Kentucky, Ohio and West Virginia; *foodstuffs*, from points in Florida and Georgia, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, West Virginia and Wisconsin; and *foodstuffs*, from points in Indiana, Michigan, and Ohio, to points in Florida and Georgia.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 109761 and sub numbers thereunder; a proceeding has been instituted under section 212(c) in No. MC 109761 (Sub No. 12) to determine whether applicant's status is that of a contract or common carrier. Applicant indicates that, in connection with the proposed transportation of foodstuffs herein, none is to move under refrigeration.

HEARING: November 10, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 117344 (Sub No. 21), filed August 3, 1959. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-

Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, resins, varnishes, surface coating compounds*, and *thinning and reducing compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Kansas City, Kans., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return. Applicant is authorized to conduct operations as a contract carrier in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a contract or common carrier. Dual operations may be involved.

HEARING: November 17, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner John B. Mealy.

No. MC 118890 (Sub No. 1), filed July 13, 1959. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 West Parkview Drive, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shell*, in bulk, and in bags, from Morgan City, La., and Houston, Tex., to points in Minnesota and Iowa, and *empty containers or other such incidental facilities* used in transporting oyster shell, on return.

HEARING: October 26, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 118890 (Sub No. 2), filed July 13, 1959. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 West Parkview Drive, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shell*, in bulk, and in bags, from Morgan City, La., and Houston, Tex., to points in Missouri, and *empty containers or other such incidental facilities* used in transporting oyster shell, on return.

HEARING: October 26, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 118890 (Sub No. 3), filed July 13, 1959. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 West Parkview Drive, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shell*, in bulk, and in bags, from Morgan City, La., and Houston, Tex., to points in Oklahoma, and *empty containers or other such incidental facilities* used in transporting oyster shell, on return.

HEARING: October 26, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 118890 (Sub No. 4), filed July 13, 1959. Applicant: THAYNE ROBERT OLSON, doing business as THAYNE R. OLSON, 6259 West Parkview Drive, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster shell*, in bulk, and in bags, from Morgan City, La., and Houston, Tex., to points in Oklahoma, and *empty containers or other such incidental facilities* used in transporting oyster shell, on return.

HEARING: October 26, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Reece Harrison.

No. MC 118940, filed May 13, 1959. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, 4130 Edith Boulevard NE., Albuquerque, N. Mex. Applicant's attorney: William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wallboard, plywood, siding, molding, paneling, sash, roofing materials, insulation* and *building materials*, between Albuquerque, N. Mex., on the one hand, and, on the other, points in Arizona, Utah, Colorado, Texas, Oklahoma and Kansas. Applicant is authorized to conduct contract carrier operations in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas and Utah.

NOTE: Dual operations under section 210 may be involved.

HEARING: November 2, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Harold W. Angle.

No. MC 118957 (Sub No. 1), filed August 6, 1959. Applicant: A. STALESKY CORPORATION, P.O. Box 62, Crystal Lake, Ill. Applicant's attorneys: Louis E. Smith, 111 Monument Circle, Indianapolis 4, Ind. and Harold E. Marks, 208 South LaSalle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, Transporting: *Prefabricated houses and buildings*, iron and steel, knocked down or set up, *including parts and materials* belonging to, and moving with said houses and buildings, from Milwaukee, Wis., to points in Illinois, Indiana and Iowa.

HEARING: October 27, 1959, at the Pick-Congress Hotel, Chicago, Ill., before Examiner David Waters.

No. MC 119070, filed July 16, 1959. Applicant: LELAND N. BARRETT AND RICHARD H. BARRETT, a partnership, doing business as BARRETT BROTHERS, 7652 Grand Street, Dexter, Mich. Applicant's attorney: Leonard H. Young, 210–14 Municipal Court Building, P.O. Box 6, Ann Arbor, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, bottles, cans* and *kegs*, empties and containers, from Milwaukee, Wis., to Ann Arbor, Mich., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: November 10, 1959, at the Wolverine Hotel, Elizabeth-Block, East of Woodward, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 119091, filed July 27, 1959. Applicant: EARL T. HOWELL & SON, INC., Newfane, N.Y. Applicant's representative: Raymond A. Richards, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer compounds*, except when moving in bulk, in tank vehicles, from Cincinnati, Ohio, to points in New York on and west of U.S. Highway 11, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: October 26, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 119097, filed July 28, 1959. Applicant: JOHNNY'S AUTO & TRUCK TOWING, INC., 1122 Sweitzer Avenue, Akron 1, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked motor vehicles, with or without cargo;* and *cargo from disabled or wrecked vehicles*, between points in Ohio (except Cuyahoga County), on and north of U. S. Highway 40, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: November 16, 1959, at the Wolverine Hotel, Elizabeth-Block, East of Woodward, Detroit, Mich., before Examiner Francis A. Welch.

No. MC 119115, filed July 27, 1959. Applicant: ORCO CORPORATION, 606 Silver SW., P.O. Box 755, Albuquerque, N. Mex. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda solution*, in bulk, in tank vehicles, from Henderson, Nev., to Grants, N. Mex., and points within 30 miles of Grants, and *empty vehicles*, on return.

HEARING: October 30, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Harold W. Angle.

No. MC 119131, filed August 6, 1959. Applicant: FRANKLIN L. PARKER, 6944 Hamilton Avenue, Pittsburgh, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines*, and *such commodities* that are sold in drug stores, from points in Sharpsburg, (Allegheny County), Pa., to points in West Virginia, Ohio and Delaware, and *damaged* or *returned shipments*, on return.

NOTE: Applicant states the proposed transportation is for the Thrift Drug Company, from its warehouses in Sharpsburg, to its drug stores in West Virginia, Ohio and Delaware.

HEARING: October 27, 1959, at the Fulton Bldg., 101–115 Sixth Street, Pittsburgh, Pa., before Examiner Francis A. Welch.

No. MC 119138, filed August 10, 1959. Applicant: CORLISS M. ROSS, doing business as C. M. ROSS, East State Street, Albany, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure regulators, pallets, power pumps, valves, tubing kits, link checks, pressure switches* and *gauges*, and *parts* of the aforementioned commodities, from the plant site of Brady Air Controls, Inc., in Muncie, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas; Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, Michigan, Indiana, Kentucky, Tennessee, Alabama, Ohio, Georgia, Florida, New York, Vermont, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Maryland, Rhode Island, New Jersey, Delaware, Connecticut, New Hampshire, Massachusetts and Maine, and *pallets* and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

HEARING: November 5, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), at the U.S. Court Rooms, Indianapolis, Ind., before Examiner John B. Mealy.

No. MC 119153, Filed, August 13, 1959. Applicant: JOHN W. BEAN, 6201 South Strahan Road, El Paso, Tex. Applicant's attorney: Robert F. Mayhall, Mills Building, El Paso, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Race horses*, and *incidental facilities* used in transporting race horses, between El Paso, Texas and Ruidoso, Raton, Anapra, and Albuquerque, N. Mex.

HEARING: October 30, 1959, at the Hilton Hotel, Albuquerque, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Harold W. Angle.

No. MC 119180, filed August 27, 1959. Applicant: JAMES E. MINK, doing business as J. E. MINK, R.D. No. 1, Northeast, Md. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel* and *crushed stone*, from points in Cecil County, Md., to points in Delaware.

HEARING: October 27, 1959, at the U.S. Court Rooms, Wilmington, Del., before Joint Board No. 40.

No. MC 119182, filed August 28, 1959. Applicant: P. R. McGUIRE AND ELEANOR S. McGUIRE, doing business as McGUIRE LUMBER SERVICE, Wylliesburg, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Sutherlin, Va., to points in West Virginia, Ohio, Pennsylvania, New York, Delaware, New Jersey, and Maryland, and *damaged, refused and rejected shipments of lumber* on return.

NOTE: Applicant states the proposed service is under a continuing contract with Cloverdale Lumber Co., Inc.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lucian A. Jackson.

MOTOR CARRIERS OF PASSENGERS

No. MC 1096 (Sub No. 4), filed August 14, 1959. Applicant: THE CANADA COACH LINES LIMITED, 18 Wentworth Street North, Hamilton, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Passengers and their baggage*, in round trip charter operations, (1) beginning and ending at Ports of Entry on the boundary between the United States and Canada, and extending to points in the United States, including the District of Columbia and the State of Alaska, and (2) from Ports of Entry on the boundary between the United States and Canada to Ports of Entry on said boundary, via points in the United States, and return. Applicant is authorized to conduct operations in New York, Michigan, Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, Missouri and the District of Columbia.

NOTE: Applicant states the transportation to be performed under the authority herein requested shall be restricted to the movement of persons (1) between points in the Dominion of Canada, on the one hand, and, on the other, points in the United States, or (2) from and to points in the Dominion of Canada, via points in the United States, and return, restricted to foreign commerce.

HEARING: October 28, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 118972, filed June 4, 1959. Applicant: NEWMARKET COACH LINES LIMITED, 730 Davis Drive, Newmarket, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located between the Province of Ontario and the State of New York, and Detroit, Mich., and extending to points in New York, New Jersey, Pennsylvania, Maryland, Virginia, Connecticut, Delaware, Rhode Island, Illinois, Indiana, Ohio, Michigan, Massachusetts and the District of Columbia.

NOTE: Applicant states that the above transportation shall be restricted to the transportation of charter parties originating in that part of the Province of Ontario in which applicant may originate charter parties, and the return of such parties to that part.

HEARING: October 27, 1959, at the Hotel Buffalo, Washington & Swan Sts., Buffalo, N.Y., before Examiner Abraham J. Essrick.

No. MC 119129 (Sub No. 1), filed August 11, 1959. Applicant: WOODRUM FIELD AIRPORT LIMOUSINE SERVICE, INC., 202 Shenandoah Avenue NE., Roanoke, Va. Applicant's attorney: John L. Walker, 301–319 Boxley Building, Roanoke 4, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations limited to the transportation of not more than seven (7) passengers in any one vehicle, not including the driver thereof, from Woodrum Field Airport in Roanoke County, Va., approximately 2 miles northwest of Roanoke, Va., to The Greenbrier Hotel, White Sulphur Springs, W. Va.; Douglas Municipal Airport, N.C., approximately 4.5 miles southwest of the City Limits of Charlotte, N.C.; Greensboro-High Point Airport, approximately 8 miles northwest of the City Limits of Greensboro, N.C.; Smith-Reynolds Airport, N.C., approximately 2.8 miles northeast of the City Limits of Winston-Salem, N.C.; Kanawha County Airport, W. Va., approximately 3 miles northeast of the City Limits, Charleston, W. Va.; Raleigh County Memorial Airport, W. Va., approximately 3 miles east of the City Limits of Beckley, W. Va.; Mercer County Airport, W. Va., approximately 4 miles northeast of Bluefield, W. Va.; and Princeton Municipal Airport, W. Va., approximately 1.7 miles southwest of Princeton, W. Va.

NOTE: Applicant states that all trips are to originate at Woodrum Field Airport with no return fares from any of the designated points to Woodrum Field Airport. The service shall be limited to the transportation of not more than seven passengers in the same vehicle who arrive at Woodrum Field Airport by airplane and desire immediate transportation from that point to The Greenbrier Hotel, White Sulphur Springs, W. Va., and passengers who arrive at Woodrum Field Airport destined to any of the other points by airplane transportation but who are unable by reason of weather conditions or mechanical failure to complete their trip, these being trips the various airlines request applicant to perform because of the inability of the airline to complete transportation of passengers to any of the named points.

HEARING: October 29, 1959, at the U.S. Court Rooms, Roanoke, Va., before Joint Board No. 292, or, if the Joint Board waives its right to participate, before Examiner Hugh M. Nicholson.

APPLICATIONS ASSIGNED FOR CONSOLIDATED HEARING

The following applications are assigned for hearing on a consolidated

record at the Baker Hotel, *Dallas, Tex.*, on December 2, 1959, at 9:30 o'clock a.m. United States Standard Time, before Examiner Frank R. Saltzman. At the end of the three days of hearing at Dallas, continued hearings will be held at the Federal Office Bldg., Franklin & Fannin Streets, *Houston, Tex.*, at the Mayo Hotel, *Tulsa, Okla.*, and at the Baker Hotel, *Dallas, Tex.*, without intermediate recess. The continued hearings at Houston and Tulsa are expected to last one week each, and at the adjourned hearing at Tulsa applicants will complete the presentation of their evidence except with respect to proposed non-radial operations between points in Alaska. Thereafter an immediate continued hearing will be held at the Baker Hotel at *Dallas*, for benefit of protestants, lasting an estimated time of three days. All hearings will be called at 9:30 o'clock a.m. United States Standard Time. For the benefit of those applicants which seek authority to operate between points in Alaska, it is contemplated that a continued hearing will be held in Alaska at a time and place to be fixed later by the Commission, with opportunity for Alaska carriers to present evidence in opposition to all of the applications.

No. MC 4964 (Sub No. 25), filed August 3, 1959. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Houston, Tex. Applicant's attorney: Austin L. Hatchell, 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (1) *Machinery, equipment, materials* and *supplies* used in or in connection with the exploration, discovery, development, production, refining, manufacturing, processing, storage, transmission, maintenance, construction, operation, repair, servicing and distribution of (a) natural gas and petroleum and their products and by-products, (b) water, (c) sulphur and its products; (2) *machinery, equipment, materials* and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of all pipe lines, including the stringing and picking up thereof; II. *Commodities*, the transportation of which, because of size or weight requires the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment; III. (1) *Road-building, earth-moving and excavating machinery, equipment, materials* and *attachments;* (2) *lumber and mining machinery and equipment;* (3) *tractors* (other than conventional truck-tractors designed for highway operations); (4) *parts* of commodities described in (1) through (3) above; IV. *Agricultural machinery;* V. *Contractors' equipment, machinery, supplies* and *related parts;* VI. *Equipment, machinery, materials, supplies* and *related parts thereof*, used in or in connection with mining operations; and VII. *Furs* and *hides*, all kinds, in seasonal operations between April and October of each year, (a) between points in Alaska; and (b) between points in Alaska, on the one hand, and, on the other, points in Texas, New Mexico, Oklahoma, Kansas, Missouri, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Georgia, Florida, North Dakota, and South Dakota. Applicant is authorized to conduct operations in Arkansas, Missouri, Oklahoma, Kansas, New Mexico, South Dakota, North Dakota, Mississippi, Texas, Tennessee, and Louisiana.

No. MC 13250 (Sub No. 63), filed July 17, 1958. Applicant: J. H. ROSE TRUCK LINE, INC., P. O. Box 16037, 3804 Jensen Drive, Houston, Tex. Applicant's attorneys: Thomas E. James and Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the exploration, discovery, development, production, refining, manufacturing, processing, storage, transmission, maintenance, construction, operation, repair, servicing, and distribution of: (a) natural gas and petroleum and their products and byproducts; (b) water; (c) sulphur and its products. (2) *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of all pipe lines, including the stringing and picking up thereof. II. *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, III. *Road building earth moving* and *excavating machinery, equipment, materials* and *attachments*, (2) *lumber and mining machinery and equipment*, (3) *tractors* (other than conventional truck-tractors designed for highway operations), (4) *parts* of commodities described in (1) through (3) above. IV. *Agricultural machinery*, V. *contractors' equipment, machinery, materials, supplies, and related parts*, VI. *Equipment, machinery, materials, supplies, and related parts thereof* used in or in connection with mining operations, VII. *Furs*, and *hides*, all kinds, between points in the United States (heretofore existing forty-eight states and the District of Columbia), on the one hand, and, on the other, points in the new state of Alaska. Applicant is authorized to conduct operations in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Arizona, Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota, Nebraska, and Idaho.

No MC 14743 (Sub No. 21), filed July 27, 1959. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 405 North Elwood, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines, (a) between points in Alaska; (b) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming; (c) between port facilities in Washington, on the one hand, and, on the other, points in those States named in (b) above, restricted to having Alaskan origin or destination for water-motor movement; (2) *machinery* and *equipment* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of *sulphur* and its products, and *materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of sulphur and its products, when moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plant) sites, or storage sites, (a) between points in Alaska; (b) between points in Alaska, on the one hand, and, on the other, points in Louisiana, North Dakota, New Mexico, Oklahoma, Texas and Wyoming; (c) between port facilities in Washington, on the one hand, and, on the other, points in those States named in (b) above, restricted to having Alaskan origin or destination for water-motor movement; (3) *machinery, equipment, materials* and *supplies* used in, or in connection with, the drilling of water wells, (a) between points in Alaska; (b) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming; (c) between port facilities in Washington, on the one hand, and, on the other, points in those States named in (b) above, restricted to having Alaskan origin or destination for water-motor movement; (4) *machinery* and *machinery parts* (other than oil field machinery and parts therefor), which, because of their size or weight, require special handling or rigging, (a) between points in Alaska; (b) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, Tennessee and Wyoming; (c) between port facilities in Washington, on the one hand, and, on the other, points in those States named in (b) above, restricted to having Alaskan origin or destination for water-motor movement. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming.

No. MC 25518 (Sub No. 14), filed July 20, 1959. Applicant: JOHN BUNNING TRANSFER COMPANY, INC., Rialto Theatre Building, Rock Springs, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (3) *contractors' equipment, materials* and *supplies*, and, except as authorized in the previously specified class of commodities, *building materials* as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209; and (4) *commodities*, the transportation of which because of their size or weight require use of special equipment, and *parts thereof*, when moving in connection with such commodities, (a) between points in Alaska; and (b) between points in Alaska, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah and Wyoming. Applicant is authorized to conduct operations in Colorado, Wyoming, Kansas, New Mexico, Montana, Idaho, Utah, North Dakota, and Nebraska.

No. MC 30042 (Sub No. 18), filed August 10, 1959. Applicant: SECURITY TRUCKING COMPANY, a corporation, P. O. Box 2497, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (a) between points in Alaska; and (b) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Illinois, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas. Applicant is authorized to conduct operations in Oklahoma, Kansas, Texas, Arkansas, New Mexico, Illinois, Missouri, Louisiana, Montana, North Dakota, and South Dakota.

No. MC 30479 (Sub No. 5), filed January 26, 1959. Applicant: ATLAS TRUCK LINES, INC., 9520 Easthaven Street, Houston 17, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the exploration, discovery, development, production, refining, manufacturing, processing, storage, transmission, maintenance, construction, operation, repair, servicing, and distribution of (a) natural gas, and petroleum and their products and by-products, (b) water, and (c) sulphur and its products; and *Machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of all pipe lines, including the stringing and picking up thereof; (2) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of *related machinery parts* and *related contractors' materials* and *supplies*, when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment; (3) *Road building, earth moving and excavating machinery, equipment, materials, and attachments; lumber and mining machinery*, and *equipment;* and *Tractors* (other than conventional truck-tractors designed for highway operations); *Agricultural machinery; Contractors' equipment, machinery, materials, supplies*, and related *parts; Equipment, machinery, materials, supplies* and related *parts* thereof used in or in connection with mining operations; and *Furs* and *hides*, all kinds, between points in Texas, Louisiana, Oklahoma, Kansas, Arkansas, and Mississippi, on the one hand, and, on the other, points in Alaska. Applicant is authorized to conduct operations in Kansas, Louisiana, Oklahoma, and Texas.

No. MC 52511 (Sub No. 30), filed July 25, 1958. Applicant: HUNSAKER TRUCKING CONTRACTOR, INC., P.O. Box 97, Carrollton, Tex. Applicant's attorney: Carl L. Phinney, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *Machinery* and *equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials* and *supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products. (3) *Machinery, equipment, materials* and *supplies* used in or in connection with, the drilling of water wells. (4) *Commodities* (other than those authorized to be transported in Nos. MC 52511 and MC 52511 (Sub No. 20) the transportation of which because of size or weight require the use of special equipment and *related parts* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, (1) from points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, to points in Alaska, and from points in Alaska to points in the above-named origin States; and (2) to and from points in Alaska.

No. MC 68100 (Sub No. 10), filed June 22, 1959. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and (2) *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, (1) between points in Alaska; (2) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Kansas, Michigan, Missouri, New Mexico, Oklahoma and Texas. Applicant is authorized to conduct operations in Kansas, Oklahoma, Arkansas, Texas, Missouri, and New Mexico.

No. MC 74321 (Sub No. 20), filed January 8, 1959. Applicant: B. F. WALKER, INC., 100 West Seventh Street, Fort Worth, Tex. Applicant's attorney: James H. Keahey, P.O. Box 858, Austin, 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in Texas, Louisiana, Oklahoma, New Mexico, Kansas, Colorado, Wyoming, Utah, Montana, Arizona, North Dakota, South Dakota, Nebraska and Nevada, on the one hand, and, on the other, points in Alaska. Applicant is authorized to conduct operations in Arizona, Colorado, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

No. MC 83539 (Sub No. 39), filed July 24, 1958. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the exploration, discovery, development, production, refining, manufacturing, processing, storage, transmission, maintenance, construction, operation, repair, servicing, and distribution of: (a) *natural gas and petroleum and their products and by-products;* (b) *water;* (c) *sulphur and its products,* (2) *machinery, equipment, materials* and *supplies* used in, or in connection with the construction operation, repair, servicing, maintenance and dismantling of all pipe lines, including the stringing and picking up thereof. II. *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment. III. (1) *Road building, earth moving and excavating machinery, equipment, materials* and *attachments,* (2) *lumber and mining machinery and equipment,* (3) *tractors* (other than conventional truck-tractors designed for highway operations). (4) *parts* of commodities described in (1) through (3) above. IV. *Agricultural machinery.* V. *Contractors' equipment, machinery, materials, supplies and related parts.* VI. *Equipment, machinery, materials, supplies* and *related parts* thereof used in or in connection with mining operations. VII. *Furs,* in bulk, (1) between points in the United States (the heretofore existing forty-eight States and the District of Columbia), on the one hand, and, on the other, points in Alaska; (2) between points in Alaska. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Montana, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, Minnesota, New Jersey, New York, Wyoming, South Dakota, North Dakota, Michigan, Indiana, Ohio, Pennsylvania, Colorado, and Utah.

No. MC 83835 (Sub No. 36), filed February 24, 1959. Applicant: WALES TRUCKING COMPANY, a corporation, 3319 Cedar Crest Blvd., P.O. Box 6186, Dallas 3, Tex. Applicant's attorney: James W. Hightower, P.O. Box 6186, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies,* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of (a) natural gas and petroleum and their products and by-products, (b) water, and (c) sulphur and its products; (2) *machinery, materials, equipment and supplies,* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of all types and kinds of pipelines, including the stringing and picking up thereof; (3) *logging and mining machinery, equipment, attachments and supplies;* (4) *heavy machinery, parts and attachments;* (5) *tractors,* other than conventional truck-tractors; (6) *commodities,* the loading, unloading or transportation of which, because of size, weight or shape, require the use of special equipment, special rigging or special handling; (7) *contractors' equipment and contractors' equipment attachments;* (8) *road and bridge-building machinery and equipment;* (9) *construction machinery and equipment,* as defined by the Commission in Appendix VIII to No. MC 45, 61 MCC 286; and (10) *furs,* in bulk, (a) between points in the United States (the heretofore existing 48 States and the District of Columbia), on the one hand, and, on the other, points in the new State of Alaska; and (b) between points in the new State of Alaska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming.

NOTE: Any duplication with present authority to be eliminated.

No. MC 103066 (Sub No. 16), filed March 3, 1959. Applicant: VAN STONE, doing business as STONE TRUCKING CO., P.O. Box 2014-1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; (2) *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; (3) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of sulphur and its products; (4) *Materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing and processing plant) sites or storage sites; and (5) *Machinery, equipment, materials and supplies* used in, or in connection with, the drilling of water wells, (a) between points in Alaska, and (b) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Illinois, Missouri, Oklahoma, Kansas, Texas, New Mexico, Louisiana, Colorado, Wyoming, Utah, Nevada, Montana, North Dakota, South Dakota and Nebraska. Applicant is authorized to conduct operations in Oklahoma, Montana, North Dakota, South Dakota, Arkansas, Illinois, Texas, Kansas, New Mexico, Louisiana, Nevada, Tennessee, Colorado, and Nebraska.

No. MC 106379 (Sub No. 34), filed January 6, 1959. Applicant: GULF SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 5812 Brock, Box 18104, Houston 23, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials,* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *pipe* and *machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines; (B) *Commodities,* the transportation of which, by reason of size or weight, requires the use of special equipment; and (C) *Related machinery* and *related contractors' materials and supplies,* when their transportation is incidental to the transportation of the commodities authorized in (B) above, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas; Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, and Wyoming, on the one hand, and, on the other, points in Alaska.

RESTRICTION: The authority to be granted herein will be subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wyoming.

No. MC 106497 (Sub No. 15), filed August 24, 1959. Applicant: PARKHILL TRUCK COMPANY, a corporation, 2000 East Jasper, P.O. Box 3087, Tulsa 23, Okla. Applicant's attorney: Tom B. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Machinery, equipment, materials* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (b) *Commodities,* the transportation of which because of their size or weight require the use of special equipment or handling; (c) *Parts of commodities,* the transportation of which because of their size or weight require the use of special equipment or handling; and (d) *Parts* and *accessories* when related to the above, between (1) points in Alaska; (2) points in Alaska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming, Nevada, Montana, North Dakota, and South Dakota. Applicant is authorized to conduct operations throughout the United States.

No. MC 107322 (Sub No. 81), filed July 18, 1958. Applicant: BELL TRANSPORTATION COMPANY, a corporation, 1406 Hays St., P.O. Box 8598, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the exploration, discovery, development, production, refining, manufacturing, processing, storage, transmission, maintenance, construction, operation, repair, servicing and distribution of (a) natural gas and petroleum and their products and by-products; (b) water; and (c) sulphur and its products; (2) *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of all pipe lines, including the stringing and picking up thereof. II. *Commodities,* the transportation of which, because of size or weight requires use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment. III. (1) *Road building, earth moving and excavating machinery, equipment, materials and attachments;* (2) *Lumber and mining machinery and equipment;* (3) *Tractors* (other than conventional truck-tractors designed for highway operations); and (4) *Parts* of commodities described in (1) through (3) above. IV. *Agricultural machinery.* V. *Contractors' equipment, machinery, materials, supplies and related parts.* VI. *Equipment, machinery, materials, supplies and related parts thereof* used in, or in connection with, mining operations. VII. *Furs,* and *hides,* between points in the United States (the heretofore existing forty-eight (48) states and the District of Columbia), on the one hand, and, on the other, points in the new State of Alaska. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, the District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

No. MC 107678 (Sub No. 23), filed August 26, 1958. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, 13019 Sarah Lane, Houston 15, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *pipe* and *machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (B) *Commodities,* the transportation of which, by reason of size or weight, requires the use of special equipment; (C) *Mining* and *contractors' equipment, materials and supplies,* (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, Montana Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming. Applicant is authorized to conduct operations in Colorado, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

No. MC 113459 (Sub No. 15), filed July 18, 1958. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Drawer 4877, 4720 South Shields Boulevard, Oklahoma City, Okla. Applicant's attorneys: Charles D. Mathews and Thomas E. James, P.O. Box 858, 1020 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the exploration, discovery, development, production, refining, manufacturing, processing, storage, transmission, maintenance, construction, operation, repair, servicing, and distribution of: (a) Natural gas and petroleum and their products and by-products; (b) Water; (c) Sulphur and its products. (2) *Machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of all pipe lines, including the stringing and picking up thereof. II. *Commodities, the transportation of which because of size or weight requires the use of special equipment,* and of *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment. III. (1) *Road building, earth moving and excavating machinery, equipment, materials and attachments,* (2) *Lumber and mining machinery and equipment.* (3) *Tractors* (other than conventional truck-tractors designed for highway operations). (4) *Parts of commodities* described in (1) through (3) above. IV. *Agricultural machinery.* V. *Contractors' equipment, machinery, materials, supplies* and *related parts.* VI. *Equipment, machinery, materials, supplies* and *related parts thereof* used in or in connection with mining operations. VII. *Furs* and *hides,* all kinds. Between points in the United States (the heretofore existing 48 States and the District of Columbia), on the one hand, and, on the other, points in the new State of Alaska. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming.

No. MC 113822 (Sub No. 2), filed July 13, 1959. Applicant: DALGARNO TRANSPORTATION, INC., 515 South Walnut Street, Casper, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies,* including *complete drilling rigs,* used in or in connection with, the discovery, development

production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products, *pipe, pipeline material, machinery and equipment* incidental to, and used in connection with, the construction, operation, repairing, servicing, maintenance or dismantling of gas, gasoline and oil pipe lines, including the stringing and picking up thereof in connection with main, trunk or gathering pipe lines, and *commodities*, the transportation of which because of size or weight requires the use of special equipment or handling, and *parts* of commodities, the transportation of which because of their size or weight requires use of special equipment or handling, and the loading and unloading of all of the above on or from any means of transportation, including water freight, between points in Wyoming, Montana, North Dakota, South Dakota, Utah, Colorado, and Nebraska, on the one hand, and, on the other, points in Alaska. Applicant is authorized to conduct similar operations between Casper, Wyo., on the one hand, and, on the other, points in Utah, Colorado, Nebraska, South Dakota, North Dakota, Montana, and Wyoming.

No. MC 119176, filed August 24, 1959. Applicant: THE SQUAW TRANSIT COMPANY (Oklahoma corporation), P.O. Box 9415, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines; (2) *machinery* and *equipment* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of sulphur and its products, and *materials* and *supplies*, used in, or in connection with the discovery, development production refining, manufacture, processing, storage, transmission and distribution of sulphur and its products when moving to or from exploration, drilling, production, job construction and plant (including refining, manufacturing and processing plants) sites, or storage sites; (3) *machinery, equipment, materials* and *supplies* used in, or in connection with the drilling of water wells; (4) *machinery* and *machinery parts* (other than oil field machinery and parts therefor) which, because of their size or weight, require special handling or rigging; (5) *Iron, steel* and other *metal articles* to be used in the construction, maintenance or repair of electrical, telephone or telegraph towers, sub-stations or generating plants; (6) *road building, earth moving,* and *excavating machinery, equipment, materials* and *attachments;* (7) *lumber* and *construction machinery* and *equipment* used in, or in connection with construction or completion of homes or industrial buildings, *mining machinery* and *equipment;* (8) *contractors' equipment, machinery, materials, supplies,* and *related parts;* (a) between points in Alaska, and (b) between points in Alaska, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma and Texas; and (9) *furs*, in bulk, between points in Alaska, on the one hand, and, on the other, points in the United States.

NOTE: Applicant is vendee in No. MC–F–7236 proceeding to purchase The Squaw Transit Company, a Kansas Corporation, No. MC 105920, and Gulf Southwestern Transit Company, MC 106379 Sub 19.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1872 (Sub No. 49), filed September 11, 1959. Applicant: ASHWORTH TRANSFER, INC., 1526 South 6th West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or handling, between points in Colorado and Utah on the one hand, and, on the other, points in Oregon and Washington. Applicant is authorized to conduct operations in Utah, Idaho, Montana, Colorado, Wyoming, Arizona, Nevada, New Mexico, California and Oregon.

No. MC 3281 (Sub No. 5), filed September 14, 1959. Applicant: JACK F. POWELL AND C. K. POWELL, a partnership, doing business as POWELL TRUCK LINE, Searcy, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle over regular or irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and commodities requiring special equipment, between Heber Springs, Ark., and Greers Ferry Dam Site, Ark.

NOTE: Applicant is authorized to conduct operations into Heber Springs as a part of its regular route; the instant application is filed to serve the Dam Site since it is outside the city limits of Heber Springs.

No. MC 7716 (Sub No. 10), filed September 11, 1959. Applicant: GERMANN BROS. MOTOR TRANSPORTATION, INC., Aberdeen, Ohio. Applicant's attorney: Robert H. Kinker, P.O. Box 127, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, serving Orangeburg, Ewing, and Mt. Carmel, Ky., and points within five (5) miles of Flemingsburg, Ky., as off-route points in connection with applicant's authorized regular route operations between Cincinnati, Ohio and Flemingsburg, Ky. *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Orangeburg, Ewing, and Mt. Carmel, Ky., and points within five (5) miles of Flemingsburg, Ky., and off-route points in connection with applicant's authorized regular route operations between Maysville and Cynthiana, Ky. Applicant is authorized to conduct operations in Kentucky, Ohio and West Virginia.

No. MC 10872 (Sub No. 25), filed September 10, 1959. Applicant: BE–MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo. Applicant's attorney: Charles M. M. Shepherd, 206 Brown Building, 101 South Meramec Avenue, Clayton (St. Louis) 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in truckload shipments, between Pharoah, Okla., and Calvin, Okla., from Pharoah over U.S. Highway 75 to Calvin, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Missouri, Oklahoma, and Wisconsin.

No. MC 66562 (Sub No. 1556), filed September 3, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Detroit, Mich., and Cleveland, Ohio, from Detroit over U.S. Highway 25 to junction Michigan Highway 85, thence over Michigan Highway 85 to junction Alternate U.S. Highway 24, thence over Alternate U.S. Highway 24 to Toledo, Ohio, thence over Ohio Highway 120 to Ohio Turnpike, thence over Ohio Turnpike to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, and return over the same route, serving the intermediate point of Toledo, Ohio. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1557), filed September 3, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) Between Detroit, Mich., and Pittsburgh, Pa., from Detroit over U.S. Highway 25 to junction Michigan Highway 85, thence over Michigan Highway 85 to junction Alternate U.S. Highway 24, thence over Alternate U.S. Highway 24 to Toledo, Ohio, thence over Ohio Highway 120 to Ohio Turnpike, thence over Ohio Turnpike to the Ohio-Pennsylvania State line, thence over Pennsylvania Turnpike to junction U.S. Highway 19, thence over U.S. Highway 19 to Pittsburgh, and return over the same route, serving the intermediate point of Toledo, Ohio, and the off-route point of Cleveland, Ohio. (2) Between Toledo, Ohio and Canton, Ohio, from Toledo over U.S. Highway 24 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction U.S. Highway 30–N, thence over U.S. Highway 30–N to junction U.S. Highway 30, thence over U.S. Highway 30 to Canton, and return over the same route, serving the intermediate or off-route points of Tiffin, Crestline and Mansfield, Ohio. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1559), filed September 14, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between New York, N.Y., and Garden City, L.I., N.Y., from New York over New York Highway 24 to junction Nassau County Trunk Highway 1, thence over Nassau County Trunk Highway 1 to Garden City, and return over the same route, serving no intermediate points. Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 76266 (Sub No. 102), filed September 10, 1959. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small arms ammunition, livestock, household goods as defined by the Commission and liquids in bulk, in tank trucks, over the following alternate routes for operating convenience only, serving no intermediate points, (1) between Cleveland, Ohio, and Gilman, Ill., from Cleveland over U.S. Highway 42 to Mansfield, Ohio, thence over U.S. Highway 30N to Delphos, Ohio, thence over U.S. Highway 30 to Van Wirt, Ohio, thence over U.S. Highway 224 to Huntington, Ind., thence over U.S. Highway 24 to Gilman, and return over the same route; (2) between Onarga, Ill., and Springfield, Ill., over U.S. Highway 54; (3) between Huntington, Ind., and Maumee, Ohio, over U.S. Highway 24. Applicant is authorized to conduct operations in Colorado, Minnesota, Iowa, Illinois, Nebraska, Missouri, Kansas, Indiana, Ohio, and Michigan.

No. MC 101082 (Sub No. 11) filed September 15, 1959. Applicant: EE–JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in temperature-controlled tank vehicles, from East St. Louis, Ill., to Louisville, Ky., and *rejected and damaged shipments* of liquid petroleum wax, on return. Applicant is authorized to conduct operations in Illinois, Missouri, Indiana, Iowa, Tennessee, Kansas and Nebraska.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 101082 Sub No. 4, to determine whether applicant's status is that of a contract or common carrier.

No. MC 113779 (Sub No. 105), filed September 8, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 Laporte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean oil*, from Decatur, Ill., to Houston, Tex., and (2) *Linseed oil*, from Valley Park, Mo., to Houston, Tex., when the above commodities are moving in mixed loads with liquid chemicals, in bulk, in compartmented tank trucks. Aplicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

No. MC 116292 (Sub No. 1), filed August 24, 1959. Applicant: KERR & FAGAN TRUCKING COMPANY, INC., 1211 Brandt Drive, Tallahassee, Fla. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Processed animal feeds*, in packages, from Gunterville, Ala., to Madison, Live Oak and Lake City, Fla. Applicant is authorized to conduct operations in Georgia, Kentucky, Illinois, Indiana, Ohio and Florida.

No. MC 118706 (Sub No. 1) (CORRECTION), filed August 14, 1959, published FEDERAL REGISTER issue of August 22, 1959. Applicant: JOE L. RUHL, 211 Daniel, Sikeston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* and *gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot and Dunklin Counties, Mo., and points in Greene, Clay, Crittenden, and Mississippi Counties, Ark.; (2) between points in Poinsett, Craighead and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45–E and U.S. Highway 45 to the Mississippi State line.

No. MC 119205, filed September 10, 1959. Applicant: CLAREMONT AND CONCORD RAILWAY COMPANY, INC., 150 Causeway Street, Boston 14, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives* (as may be received or forwarded via rail in substitution of rail service), between West Claremont, N.H., and Emerson (West Henniker), N.H., from West Claremont over New Hampshire Highway 11–103 to Wendell, thence over New Hampshire Highway 11 to Sunapee, thence return over New Hampshire Highway 11 to Wendell, thence over New Hampshire Highway 103 to Bradford, thence over New Hampshire Highway 114 to Henniker, thence over U.S. Highway 202 to Emerson; also from Bradford over New Hampshire Highway 103 to Hopkinton, thence over U.S. Highway 202 to junction New Hampshire Highway 127, thence over New Hampshire Highway 127 to West Hopkinton, thence return over New Hampshire Highway 127 to junction of U.S. Highway 202, thence over U.S. Highway 202 to Emerson, and return over the same routes, serving all intermediate points that are stations on the railroad, including Claremont, Kellyville, Northville, Newport, Sunapee, Mt. Sunapee, Newbury, Bradford, Melvin, Warner, Contoocook, West Hopkinton and Henniker.

NOTE: Applicant states that the motor carrier service to be performed shall be limited to service which is auxiliary to, or supplemental of, its rail service; applicant shall not serve any point not a station on its rail lines; service shall be limited to shipments which have an immediate, prior or subsequent movement by rail.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub No. 71), filed July 16, 1959. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: John L. Pitts, P. O. Box 1711, Alexandria, La. Authority sought to operate as a *common carrier*, by motor

vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Whiteville, Tenn., and the junction of Tennessee Highways 18 and 100, approximately ten miles northeast of Bolivar, over Tennessee Highway 100, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Texas, Louisiana, Arkansas, Mississippi, Illinois, Missouri, Tennessee and Kentucky.

No. MC 29957 (Sub No. 74), filed July 16, 1959. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: John L. Pitts, P. O. Box 1711, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Campti, La., and Grand Ecore, La., over Louisiana Highway 486, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Texas, Louisiana, Arkansas, Mississippi, Illinois, Missouri, Tennessee, and Kentucky.

No. MC 61616 (Sub No. 64), filed September 11, 1959. Applicant: MIDWEST BUSLINES, INC., 1800 Lincoln Avenue, Little Rock, Ark. Applicant's attorney: R. Ben Allen, Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail* and *baggage*, between Thornton, Ark., and El Dorado, Ark., from Thornton over U.S. Highway 167 to El Dorado, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Tennessee, and Texas.

PETITION

No. MC 107272 (Sub No. 15) (PETITION FOR AMENDMENT OF INTERIM PERMIT), dated June 29, 1959. Petitioner: MONKEM COMPANY, INC., 1206 East Sixth Street, P.O. Box 639, Joplin, Mo. Petitioner's attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Mo. By application filed March 19, 1958, petitioner sought authority to transport certain animal and poultry feed and ingredients thereof, and building materials, over irregular routes, from and to points in Missouri, Iowa, Oklahoma, Kansas, Nebraska, Illinois, Tennessee, Arkansas, Louisiana, and Mississippi. Under date of January 14, 1959, an Interim Permit No. MC 107272 (Sub No. 15) was issued to the applicant. Petitioner states that another shipper, Consumers Cooperative Association, needs the services of applicant in the transportation of the involved commodities from and to all points authorized in Interim Permit No. MC 107272 (Sub No. 15), and prays the Commission amend the Interim Permit so as to permit petitioner to perform the service authorized therein for and under a continuing contract or contracts with Consumers Cooperative Association of Kansas City, Mo., in addition to the two shippers presently authorized.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7305 (correction) (WOODS INDUSTRIES, INC.—CONTROL—UNITED TRANSPORTS, INC., ET AL.) published in the September 10, 1959, issue of the FEDERAL REGISTER on page 7304. The operating rights of UNITED TRANSPORTS, INC., sought to be controlled should have read, in part, as follows: *Trailers*, other than those designed to be drawn by passenger automobile, in truckaway service, in secondary movements, from Memphis, Tenn., to points in Arizona, Oklahoma, New Mexico and Texas, restricted to an immediately prior movement by water carrier.

No. MC-F 7312. Authority sought for purchase by CLEO J. CARBARY, doing business as CLEO J. CARBARY TRUCKING COMPANY, Post Office Box 46, Kawkawlin, Mich., of a portion of the operating rights of W. L. THORNBURY, 854 West Jefferson Avenue, Post Office Box 113, Grand Ledge, Mich. Applicants' attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Fort Wayne, Ind., to points in Saginaw and Bay Counties, Mich. Vendee is authorized to operate as a *common carrier* in Michigan, Wisconsin, Illinois and Ohio. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-7313. Authority sought for purchase by INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn., of the operating rights and property of PETROLEUM TRANSPORT, INC., East Belt Line (Highway U.S. 51), P.O. Box 289, Madison 4, Wis., and for acquisition by LESTER A. WILSEY, also of St. Paul, of control of such rights and property through the purchase. Applicants' attorney: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank trucks, and *lubricating oils and petroleum greases*, in containers, when carried on tank trucks in connection with the transportation of petroleum products in such trucks, as a *common carrier*, over irregular routes, from Lemont, Ill., and points in the Chicago, Ill., Commercial Zone, as defined in 1 M.C.C. 673, except Whiting, Ind., to points in Columbia, Dane, Green, Iowa, Rock, and Walworth Counties, Wis., from Lockport, Ill., and Whiting Ind. to points in Kenosha, Walworth, Rock, Green, Lafayette, Iowa, Dane, Jefferson, Waukesha, Racine, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Sauk, Richland, Juneau, Adams, Marquette, Green Lake, Fond Du Lac, Sheboygan, Manitowoc, Calumet, Winnebago, Waushare, Outagamie, Brown, Waupaca, and Kewaunee Counties, Wis., from Lemont, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission in Chicago, Ill., Commercial Zone 1 M.C.C. 673, except Whiting, Ind., to points in Kenosha, Lafayette, Jefferson, Waukesha, Racine, Milwaukee, Ozaukee, Washington, Dodge, Sauk, Richland, Juneau, Adams, Marquette, Green Lake, Fond Du Lac, Sheboygan, Manitowoc, Calumet, Winnebago, Waushare, Outagamie, Brown, Waupaca, and Kewaunee Counties, Wis., from Rockford, Ill., and Peru, Ill., and points within five miles of Rockford and Peru to points in Grant, Lafayette, Green, Rock, Walworth, Racine, Kenosha, Crawford, Richland, Sauk, Iowa, Adams, Juneau, Marquette, Green Lake, Fond Du Lac, Columbia; Dane, Dodge, Jefferson, Washington, Waukesha, Sheboygan, Ozaukee, and Milwaukee Counties, Wisconsin; *empty containers* for and *rejected shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points; *reclaimed or refined lubricating oils*, in bulk, in tank trucks, from West Allis, Wis., to Chicago, Ill., *liquefied petroleum gas*, in bulk, in tank vehicles, from West Kankakee and Ficklin, Ill., to points in Wisconsin on and south of a line extending along U.S. Highway 16 from La Crosse to Sparta, thence along Wisconsin Highway 21 to Oshkosh, thence along U.S. Highway 41 to Appleton, and thence along U.S. Highway 10 to Manitowoc; and those in Iowa on, east and south of a line commencing at Marquette, and extending along U.S. Highway 18 to Williamstown, and thence along U.S. Highway 63 to the Iowa-Missouri State line, from Eola, Illinois and points within five miles thereof, to points in Wisconsin, and from West Kankakee and Ficklin, Ill., to points in Wisconsin on and north of a line beginning at La Crosse and extending along U.S. Highway 16 to Sparta, thence along Wisconsin Highway 21 to Oshkosh, thence along U.S. Highway 41 to Appleton, and thence along U.S. Highway 10 to Manitowoc; *petroleum products*, in bulk, in tank vehicles, from Amboy, Ill., and points within ten miles thereof, to points in Green Lake, Dane, Walworth, Rock, Waukesha, Dodge, Sauk, Columbia, Fond Du Lac, and Lafayette Counties, Wis.; *petroleum and petroleum products* as described in Appendix XIII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Illinois, to points in Crawford, Grant, La Crosse, Monroe, and Vernon Counties, Wisconsin; *petroleum and petroleum products*, except petroleum chemicals (but including Naphtha), as described in Appendix XIII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Illinois, to points in Crawford, Grant, La Crosse, Monroe, and Vernon Counties, Wisconsin; *petroleum products*, as described in Appendix XIII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from

Sheboygan, Wisconsin, to Lemont, Chicago, and Lockport, Illinois. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Michigan, Iowa, South Dakota, North Dakota,, Montana, Wyoming and Nebraska. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-7314. Authority sought for control by RUAN TRANSPORT CORPORATION, 408 S.E. 30th Street, Des Moines, Iowa, of THE RUAN CORPORATION, 408 S.E. 30th Street, Des Moines, Iowa, and for acquisition by JOHN RUAN, also of Des Moines, of control of THE RUAN CORPORATION, through the acquisition by RUAN TRANSPORT CORPORATION. Applicants' attorney: Henry L. Fabritz, Ruan Transport Corporation, P.O. Box 855, Des Moines 4, Iowa. Applicant seeks authority to continue in control of THE RUAN CORPORATION, upon the latter's institution of operations in interstate or foreign commerce as a motor *contract carrier* over irregular routes, of *cement*, in bulk, and in bags and packages, from the plant site of Northwestern States Portland Cement Company, in or adjacent to Mason City, Iowa, to points in Iowa, Wisconsin, Minnesota, North Dakota and South Dakota, and *rejected or returned shipments* of cement, on return. RUAN TRANSPORT CORPORATION is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas and Pennsylvania. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-7316. Authority sought for control by RUAN TRANSPORT CORPORTATION, 408 SE. 30th Street, Des Moines, Iowa, of RUAN TRANSPORT CORPORATION OF KANSAS, RUAN TRANSPORT CORPORATION OF FREDONIA, RUAN TRANSPORT CORPORATION OF MISSOURI and RUAN TRANSPORT CORPORATION OF CHANUTE, all of 408 SE. 30th Street, Des Moines, Iowa, and for acquisition by JOHN RUAN, also of Des Moines, of control of the latter corporations, through the acquisition by RUAN TRANSPORT CORPORATION. Applicants' attorney: Henry L. Fabritz, Ruan Transport Corporation, P.O. Box 855, Des Moines 4, Iowa. Applicant seeks authority to continue in control of RUAN TRANSPORT CORPORATION OF KANSAS, RUAN TRANSPORT CORPORATION OF FREDONIA, RUAN TRANSPORT CORPORATION OF MISSOURI and RUAN TRANSPORT CORPORATION OF CHANUTE, upon the latters institution of operations in interstate or foreign commerce as motor *contract carriers* over irregular routes: (RUAN TRANSPORT CORPORATION OF KANSAS), *cement*, in bulk and in packages, *palletized and/or unpalletized*, from the plant site of Universal Atlas Cement, Division of United States Steel Corporation, in or near Independence, (Montgomery County) Kansas, to points in the States of Arkansas, Iowa, Kansas, Missouri, Nebraska and Oklahoma, and *empty pallets* on return; (RUAN TRANSPORT CORPORATION OF FREDONIA), *cement*, in bulk, in bags and in packages, *palletized and/or unpalletized*, from the plant site of General Portland Cement Company in or near Fredonia, Kansas to points in the States of Arkansas, Kansas, Missouri, Nebraska and Oklahoma, and empty pallets on return; (RUAN TRANSPORT CORPORATION OF MISSOURI), *cement*, in bulk, in bags and in packages, from Kansas City, Missouri to points in the States of Iowa, Kansas, Missouri and Nebraska; *cement*, in bulk, in bags and in packages from St. Louis, Missouri to points in the States of Arkansas, Illinois, Iowa, Kentucky and Missouri; *cement*, in bulk, in bags and in packages from Memphis, Tennessee to points in the States of Arkansas, Kentucky, Mississippi, Missouri and Tennessee; (RUAN TRANSPORT CORPORATION OF CHANUTE), *cement*, in bulk, in bags and in packages, from the plant site of the Ash Grove Lime and Portland Cement Company in or near Chanute, Kansas, to points in the States of Arkansas Kansas, Missouri, Oklahoma and Texas. RUAN TRANSPORT CORPORATION is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Texas, Arkansas, Louisiana, Kentucky and Pennsylvania. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-7317. Authority sought for purchase by BRASWELL FREIGHT LINES, INC., 201 Raynolds Blvd., El Paso, Texas, of the operating rights of JOE HODGES TRANSPORTATION CO., INC., 905 West Washington, Oklahoma City, Okla.; and for acquisition by BRASWELL MOTOR FREIGHT LINES, INC., and in turn by J. V. BRASWELL, El Paso, Texas, of control of such rights through the purchase. Applicant's attorney: T. S. Christopher, 807 Continental Life Bldg., Ft. Worth 2, Texas. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Tulsa, Okla., and Oklahoma City, Okla., serving no intermediate points. Vendee is authorized to operate as a common carrier in Texas, Louisiana, Mississippi, Tennessee, Arkansas and Oklahoma. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-7318. Authority sought for purchase by THE NEW DIXIE LINES, INCORPORATED, Brook Road and Norwood Ave., Richmond, Virginia, of the operating rights and property of JOCIE MOTOR LINES, INC., 2115 North Tryon St., Charlotte, N.C., and for acquisition by J. D. BROTHERS, 101 Kanawha Road, Richmond, Va., and W. F. GRINELS, 615 Norwood Ave., Richmond, Va., of control of such rights and property through the purchase. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington, D.C. Operating rights sought to be merged: *General commodities*, excepting among others, household goods but not excepting commodities in bulk, as a *common carrier* over irregular routes between points in North Carolina and South Carolina, between points in North Carolina and South Carolina, on the one hand, and, on the other, Augusta and Savannah, Ga., between Atlanta, Ga., on the one hand, and, on the other, points within 15 miles of Atlanta, and between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and, on the other, Augusta and Savannah, Ga., and points in North Carolina and South Carolina. THE NEW DIXIE LINES, INCORPORATED, is authorized to operate as a *common carrier* in Virginia, South Carolina, North Carolina, Maryland and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-7319. Authority sought for purchase by SUBURBAN MOTOR FREIGHT, INC., 1100 King Ave., Columbus, Ohio, of a portion of the operating rights of THE OVERLAND TRANSPORTATION COMPANY, 184 Massillon Road, Akron, Ohio, and for acquisition by JAMES R. RILEY, also of Columbus, of control of such rights through the purchase. Applicants' attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chester, W. Va., and Charleston, W. Va., and between Akron, Ohio, and Charleston, W. Va.; serving certain intermediate and off-route points; service at Charleston, W. Va., is restricted to traffic moving to or from Akron and Barberton, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, West Virginia, Michigan and Missouri. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-7320. Authority sought for control by VIRGINIA CAROLINA FREIGHT LINES, INCORPORATED, 807 West Fayette Street, Martinsville, Va., of BURLINGTON TRUCKERS, INC., 1313 Webb Ave., Burlington, N.C., and for acquisition by JAMES C. STONE, Box 317, Route 4, Martinsville, Va., of control of BURLINGTON TRUCKERS, INC., through the acquisition by VIRGINIA CAROLINA FREIGHT LINES, INCORPORATED. Applicants' attorney: Paul A. Sherier, 601 Warner Building, Washington 4, D.C. Operating rights sought to be controlled: *Cellulose acetate, rayon yarn* and *rayon products* and *supplies* used in their manufacture, and *empty rayon yarn containers*, as a *common carrier* over a regular route, between Amcelle (near Cumberland), Md., and Celco (near Narrows), Va., serving no intermediate points; *cellulose acetate*, in bags, over irregular routes, from Celriver, S.C., to Celco, Va.; *cellulose acetate*, in bulk, from Celco, Va., to Celriver, S.C.; *hosiery*, from Hickory, Granite Falls, Drexel, and Glen Alpine, N.C., to Clinton, S.C.; *glass bottles*, from Laurens, S.C., to Hickory and Statesville, N.C.; *automobile parts*, from Detroit, Mich., and Indianapolis, Ind., to Greenville, S.C.; *canned goods*, from Indian-

apolis, Ind., to Greenville, S.C.; *cotton seed*, from Fountain Inn, S.C., to Augusta, Ga.; *cotton seed meal* and *cotton seed hulls*, from Augusta, Ga., to Fountain Inn, S.C.; *yarn, bobbins, spools, warp, warp pins, warp beams, warp rolls*, and *cones, containers*, and *textile machinery* and *parts therefor*, between points in North Carolina on and west of U.S. Highway 1 on the one hand, and, on the other, points in South Carolina; *rayon yarn and cloth, cotton yarn and warps, empty beams, spools, cases*, and *containers for* rayon and cotton yarn and warps, *rayon mill* and *cotton mill machinery, supplies* and *equipment*, between Altavista, Covington, Lynchburg, Roanoke, Vinton, and Bristol, Va., Greensboro, Mooresville, Reidsville, Burlington, Central Falls, High Point, Statesville, Fayetteville, and Ossipee, N.C., Johnson City, Tenn., and Cumberland, Md.; *general commodities*, except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, petroleum products in bulk, articles of extraordinary value, commodities injurious to other lading, and those exceeding the size and capacity of the equipment, between points in Wythe County, Va., and those in that part of Virginia, West Virginia, North Carolina, and Tennessee, within 150 miles of Wythe County, Va.; *general commodities*, except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, automobiles, commodities of unusual value, commodities requiring special equipment and those injurious or contaminating to other lading, between Burlington, N.C., and Altavista, Va.; *general commodities*, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Anderson, Charleston, and Greenville, S.C., on the one hand, and, on the other, Columbia, Greer, Seneca, and Spartanburg, S.C., Augusta, and Savannah, Ga., Winston-Salem, N.C., and points in North Carolina within 50 miles of Winston-Salem; *general commodities*, except dangerous explosives, gasoline in bulk, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, from Norfolk and Richmond, Va., to Henderson, N.C., and points in North Carolina within 50 miles of Henderson. Carrier may combine two or more of the above-described irregular route authorities provided the authorities have a point common to both to which the carrier may transport a given shipment under one authority and from which it may transport the same shipment under the other and establish through service under such combination provided in each instance the shipment is transported through the common or gateway point, and provided further that this certificate does not contain any restriction or other indication that through service shall not be conducted. VIRGINIA CAROLINA FREIGHT LINES, INCORPORATED is authorized to operate as a *common carrier* in Maryland, Virginia, North Carolina, Pennsylvania and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-7322. Authority sought for purchase by THE ADLEY EXPRESS COMPANY, 216 Crown St., New Haven 10, Conn., of the operating rights and property of ALGER BROTHERS, INC., 300 Mystic Ave., Medford 55, Mass., and for acquisition by M. L. ADLEY, DANIEL J. ADLEY and R. J. ADLEY, all of New Haven, of control of such rights and property through the purchase. Applicants' attorney and representative, respectively: Jack R. Turney, Jr., Turney & Turney, 2001 Massachusetts Ave., NW., Washington 6, D.C., and Richard H. Simons, Executive Vice President, The Adley Express Company, 216 Crown St., New Haven 10, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Scituate, Mass., between Boston, Mass., and Allerton, Mass., between Boston, Mass., and Brockton, Mass., between Boston, Mass., and Wrentham, Mass., between Boston, Mass., and Shrewsbury, Mass., between Boston, Mass., and Worcester, Mass., serving certain intermediate and off-route points, between Boston, Mass., and North Anson, Maine, between Boston, Mass., and Farmington, Maine, between Boston, Mass., and Lewiston, Maine, between Boston, Mass., and Gorham, Maine, between Boston, Mass., and Augusta, Maine, and between Boston, Mass., and Rumford, Maine, serving all intermediate and certain off-route points; *such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, between Boston, Mass., and Portsmouth, N.H., between Boston, Mass., and Dover, N.H., between Boston, Mass., and Laconia, N.H., between Boston, Mass., and Farmington, N.H., between Boston, Mass., and White River Junction, Vt., serving certain intermediate and off-route points, and between Hampton, N.H., and Hampton Beach, N.H., serving no intermediate points; *general commodities*, with exceptions as specified above, over irregular routes, between Boston, Mass., and points within ten miles of Boston, on the one hand, and, on the other, points in Massachusetts, and that part of Maine on and south of a line beginning at Eastport, Maine, and extending through Bangor and North Anson, Maine, to Wilson's Mills, Maine; *such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, between Boston, Mass., and points within ten miles of Boston, on the one hand, and, on the other, Bellows Falls, Windsor, and Brattleboro, Vt., and points in New Hampshire. Vendee is authorized to operate as a *common carrier* in Massachusetts, Vermont, Connecticut, New York, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, West Virginia, Florida, Ohio, and the District of Columbia. Application has been filed for temporary authority under Section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7932; Filed, Sept. 22, 1959; 8:51 a.m.]

[Notice 98]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 18, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1976 (Deviation No. 1), JOHN NEWTON TRUCKING CO., 1400 Belleville Turnpike, Kearny, N.J., filed September 3, 1959. Attorney Bert Collins, 140 Cedar Street, New York 6, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from the junction of U.S. Highways 1 and 130 at North Brunswick, N.J., over U.S. Highway 130 to Camden, N.J., thence over city streets to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: from New York over U.S. Highway 1 to Philadelphia and return over the same route.

No. MC 2202 (Deviation No. 5), ROADWAY EXPRESS INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed September 4, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from the junction of U.S. Highway 22 and New Jersey Highway 28 just west of Somerville, N.J., over U.S. Highway 22 to junction U.S. Highway 1 in Newark, N.J., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: from the junction of U.S. Highway 22 and New Jersey Highway 28 to the junction of U.S. Highway 1 in Elizabeth, N.J., thence over U.S. Highway 1 to the junction of U.S. Highway 22 in Newark, and return over the same route.

No. MC 30073 (Deviation No. 2), JOHNSON FREIGHT LINES INC., 420 Sixth Avenue, S. Nashville, Tenn., filed September 3, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over two deviation routes, as follows: (1) from Louisville, Ky., over U.S. Highway 31E to junction Kentucky Highway 61 at Hodginsville, Ky., and (2) from the junction of U.S. Highways 31E and 231 at Bradford, Tenn., over U.S. Highway 231 to the junction of U.S. Highway 41 at Murfreesboro, Tenn., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent routes: from Louisville over U.S. Highway 31W to Cave City, Ky., thence over Kentucky Highway 70 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Nashville, Tenn., thence over U.S. Highway 41 to Murfreesboro, Tenn.; and from Louisville over U.S. Highway 31W to Nashville, thence over U.S. Highway 41 to Murfreesboro; and return over the same routes.

No. MC 69274 (Deviation No. 1), M & R TRANSPORTATION CO., INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed September 3, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: from the junction of Old Rhode Island Highway 3 and New Rhode Island Highway 3 at a point approximately 2½ miles northeast of Ashaway, R.I., over New Rhode Island Highway 3 to its junction with Old Rhode Island Highway 3 approximately ½ mile northeast of Wyoming, R.I., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: from New York over U.S. Highway 1 to Westerley, R.I., thence over Rhode Island Highway 3 to Providence, R.I., and thence over U.S. Highway 1 to Boston, and return over the same route.

No. MC 72300 (Deviation No. 1), LEE-AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis 2, Mo., filed September 8, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from St. Louis over U.S. Highway 66 to junction Illinois Highway 29, thence over Illinois Highway 29 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 51, and thence over U.S. Highway 51 via Rochelle, Ill., to Rockford, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis and Rockford over the following routes: U.S. Highway 66, Illinois Highway 4-A, Illinois Highway 83, and U.S. Highway 20.

No. MC 72300 (Deviation No. 2), LEE-AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis 2, Mo., filed September 8, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from St. Louis over U.S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between St. Louis and Aurora over the following routes: U.S. Highway 66, Illinois Highway 4-A, Illinois Highway 83, and U.S. Highway 34.

MOTOR CARRIER OF PASSENGERS

No. MC 45626 (Deviation No. 2), VERMONT TRANSIT CO., INC. 135 St. Paul Street, Burlington, Vt., filed September 3, 1959. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route, as follows: from the bus terminal in Concord, N.H., over presently authorized routes to the junction of Pleasant Street and South Street in Concord, thence over South Street to Clinton Street, thence over Clinton Street (New Hampshire Highway 13) to junction Interstate Highway 89, thence over Interstate Highway 89 to Access Road to Hopkinton, N.H., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between Concord and Hopkinton over U.S. Highway 202.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-7931; Filed, Sept. 22, 1959; 8:51 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 107-A]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Revised Taylor's I.C.C. Order No. 107 and good cause appearing therefor:

It is ordered, That:

(a) Revised Taylor's I.C.C. Order No. 107, be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 a.m., September 16, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 16, 1959.

INTERSTATE COMMERCE COMMISSION
CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-7933; Filed, Sept. 22, 1959; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 18, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35697: *Substituted service—Atlantic Coast Line Railroad.* Filed by The Southern Motor Carriers Rate Conference, Agent (No. 11), for interested carriers. Rates on property loaded in highway truck trailers and transported on railroad flat cars between Atlanta, Ga., and Jacksonville, Fla., substitution points, on traffic originating at or destined to points in the United States beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 8 to Southern Motor Carrier Rate Conference, Agent, tariff I.C.C. No. 32.

FSA No. 35698: *Coal from Illinois, Indiana, and Kentucky to Prairie du Chien, Wis.* Filed by Illinois Freight Association, Agent (No. 73), for interested rail carriers. Rates on bituminous fine coal, screened, carloads from mines in Illinois, Indiana, and western Kentucky to Prairie du Chien, Wis.

Grounds for relief: Threatened rail-barge-truck competition and restoration of former rate relations with La Crosse, Wis.

Tariff: Supplement 33 to Illinois Freight Association, Agent, tariff I.C.C. 898, and other listed schedules.

FSA No. 35699: *Liquefied petroleum gas—Zuni, N. Mex., to Maryland and Ohio points.* Filed by Southwestern Freight Bureau, Agent (No. B-7639), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Zuni, N. Mex., to Hagerstown and Hancock, Md., and Cincinnati, Ohio.

Grounds for relief: Market competition with El Paso, Tex.

Tariff: Supplement 189 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4150.

FSA No. 35700: *Liquefied petroleum gas—Louisiana points to official territory.*

Filed by Southwestern Freight Bureau, Agent (No. B–7640), for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Napoleonville, Plaquemine, Vallier, and Weeks, La., to points in official territory.

Grounds for relief: Market competition with Shreveport, La.

Tariff: Supplement 189 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4150.

FSA No. 35701: *Mattresses from and to points in Western States.* Filed by Southwestern Freight Bureau, Agent (No. B–7642), for interested rail carriers. Rates on mattresses, less than carloads between points in Missouri, between specified points in Illinois and specified points in Kansas and Missouri.

Grounds for relief: Short-line distance formula and grouping. Same and different bases of rates.

Tariff: Supplement 3 to Southwestern Freight Bureau, agent, tariff I.C.C. 4305.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7930; Filed, Sept. 22, 1959; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 17, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35694: *Coarse grains—Appleton, Minn., to Twin Cities.* Filed by Great Northern Railway Company (No. 1064), for itself. Rates on corn, oats, soybeans, also soybean cake or meal, carloads from Appleton, Minn., to St. Paul, Minneapolis, and Minnesota Transfer, Minn., for beyond.

Grounds for relief: Motor carrier competition.

Tariff: Supplement 37 to Great Northern Railway Company tariff I.C.C. A–8877.

FSA No. 35695: *TOFC rates—Between Oklahoma points and points in Louisiana, Mississippi and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–7641), for interested rail carriers. Rates on commodities moving on class and commodity rates loaded in or on trailers and transported on flat cars between points in Oklahoma on the St. L.-S.F. Ry., on the one hand, and points on the Mo. Pac., in Louisiana, Mississippi and Texas, and on the A&LM in Louisiana, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 76 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35696: *Vermiculite and perlite between points in western trunk line territory.* Filed by Western Trunk Line Committee, Agent (No. A–2086), for interested rail carriers. Rates on vermiculite, asbestos and clay combined, carloads, perlite and vermiculite, other than crude, carloads between points in western trunk-line territory.

Grounds for relief: Short-line distance formula and application of rates through higher-rated intermediate points in other territories.

Tariff: Supplement 43 to Western Trunk Line Committee, Agent, tariff I.C.C. A–4240.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–7871; Filed, Sept. 21, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Anniston Sportswear Corp., 919 West 9th Street, Anniston, Ala.; effective 9–10–59 to 9–9–60 (men's dress trousers).

Blue Bell, Inc., Red Bay, Ala.; effective 9–18–59 to 9–17–60 (men's and boys' work and sport trousers).

Carolina Underwear Co., Inc., Thomasville, N.C.; effective 9–15–59 to 9–14–60; workers engaged in the production of men's and boys' pajamas.

Curtis Manufacturing Co., 2400 Coolidge Avenue, Orlando, Fla.; effective 9–7–59 to 9–6–60 (men's and boys' pants).

The Dantan Co., Inc., Rankin Street, Dumas, Ark.; effective 9–4–59 to 9–3–60. Learners may not be employed at special minimum rates in the production of separate skirts (ladies' sportswear).

Humberland Dress Co., 31 North Spruce Street, Mt. Carmel, Pa.; effective 9–8–59 to 9–7–60 (children's dresses).

The Jerold Corp., Smithfield, N.C.; effective 9–15–59 to 9–14–60 (children's and women's sportswear).

Kane Manufacturing Co., Inc., Leitchfield, Ky.; effective 9–9–59 to 9–8–60 (sport jackets).

Kane Manufacturing Co., Inc., Morgantown, Ky.; effective 9–8–59 to 9–7–60 (sport jackets).

Lackawanna Pants Manufacturing Co., Corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9–8–59 to 9–7–60 (trousers).

Louisiana Garment Manufacturing Co., Inc., 2001 Saint Bernard Avenue, New Orleans, La.; effective 9–16–59 to 9–15–60 (work shirts, uniform and slack pants).

Pawnee Pants Manufacturing Co., Inc., 104-06 River Street, Olyphant, Pa.; effective 9–4–59 to 12–29–59 (replacement certificate) (men's and boys' trousers).

Quality Sewn Products, Inc., Royston, Ga.; effective 9–12–59 to 9–11–60 (ladies' blouses, men's and boys' sport shirts).

Royal Manufacturing Co., Inc., Sandersville, Ga.; effective 9–4–59 to 9–3–60 (men's and boys' sport shirts).

J. H. Rutter-Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La.; effective 9–8–59 to 9–7–60 (cotton work shirts and pants).

Southern Foundations, Inc., Alamo, Tenn.; effective 9–4–59 to 9–3–60 (foundation garments for women).

Vacation Wear, Inc., Estill, S.C.; effective 9–5–59 to 9–4–60 (ladies' cotton dresses and sportswear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Florida Garments, Inc., 3108 Jefferson Street, Tampa, Fla.; effective 9–8–59 to 9–7–60; 10 learners (men's work trousers, dungarees, shorts, etc.).

Johnson Garment Corp., 307 West Second Street, Marshfield, Wis.; effective 9–4–59 to 9–3–60; five learners (men's and boys' outerwear—parkas).

Leiter Manufacturing Co., 200 South Main Street, Ennis, Texas; effective 8–31–59 to 8–30–60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's apparel).

More Manufacturing Co., Marissa, Ill.; effective 9–8–59 to 9–7–60; 10 learners (women's apparel).

Northampton Pants Co., Inc., 222 East Saint Joseph Street, Easton, Pa.; effective 9–8–59 to 9–7–60; 10 learners (men's trousers).

Sun Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; effective 9–18–59 to 9–17–60; five learners (ladies' sportswear, blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 9–7–59 to 3–6–60; 100 learners (men's dress shirts).

C & J Manufacturing Co., RFD No. 1, Box 5, Eastman, Ga.; effective 9–8–59 to 3–7–60; 15 learners (boys' dress and sport shirts).

Charldon Manufacturing Co., Charleston, Miss.; effective 9–8–59 to 3–7–60; 75 learners (supplemental certificate) (boys' shirts).

Glen-Gould, Inc., 15th Street and Foster Avenue, Panama City, Fla.; effective 9–4–59 to 3–3–60; 35 learners (junior and women's dresses).

The H. D. Lee Co., Inc., Bonz, Ala.; effective 9–4–59 to 3–3–60; 20 learners (men's work clothing, bib and waistband overalls).

Sharlan Co., Inc., Fountain Inn, S.C.; effective 9–7–59 to 3–6–60; 60 learners (men's and boys' knit shirts).

Valley Manufacturing Corp., Millheim, Pa.; effective 9–3–59 to 3–2–60; 50 learners (brassieres and girdles).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 9–8–59 to 9–7–60; five learners for normal labor turnover purposes (leather palm work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 9–5–59 to 9–4–60; 10 percent of the total number of factory production workers engaged in the authorized learner occupations for normal labor turnover purposes (leather palm work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Carolina Underwear Co., Inc., Thomasville, N.C.; effective 9–15–59 to 9–14–60; 5 percent of the total number of factory production workers engaged in the production of children's and ladies' panties; boys' and men's shorts; ladies' pajamas.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The Fechheimer Brothers Co., 400 Pike Street, Cincinnati, Ohio; effective 9–18–59 to 3–17–60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (tailored and ready-made uniforms).

Held Manufacturing Co., Jasper, Ga.; effective 9–8–59 to 3–7–60; 75 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and 95 cents an hour for the remaining 200 hours (boys' suits, and outer wear jackets).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Atlas Products Corp., Toa Alta, P.R.; effective 8–25–59 to 8–5–60; 8 learners for normal labor turnover purposes in the occupation of machine sewing on leather gloves for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (replacement certificate) (leather gloves).

Automated Textiles Corporation of America, Ins. Road No. 159, Km. 14.9, Corozal, P.R.; effective 8–24–59 to 2–23–60; 20 learners for plant expansion purposes in the occupations of knitters, closers, each for a learning period of 480 hours at the rates of 51 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours (knitted gloves).

Becton, Dickinson Inc. of Puerto Rico, Juncos, P.R.; effective 8–25–59 to 12–14–59; 15 learners for plant expansion purposes in the occupations of: first test tubes; shakedown and rack for point; run through for point; point and unrack; chart and 2d machine test; wax; scale; numbers; names and serials; blot and dip bulbs; etch and clean; paint and polish; inspect engraving; rack for certify; run through for certify; certify and repair defective engraving; each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (replacement certificate) (clinical thermometers).

Caribe Princess, Inc., Humacao, P.R.; effective 8–19–59 to 2–18–60; 25 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (women's underwear).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 8–17–59 to 2–16–60; 20 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Central Products Co., Buenos Aires Street, Mayaguez, P.R.; effective 8–31–59 to 1–19–60; 30 learners for plant expansion purposes in the occupations of inspection, assembly work, stamping, punch press, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (replacement certificate) (measuring tape).

Clevite Electronic Components, Inc., Km. 14, Rd. 1, Rio Piedras, P.R.; effective 8–18–59 to 2–17–60; 25 learners for plant expansion purposes in the occupations of sawing, coating, inspection, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (phonograph cartridge elements).

Juana Diaz Co., Inc., Cuatro Calles No. 75, Ponce, P.R.; effective 9–8–59 to 3–7–60; 35 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Electronics Corporation Pan America, Insular Road No. 1, Km. 14, Rio Piedras, P.R.; effective 8–31–59 to 2–29–60; 40 learners for plant expansion purposes in the occupations of coil winding, assembly and soldering, inspection and testing, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electronic control apparatus).

Euphonics Corp., 65th Infantry Avenue, Km. 3.6, Villa Prades Industrial Devpt., Rio Piedras, P.R.; effective 8–24–59 to 2–23–60; 16 learners for plant expansion purposes in the occupations of rubber molding, stamping, assembly, testing, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (phonograph pick-up cartridges).

General Cigar Co., Inc., Ruiz Belvis Street, Caguas, P.R.; effective 8–24–59 to 2–23–60; six learners for plant expansion purposes in the occupation of machine stemming for a learning period of 160 hours at the rate of 65 cents an hour (machine stripping of Connecticut type tobacco).

Guildcraft, Inc., Aguas Buenas, P.R.; effective 8–17–59 to 2–16–60; 75 learners for plant expansion purposes in the occupations of hand sewers, hand lacers, hand beaders, each for a learning period of 480 hours at the rates of 47 cents an hour for the first 240 hours and 53 cents an hour for the remaining 240 hours (shoes and sandals).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 8–24–59 to 2–23–60; 14 learners for normal labor turnover purposes in the occupations of: (1) handsewing of baseballs and softballs for a learning period of 320 hours at the rate of 47 cents an hour for the first 160 hours and 55 cents an hour for the remaining 160 hours; (2) winding, moulding, each for a learning period of 160 hours at the rate of 47 cents an hour (baseballs and softballs).

Superior Embroidery Co., Inc., Sabana Grande, P.R.; effective 8–17–59 to 2–16–60; 40 learners for plant expansion purposes in the occupations of: (1) embroidery machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand-cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firms listed below. Effective and expiration dates, occupations, and learning periods for the certificates issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Sunnydale Academy, Centralia, Mo.; effective 9–1–59 to 8–31–60; authorizing the employment of 14 student-workers in the food manufacturing industry in semi-skilled occupations only for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 11th day of September 1959.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 59–7924; Filed, Sept. 22, 1959; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 21, 1959

S.J. Res. 103——Public Law 86-290
Joint Resolution authorizing the National Geographic Society to erect a memorial on public grounds in the State of Virginia to honor Rear Admiral Richard E. Byrd.

S. 355——Public Law 86-291
An Act to amend title 18 of the United States Code so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate Federal agency.

S. 1436——Public Law 86-292
An Act to amend the Act of June 14, 1926, as amended by the Act of June 4, 1954 (68 Stat. 173; 43 U.S.C., sec. 869).

S. 1944——Public Law 86-293
An Act to amend the Bankruptcy Act in regard to the verification of pleadings.

S. 2181——Public Law 86-294
An Act to amend the Mineral Leasing Act of February 25, 1920.

S. 2208——Public Law 86-295
An Act to provide that Alaska and Hawaii be eligible for participation in the distribution of discretionary funds under section 6(b) of the Federal Airport Act.

S. 2219——Public Law 86-296
An Act to authorize appropriations for construction of facilities for the Gorgas Memorial Laboratory, to increase the authorization of appropriations for the support thereof, and for other purposes.

S. 2230——Public Law 86-297
An Act to amend the National Cultural Center Act.

S. 2445——Public Law 86-298
An Act authorizing the conferring of the degree of master of arts in education on certain students who enrolled in the District of Columbia Teachers College prior to July 1, 1958, and who, prior to July 1, 1961, are certified by the president and faculty of such college as having met all requirements for the granting of such degree.

S. 2504——Public Law 86-299
An Act to authorize the sale at current support prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

S. 2569——Public Law 86-300
An Act to amend the Atomic Energy Act of 1954, as amended.

H.J. Res. 80——Public Law 86-301
Joint Resolution providing for the erection of a memorial tablet at Garden Key, Florida, in honor of Doctor Samuel Alexander Mudd.

H.J. Res. 403——Public Law 86-302
Joint Resolution granting consent of Congress to a compact entered into between the State of New York and the State of New Jersey for the creation of the New York-New Jersey Transportation Agency.

H.J. Res. 465——Public Law 86-303
Joint Resolution approving certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

H.J. Res. 513——Public Law 86-304
Joint Resolution designating the 17th day of December 1959 as "Wright Brothers Day".

H.J. Res. 531——Public Law 86-305
Joint Resolution establishing that the second regular session of the Eighty-sixth Congress convene at noon on Wednesday, January 6, 1960.

H.R. 163——Public Law 86-306
An Act to amend the Civil Service Retirement Act with respect to the crediting of service of United States commissioners for purposes of such Act.

H.R. 616——Public Law 86-307
An Act to designate the dam across the Lampasas River in Texas as Stillhouse Hollow Dam.

H.R. 1778——Public Law 86-308
An Act to amend section 17(b) of the Reclamation Project Act of 1939.

H.R. 2245——Public Law 86-309
An Act to amend subsection 432(g) of title 14, United States Code, so as to increase the limitation on basic compensation of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard from $3,750 to $5,100 per annum.

H.R. 2247——Public Law 86-310
An Act to authorize the conveyance of certain real property of the United States to the county of Sacramento, California.

H.R. 2386——Public Law 86-311
An Act to direct the Administrator of General Services to convey to the city of Mobile, Alabama, all the right, title, and interest of the United States in and to certain land.

H.R. 2982——Public Law 86-312
An Act to fix the official station of retired judges assigned to active duty.

H.R. 3180——Public Law 86-313
An Act to extend for an additional three years the time within which the State of Michigan may commence and complete the construction of certain projects heretofore authorized by the Congress.

H.R. 3608——Public Law 86-314
An Act to authorize the Secretary of the Navy to acquire certain land on the island of Guam.

H.R. 4002——Public Law 86-315
An Act to authorize the use of Great Lakes vessels on the oceans.

H.R. 4603——Public Law 86-316
An Act to amend the Organic Act of Guam for the purpose of permitting the government of Guam, with the consent of the legislature thereof, to be sued.

H.R. 4656——Public Law 86-317
An Act to amend section 401b of the Act of July 14, 1952, to permit applications for moving costs resulting from any public works project of a military department to be filed either one year from the date of acquisition or one year following the date of vacating the property.

H.R. 4714——Public Law 86-318
An Act to quiet title and possession with respect to certain real property adjacent to the Rocky Mountain Arsenal, Denver, Colorado.

H.R. 4857——Public Law 86-319
An Act to amend section 4233 of the Internal Revenue Code of 1954 to provide that the exemptions from the admissions tax for athletic games benefiting crippled or retarded children shall apply where the participants have recently attended designated schools or colleges as well as where they are currently students.

H.R. 5257——Public Law 86-320
An Act to amend section 1915 of title 28, United States Code, relating to proceedings in forma pauperis.

H.R. 5892——Public Law 86-321
An Act to provide for the establishment of Minute Man National Historical Park in Massachusetts, and for other purposes.

H.R. 6128——Public Law 86-322
An Act to provide for the division of the tribal assets of the Catawba Indian Tribe of South Carolina among the members of the tribe and for other purposes.

H.R. 6190——Public Law 86-323
An Act to direct the Secretary of the Army to convey the Army and Navy General Hospital, Hot Springs National Park, Arkansas, to the State of Arkansas, and for other purposes.

H.R. 6269——Public Law 86-324
An Act to amend section 265 of the Armed Forces Reserve Act of 1952 to define the term "a member of a reserve component" so as to include a member of the Army or Air Force without specification of component.

H.R. 6368——Public Law 86-325
An Act to amend the Tariff Act of 1930 to place certain pumice stone on the free list.

H.R. 6672——Public Law 86-326
An Act to authorize longer term leases of Indian lands on the Agua Caliente (Palm Springs) Reservation.

H.R. 6898——Public Law 86-327
An Act to amend section 4132 of the Revised Statutes, section 37 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 905(c) of the Merchant Marine Act, 1936, as amended.

H.R. 7125——Public Law 86-328
An Act to provide for a study of the feasibility of establishing the President Adams Parkway.

H.R. 7145——Public Law 86-329
An Act to amend section 35 of chapter III of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", as amended.

H.R. 7437——Public Law 86-330
An Act to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes.

H.R. 7474——Public Law 86-331
An Act granting the consent of Congress to the compact entered into by the States of West Virginia and Virginia with respect to a certain part of the boundary between such States.

H.R. 7629——Public Law 86-332
An Act to extend section 17 of the Bankhead-Jones Farm Tenant Act for two years, and for other purposes.

H.R. 7683——Public Law 86-333
An Act to provide that the tax exemption heretofore accorded the Veterans of Foreign Wars with respect to certain property in the District of Columbia, formerly owned by such organization but never used for its intended purpose, shall apply instead to other property subsequently acquired and used for that purpose.

H.R. 8035——Public Law 86-334
An Act to designate the Dyberry Dam and Reservoir, Lackawaxen River Basin, Pennsylvania, as the General Edgar Jadwin Dam and Reservoir.

H.R. 8189——Public Law 86-335
An Act to improve the active duty promotion opportunity of Air Force officers from the grade of captain to the grade of major.

H.R. 8409——Public Law 86-336
An Act to extend the International Wheat Agreement Act of 1949.

H.R. 8514——Public Law 86-337
An Act to authorize the sale of forty acres of land owned by the Creek Tribe of Indians.

H.R. 8582——Public Law 86-338
An Act to authorize the San Benito International Bridge Company to construct, maintain, and operate a toll bridge across the Rio Grande near Los Indios, Texas.

H.R. 8587——Public Law 86-339
An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes.

H.R. 8593——Public Law 86-340
An Act to amend the Act of June 23, 1949, as amended, to provide that telephone and telegraph service furnished Members of the House of Representatives shall be computed on a unit basis.

H.R. 8609——Public Law 86-341
An Act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

H.R. 8678——Public Law 86-342
An Act to amend the Federal-Aid Highway Acts of 1956 and 1958 to make certain adjustments in the Federal-aid highway program, and for other purposes.

H.R. 8694——Public Law 86-343
An Act to authorize the Starr-Camargo Bridge Company to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Texas.

H.R. 8725——Public Law 86-344
An Act to amend the Internal Revenue Code of 1954 to make technical changes in certain excise tax laws, and for other purposes.

H.R. 8911——Public Law 86-345
An Act to provide for the presentation by the United States of a statue of General George Washington to the people of Uruguay, and for other purposes.

Approved September 22, 1959

H.R. 9035——Public Law 86-346
An Act to permit the issuance of series E and H United States savings bonds at interest rates above the existing maximum, to permit the Secretary of the Treasury to designate certain exchanges of Government securities to be made without recognition of gain or loss, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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THE UNIVERSITY
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1934
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FEDERAL REGISTER

VOLUME 24 NUMBER 187

Washington, Thursday, September 24, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Coffee

On July 29, 1959, there was published in the FEDERAL REGISTER (24 F.R. 6055), under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice of rule making concerning an amendment of Subpart "Coffee" (7 CFR 319.73, 319.73–1 through 319.73–3). After due consideration of all relevant matter presented, and pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), the said Subpart "Coffee" is hereby amended to read as follows:

QUARANTINE

Sec.

319.73 Notice of quarantine.

REGULATIONS

319.73–1 Definitions.
319.73–2 Products prohibited importation.
319.73–3 Conditions for importation of certain products into Puerto Rico.
319.73–4 Conditions for in-transit movement of certain products through Hawaii.
319.73–5 Costs.

QUARANTINE

§ 319.73 Notice of quarantine.

Pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), and after the public hearing required thereunder, the Administrator of the Agricultural Research Service hereby determines that the unrestricted importation into Puerto Rico and Hawaii from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, (c) coffee plants and leaves, and (d) empty sacks previously used for unroasted coffee, may result in the entry into Puerto Rico and Hawaii of the coffee berry borer (Stephanoderes hampei Ferr. [S. coffeae Hgdn.]) and an injurious rust disease caused by the fungus Hemileia vastatrix B. and Br., and said Administrator hereby further determines, that, in order to prevent the introduction into Puerto Rico and Hawaii of said insect pest and coffee disease, which are new to and not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into Puerto Rico and Hawaii of the products and plants specified above, except as permitted in the regulations supplemental hereto. Hereafter, the products and plants specified above shall not be imported or offered for entry into Puerto Rico and Hawaii from any foreign country or locality except as permitted by said regulations. However, whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of one or more of the products to which this subpart applies, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this

(Continued on p. 7693)

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FEDERAL REGISTER

Republic 7-7500 Extension 3261

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

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part that are less stringent than those contained in the regulations.

REGULATIONS

§ 319.73–1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Division.* The Plant Quarantine Division, Agricultural Research Service of the Department.

(b) *Director.* The Director of the Plant Quarantine Division of the Agricultural Research Service of the Department, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(d) *Permit.* A form of authorization to allow the importation of certain products in accordance with the regulations in this subpart.

§ 319.73–2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico and Hawaii, except as provided in §§ 319.73–3 and 319.73–4.

§ 319.73–3 Conditions for importation of certain products into Puerto Rico.

(a) *Coffee samples.* Samples of unroasted coffee seeds and beans, not exceeding one pound in weight, may be imported into Puerto Rico under permit by mail, freight, express, or baggage. They shall be subject, on arrival, to inspection and fumigation or such other treatment as may be required by the inspector.

(b) *In-transit shipments.* In-transit shipments of unroasted coffee seeds and beans through Puerto Rico to foreign countries shall be subject to the Plant Safeguard Regulations (Part 352 of this chapter). The same restrictions shall apply to shipments of these products in transit through Puerto Rico to destinations elsewhere in the United States.

(c) *Empty sacks previously used for unroasted coffee.* Empty sacks previously used for unroasted coffee may be imported into Puerto Rico under permit subject to inspection by an inspector. If found to be contaminated with unroasted coffee seeds, beans, or berries, the sacks shall be immediately disinfected by the person in charge or possession of such sacks, under the supervision of an inspector and in the manner prescribed by him.

§ 319.73–4 Conditions for in-transit movement of certain products through Hawaii.

(a) In-transit shipments through Hawaii of samples of unroasted coffee seeds and beans in closed mail dispatches, destined to foreign countries or to destinations elsewhere in the United States in compliance with this subpart, will be allowed to proceed without action by the inspector. Other samples of unroasted coffee seeds or beans received by mail in the post offices in Hawaii shall be subject to inspection and safeguard action by the inspector, who shall require their immediate return to origin or immediate forwarding to a destination elsewhere in the United States in compliance with this subpart. Such return or onward movement shall be in closed mail dispatches. If immediate action is not possible they shall be destroyed as a prohibited importation.

(b) Samples of unroasted coffee seeds or beans coming to Hawaii as cargo and not unloaded in Hawaii may be allowed to proceed to a foreign destination or to a destination elsewhere in the United States in compliance with this subpart. If the samples are transshipped in Hawaii, it shall be done immediately and the inspector shall see that the samples are properly wrapped or packaged to prevent pest escape and, if necessary, shall require the carrier to rewrap or package them to the inspector's satisfaction.

(c) Other mail, cargo and baggage shipments of products covered by § 319.73–2, arriving in Hawaii shall not be unloaded or transshipped in Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (Part 352 of this chapter).

§ 319.73–5 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

The purpose of this amendment is to include Hawaii in the notice of quarantine, which heretofore related exclusively to imports of unroasted coffee and related items into Puerto Rico. It prohibits importations into Hawaii of unroasted coffee seeds or beans, coffee berries or fruits, coffee plants and leaves, and empty sacks previously used for unroasted coffee. Permit and inspection requirements have been established as a condition for the importation into Puerto Rico of empty, used coffee sacks as a further safeguard against the entry of the coffee berry borer. The supplementary regulations also specify conditions for certain limited in-transit movement of coffee through Hawaii.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

This amendment shall become effective October 24, 1959.

Done at Washington, D.C., this 21st day of September 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59–7999; Filed, Sept. 23, 1959; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 9—COLOR CERTIFICATION

Effective Date of Order With Respect to FD&C Red No. 1

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of July 16, 1959 (24 F.R. 5707), and the amendment promulgated by that order will become effective on October 13, 1959.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371. Interprets or applies secs. 406(b), 504, 604, 52 Stat. 1046, 1052; 21 U.S.C. 346(b), 364)

Dated: September 18, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59–7968; Filed, Sept. 23, 1959; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 84]

PART 1613—REGISTRATION PROCEDURES

Accomplishment of Registration

The Selective Service Regulations are hereby amended as follows:

1. Paragraph (a) of § 1613.12 is amended to read as follows:

§ 1613.12 Instructions concerning completion of registration card.

(a) The registrar shall take extreme care that the place of residence of the registrant is correctly entered in item 2 of the Registration Card (SSS Form No. 1). The local board having jurisdiction over the place of residence entered in item 2 of the Registration Card (SSS Form No. 1) shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service. The registrar shall require the registrant to give sufficient information as to the location of the place of his residence to establish such place within the jurisdiction of a local board. The registrant shall not be permitted to give a place of residence outside of the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. In describing his place of residence, the registrant shall give the street number thereof, when used, and in every case he shall give the name of the town, township, village, or city, and the county and State in which

it is located. No R.F.D. route number shall be sufficient unless it is supplemented by more particular information showing where the place of residence is located on the R.F.D. route. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time.

2. Paragraph (b) of § 1613.43 is amended to read as follows:

§ 1613.43 Disposition of registration card of registrant whose place of residence is not within local board area.

* * * * *

(b) If the place of residence shown in item 2 of any Registration Card (SSS Form No. 1) is outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, and the Canal Zone, the local board in whose area the registrant registered shall retain such card.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943–1948 Comp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–7989; Filed, Sept. 23, 1959; 8:49 a.m.]

[Amdt. 85]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

Miscellaneous Amendments

Subparagraphs (2) and (4) of paragraph (d) of § 1690.16 of the Selective Service Regulations are amended to read as follows:

§ 1690.16 Appeal to appeal board.

* * * * *

(d) * * *

(2) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located in one and the local board is located in another of the following: The continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

* * * * *

(4) Within 60 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460. Interpret or apply sec. 1 (13), 72 Stat. 1440; 10 U.S.C. 672; E.O. 9979, 13 F.R. 4177; 3 CFR, 1943–1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–7990; Filed, Sept. 23, 1959; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS, AS AMENDED IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Miscellaneous Amendments

The following amendments are hereby made to Part 114, 45 CFR (23 F.R. 7291, September 19, 1958) issued pursuant to Public Law 815, 81st Congress (64 Stat. 967) as amended:

§ 114.3 [Amendment]

1. Section 114.3 is hereby amended by deleting paragraph (c) which deals with priority indices in cases where Federal activity is localized within an area served by one or more attendance centers.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

§ 114.5 [Amendment]

2. Section 114.5(a) dealing with criteria for waivers under section 5(e) of the act is hereby amended by (1) adding language in subparagraph (4) requiring a federal impact in the two-year increase period of 7 percent of the average daily membership in the base year when application is made for a waiver; (2) adding in subparagraph (5) "traffic, or climatic conditions," to the reasons relative to the impracticability of transporting students to other schools in the district and substituting the word "existing" for the word "available"; and (3) making other revisions of a technical nature. Section 114.5(a) as so amended, reads as follows:

(a) The Commissioner's authority in section 5(e) of the act to waive or reduce the percentage requirement or requirements in section 5(c), to waive the requirement contained in the first sentence of subsection 5(d) thereof, or to reduce the percentage specified in clause (2) of such sentence will not be exercised unless the conditions set forth in subparagraphs (1) through (5) inclusive, of this paragraph, or in subparagraph (6) of this paragraph are met:

(1) The applicant meets all conditions of eligibility under the act other than section 14 thereof or, on the basis of the authorized waiver or reduction of one or more of the requirements, would meet such conditions.

(2) The applicant specifically states the extent to which it desires the Commissioner to exercise his authority to waive or reduce one or more of such requirements and makes appropriate requests therefor, agreeing that if such a request is granted in whole or in part in computing maximum payment under the act, only membership of children within the federally impacted attendance area shall be considered.

(3) The applicant has two or more attendance centers, and its jurisdictional area is county-wide or is sufficiently extensive as to be reasonably analogous to a county-wide school system.

(4) There has been an unusually large Federal impact in the two-year increase period for which the application is made equal to at least 7 percent of the average daily membership in the base year in an attendance area affecting one or more attendance centers located in an isolated or remote part of the school district.

(5) It would not be practicable to transport students in the federally impacted attendance area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons.

(6) The Commissioner of Education determines that other exceptional circumstances exist which in his judgment require such waiver or reduction to avoid inequity and to avoid defeating the purposes of the act.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

§ 114.6 [Amendment]

3. Paragraph (c) of § 114.6 is hereby amended by substituting the word "existing" for "available," and adding the words "traffic, or climatic conditions," after the word "topography," in order to conform this portion of the criteria for a waiver pursuant to section 14(a) of the act to the corresponding portion of the criteria for a waiver pursuant to section 5(e) of the act. Paragraph (c) of § 114.6, as amended, reads as follows:

(c) Either (1) the applicant's jurisdictional area is country-wide or is sufficiently extensive as to be analogous to a country-wide school system; there has been a concentration of children residing on Indian lands located in a remote or isolated area; and it would not be practicable to transport such children from the remote or isolated area to other existing school facilities of the applicant because of distance, topography, traffic, or climatic conditions, or other equally cogent reasons; or (2) there are other exceptional circumstances which require a waiver to avoid inequity and to avoid defeating the purpose of section 14.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

4. Subpart B of Part 114 is hereby amended by adding a new § 114.22 in order to establish a first deadline date for filing applications with respect to funds available during the fiscal year 1960. The new section reads as follows:

§ 114.22 First deadline for applications with respect to funds available during fiscal year 1960.

For the purposes of sections 3 and 14 of the Act, November 16, 1959, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

Dated: September 16, 1959.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: September 18, 1959.

BERTHA S. ADKINS,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 59–7969; Filed, Sept. 23, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1982]

[Anchorage 048797]

ALASKA

Withdrawing Land for Use of Department of the Army as Dillingham National Guard Armory Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved under the jurisdiction of the Department of the Army for use as an armory site:

Beginning at a point on the east line of U.S. Survey No. 2262, which point is 250 feet N. 0°06' E. of Corner No. 18 of U.S. Survey No. 2732 A and B; thence
N. 89°54' W., 148 feet;
N. 0°06' E., 120 feet;
S. 89°54' E., 148 feet to the east line of U.S. Survey No. 2262;
S. 0°06' W., 120 feet along said east line to the point of beginning.

The tract described contains 0.41 acre.

ROSS LEFFLER,
Acting Secretary of the Interior.

SEPTEMBER 17, 1959.

[F.R. Doc. 59–7970; Filed, Sept. 23, 1959; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC–40]

PART 196—INSPECTION AND MAINTENANCE

PART 198—TRANSPORTATION OF MIGRANT WORKERS

Motor Vehicles Declared "Out of Service"

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of September A.D. 1959.

The matter of inspection and maintenance of motor vehicles under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration, and

It appearing that §§ 196.5 and 198.8 of the Motor Carrier Safety Regulations, § 198.8 having been promulgated on July 17, 1959, to become effective on September 1, 1959 (24 F.R. 6243), require employees of this Commission to be specifically authorized to declare and mark "out of service" any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown;

It further appearing that in lieu of the requirement for authorization of the specific employee to take such action it is desirable that classes of employees be so authorized; and

It further appearing that the authorization of employees covered by this order is a rule of agency procedure, and that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice of proposed rule making is unnecessary;

It is ordered, That, without in any way altering the forms therein, the text of § 196.5 *Motor vehicles declared "out of service"* of the Motor Carrier Safety Regulations, as amended (49 CFR 196.5), be, and it is hereby, revised to read as follows:

§ 196.5 Motor vehicles declared "out of service."

No motor carrier shall permit or require a driver to drive nor shall any driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown and which motor vehicle, because of such condition, has been declared and marked "out of service" with the prescribed sticker by an authorized employee of this Commission. Such motor vehicle shall not be operated until the repairs required by the "out of service notice" on Form BMC 63 have been satisfactorily completed and the "out of service" sticker removed. No person shall remove the "out of service" sticker from such motor vehicle prior to the completion of the required repairs. When the repairs have been made, the carrier shall so certify to the Commission on Form BMC 63, in accordance with the terms prescribed thereon. The term "an authorized employee of this Commission" means the chief and assistant chief of the Section of Field Service and the Section of Motor Carrier Safety, and all safety supervisors, district supervisors, rate agents, and safety inspectors employed in the Bureau of Motor Carriers.

It is further ordered, That, without in any way altering the forms therein, the text of § 198.8 *Motor vehicles declared "out of service"* of the Motor Carrier Safety Regulations, as amended (49 CFR 198.8), be, and it is hereby, revised to read as follows:

§ 198.8 Motor vehicles declared "out of service."

No motor carrier shall permit or require a driver to drive nor shall any driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown and which motor vehicle, because of such condition, has been declared and marked "out of service" with the prescribed sticker by an authorized employee of this Commission. Such motor vehicle shall not be operated until the repairs required by the "out of service notice" on Form BMC 63 have been satisfactorily completed and the "out of service" sticker removed. No person shall remove the "out of service" sticker from such motor vehicle prior to the completion of the required repairs. When the repairs have been made, the carrier shall so certify to this Commission on Form BMC 63, in accordance with the terms prescribed thereon. The term "an authorized employee of this Commission" means the chief and assistant chief of the Section of Field Service and the Section of Motor Carrier Safety, and all safety supervisors, district supervisors, rate agents, and safety inspectors employed in the Bureau of Motor Carriers.

It is further ordered, That this order shall be effective September 15, 1959, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 59–7981; Filed, Sept. 23, 1959; 8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DANA LATHAM,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 5 of the Technical Amendments Act of 1958 (72 Stat. 1608), such regulations are amended as follows:

PARAGRAPH 1. Section 1.162 is amended:

(A) By redesignating section 162(c) as section 162(d) and adding after section 162(b) the following new subsection:

(c) *Improper payments to officials or employees of foreign countries.* No deduction shall be allowed under subsection (a) for any expenses paid or incurred if the payment thereof is made, directly or indirectly, to an official or employee of a foreign country, and if the making of the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee.

(B) By adding the following historical note after section 162:

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608).]

PAR. 2. There is inserted immediately after § 1.162–17 the following new section:

§ 1.162–18 Improper payments to officials or employees of foreign countries.

(a) *In general.* No deduction shall be allowed under section 162(a) for any expenses paid or incurred after September 2, 1958—

(1) If the payment of the expenses is made, whether directly or indirectly, to an official or employee of a foreign country, and

(2) If the making of the payment would be unlawful under the laws of the United States (if such laws were applicable to the payment and to the official or employee at the time the expenses were paid or incurred). Lawfulness or unlawfulness of the payment under the laws of the foreign country is immaterial. Similarly, the place where the expenses are paid or incurred is immaterial. No deduction shall be allowed for an accrued expense, if the eventual payment thereof would fall within the prohibition of this section.

(b) *Indirect payment.* For purposes of this section, an indirect payment to an individual shall include any payment which inures to his benefit or is promotional of his interests, regardless of the medium in which the payment is made and regardless of the identity of the immediate recipient. Thus, payment made to an agent or even directly into the general treasury of the country of which the beneficiary is an official or employee may be treated as an indirect payment to the official or employee, if in fact such payment inures or will inure to his benefit or is or will be promotional of his interests.

(c) *Official or employee; foreign country.* Any individual officially connected with the government of a foreign country, in whatever capacity, whether on a permanent or temporary basis and whether or not serving for compensation, shall be included within the terms "official or employee", regardless of the place of residence or post of duty of such individual. An independent contractor would not ordinarily be considered to be an official or employee. For purposes of this section, the term "foreign country" shall include any foreign nation, or political subdivision thereof, or any corporation or other entity serving as an instrumentality of such foreign country. Whether such nation has been accorded diplomatic recognition by the United States shall not be taken into account. Any individual or individuals who purport to be a government of a foreign nation shall be treated under this section as a foreign country, whether or not such individual or group of individuals in fact controls such foreign nation, and whether or not such individual or group is accorded diplomatic recognition. Accordingly, a group in rebellion against an established government shall be treated as a foreign country as shall the government against which the group is in rebellion.

(d) *Laws of the United States.* The term "laws of the United States", to which reference is made in paragraph (a) of this section, shall be deemed to include only Federal statutes, and legislative and interpretative regulations thereunder. The term shall also be limited to statutes which prohibit some act or acts, for the violation of which there is a civil or criminal penalty. A deduction shall not be disallowed under section 162(c) and this section for a payment which contravenes a governmentally declared public policy of the United States, unless payment would be in violation of the laws of the United States, if such laws were applicable. However, a deduction may be disallowed because its allowance would frustrate such governmentally declared policy without regard to section 162(c) or this section.

[F.R. Doc. 59–7092; Filed, Sept. 23, 1959; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 36]

[Bureau of Mines Schedule 31]

MOBILE DIESEL-POWERED EQUIPMENT FOR GASSY NONCOAL MINES AND TUNNELS

Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 2, 37 Stat. 681, 30 U.S.C. 3; it is proposed to issue regulations as Part 36 of Title 30, Code of Federal Regulations, to govern the testing and approval of mobile diesel-powered equipment as permissible for use in gassy noncoal mines and tunnels.

Interested persons may submit, in triplicate, written comments, suggestions or objections with respect to the proposed regulations to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director.

Approved: September 18, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 36 of Title 30 would read as follows:

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AUTHORITY: §§ 36.1 to 36.51 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 36.1 Purpose.

The regulations in this part set forth the requirements for mobile diesel-powered equipment to procure their approval and certification as permissible for use in gassy noncoal mines and tunnels; procedures for applying for such certification; and fees.

§ 36.2 Definitions.

As used in this part:

(a) "Permissible", as applied to mobile diesel-powered equipment, means that the complete assembly conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the complete assembly has met the requirements of this part for mobile diesel-powered equipment and authorizing the use and attachment of an official approval plate so indicating.

(d) "Applicant" means an individual, partnership, company, corporation, association, or other organization, that designs, manufactures, or assembles, and that seeks a certificate of approval or preliminary testing of mobile diesel-powered equipment for use in gassy noncoal mines and tunnels.

(e) "Noncoal mine" means an underground mine or tunnel in which the product being mined or excavated is incombustible.

(f) "Gassy noncoal mine" means a noncoal mine or tunnel in which flammable gas has been ignited, or the atmosphere of which, in any open workings, contains 0.25 percent or more by volume of such gas.

(g) "Mobile diesel-powered equipment" means equipment that is mounted on wheels or "caterpillar" treads (tracks) and whose motive power is supplied by a diesel engine.

(h) "Diesel engine" means a compression-ignition, internal-combustion engine that utilizes a low-volatile hydrocarbon (diesel) fuel.

(i) "Low-volatile hydrocarbon (diesel) fuel" means a liquid fuel which has an open-cup flash point of 140° F. or more and a sulfur content of 0.5 percent or less by weight.

(j) "Component" means a piece, part, or fixture of mobile diesel-powered equipment that is essential to its operation as a permissible assembly.

(k) "Subassembly" means a group or combination of components.

(l) "Explosion proof" means that a component or subassembly is so constructed and protected by an enclosure and/or flame arrester(s) that if a flammable mixture of gas is ignited within the enclosure it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.

(m) "Flammable mixture" means a mixture of gas, such as methane, natural gas, or similar hydrocarbon gas with normal air, that will propagate flame or explode violently when initiated by an incendive source.

(n) "Flame arrester" means a device so constructed that flame or sparks from the diesel engine cannot propagate an explosion of a flammable mixture through it.

(o) "Normal operation" means that each component and the entire assembly of the mobile diesel-powered equipment performs the functions for which they were designed.

(p) "Fuel-air ratio" means the composition of the mixture of fuel and air in the combustion chamber of the diesel engine expressed as weight—pound of fuel per pound of air.

§ 36.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed mobile diesel-powered equipment to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 36.4 Mobile diesel-powered equipment for which certificates of approval may be granted.

Certificates of approval will be granted for completely assembled mobile diesel-powered equipment only. Subassemblies or components may be granted letters of certification in accordance with § 36.5 of this part.

§ 36.5 Letters of certification.

When a component or subassembly meets all of the applicable requirements of Subparts B and C of this part, the Bureau will issue to the applicant, upon his request, a letter of certification informing him that additional inspection or tests of the component or subassembly will not be required when it is incorporated without modification in a piece of completely assembled diesel-powered equipment. The applicant may cite this letter of certification to another applicant who seeks approval and certification of his completely assembled mobile diesel-powered equipment and who desires to incorporate the component or subassembly in such equipment.

§ 36.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all drawings, specifications, descriptions, and related materials. The application and all related matters and correspondence concerning it shall be addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully the complete assembly, components, and subassemblies. Drawings, specifications, and descriptions shall include:

(1) Assembly drawing(s) showing the overall dimensions of the equipment, location and capacity of the fuel tank, location of flame arresters, exhaust-gas conditioner and its water-supply tank, if applicable, exhaust-gas dilution system, and other details that are essential to the functioning of the equipment.

(2) Detailed drawings showing the intake, combustion, and exhaust systems of the diesel engine, including joints and gaskets; the turbulence or precombustion chamber, if applicable; injector assembly and nozzle details; and any surfaces that form the combustion chamber or part thereof, such as the cylinder head, piston and cylinder liner; and other features that may affect permissibility, such as exhaust-gas conditioner and flame arresters.

(3) A schematic drawing of the fuel system showing piping, connections, fuel filters, fuel-injection pump, and mechanical governor assembly. All components shall be identified to permit adjust-

ment, as necessary, and the location of seals or locks to prevent tampering shall be indicated.

(4) Drawing(s) specifying the kind of material and detailed dimensions of the components of explosion-proof enclosures, including joints.

(5) Drawing(s) showing the construction of headlights, battery boxes, including seals or locks, and method of mounting.

(6) Other drawings, specifications, or descriptions identifying any feature that the Bureau considers necessary for certification of the particular mobile diesel-powered equipment.

(c) Shipment of the mobile diesel-powered equipment or component part or subassembly, as the case may be, shall be deferred until the Bureau has notified the applicant that the application will be accepted. Shipping instructions will be issued by the Bureau and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by the Bureau, the applicant shall remove his equipment promptly from the test site (see § 36.40).

(d) The application shall state that the equipment is completely developed and of the design and materials that the applicant believes to be suitable for a finished marketable product or is a completely developed component or subassembly suitable for incorporation in a finished marketable complete assembly of mobile diesel-powered equipment.

(e) For a complete investigation leading to approval and certification, the applicant shall furnish a complete assembly for inspecting and testing. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation of the equipment during test periods. If special tools are necessary to disassemble any component for inspection or test, the applicant shall furnish these with the equipment to be tested.

(f) With each application, the applicant shall submit evidence of how he proposes to inspect his completely assembled mobile diesel-powered equipment at the place of manufacture or assembly before shipment to purchasers. Ordinarily such inspection is recorded on a factory inspection form and the applicant shall furnish to the Bureau a copy of his factory inspection form or equivalent with his application. The form shall direct attention to the points that must be checked to make certain that all components of the assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(g) With the application, the applicant shall furnish to the Bureau complete instructions for operating and servicing his equipment. After completing the Bureau's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 36.7 Fees for investigation.

(a)

1. Preliminary review of drawings, specifications, descriptions, and related data, each complete assembly	$30.00
2. Complete tests to determine composition of exhaust gas from diesel engine under various load and speed conditions	320.00
3. Tests to determine the effectiveness of air intake or exhaust flame arrester in an intake or exhaust system	110.00
4. Check tests on redesigned components or equipment in item 3 above requiring less than 20 tests	55.00
5. Complete inspection of an intake or exhaust flame arrester	30.00
6. Complete inspection of manifolds, exhaust conditioners, and other components that comprise the intake and exhaust systems	40.00
7. Complete investigation of headlight, storage-battery type	225.00
8. Complete investigation of headlight, dry-cell type	85.00
9. Tests to determine the cooling efficiency of an exhaust conditioner and rate of water consumption	40.00
10. Each final inspection of completely assembled equipment	80.00
11. Tests of exhaust gas dilution not made concurrently with final inspection of completely assembled equipment	50.00
12. Final examination and recording of drawings and specifications requisite to the issuance of a certificate of approval	40.00
13. Examining and recording drawings and specifications requisite to the issuance of an extension of certification, each 4 hours or fraction thereof	15.00
14. Final examination and recording of drawings and specifications requisite to the issuance of a letter of certification	25.00
15. Tests conducted in the field shall require the same fee as when conducted on the Bureau's premises. In addition the applicant shall reimburse the Bureau for such travel, subsistence, and incidental expenses as may be required by its representative(s) in accordance with the allowances stated in the standard "Government Travel Regulations."	

[1] Fee for partial tests shall be in proportion to the work done but the minimum shall be $100.00. If the applicant requests discontinuation of the investigation after preparations for engine tests have begun the minimum fee shall be $100.00 regardless of the progress of the tests.

(b) If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided, upon request, addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing. The surplus from any fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation.

§ 36.8 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a complete assembly, or component, or subassembly fails to meet any of the requirements, it shall lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such test work as may be in progress.

§ 36.9 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or a letter of certification, as the case may require, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved mobile diesel-powered equipment for gassy noncoal mines and tunnels as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating equipment during the tests.

§ 36.10 Certificate of approval.

(a) Upon completion of investigation of a complete assembly of mobile diesel-powered equipment, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on mobile diesel-powered equipment upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of equipment upon which the certificate of approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment which has received a certificate of approval, and these are to be adhered to exactly in production of the certified equipment.

(c) A certificate of approval will be accompanied by an appropriate caution statement specifying the conditions to be observed for operating and maintaining the equipment and to preserve its permissible status.

§ 36.11 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of an approval plate, bearing the seal of the Bureau of Mines and spaces for the approval number, the type, the serial number, and ventilation requirement; the name of the complete assembly; and the name of the applicant.

(b) The applicant shall reproduce the design as a separate plate, which shall be attached, in a suitable place, on each complete assembly to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the Bureau's approval. The method of affixing the approval plate shall not impair the permissibility (explosion-proof) features of the complete assembly of mobile diesel-powered equipment.

(c) The approval plate identifies the equipment, to which it is attached, as permissible and is the applicant's guarantee that the equipment complies with the requirements of this part. Without an approval plate no equipment is considered permissible under the provisions of this part.

(d) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain the quality of each complete assembly bearing it and guarantees that it is manufactured and assembled according to the drawings, specifications, and descriptions upon which a certificate of approval was based.

§ 36.12 Changes after certification.

If an applicant desires to change any feature of certified equipment, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified equipment or component or subassembly will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the equipment. The Bureau will inform the applicant whether such testing is required; the component, subassembly, and related material to be submitted for that purpose, and the fee.

(c) If the proposed modification meets the requirements of this part, and Part 18 of Subchapter D (Schedule 2, revised, the latest revision of which is Schedule 2F) with respect to flanged joints and tolerances, if applicable, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 36.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certificate of approval granted under this part.

Subpart B—Construction and Design Requirements

§ 36.20 Quality of material, workmanship, and design.

The Bureau will test only equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of subassemblies or components and tests thereof to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

§ 36.21 Engine for equipment considered for certification.

Only equipment powered by a compression-ignition (diesel) engine and burning diesel fuel (see § 36.2(i)) will be considered for approval and certification. The starting mechanism shall be actuated pneumatically, hydraulically, or by other methods acceptable to the Bureau. Electric starting shall not be accepted. Engines burning other fuels or utilizing volatile fuel starting aids will not be investigated.

§ 36.22 Fuel-injection system.

This system shall be so constructed that the quantity of fuel injected can be controlled at a desired maximum value and shall be so arranged that this adjustment can be changed only after breaking a seal or unlocking a compartment. Provision shall be made for convenient adjustment of the maximum fuel-injection rate to that required for safe operation at different altitudes (elevations above sea level). The governor, controlling engine speed and fuel injection, shall not affect airflow to the engine and provision shall be made to seal or lock its adjustment control. Filters shall be provided to insure that only clean fuel will reach the injection pump or injectors.

§ 36.23 Engine intake system.

(a) *Construction.* The intake system (exclusive of the air cleaner) shall withstand an internal minimum pressure of 125 pounds per square inch, or such internal pressure as will be developed therein in explosion tests with flammable mixtures, whichever is greater. Joints in the intake system shall be formed by metal flanges fitted with metal or metal-clad gaskets, positively positioned by through bolts or other suitable means for secure assembly, or shall meet the requirements for flanged metal-to-metal flame-proof joints as required in Part 18 of Subchapter D. Either type of joint shall withstand repeated explosions within the intake system without permanent deformation and shall prevent the propagation of flame through the joint into a surrounding flammable mixture.

(b) *Intake flame arrester.* (1) The intake system shall include a flame arrester that will prevent an explosion within the system from propagating to a surrounding flammable mixture. This flame arrester shall be between the air cleaner and the intake manifold and shall be attached so that it may be removed for inspecting, cleaning, or repairing. Its construction shall be such that it may be cleaned readily. The flame arrester shall be of rugged construction to withstand the effects of repeated explosions within the intake system, and the material of construction shall resist deterioration in service. It shall be so mounted in the equipment assembly that it is protected from accidental external damage.

(2) The parts of any flame arrester shall be positively positioned to produce a flame path that will arrest the propagation of an explosion and shall be so designed that improper assembly is impossible. In flame arresters of the spaced-plate type, the thickness of the plates shall be at least 0.125 inch; spacing between the plates shall not exceed 0.018 inch; and the plates forming the flame path shall be at least 1 inch wide. The unsupported length of the plates shall be short enough that deformation during the explosion tests shall not exceed 0.002 inch. Corrosion-resistant metal shall be used to construct flame arresters.

(c) *Air shutoff valve.* The intake system shall include a valve, operable from the operator's compartment, to shut off the air supply to the engine. This valve shall be constructed to permit its operation only after the fuel supply to the engine is shut off. In reverse operation the valve must open fully before fuel can be supplied to the engine.

(d) *Air cleaner.* An air cleaner shall be included in the engine intake system and so arranged that only clean air will enter the flame arrester. The resistance to airflow shall not increase rapidly in dusty atmospheres. Only filters of the self-cleansing (oil-bath) type will be considered satisfactory for this application. Provision, satisfactory to the Bureau, shall be made to prevent overfilling the oil-bath air cleaner.

(e) *Vacuum-gage connection.* A connection shall be provided in the intake system for temporary attachment of a vacuum gage to indicate the pressure drop under flow conditions. This opening shall be closed by a plug or other suitable device that is sealed or locked in place except when a gage is attached.

§ 36.24 Engine joints.

(a) *Cylinder head.* The joint between the cylinder head and block of the engine shall be fitted with a metal or metal-clad gasket satisfactory to the Bureau held securely in position by through bolts or other suitable means to prevent a change in alignment. This joint shall provide an adequate flame barrier with the gasket in place.

(b) *Valve guides.* Valve guides shall be long enough to form an adequate flame barrier along the valve stem.

(c) *Gaskets.* All metal or metal-clad gaskets shall maintain their tightness during repeated explosions within the

engine and its intake and exhaust systems to prevent the propagation of flame.

§ 36.25 Engine exhaust system.

(a) *Construction.* The exhaust system of the engine shall be of such construction that it will withstand internal pressures of 125 pounds per square inch, or such internal pressures as may be developed within it in explosion tests with flammable mixtures, whichever pressure is greater. The system shall withstand repeated internal explosions without permanent deformation or deterioration.

(b) *Exhaust flame arrester.* (1) The exhaust system of the engine shall be provided with a flame arrester to prevent propagation of flame or discharge of heated particles to a surrounding flammable mixture. The flame arrester shall be so positioned that only cooled exhaust gas will discharge through it and shall be so designed and attached that it can be removed for inspecting, cleaning, or repairing. Its construction shall be such that it can be cleaned readily. The flame arrester shall be of rugged construction to withstand the effects of repeated explosions within the exhaust system, and the material of construction shall resist deterioration in service. It shall be so mounted in the equipment assembly that it is protected from accidental external damage.

(2) A spaced-plate flame arrester for the exhaust system shall meet the same requirements as flame arresters for the intake system (see § 36.23(b)(2)).

(3) In lieu of a spaced-plate flame arrester, an exhaust-gas cooling box or conditioner may be used as the exhaust flame arrester provided that explosion tests demonstrate that the cooling box will arrest flame. When used as a flame arrester the cooling box shall be equipped with a device to shut off the fuel supply to the engine at a safe minimum water level. A cooling box used as a flame arrester shall withstand repeated explosion tests without permanent deformation. It shall be constructed of material, satisfactory to the Bureau, that will resist deterioration in service.

(c) *Exhaust cooling system.* (1) A cooling system shall be provided for the engine exhaust gas. The heat-dissipation capacity shall be capable of reducing the temperature of the undiluted exhaust gas to less than 170° F. at the point of discharge from the cooling system under any condition of engine operation acceptable to the Bureau. A device shall be provided that will automatically shut off the fuel supply to the engine immediately if the temperature of the exhaust gas exceeds 185° F. at the point of discharge from the cooling system. Provision shall be made, acceptable to the Bureau, to prevent restarting the engine after the fuel supply has been shut off automatically until the water supply in the cooling box, which is used as a flame arrester, has been replenished.

(2) Cooling shall be obtained by passing the exhaust gas through water or a dilute aqueous chemical solution held in a cooling box or conditioner, or by a spray of water or a dilute aqueous chemical solution that will enter the exhaust system near the outlet of the exhaust manifold, or a combination of the two methods. When a spray is used it shall be provided with a filtering device to protect the nozzle from clogging. Provisions shall be made for draining and cleaning all parts of the exhaust cooling system. Openings for draining and cleaning shall be closed and sealed or locked by a method satisfactory to the Bureau.

(3) The cooling system shall be constructed of corrosion-resistant metal suitable for the intended application.

(4) The cooling system shall store enough water or aqueous solution to permit operation of the engine at one-third load factor for eight hours. The minimum quantity of usable water or aqueous solution available for cooling shall equal the consumption for one hour with the engine operating at maximum load and speed multiplied by 8 and this product divided by 3.

(d) *Surface temperature of engine and exhaust system.* (1) The temperature of any external surface of the engine or exhaust system shall not exceed 400° F. under any condition of engine operation prescribed by the Bureau. Water-jacketed components shall have integral jackets and provision shall be made for positive circulation of water in the jackets and to automatically shut off the engine when water in the cooling jacket(s) exceeds 212° F. Insulated coverings to control surface temperature are not acceptable.

(2) When a spray is used to reduce the temperature of the exhaust gas, it shall be located as near as practicable to the outlet of the exhaust manifold.

(3) Exterior surfaces of the exhaust system shall be designed to minimize accumulation and lodgement of dust or combustible substances and to permit ready access for cleaning.

(e) *Tightness of exhaust system.* All joints in the exhaust system shall be tight to prevent the flow of exhaust gas through them under any condition of engine operation prescribed by the Bureau. A tight system shall be obtained by the use of ground joints, or thin metal or metal-clad gaskets. All such joints shall be fitted with adequate through bolts and all gaskets shall be aligned and held firmly in position by the bolts or other suitable means. Such joints shall remain tight to prevent passage of flame or propagation of repeated internal explosions to a surrounding flammable mixture.

(f) *Dilution of exhaust gas.* (1) Provision shall be made to dilute the exhaust gas with air before it is discharged into the surrounding atmosphere. The discharged exhaust gas shall be so diluted with air that the mixture shall not contain more than 0.5 percent, by volume, of carbon dioxide; 0.01 percent, by volume, of carbon monoxide; 0.0025 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide); or 0.0010 percent, by volume, of aldehydes (calculated as equivalent formaldehyde) under any condition of engine operation prescribed by the Bureau.

(2) The final diluted exhaust mixture shall be discharged in such a manner that it is directed away from the operator's compartment and also away from the breathing zones of persons required to be alongside the equipment.

(g) *Temperature indicator.* A temperature-indicating device shall be provided in the exhaust system to show the temperature of the undiluted exhaust gas after final cooling. The indicating portion of this device shall be so located that it can be readily seen by the operator.

(h) *Pressure-gage connection.* A connection shall be provided in the exhaust system for convenient, temporary attachment of a pressure gage at a point suitable for measuring the total back pressure in the system. The connection also shall be suitable for temporary attachment of gas-sampling equipment to the exhaust system. This opening shall be closed by a plug or other suitable device that is sealed or locked in place except when a gage or sampling tube is attached.

§ 36.26 Composition of exhaust gas.

(a) *Preliminary engine adjustment.* The engine shall be submitted to the Bureau by the applicant in such condition that it can be tested immediately at full load and speed. The preliminary liquid-fuel-injection rate shall be such that the exhaust will not contain black smoke and the applicant shall adjust the injection rate promptly to correct any adverse conditions disclosed by preliminary tests.

(b) *Final engine adjustment.* The liquid fuel supply to the engine shall be adjusted so that the undiluted exhaust gas shall contain not more than 0.30 percent, by volume, of carbon monoxide under any conditions of engine operation prescribed by the Bureau when the intake air mixture to the engine contains 1.5±0.1 percent, by volume, of Pittsburgh natural gas.[2]

(c) *Coupling or adapter.* The applicant shall provide the coupling or adapter for connecting the engine to the Bureau's dynamometer.

NOTE: Preferably this coupling or adapter should be attached to the flywheel of the engine.

Clutches, transmissions, or torque converters are not required in the coupling train.

§ 36.27 Fuel-supply system.

(a) *Fuel tank.* (1) The fuel tank shall not leak and shall be fabricated of metal at least 1/16 inch thick, welded at all seams, except that tanks of 5 gallons or less capacity may have thinner walls which shall be preformed or reinforced to provide good resistance to deflection. A drain plug (not a valve or petcock) shall be provided and locked in position. A vent opening shall be provided in the fuel filler cap of such design that atmospheric pressure is maintained inside the tank. The size of the vent opening shall be restricted to prevent fuel from splashing through it. The filler opening shall be so arranged that fuel can be added only through a self-closing valve at least 1 foot from the exhaust manifold of the engine, preferably below it. The self-closing valve shall constitute a fuel-tight closure when fuel is not being added. Any part of the self-closing valve that might become detached during the addition of fuel shall be secured to the tank by a chain or other fastening to prevent loss.

(2) The fuel tank shall have a definite position in the equipment assembly, and no provision shall be made for attachment of separate or auxiliary fuel tanks.

(3) Capacity of the fuel tank shall not exceed the amount of fuel necessary to operate the engine continuously at full load for four hours.

(b) *Fuel lines.* All fuel lines shall be installed to protect them against damage in ordinary use and they shall be designed, fabricated, and secured to resist breakage from vibration.

(c) *Valve in fuel line.* A shutoff valve shall be provided in the fuel system, acceptable to the Bureau, so that the engine may be stopped in an emergency by the operator. This valve shall be in addition to the normal shutoff provided in the fuel-injection system.

§ 36.28 Signal or warning device.

All equipment shall be provided with a bell, horn, or other suitable warning device convenient to the operator. Warning devices shall be operated manually or pneumatically.

§ 36.29 Brakes.

All mobile diesel-powered equipment shall be equipped with adequate brakes acceptable to the Bureau.

§ 36.30 Rerailing device.

All mobile diesel-powered equipment designed to travel on rails in haulage service shall carry a suitable rerailing device.

§ 36.31 Fire extinguisher.

Each mobile diesel-powered machine shall be fitted with a fire extinguisher carried in a location easily accessible to the operator and protected by position from external damage. Liquid carbon dioxide extinguishers shall contain an active charge of not less than 4 pounds. Pressurized dry chemical extinguishers shall contain an active charge of not less than 2½ pounds.

§ 36.32 Restriction of electrical components.

Mobile diesel-powered equipment for gassy noncoal mines and tunnels will not be investigated for approval and certification unless the electrical components of the equipment are restricted to headlight units, as hereinafter described in § 36.33.

§ 36.33 Headlights units.

(a) A headlight and its source of electrical energy shall be constructed as a unit. The component parts of a headlight unit shall be locked or sealed by a device, acceptable to the Bureau, so that in normal use the parts are inseparable.

(b) A headlight and its source of energy shall conform to the applicable requirements of Part 20 of Subchapter D (Schedule 10, revised, the latest revision of which is Schedule 10C) pertaining to Class 1 lamps or is constructed with equivalent safeguards that are acceptable to the Bureau.

(c) The headlight unit shall be so mounted on mobile diesel-powered equipment that it is in a fixed position and protected from external damage by recessing in the equipment frame or otherwise guarded in a manner acceptable to the Bureau.

(d) At least one headlight unit shall be provided on the front and rear of each piece of mobile diesel-powered equipment.

[2] Investigation has shown that for practical purposes, Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

Subpart C—Test Requirements

§ 36.40 Test site.

Tests shall be conducted at the Bureau's Diesel Testing Laboratory, Bruceton, Pennsylvania, or other appropriate place(s) determined by the Bureau.

§ 36.41 Testing methods.

Mobile diesel-powered equipment submitted for certification and approval shall be tested to determine its combustion, explosion-proof, and other safety characteristics. The Bureau shall prescribe the tests and reserves the right to modify the procedure(s) to attain these objectives (see § 36.20).

§ 36.42 Inspection.

A detailed inspection shall be made of the equipment and all components and features related to safety in operation. The inspection shall include:

(a) Investigating the materials, workmanship, and design to determine their adequacy.

(b) Checking the parts and assemblies against the drawings and specifications with respect to materials, dimensions, and locations to verify their conformance.

(c) Inspecting and measuring joints, flanges, and other possible flame paths in the intake and exhaust systems to determine whether they will prevent the issuance of flame or propagation of an internal explosion.

(d) Inspecting and measuring flame arresters to determine whether they will prevent the issuance of flame or propagation of an internal explosion.

§ 36.43 Determination of exhaust-gas composition.

(a) Samples shall be taken to determine the composition of the exhaust gas while the engine is operated at loads and speeds prescribed by the Bureau to determine the volume of air (ventilation) required to dilute the exhaust gas (see § 36.45). The engine shall be at temperature equilibrium before exhaust-gas samples are collected or other test data are observed. At all test conditions the intake mixture shall contain 1.5±0.1 percent, by volume, of Pittsburgh natural gas (see footnote 2) in air. Test observations shall include the rate of fuel consumption, pressures, temperatures, and other data significant in the safe operation of diesel equipment in underground gassy noncoal mines and tunnels.

(b) Exhaust-gas samples shall be analyzed for carbon dioxide, oxygen, carbon monoxide, hydrogen, methane, nitrogen, oxides of nitrogen, and aldehydes, or any other constituent prescribed by the Bureau.

(c) The intake and exhaust systems shall be complete with all component equipment such as air cleaners, flame arresters, and exhaust cooling systems. The performance of component equipment shall be observed to determine whether it functions properly.

(a) When an engine is delivered to the Bureau with the fuel-injection system adjusted by the applicant and tests of the exhaust-gas composition (see § 36.43) show not more than 0.30 percent, by volume, of carbon monoxide, the applicant's adjustment of the fuel-injection system shall be accepted. The maximum fuel:air ratio determined from the exhaust-gas composition shall be designated as the maximum allowable fuel:air ratio. The maximum liquid fuel rate (pounds per hour) that produces the maximum allowable fuel:air ratio shall be designated as the maximum allowable fuel rate for operating the equipment at elevations not exceeding 1,000 feet above sea level.

(b) When the carbon monoxide content of the exhaust exceeds 0.30 percent, by volume, only near maximum power output, the maximum fuel:air ratio at which carbon monoxide does not exceed 0.30 percent shall be calculated and designated as the maximum allowable fuel:air ratio. The corresponding calculated liquid fuel rate shall be designated as the maximum allowable fuel rate at elevations not exceeding 1,000 feet above sea level.

NOTE: The applicant may be requested to adjust the liquid fuel rate during tests to determine the maximum allowable fuel:air ratio.

(c) The maximum allowable fuel:air ratio and maximum liquid fuel rates shall be used to calculate a liquid fuel rate-altitude table that shall govern the liquid fuel rate of engines operated at elevations exceeding 1,000 feet above sea level.

§ 36.45 Quantity of ventilating air.

(a) Results of the engine tests shall be used to calculate ventilation (cubic feet of air per minute) that shall be supplied by positive air movement when the permissible diesel-powered equipment is used underground. This quantity shall be stamped on the approval plate. The quantity so determined shall apply when only one machine is operated.

(b) Determination of the ventilation rate shall be based upon dilution of the exhaust gas with normal air. The most undesirable and hazardous condition of engine operation prescribed by the Bureau shall be used in the calculations. The concentration of any of the following individual constituents in the diluted mixture shall not exceed:

0.25 percent, by volume, of carbon dioxide (CO_2).

0.005 percent, by volume, of carbon monoxide (CO).

0.00125 percent, by volume, of oxides of nitrogen (calculated as equivalent nitrogen dioxide, NO_2).

The oxygen (O_2) content of the diluted mixture shall be not less than 20 percent, by volume. The maximum quantity of normal air to produce the above dilution shall be designated the ventilation rate.

NOTE: This ventilation rate will provide a factor of safety for exposure of persons to air mixtures containing harmful or objectionable gases and for minor variations in engine performance.

§ 36.46 Explosion tests of intake and exhaust systems.

(a) Explosion tests to determine the strength of the intake and exhaust systems to withstand internal explosions and the adequacy of the flame arresters to prevent the propagation of an explosion shall be made with the systems connected to the engine or the systems simulated as connected to the engine. The systems shall be filled with and surrounded by an explosive natural gas-air mixture. The mixture within the intake and exhaust systems shall be ignited by suitable means and the internal pressure developed by the resultant explosion shall be determined. Tests shall be conducted with the ignition source in several different locations to determine the maximum pressure developed by an internal explosion.

(b) Explosion tests shall be made with the engine at rest and with the flammable natural gas-air mixtures in the intake and exhaust systems. In other tests with the flammable mixture in motion, the engine shall be driven (externally) at speeds prescribed by the Bureau but no liquid fuel shall be supplied to the injection valves.

(c) The temperature of the flame arresters in the intake or exhaust systems shall not exceed 212° F. when an explosion test is conducted. Any water-spray cooling for the exhaust system shall not be operated and water shall not be present in the exhaust cooling boxes except when water is the cooling agent for a cooling box designed to act as a flame arrester, in which case the Bureau will prescribe the test conditions.

(d) The explosion tests of the intake and exhaust systems shall not result in:

(1) Discharge of visible flame from any joint or opening.

(2) Ignition of surrounding flammable gas-air mixture.

(3) Development of dangerous afterburning.*

(4) Excessive pressures.

§ 36.47 Tests of exhaust-gas cooling system.

(a) The adequacy of the exhaust-gas cooling system and its components shall be determined with the engine operating at the maximum allowable liquid fuel rate and governed speed with 0.5±0.1 percent, by volume, of natural gas in the intake air mixture. All parts of the engine and exhaust-gas cooling system shall be at their respective equilibrium temperatures. The cooling spray, if any, shall be operated, and all compartments designed to hold cooling water shall be filled with the quantity of water recommended by the applicant. No cooling air shall be circulated over the engine or components in the cooling system during the test.

(b) Determinations shall be made during the test to establish the cooling performance of the system, the cooling water consumption, high-water level when the system sprays excess water, and low-water level when the cooling system fails.

(c) The final exhaust-gas temperature at discharge from the cooling system, and before the exhaust gas is diluted with air, shall not exceed 170° F. or the temperature of adiabatic saturation, if this temperature is lower.

(d) Water consumed in cooling the exhaust gas under the test conditions shall not exceed by more than 15 percent that required for adiabatic saturation of the exhaust gas at the final temperature. Water in excess of that required for adiabatic saturation shall be considered as entrained water. Enough water shall be available in the cooling system or in reserve supply compartments for sustained satisfactory operation for at least 2⅔ hours under the test conditions.

NOTE: This amount is enough to cool the exhaust for an 8-hour shift at one-third load factor.

(e) The adequacy of the automatic fuel shutoff actuated by the temperature of the final exhaust shall be determined with the engine operating under test conditions by withdrawing water until the cooling system fails to function. The final exhaust-gas temperature at which the liquid fuel to the engine is automatically shut off shall be noted. This temperature shall not exceed 185° F.

(f) Following the automatic fuel shutoff test in paragraph (e) of this section, the temperature of the control point shall be allowed to fall to 170° F. At this temperature it shall be possible to start the engine.

NOTE: If the cooling system includes a reserve supply water tank, the line or lines connecting it to the cooling compartment may require a suitable flame arrester.

(g) The effectiveness of the automatic engine shutoff, which will operate when the water in the cooling jacket(s) exceeds 212° F., shall be determined by causing the jacket temperature to exceed 212° F.

§ 36.48 Tests of surface temperature of engine and components of the cooling system.

(a) The surface temperatures of the engine, exhaust cooling system, and other components subject to heating by engine operation shall be determined with the engine operated as prescribed by the Bureau. All parts of the engine, cooling system, and other components shall have reached their respective equilibrium temperatures. The exhaust cooling system shall be operated, but air shall not be circulated over the engine or components. Surface temperatures shall be measured at various places prescribed by the Bureau to determine where maximum temperatures develop.

(b) The temperature of any surface shall not exceed 400° F.

NOTE: The engine may be operated under test conditions prescribed by the Bureau while completely surrounded by a flammable mixture. The Bureau reserves the right to apply combustible materials, likely to be found in gassy noncoal mines or tunnels, to any surface for test. Operation under such conditions shall not ignite the flammable mixture.

§ 36.49 Tests of exhaust-gas dilution system.

The performance and adequacy of the exhaust-gas dilution system shall be determined in tests of the complete equipment. The engine, at temperature equilibrium, shall be operated in normal air as prescribed by the Bureau. Samples of the undiluted exhaust gas and of the diluted exhaust gas, at location(s) prescribed by the Bureau, shall be considered with the data obtained from the engine test (see § 36.43) to determine that the concentrations of carbon dioxide, carbon monoxide, oxides of nitrogen, and aldehydes in the diluted exhaust shall be below the required concentrations specified in subparagraph (1) of paragraph (f) of § 36.25.

§ 36.50 Tests of fuel tank.

The fuel tank shall be inspected and tested to determine whether: (a) It is fuel-tight, (b) the vent maintains atmospheric pressure within the tank, and (c) the vent and closure restrict the outflow of liquid fuel.

§ 36.51 Inspection and tests of headlight units.

Headlight units shall be inspected and tested according to the applicable requirements of Part 20 of Subchapter D (Schedule 10, revised, the latest revision of which is Schedule 10C).

[F.R. Doc. 59-7973; Filed, Sept. 23, 1959; 8:47 a.m.]

* The term "afterburning" as used in this part is applied to combustion of a flammable gas-air mixture drawn into the system under test by the cooling of the products from an explosion in the system.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 938]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Exemption Certificates and Safeguards

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed revision of rules and regulations for the establishment of safeguards (Subpart—Exemption Certificates and Safeguards, 7 CFR 938.120–938.123) as hereinafter set forth, which were recommended by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish Potatoes grown in the Red River Valley of North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota; and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilkin, Otter Tail, Becker, and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposed revision follows:

SAFEGUARDS

§ 938.120 General.

Whenever shipments of potatoes for special purposes pursuant to § 938.54 are relieved in whole or in part from grade and size regulations issued under § 938.52 the committee shall require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such potatoes into trade channels other than those for which intended. Such information and evidence shall include the requirements set forth below with respect to Certificates of Privilege.

§ 938.121 Qualification.

Before handling potatoes for special purposes which do not meet regulations issued pursuant to § 938.52 a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 938.121 to 938.125, inclusive, with respect to such shipments; and (c) receive approval of the committee, or its duly authorized agents, to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

§ 938.122 Application.

(a) Application for Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 938.120.

(b) The committee may require each handler making shipments of potatoes for export to include with his application a copy of the Department of Commerce Shippers Export Declaration Form No. 7525–V applicable to such shipment.

§ 938.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

§ 938.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 938.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-7979; Filed, Sept. 23, 1959; 8:48 a.m.]

[7 CFR Part 1018]

[Docket No. AO-286-A2]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the auditorium of Broward National Bank, South Andrews Avenue, Fort Lauderdale, Florida, beginning at 9:30 a.m., standard time, on October 5, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southeastern Florida marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to the classification in Class II of skim milk dumped and the accompanying proposals as to handlers payments on such skim milk raises the issue whether the present classification and pricing of other products in Class II is appropriate and, if not, what classification and pricing of such products would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Independent Dairy Farmers' Association, Inc., Fort Lauderdale, Florida:

Proposal No. 1. Amend § 1018.7 to provide that (except as proposed under No. 2) a dairy farmer delivering milk to another market does not qualify as a producer in this market; nor may a dairy farmer qualify as a producer in this market if milk from the same barn is delivered during the month to another market.

Proposal No. 2. Amend §§ 1018.7, 1018.9, 1018.13, 1018.43 and others as necessary to provide that a cooperative association shall be a handler with respect to producer milk diverted to a non-pool plant. Provide that milk transferred or diverted to non-pool plants shall be Class I milk unless such non-pool plants have no Class I route disposition. Milk diverted should be priced f.o.b. pool plants from which diverted.

Proposal No. 3. Amend § 1018.16 to provide that the Chicago butter price be used on a monthly basis and adopt an alternate quotation if the Chicago butter price is not quoted for any day.

Proposal No. 4. Add a new subparagraph to § 1018.41(b) as follows:

(5) Contained in skim milk which is dumped at the plant after approval and verification by the Market Administrator.

Proposal No. 5. Add a new paragraph to § 1018.70 as follows:

(e) Deduct an amount calculated as follows: Multiply the hundredweight of skim milk classified pursuant to § 1018.41 (b) (5) by the price calculated pursuant to § 1018.50(e) (2).

Proposal No. 6. Add a new subparagraph to § 1018.72(a) as follows:

(4) Subtract the total amount deducted from the obligations of all handlers pursuant to § 1018.70(e).

Proposal No. 7. Amend § 1018.41(b)(4) to provide that shrinkage pro-rated to producer milk shall not be classified in Class II in excess of 1½ percent of such producer milk. Provide also that shrinkage be pro-rated only between receipts of fluid milk or skim milk from producers and non-pool sources.

Proposal No. 8. Eliminate § 1018.43(b)(1).

Proposal No. 9. Provide that closing inventories of Class I milk products assigned to non-federal order other source milk shall be subject to the payment provided in § 1018.52(a) if used the following month in Class I.

Proposal No. 10. Amend § 1018.50 (a) through (d) to establish a formula that will give an average Class I price of $7.00 per hundredweight. Develop a utilization adjustment factor that will cause the Class I price to vary not more than 20 cents in response to changes in supply and demand relationships.

Proposal No. 11. Amend § 1018.80(a)(1) to provide advance payments on the 18th and the 3d day of the next month with respect to milk received from producers during the first and second halves of the month respectively.

Proposal No. 12. Amend the order to provide that payments due producers or the Market Administrator from handlers shall be increased three-fourths of 1 percent for each month or portion thereof for which such payment is overdue under the order.

Proposal No. 13. Amend § 1018.90 to eliminate January from the base-forming period and provide that the producer shall be assigned the higher of his current or previous year's earned base.

Proposal No. 14. Delete the words "75 percent" from the proviso of § 1018.91(a) and substitute therefor a schedule of percentages for the different months as follows:

August	70	February	50
September	70	March	50
October	65	April	50
November	60	May	55
December	55	June	55
January	55	July	60

Proposal No. 15. Amend § 1018.91 to provide the following changes:

a. Provide that only one base be allowed per barn.

b. Provide that a partnership, corporation, or members of an immediate family may divide a base on the same basis as the cows are divided.

c. Provide that a base may be transferred only to the person to whom the cows are transferred.

d. Provide that a person transferring a base may not receive a percentage base until after the end of the period for which the transferred base applies.

Proposal No. 16. Amend the order to provide that only approved measuring devices be used by plants as a basis for paying producers for milk.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 17. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 801–03 Sweet Building, Fort Lauderdale, Fla., or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 21st day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59–7980; Filed, Sept. 23, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-186]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6004 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 4 presently extends from Seattle, Wash., to Washington, D.C. The Federal Aviation Agency has under consideration realigning the segment of Victor 4 between Elkins, W. Va., and Front Royal, Va., via the intersection of the Elkins VOR 077° and the Grantsville, Md., VOR 191° radials. This modification will provide sufficient angular separation at the Elkins VOR between Victor 4 and a segment of VOR Federal airway No. 174 in its proposed alignment from the Elkins VOR via a new VOR to be located near Linden, Va., to the Springfield, Va., intersection, which is under consideration by the Federal Aviation Agency (Airspace Docket No. 59–WA–183). The control areas associated with Victor 4 are so designated so that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, New York. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6004 (14 CFR, 1958 Supp., 600.6004, 24 F.R. 701, 1281) as follows:

In the text of § 600.6004 *VOR Federal airway No. 4 (Seattle, Wash., to Washington, D.C.)* delete "Front Royal, Va., omnirange station; to the Herndon Va., omnirange station." and substitute therefor "INT of the Elkins VOR 077° and the Grantsville, Md., VOR 191° radials; Front Royal, Va., VOR; to the Herndon, Va., VOR."

Issued in Washington, D.C., on September 17, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7965; Filed, Sept. 23, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-211]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6608 and 601.6608 of the Regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 1508 and its associated control areas presently extends from Los Angeles, Calif., to New York, N.Y. The Jefferson, Ohio, VOR to Idlewild, N.Y., VOR segment of Victor 1508 is designated via the point of intersection of the Bradford, Pa., VOR 260° and the Fitzgerald, Pa., VOR 304° radials; Fitzgerald, Pa., VOR; Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; East Texas, Pa., VOR; Colts Neck, N.J., VOR; point of intersection of the Colts Neck VOR 078° and the Idlewild VOR 212° radials; thence to the Idlewild, N.Y., VOR. Victor 1508 presently overlies VOR Federal airway No. 1510 between Philipsburg VOR and Selinsgrove VOR. Victor 1508 segment between Selinsgrove VOR and Idlewild VOR is common with VOR Federal airways No. 1500, No. 1502, No. 1510, and No. 1512. The Federal Aviation Agency has under consideratiton the modification of Victor 1508 segment and associated control areas between Jefferson, Ohio and Idlewild, N.Y., by redesignating from Jefferson VOR via the Tidioute, Pa., VOR and a VOR proposed to be installed in the vicinity of Slate Run, Pa., at latitude 41°30'46", longitude 77°58'33", to be commissioned on November 15, 1959, Williamsport, Pa., VOR, point of intersection of the Williamsport VOR 088° and the Stillwater VOR 299° radials; Stillwater, N.J., VOR, to the point of intersection of the Stillwater VOR 113° and the Solberg, N.J., VOR 051° radials (Caldwell, N.J., Intersection). This modification of Victor 1508 will provide an additional route primarily for the movement of the heavy volume of westbound medium altitude air traffic between the New York Metropolitan Terminal area and the Cleveland, Ohio/Detroit, Mich., Terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6608 and 601.6608 (14 CFR, 1958 Supp., 600.6608, 601.6608) as follows:

1. In § 600.6608 *VOR Federal airway No. 1508 (Los Angeles, Calif., to New York, N.Y.)*:

a. Delete in the caption "*(Los Angeles, Calif., to New York, N.Y.)*" and substitute therefor "*(Los Angeles, Calif., to Caldwell, N.J.)*".

b. Delete in the text "point of intersection of the Bradford, Pa., omnirange 260° True and the Fitzgerald omnirange 304° True radials; Fitzgerald, Pa., omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; East Texas, Pa., VOR; Colts Neck, N.J., omnirange station; point of intersection of the Colts Neck omnirange 078° True and the Idlewild omnirange 212° True radials; to the Idlewild, N.Y., omnirange station" and substitute therefor, "Tidioute, Pa., VOR; Slate Run, Pa., VOR; Williamsport, Pa., VOR; INT of the Williamsport VOR 088° and the Stillwater VOR 299° radials; Stillwater, N.J., VOR; to the INT of the Stillwater VOR 113° and the Solberg, N.J., VOR 051° radials".

2. In the caption of § 601.6608 *VOR Federal airway No. 1508 control areas (Los Angeles, Calif., to New York, N.Y.)* delete "*(Los Angeles, Calif., to New York, N.Y.)*" and substitute therefor, "*(Los Angeles, Calif., to Caldwell, N.J.)*".

Issued in Washington, D.C., on September 17, 1959,

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7966; Filed, Sept. 23, 1959; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-165]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2190 of the Regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration a modification of the Atlantic City, N.J., control zone. The present control zone includes the airspace within a seven mile radius of the Atlantic City NAFEC Airport with an extension southeast bounded by a line lying three nautical miles off shore. There now exists a requirement for the expansion of this control zone to provide adequate controlled airspace for aircraft conducting instrument approaches to the NAFEC Airport; radar vector service for large numbers of aircraft when experimental air traffic saturation tests are being conducted; and when other controlled flight test projects are being conducted by the National Aviation Facilities Experimental Center of the Federal Aviation Agency. If such action is taken, the Atlantic City control zone would be extended to include the airspace within a sixteen mile radius of the Atlantic City NAFEC Airport excluding the portions which overlie the Brigantine, N.J., Restricted Area (R–28), and the Atlantic City Off Shore Warning Area (W–107).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 601.2190 (14 CFR, 1958 Supp., 601.2190, 24 F.R. 2232) to read as follows:

§ 601.2190 Atlantic City, N.J., control zone.

Within a sixteen-mile radius of the NAFEC airport, excluding the portions which lie within the Brigantine, N.J., Restricted Area (R–28), and the Atlantic City Off Shore Warning Area (W–107).

Issued in Washington, D.C., on September 17, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7967; Filed, Sept. 23, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

SEPTEMBER 15, 1959.

1. A plat of survey of the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on October 20, 1959:

T. 1 S., R. 2 E., Fairbanks Meridian
Sections 1, 2, 3 and 4;
Sections 10, 11, 12 and 13;
Sections 24 and 25.

2. The above lands lie in a southeasterly direction from Fairbanks, Alaska, and are 10 miles from that city. The terrain is rolling to flat swampy land. Its major vegetative cover consists of scattered stands of spruce on higher ground. These lands are traversed by the Chena River. Access is limited to these lands as they lie three miles north of the Richardson Highway. A portion of this land may be suitable for agriculture use.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite and Small Tract Laws by qualified veterans of World War II or of the Korean conflict and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on October 20, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 14, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under Paragraphs (1) and (2) above, presented prior to 10:00 a.m. on December 14, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veteran's preference right under Paragraph (2) above must submit with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

6. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

ROBERT L. JENKS,
Manager.

[F.R. Doc. 59–7971; Filed, Sept. 23, 1959; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 16, 1959.

The Bureau of Indian Affairs has filed an application, Serial Number NM–032410, for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for the Borrego Pass School.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 11 W.,
Sec. 33: SW¼NE¼, N½NW¼SE¼.

The area described aggregates 60 acres.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59–7972; Filed, Sept. 23, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–19455]

DILLARD & WALTERMIRE DRILLING CO.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 16, 1959.

Dillard & Waltermire Drilling Company (Dillard & Waltermire) on August 17, 1959, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 13, 1959.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 2 to Dillard & Waltermire's FPC Gas Rate Schedule No. 1.
Effective Date: November 1, 1959 (effective date is the effective date proposed by Dillard and Waltermire).

In support of the proposed redetermined rate increase, Dillard & Waltermire states that the redetermined rate is provided by its contract and that such rate is in line with the price being paid to other sellers in the area. In addition, Dillard & Waltermire submits a letter wherein the buyer, Tennessee Gas Transmission Company, agrees to the proposed redetermined rate increase effective November 1, 1959.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Dillard & Waltermire's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Dillard & Waltermire's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7984; Filed, Sept. 23, 1959; 8:49 a.m.]

[Docket No. G–18858]

EMPIRE GAS AND FUEL CO.

Notice of Application and Date of Hearing

SEPTEMBER 16, 1959.

Take notice that on June 26, 1959, Empire Gas and Fuel Company (Applicant), a new corporation, filed in Docket No. G–18858 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the natural gas properties of Bradley Empire Corporation of Wellsville, New York (Bradley Empire), all as more fully set forth in the application and exhibits which are on file with the Commission and open to public inspection.

Applicant proposes to acquire and operate all of the operating properties of Bradley Empire, the purpose being to separate the natural gas operations of Bradley Empire from its investment activities and to simplify and streamline the management of said gas properties. Bradley Empire will receive all of Applicant's capital stock in exchange for said properties.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 15, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 5, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7985; Filed, Sept. 23, 1959; 8:49 a.m.]

[Project No. 2266]

NEVADA IRRIGATION DISTRICT

Notice of Application for Preliminary Permit

SEPTEMBER 16, 1959.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nevada Irrigation District, of Grass Valley, California, for preliminary permit for a project, designated as Project No. 2266, to be situated in Sierra, Nevada and Placer Counties, in the State of California, near Sierra City, Emigrant Gap, Dutch Flat and Colfax. Lands of the United States within the Tahoe National Forest and other lands of the United States will be affected.

The project, as proposed and described in the application, will be an expansion and addition to the project under Minor-Part License held by the Applicant for Project No. 338. Certain of the existing works will be replaced, repaired, relocated or enlarged under the proposed project. Proposed works, consist of: Jackson Meadows reservoir, with approximately 45,000 acre-feet of storage, and English Meadows reservoir, with approximately 10,000 acre-feet of storage, both located on Middle Yuba River; a diversion structure on South Fork of North Yuba River and gravity conduit to Jackson Meadows; the existing Milton-Bowman conduit to be rebuilt and the tunnel repaired; a low dam to raise Faucherie Lake to provide approximately 3,000 acre-feet of storage; a diversion on East Fork of Middle Yuba River and closed conduit to existing Weaver Lake; a low dam to raise Weaver Lake to provide approximately 4,000 acre-feet of storage and a tunnel from Weaver Lake to Bowman Reservoir; the existing Bowman-Spaulding conduit to be enlarged, improved and replaced, in part, by a tunnel; a canal from the Drum afterbay dam to a proposed powerhouse, Dutch Flat No. 2, with an installation of 22,900 kilowatts on Bear River; a canal from Dutch Flat to a proposed powerhouse, Chicago Park, with an installation of 33,500 kilowatts on Bear River; Rollins re-regulating and storage reservoir on Bear River with a capacity of approximately 30,000 acre-feet of storage; and numerous diversions from small creeks, conduits, and access roads.

Applicant states that the energy from the proposed plants will be sold to Pacific Gas and Electric Company, and distributed and sold for public utility purposes.

No construction is authorized under a preliminary permit. A permit, if issued, gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is October 26, 1959. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59–7986; Filed, Sept. 23, 1959; 8:49 a.m.]

[Docket No. G–19476]

ESTATE OF JOE W. BROWN

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 18, 1959.

On August 21, 1959, the Estate of Joe W. Brown (Brown) tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Supplemental Agreement, dated July 29, 1959. (2) Notice of Change, dated August 21, 1959.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: (1) Supplement No. 7 to Brown's FPC Gas Rate Schedule No. 1. (2) Supplement No. 8 to Brown's FPC Gas Rate Schedule No. 1.
Effective date: September 21, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed renegotiated rate increase, Brown states that the contract was negotiated at arm's length; that the proposed rate represents no more than the fair market value of natural gas produced in South Louisiana; and that the proposed rate is below recently certificated rates in the same area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplements Nos. 7 and 8 to Brown's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplements Nos. 7 and 8 to Brown's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until February 21, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7995; Filed, Sept. 23, 1959; 8:50 a.m.]

[Docket Nos. G-19473, G-19474]

PHILLIPS PETROLEUM CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates [1]

SEPTEMBER 18, 1959.

In the matters of Phillips Petroleum Company (Operator), et al., Docket No. G-19473; Phillips Petroleum Company, Docket No. G-19474.

On August 19, 1959, the above-named Respondents tendered for filing Notices of Change, dated August 17, 1959, which propose increased rates and charges in their presently effective rate schedules [2] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges effective October 1, 1959,[3] are contained in the following designated filings:

Docket No. G-19473

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 3 to Phillips Petroleum Company (Operator), et al.'s FPC Gas Rate Schedule No. 262.

Docket No. G-19474

Purchaser: Kansas-Nebraska Natural Gas Company, Inc.

Rate schedule designation: Supplement No. 6 to Phillips Petroleum Company's FPC Gas Rate Schedule No. 302.

In support of the proposed periodic rate increases, Respondents state that their contracts were negotiated at arm's length; that the proposed rates are below other certificated prices in the same general area, and that periodic step-ups are the only means of increasing the price of gas under the subject contracts since they contain no flexible price adjustment clauses.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the two proposed changes and that the above-designated supplements to Respondents' FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until March 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7996; Filed, Sept. 23, 1959; 8:50 a.m.]

[Docket No. G-19475]

ROBERT B. PRENTICE ET AL.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 18, 1959.

Robert B. Prentice (Operator), et al. (Prentice), on August 21, 1959, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Contract, dated May 14, 1959. (2) Letter, dated May 14, 1959. (3) Contract, dated May 14, 1959. (4) Letter, dated May 14, 1959. (5) Notice of Change, dated August 18, 1959.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Prentice's FPC Gas Rate Schedule No. 3.[1] (2) Supplement No. 1 to Prentice's FPC Gas Rate Schedule No. 3. (3) Supplement No. 2 to Prentice's FPC Gas Rate Schedule No. 3.[1] (4) Supplement No. 3 to Prentice's FPC Gas Rate Schedule No. 3. (5) Supplement No. 4 to Prentice's FPC Gas Rate Schedule No. 3.

Effective date: October 1, 1959 (effective date is the effective date proposed by Prentice).

In support of the proposed renegotiated rate increase, Prentice states that his contracts were negotiated at arm's length and that the price therein provided is no higher than that generally prevailing in the same area. Prentice states additionally that the new contracts provide valuable considerations to the buyer, namely, that seller is required to drill a well to deeper strata than was required by the superseded contract.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Prentice's FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 through 4 thereto, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Prentice's FPC Gas Rate Schedule No. 3, and Supplements Nos. 1 through 4 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and the supplements thereto be and they are each hereby suspended and the use thereof deferred until March 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplements hereby suspended shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7997; Filed, Sept. 23, 1959; 8:50 a.m.]

[Docket Nos. G-17251, G-17252, G-18073]

SIGNAL OIL AND GAS CO.

Notice of Applications and Date of Hearing

SEPTEMBER 18, 1959.

Take notice that on December 12, 1958, in Docket Nos. G-17251 and G-17252, and on March 16, 1959, in Docket No. G-18073, Signal Oil and Gas Company (Applicant) filed applications pursuant to section 7 of the Natural Gas Act as follows:

(1) In Docket Nos. G-17251 and G-17252, for certificates of public convenience and necessity to render natural gas service to Cities Service Gas Company (Cities Service) and to Lone Star Gas Company (Lone Star), respectively, from a gas processing plant in Carter County, Oklahoma, formerly owned by Sokla Gasoline Company (Sokla).

Sokla was authorized on February 21, 1956, in Docket No. G-8674 to sell gas from its aforesaid Carter County plant to Cities Service under a gas sales contract dated March 25, 1955, and on March 6, 1956, in Docket No. G-6100 to sell gas from said plant to Lone Star under a gas sales contract dated October 27, 1953. Applicant acquired Sokla's title to and interest in these respective contracts by separate instruments of assignment each dated October 9, 1958, which contracts and instruments of assignment are on file with the Commission and now designated Signal Oil and Gas Company (Operator) FPC Gas Rate Schedule Nos. 5 and 6, and Supplement Nos. 3 and 2 thereto, respectively.

(2) In Docket No. G-18073, for permission and approval to abandon natural gas service to Cities Service and Lone Star, respectively, presently being rendered pursuant to temporary authorization granted January 13, 1959, in Docket Nos. G-17251 and G-17252.

Applicant has filed a release dated December 29, 1958, by Lone Star of the contract involved in Docket No. G-17251, and a letter agreement dated February 20, 1959, with Cities Service, which agreement terminates the contract involved in Docket No. G-17252 and provides that Applicant shall sell gas to Cities Service from Applicant's nearby Fox Gasoline Plant instead of from the processing plant acquired by Applicant from Sokla.

Applicant was authorized on November 28, 1955, in Docket No. G-2570 to sell residue gas from its Fox Gasoline Plant to Cities Service under a gas sales contract dated July 6, 1954, as amended, designated in the files of the Commission as Signal Oil and Gas Company (Operator) FPC Gas Rate Schedule No. 1. By letter dated August 6, 1959, the Commission has accepted for filing the letter agreement between Applicant and Cities Service dated February 20, 1959, and has given said letter agreement the designation of Supplement No. 4 to Signal Oil and Gas Company (Operator) FPC Gas Rate Schedule No. 1.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 9, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-7998; Filed, Sept. 23, 1959; 8:50 a.m.]

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[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

[2] Present rates previously suspended and are in effect subject to refund in Docket Nos. G-16178 and G-16311, respectively.

[3] The stated effective date is the effective date proposed by Respondents.

[1] Supersedes Prentice's FPC Gas Rate Schedule No. 1, as amended.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 54940]

SKOURAS LINES, INC.

Registration of House Flag and Funnel Marks

SEPTEMBER 21, 1959.

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81(a), Customs Regulations (19 CFR 3.81(a)), has registered the house flag and funnel marks of The Skouras Lines, Inc. of New York as described below:

(a) *House flag.* The house flag is rectangular in shape; the fly is 1½ times the height of the hoist. Superimposed and centered on an orange field both vertically and horizontally is a black elongated script "S". The height of the elongated script "S" is 79 percent of the hoist and the ratio of maximum thickness of the emblem is 18 percent of the hoist.

(b) *Funnel marks.* The funnel mark is to appear on an orange stack. The mark consists of a black elongated script "S" on an orange funnel. The center of the elongated script "S" is 44 percent of the stack height below the top in the fore and aft center. The insigne height is 51 percent of the funnel height and the ratio of maximum thickness to height is 16 percent.

Colored drawings of the house flag and funnel marks described above are on file with the Federal Register Division, National Archives and Records Service.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 59-7991; Filed, Sept. 23, 1959; 8:49 a.m.]

Office of the Secretary

[AA 643.3]

PORTLAND CEMENT FROM DENMARK

Determination of No Sales at Less Than Fair Value

SEPTEMBER 17, 1959.

A complaint was received that Portland cement from Denmark was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Portland cement from Denmark is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Sales were made at a price which may have been at less than home consumption price, but thereafter a reduction in the home consumption price removed any doubt as to the pricing which was shown not to be less than fair value after appro-

priate adjustments for commission included in the purchase price and for differences in packing costs and quantities. The quantities involved and/or differences in price are considered not more than insignificant for the period prior to the price change. There have been since then no sales at less than home consumption price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7994; Filed, Sept. 23, 1959; 8:50 a.m.]

OFFICIALS AUTHORIZED TO ACT AS COMMISSIONER OF ACCOUNTS

Order of Succession

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Assistant Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Chief Auditor.
4. Deputy Commissioner for Accounting Systems.
5. Assistant Chief Disbursing Officer (Senior).
6. Assistant Chief Disbursing Officer.
7. Deputy Commissioner for Deposits and Investments.
8. Assistant Commissioner for Administration.
9. Deputy Commissioner for Central Accounts.
10. Regional Disbursing Officer, New York, New York.
11. Regional Disbursing Officer, Denver, Colorado.
12. Regional Disbursing Officer, Dallas, Texas.
13. Regional Disbursing Officer, Salt Lake City, Utah.

This order of succession supersedes the previous order of this Bureau, dated March 15, 1957 (22 F.R. 1869).

Dated: September 15, 1959.

[SEAL] R. W. MAXWELL,
Commissioner of Accounts.

[F.R. Doc. 59-7993; Filed, Sept. 23, 1959; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

CARLTON S. DARGUSCH

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published April 2, 1959 (24 F.R. 2579).

Dated: September 5, 1959.

CARLTON S. DARGUSCH.

[F.R. Doc. 59-7962; Filed, Sept. 23, 1959; 8:45 a.m.]

ROBERT J. HARBISON, III

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Delete: General Public Utilities.

This amends statement published April 2, 1959 (24 F.R. 2579).

Dated: September 5, 1959.

ROBERT J. HARBISON, III.

[F.R. Doc. 59-7963; Filed, Sept. 23, 1959; 8:45 a.m.]

MORRIS A. LIEBERMAN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last report, published April 2, 1959 (24 F.R. 2579).

Dated: September 6, 1959.

MORRIS A. LIEBERMAN.

[F.R. Doc. 59-7964; Filed, Sept. 23, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3815]

CENTRAL MASSACHUSETTS GAS CO. ET AL.

Notice of Filing Regarding Issuance and Sale of Common Stock by Subsidiaries of Registered Holding Company and Acquisition of Said Stock by Said Holding Company

SEPTEMBER 17, 1959.

In the matter of Central Massachusetts Gas Company, Northampton Gas Light Company, New England Electric System; File No. 70-3815.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its direct subsidiaries, Central Massachusetts Gas Company ("Central Mass.") and Northampton Gas Light Company ("Northampton"), both gas utility companies, have filed with this Commission a joint application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 6(b), 7, 9, and 10 of the Act and Rules 42(b)(2) and 50(a)(1), (2) and (3) thereunder as applicable to the proposed transactions which are summarized as follows:

Central Mass. and Northampton intend to increase their authorized $25 par value capital stock by 14,000 shares and 5,455 shares, respectively, and propose to issue and to sell all of such additional shares at the respective prices of $25 and $55 per share aggregating $350,000 and $300,025, respectively. NEES, their sole stockholder, proposes to acquire all of such shares and, in payment therefor, will use available treasury funds.

Central Mass. will apply the proceeds from the sale of the additional shares of its capital stock to the reduction of its outstanding short-term notes payable to a bank from $1,100,000 to $750,000 and Northampton will apply the proceeds derived from the sale of the additional shares of its capital stock to the reduction of its short-term notes payable to NEES from $690,000 to $389,975.

The application-declaration states that the prices for the additional shares of capital stocks were determined by the respective boards of directors of the subsidiary companies after taking into consideration the earnings, the effect of the increase in the number of shares, and a comparison of the price-earnings ratios of a substantial number of gas distribution companies whose stocks are publicly held.

The Department of Public Utilities of Massachusetts, in which State each of the subsidiary companies is organized and doing business, has authorized the proposed transactions and has approved the prices to be paid for the additional shares of capital stock as not so low as to be inconsistent with the public interest.

The joint application-declaration further states that no underwriters fees, commissions, or other remuneration is to be paid in connection with effectuating the proposed transactions. Incidental services are to be performed by New England Power Service Company, an affiliated service company rendering service to associated companies, at the actual cost thereof. Total expenses in connection with the proposed transactions are estimated at $3,025 for Central Mass., $2,868 for Northampton, and $600 for NEES.

Notice is further given that any interested person may, not later than October 6, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, said amended joint application-declaration, as filed or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7974; Filed, Sept. 23, 1959; 8:47 a.m.]

[File No. 812-1181]

FUNDAMENTAL INVESTORS, INC.

Notice of Filing of Application

SEPTEMBER 17, 1959.

Fundamental Investors, Inc. ("Fundamental"), a registered open-end investment company has filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of the I.H.L. Corporation ("IHL").

Shares of Fundamental, a Delaware corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 30, 1959, the net assets of Fundamental amounted to $581,214,400, and 29,282,656 shares of its stock were outstanding.

IHL, a Delaware corporation, is a personal holding company having six stockholders which engages in the business of investing and reinvesting its funds. IHL is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Fundamental and IHL, substantially all of the cash and securities of IHL will be transferred to Fundamental in exchange for shares of Fundamental. At June 30, 1959, the assets of IHL amounted to $1,194,072 consisting of $165,402 in securities which Fundamental will acquire for investment with no present intention of disposition, and $1,028,670 in cash or items that will be converted to cash prior to the exchange. The number of shares of Fundamental to be delivered to IHL will be determined by dividing the net asset value per share of Fundamental in effect at the close of business on the day preceding the closing date into the value of the IHL assets to be exchanged. The shares acquired by IHL are to be distributed immediately to its shareholders; the holders of 9,670 shares of IHL's 9,940 shares issued and outstanding have agreed to take such shares for investment.

Since the exchange will be tax free for IHL and its shareholders, Fundamental's cost basis for tax purposes for the assets acquired from IHL will be the same as for IHL, rather than the price actually paid by Fundamental for the assets. The value of IHL's assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Fundamental's shares, except that if the percentage of IHL's portfolio securities representing unrealized appreciation is greater than the percentage of value of Fundamental's portfolio securities representing unrealized appreciation, there will be deducted from the value of IHL's assets 12½ percent of the amount of such excess unrealized appreciation. The application states that the provision for this adjustment was included in the agreement so that in the unlikely event it became effective it would compensate the present stockholders of Fundamental for bearing a greater capital gains tax on the subsequent sale by Fundamental of the IHL assets than they would bear on the sale of the securities presently in its portfolio. Since the average capital gains tax rate that would have to be paid by Fundamental's shareholders cannot be exactly calculated, 12½ percent was arrived at as a fair compromise between 0 and the maximum long term capital gains tax rate of 25 percent. As of June 30, 1959, there was no net unrealized appreciation on IHL's securities to be acquired by Fundamental, as compared with net unrealized appreciation of $254,246,067, or 44 percent for Fundamental's portfolio. If the transaction had been consummated on June 30, 1959, IHL would have received 60,154 shares of Fundamental, representing approximately .2 percent of the total shares outstanding.

The application recites that the terms of the entire transaction were arrived at through arm's length bargaining between representatives of Fundamental and IHL. There is no affiliation or relationship of any kind between the officers and directors of Fundamental and the officers, directors, and stockholders of IHL.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Fundamental are to be issued to IHL at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than September 28, 1959, at 5:30 p.m., submit to the Commission in writing a request for a hearing of the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-7975; Filed, Sept. 23, 1959; 8:47 a.m.]

[File No. 70-3820]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposal To Issue and Sell Short-Term Notes to Banks

SEPTEMBER 17, 1959.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for approval of its proposal to issue and sell to banks short-term notes, and has designated section 6(b) of the Act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a loan agreement with a group of commercial banks, Indiana proposes to issue and sell to the banks, from time to time prior to September 30, 1960, unsecured promissory notes in the aggregate maximum amount of not to exceed $25,000,000 at any one time outstanding. The names of the banks and the aggregate maximum amounts of notes to be held by each at any one time are as follows:

Irving Trust Company, New York, N.Y.	$3,750,000
Mellon National Bank & Trust Company, Pittsburgh, Pa.	3,750,000
First National City Bank of New York, New York, N.Y.	3,750,000
Manufacturers Trust Company, New York, N.Y.	3,250,000
Morgan Guaranty Trust Company, New York, N.Y.	2,500,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Ill.	2,500,000
Bankers Trust Company, New York, N.Y.	1,750,000
The Hanover Bank, New York, N.Y.	1,750,000
Chemical Corn Exchange Bank, New York, N.Y.	1,250,000
The Northern Trust Company, Chicago, Ill.	750,000
Total	25,000,000

The notes will mature not more than 270 days after the date of issuance, will bear interest at the then current prime rate (presently 5 percent), and will be prepayable from time to time, in whole or in part, without prepayment premium.

The proceeds from the notes to be issued will be used to pay in part the costs of construction during the last six months of 1959 and all of 1960, estimated at $12,000,000 and $23,000,000, respectively.

Of the $25,000,000 to be borrowed, Indiana has, at August 31, 1959, borrowed $10,000,000, and states that it may borrow $4,700,000 more, pursuant to the exemption provided by the first sentence of section 6(b) of the Act. Approval is requested for the borrowing of an additional $10,300,000.

Indiana states that it expects that its next permanent financing will be effectuated during the first half of 1961, and will consist of the issue and sale of senior and equity securities, or the receipt of capital contributions, in such amounts and proportions as are required to maintain appropriate capital ratios; and that all notes to banks then outstanding will be paid from the proceeds of such financing. The filing states further that upon consummation of the permanent financing, the note issuing authority granted by order of the Commission pursuant to this application shall cease.

No finders fees or commissions are to be paid, and the fees and expenses to be incurred are estimated at not to exceed $1,000, exclusive of issuance tax payable to the State of Indiana.

It is stated that the proposed transactions will be expressly authorized by the Public Service Commission of Indiana, and that a copy of the order of that commission will be supplied by amendment.

Notice is further given that any interested person may not later than October 2, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by the application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided by Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7976; Filed, Sept. 23, 1959; 8:47 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

SEPTEMBER 18, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with Section 13 of the Act and the rules and regulations thereunder.

On September 8, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending September 18, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 19, 1959 to September 28, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59—7977; Filed, Sept. 23, 1959; 8:47 a.m.]

[File No. 812-1246]

ONE WILLIAM STREET FUND, INC.

Notice of Filing of Application

SEPTEMBER 17, 1959.

Notice is hereby given that One William Street Fund, Inc. ("William Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of the Federated Holding Corporation ("Federated").

Shares of William Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of June 30, 1959, the net assets of William Street amounted to $289,541,849 and 21,090,206 shares of its stock were outstanding.

Federated, a Delaware Corporation, is a personal holding company with two stockholders which engages in the business of investing and reinvesting its funds. Federated is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between William Street, Federated and the latter's stockholders, substantially all of the cash and securities owned by Federated, with a total value of $1,854,000 as of June 30, 1959, will be transferred to William Street in exchange for shares of stock of William Street. The number of shares of William Street to be delivered to Federated will be determined by dividing the net asset value per share of William Street in effect at the close of business on the day preceding the closing date into the value of the Federated assets to be exchanged. The shares acquired by Federated are to be distributed immediately to its shareholders who have agreed to take such shares for investment.

The value of the Federated assets will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of William Street's shares. Since the exchange will be tax free for Federated and its shareholders, William Street's cost basis for tax purposes for the assets acquired from Federated will be the same as for Federated, rather than the price actually paid by William Street for the assets. In view of this, provision is made that if the percentage of the value of Federated's portfolio securities representing unrealized appreciation is greater than the percentage of the value of William Street's portfolio securities representing unrealized appreciation, there will be deducted from the value of Federated's assets 12½ percent of the amount of such excess unrealized appreciation. This adjustment is intended to safeguard the stockholders of William Street from bearing a greater capital gains tax on the sale by William Street of the Federated securities than they would bear on the sale of the securities presently in its portfolio. Since the average capital gains tax rate that would have to be paid by William Street's shareholders cannot be exactly calculated, 12½ percent was arrived at as a fair compromise between 0 and the maximum long-term capital gains tax of 25 percent. As of June 30, 1959, no such adjustment would have been necessary since net unrealized appreciation on the Federated securities amounted to $223,000 or 12.2 percent of the value of all securities held, as compared with net unrealized appreciation of $37,372,377 or approximately 12.9 percent for William Street's portfolio. If the transaction had been consummated on June 30, 1959, Federated would have received approximately 135,300 shares of stock of William Street representing about 0.6 percent of the total shares outstanding.

It is contemplated that shortly after the closing William Street will sell certain of the securities to be acquired from Federated, which it does not presently consider suitable for retention in its portfolio. If such sales had been made as of June 30, 1959, William Street would have realized capital gains of about $170,000 resulting from disposition of securities acquired with a low tax-cost basis. While William Street shareholders will be subject to a tax liability on any such gain, the application states that the amount involved is de minimis and is offset by reductions in the amount of realized undistributed gains and of unrealized appreciation applicable to the present shareholders of William Street. As of June 30, 1959, the Federated shareholders, upon becoming stockholders of William Street, would have assumed about $42,000 of realized undistributed gains and $185,000 of unrealized gains now applicable to present shareholders of William Street.

The application recites that the terms of the entire transaction including the adjustment of 12½ percent were arrived at through arm's-length bargaining between the officers of William Street and Federated. The application further states that there is no affiliation or relationship of any kind between the officers and directors of William Street and the officers, directors, and stockholders of Federated, and that Lehman Brothers, the investment adviser of William Street, has never acted as investment adviser to Federated.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of William Street are to be issued to Federated at a price other than the public offering price stated in the prospectus, which lists a sales charge of 1 percent for sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than September 28, 1959 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7978; Filed, Sept. 23, 1959; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Revision 5)]

REGIONAL DIRECTORS

Delegation of Authority Relating to Financial Assistance, Investment Program, Procurement and Technical Assistance and Administration

I. Pursuant to the authority vested in the Administrator by the Small Business Act, Pub. Law 85–536, as amended; Pub. Law 85–699; the Small Business Investment Act of 1958 (Pub. Law 85–699); Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.); and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (pursuant to sec. 4 of the Fish and Wildlife Act of 1956, 70 Stat. 1119, 1121) relating to the operation of the Fisheries Loan Fund, there is hereby delegated to each Regional Director within his Region, the authority:

A. *Financial assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–500, Financial Assistance Manual:

1. To approve and decline direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

_____
Administrator.

By _____
Regional Director.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To establish Disaster Field Offices upon receipt of advice of the designation of a disaster area and to advise on the making of disaster loans, to appoint as a processing representative any bank in the disaster area, and to close Disaster Field Offices when no longer advisable to maintain such offices.

9. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations.

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000, or less.

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant.

(e) Disburse fisheries' loans in the same manner as SBA business loans.

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc. securing fisheries loans.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing, hereby ratifying and confirming all that said Regional Director shall do and cause to be done by virtue hereof.

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, deben-

tures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–400, Agency Policy Manual and SBA–600, Procurement and Technical Assistance Manual:

1. To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determing joint set-asides and representation at procurement and disposal centers.

2. To deny an application for a Certificate of Competency when the Regional Director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which loan must be approved in the Washington Office.

D. *Administration.* To take the following actions in accordance with the limitations of such delegations as set forth in SBA–100, Administrative Manual, and SBA–200, Controller's Manual:

1. To administer oaths of office.

2. To certify to the Controller for payment, employee suggestion awards, for suggestions put into effect in the Region, in an amount not to exceed $100 for each award.

3. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

4. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

5. To determine the need for an Imprest Fund.

6. To approve (a) annual and sick leave; (b) advanced sick leave, not to exceed 30 days; (c) advanced annual leave, not to exceed the amount of annual leave the employee would earn during the leave year; (d) leave without pay, not to exceed 30 days; and (e) overtime for employee under his supervision.

7. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

8. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

9. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

10. To (a) authorize or approve official travel; (b) approve expenses incident to change of official duty station; and (c) administratively approve travel reimbursement claims.

11. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

12. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

13. To authorize expenditures for registration fees not in excess of $25 each.

14. To approve personnel actions, including but not limited to, appointments, promotions, reassignments, transfers, and separations, for all non-technical employees of his region in grades GS–7 and below.

15. To give security clearance to applicants for non-sensitive, non-technical positions in grades GS–7 and below when the security investigation discloses no derogatory information.

16. To establish and classify all non-technical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

E. *Correspondence.* To sign all correspondence, including congressional correspondence relating to the functions of the Regional Office, except communications involving new policy matters which shall be referred to the appropriate Washington Office for clearance.

II. The specific authority in subsection I.A.8; subsection I.C.2; and subsections I.D. 2, 3, 4, 5, 6 (b), (c) and (e), 10(b), 13, 14 and 15 may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

IV. All previous authority delegated by the Administrator to each Regional Director by Delegation of Authority No. 30 (Revision 4), as amended, and Delegations of Authority Nos. 60 through 71, inclusive, are hereby rescinded without prejudice to actions taken under all such Delegations of Authority prior to the date hereof.

Effective date: October 1, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59–7983; Filed, Sept. 23, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 193]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 21, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 61520. By order of September 17, 1959, Division 4, acting as an Appellate Division, approved the transfer to Johnson Freight Lines Company, Inc., Nashville, Tenn., of Certificates in Nos. MC 30073, MC 30073 Sub 1, MC 30073 Sub 2, MC 30073 Sub 3, MC 30073 Sub 5, MC 30073 10, and MC 30073 Sub 15, issued May 13, 1942, July 14, 1947, November 22, 1941, August 15, 1942, May 8, 1947, July 24, 1952, and May 14, 1954, respectively, to Johnson Freight Lines, Inc., Nashville, Tenn., authorizing the transportation of: *General commodities,* with the usual exceptions, between specified points in Tennessee, Georgia, Ohio and Kentucky. A. O. Buck, 434 Stahlman Bldg., Nashville, Tenn., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–7982; Filed, Sept. 23, 1959; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 367]

SECRETARY OF DEFENSE

Delegation of Authority

SEPTEMBER 18, 1959.

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of North Shore Gas Company for Increase in Gas Rates, Docket No. 46186, before the Illinois Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective August 14, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59–8000; Filed, Sept. 23, 1959; 8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SUSANNE MERTON KRAFT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Susanna Merton Kraft, Heidelberg, Germany; $324.75 in the Treasury of the United States.

Vesting Order No. 5058; Claim No. 63606.

Executed at Washington, D.C., on September 16, 1959.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F.R. Doc. 59–7987; Filed, Sept. 23, 1959; 8:49 a.m.]

No. 187——4

Office of the Attorney General

[Order 190–59]

DEPUTY ATTORNEY GENERAL

Authorization To Appoint Assistant United States Attorneys and Other Attorneys To Assist United States Attorneys, and To Fix Their Salaries

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and by section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), the Deputy Attorney General is hereby authorized to exercise the power and authority vested in the Attorney General by law to appoint Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires, and to fix their salaries.

WILLIAM P. ROGERS,
Attorney General.

SEPTEMBER 15, 1959.

[F.R. Doc. 59–7988; Filed, Sept. 23, 1959; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 22, 1959

S. 1473——Public Law 86–347
An Act to repeal the Act of May 27, 1912, which authorized and directed the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Massachusetts.

S. 2362——Public Law 86–348
An Act to authorize the Secretary of the Army to convey to the city of Arlington, Oregon, certain lands at the John Day lock and dam project.

S. 2517——Public Law 86–349
An Act to amend section 7 of the Federal Home Loan Bank Act, as amended.

S. 2655——Public Law 86–350
An Act to authorize the Secretary of the Army to credit equipment installation costs against rental under lease to Union Township of La Porte County, Indiana.

H.J. Res. 310——Public Law 86–351
Joint Resolution to authorize the designation of the period of October 17 to October 24, 1959, as National Olympic Week.

H.J. Res. 317——Public Law 86–352
Joint Resolution to change the designation of Child Health Day from May 1 to the first Monday in October of each year.

H.R. 2390——Public Law 86–353
An Act for the relief of the city of Madeira Beach, Florida.

H.R. 2449——Public Law 86–355
An Act to authorize the Secretary of the Army to lease a portion of Twin Cities Arsenal, Minnesota, to Independent School District Numbered 16, Minnesota.

H.R. 3030——Public Law 86–356
An Act to amend the Act entitled "An Act to authorize the establishment of a band in the Metropolitan Police force" so as to provide retirement compensation for the present director of said band after ten or more years of service.

H.R. 4279——Public Law 86–357
An Act to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, La Feria division.

H.R. 4938——Public Law 86–358
An Act to amend the Agricultural Adjustment Act of 1938 to extend for two years the definition of "peanuts" which is now in effect.

H.R. 5004——Public Law 86–359
An Act authorizing and directing the Secretary of the Interior to undertake continuing research on the biology fluctuations, status, and statistics of the migratory marine species of game fish of the United States and contiguous waters.

H.R. 5067——Public Law 86–360
An Act to repeal section 217 of the Merchant Marine Act, 1936, as amended.

H.R. 5431——Public Law 86–361
An Act to provide a further increase in the retired pay of certain members of the former Lighthouse Service.

H.R. 5752——Public Law 86–362
An Act to provide for absence from duty by civilian officers and employees of the Government on certain days, and for other purposes.

H.R. 5898——Public Law 86–363
An Act to provide for the entry of certain relatives of United States citizens and lawfully resident aliens.

H.R. 6067——Public Law 86–364
An Act to amend section 4544 of the Revised Statutes of the United States to provide that, if the money and effects of a deceased seaman paid or delivered to a district court do not exceed in value the sum of $1,500, such court may pay and deliver such money and effects to certain persons other than the legal personal representative of the deceased seaman.

H.R. 7476——Public Law 86–365
An Act to extend the duration of the Federal air pollution control law, and for other purposes.

H.R. 7979——Public Law 86–366
An Act to waive section 142, of title 28, United States Code, with respect to the United States District Court for the Eastern District of Oklahoma holding Court at Durant, Oklahoma.

H.R. 8305——Public Law 86–354
An Act to amend the Federal Credit Union Act.

H.R. 8599——Public Law 86–367
An Act to amend the Small Business Act, and for other purposes.

H.R. 8685——Public Law 86–368
An Act to amend the Internal Revenue Code of 1954 to provide for the Presidential appointment of a Chief Counsel for the Internal Revenue Service, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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1934
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FEDERAL REGISTER

VOLUME 24 NUMBER 188

Washington, Friday, September 25, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.364 is amended as set out below.

§ 6.364 Federal Aviation Agency.

* * * * *

(b) One Assistant Congressional Liaison Officer.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8021; Filed, Sept. 24, 1959; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) is added to § 6.308(f) as set out below.

§ 6.308 Department of Justice.

* * * * *

(f) *Criminal Division.* * * *

(11) One position of Trial Attorney (General)—Staff Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8022; Filed, Sept. 24, 1959; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

PART 300—DELEGATIONS OF AUTHORITY

Chapter III of Title 6, Code of Federal Regulations, is hereby amended to add a new Part 300 as follows:

Sec.
300.1 General.
300.2 National Office staff and State Directors.
300.3 State Office staff and County Office employees.
300.4 Ratification.
300.5 Effect on other regulations.

AUTHORITY: §§ 300.1 to 300.5 issued under sec. 116, Orders of Acting Sec. of Agri., Dec. 24, 1953, Oct. 10, 1957 (19 F.R. 74, 22 F.R. 8188), as amended.

§ 300.1 General.

The authorities contained in this part apply to all assets, functions, and programs now or hereafter administered or serviced by the Farmers Home Administration, including but not limited to those relating to indebtedness, security, and other assets obtained or contracted through the Secretary of Agriculture, Resettlement Administration, Farm Security Administration, Emergency Crop and Feed Loan Offices of the Farm Credit Administration, Soil Conservation Service in connection with water conservation and utilization projects, Puerto Rico Hurricane Relief Commission and successor agencies in connection with Puerto Rican hurricane relief loans to individ-

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FEDERAL REGISTER

REpublic 7-7500 Extension 3261

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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uals, State Rural Rehabilitation Corporations, the United States of America or its officials as trustee of the assets of State Rural Rehabilitation Corporations, Regional Agricultural Credit Corporations; Defense Relocation Corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies, and whether the interest of the United States in the indebtedness, instrument of debt, security, security instrument, or other assets is that of obligee, owner, holder, insurer, assignee, mortgagee, beneficiary, trustee or other interest.

§ 300.2 National Office staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, are severally authorized, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making, insuring, servicing, and collecting loans, advances, and other indebtedness, and obtaining, servicing, and enforcing security and security instruments related thereto: the Deputy Administrator; each Assistant Administrator; each Deputy Assistant Administrator; the Director, National Finance Office; each Deputy Director, National Finance Office; the Director, Operating Loan Division; the Director, Real Estate Loan Division; the Director, Water Resources Loan Division; and each State Director within the area of his jurisdiction; and in the absence or disability of any such official, the person acting in his position; and the delegates of any such official. This authority includes but is not limited to authority to:

(a) Effect the assignment of, or the declaration of trust with respect to, insured security instruments to place them in trust with the United States of America as trustee for the benefit of any holder of the promissory note or bond secured by such security instrument.

(b) Acknowledge receipt of notice of sale or assignment of insured loans and security instruments.

(c) Appoint or request the appointment of substitute trustees in deeds of trust.

(d) Execute proofs of claim in bankruptcy, death, and other cases.

(e) Sell or otherwise dispose of real estate or interests therein, and execute and deliver quitclaim deeds, easements, right-of-way conveyances, and other instruments to effectuate such sale or disposition.

(f) Compromise, adjust, cancel, release, charge off, and liquidate indebtedness, including modification of contracts and other instruments.

(g) Consent to sale or assignment of, or sell or assign, direct or insured loans and security instruments, and execute any necessary assignments, endorsements, reinsurance agreements, or other instruments in connection therewith.

(h) Approve and accept transfers of security property or interests therein to the United States of America, and approve and consent to transfers of security property or interests therein to other parties.

(i) Accelerate and declare entire real estate indebtedness due and payable, foreclose or request foreclosure of real estate security instruments by exercise of power of sale or otherwise, and bid for and purchase at any foreclosure or other sale, or otherwise acquire real property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(j) Execute agreements to purchase or repurchase insured loans and security instruments.

(k) Request loan checks from lenders for loans to be insured, insure loans by execution of insurance endorsements, and endorse promissory notes in connection with insurance of loans.

(l) Execute, make, and deliver, or approve suspensions, releases or terminations of assignments of income, renewals, extensions, partial and full releases and satisfactions of security and personal or indemnity liability for indebtedness, waivers, subordination agreements, severance agreements, affidavits, acknowledgments, certificates of residence, evidence of consent, and other instruments or documents.

(m) Require and accept further or additional security.

(n) Accelerate and declare entire chattel indebtedness due and payable, and foreclose or request foreclosure of chattel security instruments by exercise of power of sale or otherwise.

(o) Bid for and purchase at any foreclosure or other sale, or otherwise acquire personal property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(p) Take possession of, maintain, and operate security or acquired real or personal property or interests therein, sell or otherwise dispose of such personal property, and execute and deliver contracts, caretaker's agreements, leases, and other instruments in connection therewith, as appropriate.

(q) Execute proofs of loss on insurance contracts and endorse without recourse loss payment drafts and checks.

(r) Issue, publish, and serve notices and other instruments.

(s) File or record instruments, whether separate instruments, or by making marginal entries, or by use of other methods permissible under State law.

§ 300.3 State Office staff and County Office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (s), both inclusive, of § 300.2: Chief, Program Operations; Chief, Real Estate Loans; Chief, Operating Loans; Program Loan Officer; Real Estate Loan Officer; and Operating Loan Officer; each Territorial Supervisor, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such employee, the person acting in his position.

§ 300.4 Ratification.

All deeds, releases, satisfactions, subordination agreements, severance agreements, consents, waivers, assignments, declarations of trust, and other instruments affecting title to real or personal property heretofore executed by officials or employees of the agencies or other entities referred to in § 300.1 to carry out any purpose authorized by law, incident to the administration of programs under the jurisdiction of said agencies or other entities, are hereby approved, confirmed, and ratified.

§ 300.5 Effect on other regulations.

This part supersedes the Administrator's Order of August 20, 1948 (13 F.R. 5139, 9377), but does not revoke or modify any other delegation or redelegation, instruction, procedure, or regulation issued by, or under authority of, the Administrator of the Farmers Home Administration.

Dated: September 17, 1959.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-8023; Filed, Sept. 24, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Rough Rice, Brown Rice, and Milled Rice

On August 14, 1959, there was published in the FEDERAL REGISTER (24 F.R. 6611) amendments to United States Standards for Rough Rice, Brown Rice, and Milled Rice. It has been found that one of the alternative proposals to the United States Standards for Milled Rice (7 CFR 68.301–68.303) which was published in the FEDERAL REGISTER (24 F.R. 4307) on May 28, 1959 as a supplemental notice of rule making was inadvertently not included in the amended standards. This proposal provided that a maximum of 7.0 percent rather than 10.0 percent of broken kernels that could be removed readily with a No. 6 sizing plate be permitted in the definition for Second Head milled rice.

In view of the aforementioned and pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.), the United States Standards for Milled Rice are amended as follows:

In Subpart E—United States Standards for Milled Rice, § 68.301 *Terms defined*, under paragraph (b) Classes, subparagraph (4) is revised to read as follows:

(4) Second Head milled rice shall be (i) milled rice, except Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 7.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.2 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.02 percent that will pass readily through a 4/64 sieve; and (ii) Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 sieve.

This amendment to the Milled Rice standards would conform these standards with the intent of the Department when the standards were amended by the order published on August 14, 1959, and should be made effective as soon as possible in order to make the intended standards available to the trade for use in the merchandising of rice without delay. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment to the United States Standards for Milled Rice shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., this 22d day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-8017; Filed, Sept. 24, 1959; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Miscellaneous Amendments

Notice was published in the September 15, 1959, issue of the FEDERAL REGISTER (24 F.R. 7423) that consideration was being given to a proposal to amend §§ 989.166 and 989.168 of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101-989.180, as amended). Such rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act". The amendment hereinafter set forth is based on that recommended by the Raisin Administrative Committee, established under the order.

The amendatory action is limited to the 1959-60 crop year and relates to: (a) An increase in the compensation to handlers for certain pooling services; (b) the timing and quantity of the committee's initial offer of surplus tonnage raisins to handlers for export; and (c) the prices for the initial and subsequent offers at which the committee may sell to handlers surplus tonnage raisins for export.

The said notice afforded interested parties the opportunity to file data, views, or arguments with respect to the proposal; and some were filed. After consideration of all relevant matters presented, including the proposals set forth in the notice and reconsideration of the recommendations of the Raisin Administrative Committee, it is hereby found found that to amend §§ 989.166 and 989.168 of the administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That §§ 989.166 and 989.168 of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 898.101-989.180; 24 F.R. 1981, 6973, 7500), shall be, and they hereby are, amended in the following respects:

§ 989.166 [Amendment]

1. Amend the provisions of § 989.166 (g) (1) (i) to read as follows:

(i) Each handler shall be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired by him during the 1959-60 crop year (September 1, 1959-August 31, 1960) and held by him for the account of the committee during all or any part of such 1959-60 crop year.

2. Delete § 989.168 *Disposition of surplus tonnage raisins for distillation or for uses other than human consumption* and insert, in lieu thereof, the following:

§ 989.168 Disposition of surplus tonnage.

(a) *Initial offer to handlers.* (1) Whenever the committee recommends to the Secretary, pursuant to § 989.63, the percentage of standard raisins of a specified varietal type acquired by handlers during the 1959-60 crop year (beginning September 1, 1959, and ending August 31, 1960) which shall be surplus tonnage, it shall concurrently propose to the Secretary an initial offer to sell such surplus tonnage raisins to handlers for export, and an initial offer in conformity with § 989.68 and the requirements of this section shall be made with respect to such surplus tonnage raisins when the surplus percentage becomes effective. Each handler's share of each such initial offer shall be determined as set forth in § 989.66 (e) (4) or (5).

(2) For the 1959-60 crop year, the initial offer, if any, of surplus tonnage natural (sun-dried) Thompson Seedless raisins shall be not less than one-third of the estimated total surplus tonnage of such varietal type for such crop year. Such estimated total surplus tonnage shall be computed by multiplying the estimated 1959 production of such raisins by the surplus percentage. Such estimate of production shall be that reported by the California Office of the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture.

(b) *Determination of price.* Subject to the requirements in § 989.68, the sale to handlers for export, of any 1959-60 surplus tonnage raisins of a particular varietal type included in the initial offer, shall be at a price intended to maximize producer returns and achieve an orderly disposition by August 31, 1960, of all surplus tonnage raisins of such varietal type. Each subsequent offer to handlers for export of 1959-60 surplus tonnage raisins of such varietal type shall be at a price not less than that of the initial offer, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding such surplus tonnage raisins, unless the world market prices for raisins are such that a different price level is necessary to achieve such disposition.

(c) *Disposition of surplus tonnage raisins for distillation or for uses other than for human consumption.* Any surplus tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption. In the event that the committee has been unable to dispose of standard quality surplus tonnage raisins at more remunerative prices in one of the other outlets authorized by the order for disposition of surplus tonnage raisins, it may, subject to the Secretary's disapproval, offer to sell, and sell, such surplus tonnage raisins for distillation: *Provided*, That no such offer or sale shall be made during the period August 1 to October 15 of any calendar year. Whenever the committee proposes to offer to sell standard surplus tonnage raisins for distillation, animal feed, or uses other than for human consumption, it shall file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within 7 calendar days, the making of such an offer or any term or condition thereof.

It is hereby found that good cause exists for making the provisions hereof effective September 25, 1959, and for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011), in that: (1) This amendatory action pertains only to volume regulation for the 1959-60 crop year; (2) such crop year has begun, and handlers are currently acquiring 1959 crop raisins to which such volume regulation would apply; (3) it is necessary, under the order, that the committee meet and consider recommending volume regulation for a crop year not later than October 5 (October 10 in the case of a late crop) so that any volume regulation needed for such crop year could be made effective in time to accomplish most effectively the declared purpose of the act; (4) since the crop this year is approximately 10 days early, September 25 is the latest date by which the committee should meet to consider making its recommendation with respect to volume regulation; (5) this amendatory action requires the committee, at the time it makes any recommendation as to volume regulation, to propose to the Secretary an initial offer to sell surplus tonnage raisins to handlers, thereby affording handlers the earliest opportunity to obtain surplus tonnage raisins for export; (6) this amendatory action also provides a necessary increase in the rate of the committee's payment to handlers for performing certain services with respect to 1959-60 reserve and surplus tonnage; (7) handlers are aware that the amendatory action was unanimously recommended by the committee; and (8) handlers and the committee need no additional advance notice in order to operate under or comply with this amendatory action. In these circumstances, this amendment should become effective not later than September 25, 1959.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated September 22, 1959, to become effective on September 25, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8040; Filed, Sept. 24, 1959; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Miscellaneous Amendments

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Sept. 14, 1959
New York	4	Sept. 11, 1959
Philadelphia	4	Sept. 18, 1959
Cleveland	4	Sept. 11, 1959
Richmond	4	Do.
Atlanta	4	Sept. 14, 1959
Chicago	4	Sept. 11, 1959
St. Louis	4	Do.
Minneapolis	4	Sept. 14, 1959
Kansas City	4	Sept. 11, 1959
Dallas	4	Do.
San Francisco	4	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Sept. 14, 1959
New York	4½	Sept. 11, 1959
Philadelphia	4½	Sept. 18, 1959
Cleveland	4½	Sept. 11, 1959
Richmond	4½	Do.
Atlanta	4½	Sept. 14, 1959
Chicago	4½	Sept. 11, 1959
St. Louis	4½	Do.
Minneapolis	4½	Sept. 14, 1959
Kansas City	4½	Sept. 11, 1959
Dallas	4½	Do.
San Francisco	4½	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5	Sept. 14, 1959
New York	5	Sept. 11, 1959
Philadelphia	5	Sept. 18, 1959
Cleveland	5	Sept. 11, 1959
Richmond	5	Do.
Atlanta	5	Sept. 14, 1959
Chicago	5	Sept. 11, 1959
St. Louis	5	Do.
Minneapolis	5	Sept. 14, 1959
Kansas City	5	Sept. 11, 1959
Dallas	5	Do.
San Francisco	5	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-8014; Filed, Sept. 24, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7358 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Emil Leichter Watch Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation;* § 13.175 *Quality of product or service.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Emil Leichter Watch Co., Inc., et al., New York, New York, Docket 7358, August 8, 1959]

In the Matter of Emil Leichter Watch Co., Inc., a Corporation and Emil Leichter and Gustave S. Hartman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City distributor with selling watches to retailers with tickets attached bearing fictitious prices, represented thereby as the usual retail prices; advertising its products falsely as "railroad" watches; using the term "chrome" to describe tops or bezels which actually contained only a surface coating of chromium; and failing to disclose that bezels processed to simulate silver or gold were actually composed of base metals.

After acceptance of an agreement providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Emil Leichter Watch Co., Inc., and its officers, and Emil Leichter and Gustave S. Hartman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that watches are "railroad" watches unless such watches are made to the specifications required for railroad watches.

2. Representing, directly or by implication, that a watch case which is "chrome" plated is a chrome watch case.

3. Failing to reveal the true metal content of watch cases, or portions thereof, which has the appearance of a different metal.

4. Representing, directly or by implication, that certain amounts are the usual and regular retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 7, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-8015; Filed, Sept. 24, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 129; Amdt. 44]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to clarify the intent of the statement following item 4. in AD 58-8-6 for Vickers Viscount aircraft, a revision is necessary to show application to all ram foot fittings exceeding 1,500 landings.

Airworthiness directive 59-11-2, Vertol Model 44 helicopters, is superseded by a new directive incorporating a redesigned strap which, if used as a replacement, eliminates the need for the previously required repetitive inspections.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 58-8-6 Vickers Viscount aircraft as it appeared in 23 F.R. 3587 is revised by deleting the sentence following item 4, "Compliance required by January 31, 1959." Insert the following sentence at the end of item 4: "After January 31, 1959, all ram foot fittings exceeding 1,500 landings must incorporate Modification D.2695 or be replaced."

2. The following new airworthiness directive is added:

59-20-1 VERTOL. Applies to all Vertol Model 44 Series helicopters. Compliance required as indicated.

Due to a recent failure of a strap, unless already accomplished, all straps P/N 42R1011-1 of spar weight assembly P/N 42R1009-1 in all metal forward rotor blades are to be inspected within the next twenty hours of flight in accordance with Vertol Engineering Order No. 7A (Drawing No. 42R1011). Straps found satisfactory under these inspections are acceptable for 600 hours retirement life. Straps found with crack indications are to be replaced immediately.

When replacement straps P/N 107R1211 are incorporated, the provisions of this directive no longer apply.

This supersedes AD 59-11-2 (24 F.R. 4652, amended by 24 F.R. 5289).

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 21, 1959.

E. R. QUESADA, *Administrator.*

[F.R. Doc. 59-8004; Filed, Sept. 24, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-17]

[Amdt. 33]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 34]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points and Redesignation of Control Area Extensions

Correction

In F.R. Document 59-7589, appearing in the issue for Saturday, September 12, 1959, at page 7369, the reference in amendatory paragraph 2 to "Section 601.4214" should read "Section 601.214".

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6416]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On November 10, 1956, notice of proposed rule making regarding the regulations relating to certain employee options was published in the FEDERAL REGISTER (21 F.R. 8774). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations set forth in paragraph 1 below are hereby adopted. Section 1.61-2(d) (26 CFR 1.61-2(d)) is hereby amended as set forth in paragraph 2 below. Section 1.421-5(e) (26 CFR 1.421-5(e)) is hereby amended as set forth in paragraph 3 below. The regulations contained in this Treasury decision are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise expressly provided.

PARAGRAPH 1. The following regulations relating to certain employee options are hereby adopted:

§ 1.421-6 Options to which section 421 does not apply.

(a) *Scope of section.* (1) If an employer or other person grants to an employee or other person for any reason connected with the employment of such employee an option to purchase stock of the employer or other property, and if section 421 is not applicable, then this section shall apply. This section will apply, for example, when an option is not a restricted stock option at the time it is granted (see section 421(d)(1) and § 1.421-2), or when an option is modified so that it no longer qualifies as a restricted stock option (see section 421(e) and § 1.421-4), or when there is a disqualifying disposition of stock acquired by the exercise of a restricted stock option so that section 421 does not apply. When an option is granted for any reason connected with the employment of an employee, this section applies, if section 421 does not apply, irrespective of whether the option is granted by the employer, by a parent or subsidiary of the employer, by a stockholder of any of such corporations, or by any other person, and irrespective of whether the option is granted to the employee, to a member of his family, or to any other person, and irrespective of whether the option is to purchase the stock of the employer, the stock of a parent or subsidiary of the employer, the stock of any other corporation, or to purchase any other property.

(2) This section is applicable only to options granted on or after February 26, 1945, except that this section is not applicable to—

(i) Property transferred pursuant to an option exercised before September 25, 1959, if the property is transferred subject to a restriction which has a significant effect on its value, or

(ii) Property transferred pursuant to an option granted before September 25, 1959, and exercised on or after such date, if, under the terms of the contract granting such option, the property to be transferred upon exercise of the option is to be subject to a restriction which has a significant effect on its value and if such property is actually transferred subject to such restriction.

However, if an option granted before September 25, 1959, and on or after February 26, 1945, is sold or otherwise disposed of before exercise, the provisions of this section shall be fully applicable to such disposition.

(b) *Meaning and use of certain terms.* (1) For the purpose of this section, the term "option" includes the right or privilege of an individual to purchase property from any person by virtue of an offer continuing for a stated period of time, whether or not irrevocable, to sell such property at a stated price, such individual being under no obligation to purchase.

(2) As used in this section, the term "employee" includes any person who performs services for compensation, the term "employment" includes the performance of such services, and the term "employer" includes the person for whom such services are performed.

(c) *Time and amount of compensation.* If there is granted an option to which this section applies, the employee in connection with whose employment the option is granted is considered to realize compensation includible in gross income under section 61 at the time and in the amount determined in accordance with the following rules of this paragraph:

(1) Except as provided in subparagraph (2) of this paragraph, if the option is exercised by the person to whom it was granted, the employee realizes compensation at the time an unconditional right to receive the property subject to the option is acquired by such person, and the amount of such compensation is the difference between the amount payable for the property and the fair market value of the property at the time an unconditional right to receive the property is acquired. An individual has an unconditional right to receive the property subject to the option when his right to receive such property is not subject to any conditions, other than conditions that may be performed by him at any time. Thus, if an individual who has exercised an option has a right to make payment for the property at any time and to receive the property immediately after making such payment, such individual realizes compensation at the time he exercises the option. However, if an individual who has exercised an option is prevented by the terms of the option contract from making payment immediately or from receiving an immediate transfer of the property after making payment, such individual does not realize compensation at the time he exercises the option. Such individual will not realize compensation until he does acquire the right to make payment immediately and to receive an immediate transfer of the property.

(2)(i) If the option is exercised by the person to whom it was granted but, at the time an unconditional right to receive the property subject to the option is acquired by such person, such property is subject to a restriction which has a significant effect on its value, the employee realizes compensation at the time such restriction lapses or at the time the property is sold or exchanged, in an arm's length transaction, whichever occurs earlier, and the amount of such compensation is the lesser of—

(*a*) The difference between the amount paid for the property and the fair market value of the property (determined without regard to the restriction) at the time of its acquisition, or

(*b*) The difference between the amount paid for the property and either its fair market value at the time the restriction lapses or the consideration received upon the sale or exchange, whichever is applicable.

If the property is sold or exchanged in a transaction which is not at arm's length before the time the employee realizes compensation in accordance with this subdivision, any amount of gain which the employee realizes as a result of such sale or exchange is includible in gross income at the time of such sale or exchange, but the amount includible in gross income under this subdivision at the time of the expiration of the restriction or the sale or exchange at arm's length shall be reduced by the amount of gain includible in gross income as a result of the sale or exchange not at arm's length.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). On November 1, 1959, X Corporation grants to E, an employee, an option to purchase 100 shares of X Corporation stock at $10 per share. Under the terms of the option E will be subject to a binding commitment to resell the stock to X Corporation at the price he paid for it in the event that his employment terminates within 2 years after he acquires the stock, for any reason except his death. Evidence of this commitment will be stamped on the face of E's stock certificate. E exercises the option and acquires the stock at a time when the stock, determined without regard to the restriction, has a fair market value of $18 per share. Two years after he acquires the stock, at which time the stock has a fair market value of $30 per share, E is still employed by X Corporation. E realizes compensation upon the expiration of the 2-year restriction and the amount of the compensation is $800. The $800 represents the difference between the amount paid for the stock ($1,000) and the fair market value of the stock (determined without regard to the restriction) at the time of its acquisition ($1,800), since such value is less than the fair market value of the stock at the time the restriction lapsed ($3,000).

Example (2). Assume, in example (1), that E dies one year after he acquires the stock, at which time the stock has a fair market value of $25 per share. Since the restriction lapses upon E's death, he realizes compensation of $800 ($1,800 less $1,000) and this amount is includible in E's gross income for the taxable year closing with his death.

Example (3). Assume that, pursuant to the exercise of an option to which this section applies, an employee acquires stock subject to the sole condition that, if he desires to dispose of such stock during the period of his employment, he is obligated to offer to sell the stock to his employer at its fair market value at the time of such sale. Since this condition is not a restriction which has a significant effect on value, the employee realizes compensation upon acquisition of the stock.

Example (4). Assume, in example (3), that the employee is obligated to offer to sell the stock to his employer at its book value rather than at its fair market value. Since this condition amounts to a restriction which has a significant effect on value, the employee does not realize compensation upon acquisition of the stock, but he does realize such compensation upon the lapse of the restriction, such as, for example, his death or the termination of his employment.

(3) If the option is not exercised by the person to whom it was granted, but is transferred in an arm's length transaction, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting.

(4) If the option is not exercised by the person to whom it was granted, but is transferred in a transaction which is not at arm's length, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting. Moreover, the employee realizes additional compensation at the time and in the amount determined under subparagraph (1), (2), or (3) of this paragraph, except that the amount of compensation determined under subparagraph (1), (2), or (3) of this paragraph shall be reduced by any amount previously includible in gross income as a result of such transfer of the option. For example, if in 1960 an employee is granted an option to buy a share of stock for $50 at a time when the stock has a fair market value of $100, and later in 1960 the employee transfers, in a transaction not at arm's length, the option to his wife for $10, the employee realizes compensation of $10 in 1960. If in 1961 the wife exercises the option at a time when the stock has a fair market value of $120, the employee realizes additional compensation in 1961 in the amount of $60 (the $70 bargain spread less the $10 taxed as compensation in 1960). For the purpose of this subparagraph, if a person other than the employee dies holding an unexercised option at a time when the employee is still living, the transfer which results by reason of the death of such person is a transfer in a transaction which is not at arm's length.

(5) If there is granted an option to which this section applies, and the employee dies before realizing the compensation in accordance with the rules of this paragraph, income having the character of compensation is realized at the time and in the amount determined under this paragraph by the person who transfers or exercises the option, or the person who receives the property subject to a restriction which has a significant effect on its value. For example, this subparagraph is applicable when an option is granted to an employee and he dies before transferring or exercising the option, or when an option is granted to the employee and he dies after the transfer of the option in a transaction which is not at arm's length but before the option is exercised, or when an option is granted to another person and the employee dies before realizing all of the compensation which would result from any transfer or exercise of the option. If the option is one which was granted to the employee and he dies before transferring or exercising the option, the option shall be considered a right to receive income in respect of a decedent to which the rules of section 691 apply. In any such case, if the option is transferred, section 691 provides that the amount received for such transfer or the fair market value of the property transferred at the time of transfer, whichever

is greater, is income realized at the time of such transfer. Moreover, if a transfer is subject to this rule, it will be treated as a transfer in an arm's length transaction for the purpose of this paragraph.

(6) If an option to which this section applies is exercised in part and transferred in part, the rules of this paragraph shall be applied as if there were two options—one exercised and one transferred.

(7) Notwithstanding the other provisions of this paragraph, if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the taxable year of the employee for which he is required to include in his gross income the compensation resulting from such option is determined under section 421(f) and paragraph (e) of § 1.421–5.

(d) *Basis.* (1) If an option to which this section applies is exercised by the person to whom it was granted, such person's basis for the property so acquired shall be increased by any amount that is includible in the gross income of the employee under paragraph (c) of this section. If such person transfers such property to a person whose basis is the same as the transferor's basis, such transferee's basis shall also reflect the adjustment made by this paragraph. However, if such property is transferred by either of such persons at death so that its basis is determined under section 1014, the basis so determined shall not be increased by reason of this paragraph.

(2) If an option to which this section applies is transferred in a transaction which is not at arm's length, the transferee who exercises the option shall increase his basis for the property so acquired by any amount that is includible in the gross income of the employee at the time such transferee acquires such property.

(3) If an option to which this section applies is transferred in a transaction which is at arm's length, the basis of the property acquired by an exercise of the option shall not be increased by reason of any amount that is includible in the gross income of the employee under this section.

(e) *Deductions.* If the employer grants an option to which this section applies, the employer of the employee in connection with whose employment the option is granted is considered to have paid compensation to such employee at the same time and in the same amount as such employee is considered under paragraph (c) of this section to have realized compensation. The deductibility of the compensation considered so paid is determined under section 162, except that if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the employer's taxable year for which such compensation is deductible is determined under section 421(f) and paragraph (e) of § 1.421–5.

PAR. 2. Paragraph (d) of § 1.61–2 of the Income Tax Regulations (26 CFR Part 1) is amended by adding at the end thereof a new subparagraph as follows:

§ 1.61–2 Compensation for services, including fees, commissions, and similar items.

* * * * *

(d) *Compensation paid other than in cash.* * * *

(5) *Property transferred subject to restrictions.* Notwithstanding any other provision of this paragraph, in the case of a transfer by an employer to an employee of any property subject to a restriction which has a significant effect on its value, the rules of § 1.421–6 shall be applied in determining the time and the amount of compensation to be included in the gross income of the employee. This subparagraph is applicable only to transfers after September 24, 1959.

§ 1.421–5 [Amendment]

PAR. 3. The last sentence of paragraph (e) § 1.421–5 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows: "However, if the stock was transferred pursuant to the exercise of the option in a taxable year other than the taxable year of the disposition, the amount of the deduction shall be determined as if the employee had been paid compensation at the time provided in paragraph (c) of § 1.421–6."

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: September 22, 1959.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F.R. Doc. 59–8028; Filed, Sept. 24, 1959; 8:48 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6417]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Floor Stocks Tax on Gasoline

The following regulations, relating to floor stocks tax on gasoline held on October 1, 1959, by dealers for sale, are hereby prescribed under section 4226 of the Internal Revenue Code of 1954, as added by section 207(a) of the Highway Revenue Act of 1956 (70 Stat. 391) and amended by section 201(c) (1), (2) and (3) of the Federal-Aid Highway Act of 1959:

Sec.
48.4226 Statutory provisions; floor stocks tax.
48.4226–1 Scope of tax.
48.4226–2 Application of tax.
48.4226–3 Rate of tax.
48.4226–4 Inventory.
48.4226–5 Requirements with respect to return.
48.4226–6 Time for filing return and paying tax.
48.4226–7 Credit or refund.
48.4226–8 Records.

AUTHORITY: §§ 48.4226 to 48.4226–8 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 48.4226 Statutory provisions; floor stocks taxes.

SEC. 4226. *Floor stocks taxes*—(a) *In general.*

* * * * *

(5) *1959 tax on gasoline.* On gasoline subject to tax under section 4081 which, on October 1, 1959, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 1 cent a gallon. The tax imposed by this paragraph shall not apply to gasoline in retail stocks held at the place where intended to be sold at retail, nor to gasoline held for sale by a producer or importer of gasoline.

(b) *Overpayment of floor stocks taxes.* Section 6416 shall apply in respect of the floor stocks taxes imposed by this section, so as to entitle, subject to all provisions of section 6416, any person paying such floor stocks taxes to a credit or refund thereof for any of the reasons specified in section 6416.

(c) *Meaning of terms.* For purposes of subsection (a), the terms "dealer" and "held by a dealer" have the meaning assigned to them by section 6412(a)(4).

(d) *Due date of taxes.* The taxes imposed by subsection (a) shall be paid at such time after September 30, 1956, as may be prescribed by the Secretary or his delegate; except that the tax imposed by paragraph (5) shall be paid at such time after December 31, 1959, as may be prescribed by the Secretary or his delegate.

[Section 4226 as added and in effect Jan. 1, 1959, and as amended by sec. 201(c) (1), (2) and (3) of the Federal-Aid Highway Act of 1959]

§ 48.4226–1 Scope of tax.

(a) *In general.* A floor stocks tax is imposed on gasoline which is subject to tax under section 4081 of the Internal Revenue Code of 1954 and which is held at the first moment of October 1, 1959, by a dealer for sale (see § 48.4226–2, relating to application of tax). The tax does not apply to gasoline held by the producer or importer of such gasoline. The tax is imposed on gasoline held for sale, and not on its sale or other disposition.

(b) *Dealer.* A dealer for purposes of the floor stocks tax includes a wholesaler, jobber, distributor, or retailer.

(c) *Held by a dealer.* (1) Gasoline subject to floor stocks tax is regarded as held by a dealer if title to the gasoline has passed to the dealer (whether or not delivery has been made), and if for purposes of consumption, title to such gasoline or possession thereof has not at any time been transferred to any person other than a dealer.

(2) If the dealer has title to gasoline, such gasoline is considered to be held by him even though it is in transit, in storage, or at a distribution point. Where title does not pass until delivery, gasoline in transit at the first moment of October 1, 1959, is regarded as held by the shipper at that time.

§ 48.4226–2 Application of tax.

(a) *Inventory date.* The floor stocks tax applies to gasoline held at the first moment of October 1, 1959, by a dealer for sale.

(b) *Definition of gasoline.* The term "gasoline" means all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline).

(c) *Retail stocks of gasoline.* The tax does not apply to retail stocks of gasoline held in those tanks from which it is delivered direct through gasoline pumps to the ultimate consumer. However, the tax applies to gasoline held in bulk storage tanks for replenishment of the supply in the tanks serving the retail gasoline pumps, even though such gasoline may be held in storage tanks or in tank cars on premises occupied by a retail establishment.

(d) *Person holding gasoline.* The tax does not apply to gasoline held by any person for his own use rather than for sale, nor does the tax apply to gasoline held by a producer or importer of gasoline.

§ 48.4226–3 Rate of tax.

The floor stocks tax on gasoline is computed at the rate of 1 cent per gallon.

§ 48.4226–4 Inventory.

Every person liable for the floor stocks tax shall prepare an inventory of gasoline held at the first moment of October 1, 1959. Persons holding gasoline subject to the tax at more than one location shall prepare a separate inventory, in duplicate, for each such location. One copy of the separate inventory shall be retained at such location and one copy shall be kept at the principal place of business of the taxpayer. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made, the address shown on the tax return, and the total number of gallons of gasoline held at the particular location. The inventory shall not be filed with the return but shall be retained by the taxpayer.

§ 48.4226–5 Requirements with respect to return.

(a) *Form.* Every person liable for the floor stocks tax on gasoline shall make a return of such tax on Form 2687.

(b) *Place for filing returns by persons other than corporations.* The return of a person other than a corporation shall be filed with the district director of internal revenue for the district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (d) of this section.

(c) *Place for filing returns by corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If the corporation has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (d) of this section.

(d) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation outside the United States having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

§ 48.4226–6 Time for filing return and paying tax.

The return, with remittance of the tax due, shall be filed on or before January 15, 1960. The tax is due and payable without assessment or notice. For additions to the tax for failure to file a return within the prescribed time, see section 6651 of the Code and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

§ 48.4226–7 Credit or refund.

A claim on Form 843 for credit or refund may be filed by any person who makes an overpayment of the floor stocks tax. Any person who has paid a floor stocks tax on gasoline may be entitled, subject to all the provisions of section 6416 of the Code, to a credit or refund of the tax for any of the reasons specified in section 6416. Thus, credit or refund may be claimed, subject to the conditions provided in section 6416(a), where the gasoline is used or sold for use for any of the purposes specified (a) in section 6416(b)(2)(A), relating to exportation; (b) in section 6416(b)(2)(B), relating to supplies for vessels or aircraft; (c) in section 6416(b)(2)(C), relating to exclusive use of a State or local government; (d) in section 6416(b)(2)(D), relating to exclusive use of a nonprofit educational organization; or (e) in section 6416(b)(2)(M), relating to use of gasoline in the production of special motor fuels.

§ 48.4226–8 Records.

(a) *Inventories.* Every person liable for floor stocks tax on gasoline shall maintain records of the separate inventories required by § 48.4226–4.

(b) *Copies of returns and other relevant papers and material.* Every person liable for floor stocks tax on gasoline shall keep a duplicate copy of the return, together with other relevant papers and material.

(c) *Records of claimants.* Any person claiming refund, credit or abatement of the tax, interest, additional amount, addition to the tax or assessable penalty, shall keep a complete and detailed record with respect to the claim.

(d) *Place and period for keeping records.* (1) All records required by the regulations in this section shall be kept, by the person required to keep them, at a convenient and safe location within the United States which is accessible to internal revenue officers. Such records shall at all times be available for inspection by such officers. If such person has a principal place of business in the United States, the records shall be kept at such place of business.

(2) Records required by paragraphs (a) and (b) of this section shall be maintained for a period of at least 3 years after the date the tax becomes due or the date the tax is paid, whichever is the later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) which relates to a claim) shall be maintained for a period of at least 3 years after the claim is filed.

Because this Treasury decision relates to floor stocks tax imposed on gasoline held at the first moment of October 1, 1959, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of such Act.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: September 22, 1959.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F.R. Doc. 59–8039; Filed, Sept. 24, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1983]

[69279]

ARIZONA

Amendment of Public Land Order No. 1963 of August 25, 1959

Public Land Order No. 1963 of August 25, 1959, which modified Recreational Withdrawal No. 21 of April 29, 1929, to the extent necessary to permit locations and entries under the United States mining laws on the hereinafter described public lands, effective at 10:00 a.m. on September 30, 1959, is hereby amended to the extent necessary to designate 10:00 a.m. on February 15, 1960, as the effective date when the lands will be open to such locations and entries.

The purpose of this amendment is to permit further study of pertinent land use requirements, and to afford the public an opportunity to more fully express its views at a public hearing, notice of the time and place for which will be published in the FEDERAL REGISTER.

The following-described lands are affected by this amendment:

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 11 E.,
Sec. 25, S½;
Sec. 26, SE¼.
T. 13 S., R. 12 E.,
Sec. 6;
Sec. 7, E½ and E½W½;
Sec. 8;
Sec. 17;
Sec. 18, E½, E½NW¼, and SW¼;
Secs. 19 and 20;
Sec. 29;
Sec. 30, NE¼ and S½;
Sec. 31.

T. 14 S., R. 12 E.,
Sec. 5, N½;
Sec. 6, NE¼;
Sec. 20, S½;
Sec. 21, S½.

The areas described aggregate 7,600 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-8011; Filed, Sept. 24, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Standard Broadcast Applications on Which Action Will Be Withheld Pending Conclusions of the Proceeding in Docket No. 8333

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of September 1959;

The Commission having under consideration § 1.351 of the Commission's rules providing that action will be withheld pending completion of the proceedings in Docket No. 8333 (Daytime Skywave) on certain types of standard broadcast applications which propose operation on frequencies listed in § 3.25 of the rules, a Report and Order (FCC 59-971) concluding the proceedings therein is being adopted simultaneously herewith.

The frequencies so listed are also relevant to the pending proceedings in Docket No. 6741 (the Clear Channel Hearing), where it appears desirable, pending conclusion, to continue withholding action on applications which pose potential conflict with a decision therein.

Authority for the adoption of the amendments is contained in section 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That § 1.351 is amended, effective October 30, 1959, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 1.351 Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 6741.

Action will be withheld on the following types of applications:

(a) Applications proposing daytime assignments on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter.

(b) Applications by existing daytime or limited time stations presently assigned to any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter, proposing daytime facilities with an increase in power, a change in antenna radiation pattern, or a change in station location.

(c) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25(b) of this chapter, or in Alaska, Hawaii, Virgin Islands, and Puerto Rico on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter.

(d) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25(b) of this chapter, and proposing daytime operation with an increase in power, a change in antenna radiation pattern, or a change in station location; or proposing unlimited Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different, and proposing daytime operation with an increase in power, a change in antenna radiation pattern, or a change in station location.

[F.R. Doc. 59-8036; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket No. 11986]

PART 3—RADIO BROADCAST SERVICES

Television Reference Test Signal

The Commission wishes to delete the note following § 3.682 which authorizes TV broadcast stations to transmit reference test signals through October 3, 1959.

On September 11, 1959, the Commission released a Report and Order in Docket 11986 terminating the proceeding and authorizing the transmission of reference and test signals on a regular basis, and eliminating the need for the special authority. Thus the note following § 3.682 is now obsolete.

The amendment adopted herein is editorial in nature and prior publication of a Notice of Proposed Rule Making under section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately.

This amendment is adopted pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

Accordingly, It is ordered, This 22d day of September 1959, that effective October 4, 1959, § 3.682 is amended by deleting the note at the end of the section.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8038; Filed, Sept. 24, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 35]

[Bureau of Mines Schedule 30]

FIRE-RESISTANT HYDRAULIC FLUIDS

Proposed Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 212(a), 66 Stat. 709, 30 U.S.C. 482(a); it is proposed to issue regulations, as Part 35 of Title 30 Code of Federal Regulations, to govern the testing and approval of hydraulic fluids for fire-resistant qualities and concentrates for the production of such hydraulic fluids, as set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Mines, Washington 25, D.C, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director.

Approved: September 18, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 35 of Title 30 would read as follows:

Subpart A—General Provisions

Sec.
35.1 Purpose.
35.2 Definitions.
35.3 Consultation.
35.4 Types of hydraulic fluids for which certificates of approval may be granted.
35.5 Fees for investigation.
35.6 Applications.
35.7 Date for conducting tests.
35.8 Conduct of investigations, tests, and demonstrations.
35.9 Certificates of approval.
35.10 Approval labels and markings.
35.11 Material required for record.
35.12 Changes after certification.
35.13 Withdrawal of certification.

Subpart B—Test Requirements

35.20 Autogenous-ignition temperature test.
35.21 Temperature-pressure spray-ignition test.
35.22 Test to determine effect of evaporation on flammability.
35.23 Performance required for certification.

AUTHORITY: §§ 35.1 to 35.23 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709, 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 35.1 Purpose.

The regulations in this part set forth the requirements for fire-resistant hydraulic fluids and concentrates for the production thereof to procure their certification as approved for use in machines and devices that are operated in coal mines; procedures for applying for such certification; and fees.

§ 35.2 Definitions.

As used in this part—

(a) "Permissible," as applied to hydraulic fluids, means that the fluid conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the fluid has met the requirements of this part for fire-resistant hydraulic fluids and authorizing the use of an official identifying marking so indicating.

(d) "Fire-resistant hydraulic fluid" means a fluid of such chemical composition and physical characteristics that it will resist the propagation of flame.

(e) "Concentrate" means a substance in concentrated form that might not be fire resistant as such but when mixed with water or other vehicle in accordance with instructions furnished by the applicant will constitute a fire-resistant hydraulic fluid.

(f) "Applicant" means an individual, partnership, company, corporation, association, or other organization that manufactures, compounds, refines, or otherwise produces, a fire-resistant hydraulic fluid or a concentrate for the production thereof, and seeks a certificate of approval.

§ 35.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed fluids to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 35.4 Types of hydraulic fluid for which certificates of approval may be granted.

Certificates of approval will be granted for completely compounded or mixed fluids and not for individual ingredients; except that when a concentrate is submitted for testing, complete instructions for mixing with water or other vehicle shall be furnished to the Bureau, together with the vehicle other than water, and the approval will cover only the specific mixture that constitutes the hydraulic fluid for use in coal mines.

§ 35.5 Fees for investigation.

(a) The full fee must accompany an application for testing a hydraulic fluid or for retesting a fluid that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(b) The fee for tests covering only part of a complete investigation will be charged according to the work involved and will be in proportion to that charged for a complete investigation. The fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(c) The fee for an extension of certification will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(d) The following fees are charged for testing a hydraulic fluid—concentrate or emulsion:

1. Autogenous-ignition temperature test, each	$25.00
2. Temperature-pressure spray-ignition test, each	45.00
3. Test to determine effect of evaporation on flammability, each	30.00
4. Fees for other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly in writing; and the fee shall be paid before such tests are begun.	

§ 35.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all descriptions, specifications, test samples, and related materials. The application and all related matters and correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: District Supervisor, Health and Safety District B.

(b) Descriptions and specifications shall be adequate in detail to identify fully the composition of the hydraulic fluid and to disclose its characteristics. Descriptions and specifications shall include:

(1) An identifying name or number of the fluid or concentrate for the production thereof.

(2) Pour point, ° F.; freezing point, ° F.; color; neutralization number or pH; viscosity at 100° F., 150° F., 175° F. (Saybolt or Furol); viscosity index; specific gravity.

(3) A statement of the water or other vehicle content in percent by weight or volume and how it affects fire resistance of the hydraulic fluid. If water is the vehicle, the statement shall include the applicant's method for determining water content quickly in the field.

(c) The application shall state whether the fluid submitted for test is toxic or irritating to the skin and what precautions are necessary in handling it.

(d) The application shall state that the applicant has tested the fluid which he believes to have fire-resistant properties, the basis for such determination, and submit with his application the data resulting from the applicant's use or laboratory tests to determine the fire-resistant properties of the fluid.

(e) The application shall contain evidence that the fluid has lubricating and hydraulic properties and is satisfactory for use in underground mining machinery; and shall state that the fluid, or concentrate for the production thereof, is fully developed and is of the composition that the applicant believes to be a suitable marketable product.

(f) The application shall state the nature, adequacy, and continuity of control of the constituents of the fluid to maintain its fire-resistant characteristics and how each lot will be sampled and tested to maintain its protective qualities. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment, procedures, and records, and to interview the personnel who conduct the control tests to satisfy the Bureau that the proper procedure is being followed to insure that the fire-resistant qualities of the hydraulic fluid are maintained.

(g) When the Bureau notifies the applicant that the application will be accepted, it will also notify him as to the number of samples and related materials that will be required for testing. Ordinarily a 5-gallon sample of hydraulic fluid will be required provided that it is a finished product or, if in concentrate form, enough shall be furnished to make a 5-gallon sample when mixed with water or other vehicle according to the applicant's instructions. All samples and related materials required for testing must be delivered (charges prepaid) to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania.

§ 35.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. However, not more than two fluids will be tested consecutively for one applicant provided other

applications are pending. If a fluid fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 35.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose features of the hydraulic fluid such as the chemical analysis, specifications, descriptions, and related material. After issuing a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved hydraulic fluid as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 35.9 Certificates of approval.

(a) Upon completion of an investigation of a hydraulic fluid, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defect(s), with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a fluid upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of specifications covering the characteristics of a hydraulic fluid upon which the certificate of approval is based. In addition to the applicant's record of control in maintaining the fire-resistant characteristics, applicants shall keep exact duplicates of the specifications that have been submitted to the Bureau and that relate to any fluid which has received a certificate of approval; and these are to be adhered to exactly in production of the certified fluid for commercial purposes.

§ 35.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval label or marking, which shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE FIRE-RESISTANT HYDRAULIC FLUID

U.S.B.M. Approval No. ----------
Issued to ----------
(Name of Applicant)

(b) A label so inscribed shall be attached to each fluid container in such a manner that it cannot be easily removed or containers may be so marked with a metal stencil. The letters and numbers shall be at least ½ inch in height and of a color which contrasts with that of the container.

(c) For a concentrate the label or marking shall clearly indicate that the certification thereof applies only when the concentrate is used in exact conformance with the instructions on such label or marking. The label or marking shall clearly indicate the exact amount of water or other vehicle to make the fire-resistant hydraulic fluid upon which the certificate of approval was based.

(d) Appropriate instructions and caution statements on the handling of the hydraulic fluid or concentrate shall be included on the approval label or marking.

(e) Use of the Bureau's approval label or marking obligates the applicant to whom the certificate of approval was granted to maintain the fire-resistant characteristics of the hydraulic fluid and guarantees that it is manufactured according to the specifications upon which the certificate of approval was based. Use of the approval label or marking is not authorized except on containers of hydraulic fluids that conform strictly with the specifications and characteristics upon which the certificate of approval was based.

§ 35.11 Material required for record.

The Bureau may retain for record all or part of the material submitted for testing. Any material that the Bureau does not require will be returned to the applicant at his expense upon receipt of his written request and shipping instructions not more than 6 months after the termination or completion of the tests. Thereafter the Bureau will dispose of such surplus material as it deems appropriate.

§ 35.12 Changes after certification.

If an applicant desires to change any specification or characteristic of a certified hydraulic fluid, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by specifications and related material(s) as in the case of an original application.

(b) The application and related material(s) will be examined by the Bureau to determine whether testing of the modified hydraulic fluid will be required. Testing will be necesary if there is a possibility that the modification may affect adversely the performance characteristics of the fluid. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected specifications to be added to those already on file, as the basis for the extension of certification.

§ 35.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certificate of approval granted under this part.

Subpart B—Test Requirements

§ 35.20 Autogenous-ignition temperature test.

(a) *Purpose.* The purpose of this test, referred to hereinafter as the ignition-temperature test, is to determine the lowest autogenous-ignition temperature of a hydraulic fluid at atmospheric pressure when using the syringe-injection method.

(b) *Description of apparatus*—(1) *Test flask.* The test flask, which is heated and into which the test sample is injected, shall be a commercial 200 ml. borosilicate glass Erlenmeyer flask.

(2) *Thermocouples.* Calibrated thermocouples—iron-constantan or chromel-alumel—and a potentiometer shall be used for all temperature measurements.

(3) *Syringe.* A hypodermic syringe (0.25 or 1 cc. capacity) equipped with a 2-inch No. 18 stainless steel needle and calibrated in hundredths of a cubic centimeter (0.01 cc.) shall be used to inject samples into the heated test flask.

(4) *Timer.* An electric timer or stopwatch calibrated in not more than 0.2 second intervals shall be used to determine the time lag before ignition.

NOTE: Time lag is the time that elapses between the instant of injection and that of ignition of the test sample, as evidenced by flame.

(5) *Furnace.* The furnace in which the ignition-temperature test is conducted shall consist of a refractory (alundum or equivalent) cylinder 5 inches in internal diameter and 5 inches in height; a transite-ring top and a transite-disk bottom, each of which is attached to a metal cylinder. The furnace is heated by three elements as follows: (i) A circumferential heater embedded in the refractory cylinder; (ii) a top or toroidal-neck heater that surrounds the neck of the test flask; and (iii) a flat base heater on which the test flask rests. The temperature of each heating element shall be controlled independently by an autotransformer. Means shall be provided for applying thermocouples at the neck, mid-section, and base of the test flask, which shall be inserted upright in the furnace.

(c) *Test procedures*—(1) *Temperature control.* Each autotransformer shall be so adjusted that the temperature at the neck, mid-section, and base of the test flask is uniform within ±2° F. of the desired test temperature.

(2) *Sample injection and timing.* A 0.07 cc. test sample shall be injected into the heated test flask with the hypodermic syringe, and the syringe shall be withdrawn immediately. Measurement of time shall start at the instant the sample is injected.

(3) *Observations.* (i) If flame does not result in 5 minutes or more after injection of the test sample, the sample shall be considered nonflammable at the test temperature, and the timer shall be stopped. The test flask shall then be flushed well with clean dry air and, after a lapse of 15 minutes or more, the test shall be repeated with the test flask temperature raised 50° F. ±2° F. above the first test temperature.

(ii) If ignition (flame) is observed in 5 minutes or less after the injection of the test sample (0.07 cc.), the time lag (time interval) shall be noted. After an ignition occurs the temperature of the test flask shall be reduced 5° F., and the test procedure repeated in decrements of 5° F. until ignition no longer occurs and this temperature shall be noted as the first nonignition test temperature for the 0.07 cc. sample.

(iii) The temperature shall be increased 50° F. ±2° F. above the first nonignition test temperature, and the ignition-temperature test procedure shall be repeated with a 0.10 cc. test sample injected into the heated test flask.

(iv) If the lowest temperature at which ignition occurs with the 0.10 cc. sample (in decrements of 5° F.) is lower than that obtained with the 0.07 cc. sample, the ignition-temperature test procedure shall be repeated using a test sample of 0.12 cc., then 0.15 cc., and so on by increments of 0.03 cc. until the lowest ignition temperature is obtained.

(v) If the lowest temperture at which ignition is obtained with the 0.10 cc. sample is greater than that obtained with the 0.07 cc. sample, the ignition temperature test procedure shall be repeated by reducing the test sample to 0.05 cc. and then to 0.03 cc. until the lowest ignition temperature is obtained.

(d) *Appraisal of tests.* A fluid shall be considered fire-resistant, according to the test requirements of this section: *Provided,* That in no instance of the ignition-temperature test procedure, as stated in this section, shall the ignition temperature of the test sample be less than 600° F.

§ 35.21 Temperature-pressure spray-ignition test.

(a) *Purpose.* The purpose of this test shall be to determine the flammability of a hydraulic fluid when it is sprayed over three different sources of ignition which are described in subparagraph (4) of paragraph (b) of this section.

(b) *Description of apparatus.* (1) A 3-quart pressure vessel, with the necessary connections, valves, and heating elements, shall be used for containing and heating the fluid under the test conditions as specified hereinafter.

(2) An atomizing round-spray nozzle, having a discharge orifice of 0.025-inch diameter, capable of discharging 3.28 gallons of water per hour with a spray angle of 90 degrees at a pressure of 100 p.s.i., shall be connected to the pressure vessel.

(3) A commercial pressurized cylinder, containing nitrogen with the customary regulators, valves, tubing, and connectors, shall be used to supply nitrogen to the pressure vessel described in subparagraph (1) of this paragraph.

(4) Three igniting devices shall provide three different sources of ignition as follows:

(i) A metal trough with a metal cover in which cotton waste soaked in kerosene is ignited.

(ii) An electric arcing device in which the arc is produced by a 12,000-volt transformer.

(iii) A propane torch—Bernzomatic or equivalent.

(5) A means of measuring distances from the nozzle tip to the igniting device shall be provided.

(c) *Test procedures.* (1) A 2½-quart sample of the fluid shall be poured into the pressure vessel and heated to a temperature of 150° F. The temperature shall be maintained at not less than 145° F. or not more than 155° F. during the test.

(2) Nitrogen shall be introduced into the vessel at 150 p.s.i.g.

(3) The fluid shall be sprayed at each igniting device, described in subparagraph (4) of paragraph (b) of this section, which is moved along the trajectory of the spray. Each igniting device shall be held in the spray at different distances from the nozzle tip for one minute or until the flame or arc is extinguished (if less than one minute) to determine this fire-resistant characteristic of the fluid.

(d) *Appraisal of tests.* If the test procedures in paragraph (c) of this section do not result in an ignition of any sample of fluid or if an ignition of a sample does not result in flame propagation for a time interval not exceeding 6 seconds at a distance of 18 inches or more from the nozzle tip to the center of each igniting device, it shall be considered fire resistant, according to the test requirements of this section.

§ 35.22 Test to determine effect of evaporation on flammability.

(a) *Purpose.* The purpose of this test shall be to determine the effect of evaporation on the reduction of fire resistance of a hydraulic fluid.

(b) *Description of apparatus*—(1) *Petri dish.* Standard laboratory Petri dishes, approximately 90 mm. by 16 mm., shall be used to contain the test samples.

(2) *Oven.* A gravity convection air oven, capable of maintaining the specified evaporation temperature constant within ±2° F., shall be used in the test.

(3) *Pipe cleaner.* An ordinary smoker's pipe cleaner (U.S. Tobacco Co., Dill's or equivalent) shall be used in the test procedure, described in paragraph (c) of this section.

(c) *Test procedures.* (1) Three 30-milliliter samples of the fluid shall be placed in uncovered Petri dishes. Two of these samples shall be inserted in the oven, that shall have been heated to a temperature of 150° F., ±2° F., which shall be maintained throughout this test. The third sample shall remain at room temperature.

(2) An electrically operated cycling device, such as an automobile windshield wiper mechanism, shall be oscillated in a horizontal plane, 25±2 cycles per minute. A pipe cleaner shall be attached to the device so that it will enter and leave a flame of a standard (Bunsen or equivalent) laboratory burner, which is adjusted to provide a nonluminous flame approximately 4 inches in height without forming a sharp inner cone. The cycling device shall be so arranged that when a 2-inch length of pipe cleaner is attached thereto the exposed end shall describe an arc with a radius of 4 inches ±⅛ inch. The cycling device shall be so arranged that when the 2-inch length of pipe cleaner is attached thereto, its midpoint shall be in the center of the flame at one extreme end of the cycle.

(3) Each of five 2-inch lengths of pipe cleaner shall be soaked separately for a period of 2 minutes in the test sample that remained at room temperature. Each pipe cleaner shall then be removed from the test sample and permitted to drain freely until all excess fluid is expelled from it. Each soaked pipe cleaner shall be attached to the cycling device, the mechanism started, and the pipe cleaner permitted to enter and leave the burner flame, as described in subparagraph (2) of this paragraph, until a self-sustaining flame shall be observed on the pipe cleaner. The number of cycles necessary to obtain a self-sustaining flame shall be noted and averaged for each of the five soaked pipe cleaners.

(4) After one test sample has remained in the oven for a period of 2 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in subparagraph (3) of this paragraph shall be repeated.

(5) After one test sample has remained in the oven for a period of 4 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in subparagraph (3) of this paragraph shall be repeated.

(d) *Appraisal of tests.* To be determined as fire resistant according to the test requirements of this section, the three following results shall be achieved:

(1) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (3) of paragraph (c) of this section shall be 24 or more.

(2) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (4) of paragraph (c) of this section shall be 18 or more.

(3) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (5) of paragraph (c) of this section shall be 12 or more.

§ 35.23 Performance required for certification.

To qualify as fire-resistant under the regulations of this part, a hydraulic fluid shall meet each performance requirement as stated in paragraph (d) of § 35.20, paragraph (d) of § 35.21, and paragraph (d) of § 35.22.

[F.R. Doc. 59-8012; Filed, Sept. 24, 1959; 8:46 a.m.]

National Park Service

[36 CFR Part 20]

CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA

Hunting and Speed

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003), authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3), National Park Service Order No. 14, 19 F.R. 8824, Regional Director, Region One, Order No. 3, 21 F.R. 1493, it is proposed to amend 36 CFR 20.58 as set forth below.

The purpose of this amendment is to: (1) Change the alphabetical and numerical codings, and subject references, of § 20.58 of Part 20—Special Regulations, as published in the FEDERAL REGISTER, Vol. 24, No. 121, Part II, page 5093, of Saturday, June 20, 1959; (2) to revise the language of Paragraphs (m) and (n) as published in the June 20, 1959 issue of the FEDERAL REGISTER, which proposed revisions will appear as paragraphs (a) (13) and (14) respectively; and (3) to add a new subject to § 20.58 entitled "(b) *Speed.*" In brief, changes proposed under (1), are essentially for clerical and reference purposes; under (2), for the mutual benefit of the sportsmen and the law enforcement agency; while (3), on "Speed," is for the purpose of emphasizing the standard National Park Service regulations governing vehicle travel in all National Parks, and, to amend this regulation by obtaining approval for a maximum speed of 55 m.p.h. for a specific section of road in Cape Hatteras National Seashore Recreational Area. Upon approval, the 55 m.p.h. will apply only to a 5.5 mile section of Park road immediately south of Whalebone Junction, which is served by U.S. Routes 64 and 264 traffic at its northern end, and North Carolina State Highway traffic at its southern junction, all feeder routes having 55 to 60 m.p.h. as their maximum speed limitations, except where reduced for congested areas.

The proposed changes, revisions and amendments follow:

§ 20.58 Cape Hatteras National Seashore Recreational Area.

(a) *Hunting.* (1) Lands within the Seashore on which hunting is legally permitted are designated as follows:

(i) Ocracoke Island, except Ocracoke village.

(ii) Hatteras Island, 500 acres, in three disconnected strips 250 feet wide measuring eastward from mean high water mark on Pamlico Sound between villages of Salvo and Avon and Buxton, and between Frisco and Hatteras.

(iii) Bodie Island, 1,500 acres, between high water mark of Roanoke Sound and a line 2,000 feet west of and parallel to U.S. Highway 158, and from the north dike of the Goosewing Club property on the north to the north boundary of the Dare County tract on the south.

(2) Seashore lands on which hunting is not permitted will be posted accordingly.

(3) This hunting plan will be administered and enforced by the National Park Service, through the Service's authorized local representative, the Superintendent of the Seashore, hereinafter referred to as the Superintendent.

(4) The State of North Carolina will assist in the enforcement of applicable State and Federal hunting laws and otherwise in carrying out this plan.

(5) Hunting will be restricted to waterfowl, and more specifically to Canada geese, ducks and coot.

(6) Hunting privileges will be free for all hunters possessing a North Carolina State hunting license and Federal migratory bird hunting stamp.

(7) Permanent blinds will be constructed exclusively by the Seashore and these will be built only on Bodie Island. Setting up and use of temporary or portable blinds by hunters will be permitted on Hatteras and Ocracoke Islands.

(8) Minimum distance between blinds on Seashore land and ponds within the designated hunting areas will be 300 yards unless other conditions, such as natural screening, justify a shorter distance.

(9) Hunting on Ocracoke Island will be permitted and managed in the same manner as Hatteras Island.

(10) "Jump shooting" of waterfowl will be permitted only on Hatteras and Ocracoke Islands and is prohibited within 300 yards of any blind.

(11) Properly licensed and authorized guides may provide hunting guide service within the designated hunting areas in the Seashore. They will not be permitted to solicit business within the boundaries of the Seashore and all arrangements with hunters must be made outside of those boundaries. Guides will be required to possess a North Carolina State guide license and to fulfill all requirements and conditions imposed by that license. Fees charged by guides must be approved in advance by the Superintendent. Each guide must also possess a permit issued by the Superintendent which authorizes him to guide hunters within the Seashore and the amount of the fees which he may charge.

(12) Guides shall have no permanent or seasonal blind rights within the Seashore and no special privileges other than those specified in this section.

(13) At 5:00 a.m. each morning the day of hunting, a drawing for blind assignment will be conducted at the check-out station. Advance reservations for permission to draw will be accepted through the United States mail only. Reservations postmarked prior to 12:01 a.m. of September 25 will not be accepted. The postmark date and hour will establish and govern the priority of drawing. Maximum reservation by any person shall be three (3) consecutive days in any week, Monday through Saturday, and limited to a total of six (6) days during the season. Reservations shall have priority over non-reservations at drawing time. In the event a reservation is to be canceled, the Superintendent shall be informed by the party prior to drawing time for the date or dates of the reservation.

(14) The first departure from a blind by a person terminates his hunting privilege within Bodie Island for that day and the blinds may be reassigned by the Superintendent, Cape Hatteras National Seashore Recreational Area, or his duly authorized representative, for use by others later the same day. Vacating parties must check out through the official check-out station and furnish required information regarding their take.

(15) Hunters and guides shall provide their own decoys and are required to leave the blind which they used in a clean, sanitary and undamaged condition.

(16) All hunters taking banded fowl shall turn in the bands at the check-out station.

(17) Details of this plan, interpretations and further information regarding it will be published in local newspapers and issued in circular form free to all interested persons.

(18) Access to blinds will be by designated foot trails. Vehicles will not be permitted to drive to the blind sites.

(19) Trained dogs will be permitted for retrieving providing they are kept under restraint by the hunter.

(20) Blinds will be limited to two persons without a guide and three including the guide. Only two guns will be permitted in each blind.

(21) All other regulations will be in accordance with the North Carolina State and Federal migratory bird hunting laws.

(b) *Speed.* Speed limits in Cape Hatteras National Seashore Recreational Area, except in emergencies as provided in § 1.42(b) of this chapter, are as follows:

(1) 55 miles per hour:

(i) On the entrance road from U.S. Routes 64 and 264, at Whalebone Junction, south for a distance of 5.5 miles to North Carolina State Highway (unnumbered).

(2) 35 miles per hour:

(i) Bodie Island Lighthouse Road.

(ii) Cape Hatteras Lighthouse Road including Loop Road.

(3) 20 miles per hour:

(i) Coquina Beach Road.

These proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Cape Hatteras National Seashore Recreational Area, Manteo, North Carolina, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROBERT F. GIBBS,
Superintendent, Cape Hatteras National Seashore Recreational Area.

AUGUST 25, 1959.

[F.R. Doc. 59-8013; Filed, Sept. 24, 1959; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-183]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6174 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 174 presently extends from Vichy, Mo., to Washington, D.C. The Federal Aviation Agency has under consideration modification of the segment of Victor 174 from the Elkins, W. Va., VOR to the Springfield, Va., Intersection, which is presently designated via the Front Royal, Va., VOR, through realignment via a proposed VOR to be installed approximately December 1, 1959, near Linden, Va., at latitude 38°51'14", longitude 78°12'19". If such action is taken, Victor 174 would parallel VOR Federal airway No. 4 in a dual airway structure between Elkins, W. Va., and the Washington, D.C., terminal area thereby expediting the large volume of air traffic arriving and departing Washington. The control areas associated with VOR Federal airway No. 174 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. The realigned airway would be designated via the Linden VOR in lieu of via the Front Royal VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6174 (14 CFR, 1958 Supp., 600.6174) as follows:

Section 600.6174 *VOR Federal airway No. 174 (Vichy, Mo., to Washington, D.C.)* is amended as follows:

In the text, delete "Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° and the Washington terminal omnirange 245° radials; to the Washington, D.C., terminal omnirange station." and substitute therefor, "Linden, Va., VOR; INT of the Linden VOR 095° and the Washington TVOR 245° radials; to the Washington, D.C., TVOR."

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8006; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-46]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 33 presently extends from Lansing, Mich., to Saginaw, Mich. An IFR Peak-Day Airway Traffic Survey for the last half of calendar year 1958, and the first half of calendar year 1959, shows no aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4633 relating to designated reporting points will also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with the Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.633 *Blue Federal airway No. 33 (Lansing, Mich., to Saginaw, Mich.)* is revoked.

2. Section 601.633 *Blue Federal airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.)* is revoked.

3. Section 601.4633 *Blue Federal airway No. 33 (Lansing, Mich., to Saginaw, Mich.)* is revoked.

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8005; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-36]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 51 presently extends from Wendover, Utah to Dubois, Idaho. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements on this airway as one and zero respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4651 relating to the associated designated reporting points, would also be revoked. At present, Blue 51 is a part of the boundary description of the Idaho Falls, Idaho, Control area extension. If this action is taken, this control area extension would be modified concurrently to delete Blue 51 from the description and substitute VOR Federal airway No. 269 therefor.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los

Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) and § 601.1198 (14 CFR, 1958 Supp., 601.1198) as follows:

1. Section 600.651 *Blue Federal airway No. 51 (Wendover, Utah, to Dubois, Idaho)* is revoked.

2. Section 601.651 *Blue Federal airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho)* is revoked.

3. Section 601.1198 *Control area extension (Idaho Falls, Idaho)* is amended as follows:

From the text, delete "Blue Federal airway No. 51," and substitute therefor, "VOR Federal airway No. 269,".

4. Section 601.4651 *Blue Federal airway No. 51 (Wendover, Utah, to Dubois, Idaho)* is revoked.

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8007; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-1]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6151 and 601.6151 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 151 presently extends from Providence, R.I., to Lebanon, N.H. The Federal Aviation Agency has under consideration the extension of VOR Federal airway No. 151 from Lebanon, N.H., via an intermediate VOR proposed to be installed approximately May 1, 1960, near Montpelier, Vt., at latitude 44°12'41", longitude 72°33'45", to Burlington, Vt. This extension of Victor 151 will provide a route for the use of VOR equipped aircraft operating between Montpelier and the Burlington and Lebanon terminals where there now exists only a low frequency airway. If such action is taken, VOR Federal airway No. 151 and its associated control areas would then extend from Providence, R.I., to Burlington, Vt.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6151 (24 F.R. 1283) and § 601.6151 (14 CFR, 1958 Supp., 601.6151) to read as follows:

§ 600.6151 VOR Federal airway No. 151 (Providence, R.I., to Burlington, Vt.).

From the Providence, R.I., VOR; via the Gardner, Mass., VOR; Keene, N.H., VOR; Lebanon, N.H., VOR; Montpelier, Vt, VOR; to the Burlington, Vt., VOR.

§ 601.6151 VOR Federal airway No. 151 control areas (Providence, R.I., to Burlington, Vt.).

All of VOR Federal airway No. 151.

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8008; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-88]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6115 and 601.6115 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 115 presently extends from Crestview, Fla., to Charleston, W. Va., and from Elwood City, Pa., to Buffalo, N.Y. The Federal Aviation Agency has under consideration the designation of an east alternate to Victor 115 and associated control areas for the segment between Birmingham, Ala., and Chattanooga, Tenn., via a new VOR to be installed approximately January 1, 1960, near Gadsden, Ala., at latitude 33°58'33", longitude 86°05'05". The east alternate will provide an additional departure route in the Birmingham terminal area, and an alternate route to relieve air traffic congestion on Victor 115. If such action is taken Victor 115 east alternate and associated control areas will be designated from the Birmingham VOR to the Chattanooga VOR via the Gadsden VOR. Concurrently, the captions of §§ 600.6115 and 601.6115 will be modified to indicate the existing break in continuity of Victor 115 between Charleston, W. Va., and Elwood City, Pa.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25 D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6115 (24 F.R. 2646) and § 601.6115 (14 CFR, 1958 Supp., 601.6115) as follows:

1. Section 600.6115 *VOR Federal airway No. 115 (Crestview, Fla., to Buffalo, N.Y.)* is amended as follows:

(a) In the caption, delete "*(Crestview, Fla., to Buffalo, N.Y.)*" and substitute therefor "*(Crestview, Fla., to Charleston, W. Va., and Elwood City, Pa., to Buffalo, N.Y.)*".

(b) In the text, delete "Chattanooga, Tenn., VOR;" and substitute therefor "Chattanooga, Tenn., VOR, including an east alternate via the INT of the Birmingham VOR 097° and the Gadsden VOR 233° radials to the Gadsden VOR thence via the INT of the Gadsden VOR 042° and the Chattanooga VOR 214° radials;".

2. Section 601.6115 *VOR Federal airway No. 115 control areas (Crestview, Fla., to Buffalo, N.Y.)* is amended as follows:

(a) In the caption, delete "*(Crestview, Fla., to Buffalo, N.Y.)*" and substitute therefor "*(Crestview, Fla., to Charleston, W. Va., and Elwood City, Pa., to Buffalo, N.Y.)*".

(b) In the text, add at the end, "including an east alternate."

Issued in Washington, D.C., on September 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8010; Filed, Sept. 24, 1959; 8:46 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 59-WA-34]

CONTROL AREAS AND RESTRICTED AREAS

Modification and Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 608.28 of the regulations of the Administrator, as hereinafter set forth.

Aberdeen, Md., Restricted Area (R-54) is presently designated for conducting strafing, bombing, drone aircraft operations, rocket, artillery and anti-aircraft firing from the surface to unlimited altitudes on a continuous basis. The controlling agency for Restricted Area (R-54) is the United States Second Army, Aberdeen Proving Grounds, Md. The results of a recent survey of airspace use in Restricted Area (R-54) conducted during the period from July 1, 1957 to July 1, 1958 for the Federal Aviation Agency by Cornell Aeronautical Laboratory, Inc., showed that no firing entered the portion of R-54 south of a line between two points described by coordinates as follows: Latitude 39°12'10", longitude 76°16'30"; latitude 39°12'45", longitude 76°22'39". On the basis of this survey, it appears that retention of the portion of R-54 south of the above described line is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

In accordance with the policy of the Federal Aviation Agency to ensure the efficient utilization of airspace, the Federal Aviation Agency proposes to use the airspace within Restricted Area (R-54) for air traffic management purposes in the routing of other air traffic during such times as R-54 is not in use for its primary purpose. To enable this use, it would be necessary to designate the airspace within Restricted Area (R-54) as control area and to change the controlling agency of the Restricted Area from the Second Army to the Federal Aviation Agency. However, to obtain the most effective air traffic management use, it is proposed to designate as control area all the airspace within the area described as follows: From the point of intersection of the northerly edge of Victor 44 with the easterly edge of Victor 123 clockwise via the easterly edge of Victor 123; the westerly edge of the New Castle, Del., control area extension; the westerly edge of Victor 271; the northerly edge of Victor 16; and the northerly edge of Victor 44 to the point of beginning, including the airspace which lies within the Aberdeen, Md., Restricted Area (R-54).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) and § 608.28 (23 F.R. 8581) as follows:

1. Section 601.1121 *Control area extension (Aberdeen, Md.)* is added to read:

§ 601.1121 Control area extension (Aberdeen, Md.).

That airspace within the area described as follows: From the point of intersection of the northerly edge of Victor 44 with the easterly edge of Victor 123 clockwise via the easterly edge of Victor 123; the westerly edge of the New Castle, Del., control area extension; the westerly edge of Victor 271; the northerly edge of Victor 16; and the northerly edge of Victor 44 to the point of beginning, including the airspace which lies within the Aberdeen, Md., Restricted Area (R-54).

§ 608.28 [Amendment]

2. In § 608.28 *Maryland (R-54)* (Washington Chart) is amended to read:

ABERDEEN, MD., (R-54) (WASHINGTON CHART)

Description by geographical coordinates. That airspace within the following area.

From a point near Aberdeen, Md., at latitude 39°30'30" N., longitude 76°10'00" W.; via latitude 39°29'00" N., longitude 76°08'00" W.; latitude 39°29'30" N., longitude 76°05'-00" W.; latitude 39°27'00" N., longitude 76°00'30" W.; latitude 39°19'47" N., longitude 76°11'34" W.; latitude 39°12'10" N., longitude 76°16'30" W.; latitude 39°12'45" N., longitude 76°22'30" W.; latitude 39°17'-30" N., longitude 76°19'45" W.; latitude 39°-18'30" N., longitude 76°22'00" W.; latitude 39°22'00" N., longitude 76°22'00" W.; latitude 39°23'28" N., longitude 76°20'40" W.; latitude 39°26'10" N., longitude 76°14'50" W.; latitude 39°27'00" N., longitude 76°12'-30" W.; latitude 39°30'30" N., longitude 76°10'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Washington ARTC Center (flights through restricted area authorized only after obtaining prior approval from the Federal Aviation Agency, Air Traffic Control).

Issued in Washington, D.C., on September 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8009; Filed, Sept. 24, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PAPER AND PAPERBOARD CONTAINERS AND PACKAGING PRODUCTS INDUSTRY

Notice of Hearing To Determine Prevailing Minimum Wages

Pursuant to the provisions of section 1(b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.) and section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a public hearing to determine the prevailing minimum wages in the Paper and Paperboard Containers and Packaging Products Industry will be held before a duly assigned Hearing Examiner on October 19, 1959, beginning at 10:00 a.m. in Room 110, Hotel Harrington, 11th and E Streets NW., Washington, D. C.

For the purpose of this hearing the Paper and Paperboard Containers and Packaging Products Industry is defined as including (1) the manufacture of nontextile bags (including bags and shipping

sacks made from paper, cellophane, acetate, polyethylene, pliofilm, foil, and similar sheet or film materials); and (2) the converting of pulp, paper, and paperboard into the following items: (a) Corrugated and solid fiber boxes, partitions, pallets, single face products, and corrugated sheets; (b) sanitary food containers (including paper cups for hot and cold drinks, liquid tight containers, round nested food containers, fluid milk containers, ice cream containers, frozen food containers, folding paraffined cartons for butter, margarine, and shortening, and pails for food and ice cream); and (c) laminated wrapping products (including waterproof, moistureproof, and vapor barrier paper), impregnated and saturated wrapping paper, cellulosic wadding and cushioning materials, and shredded and macerated paper pads (including blankets, sleeves, tubes, and box liners). Excluded are primary paper and paperboard; coated, oiled and waxed wrapping products; set-up and folding paperboard boxes (except sanitary food containers); fiber cans, tubes, and drums (except sanitary food containers); and pressed and molded pulp products.

Any interested persons may appear at the time and place specified herein and submit evidence, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provision for the employment of beginners or probationary workers at wages lower than the prevailing minimum wages and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data in this industry for the payroll period ending nearest October 15, 1958 has been gathered by the Department of Labor. Data relating to the competition in this industry for Government contracts has also been collected. This information will be submitted for consideration at the hearing and is now available to interested persons on request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers in each such establishment, (c) the minimum rates paid to covered workers, the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to beginners or probationary workers in each such establishment, the scale of wages paid during probationary periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (3) the geographic area or areas of competition for Government contracts within this industry; and (4) the changes in the minimum wages paid since October 1958, for persons employed in this industry.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR Part 203.

Signed at Washington, D.C., this 21st day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8025; Filed, Sept. 24, 1959; 8:48 a.m.]

[41 CFR Part 202]

ELECTRON TUBES AND RELATED PRODUCTS INDUSTRY; PROCEEDINGS FOR DETERMINATION OF PREVAILING MINIMUM WAGES

Decision on Motion To Exclude Government Counsel

Counsel who represented the Electronic Industries Association at the hearing has filed a motion on its behalf. The motion seeks to exclude counsel who represented the Government at the hearing and any of their "subordinate employees", from "participating or advising", orally or in writing, in any preliminary or final determination on any legal or factual issue involved unless, if oral, such advice is given in "open court in the presence of all parties", or, if written, "is submitted to all parties for comment prior to submission to the Secretary of Labor". The Association's motion contends that Government counsel indulged in "partisanship" at the hearing, and argues that this justifies relief under section 7(a) of the Administrative Procedure Act.

The International Union of Electrical, Radio and Machine Workers, AFL–CIO, which was represented at the hearing, filed a statement in opposition to the Association's motion. This statement contends that no issues are raised in the motion which were not considered and disposed of by me in my decision denying a motion similar to that now presented in the wage proceedings in the "Tires and Related Products Industry" (24 F.R. 4597–98, June 5, 1959).

In filing the subject motion, counsel for the Association indicates recognition of my decision on the motion to exclude Government counsel in the "Tires and Related Products Industry" proceedings. Counsel for the Association requests, however, that I now reconsider the decision I rendered in those proceedings.

Upon full consideration of counsel's motion, the arguments presented in support thereof, and the statement in opposition thereto, it is my opinion that my decision on the motion to exclude Government counsel in the "Tires and Related Products Industry" proceedings is correct. In addition, with respect to counsel's objections concerning the conduct of Government counsel at the hearing, I find that the transcript of testimony indicates that the conduct objected to was impartial. As stated in my decision on the above-mentioned motion in the "Tires and Related Products Industry" proceedings, "it is the responsibility and duty of Government counsel for my information in the decisional process, fully and competently to test the evidentiary bases of the positions advanced by the parties at the hearing". Accordingly, the motion to exclude Government counsel from this proceeding is overruled.

Signed at Washington, D.C., this 21st day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8026; Filed, Sept. 24, 1959; 8:48 a.m.]

Wage and Hour Division

[29 CFR Parts 613, 687, 699]

[Administrative Order 521]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 45–A for the Textile and Textile Products Industry in Puerto Rico; Industry Committee No. 45–B for the Hosiery Industry in Puerto Rico; and Industry Committee No. 45–C for the Straw, Hair, and Related Products Industry in Puerto Rico.

Industry Committee No. 45–A is composed of the following representatives.

For the Public

G. Allan Dash, Jr., Chairman, Philadelphia, Pa.
Leonard E. Lindquist, Minneapolis, Minn.
Alfredo Nazario, Rio Piedras, P.R.

For the Employees

John Chupka, New York, N.Y.
Major Banachowicz, Philadelphia, Pa.
Hipolito Marcano, San Juan, P.R.

For the Employers

Joseph L. Miller, Washington, D.C.
Malcolm Gordon, Cayey, P.R.
Martin Velez, Vega Alta, P.R.

For the purpose of this order, the Textile and Textile Products Industry in Puerto Rico is defined as follows:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filing; the manufacture, including dyeing and finishing, of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however*, That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber: *And provided further*, That for the purpose of this order the industry shall not include any of the activities defined and described in § 699.2(a) of Part 699.

Industry Committee No. 45–B is composed of the following representatives:

For the Public

G. Allan Dash, Jr., Chairman, Philadelphia, Pa.
Leonard E. Lindquist, Minneapolis, Minn.
Alfredo Nazario, Rio Piedras, P.R.

For the Employees

John Chupka, New York, N.Y.
Major Banachowicz, Philadelphia, Pa.
A. Bernstein, Santurce, P.R.

For the Employers

Joseph L. Miller, Washington, D.C.
Malcolm Gordon, Cayey, P.R.
Cesar Silva, Arecibo, P.R.

For the purpose of this order the Hosiery Industry in Puerto Rico is defined as follows:

The manufacture and processing of full-fashioned and seamless hosiery, including among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

Industry Committee No. 45–C is composed of the following representatives.

For the Public

G. Allan Dash, Jr., Chairman, Philadelphia, Pa.
Leonard E. Lindquist, Minneapolis, Minn.
Alfredo Nazario, Rio Piedras, P.R.

For the Employees

John Chupka, New York, N.Y.
Major Banachowicz, Philadelphia, Pa.
A. Bernstein, Santurce, P.R.

For the Employers

Joseph L. Miller, Washington, D.C.
Max Watson, Hato Rey, P.R.
Frederick Shultz, Arecibe, P.R.

For the purpose of this order the Straw, Hair, and Related Products Industry is defined as follows:

The manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however*, That the industry shall not cover products or activities included in the artificial flower, decoration, and party favor industry (29 CFR Part 688), the button, jewelry, and lapidary work industry (29 CFR Part 616), the children's dress and related products industry (29 CFR Part 610), the men's and boys' clothing and related products industry (29 CFR Part 615), the shoe and related products industry (29 CFR Part 601), or the textile and textile products industry, as defined in this administrative order appointing Industry Committee No. 45–A for Puerto Rico.

I hereby refer to each of the above named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 45–A shall convene at 10:00 a.m. on October 19, 1959, in the Office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearings at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 45–B and 45–C shall convene consecutively in the same place in that order at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file pre-hearing statements containing certain specified data, not later than October 9, 1959.

Signed at Washington, D.C., this 21st day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8027; Filed, Sept. 24, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 6741; FCC 59-972]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Third Notice of Further Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above-entitled matter. For purposes of indentification the proceedings to be conducted pursuant to this notice shall be designated as Part III. The proceedings heretofore conducted pursuant to the Further Notice of Proposed Rule Making (FCC 58–350) issued by the Commission on April 15, 1958, have been designated as Part II. The proceedings heretofore conducted pursuant to the order issued by the Commission on February 20, 1945, by which this proceeding was initiated have been designated as Part I.

THE PROCEEDING; BASIC QUESTIONS TO BE RESOLVED

2. The basic question to be resolved in the proceeding is what changes, if any, should be made in the use of the clear channels of the standard broadcast band which are available by international agreement for use of the United States. The Class I stations which operate on these channels are designated to render skywave (long range) service, as well as groundwave (short range) service. This permits them to render wide-area service and thus reach extensive land areas in the United States beyond the effective range of any other classes of radio stations. The United States has Class I–A priority for 25 stations on 25 of the 39 channels on which I–A priorities are recognized, and Class I–B priority for 34 stations on 20 of the 24 channels on which I–B priorities are recognized.[1]

3. Under the present rules, Class I–A channels with two exceptions are not shared at night by the Class I–A stations with any other stations within the continental United States. The Class I–B channels are so allocated that the Class I–B stations share the same channel with one or more other United States stations and with foreign stations. Thus, listeners are afforded a relatively high degree of protection from interference in reception of Class I–A stations and a lesser, though substantial, degree of protection from interference in receiving Class I–B stations. The skywave (long range) service furnished by clear channel stations is the only nighttime standard broadcast service now available to approximately 25,631,000 persons in an area in the aggregate of about 1,725,000 square miles, which comprises somewhat more than half the land area of the continental United States, with the exception of Alaska and Hawaii.

4. The fundamental conflict in the proposals for revision of the present Rules on clear channel usage lies between sustaining or increasing the capacity of the Class I stations to render wide-area service and increasing the number of stations permitted on these channels.[2]

THE APRIL 15, 1958, NOTICE

5. The April 15 Notice (FCC 58–350) invited comments on proposals to open 12 specified Class I–A channels for additional unlimited time assignments, to reserve for later determination proposals to increase power on the remaining Class I–A channels, and to leave unchanged the Class I–B channels listed in Section 3.25(b) of the Rules.

6. On five of the 12 channels proposed for additional unlimited time assignments it was proposed to assign a new directionalized Class I station and require the existing Class I station to directionalize, with corollary reduction in service, with the result that each station would afford mutual protection from interference to the areas served by the other. On the other 7 channels it was proposed to assign unlimited time Class II stations in underserved areas.

TENTATIVE CONCLUSIONS ON THE APRIL 15, 1958, NOTICE

7. Comments in response to the April 15, 1958 Notice were filed by some 60 parties and reply comments were filed by about 44 parties. On the basis of the comments which have been filed it is shown that, although permitting the licensing of additional stations, the proposals would result in substantial reduction of the existing groundwave and skywave service, with the result that substantial new "white areas" would be created in which no groundwave service would remain available from any station and that other areas would be reduced in the number of services received from four, three or two groundwave services to a single groundwave service. In addition, substantial dislocations would obtain of present skywave service which would not be fully compensated by new operations. Also, we note that, a substantial number of assignment counterproposals have been made which fail to accomplish any substantial increase in groundwave service to white areas. Accordingly, it appears desirable in light of the comments to secure additional data in response to a further notice before proceeding toward a conclusion of the proceeding.

8. Although the Commission in its April 15, 1958 Notice did not invite comments on the question of increased power for Class I stations, some parties addressed themselves to it.[3] We do not discount the fact that historically the present power limit of 50 kilowatts was determined in substantial measure upon early radio equipment, whereas more powerful transmitting apparatus has now become readily available, the use of which in the United States could substantially increase the signal strength of the present nighttime skywave service on the clear channels and thus generally improve the signal-to-interference ratio thereof. We observe, however, as the record clearly shows, that the scope of the skywave service depends upon many variables including the type of transmitting antenna and the varying atmospheric noise levels as well as the broadcast station power. The record shows that the most satisfactory present skywave service does not necessarily coincide with the strongest signal areas but is instead realized in those geographic areas, with relation to the stations, where the absence of interference, of signal fading, and of atmospheric noise permits the use of optimum receiver sensitivity for adequate reception. The Commission's Exhibit 109, herein, which is based on the results of three Industry-Government Committees, includes criteria for three grades of skywave service, grading off in quality with respect to freedom from noise and interference.[4] These are all based upon the percentage of nights that radio service is realized throughout the entire year and are thus weighed down statistically by the perturbation of summertime static, the atmospheric noise resulting from the thunderstorms prevalent during the summer months. Thunderstorm activity is virtually absent during the winter months according to data on the seasonal distribution of atmospheric noise,[5] which shows reduction of approximately 19 decibels (nearly 100 times) during winter months as compared to summer. It follows that in many areas reception is now generally noise-free and satisfactory during winter although quite unsatisfactory during summer—thus depressing the grade of service on an annual norm basis—and that an approximately hundredfold increase in power to five megawatts would be necessary during summer months to secure noise-free service equivalent to that now available the existing power during the winter months. However, nighttime conditions extend for several hours more each day during winter at most latitudes in the United States, than during summer. Thus nighttime skywave signals are of maximum quality at the time when maximum daily use thereof can be made. Conversely, during the long summer days, the daytime groundwave service is, on balance, of increasing significance. Already, basically free of station interference, groundwave service during these hours has been further augmented by the assignment of daytime stations in various parts of the country for operation during the hours between local sunrise and sunset, and the assignment of increased facilities to unlimited time regional and local stations during these hours. As a cumulative result, multiple groundwave services are available during daytime hours in most areas and there is almost no area to be found within the entire United States, excepting possibly Alaska and Hawaii, wherein there is an absence of all service meeting the groundwave service standards formulated during the course of the proceedings herein.

9. These considerations in our view offset to an extent the arguments offered in support of authorizing higher power for Class I stations. However, before reaching final decision on higher power, we deem it appropriate to afford an opportunity for all interested parties to submit such additional comments and data as will reflect changed conditions since 1946 when the basic record on this aspect of the proceeding was made.

10. During nighttime hours more than half the land area of the United States receives no groundwave service from any stations. Termed "white area", such is comprised principally of the rural and smaller urban communities throughout the U.S. As of May 1947, the total amount of "white area" was 1,802,665 square miles which amounted to 60.59 percent of the total land area. Based on the 1940 Census a population of 23,252,000 lived in white areas. Between May 1947 and January 1957, fulltime stations increased from 1,339 to 1,875. The decrease in white area, however, has not been significant. The January 1957 white area totals 1,725,095 square miles which represents 57.99 percent of the total land area. The population residing therein has increased to 25,631,259. With reference to geographical distribution, while the bulk of such area (74.8 percent) is located west of the Mississippi River the bulk of the 1957 population residing therein (18,277,835 or 71.3 percent) lives east of the Mississippi River. None of the figures include Alaska or Hawaii. A map of the population distribution according to the 1950 Census is attached as Appendix A.

11. Principal areas with no groundwave service during nighttime hours are located in northern New England, in the more mountainous regions of the Middle Atlantic States, throughout the South, in the northern-most part of the Great Lakes Area, within the great plains, and in many mountainous areas of the West. A map of nighttime groundwave service is attached as Appendix B.

12. The April 15, 1958 Notice stated that there are severe limits on the possibilities for reducing white areas by creating new groundwave coverage from new or expanded standard broadcast stations. This limitation is essentially basic due to the necessary limitation on the number of channels available for standard broadcasting and the disruptive interference which occurs in such great areas when two or more stations transmit during nighttime hours on the same frequency at the same time. Satisfactory reception in the presence of interference is limited to those areas sufficiently close to a transmitting antenna to receive a signal strong enough to buffet out the ambient interference on the channel. It has been ascertained that the service area to interference area ratio (area efficiency) of the generally shared (regional) channels is less than one percent, despite the use of directional antennas to minimize interference among stations. Thus we conclude that we should limit our consideration, with respect to a sharing of the clear channels, to the assignment of new stations in specifically delineated geographical areas which could be determined upon the basis of need for the new or additional service and availability of an assignment to that area with minimum impact on the existing service under the service and interference criteria of Part I hereof.

THE FURTHER PROCEEDING

13. In this part (Part III) of the proceeding the Commission will give consideration to two matters. First is amendment of the Rules so as to provide for the assignment of new Class II station on each of the frequencies listed in Table I attached hereto. Each new Class II station on these frequencies would be licensed within a prescribed geographical area; viz., within a specified state or within one of two or more jointly specified states as set forth completely in Table I below and also shown on the map attached hereto as Figure I.[6] The Class I stations now licensed to operate exclusively in the United States on these channels, listed in Table I, would continue to operate with 50 kilowatts of power but would share operation on the channel with one newly licensed station located in the designated area. Each new station licensed under the amended rule would be required to install a directional antenna,[7] designed to control the direction of radiation of energy in order to provide a satisfactory degree of protection from harmful interference to the existing service in the United States on these channels. In order to secure maximum coverage by the new station, each new license would authorize operation with not less than 10 kilowatts of power.

14. The operations of KFAR, Fairbanks, Alaska, on 660 kilocycles and of KOB, Albuquerque, New Mexico, on 770 kilocycles are deemed to meet the criteria of this notice for purposes herein, with no additional assignments on these two channels. These are the two exceptions concerning channels listed in paragraph (a) of § 3.25, to which reference is made in an above paragraph.

15. In the case of each of the 23 remain channels, some portion or all of the state or states selected for the new Class II assignments is more than 1,250 miles distant from the existing Class I station on the channel. Under this criterion there follows, from the geographical distribution of the existing Class I stations, the suitability of a greater number of channel assignments in the western states as compared with the central states, and in the central states as compared with the eastern states; thus other factors being equal, the easternmost state or group of states suitable under the criterion is indicated on Table I and Figure I in each instance. Consideration has also been given to: (1) The need for protection of foreign station coverage, in accordance with the North American Regional Broadcasting Agreement and the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band; (2) the need for adjacent channel interference protection; (3) the selection of a state or states in which the particular channel could be assigned anywhere within a wide area rather than in only a few limited locations; (4) the avoidance of adjacent channel assignments in adjacent states or in adjacent groups of states, to avoid interdependence between new assignments in adjacent regions; and (5) the placement of the new assignments in many states rather than multiple assignments in a few states.

16. There are indicated in the maps attached as Exhibit C[8] examples of the general impact upon the present capacity of the channels for skywave service resulting from 10 kilowatt directional antenna operation of new Class II stations at centralized geographic locations under Table I. These are included in the notice for illustrative purposes only, to show the general effect of the assignments listed therein. They should not be considered to constitute a determination that the capacity of these channels should be so delimited. A decision on those issues in this proceeding relating to sharing of channels, as indicated above, will not be reached prior to our

[1] The apparent summation of 63 channels (39 plus 24) on which I–A or I–B priorities are recognized follows from the fact that on three channels (640, 1010, and 1540 kc) both I–A and I–B priorities are recognized in different countries. The International Agreements designate 60 clear channels on which I–A and I–B priorities are delineated.

[2] The Committee on Broadcasting of the Institute of Radio Engineers published, prior to the adoption of present rules, a report on "The Clear Channel in American Broadcasting" in which the following conclusions were reached with respect to shared and clear channels. See, e.g., 21 Proceedings of the Institute of Radio Engineers 5 (1933).

"1. The field of the shared channel is to afford broadcast service to important detached centers of population, such as our cities and large towns.

"2. The field of the clear channel is to afford service to those vast intervening areas in which the density of population is so low that a broadcast service could not otherwise be supported and in addition to a single large center."

The consequences of increasing the number of shared channels at the expense of cleared channels are summarized in the report as follows:

"1. Decreasing the number of clear channels by assigning additional stations (for nighttime operation) to channels now used by only one station at a time would have the effect of affording additional services to certain localized urban groups but at the expense of decreasing the service to rural listeners and to those at remote points.

"2. Increasing the number of clear channels at the expense of the shared channels would have the opposite effect, assuming that assignments for the stations thus displaced could not be provided for on the remaining shared channels."

The principles thus stated in 1933 remain applicable today.

[3] Other parties indicated their desire to file comments on higher power at such time as the Commission invited updated comments on this mode of clear channel reallocation.

[4] Skywave service of a clear channel station, under Exhibit 109, is considered to be limited by the noise from electrical apparatus to the 250 microvolt per meter contour in rural areas (Para. B3(c)(5)) and to 0.5 millivolt per meter contour in urban areas (Para. F. of Exhibit 109).

[5] Noise is highest in summer and lowest in winter at temperate latitudes; varies with frequency, decreasing with increasing frequency; and varies with geographic location, highest levels being encountered in equatorial regions and the lowest levels in the polar regions. Worldwide Radio Noise Levels Expected in the Frequency Band 10 Kilocycles to 100 Megacycles; National Bureau of Standards, NBS Circular 557, August 1955.

[6] Filed as part of the original document.

[7] FCC, Office of Chief Engineer, Technical Research Division, T.R.R. Report 1.2.7, September 6, 1957: Suppression performance of directional antenna systems in the broadcast band.

determination upon the other issues herein.

17. As stated above, the Commission has decided to afford all interested parties an opportunity, at this stage of the proceeding, to provide comments and data concerning proposals that clear channel stations be authorized power in excess of the present maximum of 50 kilowatts. While the Commission is not persuaded, on the basis of the present record, that the authorization of higher power would be in the public interest, we defer final decision on the proposals for higher power until we have an opportunity to review the entire question in the light of updated comments and data.

18. All interested persons are invited to file, on or before November 20, 1959, comments concerning:

(1) The plan of assigning new unlimited time stations to the clear channels listed on Table I and reflected in Figure I, attached hereto.

(2) The use, by Class I–A clear channel stations, of power in excess of 50 kw, under any of the proposals of record in this proceeding or any other proposals which interested parties may desire to submit. Parties desiring to do so may incorporate by reference submissions made heretofore in this proceeding.

Comments in reply to the original comments may be filed within thirty days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments prior to taking final action in this matter. The requisite statutory authority is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

19. In view of the comprehensive nature of the proceeding herein and the desirability of concluding the proceeding as soon as possible it is desired that parties submit as much evidence as possible in the exhibits which they plan to submit. All proposals and counterproposals made in the comments should supply specific data relied upon to establish the need for, and the extent of desired new service which would be provided in the particular community or communities affected; and the resulting interference limitation arising therefrom upon existing service through the confusions of the received signals.

20. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 18, 1959.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

TABLE I—NEW CLASS II UNLIMITED TIME ASSIGNMENTS ON CLEAR CHANNELS

Channel (kc)	Existing Class I station	State in which Class II assignment proposed
640	KFI, Los Angeles	Pennsylvania or Maryland or Virginia or West Virginia.
650	WSM, Nashville	Montana.
660	WNBC, New York	See par. above.
670	WMAQ, Chicago	Idaho.
700	WLW, Cincinnati	Utah.
720	WGN, Chicago	Nevada.
750	WSB, Atlanta	Arizona.
760	WJR, Detroit	Idaho.
770	WABC, New York	See par. above.
780	WBBM, Chicago	Nevada.
820	WBAP/WFAA, Fort Worth/Dallas.	Washington.
830	WCCO, Minneapolis.	California.
840	WHAS, Louisville	Alaska.
870	WWL, New Orleans.	Oregon.
880	WCBS, New York	North or South Dakota or Nebraska.
890	WLS, Chicago	Utah.
1020	KDKA, Pittsburgh	New Mexico.
1030	WBZ, Boston	Montana or Wyoming.
1040	WHO, Des Moines	Oregon or Washington.
1100	KYW, Cleveland	Colorado.
1120	KMOX, St. Louis	California or Oregon.
1160	KSL, Salt Lake City.	North or South Carolina.
1180	WHAM, Rochester	Wyoming.
1200	WOAI, San Antonio.	New York or Vermont or New Hampshire or Maine.
1210	WCAU, Philadelphia.	Kansas or Nebraska or Oklahoma.

[F.R. Doc. 59–8035; Filed, Sept. 24, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

FORMS FOR REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

Proposed Amendment to Minimum Audit Requirements Prescribed in Form X–17A–5

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend the Minimum Audit Requirements to be followed by independent accountants in preparing Form X–17A–5 (§ 249.617) reports of financial condition of members, brokers and dealers under Rule 17a–5 under the Securities Exchange Act of 1934.

Item 5 of such Minimum Audit Requirements provides that the independent accountant shall obtain written confirmation of certain accounts, including customers' accounts, of the member, broker or dealer. The proposed amendment to the Note to Item 5 of the Minimum Audit Requirements of Form X–17A–5 would permit the certifying accountant in auditing the books and records of member firms of national securities exchanges who originate Monthly Investment Plan accounts to omit, under specified conditions, written confirmation of the M.I.P. accounts of the originating member firm required by Item 5 of the Minimum Audit Requirements when in their judgment such procedure is not necessary. The proposal does not relieve the certifying accountant of the responsibility for a satisfactory verification of the M.I.P. accounts of the originating broker, the review of the safeguards of such accounts, or for performing such other auditing procedures as are ordinarily performed in the audit of the customers' accounts of a broker-dealer.

The New York Stock Exchange in its minimum audit requirements specifies that each odd-lot firm which acts as custodian of securities owned by M.I.P. customers have an audit on a surprise basis by an independent public accountant made at least once in each calendar year. Audits of the originating member firms must also be made on a surprise basis each calendar year. The Committee on Audits of Securities Brokers and Dealers of the American Institute of Certified Public Accountants feels, and the Exchange agrees, that the duplication of the confirmation procedures has entailed an audit expense which does not appear to be justified and that duplicate confirmation is confusing to the customers. Because of this confusion and in view of the internal control inherent in M.I.P. accounting, the committee recommends that under the following conditions the independent public accountants concerned with the audits of the respective originating member firms (commission houses) be relieved of the procedure for requesting written confirmation of M.I.P. accounts to the extent that, in their judgment, such procedure is not necessary.

1. The independent public accountants who have been retained as auditors for the odd-lot houses will select the same audit date for a surprise examination of the respective odd-lot houses. This will insure that those customers having M.I.P. accounts with both odd-lot houses will receive requests for confirmations of their accounts as of the same date.

2. The odd-lot houses, at the time of the examination by independent public accountants, will prepare listings for each commission house of the M.I.P. accounts that they are maintaining for the commission firms. This will enable the commission houses and the odd-lot houses to establish a procedure whereby not only will confirmations of the customers' accounts be requested as of one audit date but, as of the same audit date, confirmations will be requested from the commission houses as to the positions maintained by the custodians.

3. The independent public accountants who have been retained as auditors for the commission houses will satisfy themselves that the listings prepared by the odd-lot houses of funds and securities held for M.I.P. customers at the time of the examination of the odd-lot houses by independent public accountants have been reconciled with the records of the commission houses.

The Board of Governors of the New York Stock Exchange has approved the modification of its minimum audit requirements to become effective if and when this Commission has adopted the proposed amendment as set forth below.

The proposed amendment would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof. The text of the Note to Item 5, as proposed to be amended, is as follows:

Compliance with requirements for obtaining written confirmation with respect to the above accounts shall be deemed to have been made if requests for confirmation have been mailed by the independent public accountant in an envelope bearing his own return address and second requests are similarly mailed to those not replying to the first requests, together with such auditing procedures as may be necessary: provided, however, that with respect to periodic investment plans sponsored by member firms of a national securities exchange, whose members are exempted from Rule 15c3–1 by paragraph (b)(2) thereof, the independent public accountant examining the financial statements of the originating member firm may omit direct written confirmation of such plan accounts with customers when, in his judgment, such procedures are not necessary if (1) the originating member firm does not receive or hold securities belonging to such plan accounts and does not receive or hold funds for such accounts, except the initial payment which is promptly transmitted to the custodian; (2) the custodian is a member firm of such national securities exchange and files certified reports complying with Rule 17a–5 in connection with which the customers' accounts are confirmed by an independent public accountant; and (3) funds and securities held by the custodian for each such customer's account are reconciled with the records of the originating member firm as of the most recent audit of the custodian.

All interested persons are invited to submit views and comments in writing to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington 25, D.C., on or before October 12, 1959. Except where it is requested that such communications be kept confidential, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 18, 1959.

[F.R. Doc. 59–8016; Filed, Sept. 24, 1959; 8:47 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50–116]

IOWA STATE UNIVERSITY

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to the Iowa State University, Ames, Iowa, a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility by Iowa State University if it is found that the facility has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act. For further details see (1) the application submitted by Iowa State University and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of September 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated September 3, 1958, and amendments thereto dated October 13, 1958, January 24, 1959, April 21, 1959, and July 1, 1959 (hereinafter collectively referred to as "the application") Iowa State University requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the Iowa State University campus at Ames, Iowa, of a nuclear reactor (hereinafter referred to as "the reactor").

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The Iowa State University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The Iowa State University and its contractor, American Radiator and Standard Sanitary Corporation, Atomic Energy Division, are technically qualified to design and construct the reactor.

E. The Iowa State University has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Iowa State University will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Iowa State University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

1. The earliest completion date of the reactor is October 15, 1959. The latest date for completion of the reactor is March 15, 1960. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

2. The reactor shall be constructed and located at the location in Ames, Iowa, specified in the application.

3. The reactor authorized for construction is a 10-kilowatt Argonaut type, Model UTR–10 (American-Standard) training and research reactor, utilizing enriched uranium as fuel, described in the application.

Upon completion (as defined in paragraph "1" above) of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Iowa State University pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59–8070; Filed, Sept. 24, 1959; 9:26 a.m.]

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

JUNE 30, 1959.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases [1] during quarter		Cumulative purchases [1] through end of quarter	
				Quantity	Amount	Quantity	Amount
Public Law 206, 83d Cong.							
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 asbestos	1,500	0	0	1,499	$1,702,505
		Short tons, crude No. 3		0	0	850	340,070
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	70	$41,690	2,318	1,289,368
Columbium tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide	15,000,000	0	0	15,567,912	60,637,202
Manganese:							
Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable manganese	6,000,000	0	0	6,020,471	9,074,899
Deming	June 30, 1958	do	6,000,000	0	0	6,215,258	12,036,388
Wenden	June 30, 1958	do	6,000,000	0	0	6,108,316	10,743,179
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000	2,194,781	5,791,155	26,087,372	66,729,245
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	958	1,045,678	17,834	17,978,629
Tungsten	July 1, 1958	Short ton units, tungsten trioxide	3,000,000	0	(159)	2,996,280	189,212,786
Public Law 520, 79th Cong.							
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates	200,000	0	0	199,961	18,588,036
Defense Production Act							
Mercury:							
Domestic	Dec. 31, 1957	Flasks, prime virgin mercury	125,000	0	0	9,428	2,121,300
Do	Dec. 31, 1958	do	30,000	0	0	17,463	3,927,059
Mexican	Dec. 31, 1957	do	75,000	0	0	766	172,317
Do	Dec. 31, 1958	do	20,000	0	0	2,508	570,797

[1] Quantities represent deliveries.

Dated: September 18, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-8024; Filed, Sept. 24, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13148; FCC 59M-1200]

BLOOM RADIO (WHLM)

Order Continuing Hearing

In re application of Harry L. Magee, tr/as Bloom Radio (WHLM), Bloomsburg, Pennsylvania, Docket No. 13148, File No. BP-12002; for construction permit.

A prehearing conference in the above-entitled matter having been held on September 17, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order:

It is ordered, This 17th day of September 1959 that:

(1) All affirmative technical engineering evidence shall be presented by written sworn exhibits;

(2) Preliminary drafts of the affirmative technical engineering exhibits shall be exchanged among the parties on October 26, 1959;

(3) The written sworn exhibits constituting the affirmative engineering evidence shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 9, 1959;

(4) Notification of witnesses to be called for cross-examination on the exhibits exchanged shall be given on or before November 16, 1959;

It is further ordered, That the hearing in this matter presently scheduled to commence on November 9, 1959 is continued to November 19, 1959, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8029; Filed, Sept. 24, 1959; 8:48 a.m.]

[Docket Nos. 13064-13071; FCC 59M-1205]

COUNTY BROADCASTING CORP. ET AL.

Order Scheduling Prehearing Conference

In re applications of County Broadcasting Corporation, Gloucester, Massachusetts, Docket No. 13064, File No. BP-11602; Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; WKOX, Inc., Beverly, Massachusetts, Docket No. 13066, File No. BP-12423; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 18th day of September 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., October 2, 1959.

Released: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8030; Filed, Sept. 24, 1959; 8:48 a.m.]

[Docket No. 12879]

FREDERIC C. DOUGHTY

Notice of Place of Hearing

In the matter of Frederic C. Doughty, Springfield, Pa., Suspension of Amateur Radio Operator License (W3PHL).

The hearing on the above-entitled matter presently scheduled for Tuesday, October 27, 1959 will be held at 10:00 a.m. in Room 300, 3d floor, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa.

Dated: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8031; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket Nos. 12957-12959; FCC 59M-1204]

PIONEER BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Pioneer Broadcasting Company, Spanish Fork, Utah, Docket No. 12957, File No. BP-11678; Jack E. Falvey and Harry Saxe, d/b as Fortune Broadcasting, Salt Lake City, Utah, Docket No. 12958, File No. BP-12239; United Broadcasting Company (KVOG), Ogden, Utah, Docket No. 12959, File No. BP-12260; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 18th day of September 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., October 2, 1959.

Released: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8032; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket No. 12989]

STYLEMASTER LEATHERCRAFT CORP.

Notice of Place of Hearing

In the matter of cease and desist order to be directed to Stylemaster Leathercraft Corp., 520 West Broadway, New York 12, N.Y.

The hearing on the above-entitled matter presently scheduled for Wednesday, September 30, 1959, will be held at 2:00 p.m. in Room 611-A, U.S. Court House, Foley Square, New York, New York.

Dated: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8033; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket Nos. 12605, 12606; FCC 59-954]

WABASH VALLEY BROADCASTING CORP. AND LIVESAY BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12605, File No. BRCT-193, for renewal of license; Livesay Broadcasting Co., Inc., Terre Haute, Indiana, Docket No. 12606, File No. BPCT-2514, for construction permit.

1. The Commission has before it for consideration (1) a "Petition for Review of Examiner's Ruling; or to Enlarge Issues," filed by Livesay Broadcasting Co., Inc. (Livesay) June 22, 1959; (2) an opposition to said petition filed by Wabash Valley Broadcasting Corporation (WTHI-TV) July 2, 1959; (3) an opposition to said petition filed by the Broadcast Bureau July 6, 1959; and (4) a reply to both oppositions filed by Livesay July 10, 1959.

2. By Order released September 22, 1958, the Commission designated for hearing in a consolidated proceeding WTHI-TV's application for renewal of license to operate on Channel 10, Terre Haute, Indiana, and Livesay's application for a construction permit therefor. Among the issues specified by the Commission was the standard comparative issue. At the hearing, which began on June 15, 1959, Livesay sought to introduce into evidence an engineering exhibit showing its coverage as compared with that of WTHI-TV. This comparative coverage evidence was rejected by the Examiner on the ground that such a showing is without the scope of the standard comparative issue.

3. Livesay seeks reversal of this ruling, or, alternatively, enlargement of the issues to allow the introduction of comparative coverage evidence. Livesay contends that by virtue of the decision in Hall *v.* Federal Communications Commission (C.A.-D.C. 1956), 99 U.S. App. D.C. 86, 237 F. 2d 567, 14 RR 2009, "it is now clearly established that the Commission is required to consider the coverage proposed by mutually exclusive applications for television facilities in arriving at a decision as to which proposal would better serve the public interest, convenience and necessity." Livesay further contends that comparative coverage evidence must necessarily be considered in order for the Commission to make a meaningful evaluation of the "program proposals" of the applicants under existing Issue 5(c).

4. The Broadcast Bureau and WTHI-TV oppose the petition for review on the ground that comparative coverage evidence is allowed only on the basis of definitive issues. The Bureau points out that none of the decisions cited by Livesay abrogates the Commission's authority to regulate the scope and course of its hearing proceedings. WTHI-TV contends that a realistic comparison of the applicants' proposed service cannot be made unless WTHI-TV were able to show its proposed coverage. WTHI-TV complains that its plans for improvement of its Channel 10 facilities cannot be reflected in a renewal application.

5. It was never contemplated nor previously understood that comparative coverage evidence is within the scope of the standard comparative issue. None of the authorities upon which Livesay relies persuades us to the contrary. The ruling of the Examiner was correct, therefore we deny Livesay's request for reversal.

6. In the alternative, Livesay seeks enlargement of the issues. The hearing order herein was published in the FEDERAL REGISTER on September 25, 1958 (23 F.R. 7473). Under § 1.141 of the Commission's rules, 47 CFR 1.141, motions to enlarge issues must be filed not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER, unless good cause is shown for the delay in filing. Livesay's petition was filed June 22, 1959—eight months late. Livesay asserts that good cause is established by its "reasonable reliance" that the engineering showing it proposed to make was fully contained in and authorized by the Commission's Order designating the applications for hearing. There is no basis in law for such reliance, and we find, therefore, that good cause is not shown for the delay in filing the instant petition.

7. In the public interest, the Commission will enlarge the issues by adding the issue set forth below. Since WTHI-TV's application is for renewal of its license, its asserted plans for improving its present operation cannot be reflected therein. Therefore, for the purpose of determining the newly added issue, the Hearing Examiner may consider the coverage of WTHI-TV as proposed in an application for modification of its Channel 10 construction permit, if such application is filed with the Commission. Upon acceptance for filing, such application will be consolidated in the subject proceeding.

Accordingly, it is ordered, This 16th day of September 1959, that Livesay Broadcasting Co., Inc.'s petition for review of Examiner's ruling or to enlarge issues, filed June 22, 1959, is denied;

It is further ordered, That, on the Commission's own motion, the issues in this proceeding are amended to renumber issue 6 as issue 7, and to include as issue 6 the following:

6(a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under issues (a) and (b) above shall establish that either applicant will bring actual service to areas

and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-8034; Filed, Sept. 24, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 22, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35702: *Scrap or waste paper—Illinois territory to south.* Filed by Illinois Freight Association, Agent (No. 77), for interested rail carriers. Rates on scrap or waste paper as described, carloads from stations in Illinois territory on the Chicago & Illinois Midland Railway Company, Gulf, Mobile and Ohio Railroad Company, and Illinois Central Railroad Company to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 23 to Illinois Freight Association, Agent, tariff I.C.C. 919.

FSA No. 35703: *Coarse grains—Iowa points to Iron Range port cities.* Filed by Great Northern Railway Company, Agent (No. 1065), for itself. Rates on corn, oats, and soybeans, carloads from Hinton, Maurice, and Merrill, Iowa, to Duluth, Minn., and Superior, Wis., for export.

Grounds for relief: Motor truck competition.

Tariff: Supplement 39 to Great Northern Railway Company tariff I.C.C. A-8877.

FSA No. 35704: *Substituted service—CRI&P for Yellow Transit Lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 185), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Kansas City (Armourdale), Kans., on the one hand, and Houston, Tex., on the other, on traffic from or to points beyond the named points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35705: *Substituted service—C&NW for Glendenning Motorways, Inc. et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 187), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Sioux Falls, S. Dak., on traffic from or to points beyond the named points in territorics described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35706: *Substituted service—CGW for Pacific Intermountain Express Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 186), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between St. Paul, Minn., and St. Joseph, Mo., on traffic from or to points beyond the named points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35707: *Liquid caustic soda—Alabama points to points in Florida.* Filed by O. W. South, Jr., Agent (SFA No. A3843), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Evans City, McIntosh, Huntsville and Redstone Arsenal, Ala., to Jacksonville, South Jacksonville, and Palatka, Fla.

Grounds for relief: Market competition with Brunswick, Ga.

Tariff: Supplement 105 to Southern Freight Association, Agent, tariff I.C.C. 1536.

FSA No. 35708: *Substituted service—CRI & P for Yellow Transit Lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 184), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Kansas City (Armourdale), Kans., or St. Louis, Mo., on the one hand, and Kansas City (Armourdale), Kans., or Dallas, Tex., on the other, as indicated in the application from or to points beyond named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-8018; Filed, Sept. 24, 1959; 8:47 a.m.]

[Notice 194]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 22, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62306. By order of September 18, 1959, the Transfer Board approved the transfer to Harold Johnson, Alliance, Nebraska, of Certificates in Nos. MC 107932, MC 107932 Sub 2, MC 107932 Sub 3, and MC 107932 Sub 4, issued September 21, 1951, September 21, 1951, September 21, 1951, and July 29, 1952, respectively, to Henry Johnson and Edna Johnson, a partnership, doing business as Johnson Transport Service, Valentine, Nebraska, authorizing the transportation of liquid petroleum products, in bulk, in tank trucks, from Carter Lake and Council Bluffs, Iowa, to Springview and Valentine, Nebr., and rejected shipments on return, refined petroleum products, from refining and distributing points in Kansas, to Gordon, Cody, and Ainsworth, Nebr., petroleum products, in bulk, in tank vehicles, from Sioux City, Iowa, and points within 10 miles thereof, to Valentine, Nebr., and petroleum and petroleum products, in bulk, in tank trucks, from Sioux City, Iowa, and points in Iowa within 10 miles thereof, to Crookston, Nebr. James E. Ryan, 214 Sharp Building, Lincoln, Nebraska.

No. MC-FC 62387. By order of September 18, 1959, the Transfer Board approved the transfer to Wesley D. Conda and R. Frances Conda, a partnership, doing business as "Wesley Conda," R.F.D. No. 1, Boulder, Colorado, of Permit in No. MC 102410, issued July 30, 1958, to Irene Wright Lybarger, doing business as Homer and Irene Wright, 1013-7th Avenue, Longmont, Colorado, authorizing the transportation of: Ore and ore concentrates from Jamestown, Colo., and points within five miles thereof, to Boulder, Colo.

No. MC-FC 62417. By order of September 18, 1959, the Transfer Board approved the transfer to The Gray Line of Omaha Inc., doing business as Davis Bus Line, P.O. Box 1202, Omaha, Nebr., of Certificate No. MC 14146, issued December 12, 1949, to Helen S. Davis, doing business as Davis Bus Lines, 709 Court Street, Harlan, Iowa, authorizing the transportation of: Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, between Omaha, Nebr., and Des Moines, Iowa, with service to and from all intermediate points on the designated routes between Council Bluffs and Des Moines, including Council Bluffs, and to and from the off-route point of Audubon, Iowa from Hamlin, Iowa over U.S. Highway 71, and return over the same route.

No. MC-FC 62519. By order of September 18, 1959, the Transfer Board approved the transfer to Reliable Van Service, Inc., Lexington, Ky., of Certificate No. MC 106369, issued November 2, 1950, to Howard Dickey, Lexington, Ky., authorizing the transportation of: Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in the care and exhibition of such horses, mascots and the personal effects of their attendants, trainers and exhibitors, between points in Illinois, Indiana, Kentucky, Michigan, and Ohio. Tom Underwood, Jr., 507 Security Trust Building, Lexington, Ky., for applicants.

No. MC-FC 62526. By order of September 18, 1959, the Transfer Board approved the transfer to W. A. Barkhurst, doing business as Barkhurst Truck Line, Tipton, Iowa, of a Certificate in No. MC 114285 Sub 2 issued August 17, 1954, to L. J. Hayslett, doing business as Werling Truck Line, Tipton, Iowa, authorizing the transportation of fertilizer, from Prairie Du Chien, Wis., to points in Cedar and Johnson Counties, Iowa. William A. Landau, 1307 East Walnut Street, Des Moines, 16, Iowa.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-8019; Filed, Sept. 24, 1959; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 23, 1959

S. 1845 ---------- Public Law 86-370
An Act to provide for the reestablishment of the rates of basic compensation for certain Government positions, and for other purposes.

S. 2282 ---------- Public Law 86-371
An Act to amend the Act of July 17, 1952.

S. 2568 ---------- Public Law 86-373
An Act to amend the Atomic Energy Act of 1954, as amended, with respect to cooperation with States.

S. 2654 ---------- Public Law 86-372
An Act to extend and amend laws relating to the provision and improvement of housing and the renewal of urban communities, and for other purposes.

H.R. 47 ---------- Public Law 86-376
An Act to amend the Internal Revenue Code of 1954 to provide a personal exemption for children placed for adoption and to clarify certain provisions relating to the election of small business corporations as to taxable status.

H.R. 5711 ---------- Public Law 86-375
An Act granting the consent and approval of Congress to the Wabash Valley Compact, and for related purposes.

H.R. 6059 ---------- Public Law 86-377
An Act to provide additional civilian positions for the Department of Defense for purposes of scientific research and development relating to the national defense, to improve the management of the activities of such Department, and for other purposes.

H.R. 7244 ---------- Public Law 86-374
An Act to promote and preserve local management of savings and loan associations by protecting them against encroachment by holding companies.

H.R. 7605 ---------- Public Law 86-369
An Act for the relief of the State of Oklahoma.

H.R. 8392 ---------- Public Law 86-378
An Act to amend the District of Columbia Stadium Act of 1957 with respect to motor-vehicle parking areas, and for other purposes.

H.R. 8464 ---------- Public Law 86-379
An Act to amend the Act of October 24, 1951, to provide salary increases for the police for the National Zoological Park.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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FEDERAL REGISTER

VOLUME 24 NUMBER 189

Washington, Saturday, September 26, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER D—SOIL AND WATER CONSERVATION LOANS

[FHA Instruction 442.1, Adm. Letter 544(440)]

PART 351—POLICIES AND AUTHORITIES

Miscellaneous Amendments

1. The citations of authority covering §§ 351.1 to 351.6 are revised to read as follows:

AUTHORITY: §§ 351.1 to 351.6 issued under sec. 2, 50 Stat. 869, as amended, secs. 5, 6, 50 Stat. 870, secs. 9, 10, 68 Stat. 735, sec. 11, 72 Stat. 841; 16 U.S.C. 590s, 590v, 590w, 590x-2, 590x-3, 590x-4; Order of Acting Sec. of Agri., 19 F.R. 74, 77; 22 F.R. 8188. Additional authority is cited in parentheses following the sections affected.

2. Section 351.1, Title 6, Code of Federal Regulations (20 F.R. 1962, 21 F.R. 1226, 22 F.R. 9409, 23 F.R. 161) is revised to define the types of loans, prescribe the preference for making insured loans over direct loans, to make certain other minor changes, and to read as follows:

§ 351.1 General.

This part outlines the policies and authorities for making insured and direct Soil and Water Conservation loans under the Act of August 28, 1937, as amended. As used herein, the term "insured loan" means a loan made from funds furnished by lenders and insured by the Government at the time of closing, or a loan made from the insurance fund pursuant to Public Law 85-748 (72 Stat. 890), and insured by the Government subsequent to closing, or both, as appropriate. "Direct loan" means a loan made from funds authorized annually by the Congress. The making of loans to Indians, and permitees and lessees on Indian trust lands, is subject to the additional policies and procedures contained in Part 392 of this chapter.

(a) *Objectives.* The basic objectives of Soil and Water Conservation loans are to encourage and facilitate the improvement, protection, and proper use of farm land by providing adequate financing for soil conservation; water development, conservation, and use; forestation; drainage of farm land; the establishment and improvement of permanent pasture; and other related measures.

(b) *Insured loan preference.* Whenever possible, the credit needs of an applicant will be met with an insured loan. If a local or state lender is not available, the loan may be made from the insurance fund provided (1) funds are available, and (2) the loan is not less than $8,000.

(c) *Veterans' preference.* Veterans will be given preference for Soil and Water Conservation loans. When it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans will be processed first.

(d) *Compliance with special laws and regulations.* Applicants for Soil and Water Conservation loans will be required to comply with Federal, State, and local laws and regulations governing diverting, appropriating, and using water; installing facilities for draining land; and making changes in the use of land affected by zoning regulations.

(1) In making a Soil and Water Conservation loan involving the use of surface water by an applicant in states where the right to use such water is not granted or controlled pursuant to State statutes, it should be determined that one or more of the following conditions are or will be present:

(i) Water will be diverted from a major stream on which the use of water will not likely be contested or enjoined.

(ii) The ultimate success of the applicant's farming operations and the repayment of the loan will not be dependent upon the water supply diverted

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from a minor stream on which the continued use of water could be denied, and the applicant will give sufficient security to protect the interest of the Government. In such instances, real estate taken as security for the loan should be appraised without taking into account the value of the farm from improvements to be financed with the Soil and Water Conservation loan.

(iii) Flood waters will be diverted and impounded in an offstream storage reservoir without conflict with the rights of other users.

(iv) The applicant can furnish evidence of existing uses of the proposed source of water and evidence to provide reasonable assurance that his proposed diversion and use of water from streams, lakes, springs, or other sources will not interfere with any vested water right and will not likely be contested or enjoined by other water users or riparian owners.

(2) If under the provision of State law, notice of the proposed diversion and use of water by the applicant may be filed even though such filing is not a prerequisite to the diversion or use of the water, the applicant will be required to file such notice. Even though such record may be optional under State law, the record might be of value at some future time to protect the borrower's rights or priority to the use of water should it ever be necessary to prove the date on which the water was placed in beneficial use.

(3) When required by State law, permission to construct water and drainage facilities and the approval of plans and specifications for such facilities will be obtained from appropriate State officials.

(4) When planned improvements to be financed with Soil and Water Conservation loans will result in a conflict with restrictions on the use of land in zoned areas, the applicant will be required to obtain permission from appropriate State officials to make such improvements.

(e) *Compliance with recommended practices.* Soil and Water Conservation loans may be made only to establish or apply soil conservation, water development or use, or drainage practices that are in accord with recommendations made by the State Agricultural Extension Service or the Soil Conservation Service.

(f) *County Committee certifications.* No Soil and Water Conservation loan will be made unless the County Committee certifies that the applicant is eligible for such assistance. When the farm to be improved is taken as security for an individual loan, the Committee will certify as to the fair and reasonable value of the farm based on its normal market value after the contemplated improvements are made.

(g) *Relationship of Soil and Water Conservation loans to Farm Ownership and Operating loans.* Each eligible applicant should be encouraged to obtain the type of Farmers Home Administration loan best suited to his needs. Soil and Water Conservation loans will be made only to those applicants whose special credit needs properly can be met under Soil and Water Conservation loan authorities.

(1) The land improvement and water development credit needs of applicants who are receiving either initial or subsequent Operating loans generally will be met with Operating loans. However, where substantial amounts for such purposes are involved, a Soil and Water Conservation loan may be made to a borrower indebted for an Operating loan or in connection with an initial Operating loan.

(2) A Soil and Water Conservation loan will not be made to an applicant who is receiving a Farm Ownership loan. When an applicant who is eligible for a Farm Ownership loan needs credit for building improvement, as well as land improvement or water development, his total needs should be met with a Farm Ownership loan.

(3) Generally, additional land improvement and water development needed by a Farm Ownership borrower will be met with a subsequent Farm Ownership loan. However, when such costs are relatively small, a Soil and Water Conservation loan may be made to a Farm Ownership borrower provided the loan approval official determines that the sum of the Soil and Water Conservation loan, less any amount to be used for the purchase of chattel property, and the unpaid balance of the Farm Ownership loan and prior lien, if any, will not exceed the loan limitations that would be applicable if a subsequent Farm Ownership loan were being made.

3. Paragraphs (b)(2) (xi) and (xii), (d), (e), (f), and (j) of § 351.2, Title 6, Code of Federal Regulations (20 F.R. 1962, 21 F.R. 1226, 7929, 9757, 23 F.R. 10507, 24 F.R. 6831) are revised to clarify the limitation on debts incurred prior to loan closing, make certain changes with respect to the application of Agricultural Conservation Program payments to borrowers' accounts, reflect changes in the interest rate, limit the making of insured loans to an amount not in excess of 90 percent of the value of the security less prior liens, provide for taking severance agreements under certain conditions, change the basis on which the County Committee will determine the value of farms, and to read as follows:

§ 351.2 Loans to individuals.

* * * * * * *

(b) *Use of loan funds.* * * *

(2) * * *

(xi) That part of the cost of facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation Program and which can be covered by purchase orders or assignments to material suppliers, contractors, and so forth. Soil and Water Conservation loan funds may be advanced to cover all or part of the cost of work for which the Agricultural Conservation Program payment will be made only when it is not possible to use purchase orders or such assignments. In such instance, the borrower will be required to assign to the Farmers Home Administration all or that portion of the Agricultural Conservation Program payment to be earned for practices for which Soil and Water Conservation loan funds are advanced whenever the amount of the assignment likely will be more than $100. Such payment generally will be applied to the Soil and Water Conservation account as an extra payment; however, if the borrower will not have sufficient income from other sources to make the payment on his Soil and Water Conservation loan, all or a portion of the Agricultural Conservation Program payment may be used to pay any amount behind schedule plus the amount due for the year. Such Agricultural Conservation Program payment will not be used to get a borrower ahead of schedule.

(xii) Debts incurred prior to the closing of a Soil and Water Conservation loan, except fees for legal, engineering, and other technical services. The County Supervisor, not later than the time of planning farm improvements, will advise each applicant that construction work should not be started and debts for such work or materials should not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the State Director may authorize in writing the use of Soil and Water Conservation funds to pay such debts only when he finds that all the following conditions exist: The debts were incurred after the applicant filed a written application for a loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed; the applicant is unable to pay such debts from his own resources and to obtain credit from other sources, and failure to authorize the use of Soil and Water Conservation funds to pay such debts would impair the applicant's financial position; the debts were incurred for authorized Soil and Water Conservation loan purposes; and the construction or repair work conforms to that shown on Form FHA-643, "Farm Development Plan."

* * * * * * *

(d) *Rates and terms*—(1) *Interest rates.* (i) For insured loans, the interest rate will be 5 percent per year on the unpaid principal. However, the Administrator and individual lenders may agree

on the making of loans at a lower interest rate. The Government will retain out of interest payments an annual charge which in no case will be less than 1 percent per year on the unpaid principal.

(ii) For direct Soil and Water Conservation loans, the interest rate will be 5 percent per year on the unpaid principal.

(2) *Repayments.* Each Soil and Water Conservation loan will be scheduled for repayment within the shortest period consistent with the ability of the borrower to pay. No loan secured only by a chattel lien will be scheduled for repayment over a period which exceeds the anticipated useful life of the security. In no case will the repayment period exceed 20 years from the date of the first installment.

(i) Payments will be scheduled annually on January 1 starting with the first January 1 following the date of loan closing.

(ii) Soil and Water Conservation loans will be amortized in equal annual installments, except that:

(*a*) For a direct loan or an insured loan by a private lender or from the insurance fund, the first installment may be for an amount equal to the interest to become due from the date of the note to the next January 1 whenever it appears the borrower will not have sufficient funds to pay a full amortized installment prior to the first January 1 following the date of loan closing. In no case, however, will the first installment be an amount less than one dollar.

(*b*) For a direct loan or an insured loan by a private lender, if the lender is agreeable, the first two or the first three installments may be for an amount equal to the interest to become due on the note when major improvements are planned in connection with the Soil and Water Conservation loan, and the borrower's estimated net income after paying necessary expenses is insufficient to pay a full amortized installment for any of these years.

(iii) Each Soil and Water Conservation borrower may make payments in any amount at any time. If the regular payments exceed the cumulative amount due on the note, such excess payments will be applied on installments next to become due in future years. In the case of insured loans, no payment will be made from the insurance fund to the holder of the note unless the cumulative amount of regular payments made on the note is less than the cumulative amount due as of January 1.

(iv) Payments, other than amounts owed the insurance fund, made on an insured Soil and Water Conservation loan will be credited to the borrower's account as of the date the payment is remitted to a holder of the note. Payments made during a calendar quarter will be remitted to the holder of the note at the end of the quarter, except that when payments received in the Finance Office during a calendar quarter aggregate $200 or more they will be remitted to the holder, and payments of past-due amounts on the note received in the Finance Office before the holder is paid from the insurance fund will be remitted to the holder.

(3) *Refinancing loans.* Each borrower will be required to refinance the unpaid balance of this Soil and Water Conservation loan when he is able to obtain a loan for this purpose at reasonable rates and terms from a responsible private or cooperative source of credit.

(e) *Loan limitations.* (1) Soil and Water Conservation loans (initial or subsequent) will not be approved to any individual which will result in the principal indebtedness of the individual for Soil and Water Conservation loans (including prior Water Facilities loans) exceeding $25,000. The total amount of loans to individuals who own or operate a farm jointly also is limited to $25,000 principal indebtedness for Soil and Water Conservation loans (including prior Water Facilities loans).

(2) Insured loans will not be approved to any individual in excess of 90 percent of the value of the security less any prior lien indebtedness.

(f) *Security requirements*—(1) *General.* All Soil and Water Conservation loans will be secured in a manner which adequately will protect the interest of the Government.

(i) Loans to be repaid in not more than seven years from the date of the first installment may be secured by a lien on either real estate or chattel property or both.

(ii) Loans to be repaid in more than seven years from the date of the first installment ordinarily will be secured by the best lien obtainable on the farm to be improved. When necessary, a lien also may be taken on other real estate or on chattel property as additional security.

(iii) Loans also may be secured by pledges or assignments of water stock, irrespective of the number of years over which the loan will be repaid.

(2) *Chattel property.* A lien may be taken on selected items of chattel property when such a lien will not interfere seriously with the applicant's obtaining needed operating credit.

(i) When only a chattel lien is taken as security for a Soil and Water Conservation loan, it ordinarily will be a first lien. In an exceptional case, a lien subject only to the lien held by one other creditor or the Farmers Home Administration may be taken on chattel property, provided all of the following conditions exist:

(*a*) The Soil and Water Conservation indebtedness of the borrower will not exceed $1,500.

(*b*) The Soil and Water Conservation loan will be repaid in not more than three years from the date of the first installment.

(*c*) The applicant clearly has equity in the chattels to be given as security in excess of the amount of the Soil and Water Conservation loan.

(ii) When only a chattel lien is taken as security for a Soil and Water Conservation loan, a first lien will be taken on major items of machinery or equipment purchased with loan funds. If any such items are or will become attached to the real estate, a severance agreement will be obtained in connection with securing the chattel lien.

(iii) In some States original notes evidencing Soil and Water Conservation loans cannot be scheduled for payment over the payment periods which may be needed by some applicants because chattel liens in those States are not valid for that period of time. The State Director for such a State will develop a state instruction for taking a chattel lien as security for a loan to be repaid within a period longer than the period for which a chattel lien is valid in the State.

(3) *Real estate.* (i) When real estate is taken as security and the value of the security is adequate to secure the Soil and Water Conservation loan, a chattel lien need not be taken.

(ii) When real estate is taken as security and the value of the security is not adequate to secure the Soil and Water Conservation loan, the best lien obtainable will be taken on selected items of chattel property as additional security, except in such cases a first lien will be taken on chattel property purchased with loan funds. When the Farmers Home Administration real estate lien securing the Soil and Water Conservation loan is junior to another lien and major items of machinery and equipment are to be purchased with loan funds and such items are or will become attached to the real estate, a severance agreement will be obtained in connection with securing the chattel lien.

(iii) When real estate is taken as security and the applicant owns or will acquire water rights, a lien will be taken on such rights. When the right to receive water is represented by stock or membership in an association, such stock or membership will be assigned or pledged in addition to the lien on real estate.

(4) *Water stock.* When a loan is made only for the purchase of shares of water stock, such stock will be pledged or assigned as security for the loan. No other security may be required if the stock represents a right to receive water for irrigation purposes, if it can be resold readily by the pledgee or assignee, and if the purchase price is no greater than the price at which stock in the particular company is normally sold.

(5) *Special requirements.* (i) All liens on real estate will be taken subject to the title requirements of Soil and Water Conservation loans to individuals.

(ii) A lien will be taken also on the rights-of-way and easements owned or acquired by the borrower for use in connection with the proposed improvement or facility, if it is necessary to do so in order to protect adequately the Government's financial or security interests. For example, if a mortgage is taken on a farm, the mortgage should include any rights-of-way appurtenant thereto or to be used in connection therewith. Likewise, if a mortgage is taken on a pipeline located on a right-of-way, a mortgage should also be taken on the right-of-way. Applicants will obtain partial releases or consents to easements and rights-of-way across privately owned tracts of land from any holder of outstanding liens disclosed by title evidence.

(iii) When a junior lien is taken on real estate, the prior mortgage must not contain future advance provisions, repayment schedules that the borrower cannot meet in addition to repaying his Soil and Water Conservation loan, or any other provisions which might jeopardize the security position of the Government and the borrower's ability to repay the Soil and Water Conservation loan, unless the creditor agrees to modify, waive, or subordinate the undesirable features of his mortgage. The prior lien must be properly recorded and permit assignment or transfer.

(iv) If the borrower is a purchase contract holder, his farm may be accepted as security for a Soil and Water Conservation loan if, under the terms of his contract, he has a mortgageable interest in his property, the contract is not subject to summary cancellation upon default, and it meets the other requirements outlined in the preceding subdivision.

(v) When a Soil and Water Conservation loan is to be secured by jointly-owned property and the loan is made to one or more of the joint owners, all of the joint owners will be required to execute the Soil and Water Conservation mortgage, but only the person or persons receiving the loan will be required to execute the note.

(vi) When a loan is made to a corporation engaged in farming, the Soil and Water Conservation note and mortgage will be executed by the appropriate officials on behalf of the corporation and, in order to evidence their personal obligation for the debt, the note will be executed by each person holding as much as ten percent of the stock in the corporation.

* * * * *

(j) *Appraisals.* For each Soil and Water Conservation loan secured by a lien on the farm to be improved, the County Committee will certify as to the fair and reasonable value of the farm based on its normal market value after the contemplated improvements are made.

Dated: September 22, 1959.

C. WILDER SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-8057; Filed, Sept. 25, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

PART 996—MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999—MILK IN WORCESTER, MASS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the orders regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), the Springfield, Massachusetts, marketing area (7 CFR Part 996), and the Worcester, Massachusetts, marketing area (7 CFR Part 999), it is hereby found and determined that:

(a) For the month of October 1959 all the provisions of § 904.48(b), § 996.48(b) and § 999.48(b) of the respective orders, except the provision "The supply-demand adjustment factor shall be" and the provision ".90" as they appear in subparagraph (4) no longer tend to effectuate the declared policy of the Act.

The supply-demand adjuster, as set forth in section 48(b) of the respective orders, is intended to reflect in the computation of the New England basic Class I price for the current month the current regional supply-demand balance based on experience in the second and third preceding months as measured by conditions existing in the Greater Boston, Springfield and Worcester markets. Plants have shifted from the previously regulated markets to the Southeastern New England and Connecticut markets with the institution of regulation in those markets and there has been some shifting of Class I sales among markets. These developments have resulted in an apparent shortening of the regional supply as measured by the mechanics of the supply-demand adjuster in the Greater Boston, Springfield and Worcester orders. However, all available information indicates that, in fact, there has been no significant change in the actual supply-demand situation in the region. Failure to suspend the provisions quoted hereinbefore may result in a Class I price for the month of October 1959 in the five New England Federal order markets higher than would otherwise prevail. Any price higher than that which would result from this action would be higher than that necessary to provide an adequate supply of pure and wholesome milk would not be compatible with the intended seasonality of pricing, would be higher than justified by the actual supply-demand situation and would not be appropriately aligned with prices in the nearby New York-New Jersey market.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are not practical, not necessary, and contrary to public interest in that:

(1) This suspension order does not require of persons effected, substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in each of the respective marketing areas.

Therefore, good cause exists for making this order effective October 1, 1959.

It is therefore ordered, That the aforesaid provisions of the aforesaid orders are hereby suspended effective September 1, 1959 for the month of October 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 23d day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-8055; Filed, Sept. 25, 1959; 8:47 a.m.]

[Valencia Orange Reg. 184]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.484 Valencia Orange Regulation 184.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special prep-

aration on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 24, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 27, 1959, and ending at 12:01 a.m., P.s.t., October 4, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 924,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8157; Filed, Sept. 25, 1959; 11:36 a.m.]

[Lemon Reg. 812]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.919 Lemon Regulation 812.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 27, 1959, and ending at 12:01 a.m., P.s.t., October 4, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8113; Filed, Sept. 25, 1959; 9:40 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Spiced Cheeses, Cold-Pack Cheese, and Cold-Pack Cheese Food; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of August 13, 1959 (24 F.R. 6581), and the amendments promulgated by that order will become effective on October 12, 1959.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 21, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-8048; Filed, Sept. 25, 1959; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Chemicals Corporation, 30 East Forty-second Street, New York, New York, requesting the establishment of a tolerance for residues of 1-naphthyl *N*-methylcarbamate in or on cottonseed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (24 F.R. 1982, 24 F.R. 2982) are amended by changing § 120.169 to read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

Tolerances are established for residues of 1-naphthyl *N*-methylcarbamate, including its hydrolysis product 1-naphthol calculated as 1-naphthyl *N*-methylcarbamate, in or on raw agricultural commodities, as follows:

(a) 10 parts per million in or on apples, beans, grapes, peaches, pears.

(b) 5 parts per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: September 22, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-8058; Filed, Sept. 25, 1959; 8:48 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—MANAGEMENT OF WILDLIFE CONSERVATION AREAS

PART 17—LIST OF AREAS

National Wildlife Refuges

CROSS REFERENCE: For order modifying the boundaries of the Wheeler National Wildlife Refuge, as established by Executive Order 7926 of July 7, 1938 (§ 17.3), see Public Land Order 1988 in the Appendix to Title 43, Chapter I, *supra*.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8333; FCC 59-970]

PART 3—RADIO BROADCAST SERVICES

Daytime Skywave Transmissions

MISCELLANEOUS AMENDMENTS

In the matter of promulgation of rules and regulations and standards of good Engineering Practice concerning Daytime Skywave Transmissions of Standard Broadcast Stations, Docket No. 8333.

1. This proceeding was instituted by a Notice of Proposed Rule Making adopted May 8, 1947, "to receive evidence concerning the existence and extent of daytime skywave transmissions of Standard Broadcast Stations and to promulgate whatever rules and regulations may be necessary." The purpose, then, of this proceeding is to determine:

(1) The existence and extent of skywave transmissions of standard broadcast stations during daylight hours;

(2) Whether, in light of the Commission's basic allocation policies, stations receive an adequate degree of protection from such interference as may be caused by daytime skywave transmissions;

(3) If they do not, whether the Commission's rules should be revised to accord additional protection from such interference.

In March 1954 a Proposed Report and Order herein was adopted, announcing certain tentative conclusions which are referred to below (see FCC 54–333, 10 Pike & Fischer R.R. 1541).

2. Section 303(f) of the Act provides inter alia that the Commission shall "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations." By this section, the Commission is delegated the authority to determine the extent to which stations shall be protected against interference, and, concomitantly the authority to determine the extent to which interference between stations shall be permitted to exist. This broad delegation leaves within our discretion (subject to the always-present criterion of the public interest) both the determination of what degree of interference shall be considered excessive, and the methods by which such excessive interference shall be avoided.[1]

3. The present proceeding is concerned with the standard broadcast (AM) band, from 540 kc to 1600 kc. Whenever two or more standard broadcast stations operate simultaneously on the same or closely adjacent frequencies, each interferes to some extent with reception of the other. The extent of such interference—which may be so slight as to be undetectable at any point where either of the stations renders a usable signal, or may be so great as to virtually destroy the service areas of both stations—depends on many factors, among the principal ones being the distance between the stations, their respective radiated power, and, of particular significance here, the time of day. Other factors playing a part in the extent of AM service and interference are the frequency involved, the time of year, the position of the year in the sunspot cycle, ground conductivity along the transmission path, atmospheric and man-made noise, and others. With the existence of these many factors, some of them variable, it obviously has never been and is not now possible for the Commission to make assignments of AM stations on a case-to-case basis which will ensure against any interference in any circumstances. Rather, such assignments are made, as they must be, on the basis of certain over-all rules and standards, representing to some extent a statistical approach to the problem, taking into account for each situation some of the variables (e.g. power and station separations) and averaging out others in order to achieve the balance which must be struck between protection against destructive interference and the assignment of a number of stations large enough to afford optimum radio service to the nation. An example of the over-all standards applied is the 20-to-1 ratio established for the determination of that degree of co-channel interference which is regarded as objectionable. By this standard, it is determined that where two stations operating on the same frequency are involved, objectionable interference from Station A exists at any point within the service area of Station B where Station A's signal is of an intensity 1/20th or more of the strength of Station B's signal at that point.

4. The 20-to-1 ratio for co-channel interference embodies one of the fundamental limiting principles which we must always take into account in AM assignments and allocations—that signals from a particular station are potential sources of objectionable interference over an area much greater than that within which they provide useful service. A second fundamental principle is that involved particularly in the present proceeding—the difference between nighttime and daytime propagation conditions with respect to the standard broadcast frequencies. This is a phenomenon familiar to all radio listeners, resulting from reflection of skywave signals at night from the ionized layer in the upper atmosphere known as the ionosphere. All AM stations radiate both skywave and groundwave signals, at all hours; but during the middle daytime hours these skywave radiations are not reflected in any substantial quantity, and during this portion of the day both skywave service and skywave interference are, in general, negligible. But during nighttime hours the skywave radiations are reflected from the ionosphere, thereby creating the possibility of one station's rendering service, via skywave, at a much greater distance than it can through its groundwave signal, and at the same time vastly complicating the interference problem because of the still greater distance over which these skywave signals may cause interference to the signals of stations on the same and closely adjacent frequencies. Because of the difference between daytime and nighttime propagation conditions, it has been necessary to evolve different allocation structures for daytime and nighttime broadcasting in the AM band, with many more stations operating during the day than at night.

5. It was recognized years ago that the transition from daytime to nighttime propagation conditions, and vice versa, is not an instantaneous process, but takes place over periods of time from roughly two hours before sunset until about two hours after sunset, and again from roughly two hours before sunrise until some two hours after sunrise. During the period of about four hours around sunset, skywave transmission conditions are building up until full nighttime conditions prevail; during the same period around sunrise skywave transmission is declining, until at about two hours after sunrise it reaches a point where it becomes of little practical significance. However, in this case as elsewhere it was necessary to arrive at a single standard to be applied to all situations, rep-

[1] The material which was for many years contained in the Commission's "Standards of Good Engineering Practice Concerning Standard Broadcast Stations" was in 1955 incorporated into Part 3 of our rules, as §§ 3.181 to 3.190 thereof.

resenting an averaging of conditions, and thus to fix particular points in time which would be considered the dividing points between daytime and nighttime conditions. It was determined that the hours of sunrise and sunset, respectively, should be used for this purpose. Accordingly, the 1938–1939 rules adopted these hours as limitations upon the operation of daytime stations. Class II stations operating on clear channels are required to cease operation or operate under nighttime restrictions beginning either at local sunset (for daytime Class II stations) or sunset at the location of the dominant Class I station where located west of the Class II stations (for limited-time Class II stations).

The same restrictions apply after local sunset in the case of Class III stations operating on regional channels, which after that time are required to operate under nighttime restrictions in order to protect each other. With respect to nighttime assignments, the degree of skywave service and interference is determined by skywave curves (Figs. 1 and 2 of § 3.190 of the rules) giving average skywave values. These curves were derived by an analysis of extensive skywave measurement data. It was recognized that skywave signals, because of their reflected nature, are of great variability and subject to wide fluctuations in strength. For this reason, the more uncertain skywave service was denominated "secondary" in our rules, as compared to the steadier, more reliable groundwave "primary service", and, for both skywave service and skywave interference, signal strength is expressed in terms of percentage of time a particular signal-intensity level is exceeded—50 percent of the time for skywave service, 10 percent of the time for skywave interference.

ALLOCATION POLICIES

6. As mentioned, the allocation of AM stations represents a balance between protection against interference and the provision of opportunity for an adequate number of stations. The rules and policies to be applied in this process of course must be based on objectives which represent what is to be desired if radio service is to be of maximum use to the nation. Our objectives, as we have stated many times, are:

(1) To provide some service to all listeners;

(2) To provide as many choices of service to as many listeners as possible;

(3) To provide service of local origin to as many listeners as possible.

Since broadcast frequencies are very limited in number, these objectives are to some extent inconsistent in that not all of them can be fully realized, and to the extent that each is realized, there is a corresponding reduction of the possibilities for fullest achievement of the others. Accordingly, the Commission has recognized that an optimum allocation pattern for one frequency does not necessarily represent the best pattern for other frequencies, and has assigned different frequencies for use by different classes of stations. Some 45 frequencies are assigned for use primarily by dominant Class I–A or Class I–B clear channel stations, designed to operate with adequate power and to provide service—both groundwave and (at night) skywave—over large areas and at great distances, being protected against interference to the degree necessary to achieve this objective. In dealing with these frequencies, the objective listed first above—provision of service to all listeners—was predominant; the other objectives were subordinated to it. The Class I stations on these clear channels are protected to their 0.1 mv/m groundwave contours against daytime co-channel interference. With respect to skywave service rendered at night, Class I–A stations are the only stations permitted to operate in the United States on clear channels specified for Class I–A operation, and so render skywave service free from co-channel interference wherever they may be received; Class I–B stations are protected at night to their 0.5 mv/m 50 percent time skywave contours against co-channel interference. Since the provision of skywave service requires adequate freedom from interference only Class I stations are capable of rendering skywave service. But nighttime operation by stations of other classes of course entails skywave interference to groundwave service, interference which is substantial unless steps are taken to minimize it.

7. With respect to other frequencies, these are designated as regional or local, and assigned for use by Class III and Class IV stations, respectively, stations operating generally with lower power. In the allocation pattern worked out for these frequencies, the provision of long-range service has to some extent been subordinated to the other two objectives—assignment of multiple facilities, and assignment of stations in as many communities as possible.

8. As mentioned, the primary allocation objective to be followed in the allocation of stations on clear channels is the provision of widespread service, free from destructive interference. During nighttime hours, because of the intense skywave propagation then prevailing, no large number of stations can be permitted to operate on one of these channels, if the wide area service for which these frequencies are assigned is to be rendered satisfactorily by the dominant stations which must be relied upon to render it. Therefore, under our long-standing allocation rules, on some of these channels no station other than the dominant (Class I–A) station is permitted to operate at night, so that the I–A station can render service, interference-free, wherever it can be received. On the remainder of the clear channels, the dominant (Class I–B) stations are protected as described above, and the relatively small number of secondary (Class II) stations permitted to operate on these channels at night are required to operate directionally and/or with reduced power so as to protect the Class I stations. In the daytime, on the other hand, since skywave transmission is relatively inefficient, it is possible to assign a substantially larger number of stations on these channels. Additional Class II assignments for daytime operation can be made without causing destructive interference to the Class I stations or to each other, and by their operation provide additional service on these channels and additional local outlets for a large number of communities. Such additional daytime Class II assignments are appropriate if optimum use is to be made of these frequencies, and the Commission has over the years made a large number of them. Similarly, on the regional channels many Class III stations have been assigned either to operate daytime only or to operate nighttime with directional antennas and/or lower power.

9. Essentially, the question presented for decision in the present Daytime Skywave proceeding is whether our decision (in 1938–1939) to assign stations on the basis of daytime conditions from sunrise to sunset, is sound as a basis for AM allocations, or whether, in the light of later developments and new understanding, skywave transmission is of such significance during the hours immediately before sunset and after sunrise that this condition should be taken into account, and some stations required to afford protection to other stations during these hours.

THE HISTORY OF THE PROCEEDING

10. The decision reached in 1938–1939 was made after the accumulation of a large amount of data and thorough study thereof. Since then, there has been a notable increase in the number of stations and also the accumulation of additional data and the development of new techniques for using it, leading to a better understanding of propagation phenomena. In 1947, affidavits were filed with the Commission by various clear channel stations alleging that extensive interference was being caused to the service areas of these stations during daylight hours, from Class II stations whose signals were being reflected from the ionosphere so as to create skywave interference. These assertions were the basis of appeals to the United States Court of Appeals for the District of Columbia, which in one case, on the basis of the claims, stayed the effectiveness of a construction permit issued by the Commission. In the light of these complaints and the increase in knowledge, the Commission recognized the need for a re-evaluation of the problems arising during these transitional hours. Accordingly, in May 1947 the Notice of Proposed Rule Making in this proceeding was adopted. Hearings were held before a Board of Commissioners in June 1947. In December 1947 the Commission consolidated this matter with the Clear Channel proceeding (Docket 6741) and Oral Argument was held before the Commission in both proceedings. In August 1953 the Commission severed the present proceeding from Docket 6741.

THE 1954 REPORT AND ORDER, AND SUBSEQUENT DEVELOPMENTS

11. On March 11, 1954, we adopted herein a Proposed Report and Order and Notice of Proposed Rule Making. Therein, we described at length the background and history of this matter, and announced certain tentative conclusions. These may be summarized as follows: (1) the record shows that skywave transmission during the transitional hours before sunset and after sunrise is of significant amount, and hence Class II stations cause considerable interference in some cases during these hours to Class I stations operating on the same frequency (the case of Station WCKY, Cincinnati, was noted particularly); (2) it is appropriate to consider correcting limitations only with respect to protection of Class I stations, since the record compiled herein dealt chiefly with interference to such stations and since, furthermore, the reason compelling the readjustment is the necessity of affording some service to all areas and population. This is a primary objective in the allocation of Class I stations which are not intended to be subjected to extensive interference, whereas in allocation of other classes of stations other objectives are of more importance and interference is tolerated to a greater extent; (3) Class I stations should be protected on the basis of conditions as of sunset minus two hours, further limitation on Class II stations being too restrictive and this one representing a reasonable balance; (4) such limitation should be confined to the period of two hours before sunset and two hours after sunrise, and not extended through the remainder of the daylight period, because any additional protection during these hours is needless and unwarranted; (5) the protection of Class I stations against skywave interference during these daylight hours, which is in addition to whatever protection is afforded by our present rules concerning groundwave service and interference, should be limited to protection from co-channel skywave interference, since any adjacent-channel interference at SS minus 2 hours is so slight as not to require any protection rule; (6) with respect to all hours of the day other than the two hours before sunset and two hours after sunrise, existing rules would apply to assignment and the determination of interference, including use of the existing skywave curves for determination of nighttime radiations.

12. To implement these conclusions, we proposed the adoption of certain curves and a table (see Report and Order of March 11, 1954, Appendix II), from which there could be computed the maximum permissible radiation from a Class II station, on a given frequency and at a given distance and azimuth from the 0.1 mv/m groundwave contour of the co-channel Class I station, in the direction of that station, during the two hours before sunset and two hours after sunrise. The computation process involved determining from two sets of curves two figures of millivolts per meter (varying with distance from the Class I station's 0.1 mv/m contour and azimuth between the stations), multiplying each of these figures by a constant given for each frequency, and adding the sum of the two products thus obtained, to get the permissible radiation for the Class II station at the given distance and azimuth and on the given frequency. Through the use of these curves, the effect of frequency is taken into account in each individual case. We noted that the record shows that skywave transmission and interference are substantially greater at higher frequencies; therefore, in order to equalize interference conditions across the band (which is desirable especially because Class I stations on the higher clear channels are limited in their groundwave service because of poorer groundwave propagation) more restriction on Class II stations is required in the higher frequencies than on the lower channels.

13. Our Proposed Report and Order contained other proposals, relating to termination of the operation by limited-time Class II stations located east of the dominant Class I station during the "bonus hours" between local sunset at the location of the Class II station and sunset at the location of the Class I station, and relating to a partial lifting of the "freeze" on the processing of applications for facilities on clear channels. With respect to the scope of our proposed revisions, in the Report and Order itself it was proposed only to apply them to future authorizations; the question of the applicability of the proposed restrictions to presently existing stations was made the subject of a Notice of Further Proposed Rule Making issued at the same time. Lastly, we decided that instead of issuing the Report and Order in final form we would issue it as a proposal, with comments thereon to be received and oral argument held.

14. Oral argument on the proposals for prospective assignments was held on July 15, 1954. On January 26, 1955, the Commission adopted a Notice stating that:

> • • • the Commission is of the present view that the proposal of the Commission upon which oral argument was held would appear to present a more equitable basis for a change in the Commission's Rules than any of the counterproposals submitted in the proceeding. Upon such review, however, we are not convinced that we should make final our judgment in this respect without the benefit of the comments which are to be submitted in the portion of this proceeding raising the question of the application of any rules that may be adopted to existing stations as well as to prospective applications • • •

Comments and reply comments were received until May 1, 1955.

15. Only two parties to the proceeding supported adoption of the Proposed Report and Order. All of the others opposed it, on various grounds. There was attack on the conclusions reached as to the existence and effect of skywave transmission during the transitional hours involved, including assertions that the data used as a basis was inadequate and/or not properly analyzed, that the extrapolation employed with respect to time of day and as to distance was not proper, that no consideration was given to finite ground conductivity and that groundwave values used were based on soil conductivity values since superseded by a new soil conductivity map. It was also asserted that no adequate studies of areas and populations which would be affected by the proposed rules had been made. Some parties urged that the protection proposed is not sufficient, for example, that conditions at sunset or SS minus one hour should be considered as the basis instead of conditions at SS minus two hours. Many Class II and Class III stations urged that their operations should also be protected. Other parties urged that too much protection would be afforded; one aspect of this attack was upon the concept of affording protection to a Class I station's 0.1 mv/m groundwave contour, and it was argued that fading, noise, etc., make service out as far as that contour of little value in any event. It was also argued that daytime protection standards should be worked out and applied to particular situations where necessary, on a case-to-case basis. It was also urged that our judgment involved policy considerations which should not be decided out of the context of the clear channel proceeding. There was also attack on the Report and Order on procedural grounds—lack of sufficient notice with respect to the proposed changes; that the proposed changes in the Introduction to the Standards were "major" and "substantive" rather than "minor" or "editorial", and therefore required a separate rule making proceeding; that parties could not comment on the proposed rules without knowing whether or not they would be retroactive so as to affect their operations; and that the proceeding as pursued amounted to a modification of existing license without the required procedures.

DECISION

16. Upon review of our 1954 action and the comments concerning it, we affirm the basic conclusions therein reached. With respect to the adequacy of the record and the analysis to support our conclusions, we believe the showing is sufficient and probative. As we pointed out in the Proposed Report and Order (par. 21) a Commission witness introduced evidence of 6 years of recordings made on 17 transmission paths involving clear channel stations, from which curves have been derived. These curves indicate the existence of skywave transmission and interference during the transitional hours before sunset and after sunrise, and afford a reasonably accurate and suitable tool for determining the extent thereof, on an average basis. We dealt with certain objections to the statistical treatment used (Footnote 12). In paragraph 22 we referred to two specific examples of the extent of interference during these periods, interference suffered by clear channel stations WCKY (Cincinnati) and KOA (Denver) from Class II stations in Philadelphia and in Clayton, Missouri, respectively. These examples illustrate the problem. In Footnote 16 of that document we set forth the method of extrapolation used with respect to distances of over 1,000 miles and frequencies higher than 1500 kc. We affirm our Proposed Report and Order in these respects.

17. As to the degree of protection to be afforded, we are convinced that the concept which we tentatively adopted in our 1954 decision is correct, and that the 0.1 mv/m groundwave contours of Class

I stations should be protected against that degree of co-channel daytime skywave interference which would otherwise exist at sunset minus two hours. It is, of course, possible to consider other alternatives, in either direction, ranging from protection of the 0.1 mv/m contour at sunset on the one hand, to no protection at all on the other. It does not appear that any of these other alternatives is to be preferred, keeping in mind the necessity of reaching an appropriate balance between the objectives of sufficient protection and provision for adequate service by a sufficient number of stations during daytime hours. It is apparent that this degree of protection, based as it is on conditions as of sunset minus two hours, involves relatively minor limitations upon Class II stations. These restrictions are the least which we can appropriately impose if the service of clear channel Class I stations—whose function and purpose is to provide widespread service to large areas and populations, in furtherance of our objective of bringing some service to all—is not to be seriously disrupted by the great number of daytime operations for which applications are now on file and may be expected in the future. For reasons stated in our earlier decision and repeated above herein (par. 11) we do not extend this protection to other classes of stations, nor do we adopt any restrictions designed to afford protection against adjacent-channel daytime skywave interference.

18. As to the method by which the appropriate protection standard would be applied in each case and the resulting restriction determined, in our Proposed Report and Order (par. 29) we proposed to adopt permissible-radiation curves, from which the maximum radiation permitted for a Class II station in the direction of a co-channel Class I station, on a given frequency, at a given azimuth from the Class I station, and at a given distance from the Class I station's 0.1 mv/m groundwave contour, could be determined. These curves and the accompanying tables were set forth in Appendix II of the Proposed Report and Order. It has been argued that the computational process involved in the use of these curves—which involves obtaining values from two of the three charts, multiplying each of the two values thus obtained by a constant for the particular frequency, and adding the sum of the two resulting products—is too complex. This argument must be rejected, because we know of no simpler means which can be employed with anything like the same degree of accuracy, and the process does not appear unduly burdensome. Therefore we adopt the material which was set forth in the earlier Proposed Report and Order and is set forth again in the present Report and Order.

19. In the 1954 Proposed Report and Order, we proposed to apply these restrictions to the transitional periods of two hours before sunset and two hours after sunrise. In this connection we rejected (Paragraph 28) the concept that the limiting curves should be made applicable to the entire daytime period, holding that protection against daytime skywave interference during the middle daytime hours is unwarranted. We adhere to this determination. Accordingly, the permissible radiation curves adopted herein are applicable during the transitional periods of two hours before sunset and two hours after local sunrise.

Scope of Application of the Restrictions

20. In our earlier Proposed Report and Order, we proposed to apply the restrictions outlined to applications for new or changed Class II facilities; we left open the question of whether they should be applied likewise to existing Class II stations, issuing at the same time a Notice of Further Proposed Rule Making on that subject. In that Notice we enumerated four classes of existing stations—daytime-only Class II, limited-time Class II, unlimited-time Class II, and Class I–B stations located to the east of other co-channel I–B stations and beginning nighttime operation at the hour of sunset at the western Class I–B station. We expressed the tentative conclusion that as to existing daytime-only and limited-time stations, it was not desirable to apply the proposed restrictions to them. We did not express any tentative conclusion as to the other two classes of stations involved, and left the whole question open in the further rule making.

21. We adhere to the conclusion previously reached tentatively, and also conclude that the same considerations apply to the other two classes of stations mentioned. The existing stations involved (daytime, limited-time and unlimited-time Class II stations, and the easternmost of co-channel Class I–B stations) now render significant service, during the hours involved, to which listeners have become accustomed and come to rely upon. While, as mentioned, use of clear channels by Class II stations is essentially a secondary use, the stations which have been so operating have come to form a significant part of standard broadcast service. A fortiori, the same principle applies to the I–B stations involved. We must also take into account the undoubted value of adequate service of local origin. It is to be noted that the contentions made herein by those parties urging restrictions against daytime skywave interference, have for the most part emphasized the effect of such interference from proposed or future operations, rather than from the smaller number of presently authorized Class II stations. The radiation restrictions adopted herein are intended primarily to guard against the more severe instances of additional skywave interference which could result from additional or changed Class II stations on the clear channels. Therefore the rule we adopt herein applies only to new or changed facilities to be authorized in the future. It should also be noted that the new rule is limited in scope so that the protection afforded by it (apart from the protection afforded by other rules and policies) extends only to United States Class I stations.[2]

22. In our 1954 decision we emphasized that any determination reached in this proceeding was subject to whatever decisions might ultimately be reached in the Clear Channel Proceeding (Docket No. 6741). As a general principle, this caveat still applies; this is one reason why we have maintained a "freeze" on certain classes of applications for facilities on clear channels. But that proceeding has been recently under active consideration and study, and it is possible at this point to make certain tentative judgments therein, as a result of which we can limit the classes of applications on which action must continue to be deferred. We noted in our 1954 decision herein (paragraph 34) that the clear channels allocated for Class I–A operations are much more deeply involved in Docket 6741 than are the Class I–B clear channels. In the Further Notice of Proposed Rule Making issued in Docket 6741 on April 15, 1958 (FCC 58–350), we concluded that there should be no change in the pattern of assignments on the I–B channels. We are today adopting another Further Notice in that proceeding, limited to possible assignments on the I–A channels. These developments make appropriate at this time certain changes in the scope of the "freeze", in two directions: (1) removing from the freeze those I–B frequencies which can have no relation, direct or indirect, to possible changes in the I–A structure, and (2) changing the classes of applications covered by the freeze so as to reflect the impingement of such applications on the possible "clear channel" assignments rather than merely their daytime skywave effects. Accordingly, we are adopting simultaneously herewith an Order (FCC 59–971) amending § 1.351 of our rules so as to: (1) make the "freeze" apply pending a decision in Docket 6741; (2) remove from the freeze the frequencies 1500, 1510, 1520, 1530, 1540 and 1560 kc;[3] and (3) extend the freeze, in the case of applications for changes in existing facilities, to any proposal which would increase radiation or change station location.

"Bonus" Hours of Limited-Time Stations

23. There remains one further matter. In our 1954 Proposed Report and Order, we tentatively concluded (par. 32) that both as to existing and as to proposed limited-time Class II stations, these stations which are located east of the dominant Class I station and are therefore

[2] Daytime skywave interference may also exist between co-channel I–B stations It is conceivable that, under some circumstances, consideration should be given to mutual protection between such stations in order to alleviate such interference. But since we conclude herein that no existing stations should be affected, it will be appropriate to decide the question of daytime skywave protection in such circumstances if and when it arises.

[3] The frequencies 940 kc and 1550 kc are of course no longer under the "freeze", having been removed by Order of July 28, 1958, amending § 1.351.

under our present rules permitted to operate after their own local sunset time until the hour of sunset at the location of the Class I station, should be required to cease operation during these "bonus hours" and sign off at local sunset. We pointed out that during this "bonus" period the transmission path from the Class II station to the Class I station is largely one on which nighttime propagation conditions prevail, and therefore the resulting interference is substantial and should be eliminated. The present rules also permit existing Class II stations to operate during nighttime hours, if any, not used by the dominant Class I station or stations on the channel. In the main, however, the Class I stations operate throughout the nighttime hours, and thus the latter provision, in itself, is not particularly significant.

24. Upon review of this matter, we are persuaded that as to existing limited-time stations this decision should not be adopted. The considerations mentioned above, concerning the value of existing service by daytime and limited-time stations, applies equally in these situations. Accordingly, we adopt no change in the rules with respect to existing limited-time stations. The question remains as to whether any new assignment of stations on this basis should be made. We are of the view that no further assignments of this character are warranted. We pointed out in the Proposed Report and Order the extreme nature of the interference which may result from operation during these hours by the Class II station (paragraphs 22 and 32, referring to the Denver-Clayton (Mo.) situation). This becomes apparent when it is realized that at a moment just before sunset at the location of the Class I station, it may be considerably after sunset at the location of the Class II station, and nighttime conditions prevail at that point and over much of the transmission path to the west. While to a certain extent the effect of this interference would be lessened because new Class II facilities would be operating during these hours with facilities limited in accordance with the rule adopted herein, nonetheless the interference would be severe. Accordingly, it appears that we would not be justified in authorizing new stations on this basis and thus, except as to the stations now licensed, we are removing the provisions of the rules for the licensing of limited-time stations; the provisions for the licensing of the several other classes of stations being adequate in this respect.

25. In view of the foregoing, we are amending §§ 3.23(b) and 3.24(b) of our rules, adding new §§ 3.38 and 3.187, and adding three charts to § 3.190, to effectuate the conclusions discussed above. These changes are set forth below. Section 3.38 will state in substance that there will be no further limited-time authorizations. Section 3.187 will provide in substance that no authorization for new or changed Class II facilities will be granted if, during the four transitional hours, the radiation of the proposed station, in any direction toward the 0.1 mv/m contour of a co-channel United States Class I station, will exceed the values obtained by the use of that section. Section 3.187 will contain the table, and § 3.190 will contain (in addition to the material presently therein) the three charts, previously set forth in our 1954 Proposed Report and Order, and set forth below.

26. In our Proposed Report and Order of March 1954 we had proposed amendment of § 3.7 (definition of "nighttime") and revision of the Introduction to the Standards of Good Engineering Practice (since then codified as § 3.181). Neither proposed amendment being necessary to the action taken herein, they are not adopted herein.

Order

27. In view of the foregoing: *It is ordered:*

(1) That effective October 30, 1959, Part 3 of the Commission's rules is amended as set forth below; and

(2) That this proceeding is terminated.

Adopted: September 18, 1959.

Released: September 22, 1959.

Federal Communications Commission,

[SEAL] Mary Jane Morris, *Secretary.*

§ 3.23 [Amendment]

1. Section 3.23(b) is amended to read as follows:

(b) Limited time is applicable to Class II (secondary) stations operating on a clear channel with facilities authorized before October 30, 1959. It permits operation of the secondary station during daytime, and until local sunset is located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

§ 3.24 [Amendment]

2. Section 3.24 is amended by the deletion of paragraph (h) thereof and the addition of the following paragraphs (h) and (i):

(h) That, in the case of an application for a Class II station, the proposed station would radiate, during two hours following local sunrise and two hours preceding local sunset, in any direction toward the 0.1 mv/m groundwave contour of a co-channel United States Class I station, no more than the maximum radiation values permitted under the provisions of § 3.187.

(i) That the public interest, convenience and necessity will be served through the operation under the proposed assignment.

3. The following new § 3.38 is added:

§ 3.38 Limited time authorizations.

No authorization for new Class II Limited Time facilities will be granted. No authorization for modification of existing Class II Limited Time facilities will be granted for a change in frequency, an increase in power, a change in antenna radiation pattern, or a change in station location.

4. The following new § 3.187 is added:

§ 3.187 Limitation on daytime radiation.

(a) No authorization for new or changed Class II facilities will be granted if the proposed Class II station would radiate, during two hours following local sunrise and two hours preceding local sunset, in any direction toward the 0.1 mv/m groundwave contour of a co-channel United States Class I station, values in excess of those obtained as provided in paragraph (b) of this section.

(b) To obtain the maximum permissible radiation for a Class II station on a given frequency (f_{kc}) from 640 kc through 990 kc, multiply the radiation value obtained for the given distance and azimuth from the 500 kc chart (Figure 9 of § 3.190) by the appropriate interpolation factor shown in the K_{500} column of paragraph (c) of this section; and multiply the radiation value obtained for the given distance and azimuth from the 1000 kc chart (Figure 10 of § 3.190) by the appropriate interpolation factor shown in the K_{1000} column of paragraph (c) of this section. Add the two products thus obtained; the result is the maximum radiation value applicable to the Class II station in the pertinent directions. For frequencies from 1010 kc to 1580 kc, obtain in a similar manner the proper radiation values from the 1000 kc and 1600 kc charts (Figures 10 and 11 of § 3.190), multiply each of these values by the appropriate interpolation factor in the K'_{1000} and K'_{1600} columns in paragraph (c) of this section, and add the products.

(c) Interpolation factors.

(1) Frequencies below 1000 kc.

(2) Frequencies above 1000 kc.

f_{kc}	K_{500}	K_{1000}	f'_{kc}	K'_{1000}	K'_{1600}
640	0.720	0.280	1010	0.983	0.017
650	0.700	0.300	1020	0.967	0.033
660	0.680	0.320	1030	0.950	0.050
670	0.660	0.340	1040	0.933	0.067
680	0.640	0.360	1050	0.917	0.083
690	0.620	0.380	1060	0.900	0.100
700	0.600	0.400	1070	0.883	0.117
710	0.580	0.420	1080	0.867	0.133
720	0.560	0.440	1090	0.850	0.150
730	0.540	0.460	1100	0.833	0.167
740	0.520	0.480	1110	0.817	0.183
750	0.500	0.500	1120	0.800	0.200
760	0.480	0.520	1130	0.783	0.217
770	0.460	0.540	1140	0.767	0.233
780	0.440	0.560	1160	0.733	0.267
800	0.400	0.600	1170	0.717	0.283
810	0.380	0.620	1180	0.700	0.300
820	0.360	0.640	1190	0.683	0.317
830	0.340	0.660	1200	0.667	0.333
840	0.320	0.680	1210	0.650	0.350
850	0.300	0.700	1220	0.633	0.367
860	0.280	0.720	1500	0.167	0.833
870	0.260	0.740	1510	0.150	0.850
880	0.240	0.760	1520	0.133	0.867
890	0.220	0.780	1530	0.117	0.883
900	0.200	0.800	1540	0.100	0.900
940	0.120	0.880	1550	0.083	0.917
990	0.020	0.980	1560	0.067	0.933
			1570	0.050	0.950
			1580	0.033	0.967

5. Section 3.190 is revised by adding new Figures 9, 10, and 11 and by amending the text to read as follows:

§ 3.190 Engineering charts.

This section consists of the following Figures 1, 2, R3, 5, 6, 6a, 7, 8, 9, 10, and 11.

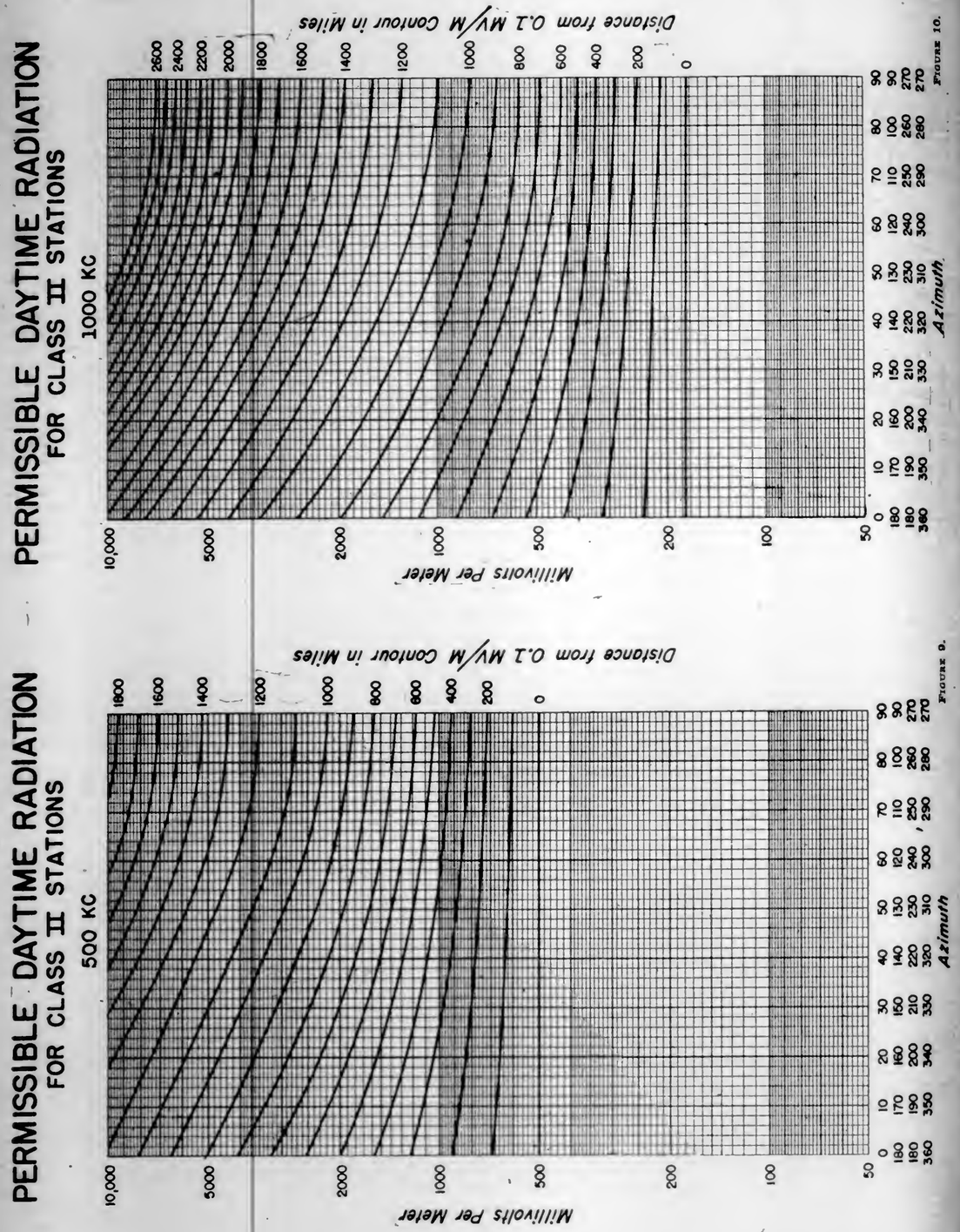


FIGURE 10.

FIGURE 9.

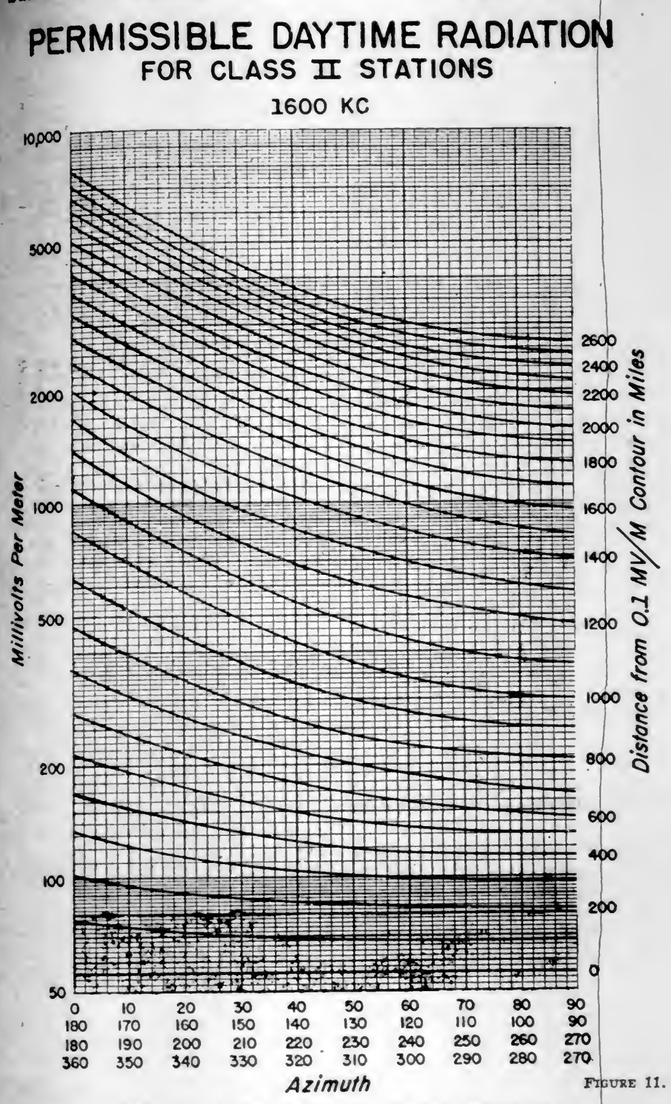


FIGURE 11.

[F.R. Doc. 59-8037; Filed, Sept. 25, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7465 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Bailey Co.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The Bailey Company, Cleveland, Ohio, Docket 7465, August 11, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Cleveland, Ohio, with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements, and by failing to disclose in advertisements in newspapers the names of animals producing certain furs or that some fur products contained artificially colored or cheap or waste fur, and failing to use the terms "Persian Lamb," "Dyed Mouton processed Lamb," and "Dyed Broadtail processed Lamb" where required.

Following acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the Bailey Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce" "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the sub-sections of section 4(2) of the Fur Products Labeling Act.

B. Failing to affix labels to fur products showing the item number or mark assigned to a fur product.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in handwriting.

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

E. Failing to set forth on labels the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

F. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the sub-sections of sec-

tion 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth the term "Dyed Mouton processed Lamb" in the manner required.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact.

B. Fails to set forth the term "Persian Lamb" in the manner required.

C. Fails to set forth the term "Dyed Mouton processed Lamb" in the manner required.

D. Fails to set forth the term "Dyed Broadtail processed Lamb" in the manner required.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: August 11, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-8044; Filed, Sept. 25, 1959; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart H—Enforcement Remedies

Section 200.191 is amended to read as follows:

§ 200.191 Notice.

Before any determination is made to refuse any person or firm the benefits of participation, notice of the proposed determination in writing and signed by the Director shall be mailed to the last known address of the interested person or firm by registered mail, return receipt requested.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interprets or applies sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. In § 204.3 paragraph (c) is amended to read as follows:

§ 204.3 Annual mortgage insurance premiums.

* * * * *

(c) After payment of the initial mortgage insurance premium and until the mortgage is paid in full, or until an application for debentures is received by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

2. Section 204.11 is amended by adding a new paragraph (d) to read as follows:

§ 204.11 Condition of property when transferred; delivery of debentures, certificate of claim and definition of term "waste".

* * * * *

(d) In computing the value of the mortgage as set forth in paragraph (a)(1) of this section, the Commissioner may include in such computation the amount of payments made by the mortgagee for:

(1) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(2) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(3) The costs of acquiring the property by the mortgagee and conveying and evidencing title of the property to the Commissioner, may be included in the debenture computation as foreclosure costs and shall be subject to the aggregate limitation on foreclosure costs.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1706c)

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. In Part 221 pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
221.16 Mortgage provisions.
221.17 Maximum mortgage amounts.
221.18 Mortgagor's minimum investment.

2. Section 221.3 is amended to read as follows:

§ 221.3 Charitable or nonprofit institutions.

Any charitable or nonprofit organization, including a pension fund or trust, which presents evidence that it is responsible, has permanent funds of not less than $100,000, and has experience in investment, may be approved upon application.

3. In § 221.4 paragraph (d) is amended to read as follows:

§ 221.4 Approval of other institutions.

* * * * *

(d) *Special requirements—loan correspondent mortgagees.* Requirements for approval as a loan correspondent mortgagee are identical with those for approval of nonsupervised mortgagees, except as follows:

(1) It may be approved with sound capital funds (net worth) of not less than $5,000;

(2) It shall be an authorized loan correspondent of, and its approval requested by, an approved mortgagee under governmental supervision, which is investing in insured mortgages for its own portfolio and whose past and future investment commitments are such as to assure the Commissioner enough business will be originated to enable the correspondent to successfully maintain its servicing accounts;

(3) It shall originate or purchase insured loans for sale only to its sponsor or sponsors;

(4) It, and its sponsor or sponsors shall agree to notify the Commissioner promptly upon termination of the loan correspondent agreement;

(5) Termination of the relationship with sponsor or sponsors will be cause for withdrawal of the loan correspondent mortgagee approval.

4. Section 221.6 is amended to read as follows:

§ 221.6 Withdrawal of approval.

(a) Approval of a mortgagee may be withdrawn at any time by notice from the Commissioner, by reason of:

(1) The transfer of an insured mortgage to a non-approved mortgagee;

(2) The failure of a non-supervised mortgagee to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds to a special account or accounts with a banking institution whose accounts are insured by the Federal Deposit Insurance Corporation;

(3) The use of escrow funds for any purpose other than that for which they were received;

(4) The failure of a non-supervised mortgagee to conduct its business in accordance with the plan indicated by its application for approval;

(5) The termination of a mortgagee's supervision by a governmental agency;

(6) Such other reason as the Commissioner determines to be justified.

(b) Withdrawal of a mortgagee's approval shall not affect the insurance on mortgages accepted for insurance.

5. Section 221.11 is amended to read as follows:

§ 221.11 Application fee.

(a) Applications filed for a commitment with respect to existing construction shall be accompanied by the mortgagee's check for the sum of $20 to cover the cost of processing.

(b) Applications filed for a commitment with respect to proposed construction shall be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing. Twenty dollars will be retained and the balance of such fee will be returned to the applicant if the mortgage which is the subject of the application is endorsed for insurance.

(c) The entire fee required by paragraphs (a), (b), and (d) of this section will be returned:

(1) If an application is refused as a result of preliminary examination;

(2) If the application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, if the Commissioner finds that the collection of such fee would be inequitable under the circumstances of the transaction. For the purposes of this chapter the word veteran shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955;

(3) In such other instances as the Commissioner may determine.

(d) Applications for insurance of a mortgage of the character described in § 221.42(b)(4) shall be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing.

(e) Requests for insurance endorsement of a mortgage processed under the Certified Agency Program shall be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing. The entire fee of $10 will be considered as earned by the Commissioner when received.

6. Section 221.16 is amended to read as follows:

§ 221.16 Mortgage provisions.

(a) *Mortgage form.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof. A mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25 or 30 years may be in an amount of $50 or multiples thereof.

(c) *Payments and maturity dates.* The mortgage shall:

(1) Come due on the first of a month;

(2) Have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 30 years from the date of the insurance, or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser;

(3) Have an amortization period of either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

7. Section 221.17 is amended to read as follows:

§ 221.17 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the property shall not exceed the lesser of the following:

(1) Depending upon the design of the structure:

(i) $22,500 for a one-family residence;

(ii) $25,000 for a two-family residence;

(iii) $27,500 for a three-family residence;

(iv) $35,000 for a four-family residence.

(2) 97 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if:

(i) The dwelling was approved for insurance by the Commissioner prior to the beginning of construction; or

(ii) Construction was completed more than one year preceding the date of the application for insurance; or

(iii) The dwelling was approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs prior to the beginning of construction.

(3) 90 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the dwelling does not meet the requirements of subparagraph (2) of this paragraph.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed:

(1) 85 percent of any amount computed under paragraph (a) of this section; or

(2) The full amount computed under paragraph (a) of this section if the Commissioner is furnished with certificates indicating that:

(i) The mortgagor acquired the property as a trade-in house, representing part of the consideration involved in the sale of another house by the mortgagor;

(ii) The mortgagor will not rent (except for a rental term of not less than 30 days or more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale), or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(iii) Prior to insurance, the mortgagor has deposited an amount not less than 15 percent of the scheduled principal balance after the 18th amortization payment of the mortgage in an escrow, trust, or special account acceptable to the Commissioner;

(iv) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account will be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(v) The mortgagee agrees that upon the application of the amount held in escrow, trust, or special account in accordance with subdivision (iv), the mortgagee shall within 30 days thereafter notify the Commissioner of the application of such amount to the outstanding principal amount of the mortgage; and

(vi) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of debentures to which the mortgagee would otherwise be entitled if a claim for debentures is filed.

(c) *Outlying area properties.* A mortgage covering a single-family residence located in an area where the Commissioner finds it is not practicable to obtain conformity with many of the requirements essential to insurance of mortgages in built up urban areas, or to be used as a farm home on a plot of land, five or more acres in size, adjacent to a public highway, shall not exceed:

(1) $9,000;

(2) 97 percent of the appraised value of the property as of the date the mortgage is accepted for insurance, if:

(i) The dwelling was approved for insurance by the Commissioner prior to the beginning of construction; or

(ii) Construction was completed more than one year preceding the date of the application for insurance; or

(iii) The dwelling was approved for guaranty, insurance, or direct loan by

the Administrator of Veterans Affairs prior to the beginning of construction.

(3) 90 percent of the appraised value of the property as of the date the mortgage is accepted for insurance in the case of all properties not meeting the requirements of subparagraph (2) of this paragraph; and

(4) 85 percent of the appraised value of the property if the mortgagor is not an occupant thereof.

(d) *Disaster victims.* A mortgage covering a single-family dwelling executed by a mortgagor who will occupy the dwelling and who establishes that the home which he previously occupied as owner or tenant was destroyed or damaged to such an extent that reconstruction or replacement is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President has determined to be a major disaster, and the application for insurance is filed within one year from the date of such determination may be in an amount not in excess of the lesser of the following:

(1) $12,000;

(2) The appraised value of the property as of the date the mortgage is accepted for insurance.

8. Section 221.18 is amended to read as follows:

§ 221.18 Mortgagor's minimum investment.

(a) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

(b) A mortgagor who is 62 years of age or older as of the date the mortgage is accepted for insurance or a mortgagor under a mortgage meeting the requirements of § 221.17(c), may borrow from a corporation or person satisfactory to the Commissioner, the payment required by this section, plus settlement costs which may include initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. As security for the loan the mortgagor may give a note or other evidence of indebtedness bearing interest at a rate not in excess of that permitted in the insured mortgage. The aggregate amount of the insured mortgage and the loan referred to in this section shall not exceed an amount equal to the Commissioner's estimate of the appraised value of the property plus an amount equal to the settlement costs.

9. Section 221.19 is amended to read as follows:

§ 221.19 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¾ percent. Interest shall be payable in monthly installments of the principal then outstanding.

10. In § 221.23 the introductory text of paragraph (a) is amended to read as follows:

§ 221.23 Application of payments.

(a) All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

* * * * *

11. Section 221.24 is amended to read as follows:

§ 221.24 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

12. Section 221.28 is amended to read as follows:

§ 221.28 Eligible mortgages in Alaska, Guam, or Hawaii.

If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this part, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed, in any event, the maximum including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

1. In Part 222 pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
222.3 Adjusted insurance premiums and termination charge.
222.4 Forbearance of foreclosure.
222.10 Contract of insurance termination.
222.13 Application for debentures and certificate of claim.
222.15 Sale of insured mortgages.
222.16 Assignments, pledges or participations.

2. In § 222.2 paragraph (d) is amended to read as follows:

§ 222.2 Annual mortgage insurance premiums and charges.

* * * * *

(d) In the event the contract of insurance is terminated prior to maturity of the mortgage by reason of prepayment or voluntary insurance termination, the mortgagee shall pay to the Commissioner (in addition to any adjusted premium required by this part) the pro rata portion of the current annual mortgage insurance premium and open-end insurance charge which is applicable to the portion of the year preceding such payment, computed from the prior anniversary date of the beginning of amortization to the first day of the month following the month in which such prepayment accrues or, in the event of voluntary termination, the first day of the month following the month in which the termination request is received by the Commissioner. In the event such prepayment or voluntary insurance termination occurs within one year from the beginning of amortization, the pro rata portion of the current annual mortgage insurance premium and open-end insurance charge shall be computed from the amortization date if insurance endorsement occurred within six months after such amortization date or the date of insurance endorsement if such endorsement occurred more than six months after or any time prior to the amortization date.

3. Section 222.3 is amended by changing the section heading, adding headings to paragraphs (a), (b) and (c), and by adding a new paragraph (d) as follows:

§ 222.3 Adjusted insurance premiums and termination charge.

(a) *Prepayment premium.* * * *
(b) *Maximum premium.* * * *
(c) *Premium not required.* * * *
(d) *Voluntary terminations.* Upon request by the mortgagor and mortgagee and submission of the mortgage note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on any mortgage insured under this section. In the event of such voluntary termination, the mortgagee shall pay a termination charge of 1 percent of the original principal amount of the mortgage. In no event shall the termination charge exceed the aggregate amount of premiums which would have been payable if the mortgage had continued to be insured until maturity.

4. Part 222 is amended by adding a new § 222.4 to read as follows:

§ 222.4 Forbearance of foreclosure.

With respect to any mortgage covering a one, two, three or four family residence heretofore or hereafter insured under this Act, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 222.13(d), (Condition of property).

5. Section 222.5 is amended to read as follows:

§ 222.5 Form of endorsement.

(a) Upon compliance with a commitment, the Commissioner will insure the loan evidencing the insurance by an appropriate panel or endorsement placed on the original credit instrument, which will identify the regulations under which the loan is insured and the date of insurance.

(b) Insurance of an open-end advance will be evidenced by delivery of a certificate stating the amount of the advance, the date of insurance, and the regulations under which the advance is insured.

6. Section 222.8 is amended to read as follows:

§ 222.8 Distribution of participation shares.

In the event the contract of insurance is terminated by reason of payment in full of the mortgage or by voluntary termination approved by the Commissioner, the Commissioner may distribute to the mortgagor a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice. In no event shall such share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

7. Section 222.10 is amended to read as follows:

§ 222.10 Contract of insurance termination.

(a) *Termination conditions.* The contract of insurance may be terminated if:

(1) The mortgagee acquires the mortgaged property but does not convey it to the Commissioner; or

(2) The mortgage is paid in full prior to its maturity date; or

(3) The mortgagor and mortgagee jointly request termination.

(b) *Termination procedure.* The contract of insurance shall not be terminated until:

(1) The mortgagee has given written notice of termination within 30 days from the occurrence of one of the conditions set forth in paragraph (a);

(2) The mortgagee shall pay the pro rata portion of the current annual mortgage insurance premium, open-end insurance charge, adjusted insurance premium, or termination charge, if any;

(3) The Commissioner will notify the mortgagee that the contract of insurance has been terminated and the effective termination date. The termination date shall be the last day of the month in which the mortgage was prepaid or the month during which a voluntary termination request is received by the Commissioner.

(c) *Termination effect.* Upon such termination, the obligation to pay any subsequent insurance premiums or charges shall cease and all rights of the mortgagor and mortgagee shall be terminated.

8. In § 222.12(c) subparagraph (2) is amended to read as follows:

§ 222.12 Transfer of property to the Commissioner; conditions of default in mortgage.

* * * * *

(c) * * *

(2) The first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

9. Section 222.13 is amended to read as follows:

§ 222.13 Application for debentures and certificate of claim.

(a) *Conveyance of property.* If the default is not cured and the mortgagee has complied with the provisions of § 222.12, the mortgagee shall transfer the property to the Commissioner. Such transfer shall take place:

(1) Within 30 days after acquiring possession of the mortgaged property by foreclosure or other means in accordance with § 222.12(a);

(2) Within such further time as may be necessary to complete the title examination and perfect the title;

(3) Within such further period of time as the Commissioner may prescribe.

(b) *Form of conveyance.* The mortgagee shall tender to the Commissioner a satisfactory conveyance of title and transfer of possession, free of occupants if the Commissioner so requires. The conveyance and transfer shall be under a deed which warrants against the acts of the mortgagee and all claiming by, through, or under it, or under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor.

(c) *Title of property.* The deeds or instruments of conveyance tendered by the mortgagee shall convey good merchantable title to the property evidenced as provided in § 222.14 (Satisfactory title evidence).

(d) *Condition of property.* (1) When conveyed, the property shall be undamaged by fire, earthquake, flood, or tornado and undamaged by waste.

(2) The term waste means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(3) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste shall be limited to the amount of $100 of each family dwelling unit covered by the mortgage.

(e) *Assignment of claims in conveyance and transfer.* The application for debentures shall be accompanied by an assignment, without recourse or warranty of any or all claims which the mortgagee has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which the mortgagee acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner.

(f) *Tender of conveyance and delivery of debentures.* Upon the tender of conveyance and transfer as provided in paragraphs (a) through (e) of this section, the Commissioner shall accept such tender and shall deliver to the mortgagee debentures of the Mutual Mortgage Insurance Fund.

(g) *Issue date of debentures.* The debentures shall be issued as of the date:

(1) The mortgage foreclosure proceedings were instituted; or

(2) The property was otherwise acquired by the mortgagee after default; or

(3) The property was acquired by the Commissioner if directly conveyed to the Commissioner from the mortgagor; or

(4) The Commissioner accepts an assignment of the mortgage.

(h) *Debenture computation — conveyed properties.* The debentures shall have a face value to be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner if directly conveyed from the mortgagor, the amount of all payments made by the mortgagee for:

(1) Taxes, ground rent and water rates, which are liens prior to mortgage;

(2) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(3) Hazard insurance on the mortgaged property;

(4) Mortgage insurance premiums or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(5) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(6) Foreclosure costs (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater;

(7) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(8) Any uncollected mortgage interest allowed pursuant to an approved forbearance agreement;

(9) An amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of mortgage insurance premiums and open-end insurance charges by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means under a mortgage to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply during any part or all of the period of the mortgagor's military service and three months thereafter.

(i) *Face value of debentures—items deducted.* In determining the face value of the debentures there shall be deducted from the total of the added items in paragraph (h) of this section any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

(j) *Debenture computation; assigned mortgages.* Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(k) *Interest rate of debentures.* Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2½	Aug. 9, 1954	Sept. 1, 1954.
2½	Sept. 1, 1954	Jan. 1, 1955.
2¾	Jan. 1, 1955	July 1, 1955.
2⅞	July 1, 1955	July 1, 1956.
3	July 1, 1956	Jan. 1, 1957.
3¼	Jan. 1, 1957	July 1, 1957.
3⅜	July 1, 1957	Jan. 1, 1958.
3½	Jan. 1, 1958	July 1, 1958.
3⅜	July 1, 1958	Jan. 1, 1959.
3½	Jan. 1, 1959	July 1, 1959.
4⅛	July 1, 1959	

(l) *Maturity of debentures.* Debentures shall mature 20 years from the date thereof.

(m) *Registration of debentures.* Debentures shall be registered as to principal and interest.

(n) *Redemption of debentures.* Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(o) *Delivery of certificate of claim.* Under the tender of conveyance and transfer as provided in paragraphs (a) through (e) of this section, the Commissioner shall promptly accept such tender and shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

(p) *Amount and items of certificate of claim.* The certificate of claim shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in conection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest, and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section.

(q) *Rate of increment of certificate of claim.* Each certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

10. In § 222.14 paragraph (b) is amended to read as follows:

§ 222.14 Satisfactory title evidence.

* * * * *

(b) Such evidence of title shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that according to the public records, there are not, at such date, any outstanding prior liens, including any past-due and unpaid ground rents, general taxes or special assessments.

11. Section 222.15 is amended to read as follows:

§ 222.15 Sale of insured mortgages.

When the insured mortgage is sold to another approved mortgagee, both seller and buyer shall notify the Commissioner of the sale within 30 days thereof. The buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

12. Section 222.16 is amended to read as follows:

§ 222.16 Assignments, pledges or participations.

(a) *Between approved mortgagees.* Any approved mortgagee may assign, pledge or transfer an insured mortgage, a group of such mortgages or a partial interest in such mortgage or mortgages to another approved mortgagee by means of any agreement, arrangement or device (including declarations of trust, participation certificates or trust certificates) if the transfer does not constitute a final sale. Any such transfer shall provide that one of the approved mortgagees shall be the mortgagee of record under the contract of insurance and the Commissioner shall have no obligation to recognize or deal with any party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance. With respect to transfers meeting the requirements of this paragraph, mortgagees are not required to notify the Commissioner of the transfer or to obtain the Commissioner's approval.

(b) *To parties other than approved mortgagees.* The mortgagee shall not sell or otherwise dispose of, any insured mortgage, group of insured mortgages, or any partial interest in an insured mortgage or group of insured mortgages to anyone other than an approved mortgagee by means of any agreement, arrangement or device (including a declaration of trust, participation certificate or a trust certificate) unless:

(1) It files with the Commissioner a copy of the proposed legal instruments, together with a prospectus and such other material and information as the Commissioner may require; and

(2) The proposed agreements or legal instruments provide that one approved mortgagee will be the mortgagee of record under the contract of insurance and that the Commissioner shall have no obligation to recognize or deal with any other party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 225—SERVICEMEN'S MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 225.3 is amended to read as follows:

§ 225.3 Maximum mortgage amount; dollar limitation.

The mortgage shall involve a principal obligation in an amount not in excess of $20,000, except that a mortgage meeting the requirements of § 221.17(c) shall not exceed $9,000.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 222, 68 Stat. 603, 12 U.S.C. 1715m)

PART 226—SERVICEMEN'S MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

1. In § 226.1 paragraph (a) is amended to read as follows:

§ 226.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this subchapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 222 of the National Housing Act except the following provisions:

Sec.
222.1 Definition of terms.
222.2 Annual mortgage insurance premiums and charges.
222.3 Adjusted insurance premiums.
222.7 Mutual Mortgage Insurance Fund.
222.8 Distribution of participation shares.
222.9 Rights to participation shares.
222.18 Effective date.

2. Section 226.3 is amended to read as follows:

§ 226.3 Annual mortgage insurance premiums and charges.

* * * * *

(b) The provisions of § 222.2 of this chapter shall apply to this section, except that all references to the mortgagee shall be construed to refer to the mortgagee or the service branch, as the case may be, and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Servicemen's Mortgage Insurance Fund.

3. Section 226.6 is revoked as follows:

§ 226.6 Insurance endorsement. [Revoked]

4. Section 226.7 is revoked as follows:

§ 226.7 Contract of insurance. [Revoked]

5. Section 226.8 is revoked as follows:

§ 226.8 Transfer of property to the Commissioner; conditions of default in mortgage. [Revoked]

6. Section 226.9 is revoked as follows:

§ 226.9 Condition of property when transferred; delivery of debentures and certificate of claim. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603, as amended; 12 U.S.C. 1715m)

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

1. In Part 232 pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
232.7 Maximum interest rate.
232.14 Prepayment privilege; prepayment and late charges.

2. In § 232.2 paragraph (e) is amended to read as follows:

§ 232.2 Issuance of commitment.

* * * * *

(e) The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment.

3. Section 232.4 is amended to read as follows:

§ 232.4 Maximum mortgage amounts.

(a) *Dollar and loan-to-value limitations.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor;

(3) 90 percent of the estimated value (replacement cost if project is located in Alaska or in Guam) of the project;

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use;

(5) The amount of which the Commissioner estimates will be the cost of the completed improvements of the project, exclusive of public utilities, streets, and organization and legal expenses.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room and the dollar amount limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitation by an amount not to exceed $1,250 per room without regard to the number of rooms being less than four, or more than four.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

4. Section 232.7 is amended to read as follows:

§ 232.7 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¼ percent. Interest shall be payable in monthly installments on the principal then outstanding.

5. Section 232.14 is amended to read as follows:

§ 232.14 Prepayment privilege; prepayment and late charges.

(a) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

(b) *Prepayment charge.* The mortgage may contain a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee. However, the mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge. Any reduction in the original principal amount of the mortgage resulting from the certification of cost requirements of this part shall not be construed as a prepayment of the mortgage.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

6. In § 232.17 paragraph (c) is revoked as follows:

§ 232.17 Classification.

* * * * *

(c) *Nonprofit organizations as mortgagors.* [Revoked]

7. In § 232.18 paragraph (d) is revoked as follows:

§ 232.18 In general.

* * * * *

(d) [Revoked]

8. In § 232.20 paragraphs (a) and (b) are amended and paragraph (c) is revoked as follows:

§ 232.20 Occupancy requirements.

(a) *Family with children.* The mortgagor shall certify under oath to the Commissioner that:

(1) In selecting tenants for the project covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family; and

(2) The mortgagor will not sell the project while the mortgage insurance is in effect unless the purchaser also so certifies.

(b) *Transient or hotel purposes.* The mortgagor shall certify under oath that, so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, the term rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens, and bellboy service.

(c) *Elderly persons.* [Revoked]

9. In § 232.31a paragraphs (a) and (b) are amended and paragraphs (f), (g) and (j) are revoked as follows:

§ 232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

(a) All of the provisions of this part shall apply to insurance of mortgages on trailer courts or parks, except as provided in this section. All references in this part to housing for rent or sale shall mean the rental of spaces for the accommodation of trailers or mobile homes, and such appurtenances thereto as may have been approved by the Commissioner.

(b) A mortgage on a trailer court or park may involve a principal obligation in an amount not to exceed the lesser of the following:

(1) $500,000;

(2) $1,500 per space, as defined by the Commissioner;

(3) 60 percent of the estimated value of the property after the improvements are completed.

* * * * *

(f) [Revoked]

(g) [Revoked]

* * * * *

(j) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1716b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

1. In § 233.1 paragraph (g) is amended to read as follows:

§ 233.1 Definitions.

* * * * *

(g) The term "mortgagee" means the original lender under a mortgage its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

2. Section 233.4 is amended to read as follows:

§ 233.4 Form of endorsement.

(a) Upon compliance with a commitment, the Commissioner will insure the loan, evidencing the insurance by an appropriate panel or endorsement placed on the original credit instrument which will identify the regulations under which the loan is insured and the date of insurance.

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by this part with the same force and effect as if a separate contract had been executed including the provisions of this part and of the Act.

(c) After all advances under the mortgage have been made, the Commissioner shall, upon presentation of the original credit instrument, make a further endorsement of the credit instrument which will state the total sum of all advances approved for insurance by the Commissioner and show the date of such approval.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended, 12 U.S.C. 1713)

Subchapter D is amended by adding new Parts 235 and 236 as follows:

PART 235—MULTIFAMILY HOUSING FOR THE ELDERLY; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.

235.1 Incorporation by reference.
235.2 Definitions.
235.3 Maximum mortgage amounts—new construction.
235.4 Maximum mortgage amounts—rehabilitation projects.
235.5 Increased mortgage amounts—elevator type structures.
235.6 Increased mortgage amounts—high cost areas.
235.7 Supervision of mortgagors.
235.8 Eligible occupants.
235.9 Commercial and special facilities.
235.100 Effective date.

AUTHORITY: §§ 235.1 to 235.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 52 Stat. 23; as amended.

§ 235.1 Incorporation by reference.

(a) All of the provisions of Part 232 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act apply to mortgages on projects for the elderly insured under section 231 of the National Housing Act except the following provisions:

Sec.

232.4 Maximum mortgage amounts.
232.11 Soundness of project.
232.17 Classification.
232.19 Required supervision of Private Mortgagors.
232.20 Occupancy requirements.
232.23 Development of property.
232.25 Form of contract.
232.30 Eligibility of miscellaneous type mortgages.
232.31 Eligibility of refinanced mortgages.
232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
232.32 Reinsurance of Commissioner-held mortgages.
232.35 Effective date.

(b) For the purposes of this part all references in Part 232 of this chapter to section 207 of the Act shall be construed to refer to section 231 of the Act.

§ 235.2 Definitions.

As used in this part, the following terms will have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Act" means the National Housing Act, as amended.

(c) "Elderly person" means any person married or single, 62 years of age or more.

(d) "Housing for the elderly" means eight or more new or rehabilitated living units which are specially designed for the use and occupancy of elderly persons.

(e) "Mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(f) "Mortgagor" means the original borrower under a mortgage and its successors and assigns.

(g) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the periodic payments provided for in the mortgage.

(h) "Replacement cost" means the Commissioner's estimate of the construction cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner.

(i) "Private Mortgagor—Nonprofit" means a nonprofit corporation, association or organization regulated or supervised under Federal or State laws or by political subdivisions or States or agencies thereof or by the Commissioner under a regulatory agreement or otherwise, as to rents, charges, and methods of operation, in such form and in such manner as in the opinion of the Commissioner will effectuate the purpose of this part.

(j) "Public Mortgagor" means a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or nonprofit development or housing corporation restricted by Federal or State laws or regulations of State banking or insurance departments as to rents, charges, capital structure, rate of return, or methods of operation.

§ 235.3 Maximum mortgage amounts—new construction.

The mortgage shall involve a principal obligation not in excess of the following:

(a) *Dollar amount limitation.* (1) $12,500,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor.

(b) *Dwelling unit limitation.* $9,000 per dwelling unit for such part of such project as may be attributed to dwelling use.

(c) *Replacement cost limitation.* The replacement cost of the property or project.

§ 235.4 Maximum mortgage amounts—rehabilitation projects.

In the case of properties other than new construction, the principal obligation of the mortgage shall not exceed the Commissioner's estimate of the value of the project.

§ 235.5 Increased mortgage amounts—elevator type structures.

In order to compensate for the higher cost incident to elevator type structures of sound standards of construction and design, the Commissioner may increase the dwelling unit limitation of $9,000 per unit to not to exceed $9,400 per unit.

§ 235.6 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, he may increase the dwelling unit limitation by an amount not to exceed $1,250 per room.

(b) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

§ 235.7 Supervision of mortgagors.

(a) *Labor standards.* The provisions of § 232.19(d) of this chapter, (Labor standards and prevailing wage requirements), may be waived in those cases where laborers or mechanics not otherwise employed at any time on the project voluntarily donate their services without full compensation for the purpose of lowering construction costs and the Commissioner determines that amounts thus saved are fully credited to the mortgagor.

(b) *Private Mortgagors—Nonprofit.* A Private Mortgagor—Nonprofit shall not be subject to the provisions of § 232.19(b), (Rate of return); § 232.19 (e), (Rents and charges); or § 232.19(g), (Mortgagor's equity investment) of this Chapter.

(c) *Rents and charges.* No charge shall be made by the mortgagor for accommodations, facilities, or services offered by the project except those charges approved by the Commissioner.

§ 235.8 Eligible occupants.

The mortgagor shall establish that preference or priority of opportunity to rent the dwelling units covered by the mortgage will be given to elderly persons.

§ 235.9 Commercial and special facilities.

The project may include such commercial and special facilities as the Commissioner deems adequate to serve the occupants of the project.

§ 235.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

PART 236—MULTIFAMILY HOUSING FOR THE ELDERLY; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.

236.1 Incorporation by reference.
236.100 Effective date.

AUTHORITY: §§ 236.1 to 236.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 52 Stat. 23; as amended.

§ 236.1 Incorporation by reference.

(a) All of the provisions of Part 233 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages insured under section 231 of the National Housing Act except the following provision:

§ 233.14 Effective date.

(b) For the purposes of this part all references in Part 233 of this chapter to section 207 of the Act shall be construed to refer to section 231 of the Act.

§ 236.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

1. In Part 241 pertinent section headings in the Table of Contents are amended to read as follows:

Sec.

241.1 Definitions.
241.2 Preliminary examination; filing of application and issuance of commitment.
241.3 Fees required by Commissioner.
241.4 Maximum charges and fees.
241.5 Commissioner's estimate of replacement cost and appraised value.
241.10 Maximum interest rate.
241.18 Prepayment privilege; prepayment and late charges.
241.29 Rents and charges.
241.31 Exceptions and special provisions.
241.100 Effective date.

2. Section 241.1 is amended to read as follows:

§ 241.1 Definitions.

As used in this part, the following terms will have the meaning indicated.

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Act" means the National Housing Act, as amended.

(c) "Private Mortgagor" means a private corporation or trust, formed or created with the approval of the Commissioner, which is regulated or restricted by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation.

(d) "Public Mortgagor" means a corporation or trust approved by the Commissioner which is also a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend or redevelopment or housing corporation formed under and restricted by Federal or State laws or regulations of a State banking or insurance department as to rents, charges, capital structure, rate of return, or methods of operation.

(e) "Purchasing Cooperative" means the mortgagor of a Management Project which has purchased the project from the mortgagor of an Investor Project.

(f) "Management Project" means a project owned by a mortgagor nonprofit cooperative ownership housing corporation or trust which restricts permanent occupancy of the project to the members of the corporation or to the beneficiaries of the trust.

(g) "Sales Project" means a project owned by a mortgagor nonprofit cooperative housing corporation or trust which is organized for the purpose of construction of homes for members of the corporation or for beneficiaries of the trust.

(h) "Investor Project" means a project owned by a mortgagor which intends to sell the project to the mortgagor of a Management Project.

(i) "Existing Construction" means a project or projects constructed prior to the filing of an application for mortgage insurance under section 213(i) of the Act which is to be owned and operated by a Consumer Cooperative as a Management Project.

(j) "Consumer Cooperative" means:

(1) A nonprofit cooperative ownership housing corporation or trust which is the owner of an Existing Construction subject to an outstanding indebtedness and is approved by the Commissioner for refinancing the indebtedness with insured mortgage; or

(2) A nonprofit cooperative ownership housing corporation or trust organized for the purpose of purchasing an Existing Construction, the members and organizers of which do not have an identity of interest with the seller of the Existing Construction except where the Commissioner has approved such interest as being consistent with the objectives of the cooperative.

(k) "Approved percentage" means 90 percent in the case of an Investor Project, and 97 percent in the case of a Management, Sales or Existing Construction Project.

3. Section 241.2 is amended to read as follows:

§ 241.2 Preliminary examination; filing of application and issuance of commitment.

(a) *Preliminary examination.* Prior to the filing of an application, the sponsors of a housing project shall upon request be given a preliminary analysis of the proposed project with respect to specific questions of eligibility other than questions requiring a determination of the value of the property or project or the maximum insurable mortgage amount, and such preliminary analysis shall be given without the payment of a fee.

(b) *Filing of application.* Applications for mortgage insurance shall be submitted by an approved mortgagee on an approved application form. No application shall be considered unless the exhibits called for by such form are furnished.

(c) *Issuance of commitment.* Upon approval of an application, the Commissioner will issue a commitment setting forth the terms and conditions upon which the mortgage will be insured.

4. Section 241.3 is amended to read as follows:

§ 241.3 Fees required by Commissioner.

(a) *Private Mortgagors.* In the case of a Private Mortgagor, the following fees shall be paid:

(1) *Application fee.* An application fee of $1.50 per thousand of the face amount of the mortgage loan applied for at the time the application is filed.

(2) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand of the face amount of the mortgage loan set forth in the commitment within 30 days subsequent to the date of the commitment or within such additional period of time as the Commissioner may prescribe.

(b) *Public Mortgagors.* In the case of a Public Mortgagor, the application and commitment fees to be paid under this section shall be fixed by the Commissioner, but shall not exceed $3.00 per thousand of the face amount of the mortgage loan set forth in the commitment.

(c) *Investor Project.* In the case of an Investor Project, the application and commitment fees to be paid under this section shall be based upon the commitment amount applicable to the owner of a management type project.

(d) *Increased commitment — additional fees.* Upon application for an increase in the amount of an existing commitment, the mortgagee shall pay:

(1) *Application fee.* An additional application fee of $1.50 per thousand dollars based upon the amount of the increase requested.

(2) *Commitment fee.* An additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

(e) *Inspection fee.* An inspection fee computed at the rate of $5.00 per thousand of the face amount of the commitment applicable to the mortgagor shall be paid except that the fee for rehabilitation projects shall be based upon the amount of the commitment allocated to the cost of demolition, replacement, repair and additional as estimated by the Commissioner, and the fee, if any, for Existing Construction involving Commissioner required or approved repairs, improvements, alterations and additions shall be based upon the amount of the commitment allocated to the estimated cost. No inspection fee shall be paid for a mortgage covering Existing Construction which does not involve such repairs, improvements, alterations and additions, or for the mortgage of a Purchasing Cooperative.

(f) *Refund of fees.* If an application is rejected before it is assigned for processing by the Commissioner or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

5. Section 241.4 is amended to read as follows:

§ 241.4 Maximum charges and fees by mortgagee.

The mortgagee may collect from the mortgagor the amount of any fees required by the Commissioner and may charge the mortgagor an initial service charge in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any aditional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

6. Section 241.5 is amended to read as follows:

§ 241.5 Commissioner's estimate of replacement cost and appraised value.

As a condition precedent to insurance of a mortgage on a Sales Project or an Existing Construction Project, evidence must be produced showing that, prior to any sale of the dwellings in the project and stock of the mortgagor corporation, a written statement acceptable to the Commissioner setting forth the amount of the Commissioner's estimate of the replacement cost (appraised value in the case of a mortgage on an Existing Construction Project) of the property has been delivered by the seller, builder, sponsor, or such other person as may be required by the Commissioner, to the purchasers of the dwellings, and subscribers for such stock.

7. Section 241.7 is amended to read as follows:

§ 241.7 Maximum mortgage amounts.

(a) *Management Project.* The mortgage covering a Management Project shall not exceed the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $25,000,000 if executed by a Public Mortgagor;

(3) 97 percent of the Commissioner's estimate of the replacement cost of the project;

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use.

(b) *Investor Project.* The mortgage covering an Investor Project shall not exceed that prescribed for a Management Project, except that the percentage of replacement cost referred to shall not exceed 90 percent.

(c) *Sales Project.* The mortgage covering a Sales Project shall not exceed $12,500,000 and the greater of the following amounts:

(1) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgage which would meet the requirements of section 203(b)(2) of the Act for occupant mortgagors; or

(2) A sum not to exceed $2,500 per room (or $9,000 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use but not to exceed 97 percent of the amount which the Commissioner estimates will be the replacement cost of the project.

(d) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations by an amount not to exceed $1,250 per room without regard to the number of rooms being four, less than four, or more than four;

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as the Commissioner finds may be necessary to compensate for such costs, but not to exceed, in any event, the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(e) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(i) The Commissioner's estimate of the cost of the repair or rehabilitation; plus

(ii) Such portion of the outstanding indebtedness as does not exceed the approved percentage of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed the approved percentage of:

(i) The Commissioner's estimate of the cost of the repair or rehabilitation; and

(ii) The actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(f) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(g) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room, and the limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(h) *Existing Construction.* A mortgage covering Existing Construction shall involve a principal obligation not in excess of the approved percentage of the Commissioner's appraised value for continued use as a cooperative, including therein such Commissioner required or approved repairs, improvements, alterations and additions, if any, as do not constitute rehabilitation of the project as determined by the Commissioner; provided, the insured mortgage shall be subject to the following further limitations:

(1) If the insured mortgage is to include the cost of refinancing an existing mortgage or mortgages acceptable to the Commissioner, the amount of the insured mortgage shall not exceed an amount equal to the outstanding balance of the existing mortgage or the total of the outstanding balances of the existing mortgages, plus the contract cost of such Commissioner required or approved repairs, improvements, alterations and additions, if any. If the principal obligation of the mortgage exceeds this amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement;

(2) If the Existing Construction project is to be acquired, the mortgage shall not exceed the purchase price and costs related thereto as approved by the Commissioner plus the contract cost of such Commissioner required or approved repairs, improvements, alterations and additions, if any. If the principal obligation of the mortgage exceeds this amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement.

(i) *Commercial and community facilities.* (1) A Management or an Investor Project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

(2) A Sales Project may include such community facilities as the Commissioner deems adequate to serve the occupants.

(3) The maximum mortgage amount for mortgages issued under this part may be increased by such amount as the Commissioner deems appropriate to provide for the inclusion of commercial or community facilities except that a mortgage on a Sales Project shall not be increased to provide for commercial facilities. The total mortgage amount shall not exceed the ratios of loan to replacement cost or value specified in this section because of the inclusion of commercial or community facilities.

(j) *Mortgagor's minimum investment —Sales Projects.* At the time a mortgage executed by a mortgagor of a Sales Project is insured, the mortgagor shall have paid on account of the project at least 1 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent and each member or stockholder of the mortgagor shall have paid the amount required by § 243.9(b) of this chapter (Mortgagor's minimum investment). No part of the amount required for working capital specified in § 241.26 may be included in the payment required by this paragraph.

8. Section 241.9 is amended to read as follows:

§ 241.9 Payment requirements.

The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments may be on a level annuity or declining annuity basis as agreed upon by the mortgagor, the mortgagee and the Commissioner.

9. Section 241.10 is amended to read as follows:

§ 241.10 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¼ percent. Interest shall be payable in monthly installments on the principal then outstanding.

10. In § 241.18 paragraph (b) is amended to read as follows:

§ 241.18 Prepayment privilege; prepayment and late charges.

* * * * * *

(b) *Prepayment charge.* The mortgage may include a provision for such additional prepayment charge as may be agreed upon between the mortgagor and mortgagee, except that no such charge shall be made for a prepayment which does not exceed 15 percent of the original principal amount of the mortgage in any one calendar year or which results from:

(1) A payment requirement of the Commissioner;

(2) Release of individual properties in accordance with the provisions of a mortgage in a Sales Project;

(3) Sale of an Investor Project within 2 years after its completion to a Purchasing Cooperative unless the Commissioner shall require the payment of such additional charge.

11. Section 241.20 is amended to read as follows:

§ 241.20 Eligibility of mortgagors.

(a) In order to be eligible under this part, an applicant shall be a Private or Public Mortgagor of:

(1) A Management Project;

(2) A Sales Project;

(3) An Investor Project; or

(4) An Existing Construction Project.

(b) A Public Mortgagor may be an eligible mortgagor without regulation or restriction by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation.

12. Section 241.21 is amended to read as follows:

§ 241.21 Liens.

If a Public Mortgagor, or the Alaska Housing Authority, or the Government of Guam or Hawaii, or any agency or instrumentality thereof is the mortgagor, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors. The mortgagor in such case shall have initial funds which may be considered in lieu of the equity required of other mortgagors and such funds, which may be in the form of Government grants, loans, or subsidies, or in other form, if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

13. Section 241.23 is amended to read as follows:

§ 241.23 Regulation and restriction of mortgagors.

(a) *Preferred stock or regulatory agreement.* The regulation or restriction of Private Mortgagors will be provided for in the certificate of incorporation or other instrument under which the mortgagor is created, hereinafter referred to as the "charter," and will be made effective through a regulatory agreement, or the issuance of preferred stock (or membership) which will enable the Commissioner to exercise majority voting rights in the event of violation of a provision of the charter or (except as to the mortgagor of an Investor Project) at any time during the period between initial and final endorsement for mortgage insurance by the Commissioner whether or not such violation has occurred. Such stock shall be issued in a manner prescribed by the Commissioner in consideration of the payment by the Commissioner of not exceeding in the aggregate $100.

(b) *Rights of the Commissioner.* By the exercise of the preferred stock voting rights, the Commissioner may remove the existing directors of the mortgagor corporation and elect new directors to serve in their place. Directors so elected by the Commissioner, in the event of a violation, shall serve only for a period coexistent with the duration of such violation or until the Commissioner is assured in a manner satisfactory to him against future violations of a similar nature. Upon the termination of the contract of insurance or any succeeding contract or agreement covering the mortgage obligation, all regulation and restriction of the mortgagor shall terminate and the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payment therefor.

14. In § 241.24 paragraph (a) is amended and paragraph (b) is revoked as follows:

§ 241.24 Issuance of stock.

(a) Shares of capital stock, either with or without par value, or certificates of membership, or such evidences of interest in the case of a trust, may be issued if approved by the Commissioner. Such stock or interest, together with paid-in surplus, if any, shall represent the capital investment.

(b) [Revoked]

15. Section 241.25 is amended to read as follows:

§ 241.25 Patronage refunds.

Surplus funds, after meeting reserves and after meeting all obligations of the mortgagor, may be distributed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds.

16. Section 241.26 is amended to read as follows:

§ 241.26 Working capital.

The mortgagor shall deposit with the mortgagee or in a depository satisfactory to the mortgagee and under control of the mortgagee, an amount equivalent to not less than 2 percent of the original principal amount of the mortgage (not less than 1 percent if an eligible mortgagor is purchasing an Investor Project or if the mortgage covers Existing Construction). Disbursements from the deposit shall be made only in a manner prescribed by the Commissioner.

17. Section 241.27 is amended by adding a new paragraph (e) as follows:

§ 241.27 Assurances of completion.

* * * * *

(e) The provisions of this section shall apply to the mortgage covering Existing Construction only where Commissioner required or approved repairs, improvements, alterations, and additions are involved and insured advances are to be made. In such cases, assurance of completion of the project shall be deemed to refer to assurance of completion of such repairs, improvements, alterations, and additions.

18. Section 241.28 is amended by adding new paragraphs (g) and (h) as follows:

§ 241.28 Labor standards and prevailing wage requirements.

* * * * *

(g) The provisions of this section shall apply to the mortgage covering Existing Construction only to the extent that Commissioner required or approved repairs, improvements, alterations, and additions are involved and reference therein relating to contracts, subcontracts, and the construction of the project shall be deemed to refer to the construction of such repairs, improvements, alterations, and additions.

(h) The provisions of this section shall not apply to a mortgage covering Existing Construction which does not involve Commissioner required or approved repairs, improvements, alterations, and additions, except that as to such Existing Construction where the construction of the project or projects was commenced after September 23, 1959, inspection by the Commissioner and compliance with the provisions of section 212 of the Act relating to prevailing wage requirements shall be a prerequisite of mortgage insurance.

19. Section 241.29 is amended to read as follows:

§ 241.29 Rents and charges.

The mortgagor shall not permit occupancy except in accordance with the schedule of charges and under an Occupancy Agreement or lease approved by the Commissioner.

20. In § 241.30 paragraph (a) is amended to read as follows:

§ 241.30 Methods of operation.

(a) Except with the prior written approval of the Commissioner, no compensation shall be paid by the corporation to its officers or directors, as such, nor to any person or corporation for supervisory or managerial services. No compensation shall be paid by the corporation to any employee in excess of an amount agreed upon by the Commissioner and specified in the charter. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation, except on account of approved occupancy charges.

21. Section 241.31 is amended to read as follows:

§ 241.31 Exceptions and special provisions.

(a) A Public Mortgagor shall not be subject to regulation and restriction by the Commissioner with respect to matters set forth in §§ 241.24, 241.25, 241.29, and 241.30.

(b) If the mortgage is to be insured after completion of the improvements, the mortgagor shall not be subject to the requirement of § 241.27.

(c) In addition to the provisions of this part, the mortgagor of an Investor Project shall be subject to the provisions of § 232.19(b), (Rate of return), § 232.19 (e), (Rents and charges), and § 232.25, (Form of contract), of this chapter. Such mortgagor shall not be subject to the provisions of §§ 241.25, 241.30(d) and 241.34.

(d) If the mortgage to be insured covers Existing Construction, §§ 241.33, 241.34, 241.35, 241.36, and 241.38 shall not be applicable.

22. Section 241.32 is amended to read as follows:

§ 241.32 Certificate of mortgagor regarding use of property for transient or hotel purposes.

The mortgagor shall certify under oath that, so long as the mortgage is insured, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days, or (b) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

23. In § 241.35 paragraph (c) is amended to read as follows:

§ 241.35 Certificate of actual cost.

* * * * * *

(c) The certificates of actual cost shall be verified by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Commissioner.

24. Section 241.41 is revoked as follows:

§ 241.41 Commercial and community facilities. [Revoked]

25. Section 241.42 is amended to read as follows:

§ 241.42 Development of property.

At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than eight dwelling units which may be detached, semidetached, or row house, or multifamily structures. In the case of a Sales Project, such units shall be single-family dwellings.

26. Section 241.46 is renumbered and amended to read as follows:

§ 241.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 242—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT; PROJECT MORTGAGES

1. In Part 242 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
242.7 Premiums for purchasing cooperatives and for Existing Construction not involving Commissioner approved or required improvements.

2. Section 242.2 is amended to read as follows:

§ 242.2 Definitions.

The definitions contained in § 241.1 of this subchapter shall apply to this part and in addition the following terms shall have the meaning indicated.

(a) "Contract of Insurance" means the agreement evidenced by endorsement of the credit instrument by the Commissioner or his duly authorized representative and includes the terms, conditions and provisions of this part and of the National Housing Act.

(b) "Insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner.

(c) "Mortgage" means such a first lien upon real estate and other property, as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) "Mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(e) "Mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(f) "Project Mortgage" means a blanket mortgage insured under section 213 of the National Housing Act, covering a group of not less than eight single-family dwellings.

3. Section 242.3 is amended by adding a new paragraph (c) to read as follows:

§ 242.3 Mortgage premiums upon initial endorsement.

* * * * *

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction which involves insurance of advances for Commissioner approved or required repairs, improvements, alterations and additions.

4. Section 242.4 is amended by adding a new paragraph (c) to read as follows:

§ 242.4 Premiums where first principal payment more than one year after initial endorsement.

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction which involves insurance of advances for Commissioner approved or required repairs, improvements, alterations and additions.

5. Section 242.5 is amended by adding a new paragraph (c) to read as follows:

§ 242.5 Premiums where first principal payment one year or less after initial endorsement.

* * * * *

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction which involves insurance of advances for Commissioner approved or required repairs, improvements, alterations and additions.

6. Section 242.6 is amended by adding a new paragraph (c) to read as follows:

§ 242.6 Premiums; insurance upon completion.

* * * * *

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to Existing Construction not involving insurance of advances but involving Commissioner approved or required repairs, improvements, alterations and additions.

7. Section 242.7 is amended to read as follows:

§ 242.7 Premiums for purchasing cooperatives and for Existing Construction not involving Commissioner approved or required improvements.

Where a mortgage is endorsed for insurance pursuant to the sale of an Investor Project or covers Existing Construction not involving Commissioner approved or required repairs, improvements, alterations and additions, the mortgagee, on the date of the insurance endorsement, shall pay a first premium equal to one-half of one percent of the principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment. On the anniversary of the first principal payment, this first premium shall be adjusted to equal one-half of one percent of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

8. In § 242.11 the heading of paragraph (a) is amended to read as follows:

§ 242.11 Adjusted premium charge on prepayment of mortgage.

(a) *Management, Investor and Purchasing Cooperative Projects, and Existing Construction.* * * *

9. In § 242.12 the heading of paragraph (a) is amended to read as follows:

§ 242.12 Amount of adjusted premium charge.

(a) *Management, Investor and Purchasing Cooperative Projects, and Existing Construction.* * * *

10. In § 242.13 the heading of paragraph (a) is amended to read as follows:

§ 242.13 Where no adjusted premium charge is due.

(a) *Management, Investor and Purchasing Cooperative Projects, and Existing Construction.* * * *

11. Section 242.100 is amended to read as follows:

§ 242.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

1. In Part 243 pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
243.1 Definitions.
243.8 Releases from project mortgage.
243.11 Maximum interest rate.
243.100 Effective date.

2. Section 243.1 is amended by adding a new paragraph (c) to read as follows:

§ 243.1 Definitions.

* * * * *

(c) The definitions contained in § 241.1 of this subchapter shall apply to this part.

3. Section 243.6 is amended to read as follows:

§ 243.6 Builders warranty.

The seller or builder or such other person as the Commissioner may require shall, as a prerequisite to insurance, deliver to the purchaser a warranty in form satisfactory to the Commissioner warranting that the dwelling is constructed in substantial conformity with the plans and specifications (including amendments thereof or changes and variations therein which have been approved in

writing by the Commissioner) on which the Commissioner has based the maximum insurable mortgage amount.

4. Section 243.8 is amended to read as follows:

§ 243.8 Releases from project mortgage.

The property covered by the mortgage must have been included as part of a Sales Project and must have located thereon a single-family dwelling, and the mortgage must have been executed in connection with the release of such property from the lien of the project mortgage and to replace or refinance the project mortgage as to such property.

5. In § 243.9 paragraph (b) is amended to read as follows:

§ 243.9 Maximum amount of mortgage and mortgagor's minimum investment.

* * * * *

(b) *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 1 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent. The mortgagor's cash investment in the mortgagor corporation under the project mortgage may be credited against the amount required by this section. No part of the amount required for working capital specified in § 241.26 may be included in the payment required by this paragraph.

6. Section 243.10 is amended to read as follows:

§ 243.10 Payment and maturity dates.

The mortgage shall come due on the first of the month and must have a maturity satisfactory to the Commissioner, not more than the unexpired term of the project mortgage at the time of the release of the mortgaged property from such project mortgage. The amortization period shall be either 10, 15, 20, 25, 30, 35 or 40 years by providing for 120, 180, 240, 300, 360, 420 or 480 monthly amortization payments.

7. Section 243.11 is amended to read as follows:

§ 243.11 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor but in no case shall such interest be in excess of 5¾ percent per annum computed on unpaid balances.

8. Section 243.16 is amended to read as follows:

§ 243.16 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

9. Section 243.27 is revoked as follows:

§ 243.27 Standards for buildings. [Revoked]

10. Section 243.28 is revoked as follows:

§ 243.28 Location of property. [Revoked]

11. Section 243.31 is renumbered and amended to read as follows:

§ 243.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 244—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT—INDIVIDUAL MORTGAGES

Part 244 is revised to read as follows:

Sec.
244.1 Incorporation by reference.
244.100 Effective date.

AUTHORITY: §§ 244.1 to 244.100 issued under sec. 211, 52 Stat. 23, 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e.

§ 244.1 Incorpation by reference.

(a) *Definitions.* All of the definitions contained in § 241.1 of this subchapter shall apply to this part.

(b) *Other provisions.* All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 213 of the National Housing Act except the following provisions:

Sec.
222.7 Mutual Mortgage Insurance Fund.
222.8 Distribution of participation shares.
222.9 Rights to participation shares.
222.18 Effective date.

(c) *References.* For the purpose of this part all references in Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 213 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Housing Insurance Fund.

§ 244.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

PART 261—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

1. The heading of Part 261 is amended to read as set forth above.

2. Section 261.1 is amended to read as follows:

§ 261.1 Incorporation by reference.

(a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings under section 220 of the National Housing Act, except the following provisions:

Sec.
221.14 Certification of appraisal amount.
221.17 Maximum mortgage amounts.
221.18 Mortgagor's minimum investment.
221.27 Economic soundness of project.
221.37 Location of dwelling.
221.39 Location of property.
221.41 Rental properties.
221.42 Eligibility of miscellaneous type mortgages.
221.44 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the Act shall be construed to refer to section 220 of the Act.

3. Section 261.6 is amended to read as follows:

§ 261.6 Maximum mortgage amounts—dollar limitation.

Depending upon the design of the structure, a mortgage shall not exceed the lesser of the following:

(a) $22,500 for a one-family residence;

(b) $25,000 for a two-family residence;

(c) $30,000 for a three-family residence;

(d) $35,000 for a four-family residence;

(e) $35,000 plus not to exceed $7,000 for each additional family unit in excess of four.

4. Section 261.7 is amended to read as follows:

§ 261.7 Maximum mortgage amounts—loan-to-value limitation.

(a) *Occupant mortgagors.* Where the mortgagor is the occupant of the property, the mortgage shall be in an amount not in excess of:

(1) 97 percent of $13,500 of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance, and 85 percent of such cost in excess of $13,500 but not in excess of $16,000, and 70 percent of such cost in excess of $16,000, if the application for insurance is for construction of a proposed dwelling which is approved for insurance prior to the beginning of construction; or

(2) 97 percent of $13,500 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the application for insurance covers an existing dwelling, the construction of which was completed more than one year preceding the date of the application for insurance; or

(3) 90 percent of $13,500 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000 and 70 percent of such value in excess of $16,000, if the application for insurance covers a dwelling under construction at the time the application is filed or, an existing dwelling, the construction of which was completed within one year prior to the application for insurance; or

(4) 97 percent of $13,500 of the Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, and 85 percent of such value in excess of $13,500 but not in excess of $16,000, and 70 percent of such value in excess of $16,000, if the proceeds of the mortgage are used to finance the rehabilitation of a dwelling.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed:

(1) 85 percent of any amount computed under paragraph (a); or

(2) The full amount computed under paragraph (a) if the Commissioner is furnished with certificates indicating that:

(i) The mortgagor acquired the property as a trade-in house, representing part of the consideration involved in the sale of another house by the mortgagor;

(ii) The mortgagor will not rent (except for a rental term of not less than 30 days or more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale) or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(iii) The mortgagor has deposited an amount not less than 15 percent of the scheduled principal balance after the 18th amortization payment of the mortgage in an escrow, trust, or special account acceptable to the Commissioner;

(iv) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account will be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(v) The mortgagee agrees that, upon the application of the amount held in escrow, trust, or special account in accordance with subdivision (iv), the mortgagee shall within 30 days thereafter notify the Commissioner of the application of such amount to the outstanding principal amount of the mortgage; and

(vi) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of debentures to which the mortgagee would otherwise be entitled if a claim for debentures is filed.

5. Section 261.7a is revoked as follows:

§ 261.7a Payments and maturity dates. [Revoked]

6. Section 261.8 is revoked as follows:

§ 261.8 Mortgage obligation in multiples. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 262—URBAN RENEWAL INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

Part 262 is revised to read as follows:

Sec.
262.1 Incorporation by reference.
262.2 Forbearance of foreclosure.
262.3 Voluntary termination.
262.100 Effective date.

AUTHORITY: §§ 262.1 to 262.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k.

§ 262.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act except the following provisions:

Sec.
222.4 Forbearance of foreclosure.
222.7 Mutual Mortgage Insurance Fund.
222.8 Distribution of participation shares.
222.9 Rights to participation shares.
222.10 Contract of insurance termination.
222.18 Effective date.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 220 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

§ 262.2 Forbearance of foreclosure.

All of the provisions of § 222.4 of this chapter shall apply to mortgages insured under this part except that the privileges of forbearance of foreclosure shall only extend to mortgages covering a property having not more than four dwelling units.

§ 262.3 Voluntary termination.

All of the provisions of § 222.10 of this chapter shall apply to mortgages insured under this part except that the privileges of voluntary termination shall only extend to mortgages covering a property having not more than four dwelling units.

§ 262.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

PART 263—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MULTIFAMILY PROJECT MORTGAGE

1. The heading of Part 263 is amended to read as set forth above.

2. Section 263.5 is amended to read as follows:

§ 263.5 Development of property.

(a) *Obligation of mortgagor to construct project.* At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations thereon. The Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion.

(b) *Minimum number of units.* The project shall consist of not less than five rental dwelling units on one site and may be detached, semidetached, or row houses, or a multifamily structure.

(c) *Compliance with governmental regulations.* The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

(d) *Property facilities.* The project shall be designed principally for residential use except that any project may include such nondwelling facilities as the Commissioner deems adequate to serve the needs of the occupants of the property and of other housing in the neighborhood as defined by the Commissioner.

3. In § 263.6 paragraphs (a), (b) and (c) are amended to read as follows:

§ 263.6 Maximum mortgage amounts.

(a) *Mortgage amount—dollar limitation.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor;

(3) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use excluding exterior land improvements as defined by the Commissioner.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room and the dollar amount limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitation by

an amount not to exceed $1,250 per room without regard to the number of rooms being less than four, or more than four.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

4. Section 263.8a is amended to read as follows:

§ 263.8a Interest rate.

The mortgage shall bear interest, not exceeding 5¼ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

5. Section 263.9 is revoked as follows:

§ 263.9 Alaska, Guam, and Hawaii requirements. [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended, 12 U.S.C. 1715k)

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Part 266 is revised to read as follows:

Sec.
266.1 Incorporation by reference.
266.2 Request for insurance.
266.3 Certificate by Administrator to Commissioner.
266.4 Maximum mortgage amount—dollar limitation.
266.5 Increased mortgage amount—high cost areas.
266.6 Maximum mortgage amount—loan-to-value limitation.
266.7 Due date of mortgage.
266.8 Maximum maturity of mortgage.
266.9 Amortization period of mortgage.
266.10 Mortgage obligation in multiples.
266.11 Deferred sale of properties.
266.12 Mortgagor's minimum investment.
266.13 Eligible occupants.
266.100 Effective date.

AUTHORITY: §§ 266.1 to 266.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l.

§ 266.1 Incorporation by reference.

(a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages covering one-to four-family dwellings under section 203 of the National Housing Act apply to mortgages on dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
221.17 Maximum mortgage amounts.
221.18 Mortgagor's minimum investment.
221.27 Economic soundness of project.
221.39 Location of property.
221.41 Rental properties.
221.42 Eligibility of miscellaneous type mortgages.
221.44 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the Act shall be construed to refer to section 221 of the Act.

§ 266.2 Request for insurance.

Mortgage insurance under the provisions of this part is to be made available only in those localities, communities, or environs of such communities which shall have requested such insurance to be provided.

§ 266.3 Certificate by Administrator to Commissioner.

The total number of dwelling units in properties covered by insured mortgages, in a given locality or community, cannot exceed a figure which the Housing and Home Finance Administrator from time to time determines and certifies to the Commissioner to be the number of units needed for the relocation of displaced families eligible to obtain the benefits of insurance.

§ 266.4 Maximum mortgage amount—dollar limitation.

A mortgage executed by a mortgagor who is an occupant of the property shall not exceed:

(a) $9,000 for a one-family residence;

(b) $18,000 for a two-family residence;

(c) $25,000 for a three-family residence;

(d) $32,000 for a four-family residence;

§ 266.5 Increased mortgage amount—high cost areas.

In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations set forth in § 266.4 to amounts not to exceed:

(a) $12,000 for a one-family residence;

(b) $20,000 for a two-family residence;

(c) $27,500 for a three-family residence;

(d) $35,000 for a four-family residence.

§ 266.6 Maximum mortgage amount—loan-to-value limitation.

In addition to meeting the dollar limitation as set forth in this part, the mortgage shall be in an amount not to exceed:

(a) *Occupant mortgagors.* The Commissioner's estimate of the appraised value of the property, as of the date the mortgage is accepted for insurance if the mortgagor is an occupant of the property; or

(b) *Nonoccupant mortgagors.* If the property is to be built or acquired or rehabilitated for sale, and the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner-occupant, 85 percent of the appraised value, as of the date the mortgage is accepted for insurance, if the mortgagor is not the occupant.

§ 266.7 Due date of mortgage.

The mortgage shall come due on the first day of the month.

§ 266.8 Maximum maturity of mortgage.

The mortgage shall have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 40 years from the date of the insurance, or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser.

§ 266.9 Amortization period of mortgage.

The amortization period of the mortgage shall be either 10, 15, 20, 25, 30, 35, or 40 years by providing for either 120, 180, 240, 300, 360, 420, or 480 monthly amortization payments.

§ 266.10 Mortgage obligation in multiples.

The mortgage shall involve a principal obligation in an amount of $50 or multiples thereof.

§ 266.11 Deferred sale of properties.

A mortgagor under a mortgage covering a one-family dwelling may, subject to such terms and conditions as the Commissioner may prescribe, be permitted to sell the property on a deferred payment basis, such as an installment contract or lease with an option to purchase.

§ 266.12 Mortgagor's minimum investment.

(a) *Cash payment.* At the time the mortgage is insured, the mortgagor shall have paid on account of the property, in cash or its equivalent, not less than:

(1) $200 for a one-family dwelling;

(2) $400 for a two-family dwelling;

(3) $600 for a three-family dwelling;

(4) $800 for a four-family dwelling.

(b) *Inclusion of closing costs and expenses in cash payment.* The mortgagor's required minimum investment may include amounts to include settlement costs, initial payments for taxes, hazard insurance premiums, mortgage insurance premiums, and other prepaid expenses as approved by the Commissioner.

§ 266.13 Eligible occupants.

It shall be established, in a manner satisfactory to the Commissioner, that preference or priority of opportunity to purchase or rent dwelling units covered under the provisions of this part will be given to families as described in section 221 of the National Housing Act.

§ 266.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

PART 267—HOME RELOCATION INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE- TO FOUR-FAMILY DWELLINGS

1. The heading of Part 267 is amended to read as set forth above.

2. The pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
267.100 Effective date.

3. Section 267.1 is amended to read as follows:

§ 267.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages on one-to four-family dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
222.7 Mutual Mortgage Insurance Fund.
222.8 Distribution of participation shares.
222.9 Rights to participation shares.
222.18 Effective date.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 221 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Section 221 Housing Insurance Fund.

4. Sections 267.1a, 267.1b and 267.1c are revoked as follows:

§ 267.1a Annual mortgage insurance premiums and charges. [Revoked]

§ 267.1b Transfer of property to the Commissioner; conditions of default in mortgage. [Revoked]

§ 267.1c Condition of property when transferred; delivery of debentures and certificate of claim. [Revoked]

5. Section 267.7 is revoked as follows:

§ 267.7 No vested right in fund. [Revoked]

6. Section 267.8 is renumbered and amended to read as follows:

§ 267.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l).

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Part 268 is revised to read as follows:

Sec.
268.1 Incorporation by reference.
268.2 Request for insurance.
268.3 Certificate by Administrator to Commissioner.
268.4 Eligible mortgagors.
268.5 Maximum mortgage amounts—new construction.
268.6 Replacement cost limitation.
268.7 Maximum mortgage amounts—rehabilitation projects.
268.8 Increased mortgage amounts—high cost areas.
268.9 Maximum mortgage amount—leaseholds.
268.10 Adjusted mortgage amount—rehabilitation projects.
268.11 Supervision of mortgagors.
268.12 Labor standards.
268.13 Occupancy requirements.
268.14 Maximum-interest rate.
268.15 Mortgage maturity.
268.16 Prepayment privilege.
268.17 Late charge.
268.18 Development of property.
268.19 Commercial and community facilities.
268.100 Effective date.

AUTHORITY: §§ 268.1 to 268.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l.

§ 268.1 Incorporation by reference.

(a) All of the provisions of Part 232 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act apply to multifamily project mortgages insured under section 221 of the National Housing Act except the following provisions:

Sec.
232.4 Maximum mortgage amounts.
232.5 Maturity.
232.7 Maximum interest rate.
232.11 Soundness of project.
232.14 Prepayment privilege, prepayment and late charges.
232.17 Classification.
232.18 In general.
232.19 Required supervision of private mortgagors.
232.20 Occupancy requirements.
232.23 Development of property.
232.28 Rehabilitation projects.
232.30 Eligibility of miscellaneous type mortgages.
232.31 Eligibility of refinanced mortgages.
232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
232.32 Reinsurance of Commissioner-held mortgages.
232.35 Effective date.

(b) For the purposes of this part all references in Part 232 of this chapter to section 207 of the Act shall be construed to refer to section 221 of the Act.

§ 268.2 Request for insurance.

Mortgage insurance under the provisions of this part is to be made available only in those localities, communities, or environs of such communities which shall have requested such insurance to be provided.

§ 268.3 Certificate by Administrator to Commissioner.

The total number of dwelling units in properties covered by insured mortgages, in a given locality or community, cannot exceed a figure which the Housing and Home Finance Administrator from time to time determines and certifies to the Commissioner to be the number of units needed for the relocation of displaced families eligible to obtain the benefits of insurance.

§ 268.4 Eligible mortgagors.

The mortgage shall be executed by a mortgagor meeting the following qualifications:

(a) *Nonprofit Mortgagors.* The mortgagor shall be a nonprofit corporation or association or other acceptable nonprofit organization, regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof, or the Federal Housing Commissioner, as to rents, charges, and methods of operation. The regulation or supervision of the mortgagor must be in such form and in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

(b) *Profit Mortgagors.* The mortgagor shall be a corporation, association, or trust entity, formed or created with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which is regulated or restricted by the Commissioner, as to rents, sales, charges, capital structure, rate of return, and methods of operation, as set out in the contractual documents prescribed and approved by the Commissioner, which regulations or restrictions shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination.

§ 268.5 Maximum mortgage amounts—new construction.

The mortgage shall involve a principal obligation not in excess of the following:

(a) *Dollar amount limitation.* $12,500,000;

(b) *Dwelling unit limitation.* $9,000 per dwelling unit for such part of such project as may be attributable to dwelling use.

§ 268.6 Replacement cost limitation.

The mortgage shall involve a principal obligation not in excess of the following:

(a) *Nonprofit Mortgagors.* The Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed if executed by a Nonprofit Mortgagor. The replacement costs may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner;

(b) *Profit Mortgagors.* 90 per centum of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed if executed by a Profit Mortgagor. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builders and sponsors profit and risk

of 10 percent of the foregoing items exclusive of land unless the Commissioner, after certifying such allowance is unreasonable, prescribes a lesser percentage.

§ 268.7 Maximum mortgage amounts—rehabilitation projects.

In the case of properties other than new construction, the principal obligation of the mortgage shall not exceed:

(a) *Nonprofit Mortgagors.* The Commissioner's estimate of the appraised value of the project rather than the estimate of the replacement cost if executed by a Nonprofit Mortgagor;

(b) *Profit Mortgagors.* 90 percent of the Commissioner's estimate of the value of the property or project if executed by a Profit Mortgagor.

§ 268.8 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, he may increase the dwelling unit limitation to an amount not to exceed $12,000 per family unit.

(b) If the Commissioner finds that, because of high costs in Alaska, Guam, or Hawaii, it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed, in any event, the maximum including high cost area increases, if any, otherwise applicable by more than one-half thereof.

§ 268.9 Maximum mortgage amount—leaseholds.

The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 268.10 Adjusted mortgage amount—rehabilitation projects.

A mortgage having a principal amount computed in compliance with this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(a) *Property held in fee.* If the mortgagor is the owner of an unencumbered fee simple estate, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation;

(b) *Property subject to existing mortgage.* If the mortgagor is the fee simple owner of the project, subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation;

(2) Such portion of the outstanding indebtedness which does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repair or rehabilitation;

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) The Commissioner's estimate of the cost of the proposed repairs or rehabilitation;

(2) The actual purchase price of the land and improvements but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to completion of the proposed repairs and rehabilitation.

§ 268.11 Supervision of mortgagors.

(a) All of the provisions of § 232.19 shall apply to mortgagors under this part except that a Nonprofit Mortgagor shall not be subject to the provisions of § 232.19(b) (Rate of return); § 232.19 (d) (Labor standards and prevailing wage requirements); § 232.19(e) (Rents and charges); or § 232.19(g), (Mortgagor's equity investment) of this chapter.

(b) No charge shall be made by the mortgagor for accommodations, facilities, or services offered by the project except those approved by the Commissioner.

§ 268.12 Labor standards.

(a) *Profit Mortgagor.* All of the provisions of § 232.19 of this chapter apply to mortgages executed by a Profit Mortgagor.

§ 268.13 Occupancy requirements.

(a) *Family with children.* The mortgagor shall certify under oath that in selecting tenants for the property covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family, and that the mortgagor will not sell the property while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner.

(b) *Transient or hotel purposes.* The mortgagor shall certify under oath that so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

(c) *Preferred purchasers or tenants.* It shall be established, in a manner satisfactory to the Commissioner, that preference or priority of opportunity to purchase or rent dwelling units covered under the provisions of this part will be given to families as described in section 221 of the Act.

§ 268.14 Maximum interest rate.

The mortgage shall bear interest, not exceeding 5¼ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

§ 268.15 Mortgage maturity.

The mortgage must have a maturity satisfactory to the Commissioner, not to be more than forty years from the date of the insurance, or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser.

§ 268.16 Prepayment privilege.

(a) *Prepayment in full.* The mortgage indebtedness shall not be paid in full prior to maturity except that with the prior approval of the Commissioner, a mortgage may be paid in full prior to maturity:

(1) Where payment in full is made on a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure; or

(2) Where the Commissioner has determined the project no longer serves the need of providing housing for families eligible for the benefits of insurance under this part.

(b) *Partial prepayments.* With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(c) *Optional provision.* The mortgage may, if required by the mortgagee, contain a provision that, prior to maturity, and with the approval of the Commissioner, partial prepayments may be made, after thirty days' written notice to the mortgagee, on any principal payment date. If prepayments are made in any calendar year in excess of 15 percent of the original face amount of the note, a reasonable charge on such excess may be allowed as agreed upon between the mortgagor and the mortgagee.

§ 268.17 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest and principal more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 268.18 Development of property.

(a) *Obligation of mortgagor to construct project.* At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations designed

principally for residential use. The Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion.

(b) *Minimum number of units.* The project shall consist of not less than ten rental dwelling units on one site and may be detached, semidetached, or row houses, or a multifamily structure.

(c) *Compliance with governmental regulations.* The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

§ 268.19 Commercial and community facilities.

The project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 268.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

SUBCHAPTER H—WAR HOUSING INSURANCE

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 277.8 is amended by adding a new paragraph (d) to read as follows:

§ 277.8 Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".

* * * * *

(d) In computing the value of the mortgage as set forth in paragraph (a)(1) of this section, the Commissioner may include in such computation the amount of payments made by the mortgagee for:

(1) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(2) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(3) The costs of acquiring the property by the mortgagee and conveying and evidencing title of the property to the Commissioner, may be included in the debenture computation as foreclosure costs and shall be subject to the aggregate limitation on foreclosure costs.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742)

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart A—Military Personnel

1. In Part 292a the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
292a.31 Wage certificates.

2. Section 292a.10 is amended to read as follows:

§ 292a.10 Mortgage maturity and amortization.

The mortgage shall have maturity and amortization provisions satisfactory to the Commissioner but in no event shall the maturity exceed 30 years from the date of the beginning of amortization.

3. Section 292a.31 is amended to read as follows:

§ 292a.31 Wage certificates.

No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance certificates acceptable to the Commissioner certifying that:

(1) The laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance;

(2) All laborers and mechanics employed in the construction of such project have been paid not less than one and one-half times the regular rate of pay for employment in excess of eight hours in any one day or in excess of 40 hours in any one week.

4. Section 292a.36 is amended by adding a new sentence at the end thereof to read as follows:

§ 292a.36 Development of property.

* * * * * *

The property or project may include such non-dwelling facilities as the Commissioner deems adequate to serve the occupants.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 803, 69 Stat. 646, as amended; 12 U.S.C. 1748b)

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Subpart B—Civilian Employees

Subpart B of Part 293a is revised to read as follows:

Sec.
293a.25 Incorporation by reference.
293a.100 Effective date.

AUTHORITY: §§ 293a.25 and 293a.100 issued under sec. 807, 69 Stat. 651; 12 U.S.C. 1748g. Interpret or apply sec. 809, 70 Stat. 273, as amended; 12 U.S.C. 1748h–1.

§ 293a.25 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 809 of the National Housing Act except the following provisions:

Sec.
222.7 Mutual Mortgage Insurance Fund.
222.8 Distribution of participation shares.
222.9 Rights to participation shares.
222.18 Effective date.

(b) For the purposes of this subpart all references in Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 809 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Armed Services Housing Mortgage Insurance Fund.

§ 293a.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

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5. Subchapter M is amended by adding a new Part 294 to read as follows:

PART 294—ARMED SERVICES HOUSING INSURANCE—SECTION 810 OF ACT

Subpart A—Eligibility Requirements of Mortgage

Sec.
294.1 Incorporation by reference.
294.2 Definitions of terms as used in this part.

GENERAL REGULATIONS APPLICABLE TO ALL MORTGAGES

294.25 Certification by Secretary to Commissioner.
294.26 Insurance risk and economic soundness.
294.27 Guarantee of fund.
294.28 Reduced mortgage amounts—leaseholds.
294.29 Eligible mortgages—form.
294.30 Eligible mortgagors.

REGULATIONS FOR MULTIFAMILY PROJECTS

294.50 Maximum mortgage amounts—Multifamily Rental Project.
294.51 Maximum mortgage amounts—Multifamily Sales Project.
294.52 Increased mortgage amounts—high cost areas.
294.53 Mortgage release provisions.

REGULATIONS FOR INDIVIDUAL MORTGAGES

294.75 Maximum mortgage amounts—Individual Mortgage.
294.76 Mortgagor's minimum investment.
294.77 Maximum term.
294.78 Amortization period.
294.79 Release from Multifamily Sales Project mortgage.

EFFECTIVE DATE

Sec.
294.100 Effective date.

Subpart B—Rights and Obligations of Mortgagee Under Insurance Contract

294.101 Incorporation by reference—Multifamily, Sales or Rental Project.
294.102 Incorporation by reference—Individual Mortgages.
294.200 Effective date.

AUTHORITY: §§ 294.1 to 294.200 issued under sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 810, 69 Stat. 651; as amended.

Subpart A—Eligibility Requirements of Mortgage

§ 294.1 Incorporation by reference.

(a) *General—all mortgages.* All of the provisions of §§ 221.1 to 221.8 of Subchapter C of this chapter shall govern the eligibility qualifications and requirements of mortgages under this subpart.

(b) *Multifamily, Sales or Rental Projects.* (1) All of the provisions of Part 232 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to Multifamily, Sales or Rental Project mortgages insured under this subpart except the following provisions:

Sec.
232.4 Maximum mortgage amounts.
232.10 Covenant for fire insurance.
232.11 Soundness of project.
232.17 Classification.
232.21 Qualification of lenders.
232.22 Eligibility of property.
232.26 Certificate of actual cost.
232.30 Eligibility of miscellaneous type mortgages.
232.31 Eligibility of refinanced mortgages.
232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
232.32 Reinsurance of Commissioner-held mortgages.

(2) For the purposes of this subpart all references in Part 232 of this chapter to section 207 of the National Housing Act shall be construed to refer to section 810 of such Act.

(c) *Individual Mortgages.* (1) All of the provisions of Part 221 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to Individual Mortgages insured under this subpart except the following provisions:

Sec.
221.16 Mortgage provisions.
221.17 Maximum mortgage amounts.
221.18 Mortgagor's minimum investment.
221.27 Economic soundness of project.
221.28 Eligible mortgages in Alaska, Guam or Hawaii.
221.39 Location of property.
221.41 Rental properties.
221.42 Eligibility of miscellaneous type mortgages.
221.44 Effective date.

(2) For the purposes of this subpart all references in Part 221 of this chapter to section 203 of the Act shall be construed to refer to section 810 of such Act.

§ 294.2 Definitions of terms as used in this part.

As used in this part, the following terms will have the meaning indicated:

(a) "Act" means the National Housing Act, as amended.

(b) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(c) "Secretary" means the Secretary of Defense or his designee.

(d) "Mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than 99 years which is renewable; or (2) under a lease having a period of not less than 75 years to run from the date the mortgage is executed; or (3) under a lease executed by a governmental agency for the maximum term consistent with its legal authority, provided such lease has a period of not less than 50 years to run from the date the mortgage is executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

(e) "Insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner.

(f) "Mortgagor" in the case of an Individual Mortgage means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Mortgagor" in the case of a Multifamily Rental Project means a private corporation, association, or trust entity formed or created with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which is regulated or restricted by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation, as set out in the contractual documents prescribed and approved by the Commissioner, which regulations or restrictions shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination.

(h) "Mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee herein named.

(i) "Multifamily Sales Project" means a project constructed under a blanket mortgage, covering a group of not less than eight single-family dwellings constructed for eventual sale to individual purchasers.

(j) "Multifamily Rental Project" means a project constructed for the purpose of providing rental housing accommodations for eligible tenants.

(k) "Individual Mortgage" means a mortgage covering an individual single-family dwelling which has been released from a Multifamily Sales Project mortgage.

(l) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

GENERAL REGULATIONS APPLICABLE TO ALL MORTGAGES

§ 294.25 Certification by Secretary to Commissioner.

(a) *Certified housing.* Applications for insurance of any mortgage under this part will not be accepted unless the Secretary has certified to the Commissioner that:

(1) The housing which is covered by the insured mortgage is necessary in the interest of national defense in order to provide adequate housing for military personnel and essential civilian personnel serving or employed in connection with an installation of one of the Armed Services of the United States;

(2) There is no present intention to curtail substantially the number of such personnel assigned or to be assigned to the installation;

(3) Adequate housing is not available for such personnel within reasonable commuting distance of such installation;

(4) The mortgaged property will not, so far as can be reasonably foreseen, substantially curtail occupancy in any existing housing in the vicinity of the installation if such housing is covered by mortgages insured under the Act;

(5) The aggregate number of dwelling units (including all units in multifamily projects or individual dwellings) covered by outstanding commitments to insure and mortgages insured under section 810 of the Act at no time shall exceed 5,000 dwelling units.

(b) *Certified purchasers or tenants.* Priority in the sale or rental of dwellings covered by a mortgage insured under this subpart shall be given to the following classes of persons certified by the Secretary as:

(1) Military personnel;

(2) Essential civilian employees of the Armed Services;

(3) Employees of contractors for the Armed Services.

(c) *Conclusive nature of certificates.* Any certificates issued by the Secretary as provided in this section shall be conclusive evidence of:

(1) Compliance with the requirements of paragraph (a) of this section;

(2) The employment status of the person requiring housing and such person's need for housing.

§ 294.26 Insurance risk and economic soundness.

Any mortgage may be accepted for insurance under this subpart by the Commissioner without regard to any requirement that the property or project be economically sound or an acceptable risk.

§ 294.27 Guarantee of fund.

If the Commissioner determines that insurance of any mortgage under this subpart is not an acceptable risk, he may require the Secretary to guarantee the Armed Services Housing Mortgage Insurance Fund from loss with respect to mortgages insured under this subpart.

§ 294.28 Reduced mortgage amounts—leaseholds.

The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding. The mortgage amount shall be adjusted to the next lowest mortgage amount as stipulated in § 294.75 for Individual Mortgages.

§ 294.29 Eligible mortgages—form.

(a) *Form.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and must be a first lien upon property that conforms with property standards prescribed by the Commissioner.

(b) *Disbursement of mortgage proceeds.* The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

§ 294.30 Eligible mortgagors.

In order to be eligible for mortgage insurance under this subpart, the mortgage shall be executed by a mortgagor approved by the Commissioner.

REGULATIONS FOR MULTIFAMILY PROJECTS

§ 294.50 Maximum mortgage amounts—Multifamily Rental Project.

A mortgage on a Multifamily Rental Project may involve a principal obligation not in excess of the lesser of the following:

(a) $5,000,000;

(b) 90 percent of the estimated value;

(c) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use;

(d) The amount which the Commissioner estimates will be the cost of the completed improvements of the project exclusive of public utilities, streets, and organization and legal expenses.

§ 294.51 Maximum mortgage amounts—Multifamily Sales Project.

A mortgage on a Multifamily Sales Project may involve a principal obligation not in excess of the lesser of the following:

(a) $5,000,000;

(b) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgage which would meet the requirements of section 203(b)(2) of the Act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the Act.

§ 294,52 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, he may increase the dwelling unit limitation by an amount not to exceed $1,000 per room.

(b) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed, in any event, the maximum including high cost area increases, if any, otherwise applicable by more than one-half thereof.

§ 294.53 Mortgage release provisions.

A mortgage executed by a mortgagor of a Multifamily Sales Project shall provide that at any time after five years from the date the project became available for initial occupancy or at such earlier date as the Commission may authorize, the property underlying such mortgage may be released, in whole or in part, upon payment of the unpaid balance of the blanket mortgage allocable to the property released. Where the mortgage does not contain release provisions, no property shall, except with the consent of the Commissioner, be released from the lien thereof so long as the mortgage insurance is in force.

REGULATIONS FOR INDIVIDUAL MORTGAGES

§ 294.75 Maximum mortgage amounts—Individual Mortgage.

The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof except a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, 30 or 35 years may be in an amount of $50 or multiples thereof and must not exceed the unpaid balance of the project mortgage allocable to the property offered as security.

§ 294.76 Mortgagor minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 294.77 Maximum term.

The mortgage shall come due on the first of a month and must have a maturity satisfactory to the Commissioner, not more than 35 years or the unexpired term of the Multifamily Sales Project mortgage at the time of release of the mortgaged property from such property mortgage.

§ 294.78 Amortization period.

The amortization period shall be either 10, 15, 20, 25, 30 or 35 years by providing for 120, 180, 240, 300, 360 or 420 monthly amortization payments.

§ 294.79 Release from Multifamily Sales Project mortgage.

To be released from the lien of a project mortgage, the property to be released and mortgaged shall be included as part of a Multifamily Sales Project and shall have located thereon a single-family dwelling. The mortgage shall be executed in connection with the release of such property from the lien of the project mortgage and to replace or refinance the project mortgage as to such property.

EFFECTIVE DATE

§ 294.100 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart B—Rights and Obligations of Mortgagee Under Insurance Contract

§ 294.101 Incorporation by reference—Multifamily, Sales or Rental Project.

(a) All of the provisions of Part 233 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to Multifamily, Sales or Rental Project mortgages insured under section 810 of the National Housing Act except the following provision:

Sec.
233.14 Effective date.

(b) For the purposes of this part all references in Part 233 of this chapter to section 207 of the Act shall be construed to refer to section 810 of the Act and all references to the Housing Insurance Fund shall be construed to refer to the Armed Services Housing Mortgage Insurance Fund.

§ 294.102 Incorporation by reference—Individual Mortgages.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to Individual Mortgages insured under section 810 of the National Housing Act except the following provisions:

Sec.
222.7 Mutual Mortgage Insurance Fund.
222.8 Distribution of participation shares.
222.9 Rights to participation shares.
222.18 Effective date.

(b) For the purposes of this part all references to Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 810 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Armed Services Housing Insurance Fund.

§ 294.200 Effective date.

Unless otherwise specified, the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

SUBCHAPTER N—NATIONAL DEFENSE HOUSING INSURANCE

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 295.11 is amended by adding a new paragraph (d) to read as follows:

§ 295.11 Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".

* * * * *

(d) In computing the value of the mortgage as set forth in subparagraph (a) (1) of this section, the Commissioner may include in such computation the amount of payments made by the mortgagee for:

(1) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(2) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(3) The costs of acquiring the property by the mortgagee and conveying and evidencing title of the property to the Commissioner, may be included in the debenture computation as foreclosure costs and shall be subject to the aggregate limitation on foreclosure costs.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f)

Issued at Washington, D.C., September 23, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-8083; Filed, Sept. 25, 1959; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

Enlisted Men

Sections 1101.14, 1101.15, and 1101.16 are revised to read as follows:

§ 1101.14 Qualifications for enlistment or reenlistment.

(a) *Applicability*—(1) *Purpose.* This section and §§ 1101.15 and 1101.16 prescribe the eligibility requirements and procedures for enlistment and reenlistment of individuals in the federally recognized Army National Guard.

(2) *Policy.* (i) Recruiting and enlistment are responsibilities of the several States, Commonwealth of Puerto Rico, and the District of Columbia.

(ii) Enlistments will be reviewed by the Chief, National Guard Bureau.

(iii) Enlistment and reenlistment are subject to any additional requirements imposed by State law, including residence.

(3) *Definitions.* The following definitions are applicable in this section and in §§ 1101.15 and 1101.16:

(i) *Enlistment.* The original entry of an individual without prior National Guard service into the Army National Guard.

(ii) *Reenlistment.* The reentry into the Army National Guard of any individual having prior National Guard Service.

(4) *Army National Guard of the United States*—(i) *General.* The Army National Guard of the United States is a reserve component of the United States Army and consists of all federally recognized units, organizations, and members of the Army National Guard of the several States, who, in addition to their status as such are Reserves of the Army in the same commissioned, warrant or enlisted grade in which they are federally recognized.

(ii) *Membership.* Membership in the Army National Guard of the United States is acquired by virtue of:

(*a*) Enlistment in the federally recognized Army National Guard of any State, and

(*b*) Enlistment as a Reserve of the Army in the same grade.

(b) *Citizenship.* Applicants who are otherwise qualified may be enlisted if they are:

(1) Citizens of the United States.

(2) Aliens who present written evidence that they have made legal declaration of their intention to become citizens of the United States. Only those declarant citizens who can present the duplicate or triplicate copy of declaration of intention (United States Department of Justice; Immigration and Naturalization Service Form N-315), duly authenticated by a Federal district court, are eligible for enlistment in the Army National Guard. Title 18, United States Code, Section 1426, prohibits the reproduction of a declaration of intention to become a citizen, or certificate of naturalization. Under no circumstances will these forms be reproduced.

(c) *Age.* The age requirements for enlistment or reenlistment are:

(1) Eighteen through 35 years, except as otherwise provided in this paragraph.

(i) Any applicant may be accepted for enlistment who has reached his 17th but not his 18th birthday provided he furnishes written consent of his parents or guardian. If the applicant has neither parents nor guardian, a statement to that effect will be included under "Remarks" on the enlistment record by the enlisting officer. This entry will be read to the aplicant and initialed by him.

(ii) The written consent prepared on DD Form 373 (Consent, Declaration of Parent or Legal Guardian) will be signed by both parents. The consent of one parent may be accepted if the other parent is absent for an extended period of time. In case of such absence the one parent signing the consent agreement will also add in his or her own handwriting in the space provided for the signature of the other parent: "Not available for signature and does not object." If parents are divorced, the consent of the parent having custody of the applicant is sufficient. In such cases, however, the divorced parent must furnish proof of custody.

(2) The maximum age limit of 35 years applies only to persons without prior service. A person who is otherwise qualified and meets the criteria shown in the following table may be enlisted or reenlisted in the Army National Guard, provided that no term of enlistment will extend beyond his 60th birthday, and provided further that he has had total active service in the federally recognized Army or Air National Guard since June 15, 1933, the Regular Army, Army of the United States, United States Air Force, United States Navy, United States Marine Corps, or any reserve components thereof, equal to or exceeding that shown in the following table:

Age	*Prior service required*
36 under 38	1 year.
38 under 41	2 years.
41 and over	2 years plus the number of years applicant is over age 40.

(3) An applicant who has been awarded decorations of the Silver Star, or higher, will be accepted for enlistment or reenlistment without regard to age limitations provided that no term of enlistment will extend beyond his 60th birthday.

(4) Applicants who have reached their 36th and have not reached their 45th birthday at time of application for enlistment may be accepted for original enlistment and service in nondivisional AAA units of the Army National Guard. Such individuals are limited in assignment to such units and for service only within their immediate area; i.e., continental United States, Alaska, Hawaii, or Commonwealth of Puerto Rico. Under "Remarks" section of the enlistment record, qualification record, and service record, the following entry will be made. "By policy of the Department of the Army, individual will not be employed in the service of the United States outside the (Continental United States)[1] (Alaska)[1] (Hawaii)[1] (Commonwealth of Puerto Rico)[1] without his consent."

(5) Applicants who have reached their 45th and have not reached their 55th birthday at time of application for enlistment or reenlistment may be accepted for service in nondivisional AAA units provided they have served at least 1 year in an Armed Force of the United States, including a reserve component thereof. The same limitation of assignment contained in subparagraph (4) of this paragraph, is applicable and the same entry will be made on the enlistment record, qualification record and service record.

(6) Applicants who possess technical skills required by the Army National Guard, who have reached their 36th and have not reached their 45th birthday, may, when specifically authorized by the adjutant general of the State, Territory, Commonwealth of Puerto Rico, or the District of Columbia, be accepted for enlistment and service in State Headquarters Detachments. A person in this category will not be transferred to another unit unless he fulfills the age

[1] Include only the area applicable.

criteria for enlistment therein and is qualified for general military service. Waivers granted in such cases may be continued in effect upon immediate reenlistment without a break in service.

(d) *Aptitude requirements.* (1) Applicants for enlistment in the Army National Guard, with or without prior active service in any of the Armed Forces must obtain a percentile score of 21 or higher in the AFQT–3 (DD Form 658) or AFQT–4 (DD Form 659) prior to enlistment. Documentary evidence of having attained a percentile score of 21 or higher on a previous AFQT or equivalent score on the ECFA will be accepted in lieu of the requirement for the AFQT–3 or AFQT–4. Equivalent score for examination in Puerto Rico is 78 on ECFA–1.

(2) The provisions of subparagraph (1) of this paragraph are not applicable to individuals enlisting in the Alaskan Scout Battalions.

(e) *Moral requirements.* Each applicant must have high moral character and personal qualifications. An applicant may be required to furnish evidence of good character. If the applicant has prior service, Report of Separation from the Armed Forces of the United States (DD Form 214) or other similar document will be presented to the enlisting officer for verification after which it will be returned to the applicant.

(f) *Training agreements.* Individuals with no prior military service must agree to perform a prescribed period of active duty for training as a condition of enlistment. Each individual will execute NGB Form 21B, C or D, as appropriate in duplicate, acknowledging understanding of the training and service obligation incurred by enlistment in the Army National Guard.

(g) *Persons ineligible unless waiver is granted:* The enlistment or reenlistment of any of the following is not authorized unless waiver is granted by the Chief, National Guard Bureau:

(1) *Applicant having time lost.* A person who has been discharged from active Federal service, whose total time lost under the provisions of Title 10, United States Code, Section 972, in the Army or in any other Armed Force, was 60 days or more during his last period of enlistment or period of active duty.

(2) *Applicants with records of conviction by civil court.* (i) Applicants for initial enlistment who have been tried and convicted by a civil court for other than the commission of a felony, and those who have been adjudicated a juvenile delinquent by a civil court. (Applicants with record of minor traffic offenses for which no type of civil restraint was imposed, may be enlisted without waiver.)

(ii) Applicants for reenlistment in the Army National Guard, without a break in Army National Guard Service, who are on parole, probation, or suspended sentence by reason of conviction for the commission of a misdemeanor by a civil court or who have been adjudicated a juvenile delinquent by a civil court.

(iii) Applicants for reenlistment in the Army National Guard with a break in service, who, subsequent to date of last discharge from the Army National Guard have been tried and convicted by a civil court for other than the commission of a felony and those who have been adjudicated a juvenile delinquent by a civil court (applicants with record of minor traffic offenses for which no type of civil restraint was imposed, may be enlisted without waiver).

(3) *Physically substandard applicants.* Applicants with prior service in any of the Armed Forces who fail to meet the prescribed physical standards, and those applicants last separated by reason of physical disability (even though they currently meet the prescribed physical standards). This includes personnel whose report of separation contains the following notation: "SR 600–450–10, for the convenience of the Government Disability existing prior to active service and not aggravated by military service," and "Medical disqualification EPTS, SR 600–450–10."

(4) *Applicants classified IV–F.* Applicants classified IV–F by Selective Service.

(5) *Types of separation.* Applicants last discharged by reason of any of the following regulations or conditions:

(i) Applicants last discharged from the Army under AR 615–366 or AR 635–206, par. 4a, b, or 6, AR 615–367; AR 615–368 or AR 635–208; AR 615–369 or AR 635–209, and applicants last discharged by similar authority from the other services.

(ii) Applicants whose DD Form 214 (Report of Separation from the Armed Forces of the United States) or similar document includes the following: "EM does not meet prescribed requirements for retention;" "Adjudged a Youthful Offender" or "AFR 39–14," and ltr AFPMP–4h, 20 Mar 1950, subject: "Discharge of Physically Disqualified Airmen for Convenience of the Government."

(iii) Applicants whose DD Form 214 includes the following statement under Remarks: "Par. 11, SR 615–105–1, applies.", or "Par. 9, or 20, AR 615–120." or "Par. 9, AR 601–210, applies."

(iv) Former commissioned officers or warrant officers last separated from any of the Armed Forces, whether as a direct result of trial by courts-martial, reclassification, or elimination proceedings or by resignation in lieu thereof, and former officers and warrant officers last separated under AR 605–200, AR 605–275, AR 635–105A, or AR 635–120.

(h) *Persons ineligible*—(1) *Persons convicted of felonies.* Any person convicted of a felony.

(2) *Applicants against whom criminal charges are pending.* Persons who have criminal charges filed and pending against them.

(3) *Parolees.* Persons on parole, probation, or suspended sentence of any civil court for any offense, except as indicated in paragraph (g) (2) (ii) of this section.

(4) *Discharged under other than honorable conditions.* Applicants last discharged from the Armed Forces of the United States, including the reserve components thereof, under other than honorable conditions.

(5) *Insane or intoxicated.* Persons who are habitually intoxicated, or who are insane, drug addicts, not of good character and temperate habits, or who have a record of behavior disorders.

(6) *Claim of prior honorable service.* Persons who claim prior honorable service but who are unable to produce written evidence of such service (DD Form 214 or similar document) will not be enlisted until official verification of service is received.

(7) *Persons who have received severance pay.* Persons whose last report of separation shows that severance pay was received.

(8) *Mentally disqualified.* (i) Persons who do not speak, read, and write the English language except where the language used is predominantly other than English.

(ii) Other persons who fail to attain a percentile score of 21 or higher on the AFQT (paragraph (d) of this section).

(9) *Deserters.* Deserters from any of the Armed Forces of the United States.

(10) *Aliens.* Aliens who have not filed their legal declaration, to become citizens of the United States (paragraph (b) (2) of this section).

(11) *Minors or overage applicants.* Applicants under 17 and those who have passed the 36th anniversary of their birth, except as authorized in paragraph (c) of this section.

(12) *Persons receiving disability pension or compensation.* Persons who draw a disability pension, disability allowance, or disability compensation from the Government of the United States unless waived in accordance with pertinent National Guard Regulations.

(13) *Persons receiving retirement pay.* Persons who draw retirement pay from the Government of the United States where retirement has been made on account of physical disability or age.

(14) *Persons with military status.* (i) Members of the Regular Army, Navy, Air Force, United States Marine Corps, United States Coast Guard, Coast and Geodetic Survey.

(ii) Members of any reserve component of the Armed Forces including enlisted members of the Ready Reserve of the Army Reserve and members of the Army or Air National Guard of another State, unless conditional release from such membership by the appropriate discharge authority is presented.

(15) *Members of NROTC or AFROTC.* Persons who are bona fide members of Navy ROTC or Advanced Air Force ROTC.

(16) *Applicants who are disloyal or subversive or who refuse to sign loyalty certificates.* Applicants who admit participation or whose available records show that they have at any time engaged in disloyal or subversive activities, applicants who refuse to sign the Loyalty Certificate for Personnel of the Armed Forces (DD Form 98), and applicants who sign the certificate and claim Federal constitutional privileges under the Fifth Amendment or Article 31, Uniform Code of Military Justice (10 U.S.C. 831).

(17) *Conscientious objectors.* A person who is a conscientious objector. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and princi-

ples so far as they pertain to his willingness to bear arms and to give full and unqualified military service to the United States. An affidavit will be prepared in quadruplicate and copy attached to each copy of the enlistment record.

(18) *Persons with dependents.* Persons otherwise eligible to enlist who have 4 or more dependents.

(19) *Persons previously discharged for dependency or hardship.* A person previously discharged from any of the Armed Forces of the United States for hardship or dependency may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation, conducted by the enlisting officer, that the reasons for which discharged no longer exist. An affidavit giving reasons for discharge, how they have been overcome, and that he will be available and not request discharge on account of dependency or hardship in the event of an emergency, will be obtained from the applicant.

(20) *Cadets.* Cadets, United States Military Academy; Midshipmen, United States Naval Academy; Cadets, United States Coast Guard Academy; Aviation Cadets, United States Air Force; and Cadets, United States Air Force Academy.

(21) *Selective Service registrants.* Selective Service registrants who have received orders from their local board to report for induction.

(22) *Retired enlisted persons.* Enlisted persons retired under Title 10, U.S.C., Section 3914, who are members of other reserve components of the Armed Forces.

(23) *Types of separation.* Applicants separated from their last period of active service in any of the Armed Forces under any of the regulations and/or conditions prescribed in AR 601–210 (Qualifications and Procedures for processing applicants for enlistment in the Regular Army).

§§ 1101.15 Period of enlistment and grades.

(a) *Period of enlistment.* (1) Original enlistments will be for 3 years.

(2) Reenlistments may be for 1 or 3 years.

(b) *Grades.* (1) Applicants without prior service will be enlisted in grade of private E–1.

(2) Persons with prior service, of the type and in the amount prescribed below, may be enlisted or reenlisted in a higher grade, provided TOE vacancy exists, as follows:

(i) Persons who have 4 months or more creditable service for pay purposes and who do not meet the requirements for enlistment or reenlistment in a higher grade, may be enlisted in grade of private E–2.

(ii) Persons may be enlisted in grade (noncommissioned officer, specialist, or private 1st class) equivalent to the grade held in the Regular Army, Army of the United States, United States Air Force, United States Marine Corps, including a reserve component thereof, at the time of last release or discharge.

(iii) Persons may be reenlisted in the Army National Guard in a grade (noncommissioned officer, specialist, or private 1st class) equivalent to the grade held at time of last discharge.

§§ 1101.16 Date of enlistment and recognition.

(a) *Date of enlistment.* The date of enlistment is the date upon which the oath of enlistment is administered. An enlistment will not be antedated or postdated under any circumstances.

(b) *Federal recognition status.* (1) A person enlisting in a federally recognized unit of the Army National Guard acquires a federally recognized status on the date on which he takes and subscribes to the oath of enlistment.

(2) A person enlisting in an Army National Guard unit not federally recognized acquires a federally recognized status on the date his unit is federally recognized. However, the period of enlistment of the person commences on the date he takes and subscribes to the oath of enlistment.

[NGR 25–1, Feb. 9, 1959] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–8043; Filed, Sept. 25, 1959; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

New Jersey Intracoastal Waterway and Tributaries

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.220 governing the operation of bridges over the New Jersey Intracoastal Waterway and tributaries is hereby amended with respect to paragraphs (d) and (n), the drawbridge across Manahawkin Bay between Ship Bottom and Manahawkin having been removed from the waterway, as follows:

§ 203.220 New Jersey Intracoastal Waterway and tributaries; bridges.

* * * * *

(d) The draws in each and every bridge or group of bridges shall, upon the signal prescribed in paragraph (c) of this section, be promptly opened at any and all hours of the day or night, except as provided in paragraph (m) of this section for the passage of any vessel, vessels, or other watercraft unable to pass safely underneath the draw when closed. For bridges crossing the New Jersey Intracoastal Waterway, failure of the draws to be fully opened within 4 minutes from the signal to open shall be considered a violation of the requirement for prompt opening, except as provided in paragraph (m) of this section.

* * * * *

(n) [Revoked].

[Regs., Sept. 11, 1959, 285/91 (New Jersey Intracoastal Waterway and Tributary)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59–8042; Filed, Sept. 25, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 162—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Instructions Governing Mail Exportations Under Commerce Department Licenses and International Mail Regulations

I. Section 162.2 *General licenses,* as amended by Federal Register Document 59–5315, 24 F.R. 5221, is further amended for the purpose of clarification and to show changes in the regulations governing mail exportations under Commerce Department licenses. As so amended, § 162.2 reads as follows:

§ 162.2 General licenses.

(a) *Definition and use.* A general license is not a specific document, but is a general authorization covering exportations within its provisions, each general license being designated by symbol, such as GRO, GLV, GIFT, GUS, etc. A brief description of the general licenses usually employed for mail shipments is given in this section. Further information can be obtained as set forth in § 162.1. When the contents of a package are properly exportable under a general license, other than G–PUB, GTDP, GTDU or GTDS, mark the wrapper with the appropriate symbol and the words "Export license not required" before presenting it at the post office. The marking certifies that the mailer has complied with the regulations governing the use of the general license denoted by the symbol. No marking is required on wrappers of packages containing printed matter and technical data mailed under general licenses G–PUB, GTDP, GTDU, and GTDS.

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Hong Kong, Macao, and the following Soviet bloc countries: Albania, Bulgaria, China (mainland including Manchuria), Czechoslovakia, Estonia, Germany (Soviet Zone including Soviet sector of Berlin), Hungary, Latvia, Lithuania, Rumania, Tibet, U.S.S.R., and Viet-Nam (Communist-controlled areas). Packages for those countries may not bear any general-license symbol other than GIFT (not permitted to mainland China); GUS; G–PUB; GTDP; GTDS; GHK; or GLV (for Hong Kong and Macao); or GLSA (for destinations named in paragraph (g) of this section.)

(c) *General license gift.* (1) This license covers gift packages mailed by or on behalf of an individual sender to an individual addressee for the personal use of the latter or his family or to a religious, charitable, or educational organization. The contents are limited to items normally sent as gifts, such as food, clothing (except military clothing to the Soviet bloc countries shown in paragraph (b) of this section), medicinals, and drugs.

(2) The value of the contents of a package is limited to $50.

(3) Not more than one gift package may be mailed per week to one addressee under this general license.

(d) *General license GUS.* This license may be used for shipments to United States Government personnel under prescribed conditions.

(e) *General license G–PUB.* This license may be used for mailing miscellaneous printed matter to any country. No general license symbol is required on the wrapper.

(f) *General licenses GTDP, GTDU, and GTDS for technical data.* (1) General license GTDP may be used for mailing technical data generally available in published form to any country.

(2) General license GTDU may be used for mailing technical data not generally available in published form, except for certain data as specified by the Bureau of Foreign Commerce relating to civil aircraft, parts, accessories and electronic equipment used in connection therewith, and petroleum and petrochemical plants and processes. It may not be used to Poland or any Soviet bloc country listed in paragraph (b) of this section.

(3) General license GTDS may be used for mailing unclassified scientific and educational technical data under prescribed conditions.

(4) No general license symbol is required on the wrappers of packages mailed under licenses GTDP, GTDU, and GTDS.

(g) *General license GLSA.* This license may be used for mailing commercial shipments of certain commodities to Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Soviet Zone including the Soviet sector of Berlin), Hungary, Latvia, Lithuania, Rumania, and the U.S.S.R. except the Maritime Province which comprises the Pacific coastal region of Siberia from the Bering Strait to and including Vladivostok.

(h) *Other general licenses.* General license GHK may be used only for shipments to Hong Kong and Macao. Other licenses (GRO, GO, GLV, etc.) may be used for shipments to any country not listed in paragraph (b) of this section, and general license GLV may be used for certain commodities to Hong Kong and Macao.

NOTE: The corresponding Postal Manual section is 272.2.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. Section 162.3 *Validated licenses,* is amended for the purpose of clarification and to show changes in the regulations governing mail exportations under Commerce Department licenses. As so amended, § 162.3 reads as follows:

§ 162.3 Validated licenses.

(a) *Definition and use.* A validated license is an individual document issued by the Bureau of Foreign Commerce, authorizing a specific exportation. Further information can be obtained as set forth in § 162.1. Before mailing a shipment under a validated license the sender must put the license number on the wrapper.

(b) *Export declaration required.* An export declaration (see Part 161 of this chapter) is required for every shipment covered by a validated license, except technical data. However, partial shipments of technical data must comply with paragraph (c) of this section.

(c) *Entire and partial shipments.* In making a shipment against a validated license, the mailer must surrender the license at the post office regardless of whether the total quantity shown on the license is mailed. However, if only a part of the licensed quantity is mailed, the mailer may, as an alternative deposit the license with a collector of customs and surrender at the post office a shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the collector or by his representative for shipment of the goods shown on the declaration. This is in addition to the declarations required by Part 161 of this chapter and paragraph (b) of this section.

(d) *Technical Data Licenses.* Licenses issued by the Bureau of Foreign Commerce for exportations of technical data are similar in form to the usual type of validated license, but are handled somewhat differently. No shipper's export declaration is required, except for partial shipments (see paragraph (c) of this section).

NOTE: The corresponding Postal Manual section is 272.3.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

§ 168.5 [Amendment]

III. In § 168.5 *Individual country regulations,* as published in the FEDERAL REGISTER of March 20, 1959, at pages 2119–2195, as Federal Register Document 59–2388, make the following changes:

A. In country "Brazil", as amended by Federal Register Document 59–4137, 24 F.R. 3991, under Postal Union Mail, make the following changes as a result of the postal authorities of Brazil giving notice that registered letters or letter packages for that country may no longer contain any articles of value.

1. The item *Letter packages containing dutiable merchandise* is amended to read as follows:

Letter packages containing dutiable merchandise. Not accepted.

2. The item *Prohibitions and import restrictions* is amended to read as follows:

Prohibitions and import restrictions. Coins, banknotes, paper money and any values payable to bearer.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. In country "Egypt", as amended by Federal Register Document 59–5635, 24 F.R. 5490, under Parcel Post, make the following changes as a result of a new parcel post agreement entered into with United Arab Republic (Egypt and Syria), effective on October 1, 1959.

1. Amend the tabular information immediately following the item *Air parcel rates* to read as follows:

Weight limit: 44 pounds.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
Postal forms required: One Form 2922; One Form 2966.

2. Strike out the item "*Indemnity.* No provision." and insert in lieu thereof a new item "*Insurance.*" to read as follows:

Insurance. The following fees and limits of indemnity apply:

Limit of indemnity	Fee, cents
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

Print on the wrapper, near the "INSURED" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE
$25.75 (U.S.)
TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS
77.25 GOLD FRANCS

See Part 122 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, precious metals, jewelry, or any other precious article must be insured.

C. In country "Syria (Republic of)", make the following changes as a result of a new parcel post agreement entered into with United Arab Republic (Egypt and Syria), effective on October 1, 1959.

1. Strike out "(Republic of)" in the country heading of "Syria".

2. Under Parcel Post, amend the tabular information immediately following the item *Air parcel rates* to read as follows:

Weight limit: 11,[1] 22, 44 pounds.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
Postal forms required: One Form 2922; One Form 2966.

[1] Parcels addressed to Chahba and Salkhad are limited to 11 pounds in weight, and parcels for Tel-Ablad and Yabroud to 22 pounds. To other places in Syria the weight limit is 44 pounds.

3. Under Parcel Post, amend the item *Dimensions* to read as follows:

Dimensions. Greatest combined length and girth, 6 feet. Greatest length 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

4. Under Parcel Post, strike out the item *"Indemnity.* No provision." and insert in lieu thereof a new item *"Insurance"* to read as follows:

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

Print on the wrapper, near the "INSURED" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

See Part 123 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, precious metals, jewelry, or any other precious article must be insured.

D. In "Places not included in a alphabetical list of countries" insert "United Arab Republic (Egypt and Syria)" in proper alphabetical order therein.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] LEO G. KNOLL,
Acting General Counsel.

[F.R. Doc. 59–8112; Filed, Sept. 25, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1980]

[Fairbanks 023026]

ALASKA

Reserving Lands for Use of the Forest Service for Research Purposes

Correction

In F.R. Doc. 59–7765, appearing at page 7529 in the issue for Friday, September 18, 1959, the first line of the land description should read "T. 7 S., R. 8 E.,".

[Public Land Order 1984]

[New Mexico 034635]

NEW MEXICO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 59)

1. In DA–54–New Mexico, issued June 24, 1958, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of Section 24 of the Federal Power Act, as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 13 W.,
Sec. 24, NE¼SW¼ and N½SE¼.

The areas described aggregate 120 acres.

2. The lands are crossed by the San Juan River and lie in a wide valley about four miles above the town of Farmington. They are gently sloping to flat and the soil is very sandy to sandy with a sparse cover of grama grass, brouse, cottonwood, and other woody vegetation.

3. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1 1075; 16 U.S.C. 818), as amended, the lands are hereby opened to location, entry and selection under the public-land laws, subject to the provisions of Section 24 of the Federal Power Act, supra, and subject to valid existing rights, and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such application and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on October 27, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 22, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on December 22, 1959 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Until 10:00 a.m. on December 22, 1959, the lands shall be subject to application by the State of New Mexico under Section 24 of the Federal Power Act, supra, for the reservation to the State or any political subdivision thereof, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

7. No application for the lands may be allowed under the homestead, desert-land, small tract or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–8045; Filed, Sept. 25, 1959; 8:46 a.m.]

[Public Land Order 1985]

[Arizona 09229]

ARIZONA

Withdrawing Lands for Use of the Bureau of Public Roads for Highway Relocation Purposes (Interstate Highway U.S. 91)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under the jurisdiction of the Secretary of the Interior for use of the Bureau of Public Roads, Department of Commerce, for right-of-way purposes in connection with the relocation of the right-of-way of Interstate Highway U.S. 91 via the Virgin River Gorge, in furtherance of the purposes and objectives of section 7 of the Federal Aid Highway Act of 1944 (58 Stat. 838):

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 12 W.,
Sec. 5, NW¼;
Sec. 6, N½.
T. 42 N., R. 12 W.,
Sec. 31, SE¼.
T. 41 N., R. 13 W.,
Sec. 1, N½;
Sec. 3, S½;
Sec. 4, SE¼;
Secs. 7 and 8;
Sec. 9, N½;
Sec. 10, N½;
Sec. 18, NW¼.
T. 41 N., R. 14 W.,
Sec. 12, E½;
Sec. 13, N½ and SW¼;
Secs. 14 and 15;
Sec. 20, SE¼;
Sec. 21;
Sec. 22, N½;
Sec. 23, NW¼;
Sec. 28, NW¼;
Sec. 29;
Sec. 30, lot 3, E½SW¼, and SE¼;
Sec. 31, N½.
T. 40 N., R. 15 W.,
Sec. 4, lots 1, 3, SE¼NW¼, NE¼SW¼, and S½SE¼;
Sec. 8, NW¼NE¼.
T. 41 N., R. 15 W.,
Sec. 25, N½SE¼ and SW¼SE¼;
Sec. 35, N½ and SE¼.

The areas described aggregate approximately 8,995 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–8046; Filed, Sept. 25, 1959; 8:46 a.m.]

[Public Land Order 1986]

[Idaho 010001]

IDAHO

Restoration Subject to Section 24 of the Federal Power Act (Power Site Reserve No. 565)

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to determination DA–517–Idaho of the Federal Power Commission issued November 21, 1958, it is ordered as follows:

1. The following-described public lands, withdrawn in Power Site Reserve No. 565 by the Executive order of November 21, 1916, are hereby opened to application, petition, location and selection under applicable public land laws, subject to valid existing rights, the requirements of applicable laws, the 91-day preference right filing period for veterans and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, and to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended:

BOISE MERIDIAN

T. 9 S., R. 16 E.
Sec. 24, lot 11.

The area described contains 48.80 acres.

2. Until 10:00 a.m. on December 22, 1959, the State of Idaho shall have a preferred right to apply for the reservation to it, or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, as provided by said Section 24, supra. The State has waived its preference right of application to select, afforded it by subsection (c) of section 2 of the Act of August 27, 1953 (72 Stat. 928; 43 U.S.C. 851–2).

3. Applications by veterans and others claiming preference under the Act of September 27, 1944, filed at or before 10:00 a.m. on October 27, 1959, shall be considered as simultaneously filed at that time. Such applications thereafter filed shall be considered in the order of filing.

4. Applications by the general public received at or before 10:00 a.m. on December 22, 1959, shall be considered as simultaneously filed at that time. Such applications thereafter filed shall be considered in the order of filing.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws pursuant to the Act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–8047; Filed, Sept. 25, 1959; 8:46 a.m.]

[Public Land Order 1988]

[Misc. 1725115]

ALABAMA

Modifying the Boundaries of the Wheeler National Wildlife Refuge

By virtue of the authority vested in the President and to effectuate further the purposes of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715, et seq.) and pursuant to Executive Order No. 10355 of May 26, 1952, and in accordance with the provisions of the agreement transferring land and rights from the Tennessee Valley Authority to the United States Department of the Interior for the use and benefit of the Fish and Wildlife Service, dated the sixth day of February, 1959, approved by the Director of the Bureau of the Budget on the 21st day of May, 1959, and designated Contract No. TV–19470A, it is ordered as follows:

1. The following-described lands are hereby added to and made a part of the Wheeler National Wildlife Refuge, as established by Executive Order No. 7926 of July 7, 1938, the boundaries of which were modified by Executive Order No. 9790 of October 14, 1946, and by agreements between the Tennessee Valley Authority and the Department of the Interior, Fish and Wildlife Service, dated August 12, 1947 (12 F.R. 5942), and June 16, 1953 (18 F.R. 4088):

a. Certain lands which were excluded from the Refuge by the agreement dated June 16, 1953, supra, and which are described as parcels 2, 3, and 4 of that agreement.

b. A tract of land in Morgan County, Alabama, in sections 20, 21, 28, and 29, T. 6 S., R. 4 W., on the shores of the Flint Creek embayment of Wheeler Lake at the U.S. Highway 31 bridge across the embayment, being a portion of the land previously excluded from the Refuge by the Agreement of August 12, 1947, supra, and which are more particularly described as follows:

Beginning at a point in the centerline of the L&N Railroad, in the line between sections 20 and 21, T. 6 S., R. 4. W., and in the boundary of the United States of America's land from which US–TVA Monument 137 in the boundary of the United States of America's land at the northwest corner of the SW¼ section 21 bears N. 3°15′ E. at a distance of 63 feet.

From the initial point into section 21, T. 6 S., R. 4 W., and subsequently in section 28,

With the centerline of the L&N Railroad as it meanders in a southerly direction approximately 6050 feet to a point in the south line of the NE¼NE¼NE¼SW¼ section 28 and in the boundary of the United States of America's land; Thence in section 28 with the United States of America's boundary line,

Leaving the L&N Railroad, N. 89°40′ W., 1093 feet to US–TVA Monument 94 at the southwest corner of the NW¼NW¼NE¼SW¼;

N. 1°40′ E., 337 feet to US–TVA Monument 95 at the northwest corner of the NE¼SW¼;

N. 88°25′ W., 333 feet to US–TVA Monument 96 at the southwest corner of the SE¼SE¼SW¼NW¼;

S. 1°35′ W., 1334 feet to US–TVA Monument 97 at the southeast corner of the SW¼SE¼NW¼SW¼;

With the south line of the NW¼SW¼ N. 89°30′ W., 397 feet to US–TVA Monument 98A in the east line of the right-of-way for U.S. Highway 31;

Leaving the United States of America's boundary line,

With the east line of the right-of-way for U.S. Highway 31 and a line 75 feet east of and parallel to the centerline of the highway N. 10°40′ W., 402 feet to the east end of an offset line in the right-of-way;

With the offset line S. 79°20′ W., 9 feet;

Continuing with the east line of the

right-of-way for U.S. Highway 31 and a line 66 feet east of and parallel to the centerline of the highway N. 10°40' W., 3634 feet to US–TVA Monument 148 in the north line of section 29 and in the boundary of the United States of America's land;

Thence in section 20 and with the United States of America's boundary line,

Continuing with the east line of the right-of-way for U.S. Highway 31 N. 10°45' W., 204 feet to US–TVA Monument 147;

Leaving the highway right-of-way line, S. 89°50' E., 318 feet to US–TVA Monument 133 in the east line of section 20;

Thence between sections 20 and 21,

N. 1°10' E., 446 feet to a metal marker;

Thence in section 21, leaving the United States of America's boundary line,

N. 47°08' E., 592 feet, passing a metal marker at 565 feet, to a metal marker in the centerline of a county road;

With the centerline of the county road as it meanders in a northerly direction approximately along a bearing and distance of N. 11°20' W., 250 feet to a metal marker in the north line of the SW¼SW¼;

With the north line of the SW¼SW¼ N. 89°50' W., 23 feet to US–TVA Monument 135 in the west line of the right-of-way for the county road and in the boundary of the United States of America's land;

With the United States of America's boundary line,

With the west line of the county road right-of-way as it meanders in a northerly direction approximately 910 feet (the straight line bearing and distance being N. 19°50' W., 905 feet) to US–TVA Monument 136 in the west line of section 21,

Thence between sections 20 and 21,

Leaving the county road right-of-way line, N. 3°15' E., 452 feet to the point of beginning.

2. The following-described non-public lands are hereby excluded from the Wheeler National Wildlife Refuge:

a. A tract of land in Limestone County, Alabama, in sections 3, 4, 9, and 10, T. 5 S., R. 4 W., on the northeast shores of Wheeler Lake at U.S. Highway 31, and more particularly described as follows:

Beginning at US–TVA Monument 39 in the centerline of a county road at the northeast corner of the NW¼NW¼ section 10 and in the boundary of the United States of America's land.

From the initial point between sections 3 and 10,

With the centerline of the county road N. 88°30' W., 490 feet;

Thence in sections 10, 9, and 4,

Leaving the centerline of the county road, S. 82°05' W., 122 feet to a metal marker (US–TVA Marker No. 196–60WC, Coordinates: N. 1,684,340; E. 665, 861) on the south side of the county road and in the 560-foot contour on the shore of Wheeler Lake;

With the south side of the county road in a westerly direction to a point in the southeast line of the original right-of-way for U.S. Highway 31;

With the southeast line of the original right-of-way for U.S. Highway 31 as it curves to the left in a northeasterly direction to a point in the north line of the SE¼SE¼SE¼ section 4 and in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the right-of-way line, N. 80°25' E. to US–TVA Monument 41 at the northeast corner of the SE¼SE¼SE¼ section 4;

Thence in section 3,

S. 88°25' E., 1338 feet to US–TVA Monument 40 at the northeast corner of the SE¼SW¼SW¼;

S. 0°55' W., 666 feet to the point of beginning.

b. A tract of land in Limestone County, Alabama, in section 2, T. 5 S., R. 4 W., on the northeast side of Wheeler Lake, approximately 3 miles northeast of Decatur and more particularly described as follows:

Beginning at US–TVA Monument 24 in the centerline of a county road and in the boundary of the United States of America's land at the southwest corner of the SE¼SE¼SE¼SW¼ section 2.

From the initial point with the United States of America's boundary line between sections 2 and 11,

With the centerline of the county road N. 89°10' W., 328 feet to US–TVA Monument 23 at the southwest corner of the SE¼SE¼-SW¼ section 2;

Thence in section 2,

Leaving the county road, N. 0°45' E., 2657 feet to US–TVA Monument 22 at the northwest corner of the NE¼NE¼SW¼;

S. 88°50' E., 661 feet to US–TVA Monument 21 at the northeast corner of the SW¼;

S. 0°50' W., 2657 feet to US–TVA Monument 20 in the centerline of a county road at the southeast corner of the SW¼;

Thence between sections 2 and 11, leaving the United States of America's boundary line,

With the centerline of the county road N. 88°45' W., 328 feet to the point of beginning.

c. A tract of land in Limestone County, Alabama, in the NE¼NE¼ section 8, T. 5 S., R. 3 W., on the left bank of Limestone Creek, approximately ¾ mile east of Mooresville, and more particularly described as follows:

Beginning at US–TVA Monument 118 in the boundary of the United States of America's land at the common corner of sections 4, 5, 8, and 9.

From the initial point with the United States of America's boundary line between sections 8 and 9,

S. 0°55' W., 187 feet to a metal marker in the centerline of a county road;

Thence in section 8, leaving the United States of America's boundary line,

With the centerline of the county road as it meanders in a westerly direction approximately 1200 feet to a point in the centerline of Limestone Creek and in the boundary of the United States of America's land;

With the United States of America's boundary line,

With the centerline of Limestone Creek as it meanders upstream approximately 500 feet to a point in the north line of section 8;

Thence between sections 5 and 8,

Leaving the creek, S. 89°35' E., 1110 feet to the point of beginning.

d. A tract of land in Madison County, Alabama, in the SE¼SE¼ section 36, T. 4 S., R. 2 W., on both banks of Indian Creek, approximately 5 miles northeast of Triana, and more particularly described as follows:

Beginning at US–TVA Monument 1 in the boundary of the United States of America's (TVA's) land at the northeast corner of the SE¼SE¼ section 36.

From the initial point with the United States of America's (TVA's) boundary line between section 36, T. 4 S., R. 2 W., and section 31, T. 4 S., R. 1 W.

S. 1°35' W., 662 feet to US–TVA Monument 2 at the southeast corner of the NE¼SE¼SE¼ section 36.

Thence in section 36, leaving the United States of America's boundary line,

N. 89°25' W., 1342 feet to US–TVA Monument 245–7;

N. 1°50' E., 660 feet to a metal marker in the boundary of the United States of America's (TVA's) land at the northwest corner of the SE¼SE¼;

With the United States of America's boundary line,

S. 89°30' E., 1338 feet to the point of beginning.

e. A tract of land in Madison County, Alabama, in the W½ section 19, T. 5 S., R. 1 W., and in section 24, T. 5 S., R. 2 W., on the northeast shore of Wheeler Lake, approximately 2 miles east of Triana, and more particularly described as follows:

Beginning at the US–TVA Monument 105 in the boundary of the United States of America's (TVA's) land at the northeast corner of the SE¼SE¼NW¼ section 19, T. 5 S., R. 1 W.

From the initial point with the United States of America's (TVA's) boundary line in section 19, T. 5 S., R. 1 W.,

With the east line of the W½ S. 2°05' W., 1450 feet to a point in the centerline of an old road;

Leaving the United States of America's (TVA's) boundary line and the said line,

With the centerline of the old road as it meanders in a southwesterly direction approximately 1500 feet to a point on the northeast bank of the original channel of the Tennessee River;

Southwesterly approximately 700 feet to a point in the centerline of the original channel of the Tennessee River;

With the centerline of the original channel of the Tennessee River as it meanders in a northwesterly direction approximately 1400 feet to a point in the west line of section 19;

Thence in section 24, T. 5 S., R. 2 W.,

Continuing with the centerline of the original channel of the Tennessee River as it meanders in a westerly direction approximately ¾ mile to a point in the west line of the E½W½;

With the west line of the E½W½ N. 1°30' E., approximately 400 feet to a metal marker in the 556.3-foot contour on the north shore of Wheeler Lake;

N. 1°30' E., 412 feet, passing US–TVA Monument 213–254WC at 31 feet, to US–TVA Monument 213–253 at the northwest corner of the SE¼SE¼NW¼;

S. 89°30' E., 3983 feet to a metal marker at the northeast corner of the SE¼SE¼NE¼;

Thence in section 19, T. 5 S., R. 1 W.,

S. 87°35' E., 1961 feet to US–TVA Monument 104 in the boundary of the United States of America's (TVA's) land at the northwest corner of the SE¼SE¼NW¼;

With the United States of America's (TVA's) boundary line,

S. 89°40' E., 675 feet to the point of beginning.

f. A tract of land in Morgan County, Alabama, in the SE¼SE¼ section 3, T. 6 S., R. 4 W., on the east side of the Flint Creek embayment of Wheeler Lake, at the State Highway 67 crossing of the embayment, and more particularly described as follows:

Beginning at US–TVA Monument 5 in the east line of section 3 and in the boundary of the United States of America's land.

From the initial point with the United States of America's boundary line between sections 2 and 3,

S. 0°15' W., 89 feet to a point in the centerline of State Highway 67;

Thence in section 3, leaving the United States of America's boundary line,

With the centerline of State Highway 67 in a northwesterly direction approximately along a bearing and distance of N. 63°25' W., 655 feet to a point at a county road;

With the centerline of the county road as it meanders approximately along the following bearings and distances:

N. 13°45' W., 838 feet to a metal marker,

S. 64°25' E., 220 feet to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the county road, S. 15°50' E., 762 feet to US–TVA Monument 4;

S. 63°15' E., 423 feet to the point of beginning.

g. A tract of land in Morgan County, Alabama, in the NW¼ section 11, T. 6 S., R. 4 W., on the east side of the Flint Creek embayment of Wheeler Lake, at the State Highway 67 crossing of the embayment, and more particularly described as follows:

Beginning at US–TVA Monument 16 in a county road and in the boundary of the United States of America's land at the northeast corner of the NW¼NE¼NW¼ section 11.

From the initial point with the United States of America's boundary line in section 11,

With the east line of the W½NE¼NW¼ S. 1°10' W., 834 feet to a point in the centerline of State Highway 67;

Leaving the United States of America's boundary line,

With the centerline of State Highway 67 in a northwesterly direction approximately along a bearing and distance of N. 63°25' W., 1872 feet to a point in the north line of section 11 and in the boundary of the United States of America's land;

With the United States of America's boundary line between sections 2 and 11,

Leaving the highway, S. 89°50' E., 145 feet to US–TVA Monument 7;

Thence in section 11,

Due south, 27 feet to US–TVA Monument 8;

S. 63°25' E., 350 feet;

N. 88°20' E., 58 feet;

N. 14°15' W., 87 feet to US–TVA Monument 10;

N. 19°30' W., 64 feet to US–TVA Monument 11;

N. 1°40' W., 35 feet to US–TVA Monument 12 in the north line of section 11 at a county road;

Thence between sections 2 and 11,

S. 89°50' E., 1220 feet to the point of beginning.

h. A tract of land in Morgan County, Alabama, in sections 22, 26, 27, 34, and 35, T. 5 S., R. 4 W., on the west shores of the Flint Creek Embayment of Wheeler Lake at the mouth of the embayment, and more particularly described as follows:

Beginning at US–TVA Monument 183 at the northwest corner of the NE¼NW¼ section 34 and in the boundary of the United States of America's land.

From the initial point with the United States of America's boundary line and between sections 27 and 34,

S. 89°05' E., 1333 feet to US–TVA Monument 184 (buried) at the southwest corner of the SE¼ section 27;

Thence in section 27,

N. 0°45' E., 1326 feet to US–TVA Monument 69 at the northwest corner of the SW¼SE¼;

S. 89°05' E., 667 feet to US–TVA Monument 68 at the northeast corner of the NW¼SW¼SE¼;

N. 0°50' E., 1322 feet to US–TVA Monument 67 at the northwest corner of the NE¼NW¼SE¼;

N. 88°55' W., 667 feet to US–TVA Monument 66 at the southwest corner of the NE¼;

N. 0°45' E., 660 feet to US–TVA Monument 65 at the northwest corner of the SW¼SW¼NE¼;

N. 88°50' W., 667 feet to US–TVA Monument 64 at the southwest corner of the NE¼SE¼NW¼;

N. 0°45' E., 1322 feet to US–TVA Monument 63 at the northwest corner of the SE¼NE¼NW¼;

Leaving the United States of America's boundary line,

With the north line of the SE¼NE¼NW¼ S. 88°45' E., 227 feet, passing a metal marker at 207 feet, to a point in the 556.3-foot contour on the southwest shore of an embayment of Wheeler Lake;

Continuing with the north line of the SE¼NE¼NW¼ S. 88°45' E., 173 feet;

N. 0°45' E., approximately 3120 feet to a point in the center line of the original channel of the Tennessee River;

With the center line of the original channel of the Tennessee River as its meanders in a southeasterly direction approximately 1 mile to a point opposite the mouth of the original channel of Flint Creek;

With the center line of the original channel of Flint Creek as it meanders in a general southwesterly direction approximately 2¾ miles;

Leaving the center line of the original channel of Flint Creek, N. 0°45' W., approximately 2600 feet to the point of beginning.

NOTE: The positions of corners and directions of lines in Madison County are referred to the Alabama (East) Coordinate System. The positions of corners and directions of lines in Limestone and Morgan Counties are referred to the Alabama (West) Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS 1929 General Adjustment. The boundary markers designated "US–TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

3. The extent of use, possession, custody, and control of the lands within the Wheeler National Wildlife Refuge which may be exercised by the United States Department of the Interior and by the Tennessee Valley Authority, respectively, shall be governed by the privisions of Contract No. TV–19470A aforesaid.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–8049; Filed, Sept. 25, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Subpart C—Standards

Notice is hereby given that the United State Department of Agriculture is considering a modification, as hereinafter proposed, of United States Official Standard Grades for Burley Tobacco, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

The proposed standards will supersede the current United States Official Standard Grades for Burley Tobacco (§§ 29.401 to 29.495) effective October 1952.

The principal changes are in the form of presentation and the use of terminology. This modification (1) deletes some definitions and adds new definitions to clarify present terminology; (2) includes as an integral part of the standards, a table showing the elements of quality and degrees of each element; (3) adds rules to facilitate grade application; (4) includes as official standard grades all special factor grades or subgrades except four which are deleted; (5) combines four nondescript grades under a single designation; (6) adds one mixed color grade, four variegated grades, and five greenish grades; (7) establishes combination color symbols; and (8) incorporates a summary of the standard grades and a key to standard grademarks.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Delete §§ 29.401–29.495 in Subpart C of Part 29 and substitute therefore immediately after § 29.1225 the following:

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U.S. TYPE 31)

DEFINITIONS

Sec.	
29.3001	Definitions.
29.3002	Air-cured.
29.3003	Air-dried.
29.3004	Body.
29.3005	Burley, Type 31.
29.3006	Buff color (L).
29.3007	Class.
29.3008	Clean.
29.3009	Color.
29.3010	Color intensity.
29.3011	Color symbols.
29.3012	Combination color symbols.
29.3013	Condition.
29.3014	Crude.
29.3015	Cured.
29.3016	Damage.
29.3017	Dark red color (D).
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29.3019	Elements of quality.
29.3020	Fiber.
29.3021	Finish.
29.3022	Foreign matter.
29.3023	Form.
29.3024	General color.
29.3025	General quality.
29.3026	Grade.
29.3027	Grademark.

Sec.
29.3028 Green (G).
29.3029 Greenish (V).
29.3030 Group.
29.3031 Injury.
29.3032 Leaf scrap.
29.3033 Leaf structure.
29.3034 Leaf surface.
29.3035 Length.
29.3036 Lot.
29.3037 Maturity.
29.3038 Mixed color (M).
29.3039 Nested.
29.3040 No grade.
29.3041 Offtype.
29.3042 Oil.
29.3043 Order (case).
29.3044 Package.
29.3045 Packing.
29.3046 Pink or pinkish.
29.3047 Quality.
29.3048 Raw.
29.3049 Red color (R).
29.3050 Rework.
29.3051 Semicured.
29.3052 Side.
29.3053 Sound.
29.3054 Special factor.
29.3055 Steam-dried.
29.3056 Stem.
29.3057 Stemmed.
29.3058 Strength (tensile).
29.3059 Strips.
29.3060 Subgrade.
29.3061 Sweated.
29.3062 Sweating.
29.3063 Tan color (F).
29.3064 Tannish-red color (FR).
29.3065 Tobacco.
29.3066 Tobacco products.
29.3067 Type.
29.3068 Undried.
29.3069 Uniformity.
29.3070 Unsound (U).
29.3071 Unstemmed.
29.3072 Variegated (K).
29.3073 Wet (W).
29.3074 Width.

ELEMENTS OF QUALITY

29.3101 Elements of quality and degrees of each element.

RULES

29.3103 Rules.
29.3104 Rule 1.
29.3105 Rule 2.
29.3106 Rule 3.
29.3107 Rule 4.
29.3108 Rule 5.
29.3109 Rule 6.
29.3110 Rule 7.
29.3111 Rule 8.
29.3112 Rule 9.
29.3113 Rule 10.
29.3114 Rule 11.
29.3115 Rule 12.
29.3116 Rule 13.
29.3117 Rule 14.
29.3118 Rule 15.
29.3119 Rule 16.
29.3120 Rule 17.
29.3121 Rule 18.
29.3122 Rule 19.
29.3123 Rule 20.
29.3124 Rule 21.
29.3125 Rule 22.
29.3126 Rule 23.

GRADES

29.3151 Flyings (X Group).
29.3152 Lugs or Cutters (C Group).
29.3153 Leaf (B Group).
29.3154 Tips (T Group).
29.3155 Mixed (M Group).
29.3156 Nondescript (N Group).
29.3157 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.3182 Key to standard grademarks.

DEFINITIONS

§ 29.3001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3002 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3003 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3004 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of quality.)

§ 29.3005 Burley, Type 31.

That type of air-cured tobacco, commonly known as Burley, produced principally in Kentucky, Tennessee, Virginia, North Carolina, Ohio, Indiana, West Virginia, and Missouri.

§ 29.3006 Buff color (L).

A light yellow slightly shaded toward red.

§ 29.3007 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.3008 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 20.)

§ 29.3009 Color.

The third factor of a grade, based on the relative hues, saturations or chroma, and color values common to the type.

§ 29.3010 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except variegated. Color intensity is reversed in its application to grades of greenish and green tobaccos and is omitted from these grade specifications. (See Elements of quality.)

§ 29.3011 Color symbols.

As applied to Burley, single color symbols are as follows: L—buff, F—tan, R—red, D—dark red, K—variegated, M—mixed color, V—greenish, G—green. F and R are considered in relation to the type as a whole when used with the M group. (See definition of General color.)

§ 29.3012 Combination color symbols.

As applied to Burley, combination color symbols are as follows: FR—tannish red, VF—greenish tan, VR—greenish red, GF—green tan, GR—green red. (See rules 17 and 18.)

§ 29.3013 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are as follows: Undried, air-dried, steam-dried, sweating, sweated, and aged. Burley is air-dried or steam-dried for storage and aging.

§ 29.3014 Crude.

The lowest degree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See rule 19.)

§ 29.3015 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3016 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 23.)

§ 29.3017 Dark red color (D).

A dark reddish brown.

§ 29.3018 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 23.)

§ 29.3019 Elements of quality.

Elements of quality and the degrees used in the specifications of the official standard grades of Burley, Type 31, are shown in § 29.3101. Words have been selected to describe the degrees of each element. Some of the words are almost synonymous in their meaning, yet, they are sufficiently different to represent steps within the range of the elements of quality to which they are applied.

§ 29.3020 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color and in some types are treated as elements of quality. In Burley, fiber size and color are not of great importance, except where a fine distinction must be made between several lots of high quality or between sides of the same lot.

§ 29.3021 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. Descriptive terms range from bright to dingy. (See Elements of quality.)

§ 29.3022 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See rule 23.)

§ 29.3023 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.3024 General color.

The color of tobacco considered in relation to the type as a whole. General color is distinguished from the restricted use of the term "color" within a group. It is basically related to body and other over-all characteristics of the type.

§ 29.3025 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.3026 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3027 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, C2F means Lugs, second quality, and tan color.

§ 29.3028 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See rule 18.)

§ 29.3029 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See rule 17.)

§ 29.3030 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Burley, Type 31, are as follows: Flyings (X), Lugs or Cutters (C), Leaf (B), Tips (T), Mixed (M), Nondescript (N), and Scrap (S).

§ 29.3031 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, barn-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black-shank, or other diseases. (See Elements of quality and rule 14.)

§ 29.3032 Leaf scrap.

A by-product of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3033 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See Elements of quality.)

§ 29.3034 Leaf surface.

The smoothness or roughness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers. (See Elements of quality.)

§ 29.3035 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See Elements of quality.)

§ 29.3036 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3037 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development. The extremes are expressed as crude and mellow. (See Elements of quality.)

§ 29.3038 Mixed color (M).

Distinctly different colors of the type mingled together. (See rule 16.)

§ 29.3039 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See rule 23.)

§ 29.3040 No grade.

A designation applied to a lot of tobacco which is classified as nested, offtype, rework, semicured, tobacco damaged 20 percent or more, abnormally dirty tobacco, tobacco containing foreign matter, and tobacco having an odor foreign to the type. (See rule 23.)

§ 29.3041 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Burley, Type 31. (See rule 23.)

§ 29.3042 Oil.

A soft, semifluid constituent of tobacco. Oil, although present in Burley tobacco to a limited degree, is not considered an element of quality in the specifications of the standard grades for this type.

§ 29.3043 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.3044 Package.

A hogshead, tierce, case, bale, or other securely-enclosed parcel or bundle.

§ 29.3045 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3046 Pink or pinkish.

A color term applied to pink or pinkish tobacco. Any leaf which has a pink or pinkish color affecting 20 percent or more of its leaf surface is considered as mixed color. (See rule 16.)

§ 29.3047 Quality.

A division of a group or the second factor of a grade, based on the relative degree of one or more elements of quality in tobacco.

§ 29.3048 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3049 Red color (R).

A brownish red.

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwsie not properly prepared for market. (See rule 23.)

§ 29.3051 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 23.)

§ 29.3052 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3053 Sound.

Free of damage.

§ 29.3054 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 9.)

§ 29.3055 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.3056 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.3057 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.3058 Strength (tensile).

The stress a tobacco leaf can bear without tearing. Tensile strength is not an important element of quality in Burley tobacco.

§ 29.3059 Strips.

The sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

§ 29.3060 Subgrade.

Any grade modified by a special factor symbol.

§ 29.3061 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.3062 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.3063 Tan color.

A light red-yellow.

§ 29.3064 Tannish-red color (FR).

A light red shaded toward tan.

§ 29.3065 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.3066 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.3067 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3068 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3069 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See rule 13.)

§ 29.3070 Unsound (U).

Damaged under 20 percent. (See rule 21.)

§ 29.3071 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.3072 Variegated (K).

Any leaf of which 20 percent or more of its surface is yellow, grayish, mottled, or bleached, and does not blend with the normal colors of the type or group and is generally characterized by a lower degree of leaf structure and maturity than tobacco of the corresponding group and quality. (See rule 15.)

§ 29.3073 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 22.)

§ 29.3074 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of quality.)

ELEMENTS OF QUALITY

§ 29.3101 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade. In each case the first and last degrees represent the full range for the element, and the intermediate degrees show gradual steps between them.

Elements	Degrees					
1 Body	Tissuey	Thin	Medium	Fleshy	Heavy.	
2 Maturity	Mellow	Ripe	Mature	Underripe	Immature.	
3 Leaf structure (porosity and solidity).	Porous	Open	Firm	Close	Solid.	
4 Leaf surface (smoothness)	Smooth	Even	Wavy	Wrinkly	Rough.	
5 Finish	Bright	Clear	Moderate	Dull	Dingy.	
6 Color intensity	Deep	Strong	do	Weak	Pale.	
7 Width	Broad	Spready	Normal	Narrow	Stringy.	
8 Length	(1)	(1)	(1)	(1)	(1)	
9 Uniformity	(2)	(2)	(2)	(2)	(2)	
10 Injury tolerance	(2)	(2)	(2)	(2)	(2)	

[1] Expressed in inches.
[2] Expressed in percentage.

RULES

§ 29.3103 Rules.

The application of these official standard grades shall be in accordance with the following rules:

§ 29.3104 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3105 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3106 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3107 Rule 4.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3108 Rule 5.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3109 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3110 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3111 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.3112 Rule 9.

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3113 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.3114 Rule 11.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3115 Rule 12.

Any lot of leaf tobacco in which 20 percent or more of its leaves are under 16 inches in length shall be designated as Tips (T Group).

§ 29.3116 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

§ 29.3117 Rule 14.

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.3118 Rule 15.

Any lot of tobacco containing over 30 percent of variegated leaves shall be described as "variegated" and designated by the color symbol "K." Variegated leaves may be included in any group to the following extent: In the third quality, 10 percent; in the fourth quality, 20 percent; and in the fifth quality, 30 percent.

§ 29.3119 Rule 16.

Any lot of tobacco of B, C, or X groups which contains 30 percent or more of pink or pinkish leaves or contains 30 percent or more of a color distinctly different from the major color shall be classified as "mixed" and designated by the color symbol "M."

§ 29.3120 Rule 17.

Any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined, shall be designated by the color symbol "V" in the C group and the combination color symbols "VF" or "VR" in the B and T groups.

§ 29.3121 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined, shall be designated by the color symbol "G" in the X and C groups and the combination color symbols "GF" or "GR" in the B and T groups.

§ 29.3122 Rule 19.

Crude leaves shall not be included in any grade of any color except green, green tan, and green red. Any lot containing 20 percent or more of crude leaves shall be designated as Nondescript.

§ 29.3123 Rule 20.

All standard grades must be clean.

§ 29.3124 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated as "No–G."

§ 29.3125 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated as "No–G."

§ 29.3126 Rule 23.

Tobacco shall be designated as No Grade, using the grademark "No–G," when it is dirty, nested, offtype, semicured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.3151 Flyings (X Group).

This group consists of leaves normally grown at the bottom of the stalk. These leaves are flat and open-faced and have a blunt or oblate tip. Compared with other groups on the stalk, Flyings consist of relatively thin to tissuey leaves which show the highest degree of maturity and the most open leaf structure. Flyings show a material amount of injury characteristic of leaves grown near the ground. (See rule 14.)

U.S. Grades	Grade Names and Specifications
X1L	Choice Buff Flyings Tissuey, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Bluff Flyings Tissuey, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Buff Flyings Tissuey, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Buff Flyings Tissuey, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Buff Flyings Tissuey, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percept injury tolerance.
X1F	Choice Tan Flyings Thin, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Tan Flyings Thin, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Tan Flyings Thin, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Tan Flyings Thin, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Tan Flyings Thin, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3R	Good Red Flyings Medium body, ripe, firm to open, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4R	Fair Red Flyings Medium body, mature to ripe, firm to open, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5R	Low Red Flyings Medium body, mature to ripe, firm to open, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X4M	Fair Mixed Color Flyings Medium to tissuey body, mature to ripe, firm to porous, wrinkly to wavy, dinghy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Mixed Color Flyings Medium to tissuey body, mature to ripe, firm to porous, wrinkly, dinghy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.

U.S. Grades	Grade Names and Specifications
X4G	Fair Green Flyings Medium to tissuey body, immature, firm, wrinkly to wavy, dingy finish, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Green Flyings Medium to tissuey body, immature, firm, wrinkly, dingy finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3152 Lugs or Cutters (C Group).

This group consists of leaves normally grown at the midportion of the stalk. Cured leaves from this stalk position have a tendency to roll, concealing the stem or midrib. Lugs or Cutters have an oblate to rounded tip and are usually thin to medium in body. The leaves are spready in relation to their length and show little or no ground injury.

U.S. Grades	Grade Names and Specifications
C1L	Choice Buff Lugs Thin, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
C2L	Fine Buff Lugs Thin, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Buff Lugs Thin, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4L	Fair Buff Lugs Thin, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5L	Low Buff Lugs Thin, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C1F	Choice Tan Lugs Medium to thin body, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Tan Lugs Medium to thin body, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Tan Lugs Medium to thin body, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4F	Fair Tan Lugs Medium to thin body, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5F	Low Tan Lugs Medium to thin body, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3R	Good Red Lugs Medium to thin body, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4R	Fair Red Lugs Medium to thin body, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5R	Low Red Lugs Medium to thin body, mature, firm to open, wavy, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3K	Good Variegated Lugs Medium body, ripe, open, even, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4K	Fair Variegated Lugs Medium body, mature to ripe, firm to open, wavy to even, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5K	Low Variegated Lugs Medium body, mature, close to firm, wavy, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3M	Good Mixed Color Lugs Medium to tissuey body, mature to ripe, firm to open, even, moderate finish and color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4M	Fair Mixed Color Lugs Medium to tissuey body, mature to ripe, firm to open, wavy to even, dull finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5M	Low Mixed Color Lugs Medium to tissuey body, mature to ripe, firm to open, wavy, dingy finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3V	Good Greenish Lugs Medium to thin body, underripe, open, even, clear finish, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4V	Fair Greenish Lugs Medium to thin body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5V	Low Greenish Lugs Medium to thin body, underripe, firm to open, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C4G	Fair Green Lugs Medium body, immature, close to firm, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5G	Low Green Lugs Medium body, immature, close to firm, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.

§ 29.3153 Leaf (B Group).

This group consists of leaves normally grown above the midpoint of the stalk. Cured leaves from the upper stalk position have a tendency to fold, concealing the face of the leaf and exposing the stem or midrib. These leaves have a pointed tip and generally are medium to heavy in body. They are narrower in relation to their length than corresponding qualities of the C Group.

U.S. Grades	Grade Names and Specifications
B1F	Choice Tan Leaf Medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Tan Leaf Medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Tan Leaf Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4F	Fair Tan Leaf Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5F	Low Tan Leaf Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B1FR	Choice Tannish-red Leaf Fleshy to medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2FR	Fine Tannish-red Leaf Fleshy to medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3FR	Good Tannish-red Leaf Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4FR	Fair Tannish-red Leaf Fleshy to medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5FR	Low Tannish-red Leaf Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B1R	Choice Red Leaf Heavy to fleshy, ripe, firm to open, even, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2R	Fine Red Leaf Heavy to fleshy, ripe, firm to open, wavy, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3R	Good Red Leaf Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4R	Fair Red Leaf Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.

U.S. Grades	Grade Names and Specifications
B5R	Low red Leaf Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B4D	Fair Dark-red Leaf Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5D	Low Dark-red Leaf Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3K	Good Variegated Leaf Fleshy to medium body, mature to ripe, firm to open, wrinkly to wavy, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4K	Fair Variegated Leaf Fleshy, mature, close to firm, wrinkly, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5K	Low Variegated Leaf Heavy to fleshy, underripe to mature, solid to close, rough, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3M	Good Mixed Color Leaf Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4M	Fair Mixed Color Leaf Fleshy to medium body, mature to ripe, firm to open, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5M	Low Mixed Color Leaf Fleshy to medium body, underripe to mature, firm to open, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3VF	Good Greenish-tan Leaf Medium body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4VF	Fair Greenish-tan Leaf Medium body, underripe, close to firm, wavy, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5VF	Low Greenish-tan Leaf Medium body, underripe, close, wrinkly, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3VR	Good Greenish-red Leaf Heavy to fleshy, underripe, firm, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4VR	Fair Greenish-red Leaf Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5VR	Low Greenish-red Leaf Heavy to fleshy, underripe, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.

U.S. Grades	Grade Names and Specifications
B3GF	Good Green-tan Leaf Fleshy to medium body, immature, firm to open, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4GF	Fair Green-tan Leaf Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5GF	Low Green-tan Leaf Fleshy to medium body, immature, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3GR	Good Green-red Leaf Heavy to fleshy, immature, close to firm, wrinkly to wavy, moderate finish, narrow to formal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4GR	Fair Green-red Leaf Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow width, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5GR	Low Green-red Leaf Heavy to fleshy, immature, solid, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.

§ 29.3154 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of B–Group tobacco. Tips have a slightly lower degree of maturity and leaf structure than other leaves on the stalk. (See rule 12.)

U.S. Grades	Grade Names and Specifications
T3F	Good Tan Tips Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4F	Fair Tan Tips Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5F	Low Tan Tips Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T3FR	Good Tannish-red Tips Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4FR	Fair Tannish-red Tips Fleshy to medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5FR	Low Tannish-red Tips Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T3R	Good Red Tips Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4R	Fair Red Tips Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5R	Low Red Tips Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4D	Fair Dark-red Tips Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5D	Low Dark-red Tips Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4K	Fair Variegated Tips Fleshy, mature, close to firm, wrinkly, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5K	Low Variegated Tips Heavy to fleshy, underripe to mature, solid to close, rough, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4VF	Fair Greenish-tan Tips Medium body, underripe, close to firm, wavy, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5VF	Low Greenish-tan Tips Medium body, underripe, close, wrinkly, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4VR	Fair Green-red Tips Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5VR	Low Greenish-red Tips Heavy to fleshy, underripe, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4GF	Fair Green-tan Tips Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GF	Low Green-tan Tips Fleshy to medium body, immature, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4GR	Fair Green-red Tips Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GR	Low Green-red Tips Heavy to fleshy, immature, solid, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.

§ 29.3155 Mixed (M Group).

This group consists of tobacco of distinctly different groups which are mixed together in various combinations.

U.S. Grades	Grade Names and Specifications
M3F	Good Light Mixed Group General quality of X3, C3, B3, T3, or better, medium to tissuey body, light general color, under 20 percent greenish, and 15 percent injury tolerance.
M4F	Fair Light Mixed Group General quality of X4, C4, B4, T4, or better, medium to tissuey body, light general color, under 20 percent greenish, and 20 percent injury tolerance.
M5F	Low Light Mixed Group General quality of X5, C5, B5, T5, or better, medium to tissuey body, light general color, under 20 percent greenish, and 30 percent injury tolerance.
M3R	Good Dark Mixed Group General quality of X3, C3, B3, T3, or better, heavy to medium body, dark general color, under 20 percent green, and 15 percent injury tolerance.
M4R	Fair Dark Mixed Group General quality of X4, C4, B4, T4, or better, heavy to medium body, dark general color, under 20 percent green, and 20 percent injury tolerance.
M5R	Low Dark Mixed Group General quality of X5, C5, B5, T5, or better, heavy to medium body, dark general color, under 20 percent green, and 30 percent injury tolerance.

§ 29.3156 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group.

U.S. Grades	Grade Names and Specifications
N1L	First Quality Light Colored Nondescript Thin to tissuey body and 60 percent injury tolerance.
N1F	First Quality Medium Colored Nondescript Fleshy to medium body and 60 percent injury tolerance.
N1R	First Quality Dark Colored Nondescript Heavy to fleshy body and 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript 60 percent crudes leaves or injury tolerance.
N2L	Second Quality Light to Medium Colored Nondescript Medium to tissuey body and over 60 percent injury tolerance.
N2R	Second Quality Medium to Dark Colored Nondescript Heavy to medium body and over 60 percent injury tolerance.
N2G	Second Quality Crude Green Nondescript Over 60 percent crude leaves or injury.

§ 29.3157 Scrap (S Group).

A by-product of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. Grade	Grade Name and Specifications
S	Scrap Loose, tangled, whole, or broken unstemmed leaves, or web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.3181 Summary of standard grades.

17 Grades of Flyings

X1L	X1F	X3R	X4G
X2L	X2F	X4R	X5G
X3L	X3F	X5R	
X4L	X4F	X4M	
X5L	X5F	X5M	

24 Grades of Lugs or Cutters

C1L	C2F	C5R	C5M
C2L	C3F	C3K	C3V
C3L	C4F	C4K	C4V
C4L	C5F	C5K	C5V
C5L	C3R	C3M	C4G
C1F	C4R	C4M	C5G

35 Grades of Leaf

B1F	B5FR	B4K	B4VR
B2F	B1R	B5K	B5VR
B3F	B2R	B3M	B3GF
B4F	B3R	B4M	B4GF
B5F	B4R	B5M	B5GF
B1FR	B5R	B3VF	B3GR
B2FR	B4D	B4VF	B4GR
B3FR	B5D	B5VF	B5GR
B4FR	B3K	B3VR	

21 Grades of Tips

T3F	T3R	T5K	T5GF
T4F	T4R	T4VF	T4GR
T5F	T5R	T5VF	T5GR
T3FR	T4D	T4VR	
T4FR	T5D	T5VR	
T5FR	T4K	T4GF	

6 Grades of Mixed Group

M3F	M5F	M4R
M4F	M3R	M5R

7 Grades of Nondescript

N1L	N1F	N2R N2G
N2L	N1R	N1G

1 Grade of Scrap

S

Special factors "U" and "W" may be applied to all grades.

Tobacco not covered by the standard grades is designated by No.-G.

KEY TO STANDARD GRADEMARKS

§ 29.3182 Key to standard grademarks.

Groups

X—Flyings.
C—Lugs or Cutters.
B—Leaf.
T—Tips.
M—Mixed.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Fine.
3—Good.
4—Fair.
5—Low.

Colors

L—Buff.
F—Tan.
FR—Tannish red.
R—Red.
D—Dark red.
K—Variegated.
M—Mixed.
V—Greenish.
VF—Greenish tan.
VR—Greenish red.
G—Green.
GF—Green tan.
GR—Green red.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 23d day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-8059; Filed, Sept. 25, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BAKERSFIELD LIVESTOCK AUCTION CO. ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Bakersfield Livestock Auction Co., Bakersfield, Calif.
Camden Sales Yard, Laton, Calif.
Chowchilla Livestock Auction Yards, Chowchilla, Calif.
Gridley Auction & Sales Yard, Gridley, Calif.
Napa Livestock Auction, Napa, Calif.
Rebik Auction Yard, Brawley, Calif.
Shasta County Farm Bureau Livestock Marketing Association, Anderson, Calif.
Overland Stockyards, Hanford, Calif.
Williams Auction Yard, Williams, Calif.
Kahn's Stockyard, North Franklin, Conn.
Council Livestock Sale, Council, Idaho.
Arthur Auction Co., Arthur, Ill.
Clinton Livestock Sale, Clinton, Ill.
Illinois Auction Commission Co., Paris, Ill.
Pittsfield Community Sale, Pittsfield, Ill.
Tallula Cattle Co., Tallula, Ill.
Central Maine Livestock Auction, Randolph, Maine.
Hammond Livestock Sales, Exeter, Maine.
Friend Stockyard, Accident, Md.
The Caroline Sales Company, Denton, Md.
Michelson's Cattle, South Easton, Mass.
Northampton Cooperative Auction Assn., Inc., Northampton, Mass.
Trufant Livestock Sales, Trufant, Mich.
Conger Sales, Conger, Minn.
Fairmont Livestock Sales, Fairmont, Minn.
Farmers Livestock Exchange, Caledonia, Minn.
Jackson Livestock Exchange, Jackson, Minn.
Lanesboro Sales Commission, Lanesboro, Minn.
Mankato Livestock Commission Co., Mankato, Minn.
Menahga Sale Pavilion, Menahga, Minn.
South West Minnesota Sales Pavilion, Worthington, Minn.
Windom Sales Co., Windom, Minn.
Burlington County Cooperative Poultry Auction Assn., Inc., Mt. Holly, N.J.
Community Livestock Auction Co., Woodstown, N.J.
Harris Sales Corp., Woodstown, N.J.
Henry Ziotkin Sales, Freehold, N.J.
Jaeger Livestock Auction Market, Sussex, N.J.
Tallman Bros. Auction, Inc., Columbus, N.J.
Ponca Livestock Auction, Ponca City, Okla.
La Grande Livestock Commission Co., La Grande, Oreg.
Exton Livestock Auction, Inc., Exton, Pa.
Indiana Livestock Market, Inc., Homer City, Pa.
West Alexander Livestock Auction Market, West Alexander, Pa.
Kerens Livestock Commission Co., Kerens, Tex.
San Augustine Livestock Commission Co., San Augustine, Tex.
Smithville Livestock Commission Co., Smithville, Tex.
Wharton Livestock Commission Co., Wharton, Tex.
Addison County Commission Sale, East Middlebury, Vt.
Brooks Sales Stables, Bellows Falls, Vt.
Chickering Livestock Corp., Westminster, Vt.
Crosby's Livestock Commission Sale, Leicester Junction, Vt.
Hicks Commission Sales & Co., Morrisville, Vt.
Orleans Commission Sales, Orleans, Vt.
St. Albans Commission Sales, St. Albans, Vt.
Vergennes Livestock Commission, Sales, Vergennes, Vt.
Alderson Livestock Market, Inc., Alderson, W. Va.
Bluegrass Market, Inc., Caldwell, W. Va.
Blue Ridge Livestock Sales, Inc., Charles Town, W. Va.
Bridgeport Live Stock Sales Co., Inc., Bridgeport, W. Va.
Buckhannon Stockyards, Buckhannon, W. Va.
Evans Stockyard, Inc., Elkins, W. Va.
Gassaway Livestock Market, Inc., Gassaway, W. Va.
Greenbrier Valley Stockyards, Inc., Ronceverte, W. Va.
Jackson County Livestock Market, Inc., Ripley, W. Va.
Morgantown Livestock Market, Inc., Morgantown, W. Va.
Mannington Live Stock Sales Co., Inc., Mannington, W. Va.
Moundsville Livestock Auction Co., Moundsville, W. Va.
Pocahontas Producers Coop. Assn., Inc., Marlinton, W. Va.
Point Pleasant Livestock Co., Inc., Point Pleasant, W. Va.
Ritchie County Livestock Sales Co., Inc., Lamberton, W. Va.
South Branch Stockyards, Inc., Moorefield, W. Va.
Terra Alta Stockyard, Inc., Terra Alta, W. Va.
Union Livestock Sales Co., Inc., Parkersburg, W. Va.
Huntington Live Stock Sales Co., Huntington, W. Va.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of September 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-8056; Filed, Sept. 25, 1959; 8:47 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Adams.	McLean.
Benson.	Mercer.
Burleigh.	Morton.
Dickey.	Oliver.
Emmons.	Pierce.
Grant.	Sheridan.
Hettinger.	Sioux.
Kidder.	Wells.
McHenry.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of September 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-8060; Filed, Sept. 25, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to the University of Washington, Seattle, Washington, a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by the University of Washington and amendment thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 21st day of September 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated June 1, 1959, and amendment thereto dated July 16, 1959 (hereinafter collectively referred to as "the application"), the University of Washington requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, authorizing construction and operation on its site in Seattle, Washington, of a 10 kilowatt Argonaut-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The University of Washington is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material, and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The University of Washington and its contractor, American Machine and Foundry Company, Atomics Division, are technically qualified to design and construct the reactor.

E. The University of Washington has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to the University of Washington will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission

hereby issues a construction permit to the University of Washington to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is January 1, 1960. The latest date for completion of the reactor is September 1, 1960. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the site on the applicant's campus in Seattle, Washington, specified in the application.

C. The general type of reactor authorized for construction is a heterogeneous water-moderated and -cooled, graphite-reflected, training reactor of the Argonaut type.

D. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless the University of Washington has submitted to the Commission (by amendment of the application) additional data required to complete the hazards evaluation and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

4. Upon completion (as defined in subparagraph 3.A. above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up to date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to the University of Washington pursuant to Section 104c of the Act, which license shall expire ten years after the date of this construction permit.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to the University of Washington for use in connection with the facility four kilograms of uranium-235 contained in highly enriched uranium and 32 grams of plutonium contained in a plutonium-beryllium neutron source.

For the Atomic Energy Commission.

[F.R. Doc. 59–8041; Filed, Sept. 25, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Supplement-Release 3]

SALT LAKE CITY METALLURGY RESEARCH CENTER; BUREAU OF MINES MANUAL INSTRUCTIONS

Redelegations of Authority To Execute Contracts

Correction

In F.R. Doc. 59–6872, appearing at page 6721 in the issue for Wednesday, August 19, 1959, the third entry following paragraph (k), reading "Project Coordinator, Rapid City Research Laboratory," should read "Project Coordinator, Tucson Metallurgy Research Laboratory."

Office of the Secretary

ALABAMA

Notice of Intention to Designate as Closed Area Under Migratory Bird Treaty Act Certain Lands and Waters Adjacent to Wheeler National Wildlife Refuge

Pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to issue a regulation designating as a closed area in which the pursuing, hunting, taking, capture or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, certain lands and waters in sections 22, 26, 27, 34, and 35, T. 5 S., R. 4 W., on the west shore of Flint Creek Embayment in Morgan County, Alabama, lying adjacent to the Wheeler National Wildlife Refuge, and more particularly described as follows:

Beginning at US–TVA Monument 183 at the northwest corner of the NE¼NW¼, section 34, and in the boundary of the United States of America's land. From the initial point with the United States of America's boundary line and between sections 27 and 34, S. 89°05' E., 1,333 feet to US–TVA Monument 184, buried, at the southwest corner of the SE¼, section 27; thence in section 27, N. 0°45' E., 1,326 feet to US–TVA Monument 69 at the northwest corner of the SW¼SE¼; S. 89°05' E., 667 feet to US–TVA Monument 68 at the northeast corner of the NW¼SW¼SE¼; N. 0°50' E., 1,322 feet to US–TVA Monument 67 at the northwest corner of the NE¼NW¼SE¼; N. 88°55' W., 667 feet to US–TVA Monument 66 at the southwest corner of the NE¼; N. 0°45' E., 660 feet to US–TVA Monument 65 at the northwest corner of the SW¼SW¼NE¼; N. 88°50' W., 667 feet to US–TVA Monument 64 at the southwest corner of the NE¼SE¼NW¼; N. 0°45' E., 1,322 feet to US–TVA Monument 63 at the northwest corner of the SE¼NE¼NW¼; leaving the United States of America's boundary line, with the north line of the SE¼NE¼NW¼ S. 88°45' E., 227 feet, passing a metal marker at 207 feet, to a point in the 556.3-foot contour on the southwest shore of and embayment of Wheeler Lake; continuing with the north line of the SE¼NE¼NW¼ S. 88°45' E., 173 feet; N. 0°45' E., approximately 3,120 feet to a point in the centerline of the original channel of the Tennessee River; with the centerline of the original channel of the Tennessee River as it meanders in a southeasterly direction approximately one mile to a point opposite the mouth of the original channel of Flint Creek; with the centerline of the original channel of Flint Creek as it meanders in a general southwesterly direction approximately 2¾ miles; leaving the centerline of the original channel of Flint Creek, N. 0°45' W., approximately 2,600 feet to the point of beginning.

The above-described land contains an aggregate of 925.00 acres, more or less.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed regulation by submitting their views, data, or arguments in writing to D. H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–8050; Filed, Sept. 25, 1959; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 870]

PACIFIC COAST EUROPEAN CONFERENCE; EXCLUSIVE PATRONAGE CONTRACTS

Investigation and Hearing

On September 17, 1959, the Federal Maritime Board entered the following order:

Whereas, the Federal Maritime Board, on June 8, 1956, entered a Report and Order in Docket No. 764, Mitsui Steamship Company, Ltd., v. Anglo-Canadian Shipping Co., Ltd., et al. (the Pacific Coast European Conference), and in Docket No. 773, American Potash & Chemical Corp. et al. v. American President Lines, Ltd., et al. (the Pacific Coast European Conference), 5 F.M.B. 74; and

Whereas, the Anglo-Canadian Shipping Company, Ltd., et al. (the Pacific Coast European Conference) petitioned the United States Court of Appeals for the Ninth Circuit for review of the said Report and Order in Docket No. 764; and

Whereas, pursuant to its review of the said Report and Order in Docket No. 764, the United States Court of Appeals for the Ninth Circuit, in Anglo-Canadian Shipping Company, Ltd., et al. v. United States of America and Federal Maritime Board (264 F. 2d 405, February 18, 1959), set aside the said Report and Order and remanded the proceedings to the Federal Maritime Board for such further action of the Board as shall not be inconsistent with the opinion of the Court; *It is ordered*, That proceedings be; and they hereby are, inaugurated pursuant to the order of the United States Court of Appeals for the Ninth Circuit; and

It is further ordered, That the purpose of these proceedings shall be:

(1) To determine what construction of its shipper exclusive patronage agreement or agreements has been made and/or enforced by the Pacific Coast European Conference with respect to the applicability of such agreement or agreements to shipments of goods sold on FOB, FAS, CIF, C&F, and other terms;

(2) To determine whether such construction is an agreement, understanding, or other arrangement, or modification or cancellation thereof, as to which approval under section 15, Shipping Act, 1916, is required before it may lawfully be carried out;

(3) If (2) is determined in the affirmative, to determine whether such agreement, understanding, or other arrangement, or modification or cancellation thereof, has been carried out without Board approval;

(4) To determine whether such construction as made and/or enforced by the Pacific Coast European Conference is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is in violation of the Shipping Act, 1916; and

(5) To determine whether the Pacific Coast European Conference or any of its members have violated section 14, Third, or section 16, First, by reason of their practices with respect to the application of the Conference's shipper exclusive patronage agreement to shipments of goods sold by signatory shippers under terms whereby the control over the routing of the goods is vested in a person other than the signatory shipper;

It is further ordered, That this proceeding be assigned for hearing before an Examiner of the Hearing Examiners' Office at a date and place to be fixed; and

It is further ordered, That the persons named in the Appendix hereto be, and they are hereby, made respondents; and

It is further ordered, That this order be published in the FEDERAL REGISTER, and that a copy of such order be served upon each of the respondents.

APPENDIX A

American President Lines, Ltd. (American President Lines).
Anglo Canadian Shipping Co., Ltd.
Blue Star Line, Ltd. (Blue Star Line).
Canadian Transport Co., Ltd.
Compagnie Generale Transatlantique (French Line).
De Vries Pazifik Linie (Schiffahrtsgesellschaft De Vries & Co., m.b.h.).
The East Asiatic Company, Ltd. (A/S Det Ostasiatiske Kompagni (East Asiatic Line).
Fruit Express Line A/S (Fruit Express Line).
Furness, Withy & Co., Ltd. (Furness Line).
Hamburg-Amerika Linie (Hamburg American Line).
(Hanseatic-Vaasa Line)—Joint Service (as one member only) of Hanseatische Reederei Emil Offen & Co., Vaasan Laiva Oy.
"Italia" Societa Per Azioni di Navigazione (Italian Line).
Italnavi Societa di Navigazione per Azioni (Italnavi Line).
(Knutsen Line)—Joint Service (as one member only) of Dampskibsaktieselskapet Jeanette Skinner, Skibsaktieselskapet Pacific, Skibsaktieselskapet Marie Bakke, Dampskibsaktieselskapet Golden Gate, Dampskibsaktieselskapet Lisbeth, Skibsaktieselskapet Ogeka, Hvalfangstaktieselskapet Suderoy.
Mitsui Steamship Co., Ltd., (Mitsui Line).
Nippon Yusen Kaisha (N.Y.K. Line).
Norddeutscher Lloyd (North German Lloyd).
N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line).
Osaka Shosen Kaisha, Ltd. (O.S.K. Line).
Fred. Olsen & Co. (Fred. Olsen Line).
Rederiaktiebolaget Nordstjernan (Johnnson Line).
Royal Mail Lines, Ltd.
Seaboard Shipping Company, Ltd. (States Marine Lines)—Joint Service (as one member only) of States Marine Corporation, States Marine Corporation of Del.
Westfal-Larsen & Co. A/S (Interocean Line).
Western Canada Steamship Company, Limited.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: September 18, 1959.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7940; Filed, Sept. 25, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9812]

TRANS-CARIBBEAN AIRWAYS, INC.

Notice of Prehearing Conference

In the matter of the application of Trans-Caribbean Airways, Inc., to carry mail on a non-subsidy basis between Puerto Rico and New York.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 2, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., September 23, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–8068; Filed, Sept. 25, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13197, 13198; FCC 59M–1216]

LAWRENCE W. FELT AND INTERNATIONAL GOOD MUSIC, INC.

Order Scheduling Hearing

In re applications of Lawrence W. Felt, Carlsbad, California, Docket No. 13197, File No. BPH–2499; International Good Music, Inc., San Diego, California, Docket No. 13198, File No. BPH–2695; for construction permits.

It is ordered, This 18th day of September 1959, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 7, 1959, in Washington, D.C.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8061; Filed, Sept. 25, 1959; 8:48 a.m.]

[Docket Nos. 12900, 12901; FCC 59M–1218]

JOHN LAURINO AND CAPITAL BROADCASTING CO. (WNAV)

Order Scheduling Hearing

In re applications of John Laurino, Ashland, Virginia, Docket No. 12900, File No. BP–12112; The Capital Broadcasting Company (WNAV), Annapolis, Maryland, Docket No. 12901, File No. BP–12773; for construction permits for standard broadcast stations.

The Hearing Examiner having under consideration an informal request that the evidentiary hearing in this proceeding be scheduled for September 25, 1959; and

It appearing that the exhibits to be introduced in evidence have been exchanged with all parties and that the date of September 25, 1959, is agreeable to all parties;

It is ordered, This the 21st day of September 1959, that the evidentiary hearing in the above-entitled proceeding will be held on Friday, September 25, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8062; Filed, Sept. 25, 1959; 8:48 a.m.]

[Docket No. 13196; FCC 59M–1213]

FRANCIS L. MacPHERSON, INC.

Order Scheduling Hearing

In the matter of Francis L. MacPherson, Inc., 45 Commercial Street, Gloucester, Massachusetts, Docket No. 13196; order to show cause why there should not be revoked the license for Radio Station WA–6678 aboard the vessel "Francis L. MacPherson."

It is ordered, This 18th day of September 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on November 20, 1959, in Washington, D.C.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8063; Filed, Sept. 25, 1959; 8:48 a.m.]

[Docket No. 12949; FCC 59M-1215]

SOUTH MINNEAPOLIS BROADCASTERS

Order Continuing Hearing

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-11632; for construction permit for a new standard broadcast station.

It is ordered, This 18th day of September 1959, that pursuant to agreement of parties arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding, presently scheduled to commence on October 9, 1959, is continued to December 9, 1959, at 10 o'clock a.m., in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8064; Filed, Sept. 25, 1959; 8:48 a.m.]

[Docket No. 13199]

FANCY HANDBAGS & MODERN LEATHER MFG. CO.

Order Assigning Matter for Public Hearing

In the matter of cease and desist order to be directed to Jerome Stein and Harry Stein, d/b/a Fancy Handbags & Modern Leather Mfg. Co., 33 Bleecker Street, New York 12, New York.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312), and section 0.41(f) of the rules of the Federal Communications Commission, to Jerome Stein and Harry Stein d/b/a Fancy Handbags and Modern Leather Mfg. Co., 33 Bleecker Street, New York 12, N.Y., hereinafter referred to as Fancy Handbags, (1) to cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission; and (2), irrespective of whether such equipment is certified, to cease and desist from operating said industrial heating equipment so as to cause harmful interference to authorized radio communications; and

It appearing that Fancy Handbags operates in its plant at 33 Bleecker Street, New York 12, N.Y., certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies authorized for use by the New York City Police Department, and

It further appearing that said industrial heating equipment is subject to the provisions of Part 18 of the Commission's rules (47 CFR Part 18); and

It further appearing that the aforementioned industrial heating equipment causes interference to radio communications of the New York City Police Department, and is potentially a source of interference to air navigation radio aids of the Federal Aviation Agency; and

It further appearing that although certain equipment in Fancy Handbag's plant was certified in 1953 additional equipment has since been installed and has not been certified by a duly qualified engineer as required by § 18.103 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.3 and Subpart D of the Commission's rules: and

It further appearing that the above facts have been called to the attention of Fancy Handbags by the Commission, both orally and in writing, and that Fancy Handbags has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished.

It is ordered, This 2d day of September 1959, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312) and section 0.41(f) of the rules of the Federal Communications Commission that Jerome Stein and Harry Stein d/b/a Fancy Handbags and Modern Leather Mfg. Co. show cause why there should not be issued an order commanding them to cease and desist from operating industrial heating equipment in violation of the provisions of Part 18 of the Commission's rules. That is: The said Jerome Stein and Harry Stein d/b/a Fancy Handbags and Modern Leather Mfg. Co., their agents, employees, privies, assigns, successors in interest, or other parties acting in concert with them (1) shall cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission; and (2), irrespective of whether such equipment is certified, shall cease and desist from operating said industrial equipment so as to cause harmful interference to authorized radio communications; and

It is further ordered, That a hearing in this matter be held in New York, N.Y., on October 29, 1959 at 10 a.m. before a Commission hearing examiner to be designated by subsequent order to determine whether said cease and desist order should be issued, and that Fancy Handbags is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.62 of the rules, that Fancy Handbags is directed to file with the Commission within 30 days of receipt of this order a written appearance in triplicate, stating that Fancy Handbags will appear and present evidence on the matters specified in this order. If Fancy Handbags does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Fancy Handbags believes that a cease and desist order should not issue; and

It is further ordered, That failure of said Fancy Handbags timely to respond to this order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8065; Filed, Sept. 25, 1959; 8:49 a.m.]

[Docket No. 12952, 12953; FCC 59M-1223]

WBUD, INC. AND CONCERT NETWORK, INC.

Order Continuing Hearing Conference

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; CONCERT NETWORK, INC., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

Upon the Hearing Examiner's own motion, due to illness of counsel for the Broadcast Bureau: *It is ordered*, This 22d day of September 1959, that the prehearing conference herein, which is presently set for September 23, 1959, be, and the same is hereby, continued without date.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8066; Filed, Sept. 25, 1959; 8:49 a.m.]

[Docket No. 12939; FCC 59M-1222]

WPGC, INC. (WPGC)

Order Continuing Prehearing Conference and Hearing

In re application of WPGC, Inc. (WPGC), Morningside, Maryland, Docket No. 12939, File No. BML-1790; for modification of license.

Upon the Hearing Examiner's own motion, due to illness of counsel for the Broadcast Bureau: *It is ordered*, This 22d day of September 1959, that the prehearing conference and hearing herein, which are presently set for September 25 and September 30, 1959, respectively, be,

and the same are hereby, continued without date.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8067; Filed, Sept. 25, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2172]

MIDDLE WEST CORP. ET AL.

Notice of Filing of Application Requesting Modification of Condition

SEPTEMBER 21, 1959.

In the matter of the Middle West Corporation, Middle West Service Company, Illinois Stock Transfer Company, Bureau of Safety, Insurance Trust Fund; File No. 70-2172.

The Middle West Corporation ("Middle West"), a registered holding company, formerly controlled four subsidiary service companies ("Applicants"), Middle West Service Company ("Service Company"), Illinois Stock Transfer Company ("Stock Transfer"), Bureau of Safety ("Bureau"), and Insurance Trust Fund ("Trust Fund"). As steps in the dissolution of Middle West, the Commission, by Order dated November 1, 1949 (Holding Company Act Release No. 9472) in the above captioned proceeding, permitted to become effective a declaration regarding the transfer, without consideration, by Middle West of the capital stocks of Service Company, Stock Transfer, and Bureau to seven individuals, who were officers and department heads of one or more of such service companies. Service Company proposed to render services to former associates and other clients at other than cost. Stock Transfer, Bureau, and Trust Fund proposed to render services to former associates at cost. The declaration also provided for a profit-sharing arrangement ("Plan") for those employees of Service Company who did not become stockholders thereof and for the disposition by Middle West of its interest in Trust Fund. The Plan provides that an amount equal to 50 percent of Service Company's annual net income be distributed to employees other than stockholders, who have been continuously employed by Service Company for one calendar year or more; such distribution being made on the basis of the ratio each employee's annual salary bears to the total annual salaries of such employees, with certain adjustments for length of service.

The Order of November 1, 1949 contained, among others, the following two conditions: That "(1) Middle West, Stock Transfer, Bureau and Trust Fund shall keep their accounts in accordance with the Uniform System of Accounts for Service Companies prescribed by this Commission and shall file annual reports on Form U-13-60 and quarterly reports showing the extent and nature of the services which these companies have rendered to each of its former affiliates, the amounts charged, reasonably detailed description of services rendered together with copies of representative work orders and such additional information as the Commission may from time to time request" and that "(2) jurisdiction is specifically reserved to entertain such further proceedings and to take such further action as may be appropriate in the premises." The purpose of such terms and conditions was to assure that the continuation of servicing relationships between Applicants and their former associate public utility clients would not operate to perpetuate the control theretofore exercised over such clients by Middle West.

In its Order dated February 17, 1954 (Holding Company Act Release No. 12367), the Commission rescinded Condition No. 1. All other conditions contained in the 1949 Order remained in full force and effect.

Applicants have filed an application and amendments thereto requesting that the Order of November 1, 1949 be further modified in the following respects.

Applicants propose to modify the Plan by substituting therefor, effective beginning the calendar year 1960, a deferred profit-sharing plan so as to provide (1) greater incentive for those employees of Applicants who are stockholders of Service Company and who thus are not eligible to participate in the Plan and (2) more attractive retirement benefits for all employees of the Applicants.

Applicants further request that the jurisdiction reserved in Condition No. 2 of the 1949 Order be released insofar as the Applicants may be required by said order to obtain the approval or consent of the Commission, with respect to (1) any change in the operating methods and procedures or internal management of any of the Applicants; (2) any change in the service contractual relationships between any of the Applicants and their respective clients; (3) any change in the ownership of the capital stock of Service Company by persons who have been, or at the time of such change, are employees or officers of any of the Applicants, except any change of proposed change in ownership of such capital stock which would result from any acquisition in the future by Service Company of, or merger of Service Company with, one or more service companies other than Stock Transfer and/or Bureau; and (4) any acquisition by Service Company of assets of Stock Transfer and/or Bureau or any merger of Stock Transfer and/or Bureau into Service Company.

Applicants request further that in respect of any proposed transaction not encompassed by the foregoing four clauses they be required only to give the Commission written notice of any transaction not less than twenty days prior to the proposed effectiveness of any such transaction and that the Commission shall be deemed to have approved or consented to such transaction, without further action on its part, unless the Commission shall have given Applicants written notice of its objection to such proposed transaction.

The Applicants understand that the release of jurisdiction requested in their application, as amended, shall in no way limit the Commission's powers reserved in Condition No. 2 of the Order dated November 1, 1949, on its own motion, to entertain such further proceedings and to take such further action as may be appropriate in the premises to effectuate the intent of the aforesaid order.

Notice is hereby given that any interested person may, not later than October 6, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application as filed, or as it may further be amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-8051; Filed, Sept. 25, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 195]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 23, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62179. By order of September 22, 1959, the Transfer Board approved the transfer to Edward James Godemann, doing business as Curtis Moving and Storage Company, 2645 Genesee St., Utica, New York, of Certificate No. MC 14033, issued May 9, 1949, to Anna L. M. Cusworth, doing business as L. H. Curtis Trucking & Storage, 409 LaFayette St., Utica, New York, authorizing the transportation of: Household goods, between Utica, N.Y., and points within 35 miles thereof, on the one hand, and on the other, points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania.

No. MC–FC 62277. By order of September 22, 1959, the Transfer Board approved the transfer to Earl S. Babcock, 2107 Jackson Street, Beloit, Wis., of Certificate No. MC 24113, issued July 27, 1955, to George J. Ahrens, doing business as Beloit Cartage, 1034 Garfield Ave., Beloit, Wis., authorizing the transportation of: Canned or prepared food stuffs, fresh fruits and vegetables, and groceries, between Janesville, Wis., and Chicago, Ill., serving the intermediate point of Beloit, Wis.; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Beloit, Wis., and South Beloit, Ill.

No. MC–FC 62470. By order of September 22, 1959, the Transfer Board approved the transfer to Demeny's N.Y. & N.J. Express, Inc., Wallington, N.J., of Certificate in No. MC 29953, issued December 13, 1940, to John Demeny, Jr., doing business as Demeny's N.Y. & N.J. Express, Wallington, N.J., authorizing the transportation of: *General commodities*, excepting household goods, commodities in bulk, and the other usual exceptions, between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Morris, Essex, Monmouth, Middlesex, Union, and Somerset Counties, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., for applicants.

No. MC–FC 62481. By order of September 22, 1959, the Transfer Board approved the transfer to Louis A. Thievon & Sons, Inc., Stirling, N.J., of the operating rights in Permits Nos. MC 37157 Sub 1 and MC 27157 Sub 3, issued December 6, 1941, and June 6, 1947, respectively, to Louis A. Thievon, doing business as Louis A. Thievon & Sons, authorizing the transportation, over irregular routes, of asbestos and asbestos products, from Millington, N.J., to New York, N.Y., and from Millington to Philadelphia, Pa., Kingston, N.Y., and points in Nassau and Suffolk Counties, N.Y. Oscar F. Laurie, 6 Court Street, Morristown, N.J., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59–8054; Filed, Sept. 25, 1959; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 24, 1959

H.R. 6904 ..... Public Law 86-[illegible]
An Act to establish an Advisory Commission on Intergovernmental Relations.

Approved September 25, 1959

H.R. 4321 ..... Public Law 86-[illegible]
An Act to amend the Act of August 12, 1955, Public Law 378, Eighty-fourth Congress (69 Stat. 707), so as to provide additional relief for losses sustained in the Texas City disaster.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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FEDERAL REGISTER

VOLUME 24 NUMBER 190

Washington, Tuesday, September 29, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Social Worker, Social Administration Adviser and Social Administration Specalist

Sections 24.57, 24.107, 24.108, 24.109, and 24.110 are revoked, and §§ 24.145 and 24.146 are added as set out below.

§ 24.145 Social Worker (Clinical), (Child Welfare), and (Family Service), GS–185–7/15.

(a) *Educational requirements.* All applicants must have completed a course of study in an accredited school of social work which has fulfilled all of the requirements for a master's degree in Social Work.

(b) *Duties.* Social Workers (Clinical), (Child Welfare), and (Family Service) render social services, or direct operating social service programs in hospitals, clinics, child welfare, and family service agencies. They make social studies of their clients, clients' families, and the community, and work with them in facilitating the social or medical adjustment of the client.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the principles and methods of social work and skill in their application. They also require a knowledge and understanding of case-work methods and techniques, patterns of human behavior, community organization, and of social, economic, and health problems as they affect clients. This knowledge can be acquired only through completion of a course of study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the techniques, principles, and practices of social work and supervised practice in their application.

§ 24.146 Social Administration Adviser and Social Administration Specialist (Public Assistance), (Child Welfare), and (Medical Social Work), GS–102–9/15.

(a) *Educational requirements.* All applicants must have completed a course of study in an accredited school of social work which has fulfilled all of the requirements for a master's degree in Social Work.

(b) *Duties.* Social Administration Advisers and Specialists (Public Assistance), (Child Welfare), and (Medical Social Work) work with public and voluntary social welfare, child welfare, and health agencies in developing and carrying out social welfare programs in the fields of financial assistance and case work to beneficiaries, social service to children and youth, and medical and psychiatric social services. They develop program standards, assist in the administration of grant-in-aid programs and give consultation to other Federal agencies, regional offices, state agencies, and public and voluntary social welfare agencies in the development of program policies, standards, and procedures.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social case work, family relationships, child welfare, and public welfare administration. They also require a knowledge and understanding of case-work methods and techniques; patterns of human behavior; community organization; social, economic and health problems; standards of welfare services; and factors entering into dependence, neglect and delinquency of children. This knowledge can be acquired only through completion of a course of study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the techniques, principles, and practices of social work and supervised practice in their application.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 660)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59–8121; Filed, Sept. 28, 1959; 8:52 a.m.]

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 481—RICE

Subpart—Rice Export Program; Payment-In-Kind (GR–369)

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Rice Export Program—Payment-In-Kind (GR–369) (23 F.R. 9656) as amended (24 F.R. 4647) are, with regard to any contract resulting from CCC's acceptance of an exporter's offer to export rice (milled or brown or both) which is submitted by such exporter on and after the date of publication of this Amendment 2 in the FEDERAL REGISTER, and are with regard to any contract resulting from CCC's acceptance of an exporter's offer to purchase rough rice with certificates, which is confirmed by a Confirmation of Sale specifying a date of sale which is on and after such date of publication, further amended as follows:

§ 481.105 [Amendment]

1. Section 481.105(a) is amended by changing the period to export rice from 180 to 90 days, so that the amended subsection shall read as follows:

(a) Persons desiring to participate in this program shall submit offers as provided in § 481.106 to export rice (milled, or brown, or both) during a period of 90 days following acceptance of the offer by CCC at the export payment rates applicable to the rice exported, determined in accordance with § 481.110, in effect on the date the offer is accepted.

§ 481.108 [Amendment]

2. Section 481.108(a) is amended by changing the export period from 180 to 90 days in the first paragraph and by deleting the second paragraph in its entirety so that the amended paragraph shall read as follows:

(a) (1) The exporter shall export or cause exportation within a 90-day period beginning on the date of CCC's acceptance of the exporter's offer or within any extension thereof approved in writing by the Vice President, CCC, of milled rice or brown rice to an eligible country in accordance with his contract with CCC. If an extension of the 90-day export period is approved, it may be made subject to such reduction in the export payment rate as may be specified by the Vice President, CCC.

(2) Exportation of rice by or to a United States Government agency [1] to or in a destination defined as an eligible country in § 481.150 shall not qualify as an exportation to an eligible country for the purposes of this program unless exportation is by or to the Army and Air Force Exchange Service or the Panama Canal Company, and an authorized official or employee of such agency certifies that the purchase price paid or to be paid by such service or such company for the rice exported is based in whole or in part upon an export price which reflects an export allowance under this program from which such service or company benefits.

3. Section 481.108(b) is amended by changing "210 calendar days" to "120 calendar days" in the second sentence, so that the amended paragraph shall read as follows:

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in section 481.116 hereof. Failure to furnish evidence of exportation within 120 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President, CCC, pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

4. Section 481.108(c) is amended by deleting the two parenthetical statements in the first paragraph and by amending the second sentence of the second paragraph to read, "For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 90 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all.", so that the amended paragraph shall read as follows:

(c) (1) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country, and within the period of time specified in the exporter's contract with CCC or as approved by the Vice President, CCC, are of the essence of the contract and are conditions precedent to any right to payment under this program. Exportation to other than eligible country, or during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart. Moreover, if the exporter does not export the quantity of rice specified in the exporter's contract with CCC, except as provided in § 481.109, such breach shall give rise to liquidated damages. Inasmuch as failure of the exporter to export will cause serious and substantial losses to CCC, such as damages to CCC's export and price support program, and the incurrence of storage, administrative and other costs, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages promptly upon demand for each hundredweight of rice not exported at the rate of $1.50 per hundredweight.

(2) The foregoing rate is agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within a period of 90 calendar days beginning on the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contact with CCC.

§ 481.116 [Amendment]

5. Section 481.116(a)(4) is amended by deleting the second sentence.

§ 481.120 [Amendment]

6. Section 481.120 is amended by changing the reference to the Feed Grain Export Program in the first sentence, so that the sentence reads as follows: "The certificate will be redeem-

[1] United States Government agency means any corporation wholly owned by the Federal Government and any department bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company. Sales of rice to foreign buyers, including foreign governments and not for transfer by such buyer to U.S. Government agency though financed with funds made available by a U.S. agency, such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency.

able in rough rice which CCC makes available from its stocks for sale under this subpart at the domestic market price, as determined by CCC, or in feed grains pursuant to the terms and conditions of Revision I of the Feed Grain Export Program—Payment-In-Kind (GR–368) (24 F.R. 7092) and any subsequent amendments thereto."

§ 481.125 [Amendment]

Section 481.125 is amended by deleting paragraph (c) in its entirety, and redesignating the present paragraphs (d) and (e) as (c) and (d), respectively, so that the complete section will read as follows:

§ 481.125 Payment terms and financial arrangements.

(a) The amount due CCC for rough rice purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a rice balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC the purchase price of the rough rice and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 481.121.

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any rough rice purchased from CCC hereunder shall be made prior to delivery of the rough rice by CCC by surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the rough rice.

(c) The financial arrangements provided in paragraph (b) of this section shall be made:

(1) Prior to delivery of the rough rice by CCC on purchases which provide for delivery within 5 days following the date of the sale, and

(2) On all other purchases, not less than 5 days prior to delivery of the rough rice by CCC, unless CCC consents in writing to a different period.

(d) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (c) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 481.130 [Amendment]

8. Section 481.130(b) is amended by deleting the parenthetical statement in the first sentence, so that the sentence shall read: "The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand."

(Secs. 481.101 to 481.156 issued under sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1055, as amended; sec. 201(a), 70 Stat. 198; 7 U.S.C. 1427, 1581)

Issued this 23d day of September 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc 59–8105; Filed, Sept. 28, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

PART 909—ALMONDS GROWN IN CALIFORNIA

Budget of Expenses of Almond Control Board and Rate of Assessment for 1959–60 Crop Year

Notice was published in the FEDERAL REGISTER on September 2, 1959 (24 F.R. 7107) that there was under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1959–60 crop year which began July 1, 1959. The proposal was based on the recommendation of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file data, views, or arguments pertaining thereto with the Department for consideration prior to establishment of a budget of expenses and assessment rate. The prescribed time has expired and no such communication has been received.

After consideration of all relevant matters, it is hereby found that expenses of the Almond Control Board in the total amount of $47,700 are reasonable and likely to be incurred by the Board during the 1959–60 crop year, and a rate of assessment of .09 cent per pound of almond kernels is necessary to provide funds to meet authorized Board expenses.

Therefore, it is ordered, That the budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1959, be as follows:

§ 909.309 Budget of expenses of the Almond Control Board and rate of assessment for the 1959–60 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1959, shall be in the total amount of $47,700, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the said crop year, payable by each handler to the Almond Control Board on demand, shall be nine hundredths of a cent (0.09¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have been paid.

It is hereby further found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The action applies, in accordance with the amended marketing agreement and order, to all almonds received by handlers for their own accounts during the crop year which began on July 1, 1959, and such receipts have already begun; (2) although the regulatory program authorizes the Almond Control Board to use excess assessments of the prior year during the early months of a crop year, such funds as are on hand are not sufficient to meet current expenses; (3) the authorization of expenses and fixing of the rate of assessment should be effected as soon as possible to enable the Almond Control Board to collect such assessments in order to perform its functions in accordance with the requirements of said amended marketing agreement and order; (4) prior notice of the proposed action was given handlers and other interested parties; and (5) compliance herewith will not require any special or advance preparation on the part of handlers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–8117; Filed, Sept. 28, 1959; 8:51 a.m.]

[Lemon Reg. 810, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.917 (Lemon Regulation 810, 24 F.R. 7439) are hereby amended to read as follows:

(ii) District 2: 334,800 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–8114; Filed, Sept. 28, 1959; 8:51 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1066—IRISH POTATOES

Imports

Notice of rule making regarding proposed restrictions on importation of Irish potatoes into the United States, to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), was published in the FEDERAL REGISTER September 10, 1959 (24 F.R. 7279). This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. The Canadian Department of Agriculture filed a notice of reorganization and change in designation. No other data, views, or arguments were filed. After consideration of all matters presented including the proposals set forth in the aforesaid notice, it is hereby found that restrictions on the importation of Irish potatoes into the United States, as hereinafter provided, are in accordance with said section 8e.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation beyond that herein specified (5 U.S.C. 1001–1011) in that (1) the requirements established by the import regulation are issued pursuant to said section 8e which makes such regulation mandatory; (2) grade, size, quality and maturity requirements are now in effect on shipments of domestic potatoes; (3) notice that this action was being considered to become effective October 1, 1959, was published in the FEDERAL REGISTER September 10, 1959 (24 F.R. 7279); (4) compliance with this potato import regulation will not require any special preparation by importers which cannot be completed by the effective date; (5) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this potato import regulation; (6) such notice is hereby determined, under the circumstances to be reasonable.

§§ 1066.2–1066.6 [Terminated]

Sections 1066.2 through 1066.6 are hereby terminated and, in lieu thereof, the following general regulations applicable to imports of Irish potatoes pursuant to section 608e of the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 601–674), shall be effective.

§ 1066.1 Import regulations.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 38 (Part 938 of this chapter), No. 57 (Part 957 of this chapter), No. 58 (Part 958 of this chapter), No. 59 (Part 959 of this chapter), No. 70 (Part 970 of this chapter), and No. 92 (Part 992 of this chapter);

(ii) During the past several years grade, size, quality and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by two seasonal categories, namely, first, fall or winter potatoes usually marketed during the months of October through the following June, with the great bulk of such marketings being out of storage, and, second, potatoes marketed during July through September, with the great bulk of such marketings being made as the potatoes are harvested;

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of round type potatoes during the months of October through the following June are in most direct competition with marketing of the same type potatoes produced in the area covered by Order No. 70 (Part 970 of this chapter);

(ii) Imports of long type potatoes during each month and imports of round type potatoes during the months of July through September are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57.

(b) *Grade, size, quality, and maturity requirements.* On and after October 1, 1959, the importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements:

(1) For the period July 1 through September 30 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 57 (Part 957 of this chapter) applicable to potatoes of the long or round types shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types.

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 57 (Part 957 of this chapter) applicable to long type potatoes and the grade, size, quality and maturity requirements of Marketing Order No. 70 (Part 970 of this chapter) applicable to round type potatoes, shall be the respective grade, size, quality, and maturity requirements for imported potatoes of the long or round types.

(i) The grade, size, quality and maturity requirements in effect as of October 1, 1959 under Marketing Order No. 57 and Marketing Order No. 70 are contained in § 957.318 of this chapter, as amended (24 F.R. 5413, 6184, 7353), and § 970.306 of this chapter (24 F.R. 7569), respectively.

(3) The grade, size, quality and maturity requirements specified in this paragraph shall apply to imports of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, specified in this paragraph or three days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

(c) *Minimum quantities.* Any importation which in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed.* Certified seed potatoes shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Research Branch, Canada Department of Agriculture.

(f) *Designation of governmental inspection service.* Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, is hereby designated, pursuant to § 1060.4(a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality and maturity of Irish potatoes that are imported, or to be imported, from Canada into the United States under the provisions of section 8e of the Act.

(g) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the administrator with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of potatoes, is required on all imports of potatoes, other than certified seed, pursuant to § 1060.3 of this chapter.

(2) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Cost of inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the Certificate;

(vi) The principal identifying marks of the containers;

(vii) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Definitions.* (1) For purposes of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the United States Standards for Potatoes (§§ 51.1540 to 51.1556, inclusive, of this title), may be used.

(2) All other terms shall have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 23, 1959, to become effective October 1, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–8116; Filed, Sept. 28, 1959; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

[Reg. Docket No. 130; Admt. 30]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

Miscellaneous Amendments

This amendment involves a revision of Subpart A of Part 550, which contains the substantive regulations concerning the Federal-aid Airport Program, and certain amendments to Subpart B thereof, which embodies the general policies of the Agency governing the administration of that program. The instant revision of Subpart A is adopted for the dual purpose of combining, in a single document, all the numerous outstanding amendments to the subpart which have been previously published in the FEDERAL REGISTER and also of reflecting therein the changes necessitated by the enactment of the Federal Aviation Act of 1958, the June 29, 1959 amendment to the Federal Airport Act (P.L. 86–72, 73 Stat. 155) and various prior delegations of authority to the Regional Administrators affecting the program. In addition, the amendment also makes a number of minor editorial changes. Finally, this amendment incorporates in Subpart B three new sections which respectively establish general policies for the administration of the Federal-aid Airport Program, programming standards therefor and procedures for the development of an annual airport program.

Since this amendment relates to public grants, benefits and contracts, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Acting pursuant to authority vested in me by the Federal Airport Act (60 Stat. 170), as amended, I hereby amend the Regulations of the Administrator (14 CFR Part 550) as follows:

1. By deleting Subpart A and substituting in lieu thereof the following revised Subpart A:

Subpart A—Regulations

Sec.

550.1 Definitions.
550.2 Sponsor eligibility.
550.3 Project eligibility.
550.4 Project costs.
550.5 Procedure.
550.6 Cosponsorship and agency.
550.7 Performance of construction work.
550.8 Accounting and audit.
550.9 Grant payments.
550.10 Memoranda and hearings.
550.11 Forms.

AUTHORITY: §§ 550.1 to 550.11 issued under secs. 1–15, 60 Stat. 170–178, as amended; 49 U.S.C. 1101–1114.

§ 550.1 Definitions.

Unless the context otherwise requires, the following terms shall have the meaning indicated:

(a) "Act" means the Federal Airport Act as amended (60 Stat. 170) (49 U.S.C. 1101).

(b) "Administrator" means the Administrator of the Federal Aviation Agency.

(c) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(d) "Airport development" means (1) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport buildings or parts thereof intended to house (i) airport weather reporting and air traffic control facilities, (ii) fire fighting and crash equipment relating to safety of aircraft operations, and (iii) public waiting areas, ticket lobby (excluding airline space), rest rooms, baggage claim areas, and public circulatory space; (2) the removal, lowering, relocation, and marking and lighting of airport hazards; and (3) any acquisition of land or of any interest therein, or of any easement through or other interest in air space, which is necessary to permit any such work or to remove or mitigate, or prevent or limit the establishment of, airport hazards; but such term does not include the construction, alteration, or repair of airport hangars; the construction, alteration, or repair of maintenance buildings, cargo buildings, or other buildings or parts thereof intended for use as bars, cocktail lounges, night clubs, theaters, private clubs, garages, hotel rooms, commercial offices, game rooms, or any other use which, in the opinion of the Administrator is not essential for the safety, convenience, or comfort of persons using the airport for public aviation purposes; or the construction, alteration, or repair of passenger automobile parking facilities, or the acquisition of land intended for use as a passenger automobile parking facility.

(e) "Airport facility" means a structure, runway or other item on or at an airport which is used, or intended for use, in connection with the landing or take-off or maneuvering of aircraft, or for or in connection with the operation and maintenance of the airport itself, or is required to be located at the airport for use by the users of the aeronautical facilities of the airport or by airport operators, concessionaires and other users of the airport in connection with their provision of services or commodities to the users of the aeronautical facilities of the airport.

(f) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the air space required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(g) "District Airport Engineer" means the director of a district office of the Airports Division of an FAA Regional Office.

(h) "FAA" means the Federal Aviation Agency.

(i) "Joint project" means any project sponsored by two or more sponsors.

(j) "Master Plan Layout" means the basic layout plan for an airport showing: (1) The boundaries of the airport and of all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes, and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extensions and reductions of existing airport facilities and structures; and (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon. Such Master Plan Layout, and each amendment, revision, or modification thereof, shall be subject to the approval of the Regional Administrator, which approval shall be evidenced by the signature of the Regional Administrator or his authorized representative on the face of the Master Plan Layout.

(k) "National Airport Plan" means a plan for the development of public airports in the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, prepared and revised annually by the Administrator.

(l) "Program" means a program prepared by the Administrator listing proposed projects to be undertaken within the limits of currently available obligation authorizations and/or appropriations.

(m) "Project" means a project for the accomplishment of airport development with respect to a particular airport as set forth in a Grant Agreement or Project Application submitted in accordance with the regulations in this part.

(n) "Project costs" means any costs involved in accomplishing a project, including those of making field surveys, preparation of plans and specifications, accomplishment of or procurement of the accomplishment of such work, supervision and inspection of construction work, and acquisition of land or interests therein or easements through or other interests in air space, and also including administrative and other incidental costs incurred specifically in connection with the accomplishment of a project, and which would not have been incurred otherwise.

(o) "Public agency" means the United States Government or an agency thereof; a State, Alaska, Hawaii, or Puerto Rico, and the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(p) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(q) "Regional Administrator" means the director of a FAA Regional Office.

(r) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Regional Administrator an application for a grant of funds for airport development.

(s) "United States share" means that portion of the project costs of an approved project which is to be paid from appropriations made under authority of the Act.

(t) "State" means a State of the United States on May 13, 1946, or the District of Columbia.

§ 550.2 Sponsor eligibility.

To be eligible to submit a Project Application under the regulations in this part, a sponsor must meet the following requirements:

(a) A sponsor must be a public agency and may not be the United States or any agency thereof unless the project is located in Alaska, Hawaii, Puerto Rico, the Virgin Islands, or in, or in close proximity to, a national park, national recreation area, or national monument, or in a national forest;

(b) A sponsor (or the sponsors of a joint project, between them) must be legally, financially, and otherwise able (1) to make all certifications, representations, and warranties contained in the Project Application Form, Form FAA–1624 (see § 550.11(b)); (2) to make, keep and perform all assurances, agreements, and covenants contained in said form; and (3) to meet all other applicable requirements of the Act and of the regulations of this part.

(c) A sponsor (or the sponsors of a joint project, between them) must have or be in a position to obtain sufficient funds to meet the requirements of § 550.5(c)(1), and must have or be in a position to acquire property interests meeting the requirements of § 550.5(c)(2).

§ 550.3 Project eligibility.

(a) *Minimum requirements.* No project will be approved for the accomplishment of any construction work or acquisition of land unless (1) it is an item of "airport development" as defined in § 550.1(d); (2) such airport development is within the scope of the latest revision of the National Airport Plan, and (3) such airport development, in the opinion of the Regional Administrator, is reasonably necessary to provide a needed civil airport facility.

(b) *Eligible types of airport development.* Only the following types of airport development will be considered eligible for inclusion in a project:

(1) Preparation of an airport site or portion thereof, including clearing, grubbing, filling and grading.

(2) Dredging of seaplane anchorages and channels.

(3) Drainage work either on or off an airport or airport site.

(4) Construction, alteration and repair of airport buildings or parts thereof constituting airport development as defined in § 550.1(d).

(5) Construction, alteration, and repair of runways, taxiways, and aprons. Such construction, alteration or repair may include (i) the bituminous resurfacing of pavements where such resurfacing consists of a minimum of 100 lbs. of plant-mixed material per square yard, (ii) the application of a bituminous surface treatment (application of bituminous material and cover aggregate per FAA Specification P–609) on a pavement, the existing surface of which consists of such a bituminous surface treatment, and (iii) the resealing of a runway that has been substantially extended or partially reconstructed, where such resealing is necessary to achieve uniform color and appearance of the entire runway.

(6) Fencing, erosion control, seeding and sodding of an airport or airport site.

(7) Installation, alteration and repair of airport markers and airport lighting facilities and equipment, exclusive of automobile parking facility and road or street lighting.

(8) Construction, alteration, and repair of entrance roads and airport service roads.

(9) Construction, installation and connection of utilities either on or off an airport or airport site.

(10) Removal, lowering, relocating, marking and lighting of airport hazards.

(11) Clearing, grading, and filling to permit the installation of landing aids.

(12) Relocation of structures, roads and utilities necessary to permit airport development.

(13) The acquisition of land, other than land intended for use as a passenger automobile parking facility, or of any interest therein, or of any easement through or other interest or right in or for the use of air space, when such acquisition is necessary:

(i) To permit the accomplishment of other airport development, whether or not such development is to be accomplished as part of the Federal-aid Airport Program; or

(ii) To prevent or limit the establishment of airport hazards; or

(iii) To permit the removal, lowering, relocation, or marking and lighting of existing airport hazards; or

(iv) To permit the installation of landing aids; or

(v) To permit the proper use, operation, management, and maintenance of the airport as a public facility.

The term "acquisition of land" as used in this subparagraph may include acquisition of lands already developed as a privately owned airport and of all structures, fixtures, and improvements thereon constituting a part of the realty, other than hangars and other ineligible structures and parts thereof, fixtures, and improvements.

(14) Such other airport development as may be specifically approved by the Regional Administrator.

§ 550.4 Projects costs.

(a) *Eligibility.* All project costs, as defined herein, including the value of land, labor, materials and equipment donated, contributed or loaned to the sponsor and appropriated to the project by the sponsor, shall be eligible for consideration as to their allowability except the following:

(1) That portion of the cost of rehabilitation or repair for which funds have been appropriated by the Congress under section 17 of the Act.

(2) That portion of the cost of acquiring a privately owned existing airport which represents the cost of acquiring passenger automobile parking facilities, buildings which are to be used as hangers or living quarters or for non-airport purposes at such airport, and those buildings or parts of buildings the construction of which does not constitute airport development as defined in § 550.1(d).

(3) The costs of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor where (i) such materials and supplies were used for airport development prior to the execution of the Grant Agreement or (ii) such costs are not supported by proper evidence of quantity and value.

(4) The cost of nonexpendable machinery, tools or equipment owned by a sponsor and used in accomplishing work under a project by sponsor's force account, except to the extent of the fair rental value of such machinery, tools or equipment for the period used on the project.

(5) The costs of general area, urban, or statewide planning of airports, as distinguished from the planning of a specific project.

(6) The value of any land, including improvements thereon or thereto, donated to the sponsor by another public agency.

(7) Any costs incurred in connection with the raising of funds by a sponsor, including interest and premium charges and administrative expenses involved in conducting bond elections and in the sale of bonds.

(b) *Allowability.* In order to be an allowable project cost, for the purpose of computing the amount of a grant, each item of project costs paid or incurred must, in the opinion of the Regional Administrator, meet the following conditions:

(1) It must have been a necessary cost incurred in accomplishing airport development in conformity with the approved plans and specifications for an approved project and with the terms and conditions of the Grant Agreement entered into in connection with such project.

(2) It must be reasonable in amount (if not reasonable in amount, it shall be subject to partial disallowance in accordance with section 13 (3) of the Act).

(3) It must have been incurred subsequent to the date of execution of the Grant Agreement, except that costs of land acquisition, field surveys, planning, and the preparation of plans and specifications, and administrative and incidental costs, may be allowable though incurred prior to the execution of such Grant Agreement: *Provided*, That no item of project cost shall be allowable if incurred prior to May 13, 1946.

(4) It must be supported by evidence satisfactory to the Regional Administrator.

(c) *United States share of project costs.* The United States share of the allowable project costs of a project will be stated in the Grant Agreement for such project. Such United States share will be determined as provided in the following subparagraphs.

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, (i) in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10(b) of the Act; (ii) in the case of the Virgin Islands, the United States share shall be 75 percent; and (iii) in the case of Alaska, the United States share shall be 75 percent with respect to funds made available under section 5(b) of the Act and 62½ percent with respect to funds made available from the discretionary fund established by section 6(b) of the Act. There is set forth below a table of the current United States percentage share of allowable project costs in States containing unappropriated and unreserved public lands and nontaxable Indian lands:

Arizona	60.93
California	54.00
Colorado	53.31
Idaho	55.62
Montana	53.13
Nevada	62.50
New Mexico	56.34
Oregon	55.84
South Dakota	52.66
Utah	62.25
Washington	51.65
Wyoming	57.19

(2) *High intensity lighting costs.* The United States share of the project costs of an approved project which represent costs of installation of high intensity lighting on runways designated instrument landing runways by the Regional Administrator shall be 75 percent of the allowable costs of such installation regardless of the size or location of the airport to be developed.

§ 550.5 Procedure.

(a) *Request for Federal aid.* An eligible sponsor desiring to obtain Federal aid for the accomplishment of eligible airport development shall submit to the District Airport Engineer of the District in which the sponsor is located, a Request for Federal aid on Form FAA–1623. (See § 550.11(a))

(b) *Tentative allocation of funds.* If a proposed project is selected by the Administrator for inclusion in a Program, the Administrator will make a tentative allocation of funds for such project and the Regional Administrator will transmit a notice of such allocation to the sponsor. Such tentative allocation will be subject to withdrawal upon failure of the sponsor to submit an acceptable Project Application pursuant to paragraph (c) of this section or to proceed with the project with due diligence.

(c) *Project Application.* As soon as practicable after receipt of notice of tentative allocation for a proposed project, a sponsor shall prepare a Project Application on Form FAA–1624 (See § 550.11 (b)) and submit such Application to the District Airport Engineer. A Project Application shall be executed by the sponsor without change in the language of the form unless prior approval for deviation therefrom has been obtained from the Administrator: *Provided*, That in the case of a joint project, each sponsor may execute only those provisions of the Project Application which are applicable to the particular sponsor. At the discretion of the Regional Administrator a sponsor which has executed a Grant Agreement for a project for development of an airport under the Program will be permitted to submit additional project applications for further development of such airport on Form FAA–1624.1 (see § 550.11(c)).

(1) *Funds.* Each Project Application submitted by a sponsor which is to furnish all or any portion of the project funds not to be furnished by the United States, shall state that such sponsor has on hand, or show that it is in a position to obtain as and when needed, funds sufficient to pay all estimated costs of the proposed project which are not to be borne by the United States or by another sponsor: *Provided*, That if any of such funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor by a State agency or any other public agency which is not itself to be a sponsor of the proposed project, evidence satisfactory to the Regional Administrator that such funds will be so provided if the proposed project is approved may be submitted by the public agency which is to provide the funds rather than by the sponsor. If any portion of the estimated project costs consists of the value of donated land, labor, materials or equipment, the project application shall so state, indicating the nature of each such donation and the value attributed to each.

(2) *Lands.* Each Project Application submitted by a sponsor shall state all of the property interests which the sponsor then holds in all lands to be developed or used as part of or in connection with the airport as it will be upon completion of the proposed project. In addition, each Project Application shall contain a covenant on the part of the sponsor to acquire prior to the start of any construction work under the project, or if the lands in question are not needed for such construction, within a reasonable time, property interests satisfactory to the Administrator in all of the lands in which it does not hold such property interests at the time its Project Application is submitted: *Provided*, That in the case of a joint project, the necessary property interests may be held or acquired by any one or combination of the sponsors, in which event, the Project Application of each individual sponsor may show only those property interests which that particular sponsor holds or is to acquire.

Each Project Application shall be accompanied by a property map designated as "Exhibit A," or shall incorporate by reference an "Exhibit A" from a previous Project Application having the approval of the Regional Administrator, which shall clearly identify and show all lands described above, designating all prior and proposed acquisitions of property interests in any of such lands for which Federal aid is requested under the proposed project. As used herein, the term "lands" includes among other areas, landing areas, building areas, runway clear zones, clearways and approach zones, and areas required for "off-site" construction, entrance roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

(2) *Property interests.* In general the property interest which a sponsor or sponsors must have or agree to acquire in all lands needed for landing area or building area purposes in order to meet the requirements of subparagraph (2) of this paragraph is either: (i) Title free and clear of any reversionary interest, lien, easement, lease or other encumbrance which, in the opinion of the Regional Administrator, would be of such a nature as to create an undue risk that its existence might deprive the sponsor or sponsors of possession or control of such lands, interfere with their use for public airport purposes, or make it impossible for the sponsor (or any sponsor of a joint project) to carry out and perform any of the assurances, agreements, and covenants contained in the Project Application, or (ii) a long-term leasehold estate of not less than twenty years granted to the sponsor or sponsors by another public agency having such title, on terms and conditions satisfactory to the Regional Administrator. With respect to "off-site" areas, including runway clear zones, the minimum right or property interest which a sponsor or sponsors must have or agree to acquire in the lands comprising such areas, in order to meet the requirements of subparagraph (2) of this paragraph, is any agreement, easement, leasehold estate or other right or property interest which, in the opinion of the Regional Administrator, is sufficient to provide reasonable assurances that the sponsor or sponsors will not be deprived of its or their right to occupy and/or use such lands for the purpose intended during whatever period of time such use may be necessary in order to meet the requirements of the Grant Agreement.

(3) *Plans and specifications.* Each Project Application shall incorporate by reference plans and specifications, in final form, describing all items of airport development for which Federal aid is requested under the proposed project, which plans and specifications shall be submitted with the Project Application unless previously submitted or submitted with the Project Application of another sponsor of the proposed project: *Provided*, That in special cases the Regional Administrator may authorize the postponement of the submission of final plans and specifications until a later date to be specified in the Grant Agreement if the sponsor has submitted (i) a Master Plan Layout meeting the approval of the Regional Administrator and (ii) preliminary plans and specifications prepared in sufficient detail to identify all items of airport development included in the project. The plans and specifications shall be so prepared as to provide for the accomplishment of the proposed project in accordance with the Master Plan Layout, the regulations of this part, and all applicable local laws, ordinances and regulations.

(5) *Appraisals.* Each Project Application proposing that the project to which it relates include the acquisition of land by donation or the acquisition of any land or interest in land, the cost of which, as represented by the Sponsor, is based on other than either the actual purchase price or the amount of the award in eminent domain proceedings shall be accompanied by at least two independent appraisals of such land or interest in land, made by qualified appraisers having no personal interest, present or prospective, in the land or interest appraised.

(d) *Offer.* Upon approval of a project, the Regional Administrator will make an offer to the sponsor or sponsors to pay the United States share of the allowable project costs of the project. Such offer will state a definite amount as the maximum obligation of the United States. Such offer shall be subject to revision, amendment, modification or withdrawal by the Regional Administrator at his discretion at any time prior to acceptance thereof by the sponsor or sponsors.

(e) *Amendment of offer.* If, prior to acceptance by the sponsor or sponsors, it is determined that the amount of the maximum obligation of the United States stated in an offer is insufficient to cover the United States share of the allowable project costs, the sponsor or sponsors may request an increase in such maximum obligation, transmitting such request to the Regional Administrator through the District Airport Engineer.

(f) *Acceptance of offer.* An offer shall be accepted by the sponsor or sponsors within the time prescribed therein and in the number of counterparts stipulated in the letter of transmittal from the Regional Administrator. Such acceptance shall be made by execution of the offer in the space provided therefor, by an official of the sponsor who has been duly authorized to take such action by resolution or ordinance duly adopted by the governing body of the sponsor. The resolution or ordinance shall either (1) set forth at length the terms of the offer, or (2) have attached thereto a copy of the offer which shall be incorporated by reference in said resolution or ordinance, whichever is appropriate under applicable local law. A certified copy of such resolution or ordinance shall be attached to each executed copy of an accepted offer or Grant Agreement required to be transmitted to the District Airport Engineer pursuant to the letter of transmittal.

(g) *Grant Agreement.* An offer of the Administrator to pay a portion of the allowable project costs and an acceptance thereof by the sponsor or sponsors in accordance with paragraph (f) of this section shall constitute a Grant Agreement between the sponsor or sponsors and the United States. Unless and until such a Grant Agreement has been executed with respect to a project in accordance with the requirements of the regulations in this part, the United States shall not pay or be obligated to pay any portion of the project costs which have been or may be incurred in carrying out the project.

(h) *Amendment of Grant Agreement.* When mutually agreed upon between the Regional Administrator and the sponsor or sponsors of a project, a Grant Agreement may be amended after execution thereof if:

(1) The amendment will not increase the maximum obligation of the United States under such Grant Agreement by more than ten per centum (10%),

(2) The amendment provides only for airport development meeting the requirements of these regulations, and

(3) The amendment is not prejudicial to the interests of the United States.

Upon agreement for amendment, the Regional Administrator will issue to the sponsor or sponsors a supplementary agreement incorporating the amendments as approved. Such agreement shall be executed by the sponsor or sponsors in accordance with the regulations governing acceptance of an offer (paragraph (f) of this section).

§ 550.6 Cosponsorship and agency.

(a) *General.* In the case of any project in which two or more public agencies desire to participate to any extent, either in accomplishing airport development under the project or in the maintenance and operation of the airport, the participating public agencies shall comply with the provisions of this section with respect to either cosponsorship or agency, whichever is applicable: *Provided*, That a public agency which desires to participate in a project only by contributing funds to a sponsor need not become a sponsor of the project nor an agent of the sponsor as provided in this section, and any funds so contributed will be considered as funds of the sponsor for purposes of the Act and the regulations in this part.

(b) *Cosponsorship.* Any two or more public agencies desiring to participate in a project may serve as sponsors of such a project if they meet all applicable requirements of the regulations in this part including the following:

(1) The sponsors shall meet the eligibility requirements of § 550.2.

(2) The sponsors shall submit a single Project Application, executed by all of the sponsors, clearly indicating the certifications, representations, warranties and obligations made or assumed by each sponsor: *Provided*, That if the sponsors so desire, each may submit a separate Project Application which does not meet all the requirements of the regulations in this part if, in the opinion of the Regional Administrator, the Project Applications submitted by all sponsors collectively meet the requirements of the regulations in this part as applied to a project sponsored by a single sponsor.

(3) Each Project Application submitted by sponsors each of which is willing to assume, jointly and severally, all of the obligations to the United States required to be assumed by a sponsor, shall be accompanied by a true copy of an agreement between the sponsors, satisfactory to the Regional Administrator, which will be incorporated in and become a part of the executed Grant Agreement. Each such sponsor's agreement shall set forth:

(i) The responsibilities of each sponsor to the others with respect to the accomplishment of the development proposed and the subsequent operation and maintenance of the airport;

(ii) The obligations which each proposes to assume to the United States; and

(iii) The sponsor or sponsors which will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project as provided in § 550.5(d), such offer will contain a specific condition stating that the offer is made in accordance with the terms of the agreement between the sponsors, which agreement will be incorporated therein by reference, and that, by acceptance of the offer, each of the sponsors assumes only its respective obligations as agreed upon in said agreement between the sponsors.

(c) *Agency.* If a public agency so desires and such action is required or permitted under state or local law, it may, with or without participating financially, serve as agent of the public agency which is to own and operate the airport and need not itself become a sponsor of the project. In all such cases, an agency agreement clearly outlining the terms and conditions of the agency and the authority vested in the agent to act for and on behalf of the sponsor shall have been entered into, which agreement must be satisfactory to the Regional Administrator. A true copy of the agency agreement shall be submitted with the sponsor's Project Application. If an offer is made to a sponsor as provided in § 550.5(d) and an agency relationship exists between such sponsor and some other public agency, such offer may be accepted by the agent in the name and on behalf of the sponsor only if such acceptance has been specifically and lawfully authorized by the governing body of the sponsor and such authority is specifically set forth in the agency agreement.

§ 550.7 Performance of construction work.

(a) *General.* All construction work under any project shall be accomplished by contract unless the Regional Administrator determines that the project, or any portion thereof, can be more effectively and economically accomplished on a force account basis by the sponsor or by another public agency acting for or as agent of the sponsor.

(b) *Letting of contracts.* A sponsor shall comply with the following requirements in awarding construction contracts with respect to the performance of any work under a project:

(1) Unless some other method is approved by the Regional Administrator for use on a particular project, all such contracts in excess of $2,000 shall be awarded on the basis of public advertisement and open competitive bidding under the procedures provided by local law for the letting of public contracts. Any agreement or understanding, oral or written, between a sponsor and another public agency which is not a cosponsor of the project, pursuant to which such other public agency undertakes construction work for or as agent of the sponsor, shall not be considered a "construction contract" for purposes of this section.

(2) (i) There shall be no advertisement for bids on, or negotiation of, such a contract until the Regional Administrator has approved the plans and specifications. Unless the estimated contract price or construction cost is $2,000 or less, there shall be no advertisement for bids or negotiation until the Regional Administrator has furnished the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision shall be set forth in the initial invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(ii) At least 45 calendar days prior to any such advertisement or negotiation, the sponsor shall submit to the District Airport Engineer, on Department of Labor Form DB–11, a list of all classes of labor to be employed under the proposed contract. If, after submitting such a list, the sponsor at any time has reason to believe that any additional classes of labor may be employed under the contract, the sponsor shall immediately advise the District Airport Engineer of such classes and take such steps as may be necessary to prevent the contractor, or any of his subcontractors, from employing any labor of such classes until he has been furnished a copy of a supplementary wage determination of the Secretary of Labor for such classes. The Regional Administrator will obtain and furnish the sponsor a copy of such supplementary wage determination as soon as possible following receipt by the District Airport Engineer of advice that such a determination is needed.

(iii) All minimum wage rates established by decision of the Secretary of Labor shall be subject to change or modification by decision of the Secretary of Labor issued prior to the award of the proposed contract for which they were established, except that if the proposed contract is awarded on the basis of public advertisement and open competitive bidding within 30 calendar days after the opening of bids or 90 calendar days from the date of the original wage determination decision, whichever is the earlier, no such changes or modifications shall be effective unless the decision of the Secretary of Labor in question is communicated to the Administrator more than five calendar days before the opening of bids. All changes or modifications which meet the requirements of the preceding sentence will be communicated to the sponsor by the Regional Administrator as soon as possible after their communication to the Administrator and a copy of the decision effecting such changes or modifications shall be incorporated in the invitation for bids or proposed contract by issuance of an addendum to the specifications or otherwise, or if bids have been opened or the contract has been awarded, the sponsor shall take such other action as may be necessary to incorporate a copy of the decision in the contract.

(3) No construction contract shall be awarded except with the written concurrence of the Regional Administrator, through the District Airport Engineer, as to the reasonableness of the contract prices and conformity of the contract to the sponsor's Grant Agreement with the United States. In connection with those contracts to be awarded on the basis of public advertising and open competitive bidding, the sponsor shall submit to the District Airport Engineer, after the opening of bids, a tabulation thereof and its recommendations for award. The allowable cost of such work, on which the Federal participation will be computed, shall not exceed the bid of the lowest responsible bidder. A bid by a contractor whose name appears on the currently effective list of ineligible contractors published by the Comptroller General of the United States pursuant to § 5.6(b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a firm, corporation, partnership, or association in which such a contractor has a substantial interest, shall be rejected.

(c) *Compliance with local law.* All contracts shall meet the requirements of local law.

(d) *Contract requirements.* All construction contracts entered into by a sponsor with respect to any project shall specifically include, in addition to such other provisions as may be necessary to insure accomplishment of the work involved in accordance with the Grant Agreement for such project, the following provisions (or revisions thereof approved in advance by the Administrator): *Provided,* That contracts for which a minimum wage determination of the Secretary of Labor is not required by paragraph (b)(2) of this section need not contain the provisions set forth in subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of this paragraph:

(1) "The work in this contract is included in Federal-aid Airport Project No. ------, which is being undertaken and accomplished by (insert name of sponsor) under and in accordance with the terms and conditions of a Grant Agreement entered into between (insert name of sponsor) and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 550 of the regulations of the Administrator of the Federal Aviation Agency (14 CFR Part 550), pursuant to which Agreement the United States has offered and agreed to pay a certain percentage of the costs of the said Project that are determined by him to be allowable project costs under the said Federal Airport Act. Any reference in this contract to the Regional Administrator, Federal Aviation Agency, or any rights granted to the said Regional Administrator or the United States by this contract shall in no sense make, or be construed as making, the said Regional Administrator or the United States a party to this contract."

(2) "The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract."

(3) "No convict labor shall be employed under this contract."

(4) "In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such perference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates."

(5) "All mechanics and laborers, employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers."

(6) "Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No.------, and Part 550 of the regulations of the Administrator of the Federal Aviation Agency (14 CFR 550), the Federal Aviation Agency may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Federal Aviation Agency may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(7) "Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Federal Aviation Agency, the (insert name of sponsor): (a) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased."

(8) "Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid."

"The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Federal Aviation Agency, and the Department of Labor and will permit such representatives to interview employees during working hours on the job."

(9) "Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor."

(10) "The contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR Part 3, copy of which is attached) issued by the Secretary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof."

(11) "Duly authorized representatives of the Federal Aviation Agency shall be permitted to inspect and review all work and all materials used in the performance of this contract."

(12) "The contractor will insert in each of his subcontracts the provisions set forth in paragraphs ----, ----, ----, ----, ----, ----, ----, ----, ----, ----, and ----, hereof (insert designations of eleven paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof)."

(13) "A breach of paragraphs ---- (insert designation of paragraph of contract corresponding to subparagraph (5) hereof), through ---- (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract."

(e) *Notices to proceed.* No sponsor shall permit any contractor or subcontractor to begin work under an approved project until (1) the sponsor has furnished the District Airport Engineer three conformed copies of the construction contract and (2) the District Airport Engineer has consented to the issuance to the contractor of a notice to proceed with such work. Three copies of such notice shall be furnished the District Airport Engineer promptly after its issuance.

(f) *Change orders and supplemental agreements.* No sponsor shall issue any change order under any of its construction contracts or enter into any supplemental agreement unless such change order or supplemental agreement has been approved by the Disrtcit Airport Engineer. All change orders shall be in a form satisfactory to the District Airport Engineer. Not less than three copies of each shall be submitted to the District Airport Engineer as soon as it has been reduced to writing. The provisions of paragraphs (b) through (e) of this section are applicable to supplemental agreements to the same extent as to original contracts.

(g) *Force account work.* Before any force account construction work is undertaken, either by a sponsor or by another public agency acting for or as agent of a sponsor, the sponsor shall obtain the written approval of the Regional Administrator through the District Airport Engineer. In requesting such approval, the sponsor shall submit to the District Airport Engineer the following:

(1) Adequate plans and specifications showing the nature and extent of the construction work to be accomplished by such force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material and equipment, together with adequate supervisory, engineering, and inspection personnel, will be provided;

(4) A detailed estimate of cost of such force account work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost. Whenever an application for grant payment involving force account work is made by a sponsor pursuant to § 550.9 such application shall be accompanied by a periodic cost estimate for such work on Form FAA–1629. (See § 550.11(e).)

(h) *Owner contracts.* Contracts with the owners of airport hazards, buildings, pipe lines, power lines, or other structures or facilities, for the installation, extension, modification, removal or relocation thereof, are exempt from the requirements of this section except that a sponsor shall obtain the approval of the Regional Administrator through the District Airport Engineer before entering into any such contract.

(i) *Labor requirements.* Any sponsor required by this section to include in a construction contract the labor provisions required by paragraph (d) of this section shall see to it that such provisions are complied with by the contractor and shall cooperate as fully as possible with the Administrator and his representatives in effecting such enforcement. To this end, the sponsor shall, among other things:

(1) Maintain and preserve for a period of three years from the date of completion of the contract, all affidavits and copies of payrolls furnished by the contractor, and make such affidavits and copies available to the Regional Administrator whenever he may so request during such three-year period;

(2) Cause all such payrolls and affidavits to be examined as soon as possible upon their receipt to the extent necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, all such examinations to be made by the sponsor's resident engineer or by other em-

ployees or agents of the sponsor who are qualified to make the necessary determinations;

(3) Cause such investigations to be made during the performance of work under the contract as may be necessary to determine whether the contractor is complying with the labor provisions of the contract required by paragraph (d) of this section, and particularly whether the employees of the contractor have been classified correctly, such investigations to include interviews with employees and examinations of payroll data at the site of the work and to be made by the sponsor's resident engineer or by other employees or agents of the sponsor who are qualified to make the necessary determinations; in making such investigations, complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without his consent; and

(4) Keep the District Airport Engineer fully advised of all examinations and investigations made pursuant to this paragraph, of all determinations made on the basis of such examinations and investigations, and of all efforts made to effect or enforce compliance with the labor provisions of the contract.

§ 550.8 Accounting and audit.

(a) *Accounting procedure.* Each sponsor shall establish and maintain, for each individual project an adequate accounting record to permit determination by representatives of the Federal Aviation Agency of all funds received (including funds of the sponsor and funds received from the United States or from other sources) and a determination of the allowability of all incurred costs of the project. Project costs shall be so segregated and grouped that the sponsor will be able to furnish, upon due notice, cost data in the following cost classifications:

(1) Purchase price or value of land.
(2) Incidental costs of land acquisition.
(3) Costs of contract construction.
(4) Costs of force account construction.
(5) Engineering costs of plans and designs.
(6) Engineering costs of supervision and inspection.
(7) Other administrative costs.

(b) *Proejct records.* (1) *Cost evidence.* A sponsor shall secure and retain in its files for a period of three years after final grant payment documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

(2) *Payment evidence.* A sponsor shall retain in its files for a period of three years after final grant payment evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(c) *Audits.* A sponsor shall permit authorized representatives of the Federal Aviation Agency to audit the project records and accounts in order that the allowability of project costs and the amount of Federal participation in the cost of the project may be determined. Progress audits may be made at any time during the life of the project at the discretion of the Regional Administrator, upon due notice to the sponsor. If work is suspended on the project for an appreciable length of time, an audit will be made prior to a semifinal grant payment, as provided in § 550.9(c). A final audit will be made prior to final payment, as provided in § 550.9(d).

§ 550.9 Grant payments.

(a) *Land acquisition payments.* If an approved project includes land acquisition as an item of airport development, the sponsor may, at any time after it has executed the Grant Agreement and after title evidence has been approved by the Regional Administrator for such land as payment is requested, make application to the Regional Administrator, through the District Airport Engineer, as provided in paragraph (e) of this section, for payment of the United States share of the allowable project costs of any such land acquisition, including any acquisition completed prior to execution of the Grant Agreement which is part of the airport development included in the project.

(b) *Partial grant payments*—(1) *General.* Subject to the final determination of allowable project costs as provided in paragraph (d) of this section, partial grant payments for project costs will be made to a sponsor from time to time, upon application therefor as provided in paragraph (e) of this section. In the absence of an agreement otherwise, a sponsor may apply for such partial payments on a monthly basis. Such payments may be applied for and made either on the basis of the cost of airport development accomplished or on the basis of the estimated cost of airport development expected to be accomplished.

(2) *Amount of partial grant payments.* Except as otherwise provided, partial grant payments will be made in amounts sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the sponsor's latest application for such payment: *Provided,* That if a sponsor makes application therefor, a partial grant payment will be made as an advance payment in an amount sufficient to bring the aggregate amount of all partial payments to the estimated United States share of the estimated project costs of the airport development expected to be accomplished within 30 days from the date of the sponsor's application for such advance payment. No such partial payment, whether for work accomplished or as an advance payment for work to be accomplished, will be made in an amount which would bring the aggregate amount of all partial payments for the project to more than 90% of the estimated United States share of the total estimated costs of all airport development included in the project, exclusive of contingency items, or 90% of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, the Regional Administrator will deduct both from the amount of project costs incurred and from the amount of the estimated total project costs, those project costs which he may deem of questionable allowability.

(c) *Semifinal grant payments.* Whenever the accomplishment of certain airport development on a project is delayed or suspended for an appreciable length of time for reasons beyond the sponsor's control and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all such costs, a semifinal grant payment may be made in an amount sufficient to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred even though such amount may be in excess of the 90 percent limitations specified in paragraph (b)(2) of this section, but in no event to an amount in excess of the maximum obligation of the United States as stated in the Grant Agreement.

(d) *Final grant payments*—(1) *General.* At such time as a project has been wholly completed in accordance with the terms of the Grant Agreement, an application for final grant payment may be filed as provided in paragraph (e) of this section. The Regional Administrator will make final grant payment thereon only when he has determined that the following conditions have been met:

(i) A final inspection of all work at the project site has been conducted jointly by the District Airport Engineer and representatives of the sponsor and the contractor, unless a different procedure for final inspection is agreed to by the District Airport Engineer;

(ii) A final audit of the project account has been completed by representatives of the Federal Aviation Agency;

(iii) The sponsor has furnished final "as constructed" plans, unless otherwise agreed to by the Regional Administrator.

(2) *Amount of final grant payments.* Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by paragraph (e) of this section, the Regional Administrator will determine the total amount of the allowable project costs of a project and pay the sponsor the United States share of such amount less the total amount of all prior grant payments: *Provided,* That the aggregate of all grant payments for a project shall not exceed the amount in the Grant Agreement for such project as the maximum obligation of the United States with respect thereto.

(e) *Application for grant payments.* All applications for grant payments shall be made on Form FAA–1625.1 (see § 550.11(b)) accompanied by (1) a summary of project costs on Form FAA–1630 (see § 550.11(g)) (2) a periodic cost estimate on Form FAA–1629 (see § 550.11(e)) for each contract or force account representing costs for which payment is requested, and (3) such supporting information, including appraisals of property interests, as may be required by the Regional Administrator to permit the determination of the allowability of any costs for which payment has been requested. In the case of each such application involving work accomplished by contract, the required contractor's certification contained in the periodic cost estimate must contain the statement that "there has been full compliance with all labor provisions included in the contract identified above", except that, if the contractor is unable to make such a statement because of the existence of an honest dispute as to the nature of his obligations under the labor provisions of the contract, the Regional Administrator will accept as satisfactory a periodic cost estimate containing a certification by the contractor that "there has been full compliance with all labor provisions included in the contract identified above, except insofar as an honest dispute exists with respect to such provisions."

(f) *Excess grant payments.* If upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments made to the sponsor is in excess of the total United States share of allowable project costs of the project, such excess shall be returned promptly by the sponsor to the Federal Aviation Agency.

(g) *Suspension of grant payments for violations of labor provisions.* In the event of failure or refusal of a contractor or subcontractor to comply with the labor provisions of the contractor's contract with the sponsor, the Regional Administrator will suspend further grant payments to the sponsor until such time as the violations are discontinued or until the Regional Administrator has determined the allowability of the project costs to which such violations relate or, to the extent that the violations consist of under-payments to labor, until the sponsor has furnished assurance, satisfactory to the Regional Administrator, that restitution has been or will be made to the affected employees.

§ 550.10 Memoranda and hearings.

(a) *Memoranda.* At any time prior to the issuance of a grant offer for a project by the Administrator, any public agency, person, association, firm, or corporation having a substantial interest in the disposition of the project application for such project, may file a memorandum in support thereof or in opposition thereto with the Administrator through the District Airport Engineer of the district in which the project is located. Such party may request a public hearing with respect to the location of the airport the development of which is proposed. If, in the opinion of the Administrator, the party filing the memorandum has a substantial interest in the matter, a public hearing will be held in accordance with paragraph (b) of this section.

(b) *Hearings.* If a request for a public hearing is made and approved as set forth in paragraph (a) of this section, the time and place of the hearing will be set by the Administrator. The time will be set so as to avoid undue delay in disposing of the subject project application but so as to afford reasonable time for all parties concerned to prepare for the hearing. The hearing will be held at a place convenient to the sponsor. The Administrator will give notice of time and place by mail to the party filing the memorandum, to the sponsor or sponsors, and to such other persons as the Administrator deems necessary. A hearing will be held only for the purpose of assisting the Administrator in ascertaining facts relevant to the location of an airport, the development of which is proposed in an application pending before him. All hearings pursuant to this paragraph will be regarded as hearings in which there are no adverse parties and no adverse interests, and in which there will be no defendant or respondent. They are not hearings of the type described in sections 5, 7 and 8 of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001), and will not terminate in an "adjudication" as defined by that act.

(c) *Procedure.* Any public hearing under paragraph (b) of this section will be conducted on behalf of the Administrator by such examiner or examiners as the Administrator may designate. Such examiner or examiners shall decide the time to be consumed, the type of testimony to be heard, and all other matters with respect to the conduct of the hearing.

(d) *Records.* Hearings will be recorded in such form and manner as may be determined by the examiner or examiners and the record so made shall become a part of the record of the project application. However, decisions of the Administrator will not be made solely upon the record of the hearing, but upon all relevant facts within the knowledge of the Administrator, from whatever source obtained.

§ 550.11 Forms.

There is set forth in this section a general description of the various forms referred to in the foregoing sections of this part. Copies of such forms and assistance in their completion and execution may be obtained from the District Airport Engineer of the District in which the project is located.

(a) *Request for Federal-aid, Form FAA–1623.* This form contains a statement requesting Federal aid in carrying out a project under the act. It contains appropriate spaces for insertion of information required for consideration of the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work and the estimated cost thereof.

(b) *Project Application, Form FAA–1624.* This form is the formal application for Federal aid to carry out a project under the Act and this part of the regulations. It consists of four parts, namely, Part I, in which there is required to be incorporated pertinent information regarding the airport and proposed work included in the project; Part II in which there is set forth the representations of the sponsor relating to its legal authority to undertake the project, the availability of funds for its share of project costs, approvals of other non-Federal agencies, the existence of any defaults on other obligations to the United States, possible disabilities, and ownership of lands and interests in lands to be used in carrying out the project and operating the airport; Part III which contains the assurances on the part of the sponsor regarding the operation and maintenance of the airport, the further development of the airport, and the acquisition of such additional lands or interests in lands as may be required to undertake and carry out the proposed project or for operation of the airport; and Part IV which contains a statement of acceptance on the part of the sponsor and appropriate spaces for execution by the sponsor and certification by the sponsor's attorney.

(c) *Project Application for Additional Project, Form FAA–1624.1.* This form is a modification of the Project Application, Form FAA–1624, and may be used by the Sponsor, at the discretion of the Regional Administrator, for second and subsequent projects at the same airport. Form FAA–1624.1 is identical with Form FAA–1624 except that, with respect to the former, certain of the representations and assurances are incorporated by reference in lieu of being set forth in their entirety.

(d) *Grant Agreement, Form FAA–1632.* This form consists of two parts, namely, Part I, Offer, in which there is set forth an offer on the part of the United States to pay a specified percentage of the allowable costs of the project as described therin on specified terms and conditions relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States share thereof, and operation and maintenance of the airport in accordance with the assurances prescribed in the project application for the project; and Part II, Acceptance, which contains a statement of acceptance of the Offer by the sponsor and space for execution by the sponsor and certification by the sponsor's attorney.

(e) *Periodic Cost Estimate, Form FAA–1629.* This form, which contains a certification to be executed by the contractor (or the sponsor with respect to force account work), contains spaces for the insertion of information regarding the progress of construction work as of a specified date and the value of such work accomplished. Instructions for the preparation of the form are appended thereto.

(f) *Application for Grant Payment, Form FAA–1625.1.* This form contains a formal statement of application for a grant payment under a grant agreement for work accomplished as of a specified date or to be accomplished in a specified time in the future. It contains spaces for appropriate breakdown of project costs among the categories shown therein. It also contains certification provisions for execution by the sponsor and the District Airport Engineer, FAA.

(g) *Summary of Project Costs, Form FAA–1630.* This form contains spaces for insertion of the latest revised esti-

mate of total of project costs, the total cost incurred as of a specified date and an estimate of the aggregate of such total costs incurred to date and those to be incurred prior to a specified date in the future. Instructions for the preparation of the form are appended thereto.

2. By adding new §§ 550.23, 550.24, and 550.25 in Subpart B thereof to read as follows:

§ 550.23 General policy for administering the Federal-aid Airport Program.

(a) *General purpose of program.* The Federal Airport Act places statutory responsibility in the Administrator of the Federal Aviation Agency for bringing about a system of public airports adequate to anticipate and meet the needs of civil aeronautics, both air carrier and general aviation. Today, there exists a basic system of public and private airports to serve the nation, representing a large investment of public and private funds. Growth in the volume of air traffic, technological developments in the science of aeronautics, shifts in the relationship between the airport and its neighbors, and other factors in this dynamic industry all combine to create a changing aeronautical demand which, in turn, requires that the national system of airports be capable of adapting itself to varying conditions. The primary purpose of the Federal-aid Airport Program is to assist each community, irrespective of population, which has a substantial aeronautical requirement, in developing new or bringing its existing civil airport(s) to a standard compatible with the present and future needs of civil aeronautics, so that such airport(s) will be part of "a system of public airports adequate to anticipate and meet the needs of civil aeronautics."

(b) *Federal Aviation Act of 1958.* Under the Federal Aviation Act of 1958, the FAA is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad. Pursuant to this statutory direction FAA representatives will point out to airport owners deficiencies in airport facilities. In performing this function, however, it is to be understood that a recommendation to correct a deficiency does not in any way imply a commitment of funds under the Federal-aid Airport Program. Such funds are earmarked when a specific project has been included in an approved program and a tentative allocation of funds has been made. However, funds are committed only when a Grant Agreement has been executed.

(c) *National Airport Plan.* Pursuant to the Federal Airport Act, the FAA prepares annually a national plan for the development of public airports in the United States, including Puerto Rico and the Virgin Islands. Such plan, which is known as the "National Airport Plan," specifies in terms of general location and type of development, the maximum limits of airport development considered by the Administrator to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics. An airport will be included in the National Airport Plan and may qualify for Federal aid if, within the established forecast period, it will have a substantial aeronautical necessity. A project must be included in the current National Airport Plan in order to be eligible for inclusion in the Federal-aid Airport Program. However, the National Airport Plan should not be related to the need for financial participation in the Federal-aid Airport Program. Therefore, the inclusion of an airport in the Plan shall not be construed as a commitment either on the part of the local community to proceed with the development or on the part of the Federal Government to participate financially in such development under the Federal-aid Airport Program.

(d) *New airports.* Construction of new airports should be limited to communities where (1) the volume of air traffic, now or in the future, exceeds the potential capacity of the existing airport(s); (2) the existing airport(s) cannot economically be improved to handle their air traffic safely and adequately; (3) the community or area lacks an airport but facts show the need for one; or (4) one new airport can serve one or more communities more efficiently than existing facilities. The majority of communities can be adequately served by one properly planned, well developed civil airport. Under these conditions, Federal-aid Airport Program funds should be spent on only the one airport. The airport can be a new one provided the community has a substantial aeronautical requirement, but does not have an airport or has an existing airport which needs to be replaced. Certain metropolitan areas, however, now need, and others soon will need, more than one airport to handle their volume of civil air traffic efficiently and safely; in such cases each necessary public airport will be eligible to receive Federal-aid Airport Program funds.

(e) *Military occupancy of civil airport.* Where proposed military occupancy of a civil airport will result in depriving any segment of civil aviation of needed facilities, every effort should be made by the affected community, in its negotiations with the military services, to secure adequate reimbursement for such military occupancy. This reimbursement, or an amount equivalent thereto, should be utilized to construct an adequate civil airport or replacement facilities without Federal-aid Airport Program participation.

(f) *Emphasis on safety and efficiency.* In allocating Federal-aid Airport Program funds emphasis will be placed on projects essential to the safety and efficiency of aircraft operations at airports.

(g) *Long-range planning.* Federal-aid Airport Program funds generally will be available only to provide long-range solutions to community airport problems. The development or improvement of a facility which may be replaced in a very few years, or other short-range solution, should be adopted only when the facts, balanced against the amount of funds required, justify such a solution.

(h) *Single runway.* Funds for runway development at new airports will generally be limited to a single runway and its approaches. Expenditures for runway improvement at existing airports will largely be restricted to the dominant runway and its approach zones with a gradual "phasing-out" of the less used runways. More than one runway will be eligible at a location where traffic volume demands additional runway capacity or where wind conditions require an additional runway for safety and operational efficiency, giving consideration to the abatement of aircraft noise and to the economic factors of air transportation at that location.

(i) *Airport buildings.* Federal-aid Airport Program funds may be used for the construction of only such buildings or parts thereof as are essential for the safety, comfort and convenience of persons using the airport for aviation purposes. There is specifically excluded from eligibility, however, any building or part of a building intended for use as a bar, cocktail lounge, night club, theater, private club, garage, hotel rooms, commercial offices, or game room.

(j) *National Defense.* In administering the Federal-aid Airport Program, the needs of National Defense will be given due consideration, but project approval will be limited to the development required to serve civil needs.

(k) *Evaluation of items of development.* Any and all items of development proposed for inclusion in a project will be evaluated in the light of current standards. Although the Federal share of an over-all development may be comparatively small, each individual item of work to be accomplished with Federal assistance will be judged on its own merit and must be fully eligible. In those cases where Federal funds constitute less than the normal Federal share of the total funds required for the items of eligible development being undertaken by the sponsor, it will save both time and money if the Federal funds are applied to construction items only, eliminating all engineering and administrative costs.

(l) *Useful and usable unit.* Each project should provide a safe, usable and useful unit of the airport or add materially to the safety or utility of the airport. If the development of a usable unit is susceptible of more economical accomplishment under stage construction, Federal-aid Aiport Program funds may be programmed in advance for accomplishment of the development over a period of two or more years, within the limit of available authorization.

(m) *Master plan layout.* All work must be accomplished in accordance with an approved master plan layout.

(n) *Small projects.* Because of administrative procedures involved in the Federal-aid Airport Program, it is impractical to consider a project involving less than $5,000 in Federal funds unless special necessity for the development warrants Federal participation. Small projects on one airport should, whenever possible, be consolidated in one Grant Agreement rather than under separate grant agreements even though the work will be accomplished over a period of years.

(o) *Single grant agreement.* All development programed for one airport during each fiscal year should be contained in a single Grant Agreement unless special circumstances justify separating the work into two or more projects.

(p) *Runway clear zones.* When funds are allocated for development of new runways or landing strips or improvement or repair of existing runways, the sponsor will be required to own, acquire, or agree to acquire, runway clear zones, as defined in § 550.38, at each end of each runway or landing strip on which the funds are to be expended. Exceptions will be considered (on the basis of a full statement of facts by the sponsor) where a showing of uneconomical acquisition cost, or lack of necessity for acquisition, can be made. If easements rather than acquisition of property for runway clear zones will afford the sponsor adequate control of the surface of such areas, easements will be satisfactory in lieu of title.

(q) *Stage development.* Where economically feasible, large developments which lend themselves to financing over a period of more than one year and accomplishment under more than one Grant Agreement, will be given tentative allocations for future years rather than the entire Federal share in one fiscal year. Grant Agreements will be made against such tentative allocations only during the fiscal years in which the funds are authorized for obligation.

(r) *Compliance with sponsorship requirements.* No Federal-aid Airport Program funds will be authorized for expenditure on an airport unless the Administrator is satisfied that the sponsorship requirements under existing and proposed agreements with the United States, applicable to that airport, have been or will be met.

(s) *Previously obligated work.* Unless specifically authorized by the Administrator, the proposed airport development shall not include any work which the sponsor of the project or any other nonfederal public agency is obligated to accomplish without Federal-aid Airport Program funds by reason of any agreement or commitment to the United States.

(t) *Land donation.* No project will be approved for the acquisition of land which has been or will be donated to the sponsor, where the sponsor is requesting a grant on the basis of the value of such land, unless the Project also includes other items of airport development the estimated cost of which would require a sponsor's contribution equaling or exceeding the United States share of the estimated value of the donated land.

§ 550.24 Programing standards.

(a) *General.* (1) The establishment of programing standards for the Federal-aid Airport Program is necessary to insure the most efficient utilization of Federal-aid Airport Program funds and to assure that the most important elements of a national system of airports will be provided.

(2) In evaluating items of development, the intent of the standard is to be carried out in spirit, as well as in letter. Waivers of these project criteria may, under certain circumstances, be granted by the Washington Office of the FAA. However, a request for such waiver must be accompanied by a complete documentation of factual data showing why deviation from the stated principle is necessary in the public interest. These guides to eligible development will be applied at the time each annual program is developed and tentative allocation of Federal-aid Airport Program funds are made to individual airport sponsors, and when reviewing each Project Application, together with plans, specifications and supporting documents.

(b) *Land acquisition.* (1) The acquisition of land or any interest therein, or any easement or other interest in air space, shall be eligible for inclusion in a project when such acquisition is necessary:

(i) To permit the initial development of the airport as well as necessary and justifiable airport expansion, exclusive, however, of any land intended for use as a passenger automobile parking facility. Reimbursement for land already acquired for airport use, exclusive of that used or intended for use as a passenger automobile parking facility, is eligible, provided it was acquired subsequent to May 13, 1946.

(ii) To prevent or limit the establishment of airport hazards and to permit the removal, lowering, relocation or marking or lighting of existing airport hazards. Acquisition for this purpose should be encouraged and include acquisition of navigation easements in runway approach zones.

(iii) To permit the installation of landing aids.

(iv) To permit proper use, operation or maintenance of the airport as a public facility, including land required offsite for the location of necessary portions of the utility systems required to serve the airport.

(v) To provide runway clear zones.

(2) There is set forth below an itemization of typical eligible and ineligible items of land acquisition:

Typical Eligible Items

1. Land for:
a. Initial acquisition for entire airport developments, including building areas as delineated on the approved master layout plan.
b. Expansion of airport facilities.
c. Clear zones at ends of eligible runways.
d. Approach lights.
e. Approach protection.
f. Airport utilities.
2. Easements for:
a. Use of air space by aircraft.
b. Storm-water run-off.
c. Power lines to serve off-site obstruction lights.
d. Airport utilities.
3. Extinguishment of easements which interfere with airport development.

Typical Ineligible Items

1. Land for:
a. Industrial and other nonairport purposes.
b. Passenger automobile parking facilities.

(3) Land for "expansion of airport facilities" does not include the acquisition of a small parcel for a single hangar.

(c) *Preparation of site.* (1) Eligibility of grading, drainage and associated items of site preparation will be limited to one landing strip at any airport unless the airport definitely qualifies for more than one runway on the basis of traffic volume or wind conditions, as outlined in paragraph (d) of this section, and the overall site preparation required for development in accordance with the approved master plan layout. Complete clearance of runway clear zones is desirable but as a minimum, all obstructions as determined by TSO–N18 must be removed. Grading in runway clear zone areas is eligible only to remove terrain which constitutes an obstruction. The FAA does not regard the clear zone as a graded overrun area. Specific site preparation for an airport terminal building will be eligible on the same basis as the building itself, i.e., site preparation cost to be prorated based upon eligible and ineligible building space.

(2) There is set forth below an itemization of typical eligible and ineligible items of site preparation work:

Typical Eligible Items

1. General site preparation:
a. Clearing of site.
b. Grubbing of site.
c. Grading of site.
d. Storm drainage of site.
2. Erosion control.
3. Grading to remove obstructions.
4. Grading for installing navigation aids on airport property.
5. Dredging of seaplane anchorages and channels.

Typical Ineligible Items

1. Specific site preparation (not a part of an overall site preparation project) for:
a. Hangars.
b. Passenger automobile parking facilities.
c. Industrial and other nonairport purposes.

(3) The eligible drainage work off the airport site includes drainage outfalls, drainage disposal, interception ditches, etc. If there is damage to adjacent property, the correction of such damage is an eligible item and may be included in the project.

(d) *Runway paving.* (1) Types of work eligible under this category include pavement construction, reconstruction and resurfacing where such resurfacing is to increase the load bearing capacity of the runway or to provide a leveling course to correct major irregularities in the pavement. Runway resealing or refilling joints of an ordinary maintenance nature will not be eligible items for inclusion in a project. This does not exclude the bituminous resurfacing of pavements where such resurfacing will consist of a minimum of 100 pounds of plant-mixed material per square yard; nor does it exclude the application of a bituminous surface treatment (two applications of bituminous material and cover aggregate per FAA Specification P–609) on a pavement whose present surface course consists of such a bituminous surface treatment. An exception will be considered where a runway extension or partial reconstruction requires a seal coat over the entire runway to present a uniform color and appearance, or where an initial seal coat is to be applied.

(2) Federal-aid Airport Program participation in the construction, recon-

struction or resurfacing of runways will be limited to the dominant runway at any airport unless more than one runway can be justified on the basis of wind conditions, abatement of aircraft noise or traffic volume.

(3) On the basis of wind conditions, an airport will be eligible for a second runway if use of the dominant runway at that airport will require landings with cross-wind components exceeding 15 MPH for more than 5 percent of the time. Even though the 95 percent usability factor is not achieved with a single runway, a second runway should be provided only if operation experience has demonstrated the need for it, and the economic factors of air transportation at the specific location warrant the expenditure of Federal-aid Airport Program funds for this purpose. The second runway should be so oriented with regard to the dominant runway that maximum wind coverage is achieved, giving due consideration to the aircraft noise factor. Normally, wind data information for most locations is available from Weather Bureau records. However, where such information is not available for a specific location, the data from the two or more nearest wind recording stations can be used to give an indication of the wind characteristics for the site. When the airport site is located between the recording stations and the intervening terrain is level or slightly rolling, a composite wind rose made from those of the associated stations is usually acceptable. If the intervening terrain is mountainous, allowance for its effect on wind can be made by weighted averages. In determining the values to be applied to the records of each individual station, use should be made of a topographic map of the area on which the location of the wind recording station has been plotted.

(4) On the basis of traffic volume, an airport with 75,000 or more annual aircraft movements of all types not qualifying for a second runway on the basis of winds will be eligible for a second runway on the basis of traffic volume, provided that the layout and orientation of the two runways will permit both to be used to expedite traffic. Airports requiring more than two runways because of traffic volume or a combination of traffic volume and wind coverage will be handled on a case-by-case basis.

(5) There is set forth below an itemization of typical eligible and ineligible items of runway paving work:

Typical Eligible Items

1. New runways for specified loadings.
2. Runway widening or extensions for specified loadings.
3. Reconstruction of existing runways for specified loadings.
4. Resurfacing runways for specified strength or for smoothness.

Typical Ineligible Items

1. Maintenance-type work, including:
   a. Seal coats.
   b. Crack filling.
   c. Resealing joints.
   d. Runway patching.
   e. Isolated repair.
2. Runway construction or extension beyond the limits of the service type specified in the National Airport Plan.

(e) *Taxiway paving.* (1) The construction, alteration and repair of taxiways needed to expedite the flow of ground traffic between runways and aircraft parking areas available for general public use will be eligible. Taxiways to serve an area or facility which is primarily one of exclusive or near exclusive use of a tenant or operator not furnishing aircraft servicing to the public will be ineligible. The policy concerning resealing or refilling joints covered in paragraph (d) of this section applies also to taxiway paving.

(2) There is set forth below an itemization of typical eligible and ineligible items of taxiway paving work:

Typical Eligible Items

1. Basic types of pavement listed as eligible under "Runway Paving."
2. Taxiways providing access to ends and intermediate points of eligible runways.
3. Bleed-off taxiways.
4. Bypass taxiways.
5. Run-up pads.
6. Primary taxiway systems providing access to hangar areas and other building areas delineated on approved master layout plan.
7. Secondary taxiways providing access to groups of individual storage hangars and/or multiple-unit tee hangars.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under "Runway Paving."
2. Taxiways providing access to an area not offering aircraft storage and/or service to the public.
3. Lead-ins to individual storage hangars.

(f) *Aprons.* (1) The construction, alterations and repair of aprons will be eligible upon demonstrated need as public use facilities. Aprons to serve areas which are predominantly for exclusive use or near exclusive use of a tenant or operator not furnishing aeronautical service to the public will be ineligible. The policy concerning resealing or refilling joints covered in paragraph (d) of this section applies also to apron paving.

(2) There is set forth below an itemization of typical eligible and ineligible items of apron construction work:

Typical Eligible Items

1. Basic types of pavement listed as eligible under "Runway Paving."
2. Loading ramps.
3. Aprons available for public parking, storage, and/or service.
4. Aprons serving hangars used for public storage of aircraft and/or service to the public.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under "Runway Paving."
2. Aprons serving installations for nonpublic use.
3. Paving inside a hangar or on the proposed site of a hangar.
4. Aprons for ineligible cargo buildings.
5. Apron services (pits or pipes for chemicals) will not be eligible.

(3) In determining public use, the present use that is being made of a hangar will govern, unless definite facts are known regarding future use. When an apron area is being built for future hangars, the likelihood of early hangar development should be assured; also, the likelihood that such future hangars will be public facilities.

(g) *Treatment of pavement shoulders at airports to serve turbojet propelled aircraft.* (1) Where turbojet powered aircraft will operate, it may be necessary to provide pavement shoulders which will reduce the possibility of ingestion of foreign matter into jet engine intakes. Such treatment normally will be limited to shoulders of taxiways and holding aprons. The treatment of runway shoulders is not necessary except in rare and isolated cases which must be justified by unusual local conditions. The treatment areas of shoulders may extend laterally from the pavement edge a distance of 25 feet. Treated pavement shoulders need not consist of full design strength pavement sections. The treated area should be designed in cognizance of prevailing climatic influences and provide a surface which can be kept free of loose particles with a minimum amount of maintenance.

(2) There is set forth below an itemization of typical eligible and ineligible items of shoulder paving work:

Typical Eligible Items

1. Treated shoulders of exit taxiways.
2. Treated shoulders of taxiways for movement of jet aircraft.
3. Holding apron shoulder treatment.
4. Seaplane ramps and docks or crop dusting aprons provided that nonexclusive use will be afforded.

Typical Ineligible Items

1. Treated runway shoulders.
2. Treated shoulders for taxiways not intended for jet aircraft operations.
3. Treated shoulders for parking, storage or servicing aprons.

(h) *Lighting and electrical work*—(1) *General.* Federal-aid Airport Program funds may be utilized for the installation of lighting facilities only at those airports with a sufficient volume of existing or potential night operations, as determined in each individual instance, to assure their continued operation and adequate maintenance. No project for lighting shall be considered until the sponsor has been made aware of its responsibilities regarding the manner in which the lights are required to be operated and has been aware of the cost of maintenance and operation: No Grant Offer shall be issued until the sponsor has submitted an application for a True Light Certificate indicating a lighted airport. Federal-aid Airport Program participation in airport lighting will be limited to those projects which will, upon completion, meet the requirements for a True Light Certificate and which include the removal or adequate lighting of obstructions in the approach and turning zones, as determined by TSO–N18.

(2) *Number of runways eligible for program participation.* The total number of runways that may be considered for lighting will be the same as the number of runways eligible for paving as set forth in paragraph (d) of this section. Any runway eligible for lighting will, as a minimum, be eligible for medium intensity runway lighting.

(3) *High intensity runway lighting.* Because high intensity runway lighting is considered a part of an integrated instrument landing system, an increased

percentage of Federal-aid Airport Program financial participation is allowed where such facilities are installed as an ILS component. High intensity runway lights will be eligible for participation as follows:

(i) On the instrument runway(s) of an airport equipped with an ILS, or on the designated instrument landing runways of those airports listed in the current FAA Air Traffic Control booklet "Terminal Locations for Planning Purposes" with an estimated minimum of 700 Instrument approaches during the forecast period, FAAP participation to the extent of 75 percent of the high intensity lighting cost is eligible.

(ii) Runway(s) eligible for lighting, but not eligible for high intensity lights under (a) above, will be eligible for FAAP participation of 50 percent of the cost of high intensity lighting (or the allowable Federal Airport Act percentage in public land states), provided the need for high intensity lights can be justified.

(4) *Taxiway lighting.* Taxiway lighting will be eligible upon demonstrated need based on the volume of night activity and the complexity of the taxiways system. No justification is required for the installation of lights used to identify runway exits as a part of a runway lighting project.

(5) *Beacons, lighted wind indicators, control equipment.* Any airport which is eligible for participation in the cost of runway lighting will be eligible for installation of a beacon, lighted wind indicator(s), obstruction lights, lighting control equipment and other components of basic airport lighting including separate transformer vaults and connection to the nearest available power source.

(6) *Stand-by power.* The interconnection of two or more power sources on the airport property will be eligible. The provision of second sources of power and the installation of stand-by engine generators of reasonable capacity will also be eligible.

(7) There is set forth below an itemization of typical eligible and ineligible items of airport lighting:

Typical Eligible Items

1. Runway lights.
2. Taxiway lights.
3. Taxiway guidance signs.
4. Obstruction lights.
5. Apron floodlights.
6. Beacons.
7. Wind and landing direction indicators.
8. Electrical duct and manholes.
9. Transformer or generator vaults.
10. Control panels for field lighting.
11. Control equipment for field lighting.
12. Auxiliary power.
13. Lighting off-site obstructions.

Typical Ineligible Items

1. Electronic navigation aids.
2. Approach lights.
3. Horizon lights.
4. Isolated repair and reconstruction of airport lighting.
5. Automobile parking area lighting.
6. Street or road lighting.

(i) *Buildings.* (1) It will be the policy of FAA to participate with funds made available through the Federal-aid Airport Program in the development of those buildings and areas of airport buildings which are essential for the safety, convenience and comfort of persons using airports for public aviation purposes, and exclude from Federal participation in a Federal-aid Airport Program any building or areas therein which do not meet that test, even though such buildings or areas are desirable for the efficient use of the airport or would produce a source of revenue for the operation and maintenance of the airport and appurtenant facilities. The test of eligibility is basically one of essentiality for the traveling public.

(2) Allowable space in airport terminal or administrative buildings will be limited to that needed for the housing of activities relating to airport air traffic control, weather reporting, and communications related to air traffic control and to certain non-revenue public use areas which are enumerated hereafter in more detail. In addition, excessive interior and exterior ornamentation will not be eligible.

(3) Space in airport terminal buildings, for uses eligible and allowable under this policy, must reasonably conform with the applicable space standards of the current "Airport Terminal Buildings" booklet issued by the FAA.

(4) Building space on the airport site to house and maintain fire fighting and crash equipment relating to the safety and protection of aircraft will be eligible and allowable. Space for such equipment designed or based upon community as opposed to airport needs is not allowable. Cost of space for airport maintenance equipment is not allowable. Cost of hangars and cargo buildings will not be allowable. Hotels, motels or residences will not be allowable. Special fixtures and shop equipment will not be allowable.

(5) No Federal-aid Airport Program funds will be made available for the development of separate facilities or space in an airport building when such facilities or space are designed for use now or in the future for separate racial groups.

(6) A sponsor may desire to construct ineligible or unallowable space or space in excess of that provided for in FAA standards. In such cases, a project may be approved for construction of the entire facility provided the resulting Federal participation in the cost of such construction is limited to the United States share of the allowable cost of constructing that portion of the building needed for airport purposes and eligible under these policies. In the event a sponsor elects to include ineligible space and/or space in excess of that determined to be eligible and allowable, there should be included, as part of the Grant Agreement, a provision showing evidence of sponsor-FAA agreement as to what is recognized as being eligible and allowable under the project and that which will not be allowed. In such cases the cost of utilities and space for building services will be allowable on a pro rata basis in relation to the eligible and ineligible building space.

(7) There is set forth below a list of eligible and ineligible space areas in airport terminal or administration buildings:

Eligible Space

1. Space for United States Government services, consisting of:
   a. Air traffic communication station (ATCS).
   b. Airport traffic control quarters (tower or combined station/tower).
   c. Weather Bureau (Aeronautical connected services).
2. Public use facilities, consisting of:
   a. Public waiting areas, ticket lobby (excluding airline space), rest rooms, baggage claim areas and circulatory space in the terminal building and fingers.

Ineligible Space

1. Space for United States Government services, other than air traffic control, weather reporting and communications activities related to air traffic control, including:
   a. Agriculture.
   b. Customs.
   c. Federal Aviation Agency:
   (i) Airport district office.
   (ii) Air route traffic center.
   (iii) Area traffic control quarters (relocation of center function).
   (iv) Combined ATCS/Center (ATCS portion to be eligible).
   (v) Flight Standards district office.
   (vi) International Air Traffic Communication Station (IATCS).
   d. Immigration.
   e. Post Office.
   f. Public Health.
2. Airline and/or other aircraft operator space and facilities, such as:
   a. Airline communications.
   b. Airlines operation and office space.
   c. Airline reservations.
   d. Charter Flight or air taxi office.
   e. Fixed base operator office.
   f. Pilot's Lounge.
   g. Ticket counters and space therefor, and work areas.
3. Concessionaire space and facilities, such as:
   a. Advertisement areas for display cases, appliances, automobiles, etc.
   b. Automobile rental.
   c. Bank and/or currency exchange.
   d. Barber shop or beauty shop.
   e. Book shop.
   f. Camera and photography shop.
   g. Candy shop.
   h. Cocktail lounge or bar.
   i. Delicatessen.
   j. Drug Store.
   k. Florist.
   l. Game room.
   m. Gift shop.
   n. Haberdashery and women's wear.
   o. Insurance sales.
   p. Jewelry shop.
   q. Merchandise vending room.
   r. Newsstand.
   s. Restaurant or other eating facility space.
   t. Taxi and/or limousine.
4. Airport owner or operator space, such as:
   a. Airport Commission, Board or Authority Offices.
   b. Airport Employees Facilities.
   c. Airport Management Offices.
5. Non-public or non-aviation space or facilities, such as:
   a. Air Express or cargo.
   b. Auditorium.
   c. Chapels or churches.
   d. Conference rooms.
   e. Decorative or monumental features.
   f. Garage and/or service station.
   g. Hotel rooms, roomettes.
   h. Industrial and commercial offices.
   i. Observation deck.
   j. Physical recreational facilities.
   k. Pools, fountains or other decorative displays.
   l. Press room.
   m. Professional offices (doctor's, dentist's etc.).

n. Private club areas.
o. Private dining rooms.
p. VIP and public relation rooms.

(j) *Utilities.* The installation of utilities will be eligible to the extent of the eligibility of the facilities and areas served. In the case of a utility serving both eligible and ineligible facilities or areas, the eligibility of the utility will be established on a pro rata basis.

(k) *Roads.* (1) The construction, alteration and repair of airport roads and streets which are wholly within the airport boundaries will be eligible if justified on the basis of actual need for operating and maintaining the airport. In the case of entrance roads, a strip right-of-way joining the main body of the airport to the nearest public road may be considered as part of the normal boundary of the airport if:

(i) Adequate title is obtained, and

(ii) The right-of-way was acquired to provide for an airport entrance road and was not, prior to the existence of the airport, a public thoroughfare.

(iii) The entrance road is intended to serve no other purpose than as a means of ingress to and egress from the airport.

(iv) The entrance road extends only to the nearest public highway, road, or street.

(2) All cases where such narrow right-of-way strips exceed ¼ mile in length will require approval of the Washington office.

(3) It is emphasized that FAAP funds may not be used to resolve highway problems, and that only those airport entrance roads definitely needed and intended solely for ingress to and egress from the airport are eligible.

(4) An entrance road may be joined to an existing highway or street with a normal fillet connection. The cost of acceleration-deceleration strips or grade separations will not be eligible.

(5) Off-site road or street relocation needed to permit airport development or to remove an obstruction, is eligible and should not be confused with entrance roads.

(6) There is set forth below an itemization of typical eligible and ineligible items of road construction:

Typical Eligible Items

1. Entrance roads.
2. Service roads for access to public areas.
3. Service roads for airport maintenance (including perimeter airport service road within airport boundary and not for general public access).
4. Relocation of roads to permit airport development or expansion or to remove obstructions.
5. Service roads to navigational facilities.

Typical Ineligible Items

1. Off-site roads.
2. Roads to areas of exclusive use.

(l) *Automobile parking facilities.* No part of the construction, alteration, or repair (including grading, drainage and other site preparation work) of facilities or areas to be used as passenger automobile parking facilities will be eligible for inclusion in a project.

(m) *Landscaping, turfing and erosion control.* Landscaping will not be eligible. The establishment of turf on graded areas and special treatment to prevent slope erosion will be eligible to the extent of the eligibility of the facilities or areas served, preserved or protected by such turf or treatment. In the case of such turfing or treatment for an area or facility that is part eligible and part ineligible, the eligibility of the turfing and treatment will be established on a pro rata basis.

(n) *Fencing.* Boundary or perimeter fences for security purposes will be eligible.

(o) *Sidewalks.* The construction of sidewalks will not be eligible.

(p) *Removal of obstructions.* (1) The removal of obstructions as defined in TSO–N18 will be eligible. No Federal funds will be used to remove obstructions, however, unless definite arrangements are made that will preclude the obstruction from being recreated. Where removal is not feasible, the cost of marking and/or lighting an obstruction will be eligible. Removal and relocation of obstructions will be eligible. The removal and relocation of structures necessary to accomplish essential airport development will be eligible. Removal of structures that are not obstructions as defined in TSO–N18 will be eligible when located within the boundaries of a clear zone.

(2) The removal and relocation of an airport hangar which constitutes an airport hazard does not come within that provision of the Federal Airport Act which excludes from airport development "the construction, alteration or repair of airport hangars." However, the re-erected hangar must be substantially identical to the hangar that was disassembled.

(3) Where a hangar must be relocated, either for clearance of the site for other airport development or to remove a hazard, if the existing structure is to be relocated, either with or without disassembly, the actual cost of such relocation is an eligible item of project cost, including costs incidental to the relocation, such as necessary footings and floors. However, if the existing structure is to be demolished and a new hangar is erected or constructed, only the cost of demolition of the existing hanger is an eligible item of project cost.

(q) *Miscellaneous landing aids.* The installation of the following landing aids will be eligible:

(1) Segmented circle.

(2) Wind and landing direction indicators.

(3) Boundary markers.

(r) *Marking.* The initial marking of runway and taxiway systems will be eligible, as well as the re-marking of runways and taxiways where the marking has been obliterated by construction, or has become obsolete under current FAA standards. Apron marking not allied with runway and taxiway marking systems will be ineligible.

(s) *Off-site work.* The following work performed outside the boundaries of an airport or airport site will be eligible:

(1) Removal of obstructions as stated in paragraph (p) of this section.

(2) Outfall drainage ditches. The correction of any damage resulting from construction of ditches is an eligible cost.

(3) Relocation of roads and utilities constituting airport hazards.

(4) Clearing, grading and grubbing to permit the installation of navigational aids.

(5) Construction and installation of utilities.

(6) Lighting of obstructions.

(t) *Miscellaneous items of development.* In addition to above items, such other items that may be specifically approved by the Administrator are eligible.

(u) *Eligibility of repair vs. maintenance.* (1) Unlike repair work, maintenance work is not airport development as defined in the Act and, therefore, is legally ineligible for participation in the Federal-aid Airport Program. Consequently, it will be necessary in many cases that a determination be made whether the work proposed is maintenance or repair.

(2) As a guide in making such determinations, "maintenance" should be regarded as including any regular or recurring work necessary to preserve existing airport facilities in good condition, any work involved in the care or cleaning of existing airport facilities, and any incidental or minor repair work on existing airport facilities.

(3) On the other hand, "repair" should be regarded as encompassing any other work necessary to restore or preserve existing airport facilities to or in good condition.

(4) "Maintenance" includes, but is not limited to such items as follows:

(i) Mowing and fertilizing of turfed areas; trimming and replacing of landscaping material.

(ii) Cleaning of drainage system including ditches, pipes, catch basins, replacing and restoring eroded areas, except where caused by act of God or improper design.

(iii) Painting of buildings (interior and exterior) and replacement of damaged items normally anticipated.

(iv) Repairing and replacing burned out or broken fixtures and cable, unless major reconstruction is required.

(v) Pavement repairs in localized areas, except where the magnitude of the work is such that it constitutes a major repair item or is part of a reconstruction project.

(vi) Refilling joints and resealing surface of pavements.

§ 550.25 Development of annual airport program.

(a) *General.* In order to bring about in conformity with the National Airport Plan the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, there will be developed for each fiscal year an annual airport program within that Plan, based on the funds available under the Federal Airport Act.

(b) *Project requests.* (1) The submission of a "Request for Aid", Form FAA–1623, for an airport development project, is necessary before any proposed project will be considered for inclusion in a program. The purpose of the project request is to indicate the Sponsor's interest in the program and to provide a basis for the programming of funds available under the Act. The information requested in Form FAA–1623 will be accepted in lieu of that form when submitted by other means. The request will be considered only as a preliminary notice of the Sponsor's intent, without obligating it to perform any work or expend any funds. Acceptance of the request does not imply that the proposed project will be included in the program.

(2) When cosponsors of an airport are not located in the same district, a joint request for Federal aid should be submitted to the District Airport Engineer of the district in which the airport development is proposed.

(c) *Project evaluation and priority of work.* (1) In development of the annual Federal-aid Airport Program, each proposed airport project is broken down to show the logical increments of work, together with the amount of Federal funds involved in each increment. The relative national importance of any item of airport development is dependent upon (i) the specific nature of the work, and (ii) its effect on airport operations from a standpoint of safety, efficiency and convenience. In order to provide a method for the comparison of projects, basic point values are assigned to the various common types of eligible airport development. A separate rating is given to each increment of development. General guides have been issued for the use of FAA personnel in assigning rating points.

(2) In order to allow a "weighing" of assigned rating points to reflect the national importance of an increment of development, the more appropriate of the following factors are applied to each increment of a proposed project:

(i) Safety—development which definitely contributes to the safety of operations.

(ii) Efficiency—development which improves or provides for the efficiency of operations.

(iii) Convenience—development which primarily provides facilities for the convenience of the public and the airport users.

(3) Within each State, as a general rule, increments will be ranked in descending order of priority. Within the limits of contractual authority apportioned for projects in that State, project increments will be programmed in priority order.

(4) Project increments in each State which cannot be programmed from State apportionments will be ranked in descending order of national priority and will be programmed in priority order within the limits of the Discretionary Fund.

(5) Equitable maximum sums may be established as a limitation of the amount to be allocated to any one airport.

(6) In all instances the views of the State aviation agency regarding a balanced program of all types of airports will be solicited and considered in developing annual programs.

(d) *Advance programing.* In cases where fund limitations do not permit an entire eligible useful unit of development to be programed in one fiscal year, and in cases of large units of development which lend themselves to financing over a period of more than one fiscal year, tentative allocations may be made for more than one fiscal year: *Provided, however,* That Grant Offers may be made against such tentative allocations only during the fiscal year in which funds are authorized for obligation. Advance programing will, as a general rule, be made only for development which must be wholly completed to provide a usable facility.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U.S.C. 1101–1114)

Issued in Washington, D.C., on September 23, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–8071; Filed, Sept. 28, 1959; 8:45 a.m.]

[Airspace Docket No. 59–WA–12]

[Amdt. 40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 43]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 16, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 5723) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 31, its associated control areas, and designated reporting points from Cheyenne, Wyo., to Huron, S. Dak., and from Minneapolis, Minn., to La Crosse, Wis.

As stated in the notice, Red Federal airway No. 31 presently extends from Cheyenne, Wyo., to Huron, S. Dak., and from Minneapolis, Minn., to La Crosse, Wis. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, showed aircraft movements on the segments from Cheyenne, Wyo., to Philip, S. Dak., as four and one respectively; Philip, S. Dak., to Pierre, S. Dak., zero and two respectively; Pierre, S. Dak., to Huron, S. Dak., zero and four respectively; Minneapolis, Minn., to La Crosse, Wis., zero and two respectively. On the basis of this survey, it appeared that the retention of this airway, and its associated control areas was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting points associated with Red Federal airway No. 31 will be revoked.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.231 *Red Federal airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* is revoked.

2. Section 601.231 *Red Federal airway No. 31 control areas (Cheyenne, Wyo., to La Crosse, Wis.).* is revoked.

3. Section 601.4231 *Red Federal airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.).* is revoked.

These amendments shall become effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–8072; Filed, Sept. 28, 1959; 8:45 a.m.]

[Airspace Docket No. 59–WA–18]

[Amdt. 35]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 38]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 18, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 5760) stating that the Federal Aviation Agency was considering an amendment to §§ 600.259, 601.259, and 601.4259 of the regulations of the Administrator which would revoke the segment of Red Federal airway No. 59 and its associated control areas between Garden City, Kans., and Gage, Okla.

As stated in the notice, Red Federal airway No. 59 presently extends from Garden City, Kans., to Oklahoma City, Okla., via Gage, Okla. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed zero and one aircraft movements, respectively, for the segment from Garden City, Kans., to Gage Okla. On the basis of this survey, it appeared that the retention of the above segment of this airway and its associated control area was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting point associated with Red Federal airway No. 59 will be revoked.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.259 (14 CFR, 1958 Supp., 600.259) and §§ 601.259, 601.4259 (14 CFR, 1958 Supp., 601.259, 601.4259, 24 F.R. 705) are amended as follows:

1. Section 600.259 *Red Federal airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.)*:

a. In the caption delete "*(Garden City, Kans., to Oklahoma City, Okla.)*" and substitute therefor "*(Gage, Okla., to Oklahoma City, Okla.)*".

b. In the text delete "Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the northwest course of the Gage, Okla., radio range."

2. Section 601.259 *Red Federal airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.)*: In the caption delete "*(Garden City, Kans., to Oklahoma City, Okla.)*" and substitute therefor "*(Gage, Okla., to Oklahoma City, Okla.)*".

3. Section 601.4259 *Red Federal airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.)*:

a. In the caption delete "*(Garden City, Kans., to Oklahoma City, Okla.)*" and substitute therefor "*(Gage, Okla., to Oklahoma City, Okla.)*".

b. In the text delete "Garden City, Kans., RR" and substitute therefor "No reporting point designation."

These amendments shall become effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8073; Filed, Sept. 28, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-19]

[Amdt. 38]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 41]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 28, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6007) stating that the Federal Aviation Agency was considering an amendent to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 96, its associated control areas, and designated reporting points from Lake Charles, La., to Baton Rouge, La.

As stated in the notice, Red Federal airway No. 96 presently extends from Lake Charles, La., to Baton Rouge, La., An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed zero aircraft movement on this airway. On the basis of this survey, it appeared that retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting points associated with Red Federal airway No. 96 will be revoked.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) are amended as follows:

1. Section 600.296 *Red Federal airway No. 96 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

2. Section 601.296 *Red Federal airway No. 96 control areas (Lake Charles, La., to Baton Rouge, La.)* is revoked.

3. Section 601.4296 *Red Federal airway No. 96 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

These amendments shall become effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8074; Filed, Sept. 28, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-191]

[Amdt. 37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 42]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway Associated Control Areas and Positive Control Route Segments

The purpose of this amendment to §§ 600.6612, 600.6614 and 601.6612, 601.6614 and 601.8001 of the regulations of the Administrator, is to modify VOR Federal airways No. 1512 and 1514 between Kansas City, Mo., and Terre Haute, Ind., by revoking the south alternates of Victor 1512 and 1514 and redesignating Victor 1514 over the same airspace as occupied by the south alternates.

Presently Victor 1512 and Victor 1514 occupy identical airspace, as does Victor 1512S and 1514S between Kansas City, Mo., and Terre Haute, Ind. In order to simplify the airway numbering of the intermediate route structure between Kansas City, Mo., and Terre Haute, Ind., Victor 1514 will be redesignated from its present route to the south alternate route and the alternate airway numbers will be deleted from the description of Victor 1512 and Victor 1514. The control areas associated with VOR Federal airways No. 1512 and 1514 are being redesignated to conform to the modified airways. With the revocation of the south alternate of VOR Federal airway No. 1512, the positive control route segment associated therewith would no longer continue in effect. Thus, since it is desired to retain the positive control route designation for this segment, the positive control route designation for VOR Federal airway No. 1514 will be amended from Pittsburgh, Pa., to Colts Neck, N.J., to Kansas City, Mo., to Colts Neck, N.J.

Since this amendment does not impose a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, (24 F.R. 4530) §§ 600.6612 and 600.6614 (14 CFR, 1958 Supp., 600.6612, 600.6614, 23 F.R. 10340, 24 F.R. 703, 24 F.R. 1285, 24 F.R. 2230, 24 F.R. 3871) and §§ 601.6612, 601.6614 and 601.8001 (14 CFR, 1958 Supp., 601.6612, 601.6614 and 601.8001, 24 F.R. 3874) are amended as follows:

1. Section 600.6612 *VOR Federal airway No. 1512 (Los Angeles, Calif., to New York, N.Y.)*: In the text delete "including a south alternate from the Kansas City, Mo., VOR to the Terre Haute, Ind., VOR via the Marshall, Mo., VORTAC, the Columbia, Mo., VOR, the St. Louis, Mo., VOR and the Vandalia, Ill., VOR;".

2. Section 600.6614 *VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.)*: In the text delete "Macon, Mo., omnirange station; Quincy, Ill., VOR; Springfield, Ill., VOR; Decatur, Ill., VOR; Terre Haute, Ind., VOR; including a south alternate from the Kansas City, Mo., VOR to the Terre Haute, Ind., VOR via the Marshall, Mo., VORTAC, the Columbia, Mo., VOR, the St. Louis, Mo., VOR and the Vandalia, Ill., VOR;" and substitute therefor "Marshall, Mo., VORTAC; Columbia Mo., VOR; St. Louis, Mo., VOR; Vandalia, Ill., VOR; Terre Haute, Ind., VOR;".

3. Section 601.6612 *VOR Federal airway No. 1512 control areas (Los Angeles, Calif., to New York, N.Y.)*: In the text delete "but excluding the airspace between the main airway and its south alternate between the Kansas City, Mo., omnirange station and the Indianapolis, Ind., omnirange station".

4. Section 601.6614 *VOR Federal airway No. 1514 control areas (San Francisco, Calif., to New York, N.Y.)*: In the text delete "but excluding the airspace between the main airway and its south alternate between the Kansas City, Mo., omnirange station and Indianapolis, Ind., omnirange station".

5. In § 601.8001 *Positive control route segments*, amend *VOR Federal airway No. 1512 (Los Angeles, Calif., to New York, N.Y.) (see § 600.6612 of this chapter)*, by deleting all after "Colts Neck, N.J., VOR."

6. In § 601.8001 *Positive control route segments, VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.) (see § 600.6614 of this chapter)*., delete the text in its entirety and substitute therefor "The portion of VOR Federal airway No. 1514 from Kansas City, Mo., VOR to the Colts Neck, N.J., VOR."

These amendments shall become effective 0001 e.s.t., November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8076; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-KC-19]

[Amdt. 41]

PART 600—DESIGNATION OF FEDERAL AIRWAY

[Amdt. 46]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 31, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6165) stating that the Federal Aviation Agency was considering an amendment to Parts 600 and 601 of the regulations of the Administrator which would revoke Red Federal airway No. 28 and its associated control areas, and designated reporting points from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detroit, Mich.

As stated in the notice, Red Federal airway No. 28 presently extends from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detroit, Mich. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958 showed only 13 aircraft movements on this airway. On the basis of this survey, it appeared that the retention of this airway, and its associated control areas, was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Coincident with this action, the designated reporting points associated with Red Federal airway No. 28 will be revoked.

Written comment concerning the proposed amendment was favorable except for one. An air carrier which schedules flights from Chicago, Ill., to Grand Rapids, Mich., and from Lansing, Mich., to Detroit, Mich., has a number of aircraft not yet equipped with dual VOR receivers. These aircraft rely on Red Federal airway No. 28 as an alternate route in event of VOR receiver failure. The air carrier plans to have dual VOR receivers installed in all of its aircraft by Dec. 31, 1959. A request was made in behalf of this air carrier to retain Red Federal airway No. 28 or delay revocation until Jan. 1, 1960. In consideration of this request, revocation of Red Federal airway No. 28 is being delayed until Jan. 14, 1960.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp. Parts 600, 601) are amended as follows:

1. Section 600.228 *Red Federal airway No. 28 (Chicago, Ill., to Detroit, Mich.)*. is revoked.

2. Section 601.228 *Red Federal airway No. 28 control areas (Chicago, Ill., to Detroit, Mich.)*. is revoked.

3. Section 601.4228 *Red Federal airway No. 28 (Chicago, Ill., to Detroit, Mich.)*. is revoked.

These amendments shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354.)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSIDY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8077; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-16]

[Amdt. 43]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 47]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segments of Federal Airway, Associated Control Areas and Designated Reporting Points

On July 31, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6166) stating that the Federal Aviation Agency was considering an amendment to §§ 600.606, 601.606 and 601.4606 of the regulations of the Administrator that would revoke the segments of Blue Federal airway No. 6, and their associated control areas, from Springfield, Ill., to Peoria, Ill., and from North Liberty, Ind., to Benton Harbor, Mich.

As stated in the notice, Blue Federal airway No. 6 presently extends from Springfield, Ill., to Peoria, Ill., and from North Liberty, Ind., to Muskegon, Mich. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, showed aircraft movements for segments of the airway from Springfield, Ill., to Peoria, Ill., as zero and three movements respectively; North Liberty, Ind., to South Bend, Ind., four and zero movements respectively; South Bend, Ind., to Benton Harbor, Mich., zero movements. On the basis of this survey, it appeared that the retention of these airway segments and their associated control areas was unjustified as an assignment of airspace and that revocation thereof would be in the public interest. Such revocation would result in Blue Federal airway No. 6, and its associated control areas, extending from Bangor, Mich., to Muskegon, Mich. In addition, it would be necessary to amend the caption to § 601.4606, relating to the associated designated reporting points.

No adverse comment was received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.606 (14 CFR, 1958 Supp., 600.606), and §§ 601.606 and 601.4606 (14 CFR, 1958 Supp., 601.606, 601.4606), are amended as follows:

1. Section 600.606 *Blue Federal airway No. 6 (Springfield, Ill., to Muskegon, Mich.)*:

a. In the caption delete "*(Springfield, Ill., to Muskegon, Mich.)*" and substitute therefor "*(Bangor, Mich., to Muskegon, Mich.)*."

b. In the text delete "From the Springfield, Ill., RR to the Peoria, Ill., RR. From the INT of the west course of the Goshen, Ind., RR and the south course of the South Bend, Ind., RR via the South Bend, Ind., RR to the INT of the north course of the South Bend, Ind., RR and the northeast course of the Chicago, Ill., RR.".

2. Section 601.606 *Blue Federal airway No. 6 control areas (Springfield, Ill., to Muskegon, Mich.)*: In the caption delete "*(Springfield, Ill., to Muskegon, Mich.)*." and substitute therefor "*(Bangor, Mich., to Muskegon, Mich.)*."

3. Section 601.4606 *Blue Federal airway No. 6 (Springfield, Ill., to Muskegon, Mich.)*: In the caption delete "*(Springfield, Ill., to Muskegon, Mich.)*." and substitute therefor "*(Bangor, Mich., to Muskegon, Mich.)*."

These amendments shall become effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8079; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-198]

[Amdt. 49]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 53]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to revoke Red Federal airway No. 67 from Crestview, Fla., to Columbus, Ga., together with its associated control areas and designated reporting points.

Red Federal airway No. 67 presently extends from Crestview, Fla., to Columbus, Ga. An IFR Airway Traffic Peak-Day Survey for each half of the calendar year 1958, shows aircraft movements as three and four, respectively, for the segment of this airway from Crestview to Dothan, Ala., and one and one, respectively, for the segment from Dothan to Columbus. On the basis of this survey, it appears that the retention of this airway, and its associated control areas, is unjustified as an assignment of airspace and that revocation thereof will be in the public interest. Coincident with this action, the section relating to the reporting points for this airway will be revoked.

This action has been coordinated with the Army, the Navy, and the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601), are amended as follows:

1. Section 600.267 *Red Federal airway No. 67 (Crestview, Fla., to Columbus, Ga.).* is revoked.

2. Section 601.267 *Red Federal airway No. 67 control areas (Crestview, Fla., to Columbus, Ga.).* is revoked.

3. Section 601.4267 *Red Federal airway No. 67 (Crestview, Fla., to Atlanta, Ga.).* is revoked.

These amendments shall be effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8082; Filed, Sept. 28, 1959; 8:47 a.m.]

[Airspace Docket No. 59-WA-50]

[Amdt. 45]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Establishment of Control Zone

On August 1, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6203) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator that would establish a control zone within a five mile radius of the Municipal Airport, Athens, Ga., with extensions to the east and southwest.

As stated in the notice, approximately one hundred instrument approaches were recorded in calendar year 1958. Presently no control zone is designated at this location. VOR instrument approach procedures presently exist for runways two and twenty-seven at Athens, Ga., Municipal Airport. These procedures are based on the Athens VOR located on the airport. On the basis of this information it appeared desirable to establish a control zone within a five mile radius of the airport, with extensions to the east and southwest. This would provide controlled airspace for aircraft conducting instrument approaches to the airport.

No adverse comments were received regarding this amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (14 CFR, 1958, supp., Part 601) is amended by adding the following section:

§ 601.2452 Athens, Ga., control zone.

Within a five-mile radius of Athens, Ga., airport; within two miles either side of the 078° radial of the Athens, Ga., VOR extending from the VOR to a point 12 miles east; within two miles either side of the 194° radial of the Athens, Ga., VOR, extending from the VOR to a point 12 miles southwest.

This amendment shall become effective 0001 e.s.t. November 19, 1959.

(Sec. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8075; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-LA-16]

[Amdt. 40]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

The purpose of this amendment is to modify the Colorado Springs, Colo., control zone for aircraft arriving and departing the Peterson Municipal Airport, by revoking § 601.2045 and amending § 601.1984.

The control zone at Colorado Springs, Colo., is presently designated as within a five mile radius of Peterson Municipal Airport and within two miles either side of a line bearing 180° True to a point fifteen miles south of the airport. The instrument approach procedures for Peterson Municipal Airport, which are from the south, prohibit aircraft from descending below one thousand feet above the terrain until inbound and past the outer marker of the instrument landing system for the airport. The outer marker is located at the edge of the five mile radius zone. A portion of Amber Federal airway No. 3, and its associated control areas completely overlies the southerly extension of the control zone. Thus even without the extension, aircraft utilizing the instrument approach procedures for the airport would be within controlled airspace. It appears, therefore, that a control zone extension beyond the five mile radius of the airport is unnecessary for the safety of aircraft. Accordingly, it further appears the retention of the extension to the south is not justified as an assignment of airspace, and the revocation thereof would be in the public interest. If such action is taken the Colorado Springs, Colo., control zone would include only that airspace within a five mile radius of Peterson Municipal Airport.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.2045 and 601.1984 (14 CFR, 1958 Supp., 601.2045, 601.1984) are amended as follows:

1. Section 601.2045 *Colorado Springs, Colo., control zone,* is revoked.

2. In § 601.1984 *Five-mile radius zones,* add, "Colorado Springs, Colo.: Peterson Municipal Airport."

This amendment shall become effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8078; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-49]

[Amdt. 44]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Establishment of Control Zone

On August 1, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 6203) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator that would establish a control zone within a five-mile radius of the Municipal Airport, Anniston, Ala., with an extension to the southwest.

As stated in the notice, no control zone is designated at this location. A scheduled air carrier has recently inaugurated service into Anniston, consisting of two flights daily. An ADF Standard Instrument Approach Procedure has been established to provide approaches to the Municipal Airport, Anniston, Ala., to be effective October 17, 1959. The procedure is based on the Anniston Radio Beacon located on the airport. On the basis of this information, it appeared desirable to establish a control zone to provide controlled airspace for aircraft conducting instrument approaches to this airport by designating a control zone within a five mile radius of the airport, with an extension to the southwest.

It should be noted that the action proposed in the Notice incorrectly described the extension to the southwest as 10 miles. This is not sufficient controlled airspace in which to perform the instrument approach procedure, therefore, the control zone extension will extend 12 miles.

Written comments concerning the proposed amendment were generally favorable, except for one. The Department of the Army objected to the control zone because the five-mile radius overlapped the Fort McClelland Restricted Area R-130. The control zone will be designated within a five-mile radius of the Anniston Municipal Airport excluding the portion which overlaps Restricted Area R-130.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (14 CFR, 1958 Supp., Part 601) is amended by adding the following section:

§ 601.2385 Anniston, Ala., control zone.

Within a five-mile radius of the Anniston, Ala., Municipal Airport, excluding the portion which overlaps restricted area (R-130) and within two miles either side of a line bearing 232° extending from Anniston, Ala., RBN to a point 12 miles southwest.

This amendment shall become effective 0001 e.s.t., November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8080; Filed, Sept. 28, 1959; 8:46 a.m.]

[Airspace Docket No. 59-WA-57]

[Amdt. 49]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Establishment of Control Zone

On August 1, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 6203) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator that would establish a control zone within a three-mile radius of the Fullerton, Calif., Airport, excluding that portion which would overlie the Long Beach, Calif., control zone.

As stated in the notice, the Fullerton Airport is in a high density air traffic area and is located in close proximity to the Long Beach Airport, Long Beach, Calif., and the Naval Air Station, Los Alamitos, Calif. Presently no control zone is designated for this airport. In order to effectively control air traffic in this complex, it appeared desirable to designate a control zone within a three-mile radius of the Fullerton, Calif., Airport, excluding that portion which would overlap the Long Beach, Calif., control zone.

Written comment concerning the proposed amendment was generally favorable. While the U.S. Navy did not object to the amendment, they did express concern over the possibility that their operation into Los Alamitos NAS may be curtailed by Fullerton Airport operations under weather conditions of less than VFR. The Federal Aviation Agency feels that the procedures for control of air traffic in the Long Beach, Los Alamitos, Fullerton complex will continue to assure equitable handling of Los Alamitos traffic after the Fullerton control zone is established.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 601 (14 CFR, 1958 Supp., Part 601) is amended by adding the following section:

§ 601.2458 Fullerton, Calif., control zone.

Within a three-mile radius of the Fullerton, Calif., Airport; excluding that portion which overlaps the Long Beach, Calif., control zone.

This amendment shall become effective 0001 e.s.t. November 19, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on September 22, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8081; Filed, Sept. 28, 1959; 8:46 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 401—MEANING OF TERMS USED IN THIS CHAPTER

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

Section 301(a) of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519), requires that every labor organization, which has or assumes trusteeship over any subordinate labor organization, shall file reports with the Secretary of Labor, signed by its President and Treasurer, or corresponding principal officers, and by the trustees of such subordinate labor organization, containing specified information, including financial condition, relating to the trusteeship and its antecedents.

Section 301(b) of the Act incorporates and renders applicable the provisions of its section 208, which authorizes the Secretary, among other things, to prescribe the form and publication of the reports required to be filed by section 301(a).

The regulation hereinafter provided is designed to carry out these statutory provisions with respect to the filing and publication of the reports required by section 301(a). There is also provided an antecedent regulation containing the meaning of terms used in regulations

under this chapter, including the reporting regulation above mentioned.

Therefore, pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), and under authority of section 301(a), (b) and section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86–257; 73 Stat. 519), and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations is hereby amended by adding a new Chapter IV to read as follows:

Sec.
401.1 Commerce.
401.2 State.
401.3 Industry affecting commerce.
401.4 Person.
401.5 Employer.
401.6 Employee.
401.7 Labor dispute.
401.8 Trusteeship.
401.9 Labor organization.
401.10 Labor organization engaged in an industry affecting commerce.
401.11 Secret ballot.
401.12 Trust in which a labor organization is interested.
401.13 Labor relations consultant.
401.14 Officer.
401.15 Member or member in good standing.
401.16 Secretary.
401.17 Act.
401.18 Bureau.

AUTHORITY: §§ 401.1 to 401.18 issued under secs. 208, 401(1), 402(b), 73 Stat. 519, and R.S. 161, 5 U.S.C. 22.

§ 401.1 Commerce.

"Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

§ 401.2 State.

"State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343).

§ 401.3 Industry affecting commerce.

"Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

§ 401.4 Person.

"Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

§ 401.5 Employer.

"Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (a) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (b) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

§ 401.6 Employee.

"Employee" means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

§ 401.7 Labor dispute.

"Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

§ 401.8 Trusteeship.

"Trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws.

§ 401.9 Labor organization.

"Labor organization" means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.

§ 401.10 Labor organization engaged in an industry affecting commerce.

A labor organization shall be deemed to be engaged in an industry affecting commerce if it—

(a) Is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(b) Although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(c) Has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (a) or (b) of this section; or

(d) Has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (a) or (b) of this section as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(e) Is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this section, other than a State or local central body.

§ 401.11 Secret ballot.

"Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

§ 401.12 Trust in which a labor organization is interested.

"Trust in which a labor organization is interested" means a trust or other fund or organization (a) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (b) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries.

§ 401.13 Labor relations consultant.

"Labor relations consultant" means any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.

§ 401.14 Officer.

"Officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

§ 401.15 Member or member in good standing.

"Member" or "member in good standing", when used in reference to a labor organization, includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization.

§ 401.16 Secretary.

"Secretary" means the Secretary of Labor.

§ 401.17 Act.

"Act" means the Labor-Management Reporting and Disclosure Act of 1959.

§ 401.18 Bureau.

"Bureau" means the Bureau of Labor-Management Reports, United States Department of Labor.

Sec.
408.1 Initial trusteeship report.
408.2 Semiannual trusteeship report.
408.3 Annual trusteeship financial report.
408.4 Personal responsibility of signatories of reports.
408.5 Maintenance and retention of records.
408.6 Dissemination and verification of reports.
408.7 Attorney-client communications exempted.
408.8 Report of officers and employees of labor organizations.
408.9 Publication of reports required by this part.

AUTHORITY: §§ 208, 301 (a), (b), Pub. Law 86–257, 73 Stat. 519; R.S. 161, 5 U.S.C. 22.

§ 408.1 Initial trusteeship report.

Every labor organization which has or assumes trusteeship over any subordinate labor organization shall file with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., within 30 days after September 14, 1959, or the imposition of any such trusteeship, whichever is later, a report signed by its President and Treasurer, or corresponding principal officers, as well as by the trustees of such subordinate labor organization containing the following information:

(a) The name and address of the subordinate organization;

(b) The date on which the trusteeship was established;

(c) A detailed statement of the reason or reasons for establishing or continuing the trusteeship;

(d) The nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions and other policy-determining bodies and in the election of officers of the labor organization which has assumed trusteeship over such subordinate organization; and

(e) A full and complete account of the financial condition of such subordinate organization as of the time trusteeship was assumed over it.

If a statement of the financial condition of the subordinate organization was prepared as of the time of the assumption of the trusteeship, based upon a comprehensive audit conducted in accordance with accepted standards of auditing, and certified to by an independent certified or licensed public accountant, it may be submitted in lieu of the foregoing account of the financial condition of such organization provided only that the statement is in sufficient detail to present a full and complete account of the financial condition of the subordinate organization as of the time the trusteeship was assumed over it.

§ 408.2 Semiannual trusteeship report.

Every labor organization required to file an initial report under section 301(a) of the Act and § 408.1, thereafter during the continuance of trusteeship over the subordinate labor organization, shall file with the said Bureau semiannually, and not later than six months after the due date of the initial trusteeship report, a semiannual trusteeship report containing the information required by section 301(a) of the Act and § 408.1, except for the information required by paragraph (e) of this section of each relating to the financial condition of the subordinate organization as of the time trusteeship was assumed over it.

§ 408.3 Annual trusteeship financial report.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the said Bureau on behalf of the subordinate labor organization the annual financial report required by section 201(b) of the Act and part 403 of this chapter, signed by the President and Treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship, and the trustees of the subordinate labor organization.

§ 408.4 Personal responsibility of signatories of reports.

Each individual required to sign a report under section 301(a) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 408.5 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 408.6 Dissemination and verification of reports.

Every labor organization required to submit a report under section 301(a) of the Act and under this part shall make available the information required to be contained in such report to all of its members, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report.

§ 408.7 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of section 301(a) of the Act and of this part any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 408.8 Report of officers and employees of labor organizations.

Each trustee of a subordinate labor organization, authorized to perform, or otherwise performing, executive functions of such organization, shall file with the Bureau a report containing the information required by section 202 of the Act and Part 404 of this chapter, except as otherwise therein provided.

§ 408.9 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by section 301(a) of the Act and of the provisions of this part, and the furnishing by the Bureau of copies thereof to any person requesting them, shall be governed by the provisions of Part 407 of this chapter.

Since the form and publication of the reports prescribed in this part follow the form and publication requirements of section 301 of the Act, the remaining regulations only declaring provisions of the Act applicable to trusteeships, and, it appearing that the initial reports of a substantial number of trusteeships in being as of the enactment of the Act are required to be filed not later than October 14, 1959, I find that notice, public procedure thereon and delayed effective date, otherwise required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003), are unnecessary and impractical, and good cause therefor existing, the regulations in this part, as authorized by the Administrative Procedure Act, are made effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 24th day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59–8161; Filed, Sept. 25, 1959; 4:39 p.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1989]

[77771]

CALIFORNIA

Power Site Cancellation No. 139; Power Site Restoration No. 539; Opening Lands From Power Withdrawals; Power Projects 249, 334, and 864; Power Site Reserves 87, 261, and 268; Power Site Classification 389

1. In determinations hereinafter described, the Federal Power Commission

vacated certain power withdrawals created by the filing of applications for preliminary permit or license under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, as follows:

a. In DA–903 issued April 27, 1956, Project No. 864 of January 3, 1928, so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 6 E.,
Sec. 6, E½SE¼.

b. In DA–926 issued June 21, 1957, Projects No. 249 of April 19, 1923, and 864 of January 3, 1928, so far as they affect the following described lands:

T. 20 N., R. 6 E.,
Sec. 4, lots 1, 2, 3, 4, S½NE¼, S½NW¼ SW¼.

c. In DA–927 issued November 8, 1957, Project No. 334 of August 2, 1922, so far as it effects the following-described lands:

T. 13 N., R. 9 E.,
Sec. 11, N½, S½SW¼.

2. In DA–940 issued November 12, 1957, the Federal Power Commission determined that the value of the following-described lands in Power Site Reserves Nos. 87 and 261 would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

T. 6 N., R. 13 E.,
Sec. 22, NW¼.

3. By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 1 of the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, it is ordered as follows:

a. The Executive order of April 29, 1912, creating Power Site Reserve No. 268 is hereby revoked so far as it effects the following-described lands (DA-927):

T. 13 N., R. 9 E.,
Sec. 11, NW¼, S½SW¼;
Sec. 15, NE¼, and SW¼.

The NW¼ of section 11 and the lands in section 15 have been patented.

b. Power Site Classification No. 389 of October 22, 1947 is hereby cancelled so far as it affects the following-described lands (DA–930):

T. 1 N., R. 13 N.,
Sec. 28, N½SW¼NW¼.

The areas described in this order aggregate approximately 1114.40 acres.

4. Subject to any valid existing rights, to the provisions of existing withdrawals, and to the requirements of applicable law, the lands are hereby opened to filing of applications, selection, and locations in accordance with the following: those lands described in paragraph 2 of this order being opened subject to the provisions of section 24 of the Federal Power Act:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

(1) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on October 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on January 28, 1960, will be governed by the time of filing.

(2) All valid applications under the nonmineral public land laws other than those coming under subparagraph (1) above, presented prior to 10:00 a.m. on January 28, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

(3) All applications under paragraph 4 shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. Persons claiming preference rights must submit evidence of their entitlement.

6. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws, pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. The State of California has waived its preference rights of application and selection under the act of August 27, 1958, and under section 24 of the Federal Power Act.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, California Fruit Building, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59–8093; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1990]

[Nevada 046499]

NEVADA

Revoking Air Navigation Site Withdrawal No. 204

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 11, 1943, reserving the following-described lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 43 E., unsurveyed
Sec. 29, SW¼SW¼;
Sec. 30, SE¼SE¼;
Sec. 31, E½NE¼, E½E½SW¼, and SE¼;
Sec. 32, NW¼ and W½SW¼.
T. 9 S., R. 43 E., unsurveyed
Sec. 5, N½NW¼NW¼;
Sec. 6, N½NE¼NE¼.

The areas described aggregate 640 acres.

2. The land is located approximately 30 miles south of Goldfield, Nevada, in the eastern portion of Esmeralda County. Topography is generaly flat to undulating and elevation is approximately 4,500 feet above sea level. Soils are poorly developed and infertile.

3. This order shall not become effective to change the status of the lands described until 10:00 a.m. on October 29, 1959. At that time, they shall be open to filing of such applications, petitions, locations, and selections under the applicable nonmineral public land laws as are permitted on unsurveyed lands, subject to valid existing rights, the requirements of applicable laws, and the 91-day preference right filing period under the Small Tract Laws for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended.

4. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on January 28, 1960.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59–8094; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1991]

[49552]

NEVADA

Withdrawing Public Lands for Department of the Air Force (Stead Air Force Base) Revoking Air Navigation Site Withdrawal No. 263

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Air Force in the maintenance of air navigation facilities in connection with Stead Air Force Base:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 18 E.,
Sec. 2, E½NE¼NW¼, and W½NW¼NE¼.
T. 21 N., R. 18 E.,
Sec. 22, E½NE¼NW¼, and W½NW¼NE¼;
Sec. 26, SW¼SW¼ (except patented portion in MS No. 4394).
T. 20 N., R. 19 E.,
Sec. 18, NW¼NE¼.
T. 21 N., R. 19 E.,
Sec. 24, SE¼SW¼.

The areas described aggregate 189.63 acres.

2. The Bureau of Land Management order of August 21, 1950, which withdrew the following-described public lands for use of the Department of the Army for aviation purposes, as an Air Navigation Site Withdrawal No. 263, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 18 E.,
Sec. 10, SE¼SE¼;
Sec. 22, SE¼SW¼.
T. 20 N., R. 19 E.,
Sec. 2, SE¼NW¼.
T. 21 N., R. 19 E.,
Sec. 24, SE¼SW¼.

The areas described aggregate 160 acres.

3. Subject to any valid existing rights and the requirements of applicable law, the lands released from withdrawal by paragraph 2 of this order and not included in paragraph 1, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Preferences in the consideration of such applications will be recognized as follows:

(1) Until 10:00 a.m. on March 23, 1960, the State of Nevada shall have a preferred right of application to select the released lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2), and the regulations in 43 CFR.

(2) Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on October 29, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 24, 1959, will be governed by the time of filing.

(3) All valid applications under the nonmineral public land laws other than those coming under subparagraphs (1) and (2) above, presented prior to 10:00 a.m. on December 24, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

b. The released lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, at 10:00 a.m. on March 23, 1960. Locations made prior to that time shall be invalid.

4. All applications under paragraph 3 shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. Persons claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the released lands should be addressed to the Manager of the Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59–8095; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1992]

[Idaho 08955]

IDAHO

Withdrawing Lands for Reclamation Purposes (Guffey Reservoir, Mountain Home Division, Snake River Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, the following described public lands in Idaho are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Mountain Home Division, Snake River Project, Idaho:

BOISE MERIDIAN

T. 2 S., R. 1 E.,
Sec. 18, Lots 2, 3, 4, 7, NW¼NE¼, and SE¼SW¼;
Sec. 19, Lot 15;
Sec. 30, Lots 2, 7, 10, and 15;
Sec. 31, Lots 2, 7, 10, 13, 14, 15, SE¼NE¼, and E½SE¼.
T. 3 S., R. 1 E.,
Sec. 6, Lots 3, 4, 5, 8, 11, and SE¼SW¼;
Sec. 7, Lot 1, NW¼NE¼, S½NE¼, E½NW¼, and NW¼SE¼;
Sec. 8, Lots 2, 3, 6, 7, NW¼SW¼, and SE¼SW¼;
Sec. 17, Lots 1, 2, 3, SW¼NE¼, and E½SE¼;
Sec. 21, Lots 1, 2, and E½SE¼;
Sec. 22, Lots 3, 8, 9 and SW¼SW¼;
Sec. 26, Lots 3, 6, and 7;
Sec. 27, Lots 1, 2, 3, NW¼NE¼, and E½SE¼;
Sec. 34, NE¼ and N½SE¼;
Sec. 35, Lots 2, 3, and 4.
T. 3 S., R. 2 E.,
Sec. 31, Lots 2, 3, 6, NW¼SE¼, and SE¼SE¼.
T. 4 S., R. 2 E.,
Sec. 5, Lot 4;
Sec. 6, Lots 2, 5, 6, 9, and SE¼SW¼;
Sec. 8, Lots 2, 4, and SW¼NE¼;
Sec. 9, Lots 5, 6, 7, and 8;
Sec. 10, Lots 3, 4, 7, 8, NE¼SW¼, and SW¼SE¼;
Sec. 15, N½NE¼ and SW¼NE¼.
T. 4 S., R. 3 E.,
Sec. 31, Lots 1, 2, and 3.
T. 5 S., R. 3 E.,
Sec. 4, Lot 5;
Sec. 9, Lots 1, 4, and NE¼SE¼.
T. 1 S., R. 1 W.,
Sec. 31, Lots 1, 2, 3, 4, 5, 6, SE¼NE¼, SE¼NW¼, NE¼SW¼, NE¼SE¼, and W½SE¼;
Sec. 32, Lots 2, 3, 4, 5, 6, 7, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼;
Sec. 33, Lots 1, 2, 5, 6, 7, 8, NW¼NE¼, S½NE¼, E½NW¼, and S½S½;
Sec. 34, Lots 5, 6, 7, 8, S½SW¼, and SE¼;
Sec. 35, Lots 2, 5, 6, 7, 8, NW¼SW¼, and S½SW¼.
T. 2 S., R. 1 W.
Sec. 1, Lots 2, 3, 6, 8, 9, 12, 13, SW¼NW¼, and W½SW¼;
Sec. 2, Lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 5, Lots 2, 3, 4, SW¼NE¼, and S½NW¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, and SE¼NW¼;
Sec. 12, Lots 1, 2, 4, 6, 9, 10, W½W½, and SE¼SW¼;
Sec. 13, Lots 1, 2, and NW¼NE¼.
T. 1 S., R. 2 W.
Sec. 25, Lot 1, SE¼SW¼, and SW¼SE¼;
Sec. 26, Lots 1, 2, N½SW¼, and NW¼SE¼;
Sec. 27, Lots 3, 4, SW¼NE¼, S½NW¼, and N½SE¼;
Sec. 28, Lots 6, 7, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 33, E½NE¼;
Sec. 34, SE¼NE¼, NW¼NW¼, SW¼SW¼, and NE¼SE¼;
Sec. 35, SE¼NE¼, N½SW¼, SW¼SW¼, and N½SE¼.
T. 2 S., R. 2 W.
Sec. 1, Lot 1;
Sec. 2, Lot 4.

The areas described aggregate 8,388.42 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59–8096; Filed, Sept. 28, 1959; 8:48 a.m.]

[Public Land Order 1993]

[Fairbanks 023018]

ALASKA

Withdrawing Lands for Flood Control Purposes and for Protection of Elliott Highway

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon request of the Bureau of Public Roads, Department of Commerce, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under jurisdiction of the Secretary of the Interior for flood control purposes for the protection of the Elliott Highway:

FAIRBANKS MERIDIAN

T. 3 N., R. 1 W.,
Unsurveyed;
Sec. 14, NW¼SW¼, NW¼SW¼SW¼, S½SW¼NW¼, those portions lying northeast of the Elliott Highway and southeast of the Chatanika River.

Containing approximately 60 acres.

The Bureau of Land Management, Department of the Interior, may issue

leases or permits for the surface use of the lands, conduct sales of mineral and vegetative materials thereon, and otherwise administer the lands, provided that all documents authorizing such disposals or use of the lands shall contain provisions designed to safeguard the Elliott Highway from damage by flooding or other causes as may be recommended or approved by the Bureau of Public Roads.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8097; Filed, Sept. 28, 1959; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Procedure for Determination of Claims; Hearings

1. In § 531.5, paragraphs (c), (g) and (j)(1) are amended, and new paragraphs (k) and (l) are added, as follows:

§ 531.5 Procedure for determination of claims.

* * * * *

(c) Such proposed decision shall be delivered to the claimant or his attorney of record in person or by mail. Delivery by mail shall be deemed completed 5 days after the mailing of such proposed decision addressed to the last known address of the claimant or his attorney of record. One copy of the proposed decision shall be available for public inspection at the office of the Commission. Notice of proposed decision shall be posted on the bulletin board at the office of the Commission on the day of its issuance and for 20 days thereafter.

* * * * *

(g) Upon the expiration of 20 days after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed decision shall, without further order or decision of the Commission, become the Commission's final determination and decision on the claim.

* * * * *

(j) * * *

(1) In case a claimant dies prior to the issuance of a final decision or prior to the date on which the proposed decision becomes the Commission's final decision on the claim, his legal representative shall notify the Commission immediately of such death, and shall promptly file proof of his capacity. Thereupon the legal representative shall be substituted as party claimant. However, upon failure to comply with the foregoing, the Commission may issue its decision in the name of the estate, and in the case of an award, certify the award so issued to the Secretary of the Treasury for payment, as provided by the Act.

* * * * *

(k) After the date of filing with the Commission, no claim shall be amended to reflect the assignment thereof by the claimant to any other person or entity.

(l) At any time after a final decision has been issued on a claim, or a proposed decision has become the final decision on a claim, but not later than 30 days before the statutory date for the completion of the Commission's affairs in connection with such claim, a petition to reopen on the ground of newly discovered evidence may be filed. No such petition shall be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the final decision or the date on which the proposed decision became the final decision; that it was not for want of due diligence that such evidence did not come sooner to his knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of such evidence would produce a different decision. Such petition shall include a statement of the facts which the petitioner expects to prove, the name and address of each witness, the identity of documents, and the reasons for failure to make earlier submission of the evidence.

2. Paragraph (a) of § 531.6 is amended to read as follows:

§ 531.6 Hearings.

(a) Hearings, whether upon the Commission's own motion or upon request of claimant, shall be held upon not less than fifteen days' notice of the time and place thereof.

These amendments shall become effective as of the date of filing with the FEDERAL REGISTER.

(Sec. 3, 64 Stat. 13, as amended; 22 U.S.C. 1622)

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F.R. Doc. 59-8111; Filed, Sept. 28, 1959; 8:51 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[Gen. Order 11, Amdt. 1]

PART 251—APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID (CONSTRUCTION)

Applications for Construction-Differential Subsidy

Effective upon publication in the FEDERAL REGISTER the heading of this part is changed to read as set forth above and § 251.1(a) is amended to read as follows:

§ 251.1 Applications for construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended.

(a) Applications under section 501 of the Act for subsidy to aid in the construction of new vessels or the reconstruction of existing vessels, to be operated in the foreign commerce of the United States, shall be filed on Form FMB-8 in accordance with the instructions annexed thereto.

NOTE: The reporting requirements of the foregoing have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Copies of the form referred to herein may be obtained on request from the Secretary, Federal Maritime Board, Washington 25, D.C.

Dated: September 23, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8106; Filed, Sept. 28, 1959; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Application for Civil Air Patrol Radio Station Authorization

At a session of the Federal Communications Commission held in its offices in Washington, D.C., on the 23d day of September 1959;

The Commission having under consideration the adoption of a revised application form (FCC Form 480) for Civil Air Patrol Radio Station Authorization, and amendment of Part 1—Practice and Procedure, and Part 17—Construction, Marking and Lighting of Antenna Towers and Supporting Structures; and

It appearing that the adoption of revised FCC Form 480 will result in a more efficient and consolidated form; and

It further appearing that concurrent with the adoption of revised FCC Form 480, Parts 1 and 17 of the Commission's rules should be amended to reflect the addition of Part II (Description of Proposed Antenna Structure) to FCC Form 480; and

It further appearing that general notice of proposed rule making, as prescribed by section 4 (a) of the Administrative Procedure Act, is unnecessary in the view of the procedural and editorial nature of the changes herein ordered; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i), 303(r), 307(d), 308(a), 308(b), and 319(d) of the Communications Act of 1934, as amended.

It is ordered, That effective November 1, 1959, Parts 1 and 17 of the Commission's rules are amended, as set forth below; and

It is further ordered, That revised application form (FCC Form 480) "Application for Civil Air Patrol Radio Station Authorization" is hereby adopted, the use of which shall be mandatory upon the effective date of this order, and from such date FCC Form 480 will be used for describing proposed antenna structures by applicants for Civil Air Patrol authorizations; and

It is further ordered, That until the effective date of this order, the Commission will continue to entertain applications covering Civil Air Patrol stations submitted on the FCC Form currently in use.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 308, 319, 48 Stat. 1081, 1082, 1083, 1085, 1089; 47 U.S.C. 301, 303, 307, 308, 319)

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 1.531(b) is amended to read as follows:

§ 1.531 Application for extension of construction permit.

* * * * *

(b) Application for extension of time within which to construct a station in Public Safety, Industrial, and Land Transportation Radio Services shall be submitted on FCC Form 400-A; in the Aviation Services on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the Citizens Radio Service on FCC Form 505; and in all other services on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

2. That portion of § 17.3 preceding paragraph (a) is amended to read as follows:

§ 17.3 Form to be used to describe proposed antenna structures.

Applications for radio facilities in the Radio Broadcast Services shall be accompanied by FCC Form 301, Section V-G (antenna); applications in the Aviation Services shall be accompanied by FCC Form 406 (Part II), except Civil Air Patrol applications which shall use FCC Form 480 (Part II); and applications in all other services shall be accompanied by FCC Form 401-A (revised) when:

[F.R. Doc. 59-8122; Filed, Sept. 28, 1959; 8:52 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 34—SOUTHEASTERN REGION

Subpart — Chassahowitzka National Wildlife Refuge, Florida

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the annual hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge, Florida, would be consistent with the management of the refuge.

By notice of proposed rule making published in the FEDERAL REGISTER of August 7, 1959 (24 F.R. 6353), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the annual hunting of migratory game birds on the Chassahowitzka National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 34 are amended by revising § 34.46 of Subpart—Chassahowitzka National Wildlife Refuge, Florida, as follows:

§ 34.46 Hunting of migratory game birds permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of migratory game birds is permitted on the hereinafter described lands of the Chassahowitzka National Wildlife Refuge, Florida, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Starting at the southwest corner of Section 30, Township 20 South, Range 17 East, Tallahassee meridian, thence north 34 chains to a point, thence west 22 chains to the place of beginning; thence in Township 20 South, Range 16 East, west 320 chains to a point, thence north 80 chains to a point, thence east 320 chains to a point, thence south 80 chains to the place of beginning.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Use of boats.* Subject to the provisions of Part 6 of this chapter, the use of boats for the purpose of hunting is permitted: *Provided*, That any person who enters the public hunting area for the purpose of hunting may operate an airboat on the lands and waters of the United States only as may be authorized by a valid special permit issued by the officer in charge, which permit may limit the period during which such permit is valid and the area in which such airboats may operate: *And provided further*, That the use of speedboats and racing craft is prohibited except for official purposes.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(f) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are promulgated, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(Sec. 10, 45 Stat. 1224, as amended; 16 U.S.C. 715i)

In accordance with the requirements imposed by Section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective on the 31st day following publication in the FEDERAL REGISTER.

Dated: September 23, 1959.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59-8091; Filed, Sept. 28, 1959; 8:47 a.m.]

PART 35—NORTHEASTERN REGION

Subpart—Montezuma National Wildlife Refuge, New York

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during a part of the 1959 State season on the Montezuma National Wildlife Refuge, New York, would be consistent with the management of the refuge.

By notice of proposed rule making published in the FEDERAL REGISTER of August 8, 1959 (24 F.R. 6393), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Montezuma National Wildlife Refuge by submitting written

data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 35 are amended by adding § 35.21 to Subpart—Montezuma National Wildlife Refuge, New York, as follows:

§ 35.21 Bow and arrow deer hunting permitted.

Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer of either sex by means of bow and arrow only is permitted on November 7, 8, and 15, 1959, only on the hereinafter described lands of the Montezuma National Wildlife Refuge, New York, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* Hunting is permitted on all of the lands of the refuge except on posted lands in the immediate vicinity of the headquarters and subheadquarters of the refuge.

(b) *State laws.* Strict compliance with all applicable State laws and regulations is required. Daily hunting hours are from 7:00 a.m. to 5:00 p.m., e.s.t.

(c) *Hunting methods.* Hunting is permitted by bow and arrow only; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for the hunting of deer.

(d) *Checking stations.* Hunting will be by permit only and hunters, upon entering or leaving the hunting area, will be required to report at such checking stations as may be established for this purpose.

(Sec. 10, 45 Stat. 1224, as amended; 16 U.S.C. 715i)

In accordance with the requirements imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective on the 31st day following publication in the FEDERAL REGISTER.

Dated: September 23, 1959.

LANSING A. PARKER,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59-8092; Filed, Sept. 28, 1959; 8:48 a.m.]

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

PART 115—SOUTHEASTERN ALASKA AREA

Fall Chum Salmon Season

Basis and purpose. The showing of chum salmon in the various bays of Southeastern Alaska where a fall chum salmon season is permitted by § 115.8 are very poor and the season must be closed to reserve the remaining fish for spawning purposes.

Therefore, § 115.8 is amended by deleting "6 p.m. October 1," and substituting in lieu thereof "6 a.m. September 28."

Since immediate action is imperative, notice and public procedure on this amendment are not in the public interest and it shall become effective upon filing at the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

Dated: September 28, 1959.

A. W. ANDERSON,
Acting Director, Bureau of Commercial Fisheries.

[F.R. Doc. 59-8161; Filed, Sept. 28, 1959; 10:54 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 160, 161]

GRAZING LEASES AND FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Notice of Proposed Rule Making

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a–315r), as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act relating to the construction or maintenance of fences on public lands, as set forth below. The main purpose of these proposed changes is to provide notice to the general public that such fences cross public lands which are open to ingress or egress for all proper and lawful purposes, as provided in sections 1 and 6 of the Act of June 28, 1934.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1959.

1. Section 160.17(a) is amended to read as follows:

§ 160.17 Construction and maintenance of improvements.

(a) *Permit required.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses, provided a permit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of fences, and will post and maintain such signs and notices and in such manner as the district manager may require on those fences now or hereafter constructed or maintained by him on the public lands.

2. A new subparagraph (5) is added to paragraph (b) of § 161.11, as follows:

§ 161.11 General rules of the range.

* * * * *

(b) *Rules of fair range practice.* * * *

(5) Licensees and permittees shall post and maintain such signs and notices and in such manner as the district manager may require on all fences on the Federal range covered by their licenses or permits, now or hereafter constructed or maintained by them pursuant to §§ 161.6(e)(14)(i); 161.14(c)(2), and 161.15.

[F.R. Doc. 59-8099; Filed, Sept. 28, 1959; 8:49 a.m.]

[43 CFR Part 192]

OIL AND GAS LEASES

Amount of Bonds Required of Lessee

Basis and purpose. Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181 et seq.), as amended and supplemented, it is proposed to amend 43 CFR 192.100(c) as hereinafter set forth. The purpose of this amendment is to increase the amount of an oil and gas lease operator's drilling bond from $5,000 to $10,000.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within

30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 22, 1959.

Section 192.100(c) is amended to read as follows:

§ 192.100 Amount of bonds required of lessee.

* * * * *

(c) All leases shall provide that where a $10,000 bond is not already being maintained a general lease bond in the penal sum of $10,000 conditioned upon compliance with all lease terms covering the entire leasehold, shall be furnished by the lessee prior to the beginning of drilling operations. An operator or, if there is more than one operator covering different portions of the lease, each operator may furnish a $10,000 general lease bond in his own name as principal on the bond in lieu of the lessee. Where there are one or more operator's bond affecting a single lease, each such bond must be conditioned upon compliance with all lease terms for the entire leasehold. Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond. An operator's bond will not be accepted unless the operator holds an operating agreement which has been approved by the Department or has pending an operating agreement in proper condition for approval. The mere designation as operator will not suffice.

[F.R. Doc. 59-8098; Filed, Sept. 28, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTON FIBER AND PROCESSING TESTS

Proposed Revisions in Schedule of Tests and Fees

Notice is hereby given that the United States Department of Agriculture is considering amendment of § 28.956 (7 CFR 28.956) of the regulations governing cotton fiber and processing tests to make minor revisions in the schedule of tests offered and the fees charged, pursuant to authority contained in the Cotton Statistics and Estimates Act of March 3, 1927, as amended (55 Stat. 131; 7 U.S.C. 473d).

The proposed amendment would:

1. Provide an alternate array length test based on 2 specimens per test instead of 3 specimens.

2. Delete the items for (a) foreign matter content of seed cotton, (b) moisture content of seed cotton, and (c) array fineness and maturity of cotton lint.

3. Provide for (a) furnishing Micronaire reading results for Causticaire tests, (b) nep and waste tests comparable to the spinning tests for extra long staple cottons, and (c) furnishing a certified relisting of test results for subsamples.

4. Adjust the fees for a few tests to more nearly cover the costs of performing the tests.

The proposed amendment of § 28.956 is as follows:

1. Under item 1, the fees of $9.00, $14.00, and $19.00 would be changed to $10.00, $15.00, and $20.00 respectively.

2. Item 2 would be amended as follows:

2. Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each ⅛-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):	
a. Ginned cotton lint, per sample	$12.50
b. Cotton comber noils, per sample	17.50
c. Other cotton wastes, per sample	22.50

3. Under item 2.1, the words "3 specimens" would be changed to "2 specimens" and the fees of $12.50, $17.50, and $22.50 would be changed to $9.00, $14.00, and $19.00 respectively.

4. Item number 4 would be deleted in its entirety.

5. Item number 6 would be amended as follows:

6. Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity, fineness, and Micronaire reading as based on 2 specimens from a blended sample):	
Per sample	$2.00
Minimum fee	6.00

6. Item number 6.3 would be deleted in its entirety.

7. Item number 10.1 would be deleted in its entirety and item number 10.2 would be renumbered 10.1.

8. Under item number 21, the words "item number 11" would be changed to "item numbers 11 and 12".

9. Item number 27.1 would be amended as follows:

27.1. Furnishing a certified relisting of test results (includes samples or sub-samples selected from any previous tests), per sheet	$2.50

10. Item number 29 would be amended to read as follows:

29. Combination fiber test including test item numbers 3, 5, and 6:	
Per sample	$4.00
Minimum fee	8.00
a. When tested in connection with spinning test item numbers 11, 12, 13, 14, and 15, per sample	3.00
Minimum fee	6.00

11. Under item number 31, the fees of "$6.00" and "$90.00" would be changed to "$4.00" and "$40.00", respectively.

12. Under item number 32, the fees of "$10.00" and "$150.00" would be changed to "$6.00" and "$60.00", respectively.

13. Under item number 33, the fees of "$6.00" and "$90.00" would be changed to "$4.00" and "$40.00", respectively.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than October 9, 1959.

Done at Washington, D.C., this 24th day of September 1959.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 59-8115; Filed, Sept. 28, 1959; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

Sterility Requirements

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). Experience has indicated the need for more detailed requirements, relating to sterility of biological products, now contained in § 73.70(d). The proposed revision would strengthen and more clearly define the sterility requirements for such products. The miscellaneous amendments would define additional terms, revise the suspension and revocation of license provisions, effect certain administrative changes and amend generally various provisions of Part 73 primarily for purposes of clarification.

Notice is also given that it is proposed, in the public interest, for the protection of the public health, to make any amendments that are adopted effective immediately upon publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 45 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Redesignate paragraphs (b), (c), (d) and (e) of § 73.70 and §§ 73.71, 73.72, 73.73, 73.74, 73.75, 73.76, 73.77, 73.78, and 73.79 as §§ 73.71, 73.72, 73.73, 73.74, 73.75, 73.76, 73.77, 73.78, 73.79, 73.80, 73.81, 73.82, and 73.83, respectively.

2. Amend § 73.70 to read as follows:

§ 73.70 Tests prior to release required for each lot.

No lot of any licensed product shall be released by the manufacturer prior to the completion of tests for conformity with standards applicable to such product. Each applicable test shall be made on each lot after completion of all processes of manufacture which may affect compliance with the standard to which the test applies.

3. Amend § 73.71, as redesignated, to read as follows:

§ 73.71 Potency.

Tests for potency shall consist of either in vitro or in vivo tests, or both,

which have been specifically designed for each product so as to indicate its potency in a manner adequate to satisfy the interpretation of potency given by the definition in § 73.1(s).

4. Amend § 73.73, as redesignated, to read as follows:

§ 73.73 Sterility.

Except as provided in paragraph (f) of this section, the sterility of each lot of each product shall be demonstrated by the performance of the tests prescribed in paragraphs (a) and (b) of this section for both bulk and final container material.

(a) *The test*—(1) *Using fluid thioglycollate medium.* The volume of product, as required by paragraph (d) of this section, (hereinafter referred to also as the "inoculum") from samples of both bulk and final container material, shall be inoculated into one or more test containers of fluid thioglycollate medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 32° C. for a test period of no less than seven days and examined visually for evidence of growth on the third or fourth day and on the seventh day. If incubation is continued beyond seven days, an additional examination shall be made on the last day of the test period. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts no less than 1.0 ml. shall be transferred, after the third or fourth day of incubation, from each of the test containers and inoculated into additional containers of medium. The material in the additional containers shall be incubated at a temperature of 30° to 32° C. for no less than seven days. Notwithstanding such transfer of material, examination of the original containers shall be continued as prescribed above. The additional test containers shall be examined visually for evidence of growth on the third or fourth day of incubation and on the seventh day and if incubation is continued beyond a period of seven days, an additional examination shall be made on the last day of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

(2) *Using Fluid Sabouraud Medium.* An additional test shall be made for fungi on final container material, following the procedures prescribed in subparagraph (1) of this paragraph except that (i) the medium shall be Fluid Sabouraud (formula in paragraph (e) (1) of this section); (ii) the incubation shall be at a temperature of 22° to 25° C; (iii) the period of incubation shall be no less than 10 days.

(b) *Repeat tests*—(1) *Repeat bulk tests.* If growth appears in the test of the bulk material, the test may be repeated to rule out faulty test procedures by testing at least the same volume of material as in the first test. If this or the first bulk test cannot be completed (where e.g., bulk material is not available), a substitute test may be made using material from a sample of no less than 40 filled final containers.

(2) *First repeat final container test.* If growth appears in the test of the final container material, the test may be repeated to rule out faulty test procedures by testing material from a sample of at least the same number of final containers.

(3) *Second repeat final container test.* If growth appears in the first repeat final container test, a second repeat final container test may be performed provided (i) there was no evidence of growth in the test of the bulk material, (ii) the same viable organism was not observed in both the first and repeat test of final container material, and (iii) material from a sample of twice the number of final containers is tested by the same method as in the first test.

(c) *Interpretation of test results.* The results of all tests performed on a lot shall be considered in determining whether or not the lot meets the requirements for sterility, except that tests may be excluded when demonstrated by adequate controls to be invalid. The lot meets the test requirements if no growth appears in the tests prescribed in paragraph (a) of this section. If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b) of this section. The categories of acceptable tests results are as follows:

TESTS

Categories of acceptable test results	Bulk	Repeat bulk	Final container	First repeat final container	Second repeat final container
I	No growth [1]		No growth		
II	Growth	No growth	do		
III	do	Test cannot be completed.	No growth (sample 60 final containers).		
IV	Test cannot be completed.	do	do		
V	No growth		Growth	No growth	
VI	do		do	Growth, different organism.	No growth (sample 40 final containers).

[1] "Growth" means viable microorganisms observed in any of the inoculted test containers.

(d) *Test samples and volumes*—(1) *Bulk.* Each sample for the bulk sterility test shall be representative of the bulk container material and the volume tested shall be no less than 10 ml. (Note exception in paragraph (f)(8) of this section.)

(2) *Final containers.* The sample for the final container test shall be no less than 20 final containers from each filling of each lot, selected to represent all stages of filling from the bulk container. If the amount of material in the final container is 1.0 ml. or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 ml., the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 ml., whichever is larger, but no more than 10 ml. of material from a single final container need be tested. (Note exceptions in paragraph (f)(6), (7) and (8) of this section.)

(e) *Culture medium*—(1) *Formulae.* (i) The formula for fluid thioglycollate meduim is as follows:

Fluid thioglycollate medium

1-cystine	0.5 gm.
Sodium chloride	2.5 gm.
Dextrose ($C_6H_{12}O_6.H_2O$)	5.5 gm.
Granular agar (less than 15% moisture by weight.	0.75 gm.
Yeast extract (water-soluble)	5.0 gm.
Pancreatic digest of casein	15.0 gm.
Distilled water	1,000.0 ml.
Sodium thioglycollate (or Thioglycollic acid—0.3 ml.).	0.5 gm.
Resazurin (0.10% solution, freshly prepared).	1.0 ml.
Final pH 7.1±0.1.	

(ii) The formula for Fluid Sabouraud Medium is as follows:

Fluid Sabouraud Medium

Dextrose	20 gm.
Pancreatic digest of casein	5 gm.
Peptic digest of animal tissue	5 gm.
Distilled water, to make	1,000 ml.
Final pH 5.7±0.1.	

(2) *Culture medium requirement*—(i) *Quality and condition of medium and design of container.* The growth promoting qualities and conditions of the culture medium, and the design of the test container, shall be such as are shown to provide conditions favorable to aerobic and anaerobic growth of microorganisms throughout the test period.

(ii) *Ratio of inoculum to culture medium.* The ratio of the volume of the inoculum to the volume of culture medium shall be such as will dilute the preservative in the inoculum to a level that does not inhibit growth of contaminating microorganisms. Inhibitors or neutralizers of preservative may be considered in determining the proper ratio.

(f) *Exceptions.* Bulk and final container material shall be tested for sterility as described above in this section except as follows:

(1) *Different sterility tests prescribed.* When different sterility tests are prescribed for a product in this part.

(2) *Alternate incubation temperatures.* Two tests may be performed, in all respects as prescribed in paragraph (a)(1) of this section, one test using an incubation temperature of 18° to 22° C., the other test using an incubation temperature of 35° to 37° C., in lieu of performing one test using an incubation temperature of 30° to 32° C.

(3) *Different tests equal or superior.* A different test may be used provided that prior to such use a manufacturer submits data which the Surgeon General finds adequate to establish that the different test is equal or superior to the tests described in paragraphs (a) and (b) of this section in detecting contamination and making the finding a matter of official record.

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Packed Red Blood Cells, Single Donor Plasma, Smallpox Vaccine prepared from Calf lymph, and other similar products concerning which the Surgeon General finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

(5) *Viscous biological products.* Thioglycollate broth medium may be used in lieu of fluid thioglycollate medium to test viscous biological products. The formula for thioglycollate broth medium is as follows:

Broth medium. Certain biological products are turbid or otherwise do not lend themselves readily to culturing in fluid thioglycollate medium because of its viscosity. In such instances, the following broth is acceptable in place of the fluid thioglycollate medium, provided it is used in Smith fermentation tubes which have been heated within 4 hours in a boiling water bath or free-flowing steam so as to drive the dissolved oxygen out of the medium in the closed arm:

L-cystine	0.5 gm.
Sodium chloride	2.5 gm.
Dextrose ($C_6H_{12}O_6.H_2O$)	5.5 gm.
Yeast extract (water-soluble)	5.0 gm.
Pancreatic digest of casein	15.0 gm.
Distilled water	1,000.0 ml.
Sodium thioglycollate (or Thioglycollic acid—0.3 ml.).	0.5 gm.
Final pH 7.1±0.1.	

(6) *Number of final containers more than 20, less than 200.* If the number of final containers in the filling is more than 20 or less than 200, the sample shall be no less than 10 percent of the containers.

(7) *Number of final containers—20 or less.* If the number of final containers in a filling is 20 or less, the sample need be no more than one final container, provided (i) the bulk material met the sterility test requirements and (ii) after filling, it is demonstrated by testing a simulated sample that all surfaces to which the product was exposed were free of contaminating microorganisms. The simulated sample shall be prepared by rinsing the filling equipment with sterile 1.0 percent peptone solution, pH 7.1±0.1, which shall be discharged into a final container by the same method used for filling the final containers with the product.

(8) *Diagnostic products not intended for injection.* For diagnostic products not intended for injection, (i) the volume of material for the bulk test shall be no less than 2.0 ml., (ii) the sample for the final container test shall be no less than three final containers if the total number filled is 100 or less, and, if greater, one additional container for each additional 50 containers or fraction thereof, but the sample need be no more than 10 containers.

5. Amend § 73.75, as redesignated, to read as follows:

§ 73.75 Requests for samples and protocols.

Samples of any lot of any licensed product, together with protocols showing the results of applicable tests, may at any time be required to be sent to the Director, Division of Biologics Standards.

a. Redesignate paragraphs (e) through (o) as (f) to (p), respectively.

b. Insert a new paragraph (e) to read as follows:

(e) "Division of Biologics Standards" means the Division of Biologics Standards of the National Institutes of Health.

c. Amend paragraph (f), as redesignated, by deleting "Hawaii, Alaska".

d. Redesignate paragraphs (p), (q) and (r) as (r), (s) and (t), respectively.

e. Insert a new paragraph (q) to read as follows:

(q) The word "sterility" is interpreted to mean freedom from viable contaminating microorganisms, as determined by the tests prescribed in § 73.73.

f. Revise paragraph (t), as redesignated, to read as follows:

(t) "Manufacturer" means any legal person or entity engaged in the manufacture of a product subject to license under the Act.

g. Redesignate paragraphs (s) and (t) as (w) and (y), respectively.

h. Insert a new paragraph (u) to read as follows:

(u) "Manufacture" means all steps in propagation or manufacture and preparation of products and includes but is not limited to filling, testing, labeling, packaging, and storage by the manufacturer.

i. Insert a new paragraph (v) to read as follows:

(v) "Location" includes all buildings, appurtenances, equipment and animals used, and personnel engaged by a manufacturer within a particular area designated by an address adequate for identification.

j. Revise paragraph (w), as redesignated, to read as follows:

(w) "Establishment" includes all locations.

k. Insert a new paragraph (x) to read as follows:

(x) The word "Lot" is interpreted to mean that quantity of uniform material identified by the manufacturer as having been thoroughly mixed in a single container.

7. Insert a new § 73.2 to read as follows:

§ 73.2 Two forms of licenses.

There shall be two forms of licenses: establishment and product.

8. Renumber present § 73.2 and § 73.3 and as thus renumbered amend such section to read as follows:

§ 73.3 Applications for establishment and product licenses; procedure for filing.

To obtain a license for any establishment or product, the manufacturer shall make application to the Director, Division of Biologics Standards, on forms prescribed for such purpose, and in the case of an application for a product license, shall submit definitive data derived from laboratory and clinical studies which demonstrate that the manufactured product meets prescribed standards of safety, purity and potency, a full description of manufacturing methods, data establishing stability of the product through the dating period, sample(s) representative of the product to be sold, bartered or exchanged or offered, sent, carried or brought for sale; barter or exchange, summaries of results of tests performed on the lot(s) represented by the submitted sample(s), and specimens of the labels, enclosures and containers proposed to be used for the product. An application for license shall not be considered as filed until all pertinent information and data shall have been submitted by the manufacturer.

9. Delete present § 73.4 and renumber present § 73.3 as § 73.4 and as thus renumbered amend such section to read as follows:

§ 73.4 Establishment licenses; issuance; conditions.

(a) *Inspection; compliance with standards.* An establishment license shall be issued only after inspection of the establishment and upon a determination that the establishment complies with the applicable standards prescribed in the regulations in this part.

(b) *Availability of product; simultaneous request for and issuance of product license.* No establishment license shall be issued unless (1) a product intended for sale, barter or exchange or intended to be offered, sent, carried or brought for sale, barter or exchange is available for examination, (2) such product is available for inspection during all phases of manufacture and (3) a product license is requested and issued simultaneously with the establishment license.

(c) *One establishment license to cover all locations.* One establishment license shall be issued to cover all locations meeting the establishment standards.

10. Insert a new § 73.5 to read as follows:

§ 73.5 Product licenses; issuance; conditions.

(a) *Examination; compliance with standards.* A product license shall be issued only upon examination of the product and upon a determination that the product complies with the standards prescribed in the regulations in this part: *Provided,* That no product license shall be issued except upon a determination that the establishment complies with the establishment standards prescribed in the regulations contained in this part, applicable to the manufacture of such product.

(b) *Manufacturing process; impairment of assurances.* No product shall be licensed if any part of the process of or relating to the manufacture of such product would, in the judgment of the Surgeon General, impair the assurances of continued safety, purity and potency as provided by the regulations contained in this part.

11. Renumber present § 73.5 as § 73.6 and as thus renumbered amend such section to read as follows:

§ 73.6 License forms.

(a) *Establishment license.* The establishment license form shall be prescribed by the Surgeon General and shall include:

(1) The name and address of the manufacturer.

(2) The name and address of the establishment.

(3) The names and addresses of all locations of the establishment.

(4) The license number.

(5) The date of issuance.

(b) *Product license.* The product license form shall be prescribed by the Surgeon General and shall include:

(1) The name and address of the manufacturer.

(2) The name and address of the establishment.

(3) The name and address of the location(s) at which the product is manufactured.

(4) The license number of the establishment.

(5) The proper name of the product.

(6) Additional specifications, if any, which may be approved or required for additional labeling purposes.

12. Renumber present §§ 73.6 to 73.15 as §§ 73.7 to 73.16, respectively.

13. Amend the new § 73.9 (present § 73.8) to read as follows:

§ 73.9 Issuance, revocation and suspension.

A license shall be issued by the Secretary upon the recommendation of the Surgeon General and upon the determination by the Surgeon General that the establishment or the product, as the case may be, meets the standards established by the regulations in this part as herein prescribed or hereafter amended. Licenses shall be valid until suspended or revoked. An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or of intention to discontinue the manufacture of a particular product for which a license is held. The Surgeon General shall recommend to the Secretary that a license be suspended or revoked whenever he finds, after notice and opportunity for hearing, that the establishment or any location thereof, or the product for which the license has been issued, fails to conform to the standards in the regulations in this part, as herein prescribed or as hereafter amended, designed to insure the continued safety, purity and potency of the manufactured product. In case of suspension, if the faulty condition is not corrected within 60 days or within such other period as may be specified in the notice of suspension, he shall recommend that the license be revoked. Except as provided in § 73.11, prior to the suspension or revocation of a license and to the institution of proceedings looking to the suspension or revocation of a license the licensee shall be advised in writing of the facts or conduct which may warrant such action and shall be accorded opportunity within a reasonable period prescribed by the Surgeon General to demonstrate or achieve compliance with the regulations in this part.

14. Amend the new § 73.15 (present § 73.14) to read as follows:

§ 73.15 Reissuance.

(a) *Compliance with standards.* An establishment or product license, previously suspended or revoked, whether upon application, or for failure to comply with standards or changes in standards prescribed in the regulations in this part, may be reissued or reinstated upon a showing of compliance with required standards and upon such inspection and examination as may be considered necessary by the Director of the Division of Biologics Standards.

(b) *Exclusion of noncomplying location.* An establishment or product license, excluding a location or locations that fail to comply with prescribed standards, may be issued without further application and concurrently with the suspension or revocation of the license for noncompliance at the excluded location or locations.

15. Amend the first sentence of § 73.36(a) to read as follows: "Records shall be made, and concurrently with the performance, of the various steps in the manufacture, disposition and distribution of each lot, so that at any time these steps as regards any lot number may be traced by an inspector."

16. Substitute "Director, Division of Biologics Standards" for "Institute", "Institutes" or "National Institutes of Health" wherever the latter terms may appear in §§ 73.7 (as redesignated), 73.23, 73.24, 73.32(e), 73.36 (b), (e), 73.38(d), 73.72 (as redesignated), 73.82 (c) (as redesignated), 73.91, 73.92, 73.101(c), 73.103 (first paragraph), and 73.113.

17. Amend the first paragraph of § 73.104(f) and § 73.114(i) by inserting "Director," immediately preceding "Division".

18. Amend §§ 73.37(f), 73.101(e)(3), 73.102, 73.110 (a) (last sentence), (b), (c), and 73.112 by deleting the word "preparation" and by inserting in lieu thereof the word "manufacture".

19. Amend § 73.38(c) by deleting the words "production or testing" in the first and second sentences and by inserting in lieu thereof in both sentences the word "manufacturing".

20. Amend §§ 73.101(a) and 73.111(a) by deleting the word "preparing" and by inserting in lieu thereof the word "manufacturing".

21. Amend the new §§ 73.7 (present § 73.6), 73.16 (present § 73.15) and § 73.32 (c), (f), (h), 73.37(f) (title), and 73.114(d) by deleting the word "production" and by inserting in lieu thereof the word "manufacturing".

22. Amend §§ 73.30, 73.36 (d), (f) 73.37 (c), (i) (in both cases), 73.38 (b), (d), 73.100 (b), (c), 73.110 (c), 73.111 (title), and 73.112(a) (3) by deleting the word "production" and by inserting in lieu thereof the word "manufacture".

23. Amend § 73.37(b) by deleting the word "production" wherever it may appear and by inserting in lieu thereof the word "manufacture" where it first appears and the word "manufacturing" where it subsequently appears.

24. Amend § 73.38(a) by deleting the word "production" in the first and second sentences and by inserting in lieu thereof in the first sentence the words "the manufacture" and in the second sentence the word "manufacturing".

25. Amend the last two sentences of the new § 73.16 (present § 73.15) by deleting the reference to "§§ 73.2 to 73.14" and inserting "§§ 73.2 to 73.15" in lieu thereof and by deleting the references to "§§ 73.10, 73.12 and 73.13" and by inserting "§§ 73.11, 73.13, and 73.14" in lieu thereof

(Secs. 215, 351, 58 Stat. 690, 702; 42 U.S.C. 216, 262)

Dated: September 15, 1959.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: September 23, 1959.

BERTHA S. ADKINS,
Acting Secretary.

[F.R. Doc. 59-8069; Filed, Sept. 28, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. 1959, Supp. 4]

SECURED INSURANCE CO.

Surety Company Acceptable on Federal Bonds

SEPTEMBER 23, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $265,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1960. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

Indiana; Secured Insurance Company, Indianapolis, Indiana.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 59-8136; Filed, Sept. 28, 1959; 8:54 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

Notice of Proposed Withdrawal for the Reservation of Lands

SEPTEMBER 22, 1959.

The office of the Bureau of Sports Fisheries and Wildlife, United States Fish and Wildlife Service, has filed an application for the withdrawal of the lands hereafter described, from all forms of appropriation under the public land laws, including the United States Mining Laws but not the Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land as a part of the Big Lake National Wildlife Refuge for a resting area for migratory waterfowl.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

ARKANSAS

T. 14 N., R. 9 E., 5th P.M.,
Sec. 4, Lot 7, containing 0.76 acre;
Sec. 9, Lot 2, containing 1.42 acres.

The area above-described containing in the aggregate 2.18 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 59-8100; Filed, Sept. 28, 1959; 8:49 a.m.]

Office of the Secretary

DIRECTOR, OFFICE OF SALINE WATER

Delegations of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

The following Secretary's order is revoked: 2820 (22 F.R. 4838).

PART 211—OTHER DEPARTMENTAL OFFICES

CHAPTER 6—OFFICE OF SALINE WATER

211.6.1 *General authority.* The Director, Office of Saline Water, is authorized, except as provided in 211.6.2, to exercise the authority of the Secretary of the Interior pursuant to the act of July 3, 1952 (66 Stat. 328; 42 U.S.C. sec. 1951 et seq.), as amended, and the Joint Resolution of September 2, 1958 (72 Stat. 1706) with respect to water research and development.

211.6.2 *Limitations.* The following authorities are not delegated in the general authority listed above:

A. Authority to make rules and regulations pursuant to sec. 7 of the act of July 3, 1956, as amended (supra.).

B. Authority to acquire any interest in property by condemnation.

211.6.3 *Redelegation.* The Director, Office of Saline Water may in writing redelegate this authority to any officer or employee of the Office of Saline Water.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 22, 1959.

[F.R. Doc. 59-8101; Filed, Sept. 28, 1959; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 15, 1959 (18 A.D. 352), which as modified by an order issued on April 30, 1959 (18 A.D. 361), authorizes the respondent, Denver Union Stock Yard Company, Denver, Colorado, to assess the current temporary schedule of rates and charges to and including December 31, 1960, unless modified or extended by further order before the latter date.

By a petition filed on September 16, 1959, the respondent requested authority to modify the current temporary schedule of rates and charges as indicated below. It was also requested that such authority become effective as soon as possible and that the current schedule, as so modified, remain in effect to and including December 31, 1961.

SECTION 6

Service and yarding charges for transit business

	Rate per Deck	
	Present	Proposed
Cattle, calves, horses and sheep	$1.92	$2.00
Hogs	1.18	1.50

SECTION 7

Driving, delivery, and collection charge

5. Driving livestock picked up from not more than two pens to railroad chutes for outbound shipment, the following charges will apply:

	Present rate	Proposed rate
Cattle or calves	None	[1] $2.00
Hogs	do	[2] 1.00
Sheep or goats	do	[2] 1.00
Horses or mules	do	[1] 2.00

[1] Per car.
[2] Per deck.

NOTE: This charge will not apply to livestock stopped for feed, water and rest. For charges on such livestock see section 6.
For charges for collecting livestock see section 7.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 23d day of September 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-8104; Filed, Sept. 28, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 871]

PACIFIC FAR EAST LINE, INC., ET AL.

Certain Storage Practices at Stockton and Oakland, Calif.; Investigation and Hearing

On September 17, 1959, the Federal Maritime Board entered the following order:

Whereas, it appears that Pacific Far East Line, Inc., a common carrier by water in foreign commerce of the United States, is engaged in certain practices relating to the free storage of import cargo at the Port of Stockton, California; and

Whereas, it appears that Trans-Oceanic Agencies books and solicits certain inbound and outbound cargo for Pacific Far East Line, Inc. and acts as "exclusive husbanding agent" for that carrier at the Port of Stockton, California; and

Whereas, it appears that Trans-Oceanic Agencies furnishes "warehouse, or other terminal facilities in connection with a common carrier by water" within the meaning of section 1 of the Shipping Act, 1916; and

Whereas, it appears that Trans-Oceanic Agencies grants free storage at

its facility at Stockton, California for all inbound cargo it solicits and books for Pacific Far East Line, Inc.; and

Whereas, it appears that States Steamship Company, a common carrier by water in foreign commerce of the United States, is engaged in certain practices relating to the free storage of import cargo at the Port of Oakland, California; and

Whereas, it appears that Howard Terminals furnishes "warehouse, or other terminal facilities in connection with a common carrier by water" within the meaning of section 1 of the Shipping Act, 1916; and

Whereas, it appears that Howard Terminals is engaged in a practice which allows certain shippers to obtain free storage at its facility in Oakland, California; and

Whereas, it appears that the aforesaid practices may constitute the granting of undue or unreasonable preference or advantage to certain persons and localities, in violation of section 16 of the Shipping Act, 1916, as amended (46 U.S.C. 815), or may be unjustly discriminatory between shippers or ports, or may constitute unjust or unreasonable practices in violation of section 17 of said Act (46 U.S.C. 816); now therefore

It is ordered, That the Board, on its own motion, enter upon a proceeding of inquiry and investigation pursuant to section 22 of the Shipping Act, 1916, as amended (46 U.S.C. 821), to determine

(1) Whether certain storage practices of the Pacific Far East Line, Inc., at Stockton, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816), and

(2) Whether certain storage practices of Trans-Oceanic Agencies at Stockton, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816), and

(3) Whether certain storage practices of States Steamship Company at Oakland, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816); and

(4) Whether certain storage practices of Howard Terminals at Oakland, California, are in violation of sections 16 and 17 of the Shipping Act, 1916, as amended (46 U.S.C. 815, 816); and

It is further ordered, That Pacific Far East Line, Inc., Trans-Oceanic Agencies, States Steamship Company, and Howard Terminals be and the same are hereby named respondents in this proceeding, that a copy of this order be served on each of them, and that notice of this proceeding be published in the FEDERAL REGISTER; and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Hearing Examiners' Office at a date to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be conducted in accordance with the Board's rules of practice and procedure, at a date and place to be announced by the Chief Examiner, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Board promptly and should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: September 23, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-8107; Filed, Sept. 28, 1959; 8:50 a.m.]

CONSOLIDATED FREIGHTWAYS, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8408, between Consolidated Freightways, Inc., and Young Brothers Division of Oahu Railway and Land Company, covers an arrangement for the transportation of cargo in containers between points in Hawaii, upon terms and conditions set forth in the agreement.

(2) Agreement No. 8409, between Consolidated Freightways, Inc., Hawaiian Marine Freightways, Inc., and Young Brothers Division of Oahu Railway and Land Company, covers an arrangement for the transportation of cargo in containers between Pacific Coast ports of continental United States and points in Hawaii, with transshipment at Honolulu, upon terms and conditions set forth in the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 23, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 59-8108; Filed, Sept. 28, 1959; 8:50 a.m.]

Office of the Secretary

GEORGE E. HARDING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 19, 1959.

GEORGE E. HARDING.

SEPTEMBER 19, 1959.

[F.R. Doc. 59-8110; Filed, Sept. 28, 1959; 8:50 a.m.]

Office of the Secretary

WILBUR F. DUERINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER in the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of September 12, 1959.

WILBUR F. DUERINGER.

SEPTEMBER 12, 1959.

[F.R. Doc. 59-8052; Filed, Sept. 25, 1959; 8:47 a.m.]

L. MASON TURNER

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. L. Mason Turner.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 15, 1959.
4. Title of position: Assistant director, Containers and Packaging Division.
5. Name of private employer: American Can Company, 100 Park Avenue, New York 17, New York.

CARLTON HAYWARD, *Director of Personnel.*

SEPTEMBER 2, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned, any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Can Company.
Bank Deposits.

L. MASON TURNER.

SEPTEMBER 16, 1959.

[F.R. Doc. 59-8053; Filed, Sept. 25, 1959; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

ARGENTINA, POLAND, AND BOLIVIA

Findings Regarding Foreign Social Insurance and Pension Systems

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by Argentina, Poland, and Bolivia, respectively, relating to the social insurance or pension systems of such countries, from which evidence it appears that Argentina, Poland, and Bolivia have social insurance or pension systems of general application in such countries which pay periodic benefits on account of old age, retirement, and death. It further appears from such evidence that under such social insurance or pension systems of Argentina and Poland, citizens of the United States who are not citizens of Argentina or Poland, and who leave those countries, are not permitted to receive such benefits outside those countries; and it appears that under such social insurance or pension system of Bolivia, citizens of the United States, who are not citizens of Bolivia, and who leave that country are permitted to receive such benefits while outside that country.

Accordingly, it is hereby determined and found by the Commissioner of Social Security that Argentina and Poland do not meet the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)), and it is determined and found by the Commissioner of Social Security that Bolivia does meet the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] GEORGE K. WYMAN, *Acting Commissioner of Social Security.*

Approved: September 22, 1959.

BERTHA ADKINS, *Acting Secretary of Health, Education, and Welfare.*

[F.R. Doc. 59-8109; Filed, Sept. 28, 1959; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7723 et al.]

TRANSPACIFIC ROUTE CASE

Notice of Hearing

In the matter of applications for certificates of public convenience and necessity and amendments to existing certificates authorizing air service in the Pacific area, including direct service between the Pacific area and cities in the United States in addition to west coast cities.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that public hearings will be held in the above-entitled proceeding at the following times and places before Examiner William J. Madden:

October 26, 1959, at 10:00 a.m. (local time) in the Ballroom of the Royal Hawaiian Hotel, Honolulu, Hawaii;

November 10, 1959, at 10:00 a.m. (Pacific standard time) in the Chambers of the Board of Supervisors, City Hall, San Francisco, California; and

November 23, 1959, at 10:00 a.m. (eastern standard time) in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C.

Without limiting the precise scope of the issues, particular attention will be and necessity presently held by some of directed to the following matters and questions:

1. Whether the public convenience and necessity require renewal, modification, and/or amendment of the temporary certificates of public convenience the applicants; and for what terms, and under what conditions, or limitations.

2. Whether the public convenience and necessity require the new and additional services proposed by the applicants.

3. Are the applicants citizens of the United States within the meaning of section 101(13) of the Federal Aviation Act of 1958, and are they fit, willing, and able to perform such services and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder?

For further details of issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard at the places noted in support of or in opposition to questions involved in this proceeding must file with the Board, on or before the dates indicated, statements setting forth the matters of fact or law which he desires to advance. Any person filing such statements may appear and participate in the hearing in accordance with rule 14 of the Board's rules of practice.

Dated at Washington, D.C., September 24, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-8120; Filed, Sept. 28, 1959; 8:52 a.m.]

[Docket No. 8726]

EASTERN AIR LINES, INC.; ENFORCEMENT PROCEEDINGS

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the oral argument in the above-entitled proceeding now assigned to be held on October 14, 1959, is indefinitely postponed.

Dated at Washington, D.C., September 23, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-8119; Filed, Sept. 28, 1959; 8:51 a.m.]

[Docket No. 9934]

ALLEGHENY AIRLINES, INC.

Notice of Prehearing Conference

In the matter of the application of Allegheny Airlines, Inc. for nonstop service between Wheeling, West Virginia and New York, New York.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 8, 1959, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 23, 1959.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 59-8118; Filed, Sept. 28, 1959; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

SEPTEMBER 24, 1959.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules,

that on October 31, 1959, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b) (1) and § 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on October 30, 1959, or (b) if action is taken by the Commission on any listed application prior to October 31, 1959, no later than the close of business on the day preceding the day on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous such list.

Adopted: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

APPLICATIONS FROM TOP OF PROCESSING LINE

BP-12238; KSAM, Huntsville, Tex.; Huntsville Broadcasting Co. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.

BP-12250; WILM, Wilmington, Del.; Delaware Broadcasting Co. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12251; WRAW, Reading, Pa.; WRAW, Inc. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12254; NEW, Wheatland, Wyo.; Kowboy Broadcasting Co. Requests: 1340 kc, 250 w, U.

BP-12261; WNEX, Macon, Ga.; Macon Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12262; WOPI, Bristol, Tenn.; WOPI, Inc. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.

BP-12264; WBHF, Cartersville, Ga.; W. R. Frier. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12270; WSSC, Sumter, S.C. Radio Sumter, Inc. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12286; WELY, Ely, Minn.; Charles B. Persons. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12287; KXRA, Alexandria, Minn.; Alexandria Broadcasting Corp. Has: 1490 kc, 250 w, U. Requests: 1230 kc, 250 w, 1 kw-LS, U.

BP-12288; WJEF, Grand Rapids, Mich.; Amalgamated Properties, Inc. Has: 1230 kc, 250 w, U. Requests: 1230 kc, 250 w, 500 w-LS, U.

BP-12290; WMSA, Massena, N.Y.; The Brockway Co. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12294; WCRS, Greenwood, S.C.; Grenco, Inc. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12297; KROC, Rochester, Minn.; Southern Minnesota Broadcasting Co. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12301; WIKB, Iron River, Mich.; Iron County Broadcasting Corp. Has: 1230 kc, 250 w, U. Requests: 1230 kc, 250 w, 1 kw-LS, U.

BP-12309; WJNC, Jacksonville, N.C.; Onslow Broadcasting Corp. Has: 1240 kc, 250 w, U. Requests: 1240 kc, 250 w, 1 kw-LS, U.

BP-12310; WOKK, Meridian, Miss.; New South Broadcasting Corp. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12312; WTTH, Port Huron, Mich.; The Times-Herald Co. Has: 1380 kc, 1 kw, DA-1, U. Requests: 1380 kc, 5 kw, DA-2, U.

BP-12322; WFOY, St. Augustine, Fla.; Ponce de Leon Broadcasting Co. Has: 1240 kc, 250 w, U. Requests: 1240 kc, 250 w, 1 kw-LS, U.

BP-12327; KWYN, Wynne, Ark.; East Arkansas Broadcasters, Inc. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12328; WSTP, Salisbury, N.C.; WSTP, Inc. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.

BP-12339; KOMS, Manitou Springs, Colo.; Garden of the Gods Broadcasting Co. Has: 1490 kc, 100 w, U. Requests: 1490 kc, 250 w, U.

BP-12340; WBRE, Wilkes-Barre, Pa.; WBRE Radio, Inc. Has: 1340 kc, 250 w, Day. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12341; KBOW, Butte, Mont.; Copper City Radio Co. Has: 1490 kc, 250 w, U. Requests: 1490 kc, 250 w, 1 kw-LS, U.

BP-12342; WHDL, Olean, N.Y.; WHDL, Inc. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12346; NEW, Ashland, Oreg.; Faith Tabernacle, Inc. Requests: 1350 kc, 1 kw, Day.

BP-12347; KMRS, Morris, Minn.; Western Minnesota Broadcasting Co. Has: 1570 kc, 1 kw, Day. Requests: 1230 kc, 250 w, U.

BP-12348; KRXL, Roseburg, Oreg.; Umpqua Broadcasters, Inc. Has: 1240 kc, 250 w, U. Requests: 1250 kc, 5 kw, Day.

BP-12351; WJLK, Detroit, Mich.; Booth Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12354; KVLF, Alpine, Tex.; Big Bend Broadcasters. Has: 1240 kc, 250 w, U. Requests: 1240 kc, 250 w, 1 kw-LS, U.

BP-12355; NEW, San German, P.R.; Jose Soler. Requests: 1090 kc, 250 w, U.

BP-12356; WMVG, Milledgeville, Ga.; Michael T. Landy. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

BP-12361; WGUS, North Augusta, S.C.; Dixie Broadcasting System. Has: 1600 kc, 500 w, Day. Requests: 1380 kc, 1 kw, Day.

BP-12364; KTUR, Turlock, Calif.; KTUR, Incorporated. Has: 1390 kc, 1 kw, DA-N, U. Requests: 1390 kc, 5 kw, DA-2, U.

BP-12365; NEW, Ft. Atkinson, Wis.; Shorewood Broadcasting Corp. Requests: 940 kc, 1 kw, DA-Day.

BP-12366; WBOP, Pensacola, Fla.; Tri-Cities Broadcasting Co., Inc. Has: 980 kc, 500 w, Day. Requests: 980 kc, 1 kw, Day.

BP-12372; NEW, Glen Burnie, Md.; Southfield Broadcasting Co., Inc. Requests: 1590 kc, 500 w, DA-2, U.

BP-12374; NEW, Black Mountain, N.C.; Mountain View Broadcasting Co. Requests: 1350 kc, 500 w, Day.

BP-12375; WEPM, Martinsburg, W. Va.; Martinsburg Broadcasting Co. Has: 1340 kc, 250 w, U. Requests: 1340 kc, 250 w, 1 kw-LS, U.

BP-12380; KDNT, Denton, Tex.; Harwell V. Shepard. Has: 1440 kc, 500 w, 1 kw-LS, DA-N, U. Requests: 1440 kc, 500 w, 5 kw-LS, DA-N, U.

APPLICATIONS ON WHICH 309(b) LETTERS HAVE BEEN ISSUED

BP-12265; WINC, Winchester, Va.; Richard F. Lewis, Jr., Inc. of Winchester. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12311; WWIN, Baltimore, Md.; Belvedere Broadcasting Corp. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12336; WHLF, South Boston, Va.; Halifax Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12343; WOND, Pleasantville, N.J.; South Jersey Radio, Inc. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U.

BP-12352; NEW, Shelbyville, Ky.; Shelby Broadcasting Co. Requests: 940 kc, 250 w, Day.

BP-12359; NEW, Redwood City, Calif.; Redwood City Radio, Inc. Requests: 850 kc, 1 kw, DA-1, U.

BP-12360; NEW, Redwood City, Calif.; Hometown Broadcasters. Requests: 850 kc, 500 w, DA-1, U.

BP-12371; WALE, Fall River, Mass.; Narragansett Broadcasting Co. Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 500 w-LS, U.

BP-12373; NEW, South Haven, Mich.; Radio 940. Requests: 940 kc, 1 kw, DA-Day.

BP-12376; KSAN, San Francisco, Calif.; Golden Gate Broadcasting Corp. Has: 1450 kc, 250 w, U. Requests: 1450 kc, 250 w, 1 kw-LS, U.

APPLICATIONS DELETED FROM PUBLIC NOTICE OF APRIL 9, 1959 (FCC 59-316) (24 F.R. 3842)

BP-11230; WITA, San Juan, Puerto Rico; Electronic Enterprises, Inc. Has: 1140 kc, 500 w, U. Requests: 1030 kc, 1 kw, U. (Deleted from above-referenced list by Commission action of July 22, 1959, FCC 59-751, 24 F.R. 6167.)

BP-11738; NEW, Sacramento, Calif.; Northern California Broadcasting Co. Requests: 1030 kc, 500 w, DA-1, U.

(Applications BP-11230 and BP-11738 are in the pending file pursuant to the provisions of the Commission's Public Notice of August 9, 1946 with respect to proposals for 770 kc and 1030 kc).

APPLICATIONS DELETED FROM PUBLIC NOTICE OF JULY 30 1959 (FCC 59-810) (24 F.R. 6248)

BP-5827; NEW, Wyandotte, Mich.; Woodward Broadcasting Co. Requests: 850 kc, 5 kw, DA-2, U. (Is in the pending file pursuant to the provisions of § 1.351 of the Commission rules.)

BP-11845; NEW, Oklahoma City, Okla.; (now Sooner State Broadcasting Co.; BP-13342). Requests: 1210 kc, 10 kw, DA-Day. (Was amended to specify changes in the directional antenna and was assigned a new file number pursuant to the provisions of § 1.354(h) of the Commission rules.)

[F. R. Doc. 59-8123; Filed, Sept. 28, 1959; 8:52 a.m.]

[Docket No. 12085; FCC 59M-1234]

EASTERN IDAHO BROADCASTING AND TELEVISION CO.

Order Continuing Hearing

In re application of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner having under consideration the scheduling of a new date for commencement of hearing;

It appearing that a prehearing conference was held on September 22, 1959, at which was discussed the future progress of the proceeding and, among other things, a suitable date was agreed upon as convenient for the parties and the Examiner; and

It further appearing that the date of October 7, 1959, had already been set by the Chief Hearing Examiner in his order of July 29, 1959;

It is ordered, This 22d day of September 1959, that the hearing scheduled to commence on October 7 is continued to October 12, 1959.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8124; Filed, Sept. 28, 1959; 8:52 a.m.]

[Docket No. 12110 etc.; FCC 59M-1230]

GRAND HAVEN BROADCASTING CO. (WGHN) ET AL.

Order Governing Course of Hearing, Scheduling Pre-Hearing Conference and Hearing

In re applications of Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, Docket No. 12110, File No. BP-11160; Central Michigan Broadcasting Co., Oil City, Michigan, Docket No. 12889, File No. BP-11132; Harmon Leroy Stevens and John F. Wismer d/b as Stevens-Wismer Broadcasting Company, Caro, Michigan, Docket No. 12890, File No. BP-11315; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company, Greenville, Michigan, Docket No. 12891, File No. BP-11611; Lloyd L. Savage, Omer K. Wright, Jae D. Kitchen and C. Wayne Wright, d/b as Caro Broadcasting Company, Caro, Michigan, Docket No. 12892, File No. BP-11836; Robert F. Benkelman and James A. McCoy d/b as Tuscola Broadcasting Company, Caro, Michigan, Docket No. 12893, File No. BP-12013; for construction permits for standard broadcast stations.

At a pre-hearing conference held on September 21, 1959, the following calendar governing the future course of this proceeding was established:

October 30, 1959, Direct written presentation to be furnished other parties and the Examiner;

November 9, 1959, Further pre-hearing conference;

November 16, 1959, Hearing.

So ordered, this 22d day of September, 1959.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8125; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 12837 etc.; FCC 59M-1235]

BIRNEY IMES, JR., ET AL.

Order Scheduling Hearing

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. 12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, Docket No. 13057, File No. BP-12987; for construction permits.

It appearing, that a prehearing conference in the above-entitled matter was held on September 15, 1959, and certain stipulations were entered into as follows:

(1) The applications of Birney Imes, Jr., of Newport Broadcasting Company, of Crittenden County Broadcasting Company, and of Garrett Broadcasting are mutually exclusive;

(2) The staff, studio and technical equipment proposals of Birney Imes, Jr., of Newport Broadcasting Company, of Crittenden County Broadcasting Company, and of Garrett Broadcasting Corporation are each adequate to effectuate the programming proposed;

(3) Evidence adduced under Issue 1 will be limited to the 2.0 mv/m and 0.5 mv/m contours both as to the respective proposals herein and to the availability of other primary service;

It further appearing certain agreements were reached which properly should be formalized by order;

It is ordered, This 22d day of September 1959 that:

(1) Exhibits to be offered in evidence in the presentation of the direct affirmative cases will be under oath and shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on December 15, 1959;

(2) The direct cases of the applicants relative to programming proposals including program contacts, program schedules, program descriptions, and program analyses shall be presented by written, sworn exhibits and, except for corrective matters, the direct cases as to programming proposals shall be deemed frozen as of the date of exchange of such exhibits;

It is further ordered, That the hearing herein is scheduled to commence on January 18, 1960, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8126; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 13175]

INDEPENDENT SALMON CANNERIES, INC.

Order To Show Cause

In the matter of Independent Salmon Canneries, Inc., Pier 66, Seattle 1, Washington, Docket No. 13175; order to show cause why there should not be revoked the licenses for public coast radio stations KXB-77 at Murphy Fish Trap No. 1, Ketchikan, Alaska, and KWB-30 at Ketchikan, Alaska.

There being under consideration the matter of an alleged violation of the Communications Act of 1934, as amended;

It appearing that pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested by letter dated May 21, 1959, to furnish a statement under oath or affirmation, within thirty days from the date of receipt of such letter, concerning, inter alia, the measures which it was taking, or had taken, to assure that the radio stations authorized to be operated by it would not be operated by any person other than Independent Salmon Canneries, Inc.; and

It further appearing that the Commission's above-mentioned letter was sent by Certified Mail, Return Receipt Requested (No. 97217); and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, G. K. Davis, on May 22, 1959, to a Post Office Department return receipt; and

It further appearing that although more than thirty days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been made; and

It further appearing that in view of the foregoing, the licensee has willfully violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 21st day of September, 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the licenses for the captioned radio stations should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8127; Filed, Sept. 28, 1959; 8:53 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13189]

MAURICE JABOUR

Order To Show Cause

In the matter of Maurice Jabour, 223 Elizabeth Street, Key West, Florida, Docket No. 13189; order to show cause why there should not be revoked the license for Radio Station WC–6038 aboard the vessel "Mattie Jean."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to section 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 21, 1959, calling attention to violations (observed April 14, 1959) of the following Commission rules:

Section 8.368(a): There was no evidence that a radiotelephone log of communications has been maintained.

Section 8.367(a)(2): A copy of Part 8 of the Commission's rules was not available on board the vessel at the time of inspection.

Section 8.368(a)(5): Official station log entries were not made to indicate periods of time when a listening watch was maintained on the frequency 2182 kc.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 5, 1959, and sent by Certified Mail, Return Receipt Requested (No. 1–21559), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on June 8, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of September 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8128; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket Nos. 13072–13075; FCC 59M–1225]

JEFFERSON STANDARD BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Jefferson Standard Broadcasting Company, Greensboro, North Carolina, Docket No. 13072, File No. BPCT–2549; High Point Television Company, High Point, North Carolina, Docket No. 13073, File No. BPCT–2560; Southern Broadcasters, Inc., High Point, North Carolina, Docket No. 13074, File No. BPCT–2579; Hargrove Bowles, Jr., James G. W. MacLamroch, Robert Hamilton Nutt and Ralph C. Price, d/b as Tricities Broadcasting Company, Greensboro, North Carolina, Docket No. 13075, File No. BPCT–2605; for construction permits for television broadcast stations (Channel 8).

It is ordered, This 21st day of September 1959, that pursuant to agreement of counsel arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding, presently scheduled to commence on October 8, 1959, is continued to December 14, 1959, at 2 p.m., in Washington, D.C.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8129; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 12938; FCC 59M–1227]

KVFC, INC. (KVFC)

Order Continuing Hearing

In re application of KVFC, Incorporated (KVFC), Cortez, Colorado, Docket No. 12938, File No. BP–11847; for construction permit.

It is ordered, This 22d day of September 1959, that, upon oral request by counsel for the Commission's Broadcast Bureau and with the agreement of counsel for the applicant, the hearing in the above-entitled matter presently scheduled for September 30, 1959 is hereby rescheduled to commence at 10:00 a.m., October 20, 1959, in the Commission's offices in Washington, D.C.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8130; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 12990; FCC 59M–1236]

MASSACHUSETTS STEEL TREATING CORP.

Order Continuing Hearing

In the matter of cease and desist order to be directed to Massachusetts Steel Treating Corp., 118 Harding Street, Worcester, Massachusetts, Docket No. 12990.

The Hearing Examiner having under consideration a request filed by the Commission's Field Engineering and Monitoring Bureau on September 18, 1959, requesting that the hearing in the above-entitled proceeding now scheduled for October 2, 1959, be postponed indefinitely;[1] and

It appearing that the respondent has informed the Commission by letter dated September 14, 1959; that respondent filed a timely appearance in this proceeding; that respondent now has in operation a new induction heater certified by the General Electric Company as complying with the Commission's rules; and that by October 1, 1959, the equipment which the respondent has been charged with using in violation of the Commission's rules, will be removed from its plant; and

It further appearing that in light of the above-described information submitted by respondent to the Commission, the Bureau has withdrawn its Petition of September 11, 1959, for issuance of an Initial Decision; and

It further appearing that under the circumstances shown above, a grant of the Bureau's subject request would be appropriate;

Accordingly, it is ordered, This 23d day of September 1959, that the request of the Bureau for an indefinite postponement of the hearing in this proceeding is granted, and the hearing now scheduled for October 2, 1959, is continued indefinitely.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8131; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 13056; FCC 59M–1226]

NATIONAL BROADCASTING CO., INC. (WRCA)

Order Continuing Pre-Hearing Conference and Hearing

In re application of National Broadcasting Company, Inc. (WRCA), New York, New York, Docket No. 13056, File No. BP–11796; for construction permit.

The Hearing Examiner having under consideration a motion filed on September 17, 1959 by National Broadcasting Company, Inc., requesting that the prehearing conference in the above-entitled proceeding presently scheduled for September 23, 1959, be continued to October 23, 1959;

It appearing that counsel for the Broadcast Bureau has informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant motion, and good cause has been shown for the proposed continuance;

It further appearing that the date of October 23, 1959 is not available to the Hearing Examiner;

It further appearing that while the motion for continuance of the prehearing conference does not request a continuance of the hearing date, such continuance is necessary;

It is ordered, This 21st day of September 1959, that the motion insofar as it requests a continuance of the prehearing conference in the above-entitled proceeding be and the same is hereby granted, and the prehearing conference be and it is hereby continued to November 5, 1959, at 10 a.m., in Washington, D.C.

It is further ordered, That the hearing presently scheduled to commence on October 30, 1959, be and it is hereby continued to a date to be fixed at the prehearing conference.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8132; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 12695; FCC 59M–1228]

RADIO MISSOURI CORP. (WAMV)

Order Scheduling Hearing

In re application of Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP–12193; for a construction permit.

The Hearing Examiner having under consideration matters considered at the prehearing conference held herein on September 22, 1959;

It is ordered, This 22d day of September 1959, that the hearing herein is scheduled for October 15, 1959, at 10:00 a.m.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8133; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 13180; FCC 59M–1188]

RODNEY F. JOHNSON (KWJJ)

Order Scheduling Prehearing Conference

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP–12056; for construction permit.

It is ordered, This 16th day of September 1959, that, pursuant to § 1.111 of the Commission's rules, a prehearing conference will be held in the above-entitled matter commencing at 2:00 p.m., October 19, 1959, in the Commission's offices at Washington, D.C.

Released: September 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8134; Filed, Sept. 28, 1959; 8:53 a.m.]

[Docket No. 13190]

WILLIAM S. WELLS, JR.

Order To Show Cause

In the matter of William S. Wells, Jr., Southport, North Carolina, Docket No. 13190; order to show cause why there should not be revoked the license for Radio Station WC–2958 aboard the vessel "Jackie B."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated April 21, 1959, calling attention to violations (observed April 15, 1959) of the following Commission rules:

Section 8.21: Transmitter equipment installed not the same as that authorized by the station license.

Section 8:367(a)(2): A copy of Part 8 of the Commission's rules was not available on board the vessel at the time of inspection.

Section 8.368(a): There was no evidence that a radio telephone log of communications had been maintained.

Section 8.368(a)(5): Official station log entries were not made to indicate periods of time when a listening watch was maintained on the frequency 2182 kc.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 5, 1959 and sent by Certified Mail, Return Receipt Requested (No. 1–21558), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee on June 12, 1959 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of September 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence and give evidence in respect thereto at

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[1] The Bureau's request for an indefinite postponement of the hearing is set forth in a document entitled "Withdrawal of Petition for Issuance of Initial Decision" that was filed by the Bureau in this proceeding on September 18, 1959.

a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: September 23, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8135; Filed, Sept. 28, 1959; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6901]

CALIFORNIA ELECTRIC POWER CO.

Notice of Application

SEPTEMBER 22, 1959.

Take notice that on September 16, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and authorized to do business in the States of California, Nevada and Arizona, with its principal business office at San Bernardino, California, seeking an order authorizing the issuance of not to exceed $15,000,000 in aggregate principal amount of promissory notes. Applicant proposes to issue the aforesaid notes to the Bank of America National Trust and Savings Association ("Bank") in varying amounts beginning December 1959 and ending October 1960. Each note will mature within twelve months from the date of issuance and shall bear interest equal to the Bank's prime rate for 90-day to 180-day prime commercial loans. The funds received from the first issuance of the aforesaid notes will be used by Applicant to refund all notes outstanding on October 31, 1959, under loan agreement of September 16, 1958. Except for this refunding borowing, the proceeds from the $15,000,000 credit, or such portion as may be borrowed from time to time, will be applied by Applicant as interim financing to the payment of the costs of additions, betterments and improvements to Applicant's properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of October 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8084; Filed, Sept. 28, 1959; 8:47 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. G-19477]

CITIES SERVICE PRODUCTION CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

SEPTEMBER 22, 1959.

Cities Service Production Company (Operator) et al. (Cities Service) on August 25, 1959, tendered for filing a proposed change in its presently effective rate schedule [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated August 21, 1959.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 3.

Effective date: September 25, 1959 (stated effective date is the effective date proposed by Cities Service).

In support of the proposed favored-nation rate increase, Cities Service submits a letter dated August 6, 1959, from El Paso Natural Gas Company (El Paso) stating that it began paying the rate of 13.7836 cents per Mcf, exclusive of tax reimbursement, within the favored-nation area, subject to refund, and advising that such rate is based upon spiral escalation increased rates of Phillips Petroleum Company which are being contested by El Paso. In addition, Cities Service states that the increased rate is provided by a contract negotiated at arm's length and that such increased rate is less than the going price for gas in the area.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules and practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Cities Service's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 25, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8085; Filed, Sept. 28, 1959; 8:47 a.m.]

[1] Present rate previously suspended and is in effect subject to refund in Docket No. G-14097.

[Docket No. G-16366]

KIRBY PRODUCTION CO.

Notice of Application and Date of Hearing

SEPTEMBER 22, 1959.

Take notice that on September 18, 1958, Kirby Production Company (Kirby), (Applicant), a non-operator, filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as amended, which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas, attributable to its 12.5 percent working interest, to Natural Gas Pipeline Company of America (Natural) from the McDonald Unit located in the Camrick Southeast Pool, Beaver County, Oklahoma. The proposed sale would be made pursuant to a ratification agreement of a sales contract between the unit operator, The Atlantic Refining Company (Atlantic), and Natural. Atlantic had been granted a certificate to sell gas to Natural in Docket No. G-9980.

Concurrently with the filing of its application, the Applicant submitted the aforementioned contract proposing an initial rate of 16.4 cents per Mcf. Said contract is on file with the Commission, designated as Kirby's FPC Gas Rate Schedule No. 12 and Supplement No. 1 thereto. On June 17, 1959, the Applicant filed an amendment to its application requesting among other things, that a rate of 16.0 cents per Mcf be substituted for the 16.4 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and it that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 20, 1959, at 9:30 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8086; Filed, Sept. 28, 1959; 8:47 a.m.]

[Docket No. G-19478]

SOHIO PETROLEUM CO.

Order for Hearing and Suspending Proposed Changes in Rates

SEPTEMBER 22, 1959.

Sohio Petroleum Company (Sohio) on August 27, 1959, tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 3. Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 4. Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 9.

Effective date: November 1, 1959 (stated effective date is the effective date proposed by Sohio).

In support of the proposed redetermined rate increases, Sohio states that its redetermined rate is provided for by its contracts and that such rate is in line with the price being paid to other sellers in the area. In addition, Sohio submits a letter from Tennessee Gas Transmission Company agreeing to the proposed redetermined rate increases effective November 1, 1959.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 3 to Sohio's FPC Gas Rate Schedules Nos. 3 and 4, respectively, and Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 9, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 3 to Sohio's FPC Gas Rate Schedules Nos. 3 and 4, respectively, and Supplement No. 5 to Sohio's FPC Gas Rate Schedule No. 9.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8087; Filed, Sept. 28, 1959; 8:47 a.m.]

[Docket No. G-9892 etc.]

SOUTH GEORGIA NATURAL GAS CO. ET AL.

Order Reopening Proceeding, Providing for the Receipt of Additional Evidence and Fixing Date for Protests Thereto

SEPTEMBER 21, 1959.

In the matters of South Georgia Natural Gas Company, Docket No. G-9892; Southern Natural Gas Company, Docket No. G-14587; Secure Trusts, Docket No. G-14903; Estate of Lyda Bunker Hunt, Deceased, Docket No. G-14904; H. L. Hunt, Docket No. G-14905; The Texas Company,[1] Docket No. G-15033; Olin Gas Transmission Corporation, Docket No. G-15110; Earl G. Bateman d/b/a Bateman Drilling Company, Operator, et al., Docket No. G-15141; Hunt Oil Company, Operator, Docket No. G-15146; The California Company, Docket No. G-16680; Placid Oil Company, Docket No. G-17746; Gulf Oil Corporation, Docket No. G-17760.

On August 28, 1959, the City of Lumpkin, Georgia, filed an application for rehearing of the Commission's Opinion No. 325 and accompanying order issued in the above-entitled proceedings on August 7, 1959. In that opinion and accompaning order we denied the request of the City of Lumpkin for an allocation of natural gas from the system of South Georgia Natural Gas Company upon a finding that the City had failed to show upon the record that its proposed project would be economically feasible because it would have a minimum debt service coverage ratio of less than 1.5.

In its application herein Lumpkin alleges that since the record in this proceeding was closed, the City has received numerous subscriptions for service and paid deposits therefor from 297 prospective customers for gas. Upon this basis Lumpkin would have a debt service coverage ratio of not less than 1.89 the third year, and 1.96 the fifth year. With its application, Lumpkin filed a revised engineering report which it offers to support the allegations therein and the certification of South Georgia's proposed sale to it. Accordingly, Lumpkin requests that the Commission approve the sale of gas to it by South Georgia without further hearing, or alternatively, grant the rehearing requested and permit Lumpkin to adduce the new and additional evidence.

It thus appears that Lumpkin desires to avail itself of the opportunity we said in Opinion No. 325 would be available to it, to make a future showing, if it is able to do so, of a project that is economically feasible.

Upon consideration of the application for rehearing including the revised engineering report submitted therewith we find and determine as hereinafter provided.

The Commission finds: It is necessary and appropriate to carry out the provisions of the Natural Gas Act and the public convenience and necessity require that the record in this proceeding be reopened and that the additional evidence

[1] Now Texaco Inc.

submitted by the City of Lumpkin should be received in evidence as a part of the record in this proceeding without further hearing provided that no protest to such action is received within the time hereinafter fixed.

The Commission orders: The record in the above-entitled proceedings is hereby reopened and the additional evidence submitted by the City of Lumpkin, as described above and more fully described in the application for rehearing filed herein, including the revised engineering report should be received in evidence and made a part of the record in these proceedings provided that no protest to the receipt thereof in evidence is received from any party or parties to these proceedings within ten (10) days after the date this order is issued.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8088; Filed, Sept. 28, 1959; 8:47 a.m.]

[Docket No. G-16283]

TENNESSEE GAS TRANSMISSION CO.

Notice of Postponement of Hearing

SEPTEMBER 22, 1959.

Upon consideration of the request filed September 22, 1959, by Counsel for Tennessee Gas Transmission Company for postponement of the hearing now scheduled for September 23, 1959, in the above-designated matter;

The hearing in the above-designated matter now scheduled for September 23, 1959, is postponed to a date to be hereafter fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8089; Filed, Sept. 28, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1252]

AMERICAN RESEARCH AND DEVELOPMENT CORP. and JET-HEET, INC.

Notice of Application for Order Exempting Transactions Between Affiliates

SEPTEMBER 25, 1959.

Notice is hereby given that Jet-Heet, Inc. ("Applicant"), an affiliated person of American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, non-diversified investment company, which owns more than 5 percent of applicant's voting securities, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") requesting an order exempting the transactions summarized below from the provisions of section 17(a) of the Act.

Applicant is an engineering and licensing company providing development services for manufacturers seeking new products, largely in the field of heat transfer and thermomechanics. The following table shows, as of August 31, 1958, its outstanding securities and the amount thereof held by Research:

Security	Total outstanding	Held by research
Ten-year 5% subordinated income debentures	$50,000	$32,752
Five-year 6% notes	20,000	10,000
Common stock, shares	468,812	195,220

This capital structure of applicant resulted from a Plan of Reorganization which was the subject of an order issued by the Commission on July 7, 1959 (Investment Company Act Release No. 2896) granting exemption from the prohibitions of section 17(a) of the Act.

Applicant now proposes to borrow (from persons other than Research) $100,000 for which it would issue a total of $100,000 principal amount 6 percent Subordinated Notes maturing five years from date of issue. Upon the consent in writing of the holders of at least 97 percent in principal amount of outstanding Ten-Year 5 percent Subordinated Income Debentures, Debentures held by such consenting debenture holders would be amended (a) by including in the definition of "Senior Debt" (i) the principal of and interest on the $100,000 principal amount of 6 percent Subordinated Notes to be issued and the principal of and interest on any other 6 percent Subordinated Notes of applicant that may from time to time be issued (provided, however, that the aggregate principal amount of 6 percent Subordinated Notes that would constitute Senior Debt at any time would not exceed $400,000) and (ii) all debts and other obligations of applicant to banks, trust companies, lending institutions and other financing organizations (including factors) payable currently or having a maturity of less than one year and (b) by providing that all of the new 6 percent Subordinated Notes as well as all of the existing Five-Year 6 percent Notes must be paid in full before any Debentures may be prepaid at the option of applicant. The Ten-Year 5 percent Subordinated Income Debentures held by Research would be affected by this change in the definition of Senior Debt since Research has indicated that it will consent to the change.

The $100,000 of 6 percent Subordinated Notes will be purchased by a small group of investors including Calvin D. MacCracken, President of applicant, and certain of the members of its Board of Directors. Applicant up to the present time has not entered into any negotiations or made any arrangements with respect to the sale of the remaining $300,000 of 6 percent Subordinated Notes to which the Ten-Year 5 Percent Subordinated Income Debentures may be subordinated, but it is contemplated that such remaining Notes will be issued at such times as funds are required by applicant and purchasers for the Notes can be found.

It is further proposed that the authorized shares of applicant's common stock will be increased to 3,000,000 shares and that a total of 468,812 shares of capital stock of applicant will be sold to the purchasers of the $100,000 of 6 percent Subordinated Notes at a price of one-tenth of one cent per share. These purchasers and the management of applicant have agreed that 31,254 of the 468,812 shares so purchased should be transferred to the holders of the $20,000 in principal amount of Five-Year 6 Percent Notes of applicant. Since this $20,000 in Notes is held in equal amounts by Research and Nathan W. Levin, a director and stockholder of applicant, Research and Mr. Levin will each receive 15,627 shares.

It is further provided that applicant will enter into an agreement with Research and Mr. Levin as holders of the $20,000 of Five-Year 6 Percent Notes pursuant to which such Notes will be subordinated to all debts and obligations of applicant to banks, trust companies, lending institutions and other financing organizations (including factors) payable currently or having a maturity of less than one year and to all debts and other obligations of applicant arising in the normal course of trade. Research and Mr. Levin have indicated their willingness to accept this modification of their Notes.

The Board of Directors have also approved a proposal to grant to MacCracken an option to purchase, at any time within five years from the date of such option, 134,000 shares of stock of applicant at 19 cents per share on such terms as will qualify the option as a "restricted stock option" within the meaning of section 421 of the Internal Revenue Code. The proposed option will be submitted for stockholder approval at the same time as the new financing plan.

Generally speaking, section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Because of the holding of more than 5 percent of the Common Stock of applicant by Research, the two companies are affiliated persons of each other, as defined in the Act; hence the transactions between them are prohibited under section 17(a) unless the Commission grants the application pursuant to section 17(b) of the Act.

Notice is hereby given that any interested person may, not later than October 2, 1959 at 12:30 p.m., submit to the Commission in writing a request for

a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-8217; Filed, Sept. 28, 1959; 11:43 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 24, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35709: *Petroleum products—Montana points to Illinois and Wisconsin.* Filed by Trans-Continental Freight Bureau, Agent (No. 363), for interested rail carriers. Rates on topped or reduced crude petroleum oil or refinery cracking stock, tank-car loads from Billings, East Billings, and Laurel, Mont., to Chicago and Rockford, Ill., and Sheboygan, Wis.

Grounds for relief: Carrier market competition.

Tariff: Supplement 50 to Trans-Continental Freight Bureau, Agent, tariff I.C.C. 1604.

FSA No. 35710: *Lumber from and to points in western territory.* Filed by Western Trunk Line Committee, Agent (No. A-2082), for interested rail carriers. Rates on lumber and articles taking lumber rates, carloads from Points in Colorado, New Mexico, Utah and Wyoming to points in western trunk line territory.

Grounds for relief: Short-line distance scales and market competition with Denver, Colo.

Tariffs: Supplement 13 to Chicago and North Western Railway Company tariff I.C.C. 11349. Supplement 56 to The Denver and Rio Grande Western Railway Company tariff I.C.C. 986. Supplement 54 to Union Pacific Railroad Company tariff I.C.C. 5412.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8102; Filed, Sept. 28, 1959; 8:49 a.m.]

[Notice 196]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62400. By order of September 22, 1959, the Transfer Board approved the transfer to South Branch Motor Freight, Inc., Moorefield, W. Va., of Certificate in No. MC 30067, issued April 26, 1956, to Marlin Wallace Bean, doing business as South Branch Motor Freight, Moorefield, W. Va., authorizing the transportation of: *General commodities,* and numerous other named commodities of a general commodity nature, between specified points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Donald E. Cross, 919 Munsey Building, Washington 4, D.C., for applicants.

No. MC-FC 62503. By order of September 23, 1959, the Transfer Board approved the transfer to Russell Lott, doing business as Lott Motor Lines, Meshoppen, Pa., of Certificates in Nos. MC 78982, MC 78982 Sub 1 and MC 78982 Sub 2, issued March 5, 1941, October 19, 1940 and June 2, 1949, respectively, to Richard W. Colpitts, Windsor, N.Y., authorizing the transportation of: Coal from Carbondale, Pa., and points within 8 miles thereof to Binghamton and Windsor, N.Y.; salt from Myers, N.Y., to points in Susquehanna County, Pa., and salt from Retsof and Watkins Glen, N.Y. to points in Susquehanna County, Pa., and from Retsof, Myers and Watkins Glen, N.Y., to 15 counties in Pennsylvania.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8103; Filed, Sept. 28, 1959; 8:49 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 24 NUMBER 191

Washington, Wednesday, September 30, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 2]

PART 902—MILK IN THE WASHINGTON, D.C., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Washington, D.C., marketing area (7 CFR Part 902), it is hereby found and determined that:

(a) The following provision of the order will not tend to effectuate the declared policy of the Act during the month of October 1959:

In § 902.15 the words "during any month(s) of March through September or on not more than 8 days (4 days in the case of every-other-day delivery) during any month(s) of October through February".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The information on which this action is based is the record of a public hearing held at Arlington, Virginia September 23, 1959, at which this suspension action was requested and evidence was received on proposed amendments which would otherwise relieve the marketing problems of the proponent handler;

(4) Time does not permit the detailed analysis of this record and public procedure incident to an appropriate amendment of the order;

(5) Request for emergency action was made on the record of hearing by the proponent handler and was unopposed by the producer organization representing a substantial majority of the producers whose milk is regulated and from whom testimony was received at the hearing.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective upon publication in the FEDERAL REGISTER for the period from the effective date through October 31, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 28th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–8220; Filed, Sept. 29, 1959; 8:52 a.m.]

[Milk Order 6]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area (7 CFR Part 906), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act: Section 906.51(a)(3) (ii) and (iii).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

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FEDERAL REGISTER

REpublic 7-7500 Extension 3261

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) A hearing was held July 28–30, 1959, on the need for complete revision of the supply-demand adjuster provisions of the order. The hearing was reopened on September 23 to receive additional evidence of the alleged malfunctioning of the supply-demand adjustment factor. Evidence received at the reopened hearing indicates that present conditions are such that if immediate action is not taken to lessen the effect of the supply-demand adjustment, which would otherwise reduce the Class I price by 45 to 50 cents per hundredweight during the fall and winter months, the market will be threatened with an inadequate supply of milk. To forestall such a condition and accommodate the situation, it is necessary that certain provisions be suspended to lessen the effect of the supply-demand adjuster, pending amendatory action on the supply-demand provisions.

Therefore, good cause exists for making this order effective October 1, 1959.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective October 1, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–8274; Filed, Sept. 29, 1959; 12:03 p.m.]

PART 909—ALMONDS GROWN IN CALIFORNIA

Almond Butter

Notice was published in the FEDERAL REGISTER of August 26, 1959 (24 F.R. 6914) that consideration was being given to an amendment of § 909.466 of the administrative rules and regulations pertaining to operations under Marketing Agreement No. 115, as amended and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, and arguments concerning the proposed deletion of paragraph (a) of the rules and regulations which authorized disposition pursuant to § 909.66(c) of surplus almonds in the specified outlets. Such outlets are no longer non-competitive with normal markets for almonds. The prescribed time for such filing has expired and no such communications have been received.

After consideration of all relevant matters presented, including the proposal in said notice, it is hereby found that (a) on and after the effective time hereof, diced, sliced, and slivered almonds, as defined in present § 909.466 surplus diversion outlets, and packed in hermetically sealed tin or glass containers not exceeding a net weight of eight ounces will no longer be noncompetitive with existing normal markets for almonds, (b) in view of the foregoing, the designation in present § 909.466 of such packed almonds as approved outlets for surplus almonds should be terminated, and (c) the amendment of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) as hereinafter set forth will tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, § 909.466 *Surplus diversion outlets* (24 F.R. 5627) of Subpart—Administrative Rules and Regulations (§§ 909.450—909.481; 24 F.R. 5626) is hereby amended to read as follows:

§ 909.466 **Almond butter.**

Almond butter as used in § 909.66(c) is hereby defined as a comminuted food product prepared by grinding roasted shelled almonds into a homogeneous plastic or semiplastic mass or liquid having practically no particles larger than 1/16 inch in any dimension.

It is hereby further found that good cause exists for not postponing the effective date of this amendatory action later than the date of publication hereof in the FEDERAL REGISTER for the reasons that: (1) § 909.66(c) of the amended marketing agreement and order prohibits the diversion of surplus almonds into channels other than those specified in said section, or those which the Control Board finds are noncompetitive with existing normal markets for almonds and are specified pursuant to said section; (2) the outlets hereby deleted from the administrative rules and regulations are no longer noncompetitive with such markets; and (3) to permit the continued diversion into such channels, after the effective time hereof, would not be authorized by the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 25, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–8177; Filed, Sept. 29, 1959; 8:50 a.m.]

[Pear Order 11, Amdt. 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become

effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Beurre Bosc and Doyenne du Comice pears grown in the Medford District.

Order, as amended. The provisions of paragraph (b)(1) (ii) and (iii) of § 939.311 (Pear Order 11; 24 F.R. 6154) are hereby amended to read as follows:

(ii) Any Beurre Bosc pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Beurre Bosc pears grown in the Placerville District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size: *Provided, further,* That, Beurre Bosc pears grown in the Medford District which fail to meet the requirement with respect to shape, specified in the U.S. No. 2 grade, only because of frost injury, or which fail to meet the requirement with respect to freedom from serious damage, specified in the U.S. No. 2 grade, only because of excessive limb rub or leaf rub, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Doyenne du Comice pears grown in the Medford District which fail to meet the requirements with respect to freedom from serious damage, specified in the U.S. No. 2 grade, only because of excessive limb rub or leaf rub, may be shipped if such pears are of a size not smaller than the 180 size.

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., September 28, 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1959.

S. R. SMITH,
Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[F.R. Doc. 59–8178; Filed, Sept. 29, 1959; 8:50 a.m.]

[Milk Order 43]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 943), it is hereby found and determined that:

(a) The following provisions of the order will not effectuate the declared policy of the Act during October and November 1959: Section 943.51(a)(3)(ii) and (iii).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will lessen the effect of the supply-demand adjustment in reducing the Class I price while data are accumulated with respect to the action of the supply-demand adjuster under present conditions prevailing in the market.

(4) Suspension action has been requested by all of the cooperative associations supplying milk to the Texas Federal order marketing areas of North Texas, Central West Texas, Austin-Waco, San Antonio, and Corpus Christi, all of which markets are affected by the North Texas supply-demand adjuster. These associations represent more than 95 percent of the milk supply for these markets. Substantially all of the handlers regulated under the five Federal orders involved have concurred in the request for suspension.

Therefore, good cause exists for making this order effective October 1, 1959.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective for the months of October and November 1959.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–8275; Filed, Sept. 29, 1959; 12:03 p.m.]

[Milk Order 63]

PART 963—MILK IN GREAT BASIN MARKETING AREA

Order Regulating the Handling

Sec.

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AUTHORITY: §§ 963.0 to 963.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 963.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk; (ii) other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b); and (iii) Class I milk disposed of on routes in the marketing area from a nonpool plant, which is subject to obligation pursuant to § 963.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 1, 1959, and fully effective not later than November 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 2, 1959 and the decision of the Assistant Secretary containing all the provisions of this order was issued September 1, 1959. Since this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 1, 1959 and fully effective November 1, 1959, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 963.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 963.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 963.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified herein.

§ 963.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 963.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all territory, including all government reservations and installations and all municipalities, within the counties of Box Elder, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah.

§ 963.7 Producer.

"Producer" means:

(a) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered directly from such dairy farmer's farm to a pool plant; or

(b) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements described in paragraph (a) of this section, on each day of the month on which his milk is diverted by a handler (not the operator of a nonpool plant) for the handler's account from a pool plant to a nonpool plant if the milk of such dairy farmer was previously received at a pool plant on any three days of the current or immediately preceding month.

§ 963.8 Producer-handler.

"Producer-handler" means any person who produces milk and operates an approved plant described in § 963.10(a) at which there is received no milk from other dairy farmers except milk of producers by diversion pursuant to § 963.7 and at which plant no other source milk is received except his own farm production and milk products which are not fluid milk products: *Provided,* That such person meets the requirements set forth in paragraphs (a) and (b) of this section.

(a) The person who is the producer-handler exercises complete and exclusive control over the production resources which are used to produce the milk which is to be considered his own production, and over the processing facilities and operation thereof which are used to process such milk, and over the distribution facilities and operation thereof which are used to dispose of such milk; and

(b) The person who is the producer-handler makes written application to the market administrator stating his intention to operate as a producer-handler under the order, identifying and describing in such application the milk production, processing and disposal facilities to be included under the application, such application to be effective beginning with the first month after which such application is received.

§ 963.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants;

(b) Any cooperative association with respect to milk diverted for its account as described in § 963.7; and

(c) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or

under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from producers by the cooperative association.

§ 963.10 Approved plant.

"Approved plant" means a plant (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except a plant of a producer-handler as described in § 963.8, from which during the month (1) there are disposed of on routes fluid milk products equal to not less than 50 percent of the total of receipts at the plant of milk from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant, and other fluid milk products qualified for distribution for fluid consumption received at the plant, and (2) there are disposed of on routes in the marketing area fluid milk products which are not less than 10 percent of total fluid milk product disposition from the plant on routes and which average not less than 500 pounds per day: *Provided*, That any approved plant from which the total route distribution of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall be a nonpool plant.

(b) An approved plant from which during the month fluid milk products equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant and other fluid milk products qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 963.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 963.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from producers at a pool plant;

(b) Diverted as described in § 963.7 to a nonpool plant, in which case it is received by the handler diverting the milk;

(c) Received by a cooperative association which is defined as a handler pursuant to § 963.9(c).

§ 963.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, (3) milk received from a cooperative association for which the cooperative association is a handler pursuant to § 963.9(c); and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 963.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

§ 963.16 Route.

"Route" means disposition of fluid milk products (including through a vendor or a sale from a plant or plant store) in containers of five gallons or less, other than such disposition to a plant which is a pool plant pursuant to § 963.11(a).

§ 963.17 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department for the month.

MARKET ADMINISTRATOR

§ 963.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 963.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 963.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 963.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 963.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to § 963.30 through § 963.33, or payments pursuant to § 963.80 through § 963.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk of each handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 963.50 and 963.52, respectively;

(2) The 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 963.50 and 963.52, respectively;

(3) The 12th day of each month, the uniform price for producer milk computed pursuant to § 963.71 and the butterfat differential computed pursuant to § 963.72, all for the preceding month;

(4) The 1st day of each month the name of each person who has applied for producer-handler status pursuant to § 963.8, and the location of his plant.

REPORTS, RECORDS AND ACCOUNTING

§ 963.30 Reports of sources and utilization.

(a) On or before the 7th day after the end of each month, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Producer milk received at the plant or diverted therefrom by the handler;

(ii) Milk received from a cooperative association which is a handler for such milk pursuant to § 963.9(c);

(iii) Fluid milk products received from other pool plants;

(iv) Other source milk;

(v) Inventories of fluid milk products on hand at the beginning of the month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month; and

(b) On or before the 7th day after the end of each month, each cooperative association shall report the following:

(1) The quantities of skim milk and butterfat in producer milk which the cooperative association diverted from pool plants of other handlers to nonpool plants, and the classification thereof;

(2) The quantities of skim milk and butterfat in producer milk which the cooperative association received pursuant to § 963.9(c).

§ 963.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator in the detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 963.32 Payroll reports.

Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer;

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received or delivered to;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(b) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 963.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 963.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 963.40 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

§ 963.41 Classes of utilization.

Subject to the conditions set forth in § 963.42 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of fluid milk products except that classified as Class II milk pursuant to subparagraphs (3) and (4) of this paragraph.

(2) Not otherwise specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of for livestock feed (skim milk portion only);

(4) Dumped (skim milk portion only) if with the prior approval of the market administrator;

(5) In actual shrinkage of skim milk and butterfat allocated pursuant to § 963.45(b)(2) not to exceed the following: 2 percent of skim milk and butterfat in producer milk (except diverted milk) received by handlers, plus 1½ percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 963.9(c), less 1½ percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants of other handlers;

(6) In shrinkage allocated to other source milk pursuant to § 963.45(b)(1); and

(7) Used to produce frozen cream.

§ 963.42 Transfers.

Skim milk and butterfat transferred from the pool plant of a handler or by a cooperative association in its capacity as a handler pursuant to § 963.9(c), including diverted milk in the case of transfers to nonpool plants, shall be classified as follows:

(a) If transferred to a pool plant of another handler as fluid milk products in bulk form shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II in their reports submitted pursuant to § 963.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the respective

amounts thereof remaining at the pool plants of the transferee handler after the subtractions pursuant to § 963.44(a) (1), (2), (3), (4), and (5) and the corresponding steps in § 963.44(b): *And provided further,* That the classification of the skim milk and butterfat so transferred results in the classification at both plants which returns the highest valued class utilization to milk of producers at both plants.

(b) If transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) If transferred in bulk form as milk, skim milk or cream to a nonpool plant which is not the plant of a producer-handler shall be classified as Class I milk unless:

(1) The transferee plant is located inside the marketing area or less than 225 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) The skim milk and butterfat in the transferred fluid milk products which are classified as Class II milk do not exceed the pro rata Class II utilization of skim milk and butterfat in the nonpool plant determined by a calculation which prorates Class II utilization of skim milk and butterfat at the nonpool plant to fluid milk products received from all plants which are subject to classification provisions of Federal milk marketing orders issued pursuant to the Act.

§ 963.43 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 963.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at each pool plant, in producer milk diverted, and in milk for which a cooperative association is a handler pursuant to § 963.9(c): *Provided,* That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 963.44 Allocation of skim milk and butterfat at pool plants.

(a) The pounds of skim milk remaining in each class after making the following computations with respect to each pool plant shall be the pounds of skim milk in such class allocated to the producer milk received at such plant, or diverted therefrom by the plant operator, during the month:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II milk pursuant to § 963.41(b)(5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk received as other source milk not in the form of fluid milk products: *Provided,* That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk in the form of fluid milk products except that to be subtracted pursuant to subparagraph (4) of this paragraph: *Provided,* That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s): *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk: *And provided further,* That if such fluid milk products are received from more than one plant regulated under another order the assignment shall be pro rata according to the amount of the skim milk received from each plant;

(5) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers and from a cooperative association which is the handler for that milk pursuant to § 963.9(c), from the pounds of skim milk remaining in the class to which assigned, pursuant to §§ 963.41 and 963.42;

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this section; and

(8) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 963.45 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) For each handler prorate the resulting amounts between (1) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products, and (2) the pounds of skim milk and butterfat in other fluid milk products received (excluding diverted milk).

Minimum Prices

§ 963.50 Class prices.

Subject to the provisions of §§ 963.52 and 963.53, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section shall be $5.25.

(b) *Class II milk price.* The price for Class II milk per hundredweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting 55 cents and rounding to the nearest cent:

(1) Multiply the butter price by 4.03;

(2) Multiply by 8.2 the carlot price per pound of nonfat dry milk, spray process, for human consumption, at manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 963.51 Basic formula price.

The basic formula price shall be the higher of the amounts computed pursuant to paragraph (a) or (b) of this section:

(a) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the butter price subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 963.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 963.50 shall be increased or decreased, respectively, for each one-tenth percent of butterfat by an amount computed as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 1.35 divide the result by 10, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the butter price for the current month by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

§ 963.53 Location differentials to handlers.

For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 963.9(c) to a pool plant and which is classified as Class I milk, the price computed pursuant to § 963.50(a) shall be reduced at the rate in the following schedule:

Distance (miles)	Rate per hundredweight (cents)
100 but not more than 110	15.0
For each additional 10 miles or fraction thereof in excess of 110	1.5

Such distance to be measured from the plant to the nearest of the city halls in Ogden, Price, Richfield, or Vernal, all in Utah: *Provided,* That for the purpose of calculating such location credit to the handler, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 963.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 963.60 Producer-handler.

Sections 963.70 through 963.74 and §§ 963.80 through 963.86 shall not apply to a producer-handler.

§ 963.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 963.11, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part.

(a) Any plant which does not dispose of a greater volume of Class I milk on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 963.11(b).

§ 963.62 Operators of nonpool plants.

An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, is not the plant of a producer-handler, and is not described pursuant to the proviso of § 963.11(a), shall, on or before the 14th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the difference between the Class II price, adjusted for butterfat differential, and the Class I price, adjusted for butterfat differential and location, by the total hundredweight less 500 pounds per day of fluid milk products disposed of from such nonpool plant on routes in the marketing area during the month.

§ 963.63 Obligations of pool handlers on other source milk.

For any month during which the total of producer milk received by all handlers is less than 110 percent of the net Class I milk to be accounted for by such handlers, the obligations pursuant to § 963.70(b) (1) and (2) and (d)(2) shall not apply.

Determination of Prices to Producers

§ 963.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 963.40 through 963.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location credit allowance required pursuant to the proviso of § 963.53;

(b) Add the amounts computed in subparagraphs (1) and (2) of this paragraph:

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a)(2) and (b) by the difference between the Class II price and the Class I price, each adjusted by the respective butterfat differentials;

(2) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a)(3) and (b) by the difference between the Class II price, adjusted for butterfat differential, and the Class I price adjusted for butterfat differential and adjusted for location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 963.44 (a)(8) and (b) by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 963.44(a)(5) and the corresponding step of (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44(a)(5) and the corresponding step of (b) for the month, whichever is less;

(2) An amount computed by multiplying the difference between the Class II price adjusted for butterfat differential and the Class I price adjusted for butterfat differential and location by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 963.44 (a)(5) and the corresponding step of (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this § 963.70(d), and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 963.44(a)(4) and the corresponding step of § 963.44(b).

§ 963.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content.

§ 963.72 Butterfat differential to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 963.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 963.73 Location differentials to producers.

The applicable uniform prices to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 963.53.

§ 963.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 963.71 and the producer butterfat differential computed pursuant to § 963.72;

(c) The amounts to be paid by such handler pursuant to §§ 963.82, 963.85 and 963.86, and the amount due such handler pursuant to § 963.83.

PAYMENTS

§ 963.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) or (d) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 17th day of the following month, an amount equal to not less than the uniform price per hundredweight pursuant to § 963.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 963.85;

(ii) Plus or minus adjustments for errors made in previous payments to such producer; and deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 963.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association, which is authorized by its members to collect payment for their milk, and which has requested such payment from any handler in writing, such handler shall on or before the second day prior to the date payments are due to individual producers, pay the cooperative association for milk received during the month from the producer-members of such association, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section: *Provided*, That the cooperative has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association for each such producer on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The amount or rate and nature of any authorized deductions to be made from payments; and

(4) The amount and nature of payments due pursuant to § 963.84.

(d) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such cooperative association for which the association is the handler not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided in § 963.53 and the butterfat differentials provided by § 963.52, by the hundredweight of milk in each class pursuant to § 963.44.

§ 963.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 963.62, 963.82 and 963.84 and out of which he shall make all payments pursuant to §§ 963.83 and 963.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 963.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 963.70 is greater than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 963.71, adjusted by the producer butterfat and location differentials.

§ 963.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 963.70, is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 963.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 963.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 963.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 963.86 Expense of administration.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b);

(c) Class I milk disposed of on routes in the marketing area from a nonpool plant, which is subject to obligation pursuant to § 963.62.

§ 963.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 963.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 963.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 963.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 963.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 25th day of September 1959, to be effective as follows:

Sections 963.0 through 963.45, §§ 963.87 through 963.111 shall be effective on and after October 1, 1959 and all of the remaining provisions shall be effective on and after November 1, 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-8160; Filed, Sept. 29, 1959; 8:48 a.m.]

PART 1015—CUCUMBERS GROWN IN FLORIDA

Approval of Limitation of Shipments

Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provide methods for limiting the handling of cucumbers, grown in the production area defined therein, through the issuance of regulations authorized in §§ 1015.1 through 1015.88 inclusive, of the order. The Florida Cucumber Commitee, pursuant to § 1015.51 of the order, has recommended that regulations limiting the handling of the 1959–60 Florida cucumber crop should be issued. Notice of rule making with respect to the proposed limitation of shipments was published in the FEDERAL REGISTER, September 23, 1959 (24 F.R. 7647).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within three days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

Findings. It is hereby found that good cause exists for not postponing the effective date of § 1015.303 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) handling of cucumbers grown in the production area will begin on or about October 1, (2) more orderly marketing in the public interest, than would otherwise prevail will be promoted by regulating the shipments of cucumbers in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area and by publication in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7647).

§ 1015.303 Limitation of shipments.

During the period from October 1, 1959, through July 31, 1960, no person shall handle any lot of cucumbers unless such cucumbers meet the requirements of paragraphs (a), (b), (c) and (d) of this section or unless such cucumbers

are handled in accordance with paragraphs (e), (f) and (g) of this section.

(a) *Minimum grade requirements.*
(1) U.S. Fancy.
(2) U.S. Extra No. 1.
(3) U.S. No. 1.
(4) U.S. No. 1 Small.
(5) U.S. No. 1 Large.
(6) U.S. No. 2.

(b) *Size requirements.* The size requirements for purposes of this section shall be the same as those specified in the United States Standards for Cucumbers (§§ 51.2220 to 51.2239 of this title) for each of the above grades.

(c) *Pack requirements.* Cucumbers must be so packed that they meet the grade and size requirements of this section and one of the pack specifications in § 1015.101.

(d) *Marketing requirements.* Each container in each lot shall be marked or stamped to show, as certified by the Federal-State Inspection Service, the U.S. grade applicable to such lot. The marking or stamping shall be in letters at least one-half inch high and so placed on each container as to be conspicuous and legible. Any U.S. grade marks on containers that conflict with the U.S. grade applicable to the cucumbers packed therein shall be obliterated.

(e) *Pickling varieties.* The requirements of paragraph (a) of this section, except for decay, (b), (c), and (d) of this section, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics. Each container of pickling type cucumbers handled in accordance with this paragraph shall be marked or stamped "unclassified."

(f) *Special purpose shipments.* Cucumbers may be handled for conversion into pickles or relishes without regard to the requirements set forth in this section, but any such handling must conform with the safeguards in §§ 1015.130 through 1015.133. Each container of cucumbers handled in accordance with this paragraph shall be marked or stamped "pickling only" in letters at least one-half inch high and so placed on each container as to be conspicuous and legible.

(g) *Minimum quantity.* Each handler may handle up to, but not to exceed, one bushel (54 pounds net) of cucumbers any day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers.

(h) *Inspection and certification.* No person shall handle any cucumbers except for conversion into pickles or relishes unless the cucumbers are inspected and certified pursuant to the provisions of § 1015.60.

(i) *Definitions.* The grades used in this section shall have the same meaning assigned these terms in the U.S. Standards for Cucumbers (§§ 51.2220 to 51.2239 of this title) including the tolerances set forth therein. The term "Kirby" is synonymous with "Black Diamond" and "Stays Green" when related to types of varieties of cucumbers handled under this part. All other terms shall have the same meaning as when used in this part.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 28, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–8237; Filed, Sept. 29, 1959; 9:22 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 12,800]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Amendment Relating to Loans and Participations in Loans

SEPTEMBER 23, 1959.

Resolved that, notice and public procedure having been duly afforded (24 F.R. 6272) and all relevant matter presented having been considered by it, the Federal Home Loan Bank Board, upon the basis of consideration by it of said matter and of the advisability of amendment of § 545.6–4a of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–4a) by the addition of a provision that any sale by a Federal savings and loan association of a participating interest in any loan shall be without recourse and the advisability of definition as hereinafter set forth of the term "without recourse" as used in said § 545.6–4a as so amended and in § 545.11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.11), and for the purpose of effecting such amendment and such definition, hereby amends Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR, Part 541 and Part 545) as follows, effective November 1, 1959:

1. Part 541 aforesaid is hereby amended by adding thereto, immediately after § 541.16, the following new section:

§ 541.17 Without recourse.

As used in §§ 545.6–4a and 545.11 of this chapter, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

§ 545.6–4a [Amendment]

2. Section 545.6–4a of said Part 545 is hereby amended by adding thereto at the end thereof the following new sentence: Any sale by a Federal association of a participating interest in any loan shall be without recourse."

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59–8169; Filed, Sept. 29, 1959; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–714]

PART 561—DEFINITIONS

PART 563—OPERATIONS

Amendment Relating to Loans and Participations in Loans

SEPTEMBER 23, 1959.

Resolved that, notice and public procedure having been duly afforded (24 F.R. 6272) and all relevant matter presented having been considered by it, the Federal Home Loan Bank Board, upon the basis of consideration by it of said matter and of the advisability of amendment of paragraph (d) of § 563.9–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–1) by the addition of a provision that any purchase by an insured institution of a participation in any loan pursuant to the approval granted by that section shall be upon a sale without recourse, the advisability of definition as hereinafter set forth of the term "without recourse" as used in said § 563.9–1 as so amended and in § 563.23 of the rules and regulations for Insurance of Accounts (12 CFR 563.23), and the advisability of amendment of paragraph (b) of said § 563.9–1 so as to restrict the sale or disposition of participating interests by such institutions as hereinafter set forth, and for the purpose of effecting such amendments and such definition, hereby amends Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 561 and Part 563) as follows, effective November 1, 1959:

1. Part 561 aforesaid is hereby amended by adding thereto, immediately after § 561.7, the following new section:

§ 561.8 Without recourse.

As used in §§ 563.9–1 and 563.23, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

§ 563.9–1 [Amendment]

2. Paragraph (b) of § 563.9–1 of said Part 563 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "An insured institution which is another lender within the meaning of the first sentence of this paragraph or a seller within the meaning of the second sentence thereof shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan."

3. Paragraph (d) of said § 563.9–1 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "Any purchase by an insured institution of a participation in any loan pursuant to the approval granted by this section shall be upon a sale without recourse."

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59–8170; Filed, Sept. 29, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 131; Amdt. 40–19; Supp. No. 33]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Frequency of Pilot Proficiency Checks

Part 40 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot proficiency checks at least twice in each 12-month period. Section 40.302(b) requires such checks to be given at intervals of not less than 4 months nor more than 8 months. Section 40.305 specifies similar requirements for pilots other than pilots in command.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40) is hereby amended as follows to become effective October 29, 1959:

1. In § 40.302 paragraphs (b) (1) and (3) are amended to read as follows:

§ 40.302 Pilot checks.

* * * * *

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

* * * * *

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph:

* * * * *

2. Section 40.305 is amended to read as follows:

§ 40.305 Competence checks; other pilots.

Prior to serving as pilot, and thereafter, each 6 months each pilot not being utilized as pilot in command shall demonstrate that he is capable of flying by instruments. This demonstration may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the demonstration, if given within the preceding or following month, shall be the same as if given within the month in which it became due. The demonstration flight may be made to a pilot serving as pilot in command or a check pilot of the air carrier during scheduled flight.

§ 40.302–2 [Deletion]

3. Section 40.302–2 is deleted.

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–8137; Filed, Sept. 29, 1959; 8:45 a.m.]

[Reg. Docket No. 132; Amdt. 41–26]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Frequency of Pilot Proficiency and Line Checks

Part 41 of the Civil Air Regulations presently requires each pilot in command to successfully pass a technique check (proficiency check) at least twice each year at intervals of not less than 4 months.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

In addition, Part 41 requires the pilot in command to pass a route competency check (line check) twice each year, whereas only one such check is required for domestic operations. Experience has shown that only one line check is necessary, hence Part 41 is being amended to delete one line check each year.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41) is hereby amended as follows to become effective October 29, 1959:

1. In § 41.53 paragraphs (a) and (b) are amended to read as follows:

§ 41.53 Periodic flight checks and instruction.

(a) Each air carrier must provide a sufficient number of check pilots to insure that each pilot in command employed continues to meet the minimum requirements both with regard to route competency and technique.

(1) With respect to route competency, prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily pass a line check in one of the types of airplanes normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned, and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of pilot in command.

(2) With respect to technique, an air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless

each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

(3) Periodic instruction must be given all pilots. In the case of pilots in command, instruction must include the obtaining of optimum performance under simulated maximum authorized weight conditions with one engine inoperative and instrument approach procedures and landings under the same conditions in the type aircraft in which such pilots serve in scheduled air transportation: *Provided*, That subsequent to the initial check and instruction, actual simulated maximum authorized weight on takeoff shall not be required.

(4) In the case of all pilots other than pilots in command, instruction must include familiarization with the Operations Manual, with the types of equipment used, and with the duties of a second in command.

(b) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by paragraph (a) of this section. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subparagraphs (1) through (7) of this paragraph.

* * * * *

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8138; Filed, Sept. 29, 1959; 8:45 a.m.]

[Reg. Docket No. 133; Amdt. 42-20]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Frequency of Pilot Proficiency Checks

Part 42 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot equipment and proficiency checks within the preceding 6 months. Section 42.47 allows a grace period of 30 days for all airman checks.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended as follows to become effective October 29, 1959.

1. By amending the introductory paragraph of § 42.44(a)(4) to read as follows:

§ 42.44 Recent flight experience requirements for flight crew members.

* * * * *

(a) *Pilots.* * * *

(4) Subsequent to the initial pilot equipment and instrument checks required by subparagraphs (2) and (3), respectively, of this paragraph, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraphs (2) and (3). The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph.

* * * * *

2. By amending § 42.47 to read as follows:

§ 42.47 Grace period for airman periodic checks.

Whenever this part requires an airman check at stated intervals, such check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due.

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8139; Filed, Sept. 29, 1959; 8:45 a.m.]

[Reg. Docket No. 134; Amdt. 46-2]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Frequency of Pilot Proficiency Checks

Part 46 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot proficiency checks at least twice in each 12-month period. Section 46.302(b) requires such checks to be given at intervals of not less than 4 months nor more than 8 months.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 46 of the Civil Air Regulations (14 CFR Part 46) is hereby amended as follows to become effective October 29, 1959:

1. By amending § 46.302(b)(1) to read as follows:

§ 46.302 Pilot checks.

* * * * *

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate helicopters to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one helicopter type, the pilot proficiency check shall be given alternately in helicopters of each type flown by him.

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. A. QUESADA,
Administrator.

[F. R. Doc. 59-8140; Filed, Sept. 29, 1959; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Docket No. 4870 etc.]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Temporary Authorization for National Defense Transportation

By Order of the Board, No. E-14485, dated September 25, 1959, the effectiveness of the provisions of § 207.11 was further extended to September 30, 1960.

(Sec. 204, 72 Stat. 743, 49 U.S.C. 1324)

Dated: September 25, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

In the matter of military exemptions for certificated air carriers, certificated cargo carriers, certificated Alaskan air carriers, large irregular, supplemental, and irregular transport carriers.

Order extending exemptions. The Board, by Order No. E-10788, November 27, 1956, extended until December 1, 1957 previous authorizations dating back to 1951,[1] which permitted Certificated Air Carriers (other than Alaskan), Certificated Cargo Carriers, Certificated Alaskan Air Carriers, and Large Irregular, Supplemental, and Irregular Transport Carriers to engage in unlimited military charter and contract operations not otherwise permitted by the Act, the Board's Economic Regulations, or individual exemption authorization. In addition, the above order extended the authorization of the Large Irregular Carriers, Irregular Transport Carriers, and Supplemental Air Carriers to act jointly at military installations, through representatives, to provide interstate and overseas air transportation on a regular and frequent basis to uniformed military personnel traveling at their own expense even though the total operations performed jointly might exceed the limitation as to frequency and/or regularity imposed by an individual carrier's authorization. The authority provided by the aforesaid order was extended to December 1, 1958 by Order No. E-11972, and to September 30, 1959 by Order No. E-13137. By Order No. E-14149, dated June 30, 1959, Order No. E-10788 was amended to allow the Large Irregular Carriers, Irregular Transport Carriers and Supplemental Air Carriers, in addition, to jointly arrange for the transportation of members of the Armed Services moving at Government expense and civilian employees of the military agencies moving at Government expense, subject, inter alia, to the same provision that no single carrier might exceed the limitations of its particular authorization.

Applications for further extension of their exemption authority have been filed by Alaska Airlines, Inc., Seaboard & Western Airlines, Inc., The Flying Tiger Line Inc., Reeve Aleutian Airways, Inc., Pacific Air Lines, Inc., Trans Caribbean Airways, Alaska Coastal Airlines, Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc. In support of these applications, the carriers generally allege substantial current participation in operations under Order No. E-10788, as extended; a continuing demand by the military departments for these services; and a continuation of the circumstances which warranted earlier grants of this exemption.

Pan American World Airways, Inc., and Seaboard & Western Airlines, Inc., have filed objections to an extension of the blanket exemptions.

During the period 1950–1951, national defense requirements created a great need for airlift on behalf of the military departments, which need could not be readily met by the then existing certificated air route system. This airlift involved the movement of both cargo and personnel, domestically as well as to overseas and foreign points. It became frequently necessary to ship large amounts of cargo and substantial numbers of troops by planeloads, often to points not regularly served by a certificated carrier. In addition, as part of the increased national defense activity, there arose a need for the services of the noncertificated carriers, without regard to certain of the restrictions in their basic operating authority, in the joint movement of military personnel traveling at their own expense to or from military installations.[2] A combination of the above factors prompted the original grants of the so-called "military exemptions," described above, to the Certificated Air Carriers, Certificated Alaskan Air Carriers, Certificated Cargo Carriers, and Large Irregular, Supplemental, and Irregular Transport Carriers.[3]

Although the immediate and pressing military need that played a part in the original grant of the exmeptions later diminished, the Department of Defense in the ensuring years continued to advise the Board regularly of its desire that the exemptions be extended. Among the considerations cited by the Department were the need for facilitation of the movement of military traffic; the considerable economies of transportation funds that result from the ability of the Department to utilize the services of the various air carriers; and, generally, the substantial benefits that the Department would continue to receive from an extension of the exemption authority. It is clear that those considerations apply with equal force to the situation as it exists today.

The Board recognizes that continuation of the blanket exemptions is not without opposition and that certain carriers would like to limit participation in certain types of the airlift needed by the military establishment to carriers holding certificates of public convenience and necessity authorizing the services and to require that in all instances relief from the requirements or limitations of the Act or the Board's Economic Regulations be granted only through specific exemptions to individual, named carriers for the particular services to be performed.[4] As we point out hereinafter, a refusal to extend the instant exemptions would not have the effect of limiting participation in the military airlift business to the certificated route-type air carriers in view of other outstanding authorizations issued by the Board and the willingness of the military to use nonregulated carriers who need no economic authority under the Federal Aviation Act. Further, the Board is convinced that under existing conditions it would be neither feasible nor in furtherance of the objectives of the Act to adopt a course which would attempt to restrict the right to participate in the military airlift business whether for fixed or short-term operations to particular carriers or classes of carriers; that a refusal to extend the exemption as to a class or classes of carriers and a strict enforcement of the requirements of Section 401 would subject those carriers to an undue burden; and that a continuation of the blanket exemptions for an additional period would best serve the over-all public interest.

The question of whether the blanket exemptions should be renewed is a part of the broader over-all problem of devising methods for the procurement and furnishing of commercial airlift for the military that will be consistent with the statutory scheme of the Act, that will promote economic conditions in air transportation, and that will satisfy the needs of the defense establishment.[5] It is unnecessary here to review that problem in detail or to discuss the efforts that have been made to resolve it. However, consideration of the renewal question now before us must be undertaken against this background and in the light of the peculiar characteristics of, and circumstances affecting, the military airlift business that tend to differentiate and distinguish it from the ordinary commercial business of the air carriers.

All of the services that have been or will be performed under the blanket exemption consist of transportation provided for, or in the interest of, the military establishment and must be per-

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[1] Orders Nos. E-5166, E-6933, E-6934, and E-6935.

[2] The authority granted by Part 291 of the Economic Regulations limited irregular air carriers to irregular and infrequent service and further provided that an individual carrier could not provide jointly or in conjunction with another carrier a volume of service which, if provided by the first carrier alone, would exceed the limits of regularity and frequency specified in the regulation. The limitation on joint activities has been carried forward into the authorizations of the supplemental air carriers to operate individually ticketed and waybilled services. The portion of the blanket exemption directed to "furlough traffic" did not broaden the basic authority of the carriers but only relieved them from the restrictions on joint activities.

[3] Originally, the exemptions to the different classes of carriers were handled in separate orders. Later, for administrative convenience, the various exemptions were grouped in a single order.

[4] The contracts let by the military for commercial airlift fall into two broad categories. One class involves "fixed" type contracts providing for fixed or guaranteed air transportation of a specific amount and type for a given period between named points at specified rates. The other class involves "call" type contracts providing for short-term transportation as may be required by the military from time to time. Part 294 of the Economic Regulations is directed to operations under the fixed type contracts, and provides an exemption from sections 403 and 404 of the Act, as well as from section 401. The instant order is directed principally to call-type operations, such as the provision of planeload charter services of a short-term nature.

[5] Although it is unquestionably true that different individual carriers and classes of carriers have benefited in varying degrees from the numerous exemptions the Board has issued, depending upon their individual situations at particular times, we are satisfied that all of the carriers at one time or another have benefited to a substantial degree from the exemptions.

formed under the conditions laid down by that establishment.[6] Carriers in each of the classes have for a number of years participated on a substantial basis in the furnishing of the needed airlift, and this military business has become an important part of their over-all air transportation activities.[7] Each of the carriers involved already has the right under its basic operating authority to perform certain of the services required by the military establishment but many of them probably could not perform all of the services without some relief from the Board.[8] Thus, the certificated cargo carriers could provide charter services in the movement of cargo on a world-wide basis, but could not undertake a contract calling for mixed personnel and cargo service even though it were to be performed between points named in its certificate. The supplemental carriers are authorized by their certificates of public convenience and necessity and Order E–9744 to conduct unlimited planeload charters of passengers and property in interstate and overseas air transportation. The regular route operators possess similar charter authority for interstate, overseas, and foreign air transportation under section 401(e) as an adjunct of holding certificates, subject to the requirements and limitations of Part 207 of the Economic Regulations. Also, the military establishment is committed to the procurement of services on the basis of unrestricted competitive bids. This fact, coupled with our lack of economic regulatory authority over the so-called "Part 45" commercial operators and the variable needs of the military establishment as they apply to any given carrier, makes impossible an effective affirmative determination as to the carriers who should perform the military airlift services, and militates strongly against restricting at this time the right of all of the regulated carriers to participate in this military business.

We assume that the Board could now place military operations in a separate category as to all carriers for certificate purposes, and might, as it has done in the case of domestic charter operations by the supplemental carriers, authorize unrestricted military operations by certificate. However, we have not been, nor are we now, convinced that this is the best solution from the standpoint of our responsibility to develop a sound national air transportation system adapted to civil requirements and national defense needs. In addition, since the military establishment does not confine itself to the use of only certain carriers but rather obtains its services through a competitive bidding procedure, it is readily apparent that the successful bidder, if not already authorized to perform the service under its basic operating authority, would not be able to process a certificate application in time to perform the service. Moreover, and apart from this factor, the expense of a certificate proceeding in some instances would be out of all proportion to the value of the service from the carrier's standpoint. Finally, in view of the fact that our decision to extend the exemptions as to the various classes of carriers rests upon the basic considerations heretofore outlined, a refusal to continue the blanket exemption and a change to individual exemptions to named carriers for specific services would serve no useful purpose, but would merely impose an unnecessary burden on the carriers seeking relief and would subject them and the military establishment to unnecessary and undesirable uncertainties.

In view of the foregoing considerations, the Board finds that the enforcement of the provisions of section 401 of the Act, applicable Economic Regulations and orders, to the extent that they would otherwise prevent the air transportation permitted herein, would be an undue burden upon the affected carriers by reason of the limited extent of, and unusual circumstances affecting the operations of such carriers and is not in the public interest.

Accordingly, it is ordered, That:

1. The effectiveness of § 207.11 of the Economic Regulations, which provides that the limitations of §§ 207.5 to 207.10, inclusive, shall not apply to or in respect of charter trips performed pursuant to contracts with any department of the Defense Department, be and it hereby is extended until September 30, 1960, unless sooner revoked;

2. All air carriers holding certificates of public convenience and necessity authorizing the air transportation of cargo only be and they hereby are exempted from the provisions of section 401 of the Act and applicable Economic Regulations and Orders, insofar as such provisions, Regulations and Orders would otherwise prevent such carriers from engaging in interstate, overseas, and foreign air transportation of persons pursuant to contracts with any department of the Defense Department;

3. All certificated Alaskan Air Carriers be and they hereby are exempted from the provisions of section 401 of the Act and applicable Economic Regulations and Orders insofar as such provisions, Regulations and Orders would otherwise prevent such certificated Alaskan carriers from engaging in the interstate air transportation of persons and property within the State of Alaska (a) pursuant to contracts between such air carriers and any department of the Defense Department, or (b) pursuant to requests of any department of the Defense Department in connection with contracts between other persons and such department;

4. Every air carrier holding economic authority as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Air Carrier, and/or other classification of air carrier established by Board decision in Docket No. 5132, et al. be and it hereby is exempted from the provisions of section 401 of the Act, of Part 291 of the Economic Regulations, and of its respective operating authority to the extent necessary to permit such carrier (a) to engage in interstate, overseas, or foreign air transportation of persons and property without limitation as to frequency and/or regularity pursuant to contracts with any department of the Defense Department calling for the provision of air services in planeload capacities; and (b) subject to all other applicable restrictions, to engage in overseas and interstate air transportation, except within the State of Alaska, of members of the Armed Services, whether or not moving at Government expense, and civilian employees of the military agencies moving at Government expense, where such transportation is arranged through the representatives of two or more such carriers at a military installation, even though the total operations performed by a group of carriers so represented may exceed the flight limitations as imposed by their respective authorizations, whether such authorization be by exemption or certificate of public convenience and necessity; however, no single carrier may exceed the limitations of its particular authorization as specified therein.

5. The exemption authority granted in paragraph 4 above shall apply only to an air carrier which holds economic operating authority as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Carrier and/or other classification of air carrier established by Board decision in Docket No. 5132 et al. which economic authority is effective at the time it performs the operations described in said paragraph;

6. The authorization granted in paragraph 4(a) above shall be effective with respect to each carrier only if such carrier is awarded a contract or contracts by a department of the Defense Department for the aforementioned air transportation, and then only with respect to the particular transportation provided for by such contract;

7. The authority granted herein by paragraphs 2, 3 and 4 above shall expire on September 30, 1960, unless sooner revoked;

8. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–8180; Filed, Sept. 29, 1959; 8:51 a.m.]

[6] Up to the present time relatively minor use has been made of certificated scheduled commercial services performed at published tariff rates. Only recently we approved an agreement between certain of the certificated route carriers authorizing discussions among themselves and between them and the military establishment, which appear to have as their purpose, in part at least, the working out of arrangements with the military that will result in channelling additional military business into their route-type operations.

[7] For example, Alaska Airlines, a certificated Alaskan carrier states that the bulk of its revenues from other than scheduled services have come from its military transportation operations. In connection with the participation of all classes of carriers in the military business, it might also be mentioned that in recent years Congress, in appropriating money for the Military Air Transport Service, has directed the Secretary of Defense to utilize the services of civil air carriers which qualify as small businesses to the fullest extent possible. In fact, the Congress specifically considered and rejected proposals which would have limited the availability of this traffic to certain categories of carriers.

[8] While we have decided merely to extend the exemption in its present form, we should point out that in various areas the exemption authority duplicates other authorizations that certain of the carriers now hold independently of that exemption.

[Docket No. 9884 et al.; Order No. 14484]

PART 294—CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT

Applications for Exemption To Perform Service Under Military Contracts

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of September 1959.

The Board has, since 1957, granted air carriers engaged in military charter operations, pursuant to contracts with the Military Establishment, individual exemptions[1] from the tariff filing requirements of section 403 and from the anti-discrimination provisions of section 404. These latter exemptions we found to be necessary since tariffs embodying rates set out in bids to the Military could not meet the requirements of the Act or of the Board's Regulations.

In recent years, the Board has devoted substantial time and effort to reconcile the Military's competitive bid system with the tariff filing requirements of the Act, including representation on a joint CAB-Defense Department working group established in 1958. No satisfactory solution to this problem was developed. The Board therefore published a proposed policy statement entitled "Rates for Military Traffic" (24 F.R. 1866), containing minimum rates considered economical for the movement of both plane-load and individual military traffic.[2] In view of the nonconcurrence of the Defense Department and the strong division of interest among the air carriers as to this problem, the Board decided not to adopt the proposed policy statement,[3] but to continue to make available Title IV exemptions to air carriers who are successful bidders on MATS augmentation contracts. This order implements that decision.

Applications for exemptions from sections 403 and 404 of the Act have been received from the carriers who have been awarded MATS contracts for the coming contract period. The Board has obtained economic data from the successful carrier bidders for MATS long term fixed contracts. Such data do not permit a conclusion that the contract prices are uneconomic. In this connection, it should be noted that the Board is without statutory power—a power which it has requested repeatedly from the Congress—to fix and determine reasonable rates for air transportation between the United States and other countries.

The Board finds that if the exemption authority were not granted herein it would create economic hardships for the air carriers; that the exemption authority is necessary in the interest of national defense; that the circumstances which warranted earlier grants of similar exemptions continue to exist. The Board, in granting this exemption, also has taken into account the various pertinent considerations and findings contained in our concurrent order granting exemption from section 401 of the Act with respect to military charter operations (Order No. E–14485).

Part 294 grants exemptions from sections 401, 403, 404, and 405 of the Act and specific Board regulations to air carriers engaged in charter operations pursuant to contracts with the Military, but contains in § 294.1(b) (1) and (2) thereof, the requirements that the charter must provide for a minimum average of 24 one-way schedules to and from the same point per 30-day period, and must provide for a definite schedule pattern.

Since the promulgation of Part 294, there has been a revision in the form of the military contract which has raised a question as to the technical applicability of Part 294. In order to resolve this question, we are here providing for certain exemptions from requirements currently contained in the regulation. In prior years such provision was made by individual exemption order issued to all classes of carriers. In order to alleviate the administrative burden on the carriers and to the Board of acting upon individual applications for exemptions from sections 403 and 404, we have determined that it would be more appropriate to issue an order providing for exemption from the requirements contained in § 294.1(b) (1) and (2) of Part 294.

Accordingly, we conclude that the enforcement of the provisions now contained in § 294.1(b) (1) and (2) of Part 294 of our regulations places an undue burden on the air carriers by reason of the limited extent of and unusual circumstances affecting the operations of such air carriers and is not in the public interest.[4]

Therefore, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958: *It is ordered*, That:

Air carriers who otherwise meet the requirements of Part 294 of the Board's Economic Regulations (14 CFR Part 294), are hereby exempt, for the period October 1, 1959 through September 30, 1960, from the provisions contained in § 294.1(b) (1) and (2) thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59–8182; Filed, Sept. 29, 1959; 8:51 a.m.]

[1] See also Order No. E–13040, September 30, 1958.

[2] The Board lacks the statutory authority to prescribe just and reasonable rates in foreign air transportation; therefore, it could only state what it considered economical rates for the movement of military traffic.

[3] CAB Release 59–21, June 11, 1959.

[4] In taking this action the Board has reviewed the applications of Overseas National Airways, Inc. in Docket No. 8833, as well as the objection thereto by Seaboard & Western, and also the application of Alaska Airlines, Inc. in Docket No. 10871. Our action herein effectively disposes of these various filings.

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Revision

There was published in the FEDERAL REGISTER on November 27, 1958 (23 F.R. 9188) notice of intention to revise 25 CFR Part 141. In addition to minor changes, the revised regulations include an appeals procedure in timber sale contracts, greater flexibility in small sales of timber, a revised formula for computing reimbursement to the Bureau of expenses of timber management out of timber revenues, a new definition of forest lands required to be managed under sustained yield practices, a more logical definition of annual timber harvest, greater flexibility in the preservation of scenic strips, and new provisions for preservation of wildlife, grazing and other values.

Interested persons were given an opportunity to submit their views, data, or arguments in writing on the proposed revision to the Commissioner of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Several suggestions as to content and arrangement were received, and as a result several changes have been made, including the following:

In § 141.1 the definition of "stumpage" has been changed to "stumpage value," and a definition of "stumpage rates" has been added. Appropriate changes have been made throughout the text to conform with these changes in definitions. Section 141.3(e) has been expanded to provide for concurrence by authorized Indian representatives when forest areas are to be preserved in their natural state. Section 141.5 has been expanded to authorize clear-cutting when other methods of harvest are not practicable. Section 141.8(b) has been eliminated and its provisions with respect to sale of timber without advertisement now appear as a part of § 141.9. Section 141.14 has been revised with respect to the posting of cash bond. Section 141.19(b) has been expanded to permit a limitation on the use of timber cut under free-use permits. Section 141.21 has been expanded to eliminate its application to actions taken under the act of May 27, 1955. The last sentence of § 141.22 has been changed to cover more properly the Secretary's authority in settlement of civil trespass cases. Section 141.23 has been expanded to provide that in case of an appeal to the Secretary by one party to a

timber sale contract, the other party is to be notified of such appeal.

The revision of 25 CFR Part 141 set forth below is hereby adopted and becomes effective on the date of this publication.

Sec.
141.1 Definitions.
141.2 Scope.
141.3 Objectives.
141.4 Sustained-yield management.
141.5 Cutting restrictions.
141.6 Indian operations.
141.7 Timber sales from unallotted and allotted lands.
141.8 Advertisement of sales.
141.9 Timber sales without advertisement.
141.10 Deposit with bid.
141.11 Acceptance and rejection of bids.
141.12 Contracts required.
141.13 Execution and approval of contracts.
141.14 Bonds required.
141.15 Payments for timber.
141.16 Advance payments for allotment timber.
141.17 Time for cutting timber.
141.18 Deductions for administrative expenses.
141.19 Timber cutting permits.
141.20 Free-use cutting without permit.
141.21 Fire protective measures.
141.22 Trespass.
141.23 Appeals under timber contracts.

AUTHORITY: §§ 141.1 to 141.22 issued under secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 25 U.S.C. 466; 47 Stat. 1417; 25 U.S.C. 413. § 141.23 issued under 5 U.S.C. 22, 25 U.S.C. 2.

CROSS REFERENCES: For rights-of-way, see Part 161 of this chapter. For sale of timber products, Menominee Indian Reservation, see Part 143 of this chapter. For sale of forest products, Red Lake Indian Reservation, Minnesota, see Part 144 of this chapter. For sale of lumber and other forest products produced by Indian enterprises from other reservations, see Part 142 of this chapter. For wilderness and roadless areas, see Part 163 of this chapter. For law and order, see Part 11 of this chapter.

§ 141.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Indian forest lands" means lands, held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are chiefly valuable for the production of forest crops; or such lands on which a forest cover should be maintained in order to protect watershed or other values.

(c) "Stumpage value" means the value of uncut timber as it stands in the woods.

(d) "Stumpage rate" means the stumpage value per thousand board feet or other unit of measure.

§ 141.2 Scope.

The regulations in this part are applicable to all Indian forest lands except as this part may be superseded by special legislation.

§ 141.3 Objectives.

The following objectives are to be sought in the management of Indian forest lands:

(a) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(c) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(d) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(e) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(g) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

§ 141.4 Sustained-yield management.

In accordance with the objectives set forth in § 141.3, the harvest of timber from Indian forest lands will not be authorized until there have been prescribed practical methods of cutting, based on sound silvicultural principles. Cutting schedules shall be directed toward the salvage of timber that is deteriorating as a result of fire damage, insect infestation, disease, over-maturity or other cause; and toward achieving an approximate balance between maximum net growth and harvest during each cutting cycle. For all Indian reservations of major importance from an industrial forestry standpoint, management plans for the forest resource shall be prepared by the Bureau of Indian Affairs, and revised as needed. The plans shall contain a statement of the manner in which the policies of the Bureau of Indian Affairs are to be applied on the forest, with a definite plan of silvicultural management and a program of action, including a cutting schedule, for a specified period in the future.

§ 141.5 Cutting restrictions.

Clearcutting of large contiguous areas will be permitted only on lands that, when cleared, will be devoted to a more beneficial use than the growing of timber crops; but this restriction shall not prohibit clearcutting, by staggered settings or otherwise, when it is silviculturally good practice to harvest a particular stand of timber by such methods, or when it is not practicable to harvest such timber stand by methods other than clearcutting.

§ 141.6 Indian operations.

Indian tribal logging or sawmill enterprises may be organized and initiated, subject to consent of the authorized tribal representatives, where applicable, and approval by the Secretary.

§ 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $200 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber, the timber shall be appraised and sold at not less than its appraised value.

§ 141.8 Advertisement of sales.

Sales of timber shall be made only after advertisement except as provided in §§ 141.9 and 141.19.

(a) The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. The advertisement may limit sales of Indian timber to members of the tribe, or may grant to members of the tribe who submitted bids the right to meet the higher bid of a non-Indian. If the estimated stumpage value of the timber offered does not exceed $1,000, the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one edition of a newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days.

(b) The approving officer may reduce the advertising period because of emergencies such as fire, beetle attack, blowdown, limitation of time, or when there would be no practical advantage in advertising for the prescribed periods.

(c) If no contract is executed after such advertisement, the approving officer may, within 1 year from the last day on which bids were to be received as defined in the advertisement, permit the sale of such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised value or the appraised value at the time of sale, whichever is greater.

§ 141.9 Timber sales without advertisement.

With the consent of the tribal or individual Indian owners of the timber, and the approval of the Secretary, sales without advertisement may be made: (a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding $5,000. Such contracts shall not be made for a longer term than 2 years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

§ 141.10 Deposit with bid.

(a) A deposit shall be made with each proposal for the purchase of either allotted or unallotted Indian timber. Such deposits shall be at least 20 percent if the appraised stumpage value is less than $10,000; at least 10 percent if the appraised stumpage value is between $10,000 and $100,000, but in any event not less than $2,000; at least 5 percent if the appraised stumpage value is betweeen $100,000 and $250,000, but in any event not less than $10,000; and at least 3 percent if the appraised stumpage value exceeds $250,000, but in any event not less than $12,500.

(b) Deposits shall be in the form of either a certified check, cashier's check, bank draft, or postal money order, drawn payable to the order of the Bureau of Indian Affairs, or in cash.

(c) The deposit of the apparent high bidder, and of others who submit written requests to have their bids considered for acceptance, will be retained pending acceptance or rejection of the bids. All other deposits will be returned promptly following the opening and posting of bids.

(d) The deposit of the successful bidder will be retained as liquidated damages if the bidder does not execute the contract, and furnish the performance bond required by § 141.14, within the time stipulated in the advertisement of timber sale.

§ 141.11 Acceptance and rejection of bids.

(a) Applicants or bidders may be individuals, associations of individuals, or corporations. In ordinary circumstances the high bid received in connection with any advertisement issued under authority of this part shall be accepted. However, the approving officer, having set forth his reasons in writing shall have the right to reject the high bid:

(1) If he considers the high bidder to be unqualified to fulfill the contractural requirement of the advertisement, or

(2) If he has reasonable grounds to consider it in the interest of the Indians to reject the high bid.

(b) If the high bid is rejected, the approving officer may authorize:

(1) Rejection of all bids, or

(2) Acceptance of the offer of another bidder who, at the time of opening of bids, makes formal request that his bid be so considered.

(c) The officer authorized to accept the bid is also authorized in his discretion to waive minor technical defects in advertisements and proposals.

§ 141.12 Contracts required.

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding $200 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

§ 141.13 Execution and approval of contracts.

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or by an authorized official of the Bureau of Indian Affairs acting pursuant to a power of attorney from the Indian owner. Contracts to be valid must be approved by the Secretary.

(c) *Execution of contracts for incompetents.* The Superintendent shall execute contracts on behalf of Indian owners who are incompetent by reason of mental incapacity or minority. Contracts to be valid must be approved by the Secretary.

§ 141.14 Bonds required.

Performance bonds will be required in connection with all contracts for the sale of Indian timber, but in the discretion of the approving officer may not be required in connection with timber cutting permits issued pursuant to § 141.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000 the bond shall be approximately 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be approximately 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be approximately 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be approximately 5 percent of the estimated stumpage value but not less than $25,000. Bonds may be in the form of a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government bonds supported by appropriate power of attorney and performance bond.

§ 141.15 Payments for timber.

The basis of volume determination for timber sold shall be the Scribner Decimal C, International ¼ inch, or International Decimal ¼ inch log rules, cubic volume, weight, or such other form of measurement as the Secretary shall designate for each sale. Payments for timber will be required in advance of cutting, either as a single lump sum payment, or in the form of advance deposits, or as advance payments pursuant to § 141.16. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided*, That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately 3 months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust allotted timber, pursuant to § 141.16, shall not operate to reduce the size of advance deposits required by this section, but may postpone the necessity of requiring such deposits until the advance payments on the particular allotments being cut have been exhausted.

§ 141.16 Advance payments for allotment timber.

Unless otherwise authorized by the Secretary, and except in the case of lump sum sales, contracts for the sale of timber from trust allotments shall provide for the payment of 15 percent of the stumpage value, calculated at the bid price, within 30 days of contract approval, and for additional payments of 15 percent and 20 percent of the same total value within 3 years and 6 years respectively of approval if the contract extends beyond those periods; except, that no advance payment will be required that would make the sum of such payment and of advance deposits and advance payments previously applied against timber cut from the allotment exceed 50 percent of the bid stumpage value. The advance payments shall be credited against the allotment timber as it is cut and scaled, at the stumpage rates governing at the time of scaling.

§ 141.17 Time for cutting timber.

Unless otherwise authorized by the Secretary, the maximum period which shall be allowed, after the effective date of a timber contract, for cutting of the estimated volume of timber purchased shall be 5 years.

§ 141.18 Deductions for administrative expenses.

In sales of timber from either allotted or unallotted lands a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required.

§ 141.19 Timber cutting permits.

Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in §§ 141.13(b) and 141.13(c). The stumpage value which may be cut in 1 year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $200, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

(a) Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of forest products by persons authorized under § 141.13 to execute timber contracts. Timber cut under this authority may be limted as to sale or exchange for other goods or services.

(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 141.18. The permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests.

§ 141.20 Free-use cutting without permits.

(a) Timber may be cut by an Indian for his personal use from an allotment in which he holds the sole beneficial interest, without a permit or contract; but timber cut under this authority shall not be sold, or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by § 141.4.

(b) With the consent of the authorized tribal representatives and the Secretary, Indians may cut designated types of forest products from unallotted lands without a permit or contract, and without charge. Timber cut under this authority shall be for the Indian's personal use, and shall not be sold or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by § 141.4.

§ 141.21 Fire protective measures.

The Secretary is authorized to hire temporary labor, rent fire fighting equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires. No expense for fighting a fire outside a reservation may be incurred unless the fire threatens the reservation, or unless such expense is incurred pursuant to an approved cooperative agreement with another forest protection agency. The rates of pay for fire fighters and for equipment rental shall be the rates for such fire fighting services that are currently in use by public and private forest fire protection agencies adjacent to Indian reservations on which a fire occurs, unless there are in effect at the time different rates that have been approved by the Secretary. The Secretary may enter into reciprocal agreements with any fire organizations, maintaining fire protection facilities in the vicinity of Indian reservations, for mutual aid in fire protection. This section does not apply to the rendering of emergency aid, or agreements for mutual aid, in fire protection pursuant to the act of May 27, 1955 (69 Stat. 66).

§ 141.22 Trespass.

Federal statutes provide that: (a) Willful and unauthorized setting fire to timber, underbrush, or grass or other inflammable material upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, is punishable by fine of not more than $5,000 or imprisonment of not more than 5 years, or both; (b) whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material on such lands, leaves said fire without totally extinguishing it, or permits such fire to spread beyond his control, or leaves such fire unattended, shall be fined not more than $500 or imprisoned not more than 6 months, or both; (c) the unlawful cutting or wanton injury or destruction of trees standing, growing, or being upon such lands is punishable by fine of not more than $1,000 or imprisonment of not more than 1 year, or both; (d) section 1 of the act of June 25, 1948 (62 Stat. 787; 18 U.S.C. 1853) provides penalties for the unlawful cutting of timber on Government lands and on Indian lands under Government supervision. The Secretary may seize timber which he has reason to believe was unlawfully cut from restricted or trust Indian lands, mark the same and forbid its removal from the land or direct its removal to a point of safe keeping. When any such timber is found to be removed to land not under Government supervision the owner of the land should be notified that such timber is Indian trust property. The Secretary may accept payment of damages in full in settlement of civil trespass cases without resort to court action.

§ 141.23 Appeals under timber contracts.

Any action taken by an approving officer exercising delegated authority from the Secretary of the Interior or by a subordinate official of the Department of the Interior exercising an authority by the terms of the contract may be appealed to the Secretary of the Interior. Such appeal shall not stay any action under the contract unless otherwise directed by the Secretary of the Interior. Appeals will be filed in accordance with any applicable general regulations covering appeals. The Secretary shall notify the appropriate Indian tribal representatives upon receipt of an appeal by the purchaser, and shall notify the purchaser upon receipt of an appeal by the seller.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8149; Filed, Sept. 29, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—AREAS SUBJECT TO SPECIAL LAWS

[Circular No. 2025]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS

On pages 5808 and 5809 of the FEDERAL REGISTER of July 21, 1959, there was published a notice of proposed rule making to issue amendments to the regulations implementing the provisions relating to the development of recreational facilities on the O. and C. lands in accordance with the act of August 28, 1937 (50 Stat. 874) and Revised Statutes 2478 (43 U.S.C. 1201). Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments, suggestions or objections have been received.

The proposed regulations are hereby adopted without change. This amendment shall become effective on the date of publication in the FEDERAL REGISTER. The amended regulations are set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1959.

§ 115.180 Statutory authority.

The act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c) authorizes the Secretary of the Interior, under such rules and regulations as may be necessary and proper, to conserve and manage such portions of the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands as are under his jurisdiction, for multiple purposes, including the provision of recreational facilities.

§ 115.181 Definitions.

Except as the context may otherwise indicate, for the terms used in §§ 115.180–115.184 and in contracts made thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "O. and C. lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands and other lands administered by the Bureau under the provisions of the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c).

(c) "Authorized Officer" means the Government official who has been duly authorized to (1) designate O. and C. lands as public recreational sites, (2) to administer the construction, operation and maintenance of public recreation facilities and (3) to administer the use of such sites and facilities through leasing or otherwise.

(d) "Public Recreational Sites" means O. and C. lands possessing special values for some form of intensive public outdoor recreational activity, including but not limited to, picnicking, camping, swimming, boating or skiing.

(e) "Public Recreational Facilities" means improvements or structures of any type constructed, operated and maintained in public recreational sites for the enhancement of the public enjoyment of the recreational resources of such sites.

§ 115.182 Competing uses; memoranda of understanding.

(a) In public recreational sites the use and disposal of resources such as timber, minerals, and forage shall be administered in such a manner as to minimize damage to recreational or scenic resources and facilities. Such competing uses shall also be regulated so as to protect routes of access to public recreational sites and to minimize damage to scenic values along such access routes.

(b) Where adequate recreational facilities in a public recreational site are not provided for through lease or permits to state or local government agencies or their instrumentalities under authority of other laws or regulations referred to in § 115.184, such facilities may be constructed, operated and maintained by the authorized officer alone, or under a memorandum of agreement jointly with Federal, state or local government agencies or their instrumentalities.

§ 115.183 Use of public recreational sites and facilities operated by the Bureau.

(a) Public recreational sites and facilities operated by the Bureau shall be for transient use by the public and shall not be occupied by users for extended periods nor in a manner that, in the judgment of the authorized officer, is contrary to the public interest.

(b) The authorized officer may, in his discretion, post reasonable requirements for the use of public recreational sites and facilities operated by the Bureau, including but not limited to provisions to protect the area from fire, protect recreational values, and to protect the public health and safety.

(c) The authorized officer may establish and collect a reasonable service charge for the use of public recreational sites and facilities operated by the Bureau.

(d) No restrictions on the use of public recreational sites and facilities shall be made because of reasons of race, creed, color or country of origin.

(e) The penalty for wilful violation of any of the provisions of this section or of any reasonable rules or regulations promulgated thereunder may be denial of the use of the public recreational sites and facilities and if the circumstances so indicate, the initiation of an action for trespass on the property of the United States.

§ 115.184 Leases, permits, and licenses.

Leases, permits and licenses for the recreational use of the O. and C. lands, including lands containing recreational facilities may be granted, upon application, under the provisions of Parts 9, 254, 257, and 258 of this chapter and shall contain provisions determined necessary by the authorized officer, including but not limited to, provisions to protect the area from fire, protect recreational values, and to protect the public health and safety. Leases, permits and licenses which involve the operation of commercial concessions shall contain stipulations requiring conformance with reasonable public service rules including schedules of charges approved by the authorized officer.

[F.R. Doc. 59-8150; Filed, Sept. 29, 1959; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1987]

[81371]

WASHINGTON

Power Site Restoration No. 556; Partly Revoking Executive Orders of July 2, 1910 and March 31, 1911 (Power Site Reserves No. 129 and 179) and Power Site Classifications No. 349 and 407; Conditionally Restoring Lands in Power Site Reserves No. 129, 179, 197; Power Site Classifications No. 212, 349, and 407; and Power Projects 587, 791, 998, 2062, 2148, and 2149; Partly Revoking Public Land Order No. 1356 of November 5, 1956 (Chief Joseph Dam Project)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, and pursuant to determinations DA-153 and DA-157-Washington of the Federal Power Commission issued January 16, 1959, and September 2, 1958 respectively, it is ordered as follows:

The Executive orders of July 2, 1910 and March 31, 1911, creating Power Site Reserves No. 129 and 179 respectively; the departmental order of June 22, 1944 designated Power Site Classification No. 349, and the order of the Geological Survey of March 29, 1950 designated Power Site Classification No. 407, are hereby revoked so far as they affect the following-described lands, or any of them:

WILLAMETTE MERIDIAN

T. 35 N., R. 25 E.,
Sec. 18, S½SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, SW¼NW¼;
Sec. 29, NW¼NW¼.
T. 40 N., R. 25 E.,
Sec. 26, NE¼NE¼.
T. 40 N., R. 26 E.,
Sec. 9, SW¼NW¼.
T. 30 N., R. 27 E.,
Sec. 28, SE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 34, SW¼NW¼, SW¼SE¼, NE¼SW¼.
T. 30 N., R. 28 E.,
Sec 14, SW¼NW¼.
T. 30 N., R. 29 E.,
Sec. 7, SE¼SE¼.

The areas described aggregate approximately 520 acres.

2. The Federal Power Commission has determined that the value of the following-described lands reserved for power purposes would not be injured or destroyed for such purposes by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, any location, entry, or selection of the lands marked by an asterisk however, to be subject to the further condition that the United States, its permittees or licensees, in the construction, operation and maintenance upon the lands of power project works, shall not be held liable for any damages to improvements placed on the lands, and any location, entry, or selection of the lands in T. 29 N., R. 26 E., to be subject to the further condition that the United States, its permittees or licensees shall not be held liable for any damage caused by the operation or maintenance of the Chief Joseph Dam Project of the Department of the Army, and to a reservation to the United States, its permittees or licensees of the right to use for flowage purposes all those portions of the lands in said township lying below an elevation of 953 feet:

WILLAMETTE MERIDIAN, WASHINGTON

T. 30 N., R. 22 E.,
Sec. 13, lots 5, 7;
Sec. 24, lots 1, 7.
T. 31 N., R. 22 E.,
Sec. 6, lot 2;
Sec. 7, SW¼NE¼;
Sec. 8, SW¼SW¼;
Sec. 21, SE¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 26, NE¼SW¼;
Sec. 35, E½NE¼.
T. 32 N., R. 22 E.,
Sec. 29, lot 10, SE¼SE¼;
Sec. 32, lot 6, E½SE¼.
T. 30 N., R. 23 E.,
Sec. 7, lot 1;
Sec. 19, lot 1, SE¼NW¼, NE¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 28, lot 1;
Sec. 30, SE¼NE¼, SE¼NW¼.
T. 31 N., R. 23 E.,
Sec. 31, lots 2, 3, 4, SW¼NE¼, SE¼NW¼, NW¼SE¼.
*T. 29 N., R. 24 E.,
Sec. 31, lots 3, 4, 7.
*T. 30 N., R. 25 E.,
Sec. 18, lots 1, 2.
*T. 38 N., R. 25 E.,
Sec. 1, lot 9;
Sec. 2, lot 7.
*T. 39 N., R. 25 E.,
Sec. 1, lot 1;
Sec. 13, lot 8, W½NE¼SW¼;
Sec. 24, lot, 3, 4;
Sec. 25, NW¼NE¼, N½SW¼, SE¼SW¼.
*T. 40 N., R. 25 E.,
Sec. 4, lots 2, 6;
Sec. 9, SW¼NE¼, NW¼SE¼;
Sec. 12, W½SW¼;
Sec. 13, NE¼NE¼, SW¼NE¼, SE¼SW¼;
Sec. 23, lots 1, 3, 8, 9, 12, 20, 22, 23, 24, 13, 25, E½SW¼, SE¼SE¼;
Sec. 24, lot 2;
Sec. 26, lots 1, 5, 8, 9, 10, SE¼SE¼;
Sec. 28, lot 5.
T. 29 N., R. 26 E.,
Sec. 3, lots 3, 4, 5, NE¼SW¼.
*T. 39 N., R. 26 E.,
Sec. 18, lot 2.
T. 40 N., R. 26 E.,
Sec. 4, lot 12, S½SE¼;
*Sec. 5, lot 8;
*Sec. 7, lots 6, 7;
*Sec. 8, lot 1;
*Sec. 9, lots 1, 2, 3, 4, 5, SE¼NW¼;
*Sec. 10, lots 1, 2, 3, 6, 10, 11, 12, NE¼NW¼;
*Sec. 11, lots 1, 2, 3, 10, NE¼NE¼, SE¼SE¼;
*Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, W½E½, NE¼NW¼;
*Sec. 13, lots 1, 2, 3, 4, 5, 6, 7;
Sec. 13, lot 8;
Sec. 24, NE¼NE¼.
*T. 30 N., R. 27 E.,
Sec. 19, lot 7;
Sec. 20, lot 5;
Sec. 27, lot 4;
Sec. 28, lots 2, 3, 4, 5, 6;
Sec. 34, lots 3, 4, 5, 6;
Sec. 35, lot 5.
T. 40 N., R. 27 E.,
Sec. 18, lots 1, 5, 6;
Sec. 19, lots 1, 2, 3, 4, 7, 8, 9, 11, 12, SW¼NW¼, NE¼SW¼.
*T. 30 N., R. 28 E.,
Sec. 13, lot 2;
Sec. 14, lots 1, 2, 3;
Sec. 20, lots 1, 2, 3, 4;
Sec. 29, lots 1, 2, 3, 4;
Sec. 31, lots 7, 8, 9;
Sec. 32, lots 1, 2, 3.
*T. 30 N., R. 29 E.,
Sec. 7, lots 7, 9.

The areas described aggregate approximately 5,300 acres.

3. The lands are rough and mountainous with shallow rocky soil, and in the main are not considered suitable for cultivation.

4. Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to location, entry, or selection under the public land laws in accordance with the following; those lands described in paragraph 2 of this order being so opened subject to the conditions and reservations stipulated in paragraph 2:

a. Until 10:00 a.m. on March 21, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852C), and the regulations in 43 CFR, and the stipulations in this order. During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (62 Stat. 275; 16 U.S.C. 818), as amended.

b. Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on October 27, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 22, 1959, will be governed by the time of filing.

c. All valid applications under the nonmineral public land laws other than those coming under subparagraphs (a) and (b) above, presented prior to 10:00 a.m. on December 22, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

d. All applications under subparagraphs (a), (b) and (c) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

Persons claiming preferential consideration must submit evidence of their entitlement.

5. Public Land Order No. 1356 of November 5, 1956; reserving lands for use of the Department of the Army in connection with the Chief Joseph Dam Project, is hereby revoked so far as it affects the following described lands:

T. 29 N., R. 26 E.,
Sec. 3, lots 3, 4, and 5.

The lands are described in paragraph 2, supra.

6. The lands, except those described in paragraph 5, have been open to applications and offers under the mineral-leasing laws and, excepting those coming within the second proviso to section 2(a) of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), to location under the mining laws pursuant to the provisions of that act. The lands described in paragraph 5 shall be open to such applications and offers, and to mining locations, subject to the conditions prescribed by this order, at 10:00 a.m. on March 21, 1960.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59–8151; Filed, Sept. 29, 1959; 8:47 a.m.]

[Public Land Order 1994]

[80083]

UTAH

Opening Lands Under Section 24 of the Federal Power Act (Power Site Classification No. 219)

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to determination DA–126–Utah of the Federal Power Commission, issued August 5, 1958, it is ordered as follows:

1. The following-described lands, withdrawn in Power Site Classification No. 219 of May 13, 1929, shall, at 10:00 a.m. on October 30, 1959, be open to application, petition, location and selection under applicable public land laws, subject to valid existing rights, the requirements of applicable laws, the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and to the preference rights of the State of Utah described in paragraph 2 of this order:

SALT LAKE MERIDIAN

T. 40 S., R. 21 E.
Sec. 26, W½SW¼NE¼NE¼ and SE¼NW¼NE¼.

The areas described contain 15 acres.

2. Until 10:00 a.m. on April 29, 1960, the lands shall be subject only to application by the State of Utah, in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the act of August 27, 1958 (Public Law 85–771) or to application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

3. The lands have been open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 24, 1959.

[F.R. Doc. 59–8152; Filed, Sept. 29, 1959; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 916; Amdt. 5]

PART 95—CAR SERVICE

Authorization To Operate and Use Certain Trackage

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22d day of September A.D. 1959.

Upon further consideration of Service Order No. 916 (22 F.R. 2238, 7561; 23 F.R. 2019, 7538; 24 F.R. 2256), and good cause appearing therefor:

It is ordered, That § 95.916 *Service Order No. 916, authorizing the New York Central Railroad Company to operate and use certain trackage of the defunct New York, Ontario and Western Railroad Company, pending further negotiations*, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1960, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., September 30, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4)).

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–8163; Filed, Sept. 29, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Report and Order

In re Amendment of § 1.351 of the Commission's rules and regulations.

The Commission's Order (FCC 59–971) adopted September 18, 1959 and published in the FEDERAL REGISTER September 25, 1959, 24 F.R. 7728, is corrected by changing, in the second paragraph, "Report and Order (FCC 59–971)" to "Report and Order (FCC 59–970)".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–8183; Filed, Sept. 29, 1959; 8:51 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

Subpart—Deer Flat National Wildlife Refuge, Idaho

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during a part of the Idaho State season on the Deer Flat National Wildlife Refuge would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of August 12, 1959 (24 F.R. 6503), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Deer Flat National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 31 are amended by adding § 31.102 to Subpart—Deer Flat National Wildlife Refuge, Idaho, as follows:

§ 31.102 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Deer Flat National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Area.* All lands on the Deer Flat National Wildlife Refuge, Idaho, are open to deer hunting except in areas which may be posted for the protection of personnel and property.

(c) *Season.* Deer may be taken only during the open archery season as prescribed therefore by the laws and regulations of the State of Idaho provided that no deer may be taken during the waterfowl hunting season.

(d) *Hunting methods.* Deer may be taken solely by means of bow and arrow; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for hunting.

(e) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of checking stations or the public hunting area, and the State may promulgate such special regulations as may be necessary for these purposes.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) be observed voluntarily, the imminence of the deer hunting season in the State of Idaho makes more than the publication of the advance notice impracticable. In order to meet this emergency, this regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated September 24, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59–8148; Filed, Sept. 29, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

[Docket No. AO–173—A–11]

MILK IN WICHITA, KANSAS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lassen Hotel, 155 North Market Street, Wichita, Kansas, beginning at 10:00 a.m., local time, on October 6, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order (24 F.R. 3566), regulating the handling of milk in the Wichita, Kansas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wichita Milk Producers Association:

Proposal No. 1. That § 968.51(a) shall be written as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year plus or minus a supply-demand adjustment of not more than 30 cents computed as follows:

(1) Divide the total receipts of milk from producers in the first and second months preceding by the total volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the results by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero.

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentage	
		Minimum	Maximum
January	November–December	128	138
February	December–January	129	139
March	January–February	129	139
April	February–March	136	146
May	March–April	142	152
June	April–May	148	158
July	May–June	142	152
August	June–July	135	145
September	July–August	135	145
October	August–September	134	144
November	September–October	131	141
December	October–November	129	139

(3) For a minus net deviation percentage, the Class I price shall be increased, and for a plus deviation percentage, the Class I price shall be decreased as follows:

(i) One-half cent for each such percentage point of net deviation; plus

(ii) One-half cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction and up to the same amount was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding.

(4) The Class I price so computed shall not be less than the price computed for the same period pursuant to Federal Order No. 13 (Kansas City).

Proposal No. 2. Re-number present § 968.10(d) to 968.10(e), and insert new § 968.10(d) as follows:

(d) Which is operated by a cooperative association and sixty percent (60%) or more of the milk delivered during the month by approved dairy farmers who are members of such association, is delivered directly or is transferred by the association to approved plants of other handlers.

Proposal No. 3. That the month of July be added to § 968.10(a), and that the second percentage citation occurring in § 968.10(b) be changed from "15 percent" to "10 percent."

Proposal No. 4. Add the following words to § 968.45:

Provided, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

Proposal No. 5. In § 968.70 *Net pool obligations of handlers* delete paragraph (d) and substitute therefor the following new paragraph (d):

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a) (2) and (b), and pursuant to § 968.46(a) (4) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and at the Class III price and for any skim milk or butterfat so subtracted from Class II, add an amount equal to the difference in values of such skim milk and butterfat price and the Class III price: *Provided,* That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month.

Proposal No. 6. In § 968.84 *Payments out of the producer settlement fund,* add a new paragraph (c) to read as follows:

(c) Any amount due a handler pursuant to the section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 968.83, 968.85, 968.86 or 968.87.

Proposal No. 7. In § 968.86 *Marketing services,* change paragraph (a) to provide a maximum marketing service charge of eight cents per hundred in lieu of the present four cents.

Proposed by the Beatrice Foods Co., DeCoursey Cream Co., Hyde Park Dairies Inc., and Steffens Dairy Foods Co., all of Wichita, Kansas:

Proposal No. 8. Amend § 968.41(b) by deleting the present language and substituting the following:

(b) Class II shall be all skim milk and butterfat used to produce cottage cheese which is disposed of on routes in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk.

Proposal No. 9. Review the level of pricing of milk used to make cottage cheese as classified in both §§ 968.51 (b) and (c).

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Kenneth M. Fell, 2700 East Central, Wichita 2, Kansas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 24th day of September 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59–8159; Filed, Sept. 29, 1959; 8:48 a.m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Budget of Expenses of Walnut Control Board and Rates of Assessment for 1959–60 Marketing Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Walnut Control Board that rates of assessment for walnuts during the 1959–60 marketing year which began August 1, 1959. The proposal, which is based on the recommendation of the Walnut Control Board and other available information, would be established in accordance with the applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to data, views, or arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Approximately 60 million pounds of unshelled walnuts and 30 million pounds of shelled walnuts are presently estimated to be assessable during the 1959–60 marketing year. On this basis, assessment rates of 0.12 cent per pound of merchantable unshelled walnuts and 0.18 cent per pound of merchantable shelled walnuts would assure the availability of sufficient funds to meet the estimated expenses of the Board for said marketing year.

The proposal is as follows:

§ 984.311 Budget of expenses of the Walnut Control Board and rates of assessment for the 1959–60 marketing year.

(a) *Budget of expenses.* The budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1959, shall be in the total amount of $113,500, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this Part 984, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for the said marketing year, payable by each handler to the Walnut Control Board on demand, shall be 0.12 cent per pound of merchantable unshelled walnuts handled or certified for handling, and 0.18 cent per pound of merchantable shelled walnuts handled or declared for handling by him during said marketing year.

Dated: September 25, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–8176; Filed, Sept. 29, 1959; 8:50 a.m.]

[7 CFR Part 1070]

CUCUMBERS

Importations

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grading and inspection regulations that are to be made applicable to cucumbers imported into the United States, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable General Regulations (Part 1060 of this chapter). The regulations under consideration are to apply to all imports of cucumbers on the same basis as regulations that will become effective October 1, 1959 (§ 1015.303; 24 F.R. 7647), upon handlers of cucumbers grown in Florida pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (Part 1015 of this chapter).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1070.3 Cucumber Regulation No. 3.

(a) *Import restrictions.* During the period from October 19, 1959, through July 31, 1960, no person may import cucumbers unless the cucumbers meet the requirements of the U.S. No. 2, or better, grade. The requirements of this paragraph, except for decay, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics.

(b) *Minimum quantities.* Any importation which in the aggregate, does not exceed 54 pounds may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of cucumbers under the Plant Quarantine Act of 1912.

(d) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4(a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of cucumbers that are imported or to be imported into the United States under the provisions of section 8e of the Act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported cucumbers is required pursuant to § 1060.3 *Eligible imports* of this chapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified cucumbers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time cucumbers will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., 305 E. Jackson St., P.O. Box 111, Harlingen, Tex. (Tel. Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, Rm. 202, Trust Bldg., 305 American Ave., P.O. Box 1646, Nogales, Ariz. (Tel. Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 So. Central Ave., Los Angeles 21, Calif. (Tel. Madison 2-8756).	3 days.
All Florida points.	Lloyd W. Boney, Dade County Growers Market, 1200 NW. 21st Terrace, Rm. 5, Miami 42, Fla. (Tel. Franklin 1-6932).	Do.
All other points.	E. E. Conklin, Chief, Fresh Products & Standardization Branch, Fruit and Vegetable Division, AMS, U.S. Dept. of Agriculture, Washington 25, D.C. (Tel. Republic 7-4142, Ext. 5870).	Do.

(3) Inspection certificates shall cover only the quantity of cucumbers that is being imported at the particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service, shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any cucumbers to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);
(iv) The commodity inspected;
(v) The quantity of the commodity covered by the certificate;
(vi) The principal identifying marks on the containers;
(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
(viii) The following statement, if the facts warrant: Meets U.S. Import requirements under Section 8e of the Agricultural Marketing Agreement Act of 1937.

(e) *Definitions.* (1) The grades and sizes used in this section shall have the same meaning assigned those terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms shall have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: September 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-8158; Filed, Sept. 29, 1959; 8:48 a.m.]

Commodity Stabilization Service

[7 CFR Part 811]

CONTINENTAL SUGAR

Requirements, Quotas, and Quota Deficits for Calendar Year 1960

Pursuant to the authority contained in the Sugar Act of 1948, as amended (7 U.S.C. 1100; Pub Law 545, 84th Cong.), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1960 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947–1949 as indicated by the Consumers Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

Section 202 of the act provides the method by which the Secretary must establish quotas for domestic areas and foreign countries at different levels of total requirements.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

A public hearing will be held in Washington, D.C., in the Auditorium of the South Building, U.S. Department of Agriculture, on November 24, 1959, at 10:00 a.m., e.s.t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1960. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect upon requirements of various changes in demand conditions, (3) the effect of the prospective 1960 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1960.

Data, views or arguments pertaining to the principal matters for consideration at the hearing may be presented in writing in lieu of oral presentations. Such written statements should be submitted prior to the hearing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. Views and arguments in rebuttal of statements or views expressed at the hearing may be submitted in written form to the Sugar Division not later than December 4, 1959.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1960 and the sugar quotas for 1960 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing.

Prior to the issuance of regulations setting forth the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1960 and the sugar quotas for 1960 for local consumption in such areas, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in duplicate to the Sugar Division, Commodity Stabilization Service not later than December 4, 1959.

All data, views or arguments submitted prior to or at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D.C., this 25th day of September 1959.

CLARENCE D. PALMBY,
Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 59-8179; Filed, Sept. 29, 1959; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 613, 687, 699]

[Administrative Order 521]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Correction

In F.R. Document 59-8027 appearing in the issue for Friday, September 25, 1959, at page 7736, make the following changes:

1. In the paragraph beginning "The preparation of textile fibers * * *" the word "filing" should read "filling".

2. In Industry Committee No. 45-C, the representative for the employers should read "Fredrick Shultz, Arecibo, P.R.".

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-12]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 57 presently extends from Akron, Ohio, to Youngstown, Ohio. An IFR Peak-Day Airway Traffic Survey for the last half of the calendar year 1958, and the first half of the calendar year 1959, shows aircraft movements on this airway as zero and three respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4257 relating to the designated reporting points would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.257 *Red Federal airway No. 57 (Akron, Ohio, to Youngstown, Ohio)* is revoked.
2. Section 601.257 *Red Federal airway No. 57 control areas (Akron, Ohio, to Youngstown, Ohio)* is revoked.
3. Section 601.4257 *Red Federal airway No. 57 (Akron, Ohio, to Youngstown, Ohio)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8141; Filed, Sept. 29, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-38]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 71 presently extends from Toledo, Washington, to Seattle, Washington. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements on this airway as zero and two respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4671, relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007 Airport Station, Los Angeles 45, California. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.671 *Blue Federal airway No. 71 (Toledo, Wash., to Seattle, Wash.)* is revoked.
2. Section 601.671 *Blue Federal airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.)* is revoked.
3. Section 601.4671 *Blue Federal airway No. 71 (Toledo, Wash., to Seattle, Wash.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8142; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-39]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 76 presently extends from Sinclair, Wyoming, to Casper, Wyoming. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements on this airway as two and two respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4676, relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007 Airport Station, Los Angeles 45, California. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.676 *Blue Federal airway No. 76 (Sinclair, Wyo., to Casper, Wyo.)* is revoked.
2. Section 601.676 *Blue Federal airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.)* is revoked.
3. Section 601.4676 *Blue Federal airway No. 76 (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8143; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-40]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 78 presently extends from Medford, Ore., to Klamath Falls, Ore. The Federal Aviation Agency is considering revocation of Red 78. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows no aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4278, relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 supp., Parts 600, 601) as follows:

1. Section 600.278 *Red Federal airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.)* is revoked.

2. Section 601.278 *Red Federal airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.)* is revoked.

3. Section 601.4278 *Red Federal airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8144; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

(Airspace Docket No. 59-LA-41)

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal Airway No. 37 presently extends from Casper, Wyoming, to Rapid City, South Dakota. An IFR Peak-Day Airway Traffic Survey for each half of calendar year 1958, shows aircraft movements on this airway as zero and eight respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4637 relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles 45, California. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR 1958 Supp., Parts 600, 601) as follows:

1. Section 600.637 *Blue Federal airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

2. Section 601.637 *Blue Federal airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

3. Section 601.4637 *Blue Federal airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8145; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-204]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.213, 601.213, and 601.4213 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 13 presently extends from Wilkes-Barre, Pa., to Boston, Mass. An IFR Peak-Day Airway Traffic Survey for the period July 1, 1958, through June 30, 1959, shows seven aircraft movements for Red 13 airway segment from Franklin, Mass., to Bedford, Mass. On the basis of the survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 13 would then extend from Wilkes-Barre, Pa., to Franklin, Mass. In addition, the caption to § 601.4213 relating to the associated reporting points, will be amended.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.213 (14 CFR, 1958 Supp., 600.213, 24 F.R. 2227), 601.213 (14 CFR, 1958 Supp., 601.213, 24 F.R. 2231), and 601.4213 (24 F.R. 2232, 3873) as follows:

1. Section 600.213 *Red Federal airway No. 13 (Wilkes-Barre, Pa., to Boston, Mass.)*:

(a) In the caption, delete "*(Wilkes-Barre, Pa., to Boston, Mass.)*" and substitute therefor, "*(Wilkes-Barre, Pa., to Franklin, Mass.)*".

(b) In the text, delete "via the intersection of the north course of the Providence, R.I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range, and the southwest course of the Boston radio range and the Bedford, Mass., non-directional radio beacon (located at latitude 42°28'47", longitude 71°23'21") with the west course of the Boston, Mass., radio range" and substitute therefor, "to the INT of the N course of the Providence, RR and the SW course of the Boston, Mass., RR."

2. In the caption of § 601.213 *Red Federal airway No. 13 control areas (Wilkes-Barre, Pa., to Boston, Mass.)* delete "*(Wilkes-Barre, Pa., to Boston, Mass.)*" and substitute therefor, "*(Wilkes-Barre, Pa., to Franklin, Mass.)*".

3. In the caption of § 601.4213 *Red Federal airway No. 13 (Wilkes-Barre, Pa., to Boston, Mass.)*, delete "*(Wilkes-Barre, Pa., to Boston, Mass.)*" and substitute therefor, "*(Wilkes-Barre, Pa., to Franklin, Mass.)*".

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8147; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-179]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6002 and 601.6002 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 2 presently extends from Seattle, Wash., to Boston, Mass. The Federal Aviation Agency has under consideration modification of Victor 2 segment between Albany, N.Y., and Boston, Mass., by redesignating it from the Albany VOR via the intersection of the Albany VOR 075° and the Keene, N.H., VOR 285° radials; Keene VOR; Manchester, N.H., VOR; to the intersection of the Manchester VOR 117° and the Boston VOR 014° radials (Ipswich, Mass., Intersection). This modification of Victor 2 will provide a dual route structure with VOR Federal airway No. 14 east of Albany for air traffic departing and arriving the Boston Terminal area, and will realign Victor 2 from its present routing between Gardner, Mass., and Boston, to avoid the area in which the establishment of a Restricted Area/Military Climb Corridor for the Bedford, Mass., AFB, is proposed. By an amendment in the text of § 600.6002 which was effective July 2, 1959 (24 F.R. 3870), "Syracuse, N.Y., omnirange station;" was left in the amended text in error, and will therefore be deleted concurrently with this action.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, its is proposed to amend §§ 600.6002 (14 CFR, 1958 Supp., 600.6002, 24 F.R. 2227, 3870), and 601.6002 (14 CFR, 1958 Supp., 601.6002) as follows:

1. In § 600.6002 *VOR Federal airway No. 2 (Seattle, Wash., to Boston, Mass.)*:

(a) In the caption, delete "*(Seattle, Wash., to Boston, Mass.)*" and substitute therefor, "*(Seattle, Wash., to Ipswich, Mass.)*"

(b) In the text, delete "Syracuse, N.Y., omnirange station;"

(c) In the text, delete "Gardner, Mass., VOR; INT of the Gardner VOR 098° radial and the Boston-Bedford, Airport ILS localizer front course; Boston-Bedford, Mass., Airport ILS localizer; INT of the Boston-Bedford Airport ILS localizer back course and the Boston VOR 014° radial; to the Boston, Mass., VOR." and substitute therefor, "point of INT of the Albany VOR 075° and the Keene VOR 285° radials; Keene, N.H., VOR; Manchester, N.H., VOR; to the point of INT of the Manchester VOR 117° and the Boston, Mass., VOR 014° radials."

2. In the caption of § 601.6002 *VOR Federal airway No. 2 control areas (Seattle, Wash., to Boston, Mass.)*, delete "*(Seattle, Wash., to Boston, Mass.)*" and substitute therefor, "*(Seattle, Wash., to Ipswich, Mass.)*"

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8146; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-FW-13]

JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 85 between Miami, Fla., and the United States-Canadian border for scheduled air carrier jet aircraft service between Miami and Detroit, Mich., which will begin in the near future. The portion of J-85-V between Miami and Alma, Ga., would coincide with existing VOR/VORTAC jet route No. 49. This would provide continuity of the route and would thereby simplify flight planning and air traffic management. If such action is taken, Jet Route J-85-V would be established from Miami, Fla., via Gainesville, Fla., Alma, Ga., Spartanburg, S.C., Charleston, W. Va., Cleveland, Ohio, to the United States-Canadian border. The segment of J-85-V between the Cleveland,

Ohio, VOR and the United States-Canadian border would be established via the Cleveland VOR direct radial to the Windsor, Ont., VOR. Air traffic utilizing this segment would proceed from the United States-Canadian border to the Windsor VOR via Victor 42.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 602 (14 CFR, 1958 Supp., Part 602) by adding the following section:

§ 602.585 VOR/VORTAC jet route No. 85 (Miami, Fla., to the United States-Canadian border).

From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville, Fla., VOR 167° radials; Gainesville VOR; INT of the Gainesville VOR 354° and the Alma, Ga., VOR 179° radials; Alma VOR; Spartanburg, S.C., VOR; Charleston, W. Va., VOR; INT of the Charleston VOR 357° and the Cleveland, Ohio, VOR 172° radials; Cleveland VOR; to the INT of the Cleveland VOR 334° radial and the United States-Canadian border.

Issued in Washington, D.C. September 28, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8225; Filed, Sept. 29, 1959; 8:52 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[493.31]

HAIR DYE BRUSHES

Prospective Tariff Classification

SEPTEMBER 24, 1959.

It appears probable that a correct interpretation of paragraph 1506, Tariff Act of 1930, requires that certain bamboo handled brushes similar in appearance to tooth brushes but used on the person in the application of dye to the hair be classified under the provision of such paragraph for other toilet brushes with duty at the rate of 1 cent each and 50 percent ad valorem if valued not over 40 cents each or at the rate of 1 cent each and 12½ percent ad valorem if valued over 40 cents each which may result in a higher rate of duty than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing uniform practice of classifying such articles as other brushes under paragraph 1506 of the tariff act with duty at the rate of 35 percent ad valorem is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 59-8172; Filed, Sept. 29, 1959; 8:50 a.m.]

[643.3]

SHOEBOARD FROM CANADA

Purchase Price Less Than Foreign Market Value

SEPTEMBER 24, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of platform insole shoeboard, known as "Flexite," manufactured by Milmont Fibreboards Limited of Montreal, Canada, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectfully, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of platform insole shoeboard, known as "Flexite," manufactured by Milmont Fibreboards Limited of Montreal, Canada, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] LAWTON M. KING,
Acting Commisisoner of Customs.

[F.R. Doc. 59-8173; Filed, Sept. 29, 1959; 8:50 a.m.]

[DB 731.1]

SORTED AND GRADED WOOL

Proposed Revocation of Drawback Rates

SEPTEMBER 25, 1959.

The Bureau of Customs has under consideration a proposal to revoke as to future transactions all existing drawback rates on sorted, graded, or sorted and graded wool produced with the use of imported wool, and requiring firms which are applying or desire to apply such processes to imported wool with benefit of drawback to file new applications for the establishment of rates of drawback so that the applications may be passed upon on the basis of current operations.

The proposal arises from the findings of a recent survey of industry practices that the sorting operation, as contemplated in existing drawback rates on sorted wool begining with Treasury Decision 42617 of March 1, 1928, is no longer used, and that though the term "sorting" continues to be employed in the industry, it now applies to operations beyond the purview of the drawback rates. The survey further disclosed that the grading of foreign and domestic wool is now done at the source and, accordingly, that wools imported into the United States ordinarily require no grading.

Consideration will be given to any relevant data, views, or arguments pertaining to the foregoing matter which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commisisoner of Customs.

[F.R. Doc. 59-8174; Filed, Sept. 29, 1959; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Section 1.10 *Organization and delegations* is amended by deleting the words "Assistant Commissioner, Inspections;".

2. The fourth sentence of paragraph (a) *Regional Offices* of section 1.51 *Field Service* is amended to read as follows: "The Southwest Regional Office, located in San Pedro, California, has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, 20, and 35."

3. Paragraph (b) *District Offices* of section 1.51 *Field Service* is amended in the following respects:

a. Districts 1. St. Albans, Vermont; 7. Buffalo, New York; 10. St. Paul, Minnesota; 12. Seattle, Washington; and 22. Portland, Maine, are amended by deleting the word "stations" or "station" and inserting in lieu thereof the word "offices" or "office", respectively.

b. Districts 17 and 32 are amended to read as follows:

17. *Honolulu, Hawaii.* The district office in Honolulu, Hawaii, has jurisdiction over the State of Hawaii and Guam, Mariana Islands.

* * * * *

32. *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the State of Alaska.

c. The following district offices are added in numerical sequence:

33. *Manila, Philippines.* The district office in Manila has jurisdiction over the Philippines, all of continental Asia lying to the east of the western borders of Afghanistan and Pakistan, Japan, Korea, Australia, New Zealand, and all other countries in the Pacific areas.

34. *Frankfurt, Germany.* The district office in Frankfurt, Germany, has jurisdiction over Europe, Africa and countries of the Middle East lying to the west of the western borders of Afghanistan and Pakistan.

35. *Mexico City, Mexico.* The district office in Mexico City has jurisdiction over Mexico and Central America.

4. District 17 of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read as follows:

DISTRICT NO. 17—HONOLULU, HAWAII

Class A

Agana, Guam, M.I. (including the port facilities at Apra Harbor, Guam).
Honolulu, Hawaii.

Class C

Hilo, Hawaii.
Kahului, Hawaii.
Nawiliwili, Hawaii.
Port Allen, Hawaii.

5. Subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended in the following respects:

a. District 17 is amended to read as follows:

DISTRICT NO. 17—HONOLULU, HAWAII

Agana, Guam, Mariana Islands, Agana Field.

b. District 7—Buffalo, N.Y., is amended by deleting "Buffalo, N.Y., Municipal Airport" and inserting in lieu thereof "Buffalo, N.Y., Greater Buffalo International Airport."

6. Subparagraph (4) of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended to read as follows:

(4) *Immigration offices in foreign countries:*

Athens, Greece.
Halifax, Nova Scotia, Canada.
Hamilton, Bermuda.
Havana, Cuba.
Hong Kong, B.C.C.
Monterrey, Mexico.
Montreal, Quebec, Canada.
Naples, Italy.
Nassau, Bahamas.
Ottawa, Canada.
Quebec, Quebec, Canada.
Rome, Italy.
St. John, New Brunswick, Canada.
Tijuana, Mexico.
Tokyo, Japan.
Toronto, Ontario, Canada.
Vancouver, British Columbia, Canada.
Victoria, British Columbia, Canada.
Vienna, Austria.
Winnipeg, Manitoba, Canada.

Dated: September 23, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-8162; Filed, Sept. 29, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 53]

NEW MEXICO

Small Tract Classification Cancellation

SEPTEMBER 22, 1959.

Pursuant to authority delegated to me by Bureau Order No. 54, dated April 21, 1954 (19 F.R. 2473), I hereby cancel Classification Order No. 53, Small Tract, New Mexico, appearing in 24 F.R. 7260, dated September 1, 1959.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59-8153; Filed, Sept. 29, 1959; 8:47 a.m.]

[Notice 4]

ALASKA

Notice of Filing of Protraction Diagram, Anchorage Land District

SEPTEMBER 23, 1959.

1. Notice is hereby given that the following protraction diagrams have been officially filed of record in the Anchorage Land Office, 334 East Fifth Avenue, Anchorage, Alaska, effective upon publication of this notice, and will become the basic record for the description of oil and gas lease offers filed after 10:00 a.m., 30 days after the publication of this notice, in accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959):

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

S 10–1, Ts. 13 to 16 N., Rs. 49 to 52 W.
S 10–2, Ts. 13 to 16 N., Rs. 53 to 56 W.
S 10–3, Ts. 13 to 16 N., Rs. 57 to 60 W.
S 10–4, Ts. 13 to 16 N., Rs. 61 to 64 W.
S 10–5, Ts. 9 to 12 N., Rs. 61 to 64 W.
S 10–6, Ts. 9 to 12 N., Rs. 57 to 60 W.
S 10–7, Ts. 9 to 12 N., Rs. 53 to 56 W.
S 10–8, Ts. 9 to 12 N., Rs. 49 to 52 W.
S 10–9, Ts. 5 to 8 N., Rs. 49 to 52 W.
S 10–10, Ts. 5 to 8 N., Rs. 53 to 56 W.
S 10–11, Ts. 5 to 8 N., Rs. 57 to 60 W.
S 10–12, Ts. 5 to 8 N., Rs. 61 to 64 W.
S 10–13, Ts. 1 to 4 N., Rs. 61 to 64 W.
S 10–14, Ts. 1 to 4 N., Rs. 57 to 60 W.
S 10–15, Ts. 1 to 4 N., Rs. 53 to 56 W.
S 10–16, Ts. 1 to 4 N., Rs. 49 to 52 W.
S 11–1, Ts. 13 to 16 N., Rs. 33 to 36 W.
S 11–2, Ts. 13 to 16 N., Rs. 37 to 40 W.
S 11–3, Ts. 13 to 16 N., Rs. 41 to 44 W.
S 11–4, Ts. 13 to 16 N., Rs. 45 to 48 W.
S 11–5, Ts. 9 to 12 N., Rs. 45 to 48 W.
S 11–6, Ts. 9 to 12 N., Rs. 41 to 44 W.
S 11–7, Ts. 9 to 12 N., Rs. 37 to 40 W.
S 11–8, Ts. 9 to 12 N., Rs. 33 to 36 W.
S 11–9, Ts. 5 to 8 N., Rs. 33 to 36 W.
S 11–10, Ts. 5 to 8 N., Rs. 37 to 40 W.
S 11–11, Ts. 5 to 8 N., Rs. 41 to 44 W.
S 11–12, Ts. 5 to 8 N., Rs. 45 to 48 W.
S 11–13, Ts. 1 to 4 N., Rs. 45 to 48 W.
S 11–14, Ts. 1 to 4 N., Rs. 41 to 44 W.
S 11–15, Ts. 1 to 4 N., Rs. 37 to 40 W.
S 11–16, Ts. 1 to 4 N., Rs. 33 to 36 W.
S 12–1, Ts. 13 to 16 N., Rs. 17 to 20 W.
S 12–2, Ts. 13 to 16 N., Rs. 21 to 24 W.
S 12–3, Ts. 13 to 16 N., Rs. 25 to 28 W.
S 12–4, Ts. 13 to 16 N., Rs. 29 to 32 W.
S 12–5, Ts. 9 to 12 N., Rs. 29 to 32 W.
S 12–6, Ts. 9 to 12 N., Rs. 25 to 28 W.
S 12–7, Ts. 9 to 12 N., Rs. 21 to 24 W.
S 12–8, Ts. 9 to 12 N., Rs. 17 to 20 W.
S 12–9, Ts. 5 to 8 N., Rs. 17 to 20 W.
S 12–10, Ts. 5 to 8 N., Rs. 21 to 24 W.
S 12–11, Ts. 5 to 8 N., Rs. 25 to 28 W.
S 12–12, Ts. 5 to 8 N., Rs. 29 to 32 W.
S 12–13, Ts. 1 to 4 N., Rs. 29 to 32 W.
S 12–14, Ts. 1 to 4 N., Rs. 25 to 28 W.
S 12–15, Ts. 1 to 4 N., Rs. 21 to 24 W.
S 12–16, Ts. 1 to 4 N., Rs. 17 to 20 W.

2. Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 334 East Fifth Avenue, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager, Anchorage Land Office.

[F.R. Doc. 59-8154; Filed, Sept. 29, 1959; 8:47 a.m.]

[Wyoming-059320]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1959.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming-059320, for withdrawal of the lands described below from location and entry under the General Mining Laws of the United States.

The applicant desires the land for administrative sites to be used in connection with the administration of the Medicine Bow National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

MEDICINE BOW NATIONAL FOREST

Bow Administrative Site

T. 18 N., R. 80 W.,
Sec. 21, E½NW¼NE¼, W½NE¼NE¼, SE¼NE¼NE¼, E½SE¼NE¼, NW¼SE¼NE¼;
Sec. 22, S½SW¼NW¼, NW¼SW¼NW¼.

Blackhall Mountain Administrative Site

T. 12 N., R. 83 W.,
Sec. 1, W½SW¼SW¼, W½E½SW¼SW¼, SW¼NW¼SW¼;
Sec. 2, SE¼SE¼, SE¼NE¼SE¼, E½SW¼NE¼SE¼.

Brooklyn Lake Administrative Site

T. 16 N., R. 79 W.,
Sec. 10, E½SE¼SE¼, SE¼SW¼SE¼SE¼;
Sec. 11, W½SW¼SW¼;
Sec. 15, N½NE¼NE¼, NE¼SE¼NE¼NE¼, W½SE¼NE¼NE¼, E½SW¼NE¼NE¼, NW¼SW¼NE¼NE¼, NE¼SE¼NW¼NE¼, SE¼NE¼NW¼NE¼.

Brush Creek Administrative Site

T. 16 N., R. 81 W.,
Sec. 17, W½SE¼SW¼, W½E½SE¼SW¼;
Sec. 20, NE¼NW¼.

Centennial Administrative Site

T. 15 N., R. 78 W.,
Sec. 4, SE¼NE¼, NE¼SE¼, E½E½NW¼SE¼, E½E½SW¼NE¼, less 1.52 acres in the Little LaRue Lode M.E. SUR. 81.
T. 16 N., R. 78, W.,
Sec. 33, S½SE¼, S½N½SE¼, S½NE¼SW¼, N½SE¼SW¼.

Cold Springs Administrative Site

T. 29 N., R. 75 W.,
Sec. 28, NW¼NE¼.

Deep Creek Administrative Site

T. 14 N., R. 88 W.,
Sec. 12, N½NW¼.

Fox Creek Park Administrative Site

T. 13 N., R. 78 W.,
Sec. 21, S½SW¼NE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼, NE¼SW¼SE¼, N½SE¼SW¼SE¼, NW¼SW¼SE¼, E½NE¼SE¼SW¼, E½SE¼NE¼SW¼, S½S½NW¼SE¼, NW¼SW¼NW¼SE¼.

Jack Creek Administrative Site

T. 15 N., R. 86 W.,
Sec. 18, SW¼SE¼NE¼, SE¼SW¼NE¼, W½NE¼SE¼, E½NW¼SE¼.

Kennaday Peak Administrative Site

T. 17 N., R. 81 W.,
Sec. 16, W½NW¼NW¼;
Sec. 17, NE¼NE¼.

Keystone Administrative Site

T. 14 N., R. 79 W.,
Sec. 22, SW¼NE¼NE¼, E½SW¼NE¼, W½SE¼NE¼;
Sec. 21, W½SW¼SE¼NE¼, S½SW¼NE¼, E½SE¼SE¼NW¼.

Mountain Home Administrative Site

T. 12 N., R. 78 W.,
Sec. 17, W½SW¼NE¼.

Rambler Administrative Site

T. 14 N., R. 86 W.,
Sec. 26, SE¼NW¼SW¼, E½SW¼SW¼, SW¼SE¼SW¼.

Sandstone Administrative Site

T. 13 N., R. 87 W.,
Sec. 9, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 10, N½NW¼SW¼, NW¼NE¼SW¼, S½SW¼NW¼, S½N½SW¼NW¼, SW¼SE¼NW¼, S½NW¼SE¼NW¼.

Shingle Mill Administrative Site

T. 15 N., R. 85 W.,
Sec. 28, SW¼SW¼, W½SE¼SW¼;
Sec. 33, N½N½NW¼NW¼, N½NW¼NE¼NW¼.

Spruce Mountain Administrative Site

T. 14 N., R. 79 W.,
Sec. 12, W½NW¼NE¼, W½SW¼NE¼, N½NW¼SE¼, E½NE¼NW¼, E½SE¼NW¼.

Trail Administrative Site

T. 13 N., R. 88 W.,
Sec. 17, N½NE¼.

Containing 1,415.98 acres, more or less.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59-8155; Filed, Sept. 29, 1959; 8:47 a.m.]

[Notice 1]

ALASKA

Notice of Filing of Protraction Diagrams, Fairbanks Land District

SEPTEMBER 22, 1959.

1. Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 2d Avenue, Fairbanks, Alaska, effective October 1, 1959. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1949), (oil and gas) offers to lease lands shown in these protracted surveys, filed on or after October 1, 1959, must describe the lands only according to the section, township, and range shown on the approved protracted surveys.

ALASKA PROTRACTION DIAGRAMS
(UNSURVEYED)

SEWARD MERIDIAN—FOLIO NO. 7

Sheet No. 1, Ts. 33 to 34 N., Rs. 81 to 82 W.
Sheet No. 2, Ts. 29 to 32 N., Rs. 81 to 84 W.
Sheet No. 3, Ts. 25 to 28 N., Rs. 81 to 84 W.
Sheet No. 4, Ts. 25 to 28 N., Rs. 85 to 88 W.
Sheet No. 5, Ts. 21 to 24 N., Rs. 89 to 91 W.
Sheet No. 6, Ts. 21 to 24 N., Rs. 85 to 88 W.
Sheet No. 7, Ts. 21 to 24 N., Rs. 81 to 84 W.
Sheet No 8, Ts. 17 to 20 N., Rs. 81 to 84 W.
Sheet No. 9, Ts. 17 to 20 N., Rs. 85 to 88 W.
Sheet No. 10, Ts. 17 to 20 N., Rs. 89 to 92 W.
Sheet No. 11, Ts. 17 to 20 N., Range 93 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 8

Sheet No. 1, Ts. 13 to 16 N., Rs. 81 to 84 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 85 to 88 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 89 to 92 W.
Sheet No. 4, Ts. 14 to 16 N., Rs. 93 to 94 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 89 to 92 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 85 to 88 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 81 to 84 W.
Sheet No. 8, Ts. 5 to 8 N., Rs. 81 to 84 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 85 to 88 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 89 to 92 W.
Sheet No. 11, Ts. 1 to 3 N., Rs. 101 to 104 W.
Sheet No. 12, Ts. 1 to 4 N., Rs. 97 to 100 W.
Sheet No. 13, Ts. 1 to 3 N., Rs. 94 to 96 W.
Sheet No. 14, Ts. 2 to 4 N., Rs. 89 to 91 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 85 to 88 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 81 to 84 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 9

Sheet No. 1, Ts. 13 to 16 N., Rs. 65 to 68 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 69 to 72 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 73 to 76 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 77 to 80 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 77 to 80 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 73 to 76 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 69 to 72 W.
Sheet No. 8, Ts. 9 to 12 N., Rs. 65 to 68 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 65 to 68 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 69 to 72 W.
Sheet No. 11, Ts. 5 to 8 N., Rs. 73 to 76 W.
Sheet No. 12, Ts. 5 to 8 N., Rs. 77 to 80 W.
Sheet No. 13, Ts. 1 to 4 N., Rs. 77 to 80 W.
Sheet No. 14, Ts. 1 to 4 N., Rs. 73 to 76 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 69 to 72 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 65 to 68 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 10

Sheet No. 1, Ts. 13 to 16 N., Rs. 49 to 52 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 53 to 56 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 57 to 60 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 61 to 64 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 61 to 64 W.
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Sheet No. 13, Ts. 1 to 4 N., Rs. 61 to 64 W.
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Sheet No. 16, Ts. 1 to 4 N., Rs. 49 to 52 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 11

Sheet No. 1, Ts. 13 to 16 N., Rs. 33 to 36 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 37 to 40 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 41 to 44 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 45 to 48 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 45 to 48 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 41 to 44 W.
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Sheet No. 13, Ts. 1 to 4 N., Rs. 45 to 48 W.
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Sheet No. 16, Ts. 1 to 4 N., Rs. 33 to 36 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 12

Sheet No. 1, Ts. 13 to 16 N., Rs. 17 to 20 W.
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Sheet No. 10, Ts. 5 to 8 N., Rs. 21 to 24 W.
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Sheet No. 12, Ts. 5 to 8 N., Rs. 29 to 32 W.
Sheet No. 13, Ts. 1 to 4 N., Rs. 29 to 32 W.
Sheet No. 14, Ts. 1 to 4 N., Rs. 25 to 28 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 21 to 24 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 17 to 20 W.

Cover Sheet Showing Location Map and Index.

2. Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 2d Avenue, Fairbanks, Alaska.

ROBERT L. JENKS,
Manager.

[F.R. Doc. 59-8168; Filed, Sept. 29, 1959; 8:49 a.m.]

Office of the Secretary

ALASKA

Extension of Time to Homesteaders To Respond to Requests for Waiver of Claims to Oil and Gas

Pursuant to the authority granted to the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is hereby ordered that all homesteaders in the State of Alaska who have received or may receive, prior to the termination of the 86th Congress, a request from the authorized officer of the Bureau of Land Management to file with his office a waiver of claim of rights to the oil and gas deposits in the lands in their homesteads are hereby notified that they have until the termination of the 86th Congress, or until 30 days after the receipt of request for said waiver, whichever is later, to take one of the following actions, namely to file the waiver with the land office, to petition for reclassification of the lands as not oil and gas in character, or to appeal to the Director, Bureau of Land Management, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8156; Filed, Sept. 29, 1959; 8:48 a.m.]

Oil Import Administration

CRUDE OIL, UNFINISHED OILS, FINISHED PRODUCTS

Applications for Allocations

Pursuant to section 5 of Oil Import Regulation 1, Revision 1, as amended (24 F.R. 4654, 6759), the following forms for filing applications for allocations for the allocation period January 1, 1960 through June 30, 1960 may now be obtained from the Oil Import Administration, Department of the Interior, Washington 25, D.C.

1. Application for Crude and Unfinished Oils Import Allocation Districts I–IV;
2. Application for Crude and Unfinished Oils Import Allocation District V;
3. Application for Crude and Unfinished Oils Import Allocation Puerto Rico;
4. Application for Finished Petroleum Products Import Allocation Districts I–IV;
5. Application for Finished Petroleum Products Import Allocation District V;
6. Application for Finished Petroleum Products Import Allocation Puerto Rico);
7. Application for a Residual Fuel Oil Import Allocation Districts I–IV;
8. Application for a Residual Fuel Oil Import Allocation Puerto Rico.

As a service, copies of the forms will be mailed to present holders of import licenses. However, all applicants are notified that this is merely a service and that their failure to receive copies of the forms through the mail will in no way excuse them from complying with the provisions of section 5 of Oil Import Regulation 1, Revision 1 that all applications must be filed with the Administrator, not later than 60 calendar days (November 2, 1959) prior to the beginning of the allocation period.

No form is prescribed for applications for residual fuel oil import allocations for District V. Eligible persons desiring such allocations may obtain same by applying in writing to the Administrator.

T. C. SNEDEKER,
Acting Administrator,
Oil Import Administration.

SEPTEMBER 25, 1959.

[F.R. Doc. 59-8175; Filed, Sept. 29, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTES NOS. 1 AND 15-A

Notice of Tentative Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on September 28, 1959, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, tentatively found and determined that United States flag combination passenger cargo ship sailings of not less than one and not more than two per annum on the following described service with the "SS Argentina" and/or the "SS Brasil" are essential to the promotion, development, expansion, and maintenance of the foreign commerce of the United States and that such operation will provide a combination passenger cargo service of sufficient frequency and regularity so as to furnish adequate, regular, certain, and permanent service in the service described as follows: From a United States North Atlantic port or ports to ports on the East Coast of South America on Trade Route No. 1 including port(s) in Trinidad, Barbados, Bermuda, and the Bahamas en route and thence to ports in South and East Africa on Trade Route No. 15–A with the option of returning either via Cape of Good Hope or via the Suez Canal, but not to carry passengers or cargo between Gulf of Aden, Red Sea, Suez Canal, or Mediterranean Sea ports and Atlantic approaches thereto and United States North Atlantic ports.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing in triplicate to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on October 6, 1959. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: September 29, 1959.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8244; Filed, Sept. 29, 1959; 9:43 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12940; FCC 59M-1247]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of Telephone Company facilities with certain facilities of customers.

Pursuant to prehearing conference of this date following oral argument on the "Petition to Postpone Date for Hearing", filed September 18, 1959, by the Atchison, Topeka and Santa Fe Railway System: *It is ordered,* This 24th day of September, 1959, that the petition is granted and the hearing now scheduled for October 7, 1959, be, and the same is hereby, rescheduled for October 26, 1959, 2:00 o'clock p.m. in the offices of the Commission, Washington, D.C.

Released: September 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8184; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 12934; FCC 59M-1238]

CLEARWATER BROADCASTING CORP. (WDCL)

Order Continuing Hearing

In re application of Clearwater Broadcasting Corporation (WDCL), Tarpon Springs, Florida, Docket No. 12934, File No. BML-1746; for modification of license.

The Hearing Examiner having under consideration a motion filed September 22, 1959, on behalf of the Chief of the Broadcast Bureau, requesting that the hearing now scheduled to be commenced on September 28 be continued until October 26, 1959, on account of the illness of Bureau counsel; and

It appearing that counsel for the applicant has informally consented to the immediate consideration and grant of the motion and that a grant thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 23d day of September 1959, that the aforesaid motion is granted, and that the hearing now scheduled to be commenced on September 28, 1959, is continued to 10:00 a.m. on Monday, October 26, 1959.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8185; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket Nos. 13197, 13198; FCC 59M-1237]

LAWRENCE W. FELT AND INTERNATIONAL GOOD MUSIC, INC.

Order Scheduling Prehearing Conference

In re applications of Lawrence W. Felt, Carlsbad, California, Docket No. 13197, File No. BPH-2499; International Good Music, Inc., San Diego, California, Docket No. 13198, File No. BPH-2695; for construction permits.

It is ordered, This 23d day of September 1959, that a prehearing conference under Rule 1.111 is scheduled for Monday, October 26, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8186; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 12874; FCC 59M-1244]

RADIO AMERICAS CORP. (WORA)

Order Continuing Hearing

In re application of Radio Americas Corporation (WORA), Mayaguez, Puerto Rico, Docket No. 12874, File No. BP-11925; for construction permit.

It is ordered, This 24th day of September 1959, that pursuant to the agreement of the parties, hearing in the above-entitled proceeding is continued to October 1, 1959, commencing at 10:30 a.m. in the offices of the Commission at Washington, D.C.

Released: September 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8187; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 12813; FCC 59M-1246]

SOUTHBAY BROADCASTERS

Order Continuing Hearing

In re application of Burr Stalnaker, John B. Stodelle and Melva G. Chernoff, d/b as Southbay Broadcasters, Chula Vista, California, Docket No. 12813, File No. BP-11469; for construction permit for a new standard broadcast station.

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed in the above-entitled proceeding on September 18, 1959, by KFWB Broadcasting Corporation;

It appearing that the said request is made to permit additional study of the exhibits exchanged by applicant looking toward possible resolution of the engineering problems involved;

It further appearing that all parties to the proceeding have consented to immediate consideration and grant of the said petition and good cause for a grant thereof has been shown:

It is ordered, This 24th day of September 1959 that the said petition is granted and the dates for the exchange of exhibits by respondent KFWB Broadcasting Corporation and for notification of witnesses to be called for cross-examination presently scheduled for September 22, 1959, and September 25, 1959, are continued to October 23, 1959 and October 28, 1959, respectively;

It is further ordered, That the hearing presently scheduled for September 29, 1959, is continued to November 10, 1959, commencing at 11:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8188; Filed, Sept. 29, 1959; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9177]

FLINT-GRAND RAPIDS ADEQUACY OF SERVICE INVESTIGATION

Postponement of Oral Argument

In the matter of the investigation of the adequacy of service by Capital Airlines, Inc. to Flint and Grand Rapids, Michigan.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding now assigned to be held on September 30, 1959, is indefinitely postponed.

Dated at Washington, D.C., September 28, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8243; Filed, Sept. 29, 1959; 9:10 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19088 etc.]

AMERICAN PETROFINA CO. OF TEXAS ET AL.

Order for Hearing and Suspending Proposed Changes in Rates

SEPTEMBER 23, 1959.

In the matter of American Petrofina Company of Texas (Operator), et al., Docket Nos. G-19088, et al.; Sunray Mid-Continent Oil Company, Docket No. G-19090.

In the order for hearing and suspending proposed changes in rates, issued on August 11, 1959 and published in the FEDERAL REGISTER on August 19, 1959 (24 F.R. 6730), "footnote 2" should be omitted.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8165; Filed, Sept. 29, 1959; 8:49 a.m.]

[Docket No. G-16144, etc.]

BOSWELL-FRATES CO. ET AL.

Notice of Severance

SEPTEMBER 24, 1959.

In the matters of Boswell-Frates Company, et al., Docket Nos. G-16144, et al.; The Pure Oil Company, Docket No. G-16169.

Notice is hereby given that in view of the Notice of Withdrawal of the application in Docket No. G-16169, filed by The Pure Oil Company, on September 21, 1959, said application is severed from the above-entitled consolidated proceedings now scheduled for hearing on October 20, 1959, for such disposition as may hereinafter be determined appropriate by the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8166; Filed, Sept. 29, 1959; 8:49 a.m.]

[Docket No. G-18836]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application and Date of Hearing

SEPTEMBER 23, 1959.

Take notice that on June 23, 1959, Columbia Gulf Transmission Company (Applicant) filed in Docket No. G-18836 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 41.1 miles of 24-inch pipeline loop along Applicant's East Lateral pipeline in Vermilion and St. Mary Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's existing operations consist solely of the transportation of natural gas for United Fuel Gas Company from fields in southern Louisiana to delivery points at Means and Leach, Kentucky. The instant application states that changed operation conditions result in increased takes of gas on the East Lateral section of Applicant's system, and that operation of a recently completed dehydration plant and a hydrocarbon extraction plant now under construction will necessitate the transportation of additional volumes of gas per day to maintain required deliveries through the East Lateral.

The estimated cost of the proposed construction is $3,916,000, which will be supplied from current funds available to Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 27, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8167; Filed, Sept. 29, 1959; 8:49 a.m.]

[Docket No. G-12197 etc.]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Consolidation of Proceedings

SEPTEMBER 23, 1959.

In the matters of the Manufacturers Light and Heat Company, Docket Nos. G-12197, G-16404, G-16820 and G-18425.

By order issued September 30, 1958, the proceedings in Docket Nos. G-12197 and G-16404 were consolidated for hearing, and, by notice issued September 3, 1959, the Commission set these proceedings for hearing on September 30, 1959.

On September 16, 1959, The Manufacturers Light and Heat Company moved to consolidate the proceeding in Docket No. G-16820 and the proceeding in Docket No. G-18425 with the proceedings in Docket Nos. G-12197 and G-16404.

Take notice that the proceeding in Docket No. G-16820 and the proceeding in Docket No. G-18425 are hereby consolidated for hearing with the proceedings in Docket Nos. G-12197 and G-16404.

Take further notice that pursuant to the prior orders of the Commission, sections 4 and 15 of the Natural Gas Act, the Commission's rules of practice and procedure and the Notice of Date of Hearing issued September 3, 1959, a public hearing will be held commencing on September 30, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in the proceedings hereby consolidated for hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8090; Filed, Sept. 29, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 520]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

Appointments

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290), I, Clarence T. Lundquist, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following named person to constitute the Administrator's Advisory Committee on Sheltered Workshops:

Mr. John M. Convery, National Association of Manufacturers, New York, N.Y.

Mr. Willis C. Gorthy, Institute for the Crippled & Disabled, New York, N.Y.

Mr. Kenneth Hamilton, Ohio State University, Columbus, Ohio.

Mr. Seymour Brandwein, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.

Mr. Edward Hochhauser, Altro Health & Rehabilitation Services, Inc., New York, N.Y.

Mr. S. L. Hoffman, S. L. Hoffman Manufacturing Company, New York, N.Y.

Mrs. Elizabeth K. Lammie, Pennsylvania Branch Shut-In Society, Philadelphia, Pa.

Mr. Walter J. Mason, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.

General John F. McMahon, Volunteers of America, New York, N.Y.

Rt. Rev. Msgr. John O'Grady, National Conference of Catholic Charities, Washington, D.C.

Mr. Kenneth E. Pohlmann, United Mine Workers of America Welfare & Retirement Fund, Washington, D.C.

Mr. Alvin D. Puth, National Rehabilitation Association, Washington, D.C.

Mr. Peter J. Salmon, Industrial Home for the Blind, Brooklyn, N.Y.

Mr. Percy J. Trevethan, Goodwill Industries of America, Inc., Washington, D.C.

Mr. Arthur H. Korn (Non-voting member), Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C.

The above appointments will expire June 30, 1961.

Signed at Washington, D.C., this 25th day of September 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-8171; Filed, Sept. 29, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 197]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62192. By order of September 21, 1959, Division 4, approved the transfer to Matthew C. Welsh and Robert J. Welsh, doing business as Welsh Brothers Motor Service, 920 150th Street, Hammond, Ind., of Certificate No. MC 59844, issued March 28, 1942, to The N. C. Sorensen Motor Express Co., Inc., 1800 North Western Avenue, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, points in Illinois, Wisconsin, Indiana, and Michigan, within 70 miles of Chicago.

No. MC-FC 62450. By order of September 21, 1959, Division 4, approved the transfer to The N. C. Sorensen Motor Express Co., Inc., 1800 North Western Avenue, Chicago, Ill., of Certificate No. MC 45716, issued June 13, 1941, to Matthew C. Welsh and Robert J. Welsh, doing business as Welsh Brothers Motor Service, 920 150th Street, Hammond, Ind., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in that part of Illinois and Indiana bounded by a line beginning at Lake Michigan and extending west along Illinois Highway 58 to junction U.S. Highway 45, thence south along U.S. Highway 45 to Frankfort, Ill., thence

east along U.S. Highway 30 to the eastern boundary line of Lake County, Ind., thence north along the boundary line of Lake and Porter Counties, Ind., to Lake Michigan, and thence along the shore of Lake Michigan to point of beginning, including points on the indicated portions of the highways specified.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-8164; Filed, Sept. 29, 1959; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 28, 1959

S. 2162 ..... Public Law 86-382
An Act to provide a health benefits program for Government employees.

H.R. 8385 ..... Public Law 86-383
An Act making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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